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PROCEEDINGS AND DEBATES OF THE 92d CONGRESS, SECOND SESSION

SENATE—*Wednesday, April 19, 1972*

The Senate met at 9 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers, known of old, be known to us in our daily prayer and through our working hours. Lift our jaded spirits into the clear light of Thy presence that we may perceive the truth. And, seeing the truth, help us to speak to one another in love. Bless Thy servants here with clarity of thought, precision of expression, and hearts aflame with divine love. Make us and all people of this Nation obedient to the moral and spiritual laws which make a nation great and advance Thy kingdom on earth.

Hear our prayer, in the name of the Lord of Life. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 19, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HOLLINGS thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 17, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile; and

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; and

S. 3153. An act to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The message further announced that the House had passed the bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 736. An act to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness;

H.R. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes;

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway;

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 7093. An act to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma;

H.R. 8209. An act to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes;

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 12404. An act to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds;

H.R. 12979. An act to amend title 28, United States Code, to authorize the recall of retired Commissioners of the U.S. Court of Claims for temporary assignments;

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes;

H.R. 13435. An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior;

H.R. 13752. An act to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermal electric generating plants, and for other purposes; and

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government.

The message further announced that the House had agreed to the concurrent resolution (H. Con. Res. 471) to seek relief from restrictions on Soviet Jews, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 10544) to authorize the District of Columbia to enter into the Interstate Compact on Mental Health.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HOLLINGS).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 736. An act to designate certain lands in the Cedar Keys National Wildlife Refuge in Florida as wilderness;

H.R. 1462. An act to provide for the establishment of the Puukohola Hiiau National Historic Site, in the State of Hawaii, and for other purposes;

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 7093. An act to provide for the disposition of judgment funds of the Osage Tribe of Indians of Oklahoma;

H.R. 11774. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system in order to preserve and interpret the site of Honokohau National Historical Landmark in the State of Hawaii, and for other purposes;

H.R. 12404. An act to amend section 5 of the act of September 21, 1968 (82 Stat. 860), relating to preparation of a roll of persons of California Indian descent and the distribution of certain funds;

H.R. 13435. An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of Interior; and

H.R. 13752. An act to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermal electric generating plants, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4634. An act to direct the Secretary of the Army to release on behalf of the United States a condition in a deed conveying certain land to the State of Oregon to be used as a public highway; and

H.R. 8209. An act to amend and extend for a temporary period the act of November 9, 1966, permitting persons from countries friendly to the United States to receive instruction at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Air Force Academy, and for other purposes; to the Committee on Armed Services.

H.R. 9135. An act to amend the act of August 19, 1964, to remove the limitation on the maximum number of members of the board of trustees of the Pacific Tropical Botanical Garden; and

H.R. 12979. An act to amend title 28, United States Code, to authorize the recall of retired commissioners of the United States Court of Claims for temporary assignments; to the Committee on the Judiciary.

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Commerce.

H.R. 13753. An act to provide equitable wage adjustments for certain prevailing rate employees of the Government; to the Committee on Post Office and Civil Service.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 471) to seek relief from restrictions on Soviet Jews, was referred to the Committee on Foreign Relations.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 565, 719, and 720.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COOPERATIVE FOREST PROGRAMS

The Senate proceeded to consider the bill (H.R. 8817) to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

Mr. PACKWOOD. Mr. President, the Sikes bill now before us. H.R. 8817, contains a provision embodied in a bill I introduced on February 9, 1971—S. 684. In that proposal I advocated increasing the authorization of the Federal contribution in cooperative forest fire control to $40 million. I was glad to see that the Sikes bill contained such a provision, and urged the Senate Appropriations Committee to give favorable consideration to this increased authorization.

Forest fire control is a cooperative enterprise in which States and the Federal Government work together to reduce wildfires on State and private forest and nonforested watershed lands. Passage of the Weeks law in 1911 started Federal cooperation with the States in forest fire control. An expanded program for fire control on forest and nonforested watersheds was made possible by section 2 of the Clarke-McNary Act of 1924. In 1924, there were 33 States cooperating in the program. Today all 50 States have active cooperative fire control organizations. Federal participation under the Clarke-McNary Act is authorized up to 50 percent of the total cost.

We have always fallen behind on the real needs in this area. In 1949, a study showed the cost to be at least $40 million. This meant $20 million from the State, and $20 million from the Federal Government on a 50–50 matching basis. Congress approved a new authorization level that year of $20 million. But a study made in 1965 placed the need at $123 million, while the authorization remained at the low $20 million. At today's rising costs, one could only guess that the need has risen to $138 million. An increase in the Federal authorization to $40 million would mean $80 million available to the States on a matching basis.

Mr. President, Federal funds stimulate action both in increased State funds and in placing more lands under protection and providing more adequate protection for other areas. If the forest and nonforested watershed lands in the Clarke-McNary program are to make their optimum contribution to the fulfillment of the needs of a growing population, a greater Federal effort is necessary. Therefore, I urge the Congress to approve this increase in authorization.

Mr. BIBLE. Mr. President, as chairman of the Select Committee on Small Business, and also as chairman of the Appropriations Subcommittee having funding responsibilities, I would like to ask one or two brief questions regarding the impact of the pending bill, H.R. 8817, on small and independent business.

Section 1 of the bill would amend the Cooperative Forest Management Act of 1950 in three ways:

First, it would extend the areas eligible for assistance under the act to trees and shrubs in urban areas;

Second, it would expand the categories of recipients to include other than primary forest products processors; and

Third, it would increase the amount available to State forestry officials for technical assistance from $5 million to $20 million. (See S. Rept. 92–592, Jan. 24, 1972, p. 5, 6).

These provisions of the bill have highly desirable objectives. However, they have aroused some concern among the private consulting forestry profession throughout the country. While the Society of American Foresters lists about 309 individuals or firms as consulting foresters, industry sources say there may be as many as 5,000 persons who are engaged in this activity nationwide. The vast majority of these are small businessmen, and they make much of their livelihood performing services to the private landowners who possess 60 percent of the Nation's 510 million acres of commercial forests. These independent businessmen furnish advice and assistance in the management, harvesting, marketing, and processing of their forest products. The service is sorely needed because it is claimed the 300 million acres of private lands are currently producing at only about one-half of their capacity, and existing programs are said to reach only about 3 percent of the private nonindustrial forest owners in any one year.

In behalf of the customers and their own businesses, the private foresters present an admirable record of efficiency, as illustrated by the following table provided to me by Mr. Edward Stuart, Jr., president of Eastern Forestry, Inc.:

COMPARISON TABLE—CONSULTING FORESTERS VERSUS CFM PROGRAM

	Consulting foresters[1]	CFM
Number of acres under continuing management of acres serviced (1 year)	40,000,000	7,774,941
Value of timber harvested under professional supervision (1 year)	$65,000,000	$23,264,542
Cost of sales	$4,600,000	$8,900,000
Cost of sale value (percent)	7	38
Value of timber appraised (1 year)	$600,000,000	

[1] Based on 1969 survey of ACF members.

Source: Paper presented at the Trees for People Task Force meeting, January 1970, Washington, D.C. Excerpted from "Ways to Encourage Consulting Foresters" by E. C. Frazer III, CFM-ACF Companion.

The wisdom of maximum utilization of consulting private foresters is confirmed by a recent action of the Tennessee Valley Authority. That agency is beginning a demonstration program to permanently establish forestry consultants in the Tennessee Valley in order to determine:

> The economic feasibility of shifting a large share of (the responsibility for multiple-use forest land management plans . . .) from public agencies to private consultants.

This is in the spirit of the 1950 Cooperative Forest Management Act—16 U.S.C. 1568c—which specifically provides that the technical assistance contemplated by Congress "shall be carried out in such a manner as to encourage the utilization of private agencies and individuals furnishing services of the type described." I believe that is wise policy, and that it should be read in connection with the language of 15 U.S.C. 631(a) which provides:

> It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise . . . and to maintain and strengthen the overall economy of the Nation.

As the technical services which can be provided by State forestry agencies are increased an estimated fourfold under H.R. 8817, private foresters have become particularly concerned with certain practices in some States which may in some cases supplant rather than encourage private services. Examples cited include the lack of limitation on the number of days of service to any one landowner, the marking of trees for cutting by State foresters, and the possible short-fall in referring appropriate cases to private consulting firms. In my own State of Nevada, for instance, I am informed that referral has rarely, if ever, taken place in the recent past.

Accordingly, I would like to ask the distinguished chairman of the Committee on Agriculture and Forestry if his committee considers that the mandate of the 1950 act as to small, independent forestry businesses applies in full force to the proposed increase in funds, and how the committee envisions this small business policy will be implemented?

Mr. EASTLAND. Mr. President, the chairman of the Small Business Committee (Mr. BIBLE) has made an excellent point. Private consulting foresters can play an invaluable role in fulfilling the objectives of the Cooperative Forest Management Act. The committee feels they should and fully expects that they will.

This act is implemented by appropriate directives of the Department of Agriculture and the Forest Service. This may well be an appropriate time for these agencies to bring their publications up to date, and in doing so I hope they will seek and receive the advice of private consulting foresters in this process.

I would also be pleased to join with the Senator from Nevada (Mr. BIBLE) in requesting copies of any such revised directives, when they are available, for review in the light of our comments.

Mr. BIBLE. Mr. President I thank the Senator from Mississippi for his consideration of this matter, which I believe to be in the interests of not only small and independent business but of the overall development of private forest land and therefore the overall national interest.

It is my pleasure to support the good work of the Committee on Agriculture and Forestry in this as in other matters.

The bill was ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-592), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

NEED FOR THE BILL

The bill is designed to protect and improve the environment, timber supplies, recreational opportunities, wildlife, and other values, and provide for abundant supplies of forest products needed by our citizens, as indicated by the following excerpt from the report of the House Committee on Agriculture on this bill (H. Rept. 92-472):

This bill—

First, amends the Cooperative Forest Management Act, which provides for encouraging States to provide technical forestry services, to

(1) extend it to cover assistance (i) in the protection, improvement and establishment of trees and shrubs in urban areas, communities and open spaces, and (ii) to all wood processors (rather than "processors of primary forest products" as at present); and

(2) increase the appropriation authorization to $20 million (from $5 million); and

Second, increases the appropriation authorization for sections 1, 2, and 3 of the Clarke-McNary Act of June 7, 1924, which provides for cooperation with States in forest fire prevention and suppression, to $40 million (from $20 million).

The House committee report states that $5 million of the increased appropriation authorization for the Cooperative Forest Management Act would fund the urban and community forest management program, although this is not specified in the bill.

This committee felt that it should be made clear that the term "urban areas, communities and open spaces" covers both urban and rural residential areas.

At no time in the history of our country has the pressure been so great as it is at present on the Nation's forest resources, and forest resource managers. These pressures stem from many sources, including the timber industries home builders and buyers, recreationists, conservationists, preservationists, environmentalists, and others. Their concerns are understandable, but the diversity of their interests does not make for constructive cooperation.

The pressures, for the most part, are directed at managers of the public commercial forests, which make up about 30 percent of the Nation's total and currently produce about one-half of our timber supplies. Harvesting draws heavily on the old growth of the western national forests for lumber and plywood used in building construction. The managers of these national forests are constantly under critical pressure from both timber consumers and environmentalists, but for different reasons.

Public and private forests together must bear the impact of changing and increasing demands for the wood, water, recreation, clean air, and other benefits, both material and environmental.

There are some 510 million acres of commercial forest land in the United States, about 130 million acres of which is publicly owned. About 65 million acres is owned by forest industries and the remainder, over 300 million acres, is in private, nonindustrial ownership. These latter lands, representing about 60 percent of the total can and should produce about 50 percent of the Nation's timber needs in the future. This fact has been recognized by various studies made during the past 15 years.

At present these private forests, which are the most accessible and are potentially the most productive, are in the poorest condition. Only 29 percent of the private, nonindustrial forest land is considered to be properly managed. Twenty-six percent is in urgent need of planting and 45 percent needs timber stand improvement work. Many owners do not have the financial resources or technical capabilities for bringing about needed improvement.

The Federal Government, under the cooperative forest management program, provides a share of the cost and limited technical support, though the cooperative State-Federal program aid to private forest owners comes primarily from the States. In 1970, 115,000 owners were assisted on 6.9 million acres by State action programs. This represents only about 2 percent of the total eligible acreage. The Federal Government provided 31 percent of the program funds while the other 69 percent came from the States.

Forest fires, of course, are one big factor that deprives the public of the use of forests in obtaining needed wood products, recreation and favorable wildlife habitat. Last year was one of the worst years for these fires, and this year may be even worse than last year. So far Oklahoma, Missouri, Alabama, Georgia, the Carolinas, Virginia, New Jersey, Florida, and Montana have all been hard hit. So have the States on the west coast.

Medical experts say that conditions caused by these fires have brought about a large increase in the number of asthma and chronic lung disorders this year. Wildlife experts advise that this year's fires will have a devastating effect on game populations.

The Federal Government has cooperative agreements with all 50 States for fighting forest fires. The cost of firefighting activities on State and private forest lands has been borne for the most part by the States, with the Federal Government providing little more than token assistance. Although authorized to pay up to 50 percent of the costs the Federal Government in fiscal year 1970 actually paid only 14.5 percent.

There is an urgent need to provide better care for trees in urban areas. Anyone who enters a city can observe at firsthand the deterioration of the urban environment. Trees are removed to make room for new highways, or the widening of streets. Shopping centers, high rise office and apartment buildings, with their needed parking spaces, housing developments, airports, and similar developments all takes their toll of the existing green environment, trees, shrubs, and other plants. Our cities are becoming barren wastelands of concrete, brick, and asphalt.

Trees have an important bearing on the quality of life in an urban environment. In strips along highways they dampen traffic and other noises. Trees filter out particles that pollute the air. They slow down wind and provide shade from the sun. A moderate size tree cools the summer air of a city as much as would 20 average room air conditioners operating 20 hours per day. In short, they make for a healthier environment and soften the climate of the city. Trees add a special dimension to the cityscape and give it a much more pleasing appearance.

It should be the aim of each city to have green wooded areas, carefully planned, strategically placed and properly maintained; to prevent erosion and to provide for the recreation and esthetic needs of its people.

* * * * *

If the citizens of the United States are to have the timber that will be needed in the years ahead, it will be necessary for the Federal Government to give more cooperation to the States to see that the forests (both public and private) are protected from fires, that young trees are planted, and that forests are tended and nurtured.

According to the recently (1967) updated National Inventory of Soil and Water Conservation needs, tree planting or seeding is needed on 103 million acres of non-Federal rural land. Timber stand improvement such as thinning and cull-tree removal is needed on 178 million acres. Nine million acres of tree planting and over 5 million acres of timber stand improvement are needed in Florida alone. This same situation is found all over the United States and the bulk of these needs are on nonindustry private lands.

The needs, challenges, and opportunities for moving ahead are many. For example, in the Southeast, 6 million acres of pine plantation established in the last 20 years need thinning and partial harvest cuts. Technical assistance is needed to carry out this work.

Technical expertise is needed to encourage the application of research developed knowledge on the management of hardwood forests.

Technical assistance is needed to carry out tree planting for reclaiming unused land.

Assistance is needed to initiate programs for improving the efficiency and economy of logging consistent with restraints and modifications needed in harvesting timber so that the other forest values will be protected.

Workshops, training, and other educational and specialized technical assistance is needed in forest products utilization, processing, and marketing.

The wood-using industries of the Nation are urgently in need of advice on adapting their equipment and modifying their practices to meet requirements of State air and water pollution laws.

During the past 20 years the cooperative forest management program has changed from an almost single objective (timber) program to one which includes growing concerns for recreation, environment, wildlife and other values. State employed service foresters are playing a key role in advising private forest owners on multiple-use management.

Although the cooperative forest management program has proven its effectiveness in providing multipurpose forest management assistance, its growth has not kept pace with mounting and changing needs. Growth is dependent on Federal and State appropriations.

In fiscal year 1970 the Federal appropriation for this program was $4,130,000 and the States provided $7,971,000.

In fiscal year 1971 the Federal appropriation was $4,950,000.

No urban forestry works is authorized.

An increase to $15 million is needed for cooperative forest management activities and an additional $5 million is needed for urban environmental forestry work. Thus a total increase in authorization to $20 million is needed.

In order to extend technical assistance to additional activity areas not now reached but where the need is also great, the authority of the Secretary of Agriculture needs to be broadened to include extending such assistance to urban areas and to other than primary processors of forest products.

Loss of forest and related resources to wildlife must be kept to a minimum if these resources are to provide benefits sufficient to meet the Nation's needs. In order to meet rising costs and keep such losses at a tolerable level, additional Federal funds are needed. The present authorization for cooperative forest fire control appropriations is $20 million. An increase to $40 million is needed.

* * * * *

The objective of H.R. 8817 is to further and supplement existing cooperative forestry programs administered by the Secretary of Agriculture. If enacted, it would do this in three principal ways:

(1) Section 1 of the bill would broaden the present scope of the Cooperative Forest Management Act to authorize the Secretary of Agriculture to assist the States in the protection, improvement, and establishment of trees and shrubs in urban area communities and open spaces. The authority now available to the Secretary of Agriculture is limited to protection of trees and forests in a nonurban, forested environment. Section 1 of the bill would also permit the Secretary of Agriculture to extend assistance to others in addition to primary forest processors. The present authority limits the program to primary processors.

(2) Section 2 of the bill would increase from $5 million to $20 million the authorization for assistance to the States in carrying out the program of forestry assistance to landowners authorized by the Cooperative Forest Management Act. Ten million dollars of this increase would be for assistance to forest land owners. Five million dollars of the increase would fund the urban and community forestry program which would be included as a part of the cooperative forest management program by section 1 of the bill.

(3) Section 3 of the bill would in effect increase from $20 million to $40 million the authorization for appropriations to carry out the cooperative forest fire protection program under sections 1, 2 and 3 of the Clarke-McNary Act.

PROVISION FOR DISPOSITION OF JUDGMENT FUNDS OF THE KICKAPOO INDIANS OF KANSAS AND OKLAHOMA

The Senate proceeded to consider the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission Document Nos. 316, 316–A, 317, 145, 193, and 318 which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 12, after the word "tribes," strike out "The funds so divided, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after payment of attorney fees and other litigation expenses, may be used, advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing bodies of the respective tribes and approved by the Secretary of the Interior: *Provided,* That the Secretary of the Interior shall approve no plan for the use of the money until at least thirty days after the plan has been submitted to the Committees on Interior and Insular Affairs of the Senate and House of Representatives: *Provided further,* That any sums payable per capita to persons who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons"; on page 3, line 5, after "Sec. 2.", strike out "None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes."; and insert "(a) The funds divided and credited under section 1 of this Act, and the funds appropriated to pay a judgment recovered by the Kickapoo Indians of Oklahoma in docket numbered 318, including the interest thereon, after the payment of attorney fees and other litigation expenses, shall be used as follows: 75 per centum shall be distributed in equal per capita shares to each person whose name appears on or is entitled to appear on the membership roll of the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, and who was born on or prior to and is living on the date of this Act.

"(b) The balance of each tribe's share of the funds may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing bodies and approved by the Secretary of the Interior."

After line 21, insert a new section, as follows:

SEC. 3. The Secretary of the Interior shall approve no plans for the use of the money specified in section 2(b) for the Kickapoo Tribes of Kansas and Oklahoma until at least thirty days after the plans have been submitted by the Secretary to the Committees on Interior and Insular Affairs of the Senate and House of Representatives.

On page 4, after line 2, insert a new section, as follows:

SEC. 4. Any sums payable per capita to persons who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

After line 8, insert a new section, as follows:

Sec. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

And, after line 11, insert a new section, as follows:

Sec. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–752), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 6797 is to authorize the division of five claims judgments between the Kickapoo Tribe of Kansas and the Kickapoo Tribe of Oklahoma, and to authorize the disposition of the funds after they are divided, and also the disposition of a sixth judgment recovered by the Kickapoo Tribe of Oklahoma alone.

The money has been appropriated, and the net amount involved, before payment of litigation expenses, is approximately $2,316,355.

NEED

Five of the judgments were recovered by the two groups jointly, and legislation is needed to divide them. Legislation is also needed to authorize the use of the money after it is divided, and to authorize the use of the one judgment belonging to the Oklahoma group alone.

PROVISIONS OF THE BILL AND COMMITTEE AMENDMENTS

The bill provides in section 1 that the money will be divided on the basis of the relative membership of the two tribes as of the date the bill is enacted. The tribes have agreed to this method of division. This section also adjusts some off-sets that were allowed by the Indian Claims Commission so that the Kickapoos of Kansas will not be charged with the value of a reservation that was set aside for the Kickapoos of Oklahoma.

The Committee amended H.R. 6797 to provide that 75 percent of the funds credited to the Kickapoo Tribe of Oklahoma and the Kickapoo Tribe of Kansas shall be distributed in per capita shares to each person whose name appears on or is entitled to appear on the membership rolls of those Tribes, if he was born on or prior to and is living on the date of enactment of this bill.

The Committee amendment also permits the balance of each Tribe's share of the funds to be used for any purpose authorized by the Tribes and approved by the Secretary of the Interior. Inasmuch as plans for the use of the money have not been disclosed to either the House or Senate Committees on Interior and Insular Affairs, the bill directs the Secretary not to approve any plan until it has been submitted to the Committees for review.

The bill provides for the protection of the interests of minors and incompetents and exempts per capita payments from State and Federal income taxes.

Another Committee amendment provides that the Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of the Act.

COST

Enactment of this bill will involve no additional appropriations. The judgments have been appropriated independently of this bill, and any cost of distribution will be paid from the judgments themselves.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs unanimously recommends that the bill, as amended, be enacted.

PROVISION FOR DISPOSITION OF JUDGMENT FUNDS FOR THE YANKTON SIOUX TRIBE

The Senate proceeded to consider the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission Document No. 332–A, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, line 14, after "section 2,", strike out "shall be distributed per capita to those persons whose names appear on the roll prepared in accordance with section 3 of this Act." and insert "shall be used as follows: Fifty per centum thereof shall be distributed in equal per capita shares to each person who is enrolled on the date of enactment; the remainder may be advanced, expended, invested, or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–751), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 7742 is to provide for the disposition of funds to pay a judgment against the United States that was recovered by the Yankton Sioux Tribe in the Indian Claims Commission. The amount granted by the Indian Claims Commission to this Tribe was $1,250,000. The money has been appropriated, but it may not be used until authorizing legislation has been enacted.

The bill provides for withholding $150,000 from the judgment to finance the cost of expert witnesses in litigation that is still pending. However, if the Tribe decides not to use this sum for such purpose, the money may be used for other programing needs subject to the approval of the Secretary.

COMMITTEE AMENDMENT

The Committee amended H.R. 7742 to provide that 50 percent of the judgment fund shall be distributed per capita to each person who is enrolled as a member of the Yankton Sioux Tribe as of the date of enactment. The Committee amendment further states that the remaining 50 percent of the judgment funds may be advanced, expended, invested or reinvested for any purposes that are authorized by the tribal governing body and approved by the Secretary of the Interior.

COST

The enactment of this bill will require no further Federal appropriation of funds. The cost of preparing the tribal roll can be handled out of regular appropriations for the Bureau of Indian Affairs.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs unanimously recommends that H.R. 7742, as amended, be enacted.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under "New Reports."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The nomination on the Executive Calendar, under "New Reports" will be stated.

NATIONAL COMMISSION ON MATERIALS POLICY

The second assistant legislative clerk read the nomination of Peter G. Peterson, of Illinois, to be a member of the National Commission on Materials Policy.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

SECRET SERVICE PROTECTION FOR MAJOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a joint resolution on behalf of the distinguished majority leader, and I ask unanimous consent for its immediate consideration. I have discussed this resolution with the distinguished assistant Republican leader.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated.

The assistant legislative clerk read the joint resolution as follows:

S.J. RES. 222

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of the first section of the joint resolution entitled "Joint Resolution to authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates, approved June 6, 1968, is amended to read as follows: "(a) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to persons, determined by the advisory committee and certified by it in writing to the Secretary of the Treasury or his designee as being major presidential or vice presidential candidates, who should receive such protection (unless the candidate has declined such protection)."

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 222) which was read the first time by title and the second time at length.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

HOSTILITIES IN SOUTHEAST ASIA

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from California (Mr.

CRANSTON) is now recognized for 15 minutes.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. Mr. President, I ask unanimous consent that two of my assistants may have the privilege of the floor during this debate on Vietnam: Murray Flander and Ellen Frost.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, my purpose, and the purpose of other Senators participating in arranging this discussion of hostilities in Vietnam, was merely to focus the attention of the Senate and, hopefully, through that process the attention of the country, on the tragic developments in Southeast Asia.

I have done my best to insure that there will be a presentation of views from various stances supportive of present policies and the questioning of present policies in Vietnam during the course of this discussion.

The rules and procedures of the Senate as to the allocation of time to each Senator may make this presentation slightly jerky and perhaps a bit disorderly at times, but I am hopeful, as are others who hold varying and contrary views of what is occurring in Vietnam, that we will have a real presentation of the various alternatives, the various views, and the various questions that so many of us have in differing ways about Vietnam.

The first question is: Is this war really winding down? Is the administration successful in winding down the Vietnam war?

It seems to me that this war is winding up and winding sideways, to the air, the set, and to neighboring parts of Indochina, rather than winding down. It is still very much an American war.

The total number of plane losses and combat casualties has jumped to new and staggering heights. The number of helicopters and fixed-wing planes shot down over Vietnam has climbed to at least 7,419. This figure pushes the cost of lost airplanes to a shocking $7 billion.

According to a study prepared by the Indochina Resource Center and Project Air War, one American has been shot down and either captured or listed as missing in action once every 3 days since President Nixon took offce.

The number of B-52's in the area has climbed to 130, surpassing the 1968 peak. At least 20 U.S. Marine F-4 fighter-bombers have been sent from Japan. Another 20 F-105 Thunderchief fighter-bombers have been sent from the United States. The Air Force's 20th Tactical Air Support Squadron, comprised of spotter and attack planes, will not be leaving Vietnam as planned. The total number of attack planes is now about 600.

Elsewhere, thousands more Americans still form part of the war effort in addition to those inside Vietnam. Some 45,000 air personnel fly bombing missions over Vietnam from bases outside Vietnamese borders.

In the coastal waters, the American armada is swelling toward 47,000 men on almost 50 ships. Naval strength includes two cruisers, at least a dozen destroyers, and four—and soon to be six—aircraft carriers. An amphibious landing force from the 7th Fleet, comprised of a helicopter carrier and 2,000 men, has been shifted to Vietnamese waters.

The number of ships and Navy personnel now off the coast of Vietnam is the highest since Lyndon Johnson left office. The number of B-52's now flying combat missions in Indochina is the highest since Lyndon Johnson left office. Hanoi and Haiphong are being subjected to American air attacks for the first time since Lyndon Johnson left office. In fact, this is the first time in the history of this increasingly futile and tragic war that those population centers have been attacked by our heavy strategic bombers.

The recent intensification of the air war over North Vietnam shows no more signs of halting the fighting in the South now than in the past. The Department of Defense has estimated that Communist forces require only 15 to 30 tons of imported material per day to maintain a moderate level of fighting in the South. This amount can be carried in 10 to 15 trucks, 75 to 150 bicycles, or on human backs.

While the air war is becoming more impersonal and remote for Americans, the same cannot be said for those on the receiving end of the bomb delivery system. Planes are still routinely armed with antipersonnel and incendiary bombs which inflict hideous suffering. Antipersonnel bombs include: Pineapple bomblets, each bearing 250,000 steel pellets; Guava bombs, with each sortie releasing 400,000-500,000 ball bearing pellets; and Flechette or nail bomblets, each of which contains several hundred 1-inch barbed nails capable of shredding muscles and tissues and difficult to remove.

Incendiary bombs include not just the infamous napalm, but white phosphorus and NPT as well. White phosphorus continues to burn slowly inside the body and can usually be extinguished only when it reaches the bone. Needless to say, the pain is unspeakable and totally unjustifiable. NPT, or napalm-phosphorus-thermite, is the most destructive of all and can be applied to a large area. On the ground, so-called "area denial" mines can be laid by the thousands. The Dragontooth and Gravel mines will not destroy a truck tire, but they will blow off a foot. The Spider mine or WAAPM—wide area antipersonnel mine—has eight fine wire which, when tripped, hurl ball bearing-like pellets for approximately 197 feet.

Yet what can all of this accomplish? According to the Pentagon papers, a CIA bombing study dryly concluded as early as May 1967 that "27 months of American bombing have had little effect."

There is no historical evidence that massive bombing has ever succeeded in breaking the morale of troops fighting elsewhere. A careful and scholarly study of the social impact of bomb destruction reports that—

> Studies made of troop morale after news had reached them of casualties and other air-raid losses during World War II disclosed no evidence that the efficiency of troops had been substantially reduced or that desertions had increased.

This statement is from a book by Mr. Fred Iklé entitled "The Social Impact of Bomb Destruction," which was published by the University of Oklahoma Press.

Bombing North Vietnam has simply not worked. There is a slight difference in the strategic situation now, with a more massive use of troops and more concentration of forces, but bombing targets in North Vietnam certainly does not relate to the immediate events on the battlefields far from those areas.

The failure of bombing raids can be documented elsewhere in Southeast Asia as well. According to figures gathered by Project Air War, 150,000 tons of bombs have been dropped on Cambodia since May 1970, but guerrillas control from 70 percent to 90 percent of the territory. In Laos, bombing undertaken since May 1964 has included a devastating 500,000 sorties dropping 1.5 million tons of bombs. And yet Communist forces control at least two-thirds of Laotian territory today.

What justification is there, then, for this heavy bombing today?

Nowadays all operations in the Indochina theater are primarily justified in the name of protection of our troops. That is what Secretary Laird said yesterday. That is what President Nixon has said in recent days.

This protection apparently is being used primarily as a legal reason and not as a strategic reason. There are questions as to what legal justifications there are now that we have repealed the Gulf of Tonkin joint resolution providing for resorting to this force throughout Southeast Asia.

At the current stage of the fighting, the threat posed to the vast bulk of American forces cannot possibly provide an excuse for extending the bombing to the 20th parallel. The purpose of these raids is clearly punitive, not protective.

Mr. MOSS. Mr. President, will the distinguished Senator from California yield?

Mr. CRANSTON. Mr. President, I am delighted to yield to my distinguished friend, the Senator from Utah.

Mr. MOSS. Mr. President, I first want to congratulate the Senator from California for bringing this matter before the Senate.

It seems to me that there is no more timely or important discussion that we could be holding at this time in the Senate than the discussion of what is now going on in Indochina, and particularly in North Vietnam. It is my understanding from watching the television that the great emphasis that is being placed on the bombing of Haiphong and Hanoi is that it is done in order to protect our troops and, for that reason, is fully and thoroughly justifiable because it is protecting American lives.

I, of course, have observed the map of Vietnam a number of times. In fact, I visited Vietnam about 4 years ago and observed the Tet offensive when it was raging at its height. However, in miles, how far away would Haiphong and Hanoi be from the nearest American troops? Does the Senator have any idea of that distance?

Mr. CRANSTON. The distance is over 250 miles.

Mr. MOSS. So, we can assume that the American troops and American personnel that are involved are at least 250 miles away from where these northern bombs have been dropped, that were aimed, as Secretary Laird said, at Haiphong and Hanoi.

Mr. CRANSTON. The Senator is correct. Most American troops are closer to Saigon, which is more than 500 miles from the site of the bombings.

Mr. MOSS. So, it does strain one's credulity to say that in some way, by bombing civilian installations 250 to 500 miles away it in a manner does protect our own troops down in South Vietnam.

Mr. CRANSTON. I believe that reason which is being advanced is a totally legal reason and not in one iota a strategic or military reason.

Mr. MOSS. And consequently the bombing of those locations in Hanoi and Haiphong would indicate really that it is an attempt to destroy the warmaking powers, as we used to call it in World War II, in North Vietnam which is a very long range and strategic thing.

Mr. CRANSTON. The Senator is correct. I base that on consultations with people who have far greater military expertise than I lay claim to possessing. It can only be for that purpose. It has nothing to do with defending our men who are presently in South Vietnam.

Mr. MOSS. Even if the bombing of the far North were fully successful and we were able to destroy the supplies there, the reaction from that success would not be transmitted down into South Vietnam, where the ground fighting is going on, for a considerable period of time because there are supplies and troops there and supplies in the pipeline. So, it has to be a very long range type of assault that is being made when we bomb that far north.

Mr. CRANSTON. The effect, of course, will not be felt in South Vietnam, where the bulk of our troops are, for many months from now. This can only lead to the question of whether the President's intention is to leave many American troops on the ground in South Vietnam many months hence, into the indefinite future, and to prolong the total commitment of our men in South Vietnam under that interpretation.

Mr. MOSS. Would not a reasonable interpretation of this bombing be that it is really an attempt to so-called "win the war" by causing a surrender of some kind by North Vietnam so that we could emerge from that civil war saying we won the war?

Mr. CRANSTON. I believe that is a very logical interpretation of the present course of events under our policy.

Mr. MOSS. This seems to me, in reading it, and I assume it seems to the Senator, that this is the wheel turned back about 4 years; this is the policy we once talked of in this country under another administration as a sort of punishment of the North Vietnamese so that they would come to the conference table and bargain with us, and surrender so that we could claim we had settled the war and won the war. Is that correct?

Mr. CRANSTON. That is correct. One of my purposes in organizing this debate was to seek to keep this on a strictly nonpartisan basis. It seems as if Lyndon Johnson, a Democrat, were back in the White House, because certainly we are under those policies with Richard Nixon, a Republican, in the White House.

Mr. MOSS. If that is the case, the plan to end the war that candidate Nixon announced before he came to the presidency turns out to be the policy that was followed by his predecessor. Is that correct?

Mr. CRANSTON. If this is his plan to end the war, I do not understand the meaning of the words "end the war." We see a greater number of American bombers and American naval personnel than have been there since Lyndon Johnson left the White House.

Mr. MOSS. As a matter of fact, I guess it is the first time we have ever bombed Haiphong. Is that correct?

Mr. CRANSTON. I believe some bombs were dropped there at one time, but never with B-52's, where you cannot tell precisely where the bombs are going to hit.

Mr. MOSS. I do appreciate this colloquy with the Senator from California and I wish to express my appreciation to him for leading off in this discussion, which I hope can proceed through the morning until we can examine the various facets of the occurrence that is now going on in Vietnam.

It seems to me we have stepped back deeply into this war, and rather than having a withdrawal and a winding down, which has calmed our people somewhat, we are stepping back in with vengeance in escalating the war.

Mr. CRANSTON. I thank the Senator for his very fine contribution to this dialog.

I yield to the distinguished Senator from Indiana.

Mr. HARTKE. Mr. President, I would like to join with the distinguished secretary of the majority, the Senator from Utah (Mr. Moss), in complimenting the Senator from California for bringing to the attention of the Nation the situation in Vietnam.

I think we can come now to one conclusion: Vietnamization has failed. This administration now knows it, the people of the United States know it, and the people of the world know it.

Vietnamization has failed, and the United States finds itself reeling from reverse to reverse on the world propaganda front.

The Chinese and Russians lead our President to summit meetings—leaving the world with the picture that America is a Nation without a goal and without a soul. The senselessness of this nonpolicy is made more urgent by the mess our economy is in. We have over 5 million unemployed—a breadline as long as the total population of my own State of Indiana.

Now we see the plain and terrible meaning of the events of the past 2 weeks in Vietnam. Our client regime in Saigon cannot defend itself without the massive savagery of American air support. Against an enemy greatly inferior in numbers and arms and almost totally lacking in air power, the South Vietnamese can barely manage to hold their own. Never has it been explained why it is that with the populations of South Vietnam and North Vietnam being about equal that the South cannot hold its own.

Richard Nixon's public relations name for the war, "Vietnamization," has failed; with it our policy of the last 18 years is as near bankrupt as our domestic economy.

Nixon's present course is a countdown to disaster. Surely, by now, the irrationality of clinging to the military pursuit as a way of life in Southeast Asia is evident to all who want to see.

With each effort we claim to have made to relieve our situation, we have simply aggravated our peril. As a result, we are speeding to the day when even the best of our brains may be unable to save us from the consequences of our acts, under one, two, three, four, or five Presidents—you can choose your own number—we have sought to stave off the possibility of disaster by actions which threaten even greater disaster.

Escalation breeds escalation—and inevitably the whole House of cards called "earth" may fall. Patience can run out—and so too can humanity.

The American people are tired of the war. They do not want it to continue. They do not want to discuss it. They do not want to read about it in the newspapers or hear about it on television.

Since I went to Paris last April and returned with a specific proposal for ending the war, the caskets carrying our American dead have numbered over 2 thousand. More than one-third of all American deaths in Vietnam have occured since Nixon became President. His secret plan to end the war is no longer a secret—he intends a military solution—and the number of prisoners of war continues to grow with each new bombing mission.

Yet, with it all, the only end in sight is a sweeping military victory for our opponents or world holocaust. Both catastrophes move closer in upon us each day.

As recently as last September we could have settled for a political and military standoff. That is the essence of the proposal I brought back with me from Paris and which subsequently was confirmed by former Secretary of Defense Clark Clifford.

Today, there is no assurance that any option for a negotiated end is possible. We have lost our options in Vietnam. This is a towering political fact of the 20th century.

Unless we understand why it happened we may soon witness that decline of the West which Oswald Spengler foretold so darkly. If we are unable to profit from our nearly fatal errors, there may indeed be no way to halt that decline.

The starting point should be a full recognition that this trend is not due to any mysterious potency in the virus of communism.

Its impetus has come, instead, from the missing of our own opportunities to be the world leader for peace and prosperity.

In 1954, we could have taken the lead in fashioning a peace settlement in Indochina. In 1956 we could have stood behind genuinely free elections for a united Vietnam instead of sabotaging them. In 1958 we could have joined with the Soviet Union in bringing both North and South Vietnam into the United Nations. In 1961 our new President, John F. Kennedy, could have taken us out of the colony business. In 1963 President Johnson could have reversed our growing involvement in the Vietnamese civil war. In 1965 President Johnson could have acted on his mandate for peace of 1964 by refusing to escalate the war.

I see the distinguished Senator from Arizona (Mr. GOLDWATER) here, who was the opponent of President Johnson in 1964. I call attention to the simple fact that the issue in that campaign was the decision between what he said he stood for and what President Johnson said he stood for.

In 1969, President Nixon could have kept his promise to end the war within 6 months. And so the dreary record of missed opportunities goes on and on.

Because of that record, we are rapidly losing our world leadership. And what is worse, we have lost our self-respect. We have thrashed about in Indochina like a maddened giant, slaughtering the innocent by the tens of thousands and creating refugees by the millions, and accomplishing nothing more for our own mistaken interest than delaying the approach of a stable settlement in southeast Asia.

Today, the very survival of mankind hangs on the answer to a single question: Can the present administration accept the logic of events by leaving Vietnam to the Vietnamese, or will it instead take that final step to disaster by invoking the Kissinger strategy of limited nuclear war? Let us not forget that Mr. Nixon's principal foreign policy advisor is that same Dr. Kissinger, who has long argued that the judicious use of nuclear weapons should never be ruled out by the United States in any situation in which conventional weapons seem unable to gain the objectives we seek. Certainly that is the situation today in Indochina. And the terror bombing by B-52's of North Vietnam's population centers may well be the carefully orchestrated prelude to even greater savagery. Brinkmanship is too dangerous a policy for the nuclear age.

The choice is clear. Either Mr. Nixon accepts what he has sworn he will never accept—a new leadership in Saigon—or he escalates to some new level of horror.

The choice before the Senate is equally clear. Either we continue to go along supinely with whatever new catastrophe the administration fashions for us, or we seize the constitutional instruments at hand to require a total and speedy end to American military involvement in Indochina.

Unless we soon get started, it will surely be too late to salvage anything for ourselves or our posterity. Time is running against us with the speed of the moon ship. Those whose hands are on the levers or war are themselves in the grip of events which they are utterly unable to control. We dare not trust a sudden onset of rationality in men who have acted with such brutal irrationality for so long. We must find in ourselves—here in the U.S. Senate—the courage and resolve, the willingness to accept political risk for the transcendent goal of peace which exists in the administration only in its self-congratulatory rhetoric.

Not alone peace, but the lives of countless millions of human beings and the very survival of America as a free society rest upon our determination to mandate an end to the war before it engulfs still other continents.

It may already be too late. But in the name of all that is sacred to us, let us try.

The ACTING PRESIDENT pro tempore. The Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. GOLDWATER. How much time am I assigned to have?

The ACTING PRESIDENT pro tempore. Ten minutes.

IN SUPPORT OF THE UNITED STATES

Mr. GOLDWATER. Mr. President, later this morning, at the proper time, I will offer a resolution for myself and others of my colleagues which will go a long way toward clarifying the position of the U.S. Senate in the present difficulties in Indochina.

It is a simple resolution which does three things: First, condemns the all-out invasion of South Vietnam by the Government of North Vietnam; second, calls on the Government of North Vietnam to end its aggression against the people of South Vietnam; and third, declares the Senate's support of the Government of the United States in its intentions to provide an honorable peace in South Vietnam.

Mr. President, as astounding as it seems, this resolution is sorely needed. From what I hear from my constituents and other people throughout the country, the impression has been created that the Senate of the United States is openly opposing President Nixon, because they believe he deliberately, and without provocation, escalated the war for some dark, mysterious purpose of his own. The impression seems to be that the United States is unleashing the full weight of its airpower against an innocent civilian population in Hanoi and Haiphong.

The whole question of the invasion of South Vietnam by 11 divisions of Communist troops, equipped with the latest, most sophisticated weapons the Russians could produce, seems to have been obscured. This is particularly true of the remarks of some members of the Senate Foreign Relations Committee and of some Democrat Senators who are running for their party's presidential nomination.

Wittingly or otherwise, they seem bent on regarding the invasion of South Vietnam as just another minor episode in a civil war. It would not surprise me to hear the troops of North Vietnam referred to as "agrarian reformers" by some of President Nixon's more outspoken critics.

Mr. President, the tragedy of this situation is that a resolution this simple and this obvious is needed at all. But it is, if for no other reason than to awaken the American people to the realities of what is going on in South Vietnam. This invasion, contrary to the impression created by some administration critics, is not something cooked up by freedom-loving peasants in an effort to overthrow an oppressive dictatorship. This invasion was created out of the most modern kinds of equipment—85 percent of which is supplied by the Soviet Union—in an effort to take over all of Southeast Asia and radically alter the balance of power in the world. It is the kind of an all-out military thrust that not only threatens the lives of remaining U.S. troops in Vietnam, but is seriously interfering with our attempt to withdraw our military personnel in an orderly fashion. What is more, if this invasion succeeds, it is likely to result in the mass liquidation of South Vietnamese people in a bloodbath of staggering proportions.

Mr. President, I urge all Members of the Senate, regardless of their politics, to join me in this bipartisan show of confidence in our own country and support for freedom in Indochina.

Again, I think we have come to a terrible state in this country of ours when a Senator has to rise and ask the support of his Government in the conduct of a war that we have been in for the last 10 years—a war not started by Republicans, I will remind you, but a war started, as every other war in my life has been started, by Democrats.

I do not say that to talk down the Democratic Party. It just may be coincidence. But the Republican President, President Nixon, is trying to end this war. I hear the question raised on the floor this morning, "Why haven't we won?" I can tell you why we have not won. Every man in this body who has ever been in a war can tell you why we have not won. We have not tried to win. It is that simple. It would be like me going to fight Mohammed Ali with both of my arms tied behind my back. That might be the sensible way to do it, I do not mind saying. But in this case we have been in South Vietnam 10 years, in a war that was instigated in some ways by President Eisenhower, you may say, a war that was started by President Kennedy when he wrongfully sent ground troops there, an action he should not have taken, or no President should have taken. I know. I have been there.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. GOLDWATER. No, I am speaking on very limited time.

Mr. President, we have made mistakes, mistakes, mistakes in this war. I think it will go down in history for future generations to read about as the worst conducted war in the history of man. I emphasize, not by the military but by the civilians in Washington who have constrained them. Our men have fought valiantly with their hands tied behind them.

If we had not wanted to win this war, President Kennedy made a dreadful mistake by sending nearly 17,000 troops into Southeast Asia years ago, with orders to shoot back if they were shot at. That, Mr. President, is plain and simple war. The very basic rules of war that all of us know say that when you go to war, you go to war to win—not in 10 years, but in 10 minutes. And if we had not fought a limited war, as advocated by Robert McNamara—who I claim has done more to downgrade the power of the United States than any other man who has ever served in any capacity in this country—if we had not yielded to his ideas of limited war, we would have won this war long ago.

Mr. President, there is no limited war. When we rise to debate each other on this floor, it is not limited. We go all out. I want to win my debates. I do not want to half win them; I want to win them all the way. There is no such thing as limited war.

Now the United States is being criticized for bombing north of the DMZ. I remind my colleagues that the North Vietnamese have violated the 1949 Conference and the 1954 Conference; they have been dishonest in their vows to us about the DMZ which caused us to cease bombing in 1968. I do not know what else the President of the United States could have done, be he Republican or Democrat. My own personal feeling is that this should have been done by President Kennedy, not by President Nixon. Had it been done then, this war would have been over almost before it started.

I have been over there, Mr. President. I have flown in some of these things—some of these missions, you might call them. I can tell you, you cannot even see the Ho Chi Minh Trail in bright daylight. We have been bombing with B-52's. The reports are that we have dropped more bombs than in all the history of bombing. We have, but we have been bombing targets we cannot see, because civilians sitting in Washington said, "Oh, don't touch the source of the trouble. Don't touch Haiphong. Don't touch the 4,000 trucks parked here, or the 5,000 tanks over there, or the Mig airfields or the SAM sites. Don't do that; it might make Russia mad."

Mr. President, the Soviet Union is the principal culprit in this whole war. The Soviet Union is supplying 85 percent of the equipment to the enemies in the North. I say if a Russian ship is bombed at Haiphong, that is too ——— bad. I hope we hit them all. They have no business being in Haiphong. They are our enemies when they supply our enemies with ammunition and weapons to kill our men.

Mr. President, I am in complete support of the Government of the United States, and I would support a President regardless of his party who has taken the actions that this Government has taken. They are actions that will overcome the weak-kneed, jelly-backed attitude of Members of this body and citizens of this country who think you can end a war overnight by snapping your fingers and starting to bring the troops home.

I fully believe that a continuation of this bombing of Haiphong and the targets in the North would hasten peace. I may be alone in that thought, but I have held it for many, many years. It was a theme of mine when I ran for the presidency, and I have a strong suspicion it helped to defeat me, but I do not care. I would rather blow the living daylights out of Haiphong than lose one more American life. I would rather destroy every target in North Vietnam than run the risk of one more American boy being killed.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I will not yield. I have 10 minutes, and that is all I have.

Mr. President, I repeat, I think it has come to a pretty bad pass in our Nation's history when we are divided in the Senate about the actions of a country in war. We can disagree with the President. I disagreed with President Kennedy about the way he conducted the war. I disagreed with President Johnson. But I backed them. I am an American first. I am a Republican way down the line. I am an American, and I do not want to see America hauled down the tube by people who look upon this war as something that is conducted by this President or that President or another President.

I hope that this entire body will pass on my resolution which I shall introduce later, backing the Government of the United States, and putting the weight of the Senate behind the country. It should be behind him without any question.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GOLDWATER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, I believe I have 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ALLOTT. Mr. President, first I want to say to the Senator from Arizona that he has expressed what many of us feel in very, very capable and forceful language.

Mr. President, I join with the American majority in support of President Nixon's current course of action in meeting the major invasion of South Vietnam by North Vietnam.

There are those who would urge us to use the occasion of a naked invasion of South Vietnam as a suitable time to turn our backs on our allies, and to expose our withdrawing soldiers to danger. But what, I wonder, would such a display of craven weakness—yes, even cowardice—do to our future dealings with Hanoi? Most important, how would such an awful display of confusion and irresolution help us with the most important task facing the United States—securing the return of our prisoners of war and our men missing in action?

There is no higher priority than securing the return of these men. No consideration can be allowed to overshadow it. If any other consideration does overshadow it, we should all hide our faces in shame from here on out. An irresolute United States will have special trouble securing its men. That is the principal reason why I support the President's resolute actions.

There are those who say that we should not bomb sensitive targets near Hanoi. I believe, and I believe the American people believe, that we should do whatever is necessary to convince aggressor nations not to commit aggression, and that we should do whatever is necessary to convince the aggressors in Hanoi that we will not allow our withdrawing troops to be endangered.

There are those who say that we should not bomb the supply depots at the crucial port of Haiphong, through which Hanoi's war materials pass. But Hanoi's policies will not permit such American restraint. God knows how long it is going to take us to learn that. I believe, and I am sure most Americans believe, that we should use our airpower and that we always should have used our airpower to keep those materials from reaching South Vietnam, where they can be used against withdrawing American troops, and against a country which seeks only to resolve its own destiny.

By crossing the demilitarized zone with tanks and main force units, the Hanoi government has demonstrated how utterly transparent is the notion—long cherished by some in the United States—that the 25-year war in South Vietnam is an "indigenous peasant revolt." Peasants, indigenous or otherwise, do not manufacture T-54 tanks. The people responsible for the manufacturing of T-54 tanks, and their delivery to aggressor nations, are the reckless rulers in the Kremlin. It is clear beyond peradventure that the fuel that drives the Hanoi war machine, flows from the Soviet Union. The Soviet Government is responsible for that machine, which is now in its second decade of waging aggressive and unprovoked war against the three non-Communist nations contiguous to it.

There are those who say we should not use our airpower around Haiphong because Soviet or other Communist shipping might be damaged. I believe, and I am sure most Americans believe, that the Soviet Government, and other Communist governments supplying North Vietnam, cannot expect to be completely immune from all the risks of the war they are formenting and funding. If these governments want to guarantee the safety of their shipping, they can take the sensible precaution of staying out of the war zone.

There are those who say that we should not use our airpower, because it will make the Soviet Government generally unhappy, and the Soviet Government might cancel President Nixon's visit.

Two things must be said in response to this.

First, it is now patent that those persons were mistaken who said that the President, by scheduling summit conferences with Peking and Moscow, was giving hostages to fortune. Those persons said the President would not be able to act decisively, firmly, responsibly, either as diplomat or Commander in Chief, for fear of offending either Peking or Moscow. These people underestimated the President of the United States. The President will not be intimidated or constrained by any diplomatic schedule. If the men in the Kremlin or in Peking or Hanoi think our President will endanger the real-life flesh-and-blood of American soldiers to preserve the gossamer promise of negotiations, then these men are badly, sadly mistaken.

Second, the Soviet Union obviously is free to choose to cancel the President's trip. But if the Soviet Union does so, it would only be demonstrating that the negotiations would have been fruitless anyway. It will be demonstrating that it is more interested in causing war in Indochina than it is in curtailing the global arms race. No other conclusion can be drawn.

There are those who say that we should not do anything—anything at all; not even something designed to protect our withdrawing troops—that would endanger the Paris "peace talks."

This is dreadful, fearful nonsense—sheer nonsense. The Paris peace talks are about as productive as the Soviet farm program. The peace talks were founded on an illusion and have existed on vain hope, and we paid a terrible price in American lives, my friends, just to get those North Vietnamese at Paris to stall and stall and stall.

Let us cast our minds back to election eve, 1968, to the closing days of the administration supported by most of the current critics of President Nixon's policy. At that time, in an attempt to get the Paris peace talks off dead center, the bombing of North Vietnam was halted. At that time there were—perish the thought—some skeptics who thought they detected domestic political considerations in this American move.

To dispel such unpleasant thoughts. the Johnson administration asserted that the American restraint would be matched by Hanoi restraint. The Johnson administration encouraged us all to believe that the North Vietnamese had agreed not to shell South Vietnamese cities; that they had agreed to respect the demilitarized zone; that they had agreed to negotiate seriously at Paris.

Well, Mr. President, perhaps the North Vietnamese did agree to all these things. If so, they were lying—and lying in their teeth——

Mr. GRAVEL. Mr. President, will the Senator yield on that point?

Mr. ALLOTT. I will not yield. The Senator well knows there is no use in staging theatrics here, because he knows that my time is limited, as is the time of other Senators. Please do not interrupt me again.

Mr. GRAVEL. I would be happy to give the Senator some of my time.

Mr. ALLOTT. Mr. President, perhaps the North Vietnamese did agree to all these things. If so, they were lying, and the American Government was foolish to expect anything. And today there is one safe conclusion to be drawn from that dismal episode: It makes no sense to make major policy decisions hinge on hopes for the Paris peace talks.

Our realistic hopes for an honorable settlement rest on Vietnamization. Today there are persons, some who can barely disguise their unattractive glee, and others who do not deign to disguise it, who claim that the current invasion demonstrates that Vietnamization has failed. Nothing could be further from the truth.

The central lesson of the current invasion is that the National Liberation Front—the Vietcong—does not exist any more. For years the Vietcong's friends around the world have marched through the streets chanting "Ho Ho Ho Chi Minh, the NLF is going to win." Well, I have news for these chanters. They backed a losing horse. Ho Chi Minh has long since gone to such reward as he had. Vietcong has not won; it has been destroyed.

Now, when North Vietnam wants to inflict misery on its neighbors, it must send forth its regular army units. The fact that North Vietnam still denies that it has any soldiers in South Vietnam is evidence of nothing except Hanoi's cynical—and correct—estimate of the gullibility of its Western sympathizers.

The truth is that North Vietnamese regular army soldiers are now the only effective instruments of Communist aggression in Indochina. The Vietcong were never anything other than a subservient arm of the Hanoi government, nor was the National Liberation Front, known as the NLF. But now the Vietcong have been destroyed, root and branch, by the combined efforts of American fighting men, and the later implementation of the Vietnamization program.

Of course, if one were to judge from some of the press reports, one might conclude that Vietnamization cannot stop the current invasion. But, then, if one believed the press reports during the Ardennes offensive in December 1944—the Battle of the Bulge—one would have concluded that Hitler was going to be in England in time to hear the May Day singing from Magdalen Tower. In fact, of course, on May Day Hitler was dead and his "thousand-year Reich" was issuing death rattles.

Now, I do not expect the Hanoi regime to collapse. But I do think we are now witnessing the full deployment of its aggressive capacity. Hanoi has committed 12 of its 13 combat divisions, and there are signs that the 13th is being committed south of the DMZ. Obviously, an attacker has certain advantages. Obviously, the full might of Hanoi can cause initial disruptions and setbacks, particularly in the northern part of South Vietnam, near the demilitarized zones, and where Hanoi's lines of supply and communication are most defensible. But let us not fall victim to the "Ardennes illusion." The initial successes that come to a fully extended aggressor should not generate despair about the ultimate outcome of the battle.

And above all, let us not be distracted by the predictable outburst of programed moralizing from those whose capacity for indignation is infinite when South Vietnam defends itself, but whose indignation is negligible—indeed, invisible—when North Vietnam launches an invasion.

I should think that those critics whose late-blooming consciences became public adornments after January 20, 1969, should pause between primaries long enough to remember that there are nearly half a million fewer Americans in Vietnam than there were on January 20, 1969.

I think the American people are as puzzled as I am about just what the President's critics are objecting to. They cannot be objecting to American participation in the war: they supported the escalation that President Nixon has been undoing for 3 years.

They cannot be objecting to the willingness of the South Vietnamese to fight for their own country. Although it is true that the policy of the last administration seemed especially designed to insure that Americans did the fighting for the South Vietnamese.

They cannot be objecting to the willingness of America to give material aid to a small and embattled nation that is resisting a nation heavily supplied by the Soviet Union. Or, at least, if they are objecting to this, it should be interesting news to Israel.

All I can imagine is that these people are objecting to the very existence of this recent invasion, which has torn to shreds the elaborate tissue of self-deception on which so much criticism of American policy rests.

No more can these people inflict upon us the irrational theories about "peasant revolts" and Hanoi "restraint" and the possibility of fruitful negotiations with a Hanoi regime that does not respect American will.

Finally, Mr. President, some thoughts on the connection between our domestic politics and the current invasion.

It is interesting to note that the invasion has done what the more mundane business of our time has not been able to do. It has reminded some Senators that they are Senators. It has awakened their dormant interest in the business of government. It has reminded them of something they were much in need of being reminded of: American men are still endangered by the aggressive actions of North Vietnam.

Mr. President, it is sad to disturb the political reveries of these wandering Senators. It is a shame to remind them that they were elected to do things other than lust after delegates to their national party convention. It is tiresome to have to request that they have a care for the Nation at a time of difficulty.

But, Mr. President, the senior Senator from Colorado will not mince words.

I request that the various Senators who are running for President pause. I request that they raise their sights from their Gallup polls and their delegate lists long enough to consider if their politicking is serving the Nation well.

I do not intend to speculate on the conjunction—yet again—of primary season in the United States and invasion season in Vietnam. But I must insist on a few things.

Those who now urge us to meet arrogant aggression with unprecedented acquiescence should explain how this acquiescence is designed to protect the safety of withdrawing Americans, and secure the release of POW's, and how it is designed to serve world peace.

Those who hawk their compassion about in public places, clamoring for us—for the United States—to "stop the killing." These people should explain how it is that the killing in Indochina had been going on for more than a decade before the first American died there.

Mr. President, they should explain how we can "stop the killing" by asking the South Vietnamese soldiers to face Soviet tanks without material help from the United States.

And they should explain whether they want all killing stopped, or whether they would be satisfied to see an end to the killing of North Vietnamese invaders. In short, do they shed any tears for the blood being shed by the South Vietnamese who are defending their country against invasion.

One more thing, Mr. President.

I ask that all Senators examine their conduct over recent months and ask themselves: Have I done anything to encourage the belief in Hanoi that a major invasion of South Vietnam would be a low-risk operation?

The President is acting effectively and prudently to dispel that illusion from the minds of the men in Hanoi. Let us all hope that American political leaders will not soon foster a rebirth of that illusion.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Under the previous order, the distinguished Senator from Alaska (Mr. Gravel) is now recognized for 10 minutes.

Mr. GRAVEL. Mr. President, my colleague from California (Mr. Cranston) is one of my closest friends in the Senate. Apparently I have been misled, because he approached me yesterday to say that we might come into this Chamber, aware that this is the greatest debating body in the history of man, and a debate on Vietnam would be held. So I came to the floor prepared not with any written speech, not planning to parrot some phrases the staff may have written for me, but I came to try to assess the insanity in Indochina today.

I find that those who take the other side do not particularly want to engage in any give-and-take in any true sense of debating—no; they dump their speeches on the floor and leave. I do not think that will serve any purpose other than to entertain the galleries. But so far as developing what is going on, it will serve no purpose.

Let me say that if any of my colleagues here are moved by the spirit to interrupt me in what I may have to say, I shall be happy to yield for questions. I shall be happy to yield for any colloquy on this subject.

Mr. President, I have numerous documents before me. In the event that I cannot finish my presentation in the required time, I ask unanimous consent that they be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAVEL. Thank you, Mr. President.

Mr. MONDALE. Mr. President——

Mr. GRAVEL. I am not finished—in fact, I am just getting started. [Laughter.]

Mr. MONDALE. I am sorry—I yield my time——

Mr. GRAVEL. Mr. President, we have heard some interesting statements here. I think the most interesting one I heard was that we would show weakness if we did not support our President.

Let me say right now, with respect to what our President is doing, that I am deeply ashamed—ashamed as an American, ashamed to the very depths of my being.

We have heard arguments—what little argument we have heard—that when we come down to it, we have our boys there and we have to protect them.

The fundamental question is: What are our boys doing there?

We will not have any boys there if we take them out. We will not have any prisoners of war there if we take them out.

Thus, we have to ask the simple question: Why are we there?

To use the rationale that we are there because we have prisoners of war, and that we will have to stay there until there are no more prisoners, means that we will never get out. Because as long as we are there, there will always be additional prisoners. We have got some very seriously faulty logic.

The other point which I think merits analysis, because the consequences go far beyond what is happening in Vietnam today, is the view held by President Nixon today in the White House, that what is happening is part of a diabolical plan by Mr. Brezhnev to pressure him into going to Moscow in a much more humble fashion than he would be prone to.

The reason why President Nixon holds that view is that he presumes this offensive could not have been initiated without the permission of the Soviets.

First, I want to digress for 1 minute and talk about the word "offensive," because there has been a great Orwellian lie put out—and I confess that my friends in the fourth estate have gobbled up the lie without any real examination. As I recall the events of the past 4 months, all we have heard is the possibility of an offensive. The word "offensive" was used over and over again—that the troops were ready, that we were ready. The President tried to condition the country, I am sure, that this offensive would come.

All of a sudden, the offensive started, and the administration—someone had a stroke of genius—now characterizes the offensive as an invasion. There is a slightly different connotation to the word "invasion." The President tries to mislead the American people by saying there is something new happening here, that there is a new invasion taking place, something totally unrelated to the facts as they existed prior to this time. And now we Americans, in our great courage, are going to the aid of South Vietnam because of this "invasion" that has now been foisted on them. That is another instance of faulty logic.

It is not an invasion. It is an offensive that President Nixon has told us over the past 4 months would occur. It has occurred.

Why has it occurred?

Not because Mr. Brezhnev and his colleagues want to pressure Richard Nixon, because certaintly their interests are not that. They would like the detente to continue as much as President Nixon would like the detente to continue, so that they can make the agricultural deal, make the energy deal, and make the commercial deals. Mr. Brezhnev is in a difficult situation. In fact, it has been said, and accurately so, that the situation that exists in Moscow today is not unlike the situation that existed prior to the political demise of Nikita Khrushchev. So they have every reason to want an accommodation, a fruitful and a fine meeting with our Chief Executive.

But again, I think that our Chief Executive is making a classic error. He looks upon communism as a monolithic organization and assumes that Moscow can dictate to the *n*th degree what will happen in Indochina. That is not the case.

There is no question that North Vietnam had two courses of action to follow. Both courses of action were aimed not at victory in the field in Indochina, but at victory in the United States with the American people. That victory, I am constrained to say, will be difficult if not impossible to attain. The psychology of this Nation with respect to our involvement abroad has not been sufficiently altered to permit the North Vietnamese to persuade this Nation to get out lock, stock, and barrel.

Really, what Richard Nixon wants in Indochina is a continuation of the policy exercised in Europe and Korea for many years. We have had troops in Europe for 30 years and we have had troops in Korea for 20 years.

President Nixon said that he would wind down the war. He meant that he would wind down the ground war until we had 50,000 troops in Indochina for 20 years or longer.

The North Vietnamese know this. Our goal has never been to get out of Vietnam. This is where the promises of Richard Nixon in 1968 have proven to be totally fraudulent. He said then that he had a plan to end the war. However, the moment he was elected, he said that he had a plan to wind down the war. There is a substantial difference between ending the war and winding down the war. His theory was to wind down the war to a more palatable level, and then continue our presence there as our presence has been continued in Europe and Korea.

The reason why Richard Nixon is able to do what he is doing today is because he has the approbation of the American people. However, that approbation may not last long. Right now they are taking daily polls out of the White House. They are like a child walking into cold water. As long as the temperature is tolerable, they will keep walking.

The only chance we have is to react to the immoral activity of this Nation.

Mr. President, I yield 2 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 2 minutes.

Mr. PELL. Mr. President, I thank the Senator from Alaska very much. I asked the Senator to yield to me at this time because I have to preside over an Education Subcommittee hearing at this time. I appreciate his courtesy.

Mr. President, I strongly oppose the current escalation of U.S. military involvement in the war in Southeast Asia. I am particularly opposed to the resumption of heavy bombing of targets in North Vietnam, and the continuing buildup of U.S. naval forces off the coast of Vietnam.

Let us remember, too, that while this administration has done a far better job than the previous one in reducing the number of our casualties and our troops in South Vietnam, the numbers of those killed have remained constant. The difference is that the corpses are not those, thank God, of young Americans, but just as morally wrong, they are those of Vietnamese, North and South, Cambodians, and Laotians, young and old, men and women. Now those numbers of Indochinese being killed is being sharply escalated.

The only acceptable justification, in my view, for the renewed bombing of North Vietnam would be for the protection of the American ground forces remaining in South Vietnam. But there is no evidence that our forces in South Vietnam are now directly threatened, much less any evidence that the bombing of North Vietnam reduces at this time such a threat.

Mr. President, I think there is no question that what the American people want is an end, as quickly as possible, to our military involvement in Southeast Asia. Indeed, that goal is the established national policy of the Government of the United States, enacted into law by the Congress of the United States in the Mansfield declaration. Unfortunately, the President of the United States has announced that he will not be bound by this declaration of national policy by the Congress.

I do not see how the new wave of bombings will lead to an earlier end to this war or to our participation in it. And certainly, it is hard to see how this new bombing policy will lead to an early release or return of those hundreds of American men held prisoner by the Government of North Vietnam.

When President Nixon announced his policy of "Vietnamization," it was presented as a path out of the jungles of Southeast Asia for the United States. But Vietnamization has since become, not the way out, but the excuse and rationalization for continued U.S. participation in the air and at sea as we continue to underwrite the inept, corrupt, and unrepresentative Thieu regime.

When the Cambodian operation was undertaken 2 years ago, it was to guarantee the success of Vietnamization by eliminating the enemies' sanctuaries. But that was not sufficient, and another operation subsequently was undertaken in Laos, again in the name of assuring the success of the Vietnamization program. Both were proclaimed to be huge successes that fulfilled their objectives. But here we are in April of 1972, and we are told that we must resume heavy bombardment of North Vietnam. And once again it is to guarantee the success of the Vietnamization program.

Vietnamization is intended to turn the fighting and conduct of the war over to the South Vietnamese. But here we are in April of 1972 engaged in what appears to be a rapid buildup of U.S. air and naval forces in Southeast Asia.

Secretary Laird testified before the Foreign Relations Committee yesterday that shipboard naval manpower in Southeast Asia has increased since March 30 from 20,000 men to 33,000 men and the buildup is continuing. It appears to be only a matter of time until our naval forces in Southeast Asia reach or exceed the previous high point of 40,000 men.

Mr. President, it was nearly 7 years ago that I first characterized as "counterproductive," questioned, and criticized, under a Democratic President, the bombing of North Vietnam.

Obviously, I do not support the current offensive by North Vietnamese forces in South Vietnam, and certainly the North Vietnamese Government must bear a heavy burden of responsibility for the increased death and violence and human misery caused by the current offensive. But let us remember that this is essentially a civil war of one half country against another. And I do not want the Government of the United States, or its people, to bear the responsibility for adding further to the violence, the death, and the misery. I am saddened and sick at heart that I must say again, as I did 7 years ago, let us stop the bombing.

Mr. President, this is not our war. Let us return the conduct of this war to the Vietnamese, on the ground, in the air, and on the sea.

Mr. GRAVEL. Mr. President, would the Senator from California yield to me at this time?

Mr. CRANSTON. Mr. President, I yield 1 minute to the Senator from Alaska from the time of the Senator from Arkansas (Mr. FULBRIGHT). I have that authority.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 1 minute.

Mr. GRAVEL. Mr. President, I characterized the word "invasion" as a great Orwellian lie. Let me characterize the situation existing in Southeast Asia as the most Orwellian situation that has ever existed.

We have more men in Indochina to protect the withdrawal of the men there than the actual number of men there.

The reason that we are there is to protect the withdrawal of Americans, it is said. However, we have more men protecting the withdrawal of Americans than there are men to withdraw.

I can think of no more idiotic situation than that. If we are to get out, we should just get out.

EXHIBIT 1

ADMINISTRATION JUSTIFICATION OF MASSIVE BOMBING OF NORTH

1. Claim: North Vietnam has not abided by the 1954 Geneva accords.

Fact: The Geneva accords established the 17th parallel as a "provisional military demarcation line" which should not in any way be interpreted as constituting "a political or territorial boundary." This provisional separation was to be erased by free elections to be held in July 1956, to reunify the country. The U.S.-supported Diem government violated these agreements by refusing to hold the elections. The Geneva accords do not substantiate an "invasion" for they do not recognize a frontier. When the U.S. invaded Cambodia (a true frontier), it was downplayed as an "incursion."

2. Claim: North Vietnam has violated the 1968 "Understandings."

Fact: Maxwell Taylor, in his memoirs *Swords and Plowshares*, says, the 1968 "Understandings" on the bombing halt were "unilateral understandings on our part" and that the North Vietnamese never gave "any indication of accepting those understandings."

3. Claim: The Soviet Union must accept much of the responsibility for U.S. bombing of the North because it supplies 80% of the North's military aid and refused to restrict its use to North Vietnam.

Fact: The U.S. has itself been bombing in North Vietnam, Cambodia, Laos, and South Vietnam for years, and not merely by supplying aid. The U.S. has had massive ground troops in South Vietnam and in Cambodia and CIA irregular troops in Laos.

Soviet aid to north

(In millions)

	Military	*Economic*
1967	505	200
1970	70	345
1971	100	315

President Nixon's FY 1973 request for military-economic aid for Indochina is $2.8 billion, and the U.S. is expected to spend about $9 billion this year on the Vietnam war. The U.S. probably spent $250 million in Vietnam in just the first two weeks of the new offensive (based on a daily operating cost of $15 million, plus plane losses.)

4. Claim: The bombing is to protect remaining American troops.

Fact: American troops for the most part are not involved in the fighting. The American casualties are now almost entirely the result of U.S. air operations.

On May 1 there will be only 53,000 U.S. ground troops in South Vietnam, but there will be a total of from 63–78,000 Air Force and Navy personnel conducting the air war, primarily from Thailand and the South China Sea.

CASUALTIES

1. AID officials estimate 150,000 to 200,000 new refugees since the offensive began.

2. U.S. casualties have included at least:

11 dead.

24 MIA in air crashes.

56 wounded.

19 helicopters and planes down.

3. A U.S. commander predicts the civilian and military casualties will exceed the 81,736 killed in the 1968 Tet offensive.

4. Based on a March 1972 GAO study it is estimated there were more than 100,000 civilian casualties in 1971 in South Vietnam alone.

5. For the week ending March 23, 1972 (before the offensive began) AP reported:

357 ARVN troops killed.

943 ARVN troops wounded.

20 ARVN troops MIA.

1,713 enemy killed.

6. Reports of bombed villages persist, and recently the U.S. bombed with B–52s within one mile of Anloc (population 40,000).

BOMBING OF HAIPHONG

1. Johnson bombed Haiphong, but never with B–52s. The bombers he used have a relatively limited radius of destruction. B–52s leave a swath of destruction, creating craters 35 feet deep and 45 feet in diameter.

2. Haiphong is inhabited by 400,000 people, and heavy civilian casualties are a certainty. The Pentagon papers make clear that the expectation of heavy civilian casualties is the reason Johnson did not bomb Haiphong with B–52s.

3. Bombing of Haiphong is militarily ineffective. A 1967 CIA study stated: "The

combined interdiction of land and water routes, including the mining of the water approaches to the major ports and the bombing of ports and train shipment facilities . . . would . . . not be able to cut off the flow of essential supplies. . . ." The only reasons for the attacks were to terrorize the people and achieve political ends.

4. Bombing Haiphong will not break the will of the North Vietnamese, but will only prolong the war, cause more deaths, and increase the numbers of POWs and MIAs. Bombing Hanoi and Haiphong even risks hitting our own POWs.

ESCALATION

1. Escalation occurred before the new offensive:

A. In February there was a 20% increase over previous monthly averages in the tonnage dropped on Indochina.

B. The number of protective reaction strikes increased 600% in 1971 over 1970 (121 vs. 20).

C. There was a 500% increase in protective reaction strikes in the first 3 months of 1972 as compared with the first 3 months of 1971 (102 vs. 20).

2. Since the offensive began the number of aircraft carriers has been increased from 2 to 5, the largest number ever.

3. In January there were approximately 445 planes in Indochina. Now there are probably 1000 counting those in logistical support areas such as Guam.

4. Reports indicate there have been 34 new ships sent to Indochina.

5. The number of men in the Indochina theater has increased by probably 15,000.

THE BOMBING OF HANOI AND HAIPHONG: BEYOND THE BRINK

(A paper prepared by Project Air War)

Project Air War, 1322 18th St. N.W. Washington, D.C. is one of the major information centers in the country studying and analyzing the ongoing war, a conflict which has escalated in the air even as U.S. footsoldiers have been withdrawn. Project Director is Fred Branfman, who spent four years in Laos and interviewed several thousand refugees from the bombs as well as dozens of American pilots and air war officials.

The Nixon Administration's decision to carry out surprise B52 raids in and around Haiphong is one of the most reckless and serious escalations of the war in the last 25 years. It is not only that the sudden, high-level, night-time, carpet bombing of an area inhabited by 400,000 people is an act of uncommon savagery, necessarily bringing death and injury to thousands. It is that until now Haiphong has stood as a symbol of ultimate American restraint in the face of intense domestic and worldwide criticism of the U.S. air war against Vietnam. By bombing Haiphong, the Nixon Administration is serving clear notice that it will stop at nothing in its attempt to maintain its position in Indochina.

Until now conventional wisdom has held that the Administration would keep to a low profile in Vietnam in this crucial Presidential election year. The bombing of Haiphong, however, makes it clear that Nixon places a far greater priority on victory in Vietnam. It is no longer unrealistic to suggest that only massive domestic and international protest and resistance may halt the total destruction of Hanoi and Haiphong, the mining of Haiphong harbor, devastation of the North's dike system, or even more blatant acts of mass murder.

The following facts must be noted:

1. *The B52 bombing of Haiphong was massive, indiscriminate and unprecedented.*

The Johnson Administration bombed Haiphong regularly from 1966 through 1968. But these strikes were limited in the "Prohibited Areas" of 4 nautical miles around Haiphong center. As a March 1968 Joint Chiefs of Staff memo noted, "The prohibited areas were created in December, 1966. Numerous strikes, however, have been permitted in these areas over the past two and one-half years, e.g. dispersed POL, SAM and AAA sites . . ." (Source: Pentagon Papers, Gravel Ed., IV, p. 255)

These past raids, however, were carried out by jet bembers with a relatively limited radius of bombing destruction. April 15, 1972 was not only the first time that B52s were sent over Haiphong, the use of dozens of these giant bombers ensured that saturation bombing occurred for the first time in the Haiphong area.

B52s are huge 8-engined aircraft with a crew of 6 and two 2,500 gallon wing tanks. Each sorties carries 25–30 tons of bombs, either as 180 five hundred pound bombs or 66 seven hundred fifty pound bombs or some combination thereof. Bombing from 30–35,000 feet, B52s leave craters 35 feet deep by 45 feet in diameter with their 500 pounders. A typical B52 strike involves 6 B52s saturating a selected grid square, leaving a swath of destruction half a mile wide by 3 miles long. On April 14, the New York Times reported that about 150 B52s were in the Indochina theater, 50% more than were present at the very peak of the air war in 1968.

It may not be unreasonable to assume that at least 100 of these, along with dozens of assorted jet aircraft, were loosed on Haiphong on the night of April 14th.

The fact that these raids were carried out at night ensured that saturation and indiscriminate bombing of this heavily populated area was carried out. For at night, even the light spotter planes which sometimes guide B52 raids in the daytime for greater precision were unavailable. Neither, of course, were the ground spotters who made more precise B52 bombing possible during the siege of Khe Sanh.

2. *The use of B52s over Haiphong has necessarily led to the large-scale slaughter of civilians.*

Even when the air war against North Vietnam was carried out only by jets, the bombing caused heavy civilian casualties. As the Cornell Air War Study notes, "Targets . . . in a strategic bombing campaign are situated near predominately civilian areas . . . the bombing inflicted severe civilian damage on the civilian society as a whole . . . In 1967 the noncombatant casualty rate was quoted at 1,000 per week (Robert McNamara) . . . and the equivalent casualty rate in the U.S. would be more than 600,000 per year."

The official population of Haipong and its suburbs in 1960 was 369,248. Although many children and others were removed from the city during the mid-60s, many returned after the November, 1968 bombing halt. Given the population growth and surprise of the April 14th bombing attack, there may have been well over 300,000 people in the area hit by the B52s.

The Pentagon Papers make clear, moreover, that the heavy civilian casualties expected to occur from bombing Haiphong—and the worldwide protest they would entail—were the main reasons that Johnson did not agree to level it. As a memo of the ISA, prepared in Under Secretary of Defense Warnke's office reported: "Experience has indicated that systematic operations particularly against road and rail routes (in the Hanoi-Haiphong area) adds simply and slightly to repair burdens, while at the same time involving substantial civilian casualties in the many suburban civilian areas located along these routes."

Civilian casualties from the bombing, moreover, are by far the greatest portion. As a summary of the bombing of North Vietnam noted in 1966, "Estimated civilian and military casualties in NVN also went up from 13,000 to 23–24,000. (About 80% civilians.)" (Emphasis added, Pentagon Papers, Gravel Edition, IV, p. 136)

But although the Joint Chiefs of Staff did not dispute the heavy damage to civilians, they did not stop pushing for bombing Haiphong in any event. As the Pentagon Papers reported in October, 1967, "In addition to mining the harbors, the chiefs requested that the comprehensive prohibition in the Hanoi/Haiphong areas be removed with the expected increase in civilian casualties to be accepted as militarily justified and necessary."

The attitude of the military was put somewhat more pungently by Marine Commandant Gen. Wallace Greene in testimony before the Senate Preparedness Investigating Subcommittee, October 23, 1967: We are at war with North Vietnam right now, today, and we shouldn't be so much interested in their anger as we are in bringing the war home to everyone of them up there." Army Chief of Staff Harold Johnson, testifying at the same hearing, was even more explicit: "I put 'innocent' civilians in quotation marks," he stated.

The B52 bombing of Haiphong clearly illustrates that the military has succeeded beyond its wildest dreams. Even at the height of the air war in 1968, there was no talk of loosing B52s on the Hanoi/Haiphong area.

There is no need to wait several months for the inevitable reports by American visitors to Haiphong of heavy civilian casualties from the April 14th raids. The official report of widespread use of B52s in the most heavily populated area of Indochina is evidence enough.

3. *The B52ing of Haiphong serves no useful military end; its primary goal is to terrorize the Vietnamese into submission.*

Preliminary reports on the Haiphong bombing indicate that the harbor itself was hit; however, it would be of limited military significance and have little effect on the fighting in the South.

An October 1967 CIA study clearly stated that a bombing campaign against lines of communication (LOCs)—such as roads and railroads—leading out of Haiphong would be useless. "Prospects are dim that an air interdiction campaign against LOC's leading out of Haiphong alone could cut off the flow of seaborne imports and isolate Haiphong."

The same report went on to conclude that even mining Haiphong Harbor would be militarily ineffective: ". . . the combined interdiction of land and water routes, including the mining of the water approaches to the major ports and the bombing of ports and trans shipment facilities . . . would . . . not be able to cut off the flow of essential supplies and, by itself, would not be the determining factor in shaping Hanoi's outlook to the war"

The reason is simple. *Most of North Vietnam's military supplies do not come through Haiphong, but through China.* As a study carried out under Defense Secretary Clifford noted in March, 1968, "The remaining issue on interdiction of supplies had to do with the closing of the port of Haiphong. Although this is the route by which some 80% of NVN imports come into the country, it is not the point of entry for most of the military supplies and ammunition. These materials predominately enter via the rail routes from China. . . . The closing of Haiphong port would not prevent the continued supply of sufficient materials to maintain North Vietnamese military operations in the South."

Indeed, the Clifford group concluded that an attack on Haiphong would actually be counter-productive: "Apprehensions about bombing attacks that would destroy Hanoi and Haiphong may at some time help move them toward productive negotiations. Actual destruction of these areas would eliminate a threat that could influence them to seek a political settlement on terms acceptable to us."

Why then was Haiphong attacked by B52s on April 14th?

The answer was put rather delicately by a New York Times article of April 14, 1972: "in a comment on the report of B52s going north: 'Administration officials disclosed today that . . . the objectives were diplomatic and political as well as mliitary.' "

Since the evidence is overwhelming that the attacks against Hanoi serve little useful military purpose, the only conclusion is that they are primarily "diplomatic" and "political".

In fact, John McNaughton put it more clearly in a January 18, 1966 memo: "To avoid the allegation that we are practising 'pure blackmail' the targets should be military targets and the declaratory policy . . . should be that our objective is only to destroy military targets." (Pentagon Papers, Gravel Edition, Volume IV, p. 45).

The B52ing of Haiphong and the later attacks against Hanoi are clearly little more than "pure blackmail".

Faced with a deteriorating military situation in South Vietnam, the Nixon Administration has responded by launching sneak terror attacks against Haiphong and Hanoi in an attempt to terrorize the Vietnamese into submission.

4. There is no evidence whatsoever that these attacks can succeed; On the contrary, they prolong the war, bring more POWS, and open up the prospect of far greater escalation.

The notion that bombing Hanoi and Haiphong will break the will of the Vietnamese is patently absurd. In October 1967, after the United States had already dropped nearly 300,000 tons of bombs on North Vietnam, a top-level Jason study of the bombing concluded: "The expectation that bombing would erode the determination of Hanoi and its people clearly overestimated the persuasive and disruptive effects of the bombing and, correspondingly, underestimate the tenacity and recuperative capabilities of the North Vietnamese. That the bombing has not achieved anticipated goals reflects a general failure to appreciate the fact well-documented in the historical and social scientific literature that a direct, frontal attack on a society tends to strengthen the social fabric of the nation, to increase popular support of the existing government, to improve the determination of both the leadership and the populace to fight back, to induce a variety of protective measures that reduce the society's vulnerability to future attack and develop an increased capacity for quick repairs and restoration of essential functions. The great variety of physical and social countermeasures that North Vietnam has taken in response to the bombing is now well documented but the potential effectiveness of these countermeasures has not been adequately considered in previous planning or assessment studies. (Pentagon Papers, Gravel Ed. IV, pp. 223, 224.)

It must be understood that Nixon has left the Vietnamese no choice but to continue their present offensive. He has already dropped over 3.2 million tons of bombs on Indochina, more than any other leader in history; he has invaded Cambodia, doubled the bombing of Laos while invading it with 10,000 Thai soldiers in the North and 20,000 ARVN in the south, and had already hit North Vietnam on 328 admitted occasions before the March 30th offensive began; clearly he had no intention of negotiating an end to American involvement in Indochina, and had instead settled into a stable war which extended indefinitely into the future. The Vietnamese have clearly concluded that they have no alternative to a military offensive to see the United States leave Indochina. To suggest that they will halt their offensive now that it has begun under the threat of bombing strains the imagination.

The desperate and reckless quality of the bombing is, moreover, no more dramatically illustrated than by its effect on the sensitive issue of captured American pilots.

To begin with, such bombing drastically increased the number of American pilots who are shot down and captured. Over 350 men who were alive and well when Richard Nixon took office are now listed as captured or missing in action. The great escalation in bombing over Hanoi and Haiphong—a heavily defended area—greatly enlarges their number. On April 15 alone Hanoi radio reported shooting down 4 jets and one B52, for a total of 14 men. In the week ending April 11, 19 men were listed as missing in action, most of them airmen.

In addition, an escalation of the bombing like this ensures the prolongation of internment of those men already captured, men who could be brought home were the Nixon Administration to negotiate an end to American involvement in Indochina.

And, most seriously, attacks against Hanoi/Haiphong greatly endanger the lives of those pilots now in captivity. As the study prepared under Clark Clifford reported in March 1968 states: "Although the NVN do not mark the camps where American prisoners are kept . . . heavy and indiscriminate attacks in the Hanoi area would jeopardize the lives of these prisoners and alarm their wives and parents into vocal opposition." (Pentagon Papers, Gravel Ed., IV, P. 251–252)

The Nixon Administration's willingness to even risk dramatically inflaming the delicate POW issue in this Presidential election year ominously suggests that it has abandoned reason.

In this situation, anything is possible.

The most frightening but real prospect at this point is that it may go as far as to bomb North Vietnam's dike system.

Within a few weeks, the waters of the Red River Delta will be swollen by rains, and the danger of flooding will be at its greatest. North Vietnam's greatest vulnerability has always been the ease with which the U.S. bombing could flood the country's rice-growing area and cause massive famine which could kill millions of people. High Air Force officers pressed hard for the bombing of the dike systems in the North during the Johnson Administration, and although bombing policy never went so far as an all-out effort against the system, the dikes were often hit as part of the effort to raise the cost for the civilian population. In May and July, 1966, for example, authorities of Nam Dinh city told New York Times correspondent Harrison Salisbury that U.S. planes had dropped 6 bombs on 2 kilometer dikes which protected the city against floods, causing damage to many sections. Asked to comment later, the Defense Department did not deny the charge. According to Christopher Beal of the moderate Republican Ripon Society, some "punitive bombing" of Red River delta dikes was reported to him by "reputable non-Communist sources" in the summer of 1967, when the waters were at their seasonal high.

Whether or not this happens, however, present realities are ugly enough. A dramatic escalation has taken place, with American B52s and jets carrying out no-holds-barred bombing against the North.

Much of what will happen will be blacked out. On April 12, the Pentagon announced that from now on it would "probably not" give information to the public on U.S. bombing raids on any "regular" basis.

But unless public pressure is raised, when we do find out it may well tear this country apart.

OVERALL SUMMARY: AD HOC MILITARY BUILDUP COMMITTEE, APRIL 25, 1972

The Ad Hoc Military Buildup Committee is a group of individuals from various antiwar organizations including G.I. organizing projects, the Viet Nam Veterans Against the War, and the peace movement, which has been collecting information on the U.S. large-scale military buildup in Indochina since April 8, 1972. Information on the movement of men and materials to the war zone and the placement of other men and material on alert for possible movement has been gathered through telephone contact with G.I. organizing projects (coffee houses, bookstores, and the like near military bases where active duty men and women, antiwar veterans, and civilians get together) around the United States and overseas. Contact was made with the staffs of these projects, who contacted active duty men on the bases near them for word of any alerts or movements, and then in turn reported these back to the ad hoc committee. We required two different G.I. sources or personal knowledge of the informant by a member of the committee to consider a story confirmed. Below is our summary of our findings to date. Included in the packet are summaries by service, a copy of an Associated Press Feature article on the Ad Hoc Committee, and the actual base by base stories we received with their sources, arranged by service and in a logical order within services. The Navy report includes a breakdown of ship locations around the world that may have relevance to the current buildup.

Overall summary, all services, military buildup.

Left for Indochina:

650 planes (390 on Air Craft Carriers); 37 ships (including 5 air craft carriers), 33,900 men.

On alert, standby, or freeze for possible transfer to Indochina: 10 planes, 1 cruiser, 27,770 men.

Transferred to/arrived at logistical support areas for Indochina: 138 planes; 1060 men.

Grand totals, involvement in Indochina military build up, all services: 788 planes, 37 ships, 62,730+ men.

In short, the United States has dispatched a large-scale air and naval armada to Indochina. Furthermore, she has substantial numbers of ground troops, mainly marines, prepared to move if needed. There are also indications that the United States is making at least contingency preparations to possibly bomb very sensitive targets in North Vietnam, and to possibly mine Haiphong harbor from the air. The committee is no longer actively canvassing for information, but is continuing to accept calls which come in and to follow up important stories.

AIR FORCE

Left for Indochina:

Tankers (RC135) (Westover)	4
Fighter-bomber (F4, A3, F105) (Yokota, McConnell, Johnson)	160
Bombers (B52) (March, Westover)	11
Transport (C130, C141) (Johnson)	5
Total	180
Men (Hickam, Yokota, March, Beale, McConnell, Johnson, Westover)	1, 400
Total	1, 400

Transferred to/arrived at logistical support areas for Indochina:

Transport (C141, C5A) (Travis, Iwakuni)	138
Total	138
Men (Hickam, Travis, Westover)	1, 060
Total	1, 060

On alert/standby/limited crew rest/freeze:

Tankers (KC 135) (Mather)	4
Bombers (B52) (Mather)	6
Total	10
Men (Hickam, Iwakuni, Hamilton, Mather, Hanscom Field)	7, 770
Total	7, 770

(Units at) bases on above status: Iwakuni, Hickam, Clark, Travis, Hamilton, Norton, Mather, Offut, Shaw, Dover, Plattsberg, McGuire.

Unusual traffic:

Tanker (RC135), Hickam, Loring.

Fighter-bomber (F4, A7), Mountain Home.

Bomber (B52), Hickam.

Transport, McGuire.

Grand total for Air Force:

Aircraft	323
Men	10, 230

NOTES: 1. The grand total for aircraft is lower than earlier estimates. This reflects news that planes leaving Travis arrived at Iwakuni, which was not known earlier.

2. Alerts, etc, may be off now. Time period covered is 4/5–4/12.

3. Crew estimates 1, A8; 1, F105; 2, F4; 6, CIA; 6, KC135; 8, B52; 5, C124; 5, C141.

Third Marine Air Wing, El Toro Marine Air Station—80 Aircraft. (One squadron definitely left, the other squadrons, composed of fighter bombers and due to leave Monday, April 10, 1972, presumed left.

On alert to Vietnam or Indochina:

3rd Marine Division, Okinawa (men)	15, 000
7th Marine Regiment, Camp Pendleton (men)	4, 000
Elements, 2nd Marine Div., Camp Lejeune	---
Total (19,000-plus men)	19, 000

Total Marine Corps involvement in buildup: 80 aircraft, 19,000+ men.

Army summary:

Though some suspicious maneuvers and exercises have been noted in the Army, we do not report large scale Army alerts or movements to this time.

NAVY SUMMARY, APRIL 15, 1972

Left for Vietnam:

Air Craft Carriers: 3 en route (Saratoga, Midway, Oriskany); 2 already arrived (Kitty Hawk and Constellation). These are added to the Ranger, the Coral Sea and the Hancock which were already there, which will make a total of 8 carriers when they all arrive, plus one Helicopter carrier which is already off Vietnam. Each has 4,500–4,700 men; 75–80 planes.

Cruisers: 3 (the Albany, the Newport News, and an unidentified cruiser from San Diego.) These join the Oklahoma City, already off Vietnam. Cruisers carry 1000 men.

Destroyers: 14 (Sarsfield, Stanley Mullennix, Glennon, Wolfen, McCain, Summers, Engerthal, Brooke, Buckley, Hull, Davidson, Richard S. Edwards, unidentified last from Pearl Harbor) joining a large fleet of destroyers already there. Each destroyer carries about 250 men.

Destroyer Escorts: 13* (*12 "Probably bound for S.E. Asia" from Pearl Harbor; plus the Roark from Subic Bay, Philippines.)

Auxiliaries: 1 (AEO-4 "Detroit" from Norfolk).

Total ships en route in current buildup: 36 (counts Constellation & Kitty Hawk, already & 12 "probable" destroyer-arrived.) escorts from Pearl Harbor arrived.

Total planes on ships en route: 390.

Total men on ships en route: 32,500.

On standby alert:

1 cruiser, the Columbus, on alert in Norfolk, Va.—1,000 men on it.

Naval totals involved in military buildup:

37 ships, 390 planes, 33,500 men.

Naval power off the coast of Vietnam when all ships arrive:

8 carriers, 1 helicopter carrier, 4 cruisers, numerous destroyers, at least 13 destroyer escorts, at least one auxiliary, and an ammunition ship (Mount Katani).

Hickam Air Force Base, Hawaii, 4:00 a.m. Est., Thursday, April 12, 1972, 9:00 p.m. Est., Friday, April 14, 1972.

The "Liberated Barracks" reports highly unusual activities on Hickam Air Force Base, Hawaii, particularly concerning the 548th Reconnaissance Group, one of the major units which have been plotting the targets for bombing over North Vietnam throughout the war.

Colonel Fitzgerald, the Commander of the 548th Reconnaissance Group, called a special meeting of the entire squadron today in the hangar next door to their offices, to offer no reprisals to any individuals who might wish to transfer out of the squadron in order to avoid handling classified information. He announced 5 men in the unit have already transferred out for this reason. The men report the Commander appeared nervous at the meeting.

The unit has been working under great pressure since Thursday, April 3, drawing up extra large targeting charts for Hanoi and Haiphong and major military targets in North Vietnam. Targets have included factories, storage depots, and at least two schools, as well as normal military targets. Men report rush orders for immediate work from generals (the 548th Reconnaissance Group is directly under Headquarters, Pacific Air Forces, which is based at Hickam.) The targeting is unusual because the men have not been plotting these targets before. The unit has also been plotting charts for and planning the mining of Haiphong Harbor from the air, also not routine activity.

Units of cooks, medics, security police, transportation personnel, air craft maintenance personnel, intelligence personnel, as well as 150 members of the 548th Reconnaissance Group are all on 10-minute standby alert for temporary duty. This means that they must be within 10 minutes of a telephone, and must be prepared to leave on 4-hour notice. Our sources report their orders will be cut on the flight line as they leave.

One active duty source says the men have been told that they will be leaving anytime after midnight, Friday, April 14, 1972.

According to Steve Dilte of the "Liberated Barracks," between Tuesday and Wednesday, April 11 & 12, 3 men in the unit who have specifically volunteered for temporary duty to a tropical climate (presumed to be Thailand) have "disappeared" according to the active duty men in the unit who are our contacts.

Sources include Jim Walkly, an Air Force Veteran who served in the 548th. Jim says, "The 548th has been one of the major units plotting bombing attacks over North Vietnam throughout the war. I myself have plotted charts for bombing over Laos that were carried out. The plotting of targets for Hanoi and Haiphong that has been taking place since Thursday, April 3, is most extraordinary, because this has not been done, to my knowledge, since President Johnson's bombing halt."

According to the Tuesday, April 11 Hickam Air Force Base Daily Bulletin, Col. Ernest Pate the commander of Hickam Air Force Base left the base on temporary duty assignment. Ray Langelier, of the "Liberated Barracks" says there was a meeting in the base theatre of 400 men going on temporary duty assignment to Thailand in the last few days.

Source: "Liberated Barracks" (809) 839–4855 Honolulu, Hawaii.

AIR FORCE

Hickam A.F.B., Hawaii

Monday, April 10, 1:00 P.M. Although the base went off red alert several days ago, men are still working 12 hours at a time. A vigil of several airmen watching the runway has detected unusually large numbers of KC–135's taking off and landing. These four engine tankers are capable of refueling three jet fighters simultaneously. Obviously a lot of refueling is going on over this part of the Pacific.

300 men have been transferred to Japan, and many B–52's have been coming in and leaving, possibly enroute from the continental U.S. to the Far East.

Wednesday, April 12, 6:00 A.M. Jim Walkly of the "Liberated Barracks", reports that his old unit, the 548th Reconnaissance Group, has been drawing up target selection charts for Hanoi and Haiphong since last Thursday, April 6. 150 men from the 548th are on 6 hours alert for possibly temporary duty (TDY) to Thailand.

8 men from the 619th Support Group have already left for Thailand on TDY. From this unit an additional 300 men are on alert.

Source: Steve Dilts, Gene Parker, and Jim Walkly of the "Liberated Barracks", 808–839–4855.

Iwakuni MCAS, Japan

Tuesday, April 11, 2:30 A.M. Over 100 C–141's have landed at Iwakuni from bases in the U.S. (probably Travis AFB). It is suspected that they will be used to handle the increased flow of supplies and/or men to Indochina. The entire base of roughly 5000 men is on stand-by alert.

Source: Ruth of Pacific Counseling Service, Tokyo, 269–5082.

Yokota AFB, Japan

Tuesday, April 11, 2:30 A.M. Many men have been transferred to Iwakuni to handle the large number of extra C–141's landing. Two squadrons of 36 fighter planes have definitely left for Viet-Nam. 20 to 26 of these were F–4 Phantoms and the rest A–6's. 250 crew members and maintenance personnel are going also.

Unless planes leaving Japan stop at some intermediate air field before landing in Viet-Nam, they violate the U.S.-Japanese security treaty. Normally planes on such flights touch down at the Philippines.

Source: Ruth, PCS, Tokyo, 269–5082.

Clark A.F.B., Philippines

Tuesday, April 11, 1:00 A.M. The entire flight line is on alert, including support maintenance crews. Since Nixon's visit to China in February, quite a few men have been sent to Taiwan on TDY.

Source: Dale, Angeles City, Philippines, phone 2888.

Travis A.F.B., Fairfield, Cal.

Monday, April 10, 3:00 P.M. Four squadrons of C–141's, totaling 130 planes, have left for unknown destination. Since these departures began on April 6, the number of C–141's has been reduced to only 10 left on the base. The C–141 transport can lift 100 men or carry supplies.

One clue to the unusual nature of flight activity on the base was the sudden recall of 2 planes loaded with ammunition that were all ready to take off. The cargo was removed from the planes, and they were sent off empty, presumably to pick up more important cargo elsewhere.

One lieutenant commented, "Last Thursday evening this flight line was full of planes and by Friday they were all leaving." He called this highly unusual. This break in routine was confirmed by flight mechanics who said they were working 12 hour shifts last week.

In addition, 20 C–5A's have left Travis. This includes everyone on base that is operable. The local maintenance squadron was on alert for four days until the planes had all left.

Source: Katherine Robert, 707–437–3636 and Nancy Hause 707–425–4955 or 422–0128.

Statistics 150 cargo planes left for unknown destination

Hamilton A.F.B., Novato, Cal.

Monday, April 10, 2:00 P.M. From several men on base it was learned that there have been several unusual alerts. This small base of only 2000 men is located near San Francisco. Airmen on emergency leave have suddenly found it impossible to get extensions of leave.

Source: Alan Miller, Pacific Counseling Service, 415–479–5467

March A.F.B., Cal.

Sunday, April 9, Saturday 200 men were suddenly shipped to Viet-Nam.

Monday, April 10, 3:00 P.M. An undetermined number of B–52's and personnel have departed for undisclosed destination. However, at least three airmen who left last Wednesday have got word out that they are in Thailand on TDY. These three men are flight line mechanics, attached to the 33rd Communications Squadron.

Source: Robert Ratford, "Shelter Half Coffeehouse", 206–272–5227

Statistics: 200 airmen shipped to Indochina, some of them to Thailand

Norton A.F.B., Cal.

Monday, April 10 The 63rd Military Air Command Airlift Unit is the back-up alert force for Travis A.F.B.

Source: Terry Christian, Los Angeles S.O.S., former member U.S. Special Forces, 213–399–8697

Beale A.F.B., Marysville, Cal.

Monday, April 10, 9:30 P.M. 7 tactical reconnaissance photography specialists have been sent to Guam Friday night. Their job is to analyze photos of ground movements.

Source: active duty personnel, does not want to be identified.

Mather A.F.B., Cal.

Monday, April 10 This SAC base is on alert. There are 18 B–52 bombers, and 16 KC–135 tankers, of which 6 B–52's and 4 KC–135's of the 320th Bomb Wing are on alert. The unit is manned by 120 men.

Source: Tim McAfee, 707–425–4950, 422–0128, 437–3636

Mountain Home A.F.B., Idaho

Tuesday, April 11 There has been unusual cross-country fighter plane traffic in the last few days. Planes include many F–4 Phantoms equipped for long distance travel. Three or four A–7 fighter bombers were sighted Sunday landing, refueling and taking off.

For the past two months many airmen here have been getting orders to Viet-Nam and Thailand. A large proportion of these men work in radio, maintenance, and photo interpretation.

Source: Stan Richardson, "The Covered Wagon", 208–587–7474

McConnell A.F.B., Kansas

Monday, April 10, 70 to 90 F–105 all weather fighter bombers are scheduled to leave for Viet-Nam in the next week. One squadron has left already. People on "mobility" are restricted to base.

Source: "The Covered Wagon", 208–587–7474

Offut A.F.B., Omaha, Nebr.

Sunday, April 9, all "mobility teams" (mechanics, aircraft maintenance personnel) have been on alert since Saturday A.M. This base is the headquarters of the Strategic Air Command.

Source: "The Covered Wagon", 208–587–7474

Monday, April 10, 6:00 P.M. The 55th Strategic Reconnaissance Wing is the major unit still on alert.

Source: "The Covered Wagon."

Shaw A.F.B., South Carolina

Sunday, April 9. Since Saturday the entire photo reconnaissance unit has been on alert for overseas duty.

Monday, April 10, 6:00 P.M. The 62nd Tactical Reconnaissance Squadron, the major unit of the base, is still on alert.

Source: Tom Spaulding, "The Covered Wagon", 208–587–7474

Seymour Johnson A.F.B., Goldsboro, N.C.

Tuesday, April 11, 12:15 A.M. 18 F–4 Phantom jets from each of 2 squadrons deployed for S.E. Asia earlier this week. The two squadrons, the 334th and 336th normally have 24 aircraft. On Wednesday the 335th squadron is scheduleld to send out additional planes. No destination has been determined. 500 men have been deployed with the 2 squadrons. Thursday airmen boarded C–130's and C–141's with their equipment. 50 of the 60 men in the avionics section have been sent.

Source: Buddy Tiger, attorney, 919–485–5725

Statistics: 36 F–4 Phantoms (18 from each of 2 squadrons) have left for unknown destination, 1 additional squadron is scheduled to leave Wednesday. 500 crewmen and support personnel have departed.

Dover A.F.B., Del.

Saturday, April 8. Last Thursday, April 6 there was an unusual practice alert at which the base commander made a rare appearance. A group at the N.C.O. club were informed that they could be sent to Viet-Nam.

Source: Fred Breukblman, 302–658–0597

McGuire A.F.B., New Jersey

Tuesday, April 11, 12:30 A.M., All flying squadrons (mostly transport) are on "limited crew rest" today, and must sign in and out of the base. Up until recently, most of the flights from this base have been to Europe. Now, however, 90% of the traffic has been to S.E. Asia with supplies and ammunition.

Source: Lisa Schiller 609–723–4470

Plattsburgh A.F.B., New York

April 10, 9:15 P.M. Crews for refueling KC–135's have been placed on alerts to be ready to go to work at a moment's notice. It is felt that some of these men may be transferred.

Source: Chuck Harrison, Potsdam, N.Y. 315–265–8571, 518–561–6842

Westover A.F.B., Chicopee, Mass.

Sunday, April 9, 10 B–52 crews and 11 KC–135 crews were sent to Guam, Okinawa, and Thailand on Thursday along with 310 personnel. Another 100 airmen, mostly plane crews, were being processed for shipment Saturday night and Sunday morning. An estimated 10 to 15 B–52's and KC–135's left the base Sunday.

Wednesday, April 12, 4:00 P.M. Of the planes that left the base over the week-end, it has now been learned that 10 were B–52's and 4 were KC–135's. Only a skeleton force of the 99th Bomber Wing remains for Strategic Air Command defense of the U.S.

Approximately 400 to 500 personnel have left for Guam, Okinawa, and Thailand. These men were aircraft crews and flight maintenance crews who make up "flight mobility teams". Unconfirmed reports indicate some of these men were shipped via commercial planes and "Air America" types.

Source: Fred Miller, Westover Action Project, 413–732–5880

Hanscom Field, Bedford, Mass.

75% of personnel have been put on a "freeze list" indicating possible overseas transfer. This kind of freeze has not happened within the memory of either source, one of whom has been at the base 2 years.

Saturday, April 8, Tom Frank Neisser WSP (617) 492–5670

Loring A.F.B., Caribou, Me.

Saturday, April 8, airmen have been notified of possible transfer to Thailand on TDY. The men include B–52 support and maintenance personnel. KC–135 tankers have been landing, refueling, and departing in large numbers with little or no time on the ground. Active duty contacts on base have been reluctant to give any more details since Sunday.

MARINE CORPS

Kaneohe Bay Marine Corps Air Station, Hawaii

Monday, April 10, 6:00 PM. Twelve hundred (1,200) Marines are leaving on an amphibious exercise, reportedly to be undertaken on one of the other islands in the Hawaiian Chain. These Marines have been on notice since Wednesday, April 5.

Statistics: 1,200 men on suspicious exercises.

Source: Steve Dilts, "Liberated Barracks" (808) 839–4855. This has been reliably confirmed.

Camp Pendleton, Calif.

The 7th Marine Regiment, stationed at Camp Pendleton, is on alert for possible transfer to Indochina. Several units at Camp Pendleton are reported to have been brought to full strength for the alert, which is not usually done during a practice alert.

Source: Terry Christian, Los Angeles "Support Our Soldiers" (213) 399–8697. From a report from an active duty Marine.

Okinawa

Monday, April 10th, 5:00 PM. The 3rd Marine Division on Okinawa has been on alert since early Sunday for shipment to *Vietnam*. This information was received from the mother of a man in the 3rd Marine Division, who talked with her son Sunday night. Her son had called her because he was upset about being placed on standby for Vietnam. The man is a member of H&S Co., H&S BN., Regiment Communications Center, 3rd FSR–FMF PAC at Camp Butler, Okinawa.

Source: Mike Roache, Ad-Hoc Military Buildup Committee, 67 Winthrop St., Cambridge, Mass. (617) 492–5570

Congressman Paul McCloskey (REP., Calif) has been contacted by at least three men from Okinawan Marine bases regarding this alert.

Statistics: One division (approx. 15,000 men) on alert for Vietnam.

Source: Lenny Spiegle, Pacific Counseling Service, Calif (415) 322–4664

Thursday, April 13th, 6:00 PM. New information on the story printed earlier: The man (a Marine) who contacted his mother and his Congressman regarding his pending shipment to Vietnam has been identified as Lance Corporal Edward Edewra. His mother, Mrs. Barbara Allen of Mountainview, Calif. (415) 964–1797 stated that her son said he "did not want to go to Vietnam" and this feeling is shared with many other Marines. This information has been confirmed after talking with his parents.

Source: Mike Oliver, San Francisco Vietnam Veterans Against The War, (415) 861–7700 Mike Roache, Ad-Hoc Military Buildup Committee, Cambridge, Mass. (617) 492–5570

Confirmed Friday, April 14, 1:00 a.m. Up to 15,000 Marines of the 3d Marine Division on Okinawa are on alert.

Source: Bill Marshall, 48 Davidson St., Vietnam Veterans Against the War, Detroit, Mich.

El Toro Marine Corps Air Station

Santa Ana, Calif., Tuesday, April 11, 2:00 a.m. The Third Marine Air Wing has orders to Vietnam. This air wing has approximately 80 aircraft. One squadron of photo reconnaissance left this morning (Monday, April 10); the remaining squadrons, all composed of fighter bombers, were due to leave Monday afternoon.

Source: Kent Hudson, Center for Servicemens Rights, San Diego, Calif. (714) 263–4142 or 239–2119.

Camp Lejeune, North Carolina

Confirmed Tuesday, April 11, 2:00 a.m. Elements of the 2d Marine Division at Camp Lejeune are on alert. These elements are composed of ground combat troops. The brass claim that this is normal. On this particular alert, members involved had participated in one just the week before.

Source: Matt Renauldi, USSF (212 934–8032.

ARMY

Fort Bragg, North Carolina, 82d Airborne Division

Monday, April 10, 5:00 p.m. Through information obtained from an enlisted man at Fort

Bragg, 82d Aviation Battalion, 82d Airborne Division, it was learned that they had been called back to the base by 5:00 p.m. Sunday, April 9, to go to the field with Special Forces elements for field exercises.

This is unusual, due to the fact that they've recently returned from the field and weren't due to go back.

During the maneuver exercises artillery elements went into heavy drills and all battlefield gear was thoroughly examined. It has been indicated that the men in this unit expect transfer to Southeast Asia.

Source: Mike Buckley, 67 Winthrop St., Vietnam Veterans Against the War, Cambridge, Mass. (617) 492–5570.

Paul Coursetti, reporter for Record American, confirmed this report, stating that a friend of his, a captain in the Army at Fort Bragg, N.C., is on standby.

Yokusuka, Japan—Approximately on Easter Sunday the attack carrier Constellation was in Yokusuka harbor. It had just come from Vietnam and was due to come back to the U.S. However, on approximately April 2 or 3 the Constellation left Japan to return to Vietnam.

Source: Dale, Angelcs City, Philippines. Phone: 2888 (Philippines).

USS Midway, update 2 AM Friday.

USS Midway left without its full crew. It is reported that men are being flown to the Midway.

John Powers took sanctuary in Berkeley, Calif. He was greeted by the mayor and promised support.

He then turned himself in with a CO application and was flown to the Midway.

Source: PCS, Oakland Calif. (TOM) (415) 836–1039.

Mayport and Jacksonville, Fla.—The U.S.S. Saratoga (aircraft carrier) left Tuesday morning, April 11, 1972 for an unexpected 8 month deployment off the Vietnam coast. Two squadrons of jet fighters from Cecil Field (Jacksonville, Fla.) joined the ship. The Saratoga had formerly been scheduled to leave for the Mediterranean Sea May 1. 4700 sailors, 80 planes involved, including 50 attack jets.

The Aircraft carrier was accompanied by the USS Albany, a Guided Missile cruiser. Lieutenant David Eisenhower is aboard the Communications Department of the "Albany". Also with the Saratoga from Jacksonville, Fla., are the destroyers USS Sarsfield and USS Stanley. The cruiser carries 1,000 men; the destroyers carry 250 men each.

Norfolk Naval Base, Va.—The USS Mullennix and the USS Glennon, both destroyers, left Norfolk on Tuesday, April 11, 1972, to join the Saratoga on the way to the coasts of Viet Nam. The Newport News, a second fleet flagship—heavy cruiser with 8 inch guns, the most powerful shore bombardment cruiser the Navy has, is also on its way to Viet Nam this week, from Norfolk. Also en route for Viet Nam is the Auxiliary ship AEO–4 "Detroit" from Norfolk. The auxiliary ship carries 300 men. Still on alert at Norfolk is the Guided Missile Cruiser Columbus.

Source: David Jones, G.I. Office, Norfolk, Va. (703) 625–0802 (212) 924–8032

Alameda, Calif.—The USS Midway (aircraft carrier) left Alameda Calif. Monday Morning, April 10, 1972, for Vietnam, at least a month ahead of schedule. It carried 4,500 sailors, 75 planes (these were armed with nuclear weapons, as is standard on this ship), and 200 marines, some 50 to guard the bombs.

Source: Kent Hudson, Center for Servicemen's Rights, San Diego, Calif; (714) 263–4142 or 239–2119

San Diego-Long Beach, Calif.—The Air Craft Carrier Oriskany left San Diego on Monday, and Reuters reported it is going to the Tonkin Gulf. Also leaving San Diego and stopping at Long Beach presumably en route for the Tonkin Gulf are the guided missile destroyers, Wolfen, McCain, Summers, Engerthal, Brooke, Buckley, and Hull, and an unidentified cruiser.

Source: Kent Hudson, Center for Servicemen's Rights, San Diego, 714–263–4142.

Pearl Harbor, Hawaii—A squadron of 3 destroyers including the USS Richard S. Edwards, the USS Davidson, and a third, left Pearl Harbor on Monday, April 10, to join the carrier Midway on its route to Vietnam. 12 destroyers escorts also left with the destroyers, and these are "probably bound for South East Asia" to quote the Associated Press.

Source: Steve Diltxs, the "Liberated Barracks," Honolulu, 808–839–4855.

Subic Bay, Philippines—On Easter Sunday, the attack carrier "Kitty Hawk" cut short her normal port call at Subic Bay, Philippines in such haste that 300 men were left behind. The ship was supposed to stay at port in Subic Bay for three to four days, but received urgent orders to return to station of the Vietnam cost. Also at Subic Bay, the destroyer escort USS Roard (DE1053) was given emergency orders to leave for Vietnam, and left.

Sources: Kent Hudson Center for Servicemen's Rights, San Diego (714) 263–4142; Dale, Angeles City, Philippines, phone: 2888 (Philippines).

Navy statistics, 6 p.m. EST, Friday, April 14, 1972

CVA Ranger, CVA Coral Sea #, CVA Constellation, CVA Hancock, CVA Kitty Hawk, South China Sea.

CVA Midwest #, CVA Oriskany, West Coast, CVA Saratoga, East Coast, heading for South Sea and Tonkin Gulf.

CVA Ticonderoga, in Hawaii waiting for the Apollo shot Sunday.

CVA JFK, CVA FDR #, both in Mediterranean.

CVA America, ending refit in Norfolk.

CVA Enterprise, drydock in San Francisco, nuclear carrier.

CVA Forrestal, drydock in Norfolk.

CVS Independence *, CVS Intrepid *, antisubmarine carriers, whereabouts unknown.

IPH Guam, IPM Iwo Jima, total, helicopter carriers, each with marine landing battalion aboard, one off Nam.

Classes of carriers, Forrestal class (fairly new) carries 80 planes, 4,700 men, including Constellation, Ranger, Saratoga, Ticonderoga, Forrestal.

Essex class, carries 75 planes—4,500 men, including Oriskany, Hancock, Independence, Intrepid.

Coral Sea class, carries aircraft—4,500 men, including FDR, Midway, Coral Sea.

Cruisers CA (1,000 men).

Oklahoma City—off Nam, has been long time.

Albany—With Saratoga on way to Nam from Mayport, Fla.

Newport News—Heavy cruiser (8″ guns) on way to Nam from Norfolk, Va.

Unidentified cruiser—From San Diego on way to Nam.

Columbus—On alert in Norfolk.

Destroyers DD (250 men).

Wolfen, McCain, Summers, Engerthal, Brooke, Buckley, Hull, from San Diego to Vietnam.

Mullennix, Glennon, from Norfolk to Nam.

Sarsfield, Stanley, from Mayport to Nam.

Davidson, Richard S. Edwards, Unidentified 3rd, from Pearl Harbor to Nam.

Page, Rush, Cecil, Fox, whereabouts unknown.

Destroyer escorts (200 men) DE:

Roark from Subic Bay to Nam.

12 DE's from Pearl Harbor to quote AP "probably bound for S.E. Asia."

Auxiliaries:

AEO–4 "Detroit" from Norfolk to Nam.

"Ammunition ship "Mount Rataai"—now off Nam.

Clark A.F.B., Philippines 7:30 P.M. (EST) Sun., April, 16. The following is an excerpt from a notice posted on the flight line on Feb. 7, 1972, and is still in effect. . . . "Everyone is on alert. This includes the Phase, Flight Line, Recovery teams and Supervisors. Supervisors will accompany all flights and teams. Everyone should make arrangements for their dependents before going TDY."

A letter was received by our source from a man on board the carrier "Coral Sea", stating that the ship is scheduled to arrive in Subic Bay on or about April 18, 1972. It is suspected that the Coral Sea may have been hit, along with several other ships. More information on this will follow.

Several C–130's at Clark A.F.B. were supposed to be returning to the U.S. from a tour in Vietnam, but their orders were canceled about 2 weeks ago and they are being sent back to Nam. At least 15 of these planes have returned to Nam in the last 2 weeks. (these planes have computerized guns on them, so they are capable of finding and destroying anti-aircraft artillery, etc.)

There have been several C–5A's flying from Subic Bay to Indochina. This is unusual because the planes are Air Force, and Subic Bay is Navy. It is suspected that these planes are carrying ammunition to Vietnam.

Korea has been sending several F–4's to Indochina via Clark A.F.B. At least 2 squadrons (about 40 planes) have come through so far. Korea has been supplying numerous fighter bombers to Indochina, in the last few weeks.

Clark A.F.B. has been sending numerous maintenance men to Vietnam in the past few weeks.

SUBIC BAY-CUBI POINT

The Naval Magazine, who's function is to make and store ammunition, has become extremely busy in the last few weeks. (It is suspected, but not yet confirmed that they specialize in ground ammunition.)

Clark A.F.B. has sent at least 200 Air Police to Da Nang.

It has been reported that most or all of the ground troops presently in Vietnam have had homecoming orders either canceled or extended.

Source: Dale Hobbitt, Pacific Councilling Service, Philippines, Angeles City. Tele: 2888.

QUONSET POINT, R.I.,
April 17, 1972.

The USS Nitro, an ammunition ship docked at Quonset Point, R.I., will sail Wednesday, April 19th, to Earl Ammunition Depot in New Jersey to load munitions before sailing to an "unknown destination". Crew members believe ship is headed for waters off Vietnam. A long scheduled cruise to the Mediterranean has been cancelled.

55 out of 120 men of the crew have complained to Cong. Hastings Keith (Mass.) of excessive drill during past three months attributed to the new Captains desire to make rank, according to reliable sources.

Sources report that gripe letters from crew have been slipped under the cabin doors of the Captain and the Executive Officer. The news of departure has inflamed feelings among the members of the crew.

20 of the crew members reported that they are considering jumping ship and yet another member has contacted the Legal-In Service Project in Cambridge indicating intentions of "committing suicide", according to reliable sources.

The USS Nitro normally is associated with the USS Saratoga which also has recently cancelled it's cruise to the Mediterranean in order to report to the waters off Vietnam.

Source of information: George Stein adhoc military build-up committee.

INTERVIEW WITH JIM WALKLEY, PHOTO INTELLIGENCE ANALYST, HONOLULU, HAWAII, MARCH 19, 1972

(NOTE.—Jim Walkley served in the United States Air Force from 1967 through 1971.

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*Old Carriers Essex Class # also old Midway class.

After initial training, he was sent to Udorn Air Force base as a photo interpretor for most of 1968. While there, he analyzed photos primarily from the Steel Tiger bombing campaign in southern Laos. From nearly 1969 until his discharge in early 1971 he served as a photo intelligence analyst at Hickham Air Force Base in Hawaii. Working out of the central command for the Pacific Air Forces (PACAF), Walkley prepared written summaries of daily bombing activities in Barrel Roll in northern Laos, for General Nazzara, the head of PACAF, and Admiral McCain of CINCPAC. This was done by comparing photography with reports written by pilots of light observation planes, bombers, and command and control ships.

(His testimony is the most complete to yet emerge on the nature of the bombing in Laos.)

Q. So basically you were there for all of '69 and all of '70 at Hickham; and then one year before that at Udorn—that was your combat experience.

A. Yes, more or less.

Q. You were in exactly four years. How old are you now?

A. 24. I'll be 25 next month.

Q. So you've been out a year. What did you do at Udorn?

A. I was a photo interpretor for the 11th tactical reconnaissance squadron.

Q. And the 432nd also?

A. And the 432nd. Well, the 432nd was split between the 1tlh and the 14th and became a separate unit later on.

Q. So you were really with the 11th then.

A. Right, most of the time.

Q. When you were photo interpreting that year did you just do Barrel Roll or Steel Tiger also?

A. We did both of them. Most of the reconnaissance we did there that year was Steel Tiger. But later on that year I did the last mission ever over North Vietnam, over the Hanoi area, and then did some reconnaissance of the southern part of North Vietnam below the 18th parallel but then most of it was Steel Tiger with some Barrell Roll. Like over the Plain of Jars area. It was mostly route searches, that type of thing—as a rule. But some times there was Bomb Damage Assessment—type photography.

Q. What first-hand knowledge for that year have you bombed-out villages?

A. Several times they came back with bomb damage—with BDA photos of villages that were bombed or burning, usually burning. In the Plain of Jars, they had an old derelict truck park, I remember, they bombed out a village near Ban Ban, just below one of the trails on route 7 that they wiped out, during the—I can't remember the seasons now—but just the beginning of the dry season when they started supplies in, this type of thing—that they hit the village, as they usually hit villages as suspected enemy locations, or suspected truck parks or suspected storage areas, that type of thing.

Q. How many villages or structures would you say you've seen burning or destroyed?

A. That's very hard to say. While I was in Thailand, I estimate 50 or 60 villages, anyhow.

Q. Really?

A. Yes. But a lot of them were repeated attacks on the same village.

Q. Do you have any way of knowing whether these villages were inhabited at the the time they were struck?

A. A lot of times you could tell—like if they were in good repair—this type of thing. Right after rainy season then you would have to assume that they were inhabited. A lot of them were—by this evidence. I could not say for a fact. I was in Thailand and I didn't have the background data on these villages.

Q. Does this go for southern Laos also, that you saw bombed-out villages?

A. Yes, most of the ones I saw while I was in Thailand were in southern Laos. North Vietnam at that time was pretty well devoid of any villages that might have existed at one time.

Q. Of the 50 or 60 villages that you saw bombed out, what percentage would be southern Laos and what percentage would be northern Laos?

A. We didn't fly that much over northern Laos, at least the planes that I reconned, but I'd say about 70% that I saw while I was in Thailand was southern Laos.

Q. And 30% in northern Laos?

A. Yes, about.

Q. Have you ever flown out over Laos yourself?

A. No, I haven't.

Q. How many of these 50 or 60 villages did you see before when they were in good shape and then after when they were bombed out?

A. We had pre-strike photos about a third of the time, that's all, then they'd pull a strike. It's kind of hard cause the pilots had to hang around, that kind of thing. The Airborne Command Post was ——— us up all the time when they were there. So the planes would get delayed, that type of thing.

Q. Did you get any insights into the targeting process?—Like who would target them?

A. At that time I had very little knowledge of how they were targeted while I was at Udorn. I knew basically that the 42nd did. Well, I rewrote immediate reports and we sent them out 4 days after—they wrote supplementary reports. I wrote IPIRs, basically. [Note: IPIR = Immediate Photo Intelligence Report] and they wrote SUPIRs. Then they'd send the film all over. Of course, they had a command center at Udorn. And I used to run messages down there all the time like immediate reports, in particular—where we had to flash down when we found a bulldozer, a truck or road construction crew. Road construction crews they were heavy onto. They'd send somebody to see if it was still there, which, of course, it usually wasn't. It was gone by the time we got there.

Q. What percentage of the strikes were based on FAC intell, what percentage were based on photo interpretation intelligence, what percentage were based on sensors and stuff like that?

A. At that time? Well, I found out that most of it's controlled by ABCCC. I think FAC intell accounts for maybe 40–45% of it, maybe more. Like if a Tiger FAC was flying around North Vietnam and sees something, he can call in. I don't really know. But I'd say the Tiger FAC reports which I saw every day were pretty full, so they'd account for a large amount of them.

Q. The Tiger FACs were only for North Vietnam?

A. At that time. There were also Raven FACs elsewhere. To develop new targets, usually stationary or long-term targets like villages or supply depots, that type of thing, they could wait to bomb, but things like trucks, are basically what the FACs took care of—vehicles, troop locations—that type of thing—but I don't know any percentages.

Q. Well, these IPIRs that you would do that wouldn't be BDA, they'd be before the bombing strike or would it be after the bombing strike?

A. It could be both. Usually, on the same mission, we'd have pre-strike and post-strike everyday and you'd write an IPIR on the BDA. Just an immediate report—where something might be added later on. Also we were supposed to judge the accuracy—at first—then after, we'd cut that out (judging accuracy) because the reports were looking pretty bad.

Q. In terms of accuracy——

A. That's what we were told. The reports were tooo bad. So we did not know many yards from the target they missed, that type of thing.

Q. Did you ever actually see any people?

A. No, with the still photography, I really couldn't see anything. Well, I saw a couple dead water buffalo, I remember that. And I think I did see one body but I couldn't identify it positively, it looked like it to me—but I really don't know. Most of your body count was from the FACs who reported back immediately after the strike. They'd report things like secondary fire explosions, damage assessment. Easy stuff to do.

Q. Were you aware of any rules of engagement at that time?

A. At that time, no, I wasn't.

Q. Did you ever seen any evidence to believe that pilots were forbidden to strike within 500 yards of a village that was inhabited?

A. At that time, I didn't, no. Later on, but not then.

Q. You did later on.

A. Well, I read some correspondence from Vientiene when I was at Hickam in '70 sometime, it may have been after those investigations you referred to forbidding to strike within 500 yards without previous approval of the Ambassador.

Q. But you say that only came in later.

A. I hadn't seen it before that. Everybody passed it around—so I guess that it must have been new. But I'm not sure. I couldn't say.

Q. If you would testify and you would say well, I took BDA on 60 separate villages, then they might ask how do you know the people didn't just leave and there were N. Vietnamese living in them at the time they were bombed.

A. Well basically because the North Vietnamese didn't live in Laos, Laotians lived in Laos—the ones that were left after the refugees came out. I saw a couple of villages bombed by B52s but most of them were by F4s.

Q. You've seen villages hit by B52s?

A. Yes, a couple. In Steel Tiger.

Q. Not in Barrel Roll?

A. One time. When they first started using B52s in Barrel Roll they did hit a village, I remember. It was either in '69 or '70 when they first started using B52s. They hit a village near Xieng Khouangville. But basically they used the B52s against the routes, you know off route 7—south, southwest. That's the only place I knew at that time that they used B52s. It was a very sneaky type thing because they were too close to Vinh airfield, and they were afraid of MIGs. And it would be a big psychological blow if the MIGs shot down a B52. They always had all sorts of escort support, you know.

Q. Let's switch to Hickam—so how did your life change when you went to Hickam in terms of your work?

A. I was assigned to the target information branch in the directorate of targets. These are people who are supposedly held responsible for developing new targets and contingency planning. Everything goes on in that little building. After about 6 months they told me I was a Barrel Roll expert. I was supposed to know everything that was happening in Barrel Roll. I wrote monthly reports on activity in Barrel Roll: BDA, number of bodies, number of secondary explosions, secondary fires, which went out to all the different subordinate commands. And I did work on a Southeast Asia air operations briefing for Admiral McCain twice a month. And I did a daily briefing for General Nazzara who was at that time PACAF Commander.

Q. A daily briefing?

A. Yes, I didn't do the entire thing, I just worked on portions of it. Barrel Roll portions. Wrote up reports the night before of the day's explosions.

Q. Have you ever talked to any of these men?

A. No, they were always written. The officers did the oral briefings.

Q. Seems to me they'd have a pretty hard time to shake your testimony if your briefings were good enough for General Nazzara.

A. I was complimented several times for my good write-ups. It's a report that goes out to all the different commands. It's called the PACAF Air Summary [Note: Pacific Air Force] or something like that. I can't remember now. But I should mention that I was kicked out of my office later on as a security risk. It was in June of '70 because they felt that my views on the Vietnam war were contrary to the best interest of the Air Force.

Q. You said you were E4. Is that equivalent to a sergeant?

A. Yes. I also went through a court-martial for uttering statements disloyal to the United States, for promoting disaffection and disloyalty, and so on. And I was acquitted. The reason I was removed from the office was part of the investigation. So that [accusations against the charge] could be wiped out, because I was acquitted of the charge. I read reports—secret reports—statements made by captured prisoners.

Q. Really, in which they said their villages had been bombed?

A. I read two where they said their villages were bombed. The U.S. made an official apology, they said.

Q. These must have been friendly villages that were bombed.

A. Yes, usually it was Vang Pao who found out about it first—guerrilla Vang Pao.

Q. What did you do for the first six months at Hickam?

A. My first six months at Hickam were spent in training—I just worked along with other people. They shifted the office around several times. There was one group of people that used to keep track of sensors, then there was a group of people who would keep all the information. That's what I did. Read all the FAC reports, all ABCCC reports, read all the Op. Rep. 4s (Note: Operational Reports) that came in. Correlate photography with reports, that type of thing. I should tell you about the briefing procedures—that's really interesting. Particularly on the SE. OPs briefing, as it was called. Which was the one going to McCain from there it went higher up. I usually wrote exactly what was happening, as much as I could. Like, "the Chinese road construction has gone this far." "the Pathet Lao now hold this much area"—This type of thing—and body count. Well it then went to another officer in another office and he'd change it to make it sound just a little bit better and then after that it went straight to the head of the Director of Targets who changed it to make it sound a little bit better and then went to the zero who really didn't like to hear anything unfavorable at all, so he either threw it out completely or have us rewrite the entire thing. It covers all of N. Vietnam, all of southern Laos, all of northern Laos—operations in all the areas. He usually modified the Barrel Roll most—or maybe because I was more directly involved in it. It seemed like he modified that more than anything else. But anyway, then usually McCain, before it went any higher, would change it somewhat too. So at the end you have a briefing that says nothing except that we're winning the war, which is usually a fallacy.

Q. You don't have ay documentary proof—like photographs, old reports . . .?

A. No. I had some good stuff in my desk just before I got kicked out of the office but they confiscated it all. This stuff is very hard to get ahold of. The photos they picked were always of destroyed trucks, burning supplies, this kind of thing. They didn't pick any photos of bombed villages for the briefings. They never picked any pictures that actually showed a missed target.

Q. During your two years at Hickam—how many bombed-out villages did you see?

A. I saw about 100, I guess. One of the reasons I knew it was a bombed out village a lot of the time was that it always came in on the Op. Rep. 4. The majority of the time as a suspected enemy location or suspected storage area. At that time they had just started route 19,—that's northern, up towards the China border—they had just started bombing pretty heavy, knocked out a couple of road construction teams, which are made up of civilians—I don't know if that's relevant or not. There is also a river, which I can't remember the name of, my memory is getting pretty bad, every once in awhile they'd spot a sampan on it and blow it out of the water. And there were villages along the river also, of which several were destroyed. I've only seen 3 villages targeted as enemy villages or enemy location, and most of them were like suspected storage areas, that type of thing. I saw one hospital bombed, that's all.

Q. Did they admit it was a hospital on the thing?

A. Yes. But they had command post/hospital. I believe that was near Xieng Khouangville. It was in a cave. They used Rockeye missiles and then CBUs.

Q. This was at Hickam. Do you remember when that was?

A. I think it was April, '70. I'm not completely sure.

Q. Let's get back for a second on what exactly you would do. Did you read PAC reports?

A. Yes.

Q. All the Op. Rep. 4s?

A. Yes.

Q. And what else?

A. ABCCC reports.

Q. What are Op. Rep. 4s?

A. Pilots. Or the debriefing officer at times. Depends.

Q. The FAC would write it or the actual F4 pilot?

A. The F4 phantom pilot.

Q. How could they write it? What would they know?

A. Secondary fire explosions, body counts and put down what munitions they used, put down the target, what it was and directed by FAC or directed by ABCCC, or target opportunity, or type of target it was. We would also do Op. Rep. 4s for Navy and Marine planes. CBUs were used against villages, by the way.

Q. You're sure of that?

A. Yes.

Q. So if someone, say a congressman, could get a hold of the Op. Rep. 4 reports, he could read where CBUs were used against a suspected enemy location, or something?

A. Most likely, but it would be very hard to correlate that with a photograph though, which is the only way you could prove it was a village.

Q. Why, don't they have target folders with photographs of all the villages?

A. Yes. The FAC would relay the info to the ABCCC and tell them to send two planes to bomb this village. ABCCC would give them the coordinates of it and hit it. It probably would be in the target folder because it seems that they targeted every square inch of all the country.

Q. You say they targeted every square inch of Laos?

A. It seems like it, yes. They had three booklets, computer-run type things, about so thick—of different targets. So that's a lot.

Q. I understood they had files with separate folders for each separate target: before, during and after.

A. They have that type of thing but they didn't have that in our office. I had specific targets like Mu Gia pass, Bon Koriai pass, the heavily bombed places. Since our basic job was preparing briefings, they'd make comparisons between this date and that date and the condition of it. And also, for example, just after Muon Soui was overrun they had photos of blowing up their own supplies, that type of thing.

Q. Can you name the villages that you know have been bombed?

A. I wish I could, but I can't. I don't know. They weren't ever named in any report as villages. Except the bombing of Ban Ban. And I don't think Ban Ban was occupied. Not that I know of, anyway.

Q. I'm sure it was at the time—'67, '68 anyway. When was it bombed?

A. First time I saw it bombed was in '69. The only area I knew they couldn't bomb was around Sam Neua. They only bombed that to my knowledge one time. I wasn't looking specifically, though. They may have bombed it more.

Q. Well, all these people who visited it and took pictures and everything say it was completely destroyed. When was the last time you looked at pictures of Sam Neua?

A. '69, I guess.

Q. At that time there wasn't that much bombed?

A. Well, we never had the town itself. We usually had the outskirts, looking for things like POL drums, that kind of stuff.

Q. So you didn't see the town itself?

A. I never saw the town. I read a report where it was bombed one time. I think the basic reason it was bombed was because it was supposed to be a P.O.W. camp. At least that's the reason I heard that it was supposed to be bombed.

Q. What kind of reports have you read that allude to the bombing of villages?

A. Op Rep. 4s. Some ground reports from POWs.

Q. What would they say exactly?

A. Like a guy would say they were most scared of the B52s—this was in southern Laos—because when they came over they wouldn't hear anything. All they'd hear is explosions around their village. That type of thing. A lot of times it was captured prisoners. But prisoners were usually Laotians who had been captured or who had been hired as porters or whatever.

Q. You say there weren't that many N. Vietnamese. How do you know that?

A. I don't. That's just an assumption.

Q. You wouldn't be able to say then that Sarvaune had been wiped out.

A. Oh, I know it has. They had just started bombing Sarvaune just when I got kicked out of the office. F4s basically. This is when Sarvaune was under siege.

Q. Did you see them bomb Sarvaune itself, or just outside.

A. I read of it bombed once. It was a FAC report. They concentrated an awful lot of planes in there one day.

Q. So you didn't have the actual target folders in your office. You just got the FAC reports, Op Rep 4s, and ABCCC reports?

A. We had some target folders, but most of them were like targets that were bombed all the time. Like the big truck parks and the big pass areas—the river routes. Routes 6 and 7 seem to be where most of the bombing was concentrated—in Barrel Roll. And also it was pretty concentrated on the Plain of Jars during the part of the year when the Pathet Lao and North Vietnamese were around, go in and use the route.

Q. The people say we bombed it all the time—day and night.

A. Oh yeah. After they put the sensors in Barrel Roll, they started hitting it more often.

Q. When did they put sensors in Barrel Roll?

A. I'm not really sure, I think it was early '70 that they put the sensors in Barrel Roll.

Q. You say put . . .

A. —dropped. At first they were all on

route 7, so it must have been the dry season. Then they put a couple on route 6, just north of Ban Ban. Then some on route 4 to the Plain of Jars and then some on the various foot trails coming off route 7 towards Xieng Khouangville.

Q. Officially the automated battlefield has only been installed in southern Laos. So your revelation is very interesting.

A. Well, it's not . . .

Q. I mean nobody knows about it. Do you think they've installed more than just the sensors—like all those mines—like the dragon tooth?

A. They've dropped time-delays on 7 especially. Because I remember one time everyone was startled because they saw a minesweeper on 7. Usually a Mark-82 mine, delayed-fuse, they'd drop, that type of thing

Q. Not the dragon-tooths, and gravels?

A. They used some gravel, too, on 7. That I know of.

Q. Have you ever heard of the use of silver paper that would cause blisters when put in contact with the human body and could prove fatal?

A. I've heard of them dropping silver strips to jam radar. B52s drop them sometimes to jam radar. I think I've seen a few on low-level photography hanging from trees. What trees were left.

Q. Did you ever get the feeling that they ended up bombing more civilian targets than military?

A. Sure. Well, they can target one part of the year a civilian target and the next part of the year it would be a military target, all of a sudden. It would just depend on the time of the year. When the dry season hit Barrell Roll everything that was friendly, all of a sudden became enemy. They started bombing the hell out of it. It was standard procedure.

Q. You were never aware of any limits. They could bomb anything they wanted?

A. I wasn't aware of any limits. They bombed an awful lot of things. The newest think they started bombing while I was there was the China road. They started flying harassment raids. Basically it was the RLAF that did that first, as far as I know. We had RLAF reports also. Then the Chinese put in anti-aircraft and they stopped it. So they shift the emphasis to the Plain of Jars. They were hitting around route 19 really heavy because the river there—a river that goes all the way from up North down towards Luang Prabang—and they thought they were floating supplies down the river. Most of the villages were hit around there, they were beautiful villages. Obviously villages. They had the standard Loatian set up and everything.

Q. How would you know that there were any military targets around the villages at all?

A. Look it up in the target folder. The same thing that villages are targeted in a target folder, also.

Q. I thought you said you didn't have any target folders.

A. I mean the target long book I told you about. We didn't use it very often. Just when we didn't know what it was and thought it might be a target—previously targetted and we check it out.

Q. How could you develop new target intelligence at Hickam just from FAC reports and Op Rep 4s if you didn't have the actual photographs?

A. We had photography also. Another office has the photographs. The photo interpretation branch had the photography. So we'd correlate our information with whether it had been bombed or not. If we saw something we would make it a target. I don't know where it went. Wrote a report on it—location, what's there, the whole works.

Q. What would you be able to see?

A. I worked right next to the photo interpretation office. So I spent a lot of time in there too. My job really didn't take that much time. So I ran back and forth, correlated photography. I'd see a lot of photography, mostly made into slides for briefings, or sometimes I'd go over if they'd have something interesting that they'd want me to see. Also saw a lot of SR 71 photography. High level stuff. It's pretty good. It was usually used at that time for the Chinese road. So they'd show it to me and I'd mark it a little further down on my map.

Q. What would you be looking for in order to develop new intelligence?

A. To develop a new target—you'd see something that might be supplies around trees, or POL drums, basically supply type of things. Or maybe a new road being constructed off an old route or a bypass around a crater area. Or this cave/hospital complex thing. This cave/hospital/command post was targeted at Hickam.

Q. Why would you do that, why wouldn't pilots see for themselves such things as building off new roads?

A. A lot of the pilots just had route searches. Clicking away their cameras from a reconn plane. You can only see if you're looking for something. If you are P.I.ing the film. All of a sudden under the trees you'd see a road coming out—so the pilots probably couldn't see it themselves.

Q. So your job was really more of a briefer than a target developer?

A. About half and half. We kept track of where all the sensors were located, if they were still operating, also B52 raids, how many sorties a day. But I guess maybe most of the stuff we did was for briefings. Development of target they had a special little room which you had to have an S.I. clearance to get into Delta contingency planning. But I worked with the people so I knew what they were doing anyhow.

Q. What were they doing?

A. The nuclear targeting, a lot of it.

Q. How would nuclear targeting differ from conventional targeting?

A. Well, it's the weapons branch too. Their weapons branch would try to select the best type of "nuc" for a certain area. Conventional targeting usually the F4 could carry—500, 250 pounders, rockets, whatever, for specific targets. However, most of the munitions could be switched off. You could drop anything on certain types of targets whereas with a "nuc" you'd have to drop a certain type of "nuc" on a certain type of target. You'd have an air blast or a ground blast, depending on the target.

Q. So, there are teams of men who continually keep up on new targets and figure in the right type of nucs on a certain type of target.

A. Yes. I would assume so. Unless they've covered everything by now. Which I doubt because they never do. A lot of times its used as busy work because there is nothing else to do.

Q. How accurate would you say the sensors are?

A. A couple of times they got tapes in of sensors—hear voices—some of the people walking around, you'd hear bombs falling down. People screaming, people running away. So I assume that they are pretty accurate. I don't know how they retrieve the tapes. I know what they look like. But I'm not sure how they work.

Q. I think they send the tapes to the high-flying planes. I understood the problem was knowing where the sensor was?

A. When you drop the sensor in, we use a little black tape to mark where it was. And so they have them all recorded where they are. I'm not very up on sensors. I remember the first time I saw it, it blew my mind. I had a little plastic tree sticking up on top of it. I guess it was a seismitic.

Q. How many would you say they had in Barrel Roll?

A. I'm not sure how many sensors were dropped. But they had something like 15 different locations along route 7. A couple along route 6 and some on the trails off of 7.

Q. So you're talking about a few dozen—not a hundred thousand.

A. Yes, because they were basically after troop movements and trucks and seven is usually the only way that they bring in supplies. Or the trails. One of the two.

Q. Did you ever see any signs of life up in Barrel Roll? Farmed fields, if not people?

A. Yes I saw some farm fields. There were two types of agriculture. Most of it was slash and burned up north, that I saw.

Q. Did you ever burn their rice fields or defoliate?

A. They usually just bombed it, as opposed to defoliating. I don't know that they ever used defoliants at all.

Q. Do you have any idea in '69 how many sorties there were in Barrel Roll?

A. I have all that infor in my file which I left behind. But I would estimate on the order of a few hundred a day.

Q. Every single day?

A. Yes, they intensified it during '69.

Q. After the Nov., 1968 bombing halt, was there or was there not an intensification in northern Laos immediately?

A. Yes, for sure. I was in Thailand just prior to the bombing halt. The day before the bombing halt I got up about 7:00 in the morning and all the planes were gone in a last crack effort. I had a picture of that too, but I don't have it anymore. The photo guy was up there taking a picture of all of these 22 planes up there just before the bombing halt. We had the 13th fighter and 555th Triple Nickel, A-15, everybody was gone. And then right after that they just switched all their effort to Laos. Steel Tiger mostly but also Barrel Roll.

Q. It was mainly Steel Tiger?

A. It was mainly Steel Tiger, I think. Just before that they had hit 137, No. Vietnam then they switched down a little bit and started hitting Hu Giet Ban Korai a lot, just trying to knock down the mountains on top of the roads.

Q. How far West did they hit from the Vietnamese-Lao border in Steel Tiger?

A. To my knowledge they stayed within 40–30 miles of the road. They hit one cave. A bunch of people were inside the cave. They covered the cave. It was just over the border from Nakhon Phanom, Thailand in Laos.

Q. So they bombed mainly 40 miles from the Vietnamese border as far as you know?

A. Basically.

Q. What about the statement that most of the villages were located along the road or most of the villages were not located along the road or near the road?

A. Steel Tiger again. A lot of the villages were located on the roads, some of them off the roads. That's a lot of the times when the villages got bombed because they were aiming for the road. Since you had such lousy pilots as I said—they stopped doing reports on their accuracy. Then they hit the village. I don't know if by mistake or on purpose. By the time they got photography of the entire complex, most of the villages were just frames after a period of time. Because they'd virtually been wiped out.

Q. From what you say, if you had to pick a number, how many separate villages would you say you had seen bombed?

A. Separate villages? In excess of a hundred.

Q. That's during that three year period. What would you say if you were up on the stand and they said "what villages?"

A. Well I'd say they weren't targeted as villages—so naturally I wouldn't know the names of them cause they're not on reports. Except for maybe larger towns like Ban Ban, Sarvaune.

Q. What should he look at?

A. Look at the target folders. Look at the FAC reports or the ABCCC reports.

Q. How would a ABCCC report differ from a Op. Rep. 4?

A. The ABCCC is like a command post. So it's virtually out of range of being hit by anything. An ABCCC report would have a summary of the day's activities whereas a Op Rep report would cover just one mission. ABCCC reports were also where we got most of the information for the briefings on secondary explosions and KBA (killed by air).

Q. How would the ABCCC know?

A. Cause the pilots call in to the ABCCC and give the KBA. I think at times the pilots exaggerate a lot especially on KBAs.

Q. What would you say on truck kills?

A. That was the major responsibility of the pilots. If they saw a truck, to hit it and knock it out.

Q. For the first four months of 1970, for every 10,000 trucks that entered the trail for example, how many would you say they got?

A. 20%.

Q. At that point they had the electronic battlefield installed for several miles, right?

A. Most trucks would move at night, the sensor would pick it up and by the time the plane got there the truck had moved on farther. They didn't use lights. They started using gunships. Gunships were pretty effective When they started using gunships in Barrel Roll they were really knocking them out pretty heavy.

Q. When did they start using gunships in Barrel Roll?

A. Mid-'69.

Q. Do you have any indication that they were using gunships against villages?

A. No. They were using them against boats located on rivers or near villages. They used them on Moung Soui when it was overrun. There were people there. I don't know who exactly.

Q. Do you have any stories that strike you particularly in your three years which would answer the question of whether civilian targets were bombed in Laos.

A. Not any one particular story. There were all kinds of little incidents. There is one that kind of shows the mentality of some of the pilots. There was one guy around the Plain of Jars area who was crawling away after they'd hit a village with 500 pounders—I don't know if he was civilian or military. He was crawling away so they dropped a 250 on him. They blew off one leg. He was still moving, still crawling away. So two planes went in straight and then dropped anti-personnel bombs and got one guy crawling away. I think we figured out one day, if you're interested, the average cost of blowing up a truck is something like $250,000 in munitions.

Q. This story of the man was all written up in the Op Rep 4 report?

A. The pilots were very proud of it—that they got one guy. They could put down one KBA. They described it in detail. One thing that would always strike me strange is your suspected supply depot and you report 10 KBA. If you had a photograph you'd see burning structures, you might not see very many supplies laying around and they'd report 10 KBA which you can't see in the photography because of the level of the plane. It would seem kind of unreasonable that 10 people would be killed in a raid against a supply dump.

Q. This is what's so fascinating. It seems that nobody ever really knows what the hell they're bombing. Everyone can at least claim that I didn't know it was a village. The photo interpretor can say well the FAC told me it was a supply dump. I guess the FAC is the only guy who really can't get away with it. Right?

A. Right.

Q. Were Ravens in northern Laos and southern too?

A. I think one flew in southern but I'm not sure.

Q. Were there some limitations. It's not like they'd go up every day and blast every village whenever they felt like it.

A. I wasn't aware of any limitations. I'm sure there were some, of course. I did see a few charts with areas drawn around large towns that they can't hit. For example they couldn't hit Sarvaune, for a long time.

Q. That was when it was held by friendly troops.

A. Yeh. And they couldn't hit Sam Neua for a radius of five miles. Or within five miles of the N. Vietnamese border for a long time. They did alot but they weren't supposed to.

Q. Have you ever heard of a pilot being court martialed for striking something he wasn't supposed to strike.

A. Of course not. [Laughter.] They don't bother with things like that. They're pretty good at covering up things. Basically it's somebody higher up they blame for it and they keep going further up until they hit the President and they don't want to do that.

Q. They basically covered up My Lai.

A. From the air you have 100 My Lais a day. Maybe not that many but many more My Lais have been created from the air than from the ground. That's just a personnel opinion which I can't substantiate with any photos, but . . .

Q. How many KBAs would that be?

A. Varies. In a month's period of time, the average was about 2,000 a month. This is just in Barrel Roll. Steel Tiger, it was usually higher. The things you'd always have were trucks destroyed, trucks damaged, KBAs, secondary fires, secondary explosions. June '69 when Muong Soui was overrun that was when it was the highest. I think it was something like 10,000–15,000 KBA. They had really heavy 130 strikes, gunships. 130s accounted for a lot of the KBA as soon as they moved them in.

Q. Even the ground body counts are exaggerated. Do you suppose people really believed these KBAs?

A. I don't know how they could, but they do. Wait, they must of sent in 139s earlier than I though because they were using 130s before Muong Soui was overrun. So they must have come in in early 1968.

Q. These are American gunships?

A. Yes.

Q. Do you have any information on the CIA, Air America . . . ?

A. Most of the supplies that were blown up were by American planes were CIA supplies. They also flew out opium twice a week to my knowledge. But that's just hearsay from a CIA pilot I once knew.

G. They flew out opium from where to where?

A. From Muong Soui. And they fly in troops. That was the time when Vang Pao's base was Muong Soui. There was another major base too, at Long Tiene. also they would fly into several sites.

Q. You think they were flying out opium. Who were they selling it to?

A. I would have to speculate. I would think the Thai officials would get part of that and probably did something else with it. But there is no way of proving that kind of stuff. Every Thursday we had an awful lot of opium flying around Udorn. I know that for sure.

Q. How about H?

A. There was quite a bit of it. The people who had it were the CIA people, they were the only people who had it. I only knew one guy who was on H. He got it from the CIA.

The Walkley Testimony

The last several years has seen the growth of one of the most bizarre debates in the history of this country. On the one hand, the U.S. Executive branch has sent its officials to testify under oath to Congress that the United States has never bombed inhabited villages in Laos. On the other dozens of independent and official sources who have interviewed Laotian refugees from Pathet Laos zones, visited these zones themselves, and American airmen, have stated that there has been widespread and heavy bombing of civilian areas in Pathet Lao zones, that hundreds of villages have been leveled, tens of thousands of civilians killed and wounded, and hundreds of thousands been driven underground or into refugee camps from the bombing.

Although almost all who have studied this debate have concluded that there is heavy bombing of villages, including the subcommittee staffs of the Senate Foreign Relations and Refugee committees, the public at large remains confused. This is primarily because no American airman has yet been willing to come foreward publicly and take the great risks involved in revealing what he knows about the bombing of Laotian villages.

Now, however, one man has finally stepped foreward. His name is Jim Walkley, a former photo intelligence analyst at Udorn and Hickham airforce bases, who wrote intelligence briefings for both General Nazzaro and Admiral McCain.

The importance of this man's testimony cannot be overestimated. It is authoritative, indisputable, and absolutely convincing.

We include here the following:

(1) A tape transcript of a recorded interview with James Walkley conducted by Fred Branfman, of Project Air War.

(2) Testimony given by James Walkley in a court of law during a case in which he and 7 others were accused of trespassing during a demonstration at Honeywell offices in Hawaii, after he had left the Air Force.

In addition, we include here confirmatory material appearing in an article about Captain Jerome Brown, director of the photo recon team in Vientiane Laos; a newspaper article in which Assistant Secretary of Defense Doolin specifically denies ever bombing villages in Laos; and a list of other statements, pro and con, over the question of the bombing of civilian targets in Laos.

[From the Star, Apr. 25, 1971]

Data on Civilians Cited—Pentagon Defends Air War

(By Orr Kelly)

American bombing and strafing endangers far less of the South Vietnamese civilian population now than it did two years ago, according to a special computer study completed yesterday at the Pentagon.

The study was ordered by Dennis J. Doolin, Deputy assistant secretary of Defense for international security affairs, after Senate hearings last week at which Sen. Edward M. Kennedy, D-Mass., charged the U.S. is bombing with "no holds barred" in Southeast Asia.

Doolin used population figures of 14,127,216 for January 1969 and 15,145,012 for January 1971, excluding the population of Saigon so as not to distort the results by including a large number of persons who are seldom endangered by air strikes.

COMPARATIVE FIGURES

In January 1969, he found, 5 percent of the population was within one kilometer of an air-strike; 13.7 percent within two and 23.1 percent within three.

In January 1971, the computer showed, those within one kilometer of an air strike represented only 0.9 percent of the population; those within two kilometers, 3 percent, and those within three, 5.6 percent.

The study showed there's less danger from air strikes in the central part of the country and the greatest danger in the far north and in the delta area in the south. The area surrounding Saigon was slightly below the average for the country as a whole both years.

The study did not include strikes by helicopters nor attacks by South Vietnamese aircrafts, but Doolin said he was confident that, if it had been possible to include them, the trend toward decreasing danger to the population would not be changed.

MAKES RULES PUBLIC

He also made public, for the first time, some of the rules of engagement which, he said, were designed to prevent pilots from causing death of injury to villagers in Laos. This was in response to charges by Rep. Paul N. McCloskey, R-Calif., that the U.S. is deliberately destroying villages in Laos.

No air strikes, Doolin said, may be made against an "active village" even if it is inhabited by enemy soldiers or is being used as a supply storage area. An "active village" is defined as one "with one structure or more with signs of habitation."

Air strikes may be carried out only along roads or trails—lines of communication—or against enemy installation such as truck parks, he said. Attacks may be made against villages only when fire has been received from the village and then only under the guidance of a forward air controller and with specific permission from the American Embassy in Vientiane, capital of Laos, he said.

RESTRICTIONS ON NAPALM

"I have talked to some pilots," Doolin said, "who have gone back in for a closer look to make sure what was down there before returning fire to the ground. I don't know whether I'd do that if I had already been shot at."

The ground rules also severely restrict the use of napalm and white phosphorous weapons. Napalm, he said, may not be used against civilians or non-combat camps and is even ruled out for some kinds of military targets.

White phosphorus, which sticks to the skin and causes severe burns, can be used only in three forms, he said. One is the 2.75-inch marking rocket, which is used by forward air controllers to mark a target for bomber pilots. White phosphorous is also used in two kinds of 100-pound bombs to create clouds of smoke during efforts to rescue downed pilots.

In the last two years, Doolin said, there have been only four reported instances of violations that involved any civilian targets either through pilot error or confusion in the orders given the pilots.

VIEWS AERIAL PHOTOS

To satisfy himself that the rules against bombing villages were not being violated, Doolin said, he pulled out recent aerial photos of 11 villages in areas controlled by the Pathet Lao or North Vietnamese. In none of them was there any evidence of bombing or shelling in the village itself, although in several cases there were marks in a nearby jungle or farmland that could have been made by some form of bomb or shell.

The villages range from the far northeast part of the country to the southern panhandle and included such strategically important points as Pak Beng, Saravane and Attopeu.

Doolin said he had supplied copies of the photos to Kennedy and McCloskey.

U.S. BOMBING IN LAOS: AN INSIDE REPORT

(By Michael Morrow)

BANGKOK (DNSI).—An American once intimately involved in U.S. bombing operations in Laos says an erosion of safe-guards against indiscriminate bombing there has taken place during the Nixon administration.

According to Mr. Jerome J. Brown, a reserve Air Force Captain and former Senior Air Force Photo Reconnaissance expert attached to the Vientiane Embassy, 1966–68, restrictions on American Air Force operations have been quietly relaxed while control over the Air War by the American ambassador in Vientiane has been reduced.

Brown, 29, left the Air Force after finishing his assignment in Vientiane and is now a management consultant in Bangkok, Singapore and Djakarta. Commenting on the Moose-Lowenstein Report, the most up-to-date Senate account of American involvement in Laos, Brown said "in general the report is accurate, but you just cannot say the rules (for bombing) are stricter now than they were some years ago, as the report does.

"The rules of engagement were strictly adhered to from 1966 to 1968 but for all practical purposes after Ambassador William Sullivan left (in March 1969) they appear to have been discarded and are only cited to placate congressmen in Washington," Brown said.

According to Brown, rules of engagement previously in force prohibited napalm bombing by jets and demanded that most American strikes, except those in response to enemy ground fire, have prior Embassy clearance. No site could be targeted for bombing that was less than five hundred yards from a motorable road or within two kilometers of a civilian building.

The Moose-Lowenstein report, released in August by the Senate Foreign Relations Committee, states that napalm can now be used and the restricted areas around an "active village" ("defined as one building, hut or structure not validated by the Embassy for a strike") has been reduced to five hundred meters. No mention is made of a limitation imposed by distance from a motorable road.

According to the report, specially validated areas ('SOLOAS'), partially validated areas ('PARVELAS') and special operating areas ('SOAS') have also been created, which "are, in effect, free fire zones." In these areas targets can be determined without prior Embassy approval and, in the case of SOLOAS and SOAS, without Embassy consultation. SOLOAS and PARVELAS refer to B–52 strikes while SOAS refers to tactical fighter strikes.

Well-informed sources in Vientiane told this reporter that the size of these various areas is growing and now includes most of the Plain of Jars and the Bolovens Plateau in addition to mountainous areas closer to the Vietnamese border.

Brown said that during his tour in Laos he personally participated in targeting sessions at Udorn Air Base in Northeastern Thailand. These meetings were held every Tuesday to determine targets for the fixed number of American air sorties allocated to Laos by the Air Force Command in Saigon.

These meetings were attended by the Director of Intelligence for the 7/13th Air Force (the organizational unit over all American Air Force operations based in Thailand) and representatives of the Airborne Command Center (a special night operations command for bombing over the Ho Chi Minh Trail), the Air Attache's Office in Vientiane (Brown), the Central Intelligence Agency and the 7th Air Force in Saigon.

According to Brown the target sites selected at these meetings were sent immediately to Vientiane. There Brown and his staff checked them against aerial photography to be sure they complied with the Ambassador's ground rules. The list plus the accompanying photography was then delivered to the "Bombing Officer," a junior officer in the Embassy, who was briefed on the targets. In most instances this officer gave final approval.

Prior to July 1967, said Brown, a CIA representative was also allowed to help with the briefing of the bombing officer. Brown feels this might be the case now as well.

[In the Circuit Court of the First Circuit State of Hawaii]

STATE OF HAWAII VS. RODNEY J. MARLEY, NOBLE L. BECK, JR., GERALD A. LEPAGE, JOHN JOSEPH WITECK, JAMES N. WALKLEY, DOROTHY N. KATZ, BETTE G. JOHNSON, AND SUSAN M. ATHERTON

(Transcript of Proceedings before the Honorable John C. Lanham, Sixth Judge, Presiding, on October 5, 6, 7, and 8, 1971. Jury Trial.)

The COURT. Do you want the court reporter here?

Mr. WEIGHT. Not necessary.

(Whereupon, bench conference had, without the reporter.)

(Bench conference concluded.)

The COURT. The Court will take a 10-minute recess.

(Recessed at 2:28 p.m.)

(Reconvened at 2:50 p.m.)

The COURT. May the record reflect that all members of the jury, including the alternate juror, and counsel for the government and all defendants are present in court. Are defendants ready to proceed with their side?

Mr. BECK. Your Honor, the defense would like to call James Walkley to the stand.

The COURT. Mr. Walkley. Mr. Beck is going to examine Mr. Walkley.

James N. Walkley, one of the defendants herein, called as a witness on his own behalf, having been first duly affirmed, was examined and testified as follows:

DIRECT EXAMINATION

By Mr. BECK:

Q. Would you please state your name?

A. James Walkley.

Q. And your present address?

A. 1050 Kinau Street, Honolulu.

Q. James, have you ever served in the military?

A. Yes, I spend 4 years in the air force.

Q. Were you ever stationed in Indochina?

A. I was stationed at Thon Buri Air Force Base from December, 1967 to December, 1968. I also spent some temporary duty time in Saigon.

Q. Were you ever stationed anywhere else other than Indochina?

A. Yes. I was stationed for training at Lowry Air Force Base, and I was stationed—after I left Thailand, at Hickam Air Force Base.

Q. Would you please, briefly, relate to us what was the nature of your work when you were stationed at Hickam?

A. At Hickam, I was—my job was to correlate aerial photography with strife information I received to determine the effect of weapons upon the targets they're dropped on.

Q. Would you say that anything that may have passed before your eyes, any type of information containing these strife reports—did this influence you in any way to go to Honeywell?

A. Yes, it did. A lot of things I saw made me go there.

Q. Could you share with us what type of information it was in these strife reports?

A. The strife reports contained the number of aircraft on each flight, the type of ordnance used, and the pilots' estimated damage to the target that was struck.

Q. When you say "ordnance", you're referring to—

A. Bombs, or—

Q. —bombs or—

A. —or bullets, excuse me.

Q. To your knowledge, were there ever any Honeywell products put into—

Mr. WEIGHT. Objection, your Honor. This is speculative and it's also leading the witness. It's irrelevant and immaterial, and I don't believe this witness is competent to testify as to that. No proper foundation has been laid for that question.

The Court. Do you understand what he means by foundation, Mr. Beck?

Mr. Beck. Yes, your honor. I'm just trying to establish that what the witness' experience was when he was in Indochina that affected his decision to go to Honeywell.

Mr. Witeck. Your Honor, the question has already been asked as to whether these strife reports, etc., influence the state of mind in going to Honeywell. The question now is do you have knowledge of any Honeywell products that were used in Southeast Asia.

The Court. I don't remember the word "knowledge."

Mr. Weight. It isn't in my recollection either, your Honor.

The Court. You may ask if he has knowledge.

Mr. Beck. Okay, fine.

Q. (By Mr. Beck). Jim, do you have any knowledge of any Honeywell products being aboard any of these flights you happened to see the strife reports on?

A. Yes. To my knowledge, both CBU's and white phosphorus were made by Honeywell that were on the aircraft.

Q. Would you please enlighten us by telling us how you knew that these were Honeywell weapons or were produced by Honeywell?

A. Yes. In the weapons division of our office, we had a book which contained the ordnance and specifications of all the type of bombs or other ammunitions and who made it; who had the contract to make certain weapons. It was basically used to recommend improvements of the weapons, or sometimes, the effect of the weapons, and, in fact, relayed back to the contractor.

Q. Well, in relation to the effects of these weapons, when you were in Indochina, what type of targets were these CBU's used against?

A. Basically, anything. They were used against all types of targets. But what bothered me most, I guess you might say, is they were used against an awful lot of villages. And in one occasion, it was used against a hospital, to my knowledge. Other times, the villages happened to be off of a road that was being bombed or strafed, and there was no protection given to the civilians in these villages at all.

Q. So the actual cluster bomb units—the guava bombs were used against civilians to your knowledge.

A. Yes, they were, extensively.

Q. Were they ever used against any civilian structures?

Mr. Weight. Your Honor, I must object to the leading nature of these questions.

Mr. Beck. Your Honor, I'm just trying to, basicaly to establish—

The Court. Do you understand what he means by "leading question"? The question which suggests the answer.

Mr. Beck. Okay.

The Court. I admit that was pretty hard to answer any other way.

Q. (By Mr. Beck) To your knowledge, Jim, were there any CBU's used against any civilian structures?

A. Yes, besides the villages, which I don't really consider are structures by the military. There were—on one occasion there was a hospital bombed. Just to the best of my recollection, I believe it was just west of the town of Xieng Khoung village.

The Court. You'd better spell that.

A. X-i-e-n-g K-h-o-u-n-g, which is Northern Laos. It was hit with rocky missiles. The hospital, first of all was located in a cave. It was used first against—it was rocky missiles, which would go into the cave itself and inflict a lot of damage. Next CBU's were used over and guava bombs—guava bombs, basically, to kill anyone who may have escaped from the hospital.

Mr. Weight. Your Honor, I'm going to object to that conclusion drawn by the witness. It's nothing but pure speculation.

The Court. Are you testifying of your own knowledge?

The Witness. I'm testifying of my own knowledge.

Mr. Weight. May I voir dire the witness then, your Honor, as to his own knowledge?

Mr. Witeck. I think that's proper in cross examination, your Honor.

The Court. We're really trying to get at what in the witness' mind caused him to go and do what he did on this particular date.

Mr. Weight. I agree, your Honor, but the rules of evidence still apply and hearsay testimony is still hearsay, and incompetent testimony is still incompetent, and immaterial testimony is still immaterial.

The Court. I think that much of this could be avoided, Mr. Beck, if you lay the foundation by asking him how does he gain information which he is testifying to. So I'll sustain the objection, subject to your laying the foundation.

Mr. Weight. Thank you, your Honor.

The Court. So that the jury may know that he is testifying on—personal knowledge or otherwise.

Q. (By Mr. Beck) Jim, could you tell us how you feel qualified to comment on what type of damage the CBU's inflicted on this hospital?

A. Yes. We received official reports—air force reports, CIS reports every day, which reported the damage, both from the air and from ground observers in the area. Those were used in compiling briefings for Admiral (King) McCain who was Commander in Chief of the Pacific. So they were thought to be accurate and it must have been factual if they were used for his briefings.

Q. I'd like you to think back when you were stationed in Indochina and tell us at that time did you have any knowledge or any basic understanding of International Law at all?

A. In Indochina——

Mr. Weight. Objection, your Honor. I think this is getting into the province of the Court's instructions to the jury.

The Court. Objection overruled. He may testify as to what his understanding was of the law, if it can be connected by showing this is his claim of right of what he did.

Mr. Beck. I think it's directly connected, your Honor.

The Court. I have overruled the objection.

Mr. Beck. Okay, your Honor.

A. I joined the air force in February of 1967, and after I had gone to Thailand and seen some of the things that were going on, like the bombings, as far as I can tell, of undefended villages, then I started reading—doing a lot of reading. And I had, I'd say, just a vague understanding of the laws that were to apply. And in my opinion, International Law was being violated by "the methods of the bombings, by their indiscriminately maiming by the weapons that were being used by the air force at that time."

Q. (By Mr. Beck) Thank you. I just have one more question. Would you please relate to the court, briefly, why you did, in fact, go to Honeywell and remain and become arrested?

A. It's very simple, really. I was concerned with the number of people that are being killed. I had read reports, for instance, in the hospital like where 20 people, some of them were wounded previously, were killed in one attack. I think that had the greatest influence on my decision. And also, Jake Marley, whom I had met previously before going to Honeywell, who was AWOL, and I wanted to be where he stands. I felt that when the arrest came, we had to try to stop Honeywell in any way from producing these weapons any longer, because they were in direct violation of the International Law that applies. They were in direct violation of every moral principle anybody has. They were being used in a war against humanity to commit genocide on the people in Indochina, basically. That's why I went to Honeywell.

Q. Just 2 more questions. Do you feel that you accomplished anything by going to Honeywell?

A. I think, at best, we made some symbolic showing of our contempt of these. All other methods have been tried. We have written to senators. We have tried asking the government to stop it. Obviously, it's up to the people. I think we have a right as the people and under the law as the people, to stop this use and the use of these weapons—these types of weapons.

Q. Jim, last question—do you plan to take part in any similar actions in the future?

A. Yes. Any actions that I feel could end the war, or could put an end to these weapons, I will take part in, for I feel that I have a moral and legal obligation to attempt to stop this war and attempt to stop all wars and use of these weapons.

Mr. Beck. Thank you very much. Thank you, your Honor.

Mr. Witeck. Could I ask a few questions?

The Court. Yes.

FURTHER DIRECT EXAMINATION

By Mr. Witeck:

Q. Jim, for this job that you did at Hickam, did you receive training from the air force to analyze these photos?

A Yes, I did. I went to technical training school at Lowry Air Force Base, Colorado. I attended an air intelligence school, as it is called, at which you basically learn how to become a photo interpreter and how to analyze intelligence information. After that, I went to a month of extensive course on Southeast Asia, which dealt with the type of material you'd be getting from Southeast Asia.

Q. You mentioned a CBU or guava bomb. Can you tell the jury and the Court and other people what exactly is a CBU or guava bomb?

A. A CBU is the mother container of the—is the mother bomb itself. The guava bomb—first, you classify it BLU. It's about a baseball size or little bit smaller than a baseball size—a cylindrical object. They're in the CBU itself. There are approximately, I think, about 650—to the best of my recollection—650 of these smaller bomblets. Each of these bomblets, in turn, has between 250 and 300 B.B. size pellets which are—when the mother bomb opens in mid air, the bomblets are distributed over a wide area—a larger area. And, basically, will kill or maim anything where these little pellets hit.

Q. I'd like to show you, Jim, Defense Exhibit G. Is this the type of ordnance you referred to as a guava bomb, or one of these smaller units?

A. This is a BLU. Inside this would be 250 or 300 B.B. sized pellets, which would—this has an explosive charge in it and hits with quite a bit of force.

Mr. Witeck. Your Honor, I wonder if at this time we could enter into evidence as the type of ordnance referred to by the witness as a BLU?

The Court. Any objection.

Mr. Weight. Certainly, your Honor. No proper foundation has been laid. There is nothing to tie it to Honeywell.

Mr. Witeck. Your Honor, this is for the jury's information so that they get a better understanding of the ordnance that we're talking about is a BLU—the guava bomb.

The Court. I'll sustain the objection.

Mr. Weight. Thank you, your Honor.

The Court. You may—I think the words are adequate to describe it.

(By Mr. Witeck.) Jim, you said—you mentioned in your testimony that these CBU's or guava bombs are used against civilian structures or civilian targets. Are you aware of the effect on military targets?

A. The effect on the military targets is not effective because of the small masses individual pellets could not possibly even damage, or it might slightly damage something, but it could not destroy it. They are used extensively against civilians—well, not civilians, but against people.

Q. They're anti-personnel weapons.

A. Yes, strictly an anti-personnel weapon.

Q. Are you familiar with the military term, following your experience in the air force, "free fire zone"? If so, could you describe what that is?

A. Free fire zone is an area which is—well, it could vary in size quite a bit. Most of Laos now is a free fire zone. Anything that moves is to be destroyed, including people, livestock—anything, for that matter.

Q. At the time that you were connected with the air force in Thailand, was the bombing in Laos a military classified—military secret, according to your knowledge?

A. Yes, it was.

Q. So the American people had little or no knowledge that this bombing was being carried out.

Mr. WEIGHT. Objection, your Honor.

The COURT. You're leading.

Mr. WEIGHT. Defendant is testifying.

The COURT. Don't ask questions which give or suggest the answer. Objection sustained.

Q. (By Mr. WITECK) Jim, you were at Honeywell on May 14. Is that correct?

A. That's correct.

Q. And you remained there past 5 o'clock.

A. Yes.

Q. While you were at Honeywell, were you aware of 2 photos—Defense Exhibit E and F—E which is already in evidence and this Defense Exhibit F?

A. Yes, we took these with us to Honeywell and put—I'm not sure—I believe this we put on the wall beside the desk. And this one we put on the door, I believe, leading out of the office.

Q. So they were both used.

A. Yes, they were.

Mr. WITECK. At this time we'd like to submit Defense Exhibit F into evidence.

Mr. WEIGHT. No objection.

The COURT. Defendant's Exhibit F for identification is received in evidence as Defendant's Exhibit F.

(Whereupon, Defendant's Exhibit F, previously marked for identification received in evidence.)

Q. (By Mr. WITECK). Jim, there has been testimony concerning a leaflet. Did the defendants take leaflets or information sheets into Honeywell on May 14?

A. Yes, we took leaflets to try to convince Honeywell people to abandon the company because they were responsible for the deaths of lots of innocent people.

Q. Would you be able to identify this leaflet?

A. Yes, I would.

Q. Is this Defense Exhibit A the leaflet or information sheet that the defendants took to Honeywell?

A. This is Exhibit D.

Q. Exhibit D, I'm sorry—Defense Exhibit D.

A. Yes, this is the leaflet we took with us.

Q. That is the leaflet, and this leaflet was read to the Honeywell personnel on that day?

A. It was both read and passed out to the Honeywell personnel.

Mr. WITECK. At this time we'd like to put into evidence or move into evidence Defense Exhibit D.

Mr. WEIGHT. According to this, your Honor—I'm sorry, I have no objection.

The COURT. Very well, Defendant's Exhibit D for identification is received in evidence as Defendant's Exhibit D. You may hand these exhibits to the jury.

(Whereupon, Defendant's Exhibit D, previously marked for identification received in evidence.)

Q. (By Mr. WITECK). Jim, you're no longer with the air force. Is that correct?

A. That's correct. I was discharged in February of this year.

Q. And what type of discharge did you receive?

A. An honorable.

By Mr. WEIGHT:

Q. Mr. Walkley, there's no question you were at Honeywell on the 14th, right?

A. No question, sir.

Q. And did you hear Mr. Paulk order you people to leave at 5 o'clock in the afternoon or shortly thereafter?

A. Yes, I did.

Q. Did you have any trouble understanding what it was he was trying to get you to do at that point?

A. No, I didn't.

Q. And I assume then that you made some personal decision on your own to stay after being ordered to leave then. Is that right?

A. That's right.

Q. Now, as to this use of these CBU's against all types of targets and stuff while you were in Southeast Asia, you say you were stationed at Thon Buri. That's in Thailand, right?

A. That's right.

Q. Did you ever fly on any strife missions with the pilots?

A. Only officers and pilots are allowed on the strife missions. I never had the opportunity to do so.

Q. I take it then that your answer is you never flew with the pilots on any of these strife missions.

A. That's correct.

Q. So you never, personally, witnessed the use of these CBU's against any of these villages. Is that correct?

A. I saw photographs after it was struck.

Q. You never personally saw with your own eyes these weapons being used in Southeast Asia?

A. No, I didn't.

Mr. MARLEY. Objection, your Honor. I think this line of questioning is irrelevant. Jim has already testified as to how he became familiar with this type or with the use of these weapons. And also, a lot of this testimony was not the reasons that caused him to go to Honeywell

The COURT. Yes, but still, cross examination may further inquire into the detail. Objection overruled. Cross examination is broad in scope.

Q. (By Mr. WEIGHT). And consequently, you never saw—personally saw this hospital get bombed, did you?

A. I didn't personally see it get bombed, no.

Q. So, as a matter of fact, you're taking somebody else's word that, in fact, it was a hospital. Isn't that right?

A. No, I'm not.

Q. How do you know it was a hospital?

A. It was. We had pre-strife photography of it. We had a red cross on top of the cave, which is an international sign for hospital.

Q. And you know that this was the target that was struck on this particular occasion?

A. Yes, I did.

Q. Do you know for a fact that it was being used as a hospital?

A. Yes, I did.

Q. Isn't it a fact that in combat, in Vietnam, very often the enemy will use ruses and disguises of all sorts in order to cover up for their military maneuvers?

Mr. WITECK. Objection, your Honor. I think there is objection to this question based on the terminology of the question. The word "enemy" is not an appropriate term when there is no declaration of war. Secondly, your Honor, I think to discuss—if the Court would like to get into a discussion of the tactics of both sides in this conflict at Indochina, we're quite prepared to, but so far our testimony has been ruled out of order. And our witness, Mr. Fried, who was going to testify directly to this point that the Prosecutor has raised, has been barred.

The COURT. I have permitted him to testify as to what he saw in reports over there, and certainly, I cannot deny the Prosecutor the right to cross examine him as to the details.

Mr. WITECK. I think when the Prosecutor uses the term like "the enemy", he has to have some basis. This is a very prejudicial term.

The COURT. If you don't understand the question, you may say that you don't unstand. Objection overruled. The witness may say if he doesn't understand.

The WITNESS. Would you repeat the question?

Q. (By Mr. WEIGHT). Isn't it a fact that the enemy uses ruses and disguises of all sorts in order to cover up some of the activities?

A. The only enemy are the Americans themselves.

Q. Isn't it a fact that while you were in the military service, the Vietcong and North Vietnamese were all referred to as the enemy?

A. Among some of our superiors, yes.

Q. You never considered them your enemy?

A. No, I didn't.

Q. You considered them your brothers?

A. I consider everyone my brother.

Q. And I believe that you said that as a result of your work in this photo analysis, etc., you had a revolution, and this is what motivated you to go to Honeywell.

A. It was not a revolution.

Q. Revolution, perhaps, is a bad word, but this motivated you to go to Honeywell.

A. Yes, it did.

Q. What got to you, I believe you said it was your concern over the people that were being killed.

A. Right.

Q. And you also said that you had to stop Honeywell in any way from producing these weapons. Is that right?

A. That's true.

Q. And had a peace march down through Waikiki been in order in an effort to get the public to come to grips with Honeywell, you would have done that. Is that right?

A. If I felt it would be effective, possibly, yes.

Q. Apparently, you felt that sitting in at Honeywell after 5 o'clock, after being ordered to leave, was going to be effective. Is that right?

A. Yes, I did.

Q. If you felt it was effective to throw rocks through the window, would you have done that?

Mr. MARLEY. Objection, your Honor. I think it's irrelevant again, and he's trying to discredit the witness.

The COURT. I'm wondering how many if's you're going to ask.

Mr. WEIGHT. Your Honor, the defense opened the door. The defense asked the question which led to the answer that he would do anything. I'd like to pursue that a little bit.

Mr. MARLEY. If I may say something—in the last trial, I remember, it was not permitted. This is a new jury and I assume——

The COURT. I'll sustain the objection. I know what prosecution is getting at, but I would just like to stop it at this point.

Q. (By Mr. WEIGHT) And you also stated that you would be willing to take any steps—any actions—to end the war and the production of weapons of this type. Is that right?

A. That may have been an exaggeration. Possibly, not anything, but because I'm basically non-violent.

Mr. WEIGHT. I don't believe I have any further question of this witness, your Honor.

The COURT. Any redirect examination?

REDIRECT EXAMINATION

By Mr. MARLEY:

Q. Jim, these strife reports upon which much of your testimony is based, first of all, where did these strife reports come from again?

Mr. WEIGHT. Objection, your Honor. This would be beyond the scope of cross examination. We'll be here all afternoon.

Mr. MARLEY. I don't believe it is, your Honor, in that he referred to the strife reports in his cross examination and was trying to insinuate that they were only hearsay.

The COURT. I'll permit the question, otherwise, you may be repeating something that's already been answered. I'm not certain——

Mr. MARLEY. I'm just re-establishing.

A. They came from the pilots themselves—the ones who saw what they were attacking.

Q. (By Mr. Marley) And after you came into contact with them, did you work only—where did they go through?

A. The reports went next—they went to CINCPAC, which is the Commander in Chief of the Pacific. After that it went to Washington, D.C. at the Pentagon.

Q. And were you in any—did you have any involvement in writing the actual reports that went to CINCPAC?

A. I wrote briefings, yes, and reports.

Q. So whatever you saw was the same information that the President of the United States saw.

A. Yes, it was.

Mr. MARLEY. No further questions.

Mr. WEIGHT. Your Honor, I'd kind of like to move to strike that. I don't think that conclusion can be drawn from what the witness said.

The COURT. Ladies and gentlemen of the jury, you will disregard the last question and answer.

Mr. MARLEY. Are we allowed——

The COURT. You may argue if you wish to, but you can't tell whether the President reads something.

Mr. MARLEY. He can see from the channels where it was going. He said it went——

The COURT. I think he made his point. It went through channels. I just sustained the objection and struck the one about the President.

Mrs. JOHNSON. I think this is a perfectly reasonable question and answer.

The COURT. I have already made up my mind. We could argue, you know, some of these points of law, but that one was pretty firm to me.

FURTHER REDIRECT EXAMINATION

By Mr. WITECK:

Q. Many of your superiors you reported to, did they also fly missions in Laos?

A. Yes, some did.

Q. Some did and——

A. Some were just administrative officers.

Q. Speaking of ruses—this particular hospital you said was struck—how was it targeted?

A. It was targeted as a hospital.

Q. And after it was struck?

A. As a hospital.

Q. There was no change, even after the strike was reported and analyzed, it was still reported as a strike on a hospital. Is that correct?

A. Originally, yes. Now that I remember, I had forgotten about the report. It was changed to a structure when it went to higher headquarters, since we're not supposed to be bombing hospitals.

Q. And speaking of ruses and deceptions, do you have an information, to your knowledge, is the Gulf of Tonkin incident a valid and accurate report?

A. No, it was not.

Mr. WEIGHT. Objection, your Honor. That's totally irrelevant.

Mr. WITECK. The question is already in. The Prosecutor has referred to ruses and deception of the other side, your Honor.

The COURT. Well, I don't want this type of question, but on redirect, you may only cover material covered on cross examination. I mean, it sounds like you're starting over again.

Mr. WITECK. I was, under the cross examination of ruses and deception. I just wanted to see if the witness was aware of any deception on our side as well.

The COURT. You may ask the question, but limit yourself to what was asked on cross—subject matter of the cross.

(By Mr. WITECK). Is it also true that from your knowledge that, perhaps our forces or our government's been guilty of deception or ruse?

A. Yes.

Mr. WEIGHT. I object to the nature of the question, your Honor. He's suggesting answers to the witness.

The COURT. The answer was in before the objection.

Mr. WEIGHT. I move to strike.

The COURT. Well, I can't strike because the question was leading, Mr. Weight. But avoid leading questions. Leading questions are questions where you suggest the answer and all the witness has to say is yes or no.

Q. (By Mr. WITECK). The Prosecutor suggested that, or has asked why—how effective—what would you do for an effective action at Honeywell, or something to this effect. Why do you think staying at Honeywell past the closing hours could be an effective step, or why was it?

A. Well, we had a legal right to remain in Honeywell.

Mr. WEIGHT. Objection to that conclusion, your Honor. That is a question for the jury.

Mr. WITECK. This is a statement of the state of mind.

The COURT. Let me instruct the jury. The witness may testify as to his understanding of the law, so that the jury may have the proper criteria of judging the witness' state of mind at the time of the action. But the law will be given to you by the Court at the conclusion of this case. But you may consider what the defendant thought the law was, whether or not he had any intent required by the law to do something wrong.

Q. (By Mr. WITECK). In your mind what was this lawful right?

A. It was under our Constitutional Law—Article 6 of the Constitution, which says, basically, that treaties are the supreme law of the land and all states and all judges in all states are bound to uphold them. The Nuremberg decision, the Geneva Convention, the Hague Convention, which I'm not familiar with the definite articles, I believe, give the private citizen a right when he sees war crimes being committed to attempt to stop them.

Q. And so your remaining at Honeywell was an attempt to do this?

A. Yes, it was.

Mr. WITECK. No further questions.

The COURT. Any further redirect examination? Any recross, Mr. Weight?

Mr. WEIGHT. None, your Honor.

The COURT. You may step down.

(Whereupon witness excused at 3:25 p.m.)

HAVE VILLAGES BEEN BOMBED IN LAOS?

NO

1. "The United States Air Force contribution was limited to striking at the logistic routes, or . . . allied choke points or at points of concentration that fed into the area where the actual ground battling was taking place . . . it was the policy not to attack populated areas."—Former Ambassador Sullivan, Symington hearings, fall, 1969.

2. "I recall talking to refugees from Xieng Khouangville and they told me they knew of no civilian casualties during the operation. . . . I think that is typical. . . . Villages, even in a freedrop zone, would be restricted from bombing."—Air Attaché Tyrrell, Symington hearings.

3. "Our air activities are conducted in accord with a policy of avoiding civilian casualties . . . if a proposed target does not meet the criteria imposed to prevent civilian casualties, it will not be struck."—Asst. Secy. of Defense Doolin, Kennedy subcommittee, May, 1970.

4. "The air strikes have been carefully controlled . . . we established . . . very clear rules that put villages or any inhabited place out of bounds to U.S. air activities."—Sullivan, Kennedy subcommittee, May 1970.

5. "The policy of the U.S. is deliberately to avoid hitting inhabited villages. . . . I know of no village that has been destroyed [to deprive the enemy of food and help]."—Sullivan, Kennedy subcommittee, April, 1971

6. "While I was in Laos from Sept. 6, 1968 to Feb. 19, 1971, I do not know of a single incident of indiscriminate bombing of any villages."—Bombing Officer Archer, Congressional Record, July 12, 1971.

7. "I am prepared to state under oath that ever since I have been in Laos (July, 1969), this mission and U.S. Air Force have done everything possible to avoid any bombing of inhabited villages or even isolated dwellings in Laos."—Present Ambassador Godley, Congressional Record, July 12, 1971.

8. "I know I didn't indiscriminately bomb civilians, I know my pilots didn't—I stake my professional reputation on it. I remember the village of Sam Naus . . . which we were forbidden to hit in 1965. . . We were forbidden from hitting it even when we received fire from the village. . . ."—Brig. Gen. Daniel James, Congressional Record, July 12, 1971.

9. "We have continued to conduct air operations. Our first priority . . . is . . . the Ho Chi Minh Trail. . . . In addition . . . we have continued to carry out reconnaissance flights in northern Laos and to fly combat support missions for Laotian forces. . . ."—Richard Nixon, March 6, 1970.

YES

1. "By 1968 the intensity of the bombing was such that no organized life was possible in the villages . . . in 1969 . . . the jet planes came daily and destroyed all stationary structures . . . the villagers lived in trenches and holes or in caves . . . bombings were aimed at the systematic destruction of the material basis of the civilian society."—U.N. advisor Georges Chapalier, "Plain of Jars Social Changes Under Five Years of Pathet Lao Administration."

2. "The bombing is clearly the most compelling reason for moving—95 percent of the respondents indicated their village had been bombed, 49 percent could not count the number of times; 68 percent had seen someone injured and 61 percent had seen a person killed."—United States Information Survey of 200 villages from Plain of Jars.

3. "The United States has undertaken . . . a large-scale air war over Laos to destroy the physical and social infrastructure of Pathet Lao areas . . . throughout all this there has been a policy of secrecy. . . . The bombing has taken and is taking a heavy toll among civilians."—Staff report, Kennedy subcommittee, September, 1970.

4. "There are plenty of incidents known to American civilian employees who have been in Laos for some years in which civilian targets have been bombed."—Staff report, Senate Foreign Relations Committee, April, 1971.

5. "Refugee testimony was unanimous in describing the destruction of every single home in each of seven villages . . . when the bombing became so extensive in 1969."—Congressman McCloskey, Kennedy hearing.

6. "The extensive bombing of civilian areas is particularly vicious. In talking to refugees, we heard what days and nights under bombardment are like. Refugees tell of being forced to live in holes and caves, of having to farm at night, of the systematic destruction by U.S. war planes of the human basis for society."—Letter by a group of U.S. volunteers to President Nixon.

7. ". . . 74 incidents of aerial bombardment involving 108 casualties were described . . . no Pathet Lao nor North Vietnamese soldiers present . . . contrary to the policy statements of American officials, bombardment . . . was extensive and caused large numbers of civilian casualties."—Walter Haney, "A Survey of Civilian Casualties Among Refugees from the Plain of Jars."

8. ". . . between Sam Neua and a place about 30 kilometers away where we stayed, no house in the villages and hamlets had been spared. . . . The first real raid against the population center itself was launched on Feb. 19, 1965 . . . on March 17 and 18, 1968 . . . the ground . . . houses were totally burned out (phosphorous had been used) . . . at the other end of Sam Neua, the sight was even more painful. Everywhere enormous craters, the church and many houses were demolished."—Jacques Decomoy, Le Monde, July 3–7, 1968.

9. ". . . the continuous hell of the bombing . . . compelled (them) to live in caves . . . anything that moved was hit. . . . By 1969 the bombing became so heavy . . . that they had to abandon their villages. . . . As one villager put it, 'The bombs fell like a man sowing seed.' It seems that much of the American effort is being aimed . . . at the physical destruction of society as organized by the other side."—Ian Wright, Manchester Guardian, March 14, 1970.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Minnesota.

Mr. GRIFFIN. Mr. President, was there an understanding that there would be an alternating of speakers back and forth?

The PRESIDING OFFICER. There is no set order.

Mr. CRANSTON. Mr. President, it was our hope that we could do that. However, we were unable to do it. I would, however, ask the Senator from Minnesota (Mr. MONDALE) if he would permit the Senator from Michigan to proceed.

Mr. MONDALE. That is agreeable.

Mr. GRIFFIN. Mr. President, the Senator from South Carolina (Mr. THURMOND) has to leave shortly. I yield 5 minutes from the time of the Senator from Tennessee (Mr. BROCK) to the Senator from South Carolina. I have permission to do that, and I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I am pleased to be a cosponsor of the resolution condemning North Vietnam which will be submitted by our distinguished colleague, the Senator from Arizona (Mr. GOLDWATER). This resolution is important because it cuts through the smokescreen of moral hypocrisy which has obscured the truth about Vietnam, and places the blame squarely on the enemy, where it belongs. This resolution also supports the policy of the President to bring an honorable peace to Vietnam, and this is also important.

General Sherman, not one of my favorite generals, incidentally, summed up the feelings of civilized people for all time when he said simply, "War is hell." The human suffering which accompanies any war is indeed terrible to contemplate, and even those not directly affected by the ravages of the war in Vietnam have sustained the emotional injury which comes with the knowledge that fellow human beings are being killed and wounded. I have fought in a war, and I have heard about others, including the Vietnam war. It is extremely difficult to comprehend and accept the human suffering which occurs in war on such a large scale. Yet that is exactly what we are called upon to do as human beings and as Senators—to comprehend the human hell that is war, and determine if there is a greater evil than this human suffering.

Mr. President, this is the central question around which the Vietnam debate in this country and in the Senate revolves. This, Mr. President, is the question which those who have expressed such apparent moral outrage at American participation in this war have refused to confront. The greater evil which we would have to accept if we were to conclude that the Vietnam war is not justified is the acquiescence by the United States of America in the aggressive conquest of South Vietnam by its Communist neighbor, North Vietnam. We would have to acquiesce in the human blood bath of the South Vietnamese who have courageously resisted Communist aggression in Vietnam. We would have to acquiesce in the almost inevitable communization of many Southeast Asian nations presently independent of Communist tyranny. We would have to acquiesce in the weakening of our carefully built alliances all over the world which have been designed to contain the expansionism inherent in the Communist powers.

Mr. President, while I hope that the President's policy of Vietnamization will result in a South Vietnam free of Communist domination, and while I believe this will be the case, this is not a question which we can answer today. But I do know that if the United States refuses to follow through on its commitment to vigorously assist the non-Communist South Vietnamese in their efforts to defend themselves from the open Communist aggression of North Vietnam, our Nation will be regarded with justification as a paper tiger that has forfeited its role as the leader and necessarily the protector of the free world. I am convinced that the repercussions from this forfeiture would be disastrous for our Nation's security in a much shorter period of time than those who naively believe we can withdraw into a fortress America. Our national security is important not merely for reasons that some would term petty nationalism but because in the security of the United States and in our effectiveness as the leader of the free world rest the aspirations of generations of men from all over the world who have believed in the worth of man as an individual.

From that worth is derived a philosophy of government which accepts man's freedom as of primary importance. Should we forfeit our leadership, the hopes of centuries that freedom is the policy of the future will be dashed—at least for now—and instead this vibrant concept which has inspired men everywhere will be regarded as a doctrine of the past.

Mr. President, tyranny is the alternative to the war in Vietnam, and tyranny is an unacceptable alternative. The U.S. position in Vietnam is a moral one which deserves the support of the U.S. Senate and the American people. Let us weep no tears for an enemy intent upon forcing its unjust will upon a nation. Let us weep no tears for the powerful Communist states intent upon imposing a philosophy which values a man's worth only insofar as he serves the state. Let us instead resolve to provide the leadership in whatever fashion is necessary to insure that freedom does indeed remain the hope of mankind.

Mr. President, I have listened to people in Government and out of Government in the last few years criticizing President Nixon for the course he has followed in trying to wind down this war. I would remind these people that it was under another administration that this war was started. Whose administration? President Kennedy. Who sent the first combat troops to Vietnam? President Kennedy. Who kept them there as long as he was President? President Kennedy.

I would remind these people who criticize President Nixon that it was another President who escalated this war and increased the fighting men there up to over 550,000. Who was it? President Nixon? No; it was President Johnson. Who continued that war and had about 550,000 American fighting men there up until he left office as President? Who was that President? President Johnson.

Then, you did not hear the criticism on the part of some you hear now against President Nixon who is winding the war down. He has been winding down this war and bringing it to a close. He has been doing it on schedule. By May 1 of this year he has announced there will be only 69,000 combat men in Vietnam. I repeat: How many were there under President Johnson when he went out as President? Over 550,000. How many will be there on May 1 of this year? There will be 69,000.

Mr. President, we have lost more than 50,000 lives in Vietnam. We have had more than 300,000 men wounded, injured, blinded, maimed, with loss of legs, loss of arms, and loss of other parts of the body, men who are wounded permanently. Yet, there are some in this country who would tuck tail and run, and forget the men who have been killed there and who would have their lives lost in vain; and that same group of individuals, most of them, would forget the POW's and those missing in action and say, "Get out, get out, get out."

That is not the stuff of which Americans are made. Those are not the kind of people that built this great Nation out of the forests, and not the kind of people who settled this Nation and said, "We shall be a free people and we are willing to fight for our freedom, if necessary."

When it comes to the time when the people of any nation are not willing to fight for their freedom they do not deserve freedom. No one wants a war. I have been in a war. I have seen men shot down all around me. I know what war means. It is just what Sherman said it was. But I will tell you this. Some things are worse than war: Tyranny, tyranny, tyranny is worse than war.

Freedom, the most precious word in the English language next to God, is what our people are there for. That is what the Air Force is bombing for; that is what the Navy is bombing for—to protect our own people there and to protect the freedom of the South Vietnamese people.

I believe that is the course President Nixon is following in Indochina, and I applaud him for it. I applaud the President for doing the bombing that should have been done 6 or 7 years ago, for his determination to continue to bring our ground troops home, and for his resolve to conclude an honorable peace.

The **PRESIDING OFFICER**. The time of the Senator has expired.

The Chair recognizes the Senator from California.

Mr. **TUNNEY**. Mr. President, first, I would like to say to my senior colleague from California how appreciative I am that he has organized this colloquy today. I think it is most important that Members of the Senate have the opportunity to discuss, irrespective of their points of view, the latest escalation in the war by the President.

In what this morning's New York Times appropriately called the strategy of failure, American war planes are again dropping thousands of tons of explosives, shrapnel, death, and destruction on North Vietnam, and again it represents a horrible and tragic mistake.

It is not serving basic American interests and it is prolonging the war in Indochina. What it is saying, in effect, is that the United States is once again escalating the amount of prestige we are willing to place on the line in order to protect the Thieu-Ky government.

It is clear that what the escalation has done has been to threaten our relations with the Soviet Union and China; it is risking the lives of American pilots and bringing death to untold numbers of people.

I am absolutely convinced that in this country today we are suffering from a national psychosis relating to this war. I think the basis for the psychosis is that we have certain ideals: freedom, self-determination, the right of citizens to choose their own government, the right to be protected in their privacy. Yet in Vietnam we are acting contrary to our so-called ideals. As a result of this awareness on our part today we are acting contrary to our stated ideals, and in some way we must explain away what we are doing and make it appear something quite different than it really is. Of course, as everyone knows, one of the basic aspects of psychosis is living in a world of unreality.

What I cannot understand is how anyone can suggest that, by massive bombing of North Vietnam, by killing North Vietnamese civilians, we are expediting our disengagement from Vietnam. Some people would call it doublethink. Some people would call it self-mystification. Some people would call it psychosis.

It is quite clear that what we are doing is deluding ourselves. One of the tragic aspects of this self-delusion is the fact that those men who talk most sincerely about the desire of getting American prisoners of war back from Vietnam contravene that policy by supporting the bombing. They must realize, when they say in the next breath that the bombing is good, that they are perpetuating the confinement of the prisoners. It is quite clear that, as long as we are bombing in the North, as long as we have American troops stationed and fighting in Vietnam, we are not going to get our prisoners of war back.

I think it is clear to everybody that the only way we are going to get our prisoners back and also the only way we are going to have any kind of political accommodation in South Vietnam is for the South Vietnamese and the North Vietnamese to reach that accommodation between themselves. There is nothing that the United States can do which is going to convince either the South Vietnamese or the North Vietnamese to reach the kind of accommodation that is going to bring political stability to that tragic land. It is going to have to be worked out between the parties.

If you take a look at what we have assembled in Southeast Asia to assault Vietnam, it boggles the mind. The number of B–52 heavy bombers assmbled for operations in Vietnam has recently been doubled and is now over 100. For the first time in the history of the war these huge bombers have been used to bomb the Haiphong area. Approximately 600 fighter-bombers have also been concentrated for strikes against the North Vietnamese. Four aircraft carriers are operating in the war zone and, also for the first time, a fifth carrier is expected to begin operations there shortly.

Why is the United States bombing North Vietnam? It is apparently our clumsy way of helping to prevent the defeat of the South Vietnamese Army and the overthrow of the Thieu regime. After more than 3 years of Vietnamization under President Nixon, one wonders if the South Vietnamese could defend themselves without the United States bombing North Vietnam. If not, when will they be able? Will they ever be able to stand alone? Will the crutch of massive destruction, terrible risk to American airmen, massive expense to U.S. taxpayers, damage to America's reputation, and disruption of American society always be considered necessary for the Thieu Government of South Vietnam to defend itself against the North Vietnamese and Vietcong?

Or will our Government realize the futility of bombing North Vietnam? During President Nixon's term in office, allied forces have expended over 3¼ million tons of aerial munitions—half again as much as was used throughout World War II in all theaters. The loss of human life and the destruction of property has been colossal. Many of those killed were children and innocent civilians, and much of the devastated property had no military or strategic value. This bombing has accomplished little; certainly nothing decisive. It is very doubtful that continued bombing of North Vietnam will have any measurable effect on Hanoi's will to fight, the ability of the North Vietnamese Army to fight in the South, or the ability and will of the South Vietnamese to establish firmly a viable state.

It is unbelievable that there are still people in this country who believes that by bombing, we are going to be able to bring peace to Vietnam. Last week, the Washington Post called President Nixon the greatest bomber in history. In the last 3 years that he has been in office more bombs have been dropped than in any other presidential term of office—more than a ton of bombs, if you can believe this, have been dropped on Vietnam for every minute President Nixon has spent in the White House.

Our bombing in North Vietnam is doing our country no good. It does not lead to the fulfillment of American goals. It takes us further from them.

Most of all, Mr. President—most of all—the bombing of Vietnam prolongs the domestic agony of the United States. Most of all, it continues to tear our Nation apart.

It distorts our real interests. It misplaces our priorities. It helps turn America into an embattled country at war with herself—at war with a majority of her own people, a people which desperately wants to live in peace; to improve its lot and the lot of others; to develop and sustain a just society.

The President seems to evaluate the success of his policy in Vietnam by the polls. Will it affect his re-election? That most important values of our Nation, the most fundamental principles upon which she rests. But even upon that standard, he will have to realize that the American people will not tolerate the further expansion of this cruel war. The American people will not condone his predecessors. The war will not be swept under the rug.

The war is still the most important issue in this land. It cannot be ignored. It cannot be avoided. It will be an election issue. It will be an issue until America has ceased to be involved—on the ground and in the air.

It will be carried to every corner of this land—to rural America where it disrupts markets and prevents proper growth; to urban America where it cripples our morale and threatens the very roots of our democracy.

Whether as a foreign policy principle, a moral objective, or as an election issue, the President must be shown that his stubborn and heartless policy in Vietnam must finally be ended.

Mr. **MONDALE**. Mr. President, I have only a few words to add to what my colleagues are saying here.

Coming to this Chamber this morning to talk about the war in Indochina, I felt a deeply depressing sense of reliving all over again tragedies of the past which should be far behind us.

We have been through so many springtimes of slaughter and folly and deception.

There was the spring of 1965, my first here in Washington, when the Johnson administration began the bombing of North Vietnam in the name of shortening the war.

There was the spring of 1968 when we were told the Tet offensive was the last gasp of the beaten enemy. That same spring the American people, sickened and divided by the war, were told by Richard Nixon that he had a plan for peace.

Then came the spring of 1970 and the invasion of Cambodia in the name of shortening the war. That was a spring when Americans died not only in the jungles of Southeast Asia, but also on the campus at Kent State.

Now the spring of 1972—seven bloodstained years later—and it is happening again. Incredibly, the B-52's are over North Vietnam, and the Secretary of Defense can come before the Foreign Relations Committee to talk of blockading Haiphong in the name of winding down the war.

History will record that there were many reasons why we have been condemned to relive this terrible cycle.

As Cassius told Brutus, the fault is not in the stars, not in some fateful conjunction of destiny that we could not control, but in ourselves.

Much of that fault lies, of course, in the two administrations that have waged this war.

It is not only that they have been mistaken politically and militarily. They have enlarged every error by seeing the war as some strange personal test of pride and strength. And we have paid an awful price for these projections of personality on national policy.

But if they have felt their own pride and prestige too much, they have felt the suffering of others too little. This war is more grim proof that in all our knowledge, we have forgotten how to feel.

The thousands of lives lost and broken in this war become abstract figures on a Pentagon chart or simply poignant rhetoric in a politician's speech.

And the killing goes on.

In this world of insensitivity and blind arrogance, ideals are transformed in some crude Orwellian distortion.

Cowardice in facing the truth becomes the courage to fight on.

Desperate improvisation passes for some complex strategy.

Saving the people means destroying them.

But it is not only the political leadership that has taken this country to war and kept it there. Beneath the elected officials of the executive branch, there hums that vast bureaucratic anthill that goes on obediently turning out the misleading reports and the empty rationalizations.

The policymaker can persevere in his mistake, because there are so many who persist in putting career and comfort and perhaps sheer inertia ahead of country. There are officials all over this country today who know that this administration's policy has become a shameful travesty on what was promised the American people. Where are their voices this morning?

And finally, history will certainly trace a line of guilt to the Congress itself. For 7 years we have failed to summon the wisdom or the courage to act here, to meet the nearly universal yearning of the people we represent for an end to this war.

That we must debate this issue once more today condemns us as fully as any administration or bureaucracy.

So it is another spring.

Again cherry blossoms by the Tidal Basin.

And more death and destruction over Indochina.

More unrelieved despair in the POW camps of North Vietnam.

Still more quiet pain in veterans hospitals.

And unanswered silence of 53,000 young Americans in cemeteries across this land.

And now more words here in Congress.

It is yet another tragic spring for our country.

I only pray that somehow, in some way, we will make it the last of its kind.

Mr. President, the Minneapolis Tribune yesterday published an important editorial comment on the danger of the present reescalation of the war. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE NEW AIR WAR IN NORTH VIETNAM

Every reason thus far advanced by the Nixon administration for setting history in Vietnam back four years is, in our view, unsupportable. No better reasons are likely to be offered in the days ahead. Arguments for and against extensive bombing in the north, including Hanoi and the port of Haiphong, were raised in the mid-1960s, debated and, we had thought, resolved in 1968.

We do not object to the statement of the obvious made yesterday by Secretary of State Rogers. He told the Senate Foreign Relations Committee that North Vietnam was guilty of aggression, just as his predecessor, Dean Rusk, had charged in the 1960s. But the justifications for responding to that aggression by air strikes in the north are as invalid now as they were before. Furthermore, if Rogers really meant what he said—that the United States will "take whatever military action is necessary to prevent a Communist takeover in South Vietnam"—then the Nixon administration has not only escalated American objectives beyond those of the 1960s; it has also changed drastically its own policies.

The bombing rationale is all too familiar. Reporting heavy damage to fuel-storage and transportation facilities in the Hanoi-Haiphong area, U.S. military spokesman asserted that the Sunday strikes "will help reduce the enemy's capability to continue military activities in South Vietnam." The logic is indisputable, just as the bombing of the north in 1965, 1966 and 1967 undoubtedly kept the Tet offensive of 1968 from being larger than it was. A bombing campaign in the north in 1972, 1973 and 1974 would undoubtedly reduce the enemy's capability in 1975.

More subtle purposes are widely assumed to lie behind the attacks on the north. One is a warning to Hanoi that its large-scale operations in the south will not go unchallenged by the United States. Also, having resumed a 1960s-type air war, the United States is said to have a new "bargaining chip" to offer North Vietnam: a negotiated settlement in exchange for a bombing halt. We doubt that Hanoi or anyone else has now, or had before, many illusions about the willingness of the Nixon administration to unleash destructiveness from the air. And the notion of bombing Hanoi to the conference table is so old, shopworn and discredited that it would be ludicrous if it were not so tragic in its present application.

Another presumed purpose of the bombing is to demonstrate to the world in general and Moscow in particular that the United States can be relied upon as a nation that will not abandon its allies for the sake of East-West detent: the "pitiful, helpless giant" syndrome. As Rogers put it yesterday, "We can't now just turn tail and leave our friend and ally alone." But that is precisely what the administration was doing, or said it was doing, through its policy of Vietnamization and American withdrawal. Rightly, we believe, President Nixon had been credited until recently with pursuing a steady course of disengaging American military power from Indochina more rapidly than many expected he would when he took office. The policy was not abandonment, It was recognition that the United States had done far more than could reasonably be expected to strengthen South Vietnam; that the only rational course was withdrawal.

In pursuit of that course, close air support by U.S. forces against the North Vietnamese divisions in the south seemed to us, under the circumstances of the full-scale offensive, justified. But now, both the methods and the ostensible goals have changed. Under the doctrine of "whatever military action is necessary," the President has responded with punitive strikes in the north. In doing so, he has made the United States hostage to the ability, or lack of it, of the Saigon government. He has lessened the chances for safe American withdrawal and release of Prisoners of war. Far from enhancing this country's status abroad, he has, we believe, diminished it. He has jeopardized his achievements in normalization with China and negotiation with Russia. He is acting in what he believes are the best interests of the American people, but we think he is acting against the wishes of the majority.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. ROBERT C. BYRD. Does the Senator from Minnesota have any time remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes remaining.

Mr. ROBERT C. BYRD. I ask unanimous consent that that time may be reserved to the Senator from California (Mr. CRANSTON) for later disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, over a period of months, years, and days we have all made comments here on the Senate floor about our policy in Southeast Asia. During that period, and most recently during the recent escalation of the air war over Vietnam, I have called our policy a senseless, reckless policy, a response to the failure of Vietnamization, and have criticized that policy in some detail.

I can only repeat what I stated in this Chamber in a speech over a year ago, on February 24, 1971, when I asked: "How long will we permit our Nation to launch an unlimited airwar over Indochina that can only add heavily—and needlessly—

to the tragic human toll that already exists."

It should come as no surprise to us that there is an unlimited airwar today throughout all of Indochina. Our national leadership officially told us last year that all of Indochina would be a target for American bombs. The President said then that he would place no limitation on the use of American airpower throughout the area.

I said then, and I say again:

> I am appalled that our national leadership finds it so easy to escalate its policy of violence through an unlimited airwar. I am appalled that it chooses to ignore the record of devastation and death our bombing has caused in the past.
>
> Must we increase the more than 1,000,000 (now over 1,150,000) civilian casualties and 5,000,000 (now 6,350,000) refugees in South Vietnam?
>
> Must we increase the tens of thousands of civilian casualties and 1,000,000 refugees in Laos?
>
> Must we increase the tens of thousands of civilian casualties and more than 1,500,000 (now over 2,000,000) refugees in Cambodia?
>
> Must we destroy more villages, decimate more tribal peoples, and make more land uninhabitable—all for a cause which most Americans no longer support?
>
> And, are we as a nation so morally bankrupt that we can sweep the issue of war victims into the pages of history without putting forth a greater effort to meet human needs?
>
> We are confronted today with a very serious regional crisis of people—millions of people—refugees, civilian casualties, war victims. And more than our government cares to admit, American military activities—especially the heavy bombing of many areas—is contributing much to this human toll of war.

Again, as has been stated many times, no one today questions that the North Vietnamese have not also contributed to this toll, that their military offensives have not also created refugees and civilian casualties. The only question many Americans are asking today is how long will we contribute to this human tragedy—how long will we bomb villages?

Today, Mr. President, I would like to join my colleagues in commending the Senator from California (Mr. CRANSTON) on his analysis of just what this war has done, not only to our Nation but to the human beings in Southeast Asia, and most particularly to the civilian population of South Vietnam. As the chairman of the Subcommittee on Refugees of the Committee on the Judiciary, I can state that since 1965 we have held extensive hearings on what the impact of this war has been on the civilian population—the innocent children, the women, and the old people who are caught in the crossfire of the viciousness of the Vietcong assaults and the North Vietnamese offensives—but most tragically of all, by the viciousness of the bombing attacks and the firepower of the American forces.

It has been our conclusion, after days, weeks, and months of hearings, and after two visits to Vietnam and the Southeast Asian peninsula, that in many instances nearly 80 percent of the refugees have been caused by American firepower, and that many of the victims, the civilian war casualties, war orphans, and other victims, are caused by American firepower.

Perhaps it would give pause to the American people to realize that in South Vietnam, a country of some 17 million, that there are over 700,000 war orphans today, that there are in excess of 200,000 war widows, and that there are more than 250,000 individuals who are physically disabled, because of the war—that there are over 1,500,000 people whose bodies, minds, and loved ones have been lost in South Vietnam.

In 1971, there were more than 140,000 new refugees officially registered in South Vietnam. At least half of them were victims of forced relocation by Government forces, and all of them were in addition to the nearly 6 million refugees created since 1965. Since January of this year the number has continued to grow. In fact, since April 1, and the escalation of the war, more than 200,000 new refugees have fled into Government territory alone. And uncounted thousands remain behind. In Quang Tri Province, tens of thousands of these new refugees are simply fleeing camps where U.S. Marines moved them in 1967. Today they are caught in the crunch of another battle, with little hope of it being the last. The cumulative total of refugees in South Vietnam today is well over 6 million, which is at least one-third of the country's population.

In 1971, some 38,318 Vietnamese civilians were officially admitted as civilian war casualties to Government hospitals. Tens of thousands of others were treated elsewhere, were never treated at all, or were killed outright. Again, all of them were an addition to the more than 1,050,000 civilian war casualties from earlier years. And if earlier patterns are repeating themselves, thousands of civilians are becoming casualties in the current escalation of the war.

Just 2 years ago, according to official statistics, some 258,000 war orphans were registered with the Vietnamese Government. Today, the official total stands at some 410,000. The actual total, however, exceeds 700,000. And in all other categories of war victims, the figures of those disabled, paralyzed or blinded by the war go up and up.

These and other statistics tell us something of the human toll that the bloody war in Indochina is taking among the people of the area. They are all documented in reports of the Judiciary Subcommittee on Refugees, which I serve as chairman, as well as in recent reports to the subcommittee prepared by the General Accounting Office. As before the GAO has found that the situation among the civilian population continues to deteriorate. Their reports underscore again the fact that the human tragedy in Vietnam is as old as the war itself, a war that has changed little in its tragic impact upon the civilian population.

It is a cruel irony that our policy of helping and assisting in the area of refugee work, which was funded at approximately $6 million last year, has been cut to approximately $5 million this year, and the administration has announced that the whole program is going to be phased out next year. What a cruel irony it is that those humanitarian programs to care for the war victims of South Vietnam are to be phased out, at a time when we have announced a very great escalation of the air war in the north. This must give pause to people, not only in this country, but throughout the world, and cause them to wonder why we are really fighting there. Are we fighting because we are concerned about the well-being of people and individuals, or because we are trying to secure the success of a political policy of "Vietnamization"—the bankruptcy of which I think all Americans have been convinced of since its announcement some 3 years ago.

I, for the life of me, cannot understand why this administration does not follow the model that was set for it by President Eisenhower in 1952. President Eisenhower indicated that he did not have a plan to end the war, but that he was going to visit Korea, and to millions of Americans that meant undivided attention, and the implicit commitment that we would end the Korean war; and the Korean war was ended within 2 years after he assumed office.

In contrast, though we had a statement that this war would be the first order of priority in this administration, and the announcement that there was "a plan" to end the war, yet nearly one-third of all the Americans who have been killed in Southeast Asia have been killed since January of 1969. Some $70 billion has been expended there, that should have been spent here in the United States to provide health, education, and decent housing to the people of this country, and security for the people here at home.

What a cruel irony it must be for the American people when they see our President meet with Chou En-lai and Mao Tse-tung, toasting each other with champagne as the strains of "America the Beautiful" play in the background, that China, with its 800 million people, perhaps posing a threat to the security of the United States, and the Soviet Union, with 200 million people and sophisticated weaponry, clearly posing a threat to the United States. Yet, today, the bombers fly over North Vietnam, over Hanoi and Haiphong, and the American people cannot help but ask themselves, "What kind of threat is posed, in comparison, by the 17 million people of North Vietnam?"

Mr. CHURCH. Mr. President, will the Senator yield at that point?

The PRESIDING OFFICER. Is this on the time of the Senator from Idaho?

Mr. CHURCH. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 3½ minutes.

Mr. KENNEDY. Mr. President, will the Senator withhold for just 1 or 2 minutes until I finish?

Mr. CHURCH. Mr. President, I withhold until the Senator finishes his statement. Then, if time remains, I would like to respond.

Mr. KENNEDY. Mr. President, we can only ask this morning, how much longer will it go on? How much longer will we permit our Nation to fuel a war that most Americans no longer support? How much longer will we contribute to a bloodbath for the sake of avoiding a highly speculative bloodbath of the future? How much longer will we allow our seat at the Paris peace table to remain empty?

In recent days I have received, as I know many other Senators have, hundreds of telegrams and letters from constituents asking this same question: How much longer? Many are expressing their frustration and anger over the reescalation of the war, and their anxiety that it will never end. Of all that I have received, none are more eloquent in expressing these sentiments than Mrs. Sharon S. Doten of Brighton, Mass. She wrote:

> DEAR SENATOR KENNEDY: Eighteen months ago my husband wrote joyfully from Vietnam to announce that his commanding officer felt all Americans would be out within six months. A few weeks later he was dead—killed by a fragmentation grenade. Today, the headlines in the Boston Globe announce that we are again moving infantrymen into active fighting. One would have to be blind and deaf not to realize that the policy of this administration is one of sacrificing lives at the expense of prestige.
>
> Six years ago I was seventeen. The war was soon to become real to my friends and we were slowly realizing that it was a war we did not wish to claim as ours. . . .
>
> But the war goes on interminably. How long? My husband is dead; my son will not know his father. But in some sense the war has ended for us. We can no longer be touched. My son will not be drafted and I have no younger brothers. But how many others—white and yellow—must have their lives torn apart for the sake of the prestige of the American government? Why are we so powerless to stop this disaster which has already cost us far more than can ever be atoned for? . . .
>
> In a sense I am profoundly tired. I am tired of headlines which continually bring back the agony that began when the Army appeared at my door eighteen months ago. I am tired of the Thursday casualty reports. I am tired of the political rhetoric of "Vietnamization." I am tried of the feeling of desperation and impotence which fills me every time I wonder what can be done.
>
> And so in a sense the purpose of this letter is to pose that question. What, indeed, is to be done? Have we created a monster in the Pentagon which cannot be stopped? Why is the Senate as impotent as I am? . . .
>
> In both rage and despair, I ask my government, "How long is this going to be allowed to go on?"

The letter is signed Sharon S. Doten. Who can answer Mrs. Doten's question? Who can say how long it will be and when it will end?

I think Mrs. Doten has summarized the agony, frustration, and despair that is on the minds of so many Americans today, as the Senate continues this dialog.

During this colloquy on the unlimited air war in Indochina, we must not let the true tragedy of the situation escape us. We must not allow ourselves to forget that all we are saying this morning, all the discussion we have heard, all the rationalizing by the administration for more war and more death—all of it could have been heard in this Chamber over a year ago, or the year before that, or even years before that.

The fact is, the war in Vietnam has not changed much. The bombing has not changed. The violence has not diminished. Men and women and children continue to die. The war simply grinds on as we talk.

Only the statistics of death have changed. Only the numbers of civilians killed or wounded—the number of refuges fleeing bombs and bullets—have changed. For each new day of war brings another day of suffering, and the statistics of the human costs of the war mount steadily.

Our national interest does not lie in the continuation of the war, or an expanding U.S. involvement in it—even an aerial involvement. It does not lie in the further destruction of the countryside in Vietnam, North or South, or Laos or Cambodia. It does not lie in the generation of more war refugees and civilian casualties.

Rather it lies in the very urgently needed effort by our Government to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. It lies, as well, in a far greater effort to meet the vast human needs generated by the conflict.

In conclusion, let me say, as I said last year, that over the coming weeks and months—as it has since 1965—the Subcommittee on Refugees will continue its very active interest in the escalating problem of war victims in Indochina. And we will also continue to be as tenacious in our views and recommendations for action, as we feel the important situation warrants.

But as Mrs. Doten writes, "the war goes on interminably," and all of America joins her in asking: "How long?"

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I want to commend the Senator for his address. For 7 long years now, this war has made precious little sense to me. As it expanded, as we sent half a million American troops to Indochina to engage in it, the only reason ever offered that even pretended to be commensurate with the cost of the war to the United States, was that somehow it had become our duty to stand as sentinel for Asia against China.

As the Senator knows, this war was then referred to as a proxy war, China supposedly being the demon behind it all, and it was said to be our duty to protect the rest of Asia—with our men and money—from the threat posed by the Chinese.

I ask this question of the Senator: Since President Nixon's trip to Peking, for which I commended him and the Senator from Massachusetts commended him——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CHURCH. Mr. President, I ask that I may have time on my own to ask these questions.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object——

The PRESIDING OFFICER. The Senator has time reserved in his own right, in his own name.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. I want to cooperate as much as I can, but it was my understanding that, to the extent possible, the Chair would alternate in recognizing Senators who did have time reserved. There are Senators on this side who would like to speak. I realize that all Senators have committee meetings and need to be other places. But, as much as possible, I would hope that after a Senator on the other side speaks, a Senator on this side would speak, if one is ready and willing to speak.

Mr. CHURCH. Mr. President, this will take very little time.

The PRESIDING OFFICER. The Chair informs the Senator from Michigan that the Chair was inclined to do that, but no Senators on the Republican side who had requested time were present.

Mr. GRIFFIN. I understand that. At that time, the Chair was acting as he should.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that this time not be charged against the Senator from Idaho.

The PRESIDING OFFICER. Without objection, the time will not be charged against the Senator from Idaho.

Is the Senator from Idaho requesting time to respond to the Senator from Massachusetts, on his own time?

Mr. CHURCH. I do make that request, for the purpose of putting a question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Chair states that time had been requested previously by the Senator from Missouri and the Senator from Ohio. In the sequence of events, and for the purpose of the question, the Chair recognizes the Senator from Idaho.

Mr. CHURCH. I thank the Chair.

As I was saying, when the President went to Peking and undertook to start the process of normalizing our relations with China; when we agreed to the five Chinese principles in the Shanghai communique, we changed our entire attitude toward China, and we declared to the world, in effect, that we no longer regarded China as a great threat to the peace of Asia, that we no longer believed it was impossible for the United States to work out normal, peaceful relations with the People's Republic of China. Given that set of events, what sense does this war in Vietnam make anymore? It made precious little sense before. Now it makes none at all.

Yet, would not the Senator agree that we cannot seem to break our seance with this war, that somehow no President can bring himself to say, "We have done all that can be done, we have given the South Vietnamese the tools to defend themselves, and now we are going to withdraw"? No President yet has been able to say it, and so the war continues and the end is not in sight.

Can the Senator find a reason, in light of our new attitude toward China, any reason connected with the vital interests of the United States, that would justify perpetuating our participation in this war?

Mr. KENNEDY. I respond to the Senator from Idaho, who has provided great insight and has made an extraordinary contribution in this body toward understanding our interests in Vietnam, by saying that, quite obviously, there is no vital interest for the United States to continue its involvement.

The Senator from Idaho, within the last half hour or 45 minutes, met with some wives and relatives of American prisoners of war. He is a member of the Committee on Foreign Relations and has devoted a great deal of time and concern to our policy toward Southeast Asia. I ask the Senator whether he believes that we advance the day when American loved ones, prisoners of war, fathers and husbands, will return to their families, by bombing Hanoi? Does he believe that this new turn of events is going to hasten the time when those individuals will be returned to the United States?

Mr. CHURCH. I say to the Senator that just the opposite is the case. It is time to stop using the prisoners as an excuse for continuing the fight. If anything should be clear by now, it is that North Vietnam, after 20 years of fighting—30 years, if one goes all the way back to the origins of this war—is not going to give up those prisoners until we are willing to give up the war. It is as plain as that. And the same experience has been written large in all previous wars.

I commend the Senator for his address, and especially do I commend him for the way he has pointed up to the Senate and to the country the terrible tragedy that has befallen so many innocent civilians in Vietnam, the countless refugees that our bombing has generated. He has spoken up for them, as well as for our own soldiers in the field and American prisoners of war who have been incarcerated so long in North Vietnam.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Chair has been informed that the Senator from Texas is to be recognized on the time of the Senator from Michigan.

Mr. TOWER. That is correct.

Mr. President, by invading South Vietnam, the North Vietnamese have clearly demonstrated their contempt for the 1968 understanding that led to the bombing halt. This invasion, has generated a mass of the refugees. They stayed to meet their North Vietnamese/Vietcong liberators in the 1968 Tet offensive. For this trust of the Communists they were slaughtered. The South Vietnamese are not foolish. This time the civilians flee. This time they will not stay to be executed. If there are those who have sympathy for the people of South Vietnam—for the people of Laos and Cambodia—let them plead with the North Vietnamese to cease their aggression. Let them go to where the problem is—Hanoi. We are not the aggressors. The North Vietnamese are. Let it be noted that virtually the entire army of North Vietnam is deployed outside that country—in Laos, Cambodia, and South Vietnam.

I am tired of the hypocrisy of the Communists who demand that we stop the bombing, that we return to fruitless peace negotiations—all while they continue their blatant aggression in South Vietnam, Laos, and Cambodia. I am weary of those on the campaign trail whose blind faith in the goodness of the North Vietnamese drives them to advocate the surrender of our allies. It would appear that one basic fact has been overlooked. The North Vietnamese are the enemy; they, not the South Vietnamese, are killing our men, attempting to enforce their system of government on neighboring states.

Some have argued that the bombing is ineffective. They reason that because the bombing did not stop the Communists before, it cannot stop them now. Well, they are both right and wrong. Bombing, by itself, will not stop the North Vietnamese invasion. That will require stiff ground opposition. But the North Vietnamese are encountering that resistance. At An Loc, 2,500 defenders successfully warded off attacks by 10,000 surrounding Communists. The battle for An Loc is probably not yet over. But the performance there and in Quang Tri Province gives reason for optimism over the success of the ground Vietnamization program. In another sense, though, critics of the current bombing campaign are wrong when they argue U.S. bombing will not stop the North Vietnamese. The war today is different from 1968. The Communists are dependent upon ammunition, food, and POL brought by truck over roads. Without gas, tanks will not run. Without logistical support, infantry cannot conduct large scale assaults. Heavy bombing was essential in stopping the massive attacks of Tet 1968. It will once again play a vital role in stopping North Vietnamese aggression.

It occurs to me that those who want the war brought to an early end should applaud our efforts to destroy the logistical capability of the enemy to mount a major offensive. I think that when this offensive was plotted by Moscow and Hanoi, they could pretty well predict the knee-jerk reaction back home. The President predicted a revival of the cries for surrender that would be heard throughout the country. He was right. It has produced that reaction. Should we accept Hanoi's terms now, and surrender, the President would have to crawl on his belly to Moscow in May. The fact is, if this offensive is not contained, if, indeed, we do bend to Hanoi's demands and give up, then we can be sure the Soviets and their friends will be tempted to initiate military offensives, elsewhere in the world, certain in the knowledge that the United States will not lift a finger to stop it.

There is a very great deal at stake here. Those concerned about the possibility of bombs aimed at military targets killing civilians should also be concerned about the hundreds of thousands of Catholics that would be slaughtered in South Vietnam, were we to do the very thing advocated on the Senate floor here today; that is, in effect, to accept Hanoi's terms and get out.

Mr. President, if you do not believe that will happen, ask some of the hierarchy of the Catholic church. Find out what happened in North Vietnam when some 60,000 Catholic leaders were assassinated and thousands of others were permitted to starve to death.

Thus, let me say to those who oppose the President's policies, in their compassion for the people of North Vietnam, who are, after all, the aggressors, who did, after all, initiate the war, I ask them to think of the consequences to other people in Indochina.

Remember, when a country maintains less than one division within its own borders and deploys many other divisions outside its borders, it is engaged in aggressive war. They are in Laos, Cambodia, South Vietnam—they are even in Thailand.

When we talk about accepting Hanoi's terms and getting out, let us go ahead and admit that we want to surrender Cambodia, Laos, and Thailand to them as well.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Senator from Ohio (Mr. TAFT) is now recognized for 10 minutes.

Mr. TAFT. Mr. President, the Democratic critics of the President's course in Vietnam, led by leading presidential contenders, with one or two exceptions, have advocated a course that indicates they are ready to see the South Vietnamese's striving for freedom and nationhood fail. It is also a course with broad and dangerous implications for U.S. foreign policy generally.

Instead of condemning the raw agression of the North Vietnamese, with the obvious backing of the U.S.S.R., in violation of the 1968 implied agreement in ignoring the DMZ and shelling open cities, not to mention the 1954 agreement which set up the DMZ, these critics, led by the chairman of the Foreign Relations Committee, imply that our failure to continue a charade of useless talk shows in Paris somehow justified or caused the invasion.

Instead of heaping obloquy on the President and the Secretaries of State and Defense, who have pursued and are continuing to pursue a course of honorable withdrawal, why do they utter no word of criticism for the North Vietnamese invaders? We hear no condemnation of the North Vietnamese slaughter of innocent civilians in the south. The North Vietnamese are the ones who are shelling the open cities. We hear from them no support of their own President against the clear aggressors.

Why do they seek so diligently to divorce themselves from the war? Is it some subconscious attempt to cleanse self-guilt? Presidential ambitions cannot change history—however difficult that history is to bear. Great and tragic errors may have been recorded there, but that does not justify compounding them now by abandonment of the people and the principles of freedom that we have supported.

Ignored and overlooked in the discussion here today, I note, is the President's comprehensive and fair peace plan of January 25 of this year, offered at a time when the very North Vietnamese forces that have now invaded South Vietnam were poised and ready for release when the political and military climate seemed most favorable—and when the green light was given by Moscow.

High officers of the Russian Government have been recently in Hanoi, apparently giving clearance to this operation. We can see what is behind the situation, perhaps to put it into some perspective, by commenting on the reaction I had from an eminent foreign statesman with whom I talked this past week, when I asked him what he thought about the entire situation. He thought for a moment and then said, "I think the Russians have done you a dirty trick."

Indeed, Mr. President, I think that is the case, for without that specific approval and without the specific backing of the very sophisticated weapons which have been provided, this invasion would not have taken place by the North Vietnamese.

Mr. President, it is said that the war must be ended by negotiations. It is clear, I think, that the war must be ended by negotiations, if it is to end any time in the foreseeable future.

I should like to recall that the President said,

> 1. There will be a total withdrawal from South Vietnam of all U.S. forces and other foreign forces allied with the government of South Vietnam within six months of an agreement.
>
> 2. The release of all military men and innocent civilians captured throughout Indochina will be carried out in parallel with the troop withdrawals mentioned in point 1.
>
> The political future of South Vietnam will be left for the South Vietnamese people to decide for themselves, free from outside interference.

What was the response to that? Clearly now, we see what the response is; namely, open and outright aggression. That is the only answer we have had.

Mr. President, the President's plan was a sound basis for the negotiations. We all seek to see the U.S. withdrawal as rapidly as possible from the original Vietnamese embroilment in which so many local critics today were themselves involved, but anything other than a firm response to the current threat would end for all practical purposes all chances of successful negotiations in the foreseeable future.

Abandonment at this time—which seems to be the alternative course now being offered by our critics—Secretary Rogers testified, would "probably result in a bloodbath"—a bloodbath not only in the south as the distinguished Senator from Texas (Mr. TOWER) just described, but also because the South Vietnamese have clearly shown their ability, their desire, and their willingness to fight. And they will fight.

There will be continued war going on in Vietnam—in South Vietnam—even if we pull completely out of the picture, and it will go on and on and on, with the slaughter of civilians and with the slaughter of military men alike.

Even more, I think, to take any stance other than the one the President has taken today will seriously jeopardize any chances for meaningful results from negotiations between the United States and the other major powers, not only with regard to Southeast Asia but especially with regard to many world problems with the U.S.S.R. and even the People's Republic of China.

Mr. President, these are the stakes in the game the President has had to take into account in making these difficult decisions, on which I certainly do not envy him and on which, I am sure, he and his advisers have spent many, many hours examining the various alternatives, attempting to work out the course they felt was in the interests of the United States and in the interest of world peace.

Mr. President, it is easy for the kibitzers to carp, but who among them, given the hand to play and the responsibility of decision, would abandon all hope of negotiated settlement, endanger over 80,000 U.S. forces and 30,000 civilians still remaining in Vietnam and sacrifice all hope of freedom for the people who have fought so hard for it?

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Missouri (Mr. SYMINGTON) is now recognized.

If the Chair could be allowed to state to the Senator from Michigan, the Senator from Ohio did not use his full time and he yielded it back.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that whatever time remains following the presentations of the Senator from Texas (Mr. TOWER) and the Senator from Ohio (Mr. TAFT), may be reserved rather than yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT NIXON'S WAR IS CARRYING OUT THE DESTRUCTION OF A COUNTRY

Mr. SYMINGTON. In 1956 I stated that our foreign policy was one of being strong against the weak and weak against the strong. I said that again in 1967, and say it today.

In the fall of 1967, on the floor of the Senate, I suggested we have a cease-fire because it had become clear to me, after seven trips to Vietnam since 1960, that the future of that country was not essential to the security of the United States; also because in the process of our attempt to prove that it was essential, we were destroying a large part of what was Indochina.

In May, 1968, I received a letter from a prominent private citizen in my State.

The letter read in part:

> No one, but no one, out here cares even a little bit about saving "face" in V-Nam. No amount of saving face can justify what is going on. No point in going into detail; it has all been said a million times. We don't belong there. The people don't want us, we cannot afford it in lives, money or ruined moral fibre. Complex solutions are getting us nowhere. So make it simple—just get out!

In that such thinking coincided with my own formed after visiting Vietnam many times, I wrote to the leading Democratic candidate in June of 1968 and said that in my opinion if he did not, prior to the election, come out for an end to the war in Vietnam, his probable nomination would be theoretical.

It is interesting to note the basis on which President Nixon campaigned for his present position. On March 8, 1968, in remarks delivered during his campaign in New Hampshire, at Conway, he said:

> We ended that war, the Korean war, and kept the Nation out of other wars for 8 years. And that is the kind of leadership you will be voting for this year if you support my ticket.

On March 11, he said to the American Legion in Hampton, N.H.:

> And I pledge to you that the new leadership will end the war and bring us peace in the Pacific. That is what American wants.

On September 15, he said in the New York Times:

> And I pledge to you tonight that the first priority foreign policy objective of our next administration will be to bring an honorable end to the war in Vietnam.

Now here are two statements he made which are of special interest as he escalates this war.

On October 7, 1968, Mr. Nixon said:

> At the present time 90 percent of the bombing of North Vietnam has been discontinued. The 10 percent that is now being continued is for tactical military purposes to protect the forces in the DMZ zone. I would not raise that level of bombing.

And in Hampton, N.H., on March 6, 1968 he said:

> But, my friends, if in November this war is not over after all of this power has been at their disposal, then I say that the American people will be justified to elect new leadership. And I pledge to you that the new leadership will end the war and win the peace in the Pacific, and that is what America wants.

Mr. President, there is the record and there is no adequate substitute for the record. This country of Vietnam continues to be destroyed by this administration. In that connection, I will read into the record the following facts:

DESTRUCTION OF A COUNTRY

> The land and people of Indochina (287 thousand square miles and 45 million inhabitants—the size of Texas, but with four times its population) have been under continuous, large-scale attack since 1965.
>
> The largely overlooked and presumably incidental impact of the Second Indochina War on the land and indigenous populations of that region has been of monumental proportions. One of the few factual summaries of this disruption was published last year by the Senate Foreign Relations Committee (under the title "Impact of the Vietnam War"). From the data presented we can approximate that as a result of this war, one out of every 35 inhabitants of all Indochina has so far been killed, one in 15 wounded, and one in six made a refugee. The social disruption implied by these figures is difficult to grasp; the proportionate impact on the United States, with its population of 200 million would be: 5,700,000 killed, 13,300,000 wounded, and 33 million displaced.

Mr. President, those figures have been much increased since that time.

In passing, as mentioned previously by the distinguished senior Senator from Massachusetts, over one-third of all Americans killed in action in this war have been killed since January, 1969; and note that over half of the reported nonhostile deaths have been since January, 1969. There is a second Indochina war. It has been and is being waged against the land as much as against the people, and inasmuch as no doubt the people of the United States will be asked to put up many billions of dollars to restore that land, this is also an important part of any discussion of this character.

I read further facts into the Record:

A WAR AGAINST THE ENVIRONMENT

It is in the light of the intimate association with and direct dependence upon the resources of the land by largely primitive peoples, and in the further light of our new awareness of all mankind's dependence on his natural environment that a growing number of scientists throughout the nation and the world, have become appalled by the long-range ecological impact of so-called limited counterinsurgency warfare. A further major concern has been the renewed dependence by the United States in this frustrating conflict on chemical weapons. This latter approach, with its serious public health and ecological implications, is a form of warfare which the civilized world had hoped was put to rest with the end of World War I.

Mr. President, I will not go into the herbicide war program that was started in November, 1961, became a large-scale effort in 1966, and was essentially ended in May, 1971. But I would devote a few remarks to the Rome-plow program of agricultural destruction:

THE ROME-PLOW PROGRAM

Landclearing with tractors, a program restricted to South Vietnam, began on a small scale in 1965, became a large-scale effort in 1968, and is apparently continuing undiminished to this day. This little known operation, devoted at first to the clearing of roadsides and other lines of communication in order to discourage ambushes, has for the past several years now been used on a massive scale to literally obliterate forested areas of possible use to the other side. In its mission of denying cover and sanctuary the method appears to be without equal. The basic tool is a 20-ton tractor fitted out with a 2½-ton "Rome-plow" and 14 tons of added armor. At least five companies of more than thirty tractors each are in continuous operation. As of last August about 750,000 acres of land of South Vietnam had been scraped bare by this means (an area the size of Rhode Island); and clearing progresses at the rate of more than 1,000 acres per day.

Plowing results in severe site degradation, weed invasion (often by the tenacious cogon grass), utter destruction of wildlife habitat, and major erosion and exacerbated flood damage in hilly terrain. The South Vietnamese forest service has estimated as of last summer that more than 20 million board feet of readily accessible hardwood timber on 126 thousand acres had been destroyed in this program; and French rubber officials have determined that 2,500 acres of rubber plantations had similarly fallen to the plow.

In short, "pacifying" an area with Rome plows rather than with herbicides seems at once more efficient militarily and more destructive environmentally.

To be sure everybody understands what is going on, we know we have hundreds of thousands of refugees—I am confident over 1 million in South Vietnam cities today—and they are growing by the thousands every week. These people were raised in rural areas. The only way they know how to make a living is off the land. But they can never again move back to their land in their time because prominent ecologists tell me that land cannot get away from the buffalo grass and cogon grass for 50 years. So they are to be permanent refugees, supported by someone in the cities of those various countries, regardless of who wins the war.

Then, we get to the bombing and shelling.

Conventional bombing and shelling, the former throughout Indochina and the latter mostly in South Vietnam, have become the major means of "landscape management" in this war. The one lasting impression that remains after flying over the country is of an endless number of craters. A conservative estimate of the actual number of these giant pox on the landscape is over 26 million—currently being added to at the rate of at least several thousand per day.

Munitions expenditures during the 7-year period 1965–1971 were 26 billion pounds, twice U.S. expenditures throughout World War II in all its theaters. During this time span the United States thus expended munitions in Indochina with an explosive energy equivalent to 450 Hiroshima bombs (i.e., the explosive equivalent of one Hiroshima drop every 5½ days). In terms of the peoples of all Indochina, the total represents 584 pounds per person; in terms of its land, 142 pounds per acre. In terms of frequency, this sum represents 118 pounds per second throughout this entire 7-year period.

Estimating the average crater to be 30 feet in diameter and 15 feet deep, the combined surface area of the holes alone created between 1965 and 1971 comes to almost ½ million acres, and the earth displaced by the explosions to a staggering 3.4 billion cubic yards.

More than 90 percent of all bombing and shelling in Indochina have been harassing and interdiction missions, in effect directed against forests and fields. The bombs and shells have torn up countless trees; and the shrapnel has been propelled over some 30 million acres hitting additional endless trees and thereby inviting fungal infection and wood rot. The craters have also disrupted extensive agricultural areas, both directly and indirectly. Irrigation systems have been disrupted and near the coast saltwater encroachment has resulted. The craters have exposed lateritic soil to the atmosphere permitting it to harden irreversibly. Millions of new breeding ponds have been created for disease-carrying mosquitoes. In hilly terrain, erosion has been accelerated. Finally, since 1 percent to 2 percent of the bombs and shells expended are duds, there are now one-quarter million of these scattered about, many of which are apt to explode if bumped into, for example, during plowing.

All in all, the effects of the truly massive bombing and shelling may well prove to be the least recognized and most permanently disruptive legacy of this war.

Mr. President, I dwell on this aspect of the war because it shows what this administration is doing, how successful it is in the continuing destruction of these countries.

For years now, it has been my conviction this destruction was not essential to the security of the United States.

Mr. President, in closing, I ask unanimous consent to have printed in the Record an article entitled "Hour Is Here for Ending Our Involvement in War," written by a great newspaperman, that independent Republican, John S. Knight. His column was printed in all of his newspapers Sunday, April 9.

There being no objection, the article was ordered to be printed in the Record, as follows:

Hour Is Here for Ending Our Involvement in War

(By John S. Knight)

It has been five years since I was in Vietnam, and naturally many things have changed since then.

"Pacification" was the Johnson administration's slogan for rooting out the Vietcong's "infrastructure," a fancy term for the enemy guerrilla establishment which dominated the hamlets and villages by night.

"Winning the hearts and minds of the people" was another euphemism coined by the State Department. This phrase gave Americans at home a kind of quiet confidence that the South Vietnamese welcomed us as their saviors and fellow believers in the brotherhood of man.

Those were the days, remember, when nearly everyone in the U.S. was gung-ho for this mad adventure which has now cost us 45,679 American combat deaths, 302,820 wounded and 10,123 dead from non-hostile action—to say nothing of the billions of dollars sapped from our not-unlimited resources

I recall chatting about the war one evening with Ambassador Ellsworth Bunker at the American embassy in Saigon. He is a wise diplomat with long experience in dealing with troubled situations in Argentina, India and the Dominican Republic. His words were prophetic: "Certainly we can prevent and indeed have prevented the South Vietnamese from losing the war, but they must in the end win it themselves."

Was this remark the forerunner of President Nixon's Vietnamization policy, the training and equipping of South Vietnam's forces since they "must in the end win it for themselves"?

The massive withdrawal of American fighting men by the Nixon administration—while continuing impressive naval and air support—confirms that view. President Nixon's confidence in the ability of the South Vietnamese to fend for themselves has always been high. To say that much of this confidence flows from political expedience and pragmatic judgments is not an overstatement.

But now, the latest offensive from North Vietnam gives early indication that Mr. Nixon's well-laid plans may be in jeopardy. While the South Vietnamese have more than a million men under arms, Robert S. Boyd of our Washington Bureau reports that "South Vietnam's army, facing its most crucial test, is stretched awfully thin. The 1.08 million men under arms actually boil down to a relatively few combat troops able to compete with the tough North Vietnamese regulars. About 200,000 soldiers organized in 13 combat divisions must bear the brunt of the fighting."

South Vietnam's numerically large military force includes 258,000 lightly armed Popular Forces, described by Boyd as "largely peasant boys who have been given a carbine and a little training while assigned to guard their home villages or hamlets. They have poor leadership, are often overrun by Vietcong guerrilla bands and are no match for regular soldiers."

Another 294,000 South Vietnamese serve in the Regional Forces. Their assignment is to provide security for districts and provinces against Vietcong guerrillas and main force units. Boyd says that while they are said to be vastly improved in the last year, the RFs are still outclassed by North Vietnam's regulars.

The remaining 532,000 men in the South Vietnamese army (ARVN), navy and air force are widely distributed in four military regions. The North Vietnamese have some 480,000 regulars in South Vietnam, Laos and Cambodia. The United States is down to nine combat battalions (about 800 men each) in South Vietnam, compared to 172 battalions a few years ago.

President Nixon likes to refer to "his options." Actually, he has very few remaining in Indochina. He is committed by his withdrawal decision to place his faith in what Rowland Evans and Robert Novak call "an Asian army of U.S. design and manufacture, but never before put to this kind of test."

Hanoi, on the other hand, can seriously weaken Nixon's bargaining power prior to the President's journey to Moscow on May 22. Evans and Novak suggest that the purpose of the North Vietnam attack is to force Nixon into crucial war-settlement talks on communist terms.

Hanoi's leaders are well aware that South Vietnamese forces are no match for their regulars in the field. And, for the first time in the war, the North Vietnamese are deploying their own air power and anti-aircraft missiles with considerable success.

Of course, the President could exercise the option of even heavier bombing in the North and perhaps including Hanoi and the port of Haiphong. Yet the negatives lie in curdling our attempts to improve relations with Peking and Moscow, and bringing the war back to the front pages and the television tubes in an election year.

Beyond that, there is no evidence to show that our previous heavy bombing attacks have in any way weakened the determination of the North Vietnamese to fight.

The question is often raised as to why the North Vietnamese have the will to carry on and are so truculent in negotiations, while the South Vietnamese fail miserably in leadership and national unity.

Historically the North Vietnamese have never accepted the concept of two Vietnams. The 17th Parallel is said to divide North and South Vietnam, but the 1954 Geneva agreements stipulated that the parallel was to be "a provisional military demarcation line," and not a political boundary or national frontier.

Withdrawal of North Vietnamese from the South was a temporary arrangement pending general elections after which the country was to be reunited. As Professor George McT. Kahin of Cornell University explains: "The Geneva agreements did not leave two separate states. They left two contesting parties within a single national state. The North Vietnamese will never accept the proposition that they are an 'outside force' in Vietnam."

In 1956, the then-President Ngo Dinh Diem of South Vietnam refused to proceed with elections which Professor Kahin argues "were the major quid pro quo in inducing Ho Chi Minh's Vietminh to abandon control over a substantial part of the territory that had been wrested from the French."

The betrayal of Hanoi—if such it was—is the compelling reason why the North Vietnamese will never accept a cease-fire and armistice until a political settlement is reached with South Vietnam. And that is why the negotiations at Paris are stuck on dead center.

So what should President Nixon do? As I see it, he should protect the safety of our withdrawing troops, gradually remove our air and naval forces and then declare the war to be at an end so far as the United States is concerned.

This course of action would undoubtedly produce anguished lamentations about our "sacred commitments," and dire predictions of a bloodbath in South Vietnam.

I say that we have fulfilled our "commitments," if indeed we had any. We stopped aggression from the North, armed and equipped a huge South Vietnamese army, inflicted extensive bombing on North Vietnam, Laos and Cambodia, and sent more than half a million Americans to Indochina.

We said we were "fighting a limited war for limited objectives." Those objectives were achieved so long as we maintained a huge fighting force prior to Mr. Nixon's doctrine of Vietnamization.

So what other objectives remain? If South Vietnam can't hack it now, when will Saigon be prepared?

As Ambassador Ellsworth Bunker said in 1967: "The South Vietnamese must in the end win the war for themselves."

And the hour is now.

Mr. SYMINGTON. Mr. President, having been a participant at the committee hearing yesterday when this administration tried to explain to the Committee on Foreign Relations what these new developments mean, I also ask unanimous consent to have printed in the RECORD an article by James Reston, published in this morning's New York Times, entitled "Mr. Nixon's Temper."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MR. NIXON'S TEMPER

(By James Reston)

WASHINGTON, April 18.—The Administration is talking and acting tough against North Vietnam these days, but the evidence behind the secenes here is that this is a temporary expression of Presidential frustration and anger rather than a calculated plan to force a showdown with the Soviet Union in Indochina.

Mr. Nixon as always had a tendency to make some dramatic move whenever he feels concerned or scorned. This is what he did in the sudden strikes at Cambodia and Laos, and this is what he has done again by bombing the outskirts of Hanoi and Haiphong after North Vietnam's invasion of the South.

But the latest talk by Secretary of Defense Melvin Laird about not ruling out any attacks on the North, even the mining of Haiphong harbor, should probably be put in the category of psychological warfare rather than interpreted as any reckless new war plan. For Mr. Nixon usually cools down after he blows off, especially when calmer minds begin working on the problem.

There is no doubt that the Soviets goaded him by increasing substantially their shipments of T-54 heavy tanks, mobile anti-aircraft batteries, and SAM's to North Vietnam, and it is scarcely credible, considering the recent visits of high-ranking Soviet military officers to Hanoi, that Moscow did not know all about or help plan the North Vietnamese invasion across the DMZ.

When this invasion was first launched, the official line out of the State Department was that the Soviets were to blame; but Henry Kissinger, the Preisdent's security adviser, thought that this was an unwise tack to take just before the President was hoping to reach agreements with the Soviet leaders on strategic arms, trade, European security and space in Moscow next month. And it is understood that he recommended that the emphasis on the Soviet arms shipments be dropped.

Nevertheless, a few days later the President himself revived the theme in a speech in Ottawa, ordered the strikes on Hanoi and Haiphong, and took his chances of the Soviet reaction.

Since then, Secretary Laird has been giving the Senate Foreign Relations Committee a puzzling explanation of the situation. First, he spoke of the massive shipments of Soviet arms to Hanoi, and repeatedly complained that while the United States was placing "restraints" on its arms shipments to Saigon, Moscow was not adopting a comparable system of restraints on its arms shipments to North Vietnam.

This is a very odd argument, since Mr. Laird also conceded before the same committee that the South Vietnamese Air Force now had over 1,000 American planes, over 500 American helicopters, and an air contingent of 40,000 men, with adequate pilots trained in the United States.

Mr. Laird did say that Washington had not given Saigon the capacity to bomb Hanoi and Haiphong, but he said nothing about the fact that Moscow had not given Hanoi the capacity to bomb South Vietnam. Moreover, the United States is now catapulting bombers night and day off the decks of four carriers operating against North Vietnam out of the South China Sea. And since Moscow obviously has surface-to-sea torpedoes and rockets which could reach these carriers but has not given them to Hanoi (though it did give some to Cairo) somebody in Moscow must be putting some restraints on the supplies to North Vietnam.

To hear Mr. Laird tell it, the South Vietnamese have fought very well against the Communist invasion, and have proved the Administration's Vietnamization program is working. Saigon, he said, now had the fourth largest air force in the free world. It had fought well in the air, carried out all the air reinforcements at Anloc, knocked out over 100 heavy Soviet tanks in one battle, and was now able to take care of itself on the ground with an army of over a million men.

In which case, the committee members wanted to know, why this renewal of massive U.S. bombing in the North, why all the B-52 strikes in support of the Saigon troops in the South, and the risk of bombing oil depots in Hanoi and Haiphong which could not affect the present battle?

Mr. Laird's answer was that these were necessary to assure the withdrawal of the American troops, and to react to the massive act of aggression across the DMZ. This last reason probably comes nearer the mark. Let them get away with that, and they might try anything.

The committee seemed to think there was some logic to this, but bombing Hanoi and Haiphong to assure the withdrawal of the troops merely brought the response: Who's keeping them from withdrawing?

The truth is that, despite all the fear that the war was going into another even more serious and dangerous phase, the United States, even during the battle, has been pulling the troops out at a rate of 1,000 a day and withdrawing war matériel at the rate of 130,000 tons a month.

The invasion, of course, is not over and North Vietnam still has 110,000 troops fighting in South Vietnam. Moreover, it will be surprising if the Soviet Union and China do not increase their shipments to Hanoi after Mr. Nixon's renewal of the air war.

After all, their reaction to Mr. Nixon's other sudden lurches at Cambodia and Laos didn't teach them not to trifle with Nixon. They merely let him cool down and pull back and then gave Hanoi more and newer weapons than ever before. And this is still Mr. Nixon's problem.

The PRESIDING OFFICER (Mr. CHURCH). The time of the Senator has expired.

Mr. CRANSTON. Mr. President, I yield an additional 2 minutes of the time of the Senator from Arkansas to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. CRANSTON. Mr. President, will the Senator yield for a minute? I use the time of the Senator from Arkansas for this purpose.

Mr. SYMINGTON. I am glad to yield to my friend from California.

Mr. CRANSTON. I thank the distinguished Senator for a very forceful and effective presentation. I think it is a particularly significant contribution to this discussion because of the Senator's background in military matters in the executive branch with high responsibilities. His service now on all key committees in the Senate also provides him with the opportunity to be better informed than almost all Members of this body on military and foreign relations matters.

I would like to make an observation and then to ask a question. I have noted this morning that in some of the debate we see what almost amounts to a "win the war" attitude again rearing its head in this Chamber. The distinguished Senator from Arizona (Mr. GOLDWATER), whose forthrightness and frankness I respect tremendously, stated he feels this is perhaps the worst managed war in history. He said that when you go into a war you go in to win, not in 10 years, but in 10 minutes. I wonder what that means. The Senator from Colorado spoke of the other side as a "losing horse."

The Senator from Missouri, and every other Senator, and every citizen in the country, know that we could—at least in a narrow military sense—if we went all out. The reason we have not done that under a Democratic President, Lyndon Johnson, and under a Republican President, Richard Nixon, is that we know we do not just face small North Vietnam with its limited population and limited resources; we face North Vietnam backed up by the Soviet Union and China. If we choose to escalate our aid to the South, they may very well feel that they must escalate their aid to the North.

I wish to ask the Senator this question in light of the circumstances now prevailing. Greater risks are being taken now than at any time in this war in terms of the escalation and possible reciprocal moves by the other side: Where can this end? What risks do we face if we decide once again not to lose, not to negotiate, but to break the backs of the other side? What are the risks in that policy?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRANSTON. Mr. President, I yield myself 2 minutes under the same conditions.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SYMINGTON. I would say to the able Senator that, regardless of what the risks were, I would take them if I felt they were in the interest of the security of the United States.

When I first went to Vietnam, back in 1961, with Gen. Maxwell Taylor and Mr. Walt Rostow, I felt this war was necessary. After further examination over the years, however, I changed my mind, and so told my colleagues in the Senate in the fall of 1967.

It is interesting to note in General Taylor's recent book, "Swords and Plowshares," that he makes a statement which supports what I am told the distinguished Senator from Arizona said this morning on this floor. General Taylor's statement best illustrates how badly this war has been managed from a military standpoint by those who made the decisions.

He said that no one, not even the President, has the moral right to send a man into combat without giving him the best chance to do the job he is assigned, with least danger to his life. His exact quote reads as follows:

> Our pilots were required to return through increasingly heavy enemy defenses to repeat attacks on targets deliberately hit previously by aircraft insufficient in number to assure their destruction in a single attack. The was a misguided attempt to translate the principle of gradualism and limited violence from the strategic to the tactical realm—a fallacy which ignored the fact that for the soldier or pilot in the presence of an armed enemy any war is total since his survival is at stake. No one, not even the President, has the moral right to put a man on the battlefield or in hostile air space and restrict him from taking all the measures needed for his survival and the execution of his mission. So in a variety of ways, gradualism contributed to a prolongation of the war and gave time not only for more men to lose their lives but also for the national patience to wear thin, the antiwar movement to gain momentum, and hostile propaganda to make inroads at home and abroad.

Military men constantly protested to me that they were being forced to attack useless targets. One who did was shortly killed; another, even though a major general, quitely resigned in protest. This all helped me to change my view about this war.

It is now clear said war is being escalated as a result of the President's decision to continue it even though in his campaign—and I have now placed it all in the RECORD—often he said, "If elected, I will stop it." He has had nearly three and a half years, but instead of stopping it, he has expanded it. There is now fighting in Cambodia where there was not fighting until he came to office. He has maintained the struggle in Laos, even though he switched it from being run by the Defense Department, if they ever ran it, to the Central Intelligence Agency, and now he is further escalating the war in Vietnam.

One of the ironies of what is going on brings us back to what I said in 1956, namely, that our policies are to be weak against the strong and strong against the weak. The recent visit to China and the planned visit to Moscow would appear incredible efforts to demonstrate our peace loving intentions at the same time we continue to destroy these little countries in Southwest Asia.

Mr. CRANSTON. Mr. President, if the Senator would remain on his feet, I wish to say I regret that, under the time restraints, I was unable to yield to Senators who have asked for time. We have had difficulty when they have asked us to yield because of the time limitation. I would like to ask if Senators who have questions to the Senator from Missouri.

Mr. GRIFFIN. Mr. President, we have Senators who would like to get the floor in their own right.

Mr. CRANSTON. As the Senator knows, they will get the floor in their own right.

Mr. BUCKLEY. Mr. President, I will begin by making reference to the Senator from Missouri's statement about the devastations which have been visited——

Mr. ROBERT C. BYRD. Mr. President, on whose time is the Senator speaking?

Mr. GRIFFIN. Mr. President, is there time to Senators on this side?

The PRESIDING OFFICER (Mr. CHILES). Yes.

Mr. GRIFFIN. Mr. President, I have been authorized by the Senator from Illinois (Mr. PERCY) to yield to the Senator from New York (Mr. BUCKLEY) such time as he may need.

Mr. BUCKLEY. Mr. President, I will start by commenting on the statement by the Senator from Missouri about the devastation visited on Vietnam.

The physical damage to the landscape has been enormous and I share his deep concern over it, just as I share the anger and anguish of all my colleagues over the destruction and killing which has taken place in Indochina. But what I want to point out to the Senator from Missouri is that all this destruction, all this killing would come to a halt tomorrow if only Hanoi would call its troops home and give up its desire to conquer its neighbors by force of arms.

The history of the Vietnam war has been one of complexities and confusion, a history on which men of good will have differed and shall continue to differ.

Yet with the recent massive invasion by North Vietnam of South Vietnam, a new phase of this war has been created. The facts are unambiguous; one sovereign nation has invaded another with conventional forces for no other purpose but the traditional one of all invading forces: to conquer the people and the territory of the invaded nation.

This savage and sudden end to certain fashionable myths which have hitherto masked the role of North Vietnam in this war has had certain salutary effects on world opinion. With the exception of North Vietnam's ideological allies, no nation has supported this attempt at conquest. The idea that what we are witnessing is a civil war has become a linguistic as well as historical absurdity.

While it would be worthwhile to examine in great detail those curious attempts we have heard during the past few weeks to switch the burden of blame for these latest developments from the North Vietnamese invaders to President Nixon whose decisive action has helped to halt the invasion, because of the brief time allowed me I will limit myself to an examination of some of the basic facts of the matter.

First, the facts of the invasion along the DMZ and of the bombing of the military targets in the Hanoi-Haiphong area:

The northern section of South Vietnam has been invaded by a force of 45,000 to 50,000 seasoned NVA troops equipped with modern Soviet and Chinese Communist artillery and armor including three varieties of conventional and amphibious tanks.

With the exception of minor Vietcong units operating along the Cambodian border north of Saigon, the entire Communist effort within South Vietnam is being conducted by the North Vietnamese. Not less than nine NVA divisions are now employed in South Vietnam, sustained by huge quantities of weapons and trucks and fuel provided 85 percent by the Soviet Union.

The fact that the NVA is now employing its forces, not in guerrilla formations, but in conventional mechanized formations along the entire South Vietnamese border makes them particularly vulnerable to reductions in the supply of petroleum and heavy munitions destined for those forces. All North Vietnamese petroleum is imported, the bulk of it is stored in the Hanoi-Haiphong area, from where it is shipped to the rest of the country largely by pipeline. Thus the most effective way to blunt the NVA offensive in South Vietnam, the most effective way to reduce the terror now being visited by the North Vietnamese on the people of the South, is to strike directly at the means by which the North supports the war.

The air strikes in the Hanoi-Haiphong area, as well as the strikes made elsewhere in the country, are not only necessary and justified on a basis of purely military considerations, but they are wholly consistent with and supportive of the policy of Vietnamization. They in no way involve a buildup of American ground forces, and they represent an escalation of the war only in the sense that these strikes represent a necessary response to the major offensives which have been launched by Hanoi against the people of South Vietnam.

Second, the facts concerning the effectiveness of President Nixon's program of Vietnamization:

The best evidence that Vietnamization is working is to compare the current conflict with the Tet offensive of 1968.

At that time, we had over half a million Americans stationed in South Vietnam, and it took the full might of these forces to stop the Communists. Today the most recent North Vietnamese invasion is being brought under control entirely by South Vietnamese ground and tactical air forces. During the peak of the Tet offensive, the United States suffered 500 men killed per week. During the peak of the current offensive, less than 10 Americans stationed in South Vietnam were killed per week. In each case, of course, the efforts of the military forces based in South Vietnam, whether American or indigenous, were supplemented by B–52 airstrikes against the enemy supply lines; but it should be noted that we have not provided South Vietnam with the capacity to handle this phase of the war on her own.

This does point up one possible weakness in the program to provide the South Vietnamese with a full capacity to defend themselves. By deliberate choice, we have refused to provide them with aircraft capable of launching strikes against military targets in the north, in contrast with the kind of weapons, notably the Phantom jets, with which we have supplied the Israelis.

I think it is worthwhile, at this time, to note certain parallels which obtain between the current situation in Indochina and the situation in the Middle East. In each instance, one country is threatened by actual or potential invasion; South Vietnam by her neighbor to the north and Israel by the surrounding Arab States. The Israelis have long succeeded in demonstrating their capacity to handle their own defense just as the South Vietnamese are now doing; and both Israel and South Vietnam rely on U.S. military assistance for their survival. Israel has found it necessary, in her own defense, to attack those military targets within Egypt, Jordan, Syria, and Lebanon which threaten her security.

At the present time, however, the South Vietnamese are not equipped to take over the entire air war. Thus the air support we are now supplying simply supplements the major and thus far successful effort now being made by South Vietnam in her own defense; and in the process we are demonstrating the viability of the Nixon doctrine and our willingness to implement it.

For it must be understood that the Vietnamization program is neither more or less than the application to the existing conflict in Indochina of the doctrine enunciated by President Nixon in Guam in 1969. That doctrine stated quite explicitly that the United States would not again become involved in ground warfare in regional conflicts in Asia. It stated that henceforth, the American role in our various regional defense agreements would be twofold: First of all, we would help arm and train our allies so that they would have the capacity to defend themselves against ordinary contingencies. Second, we would stand ready with our naval and air power to support the defensive efforts of our allies where necessary to meet a major external attack. This doctine is now the cornerstone of our mutual defense arrangements in the Western Pacific. Thus it is not only the Vietnamization policy which is today being tested, but in a real sense the Nixon doctrine as well.

I believe that the action President Nixon has taken is not only appropriate and necessary to enable the South Vietnamese to withstand the savage attacks which Hanoi has launched against them with the help of modern weapons provided by the Soviet Union and the Communist Chinese, but I believe it gives significant evidence to our allies in the Pacific of our willingness to fulfill our undertakings within the context of the Nixon doctrine.

Not only is the President fully justified in the action which he has taken in response to the invasion launched by Hanoi, but in my judgment he would be justified in taking far stronger measures to frustrate the aggression of the North Vietnamese and to underscore the fact that a withdrawal of our ground forces is not tantamount to the abandonment of an ally.

I believe he should continue to bomb military and logistic targets in the North which provide support for the invasion now in progress. In this effort to interrupt the flow of military supplies, the President should keep open the option of mining the harbor at Haiphong.

I believe further that the administration should be willing to provide air, naval, and logistic support should the South Vietnamese wish to launch commando operations within North Vietnam with their special forces and marine units. It should be kept in mind that while Hanoi has now deployed at least nine divisions in South Vietnam and another two or three in Laos and Cambodia, she has retained within her own borders only one home defense division and another division in training. Thus commando attacks would force the return to North Vietnam of units now engaged in aggression against its neighbors. Also, the time has come for Hanoi to learn that invasion can become a two-way street.

Finally, if North Vietnam continues to maintain the current pace of their invasion, the President should consider ordering the destruction of the network of Red River dikes which are so essential to North Vietnam's agricultural economy. This would force a diversion of a large segment of its manpower from the pursuit of an aggressive war to the repair of these vital facilities.

Such measures, I submit, are not only made necessary by the persistent aggression of Hanoi, but the evidence they provide of our determination is our best assurance that Hanoi will finally join us and the South Vietnamese in seeking a terination of these hostilities through good faith negotiations in Paris.

Almost a half-century ago, the great English author G. K. Chesterton wrote:

> I do not believe in a fate that falls on men no matter what they do; I do believe in a fate that falls on men if they do nothing.

We have been told over and over and over again that the fate of the people of South Vietnam was to become subjects of the politburo in Hanoi. It would seem that President Nixon's actions and the courage of the South Vietnamese people themselves are forging a different fate, one which offers them a chance for peace and justice and freedom.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I have listened with fascination and dismay to this debate. I wonder if the time will ever come when we will stop deceiving ourselves about this war in Vietnam. Over the past 7 years, I have heard so many different arguments advanced to justify the massive American intervention in what, from the beginning, was and is a Vietnamese affair. Presidents come and go, arguments come and go, but American forces stay on. Now we have a new argument presented this morning by Senators on the other side of the aisle.

The argument is that this is suddenly a different war. We are told that North Vietnam has brazenly invaded the south, that nine North Vietnamese divisions are presently in the south, and that they are receiving direct supplies of petroleum, ammunition, and other support from

China and Russia. Therefore, we are informed, this is a different war.

Mr. President, has there ever been a time when North Vietnamese forces were not involved in the South? Has there ever been a time when those forces were not supported with material, ammunition, and petroleum supplied to Hanoi by China and the Soviet Union? If so, I am not aware of it.

How, in the name of Heaven can such an argument be made, without so much as mentioning our own immense intervention in the war on behalf of South Vietnam? Not only have we extended vast quantities of arms, weapons, food, and money to the Government in Saigon—far beyond the total amount furnished to North Vietnam by either Russia or China; at the very least 10 times as much, at the most a hundred times as much, insofar as we can tell—but we have gone much further. We have sent an American expeditionary force there to fight the war for them.

The Russians have not done that. Not a single Russian soldier has ever been involved in this war. The Chinese have not done that. No Chinese combat forces have intervened in the war. The North has fought the war alone, with such material help as Hanoi could get from those outside countries sympathetic with its cause. South Vietnam, alone, has relied upon the military forces of the United States to fight the war for it, for lo these many years.

Mr. President, in addition to fighting the war on behalf of South Vietnam, we have armed, equipped and trained their forces, year in and year out. The total amount of the assistance we have given them, according to an article in the Washington Star dated February 23, 1972, summarizing the military assistance program to Saigon, as revealed by the Pentagon, now comes to a staggering $11.64 billion.

Compare that, if you please, with the aid that Hanoi has gotten from the Soviet Union and from China.

Mr. President, this is not a different war. It is the same old war. Yet, we have just found a new way of deceiving ourselves, a new argument, as fallaciously based as all the other arguments of the past. Indeed, Mr. President, if there was ever a classical civil war, this is it. If there ever was a textbook civil war, Vietnam fits the definition.

Its origins go back 30 years. It commenced when the French were there, as an indigenous effort to bring an end to the French Colonial Government; and it has continued, through the many years since, with the same objective, insofar as the North is concerned.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRANSTON. Mr. President, in behalf of the Senator from Arkansas (Mr. Fulbright), I yield 2 minutes to the Senator from Idaho.

Mr. CHURCH. Insofar as the North and her partisans in the South are concerned, the goal remains the same as ever: To reunite Vietnam under the revolutionary government in Hanoi. From their viewpoint, there never were two countries. All this talk about invasion by the North against the South overlooks the fact that two Vietnams never existed, historically. At the Geneva Conference in 1954, the line of demarcation between the two halves was established temporarily, elections were called for to settle the question, and the elections were never held.

Did our own Civil War suddenly stop being one when the armies of the North invaded the South? What a foolish argument. No, Mr. President, we must face up to the fact that we must either turn over the responsibility for the defense of South Vietnam to the South Vietnamese, having equipped them with the necessary tools to do the job, or we must continue to fight on indefinitely in this war.

If, after all the effort that we have made, it is still necessary to apply massive American air and naval power in order to shield South Vietnam against the North, when will we ever free American forces from the bondage of this war?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CRANSTON. Mr. President, I yield the Senator 1 additional minute of Senator Fulbright's time.

Mr. CHURCH. I suggest, Mr. President, that the new bombing of the North will no more work for President Nixon than the old bombing of the North worked for President Johnson. One day, perhaps, the Senate will find the resolution to use the pursestrings to force a conclusion to our involvement.

Only Monday, the Committee on Foreign Relations attached such an amendment to a bill that will come before the Senate next week. A vote, once again testing our will—or the lack of it—will then take place. Senators will be called upon to decide whether to bring the remainder of our men home, or leave our forces there to fight on in a war for which there is no end in sight.

Mr. President, I ask unanimous consent that the text of the Case-Church amendment be published here in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

CASE-CHURCH AMENDMENT

Notwithstanding any provision of law, none of the funds authorized or appropriated in this or any other act may be expended or obligated after December 31, 1972, for the purpose of engaging US forces, land, sea or air, in hostilities in Indochina, subject to an agreement for the release of all prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Hawaii (Mr. Fong). That time is to be taken from the time that was allocated to the Senator from Tennessee (Mr. Baker).

Mr. FONG. Mr. President, with the massive recent, six-pronged invasion by North Vietnam using troops, tanks, other armored vehicles, missiles and artillery, the mask of hypocrisy was torn from the war in Vietnam.

This is no indigenous uprising by a local faction in South Vietnam. This is pure, unadulterated aggression by North Vietnam against the people of South Vietnam along the length and breadth of their homeland.

On this day and the days that followed, the mask of hypocrisy was also torn from the Orwellian double-thinkers and the double-standard moralizers in America.

Where were these self-anointed "keepers of conscience" when North Vietnam sent 12 of its 13 divisions into full battle into South Vietnam?

Silent against Hanoi.

Where were these "keepers of conscience" when North Vietnam blatantly violated the 1968 understanding against use of the demilitarized zone between North and South Vietnam for military operations?

Silent against Hanoi.

Where were these "keepers of conscience" when North Vietnam openly and undisputedly violated the Geneva Agreements of 1954 by invading South Vietnam?

Silent against Hanoi.

Where were these "keepers of conscience" when North Vietnamese forces rained missiles, mortars, and artillery onto cities and towns of South Vietnam in utter disregard of civilians?

Silent against Hanoi.

Where were these "keepers of conscience" when 100,000 South Vietnamese civilians were forced to flee their homes because of North Vietnam's brutal attacks?

Silent against Hanoi.

Where were the great moralizers when one country—North Vietnam—armed to the teeth, deliberately violated the territorial integrity of another country?

Silent against Hanoi.

Where were the great moralizers when Hanoi revealed so clearly that all but the blind could see that North Vietnam is bent on conquering South Vietnam by force and imposing its will by force on the people of South Vietnam?

Silent against Hanoi.

Where were the "keepers of conscience" when North Vietnam—not the United States, not South Vietnam, but Hanoi—suddenly escalated a war, that we were winding down, into a bloody shooting war again?

Silent against Hanoi.

Those "keepers of conscience"—those great moralizers—who are so quick to criticize President Nixon's Vietnam policy would have some credibility were they equally, vehement in criticizing North Vietnam's invasion of South Vietnam.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FONG. May I have an additional 2 minutes?

Mr. GRIFFIN. Mr. President, with the permission of the Senator from Kansas, I yield 2 minutes from the time of the Senator from Kansas to the Senator from Hawaii.

Mr. FONG. Those who criticize U.S. bombing of military targets in North Vietnam would have some credibility as "keepers of conscience" and great moralizers if they likewise criticized the North

Vietnamese shelling of civilians in South Vietnam.

Those so quick to label U.S. actions immoral would have some credibility if—with equal promptness, equal persistence, equal diligence, equal fervor—they labeled North Vietnam's war against South Vietnam immoral.

What can be said of the morality of those who condemn everything the United States does but remain silent on what the enemy does, no matter how brutal, no matter how inhumane, no matter how patently illegal?

And what can be said of the morality of those who will risk the position—the future, if you will—of the more than 80,000 U.S. troops still in South Vietnam, most of whom are logistical and support troops, not combat troops?

With those "double-standard Americans" bad-mouthing America, who can say how much encouragement, comfort, and aid have been given to the enemy to prolong the war?

Are we to infer that what America's critics really want is for South Vietnam to capitulate?

By their own double standard of morality, these self-anointed "keepers of conscience" have forfeited any claim to objectivity, logic, even-handedness, or even common sense. For it appears they cannot distinguish between right and wrong.

The day the United States of America cannot distinguish between right and wrong is the day our Nation will relinquish the fundamental basis for leadership in the world.

And that will be the day America will lose whatever leverage we have in shaping the world into a world of liberty, justice, decency, and peace.

The PRESIDING OFFICER (Mr. STEVENSON). The Senator's additional time has expired.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from Tennessee.

Mr. CRANSTON. Mr. President, in the interest of going back and forth, as we have been trying to do, could Senator EAGLETON be next, to be followed by Senator BROCK?

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Who yields time?

Mr. CRANSTON. I yield 5 minutes of Senator MCGEE's time to the Senator from Missouri.

Mr. EAGLETON. Mr. President, the pride of a nation is much like the pride of a man.

A great man is acclaimed by others and need not acclaim himself. A weak man compensates with artificial power and boisterous bravado. A great man understands his fallibility and acknowledges error. A weak man admits no fault.

What we are doing today in Vietnam is not a sign of greatness; it is a compensation for failure.

After considerable contemplation as to the tactical value of our attacks on North Vietnam, the only conclusion I can draw is that we have embarked on a course of raw retaliation. The President's policy has been threatened, and there is nothing more vengeful than the "wounded pride of a king."

Mr. President, America is a great country. We do not need false pride. We can acknowledge error and we must.

The attack by North Vietnam on the South was as inevitable as the failure of the Nixon Vietnamization policy. Military men, journalists, and diplomats alike were predicting the present offensive a year ago when I was in Vietnam. Is the White House so buffered by sycophantic advisors that it fails to hear these predictions? Apparently so.

It would be incorrect to describe the bombing of Hanoi and Haiphong as a return to the fallacious policies of the past, for these policies have never been discarded. President Nixon has read the political thermometer well and has kept his withdrawal rate at the minimum level necessary to satisfy public opinion in this country.

But, in fact, he has been more concerned with avoiding a South Vietnamese defeat than with extricating his country from war. He has worried more about his version of America's "pride" than the lives of its fighting men or the spirit of its people.

As we reembark on an attempt to bomb our adversary to submission—a policy which has failed so many times before—the memory of negotiations and peace proposals is dim. But it was only 3 months ago that President Nixon announced that he had been negotiating secretly to end the war. We were ready to give the President a chance at that time but it was soon apparent that his only motive was to resign Americans to the belief that the only alternative left was Vietnamization.

Now, when Vietnamization is shown as a categorical failure in the absence of overwhelming American air power, Americans are asked to accept a new escalation of air attacks on targets that were considered dangerous and sensitive even at the height of our involvement in 1965.

Are the risks less in 1972? I do not believe so.

There are those who will claim that the failure of China and the Soviet Union to respond militarily to our attacks on their ships will vindicate what they have always believed to be appropriate U.S. strategy. They will no doubt interpret Soviet and Chinese inaction as an opportunity for more bold assertions of American power. They will believe that the allies of North Vietnam are less committed than the allies of South Vietnam and they will urge all-out war.

It is an old record but it will be heard again. And it appears that the White House is listening.

But how far can we push? How do we measure the danger?

This was to have been the watershed year for the Nixon foreign policy. We have experienced a detente with Communist China and we have negotiated with the Soviet Union for the reduction of nuclear weapons. These two initiatives are, in themselves, significant and historic. But the success of these major endeavors is now being endangered so that the folly of Vietnamization can be preserved.

The detente with China was accomplished with great foresight and a considerable political risk to the advocates of that policy on both sides. It has been a successful policy but the skeptics, especially in China, have hardly disappeared. Mr. Nixon, who is often praised for his political acumen, must realize that he is placing those who formulated China's American policy in increasing jeopardy. If they fall so will the detente.

Is Vietnamization that important?

On May 22 President Nixon is scheduled to travel to Moscow for a summit meeting of extreme importance. The entire world will be affected by the negotiations that will be conducted there in the vital areas of disarmament, trade, and cultural exchange.

At worst that trip could be canceled. At best our efforts to reach a meaningful accord will be severely hampered.

Is Vietnamization that important?

And most importantly, Mr. President, not since 1968 has the hope of seeing our POW's released seemed so bleak.

Is Vietnamization that important?

Mr. President, we cannot bomb North Vietnam into submission. Time and again our past experience has shown that, if anything, their resolve will be strengthened.

Our bombs cannot stop the allies of North Vietnam from supplying the goods to wage war. We can only endanger our relations with those countries and the balance of world peace.

Our bombs cannot strengthen the South Vietnamese Army, they can only increase dependence on our air support and further Americanize the war.

Finally, our bombs are making moot the questions of victory and defeat, for they are destroying the very nation they are employed to protect.

Mr. President, we must leave Vietnam to the Vietnamese.

Our continued assistance to South Vietnam is a promise that the American people can no longer make. We have given our best and we can give no more.

Our Vietnam policy should be one of disengagement. Our only goal should be the release of our prisoners of war. And we can only pursue this policy at the conference table.

Mr. President, as I said at the outset, we are a great nation. It is a time we acted like one.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from Tennessee (Mr. BROCK).

The PRESIDING OFFICER (Mr. CHILES). The Senator from Tennessee is recognized for 5 minutes.

Mr. BROCK. Mr. President, the Senator from Idaho said that he was listening with fascination and amazement to this debate. I share his fascination and amazement, but perhaps for a different reason. My reaction stems from the refusal of some people to live in the real world. The Senators' argument relates to past circumstances, not present circumstances. He said, "Presidents come and go, arguments come and go, but American troops stay on." That simply is not a fact. Close to half a million American men have come home from Vietnam; 85 percent of our men are out.

He says the South is allowing the United States to "massively" fight the war for them. That was true in the administration of the past, but not now.

The 1968 Tet offensive was a Communist assault on American troops. In 1972, sometimes known as Tet No. 2, they assaulted only Vietnamese soldiers. Not a single American unit was on the field. He said we have continually trained and equipped them year in and year out. That simply is not a fact. Vietnamization has trained and equipped the people, but the previous administration refused to fund the mobilization budget for the people of South Vietnam to fight in their own defense.

The Senator from Missouri said an attack on the South was as inevitable as the failure of our Vietnamization policy itself. Like many others, this is an effort to engage in self-fulfilling prophecy—retrospectively. He said Vietnamization is shown to be a categorical failure. By whom? Since when? The last I heard the south was acquitting itself, with distinction. He asks, "Is Vietnamization that important?" I say "Yes" to that question. Yes, it certainly is that important.

How effective could the President be, if he were to go to Moscow representing a nation that did not have the moral rectitude to stand behind its allies, a nation which would callously trade their freedom for the mess of pottage of a possibly favorable press release. In point of fact the failure of Vietnamization, however covered by some, could destroy any opportunity for responsible negotiations in Moscow. Is Vietnamization that important? No less than our bargaining position, no more than our hope for real peace.

The one ingredient missing from this debate is a sense of historical perspective. The senior Senator from Missouri said there is no adequate substitute for the record. I agree, so let us talk about the record.

I remember very well, back in the mid-fifties, when I was in the U.S. Navy on a ship near the Philippines, we received emergency orders to load every available ton of food, especially fresh fruits and vegetables, and to rush to the port of Haiphong. On arrival, we participated in the evacuation of those 1 million men and women who "voted with their feet," leaving the Communist oppression of North Vietnam to go south. When they decided to go south and leave the "agrarian reform" regime as it is referred to by those on the other side, when they made that determination, the Communists cut off their food and medical supplies and began to murder them. We saw men and women with babies in their arms desperately suffering from malnutrition and inadequate medical treatment. They asked us to take them south so that they could live in freedom—or not at all. Some were not so fortunate—over 60,000 were killed for "political deviation."

Mr. President, do not talk to me about the integrity, the courage, and the guts of these people. They have it, and they have it in full measure. A tiny land, an impoverished people, gambling their very lives, giving their total possessions, in one gasping effort to leave their children a chance to breathe free air. Do they care less than our forefathers who gave us the same heritage they seek?

That is one part of the record. There are other parts. I remember well in 1964's campaign, the Democrats promised the people of America, "Elect us and there will be no land war in Asia, no American troops will be sent there."

It is a matter of record, I remind the Senator, that promise was broken. Half a million American men were sent half way around the world for the wrong reason, in the utter conceit and arrogance of a policy conceived and implemented by the Democrat Party that we could with our men earn the freedom of others for them. Thus the last administration replaced the Vietnamese troops with our own troops. It refused to fund their mobilization budget. That too is the record.

With what very predictable result? An adverse reaction in the countryside led to enhanced Vietcong strength and weakened national pride and resolve.

Thus in 1968, it was the American troops who bore the brunt of the Tet offensive. Those who made the assault against them were 85 percent Vietcong and 15 percent North Vietnamese.

There is more to the record, though. When this administration came into office, it came in with a new policy, a policy called the Nixon doctrine, a policy which said clearly that no man could earn another's freedom. Thus we would help those who demonstrated a willingness to help themselves. We began to withdraw. We no longer carry their burden in combat. We trained, equipped, and funded them to defend themselves.

What has happened as a result of that policy—550,000 American troops were in Vietnam under the previous administration. Now there are only 80,000—and less than 10,000 actual combat troops are left in Vietnam.

Mr. President, let us abjure the deceit that this Nation is carrying the load any more. The South Vietnamese people are carrying the load, and carrying it with courage and honor. Perhaps, in light of this record, its fair to ask these critics what happened to their persistent plea that this was an internal civil war in Vietnam? Everyone talked about that, not too long ago. What happened to that argument?

The fact is that today, instead of having 85 percent indigenous troops they have 15 percent—rather 85 percent of those invading South Vietnam and participating in the fighting against those people are conscripted from the North. That, too, is the record. That is the result of Vietnamization, of the policy which restores to the people the responsibility to earn their freedom. The result, despite all the cries of "wolf," those people have accepted this responsibility with pride and ability. Once more the countryside has chosen freedom—not communism.

For the record, then, I say to the critics, Vietnamization has worked. It is incredible to me that some advocate we now turn our back on a valiant people simply in hopes of gaining an election year measure of political porridge.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, I yield 8 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 8 minutes.

Mr. FULBRIGHT. Mr. President, over the weekend in North Vietnam, and during the past 2 days in the Foreign Relations Committee, we have seen and heard the administration's Vietnam policy revealed for what it really is. It is a policy dedicated to the perpetuation of the present Saigon regime, specifically President Thieu. The military developments of the past month have also revealed Vietnamization for what it really is—a failure in its declared objective of disengaging our presence in Indochina. Sensing that the South Vietnamese, despite 3 years of massive inputs of American equipment and training were still not capable of defending themselves, the administration has moved in a massive manner to build up American forces in Vietnam and to retaliate against the North Vietnamese. A large increase in our naval and Air Force personnel is presently underway.

The testimony given the Foreign Relations Committee in the past 2 days by the Secretaries of State and Defense has opened a vast range of possibilities for increased American involvement in the war. Unlimited American bombing of North Vietnam has been threatened and the possibility of blockading Haiphong or mining its harbor have not been ruled out.

The Secretary of State seeks to justify the bombing of Hanoi and Haiphong on the grounds that such action was required to protect American troops, to insure their withdrawal on schedule and to assist the South Vietnamese in defending themselves. Certainly no one would question the right of our troops in Vietnam to defend themselves—although one can question whether there is any need for American troops to be in Vietnam at all at this point. What is most doubtful about the protection rationale is whether destroying supplies at Hanoi and Haiphong, hundreds of miles from the battlefields, afforded any protection to American troops in the current crisis.

Equally difficult to comprehend is the logic in the proposition that we have to bomb the North Vietnamese in order to insure the withdrawal of our troops. All available evidence is that the North Vietnamese are quite enthusiastic about our leaving and are doing everything possible to speed us on our way.

Thus, we are left with the third justification offered by Secretary Rogers—that we are bombing the North in order to assist the South Vietnamese to defend themselves. It is not difficult to understand why the Secretary of State put this point last and why the Secretary of Defense scarcely mentioned it at all. It is a completely discredited objective, one which has already cost us 55,000 dead and 300,000 wounded; has led to the imprisonment of hundreds of our airmen; has already cost us $200 billion and likely will cost a total of $500 billion before it is finally paid for; has discredited us abroad; and threatens the moral and economic fabric of our society here at home.

If protecting American lives is, or had

ever been, the primary concern of this administration, it could long ago have gotten all American troops out of Vietnam. Similarly, if securing the release of American prisoners is the ultimate condition for total American withdrawal, there is a simple remedy which the administration might have tried long ago. In fact these two goals, the withdrawal of all troops and the release of prisoners, might have been coupled in a simple proposition and put to the North Vietnamese without complicating conditions. But this has never been done.

There is an obvious explanation for the administration's refusal to do any of these things. The administration did not at the outset, and apparently does not today, believe that the Saigon regime could survive a total American withdrawal. Furthermore, the administration believes that it is important to the United States to insure the survival of the present South Vietnamese Government. While denying that it seeks a military victory in Vietnam, the administration nevertheless seeks to determine a specific political outcome by force. Because the struggle in Vietnam is and has always been essentially a civil war, this is a distinction without a difference.

The questions which emerge from all this, of course, are the same questions which have been involved during the entire tragic history of our involvement in Vietnam.

Whether the future form of government in South Vietnam is—or ever has been—a legitimate concern of ours;

Whether the present regime in Saigon is worthy of our support, and

Whether any of this is worth what we have already invested in it in lives and treasure.

Mr. President, my feeling is that there is a steadily growing consensus among the American public to the effect that even if Vietnam was ever our business, the cost of the war long ago exceeded any rational bounds. I doubt whether they will now support further expenditures or grave new risks in pursuit of a discredited objective—an objective which even the administration feels compelled to disavow.

The Kennedy administration attempted to foster the impression that there was no American war in Vietnam. The Johnson administration sought to create the illusion that we were winning the war. The Nixon administration—until this week—had many Americans believing that our role in the war was drawing to a close. Obviously this is not the case.

While I am thankful the administration has withdrawn over 450,000 men from Vietnam, our involvement will not end until all have been withdrawn. I reject the concept that our involvement is lessened just because we are only using air and naval forces. Although the use of such force may be more "antiseptic" and impersonal and may cost fewer American lives than the use of ground forces, the involvement of any U.S. forces and the risks attendant to their use requires the same full measure of justification. Given the past and prospective cost of this terrible war in terms of our economic and social distress here at home and in terms of the human and physical devastation of Indochina, continued American involvement in this conflict cannot be justified.

In short it clearly is not in the interest of our Nation to continue the wholesale destruction of the lives and property of the Vietnamese people.

The entire operation has become barbarous, inhumane, and obscene and is a profound embarrassment to the people of our country.

Mr. CRANSTON. Mr. President, if any time remains, it should be reserved.

I thank the Senator from Arkansas for his very fine contribution to the debate.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I have listened with great interest to the remarks of the distinguished junior Senator from Arkansas (Mr. FULBRIGHT). We share a solid, unfortified boundary between Tennessee and Arkansas. I wonder, however, if I might not direct my remarks this morning, for these brief moments, to a little review of the situation as I perceive it, because I recall with great clarity the time just before the campaign for the Presidency in 1968 when there was general public sentiment that the war was endless, that there was no solution, that there was no way out, and that it might finally fade away. Then, again, there was the proposal of the Senator from Vermont that we simply declare victory and leave.

But now it is 4 years later and it seems to me that the man who won the Presidency in 1968, the man who is President of the United States today, has done a remarkable thing, indeed, because, in deed and in fact the war is not without end, it is obvious that there is a way out, and in deed and in fact the sense of frustration about a seemingly endless war has dissipated and the people of this country are confident that we are on the way to disengagement in Southeast Asia.

I hope it is not partisan to note that this is not the first time that this has occurred. I recall similar statements about Korea, when it was said there was no way out. I remember that we elected a President in 1952 who promptly took himself to Korea and entered into negotiations that resulted in a peace treaty in Korea that ended that war.

I am convinced that this is precisely where we are headed in Vietnam: Toward stabilization of that situation, containment of the aggression by North Vietnam against South Vietnam, and I hope my colleagues will indulge me the fond wish that some day we on this side of the aisle may be helpful in electing someone President who, as he had to in 1952 and 1968, does not have to go into the kitchen and wash the other fellow's dirty dishes.

Mr. President, those Members of this body who oppose the policies of the President in Indochina do so, I am confident, out of deep and strong conviction. My support of those policies runs equally deep and strong.

In 1969, when President Nixon assumed the awesome duties of his office, there were well over half a million American troops in South Vietnam. By May 1 of this year, there will be fewer than 70,000. This is one President who has kept every promise he has made to the American people.

There is only one remaining, outstanding covenant between candidate Nixon, President Nixon, and the people of the United States, and that is the unconditional representation and promise to the electorate that he would end the war. I assert, on the basis of his performance so far, on the basis of the representations and promises made by this President to the people of this country since his election, that he richly "undeserves to be disbelieved" in this respect as well. And I expect fulfillment of his promise to end the war.

Of course all of us have yearned greatly for an earlier and permanent peace. No one, more than the President, wants all of our troops home, the prisoners-of-war reunited with their families, and peace for the tortured people of five Southeast Asian nations that have known only war for more than two decades.

But if there is accountability for all of this outlay in lives, in suffering, and in materiel, it is clear to this Senator that it must rest with those who are aggressors in Indochina, the North Vietnamese. In recent days we have witnessed a massive wave of regular North Vietnamese troops pouring into South Vietnam. Never once, during the whole tragic history of this conflict, has the Government of South Vietnam sent its troops against the civilian population of the North.

If peace is the objective of the government in Hanoi, and not the subjugation and domination of the people of South Vietnam, that peace can be had in an instant.

How can the Government in North Vietnam send its massed troops into South Vietnamese territory in the expectation that its own territory will somehow remain inviolate? Agreements carefully arranged at the time of the bombing halt of March 1968, have been openly and brazenly breached by one side: Hanoi. How can Hanoi now appeal to the world community that the United States should cling to its own side of that agreement? It is a travesty.

Pursuant to the Nixon doctrine, enunciated by the President in Guam in 1969, the United States is committed to a total withdrawal of its troops from South Vietnam on a carefully phased basis. The South Vietnamese will be left to defend their own country.

This major offensive by the North Vietnamese comes at an unusually dangerous time, for a number of reasons. It threatens the safety of the remaining American troops. It makes the possibility of serious discussion at Paris virtually nonexistent. It may well, although I earnestly hope it will not, imperil the upcoming summit in Moscow, where arms limitation and other vital subjects are to be discussed. And, of course, it causes untold suffering for hundreds of thousands of human beings, military and civilian, mostly Vietnamese.

There are those who hope that Vietnamization will fail. No one can predict the ultimate success or failure of that policy. But, for my own part, I believe that Vietnamization was, has been, and is today the best and most rational policy to be followed by this Government. The people and the Government of South Vietnam have no aggressive aims and a desire to control no territory other than their own. The policy of Vietnamization is designed to give the South Vietnamese a fair and reasonable chance to do that, in the face of unending aggression from without and terrorism from within.

I believe that the President's response to this latest North Vietnamese offensive has been entirely warranted and necessary. It has been firm, explicit, and measured.

If the goal of the government in Hanoi is to conquer South Vietnam by the force of arms, let Hanoi proceed at its own peril. If the goal of the government of Hanoi should be one of peace for Southeast Asia, let it return its forces to their own land and speak honestly at the conference table.

Mr. President, years ago this country made a decision, right or wrong, to commit over half a million American ground troops to that troubled and tortured country. We are now withdrawing them. But I submit, that if nothing else is clear in this controversy, by committing those troops to South Vietnam we incurred a moral obligation, and we are obligated to withdraw in a manner that will permit the people of South Vietnam to relinquish dependence on our defenses and give them a fair and reasonable chance to defend themselves.

Mr. HUGHES. Mr. President, I would like to begin by commending the Senator from California and those responsible for arranging this colloquy and this opportunity for time to express viewpoints at another critical point in our history, and certainly in the history of Southeast Asia and the world, in the hope that it would be beneficial to the American people in the decision-forming process we are facing now in the Senate and the Congress of the United States.

I rise this morning a little saddened perhaps as I have listened again for several hours to the discussions this morning and have heard phrases still on the floor of the Senate of jelly-spined attitudes of Members of this body and, from the other side, attitudes that there is no desire for peace implied because those people advocate a different policy than they do.

If there was ever a time in the history of our Nation when there needed to be displayed an understanding and tolerance by all, I think this moment cries out for it above all—a moment when we might discuss rationally what the future holds in Southeast Asia and what our hopes might be.

I rise as one who had to change his mind years ago on the policy of our country, to oppose the policies of the President of my own party, a President who decided not to run again for office primarily as a result, in my own opinion, of those policies, at least in the hope that it would not divide the country, and as one who has seen our Nation divided in continual campaigns every year since.

The Senator from Iowa is now 50 years old, and in most of that lifetime he has seen only very brief periods of peace. He has faced the difficulty of every father trying to explain to his children the reason why mankind seems bent on destroying itself and destroying the modalities of life. Sometimes he has succeeded. In others he has felt he has failed.

Today, in straining my ears, I find it difficult to hear the concern for life rather than whose life and how many on one side or the other.

I do not rise to oppose our President, but to oppose the brutaity of war, the dehumanization of ourselves in the process of conducting an endless war. I rise recalling for a moment that almost 7 years ago I myself was on the aircraft carrier *Ticonderoga* in the South China Sea and recalling that just a few days ago that aircraft carrier pulled out again for Southeast Asia and recalling that when I was there in 1965 boys who were then 12 years old in this country are probably going back on that carrier today, and I am bound to wonder where 12-year-old boys in our country today will be going 7 years from now.

End the war, yes. Withdraw our troops, yes. But not just to continue the war with other bodies and other names and with our policies, but rather to bring at long last, hopefully, peace in that part of the world.

Is there any other way? That is what we are trying to determine. This body has debated this issue every year I have been here. It has passed resolutions. It has argued and discussed and ventilated thoroughly the problems that exist there. There should be no doubt in anyone's mind today about what the outcome of the present heavy conflict will be there. The outcome will be disaster for the North Vietnamese. They will be destroyed and tens of thousands of their people will have died, along with thousands of South Vietnamese. We will retake the country in South Vietnam. The South Vietnam forces will retake it, with the support of our airpower and the devastation and destruction that we have amassed to support their counterattacks in Southeast Asia. And another chapter of another offensive in history will have been written, and tens of thousands of people will have died and have been injured and wounded again. And they will be back again, unless we find a way, at a table somewhere, to head off this sort of destruction in Southeast Asia. If we fail to find a way to peace, we will all have lost by it.

It was implied here today that men who will not fight for peace and for their country and who do not believe in war do not deserve freedom, but I recall men in history who fought without arms for peace and freedom—men like Gandhi, men who fought for their race, like Martin Luther King. Not all victories are won by fighting, and it might be worthwhile to recall that history shows evidence that all victories are not military ones, that victory is indeed a victory of the mind, and that destroying bodies does not necessarily bring victory.

I would hope that this country of ours and the leaders in all areas of the world would realize that in continuing and constant war, cold and hot, we have not found a solution. We must realize that there must be other means and other devices to achieve true peace, that there must be other people in the world who agree with us. Some of us must be willing to lead the way.

I would remember also that all of us are patriotic, that all of us cry out when our Nation is in agony, but we cry out in different methods and for different reasons. There is no man or woman in this body whose integrity I would challenge or whose purpose I would question in the position they take here today. But we have bled enough, we have been divided long enough, and our agony has been brave enough that we must find a solution.

We have the right to differ and disagree, but we no longer have the right to continue against the public demands of our people in this country for peace. We must at long last respond, and at some final day there will be action in the Senate to do that—and not to cast blame against any President or any party, or to cast blame against the military or the military-industrial complex, or against anyone else, but to realize that we were all wrong in the conduct of these affairs; and from that viewpoint there will be a new day dawning and there may well be a generation of peace if we find that attitude.

Perhaps, having found it, we can look back at the death and the agony and the destruction that has rained on that continent and on the nations of the earth, and believe that there was some purpose in it after all.

I think that is the challenge of this moment: In the heat of the debate, to realize that what we are talking about is not ending our participation in a war or continuing it by whatever means we can supply and support, but rather devising a method and means whereby we can rely on organizations outside ourselves, like the World Court, the United Nations, and whatever other means exist on this earth to bring men who will not reason together to reason by some other method, to bring the pressure of other nations and other peoples to bear on unreasoning nations when they are divided, and to utilize, as a nation that believes in justice for its own people, a system of justice in the world that does not result in total death and destruction, and also to plead again that we can, from a standpoint of strength, take these steps, and to believe it is absolutely essential that we do so.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. HUGHES. I thank the Senator from California for bringing about this discussion.

Mr. DOLE. Mr. President, I yield 5 minutes of the time of the Senator from Michigan (Mr. GRIFFIN) to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from Kansas for yielding to me, in order that I might inject an element of bipartisanship in support of the President's policies as he directs the Armed Forces of this country in the resistance to the invasion of South Vietnam by the forces of North Vietnam.

Mr. President, I feel that we in the Senate and the country as a whole should close ranks behind the President and support him. We hear no opposition from Vietnam to any of the policies of the North Vietnamese. Why should we not be as capable of closing ranks behind our leadership as are the people of North Vietnam?

On March 30, North Vietnam launched a massive invasion of South Vietnam. Division after division of North Vietnamese troops, equipped with tanks and heavy artillery, moved through the demilitarized zone established by the 1954 Geneva Accords and crossed the borders of South Vietnam in an effort to impose Hanoi's system of government by force on the people of South Vietnam. After trying unsuccessfully for years to take over the South through the political, military, and terrorist efforts of the National Liberation Front, Hanoi now has apparently given General Giap the go-ahead. Hanoi is now attempting to achieve by means of a brutal, all-out military effort what the determined resistance of the South Vietnamese people has denied it for so many years—the communization of South Vietnam.

I have difficulty understanding those who look at the events of recent weeks and, while ignoring the blatant North Vietnamese invasion, criticize the United States for coming to the aid of the aggressor's victim. Where is the condemnation of the aggressor? Where are the voices to condemn Hanoi for sending 12 of its 13 combat divisions against South Vietnam? Where is the sympathy for the 150,000 new civilian war refugees who fled from the attacking North Vietnamese? Where are the denunciations of Hanoi and the Vietcong for the random rocketing of civilian populated areas in Danang, in Saigon? I would remind those who are silent on these matters, yet who condemn the United States for helping South Vietnam by limited bombing of carefully selected military targets, that North Vietnam would not be bombed if it were not attacking South Vietnam.

Mr. President, there is one certain way for Hanoi to stop the United States from striking at the supply areas for the Northern attacks on South Vietnam—abandon its dream of taking over the South by force. If Hanoi truly believes, as it regularly insists, that the National Liberation Front enjoys majority support in South Vietnam, it should sit down at the conference table and negotiate a political solution to the war. President Thieu has been offering since 1969 to let the people of South Vietnam determine their political future by means of an election in which the National Liberation Front could participate. On January 25 of this year President Nixon unveiled a generous proposal, which had initially been presented in secret sessions last fall, for resolving the war. He proposed that the question of who would rule South Vietnam be decided by an election in which the NLF could participate not only in the election itself, but in a special commission which would establish the ground rules for the election. He offered international supervision of the election itself. President Thieu agreed to resign his presidency one month before the election. None of this was presented on a take-it-or-leave-it basis. All aspects of the proposal were, and are, subject to negotiation. But Hanoi, knowing better than most how little support the NLF actually has in South Vietnam, refused serious negotiation. The North instead concentrated it efforts on building up the logistical base for the current massive invasion of the South.

Under these circumstances, I am convinced that United States' efforts to help South Vietnam at the present time are justified. At the same time, I would hope that North Vietnam would soon realize the futility of its effort to impose a military solution. I would hope that the North will listen to the sincere voices calling for peace, and will respond to those calls for peace by abandoning its military ventures and agreeing to serious negotiation.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kansas has 12 minutes remaining.

Mr. DOLE. Mr. President, I allot 2 of those 12 minutes and the remaining 3 minutes of the Senator from Michigan (Mr. GRIFFIN) to the distinguished Senator from Kentucky (Mr. COOPER), giving the Senator from Kentucky 5 minutes. I wish to proceed with my 10 minutes at this time.

The PRESIDING OFFICER. Does the Senator take 10 minutes at this time, and then reserve 5 minutes that will go to the Senator from Kentucky? Is that correct?

Mr. DOLE. That is correct.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. Mr. President, I assume, in my dual role as chairman of the Republican Party and as a Member of the Senate, that anything I might say would be suspect, that there might be some feeling that what I say would be partisan. But as I look at the list of speakers on the other side, with one or two exceptions, I find that we have had a morning of condemnation of President Nixon by many of my colleagues who were here during the escalation, who supported the escalation, who voted for the Gulf of Tonkin resolution and for the appropriations to support the escalation, and who were silent in those years, as has been pointed out by the distinguished Senator from Hawaii.

I think it does little good to repeat the record of President Nixon. It is a good record; I have said so many times on the Senate floor. President Nixon had the responsibility to do something in Vietnam when be became President. The war was on his doorstep. He had not initiated it, and he had not escalated it. He had not sent more than 500,000 Americans to South Vietnam. In fact, during the period of escalation he was a private citizen. He did not send a single American to South Vietnam. He did not vote for the Gulf of Tonkin resolution or the appropriations to support escalation. But it became his responsibility as President to do something, and there were a number of options. We had a number of Senators who were trying to judge what the President should do. Some may have been correct; I share the view of the Senator from Iowa: I do not cast any doubts on anyone's integrity, or raise any questions about anyone's patriotism. But I also share the view just expressed by the Senator from Alabama. There does come a time when we should unite behind our Government, behind our President, and at least recognize the facts.

I have heard many speakers on the other side say that Vietnamization has failed. Some may hope that it fails. I think the media, for the most part, have been saying it is not going to work, and now they are predicting it. So the media win if it fails. If it succeeds, that will be something else, and we may speculate about what may happen after that. But I have heard no one on the other side suggest what he would do, how he would end the war in Southeast Asia, how he would end our involvement.

I have heard no one criticize the North Vietnamese——

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DOLE. Not on my time.

The North Vietnamese invaded South Vietnam. The North Vietnamese are the aggressors. The President has the responsibility to protect the remaining American forces in Southeast Asia. I ask the question: What should we do? Surrender? Should we surrender South Vietnam to the Communists? Is that what they suggest? Should we let the American forces be overrun in South Vietnam? Is that what they suggest? I would hope not. Should we give up on freeing the American prisoners of war and the Americans missing in action in South Vietnam? I hope not.

It is not difficult to stand in this Chamber or anywhere in America and talk about peace. I know of no one who does not want peace. Many in this body have fought for peace. Many in this body have bled for peace. But I also recognize that this is 1972. This year, we will elect a President of the United States. I recognize that this matter is probably being discussed this morning for that reason. Let us do what we can to undermine President Nixon. Let us do what we can to defeat President Nixon.

Yesterday, I offered to pay the expense of a short memory course for some of the presidential candidates who seem to have forgotten the beginning of our involvement in the Southeast Asia conflict in the 1960's, and I make that offer again today. I find that many in this body who now seek the Presidency cannot remember 1964, 1965, 1966, 1967, or 1968, when they were voting for the Gulf of Tonkin resolution, for the appropriations, for the escalation, when they were supporting their Presidents—President Kennedy and President Johnson—as was I, a Member of the House.

If we want to resurrect the war as an issue in America, I suppose we can. There was a time when it was felt that war and peace should not be partisan issues, that they should be above partisan politics.

I am not here to defend Richard Nixon's policy in Southeast Asia. It does not need defending. I am here to say he has done what he said he would do. I am here to ask those who criticize President

Nixon, "What would you do?" It is one thing to say, "Cut off the funds." But what would they do? Would they let South Vietnam fall to the Communists? Perhaps so.

But I go back to the "noble commitment," as it was called, made by President Kennedy in 1963, when he spoke about preserving liberty and freedom. I remind my colleagues that President Kennedy sent 17,000 troops to Southeast Asia in 1963. I supported President Kennedy. And I supported President Johnson and voted at his request for the Gulf of Tonkin resolution in the other body, on August 7, 1964, and so did every Senator who now seeks the Presidency on the other ticket vote for the Gulf of Tonkin resolution.

The junior Senator from South Dakota did not discover peace. He voted for the Gulf of Tonkin resolution.

It is time for an accounting. I recognize the game. I recognize the effort to foist the Vietnam war on President Nixon. I recognize the effort to say that the bombing was an escalation. But it is time that we ask the tough questions. What would they do about Southeast Asia? It is easy to criticize anyone in politics. I have done it from time to time and may even do so again this year. It is not difficult to criticize those who seek the Presidency on the Democratic side or those who seek the Presidency on the Republican side. But sometimes it is difficult to come up with the alternatives. Sometimes it is difficult to come up with the answers.

On May 1 of this year, it has been noted by many on this floor, 87 percent of the Americans will have been withdrawn from Southeast Asia—not by any Democrat who dragged us into Southeast Asia, but by President Nixon.

The casualties are now down to two and five and eight and 10 a week. That is still too many. One is too many. But that is a far cry from 200, 300, 400, 500 and more who died in Southeast Asia in the 1960's, before Nixon. The cost of the war is down.

As a junior Member of this body, I really cannot understand how we can judge today that Vietnamization has been a failure, with these facts before us. How can we judge that Vietnamization has been a failure? We get up and applaud the President for withdrawing 450,000 troops, and then we condemn him by saying that his policy is a failure. I do not think his policy is a failure.

Today, we are exposed to a spasm of unreasoned, misdirected, knee-jerk reactions to the Presidential policies which are necessary if we are to have an orderly withdrawal of America from combat in South Vietnam. That is what President Nixon said he would do when he was elected, and that is what he has done.

The Senator from Kansas has listened while men of integrity have condemned the President's policies of reacting to an enemy invasion as if he, the President, had launched an invasion against a friendly power. Members of this body have eagerly sought to portray our air strikes at the aggressors' fuel and ammo dumps as proof that Vietnamization has failed or will fail. I am amazed that Members of this body would be so easily stampeded into an attitude which threatens the very basis for our orderly withdrawal from Vietnam and which would serve to protect us from future wars of this type. I refer of course to the Nixon Doctrine.

VIETNAMIZATION IS THE FIRST TEST OF THE NIXON DOCTRINE

This doctrine as it pertains to Asia formulates our defense commitments in terms of material support short of the use of our ground forces. Vietnamization is the first step toward putting this doctrine into practice.

And for those who have been so eager to proclaim the failure of Vietnamization, I can only ask them who has met and withstood the all-out attack of 12 of North Vietnam's total regular force of 14 Army Division? Certainly not American troops. And in the air 50 percent of all air sorties in South Vietnam now are being flown by the Vietnamese Air Force.

The Senator from Kansas is encouraged by the evidence of Vietnamization. He believes that the attack which we are witnessing today was largely aimed at injuring or discrediting Vietnamization before it became unassailably successful. This invasion's massiveness, the extent to which it has utilized sophisticated Soviet weapons, and the extent to which this push had been prepared over a long period of time, suggest that the Hanoi regime has taken maximum advantage of the 1968 bombing halt. Hanoi has attempted to use this invasion to embarrass and weaken the President just prior to his trip to Moscow. And I cannot but speculate that the performance of certain Members of this body would serve the same purpose as well.

THE ISSUES AND CONDITIONS OF THIS WAR ARE VASTLY CHANGED

The critics of the President accuse him tirelessly of repeating the mistakes of President Johnson. They have short memories and have read little. President Johnson used air war tactics against a sporadic guerrilla war. Bombing was aimed at dispersed targets and very small groups of men or equipment storage areas. At that time, a low level war was in progress which we were fighting with a huge pool of American manpower and without the support of an effective ARVN. Today, anyone should, recognize that we have an entirely different war. We have an effective South Vietnamese ground presence, which bears the brunt of the North Vietnamese invasion. This invasion force is backed up by huge accumulations of Soviet mechanized equipment and supplies.

The invasion hits with virtually no American ground combat troops in Vietnam. It is a direct threat to our orderly withdrawal from that country. It is a challenge to the Nixon doctrine as a test of our will to apply this doctrine. Our bombing of the North is directed against an obviously changed target. The invasion is heavily dependent upon vast concentrations of mechanized Soviet and Chinese equipment which was accumulated since the bombing halt. Particularly vulnerable to our bombing are the vast amounts of gas, oil, and lubricants needed to sustain the mechanized portion of this North Vietnamese invasion force.

OUR BOMBING PROTECTS OUR WITHDRAWAL AND VIETNAMIZATION

Mr. President, clearly we are faced with a radically changed war in Vietnam. Our orderly withdrawal from that country must be protected from the possibility of a rapid mechanized invasion by North Vietnam—the trip from Haiphong to the Northern front takes 1 day by truck. It is also clear when they mounted their invasion the North Vietnamese violated every understanding upon which the 1968 bombing halt was based. It also violated the basis for the Paris talks—or propaganda demonstrations—as they were obviously intended to be. In the words of President Johnson:

> We have made clear to the other side that such talks cannot continue if they take military advantage of them. We cannot have productive talks in an atmosphere where the cities are being shelled and where the demilitarized zone is being abused. Address to the Nation, October 31, 1968.

Mr. President, Secretary of State William Rogers, a man of integrity and clear purpose, made some excellent points when he testified before the Foreign Relations Committee earlier this week. He stated:

> If these (North Vietnamese) invasions are unsuccessful and if these combat divisions, 12 of the 13 that are now outside of North Vietnam, are defeated, then the possibility of renewed massive invasions by the North Vietnamese in the future is going to be greatly diminished. We think that in the meantime the South Vietnamese will build up their own air power—(to achieve self sufficiency).
>
> Now we have said from the very beginning . . . that as we withdraw our troops from South Vietnam, we are going to use air power. We are going to continue to use air power as necessary to prevent a take over by the Communists of South Vietnam. I believe that it can be done.
>
> We are not going to make any announcements about what we are going to do. We think that there has been altogether too much of that in this war. The only two announcements that I will make about what we are not going to do are these: We are not going to reintroduce American ground troops in Vietnam and we are not going to use nuclear weapons in South Vietnam or North Vietnam. But short of these steps we are not going to make any announcements of what we are going to do or aren't going to do.

THE SOUTH VIETNAMESE ARE MEETING THEIR TEST WELL

Mr. President, we ought not in good consicence to ignore the impressive fight which the South Vietnamese are putting up against the full fury of forces which our media pundits have called the "finest infantry in the world." Indeed, the successes of our South Vietnamese friends suggest that these questionable pundits may have overestimated the North Vietnamese and underestimated the resolve and abilities of the South Vietnamese. Indeed, the Senator from Kansas would suggest that the friends and admirers of General Giap may be mistaken as to his judgement and invincibility.

THIS INVASION TESTS THE UNITED STATES

The war in Vietnam is now an outright, conventional invasion by the totality of North Vietnamese forces which are now directly fighting in the south.

It is a test of Vietnamization, of the Nixon doctrine and of the political maturity and stability of the United States. If we mean what we have said in our announcements pertaining to the Nixon doctrine, a doctrine which has received much praise in this Chamber, then we must see it put into practice in this most blatant test of our will to do so.

The refugee flow from Quang Tri and the other areas of South Vietnam threatened with invasion indicate that the Vietnamese people are telling us something. They do not welcome the North Vietnamese as liberators, but as feared conquerers. They, unlike some Members of this body perhaps, remember the mass murders and atrocities perpetrated at Hue, atrocities which so overshadow other incidents in this bloody war as to stagger the imagination.

History favors the strong in might and will. People displaced by war vote with their feet. This Nation has been a world leader. If it is to remain so it must not ignore the "vote" of the Vietnamese refugees. It must not force its President to meet with his totalitarian adversaries while being chastized by this body. It must show might and will in this definitive test of Vietnamization and the Nixon doctrine. For even if South Vietnam falls, and unlike some, I do not wish it to be so, we must be able to say that even in withdrawal we honored our commitment and gave meaning to the Nixon doctrine.

Mr. President, if we in this body consciously weaken the President with irresponsible vituperation prior to his trip to Moscow, the whole Nation will count the cost. The invasion of Vietnam is a test of our national will. The Communists respect only strength. This is a clear lesson of history. If we fail to accomplish Vietnamization because we are too weak in our resolve to stem the tide of a gross invasion through the use of our air and sea power, then we will hardly be in a position to extract binding agreements from the Russians on other areas of the world. The Nixon doctrine will be undermined at the expense of Japan, the Philippines, Thailand, and our other friends in Asia. The President must meet with the leaders of the Soviet Union with the strong support of a united Nation behind him. The defeat of this invasion and the success of Vietnamization will give credibility to the Nixon doctrine to our advantage and national stature.

We must withdraw from Vietnam, as we have been doing, in an orderly and sequenced manner. The invasion threatens this withdrawal, breaks all North Vietnamese agreements pertaining to bombing and the Paris talks, and constitutes a test of this Nation's will to abide by its declared foreign policy. If we fail this test, the Russians and our own friends will scorn or pity us. If we carry through, we will be in a position to negotiate from a position of respectability with a cynical and powerful adversary.

Mr. President, I ask unanimous consent to have several fact sheets and summaries of the Vietnam situation printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH VIETNAM'S INVASION

12 of North Vietnam's 14 regular army divisions are now engaged in aggression outside its borders against Laos, Cambodia and South Vietnam.

Hanoi is currently engaged in a 3 division offensive across the Demilitarized Zone (DMZ) against the northern part of South Vietnam. Most of these forces including accompanying sophisticated armor, artillery, and anti-aircraft equipment have come directly across the Demilitarized Zone.

Other large North Vietnamese regular army units are attacking South Vietnamese population centers in the Highlands and near the Cambodian border.

NORTH VIETNAM'S VIOLATIONS

The 1954 Geneva Accords provided for a demilitarized buffer between North and South Vietnam.

The 1968 Understanding which led to the cessation of U.S. bombardments against North Vietnam specifically provided for respect for the status of the DMZ.

The U.S. made clear in negotiations leading to this bombing halt that we considered respect for the DMZ as a situation in which there would be no firing of artillery, rockets or mortars from, across or within the DMZ and there would be no movement across or within the DMZ.

Hanoi has illegally constructed a major infiltration route across the DMZ extending far into the northern part of South Vietnam. Hundreds of tons of military supplies have been moved on this route.

Hanoi's latest invasion across the DMZ is the clearest, most blatant and outrageous violations of these 1968 bombing halt understandings.

Hanoi's leaders have now removed any pretense that the war in Vietnam is a local insurgency. This is an outright and massive conventional miltary assault supported by the most sophisticated military equipment.

U.S. RESTRAINT

Throughout the period of build-up for the anticipated offensive the U.S. showed great restraint.

The U.S. and South Vietnam have proposed a comprehensive 8-point peace proposal made public on January 25. The U.S. proposal included provisions for a settlement fair to both sides even as we knew that North Vietnam's offensive preparations were underway.

The U.S. leaned over backwards to show our will for peace and genuine desire to bring the conflict to an honorable end.

But Hanoi responded with a massive invasion across the Demilitarized Zone and with multi-division attacks across the Laotian and Cambodian borders.

The U.S. cannot accept the response Hanoi has shown towards the Allies' goodwill for peace.

We have no designs against North Vietnam. Saigon has no designs against North Vietnam.

But as long as Hanoi persists in this invasion; Saigon's forces will resist it with every resource they have. We will support them in their self-defense.

HANOI'S CHOICE

Hanoi's current invasion has made senseless any talk of serious negotiations; it has made senseless any talk on their part that our precautionary steps, taken when we knew as early as last November that they were planning a major military effort, were the cause of the stalemate in the Paris negotiations. The record is absolutely clear with regard to who is responsible for the interruption of the meetings in Paris.

If Hanoi on the other hand chooses to desist from its countrywide offensive plans, if it desists from its invasion, then the U.S. ask nothing more than to return to principles of the 1954 Geneva Accords and respect for the Understanding of 1968. If Hanoi desists, the U.S. asks nothing more than to negotiate seriously on the basis of proposals both sides have advanced.

VIETNAMESE PERFORMANCE AND U.S. ASSISTANCE

To those who would say that the current invasion spells the doom of the Vietnamization program, let us await the outcome of the battle. The South Vietnamese Army is fighting the ground actions alone, whereas in 1968 the U.S. had 550,000 ground troops there. Today the U.S. has fewer than 90,000 and none of these ground forces are engaged in the combat.

To those who would say Vietnamization is a failure let them explain why it is North Vietnam's regular army and not the Southern Viet Cong which is carrying the battle. Let them explain how after more than a week of intensive fighting the South Vietnamese Army, without any U.S. ground support, is fighting vigorously to defend their people and their major cities whereas in 1968, after but a few days U.S. troops were fighting Hanoi's forces in several of South Vietnam's major cities.

The U.S. can have only the greatest praise for the brave resistance of the South Vietnamese in the face of North Vietnam's all-out offensive, and will provide air, naval and logistical support to help them succeed against the invaders.

NORTH VIETNAM'S INVASION OF SOUTH VIETNAM

On March 30, 1972 a multi-division force of North Vietnam's regular army openly crossed the Demilitarized Zone to launch a massive invasion of South Vietnam. At the same time, other large North Vietnamese regular army units moved across the borders of Laos and Cambodia in force to attack Kontum province in the Highlands and the provinces of Tay Ninh and Binh Long north of Saigon.

These attacks, in which North Vietnam has committed a major proportion of all its regular forces, constitute a particularly flagrant violation of the 1954 Geneva Accords and of the bombing halt understanding of 1968.

South Vietnam's people and armed forces are defending themselves against North Vietnam's attacks and the United States is providing assistance to the South Vietnamese.

In considering these developments, it is essential to note the following points:

THE BOMBING HALT UNDERSTANDING OF 1968

On November 1, 1968, as a step designed to help bring meaningful negotiations, the United States ceased the bombing of North Vietnam on the basis of an understanding with the North Vietnamese with regard to the following elements:

There would be prompt and productive negotiations to include on our side representatives of the United States and the Republic of Vietnam and on the Communist side representatives of North Vietnam and the "National Liberation Front" (NLF).

The Communist forces would not undertake rocket or shelling attacks against South Vietnam's major population centers.

The status of the Demilitarized Zone on both sides of the Provisional Demarcation Line established by the 1954 Geneva Accords would be respected. In the talks leading to the bombing cessation, the U.S. repeatedly made clear that:

The U.S. considered respect for the DMZ as a situation in which there would be no firing of artillery, rockets or mortars, from, across and within the DMZ.

There would be no movement of troops from, across or within the DMZ.

There would be no massing or movement of troops near the DMZ in a manner threatening to the other side.

Additionally, the United States made clear in both public statements and in the private talks that it would continue unarmed reconnaissance flights over North Vietnam, because such flights were essential and did not constitute acts of force. The U.S. subsequently made clear that if our reconnaissance planes were fired upon, they would be escorted and that the escorting aircraft would return any fire in protective reaction strikes.

NORTH VIETNAM'S RECORD

In the three and a half years since the U.S. bombing halt, North Vietnam has built a record of disregard and repeated violations of the 1968 understandings:

Hanoi has rejected prompt and serious negotiations as had been agreed in return for this major U.S. step toward peace. Hanoi and the NFL have, for example, refused to negotiate with the Government of Vietnam, instead insisting on its dissolution as a prerequisite to serious negotiations.

The North Vetnamese forces have repeatedly shelled South Vietnam's major cities.

The North Vietnamese have almost from the outset of the bombing halt fired on the unarmed U.S. reconnaissance aircraft.

Most clearly at issue now is Hanoi's extremely flagrant violation of the 1968 understandings on the Demilitarized Zone and of the provisions of the 1954 Geneva Accords establishing the provisional demarcation line with a demilitarized buffer zone on either side.

NORTH VIETNAM'S AGGRESSION

North Vietnam's recent attacks constitute the most flagrant and willful violations of the 1968 bombing halt understanding and clearly point out North Vietnam's record of aggression against South Vietnam.

The North Vietnamese have recently constructed a major new logistics road from North to South Vietnam directly through the Demilitarized Zone.

The North Vietnamese units invading across the Demilitarized Zone included three regular army divisions—the 304th, the 308th and the 324–B Divisions.

The North Vietnamese army divisions were accompanied by sophisticated support units—3 artillery regiments, a tank regiment and anti-aircraft equipment including surface-to-air missiles.

Southwest of the invasion area at the Demilitarized Zone, North Vietnamese units crossing the Laotian border into South Vietnam have launched attacks west of the city of Hue and against the highland positions west of Kontum.

Northwest of Saigon, North Vietnamese regiments crossing the Cambodian border into South Vietnam have launched attacks against Tay Ninh Province and against Loc Ninh and An Loc in Binh Long Province.

In their attacks the North Vietnamese forces have indiscriminately used their long-range artillery and rockets against densely populated areas, including refugee centers, in an effort to terrorize and demoralize the civilian population.

NORTH VIETNAM NEGATES "PEOPLES WAR"

Hanoi's decision to commit her divisions to a massive invasion of South Vietnam across international borders totally negates Hanoi's characterization of its wars in Indochina as local civil war insurgencies or "peoples wars."

All but one of North Vietnam's 14 regular army divisions has now been committed beyond North Vietnam's borders in conducting aggressive wars against Laos, Cambodia and South Vietnam.

The North Vietnamese operation across the Demilitarized Zone is clearly as open invasion by conventional military forces supported by sophisticated foreign equipment.

In North Vietnam's current attacks, the role of the indigenous southern Viet Cong forces has been negligible. Hanoi and its NLF spokesmen are still continuing to deny that any North Vietnamese troops are fighting outside of North Vietnam. But it is no longer possible for Hanoi to disguise its years-long role of total military and political dominance of the war on the Communist side.

It is increasingly clearer that Hanoi still rejecting serious negotiations and noting that the South Vietnamese armed forces and people were substantially increasing their strength, saw no option but to openly violate its understandings and agreements and, in violation of the "peoples war" myth, decided to launch an open invasion of South Vietnam.

THE SOUTH VIETNAMESE RESPONSE

In the face of this latest and massive North Vietnamese aggression, the South Vietnamese are determined to repel Hanoi's troops.

The South Vietnamese have brought substantial military reinforcements to the threatened battle areas.

President Thieu and all level of government including the National Parliament and provincial and local civilian organizations have joined in decrying the North Vietnamese invasion and in rallying in defense of their territory and their people.

The North Vietnamese forces, far from encountering a situation of a pro-Communist "peoples uprising" are meeting strong and united resistance from the South Vietnamese population.

In a strong demonstration of determination and unity, the South Vietnamese people are working together and are helping each other, especially with regard to the refugees created by the Communist attacks.

The Republic of Vietnam has strongly protested North Vietnam's invasion and has appealed to its allies, third countries and the United Nations for help in turning back the invading forces.

THE U.S. RESPONSE

The United States regrets that, at the very time when the Republic of Vietnam and the United States have taken major steps toward peace, including the comprehensive and fair peace proposals made public on January 25, 1972, Hanoi has chosen to emphasize the path of war rather than the path of peace.

In the face of the North Vietnamese attacks, the United States is providing air power and naval gunfire support in direct response to the needs of the tactical situation. No. U.S. ground forces have been committed.

The United States also is providing such help as is appropriate in providing care for the refugees and civilian casualties caused by the North Vietnamese attacks.

The United States stands ready, together with the Government of the Republic of Vietnam, to work for an early end to the fighting and for a just peace in Indochina.

GOVERNMENT OF THE REPUBLIC OF VIETNAM COMMUNIQUE ON NORTH VIETNAM'S INVASION—APRIL 3, 1972

Over the past few days, many North Vietnamese regular units have openly crossed the Demilitarized Zone to attack the Republic of Vietnam's outposts in the demarcation area. Indiscriminate shelling of the densely populated areas by long-range artillery and rockets have resulted in severe damages to the civilian population. Thousands of people had to flee to more secure areas in Quang Tri and Thua Thien Provinces.

In addition to continuing infiltrations by the North Vietnamese Communists, this attack is part of the enemy's offensive and his attempt to occupy the territory of the Republic of Vietnam below the demarcation area.

The Government of the Republic of Vietnam strongly protests against this blatant invasion by Communist North Vietnam and denounces it to world public opinion.

North Vietnam no longer disguises herself under the facade of the so-called "National Liberation Front of South Vietnam" and has overtly made use of her regular forces to attack South Vietnam through the DMZ. The enemy forces have been identified as big units of the 3 NVN Divisions 304, 308, and 324–B, supported by 3 artillery regiments and anti-aircraft units, one tank regiment and several surface-to-air missile launchers.

This is eloquent evidence that North Vietnam is the real aggressor and the NLF was created only for the purpose of misleading world opinion.

North Vietnam has openly crossed the DMZ in flagrant violation of the 1954 Geneva Agreements and in disrespect for the secret understandings reached in 1968 at the time of the cessation of the American bombings over North Vietnam. The DMZ, the symbol of a reasonable solution for the two zones pending a negotiated formula for the eventual peaceful reunification of Vietnam, is being trampled over the Communist North Vietnamese who used it as a starting point for their invasion of South Vietnam.

The Government of the Republic of Vietnam strongly condemns North Vietnam's policy of armed aggression against the South.

While in Paris the Communist side turned down all serious discussions and used the peace talks as a propaganda forum, the North Vietnamese Communists have resorted to all forms of armed insurgency to undermine the political stability of South Vietnam and to occupy the South Vietnamest territory.

Despite many bitter failures during the past few years, Communist North Vietnam is still bent on using force for a military victory instead of working toward a peaceful solution through negotiations.

The Government of the Republic of Vietnam appeals to all peoples and governments in the world to condemn the action of the Communist aggressor and to demand that North Vietnam immediately withdraw her armed forces back to the North. If North Vietnam keeps on with her aggressive policy, she will have to bear full responsibilities for any consequences that might result from her action.

The Communist aggressors have suffered severe casualties in their recent attacks. The people and the Government of the Republic of Vietnam are determined to break off any offensive or bellicose actions of the enemy, to protect the national territory and to consolidate peace in freedom.

TERMS OF UNDERSTANDING ON U.S. BOMBING HALT

Following are statements on the public record by senior officials of the Johnson Administration concerning the understanding with the Government of North Vietnam on the terms of the U.S. bombing halt of October 31, 1968.

PRESIDENT JOHNSON, ADDRESS TO THE NATION, OCTOBER 31, 1968

Last Sunday evening, and throughout Monday, we began to get confirmation of the essential understanding that we had been seeking with the North Vietnamese on the critical issues between us for some time. I spent most of all day Tuesday reviewing every single detail of this matter with our field commander, General Abrams. . . . Now, as a result of all of these developments, I have now ordered that all air, naval, and artillery bombardment of North Vietnam cease as of 8 a.m., Washington time, Friday morning.

* * * * *

This decision very closely conforms to the statements that I have made in the past concerning a bombing cessation.

It was on August 19th that the President said: "This administration does not intend to move further until it has good reason to believe that the other side intends seriously—ously"—seriously—"to join us in deescalating the war and moving seriously toward peace."

Then again on September 10th, I said: . . . the bombing will not stop until we are confident that it will not lead to an increase in American casualties.

* * * * *

What we now expect—what we have a right to expect—are prompt, productive, serious, and intensive negotiations in an atmosphere that is conducive to progress. We have reached the stage where productive talks can begin. We have made clear to the other side that such talks cannot continue if they take military advantage of them. We cannot have productive talks in an atmosphere where the cities are being shelled and where the demilitarized zone is being abused.

I think I should caution you, my fellow Americans, that arrangements of this kind are never foolproof. For that matter, even formal treaties are never foolproof, as we have learned from our experience. . . . We could be misled—and we are prepared for such a contingency. We pray God it does not occur.

DEAN RUSK SECRETARY OF STATE, NEWS CONFERENCE, NOVEMBER 1, 1968

Question: Mr. Secretary, what direct assurances, if any, does the United States have that North Vietnam will not escalate the war or violate the DMZ to the peril of our forces?

Answer: North Vietnam clearly understands what is expected of them in this situation. They know what we expect with respect to talks and they know what we expect with regard to the circumstances in which serious talks can proceed. They know that we shall take care of the security of our own and allied forces in the field. So there is no misunderstanding on that point. The situation is very clear to them and in our own minds. I cannot spell that out in exact detail, but the days and weeks ahead, I think, will reveal what is involved.

Question: Mr. Secretary, I am not sure this is the same question, but you said in your statement that aside from what other third parties have told us we have our own reasons to believe that this is a constructive step. Can you give any indication of what reasons we have to believe that this is a constructive step?

Answer: I think we indicated to you that over the weekend things began to clarify in such a way as to give us good reason to believe that if the bombing were stopped there would be serious talks in which the Government of South Vietnam would participate and that those talks could proceed under conditions which would be conducive to such talks, that is conditions on the field, in the actual situation on the ground.

Now, the President cautioned last night that these things can go awry. He said even formal treaties are not always foolproof. We could be disappointed, but there is no doubt about not only our expectation but also the understanding of the other side with respect to those expectations.

Question: We are acting on more than an assumption?

Answer: We are acting on more than an assumption.

DR. HAROLD BROWN, SECRETARY OF THE AIR FORCE, NBC–TV INTERVIEW, NOVEMBER 4, 1968

The Joint Chiefs of Staff made their recommendations to the President and they told him this was a perfectly acceptable military risk and that they thought the action should be taken at this time in view of the military situation, the improvement in the military situation, the fact that we will continue reconnaissance, and the authority given to General Abrams to react to any threat to his troops.

CLARK CLIFFORD, SECRETARY OF DEFENSE, PRESS CONFERENCE—NOVEMBER 12, 1968

Question: Sir, would you speak to the charges made by several writers that the Administration knew before they made the bombing halt and the announcement of the agreement of the 31st that the South Vietnamese Government would not go along with the talks in Paris and would you speak to whether you think the South Vietnamese Government has dealt brusquely with our diplomats?

Answer: . . . Now, also in addition to that, Saigon was kept fully posted on what the other arrangements were that we were working toward; that is, some understanding about the DMZ; and understanding with reference to the cities. We went through long talks having to do with reconnaissance. They were kept fully informed.

NICHOLAS KATZENBACH, ACTING SECRETARY OF STATE—(STATEMENT ISSUED IN HIS NAME BY DEPARTMENT SPOKESMAN)—NOVEMBER 13, 1968

The agreement with respect to representation was that there was to be two sides at the table, the U.S. and the GVN on one side—North Vietnam and whomever it wished to include on the other side. The presence of the NLF on North Vietnam's side did not involve recognition in any form. The U.S. had also not agreed to stop reconnaissance missions over North Vietnam.

CLARK CLIFFORD, SECRETARY OF DEFENSE—ISSUES AND ANSWERS ABC–TV—NOVEMBER 24, 1968

Question: Mr. Secretary, the North Vietnamese are claiming that we are violating the understanding by continuing reconnaissance flights. Do we have any intentions of stopping such flights?

Answer: We do not. It is exceedingly important to the President that he knows what's going on in North Vietnam. If there were some unusual type of buildup there either from the standpoint of men or material of war, he must know about it at once. In the Paris conversations for all these many months, it was made very clear to the representatives of North Vietnam that we would continue to maintain reconnaissance. We do it daily, we do it all the time. We are keeping very close track of just what goes on so that in the event any development takes place that increases the jeopardy of our troops, then we might very well have to take action.

CLARK CLIFFORD, SECRETARY OF DEFENSE, ISSUES AND ANSWERS ABC-TV, NOVEMBER 24, 1968

* * * * *

If Hanoi wants to show its good faith by meeting the requirements of those talks and agreeing with the general understanding, then he is willing to proceed. If they, at some time, show us that they are not serious and that they are not proceeding with good faith, I have no doubt whatsoever that the President will have to return to our former concept and that is to keep the pressure on the enemy and that would include bombing if necessary.

AMBASSADOR CYRUS VANCE, DEPUTY CHIEF OF THE U.S. PARIS DELEGATION INTERVIEW BY THE BRITISH BROADCASTING CORPORATION, DECEMBER 3, 1968

Question: In their press conference in Paris, the North Vietnamese claim that you have no right to go in for reconnaissance flights.

Answer: We made it very clear that the time that we stopped the bombardments that we were stopping all bombardments and all other acts involving the use of force against the territory of North Vietnam. The conducting of reconnaissance is not an act involving the use of force, and is therefore, very clearly within what we told the North Vietnamese we were going to do.

AMBASSADOR W. AVERELL HARRIMAN, CHIEF OF THE U.S. DELEGATION TO THE PARIS PEACE TALKS, WHITE HOUSE PRESS BRIEFING, DECEMBER 4, 1698

At the present time, there has been some withdrawal of North Vietnamese forces from the DMZ area. They have not removed all of their forces from the area. I am hopeful that we can make an agreement with them when the sessions get going to honor the DMZ, as we call it, and also, to fulfill what we have told them we would expect of them on any bombardment of the major cities.

* * * * *

The agreement was very clear, that we made it plain that the serious talks could not continue, nor the cessation of bombing, if they didn't honor the DMZ and the indiscriminate shelling of the major cities.

CLARK CLIFFORD, SECRETARY OF DEFENSE, FACE THE NATION CBS-TV, DECEMBER 15, 1698

The situation is that we had certain understandings reached with the North Vietnamese in Paris. They involved the DMZ and the shelling of the cities and the question of reconnaissance. There is the area of agreement.

PRESIDENT NIXON'S WARNINGS TO HANOI ON USE OF AMERICAN AIRPOWER

MARCH 4, 1969, PRESS CONFERENCE

Question: Mr. President, the Communist offensive in Vietnam has aroused speculation that your administration is being tested, particularly as to the understanding that was reached last November 1, which led to the bombing halt. Would you give us your opinion of this, please?

Answer: . . . we must now analyze the offensive in terms of the understanding of October 31 [1968]. That understanding was to the effect that continued shelling of or attacks on the cities, the major cities of South Vietnam, would be inconsistent with talks toward peace which would be productive in Paris.

Now, we are examining this particular offensive, examining it very carefully, to see whether its magnitude is in violation of that understanding. Technically, it could be said that it is in violation. Whether we reach the conclusion that the violation is so significant that it requires action on our part is a decision we will be reaching very soon if those attacks continue at their present magnitude . . .

One other factor should be mentioned. I do not want to discount by this analysis the seriousness of these attacks, because the American casualty rate, I note, has doubled during the period of these attacks. Therefore, it is necessary for the American President, in analyzing the attacks, to think not only of the understanding with regard to the attacks on the cities, but also of his obligation to defend American fighting men in Vietnam.

We have not moved in a precipitate fashion, but the fact that we have shown patience and forbearance should not be considered a sign of weakness. We will not tolerate a continuation of a violation of an understanding. But more than that, we will not tolerate attacks which result in heavier casualties to our men at a time that we are honestly trying to seek peace at the conference table in Paris. An appropriate response to these attacks will be made if they continue.

* * * * *

Question: Mr. President, have you considered an appropriate response if the attacks continue in South Vietnam? Would an appropriate response include resumption of the bombing in the North?

Answer: . . . I will only say in answer to that question that the United States has a number of options that we could exercise to respond. We have several contingency plans that can be put into effect.

I am considering all of those plans. We shall use whatever plan we consider is appropriate to the action on the other side. . . . I will only indicate that we will not tolerate a continuation of this kind of attack without some response that will be appropriate.

MARCH 14, 1969, NEWS CONFERENCE

It will be my policy as President to issue a warning only once, and I will not repeat it now. Anything in the future that is done will be done. There will be no additional warning.

We have issued a warning. I will not warn again. If we conclude that the level of casualties is higher than we should tolerate, action will take place.

NOVEMBER 3, 1969, ADDRESS TO THE NATION

If the level of infiltration or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy.

Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

This is not a threat. This is a statement of policy which as Commander in Chief of our Armed Forces I am making in meeting my responsibility for the protection of American fighting men wherever they may be.

DECEMBER 15, 1969, ADDRESS TO THE NATION

However, I have consistently said we must take risks for peace.

And in that connection, let me remind the leaders in Hanoi that if their infiltration and the level of enemy activity increases while we are reducing our forces they also will be running a risk. I repeat the statement I made in my speech on November 3.

Hanoi could make no greater mistake than to assume that an increase in violence will be to its advantage. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

JANUARY 30, 1970, NEWS CONFERENCE

We are continuing to watch the situation, and we will be prepared to deal with it. I would remind everybody concerned, and particularly remind the enemy, however, of what I said on November 3, and repeated on December 15. If at a time that we are attempting to de-escalate the fighting in Vietnam, we find that they take advantage of our troop withdrawals to jeopardize the remainder of our forces by escalating the fighting, then we have the means and I will be prepared to use those means strongly to deal with that situation, more strongly than we have dealt with it in the past.

FEBRUARY 18, 1970, ANNUAL REPORT TO CONGRESS

The Government of North Vietnam could make no gerater mistake than to assume that an increase in violence would be to its advantage. As I said on November 3, and have repeated since, if I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I will not hesitate to take strong and effective measures to deal with that situation.

APRIL 20, 1970, ADDRESS TO THE NATION

But I again remind the leaders of North Vietnam that while we are taking these risks for peace, they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos.

I repeat what I said November 3d and December 15th. If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation.

APRIL 30, 1970, ADDRESS TO THE NATION

Ten days ago, in my report to the Nation on Viet Nam, I announced a decision to withdraw an additional 150,000 Americans from Viet Nam over the next year. I said then that I was making that decision despite our concern over increased enemy activity in Laos, in Cambodia, and in South Viet Nam.

At that time, I warned that if I concluded that increased enemy activity in any of these areas endangered the lives of Americans remaining in Viet Nam, I would not hesitate to take strong and effective measures to deal with that situation.

Despite that warning, North Viet Nam has increased its military aggression in all these areas, and particularly in Cambodia.

MAY 8, 1970, NEWS CONFERENCE

I am not going to speculate as to what the North Vietnamese may do. I will only say that if the North Vietnamese did what some have suggested they might do—move a massive force of 250,000 to 300,000 across the DMZ against our Marine Corps people who are there—I would certainly not allow these men to be massacred without using more force and more effective force against North Vietnam.

I think we have warned the leaders of North Vietnam on this point several times, and because we have warned them I do not believe they will move across the DMZ.

JUNE 3, 1970, INTERIM REPORT TO THE NATION ON CAMBODIA

To the North Vietnamese tonight I say again: The door to a negotiated peace remains wide open. Every offer we have made at the conference table, publicly or privately, I herewith reaffirm. We are ready to negotiate whenever they are ready to negotiate.

However, if their answer to our troop withdrawal program and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago clearly demonstrated, take strong and effective measures to deal with that situation.

JULY 1, 1970, TV INTERVIEW

Now coming back to your question, first, when you talk about re-escalation, we do not plan to go back into Cambodia. We do plan, however, and I will use this power—I am going to use, as I should, the air power of the United States to interdict all flows of men and supplies which I consider are directed toward South Vietnam. That is in my role of defending American men.

Now let's look at the other possibilities of the escalation. For example, we have a bombing pause in the north, as you note. As you also note, one of what was called the understandings when that bombing pause was entered into was that American reconnaissance flights could take place over North Vietnam so that we could determine whether or not they were planning a new attack, and those reconnaissance flights were supposed to be immune from attack.

Now consistently the North Vietnamese have been shooting at those planes. In fact at the time we embarked on the April 30th operation, I ordered some attacks on some sites in North Vietnam which had been shooting our planes. If those attacks should now develop again, I will, of course, use our American air power against North Vietnam sites that attack our planes. That is my responsibility, to defend American boys—American men, our boys when they do come under attack.

Now when you talk about re-escalation in other terms, I do not see that presently as a possibility, presently in terms of what the North Vietnamese may be able to do and what we would do in action to it.

DECEMBER 10, 1970, NEWS CONFERENCE

If our planes are fired upon, I will not only order that they return the fire, but I will order that the missile site be destroyed and that the military complex around that site which supports it also be destroyed by bombing. That is my understanding.

Beyond that, there is another understanding with regard to the bombing of North Vietnam which at a number of these press conferences and in my speech on November 3rd and in four televised speeches to the Nation last year, I have stated. I restate it again tonight. At a time when we are withdrawing from South Vietnam, it is vitally important that the President of the United States, as Commander in Chief, take the action that is necessary to protect our remaining forces, because the number of our ground combat forces is going down very, very steadily.

Now if, as a result of my conclusion that the North Vietnamese, by their infiltration, threaten our remaining forces, if they thereby develop a capacity and proceed possibly to use that capacity to increase the level of fighting in South Vietnam, then I will order the bombing of military sites in North Vietnam, the passes that lead from North Vietnam into South Vietnam, the military complexes and the military supply lines. That will be the reaction that I shall take.

JANUARY 4, 1971, NEWS CONFERENCE

. . . I have no desire to resume the bombing of North Vietnam. We do not want to go back to the bombing of the strategic targets in North Vietnam, and we do not want even to bomb military targets unless it becomes necessary to do so, and this is the key point—to protect American forces.

Now, with regard to the understanding, let's see what it is. First, there was an understanding. President Johnson said so, Dean Rusk said so, Clark Clifford said so, Mr. Harriman said so. There was an understanding that after the bombing halt, the unarmed reconnaissance planes could fly over North Vietnam with impunity. We had to insist on that, because otherwise, we would have no intelligence with regard to what they were planning on an attack.

So, when they fire on those planes I have given instructions that we will take out the SAM site or whatever it is that has fired upon them. We will continue to do so, and if they say there is no understanding in that respect, then there are no restraints whatever on us, and so we must have that in mind.

Now, the other understanding is one that I have laid down. It is a new one. It is a new one which goes along with our Vietnamization program and our withdrawal program. . . . Now, the President of the United States, as Commander in Chief, owes a responsibility to those men (Americans remaining in Vietnam) to see that they are not subjected to an overwhelming attack from the North. That is why we must continue reconnaissance, and that is why also, if the enemy at a time we are trying to de-escalate, at a time we are withdrawing, starts to build up its infiltration, starts moving troops and supplies through the Mu Gia Pass and the other passes, then I, as Commander in Chief, will have to order bombing strikes on those key areas.

That was one of the reasons for this strike, and it will be done again if they continue to threaten our remaining forces in Vietnam. But only on those military targets, and only if necessary.

* * * * *

I made it clear not just a month ago, but in November, you may recall that on November 3rd, when I made my speech on November 3rd, I warned the North Vietnamese then that if at a time we were withdrawing they stepped up their infiltration and threatened our remaining forces, that I would retaliate.

I have said that on eight different occasions on national television and national radio. I have said it also in other messages to them that have gotten to them very loud and very clear. So there is no question about the understanding, and that was why we did this.

MARCH 4, 1971, NEWS CONFERENCE

. . . . I have stated on 10 different occasions, usually, and before press conferences in which you ladies and gentlemen have participated, that in two respects we would use airpower against the North. One, that we would attack those missile sites that fired at our planes, and we have been doing that. We will continue to do that.

Second, that if I determined that increased infiltration from North Vietnam endangered our remaining forces in South Vietnam at a time we were withdrawing, that I would order attacks on the supply routes, on the infiltration routes, on the military complexes, and I have done that in the past. And I shall do so again if I determine that such activities by North Vietnam may endanger our remaining forces in South Vietnam, particularly as we are withdrawing.

Now, the third question is this one—whether or not the United States, through its airpower, might support a South Vietnamese operation against North Vietnam. And the answer to that is that no such plan is under consideration in this Government.

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Question: Mr. President, on the subject of enemy missiles, the North Vietnamese seem to be using more and perhaps a different type of missile shooting at American planes supporting the Laos operation.

I'm wondering if this is of unusual alarm to you and if you have any special retaliation other than bombing that you intend to take?

Answer: We are following that very closely, and it is not unusually alarming. We expect the enemy to improve its capabilities just as we improve ours. And we are prepared to take the protective reaction measures which wil deal very effectively with it. But I can say it will not be tit for tat.

* * * * *

Question: Sir, in speaking of the potentialities of action against North Vietnam, you were talking on the third point about the possibility of American air suport for a South Vietnamese attack. You said that no such plan is under consideration in this Government? Can you go any further than that, or is that all you wish to say about it?

Answer: . . . I can say further that no such plan has ever been suggested by President Thieu to us. None has been considered, and none is under consideration.

I'm not going to go further than that, except to state what I did state in that press conference where you also were present again, that the test as to what the United States will do in North Vietnam, in any event, will always be not what happens to forces of South Vietnam, but it will be whether or not the President as Commander in Chief considers that North Vietnamese activities are endangering or may endanger the American forces as we continue to withdraw.

It is then and only then that I will use airpower against military complexes on the borders of North Vietnam.

NOVEMBER 12, 1971, NEWS CONFERENCE

Question: Mr. President, with the conditions that you know now in Vietnam and Southeast Asia, can you foresee in the near future a substantial diminution of American airpower use in support of the Vietnamese?

Answer: Well, airpower of course, as far as our use of it is concerned, will continue to be used longer than our ground forces, due to the fact that training Vietnamese to handle the aircraft takes the longest lead time, as we know, and we will continue to use it in support of the South Vietnamese until there is a negotiated settlement or, looking further down the road, until the South Vietnamese have developed the capability to handle the situation themselves.

As far as our airpower is concerned, let me also say this: As we reduce the number of our forces, it is particularly important for us to continue our air strikes on the infiltration routes. If we see any substantial step-up in infiltration in the passes, for example, which lead from North Vietnam into Laos and, of course, the Laotian trail which comes down through Cambodia into South Vietnam—if we see that, we will have to not only continue our air strikes; we will have to step them up.

That is why I have been quite categorical with regard to that situation because as the number of our forces goes down, their danger increases, and we are not going to allow the enemy to pounce on them by reason of our failure to use airpower against increased infiltration, if it occurs.

JANUARY 2, 1972, CBS TV INTERVIEW

Question: . . . On everyone's mind is the resumption of the widespread bombing of North Vietnam. Other than what we already know from the authorities in Saigon and what Secretary Laird has said, could you assess the military benefits of that?

Answer: With regard to the military benefits, let me say first why we did it. You were present in the White House Press Room, as you always are, when I was there making the last troop withdrawal announcement which will bring the troops down to 139,000 by the first of February. And, at that time, I said that in the event that the enemy stepped up its infiltration, or engaged in other activities which imperiled, in my opinion, our remaining forces as our forces were becoming less, that I would take action to deal with the situation.

Most of you reported it. And most of the reporters also wrote it. I meant exactly what I said. The enemy did step up its infiltration. They violated the understanding of 1968 when the bombing halt was agreed to, with regard to firing on our unarmed reconnaissance planes. They shelled Saigon on December 19.

Under those circumstances, I had no other choice but to bomb, in this case, selected military targets and supply build-up areas. Those were the only areas that were hit.

Mr. DOLE. I have listened and I have listened and I have listened, and I have yet to hear anyone in this body advance a plan. We had the same outcry at the time of the Cambodian invasion. We were there trying to protect American forces, and casualties were dramatically reduced. Vietnamization was kept on schedule. But at the time of the Cambodia operation Richard Nixon was portrayed as an escalator; he was escalating the war. So the debate today is nothing new. The hearings in the Senate Foreign Relations Committee are nothing new. The American people have come to expect this.

I think it is time that we recognize the facts. I do not mean that President Nixon is above criticism.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. I will take back one of the minutes I was going to give away.

The President probably does not have a perfect record in South Vietnam or in any other area, but I think it does little good for us to stand in the Senate and condemn any President, whether it be Johnson, Kennedy, or Nixon, for the war in Southeast Asia. The junior Senator from Kansas supported President Kennedy. Perhaps I was mistaken. The junior Senator from Kansas supported President Johnson. Perhaps I was mistaken. That was during periods of escalation, and I am proud to support my President today, in a period of deescalation. I am proud that the President has initiated the bombing, following the aggressive action of the North Vietnamese, in an effort to protect American forces, in an effort to start negotiations, in an effort to end our involvement in Southeast Asia.

Oh, yes, the junior Senator from Kansas is for peace. Make no mistake about it. Who is not for peace?

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. CRANSTON. Mr. President, I yield 4 minutes of Senator HART's time to the Senator from Illinois.

(At this point Mr. CRANSTON assumed the chair.)

Mr. STEVENSON. Mr. President, from the beginning of this tragic chapter in American hsitory it has been said that we must fight for freedom in South Vietnam. All the other reasons for the war have been stripped away. No one seriously claims the POW's will be released by prolonging the war. The war only increases their numbers. We do not hear any longer of the domino theory—or that our own shores are in danger. It is only claimed now that we must fight for the freedom and self-determination of the people of South Vietnam.

That is the only argument left for this war. But the truth is we are fighting in Vietnam to prop up a corrupt, autocratic regime.

From the 1954 Geneva accords to the present, one administration after another has disdained, or ignored, every chance to let the people of South Vietnam determine their own future. We had that chance in 1956 elections. Throughout the 1950's and into the 1960's, Indochina might have been neutralized and the people given a chance to resolve their differences. Mr. Nixon recently suggested free elections—but he waited until after the rigged elections in Vietnam were all over, and then suggested that the North lay down its arms, give up the POW's and participate in an election it could not win.

At every step of the way we have sought a military solution. We once defended the South Vietnam regime with 500,000 grounds troops. Now we defend it with billions of more dollars and support forces. Half the 7th Fleet is now off the coast of that tiny country. Soon half of all our attack aircraft carriers will be in the vicinity. We may soon have 47,000 men on 47 major naval vessels—and more men in more B-52's.

We have dropped 600 pounds of bombs on Vietnam for every man, woman, and child in Indochina. Since Mr. Nixon took office the United States has dropped more bombs in Vietnam than in the Korean and Second World Wars combined. Since then, 20,000 Americans have died, 110,000 have been wounded, 340,000 Asians have died in the conflict. The war has caused 600,000 civilian casualties and made 4 million people refugees—just since Mr. Nixon took office.

And why—but to prop up one dictatorship in a distant corner of the earth. If that regime enjoyed the support of the people of South Vietnam it could depend for its survival upon that support—not upon American ground troops, helicopter gun ships, B-52's, and aircraft carriers.

The truth is that we now fight North Vietnam and South Vietnam, Communists and non-Communists, nationalists, all committed, as they have been for decades, to driving out the foreigner and his client. How else can it be explained that North Vietnam with only about $400 million in military aid during 1971 can wage war. And South Vietnam with $1.5 billion in military aid and $11 billion for the support of American forces wages defeat. The people of South Vietnam have no will to fight. They want peace—and to see the Americans gone.

The war was not won in the past by American bombs—it will not be won today nor tomorrow by bombs.

The bombing only fortifies the determination of the enemy. It only continues the bloodshed, and brings down upon the United States the contempt of the world.

I suppose the North Vietnamese will withdraw, before the monsoons, and then the administration will claim a great victory for Vietnamization. In fact, this invasion only proves again the moral, political, and military bankruptcy of Vietnamization. It proves again that a corrupt, autocratic regime in South Vietnam cannot stand up against a tenacious enemy without American support. That enemy has fought for 30 years. It will be back again and again and again until the foreigner and his South Vietnamese vassal are gone.

Vietnamization is a policy for staying in, not for getting out. It is a prescription for more of the same. It is a prescription for failure. And it runs the risk of escalating the war. The bombing in the North invites retaliation. It threatens the President's visit to Russia. It threatens the possibilities for liberalizing trade with the Soviet Union and for reaching agreement on the control of strategic arms. Far from intimidating the Soviet Union, Mr. Nixon's desperation will redouble the determination of the Soviet Union, and of the People's Republic of China, to support Hanoi.

And why? Why must we go on tearing ourselves apart at home—all for the sake of fighting on for that corrupt military regime in Saigon. What explains the infatuation of this administration with dictators? Not so long ago it sided with another—Yahya Khan, and his campaign of human butchery in Bangladesh. And the results were disastrous.

It will be a better day when we learn that the United States never became great in the world by bribing and cajoling its way, bullying innocent people, propping up dictators, merchandising arms, fighting wars for corrupt and autocratic regimes. It would be better if we recognized that morality and our own self-interest can coincide.

This war has taken a terrible toll in blood, in dollars, and in our honor and self-respect, too.

It will be a better day when we agree to withdraw all our ground troops and cease all overt military activities in exchange for the return of our men now held hostage in the North. Mr. Nixon's policy day by day diminishes the possibilities for such a political settlement. It escalates the war while it reduces our bargaining power. It may soon be too late.

Mr. COOPER. Mr. President, what I shall say today in the few minutes made available to me represents my own thinking. I do not question the position or the concern of any other Senator who has spoken here today.

All of us are concerned about the war. All of us are concerned about the awfulness of war. I heard the eloquent speech of our colleague from Iowa (Senator HUGHES) speak of the awfulness of war and the value of life and I agree with him.

I have been concerned about war in Southeast Asia for many years, beginning in 1954. I shall not detail the various efforts which I have made, along with other Senators, to reduce the war, to limit its expansion and bring about its end. I shall mention only one.

Last year, when the Defense Authorization Act was before the Senate for consideration, the distinguished Senator from Idaho (Mr. CHURCH) and I, Senator CASE, and other Senators offered an amendment requiring the complete withdrawal of all our forces from Vietnam and for their protection as they withdrew. It was defeated by one vote. On reconsideration, it was defeated by three or four votes.

Nevertheless, despite my long concern with this war—as all of us are—there are certain facts which do stand out. The fact is that our military involvement in Vietnam began in 1962. It began in Laos in 1963. It reached major proportions in 1965, and in 1966 through 1968, with a total of 550,000 American troops involved in full-scale war. Since 1969, our forces have been reduced to approximately 80,000.

I want to speak about the immediate situation. I agree that the question is, what can be done about it?

In hearings before the Committee on Foreign Relations over the past 2 days, and in my communications with the administration, I have stated that I am fearful of our attacks against Hanoi and the port of Haiphong; first, because of the possible consequences which could enlarge the war; and, second, because I think that, unless the bombing of Hanoi and Haiphong is directly connected with the defense of our troops, it is without authority.

But, very little has been said in this debate and, I may say, in the press and other news media, about a matter of deep concern, and that is the question of the protection of our troops—our men—who are still in Vietnam. There are, I think, approximately 80,000 there now, including a small number of combat troops.

For the first time in the war, about 100,000 men from North Vietnam have invaded South Vietnam in a full scale attack.

Anyone who knows anything about war, anyone who has read anything about war, knows that if the advance is not stopped, the safety of American troops remaining in Vietnam would be threatened. It might mean an evacuation such as at Dunkirk in World War II, or the danger of another Battle of the Bulge.

Thus, I support wholly the authority of the President to protect U.S. troops, and I cannot see how anyone in this body or anywhere else in the country would not want to do so.

I have stated my position on the bombing of Haiphong and Hanoi. But, what do we do about the protection of our forces? As long as our forces are in danger, resolutions the Senate might consider would serve no useful purpose, or have any practical effect except to limit the protection of our forces. There is no way in the world we can withdraw our troops in 30 days. We all know that.

But when this phase is passed, and I hope it will pass, when our forces are out of danger, it is up to Congress to consider what it wants to do. I do not believe, other than to state a policy, that amendments to provide that if our prisoners of war are released, our troops will be withdrawn will be effective. Those criticizing the President for linking the withdrawal of our forces to the release of our prisoners offer amendments with that same policy. If we are to do anything at some point, the only recourse we have is an amendment calling for the withdrawal of our troops. I return to the reality of today. When our forces are under threat of attack and actual attack, they must be protected. The powers bill which we have just passed in the Senate, states the constitutional authority of the President to repel or to forestall an attack. We will surely live up to it in this critical time.

Mr. COOPER subsequently said: Mr. President, there has been much discussion in the Foreign Relations Committee and in the continuing debate on negotiations, as if there had been any negotiations.

I have long held the position that negotiation is the best way, the only certain way, to end all fighting in Vietnam, Laos and Cambodia, and settle for a time at least the issues in Indo-China. But there is another incontrovertible fact that I intended to mention in my earlier statement today. It is that the North Vietnamese have never been willing in nearly 4 years at the Paris talks to negotiate substantively.

Mr. HANSEN. Mr. President, I yield as much time as may be required to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, in the debate today, there are certain facts that I feel should be emphasized.

First, let me say that unlike some of my colleagues now condemning President Nixon and the war in Vietnam, I have stated in the Senate and throughout Virginia for 5 or 6 years—from the beginning—that the use of American ground troops in Southeast Asia was a grave error of judgment.

But President Nixon did not commit these troops; his predecessors did.

When he took office there were 550,000 Americans in Vietnam. By the end of this month he will have reduced this number to 69,000.

So, the facts are that President Nixon

has made progress in disengaging from Vietnam.

South Vietnam troops now have full responsibility for the ground fighting.

We must continue to disengage.

Who has been the aggressor in this war for the past 10 years? The answer is clear. North Vietnam and its agents in the South, the Vietcong.

Who is the aggressor now? The answer is unmistakably clear—North Vietnam. By large-scale invasions of the South—this time unmasked—North Vietnam has deliberately invited retaliation.

For the first time since President Johnson halted the bombing in 1968, North Vietnam—contrary to its agreements—has violated in a massive way the demilitarized zone.

Let nothing that is being said here today obscure those fundamental facts, or give the impression that the Senate of the United States does not care about the basic issues of right and wrong in this matter.

What we are debating here—or should be debating—is the effectiveness and consequences of U.S. air and sea power as used in aiding our allies, and how far we should go in applying that power.

For my part, I think the South Vietnamese people, their armed forces, and their government must meet this new challenge and must now shoulder the major responsibility and prove their mettle. U.S. forces cannot permanently protect them.

If they are to maintain their freedom, they must meet this challenge themselves, knowing that the United States is not deserting them, but that we are determined to return to them the responsibility which only they themselves can permanently discharge.

Within these limits, I believe the Commander in Chief must have latitude to determine the degree of U.S. power—ruling out ground troops—to be applied at this juncture, with the understanding that he refrain from a permanent escalation of our air and naval roles and continue his announced policy of gradual military disengagement.

Mr. HANSEN. Mr. President, I yield to the Senator from Florida 10 minutes.

Mr. GURNEY. Mr. President, I have 10 minutes of my own time. However, I would not want to take it out of the time of the Senator from Wyoming. The Senator from Wyoming has graciously agreed to let me speak at this time.

The PRESIDING OFFICER. The Senator from Florida does have 10 minutes.

Mr. GURNEY. Mr. President, on March 30, North Vietnam launched an obvious, all-out invasion of South Vietnam in order, by their own admission, to achieve total victory. To that end they have thrown in practically all of their regular forces—at least 12 of their 14 regular army divisions totaling over 100,000 men—and considerable armor and artillery, most of it supplied by the Soviet Union. Through their 20th party Congress, in their radio broadcasts, and by their public statements calling for a "government of national accord" in South Vietnam, the leaders in Hanoi have confirmed their aggressive objectives beyond a shadow of a doubt. Their directives, one of which has been captured—COSVN No. 43—simply amplify upon the obvious according to COSVIN No. 43, North Vietnam intends to achieve the takeover of South Vietnam by using this invasion to tie down the South Vietnamese army. Then, according to the plan, the Hanoi directed and supported terrorists in the south will be able to carry out guerrilla operations that will take over the country. The course of the conflict since March 30 indicates that Hanoi is doing its utmost to carry out this plan; the fact that it is not working is a strong indication of the determination of the South Vietnamese to resist this threat to their freedom.

What we have here, therefore, is no civil war, no spontaneous Vietcong uprising, and no indigenous guerrilla warfare situation. This invasion is all part of a bold, blatant effort by one nation to take over another in direct violation of not only the 1954 Geneva accords but also of the generous 1968 agreements that brought an end to U.S. bombing of North Vietnam. What it really represents is a desperate attempt to bring to a successful conclusion years of calculated effort to subordinate the people of South Vietnam to Communist rule. To those who have believed, or wanted to believe, that this was some sort of a civil war, the truth about the aggressive intentions of the North Vietnamese Communists can no longer be avoided or denied. The only question that remains is whether we are going to throw in the towel or whether we are going to help the South Vietnamese in their efforts to prevent being overrun by Communist aggression. In my opinion, there is only one alternative—to continue to resist such flagrant aggression until Hanoi gives it up. If nothing else, the experience of the 1930's should suggest the wisdom of this course.

At this point the evidence is totally and unmistakably clear as to who started this war, as to who has prolonged it, and as to who will settle for nothing less than complete victory. However, the record also shows, beyond a shadow of a doubt, that the United States has made every effort—gone the extra mile, in fact—to end the war in general and our combat participation in particular. Since President Nixon took office, the number of American troops has declined from 540,000 to the present 85,000. In addition, the President has made every effort to negotiate a peaceful settlement. He has offered an areawide cease-fire, he has offered to withdraw American troops, he has even offered economic assistance to North Vietnam after a settlement, which many of us, including this Senator, have great reservations about, he and President Thieu have offered to hold new elections, he has made peace offers publicly and he has entered into peace negotiations privately. And what has been the result—refusal by Hanoi to consider any type of peaceful settlement other than one that would turn South Vietnam over to the Communists lock, stock, and barrel.

As a matter of fact, the President has done everything but one thing, that the "doves" of over the years have suggested he do—and all to no avail. The only thing he has not offered is the total surrender of South Vietnam which is precisely what the Communists want. It will be a sad day, indeed, if America should ever stoop to making such an offer, because if we do we will be compromising the very principles of freedom and self-determination for which our forefathers, fathers, and sons have fought and died ever since this Nation was founded. If we are ever to live up to our past greatness in this Southeast Asia business, now is the time to do it, for if we have the willpower to convince the Communists that we have not lost our sense of courage and commitment, then we will have done far more for the cause of peace than any talk of unilateral U.S. withdrawal from Vietnam, ever could do.

As it stands now, the North Vietnamese are not going to agree to anything less than total victory. We owe it to ourselves, and to the people of South Vietnam, to convince them to drop this objective and leave South Vietnam in peace. The quickest way we can accomplish that, is to reject the North Vietnamese clamor for resumption of peace talks until such time as Hanoi turns its divisions around and marches them back to North Vietnam. Critics of our present Vietnam policy should take note that one weekend of bombing has done more to encourage North Vietnam to think about negotiations than have years of discussion about the withdrawal of U.S. troops from Vietnam. In the interests of peace, therefore, we should indicate to the leaders in Hanoi that if their brazen invasion of the south does not cease they can expect nothing but an intensification of the bombing of North Vietnam.

The same realistic attitude should be applied to any threats to the lives of our POW's that the North Vietnamese might make. If such threats are forthcoming, Hanoi should be told in no uncertain terms that the killing of one American POW will mean the bombing of the seat of government in Hanoi. In short, it should be made very clear to the people who have been responsible for all this bloodshed and killing, that they will be held accountable for any future brutalities, either against the people of South Vietnam or against our prisoners of war.

For too long now we have been hearing about how terrible our bombing is and how, by our involvement, we are somehow responsible for all the bloodshed in Southeastern Asia. I, for one, am sick of it. This invasion leaves no doubt as to who has been responsible for this war all along and clearly explains their objectives in fighting it. It is Hanoi who has provoked the bloodshed; it is Hanoi that is responsible for the 36,000 South Vietnamese civilians killed by acts of terrorism since 1960; it is Hanoi that is to blame for the 5,700 civilians who were murdered at Hue in 1968; and it is Hanoi that is so ruthless in its desire to achieve victory that it would send its tank drivers into combat chained to their seats.

This is no democratic government we are dealing with; this is a ruthless dictatorship intent on conquering not only South Vietnam but, by its own admission, all of Indochina. It is a governthat will use whatever means it feels necessary to achieve its ends. The killings

I have just mentioned were not an unavoidable result of combat, but were deliberate acts of terrorism and brutality carried out to achieve political and military ends. Such activities, and the people who order them, deserve no sympathy, no sanctuary, and no stinting of effort in opposition. We should feel no guilt in doing all we can to help the people of South Vietnam repel such an invader from their midst. The cause of world peace deserves no less.

The Senator stands firmly behind the President with regard to the actions he has taken in ordering bombing of the North and, in particular, of Hanoi and Haiphong. I was urging over and over again the bombing of Haiphong and the blocking of their principal port of entry of Communist war materiel well over 5 years ago. In my view if it had been done then, this war would have been terminated long ago. I strongly support the position taken by Secretary of State Rogers Monday, that we will not return to the negotiating table until the North Vietnamese have recalled their invasion of the South. I have only the deepest admiration for the South Vietnamese soldiers who have fought so bravely and so well in containing the invasion forces to the extent that things are stabilizing and the outlook for the future improving all the time. And finally, I applaud our President for making a tough, but necessary, decision in the face of certain criticism.

It is high time we, as a nation pulled ourselves together and came to grips with reality as the President has so ably done. We have not condoned tyrannical aggression in the past; now is the best time to unite and show the world that we will not condone it now or in the future. The Senate can take the lead by passing this resolution.

Mr. President, I ask unanimous consent that whatever time I have remaining be yielded to the Senator from Wyoming.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, whatever position any Member of this body takes on the war in Vietnam, we are all together in one aspect: the killing of innocent people is dreadful business.

But there seems to be a different measuring stick applied in this matter. Apparently, all innocent people are not equal in the eyes of some in the Congress.

Some innocent people are treated as though they are not so innocent. It is as if their degree of innocence is the degree of latitude of their residence, and directly related to which side endangers their lives.

In some quarters I have noted that in regard to the people of Vietnam, the more northerly the residence, the greater the outcry about protecting the innocent. The death of an innocent in the South killed by Communist forces is hardly worth note by these same "protectors."

The outcry of these protectors picks up quite a bit crossing the DMZ going north. By the time an American aircraft is flying over Hanoi or Haiphong—above the 20th parallel—concern for the innocent brings some to a near hysterical pitch with their one-sided incriminations.

Obviously, the bombing of specific military targets in the Hanoi-Haiphong area has not been aimed at innocents. But a major sorrow of war is that some innocents are likely to be caught in even the most precise bombing. It is believed that the predawn timing of the first allied attack greatly reduced the possibility of hurting civilians in adjacent streets, or workers in the depot areas. All of us deplore the facts of war that cause death and injury to civilians—and also to men in uniform. In short, we deplore war. But aside from whatever obligation we may feel to prevent the murder of South Vietnamese, almost 100,000 Americans, whose lives are precious to us, are in Vietnam.

The tanks used by the Communists in their invasion of the south consume 18 gallons of petrol every mile, Secretary Laird pointed out yesterday in this testimony. The invading forces consume ammunition at a high rate—killing soldiers and innocent civilians alike in their marauding.

If North Vietnam remained an unmolested sanctuary, supplies could continue to move from the storage areas around Hanoi and Haiphong to the front by truck in a matter of hours. It is only 180 miles to the front across the DMZ. We no longer are dealing with the 2-month journey by foot down the Ho Chi Minh trail.

Petroleum destroyed in Haiphong will not drive a tank in the South.

Ammunition destroyed in Haiphong will not kill people in the South. It will not kill innocent civilians. It will not kill Americans.

Trucks destroyed in Haiphong will not carry troops or munitions to the South.

If Haiphong is where the tools of aggression are found for the death-dealing invasion by the North, then that is where they must be destroyed.

The late Adlai Stevenson remarked in January 1965:

> In our minds we tend to associate war—and correctly so—with the ancient lust for conquest and dominion; we tend—rightly—to identify war as the instrument of conquerors and tyrants.
>
> Yet in every war there is a defender who, however reluctantly, takes up arms in self-defense and calls upon others for aid. And this is the other face of war: war has been the instrument by which lawlessness and rebellion have been suppressed, by which nations have preserved their independence, by which freedom has been defended. War is an instrument of aggression—and also the means by which the aggressors have been turned back.

There are some in the Congress who seem to forget that other face of war. North Vietnam has never been invaded by the people of South Vietnam. North Vietnam is and always has been the aggressor. By the simplest act of decency and compassion on the part of the government in Hanoi, the killing of all innocents can stop tomorrow. They need only to end this cruel invasion; withdraw their armies from Laos, Cambodia, and South Vietnam to their own territory north of the DMZ.

If this happened, the bombing would stop, the war would end, all U.S. forces would complete the withdrawal; all prisoners could be repatriated; and all the innocent people of Southeast Asia on whatever side could be free of the plague of war visited on them by the single-minded tyrants of Hanoi.

Let all of us in the Senate demonstrate to those in Hanoi, who bear the primary responsibility for the killing, that we know who and what they are, and that we will not be stampeded by their cruel invasion into rash political acts.

Mr. MONDALE. Mr. President, millions of Americans were shocked and appalled this past weekend at the major escalation of the war in Indochina by massive new bombing of Haiphong and Hanoi. My distinguished colleague from Minnesota has rightly said that this dangerous new bombing "cannot . . . must not, continue."

I ask unanimous consent that Senator HUMPHREY's statement on the reescalation of the war be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Humphrey

Today I repeat my call for an immediate halt to the bombings over North Vietnam. The bombings are a dangerous escalation in the war and the President should halt them immediately.

We must press for quick passage of the Gravel-Mondale bill of which I am a co-sponsor. That binding legislation would halt all bombing outside of South Vietnam. It also prohibits bombing in South Vietnam, itself, unless the President could show that such action was necessary for the safe withdrawal of our forces.

The President should immediately halt the bombing of North Vietnam. If he does not, the Congress should move immediately to cut off funds. To do this, the Senate should attach the Gravel-Mondale bill to pending legislation and adopt the amendment which I cosponsored with Senator Mondale on February 17, 1971, to cut off funds for combat air support activities within the borders of North Vietnam.

I urge the President to bring the question of Vietnam before an emergency session of the Security Council of the United Nations in an effort to secure a cease-fire in Vietnam and to review the U.S. plan for withdrawal from Vietnam.

In the past we hesitated to use the UN as a forum for settling the conflict in Vietnam, but we were wrong. We were wrong not to realize that American involvement in Vietnam was undermining world efforts for peaceful cooperation. We can learn from our mistakes.

We can call for an emergency session of the Security Council now a different body with the participation of China and the Soviet Union, as well as the other parties involved in the conflict. We can pledge that our Armed Forces will be withdrawn within a certain date, and that all we ask in return is the safe withdrawal of our troops, the release of American prisoners of war, and the indentification of those missing in action.

The President's escalation of the war by massive bombing in the North, including use of the giant B–52, is made even more dangerous by his reluctance to negotiate and his precipitous withdrawal from the Paris Peace Talks. Reports are flying every which way as to who wants to resume the talks and who doesn't. What is clear is that the President cancelled them in the first place and that he hasn't told us how he plans to negotiate American disengagement.

The President's order for the bombing of areas surrounding Hanoi and Haiphong is not only a dangerous escalation which contradicts President Nixon's promises for withdrawal, but ignores all we have learned in the last several years. It is a giant step backward to before 1968 when President Johnson halted the bombing because the bombings had proven to be ineffective and a certain cause of widened conflict. The bombing will not break the will of the North Vietnamese; it will not bring them to the negotiating table on our terms; it will not halt their supply lines, and it is inhumane.

I call upon all Democrats and Republicans alike to urge the President to put a halt to the bombings.

I urge all Democratic Presidential candidates to unite behind a platform of solid opposition to this war and any continuation of U.S. military operations. There is too much at stake in the welfare of this nation and in the promotion of international understanding to do otherwise. The bombings cannot, they must not, continue.

Mr. HARRIS. Mr. President, in 1968 Richard Nixon became President in part because he promised he had a plan to end the Vietnam war. But the whine of air-raid sirens throughout Indochina is revealing this promise as base and empty.

This week, without any public word to the Nation, President Nixon ordered the bombardment of Hanoi and Haiphong in North Vietnam with B-52 aircraft. Even during the period of extreme escalation prior to 1968 this measure had never been taken. It was acknowledged then that the use in the North of these aircraft, designed for the conduct of nuclear war, would drastically increase the political and military stakes in the war. And in any event it has been conclusively established in recent years that air bombing in North Vietnam has been almost totally ineffective.

But President Nixon is a gambler by nature. His inclination is for the sudden reversal, the spectacular gesture, the long ball. His habit is to reduce national policy not to an art but to repeated and desperate throws of the dice. The decision to bomb Hanoi is only the latest in a series of such sudden moves.

Repeatedly, the President has boasted that when he entered office the American troop ceiling was 549,500 and that he has steadily reduced the number of U.S. troops. What he has not told the American people is that at the same time, he has maintained or increased the extent of American involvement in the war through the use of air power.

During 1971 U.S. air forces in Indochina dropped 763,000 tons—the equivalent of 35 percent of all U.S. air ordnance expended during World War II. These figures represent the explosive equivalent of 38 Hiroshimas. They constitute the equivalent of 80 percent of the air ordnance expended during the 3-year Korean war. They total five times the tonnage dropped on Japan during all of World War II.

The total of 6.3 million tons of bombs dropped on Indochina during the period 1965–71 represents 22 tons for every square mile of territory in Indochina. Today, U.S. aircraft are dropping more than 2,000 pounds or a ton a minute in Vietnam.

Now assembled off the coast of Vietnam is one of the most powerful air armadas in the history of the world. And we remain in the dark about how long it will remain there. Yesterday in testimony before the Senate Foreign Relations Committee, Secretary Rogers refused to answer Senator FULBRIGHT's question whether the U.S. Government planned "to continue indefinitely to provide unlimited air and naval support whenever South Vietnamese forces are under pressure." On the contrary, the Secretary stated:

> Now we have said from the beginning, every time I've testified here I've said, that as we withdraw our troops from South Vietnam we're going to continue to use air power. We're going to continue to use air power that's necessary to prevent a take-over by the Communists of South Vietnam.

This means that U.S. involvement in the Vietnamese war is a permanent feature of our foreign policy. There will never be an end to the war so long as a Republican administration controls the White House. For the war in Vietnam is a civil war and there will always be the danger of a Communist takeover.

In 1961, Mr. President, Charles de Gaulle was host to a visit to France by President Kennedy. During their meeting de Gaulle later wrote, he told his visitor:

> You will find that intervention in this area (Vietnam) will be an endless entanglement. . . . I predict that you will sink step by step into a bottomless military and political quagmire, however much you spend in men and money.

What is so tragic about these words, Mr. President, is that their essential truth has been evident to us for years. For some reason, however, two administrations have been unable to draw the necessary conclusions.

But today I believe our criticism should be directed not just at the administration. We as legislators must share the blame.

The President this week issued the Congress a challenge. He unilaterally escalated the war without informing even those congressional committees most concerned with the conduct of our foreign policy. Yet what was the Senate's response? Nothing but a series of isolated speeches and a decision yesterday by the Senate Foreign Relations Committee to cut off funds for all U.S. combat operations in Indochina after December 31, 1972.

Now the press has interpreted this decision as a sign of sharp Senate displeasure, but we all know the decision is inadequate. If the Senate does not take a stronger stand, the effect will be to seem to oppose the President while actually we are giving him a free hand until after the election.

A majority of the Senate and a majority of the Senate Foreign Relations Committee have supported measures to end the war earlier than December 1972. All major Democratic candidates except George Wallace state that if they are President, they will withdraw from Vietnam within 30 days. All major candidates who are Senators have cosponsored the Gravel-Mondale amendment to cut off funds for any type of military or paramilitary operation in Vietnam after 30 days of enactment. The congressional constituency for a stronger response, in other words, is there.

What we need is a determination by the Congress to stand up to the President. This must be done in the name of American and Vietnamese troops and people who will die unnecessarily if the President's policy continues. It is the height of political immorality to ask U.S. pilots to continue to die in the name of mistakes politicians admit they made.

Mr. President, Santayana said that wisdom comes by disillusionment. The unnecessary blood, the wasted treasure, the orphaned children have brought us disillusionment. Will we now find wisdom?

TO WHAT END?

Mr. HART. Mr. President, to what end?

To what end does this Nation resume widespread bombing of South and North Vietnam?

What end justifies the terrible costs which inevitably result from massive bombing?

Bombs kill, soldiers and civilians alike.

Bombs destroy, tanks and homes alike.

Bombs defoliate, camouflaged trails and crops alike.

And too, war can enhance or erode a great nation's ability to lead the world toward peace.

War can unite or divide a people at home.

These are the terrible costs of war.

Any nation contemplating the waging of war should not separate the costs of war from the end it seeks.

A great nation which values the dignity of human life and the concept of freedom thought cannot, for if the end is not worth the means, then the policy will surely divide its people and erode the country's ability to act at home and abroad.

No one can deny the depth of our involvement or the strength of our commitment in South Vietnam. And no one should be able to forget the costs of that commitment.

We have advised and we have sent more than 500,000 troops.

We have supported governments and we have set up governments.

We have withdrawn troops and given the South Vietnamese more weapons.

We have bombed and we have stopped bombing.

We have had a hand in the killing of hundreds of thousands, in the wounding and in the making homeless of 10 million civilians, in the defoliation of an area as big as Rhode Island in South Vietnam alone.

More than 50,000 Americans have been killed and more than 300,000 wounded.

And still the war continues and again we bomb.

To what end, to what end?

What reason do we have to expect that strategic-type bombing will work any better in 1972 than it did in the early 1960's?

More importantly, remembering the awful costs already borne by the people of Southeast Asia and by many in this country, what end do we seek which justifies still more of the same?

Granted it is easier to criticize than to make policy.

Granted, some may argue that the war planners have access to more information than others.

And granted that we wish North Vietnam had not sent troops across the demilitarized zone; that it would be convenient and soothing if Hanoi agreed to accept the Saigon Government as rulers of South Vietnam, and that it would be welcome if Saigon had won the war.

But those are only hopes.

What we do know for certain are the results of our war policies on the people of Southeast Asia and of our own country.

What we have no answer to is the question which will not go away—what outcome of the war in Vietnam would be so harmful to our national interests that we are justified in resuming and in escalating to record proportions massive attacks which cannot help but destroy nonmilitary and military personnel and buildings alike?

We are told we send bombers over Hanoi and Haiphong to protect our men who remain in South Vietnam, but it is agreed that our men are not under direct attack and that any effect from these raids on the battles in South Vietnam will not be felt for months.

We are told both that these sorties were ordered to give South Vietnam still more time to make Vietnamization work and that Vietnamization is working; but we have no reason to believe that it will ever work without our active support.

We are told we resumed the bombing because North Vietnam "invaded" South Vietnam, a rationale which ignores the historical fact that Vietnam was one nation long before it was two and which indicates we will settle for nothing less than a complete military victory for the Thieu government.

And finally, we are told that the bombing may be in response to the continuing flow of weapons from Moscow to Hanoi, that by bombing we may gain some type of advantage in the game of international politics as played by great powers.

Even if some advantage might be gained, which I doubt, I do not think the people of this country believe we are justified in bombing a small nation in order to improve our bargaining position with a third country.

Other reasons have been suggested—that the bombing was ordered out of frustration or that the goal is to keep the Saigon government in office until November.

These interpretations I reject out of hand, for to accept either of them could only lead to the morally debilitating conclusion that this Nation has become totally immune to the horrors of violence. That I will not believe.

But do any of the other reasons justify widespread, massive bombing of South and North Vietnam? I think not.

The better way to protect our troops remaining in South Vietnam is to set a date certain for their withdrawal and to resume negotiations from that point.

Bombing close to the China border will not improve our relations with Peking, relations which are more important to world peace than who happens to rule in Saigon.

Bombing around Haiphong, and perhaps hitting Soviet ships in the harbor, will do little to convince the hardliners in Moscow of the value of negotiations with the United States, and the outcome of the SALT talks are more important to world peace than who happens to rule in Saigon.

Bombing to prop up Vietnamization will not hasten victory but only delay the making of political adjustments by Southeast Asians necessary to achieving stability on the Indochina peninsula.

And finally, bombing to show that we are not afraid to use our power can only undermine the confidence our allies have in our ability to act with wisdom and restraint.

Anthony Lewis, writing in Monday's New York Times, put it this way:

> Proportion: That is the terrible failure of American policy in Vietnam. Of course the Communists are fighting the war too, and attacking in the South, and killing human beings. But they are doing so in what they regard as their own country, for a genuine cause and at immense sacrifices to themselves. The United States is dropping bombs from 50,000 feet above a country thousands of miles from our shores, for no cause that Americans can state. How different the moral equation would be if the officials and the generals who give the bombing orders ever found their own lives at risk.
>
> It is the old questions of means and ends. For American leadership in the world there is no more important question. Our allies have accepted our leadership because they believed we would exercise our power with restraint and wisdom.

That is what it comes down to—a proper sense of proportion.

No clever slogans will hide the fatal flaw in our Vietnam policy—we resume the bombing for no vital cause.

No rhetoric will unite our people behind a policy so alien to our belief that under a government of laws the means to an end does matter.

Congress then should do what it can to set our policy straight.

We should be concerned about the safe return of our men held prisoners and of our troops still in Vietnam.

Bombing advances neither of those causes.

Rather let us set a date certain for withdrawal tied to the return of our prisoners.

Let us stop bombing.

UNITED STATES SHOULD SERVE ITS OWN INTERESTS

Mr. PROXMIRE. Mr. President, I join with Senators in urging a halt to the bombing in Vietnam and the earliest possible withdrawal of our forces from that bloody and tragic war.

As much as I deplore the bombing, the loss of human life, the suffering now occurring over three decades, the division of Vietnam into hostile camps, the extension of the war into Laos and Cambodia, the involvement of Thailand, and the continuing threat the war poses to the peace of the world because it inhibits the settlement of issues between and among the great powers, I believe there is yet another and fundamental reason why we should withdraw. That reason is very simple and very important. I can state it succinctly.

IT IS IN OUR INTERESTS TO GET OUT

We should leave Vietnam because it is in the interests of the United States to do so. Apart from the suffering, the misery, and moral question, it is simply against the interests of the United States to remain in Vietnam. Here is why.

We have no material interests to serve there. American territory is not under attack. There is no threat to the mainland of the United States or to our specific interests in Asia or the Pacific.

What about China and the threat she poses? In the past it was argued that we should fight because of the potential danger that if South Vietnam was overrun other areas would be threatened too.

CHINA POSES NO THREAT TO U.S. INTERESTS THERE

But what threat does China now pose? She has no airpower. She therefore does not threaten our interests in the Pacific. She has no seapower. There is no way, therefore, that she can attack Japan, Taiwan, Formosa, the Philippines, let alone Australia or New Zealand. The fact is that she is not capable of taking either Quemoy or Matsu lying only a few miles off the Mainland of China.

Her troops are not now in Vietnam. With all the fighting there over the past three decades, she has never sent troops to Vietnam. Now with President Nixon's visit to China and the improving relationships between China and the United States, there seems even less reason to believe that she would now either enter that war or send her troops into other areas of Southeast Asia and hence threaten the peace. That presents no major threat to either Southeast Asia or to the interests of the United States.

THE UNITED STATES HAS FULFILLED ITS COMMITMENTS MANY TIMES OVER

Well, it will be said, it is in our interests to keep South Vietnam from being overrun by the North. I think there is a simple straightforward answer to that.

We have spent about $150 billion in Vietnam.

We have lost 50,000 American lives in Vietnam.

We have aided, helped, succored, and propped up the South Vietnam Governments since 1962. If after 10 years, $150 billion, and 50,000 lives South Vietnam is incapable of protecting herself, the United States is not now required to do more. Any responsibility we had to that nation has now been carried out tenfold.

"COLLECTIVE SECURITY" NOT COLLECTIVE

What about our obligation to "collective security?" Those of us who remember the late 1930's recall the proposition that if we had only joined together at an early stage to stop Hitler, World War II might not have occurred. It was from that experience that the United Nations was formed, the doctrine of collective security was evolved, and the American determination to keep aggressors from overrunning weak countries was formed.

But there are two problems in Vietnam. First, it was never clear-cut that collective security was at stake in that Nation. The history of the French and Japanese occupations, the absence of political democracy, and the divided interests within South Vietnam always obscured the issue. Nations and people cannot march to an uncertain trumpet.

Second, the aid which the world sent to South Vietnam was never "collective." For all practical purposes it was a unilateral act by the United States. Our friends and allies did not join in, made few if any sacrifies, and criticized our activities there. It cannot now be claimed that the cause of collective security was served in Vietnam.

LOST PRESTIGE ABROAD—NATION TORN APART AT HOME

Meanwhile, our basic interests have suffered terrible blows. We have lost vast prestige and support abroad. The country has been torn asunder at home. And the billions spent on this war have prevented the American people from meeting those desperate needs here at home which have for too long remained unfulfilled.

What is in the best interests and the security of the citizens of the United States?

OUR REAL SECURITY INTERESTS NOT SERVED

The citizen in Milwaukee is far more concerned and rightly so, with being able to walk the streets safely than in bombing North Vietnam. Safe streets is in his direct security interests. Bombing North Vietnam is not. Yet the billions for Vietnam have prevented us from paying our police force adequately, of speeding up justice, and in protecting the persons and lives of millions of Americans.

It is far more important to the security of millions of elderly Americans that they get medical care than it is in sending the fleet to sit off the shores of Vietnam and send in their planes to devastate the countryside.

Our citizens here at home suffer from the evil effects of air and water pollution, inadequate funds to educate their children, insufficient social security support, and excessive taxes on their food and housing and income while the military tells us that their security is at stake in Vietnam. That just happens to be rubbish. People don't believe that. And they don't believe that because it is untrue.

OUR MILITARY STRENGTH HAS SUFFERED

There is another point, too. The strength of our military has suffered from the prolonged agony of this war. The military has grown fat and lazy. The esprit in the ranks has declined.

GETTING OUT WOULD STRENGTHEN US

Our determination to stop the bombing and to get out of Vietnam now is not a sign of military weakness. It would strengthen us militarily. It is a futile act to continue to throw away our military strength in the huge abyss of Southeast Asia. That does not strengthen us. That weakens us.

TEDDY ROOSEVELT'S DICTUM

We should follow Teddy Roosevelt's dictum and "Speak softly and carry a big stick."

We should act in full recognition of our interests and with as much regard for human life as is possible. But we should act from a position of real strength. Any honest assessment of our real interests and our real strength and of the real rather than imagined threats to our security can lead to only one conclusion. The time to set a date and to get out of Vietnam is now.

Mr. BAYH. Mr. President, in 1968 Richard Nixon campaigned for the Presidency with the promise that he had a secret plan to end the Vietnam war. We never did find out what that specific plan was, but now, in 1972, he has resorted to large-scale bombing in North and South Vietnam in a manner all too reminiscent of the unsuccessful bombing policies of 1965. The only plan he has shown us is more war in the air instead of on the ground. Efforts have been made to make the war politically acceptable, but not to end it, to stop the fighting, the killing.

Not only has this reescalation of the war given us a rerun of previously discredited Vietnam policies, the dangerous brinksmanship being played by the Secretary of Defense and Vice President is a frightening throwback to the foreign policy of the 1950's.

For Secretary Laird to suggest calmly to the Foreign Relations Committee yesterday that it might be in order for the United States to blockade or mine Haiphong harbor shows a remarkable insensitivity to the complications such threats pose in Moscow and Peking. Moreover, it bodes of more, not less, war.

The Vice President carried Secretary Laird's tactics even further by specifically citing the Soviet Union for sending supplies to North Vietnam. It was as if Spiro Agnew had made some great discovery, ignoring the fact that the Soviets and Chinese have been supplying North Vietnam for as long as we have been fighting South Vietnam's battles.

It is amazing, Mr. President, that the administration would pursue a policy that could force a direct confrontation with the Soviet Union over Vietnam. But this is the clear consequence of the direction in which Secretary Laird's comments were addressed.

Even if that confrontation is avoided, by a decision not to go ahead with the blockade or mining of Haiphong harbor, the administration has already set back the attempts by President Nixon and his predecessors to improve relations with the Soviet. And in doing so it places in jeopardy years of work on improved relations, including the almost completed Strategic Arms Limitation agreement. Whether this retreat to the old "Cold Warrior" stance we had years ago associated with the President is a result of some temporary aberration or whether it is a deliberate attempt to appease the right wing of his party—it is a mistake: a grave and dangerous mistake which is likely to decrease for some time the chances for world peace.

It is difficult to discern the true motives for the escalation in both bombing and rhetoric by the Nixon administration. One thing is clear, however. This is an attempt to obscure the failure of the much-heralded Vietnamization program. The manner in which the South Vietnamese forces crumpled during the early days of the North Vietnamese offensive suggests that Vietnamization has not worked and that the South Vietnamese are quite incapable of defending the unpopular Thieu regime without massive U.S. air support.

Also, there is an important fallacy in the argument that the bombing policy is designed to protect the lives of American and South Vietnamese troops in the face of the North Vietnamese offensive. The bombing now underway, especially that in the North, will not have any effect on the North Vietnamese offensive for at least a month. If our purpose was to forestall the offensive, the time for that has passed.

Therefore it is clear that the bombing, and the threat to blockade or mine Haiphong Harbor, is a punishment tactic—a continuation of the tit-for-tat policies of the last 3 years. The difference is that we have raised the stakes. Now at stake in this game of blind man's bluff is not only the chance for peace in Indochina, but crucial questions of relations between the world's major powers. And it is here, in damaging those relations, that a more lasting and most serious mistake of the U.S. reescalation can be found. Beyond even that, Mr. President, the reescalation of the bombing poses a serious moral problem, one that could well damage our national conscience.

Mr. President, votes in the Senate and in the other body, public opinion polls—any sounding of the American people—all show that our citizens want deescalation, not reescalation. The failure of our Government to understand this strains the democratic process. Let us hope that this debate today and the understandable outcry of horror from the American people will quickly and effectively convince the President of the folly of the course he has taken in recent days.

REESCALATION OF THE WAR

Mr. WILLIAMS. Mr. President, in recent days we have witnessed a series of events which seemed to return like a terrifying nightmare. As our people, and the people of the world, watched with dread, President Nixon brashly ordered U.S. military forces to reverse their slow withdrawal from Vietnam and instead mount new attacks which reescalated the air war to levels matching and even surpassing those of the years of our greatest involvement in the tragic Southeast Asian war.

In a swift and startling series of action, President Nixon erased all progress toward winding down the war; forced the United States and the Soviet Union to the brink of a needless and potentially catastrophic confrontation; and destroyed whatever credibility he may still have had with the American people about his intentions in Vietnam.

Perhaps we should not have been surprised at the news that our bombers were once again attacking the population centers of North Vietnam in the tactics which had been discredited 4 years ago. And perhaps we should not have been astonished to learn that our Strategic Air Command had sent its giant B-52's ranging further into North Vietnam than ever before.

It is true we had hints this might happen. Reports from Southeast Asia for the past 3 years have told of a steady buildup in American airpower, in direct relation to the slow but steady withdrawal of American ground forces. And the fact is that more American bombs have been dropped on Southeast Asia since President Nixon took office than were dropped during the supposedly "peak" bombing years of 1966, 1967, and 1968. As a matter of fact, since President Nixon brought his secret plan to end the war into office with him, more than 6 million tons of bombs have been dropped—that is more than all the bombs our planes dropped during World War II and Korea put together.

And, we might have been forewarned if we had considered that this was the same President who ordered American soldiers to invade Cambodia—and who ordered our military might to support the South Vietnamese invasion of Laos.

But, the American people have been thrown off guard—we have allowed ourselves to be lulled into a false sense of well-being. We have listened to the man who holds the highest elected office in our land talk about "a generation of peace," and "the light at the end of the tunnel." We remembered that it was this same man who, as a candidate for office, promised he "would not raise" the level of bombing, and declared, "Our interest is in stopping the war." And we watched as this same President made fine statements about stopping the arms race through the SALT talks; as he made the splendid gesture of reopening relations with mainland China, and as he prepared to visit the Soviet Union—all to promote peace.

So perhaps it is understandable that we were astonished that this same President would destroy any hope for a generation of peace; would snuff out the light at the end of the tunnel; would re-escalate the war; would seriously jeopardize the SALT talks; and would undermine hope for better relations with China and the Soviet Union, through this reckless, senseless, and pointless brinksmanship.

I will say that, in my judgment, the American people will not tolerate this kind of inconsistency from their elected leaders. They will not be lied to and toyed with, having their hopes for peace raised only to be quickly dashed again.

The American people are neither stupid, nor blind, nor unfeeling. They can see that we are not getting out of the war by withdrawing our ground forces while increasing our air and sea forces. They know that every time the B-52s fly, their cargo is just as devastating as ground combat; and they are quite aware of the fact that our Government is not doing the one truly effective thing to secure the return of our POW's—ending the war. Furthermore, they recognize that the President's recent, reckless actions are an admission of the failure of his much vaunted policy of Vietnamization.

It is clear that President Nixon has closed his eyes to the lessons of history, and his ears to the demands of a great majority of our people for an end to American involvement in the war. And, I see little hope that he will become more sensitive to the mood of our people during the last 8 months of his term.

There can no longer be any doubt—if there was before—that in the months ahead this clear and absolute demand for a certain end to this long, bloody, and tragic war, must remain at the center of our national debate.

Mr. CRANSTON. Mr. President, I yield myself the 6 minutes of the Senator from Michigan (Mr. HART), and I have 10 minutes remaining, leaving 16 minutes to close the debate.

The PRESIDING OFFICER. The Senator is correct.

Mr. CRANSTON. Mr. President, I am saddened by reports I have just been handed by the press from Saigon indicating the response of the North Vietnamese to the current Nixon policy in South Vietnam. I will read those reports. The first is from Saigon:

> SAIGON.—North Vietnamese Mig fighters and "high speed surface craft" attacked U.S. 7th Fleet warships in the Gulf of Tonkin this afternoon, the U.S. command said early Thursday Saigon time.

The second dispatch is from the AP. It is headed "Attacks" and reads as follows:

> SAIGON.—North Vietnamese Mig fighters and shore patrol boats attacked U.S. destroyers shelling the coast Wednesday, and two of the boats were possibly sunk, the U.S. command disclosed.
>
> It said one of the Migs was shot down and one U.S. ship reportedly was damaged in the Sea-air battle, four U.S. sailors were listed as wounded.

Mr. President, is that "Vietnamization"? Is that evidence that Vietnamization is succeeding? Is that evidence that the South Vietnamese can "hack it" on their own, as the President indicated they could a while back?

I ask the Senate to judge that matter, and I ask the country to judge this matter. I think that both the evidence and the answer are rather obvious.

We who are critical of the President's policies are constantly importuned not to make "political capital out of the President's conduct of the war."

The chairman of the National Republican Committee (Mr. DOLE), after leaving this debate, stated, according to the United Press:

> The Democrats are attempting to make political hay on the President's efforts in South Vietnam.

Mr. President, Senate Democrats are repeatedly chided about our Members who are campaigning for the nomination for the presidency. It should be recognized that the Republicans do have a candidate for the presidency, the President himself. He is making daily decisions on the conduct of the war with politics unavoidably on his mind. Does anybody doubt that?

Mr. ALLOTT. Mr. President, the question has been asked: Is the Senator referring to anyone on the floor? Is that a rhetorical question?

Mr. CRANSTON. It is a rhetorical question. I am not referring to any individual on the floor of the Senate at the present time.

Let me suggest that the way to get politics out of the war is for President Nixon to get out of politics. That would assure the American people that the military decisions he makes are motivated solely by what he thinks is best for America and the world, and are not in any way based on what he thinks is best for his political future. This could clear up the confusion that may be in the mind of the B-52 pilot on his bombing mission who may wonder whether he is acting as an arm of his Commander in Chief or as a precinct worker for Richard Nixon's campaign over Hanoi.

> I have concluded that I should not permit the presidency to become involved in the partisan divisions that are developing in this political year,

President Johnson said on March 31, 1968, in announcing that he would not accept the Democratic nomination for another term.

> With America's sons in the fields—fields far away, with America's future under challenge right here at home—with our hopes and the world's hopes for peace in the balance every day, I do not believe that I should devote an hour or a day of my time to any personal partisan causes or to any duties other than the awesome duties of this Office—the Presidency of your country.

Those are words worthy of any President; President Nixon would do well to emulate his example.

With 7 critical months to get through before the election, President Nixon obviously faces a critical challenge, politically and militarily.

On the one hand, the President must carefully limit any escalation of American military action in Indochina lest he set off the kinds of domestic upheavals that overthrew former President Johnson and that confounded President Nixon himself when he invaded Cambodia.

On the other hand, President Nixon must do everything militarily possible to prevent the Thieu regime from collapsing before next November, lest he lose the right wing of his party—his prime political base.

Simultaneously, and most crucially, he must avoid taking action that might trigger magnified or more direct Soviet or Chinese involvement.

President Nixon presumably hopes that his new bombing decisions will do the trick.

Maybe it will—provided we do not hit too many more Soviet ships and provided the South Vietnamese stand and fight. But what if it does not work?

If the South Vietnamese military situation becomes untenable, the President seemingly has only two ultimate alternatives—both reprehensible, politically and morally:

He could halt American troop withdrawals and send American ground troops back in. Unlikely. And he could order the use of tactical nuclear weapons. Unthinkable.

I am relieved that Secretary of State William Rogers has assured the Nation that the administration has ruled out both these alternatives. I hope he is being kept better informed now than he was prior to the Cambodian invasion. Why did he feel it necessary to give this assurance? Has somebody at the Pentagon and the White House been thinking about the "unthinkable"? Is it because of the fact that, while most of our tactical nuclear weapons are in Europe, some, at this moment—as I speak—are ready for immediate use—on aircraft carriers presently located off Vietnam? Did Secretary Roger's statement, on Monday, have anything to do with the historical fact that in 1955 then Vice President Nixon told the Executive Club in Chicago that it was "absolutely foolish" to predict that a war in Asia would be limited to what we like to think of as conventional weapons. "Tactical atomic explosives are now conventional," he declared, "and will be used against the military targets of any aggressive force." Admittedly that was 17 years and several Nixons ago and the President may have changed his mind. He has a way of doing that. But President Nixon also has a way of being adamant on what he thinks are basic issues.

North Vietnamese attacks, instead of continuing large scale and sustained, may once again become sporadic, hit-and-hide, spaced-out affairs. In which case, the President may reorder stepped up bombing as he—or President Thieu?—thinks the occasion demands, and so keep the bombing game going off and on until election day.

Now if the American people buy this—and if President Nixon is somehow also able to overcome other problems he faces and is reelected, what then in Vietnam?

Secure in office for another 4 years, President Nixon could decide that the time had at long last really come for the South Vietnamese to stand on their own and "hack it" without our help—win, lose, or draw. But that does not sound like President Nixon.

It is far more likely that he would continue his present policies and brace a floundering Thieu regime with American sea and air power for still another 4 years. Think of it; 4 more years of death and destruction overseas, division and neglect here at home; 4 more years of wasted lives, wasted opportunities, wasted wealth.

In fairness to the American people, President Nixon should make a choice:

First. He should either announce at once that he will order a total end to all American combat action—on land, sea, and air—and set a specific date for the total withdrawal of all our Armed Forces contingent only on the return of our prisoners of war and an accounting of our missing in action, or

Second. He should do what President Johnson did and remove any appearance of political motivation in the further conduct of this war; if President Nixon wishes to continue his present Vietnam policy, he should take himself out of the race for reelection.

The White House still does not seem to have logical definitions of what is "domestic" and what is "foreign." Operations launched by President Thieu's regime but laced with a massive American presence are held to be "domestic" and therefore legitimate, whereas fighting undertaken by the North Vietnamese alone using Soviet weapons is labelled "foreign" and therefore aggressive. Are we to conclude that we have a more rightful place in Vietnam than the North Vietnamese themselves? And what about the Vietcong?

The latest ominous developments were preceded by statements from the White House emphasizing the Soviet contribution to Hanoi's war effort. In his State of the World Message delivered in February, President Nixon referred to the "nearly $1-billion" in aid which North Vietnam receives from its allies. Actually, the $1-billion figure represented the peak achieved in 1967, just before the United States halted its bombing of the North. Furthermore, this total figure combines aid from the Soviet Union, China, and Eastern Europe. For the Soviet Union alone, the figure in 1967 was $505 million in military assistance and $200 million in economic aid—a total of $705 million.

The figures for 1970 and 1971 fall substantially below these 1967 peaks. In 1970 and 1971, total Soviet military and economic assistance was $415 million for both years. Combined Soviet Union, China, and Eastern Europe aid was down to $775 million in 1971. No matter which way we look at it, Soviet aid has fallen off. Even if we include estimates on anti-aircraft artillery and SAM missiles, Soviet aid cannot possibly match the billions of dollars which we have poured into South Vietnam.

Why then did the Nixon administration recently put pressure on American officials in Saigon to emphasize Soviet aid to Hanoi? According to a report in the Baltimore Sun of April 13, the State Department cabled American officials that—

> The need for American assistance to Saigon, it is felt at the highest level here, can be best explained to critical public opinion in terms of relation to Soviet aid to Hanoi.

What did this latest White House maneuver amount to if not to anticipate public reaction against a bombing raid on Haiphong itself?

So far Moscow seems to be showing considerable restraint—even with four of their ships apparently hit. But how much more will the Soviets take? How much more punishment is Nixon going to rain on their ally? How much further is he going to push them? What happens if the Soviets respond in kind, not only by escalating their response in Vietnam but by igniting a crisis elsewhere? When is this punitive brinkmanship going to end?

Our problem, the Nation's problem, is that President Nixon still thinks he must prove America's manhood; he still looks upon Vietnam as a test of America's courage and perseverance.

I say it is no longer we who need to be tested but the South Vietnamese; it is their will, their heart, their desire to defend their nation against those they consider invaders from the north that are on the line. Or should be on the line. We have done our share; more than our share. It is time for the South Vietnamese to stand and fight on their own: it is their war, their country, their future. It should be their decision. If they do not have what it takes to survive on their own now with 1.2 million men armed with the latest made-in-America weapons then they never will. We cannot go on fighting and dying in their war forever.

We know we will not get our prisoners of war out while we are carrying on this senseless war. We know the number of prisoners of war is rising now, and we know we will not get them out until we get out of the conflict.

The American people have a right to be kept accurately informed of our increased air casualties during the current offensive and beyond. They have a right to know the scope and extent of military action. As taxpayers, they have a right to know what the current escalation of the air war is costing them. As citizens who have overwhelmingly expressed themselves in opposition to the war, they have a right to know how much destruction our Government is continuing to wreak upon Southeast Asia.

Although the administration has been quick to publicize statistics on troop withdrawals, it has been reluctant to share information on responses to the current offensive. The U.S. command in Saigon, for example, has announced that it will no longer release figures on the number of B–52 bombing raids flown over North Vietnam. The predictable reason cited for the change was the need to "protect" American pilots. But how can information about one day's bombing raid threaten pilots on the following day?

Similarly, the Pentagon has continually refused to discuss U.S. military alerts or movements in connection with the current fighting. Officials have denied reports of widespread alerts at air, naval, and marine bases in this country. Clearly the American people are not getting the whole story.

What kind of logic is it that holds that in order to get out we have to stay in? The more we commit ourselves to the success of Vietnamization, the deeper the quicksand will become in the face of a possible South Vietnamese failure. And the more action we undertake in the name of "protecting" the remainder of our forces, the more losses we risk.

This point cannot be reiterated too often. President Nixon has beaten the drum for the POW's but by intensifying the air war he has perpetuated the very means by which they are imprisoned in the first place. Shifting the war from the ground to the air cuts down on total deaths but continues to feed more POW's to Hanoi. Almost 500 men are now listed as captured. When will the list stop growing?

What makes present options so ominous is that the administration continues to talk about a North Vietnamese "invasion" of the South. The State Department has charged that this "invasion" is in "flagrant violation" of both the Geneva accord and the 1968 bombing halt agreement. But the use of the word "invasion" implies international aggression. I have always maintained, by contrast, that the Vietnam conflict is a civil war, not an international one. North Vietnam is not a foreign country. The fact that the current offensive is armed with unprecedented numbers of tanks and SAM missiles does not change the status of the war any more than cutting down on ground troops short of total disengagement alters the essential fact of heavy American involvement.

One aspect of the war which is especially striking is the distorted thinking which has become a way of life for those in both the military and the Government who are responsible for the destruction. A recent article by Hannah Arendt characterizes these professional problem-solvers as having "trusted the calculating powers of their brains at the expense of the mind's capacity for experience and its ability to learn from it." The results of these distortions is a new and bizarre language. Listening to Pentagonese would be amusing were it not always about death.

Daily examples of this language flood the media. According to the Boston Globe on March 25, 1972, a Defense Department spokesman, asked to reconcile the week's figure of two officially listed as dead with the 13 actually known to have been killed, blurted out that weekly reports are really "statistical figures reported to the Department rather than a reflection of deaths." Writing in the New York Times Book Review a year ago, Neil Sheehan reported that a senior American general admitted that civilian casualties were a problem. "But," he added, "it does deprive the enemy of the population, doesn't it?"

It is hardly necessary to remind the members of this Chamber that the combination of men, sorties, and hardware adds up to unbelievable amounts of money. A study undertaken by members of Cornell University's Center for International Studies has estimated that the total cost of the air war from 1966 to 1971 is $27.5 billion. That amounts to roughly one-fifth of the total cost of the war up to now. In 1971, the bill for the air war was roughly $7.64 million per day. Costs projected by the Cornell study are $2 to $4 billion each year.

According to an AP dispatch in the Philadelphia Bulletin on January 14 of this year, "TV bomb kits" for "smart bombs" cost $12,500 each. Bombs ranging from 500 to 3,000 pounds cost anywhere from $224 to $1,864. Walleye missiles cost $25,000 each. According to an AP dispatch on January 9, a single B–52 is a whopping $8 million. The smaller F–4 is $4 million. Secretary Seamans, testifying before the 1972 Air Force appropriation hearings, stated that one Huey helicopter carries a pricetag of $250,000. Senator Ellender's comments in the Record of January 25 tells us that a single aircraft carrier is $960 million. And in American Report of September 24, 1971, Orville Schell states that each fighter-bomber sortie, or flight of a single plane, costs the taxpayer $8,500.

As if these bills were not enough, this country continues to hand out money to the South Vietnamese and Royal Laotian Air Forces. These figures show an upward trend, as follows: (Department of Defense figures, Congressonal Record, vol. 117, pt. 14, p. 18410).

Fiscal year—VNAF—RLAF

1970—$245 million—$46 million.
1971—$350 million—$79 million.
1972—$337 million—$83 million.

Hidden sources of funds undoubtedly add to these totals. According to the Washington Post of March 24, Americans are also paying at least 5,000 Thai "volunteers" to fight outside their borders. And according to the Dispatch News Service, which was the first to disclose the events at Mylai, the United States paid "millions of dollars" to support anti-Sihanouk forces led by Son Ngoc Thanh, recently named Prime Minister of Cambodia. As reported in the Philadelphia Inquirer of April 6, President Nixon nevertheless claimed that Sihanouk's ouster "surprised no nation more than the United States."

Corresponding costs in terms of human lives are equally extensive. The Pentagon's own figures reveal that since Nixon's election in 1968, there have been roughly 20,000 U.S. combat deaths. From 1965 to April 1971, the Cornell study revealed that civilian casualties in South Vietnam were running to the order of 1,050,000 including 325,000 deaths, while more than 6 million had become refugees. As confirmed by a recent GAO report, the war has spawned 700,000 refugees in Laos alone, or one-fourth the total population. For Cambodia the figure is 2 million, or almost one-third its population.

For these people the war is not "winding down." Each month since 1969, 130,000 civilians have been killed, wounded, or made homeless. For the period of 1965–68 the corresponding figure was 98,000. In other words, the number of civilian casualties has risen sharply since 1969. Figures for the South Vietnamese killed in the current offensive have not been released. All we know is that as of April 3, according to Reuters, the Vietcong claimed to have killed or captured 6,500 soldiers. If that figure seemed high then, it may be low by now.

War is tragic and senseless. I certainly do not mean to suggest that killing is somehow more acceptable when done by one group rather than by another. But the danger of the North Vietnamese offensive is that in our shock we will temporarily forget the lesson which we have learned so painfully. In return for the prisoners, we must set a date for withdrawal, cease all air strikes and other combat operations, and leave.

At present the Senate has an opportunity to sever American involvement in this brutal war. The Church-Case amendment, which was favorably reported out of the Foreign Relations Committee on April 17, cuts off funds after December 31 for the purpose of engaging U.S. forces—land, sea, or air—in hostilities in Indochina. This measure would be subject to the release of the prisoners and to an accounting for all Americans missing in action who have been held by or known to the North Vietnamese Government and its allies.

I fully support this amendment. We must consider the highest interests of the American people. They have already expressed their overwhelming opposition to the continuation of this immoral war. They are tired of listening to distorted calculations and twisted promises. They are looking to us for leadership.

Mr. President, I ask unanimous consent that a statement by the Senator from Wisconsin (Mr. Nelson) regarding the ecological consequences of the present warfare in Vietnam may be printed in the Record, with attachments.

There being no objection, the statements were ordered to be printed in the Record, as follows:

Mr. Nelson. Mr. President, the other day an item of political memorabilia came across my desk. It was a curious piece of yellowing paper put out by the Republican Party of Wisconsin August 15, 1964. Its contents belied its title, *Facts*. But its attack on me is interesting in the context of the Vietnam crisis facing the American public today.

It warned of the Red Chinese peril and considered recognition of Red China and admission of Red China to the U.N. a "Surrender to Communism." Time—and some peoples' politics—have changed since then. In light of all the pomp and praise surrounding this year's visit to China of the President and chief of the Republican Party, one may wonder whether the President's Chinese hosts prepared Chinese style crow in Peiking.

Facts also attacked me for hesitating to accept the Tonkin Gulf Resolution which the Administration offered for Congressional passage the week of August 7, 1964. *Facts* warned its readers that I wanted America to pull out of Vietnam.

Facts characterized that position as "liberal extremist". Today this position is the law of the land. The Mansfield Amendment (Section 601) of the Military Procurement Act passed by both Houses and signed by President Nixon, November 17, 1971, declares it to be "the policy of the United States to terminate at the earliest practicable date all military operations of the US in Indochina."

Facts wrote that I had "added a new chapter to the 'Democratic Handbook of Surrender" by questioning the implications of the Tonkin Resolution.

Philip Geyelin of the *Wall Street Journal* staff wrote in the *National Observer* June 6, 1966, another version of my actions during the Tonkin Gulf Debate.

". . . The legislative history of the Tonkin resolution is interesting, for an effort was made by Senator Gaylord Nelson to amend it precisely for the purpose of preventing its use as a justification for a major change in the United States' mission in South Vietnam. Nelson would have put Congress on record against "extension of the present conflict" and in favor of a continuing advisory military role. He was talked out of pushing the amendment by reassurances he received from Senator Fulbright, who, as chairman of the Foreign Relations Committee, was responsible for interpreting what the Administration had in mind. And he (Fulbright) gave it as his opinion that the Nelson amendment "was an accurate reflection of what I believe is the President's policy, and therefore superfluous." In early 1966, Fulbright was publicly blaming himself for a "mistake" in not accepting Nelson's amendment. But by that time, of course, the United States' mission in South Vietnam had already undergone fundamental changes—at least in the way it was being carried out."

The fact is that I have stood in this chamber time and time again to explain my position on Vietnam. Vietnam is not something America can or should try to win on the battlefield.

This is not a partisan issue. Clearly, reliance on a military rather than a political solution to this war is a mistake. It was a mistake under Johnson. And it is a mistake today under Nixon.

It's been clear for years for anyone willing to take a hard look that the war cannot be won from any conventional sense. Even before the Tonkin Gulf debate, I spoke of the folly of pursuing a military victory in Southeast Asia. The logic of that position was perfectly clear even at that date except that we were blinded by the interplay of red-baiting domestic politics. Irresponsible leaders raised the specter of international Communism and tried to silence dissenters with irrational charges that those who disagreed were "soft on communism."

These attacks were effective. I received a considerable amount of critical mail, some following the line taken by *Facts* calling me an "appeaser." And as the ground war heated up, few again would listen when on January 15, 1966, I said that "Even if a million American soldiers were to force all North Vietnamese units from South Viet Nam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then, when we withdrew as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left."

Since then, United States military activity has regrettably made the prediction of 1966 the reality of 1972. We've spent billions of dollars and expended about thirty billion pounds of munitions—twice U.S. expenditure throughout World War II in all its theatres and an explosive equivalent of a Hiroshima drop every 5½ days during the seven year period between 1965–1971. That's about 9 pounds for every man, woman, and child on earth—or 666 pounds for every Indochinese man, woman and child.

And what have we accomplished?

55,000 Americans killed.

more than 300,000 Americans wounded.

almost 500 American prisoners of war.

more than 1,100 Americans missing in action.

more than 150,000 South Vietnamese and other allies killed.

and about 800,000 deaths on the other side.

(These casualties were suffered before the recent offensive. One hesitates to imagine the lethal impact of our newly assembled air armada.) And still we continue pursuing an illusory military victory.

The cold, hard, and cruel irony of it all is that we are destroying our allies in order to save them. We've done more damage to our allies than our enemies. We have hit South Vietnam with twenty times more munitions than we have spent in North Vietnam. Our bombing is largely responsible for making refugees of six million South Vietnamese—one third of the population. In Cambodia, one-third of the population has also become refugees. And one Laotian in four has been bombed out of his home.

How much destruction and how many casualties must we and the Indochinese suffer before we have sufficient proof that this is a mistaken enterprise?

In this month's latest round of fighting, Hanoi has been testing Nixon's latest variation on the military solutions theme; the Vietnamization program is at stake. But instead of Vietnamization, it seems that what we are getting is North Vietnamization.

Actually what we are seeing in South Vietnam is "Vietnamization plus" Charles Yost explained in an April 12 analysis published in the *Christian Science Monitor* that "Vietnamization plus" is "Vietnamese fighting on the ground and Americans fighting from the air." Yost elaborated, "Obviously no one can be sure at this writing whether this strategy will succeed. Two facts, however, one can be sure of: It will not end the war, and it will not get the Americans out of it."

In the meantime, our bargaining position is deteriorating. The use of such massive airpower adds not only to the destruction our bombing has already brought to the people and land of Indochina, but also to the number of American casualties and prisoners of war.

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, says the bombing will continue "so long as the battle that is currently going on is supported with resources from North Vietnam . . . as long as there are valid military targets supporting this operation."

Mr. Nixon has dropped more than one ton of bombs per minute during every single minute of his administration.

Let me repeat what I said on the subject of bombing back in January, 1966. It is more than appropriate today. "Those who look for a cheap 'victory through air-power' should recall the glowing assurances last February that a few bombs on North Viet Nam 'would quickly bring that country to the conference table in a tractable mood.' If anything, the opposite has been the case."

On July 2, 1966, I stated—and I also reaffirm that position today—that "We have had a fair trial of the theory that our massive military might can force the enemy to the bargaining table. It hasn't worked."

We did not bomb them to the peace table in 1966, 1967, or 1968 and we cannot bomb them to the peace table today. That approach has been a failure from the beginning.

Mr. President, this is no time for the United States to leave our place at the peace talks just to score debating points. We should be negotiating in Paris and in secret. This year Mr. Nixon, who throughout most of his career warned of a Red Chinese peril, dined with Chou En-lai before a TV audience of millions of Americans. Certainly, it is even more urgent that he negotiate with the leaders of North Vietnam for an end to death and destruction in Southeast Asia.

How long will Americans be asked to support a mistaken and ineffective war policy?

Secretary of Defense Laird was quoted April 11 as saying, "Do I think a war that has gone on for 30 years is going to end? The answer is no."

My answer is less cynical. It is that we should set a date for withdrawal of all our forces, the end of military activity in Southeast Asia, and the exchange of prisoners—with no political or military conditions.

Mr. President, I request unanimous consent that my statement and Record inserts of January 28, at the time that I introduced S. 3084, the Vietnam War Ecological Damage Assessment Act; a statement I made September 18, 1967, and the March 1, 1966, colloquy between myself and Senator Fulbright regarding the 1964 Tonkin Gulf debate; the full report of Dr. Arthur Westing on Environmental Disruption in Indochina; the April 12 analysis of Charles Yost; and the *Facts* editorial of August 15, 1964, be entered in the Record at this time.

VIETNAM WAR ECOLOGICAL DAMAGE ASSESSMENT ACT OF 1972

Mr. NELSON. Mr. President, suppose we took gigantic bulldozers and scraped the land bare of trees and bushes at the rate of 1,000 acres a day or 44-million square feet a day until we had flattened an area the size of the State of Rhode Island, 750,000 acres.

Suppose we flew huge planes over the land and sprayed 100-million pounds of poisonous herbicides on the forests until we had destroyed an area of prime forests the size of the State of Massachusetts or 5½ million acres.

Suppose we flew B–52 bombers over the land dropping 500-pound bombs until we had dropped almost 3 pounds per person for every man, woman, and child on earth—8 billion pounds—and created 23 million craters on the land measuring 26 feet deep and 40 feet in diameter.

Suppose the major objective of the bombing is not enemy troops but rather a vague and unsuccessful policy of harassment and territorial denial called pattern or carpet bombing.

Suppose the land destruction involves 80 percent of the timber forests and 10 percent of all the cultivated land in the Nation.

We would consider such a result a monumental catastrophe. That is what we have done to our ally, South Vietnam.

While under heavy pressure the military finally stopped the chemical defoliation war and has substituted another massive war against the land itself by a program of pattern or carpet bombing and massive land clearing with a huge machine called a Rome Plow.

The huge areas destroyed pockmarked, scorched, and bulldozed resemble the moon and are no longer productive.

This is the documented story from on-the-spot studies and pictures done by two distinguished scientists, Prof. E. W. Pfeiffer and Prof. Arthur H. Westing. These are the same two distinguished scientists who made the defoliation studies that alerted Congress and the country to the grave implications of our chemical warfare program in Vietnam, which has now been terminated.

The story of devastation revealed by their movies, slides, and statistics is beyond the human mind to fully comprehend. We have senselessly blownup, bulldozed over, poisoned, and permanently damaged an area so vast that it literally boggles the mind.

Quite frankly, Mr. President, I am unable adequately to describe the horror of what we have done there.

There is nothing in the history of warfare to compare with it. A "scorched earth" policy has been a tactic of warfare throughout history, but never before has a land been so massively altered and mutilated that vast areas can never be used again or even inhabited by man or animal.

This is impersonal, automated, and mechanistic warfare brought to its logical conclusion—utter, permanent, total destruction.

The tragedy of it all is that no one knows or understands what is happening there, or why, or to what end. We have simply unleashed a gigantic machine which goes about its impersonal business destroying whatever is there without plan or purpose. The finger of responsibility points everywhere but nowhere in particular. Who designed this policy of war against the land, and why? Nobody seems to know and nobody rationally can defend it.

Those grand strategists who draw the lines on the maps and order the B–52 strikes never see the face of that innocent peasant whose land has been turned into a pock-marked moon surface in 30 seconds of violence without killing a single enemy soldier because none were there. If they could see and understand the result, they would not draw the lines or send the bombers.

If Congress knew and understood, we would not appropriate the money.

If the President of the United States knew and understood, he would stop it in 30 minutes.

If the people of America knew and understood, they would remove from office those responsible for it, if they could ever find out who is responsible. But they will never know because nobody knows.

By any conceivable standard of measurement, the cost benefit ratio of our program of defoliation, carpet bombing with B-52's, and bulldozing is so negative that it simply spells bankruptcy. It did not protect our soldiers or defeat the enemy, and it has done far greater damage to our ally than to the enemy.

These programs should be halted immediately before further permanent damage is done to the landscape.

The cold, hard, and cruel irony of it all is that South Vietnam would have been better off losing to Hanoi than winning with us. Now she faces the worst of all possible worlds with much of her land destroyed and her chances of independent survival after we leave in grave doubt at best.

This has been a hard speech to give and harder to write because I did not know what to say or how to say it—and I still do not know. But I do know that when the Members of Congress finally understand what we are doing there, neither they nor the people of this Nation will sleep well that night.

For many reasons I did not want to make this speech but someone has to say it, somewhere, sometime.

Mr. President, I ask unanimous consent that the following statistics, which were provided by Dr. Arthur H. Westing and which will appear in a forthcoming publication, be printed in the RECORD at this point.

There being no objection, the statistics were ordered to be printed in the RECORD, as follows:

ALL INDOCHINA

[In millions of pounds]

Year	Air munitions	Surface munitions	Total munitions
1965	630		630
1966	1,024	1,164	2,188
1967	1,866	2,413	4,278
1968	2,863	3,003	5,886
1969	2,774	2,808	5,583
1970	1,955	2,389	4,344
Total	11,112	11,777	22,889

MUNITIONS EXPENDITURES

[In millions of dollars]

Year	South Vietnam	North Vietnam	South Laos	North Laos	Cambodia	Total Indochina
1965	594	65	60	10	0	630
1966	1,778	255	135	20	0	2,188
1967	3,634	415	200	30	0	4,278
1968	5,185	330	310	40	0	5,866
1969	4,674	0	490	420	0	5,583
1970	3,333	0	655	240	115	4,344
Total	19,099	1,065	1,850	760	115	22,889

ECOLOGICAL IMPACT

Country	Number of craters (in millions)	Area with "shrapnel" (in million acres)	Area cratered (in thousand acres)	Earth displaced (in million cu. yds.)
South Vietnam	19.1	23.9	309.9	2,500
Military region I	(6.1)	(7.6)	(98.4)	(794)
Military region II	(3.8)	(4.8)	(62.0)	(500)
Military region III	(8.3)	(10.3)	(134.2)	(1,083)
Military region IV	(.9)	(1.2)	(15.3)	(124)
North Vietnam	1.1	1.3	17.3	139
Laos	2.6	3.3	42.4	342
Southern Laos	(1.8)	(2.3)	(30.0)	(242)
Northern Laos	(.8)	(1.0)	(12.3)	(99)
Cambodia	.1	.1	1.9	15
Total Indochina	22.9	28.6	371.4	2,996

IMPACT OF U.S. MUNITIONS

[In pounds]

Expenditure	South Vietnam	North Vietnam	Laos	Cambodia	Total Indochina
Per acre	446	26	45	3	125
Per person	1,091	58	992	18	513

B-52—ASSUMING AN AVERAGE OF 7 SORTIES PER MISSION

[In numbers of missions]

Year	Military region I	Military region II	Military region III	Military region IV	Total South Vietnam
1967	527	284	269	10	1,090
1968	1,137	644	1,143	148	3,072
1969	319	440	1,777	98	2,634
1970	624	274	366	150	1,414
Total	2,607	1,642	3,555	406	8,210

Note: Although breakdowns for 1965 and 1966 are not available, the totals approximate 138 and 550, respectively.

[From the CONGRESSIONAL RECORD, Sept. 18, 1967]

STATEMENT BY SENATOR NELSON ON VIETNAM

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we got involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official spokesman for the measure and the context of the times in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Administration spokesman for the resolution, Mr. Fulbright, said the amendment was unnecessary because the intent of the resolution was really the same as my more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three Presidents had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the Congressional Record my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with our troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to save face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The Administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other South East Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

MARCH 1, 1966, COLLOQUY

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield just briefly.

Mr. NELSON. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. First, I appreciate what the Senator said. I have already said publicly that I believe one of the most serious mistakes I have made as chairman was in not accepting or urging the Senate to accept the amendment offered by the Senator from Wisconsin in August 1964. I do not believe it is proper, and do not wish to take the time to explain the circumstances of that particular moment, but, nevertheless, I believe it was a mistake and I commend the Senator from Wisconsin for having more foresight than I had at that time, and I think many other Senators, as to the possible significance of that resolution.

He did offer a very sensible, limiting amendment to that resolution, and I regret that we did not have the kind of discussion of it in public at that time that we have had recently. But I do commend the Senator from Wisconsin for his foresightedness and regret that I did not have as much.

Mr. NELSON. I believe that the Senator advised me at that time that his interpretation of the resolution was the same as the purpose of my amendment, and that therefore the amendment was unnecessary.

Mr. FULBRIGHT. I thought it was.

Mr. NELSON. I also wish to commend those who have participated in this debate on both sides of the aisle.

Although very frequently I do not agree with the Senator from Oregon, I should like to say that he has made a most valuable contribution to this discussion—and he will continue to do so.

One thing, however, that disturbs me very much is the argument I have heard advanced in the press, by columnists, by distinguished Members of Congress, and people in the executive branch, that we should not be debating this issue because what we say here, in our free country, will be misunderstood by some Communists in some other country, Communists who do not know what free speech is all about and never will.

Mr. President, this is the greatest parliamentary body in the world. It is the oldest parliamentary body in the world. Its function and purpose is constructive debate. The strength of this Nation is measured by its capacity for intelligent debate, not by its ability to goosestep. I hope we do not undermine that source of our power. I have heard it implied here and elsewhere lately that free speech and dissent should stop because it may be misunderstood in Communist countries. This is a dangerous parallel to the theory that was recently used by the Russian court in sentencing two writers to jail, not because of what they said in Russia but because they published books in this country which the Russians thought would be misunderstood in America and damage Russia. On that theory the Russian court sentenced the writers to jail.

Over here, we have people saying that we should stop debate because someone else who cannot understand the debate might misunderstand our resolve and damage America.

Mr. President, freedom is what democracy is all about. If some foreign dictator does not understand it, that is too bad. I have no intention of giving up my freedom of speech because some Communist does not understand what free speech is all about—and never will.

Regarding the Tonkin Bay resolution, let me comment briefly. It has been repeatedly stated by those who unqualifiedly support the Tonkin Bay resolution that there were only two Senators who had any reservations about it.

Mr. President, I had reservations about that resolution and I made them clear. I was in the Chamber on August 6, August 7, and August 8, and participated in the dialog concerning the resolution, as did several other Senators, who also expressed grave reservations about the resolution. Their remarks were intended to interpret that resolution and demonstrate congressional intent.

I discussed the subject on three different days with the chairman of the Foreign Relations Committee, and I am a little weary of having my vote interpreted as an unqualified endorsement of escalation. The record will show it was not such an endorsement.

The chairman of the Foreign Relations Committee was in the Chamber—the Senator from Arkansas [Mr. FULBRIGHT], as the spokesman for the administration. As a U.S. Senator, I was entitled to accept his advice, counsel, and interpretation of that resolution as an expression of the intent of the administration.

Mr. President, I shall not read the whole dialog, but I will read a part of it from the RECORD of August 6 and 7, 1964, as follows. Addressing myself to the chairman of the Foreign Relations Committee:

But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years.

Skipping some of it, I addressed the chairman once more, as follows:

In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the RECORD:

"On page 2, line 3, after the word, 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

"'(b) The Congress also approves and supports the efforts of the President—

This was the amendment to the Tonkin Bay resolution—

to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is "limited and fitting". Our continuing policy is to limit our role—

Listen to these words—

To the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict'."

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

* * * * *

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

I would think that ought to be a sufficient answer to those who have repeatedly insisted that the Tonkin resolution was a blank check. It was not. I had reservations. So did others. I was assured that we were not changing our role in southeast Asia. We have changed it. Obviously we cannot turn back the clock. But I trust that, for the sake of the historical record this may correct those gross misinterpretations of the record which have been so frequently uttered on the floor and elsewhere in recent months.

Mr. FULBRIGHT. Mr. President, in that connection, I certainly agree with what the Senator from Wisconsin has said. He is right to have made it. I have stated that I understood, from the information that was given to us, a specific incident was presented as the reason for that resolution. It was that a direct attack had been made on our ships on the high seas—this is what we were told—where they had a right to be.

We were told it was an unprovoked attack. In other words, we had not done anything that properly could be considered as provocation. These facts are difficult for a committee or any of us to check. I think we were told things happened at night and things were moving rapidly, and so on.

I had no reason to doubt the factual situation. On the other hand, it is extremely difficult to prove what happened. In any event, the Senator from Wisconsin has certainly stated very clearly what the situation was. We all know the President has, without any resolution, the right to respond to an immediate attack. He has the right to take actions of a temporary nature, one might say, to protect our interests. Then at some point, if hostilities continue, if the Constitution means anything, a declaration of war should be sought.

I will leave it to Senators, the manager of the bill, the administration, whether or not we are now at war. This bill and other events would indicate we are. I have discussed this matter with some of those who have responsibility in this area. They are reluctant to do what I have suggested. I am not at all sure, if we continue along the course we are following, it will not be necessary to impose powers and disciplines and controls upon our economy sooner or later. We cannot carry on this kind of conflict and call it a skirmish. So this is a matter I think the administration should be giving thought to.

THE ENVIRONMENTAL DISRUPTION OF INDOCHINA

The land and people of Indochina (287 thousand square miles and 45 million inhabitants—the size of Texas, but with four times its population) have been under continuous, large-scale attack since 1965. The largely overlooked and presumably incidental impact of the Second Indochina War on the land and indigenous populations of that region has been of monumental proportions. One of the few factual summaries of this disruption was published last year by the Senate Foreign Relations Committee (under the title "Impact of the Vietnam War"). From the data presented we can approximate that as a result of this war, one out of every 35 inhabitants of all Indochina has so far been killed, one in 15 wounded, and one in six made a refugee. The social disruption implied by these figures is difficult to grasp; the proportionate impact on the United States, with its population of 200 million would be: 5,700,000 killed, 13,300,000 wounded, and 33 million displaced.

A WAR AGAINST THE ENVIRONMENT

However, the Second Indochina War has been waged against the land as much as against the people. It is in the light of the intimate association with and direct dependence upon the resources of the land by largely primitive peoples, and in the further light of our new awareness of all mankind's dependence on his natural environment that a growing number of scientists throughout the nation and the world, have become appalled by the long-range ecological impact of so-called limited counterinsurgency warfare. A further major concern has been the renewed dependence by the United States in this frustrating conflict on chemical weapons. This latter approach, with its serious public health and ecological implications, is a form of warfare which the civilized world had hoped was put to rest with the end of World War I.

Dr. Pfeiffer (a wildlife zoologist) and I (a forest botanist) have made several tours of Indochina during the past three years to assess the extent of ecological disruption caused by the weapons and techniques employed by the United States. We were limited in our studies by the obvious difficulties associated with working in an active theater of war and by the paucity of pertinent information that has been released by our government. What follows then is an attempt at conservatively summarizing the extent of environmental disruption caused by (1) the chemical warfare program with plant poisons (herbicides), (2) the landclearing program with Rome-plow equipped tractors, (3) the massive bombing and shelling program, and (4) the 15,000-pound land-clearing bombs. This preliminary synopsis is based on a combination of personal observations, interviews, and information released by the Department of Defense. I report the environmental impact with the realization that it is dwarfed by the direct impact of the war on the peoples of Indochina, but with the further realization that these two dimensions of the war are intertwined—and will continue to be long after the war will have finally ended.

THE HERBICIDE PROGRAM

Chemical anti-plant warfare, restricted largely to South Vietnam, began on a small scale in November 1961, became a large-scale effort in 1966, and essentially ended in May 1971. In its *cover denial program* the United States aerially dispensed 17 million gallons (109 million pounds) of herbicides on 4.7 million acres of forest lands. In its *food denial program* it similarly dispensed 2 million gallons (7 million pounds) on 0.7 million acres of crop lands. Major herbicides used against forest were 2,4–D (57 million pounds), 2,4,5–T (48 million pounds), and picloram (3 million pounds); and against agricultural fields, dimethylarsinic acid (7 million pounds). About 15% of South Vietnam's forests have been sprayed once and an additional 4% repeatedly; about 8% of the nation's crop lands (primarily those in the Central Highlands) have been sprayed. All told, one acre in eight of South Vietnam was sprayed, representing an area the size of Massachusetts in a country the size of New England.

In the areas sprayed there has been an alteration and simplification of the plant and animal communities, a loss of mineral nutrients, acceleration of erosion in hilly terrain, the reduction in ecosystem productivity. Restoration time in the once sprayed areas is expected to exceed one decade and in the multiply sprayed areas at least several decades. Approximately one million acres have been utterly devastated by herbicides (two-thirds of these being upland forest, one-third coastal mangrove forest). It is estimated that over the years food was intentionally destroyed sufficient to supply the total diets for one full year of approximately ¾ million Vietnamese (largely civilian, primarily Montagnard); additional amounts were destroyed as a concomitant of forest spraying. The herbicides seem to have directly and indirectly resulted in medical and veterinary problems. Timber losses have been estimated to total 6.5 billion board feet, sufficient to supply South Vietnam's timber needs for three decades.

The herbicide program seems to have ended, but its effects will long be felt, both in terms of the environment and in terms of the erosion of international arms control.

THE ROME-PLOW PROGRAM

Landclearing with tractors, a program restricted to South Vietnam, began on a small scale in 1965, became a large-scale effort in 1968, and is apparently continuing undiminished to this day. This little known operation, devoted at first to the clearing of roadsides and other lines of communication in order to discourage ambushes, has for the past several years now been used on a massive scale to literally obliterate forested areas of possible use to the other side. In its mission of denying cover and sanctuary the method appears to be without equal. The basic tool is a 20-ton tractor fitted out with a 2½-ton "Rome plow" and 14 tons of added armor. At least five companies of more than thirty tractors each are in continuous operation. As of last August about 750,000 acres of land of South Vietnam had been scraped bare by this means (an area the size of Rhode Island); and clearing progresses at the rate of more than 1,000 acres per day.

Plowing results in severe site degradation, weed invasion (often by the tenacious cogon grass), utter destruction of wildlife habitat, and major erosion and exacerbated flood damage in hilly terrain. The South Vietnamese forest service has estimated as of last summer that more than 20 million board feet of readily accessible hardwood timber on 126 thousand acres had been destroyed in this program; and French rubber officials have determined that 2,500 acres of rubber plantations had similarly fallen to the plow.

In short, "pacifying" an area with Rome plows rather than with herbicides seems at once more efficient militarily and more destructive environmentally.

BOMBING AND SHELLING

Conventional bombing and shelling, the former throughout Indochina and the latter mostly in South Vietnam, have become the major means of "landscape management" in this war. The one lasting impression that remains after flying over the country is of an endless number of craters. A conservative estimate of the actual number of these giant pox on the landscape is over 26 million—currently being added to at the rate of at least several thousand per day.

Munitions expenditures during the seven-year period 1965–1971 were 26 billion pounds, twice U.S. expenditures throughout World War II in all its theaters. During this time span the U.S. thus expended munitions in Indochina with an explosive energy equivalent to 450 Hiroshima bombs (i.e., the explosive equivalent of one Hiroshima drop every 5½ days). In terms of the peoples of all Indochina, the total represents 584 pounds per person; in terms of its land, 142 pounds per acre. In terms of frequency, this sum represents 118 pounds per second throughout this entire seven-year period.

Estimating the average crater to be 30 feet in diameter and 15 feet deep, the combined surface area of the holes alone created between 1965 and 1971 comes to almost ½ million acres, and the earth displaced by the explosions to a staggering 3.4 billion cubic yards.

More than 90% of all bombing and shelling in Indochina have been harassing and interdiction missions, in effect directed against forests and fields. The bombs and shells have torn up countless trees; and the shrapnel has been propelled over some 30 million acres hitting additional endless trees and thereby inviting fungal infection and wood rot. The craters have also disrupted extensive agricultural areas, both directly and indirectly. Irrigation systems have been disrupted and near the coast saltwater encroachment has resulted. The craters have exposed lateritic soil to the atmosphere permitting it to harden irreversibly. Millions of new breeding ponds have been created for disease-carrying mosquitoes. In hilly terrain, erosion has been accelerated. Finally, since 1%–2% of the bombs and shells expended are duds, there are now ¼ million of these scattered about, many of which are apt to explode if bumped into, for example, during plowing.

All in all, the effects of the truly massive bombing and shelling may well prove to be the least recognized and most permanently disruptive legacy of this war.

THE COMMANDO VAULT BOMB

The 15,000-pound BLU–82/B "Commando Vault" bomb can be dropped into dense, triple-canopy jungle to create an instant helicopter landing zone which averages 3.3 acres in size (an area larger than a football field). This bizarre item of ordnance became operational in 1970, although experimental drops may have begun as early as 1967. By rough estimate about 200 have been expended, and now seem to be dropped at the rate of several per week. The Commando Vault, a concussion bomb filled with a slurry of ammonium nitrate and aluminum powder, is detonated just above the ground and leaves no crater; much of its blast is directed in the horizontal direction. The tremendous blast wave required to shear off large trees and blow them 106 feet or more away in every direction from the epicenter continues outward for at least 1,300 feet (according to a recent Pentagon release) with a sufficient overpressure to kill or injure all exposed humans and wildlife. The average casualty zone per bomb is thus 122 acres (seven times the size of the White House grounds) and perhaps greater. The Commando Vault bomb is a totally indiscriminate, wide-area weapon which results in the complete local ecological disruption of the strike area.

RECOMMENDATION

It becomes vital in this time of a rapidly degrading world environment that man seek the knowledge of all the ecological ramifications of his current and potential activities.

On 7 October 1970 the Congress through Public Law 91–441 [Sect. 506(c) (1)] authorized a study by the National Academy of Sciences of the ecological impact of the herbicide program, an investigation now in progress [cf. Congressional Record 117 (148): S15995–S16001; 6 October 1971]. However, since the herbicides seem to be dwarfed in their ecological impact by this war's other assaults on the environment, this investigation is clearly too limited in its scope. It is important now that serious consideration be given to the *Vietnam War Ecological Damage Assessment Act of 1972* recently introduced by Senator Nelson [S. 3084; cf. Congressional Record 118(9): S664–S665; 28 January 1971] and the companion bill introduced by Representative Gude [H.R. 13010; cf. Congressional Record 118(15)H838; 7 February 1972].

[From the Christian Science Monitor, Apr. 12, 1972]

THE MOMENT OF TRUTH IN VIETNAM

(By Charles W. Yost)

NEW YORK.—The moment of truth has arrived in Vietnam—not for "Vietnamization" because, despite the vast armament we have provided Mr. Thieu, President Nixon obviously does not intend to risk letting him go it alone against the north. What is being tested now, and probably will be for the rest of 1972, is "Vietnamization plus"—that is, Vietnamese fighting on the ground and American fighting from the air.

Will Vietnamese and Americans in these complementary belligerent roles be able to repulse General Giap's offensives as effectively as Vietnamese and Americans, both of them fighting on the ground, were able to do in the past? That is the immediate question.

This strategy is no doubt designed to get Americans out of ground combat, where lives are lost, but nevertheless to enable them still to play a sufficiently decisive role to prevent either victory or significant successes by the North Vietnamese.

This has no doubt been the President's dual objective ever since January, 1969— to achieve by November, 1972, both a withdrawal of United States ground combat forces and a victory for Mr. Thieu in the sense that at that date he would still control Saigon and most of the south.

Obviously no one can be sure at this writing whether this strategy will succeed. Two facts, however, one can be sure of: It will not end the war, and it will not get the Americans out of it.

It will not end the war because, if Hanoi would not stop fighting when it was confronted by half a million American troops plus heavy American bombing of much of the north, it is certainly not going to stop when it is confronted by the bombing alone.

The essential fact that President Kennedy, President Johnson, and President Nixon have failed to understand or to admit is that the North Vietnamese will go on fighting indefinitely, at whatever cost, but that the Americans, being unconvinced the issue is a vital one to them, will not.

Therefore the final settlement, by fighting or by negotiation, will inevitably be made between Vietnamese. Bombing may prolong the war but will not settle it.

The second fact that is clear is that continued United States bombing will not "Vietnamize" the war or get the United States out of it. As long as our bombing continues we shall not know whether the South Vietnamese, after seven years of massive American support, are at last able to stand on their own feet.

As long as our bombing continues more United States lives will be lost, the number of United States Prisoners in enemy hands will increase, and the chance of getting any prisoners released will be nil.

As long as our bombing continues the possibility of detente with the Soviet Union and China, and of a comprehensive stabilization of Southeast Asia, will be delayed and perhaps jeopardized.

The old argument that the bombing is "to protect American forces" is completely threadbare, now that we have practically withdrawn from ground combat and our small residual forces are not being directly attacked.

So-called "agreements" about reciprocal restraint announced by the United States in 1968 were never acknowledge by the North Vietnamese and have long since been violated by both sides. We know, moreover, from bitter experience between 1965 and 1968 that bombing Indo-China is inherently indecisive, that it will not win the war, or intimidate Hanoi.

What seems to be taking place on the American side therefore is primarily a buying of time until November. The United States public is simply not going to stand for indefinite United States participation in the war.

At some point President Thieu and our South Vietnamese friends are going to have to be left to stand on their own feet and prove that "Vietnamization" really works. That means fighting without any United States participation whatsoever, on the ground or in the air, though it does not necessarily mean cutting of United States military and economic aid.

I hope personally that the South Vietnamese can stand on their own feet, fighting if necessary, making their own political settlement if possible. But I see no reason whatsoever to believe that if they are unable to do so in April 1972, they will be able to do so in November 1972, or in April 1973.

The United States has already been in Indo-China for too long. Let us not, because Hanoi has inconveniently but predictably chosen this moment for an offensive, allow ourselves to be suckered in all over again. This is not February, 1965.

Let us at long last "Vietnamize" 100 percent, stop bombing, arrange the release of our prisoners, and get out completely. This should not be a partisan political issue. It is in the interest of all Americans.

[From the Facts, Aug. 15, 1964]

KASTENMEIER AND NELSON—APOSTLES OF APPEASEMENT

Democrat Congressman Robert Kastenmeier, of Wisconsin's 2nd District, and Democrat Senator Gaylord Nelson added a new chapter to the "Democrat Handbook of Surrender" last week. The two liberal extremists announced that they were not happy with Pres. Lyndon Johnson's decision to finally put a little back-bone in American policy regarding Communist aggression in Vietnam.

Johnson, after months of drift and indecision, was forced to take strong action against the North Vietnamese Communists after their PT-boats launched a second attack on U.S. Navy ships. It was the kind of firmness Republican leaders had recommended all along in the Administration's half-hearted fight against Communism.

But Kastenmeier, after voting for the Joint Congressional Resolution giving support to a more firm anti-Communist policy, had second thoughts. He reverted back to spirit of "accommodation" recommended by the infamous "Liberal Papers" sponsored by Kastenmeier in 1962.

"The Liberal Papers" have been described as an astounding left-wing extremist plan for "coexisting" with Communist by crippling the U.S. defensive position with numerous major and unilateral concessions to "accommodate" Khrushchev and Mao Tse-tung.

The Liberal Project proposals are based on the "no win" philosophy of the New Frontier. They give Americans only two alternatives: Surrender to Communism—or die. Among the Liberal Papers' recommendations:

Recognition of Red China—Admission of Red China to the U.N.—Recognition of Red China's claim to Formosa and the Pescadores Islands—Financial aid to Red China (No "liberal" ignores any opportunity to recruit new recipients for U.S. foreign aid)—demilitarization of West Germany—Shutdown of American missile bases in Europe—allow Russia to "plug in" on our DEW Line (distant early warning) to warn Reds of "surprise" attacks by the U.S.

Kastenmeier and his extremist friends would make all these concessions in exchange for promises by Khrushchev and Mao Tse Tung to "behave themselves".

Sen. Nelson, of course, recommended a few weeks ago that the U.S. pull out of Viet Nam, paving the way for a Communist takeover of all Southeast Asia.

Nelson and Kastenmeier have been on similar anti-anti-Communist ground before. Both have attacked the House Committee on Un-American Activities repeatedly. Kastenmeier even voted once to deny the Committee necessary funds to investigate communist activity in the U.S. Nelson, while Governor of Wisconsin, called for abolition of the Committee.

Kastenmeier and Nelson have chosen strange bedfellows by their opposition to a strong U.S. policy toward Communist aggression. But Wisconsin citizens are not going to follow their "liberal" lead. If they choose to lay like lambs with the lion of communism, they will have to do so without taking America with them.

Mr. CRANSTON. Mr. President, I also want to say that we have endeavored to have this a bipartisan debate. It has been bipartisan. Democrats have spoken on this side in support of the policy. A Republican who was to have spoken against the present policy, the Senator from Oregon (Mr. HATFIELD) cannot be be here because of the death of his father.

Yesterday, Senator HATFIELD made a statement concerning the current situation in Indochina, and I would like to bring it to the attention of my colleagues.

The foresight of Senator HATFIELD's judgment on our involvement in Indochina is well known to the Members of this body. I should like to point out, however, a speech which the Senator made on January 27, 1971, when he introduced an amendment, which I joined in cosponsoring, to cutoff funds for our involvement in Indochina. In his remarks, he questioned the policy of Vietnamization from a moral, a constitutional, and a military perspective. His remarks included the following statement:

> I am also concerned from a purely military point of view about our present policy. For the moment, the policy seems to have succeeded in reducing casualties and withdrawing some troops. Yet where will our policy lead us, militarily, by the end of this year? What will happen if, when American ground combat units are deactivated, the North Vietnamese and Vietcong choose to move against the South Vietnamese army, and make substantial strategic gains? There are many military analysts who believe that they will have this capability. In other words, what will happen if Vietnamization begins to fail militarily? My fear is that we would be tempted by steps of futile military escalation in order to prevent the failure of a policy. It is my sincere concern that our present course of action may not succeed even in its military objectives . . .

Because of the relevance of the Senator's remarks for our situation today, I ask unanimous consent that his entire speech appear in the RECORD, together with a speech he made in the Senate on January 27, 1971.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HATFIELD

The measures of escalation we have undertaken are primarily another effort to shore up the Thieu regime with American military power. That is a formula for endless American involvement in this war. All our past steps of escalation have failed to end the war. Realistically, these will meet with the same result.

The only way to protect our troops is to bring them all home, now. The only hope for recovering our POW's is to announce an end to all our involvement—land, sea and air—in exchange for their return.

Long ago, Americans stopped believing the promises of their leaders who said our bombs would bring peace. The weight of responsibility, however, falls again on the shoulders of the Congress. This was not President Johnson's war. It is not President Nixon's war. It was not a Democratic war. It is not a Republican war. It is the Congress' war, for the Congress has given the money to pay for it. And the members of Congress can stop that money anytime the people convince them that we must have no more of this tragedy.

Eloquent outrage in the halls of Congress is irrelevant. Sense of the Senate resolutions are naive. Partisan profiteering over these futile acts of escalation is irresponsible. Congress must simply exercise the power given to it by the Constitution, and cut off funds for this misadventure, bringing it to a close. This is a challenge, not to the Administration, but to each elected member of the House and Senate.

If there is speechlessness, dismay, and apathy in our land, it is because we have become numbed into silent disbelief. Our country went through a national political trauma four years ago to stop, once and for all, what has been going on again during these past days.

But silence is acquiescence. And our apathy would only compound the tragedy of these events. So we must speak our minds, but more important, Congress must redeem these times by stopping the funds for this war.

[From the Congressional Record, Jan. 27, 1971]

INTRODUCTION OF THE VIETNAM DISENGAGEMENT ACT OF 1971

Mr. HATFIELD. Mr. President, one central event has taken place since the Congress last considered legislation requiring a deadline for our withdrawal from Vietnam. The President has signed the repeal of the Gulf of Tonkin resolution. It was that resolution which often had been cited as a positive congressional authorization for our military involvement in Indochina. Its repeal would seem to remove the last vestige of constitutional legitimacy to our war policy. Certainly the President has the constitutional power to protect American troops and to bring them all home; but he is not empowered, in my judgment, to continue a policy involving offensive military operations and leading to a limitless commitment of American forces in Vietnam. Questions of far more than support or opposition to a particular policy are involved here. Fundamentally, we are dealing with the basic meaning of the Constitution, and whether its intention regarding the balance of powers between the executive and legislative branch in matters of war and peace are to have any real meaning today.

During a televised conversation with three newsmen on July 1, 1970, Howard K. Smith of ABC asked the President about the legal basis of our Vietnam involvement in the light of the repeal of the Gulf of Tonkin resolution:

LEGAL BASIS FOR VIETNAM ACTION

Mr. SMITH. Mr. President, one of the things that happened in the Senate last week was the rescinding of the Gulf of Tonkin resolution by the Senate. Mr. Katzenbach, in the previous administration, told the Foreign Relations Committee that resolution was tantamount to a congressional declaration of war. If it is rescinded, what legal justification do you have for continuing to fight a war that is undeclared in Viet-Nam?

The PRESIDENT. First, Mr. Smith, as you know, this war, while it was undeclared, was here when I became President of the United States. I do not say that critically. I am simply stating the fact that there were 549,000 Americans in Viet-Nam under attack when I became President.

The President of the United States has the constitutional right—not only the right but the responsibility—to use his powers to protect American forces when they are engaged in military actions; and under these circumstances, starting at the time I became President, I have that power and I am exercising that power.

LIMITED U.S. OBJECTIVES

Mr. SMITH. Sir, I am not recommending this, but if you don't have a legal authority to wage a war, then presumably you could move troops out. It would be possible to agree with the North Vietnamese. They would be delighted to have us surrender. So you could—What justification do you have for keeping troops there other than protecting the troops that are there fighting?

The PRESIDENT. A very significant justification. It isn't just a case of seeing that the Americans are moved out in an orderly way. If that were the case we could move them out more quickly; but it is a case of moving American forces out in a way that we can at the same time win a just peace.

Now, by winning a just peace, what I mean is not victory over North Viet-Nam—we are not asking for that—but it is simply the right of the people of South Viet-Nam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them.

When we look at that limited objective, I am sure some would say, "Well, is that really worth it? Is that worth the effort of all these Americans fighting in Viet-Nam, the lives that have been lost?"

I suppose it could be said that simply saving 17 million people in South Viet-Nam from a Communist takeover isn't worth the efforts of the United States. But let's go further. If the United States, after all of this effort, if we were to withdraw immediately, as many Americans would want us to do—and it would be very easy for me to do it and simply blame it on the previous administration—but if we were to do that, I would probably survive through my term, but it would have, in my view, a catastrophic effect on this country and the cause of peace in the years ahead.

Now, I know there are those who say the domino theory is obsolete. They haven't talked to the dominoes. They should talk to the Thais, to the Malaysians, to the Singaporeans, to the Indonesians, to the Filipinos, to the Japanese, and the rest. And if the United States leaves Viet-Nam in a way that we are humiliated or defeated—not simply speaking in what is called jingoistic terms, but in very practical terms—this will be immensely discouraging to the 300 million people from Japan clear around to Thailand in free Asia; and even more important, it will be ominously encouraging to the leaders of Communist China and the Soviet Union, who are supporting the North Vietnamese. It will encourage them in their expansionist policies in other areas.

The world will be much safer in which to live.

Mr. SMITH. I happen to be one of those who agrees with what you are saying, but do you have a legal justification to follow that policy once the Tonkin Gulf resolution is dead?

The PRESIDENT. Yes, sir, Mr. Smith, the legal justification is the one I have given, and that is the right of the President of the United States under the Constitution to protect the lives of American men. That is the legal justification. You may recall, of course, that we went through this same debate at the time of Korea. Korea was also an undeclared war; and then, of course, we justified it on the basis of a U.N. action. I believe we have a legal justification, and I intend to use it.

The apparent lack of any clear constitutional authority for our actions in Vietnam, and the uncertainties about this fundamental question, seems to be clear from this discourse. For I do not believe the constitutional right and duty of the President "to protect the lives of American men" is sufficient legal and constitutional justification for sustaining American troops and power indefinitely in prolonged armed conflict in the support of a foreign government, with no positive grant of approval by the U.S. Congress.

These matters transcend our beliefs about whether present policy is the proper way for us to seek an end to the conflict in Indochina. At stake is the sanctity of constitutional government.

Congress' responsibility for participating in the decisions and the responsibility of war was expressed eloquently by Abraham Lincoln when he said:

"Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure, Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose . . .

"The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood."—Letter to Herndon while in Congress.

I can think of no more urgent question before the 92d Congress than the attempt to define and determine the constitutional authority for our military actions in Indochina. Therefore, I am compelled to introduce this bill in order to prevent the further erosion of our constitutional process.

The President has pointed out how his policies have reduced casualties from as many as 300 per week to as few as 30 per week, and how he has significantly reduced our troops in Vietnam. In these efforts he has my full support and approval. Yet, I am concerned about the ultimate result of our present direction of policy. Our first concern must be finding a solution that will stop the war; the goal of our policy in Indochina must be directed at a political solution to the conflict that will enable an end to the fighting, bombing, the suffering, and the destruction in that land. I do not believe it is necessary to recite the litany of the devastation that continues to inflict Indochina. And even the brutalizing facts of death and destruction seem to fall on a numbed and hardened national conscience.

Suffice it to say that our policy must be directed toward enabling a political settlement of the war. In recent months more and more reliance has been placed upon "Vietnamization" as a means of "ending the war." Yet, it should be clear that by its definition, "Vietnamization" is a strategy for perpetuating the conflict. Of course such a policy may seem desirable to some Americans, since the main emphasis is to shift responsibility for infantry combat from Americans to South Vietnamese soldiers; thus, it allows reductions in the number of our troops in Vietnam and decreases American casualties. However, this strategy fails in two very important ways. First, it will not lead to an end of American involvement in Vietnam; second, it will not enable a negotiated political settlement of the war, which is also the only way to insure the safe return of captive Americans. Further, it could even fail in a third way; it may prove to be militarily unfeasible.

Vietnamization will lead this spring to the "end of the ground combat role" for Americans. But many seem to be misled by just what that means. Ending ground combat implies, as I said, that the offensive infantry operations will fall more to the South Vietnamese. Yet, Americans will still fly helicopters, fire artillery, and drop bombs, as well as "protect" their installations, convoys, and troop deployments. In reality, Vietnamization is a change in the tactics of the war, designed chiefly to make our policy more palatable to the American public. It is not a formula for ending American involvement or achieving a settlement of the conflict. The success of Vietnamization requires a continued American involvement and postulates the lack of a negotiated settlement of the war.

I am also concerned from a purely military point of view about our present policy. For the moment, the policy seems to have succeeded in reducing casualties and withdrawing some troops. Yet where will our policy lead us, military, by the end of this year? What will happen if, when American ground combat units are deactivated, the North Vietnamese and Vietcong choose to move against the South Vietnamese Army, and make substantial strategic gains? There are many military analysts who believe that they will have this capability. In other words, what will happen if Vietnamization begins to fail militarily? My fear is that we would be tempted by steps of futile military escalation in order to prevent the failure of a policy. It is my sincere concern that our present course of action may not succeed even in its military objectives.

If it is an end to the war that we wish to achieve, that must come through negotiations. In order for negotiations to make any progress, we must demonstrate flexibility on either of two critical points: The first is a deadline for our complete withdrawal of troops; the second is a willingness to suspend our unqualified support for the Thieu-Ky regime. My own belief is that the most feasible and responsible step for us to take is the establishment of a date certain for our withdrawal. True negotiations for settling the war would be the likely result of such an initiative. This is the principle motivating the Vietnam disengagement of 1971.

Our present course of action seems designed to achieve the same objective of our past policy: The survival of a friendly, non-Communist government in South Vietnam; thus, it attempts to preserve the support of those who have favored our present policies. Yet, our policy is also constructed to enable troop reductions and lowered casualties, attempting to win the support of those who have opposed the war. But if this policy appears to be jeopardized militarily, and also prohibits the complete withdrawal of our troops, then it will no longer hold decisive support from either of these segments of public opinion. The grim truth is that it is not possible to construct a policy that will satisfy everyone.

The majority of Americans, however, have made clear their opinion: They favor withdrawal of all our troops by the end of 1971. The most recent survey of public opinion, conducted by the Harris poll, estimated that 65 percent of Americans favored this option—a growth of about 10 percent from last September, when this proposal came to a vote in the Senate. There is no unanimity possible on any alternative for our future Vietnam policy. Yet, there is a clear majority of opinion which favors a date certain to complete our withdrawal.

A negotiated settlement is the means for ending the war; a timetable for withdrawal is the means to enable authentic negotiations: it is also the means for assuring the return of our prisoners of war.

In his state of the Union address, the President said that the 92d Congress can help end our longest war. There is no cause that I want more to achieve. The President's programs, and the spirit in which they were presented, won my deepest respect and admiration. Because I share his belief in these, I offer this alternative as the most responsible means for bringing the war in Indochina to a close. Without that accomplishment, all of our noblest goals will remain idle dreams.

Mr. CRANSTON. Mr. President, I want to thank all of those, whatever their viewpoints, who participated in this discussion. When I suggested that we hold this debate, I hoped we would focus public attention on the new, troubling developments in Vietnam. I pray we have aroused renewed public concern. I had hoped, too, to demonstrate to the American people that the U.S. Senate remains a center of national concern and of national conscience. I pray that we have succeeded there too.

I had hoped that both sides would shed light on American plans and intentions in Southeast Asia. I think we have clarified matters somewhat—though I must say I am not altogether happy about some of the military implications hiding in the explanations given by administration supporters on the floor.

But my respect for and pride in the U.S. Senate has been heightened by our debate this morning. My respect and pride will rise still higher if we now take action.

Mr. ROBERT C. BYRD. Mr. President, I wish to thank the distinguished senior Senator from California (Mr. CRANSTON) for the fine way in which he arranged and floor-managed the debate which has occurred during almost 4 hours of the session today. I also wish to thank all Senators who participated in that debate on both sides of the aisle and on both sides of the question. I think that theirs was an excellent presentation of the matter, and again I want to thank all Senators for their fine cooperation in adhering to the time limitations previously agreed upon for the various orders, thus allowing the Senate to resume, shortly, its consideration of the unfinished business.

LEAVE OF ABSENCE

Mr. ALLOTT. I ask unanimous consent that I be excused from attendance on the Senate from 5 o'clock this afternoon until Monday morning for the purpose of attending a meeting of the Board of Visitors at the Air Force Academy.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

Does the Senator from Utah seek recognition?

Mr. MOSS. Mr. President, I suggest the absence of a quorum, not to be counted against the time for morning business, but simply in order to designate that there has been this change.

The PRESIDING OFFICER. Is there objection?

Mr. CHILES. What was the Senator's request?

Mr. MOSS. I would like to have a brief quorum call. I shall call it off very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DIFFERENCES IN STATE AND TREASURY DEPARTMENT'S POLICIES

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed in the RECORD at the conclusion of these remarks an article from Newsweek of April 17 entitled "Cuba's New Movies" and an article from the Washington Post of April 12 entitled "U.S. Soviets Sign Accord Expanding Cultural Exchange."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, these two articles make an interesting juxtaposition. The Cuban movies which are the subject of the Newsweek article have been confiscated by the Treasury Department. Newsweek, which is not exactly a leftwing journal, says of this action:

> The entire affair is a pity, really, for some of the Cuban films are remarkably well done, interesting works that deserve to be seen by American audiences.

It describes one of them as "clearly a masterpiece" and two as "so brilliant that they rank with the best ever made in Latin America."

The Washington Post article reports that the United States and the Soviet Union have agreed to extend and expand their cultural, scientific and educational exchanges. The Post quotes Soviet Deputy Foreign Minister Alexei Smirnov as saying that the cultural agreements had "invariably proved to be beneficial for both sides" and have "a positive influence on the general status of relations between the States."

It also quotes Secretary of State Rogers as saying that:

> The agreement would make a useful contribution toward increasing contact and cooperation between our two peoples.

I find it passing strange that the Treasury Department would be so terrified of the impact of Cuban films on the American people, while the State Department is encouraging such exchanges with the Soviet Union.

In advocating a continuation of the OAS policy of isolating Cuba, the Secretary of State told the OAS foreign ministers that Cuba is still promoting revolution in Latin America, though at a reduced rate. A few days before, the President had complained of Soviet assistance to North Vietnam—something which one would think would be of greater concern to the United States.

The Secretary of State also told the OAS foreign ministers that Cuba still maintains ties with the Soviet Union. Apparently it is all right for the Soviets to maintain ties with Cuba but not for Cuba to have ties with the Soviets.

One can only conclude that the real basis for administration policy lies in the fact that the Soviet Union is a big, strong country that we have to get along with, while Cuba is a small, weak country that we can afford to kick around. This may be good geopolitics, but it is not very smart foreign policy, especially in view of the fact that most countries in the world are small and weak and in view of the further fact that bullies do not have very good track records for distances.

EXHIBIT 1

[From Newsweek, Apr. 17, 1972]

CUBA'S NEW MOVIES

The Cuban Film Festival turned out to be vintage Marx—Groucho, not Karl. There in a West Side Manhattan theater, a standing-room, opening night audience, which included some 50 United Nations diplomats, settled back a fortnight ago to watch "Lucia," the "Gone With the Wind" of Fidel Castro's film industry. There was pandemonium. Stink bombs exploded, white mice scampered, women shrieked and it was a full half hour before the cops could evict the dozen anti-Castro Cubans responsible for the fracas.

Bad enough, but the following day Treasury agents confiscated the highly acclaimed "Days of Water" and abruptly ended the festival, which, they said, violated the Trading With the Enemy Act. Michael Myerson, international director of American Documentary Films, which sponsored the festival, immediately sought an injunction. But he was no more successful than he had been in an earlier effort to force the State Department to issue visas to four Cuban filmmakers invited to attend the festival. The government's actions, said Myerson, were "vindictive" and "absurd." "Look at the transactions going on with China," he added. Indeed, just 40 blocks south, the Chinese were peacefully moving into the recently purchased home for their U.N. delegation, a converted luxury motel. Presumably Castro is more menacing than Mao.

AGITPROP

The entire affair is a pity, really, for some of the Cuban films are remarkably well done, interesting works that deserve to be seen by American audiences. Yes, the films portray the revolution as the greatest event since the Enlightenment. And yes, most of them, particularly the documentaries, are still agitprop vehicles running down "Yankee imperialism." But at least two of the movies—"Memories of Underdevelopment" and "Lucia"—are so brilliant that they rank with the best ever made in Latin America. The wonder is that Cuba, whose film industry prior to the revolution consisted largely of a rush of porno flicks, has come so far so fast.

"Memories of Underdevelopment" is clearly a masterpiece—a film that is intricate, ironic and extremely intelligent. Directed by Tomás Gutiérrez Alea from Edmundo Desnoes's novel, the film is the last word on the ultimate outsider, a bourgeois landlord named Sergio (wonderfully played by Sergio Corrieri, whose detached style suggests Marcello Mastroianni). The time is 1961 and Sergio has chosen to remain in his opulent apartment rather than flee with his wife, family and middle-class friends to Miami. Frozen at his emotional center, Sergio is a blocked writer who refuses to wade in the revolutionary cultural mainstream. "I always try to live like a European, he says. He has an affair with a 17-year-old aspiring actress, but even his wife's clothing and his tutoring fail to raise her from underdevelopment. He finally abandons her during a tour of Ernest Hemingway's Havana villa. Director Alea saves his dry statement for the fade-out. While other Cubans are preparing for a U.S. attack during the 1962 missile crisis, Sergio coolly, detachedly, watches them through binoculars.

Humberto Solá's "Lucia" runs a full two and a half hours, dazzles with its splendid photography and narrative force, and no doubt will be considered the seminal document of any Cuban women's lib movement. The film is actually a trilogy, each segment documenting a woman's role during various struggles for liberation. The longest and by far the best episode is the first. Raquel Revuelta is magnificent as the lonely spinster who falls in love with a dashing, Spanish-educated Cuban during Cuba's 1895 struggles for independence from Spain. He turns out to be a spy who uses her to locate a rebel stronghold. The rebels, despite a stirring machete charge by a troop of naked horsemen, are slaughtered. Nearly as good is the final episode, a droll contemporary tale about a jealous husband's opposition to the handsome instructor who is trying to teach his wife to read and write. The story is told in mocking lyrics to the song "Guantanamera," and lovely Adela Legrá is equally saucy in the role of the overly protected young wife.

LUMINOUS

Not every Cuban director, of course, can turn out a "Lucia" or a "Memories" every time. Not even Humberto Solás. In 1966, two years before "Lucia," Solás directed "Manuela," a rather conventional bit of socialist realism—boy and girl guerrillas fight in the Sierra Maestra, fall in love, she dies—boring except for the presence of the luminous Adela Legrá.

But it's clear that the U.S. Government's objections to the Cuban films have nothing to do with considerations of art. The Treasury Department is now puzzling over where promoter Myerson, who personally brought the films in from Canada, got them initially and whether any of the money the movies earn will find its way back to Cuba—which would be a violation of the Trading With the Enemy Act. Nothing daunted, Myerson intends to show the films later this month at a festival in Washington, D.C.

[From the Washington Post, Apr. 12, 1972]

UNITED STATES, SOVIETS SIGN ACCORD EXPANDING CULTURAL EXCHANGE

(By Murray Seeger)

Moscow, April 11.—The United States and the Soviet Union agreed today to extend and expand their 14-year-old agreement for cultural, scientific and educational exchanges.

The new accord provides for an increased number of scholars, technical experts and performing artists to be exchanged between the two nations during the 1972–73 period. The greatest expansion will be in scientific and technical areas, reflecting the current high interest here in improving the efficiency of the nation's economy.

U.S. Ambassador Jacob Beam and Soviet Deputy Foreign Minister Alexei Smirnov signed the new accord, which has been the subject of negotiations here since March 17.

[U.S. Secretary of Agriculture Earl Butz, who is in Moscow to discuss grain sales to the Soviet Union, was received by Soviet leader Leonid Brezhnev today, Tass news agency reported. The two men conferred in "an informal and businesslike atmosphere," Tass added.]

The new agreement also stipulates that each government can send one official traveling exhibit abroad similar to the Soviet arts show now appearing in Los Angeles and the American technology exhibit, which is currently in Moscow.

American negotiators said the cultural talks have been "businesslike" and not marked by the kind of political wrangling that has interrupted previous negotiations. They attributed part of the positive negotiation atmosphere to a Soviet concern not to mar the approaching summit talks between Soviet leaders and President Nixon next month.

After the signing ceremony, Smirov, said the cultural agreements had "invariably proved to be beneficial for both sides" and have "a positive influence on the general status of relations between the states."

[In Washington, Secretary of State William P. Rogers said the accord would make "a useful contribution" toward increasing "contact and cooperation between our two peoples."]

U.S. officials noted the agreement is voluntary and simply sets out a plan for exchanges. Frequently, one side or the other has failed to deliver on half of an exchange automatically cancelling the other half.

In the scientific and technical areas, the agreement calls for 21 exchanges including five which were not carried out in the 1970–71 agreement. But the program also proposes for the first time an unlimited number of additional exchanges in 18 specific fields that could be negotiated individually in the next two years.

U.S. officials said they were unable to get written assurances from Soviet officials to reduce imbalances that have marred the cultural agreements. American artists in Russia often find they have been booked into small auditoriums and in remote cities while Russian artists are booked by commercial agents in the U.S. into the best and biggest halls for longer tours.

The biggest imbalance is in the tourist traffic which is also covered by the agreement. In 1971, an estimated 58,000 American tourists visited the Soviet Union while only 200 Russian tourists visited the United States.

CHINESE BASE SHOWS VISITORS THE ARMY IS THE PEOPLE'S

Mr. FULBRIGHT. Mr. President, the correspondent of the Toronto Globe and Mail, Mr. John Burns, has written a most interesting article about the army in the People's Republic of China. I believe this piece is worth calling to the attention of my colleagues, and I ask unanimous consent that it be printed in the Record as part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

CHINESE BASE SHOWS VISITORS THE ARMY IS THE PEOPLE'S

(By John Burns)

Peking, April 9.—The first thing a visitor notices about the Yangchun military base is that there is no fence around it, not a strand of barbed wire nor a single sign warning the public to keep out.

The bus that has bumped and rattled the 50 miles from Peking turns off the tree-lined highway, rolls through a mud-walled village on the banks of a dried-up river and wheels up a side road leading to a group of low brick buildings.

There is no attempt to establish barriers between the base and the community, for this is the home of the 196th Division of the People's Liberation Army, and the army wants its visitors to know that it is truly a people's army.

Keng Yu-chi, the deputy commander of the division, hammers the message home as soon as the visitors are off the bus and into the briefing room, where he delivers a 50-minute lecture on the role of the division and the army.

BONDS WITH THE MASSES

"Chairman Mao teaches us that the sole purpose of the P.L.A. is to stand firmly with the Chinese people and to serve them wholeheartedly," he says. The rest of the day is spent underscoring that maxim.

Visitors hear how the soldiers forge close bonds with the masses through political study, manual labor and day-to-day contact with the peasants. They watch the men going through the normal routine of military training, but they also learn that the base has its own farm, pharmaceutical factory, machine shop and theater company.

Visitors also learn that the division started life as a rag-tag offshoot of the Red Army in 1935, and with 12 men and three rifles, growing through the years to its present status, with more than 10,000 men and the most modern equipment in the army.

Along the way, it fought in many of the key engagements of the anti-Japanese and revolutionary wars, including the campaign that resulted in the Nationalist surrender of Peking in 1949. It also formed part of the "volunteer" army sent to battle allied forces in Korea.

38,000 ENEMY KILLED

A smile fixed upon his face, Mr. Keng—ranks have been abolished by the army—recites the measure of the division's success in its battles over the years: 38,000 enemy troops killed, 16,000 guns and 370 artillery pieces captured. Later, visitors learn that many of the spoils were collected from American dead in Korea.

But it is not the division's battle honors that concern Mr. Keng so much as its peacetime activities, particularly since the start of the Cultural Revolution, which changed life as dramatically for the 2.8-million-man army as it did for other sectors of Chinese life.

Like units throughout the country, the 196th Division was called upon to dispatch men to restore order in civilian institutions torn by contending Red Guard factions. This entailed the transfer of some of its best men, many of whom are still at their civilian posts.

The domestic upheaval of 1966–69 affected life for those left behind at the base, too. In accordance with Chairman Mao's directive of May 7, 1966, to Lin Piao, then the Defense Minister, the division added strong doses of politics and labor to its military training.

The drive for ideological purity begins at recruitment, with local revolutionary committees sifting through the flood of applications to select those young men and women who are "both ideologically and physically fit," in the words of Mr. Keng.

3-TO-5 YEAR SERVICE

Successful applicants, aged 18 to 22, are assigned to the land, air or sea arm according to aptitude, and then serve three, four or five years respectively unless longer service is deemed necessary.

Pay for recruits is $3.52 to $4.40 a month, with food, clothing and accommodations provided. Company and platoon leaders get $22 to $26.40, while officers of Mr. Keng's seniority and above get "over 100 yuan" $44.

Most of the men leave their families at home. Some of those "more advanced in age"—apparently officers, since all the wives encountered during the tour were officers' wives—have their families with them, living in quarters off base.

A PING-PONG TABLE

At Yangchun, which has 1,000 officers and 9,000 men, there are 3,000 dependents mostly school-age children. There are no schools on the base—"We do not wish to set our children aside from the masses," Mr. Keng says—but there are day nurseries to allow wives to work.

The tour of the base begins with a visit to the barracks and club of Company 2 of the 587th Regiment of the division. The club is basically a propaganda room, decorated with the company's battle standards, maps showing its campaigns and photographs of its heroes.

There is table-tennis equipment and a score of captured weapons, some Japanese but mostly American.

From the barracks, visitors are driven over to the base farm.

"Every regiment has its production team", says Colonel Keng, "and every team, in addition to its work on the base, goes out to the villages to help the peasants work their land. In return, the peasants help us, drawing on their experience to point out our shortcomings."

Near the farm's pigpens, teams of soldiers are at work in the repair shop, mending clothing, bedding and shoes in their spare time. In a building nearby, others are busy processing the food grown on the farm, stirring great vats of bean curd and vinegar.

The pharmaceutical factory is the showpiece of the base. Here, a work force of 80, mostly officers' wives, manufactures 30 kinds of medicine, for an output valued at over $44,000 in 1971. The work is done on an assembly-line basis, with the most modern equipment, and the standards of sanitation are high.

Next, after an eight-course lunch, visitors move to the base theater, for an hour of singing, dancing and propaganda skits.

After the theater, comes the firing range and an impressive display of marksmanship with rifles, machine guns, antitank guns, aerial mines, grenades, and mortars. The "tank" used as a target is a mock-up based on those in use by the United States Army in Vietnam.

The exhibition with modern weaponry is followed by a demonstration of hand-to-hand combat, using skills that have not changed in centuries. It makes an odd sight, seeing modern soldiers lunging at each other with staves, but Colonel Keng doesn't think it at all quaint.

"We must be prepared to use all methods of war, no matter whether they are old or new," he says. "It is essential to prepare for all possibilities."

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday, if action has not been completed by the close of business tomorrow on S. 3462, a bill to provide for the development of rural areas; or, in the alternative, if action on that bill has been completed by the close of business tomorrow, the Senate stand in adjournment until 10 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RURAL DEVELOPMENT ACT OF 1972—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, after having consulted with the distinguished manager of the bill, the senior Senator from Georgia (Mr. TALMADGE), with the distinguished assistant Republican leader, with the distinguished chairman of the Committee on Appropriations, the senior Senator from Louisiana (Mr. ELLENDER), and with other interested Senators, that time for debate on S. 3462 be limited to 6 hours, to be equally divided between the senior Senator from Georgia (Mr. TALMADGE) and the distinguished Senator from Vermont (Mr. AIKEN); provided further, that time on an amendment by the distinguished Senator from Illinois (Mr. STEVENSON) be limited to 1 hour, to be equally divided between the distinguished Senator from Illinois (Mr. STEVENSON) and the distinguished manager of the bill (Mr. TALMADGE); provided further, that time on an amendment by the distinguished Senator from Louisiana (Mr. ELLENDER) be limited to 3 hours, to be equally divided between the Senator from Louisiana (Mr. ELLENDER) and the distinguished manager of the bill (Mr. TALMADGE); provided further, that time on any other amendment in the first degree be limited to 2 hours, the time to be equally divided between the mover of the amendment and the distinguished manager of the bill, and that time on any amendment to an amendment, debatable motion or appeal be limited to 30 minutes, to be equally divided between the mover thereof and the manager of the bill, with the understanding that if the manager of the bill favors any such amendment to an amendment, debatable motion, or appeal, then the time in opposition thereto shall be under the control of the distinguished assistant Republican leader or his designee; provided further, that Senators controlling time on the bill may yield time therefrom to any Senator on any amendment, debatable motion, or appeal.

Mr. GRIFFIN. Mr. President, reserving the right to object, while it may be satisfactory to the Senator from Illinois (Mr. STEVENSON) to have only 1 hour on his amendment, I would suggest to the acting majority leader that his amendment, as I understand it, is probably going to be very controversial and I hope he would allow 2 hours on that amendment that he is allowing on the other amendment.

Mr. ROBERT C. BYRD. Very well.

Mr. GRIFFIN. Then, as far as I know, having checked around, I believe that the arrangement is satisfactory and that we probably would be able to complete action on the bill tomorrow and would not be required to come in on Friday.

Mr. ROBERT C. BYRD. Yes. I thank the distinguished assistant Republican leader.

Mr. President, I modify my request to allow 2 hours on the amendment by the distinguished Senator from Illinois (Mr. STEVENSON), and that the time be divided and controlled as stated.

Mr. President, if the agreement is entered, I think the Senate will complete action on the bill tomorrow, in which case the Senate would go over until Monday, so as to allow committees an opportunity to meet on Friday. In consideration of the current status of the calendar, this would appear to be advisable.

Mr. ALLEN. Mr. President, reserving the right to object, time could be drawn from the time allotted on the bill for amendments?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Is it to be understood that all amendments are to be germane?

Mr. ROBERT C. BYRD. Would the Senator so wish?

Mr. ALLEN. On this particular bill, yes.

Mr. ROBERT C. BYRD. Mr. President, I include that in my request: That no nongermane amendment be in order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

The text of the unanimous consent agreement is as follows:

Ordered, That during the further consideration of the bill, S. 3462, a bill to provide the development of rural areas, debate on any amendment in the first degree (except an amendment proposed by the Senator from Louisiana (Mr. Ellender) on which there shall be three hours) shall be limited to two hours to be equally divided and controlled by the mover of the amendment and the Senator from Georgia (Mr. TALMADGE); and debate on any amendment in the 2d degree, motion, or appeal, except non-debatable motions, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Georgia (Mr. TALMADGE): *Provided,* That, in the event the Senator from Georgia is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the assistant minority leader or some Senator designated by him.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 6 hours, to be equally divided and controlled, respectively, by the Senator from Georgia (Mr. TALMADGE) and the Senator from Vermont (Mr. AIKEN): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

SENATE RESOLUTION 294—SUBMISSION OF A RESOLUTION TO CONDEMN THE INVASION OF SOUTH VIETNAM BY NORTH VIETNAM AND TO SUPPORT THE GOVERNMENT OF THE UNITED STATES IN ITS EFFORT TO PROVIDE AN HONORABLE PEACE IN SOUTH VIETNAM

Mr. GOLDWATER. Mr. President, this morning in my remarks, I mentioned that I intended to submit a resolution during the morning hour. I am going to do so now.

Mr. President, this is a rather simple resolution. It is one which I do not think should be needed, but it is obvious from the debate this morning that there is division in this body as to what the President is doing in Vietnam in support of our troops and personnel who are over there. This resolution does not direct the Senate's support directly to the President, but it expresses the sense of the Senate that we want to support the Government of the United States, the country, and the people of the United States.

I submit this resolution on behalf of myself and Mr. BELLMON, Mr. BENNETT, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GURNEY, Mr. THURMOND, Mr. TOWER, Mr. ALLOTT, Mr. HRUSKA, Mr. BROCK, Mr. TAFT, Mr. CURTIS, and Mr. HANSEN; and I hope other Senators as well will join in it. I send the resolution to the desk and ask for its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The resolution will be stated.

Mr. ROBERT C. BYRD. Mr. President, first let me ask, is this a joint resolution?

The PRESIDING OFFICER. It is a simple resolution.

Mr. ROBERT C. BYRD. Then I do not object to its submission.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read the resolution, which, with its preamble, is as follows:

S. RES. 294

Whereas the Government of North Vietnam has pursued a consistent policy of oppression, terror, and murder toward the civilian population of South Vietnam;

Whereas the Soviet Union has provided its client state, North Vietnam, with the means to commit brutal aggression against South Vietnam;

Whereas in the prosecution of this armed aggression the Government of North Vietnam on March 30, 1972, unleashed the full power of its military force by a massive invasion of the territory of South Vietnam; and

Whereas the Government of North Vietnam in its aggression acted in open violation of the Geneva Accords of 1954;

Whereas the Government of North Vietnam has openly violated the 1968 understanding to respect the Demilitarized Zone in return for a halt in the bombing of the sanctuaries of aggression in the North;

Whereas this unrelenting effort against the people of South Vietnam has resulted in untold death and suffering to those people: Now be it

Resolved, That the Senate of the United States condemns the invasion of South Vietnam by North Vietnam and calls upon the Government of North Vietnam to end its aggression against the people of South Vietnam and to terminate its invasion.

SEC. 2. The Senate of the United States declares its support of the Government of the United States in its intention to provide an honorable peace in South Vietnam.

The PRESIDING OFFICER. Is there objection to the present consideration of the resoluiton?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object. I shall have to object to immediate consideration on the basis that this resolution is one of considerable moment, importance, and interest, and it ought to be debated before its passage. In the second place, it should really be referred to a committee for consideration, under the rules, before debate, and the proper committee would be the Committee on Foreign Relations, I would assume. But I would have to object to its immediate consideration so that the resolution will go over until tomorrow under the rule. Ultimately the resolution will probably go on the legislative calendar, if I can sense the situation properly. My objection will not be indicative of my feeling, one way or the other, regarding the substance of the resolution.

Mr. GOLDWATER. Mr. President, will the Chair rule as to what would happen to this resolution under the rule?

The PRESIDING OFFICER (Mr. TUNNEY). If objection is heard, the resolution goes over under rule XIV, paragraph 6. Does the Senator object?

Mr. ROBERT C. BYRD. I shall shortly object.

Mr. GOLDWATER. I believe the Senator objected to its immediate consideration.

Mr. ROBERT C. BYRD. I did not object to its submission, it being a simple, not a joint, resolution. I do reserve the right to object to its immediate consideration, however, but I shall not object until the Senator has completed his inquiries.

Mr. GOLDWATER. I want to be clear in my mind what will happen to this resolution, because I want to get some action as soon as possible. If the assistant majority leader objects to immediate consideration, will it, under the rule, appear on the calendar tomorrow?

The PRESIDING OFFICER. It will appear on the calendar in that section entitled "Resolutions and Motions Over Under the Rule," and if we adjourn tonight, it will be laid before the Senate before the close of morning business tomorrow.

Mr. GOLDWATER. Does the Senate have to stand in adjournment before that rule applies?

The PRESIDING OFFICER. The Senator is correct.

Mr. GOLDWATER. And if we do adjourn and it appears on the calendar, it will be considered during morning business tomorrow?

Mr. ROBERT C. BYRD. It would be considered during morning business before the close of the morning hour, at which time, if it has not been agreed to, it will go on the calendar.

Mr. GOLDWATER. I thank the Chair.

Mr. ROBERT C. BYRD. Mr. President, I now object.

The PRESIDING OFFICER. Objection is heard. The resolution will go over under the rule.

Mr. GURNEY. Mr. President, I would like to add my support to the resolution submitted by the distinguished Senator from Arizona (Mr. GOLDWATER). The resolution comes right to the heart of the matter; its passage now would not only show Hanoi that the country is united in its resolve not to abandon South Vietnam to the Communists, but would also greatly strengthen the President's hand if, and when, Hanoi decides to undertake meaningful peace negotiations.

Mr. HRUSKA. Mr. President, there is high merit and wholesomeness in the resolution of the Senator from Arizona condemning the invasion of South Vietnam by North Vietnam and supporting the efforts of the United States Government to achieve an honorable peace in that region.

The evidence is clear and convincing that North Vietnam has marshaled all its forces for the most flagrant, massive, and open invasion of a sovereign state since Nazi Germany activities in 1939. Aided by military hardware supplied by the Soviet Union, Hanoi has actually committed and is using more than 80 percent of its military forces in an all-out effort to destroy the country and the people of South Vietnam.

Mr. President, this is a desperate act by a desperate leadership. It is a supreme test, not just for the country of South Vietnam, but for the people of America. President Nixon has responded to this challenge in a logical and commendable way. The stepped-up strategic bombing of vital enemy supply and distribution centers in both the South and North is not just an appropriate response to the invasion—it is an essential one.

The President has been following rigorously the withdrawal program which he began shortly after he took office. Approximately 75,000 American troops remain in South Vietnam as against about 550,000 when he took office. Hanoi's dangerous gamble has plainly placed the lives of these remaining troops in jeopardy, and the President would be derelict in his duties as Commander in Chief if he did not respond to this threat with every military means at his disposal. It goes without saying that our air support of the efforts of South Vietnam's ground forces to block the invasion must be continued as well, if we are to retain any credibility in the eyes of our friends throughout the world—and any respect for ourselves as a nation.

It is a complete mystery to this Senator how some of my colleagues can blithely blame President Nixon for the escalation of the situation in Vietnam. The resolution of the Senator from Arizona does an excellent job of placing the blame right where it belongs. Cessation of air strikes is not difficult, Mr. President. Withdrawal of its troops by North Vietnam would do it right now.

The North Vietnamese are the invaders, not the South Vietnamese, and certainly not the Americans. Hanoi is the one who has 12 of its 13 army divisions fighting outside its own country. It is Hanoi who is endangering the regular and peaceful withdrawal of our remaining military forces. It is ironic that North Vietnam should receive support in this very chamber as they cynically deny aggression while their rockets explode in cities and hamlets of South Vietnam. It is particularly notable that only one among the many Democratic presidential hopefuls has seen fit to exercise some judgment in his appraisal of this situation. The rest of them criticize the President, but fail to condemn the savage aggressor and invader. It would certainly aid the credibility of the remaining eager critics if they could find it their hearts and on their tongues to blame the real perpetrators of this international crime instead of their own Government.

Mr. President, I once again state my full support for the resolution introduced today by the Senator from Arizona and for the response of this Nation to the brutal invasion of South Vietnam, and on behalf of the United States in its efforts to provide an honorable peace in Vietnam.

THE RURAL DEVELOPMENT ACT OF 1972

Mr. AIKEN. Mr. President, what I am about to state I would have stated yesterday, had the Senate been in session.

On December 9 of last year I introduced a bill with the senior Senator from Georgia, the chairman of the Agriculture Committee, which had as its title "The Rural Development Act of 1972."

This bill, S. 2981, had 71 cosponsors, and I am glad to note that the major provisions have been included in the omnibus rural development bill we are considering today.

As introduced, S. 2981, provided for amendments to the Hope-Aiken Watershed Protection and Flood Prevention Act—Public Law 566—and to the Bankhead-Jones Farm Tennant Act, as amended.

Mr. President, these amendments are vitally important to enable the Secretary of Agriculture to do a more effective job of assisting rural communities.

Assistance of this kind is needed to aid in planning and carrying out measures that are essential to revitalizing rural America by creating a more desirable environment in which to live and work.

S. 2981 also amended the Bankhead-Jones Farm Tenant Act to include recognition of the need for more current and accurate data on the Nation's soil, water, and related land resources.

It provided an authority for the Secretary of Agriculture to carry out studies and surveys and to issue periodic reports on the condition of those resources.

Such information is becoming increasingly needed at all levels of government for the development of land use policies and plans.

S. 2981 was carefully considered in committee, where action was taken to broaden the scope of my original bill.

As now included in S. 3462, as titles IV and V, it would provide additional authority to further commit the Federal Government to aid rural areas in a manner more consistent with what is now provided for our cities.

I have closely observed the activities and accomplishments of the east central Vermont resource conservation and development—R.C. & D.—project as well as similar projects in a number of other States.

No program of the Federal Government is more oriented to the development and revitalization of rural America.

Such projects are outstanding examples of teamwork among and between Federal, State, and local agencies and the local people of a project area.

They can and have served to reduce the exodus of rural people to urban areas by creating job opportunities and other desirable living amenities in rural areas.

In them, local people, acting through their local and State agencies of government, analyze their problems and opportunities, lay out a course of action to accomplish their objectives for community improvement, and then actively strive to meet those objectives.

Some of the most significant problems to be overcome in R.C. & D. project areas require measures and facilities for improved community water supplies, water quality management, control and abatement of agriculture-related pollution, the disposal of solid wastes and the storage of water for rural fire protection purposes.

These tools are universally recognized as being needed to stimulate the economy of rural areas and to aid in achieving the Nation's goal of protecting and enhancing environmental quality.

I am gratified by the support given to my original bill by Senator TALMADGE and the following list of cosponsors:

Mr. Allen
Mr. Anderson
Mr. Baker
Mr. Bayh
Mr. Beall
Mr. Bellmon
Mr. Bennett
Mr. Bentsen
Mr. Bible
Mr. Boggs
Mr. Brooke
Mr. Burdick
Mr. Byrd (W. Va.)
Mr. Chiles
Mr. Church
Mr. Cooper
Mr. Cotton
Mr. Curtis
Mr. Dole
Mr. Dominick
Mr. Eastland
Mr. Ellender
Mr. Fong
Mr. Fulbright
Mr. Gambrell
Mr. Griffin
Mr. Gurney
Mr. Hansen
Mr. Harris
Mr. Hart
Mr. Hartke
Mr. Hatfield
Mr. Hollings
Mr. Hruska
Mr. Hughes
Mr. Humphrey
Mr. Inouye
Mr. Javits
Mr. Jordan (N.C.)
Mr. Jordan (Idaho)
Mr. Kennedy
Mr. Mansfield
Mr. McClellan
Mr. McGee
Mr. McGovern
Mr. McIntyre
Mr. Metcalf
Mr. Miller
Mr. Mondale
Mr. Montoya
Mr. Moss
Mr. Packwood
Mr. Pastore
Mr. Pearson
Mr. Pell
Mr. Proxmire
Mr. Randolph
Mr. Ribicoff
Mr. Saxbe
Mr. Scott
Mrs. Smith
Mr. Sparkman
Mr. Stafford
Mr. Stennis
Mr. Stevens
Mr. Stevenson
Mr. Taft
Mr. Thurmond
Mr. Young

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MOSS. Mr. President, I ask unanimous consent that the period for the transaction of routine business be extended by 10 minutes and that statements therein be limited to 3 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HARRY S. TRUMAN—PRESIDENT OF ALL THE PEOPLE

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a Senate concurrent resolution extending greetings and high regard to Missouri's No. 1 citizen, the Honorable Harry S. Truman, 33d President of the United States, on the occasion of his 88th birthday, May 8, 1972.

For the sound and courageous leadership of this Nation that he displayed, during his tenure, President Truman is steadily receiving more recognition all over the world.

Mr. Truman toiled successfully to create the United Nations; and also to extend the support of this country to all peoples after the end of World War II.

This understanding of the needs of people furnished the foundation for some of his greatest contributions during the time he held public office. It was Harry Truman who conceived of the Presidency as a place from which he could serve all mankind; and for more than two decades his vision launched many of our great national achievements.

In his state of the Union address in 1948, President Truman stated:

> There are some who look with fear and distrust upon planning for the future; yet our great national achievements have been achieved by those with vision. Our Union was formed, our frontiers were pushed back, and our great industries were built by men who looked ahead.
>
> I propose that we look ahead today toward these goals for the future which have the greatest bearing upon the foundations of our democracy and the happiness of our people.

The foresight of this President's proposal for a National Health Insurance plan for all citizens has special significance at this time, in that the Congress is still wrestling with this vital issue. The force of his efforts years ago laid the foundation for that success which is contained in our medicare and medicaid programs.

It was his administration that first dealt with a post-war recession, first endorsed the concept that the Federal Government has a responsibility to act to halt any subsequent rise in unemployment, and should come to the aid of the less fortunate.

Recognizing a growing need that is still with us today, Mr. Truman's administration led the effort to enact the National Housing Act of 1949. That act inaugurated the Nation's first major public housing program.

In his quest to see that Government served all citizens, President Truman became the first President since Abraham Lincoln to make civil rights a truly national issue.

This great President faced that issue directly. He proposed national civil rights legislation and implemented his thinking by ordering the desegregation of the armed services.

These words of his best describe the challenge of equal opportunity which we still strive for in our democracy; and also his resolve to achieve that opportunity:

> You can't cure a moral problem or a social problem by ignoring it.
>
> It is no service to the country to turn away from the hard problems—to ignore injustices and human suffering. It is simply not the American way of doing things. Of course there are a lot of people whose motto is "Don't Rock the Boat." They are so afraid of rocking the boat, that they stop rowing. We can never get ahead that way.
>
> If we wish to inspire the people of the world whose freedom is in jeopardy, if we wish to restore hope to those who have already lost their civil liberties, if we wish to fulfill the promise that is ours, we must correct the remaining imperfections in our practice of democracy.

It is with respect, admiration and deep affection for the man who brought me into the Federal Government, that I join with my colleague from Missouri to pay tribute to a great American gentleman, who through industry and character rose to the highest position in our land.

I submit the concurrent resolution on behalf of my distinguished colleague (Mr. EAGLETON) and myself and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BROCK). The resolution will be stated.

The assistant legislative clerk read the resolution as follows:

S. CON. RES. 78

Resolved by the Senate (*the House of Representatives concurring*), That the Congress of the United States hereby extend to the Honorable Harry S Truman, thirty-third President of the United States, its greetings and warm wishes on the occasion of his eighty-eighth birthday on May 8, 1972.

SEC. 2. The Congress expresses its admiration and gratitude to President Truman for his many years of distinguished service to the people of the United States and to the world community.

SEC. 3. The Congress expresses its appreciation to President Truman for his contributions as Senator, Vice President, President, author, and statesman.

SEC. 4. A copy of this concurrent resolution shall be promptly transmitted to the distinguished "Man from Independence", Harry S Truman.

Mr. EAGLETON. Mr. President, a short time after former President Harry S. Truman entered public life, his memoirs tell us, an opponent claimed that he was "the contrariest man in the State of Missouri."

This incident is noteworthy, I think, because it suggests to us perhaps the most admirable quality that Harry Truman brought to an admirable public career—the courage to fight for what he believed in. He was most contrary in situations where a lesser man would have found it expedient or politic to compromise his principles. Harry Truman was a great President and is a great man because he was obstinately dedicated to those principles.

Harry Truman was honest in his dealings and in the decisions he made in public life. His honesty was not complicated and his principles were simple: Pride in his family and heritage, devotion to his country and loyalty to his friends. In applying these principles to his actions, he was sincere, unaffected, and forthright.

Furthermore, Harry Truman was honest with himself. He was a man who acknowledged that he, as President of the United States, was responsible, to an extraordinary and often awesome degree, for the direction and policy of the country. He acknowledged that the buck stopped with him. And he never excused himself from the results of a rare unhappy decision.

Harry Truman is a man whom everyone in public life can find it easy to admire but difficult to emulate. He remains the embodiment of what everyone who wins an office must be if an effective and responsive democracy is to continue to exist in the United States. For his dedication and example, Americans are in his debt.

I ask the Senate today to extend a tribute to Harry Truman in anticipation of his 88th birthday May 8. And we bring with us, in this greeting and expression of our hope for his good health and continued prosperous life, the warm and sincere good wishes of the grateful citizens of Missouri and of all Americans who have benefited so enormously from his service to us.

The **PRESIDING OFFICER**. Is there objection to the present consideration of the resolution?

There being no objection, the concurrent resolution was considered and unanimously agreed to.

The **ACTING PRESIDENT** pro tempore. Is there further morning business?

TRIBUTE TO INGRID BERGMAN

Mr. **PERCY**. Mr. President, one of the world's loveliest, most gracious, and most talented women was made the victim of bitter attack in this Chamber 22 years ago. Today I would like to pay long-overdue tribute to Ingrid Bergman, a true star in every sense of the word.

Recently, Washington was honored by Miss Bergman's appearance at the Eisenhower Theater in the Kennedy Center, where she played the leading lady in G. B. Shaw's "Captain Brassbound's Conversion." During her stay here it was obvious that she has the overwhelming admiration and affection of the American people—both for her brilliance and sensitivity as an actress, and for her courage, poise, and warmth as an individual. In a season marked by many outstanding productions at the new Eisenhower Theater, her play was the most heavily attended of any yet seen there, and after a showing of her classic film "Casablanca," which she attended at the American Film Institute, she received several prolonged standing ovations. These are only a few examples of the outpouring of public appreciation we are seeing recently for Miss Bergman's contributions to American theater and the motion picture industry.

Our culture would be poorer indeed without her artistry. To mention only a few of Miss Bergman's achievements, her appearances in "Intermezzo," "Gaslight," "Casablanca," "The Bells of St. Mary's," "Anastasia," "Inn of the Sixth Happiness," "Tea and Sympathy," "The Turn of the Screw," and "Cactus Flower," have moved, thrilled, or amused millions of Americans, and will continue to give us pleasure for many decades to come. To the American public she will always hold a place in our hearts as one of the greatest performing artists of our time.

I know that across the land, millions of Americans would wish to join me in expressing their regrets for the personal and professional persecution that caused Ingrid Bergman to leave this country at the height of her career. And I believe they would also join me in expressing our overwhelming admiration, affection, and respect for her today. Miss Bergman is not only welcome in America; we are deeply honored by her visits here.

Mr. President, the triumph of Miss Bergman's appearance in the Nation's Capital during the last 3 weeks in March was well chronicled by the members of the press. Article after article praised her as the great actress she is. But more, they recounted instance after instance of her warmth and graciousness. I ask unanimous consent that a sample of these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

MISS BERGMAN ONSTAGE

(By John Beaufort)

WASHINGTON.—Turning from the South African tragedy of "Lost in the Stars" to the North African comedy of "Captain Brassbound's Conversion," the Kennedy Center Opera House management faced the problem of preventing Shavian trivia from getting lost in the vastness of the 2,200-seat auditorium.

The proscenium has been masked to reduce it to the modest dimensions of Michael Annal's utilitarian, dun-colored unit setting for Moroccan locales. Director Stephen Porter has encouraged Ingrid Bergman and her colleagues to face front, speak loud, and let the nuances fall where they may. Audibility is reinforced by an amplification with its own metallically nasal overtones. (The opera house has been hailed, incidentally, for its superb acoustics.)

The justification for booking one of Bernard Shaw's lesser talkathons into the Kennedy Center Opera House must have been commercial rather than artistic. The reasonable expectation is that Miss Bergman can sell out the house for its three-week stand. Indeed, "Brassbound" opened with a reported $280,000 advance sale. Considering the Kennedy Center's financial plight, the rationale is at least pragmatically plausible. But the choice of this theater puts considerabe extra strain on an artificial trifle and the actors charged with giving it a semblance of life.

BROAD BUT PLEASING

What emerges on the opera-house stage is a rather broad but pleasing performance whose interludes of Shavian bravura and jollity resemble oases in an otherwise somewhat arid polemical terrain. Miss Bergman's Lady Cicely Waynflete winningly fulfills the expectations prompted by advance reports of her London success in the part. Costumed by Beatrice Dawson in a series of charmingly Gibsonesque Edwardian gowns, the star endows the role and the occasion with radiance, wit, and glamour. Her Lady Cicely is an irresistible busybody whose confident feminine superiority mounts with each triumph over the bungling ineptitude of the "stronger sex."

Shaw stacked the deck so shamelessly in Lady Cicely's favor that there is really no contest. But Miss Bergman's good-humored serenity should disarm the most disgruntled male, even as the aristocratic heroine—in her own ineffable way—conquers brigands, an Arab chief, a cadi, and at last even the redoubtable Brassbound himself. When the captain tears up the symbolic mementos of a lifelong desire for vengeance against the uncle who has stolen his inheritance, her victory is complete. But it is a victory without reparations or spoils. Incidentally, that the unscrupulous jurist-uncle also happens to be Lady Cicely's brother-in-law merely serves as one of the coincidences which Shaw said life is full of.

ROBERTS

Pernell Roberts portrays a Brassbound whose contempt for the establishment (to use a current term) finds expression in a bearded virility (to borrow a word from the quaint long ago). Mr. Roberts possesses the kind of romantic bearing and presence which recalls the days of leading men in the American theater.

A supporting cast headed by such well-assured principals as Leo Leyden, Geoff Garland, Eric Berry, Manu Tupou, and Jay Garner sturdily support Miss Bergman and help enliven an agreeable evening. It is too bad that the extra projection required by the Kennedy Center Opera House mars what would otherwise, I imagine, be a well-tempered, well-balanced production of Shaw's North African adventure comedy.

As for its North American future, "Captain Brassbound's Conversion" ends an all-too-short tour with an engagement at Toronto's Royal Alexandra Theater starting April 3.

INFALLIBLE ELEGANCE

(By Jeannette Smyth)

Ravaged trays of BLTs sat on the empty bar. Ingrid Bergman and Bob Hope sat on a satin settee and talked desultorily, empty coffee cups and wine glasses at their sides. Television technicians squatted on the floor of a private room in the Madison Hotel yesterday, defining space with masking tape.

"We don't seem to rehearse at all," said Bergman rapidly, "just sit around and drink coffee all day."

"Hope is in Washington because Bergman is in Washington," said one of the several men in charge. "She couldn't get out to L.A. They're taping a sketch for the Bob Hope special." Bergman and Hope play the parts of two Academy Award nominees. She wins and he doesn't. There are before and after scenes.

"If you want to talk to her now, go ahead. She won't allow newspaper people around while she works."

Bergman. Bergman, who has broken all Kennedy Center records for her second week in "Captain Brassbound's Conversion"—"One hundred and thirty-nine thousand dollars," says Hope.

"One hundred thirty-nine thousand five hundred," says Bergman, smiling. "We have to get those hundreds right."

Why doesn't she like newspaper people around when she rehearses?

"You can't talk, discuss, and do things when you have somebody writing everything down."

Bergman is asked what acting adaptations she has to make in moving from the Kennedy Center stage to a television studio. Hope answers. He says no adaptations are required and says that Bergman did TV for talk shows. Bergman says she did them all and that since Carson, Cavett and Griffin are all in the same time slot, the "competition must be dreadful." Hope says his latest appearance on a talk show was lined up with another "West Side Story" rerun which he wanted to watch.

Bergman tells Hope "Captain Brassbound" is going to Toronto next week. "But now they're crazy to have it in New York. If they can find a theater, I'll do it there for two weeks, but I only signed a seven-month contract. I don't want to give up Europe in the spring. I want to go home for May."

Another one of the men in charge approaches and asks if Hope and Bergman are ready for another runthrough. A reporter asks if it's time to hit the road. Another man in charge says "Come out into the hall."

"I can't understand it. In California there are press people around all the time. Actors like it. Bob likes it. I can't understand."

The legend of Bergman is discussed. And one begins to understand that infallible beauty and elegance does not want to be watched when there are television cables to be tripped over.

(By Richard L. Coe)

Should Ingrid Bergman run out of roles to act, she can always play Ingrid Bergman.

Yesterday she was a powerhouse draw for a National Press Club luncheon, as complete a sell-out as her performances in "Captain Brassbound's Conversion" in the 2400-seat Kennedy Center Opera House. Drawing $125,000 to the box office in its first week, the Shaw comedy sets a new record for non-musical dramatic productions in Washington.

There was no formal speech, no script of any kind. The actress simply fielded written questions from the audience read by NPC President Warren Rogers. It turned into a 45-minute dialogue on a score of topics of a personal and professional nature.

Slim in a black skirt, white short-sleeved blouse and wearing a long necklace of black stones, the star, while looking far younger than her years (in the mid-fifties), looked older than she does in the turn-of-the-century fashions and stage make-up of Shaw's heroine, Lady Cicely.

At yesterday afternoon's performance, these were some of the questions and her answers:

"What are your views on religion and how do you face life's most difficult problems?"

"I do not discuss religion. I was born in the Protestant faith and that is as much as I ever say about religion. As for difficult problems, I try to face them with a laugh. I try to get a perspective by thinking of myself on a screen, to look at myself dispassionately and then laugh."

"What do you think of X-rated movies?"

"I'm old-fashioned. You don't need nudity. Of course people say 'isn't it awful?' but they do go to those things."

"If you could live your life over, what changes would you make?"

"If I had the memory to profit by the experiences I've had, of course I would do some things very differently, but without the memory stored up, of course, being me, I'd wind up doing the very same things."

"Is Hollywood's Golden Age gone?"

"Time marches on. Of course there's a loss, but other things happen. There came a time, for me, when Hollywood's glamor wore false. There was another world, a world of reality, which a picture called 'Open City' revealed to me, as an actress, for the first time." (This oblique remark was the afternoon's only reference to the scandal of 20 years ago when Miss Bergman left her husband to bear a child by "Open City's" director, Roberto Rosselini.)

"What are your favorite stage and screen roles?"

"Joan of Arc, which I played in Maxwell Anderson's 'Joan of Lorraine,' not the Shaw Joan which, I once told him, was too masculine and war-loving for my tastes. My favorite screen role always is the last one I played in, 'A Walk in the Spring Rain.' But it didn't go over very well."

"Who are the best contemporary stage and screen actors?"

"They're all different and shouldn't be compared, though naturally both Helen Hayes and Laurence Olivier leap to my mind. Apart from them, I don't compare actors and actresses."

WHAT WAS IT LIKE TO KISS BOGART?

(By Ruth Dean)

What was it realy like to kiss Humphrey Bogart?

This was a sample of the questions the usually blase National Press Club tossed to actress Ingrid Bergman at a capacity luncheon yesterday.

And the actress had as much fun tossing back the answers. She was candid, witty and frank.

For those with memories of "Casablanca" (refreshed by recent television viewings of the film she starred in with Bogart) she let them down with a gentle reminder.

A movie set "with 50 people standing around coldly and casually" could only inspire "a cold and businesslike kiss" with Bogart.

Laughingly, she added, "like the phrase they used when shooting 'For Whom The Bell Tolls'—where do the noses go? They have to look right in the camera."

Of the late actor as a leading man, the actress said Bogart "was wonderful. He never has been so popular as he is today with young people. I knew him little as a person. He was ambitious and a correct person to work with, not jealous of other actors who'd try to upstage him."

Attesting to Miss Bergman's drawing power was the fact that for the first time in the club's history, it had a waiting list for reservations of 150—and probably its largest male audience since it voted to take in women members two years ago.

The actress, who is appearing at the Kennedy Center in George Bernard Shaw's "Captain Brassbounds' Conversion" clearly loved the audience and they her.

She chose an informal question and answer format instead of a speech talking to her audience like old friends.

There were probably few there who hadn't at one time felt they were in love with her.

For an opener, club president Warren Rogers summed up 47 percent of the questions: "How do you stay so brilliantly beautiful?"

To which the actress, now 54, gracefully replied she'd always been taken for being years younger even when she was 18. "I suppose it was my parents, maybe good air, the fact that I'm happy and working and don't overeat," she said.

On a variety of other topics, she said:

She eschewed modern experimental theater, prefering "to stick with the old-fashioned plays. I won't take a part unless I can understand and feel it."

NO X-MOVIES

She's never been to an X-rated movie "because I'd feel embarrassed. There is no need for nudity in good films."

"The Swedes don't act so much in real life as the Italians. The Italians don't care for the theater because what they see on stage is better done at home."

Her favorite part was Joan of Arc (in Maxwell Anderson's "Joan of Lorraine" and the movie "Joan of Arc"). "From childhood I collected medals and statues of Joan of Arc. She has a special place in my heart."

On politics, "I would be an idiot to give an opinion; I'm an entertainer. Humanity, prisoners of war and orphans of war are my only political concern."

She is glad to be playing to racially integrated audiences, which wasn't the case when she last appeared here in the 40's and "upset me so I told the press I'd never come back."

A LAUGH

She handles "life's most difficult problems with a laugh and try to look at myself as though I was critically viewing a role on the screen—sometimes not good, sometimes ridiculous."

Now that her daughter Pia Lindstrom has "made it" as a television news commentator, "I've become Pia Lindstrom's mother and I'm proud of it."

"A PROFOUNDLY CIVILIZED WOMAN"

(By Michael Kernan)

WILMINGTON, DEL.—One shook hands with Ingrid Bergman in the lobby of the Hotel du-Pont and noted the marvelous face and clear gray eyes and heard her talk about hairdressers and wigs with grand, careless candor, and one tried to believe that 22 years ago a United States senator had publicly called her "one of Hollywood's apostles of degradation" and had sought legislation to prevent her, in his own perfervid language, from ever again setting foot on American soil.

Miss Bergman is appearing here in "Captain Brassbound's Conversion" by George Bernard Shaw, who is being rediscovered these days as a champion of women's rights 60 years ahead of his time. The play will open at the Kennedy Center Opera House Monday for a three-week run.

At lunch in the hotel dining room, dozens of businessmen eyed her covertly, confirming for themselves the widely publicized news that she looks much younger than her years (51 according to her agent, 53 to 55 according to assorted news dispatches, 57 according to Peter Graham's "Dictionary of the Cinema"), and the waitress confided that all the help was peeking out from the kitchen to see her. Casts from London to Wilmington have uniformly exclaimed what a delight she is to work with, and the middle-aged male who would deny that he is or was in love with her has to be some kind of cad.

Yet the fact is that when the film actress had a son by Italian director Roberto Rossellini while still married to Dr. Peter Lindstrom, American public-opinion makers and even part of the public itself went berserk. Sen. Edwin Johnson (D-Colo.) tried to bar her from this country for "moral turpitude"; he introduced a film morality bill; the baby was Topic One on Capitol Hill; newspapers raged and postured; several states banned "Stromboli," the movie Miss Bergman made for Rossellini; the Bible was quoted freely, even by the sympathetic Washington Post which editorially warned its readers not to cast the first stone since their avid interest made them "accessories to scandal."

The exile lasted six years. It was so thorough that even Miss Bergman's radio spots for this and that good cause were thrown out.

"The American people weren't allowed to hear my voice again," she said, "for fear I would corrupt them. It lasted until the marriage to Rossellini broke up."

With a certain ironic amusement she noted that the uproar in her native Sweden subsided as soon as she was married a third time, to another Swede.

"People have finally grown up, I think. They're willing to live and let live. They don't seem to be as much influenced by the columnists as they were. Walter Winchell died the other day—a forgotten man. I just don't believe they listen to those people any more."

She acknowledged that her screen image as a kind of madonna made the truth all the more shocking to the then-so-shockable American public. "It was out of love that they worked up so much hatred for me. I'm not boasting. I was the top box-office person in those days."

The break came in 1956, when she won the New York Critics Award for "Anastasia," the part in which her countrywoman Viveca Lindfors had dazzled Broadway. The critics asked Miss Bergman to pick up the prize herself in New York, and she accepted.

The next year she won the Academy Award, her second, for the role, though she couldn't be present to receive it. From then on she was reclaimed by a public that has become somewhat more realistic in its attitude toward celebrities, and in the last few years she has been seen ever more frequently on stage, film and TV in America and Europe, as though making up for lost time.

There are might-have-beens, of course: She'll probably never do Anna Karenina, the role she wanted most of all, only to see it go to a succession of others from Garbo to Sophia Loren. And it looks as though she won't do a picture for Ingmar Bergman (no relation), the Swedish director who now is concentrating on theater.

Few really meaty roles exist for women past the ingenue stage yet not old enough for character parts. Miss Bergman took special pleasure in making "A Walk in the Spring Rain," a middle-aged love story with Anthony Quinn. She also enjoys her present role, a hit in London:

"Shaw wrote it for the woman he loved, Ellen Terry, but she didn't like it. Then she saw it staged with another actress in the part and realized how good it was. Lady Cicely is a charming character, gets away with murder, a thoroughly Shavian woman. You don't even see her for the first 20 minutes, and you get just a hint of what she's like by the end of the first act. But the third act is hers all the way. There's a great deal of plot, with pirates and action and lots of Bernard Shaw."

Her only problem with the American version featuring Pernell Roberts has been adjusting to the slower cadence of American speech and the correspondingly slow reaction of audiences. So far the biggest surprise for Miss Bergman has been the audiences themselves: They are young.

"I realized finally that they knew me through my old movies," she said. "They see the revivals and the TV films."

She loves to see her old pictures. They bring back a lot of things: The frantic filming of "Casablanca," which was scripted practically hour-to-hour (and on which Miss Bergman will speak March 23 at an American Film Institute screening in Washington); the movie's original ending, which has Bogart getting her and Paul Henreid strolling off into the fog with Claude Rains saying, "This could be the beginning of a beautiful friendship." And the haircut business in "For Whom the Bell Tolls," when her cropped head inspired what became known as the Feather Cut:

"I liked my hair short. It started a new fashion. But what the poor women didn't realize was that I had a hairdresser on the set who combed me every 10 minutes, and I wore pincurls between takes to keep it just right."

The simplicity and honesty are completely captivating, the smile is real, the husky voice as alluring as ever. A profoundly civilized woman. Yet for all her five languages and her years in Italy and her travels about the world, Ingrid Bergman remains Swedish to the heart. It was in her answers: intelligent, adequate, helpful, allowing the interviewer just so far and no further, defending with a lifetime's skill that right to personal privacy which the Swedes treasure.

So all right, how did she keep so young? How did she keep her figure? Diets? Exercises? She smiled calmly.

"I skip a meal now and then. You saw how much I ate here—well, I won't have supper tonight. That's all."

What she had had was eggs benedict, her beloved cottage cheese and a scotch sour, none of which she had finished. Somehow one felt there must be more to it than that. Well, maybe not. She is, after all, Ingrid Bergman.

Dated "Captain Brassbound"

(By Richard L. Coe)

For Lady Cicely of "Captain Brassbound's Conversion," Bernard Shaw, some 73 years ago, was demanding a superstar. Last night at the Kennedy Center Opera House, Ingrid Bergman proved he was right. In her hands, Shaw's bossy woman remains a radiant charmer.

Perversely, there are jarring drawbacks to all this. The last of the plays Shaw would write in the 19th-century tradition, "Captain Brassbound's Conversion" is sorely dated. Shaw also insisted on a small theater for the play and the Opera House is far too vast. There is a wild variety of accents in the performance, some acceptable, some not, among them the non-English, English diction of the star herself. Yes, on a lot of counts one could tear this to shreds.

Still, there is Lady Cicely and though the Women's Libbers may be aghast at her use of those wiles male chauvinist pigs find so alluring, she is a wise lady.

A celebrated, adventurous traveler, Lady Cicely and her brother-in-law, a powerful judge, are traveling in North Africa in 1899. Determined to have a close look at the Atlas Mountains (Shaw's working title was "The Witch of Atlas"), Lady Cicely consents to her widowed brother-in-law's insistence that they hire a guide and armed escort. That the guide turns out to be the son of the judge's brother, that the judge legally had tricked the nephew's estate from his mother and that the guide himself set up the situation whereby he might get his revenge, should not surprise fanciers of 19th-century melodrama. It is as forced an adventure as an opera plot.

An attraction of the play was its exotic setting, now that three-hour-three-day stopping off point of Mediterranean trippers, Tangiers. The subsidiary characters include a missionary who has managed, in his lifetime, a single conversion, and one of those cockney-spouting types Shaw would develop further. The lout describes himself as one of "wot they calls Ooliganism." The Oxford Dictionary explains: "Hooligan, slang, 1898 (app. orig. the name of an Irish family in S.E. London conspicuous for ruffianism). A (young) street rowdy or ruffian." In brief, the word "hooligan" was born the year Shaw was writing his play, a nice footnote on the playwright's with-it spirit.

He wrote it for Ellen Terry, but, apart from appearing in the vital "licensing" public performance (literally a reading), necessary in the precopyright days, it was some years before she finally played it in the intimate Royal Court Theater, once more a stage on which adventurous theater is introduced.

Lady Cicely is one of those women who, noting that an abductor's coat sleeve is torn, immediately gets out her sewing kit to mend it. She is the sort of person who moves into someone else's quarters, a castle or a ship, and rearranges the furniture. She listens with a patient smile and toes that restrain themselves from tapping while mantalk wades into glaring hypocrisies. After her legally learned brother-in-law has spoken she can note: 'You've heard only one side of the story. That comes from his training as a lawyer." And she sums up her attitude that "All men are children in the nursery."

The portrait, then, is of a liberated lady who needs no national commissions on women's rights. Lady Cicely doesn't need the courtesies accorded her, but she sees that she gets and uses them. In all this, Miss Bergman, shining and luminous as ever, employs a dreadnaught charm from which it is scarcely possible to pull one's eyes.

Is this enough to make a satisfying 1972 evening in the theater? Unless one is a collector of particular stage portraits or a smack of theater history, probably not.

Director Stephen Porter's production moved more swiftly than I recall from Miss Bergman's London revival of last year. Particularly helpful is Pernell Roberts in the acted-upon title role, a nice cry from his last Washington appearance in "Mata Hari." This actor, who first showed his vitality as a student performer at the University of Maryland, is a sturdy, not unamusing leading-man type and may his appearance as a Bergman costar be rewarded beyond Bonanza.

A Record for "Brassbound"

(By Richard L. Coe)

Having set a new straight play record—probably a world's record—the production of Shaw's "Captain Brassbound's Conversion," starring Ingrid Bergman in the Kennedy Center Opera House, will have a two-week Broadway run, April 17 through 29.

This reverses the advance planning for the Roger L. Stevens-Arther Cantor production which, after a break-in in Wilmington, was to have played only at the Kennedy Center and Toronto's O'Keefe Center, the two largest theaters on the East Coast.

However, sensational weekly grosses during the Washington run—$139,500 (before taxes and subscription discounts)—tempted Miss Bergman to try her New York luck in what had been a comfortable but far from sensational London success. With O'Keefe Center (which seats over 3,000 contrasted with the Kennedy Center Opera House's 2,200) headed for a sellout for the two weeks starting next Monday, star Bergman's old vehicle will probably gross in the neighborhood of $1 million in a two-month tour.

Cantor has one problem that he is confident of solving: finding an available New York theater. Co-producer with H. M. Tennent, Ltd., of the London version, Cantor faces an unusually tight booking situation on Broadway. This season began with many theaters untenanted but the month ahead finds almost all booked.

One chance will be the closing of a current attraction. Last week's instant demise of "The Selling of the President" at the desirable Shubert opened up that house but Warren Caro, in charge of Shubert Theater's bookings, had a verbal agreement with Hillard Elkins to shelter the new Gore Vidal play. "An Evening with Richard Nixon." Unless Elkins postpones that work, the Shubert will be unavailable.

Ironies abound in the phenomenal success of the play. "Captain Brassbound's Conversion" is well near the bottom of the Shavian *oeuvre* and is critically condemned as old-style melodrama. The star system is regularly scorned but through a powerhouse star like Miss Bergman, the Kennedy Center will get a profit from the local engagement to float the less popular offerings.

Artistically, it is not heartening to find small plays in vast theaters like the Kennedy Center Opera House. If a trend, this is not a good one.

Ideally, if the Ringling Brothers and Barnum & Bailey Circus could be persuaded to remain at the Washington Coliseum instead of moving to New York, Miss Bergman and company could be moved into Madison Square Garden and pull in the money with steam shovels.

Star of a Party

(By Megan Rosenfeld)

The Swedish embassy's reception room was crowded with more than 200 people in evening clothes, holding drinks and waiting for

Ingrid Bergman. She made her entrance quite promptly, leaving the Kennedy Center Opera House without even taking off her makeup after the opening of "Captain Brassbound's Conversion" Monday night.

As she entered, wearing a long brown and white print crepe dress, dozens of dignified grey-haired men in tuxedos forgot their wives and conversations and craned their necks to see her. Diplomats, military officers, government officials and other serious-minded gentlemen seemed suddenly bashful, almost gauche and even slightly embarrassed to actually be on the verge of meeting her. Prodded by their wives, they begun to line up to meet Ingrid Bergman, looking at her as reverentially as a rare object in a museum.

Escorted by her daughter and son-in-law, Pia and Joseph Daly, Miss Bergman wended her way through the crowd. She chatted with Swedish Ambassador and Mrs. de Besche, who were giving the party, with Perle Mesta, and with Ambassador and Mrs. Ortona of Italy. And she beat the diplomats at their own game, charming each new introductee with a personal or different comment.

"Ohh, she's fabulous," cooed a lady in rhinestone glasses, "if she's 57, then I'm a——."

A middle-aged man in a polka dot suit came up and whispered in Miss Bergman's ear. "You might not remember this, but I met you once before. . . ."

"I think she's a kind of symbol for us," said William Bodde, who is on the Swedish desk at the State Department. "It's not just that she's so beautiful. She represents an immature period in our history. It's so hard to believe that she created such a scandal 20 years ago."

Yusef Bulos is in the cast of "Captain Brassbound's Conversion," in fact he wore his Arab headdress to the party. What's it like to work with Ingrid Bergman?

"Everyone in the cast is in love with her. She doesn't make a lot of fuss, either—I've seen more temperament in summer stock ingenues."

Comments about the play were not as ecstatic as those for Ingrid Bergman. Zelda Fichandler, producing director of Arena Stage, chose her words carefully.

"Well, I think it's done with shimmer and gloss and she has charm and warmth, but it's clearly dated. And its women's lib philosophy is anachronistic."

"Why do you like this part?" Bergman, referring to her role as Lady Cicely Waynefiete, a strong-minded aristocrat who tries to reform the pirate Captain Brassbound.

"Are you kidding?" she replied, "The only woman—intelligent—and 24 stupid men"

Twenty-five years ago Ingrid Bergman made waves in Washington by refusing to perform in "Saint Joan" at Lisner Auditorium if the audience was segregated. In "Captain Brassbound," George Bernard Shaw had to be censored a bit.

"There was one line that said something about 'heathen black niggers' " explained director Stephen Porter. "We decided that those words shouldn't be spoken in a government-owned theater."

With Miss Bergman, Madame Ortona and Mrs. Roger Stevens in the same room, it was clear that the ladies over 40 took the beauty prize at the party. Cute young things in miniskirts and long hair began to straighten their fashionable slouches and looked enviously at the superb carriage and elegance of the older women.

"I feel kind of cruddy-looking," confessed one blonde in a mod ensemble. "I hope I look that good when I'm that age."

By 11:20, the star had slipped into her mink coat and left. The guests, who also included Antal Dorati, (conductor of both the National and Stockholm Symphonies), the ambassador of Belgium and Mrs. Loridan, Rep. John Brademas (D-Ind.) and Mrs. Jouett Shouse, quickly emptied their glasses and went home.

Poor Shaw; Bright Bergman

(By Frank Getlein)

"Captain Brassbound's Conversion," by George Bernard Shaw, directed by Stephen Porter, sets by Michael Annals, lighting by William H. Batchelder, costumes by Sara Brook and Beatrice Dawson; with Ingrid Bergman and Pernell Roberts. At the Opera House of the Kennedy Center.

"Captain Brassbound's Conversion" is third rate G. B. Shaw. The new production, which opened last night at the Kennedy Center's opera house, never gets the level up to second rate, but it does enhance the play with Ingrid Bergman and a generally admirable cast.

Miss Bergman and her associates take you through the evening with little pain and, as directed by Stephen Porter, put additional glitter on the glittering turns of thought and phrase that are the Shavian specialty. But as Shaw's hated rival, Shakespeare remarked, the play's the thing and in this thing it remains a poor thing.

The plot could have come from a Mozart opera or a Gilbert and Sullivan operetta, but Shaw adds neither the enchanting music of the Austrian nor the ironic mockery of his countrymen.

He slogs along with it as a vehicle for his thought, but since his thought is neither profound nor original—he was capable of both on other occasions—the vehicle creaks and lurches and threatens to collapse at any moment.

In Morocco at the turn of the century, an Englishwoman, lady Cicely Waynflete, arrives with her brother-in-law, a hanging judge, to view the interior despite the hostile tribes. For protection, they secure the services of Captain Brassbound and his armed escort.

Once in the interior, Brassbound reveals himself as the lost nephew of the judge and the true heir to his father's fortune, such as it is. Bent on vengeance for the judge's persecution of his mother, Brassbound attempts to turn his uncle over to a local, violently anti-Christian Arab leader. Through the workings of international politics, the plot is frustrated and all are returned to the coast where Brassbound is tried by a captain of the United States Navy, that being the way things were in those days.

Largely through the machinations of Lady Cicely, he gets off free, proposes to her, comes to his senses and returns to his free teachings.

Throughout all this, Lady Cicely is seen and nicely portrayed by Miss Bergman, as a liberated woman given to managing the affairs of those around her and convinced that all men are children who need a woman's firm hand if they are not to injure themselves and others.

She bullies both the judge and the captain into making the expedition, charms Brassbound out of his vengeance, and frustrates the course of justice to free him.

The play has a lot of the standard Shavian stuff, but the whole thing doesn't jell. It is best seen as a study in the elements of the master's magic:

The idea of a civilized party finding justice and truth among the uncivilized is fully developed in "Man and Superman" in the marvelous, long sequence in the Spanish mountains. Here it is hardly set up before it is demolished by off-stage action reported by a messenger.

The idea of the close criticism of establishment justice from the under side, spectacularly worked out in "Major Barbara," is here given only a passing reference or two by Brassbound and by his lieutenant, Drinkwater.

The idea of the liberated woman, which Shaw took over intact from Ibsen, whose advocate he was in England long before he wrote his own first play, runs all through his work as even the titles testify: "St. Joan," "Major Barbara," "Candida," and "Mrs. Warren's Profession."

Once more, in "Brassbound," the lib element seems merely a meddling woman who likes to boss people around.

The play is supposed to be intellectual comedy, but large stretches of it are low-grade melodrama. A quarter of an hour elapses before the first laugh line because Shaw is busy with his elaborate exposition. As a drama critic, Shaw railed against the machinery of the well-made play, but most of the first act and entirely too much of the two others are full of similar machinery clanking away to no profitable purpose.

All this will probably diminish the pleasure of very few members of the audience because most people will be going to the play to see its star. Miss Bergman, in person. From that point of view, it's worth it. She is as beautiful in maturity as she was in youth and does as much as can be done to give the play the semblance of reality and relevance that eluded its author.

Pernell Roberts brings precisely the right personality and presence to the title role, and there are good supporting performances by Eric Berry as the judge, Jay Garner as the U.S. Navy captain and Jeoff Garland as Drinkwater, the social critic.

ORDER FOR RECOGNITION OF SENATOR GRAVEL AND SENATOR CHILES TOMORROW

Mr. MOSS. Mr. President, I ask unanimous consent that on tomorrow following the remarks of the Senator from Wisconsin (Mr. Proxmire) who will speak for 15 minutes under the previous order, the Senator from Alaska (Mr. Gravel) be recognized for not to exceed 15 minutes; and that the Senator from Florida (Mr. Chiles) then be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. Brock). Without objection, it is so ordered.

RENEWAL OF CERTAIN STAR ROUTE CONTRACTS

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1989.

The PRESIDING OFFICER (Mr. Brock) laid before the Senate the amendment of the House of Representatives to the bill (S. 1989) to amend title 39, United States Code, to provide for the renewal of certain star route contracts, which was to strike out all after the enacting clause, and insert:

> That section 5005(b)(2) of title 39, United States Code, is amended by striking out "holder" and inserting in lieu thereof "contractor or subcontractor".

Mr. MOSS. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

AMENDMENT OF ACT TO PROVIDE FOR ESTABLISHMENT OF THE GULF ISLANDS NATIONAL SEASHORE

Mr. MOSS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3153.

The PRESIDING OFFICER (Mr. Brock) laid before the Senate the amendment of the House of Representatives to the bill (S. 3153) to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes, which was to strike out all after the enacting clause, and insert:

That the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967) is amended as follows:

(1) In section 2(a) revise the second sentence by deleting "one hundred thirty-five" and inserting in lieu thereof "four hundred" and

(2) In section 11 delete "$3,120,000" and insert in lieu thereof "$3,462,000" and delete "$14,779,000 (1970 prices)" and insert "$17,774,000 (June 1970 prices)".

Mr. MOSS. Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

EXTENSION OF PERIOD FOR TRANSACTION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MOSS. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended another 10 minutes, since there are Senators still seeking recognition.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hollings) laid before the Senate the following letters, which were referred as indicated:

Deficiencies in Certain Appropriations

A letter from the Secretary of Defense, reporting, pursuant to law, on deficiencies in certain appropriations, for the current year; to the Committee on Appropriations.

Report on Reapportionment of an Appropriation

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Support of United States Prisoners," for the fiscal year 1972, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of Appropriation; to the Committee on Appropriations.

Report on Settlement of Claim of Certain Indians

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, that proceedings have been concluded with respect to the claim of the Ponca Tribe of Oklahoma, and William Overland, Metha Collins, and John Williams, as representatives of the Ponca Tribe, and all the members thereof, Plaintiffs v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

Report on Funds Obligated in the Chemical Warfare and Biological Research Programs

A letter from the Secretary of Defense, transmitting, pursuant to law, a secret report on funds obligated in the chemical warfare and biological research programs, during the first half of fiscal year 1972 (with an accompanying report); to the Committee on Armed Services.

Proposed Uniformed Services Retired and Retainer Pay Equalization Act

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize equilization of the retired or retainer pay of certain members and former members of the uniformed services (with accompanying papers); to the Committee on Armed Services.

Report of Federal Power Commission

A letter from the Chairman, Federal Power Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

Report on Deliveries of Excess Defense Articles

A letter from the Director, Defense Security Assistance Agency, transmitting, pursuant to law, a confidential report on deliveries of excess defense articles (with an accompanying report); to the Committee on Foreign Relations.

Radio Station "Liberty"

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the telegraphic text of a letter delivered at the U.S. Embassy in Tel Aviv, signed by certain Jews who were formerly residents of the Soviet Union (with an accompanying paper); to the Committee on Foreign Relations.

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting the text of a letter delivered to the American Embassy in Tel Aviv, and signed by 97 Jews who were formerly residents of the Soviet Union (with an accompanying paper); to the Committee on Foreign Relations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Efforts To Employ Disadvantaged Persons in the Federal Government," Civil Service Commission, Department of Labor, dated April 17, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Efforts To Prevent Dangerous Drugs From Illicitly Reaching the Public," Bureau of Narcotics and Dangerous Drugs, Department of Justice, dated April 17, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry," Food and Drug Administration, Department of Health, Education, and Welfare, dated April 18, 1972 (with an accompany report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Administration of Criteria for the Leasing of Buildings To Be Constructed," General Services Administration, dated April 19, 1972 (with an accompanying report); to the Committee on Government Operations.

Report Under the Mining and Minerals Policy Act of 1970

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report under the Mining and Minerals Policy Act of 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Report on Activities of the Charles R. Robertson Lignite Research Laboratory

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the activities of, expenditures by, and donation to the Charles R. Robertson Lignite Research Laboratory of the Bureau of Mines at Grand Forks, North Dakota, for the calendar year 1971; to the Committee on Interior and Insular Affairs.

Reports Relating to Third Preference and Sixth Preference Classification for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to the granting of third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Interim Report Entitled "Toward a National Materials Policy—Basic Data and Issues"

A letter from the Chairman, National Commission on Materials Policy, transmitting, pursuant to law, an interim report entitled "Toward a National Materials Policy—Basic Data and Issues" (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the Acting President pro tempore (Mr. Hollngs):

Resolutions of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Memorializing the Congress of the United States To Enact Legislation To Protect Certain Endangered Species of Wild Animals

"Whereas, A number of species of wild animals are in danger of extinction, in large part due to the commercial use of their skins; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation similar to that enacted by the General Court of Massachusetts prohibiting the sale or offer for sale of any part of the skin or body, whether raw or processed, of the following species of wild animals or of the animal itself: leopard (Panthera pardus), snow leopard (Unica unica), clouded leopard, (Neo felis nebulosa), tiger (Panthera tigres), cheetah (Acinoyx jubatus), alligators, gavial, tomistoma caiman or crocodile of the order Crocodylia, vicuna (Vicugna vicugna), red wolf (Canis niger), polar bear (Thalarctos maritmus), mountain lion, sometimes called cougar or puma, (Felis concolar), jaguar (Panthera onca), ocelot (Felis pardalis) or margay (Felis wiedlii); and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to the members thereof from the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Commerce:

"Resolutions Memoralizing the Congress of the United States To Enact Legislation Regulating the Televising of Certain Professional Athletic Games

"Whereas, The Congress of the United States has enacted legislation amending the antitrust laws to authorize leagues of professional football, baseball, basketball and hockey teams to enter into certain television contracts; and

"Whereas, Acting under authority of their exemption certain professional teams, even though the game is a sellout, have refused to allow the telecast of certain home games within a specified area, surrounding the locale of such game, thereby depriving the television viewers within the designated area of the opportunity of viewing the game; and

"Whereas, The air waves belong to the public and not to any professional league; therefore be it

"Resolved, That the Massachusetts House of Representatives respectfully requests the Congress of the United States to enact legislation prohibiting the television blackout of any professional athletic game, when at least ninety percent of the seats to such game are sold; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the presiding officer of each branch of Congress and to each member thereof from this Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Finance:

"Resolutions Memorializing the Congress of the United States for a National Health Care Insurance Plan

"Whereas, Many citizens of the United States receiving fixed and inadequate income are unable to participate in private or public health insurance programs covering medical, surgical, hospital, nursing and dental care and treatment; and

"Whereas, Many citizens now covered by the Medicare program are still unable to meet the ancillary costs of medical, hospital, surgical, nursing, pharmaceutical and prosthetic care and treatment; and

"Whereas, Many citizens now covered by private health insurance programs are unable to meet the costs of increasing premiums for adequate medical care and treatment; and

"Whereas, The care and treatment of the health of such citizens and the prevention of diseases and illnesses tending to destroy that health are now recognized as prime obligations of the federal government; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for a national health insurance program to cover all citizens of the United States and that such a program be administered by federal government agencies and financed, in part at least, by social security funds; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, to the chairman of Ways and Means Committee of the United States House of Representatives, to the chairman of the Committee on Labor and Public Welfare of the United States Senate, to the Secretary of Health, Education and Welfare and to the members of each branch of Congress from the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on the Judiciary:

"Resolutions Memorializing the Congress of the United States To Allow Greater Immigration to the People of Ireland

"Whereas, Unfortunately, there seems to be a part of the new U.S. immigration policy which is neither just nor equitable toward the Irish and as a practical matter the average Irish person who desires to come and settle here in the United States will no longer be allowed to do so; and

"Whereas, If the present U.S. Immigration Law had been on our statute books one hundred and fifty years ago, at least ninety per cent of the Irish in America would not have been allowed to enter the United States; and

"Whereas, It is recognized that the old immigration law was unjust and unfair to some other nationalities but that the 1965 Immigration Act substituted a law which, now, is as unfair to Ireland as the old law was to these other nationalities; and

"Whereas, Irish nuns and brothers have, for many years, staffed schools, hospitals, orphanages and rest homes for the aged in our nation and these religious groups, who desire to come here to continue this work, must now wait their turns because of this new Immigration Act; and

"Whereas, In 1965, the Irish ranked fifth among the nationals immigrating to the United States and, since then, she no longer ranks fifth or even tenth. Irish immigration is at an all time low. In 1967, 2665 were admitted. Since the enactment of the new law in July, 1968, a total of 1076 persons applied for visas and through November the 30th, 1968 only 72 were issued; therefore be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact such legislation as may be necessary to allow greater immigration to the people of Ireland; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

Resolutions of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs:

"Resolutions Memorializing the Congress of the United States To Provide for the Establishment of a Veterans' Hospital in the City of Worcester

"Resolved, That the General Court of Massachusetts hereby respectfully urges the Congress of the United States to provide for the establishment of a veterans' hospital in the city of Worcester in the commonwealth of Massachusetts; and be it further

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress and to members thereof from the Commonwealth."

REPORT OF A COMMITTEE

The following committee report was submitted:

By Mr. HOLLINGS, from the Committee on Commerce:

S. 3507. An original bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes (Rept. No. 92–753).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. ROBERT C. BYRD (for Mr. Randolph), from the Committee on Public Works:

Robert L. McCaughey, of South Dakota, to be Federal Cochairman of the Upper Missouri River Regional Commission.

By Mr. EAGLETON, from the Committee on the District of Columbia:

Willie L. Leftwich, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency;

John A. Nevius, of the District of Columbia, to be Chairman of the District of Columbia Council; and

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council.

CHANGE OF REFERENCE

Mr. McGEE. Mr. President, on March 28, 1972, the distinguished Senator from Rhode Island (Mr. Pell) introduced S. 3431, a bill to amend the Federal Employees Compensation Act for certain purposes, which the Presiding Officer at that time referred to the Committee on Post Office and Civil Service.

Although the title of the bill suggests that it is within the jurisdiction of the Committee on Post Office and Civil Service, it so happens that compensation for injuries sustained by or in an employment status comes under the Committee on Labor and Public Welfare.

Accordingly, Mr. President, I introduce an innovation by moving that the bill referred to my committee be discharged from that committee and appropriately referred.

The motion was agreed to.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HOLLINGS, from the Committee on Commerce:

S. 3507. An original bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes. Ordered to be placed in the calendar.

By Mr. INOUYE (for himself and Mr. Fong):

S. 3508. A bill to include papayas within the list of imported commodities to which certain restrictions apply if the Secretary of

Agriculture issues marketing orders with respect to like commodities domestically produced. Referred to the Committee on Agriculture and Forestry.

By Mr. INOUYE:

S. 3509. A bill to amend chapter 34 of title 38, United States Code, to extend the time period within which veterans may be entitled to educational assistance under such chapter after their discharge or release from active duty. Referred to the Committee on Veterans' Affairs.

By Mr. TOWER:

S. 3510. A bill to amend the Internal Revenue Code of 1954 with respect to the tax treatment of social clubs and certain other membership organizations. Referred to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. MONDALE, and Mr. PELL):

S. 3511. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 3512. A bill to amend the Social Security Act to provide automatic adjustments in benefits. Referred to the Committee on Finance.

By Mr. MOSS (by request):

S. 3513. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters and for other purposes. Referred to the Committee on Commerce.

By Mr. ROBERT C. BYRD (for Mr. MANSFIELD):

S.J. Res. 222. Joint resolution relating to the furnishing of Secret Service protection to major presidential and vice presidential candidates. Considered and passed earlier today.

By Mr. AIKEN:

S.J. Res. 223. A joint resolution to authorize the President to designate the period beginning September 3, 1972, and ending September 9, 1972, as "National Machine Tool Week." Referred to the Committee on the Judiciary.

By Mr. CHILES:

S.J. Res. 224. A joint resolution to establish a Joint Select Committee on National Educational Policy. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (for himself and Mr. FONG):

S. 3508. A bill to include papayas within the list of imported commodities to which certain restrictions apply if the Secretary of Agriculture issues marketing orders with respect to like commodities domestically produced. Referred to the Committee on Agriculture and Forestry.

Mr. INOUYE. Mr. President, I introduce a bill in the nature of an amendment to the Agricultural Adjustment Act of 1933 to include papayas on the list of imported commodities to which certain restrictions apply if the Secretary of Agriculture issues marketing orders on these same domestic goods. This legislation offers equity and security to papaya growers by imposing the same limits on foreign producers as on domestic producers in the marketing and sale of papayas and assures the consumers of consistently high-quality fruit.

Papayas have become an important segment of the Hawaiian agricultural economy. More than 180 papaya growers and their employees are totally or largely dependent upon this $2.7 million industry, which has been able to increase production from 12 million pounds in 1960 to an anticipated 27 million pounds in 1972. Much of this growth has been a direct result of the expansion of the markets on the mainland and abroad, where consumption has jumped from 1 million pounds in 1960 to an estimated 13 million pounds this year and an anticipated 55 million pounds by 1985. Since foreign exports are only a minor portion of the sales the Hawaiian papaya industry will continue to be largely dependent on the domestic mainland market.

In an effort to assure a stable market and provide the consumer with high-quality fruit the Secretary of Agriculture issued Marketing Order 928 on May 15, 1971, and the Papaya Administrative Committee adopted on August 20, 1971, regulations limiting the quality of papayas in interstate commerce to Hawaii No. 1 or better. The presently small but rapidly expanding importation of unregulated foreign papayas presents unfair competition and thus undermines the market. This is not only a threat to the economic livelihood of the whole Hawaiian papaya industry, but also to the consumer, who has a right to expect and receive top-grade produce in the stores.

This amendment would rectify the deteriorating situation by imposing the same standards and restrictions on foreign importers as those already in existence on domestic producers. The Agricultural Adjustment Act now protects a wide range of agricultural commodities in just this manner. Including papayas in this legislation protects this vital segment of Hawaiian agriculture by guaranteeing foreign and domestic growers fair and equitable competition and assures both of consumers satisfied with the high-quality fruit on the market.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. MONDALE, and Mr. PELL):

S. 3511. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1973

Mr. KENNEDY. Mr. President, I am introducing today the National Science Foundation Authorization Act of 1973, along with Senators CRANSTON, EAGLETON, MONDALE, and PELL as cosponsors. This bill authorizes the appropriation of $740,000,000 for the programs of the National Science Foundation in fiscal year 1973.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs are both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific know-how can be effectively applied to particular problems in areas such as transportation, health care, housing, communications, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the Nation strong in basic science, sponsor the applied research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

The National Science Foundation Authorization Act of 1973 authorizes $740 million for these purposes in fiscal year 1973. This amount is only 5-percent greater than the $703,516,215 which the Senate voted to authorize for the National Science Foundation for the current fiscal year. Thus it represents only a modest increase over the amount which the Senate authorized last year.

It is, however, $94 million higher than the $646 million amount contained in the administration's budget request for fiscal year 1973. This additional funding is for urgently needed research and educational programs in science and engineering. The principal programs which account for the additional funding are $56,200,000 additional for science education programs, $16,500,000 additional for research applied to national needs and,

$9 million additional for intergovernmental science programs.

The $56,200,000 additional for science education programs includes $18 million additional for "Institutional Improvement for Science," $17,800,000 additional for "Graduate Student Support," and $20,400,000 additional for "Science Education Improvement." These increases are necessary to arrest the recent decline in Federal support of science education programs and assure the Nation a strong academic science program and an adequate supply of scientific talent over the coming years.

Although the country is witnessing a high level of technical unemployment at this time, this is a condition which cannot continue. S. 32, the National Science Policy and Priorities Act, which is now under consideration by the Subcommittee on the National Science Foundation of the Committee on Labor and Public Welfare, should go a long way toward reducing the current unemployment rate among scientists, engineers, and technicians, if it is enacted. And the increasing pressure of national problems requiring scientific talent for their solution makes it clear that overall demand for scientific talent in our society will continue to grow over the years ahead.

In the April 7 issue of Science magazine, the Executive Director of the Scientific Manpower Commission, Mrs. Betty Vetter, was quoted as follows:

> The needs for technologically trained experts to meet national and social goals will not have diminished by the time these smaller classes emerge from the educational pipeline. We will still be trying to erase urban blight, produce adequate clean energy, purge the environment, create effective transportation systems, and provide adequate health care, while maintaining our national defense and continuing some level of space exploration. If the state of the economy and a reordering of national priorities has enabled us to convert these needs into demand (meaning jobs), the supply of technologically trained specialists may again be too small in a few years.

The situation has been further exacerbated by the administration's unconscionable action in impounding $21 million in fiscal year 1972 appropriated funds for National Science Foundation educational programs. During fiscal year 1972, the Office of Management and Budget impounded $5 million for institutional improvement for science, $4,800,000 for graduate student support, and $11,200,000 for science education improvement. Although the administration has indicated these funds will be released in fiscal year 1973, the injury to important science education programs has already been incurred.

To provide the Nation with the scientific talent which will be required over the coming years, it is important that the National Science Foundation be authorized the total of $131,200,000 for educational programs which is contained in this bill.

The $16,500,000 additional for research applied to national needs includes $12,600,000 additional for energy research and technology, and $3,900,000 additional for earthquake engineering. The bill brings the total in those two areas to $26 million for energy research and technology, and $10 million for earthquake engineering.

The dimensions of the energy crisis which the country is confronting become more apparent every day. As stated in the editorial section of the New York Times on April 10:

> The United States cannot continue to enjoy limitless cheap power without exhausting its domestic reserves of oil and natural gas and without doing serious additional damage to its increasingly polluted environment.

And in the words of the Washington Post of April 14:

> The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity. In fact, the energy crisis in America threatens the American way of life.

Solar energy, geothermal energy, and other nonconventional sources of energy hold great potential for alleviating the energy problem and for doing so in such a way that may reduce the pollution problem as well. Widespread practical applications of such energy sources are not likely in the immediate future, but it is imperative that the country begin now to explore these energy sources at as rapid a rate as is technologically feasible. Accordingly this bill nearly doubles the amount allocated for energy research and technology—from $13,400,000 to $26 million—with the expectation that the bulk of these additional funds will be allocated to nonconventional energy sources.

The additional $3.9 million for earthquake engineering, for a total program of $10 million, is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

The additional $9 million for intergovernmental science programs, bringing the total to $10 million, is designed to make the benefits of science and technology available for practical utilization within the various States and regions of the Nation. States, regional, and local governmental agencies must be strengthened so that they can play their proper role in transferring scientific knowledge into industrial applications and into public technology programs which serve the citizens in their regions. For several years the National Science Foundation has been sponsoring a pilot intergovernmental science program designed to achieve these goals. The program has proved successful, and the time has come to expand its pilot activities to a level which can meet the widespread needs throughout the country.

The following is a brief summary of the programs included in the National Science Authorization Act:

(1) Scientific Research Project Support, $280,000,000. The objectives of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. The fiscal year 1973 program provides for the expansion of biological, physical, environmental, and social sciences, and engineering, particularly in those areas where new knowledge can lead to the solution of problems of national concern in the Seventies, or where increased efforts can significantly advance our understanding of basic life processes, natural phenomena and physical laws that govern our universe.

(2) National and Special Research Programs, $112,500,000. These are a variety of major programs which require special coordination, and include the: International Biological Program; Global Atmospheric Research Program; Experimental R&D Incentives Program; National R&D Assessment Program; International Decade of Ocean Exploration; Ocean Sediment Coring Program; Arctic Research Program; U.S. Antarctic Research Program; Oceanographic Facilities and Support; and Logistics Support for the 1973 Solar Eclipse.

(3) National Research Centers, $42,300,000. These include the National Astronomy and Ionosphere Center at Arecibo; Kitt Peak National Observatory; Cerro Tololo Inter-American Observatory; National Radio Astronomy Observatory; and National Center for Atmospheric Research.

(4) Computing Activities in Education and Research, $20,500,000. This program is designed to: develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems; promote the development of innovative computer uses in the educational process; and seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

(5) Science Information Activities, $10,000,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

(6) International Cooperative Scientific Activities, $4,700,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

(7) Research Applied to National Needs, $96,500,000. This program includes: $25,500,000 for advanced technology applications; $26,000,000 for energy research and technology programs; $25,000,000 for environmental systems and resources; $14,000,000 for social systems and human resources; and $6,000,000 for exploratory research and problem assessment.

(8) Intergovernmental Science Program, $10,000,000; to aid state, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

(9) Institutional Improvement for Science, $25,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

(10) Graduate Student Support, $27,000,000. Of this amount $17,000,000 will go for graduate fellowships to assure an adequate flow of highly talented individuals into science careers. $10,000,000 will go for post-

doctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

(11) Science Education Improvement, $79,000,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

(12) Planning and Policy Studies, $3,200,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

(13) Program Development and Management, $29,300,000. These funds are used to provide for the operation and management costs of carrying out the preceding twelve programs, and amount to less than four percent of the total authorization of $740,000,000.

In addition to the above programs, the bill authorizes the appropriation to the National Science Foundation of $7 million to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be seen from the foregoing summary, the programs of the National Science Foundation are extremely diverse and far reaching. In many cases their effects will not be felt for years, or even decades. But if the history of our century can serve as a guide, sooner or later their effects will definitely have a major impact.

Science is the key to progress in our time, and the programs of the National Science Foundation represent an essential investment in the Nation's future. If we do not make the necessary investment today, we, our children, and our children's children will suffer immeasurably for our shortsightedness in the years ahead.

I plan to hold hearings on this bill before the Subcommittee on the National Science Foundation next month, and I urge each Member of the Senate to give this measure his serious consideration.

I ask unanimous consent that this bill and the articles referred to in my statement be printed in the RECORD.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 3511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973, to enable it to carry out its functions under the National Science Foundation Act of 1950, and under title IX of the National Defense Education Act of 1958, for the following categories:

Scientific Research Project Support, $280,000,000;

National and Special Research Programs, $112,500,000;

National Research Centers, $42,300,000;

Computing Activities in Education and Research, $20,500,000;

Science Information Activities, $10,000,000;

International Cooperative Scientific Activities; $4,700,000;

Research Applied to National Needs, $96,500,000;

Intergovernmental Science Program, $10,000,000;

Institutional Improvement for Science, $25,000,000;

Graduate Student Support, $27,000,000;

Science Education Improvement, $79,000,000;

Planning and Policy Studies, $3,200,000;

Program Development and Management, $29,300,000;

SEC. 2. Notwithstanding any other provision of this or any other Act—

(a) of the amount stipulated for the purpose of "Scientific Research Project Support" in category (1) of section 1, not less than $30,000,000 shall be available for social science research programs;

(b) of the amount stipulated for the purpose of "National and Special Research Programs" in category (2) of section 1, not less than $6,000,000 shall be available for the oceanographic ship construction/conversion program;

(c) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than $26,000,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other non-conventional energy sources, and not less than $10,000,000 shall be available for earthquake engineering programs;

(d) not less than the amount stipulated for the purpose of "Institutional Improvement for Science" in category (9) of section 1 shall be available for that purpose, and of such amount not more than $4,000,000 shall be available for institutional grants for research management improvement;

(e) not less than the amount stipulated for the purpose of "Graduate Student Support" in category (10) of section 1 shall be available for that purpose, and of such amount not less than $17,000,000 shall be available for graduate fellowships and not less than $10,000,000 for postdoctoral fellowships; and

(f) not less than the amount stipulated for the purpose of "Science Education Improvement" in category (11) of section 1 shall be available for that purpose, and of such amount not more than $1,500,000 shall be available for experimental projects to encourage initiatives in science education;

SEC. 3. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 4. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 5. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 6. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d)(1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 8. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 9. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting ", including educational programs at all levels," after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

Sec. 10. The National Science Foundation shall establish a Division of Energy Research and Technology which shall carry out the Foundation's energy research and technology programs.

Sec. 11. This Act may be cited as the "National Science Foundation Authorization Act of 1973."

[From Science, April 1972]

A BUBBLE IN THE EDUCATIONAL PIPELINE

Scare stories about unemployed scientists and engineers appear to have created substantial reaction among college-age men and women, as shown in enrollment figures for fall 1971. While graduate school enrollment last fall rose 2 to 5 percent (the latter includes the professional schools), enrollment dropped 2.7 percent in the physical sciences and 7.8 percent in engineering, according to the Carnegie Commission on Higher Education. Total undergraduate enrollment rose 2.4 percent at 4-year colleges and universities, but dropped 1.7 percent in the physical sciences and a whopping 17.1 percent in engineering, following a drop of 1.7 percent a year earlier, and a drop of 2.4 percent in fall 1969.

In the physical sciences, the number of bachelor's degrees in chemistry dropped in 1970 from the previous year and is expected to stay about level through 1972. Unexpectedly large enrollment in first-year and organic chemistry in the fall of 1971 may raise the number of baccalaureate degrees by 1974.

Undergraduate physics enrollment began dropping in the 1969–70 school year, and has continued to drop each year since. Junior-senior enrollment in 1968–69 totaled 14,678. In the fall of 1971, it was 12,755.

Looking ahead a few years, we can expect fewer degrees to be granted, first at the undergraduate and then at the graduate level, in the physical sciences and engineering, although the college-age population will have increased by 3,316,000 between 1971 and 1975. It is not possible to be sure whether this decrease in annual entrants will bring the present surplus of scientists and engineers into balance with the demand or will tip the scale in the other direction. Accurate forecasts are difficult because of the number of variables involved, including particularly changes in the general economy and in the direction of governmental support of scientific efforts. However, the needs for technologically trained experts to meet national and social goals will not have diminished by the time these smaller classes emerge from the educational pipeline. We will still be trying to erase urban blight, produce adequate clean energy, purge the environment, create effective transportation systems, and provide adequate health care, while maintaining our national defense and continuing some level of space exploration. If the state of the economy and a reordering of national priorities has enabled us to convert these needs into demand (meaning jobs), the supply of technologically trained specialists may again be too small in a few years.

Today's students are choosing areas of major study based at least in part on their reaction to today's job market. Their choices will not affect this job market (unless they leave school to seek employment at a lesser skill level), but will affect the supply 4 to 8 years hence.

Without minimizing the seriousness of unemployment among trained specialists, we should be careful not to overemphasize the problem of displaced scientists and engineers lest we diminish our future ability to meet our needs. Unemployment also exists today, and in somewhat greater proportions, among those who majored in the humanities, the social sciences, and education—and the highest unemployment rates of all are found among young men and women with the least education.—Betty Vetter, *Executive Director, Scientific Manpower Commission, 2101 Constitution Ave., NW., Washington, D.C. 20418*

[From the New York Times, Apr. 10, 1972]

ENERGY CRISIS AHEAD

The repeated warnings that an energy crisis looms ahead for the United States are becoming ever harder to ignore. Interior Secretary Morton's report for 1971 adds new evidence. Partly because of the recession, United States power consumption last year grew by only a relatively modest 2.3 per cent, yet even that moderate gain required an increase of more than 25 per cent in oil imports.

If 1971 had been a boom year, energy demand might have leaped 5 or 6 per cent, and the long-term average annual growth of this demand is generally expected to be 4 per cent. Meanwhile both the American Petroleum Institute and the American Gas Association have recently reported that proved United States reserves of both fuels declined last year. Current oil reserves in the lower 48 states are now at the lowest point in twenty years, while natural gas reserves are at the lowest level since 1957.

The oil and gas industry claims that higher prices would intensify prospecting and presumably lead to the discovery of additional deposits. It also wants increased freedom to do offshore drilling and is pressing for an Alaska pipeline to bring North Slope oil to the lower 48 states. These interests also warn of increasing dependence on imported fuel, with all the political dangers that involves. Atomic energy enthusiasts, of course, call for more nuclear power plants and the removal of present obstacles to these installations. Fearing politically damaging power shortages this summer, the Nixon Administration is pressing Congress for emergency authority to license newly built nuclear power plants that have not fully satisfied the requirements of the National Environmental Policy Act.

In contrast, consumer advocates demand continued availability of cheap energy, while the environmentalists have demonstrated skill in retarding the introduction of nuclear power plants, fighting offshore drilling and forcing the nation to question the wisdom of strip-mining.

What has been demonstrated by this debate and the developments flowing from it is that the United States cannot continue to enjoy limitless cheap power without exhausting its domestic reserves of oil and natural gas and without doing serious additional damage to its increasingly polluted environment.

In this dilemma, there needs to be much more serious discussion of alternatives for retarding the growth of energy demand, and even of reducing it. In general, power and fuel prices do not reflect the costs of environmental damage. A substantial additional tax on all fuel and power could discourage frivolous energy consumption and provide funds for environmental reconstruction.

Alternatively, the possibility has to be faced that eventually fuel and power may have to be rationed, perhaps by setting an upper limit per person on family electricity consumption. Or commercial and public buildings might be rationed on air conditioning. None of these or similar steps to reduce energy demand is attractive, nor is a Presidential election year the ideal time to expect politicians to discuss such a touchy issue candidly.

But sooner or later the problem will have to be faced, and how well it is handled will depend on the extent of earlier debate. The first limit on growth, it is now evident, will be the energy limit; and if it is a meteorologically hot summer this year New Yorkers and others will discover how close those limits are right now.

[From the Washington Post, Apr. 14, 1972]

U.S. ENERGY CRISIS: LIGHT DIMS AT END OF THE TUNNEL

"I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives."—John A. Carver, Jr., Member, Federal Power Commission.

(By Thomas O'Toole)

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that life that means color television, frostless freezers, self-cleaning ovens and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country might have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates, Americans, will be left only with coal by the year 2,000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter that we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, one time energy adviser to

Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300 million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth, a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country's electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem; the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted because they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 percent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cubic feet to 247 trillion cubic feet at the end of 1971.

There has been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scarce, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas, quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 per cent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five billion cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new supertankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $37 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each draw as much as 80 feet of water. This means the United States must construct three new deepwater terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come close to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquefied gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today," according to C. L. Woods, vice-president of Mobil Oil Corp. "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

"The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move in Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets its low-sulfur oil either by having Venezuelan oil "desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil, it has had to pay almost double what it was paying two years ago and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 per cent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil: locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

Such a debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reached the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and as many again on the Eel River and Mad River in northern California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

AEC ALTERNATIVES

"Things could come to a slow griding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

By Mr. MONDALE:

S. 3512. A bill to amend the Social Security Act to provide automatic adjustments in benefits. Referred to the Committee on Finance.

THE NEW SOCIAL SECURITY BILL

Mr. MONDALE. Mr. President, in a few weeks a new social security bill will be coming from the Committee on Finance to the Senate floor. The bill should be more than an ordinary social security bill. It must be a major advance in our effort to provide a decent retirement income for elderly Americans.

The changes in social security benefits now being considered by the Finance Committee as part of H.R. 1 include improvements that I support. The most important—automatic adjustments in benefit levels in the future when the consumer price index rises—I introduced myself last year. It will protect social security beneficiaries against future inflation.

Yet even with this important improvement, H.R. 1 falls far short of being a comprehensive new deal for the elderly. The most important failure in H.R. 1 is the fact that President Nixon has proposed only a 5-percent benefits increase. A 5-percent increase will hardly cover the erosion of benefits that senior citizens have suffered since the last social security increase in 1971.

I propose instead to raise benefits by 25 percent across the board. There is adequate money for this. Social security experts tell me that a 25-percent increase is possible if only minor changes are made in the financing proposals suggested by Chairman Mills when he put forward his proposal for a 20-percent increase. A 25-percent increase could and should be added to the social security package.

Mr. President, there is a serious danger that the elderly will be hoodwinked out of a large part of the benefit increase they deserve, and which the country can afford. This may happen because President Nixon wants to use a large chunk of the money which should go to the elderly to hide his huge budget deficits. This is completely unfair to our senior citizens.

The danger that the elderly and the working social security taxpayer will be short-changed again is a real one. The president of the National Council of Senior Citizens has warned of this danger. He notes that President Nixon has said that he wants to eliminate the part B medicare premium, and this is all well and good. But the President has said that he wants to shift the entire burden of the premium—and, indeed, the entire $2.8 billion cost of the supplementary insurance program—to the payroll tax. This move alone—if we allow it to get through—could cause the elderly to lose a 6- to 8-percent increase in benefits, and make the social security taxpayer pay a much higher tax than he should. It is the most regressive step possible. It is the opposite of what the elderly need.

I want our senior citizens to have the full 25-percent increase. In addition, I am proposing a package of 15 other improvements which will make the social security bill a really fair one.

Mr. President, to grow old and retire in the United States today is to surrender rather than gain independence. In 1935, when the Social Security Act became law, President Roosevelt regarded it as the beginning of a "supreme achievement" of national legislation. Thirty-seven years later, this Government has not redeemed that promise. We have not protected the economic trust of senior Americans; we have rather seen their rewards for labor eroded, and millions of older citizens have become imprisoned in poverty.

Almost 25 percent of all Americans over 65 live in poverty, as opposed to 12 percent of all other citizens. Nearly half of all persons over 65 have less than $1,500 income per year; particularly distressing is the statistic that 60 percent of elderly widows are in poverty, and this figure is 85 percent for nonwhite widows.

Elderly rural residents are particularly disadvantaged. Approximately 15 percent more elderly persons live in poverty in rural as opposed to other areas. The rapid advances in medical technology, as well as adequate medical clinics, social service centers and housing for the elderly have not been brought to rural areas. In both rural and urban areas, the presence of weakened, lonely, poverty-stricken Americans quietly dying in wretched surroundings is all too hauntingly familiar.

In Minnesota, in 1971, the average social security benefit was only about $128 per month. This means that a worker's retirement benefit was often hardly 25 percent of what he had been earning while he worked.

Worse still, 32 percent of retired workers in Minnesota receive less than $100 per month from social security. Even a 25-percent increase in benefits would leave about 20 percent of our retired workers with benefits below $100 per month unless the special action I propose is taken. I have a table showing the benefit levels I am proposing, and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

INCREASES IN MINNESOTA SOCIAL SECURITY BENEFITS BASED ON MONDALE PROPOSALS

Present benefit structure for retired Minnesota workers	Percentage of retired Minnesota workers receiving	Benefits under Mondale bill
Under $70.40	7.7	Increase by as much as $29.60 per month.
$70.40	6.9	$100.
$70.50 to $84.90	7.5	$100 to $106.10.
$85 to $99.90	10.7	$106.30 to $124.90.
$100 to $119.50	14.0	$125 to $149.50.
$120 to $139.90	12.2	$150 to $174.90.
$140 to $159.90	11.9	$175 to $199.90.
$160 to $169.90	6.0	$200 to $212.40.
$170 to $179.90	6.8	$212.50 to $224.90.
$180 to $189	6.9	$225 to $237.40.
Over $190	9.0	Over $237.50.

Average benefit goes from $127.71 to $159.6 under Mondale proposal.

Mr. MONDALE. Mr. President, the 15-part package for the elderly which I am proposing today covers three major areas: social security benefits, medicare, and property tax relief for senior citizens.

The benefit package includes:

A 25 percent increase in benefits across-the-board.

A $100 minimum monthly benefit.

A cost of living escalator.

An increase from $1,680 to $2,400 in earnings allowed without loss of benefits.

And computation of average monthly wages to eliminate periods of unemployment or income loss. Benefits should be based on a retiree's 10 highest earning years.

Those who are already retired should not be discriminated against when new benefits are added. My proposals will insure that they benefit from the major changes in H.R. 1.

Benefits for those already retired should be recomputed using the age 62 computation point for men as H.R. 1 provides now only for future retirees.

Benefits should be recomputed using the combined earnings of the husband and wife.

Those already retired should be allowed an extra drop-out year for every 15 years of covered employment.

I also propose that several changes be made in the medicare program.

The medicare part B premium which in July will rise to $70 a year should be eliminated and the costs of doing this should be shifted to general revenues.

The health insurance user-charges which force the seriously ill to make heavy payments if they require long hospitalization should be eliminated.

The user-fees of the supplementary medical insurance plan should be eliminated for the same reason. They hit only those who are seriously ill.

The user-payment associated with extended care services also should be removed.

The horrendous blood deductible, which requires the elderly to pay for or replace the first three pints of blood they use when they are ill, should be eliminated.

Out-of-hospital drug costs should be covered under medicare.

Finally, I am proposing a bill to give property tax relief to our low-income elderly. This will help the elderly to keep their homes which they must often leave now because of high property taxes.

Mr. President, I now would like to discuss my proposals in greater detail. A 25-percent increase is 5-percent larger than the one proposed by Mr. Mills and others. Actuaries assure me, however, that such an increase is fiscally completely safe with only minor changes in Mr. Mills' financing proposals. My proposal includes those small changes.

A 25-percent benefit increase is still not enormous but it will be an important step forward. Of the 4.7 million elderly who live in poverty, as many as 2 million will rise above this level with a 25-percent increase—and my $100 minimum proposal will help the others a great deal.

In proposing that the earnings limitation be raised to $2,400 per year, I call attention to the following statistics:

In the last 30 years, the average life expectancy in the United States has risen from 53 years to 70. At the same time the mandatory retirement ages in many occupations have been lowered. This has brought enforced idleness and feelings of uselessness to millions of our citizens. In the past 15 years, the percentage of those between 65 and 70 who were employed dropped from 58 to 34 percent, and only about 30 percent of social security recipients have any outside source of income.

Many retirees wish to remain active by working part time. This often contributes to good physical and mental health, and obviously many retirees need income supplements. This amendment would reduce enforced idleness and low levels of income. It would prevent the complete loss of the valuable talent and experience which senior citizens add to the Nation's productivity.

I propose that we further protect retirement incomes by basing benefits on an individual's 10 highest earning years. This bases the computation on the positive side of the employment record, over which an individual has control. Under present law, benefits are based on average earnings in all years, minus the 5 lowest years. On this basis, benefits are reduced in cases of declining earnings in later years, or in cases of reduced wages of unemployment in a changing industry.

To illustrate the workings of this provision: In Minnesota, where we have had rises and declines in the iron ore and lumber industries, a laborer at the median wage level would have $168 monthly social security benefits at best. If he has suffered 5 years of reduced pay or a year of unemployment late in his career because of changes in his industry, he would get only $161, or a 4-percent reduction. Under my amendment, his benefit would be based only on his 10 highest years of earnings, and he would pay no penalty for wage conditions beyond his control. He would earn $179 per month, or 12 percent more than under present law.

The high current rate of general unemployment is causing losses in the computation of average monthly wages for those covered by social security among the 5 million unemployed. It is obvious that we ought to design methods of computing benefits which would protect social security beneficiaries from such erosions of their benefit base over which they have no control.

Other improvements should be made in H.R. 1 at this time. A major and glaring injustice is that some of H.R. 1's key provisions will apply only to future beneficiaries unless we take action. Thirteen million workers who are retired already will not gain one penny from three provisions; 394,000 retired citizens in Minnesota will be deprived of the equivalent of an additional 10-percent benefits increase which they deserve.

My proposal makes the following changes so that those already retired get just treatment in this bill:

First. The age 62 computation point for men should be used to recompute the benefits of those already retired. This provision passed the House last year. It will give many presently retired people three additional dropout years and lead to important benefit increases.

Second. Husbands and wives who are already retired should have their benefits recomputated so that benefit levels may be based on a combined income up to the maximum.

Third. Persons already retired should get an extra dropout year for every 15 years of coverage as will be the case for newly retired workers.

Mr. President, if the Congress fails to pass these fair and equitable changes, a yawning gulf will open between the millions of Americans already retired and those who retire in future years.

There is already a serious tendency for the incomes of older aged retirees to fall behind those of younger ones. An elderly citizen who retired in 1955 is 8-percent worse off now than the average worker retiring in 1970 because his salary base upon which benefits are calculated was lower

The older worker is also less likely to be able to work to supplement his meager benefits. His savings are used up. His medical bills are higher. He is more likely to be alone without family.

Failure to recompute the benefits of older retirees as I am proposing will widen this gap by 10 percent or perhaps 15 percent. It would be grossly unfair.

Shifting to the medicare area, only last month I introduced a bill with 17 cosponsors to eliminate the $5.80 part B medicare premiums. I am reintroducing this bill today for two reasons. First, about 20 million participants in the supplementary insurance program received notices in March with their social security checks of still another increase scheduled for July 1972. The premium will be $70 a year, almost double what it was 5 short years ago.

Second, as I said earlier, I am concerned that President Nixon intends to trick the elderly out of the equivalent of a 6- to 8-percent across-the-board increase by shifting the cost of eliminating the premium from general revenues to the payroll tax. My bill would maintain a contribution from general revenue while eliminating the premium.

I also propose to eliminate four obnoxious medicare user charges which tax only the ill among the elderly. It is bad enough to tax the elderly in any case, but the user charges which are part of the hospital insurance, supplementary medical insurance, and extended care services programs, and the hospital insurance blood deductible hit only the unlucky among the elderly—those who have suffered through a long illness.

Imagine an elderly man lying helpless in a hospital bed knowing that after 60 days he will have to pay a $17 a day user charge from the meager savings he and his wife have put aside. It is incredible to me that we have left this feature in this program for so long.

Participants in the supplementary medical insurance program pay a 20-percent user share of their costs in addition to a deductible of $50 and medicines.

The elderly in extended care facilities pay a one-eighth deductible after the 21st day.

And in addition, all the elderly must pay blood deductible—a requirement that they pay for or replace the first 3 pints of blood they use. This costs the elderly from $10 to $16 million a year.

These user-payment features like hospital user charges are pitiless provisions designed to save some people a little money at the expense of the least fortunate among the elderly—those who are sick. They must be eliminated.

Mr. President, I also want to reiterate my support for providing coverage of out-of-hospital drug costs under medicare. This reform is long overdue.

Approximately 3.8 million persons spend more than $100 a year on prescription drugs alone. Older persons pay 20 percent of all prescription drug costs in America.

They cannot afford these expenses. We are all aware that study after study, by the administration and by the Congress, has recommended that medicare assume these costs.

I offered an amendment to this effect in the last Congress, and I joined the Senator from New Mexico (Mr. MONTOYA) and other Senators in offering this amendment last year. I am now proposing it again in the hope of getting speedy action.

Finally, Mr. President, I am reintroducing today a measure I suggested last year, a bill designed to bring property tax relief to low-income elderly people. My proposal would allow a credit against the Federal income tax for that portion of the property tax that is determined to be excessive.

As a member of the Special Committee on Aging, I have been impressed with the difficulties which older citizens face in maintaining homeownership. Every day I receive agonizing letters from older constituents who are being forced out of their homes by financial pressures.

For senior citizens, homeownership is a crucial part of remaining independent. With increased family mobility, and the decline in the traditions of the extended family sharing a large home, older persons must hold on to their own dwellings or face a disastrous choice: move into an institution or enter a rental housing market beset by rampant inflation.

About two-thirds of persons aged 62 to 64 own their own homes. But beyond age 65 homeownersip drops markedly; at 72 years of age, it is 50 percent. Each year 425,000 older Americans are forced to give up their homes. As a result, pressures are increased for public housing for the elderly. Moreover, the loss of independence contributes to declining health and morale, and loss of dignity, and leads to greater pressure for other public assistance.

The fundamental reason that elderly people have trouble holding onto their home is poverty.

The median income for elderly heads of families in 1969 was $4,800; for unrelated individuals, it was $1,850.

Over the last decade, people over 65 have fallen further behind in their income relative to everyone else. In 1962, the median income of elderly heads of families was 50 percent of the median for those under 65. By 1969, it had fallen to 47 percent. For unrelated individuals the same ratio went from 47 percent in 1962 to 43 percent in 1969.

Property taxes seriously aggravate the desperate income situation of older citizens. Minnesota has taken steps to relieve this burden on older citizens by providing a State property tax credit which somewhat reduces the oppressive effect. Over half the other States have taken similar action, but in my judgment, further relief is necessary.

Federal law now permits taxpayers to deduct property taxes from their incomes, but this only helps those who itemize their deductions. In 1969, of the 6.9 million tax returns filed by persons 65 and over, only 3.3 million itemized their deductions. Thus, even this small aid did not reach over half the elderly.

I propose a tax credit of up to $360 against unusually high property taxes or rent paid on a personal residence. My proposal is closely modeled after the Wisconsin and Minnesota laws. Property taxes are considered unusually high if they exceed a certain percentage of household income. After determining the amount of the tax which is excessive, 75 percent of this excessive part is relieved.

According to my formula, the cutoff point is $6,000—any elderly persons earning over this amount would get no help.

To preserve equity between owners and renters, I propose to include the latter—it is assumed that 25 percent of the rent payment is in effect payment for property taxes.

A major portion of those eligible for this program do not have incomes high enough to pay income taxes. For these older citizens, the property tax relief would be in the form of a direct cash refund rather than a credit against income tax.

The following table gives the maximum property tax that is considered reasonable in the terms of this legislation. Relief is provided for 75 percent of the difference between one's property taxes and the figures in the table. Thus, for a household with $2,500 in income and $200 in property taxes, there would be a tax credit or refund of $120.

Maximum justifiable property tax by household income level

Household income:	*Tax*
$1,000	---
$1,500	---
$2,000	$20
$2,500	40
$3,000	60
$4,000	140
$5,000	240
$6,000	360

The cost of my bill is relatively low. Narrowing the oil depletion loophole by cutting the depletion allowance from 22 to 15 percent would raise half of the money we would need to do this.

Mr. President, this is a large, many faceted package. But as I said in the beginning, I believe that this year we can make a breakthrough in our treatment of the aged. I hope that many of these proposals will be included this year in an improved new deal for America's senior citizens.

Mr. President, the 15 measures which I am proposing are necessary if we are to make the lives of our parents and grandparents not just bearable, but really comfortable and worth living as they should be. A 25-percent increase will go far to ease poverty among the elderly. My medicare proposals will further lessen the fear of illness leading to poverty and helplessness. Property tax relief will keep the elderly in the homes they have worked for all their lives. America can afford nothing less.

By Mr. MOSS (by request):

S. 3513. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters and for other purposes. Referred to the Committee on Commerce.

Mr. MOSS. Mr. President, I am today introducing, by request, a bill that would amend the Federal Aviation Act of 1958. I do this so that full and adequate hearings may be held on the issues raised in these proposed changes. I have been told that the Aviation Subcommittee of the Senate Commerce Committee is interested in holding such hearings.

The air carriers scheduling chartered tours have long felt that the consumer would benefit if certain restrictions on the activities of inclusive tour charter trips were relaxed. This bill makes these changes. It would also give the CAB new authority in dealing with foreign nations, and would exempt charter carriers from certain antitrust laws. These provisions will certainly make substantial changes in present operations and, therefore, should be given a full hearing. For that purpose, I am happy to introduce this measure, by request.

By Mr. AIKEN:

S.J. Res. 223. A joint resolution to authorize the President to designate the period beginning September 3, 1972, and ending September 9, 1972, as "National Machine Tool Week." Referred to the Committee on the Judiciary.

Mr. AIKEN. Mr. President, I am introducing today a Senate Joint Resolution to authorize the President to designate the period beginning September 3, 1972, and ending September 9, 1972, as "National Machine Tool Week."

The first international machine tool convention will be held in Chicago on September 5 to 10. It is the first time that countries can compare machine tools under one roof.

By Mr. CHILES:

S.J. Res. 224. A joint resolution to establish a Joint Select Committee on National Educational Policy. Referred to the Committee on Labor and Public Welfare.

Mr. CHILES. Mr. President, I am today introducing a joint resolution to establish a Joint Select Committee on National Educational Policy. In recent months we have all spent a lot of time and energy talking and debating about busing. The controversy stemmed from our efforts to provide equal educational opportunity for all our schoolchildren. But soon it seemed there was more concentration on the transportation of these children than on what was really the objective—their quality education. Within the past several years I think the American public has become increasingly aware of the variety of problems involved in providing a quality education. Integration, as well as problems of financing, student drug and crime problems, the need for new techniques in teaching basic skills such as reading are being recognized as parts—only fragments of the total problem of education in our country. And the more we plod along in piecemeal style, the more obvious the need becomes for some coordination—some total planning.

Even a brief analysis of how education has been handled on the Federal level makes these facts evident: We have no national policy; Congress, having missed earlier opportunities to express legislatively a national educational policy, the Federal courts have taken the initiative in establishing an integration policy for our school systems which has caused tremendous frustration, lack of coordination, wasted time, energy, and emotions.

The Select Committee my resolution would create would be charged with helping the Congress and the Nation to state our policies affirmatively, make choices that are wise, and determine an educational policy that is effective. I believe this would be a positive step toward attaining the educational quality we are all striving for.

I think everyone here is aware of the fine contribution Senator MONDALE and his staff on the Select Committee for Equal Educational Opportunity have made. Their hard work and creative energies have resulted in substantive legislation, a bookshelf of hearings on a variety of educational issues ranging from rural education to school financing. But we must not desert the sturdy foundation they have built. We ought not let the studies, the findings, the testimonies go unevaluated. The preliminary work is well underway. What I am advocating is the necessary followthrough.

As Commissioner of Education, S. P. Marland stated in his annual report to Congress:

> Education is today stronger than it has ever been. Yet it carries a staggering weight of expectation as the people ask the schools to become more involved in solving society's concrete problems. The schools in a sense are being asked to remake our society, as distinct from nurturing it. Many education professionals—perhaps all of us at times—think wistfully upon simpler days.

We have in the past, attempted to deal with these various problems as they arose—on a piecemeal basis, with little or no thought given to the total educational policy we were forming. But an increasing awareness has been developing on the part of the American public as well as on the part of the Congress of the need for new and better techniques for handling some of these problems in education. In the past few years considerable interest has been expressed, both by Members of Congress and major education associations, in the creation of a Cabinet Level Department of Education. This Department would be better able to administer the wide scope of education programs which now fall under the jurisdiction of a number of different agencies and within this Department would be the facilities for conducting needed research in the field of education.

I cosponsored the bill, S. 1485, introduced by Senator RIBICOFF to establish a Department of Education last year. However, as good an idea as this Department is, it would still be an administrative body, not a policymaking body on a national scale. And the need for greater emphasis upon a national policy in education has been voiced by Members of both parties, educational organizations, and President Nixon's Commission on School Finance, among others. I believe all are agreed on one thing at least: we need some effective method for giving sharper focus to the development of a national educational policy. I quote from page 6684 of the CONGRESSIONAL RECORD of March 2, 1972:

> Congress is in disarray. We are approaching the problem in bits and pieces—by constitutional amendments, or by "antibusing" add-ons to education legislation. The object of most of these piecemeal efforts is to delay, restrain, reverse, or modify court action, rather than offering an alternative court action.

Our efforts to provide quality education to every American school child have been fragmented in approach. We have no national policy for the integration of our edcational system which would enable States and local school boards to function effectively and uniformly. We have no structure for the implementation of a national policy guaranteeing equal opportunity for quality education for all students. We have no national policy on the role of education in the integration of our society. And it is time that we had such policy. Before it is too late, before a national school policy is set, piecemeal, or by the court alone, Congress must reassert its initiative and take the lead in setting out a plan, a direction.

This is, of course, not to say that the authority of local school boards will be set aside. The primary responsibility for public education shall be left where it has always best belonged—to local discretion. But the creation of a National Education Policy would provide the much-needed legislative framework for a coordinating policy which will let local school boards function more effectively, more efficiently, and also help insure equal opportunity for a quality education.

At the present time legislative proposals concerned with education are widely scattered throughout the various congressional committees and subcommittees. Although the Senate Labor and Public Welfare Committee and the House Education and Labor Committee are the major bodies concerned with the broad scope of education proposals, many other House and Senate committees have jurisdiction over individual education-related matters. This makes it virtually impossible for any one of these bodies to take the lead in dealing primarily with educational goals and policy.

The permanent legislative committees deal, usually, with specific legislation referred to them for study and consideration—the most effective method we have for due consideration of individual bills and assistance programs. What we lack is a method for studying the effectiveness of existing laws and policies controlling integration, school financing, and so forth, and the impact of these laws and policies on the equality and quality of educational opportunity, as well as to study all recent commission or committee reports or studies authorized by executive, legislative, and judicial branches of our Government. We need a method to study and evaluate various findings that have been made and submit proposals and recommendations to the appropriate committees of the Congress for the establishment of a national educational policy.

Senator MONDALE and his staff served well to generate interest in education and bring to the public awareness the variety and complexity of our American educational system through the Select Committee on Equal Education Opportunity.

What we need now is a method to coordinate our efforts and take a total approach to education. What I believe we need is a Joint Select Committee on National Educational Policy to provide the Congress with continuing information on the needs and developments in the field of education and with its own evaluation of how the Congress can work to fulfill some of these needs. A Joint Committee on National Educational Policy would result, I am convinced, in a more effective analysis of education matters and a more efficient coordination of education programs.

I think we can all agree that it is impossible to continue to improve our educational system efficiency and effectively without a firm idea of the goals and purposes of that system. We know now the inadequacies of studying the individual pieces of the whole without consideration of the goals and purposes of that whole. We have concerned ourselves with specific aspects of elementary or secondary education and groups of institutions of higher education. But we have, unfortunately, never given sufficient attention to the ultimate intention of our system—and how well or how badly our pieces fit together to achieve our goals.

> The schools remain the microcosm of our world and the crucible of our future.
>
> The challenge confronting education is to justify a faith so generously given and so staunchly maintained even in a time of questioning and change. There must be a growing sense of the need to be fully accountable for the wisdom of our choices and the effectiveness of our actions.

Commissioner Marland's expression of this growing need is well put.

I hope the Senate will give this proposal for total approach to American education its favorable consideration.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 323

At the request of Mr. DOLE, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 323, a bill to provide fairer taxation for private aircraft users.

S. 1564

At the request of Mr. INOUYE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1564, a bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use.

S. 2108

At the request of Mr. CRANSTON, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 2108, the Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1971.

S. 3009

At the request of Mr. GRIFFIN, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 3009, a bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit.

S. 3070

At the request of Mr. THURMOND, the Senator from Delaware (Mr. BOGGS) was added as a cosponsor of S. 3070, a bill to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care.

S. 3127

At the request of Mr. MONDALE, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 3127, a bill to amend title XVIII of the Social Security Act to eliminate the monthly premium requirements for individuals covered under the supplementary medical insurance program established by part B of such title.

S. 3136

At the request of Mr. SCHWEIKER, the Senator from Wyoming (Mr. HANSEN) and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3136, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the amount of lead and cadmium which may be released from glazed, ceramic, or enamel dinnerware.

S. 3148

At the request of Mr. BAYH, the Senator from Rhode Island (Mr. PASTORE) and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3148, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive coordinated approach to the problems of juvenile delinquency, and for other purposes.

S. 3152

At the request of Mr. CHILES, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3152, a bill to amend the Internal Revenue Code of 1954 to provide that no interest shall be payable by a person to whom an erroneous refund is made if the erroneous refund is made due to error by an officer or employee of the United States.

S. 3157

At the request of Mr. TALMADGE for Mr. JACKSON, the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 3157, a bill to promote maximum Indian participation in the government of the Indian people by providing for the full participation of Indian tribes in certain programs and services conducted by the Federal Government for Indians and by encouraging the development of the human resources of the Indian people.

S. 3302

At the request of Mr. PEARSON, the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3302, a bill to amend the Airport and Airway Development Act of 1970 in order to make certain airports where the landing area is owned by the United States or an agency thereof eligible for assistance under such act.

S. 3338

At the request of Mr. TALMADGE, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 3338, a bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

S. 3380

At the request of Mr. MOSS, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3380, a bill to permit immediate retirement of certain Federal employees.

S. 3420

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Alaska (Mr. STEVENS), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3420, the Voter Registration Assistance Act of 1972.

S. 3432

At the request of Mr. Robert C. Byrd for Mr. Ribicoff, the Senator from South Carolina (Mr. Hollings) and the Senator from Nevada (Mr. Cannon) were added as cosponsors of S. 3432, a bill to establish a Department of Health.

S. 3485

At the request of Mr. Kennedy, the Senator from Ohio (Mr. Taft) was added as a cosponsor of S. 3485, a bill to establish the Natucket Sound Islands Trust.

S. 3491

At the request of Mr. Schweiker, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 3491, a bill to amend the Flammable Fabrics Act to provide for a certification procedure, and for other purposes.

SENATE JOINT RESOLUTION 206

At the request of Mr. Mondale, the Senator from Texas (Mr. Tower), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Jackson), and the Senator from Kansas (Mr. Pearson) were added as cosponsors of Senate Joint Resolution 206, relating to sudden infant death syndrome.

SENATE RESOLUTION 281

At the request of Mr. Pell, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of Senate Resolution 281, expressing the sense of the Senate that the U.S. Government should seek the agreement of other governments to a proposed treaty prohibiting the use of any environmental or geophysical modification activity as a weapon of war, or the carrying out of any research or experimentation with respect thereto.

SENATE CONCURRENT RESOLUTION 77—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO AN AUDIT OF THE FINANCIAL TRANSACTIONS OF THE EMERGENCY LOAN GUARANTEE BOARD

(Referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CHILES. Mr. President, I am sending to the desk a Senate Concurrent Resolution today expressing the intent of the Congress that the General Accounting Office has the right and is really required by law to examine and audit the financial transactions of the Emergency Loan Guarantee Board.

I very much share the concern recently expressed by the Comptroller General, Elmer B. Staats, concerning the refusal of Secretary of the Treasury John B. Connally to let the investigating arm of Congress audit records of the Government's guarantee of a $250 million loan to Lockheed Aircraft Corp.

We all know Congress enacted the Guarantee Law last summer to save Lockheed from bankruptcy. And while the law does not specifically authorize the GAO to audit the Board's records, neither does it specifically bar GAO's authority to audit. In general, the audit authority of the GAO extends to all departments and agencies of the Federal Government. Exception to this audit authority must be explicitly made in the law—and in this case it was not.

Public tax money is involved. It is unthinkable that Congress through its investigating arm, the General Accounting Office, does not have the right to monitor the spending of that public tax money. We are not involved here with funds relating to national security nor to intelligence activities. The Emergency Loan Guarantee Board was simply and clearly set up to save a defense contractor from bankruptcy. Because there are public moneys funding the Board, the public interest ought to be protected through GAO auditing.

GAO unquestionably has the basic and continuing authority to audit Government agencies under the Budget and Accounting Act of 1921. This authority has been reinforced by subsequent laws, including the Legislative Reorganization Act of 1946 and the Accounting and Auditing Act of 1950.

The law is clear; the authority completely unambiguous. The audit activities of the Government include reporting to the Congress. Surely after Congress has appropriated money, it reserves the right to check up on the way the money is spent. Surely the American taxpayer has the right to know where his hard-earned dollars are going.

The resolution I am introducing this morning would make it as emphatic as possible that in enacting the Emergency Loan Guarantee Act—Public Law 92–70—the Congress did not intend that the Emergency Loan Guarantee Board should be exempt from the provisions of the Budget and Accounting Act of 1921, or the Budget and Accounting Procedures Act of 1950, or from the authority conferred by any other law on the Comptroller General of the United States and the General Accounting Office.

Mr. Connally's refusal to let GAO audit records of the Government's guarantee of a $250 million loan to Lockheed Aircraft Corp. can have no other interpretation than a clear violation of the law. I urge my colleagues to give their favorable consideration to my resolution.

The concurrent resolution reads as follows:

Senate Congressional Resolution 77

Resolved by the Senate (the House of Representatives concurring), That in enacting the Emergency Loan Guarantee Act (Public Law 92–70), it was not the intent of the Congress that the Emergency Loan Guarantee Board should be exempt from the provisions of the Budget and Accounting Act, 1921, or the Budget and Accounting Procedures Act of 1950, or from the authority conferred by such Acts and other laws on the Comptroller General of the United States and the General Accounting Office.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 38

At the request of Mr. Stevens, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of Senate Resolution 38, relative to the Select Committee on Small Business.

PERSECUTION OF JEWS AND OTHER MINORITIES IN RUSSIA—AMENDMENT

AMENDMENT NO. 1122

(Ordered to be printed and referred to the Committee on Foreign Relations.)

Mr. TUNNEY, for himself and Mr. Chiles, submitted an amendment intended to be proposed by them jointly to the concurrent resolution (S. Con. Res. 33) regarding persecution of Jews and other minorities in Russia.

RELIEF FROM RESTRICTIONS ON SOVIET JEWS—AMENDMENT

AMENDMENT NO. 1123

(Ordered to be printed and referred to the Committee on Foreign Relations.)

THE PRESIDENT AND SOVIET JEWS

Mr. TUNNEY. Mr. President, recently we in Congress have shared a deep concern for the plight of Soviet Jews who are denied religious-cultural freedoms by the Soviet Government. The President's forthcoming trip to the Soviet Union provides a unique opportunity for voicing American concern with the problems of Soviet Jews, in the hope that the Soviet leadership will alter some of its rigid policies and further increase the number of Jews allowed to emigrate.

We have seen from past experience that the Kremlin is not insensitive to international public pressure and criticism and often wishes, to avoid embarrassment in the international sphere. I refer specifically to the string of trials which began with the December 1970 Leningrad trial. International public outrage and diplomatic protests regarding the death sentences pressured the Soviet Government into commuting the death sentences. This was indeed a victory. Since that date we have seen other responsive actions by the Soviet Union, specifically regarding the emigration of Soviet Jews. However, we still cannot overlook the conditions under which the Jewish community in the Soviet Union lives. As concerned individuals we must continue to keep the problem of Soviet Jews within the realm of public attention; otherwise conditions could conceivably deteriorate.

Jews in the Soviet Union have been denied the rights to religious and cultural freedoms guaranteed by the Soviet Constitution and, generally accorded to other Soviet ethnic minorities, and are discriminated against in job promotions and university attendance. It is indeed strange that the Soviet Government is encouraging other nationality groups to expand their cultural activities while at this same time stifling Jewish religious-cultural expansion. For example, the Maris and Yakuts, two small nationality groups in the U.S.S.R., numbering 504,000 and 230,000 respectively, were allowed in 1961 to publish 62 and 144 books, respectively, each in their own language and on Soviet Government printing presses. There has not been a Jewish history text published in the Soviet Union since 1917. Jewish children have no way to learn of their Jewish past.

Restrictions on religious publications and learning are clearly evident. There has been no Hebrew bible published since 1917, the study of Hebrew is outlawed and not one Jewish religious book has been printed since the early 1920's. In contrast, the Russian Orthodox Church in 1959 printed 50,000 Russian Orthodox bibles; in 1958, 10,000 Russian language Protestant bibles were printed; and, in the same year 9,000 Moslem Koreans were published in Arabic and reprinted again in 1962. Furthermore, churches and monasteries are available to other religious groups, yet there are few synagogues or rabbis available to the Jewish community.

Although Soviet Jews are the best educated Soviet minority, rather than utilizing the many skills and talents which its Jewish population could contribute to the further development of the Soviet state and society, the Government has chosen a policy of systematic discrimination in religious-cultural freedoms as well as in secular areas. In 1937 there were 47 Jewish members of the Supreme Soviet, in 1971 there were only four; in 1939, 10.8% of the Central Committee of the Soviet Communist Party were Jewish, while in 1971 there was only one Jewish member. Jews are also denied access to military academies and to diplomatic training schools. Thus, despite official pronouncements to the contrary anti-semitism does exist in the Soviet Union. Current Soviet policies, although not as crude or violent as during the Tsarist and Stalinist periods have continued to restrict Jewish religious-cultural and secular freedoms.

The violation of these basic human freedoms is of utmost concern to all Americans, for we pride ourselves on being a Nation which has been the guardian of the traditions of liberty, justice, freedom of worship and the dignity of mankind. I believe the President should approach this problem with the Soviet leaders in Moscow, otherwise the American public and the world community may interpret a lack of action as being apathetic to an urgent, humanitarian problem. Let us hope that the President will contribute to a Soviet change of policy regarding its Jewish citizens so they may live in peace and freedom as Jews and that those dissatisfied are allowed to emigrate.

I further believe that it is imperative that the President seize the opportunity of his forthcoming trip to raise these vital issues. There is no reason why this subject should not be on the agenda of his talks in Moscow.

Accordingly, Mr. President, the distinguished Senator from Florida and I submit two amendments; one to House Concurrent Resolution 471, which has just been sent to the Senate, and one to Senate Concurrent Resolution 33.

I ask unanimous consent, Mr. President, that the two amendments be printed at this point in the Record.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

AMENDMENT No. 1122

At the end of the concurrent resolution, add the following new section:

Sec. 2. *Be it further resolved by the Senate (the House of Representatives concurring)*, That it is the further sense of Congress that the President shall take these immediate and determined steps during his forthcoming trip to the Soviet Union in May 1972.

AMENDMENT No. 1123

At the end of the concurrent resolution, add the following new section:

Sec. 2. *Be it further resolved by the House of Representatives (the Senate concurring)*, That it is the further sense of Congress that the President shall take these immediate and determined steps during his forthcoming trip to the Soviet Union in May 1972.

RURAL DEVELOPMENT ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1124 AND 1125

(Ordered to be printed and to lie on the table.)

Mr. DOLE submitted two amendments intended to be proposed by him to the bill (S. 3462) to provide for the development of rural areas.

AMENDMENT NO. 1126

(Ordered to be printed and to lie on the table.)

Mr. FONG submitted an amendment intended to be proposed by him to the bill (S. 3462), supra.

AMENDMENT NO. 1139

(Ordered to be printed and to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (S. 3462), supra.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1127 THROUGH 1137

(Ordered to be printed and referred to the Committee on Finance.)

Mr. MONDALE submitted 11 amendments intended to be proposed by him to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

(Mr. MONDALE'S remarks when he submitted these amendments are printed under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 1138

(Ordered to be printed and referred to the Committee on Finance.)

EXTENSION OF MEDICARE COVERAGE TO EARLY RETIREES AND THEIR DEPENDENTS

Mr. CRANSTON. Mr. President, I submit for printing today for myself and the Senator from Florida (Mr. Gurney) an amendment to H.R. 1, which would enable certain individuals who have not yet reached age 65—those who are entitled to old-age, wife's, husband's, widow's, widower's, or parent's Social Security benefits—to "buy-into" Parts A and B of Medicare by the payment of equal-to-cost-premiums.

The need for this legislation stems fro mthe fact that medicare eligibility does not begin until age 65, yet many older persons lose their group health coverage when they retire before the age of 65. They are then forced to enroll in high-cost individual health policies—usually not even available to them—or to forego any coverage whatsoever, gambling that they will stay healthy at least until they reach age 65 when they become eligible for medicare. This is an intolerable situation, Mr. President, and I believe that we can effectively counteract it through the enactment of the measure we propose today.

Senator Gurney submitted on March 3 an amendment (No. 989) to H.R. 1. The amendment provides that if one spouse is over 65 and enrolled in medicare, the other spouse, if at least 60 years old, may enroll in the program and receive equivalent benefits at cost. As Senator Gurney stated when he introduced this measure:

> Since the financial burden of this proposal would be underwritten by the subscribers, and since its implementation would utilize the administrative services of a program already in existance—Medicare—this seems to be the most efficient and most economical way to reduce some of the trials and tribulations faced by our senior citizens.

I believe that Senator Gurney has submitted an excellent amendment, and I have requested to be added as a cosponsor.

In discussing the benefits afforded by amendment No. 989, which the Finance Committee has already tentatively adopted in its markup of H.R. 1 in executive session, Senator Gurney and I agreed that, at still no cost to the American taxpayer, these benefits could be made available to an even broader range of older Americans—those already on the social security rolls. It is these individuals that the amendment we are submitting today would cover. They include in addition to the social security spouse covered by the Gurney amendment: First, social security old age beneficiaries 62 years old and over; second, a wife or widow, regardless of her age, if she is caring for a child under 18 or disabled and the child received payments based on the worker's record; third, a wife 62 or older or widow 60 or older; fourth, a dependent husband 62 or over, or a dependent widower 60 or over; or a disabled widower who has attained age 60; or fifth, dependent parents of a deceased worker.

The "buy-in" procedure we propose today is similar to that allowing States to buy into medicare on behalf of their retired public employees 65 years old or older—a provision contained in section 202 of H.R. 1 as passed by the House. And H.R. 1 as passed by the House also extends medicare coverage to recipients of social security disability benefits. The Senate Finance Committee has tentatively agreed to this extension of coverage which I have long advocated. In light of this expansion of the medicare program, I believe it is only fitting that we concern ourselves, too, with the health care needs of the individuals who would be covered by this amendment.

Our amendment would allow these individuals, at an estimated cost of approximately $30 per month in the first year of operation—and perhaps as law as $22 per month thereafter—to enroll in part A of medicare—Hospital Insurance Benefits—anytime they are or become eligible during a 90-day period following receipt of notice of eligibility from the Social Security Commissioner.

Because the enrollment period is limited to a specific number of days—a reasonable period of 90 days after the recipient receives notice of eligibility—the opportunity for adverse selection of coverage is very much reduced, thereby promising to keep premium charges to the absolute minimum.

Our amendment would allow these same elegible individuals to enroll in part B of medicare—Medical Insurance Benefits—within the same 90 day period. The premium for part B coverage would be 200 percent of the regular part B premium—one-half of which the Government presently underwrites for medicare beneficiaries. If a provision is enacted in H.R. 1 to eliminate completely or place a limitation upon, as the Finance Committee proposes, the part B premium cost to beneficiaries—it is presently $5.60 per month—I expect that the cost to those covered by this amendment would be appropriately adjusted.

Individuals may opt out of either part A or part B at anytime, but automatically cease to be eligible for part B if they drop or lose eligibility for part A. All of these beneficiaries of course, would be eligible for the regular medicare program when they reached the age of 65.

Mr. President, on March 3 and 4, as ranking majority member of Senator EAGLETON's Subcommittee on Aging of the Labor and Public Welfare Committee, I was privileged to preside at hearings in California on legislation affecting our Nation's more than 20 million older Americans. I discussed with many of the witnesses present the legislation that Senator GURNEY and I propose today, and all testified to the importance of and vital need for such a measure.

Adequate health care coverage is a matter of the greatest concern to Americans reaching retirement age. This amendment addresses that concern and provides a mechanism for a substantial number of particularly hard-pressed older Americans to take full advantage of the benefits under the medicare program.

Mr. President, I ask unanimous consent that the text of the amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1138

On page 176, between lines 13 and 14, insert the following new section:

HOSPITAL INSURANCE BENEFITS AND SUPPLEMENTARY MEDICAL INSURANCE BENEFITS FOR CERTAIN INDIVIDUALS WHO HAVE NOT ATTAINED AGE 65, BUT WHO ARE ENTITLED TO OLD-AGE, WIFE'S, HUSBAND'S, WIDOW'S, WIDOWER'S, OR PARENT'S INSURANCE BENEFITS

SEC. 212. (a) Title XVIII of the Social Security Act is amended by adding after section 1818 (as added by section 202 of this Act) the following new section:

"HOSPITAL INSURANCE BENEFITS FOR CERTAIN INDIVIDUALS WHO HAVE NOT ATTAINED AGE 65, BUT WHO ARE ENTITLED TO OLD-AGE, WIFE'S, HUSBAND'S, WIDOW'S, WIDOWER'S, OR PARENT'S INSURANCE BENEFITS

"SEC. 1819. (a) Every individual who—

"(1) is entitled—

"(A) to old-age insurance benefits under section 202(a);

"(B) to wife's insurance benefits under section 202(b);

"(C) to husband's insurance benefits under section 202 (c);

"(D) to widow's insurance benefits under section 202 (e);

"(E) to widower's insurance benefits under section 202 (f);

"(F) to mother's insurance benefits under section 202 (g); or

"(G) to parent's benefits under section 202 (h); and

"(2) is not otherwise entitled to benefits under this part shall be eligible to enroll in the insurance program established by this part.

"(b)(1) An individual may enroll under this section only in such manner and form as the Secretary shall, not later than the effective date of this section, prescribe in regulations, and only during such individual's enrollment period. The Secretary shall, not later than the effective date of this section, put into effect procedures designed to advise, to the maximum extent feasible, all individuals who are eligible to enroll under this section and under section 1845 of their eligibility so to enroll.

"(2) An individual's enrollment period shall—

"(A) begin—

"(I) in the case of an individual who meets the conditions specified in subsection (a) on the effective date of this section, on such date, or, at the option of such individual, on the date thereafter that such individual is notified by the Secretary that such individual meets such conditions; and

"(II) in the case of any other individual, on the date such individual first meets the conditions specified in subsection (a), or, at the option of such individual, the date thereafter that such individual meets such conditions; and

"(B) end of the close of the 90th day thereafter.

"(c)(1) In the case of an individual who enrolls pursuant to the provisions of this section, entitlement of such individual to benefits under this part shall begin on the first day of the first month after the month in which he enrolls.

"(2) The enrollment of any individual under this section shall terminate—

"(A) for failure (in accordance with regulations prescribed by the Secretary) to make timely payment of premium payments due under this section;

"(B) at the close of the month following the month in which such individual files with the Secretary a notice that such individual no longer desires to be enrolled under this section;

"(C) at the close of the first month (occurring after date of enrollment) for which such individual no longer meets the conditions specified in subsection (a); or

"(D) with the month before the first month in which such individual becomes eligible for hospital insurance benefits under section 226 of this Act or section 103 of the Social Security Amendments of 1965; and upon such termination such individual shall be deemed, solely for purposes of hospital insurance entitlement, to have filed in such month the application required to establish such entitlement.

"(d)(1) The monthly premium of each individual for each month in his coverage period before July 1973 shall be $31.

"(2) The Secretary shall, during December of 1972 and of each year thereafter, determine and promulgate the dollar amount (whether or not such dollar amount was applicable for premiums for any prior month) which shall be applicable for premiums chargeable to individuals for months occurring in the 12-month period commencing July 1 of the next succeeding year. Such amount shall be equal on a per capita basis to an amount sufficient to equal the estimated amounts of incurred claims and administrative expenses for individuals enrolled under this section during such period, and such amount shall be sufficient to recover underwriting losses, if any, estimated during the twelve months preceding such month. Any amount determined under the preceding sentence which is not a multiple of $1 shall be rounded to the nearest $1.

"(e) Payment of the monthly premiums on behalf of any individual who meets the conditions of subsection (a) may be made by any public or private agency or organization under a contract or other arrangement entered into between it and the Secretary if the Secretary determines that payment of such premiums under such contract or other arrangement is administratively feasible.

"(f) Amounts paid to the Secretary for coverage under this section shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund."

(b) Title XVIII of the Social Security Act (as amended by other provisions of this Act) is further amended by adding after section 1844 the following new section:

"ELIGIBILITY FOR SUPPLEMENTARY MEDICAL INSURANCE BENEFITS OF CERTAIN INDIVIDUALS WHO HAVE NOT ATTAINED AGE 65, BUT WHO ARE ENTITLED TO OLD-AGE, WIFE'S, HUSBAND'S, WIDOW'S, WIDOWER'S, OR PARENT'S INSURANCE BENEFITS

"SEC. 1845. (a) Any individual, who (under section 1819) is eligible for hospital insurance benefits under part A, shall be eligible to enroll in the insurance program established by this part, but only during such individual's enrollment period. As used in the preceding sentence, the 'enrollment period' for any individual shall begin on the beginning date of such individual's enrollment period under section 1819 (b) (2) and shall end with the close of the 90th day thereafter.

"(b) The enrollment of any individual under this section shall terminate upon the termination of his enrollment under section 1819 in like manner as enrollments of individuals are terminable (c) (2) and be terminable under section 1819 (c) (2).

"(c) The amount of the monthly premium payable by any individual enrolled pursuant to this section shall be equal to 200 per centum of the premium payable by an individual who has attained age 65 and is entitled to hospital insurance benefits under part A.

"(d) Premiums for coverage of such individuals under this section shall be collected in the same manner as premiums payable by individuals enrolled (without regard to this section) in the insurance program established by this part, and all premiums collected from individuals enrolled pursuant to this section shall be deposited in the Federal Supplementary Medical Insurance Trust Fund.

"(e) Except as otherwise provided in the preceding provisions of this section, the provisions of this part shall be applicable to individuals enrolled under this section in the same manner and to the same extent as such provisions are applicable with respect to individuals enrolled (without regard to this section) in the program established by this part."

(c) The amendments made by the preceding provisions of this section shall become effective on the first day of the second month following the month in which this Act is enacted.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1121

At the request of Mr. ALLOTT, the Senator from Texas (Mr. TOWER) was added as a cosponsor of Amendment No. 1121, intended to be proposed to the bill (S. 3462), the Rural Development Act of 1972.

ANNOUNCEMENT OF HEARINGS ON FEDERAL-AID HIGHWAY PROGRAM

Mr. BAYH. Mr. President, the Subcommittee on Roads of the Committee on Public Works will hold a series of hearings during May and June on various bills and other changes which have been proposed for the future Federal-aid highway program.

A number of witnesses have been scheduled tentatively to appear before the subcommittee on May 10, 11, 18, 25 and 26 and June 5 and 6. If necessary, it is possible that other later dates may be available for this purpose.

Members of Congress or other persons wishing to testify or submit statements should either call the subcommittee staff at 225-8427 or write to the Senate Committee on Public Works, 4202 New Senate Office Building, as soon as possible.

NOTICE OF INVESTIGATIVE HEARINGS ON BARBITURATE ABUSE

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary is continuing its investigative hearings on barbiturate abuse on April 26 and 27, 1972.

The subcommittee began this investigation with hearings December 15 and 16, 1971 on the extent of barbiturate abuse and the legitimate uses of these dangerous drugs.

The hearings on April 26 and 27 will focus on illegal diversion of legitimately produced barbiturate materials and pills; illicit barbiturate traffic; and law enforcement responses to the diversion and illegal distribution of these dangerous substances.

The hearings will begin at 10:30 a.m. on April 26 and at 10 a.m. April 27 in room 5302 New Senate Office Building. Any person who wishes to submit a statement for the record should notify Mathea Falso, staff director and chief counsel of the subcommittee, at 225-2951.

NOTICE OF HEARINGS ON LEGISLATIVE PROPOSALS TO EXTEND OR REPLACE THE JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT OF 1968

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary will hold hearings on legislative proposals to extend or replace the Juvenile Delinquency Prevention and Control Act of 1968 on Friday, April 28, 1972. The hearings will begin at 10 a.m. in room 2228, New Senate Office Building.

Witnesses invited to testify include: the Honorable Elliot L. Richardson, Secretary, Department of Health, Education, and Welfare; the Honorable George P. Shultz, Director, Office of Management and Budget; the Honorable Richard G. Kleindienst, Acting Attorney General; the Honorable James H. Lincoln, president, National Council on Juvenile Court Judges; and representative of the National Council on Crime and Delinquency.

Any person who wishes to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommittee at 225-2951.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON BUSINESS, COMMERCE AND JUDICIARY OF THE SENATE DISTRICT COMMITTEE

Mr. STEVENSON. Mr. President, I am today announcing hearings on the following two bills pending before the Subcommittee on Business, Commerce and Judiciary of the Senate District Committee:

S. 1524. To amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property; and

H.R. 12410. To provide for the evidentiary use of prior inconsistent statements by witnesses in trials in the District of Columbia.

The hearing will be on Thursday, April 20, 1972, at 10 a.m. in room 6226, New Senate Office Building. Persons interested in testifying on these bills should contact Mr. Gene E. Godley, general counsel, in room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

BLUE CROSS RATE HIKES SHOULD BE REEXAMINED

Mr. MOSS. Mr. President, last December, the Price Commission approved a walloping 22-percent hike in Federal employee Blue Cross-Blue Shield premiums. There is now strong evidence to support a reconsideration of this ruling—perhaps leading to a rollback in the premium rates.

Earlier this week a representative of Blue Cross informed the Price Commission that the profit-and-loss estimates used to support the 1972 hikes had been grossly pessimistic. Instead of losing $60 million during 1971, as had been predicted, the Federal employee program lost only $8 million. Taken as a percentage of claims, their 1971 experience showed a loss of 1 percent, nowhere near the 9-percent figure projected last fall.

Mr. President, the same cost estimates which produced this 1971 discrepancy were also used to support the Blue Cross request for the 1972 premium increase. If experience has shown the 1971 projections to be 8 percent in excess of claims, is it not fair to assume a continuation of this pattern in 1972?

I believe that this new information is reason enough for the Price Commission to consider a rollback in the service benefit premiums.

Since the Government itself contributes only 40 percent toward the cost of the employee premium, 1.6 million Federal workers have had to pay up to 30 percent more this year to provide health protection for their families. The severity of this burden in itself should warrant a reconsideration of the Commission's earlier ruling.

Mr. President, I have written to C. Jackson Grayson, Chairman of the Price Commission, on this serious matter. I ask unanimous consent that my letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., April 13, 1972.

C. JACKSON GRAYSON,
Chairman, Price Commission,
Washington, D.C.

DEAR MR. GRAYSON: On April 6, a representative of the Blue Cross-Blue Shield Program wrote to you explaining the new cost information regarding their Federal Employees Program's 1971 experience. From their letter, it now appears that Blue Cross sustained a 1971 loss, not of $60 million, as had been predicted in the fall, but of *$8 million.* (The actual figure comes to 1% of claims, as opposed to the 9% figure which had previously been estimated.)

Since these same projections, which have proved to be so grossly pessimistic in 1971 were used to support Blue Cross's cost situation in 1972, I believe the Price Commission should reconsider its December 23rd ruling which allowed the *22%* increase in premium.

I do not think it unreasonable to believe that the same figures which resulted in a 8% over-estimate in 1971 might do the same thing in 1972. I believe its entirely possible that, given the current, more optimistic data, Blue Cross could turn the 22% premium hike into a substantial surplus in 1972.

While Blue Cross-Blue Shield is a not-for-profit organization, I believe there could be no useful purpose in allowing these shifting cost trends to add millions of dollars to their reserves. I believe, moreover, it is our responsibility to exert the maximum downward pressure on the price of this truly vital service.

Sincerely,

FRANK E. MOSS,
U.S. Senator.

THOMAS COOPER

Mr. THURMOND. Mr. President, an interesting article recently appeared in the American Bar Association Journal for March 1972, concerning Thomas Cooper, entitled "The Nation's First Civil Disobedient." Thomas Cooper was a highly educated and extremely capable Englishman who came to the United States in 1794. He subsequently became a central figure in the controversy surrounding the Alien and Sedition Act of 1798 and as a result ascended to a position as a leading figure in American politics. His active political career spanned more than 20 of the most crucial years in American history, and he was once described by Thomas Jefferson as "the greatest man in America."

Following his retirement from politics, Thomas Cooper became the president of South Carolina College, which later became the University of South Carolina. As a result of his efforts as president, the college made great progress, gaining in both size and accomplishment. Cooper's other efforts in the State also directly resulted in the founding of South Carolina's first medical college and its first insane asylum.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NATION'S FIRST CIVIL DISOBEDIENT

(By James C. Humes)

(Termed "the greatest man in America" by Thomas Jefferson and a key figure in the controversial Alien and Sedition Act of 1798, Thomas Cooper's influence as doctor, lawyer, author, chemist, professor and judge is little remembered. Few political activists today could identify him as one of our nation's first prototypes of the protestor.)

It may seem strange that a man whom Thomas Jefferson termed "the greatest man in America" should be so little known. Few lawyers remember Thomas Cooper as one of the principal figures in the controversial Alien and Sedition Act of 1798. Few political scientists remember his essay which first brought forth the phase "government of the people and for the people" that Lincoln so familiarly adapted. Few among the dissenting activists today remember one of our nation's first prototypes of the protestor.

Who was this controversial figure who tangled in the world of Burke's England, Robespierre's Revolutionary Paris, Jefferson's Washington and Calhoun's South? Who was this "Renaissance man" whose activities included those of a doctor, lawyer, author, chemist, professor and judge?

Thomas Cooper was originally an Englishman—a five-foot robust man of thick neck and large chest. His birth, in Westminster, part of London, October 22, 1759, was to a family of means. As befits such an upper middle-class family, young Cooper at the age of 19 entered University College at Oxford. Although his major interests were medicine and chemistry, he studied law because of his father's insistence. Nevertheless, he found time to attend anatomical lectures in London and to take clinical courses at Middlesex Hospital. Taking his examinations in law in 1780, he was never officially graduated, most likely because he refused to sign the Church of England's Thirty-Nine Articles. The Oxford register of 1787 shows that he became a barrister-at-law at the Inner Temple in 1787. But it was chemistry, not law, that gave him his first means of livelihood. He became a partner in a dye works firm near Manchester. There he introduced the bleaching process to the local factories.

But Manchester was to know Thomas Cooper more politically than industrially. Only a short time after becoming a member of the prestigious Manchester Literary and Philosophical Society, he enbroiled this academic group in the midst of politics. The issue was the radical liberalism of Joseph Priestley, the discoverer of oxygen. Cooper and James Watt, the son of the inventor of the steam engine, mobilized their own liberal faction and turned an academic society into a debating forum. One of the papers he read to the group was *Propositions Respecting the Foundations of Civil Governments*. In this endorsement of the right of revolution, he wrote, "The structure of political oppression . . . begins to totter, its day is far spent; the extension of knowledge has undermined its foundations, and I hope the day is not far distant when in Europe at least, one stone of the fabric will not be left upon another." The model for future politics he saw, in 1794, was the newly constituted United States, which he described as "government *of* the people and *for* the people [italics his]".

As a supporter of the French Revolution, Cooper went to France as fraternal delegate from the Manchester Society to the Jacobin Club of Paris. In honor of his radical views he was made Citizen of France. But Citizen Cooper opposed the extremist tactics of Robespierre. When Robespierre denounced him in one offensive tirade, Cooper called the demagogue a scoundrel, drew his sword and challenged him to a duel. Robespierre declined combat but secretly plotted his removal. Getting wind of an assassination plan, Cooper fled from Paris to London.

When he returned, he found himself attacked from the other side of the political spectrum. Edmund Burke, in a speech denouncing Jacobinism, specifically named Cooper as one who was trying to overthrow British constitutional institutions. Cooper shot back with *Reply to the Invective of Burke*. In an *ad hominem* attack more ranting than rational in nature, he ended by saying: "Burke seems to regard the people as fit only for the Goad, and the Whip and the Spur; labour without intermission in Peace, for slaughter without commiseration, in War—and who blaspheming against human nature itself impiously terms the great Mass of Mankind, the Swinish Multitude "

Political controversy now swirled around Cooper and his friends. Mobs burned down the house and library of his friend, Joseph Priestley.

THOMAS COOPER MAKES AMERICA HIS HOME

So Cooper, believing that liberty was being abused by reactionary oppression in England and by revolutionary excesses in France, decided to make his home in America. He settled in Northumberland, Pennsylvania, which lies on the Susquehanna River about fifty miles north of Harrisburg. There he and his wife and children moved in with Priestley. In a short time Cooper found an outlet for his irrepressible political beliefs by temporarily taking the place of the *Northumberland Gazette's* regular editor, who was writing a book on the scientific works of Priestley. When the old editor returned, Cooper looked for new journalistic fields and joined William Duane Philip Freneau in the publication of Philadelphia's *Aurora*, the leading Jeffersonian organ of the day. In those days the newspapers were free-wheeling political organs with no prissy attachment to dispassion or fairness.

In an atmosphere when newspapers—both Federalist and Democratic-Republican—were more interested in propagandizing their views than presenting the news, there was bound to be an eruption. In the spring of 1800 the Federalist-controlled Senate indicted William Duane for contempt for what they considered his "defamatory" and "scandalous" newspaper assertions about the Senate. In the Senate trial of Duane, Cooper attacked President John Adams for his part in trying to bridle his partner. For this Cooper was charged with violating the Sedition Act of 1800, a companion act to the Alien and Sedition Act of 1798.

Cooper pleaded his own case, with the notorious Justice Chase of Maryland presiding. To the jury Cooper pointed out that he had published the truth, that his criticism was legitimate and that he expressed his opinion as a member of lawful political party. It did him no good. Justice Chase, a Federalist, went out of his way in charging the jury to praise the Sedition Act and to attack the falsity of Cooper's statements. The jury found Cooper guilty—six months in prison and $400.

And Cooper found himself a hero. At the various dinners held in March, 1801, to celebrate the election of Thomas Jefferson, toasts were drunk to the political courage of Thomas Cooper. Pennsylvania's newly elected Governor, Democrat Thomas McKean, appointed him commissioner to settle the land disputes between Connecticut and Pennsylvania. Cooper arranged a legal settlement that put an end to the Connecticut invasion of Pennsylvania's Wyoming Valley (near Wilkes Barre), known as the Pennamite War. Pleased with Cooper's superb handling of this sensitive case, McKean appointed him judge in the district of Huntingdon, Bedford and Adams Counties.

JUDICIAL CAREER WAS NOT SUCCESSFUL FOR COOPER

Cooper's judicial career, however, was not to be as successful. Although his philosophy was Jeffersonian, his manners were too Federalist for the upstate frontiersmen. They resented his introduction of British formality into the American courtroom. In the district of Lycoming, Northumberland and Luzerne, to which he succeeded in 1806, they filed a bill of particulars against him. Among the complaints were charges that he fined citizens for profanity, whispering and wearing a hat in the courtroom. They also remonstrated against his practice of carrying a gun into the courtroom to preserve order. By a vote of 53 to 40, the state house found him guilty of the charges and removed him from office in 1811.

Cooper's friends, led by Dr. Benjamin Rush, found a new perch for him away from the maelstrom of politics. It was the chemistry chair at Carlisle (later Dickinson) College. There Cooper threw himself into all kinds of intellectual pursuits. He did translations of Bracton's *De Legibus Angliae*, as well as the *Institutes of Justinian*. He edited the scientific magazine, *Emporium of Arts and Sciences*, and contributed to a literary one, *The Portfolio*. Dumas Malone, in his biography of Cooper, describes his hectic pursuits of those years:

> He wrote on Indian heraldry, Homerian mineralogy and the sensibility of vegetables; he ventured into philosophy to set forth the fantastic theory that the modern Irish language was identical with the ancient Carthaginian and closely related to the Hebrew; he entered upon literary criticism to the discredit of Shakespeare, commented unfavorably upon Pope. . . .[1]

Of greater interest to historians is his correspondence with James Madison and Thomas Jefferson. To the former he enclosed his pamphlet *Letter to a Student at Law*. In it the impassioned libertarian now notes some inherent dangers in a democratic government:

> But under what limitations political power should be entrusted to produce the proper effect—how the mischiefs of popular ignorance, injustice and caprice, are to be prevented on the one hand, and the usurpations of entrusted authority controuled on the other—are problems yet to be solved. The science of politics is yet in its infancy; many experiments must be made, and much evil endured, before we arrive at accuracy in result. . . . I think we have gained in America a glimpse of the true path, but our practice is very imperfect as yet.

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[1] MALONE, THE PUBLIC LIFE OF THOMAS COOPER 218 (1961).

Encouraging him in his writings, Jefferson wrote:

> Go on in all your good works without regard to "the eye of suspicion and distrust with which you may be viewed by some" and without being weary in well doing and be assured that you are justly estimated by the important mass of your fellow citizens, and by none more than myself.[2]

But Cooper was discouraged—not so much by the "distrust" as by the dullness of life in Carlisle. In fact, he thrived on opposition, but the little central Pennsylvania town isolated him from some of the stimulation of it.

Philadelphia being still the center of political and intellectual life, Cooper looked for openings there. In December, 1816, he accepted the chair of applied chemistry and mineralogy at the University of Pennsylvania. But his real hope was to teach at the university's medical school. Cooper liked calling himself "Doctor", a title which an honorary doctorate in medicine from the University of New York rendered permissible.

Hearing of his failure to get the medical school assignment, Jefferson wanted him for his new University of Virginia. It was in this objective that the former President wrote: "Cooper is acknowledged by every enlightened man who knows him to be the greatest man in America, in the powers of the mind. . . ."[3]

JEFFERSON'S INFLUENCE AIDS THOMAS COOPER

Jefferson's influence prevailed, and on March 29, 1819, Dr. Thomas Cooper was formally elected professor of chemistry, mineralogy, natural philosophy and law with a promised income of about $3,500. Jefferson, now almost 76, rode from Monticello to be present at the board of trustees' meeting. But before Cooper could assume his duties, opposition to the professor-elect developed from highly placed Presbyterians in the Old Dominion. Armed with some of his published statements about the existence of the Trinity, Hell and the transubstantiation of communion, they succeeded in blocking the appointment.

With 1819 being a year of depression, Cooper lost no time looking for new employment. He soon accepted a post as professor of chemistry at South Carolina College in Columbia. This was to Cooper to be only an interim position while Jefferson and Madison unsnarled the situation at the University of Virginia. He soon was thrust, however, into the position of president pro tempore of South Carolina College. Then, with chances no less bleak for Virginia, he moved from acting to full president in December, 1821.

South Carolina College at that time was rife with disorders and riots. Students were rebelling against the rigid regulations by the faculty and the theocratic influence of Presbyterianism. President Cooper soon won the respect and affection of the undergraduate body. On the one hand, he meted out stiff penalties to the disrupters; on the other, he loosened faculty control and established a form of student government.

Meanwhile, Cooper continued to have difficulties with the Presbyterians. Supreme Court Justice William Johnson, a native of Charleston, had dug up and circulated some of Cooper's earlier vituperative remarks about the clergy in general and Presbyterians in particular. He concluded his assessment of Cooper, with an attack in the *Charleston City Gazette* of April 18, 1823, with the remark "God forbid that the public property should be judged from this sorry example!" A heated exchange of statements followed amid the threat of libel suits from both sides. But the storm gradually abated as the political establishment of the state came to recognize his solid accomplishments for South Carolina College, later renamed the University of South Carolina after the tenure and death of Thomas Cooper.

Outside the university, South Carolina began to feel the effect of Cooper's progressive leadership. The first medical college in the state as well as the first insane asylum both came about because of his efforts.

But in the political sphere, Cooper's leadership did not seem progressive. He was called the "Father of the Nullification Movement". The one-time pamphleteer against the slave trade even became an apologist for that institution. But Cooper, in this regard, was no different from most who called themselves Jeffersonian Democrats. As intense political individualists, they supported state sovereignty and free trade.

In 1823 he wrote a pamphlet saying the protective tariff was unconstitutional. The next year, in support of Presidential candidate William Crawford, he published another saying that John C. Calhoun, as well as Andrew Jackson, Henry Clay and John Quincy Adams, were anti-states'-rights "federalists".

To Cooper, Senator Calhoun's support of Clay's "American system" of internal improvements was a federalism more odious because it was against the interests of the state he was supposed to represent. When Jackson was elected in 1828, Cooper lobbied for his friend Martin Van Buren to be Jackson's successor. Calhoun—now Vice President—was considered too much the opportunist for the doctrinaire Cooper. If Cooper considered Calhoun a protectionist, it boggles the mind to think what he termed Daniel Webster. That champion of New England manufacturers turned his oratorical guns at Cooper in 1834, accusing him of "disunion". Cooper answered, citing his devotion to the "spirit of liberty". But his opponents did not so characterize his beliefs. Unionists called his support of low tariffs anti-American, implying that he favored England, land of his native birth. Presbyterians called his attack on clericalism anti-Christian, saying his resistance to church interference in matters political and educational was atheistic.

But after his retirement in 1833 at the age of seventy-four, there was a mellowing on the part of his critics, if not Cooper himself. In the first place, nullification was no longer an unorthodox view in South Carolina. Second, Cooper no longer held a position of educational influence. In his last years he was considered more colorful than controversial. He was a character who could be counted on to wave the flag of state sovereignty. Typical was one of his last public statements—a toast he sent to a Fourth of July celebration in 1836. Taken from the *Southern Times & State Gazette* of July 8, 1836, his toast read: "To the memory of the Constitution of the United States."

When death came in his eightieth year in 1839, Thomas Cooper left no enduring monument to reclaim him from historical obscurity. There was no great reform of which he could claim sponsorship, no scientific discovery for which he could take credit, no outstanding book which would have brought lasting renown. By his own standards he was a failure. He wanted a medical career but received only an honorary title of "doctor". He wanted a political career but was removed from appointment to the bench by the legislature. He wanted a great academic career, particularly as first president of Thomas Jefferson's University of Virginia but had to take the relatively remote post as president of South Carolina College.

COOPER NEVER FOUND HIS RIGHT NICHE

Cooper never seemed to find his right niche. Although his path of life crossed various political eras, he never quite assumed a leading role in any of them. Although his talent ran the gamut of legal, philosophical and scientific pursuits, he never became unchallenged master of any of them.

But if any incident in his life epitomizes his career, it was his deliberate invitation to punishment under the Sedition Act to help prove the unconstitutionality of that act. Cooper then became the nation's first "civil disobedient". Maybe this should be Cooper's niche in history. For in his turbulent and varied life the dominant theme was his fight against ecclesiastical and political privilege, a protest against the establishment.

MARTIN CHASE

Mr. PELL. Mr. President, there has passed away a Rhode Island friend and neighbor whose life vividly portrays the romance and opportunity of America. Martin Chase, born in Kiev, Russia, and coming to America at the age of 6 months, found here to education and inspiration to develop a retailing idea that now commands the services of 900,000 of our citizens with annual sales of $30 billion.

Twenty years ago he initiated the concept of self-service and centralized checkout in a retail department store. Today his Ann and Hope Stores are a tremendous factor in the New England economy.

But his is not a story of selfish success. He shared his genius and methods generously with other pioneers he attracted into mass retailing—to the end that cutting costs in selling meant lower prices to the consumer.

The finest eulogy of Martin Chase is in the regard and respect in which he was held by his competitors. It is evidenced by the resolution passed by the Mass Retailing Institute of America.

It is an inspiration to free enterprise—an inspiration to share ideas for the common good—with the goal to contain costs of doing business and ultimately to cut the cost of living for the American family.

To that end—in our common purpose of serving the American home—I ask unanimous consent that the resolution of the Mass Retailing Institute be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Whereas, 15 years ago Martin Chase, of Providence, Rhode Island, exercised visions of industrial statesmanship and recognized a novel possibility of bringing great benefits to the people of America and, indeed, to all the people in the Free World, and

Whereas, having implemented the vision by building the first discount department store and developing it into an object of great success, said Martin Chase generously and without reward or gain shared his discovery with other by teaching them his methods and his newly gained knowledge, and

Whereas, because of this selfless inclination by said Martin Chase the discount department store concept was adopted gradually throughout the United States and eventually spread across much of the world, and

Whereas, as a result an industry was spawned that in 1971 enjoyed sales of $30 billion, employed some 900,000 people and created additional millions of jobs in manufacturing, transportation and building, and

Whereas, this new industry, conceived and nursed to life by said Martin Chase, has raised the living standard of some 42 million families in the United States alone,

Therefore, We, the members of the board of directors of Mass Retailing Institute, do hereby resolve to officially recognize said Martin Chase as founder of the discount department store industry.

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[2] *Jefferson Papers*, No. CCI, March 20, 1814.

[3] *Jefferson Papers*, No. CCXXII, March 1, 1819.

Given this tenth day of February, 1972.

PANAMA CANAL PROBLEM: CONFUSIONS CLARIFIED

Mr. TOWER. Mr. President, One of the most vital issues now before the Congress is the highly complicated interoceanic canal question. One aspect of special importance to all coastal states from danger involved in the construction of a new canal of so-called sea level design.

The final report of the sea-level canal study panel under Public Law 88–609 headed by Robert B. Anderson was submitted on December 1, 1970, to the President, who has taken no action thereon. This report recommended the construction of such canal in the Republic of Panama about 10 miles west of the existing canal at an initially estimated cost of $2.88 billion, which does not include an indemnity to Panama or the cost of the right of way.

As the first step, the report urged the negotiation of a new canal treaty for a unified canal system consisting of a new canal. These negotiations are now in progress and involved the surrender of United States sovereignty over the Canal Zone to Panama, which has not been authorized by the Congress as required by Article IV, Section 3, Clause 2 of the U.S. Constitution.

On October 27, 1971, the 113th anniversary of the birth of President Theodore Roosevelt, I quoted in an address to the Senate a notable program of the Panama Canal Society of Washington, D.C., which included addresses on canal problems by Senator STROM THURMOND, of South Carolina, Representative DANIEL J. FLOOD, of Pennsylvania, and Dr. John C. Briggs, professor of biology, University of South Florida at Tampa. That by Dr. Briggs, one of the Nation's leading authorities on marine biology, was on the subject: Ecological Dangers of a Sea-Level Panama Canal."

Dr. Briggs, now director of graduate studies of the University of South Florida, has followed up that paper with another illuminating article entitled "The Sea-Level Panama Canal Proposal," published as a special feature in the March 1972 issue of the Defenders of Wildlife News, the bimonthly publication of the Defenders of Wildlife, a national educational organization dedicated to the preservation of all forms of wildlife with headquarters in Washington, D.C.

Dr. Briggs, in addition to pointing out the ecological dangers involved in the sea level proposal, particularly the possible infestation of the Atlantic Ocean with the poisonous yellow-bellied Pacific sea snake and the Crown of Thorns starfish, presents what he describes as an "attractive alternative," the major modernization of the existing Panama Canal according to what is known as the Terminal Lake-Third Locks Plan. This plan would preserve the fresh water barrier now existing between the Atlantic and Pacific Oceans and thus prevent the migration of marine life.

Mr. President, as the indicated paper of Dr. Briggs should be of the highest interest to all Members of Congress, cognizant agencies of the executive, and the governments of other nations that may be affected ecologically or commercially by what happens at Panama, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SEA-LEVEL PANAMA CANAL PROPOSAL

(By John C. Briggs)

"It is the capacity to predict the outcome of our own actions that makes us responsible for them and that therefore makes ethical judgment of them both possible and necessary"—George Gaylord Simpson.

In December, 1970, the Atlantic-Pacific Interoceanic Canal Commission presented its final report and recommendations to President Nixon. The report, a huge document of seven volumes, is the result of a five year study costing more than $21 million. Its content should be of interest to all United States citizens for it recommends, in a persuasive manner, the undertaking of an enormous public works project—the construction of a sea-level canal across the Isthmus of Panama.

The cost of the proposed canal has been estimated at $2.88 billion and this figure does not include the cost of indemnities that are certain to be demanded by the Republic of Panama. Such a canal would not only be the largest and most expensive water control project ever undertaken but it would be unique in other ways. First, and perhaps most important, the Commission has proposed that the canal be excavated entirely within Panamanian territory about 10 miles west of the Canal Zone (which is owned and controlled by the United States). To accomplish this, the Commission recommended that a new treaty be drawn up between the United States and Panama to create an Isthmian Canal System that would include both the existing canal and the new sea-level structure.

A second, and also important, facet of the sea-level canal proposal is its economic justification. Construction projects undertaken by the U.S. Army Engineers are required to show potential economic benefits great enough to justify the investment of the tax dollars needed for the work. In this case, the Canal Commission has not been able to demonstrate such justification. Its report admits that amortization of the construction cost from toll revenues may not be possible but states that the potential national defense and foreign policy benefits justify acceptance of a substantial financial risk.

MARINE BIOLOGICAL EFFECTS

In their report, the Canal Commission stated that, so far as they had been able to determine on the basis of limited studies, linking the oceans at sea level would not endanger the commercial or sport fish on either side of the Isthmus. The Commission also reached the conclusion that the potential for transfer of harmful biota and hybirdization or displacement of species in both oceans exists but the risks involved appear to be acceptable. Unfortunately, these statements not only have no scientific basis but are inconsistent with the findings of a National Academy of Science Committee which examined the ecological implications of the proposed canal. In essence, the Committee warned that "great danger" could result and that if the canal had to be built elaborate precautions would be necessary to prevent migrations by marine animals.

The tropical marine waters of the Americas are divided by the New World Land Barrier, of which the Isthmus of Panama is a part, into two major segments, the Western Atlantic and the Eastern Pacific. This separation has existed since the latest Pleistocene or the earliest Pleistocene—approximately three million years. During this time, sufficient evolutionary change has taken place so that the great majority of the animal populations on each side have become distinct from one another; that is, they have developed into separate species.

The marine faunas on either side of Central America are not only exceedingly rich, in terms of the diversity of species, but are relatively poorly known. At this time, one can only make a very rough guess as to the total number of species that are involved. The Western Atlantic portion appears to have the richest fauna. It has been estimated that the western Caribbean alone supports about 600 species of shallow water fishes and about 7800 species of invertebrates.

On the Eastern Pacific side, the Gulf of Panama and its adjacent waters are probably inhabited by about 400 fish species and about 5200 invertebrate species. In considering the possible effects of a sea-level canal upon this rich marine life, it is important to note that most of the fishes are, at least at some stage in their life cycle, highly mobile. Furthermore, 80–85% of the tropical, benthic invertebrates possess pelagic larval stages that are capable of moving, or can be transported by surface currents, for considerable distances. This means that a continuous, salt-water passage across Panama would present a migratory route that could be utilized by the majority of animal species on each side. What would be the consequences of such migrations?

As the distributional patterns of many animal species have become better known, an important zoogeographic principle has emerged. It is probably this principle that, in large part, determines the relationships of the major zoogeographic regions of the world. It may be stated as follows: Wherever two regions are separated by a barrier that is partially passable, the region with the richest (most diverse) fauna will donate species to the region with the lesser fauna but will accept few or no species in return. This principle appears to operate just as effectively in the marine environment as it does on land.

Although it would be a mistake to make a detailed prediction about the effects of a sea-level Panama canal entirely on the basis of our experience with the Suez Canal, the latter passage, which was opened in 1869, clearly demonstrates the operation of the principle stated above. To this date, no less than 30 species of Red Sea fishes and 110 species of invertebrates have succeeded in migrating through the Suez Canal to establish themselves in the eastern Mediterranean. But, with the single exception of one fish species that is especially adapted to live in high salinity lagoons, no Mediterranean animals have been able to successfully invade the Red Sea. The Red Sea, a part of the great Indo-West Pacific Region, possesses a considerably richer fauna than the Mediterranean.

The fact that relatively few Red Sea species have invaded the Mediterranean in somewhat over 100 years can be explained by the existence, for most of that time, of salinity and temperature barriers that severely restricted migration through the Suez Canal. In the case of the proposed Panama sea-level canal, no such barriers are anticipated so that rapid and numerous migrations may be expected.

Before making a prediction for Panama, one needs to consider a second zoogeographic (and ecological) principle that appears to be generally applicable. Along most mainland shorelines, as in most mainland terrestrial areas, each major habitat is probably supporting maximum number of species; that is, the species diversity has become attuned to the local environment so that ecological saturation has been achieved. In such situations, the introduction of additional species can only temporarily increase the diversity and, over a period of time, the number of species present can be expected to drop back to its original level. This means that a species that has been introduced or has migrated into a new area may either survive in its new home by eliminating a species already there (its ecological equivalent) or it may meet so much resistance by the native species that it will be unable to establish itself.

In the advent of a sea-level canal across Panama, we may expect that, over the years, several thousand Atlantic species of shallow water, marine animals will succeed in reaching the Eastern Pacific and vice versa. Since these thousands of species that would be coming into contact for the first time are, for the most part, distinct from one another, we may expect that they would tend to enter into competition rather than hybridizing. Considering that the tropical Western Atlantic has a richer fauna than the Eastern Pacific, it can be predicted, in accordance with the two principles stated above, that the Atlantic species would prove to be the better competitors and would eventually eliminate their Eastern Pacific relatives.

It is the prospect of a huge and irrevocable loss of perhaps thousands of species native to the Eastern Pacific that constitutes the major biological problem presented by the Panama sea-level canal. In contrast, the fauna of the Western Atlantic may remain relatively little affected. However, there do exist in the Eastern Pacific a number of marine animals that originally came from the Indo-West Pacific, the largest and most diverse of all the tropical Regions. Among them are such animals as the poisonous seasnake, *Pelamis platurus*, and the crown-of-thorns starfish, *Acanthaster planci*. It is expected that these animals would be capable of migrating through a salt-water canal and, once having gained access to the Atlantic, would establish themselves in that ocean.

Although it is very difficult for the biologist to accurately predict the results of invasion by a given animal species, many cases are known where the invader has undergone enormous population increases. The probability of such a population explosion by an introduced species appears to be greatly increased in areas where there are no native species occupying similar niches. At present there are no seasnakes in the Atlantic so the fish species there have not had to cope with this kind of predator. In a like manner, the coral species, that have built up the extensive coral reefs that are found from Florida to Brazil, have not been exposed to the actions of a voracious coral predator such as the crown-of-thorns starfish.

A small-scale example of what may happen when a new kind of predator gains access to a virgin area was provided by the sea lamprey, *Petromyzon marinus*, when it migrated through the Welland Canal to reach the western Great Lakes. The lamprey underwent a rapid population increase and decimated the native lake trout and whitefish populations. The damage to the commercial fisheries for the latter two species amounted to several million dollars and the United States and Canada had to spend additional millions in order to bring the lamprey under control.

There is no other place in the world where a single engineering project would be likely to have such drastic biological effects. Once a unique animal species disappears from the face of the earth it is gone forever and no amount of recrimination can replace it. Do we owe it to ourselves and our posterity to preserve as much of our natural heritage as possible? If so, let us consider very carefully the biological as well as the economic consequences of building a sea-level canal.

AN ATTRACTIVE ALTERNATIVE

When conservationists find it necessary to object to some engineering projects for ecological reasons they, more often than not, find themselves in the purely negative position of objecting to something without being able to offer any feasible alternatives. Fortunately, in the case of the Panama sea-level canal proposal, there is an attractive, simple, and economical alternative. The Terminal Lake-Third Locks Plan, now before Congress, has several distinct advantages: (1) we would still have a freshwater canal that would prevent migrations by marine animals, (2) capacity would be increased enough to provide 35,000 annual transits, about the same number that would be permitted by a sea-level canal, (3) no new treaties would be required since all the construction would take place in the Canal Zone which is already owned and controlled by the United States, and (4) the cost would be about $850 million compared to $2.88 billion for a sea-level structure.

COMPREHENSIVE OIL POLICY

Mr. MOSS. Mr. President, too often, countries make policy in bits and pieces, reacting from one crisis to the next. If we do not take positive action immediately to solve the energy crisis facing our Nation, we will find ourselves in more than an ordinary crisis. A policy anything less than comprehensive will not avert the great difficulty we will encounter if we do not plan now for the energy needs of the late 1970's and 1980's.

Marilyn Berger, a writer for the Washington Post, authored an article for last Sunday's Post outlining many of the difficult choices facing policymakers regarding foreign supplies of oil. The Middle East produced 1 million barrels of oil for use by the United States in 1970; by 1980, that figure will probably grow to between 8 and 10 million barrels. A successful policy will require very delicate diplomacy. We will be dealing with countries in the Middle East and South America which are proud of their independence and protective of their resources.

A coherent foreign policy emphasizing diplomacy must soon be established to guide our dealings with oil-producing nations. Marilyn Berger's article is a useful summary of the issues we will be facing in developing such a path. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL, FOREIGN POLICY AND THE ENERGY CRISIS

(By Marilyn Berger)

Two decades ago, when the demand for oil in this country was a fraction of what it is today, the United States was sufficiently worried about the government of oil-rich Iran to have a CIA sponsor a coup there. Today, with U.S. imports of Middle East oil rising—and with projections suggesting that 30 to 40 per cent of U.S. consumption will have to come from that unstable area by 1985—Washington faces the probable nationalization of all American oil companies there within a decade.

The takeovers are expected to be made by governments more or less friendly, more or less "reliable" and with compensation that is more or less satisfactory. And the United States, with its "lowered profile" abroad, is not likely to be sponsoring any similar coups. The question of what the country can do is being widely debated in government and industry circles, especially since we are headed for an energy crisis.

While there are many ideas for alleviating the potential crisis by developing new sources of power, for the next decade and a half, in the words of one government consultant, there is "nothing but oil." And with domestic production having peaked, much of it will have to come from abroad. This is causing concern in dozens of government bureaus dealing in both foreign and domestic affairs and is currently the subject of a House committee hearing.

At the Commerce Department a major concern is the impact on the U.S. balance of payments. If current projections are correct, says Commerce Secretary Peter G. Peterson, the deficit on oil alone "could be $8 billion by 1975 and $15 billion by 1980."

State Department and Pentagon officials worry about the security of supplies from Arab countries that are in continuing confrontation with Israel. A day could come, they say, when the Arabs might act more forcefully on the proverb that the friend of their enemy is their enemy. Probably even more worrisome to them is the increasing Soviet influence in the Arab world.

The Treasury Department is concerned about the oil tax structure, the Interior Department about the development of alternate sources in shale and tar sands and on the continental shelf, and environmentalists are worrying even more about what that development would mean to the quality of American life.

"STUDYING IT TO DEATH"

It seems safe to say there is no basic raw material which so deeply affects American interests, domestic and foreign. It is unlikely that there is any industry that has had greater success in winning congressional support for its interests or greater entree into the highest levels of government, making any tampering with the existing system especially difficult during a presidential election year.

Perhaps this is one reason why everybody is talking about the energy crunch but nobody is doing much to solve it. As one lawyer working with a number of oil companies remarks: "They're studying it to death . . . The problem in the government now is that there are 43 agencies involved with energy."

The number 43 is not exaggeration; Interior Secretary Rogers C. B. Morton put the number at 61. Not only are studies being made by most of these agencies, but there are almost as many solutions as studies.

The State Department, in a still-secret report, has taken something of a lead in urging the government to take foreign and domestic actions ranging from development of alternatives to auto transportation to changing oil and gas price structures. So far no action has been taken on the study.

The President on June 4, 1971, sent Congress a message on energy resources. This, however, looks mainly toward a solution to problems in the 1980s and beyond and touches only peripherally on the oil shortage that's almost here.

The environmentalists suggest a solution that is attractive in its simplicity: Use less. "A lot of our energy problems will be solved if we stop doing what we're doing," says Stewart Udall, former Secretary of the Interior. "The country should look at its own resources and play the hand it was dealt. . . . For environmentalists the gut reaction is to slow things down."

In fact, virtually every solution to the oil supply problem creates difficulties for the environmentalists. If the United States is to import more oil—which the experts say it must—more and bigger tankers, deeper ports and more refineries will be needed. The environmentalists like none of these, out of concern for oil spills and air pollution. To produce more domestic oil means offshore drilling, shale development, new pipelines, which again bring with them the prospects of spills, sludge disposal and potential ecological imbalance.

THEY CAN'T DRINK IT

Even if domestic oil is developed, however, the Middle East will remain important for some time as a source of energy supply for this country. Imports from the Middle East in 1970 amounted to 1 million barrels a day. By 1980 that figure is expected to rise to 8 to 10 million barrels a day.

While even the most pessimistic planners are not predicting any total, long-term cutoff of oil from that region—the Arabs can't drink it, as the saying goes—one State Department official suggested that it "would be absolutely insane to become dependent upon such a volatile area for energy supplies." Under Secretary of State John N. Irwin last week called petroleum "a finite commodity . . . essential to a country's well being and . . . the most political of all commodities."

Oil presents the United States with a double problem. The oil-rich Arab nations, along with most of the so-called "third world," are moving toward control of their own resources. This will affect American oil concession. Secondly, American support of Israel has had the effect of opening the Arab world to Soviet influence. "We have oversubscribed to the Israeli case," said one U.S. official, who is personally sympathetic to Jerusalem, "and turned the area over to Russian influence. The fact is that the Soviet position has been greatly enhanced, and part of it comes . . . from the fact that we support Israel, right or wrong." The Soviet Union only last week announced a $300 million investment in Iraq, its first major inroad into Mideast oil production.

Whether the Russians would, or could, use their political influence with the Arabs to interrupt oil supplies to the United States or its allies in Western Europe or Japan is one question bothering American strategists. As one official put it, "I'd hate to be in a position in a crisis where the Russians have that capability." The Russians will for some time have enough oil of their own, so apart from the geographic-strategic interests in the region, one of the only other interests can be in the control of oil flows.

The tendency has been to try to remove causes of tension, as in Berlin—if the agreement is ratified—strategic arms limitations, trade. But the long-term picture in the Middle East has not been a gratifying one for American planners. "Twenty years ago, even less," said one State Department official, "the Sixth Fleet could call at any port in the Mediterranean. Now there is not a port on the southern shore that would welcome it."

STATE DEPARTMENT PROPOSALS

The State Department has undertaken a broad study of the whole oil-energy problem. It is aimed in the words of one official, "at getting the United States to take economic and diplomatic actions now to cope with a crisis coming in 1975 to 1980." One of the reasons the Policy Analysis and Research Allocation (PARA) report has been labeled "secret" is that it calls for domestic measures that are not supposed to be any business of the State Department. Among the reports approximately 15 recommendations, it was learned, are proposals to:

Develop domestic sources on the continental shelf and in shale.

Encourage development in the Western Hemisphere, especially in Venezuela (where heavy capital expenditure would be necessary at a time when nationalization threatens) and in Canada.

Seek to conclude agreements with Canada on oil (and natural gas) supplies. (Canada so far has been reluctant to sign.)

Build the Alaska pipeline. Environmental interests must be taken into account, but, it is noted, every barrel of oil that does not come from the North Slope will have to come from the Middle East.

Change price structures on oil and natural gas to encourage reduced consumption of oil and conservation of reserves. This proposal is not expected to be very popular among a variety of domestic interests.

Use taxes from oil to develop other forms of mass transportation than the automobile and the highway.

Encourage the major oil companies to organize themselves for operations abroad with the kind of exemption from antitrust laws that they received during last year's negotiations with the Organization of Petroleum Exporting Countries (OPEC).

Urge the oil companies to go along with demands by the producing countries for participation, on the premise that it will happen sooner or later anyway and that they might as well try to get the best deal they can while postponing it as long as reasonably possible. (Aramco, the American-owned oil consortium, recently agreed to Saudi Arabi's demand for a 20 per cent share in its operations. Experts expect these demands to go to 50 per cent soon and to 100 per cent in 10 years.)

Assure the oil companies a profit sufficient to finance exploration here and abroad. (A recent Chase Manhattan Bank study projects that the oil industry outside the Communist world will require an investment of $500 billion over the next 10 years, $120 billion of which would be needed for development of new oil resources. This is more than has been spent in the entire history of the industry. The study also predicts that more oil will be consumed in the next 10 years than has been consumed up to now.)

Encourage a kind of consumers union of oil-purchasing countries. The producers have joined together in OPEC and presumably the consumers, under such an arrangement, could similarly increase their bargaining power. Such an arrangement would tend to limit the confrontation aspects of negotiations between U.S. firms standing alone and Arab countries. It could also tend to lessen the inevitable competition among the world's developed nations for the limited available supplies.

AN ENERGY "CZAR"

Oil industry experts have other suggestions. One heard frequently is a proposal to stockpile oil to provide reserves against unforeseen cutoffs—an extremely expensive proposition but no more costly, they say, than the oil import quota system has been to Americans.

Nearly all the experts, both in and out of government, agree on the need to have an energy "czar" to coordinate government policy. A related suggestion is to have an "oil diplomat."

"The problem today," said one U.S. official, "is that nobody is sitting down and saying, 'Here's where the oil is, here are our problems with, say, Venezuela, Ecuador, Saudi Arabia,' for example. Why don't we begin to decide how much we want from where and design a program that works on that basis? Now every little piece is seen as a separate unit . . . I think we could sit down and confect a policy that the oil industry would buy and that the oil countries could accept." He is not suggesting it would be easy, only possible.

This same official suggested that an "oil diplomat" would have the task of harmonizing U.S. foreign policy with U.S. energy needs. "You can get more with charm than with threats," he said, "if you have someone with the presence and intelligence of a David Packard or a Cyrus Vance."

The suggestion to name an oil envoy grows out of the assessment that as the military option diminishes for the United States, diplomacy must take over to help preserve American interests. One U.S. official remarked: "The United States has traditionally operated on the assumption that the oil industry operates under a free enterprise system and that it has been up to the industry to tap Middle East resources to supplement our own oil . . . But the oil countries are blowing the whistle on this and the companies are going to be in trouble . . . We're going to have to operate as a nation or see the companies get dispossessed . . . We'll either have to let third-rate countries push us around or get the government behind the oil companies."

This would not require any great realignment of official thinking. "Concern for the plight of the oil companies," noted this official, "has always been considerable at the upper levels of government . . . There has always been concern, for example, to keep on good terms with the oil companies, but this has always run afoul of American support of Israel."

The concern about the impact on other oil countries of an Iranian takeover of British oil interests in 1951 and over possible Soviet control of that valuable piece of real estate clearly led to the overthrow of Mohammed Mossadegh in a CIA-inspired coup in 1953. There is little doubt that oil was a major factor in the 1956 Suez crisis.

American oil companies have been spectacularly successful in getting favorable legislation domestically—oil import quotas, oil depletion allowances, tax breaks They lobby openly for domestic favors and have important friends in the Congress.

House Speaker Carl Albert for example, recently told the American Petroleum Institute that "nearly one-half of the gas and one-third of the oil produced in Oklahoma are produced in my congressional district." Rep. Hale Boggs, House majority leader, is from oil-rich Louisiana, as are Allen J. Ellender, chairman of the Senate Appropriations Committee, and Russell Long, head of the Senate Finance Committee. And Rep. George H. Mahon, chairman of the House Appropriations Committee, is from Texas. This is to say little about John B. Connally Jr. of Texas, who is not known for a lack of sympathy with oil interests.

One oil expert remarked that oil's influence is not so strong as when Lyndon B. Johnson and Sam Rayburn were the powers in Congress, "but it isn't that bad."

Ironically, many oil experts say, it has been the very success of oil companies in winning issues domestically that has led to the current situation in which the United States is becoming increasingly reliant on foreign oil. The oil import quotas, for example, were designed to prevent cheap foreign oil from competing with more expensive domestic oil. (An average American well can produce 13 barrels a day while a well in the Middle East can produce anywhere from 3,000 to 50,000 barrels a day.)

The quotas were imposed in the "national interest" to improve American self-sufficiency and prevent undue reliance on a single foreign area. But while the quotas may have prevented domestic American oil companies from being forced out of business by cheap competition, they failed to encourage expansion of American domestic capacity. "The means used had no relationship to a very desirable end," said one lawyer.

What they clearly did do was to force the use of U.S. reserves. One authority remarks that they virtually mandated that we "drain America first."

Although the quotas remain, virtually everyone in the oil business agrees that there will have to be more imports this year. Thus the quotas will have to be raised—some think an emergency meeting will have to be called this summer—because domestic production cannot meet demand. But politics probably dictates that the quota system will not be dropped. In fact, there seems to be no one in either government or the oil industry who thinks there will be any basic change in oil policy in 1972.

AFFECTING FOREIGN POLICY

In contrast with the open domestic lobbying by independent oil firms based in the United States, the major international oil companies have been far more subtle in their efforts to affect American foreign policy. As one U.S. official said, "The people involved in political matters in the Middle East know how important the oil interests are." He added that officials of the international firms are "important people who know the important people in government . . . In Acheson's time there was the old school tie and they were very correct about it all . . . There were no Dita Beards."

The oil company interests, he said, coincide with U.S. strategic interests both in preventing Soviet control of a strategic region and in assuring energy supplies. "But to suggest that they are lobbying for a new political attitude would be wrong," he added.

Continued U.S. support of Israel, for example, is now considered one of the "givens" in international relations, and oil executives and officials start from that premise. But efforts are always under way to get what oil executives would call a more "evenhanded" policy. There are suggestions that the United States develop technical assistance programs for the oil countries, expand cultural programs and repeat as often as possible statements about the territorial integrity of all nations in the region, in order to keep lines open to the Arabs if not to get the Arabs to love America.

SOVIET GAS DEAL

Meanwhile, the United States is looking at the possibility of doing business with the Soviet Union for the import of liquefied natural gas. Commerce Department officials suggest that a joint venture could lead to as much as $1 billion a year in natural gas imports if studies now under way indicate that it is technically and economically feasible. They say it is doubtful, however, that anything can be done to import the Soviet gas without the grant to Moscow of Export-Import Bank credits and most favored nation treatment. And there is talk of trading off excess American grain for Soviet gas to begin an exchange relationship.

The United States would also have to decide just how much, from a national security standpoint, it can afford to import from a country that remains its main rival in the world. "Amounts of purchase," said one official, "should be dictated by the degree of dependency we're willing to allow. That might be 3 to 5 per cent of total gas use, which would mean about 30 per cent of West Coast consumption."

There are those who believe a deal with the Russians would enhance rather than detract from national security. "From the standpoint of foreign policy," said one former Pentagon official, "I would develop the maximum number of relations with the Soviets. Wouldn't we want to have the Soviets think of us as a customer? Don't forget, there's nothing as lovable as a good customer. Then they wouldn't create unnecessary tensions."

Soviet natural gas, along with Algerian natural gas, which is expected to start arriving soon, and increased gas from Canada would begin to diversify American energy sources. Impetus for development of new sources domestically is expected to come as world oil prices increase. This could ameliorate the potential balance-of-payments problem troubling Commerce officials.

The main problem today seems to be getting action on existing proposals. There is no lack of ideas for a coordinated energy program that could prevent a supply relationship with the Middle East from becoming a dependency relationship.

NATIONAL MATERIALS POLICY: AN INTERIM REPORT

Mr. BOGGS. Mr. President, the National Commission on Materials Policy was established by title II of Public Law 91–512, the Resource Recovery Act of 1970.

While the seven members of the Commission were confirmed by the Senate just 8 months ago, the Commission has moved rapidly in an effort to identify and evaluate issues involved in a national materials policy.

Although the Commission's final report to the President and the Congress is not due until June 30, 1973, the Commission has wisely decided to issue an interim report. This interim study was released yesterday.

As it contains a great deal that has national significance, I believe it merits wide attention. Therefore, I ask unanimous consent that the summary of the Commission's interim report, entitled, "Towards a National Material Policy, Basic Data and Issues," be printed in the RECORD. It must be noted that the full interim study comprises an additional 50 pages of detailed analysis on various metals, fuels, and other materials, such as plastics, glass, and forest products.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

NATIONAL MATERIALS POLICY: AN INTERIM REPORT

INTRODUCTION

We live in a world of materials. Our shelter, clothing, and all the tools and products of our civilization are composed of natural and man-made materials. Twenty percent of the Nation's economy is engaged in providing materials and energy in usable form to society. Because of this pervasive importance of materials, the development of national policies to assure adequate future supplies and proper use of materials should be a key element in the Nation's planning efforts.

In the past, relatively little attention has been given to our national materials problems. Because the North American continent seemed to have been blessed with boundless resources, our nation has taken materials for granted and has assumed that the sources of our materials and energy are infinite.

However, based on our knowledge now of need-trends and of readily accessible supplies, we must reassess our long-standing attitudes, assumptions and policies on materials. The nation's vigorous industrial and economic growth over the past century has resulted in the highest standard of living in the world. Our complacency, however, has resulted in our failure to develop new materials sources as fast as required by the economy. As a consequence, the United States is increasingly dependent upon foreign sources. Today we are actively competing with the other industrial nations of the world for the presently known and available low cost resources. At the same time, the developing nations, too, are seeking increasing quantities of raw materials as they industrialize and attempt to raise their populations above the levels of mere subsistence.

Thus, if this country is to continue to prosper and if the standard of living of the presently underdeveloped areas of the world is to be raised to even a fraction of that enjoyed by the peoples in the industrial nations, a many-fold increase in raw materials supplies will be needed in the years ahead.

But our concern with materials does not end with the question of adequate supplies for future generations. The new factor of environmental quality has now been added to the equation. As more and more raw materials are extracted from the earth and processed and then consumed as products, more and more waste materials are produced and threaten to degrade the environment. Also, our production and consumption system, operating largely on a one-time-use-of materials basis, generates additional, large quantities of waste. While some of the wastes gradually return to nature, a large share of them remain for long periods of time to degrade the environment if left untreated.

Over the past decade, it has become increasingly evident that we must find ways to establish an acceptable balance between materials needs and environmental quality. And it is likewise clear that we must shift from the use and discard approach toward a closed cycle of use, salvage, reprocess, and reuse, not only to preserve our environment, but also to extend our raw materials supplies.

Finally, as stated in the Foreword, this report is only the beginning of the process that will lead to a recommended national materials policy. Because materials occupy such a preeminent position in our civilization, their supply and use influence and are influenced by a wide range of forces in our world system. These will require definition, discussion and analysis. Perhaps the most important of these related factors are the rate of population and economic growth. Besides these, there are many other social, cultural, political and economic forces interacting with the materials production-use-disposal cycle. In addition, present and potential shifts in national goals and priorities must be taken into account. Thus, besides concern with the environment, the new emphasis in such areas as urban renewal, housing, transportation, medical care, and consumer services, will have a strong impact, not only on materials supply, but also on the kinds of materials that will be needed in the years ahead. As the work of the Commission proceeds, issues in these broad sectors will emerge and will have to be studied in the light of future realities.

ESTABLISHMENT AND OBJECTIVES OF THE COMMISSION

To develop national policies that will assure adequate future materials supplies while maintaining an acceptable environmental quality level, the National Commission on Materials Policy was established by Congress under Title II of the Resource Recovery Act of 1970 (called the National Materials Policy Act).

The Commission has a direct precedent in a previous Materials Policy Commission, which issued its report, "Resources for Freedom," in 1952. Although, the report was widely recognized for its far-reaching recommendations, it failed to generate significant legislative action.

The events that lead to the present Commission began in July 1967 when the Legislative Reference Service of the Library of Congress was asked to undertake a study of the relation of materials to the problems of solid waste disposal. A report, "Availability Utilization, and Salvage of Industrial Materials," came out of this initial study. Subsequently, an ad hoc committee of materials experts, organized to examine in more detail the need for a national materials policy, issued a report, "Toward a National Materials Policy," that recommended the creation of a National Commission on Materials Policy. Legislation to establish such a commission was introduced in the Senate as an amendment to pending solid waste legislation in September 1969. This legislation became law in October 1970.

The general objective and assignment of the Commission is stated in the act as follows:

"It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials."

The act goes on to spell out the Commission's tasks in somewhat more detail:

"The Commission shall make a full and complete investigation and study for the purpose of developing a national materials policy which shall include, without being limited to, a determination of—

"(1) National and international materials requirements, priorities, and objectives, both current and future, including economic projections;

"(2) The relationship of materials policy to:

"(A) National and international population size, and

"(B) The enhancement of environmental quality;

"(3) Recommended means for the extraction, development, and use of materials which are susceptible to recycling, reuse, or self destruction, in order to enhance environmental quality and conserve materials;

"(4) Means of exploiting existing scientific knowledge in the supply, use, recovery, and disposal of materials and encouraging further research and education in this field;

"(5) Means to enhance coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy;

"(6) The feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies, and alternatives; and

"(7) Which Federal agency or agencies shall be assigned continuing responsibility for the implementation of the national materials policy."

For the Commission's purposes, the act defines materials as ". . . natural resources, intended to be utilized by industry for the production of goods, with the exclusion of foods." The Commission's interpretation of its scope also includes energy materials and water.

INTEREST SECTORS

In order to develop a comprehensive national materials policy, the Commission is seeking and enlisting the aid of many diverse groups. Seven sectors of American society have been identified as having significant interests in materials. They are consumers, all levels of governments, industry, environmentalists, academia, the science and technology community, and labor. The Commission is working with all of these groups in a co-operative effort to understand their role and interests in materials, to elicit their views, and to take into consideration their positions in the policy formulation process.

In the Government sector, the Commission has formed an Interagency Steering Committee composed of representatives from all Federal departments and agencies having interests and responsibilities in the materials area. The individual agencies, acting through the steering committee, have provided the basic supply/demand data contained in this interim report. They also are identifying major materials problems facing the country and the world. Industry, through a number of trade associations, is identifying the major materials-related issues facing their respective industries now and in the future and, where possible, is suggesting possible solutions. Organized. labor, through the AFL/CIO, has been asked to develop a mechanism that will present labor's knowledge and views on industrial materials.

The academic community will provide its input through a series of eight regional forums to be held in the spring of 1972 at eight prominent universities. Experts from various disciplines, such as materials scientists, materials engineers, political scientists, ecologists, and industrial managers, will debate selected major issues and develop policy recommendations. And the science and technology community, through the National Materials Advisory Board of the National Research Council of the National Academies of Sciences and Engineering, is working with the Commission on designated problems of materials policy.

To cover the environmental aspects of the Commission's work, responsible environmental groups and spokesmen are being asked to participate to assure that the vital national and world interests in maintaining a high quality environment are given due consideration. And, finally, the Commission is developing approaches to consumers, the fulfillment of whose needs and interests is one of the principal objectives in the formulation of any national materials policy.

THE NATION'S MATERIALS NEEDS AND SUPPLIES

The factual or data base for the discussions and deliberations, which will lead to the formulation of a materials policy, are contained in the appendices to this report. Summaries of demand/supply projections on the major families of materials are given in Appendix A, and the supporting data tables are given in Appendix B. The summaries and data are taken from information and projections furnished by the Departments of Interior, Commerce, and Agriculture, and the Atomic Energy Commission. Some information on recovery and recycling of nonferrous metals was obtained from an unpublished study conducted by the National Association of Secondary Material Industries for the Environmental Protection Agency. (Principal research by Battelle Memorial Institute, Columbus, Ohio).

The projections are carried out to the year 2000. Admittedly, in our rapidly changing world it is difficult to see ahead accurately even one or two years. Nevertheless, for planning purposes, it is necessary to postulate future conditions in order to formulate policies. However, when reviewing or using the summaries and data, it should be remembered that they do not represent a probable forecast of the future, but strictly a set of projections suitable as bench marks against which the effects of possible changes in policies and economic conditions can be considered. They provide a means of defining the problems and identifying the areas in which corrective actions may be needed.

It is clearly evident from the commodity summaries and the projections that in the case of a majority of our basic materials, the gap between our requirements and the remaining easily accessible world supplies is widening. The data further indicates that our reliance on foreign supplies is steadily increasing. Except for a short period during World War I, we were, on balance, a net exporter of minerals until shortly before World War II. Since then, with minor exceptions, we have imported far more minerals than we have exported. This annual deficit has increased steadily during the last 20 years until in 1970 our imports of all minerals were valued at about $9 billion while exports were about $5 billion, a net deficit of about $4 billion. If trends of the past 20 years continue to the year 2000, this deficit could grow to over $60 billion a year.

In 1970 we imported all of our primary requirements for chromite, columbian, mica, rutile, tantalum, and tin; more than 90 percent of our aluminum, antimony, cobalt, manganese, and platinum; more than half of our asbestos, beryl, cadmium, fluorspar, nickel, and zinc; and more than a third of our iron ore, lead, and mercury.

As the accompanying table shows, world production of 31 minerals (the principal minerals entering into world import-export trade) increased from $37.1 billion 1968 U.S. dollars in 1950 to $77.4 billion in 1968 (later figures not yet available), while production of these same minerals in the United States increased only from $14.2 billion to $18.5 billion. However, during the same period U.S. consumption of these minerals increased from $15.5 billion to $21.6 billion. Thus, while U.S. consumption increased nearly 40 percent in absolute terms, our consumption of total world production declined from 42 percent in 1950 to 28 percent in 1968.

The unmistakable conclusion reflected in the data and commodity summaries is that as the Nation's needs continue to grow and as per capita consumption of materials in other countries increases at an even faster rate than ours, it becomes increasingly difficult for the United States to fill its ever-growing deficit by imports, even at increasing prices.

WORLD PRODUCTION AND CONSUMPTION OF SELECTED[1] MINERALS

[Values in billions of 1968 U.S. dollars]

	Production					Consumption			
		United States		Rest of the world		United States		Rest of the world	
	World	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
1950	$37.1	14.2	38.2	22.9	61.8	15.6	41.9	21.6	58.1
1953	46.6	16.5	35.5	30.1	64.5	18.5	39.7	28.1	60.3
1958	61.0	16.7	27.3	44.3	72.7	18.5	30.4	42.4	69.6
1963	66.6	16.8	25.3	49.8	74.7	19.4	29.1	47.2	70.9
1968	77.4	18.5	23.9	58.9	76.1	21.6	27.9	55.8	72.1

[1] Asbestos, bauxite, borates, chromite, coal, copper, diamond, fluorspar, gold, iron, kaolin, lead, magnesite, manganese, mercury, molybdenum, natural gas, natural gas liquids, nickel, petroleum, phosphates, platinum, potash, salt, silver, sulfur, talc, tin, tungsten, uranium, and zinc.

THE ENVIRONMENT AND RECYCLING

The conflicts between materials availability and environmental quality can occur in two areas:

(1) Acquisition of Materials
(2) Waste Disposal

The first of these pertains to where and how natural resources are to be obtained. Conflicts between economic and materials needs and values on the one hand and environmental quality on the other, often arise in the determination of what purpose the land, water or air shall serve. And if this decision process is faulty, the environment, industry and the public can suffer. Examples of environmental concerns are where and how timber is to be cut, where strip mining shall be allowed, and where gravel pits shall be developed.

Waste disposal can result in three forms of pollution: (1) air, (2) water, and (3) solid waste. Waste can occur at any point in the materials cycle. For example, when coal is extracted from the earth, it creates solid waste. Later, when the coal is burned by an industrial plant, sulfur oxides are emitted into the air. When gasoline is used to propel a vehicle, its unmodified combustion adds pollutants, such as hydrocarbon and carbon monoxide, to the air. The final disposal of municipal waste creates air pollution and solid waste. Likewise, as materials are extracted, processed, consumed, and discarded, the environment can be degraded.

The growing technology and affluence of the American society has increased the amount of solid waste generated per person per day. Waste collection in urban areas of the United States has increased from 2.75 pounds per person per day in 1920 to 5 pounds in 1970. The character of the waste has also changed to one containing increasing amounts of non-biodegradable materials. The total solid waste produced in the United States in 1969 is shown in the accompanying table.

	Million tons
Residential, commercial and institutional waste	250
Collected, (190).	
Uncollected, (60).	
Industrial waste	110
Mineral waste	1,700
Agricultural waste	2,280
Total	4,340

Source: "Environmental Quality," The First Annual Report of the Council on Environmental Quality, August 1970.

Secondary processing, i.e., recycling of materials after end-use and reclamation of waste prior to end-use, plays a major role in attaining both goals of enhancing environmental quality and conserving materials for more effective utilization of our natural resources. Therefore, the Commission has drawn up a list of key materials for intensive study of ways to improve and increase their recycling. The metals are iron and steel and their major alloying elements chromium and nickel, and the nonferrous metals aluminum, copper, lead, magnesium, zinc, and precious metals. Key non-metallic materials are glass, oil, paper, plastics, rubber and textiles. Municipal and industrial waste as well as certain consumer wastes, such as junked automobiles, will receive special attention.

In the commodity summaries, Appendix A, the current status in recycling and recovery of these key materials is discussed. Also, covered are the present and future environmental problems, including land use and waste disposal, that will require study by the Commission.

MATERIALS ISSUES AND PROBLEMS

In order to carry out its assignment of developing a national policy that will assure adequate materials supplies without seriously impairing the environment, many complex problems and issues must be defined and studied. It is not possible to set down a complete list of them at this time. However, from discussions with the various interest sectors, referred to earlier, a selection of what are thought to be the most important materials issues was compiled. They are given below. Other important issues growing out of economic, social and future world conditions that affect materials demand and use will be treated as the Commission's work progresses.

Domestic materials resources

a. How effective is our national policy to foster and encourage private enterprise in the orderly and economic development of domestic mineral and energy resources and reserves?

b. What conditions, including other national goals, exist which tend to discourage resource exploration and development? How can those apparent conflicts be reconciled?

c. Is it in our national interest for domestic industry to continue to import raw materials, at increasing rates? Should the government encourage and support the production of higher-cost domestic materials?

d. To what extent should higher-cost domestic industries be supported in the name of national defense? Which industries?

e. How can we best coordinate our efforts to preserve and improve the quality of our environment in an atmosphere supportive to exploration, investment, research, and technological development in the production and usage of materials?

f. To what extent are the growing real costs of materials the results of: declining grades of reserves, insufficient investment in technology, or rising capital and other costs? To what extent are the rising costs the result of continuing increases in construction and production labor costs without commensurate increases in productivity? What national policies and programs are needed to stimulate improvements in labor productivity?

Foreign materials sources

a. To what extent should imports be encouraged? For which materials?

b. How can the need to import raw materials be reconciled with the national concern with the deteriorating balance of trade?

c. What mechanisms are available or can be developed to improve the reliability of our access to necessary foreign supplies?

d. How can the security of the United States investments in foreign supply sources be improved?

e. What laws, regulations, antitrust restrictions, and other governmental practices tend to place American firms at competitive disadvantages vis-a-vis their foreign counterparts?

f. How significant are foreign cartels, subsidies, tariffs, nontariff trade barriers, and other foreign practices?

g. Conversely, what domestic practices exist which tend to give domestic industry comparative advantages?

Recycling

What are the impediments and incentives to an expanded role for recycling in our materials system:

a. What programs are needed to encourage the development of more efficient market, distribution, collection and sorting systems?

b. To what extent are transportation rate structures deterrents?

c. What can State and local authorities do to encourage the development of recycling?

d. What taxes, zoning, licensing, legislation, and other governmental activities tend to impede recycling?

e. How can we facilitate the development of new products and markets for recycled materials and does government have a role?

f. How can the concept of recyclibility be built into the total product system from design through use and disposal?

g. Should Federal procurement policies and specifications be revised to provide incentives for recovering and utilizing solid waste materials?

h. What Federal policies and what initiatives in the private sector are needed to stimulate progressive and effective economic and technology-oriented research and development programs?

i. What Federal and other programs are needed to make the American consumer understand the economic significance of recycling and its relationship to environmental control and prudent resource management?

Federal stockpile

What role should the federal stockpile of strategic and critical materials play in the materials supply picture:

a. Should the stockpile be used to stabilize or moderate the wide fluctuations in the materials market?

b. If our stockpiles should not be used as a market regulator, how can disposals and acquisitions be handled with a minimum of market disruption?

c. To what extent is the lack of clearly enunciated disposal plans a disruptive factor?

Research and technology

a. To what extent should Government foster applied research and development programs in materials?

b. Are the present levels of activity and types of programs appropriate?

c. What types of incentives are needed to increase and redirect R & D programs?

d. What are the relationships between materials technologies here and abroad? Are we falling behind? Where are the problem areas?

e. What role should Government play in stimulating domestic investment in new technologies? What are the obstacles to capital investment? What Government programs and incentives are needed to overcome these obstacles?

Manpower

What manpower problems confront the materials industries as related to:

a. Shortage of underground miners?
b. Skill problems?
c. Technical education?
d. Roles of Government, organized labor, and management in training activities?

Government agencies

a. What conflicting policies and programs of different arms and agencies of Government tend to be offsetting or counterproductive to a national materials policy?

b. How can these be more clearly defined and administered?

It is hoped that the above list will serve as the basis for debate and discussion, and that interested groups and individuals will transmit their views to the Commission.

WISCONSIN STATE JOURNAL HITS WASTE SQUARELY

Mr. PROXMIRE. Mr. President, the Wisconsin State Journal, of Madison, has squarely hit the issue of waste in military spending. The newspaper, in an editorial of April 10, places the waste in juxtaposition with the struggle of the taxpayer in preparing his tax forms.

In discussing the Navy's intention of spending $400 million extra just to be in a position to get more and more to spend in the next fiscal year, the State Journal had telling quotas from President Eisenhower's warning of 1953 about needless spending. Summing up, the editorial said:

And the arms expenditures to which this famed military hero and Republican President objected back in 1953 are now just a drop in the bucket.

A somber thought as you prepare to pay your taxes.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Navy Struggles To Squander

While ordinary citizens are scratching to meet their income tax payments due next week, Washington military bureaucrats are struggling to spend a newly available sum of more than $400-million by June 30, the end of the fiscal year.

The transcript of testimony by the military spenders before Sen. William Proxmire's Joint Economic Committee makes poignant reading for the hard-pressed taxpayer.

SPENDING ENCOURAGED

The Wisconsin senator called the story of the hearing "about as devastating an indictment of service waste as I have ever heard about—and I have heard plenty in the 15 years I have been in the Senate."

Sen. Proxmire produced a document from the Chief of Naval Operations asking key commands for recommendations on how to get rid of the funds before the fiscal year expired.

The document suggested consideration of such measures as expediting the provisional payment of contractor claims and using "unlimited overtime" on certain ship overhauling and transport projects.

The Wisconsin senator, who has gained the reputation as the taxpayers watchdog in Washington, called the idea of fast spending of available funds "playing a most unfortunate game with the taxpayer."

As the Wisconsin Democrat was revealing how the Navy brass was dealing with these vast sums, we were reminded by Parade Magazine Sunday of the biting words of a Republican President on the awful cost of military armaments.

In this troubled world sensible citizens will not deny the need fcr adequate defense, but what horrifies them is the shocking waste of public funds in military spending as revealed by Proxmire in recent years.

Such revelations make the words of President Dwight D. Eisenhower all the more memorable when he declared back in 1953:

"Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed.

"This world in arms is not spending money alone.

"It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.

"The cost of one modern heavy bomber is this: a modern brick school in more than 30 cities.

DROP IN THE BUCKET

"It is two fine, fully equipped hospitals.

"We pay for a single destroyer with new homes that could have housed more than 8,000 people . . ."

And the arms expenditures to which this famed military hero and Republican President objected back in 1953 are now just a drop in the bucket.

A somber thought as you prepare to pay your taxes.

IF SOUTH VIETNAM HAD INVADED NORTH VIETNAM

Mr. TOWER. Mr. President, several counties throughout the Nation are known as bellwether counties because they consistently have given a majority of their votes to the candidate who was elected President of the United States. One of these is Laramie County, Wyo., which, of course, supported President Nixon in 1968.

Because 1972 is another presidential election year, many political observers are again examining these bellwether counties.

Mr. President, one of the newspapers in the Rocky Mountains most respected for its excellent editorials is the Wyoming State Tribune, of Cheyenne, in Laramie County—the bellwether county. On April 10, the editor, Mr. James Flinchum, who I have had the privilege of meeting on several occasions when I have had the good fortune to visit Wyoming, raised the question as to what the reaction would have been—both in the United States and internationally—had South Vietnam invaded North Vietnam this spring instead of what actually has happened in that unfortunate country.

Mr. President, I ask unanimous consent that this thought-provoking editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

What If South Had Invaded North?

"Hanoi.—The government announced today that two full combat divisions of the South Vietnamese army had crossed the Demilitarized Zone into North Vietnam. Heavy fighting was reported in progress as the invaders moved north. In the Hanoi area, smaller units of the South Vietnamese army were striking at this nation's capital in an apparent attempt to seize it."

This is a fictional news release, of course. But what would have happened had this been the case instead of the other way around?

Well, first of all, leading antiwar senators such as George McGovern and Ted Kennedy would have issued statements denouncing the action as a violation of pledged efforts to secure peace at the Paris peace conference.

At the same time Senator Fulbright would have demanded the impeachment of President Nixon because of the latter's failure to consult with the Senate before providing support facilities for the South Vietnamese invasion including naval and air cover.

In Washington, organizers of the National Moratorium to End the War would be hastily preparing for a march by thousands of protesters, to be staged in the nation's capital. The Capitol and Supreme Court would be focal points of the protest march.

On the campuses, convocations would be called by radical professors to denounce the latest manifestation of U.S. imperialism.

And Jack Anderson would publish excerpts from sets of secret documents provided him by disgruntled employees of the Defense Department showing the Administration all along had been openly talking about peace while secretly preparing, for months, for the invasion of North Vietnam.

All across the land, there would be a terrible commotion, most of it directed at the government because of its perfidiousness in attacking the innocent North Vietnamese when all along everyone knew all the latter wanted was peace in Indochina.

But the outcry wouldn't be limited to the U.S.; abroad, the press and certain elements of the public in places like London, Paris and Rome would express alarm and worry at what the U.S. had done.

And in Moscow, Pravda would attack the U.S. as an enemy of mankind bent only on brutal conquest, while the Kremlin took a grave view of developments with a hint that by its action, America had hastened us all toward some sort of doomsday. The world would be teetering on the brink in the view of these concerned persons, agencies, media and governments.

What really has happened, of course, is entirely the other way around. But without the great hue and cry in the United States.

Oh, there has been some complaint, of course. As pointed out by Senator Hansen on Saturday, Senators Humphrey and Kennedy blame President Nixon for the invasion of South Vietnam.

California's allegedly Republican Congressman Paul McCloskey, who gave up the ghost in his abortive quest for the GOP presidential nomination after the New Hampshire primary, denounced U.S. air support of the South Vietnamese after the invasion by North Vietnam.

But nobody among all of these so-called "peace" advocates, who fret so much about what war does to humanity, has called into question the fact that it is Hanoi that is staging the attack on South Vietnam.

War is aggression when we conduct it. But war is something to be ignored when the enemy does it.

THE ENERGY CRISIS

Mr. MOSS. Mr. President, for almost a year, the Senate Committee on Interior and Insular Affairs has been conducting hearings from one coast to the other, and intensively here in Washington, on the energy crisis. Suddenly, the energy crisis has become newsworthy. I note the Washington Post in a concise, full-page spread for April 14 has recognized an energy crisis.

As the Senate well knows, we authorized an energy study pursuant to Senate Resolution 45 in the first session of this Congress.

Numerous energy studies have been and are being made by industry, various agencies and departments in the executive branch of the Federal Government, State regulatory agencies, many universities, private research foundations, and by industry trade associations. No previous attempt had been made to make a comprehensive analysis of existing energy policies or of identifying conflicting policies, of describing systematically the numerous energy problem areas and, most important, to suggest an internally consistent set of alternative policies that would lead to solutions of present problems and prevent future ones.

We began our study with a hearing on the President's energy message. Since then, we have reviewed national goals and we found inconsistencies and a lack of any comprehensive, coherent, existing Federal energy policy. Over and over again, witnesses have agreed that national policy goals must be established.

I have conducted many days of hearings pursuant to Senate Resolution 45. Topics covered have included a review of the President's energy message; a symposium on energy policy and national goals; separate reviews of the Department of the Interior's proposed oil shale leasing program, pending surface mining legislation, nuclear energy and environmental regulation, coal gasification developments, the Southwest powerplants, the President's proposal to establish an Energy and Mineral Resources Administration in the proposed Department of Natural Resources, and natural gas hearings on supply and demand, and a host of subsequent hearings, studies, and reports will be forthcoming.

Fundamental in all of our efforts is a search toward the basic needs and necessities of people. Our options are narrowing. Optimum efforts must now be made.

Unpleasant as it may be, the first step—an awareness that there is an energy crisis—has apparently been reached. Not only in the April 14 issue of the Post, but in subsequent newspaper stories. The news media has joined those of us who have been hearing these matters on the Interior Committee and has recognized a crisis.

There are difficult decisions to be made and we will have to use all our sciences and technologies to resolve them, but alertness to the crisis and the unpleasant realities of the situation is a monumental step.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Enegry Crisis: Light Dims at End of the Tunnel

John A. Carver, Jr., Member, Federal Power Commission: "I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives."

(By Thomas O'Toole)

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that life that means color television, frostless freezers, self-cleaning ovens, and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country must have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates, Americans will be left only with coal by the year 2000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter what we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, onetime energy adviser to Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300 million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth, a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country's electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem: the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted because they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 per cent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cubic feet to 247 trillion cubic feet at the end of 1971.

There have been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scarce, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas. quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 per cent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that will pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five billion cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new supertankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $37 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each, draw as much as 80 feet of water. This means the United States must construct three new deepwater terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come close to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquefied gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today,'" according to C. L. Woods, vice-president of Mobil Oil Corp., "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

"The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move into Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets its low-sulfur oil either by having Venezuelan oil "desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil, it has had to pay almost double what it was paying two years ago and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 per cent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil: locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

Such a debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reach the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and as many again on the Eel River and Mad River in northern California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

AEC ALTERNATIVES

"Things could come to a slow grinding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

POLLUTANTS IN THE OCEAN

Mr. BAKER. Mr. President, last year President Nixon, as a part of his environmental message, recommended legislation to control the dumping of pollutants into the waters of the ocean. The President highlighted the severe degradation of the oceans that was occurring from the uncontrolled discharge of growing volumes of materials and sought rapid enactment of his program.

Mr. President, the House and the Senate have passed bills based on the administration's proposal with some limited differences, and a bill is at present in conference. I serve on the conference committee. It has met twice, both times before the adjournment of the first session of the 92d Congress. I am sad to report to the Senate that there have been no meetings of the conference committee in the second session. I might add that the failure to have conferences has not been the responsibility of the Senate.

The President wants very much to have the bill enacted. Mr. Ruckelshaus, Administrator of the Environmental Protection Agency, wants very much to have the bill enacted, and he has worked very hard with the members of the House conference committee in seeking agreement.

I think it is important to report to the Senate and the people on the status of this conference. There can be no question of the importance of this legislation. There can only be question as to the continued delay in completing the conference agreement. Last week an article in the New York Times described some of the issues involved in conference as they relate to the House committee. I would hope that in the near future these issues could be resolved so that this bill can be sent to the President.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGHT IN CONGRESS HOLDS UP COASTAL DUMPING BILLS

(By E. W. Kenworthy)

WASHINGTON, April 10.—Legislation to regulate the dumping of wastes into the coastal waters of the United States is stalled by a dispute between the House and Senate over whether the Army Corps of Engineers or the Environmental Protection Agency should control the disposal of spoil from dredging.

The dispute is greatly complicated because of overlapping committee jurisdiction in both houses.

In the House, the Merchant Marine and Fisheries Committee and the Public Works Committee each produced a bill that would give to the administrator of the E.P.A. the authority to issue permits for dumping material, except for dredged spoil and fill material, into coastal waters up to 12 miles from shore.

Both bills gave to the Corps of Engineers the authority to issue dumping permits for dredge spoil.

The reason the corps was given the authority is that Representative Edward A. Garmatz, Democrat of Maryland, who is chairman of the Merchant Marine and Fisheries Committee, and Representative Robert E. Jones, Democrat of Alabama, who has been acting as chairman of the Public Works Committee during the illness of John A. Blatnik, Democrat of Minnesota, are supporters of the corps.

Representative John A. Dingell, Democrat of Michigan, who is chairman of the Merchant Marine Subcommittee on Fisheries and Wildlife, which wrote the bill, was reported to be opposed to giving the corps this authority but unwilling to buck Mr. Garmatz.

The House passed both bills.

CONTRAST IN SENATE

In the Senate, the Public Works Committee and the Commerce Committee produced bills in which the E.P.A. administrator was given power to regulate by permits all dumping of waste material, including dredged spoil.

The reason that the Senate bills did not give the corps permit authority for spoil is that most of the dredging is done on rivers and harbors projects that are under jurisdiction of the corps and the corps' relations with commercial dredgers were consequently felt to be too close.

In effect, the House bills gave the corps power to regulate itself, while the Senate committees opposed this, and the Senate supported its committees.

This is how the alternating action went:

On Sept. 10, the House passed the ocean dumping bill of its Merchant Marine Committee, with authority over dedged spoil given to the corps.

On Nov. 2, the Senate passed the Water Pollution Control Bill, written by the Public Works Subcommittee on Air and Water Pollution, whose chairman is Edmund S. Muskie. It had a section on ocean dumping giving all permit authority to the E.P.A. administrator.

On Nov. 24, the Senate passed an ocean dumping bill prepared by its Commerce Committee, which also gave the E.P.A. administrator complete authority on ocean dumping, (applications for permits were to be accompanied by a certificate from the corps that the area chosen for dumping was "the only reasonable available alternative," but the administrator could refuse the permit if he found dumping in that area would have adversely affected fisheries and shellfish beds).

Two weeks ago the House passed the water pollution control bill prepared by its Public Works Committee. The bill, like its ocean dumping bill, also reserved to the corps power to regulate dredged spoil disposal.

In a conference committee of the two public works committees, Mr. Jones knows that he will lose on the issue of dredged spoil. In a conference committee of the Senate Commerce and the House Merchant Marine Committees, Mr. Garmatz knows that he will lose on the same issue.

In this situation, according to those close to the dispute, Mr. Jones and Mr. Garmatz have agreed on this strategy:

Mr. Garmatz will refuse to call a conference committee. The initiative lies with him as chairman of the committee originating the ocean dumping bill.

Meanwhile, Mr. Jones, in a conference of the Public Works Committee, will try to get a deal under which the corps will get authority over dumping of dredged spoil. In return Mr. Jones will agree to accept some provisions in the Senate water pollution bill that are not in the House bill. One such provision is the right of the E.P.A. administrator to veto permits issued by states for dumping in lakes and rivers.

MARSHALL UNIVERSITY AIRPLANE DISASTER

Mr. HARTKE. Mr. President, recently the National Transportation Safety Board released its report on the crash of the Southern Airways DC–9 airplane near Huntington, W. Va., on November 14, 1970. The crash killed 71 passengers and four crew members. All the passengers were either members of the Marshall University football team or team fans.

The Safety Board determined that the probable cause of this accident was—

> The descent below Minimum Descent Altitude during a non-precision approach under adverse operating conditions without visual contact with the runway environment. The Board has been unable to determine the reason for this descent although the two most likely explanations are (a) improper use of cockpit instrumentation data; or (b) an altimetry system.

Mr. President, I have read the rather lengthy report of the Safety Board of this accident and I am left with several unanswered questions. Southern Airways had originally refused to operate a DC–9 off the Huntington Airport. On April 18, 1969, Mr. Merrill Taylor, director of charter sales for Southern, wrote to the director of athletics for Marshall University and in that letter said:

> I must now concede that we cannot operate our DC–9's off the Huntington Airports with the loads necessary to transport your football team. Our maximum loads with the DC–9's would be approximately 50 passengers on a dry runway and somewhat less on a wet runway. Inasmuch as the nearest alternate in Charleston is also highly restricted, we are most reluctant to offer this service. Your trips can best be handled with an aircraft such as Piedmont's YS–11 or Eastern Electras.

Another letter on June 18, 1969, between the same two people includes the following comment:

> I requested our engineering people to reevaluate the operational figures supplied earlier with regard to operating our DC-9's out of Huntington. I now regret to advise that the restrictions outlined in my April 18 letter would apply. In view of the data that I have supplied I still feel that we cannot provide a desirable operation and we could not assure you that we would be able to complete the charters in event of inclement weather.

In an October 9, 1970, letter from Mr. W. Bayne Grubb, vice president, flight operations, of Southern Airways to Marshall Unversity anticipated some of the concern which must have been felt at the college. It stated:

> Southern Airways, Inc., is a U.S. scheduled aircarrier operating primarily scheduled services over a 9,000-mile route system. In addition, Southern operates charter services throughout the United States, Canada, and the Bahamas with flight equipment and crews in conjunction with our daily scheduled services requirements. The flight equipment and crews operating our charter flights are indeed the same crews and equipment used on our scheduled services. We do not maintain separate aircraft fleets nor separate crew requirements.

Another paragraph of the letter states the following:

> All phases of our operation must conform to our established and published Standard Practice Procedure and our operation must meet the standards of our own company inspectors as well as FAA regulations. All phases of our operation are monitored by FAA inspectors on a constant and continuing basis to insure compliance with statutory requirements concerning both safety and proficiency.

Mr. President, the report of the National Transportation Safety Board does not provide a clear cause of the reversal of Southern Airways original decision not to fly the DC-9 airplane into the Huntington, W. Va., airport. It does indicate, however, that the statements made to Marshall University in Southern Airways' October 9, 1970, letter were less than candid and not completely accurate. While it is true that both the aircraft and crew were comparable to those of Southern Airways' scheduled flights, FAA regulations do not specify the same airport and route qualifications for charter flights as those which exist for schedule flights.

The airport and route qualifications applicable to scheduled flights Southern Airways, are contained in part 121.443 of the Federal Aviation Regulations. These qualifications include the following: First, the air carrier must establish in its manual a procedure whereby each pilot who has not flown over a route and into an airport within the preceding 60 days, will certify on a form provided by the operator that he has studied and knows the subjects listed below in regard to the routes and airports into which he is to operate. Second, each shall show that he has adequate knowledge of the following: First, weather characteristics appropriate to the seasons; second, the navigation facilities; third, communications procedures; fourth, kinds of terrain and obstruction hazards; fifth, minimum safe flight levels; sixth, pertinent air traffic control procedures including terminal area, arrival, departure, and holding and all kinds of instrument approach procedures; seventh, congested areas, obstruction and physical layout of each airport or terminal area in which the pilot will operate. Third, he must show adequate knowledge of position reporting points and holding procedures. Fourth, he must make an entry as a member of a flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. The entry must include a takeoff and a landing and a qualified pilot must occupy a seat in the pilot compartment and must be accompanied by a pilot who is qualified for the airport. Fifth, the entry requirement may be waived only on very limited conditions which are described in the rules.

The airport and route qualifications applicable to the charter flight operations of Southern Airways included only paragraphs 1 and 2 of the above requirements. In accordance with the company's operations manual, when the captain signed the flight release, he certified that he had studied and knew the subjects listed above in paragraph 2 with regard to the route and airports into which he intended to operate. There was, however, no procedure in the manual to provide for a showing by the captain that he had the requisite knowledge nor was such a showing required by Federal Aviation Regulations. Had this been a scheduled flight, the regulations would have required that the pilot in command, before making his initial entry into an airport under instrument conditions, must demonstrate that he has adequate knowledge by actual entry into that airport, by entry into a nearby airport, by synthetic trainer or by use of approved pictorial displays. There is further evidence in the investigation of the Safety Board that some of the documents carried by the airplane crew were more than 2 years out of date.

The Tri-State Airport in Huntington was equipped with an ILS localizer, but no glide scope had been installed. A complete instrument landing system was scheduled for installation and commissioning at the Tri-State Airport in June 1968. The localizer, middle marker, and outer marker installations were completed at that time but there was insufficient terrain to provide adequate reflecting surface for the glide slope antenna, within the existing criteria. Three applications for runway extension which would also provide suitable terrain for the glide slope antenna was submitted to the FAA in fiscal year 1967, 1970, and 1971. The 1967 and 1970 requests were not approved, because the necessary matching funds of the sponsoring agency were not available and consequently, the Federal funds were not committed. The 1971 request was still under consideration at the time of the accident. Ironically, and tragically, following the accident, a complete instrument landing system was installed using Federal funds only.

Mr. President, the Safety Board dwells a great length on the altimeter systems used aboard the DC-9 aircraft and discusses the possibility that the data supplied by those instruments was in error or that the pilots erred in reading that data. Unfortunately, the Safety Board is unable to arrive at a firm conclusion on that question. I do not believe that any effort to assess blame will bring back a single one of the 75 lives lost in that tragic accident in November of 1970, but I do believe that an effort to get at the facts may prevent the needless loss of life in the future. After reading the report of the National Transportation Safety Board, I am once again impressed by the gaps of information and knowledge which we have concerning airplane flight. It is time we in Congress paid closer attention to the growing demands of the Nation's aviation system.

The public has a right to expect that every airport used by scheduled and nonscheduled commercial aircraft in this country is safe, but that is obviously not the case in a great number of instances. It also has a right to expect that aircraft instrumentation is adequate to enable flight crews to make safe landings in all reasonable weather conditions. That is also not the case at the present time. Finally, it has a right to expect that all aircraft crews are properly prepared for their flight; that they are well aware of the environmental hazards of airports; and that they are prepared to meet all reasonably expected emergencies. That is also, obviously, not the case at present. I believe that we in Congress do far more than we have done to make this Nation's aviation system safe. The report of the National Transportation Safety Board on the Marshall University tragedy should be the impetus for congressional action.

Mr. President, I ask unanimous consent that the summary of the Safety Board's report on the Marshall crash be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SAFETY BOARD'S REPORT ON THE MARSHALL CRASH

> The National Transportation Safety Board today issued its report on the fatal crash of a Southern Airways DC-9 which occurred during a landing approach to the Tri-State Airport at Huntington, West Virginia, on November 14, 1970. All 75 occupants were killed and the aircraft was destroyed.
>
> The flight, chartered to transport the Marshall University football team, and team fans, from Kinston, North Carolina, to Huntington, West Virginia, was attempting a nonprecision instrument landing approach to Runway 11 at the time of the accident. The crash occurred at approximately 1936 e.s.t. following impact with trees about 1 mile west of the runway threshold.
>
> The elevation of the broken trees at the initial impact site was approximately 922 feet mean sea level. For this instrument approach, the Board said, the Minimum Descent Altitude—below which descent is not authorized until the runway environment is in sight—is 1,240 feet mean sea level or 318 feet higher than the initial impact site.
>
> The weather at the time of the accident was: 300 feet scattered, measured 500 feet variable broken, 1,100 feet overcast, visibility 5 miles, light rain, fog, smoke, wind 360 degrees at 4 knots.
>
> The Safety Board determined that the probable cause of this accident was:
>
> "The descent below Minimum Descent Altitude during a nonprecision approach under adverse operating conditions, without visual contact with the runway environment. The

Board has been unable to determine the reason for this descent although the two most likely explanations are (a) improper use of cockpit instrumentation data or (b) an altimetry system error."

The Board's investigation found no malfunction or failure in the aircraft structure, primary flight controls, or powerplants. The crew was properly certificated and qualified for the flight, the aircraft was properly certificated and maintained, and there was sufficient runway available for the DC–9 to have landed under the wet conditions existing at Huntington at the time of the accident.

The Board pointed out that during the approach to Huntington, the crew made reference to altitudes, as reflected by the recorded cockpit conversation, and, in fact, initiated a go-around when they believed they had reached Minimum Descent Altitude but this conversation also indicates that the crew was not aware that the aircraft had descended below MDA.

After a meticulous study of all the evidence developed during its on-site investigation of the accident, and from the record of its subsequent public hearings, the Board believes there are two "reasonably possible explanations" why the descent through MDA was not recognized by the crew.

The first of these possibilities is that the crew was using the barometric altimeters—which gives the aircraft's height above sea level—to determine their height above MDA, and the vertical speed indicators to monitor the rate of descent during the approach, but that these instruments were providing erroneous information. The second possible explantation for the unrecognized descent below MDA is that the copilot was using the radio altimeter—which gives the actual height of the aircraft above the ground over which the plane is flying—as the primary source of altitude reference which therefore misled the crews into believing the DC–9 was higher than it actually was because the ground surface in the Huntington approach area is at some points substantially lower than the field elevation.

In its report the Board analyzed in some detail both of these "reasonably possible" explanations for descent below the MDA, using several technical hypotheses. However, neither of these two principal explanation areas is supported by sufficient evidence to warrant its being selected as the reason for the descent.

There is a need, the Board said, for all segments of the aviation industry to continue to focus attention on the unique demands for crew coordination and vigilance during nonprecision approaches. The Board reiterated its concern with the general problem of landing and approach accidents and reemphasized its interest in various measures that might prove useful in preventing such accidents. "Area navigation systems," the Board said, "now in the final proving stages of development, will apparently provide descent guidance capability within the aircraft and should be standard equipment on all future transport category aircraft."

The Board also reviewed a serious of safety recommendations it had made to the FAA which is involved with the problem of improving safety in the approach and landing phase of flight. The Board noted, in one instance, that although the FAA required the installation of altitude alerting devices in all turbo-powered civil aircraft to provide aural and visual indications to warn pilots when approaching selected altitudes that this device "as installed and operated" did not provide any information regarding the aircraft's proximity to the ground "during the final approach phase of landing approach." Therefore, the Board has recommended to FAA that a ground proximity warning device be developed for air carrier aircraft for use during approach and landing.

The Board noted also that the FAA was developing new criteria for nonprecision approaches which involves establishing a final approach descent fix from which a normal descent path from MDA to touchdown could be commenced. In addition the FAA is proposting to provide a Visual Approach Slope Indicator—a ground device using lights to define a vertical approach path to landing—for each runway served by a nonprecision approach. The Board believes that these two proposals are "timely and appropriate" and will aid in preventing accidents during nonprecision approaches.

Finally, the Board urged the FAA, whenever physically possible and within the limits of available resources, to convert nonprecision approaches to precision approaches through the installation of Instrument Landing Systems. In this connection, the Board concluded "it is also possible that the nonstandard glide slope which was installed subsequent to the accident might have prevented this accident in that the pilot would have been provided with a primary electronic indication of his position relative to the desired glide path."

THE PINION GEAR INDUSTRY IN THE UNITED STATES

Mr. THURMOND. Mr. President, I invite the attention of the Senate to a most urgent problem involving the security of the United States. Unless there is an immediate resolution of this problem, the United States will become totally dependent on a few foreign sources for critical precision components required by our military forces. These components are indispensable for the manufacture of timing mechanisms used in fuzes and safety devices for a wide range of ammunition.

For many years, the Swiss watch and clock industry, vigorously supported by the Swiss Government, has been engaged in a conspiracy designed to cripple and destroy our own watch industry.

As a reminder to Senators, I would like to quote a significant portion of a court case on this conspiracy which was proved in the U.S. District Court, Southern District of New York. The case which was heard by Judge John M. Cashin, was concluded on December 20, 1962. I quote Judge Cashin as follows:

> Since at least 1931 and continuing to date, the defendants have been and are engaged in a combination and conspiracy to restrain unreasonably the foreign and interstate trade and commerce of the United States in the manufacture, import, export and sale of watches, watch parts and watchmaking machines in violation of Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act.
>
> I cannot accept the argument that the defendants' Conventional restrictions aimed at preventing the development of competitive watch manufacturers were "not directed at the United States watch industry." The United States watch industry was the Swiss watch industry's biggest competitor, and the restrictions of the Convention have obviously had a crippling effect in this country, and were so intended.
>
> The only question suggested here is whether the acts of the defendants have affected United States trade and commerce and, if so, whether they have restrained such trade and commerce. It is obvious from the facts that they have.

For several years, I have been personally involved in efforts to save for the United States some small residual part of this unique production capability, known as the pinion gear industry and so vital to our national security. Despite considerable attention given to this problem in the past by various agencies of the Government, including a special Subcommittee of the Senate Armed Services Committee, as well as the successful prosecution of the above cited antitrust suit by the U.S. Government against members of the Swiss watch industry, our own watch industry has practically been destroyed.

Now, the remaining residual capability known as the pinion gear industry, is in jeopardy.

Mr. President, in 1969, when it became obvious that the Swiss would be satisfied with nothing less than the total destruction of the remaining U.S. pinion gear capability, irrespective of the effect that this would have on our national security, I personally urged the Secretary of Defense to take whatever action necessary to preserve and strengthen what was left of a woefully inadequate mobilization base. I was encouraged when informed by the Department of Defense, that after a thorough and intensive investigation, the Deputy Secretary of Defense had, on August 19, 1971, instructed all responsible defense agencies that in the interest of defense mobilization, all precision components, notably gears and pinions, for military timing devices must be domestically produced. This policy was to apply to all procurements beginning with fiscal year 1972.

I felt it would be only a short time until domestic producers of precision gears and pinions would begin to receive subcontracts which they desperately need in order to survive. However, with over half the fiscal year 1972 gone, these domestic firms have not received the assistance the policy was designed to give them.

On August 19, 1971, the Deputy Secretary of Defense in his memorandum to all responsible defense agencies made the following statement:

> I have determined that future defense requirements for such precision components must be procured from domestic or Canadian manufacturing sources to the maximum extent practicable to preserve the domestic mobilization base for such components.

There is nothing that I can find in his memorandum to any defense agency which pointed out that any measures were being taken to transfer Swiss-owned companies located in Switzerland to the United States under the pretense of being disguised as domestic companies. His intent was to preserve and strengthen the existing capability in the United States which was in such a run down condition as a result of the all-out attack of the foreign cartels to eliminate all of our existing capability.

At the present time, two Swiss firms are being allowed to establish themselves in this country and continue their destruction of our domestic capability through participation in the very program which was designed to save our domestic base from this competition in order to protect our national security. The two Swiss firms are Degen & Co., Ltd., which is located in Burlington, Mass., and is owned by Degen & Co., Ltd., of Switzerland; and Mill-Max Co. of Port

Washington, N.Y., which is owned by Charilloz of Switzerland.

I was amazed to learn that the Swiss firms were being assisted in their efforts to locate in the United States by some agencies of our Government. This was done with either blatant disregard or ignorance of the Department of Defense directive designed to retain and strengthen our own base producers.

In December of 1971, the first major fuze contract under the new directive was released. It involved over 27 million pinions, and the two above-mentioned Swiss firms initially received all of the subcontracts. However, they made no effort to move to the United States until after the contract was released. These two firms were surveyed by the Army during the first week in February. Both firms were considered unqualified to produce due to the small amount of equipment which they had thus far shipped into the United States; however, on March 13, they were resurveyed and Degen & Co. was still considered disapproved to be used as a subcontractor, but Mill-Max Co. was approved to produce 90,000 pinions per week. It is now my understanding that both companies have come back to the Army and asked for a third survey, and I have no doubt that if things are handled like they have been in the past that both companies will be approved on some basis to produce parts in the United States. I think that this is a flagrant violation of the intent of the directive.

Mr. President, hindsight is always 20–20; and as Judge Cashin said in the findings of his court case—

> That since at least 1931 and continuing to date, the defendants have been and are engaged in a combination and conspiracy against the U.S. watch industry.

Subsequent to Judge Cashin's decision, Swiss watch interests have obtained control of the Waltham Watch Co. of Waltham, Mass.; the Elgin National Watch Co. of Elgin, Ill.; and the Hamilton Watch Co. of Lancaster, Pa. It is significant to note that none of these watch companies any longer manufacture watch movements or watch movement parts in the United States. The dismantling of Elgin's U.S. capability resulted in the loss of several hundred jobs when the firm's movement assembly operation was transferred from Elgin, S.C., to Switzerland. Some measure of the economic loss of this action was compounded by further increasing the inadequacy of our mobilization production base. Unless something is done immediately to protect the pinion gear manufacturers of the United States, the same situation will follow. This cannot and must not be allowed to happen to the pinion gear industry. Our country must never again be put in a position of depending on imports of these vital components in time of emergency. I urge my distinguished colleagues to help prevent it. I plan to provide information to some of my colleagues and personally request their assistance.

My recent effort to seek help from the State Department has not been successful. It is not yet apparent that the Department of Defense will make a further effort to implement its directive as originally intended due to pressure from others. However, it is apparent to me that there are some in the executive branch of the government making an extensive effort to protect our national security in this regard, but they are being overcome by higher authority under the guise of benefits of foreign investment in the United States. I intend to secure all the facts.

Consequently, I am considering a request to have the Justice Department investigate this matter. As I have described, there appears to be collusion between some U.S. prime contractors and foreign subcontractors who manufacture these precision devices. It also appears to me that our Government has not established any monitoring machanism to prevent a reoccurrence of the conspiracy which Judge Cashin uncovered. In my opinion, the case which Judge Cashin heard is very pertinent to the current effort by the Swiss and their U.S. supporters.

It is ironic that the B. F. Goodrich plant in Elgin, S.C., which utilized the former Elgin Watch facility, is now being closed down because of foreign competition in the manufacture of such items as tennis shoes and other canvas footwear. It is reported that over 350 people will lose their jobs because of this foreign competition. It is time for the United States to take a firm position to stop this continuous foreign encroachment into our country.

Mr. President, the analogy of the watch industry to the residual pinion gear-industry is frightening. In an effort to convince the Senate of how the Swiss operate in such matters, I ask unanimous consent to have the opinions and the finding of fact of a U.S. District Court of New York printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK CIVIL ACTION NO. 96–170

(United States of America, against The Watchmakers of Switzerland Information Center, Inc.; Fédération Suisse des Associations de Fabricants d'Horlogerie; Ebauches, S.A.; Foote, Cone & Belding; American Watch Association, Inc.; Bulova Watch Company, Inc.; Benrus Watch Company; Gruen Watch Company; Longines-Wittnauer Watch Company; Gruen Watch Manufacturing Company, S.A.; Eterna, A.G. Uhrenfabrik; Wittnauer et Cie., S.A.; Montres Rolex, S.A.; Concord Watch Co.; Eterna Watch Company of America; Diethelm and Keller (USA) Ltd.; The American Rolex Watch Corporation; Rodana Watch Company, Inc.; Movado Watch Agency, Inc.; Jean R. Graef, Inc.; Norman M. Morris Corporation; The Henri Stern Watch Agency, Inc.; Cyma Watch Co., Inc.; Wyler Watch Agency, Inc.)

In this case the Government alleges a conspiracy to impose unreasonable restraints on the foreign and domestic trade and commerce of the United States, in violation of Section 1 of the Sherman Act (15 U.S.C. § 1), and Section 73 of the Wilson Tariff Act (15 U.S.C. § 8). In brief, the case involves a broad combination and conspiracy allegedly engaged in since 1931 by Swiss and United States manufacturers and sellers of Swiss watches and watch parts and their trade associations to restrict, eliminate and discourage the manufacture of watches and watch parts in the United States, and to restrain United States imports and exports of watches and watch parts for both manufacturing and repair purposes. It is also charged, *inter alia*, that the defendants and co-conspirators have agreed to fix minimum price levels of watches sold in the United States and maximum prices for the sale of repair parts in the United States; to regulate the terms of sale and methods of distribution of watches and watch parts in the United States; to blacklist and boycott all persons not adhering to these restrictive practices, and to exclude persons from dealing in Swiss watches and from engaging in the business of importing Swiss watch repair parts into the United States.

In material part, Section 1 of the Sherman Act provides as follows:

"Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal * * *"

Section 73 of the Wilson Tariff Act provides as follows:

"Every combination, conspiracy, trust, agreement, or contract is declared to be contrary to public policy, illegal, and void when the same is made by or between two or more persons or corporations, either of whom, as agent or principal, is engaged in importing any article from any foreign country into the United States, and when such combination, conspiracy, trust, agreement, or contract is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacture into which such imported article enters or is intended to enter * * *."

The following corporations and associations were listed as defendants in the complaint filed on October 19, 1954:

Fédération Suisse des Associations de Fabricants d'Horlogerie,

Ebauches, S.A.,

The Watchmakers of Switzerland Information Center, Inc.,

Foote, Cone & Belding, Inc.,

American Watch Association, Inc.,

Bulova Watch Company, Inc.,

Benrus Watch Company,

Gruen Watch Company,

Longines-Wittnauer Watch Company,

Gruen Watch Manufacturing Company, S.A.,

Eterna, A.G. Uhrenfabrik,

Wittnauer et Cie, S.A.,

Montres Rolex, S.A. (later dismissed voluntarily by the Government),

Concord Watch Co.,

Eterna Watch Company of America,

Diethelm and Keller(USA) Ltd.,

The American Rolex Watch Corporation,

Rodana Watch Company, Inc.,

Movado Watch Agency, Inc.,

Jean R. Graef, Inc.,

Norman M. Morris Corporation,

The Henri Stern Watch Agency, Inc.,

Cyma Watch Co., Inc.,

Wyler Watch Agency, Inc.

Named as co-conspirators were the following:

L'Union des Branches Annexes de l'Horlogerie,

Société Générale de l'Horlogerie de Suisse, S.A.,

Compagnie des Montres Longines Francillon, S.A.,

Thommens Watch Co., Ltd.,

S.A. Ancienne Fabriques Georges Piaget & Co.,

Ancienne Fabrique Vacheron and Constantin, S.A.,

Société de Vente des Produits Jaeger-Le Coultre, S.A.,

Fabrique d'Horlogerie E. Homberger—Rauschenbach ci-devant International Watch Co.,

Fabrique Movado, S.A.,
Concord Watch Co., S.A.,
E. Mathey Tissot & Co.,
Société Anonyme Louis Brandt & Frère, Omega Watch Co.,
Rodana, S.A.,
Girard-Perregaux and Co., S.A.,
Graef and Co. Fabrique Mimo, S.A.,
Fabriques de Montres Wyler, S.A.,
Cyma Watch Co., S.A.,
Lavina, S.A.,
L'Ancienne Manufacture d'Horlogerie Patek Philippe & Co., S.A.,
Perret et Berthoud, S.A.

The following corporations were listed as repair parts importers and named as co-conspirators:

The Newall Mfg. Co.,
Henry Paulson & Co.,
C & E Marshall Company,
Swartchild & Company,
Hammel, Riglander & Co., Inc.,
M. J. Lampert & Sons, Inc.,
B. Jadow Inc.

Numerous conferences were held with the defendants and the Government, and numerous hearings were held in my presence to see whether or not a consent decree could be worked out for the Government and all the defendants to sign. As a result of these hearings and conferences, a proposed consent decree was arrived at and all the defendants received copies thereof. On the 9th day of March, 1960, consent decrees were signed by the following defendants:

American Watch Association, Inc.,
Foote, Cone & Belding, Inc.,
Eterna Watch Co. of America,
Diethelm and Keller (USA) Ltd.,
Concord Watch Co., Inc.,
Movado Watch Agency, Inc.,
Jean R. Graef, Inc.,
The Henri Stern Watch Agency, Inc.,
Wyler Watch Agency, Inc.,
The American Rolex Watch Corporation,
Rodana Watch Company, Inc.,
Cyma Watch Co., Inc.,
Norman M. Morris Corporation.

The remaining defendants did not sign the proposed consent decree and the trial as to them commenced on November 14, 1960. The defendants who went to trial were the following:

Fédération Suisse des Associations de Fabricants d'Horlogerie,
Ebauches, S.A.,
The Watchmakers of Switzerland Information Center, Inc.,
Wittnauer et Cie., S.A.,
Longines-Wittnauer Watch Company,
Eterna, A.G. Uhrenfabrik,
Gruen Watch Manufacturing Company, S.A.,
Gruen Watch Company,
Bulova Watch Company, Inc.,
Benrus Watch Company.

Plaintiff's case closed on November 30, 1960. The trial was resumed with the opening of defendants' case on February 8, 1961 and, after rebuttal by both sides, terminated on May 17, 1961. Further hearings were conducted in December, 1961. The transcript of the trial encompasses over 8,000 pages, and a total of 1,296 exhibits were introduced by the parties, 731 by the Government and 565 by the defendants.

After consideration of all this evidence, the following findings of fact are made.

FINDINGS OF FACT

Description of Defendants and Others

1. Defendant, Federation Suisse des Associations de Fabricants d'Horlogerie (hereafter referred to as "FH"), is an unincorporated association organized in 1924 pursuant to Article 60 of the Civil Code of Switzerland for the purpose of protecting the general interests of Swiss watch manufacturers and assemblers. It is a non-profit association composed of six regional groups of Swiss watch producers. These groups are called Sections, each of which is itself an association whose membership is composed principally of individual Swiss firms engaged in the manufacture or assembly of jewel-lever watches and movements in Switzerland.

2. There are two types of watch producers who are FH members. One is the so-called *manufacture* (manufacturer), organizations, claiming that Bulova Bienne was entitled to furnish aid to Bulova U.S. as a "situation acquise." The DR rejected Bulova's "situation acquise" argument, but stated it would not intervene in this field "until further notice." Bulova Bienne was thus constantly subject to having this furnishing of aid to Bulova U.S. questioned or stopped at any time.

168. The Swiss watch industry organizations similarly objected to Bulova Bienne furnishing assistance to Bulova U.S. in connection with the manufacture of jewel bearings. The Swiss watch industry organizations also objected to Bulova Bienne's attempt to hire watch technicians skilled in the art of manufacturing self-winding watches which might accrue to the benefit of Bulova U.S., and they warned Bulova that such conduct "would be a direct attempt against the general interest of the Swiss watchmaking industry." The Swiss watch industry organizations also objected to the technical knowledge which had been developed by Bulova Bienne in connection with Bulova's electronic watch being conveyed to the United States. The Swiss watch industry organizations threatened on at least one occasion to cancel the Convention against Bulova Bienne under Article 23 for the aid it was furnishing Bulova U.S. to help its development in the United States.

169. At the request of the United States Government, Bulova established and operated a defense plant for the manufacture of jewel bearings at Rolla, North Dakota. Bulova operated this plant under a contract with the Department of Defense at a net profit of $1.00 per year. In 1953, the Swiss watch industry organizations expressed serious concern over Bulova's operation of this defense plant, and desisted only after being satisfied that Bulova was operating the plant solely for the purpose of making instrument jewels for defense purposes. The Swiss watch industry organizations reserved the right to take action against Bulova—which would include "cutting off" Bulova Bienne—at any time that Bulova might start making watch jewels at Rolla.

170. The Rolla situation led to considerable perturbed discussion between the Swiss watch industry organizations and Bulova Bienne. The Swiss watch industry organizations kept Bulova's Rolla operations under surveillance. One checkup made by the Swiss Consul in Chicago indicated to the DR that there was still a question as to whether the Rolla plans might not at some future date be transformed into making watch jewels.

171. When Bulova U.S. in 1948 opened a watch case factory in Canada, the Swiss industry organizations initially labeled it as a "flagrant violation" of Bulova's obligations; and they characterized this new competition of Bulova as "extremely dangerous to us." The Swiss watch industry organizations desisted in their concern only after being satisfied that the factory was limited to making watch cases and did not manufacture watch movements.

172. Bulova's Canadian plant was kept under continuing surveillance by the Swiss watch industry organizations. In early 1949, the Swiss Consulate in Toronto made a confidential report on this subject to the Advisory Conference of the Watch Industry Organizations, including the suggestion that this case factory in Canada might some day develop into the manufacture of watch movements. In 1951, a further report on the possibility of this factory making watch movements was made to FH by Wosic. The Swiss watch industry organizations warned Bulova that it would be "cut right off—finished" if the Canadian factory should ever start making watch movements.

BENRUS' AGREEMENT NOT TO MANUFACTURE WATCHES IN THE UNITED STATES

173. Prior to February 1936, Benrus had purchased the plant and equipment of the Waterbury Clock Co., Connecticut, which at that time had the right to import watch parts from Switzerland into the United States. After an unsuccessful attempt to get UBAH to continue to ship parts to Benrus as the successor of the Waterbury Clock Co., Benrus asked the United States Government to intervene on its behalf with the Swiss Government to help it to obtain a permit to purchase Swiss watch parts. The Swiss Government directed FH, Ebauches and UBAH to relax the Collective Convention prohibition against exporting watch parts, and to permit Benrus to import from Switzerland into the United States approximately 175,000 sets of watch parts without any restrictive conditions attached. Benrus was thus regarded under the Collective Convention of April 1, 1936, as having acquired a right to manufacture watches in the United States within the meaning of Article 21 of the Collective Convention, which prohibited signatories from establishing manufacturing facilities outside Switzerland but excluded from the prohibition all facilities established prior to April 1, 1936.

174. As a result of the requirements of the defense effort during World War II, Benrus ceased producing watches in the United States in 1942 and devoted its plant to war production. By 1945, since the machinery had been used for work heavier than the production of watches, much of it was not as accurate as it had originally been. Much of the machinery had also become obsolete. Substantial rehabilitation would have been required for the manufacture of watches. In 1945, while Benrus was producing armaments, Benjamin Lazrus went to Switzerland and approached officials in Superholding and offered to renounce Benrus' watch manufacture in the United States on condition that Benrus receive a commensurate increase in its dollar quota covering the value of watches which it could ship from Switzerland to the United States. Thereupon negotiations were conducted by Benrus with Rudolph Schild, director of Ebauches and managing director of Eterna A.G., Paul Renggli, managing director of ASUAG, and Sydney de Coulon, managing director of Ebauches.

175. On July 25, 1945, Benrus entered into an agreement with ASUAG in which Benrus agreed to terminate its manufacture of watches in the United States under the following terms and conditions:

(a) Benjamin Lazrus, acting in the name of Benrus, pledged Benrus to liquidate Benrus' watch manufacturing factory in Waterbury, Connecticut in such a way that it could not be used by any other person for the manufacture of watches and that it would never again be used for such manufacture;

(b) Benrus also agreed to renounce forever the license which it had acquired in 1936 to import watch parts into the United States from Switzerland;

(c) Benrus agreed to confine its manufacturing operations in the United States solely to the production of watch cases and bracelets and to become exclusively a manufacturer of Swiss watches and cease being a manufacturer of watches in the United States;

(d) Benrus was to receive as a condition for its agreement to give up its manufacture of watches in the United States an increase in its Swiss dollar quota which governed the number of Swiss watches which Benrus could ship to the United States enabling Benrus to ship an additional 2.1 million Swiss francs' worth of Swiss watches to the United States.

Benrus also received the right to purchase from Ebauches two special watch calibers.

176. Benrus entered into the 1945 agreement with ASUAG to renounce the manufacture of watches in the United States entirely voluntarily and for its own profit and for the purpose of securing special privileges respecting its manufacture of watches in Switzerland. In entering into the 1945 agreement with ASUAG, Benrus knowingly and intentionally restricted the production of watches and watch parts in the United States for the benefit of the Swiss watch industry. Gruen had knowledge of Benrus' contract.

177. In 1947, Benjamin Lazrus described the effect of the contract as follows: "They give us special calibers, but we in turn give them the discontinuance of American watch manufacture by Benrus and the consequent elimination of another American watch manufacturer. This was an enormous sacrifice and we realized it at the time we entered into the agreement. We knew how valuable our asset was and so did ASUAG. That is why they entered into the contract."

178. Benrus and ASUAG, with the approval of FH, Ebauches and UBAH, agreed to cancel the Benrus contract in 1954 only after learning of the Department of Justice's investigation of the watch industry and in the hope of thereby avoiding litigation or mitigating the consequences of the antitrust violations flowing from the contract. Another reason for annulling the agreement was that it had lost much of its effect due to the fact that the dollar quota system had been terminated by July 1, 1947, and the two special calibers were not used after 1951.

190. On a third occasion the DR approved the application of a Swiss signatory to the Convention to import from the United States unbreakable mainsprings for use in movements to be made for the Elgin National Watch Company, subject to certain conditions concerning advertising and the supply of the same metal from which the mainsprings were to be made. The circumstances surrounding the Elgin affair were as follows: United States watch manufacturers developed unbreakable mainsprings before their competitor Swiss manufacturers. Up to 1953, United States-produced watches therefore enjoyed a competitive advantage in this respect over Swiss watches sold in the United States. In November 1951, Elgin National Watch Company (Elgin) attempted to export unbreakable hairsprings manufactured by Elgin from the United States to certain Swiss manufacturers in Switzerland for incorporation in automatic movements being sold by these manufacturers to Elgin. Elgin held discussions with officials of FH in order to secure permission to export these springs to Swiss manufacturers.

191. The DR refused to permit Elgin to export its hairsprings to Swiss watch manufacturers unless Elgin would agree to make its mainspring alloy available to Swiss mainspring producers and would enter into an agreement with FH concerning its advertising in the United States of its automatic watches containing unbreakable mainsprings FH submitted to Elgin the terms of the agreement which it proposed Elgin execute as a condition of exporting its unbreakable mainsprings from the United States to Switzerland. Under the terms of FH's proposal, Elgin was to agree not to advertise the fact that its automatic watches contained unbreakable mainsprings. Elgin refused to enter into an agreement limiting its advertising in the United States and consequently was not permitted to export its mainsprings from the United States to Switzerland.

192. On the fourth occasion, the DR denied Bulova Bienne's application for permission to import hairsprings and mainsprings from Bulova U.S. During the period 1951–1954, Bulova U.S. sought to ship its American-made hairsprings and mainsprings into Switzerland for use by Bulova Bienne, but was prevented from doing so by the Swiss watch industry organizations under Article 6 of the Collective Convention. Under Article 6 of the Convention, Bulova Bienne was prohibited from purchasing watch parts from "non-Conventional" firms without special permission. The Swiss watch industry organizations treated Bulova U.S. for this purpose as a "non-Conventional" firm.

193. In this case, Bulova's position was that its mainsprings were a "specialty" and therefore were exempted under Article 6; that they were superior to Swiss-made springs; and that they were to be furnished within a single company and that Bulova U.S. should therefore not be considered "non-conventional." The Swiss industry organizations took the position that Bulova U.S. was a separate entity and "non-Conventional"; that Bulova's springs were not *ipso facto* a "specialty"; and that tests of Bulova's springs were required to decide whether or not they were superior. Bulova submitted its mainsprings and hairsprings for such tests in March 1953.

194. Although the tests indicated that Bulova's mainsprings were "somewhat better" than Swiss mainsprings, there was never a final decision as to the results of these tests. In essence, there was a "general slowdown" on this question. As late as February 1954, after a follow-up Bulova application, the Swiss watch industry organizations expressed their determination to delay any final decision as long as possible. In November 1953, almost a year after Bulova's initial request, the President of the DR advised Bulova at a meeting that the part of its application based upon its mainsprings being *ipso facto* a "specialty", was rejected. In this connection he advised Bulova that he had the power to grant permission to Bulova Bienne to manufacture hairsprings and mainsprings in Switzerland (Bulova Bienne having no permit to manufacture these items), even though the Consultative Commission of the Swiss Department of Public Economy might object thereto.

195. Bulova sought the assistance of the United States Department of State to intercede with the Swiss Government in the hope that the Swiss Government could persuade the Swiss watch industry to grant Bulova permission to ship its American-made mainsprings to its Swiss plant. The Swiss Government was anxious that FH, Ebauches and UBAH grant Bulova permission to ship its mainsprings to Switzerland, and advised several times that it had instructed the organizations to grant Bulova's request. The Swiss Government, however, did not have the power to compel the watch industry to permit Bulova to ship its springs into Switzerland, and was unsuccessful in persuading the organizations to make this exception to the provision of the Collective Convention.

196. The Swiss Government eventually supported the DR's position, and the mainspring controversy was considered both by the Swiss watch industry organizations and by the Swiss Department of Public Economy to be a question of "private law." The DR felt that "the political authorities should not interfere in this matter." FH, Ebauches and UBAH refused to permit Bulova to export its mainsprings to its Swiss plant, despite their awareness that the Convention prohibition on purchasing watch parts from non-Swiss manufacturers could be violative of the United States antitrust laws. The DR denied permission, stating that Bulova Bienne had not met any of the three conditions established by the Collective Convention (see Finding 193). One of the reasons relied upon by FH, Ebauches and UBAH for their refusal to permit Bulova to ship mainsprings into Switzerland was their concern to avoid any measure which might encourage the manufacture of competitive watch parts in countries outside Switzerland.

197. In early 1953, Bulova U.S. decided to import into the United States wrist alarm movements manufactured in Germany by Junghans, A.G., a German watch manufacturer. The manager of Bulova Bienne advised Bulova that such a purchase could only be made under the Convention if Bulova could establish that such movements could not be purchased in Switzerland. Thereupon, Bulova notified FH, Ebauches and UBAH of its intention to import these alarm watch movements into the United States from Germany and stated that it wished to purchase these alarm movements since comparable movements were not being produced in Switzerland at that time. Bulova affirmed that as soon as these movements were available in Switzerland, it would cease purchasing them from Germany.

198. Vulcain, a member of FH, protested against Bulova's importation into the United States of German alarm movements on the ground that the manufacture of watches by German manufacturers would thereby be encouraged and the competitive ability of the German watch industry would be accordingly strengthened. Initially, FH, Ebauches and UBAH, through the DR, objected to Bulova's purchase of these German-produced watches, and confirmed at that time what they had previously affirmed, that United States affiliates of Convention signatories were not permitted to purchase watch products outside of their own country from any persons other than Convention signatories. FH, Ebauches and UBAH considered this matter throughout the balance of 1953 without making any final decision. Ultimately, they advised Bulova that such importation would be contrary to the Convention provision prohibiting signatories from dealing in watch products produced by persons who were not parties to the Convention unless such products were unavailable in Switzerland. Bulova agreed to discontinue its importation of German watch movements into the United States as soon as such movements were available in Switzerland.

199. Bulova, Eterna N.Y., Gruen Ohio and Longines-Wittnauer refrained from exporting uncased movements from the United States.

LONGINES-WITTNAUER'S EXCLUSIVE DISTRIBUTION AGREEMENTS RESTRICTING UNITED STATES IMPORTS AND EXPORTS OF WATCHES

200. Longines-Wittnauer executed exclusive distribution agreements with its Swiss manufacturer suppliers, Longines S.A., Thommens, Piaget, Vacheron & Constantin and Jaeger-Le Coultre which contained the following terms:

(1) Longines-Wittnauer agreed in its distribution agreements with Longines S.A. not to sell or distribute movements or watches produced by any other watch manufacturer without obtaining the consent of Longines S.A.;

* * * * *

RESTRICTIVE TERMS AND EFFECTS OF DEFENDANTS' COMBINATION AND CONSPIRACY

XV. The Collective Convention was intended by defendants to and did affect and relate to the activities of United States companies and to the manufacture of watches and watch parts in the United States, the United States import and export of watches, watch parts and watchmaking machines, and the sale, use and distribution of watches, watch parts and watchmaking machines in the United States.

XVI. The agreement of the defendants in the Collective Convention not to export watch parts for manufacturing purposes from Switzerland except under very limited controlled circumstances was intended by defendants to and did impose unreasonable restrictions on the manufacture of watches and on the import and sale of watch parts in the United States.

XVII. The agreement of the defendants in the Collective Convention not to manufacture watches and watch parts outside Switzerland and not to furnish watchmaking machinery, tools, dies and models and other types of financial, technical and managerial assistance to watch manufacturers outside Switzerland was intended by defendants to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States and on the import of watchmaking machines, tools and dies into the United States.

XVIII. The agreement of the defendants in the Collective Convention not to deal in watch products manufactured by persons other than signatories of the Convention and not to permit their affiliates to deal in such non-Conventional products was intended by defendants to and did restrict the growth and development of watch manufacturers in the United States and the United States import and export of watches and watch parts.

XIX. The agreement of the defendants in the Collective Convention not to export from Switzerland various types of uncased movements and not to export any movements with temporary dials was intended by defendants to and did impose unreasonable restrictions on the manufacture of cases and dials in the United States.

XX. The agreement between FH, Ebauches, UBAH and the Roskopf Association, on the one hand, and the Swiss watchmaking machinery manufacturers and the Swiss Watch Chamber, on the other hand, dated July 1946, was entered into in furtherance of defendants' conspiracy to prevent the export of certain types of watchmaking machinery to watch manufacturers in the United States and in other countries and was intended by defendants to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States and the import into the United States of watchmaking machinery.

XXI. In furtherance of their conspiracy to prevent the export of certain types of watchmaking machinery to watch manufacturers in the United States and elsewhere, FH and Ebauches caused Machor to be established and caused Machor to export certain types of watchmaking machinery solely under leases containing restrictive provisions.

XXII. Machor's refusal to export certain types of watchmaking machinery except on a lease basis and the provisions of the standard lease agreement drawn up by Machor for the lease of these machines was intended by the defendants to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States, the import into the United States of watch parts and watchmaking machinery and the sale in the United States of watch parts.

XXIII. In furtherance of their conspiracy to prevent the growth of competitor watch manufacturers in the United States and elsewhere, defendants FH, Ebauches and UBAH entered into cartel agreements with members of the British, French and German watch industries prohibiting these industry members from purchasing watch parts from any person other than Convention signatories and from selling watch parts which they purchased or which they produced themselves. These cartel agreements were intended by the parties to and did impose unreasonable restrictions on the growth and development of the manufacture of watches in the United States and on the United States import and export of watch parts to and from these countries.

XXIV. Bulova, in furtherance of the conspiracy, entered into Gentleman's Agreements with ASUAG, FH, Ebauches, and UBAH, which were intended by the parties to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States and on the United States sale, import and export of watch parts.

XXV. Benrus' manufacturing contract, voluntarily entered into by Benrus with ASUAG in July 1945 in furtherance of the conspiracy, was intended by the parties to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States.

XXVI. Gruen Ohio's and Gruen S.A.'s contract, voluntarily executed by the two Gruen companies with FH, Ebauches and UBAH in January 1943 in furtherance of the conspiracy, was intended by the parties to and did impose unreasonable restrictions on the manufacture of watches and watch parts in the United States and on the United States sale, import and export of watch parts.

XXVII. The provisions of Longines-Wittnauer's exclusive distribution agreements with its Swiss watch manufacturer suppliers, Longines S.A., Thommens, Piaget, Vacheron & Constantin and Jaeger-Le Coultre, preventing Longines-Wittnauer from exporting from the United States watches produced by these companies and requiring these companies to ensure that their watches were not imported into the United States from third countries were designed for the sole purpose of protecting Longines-Wittnauer from price competition in the United States, were executed in furtherance of defendants conspiracy and were intended by the parties to and did impose unreasonable restrictions upon the United States import and export of watches.

XXVIII. The provisions of Longines-Wittnauer's exclusive distribution agreement with Longines S.A. prohibiting Longines-Wittnauer from dealing in any other watches without the consent of Longines S.A. were designed to further the defendants' conspiracy to eliminate the sale of non-Swiss watches in the United States and were intended by the parties to and did impose unreasonable restrictions on the United States import of watches.

XXIX. The provisions in Eterna A.G.'s exclusive distribution agreement with Eterna N.Y., dated January 1, 1952, prohibiting Eterna N.Y. from dealing in any other manufacturers' watches without Eterna A.G.'s consent was designed to further defendants' conspiracy to eliminate the sale of non-Swiss watches in the United States and was intended by the parties to and did impose unreasonable restrictions on the United States import of watches.

XXX. The provision in Eterna A.G.'s exclusive distribution agreement with Eterna N.Y., dated January 1, 1952, prohibiting Eterna N.Y. from exporting watches from the United States, also contained in all of Eterna A.G.'s agreements with its world-wide distributors, was part of Eterna A.G.'s world-wide distribution policy to protect its distributors in the United States and elsewhere from competition from Eterna watches imported by other persons from third countries. The provision in Eterna A.G.'s contract with Eterna N.Y. was designed to further defendants' conspiracy to eliminate competition in the sale of Swiss watches in the United States and was intended to and did impose unreasonable restrictions on the United States import and export of watches.

XXXI. The plaintiff has failed to sustain its burden of proof that the defendants agreed to establish or did establish minimum sales prices or price levels below which Swiss watches were not to be sold in the United States.

XXXII. The plaintiff has failed to sustain its burden of proof that defendants agreed to establish or did establish uniform guarantees to be offered on the sale of Swiss watches in the United States; nor did the Government establish that the defendants adhered to any agreements in fixing their own guarantees, or in the regulation of watch advertising in the United States.

XXXIII. Defendants agreed to and did boycott and blacklist United States companies engaged in the sale of Swiss watches in the United States who did not comply with FH regulations.

XXXIV. The plaintiff has failed to establish that by entering into agreements with its United States repair parts customers, Ebauches either intended to or did fix the price at which Swiss repair parts were sold by those customers in the United States. The plaintiff has failed to prove that the Repair Parts Program and Ebauches' agreements with its United States repair parts customers were anything more than normal and lawful competitive conduct, or that these activities were in any way in furtherance of defendants' conspiracy.

XXXV. Defendants' combination and conspiracy was directed towards the United States, substantially affected United States trade and commerce, and many of the acts of defendants in furtherance of the conspiracy took place in the United States.

XXXVI. The agreements entered into by defendants and the actions taken by them in furtherance of their combination and conspiracy to impose restraints on United States foreign and domestic trade and commerce were not required by any Swiss law, statute, decree or ordinance in effect in Switzerland.

ILLEGALITY OF DEFENDANTS' COMBINATION AND CONSPIRACY

XXXVI. Defendants' agreements imposing unreasonable restrictions on the manufacture of watches and watch parts in the United States are illegal under Section 1 of the Sherman Act. *Coronado Coal Co.* v. *United Mine Workers*, 268 U.S. 295, 310 (1925); *United States* v. *American Tobacco Co.*, 221 U.S. 106, 183 (1911); *Apex Hosiery Co.* v. *Leader*, 310 U.S. 469, 493 (1940).

XXXVIII. Defendants' agreements imposing unreasonable restrictions on the United States imports of watches, watch parts and watchmaking machinery are illegal under Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act. *United States* v. *Sisal Sales Corp.*, 274 U.S. 268, 274–75 (1927); *United States* v. *United States Alkali Export Association, Inc.*, 86 F. Supp. 59, 66, 74 (S.D.N.Y. 1949); *United States* v. *Timken Roller Bearing Co.*, 83 F. Supp. 284, 307, 309 (N.D. Ohio 1949), aff'd, 341 U.S. 593 (1951); *United States* v. *General Dyestuff Corp.*, 57 F. Supp. 642, 647–48 (S.D.N.Y. 1944). See also *United States* v. *R. P. Oldham Co.*, 152 F. Supp. 818, 821–22 (N.D. Cal. 1957); *United States* v. *National Lead Co.*, 63 F. Supp. 513, 527 (S.D.N.Y. 1945), aff'd, 332 U.S. 319 (1947).

XXXIX. Defendants' agreements limiting exports of watches and watch parts from the United States are illegal under Section 1 of the Sherman Act. *United States* v. *United States Alkali Export Association, Inc.*, 86 F. Supp. 59, 77 (S.D.N.Y. 1949); *United States* v. *General Dyestuff Corp.*, 57 F. Supp. 642, 647 (S.D.N.Y. 1944).

XL. Defendants' agreements not to sell watch parts for manufacturing purposes and not to sell certain types of watchmaking machines to United States watch manufacturers are illegal under Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act. *Associated Press* v. *United States*, 326 U.S. 1, 15–16 (1945); *Fashion Originators' Guild* v. *Federal Trade Commission*, 312 U.S. 457, 465 (1941).

XLI. Defendants' agreements not to deal in non-Conventional or competitive products and not to furnish aid to persons dealing in such competitive products are illegal under Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act. *United States* v. *Yellow Cab Co.*, 332 U.S. 218, 224–25 (1947); *Associated Press* v. *United States*, 326 U.S. 1, 18–19 (1945); *Fashion Originators' Guild* v. *Federal Trade Commission*, 312 U.S. at 465 (1941).

XLII. Defendants' agreements to blacklist United States sellers of Swiss watches not conforming their United States sales of watches to FH regulations are illegal under Section 1 of the Sherman Act. *Klor's Inc.* v. *Broadway-Hale Stores, Inc.*, 359 U.S. 207, 213 (1959); *Fashion Originators' Guild* v. *Federal*

Trade Commission, 312 U.S. at 467–68; *Eastern States Retail Lumber Dealers' Association* v. *United States,* 234 U.S. 600, 614 (1914). The illegality of defendants' action cannot be cured by a showing that compliance with the blacklist was not always rigidly enforced.

XLIII. Defendants' combination and conspiracy has operated as a direct and substantial restraint on interstate and foreign commerce of the United States and is illegal under Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act notwithstanding that some of the conspirators are foreign nationals, that some of the agreements were entered into in a foreign country or that the acts of defendants were lawful in such foreign country. *Continental Ore Co.* v. *Union Carbide & Carbon Corp.,* 370 U.S. 690, 704 (1962); *United States* v. *Timken Roller Bearing Co., supra; Thomsen* v. *Cayser,* 243 U.S. 66, 88 (1917); *United States* v. *Pacific & Arctic R. & Navigation Co.,* 228 U.S. 87, 106 (1913); *United States* v. *Aluminum Co. of America,* 148 F. 2d 416, 443–44 (2 Cir. 1945); *United States* v. *General Electric Co.,* 82 F. Supp. 753, 890–91 (D.N.J. 1949).

XLIV. Defendants' actions taken pursuant to their combination and conspiracy and in furtherance thereof affected the interstate and foreign trade and commerce of the United States and are illegal under Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act.

XLV. This court has jurisdiction over the subject matter of this action and over the parties.

XLVI. Since at least 1931 and continuing to date, the defendants have been and are engaged in a combination and conspiracy to restrain unreasonably the foreign and interstate trade and commerce of the United States in the manufacture, import, export and sale of watches, watch parts and watchmaking machines in violation of Section 1 of the Sherman Act and Section 73 of the Wilson Tariff Act.

The defendants claim that this court should not assume jurisdiction over their activities because American antitrust laws cannot be applied to acts of sovereign governments.

If, of course, the defendants' activities had been required by Swiss law, this court could indeed do nothing. An American court would have under such circumstances no right to condemn the governmental activity of another sovereign nation. In the present case, however, the defendants' activities were not required by the laws of Switzerland. They were agreements formulated privately without compulsion on the part of the Swiss Government. It is clear that these private agreements were then recognized as facts of economics and industrial life by that nation's government. Nonetheless, the fact that the Swiss Government may, as a practical matter, approve of the effects of this private activity cannot convert what is essentially a vulnerable private conspiracy into an unassailable system resulting from foreign governmental mandate. In the absence of direct foreign governmental action compelling the defendants' activities, a United States court may exercise its jurisdiction as to acts and contracts abroad, if, as in the case at bar, such acts and contracts have a substantial and material effect upon our foreign and domestic commerce. See *Continental Ore Co.* v. *Union Carbide & Carbon Corp.,* 370 U.S. 690 (1962). The arguments of business necessity and foreign trade conditions asserted by the defendants cannot immunize the restraints imposed by them upon United States commerce. *United States* v. *Timken Roller Bearing Co.,* 341 U.S. 593, 599 (1951); *United States* v. *National Lead Co.,* 63 F. Supp. 513 (S.D.N.Y. 1945), aff'd, 332 U.S. 319 (1947).

Defendants further argue that a judgment in this action would be violative of the United States constitutional rights of Swiss citizens, the treaty obligations of the United States, and the sovereignty of the Swiss Confederation. All these claims are entirely premature, and presuppose that this court intends to permit the issuance of a decree of wide scope which would have such a drastic effect. Such a presupposition is erroneous.

I cannot accept the argument that the defendants' Conventional restrictions aimed at preventing the development of competitive watch manufacturers were "not directed at the United States watch industry." The United States watch industry was the Swiss watch industry's biggest competitor, and the restrictions of the Convention have obviously had a crippling effect in this country, and were so intended.

The only question suggested here is whether the acts of the defendants have affected United States trade and commerce and, if so, whether they have restrained such trade and commerce. It is obvious from the facts that they have.

The American defendants' arguments of so-called economic necessity as a Justification for their behavior are also unavailing. If such arguments were accepted by the courts, the American antitrust laws would become a "dead letter", *United States* v. *Timken Roller Bearing Co.,* 341. U.S. at 599.

The court finds no merit in the other arguments advanced by the defendants.

Submit decree in accordance with the above Findings of Fact and Conclusions of Law or, in the alternative, if the parties desire to schedule a hearing as to the form of the decree, the court will be glad to sit with the affected parties in order to work out a decree.

Dated: New York, N.Y., December 20, 1962.

John M. Cashin,
U.S. District Judge.

THE DESTRUCTIVE ECONOMIC IMPACT OF THE NATIONAL LABOR RELATIONS BOARD

Mr. TOWER. Mr. President, a Wall Street Journal editorial, published March 27, 1972, points out the economic impact of the decisions of the National Labor Relations Board.

I have felt for some time that the inflationary wage demands and subsequent increases which organized labor has received over the last decade are the primary cause of our present economic hardships.

While the Government is now attempting to halt rising prices and wages, the NLRB continues to act as a tool of organized labor through its administrative and quasi-judicial powers. Not only has the Board granted organized labor a governmental shield with which to exact unreasonable demands upon American business and the Nation's consumers, but additionally its decisions and activities have proved to be psychologically destructive to many employers.

The fact that the National Labor Relations Board no longer serves the public interest and has acted contrary to its congressional mandate is well documented by the extensive hearings that have been held by the Senate Subcommittee on Separation of Powers. This subcommittee has approved S. 1320, a bill I introduced to remove unfair labor practice cases from the jurisdiction of the NLRB.

The National Labor Relations Board's continuous disregard for its proper role mandated by Congress is gaining more and more attention by the American people, who recognize the inordinate power of big labor. The Wall Street Journal's recognition of this power is most important. I, therefore, ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Guide to Employers

One reason the administration imposed wage-price controls, and is now trying to retain them in the face of a labor revolt, was that union-management confrontations increasingly were going the unions' way, resulting in huge pay increases. A major factor in the one-sidedness is that many employers are afraid to stand up and state their side in disputes.

Why? Well, a long series of National Labor Relations Board decisions has made it plain that there are a great many comments that an employer cannot legally make in arguing against a union. When it comes to union propaganda, though, the NLRB has been much more lenient.

The result is that employes get a distorted view of the issues: the employer is always the bad guy and the union the good guy. The truth is that there is usually good and bad on both sides. Employes generally are a lot more discriminating than the NLRB seems to think.

If an employer decides to press his arguments, however, he has only those NLRB decisions as a guide. A recent case, for instance, involved the International Union of Electrical, Radio and Machine Workers, AFL-CIO, and a Mississippi clock manufacturer.

After the union lost a representation election, it charged that the company had prejudiced the result by its preelection conduct. Company officials did try to defeat the union, as the NLRB admits they had every right to do, but it's hard to see how much of their conduct was "unfair."

A supervisor asked a woman employe what she would do if the union won and called a strike that brought a layoff. As the company stressed in its pre-vote campaign, unionization sometimes is followed by strikes.

The employe did not charge that the supervisor had asked how she would vote or had made any threat. Yet the NLRB, overruling its own trial examiner, concluded somehow that it was clear that the supervisor's question "contained an implied threat of reprisal."

Another supervisor asked an employe if she had been reading the company's campaign posters and signs and suggested that she give the matter serious thought. The trial examiner thought this was well within the bounds of legal electioneering, but the NLRB again disagreed. In the board's view, the supervisor was trying to get the employe "to reveal her views about the union."

Perhaps the most remarkable example involved Allan Gold, vice president of the company. In speeches to employes he reported that the company had received offers to move the plant, but that it was not going to do so.

Companies do move plants, sometimes to seek better employe relations. If Mr. Gold spoke the truth—and no one questioned his accuracy—it's difficult to see how passing the information along to the employees is illegal. That's especially true since the official repeatedly stressed that the company would not move the plant.

The NLRB, though, decided that Mr. Gold, by saying the company would not move the plant was actually threatening that it would. "Recall that Marc Antony said not once, but many times, that Brutus was an honorable man. Yet . . . Marc Antony was telling his audience that Brutus was not an honorable man."

Chairman Edward Miller, in a lonely dissent, said he thought the other board members were reaching pretty far for a precedent, as indeed they were. He felt that Mr. Gold meant what he said, that he was stressing his personal interest in the plant and its employes and trying to persuade them they did not need a union. His colleagues, he added, have strained, and indeed broken, any logical strand between the facts and their conclusions.

One upshot of all this is that the NLRB threw out the result of the first representation election, and ordered another vote, at considerable cost to the company and the government. Of broader importance is the fact that the decision continues the pattern of governmental intimidation of employers, a pattern that many smaller employers lack the resources to resist.

If the government is not to become permanently involved in wage-fixing, means must be found to restore balance to labor-management relations. Congress could make a start by providing the labor board with a more reasonable guide to proper employer behavior.

SPACE SHUTTLE

Mr. MONDALE. Mr. President, on April 12, 1972, Dr. Ralph Lapp, one of our country's distinguished scientists, testified before the Senate Committee on Aeronautical and Space Sciences. In his testimony, he clearly demonstrates that NASA has failed to justify its multibillion dollar request to develop a space shuttle.

In particular, his testimony raises very serious doubts about the reliability of a report by Mathematica, Inc.—a NASA contractor—which claims that the shuttle will be cost-effective. For example, Dr. Lapp points out that the shuttle will not "save" $7 billion—as the Mathematica study claims—but that instead it could cost $19 billion more than the expendable boosters now used by NASA.

I believe that the funding of the space shuttle is the major priorities issue facing this Congress. I therefore urge all my Senators to give careful consideration to Dr. Lapp's important testimony.

I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT ON THE SPACE SHUTTLE SYSTEM

I appreciate this opportunity to testify in opposition to the proposed Space Transportation System known as the Space Shutttle. While the views I express are my own, I have consulted with a number of space scientists in preparing my testimony. A number of scientists are manifesting a growing interest in "adversary science and technology"—this being a movement which, in my opinion, is an attempt to exercise a set of checks and balances on the unprecedented activities of research and development. The Space Shuttle is an example of a complex and highly costly technology which is difficult for the layman to comprehend. A number of adversary scientists are attempting to interpret such technological issues free from the bias of the promoter's eye.

President Nixon made a statement on the Space Shuttle on Jan. 5, 1972 in which he stressed the economies of the Shuttle in these words:

"The new system will differ radically from all existing booster systems, in that most of the new system will be recovered and used again and again—up to 100 times. The resulting economies may bring operating costs down as low as one-tenth of those of present launch vehicles."

The layman would be justified in welcoming such a ten-fold reduction in space economy IF it is achievable and IF transportation costs are indeed the prime determinant of space costs. I believe that the data I shall present demonstrate that:

(A) Space Shuttle transportation costs cannot achieve their advertised rates, and

(B) Transportation is not the cost-driver of the unmanned space program.

To make specific the projection of Shuttle transportation costs, I quote from Dr. Fletcher's Jan. 5, 1972 White House statement: "It is estimated that the reusable space shuttle will reduce the cost per pound of putting a payload into space from between $600 and $700 to $100." NASA Associate Administrator Dale D. Myers testified last year that the cost might be reduced to "as low as $75 per pound of payload." Aerospace industry officials (House hearings, Science and Astronautics Comte, FY 72 Pt II, page 482) have projected costs as low as $50 per pound.

NASA's case for the economy of the Space Shuttle is tied to the report "Economic Analysis of the Space Shuttle System" by Mathematica, Inc., a NASA contractor. The Committee has asked me to be prepared to comment on the 1972 Mathematic, Inc. report and on March 13th forwarded the 4 volume report to me. I am happy to respond to this request.

Mathematica, Inc. (Executive Summary dated Jan. 31, 1972, page 0–8) estimated the Launch Vehicle (LV) costs for 514 Shuttle flights as $12.0 billion. Dr. Fletcher in his February testimony updated this figure to $13.1 billion. This amounts to *$25.5 million per Shuttle flight*.

Mathematica, Inc. (Vol. II page 6–42) states: "As it turns out, the actual loading of the Space Shuttle Systems in terms of *satellite payload weight* comes to about 5,000 pounds on the average (*not* the 40,000 pounds theoretically available.)" Thus a total of 514 Shuttle flights equals a total of *2.6 million pounds of orbital payload*.

If we divide $25.5 million by 5,000 pounds, we get a unit price of $5,100 per pound place in orbit. This, I maintain, is the true price since it is based on full accounting of all new appropriated dollars for the space program transportation system. However, proponents of the Shuttle may argue that they refer their unit prices *only* to operating costs without figuring in research, development, test and engineering and Shuttle investment. Well, that isn't the way General Motors figures it when I buy a car, but even if we look at operating costs the unit price is nowhere near President Nixon's goal.

Although operating costs for the latest configuration of the Space Shuttle are undergoing almost monthly revision, the latest figure I find is that of $10.5 million per Shuttle flight. This figure is, in my opinion, a highly optimistic one since it assumes that the solid rocket motor (SRM) cases will be used as many as 20 times. Inferior multiple use of the booster could double the unit operating cost. However, accepting the $10.5 million statistic and dividing by 5,000 pounds yields *$2,250 per pound placed in orbit*. Thus even on this lowest Shuttle cost basis, the unit cost is triple that specified by Dr. Fletcher for conventional expandable rockets.

It appears to me that someone has sadly misformed the White House on the costs of the Shuttle and, as a result, the American taxpayers have been misled into tninking they are getting some kind of a space bargain. Quite the contrary, the *Space Shuttle will, according to NASA's own numbers, be more expensive* than a *variety of launch vehicles which NASA now uses*. I refer to data given on page 389 of this Committee's FY72 Authorization Hearing, Part I. I believe that adversary science serves the citizen-taxpayer well when it forces NASA to face facts which compel a realistic assessment of the Shuttle.

Since Mathematica, Inc. (1972 Executive Summary, p. 0–1) makes as its *primary conclusion:* (Emphasis, Mathematica's)

The development of a Space Shuttle system is economically feasible assuming a level of space activity equal to the average of the United States unmanned program of the last eight years.

I believe it is pertinent to tabulate the *actual* NASA launch vehicle procurement costs for the FY1964–1971 period, for unmanned missions:

Fiscal year	LV procurement costs (millions)	Percent of NASA budget
1964	$129.8	3.0
1965	154.4	3.0
1966	177.6	3.0
1967	117.6	2.2
1968	124.5	2.6
1969	96.9	2.4
1970	107.8	3.0
1971	124.9	3.7
1964–71 total	1,033.5	2.9

Note: Total LV development costs are $631,000,000.

I think it is very clear that in the past 8 year period launch vehicle costs for NASA have been a very small part of its budget. Yet a layman reading the Mathematica, Inc. primary conclusion cited above would be led to conclude that the Space Shuttle would be economic for unmanned NASA flights. He would, perhaps, be unaware that Mathematica, Inc. was using as its actual baseline Department of Defense (DOD) and NASA unmanned flights. This confusion of military and civil space programs persists throughout the Mathematica, Inc. report and makes difficult a realistic appraisal of the Space Shuttle in terms of the NASA program. There is also confusion injected because of a blending in of unmanned and manned space programs and an abundance of assumptions which are not made clear in the Mathematica, Inc. analysis.

In the 1964–71 period U.S. Navy and Air Force space missions dominated the U.S. space activity. To the best of my knowledge there were 369 space missions conducted by DOD. Payloads tended to tbe heavier than NASA's with emerging dependence upon Titan III–C space vehicles, whereas the NASA total of some 150 space launches employed smaller LVs such as Scout and Delta. Defense space spending amounted to about $14 billion over the past 8 year period. Therefore any comparison by Mathematica, Inc. of this period for Shuttle versus Current Expendable LVs is necessarily heavily weighted in the direction of defense missions. If the Space Shuttle is intended to be a military vehicle, then I submit it ought to be justified and funded by the Department of Defense.

It is pertinent to note that during recent years NASA payloads have averaged just slightly under 1,000 pounds. Mathematica, Inc. has projected an average of 5,000 pounds per Shuttle mission. This means two things: first, averaging in defense payloads which have been heavier than NASA's and second, programing larger and heavier payloads for NASA missions. Thus, the Mathematica, Inc. projections call for increased space activity, as measured by payloads, but the rationale for the Space Shuttle seems to be that it is a cheaper means of space transportation. This requires that we focus attention on the real cost-driver of the space program—the cost of the payloads.

In order to pinpoint this discussion—and to comply with the Committee's request that I make my testimony responsive to the Mathematica, Inc. 1972 report, I am reproducing from page 0–8 of the Executive Summary Table 0.1 Space Transportation Systems Cost Summary. Source: Adapted from Aerospace Corporation and Contractor Data. Modified NASA and DoD Baseline, 514 Space Shuttle Flights (1979–1990).

TABLE 0.1

[In millions of dollars]

	Current expendable	New expendable	Space shuttle and tug
Expected launch vehicle costs:			
Nonrecurring costs (fiscal year 1972–87)	$1,620	$2,000	$7,450
Recurring costs (fiscal year 1977–90)	10,600	8,760	4,800
Total launch costs	12,000	11,000	12,000
Expected payload costs (satellites):			
Research, development, test and engineering (fiscal year 1975–90)	11,000	10,600	9,880
Recurring costs, (fiscal year 1976–90)	18,800	18,400	12,700
Total payload costs	30,000	29,000	23,000
Expected total space program costs	42,000	40,000	35,000

A quick glance at the assembled statistics might lead one to the conclusion that the Space Shuttle promises $7 billion in savings. That is the difference between program costs for current expendable launch vehicles and the shuttle costs. This is the basis on which the program is being sold. But Mathematica, Inc. projections should be carefully examined item by item to determine what assumptions they may involve. First of all, I maintain that the United States has not approved $42 billion space program in the current expendable category. Therefore, I would question the basic premise of Mathematica, Inc. in its cost projections. In order to determine just what the United States would get for such a $42 billion expenditure, I would recommend that Mathematica, Inc. or, preferably, NASA, should make a program presentation to substantiate this $42 billion figure.

I would like to emphasize that any comparison of Space Shuttle and current expendable space vehicles must take into account the fact that in the development of any new technology contractor estimates of systems costs are hardly reliable. RAND studies (Alvin J. Harman "A Methodology for Cost Comparison and Prediction." Aug. 1970 RM–6269–ARPA and Robert Summers "Contractor Estimate and Prediction of Actual Weapons Costs" March 1965 RM–3061–PR.) show that contractor estimates are invariably low and that actual costs exceed the estimates by 80 percent.

Additionally, I would stress that the Space Shuttle involves a number of significant technological risks. The degree of these risks was undoubtedly a prime factor in NASA's backing away from a fully reusable manned booster. But the unmanned booster still involves risks in that the ocean recovery of a huge 156 inch SRM case is a great extrapolation of recovery technology. The way to overcome technological risk is well known and involves parallel paths of development and improvisation—both of which add cost. It would be highly useful if NASA would perform sensitivity analyses on its areas of high risk and determine the costs which may be involved in these technological sectors.

Focusing attention on Col. 1 of Table 0.1, I do not see why *any* funds are included for non-recurring costs of current expendable vehicles. These vehicles are already developed and their costs have been paid. The $1.62 billion listed actually involves $267 million for RDT&E and investment of Titan IIIB/D/M and $550 million plus $800 million for Big Gemini. This is scarcely fair to include these costs under the "current expendable" category. Therefore, I would strike this $1.62 billion from the column.

As for recurring costs of current expendable launchers, I note first that this $10.6 billion figure includes $2.15 billion for Big G. There is also $0.25 billion for Intermediate 21 and since Mathematica, Inc. states (Vol. II, p 5–16) that: "Based on the very limited flexibility and applicability of this vehicle it is quite unlikely that it will be used in the 1980s." I would strike this from the column. Since Big G *and* the Shuttle are redundant I would suggest subtracting the $2.35 billion total from the $10.6 billion leaving a residual *$8.25 billion* which then becomes the *total* launch costs rather than the $12.0 billion figure. This is a "saving" of $3.75 billion and involves no diminution of the unmanned NASA or DOD program.

Looking now at the expected payload costs under Column 1 of Table 0.1 I suggest that the proper way to proceed to analyze this expenditure of $30 billion is to set down the complete list of missions and their individual costs so that a rational decision may be made on the program. I note that Mathematica, Inc. (Vol. II Table 6.21 p 6–46) tabulates the OSSA payloads by cost (but not by mission) as follows:

Payload cost range (million)	Number of payloads	Percent of total
$0 to $20	17	4
$20 to $40	242	61
$40 to $60	46	12
$60 to $80	17	4
$80 to $100	1	<1
$100 to $120	22	6
$120 to $140	22	6
$140 to $160	11	3
Over $160	20	5
Total	398	100

My estimate is that these nearly 400 payloads represent a $20 billion cost. I estimate that $10 billion represents 75 payloads each more than $100 million in cost. I believe that there ought to be a very critical examination of each class of mission from the standpoint of science and national priorities. I believe that the large public expenditures involved make it mandatory that mission models such as Mathematica, Inc. has used be more than NASA or NASA contractor inputs. There can be no doubt that the mission model used in Table 0.1 represents a sharp step-up in NASA space activity and that such a program change should be subjected to public examination on a programmatic basis. Furthermore, the mission should be specifically a NASA model and not a mixed NASA–DOD model.

I note that the 398 payloads dispersed over a 15-year time span represent a biweekly launch rate for OSSA missions—more than double the present rate and that for recent years. I submit that such an increase in the tempo of the civilian space program has not been justified as a legitimate public expenditure. Therefore, I feel that the $30 billion total in this column is unrealistic and, although lacking a specific itemization of missions, I would suggest a more realistic figure would be $20 billion. Such an adjustment automatically feeds back to launch vehicle procurement and would reduce my suggested $8.25 billion figure to about $5 billion.

Using the new numbers for column 1, I arrive at a bottom line total of $25 billion rather than the $42 billion stipulated by Mathematica, Inc. I further believe that if the scientific and technical community was given this figure as a ceiling, it would be possible to define an aggressive and rewarding space program for the 1975–1990 period.

Skipping column 2 for the moment, I would like to comment on the launch vehicle and payload costs for the Space Shuttle. First, I would note that new numbers need to be inserted for LV costs. The nonrecurring costs of $7.45 billion are now estimated to be $8.1 billion. Using the 1.8 factor of contractor estimate understatement (#15) this 8.1 billion figure could *escalate to $14.5 billion*. It is not necessary to provide a parallel escalation for conventional launch vehicles since their research, development, test and engineering costs have been paid.

The recurring costs for the Space Shuttle estimated at $4.8 billion by Mathematica, Inc. as of Jan. 31, 1972 need to be revised in the light of the hardware decisions made in March. Clearly, recurring costs will depend on the orbiter functioning properly for 100 or more times and refurbishment costs being held in line. More critical to the recurring cost total for the Shuttle is the uncertain reusability of the booster. It is highly likely that the $4.8 billion figure cited by Mathematica, Inc., will escalate considerably. Total launch costs for the Space Shuttle certainly exceed $13 billion and for the 514 flights specified in Table 0.1 it is quite possible that *a $20 billion total* might result.

In any event any comparison of the launch vehicle costs for current expendable LVs, which we have, and the space shuttle, which we do not have, must lead to a favorable cost margin for existing launch systems. No matter how one tries, the Space Shuttle cannot claim an economic advantage based on launch costs. I agree with Mathematica, Inc. in its conclusion (Vol. II, page 6–43): "What matters are the actual space missions performed in the 1980s and used in the economic analysis when comparing Space Shuttle Systems to expendable modes of operations. What matters most, in the economic analysis, is the cost of payloads and of space missions in the 1979–1990 period." Let us therefore look at the cost of the Shuttle payloads.

Table 0.1 lists $9.9 billion as R,D,T&E costs of Shuttle payloads or $1.1 billion less than for conventional launch vehicle payloads. It is however in the area of recurring costs that Mathematica, Inc. claims a Shuttle advantage. The $12.7 billion figure is $6.1 billion less than for conventional LV payloads.

Economies claimed for the Shuttle derive from the potential of making larger and heavier satellites which can be cheaper per pound of instrumentation. No doubt the ability to add weight to a satellite may permit less costly micro-miniaturization of instrumentation but this is a trade-off situation. Furthermore in making comparative costs of placing a pound of payload in orbit the Shuttle payload cannot then be compared on a 1 for 1 basis since the conventional less weighty payload is then equivalent to x pounds of Shuttle payload. This means that the $5,100 unit price per pound of payload lifted in Section. 7 needs adjustment upwards. This means that instead of the Shuttle providing transportation for one-tenth the unit price of conventional launch vehicles, it is *actually ten times more expensive*. It is difficult to state how much the higher payload capacity of the Shuttle allows reduction in payload costs on a pound basis, but the trend is contrary to the thrust of technology which aims at more compact, solid-state, instrumentation of high reliability.

Apart from the economy of permitting bulkier instrumentation, the Space Shuttle is claimed to be economic in increasing the reliability of satellites placed in orbit by allowing man to be on board and make a final check-out of the orbital device prior to dispatch into orbit. Since many orbital devices have achieved a 95% reliability in operation, this feature of the Space Shuttle does not appear to be highly significant. Furthermore, the increasing complexity of orbital devices calls for a much greater payload of check-out devices and personnel competence at the check-out point. If the orbital device is checked out prior to launch it does not appear overly advantageous to provide a final checkout prior to orbital insertion.

Proponents of the Space Shuttle place greater emphasis on the capability of retrieving orbital devices, servicing them in orbit, and in bringing them back to earth for refurbishment and redeployment in orbit. Here one is faced with a trade-off situation in which the unit cost of the orbital device vs the cost of retrieval, refurbishment and redeployment is of critical importance. As mentioned earlier, there is also the relative impact of obsolescence of the orbital device. What is also involved here is the relative advantage of a single massive orbital device vs a number of smaller, lower-price, units. In the communications satellite field, there appears to be a trend toward smaller devices which grant greater flexibility and back-up to the deployed system. Rather than replace a malfunctioning communications satellite with the same device, retrieved and refurbished, it might be more economic to launch a new, higher-capacity, satellite. I believe that it would be very usefull to solicit the views of Comsat Corporation on this matter.

Mathematica, Inc. bases its estimates of retrieval/refurbishment economies on Lockheed Missiles and Space Company (LMSC) studies. LMSC studied (NASW–2156 Contract, LMSC–A990594, June 30, 1971 "Payload Effects Analysis") three devices—OAO (Orbiting Astronomical Observatory), SEO (Synchronous Equatorial Orbiter) and SRS (Small Research Satellite). It concluded that the savings would be significant., i.e., refurbishment cost ratios of 0.32 to 0.39 for Shuttle vs conventionally launched satellites. However, there appears to be considerable uncertainty in these estimates. Since LMSC is an aerospace company which would benefit from Shuttle contracts, it is questionable whether Mathematica, Inc. is justified in accepting the LMSC data without considerable adjustment for bias. Conventionally launched satellites are not credited with much of an increase in future reliability and little attention is paid to the contest between refurbishment and technological obsolescence. It would have been highly instructive for LMSC to have performed an analysis of Comsat type satellites and to have carried out sensitivity analyses on a variety of satellites (retrieval/refurbishment as a function of age of the satellite).

The basic problem posed by the retrieval/refurbishment issue is whether or not the traffic in satellite retrieval and refurbishment justifies the development and deployment of a new space system as costly as the Shuttle. Since Mathematica, Inc. has singled out the recurring costs of Shuttle payloads as the sector of maximum "savings" i.e. "$6.1 billion" in comparing Columns 1 and 2, I suggest that a more careful study be made of this sector. I believe that it should be required that Mathematica, Inc. make a very detailed accounting of how this $6.1 billion payload "savings" is to be achieved. By this I mean specification of *all* missions as tabulated in Table 6.20 on page 6–44 of Vol. 11. It will be noted that in this tabulation, Mathematica, Inc. postulates:

	New satellites deployed	Refurbished satellites deployed	On-orbit maintenance/refurbishment	Flights to space station
Total NASA	242	274	62	62
Total DOD	103	302	(1)	(2)
Total	345	576	62+	62+

[1] Some.
[2] Not available.

Obviously, Mathematica, Inc., foresees a flourishing business in refurbishment of sick or aging satellites. I suggest that the uncertainties of Shuttle costs, technological issues, mission models and booster reuse do not now permit a 1978–1990 projection such as Mathematica, Inc. has made—or, to put it another way, do not permit public confidence in the projection.

I call to your attention the fact that Mathematica, Inc. has listed a minimum of 62 flights to Space Station. I also note that the most recent NASA estimate of the cost of such a Space Station development/deployment is $6 billion and that much higher figures have been suggested. If Mathematica, Inc. is going to include earth-to-Space Station flights in its mission model then it should provide for this expenditure under Shuttle payload costs. This inclusion of the Space Station in its mission model makes it clear that buying the Space Shuttle means we are also buying the Space Station.

I believe that the foregoing commentary makes it clear that the total payload costs associated with the Shuttle system will not be $23 billion, but will be considerably higher and would probably approach the $30 billion figure cited for the conventional payloads. I have suggested in Sec. 19 that the latter could be $20 billion.

If we now consider the "bottom line" totals for conventional and Shuttle program costs, the $42 billion figure (Col. 1) for conventional launch vehicles shrinks to $25 billion (Sec. 20) while the $35 billion Shuttle total may in fact soar to over $44 billion. In other words, *instead of "saving" $7 billion the Shuttle could actually "cost" us $19 billion more for the U.S. space program.*

It seems to me that we can put space spending in better perspective if we translate the billion dollar totals into specific costs per pound. This was done by President Nixon in his Jan. 5th message for costs of transportation. I suggest we do the same thing for costs per pound of satellite payload. For example, if we accept the $23 billion total for Shuttle payload costs given by Mathematic, Inc. (which include a large credit for satellite reuse) and use the 2.6 million pound orbital payload (Sec. 6) postulated by Mathematica, Inc. we arrive at an *average cost of $8,800 per pound of payload.*

Expressed in other units, *Shuttle payloads will average $550 per ounce.* Thus Shuttle *payloads will average ten times more expensive than their weight in solid gold.*

In proceeding to discuss Shuttle costs we jumped from Col. 1 to 3 without consideration of Col. 2, the "New Expendable" category. Referring back to Table 0.1 (Sec. 13) Mathematica, Inc. figures for this category is $1 billion less for total launch costs than for either the conventional or Shuttle launch vehicles. Payload costs are $1 billion less than for conventional LVs and $6 billion more than for Shuttle payloads. It seems to me that Mathematica, Inc. and NASA have skipped over a very important potential cost-saver in space activity. In as much as NASA has opted to recover the massive twin rocket motor cases for the Shuttle booster, it would seem to me completely logical that NASA apply the same degree of optimism to recoverability and refurbishment of Titan-class launch vehicles.

Thus I would recommend that NASA examine the possibility of new launch vehicles of the non-shuttle class. In this examination, I would recommend that an attempt be made to standardize on a launch vehicle so that unit costs can be reduced.

In summary, I conclude that the NASA and NASA-contractor basis for the Space Shuttle is inadequate and that the entire issue of launch vehicle choices for the future space program should be restudied. I believe that I have shown remarkable deviations in the cost estimates of NASA and NASA contractors for comparative launch systems.

I appreciate this opportunity to have presented an adversary view of the Space Shuttle System.

THE GENOCIDE CONVENTION: THE SUPREMACY OF THE CONSTITUTION

Mr. PROXMIRE. Mr. President, the submission of the Genocide Convention to the Senate for its advice and consent has raised again the issue of the relationship between the Constitution and treaties. Some people who oppose the Genocide Convention do so because they believe that under article VI of the Constitution the Genocide Convention would be the supreme law of the land superseding the Constitution. If there was ever a conflict between the Constitution and the convention, these opponents feel the conflict would have to be decided in favor of the convention.

Is this true? We do not have to engage in idle speculation on this point. The U.S. Supreme Court and other Federal courts have spoken out many times, clearly and uniformly, on the relationship between the Constitution and treaties. Thus the Supreme Court has said:

> "To construe this clause (Article VI, clause 2) as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions would permit amendment of the Constitution in a manner not sanctioned by Article V. *Reid* v. *Covert*, 354 U.S. 1.

And again the courts have said:

> The treaty-making power of the federal government is subject to prohibitions within the Constitution against state or federal government, and does not extend so far as to authorize what the Constitution forbids. *Amaya* v. *Stanolind Oil*, 158 F. 2d 554.

And again:

> No article or term of treaty may nullify any guarantee of right preserved by the Constitution to citizens. *Pierre* v. *Eastern Air Lines*, 152 F. Supp. 486.

We can readily see from the three above cited decisions that the Constitution has precedence over all treaties. Should there ever be a conflict between the Constitution and the convention, under our system of government, the conflict would have to be resolved in favor of the Constitution. The contention of some of the opponents of this convention that it would undermine our Constitution is groundless.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

THE BALANCE OF RACES

Mr. BROCK. Mr. President, recent court decisions designed to achieve a numerical balance of races in our Nation's schools have crystallized the hypocrisy of those pundits and social do-gooders who seek to use our children as social pawns.

If we are indeed equal under the law as the principles of freedom state, then color and race cannot and must not be recognized by government for any reason—no matter how paternalistic or benevolent. To allow such criteria in one case and not in another, depending on the interpretation of certain social planners, is racism pure and unadulterated.

The Supreme Court has been party to this hypocrisy. In the Plessy case of 1896, the Court was called upon to rule if legal segregation was constitutional and it gave an affirmative answer with the noxious phrase, "separate but equal." In 1954 the Supreme Court threw out this doctrine in the now famous Brown case but failed to follow its convictions by ordering an end to segregation policies. This decision to act indecisively led us to a prolonged period of turmoil as the lower courts were forced to rule on individual cases on the High Court directive—"with all deliberate speed."

In 1944 in its decision on the Korematsu case, the Supreme Court found it perfectly constitutional to impound thousands of persons of Japanese ancestry solely on the basis of race. By virtue of the decision written by Justice Hugo Black, even native Americans of Japanese descent were placed in concentration camps because of their color.

Our Constitution is color blind. Bending it to observe color, as with recent decisions, brings to mind the specter of Korematsu, or worse.

Mr. President, there are already too many examples of the confusion that arises from illogical and confused policies which require the observance of race in some situations and prohibited it in others.

I ask unanimous consent that an article entitled "Meltingpot Blues," written by Mr. Lowell Ponte, which deals with this question, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the McNaught Syndicate, Inc.]

MELTINGPOT BLUES

(By Lowell Ponte)

One overlooked aspect of the issue of racial busing of schoolchildren to achieve "racial balance," or at least racial integration in our public education is that the United States Government has never in dealing with this issue, defined "race."

Some people, myself included, feel laws should be struck down if they treat people of one race differently from those of another. Indeed, the famous 1954 Brown vs. Board of Education ruling by the Supreme Court ended laws assigning children to "separate but equal" schools by race.

Nowadays a sort of "equal but separate" circle of social planners has emerged preaching that children should again be assigned by race—this time proportionally, but still in the belief that one race is different and separate from another. They are determined to do this despite the opposition of a majority of people in every large "racial" category in the nation.

Theirs is an ugly sort of discrimination, made ironic since some of those famed for supporting it were in the forefront of efforts not a decade ago to prevent people from being defined by race. In those years their number in the Congress have enacted a host of Federal laws, some setting mandatory guidelines for integration, others forbidding the labeling of people by race.

The results have at times been bizarre, as an incident in one aerospace company suggests. A government inspector reportedly approached the company manager and asked for a racial breakdown of his labor force; according to the inspector, a new law took away Federal money from companies under government contract unless they employed a fixed proportion of various racial minorities.

The manager asked how he could fill out the required forms, since an earlier law forbid him from asking employees their race. Said the inspector: "Just go around quietly and look at 'em."

This is precisely the approach used thus far in school busing to achieve "racial balance." It is the two-faced approach of assuming we are all equal, yet we can be separated at a glance.

To escape the hypocrisy of this position, the advocates of racial busing can go one of two ways. On one side, they can declare "race" to be an unreal concept, discriminatory by its very use and not to be dignified by law—as the 1954 decision of the Supreme Court implicitly did. Like President Nixon and Senator Humphrey, they then can set their sights on gaining "quality education for all."

On the other hand, they can say "race" is real and proportional integration is necessary. If they do so, then for justice's sake they must take a terrifying step:

They must demand government issuance of race identity cards to every citizen, just as is done in the Republic of South Africa, and use those cards as a standard. Meltingpot mixtures may be a problem, but the U.S. Census form of 1960 and before had an ugly answer: it defined one's race as that "of the non-white parent." Of course by that measure a mixture 500 generations back makes one non-white today, if anyone can trace their origins back 500 generations.

Another terrifying step is necessary too. To maintain national "racial balance" Oriental children, Indians, and Mexican-Americans must be "bused" around the country daily by jet to prevent discrimination against "races" with less political clout than the Blacks.

Such ideas, of course, are horrid and absurd, but they are logical extensions of what already is called by many right and proper, and by many more insane.

LEGAL SERVICES

Mr. MONDALE. Mr. President, in the near future, the Senate will again be considering legislation to create a National Legal Services Corporation.

In the past several months, there has been ample evidence of the need to insulate the legal services program from harmful political pressure. Vice President Agnew's recent attack on the Camden legal services program is a clear example of this type of political interference.

A March 1, 1972, editorial in the Minneapolis Star, entitled "Preserving Equality Under Law," makes a very persuasive case for Senate passage of legislation creating a Legal Services Corporation.

I ask unanimous consent that this excellent editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star, Mar. 1, 1972]

PRESERVING EQUALITY UNDER LAW

No Federal agency has done more to restore the faith of minorities and the poor, or for that matter a broad range of others, in the efficacy of "working within the system" than the legal services program of the Office of Economic Opportunity (OEO).

Through it, some 2,220 lawyers in 900 neighborhoods have brought to the disadvantaged the equality under law all Americans deserve. Because a lawyer-client relationship is preserved, conservative leaders of bar associations have given the program solid backing. The House of Representatives, when it passed the new antipoverty bill, endorsed a vital improvement, for which Sen. Walter Mondale, D-Minn., has worked on the other side of the Capitol.

This would divorce the legal services program from the OEO and thereby from political pressure, which is the antithesis of the lawyer-client relationship. The bill sets up a public corporation with 17 directors chosen for set terms by the President. He would name six outright, but the other 11 would be named by him from lists of nominees provided by national bar associations, the legal service lawyers, the top administrative body of the federal judiciary and an advisory council representing the clients themselves.

How vital freedom from politics in the program is was demonstrated by Vice-President Agnew's recent blatant interference in a suit brought by legal service lawyers against a Camden, N.J., urban renewal program. The attempt to dictate the outcome precipitated the resignation of Fred Speaker, head of the program and a former Republican Pennsylvania attorney general. So far the White House has made no move to replace him.

Agnew's attempt to intimidate the government lawyers and the court itself probably helped the program, demonstrating the need for protecting it from politics. A majority in the Senate already favors the legal service corporation, and with the unwitting help of Agnew the prospects for it are even brighter.

THE SCHOOL PRAYER AMENDMENT—QUESTIONS AND ANSWERS

Mr. SCHWEIKER. Mr. President, for many years, I have been a strong supporter of the school prayer amendment, to allow the use of nondenominational, voluntary prayer and mediation in our schools and in other public buildings. I have disagreed with the U.S. Supreme Court's rulings barring school prayer and feel the majority of our citizens support legislative efforts to return prayer to those areas and schools that desire it.

A national organization, Citizens for Public Prayer, has been working on this issue, and has recently prepared a report, "Questions and Answers on the Civil Right of Free School Prayer." This is an important reference source on the issue of school prayer, and I ask that it be printed in the RECORD so that Senators will have the benefit of the organization's views in support of school prayer.

There being no objection, the report

was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON THE CIVIL RIGHT OF FREE SCHOOL PRAYER

1. The First Amendment to the Constitution is involved here. What does it say?

It says two things. First, that government must not establish, that is support or promote any particular religion; second, that government must not prohibit the "free exercise" of religion on the part of its citizens.

2. Does the First Amendment deny the right of free prayer in public schools?

As originally written and wisely interpreted for many decades, the First Amendment to the Constitution does not deny the right of free, nonsectarian prayer in public schools. Public reverence in the history of these United States is a matter of very long and general record. We began as Pilgrims. Our first town hall was also a meeting house for religious service. Congress opens with prayer. So do other legislative assemblies. Almost without exception all state constitutions invoke God's help. Repeatedly our presidents proclaim national days of prayer and thanksgiving. God is in the Pledge of Allegiance and on our coins. Properly He belongs in our public classrooms. At the time the Supreme Court banned free prayer from the public schools of New York in June 1962, the majority of public school districts across America provided an opportunity for free school prayer.

3. Why, then, is it now proposed that the First Amendment itself be amended?

While there is absolutely nothing wrong with the First Amendment as written, once the Supreme Court intervenes to misinterpret that Amendment, as it did in the two prayer-ban decisions, it becomes necessary to repeal this misinterpretation and restore the First Amendment to its original and common sense meaning. This process of restoration is *not an attack on the First Amendment but rather a defense and reaffirmation of it.* It is by no means a matter of repealing or even of tampering with the First Amendment. The Court has already done this. It is a question of clarifying that Amendment so that it is in accord with the clear will of the nation. It is not those of us who advocate a people's amendment for public prayer who open a Pandora's box here, but the Court which, ignoring the common sense of the First Amendment, has already done so.

4. Are you attacking the Supreme Court?

We attack neither the institution nor the members of the Supreme Court. Simply, with full democratic right, we question and dissent from the two prayer-ban decisions. We are convinced, with Mr. Justice Stewart, that "the Court has misapplied a great constitutional principle." We do no more in this instance than Abraham Lincoln did when, more than a century ago, he questioned the Dred Scott decision:

"When all the words, the collateral matter was cleared away from it, all the chaff was fanned out of it, it was a bare absurdity ... The Dred Scott decision covers the whole ground, and while it occupies it, there is no room for the shadow of a starved pigeon to occupy the same ground."

While no two cases, of course, can be identical, our dissent from the majority opinion of the Court in the two prayer-ban decisions is based, as was Lincoln's on two counts:

a. whatever the collateral matter, the obiter dicta (i.e., incidental remarks), the deed of the decisions is a base absurdity.

b. so long as these decisions stand, there is no room for the shadow of a starved pigeon to occupy the same ground. In other words, so long as these decisions stand, no practice of public reverence among us is safe.

5. What, in fact, did the Court do in its two prayer-ban decisions?

Briefly, on June 25, 1962 and on June 17, 1963, the Court widened the First Amendment prohibition against government support of a particular sect or church (e.g., Roman Catholicism, Episcopalianism, Orthodox Judaism) to include a prohibition against government encouragement of free, nonsectarian prayer and other religious exercises in the public school. Briefly, the Court denied the "free exercise" of religion to those many Americans who believed, and believe, that the free brotherhood of prayer in public schools is important and completely constitutional. In the first decision, the majority of the Court said:

"Neither the fact that the prayer may be denominationally neutral nor the fact that its observance on the part of the students is voluntary can serve to free it from the limitations of the Establishment clause."

In the second decision, the majority of the Court said that even to question that the First Amendment meant reverence as such, rather than government support of a particular sect or church, is "entirely untenable and of value only as academic exercises." This kind of interpretation of the First Amendment is very clearly *fundamental.* It is not incidental. It is not isolated. It is no solitary event. Those who say it is have completely missed the meaning of the decisions. Those decisions indeed state a principle, place a precedent, which must affect all future Court decisions in matters falling under the purview of the First Amendment. As the former Dean of Union Theological Seminary, Henry P. Van Dusen, put it:

"The corollary in both law and logic of the Supreme Court's recent interdictions is inescapable, prohibition of the affirmative recognition and collaboration by government at all levels with all organs of religion in all relationships and circumstances. A consistent application of such a policy would involve a revolution in the Nation's habitual practise in the matter of religion.... *Nothing less than this at stake.*"

6. What did the Court, specifically, do in its two prayer-ban decisions?

In 1962, the Court banned this prayer from New York State public schools:

"Almighty God, we acknowledge our dependence upon Thee and we ask Thy blessings upon us, our parents, our teachers and our country."

Eleven of the thirteen judges who passed on the case before it reached the Court have ruled that the prayer was constitutional. Attorney-Generals from nineteen States had intervened, as friends of the Court, to support this constitutionality saying in part:

"Our founding fathers, together with the great and God-fearing leaders of the last century and a half, would be profoundly shocked were they to have been told in their day that in this year of our Lord ... a voluntary nondenominational acknowledgement of a Supreme Being and a petition for His blessings recited by American children in their classrooms is being seriously attacked as a violation of the Constitution of the United States."

In 1963, the Court banned reading of the Lord's prayer and parts of the Bible from the public schools of Maryland and Pennsylvania. In each instance, by state law, no pupil who wished to be excused was required to recite the prayer. It is necessary to remember here, and throughout, that *the issue is religion,* an upreach of heart and mind to God, *not what some choose to call "teaching about religion."*

7. Did not the Court, in its 1962 decision, say that the prayer in question had been state-composed and state-imposed and was, therefore, unconstitutional?

It did and the same line has been parrotted by the generals without armies ever since. In fact what is involved in this proposition is a misunderstanding, whether deliberate or naive depends on the person advancing it, of both the situation itself and the principle at stake. The *situation*—at the request of the Board of Regents of the State of New York, a representative group of religious leaders put together a prayer which was then made available for use in school districts across the state. This prayer was no more state-composed or state-imposed than is the case in any other instance when a state makes available to its citizens professional advice which it, at the urging of those citizens, has solicited from relevant experts (e.g., engineers on highway construction details, doctors on mental and physical health). The *principle*—there are two poles. At one, the state establishes a certain church and supports it with its monies and its power. At the other, the state denies religion place in its public activities either by outright persecution or by refusing it any role whatsoever in those activities. There is, however, a third alternative.

It is this alternative which applies here. It is this principle which differentiates free school prayer from both poles. We call it the principle of subsidiarity. It says simply that when citizens want something singly, they should do it singly and the state—barring overt public damage—should not interfere with them. When citizens, however, want something done together, the next higher unit of government (in this case the local school district with the assistance of the state board of education) must make it possible for them to do it together, again barring overt public damage. At law the word is to enable. Government enables certain practices which its citizens may then elect to activate. The New York Board of Regents did not compose a prayer, in the first place. Nor, in the second place, by enabling the prayer to be said in local school districts, did it impose that prayer or establish any "religion." A perfect illustration of the principle basic to this question can be found in the words with which, in 1951, the New York Board of Regents enabled free prayer:

"We believe that thus the school will fulfill its high function of supplementing the training of the home, ever intensifying in the child that love for God, for parents and for home which is the mark of true character-training and the sure guarantee of a country's welfare."

8. Did not the Court, in both decisions, go to considerable lengths to assure that it was not hostile to religion, that we are and remain "a religious people?"

It did. There are in these decisions, as in most court decisions, many incidental remarks. At law they are called obiter dicta or commentary en route to a decision which is not itself the heart of the decision. As already demonstrated above, the deed of these decisions is absurd and fundamental. No matter how many incidental assurances the Court may give the fact is clear—these decisions place all public reverence in immediate danger.

And, incidentally, for incidental remarks which cut drastically the other way, see Mr. Justice Douglas' concurring opinion in the second decision! We have here a rather perfect example of the popular saying—what you do thunders so loud I can't hear what you say. Progression from and use of the two prayer-ban decisions in attacks on other instances of public reverence (e.g., the 1968 Christmas prayer of the astronauts, the 1969 Peace Pageant in Washington, D.C.) make it abundantly evident that these decisions are not isolated or terminal, but rather the very critical beginning of what could be a series of creeping secularisms.

Use of the prayer-ban decisions as precedent for denying government aid to church-related colleges in further evidence that these decisions pollute the well at its source and will taint all further water drawn from that well! Whatever the innuendoes in the decisions, whatever stands between parentheses, *religion is very evidently no longer constitutionally welcome in our public schools.* Just as the fact that there were good words in the Dred Scott decision did not free that decision from its essential evil, so the presence of good words in the prayer-ban decisions cannot free those decisions from their essential evil. This is the heart of the matter. Again, our concern is with religion, not "teaching about religion."

9. *There are those who say that "religion" is still possible in schools. Do you agree?*

a. This is a question which must be very carefully considered and answered. At the start, it must be observed that *many (if not most) of those who argue in this fashion are actively opposing or, at least, minimizing the drive for a Peoples' Amendment for Public Prayer.* We call their position the argument from substitution. There are two key factors in our response to it. One is the factor of timing, the other is the factor of recognition of the very radical precedent which has been activated by the two prayer-ban decisions. *Timing.*

Once the decisions have been fundamentally reversed, then it is time to ponder the whole matter of spirit and moral content in our public schools. Until then, it is a very serious mistake to divert our energies in that direction. *The substitutors, in the presence of a cancer, are suggesting a band-aid on another part of the diseased body.* They are suggesting that rather than tackle head on the basic issue, we accept seemingly valid alternatives which, as we shall demonstrate here, are often not valid alternatives at all, and which, neither singly nor collectively, contribute anything toward rooting out once and for all the basic error in the two prayer-ban decisions. The very first question to ask a substitute is this—do you or do you not favor a prayer amendment? If he answers yes, he is one of us. If he answers no or if he equivocates, he is against us, however pious his pleading or place.

Many of the substitutors' proposals are void of any reverence (e.g., God as dates, works of art, which Pope ruled when, who reformed what where). Many have no affective content about them (e.g., the Bible as literature period). Some have no aspect of collective brotherhood about them (e.g., silent meditation). The closer any of them comes to being real brotherhood in prayer, the more likely it is that it will be challenged and struck down by courts operating under the compulsion of prayer-ban illogic. *Recognition of the very radical precedent which has been activated by the prayer-ban decisions.* Some things may still be possible in our schools, but to press them while allowing the deadly virus of the two prayer-ban decisions to fester further is folly of very serious dimensions.

What is essential is that this virus be removed once and for all from the national bloodstream. The argument from substitution is particularly dangerous. It must be watched with constant care. While seeming to favor it, in fact it opposes and undercuts our cause. Any film, article, suggestion or organization which advances the argument from substitution and does not clearly and repeatedly call for a prayer amendment works against us.

b. It is sometimes contended that "children can still pray" in schools. This is simply not true, as prayer and spiritual Bible reading were understood and enabled in most of our school districts prior to the Court's prayer-ban decisions. In case after case (e.g., Fair Chance, Pennsylvania; Leyden, Massachusetts; Netcong, New Jersey) attempts to practice the brotherhood of free prayer have been struck down by the courts. To suggest that even individual children can freely rise in an organized classroom on school time and regularly pray is ridiculous on the very face of it.

10. *Why is it important to reverse the decisions?*

a. *They denied a great and good practice.* The brotherhood of free prayer had existed in most of our school districts for many decades with a maxium of good sense an a minimum of mistake.

b. *They created a very seriously wrong precedent.* They equated reverance with establishment though in each case that reverance, in the form of free school prayer, was nondenominational, voluntary and noninstitutional. No practise of public reverance is now safe. A well has been polluted at its source

c. *The decisions demonstrably run counter to the convictions of the American people as to what their Constitution says.* What happened in the effort constitutionally to reverse the Court is an almost unbelievable denial of the democratic process. Until September 21, 1971, when a successful "discharge petition" broke the back of the Celler blockade and forced a prayer amendment to the House floor, there had not been one single normal floor vote in either chamber of the Congress on literally hundreds of similar proposals. This despite continuing evidence in poll after poll that an overwhelming majority of the nation favors free school prayer! What is at stake here then, in addition to the civil right of free school prayer, is democracy itself. If the will of such a proven majority of the nation could break through to the floor only through the extremely unusual and difficult device of a successful discharge petition, then democracy itself is in danger!

11. *Is there an even larger sense in which a Peoples' Amendment for Public Prayer is now essential?*

There most certainly is. Indeed there has never been a time since Washington prayed in the snows at Valley Forge when we so much need to become again *a Nation on our knees in prayer!* We are daily buffeted with evidence of arrogance, sex-ism, dope-ism, immorality and flagrant injustice among us. The school prayer issue, when it is debated in fifty states as the ratification process develops, could be a critical first step in the recovery of our spirit as a reverent republic. Here is how our National Coordinator put it in a speech in Harrisburg, Pennsylvania, on July 10, 1969:

"America today is in deep and big trouble. I need not stress the suffering and angry poor, the anarchy, the lawlessness, the tragic syndrome of escape from responsibility through drugs, the filth in some of our theaters and on some of our stages. Nor do I come here to suggest that returning the civil right of free prayer to our school children will all at once change everything. I do suggest that the fight for renewal of this important civil right can become a great rallying point for those who, like us, stand outraged before the rot which spreads through the nation.

"There is given to men now and then some relatively simple moment or symbol or place in which a number of complex things gather and at which at comprehensive remedy for multiple wrongs is clarified. Such a symbol was the penny on the pound of tea in Boston two hundred years ago. Such moments came at Valley Forge. Such places are Thermopylae and, perhaps, Stalingrad, certainly at the Concord Bridge in '75. There are in these times and things the symbolism and the power to move whole peoples. This kind of moment is now possible here.

"This kind of moment is now before us as we fight to enable a vote in fifty states on a Peoples' Amendment for Public Prayer. Make no mistake. The national debate over a clarifying amendment to repeal the two tragic Supreme Court prayer-ban decisions will not stop with the morning moment, the brotherhood of prayer in our public schools. Involved will be the whole critical issue of God among us. Involved will be highly important ingredients of respect and reverence, our good traditions since Pilgrims signed the Mayflower Compact 'in the Name of God,' that supreme Fatherhood which makes all our brotherhood meaningful. Involved, in fact, may be the very survival of the democratic process. Here is a place to take our stand explicitly once again as a reverent republic and to recoup our collective sanity by reasserting our national spirit. Anyone who says that this moment, this cause and this place are meaningless, whatever his other credentials, is blind."

12. *What wording do you suggest for this People's Amendment for Public Prayer?*

Various wordings are, of course, possible. Different wordings have been proposed. There is no perfect language here, just as there is no perfect language to express any other civil right. Reasonable men have, however, recognized long since that even in matters where the semantics is difficult words can and must be found to accommodate the will of the nation. Perceptive men have also long since recognized that an attack on some principle can be disguised under an attack on the wording of that principle. *Hoping to defeat a prayer amendment,* to come to the point, *the generals without armies and their allies consistently raise two objections—the language is wrong, and it would be impossible to implement.* For our part we concede that language is hard to come by and that there could be problems in implementing a prayer amendment. But this is no singular or extraordinary possibility in our democracy.

If we had stopped writing laws whenever there was a majority-minority split over wording or implementation seemed almost inevitable to be difficult, our Congress would have done nothing for years but grind out platitudes and adjourn. What is required in such a situation, clearly, is that the principle in question be accepted and enabled with as much care as possible given to semantics and the prospects of implementation. We are always ready to discuss wording and implementation with anyone who comes to us having first unequivocally accepted the principle of free school prayer—but not before! But a wording must be decided. To deny a nation a remedy which it overwhelmingly wants is, besides, to promote increasing civil disobedience in the subject area. The text of HJ Res. 191 (the Wylie amendment proposal) reads:

"Nothing contained in this Constitution shall abridge the right of persons lawfully assembled in any public building which is supported in whole or in part through the expenditure of public funds to participate in nondenominational prayer."

On the floor of the House on November 8, 1971, Mr. Wylie—in an obvious attempt to reach the required ⅔ majority—substituted the major Senate prayer amendment bill—which replaced nondenominational with *voluntary* and added *and meditation* after prayer. The thrust of the amendment remained the same. Surely opponents of amendbent and hostile courts will attack voluntary with the same ferocity with which they atacked nondenominational in the fall of 1971. But suppose we focus here on nondenominational. Much has been made of this adjective, often in a bogus alarm on the part of generals without armies who did absolutely nothing during the long months when amendment proposals remained blocked in the Senate Constitutional Amendments Subcommittee (Chairman, Birch Bayh) and in the House Judiciary Committee (Chairman, Emanuel Celler), to assist in finding better words to say what the people so obviously want said in their Constitution.

For decades in most school districts a reasonably nondenominational prayer was enabled. Surley in this age of good feelings among al religious groups, it should be possible, as never before, to come up with words which reasonably accommodate the continuing need. One of the greatest ironies in the whole school prayer fight, indeed, is the attack on nondenominational from men in religion who spend much of the year being precisely nondenominational—in other words, meeting with their religious associates of other faiths, conferencing on points of union between them, reciting nondenominational prayers in all kinds of places! Nondenominational, if we need to be more specific, means quite simply a prayer which is reasonably acceptable to reasonable men.

It is, of course, patently impossible to write a nondenominational prayer among bigots, if our religious groups are narrow and up tight and jealous of every jot and tittle. But such is, most obviously to everyone it would seem but the generals without armies, not the normative reality in America today. *To those who honestly dissent from the text of HJ Res #191 we have issued*, and we repeat here, *the challenge to sit down with us*, or anyone else of their choosing, *and come up wtih an acceptable text.* If they fail to do so at once and visibly, we have no alternative but to consider their surface objections to semantics as, in fact, fundamental opposition to the principle of free school prayer itself.

13. *What about school districts which defy the Court and reinstitute free school prayer?*

a. In some school districts in the South, we understand, school prayer still happens in definance of the Court. We can understand this, but we most strongly urge those in districts where prayer is still enabled not to relax their effort for amendment. If, for the time being, you are succeeding, the time will come when you will be challenged. As has been evident elsewhere, no argument will save you from court denial. Only a prayer amendment can assure the continuance of the practise you now, outside the law, continue.

b. There are isolated instances where in a particular school district free prayer has been for a little while restored. Examples are North Brookfield and Leyden, Massachusetts; Fair Chance, Pennsylvania; Netcong, New Jersey. This reality demonstrates that the subject is not dead and that honest Americans are concerned enough about it to risk technical illegality and the consequences thereof. There are two kinds, at least, of defiance of law. One occurs in states described under a above. The second occurs in states where local school boards defy the state educational establishment. They are then challenged by such groups as the so-called "Civil Liberties" Union. We do not, of course, favor or counsel breaking the law. But there is much more involved here. We do understand civil disobedience when practiced responsibly. And *this is clearly a highly responsible instance of civil disobedience.* School districts which thus defy the Court are saying—we've had enough, we've waited years and nothing has happened. We've petitioned and written and met, and nothing has happened. These are frustrated but plainly honest citizens. They are not outlaws. They are not desparadoes.

The challenge here, as in the instance of urban riots, is not to condemn the abrasiveness so much as to remove the causes which transform peaceful citizens into civil disobedients. The challenge before those who are honestly concerned for "civil liberties" is rather to break the incredible blockade of democracy in the Congress in the case of school prayer than to fulminate against the decent citizens on defiant school boards and the communities they so accurately represent. Those who are scandalized by the technical law breaking of such communities as we have cited and then do nothing to make it legally possible for all school boards to do what the great majority of their constituents so clearly desire are, at best, hypocritical.

The greater sin, surely, lies with the apathetic mass of parents and so-called "religious leaders" than with parents of the praying few. The greater sin lies with the silent clergy rather than with defiant school boards. The greater sin lies with those who while ostensibly promoting "civil liberties" and preaching "the democratic process" deny civil liberty to the great majority of American parents and do absolutely nothing to help vindicate the democratic process on this most cirtical matter in the Congress!

14. *What about "religious leaders" who oppose a prayer amendment?*

Many real religious leaders do support the civil right of free school prayer. Dr. Billy Graham, perhaps the most universally respected religious leader in the United States today, wrote Congressman Wylie just before the vote on November 8, 1971. Dr. Graham fully supported the Wylie amendment proposal. He said in part: "I see no danger in it . . . If I were a Congressman I would vote for it." Among others supporting the principle are: The National Association of Evangelicals, Patrick Cardinal O'Boyle (Washington, D.C.); Bishop Fulton J. Sheen; the North Carolina Baptist Convention; the South Carolina Baptist Convention; the Orthodox Greek Diocese of North America; the Diocesan Council of Catholic Women in Buffalo; the Diocesan Council of Catholic Women in Pittsburgh; the Diocesan Council of Catholic Women in Worcester; Professor Charles E. Rice (Notre Dame University Law School); Bishop Bernard J. Flanagan (Worcester, Mass.); the Catholic Daughters of America; the Daughters of Isabella.

Most of the other so-called "religious leaders" who oppose amendment are: generals without armies. They do not have the support even of their own congregations (see item 15, e below). Certainly they do not speak for the American people (see item 15 below). Our experience on the Hill, for more than eight years, has consistently been this. A so-called "religious leaders" issues a statement or appears in Washington to denounce the prayer amendment. Within days, the office of the Congressman who is pressing the amendment drive at that time is flooded with letters from members of his congregation vehemently denying that he speaks for them! The noise, the mimeo handouts and the undoubted power of the generals without armies must not be permitted to obscure the hard reality.

Despite the tactics of these leaders who do not lead, the American people have for more than nine years seen through all attempts to deceive them. They remain convinced that free school prayer is important and wholly consonant with the Constitution under which they are governed. In fact one of the most interesting, and frightening, aspects of the entire prayer amendment drive is *the credibility gap* which has opened between the American people everywhere and many of their so-called "religious leaders." What this says in terms of religion in the nation and the future of the churches is itself one of the most important issues in that cluster of issues which has associated itself with the drive for a free school prayer amendment!

15. *What do the polls say?* Here are a few results.

a. August 1962 (Gallup)—"Do you approve of religious observances in public schools?" Approve—80%, Disapprove—14%: No Opinion—6%.

b. October 1964 (Harris)—80%+ of the American people support school prayer.

c. November 3, 1970—school prayer was on the official ballot in the state of Maryland. 73% (409,050) voted yes: 27% (152,706) voted no.

March 14, 1971—school prayer was on the official Florida primary ballot—"Do you favor an amendment to the U.S. Constitution to allow prayer in the Public Schools?" Yes 79% (1,143,619). No 21% (295,793).

d. December 28, 1970—ABC–TV announced in a nationally televised special on the state of the nation, that it had polled what it considered to be a typical American city (Columbus, Ohio) on the question—"Should prayers be permitted in public schools?" The response: Yes—91.5%; No—7.3%; No Opinion 2.1%.

e. January–February 1971—A national poll conducted for the TV program, "The Advocates," by Opinion Research (Princeton, New Jersey) asked this question—"The United States Supreme Court has held that the recitation of prayers in public schools is unconstitutional. Would you favor or oppose a Constitutional amendment to permit the use of prayers in public schools?" The response:

[In percent]

	Total	Protestant	Catholic	Jewish	No religion
Yes	80	84	82	50	46
No	12	9	10	38	42
Undecided	4	3	5	6	4
Don't know	4	4	3	6	8

f. July 21, 1971—A poll of his home district by Congressman J. Irving Whalley (Pennsylvania) announced in the Congressional Record showed 94% in favor of free school prayer, 4% opposed, and 2% uncertain.

g. November 8, 1971—A poll of his home district (announced in the CONGRESSIONAL RECORD—Vol. 117, pt. 30, p. 39891) by Congressman Scott (Virginia) asked this question—"Should the Constitution be amended to permit voluntary prayer and Bible reading in schools?" The response from "more than 30,000 homes": Yes—78%, No—17%. No opinion—5%.

h. October–November 1971—A poll, in which both sides of the issue had been equally presented in three previous issues, conducted by the National Enquirer showed 92%+ of the American people in favor of a free school prayer amendment.

i. November 19, 1971—A poll of his home district (announced in the CONGRESSIONAL RECORD—Vol. 117, pt. 32, p. 42414) by Congressman Mizell (North Carolina) asked this question—"Do you favor restoring the right of voluntary prayer in schools and other public facilities?" The response: Yes—92%; No—5%; Uncertain—3%.

16. *To sum up, what are the very serious credibility gaps which have opened here between the American people and some of their so-called leaders?*

a. It is simply impossible to convince the American people that a practise which was carried through in most of their school districts for many decades with a minimum of mistake and a maximum of common sense has suddenly become divisive and harmful, much less unconstitutional.

b. It is simply impossible to convince the American people that words cannot be found to restore a civil right which, in their judgment, is important.

c. It is simply impossible to convince the American people that the return of religion in their public schools is meaningless.

17. *If I need further information on the legal and historical aspects of the school prayer issue, where do I look?*

The outstanding text on our side is: "The Supreme Court and Public Prayer" by Professor Charles E. Rice, published by the Fordham University Press, NYC, in 1964.

DEFENSE FUNDS BURN HOLES IN POCKETS

Mr. PROXMIRE. Mr. President, the Nation of April 17 wraps up succinctly the problem of wasteful spending in Washington in an editorial headed, "Keeping the Cupboard Bare."

Among other points, in commenting on the disclosure of a Navy memo calling for the spending of $400 million before June 30 just to be in a position to ask for more, the editorial says:

Defense funds are burning holes in military pockets.

That explains the problem simply and forcefully.

Mr. President, I ask unanimous consent that the Nation's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEPING THE CUPBOARD BARE

The Nixon economic game plan between now and November 7 is all too clear—he will spend and spend. Time was when Mr. Nixon, sharing President Eisenhower's respect for Secretary of the Treasury George M. Humphrey, retreated from budgetary deficits as from a coiled rattlesnake. But first things come first, and what could take priority over getting re-elected? A big deficit, $38 billion or, some say, $44 billion: who cares about that now? Mr. Nixon will spend impounded funds, where, when and in such amounts as will do him the most good.

Defense funds are burning holes in military pockets. Sen. William Proxmire, the tireless watcher of the Pentagon, got hold of a message from Adm. Elmo R. Zumwalt, chief of naval operations, which seemed to be urging the Navy to get rid of any loose change before the end of the fiscal year. Called on to explain, Pentagon Comptroller Robert C. Moot, Admiral Zumwalt and other high defense officials insisted that they would never spend for sordid purposes. But Moot added, with more candor than discretion: "There is nothing as difficult as going asking for money when you've already got a pile of unused money."

Secretary Laird has been putting on the pressure to avoid this calamity. He told an office meeting of his aides to keep the programs moving, so that the Defense cupboard would be bare. "He told us," said Moot, "we've got to improve our programs—to do what Congress told us to do."

The drift is clear. The President and the Secretary of Defense demand funds to prevent our enemies, who glower at us from every corner of the globe, from showering us with nuclear bombs or otherwise imperiling our free institutions. Congress, ever fearful of defense-minded voters, lobbyists for aerospace companies, conglomerates, etc., comes across with all that is requested—$76.9 billion for fiscal 1972 as compared with $72.9 billion for fiscal 1971. As a result, there is now an unobligated carry-over of $15 to $17 billion, and that's awkward. Moot insisted that the Pentagon had received no instructions from the Administration to speed up spending, but the cynical might suspect that no instructions are needed.

Spending, however, is not for everyone. The price of beef is a case in point. High beef prices are most conveniently blamed on the "middleman." There are various kinds of middlemen and unlike farmers, they do not comprise a constituency. The farm states are important to Nixon the candidate, so Secretary of Agriculture Earl Butz has been whooping it up for higher farm prices. In point of fact he promised Mr. Nixon that he would follow this policy: he was appointed for that and nothing else. Consumers are important, too, but they are not a constituency in the sense that farmers are. The consumers will therefore get short shrift.

Pre-election gifts are in fact loans, and they fall due on November 7. Any farmer or cattle grower, particularly those of medium size, who does not realize that, if Nixon is re-elected, farm prices will promptly drop, is a dreamer. He will not be alone, if that is any consolation. If Nixon achieves his heart's desire, he will propose as the remedy for the country's fiscal ills the Value Added Tax. There is nothing to be said for this tax from the consumers' viewpoint, but politically it is great. It is almost impossible to evade, and the suckers are under the illusion that other suckers are paying it.

And if Mr. Nixon loses? Well the mess, including a higher rate of inflation, will belong to the Democrats, while Nixon will be in San Clemente, poring over plans for the Nixon library.

NO-FAULT INSURANCE

Mr. STEVENS. Mr. President, on March 20, 1972, the City Council of Cordova, Alaska, passed Resolution No. 72-5 on no-fault insurance. Because this resolution will be of interest to a number of my colleagues and the people across the country, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 72-5

Whereas, the American insurance industry has been a vital factor in the overall development of the basic concept of automobile liability insurance, and

Whereas, the dramatic growth of the economy of the nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles, and

Whereas, the present system of automobile liability insurance has created a dependency on the courts, a delay in the prompt settlement of claims and a possibility of serious financial hardships for those involved in automobile accidents, and

Whereas, a new concept of insurance has been advocated in some states which is known as "no-fault' 'or "first party" insurance which holds promise of clearing court calendars, speeding claims settlements and perhaps lowering premiums through more effective handling of insurance claims;

Now, therefore, be it resolved by the City Council of the City of Cordova, Alaska, that the State and Federal Governments be requested to initiate legislation which would promote this new system of automobile insurance, and

Be it further resolved, that the State and Federal Government are also requested to investigate the current programs in effect in other States and to provide an interim report to the citizens of Alaska on the merits or demerits of these existing programs.

THE LATE GOV. JAMES F. BYRNES

Mr. THURMOND. Mr. President, editorials, articles, and tributes to the late Gov. James F. Byrnes of Columbia, S.C., continue to appear in the American press. Such recognition and adulation are not afforded to an ordinary man; and, of course, we all know that Governor Byrnes was anything but an ordinary man.

His record has been equalled by few men in American history and his country will long benefit from his courageous and dynamic leadership.

Mr. President, several additional editorials and tributes honoring this great patriot have come to my attention. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Greenville (S.C.) News,
Apr. 10, 1972]

JAMES BYRNES FILLED MANY POSTS . . . ONE OF THEM UNIQUE

Denied an avenue to the presidency by the timetable of practical politics, James Francis Byrnes nevertheless filled an office that remains unique in American history.

He was for most of World War II the nation's assistant president, an unofficial title coined by Franklin D. Roosevelt himself.

And to give it emphasis, President Roosevelt arranged offices for the South Carolina statesman in the White House.

Officially, "Jimmy" Byrnes was a White House spokesman with a key advisory role and was director of the Office of Economic Stabilization, later the Office of War Mobilization.

It was here that perhaps the greatest Byrnes talent, the ability to coordinate through mediation, was used to the fullest. And that delicate political talent was evaluated and used by leaders of the nation over the years, men seeking the right man for a subtly specialized job.

The job—whatever the immediate objective—was simply practical politics developed to an art, and in that art, Byrnes was a master.

The Byrnes personal philosophy matured but never varied from his early childhood.

Emergency problems, he often declared, demanded strong emergency solution. He applied that precept at 14 when he left school to help support his widowed mother.

But he believed just as firmly that emergency solutions should not become entrenched long past the problems they answered.

In all the years that followed, he never ceased a self-education effort and read law toward eventual admission to the bar.

His consistent belief that emergency measures should not extend beyond the duration of an emergency strongly affected his relationship with Roosevelt.

In the U.S. Senate, Byrnes became closely associated with then Secretary of the Navy Roosevelt. When FDR became the depression president, the nation was in an economic emergency. President Roosevelt offered strong welfare legislation as a solution.

Sen. Byrnes supported those emergency measures and floor-managed them through Congress. Few men were closer to the president.

Byrnes was a valuable talent to Roosevelt—but not a total tool, for he objected to a never-perfected move by the president to increase the size of the U.S. Supreme Court and, as the critical state of the depression eased, Byrnes balked at continued welfare legislation.

Still, respect for each other was undented between the president and Byrnes and in 1941, the South Carolinian was appointed to the U.S. Supreme Court.

In 1942, another crisis, another emergency, developed rapidly with the spread of what became World War II. Again Byrnes was willing to meet the situation with emergency measures. He shrugged off talk of a "leave of absence" from the Supreme Court as unprecedented and improper. Instead, he resigned and accepted FDR's appointment as "assistant president." It was a job involving in time strong emergency measures—rationing, arming, the draft, the most stringent military emphasis to which free America ever had submitted.

But Byrnes saw the measures as a need for the duration only, and in fact accepted the appointment for exactly as long as his services appeared necessary.

By 1945, when he accompanied Roosevelt to the Yalta Conference, Byrnes considered that his task had been accomplished. The war's end was in view and in March of that year he resigned and retired to private life.

Within two weeks, President Roosevelt was dead and by July, his successor, Harry S. Truman, called again on the Byrnes talent. He named him secretary of state to utilize the vast background familiarity Byrnes had acquired as FDR's closest wartime associate.

Throughout the post-war negotiations toward peace treaties, the Byrnes mastery of practical politics and diplomacy was forced to its zenith in dealings particularly with Russia's Stalin and Molotov.

Just as a warrior respects a worthy adversary, Byrnes held for Molotov in particular a peculiar respect, possibly as admiration for his sheer fencing prowess, devious but masterful, demanding every Byrnes ability in their clash of wills.

In 1947, Byrnes, the man who might have been president, retired again from public life.

At the Democratic National Convention preceding Roosevelt's election to a third term, Byrnes had initial promise as a vice presidential running mate, with FDR's early blessing. But practical politics soon indicated he would weaken the ticket in some quarters. He lacked the support of organized labor. He was from the Deep South in the wrong decade and it was feared he would alienate the Negro vote of the metropolitan North.

His hold-the-line policies on wartime wages, rents, food prices, rationing, certainly had gained him few friends. It was to him the buck was passed when administration policy was contested and he did what the administration expected of him, shouldering personally the bitterness that might follow.

Also, born a Catholic, Byrnes had, on his marriage in 1906 to the former Maude Perkins Busch of Aiken, joined her in the Episcopal church. "I think," he later wrote, "a man's religion is a matter between God and himself." He said he would not believe Heaven was compartmented by denomination.

"I dislike the hypocrite who parades his religious views no less than the bigot who arouses prejudice against other faiths. Time was to show me that these opinions were not shared by some of my political opponents."

So his very religious belief became a political liability in his opening bid for the vice-presidency—from both Catholic and Protestant.

Byrnes was a realist and thoroughly schooled in practical politics. In the interest of harmony and in deference to President Roosevelt's reelection prospects, he withdrew from vice presidential contention. Truman was nominated and moved into history.

Byrnes was elected governor of South Carolina in 1950 with an ease that almost made campaigning unnecessary. And, in fact, he campaigned at low key for the career-capping office that sought him more than he sought it—he made his public service available at behest of strong persuasion.

Once again a crisis was to be met. South Carolina's schools were under fire—and in truth they were vulnerable targets. The school segregation issue was advancing toward court decisions which later cast down the separate-but-equal criteria. South Carolina's schools were "separate" but not even the most ardent segregationist could have argued that they were "equal."

That problem—and it was in an emergency status—was the immediate Byrnes target. He proposed and gained General Assembly approval for a 3 per cent state sales tax from which all proceeds would be used for upgrading schools. Most of the upgrading was in the state's then all-Negro schools, so that early in the program many of those separate Negro schools were not merely equal but superior to those for white children.

Byrnes said then that the program was not one to be entered because of pressure or compulsion. "We should do it because it is right," he said. "For me, that is sufficient reason."

During his term as governor, the sales tax and bonds sold produced more than $124 million and two thirds of it went to improve Negro schools. "Jimmy's tax," he wrote, "was not calculated to increase my popularity but I am proud of what the tax accomplished."

There were other accomplishments. South Carolina's 1,200 individual school districts were reduced through consolidation to 102 for less unwieldly—and diverging—administration.

Byrnes called for and saw passage of legislation that unmasked the Ku Klux Klan on public property.

Except for emergency—duration measures, Byrnes retained a constant states' rights conviction. It was to lead him to support then Gov. Strom Thurmond for president on the States' Rights ticket in 1948. He supported Republican Dwight D. Eisenhower for president in 1952 via an independent slate of electors. In 1956, he voted for electors pledged to Democratic Sen. Harry Byrd of Virginia because President Eisenhower had "disregarded his pledges to preserve the rights of the states."

Subsequently he supported Republican presidential tickets—without conceding his independent convictions—and in 1964 South Carolina voted Republican for the first time in modern history in the Goldwater-Johnson election.

Byrnes was a deft writer—many presidential communications were drafted by him for Roosevelt's signature—and became an author of merit. Two books, "Speaking Frankly" and "All in One Lifetime," are reportorially autobiographical. He wrote numbers of magazine articles.

One of his most outspoken opinions appeared in U.S. News & World Report in 1956. In it, the former Supreme Court justice, under the title, "The Supreme Court Must Be Curbed," took the court to task for its infringement in the school segregation issue into the realm of legislation.

"The Court," he wrote, "did not interpret the Constitution—the Court amended it."

In 1966, the wealth of material in the files, papers and historical memoranda of Byrnes were placed in a special room of the newly constructed library at Clemson University, where they continue to produce newly researched footnotes to history.

[From the Greenville (S.C.) Piedmont, Apr. 10, 1972]

Byrnes Death Saddens Greenville; Flags Flying At Half-Staff Here

Greenvillians expressed sadness Sunday at the death of James F. Byrnes, and following the example of President Nixon, the community lowered flags to half staff in honor of Byrnes.

U.S. Rep. James R. Mann, 4th district congressman, said, "The nation has lost a great statesman. His life of service to country places every American in his debt." Byrnes's life "leaves many monuments of progress, or justice and of increased opportunities for his fellow man," he said.

Former congressman Robert T. Ashmore called Byrnes "one of the greatest South Carolinians of all time. He did a wonderful job in improving our educational standards in the state," he said.

Sen. Charles G. Garrett of Greenville County said the life of the former governor and secretary of state "should truly serve as an inspiration for any person who serves his fellow man in government."

"Even though he associate with the various rulers of the world, he never lost his humility. I particularly admire this trait that he always possessed," Garrett said.

Greenville Mayor Max M. Heller said that though he met Byrnes only once, "he was without a doubt one of the greatest American figures that ever lived. The thing that impressed me when I met him was that he was so humble."

Former mayor Cooper White said Byrnes had a record of unparalleled service. "Would that we could be blessed with statesmen of his caliber during these trying times in which we live" He said.

Another former Greenville mayor, David G. Traxler, said Byrnes "brought credit to the state of South Carolina, and his loss will not only be felt by the citizens of South Carolina but the nation as a whole."

State Sen. Harry A. Chapman Jr. said Byrnes had the most illustrious career of any modern-day South Carolinian. "During his term as governor, he did much to improve our public education system. I think that was one of the things his term was marked for his dedication to a quality education system."

[From the Greenville (S.C.) Piedmont, Apr. 10, 1972]

All in One Lifetime, Byrnes' Small Town Values Boosted America to Power, Glory

Columbia (UPI)—James Francis Byrnes quit school at 14 and rose to advise presidents in the turbulent World War II years.

He was a little man with a big hat cocked at a jaunty angle who stood beside Presidents Franklin D. Roosevelt and Harry Truman. A small shift of history could have made him president.

Despite the power he gained during the war years, Byrnes reflected the small town aspects of America. He preferred to live quietly with his wife Maude, whom he married in 1906.

Byrnes once declared he would be happy with three meals a day, two suits of clothes and "a reasonable quantity of good liquor."

Byrnes spent his final years before a crippling 1969 heart attack helping orphans attend college, fishing at every possible opportunity and spinning tales of his experiences in government over bourbon and branch water.

"All In One Lifetime" was the title of one of his books and it speaks of an amazing 47-year public career.

In one lifetime, Byrnes was a newspaper editor, a rural prosecutor, a congressman, senator, director of economic mobilization during World War II, director of war mobilization, supreme court justice, secretary of state, governor of South Carolina, lawyer and author.

As an assistant under Franklin Roosevelt, he was instrumental in putting into operation many of the programs that pulled the United States out of the depression. But he remained basically a conservative voice opposing many liberal programs after the nation regained its economic feet in the late 1930's.

His opposition to growing liberalism in the Democratic Party was partly responsible for the end of his national career and led him to support Presidents Eisenhower and Nixon.

Byrnes titled another book "Speaking Frankly", and he became a bitter foe of Truman after resigning as secretary of state, an action he took partly because of a debate over why Roosevelt tapped Truman to be vice president in 1944 rather than Byrnes.

Byrnes said Roosevelt told him "political bosses had expressed a preference for Mr. Truman or Mr. Douglas" but that he did not know whom Roosevelt would back until the president made his first public announcement. Observers said at the time that Byrnes was not selected because he was from the South.

Byrnes' Washington years were spent in the halls of government and in his modest capital apartment. He once said "I only went to two cocktail parties all the time I was in Washington and I didn't hear anything worth remembering."

Byrnes was born May 2, 1879, to a poor and recently widowed woman in Charleston. He quit school to help support his mother, a sister and a widowed aunt.

He worked as a messenger in a law office reading law and became a court stenographer in 1900. Three years later he was admitted to the bar. That same year he took $500 in savings and borrowed $4,500 and bought the Aiken Journal and Review serving as its editor until 1908 when he became a rural prosecutor.

Two years later he was elected to the first of seven terms in the U.S. House of Representatives. He waged an unsuccessful fight for the U.S. Senate nomination in 1924 but won in 1930 and immediately opened a close friendship with Roosevelt, then governor of New York.

He was appointed an associate justice of the Supreme Court in 1941 by Roosevelt. He resigned in 1942 at Roosevelt's urging to become head of the Office of Economic Stabilization, switching one year later to direct the Office of War Mobilization.

Byrnes said in an interview later he considered his war mobilization duties the most important of his career because Roosevelt "never questioned one of my decisions."

Roosevelt called Byrnes "my assistant president" but he selected Truman for vice president in 1944. Byrnes resigned from his War Mobilization Office in 1945, just a few weeks before Roosevelt's death.

Byrnes had returned to South Carolina but now-President Truman called him back to Washington and named him secretary of state. Byrnes held that post when the first atomic bomb was dropped on Japan and he took part in the 1945 Potsdam Conference with the President.

But their relationship deteriorated and in January 1947 Bynres resigned and returned to Spartanburg to write "Speaking Frankly."

Byrnes and Truman remained on cordial terms until 1949 when Byrnes openly attacked what he called "the trend toward the welfare state."

The two spoke only in blustering terms of each other after that.

In 1950 Byrnes was overwhelmingly elected governor and immediately launched a massive $75 million school building program, partly as a last-ditch effort to equalize educational opportunities for blacks and to head off desegregation. Byrnes was a segregationist, but his manner was said to be that of paternalism toward blacks rather than that of a demagogue.

He was a critic of civil rights legislation and had sharp words for President Kennedy's leadership in the 1960's which he said "has encouraged lawless elements among the colored people to assault law officers and many white people."

Byrnes was proudest in the final years of his life of his scholarship program for orphaned blacks and whites. He said several years ago "It is the most rewarding thing I have ever done in my life."

Broadcast Editorial in Tribute to James F. Byrnes, WCSC–TV, Charleston, S.C., April 10, 1972

EDITORIAL

This is John M. Rivers, President of WCSC, Inc., speaking in the first person. I remember James F. Byrnes as a devoted friend of my father and brother, as a most delightful companion at social gatherings and a most considerate friend of mine. Governor Byrnes first came to my attention years ago when he addressed the Lodge of Sorrow of the Elks in the old Academy of Music. I was a comparatively young man and my father designated him as a comer. Later, as United States Senator, a group of us from Charleston tried to get the Air Base which went to Jacksonville, then during World War II as a most able administrator. Upon retirement, he came back to South Carolina. He recognized the inequities of our school construction program and instituted a massive improvement, which at that time went principally to black oriented schools. Then, when our second daughter was preparing for her Master's Degree the Governor spent the better part of a day with her. He was the subject of her dissertation. The Governor and Miss Maude had a most cordial relationship with my wife. Both Miss Maude and Mrs. Rivers attended Converse College. Again, on November 30th, 1929, Mr. Byrnes at my father's home for the 200th Anniversary of the St. Andrew's Society. Probably the most exciting meeting with Governor Byrnes was one evening with General Clark, at The Citadel, together with James F. Farley. The three tremendous personalities reminisced about a multitude of interesting happenings. In 1968, while previewing the Life of James F. Byrnes in Greenville, candidate Richard Nixon came into the gathering and Governor Byrnes made his famous observation to Mr. Nixon, "We hope to greet you the next time you come to South Carolina as President Nixon." This hope, of course, came to pass on more than one occasion. Truly, James F. Byrnes was a great man. We express to Miss Maude our deepest sympathy in her bereavement. We are glad that this distinguished gentleman lived a long and useful life.

This has been a WCSC broadcast editorial.

[From the Greenville (S.C.) News, Apr. 10, 1972]

"Byrnes Foundation" Gives S.C. Young People Chance

James F. Byrnes never went to college but he started a foundation to give young people the opportunity he was denied.

Jimmy Byrnes learned early in life the hardships of being without a father.

The compassion born of painful memories and financial hardship compelled Byrnes to establish a foundation to help the orphaned and semi-orphaned in his home state.

The James F. Byrnes Foundation, founded in 1947 to give financial assistance to young people who wanted to go to college, was to become one of the country's most unusual fraternities.

To qualify, students had to have lost either a father or mother, or both, to meet the standards.

The first $500-a-year scholarships were granted to 30 carefully screened high school seniors in 1948.

Since then, the foundation has provided college scholarships to hundreds of young men and women who form one of the most unusual and closely-knit groups in the world.

Byrnes Scholars, as they are known, have completed college to enter careers in medicine, law, education, the clergy, military service and other fields.

Byrnes called the foundation "the most rewarding thing I ever did in my life."

"The only real money I ever had," Byrnes recalled in 1967, was used to start the foundation. That was $50,000 from the now-defunct New York Herald-Tribune for the serial rights to Byrnes autobiography "Speaking Frankly."

Royalties from the book were donated from the outset to the scholarship foundation.

Sustaining it over the years have been unsolicited contributions from friends, from Byrnes' personal funds and from the scholars themselves.

An average of 30 scholarships have been awarded each year. The applications always outnumber the scholarships available. Questions of need and academic standing enter the screening process, in which Gov. and Mrs. Byrnes always took part.

[From the Greenville (S.C.) News, Apr. 10, 1972]

Records of Half Century of Service Left by Byrnes

Clemson.—James F. Byrnes left records of a half century of public service with the people that launched him into history beside many of the most powerful men of the 20th century.

Details of his rise from court reporter in South Carolina to Franklin D. Roosevelt's "assistant president" through his stormy term as Harry S. Truman's secretary of state are preserved in the Clemson University Library.

His vast collection of papers, documents and souvenirs were requested by the Congressional Library, the Roosevelt Library and the National Archives.

"However, I preferred that whatever I might have that was deemed worthy of preservation should be placed in South Carolina whose people had given me the opportunity to render public service," he said when the collection was donated to the school in 1966.

Byrnes said he selected Clemson because trustees of the University had requested his files in a unanimous resolution. He was a lifetime trustee of the land-grant college.

His souvenirs, including a copy of the Japanese surrender and the United Nations Charter which he signed as secretary of state, are encased in glass in the Byrnes Room.

The chair, now cracked, he used in the U.S. Senate from 1931–41, sits behind the desk he used as governor of South Carolina from 1951–55 during the waning years of his public career. The room also contains a small desk he sat in from 1911–25 as a member of the U.S. House of Representatives.

The imposing black robe he wore as an associate U.S. Supreme Court Justice in 1941–42 hangs empty across the room from the personal flag he used as secretary of state from 1945–47.

His personal letters include correspondence with Presidents Woodrow Wilson, Harry Truman and Dwight D. Eisenhower.

Large, bulky scrapbooks hold the news accounts and pictures of Byrnes and other international leaders during conferences which shaped world history.

His papers contain correspondence between Franklin D. Roosevelt and Josef Stalin. Some are sharply worded, some informal and conversational.

Included in the collection is an extensive file of personal letters between Byrnes and Roosevelt when the South Carolinian was director of war mobilization during World War II.

There are records of international conferences during the war which had been kept confidential because the Russians objected to publicity.

In donating the papers in 1966 Byrnes said, "Now, 20 years later, I see no good reason why these conversations should not be made available to the public. The people who fought the war should know all about our efforts for peace."

He dedicated the collection in the hope that "as inquiring minds read these papers, they will be inspired to take a greater interest in world affairs and realize that the United States must remain strong if our people are to remain free."

[From the News and Courier (Charleston, S.C.), Apr. 11, 1972]

James F. Byrnes

Foremost South Carolinian of his time, James F. Byrnes was a statesman of world renown. He chose to complete his public service, which took him into all three branches of national government, as governor of his native state.

Born after his fathers' death into a poor family at Charleston, Mr. Byrnes had little schooling. He possessed, however, a keen mind, sound judgment, a retentive memory and boundless energy. With these qualities he shaped a career that brought him fame and admiration. The story of his life, now ended in Columbia at age 92, will be studied as an example of political success and for valuable information about the history of this period from a man who helped to make it.

Though he was one of Franklin D. Roosevelt's closest associates, achieving the title of "assistant President" during World War II, Mr. Byrnes was denied his own term in the White House by political maneuvers in 1944. Believed to be Mr. Roosevelt's choice for Vice President in his fourth term, Mr. Byrnes was passed over and Harry S Truman was nominated. A few months after the 1945 inauguration Mr. Roosevelt died and Mr. Truman became President. He appointed Mr. Byrnes secretary of state, but later they fell out. Mr. Byrnes returned to South Carolina, and in his last years supported Republicans Eisenhower, Goldwater and Nixon for President. He would have graced the Presidency had the Democrats not followed another path.

While living in Aiken early in his career, Mr. Byrnes married Maude Perkins Busch in 1906. Their marriage was a happy one. Having no children, he established a foundation to help educate young people. Gifted with a sense of humor and a friendly disposition, Mr. Byrnes could walk comfortably with the humble or the mighty. He knew both sides from personal experience. He leaves a vast number of friends and admirers to mourn him, and a political heritage for future generations to uphold.

[From the Spartanburg (S.C.) Herald, Apr. 11, 1972]

Byrnes Enshrined In People's Hearts

The public service of James F. Byrnes is enshrined in the history of his nation and state.

His name will rank in the heritage of South Carolina with those of Rutledge, Pickney, Calhoun and Wade Hampton.

Throughout the world today, he is being remembered as a major figure of World War II and of the tremulous, formative period following that conflict. His formal titles and principal achievements are being headlined.

His mark is left deeper in the hearts of many contemporaries, particularly in South Carolina, by other memories which appear in smaller print.

Here was a boy left fatherless as a babe, a boy who helped support his mother by selling newspapers and doing odd jobs. A boy who had to pass up not only college, but high school as well.

A young man who studied to master shorthand and became a competent court reporter. He learned law and was admitted to the Bar at 24.

After serving 14 years in the U.S. House of Representatives, and losing a race for U.S. Senator in 1924, he moved to Spartanburg. Six years later, he went to the Senate by beating the man who had defeated him—Cole L. Blease.

From there, he progressed to the highest councils of national government and international diplomacy.

Yet, when he retired as Secretary of State and returned to his native state respected and honored the world over, he did not retire from public service.

James F. Byrnes started again in the office which is usually the beginning place for national political careers—Governor of South Carolina.

There he championed a massive spending program for schools and advocated the sales tax to finance it. Hardly anyone else could have provided the leadership necessary to accomplish that goal. No one can ever measure the immense value this had—and still has has—for South Carolina.

Mr. Byrnes said service to people was the only monument he felt worth leaving.

His scholarship program has helped more than 300 men and women who had lost one or both parents. It symbolizes the closeness he kept with people.

Over and over, they repeat the refrain:

"I don't know how I could have gone to college without his scholarship, but he gave much more important things than what he gave in dollars."

"He didn't want a memory in brick or stone. He wanted a memory that would live after he was gone."

Few people in the history of this state have changed the lives of so many of his people so much for the better.

[From the Florence (S.C.) Morning News, Apr. 11, 1972]

Byrnes the Statesman

When Donald S. Russell, now a federal judge, was president of the University of South Carolina, he delighted in saying that James F. Byrnes was "one of the poorest advertisements" the university had.

Byrnes, who died Sunday less than a month away from his 93d birthday, dropped out of school at age 14 and rose from messenger boy to the pinnacle of power in all three branches of the federal government, then capped it all off by serving a term as governor of his State at an age when most men would be retired.

Byrnes' amazing political career began when he was elected a circuit solicitor when he was 29. Earlier he worked at odd jobs to help support his widowed mother; mastered shorthand and became court reporter in Aiken; read law which resulted in his being admitted to the bar in 1900; and served four years as editor of a newspaper in Aiken.

The solicitor's post was Byrnes' stepping stone to a brilliant public career which included 14 years in the U.S. House of Representatives and 11 years in the U.S. Senate before President Roosevelt appointed him to the U.S. Supreme Court in June 1941.

A year later, at Roosevelt's request, Byrnes left the Supreme Court to head the Office of War Mobilization, a position that carried virtual command of the entire war effort at home. Roosevelt considered the position so important that he dubbed Byrnes "assistant president for the home front" during those years.

Byrnes was one of Roosevelt's most trusted and valued associates. Roosevelt seriously considered him for his vice presidential running mate in 1944 but chose instead Harry S. Truman at the last minute. The switch is widely attributed to Roosevelt's fear that a southerner would be a liability on the ticket.

The switch likely prevented Byrnes from being President. Truman became President when Roosevelt died in 1945 and promptly named Byrnes his secretary of state.

Byrnes was a central figure in crucial international negotiations at the end of World War II. He with Truman took part in the Potsdam Conference. He participated in ten international conferences and numerous meetings with Russians which convinced him that the post-war Soviets were an intractable foe to be dealt with from a position of strength.

In many respects, Byrnes was the father of modern public education in South Carolina. Elected governor in 1951 when he was 71-years-old, he successfully pushed through a $75 million bond issue and a three per cent sales tax for a revamped public school program.

As governor he provided the leadership and inspiration for a school consolidation system and a move to make public schools substantially equal for all races because "it is our duty."

The chorus of tributes to Byrnes echoing across the state and nation are testimony to his illustrious public career and to his place in history in South Carolina and in the nation.

There is no question that he ranks among those few in public life who can truly be referred to as statesmen.

[From the (S.C.) State Columbia, Apr. 11, 1972]

State Department: Byrnes Laid Peace Foundation

WASHINGTON.—The state department said Monday the peace and security of the western world rest on a foundation built by the late Secretary of State James F. Byrnes.

Department spokesman Robert J. McCloskey said Byrnes, who died Sunday, "was one of the makers of modern history."

McCloskey said Byrnes "will long be remembered for the far-reaching effects of his vigorous activities as war mobilization director in World War II and as the secretary of state who negotiated the peace treaties of 1947.

"As a negotiator his patience was unrivalled, but even more significant was his firmness in standing for the rehabilitation of the present Federal Republic of Germany. The western world will not forget that its freedom and prosperity rest in large measure on a foundation laid by James F. Byrnes."

Nixon Pays Tribute to Memory of Byrnes

WASHINGTON.—Text of President Nixon's statement on the death of former Secretary of State James F. Byrnes:

"James F. Byrnes was one of those men who ranked principles first and that should be his legacy to all of us who seek to serve our country.

"No man in American history has held so many positions of responsibility in all branches of our government with such distinction. He was a great patriot who always put his country ahead of his party.

"Gov. Byrnes acted always for the best interests of the United States of America, as he saw those interests from the solitary viewpoint of his personal conscience.

"He was trained as a lawyer, began his public service as a solicitor and became an associate justice of the Supreme Court of the United States.

"He was also a legislator, representing the people of South Carolina in the Congress for 24 years. He served the executive branch of the federal government with particular distinction, as "assistant president" and secretary of state. And he then returned to his beloved home state of South Carolina to serve its people as governor.

"America was served exceedingly well by this distinguished South Carolinian who became one of the dominant American statemen and political leaders in the turbulent years that bridged the new eras spawned by two world wars and the tensions and realignments resulting from each.

"I, for one, was always grateful that I could seek his wise counsel. I will miss it now that I cannot.

"Mrs. Nixon joins me in expressing deepest sympathy to Mrs. Byrnes."

[From the Greenville (S.C.) Piedmont, Apr. 11, 1972]

James Francis Byrnes: Noble Example for All

It is pure academic exercise to speculate on how American and world history might have been altered if James Francis Byrnes had become President of the United States.

At the end of his life, however, it is clear that his name will be listed among the great statesmen who were in all ways fully qualified for the nation's highest office, yet were denied it for quixotic reasons which may always be the worst legacy of a democracy.

There is some satisfaction in the fact that historians already rank his impact on government as greater than that of a substantial number of men who reached the presidency through those same democratic quirks and failed their responsibilities.

Another brilliant South Carolinian, John C. Calhoun, and other leaders such as the Websters, Clay and Taft, never reached the top though their service to their country was unmistakably superior to that of many presidents.

How able was James Byrnes is evidenced by his extremely powerful administrative positions under Presidents Franklin Roosevelt and Harry Truman, when he helped guide America through World War II and shaped the post-war world until political and foreign policy disenchantments drove him back to guide his native state again.

A more complete summary of his influence in almost every phase of state, national and international affairs must await a longer evaluation, but there is no need to doubt one thing:

The dignity, stature, intelligence, political acumen and integrity of James Byrnes were a credit to the entire field of government.

Nowhere is this more evident than in South Carolina.

Every governmental action, every candidacy, every facet of state politics has been for the past half century and will be in the future measured against the statesmanlike stance of James Byrnes.

The high plateau on which he lived his life and served others unselfishly may not be reached again soon by leaders who come after him, but at least they have a noble example to follow.

And all South Carolinians can be proud they put their faith and trust in a giant whose firm but gentle hand will be missed though never forgotten.

[From the Anderson (S.C.) Independent, Apr. 11, 1972]

LEADERS EXPRESS GRIEF, SORROW

(By Joanne Thrift)

Expressions of grief and sorrow poured in as news of the death of statesman and world leader James F. Byrnes was received in Anderson.

Local businessmen, city and county officials voiced sadness regarding the loss to the country, the state and the area.

Third District Congressman W. J. Bryan Dorn of Greenwood recalled that both John C. Calhoun and Byrnes had represented in Congress a great portion of the present Third District, now represented by Dorn.

"During his illustrious career, James F. Byrnes presented a magnificent image for the South and for all Americans," Rep. Dorn said. "During an era of demagogues, he stayed in the mainstream of moderation. In any definitive history of the era of the Great Depression, the dynamic first 100 days of the Roosevelt Administration, the New Deal and final victory in World War II James F. Byrnes must be given a superior place."

A visit to Anderson by Byrnes was remembered by Joe Lyons, retired president of M. Lowenstein and Sons. Lyons who said, "He was very charming and so was his wife. He entered the grounds at Orr Mills with my father and mother in a horse and carriage in the early 1950s. He was very jovial and he and my father recalled old times. He made a beautiful speech, which was very touching and impressive."

Byrnes' visit here on that occasion was for the 50th anniversary of Orr-Lyons Mills.

Former Mayor Pete Glenn met Byrnes when he was running for governor and renewed the friendship when Byrnes came to Anderson on a later occasion.

"You know at one time, we had a high school girl working for us at Economy Drug Store," Glenn said. "She was the sole support of her mother. She applied for and received one of the Byrnes' scholarships for deserving students. Her name was Mary Laney."

Glenn added, "He made a vivid impression on everyone. I had been reading about him all those years when he was 'assistant president' and everything written about him was true."

Other Anderson leaders made similar comments.

Dr. J. E. Rouse, president of Anderson College: "Perhaps the greatest thing he has ever done is yet to be experienced through the scholarships which he has established. He had a depth of understanding that every person doesn't have. I think he certainly was an example of what can be accomplished under the type government we have had in the United States."

Anderson Mayor Richard Otter: "Jimmy Byrnes' name has been associated to me with greatness ever since I have known anything about history and political science. The death of a South Carolinian who has meant so much to everyone certainly is a great loss."

State Sen. M. E. McDonald (Anderson County): "I think not only has our state, but our nation as a whole, lost one of our greatest statesmen. I met him on more than one occasion. He was the kind of man who could associate with anyone on any level. If I could pattern my political career, I would be happy to follow in his footsteps. The thing that I admire so much about him is that he was so unusually modest, never craving publicity but going about his work and doing a great job for our country."

Former Anderson Mayor William C. Johnston (a brother of the late Sen. Olin D. Johnston): "Jimmy Byrnes was an astute politician in a campaign, a statesman in office. He helped guide the destiny of his nation and the world through his leadership."

Hugh Agnew, realtor: "I think he was certainly tops among outstanding people who have done great things. I did not know him personally very well until he became governor. I was closely associated with him those four years. The more I saw of him, the better I liked him. He brought great honor and respect to South Carolina."

[From the Anderson (S.C.) Independent, Apr. 11, 1972]

THOUSANDS ARE EXPECTED TO PAY LAST TRIBUTES TO JAMES F. BYRNES

COLUMBIA.—The body of former U.S. Secretary of State James B. Byrnes will be brought to the rotunda of the South Carolina Statehouse Tuesday afternoon and thousands are expected to file by throughout the night to pay last tributes to one of the state's greatest leaders.

Among those attending the memorial service at noon Wednesday in the rotunda, and the federal building across from the Capitol at Trinity Episcopal Church, will be Mrs. Richard M. Nixon and Army Chief of Staff Gen. William C. Westmoreland, the Spartanburg native who Byrnes appointed to West Point.

Plans for the almost 24-hour ceremonies were worked out Monday afternoon at a conference of William F. Prioleau, a Columbia attorney and close friend of Byrnes and his wife; Lt. Gov. Earl Morris; House Speaker Solomon Blatt and Jack West, son of Gov. John West, who is serving as his father's personal representative.

Gov. West is in Japan on a trade mission. President Nixon will be in Canada and also will not be able to attend.

The House and Senate will meet briefly at noon Tuesday in the chambers on either side of the spot where the flag-draped coffin will lie. A resolution will be approved declaring Wednesday a day of mourning in South Carolina and the legislature will then be adjourned until Thursday.

The body will be brought into the Statehouse at 3 p.m. An honor guard of South Carolina national guardsmen will stand by throughout the night until the public memorial service at noon Wednesday.

Retired Gen. Lucius D. Clay will deliver the eulogy. Clay was a personal friend of Byrnes and, while serving as occupation commander in Germany after World War II, reported directly to Byrnes, then the Secretary of State.

Mrs. Nixon is scheduled to arrive at Columbia Metropolitan Airport at about 10 a.m. She will be driven directly to the Byrnes home and will accompany Mrs. Byrnes to the memorial service and to the funeral service at the church.

Prioleau said it is hoped about 300 seats will be available for the public at the church. Most will be reserved for about 75 state officials, an equal number representing the federal government and the "Byrnes scholars," some of the more than 300 persons who attended college on funds from the foundation Byrnes created for that purpose.

Byrnes scholars will also line the path from the back entrance of Trinity Church to the grave in the churchyard. Funeral services will be conducted jointly by Dr. James Stirling, rector of Trinity, and Bishop Gray Temple of the Episcopal Diocese of South Carolina.

The last such public ceremonies at the Statehouse were in 1964 when the body of Sen. Olin D. Johnston, D-S.C., lay in state throughout the night.

After the eulogy by Gen. Clay, the coffin will be carried down the front steps of the Statehouse and a procession composed of state and federal officials, judges, and Byrnes scholars will follow it on the block-long walk to the church.

Among those with reserved seats in the church will be the presidents of state-supported institutions of higher learning and their wives and the president of Converse College and his wife. Converse is the private school in Spartanburg which Mrs. Byrnes attended. Both she and Byrnes had served on the Converse board of trustees.

The casket will be draped with the American flag, the South Carolina state flag and the flag of the Secretary of State.

The flag which Byrnes used when he was secretary of state is in the Byrnes Room at Clemson University. The one to be used at his funeral was obtained from the museum at The Citadel.

[From the Anderson (S.C.) Independent, Apr. 11, 1972]

BYRNES BODY TO LIE IN STATE IN ROTUNDA OF THE STATEHOUSE

COLUMBIA.—The body of James F. Byrnes will lie in state in the rotunda of the South Carolina Statehouse Tuesday, only a few steps from where, at the age of 71 and after a distinguished national political career, he was sworn in as governor of his native state.

Byrnes, who during more than half a century served his state and his nation in Congress, on the U.S. Supreme Court, as U.S. Secretary of State, as head of the Office of War Mobilization, and eventually as governor, died Sunday in his Columbia home.

He was 92.

A memorial service will be conducted at noon Wednesday in the historic statehouse where metallic stars are embedded in the granite blocks to show where Northern cannon balls struck during the Civil War.

Retired Gen. Lucius Clay will deliver the service as the three flags above the state Capitol—the Stars and Stripes, the Palmetto Tree flag of South Carolina, and bars and stars of the Confederate battle flag—fly at half-staff.

Funeral services then will be conducted across the street at the old Trinity Episcopal Church, with burial in the church cemetery near the now-bustling downtown area of Columbia. The Gravesite is in the shadow of the statehouse dome and close to the spot where workmen are erecting a statute of Byrnes, inscribed, "As statesman, jurist, diplomat, he gave a lifetime of service to state, nation and the world."

There will be dignitaries from the national and state level in attendance. Mrs. Richard M. Nixon will be here, almost three years after she and President Nixon were in Columbia to honor Byrnes on his 90th birthday.

Gen. W. C. Westmoreland, the Army chief of staff, is to attend final rites for the man who, while a U.S. senator appointed him to the U.S. Military Academy at West Point, N.Y.

Famed evangelist Billy Graham is scheduled to attend, as are most of the state political leaders.

And, there will be many of the several hundred orphan children, most of them adults now, who received the money they needed to attend college from the James F. Byrnes Scholarship Foundation.

Byrnes founded the scholarship program in 1948 and once said he had "turned over every dollar" made from his books, articles, and speeches to the program.

Dr. William E. Rowe, a prominent general surgeon from Chattanooga, Tenn., was one of those youths who received a scholarship from "Pop Byrnes," and who will be in Columbia for the final rites.

"Over the years," he said "Pop Byrnes has been a guiding light to all of us, an inspiration to do better. The only thing he ever asked of us was to do the best we could."

Messages arrived through Monday at Byrnes' fashionable but unpretentious home.

President Nixon, called about the death by Gov. John C. West while on a trade promotion mission, sent a telegram expressing his condolences.

It is more than 31 years now since Byrnes was sworn in as governor, and he will lie in state near the legislative chambers where he urged enactment of law making it a criminal offense for persons over 16 years of age to parade on the streets or highways while masked.

It was a law aimed at stopping the actions of the Ku Klux Klan and it was a law soon enacted by the legislature.

He will lie in state near the legislative chambers where he succeeded in the passage of a state sales tax to finance the separate but equal school system for blacks and whites, an action later struck down by the Supreme Court on which he had served.

Byrnes said at the time, "I do not need the assistance of the Ku Klux Klan, nor do I want interference by the National Association for the Advancement of Colored People."

Byrnes split with the Democratic party in the presidential election of 1952 and supported Gen. Dwight David Eisenhower, the Republican nominee.

Byrnes once remarked that he frequently heard it said prior to the election that if a South Carolina Democrat voted for a Republican candidate for president, "his grandfather would turn over in his grave."

But, Byrnes said, more than 158,000 independent Democrats gave their vote to Eisenhower and "a friend who lives near old Trinity churchyard in Columbia, where lie the remains of many distinguished South Carolinians, told me that, in spite of the election returns, he heard no unusual sounds in the cemetery."

It will be in this same old Trinity churchyard, where Byrnes will be buried Wednesday afternoon, alongside many other distinguished South Carolinians.

[From the Greenville (S.C.) News, Apr. 11, 1972]

South Carolina, Nation Mourn Death of Statesman

Columbia.—South Carolina and the nation joined in mourning the death of former Gov. James F. Byrnes Monday amid plans for a state funeral to honor the man President Nixon called "one of the greatest statesmen of our time."

Byrnes, whose public service career spanned 47 years of service during nine presidential administrations, died Sunday at his Columbia home at the age of 92.

Byrnes' physician said the cause of death was terminal pneumonia.

The body of the statesman is scheduled to be taken to the State House at 3 p.m. Tuesday to lie in state until a noon memorial service and funeral Wednesday expected to be attended by Mrs. Pat Nixon and more than 50 Washington officials as well as thousands of South Carolinians.

The South Carolina National Guard was to serve as honor guard for the flag-draped casket which will remain closed.

The General Assembly planned to meet early Tuesday to officially designate Wednesday a day of mourning, giving state employes and school children a chance to pay their respects to the former secretary of state, Supreme Court justice, U.S. senator and Congressman and "assistant president" to Franklin D. Roosevelt.

Members of the Byrnes family prepared for the ceremonies with a steady trickle of visitors to the family home in a quiet, tree-shaded Columbia suburb.

Gov. John C. West, visiting Japan with the National Governor's Conference, sent a telegram to Mrs. Maude Byrnes, widow of the former governor, saying he would be unable to return to the country for the funeral and naming his son, John West Jr., to represent the West family and Lt. Gov. Earle E. Morris Jr. as the official state representative.

Morris and West's son visited the Byrnes home Monday, reporting Mrs. Byrnes "resting comfortably" but seeing only members of the immediate family.

Retired Gen. Lucius D. Clay, former allied high commander in post-World War II Germany and a close wartime associate of Byrnes, will deliver a eulogy to Byrnes at a memorial service at the rotunda of the State House Wednesday.

Clay, who said Byrnes' career was "without parallel in modern times," credited the South Carolinian with the bulk of responsibility for the failure of communism to take root in Western Europe at the close of the war.

A procession was to follow the casket from the State House to the Trinity Episcopal Church across the street from the Capitol.

Directly behind the casket was to be the family and close friends then a delegation of 75 state officials, 75 federal officials and then the Byrnes scholars, orphans who have received scholarships from the Byrnes Foundation.

The scholarship also provided the flowers to be placed on the casket after the flag is removed at the cemetery.

Funeral services at the church were to be followed by burial in the churchyard where Byrnes joins other state political leaders of the past 100 years.

Approximately 250–300 seats at the church were to be reserved for the general public.

"Governor Byrnes loved the people of South Carolina and it is only appropriate that they be given a chance to be here," said a family spokesman.

Flags on state buildings were ordered flown at half staff until the day after the funeral and President Nixon had the White House flag flown at half staff although such action is rare for any person not holding office at the time of death.

"No man in American history has held so many positions of responsibility in all branches of our government," said the President Sunday. "He was one of the greatest statesmen of our time."

Byrnes had been in poor health for the last three years after suffering a stroke in early 1969. He was hospitalized three times that year and was bed-ridden in recent months. He lapsed into a coma last Thursday and died Sunday afternoon with Mrs. Byrnes and a private nurse at his side.

Byrnes held public office during the administrations of Presidents Theodore Roosevelt, William Taft, Woodrow Wilson, Warren G. Harding, Calvin Coolidge, Herbert Hoover, Franklin D. Roosevelt, Harry Truman and Dwight Eisenhower.

Byrnes was born in Charleston in 1879 and dropped out of school at 14 to support his widowed mother. He won election to the U.S. House in 1910, serving seven terms, and moved to the Senate in 1930 where he established a close friendship with then New York Gov. Franklin D. Roosevelt.

Roosevelt appointed him to the Supreme Court in 1941. Byrnes resigned in 1942 to direct the Office of War Mobilization and later the Office of Economic Mobilization during World War Two. After Roosevelt's death in 1945, President Harry Truman asked Byrnes to become secretary of state.

After returning to South Carolina in 1947, Byrnes was overwhelmingly elected governor serving one term from 1951–55. After his retirement he and Mrs. Byrnes relaxed at their Columbia home, later establishing a college scholarship program for orphans which Byrnes once called "the most important thing I have ever done."

[From the Anderson (S.C.) Independent, Apr. 11, 1972]

Even Younger Generation Takes Interest in Byrnes

(By Jerry Alexander)

Clemson.—Even the younger generation, many born as the distinguished career of James F. Byrnes was drawing to a close, seem eager to learn more about the former U.S. Secretary of State who died Sunday at his Columbia home.

Mrs. Cathy Harrington, in her capacity as technical assistant in the Special Collections Department of the Robert Muldrow Cooper Library at Clemson University, is in charge of many of the papers and mementos covering Byrnes' life of public service.

She said Monday that since Byrnes' passing, the number of visitors to the James F. Byrnes room on the main floor of the building "has increased substantially."

"Mostly they just come in and look at his pictures, or at the various other items we have," she said.

The large room houses items that reflect Byrnes' long career as U.S. Supreme Court justice, Secretary of State, congressman, senator and governor of South Carolina.

Byrnes, who was a trustee of the University, has said of the collection: "I hope that papers, manuscripts, documents, cartoons and souvenirs will be of some interest and value to future students and historians."

The room was officially opened on Nov. 26, 1966, and at that time Byrnes commented on its attractiveness and displays.

He told those gathered for the opening ceremony, "My hope is that as people of inquiring minds read these papers, they will be inspired to take a greater interest in world affairs and realize that the United States must remain strong, if our people are to remain free."

A portrait and bust of the statesman is among the features of the Byrnes room. The furniture includes the desk and chair used by Byrnes during his tenure as governor, a chair used when he was Secretary of State and his desk used while serving in the U.S. House of Representatives from 1911–13.

In an adjacent room, more papers covering Byrnes are stored. All the items in the Byrnes room are housed in glass cases for protection and the displays are well lighted for easy reading.

[From the Spartanburg (S.C.) Herald, Apr. 12, 1972]

Two Speeches, Two Eras: A Dramatic Sequel

South Carolina's most beloved and respected modern statesman is being buried today.

Last night, Spartanburg saluted overseas industries which mean so much to continuing economic progress in this county and state.

James F. Byrnes the diplomat played a very significant, initial role in probably the principal development which led to Spartanburg's prominent place in international commerce.

As Secretary of State (1945–57), he early recognized the intractable stance of the Russians toward post-war rehabilitation of Europe. They had violated the Yalta agreement on occupation of Germany and they obstinately refused to cooperate in settlement of the issue.

This led Byrnes to adopt a policy of increasing firmness toward the Soviet Union. Henry A. Wallace, then Secretary of Commerce, publicly denounced this policy of "getting tough with the Russians."

Byrnes demanded that Wallace be squelched permanently on the subject. President Truman dismissed Wallace. American policy purused its separate way toward Western Europe.

What happened then may be described by a tribute paid to Byrnes in 1966, as reported by the Associated Press:

"Former U.S. Secretary of State James F. Byrnes has received a letter of thanks from West German leaders for a speech he made 20 years ago in Stuttgart.

The speech led to the formation of the present West German government."

A letter signed by members of the parliament told Byrnes:

"Assembled in Stuttgart on the 20th anniversary of your memorable speech, representatives of the German liberals wish to express their gratitude on this occasion.

"After bitterest conflict, suffering and humiliation, your courageous speech marked the beginning of a new era of gradual reconciliation and laid the foundation for the economic recovery of the western parts of Germany."

Byrnes himself declared the speech "the greatest thing I've done in my life."

He said he decided, after consultation with military leaders that "the situation in Germany was critical and that it was necessary to reestablish the people's confidence in some government."

In his speech to a group of German leaders, he outlined a form of government as suggested by the U.S. With a few variations, it became the constitution of West Germany.

Last night in Spartanburg, another address was an appropriate sequel to that one in Stuttgart in 1946. A West German, Gunther Ruebcke, president of one of the largest employers of people in this country, paid tribute to "Spartanburg International."

The dramatic political and economic recovery of Western Germany made it possible.

[From the Florence (S.C.) Morning News, Apr. 12, 1972]

JAMES F. BYRNES: "EVERYBODY LOVED HIM"

COLUMBIA, S.C.—"He was just about everything and everybody loved him."

Mrs. Beatrice Tolliver, a black, employed as a maid in an apartment building, just about summed up the sentiment of those who filed through the rotunda of the South Carolina State House past the flagdraped coffin of James F. Byrnes, a man who had been just about everything except president of the United States.

The coffin was brought into the State House Tuesday afternoon, a grey, drizzly day that did not prevent hundreds of people like Mrs. Tolliver from paying last respects to a man who ended an amazing political career by becoming governor of his native state in 1951 at the age of 72.

Flanked by the American, secretary of state and South Carolina's palmetto flags, the closed copper casket will remain in the rotunda until memorial services at noon Wednesday and the funeral and burial at Trinity Episcopal Church, just across Sumter street from the capitol.

Mrs. Richard Nixon, the nation's first lady, will fly in Wednesday morning aboard Air Force One, accompanied by federal dignitaries. Also attending the memorial and funeral services will be Army Chief of Staff Gen. William Westmoreland, the South Carolina native who was appointed to West Point by Byrnes.

Evangelist Billy Graham, like President Nixon a personal friend of Byrnes and his wife Maude, will introduce retired Gen. Lucius D. Clay, who will deliver the eulogy at the memorial service.

The Washington party will also include Chief Justice Warren Burger of the U.S. Supreme Court and Charles "Chip" Bolhen, former U.S. ambassador to the Soviet Union.

The South Carolina House and Senate passed a somewhat flowery resolution which would probably have brought a twinkle to Byrnes Irish eyes.

It traced his career from his birth in Charleston on May 2, 1879, the son of poor Irish immigrants, through his service in both houses of Congress, the U.S. Supreme Court, director of War Mobilization and governor of South Carolina.

The resolution noted that Byrnes embarked on what would prove to be one of the most illustrious, outstanding and diversified public careers in the history of his country, when he was selected in 1900 as court reporter for the judicial circuit that includes Charleston.

The resolution declared Wednesday to be an official day of mourning in South Carolina. Operations of all state departments and agencies will be suspended from 11 a.m. until 2:30 p.m.

[From the Greenville (S.C.) Piedmont, Apr. 12, 1972]

SOUTH CAROLINA'S LEADER OF NATION BURIED; MRS. NIXON, JUSTICE BURGER ATTEND SERVICE

(By Fred McNeese)

COLUMBIA.—Final rites were held today for James F. Byrnes, one of the nation's key leaders during the turbulent World War II years.

An Episcopal burial service, held under cloudy gray skies, was offered up for the 92-year-old former secretary of state, supreme court justice, U.S. senator and congressman and governor of South Carolina.

He was buried beside the Trinity Church sanctuary, a pre-civil war structure a few steps across the street from the State House. The grave is a few yards away from that of the 19th Century State Poet Laureate Henry Timrod.

Byrnes died Sunday at his home following a long illness.

The Rev. James Stirling, rector of the church, the Rt. Rev. Gray Temple, bishop of the Diocese of South Carolina and the Rt. Rev. John A. Pickney, bishop of the Diocese of Upper South Carolina, officiated at the brief service.

The first rows of the 127-year-old church were filled by state and national leaders including Mrs. Nixon and Chief Justice Warren Burger.

Burial followed a memorial service for Byrnes in the South Carolina State House with an eulogy by Byrnes' wartime companion, retired Gen. Lucius D. Clay.

The body lay in state for 21 hours in the statehouse lobby as South Carolinians by the thousands paid their final respects to the South Carolinian.

Anne Allen, 24, although not even born when Byrnes was at the height of his power in the mid 40's was one of the first persons to view the casket.

"I just thought it was an historical event taking place in South Carolina," she said. "I thought I would come here and be a part of it."

Persons in groups of twos and threes filed quietly through the lobby during the evening hours Tuesday to view the solid copper casket which was set in the middle of the lobby.

The casket was flanked by American, South Carolina and Secretary of State flags. An honor guard of five National Guardsmen, changed on the half hour, stood near the body.

The casket was only about 20 feet from a statue of John C. Calhoun, pre-civil war statesman and a man Byrnes has been compared with in recent eulogies given by various state leaders.

Patricia Youmans of Columbia viewed the casket shortly after the public was admitted to the statehouse at 3 p.m. Tuesday.

"I think he was a great man," she said. "He was greater than anybody that has ever been born in South Carolina."

Byrnes lapsed into a coma last Thursday and died Sunday with his wife and a private nurse beside him. His physicians said the cause of death was pneumonia.

Byrnes' public service career spanned 47 years during nine presidential administrators, from county prosecutor to advisor to Presidents Roosevelt and Harry Truman. A slight shift in history could well have made him Roosevelt's vice president instead of Truman.

Byrnes was born in Charleston in 1879 and dropped out of school at 14 to support his widowed mother. He won election to the U. S. House in 1910 serving seven terms, and moved to the Senate in 1930 where he established a close friendship with then New York Gov. Roosevelt who helped expand Byrnes' political career.

[From the State, Columbia (S.C.) Apr. 12, 1972]

MOURNERS FILE PAST BIER

(By Robert G. Liming)

They remembered him as "Governor Jimmy," "Mr. Byrnes," "Senator," or just simply "Pop Byrnes," but the important thing was that they remembered him.

Throughout the long night mourners passed softly beside the flag-draped casket of former Secretary of State James Francis Byrnes as it rested on a simple bier in the rotunda of the State House.

David Williams of Columbia walked 14 blocks through a steady drizzle from the gas station where he works to pay his last respects to a man who served him as congressman, senator and ultimately governor.

"He was a real good man what done serve all of the people better than anybody else done. A good man that gone to sweet heaven," the black mechanic said.

An honor unit of white gloved South Carolina National Guardsmen carried the plain copper casket to its place of honor beneath the 72-year-old State House dome Tuesday afternoon and stood silent vigil all night as Palmetto Staters bid the elder statesman goodbye.

The setting was typical of the nearly half century of public service Byrnes gave his state and nation—dignified but unpretentious.

A five-man honor guard stood at attention around the casket all night moving only once every thirty minutes to allow a relief team to take over the duty watch.

Flags of his nation, state and highest office—secretary of state—flanked the rear side of the casket as the hundreds of mourners, friends and curious alike, filed past.

The stoic statue of another South Carolina statesman, John C. Calhoun, was directly in front of the casket and symbolically stood as a quiet guard for the man who earned the nickname "assistant president" during World War II.

Kermit Warren is old now, but he fondly recalled how he used to see "Governor Jimmy" when he was serving as director of the Office of War Mobilization.

"I used to work at old Union Station in Washington and I always used to see him go by. He was as good as there ever was," Warren said after viewing the casket.

It wasn't until shortly before 6 p.m. Tuesday that a simple white cross floral arrangement from U.S. Circuit Judge and Mrs. Donald S. Russell was placed alongside the casket.

Young and old, black and white, professional and laborer, the public came to pay tribute to the 92-year-old leader who died Sunday afternoon at his home following a lengthy illness.

A few had tears in their eyes, some young mothers carried infants and clutched toddlers, many were long-haired students, but they all wanted to see the former governor.

Susan Crosby, a 17-year-old high school student, beamed, "I never knew him, but he was a part of history and I just wanted to say that I was here to see him."

Mrs. Rosella Benton, a black dental hygienist, described the former associate justice of the U.S. Supreme Court as "one in a million."

They came in spurts, curious and concerned, groups of from two to twenty, all with a quiet air of dignity that seemed appropriate with the somber sky outside.

Many of them sat for a moment or two in the comfortable chairs and couches surrounding the ornate rotunda of the historic State House and gazed at the nearby casket as if to wish the leader farewell.

A cute little blonde five-year-old tugged at the hem of her grandmother's dress and smilingly asked, "Nana who is that in the big shiny box?"

Her grandmother turned softly and replied, "Honey, that is Mr. Byrnes, a really fine man."

They continued to file past the bier long into the morning hours as the five-man guard unit stood watch awaiting today's memorial service.

Ed Harrison, a retired businessman, said as he brushed his drizzle-spattered jacket, "I wanted to say so long, but I was just too old to come down to the services, so I thought I'd stop down here right after supper."

A middle-aged, fairly prosperous-appearing, man stood for a moment in front of the casket and then offered a firm military salute.

He explained later that he was one of the Byrnes Scholars and simply "wanted to give old Pop Byrnes a last thank you for his help in getting me an education."

The scholarship program established by Byrnes in 1948 was one of the statesman's greatest loves. During his lifetime more than 300 needy young people were given over $600,000 in grants to further their education.

As quietly moving as the procession was, it was not the awesome scene that might have greeted a powerful monarch or some totalitarian-state strong man.

It was a simple and somber farewell from the people of South Carolina to a man who had served them for so many years.

[From the State, Columbia (S.C.) Apr. 12, 1972]

Leaders To Pay Tribute to Byrnes Today

(By Robert G. Liming)

A host of state, national and community leaders will join together today in paying final tribute to South Carolina's elder statesman, James Francis Byrnes.

Mrs. Richard M. Nixon, the nation's First Lady, will arrive in Columbia this morning with a score of Washington dignitaries to attend memorial and funeral services for the former secretary of state and Supreme Court Justice.

Joining her on the trip will be Supreme Court Chief Justice and Mrs. Warren Burger; U.S. Sen. and Mrs. James B. Allen, D-Ala.; and U.S. Sen. Edward J. Gurney, R-Fla.

They will attend a noon memorial service in honor of the former governor in the rotunda of the State House and 1 p.m. funeral services at Trinity Episcopal Church.

Byrnes' body, which was carried to the State House Tuesday afternoon, will lie in state until the start of the special memorial service open to the public.

Evangelist Billy Graham, who like President Nixon was a very close friend of Byrnes and his wife, will deliver opening and closing remarks at the memorial service.

Retired Gen. Lucius D. Clay, a long-time friend of Byrnes and former commander of American occupation forces in Germany after World War II, will deliver the eulogy.

Among those flying in from Washington aboard Air Force One for the services will be most of the South Carolina congressional delegation; Charles "Chip" Bohlen, former U.S. ambassador to the Soviet Union; and William B. Macomber Jr., deputy under secretary of state.

Others expected to attend the services include Army Chief of Staff Gen. William Westmoreland, the Palmetto State native who was appointed to West Point by Byrnes.

Hundreds of South Carolinians paid silent tribute to the man who spent nearly half a century in public service by viewing the flag-draped casket as his body lay in state in the rotunda throughout Tuesday night and this morning.

Following the noon ceremonies a special National Guard honor guard will carry the casket from the State House to nearby Trinity Church for the funeral services.

It is estimated that there will be between 250 and 300 seats in the church sanctuary for members of the general public. The remaining seats will be reserved for the Byrnes family and friends, state and national officials, and recipients of Byrnes Foundation scholarships.

In 1948 the late governor established the non-profit scholarship program to provide orphans with the money to get a college education.

The foundation, which was one of Byrnes' greatest loves, has enabled more than 300 students to attend college at a cost of more than $600,000.

Most of the funds used to provide the scholarships came from the proceeds of books dealing with his public life authored by Byrnes.

A family spokesman said the family suggests that those who wish may make memorials to the foundation.

Security arrangements for the mid-morning and early afternoon affairs were rather tight in view of the presence of Mrs. Nixon.

However, the public will be permitted to attend the full services at the State House and in the church on a seating available basis.

All aspects of the memorial services and subsequent funeral services will be televised by WIS–TV in Columbia instead of previously scheduled programming.

Officiating at the church services will be the Rev. James Stirling, rector of Trinity Church; Bishop Gray Temple; and Bishop John Pickney.

Following the church services, the casket containing Byrnes' body will be carried out of the rear of the church to the gravesite by an honor guard of National Guardsmen.

Lining the path to the gravesite will be past winners of Byrnes Foundation education grants, about 65 of whom are expected to attend the services.

Gen. Clay, who attended the last Byrnes Scholar Dinner attended by Byrnes, was a very close friend of the man who earned the nickname "assistant president" during World War II.

Both houses of the General Assembly agreed Tuesday to make today an official day of mourning for the statesman and called for all state agencies to close from 11 a.m. until 2:30 p.m. to give their employes a chance to attend the services.

Byrnes, who had been a virtual invalid in recent years, died at the age of 92 in his Columbia home Sunday afternoon following a lengthy illness.

[From the State, Columbia (S.C.) Apr. 12, 1972]

Lawmakers Eulogize Byrnes on Senate and House Floors

(By Lee Bandy)

Washington.—South Carolinians continued to pay tribute Tuesday to the late James F. Byrnes, with members of the state congressional delegation eulogizing the Palmetto Stater in the Senate and House.

Sen. Ernest F. Hollings, D-S.C., who has just returned from an Inter-Parliamentary Union conference in Cameroon, referred to the one-time governor, senator, Supreme Court justice and secretary of state as "the greatest South Carolinian of modern times . . ."

Hollings said of Byrnes, "He leaves behind a better state and nation for having walked our way. We have lost the wisdom of a good and wise man."

He said the late South Carolinian "went as far as he did because the practiced the ideals that are too often only preached. He not only believed in service to his people, he worked at it. He not only paid homage to the litany of individual initiative and hard work, he practiced it. He not only testified to great love of country, he lived it."

Sen. Strom Thurmond, R-S.C., called Byrnes "a loyal friend" and "a man of great independence." He said, "I feel a great personal loss in the death of Gov. Byrnes."

Rep. John L. McMillan, D-S.C., dean of the delegation, called Byrnes "one of South Carolina's greatest statesmen, next in fact, to John C. Calhoun."

Due to Byrnes' service and leadership, McMillan added, "our nation and the world are better places to live."

Rep. W. J. Bryan Dorn, D-S.C., praised Byrnes for staying "in the mainstream of moderation" during an era of demagogues. He said the South Carolinian must be given "a superior place" in history.

Rep. James R. Mann, D-S.C., said Byrnes "was one of the most effective men of his time who projected his thoughts to the problems of these days in which we live."

Rep. Floyd D. Spence, R-S.C., said he would remember Byrnes "as a warm and highly-valued friend. There are few men for whom I have had greater respect, and his life will continue to be for me a model of public service and a goal for which to strive."

Aside from this being a "deep personal loss," Spence said, "the death of Gov. Byrnes is a grievous blow to his state and his country."

Senate Majority Leader Mike Mansfield, D-Mont., called Byrnes a "man of integrity, patriotism, and deep understanding."

Senate Minority Leader Hugh Scott, R-Pa., referred to the South Carolinian as "an American's American."

"Historians," he said, "have placed the great accomplishments of James F. Byrnes high on their list of those who have labored to insure a world of peace."

Thurmond invited those senators who could to fly down with him and the South Carolina delegation today to attend the Byrnes funeral.

They will ride down on Air Force One with Mrs. Nixon, who will represent the President at the funeral.

[From the State, Columbia (S.C.) Apr. 12, 1972]

Tuesday Mourning Ritual Like Scene 7 Years Ago

(By Kent Krell)

The mournful ritual which unfolded Tuesday in South Carolina's historic State House was akin to the scene in the same setting on another spring day in April seven years ago.

On April 19, 1965, thousands paid reverend tribute to the late U.S. Sen. Olin D. Johnston, D-S.C.

Many of those same people returned on a similiar, sad errand Tuesday to offer their last respects to former Gov. James F. Byrnes who died at his Columbia home Sunday at the age of 92.

Johnston's body was believed to be the first body to lie in state in the State House in many years.

The body of Gov. Joseph Emile Harley, who died in 1942 was in state in his office briefly. And veteran observers recalled that the body of Adj. Gen. Robert D. Craig rested in state in the State House in 1926.

President and Mrs. Lyndon B. Johnson led those in the Capitol who said farewell to Sen. Johnston. Their presence prompted a frenzy of last-minute, emergency security measures and the installation of two telephones, linked to the White House. Some security measures will be in effect today because of the scheduled attendance of Mrs. Richard Nixon, wife of the President, and other top-level federal officials.

Hovering over the memorial rites for Sen. Johnston was political speculation which came to a head several days later. There are no such political overtones to disturb the solemnity of the services for Gov. Byrnes.

There of those expected to attend today's funeral for Byrnes were key figures in the political maneuvering which occurred after Sen. Johnston's death. They are U.S. Circuit Judge Donald S. Russell, U.S. Sen. Ernest F. "Fritz" Hollings, D-S.C., and former Gov. Robert E. McNair.

Russell, governor at the time Johnston died, resigned to accept appointment to the U.S. Senate on an interim basis. The appointment was made by then Lt. Gov. McNair who moved up to governor.

The Russell appointment angered some members of the Johnston Family. And Johnston's widow endorsed Hollings when he defeated Russell in the Democratic primary for the Senate in 1966.

[From the State Columbia (S.C.) Apr. 12, 1972]

OLD HEAD

Jack Bell, retired chief political writer for the Associated Press for 32 years and now a columnist for The Gannett Newspaper chain, will be among the official party attending the funeral of James F. Byrnes today.

Bell was asked by the White House to fly down on Air Force One with Mrs. Nixon and the S.C. congressional delegation. Bell is one of the few Washington reporters still around who covered Byrnes in the Senate.

"I knew him for 35 years," Bell said. "If you wanted to know what was going on in the Senate, all you had to do was talk to Jimmy. He was in touch every day with (President) Roosevelt "

[From the Columbia (S.C.) Star-Reporter, Apr. 13, 1972]

JAMES F. BYRNES

With the passing Sunday of James Francis Byrnes, South Carolina loses its most distinguished public figure of this century. His nearly half a century career spanned the gamut of public office, everyone of which he filled with dignity. His last public service was governor of South Carolina from 1951–55, undertaken when he was 71 years of age. Before that he had been a United States Senator, a justice of the United States Supreme Court, secretary of state and was often called assistant president when he helped the late President Roosevelt guide World War II.

[From the Johnston (S.C.) Ridge Citizen, Apr. 13, 1972]

JAMES F. BYRNES

The passing of James F. Byrnes this week just short of his 93rd birthday closes the chapter on the career of perhaps the most honored South Carolinian of history. Certainly, he served the State in more official capacities than anyone else, capping a career as Congressman, United States Senator, United States Supreme Court Justice, War Mobilization Director, Secretary of State, with a term of service to South Carolina as Governor.

He is about the last of the giants of the Depression-World War II era, and it might be said that his death, if it doesn't close the chapter on this era, at least turns a page.

The daily press carried a series of quotations from his speeches in an issue this week. We would add one. And it is from a speech he delivered in Johnston on the occasion of one of the Peach Blossom Festivals of a couple of decades ago. He said some other thing in that speech, perhaps. But the thing worth remembering and the ideal worth living up to that he said on that occasion is this: "Johnston is the biggest-doing little town in the country."

[From the Clinton (S.C.) Chronicle, Apr. 13, 1972]

JAMES F. BYRNES, BENEFACTOR

During his lifetime, James F. Byrnes held so many high offices, any one of which would have been a major accomplishment for any one man.

Supreme Court justice, U.S. Secretary of State, U.S. Senator, U.S. Congressman, South Carolina Governor, special advisor to the President of the United States—Jimmy Byrnes held all of these titles at one time or another.

However, we believe that this outstanding man would prefer to be remembered for his establishment of the Byrnes Foundation. The Foundation supports scholarships for the Byrnes Scholars. Over 300 men and women have been assisted in obtaining a college education through the Byrnes Foundation. These are men and women who lost one or more parents before they entered college.

Reared by his widowed mother. Mr. Byrnes knew the problems faced by these young people.

He did not establish the scholarship and then let the money do the work. He took a personal interest in the young people he was helping. In the early days, when he was in good health, he and his gracious wife would take the Byrnes Scholars to their beach cottage for a week during the summer. When he was governor, he would invite the scholars to the governor's mansion for a few days' stay. It was a warm, close relationship between the students and their benefactor.

The scholars have now formed their own alumni association and they contribute to the foundation so that even more students may be helped. Last year, the Byrnes alumni gave $2,000 to the foundation. Their contribution grows each year as their association grows and the program soon could be self-perpetuating.

Last summer, the alumni association met in Columbia to honor the most recent Byrnes Scholars. Mr. Byrnes was unable to attend but he was represented by Mrs. Byrnes. It was a moving experience to witness the love that the scholars have for Mr. and Mrs. Byrnes and to see them pass on this feeling to the younger generation.

In his positions of power, he undoubtedly saw many things which were discouraging for the future of mankind. In his young Byrnes Scholars, he saw the hope for the future and it probably was a refreshing, revitalizing viewpoint.

[From the Florence (S.C.) Morning News, Apr. 13, 1972]

CLAY VOICES FINAL TRIBUTE AT JIMMY BYRNES' FUNERAL

(By Van Vanuch)

COLUMBIA, S.C.—There were no tears at Jimmy Byrnes' funeral. Just solemn appreciation for a life well spent, a life that most won't forget.

The feelings of the hundreds who attended Byrnes's funeral Wednesday were stated simply and poignantly by retired Gen. Lucius D. Clay in his eulogy at the 12 noon memorial services in the State House rotunda.

"There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great," said Clay.

Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man."

That good man, that man who succumbed to no obstacle but age, was put to rest in the corner of the cemetery next to Trinity Episcopal Church Wednesday at 2 p.m.

The cemetery is enclosed by a fence fashioned with iron bars, painted black. Hundreds of South Carolinians, encircled 10 deep around those iron bars, saw "the governor" put to his final resting place in the shadow of a white-flowered dogwood tree.

The nation's first lady was there, and she sat beside Mrs. Byrnes, who remained in her wheel chair, during that portion of the funeral service held inside the church.

There were an imposing list of dignitaries who attended the memorial services and funeral, including Warren Burger, Chief Justice of the U.S. Supreme Court; evangelist Billy Graham, who grew up in neighboring North Carolina; Army Chief of Staff Gen. William Westmoreland, who was appointed to West Point by Byrnes; Charles "Chip" Bolhen, former ambassador to the Soviet Union; and practically everyone who holds public office in South Carolina, including Sens. Strom Thurmond, R-S.C., and Ernst Hollings, D-S.C.

"Governor Jimmy" would have been glad and impressed to see these people, but he would most have welcomed the little people, the people who work an eight-hour shift every day. Those were the people he loved, the ones who had to sweat to make ends meet.

At the end of the funeral service, in the cemetery yard, the honor guard, comprised of Air and Army National Guardsmen, folded the Red, White and Blue flag that covered Byrnes copper coffin.

When the flag was folded and tucked into its dignified triangular bundle, William Prioleau, a Columbia attorney, former Byrnes aide, and close friend, took it and presented it to Maude Byrnes, the governor's wife of 66 years.

There were prayers inside the church by the Rt. Rev. Gray Temple, Bishop of South Carolina, and the church rector, the Rev. James Stirling.

At the grave site, the Rt. Rev. John A. Pinckney, Bishop of the Upper Diocese of South Carolina, committed Byrne's remains "ashes to ashes, dust to dust."

In his eulogy of one of the greatest Americans, one of the greatest Southerners, and the greatest South Carolinian, Gen. Clay, U.S. occupation commander in Germany during post World War II years when Byrnes was U.S. Secretary of State, said, "He held every major political office which his state had to offer, and how he fulfilled the responsibilities of these offices is best evidenced by the love and affection in which he was held by the people of his state and by the respect shown to him as he lay in state in the state Capitol."

"Far beyond his contributions to the state of South Carolina, as many and valuable as they were, were his contributions to his country and to the world."

"He was recognized as an outstanding member of the House of Representatives and again of the United States Senate before he became a Justice of the Supreme Court."

"When the problems of war confronted our country and the President asked him to accept the responsibility of establishing the Economic Stabilization Administration, he did not believe that he should do this as a Justive on leave, and he resigned from the Supreme Court because he felt that he could contribute more to the nation in war by taking an active role in government."

As "Director of War Mobilization, . . . it was in this capacity that President Roosevelt delegated to him full responsibility for the domestic front."

"It was while he was Director of War Mobilization that I became his deputy in December, 1944," said Clay.

"Fortunately, Secretary Byrnes—with the support of President Truman—saw immediately that it was no longer possible for America to live alone and that even a partial return to isolationism would be a serious threat to world stability and to lasting peace," said Clay.

Mrs. Nixon, wearing a black dress with white bow at the neckline, arrived at Columbia Metropolitan Airport abroad Air Force One, accompanied by about 50 persons, including Chief Justice Burger, Gen. Westmoreland, South Carolina's congressional delegation, and White House aide Harry Dent.

They were driven to the State House where Mrs. Nixon met in the office of Lt. Gov. Earl Morris with Mrs. Byrnes before they went upstairs for the memorial service.

Mrs. Byrnes was accompanied by Billy Graham.

[From the Charleston (S.C.) News and Courier, Apr. 13, 1972]

JIMMY BYRNES EULOGIZED AS BOTH GREAT AND GOOD

(By Van Vanuch)

COLUMBIA.—There were no tears at Jimmy Byrnes' funeral. Just solemn appreciation for a life well spent, a life that most won't forget.

The feelings of the hundreds who attended Byrnes' funeral Wednesday were stated simply and poignantly by retired Gen. Lucius D. Clay in his eulogy at the noon memorial service in the State House rotunda. "There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great," said Clay.

"Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man."

That good man, that man who succumbed to no obstacle but age, was put to rest in the corner of the cemetery next to Trinity Episcopal Church Wednesday at 2 p.m.

The cemetery is enclosed by a fence fashioned with iron bars, painted black. Hundreds of South Carolinians, standing 10 deep around those iron bars, saw "the governor" put to his final resting place in the shadow of a white-flowered dogwood tree.

The nation's first lady was there, and she sat beside Mrs. Byrnes, who remained in her wheel chair during that portion of the funeral service held inside the church.

There were an imposing list of dignitaries who attended the memorial service and funeral, including Warren Burger, Chief Justice of the U.S. Supreme Court; evangelist Billy Graham, who grew up in neighboring North Carolina; Army Chief of Staff Gen. William Westmoreland, who was appointed to West Point by Byrnes; Charles "Chip" Bohlen, former ambassador to the Soviet Union; and practically everyone who holds public office in South Carolina, including Sens. Strom Thurmond, R–S.C., and Ernest Hollings, D–S.C.

"Governor Jimmy" would have been glad and impressed to see those people, but he would most have welcomed the little people, the people who work an eight-hour shift every day. Those are the people he loved, the ones who have to sweat to make ends meet.

At the end of the funeral service, in the cemetery yard, the honor guard, comprised of Air and Army National Guardsmen, folded the red, white and blue flag that covered Byrnes' copper coffin.

When the flag was folded and tucked into its dignified triangular bundle, William Prioleau, a Columbia attorney, former Byrnes aide, and close friend, took it and presented it to Mrs. Maude Byrnes, the governor's wife of 66 years.

There were prayers inside the church by the Rt. Rev. Gray Temple, bishop of South Carolina, and the church rector, the Rev. James Stirling.

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They were driven to the State House where Mrs. Nixon met in the office of Lt. Gov. Earle Morris with Mrs. Byrnes before they went upstairs for the memorial service.

Mrs. Byrnes was accompanied by Billy Graham.

Graham, in brief remarks before and after Clay's eulogy, said Byrnes was "one of those of integrity, sense of honor, and deep religious belief that God had chosen to lead us in times of crisis. He was a part of all our lives and we pray that we may remember him by accepting the torch which he has passed."

[From the Columbia (S.C.) State, Apr. 13, 1972]

MRS. NIXON STANDS BY MRS. BYRNES

(By Levona Page)

Mrs. Richard M. Nixon was acknowledging years of support for her husband when she came to Columbia Wednesday to be by the side of the widow of the late James F. Byrnes during his funeral services.

The First Lady arrived at Columbia Metropolitan Airport at 11:15 a.m. and went directly to the State House to join Mrs. Byrnes. She remained with her throughout the noon memorial ceremony at the capitol and the funeral service and burial in Trinity Episcopal churchyard.

The arrival and departure of Mrs. Nixon, who was accompanied on the Air Force One flight by about 50 Washington dignitaries, was quiet and unostentatious. She made no public comments during the three hours she was in Columbia.

There was a tense period at the airport, however, when officials received a bomb threat from an unidentified caller about 1 p.m., while Mrs. Nixon and her party were still at the funeral.

Airport Security Chief James O. Freeman said two calls came in and one was answered by the Eastern Airlines desk in Columbia. Another went to Delta Airlines and was answered by its reservation desk in Jacksonville, Fla. Freeman said it was believed that both calls came from the same person, probably a middle-aged man.

"We went into a strict security situation and searched all trash cans and so on," Freeman said.

"We had another threat about a month ago and these things always shake us up because we never know when it is a hoax or not." He said there was no threat to Air Force One, which remained under strict security some distance from the terminal.

Mrs. Nixon's last visit with Mrs. Byrnes came in May, 1969, when she and the President flew to Columbia to wish Byrnes a happy 90th birthday. Nixon said he had promised Byrnes a birthday party at the White House, but due to ill health, the South Carolina statesman was unable to make the trip.

The Nixon friendship was reportedly cemented in 1956, when Byrnes is said to have helped influence President Eisenhower to retain Nixon as his running mate. Although a Democrat, Byrnes began supporting Republicans in the national ticket in the 1950's.

Long-time Byrnes aide William F. Prioleau Jr. recalled a conversation that the South Carolinian had, via conference telephone call, with Eisenhower and three other national figures to discuss the choosing of a vice presidential candidate. Prioleau said he was a party to the conversation and could not divulge details, which centered on the political pros and cons of Nixon being on the ticket.

As she arrived at the airport, Mrs. Nixon, attired in a black jacket-dress with a white bow at the neckline was met by Lt. Gov. Earle E. Morris Jr. and John West Jr., son of the governor who is in Japan. She was escorted to the State House by Byrnes family friend, J. Bratton Davis of Columbia.

The First Lady went directly to the office of the lieutenant governor for a brief private chat with Mrs. Byrnes before accompanying her to the memorial service on the second floor of the State House where Byrnes' body had lain in state since Tuesday afternoon.

In Trinity Episcopal Church, Mrs. Nixon first took a seat with family members on the second pew, behind Mrs. Byrnes, who was in a wheelchair immediately in front of the first pew. At Mrs. Byrnes' request, the First Lady moved to the front row and sat next to her.

Secret service agents kept close watch on Mrs. Nixon during her stay in Columbia and one agent was entrusted with the care of her handbag. As he was handed the bag by another agent, he began rummaging through it, opening a small makeup case inside, as if looking for something, possibly at Mrs. Nixon's request. After a few moments, he gave up the apparent quest.

When she returned to the airport for departure to Washingon, Mrs. Nixon quietly said very brief goodbyes to Lt. Gov. Morris and young West and thanked several security officers stationed at the steps of the plane.

Just as she entered the door of the plane, a whiff of wind blew off the black whimsy-style hat that covered her blonde hair, and it landed in a pocket of the airplane door. She didn't miss it, but it was spotted by a reporter and was returned to her by a security officer.

[From the Columbia (S.C.) State, Apr. 13, 1972]

BYRNES BURIED IN DOGWOOD SHADE

(By Kent Krell)

Near the shade of a flowering white dogwood, the body of James F. Byrnes was buried Wednesday in the graveyard of Columbia's Trinity Episcopal Church—the resting place of five other South Carolina governors.

Several feet away sat his elderly widow, her black gloved hands holding the American flag which had been draped over the copper coffin.

Beside Mrs. Byrnes were the family's long-time chauffeur, Willie Byrd, and Mrs. Richard Nixon, wife of the President. They flanked her at all times, even on the front pew of the church. Mrs. Byrnes was in a wheel chair most of the time.

The throng which gathered in sultry spring weather included representatives of the three branches of federal government in which the 92-year-old Byrnes served during his long years of public service.

The mourners included Warren Burger, the Chief Justice of the United States; Army

Chief of Staff, Gen. William Westmoreland; members of Congress and the U.S. State Department; and South Carolina's five living former governors.

But along with the prestigious names were countless others—men in business suits, women in print dresses, construction workers in hard hats and children in cowboy boots who pressed against the graveyard wall to pay their last respects to a man whose versatile career spanned nearly half a century.

A prominent place throughout the services was reserved for Byrnes Scholars, the recipients of scholarships from the proceeds of books written by the one-time secretary of state, governor and U.S. Supreme Court Justice.

Mrs. Byrnes with Byrd constantly at her side remained composed throughout the nearly two hours of memorial rites at the State House across the street, in the church and then at graveside.

The services reached a poignant climax in the Capitol rotunda where Byrnes' body had been lying in state since 3 p.m. Tuesday.

The moment came as retired Army Gen. Lucius Clay, nearing the end of his eulogy, declared;

"There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great. Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man."

At precisely that moment, Mrs. Byrnes reached over with her hand and laid it on the lap of Mrs. Nixon. The First Lady smiled and patted it.

The carefully choreographed memorial tributes to the former governor fell into three phases: the eulogy in the State House; funeral service in Trinity Episcopal Church; and the graveside rites outside the church.

Tight security was observed. In addition to scores of highway patrolmen, agents of the State Law Enforcement Division and local officers there were Secret Service agents, identifiable only by pins in their lapels. Officers were posted on roof tops across from the State House and the church.

The services got underway under gray skies shortly after noon in the historic old State House where Byrnes had his offices during his term as governor from 1951 until 1955.

The casket, draped in the Stars and Stripes, was flanked on the left by members of the family and seated guests, including Mrs. Nixon and Chief Justice Burger. Behind them sat old friends and colleagues of Gov. Byrnes. Among them were Gen. Mark Clark, former president of The Citadel; U.S. Circuit Judge Donald Russell; Charles Bohlen, retired under secretary of state and one-time ambassador to Russia.

Facing them across the lobby were members of Congress, the state legislature and other dignitaries, including Gen. Westmoreland. They all stood during the eulogy by Gen. Clay and opening and closing prayers by evangelist Billy Graham. A chair, however, was provided for State Sen. Edgar A. Brown, 83-year-old patriarch of the legislature and in whose wedding Byrnes was the best man many years ago.

Five former governors attended the memorial services. They were Russell, Robert McNair, U.S. Sens. Strom Thurmond and Ernest F. Hollings, and State Circuit Judge George Bell Timmerman. The present governor, John West, is in the Orient on an industrial expedition. He was represented by his son, Jack.

Buried in Trinity church yard are five other governors: Gen. Wade Hampton III, Richard Irvine Manning, John Laurence Manning, Richard Irvine Manning II and Hugh Smith Thompson.

The sun was in evidence as the mourners walked through the State House grounds, still bright with blooming azaleas and dogwoods, and into Trinity Church.

Surrounding the gravesite were numerous floral arrangements including a beribboned wreath of red and white carnations and blue bachelor buttons from President and Mrs. Nixon.

Members of the guard of honor which has been with the casket since Tuesday folded the flag which had been draped over the coffin and presented it to State Adj. Gen. Robert L. McCrady. He, in turn, gave it to Columbia attorney William L. Prioleau who presented it to Mrs. Byrnes with a kiss on her right cheek. Prioleau, a close friend of the Byrnes, has been in charge of funeral arrangements.

Mrs. Byrnes smiled briefly and kissed several friends after the ceremonies. Before leaving for the airport for the trip back to Washington, Mrs. Nixon chatted briefly with Mrs. Byrnes and then turned to Willie Byrd, shook his hand and said:

"You're wonderful!"

[From the Columbia (S.C.) State, Apr. 13, 1972]

JAMES F. BYRNES LAID TO REST

(By Robert G. Liming)

James Francis Byrnes—who served his state and nation in war and peace—was buried Wednesday in historic Trinity Churchyard amidst sunny skies and thousands of mourners.

Countless state and national dignitaries, including Mrs. Richard M. Nixon and U.S. Supreme Court Chief Justice Warren Burger were among those paying final respects to the Palmetto State's elder statesman.

Byrnes who spent nearly half a century in public service, died Sunday following a lengthy illness, at the age of 94 in his Columbia home with his wife Maude at his side.

In a moving tribute Wednesday to the former Secretary of state, prior to the traditional Episcopal funeral services, retired Gen. Lucius D. Clay recalled the outstanding contributions made by Byrnes during his 92-year-long lifetime.

"There are only a few—a very few—in a world of many people who can by virtue of both character and achievement be called great.

"Justice Byrnes was such a man. But of the few who are recognized as great, there are an even smaller number who are both great and good. Justice Byrnes was also a good man," Clay said.

Comforting Byrnes' widow, Maude, during the memorial services at the State House and later at the nearby Trinity Episcopal Church was the nation's First Lady, Mrs. Nixon.

Clay, a long-time friend of the former Supreme Court justice and governor, addressed a noon memorial service from a podium behind Byrnes' flag-draped casket in the rotunda of the State House.

The casket containing the body of the former congressman and senator was viewed by thousands as it lay in state from early Tuesday afternoon until just before the memorial service.

This fact was cited by Clay as he recalled his long and pleasant association with the man who earned the nickname "assistant President" during World War II.

"He held every major political office which his state had to offer, and how he fulfilled the responsibilities of these offices is best evidenced by the love and affection which he was held by the people of his state and by the respect shown to him as he lay in state in the state capitol," Clay told the solemn audience.

Clay, who served as occupation commander in Germany after World War II, said, "South Carolina can be proud of the contribution made by this great and good man to the state and nation and the nation can be proud of the contribution which he made to preserve the free world and in working for peace among nations."

The former military officer and aide to Byrnes praised his warm friendship and advice saying, "Although, as all men in public life must, he had to disagree at times with the policies and views of others, I have never heard him utter a cruel or vindictive word about anyone."

Also taking part in the 30-minute memorial service was evangelist Billy Graham who said, "We pray we may remember him by accepting the torch he carried, by making the United States a better nation and South Carolina a better state, for he made both better by having walked here."

Graham said as he led mourners in prayer, "We thank you Lord that this man with integrity, sense of honor and deep religious faith was one of the men chosen to lead America in time of crisis."

Mrs. Byrnes, who married the late governor on May 2, 1906, sat quietly in a wheelchair throughout most of the services except for a brief moment at the graveside.

The grave that is now Byrnes' last resting place is nestled in a quiet corner of the churchyard surrounded by the graves of other great men in South Carolina history.

Funeral services for the state and national leader were conducted by the Rev. James Stirling, rector of Trinity Church; the Rt. Rev. Gray Temple, bishop of the Episcopal Diocese of South Carolina; and the Rt. Rev. John A. Pickney, bishop of the Diocese of Upper South Carolina.

At one point in the dignified funeral services in the church sanctuary the Rev. Stirling prayed, "Remember thy servant O Lord, according to the favor which thou bearest unto thy people, and grant that, increasing in knowledge and love of thee, he may go from strength to strength, in the life of perfect service, in thy heavenly kingdom."

Throughout the church services, which followed the long-standing pattern of the Episcopal Church an honor guard of eight South Carolina National Guardsmen stood at rigid attention.

The congregation included Army Chiefs of Staff Gen. William Westmoreland; Sens. Strom Thurmond, R-S.C., and Ernest F. Hollings, D-S.C.; members of the legislature and most of the state's congressional delegation.

Also attending the services were Lt. Gov. Earle E. Morris Jr. and John West Jr., representing Gov. John C. West who was on a trip to Japan and unable to return for the ceremonies.

A host of other dignitaries, including family, Washington officials, friends and a number of state judges also took part in all of the services.

U.S. Circuit Judge Donald S. Russell, a close friend and former law partner of Byrnes and a number of other community and civic leaders also attended.

Joining the mourners, who lined up more than 10 deep around the grave for the burial services, were a number of Byrnes Scholars, orphans who received college scholarships through a non-profit foundation set up by Byrnes.

The American flag over the casket was given to Mrs. Byrnes at the gravesite by William F. Prioleau Jr., a Columbia attorney and close friend of the Byrnes family.

Even after the services were completed people continued to file past the grave to pay one last final farewell to the man who served them as congressman, senator and governor.

[From the York (S.C.) Yorkville Enquirer, Apr. 13, 1972]

JAMES FRANCIS BYRNES BURIED IN COLUMBIA

James Francis Byrnes, who rose from messenger boy to Supreme Court justice, secretary of state, "assistant President," and capped his amazing public career as governor of South Carolina, died Sunday at the age of 92 in his Columbia home.

Byrnes, a leader in mobilizing the country for World War II and negotiating postwar treaties, died less than a month before his 93rd birthday after a lengthy illness.

A spokesman at the comfortable Byrnes home in the Heathwood section of Columbia said the former governor, who had been hospitalized three times in recent years for heart ailment, died at 1:30 p.m.

Late Sunday night it was announced that Byrnes' body would be taken to the State House sometime Tuesday and lie in state in the rotunda from Tuesday afternoon until Wednesday morning.

Retired Gen. Lucius Clay, a longtime friend of Byrnes, is scheduled to deliver the eulogy during the State House services at noon Wednesday.

Another service at Trinity Episcopal Church, across the street from the State House, has been scheduled to follow the public service with burial in Trinity Churchyard.

As Secretary of State Mr. Byrnes developed a policy toward Russia which he described as "patient firmness." Our war-time allies became increasingly cantankerous during this period, and were continually stirring up trouble in neighboring countries, and literally stripping some of the conquered nations of all assets.

Secretary Brynes described the Russians as a neighbor "who deliberately makes himself unpleasant." However, he did not advocate going to war with the Soviet Union.

J. F. Byrnes tendered his resignation in April of 1946, but at Truman's request agreed to remain on until the satellite treaties were signed, Byrnes asked in December of 1946 that his resignation be accepted as of January, 1947, and this was agreeable with Truman.

Truman thanked Byrnes for his services to the nation and lauded his long public service in accepting the resignation. Later the two had bitter disagreements.

A 1952 book, "Mr. President," written by radio commentator William Hillman with Truman's full cooperation, reported that Truman scolded Byrnes severely upon the Secretary's return from a three-power conference in Moscow in 1945

Byrnes called the statement "absolutely untrue," saying that if the President had done so, he would have resigned immediately. He stayed on as Secretary of State more than a year after this alleged scolding.

The book reported that Truman upbraided his Secretary of State for not keeping him (Truman) informed of what Byrnes was doing at the conference. It also quoted Truman as saying he was tired of babying the Soviets, and "do not think we should play compromise any longer".

[From the Anderson (S.C.) Free Press,
Apr. 13, 1972]

NEVER BE FORGOTTEN

Historically, South Carolina has produced some of the nation's greatest statesmen. One of these, Honorable James F. Byrnes of Columbia, died Sunday at the age of 92.

Mr. Byrnes served in the U.S. House of Representatives and in the U.S. Senate. He was nominated to the U.S. Supreme Court as an associate justice by the late President Franklin D. Roosevelt. With the advent of World War Two, President Roosevelt needed Mr. Byrnes to head the War Mobilization Office.

The President offered to leave Mr. Byrnes' post on the High Court vacant until he could return. But such was against the grain of the South Carolinian, and he resigned the post with the suggestion that a successor be named.

If it were not for the blemish of being a Southerner, Mr. Byrnes in all probability would have become Vice President of the United States, and would have succeeded Mr. Roosevelt to the Presidency. But because of what historians attributed as sectionalism, Mr. Roosevelt bypassed Mr. Byrnes in choosing a running mate and instead chose a little heard of U.S. Senator from Missouri, Harry S. Truman.

In 1945, Mr. Byrnes resigned from his post as head of the War Mobilization Office and returned to South Carolina. A short time later, though, he returned to Washington to serve as Secretary of State under Truman.

Mr. Byrnes was one of the first to foresee the era of the Cold War with Soviet Russia. Many believe that West Germany today would be under the control of Soviet Russia if it had not been for Mr. Byrnes.

But relations between Mr. Byrnes and President Truman began souring, and in 1947 he stepped down as Secretary of State and again returned to South Carolina. In 1951, he re-entered public life by becoming Governor of South Carolina, succeeding Strom Thurmond, now U.S. Senator.

Said Thurmond of Mr. Byrnes, "He was one of the greatest statesmen of our time. South Carolina and our nation have lost one of their most distinguished citizens. He was a devoted friend of mine and I feel a deep personal loss in his passing."

In 1968, Richard M. Nixon, a presidential candidate, called on Mr. Byrnes at Columbia while on the campaign trail. Said Mr. Nixon, then, "Never in American history has one man held more high offices with distinction than has Governor Byrnes."

South Carolina's "elder statesman" is dead. But he will never be forgotten.

[From the Columbia (S.C.) State,
Apr. 16, 1972]

ANECDOTES PAINT IMAGE OF BYRNES

(By Levona Page)

The way the late James F. Byrnes is remembered by persons who knew him tells a lot about the kind of man he was.

One person with private recollections of him is Mrs. Katherine S. Dunlap, who was hired in 1951, for a secretarial job in the governor's office by Byrnes and has worked for every governor since him.

"He was a delightful person to work with," Mrs. Dunlap said last week. "He never got upset. Often he would buzz for me to come into his office and I would think he wanted me to take dictation, but instead, he would ask how I was getting along that day.

"He was always interested in people and what they had to think about. If he had a big problem on his mind, he would ask your opinion on it. I was innocent enough to tell him my opinion and he really seemed to want to know what I thought."

Mrs. Dunlap added, "As much as I worked with him, I never remember him having any cross words about any work that anyone in the office did."

State Law Enforcement Division (SLED) Chief J. P. "Pete" Strom was assistant chief when Byrnes became governor after having served in nearly a dozen positions from congressman to "assistant president." "I was fairly young then," Strom recalls, "but we knew to be prompt when we were called to his office. I would always go 30 or 40 minutes ahead of time, so I would be sure not to be late."

Strom continued, "When he gave an assignment, he would always take time to explain it and to tell you exactly what he wanted. He believed strongly that the laws were made to be enforced and he told us that he didn't have any interest in SLED so far as politics were concerned and that he was only interested in getting the most qualified people for the job."

The SLED chief said the Byrnes quote he most remembered was one the former governor made in his inaugural address, in which he said, "There can be but one governor, elected by the people, whose duty it is to see that the law is enforced. I am going to be that governor. I do not need the assistance of the Ku Klux Klan nor do I want interference by the National Association for the Advancement of Colored People."

Strom also related a story about an assassination plot against the late internationally known financier Bernard Baruch, a friend of Byrnes. According to Strom, an informant let SLED in on the attempt, which was to take place at a Clemson-Carolina football game where Baruch was to be the guest of Byrnes.

Byrnes advised SLED against telling Baruch because he had a bad heart. Using the direct approach, SLED agents went to the person who was reportedly planning the shooting and asked him about it. "He said he thought Baruch should be killed, but that if a law enforcement officer came and talked to him about it, he would not be foolish enough to go through with it. That's what we wanted to hear," Strom said.

SLED kept strict security on Baruch during the football game, and also kept the would-be assassin under surveillance. Baruch never knew of the planned attempt on his life.

Other recollections of the South Carolina statesman were frequent last week among the state legislators who knew him at various times in his career.

Mrs. L. Marion Gressette, wife of the Calhoun senator, recalled that Byrnes once told her husband, "When we get together, it's a case of a stiff backbone against a stubborn will, but we always work out a common ground."

Sen. Frank Owens, D-Richland, related a story about the 1944 Democratic Convention when Byrnes was almost nominated for vice president of the United States. Owens, who was mayor of Columbia and a delegate to the convention, said on the eve of the vice presidential nomination, Byrnes' supporters got copies of the Saturday Evening Post which had carried a favorable article about him and placed them, opened to the page of the article, in every delegate's seat.

That evening, Byrnes was riding on an elevator when someone commented on his forthcoming nomination for vice president. Owens recalled that Byrnes quipped, "You could look further and find worse."

During the night, however, it was learned that big labor representatives had convinced President Franklin D. Roosevelt that it would be a mistake to choose Byrnes as his running mate. Owens said the South Carolina delegates did not want to give in, but Byrnes urged them to forget their loyalty to him and to back the nomination of Harry S. Truman.

Another story about Byrnes was told by Evangelist Billy Graham during memorial services at the State House just prior to the South Carolinian's funeral Wednesday.

Obviously referring to himself, Graham said that in the early 1950's a young preacher came to Columbia to hold revival services. Gov. and Mrs. Byrnes had planned a vacation trip, but cancelled it in order to sit on the preacher's platform and give stature to his meeting. They did that, Graham said, because the two of them believed in the need for a revival of evangelism in America.

ECONOMIC IMPACT OF STRIP MINING FOR COAL

Mr. HARRIS. Mr. President, one of the great myths now being pushed by the American coal industry is that strip mining raises the economic condition of local residents in stripped areas. The big coal interests go on encouraging this belief, despite growing evidence, especially in Appalachia, to the contrary.

Over the past 6 weeks, Mr. President, I have toured several strip mined areas in east Tennessee and east Kentucky, walking through the awful destruction caused by the strippers, and talking to local families. Without exception, these mountain people find that strip mining has done economic, as well as environmental, damage to their home counties.

Mr. President, we now have from the Tennessee Valley Authority a study showing that stripping the land for coal does not, in fact, raise individual incomes in the counties where it takes place.

Furthermore, the TVA analysis shows that in counties with similar population patterns, individual incomes in counties without strip mining is actually $24 per year higher.

Having seen this study, Mr. President, I am even more bewildered as to why TVA continues to be the largest consumer of strip mined coal in the country. With its own study clearly demonstrating how local men and women are economically exploited by strip mining, why does TVA persist in employing this method of producing coal?

Mr. President, as I have said before, I am convinced that we should enact a total ban on strip mining. In the meantime, I believe TVA, as an arm of the U.S. Government, should be prevented by law from using strip mined coal. Otherwise, we will have more and more of this needless destruction of mountains, streams, and, in some cases, human lives.

Mr. President, I have two documents that I commend to the Senate. The first is an excellent newspaper account of the TVA study mentioned above. The second is a letter from TVA Chairman Aubrey J. Wagner setting forth TVA consumption of coal, by State. The letter illustrates quite clearly, I believe, the dangerous rate at which we are ripping open the hills, mountains, and flatlands of Kentucky, Tennessee, Illinois, Alabama, Virginia, Indiana, and West Virginia. I ask unanimous consent that they be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Nashville Tennessean, Feb. 1, 1972]

Mines Called No Boost to Incomes

(By William Greenburg)

Knoxville.—A Tennessee Valley Authority analysis showed yesterday that the strip mining industry does not add to the level of individual income within a county.

In fact, the analysis showed that in counties with similar population patterns, but where there is no strip mining, the level of individual income was $24 a year more than in the strip-mined counites.

"I would be very cagey to come to a conclusion from the result of this work," said Dr. M. I. Foster, head of TVA's Division of Navigation and Regional Development.

"On the basis of recent population changes and present income levels, this particular comparison indicates that income levels are about the same, whether strip mining is a major factor in a county or not."

Foster's division was responsible for the analysis.

Results of the analysis were taken from observing 28 counties, three in Virginia and 25 in eastern Kentucky.

The counties were chosen, Foster explained, because they had similar population patterns. The major difference was that one bloc of counties had strip mining and the other did not.

The counties with strip mining were Breathitt, Floyd, Pike, Clay, Leslie, Perry, Knott, Letcher and Harlan, all in eastern Kentucky, and Wise, Russell, Dickenson, Buchanan, and Tazewell in Virginia.

The non-strip mining counties, all in Kentucky, were Estill, Menifee, Powell, Wolfe, Lee, Owsley, Boyle, Garrard, Lincoln, Casey, Adair, Russell, Cumberland and Clinton.

For 1970, the TVA analysis showed that 12.2% of the population in the strip mining counties lived in incorporated areas, compared with 14.9% in the non-strip mining counties, and 46.3% in the 201-county Tennessee Valley as a whole.

The average population of the incorporated areas in the strip mining counties was 4,013, while the figure for non-strip mining counties was 5,231. The figure for the Tennessee Valley as a whole was 16,941.

The average annual change in population in the strip mining counties between 1940 and 1970 was a loss of 1.1%, compared with a loss of 0.9% in the non-mining counties and a gain of 0.6% for the entire valley.

In 1969, the analysis showed, the individual income was $1,873 in the strip mining counties, $1,897 in the non-strip mining counties and $2,759 in the valley as a whole.

The average annual individual income figure for both the strip mining and non-strip mining counties was 51% of the national average.

There was a bloc of counties in the analysis that was not taken into account for the calculations. In Tennessee these counties were Scott, Fentress, Campbell and Claiborne.

"These counties have enough stripping activity so that they cannot be classified as non-strip counties," Foster said. "But strip mining is not as important an economic activity as in the other counties."

Foster said Morgan County in Tennessee was not included because he felt TVA did not buy enough coal there. Also, he said, Anderson County was left out because the presence of Oak Ridge made comparison too difficult.

"We tried to get as fairly a comparable group of counties as we could," Foster said.

"The one difference was that one bloc of counties had strip mining as a major economic activity, and one bloc did not."

Foster said he did not want to term the effort a "study," but rather it should be considered part of TVA's ongoing regional analysis.

"To really consider this an economic study, we would have to go deeper," Foster said.

This TVA analysis appeared to add more fuel to an already conflicting stance within the authority.

TVA Chairman Aubrey Wagner has said repeatedly that reliance on coal in Appalachia as a base of economic development is a mistake. He said a more balanced approach must be taken to develop the region.

TVA's latest coal policy statement says, however, that strip mining, as has been contended, does not cause the depressed economic conditions of Appalachia. The statement said that often strip mining is the only source of income and employment in a county.

Tennessee Valley Authority,
Knoxville, Tenn., March 29, 1972.
The Honorable Fred R. Harris,
The U.S. Senate,
Washington, D.C.

Dear Senator Harris: Listed below are TVA's coal purchases by origin and mining method for our most recent fiscal year which ended June 30, 1971.

[In thousands of tons]

Origin	Purchases		
	Surface	Underground	Total
Kentucky (west)	13,121	9,034	22,155
Kentucky (east)	3,796	794	4,590
Tennessee	3,209	1,205	4,414
Illinois	643	4,224	4,867
Alabama	969		969
Virginia	366	400	766
Indiana	365		365
West Virginia [1]		2	2
Total	22,469	15,659	38,128

[1] This coal was for test purposes. No further purchases have been made from this State.

If we can provide you with any further information on this matter, please let us know.

Sincerely yours,
Aubrey J. Wagner, *Chairman.*

THE FEDERAL BUDGET

Mr. PERCY. Mr. President, few issues are of such general importance to the Nation—indeed, to nations all over the world—as our country's fiscal and monetary problems. The Chamber of Commerce of the United States recently produced a nationwide radio program, in which I had the pleasure to participate, on one major aspect of this subject highlighting needed changes in how Congress should approach our Federal budget. I ask unanimous consent that the program's transcript be printed in the Record.

There being no objection, the release was ordered to be printed in the Record, as follows:

Cutting Future Budget Deficits—March 30, 1972

(By Senator Charles Percy)

Mr. Booth. Inflation, wage and price controls and election-year activity dominate the news these days. The Federal Budget with its tremendous deficit is connected to all of them.

"Cutting Future Budget Deficits" is our subject for today. To discuss this timely topic, we've invited Sen. Charles Percy of Illinois, a member of the Senate Finance, Government Operations and Joint Economic Committees. Our inquiring reporter is William J. Eaton, Washington correspondent for the *Chicago Daily News*. Mr. Eaton?

Mr. Eaton. Yes. Senator Percy, President Nixon has estimated the budget deficit of about $38.8 billion dollars for this fiscal year, and a deficit of $25 billion dollars for the following fiscal year. Do you foresee in the future a chance of reducing that deficit to a few billion dollars, such as we've been accustomed to in the past, or even getting a surplus in the federal account?

Sen. Percy. I do not see that possibility in the future with the present attitude that exists in the Congress and I think sometimes an unrealistic attitude on the part of the Executive Branch of government. For instance, I don't believe the $25.5 billion deficit next year, anymore than I believed that our deficit this year would be $11.5 billion, which was the projected amount. I said it would come closer to $35 to $40 billion and it is now estimated at $38.8 billion, so I wasn't far off. I didn't believe the budget the year before, the year before that, or the year before that.

In fact, ever since I've been with the Senate I haven't believed the budgets the Executive Branch of government has presented. They cut off certain things that they know the Congress is going to restore and I think this is just kidding ourselves. So that I do not see that we're going to be able to reduce the deficit. Just recently, we were defeated in our attempt to have an effective ceiling placed on the budget—evidence the mood is not there and won't be there until the public is aroused and begins to write their Congressmen and Senators and tell them how they feel about the budget.

Mr. Eaton. Well, Senator, there are two ways of curing a deficit: One is to raise more revenues; the other is to spend less money. Do you think the Congress this year or in the near future wil be willing to spend much less than the President proposes? Much less than the $246 billion which is the total, I think, of the 1973 Budget?

Sen. Percy. No, I do not. When we're faced with unemployment around the 6% level, then I think universally we all accept the fact there's going to have to be deficit spending. The question is, how much? And can you then have the tenacity when you get your unemployment level down to the 4.5 to 5% range, to then balance the budget or have a surplus?

Now we did it once before, in 1968. I must preface this by saying that I spent my whole life working with budgets in business. We never made money in our company; we always saved it. It came out of those expenditures that were desirable but not essential and you constantly had to cut. So cutting budgets has been my prime concern in life; to try to balance things out and it's just abhorrent to me to come into the Federal Government and find there's no sense of discipline on those points. Senator Williams is the one compatriot and colleague that I had in the Senate that really understood this problem, and we worked with a certain number of other colleagues to find ways to cut the budget. We did, as you know, pass the first law in 190 years to bring an absolute ceiling on Federal expenditures which resulted in a $10 billion expenditure cut which gave us the first balanced budget in the Nixon Administration. Without that law by Congress we never would have had it.

Mr. Booth. Sen. Percy, one of the roadblocks you and the rest of us always run into is that item called "uncontrollable." Is there any way of controlling the so-called "uncontrollable" items in the budget, or is that simply a vast wilderness of hopelessness?

Sen. Percy. There is a way to do it. Of course, you can't control the interest costs unless you just arbitrarily pass laws and you can't restrict the price of money that way. But there is a way; for instance, one of the uncontrollables is the farm surplus. We pass a bill in principle. But if crops greatly in excess of what we're anticipating are grown, then they have to be purchased by the Federal Government, and that's an uncontrollable. You can control that by getting away from the surplus payments program. I think we ought to wean ourselves totally and completely away from that program. It's ludicrous to me to have us paying subsidies to tobacco growers and then have us raising federal funds to tell people how dangerous cigarette smoking is. Why should we subsidize a crop of that type?

Why should we subsidize many of our agricultural products when we have only seven or eight that are controlled and that cost us four or five billion dollars? They're always the ones that are in trouble, and the 125 agricultural products that are in the free market you never hear about. Sometimes they lose, sometimes they gain. But for the most part, the free market takes care of it. And I'd be for weaning ourselves away from controls and moving toward a freer market which would certainly cut down *that* uncontrollable expense.

Mr. Eaton. Senator, one of the problems in Congress is that the committees which handle legislation involving spending, such as subsidies for farm products, are not the same committees that have the responsibility for raising the money or passing tax laws. So that there's a lack of coordination, it is charged. While the Ways and Means Committee deals with raising or cutting taxes, other committees in Congress are spending more on farm subsidies or military materials or other things. Is there any way to get a better coordination between the money raising and the money spending arms of Congress? I realize that the whole House and Senate vote on these, but the basic work is done in committees.

Sen. Percy. Just as I am the principal sponsor now of all the Executive Branch reorganization bills that are in the Senate, I strongly favor a reorganization of Congress. We're starting in certain respects to develop more modern tools. For instance, I think we ought to have the ability to run off computer tapes that the Executive Branch has in the government, and run those same tapes off on computers that we would have in control of the Congress and particularly the Appropriations and Finance Committees. So that we can take out of those budgets the details that are necessary in order to find places of wasteful expenditure. We simply don't have the means available to us to do this now. We're overpowered by the Office of Management and Budget which has far more employees and technical skills available to it than we have in the Appropriations and Ways and Means process. We must reorganize ourselves to cope with the problem. We have not devised a way of doing it yet.

Mr. Booth. Senator, one thing you might do would be to reactivate the Joint Committee on the Legislative Budget which would provide for a review of the Budget in the overall. Would you think that that might be feasible?

Sen. Percy. Highly commendable. We do not ever, as a whole, look at the total budget from the time it's put in until we report out each individual bill. They're not taken into account as against the revenue we have available. And trying to get new revenue bills is also very difficult, Mr. Booth. I tried for years to get a new bill on leaded gasoline. This would raise a billion and a half dollars and put an incentive for us to use non-leaded fuel that would then help in the pollution area. But it's very difficult to get that kind of legislation through now.

Mr. Eaton. Senator, one of the reasons that the budget deficits these days are so large now is the economy is not functioning up to normal. We had a recession in 1970 and therefore the revenues were way down. What about that aspect of the budget deficit? You can't make all that cut in spending at a time when you're having a slack in the economy, can you?

Sen. Percy. The Nixon Administration recognized this, and of course it then devised a program that would stimulate the economy. I think that this program is well under way. Part of this involved the investment tax credit; part of this involved new depreciation and amortization schedules. Part of it involved pumping billions of dollars into financing in the housing field, which now is one of the two major props under the economy. Part of it involved removing the excise tax on the automobile, which then stimulated the automotive sales in this country which is the second major industry underpinning it.

There are many things that government can do. But of course spending depends upon confidence in the future, and people have to have confidence in the future. I think now people of this country are having their confidence restored, and I was delighted that in recent days President Pompidou publicly expressed confidence in the American dollar and in our ability to compete in future markets when before all French chief executives have always made negative comments about the future of the United States.

Mr. Booth. Senator Percy, you suggested the need for discipline upon the members of Congress and upon all of us when we approach thoughts about new spending. Would it be feasible to have widely-employed pilot test programs on proposed new spending proposals? For example, welfare reform. There are many theories about how to reform the welfare system, and nobody's quite able to prove any of them. How about pilot testing some of those theories, as well as all other new spending proposals? Might not that discipline us a little bit?

Sen. Percy. Yes, I think that that's a commendable idea. In a sense, in the federal system of government, we do have 50 laboratories, 50 different states to try out different ideas, and this should be applied to spending as well as in divorce laws, abortion laws, and so forth. I think that is a good idea.

Mr. Eaton. Senator, another proposal the Chamber of Commerce has come up with is the so-called "zero-based budgeting." As I understand it, it means going back and starting from scratch and examining the program to see whether, if you had to start now, you would pass that program or approve it in its present form. The myth here in Washington is that we have some Federal programs that never die. Is it possible to examine some federal programs and prescribe a mercy killing after they've passed their need for existence?

Sen. Percy. I suppose it would be possible. But the question is, whether it's practical. To show how difficult it would be, I only point to the fact that I feel we're loaded with commissions and committees that never die. We set a committee up, and appoint members to it. The need for it has long since passed, but the members love to come to Washington, and some of them get $100 a day and transportation to come down here and work on a problem that really doesn't exist to the degree that it did when you set up the committee.

So I have a bill in that would put a terminal point of two years on all committees, unless they're automatically extended again by a separate piece of legislation. But every committee, I think, ought to have a terminal point on it. We were just able to get rid of the commission set up to find ways to use spruce in wooden propellers recently, although one Senator protested. He said that that was against the spruce industry and that we ought to keep it and then find other ways to use spruce. But it's very hard to get rid of things, and that's why I'm spending so much time on the Executive Branch reorganization of government, because in one fell swoop the President with boldness and creativity would take a whole new look at the way we set up government and he wants to make it far more responsive to people, less duplicative, less overlapping and far more efficient and less costly.

Mr. Booth. Today, we're talking about the very interesting and essential subject of cutting future budget deficits. Our guest is Senator Charles Percy of Illinois. Our inquiring reporter, William J. Eaton of the *Chicago Daily News*. Americans in cities and towns across the nation have an opportunity again this year to help make Scouting Keep America Beautiful Day a success. Last year, thousands of businessmen and other concerned citizens worked with the Boy Scout Councils in their areas to launch a highly successful anti-litter pollution program. They helped the campaign in a variety of ways, from lending equipment to advertising the project in newspapers, radio, and TV. This year, Scouting Keep America Beautiful Day is April 29. If you want to help your community deal with solid waste pollution, and at the same time help young men and women become constructively involved in the fight against pollution, contact the Boy Scouts of America in your area and learn more about Scouting Keep America Beautiful Day.

Mr. Eaton. Sen. Percy, there's been a great deal of discussion of the Defense Department's spending, which is the largest single department's share of the budget, I believe. One Democratic candidate for president suggested that it could be "whacked in half," as he puts it. You have been active in this area. Is there fat in the Defense budget that could be trimmed? You see now, requests for additional monies for defense, rather than the other way.

Sen. Percy. There's a great deal of fat, Mr. Eaton, and if that fat were cut out, we would have a stronger and more effective defense establishment. Let me give you just one illustration. I saw an appropriation request for $1.3 billion for training and the rotation of personnel. I remember back in my Navy's officer's days, during World War II, I kept being changed in duty stations all the time. I'd no sooner learn an assignment than I was transferred out. The records show that every Naval officer from the time he leaves the Naval Academy until he graduates—until he is retired—rotates in permanent duty stations every 15 months. Now, if a corporation did that, it would go bankrupt, Mr. Booth, and I say that a certain part of our bankruptcy is caused by this excessive cost of training people and rotating them and moving them, and the government picks up the tab, moves the family, moves their household effects, gives them a little travel time, and so forth. So I put a bill in which Senators Stennis and Goldwater both supported and said they felt that we could cut this expense. We cut 25% of the rotation of military personnel and we've saved $140 million dollars a year compound. Now that more than covers my salary and only took a couple of hours on the floor of the Senate, but a good deal of research, and we're following up to make certain that we find other areas like that. This will improve morale, increase the desire of people to stay in the service, and enable families to go with their husbands many times when they couldn't otherwise if they'd stay at a station a couple of years rather than just 15 months.

Mr. Booth. Senator, I seem to have been trying out some new ideas on you today, let's try one more. What would you think about trying a referendum procedure to determine priorities in Administration spending programs?

Sen. Percy. I don't really believe in the referendum very much. I think it has its place, but I truly believe that the representative form of government is best. How many times could we really pass a tax program on referendum? You have to have people who sit and take the time to study these complex issues and then are held accountable for them. I would not favor referendum government on many issues. Look at the bond issues for the financing of education. So many of them, 40–50%, have been turned down and the children of this country are the losers in that respect.

Mr. Booth. Too much emotion, and not enough fact. Is that right?

Sen. Percy. That's right, and I think it's too easy. We saw some out in California where billboards were plastered all over—misleading, misrepresenting the issue. No one ever really read the details of it, and overwhelmingly I think, in some respects, the referendum took the wrong decision. And I wouldn't want to see that practice spread too widely.

Mr. Eaton. Senator, President Nixon campaigned in 1968 on more or less a balance the budget platform, and we remember that President Johnson before him was turning off the lights in the White House as an example of frugality.

Sen. Percy. Don't forget that Franklin Roosevelt campaigned on the same basis in 1932.

Mr. Eaton. That's true. Well, we know that everyone is for economy, and yet the Federal Budget keeps rising and rising, partly, I think, because we have much higher Social Security costs, and so on, as the population grows. But is that inevitable? Is there ever a day when United States federal spending can be leveled off, or actually be reduced? Are we in for perpetually rising spending because we're a growing country?

Sen. Percy. I'm going to make a suggestion to my colleagues that may be an unusual one: The President advised me that I am the only member of Congress that he's ever heard of that's made this pledge. I made a pledge years ago that if ever I put a bill in that would cost more than the level for that area of expenditure in the Federal Budget, I simultaneously or at least in a reasonable period of time, would introduce legislation or demonstrate and show how we could save in certain other areas, or provide additional revenue. That's why I like the Federal ceiling, and why I fought so hard to get that Federal ceiling imposed and fought against amendments which would be exempted from it, and make it a floating ceiling.

Mr. Eaton. Well, the trouble hasn't been that the ceiling has been made of rubber, it. . . .

Sen. Percy. That's right, it's made of rubber. The way we've acted, it's no effective ceiling. But if every single individual would discipline himself so that if they say, "Let's spend more money on health," then they've got to find some other area of lower priority spending to eliminate, or else offer a tax bill to finance the new spending on health. If every member of Congress would impose that discipline on himself, you'd have a lot fewer bills put in for irresponsible spending of money that we don't have.

Mr. Eaton. Well, what would you do in terms of slack economy, then? You would insist on a ceiling even in that time?

Sen. Percy. No, I would not. I do believe in the full employment concept that we should try to achieve a level of 4 to 4.5% unemployment. But let's have the discipline then and the tenacity that when we achieve that, to cut down on spending growth. This is where President Johnson went wrong. He kept saying we could have guns and butter. You could have a high level of unemployment, low unemployment, and you could still pump federal funds in and have a deficit and not have inflation. Well, everything went wrong. And that began this horrendous problem of reversing the process of federal deficits which simply fed inflation.

Mr. Eaton. I'd like to ask you a question about the revenue side. Federal income taxes have been reduced in the last few years and Social Security payroll taxes have been rising steadily, almost enough to make up for income taxes, I understand. What about future sources of revenue? Will we have to go back to higher income taxes? Will there be other payroll taxes?

Sen. Percy. Very few people realize that we reduced the federal income tax four times in the last five and a half years. The value-added tax, of course, has been proposed. But I'm very skeptical of it. I think we've got to cut expenses, reduce expenditures rather than looking for new taxes. Particularly when we have the pressure to get rid of or eliminate a large part of the personal property tax as well as the real estate tax, which is a must.

Mr. Eaton. Well, does it concern you that the payroll taxes, which are paid by employers and employees, are kind of creeping up? I think they're about a nickel or so out of each dollar of earnings for both the employer and the worker.

Sen. Percy. Those are regressive and we should be very careful about extending those.

Mr. Booth. Thank you very much, Sen. Percy of Illinois, about cutting future budget deficits. Our inquiring reporter has been William J. Eaton, Washington correspondent for the *Chicago Daily News*. Each week this program brings you a discussion of the choices facing free Americans. This is Arch Booth, speaking for the American business community, and inviting you to listen each week to these discussions.

COMMEMORATIVE STAMP TO HONOR ADMIRAL NIMITZ

Mr. TOWER. Mr. President, I am a cosponsor of S. 3504, a bill which would authorize the issuance of a commemorative stamp to honor Adm. Chester W. Nimitz and his role in the historic Battle of Midway. The stamp, if authorized, would be issued on the 30th anniversary of the naval battle on June 4, 1942, which turned the tide of the war in the Pacific. It would be a small but fitting tribute to a man who played so essential a role in the formulation of our Pacific strategy.

Chester William Nimitz was born on February 24, 1885, in the central Texas town of Fredericksburg. He grew up in the beautiful hill country of Texas and longed for a military career. His chance came when he entered the U.S. Naval Academy at the age of 15. After his commissioning as an ensign, he commanded a number of smaller ships where he won his first medal for saving the life of a man thrown overboard from his ship.

The then lieutenant was sent to Belgium in 1913 to study diesel engines and on his return helped to develop the first such engine for the U.S. Navy. During World War I he was on the staff of Admiral Robison, commander of the Atlantic submarine forces. At the beginning of World War II, Nimitz was a junior rear admiral in the Bureau of Naval Personnel. Ten days after Pearl Harbor, he was selected to replace Adm. Husband E. Kimmel as CINCAPC.

When Admiral Nimitz got to Hawaii, he found a demoralized shambles. However, through his confidence and steady determination to build an effective Pacific naval force, American forces were able successfully to fend off a superior Japanese fleet steaming toward Midway less than a year later. Largely through his efforts, the airraft carrier was proved as a vital member of the Navy team. Most historians consider the Battle of Midway to be the key engagement of the Second World War in the Pacific. Admiral Nimitz based his strategy to intercept the Japanese at Midway on intercepted Japanese messages. Despite advice that they were diversionary, Nimitz gambled successfully on the Japanese invading Midway. The victory engineered by him secured Hawaii and the eastern Pacific, forcing Japan into a defensive position for the rest of the war.

In 1944, Nimitz was promoted to the rank of Admiral of the Fleet. He served as Chief of Naval Operations from 1945 to 1947. In civilian life he was a regent of the University of California and an adivser to President Truman. Admiral Nimitz died in 1966 and was buried by the side of his comrades near the Pacific Ocean without the pomp of a state ceremony. Nevertheless, his humility should not prevent the small honor we render him by the authorization of a commemorative stamp. I am proud to join in sponsoring this commemoration. Admiral Nimitz was a great American and a great Texan.

NOMINATION OF SENATE MEMBERS OF COMMITTEES OF CONFERENCE

Mr. HARRIS. Mr. President, on April 13 I believe that the Senate Democratic Conference took a major step toward a more democratic Senate. By a vote of 50 to 1, the conference adopted a resolution which states, in effect, that committee chairmen shall make certain that at least a majority of the conferees proposed for House-Senate Conference Committees shall have indicated their support for the bill in question—and key portions of it—as passed by the Senate.

Some day it will be difficult for us to believe that prior to the adoption of this resolution, committee chairmen could nominate a majority of conferees who were vigorously opposed to the very measure they were being asked to defend in conference. As John Gardner of Common Cause pointed out in a letter to all Democratic Senators, such a system defies logic, politics, and human nature.

The text of the resolution adopted on April 13 is as follows:

> The committee chairmen in the nominating of members of Committees of Conference shall make certain, insofar as practicable, that at least a majority of the proposed conferees shall have indicated their support for the bill in question as passed by the Senate, and their support for the prevailing opinion of the Senate on the principal matters of disagreement with the House of Representatives which occasioned the appointment of the committee and need not, as Senate precedent already permits, be limited to nominating committee members to Conference.

Mr. President, like the adopted version, the original version of this resolution which the Ad Hoc Committee on Senate Reform had recommended in a majority report also left discretion to the committee chairmen in the selection of conferees. But it provided that the committee chairmen should present their recommendations to the majority leader who would then forward them to the presiding officer of the Senate unless he found that they were not consistent with the overall objective of the resolution; namely, that a majority of conferees should support the position of the Senate on the bill in question.

The advantage of the original version was twofold. First, it would have insured that the Senate would have an easy mechanism for carrying out the fundamental objective of the resolution. Second, to a modest degree, it would have strengthened the authority of the majority leader, who is an elected official of the Senate, rather than committee chairmen, who hold their positions by reason of seniority.

A strong case can be made that moves to strengthen the role of the majority leader are now in order. The cause of democratic government is not served by depriving the Senate of all will and direction. There is a need, which is now imperative, to build up more party discipline in the Senate. Both sides of the aisle need this if the Senate is to become a more effective legislative body.

But whatever one's views about the role of the majority leader, it is clear progress was made on April 13. We now have for the first time a standard of behavior against which we can measure the actions of committee chairmen. In 1972 we have adopted a standard that in 1960 the Senate refused to adopt.

Several press reports contended that because the section on the role of the majority leader was deleted, the resolution no longer has meaning. I disagree. The standard of appointing Senate conferees who support the Senate's position is now firmly established. Moreover, conference debate made clear that the phrase in the resolution "insofar as practicable" applied only to bills having a great many amendments. And on most questions that is not the problem.

There was no problem, for example, in ascertaining the majority view of the Senate on the Mansfield amendment to withdraw troops from Vietnam. No one ever claimed the difficulty was the large number of amendments. Rather the problem was the method of selection of conferees, since under the old system a majority of those picked opposed the Mansfield amendment.

Neither was the problem with the SST a matter of determining the majority view of the Senate.

On the second resolution, concerning standards for the enjoyment of the benefits of seniority deriving from membership in the Democratic Conference, the final decision was disappointing. Nevertheless, some progress was made. Any resolution which attempted to set standards for the conference would be highly controversial. Moreover, an election year approaches and the seniority of one of the most powerful chairmen in the Senate was in question. Notwithstanding these difficulties, 20 Senators cast their ballot for an effort to establish such standards. Of the 29 who opposed, there are a number who I am convinced, with appropriate adjustments in the resolution, might be persuaded to switch their vote. Finally, of the six Senators absent, a clear majority probably would have favored the position of the majority of the Ad Hoc Committee on Senate Reform. The issue will probably be raised again.

KENNECOTT COPPER CORP. PROGRAM "INSIGHT"

Mr. BENNETT. Mr. President, I invite the attention of the Senate to a program developed recently by the Kennecott Copper Corp., in my State of Utah. This innovative program, called Insight, has been designed to help solve some of the personal problems of Kennecott's employees.

During its brief existence, Insight has provided valuable assistance to more than 2,300 workers in helping them to cope with problems ranging from marital counseling to alcoholism. Mr. Otto Jones, the director of the program, has provided invaluable aid to the men of Kennecott, and he deserves the praise and recognition that have come to him. The efforts of Kennecott to meet the needs of its employees is commendable.

I ask unanimous consent that an article describing the results of the Kennecott program published in Business Week for April 15, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HE CURES KENNECOTT'S PEOPLE PROBLEMS

> In Salt Lake City, there is a man called Jones who gets paid by the Utah Copper Div. of Kennecott Copper Corp. to grapple with the very personal problems of its 8,000 employees and their dependents. Once he spent the night caring for 10 children temporarily deserted by their parents. He has dealt with almost all human troubles from bankruptcy to alcoholism, which is the most common problem he encounters.
>
> In fact, Kennecott's unusual project stemmed from the company's search for an alcoholism program. Approximately 7% of the division's employees suffer from some degree of alcoholism, at an estimated annual cost to management of $500,000—part of the $8-billion to $10-billion that 4.5 million alcoholics in the U.S. cost business and government annually, according to the National Council on Alcoholism. Employee relations director James E. Petersen studied other companies' programs for a year to find a model. "We were very disappointed with what was being done," he says. "The penetration was shallow. When you call something an alcoholism program, you give it the kiss of death."
>
> At the same time, Petersen became aware of dozens of other personal problems affecting job performance: Drugs were found in the mine, a valued employee left abruptly for several days to hunt for a runaway daughter. He discovered that most employees either did not know about Salt Lake City's 220 social agencies or were too embarrassed to go to them. He concluded that they needed a direct, confidential source of help—and that the same need existed for alcoholics.
>
> The result was Insight, an acronym for the phone number dialed by Kennecott employees who want help. At the other end of the line is Otto F. Jones, 32, a psychiatric worker, former Marine, and native of Pioche, Nev. His activities have resulted in a 44% drop in absenteeism since Insight began in July, 1970, and in heartfelt testimonials from the men who work in Utah Copper's mines and offices. "Insight is a great help to our guys and their families," says Norman H. Jordan of the United Steelworkers, the major union at Kennecott.

ALL IN A DAY'S WORK

> In doing his job, Jones has arranged the transfer of an employee embroiled in a wife-swapping arrangement with a fellow-worker. He has reassured an eight-year-old who was convinced, on insufficient evidence, that her father was seeing a girlfriend. He engineered the assignment of a heroin addict to the late shift to enable him to receive methadone at a Salt Lake City clinic each morning. His secretary has unblushingly submitted other women's urine samples for pregnancy tests. Jones has answered 15 suicide calls, and has sat up all night with several of the would-be suicides. He has dealt with homosexuality, racial discrimination, tangled insurance claims, and even organ transplants.
>
> Jones takes phone calls around the clock and would just as soon talk to a caller in a park or bar as in his office if the caller prefers. Everything he learns and does remains his secret—usually including the name of his caller.
>
> A single meeting solves the problem in a third of his cases, Jones says. In the others, he may refer the employee to a public or private social agency, phone the legal aid society, recommended a psychologist "who is a tiger with that particular problem," or take whatever other action he and the employees

agree is desirable. He consults regularly with the employee during treatment.

Of the 2,300 employees and their dependents Jones has counseled, 342 had drinking problems. Other cases ran the gamut of personal distress, including 107 cases involving drugs.

Ironically, Jones's most dramatic case involved a young boy unconnected with Kennecott. Home alone, and panicking after an overdose of LSD, the boy spotted a reference to Insight in a Kennecott publication left behind by a family friend. He called Jones, who rushed him to a hospital in time to save his life.

Jones gets about 25 night calls a month, with perhaps six urgent enough to require an immediate visit to the caller's home. Most of Jones' clients call him on their own, but for some, it's go or get fired. A Kennecott study of 12 alcoholics in this latter group, undertaken after a year with Insight, showed a drop of 50% in absenteeism, 64% in weekly indemnity payments, and 49% in medical costs.

SUCCESS WITH ALCOHOLICS

Jones believes Insight has been unusually successful with alcoholics in part because "we've done away with the stigma of an alcoholism program, so we get more alcoholics." The worker need not label himself an actual or potential alcoholic—even in his own mind—before taking the first step of dialing Insight. Jones recalls the young office worker who came to him to discuss his marital difficulties and then added, "I know I'm drinking too much."

The absence of this stigma may explain why Insight reaches problem drinkers much earlier than do most alcoholism programs. Its typical alcoholism case is a man whose drinking is just beginning to worry him seriously, not the confirmed alcoholic for whom the road back is tortuously long. The average age is 35, compared with an average age in the late 40s in most alcoholism programs. "We're getting them 10 years sooner, so our recovery rates are higher," Jones says.

In addition, Insight's flexibility regarding various forms of treatment enables Jones to refer the alcoholic to the treatment center best suited to his particular case.

"We tell them, 'We'll stay with you until we find what works for you as long as you keep trying,'" Jones says. "We can and do allow for slips, but we don't allow for zero effort."

Kennecott's 19 unions, some of which attempt counseling on their own, are among Insight's warmest boosters. The USW encourages union stewards to help members with their personal problems, but "a guy is not necessarily going to unburden himself to the steward just because he works with him," says L.L. Nielsen, a Steelworkers staff representative in Salt Lake City.

At the same time, a worker would be unlikely to confide in a company-sponsored counselor who might mention his case to management. Both Nielsen and J.P. O'Keefe, general manager of the Utah Copper Div., believe that Insight's success depends in great part on the confidential relationship between Jones and his clients. "The day they start using names, the program falls on its face," says Nielsen.

SPINOFF

At present, Insight's staff consists of Jones, his secretary, and two part-time assistants, both graduate students in social work at the University of Utah. Their salaries make up the bulk of the program's $30,000 budget. A second Insight program recently got under way at Kennecott's Chino (N. M.) Mines Div.

Insight has had useful spinoffs both closer to home and farther away than Chino. Unable to reach an Indian worker afflicted with alcoholism because of the culture barrier, Jones helped organize a Salt Lake City alcoholism recovery center run by Indians. Discovering that south Salt Lake County had no mental health clinic available for Insight referrals, Jones not only established one but arranged for its financing by a community action group. And in San Francisco, the Pacific Telephone & Telegraph Co. recently began an Insight program for its 21,000 employees.

CONFERENCE ON UNIVERSITY PUBLIC SERVICE ROLE

Mr. COTTON. Mr. President, my colleague from New Hampshire (Mr. McINTYRE) will soon be returning to the Senate after his recovery from corrective surgery.

Since he cannot be here today, he has asked that I place the following notice in the RECORD on his behalf. I, therefore, ask unanimous consent that the Senator's remarks and accompanying material be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR McINTYRE

I invite the attention of Senators to a conference to be held in Washington on May 8, 9, and 10. Entitled "Conference on Institutions of Higher Education as a Resource in the Solution of National Problems," the conference is being co-sponsored by the National Science Foundation and the National Association of State Universities and Land Grant Colleges.

I ask unanimous consent to have printed in the Record a brief statement describing the goals of this conference, together with the tentative program. Anyone interested in attending should contact the following conference staff members:

Maurice Olivier, Associate Director or Everett Barnes, Jr., Staff Associate, B.E.R.T.S., P.O. Box Q, Durham, New Hampshire 03824. Tel: 603-862-1046, 603-862-1826, 603-862-1827.

America's institutions of higher education have made remarkable contributions to our national life. Their scholarship has been admired throughout the world. Their research has been at the heart of world technological development. They have offered millions a path toward upward mobility and have enabled men and women to learn and continue to grow throughout their lives.

The nation's universities and colleges in the past have responded to the needs of the farmer and miner, and have extended education to the children of the farmers and miners. When there was need to develop new professional and business responses to fuel the American economy, our institutions of higher education were there. And when the need was for scientific accomplishment to ensure national survival, our universities and colleges were there.

But times are changing and ever-increasing demands are being placed on these institutions. Whereas in the past the needs of the nation were relatively simple and clear cut, the delineation of needs is far more difficult now, the pace of change far more swift, and the range of demands much broader. At present rates of growth, the population of the United States will more than triple in the next half-century. New stresses in terms of population pressures, economic growth, technical changes, and manpower requirements will be placed upon the nation's institutions of higher education.

It is now time to take a hard look at the needs and capabilities of all parties involved, and develop recommendations to serve as the basis for definitive action guidelines for the nation's colleges and universities as public service resources. Confusion and apprehension can be found at all levels of both government and education regarding the potential problem-solving roles of higher education in dealing with the broad spectrum of the nation's problems. Representatives of government, business, the public, and the academic world will meet to consider several broad questions:

What principal forces in terms of population pressures, economic growth, technical changes, and manpower requirements will be placed upon higher education and what responsibilities will it consequently be asked to assume?

What changes can and should be anticipated in the college and university in their style of life and in the working relationships among faculty, students, administration, and alumni?

What are the changes necessary and desirable in the content of what institutions seek in their research, and teach through their faculties; and how do we seek to find a new balance between the reliable acquisition of knowledge and its humane use?

How should the total response of higher education be shared among public and private institutions, and how can these diverse institutions at all levels learn to better work together for comomn purposes?

How can private and public colleges and universities better serve their states and the nation in making their resources available to respond to our collective public needs?

The Conference is being co-sponsored by the National Science Foundation and the National Association of State Universities and Land Grant Colleges. The invitational meeting will be held in Washington, D.C., on May 8, 9, and 10.

The Conference is being organized and managed in detail by a Conference Staff from the University of New Hampshire with the advice of a small Steering Committee. In additional counsel and to review program plans. Among the groups which are represented on the National Advisory Committee are: National League of Cities, National Conference Board, National Governors Conference, United States Office of Education, NAACP, and representatives from state and local governments, industry and members of higher education.

CONFERENCE ON INSTITUTIONS OF HIGHER EDUCATION AS A RESOURCE IN THE SOLUTION OF NATIONAL PROBLEMS—TENTATIVE CONFERENCE PROGRAM, MARCH 10, 1972

Day, Time, and Activity/Session

Monday, May 8, 1972

10:00–11:30 A.M.—Registration.

11:45–12:45 P.M.—Luncheon.

12:45–1:30 P.M.—Welcome address.

Speaker: Wilson Elkins, President, University of Maryland, and Chairman, Executive Committee, National Association of State Universities and Land Grant Colleges (Unconfirmed).

Definitions and Scope—Keynote Address

Speaker: Eldon Johnson, Vice President, University of Illinois, Urbana, Illinois (Confirmed).

1:30–3:00 P.M.—General Session 1.—"The University As a Resource?"

Moderator: Robert N. Falman, Vice Provost for Research and Special Program Administration, University of New Hampshire, Durham, New Hampshire (Confirmed).

Presentors: Virginia Smith, Assistant Director, Carnegie Commission on Higher Education, Berkeley, California (Confirmed); Rhynhart Bendix, Institute for Advanced Study, Princeton University, (On leave from Berkeley) (Unconfirmed).

3:00–5:30 P.M.—Seminar Session I—Six Small Groups—Detailed Discussion on Keynote and Session I Presentations. Rapporteurs to assemble group conclusions for presentation as part of general summary session at the close of the afternoon.

(To be discussed at National Advisory Committee meeting in Washington on March 29.)

Session Chairman: Robert N. Faiman (Confirmed).

Rapporteurs: Jose Cardenas, Superintendent of Schools, San Antonio, Texas; June Shagaloff, Director. NAACP—Education, New York, New York. William Smith, Associate Commissioner, National Center for Improving Educational Systems, USOE, Washington, D.C.; Ross Davis, Director, Center for Program Implementation. National League of Cities, Washington, D.C.; William Bradt, Manager, Educational Affairs, Public Affairs Research Division, The Conference Board, New York, New York; and Porter Homer, President, Public Technology, Inc., Washington, D.C.

5:00–6:00 P.M.—Plenary Session—Summary of Group Conclusions by Rapporteurs.

Day, Time, and Activity/Session

Tuesday, May 9, 1972—Organizational Structures and Arrangements

9:00–12:00 p.m.—General Session II.—"The University's Interface With Societal Problems: Stimulus/Response."

Moderator: Richard Millard, Education Commission of the States, Denver, Colorado (Confirmed).

Presentor: Frederick Theme, President, University of Colorado, Boulder, Colorado (Unconfirmed).

Panel members

Community—Paul Parks, Administrator, Model City Administration, Roxbury, Massachusetts (Confirmed).

Local Government—Carl Stokes, Former Mayor, Cleveland, Ohio (Unconfirmed).

State Government—Jack Campbell, President, Federation of Rocky Mountain States and Director of the Satellite Educational Demonstration Project (Unconfirmed).

Industry—Philip B. Swain, Director, Management Development, The Boeing Company, Seattle, Washington (Confirmed).

Illustrations

2:00–5:30 p.m.—General Session III.—"Case Studies."

Moderator: Edward A. Kieloch, Executive Director, National Advisory Council on Extension & Continuing Education, Washington, D.C. (Unconfirmed).

Presentors: Robert Nathan, New York State University at Stony Brook, (Tentative Case Study Title—"Interdisciplinary Application of Technology to a Social & Political Problem in New York—Sanitation Study") (Confirmed); John Sutherland, University of Missouri, (Tentative Case Study Title—"Specific Strategies & Mechanisms for University/Industry Interface") (Confirmed); Al Engleman, Antioch College, Baltimore-Washington Campus, (Tentative Case Study Title—"Roles and Responsibilities of Educational Institutions in Social Change."—Open floor mike(s) (Confirmed).

6:00—7:00 P.M.—Cocktail hour—Cash bar.

7:00—9:00 P.M.—Dinner—Guest speaker:

Introduction: C. Brice Ratchford, President, University of Missouri (Confirmed).

Speaker: Senator Jacob Javits, New York (Unconfirmed).

Wednesday, May 10, 1972—What Is Needed?

8:30—10:00 A.M.—General Session IV.—"Government, User-Agency Policies and Mechanisms For Utilizing The Resources of Institutions of Higher Education" (Tentative Title).

Moderator: Preston Bruce, National Director, Community Coordinated Child Care, Office of Child Development, Department of Health, Education & Welfare, Washington, D.C. (Confirmed).

Presentor: Robert Wood, President, University of Massachusetts (Former Secretary of HUD) (Unconfirmed).

Panel Members:

Federal—

State—Robert Graham, State Senator, 46 District, Miami Lakes, Florida (Unconfirmed).

Local—

10:00—12:00 P.M.—General Session V.—"Summary and Policy Recommendations".

Presentor: Russell Thackrey, Executive Director Emeritus, National Association of State Universities and Land Grant Colleges, Washington, D.C. (Confirmed).

Note.—This session will summarize the conference activities in a formal report to be distributed to all conference attendees at 10:00 A.M. Wednesday, May 10, 1972.

HEALTH CARE IN AMERICA

Mr. PERCY. Mr. President, recently the Chicago Tribune, in a series of articles written by the talented reporter Louise Hutchinson, explored the problems of health care throughout the Nation. At a time when Congress is seeking solutions to the health crisis we are facing today and studying the national health insurance proposals which have been introduced, including the Health Rights Act which the Senator from Pennsylvania (Mr. Scott) and I have jointly sponsored, I feel that these excellent and researched articles will be of interest to the Senate. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Apr. 2, 1972]

Insurance Bills Wait in Congress—Spiraling Costs Provoke National Health Care Crisis

(By Louise Hutchinson)

Washington, April 1.—A health care crisis is brewing in America.

Doctors' bills, hospital costs, and health insurance premiums have skyrocketed to such proportions that the Nixon administration, hundreds of members of Congress, and much of the health care industry itself agree there must be some form of national health insurance.

More than five dozen health plan bills sit before congressional committees right now.

TWO KEY CONGRESSMEN

But whether the nation gets any kind of national health insurance this year and how extensive that might be depends in good part on the political ambitions and acumen of two very powerful men: Rep. Wilbur Mills [D., Ark.], chairman of the House Ways and Means Committee, and Sen. Russell Long, chairman of the Senate Finance Committee.

The health care storm hasn't broken yet, but to those who listen and perceive, some signal flags are flying strong.

One government study places the total national cost of health expenditures, private and governmental, in fiscal 1970 at $67 billion and predicts those costs rising to $105 billion by fiscal 1974, a projection wage and price restraints could lower.

Medicare, the hospital and supplemental physician's coverage for those 65 and over, has paid out nearly $29 billion thru last June 30 since it began on July 1, 1966.

MEDICAID COST: $6 BILLION

Medicaid, the federal-state health program for the poor, cost $6.25 billion in fiscal 1971.

Hospital daily service charges soared a cumulative 95 per cent for the five-year period ending June 30, 1971, nearly four times the rise of the consumer price index. Physicians' fees in the same period rose 39.7 per cent.

Doctors, once hallowed as healers, seem to totter now on a more precarious pedestal. Hospitals, once citadels of hope, are being questioned. Health insurance companies are on the defensive.

In a nation that generally gives lip service to the credo of quality health care for all, taxpayers and legislators alike pale at the scope of costs for Medicaid. And in a country that has come to believe that excellent health care is not a privilege but a right, health care costs dance in a dizzying upward spiral.

Sixty-two health insurance bills have been introduced in the House of Representatives; another dozen, some similar to House legislation, are in the Senate.

TWICE-BITTEN, SHY

But Washington today is a political pressure cooker. Most members of Congress are smitten with pre-election fever and some, remembering the costs of Medicare and Medicaid that so far exceeded original expectations, feel twice-bitten and now shy.

There is good reason for the power of Mills and Long. Thru their key committees move national health insurance proposals. Altho the men differ vastly, both are essentially conservative. But a new element has been added to this year's legislative stew; the political ambitions of Mills, who has put himself into the Democratic Presidential nomination donnybrook.

They must deal with a curious crisis. In July, 1969, President Nixon warned that unless action is taken, "We will have a breakdown in our medical care system affecting millions of people in this country."

People fume about medical and hospital problems and bills and the cliche remark is: "You can't afford to get sick." Still members of Congress, some in key positions to know, report little mail urging a national health insurance program.

PUCINSKI CITES POLL

Despite the lack of mail, the leaven is there. In a recent report to constituents in his basically working class, blue collar district on Chicago's Northwest Side, Rep. Roman Pucinski, Democratic candidate for the United States Senate opposing Sen. Percy, the Republican incumbent, disclosed the answers to a constituent questionaire that included this question:

"Do you favor the idea of a national health insurance program to pay for all medical care?"

Among feminine respondents, the answers were 63 to 37 per cent yes. Among men, it was 55 to 42 per cent affirmative.

A working mother, struck with $32,000 in medical and hospital bills when a young son suffered extensive burns, was left with $3,000 to pay herself.

A husband, receiving the hospital bill for his wife's 11-day stay after emergency gall bladder surgery, remarked he thought he'd never see the day when he would be grateful that the bill was "only" $1,160.

The experience of a widow in a comfortable Chicago suburb poses the terrible mortality question. Bills for the last two hospitalizations of her terminally ill husband came to around $7,000. No doctor or hospital could have saved him, but excellent care may have prolonged a pained and tortured life.

HOLDS EXTENSIVE HEARINGS

Mills' committee has held extensive hearings on national health insurance proposals. It has yet to report out a bill. Mills has indicated he may have a program of his own and there are those who think a national health insurance program of his own design would be a likely horse to ride as he gallops after his Presidential Star.

There are others involved in this legislative drama. One is President Nixon, who recently pleaded anew for congressional consideration of his own national health insurance program that he submitted February, 1971, and has yet to get to the floor of either chamber.

Then there's Sen. Edward M. Kennedy [D., Mass.], who is sponsor of the most far reaching health insurance bill in the hopper. It would extend remarkably generous health benefits to every American at what one aide estimated would be about $1,200 a year in taxes of varying forms for a family of four.

Sen. Long, son of the famed Huey, has swept into this legislative quagmire with confidence. Long has his own health insurance program. It has seductive sales appeal.

Long, in an interview, pointed out that his proposals are all he thinks the economy can absorb right now without fanning inflation. He wants a catastrophic health insurance; more federal money for the states to help with Medicaid costs, and inclusion of 1.5 million disabled Americans 65 and younger under the Medicare umbrella. Only the last thus far has received committee approval and none has reached the Senate floor.

As Long originally conceived his proposal, catastrophic insurance would be financed thru a small but special added social security tax. Modeled after Medicare and administered thru the Social Security Administration, the federal government would begin picking up most of the bills after the first $2,000 in medical bills and the first 60 days of hospital care for everyone under the age of 65.

Initially, Long would have not tied his catastrophic to any income levels. It would have operated alike for the man making $5,000—or $100,000—a year. He may now "yield," to the income theory, giving added brick to the less affluent, he said, and he may also change the financing method.

"We have Medicaid and Medicare for the aged and disabled and poor," he said. "But we don't have catastrophic [coverage] for people who present more pitiful cases of need when costly illness strikes than those covered."

OPPOSITION IS STRONG

The administration, labor, Sen. Kennedy, Blue Cross, the commercial health insurers, the American Hospital Association, and the Medical Association all are against catastrophic standing alone and not linked to any major, over-all health insurance program.

To this opposition, Long's answer is a grin. He senses the lure of a law he says would prevent bankruptcy or eroding indebtedness for what his staff estimate is the kind of high cost illness that annually strikes about one million of every 49 million American families.

Sen. Percy says catastrophic coverage is good. Rep. Gerald Ford [R., Mich.], the minority leader, likes it. Rep. John Anderson [R., Ill.], chairman of the House Republican conference, says if a comprehensive health insurance bill can't get thru Congress this year, catastrophic coverage is a start.

MILLS ON PANEL

More significant yet was a comment by Mills. Long's health proposals, including catastrophic coverage, will go to the Senate as amendments to the President's gigantic welfare reform bill. Whatever the Senate passes will have to go to a conference committee with the House.

Mills will be on that committee. He, too, has come out against catastrophic coverage not joined to a broader program. Would he vote against it in committee, he was pressed in an interview. He hedged but he declined to say so.

[From the Chicago Tribune, Apr. 3, 1972]

HOSPITAL COSTS UP 95.5 PERCENT—"REVOLUTION" IN HEALTH CARE LOOMS

(By Louise Hutchinson)

WASHINGTON, April 2.—Kenneth Williamson sat restlessly in his luxurious office one recent day and talked bluntly about revolution—what he calls an American health care revolution.

Williamson is deputy director of the American Hospital Association [A. H. A.] in charge of its Washington office, and costs have put hospitals on the firing line.

In the five-year period ending June 30, 1971, when the federal index for goods and services rose a cumulative 25.1 per cent, daily hospital service charges ballooned 95.5 per cent.

EVERYONE IS AFFECTED

Increases like that cause officials at all levels of government to groan as well as all the people. They also push up health insurance premiums and they touch everyone, whether hospitalized or not, because taxpayer money finances the giant Medicare and Medicaid programs.

But Williamson's prescription for revolution is tough medicine. There will continue to be higher hospital costs, he said.

And there must be more federal dollars, even to help out the family of four where dad is making $10,000 a year.

Like other major segments of the health care industry, the A. H. A., representing 7,126 hospitals, has endorsed legislation. Introduced last week by Rep. Al Ullman [D., Ore.], the bill will raise the annual level of federal spending by about $6 billion based on 1970 levels, and cost more private money, too.

JOINS IN DEFENSIVE ATTITUDE

Williamson seems to share a quality found in others involved in the enormous, expensive business of keeping Americans well and caring for them when they're not. The quality is defensiveness.

"Defensive, sure," said Williamson. "When you sit around and talk about the same thing all the time, you get that way. But I'm not on the defensive, I'm on the offensive."

Hospitals are big business, tho the vast majority are non-profit. In 1970, according to a federal report, they had assets of nearly $36.1 billion; 1.62 million beds, and admitted 31.8 million people plus handling 181 million outpatient visits at a cost of over $25.5 billion. Their payrolls nudged 16 billion.

AGREE ON EFFICIENT USE

Almost everyone involved in the health crisis dilemma agrees there has got to be more efficient use of hospitals.

The answers vary: more community outpatient clinics, more preventive medicine, more services provided in the home, doctors' review so hospitalized patients able to leave don't linger; prepaid group health insurance so physicians profit by keeping patients out of the hospital, and on and on.

President Nixon, in February, 1971, when he sent Congress his own national health insurance program, said that "studies show over one-fourth of hospital beds in some areas are occupied by patients who do not really need them and could have received equivalent or better care outside the hospital."

But Williamson predicted that annual hospital cost increases, running he said between 12 and 16 percent per year in recent years, will continue on up if freed from restraint. Without President Nixon's wage-price controls imposed last August, the trend would have gone right on, he added.

"Hospitals are going to have to increase salaries," he stressed.

He mused about plumbers making twice as much as nursing supervisors in some areas and said, "There's got to be a change."

EXPLAINS CURRENT CRITICISM

He was asked his explanation for the current criticism of hospitals.

"For a long period of time, the real costs were disguised because hospital employes were subsidizing hospital costs by enormous amounts," he replied. "They were very low paid and the costs should have been greater all along.

"As hospital salaries increased—and they had to—costs went up."

Of course, a lot of costs have gone up and the federal consumer price index, the barometer of costs of goods and services, gives some clues. The figures are based on 100, which represents the 1967 average, and it must be kept in mind that the President's initial wage-price controls went into effect in mid-August, 1971.

So, as the table shows, while hospital daily service charges went up 13.5 points in one year, postal charges increased 25.6 points, cab fares 13.8, and property taxes, 11.5.

Tax or service	December 1970	December 1971	Point increase
Property taxes	126.1	137.6	11.5
Repainting living and dining rooms	140.6	154.0	13.4
Repair furnaces	137.4	150.2	12.8
Postal charges	121.0	146.6	25.6
Cab fares	119.0	132.8	13.8
Legal services, wills	132.3	141.4	9.1
Physicians' fees	125.7	132.2	6.5
Hospital daily service charges	152.0	165.5	13.5

Williamson calls national health insurance "a very political issue because it's so popular." But like other informed observers, he does not see this election-year Congress acting on a comprehensive national health insurance bill.

As Williamson views the future, he insists the public must realize that good health care carries a high price tag and accept greater regulation in the health field.

He says there will have to be greater federal participation in the field plus "massive public education" on what to expect of doctors, hospitals, nursing homes—the whole spectrum of health services.

The A.H.A.-endorsed Ullman bill would merge Medicaid [for the poor] and Medicare [for the aged] into the overall program with Medicaid, now a federal-state program, totally federalized.

The Ullman bill proposes a basic health benefit package—doctor and hospital care and more, with emphasis on outpatient services. Employers would be compelled to offer this package to their employes and to pay 75 per cent of the cost. The federal government would pick up another 10 per cent and the employe, if he chose to buy it—because it is a voluntary program—would pay the remaining 15 per cent if he could.

NONPROFIT FIRMS CRUCIAL

Federal help for families in buying their health care would cut off at a family of four with annual income of $10,500 a year. For the same sized family with income of less than $6,000, Washington would pick up the whole premium cost.

But crucial to the Ullman bill and the A.H.A. concept are nonprofit health care corporations geographically located thruout the country; available again on a voluntary basis to everyone, and state regulated.

These corporations would combine management, doctors, other health personnel, and facilities, such as hospitals, into a corporate structure capable of providing comprehensive health care to those in the community who register with them. They would have to take all comers—the poor as well as the medically high risk.

But the voluntary aspect on the public's part might be transitory since Williamson forecasts that "eventually it would come to the point where most of the population would have to be in health care corporations to get health care."

He cautions that if the federal government begins to pour massive amounts of money into the present way of caring for the nation's sick, "it will get so bad in 10 years that the government will have to take the whole thing over and go to the British way."

[From the Chicago Tribune, Apr. 4, 1972]

Medicare, Medicaid Affect Hospitals—U.S. Health Programs Are Part of Mounting Cost of Illness

(By Louise Hutchinson)

Washington, April 3—A patient who in 1966 paid $26.95 a day for a semi-private room in a hospital would have paid $63.10 for that bed in the same room last year—an increase of 134.1 per cent.

If he needed intensive care, that would have cost him $121.55 a day in 1971 compared to $44.85 a day five years previous. That's a leap of 171.01 per cent.

Statistics such as these from the Chicago Hospital Council, citing average daily service charges for short term general hospitals, are part of what the nation's health care crisis is all about.

HEALTH BILL IN WORKS

Congress will have to decide soon whether it will act this year on a major national health insurance bill.

As day follows dawn, that brings up the topic of Medicare [for the aged] and Medicaid [for the poor], the nation's first two major experiences with publicly financed health care programs.

Howard F. Cook, executive director of the Chicago Hospital Council, said in a telephone interview that both Medicaid and Medicare are not paying their full share of hospital costs, and other patients are having to pay more because of this.

A spokesman for the Illinois Finance Department responds that in 1967–69, the first three years when the impact of Medicare and Medicaid were felt, hospitals got used to a scale of living they no longer can afford, partly because both taxpayer financed programs have tightened reimbursement policies.

RAISES QUESTION

But the inevitable coming of national health insurance poses a poignant question for some Chicago area hospitals.

When any organization talks about an expanded national health program, one phase always is stressed: quality care for all. Hospitals, like people and businesses, move. And in naming hospitals which have left Chicago or closed, Cook observed ". . . the number of beds in poverty areas continues to decline."

Provident Hospital, on Chicago's South Side, began a fund drive over a year ago for $17 million to build a new hospital in the same community because the old one does not conform to newer state fire and safety codes. Cecil Patmon, the hospital's public relations director, said thus far $230,000 has been raised.

NEED FEDERAL FUNDS

To Patmon, the need is clear. Without a lot of federal money soon, more and more inner city hospitals will continue to move. He said there are four hospital beds per thousand people in the area Provident serves compared to 19 per thousand in Chicago as a whole.

The Chicago Hospital Council—it represents 96 institutions in the metropolitan area—offers some other statistics to show why hospital costs rose.

From 1966 to 1971, is said, the average minimum starting rate for a helper in a laundry in a Chicago area hospital rose 60.4 per cent to $2.55 an hour. In the same time, the salary for a registered nurse increased 53 per cent to $4.10 an hour.

AVERAGE HIKE 53 PERCENT

The council estimates the average wage increase from 1966 to 1971, using 11 hospital jobs, skilled and unskilled, as samples, was $1.10 an hour, up 53.4 per cent.

There also is a rapidly growing medical technology—more and more sophisticated and expensive techniques and equipment, requiring more and more skilled people to use them. A federal study notes that in 1950 it took 1.8 hospital employees to care for the average patient. By 1970, that had risen to 2.9 employes. And there was inflation. Here is a comparison of charges for the average daily charge to patients:

Facility	1966	1971	Percentage Perc. Inc.
1 bedroom	$32.40	$69.60	114.8
2 bedroom	26.95	63.10	134.1
3 or more bedrooms	24.05	56.55	135.1
Intensive care	44.85	121.55	171.01
Average per day expenses to hospitals including a broader range of cost	46.69	99.65	113.04

Using that same 1966–71 period, beds in the short term general hospitals increased by 162 in Chicago to just over 19,000.

SIX CENTERS MOVE

In those five years Alexian Brothers Hospital moved from the city to Elk Grove Village; Lutheran Deaconess left Chicago and merged into Lutheran General in Park Ridge; and two smaller hospitals, one psychiatric, closed. This year, St. Vincent's Infant Home closed and St. George's moved from the city to Palos Heights.

Patmon predicts that in the next year two more Chicago hospitals will relocate in the suburbs.

Experiences with Medicare and Medicaid are a part of the story. Both were launched in 1966. From July 1 of that year thru last June 30, more than $21 billion has been paid out in hospital benefits for the aged thru Medicare. Medicaid costs in Illinois in fiscal 1971 were more than $300 million.

According to the Chicago Hospital Council, by July 1, 1967, average daily hospital cost per patient had gone up 14.7 per cent in metropolitan Chicago's voluntary hospitals and up 19 per cent in what the council calls 12 bellwether teaching hospitals.

During this period, a new minimum wage law also went into effect. Altho Cook maintains Chicago hospitals were paying above the new minimum—$1.40 an hour from $1.25—it had an escalator effect, he said, creating demands for increases over other groups lower in the labor scale.

TWENTY PERCENT OF ADMISSIONS

Cook said Medicare and Medicaid had a "tremendous impact," partly because there was added demand put on hospitals and the supply was relatively constant.

"Medicare is commonly looked at as 10 per cent of the population," he said. "It is, by age. But it involves 20 per cent of hospital admissions and 30 per cent of hospital days, nationally as well as here."

Arnold Silver, finance director of Illinois Masonic Hospital where Medicaid patients account for about 25 per cent of the patients, said he figures his hospital is getting about $27 less per day per Medicaid patient than it should have, altho he adds that the state promises to reconcile differences when the fiscal year ends.

"PAYMENTS UNREALISTIC"

"Moreover, the program does not meet hospital costs relating to free service, expansion funds, and bad debts that we consider vital in terms of financial requirements, and these costs must be passed on to other patients," Silver said.

Patmon said, "Hospitals cannot operate with current payment schedules of Medicare and Medicaid because they are unrealistic."

There is no sympathy from those in charge of the federal programs.

The study of reimbursements, hospital charges [what the patient pays], and costs [what the hospital figures it actually cost to care for that patient] is a labyrinth of technicalities designed for experts.

But a top Medicare official with the Social Security Administration said that the law does not permit paying any costs of services not provided Medicare patients. For instance, this means maternity department losses, funds for capital expansion, or bad debts run up by other than the aged under Medicare cannot be figured in payments.

MAY CALL IT LOSS

"If hospital charges are out of line with its actual costs, the hospital may mistakenly consider the difference between charges and Medicare reimbursement as a 'loss,'" he stressed.

An Illinois Finance Department spokesman observed that under previous Medicaid payment methods, some hospitals got smart and pegged their charges for Medicaid patients above what the costs were.

Altho they had to pay back the state at the end of the year, they had use of the money. Two hospitals, both in East St. Louis, are in serious financial difficulty because they owe the state $1 million in refunds they're not able to pay, he said.

BLAMES HOSPITALS

He blamed both the hospitals and the former payment system. But Medicare and Medicaid, he believes, have financed a heavy expansion in hospital service and made hospitals "cost aware."

"As a result, their costs increased so fast, now they're worried about their public image," he said. "Medicare and Medicaid took hospitals out of the category of charity institutions. Now they're trying to grope forward to become modern, efficiently operated large institutions."

Such are the problems Congress confronts when it tries to revamp the nation's health system and extend more care to more Americans.

A listener is sympathetic to Sen. Stevenson [D., Ill.] who, at the end of an interview about national health insurance, said: "It is a terribly difficult thing, and I hope we have the wisdom to find the right answers."

[From the Chicago Tribune, Apr. 5, 1972]

Could Help Stabilize Costs—HMO: Three Little Words That Mean Hope in Health Care

(By Louise Hutchinson)

Washington, April 4.—There is a phrase that many people who worry about the nation's health care problems use a lot these days, a phrase that may someday involve the lives of millions of Americans who have never heard it before.

It is health maintenance organization [HMO], three words that could in time change the way many in this nation are hospitalized, healed and, most important, kept well.

President Nixon is for it. Illinois Gov. Ogilvie is pushing it. Sen. Edward M. Kennedy [D., Mass.] endorses it. The commercial health insurers are getting involved. Blue Cross is experimenting with it.

STRESS PREVENTIVE MEDICINE

The late Henry Kaiser made a spectacular success of it. The United Auto Workers launched one 11 years ago in Detroit. A nonprofit effort, aided by an insurance giant, has just been started in Chicago. About 7 million Americans use it now.

Just what it is poses a problem right off. Definitions vary widely. But in essence, on HMO is a way of buying health care before it's given, a way its proponents believe can help stabilize soaring costs and give people better care, more conveniently, and with emphasis on preventive medicine.

It means prepaying for medical and, generally, hospital and other services, too, and it means group practice—doctors joined together offering a wide range of services, altho presumably some single practitioners could do some work under contract, too

Laws in 22 states virtually ban HMO's now and the idea is in its infancy in others, including Illinois. Asked why in a telephone interview, Dr. Frank J. Jirka Jr. of River Forest, new president of the Illinois State Medical Society, said he thought most Illinois doctors believed in fee for service.

OGILVIE WANTS IT PUSHED

Under this traditional system, a patient sees a doctor and is billed. He or his insurance company, or both, or in the case of a Medicaid or Medicare patient, the government perhaps also augmented by the individual, pays.

But there are people in Illinois excited about HMO's. John Collins, assistant coordinator of state health services based in Ogilvie's office, said in another telephone interview that the governor wanted the idea pushed. There's been some state staff assistance to those wanting to try and a $150,000 state grant to develop an HMO in Springfield, he said.

"I think the HMO idea, where you stress preventive medicine, organize hospitals, doctors, dentists, everyone giving health care, then the consumers, and put a management group over them all to bargain for premiums, is the salvation to our problems," he said.

"Of course it needs financing, and that's where a national health insurance program comes in."

EYE AID IN NEEDY AREAS

Like the Nixon administration, Collins hopes the prepaid, group practice concept could also help solve the health care shortage crisis particularly acute in some rural communities and big city poverty areas.

Dr. Mervin Shalowitz of Winnetka is enthused about the concept. And he's in it. Shalowitz is medical director of the nonprofit Intergroup Prepaid Health Services Plan in Chicago. It began marketing memberships Feb. 1. It has about 100 now. Its 1972 goal is 10,000 subscribers, or 35,000 people including dependents. Shalowitz already is looking at five other states with expansion in view.

Intergroup has contracted with seven established medical clinics in or around Chicago. Hospital service will be provided thru the hospitals these clinics use.

WIDE RANGE OF SERVICE

It is offering a large range of health care services, applicable to members even when they're out of town. But Intergroup has what some in the field think is essential for potential success: Funding and expertise.

Thru Continental Casualty and Continental Assurance, subsidiaries of CNA Insurance, it got $250,000 in no-interest loans. It also tapped CNA's actuarial, underwritten, marketing, and administrative resources.

This is not altruism on the part of CNA or other commercial insurers doing similar things. As a CNA spokesman said, the federal government is getting involved in HMO's and "we feel we'll eventually get into it and we're getting the experience now."

But Shalowitz also believes that altho HMO's are a major alternative to health care, they should not entirely replace the traditional fee for service that suits a lot of doctors and patients.

With those who have had a lot more experience, Shalowitz notes that getting one going requires a lot of education for the public as well as doctors dentists, and others providing health care.

ADMINISTRATION INTERESTED

The Nixon administration, as the CNA man observed, is interested. Its own HMO legislation sits in two congressional subcommittees awaiting action. But it has set up an HMO unit within the department of health, education, and welfare with a staff of about 100 here and in regional offices.

It is allocating about $10 million for planning and development of HMO's, money, pending any congressional authorization, that has been channeled from other programs. Some of that has flowed into Illinois.

There have been five grants in the state ranging from $25,000 to $100,000 each, said the HEW Chicago regional office.

"Some can't make it, but we're still interested in the planning process," the federal spokesman explained.

A preliminary listing of HMO activities in Illinois from the Comprehensive State Health Planning Agency in Springfield notes that Illinois Masonic Medical Center got a $100,000 HEW grant to plan a new health delivery system for the local community, a system, said the report that is "in early study stages."

STARTING DATE DELAYED

Comprehensive Medical Associates [CMA] in Chicago got $90,000 from HEW, the state report observes, adding "starting date indefinitely delayed because of problems in leadership."

Melvin Glasser, director of the social security department for the United Auto Workers International in Detroit, pointed to one outgrowth of the HMO concept: The hospitalization rate last year for members of the UAW established Metropolitan Hospital Board and Centers in Detroit, on HMO, was about half that of union members covered by Blue Cross-Blue Shield policies.

Glasser's examination: The economic incentive for questionable hospitalization or borderline or unnecessary surgery has been removed because the physicians are salaried, not in private practice, and are "checking on each other."

The UAW-founded HMO has 75,000 members, one third of them nonunion. It owns two hospitals and employs 70 doctors, including specialists, who practice out of five plan-owned community health centers.

The plan's benefits, Glasser said, include all physicians' services; home health care services; unlimited hospitalization; X-rays; prescription drugs, and psychiatric care. He gave this monthly rate comparison for UAW Chrysler corporation employes in Michigan who may choose which they prefer:

	Blue Cross-Blue Shield	The UAW-founded HMO
Single person	$27.47	$22.74
Husband and wife	72.07	59.61
Family	76.52	63.90

But the largest, most successful prepaid, group insurance plan in the nation is Kaiser Permante. Begun by the late Henry Kaiser, today it has 2.3 million members; owns 21 hospitals and 58 outpatient and medical facilities, and employs 2,200 doctors and 16,500 others. It is best known in California, Portland, Denver, and Hawaii, but it also is in Cleveland, invited there to rescue a program that needed money and expertise to grow, said Dan Scannell, Kaiser Permante public affairs director.

"It takes a monumental effort in terms of dollars and people to get an HMO going," said Scannell. "Henry Kaiser was very much interested in medical care and a very powerful man. Early in the game he became involved with physicians interested and willing to do it. Between them, it got going, but it calls for a certain chemistry."

Initially, Kaiser founded the program for his own employes. It began serving the general public in 1945 and today Kaiser workers and their dependents constitute less than 3 per cent of the members.

The HMO bills before Congress differ and the President's, with incentives to get HMO's started, is part of his overall health plan. Sen. Kennedy introduced one of his own this month. He also chairs the senate subcommittee that will hold more hearings on the subject possibly beginning next month.

A Kennedy aide said the senator hoped to get a bill to the Senate by June and added, "It is quite clear the subcommittee won't report the administration bill out and that what emerges in one form or another will be the Kennedy bill."

This is only one reason why politically volatile 1972 is a fascinating year to watch congress grope for solutions to the nation's health care ailments.

[From the Chicago Tribune, Apr. 6, 1972]

AMA PUSHES DRIVE FOR MEDICREDIT SYSTEM

(By Louise Hutchinson)

WASHINGTON, April 5.—Along with every other segment of the nation's vast health care industry, doctors are on the firing line as Americans, thru their Congress to grope for better and less costly ways to stay well or get well if they're sick.

And, like the others, the doctors are reacting.

The American Medical Association [A.M.A.] opposed Medicare and Medicaid, the multibillion dollar taxpayer financed programs for the aged and the poor that became law in 1965.

BOARD GIVES OK

But with that defeat, the A.M.A. board of trustees gave the go-ahead to a national health insurance solution of its own design, after rejecting such an idea three times before, said Dr. Russell Roth, speaker of the A.M.A. House of Delegates.

This is yet another clue to the urgency felt among every one associated with the nation's health care that changes in the form of federal laws are coming, and that the best defense is to take the offense by getting a bill before Congress.

Dr. Frank J. Jirka Jr. of River Forest, Ill., new president of the Illinois State Medical Society, described society efforts to get medical students to practice as doctors in medically shorted downstate communities.

CALLS FOR UNITY

He told of cooperative effort with the state to insure that medicaid patients do not stay beyond need in hospitals; of a state-wide drive to establish, thru the society, medical care foundations, and, in his inaugural speech he called for unity "at a time when even more government intervention threatens medicine . . ."

Dr. Jirka said he thinks doctors do feel threatened, "but I think many feel things being proposed are not justified."

A major threat stems from the health security bill sponsored by Sen. Edward M. Kennedy [D., Mass.] and supported by labor, which, among other dramatic changes, would provide a generous health care program for all Americans that would make doctors subject to set fees and restrictions.

So the battleground is Congress, where the Kennedy bill, the A.M.A. bill called Medicredit, and President Nixon's bill, vie with dozens of others for consideration. The crucial question is whether there will be any action during this volatile election year.

SEEN AS FINANCING

"Medicredit is just a financing mechanism," said Dr. Roth, a Erie, Pa., urologist, and candidate in June for A.M.A. president-elect.

"Our problems are far greater in terms of geographical distribution of kinds of doctors and perhaps in new kinds of doctors, as well as in access to them and in monitoring quality of care. How to finance a program is almost the easiest part of it."

Thus Roth touches on one of the most explosive questions involved in attempting to provide better health care for more people: are there enough doctors, hospitals, dentists, nursing homes, nurses, etc., to warrant providing more money for added health inservices already in short or limited supply?

In a recent speech, Dr. Robert Q. Marston, director of the National Institutes of Health, said, "According to our best estimates, the nation already needs 50,000 more physicians, 150,000 more nurses, 30,000 more dentists, and 250,000 more allied health personnel."

SUBJECT TO DEBATE

Such figures are subject to endless debate including what is the optimum number of what kinds of doctors for good medical care.

What is known, is that specialists are on the increase, the general practitioner is on the decrease, rural and metropolitan poverty areas often are poorly served, and, according to a year-old federal report, there were then 14,500 foreign trained doctors practicing as interns and residents in American hospitals.

Since 1950, the number of doctors has gone up by more than 101,000 to a total now of 334,028.

Jirka disputes the shortage theory in Illinois, blaming problems instead on poor distribution of doctors. He believes that "most people have adequate access to health care."

GIVES MEDIC AVERAGE

According to the Illinois State Medical Society, in 1960 there were 11,436 doctors in the state actually involved with patient care and excluding those in such fields as teaching. That averages out to 1.13 doctors per 1,000 Illinois residents.

By 1970, according to the society, there were 13,182 practicing physicians in Illinois, for an average of 1.19 per 1,000 people.

But there also are 296 Illinois communities that want doctors and have so told the society. Most are downstate.

Equally worrisome are results of a federal study discussed last week in Chicago which said private physicians are leaving the city in such numbers, it is "fast becoming a medical wasteland." This report said 2,000 private practioners have left Chicago in the last 20 years and that 3,760 remained by 1970.

CITES INVESTIGATION

A federal official cited another investigation which he said indicated there was one doctor for every 518 people on Chicago's North Side against one for 1,724 residents on the city's South Side.

Compounding these statistics is a 1969 survey, quoted by the Illinois State Medical Society, indicating that of 550 doctors graduated that year from six state medical schools, 70 per cent left the state to practice, 19 per cent of those for California.

Jirka further believes that in the case of big city poverty neighborhoods, malnutrition, housing, and what he called "all other aspects of socio-economics play a part." He feels it unfair to place total blame for lack of ghetto area health care on the health delivery system.

There is much talk in Washington about changing that system. Dr. Roth does not sound optimistic.

BASIC ISSUES TOLD

"The basic issues are the competence, integrity, and motivation of physicians, rather than the system," he said.

Roth also is frank. Medicredit, the A.M.A. health insurance plan, offers financing for what services the patient can find making "no false overpromises about what he can get," he stressed.

Coupled to availability, or the lack of it, there is another much discussed factor: costs. For the five-year period ending June 30, 1971, when the federal government's consumer price index rose 25.1 per cent, physician's fees rose by 39.7 per cent.

Dr. Kenneth M. Endicott, director of the government's Bureau of Health Manpower Education, pointed out that according to a recent survey, doctors earn an average annual income of $40,550 and, citing Census Bureau figures, rank first in income among 321 occupations.

Jirka spoke of that in his recent inaugural speech.

QUERIED ON COST

"And what about the costs of health care?" he asked. "We did increase our fees an average of 8.5 per cent during 1970, you know. Never mind that plumbers and plasterers received 13 per cent wage increases and carpenters, bricklayers, and electricians [got] 11 per cent increases."

Roth began working on the concept of what ultimately became Medicredit well before the passage of Medicare and Medicaid because "It is not enough to say what we don't like—we've got to say what we would agree to."

Medicredit, for those 65 and under, proposes a basic package of benefits, which the A.M.A. estimates would cost about $650 in premiums a year. It is a voluntary program in that people may buy it or not, but employers must offer it to employes or suffer a tax penalty.

Premiums for the poor would be paid by the federal government. Where Medicredit differs from other plans is that it would give a tax credit for premiums paid for an approved policy, with the credits based on a sliding scale.

EXAMPLE GIVEN

Under the plan, a family that paid $100 a year in federal income taxes could take 90 per cent of the premium cost as a tax credit. Another family paying more than $891 in federal taxes annually could take only 10 per cent of the premium tab in credits.

[From the Chicago Tribune, Apr. 7, 1972]

Medical Insurers Ponder National Health Plans

(By Louise Hutchinson)

WASHINGTON, April 6.—The health insurance industry is threatened with extinction by Sen. Edward M. Kennedy [D., Mass.], by tighter regulation by President Nixon, and by a proposal for catastrophic insurance it fears could eventually phase it out.

So the commercial health insurers have come up with their own national health proposals, one of them a bulging benefit package offering as much as 300 hospital days per year.

HIGH PRICE TAG

That particular program is costly. A spokesman for the Health Insurance Association of America [H.I.A.A.], endorser of the bill called National Healthcare, gives it a tentative annual price tag of $1,054 for a family of four, excluding insurance commissions and marketing costs.

Added costs—deductibles and the like—for any family could not exceed $1,000 a year, and, for the poor, they would be virtually nil.

The industry moans about costs even as do Mr. and Mrs. America who see health insurance premiums rising as medical and hospital costs soar, and whose loud complaints have helped precipitate the health care crisis.

Industry spokesmen say they are trying to hold down costs in a variety of ways, policing overcharging and overuse of hospitals where so many health dollars go, for example.

PROGRAMS ARE CITED

The industry is writing more catastrophic insurance, it says. It is writing more kinds of insurance that takes the focus off hospitals and puts it into other forms of care, including preventive medicine, it explains.

And it has, and is, experimenting with new ways to treat sick Americans that may be better and more efficient, and help hold down skyrocketing costs, the spokesmen claim.

The Congress is heavily laden with health care proposals—more than five dozen of them—and none yet has reached the floor of either house for debate.

But what the commercial insurers would like to see is a complex proposal that sets up a series of national goals and ways to achieve them. They advocate more and better distribution of health care personnel; holding down costs yet assuring quality, and national health insurance, among other items.

National Healthcare proposes three voluntary health insurance plans it says could care virtually for the whole population. Benefits are phased out over a six-year period and paying for them calls for both federal and private money.

One would be an employer-employee plan; the second, a plan for individual, and the third, a state plan for the poor and the uninsurable. All would be administered by private insurance carriers under federal and state supervision.

Benefits include the generous 300 annual hospital days; 180 days for an extended care facility; 270 visits per year from a home health care agency; doctors' services; dental services, except for orthodontia; prescription drugs, and eyeglasses.

The H.I.A.A. estimates added first year federal costs at $4.2 billion. It says it has no cost estimates for when all benefits are made available.

KENNEDY RAPS INDUSTRY

Kennedy, when he introduced his massive health security bill last year, said bluntly that the "private health insurance industry has failed us."

"It fails to control costs," he said. "It fails to control quality. It provides partial benefits, not comprehensive benefits, acute care, not preventive care. It ignores the poor and the medically indigent."

President Nixon says the health insurance system has developed impressively but needs improving and, tho he has no plans to jettison it, he wants Congress to impose new regulations on the industry so it "can and will do the job" of helping restructure and finance the nation's health care the way he wants it done.

Sen. Philip Hart (D., Mich.) soon will hold hearings to investigate health insurance practices.

Sen. Russell Long (D., La.), chairman of the powerful Senate Finance Committee, publicly warned insurance representatives not long ago that they'd better go along with his idea of a tax-financed, federally-administered catastrophic health insurance which the industry opposes.

LONG PROPOSAL FEARED

"I think the alternative would be to see the government encroach more and more into the health insurance business as it has into Medicare until it just takes all," Long said.

But that's exactly what some of the industry fears from the Long proposal, not yet voted out of his committee. They believe it would open a wedge thru which taxes could gradually be raised and more benefits included, and, in time, the effect for the health insurers might be the same as the Kennedy bill. They'd be out of business.

The President touched less harshly on some of the same points Kennedy made when Nixon's big health insurance package went to Congress in 1971.

Too many policies focus on hospitals and surgical costs, leaving outpatient services uncovered, he said. The Health Insurance Council shows that in 1970, 181.5 million Americans had some kind of hospital insurance; 168.9 million were buttressed against some surgical costs, and 145.2 million had coverage to some degree for regular medical expenses.

Another failure, according to Nixon, most private insurance policies don't protect against the medical catastrophes—the financial calamities of major, long-term illness.

FIGURES DISPUTED

Taylor disputes this. In an interview, he said since the President's message, more Americans had catastrophic (he had no statistics) and increasingly it is moving into the $20,000, $25,000, even $50,000 brackets.

Still another fault that cries for correction, according to the President, is the failure of private insurance to help the poor.

A federal survey contends that in 1970, about 31 million Americans had no insurance coverage, a lot of them the poor and the young.

[From the Chicago Tribune, Apr. 8, 1972]

FEDERAL HEALTH PLAN CALLED UNLIKELY IN 1972

(By Louise Hutchinson)

WASHINGTON, April 7.—The political odds are against Americans getting any major answers this year to their health care gripes because Congress is in no mood to wrestle with this next step in the country's social revolution.

Sen. Edward M. Kennedy (D., Mass.) sponsor of the most dramatic concept of national health insurance, said in an interview that it may take several years, even as did the debates on Social Security in the 1930's and Medicare and Medicaid in the 1960's.

MILLS DOUBTS ACTION

Rep. Wilbur Mills (D., Ark.), chairman of the House Ways and Means Committee, which must report out such legislation and hasn't yet, told a reporter he doubted any major bill would clear Congress this year, because of political campaigns and conventions. Mills himself is running for the Democratic Presidential nomination.

President Nixon, who hopes for passage for his own bill, sent to Congress over a year ago, whipped off a special message to the hill last month calling for action now. He, of course, is also running.

But Kenneth R. Cole Jr., deputy assistant to the President for domestic affairs and the White House health man, said of the Senate in an interview:

"I'm not confident. I have serious doubts. It's getting past the point where they can reasonably act on anything."

MAJOR PROPOSALS

There are scores of national health insurance bills before Congress but here are brief summaries of the major ones:

The President's National Health Insurance Partnership Act sets up two programs: One which employers must offer to employes with the employer paying at least 65 per cent of the premium cost the first 2½ years and 75 per cent after that, and separate program, most of it federally financed, for those on low income with children.

Sen. Kennedy's health security plan, a tax-financed, federally-administered, compulsory program eliminating private health insurance for all Americans offering all necessary doctor and hospital care, drugs, medical appliances and equipment, dental care for everyone 15 and under, 120 days a year nursing home custodial care, and some mental health services, with costs rigidly controlled, and no deductibles or co-insurance.

Sen. Russell Long's proposal for help with long-term, costly catastrophic illnesses, not yet written into legislation, a noncomprehensive health plan which would be financed through taxes and give federal aid after the first $2,000 in medical bills and the first 60 days of hospitalization.

Medicredit, endorsed by the American Medical Association, is chiefly a financing method unlike many of the other plans which propose restructuring the way people get health care. This voluntary plan, which must be offered by employers to employes to avoid a tax penalty, relies heavily on tax credits based on income as a financing method with federal funds paying premiums for the poor.

National Healthcare, endorsed by most commercial health insurers, offers a generous benefit package phased in over a six-year period using both federal and private money and offering separate plans for the employed for individuals, and for the poor and uninsureable.

Reorganization of National Health Services, endorsed by the American Hospital Association, would set up health care centers throughout the country that would make available all medical, dental, hospital, and nursing home care to patients. Employers would have to offer benefit packages and the federal government would pay for the aged and the poor.

WHAT PLANS MEAN

What all this means to the Chicago breadwinner with a wife and family is hard to say. Books bulge with statistics and projections and some people reel at remembering the inflationary impact Medicare and Medicaid had on hospital and medical costs. Moreover, the exact cost and practicality of each proposal differs if you talk to a critic or a proponent.

The President's program would cover most Americans under 65, the administration says, although it is having problems planning insurance pool coverage for an estimated 19 million people who fit into no program category and who, without federal subsidies, would have to pay more than the employed.

Medicare would continue. Medicaid would care only for the aged on welfare, blind, disabled, and children in foster homes. The employer-employe plan would cover around 160 million Americans, one source said, and another plan would take care of 14.7 million low income families with children.

PRESIDENT'S PLAN

The President's bill offers a $50,000 catastrophic provision. If that is used up, it rebuilds again for the individual at the rate of $2,000 a year. The administration also offers a schedule of care for children up to age 5 not subject to deductibles or co-insurance, but these apply to virtually all other services except for the very poor.

For instance, the average patient would have to pay for the first two days of hospital care.

Senator Wallace F. Bennett, of Utah, a loyal Nixon man and ranking Republican on the Senate Finance Committee thru which health legislation must move, also foresees no major health legislation this year except possibly Long's catastrophic coverage.

"My feeling is that Kennedy launched a political issue," he said. "The President responded with a counter proposal, and there they sit. We've got too much to do the remainder of this political year."

Cole disputes this. He says "we" started working on health in March, 1969, shortly after the President was inaugurated. If national health insurance is a political issue, it's because of the Kennedy approach, Cole added.

COLE NOT WORRIED

"What is grass roots in the cost of health care and the President tried to get at that in part thru his Phase 2 economic controls," he went on. "I saw one month when hospital costs did not go up and that's encouraging. We've also set up other legislation providing for long term controls on health care costs."

"I think relative commonsense will prevail when people see you can achieve the same kind of thing the Kennedy people want and we want thru the private system," Cole remarked.

What is called the Kennedy health security bill was actually a dream of the late Walter P. Reuther, United Auto Workers president who died in May, 1970, in a plane crash, Reuther was responsible for forming in late 1968 the Committee for 100, now called the Committee for National Health Insurance with offices here.

OPPOSES ANY ACTION

Max Fine, executive director of the committee, hopes there is no congressional action this year because he thinks the public does not yet fully understand the issues.

A Kennedy aide said the cost to a family of four would be $1,200 a year. There would be a 3.5 per cent employer payroll tax; 1 per cent tax on employe wages up to $15,000; another 1 per cent on nonwage income; 2.5 per cent tax for the self-employed, and an amount equaling all this from general federal revenues.

DENTAL HEALTH OF CHILDREN AND YOUTH

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter and supplementary material concerning the need of poor children for dental care.

I submit this material in support of my previously announced efforts to preserve and strengthen the early screening, diagnosis, and treatment program for children from zero to 21 years old whose families are covered by medicaid.

The Committee on Finance voted recently to postpone full implementation of this program by 2 years—from July 1, 1973, to July 1, 1975. In addition, the committee agreed to dilute the program by allowing States to offer only the services available currently under medicaid. One of the effects of this provision would be to allow the 17 States that now are not required to provide dental care to continue to deny it to youngsters who need it.

As the letter from the president of the American Dental Association notes:

> A reasonably good dental care program has been mounted by only a few states . . .

There being no objection, the items were ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, D.C., April 12, 1972.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington D.C.

DEAR SENATOR MONDALE: I am writing on behalf of the American Dental Association to offer our gratitude for your statement in the March 30th *Congressional Record* alerting the Senate and the public to the threatened emasculation of the provision in Title XIX of the Social Security Act requiring screening, diagnosis and treatment for needy and medically needy children. We think this section is one of the most commendable and potentially useful aspects of the entire Medicaid program and are firmly opposed to any attempt to weaken or eliminate it.

For many years, the dental profession has been attempting to persuade the federal government that it has an appropriate and essential role to play in helping needy and medically needy children to receive adequate dental care. Association policy statements in this matter date back more than three decades.

Our concern focuses on children for a number of reasons. From the professional point of view, the effort to maintain a high level of dental health in children is one that, if successful, will pay dividends throughout the rest of their lives. From a fiscal point of view, preventive dental care of a person when young is substantially less costly than the extensive corrective care needed years later when the consequences of years of rampant, unchecked oral disease become manifest.

Few Americans are totally free of oral disease. It is unquestionably true, however, that low-income families suffer a much higher incidence of untreated oral disease than the more well-to-do. Enclosed with this letter is a brief summary of some of the many studies made that document this fact.

When Medicaid was being initially considered in 1965, the Association pressed for inclusion of dental services for children as a mandatory benefit. An amendment to that effect was offered in the Finance Committee by Senator Ribicoff. The amendment was accepted by both the Committee and the full Senate but was eliminated from the bill during the subsequent Senate-House conference.

As a result, a reasonably good dental care program has been mounted by only a few states and the vast majority of needy and medically needy children have not been reached.

The screening, diagnosis and treatment amendment to Medicaid, then, seemed to us to be a recognition, at long last of the serious dimensions of the dental disease problem among poor children and an acceptance by the federal and state governments that they should help redress this problem.

It has been most discouraging to us and others to experience the long delay between Congressional passage of this amendment and implementation by the Department of Health, Education and Welfare. Now, with implementation finally underway, we consider it unthinkable that the requirements would be watered down in the way proposed.

The Association fully understands that Medicaid and indeed all health programs must compete with a severely limited amount of federal and state money and that at any given time, there isn't enough money to undertake every needed program. It is our conviction, however, that truly comprehensive health care of poor children is an essential program that has stood in line and waited its turn far too long already.

Again, the Association congratulates you on your effort to save the screening, diagnosis and treatment program for children. We are anxious to assist your effort in every way possible.

Sincerely,

CARL A. LAUGHLIN, D.D.S.,
President.

DENTAL DISEASE OF POOR CHILDREN

(1) A 1960 survey of 2,564 indigent children ages 6 to 15 living in Chicago showed that while 97 per cent of them had decayed teeth, only 8 per cent showed evidence of having received prior restorative treatment. Twenty-two per cent had missing permanent teeth and 25 per cent had permanent teeth requiring extraction because of decay. Among children aged 11 to 15 in this group, 12 per cent had ten or more decayed permanent teeth and no restorations.

(2) A 1967 survey of 3,911 five-year-old children of all economic levels in Costa County, California showed that while 24 per cent of the children from the median-income level had been to a dentist in the previous twelve months, only 6 per cent of children in the lowest-income level had done so. While only 14 per cent of the children in the median-income level had never been to a dentist, 52 per cent of the poorest children had never been.

(3) The National Health Survey, 1963–64, indicated that among children aged 5 to 14 from families with incomes of $2,000 or less, 68.7 per cent of the children had not been to a dentist in the previous two to four years and 58.3 per cent of them had never been to a dentist. For children of the same age but living in families with incomes of $10,000 or more, only 9.3 per cent had never been to a dentist.

(4) Data from various National Health Surveys shows that of the total number of dental visits for children in the income groups under $2,000, 31.8 per cent were for extractions; the comparable figure for children in the income group of $7,000 or higher is 4.8 per cent.

Preventive care accounts for more than 20 per cent of the dental visits of children from high-income groups but for only 5 per cent of the visits made by children from low-income groups.

(5) The 1967 Survey of Needs for Dental Care shows that low income dental patients in general need 14 times as many extractions due to decay and need dentures 20 times as frequently as those with incomes of $6,000 or higher.

S. 3445 AND THE McADOO AFFAIR

Mr. COOK. Mr. President, on March 30, I introduced S. 3445, the Federal Sports Act of 1972, which would establish a Federal Sports Commission with the authority to issue rules and regulations relating to certain areas of professional sports. In the period since that time, and as recently as 2 days ago, events have surfaced which indicate the urgent need for passage of that bill.

The events have arisen in the wake of the respective drafts of the National and American Basketball Associations. Robert McAdoo, all-American center for the University of North Carolina basketball team during the 1971–72 season, has signed contracts with both the Buffalo franchise of the NBA and the Virginia franchise of the ABA. He has also filed suit in the U.S. district court in Buffalo, seeking to void the first contract with Virginia on the ground that he was a minor at the time he signed the former contract. If this is true, then that contract was entered into before the end of the college season, and UNC must forfeit all games in which McAdoo played following his signing, and also UNC's share of the NCAA receipts. Identical situations occurred last year involving Howard Porter, of Villanova, and Jim McDaniels, of Western Kentucky University.

The blame for these incidents can be laid on several doorsteps. Primary among these is the bidding war existing in professional basketball due to the failure of the Congress to approve the merger bill which is now stalled in the Antitrust and Monopoly Subcommittee of the Judiciary Committee. Also culpable are the teams and the owners, who have decided to fight this war with guerrilla tactics, including misrepresentations, deceit, and fraud. The deplorable lack of ethics which some of the teams have displayed in this war, and the disregard which they have shown for the self-respect of the players and the universities for which those players participated, has cast a dark cloud over the game of basketball and the entire world of sports.

The players are certainly not blameless in this tragedy. They have revelled in a sellers' market; demanding contracts which they later repudiate, taking advantage of their colleges and college teammates, and employing almost any legal or quasilegal means of boosting their contract terms.

The tragic irony of this cycle is that everyone loses. The player almost invariably finds that his contract is not what it was represented to be. He finds he has lost his only opportunity for a good education, and he probably has lost a good deal of self-respect and fan support.

The teams continue to dig financial graves, tying themselves to huge overheads which gate receipts cannot possibly overcome.

Finally and most importantly, the fans lose. They see athletes and teams motivated solely by greed, and not by the love of athletic competition. Ticket prices spiral, so that many fans who used to walk down the street to the arena can neither get into the game, nor watch it on television due to blackout arrangements. How long can fan enthusiasm possibly survive under such circumstances? The noticeable decrease in fan support during the first few days of the baseball season, following the 13-day player strike, is an illuminating example of the effects of these controversies on the sports world.

The value of sports to the American public, both as a national recreation form and as a beneficial sociological factor, is much too great to be jeopardized by the self-destructive controversies which are currently proliferating. I respectfully ask Senators to join with me in the passage of S. 3445, which will provide the mechanism for preserving a great aspect of American culture.

THE INVASION OF SOUTH VIETNAM

Mr. GURNEY. Mr. President, I read with great interest the feature stories by Saigon Correspondent Henry S. Bradsher that appeared in the April 11 and April 14 issues of the Washington Evening Star. Even though it has been obvious for a long, long time that Hanoi's intentions are to settle for nothing short of a Communist-controlled government in South Vietnam, there have been those who have questioned the validity of that aim. If the recent ongoing invasion of South Vietnam by the North Vietnamese has not been enough to convince the doubters, the documents setting forth the goals of this invasion, to which Mr. Bradsher refers in his articles, should erase any questions as to the aggressive intentions of North Vietnam.

The disclosure, by Hanoi radio on April 11, of North Vietnamese objectives sheds a great deal of light on the reasons for their blatant invasion of the south that started on March 30. According to this radio broadcast, a copy of which I have here before me, this military action is no spontaneous uprising or civil war, as so many have for so long claimed. Rather, the broadcast called for "mobilization of all our forces" to "persevere and step up" the effort to achieve a total Communist victory in South Vietnam and praised "the loyal, stanch, and indomitable southern compatriots—the Vietcong—and the northern compatriots who are working industriously, fighting heroically, and wholeheartedly aiding the frontline—the North Vietnamese Army."

The evidence indicates that the policy under which this invasion was carried out was developed either late last December or in January by the 20th North

Vietnamese Communist Party Central Committee Plenum, and it was made public only after the capture, by the South Vietnamese, of a directive, now identified as COSVN No. 43, outlining the new strategy to Communist forces.

According to Mr. Bradsher, the captured directive calls for the use of regular North Vietnamese Army forces—now totaling over 100,000 according to General Abrams—to tie down the South Vietnamese Army, thus paving the way for subsequent guerrilla activities and "spontaneous uprisings" that would eventually overthrow the South Vietnamese Government.

Quite obviously the "spontaneous uprisings" referred to are anything but spontaneous. They have been planned for at least 3 months, have been ordered from North Vietnam and will be carried out—if possible—in collusion with the North Vietnamese Army. The myth that what is going on in South Vietnam is some sort of a civil war—or ever has been for that matter—surely cannot stand the test of such conclusive evidence. The military action taking place in South Vietnam today is purely and simply an all out invasion and should be dealt with as such.

Not only is this invasion by the North Vietnamese a flagrant violation of the 1954 Geneva Accords, which provided for a demilitarized buffer zone between North and South Vietnam, but it is also an obvious violation of the 1968 understandings between the United States and the leaders in Hanoi which led to halting the bombing of North Vietnam. Now that the North Vietnamese have turned from covert infiltration through the DMZ to open aggression—with troops, tanks, and artillery—across it, President Nixon is fully justified in resuming the bombing of North Vietnam and in ordering the attacks on targets in the area of Hanoi and Haiphong. I fully support the President in this decision and applaud his resolve in the face of certain criticism. To those critics I can only say that the record now shows that one weekend of bombing has done more to encourage the North Vietnamese to think about negotiating than have months of discussion about the terms of U.S. withdrawal from South Vietnam.

But, what is really necessary for any subsequent negotiations to be successful is for Hanoi to stop its invasion of the South. If one weekend of bombing results in an offer to talk, perhaps a little more punishment will convince Hanoi to talk in terms of calling off its flagrant invasion and adhering to its 1968 agreements by which bombing was halted in the first place.

In fact, I can see no logic whatsoever to rewarding North Vietnam for breaking its agreement not to come across the DMZ by providing them with a sanctuary from which to launch a full-scale invasion that has provoked all the bloodshed so many people have deplored. They, and only they, are responsible for all this killing in South Vietnam and they, and only they, have themselves to blame for a resumption of the bombing of North Vietnam. Had they not invaded the South, we would have continued to uphold the 1968 agreements, and would not be bombing the North. No one deplores the added bloodshed any more than I, but I can see no sense, or moral justification, in giving one side virtual license to kill and then blaming the other side for taking steps to prevent it.

Which brings me to another point that is most pertinent to this discussion—the campaign of terrorism being perpetrated by the Vietcong at the behest of North Vietnam. As the Nhan Dan editorial broadcast I mentioned earlier makes clear, the purpose of this terrorism has been and is to aid and abet Hanoi's military efforts. So, when we think about bloodshed and bombing, let us not forget the 36,000 or more South Vietnamese civilians that, according to a report prepared for the Senate Subcommittee on Internal Security, have been killed by Communist terrorists. Let us not forget the 250 Montagnards of Dak-Son—most of them women and children—who were incinerated with flamethrowers by the Communists, and let us not forget the estimated 5,700 civilians of Hue, 2,750 of whom were found buried in mass graves, the victims of gruesome torture, who were killed by the Communists during the Tet offensive of 1968. All these killings were part of a deliberate campaign of terror aimed at accomplishing the military and political takeover of South Vietnam. They also presage what would happen if the Communists took over in South Vietnam—an unbridled reign of terror, death and destruction. So every time we talk about bloodshed, let us remember that Hanoi has been responsible for it and that it is Hanoi who is causing it to continue. As soon as they abandon their goal of total victory in South Vietnam this bloodshed can end.

We have heard a lot of talk—here in the Senate and elsewhere—in the last few days about how we can bring an end to this bloodshed. There have been calls for an end to the bombing, for our complete withdrawal, for a ceasefire and for our resumption of the so-called peace talks in Paris. But all of these things overlook one simple, basic fact and that is, while it takes only one to start a war, short of total surrender by one party, it takes two to stop it. And without the total surrender of South Vietnam the North Vietnamese have repeatedly made it clear that they will not stop the fighting and killing.

We agreed to end the bombing and the North Vietnamese have flagrantly violated their end of the agreement.

We have offered to withdraw our forces, in exchange for a general settlement fair to all parties concerned, and our offer was turned down because we refused to agree to turn South Vietnam over to the Communists.

We have offered a ceasefire throughout Indochina and Hanoi turned that down because, as this radio broadcast makes very clear, North Vietnam wants to take over Cambodia and Laos as well as South Vietnam.

On March 23, the United States and South Vietnam offered to meet with the North Vietnamese if the latter would propose "specific topics related to a specific settlement." This offer was refused. Then, on April 1, 2 days after the invasion started, President Nixon privately offered to resume talks on April 13. The response was "a mushrooming of the invasion." The North Vietnamese obviously want to negotiate only on their own terms and only if they think their demands will eventually be met. The result will not be a negotiated peace, it will be an imposed settlement—imposed by an aggressor nation responsible for the years of holocaust we have witnessed. I fully agree with U.S. Ambassador William J. Porter, chief U.S. negotiator at Paris, when he says "We will not negotiate with a gun at our head." In fact, until North Vietnam ceases its invasion of the South, I see no reason to accept any proposals for negotiations.

North Vietnam has made it very clear—"Total victory shall be ours." To that end they have sent 12 of their 14 regular army divisions into South Vietnam, complete with tanks, artillery, antiaircraft weapons, and other materiel—80 percent of which was supplied by the Soviet Union. This is a classic example of a conventional invasion that, by Hanoi's own admission, is an attempt to achieve a complete victory. It is also a clear indication that our policy of withdrawing our troops from Vietnam, while helping the South Vietnamese improve their ability to defend themselves from aggression, has been working. Were it not achieving results, Hanoi surely would not be risking so much in such a blatant and desperate gamble to achieve victory now.

At this point in time, with the Communists unwilling to accept a realistic cease-fire or participate in any meaningful negotiations, it would be terribly wrong for the United States to throw in the towel and run. The South Vietnamese forces are doing very well indeed in the face of this invasion; to deny them air support now will encourage rather than discourage further North Vietnamese aggression and will prolong rather than shorten the bloody war in Southeast Asia. To unilaterally withdraw now will not end the killing either; it will only compromise the chances of the South Vietnamese people to determine their own destiny.

The only way the killing will stop is for Hanoi to decide to stop it. We did not start this war and we have repeatedly made clear our willingness to negotiate a peaceful settlement, fair to all parties. We have gone the extra mile. But, the North Vietnamese have consistently refused to negotiate in good faith. Now, with this invasion and with the publication of Hanoi's intentions as set forth during the 20th Congress of the North Vietnamese Central Committee, there can be no further doubt as to why. Their aggressive intentions are clear for all to see and, as a Nation, we should recognize, and be prepared to deal with, the unpleasant realities of the situation.

In my opinion, the President, in providing air support for the South Vietnamese forces and by ordering the bombing of the North, did what had to be done. The sooner North Vietnamese aggression is stopped the sooner the war will subside and the sooner the rest of our boys in Vietnam will be able to come home.

For the benefit of my colleagues, I ask unanimous consent that Mr. Bradsher's two stories, and a copy of the Hanoi's April 11, 1972, radio broadcast which complements them, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Evening Star, Apr. 11, 1972]

HANOI'S GOAL: TOTAL VICTORY

(By Henry S. Bradsher)

SAIGON.—The leaders of North Vietnam have disclosed a decision "to mobilize all our forces" to try to achieve a total Communist victory in South Vietnam.

The decision apparently was the basis for the present all-out Communist offensive against the south.

So long as the United States "maintains, in whatever form," an American-backed government "in the southern part of our country, our people will have to fight on," the major policy statement said.

"On the path to total victory, there will still be many trials," Hanoi warned.

But the statement expressed determination to keep victory in the south as the main priority of North Vietnam.

The decision was taken "recently"—no date was given—at the 20th meeting of the North Vietnamese Communist party's Central Committee, which lays down basic policy for the country.

A resolution on the meeting's decision to step up the war effort was broadcast last night in Hanoi radio's home service.

Disclosure of the decision followed the capture in South Vietnam of Communist documents which outline a new war strategy.

It calls for the use of regular North Vietnamese army (NVA) units to tie down the army of the Republic of Vietnam (ARVN). Then Communist guerrillas are to begin attacking provincial defenses, and "spontaneous uprisings" are supposed to break the Saigon government's grip on the cities.

The NVA offensive has tied down most ARVN units already, even sucking reserve forces out of Saigon and other rear-area cities. Guerrilla attacks have been limited so far, and the Communist underground in cities has not yet risen up.

ARVN has been doing pretty well against NVA frontal assaults. It is holding in the north and counterattacking above Saigon.

But the Communist strategy means a possible threat to the rear, if it is carried out.

REFLECTS MAJOR DECISION

The Hanoi broadcast confirmed the deductions of observers of North Vietnamese affairs that a major policy decision had been taken before the Communist offensive was launched 13 days ago.

Observers think a policy shift began in Hanoi late last summer.

The Central Committee meeting apparently was held at the end of December or in January. The new policy which it adopted was kept secret until the offensive was underway, apparently for tactical reasons.

The change is from giving first priority to building North Vietnam's economy and letting the war in South Vietnam be continued by small NVA units and guerrillas to hurling NVA "main-force units" into convention warfare with ARVN while making economic construction in the north wait.

Now with complete confidence that no one is going to invade North Vietnam, Hanoi has completely denuded the country of organized combat divisions in order to press the offensive against the south with every soldier it can muster.

The North Vietnamese government insists officially that it is "People's Liberation Armed Forces" of southerners mounting the current offensive.

This is contrary to all the battlefield evidence. And the party resolution said bluntly that "our army and people must . . . valiantly march forward."

AN IMPERATIVE TASK

The resolution said the Central Committee meeting stressed that "an imperative task for our entire party is to mobilize—with the spirit of persevering in and advancing the anti-U.S. national salvation resistance toward total victory—all our forces, make outstanding efforts, courageously advance and, in close solidarity and co-ordination with the fraternal Lao and Khmer (Cambodian) armed forces and peoples, foil the Vietnamization policy and the Nixon doctrine in Indochina."

North Vietnam, it said, has "endeavored to provide adequate and timely support and assistance in human and material resources for the front-line."

The resolution repeated the communist demands that the United States destiny President Nguyen Van Thieu's government in Saigon as American forces disengage from Vietnam.

The United States must withdraw, it said, and "actually respect the South Vietnamese people's right of self-determination, stop supporting the puppet administration, and suppress its oppressive and coercive machinery in order to pave the way for the formation of a broad administration of national concord that will have the duty to organize a really true and democratic general election in the south."

Previous Communist statements have made it clear that Communist and pro-Communist elements must dominate Hanoi's idea of a "national concord" administration, and thus control the kind of elections which are to be held.

[From the Washington Evening Star, Apr. 14, 1972]

REASONS BEHIND HANOI DRIVE: "THIRD HISTORIC OPPORTUNITY"

(By Henry S. Bradsher)

SAIGON.—Behind the current North Vietnamese offensive lies a Communist assertion that a historic opportunity exists now to destroy the South Vietnamese government.

The assertion was made forcefully to Communist agents inside South Vietnam before the offensive began 16 days ago. The offensive is part of trying to seize that opportunity.

Through its forward headquarters for the South, Hanoi said the Saigon government "is collapsing on all fronts: military, political and economic." The South Vietnamese people hate the Americans and their own government, Hanoi said.

This line was taken to inspire a Communist effort to prepare a "spontaneous uprising" in the cities, while the North Vietnamese army (NVA) is launching conventional attacks on the Army of the Republic of Vietnam (ARVN).

The Saigon government "is disintegrating from top to bottom," Communist agents were told.

Another factor given for the historic opportunity is that, "with a presidential election in the United States in 1972, (President) Nixon will be forced to change his policies and attitudes to win reelection."

Just how he would change was not spelled out in a directive for Communists operating inside South Vietnam. The implication, however, was that Nixon would be unable to provide strong support for Saigon.

Some analysts have thought Hanoi has been surprised by the strength of the U.S. aerial bombardment which has met the offensive. They thought the North Vietnamese did not expect such a quick and large buildup of American warplanes in the area.

The directive was issued in late February by the Central Office for South Vietnam (COSVN). It operates as Hanoi's forward office for the war in the South.

A summary translation of the directive has now become available after a broad outline was known earlier. A copy was captured.

In outline, it calls for the Communists to organize popular uprisings after the NVA offensive has tied down ARVN forces, and Viet Cong units have attacked Saigon's local defense forces.

With the offensive well under way, Hanoi Radio has in the last few days been calling upon the Viet Cong to move into their phase of this plan. A broadcast yesterday said:

"In concert with the offensive by the Liberation main force troops, who have heavily battered the puppet main force troops on all battlefields, our guerrilla and regional troops . . . are stepping up their attacks to exterminate the enemy's oppressive forces in the countryside, especially the civil guard and militia forces."

These Communist troops—mostly composed of Northerners infiltrated into the South in the past—have become more active lately.

In the 24 hours which ended at 6 a.m. today, the Communists initiated 107 attacks on ARVN positions and towns across the country, 60 of them being mortar attacks. This was the highest number in 24 hours since the 1968 Lunar New Year—Tet—offensive.

The only area in which such attacks have become a significant problem so far is in the central highlands.

HIGHWAYS CUT

Viet Cong forces have cut several highways there. They have blocked the An Khe pass from the coast to Pleiku and Kontum.

This seems to be an effort to cut off overland supplies to government defenders around Kontum city. Some 35,000 NVA soldiers who have long been concentrating for an offensive in that area now seem to be massing to attack the provincial capital.

But when the "spontaneous uprising" is supposed to come remains unclear. And how successful it might be is open to speculation.

The COSVN directive, No. 43, sets the stage for it. The directive was issued after a political shift in Hanoi had subordinated economic development to a return to an all-out war effort.

DISTORTION SEEN

Parts of the directive seem to be based on ignorance or a deliberate distortion of the situation to encourage Communist agents.

It asserts that the Saigon government's pacification program "is in a state of total collapse." Although the government's enthusiastic claims for the program frequently seem exaggerated, this description of it is wrong.

The directive also says that "the five major movements in Saigon, including the Buddhist, student, and worker movements . . . and the movement for peace and withdrawal of all U.S. forces, have all expanded rapidly."

In fact, President Nguyen Van Thieu has succeeded in quieting down agitation by these and other groups.

Saigon is now calmly at work. It is impossible to measure how ardent the population is in its support of the government, but the visible opposition is much less than it was a year or two ago.

"RAPID MATURITY"

The directive claims that "our main force units have matured rapidly and are capable of defeating (the Saigon) army's main force units even though the latter enjoy extensive U.S. air, fire and mechanized support."

But it recognizes problems for the Communists.

"Party members (and officials) have exhibited a lack of determination . . . recruitment has been slow . . . successes achieved in the field of civilian proselytizing have been poor . . . recruitment of secret guerrillas has . . . been totally inadequate . . ."

These shortcomings must be overcome before the end of May, the directive says. This dating, set in February, suggests that the April offensive began a bit ahead of original schedule.

Despite Communist problems, government problems are so great that now is the third historic opportunity for the revolution, the directive says.

The first is described as "the spontaneous uprising of 1960," when Communist efforts to undermine the South Vietnamese government first became widespread. The second was the Tet 1968 offensive.

"The current opportunity calls for the revolution to launch another spontaneous uprising, and the entire party is ordered to call on the populace to rise up to defeat the Vietnamization program," the directive says.

Knowledge of this plan has not visibly affected the Saigon government.

There is a tendency here to feel that the Communists lack the support to stir up generally serious troubles in the cities, even though they might be able to cause isolated incidents.

WAR SITUATION

(Nhan Dan 11 April Editorial: "Implementing the VWP Central Committee 20th Congress resolution, let us completely defeat the U.S. aggressors and successfully build socialism").

(Text) In the political life of our party and our national revolution, an important event has just occurred. The VWP Central Committee 20th Congress has ended successfully. This Congress discussed and approved a resolution on the anti-U.S. national-salvation mission and the 1972 economic tasks.

The Congress unanimously asserted that our people's anti-U.S. National-Salvation resistance has scored great victories on all three military, political and diplomatic fronts. We have seriously bankrupted the Vietnamization policy and the Nixon doctrine of the U.S. imperialists. The victories on Route 9, in southern Laos, the high plateau and Snuol, on Route 6 in Cambodia and on the Plain of Jars, especially the Liberation armed forces' recent resounding victories in Tri-Thien, the high plateau, eastern Nam Bo and the Mekong Delta, are milestones marking an incessant development, both qualitatively and quantitatively, in the revolution of the three Indochinese countries. Never before in South Vietnam has there been such a seething, fierce and deep political struggle movement as the

Our people's fight—a just fight in the pres- recent movement that has spread over all the rural areas and cities and that has opposed the Pacification plan and the repressive, terrorist policy of the U.S. aggressors and their lackeys.
ent era—has gained enthusiastic sympathy and support from all progressive mankind. The bankruptcy of the Vietnamization plan and the Nixon doctrine is obvious. In recent days the puppet troops' disintegration in chunks on many southern battle fronts, the antiwar activities and collective surrender—which are likely to spread among Saigon officers and men—and the strong uprisings of hundreds of thousands of our compatriots herald a certainty: the U.S. imperialists will certainly and completely be defeated.

Turning toward the combatants who are surging forward to annihilate the aggressors and turning toward the loyal, stanch and indomitable southern compatriots and the northern compatriots who are working industriously, fighting heroically and wholehearted aiding the frontline, the Congress praised our entire party, armed forces and people for upholding their heroic bearing, winning glorious victories and creating a new situation for the anti-U.S. national-salvation resistance.

The Congress asserted that the balance of forces has turned increasingly in our favor and to the enemy disadvantage and that no matter how frenziedly the U.S. imperialists may writhe, they can by no means reverse this process of evolution. The characteristic of the present situation is that we are in a winning, active, advantageous, ascending posture and the enemy is in a defeated, passive, difficult, declining posture. We have the proper conditions to take the initiative in attacking the enemy, to smash the Vietnamization plan and the Nixon doctrine and to advance toward winning great new victories and leading the anti-U.S. National-Salvation resistance to total victory.

The Congress asserted that the U.S. aggressors, headed by Nixon, are extremely reactionary and stubborn. They have not yet renounced their evil design to invade our country and have schemed to turn the south into a neocolony and a U.S. military base and to permanently split our country. Forced to gradually withdraw from a war more costly in terms of men and money than it can stand, the Nixon clique continues to seek by all means to intensify its aggressive war and to step up the so-called "Vietnamization" and barbarous bombings and strafings against the northern part of our country while expanding the war to Cambodia and Laos and committing unpardonable bloody crimes.

The Nixon clique has arrogantly sabotaged the Paris conference on Vietnam and has incessantly uttered insolent arguments to threaten our people. To completely defeat the U.S. aggressors is the main task of our entire party, armed forces and people.

The plenum stressed: The urgent task of our entire party, armed forces and people in the present phase is to mobilize all our forces, to make tremendous efforts, to advance bravely, to persevere in and step up the anti-U.S. national salvation resistance until total victory, and to unite with and achieve close combat coordination with the brotherly Lao and Cambodian armed forces and peoples in order to defeat the U.S. Vietnamization policy, to defeat the Nixon doctrine and to win even greater victories in the anti-U.S. national-salvation resistance.

The strength of the socialist north, the vast rear of the south and the Indochinese revolution, is of very important strategic significance. Our armed forces and people in the north, when striving to build socialism, have the sacred duty to mobilize human and material resources to aid the frontline, to build and strengthen their forces, to insure uninterrupted communications and transportation under all circumstances, to satisfactorily implement all the rear's policies, to heighten their vigilance and combat-readiness level, to satisfactorily fulfill the people's air defense tasks, to counter the enemy's psychological and espionage warfare, and to appropriately punish all the new schemes and war acts of the Americans and their lackeys.

The VWP Central Committee 20th Congress asserted that in 1971 our people strove to struggle to fulfill the task of restoring and developing the economy in accordance with the trend of the 19th plenum resolution, to satisfactorily aid the frontline and to make their great contributions to the great victories on all battlefields. The national economy is being restored and developed. All conditions for stabilizing production and the people's daily life have been increased. The management of various activities has been initially improved. The economic situation is changing favorably but it is suffering from various difficulties created by the war and natural calamities. Our material and technical socialist bases are still weak, and our management is still filled with weak points and shortcomings.

POINTS AND SHORTCOMINGS

(Text) Our people's urgent economic objective is to struggle to rapidly increase products for society and the national income, to insure the needs of consumption of society and to create capital accumulation in the country in order to vigorously enlarge production and gradually improve the people's living conditions.

The VWP central committee plenum held that the state plan for 1972 is of great importance. The main tasks mentioned in the 1972 State plan passed by the VWP central committee were aimed at meeting the great demands of the anti-U.S. national salvation resistance, strongly developing the realization of the great trends of the resolution of the 19th plenum of the VWP central committee, struggling to score the greatest achievements for this year's State plan while making good preparations for the State plans for 1973 and the following years, insuring the successful fulfillment of the missions of restoring and developing the economy and gradually advancing toward large-scale socialist production.

With a view to successfully fulfilling these missions and to rapidly making economic activities develop in a systematic and balanced way and with a high rate, the VWP central committee decided to take an urgent measure, decisive for a change in the State-managed economy, by strengthening and improving economic management. The basic lines to improve economic management is to do away with the administrative methods of managing material supplies, conduct management according to socialist enterprise methods, overcome the management methods of small-scale production and contribute toward leading our State-managed economy from small-scale production to large-scale socialist production.

Therefore it is necessary to gradually set up an economic management network in accordance with the concrete conditions of our country. Strengthening and improving the improvement of economic management in accordance with our party's lines and concepts and with the concrete conditions for our country is the important task and duty of all branches, levels and basic units in the area of the state-managed economy as well as in that of the collective economy and in various management areas such as systemization, economic auditing, economic levers, scientific and technical management and organization of the management apparatus.

It is necessary to improve and strengthen the organization of economic management in line with the principle of centralized democracy. It is necessary to coordinate management according to branch and level. It is necessary to uphold the initiative and creativity of the different branches and localities, to fully develop the capabilities of various branches and localities and to build correct, close relationships between various branches and levels.

Production and trade bases are advanced posts on the economic front. It is necessary that various branches and levels concentrate efforts on improving management at the basic level, including all bases of production, circulation and service branches run by the State or the collective.

The plenum pointed out: The decisive factor for successfully carrying out socialist construction is strengthening party leadership over the economy from the central level down to the bases, fully exercising the working people's right to collective ownership, streamlining the administration and developing its power and its managerial effect.

All our party members and workers must thoroughly understand the party central committee's resolution, work in a disciplined and organized fashion, according to techniques and with high output, unceasingly study culture, science, technology and economic management and must statisfactorily fulfill tasks entrusted them by the party and State.

The resolution of the 20th central committee plenum shows all our party, army and people the direction and objectives in order to lead our anti-U.S. national salvation undertaking and socialists construction to success. It is a great source of encouragement for all our army and people, who are advancing with the impetus of victories and with determination to defeat the U.S. aggressors' Vietnamization scheme and the Nixon doctrine, it is a bugle call urging our combatants and compatriots to bravely advance toward winning even greater victories.

Let us create a seething, vigorous and practical movement to perform revolutionary acts among all our party members, troops and people and let us resolutely and successfully implement the resolution of the 20th party central committee plenum, Proud, confident and united, millions as one, let us implement, in one way or another, President Ho's sacred testament, completely defeat the U.S. aggressors and successfully build socialism.

The front line is winning great victories. Our rear has become more steadfast and strong. We are in an uphill postion and our forces are developing further. A seething revolutionary atmosphere prevails throughout the country. Military feats and achievements have elated our people. In the light of the resolution of the 20th party central committee plenum, let all our party, army and people devote all their efforts to advancing our sacred resistance toward complete victory. Forward! Total victory shall be ours!

DEVELOPMENT OF NORTH SLOPE OF ALASKA

Mr. STEVENS. Mr. President, there can be no doubt that America needs dependable sources of energy. Today the Nation depends on petroleum and natural gas for 75 percent of its energy and demands will triple by the end of this century.

Against this background the development and delivery of America's vast riches on the North Slope of Alaska become imperative.

The Detroit News editorialized on this subject March 27 in an article entitled "Alaska Pipeline: A Dilemma." I ask that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ALASKA PIPELINE: A DILEMMA

The Interior Department's massive study of the proposed pipeline for transporting Alaskan oil to market is the classic statement to a modern dilemma.

While the nation must have the oil, the oil can't be delivered without risks to the environment.

What to do?

When environmental interests collide with economic needs and with the demands of national security there can be no absolutely satisfactory resolution of the conflict. There must be a compromise which fulfills economic needs and national security while holding the environmental risks to a minimum.

Seventy-five percent of this country's energy comes from petroleum and natural gas. Demands for energy will triple by the end of this century. The nation cannot depend on oil supplies from foreign countries where political instability is the only thing predictable. America needs dependable domestic supplies of its own.

Against this background, development and delivery of the vast riches of Alaska's North Slope become imperative.

The main delivery systems are being discussed. One is a 789-mile pipeline running south across Alaska from Prudhoe Bay to the ice-free port of Valdez, where the oil would be loaded in ocean-going tankers to be hauled to the West Coast. The other is a pipeline across Canada to the U.S. Middle West.

The Interior Department's report expresses no preference. Neither route would be free of environmental hazards. If time is of the essence, however, the trans-Alaska line appears the more logical. Its planning is much further advanced, and it is at least as feasible economically.

Environmentalists express concern about the dangers of pollution. If the oil line should rupture, the delicate tundra of the Arctic plain would suffer. Some wildlife experts think the line might frighten herds of animals and inhibit their migration. There is also the possibility of spills from the ocean-going tankers.

Paradoxically, by their legal challenges and their relentless exertion of pressure on the Interior Department, the environmentalists have weakened their own case against the pipeline. In response to the pressure, the government has guaranteed that the construction and operation of the line will be covered by "the most stringent and comprehensive set of terms and conditions dealing with environmental protection ever attached to the granting of a permit to use public lands."

The nation owes the environmentalists a debt for assuring this protection. But the environmentalists are passing now from the role of protector to the role of obstructionist.

The Interior Department's latest report brings to at least 13 the number of studies on the impact of the Alaska pipeline. Hearings have produced huge volumes of testimony. However, environmental groups plan further legal challenges and demand still more hearings.

It is time for the government to act. After everybody has had a decent period of time in which to read the latest study and express an opinion, the government should at last make a decision and make that decision stick.

One of America's most fervent environmentalists, certainly one of the strongest defenders of Alaskan beauty and resources, is former Interior Secretary Walter Hickel. In his book "Who Owns America?" Hickel wrote with regard to the proposed Alaskan pipeline:

"Americans realize that we cannot 'stop the world and get off.' Nor can we simply turn off the ignition of America. To do so would be to plunge our nation into economic, political and industrial darkness. The key is to do the job right."

Let's do the job right—but let's do it.

FOOD PRICES

Mr. CURTIS. Mr. President, much has been written and spoken about food prices, particularly meat prices, in recent weeks.

Last week, the Price Commission, under the chairmanship of Mr. C. Jackson Grayson, Jr., held some hearings on the problem.

I wrote a letter to Mr. Grayson and submitted some pertinent information from an article published in Feedstuffs magazine on March 27, 1972.

In the interest of giving as wide coverage as possible to this information, so that the Commission will not succumb to economic fallacy and impose price controls on agricultural products, I ask unanimous consent that my letter to Mr. Grayson and the pertinent portion of the Feedstuffs article be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

APRIL 17, 1972.

Mr. C. JACKSON GRAYSON, Jr.
Chairman, Price Commission,
Washington, D.C.

DEAR MR. CHAIRMAN: I followed with great interest the hearings which the Price Commission held under your direction last week on food prices, and particularly the price of red meat.

A very significant article appeared recently in *Feedstuffs* Magazine on this subject. It praised the work that the Price Commission has done to date but cautioned strongly against imposing price controls on agricultural products. It cites convincing facts in opposition to such controls.

I respectfully request that the pertinent portion of the "Top of the Hopper" column written by Mr. Daryl Natz in *Feedstuffs* for March 27, 1972, be made a part of the record of the Commission's hearings. A copy of that portion of the article is enclosed.

Sincerely yours,

CARL T. CURTIS,
U.S. Senator.

[From Feedstuffs magazine, Mar. 27, 1972]

TOP OF THE HOPPER

(By Daryl Natz)

Despite the problems associated with wage and price controls, the pay and price boards "are making progress against inflation," in the view of Edward G. Boehne, a vice president and director of research for the Federal Reserve Bank of Philadelphia. In an appearance at the USDA-sponsored national agricultural conference, Boehne suggested that such progress is one reason why he feels the rate of inflation will be less this year than in 1971. A second reason, he says, is that the outlook for increasing productivity (output per man-hour) is good; "this reduces the "cost push pressures" on prices and puts a damper on inflation. Third, even though the economy is expanding, there still is excess capacity in plants around the country. In other words, Beohne says, we're still in a buyers' market. Put together, these three factors are "major strides" in reducing inflation, he explained.

Last year the profits were squeezed out of the broiler market by high corn prices. This year, soybean meal promises to do some of the same. The National Broiler Council says that the continuing increase in the price of soybean meal is "of mounting concern" to the broiler industry. NBC explains that the severity of the price squeeze on soybean meal in the immediate future is shown in current price projections. From March 1 this year until next October 1, prices of soybean meal are expected to average $13 a ton above 1971. Assuming a 2.2 feed conversion ratio, a 0.73 yield and feeds containing an average of 24% soybean meal, the increase in meal prices should increase the cost of broiler production by 0.533¢ per pound, ready-to-cook basis, at least until October 1st the increase in the cost to the total broiler industry during this period will be about 25.6 million NBC predicts. Agriculture Secretary Butz' defense of higher farm prices has put him at odds with the Chairman of the Presidential Price Commission (*Feedstuffs*, March 20). C. Jackson Grayson has termed Butz' statements about the desirability of higher meat prices "damaging." Asked for his reaction, Butz said that he favors higher farm prices, not necessarily higher food prices, and that his remarks were not damaging to price stabilization. The secretary noted that in the last 10 years, farm prices rose only 6% while wholesale prices have climbed 21% and retail prices are up 44%. The retail price of food has inflated the wages built into food costs, Butz added, "and I feel bad when the blame is put on farmers for higher prices." He explained that the farmer only gets 38¢ out of the retail food dollar. Before consumers accept controls on food costs, Butz noted, they must understand that they'll be subject to possible rationing of foods. He also said he has no intention of quieting down as a result of Grayson's criticism.

THE BRITISH SYSTEM OF CONTINENTAL SHELF LEASING

Mr. HANSEN. Mr. President, during the hearings of the Committee on Interior and Insular Affairs on the Outer Continental Shelf, conducted pursuant to Senate Resolution 45, I called attention to the British system of offshore leasing with a view toward recommending further analysis of that leasing system before reaching any conclusions or making any recommendations on the subject. The British system relies heavily on the work program of the applicants as the principal determining factor for the awarding of Continental Shelf leases rather than on the amount of bonus bids as does the U.S. Interior Department. The British system thereby eliminates the need to tie up capital in the form of a payment of initial consideration.

Accordingly, such funds may be used to expedite development and thereby bring the oil and gas to market sooner. In light of contemporary forecasts predicting a 50–60 percent dependence on foreign oil by 1980–85, it would be well to consider how we might mitigate our energy crisis by providing better incentives to step up domestic production. One possible means toward achieving such ends would be to give serious consideration to adapting the British system of Continental Shelf leasing to our own needs.

A particularly useful and scholarly comparative analysis of the United States and British Continental Shelf natural gas leasing systems was prepared by Mr. Oliver L. Stone and published in volume IV, No. 4 of the Natural Resources Lawyer.

Mr. President, I ask unanimous consent that Mr. Stone's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONTINENTAL SHELF NATURAL GAS, INCLUDING A COMPARISON OF SIGNIFICANT FEATURES OF THE SYSTEMS OF THE UNITED STATES AND THE UNITED KINGDOM

(By Oliver L. Stone*)

INTRODUCTION

A substantial volume of the natural gas consumed in the United States starts its journey from wells located in the U.S. Continental Shelf, particularly in the Gulf of Mexico off the coast of Louisiana. It appears that, similarly, an ever-increasing quantity of natural gas consumed in the United Kingdom has as its source, wells located on the U.K. Continental Shelf in the North Sea. Each of these streams of gas, and events leading to its production, are subject to varying degrees of governmental intervention in its journey from reservoir to consumption. This paper will deal primarily with the situation in the U.S., but will also contain some discussion of the differences between the U.S. and the U.K. systems.[1]

Long prior to the moment that natural gas from the U.S. outer continental shelf fires the burners in various sections of the country, time measured in years and money measured in many millions of dollars have been expended in geological and geophysical work, leasing, drilling, producing, transporting, and distributing this highly desirable fuel. Each of these essential steps in making the gas available is subject to some statute and accompanied by some type of governmental regulation or overview, the more prominent aspects of which will be examined in tracing the gas from the outer continental shelf to the burner tip in some faraway state.[2]

I. THE U.S. OUTER CONTINENTAL SHELF LANDS ACT OF 1953[3]

A. Background and geographical coverage of the act

In September, 1945, President Truman issued his famous proclamation on the continental shelf,[4] proclaiming that the U.S. regards the natural resources of the subsoil and seabed of the continental shelf beneath the high seas but contiguous to the coasts of the U.S. "as appertaining to the United States, subject to its jurisdiction and control." Despite the Truman Proclamation, it was not until adoption of the Submerged Lands Act of 1953[5] that legal authorization existed for oil and gas leasing in any part of the submerged lands of the U.S. Continental Shelf outside of inland waters. This is so because the Supreme Court held in 1947 as to California, and in 1950 as to Louisiana and Texas that these states had no title to or property interest in the submerged lands off their respective coasts outside of inland waters. The federal government, as against these three states, was decreed to be possessed of paramount rights in and full dominion and power over the lands, minerals and other things underlying the waters offshore of these states and outside of inland waters, to the extent of three nautical miles off California, twenty-seven marine miles off Louisiana, and to the outer edge of the continental shelf off Texas.[6]

The Submerged Lands Act grants to the coastal states title and leasing rights to the submerged lands and natural resources within such lands seaward to a line three geographical miles from the coast line or to the state's historical boundary as it existed at the time the state entered the Union. In no event, however, shall the state's boundary under this Act extend more than three geographical *miles* into the Atlantic Ocean or the Pacific Ocean, or more than three marine *leagues* into the Gulf of Mexico.[7]

The Outer Continental Shelf Lands Act (hereafter "Outer Shelf Act" or "Act") picks up exclusive seabed and subsoil jurisdiction and control for the federal government at the offshore boundaries of the coastal states, and carries that jurisdiction and control to the fullest extent seaward that the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. It makes clear that the character as high seas of the overlying waters of that area and the rights of navigation and fishing therein are not affected.

The Act defines the term "outer Continental Shelf" as all submerged lands lying seaward and outside the lands granted to the states by and described in the Submerged Lands Act, "and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control."[8] Thus the outer geographical limit of the Act's applicability is not defined with specificity. Its elasticity in that regard appears to enable the U.S. to reach out to whatever extent it is legally capable of reaching.

It is the writer's opinion that the geographical limit to seaward of the Outer Shelf Act is co-extensive with the 1958 Convention on the Continental Shelf,[9] to which the United States and 43 other nations are now parties. That Convention vests in the coastal nation the sovereign right to explore its continental shelf and to exploit the natural resources thereof. These rights are exclusive to the coastal nation, not being dependent upon occupation or proclamation; and no other nation may undertake such operations on a coastal nation's continental shelf without the latter's consent. The Convention defines the term continental shelf as follows:

> For the purpose of these articles, the term "continental shelf" is used as referring (a) to the seabed and subsoil of the submarine areas adjacent to the coast but outside the area of the territorial sea, to a depth of 200 meters or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; (b) to the seabed and subsoil of similar submarine areas adjacent to the coasts of islands.

From an analysis of the preparatory work leading to the Convention it is my view that the Convention grants coastal nations exclusive sovereign rights to the natural resources of the seabed and subsoil of their continental *margins*, i.e., to the outer limit of the submerged land mass, including the geological continental shelf, the borderland, the slope, and at least the landward portion of the continental rise.[10] This view also finds support in the rationale of the International Court of Justice in *North Sea Continental Shelf Cases*,[11] It is also my view that the seaward reach of the Outer Shelf Act coincides with that of the Convention.

B. Leasing procedures and operating requirements applicable to U.S. outer shelf lands

The Secretary of Interior (Secretary) is empowered to administer the Outer Shelf Act and its leasing procedures, and to prescribe rules and regulations in that regard.[12] With respect to oil and gas leasing, the following requirements apply:

(a) Leasing is by competitive bidding pursuant to sealed bids which must be submitted at a place and time designated by the Secretary in the 30-day prior public notice of such letting which he is required to give.

(b) A lease can be granted only to "the highest responsible qualified bidder."[13]

(c) The bidding shall, at the discretion of the Secretary, be either (i) on the basis of an open cash bonus (initial consideration) with a royalty fixed by the Secretary at not less than 12½% in amount or value of the oil and gas production saved, removed or sold, or (ii) on the basis of an open royalty, but at not less than 12½%, with a cash bonus fixed by the Secretary.

(d) The lease covers both oil and gas,[14] and grants the lessee the exclusive right to drill for, mine, extract, remove, and dispose of all oil and gas deposits (except helium gas) in or under the area which is specifically described in the lease. Of course, the lessee is obligated to pay the United States the royalty specified in the lease. Up to now, this royalty has been fixed at 16⅔%.

(e) The leased acreage must be in a compact area, and the oil and gas lease cannot cover more than 5,760 acres. There is, however, no limit on the number of leases any one party may acquire or hold.

(f) The lease shall be for an initial period (primary term) of five years and as long thereafter as oil or gas may be produced from the leased lands in paying quantities, or drilling or well reworking operations as ap-

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Footnotes at end of article.

proved by the Secretary are conducted thereon. During the primary term and in the absence of production the lease may be continued in force by the payment of the annual rental. The lease shall contain such rental provisions and such other terms and provisions as the Secretary may prescribe at the time of offering the area for lease. The law, as indicated, permits the Secretary to call for oil and gas lease bids on one of two bases: (i) a fixed royalty at not less than 12½% with an open bonus, or (ii) a specified and fixed bonus, with an open royalty of not less than 12½%. Since the enactment of the Act in 1953 the Secretary has held numerous oil and gas lease "sales" (as they are called), and to date he has held numerous oil and gas lease "sales" (as they are called), and to date he has always elected to go the "open bonus" route. That means, of course, that the bidder who submits the highest bonus offer gets the lease.[15]

Usually, the manner in which an oil and gas lease "sale" is initiated is for the Secretary, either on his own initiative or at the request of interested parties, to call for "nominations" for acreage to be offered for lease. If sufficient interest is indicated a lease "sale" will be held following public notice of the acreage offered for lease, the time and place for bids to be submitted, and other relevant information regarding the letting. Recently the Secretary has announced that lease sales will be regularly scheduled over a specified future period.

The Act empowers the Secretary to grant rights-of-way through the submerged lands of the outer continental shelf for pipeline purposes for the transportation of oil, natural gas, sulphur, or other mineral. The law makes it a condition of such grants that an oil or gas pipeline installed pursuant to the grant "shall transport or purchase without discrimination, oil or natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts" as certain designated federal agencies may, after public hearing, determine to be reasonable.[16]

The Secretary is empowered under Section 11 of the Act, at his discretion and upon request therefor, to issue to any person the authority to conduct geological and geophysical explorations in the outer Continental Shelf. These "permits," as they are frequently called, do not authorize the permittee to produce oil or gas. They are designed to enable interested parties to do the needed preliminary work to determine what areas they will be interested in bidding on to obtain an oil and gas lease.

In addition to the leasing provisions of the Act, it specifies what laws shall apply to activities in the outer Continental Shelf.

The Act extends the "Constitution and laws and civil and political jurisdiction of the United States" to "the subsoil and seabed of the outer continental shelf and to all artificial islands and fixed structures which may be erected thereon for the purpose of exploring for, developing, removing, and transporting resources therefrom, to the same extent as if the outer continental shelf were an area of exclusive federal jurisdiction located within a state . . ." [17]

The Act adopts as "the law of the United States" for application to the subsoil and seabed, and artificial islands and fixed structures in the outer shelf, "the civil and criminal laws of each adjacent state as of" August 7, 1953 but only to the extent such state laws "are applicable" and "not inconsistent with this Act or other Federal laws and regulations. . . . now in force or hereafter adopted." [18]

As the foregoing summary of the Act indicates, the would-be lessee of an outer shelf natural gas lease would have to obtain a permit from the Secretary if he wished to perform geological and geophysical work to prepare himself for the lease sale which he can only hope will be forthcoming within a reasonable time. If he happens to be the successful bidder on one or more of the tracts offered, he must obtain a permit to drill from the U.S. Geological Survey and another permit from the Corps of Engineers, and in the drilling, completion and production processes he must comply with rigid regulations and standards imposed by the Secretary. If he is thereafter fortunate enough to discover a reserve of natural gas sufficiently large to attract a purchaser, he is then confronted with another law which significantly affects his use or disposition of the natural gas. We now turn to that law.

II. THE NATURAL GAS ACT [19]

A. Regulation of producers of natural gas

1. Certificate and rate matters

This Act (hereafter sometimes called the "Gas Act"), enacted in 1938, applies to (1) the transportation of natural gas in interstate commerce and (2) the sale in interstate commerce of natural gas for resale. Anyone engaging in either of those activities becomes a "natural gas company" subject to regulation by the Federal Power Commission (FPC), the agency empowered to administer the provisions of the law. The Gas Act does not apply to a sale in intrastate commerce nor to a sale which is not for resale. Moreover, "production and gathering" of natural gas are expressly exempted from the Act's coverage, but the U.S. Supreme Court in the famous *Phillips* case [20] held that field sales of natural gas by producers to interstate pipelines for transportation in interstate commerce for resale were covered by the Gas Act and subject to FPC's jurisdiction thereunder. The Court's decision stripped the production and gathering exemption of most of its meaning and utility to producers.

The Gas Act defines "interstate commerce" as "commerce between any point in a state and any point outside thereof. . . . but only insofar as such commerce takes place within the United States."[21] As to jurisdictional sales it provides in section 7 that delivery of gas thereunder shall not commence until the seller has obtained from FPC a certificate of public convenience and necessity, the issuance of which must be preceded by a hearing.[22] In the certificate hearing, FPC can and does inquire into the price and may issue the certificate on condition that the contract price be reduced. The question of what price FPC considers to be in the public convenience and necessity (the price criterion in a certificate proceedings as distinguished from a rate proceeding) is a matter which has undergone much debate and litigation, and no attempt will be made here to detail the ramifications of the problem. Suffice it to say that there is some indication that FPC is approaching the point where, hopefully, realistic certificate prices will be approved on some rational procedural basis which will avoid the necessity and harmful delays attendant to prolonged hearings and court review each time a producer makes a jurisdictional sale of natural gas.

Once the producer has accepted a certificate and commences delivery, his concern regarding price is not at an end. Under section 5 of the Act.[23] FPC may at any time initiate a rate proceeding to review the price to determine whether or not it meets the "just and reasonable" standard which section 4 of the Act imposes [24] and FPC may reduce the price prospectively if it does not meet that standard. Moreover, if the seller, though contractually authorized to do so, wishes to increase the price applicable to a jurisdictional sale, he must file notice thereof with FPC which may suspend the increase for five months, and, after hearing, may reduce the new price retroactive to its effective date if it is determined not to be just and reasonable.

The difficult problem of determining a just and reasonable price for producers' gas has regrettably been the subject of a long series of unfortunate experiments and developments at the FPC level. To capsule the events: First, the Commission undertook to fix just and reasonable prices for producers' sales of natural gas on an individual company-by-company basis, using the traditional cost-of-service concept long employed in pipeline rate-making. But in 1960 the Commission threw up its hands and recognized the inevitable: the nature of the gas producing business and the thousands of companies engaged therein made the individual company-by-company approach a practical impossibility; and FPS pronounced that thenceforth, it would establish producer rates on an area basis, to which end it divided the country into a number of pricing areas. The Supreme Court agreed that this approach was legally permissible.[25] But the Commission again approached its producer rate review powers with undue focus and reliance upon cost-of-service, and, after many years of costly hearings came forth with its first producer area rate opinion in the *Permian Basin Area Rate Case*.[26] The FPC's opinion was affirmed by the Supreme Court.[27] FPC instituted area rate proceedings covering more than 90% of the natural gas produced in the U.S., and in 1968 issued its decision fixing rates in the Southern Louisiana Area Rate case (which also includes the offshore area), employing principally the cost methods it had employed in the Permian case.[28]

The U.S. Court of Appeals for the Fifth Circuit affirmed the Commission's order in the Southern Louisiana case,[29] but expressed concern regarding FPC's failure to make findings regarding the effect of its rates on future gas supplies from the highly important Southern Louisiana area. On rehearing, the Court made clear that FPC could reopen the proceedings (which in the meanwhile it had done) and that in the reopened proceeding FPC could change retroactively the rates it established in the original proceeding if it found that the previously established area rates were not adequate to elicit much-needed supplies of gas.[30] As of this writing, a proposal to settle this proceeding is awaiting FPC action.

On May 6, 1971, FPC issued its Opinion No. 595 in the Texas Gulf Coast Area Rate Case in which it departed to a substantial degree from the rigid cost methods employed in its *Permian* and *Southern Louisiana* decisions. While using cost evidence and the Examiner's findings with respect thereto, FPC also gave consideration to increasing cost trends, the producer's need for internal generation of funds, and the need to induce the search for gas. Pursuant to a number of applications for rehearing, the Commission has granted rehearing of its decision in order to give further considerations to the applications.

Other area rate proceedings, including a settlement of the Hugaton-Anadarko Area Rate case, are pending before FPC or the courts. Thus, some 17 years after the Supreme Court forced FPC regulation upon producers, the Commission, though continuously wrestling with the dilemma, has not yet found a definitive and realistic method to apply a public utility type rate regulatory statute to the non-utility business of producing natural gas. Appropriate legislation seems to be the only practical and sensible solution to the problem—a problem, I might observe, which is of crucial significance to all Americans in light of the fact that gas supply is diminishing to critical levels in relation to demand.[31]

2. Some Jurisdictional Aspects of U.S. Outer Shelf Gas

The Gas Act, it will be recalled, applies to the sale in interstate commerce of natural gas for resale. The Act defines interstate commerce as "commerce between any point in a state and any point outside thereof, . . . but only insofar as such commerce takes

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Footnotes at end of article.

place within the United States." With respect to the "interstate commerce" aspect, several questions arise with respect to gas produced from the outer Continental Shelf. Interest is added to this question because the Gas Act has been held not to be a "foreign commerce" Act,[32] although a permit is required to import gas from or to export gas to a foreign country.[33]

In the normal situation, a producer of Outer Shelf gas sells it to an interstate pipeline company which transports the gas long distances across several state lines. In such situations it is generally accepted that the sale is in interstate commerce and such sales have been so treated by FPC in many instances. But if the producer of Outer Shelf gas sells the gas to a pipeline company whose line originates in the Outer Shelf and terminates in the adjacent state, or, if the producer builds his own pipeline and moves his Outer Shelf gas for consumption in his own plant in the adjacent state, it might be contended that such sale is not in interstate commerce on the theory that to be jurisdictional, the sale must cover gas which originates in the U.S. and outside of the state in which consumed; and since the Outer Shelf is beyond the territorial sea of the U.S., or, if deemed within the U.S., as a legal fiction, it must also be deemed to be within the adjacent state, the sale does not meet these requirements.[34] Additionally, as to the second of the foregoing situations, where the producer moves his own gas in his own line for consumption in his own plant, it may be asserted that, even assuming the movement to be "interstate," there is no "commerce" involved in a strict legal sense, hence FPC has no jurisdiction over the transportation of such gas.

While the foregoing questions have not all been judicially put at rest, FPC has been judicially affirmed under the "commingling doctrine" where it held to be jurisdictional the sale of Outer Shelf gas to an interstate pipeline which in turn sold off gas within the adjacent state. The basis of the ruling is that once gas is sold with delivery into the commingled stream of an interstate pipeline which is engaged in transporting portions of the stream to other states where it will be sold, such gas becomes part of the commingled interstate stream.[35]

But a more intriguing question would present itself as to gas which might be discovered on the U.S. Outer Shelf beyond the 200-meter (656.4 foot) water depth line, if current activity at the international level results in the coming into effect of the U.S. Draft Treaty on the International Seabed Area[36] which the U.S. put forth as a working paper at the August 1970 meeting in Geneva of the U.N. Seabed Committee.

The Draft Treaty would result in the entirety of the seabed area seaward of the 200-meter isobath becoming "the common heritage of mankind." No nation could claim or exercise sovereignty or sovereign rights over any part of the newly created "international seabed area" or its natural resource; and each party to the treaty would agree not to recognize any such claim or asserted right by any nation. According to the Draft Treaty, no nation has nor may it acquire any right, title, or interest in the international seabed area or its natural resources except as provided in the treaty. In gist, the Draft Treaty would result in the U.S. renouncing its existing exclusive sovereign rights in seabed resources of its continental margin beyond the 200-meter isobath in return for such limited rights in that area as the international community, by the grace of the treaty, would see fit to reinvest in it.[37]

If the Draft Treaty in its present context should come into force with the U.S. a party to it, the question arises as to the jurisdictional status of natural gas produced in the international seabed area off the coast of the U.S. (*i.e.*, that portion of the U.S. continental margin seaward of the 200-meter isobath) and brought directly into one of our coastal States. Would such gas be in "interstate commerce" as that term is defined in the Gas Act? That Act, it will be recalled, while defining interstate commerce as commerce between "any point in a State and any point outside thereof" none the less specifies that interstate commerce so defined, encompasses commerce "only insofar as . . . (it) . . . takes place within the United States." If the U.S. renounces all right, title, and interest to the "international seabed area," how can a sale of gas from that area be deemed to have taken place within the U.S.?

Moreover, the transportation of gas from the "international seabed area" into a coastal state would not appear to come within § 3 of the Gas Act, as that section requires FPC authorization to "import any natural gas from a foreign country," and the "international seabed area" hardly fits the "foreign country" status, as the Draft Treaty recognizes it as "the common heritage of mankind."

To sum up on the producer aspect of Outer Shelf gas, before turning to its transportation and distribution, it is noteworthy that practically every phase of producer activity in this area is subject to some sort of governmental regulations or supervision, including conservation aspects, such as the fixing of allowables, which latter function has recently been taken over from the coastal states by the federal government.[38]

B. Regulation of interstate transportation of natural gas

The interstate transporter of natural gas is subject to FPC regulation as to both the transportation and sale for resale aspects of his business. Under § 7(c) of the Gas Act[39] a certificate of public convenience and necessity must be obtained from FPC before gas can be transported in interstate commerce or before anyone shall "undertake the construction or extension of any (jurisdictional) facilities therefor, or acquire or operate any such facilities or extensions thereof." In determining whether or not to issue a certificate to a pipeline for the interstate transportation of gas, FPC will consider such matters as the economic feasibility of the project, the adequacy of supply and markets, the price at which the gas is to be sold, whether there is a need for the service, and whether the facilities to be constructed are properly and economically designed.

The FPC has the same authority respecting rates charged by interstate pipelines as it does regarding prices charged by producers. The major difference in this respect is the method of ratemaking employed by FPC in regulating pipeline rates *vis-a-vis* producer rates.

With the exception of gas supplied from the company's own reserves or those of its affiliates[40] FPC in pipeline cases prescribes rates upon the cost-of-service method using a given year as the test year. This method is based upon net investment, i.e.. the original cost of property used and useful in the public service, less accrued depreciation, with an allowance for necessary working capital. The cost of service which is to be recovered through rates includes all operating and maintenance expenses, depreciation, depletion and taxes, plus a fair rate of return on the rate base. This method of ratemaking for pipelines has been applied by FPC since the *Hope* case[41] which approved it as an appropriate method of ratemaking.

The *Hope* case announces the standard for a fair rate of return for pipelines to be a return which is commensurate with the return on investment of other enterprises with comparable risks, and which will be sufficient to assure confidence in the financial integrity of the enterprise so as to maintain its credit and attract capital. Recently, FPC has been allowing rates of return to pipelines in the range of 7¼ to 7½%.

The Gas Act is not a common-carrier nor a common-purchaser statute, but as to Outer Shelf gas, a pipeline company which plans to construct a pipeline in that area must obtain a right-of-way from the Secretary of Interior who is authorized to make such grants under § 5(c) of the Outer Shelf Act.[42] That subsection provides that the right-of-way grant shall be "upon express condition that such . . . gas pipelines shall transport or purchase without discrimination, . . . natural gas produced from said submerged lands in the vicinity of the pipeline in such proportionate amounts as the Federal Power Commission, . . . may, after a full hearing with due notice thereof to the interested parties, determine to be reasonable, taking into account, among other things, conservation and the prevention of waste."[43]

Neither the Commission nor the courts have yet passed upon the precise applicability of § 5(c) of the Outer Shelf Act, and until they do it would be too speculative to attempt to predict the precise nature of the obligation imposed by that provision of the law.

Section 8(h) of the Gas Act affords the holder of a certificate of public convenience and necessity issued by FPC the eminent domain right to acquire rights-of-way to lay its line to transport gas, as well as the right to condemn necessary sites for stations and other facilities necessary to operate the line.[44]

C. Regulation of distribution of natural gas

Distribution is the third of the separate btu interdependent segments of the natural gas industry involved in getting gas from the reservoir to the consumer. While there are, of course, some sales of gas made directly to consumers by producers and pipeline companies (e.g., sales to industrial consumers), the distributor is the main seller to consumers.

Distributors normally operate pursuant to local authorizations to distribute and sell gas in their designated service areas, and with perhaps isolated exceptions, they have an exclusive franchise to sell gas in those areas.

In the typical case, the gas distributor buys its gas from the pipeline company at the "city gate." If the seller is an interstate pipeline company, the rate charged by the pipeline is subject to regulation by FPC, as heretofore discussed. If the gas is purchased by the distributor from an intrastate pipeline company, the rate is sometimes subject to the jurisdiction of an administrative agency of the given state.

As distributors are public utilities which generally must furnish service on request, they have rights of eminent domain to enable them to perform the service which the law requires of them.

Despite the fact that § 1(b) of the Gas Act[45] expressly states that its provisions shall not apply "to the local distribution of natural gas or to the facilities used for such distribution," the Supreme Court held that where a distributor took delivery of gas from an interstate pipeline at the state border and distributed that gas through its own lines wholly within such state, FPC nonetheless had jurisdiction over such distributor.[46] But in 1954, Congress enacted the Hinshaw Amendment[47] which effectively exempted from FPC jurisdiction distribution companies operating within one state. To come within the Hinshaw exemption, the following requirements must be satisfied:

(i) The sale must take place within or at the boundary of the state;

(ii) All of the gas must ultimately be consumed within the state; and

(iii) The rates, services and facilities of the company must be subject to regulation

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Footnotes at end of article.

by the State Commission and such Commission must be exercising its jurisdiction over such company.

Thus, with the Hinshaw Amendment, the typical distributor is subject to regulation by the appropriate State or municipal authority in the state in which it operates, but is not subject to regulation by FPC.

In most states, regulatory authority over distributors is exercised by state commissions which impose various obligations, including the following: [48]

(a) Service must be extended on comparable terms to all qualified customers within the designated service area who apply for service;

(b) Service must be adequate and safe, and must cover both the minimum and maximum requirements of each customer, subject to regulation or special contract;

(c) Rates must be reasonable for each class of service rendered; and

(d) There must be no unjust discrimination among customers either as to service or rates.

The appropriate state agency fixes the reasonable rate to be charged by the distributor, with the precise method of determining that rate varying among the states. Other than to mention that the method employed is designed to enable the distributor to earn a fair return on the reasonable value or, in some cases, the depreciated original costs of its property used and useful in the public service, this paper will not undertake to examine the varying rate-making approaches employed in the various states.

III. SOME DISTINCTIONS BETWEEN THE UNITED STATES AND BRITISH SYSTEMS

A. The British system for oil and gas leasing in the North Sea

One month prior to its ratification of the Convention on the Continental Shelf, the United Kingdom adopted its Continental Shelf Act, 1964 [49] (hereinafter "U.K. Shelf Act") titled "An Act to make provision as to the exploration and exploitation of the continental shelf." Section (1) reads:

> Any rights exercisable by the United Kingdom outside territorial waters with respect to the sea bed and subsoil and their natural resources, except so far as they are exercisable in relating to coal, are hereby vested in Her Majesty.

Like the U.S. Outer Shelf Act, the U.K. Shelf Act contains no specific limit to its geographic coverage to seaward, which would seem to be limited by the Convention on the Continental Shelf.

As to the North Sea, the waters of which are less than 200 meters deep except for the Norwegian trough, the entirety of the seabed and subsoil forms part of the continental shelf of some nation, with the provisions of Article 6 of the Convention being applicable for boundary determination purposes as to nations which are parties to the Convention.[50]

The Crown by Order in Council has declared what is deemed unquestionably the U.K.'s portion of the North Sea to be a "designated area." [51] For licensing purposes the area has been gridded off into blocks of about 250 square kilometers (about 98 square miles).

The Minister of Power ("Minister") has promulgated regulations specifying who may apply for licenses, the form of the application, and the terms and provisions (the model clauses) which the licenses will contain.[52]

The regulations provide for the issuance separately of an Exploration License and a Production License. The Exploration License is non-exclusive, is for a three year term, and, like the permits issuable under section 11 of the U.S. Outer Shelf Act, does not include the right to produce petroleum.

To be qualified to acquire and hold either type of license, a company must be incorporated in the United Kingdom, although its stockholders need not be British citizens. The application for a license by a company must show the capital structure of the company and the names and nationalities of its directors. The qualification requirement for companies is similar to that under the regulations issued pursuant to the U.S. Outer Shelf Act under which corporations are qualified to acquire and hold leases if they are incorporated under the laws of the U.S. or any of the States; but there is no requirement in the U.S. for a showing of the capital structure or names and nationalities of directors.

A Production License grants the licensee "exclusive license and liberty . . . to search and bore for, and get, petroleum in the sea bed and subsoil under the seaward area" [53] for a term of six years with the right to renew for an additional forty years as to not more than "one-half of the area originally comprised in" the license.[54] The area covered by a license may be "one or more blocks," each of which is numbered and except for irregular blocks contains approximately 250 square kilometers (about 98 square miles).[55] Other important provisions are:

1. The Licencee shall ensure that all petroleum won and saved from the licensed area . . . shall be delivered on shore in the United Kingdom unless the Minister gives notice of his consent in writing to deliver elsewhere, . . .[56]

2. The Minister may revoke the license if (a) the royalty or consideration provided in the licence is in arrear or unpaid for two months, (b) there is any breach or non-observance by the licencee of any of the terms and conditions or a development scheme.[57]

By giving appropriate notice a licensee may surrender all or part of the licensed area.[58] However, neither exploration nor production licenses may be assigned without the written consent of the Minister.[59]

Licenses issued in the past have provided for the following periodic payment and royalty obligations:

Periodic Payments—Upon the grant of the license the sum of 25 Pounds for each square kilometer. (This is not a per year payment as are the rentals in U.S. Outer Shelf leases, but covers the full six years period); thereafter 40 Pounds per square kilometer for the first year, increasing 25 Pounds per square kilometer per year every year until an annual sum of 290 Pounds maximum per square kilometer is reached.

Royalty—"A royalty at the rate of twelve and a half percent, by value, from which may be deducted the periodic payments" required for those years subsequent to the first six.[60]

Contrary to the practice and under the U.S. Outer Shelf Act, which requires competitive sealed bidding, licenses heretofore have not been awarded on the basis of the highest bonus bid. Rather the Minister announced that he would be guided by the following criteria in the award of licenses:

> First, the need to encourage the most rapid and thorough exploration and economic exploitation of petroleum resources on the continental shelf.
>
> Second, the requirement that the applicant for a license shall be incorporated in the United Kingdom and the profits of the operations shall be taxable here.
>
> Thirdly, in cases where the applicant is a foreign-owned concern, how far British oil companies receive equitable treatment in that country.
>
> Fourthly, we shall look at the programme of work of the applicant and also at the ability and resources to implement it.
>
> Fifthly, we shall look at the contribution the applicant has already made or is making towards the development of resources of our continental shelf and the development of our fuel economy generally.[61]

Before awarding licenses to any of the applicants, the practice has been to call them in separately (or by groups if several were filing jointly) to discuss work (drilling) obligations. By this means the Minister ascertains what work obligations the various applicants may be willing to assume, a scheme which is contemplated by the Regulations. These discussions, however, are private and the nature and extent of the work obligations which an applicant has been willing to assume have never been publicly revealed.[62]

Recently, however, the Minister, pursuant to amendatory regulations, announced that 436 blocks covering some 38,600 square miles of North Sea acreage were being put up for bid or application for production licenses by August 20, 1971. For the first time, competitive auction bidding will be required on 15 of these blocks. This is accomplished by the requirement in The Petroleum (Production) (Amendment) Regulation, 1971, that applications on these blocks shall be by way of tender submitted on a specified form which "shall quote separately in respect of each block applied for, the amount in sterling of the additional initial payment or premium tendered." The remainder of the blocks will be offered generally pursuant to the usual conditions as indicated above, with some increase in the initial payment and the annual payment after the 6-year term. Thus, the British system of granting licenses has, to date, been generally on a negotiated work program basis, rather than on the competitive sealed bid basis employed under the U.S. Outer Shelf Act. Another innovation in the August U.K. licensing is that there will be no requirement that bids or applications provide for participation in the license by either the Gas Council or the National Coal Board.[63]

B. Disposition of U.K. North Sea natural gas

As to natural gas produced under U.K. licenses in the North Sea, the situation is quite different from that which pertains to natural gas produced under U.S. leases in the U.S. Outer Continental Shelf. As already noted, the U.K. Government controls disposal of natural gas from North Seal licensed areas, requiring that it shall be delivered on shore in the U.K. unless the Minister consents otherwise. There is no comparable provision in the U.S. as to Outer Shelf production, although under Section 12(b) of the Outer Shelf Act, the U.S., in time of war, or when the President shall so prescribe, shall have the right of first refusal to purchase "at the market price" all or any portion of any mineral produced from the Outer Continental Shelf.[64]

As a practical matter, however, it would appear that all natural gas produced in the U.S. Outer Continental Shelf, will be delivered on shore in the U.S. as that is where the demand and most logical markets exist for it. Interesting questions would be presented if U.S. Outer Shelf gas were to be destined to a country other than the U.S. Putting aside the problem of what export restrictions, if any, might come into play under the general application of U.S. Federal Law to the U.S. Outer Shelf, question would exist as to whether section 3 of the Natural Gas Act would apply, as that section, among other things, deals with the export of natural gas "from the United States to a foreign country." [65] And, if the U.S. Draft Convention on the International Seabed Area, in its present context, were to become effective as to the U.S., gas produced from the U.S. continental margin beyond the 200-meter contour would appear clearly not to come within section 3 of the Gas Act.

A more meaningful difference exists between the U.K. and the U.S. systems when

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Footnotes at end of article.

it comes to marketing continental shelf gas. The British system seems designed to protect the nationalized gas industry without completely foreclosing North Sea gas from being supplied for limited industrial purposes other than for use as a fuel.

Section 9(2) of the U.K. Shelf Act provides:

The holder of the license shall not without the consent of the Minister of Power use the gas in Great Britain and no person shall without that consent supply the gas to any other person at premises in Great Britain.

Pursuant to subsections (3) and (4) of section 9 of the Act, the Minister shall not give his consent to the supply of gas at any premises unless satisfied:

That the supply is for industrial purposes and that the Area [Gas] Board in whose area the premises are situated has been given an opportunity of purchasing the gas at a reasonable price; or

That the supply is for industrial purposes "which do not consist of or include the use of the gas as a fuel except in so far as the gas is used to provide heat or other energy required (a) for a process in which the gas is used otherwise than as a fuel; or (b) where such process is one of a series, for any further process in the same series, not being a process in which a bulk product is converted into manufactured articles.

When the Minister is satisfied that the gas is to be supplied or used for the purposes mentioned in the preceding paragraph, he is required to give consent.

In Mr. Southam's paper, he points out that as a practical matter the foregoing provisions relating to industrial use describe a petrochemical process and nothing more. Mr. Southam also states that, under the law, before gas can be supplied for industrial purposes, both the Gas Council and the appropriate Area Gas Board must be given an opportunity to purchase the gas at a reasonable price, but it has been arranged between the Gas Council and the Boards that an offer to the Council shall be deemed also to be an offer to the appropriate Board. Mr. Southam points out additionally, however, that, as to use of gas by the licensee (as distinguished from its supply to others), the Minister has full discretion to consent to such use without the gas being first offered to the Gas Council.

Thus, with the possible exception of using or selling U.K. North Sea gas as indicated above, the licensee who discovers such gas has but one prospective customer—The Gas Council. And while "reasonable price" is the statutory standard, the Act (like the U.S. Gas Act) does not elaborate on the meaning of that standard. As a result, prolonged negotiations between producers and the Gas Council were conducted before a price was agreed upon for North Sea gas. Mr. Southam refers to this pricing problem in his paper and quotes from Professor Kenneth W. Dam's article dealing with the subject.[66] As Professor Dam points out, in the negotiations dealing with the price to be paid for North Sea gas, the Gas Council contended that the gas should be priced on the basis of cost plus a reasonable return on capital invested ("cost-plus" or "cost-related" price), while the producers urged market price. While the writer is not fully informed on the matter, it is his understanding that the price on which the Gas Council insisted and got was quite distressing to most if not all producers.

It is perhaps inappropriate for one from across the sea to suggest that an unrealistically low gas price to producers is not conducive to spur the search for and development of gas reserves in the North Sea. But our British friends might perhaps benefit from the unfortunate experience which we in the U.S. have undergone as the result of inadequate gas prices resulting from an attempt to fix producers' prices on a cost-plus basis. This attempt has substantially contributed to a critical shortage of natural gas in the U.S.

In Mr. Southam's splendid paper, he traces the regulatory path of U.K. North Sea gas from its source to its consumption. From the North Sea, the producer transports the gas to shore where title passes to the Gas Council pursuant to contract. Thereafter, the gas is transported by the Gas Council which delivers it to the local Area Gas Boards under arrangements between them, and the Boards sell to consumers pursuant to tariffs published by the Boards and furnished to the buyers.

Unlike the producer of gas from the U.K. Continental Shelf, the producer from the U.S. Outer Continental Shelf is free to sell his gas to whom he pleases with the FPC as the alert guardian of the price. After sale to an interstate pipeline, which usually takes place at a platform in the offshore field where title passes to the pipeline company, the pipeline is generally free to sell to whom it pleases, again with FPC as the overseer of its price and transportation activities.[67] Normally the interstate pipeline sells to distributors at or near the city gate. The distributors, under applicable state law, are required to sell to those requesting service within the distributor's service area at prices regulated by an appropriate state or municipal agency.

CONCLUSION

While there are substantial differences between the U.K. and the U.S. systems regarding offshore natural gas, there is a common thread interwoven in each: the respective governments are at hand at every significant phase through which the gas passes from source to consumption. It is sincerely hoped that governmental intervention in the scheme of gas pricing—whether by regulation in the United States or by bargaining as the sole purchaser in the United Kingdom—will be undertaken with keen awareness that unless the price is adequate to attract capital to the high-risk venture of exploring for and developing natural gas reserves in the continental shelves, society's critical need for this premium fuel may suffer a crippling blow.

FOOTNOTES

*Vice President and General Counsel, Shell Oil Company. The writer is indebted and grateful to his associate, Mr. Thomas G. Johnson, for his invaluable assistance in the preparation of that part of this paper dealing with U.S. regulatory aspects of natural gas.

[1] The writer claims no in-depth knowledge of the U.K. system, and has relied substantially on experts in that field, particularly Mr. John Southam, Legal Adviser to The Gas Council, and Mr. Joseph W. Morris, Vice President and General Counsel, Amerada Division, Amerada-Hess Corporation, for whose very helpful assistance the writer is most grateful.

[2] This paper will treat only with gas produced in the outer Continental Shelf, not with gas produced within the jurisdiction of any State.

[3] 43 U.S.C.A. §§ 1331–43.

[4] Proclamation No. 2667 (13 Dept. of State Bull. 485).

[5] 43 U.S.C.A. §§ 1302 *et seq.*

[6] United States v. California, 332 U.S. 19, decree at 332 U.S. 804 (1947); United States v. Louisiana, 339 U.S. 699, decree at 340 U.S. 899 (1950); and United States v. Texas, 339 U.S. 707, decree at 340 U.S. 900 (1950). The different geographical limits for each of the three States were based upon the fact that these states were then respectively claiming those areas.

[7] The Supreme Court decided the question of the historical boundaries of the states bordering the Gulf of Mexico in the companion cases of U.S. v. Louisiana, 363 U.S. 1 (1959) and U.S. v. Florida, 353 U.S. 121 (1959). See decree at 364 U.S. 502 (1960) in which the Court decreed that Louisiana, Mississippi and Alabama acquired rights only three geographical *miles* seaward from their coasts, but Texas and Florida acquired rights three *leagues* from their coasts into the Gulf of Mexico outside of inland waters.

[8] 43 U.S.C.A. 1331.

[9] 15 U.S.T. 472, 449 U.N.T.S. 312.

[10] For similar view see: "Outer Continental Shelf," Report by Special Senate Subcommittee on Outer Continental Shelf, Dec. 21, 1970; and National Petroleum Council Report, Petroleum Resources Under the Ocean Floor (1969).

[11] I.C.J. 3 (1969).

[12] The regulations applicable to oil and gas leasing appear in 43 C.F.R., Part 3380. Those applicable to operations appear in 30 C.F.R. Part 250.

[13] The regulations provide that leases may be issued only to citizens of the U.S. over 21 years of age, associations of such citizens, states, political subdivisions of a state, or private, public or municipal corporations organized under the laws of the U.S. or of any state or territory thereof. 43 C.F.R. § 3380.1.

[14] The lease covers no minerals other than oil and gas. Leases, under somewhat different terms, may be issued separately for minerals other than oil and gas. For example, sulphur rights are covered by a sulphur-only lease.

[15] In the public notice offering oil and gas leases on the "open bonus" basis the Secretary sometimes specifies a minimum bonus per acre which he will consider; and he retains the right to reject any and all bids. On occasions the Secretary has rejected bids which exceeded his specified minimum.

[16] 43 U.S.C.A. § 1334(c).

[17] 43 U.S.C.A. § 1333.

[18] *Id.*, state taxation laws are expressly made inapplicable.

[19] 15 U.S.C.A. §§ 717 *et seq.*

[20] Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672 (1954).

[21] 15 U.S.C.A. § 717(a).

[22] 15 U.S.C.A. § 717(f). In certain instances where FPC finds an emergency to exist it may authorize delivery to be undertaken under a temporary certificate which may be issued without hearing.

[23] 15 U.S.C.A. § 717(d).

[24] 15 U.S.C.A. § 717(e).

[25] Wisconsin v. FPC, 373 U.S. 294 (1963).

[26] 34 FPC 159 (1965).

[27] Permian Basin Area Rate Cases, 390 U.S. 747 (1968).

[28] Southern Louisiana Area Rate Case, 40 FPC 530 (1968).

[29] Austral Oil Co. v. FPC, 428 F.2d 407.

[30] Despite the fact that this conclusion by the Court was expressly urged as one of the grounds for the grant or certiorari by the Supreme Court, the Court denied certiorari. Municipal Gas Distributors v. FPC, 400 U.S. 950 (1970).

[31] As to gas produced by an interstate pipeline company or its wholly owned subsidiary, FPC has held that gas produced under leases acquired for October 7, 1969, will be entitled to the area rate established for producers. The Pipeline Area Rate Proceeding, 42 FPC 738. This decision has been appealed. The FPC still has under consideration the question of how such gas produced prior to October 7, 1969 will be treated.

[32] Border Pipeline v. FPC, 171 F.2d 149 (D.C. Cir., 1948).

[33] 15 U.S.C.A. 717b. *See also* Executive Order No. 10485 (1953).

[34] It will be recalled that the Outer Shelf Act makes U.S. laws applicable to the subsoil and seabed of the Outer Continental Shelf and to all artificial islands and fixed structures erected thereon for the purpose of exploring for, developing, removing and transporting resources therefrom, "to the same extent as if the outer Continental Shelf were an area of exclusive Federal jurisdiction

located within a State." This aspect of the Outer Shelf Act lends support to FPC jurisdiction when Outer Shelf gas is transported beyond the adjacent state; but it would seem to weight against FPC jurisdiction when Outer Shelf gas, not commingled in an interstate stream, is sold or transported for use solely in the adjacent state.

[35] La. Pub. Serv. Comm. v. FPC, 359 F.2d 255 (5 Cir. 1966).

[36] U.N. Doc. A/Ac. 138/25 (Aug. 3, 1970) hereafter referred to as "Draft Treaty."

[37] The writer agrees with the views of the National Petroleum Council and the Senate Subcommittee Report referred to in note 10, *supra*. Those groups and others feel that the United States should not renounce but rather should stand on its existing vested rights to seabed resources of its continental margin.

[38] *See* notice issued by the Acting Secretary of Interior, dated December 4, 1970, "Outer Continental Shelf—Conservation Jurisdiction in Undisputed Areas"; also, U.S.G.S. Order No. 11 issued December 11, 1970.

[39] 15 U.S.C.A. § 717f(c).

[40] See note 31, *supra*.

[41] F.P.C. v. Natural Gas Co., 320 U.S. 591 (1945).

[42] 43 U.S.C.A. § 1334(c).

[43] *Id.*

[44] 15 U.S.C.A. § 717f(h).

[45] 15 U.S.C.A. 717(b).

[46] F.P.C. v. East Ohio Gas Co., 338 U.S. 464.

[47] 15 U.S.C.A. 717(c).

[48] *See* NATURAL GAS—A STUDY IN INDUSTRIAL PIONEERING published by American Gas Association.

[49] This Act (1964 Chapter 29) received Royal assent on April 15, 1964. On May 11, 1964, the U.K. ratified the Convention. This constituted the twenty-second ratification of the Convention and brought it into force. *See:* Samuels, *The Continental Shelf Act, 1964* BRIT. INST. OF INT'L & COMP. L., Special Publication No. 6 (1965), p. 156 notes 5 & 6.

[50] Article 6 (1) provides that where the same continental shelf is adjacent to two or more nations whose coasts are opposite each other, the boundary of the continental shelf appertaining to such nations shall be determined by agreement between them. Absent agreement, and unless another boundary is justified by special circumstances, the boundary is the median line, every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of each nation is measured. Article 6 (2) provides the method of fixing the boundary (employing the principle of equidistance absent agreement) where the same shelf is adjacent to two adjacent nations.

[51] Continental Shelf (Designation of Areas) Order, 1964, No. 697, and (Designation of Additional Areas) Order, 1965, No. 1531.

[52] The Petroleum (Production) (Continental Shelf and Territorial Sea) Regulations; the Petroleum (Production) Regulations 1966. The U.K. Shelf Act makes applicable certain sections of the Petroleum (Production) Act, 1934.

[53] The Petroleum (Production) Regulations, 1966, Schedule 4, Clause 2.

[54] *Id.*, Clauses 3 & 5.

[55] The Petroleum (Production) Regulations 1966 Reg. 7 (1); World Petroleum, November, 1964, at 32.

[56] The Petroleum (Production) Regulations 1966, Schedule 4, Clause 21(1).

[57] *Id.*, Clause 33.

[58] *Id.*, Clauses 4, 6.

[59] *Id.*, Schedule 5, Clause 20; Schedule 4, Clause 32(1). Likewise, assignments of U.S. Outer Shelf leases are subject to approval by the Secretary of Interior.

[60] *See* Morris, *Oil and Gas Legal Problem on the North Sea Continental Shelf*, NAT. RES. LAW., Vol. 1, No. 1. p. 11, hereafter cited as "Morris." In the U.S. the royalty shall be not less than 12½%, and in all Outer Shelf leases issued to date it has been 16⅔%.

[61] Morris, pp. 11–12.

[62] *Id.*, p. 12.

[63] In a paper being delivered at this same session by Mr. John Southam, Legal Advisor, The Gas Council, it is stated: "In 1969 we were told 'it will be a stringent criterion that applications for licenses should provide for participation by' two named nationalized corporations; we have not heard of this policy again since June 1970."

[64] 43 U.S.C.A. § 1341(b).

[65] 15 U.S.C.A. § 717(b).

[66] Dam, *The Pricing of North Sea Gas in Britain*, J. L. & ECONOMICS, April 1970.

[67] Under § 7(a) of the Gas Act (15 U.S.C.A. § 717f(a)) FPC after notice and hearing may order a pipeline company to extend its facilities and sell to certain parties if FPC finds that no undue burden will be placed upon the company thereby or impair service to existing customers.

PAKISTAN

Mr. HARRIS. Mr. President, because the world attempts to ignore a problem does not mean that it will go away. For weeks, the world press has given only minimal press attention to the plight of minorities in Bangladesh and Pakistan. But the misery of these people continues and will continue until steps are taken to provide help.

An April 17 article in the New York Times, written by Robert Trumbull, describes the bitterness in Bangladesh over the fate of some 400,000 Bengalis now stranded in Pakistan. Included in the group are highly skilled civil servants and military officers desperately needed in their new country.

Mr. President, I ask unanimous consent that Mr. Trumbull's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times Apr. 17, 1972]

DACCA FEARS FOR BENGALIS IN PAKISTAN

(By Robert Trumbull)

DACCA, BANGLADESH, April 16.—The repatriation of 400,000 Bengalis from Pakistan is an emotional issue with profound impact in this struggling new nation.

The refusal of Pakistani authorities to grant exit permits to the Bengalis, or permit communication of any kind between Pakistan and her former eastern province, has left thousands of Bangladesh families without financial support.

Among the Bengalis are 12,000 civil servants, many with experience in high official posts, and 28,000 military personnel, including officers up to the rank of major general.

Bangladesh, whose 75 million people are mostly peasants and laborers, regards their enforced stay in Pakistan as a serious drain of talent.

'The return of our highly qualified people now held in Pakistan would give Bangladesh a stability that we badly need," an official here declared.

NATIONAL GROUP FORMED

Relatives and friends of the stranded Bengalis have formed a national organization, the Association for Deliverance of Bengalis Detailed in Pakistan, to mobilize pressure for repatriation.

"My house is full of weeping," M. A. Jabber, a retired engineer who is head of the association, told an American caller. The divans in the marble-floored living room of his spacious house were occupied by a dozen tearful wives and mothers. A carved table was piled high with letters appealing for help.

A young woman in a blue-and-gold sari said that unmarried officers from Bangladesh in the Pakistani Army were in "concentration camps" and were "not receiving their salaries."

The stranded Bengalis, she said, had written of their detention in letters sent to relatives through contacts in Britain, the United States and other countries.

Occasionally a Bengali manages to escape from Pakistan by subterfuge. Four men dressed like Baluchi villagers from the Pakistani frontier area made their way by boat to a Persian Gulf sheikdom.

NO NEWS FOR 2 MONTHS

A young woman in a green-patterned sari said she had not heard from her husband, a medical officer in Pakistan, for more than two months. A round-faced 20-year-old wife with a baby, whose husband was in the Pakistani customs service, lamented that she and her child had become an additional burden on impoverished relations.

The Bangladesh Government was informed unofficially through the International Committee of the Red Cross this week that Pakistan had agreed "in principle" to consider repatriation of the Bengalis. But the question is complicated by the issue of 93,000 Pakistani prisoners of war held in India.

The prisoners were taken in the 13-day war between Pakistan and India that resulted in Pakistan's surrender and the establishment of Bangladesh. The new state has set up a tribunal to try some of them for "war crimes."

President Zulfikar Ali Bhutto of Pakistan is under pressure to hold onto the Bengalis until all the war prisoners are released.

EVENTS IN GERMANY

Mr. GOLDWATER. Mr. President, it occurs to me that the attention of the Senate has been so deeply absorbed recently by events in Indochina that they may have not been paying close attention to events in Germany which could have profound and perhaps unhappy implications for the future security of Western Europe and the United States.

My reference is to the recent treaties which were negotiated by West German Chancellor Willie Brandt with the Soviet Union and Poland.

The question of whether Brandt can obtain parliamentary approval for his policy of improved relations with Eastern Europe is subject to considerable doubt. There is a distinct possibility that when the treaties face their final test in June, Brandt's widely-discussed Ostpolitik may be completely scuttled and his government defeated. This in turn would cast considerable doubt over the outcome of new national elections this summer instead of a year ahead as scheduled.

Mr. President, there has been considerable debate throughout the world as to what the consummation of the treaties would mean in terms of an overall East-West detente in Europe in the immediate future.

For myself, I am inclined to believe reliable friends of mine in West Germany that claim if the treaties are ratified in their present form, it will be extremely difficult for West Germany not to slip into the eastern Communist bloc orbit and for the German economy not to be socialized as a consequence.

The sources appear to feel—and I believe with considerable justification—that if the Soviet and Polish treaties are adopted the West Germans will ultimately be subjected to grave extortions by Moscow. In light of this, Mr. President, I think it would be helpful if our Government would encourage Chancellor Brandt to renegotiate these treaties so that there will be no doubt in the minds of conscientious Germans that the treaties will be in the best interest of their own country and the free world. If the Soviets are genuinely interested in a detente with the West, they should have no objections to further discussions and negotiations. It is the feeling among many responsible Germans that Brandt's government acted too quickly and without considering the implications of their action to the rest of the world.

Mr. President, the German Parliament is entirely free to make whatever decisions it feels are best and I wish to emphasize that the United States has never formerly supported the Ostpolitik of Chancellor Brandt. And I believe it is further important to note that, in light of this situation, the rejection of the Soviet and Polish treaties, as they now stand, would not mean isolation for the West Germans.

Also, Mr. President, it should be noted that the Christian Democrat Union in Germany, which is opposed to the treaties have a peace policy—or if you wish to call it an Ostpolitik of its own. This policy corresponds more nearly to the policies of the Nixon administration than do those of the socialist-liberal government of Chancellor Brandt.

Because the coming test in the West German Parliament is so important to the cause of freedom everywhere I felt the Senate should turn some of its attention in the direction of Europe as well as in the direction of Southeast Asia.

DR. FRANK STANTON ON POPULATION

Mr. PACKWOOD. Mr. President it would be difficult to overestimate the powerful influence of television as a molder of public opinion and as a conveyor, if you will, of information about the state of the Nation and the world. Implicitly, television has the option of maximizing or minimizing its opportunities to perform educational functions.

One of the most crucial educational needs we are facing today, both as a nation and as members of the international community, concerns our ecological structure, and the relationship between humanity and the rest of nature. In our headlong rush into industrial sophistication, we have all but ignored the natural balances which support our life here on earth. Further, we have refused to face the fact that, given these natural balances, more is not necessarily better when it comes to reproduction.

This is one area where television has a major role. In a myriad of ways, television has the means to convey the magnitude of the problem we are facing if our population growth rates are not slowed, and the hard choices we as a nation and as members of the human community, will have to make as long as our growth continues.

The National Academy of Television Arts and Sciences recently sponsored a conference on the role of television vis-a-vis the population issue. Dr. Frank Stanton, vice chairman of the Columbia Broadcasting System, in addressing the assembled group, indicated his belief that—

> Television, as a major medium of public information, can and must do more to focus attention on possibly our most serious world problem. What makes it so urgent is that we have so little time—so little time to understand the global consequences of human fertility and to act wisely on that awareness.

Dr. Stanton continued with an examination of television's role in this critical educational field. His comments deserve the attention of everyone who cares about the world we are leaving to our children and generations to come.

I ask unanimous consent that Dr. Stanton's address be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY FRANK STANTON, VICE CHAIRMAN, COLUMBIA BROADCASTING SYSTEM, INC.

We are here today to take a hard look at the problem of population from the point of view of the broadcaster. How can we in broadcasting help create a more complete understanding of the fact that exponential growth of the world's population is among the most urgent problems of this final quarter of the twentieth century? How can we present most effectively to our audience all the considerations, all the known facts, all the arguments and counter-arguments about a subject so intensely personal and emotional as procreation, yet so imbued with the long-term public interest?

Let me say at the outset that I have no quick and easy answers. But I do have a point of view. It is based on the premise that television, as a major medium of public information, can and must de more to focus attention on possibly our most serious world problem.

What makes it so urgent is that we have so little time—so little time to understand the global consequences of human fertility and to act wisely on that awareness. Our gloomiest forecasters predict that famine and disease will brutally control the world birth rate if we are not wise enough to figure out some better way soon. Indeed, Dennis L. Meadows of M.I.T. points to society's total collapse if population continues on its present path. Others dispute this dire conclusion. They point scornfully to the early nineteenth century predictions of Malthus, who maintained that population inceases at a geometrical rate while the means of subsistence increases only at an arithmetic rate. The resulting imbalance, he said, is adjusted only by war, famine, pestilence and misery. What Malthus failed to foresee, of course, was the great technological revolution of the nineteenth century, which enabled man to produce not only enough, but more than enough, food to sustain all of Western civilization. Yet one cannot look today at India and other Far Eastern countries, as well as parts of South America, without wondering whether Malthus might not have been right after all.

Obviously, we all hope for favorable developments in our own lifetime—food from the sea, improved agricultural production, better use of fertilizers, better international distribution of food—which may counter the most mournful misgivings of a twentieth century Malthus. But we will have to work to bring these things about—we cannot relax in the comforting assumption that over-population is a problem that will somehow solve itself in time.

All of us, I think, can consider certain fundamental facts as undisputed. First, is the sheer mathematical inevitability of population growth. The human race took all the centuries to 1900 to build a popnlation of 1.6 billion. This more than doubled to 3.6 billion during the next 70 years. So there is little reason to doubt forecasts that if growth continues at this rate, world population could reach 7 billion before the year 2000.

Second, population growth is an integral element in a whole complex of problems that plague the world today—including pollution of the environment and consumption of diminishing natural resources. If there are more people, it follows that there is more pressure for economic growth. More people require more food, yet they absorb land formerly available for producing food. Even if, by some miracle, population growth were to be stopped tomorrow around the world, we would still be left with many of those problems simply because of the sheer numbers of people who already inhabit the planet. But control of population clearly could help to ease many of the social and economic difficulties facing us today.

A third major fact of the population issue is its global character. Expanding population affects every nation, although in differing ways. Some, such as our own country, already are actively contending with it. But it will do no good for one or a few nations to face the issue if others ignore it. National borders nowadays have little effect in separating one society from the problems of another. Population is the kind of problem whose scope demands that all nations resolve it concurrently, if not cooperatively.

If we could help people to understand these three fundamentals, we would be well along the road to a consensus favoring rational control of population growth. But how does a nation deal with such a problem? Highly sensitive attitudes are involved—moral, political, cultural. Above all, attitudes that are intensely private and personal, involving billions of complex relationships between pairs of people. The American approach to such issues and attitudes is essentially democratic: out of free expression of information and ideas, let a consensus develop. The American tradition holds that when a problem is clearly defined and well understood, the people will arrive at a decision that best serves the national interest.

Such decisions must be based on information adequately communicated. Here television can be especially effective. Moreover, in any discussion of a vital issue, we must play a responsible role.

All of us here today know what television journalism has done to alert the American people—to inform them—to make them more acutely aware of a whole range of contemporary social problems, population growth included

Many broadcasts through the years have played a significant role in stimulating, focusing, mobilizing national attention on the rape of the environment. Television's ruthless eye has depicted most vividly the polluting of our waters, the poisoning of our atmosphere.

The nation's awareness of the narcotics problem has been acutely sharpened by television. The networks and individual stations across the nation have devoted a tremendous amount of time to this subject.

The problem of crime and law enforcement has been examined in probing depth in both dramatic series and innumerable documentaries.

The same can be said about racial and minority problems, riots, ghettos, discrimination in employment, auto accidents, housing, venereal disease. These subjects have all been treated extensively and effectively.

At this point I can hear the population specialists say, "But what have you done for us on *population control?*" My answer is, "Some, but not enough." I am completely in accord with those who hold that the population issue deserves to be covered as meaningfully as any of the critical social problems I have mentioned—and indeed perhaps even more intensively and in greater depth. Population pressures are an integral part of so many other problems; in many cases—although we are sometimes loath to admit it—they are the basic causes of other ills which afflict society.

But television has not been derelict in its attention to the issue. Apart from considerable news coverage on both the network and station levels, there have been numerous special broadcasts devoted to this subject. Many of you, I hope, will recall the hard-hitting CBS REPORTS: "The Population Explosion," which in 1959 generated heated discussion both here and abroad. This prime time report analyzed the problem with searching intensity, sparing none of the awesome details with which men the world over must be knowledgeable. And this is the proper role of journalism—to dig out and report the facts, and never to shy from the truth, no matter how uncomfortable.

In our journalistic coverage, we must strive always to maintain the highest standards of responsibility. On the population issue, as on any other, news judgment must be exercised by professionals—men who are trained to marshal facts and put them in perspective.

Obvious as the need for programming objectivity must be to all broadcasters, I emphasize it because some population control advocates take the position that the networks ought simply to sell time for programs which they—the advocates—themselves prepare. I cannot believe that the cause of population control is best served—or even well served—by selling time for subjective advocacy of an issue so profoundly involving the public interest. Nor, obviously, can the broadcaster abdicate his own responsibility to assure that what viewers see is fair and factual. It is for this reason that CBS has rejected a request from the Commission on Population Growth and the American Future to purchase an hour of prime time in order to present its own version of its report.

There is a place in television, of course, for advocating points of view. As those of you who have the responsibility for a station's voice well know, individual stations can be effective through their own broadcast editorials, which can do so much to encourage public awareness and to stimulate a healthy exchange of differing views.

Turning now to programming outside the news area, it is not true—as it sometimes has been alleged—that birth control or population control are taboo subjects for television. They are not—any more than any other problem of our times. Questions related to the population problem have figured in many different kinds of broadcasts, from network and local talk shows to THE DEFENDERS to ecological reportage in the National Geographic Society series to the conscientious and factual treatment of a hospital abortion clinic in LOVE OF LIFE this past January.

CBS policy with respect to entertainment programming requires only that subject matter be artistically relevant. This policy is explicit: "It is recognized that literary or dramatic materials, including popular songs, may on occasion embody the expression of points of view on important current issues. Such material is not unacceptable provided that such viewpoints are an integral and artistically valid part of the material, that the material has been chosen on the basis of its entertainment or artistic merits only and that it does not reflect any attempt to construct a program representing any particular editorial point of view."

Just as television drama has been effective in revealing the painful consequences of narcotics, crime, poverty and other social ills, so are there opportunities for comparable treatment of the population dilemma.

Speaking of the impact of television drama, President Nixon, in a message last November to the West Coast counterpart to this meeting here today, said:

"Television is man's most pervasive medium of communication. The skills and imagination of the writer, the perception and vision of the director, the ideals and the ability of the producer, the sensitive interpretation of the actor, and the dedication and conscience of the executive—all these must contribute to enable this great medium to provide responsible leadership in helping Americans of all walks of life consider and find answers to these questions."

The President was describing the participation of professional communicators like many of you here today in the American democratic process. Since he sent that message, evidence has come to light that this process may already have begun to produce significant decisions in the population field. The Census Bureau reported last month that wives in the 18 to 24 age group now expect to have an average of 2.4 children, compared with 2.9 for the same group in 1967. That is a sharp drop, and it approaches the 2.1 rate at which the population merely replaces itself. We don't know, of course, how durable this new attitude will be. But some persuasive information obviously has reached the key group of women just entering their childbearing years.

But there is more to do—more for the medium of television, as well as our national leadership. Television, for example, should consider whether this vital issue has been assigned a sufficient priority in the context of our times. Is it really secondary to some of the other social woes with which we are so preoccupied?

A high quality of political leadership will be necessary in helping our citizens to reach their decisions. I am confident that the findings of the Commission on Population Growth and the American Future, whose Chairman, John D. Rockefeller, 3rd, addressed this group so ably this morning, will make a significant contribution to the national debate on population policy. Such a policy would, we assume, be one of guidance, not coercion. And we are talking in an international context rather than a purely national one, even though we will have to keep working to maintain the present level of progress in the U.S.

Whatever position the United States takes will obviously have great impact beyond our shores. Our government is already helping other nations with population control programs, at the rate of about $100 million a year. But our motives are bound to be questioned if we do not practice what we preach. We will be more effective as an advocate of rational population planning around the world when we have a national plan of our own—and when it shows real results.

U.S. television itself can have an important impact on world population problems. Just in doing a good job for domestic consumption we can help overseas, because it is estimated that 22 percent of the world's people already have the opportunity to see our broadcasts. And we all are aware that if we do a good job creatively, the technology exists to carry our work to every corner of the earth.

Whatever we ultimately accomplish on a world scale, our first order of business is here at home. We understand our own society best, and it is here that we can put our various talents to work most effectively. The American people will appreciate a thorough and responsible presentation of the problem and the options open to us. They need not be persuaded, but only informed. Once informed, I am confident they will reach the right decision.

A NOBLE EFFORT ON BEHALF OF AMERICA'S SECOND LARGEST AND MOST IGNORED MINORITY

Mr. TUNNEY. Mr. President, today, in California, there are 3,101,000 Spanish Americans, almost all of whom are Chicano. Spanish Americans are the largest minority in the State of California, and the largest minority in the Southwest according to the U.S. Census Bureau. Employment statistics at both private and government agencies indicate that Chicanos are also the group that are least likely to be hired and most likely to be fired. For example, a recently completed analysis—by Public Advocates, Inc., and the Mexican-American Legal Defense and Educational Fund—shows that less than 5 percent of all employees in the top 100 corporations headquartered in California are Spanish surnamed, that less than 5 percent of California State government employees are Spanish surnamed, and less than 6 percent of the Federal Government's employees are Spanish surnamed. This has occurred despite, according to the U.S. Census Bureau, Spanish-surnamed persons representing 16 percent of the State's population or approximately three times the percentage of persons employed by the largest public and private employers.

Since becoming a Senator, I have stated that the resolution of this gross underemployment of Spanish Americans would be one of my highest priorities. It is therefore with great pleasure that I commend and applaud my State's largest private employer, Pacific Telephone & Telegraph—97,000 employees—for its recent courageous, forward-looking, and far-reaching decision to triple the number of Spanish-American employees within its work force and provide $112 million per annum additional to the Spanish-American community's earning power.

Specifically, on March 24, 1972, the President of Pacific Telephone & Telegraph, Jerome Hull, at the annual shareholders meeting announced that:

> A. By 1975, Pacific Telephone would more than double its Spanish-American work-force from the present 6% to 14%.
>
> B. That by 1980, Pacific Telephone would triple its Spanish-American work-force by guaranteeing that it would reach population parity for Spanish-American persons. (That is one in every five employees would be Spanish-American.)
>
> C. It would take responsibility for training and hiring at least 1,000 Spanish-*Speaking* only persons—many of whom are being displaced from agricultural employment as a result of mechanization.
>
> D. In order to achieve these far-reaching goals, it would attempt to ensure that one out of every four new hires in its work-force would be Spanish-American and that as many as 30% of its college graduate hires would be Spanish-American.

An analysis completed by Public Advocates, Inc., and the Mexican-American Legal Defense and Educational Fund shows that the result of this effort will be to produce 14,000 additional jobs for Spanish Americans in the State of California at a minimum estimated value of $112 million per year. This is estimated to be a greater amount per annum than the sum provided by OEO to the Spanish-American community in the State of California.

Over the next decade, it is estimated that Pacific Telephone's efforts will provide almost $1 billion in additional earnings to the Spanish-American community.

It is also estimated that the number of management positions that Pacific Telephone is pledging itself to provide for Spanish Americans will exceed the total number of management positions now occupied by Spanish Americans in the 100 largest corporations based in California.

Major Mexican-American organizations, such as the Mexican-American Political Association, the League of United Latin American Citizens, the American G.I. Forum, and La Raza Law Students Association, have warmly and enthusiastically greeted this magnificent pledge by Pacific Telephone and Telegraph.

Besides joining with these organizations that have accomplished so much on behalf of the Spanish-American community, I would like to urge the following:

A. Every other major corporation in California, and the Southwest, follow Pacific Telephone's lead and announce specific employment goals for the Spanish-American community, other minorities, and women.

B. That the federal government, alleged to be the greatest under-employer and discriminator against the Spanish-Americans, follow President Nixon's lead and pledge itself to a "Philadelphia Plan" containing specific population parity employment goals for the Spanish-American community.

C. That state and local government throughout the Southwest do likewise.

I should like to add just one other thought. President Nixon has imposed employment goals on labor unions under the so-called "Philadelphia Plan." Many labor unions have charged hypocrisy since the President has never urged similar employment goals upon the Federal Government. To paraphrase the President when he quoted Chairman Mao: President Nixon, times passes. One hundred years is too long. Seize the day, issue an Executive order. Provide a "Philadelphia Plan" for Federal Government employees. Ya basta.

Mr. President, I ask unanimous consent that an article published in the Oakland Tribune, of March 24, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Oakland Tribune, Mar. 24, 1972]

PT&T TO HIRE MORE SPANISH SPEAKERS

Pacific Telephone and Telegraph Co. today announced that approximately 25 per cent of its new hirings between now and 1980 will be of Spanish-surname persons in an effort to improve job opportunities for minorities and women.

The decision was hailed by spokesmen for the Mexican-American Legal Defense and Education Fund and Public Advocates, Inc., a public interest law firm, which have been negotiating with Pacific Telephone over the past two years for more minority jobs.

Mario Obledo, general counsel for the defense and education fund, said the PT&T action sets a standard for other utilities and private corporations to follow.

"It was a courageous step for the telephone company to take in meeting its social responsibilities to minority groups and ultimately to our country in providing equal opportunity for minorities," he said.

Robert Gnaizda, a partner in Public Advocates, Inc., said he was "very excited" about the company's decision and said it will be a goal for other companies to match, not only in California but throughout the Southwest where there are many Spanish-speaking citizens.

He particularly singled out Pacific's plan to hire and train over the next five years 1,000 persons who speak Spanish.

Company president Jerome W. Hull told shareholders at the firm's annual meeting in San Francisco that PT&T expects by 1980 to be at the Spanish-surnamed California percentage, estimated to be 17 to 20 per cent by that time. The interim goal is to reach a 12 to 14 percentage mark by the end of 1975, he said.

At present, slightly more than 6 per cent of Pacific's 97,000 work force is Spanish surname, Hull said. The 1970 census indicates that about 16 per cent of the state's population is Spanish surname.

To meet its objectives, Hull said 20 to 25 per cent of all new hires each year are planned to be Spanish surnamed persons until the desired percentage is reached. About 30 per cent of college graduate new hires will be Chicanos, he added.

Hull said the company's program goals are both "realistic and forward looking." He said the firm's experience to date "leads us to believe we can reach our employment goals without compromising our hiring, employment or service standards."

The goal for minorities is to achieve a racial composition at all levels of employment which is in direct relationship to the communities served by the company in California, Hull said. The company also * * * distribution of men and women in management level positions, he added.

Gnaizda estimated that Pacific's program will result in 14,000 new jobs by 1980 to Spanish-surname persons, with a total annual payroll estimated of $112 million. He said management level positions for Chicanos over the next 10 years will exceed the number now held by Spanish-Americans in the top 100 companies in California.

Obledo said he is now negotiating with 10 other California corporations and public utilities to increase minority employment opportunities.

"Now that Pacific has set the pace, perhaps the others will follow," he said.

HARRIS WRONG ON HOUSING

Mr. ALLOTT. Mr. President, by letter dated April 13, 1972, the Senator from Oklahoma (Mr. HARRIS) asked Senators to join with him in opposing a housing project which the city and county of Denver have submitted to the Department of Housing and Urban Development for funding under current HUD programs.

Because the Senator from Oklahoma has involved other Senators in this matter, I think all Senators might benefit from an editorial entitled, "Harris Wrong: In Opposing Request for Housing Funds," published in the Denver Post of April 17.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HARRIS WRONG: IN OPPOSING REQUEST FOR HOUSING FUNDS

We are baffled as to how Senator Fred Harris, D-Okla., in far off Washington, has suddenly become such an expert on Denver housing needs.

Harris, the erstwhile "populist" candidate who dropped out of the Democratic presidential sweepstakes because of loneliness, is asking his Senate colleagues to join him in opposing federal funds for Olympic press housing in Denver.

Harris is not likely to find any more people marching with him on this issue than he did in his Presidential campaign. For he doesn't make sense.

What Denver is really seeking, as Harris should know, is fast action from the Department of Housing and Urban Development on 1,600 units of low and moderate income housing—a commodity shamefully lacking throughout the Denver Metropolitan area. And Denver officials have been told they can get this housing built quicker if it's labeled "Olympic press housing" than if the wheels of government simply turn at their usual pace.

What people in the two neighborhoods affected—one an Hispano neighborhood on the west side, the other a mixed black and Hispano area on the east side—want is more new housing, a fair share of the construction jobs involved in building it, and rejuvenated more attractive neighborhoods.

If building housing for the use of the Olympics press corps for two weeks will speed the creation of new housing and better neighborhoods for Denver's lower income minorities, why should Harris or anyone else knock it?

There could be flaws in these housing projects, but the fact that they're tied in with the Olympics is not one of them. We, for instance, are more concerned about putting more lower income housing into the immediate neighborhood of the big Lincoln-Park Homes project. That won't makes things easier for the schools in that neighborhood.

But if the people in that area want it, why should we oppose it? It's their neighborhood. And Senator Harris shouldn't be opposing it either. We don't think he would be if he knew what he is talking about.

ARABS IN ISRAEL

Mr. PACKWOOD. Mr. President, a unique national minority exists within the State of Israel, a minority within the Jewish State whose people continue to see themselves as part of the Arab majority in the Middle East.

The process of integration of Israeli Arabs into the activities of the State began slowly and proceeded gradually at first, but more recently the pace has quickened and the Arabs are participating in the democratic processes, voting, studying at the universities, working in industry and offices. Participation is not complete, and there are still complaints of discrimination. Nevertheless, an overwhelming majority of Israeli Arabs are socially and economically integrated into Israeli society. The political and military tensions, too, are entering the integration process. Arabs in Israel recognize that peace in that nation is in their best interests, and most Israeli Arabs oppose the terrorist organizations.

The March, 1972 Israel Backgrounder, published by the Anti-Defamation League of B'nai B'rith, contains an in-depth, enlightening report on the Arabs in Israel. I commend the report to the Senate as another example of the efforts of Israel to bring peace and stability to the Middle East and ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE ISRAEL ARABS

The Arab population of Israel, at the beginning of 1972, was 460,000 (excluding the administered territories).

Since the creation of the Jewish State 24 years ago, this community has been in the midst of continuous change—radical changes which loom important against the background of the political factors influencing Israel-Arab relationships.

Israeli Arabs are a unique national minority, apparently without parallel in the mosaic of national minorities throughout the world. Within Israel they are a minority, but at the same time they may see themselves as an inseparable part of the Arab people in the Middle East, with whom they identify nationally and culturally, with a common language and religion, and are thus a part of the majority of the peoples in the region.

In contrast to other national minorities who are far removed from their homelands, there is a close geographical tie between the Arabs in Israel and their brethren in the Arab countries—almost territorial continuity.

Until June 1967 many Arab villages lay on the cease-fire lines determined by the Israel-Jordan agreement of April 1949. On the map the "green line" meandered without any sort of logic. In actual fact it was marked by a few scattered white stones, several barbed wire fences or signs reading "Halt! 'Border ahead' ". The signs often fell down, their lettering became blurred or faded over the years. In the village of Barta's' divided in two by the frontier, the border post served to support the laundryline of a quick-minded village woman far removed from political concerns. The border was so artificial that people often crossed it unknowingly, in spite of the tension that existed between the two states on either side.

In September 1964, for example, two Jordanian educational inspectors left Jenin in order to visit the schools in the area. On their way they reached the "green line." They did not seem to notice its "color" and crossed it, entering the Israeli Arab Village Mukeibela. True to their duty they naturally looked for the local school and on finding it introduced themselves as "inspectors from the Ministry of Education." They obviously did not mention the fact that they were inspectors of the Jordanian Ministry of Education as in Jordan there is, of course, only one such ministry. They were invited to the principal's room, inspected several classes and expressed their satisfaction with the existing educational standards. Only half an hour later did they realize that they had gone a little beyond the call of duty and were no longer within the boundaries of the Hashemite Kingdom of Jordan. They were quick to "retreat" to their car, choosing to forego the traditional cup of coffee. Their host realized their identity by noticing the car-plates.

This unique reality caused a feeling of blurred borders in the Israeli Arab's consciousness. The blurring was further intensified by modern communications, especially radio and T.V., which decreased geographical distances, erasing political boundaries and creating a real contact between Arab citizens of Israel and the hostile propaganda machine of the neighboring Arab countries.

Nevertheless, during the twenty-four years of Israel's existence the significance of the "border awareness" was strengthened and Israel developed a separate Arab society, different from that of the bordering Arab countries both in character and attitude toward Israel.

The Israeli Arabs did not crystallize as a community antagonistic to the Jewish State and, except for an extremely small faction, most Israeli Arabs became integrated into the state. Gradual and slow in its first years, this integration has quickened in the last decade. It is a very complex process, replete with inner contradictions and emotional stress, but its development has been nevertheless real. The Israeli Arabs learned to know the State of Israel as it is, with its positive and negative aspects.

For them it is not "Maz'uma", the "image state", vague and rootless, which Arab propaganda has pictured. They see the State in its economic and social development form which includes them as well. They have become further convinced that this State has great strength and no war could solve their problems.

Their partnership in the life of the State is expressed in voting for the Knesset, studying in the universities and working in industry and offices throughout the country. It is expressed even by the prosaic hardships they share with their fellow Israeli citizens, as a result of the economic problems caused by the military situation in the Middle East.

The sense of participation, however, is not yet complete. It is infused with bitterness created by many factors. There are still complaints about discrimination, at times justified and at times the result of excessive sensitivity. Many gaps still exist between the two societies. However, these gaps are narrowing and there is a beginning of an open and fruitful dialogue, at times quiet and at times stormy.

The political and military tensions in the area are also slowing the integration process. The terrorist organizations that make it their aim to break down Arab-Jewish relations in Israel have failed so far, except in a few individual cases. Most Israeli Arabs oppose these activities, seeing in them a danger to their own existence.

As the same time Israeli Arabs have been struggling to define their true identity, many internal changes have occurred in their society as the result of the reality of Israel.

The Arab village in Israel is gradually losing its traditional character. The beginning of this change was due to those villagers who left the village to work in the cities, Jewish villages and kibbutzim.

Israel's rapid economic development created a demand for workers and has resulted in high wages, considerably higher than those they previously received. The Arabs have proved to be industrious and diligent workers and after the first adjustment difficulties they have become fully integrated into the Israeli labor force with equal wages, joining the trade unions to insure their full rights. The Arab population's economical center of gravity moved from the villages to the cities, a movement which gathered even more momentum since the Six Day War.

Nevertheless, a process of urbanization did not occur. The Arab workers found daily work in the cities but did not move to live in them. Better roads, convenient means of transportation and economic logic directed them to invest their income in improving their homes in the villages. Another obvious factor was a feeling of strangeness in the big Jewish city.

The infiltration of outside influences into the village, in the wake of the strengthening of contacts with the town, caused a weakening of the authority of the village elders and notables of the village clans. Economic differences between the classes in the village have been reduced and, in some instances the economic status has even been reversed. Families of distinction, who in the past owed their power to landed property, cannot compete with families of lower social status whose sons and daughters are earning a higher income in the cities. A revolution is taking place in this respect and elders of distinguished birth are losing their influence in the village society, because they lack sufficient economic resources and because of new social concepts due to the development of education.

The rise in the level of education is an important factor in the change taking place in the social stratification. Since 1948 the number of Arab students has increased eightfold. The compulsory education law now covers girls and Bedouin children as well. Education is no longer the privilege of the upper classes alone. The sons of "low class" families are also reaching the universities. The young intellectual stands opposite the village elder and challenges him; education is becoming an important social criterion, which threatens to destroy the traditional clan of framework. This process is in full swing. Although the authority in the village is still in the hands of the elders, first signs are appearing of a quite revolutionary change.

One example of this change is the election of Ahmed Masarwe as head of the local council of Taibe. This young lawyer, a graduate of the Hebrew University of Jerusalem, was elected to the council and immediately began to gather supporters within the council, who would vote for him as chairman. He was successful and was elected.

At the same time a young student was elected chairman of the local council of the village Baka Al-Gharbiye. This student, Jalal Abu Tu'ma, a graduate of the Arab Training College for teachers in Haifa and a student at Bar Ilan University headed the list of young people in favor of the development of Baka Al-Gharbiye. He was not supported by a powerful clan, as was the case in the past. His family is not one of the notable families in the village. He appealed to the young people in the village to elect him as their representative, with no reference to traditional clan differences.

These two young Arabs vigorously began to fill their position as chairmen in their respective villages. To many observers it seemed as if this is the beginning of a general "youth revolution" which will affect many other Arab villages, ending the rule of the elders of the villages.

There can no longer be any doubt about the accumulation of power by the intellectual village youth, but a close thorough examination of the phenomenon shows that their strength is increasing only gradually.

Jalal A Tu'ma initiated and organized a circle of young people in Baka Al Ghibiyeh village, which became a "discussion club", dealing with the complex of problems facing Arab youngsters in Israel, from questions of politics and state to day-to-day problems.

The circle, which usually meets on Friday evnings, invites as speakers personalities from all over the country—general directors of government offices and heads of opposition parties, managers of companies and even army generals.

The list of guests to date includes the former wife of the Defense Minister, Ruth Dayan, General (res.) Haim Laskov, who was directed of the Ports Authority, the director of the Ministry of Education, Elad Peled, as well as Member of Knesset, Moshe Sneh, leader of the Communist Party.

After the Six Day War the awareness of "the green line" of the border lessened even more. Contacts between Israeli Arabs and the occupied territories have become closer and the "Open Bridges" policy made it possible to meet with relatives from Arab countries as well.

If lowering of political borders allowed the renewing of old ties, it also created new ones, social and economic. Many workers from the territories found employment in Israel. New commercial contracts as well as conflicts, were created. Arab stone-cutters from the Galilee for example, were faced by competition from Judea, and a delegation headed by Arab members of the Knesset demanded that customs duties be levied on this "import".

Side by side with these developments there were some signs of strained relations between Israeli Arabs and Jews, manifested in extreme national tendencies. The new contacts with the population of the territories deepened the sense of frustration among a segment of Arab youth, who discovered new channels of expression not made possible before. The terrorist organizations understood the value of the Israeli Arabs and their intimate knowledge of the conditions in Israel, and tried to make full use of them. As a result some young Israeli Arabs were goaded into participating in terrorist activities. Their number was small and insignificant but they forced the Arab community to face the dangerous potential of this new development.

Today the Arab minority in Israel is in the throes of an internal conflict between moderates and the extremists whose activities are bound to encourage Arab youth to further terrorism.

Until now the overwhelming majority has shown a realistic attitude reflecting their integration into Israeli society, with all the difficulties facing this process in the given political circumstances.

This isn't just "lip service"; Israeli Arabs realize that peace is very much in their interest and the continuous struggle between Arab and Jew will make their condition more precarious. The debate is still on.

PRESERVATION OF THE ST. CROIX RIVER

Mr. MONDALE. Mr. President, each day the evidence builds that there is a profound and widening gap between the Federal bureaucracy in Washington and the people in each of our States. The lack of communication, the lack of confidence, the lack of sensitivity—these criticisms are not new to any of us. At times it is impossible to explain how the Federal government manages to frustrate so many wishes of the American people—for peace, for a decent job, for a chance to relax and enjoy the few remaining natural scenic areas in this country.

Never was this gap more apparent than at the Senate Interior Committee hearing last week on S. 1928, the bill the Senator from Wisconsin (Mr. Nelson) and I introduced to preserve the Lower St. Croix River as a component of the National Wild and Scenic Rivers System.

The Lower St. Croix River is one of the last unspoiled recreational rivers in the United States located near a major metropolitan center. It is within a half hour's drive from the Twin Cities, and within easy reach of the millions of people all over the Midwest who come to boat, fish, and camp by the river.

Witness after witness at the hearing last week presented direct, personal and compelling evidence of the critical need for Federal action to save the Lower St. Croix from the threat of uncontrolled commercial development. Spokesmen for Governor Anderson of Minnesota and Governor Lucy of Wisconsin spoke of their inability to provide State protection for the Lower St. Croix—an interstate boundary river. Representatives of local government and private citizen groups told of the insurmountable obstacles that thwart the best efforts of the 37 separate local jurisdictions along the river. Finally, local property owners came forth to plead for Federal relief from the formidable pressure for commercial development.

Before the hearing last week, the committee held a field hearing in October at St. Croix Falls, Wis. At that time, hundreds of local residents also came to voice their support for Federal protection of the river. And last June, in Stillwater, Minn. a preliminary report of the joint Federal-State-local task force on the Lower St. Croix was released, a study which concluded that the Lower St. Croix meets every criterion for designation as a national scenic and recreational riverway and that it ought to be administered by the National Park Service in the Department of the Interior.

How can anyone explain why the Interior Department last week abruptly turned its back on all the evidence, the studies, the State and local support, the escalating threat to the river? On the day of the committee hearing, the Department issued a negative report on S. 1928. Contradicting everyone with knowledge of this magnificent, but endangered national asset, the Interior Department announced that the Lower St. Croix in its view possesses no remarkable natural values. According to Interior, the future of the river should be left to someone else.

People back home are shocked and puzzled at how lightly a Federal agency can dismiss both the evidence and their views. I share their dismay and their hope that the Congress will take a closer look at the absurdity of the Interior Department's position. And in light of our findings I hope Congress will move swiftly to protect the river.

I encourage Senators to consider an illustration of the reaction in Minnesota to last week's announcement by Interior. Mr. President, I ask unanimous consent that an editorial published in the Minneapolis Star of April 18, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Protect the St. Croix

The Opposition of the U.S. Interior Department to designation of the lower St. Croix River as part of the National Wild and Scenic Rivers System is dismaying.

That the lower St. Croix, located near the Twin Cities urban complex, should have remained largely recreational and surprisingly undeveloped all these years is one of those strokes of good fortune for which there is no handy explanation. That any agency of the federal government should fail to recognize that good fortune and move to solidify it is indicative of short-sightedness.

A spokesman for Interior told a Senate Interior subcommittee that the lower St. Croix does not possess "unique, nationally significant" characteristics. He suggested that the 52 miles from Taylors Falls to Prescott can be protected adequately by the states and by local units of government.

Well, maybe it is not unique or nationally significant; that's surely a matter of opinion since a federal-state study team had concluded earlier that the lower St. Croix "possesses outstandingly remarkable scenic and esthetic, recreational and geologic values."

Words aside, however, it's good to look at. Only 22 percent of the riverfront is in incorporated towns or villages. As much as 35 percent of the frontage is still in farms. Most development, with some few unfortunate exceptions, is relatively unobtrusive. The area is a regional playground.

Maybe the states and the multiplicity of local governments could protect this unusual resource, but surely Congress must recognize there are enormous forces working against preservation.

As Jeff Smoller, executive director of the Upper Great Lakes Regional Commission, told the subcommittee, the area now meets criteria but "tomorrow it may not." Meanwhile, the National Wild and Scenic river system is there and available as an operative tool for the protection of what Sen. Walter Mondale described for the subcommittee as "one of the truly majestic rivers of the world."

DANGER OF RELIANCE ON OIL IMPORTS FROM MIDDLE EAST

Mr. STEVENS. Mr. President, recent reports have shown that the Nation will be confronted by an energy crisis within a few years. Our Nation has no other choice than to pursue relentlessly the development of America's energy sources. To do otherwise would expose us further to the blackmail of foreign oil producers, increase the already high cost of living, and weaken our national defense.

An editorial entitled "Alaskan Pipeline—Action Needed," published in the March 22, 1972, San Francisco Examiner, points out the danger of continuing to rely on oil imports from the turbulent Middle East while the great national treasure trove lies undeveloped at Prudhoe Bay.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Alaskan Pipeline—Action Needed

One of the world's richest oil strikes occurred in Alaska's ice-locked North Slope during the summer of 1968. The immense subterranean pool contains a proven 15 billion barrels of liquid black gold. Some estimates put the reserves in excess of 100 billion barrels—far more than all known United States reserves put together.

Exploitation of such a tremendous national treasure trove would have begun immediately in any other country. In our own much maligned democracy, however, careful consideration is given to all voices. The result, in this case, is that the treasure found in 1968 remains untapped because environmentalists claim its removal would damage America's last great wilderness.

There is no space here to discuss details of the controversy. In essence, a consortium of oil companies proposes to build a four-foot, $2 billion pipeline to carry the oil from the North Slope to the southern shipping port of Valdez. But conservationists, challenging the pipeline's safety, have held up federal issuance of the needed construction permit.

Any reader of The Examiner or other Hearst newspapers should know that we have long been in the vanguard of forces battling to end pollution and other damage to the ecology. We surrender none of this vigilance in suggesting that opponents of the proposed

Alaskan pipeline are being unrealistic in their zealous attempts to preserve Alaska as a frozen wonderland.

David R. Brower, a leading spokesman for the conservationists, has said that the Alaskan controversy is "nothing less than a test case of what the struggle to save this planet is all about . . . we need a cooling of this drive for more energy . . . we must cut down on the use of fossil fuels."

We submit that this concept, if extended to its irrational conclusion, would mean a return to travel by horse and buggy and illumination by candlelight. By practical contrast, the U.S. is being forced to rely increasingly on oil imports from the turbulent Middle East, where Russian influence leaves us dangerously and increasingly exposed to potential coercion.

All the pros and cons of the pipeline controversy have been voiced in more than three years of debate. At least 12 exhaustive federal reports have been compiled. Interior Secretary Morton is expected by both sides to issue the go-ahead permit, but to date it remains mysteriously withheld after a number of postponements.

We urge granting the permit with no further delay. Even that would not mean an all-out green light. The conservationists could and presumably would block actual pipeline construction for another year or even permanently by appeals up to the Supreme Court.

The permit should be hedged around with every rational condition possible to prevent permanent environmental injury, and to require repair of temporary injury during construction. But the overriding point is: It should be done as soon as possible.

RAILROAD NATIONALIZATION

Mr. ALLOTT. Mr. President, the March 27 issue of Railway Age contains a fascinating statistical table that demolishes the myth that nationalized railroads often return a tidy profit to their shareholders—the taxpayers of the various countries which have nationalized railroads. The truth is very different. The truth is that where railroads are nationalized, taxpayers must make up staggering losses.

I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD as follows:

MYTH: NATIONALIZED RAILWAYS OFTEN RETURN A TIDY PROFIT TO THEIR "SHAREHOLDERS"

TRUTH: WHERE RAILS ARE NATIONALIZED, TAXPAYERS MUST MAKE UP STAGGERING LOSSES

[In thousands of dollars]

	Subsidy payments	Deficits after subsidy	Total cost to taxpayers	Taxes paid	Net profit
Netherlands Railways	19,300	22,176	41,476	0	0
Canadian National	89,200	26,989	116,189	0	0
British Rail		353,760	353,760	0	0
Japanese National		375,850	375,850	0	0
Italian State	167,788	410,150	577,938	0	0
German Federal	397,200	306,845	704,045	0	0
French National	423,637	477,247	900,884	0	0
U.S. Class I Railroads	0	0	0	946,334	677,633

Note: These statistics, and others used throughout this article unless otherwise specified, are for calendar 1968, the most recent year for which comparable figures are available due to changed methods of reporting. While the actual figures have not changed, the relationships remain much the same. For example, while U.S. railways earned less and paid smaller taxes in 1971, the French Railways' total cost to taxpayers that year rose to $1,200,000,000. And British Rail is still deep in the red, despite a 1969 Act of Parliament which wrote off much of BR's debt and provided grants in advance rather than subsidies after the fact. Not included in the U.S. figures are comparatively smaller payments made by public authorities to railroads in New Jersey, Pennsylvania, and Massachusetts to help offset rising commuter-service losses. Biggest such payment in 1968 was $6,374,279 by New Jersey to 5 commuter roads.

Source: International Railway Statistics (Paris), as extracted by Union Pacific researchers; AAR.

COAST GUARD BUDGET AUTHORIZATIONS

Mr. PACKWOOD. Mr. President, the Senate Commerce Committee is currently considering authorizations for the U.S. Coast Guard. The President's budget request for fiscal year 1973 includes funding for the construction of a Coast Guard air station in North Bend, Oreg. The establishment of this air station would allow more effective enforcement of American laws. It would also help to protect Oregon's commercial fishing industry from those foreign fishermen who continue to ignore our territorial integrity.

Mr. President, I ask unanimous consent that the statement which I made before the Senate Subcommittee on Merchant Marine on April 18 be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BOB PACKWOOD BEFORE THE SUBCOMMITTEE ON MERCHANT MARINE, APRIL 18, 1972

Mr. Chairman, and members of the subcommittee, I want to thank you for this opportunity to appear before you today, and for holding hearings on Coast Guard authorizations.

I am testifying today in behalf of the authorization of a Coast Guard air station in North Bend, Oregon. In addition to providing increased surveillance of the Oregon coast, this air station would supply the increased search and rescue operations desperately needed in this area.

Throughout the commercial fishing season, I regularly receive letters and telegrams from irate Oregon fishermen who complain about the intolerable invasion of our fishing zone by foreign fishing fleets. The presence of foreign ships presents a tremendous threat to Oregon's commercial fishing industry. Oregonians are understandably bitter about lengthy Coast Guard delays in answering their complaints of Soviet, Korean, and Japanese violations of our 12-mile limit.

In response to this problem, I have attempted since joining the Senate to insure that the interests of our commercial fishing industry receive the high priority they deserve.

In 1970, for example, I cosponsored a bill, which eventually became law, to increase the maximum fine for illegal fishing from $10,000 to $50,000. That same year, I cosponsored an amendment to the military sales act which prohibited assistance to the Republic of Korea until the President of the United States determined that no citizens of the Republic of Korea were fishing for salmon east of the line 175 degrees west longitude. More recently, I have cosponsored legislation to require that all fish aboard any foreign vessel found fishing in American waters must be forfeited.

Mr. Chairman, each of these proposals represents a major step toward achieving a solution to our foreign fishing problem. We must realize, however, that strong laws are not worth the paper they're printed on unless they are strictly enforced. Unfortunately, strict enforcement has been the exception rather than the rule in protecting America's commercial fishing industry from foreign encroachments. Until we provide adequate manpower and equipment to catch the violators, and impose the fines we legislate, foreign fishermen will continue to ignore our territorial integrity. The construction of an air station at North Bend would allow more aggressive enforcement of existing law.

Oregon fishermen have assured me that their bitterness stems not so much from the action of foreign fleets as from the inaction of Federal departments and agencies. In the past, the justified concerns of Oregon commercial fishermen have been met with mere expressions of sympathy or apology. I can assure you, Mr. Chairman, that Oregon fishermen deserve and expect better treatment. I am here today to insure that they receive it.

VIETNAM ROUNDTABLE DISCUSSION

Mr. MOSS. Mr. President, first, what has been the price of the Nixon war policy?

When is the President prepared to fulfill his promise to the American people to end the war? On August 8, 1968 in accepting the Republican Party nomination, the President said:

> I pledge to you tonight that the first priority foreign policy objective of our next Administration will be to bring an honorable end to the war in Vietnam. . . . My fellow Americans, the dark long night for America is about to end.

What honor is there for the President to be known as "the greatest bomber in history? Since President Nixon's inauguration, more than 6 million tons of bombs have been dropped in Vietnam—1 ton for every minute he has been in office—more than the combined total dropped during World War II and Korea. In a mere 3 years, Nixon has dropped more bombs than President Johnson did in 5 years.

There is a deepening despair increasing in this country as a result of President Nixon's resumption of the bombing attacks against major ports of North Vietnam.

The renewed bombing and discredited policy of seeking military victory through massive use of American airpower has provoked a profound sense of misgivings in the minds of the American people. The American people do not want this tragic and senseless war to continue 1 minute longer. In how many more ways must the people demand an end to the war? The war in Vietnam has produced the greatest division in this country since the Civil War—it must be ended.

Since Mr. Nixon came to office, 20,000 Americans have died, 110,000 have been wounded, and 340,000 Asians have died. And there have been 600,000 civilian Asian casualties and 4 million refugees.

How many more people must be killed? How many more bombs must be dropped?

Second. Is the President winding down the war?

The President's systematic substitution of our airpower for our manpower has increased the war activity. Is 525 airstrikes in 1 day—last Saturday—winding down the war?

Bombing has increased dramatically since President Nixon took office. Fifty thousand tons were dropped in July 1971, in March 1972 this increased to 70,000 tons. In November 1971, we had 400 planes in Vietnam. Today there are 700. In 1968, there were 100 B–52's in use in the war. By 1971 this dropped to 45. Today, the President has increased the number of B–52's to 120 plus.

Third. Why has President Nixon brought us to the brink of a head-on confrontation with the Soviet Union with his renewed bombing? Why has he subjected our already difficult and delicate American-Soviet negotiations to new intolerable strains?

How can the President gamble with danger of a much wider war? How can he jeopardize his trips to Moscow and the SALT agreement we hope to reach?

He may be gambling that the Soviet Union will restrain Hanoi or restrict its supply flow rather than accept a confrontation that would endanger Mr. Nixon's May 22 visit to Moscow and, with it, such other Soviet objectives as a strategic arms agreement, increased trade with the United States, and Bonn's ratification of the German-Soviet treaty and the European status quo.

Obviously, the President is seeking to persuade Russia to use influence on Hanoi to stop their new offensive and is prepared to use any leverage with the Soviet Union he can; that is, Soviet-American relations, SALT talks.

Russian involvement in Vietnam has not changed the character of the war or justified our bombing. Estimates of Soviet aid to North Vietnam placed it at $415 million last year while we pumped in over $1.5 billion in direct military aid to South Vietnam during the same period.

Fourth. When will the President's Vietnamization program progress to the point that the South Vietnamese will take over their own war?

Is not the real meaning of the Hanoi-Haiphong raids that Vietnamization does not work well enough to allow the President to feel comfortable in his reelection campaign?

If, after 3 years of Vietnamization, President Nixon still does not dare put 1.2 million South Vietnamese troops to the test, when will he dare?

Fifth. Will bombing reduce Hanoi's will?

The studies of bombing in Vietnam and elsewhere show that its main effect is to rally the uncommitted to support the government being attacked and strengthens their will to persist; that is, Britain in World War II.

As long ago as July 1966, the CIA and the Pentagon's Defense Intelligence Agency reported that 16 months of bombing North Vietnam "had had no measurable direct effect on Hanoi's ability to mount and support military operations in the South." Moreover, the intelligence estimate concluded that this situation was "not likely to be altered," by mining Haiphong and other harbors or adopting other military proposals then contemplated, for expanding the air offensive.

Bombing does not win the mind of the Vietnamese people. The discussion often focuses around the number of planes, sorties, killed in action, refugee counts, and so forth. Yet the key is in understanding the minds of the Vietnamese, and our present policy shows that we still do not know them and are not making much of an attempt to do so. Their struggle has been long and they will not give up. Thieu stands for much that both North and South Vietnam have been struggling against under various kinds of colonial rulers and previous conquerors. We apply Western techniques of bombing and condone voting in fixed elections to solve a problem that will not yield to that kind of medicine.

Sixth. Congress must now play a more assertive role to urge the President to set a date certain for the complete and total withdrawal of all American troops from Vietnam—land, air, and sea—conditional only on an agreement with the North Vietnamese for a return of U.S. prisoners.

The President's only strategy is one of war. He is lashing out in blind anger over the failure of his secret plan to end the war.

Congress must give him a strategy of peace.

WELFARE POLICIES

Mr. ALLOTT. Mr. President, as we approach another important and complicated debate on welfare policies, it is prudent to pay attention to the ground we have recently covered.

Above all, now is the time for all good men to disavow sentimentalism in dealing with the problems of poverty and its related social pathologies. To help Senators with this process, I ask unanimous consent to have printed in the Record Irving Kristol's book review entitled Our Gang and How It Prospered, published in Fortune magazine for April 1972.

There being no objection, the review was ordered to be printed in the Record, as follows:

Our Gang and How It Prospered

(By Irving Kristol)

As ever growing percentages of Americans achieve middle-class status in occupation, income level, and educational experience, valid knowledge within the middle class of how poor people really live and think seems to get scarcer. Decline in knowledge has not, however, been accompanied by any corresponding falling off in social concern. Quite the opposite. A sizable portion of today's middle class favors a "liberal" approach in dealing with the problems of the poor—especially the poor who live in slums. Unfortunately, the genuine compassion that provides part of the motivation for this approach is heavily spiked with silly sentimentality and compulsive romanticism. That all prostitutes have hearts of gold seems to be a conviction deeply held by much of the middle class; similarly, that all criminals are innocent victims of their social circumstances.

The French have a phrase for it: *nostalgie de la boue*—a nostalgia for the gutter. It appeared frequently as a theme in nineteenth-century romantic literature. More recently, it has become a standard literary convention—witness the popular writings of Jean Genet and Eldridge Cleaver.

Sociology, too, has fallen under the sway of middle-class romanticism. To guess the views of an urban sociologist, you need only inquire into his social origins and personal background. Those who have been born and raised in poor neighborhoods—the Daniel Patrick Moynihans, Edward Banfields, Nathan Glazers—tend to be "tough-minded" about slums and their inhabitants. "Tough-minded" does not mean being uncaring or callous; it means merely that your mind is uncluttered with illusions.

In contrast, sociologists born into the middle class are inclined to be "tenderminded." They are the kinds of people who feel elevated by the rhetoric of the Urban Coalition. They are likely to believe that the debased jargon of the slum streets is not only an exotic dialect, but is actually as effective a mode of discourse as the Queen's English. They are certain that a juvenile delinquent from a welfare family is a far more "interesting" figure—with a greater potentiality for redeeming, not only himself, but all of us—than an ordinary, law-abiding, and "conforming" youngster who is from the very same household. The fact that the nondelinquents far outnumber the delinquents is ignored; it is assumed that we have nothing to learn from them.

The "tender-minded" now dominate our thinking about urban slums, and most of our policy making too. So it is not surprising that when a book appears raising some serious questions about this whole approach, it should be shrugged off and given little attention. The Gang and the Establishment by Richard W. Poston was published some months ago. It is a fascinating and instructive book, and the story it soberly relates is, in its way, quite sensational. It is the funny-sad story of a brilliant con game within the "war on poverty," and of enormous self-deception by the authorities who fell victim to it. Nevertheless, though the author has impeccable credentials, the review media have been singularly uninterested in it. The reason, one may safely suppose, is that it goes so powerfully against the grain of prevailing urban-romantic sensibilities.

ARISTOCRACY OF THE SLUM

Richard Poston is a research professor at Southern Illinois University, an expert in community development, a director of training programs for the Peace Corps, and—as we say—a "concerned" and "committed" liberal. He was, therefore, quite excited when in 1967, after the Detroit riots and four years of ghetto violence, he discovered a new phenomenon that promised a wonderful self-reformation of our urban slums.

From friends in Washington and New York, Poston learned that a couple of New York's largest street gangs had forsaken their bloody wars and other criminal activities in favor of a comprehensive effort to reform the ghetto. They had established a riot-prevention force, a street academy serving 1,600 high-school dropouts, a day-care center, and a whole panoply of social services. Their diligent and imaginative leadership had already attracted financial support—totaling nearly $100,000—from private foundations and industry, and a large grant from the federal government was in the offing. The New York leadership was now contemplating a national organization of street gangs that would attack the ghetto's problems.

Inevitably, Professor Poston soon became involved in the venture. His book recounts (a) the subsequent history of this effort to convert juvenile delinquents into a natural aristocracy of the slum, and (b) his growing awareness that the whole thing was one vast "hustle" and that the supposed accomplishments of these "reformed" street gangs were 99.9 percent pure myth.

The "Real Great Society," as the reformed New York gang designated itself, was in fact the creation of a motley group of white liberals. These included a Princeton Ph.D. in psychology named Charles Slack, who was a student of street gangs and—as it turned out—a genius at publicity and promotion; two idealistic brothers named Good, alienated sons of an affluent Philadelphia family, who had drifted into the Lower East Side ghetto; various dropouts and graduate students from eastern universities; and perhaps most important of all, C. McKenzie Lewis, a prominent Washington tax attorney burning with social dedication, who always managed to find the needed money whenever the enterprise faltered.

And then, of course, there were the slum youths themselves: Angelo, Chino, Pee Wee, and the rest—the stars of this political theatre of the absurd. According to Professor Poston, they were extraordinary young men—intelligent, articulate, in many ways likable, and with a flair for dramatic leadership. One need not doubt him: anyone with personal experience of the slums knows—as middle-class enthusiasts are thrilled to discover—that among young delinquents there are many who, if they chose to go straight, could have successful careers in business or politics or the professions. (If you watch James Cagney's early movies on TV, you will see the type.) One need not even doubt that, to an extent, some of these young men were bewitched by their own propaganda and felt they were being "sincere." They would have had to be more than human not to have been affected by the reception they received from their middle-class audience.

To call that reception "warm" is to fail to do justice to the hysterical approbation evoked by these new, true representatives of the oppressed masses. Thousands of college students, on campuses all over the country, flocked to listen to them and to cheer wildly their excoriation of all anti-delinquency programs that were not controlled by indigenous delinquents. The press, radio, and television were delighted to have criminal glamour and social relevance presented to them in one neat package. Several large corporations made handsome contributions to this up-to-date version of "self-help." The Astor Foundation and the Stern Family Fund provided working capital; and the Labor Department, the Office of Economic Opportunity, and H.E.W. soon were in the picture, to the tune of over a million dollars. Who said America was no longer the land of opportunity?

Meanwhile, back in the slums, nothing much had been done in the first place, and what had been done was falling apart as more and more greedy hands reached for a piece of the available action. A national convention of gangs, sponsored by Southern Illinois University, turned into a combination of bash and brawl; it was a long, lost, $80,000 weekend. The schools for dropouts, where any actually existed, were flooded by hippies. The Blackstone Rangers of Chicago, it turned out, were using their O.E.O. money to establish a more luxurious criminal operation. The gangs warred with one another; there was intense ethnic rivalry between blacks and Puerto Ricans; and within the gangs themselves, struggles for power took precedence over all else. In other words, the juvenile delinquents behaved just like juvenile delinquents.

GOSPEL FROM THE LOWER DEPTHS

What is truly curious is that anyone should have expected them to behave otherwise. The explanation would seem to be in the utter failure of the middle-class imagination to grasp the most important fact about juvenile delinquency in the slums: that *it is a human choice, not a sociological destiny*. To be sure, it is a choice conditioned by the circumstances of slum life. But it is nevertheless a choice, and a minority choice at that.

Most youngsters in the slums do not become delinquent—they choose not to. Even most delinquents do not grow up to be criminals; they get married and then choose to "settle down." There certainly might be something to be said for having youth programs in the slums run by *non*-delinquent or *ex*-delinquent slum youths. But it is fair to predict that such programs would be looked down on as "insufficiently innovative," that foundation or government money would be in short supply, and that the media would find them about as glamorous as the old-fashioned settlement houses.

One does get the impression that this middle-class romance with the slum is close to incurable. Professor Poston is only partly chastened by his harrowing experiences, and most of the others who had their fingers burned seem not to have been chastened at all. As Poston observes: "But the hustle continues, and the grant-makers who are allowing themselves to be victimized—both in government and out of government—seem to have no clue to what is happening." Since they are not stupid men, one can only assume their invincible ignorance is itself—like delinquency—a choice. These are middle-class people who have lost all faith in middle-class values and are searching desperately among the lower depths for new saviors with a new gospel. Any connection with actual social reform, or a sensible urban policy, is fictitious. Only the characters and the money are real.

FULL JUSTICE FOR THE VIETNAM ERA GI

Mr. HARTKE. Mr. President, on Thursday last, April 13, the New York Times published a brief editorial entitled "Miserly Reward," pointing up the glaring inequities between the Vietnam era GI education bill and the generous allowances made after World War II. I ask unanimous consent that the editorial be printed in the Record.

Mr. President, I fully concur with the Times editorial. More than that, I have recently proposed that the Vietnam era GI bills be brought up to parity with the educational benefits following World War II. The Committee on Veterans' Affairs, of which I am privileged to be chairman, has been conducting a series of hearings on the GI education bills and has heard testimony which fully confirms the unfair rate of allowances. At the beginning of the hearings, I announced my intention of amending my own bill, S. 2161, to further increase the educational allowance rates. I have taken the total dollar amount payable to the Second World War veteran, converted this to a monthly rate, and adjusted it to 1972 dollars. This would mandate an increase of approximately 40 percent over the current rates of the Veterans' Administration and would achieve true equity with the old GI bill. Under my proposal, the present monthly allotment for a single veteran would be increased from $175 to $285. If there is the addition of a child, the amount would go from the current $250 to $326.

Mr. President, we cannot do less for the Vietnam veteran. To better his future is to enrich the Nation.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Miserly Reward

Unlike the men who fought in World War II, the veterans of Vietnam have served in a war over which the country has been sharply divided. The Vietnam war, moreover, called for sacrifices only of those who were in the armed forces, while their compatriots at home have remained largely unaffected.

The veterans of Vietnam ought therefore to receive financial benefits at least comparable to those afforded the veterans of World War II. Yet the educational G.I. Bill of Rights today constitutes a niggardly handout, compared to the full finding of college studies which made the post-World War II G.I. Bill so significant a landmark in the expansion of educational opportunities.

Present stipends are insufficient to cover tuition and subsistence, except perhaps at a few low-cost institutions. Educational costs have gone up, but educational benefits have been reduced. The injustice of such a policy is aggravated by the fact that, while the World War II veterans represented a cross section of the population, the disadvantaged and the deprived have formed a disproportionate majority of those who have fought in Indochina. They thus are doubly discriminated against—first by being asked to shoulder an excessive share of the military burden and now by being deprived of equal reward.

"That place was cold, man," one of the men who went to the appropriate Veterans Administration office to ask for his G.I. Bill benefits told a Times reporter. It is no more than basic justice for Congress and the V.A. to see to it that these men are allowed to come in from the cold. The full funding of their education is as much an investment in the nation's future as a fair reward for service.

NEW YORK TIMES SUPPORTS SENATE VERSION OF BLACK LUNG BILL

Mr. JAVITS. Mr. President, on Monday last, the Senate passed an amended version of the black lung benefits bill. Despite the 73-to-0 vote of the Senate, it is well known that this bill is actually highly controversial. It is opposed, albeit for different reasons, by the administration and the coal industry.

I believe that the Senate version of the bill is preferable, both with respect to the manner in which the benefits program is liberalized and with respect to the granting of only a 1-year extension to the industry before it assumes responsibility for payment of the new claims, rather than the 2-year extension provided by the House bill. I am happy to note that the New York Times today has expressed its editorial support for the Senate bill on both counts. I ask unanimous consent that the Times editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Paying for "Black Lung"

The miners who cough their lives away as victims of "black lung" and the taxpayers will both be better protected if the Senate version of a liberalized compensation law prevails in House-Senate conference.

The Senate bill, an amendment to the historic Federal Coal Mine Health and Safety Act of 1969, lays down more adequate standards for establishing eligibility and for safeguarding orphans than the House measure.

But the principal battle in conference is less likely to come on that issue than on a renewal of the coal industry's persistent effort to escape its proper obligation to take over financial responsibility for benefit payments. That obligation was originally scheduled to pass from the Federal Government to the operators at the end of this year. The House bill would authorize a two-year delay in the transfer of responsibility; the Senate would hold the delay to one. As Senator Javits rightly notes, the operators should have been paying the cost of the benefits all along, as employers do under all other workmen's compensation programs.

"THE PENTAGON SPENDING SWAMP"

Mr. PROXMIRE. Mr. President, the Philadelphia Inquirer called it, "The Pentagon Spending Swamp." It is the order to Navy brass to spend, spend, and then spend some more, whether the money is needed or not.

But there is more taxpayers' money sinking in the swamp—for the C–5A and the Lockheed loan guarantee—according to the Inquirer, which sees a need to "put procurement and spending on a businesslike basis."

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Pentagon Spending Swamp

There used to be a legendary, unwritten Department of Defense regulation to guide senior military and naval officers in preparing for battle with the appropriations process:

"Figure what you need, add what you'd like, tack on a dream, figure in a 20 percent fudge factor, append 10 percent for contingencies, project for inflation, multiply the total by your service academy rifle number, and dispatch it to the appropriate Congressional committee."

Perhaps rehearsing the apochryphal procedure is unfair and damaging to the dignity of America's dedicated masters of defense—as well as irreverent.

We're not so sure. Compare it with the Feb. 9 order by Adm. Elmo R. Zumwalt, Chief of Naval Operations, recently made public in the course of Congressional concern about economies:

". . . Importance of avoiding shortfall in meeting newly established FY 72 targets to avoid resultant adverse effects on anticipated FY 1973 outlay ceiling dictate need for top management attention. Anticipate any shortfall in FY 72 outlay target could be translated into program loss under FY 73 ceiling."

The mythical and the actual here are close to identical—if you glean from Adm. Zumwalt's words, as we do, that he is trying to say pour it out today or it won't flow in tomorrow.

The main message of Adm. Zumwalt's prose might be that the second R of the traditional American educational process has failed dismally with the Joint Chiefs of Staff. We could bear that truth, though with some sadness. But the horrendously serious fact is that the CNO was writing about $400 million of taxpayers' money and that his memo went to 10 top naval officers, who can be depended upon to be responsive.

Disclosure of the Zumwalt memo came only a day after the General Accounting Office confirmed that Air Force procurement officials' bumbling or worse had led to more than $1 billion in Lockheed Aircraft Corp. cost overruns in connection with development of the C–5A jet transport.

Of some $1,105,000,000 involved in the C–5A scandal, about $400 million in excess payments to Lockheed had been discovered two years ago by the Pentagon's own Defense Contract Audit Agency, the GAO reported. The Air Force not only failed to act on that knowledge, but poured a subsequent $705 million in overruns into Lockheed's C–5A project.

Meanwhile, Congress was persuaded to pass a $250 million loan guarantee to sustain Lockheed in its managerial travails.

Sen. William Proxmire, pressing the matter before a joint economic subcommittee of Congress, has demanded an inquiry by the Justice Department. Presumably, some legislative insight will also come out of the hearings.

But of immensely greater importance, we believe, is a major effort by the Nixon Administration to put defense procurement and spending on a businesslike basis—resolutely and at the highest priority.

WE SHALL BE HELD ACCOUNTABLE FOR WHAT WE HAVE DONE TO OUR PARENTS

Mr. PERCY. Mr. President, the New York Times recently published an article written by Naomi R. Bluestone, who describes in a cogent and moving way what we have allowed to happen to some of our "senior citizens."

Although Miss Bluestone does not tell us anything we do not already know—that conditions in many of our "institutions" for the aged are mind-boggling in their horridness—she describes these conditions in unusually eloquent terms, and forcefully reminds us that we shall be held accountable for what we have done to our parents.

I ask unanimous consent that Miss Bluestone's excellent commentary be printed in the Record:

There being no objection, the article was ordered to be printed in the Record, as follows:

Old Ones Go on the Discard Pile

(By Naomi R. Bluestone)

A decade ago, when I was a medical student in Philadelphia, a field trip arranged by the Department of Preventive Medicine of the Women's Medical College of Pennsylvania brought me to a home for the aged, my first encounter with what I then frozenly termed "the extreme debilities of old age."

I was shocked, stunned, utterly repelled by the spectacle of old ladies cradling doll infants, and old men paraded about, "centenarians admired for their ability to still whistle at girls." Nothing in my experience had prepared me for a confrontation with this particular prelude to life's end. Although in the periphery of my impressions I could appreciate the institution's cleanliness and cheer, my report to the instructor was full of wild questions, doubts and fears.

Published by the county medical society journal, and reprinted in the local paper, these expressions brought a postal flood from every conceivable segment of our society concerned with what we now call "the problems of the aging." People from the labor unions. Proprietors of nursing homes. Preachers. Politicians. The fearful elderly, still clinging to home. I had, apparently, all unknown, tapped into an artesian source of tremendous anxiety and concern. My classmates, unimpressed, dismissed me as a "cornball" and a bleeding heart, which I proudly was then, and continue to be at this time, more reluctantly.

My classmates have since followed the normal distribution curve into the clinical specialties, and I have become a medical care administrator, concerned with the social problems of medicine.

Five years in this field began to toughen me. I made the rounds of nursing homes, where the sick and elderly marinated in their own urine, or slumped over the arms of that familiar paraplegic roost, the wheelchair. I haunted the out-patient clinics of this city, where the suffering and confused picked up our medical care crumbs like supplicant birds on a wintry day. I studied home care programs, where widows waiting in kitchens looked to the visiting therapist as young girls look to their first love.

So how could I have been so little prepared for the geriatric wards of Manhattan State Hospital, where I came to work as a clinical physician three years ago? I came to Wards Island almost by accident, seeking a respite from the hurly-burly world of the city, wanting to take care of patients again. I found the senile aged treated more shabbily than the imagination could bear, senior still, barely citizens. How can I tell you?

Filth. Mice. Roachs. Garbage on the stairs and trash in the nurses' station. No sheets, no underwear, no blankets in the winter. No furniture for patients save beds, and broken odds and ends. No page system. No telephone directory. No policy manuals. Rotted plumbing. Unpalatable food. One functioning elevator for one thousand patients on seventeen floors. One wheelchair ramp for the entire hospital. No electroencephalograph for the entire hospital. One dietitian for three thousand patients. No physical therapist for the entire hospital. No employee health services. Inadequate staff. Shattered morale. Employe theft. Patient theft. Elderly feeble beaten by young psychotics. Inability to protect patients from employe reprisals. Unexplained fractures during the night. Nonexistent charts. Physicians who speak a foreign tongue. Vital medications not given. Fatal bedsores, dehydration, coma, death. Highly centralized bureaucracy, uninformed, insensitive to local needs. Brand-new rehabilitation center, unstaffed, nonfunctioning. Three administrations in as many years, all poor. A civil service which binds like a too-small garment. A union which rules supreme. Helpless, powerless, voiceless relatives, lied to each day about their loved ones.

I am wondering how long it must last, and whether I have learned anything in these ten years. I have not learned resignation or acceptance, but I *have* learned that this is the way it is to be. I know now that the enemy may be cloaked with the coat of the healer, and the friend will appear from among the lowliest of our society. I have learned that the purse strings which tighten a noose around our therapeutic efforts and force us to employ for our elderly those whom no one else will have, do not alone cause our travail. I have perceived that as repression springs from the terrified heart, so untutored voices speaking euthanasia rise to try to right our multiple wrongs. I have gained perspective: I remain unmoved by the furor at Willowbrook, recognizing that a society that will not care for its unwanted mothers and fathers will care just as little for its useless children.

Some day we shall be held accountable for what we have done to our parents.

Dr. Naomi R. Bluestone is assistant clinical professor of community medicine at the Mount Sinai School of Medicine and New York Medical College.

DR. MARIA JOSEPHINA FRANCO OF ARIZONA

Mr. FANNIN. Mr. President, Arizona is richly endowed with the heritage of Mexico. Arizona and the Mexican State of Sonora share a common border for 332 miles. The two neighboring States complement each other in trade and commerce. Bonds of friendship which have endured for generations grow stronger with the passing years. Arizonians of Mexican descent have contributed hugely to the growth and prosperity of our State. Our Mexican American citizens have displayed leadership in every field of endeavor. We Arizonans are proud of the Mexican influence on our art, culture, and economy.

The Bureau of the Census has reported that Spanish-speaking persons make up one-fifth of Arizona's population. Census figures reveal that 333,349 of the 1,770,900 people in Arizona speak the Spanish language or have a Spanish surname.

Eighty-nine percent of them were born in the United States and of the 36,054 foreign born, 31,135 were born in Mexico.

I should like to single out for recognition today a charming and gracious lady of Mexican-American descent whose talents and energies are making her influence felt in Arizona.

Dr. Maria Josephina Franco was born in Phoenix, the daughter of parents who were natives of Mexico.

Dr. Franco was graduated from Xavier High School, in Phoenix, and Arizona State University, at Tempe, where she was a premedical student.

She attended medical school in Mexico City at the Universidad Nacional Autonoma De Mexico, and served her internship in the Mexican state of Chihuahua. Dr. Franco then returned to Mexico City to serve her residency.

After practicing medicine in Mexico for 3 years, the illness of her elderly parents prompted Dr. Franco to return to Phoenix, where her mother, Josephina C. Franco, recently died. Dr. Franco's father is Jesus Franco, who is retired from the Mexican diplomatic service. For several years he served as Mexican Consul in Phoenix.

The late Mrs. Franco and her husband are credited with founding the annual fiesta celebrating Mexican Independence Day in Phoenix each September 16.

But Mrs. Franco's enduring contribution to Arizona and the Spanish-speaking residents was the establishment of El Sol, a weekly newspaper printed in Spanish, which she published for nearly 40 years.

Under the editorship of Dr. Franco, the newspaper continues to serve the Spanish-speaking residents of Arizona, covering a wide spectrum of news and commentary.

Dr. Franco, who specializes in endocrinology and gynecology, plans to resume her medical career in Arizona, but plans also to continue publishing El Sol.

In addition to publishing the Spanish-language newspaper, Dr. Franco has found time in her busy schedule to expand into the field of electronic journalism. Each Saturday at 4 p.m. on KPAZ, channel 21, the doctor goes before the television cameras to do a live 10-minute newscast in Spanish, recapping the important news of the week with emphasis on those events of greatest interest and concern to the Mexican American community.

Dr. Franco is active in the Mexico-United States Medical Society, and at a recent convention of the group in Phoenix she provided the simultaneous translations.

She holds membership in the Friends of Mexican Art Association in Phoenix and in the VESTA Club. The VESTA Club is made up of Mexican American professional people whose scholarship program provides assistance for Mexican American college students.

Dr. Franco is active in the affairs of the Catholic Diocese in Phoenix, and in Mexico she worked with young people and anti-Communist groups.

In 1968 she was selected by the President of Mexico to serve on the Committee for the World Olympics in Mexico City.

Mr. President, Dr. Franco is an outstanding example of the type of leadership and guidance which is being provided in Arizona by Mexican Americans.

DIGNITY HOUSE AND DELINQUENT TRANSITION

Mr. BAYH. Mr. President, I wish to speak on a major problem confronting our Nation today and one man's effort to deal with this problem which deserves the attention of Senators and our country.

We have many correctional institutions for the juvenile offender. Yet due to the sheer size of these institutions, their limited staffs and meager resources, they cannot deal effectively with many complex patterns of youthful delinquent behavior problems and "hang-ups" of juvenile delinquents.

The Subcommittee on Juvenile Delinquency, of which I am chairman, has heard moving testimony on the plight of our youth during the past year. A constituent of mine, Rev. Luther Hicks, is trying to deal with the problems of youthful offenders. For several years Reverend Hicks has directed a nonprofit organization in Indianapolis, Ind., called Dignity Unlimited. A major component of his program is Dignity House, an extrainstitutional facility for the treatment of delinquent boys. Dignity House, through its Project Transition, provides an environment in which young boys can develop responsibility and learn to make decisions affecting their lives, and the community in which they live. The boys must attend public school, participate in group counseling, join in community activities, and perform routine chores to reenforce their developing sense of responsibility.

As of May 1971, the success rate of Dignity House was 80 percent. Only three out of 15 boys had been sent back to correctional institutions. Since that time the rate has improved to 90 percent. Mr. President, I personally commend Mr. Hicks' efforts in this endeavor and hope that his program will serve as a prototype for communities throughout our country seeking new ways to help our youthful offenders build productive lives. I am pleased to bring this program to the attention of my colleagues and the American people. I ask unanimous consent that Mr. Hicks' testimony before my subcommittee on May 3, 1971, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

A REPORT TO THE U.S. SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

(By Luther C. Hicks, Director, Dignity Unlimited Inc.)

Mister Chairman and Subcommittee Members: My name is Luther C. Hicks. I am an ordained minister of the Indianapolis Northeast District of the United Methodist Church. I am also the Director of "Dignity Unlimited Inc." a non-profit organization, designed to give direct service to the disinherited within the inner-city. "Dignity Unlimited" is sponsored by the Metropolitan Mission Board of the United Methodist Church and the Indianapolis Anti-Defamation League B'nai B'rith. "Dignity House," a home for the treatment of juvenile delinquent boys, and one of the projects of Dignity Unlimited, also owes much of its reason for existence, not only to the United Methodist Church and the Indianapolis Anti-Defamation League, but to Model Cities of Indianapolis, a federal project whose interest in our endeavor has made it possible for us to implement our program. "Dignity House" is also referred to as "Project Transition."

"Dignity House" is a demonstration project located in the northeast residential section of Indianapolis, merged into the neighborhood as all other family structures are. Unlike the other homes, "Dignity House" is designed to be one possible alternative to keeping the youthful offenders in the juvenile detention center, or committing them to another state warehouse, known as the Boys' School. We think of our primary function as one of treatment. Our goal is to work with youngsters whose needs are between institutionalization and remaining at home. In this area we feel that we are unique, for it removes us from the category of a halfway house or foster home per se.

We have attempted to make "Dignity House" as unstructured as we possibly can, and yet remain effective. Consequently there are no guards or bars, no unwarranted punishment, and as little regimentation as possible. We instead are providing:

a. An environment in which a lad can develop responsibility for making decisions affecting his own life and those with whom he lives.

b. An atmosphere geared to orient the lads to their responsibilities in the community.

These goals are achieved through formal group discussions in which the lads themselves crystallize their problems and suggest solutions. With the guidance of the staff, and a trained and registered social worker the peer group defines and begins to think in terms of a different or more positive level of performance.

In order that our residents may experience a continuous confrontation with society and its demands, and in turn maintain a wholesome tie with the community, they must attend public school. For it is through the school that he has legitimate reason to be away from Dignity House continuously, he finds additional opportunities for cultural cultivation, his mobility increases, and new and sometimes more meaningful relationships are established.

Realizing that one of the main offenses is truancy, one of the staff has the specific duty of working with the lads on this level. He is referred to as our "education specialist". He has established contact with the deans, counselors, and teachers in the schools our lads attend. There is a daily check kept on their attendance through channels. And problem the lad encounters in school, the education specialist is notified and he in turn deals with it. It is a welcomed concept as we attempt to keep our lads in the ghetto schools with all his problems and theirs to contend with. Like AVIS we try harder!

Any visitor within our house for the first time is usually surprised by the physical structure of the building and its cleanliness. The house is a spacious old building, three stories high, and tailored to the specific needs of the residents at a renovating cost of approximately $20,000.00. Its light and bright openness echoes a refrain of pride and freedom.

There is a big stove in the kitchen with a cook who knows the art of soul-food cooking. Leaving in one direction from the kitchen through the butler's pantry, one comes into a large dining room where the lads eat three meals of freshly prepared food a day, family style. Should any lad after the evening meal become hungry before bedtime, as young growing teen-age boys are want to do, there's always the "proverbial snack".

Both color and black and white T.V. are available to him, as well as pool table, ping-pong, boxing gloves, limiting visits inside or outside the house during week days. Our lads belong to organizations, such as the "Youth and Campus Life Movement" and other neighborhood clubs. Three of our lads are enrolled in their respective high school R.O.T.C. units. We encourage our lads to seek their own entertainment.

Just like the Navy, we have routine chores around the house to perform daily. All rugs or carpets are vacuumed daily except Sunday, toilets or washrooms maintained daily, etc. There is a washing machine and dryer that they may do their laundry.

When a resident is first admitted to Dignity, he goes with a counselor and picks out new clothes for himself. Usually he's like a jay-bird, ragged. Although money is tight, he manages to get fitted from inside out. As clothes are important to them, we try to keep them supplied with the basics, for we all pass through the "Caesar Higgins" stage.

From the time we arouse in the morning, 6:30 A.M., with hot breakfast at 7:15, until we sack-in at night, we try to plan and work and live and play together as a family. We are not by any means without error sometimes, we are acutely aware of our limitations, but we strive to find and maintain a quality of life that can be enjoyed by the lads. To treat them as "children of light" rather than "children of darkness," always with pleasant surroundings and the introduction of new opportunities.

As a summation of all I have said here, let me call your attention to what I call a fact sheet concerning Project Transition, Dignity House.

Success is a factor of time. In our short existence we have achieved an 80% success, rate, 3 out of 15 youths handled since September of 1970 have failed by our standards and have had to be returned to the more traditional handling of lock-up and warehousing. We attribute this initial success to empathy and understanding rather than sympathy and rigid control.

The uniqueness of the project lies in the attempt of creating a therapeutic family and community in which all segments can participate in meaningful dialogue; thereby communicating on a level that develops mutual trust, mutual respect, support instead of destructive criticism, and an appreciation of thoughtful perusal of alternatives to self and societal destruction through meaningless conflict.

The Western reader is well aware of Diogenes, who reputedly went through the streets of Athens, candle in hand, looking for a man. The writer of the book of Jeremiah records a similar experience, but he whose task was to search for a male, instructions were more explicit. "Run ye to and fro through the streets of Jerusalem, and see now, and know now, and seek in the broad places thereof, if ye can find a man" (King James version), "one who does justice and seeks truth" (Revised Standard version).

We, the residents and staff at "Dignity House" are continuously working towards that goal, where they who are seeking men, may find them among us.

FACT SHEET

PROJECT TRANSITION

1. Official operation began August 1. 1970.

2. Received first resident September 25, 1970.

3. Ten (10) adults employed at a total cost of $58,000.00 per year.

(A) Director, five counselors, one cook, fulltime.

(B) One consultant, two counselors, part-time.

4. Five volunteer workers (Three (3) females):

(A) One Psychologist.

(B) Three (3) Tutors.

(C) One Utilitarian.

5. Referral Agencies:

(A) Juvenile Court of Indianapolis.

(B) Indiana Youth Authority.

(C) Marion County Department of Public Welfare.

(D) Wayne County Department of Public Welfare.

(E) Division of Social Service (Indianapolis Public Schools).

(F) Adolescent Unit, Central State Hospital.

(G) Public Defender, State.

(H) Private Attorneys seeking to relieve injustice in handling of adolescent.

(I) Indianapolis Human Rights Commission.

6. Clientele Statistics since September 1970:

(A) Received total of fifteen as residents.

(B) Received total of three as outpatient clients.

(C) Returned to institution four.

(D) Total to date of thirty documented referrals from various agencies.

(E) To date five waiting to be considered.

(F) Two residents received major medical operations. Two residents referred for depth counseling (Psychiatrist). 15 received dental treatment, 15 received complete mental and medical examinations. Eight residents presently enrolled in school.

(G) Two made trip to Washington D.C. in December.

(H) Entertained twenty-five (25) inmates from Girl's School in Coed Project during Christmas Holidays.

FAILURE TO CONTROL RENTS

Mr. CHILES. Mr. President, last summer when I introduced a bill calling for a mandatory freeze of wages, prices, rents, and salaries across the board, I stated that my decision was made difficult by the feeling that Government should not interfere with the private sector. Overpowering my reservation, however, was my deep concern for the well-being of our people and the stability of our country and its economy.

The economy continued to worsen; and in August, President Nixon announced his decision to freeze wages, prices, rents, and salaries as a part of a five-point economic plan. I was pleased with his action and felt that he was finally taking constructive measures to solve our problems.

Yet, 8 months later food prices continue to rise, rent increases are uncontrolled, and large corporations continue to show excessive profits. Those who suffer the most are the consumer, the working middle class, and our elderly and retired citizens on fixed incomes.

Many citizens were not content to sit back and take the brunt of the President's economic program. Five months ago, a group of Floridians met and formed the Tenants Association of Florida, to give tenants a voice in dealing with landlord-tenant abuses in our State. Their membership numbers 6,000 and is growing at a rate of 1,000 new members per month.

One of the most important functions of this tenant group and groups like it throughout the country is to study the procedures and the problems of the Rent Advisory Board and to suggest corrective action.

Last Friday, Mr. Alan S. Becker and Mr. Abe Schwartz came to Washington to testify before the Board on the severe hardships imposed on a large number of Floridians who rent their homes. After reading their testimony, I was appalled. In one large complex in Florida, apartment rents in the last 3 years have increased between 20 and 40 percent. More than half of the apartment dwellers in this complex are retired, living on pensions and fixed incomes.

Because this is a national problem, I ask unanimous consent that Mr. Becker's and Mr. Schwartz' testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony Before the Rent Advisory Board by Alan S. Becker and Abe Schwartz in Behalf of the Tenants Association of Florida

Five months ago the Tenants Association of Florida was formed to provide tenants a voice in dealing with the many landlord-tenant abuses in our area of the country. It soon became apparent that the greatest concern of apartment renter—and the greatest cause of confusion—was runaway rent increases. It is evidence of the frustration that exists that our Association has grown to over 6,000 dues-paying members and is increasing in size at the rate of 1,000 each month.

These tenants and many thousands more throughout the country are looking to this Board to ascertain the weak areas of the Price Stabilization program and to make corrections where it appears that the program does not conform with the intent and purpose of the law as expressed by Congress and the President.

It is our understanding that the purpose of Wage-Price Stabilization is to curb runaway inflation and to stabilize the economy by giving the President emergency power to take any necessary steps to insure the cessation of the inflation. Certainly it was not intended that this program would impose added hardship on any large segment of the people. Unfortunately, this has been the effect of the stabilization policies with regard to rents.

Effective August 15, 1971 a complete freeze was imposed on rents which freeze terminated on November 13th. Thereafter guidelines were issued in an effort to fulfill the purpose of the law and at the same time allow landlords an equitable situation enabling them to operate their properties at a sensible profit. These guidelines permitted the landlord to raise his rent to the *highest* rent charged to 10% of the same or similar apartments. These guidelines were again changed in December to permit the landlord to charge 2½% over the *average* rent charged for the same or substantially similar units during the base period. Provision was also made for the landlord increased costs and taxes.

The rules sound good and if they had been carried through as originally conceived could well have achieved the desired effect of controlling inflationary rents and allowing landlords a fair return on their investment. Instead, an administrative change in wording has rendered the control of rents meaningless . . . a cruel hoax played on millions of people. The problem lies in the definition of "base rent." According to the office of the Chief Counsel of Internal Revenue (Exhibit A) the rules for determining the ceiling rent under Phase I and the maximum allowable rent under Phase II "are similar." There is one key difference: Under Phase I, and thereafter until the rule was changed to benefit the landlord, the base rent was determined by the *highest rent paid*, ie., actually billed and collected, during the base period. After November 13, 1971 the base rent is determined by the highest rent specified in leases signed during the base period. In other words a landlord can get any inflationary increase at all if he had in pocket a signed lease calling for a substantially higher rent than that which he was *receiving* during the base period.

To illustrate the severity of the problem, take the case of Seacoast Towers, West, located at 5600 Collins Avenue, Miami Beach. That building was completed in October, 1968; it was fully rented with three year leases all of which terminated on October 31, 1971. In March of 1971 the landlord began soliciting renewals and exacted early commitments under threat of leasing away the apartments of any tenant who did not sign immediately. Attached is a list of over 100 tenants in that building, approximately one third of the tenancy, their age, marital status and economic status, their old rent and renewed rent and the percentage of increase. (Exhibit B).

Eighty percent of the tenants are 65 years of age or older; 85% are either widows or retired. The increases in rent range from 30% to 40%. Can anyone claim that the intent of Congress to curb inflation and stabilize the economy is met by a guideline which gives to a landlord the uncontrolled power to exact such unheard of, inflationary increases? It would seem not; yet, the Internal Revenue Service has advised the Seacoast landlord that all of the requested increases were in full compliance with the guidelines. (Exhibit C) This is notwithstanding Mr. Grayson's statement in a Washington Post article of January 5, 1972 that under the new Phase II regulations individual rents may increase as much as 15% but that the average rent will increase only 3 to 3.5% this year. That statement may express the spirit of stabilization but certainly not the fact. The example of Seacoast Towers, West, is far more typical of the situation. It is owned by the Muss organization which owns buildings throughout the country and has five Seacoast Buildings on Miami Beach with over 1,600 tenants. What was the Muss reaction to the new guidelines? Tenants were first advised that time and the I R S had borne out the management position (Exhibit D); any tenant who, due to uncertainty as to what rent should be paid, paid the old rent received written threats to pay up or be put out with no mention of court-proceedings in between. (Exhibit E) In some cases the Sheriff was sent to collect the rent or pull out the furniture.

Clearly, there is virtually no control over landlords with regard to rents which may be charged under Phase II. There is no requirement that the landlord demonstrate hardship or need for an increase to establish a normal profit. Surely there should be such a requirement with the burden on the landlord. Refer again to Seacoast, West as an example. It was a new building; there were no capital improvements or repairs. For fiscal 1970–71 the building was assessed at $7,215,490.00 and the tax was $221,627.66; for 1971–72 the assessment was $6,573,912.00 and the tax was $215,031.61, a decrease of over $6,500.00. Faced with stabilized labor costs and reduced taxes the multi-millionaire landlord was able to exact an increase of approximately $350,000.00 from 284 tenants, the great majority of whom lived on fixed income. He is permitted to do this under the protection of a custom-built amendment that goes a long way toward establishing a special privilege for landlords. This landlord who has the benefit of a tax shelter such as few of his tenants enjoy and has the added protection afforded by one-sided landlord-tenant laws which are among the most horrendous in the nation in what is a totally landlord market has been given a free hand to get whatever rents he can.

Should this segment of the country—the landlord—be given greater protection and freedom to extract inflationary increases than other groups? It is inconceivable that labor is held to 5.5% increases on executory contracts and other types of business are restricted in their price structure and profit structure while rents can rise in many instances such as this unchecked.

It is not sufficient to say that exorbitant increases in rent are permissible because leases calling for the rent had been executed prior to the freeze. For one thing, that argument does not operate with regard to labor. As a result the working man and people on fixed incomes are caught in a disastrous squeeze between frozen income and rapidly rising food and rent costs. One peculiar interpretation of the guidelines in question, directed to this point, appeared in a recent Price Commission Ruling (1972–79) which appeared in the Federal Register of March 2, 1972. That ruling involved a case where a tenant had signed a lease on July 1, 1971 to go into effect on September 1. The renewed lease increased the rent fron $150 to $200 per month. It was held that the landlord could only charge $170. The justification for imposing control on an executory lease transaction was that only one lease was affected—this according to Chief Counsel Lee Henkel. But, if the increase is not allowed for one lease executed before the freeze within the base period to go into effect during the freeze, the disallowance must necessarily mean it is inflationary. Is it not 10 times more inflationary for 10 leases and 1000 times as inflationary if 1000 leases are involved? As Senators Javits and Case have indicated, the problem is nationwide. Hundreds of thousands of tenants are faced with inflationary increases in rent.

The condition that we complain of exists in many large complexes in Florida. It exists throughout the United States. It is a condition which must be corrected if inflation is to be effectively curbed and confidence restored in the Administration and the economy.

DEPARTMENT OF THE TREASURY,
Washington, D.C., March 22, 1972.

MAX FEINSTEIN,
5600 Collins Avenue,
Miami, Fla.

DEAR MR. FEINSTEIN: Thank you for your letter of March 10, 1972, concerning the Economic Stabilization Program. As you may know, the Office of Chief Counsel serves as legal counsel to the Internal Revenue Service which is charged with the responsibility of enforcing the regulations and guidelines of the program. Under the Economic Stabilization Program, the Office of Chief Counsel has the responsibility of interpreting the regulations and guidelines under Phase I (the freeze) and Phase II (the post-freeze) issued by the Cost of Living Council, the Pay Board, and the Price Commission. We will be pleased to interpret the regulations as they apply to your situation. However, we suggest that if you have a complaint concerning possible retaliatory action by your landlord or you believe that the rent you are being charged is in violation of the regulations, you should contact the nearest Internal Revenue Service Office in order that they may investigate the case. The nearest IRS Office is located at 51 S.W. 1st Avenue, Miami, Florida 33130, phone 425–7595.

You explained in your letter that prior to the freeze your lease provided for a rent of $355 per month, but that on March 17, 1971, you signed a new lease for $478 per month which was to take effect on November 1, 1971. Your question is what is the maximum rent which your landlord may charge under the rules of the Economic Stabilization Program? The Economic Stabilization Act which was passed by Congress has been implemented by regulations. During the freeze period the Office of Emergency Preparedness prepared regulations which controlled rents. These regulations which were published in the Federal Register (beginning on page 16515) on August 21, 1971, control the highest rent which a landlord may charge during the freeze period (August 15, 1971 through November 13, 1971). They provide that a landlord may not charge a rent for a particular apartment during the freeze that is higher than the ceiling rent which prevailed for the same or comparable apartments in 10% of the actual transactions during the base period. The ceiling rent is the highest rent that the landlord received for the same or comparable property in 10% of his transactions during the base period (i.e. July 16, 1971 through August 14, 1971). In other words, if your landlord owned 100 two bedroom apartments that were the same or comparable and during the period from July 16, 1971 through August 14, 1971, the rent received from the 10 apartments which paid the highest rent, was $355 per month, then his ceiling rent would be $355 per month. Since during the freeze (November 1–13, 1971, in your case) the regulations are concerned with the highest rent actually paid during the base period, the ceiling rent can be determined only by learning the amount of rent a landlord received for his apartments during the base period.

After the freeze, the Price Commission prepared the regulations which controlled rents. Initially, the price regulations were so worded that they applied to rental units. However, effective on December 28, 1971, a separate body of rent regulations were published. These new regulations will apply to the determination of your allowable rent the next time you sign or renew a lease with your landlord. The allowable rent under your present lease after November 13, 1971, is determined under the first set of Price Commission regulations. (Federal Register, page 21792, November 13, 1971).

We have enclosed a copy of a Price Commission Ruling which explains how the maximum rent which may be charged after November 13, 1971, under a lease which was signed before August 15, 1971, is determined. You will note that the ruling is concerned with the maximum rent after December 28, 1971, but applies equally to the maximum rent after November 13, 1971. Although the rules for determining the ceiling rent (Phase I) and maximum allowable rent (Phase II) are similar, the key difference is that under Phase II, they are concerned with the *highest rent specified in leases* signed during the base period, whereas under Phase I, they are concerned with the highest rent *paid* during the base period.

Since we do not know the highest rent which was charged (Phase I) and specified in leases (Phase II) by your landlord for units which are the same or comparable to yours, during the base period, we are unable to conclusively determine the legal rent which he may charge you under your new lease. Thus, if you believe the rent which you are being charged is in violation of the regulations, we suggest that you contact your local IRS Office for assistance.

We hope this explanation will be of assistance to you.

Very truly yours,

LEE H. HENKEL, Jr.,
Acting Chief Counsel.
By HERBERT A. SEIDMAN,
Director, Stabilization Division.

Name, marital status, economic status	Apt. No.	Age of head of family	Old rent paid	New rent	Percentage increase
B. Hirsch, widow, retired	3G	60	340	445	28
H. Zippes, married, business	3B	55	285	390	37
A. Tauberg, married, retired	3E	65	425	560	32
I. Wilson, widow, retired	3L	70	240	310	29
G. Benson, married, business	3F	64	440	560	27
A. Summerfield, married, retired	9T	69	367	500	39
M. Bogner, married, business	12V	59	301	389	29
M. Rigkin, married, business	10H	60	310	423	36
S. Rydell, married, business	17G	67	370	483	30
J. Berkowitz, married, business	11H	59	323	426	28
D. Jacobson, married, dentist	15K	71	342	435	28
M. S. Klein, married, retired	7D	69	278	376	35
G. Hilb, widow, retired	7C	71	294	402	37
N. Gendelberg, married, retired	7G	60	358	486	36
B. Kozloff, widow, retired	7K	67	323	416	23
A. Kaplan, married, retired	7B	71	314	405	23
E. Zelnick, widow, retired	7L	60	242	347	41
H. Drucker, widow, retired	7M	65	349	442	27
B. Levy, married, retired	7N	86	339	442	30
J. Leisner, married, retired	7T	66	376	496	32
B. Hochberg, married, retired	7Y	73	268	376	40
M. Wally, married, retired	7E	77	353	471	33
E. Horland, married, doctor	7V	62	268	376	40
G. Becker, married, retired	7U	70	333	410	23
A. Roth, married, semiretired	7W	58	294	402	37
L. Rosenberg, widow, retired	7J	66	323	416	30
T. Scherl, married, retired	7D	66	315	441	40
R. Kadin, widow, retired	10K	60	330	423	36
D. Relkin, widow, retired	10P	60	227	308	35
S. Fishman, married, retired	10M	70	320	423	32
S. McCarthy, married, business	10Y	48	285	393	39
S. Eidlinger, widow, retired	10V	60	275	383	40
M. Crane, married, retired	10T	68	385	508	32
W. Loewenthal, married, retired	10S	95	420	553	34
S. Monshine, widow, retired	9L	70	255	325	29
F. Mirkin, widow, retired	9W	60	272	380	40
J. Spitzer, married, retired	9P	71	237	420	30
I. Zaitshik, married, retired	9R	56	318	421	33
M. Herrman, married, retired	9U	79	272	380	40
A. Olchoff, married, retired	9S	66	437	550	25
A. Warshawsky, married, retired	6E	84	396	944	25
B. Rubinger, married, retired	6B	58	325	402	24
H. Abel, married, retired	6M	72	321	414	30
J. May, married, retired	6R	73	321	414	30
L. Solls, married, retired	6J	72	301	414	37
B. Scbrager, widow, retired	6T	54	396	494	25
S. Stargatt, married, retired	6W	67	274	376	37
E. Saskin, married, retired	8U	70	280	378	40
L. Hershey, married, retired	8B	78	270	378	40
C. B. Stork, widow, retired	8G	Over 21	335	458	37
B. Fredman, married, working	8A	59	223	303	36
A. Nevans, married, retired	8D	71	270	378	40
M. Esbieh, married, retired	8E	80	380	498	33½
M. Diamond, married, retired	8H	76	316	418	30
L. Lord, married, retired	8C	70	280	378	37
E. Teitelbaum, single, retired	8L	----------	243	323	33⅓
Rose Gorken, widow, working	8Y	Over 21	280	389	35
A. Pollen, married, retired	8W	64	275	378	40
B. Geristley, married, working	8R	64	315	418	33
A. Meyer, married, retired	8N	69	326	419	30
C. Proia, married, semiretired	8T	52	400	498	25
L. Litrin, married, semiretired	8S	72	410	548	33
A. Mansfield, married, retired	9M	60	317	420	33
B. Sper, married, retired	4B	70	280	370	32
A. Sloane, married, lawyer	10D	68	295	383	30
J. Kaplan, married, real estate	11T	58	388	506	30
J. Gasner, married, retired	12B	79	301	390	30
D. Riseman, married, retired	11N	75	313	438	40
M. Mels, married, retired	11J	70	323	426	32
A. Feltz, married, retired	17Y	----------	335	423	32
M. Myers, married, retired	16F	63	490	593	21
M. Lewis, widow, retired	16G	----------	365	478	31
E. Hutner, married, retired	16P	68	345	438	27
H. Forest, married, lawyer	16R	59	365	438	20
J. Bril, married, retired	16T	65	420	518	24
H. Heshkowitz, married, retired	16V	70	310	398	28
M. Ferman, widow, retired	10N	76	335	425	27
A. Sommerfield, married, retired	9T	69	367	500	36
A. H. Schwartz, married, retired	3H	68	320	430	35
B. Silverstein, married, retired	3C	72	300	390	30
F. Weiss, widow, retired	3J	68	330	430	29
B. Mirsky, married, retired	11Y	68	278	386	40
L. Liebowitz, married, retired	11F	58	438	581	33
B. F. Theiss, married, retired	11W	74	292	395	35
B. Spitz, married, retired	11M	66	333	426	29
S. Lantz, married, retired	11G	65	377	467	25
D. Riseman, married, retired	11N	65	313	426	36
A. Ryner, married, retired	11P	65	313	426	36
D. Rosen, married, retired	11R	65	313	426	36
S. Marcus, married, retired	12S	70	452	587	30
J. Weiner, married, retired	10R	71	330	432	29
J. Lieberman, married, business	17S	62	440	573	31
H. Peiser, married, retired	9K	70	317	420	30
I. Denberg, married, retired	9G	76	307	413	30
S. Grauer, married, retired	9D	64	282	380	31
H. Gross, married, retired	15A	64	249	320	28
B. Friedman, widow, retired	15C	66	307	396	30
B. Cutler, married, business	15G	71	275	350	28
H. Streim, married, retired	15H	72	342	435	27
J. Sperling, married, retired	15J	60	342	435	27
D. Cohen, married, retired	15B	83	307	395	29
L. Sapero, married, retired	15N	77	333	435	30
J. Lubasch, married, retired	15L	74	269	340	27
B. Axelroch, married, retired	10F	60	480	578	20
G. Miles, widow, retired	10J	60	310	423	36
W. Carshin, married, retired	5M	65	319	412	30
L. Mones, married, retired	5R	70	319	412	30
M. Bursberg, married, retired	5S	60	409	532	30
S. King, married, retired	5E	51	374	492	32
S. Young, married, retired	5D	75	284	372	31
O. Stelvin, married, retired	5J	69	319	412	30
M. Feinstein, married, retired	5G	71	329	452	37
S. Fried, widow, away	5A	----------	----------	----------	----------
H. Marker, married, retired	5W	82	269	374	40
F. Beckerman, widow, retired	5T	64	394	492	25
A. Katz, married, retired	5B	64	272	372	37
Herman Lazarus, married, retired	5L	70	247	317	28
W. Weintz, married, retired	5N	56	319	412	29
S. Stein, married, retired	5O	55	319	412	29
J. Eisenberg, married, retired	10W	70	280	383	37
P. Cramer, married, retired	17D	66	335	403	20
G. Becker, married, retired	7E	70	308	382	27
J. Weisman, married, retired	11T	66	394	512	30
E. Liebowitz, married, retired	14V	69	304	392	29

INTERNAL REVENUE SERVICE,
Jacksonville, Fla., February 10, 1972.

SEACOAST TOWERS,
Collins Avenue,
Miami Beach, Fla.

DEAR MR. MUSS: Our office has investigated numerous complaints of proposed rent increases for tenants of Seacoast Towers, West, 5600 Collins Avenue, Miami Beach, Florida. Such increases were to become effective between November 14, 1971, and December 28, 1971.

Existing rent guidelines permitted landlords to increase rents on leases becoming effective between November 14, 1971, and December 28, 1971, to the rental he had received for at least ten (10) percent of the same type of units on which leases were signed during the thirty (30) days preceeding August 15, 1971. If no leases were signed during this thirty (30) day period then the nearest preceeding thirty (30) days period in which leases were signed on the same type of units must be used to determine the allowable increase.

The guidelines further provided that landlords must maintain accurate records to verify that any proposed rent increases were within the guidelines and make such records available at the request of the tenant.

In each of the cases investigated by our office, Mr. Muss, the proposed increases were in compliance with the effective guidelines.

Any residence or other real property becoming occupied after December 28, 1971, are subject to the new rent regulations which became effective on December 29, 1971.

Sincerely,

IRA S. LOEB,
Acting District Director.

SEACOAST TOWERS,
November 22, 1971.

DEAR RESIDENT: The general 90-day price and rent freeze imposed by President Nixon in August came to an end on November 13, 1971. As many of you may know, the President then established a Price Commission with authority to regulate the stabilization of both prices and rents for the period commencing November 14, 1971.

Our attorneys have reviewed the regulations recently issued by the Price Commission. They advise us that the rent provided in your lease is lawful and now in full force and effect.

Your November rent bill was broken into two parts. You were billed at the old or frozen rent for the first 13 days of November, and at the rent provided in your lease for the last 17 days of November.

The total rent for November is due as billed to you. We, therefore, would appreciate your prompt payment of the amount shown on your November bill less any part which you may have already paid. If you paid the full amount as billed, this naturally does not apply to you. Your December bill will be at the full rate contained in your lease.

As to the billing for the first 13 days of November, we reserve the right to re-bill you for the lease amount when and if further clarification allows same.

We are gratified that this period of uncertainty has ended, and we look forward to continued happy relations with you in your residency at Seacoast Towers.

Sincerely,

William Leonard,
Executive Director.

Katz and Salmon,
Attorneys at Law,
Miami Beach, Fla., January 21, 1972.
Re Lease date: 5/9/71.
Mr. and Mrs. Abraham Schwartz,
Seacoast Towers West, Apt. 3–H,
Miami Beach, Fla.

Dear Mr. and Mrs. Schwartz: Please be advised that you are in default of the above referenced lease agreement by reason of your failure to make rental payments due and owing for the months of November, 1971, December, 1971 and January, 1972.

This letter is being served upon you pursuant to Florida Statute to advise you that the landlord will elect to re-enter the demised premises for your benefit should you fail to pay the total arrearage of $628.25 due and owing on or before three days from receipt of this letter.

Alternatively, the landlord may elect to exercise its statutory right of distraint in which case the Sheriff in and for Dade County, Florida will proceed to execute such writ by removing whatever personal property is found in apartment 3–H and selling same at public auction.

In the event it becomes necessary to reenter the premises or procure a Writ of Distraint, you will be held strictly accountable for the costs of execution of such writ and/or re-entry, including reasonable attorney's fees.

Kindly be governed accordingly.

Very truly yours,

Seacoast Towers, Inc.

JAPANESE AND SOVIET FISHERIES OFF ALASKA COAST

Mr. STEVENS. Mr. President, Japan and the Soviet Republic continue their massive fisheries on the Continental Shelf off Alaska's coast from the northern Bering Sea westward beyond the Aleutian Islands and to Dixon Entrance in the southeast. During recent years, record catches were taken by these aliens in our waters.

This morning 128 Russians and 166 Japanese are fishing just off our shores.

Sixty-one Russians are after herring near the international dateline, not far from St. Lawrence Island.

Fifty-two Russians and 110 Japaese are fishing for groundfish in the area between the Pribilofs and Unimak Pass.

In the area north of Cape Sarachef, where we had a violation by the Kayo Maru, off our territorial waters just a few weeks ago, 34 Japanese and one Russian are taking crab.

Three Japanese and seven Russians are south of Kodiak, taking black cod and perch in the area where the Coast Guard apprehended two Japanese who violated our territorial waters this month.

Fourteen Japanese vessels and six Russians are taking black cod and perch very close to our shores in an area extending from Middleton Island around the coast and south to Dixon Entrance.

Mr. President, the Coast Guard informs me this morning that only the cutter *Mellon* is assigned to the patrol of this vast area. That is like patrolling the area between Miami, Fla., and Seattle, Wash., with one ship.

I think it is clear that we must make a better effort on behalf of the great ocean resources of our Nation. We must demand that the aliens taking our fish meet the same standards of conservation that we ask of our own fishermen.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes;

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of September 1972, "National Hunting and Fishing Day"; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore.

RURAL DEVELOPMENT ACT OF 1972

The PRESIDING OFFICER (Mr. Brock). Under the previous order, the Chair now lays before the Senate S. 3462, which the clerk will state.

The assistant legislative clerk read as follows:

S. 3462, to provide for the development of rural areas.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. Under the unanimous-consent agreement, who yields time?

Mr. MOSS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. TALMADGE. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Agriculture and Forestry be permitted on the Senate floor during the consideration of S. 3462, including any votes thereon: Harker T. Stanton, Michael R. McLeod, Henry J. Casso, Forest W. Reece, James W. Giltmier, James E. Thornton, John A. Baker, Cotys M. Mouser, and James M. Kendall.

UNANIMOUS-CONSENT AGREEMENT ON AMENDMENT NO. 1121

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to my distinguished friend, the Senator from Colorado, at this time.

Mr. ALLOTT. Mr. President, I always appreciate the courtesy which the Senator offers to his colleagues.

Mr. President, in accordance with an understanding or conversation I had with the Senator from Georgia a few moments ago, I ask unanimous consent that my amendment No. 1121 be laid before the Senate, but that the time limitation on it not start running until the amendment is called up.

Mr. TALMADGE. Mr. President, I have no objection whatever. I think the amendment of the Senator from Colorado is an amendment that the committee would like to agree to. However, I would like to make my presentation in chief and then discuss the amendment with my colleagues before going on.

Mr. ALLOTT. The Senator is entirely correct. I understand.

Mr. YOUNG. Mr. President, reserving the right to object, I would like to have about 15 minutes on the bill before we get into the consideration of amendments.

Mr. ALLOTT. I appreciate the courtesy of both the chairman of the committee and the Senator from North Dakota. The purpose of the request is only for the purpose of making my amendment the first pending amendment.

The PRESIDING OFFICER. Without objection, the request of the Senator from Colorado is agreed to.

The amendment reads as follows:

On page 133, line 15, insert the following: "ground water recharge," between the words "development," and the words "water quality."

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, do I understand that there has been no time set for the consideration of the amendment?

Mr. TALMADGE. When the Senator from Colorado calls up his amendment, there will be a 2-hour limitation. I do not think it will take that long to dispose of it.

Mr. AIKEN. Mr. President, has that been agreed to?

Mr. TALMADGE. It has been agreed to.

Mr. AIKEN. What about other amendments?

Mr. TALMADGE. There will be 2 hours on each amendment with the exception of the Ellender amendment on which there will be 3 hours.

Mr. AIKEN. And how about the time on the bill?

Mr. TALMADGE. There will be 6 hours on the bill.

Mr. President, there are certain typographical and clerical errors in the bill which should be corrected. I send a series of amendments to the desk for that purpose and ask unanimous consent that they be considered en bloc and agreed to and considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk read as follows:

On page 4, line 13, after "credit", insert "from".

On page 4, line 15, strike "quas" and insert "quasi".

On page 6, line 13, strike "areas" and insert "area".

On page 28, line 23, strike "obligations" and insert "stock".

On page 35, line 14, after "Participants", insert a comma.

On page 67, line 20 strike "participants" and insert "Participants".

On page 83, line 13 and 14, strike "for its exclusive and confidential use, file with such bank" and insert ", file with such bank for its exclusive and confidential use".

On page 84, line 18, strike out "by".

On page 111, line 7, strike "industries of" and insert "industries or".

On page 111, strike out line 9.

On page 112, line 25, strike out "rural population" and insert "population of the rural areas".

On page 134, line 16, strike ", and will pay for" and insert "and that the local organizations will pay".

On page 141, line 25, strike "other" and insert "others".

The PRESIDING OFFICER. Without objection the amendments are considered and agreed to en bloc.

Mr. TALMADGE. Mr. President, S. 3462, the Rural Development Act of 1972, is a bill which will provide a strategy for survival for the rural areas of the Nation. It is truly a magna carta for rural America.

The pending bill is an attempt to fulfill a commitment made by Congress with the passage of the Agricultural Act of 1970. Title IX of this act states:

> The Congress commits itself to sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

The Committee on Agriculture and Forestry has shown that it means to honor this commitment by reporting the pending bill by a vote of 13 to 1. The legislation reported by the committee represents a bipartisan, cooperative committee effort. S. 3462 is a committee bill in the truest sense of the word, for it incorporates the suggestions and amendments of many members of the committee and the Senate and of the President.

We have received widespread support and cooperation from Members of the Senate who are not members of the Agriculture Committee. The committee's bill contains legislative proposals which have been cosponsored by a total of 88 Members of the Senate. Several Members of the Senate have testified during the hearings of the Subcommittee on Rural Development. The distinguished chairman of the Committee on Banking, Housing and Urban Affairs, Senator SPARKMAN, testified as the first witness on S. 2223.

The pending bill is a very ambitious bill. It is a big bill, containing eight titles which provde a comprehensve approach to the development and revitalization of rural America.

The Rural Development Act of 1972 would provide a comprehensive program for rural development investment credit and location incentives backed up with essential scientific research, education, and community improvement extension. The pending bill would provide two things which are essential for the development of rural America. It would provide:

First, the credit that is needed to build and improve community facilities and to finance the business enterprises in rural areas; and

Second, the grants and other investment incentives which complement this credit.

Titles I and II of S. 3462 would provide for a complete nonfarm rural development credit system patterned after the successful experiences in the farm credit field of the Farm Credit Administration and the Farmers Home Administration. They would provide for nonfarm rural development the same type of complementary credit facilities that are now available for farm borrowers in the Farm Credit Administration and the Farmers Home Administration.

President Nixon's Task Force on Rural Development recommended in its final report that a rural development credit bank be established as a part of the farm credit system. The committee would establish a rural development credit banking system, but not as a part of the farm credit system. However, this new credit system is patterned after the credit structure that has worked so well for the Farm Credit Administration. Just as in the case of the Farm Credit Administration, the new credit system would be owned and controlled by its borrowers and stockholders. The rural development banking system established in title I would be expected to serve the credit needs of the bulk of potential borrowers by selling bonds and debentures and in turn extending financial aid to borrowers through local, privately owned financial institutions on a sound repayable basis. These loans would be used as collateral for the sale of bonds in the central money markets.

Just as Federal bureaucracy is held to a minimum in the Farm Credit Administration, with a total of about 200 Federal employees, Federal bureaucracy would be minimal in the credit system to be established by title I. In a borrower-owned credit system the employees of of the system would be the employees of the borrowers, rather than of the Federal Government.

Borrowers who could meet the credit terms that are essential for the sound operation of a borrower-owned credit system would be expected to use that source. However, the provisions of title II will enable those borrowers who cannot qualify for financial assistance under title I to go to the successor agency of the Farmers Home Administration as a source of last resort for nonfarm rural development credit. This would be similar to the present procedure for farm borrowers who are unable to qualify for credit from the institutions of the Farm Credit Administration. These borrowers must go to the Farmers Home Administration as a last resort.

Whereas, titles I and II of the pending bill provide a complete and comprehensive nonfarm rural development credit system similar to the Farm Credit Administration and the Farmers Home Administration, all of the eight titles of the bill provide a series of specially designed rural development incentives payments or grants to encourage or facilitate different aspects of the development and implementation of a comprehensive national rural development program. All of these grants and payments are essential to a well-rounded national rural development program. Title I provides for investment incentive payments which would encourage and enable rural areas to attract new industry and other business establishments. This title would help to finance essential community facilities as well as sound business and industrial enterprises. Title II provides for capital grants to accompany loans to projects designed to eliminate or control pollution.

Title III provides Federal Revenue-sharing funds to enable States, their districts, and their local governments to finance rural development activities of their own choosing.

Titles IV and V would provide for additional Federal cost sharing to rural communities to enable them to build needed industrial and municipal water supplies, to control agriculture-related pollution, waste disposal, and for providing adequate water for rural fire protection.

Title VI provides a system of grants-in-aids to enable rural communities to establish and maintain adequate fire protection and fire fighting capacity.

Title VII would authorize grants to States to provide through their public and private educational institutions—

First, rural development extension programs;

Second, rural development research;

Third, rural development training; and

Fourth, small farm extension, research, and development programs.

The Committee on Agriculture and Forestry did not forget the American farmer. The committee has never lost sight of the fact that a sound and prosperous farm economy is the starting point for the rebuilding and revitalization of rural America.

The committee took important actions to make more credit available to farmers who are unable to obtain credit elsewhere. It changed the farm operating loan program from a direct loan program to an insured loan program so that the budget cutters in the Office of Management and Budget would not object to providing additional credit for farmers who are unable to obtain operating credit from private sources. Moreover, the committee took into account the fact that the cost of operating a farm has increased dramatically. It increased the operating loan limit from $35,000 to $50,000.

In addition, the committee acted to cut bureaucratic redtape which prohibits many Farmers Home Administration county supervisors from making the needed amount of loans. Also, it provided for more realistic appraisals of real property that is being appraised as security for a loan.

The committee recognized a problem that is becoming more and more evident in American agriculture—the difficulty that rural young people have in obtaining sufficient credit to get a start in farming. The committee's bill would authorize Farmers Home Administration loans to rural youth to enable them to operate enterprises in connection with their participation in 4–H Clubs, Future Farmers of America, or similar organizations.

Mr. President, the Senate has passed rural development bills before. There are a number of laws on the books which have been highly beneficial to rural residents. The former chairman of the Senate Agriculture Committee and the President pro tempore of the Senate, Mr. ELLENDER, has been responsible for many of these fine statutes. The senior Republican in the Senate, Mr. AIKEN, has made tremendous contributions to improving areas over the years.

However, we have never had a bill which, in the popular jargon, "gets it all together." We have been attempting to solve a growing national problem with half-way measures. The fact that hundreds of thousands of rural people are forced into the cities every year illustrates the fact that present programs are not good enough.

Mr. President, I believe that I have been privileged to serve in the most exciting period of American history.

From the depths of despair of the depression of the 1930's our Nation has risen like a Phoenix. We have grown economically and in many other important ways.

Not content to merely help ourselves, this Nation has brought much of the world along with, enriching the lives of countless millions all over the world.

Riding a fast freight we called Progress, we have brought our goods and ideas, even to many who did not want them. But we have produced much—so much that our gross national product has exceeded a trillion dollars.

That is a fantastic number. Before World War II, few of us could even grope with the concept of what a billion was.

But despite the growth, despite all of the things we have produced to make the lives of our people easier to live, we are beginning to perceive that this new society which we have created was held together in many places with baling wire and library paste. This shiny new structure we have constructed does not always work the way it was designed to. The mechanism is making some strange sounds, and perhaps it is time for us to listen to those sounds, and look at the fraying ends of our creation and take stock of where we have been and where we want to go.

Without one ounce of planning, we built a society of cities, and then not satisfied, we created a ripple effect, building mile upon mile of look-alike suburbs in a directionless search for something we call the "good life."

Mr. President, Fun City is not fun anymore, and the tortuous ride over roads which we ironically call expressways, brings us to new problems of unplanned growth that belie the peaceful chug of power mowers in the suburbs.

This national joy ride in search of the American dream has produced the greatest migration of human beings in the history of mankind. Thirty million people have deserted the countryside, making our cities overloaded pressure cookers, unable to cope with the social and economic stew which we just let happen.

President Nixon has rightly said that this country should never support some forced relocation policy that would direct people to move back to their rural roots. But polls show that many who now live in the cities and suburbs would like to go back home.

Again, through a complete lack of planning, we have made it impossible for our people to remain in the countryside. We have shoved them into the cities because we failed to commit ourselves to the need for a balanced national growth.

Rural people could not find jobs, or were woefully underemployed, so they left.

Maybe they lacked clean water to drink, or were fed up because they could not get sewer systems, telephone service, or natural gas. They left.

And as more and more people fled, social institutions and rural entertainment decayed. Churches closed, schools closed. In many rural communities, there was not much of an audience for the "last picture show."

But now the migration is slowing down. More than one-third of our people still remain in towns of less than 50,000. Still something must be done.

We have proved that by institution building we can save and even revitalize our small towns, and it seems to me that if we can build those institutions on which we know the countryside can thrive, we will have done more to prepare for the 100 million more Americans yet to come than by constructing hundreds of new cities.

In rural America, thousands of small, viable towns already exist with the root systems of community facilities that already function. These small towns are political and economic beginnings that can be built upon to create a new rural society for the ultimate benefit, not only of country people, but even for the hard-pressed mayors of major cities throughout this land.

It would be foolhardy to propose a national policy of "back to the farm." But a sensible policy of balanced national growth that would keep rural America strong and uniquely rural, while making better use of the land for all the people is something that can be put together. It makes sense that this should be implemented.

However, we cannot merely wish for something to happen.

Rural America has about half of the Nation's poverty; 60 percent of the substandard housing; hundreds of towns are without adequate water and sewer systems; solid waste disposal is a burgeoning rural problem; in many areas of the countryside there is a lack of credit for housing, venture capital, and even public facilities.

In terms of Federal spending, the disparities continue to grow. When total Federal outlays are divided by the number of persons living in metropolitan and nonmetropolitan counties, the nonmetro counties get less than the metro areas. The difference is 17 percent or $680 per capita for the nonmetro counties, as opposed to $779 in the metro areas.

Furthermore, 57 percent of the Federal outlays in fiscal 1970 went to the most urban counties.

In the 13 years between 1961 and 1973, the Federal Government will have spent $160 billion to help metropolitan areas and their residents.

I do not deplore the expenditure of this money. The problems are there, and they need to be faced. But I wonder if we have not been trying to dam up the Mississippi River down around New Orleans with a structure of grants and loans that is certain to break apart eventually, when it might have been easier to build a number of smaller dams upstream in rural America.

As a result of a lack of past policy, we must now come to you with a strategy for survival for the American countryside. Hopefully, the legislation I put before you today will be more than that. Hopefully, it will initiate some sensible thinking at all levels of Government about where our Nation is headed. Perhaps it will cause us to do some wondering about whether untrammeled growth for its own sake is really in the national interest.

But this I know. Six hundred thousand rural people moved to urban areas last year—many of them went to places already designated as water shortage areas. A strategy for survival of rural America is something more than assistance for people who live in the country. It will have a profound effect on the future of Los Angeles, Detroit, New York, and Philadelphia.

Mr. President, now I will give a brief explanation of each title of the bill.

TITLE I

Mr. President, title I of the Rural Development Act of 1972 would provide for the establishment of a borrower-owned rural nonfarm credit banking system similar to the farm credit system. This system would depend for its success on the existing private banking system in the rural areas of the Nation.

The President would appoint a Federal Rural Development Credit Board to make the overall policies of the rural development credit system. Of the 15 appointed members of the board, at least 12 would be residents of rural areas. Ten regional banks established by the pending bill would make loans for rural development purposes so long as such purposes would contribute to a balanced national growth policy or the enhancement of rural communities or rural areas as a place to live and make a living. These regional banks would be so capitalized initially by a subscription of stock by the Federal Government. Title I authorizes the appropriation of $200 million annually for this purpose for the first 10 years. Federal stock subscriptions representing Federal contributions to capital would be retired by the purchase of voting stock by the borrowers and the local private banks that participate by making rural development loans.

The regional banks could not accept deposits in competition with local private banks, but would be required to raise needed funds in central money markets.

As for tax status, these regional banks would be subject to Federal, State, and local taxes and the income from obligations purchased or issued by them would be taxable. As long as the United States owns capital stock in the regional banks, they would not be subject to Federal, State, or local income taxes, but they would be subject to a special Federal franchise tax.

Under title I, district rural development credit agencies could be established to act as financial intermediaries between the regional banks and local participants, cooperators, and borrowers. These agencies could be established as financial subsidiaries of State established multijurisdictional areawide general purpose planning and development districts and would provide guarantees, insurance, or discounting for loans made by participating local financial institutions. The bill would not establish new multicounty districts, but would rely on districts already established by the States and designated as clearinghouse agencies under the Office of Management and Budget Circular A-95.

The cornerstone of the rural development credit banking system would be local rural banks and units of general government. They could apply for and become qualified to act as participants in the rural development credit system and thus become the local point at which potential borrowers would submit applications. These participants would be required to buy voting stock in an amount equal to at least 1 percent of any loans made through the rural development credit system.

Banks which want to make rural development loans but do not want to become participants in the system could be designated as cooperators. Cooperators would not be eligible for voting stock ownership, but would be required to purchase nonvoting stock.

Borrowers from the credit system would be required to purchase capital stock in the system in an amount equal to at least 5 percent of their loans. Before an applicant could qualify for assistance, it would have to be determined that he could not obtain credit within a reasonable time from other sources at rates and conditions required to carry out the purposes of the act. Applicants would also have to demonstrate that the project to be financed with loan funds would not result in the transfer or displacement of employment opportunities in the area or in another area. Loans would not be made to create an added capacity in any industry already suffering from excess capacity.

In all cases the applicant's loan must have the endorsement of the multijurisdictional governmental planning and development district, if any, certifying that the proposed project is not inconsistent with the current comprehensive development plan for the district where located.

Neither title I or title II credit programs would be duplicative or competitive with the rural housing loans, loans for cooperatives, and other programs available under the Farm Credit Act of 1971, or with the credit available from the private banking system of the Nation.

Title I would provide for the establishment of a Federal Rural Development Investment Incentives Administration to carry out programs of interest supplements and capital augmentation payments. The bill would authorize $100 million annually for this purpose.

Under both title I and title II the term "rural area" is defined as all territory that is not within a city having a population of 50,000 or more and adjacent territory that is not within a suburban area having a population density of more than 100 persons per square mile.

TITLE II

Title II authorizes the Farmers Home Administration to make loans for any rural development purpose with special provisions for loans to establish and operate small business enterprises and loans to rural youths to enable them to operate enterprises in connection with their participation in 4-H Clubs, Future Farmers of America, and similar organizations.

This title seeks to make additional farm credit available by changing the farm operating loan program from a direct appropriation to an insured basis. In addition, it increases the limitation on farm operating loans from $35,000 to $50,000.

This title also provides $75 million in grants to borrowers for pollution abatement and control.

It would reorganize the Farmers Home Administration into two agencies with separate administrators. The Farm Development Administration would make farm loans and the Rural Enterprise and Community Development Administration would make nonfarm rural development loans. This title requires the Farmers Home Administration to guarantee loans originated by other lenders in preference to making insured or direct loans for rural development purposes whenever such a guaranteed loan is possible.

Title II expands the limitation on the amount of loans which may be held in the agricultural credit insurance fund from $100 million to $500 million. Also, title II would establish a new revolving fund to be known as the rural development insurance fund. This fund would be used by the Secretary of Agriculture for the purpose of discharging his obligations in connection with rural development loans.

TITLE III

Title III would authorize the appropriation of $500 million annually to be apportioned among the States. The apportionment formula would be based on rural population, rural per capita income, and the amount of loss of rural population.

All of the Federal grants would be channeled to the States. However, one-third would be required to be apportioned to multijurisdictional planning districts within the States and one-third would be apportioned to the counties for the benefit of the local governments within the State. The remaining one-third would be retained by the States.

For the purpose of this title, rural areas would be defined as all areas outside cities of 50,000 or more.

Title III represents an attempt to accommodate the President's views on rural community development revenue sharing in his message to Congress on March 10, 1971. The President proposed abolishing 11 categorical grant programs for which he had requested $921 million for fiscal year 1971. He proposed to add $179 million, thus creating a pool of funds totaling $1.1 billion to be divided among the States for use in rural community development. However, Congress actually appropriated for these 11 programs $1,136,900,000 for fiscal year 1972, a sum which is over $36 million greater than the President's proposal.

Since it was the consensus of the committee that the present categorical programs which have been tried and proven should be maintained, the committee agreed to accept a substitute revenue sharing proposal authored by the Senator from Alabama (Mr. ALLEN). The Senator will give a more complete explanation of this title of the pending bill during his statement before the Senate.

TITLE IV

Title IV would broaden and increase the usefulness of the watershed program under Public Law 83-566. Although this program has been an important force in improving the quality of environment and the economy of rural communities in many parts of the country, there are two additional areas in which the program can be improved. Title IV amendments are designed to make the watershed program more helpful in the area of:

First, rural development; and

Second, the improvement of the total environment.

By authorizing the Secretary of Agriculture to bear up to one-half of the cost of the storage of water for municipal and industrial purposes of rural communities, this title would provide a vital component in the development of these communities. An adequate dependable supply of good quality water is basic to the stability and potential for growth of any rural community. Title IV includes several amendments which would enable the Department of Agriculture to do a better job on enhancing the environment. These include:

Provision of 10-year agreements for sharing the cost of soil and water conservation practices on lands covered by watershed projects;

Permission for the Secretary to assume an appropriate part of the cost of installing any work of improvement applicable to water quality management;

A requirement that plans be submitted to the Secretary of Health, Education, and Welfare or the Administrator of the Environmental Protection Agency if they include features which affect the public health or water pollution control measures; and an extension of Federal cost sharing to any undertaking for the conservation and proper utilization of land.

In addition, this title contains provisions designed to facilitate the financing and development of sound watershed projects. It would permit funds appropriated for other acts to be used for the acquisition for lands for a watershed project. It would authorize the Secretary to pay the cost of Indian lands needed for works of improvement in watersheds.

TITLE V

This title would extend the authority of the Resource Conservation and Development program to authorize the Secretary of Agriculture to pay up to 50 percent of the cost of the storage of water in reservoirs constructed or modified for the needs of a rural community.

Also, it would authorize the Secretary to share in the cost of installing measures for water quality management and the control and abatement of agriculture-related pollution, the disposal of solid waste, and the storage and withdrawal of water for rural fire protection.

The Resource Conservation and Development Program provides a mechanism in which adjoining counties can cooperate to establish a multicounty program for the enhancement and proper utilization of the natural resources of the area. Experience in the 98 projects which are now authorized shows that one of the most important ways of achieving national objectives for rural development is through the installation of community facilities that enhance the economic climate and the environmental quality of the areas.

Title V would provide the authorities that are needed to give to local people a real incentive to make a more thorough overall assessment of total community water management, and it should promote much more comprehensive natural resource planning. In addition, it would enable communities and R.C. & D. project areas to install many badly needed community facilities which are now impossible because of scarce resources.

TITLE VI

This title would authorize the appropriation of $5 million each year for the next 3 fiscal years to enable the Secretary of Agriculture to provide financial, technical, and other assistance to appropriate State officials in a cooperative program for rural fire protection.

These cooperative efforts would include the organization, training, and equipment of local forces to prevent, control, and suppress wildfires in rural areas and rural communities of 5,500 or less. The financial assistance to be provided could not exceed 50 percent of the budgeted or actual expenditures, whichever was less.

Mr. President, I think that this title is one of the most important components of the pending bill. Unfortunately, inadequate fire protection has been a way of life for most rural residents. Many savings and loan institutions and other financial agencies are unwilling to make housing loans in rural areas because there is inadequate fire protection.

The program to be established under this title would be administered by the U.S. Forest Service. The Rural Fire Protection program would build on the time-tested teamwork established by the Forest Service, State forestry agencies, and local governmental and private forest owners.

TITLE VII

This title would tap a very important resource of rural development expertise which exists in every State in the Nation—the public and private colleges of the State. This title authorizes the appropriation and apportionment of funds to States for:

First, rural development extension programs,

Second, rural development research,

Third, rural development training, and

Fourth, small farm extension, research, and development programs.

This title would build on the long-standing relationship between the U.S. Department of Agriculture and the State land-grant universities. It would utilize the administrative structure for cooperative research and extension programs that is already in place. However, the land grant university is required to invite inputs from other public and private colleges, area technical institutes, and community colleges. The Federal grant money is to be shared with these institutions.

The committee report emphasizes that the special talents and resources of the professional schools of engineering will be utilized in rural development research and education. In my own State of Georgia, the Georgia Institute of Technology has tremendous potential for the development of the State and the region. Already it is doing a great deal of excellent work to help the rural communities of the State develop their potential. I view this title as an excellent vehicle for securing full cooperation between the University of Georgia and the Georgia Institute of Technology in my State. Both the University of Georgia and Georgia Tech are doing a tremendous job in rural development. Working together and utilizing the grant money that will be provided under this title, they will be able to do a much better job, as will other universities throughout the country.

In addition, there are a number of smaller colleges around the State which are strongly oriented toward the service of the communities in which they are located. Hopefully, this title will provide a mechanism for coordinating and funding the efforts of these institutions in support of a statewide plan of rural development in all 50 States.

Another important feature of title VII is the small farm extension research and development section. The purpose of this provision is to enable small farms to operate successfully as small farms rather than to encourage the farms to become larger or to encourage farmers to move off the farm.

TITLE VIII

This miscellaneous title contains a number of provisions which are essential to the successful operation of the comprehensive rural development thrust of this bill. It contains a tough antipiracy provision which insures that no financial assistance will be available if it will result in the transfer of employment or business activity from one area to another, or the establishment of a branch affiliate or subsidiary which would result in closing down the operations of any of the borrowers' existing business locations. In addition, it would prohibit financial assistance to any borrower if such assistance would result in increased capacity in an industry where there already exists excess capacity.

Another important provision of this title would authorize and require the Secretary of Agriculture to provide leadership and coordination within the executive branch for rural development. The Secretary would be required and authorized to utilize and coordinate all agencies of the executive branch in a nationwide rural development program. The Secretary would be directed to utilize all USDA field offices to enhance rural development activities.

In addition, the Secretary would be required to establish employment, income, population, housing, and quality of community services and facilities goals for rural development and to report annually to Congress on progress toward attainment of such goals. He would be authorized to initiate and expand rural development research.

Another important feature of this title would be the authorization for long-term contracts for cost-sharing for rural environmental protection. This section would auhorize the Secretary of Agriculture to enter into contracts with agricultural producers for periods of up to 10 years. The purpose of such contracts would be the preservation and improvement of soil fertility, the promotion of economic use and conservation of land, the diminution of wasteful uses of national soil resources, the protection of rivers and harbors against the results of soil erosion, the reestablishment of the ratio between the purchasing power of farmers and nonfarmers, and the prevention and abatement of agriculture-related pollution.

This title builds on the successful operation of the Great Plains conservation program during the past 15 years. This program is highly successful in conserving land and water resources, developing dependable water supplies, stabilizing income, and enhancing the quality of the environment of the Great Plains area. Many other sections of the country need this type of assistance. This title would make such a program available on a nationwide basis.

The last important provision of title VIII would authorize cost-sharing for agriculture-related pollution prevention and abatement measures. Under the current provision of applicable law there is Federal money available for a pollution abatement practice if the practice will also conserve soil and water. This section would authorize similar financial aid for pollution abatement practices which are not directly related to conservation of soil and water.

Mr. President, there has been much talk about "rural development" over the last two decades. But there has been too little action. It is high time we made up our minds whether we are serious about providing equality of opportunity to rural America.

I sincerely believe that rural development is an idea whose time has truly come at last. The enactment of title IX of the Agricultural Act of 1970, which I authored along with several cosponsors, indicated that the Congress was beginning to think more seriously about problems of rural America. The passage of title IX committed the Congress to take positive action to revitalize rural America.

The House of Representatives has alrealy acted on an important rural development bill. I believe that the Senate will never have such an opportunity as now to fulfill its duty to raise the quality of life and enhance the environment of the rural areas of the Nation.

There are some Members of the Senate who are opposed to different parts of the pending bill. I respect their judgment. However, I hope that the Senate will approve the entire bill. This bill is one comprehensive package designed to solve the problems of rural America. The deletion of any part of this bill will greatly impair the effectiveness of the remainder. Should efforts to kill parts of this legislation succeed, then we will have accomplished little. We will have continued our recent policy of a fragmented approach to the problems of rural America.

Mr. President, I hope that the Senate wil affirm its belief in rural America by the passage of the pending bill.

Now, Mr. President, I am delighted to yield to my distinguished colleague from Minnesota (Mr. MONDALE).

Mr. MONDALE. Mr. President, permit me to say that I think the pending Rural Development Act as recommended by the committee, under the chairmanship of the distinguished Senator from Georgia (Mr. TALMADGE), is one of the most important and significant measures to come before the Senate and Congress since I came to this body. It is a powerful measure, designed to deal with the tremendous and heartbreaking problems in this field. I have spent most of my time since I came to the Senate working on the problems of poverty, and working on the problems of, one might say, the outsiders and the disadvantaged.

If my work has led me to one conclusion it is that the inattention of America to the needs of rural America has been one of the most foolish, costly, and senseless things this country has ever done.

The pending bill tries to go back at that problem with an adequate, comprehensive, and intelligent approach. I am hopeful that the bill, under the leadership of the Senator from Georgia, will be adopted by the Senate and will become the law of the land. I intend to give a speech during this debate, outlining my viewpoints; but I do, first of all, want to commend the distinguished chairman of the committee for his contribution and also to express my pride in the role of my colleague from Minnesota (Mr. HUMPHREY) for his important contributions to this measure.

Mr. TALMADGE. I thank my distinguished friend for his generosity. He stood shoulder to shoulder with the Senator from Georgia in every fight to provide equality for rural America, which I appreciate greatly.

Mr. President, this is not only truly a committee bill, as every member of the committee made a substantial contribution to it, but many other Members of the Senate did also. As I pointed out in my remarks, before the Senator came into the Chamber, parts and major parts of the bill are cosponsored by 88 Members of the Senate. So it is truly a nonpartisan bill. It had the support of every member of the minority party in reporting it to the Senate. So it is bipartisan in the truest sense of the word. So that I am deeply grateful and I thank my friend for his kind comments. I welcome his extremely able support.

PRIVILEGE OF THE FLOOR

Mr. MONDALE. Mr. President, I thank the Senator from Georgia very much.

Mr. President, I ask unanimous consent that the privilege of the floor be accorded to my staff assistant, Tony Minnichsoffer, during consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield the floor and the remainder of my time.

Mr. MILLER. Mr. President, I yield myself such time as I may require.

Mr. President, I voted to report the Rural Development Act of 1972, although not in agreement with some provisions, particularly in title I, in order that the Senate and ultimately the Conference Committee might have a chance to develop an acceptable bill which will contribute to the development of rural America.

For the benefit of my colleagues who might not have had the opportunity to study this long and complex piece of legislation closely, I would like to go through it and comment briefly on its major provisions.

Title I would create a new rural development banking system similar to the Farm Credit Administration as it used to be before it became privately owned. The major reason advanced for creating this new bureaucracy is that it would not be subject to the same budget constraints as regular Federal programs.

I am advised by the Office of Management and Budget that, so long as there is any Federal capital in the bank, all of the bank's lending must be included in the budget outlay totals and is subject to appropriation authorization.

At the local level, loans would be made and serviced by financial agencies created by multicounty planning and development districts which are governed by part-time elected officials. This does not seem the best method of setting up a complicated new banking structure.

The district agencies and other local participants will obtain funds to loan by selling capital stock to one of the 10 regional banks. The regional banks would obtain their seed money from a $200 million annual contribution by the Federal Government or by selling debentures in the money markets.

These regional banks could accept deposits and pay interest on them like any normal bank. The proposed banking system would not be subject to any Federal income taxes.

At the top would be another level of bureaucracy operating under the direction of a 15-member appointed Federal Rural Development Credit Board.

I might note at this point, Mr. President, that the $200 million annual authorization with which the Federal Government may purchase stock in the banking system is merely the tip of the iceberg.

The Secretary of Agriculture is authorized to insure, with the full faith and credit of the United States, all debt obligations issued by the Federal Board. In addition, a fund is created through which the Secretary of Agriculture may insure loans made by the banking system.

Should an inordinate number of borrowers be unable to repay their loans, not only would the Federal Government be responsible for paying off these loans, but it could result in the failure of the entire rural development banking system and the necessity for the Government to redeem the debt obligations issued by the system.

To top it all off, Mr. President, there is created by title I a Federal Rural Development Investment Incentives Administration. This agency is authorized $100 million annually with which to make grants or to provide interest subsidies in connection with loans made by the banking system.

At this point I come to the two sections of title I which almost totally overlap and duplicate title II.

First, both titles authorize loans for any type of project "that contributes to a balanced national growth policy or the enhancement of rural communities as a place to live, to make a living, and to provide increased employment."

Second, both title I and the present Consolidated Farmers Home Act of 1961 require a determination that the applicant is unable to obtain needed financial assistance from other sources.

This leads to a discussion of title II, which authorizes Farmers Home Administration to make any type of loan which will contribute to the development of rural America.

FHA has more than 7,000 employees who serve every rural county in the Nation. Secretary of Agriculture Earl Butz has made a commitment to add additional FHA personnel should title II become law.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., March 16, 1972.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We appreciate the excellent cooperation the Department has been receiving from your Committee in connection with the Rural Development legislation. I place this very high on our agenda and I am looking forward to getting a sound, workable rural development bill.

There has been a concern expressed to me as to whether the Farmers Home Administration can effectively handle the proposed rural business loan guarantee program recommended by the President in his February 1 Rural Development Message. The concern is that the proposed expansion of responsibility would result in a dilution of FHA's existing farm loan programs and that FHA does not have adequate expertise to handle a business loan program.

I assure you that the proposed expansion would not result in the dilution of the ongoing farm programs. We are determined to maintain a strong farm loan program. Also, I assure you that we will see to it that FHA will have the necessary professional expertise to efficiently administer the business loan program. As you know, FHA already has considerable non-farm loan making experience. FHA is presently making loans to rural communities for water and waste disposal purposes and rural housing loans. FHA county supervisors live in the local rural community and are familiar with its people and their needs.

We would anticipate beefing up FHA by adding new people and training existing employees in business loan making. In addition, the guaranteed business loans will be made and serviced by private lenders which would tend to minimize the workload on FHA as well as providing a built-in system of checks and balances. We would expect that the business loan specialists located at the State level would work with the local FHA county supervisor in handling the business loans much in the same fashion as is now done in the area of community facility loans.

In summary, it is my judgment that rural development business loans could be much more effectively administered by handling them through FHA and utilizing FHA's experience rather than creating a whole new bureaucracy which would have to start from the very beginning.

Sincerely,

EARL L. BUTZ, *Secretary.*

Mr. MILLER. Mr. President, other than the obvious duplication and overlap of authorities in these two titles, my greatest concern is that the addition of this proposed banking system would create a competitive situation which would permanently damage our efforts to develop rural America.

In addition to authorizing FHA to make all types of business and community facility loans, farm operating loans would be changed from a direct appropriation to an insured basis, therefore making more funds available for this purpose. Also authorized are loans to rural youths for 4-H and FFA type projects and an increase from $35,000 to $50,000 in the operating loan limitation.

This title also provides $75 million in grants for pollution abatement and control and would divide FHA into two agencies with separate administrators, the Farm Development Administration and the Rural Enterprise and Community Development Administration.

Title III is the committee version of the Presidents rural community development revenue sharing which I introduced 1 year ago. The President proposed transferring the funds now appropriated to 11 categorical grant programs to a pool which would be allocated among the States on the basis of rural population, rural per capita income, and the loss of rural population.

Revenue sharing, as approved by the committee, maintains all categorical grant programs and authorizes $500 million of new money annually. This new money is allocated to the States according to a formula which includes factors of rural population, per capita income of the State, and decrease in rural population. This formula is fair and reasonable. Individual State allocations would be divided one-third to the State, one-third to the multicounty districts, and one-third to local units of government. These funds could be used for any rural development purpose which conforms to the State rural development plan. Although different than the measure I introduced, I believe it is a step in the right direction.

Title IV applies to the 1,058 watershed projects now in operation throughout the country. It would allow the Secretary of Agriculture to share costs on any conservation undertaking in a watershed area and pay up to 50 percent of the cost of storage for present and future municipal and industrial water demands in a reservoir constructed for flood control purposes.

Probably most important, this title authorizes the Secretary to contract for periods of up to 10 years with landowners and occupiers within watershed areas for soil and water conservation practices. This should mean a monetary savings, because it will allow cooperators to make long range conservation plans rather than operate on a year to year basis.

In addition, the bill authorizes the Secretary to assume part of the costs of installing works of improvement for water quality management within watershed areas.

Title V gives new authorities to the Secretary in assisting Resource Conservation and Development project areas, of which there are presently 98 authorized throughout the country.

These R.C. & D. areas are multicounty areas designated by local groups in which all resources conservation and development authorities are accelerated and concentrated.

The bill authorizes the Secretary to pay up to 50 percent of the cost of the storage of water for rural community needs in reservoirs constructed or modified as part of an R.C. & D. project. The Secretary may also share the cost of installing measures for water quality management, control and abatement of agriculture-related pollution, disposal of solid wastes, and storage and withdrawal of water for rural fire protection.

The Secretary is also directed to carry out a land inventory and monitoring program in R.C. & D. areas as well as throughout the rest of the country.

Title VI creates a 3-year pilot program for fire protection in communities under 5,500 population. The Forest Service, in conjunction with State-designated officials, would be authorized to pay up to 50 percent of the cost of organizing, equipping, and training local firefighting groups. Federal funds would not be available for purchases of land or construction of buildings in connection with this activity.

Title VII directs the Secretary of Agriculture to establish a program of rural development and small farm research and education. I am pleased that the committee accepted my amendment adding the "small farm" program to the rural development research and education portion proposed by my colleague from Nebraska (Mr. CURTIS).

The purpose of the small farm program is to assist in developing the techniques to make more small farms profitable and to encourage their operators to remain on the land.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a memorandum from the State of Iowa Extension Service on this subject as well as a report of Gerald F. Barton, giving an example of small farm development.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF IOWA EXTENSION SERVICE

EDUCATIONAL-TECHNICAL ASSISTANCE FOR SMALL FARMS

Nearly two-thirds of the farms in this country have total sales of less than $10,000 per year. The problems of these small, noncommercial farmers have been receiving increased attention of late, and rightly so. Many of their problems can best be solved with the various aspects of this bill which would encourage industrialization in rural areas, improve opportunities for off-farm income, and enhance the quality of public services. But what of those problems specific to the nearly two million families living on non-commercial or marginal farms?

First, it must be recognized that these small farms are a very heterogeneous group. They include:

Operators of medium sized, undercapitalized farms.

Farm operators who work part-time off-farm to supplement farm income.

Operators of small, inefficient farms who, because of age, education or handicap, have limited prospects of becoming fully self-supporting either in farming or non-farm occupations.

Rural residents who own farms which provide some income; the owner works full-time off-farm.

Although small farms produce only about 20 percent of the farm products they control about 35 percent of the land assets. Underemployment and inefficient use of land and labor resources exists. Without competent technical and economic advice small farmers are not likely to make the necessary changes. Furthermore, the number of professional workers required to provide the personal attention needed in educational programs with small farmers is much greater than presently available. And, mass media techniques have not been effective.

A number of states are now undertaking special efforts to work with small farmers—one of the oldest of these efforts is the Rapid Adjustment Program of the Tennessee Valley Authority in conjunction with a number of states in that area. More recently Federal funds have helped support the Rural and Farm Family Rehabilitation Project in Vermont, the Small Farm Development Program in Missouri, and the Intensified Farm Planning Program in Texas. Most of these programs are small in scope because of financial limitations but will serve to point the way when expansion becomes possible.

The Extension Service and the Office of Economic Opportunity have both operated educational-technical assistance programs. Few of these have economic evaluation. Evaluation of two such programs in the state of Missouri indicate that such programs can be successful. Both programs made use of paraprofessionals and emphasized intensive educational efforts with participants. In one instance the participants were involved in feeder pig production while the other project included operators of small dairy farms. Increases in family income averaged nearly 20 percent. The estimated rate of return on private and public investment ranged from 20 to 30 percent which compares favorably with returns on other educational programs. Benefit-cost ratios were also favorable, ranging from 1.3 to 2.2.

Enhancement of farm income is an important but not the only benefit revealed in the evaluation of these programs. Families participating in the program became aware of other services and opportunities. The typical participant had not previously been involved in adult education programs nor had they availed themselves of many public services from which they could have benefitted. These programs seemingly brought them back into the mainstream of Americal life.

On a much broader scale the Expanded Food and Nutrition Education Program has shown that education programs can be effective with low income families. Nearly one-half million families are now being served in that program.

In addition to providing the legislation needed to help develop rural America, Title VII of this bill will provide much needed help for small farms. It will facilitate the needed educational efforts and will also lead to a search for new and more effective solutions to the problems of small farms.

REPORT OF GERALD BARTON

A report from Mr. Gerald F. Barton, Consultant in Agricultural Education, State Department of Public Instruction, Des Moines, Iowa, tells of one young man in Northern Iowa, at age 22, married, with one young son, who has just purchased a 160-acre farm and desires to develop a highly specialized swine program.

This young man has so extended his credit locally, in purchasing the land, that he finds it almost impossible to acquire additional credit to purchase the needed equipment, seed, fertilizer, livestock, and to defray other operating expenses. He indicates that the young man needs an additional $40,000 to $50,000.

He is a bright, ambitious young farmer who has completed his FFA and Vocational Agriculture work in high school and is a good risk. He has established goals and will attain them with additional financing.

A recent State-wide survey in Iowa by the Agricultural Education Department of Iowa State University shows there are 13,630 young people under 30 years of age who are engaged in operating their own farms. An additional estimated 3,000 are between the ages of 30 and 35. Approximately ⅓ of these young farmers need additional credit.

Mr. MILLER. Mr. President, the rural development program seeks to provide a means through which the full resources of public and private institutions of higher learning can be brought to bear upon the goal of improving life in rural America.

The land grant university in each State would act as the focal point and the cooperative State extension service would act as conduit. Extension service personnel in the field would transmit requests for assistance from local groups or individuals and disseminate useful information from cooperating educational institutions to local rural development groups.

It is expected that the educational institutions would act both as consultants on individual projects and as independent research organizations attempting to find new methods of assisting in rural delevolpment activities.

Title VIII, the last, is explained very succinctly in the committee report. It would prohibit financial assistance to any organization if it would result in the transfer of employment or production in excess of the demand.

Title VIII also requires the Secretary of Agriculture to coordinate rural development activities within the executive branch, and provides additional authorities to the rural environmental assistance program in the form of up to 10-year contracts for cost sharing programs and by making all types of agriculture-related pollution preventing and abatement practices eligible for cost sharing.

I am disappointed that title I is in this bill. However, the Senate Agriculture Committee and its staff is to be commended for the long, hard work devoted to the end of producing a bill which will provide substantial and meaningful Federal assistance to the Nation's great task of rural area development.

Mr. President, I yield such time as may be required by the Senator from North Dakota.

Mr. ALLOTT. Mr. President, would the Senator yield to me for the purpose of taking up a very short amendment with the understanding that he may regain the floor at the conclusion thereof.

Mr. YOUNG. I yield. How much time will the amendment consume?

Mr. ALLOTT. I do not think it will take more than 5 minutes.

Mr. YOUNG. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1121

Mr. ALLOTT. Mr. President, I understand my amendment No. 1121 is the pending business before the Senate. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 133, line 15, insert the following: "ground water recharge," between the words "development," and the words "water quality."

Mr. ALLOTT. Mr. President, prior to speaking specifically upon my amendment, I would like to take this opportunity to congratulate my good friend the distinguished Senator from Georgia (Mr. TALMADGE) and the members of his committee for the excellent and diligent work they have performed on S. 3462, the Rural Development Act of 1972. The bill offers an opportunity for rural America to share in the fruits that citizens of urban America have grown accustomed to enjoying.

Coming from a rural area of Colorado, I have first-hand knowledge of the problems of rural America and of the kind of spirit which rural Americans possess. Hopefully, with the tools provided in this bill, economic and social gains can be accomplished in the 1970's for residents of rural America.

We must provide a viable alternative to a life in a crowded city. I hope that this bill is a step in that direction.

Mr. President, this amendment refers to the portion of the bill which comes under the Watershed Protection and Flood Prevention Act, as amended.

In offering amendment No. 1121 to the rural development bill, S. 3462, my intent is to highlight and emphasize a growing need primarily in those States which lie west of the Mississippi River. In areas where there is insufficient surface water to meet municipal, industrial, and agricultural needs, man has drilled wells to draw and utilize underground water supplies. This has been a boon to agriculture. However, as these wells proliferate and the volume of water withdrawn from beneath the surface increases, a point can be reached where more water is being taken from beneath the surface than is being resupplied by nature. In other words, man is now "mining" water in many areas.

Mr. President, amendment No. 1121 adds three words—"Ground Water Recharge"—to line 15 on page 133 of S. 3462. I propose to add another project purpose—ground water recharge—to those new purposes that are proposed in this bill, to wit, "development, recreation development, water quality management, and the conservation and proper utilization of land." In conversations with Members of the Senate Committee on Agriculture and Forestry, I am convinced that this amendment readily fits within the committee's attempt to provide rural America with the wherewithal to provide a better standard of life and quality of life for those Americans who choose to live in rural America.

The Soil Conservation Service has, for some time, been involved with the recharging of underground water supplies. However, heretofore such projects have not been available for Federal cost sharing. My amendment would allow up to 50 percent cost sharing in justifiable projects which has ground water recharge benefits.

Mr. President, to provide my colleagues with background on the Soil Conservation Service's interest in ground water recharge, I would like to quote from a U.S. Department of Agriculture Soil Conservation Service Engineering Division technical release No. 36 of June 1967:

> Ground water is an important factor in Soil Conservation Service operations. Large amounts of water are being lost by runoff and evaporation in the same areas where groundwater supplies are being depleted. Added emphasis is needed on the conservation and use of excess runoff where there are possibilities for increased underground storage.
>
> Ground-water recharge is but one phase in the management of a ground-water basin. In some areas, long-term withdrawal exceeds long-term recharge and water is being 'mined.' Without proper management to obtain a sustained yield, artificial recharge becomes a mere stop-gap measure. It may be possible to manage a ground-water reservoir like a surface reservoir. That is, water is placed in storage in periods of excess and withdrawn in periods of shortage.

Mr. President, in the mid-1960's, I talked of a time in the near future when this Nation would face an energy crisis. There were many disbelievers among my listeners; today, one cannot read a national publication without frequently turning to an article discussing the energy crisis we now face. Mr. President, unless the Federal Government takes more of an active participatory role in dealing with the depletion of our underground water supplies, many parts of this Nation could be facing a water crisis in coming years. In many States, I am informed that the water table, due to water extraction, is being lowered several feet per year. The Soil Conservation Service has the technical expertise to contribute to the amelioration of this situation and I ask that my colleagues join in support for this amendment to enable the SCS to play more of an active role.

The purpose of the amendment is extremely simple, and that is to include in the language in the original act "ground water recharge" so that the language on page 133 will read:

> "Development, recreational development, ground water recharge, water quality management, or the conservation and proper utilization of land, and".

The facts are that under the Conservation Act we provide for the draining of water from the land but we do not provide for the recharge of water under land where that is necessary. I personally believe that under the present language of the act ground recharge is justified but I have found that the Department of Agriculture does not feel it is specifically included in the act. The purpose of this amendment is to be sure that ground water recharge will be a part of the purposes of the act.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. TALMADGE. I refer to the amendment, lines 1 and 2. The amendment refers to "ground water recharge." I presume that is pumping water and not water storage. Is that correct?

Mr. ALLOTT. It really is neither.

Mr. TALMADGE. What is it?

Mr. ALLOTT. It would permit pumping. I am sorry the Senator from Idaho (Mr. JORDAN) is not here; the Senator from Nebraska (Mr. CURTIS) is aware of this situation. In the West in vast areas we have underground aquifers and water is pumped from them. Through the years their levels have gone down and down. The purpose of the amendment is to permit recharging of those aquifers so they can be of use. The Ogalalla aquifer in Colorado is an example, as is the Edwards Plateau in Texas, and there are many others in the West.

The purpose of the amendment is to recharge those aquifers. This is true also in California, Arizona, New Mexico, Oklahoma, Kansas, Idaho, Wyoming, and other Western States as well.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. CURTIS. Mr. President, I commend my distinguished colleague for offering this amendment. Is it not true this need for recharging the underground water supply exists in almost every area where pump irrigation is found?

Mr. ALLOTT. It does. It is very necessary.

Mr. CURTIS. I think it applies to most areas in Nebraska. There are localities in my State where that is not the situation, but for the most part we are concerned about the depletion of our underground water supply. This will cause the conservation practices to be such they can take maximum advantage of their work to recharge.

Mr. ALLOTT. The Senator is correct.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. BELLMON. I would like to commend the Senator for offering this amendment. My State is also very much involved in underground water supplies which cover much of the State. In the areas where aquifers are present prosperous agriculture has grown up, but the water supply has gone down to the point that by the end of this century there will have to be a recharge or it will revert to an industrial status. So it is essential we have authority to find ways to get water back into that formation before the wells go dry and agriculture perishes. This could be an extremely important amendment and I am pleased the Senator brought it up.

Mr. ALLOTT. I thank the Senator.

I wish to read from a report dealing with this matter:

> ### MEASURES FOR GROUND WATER RECHARGE
>
> Ground-water recharge may result from land treatment measures or from structural measures planned for recharge or other purposes. Terraces, diversions and stock ponds, the application of irrigation water, canal leakage, and disposal of drainage water may aid recharge. However, recharge will seldom be considered as a purpose of these measures.
>
> ### INCIDENTAL RECHARGE FROM STRUCTURAL MEASURES
>
> Seepage from reservoirs and from channels in which flow is prolonged by structural measures is the most common source of incidental recharge. Incidental recharge may take place from the sediment pools of reservoirs, especially in the first few years after construction. Borrowing materials during construction may expose strata which are more permeable than the original surface soils. On the other hand, sedimentation in the reservoir may decrease permeability and thereby gradually decrease the rate of recharge.
>
> Seepage from a reservoir does not necessarily recharge an underlying aquifer. It may be intercepted by an impermeable stratum and be returned to the stream channel downstream from the dam. This in itself may be a benefit. The prolongation of streamflow may make water available for beneficial use over a longer period of time.
>
> Where suitable conditions exist, measures might be designed to put large amounts of water underground without appreciable added costs. It may be possible to locate a dam to impound water over caverns, sinkholes, or open fault zones. Sites may be selected where the controlled outflow from structures can enter openings in or near the channel downstream. Diversions or channels may be constructed where they will conduct water into natural openings, pits, quarries, or other recharge areas.
>
> ### SPECIAL STRUCTURES FOR RECHARGE
>
> Several types of structural measures for ground water recharge may be planned either as multiple purpose structures or solely for recharge.
>
> *Water spreading.*—Areas of deep sands, gravels, or cobbles are the most favorable for recharge by water-spreading. The systems used are usually similar to those used for irrigation or wild-flooding. They usually can be classified under one of the following methods:
>
> (1) A series of small basins for impounding water throughout the intake area
>
> (2) a series of shallow, flat-bottomed furrows or ditches, closely spaced, and on a low grade, to spread water throughout the intake area
>
> (3) flooding level areas, or constructing dikes to hold the flooded waters on slightly sloping intake areas.
>
> A combination of two or more of these methods may be used depending upon the topography. The surface should be disturbed as little as possible where flooding is used. The water should be as clean as possible. especially where basins or flooding are used. Infiltration rates may be improved by deep-rooted vegetation or by a surface cover of vegetative debris that is permitted to decompose under alternating wet and dry conditions.
>
> If the water is applied for long continuous periods, experiments have shown that a decrease in rate of intake results largely from micro-organism activity within the soil. Spreading of waters containing large quantities of fine sediment will cause a rapid decrease in infiltration rate and may overshadow any effect of micro-organism activity. Initial infiltration rates may sometimes be recovered by interrupting spreading operations and permitting the soil to dry to or near the wilting point.
>
> *Pits and shafts.*—Pits or shafts excavated into deep gravel beds or fractured cavernous or pervious rocks will greatly increase infiltration. Abandoned gravel pits, quarries or mines may be used and are particularly effective if they extend into the aquifer or into cavernous rock formations. Measures may be installed to remove or reduce the amount of debris, clay, silt, and other pollutants where necessary.
>
> *Dams and diversions.*—Incidental recharge, whereby large volumes of recharge may be accomplished at no extra cost, has previously been discussed. In addition, small, inexpensive dams may be very effective in impounding streamflow long enough to let

it enter large openings in or near the channel. Such structures in favorable locations may recharge much of the runoff. Diversions up to several miles in length may be constructed to direct storm runoff into sinkholes or other large openings. The flood reducing effects of these measures might be significant and should be considered.

I believe this is sufficient to explain it, unless there are further questions.

Mr. TALMADGE. I thank the Senator. I have conferred with the ranking minority Member and other members of the committee. This seems to improve the bill, which tries to have adequate and safe water for the people of this country.

On that basis I am ready to accept the amendment.

Mr. ALLOTT. I appreciate very much the courtesy of the chairman of the committee and also the courtesy of the Senator from North Dakota who graciously yielded to me.

Mr. President, I am ready to yield back my time.

Mr. TALMADGE. I yield back the remainder of my time.

Mr. ALLOTT. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. YOUNG. Mr. President, the Rural Development Act of 1972 now before the Senate marks a milestone in the efforts of this body to develop financial assistance programs to deal with the problems of maintaining and strenghtening economic activity and establishing a more viable economy in rural America.

While I do have strong objections to at least one major section of this bill, I do feel, however, that it does provide the framework for the development of a strong and workable program to assist communities and individuals throughout our rural America. It would go a long way toward improving the standard of living and providing increased employment opportunities in our rural areas.

The need for effective action in this area has been documented time and again. Reams of statistics have been compiled on the outmigration of people from rural America. The income differential between rural and urban dwellers has been studied for a quarter of a century. The lack of adequate housing and necessary community facilities has, time after time, prevented rural communities from attracting much needed new business and industry.

Those of us who represent rural America have this reality brought home to us in stark detail whenever we visit our rural areas. One sees countless vacant farm buildings or the sites where farmsteads once stood. Small towns offer the evidence of outmigration in the form of empty business places on Main Street, closed railroad stations and post offices, and an almost total lack of any new activity signifying business growth.

We know there is a problem. We have identified it, quantified it, defined it and studied it. The thing that remains to be done is to provide the mechanism for solving the problem. The legislation now before us will provide the basis for these long-needed solutions.

This bill is not the ideal legislative package that many of us would like. As I stated earlier and in individual views included in the report of the Senate Committee on Agriculture and Forestry on this bill, I do have at least one serious objection.

I am strongly opposed to the $500 million rural revenue sharing portion of the bill as contained in title III.

I understand the distinguished senior Senator from Illinois will be offering a substitute for this $500 million proposing more money for sewers, water, and other such programs, which I will support.

This is tied very closely with the proposed general revenue sharing with the States. If I was to support this revenue-sharing measure, I would be obligated to vote for the multibillion dollar revenue sharing proposal now pending in other legislation.

The revenue-sharing concept might be desirable if it were not for the fact that the Federal Government is, year after year, and this year is no exception, faced with large deficits. The huge overall national debt is now in excess of $490 billion.

Mr. President, the simple truth is that the Federal Government just does not have any revenue to share.

A further problem presented by this revenue-sharing proposal is that it could well have the effect of drawing off needed funds from other long-established and necessary programs that are now serving rural America in an effective and efficient manner. If this were to occur, the revenue-sharing feature of this measure would, in fact, be self-defeating.

Despite this strong objection, I voted to report the bill from the Agriculture Committee because I recognize the critical need for action to meet the wide range of problems facing our rural areas. I am hopeful that the Senate, and the House-Senate conference committee to which this bill will be sent, will make the necessary changes.

I do believe that we have a sound foundation for the expansion of our rural development programs. The sewer and water grant and loan program of the Farmers Home Administration has brought startling changes to a great many communities. For the first time many families have adequate central system water service available. This means much to a community in terms of providing the basis for potential growth.

The small watershed program of the Soil Conservation Service is probably one of the best programs ever initiated by Congress. Through these projects communities across the Nation have been assured water supplies, flood control, improved recreational opportunities, as well as better conservation of our most basic natural resources—our soil and water.

The rural environmental assistance program—formerly ACP—our farm commodity programs, the rural housing, and other loan programs of the Farmers Home Administration and countless other activities of the Department of Agriculture have all played a role in establishing the basis for sound rural development activities.

Now is the time to utilize that base. We must build on this in order to expand the opportunity for useful, meaningful employment in rural America. We must provide the means to permit rural communities to provide the facilities that are necessary to support what we commonly refer to as the "good life."

The fact that current efforts are insufficient cannot be disputed. Thirty million Americans have left the farms and towns of rural America for our urban centers since the beginning of World War II. This migration continues today at the rate of about 600,000 per year.

This migration has robbed our countryside of its youth and its potential for growth. At the same time, it has compounded the problems of the already hard-pressed urban areas as demands for public services of all kinds mushroomed.

Why have these people left our rural areas?

Improved housing, higher income, better schools, more adequate health services, and better community services are all available in the urban centers.

It is estimated that 60 percent of all substandard housing in the Nation exists in our rural areas.

Per capita income in rural areas is substantially lower than in urban centers.

Fire and police protection, ambulance service, water supply, waste disposal, medical and dental care, and a host of other services we take for granted in our cities are frequently deficient and often completely lacking in rural areas.

My home county of La Moure, N. Dak., does not have a full-time doctor today. The hospital in my hometown is closed because there is no doctor. A nursing home nearing completion there faces serious problems because of this lack. This inadequacy of service may seem shocking, but it is repeated throughout most of rural America.

We must stem the migration of people to our cities. Rural areas cannot stand this continued drain and our cities cannot continue to absorb these additional people. This is a two-edged problem whose solution holds benefits for both rural and urban interests.

This bill provides for a number of new programs and the expansion of existing programs to meet the development needs of rural areas.

The credit portions of the legislation will provide the necessary capital to finance new and expanded business ventures and necessary community facilities. A prime example of the potential of this exists right now in North Dakota. The Red River Valley of eastern North Dakota and western Minnesota is one of the best sugar beet producing areas in the Nation. Farmers there have successfully grown this crop for years and there is great demand for expansion.

Despite this demand, innumerable difficulties have been encountered in efforts to expand the industry through the construction of new processing facilities. One of the major problems—in fact, the chief difficulty—is securing the needed financing for such an operation.

This bill will definitely provide the necessary financial assistance for sugar beet producers to purchase or construct the processing capacity without which there may not be a future to the sugar beet industry.

The legislation would provide a vehicle to finance, through loans and grants, community facilities and improved services. The water and sewer loan program of the Farmers Home Administration is a good beginning. This would permit similar efforts to improve law enforcement, medical services, recreational opportunities, and a host of other activities necessary to provide a balanced growth and improved living conditions in rural America.

The Small Watershed Protection Act would be amended to permit greater use of the program in helping communities meet their need for municipal and industrial water supplies. The bill also strengthens the soil conservation assistance and pollution control features of the watershed program.

The limitation on operating loans made to farmers by the Farmers Home Administration is increased to $50,000 by this bill and the FHA is authorized to make insured operating loans. This is vitally needed to assist FHA in continuing to meet the credit demands of those farmers who cannot obtain operating credit through normal commercial channels.

This bill would also authorize the appropriation of funds for rural development research, extension, and education programs as well as a program aimed specifically at assisting small farm operators in developing profitable operations within the limitations of their present resources. These programs would operate through the Cooperative Extension Service and the land grant colleges of the various States. These institutions have proven their ability to respond to such challenges and will provide much needed local leadership in this over-all effort.

This is but a brief description of the many functions that could be carried on under this bill. Improved rural fire protection, assistance in the financing of pollution control measures, and many other efforts would be possible.

The distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), and the distinguished minority member of the committee, the Senator from Iowa (Mr. MILLER), have explained in more detail than I have what this bill would do for rural America.

While I recognize the need for changes in some provisions of this bill, I hope and feel certain that these can be made as the bill is considered by the Senate and the House-Senate conference committee. We must move now to provide the tools needed to revitalize rural America. We have a good beginning. Now is the time to add to it and enact a badly needed program for rural development.

Mr. MILLER. Mr. President, I yield such time as may be required to the Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, it has been my pleasure to serve as ranking minority member on the Rural Development Subcommittee of the Committee on Agriculture and Forestry since its creation. Having represented the predominantly rural State of Nebraska for more than 17 years in the Senate and before that for 16 years in the House of Representatives, I believe I came to this subcommittee with some idea of the problems facing rural America.

It is no secret that there is a need for a rural development program because of the great technological advances in the production of food and fiber during the past 40 years. For three generations people have been displaced from the farm by tractors and combines and mechanical pickers.

A result has been overcrowded cities, unable to build public facilities fast enough to keep up with the demand and industry unable to expand fast enough to create sufficient jobs.

Another result has been hundreds of rural areas unable to support even the minimum public services because of little or no tax base.

I do want to make it clear, Mr. President, that in my view everything possible must be done to enable as many of our present farmers as may wish to remain on the land to do so. At the same time we should give a helping hand to young men and woman who want to get started in farming. Under no circumstances should rural development be considered as something in lieu of, or as a substitute for, additional farm income. We should strive for both increased farm income and rural development. Every dollar's worth of farm crops sold generates several dollars of economic activity. Therefore, there is little doubt of the role agriculture plays in rural development. High farm income is the best kind of rural development.

Mr. President, we have all heard the statistics about the poverty, the substandard housing, the lack of amenities in rural America. I think these problems have been overstressed. I view the countryside not as a decaying, backward place that needs to be rescued by the Nation; I view it as a land of opportunity, the best place for people to live. The place where it is still possible to live the "good life" without all the pressures and tensions so prevalent in our metropolitan areas.

People move where the jobs are. We need more jobs in rural America and that is what rural development is all about.

Our aim, among other things, is to take such action as will give an economic nudge for establishment of industry in rural America and for local people to get into the act.

When our subcommittee held hearings in Lincoln, Nebr., last year, President D. B. Varner of our great University of Nebraska made the following comment:

> It is my view that the overriding need is a clear statement of national goals on rural development. We need an unequivocal commitment, beyond the conversation stage, to an aggressive policy for rural development as an integral part of our national policy, and we need innovative action by our Congress which will result in the implementation of this new policy.

Mr. President, in title IX of the Agricultural Act of 1970, Congress committed itself to a balanced national growth policy. In the legislation we are considering today, we go "beyond the conversation stage," and into "an aggressive policy for rural development."

I frequently define rural development as the creation of jobs. In order to create jobs we must have three things: someone with a product or an idea; a community that has an adequate labor supply; and available capital.

With American ingenuity and free enterprise incentives there is seldom a shortage of firms or individuals with sound and feasible products or ideas. The advent of State and local industrial development committees and commissions has made it relatively easy to pinpoint communities with an adequate labor supply. This leaves the problem of available capital.

Without doubt, the authorities granted Farmers Home Administration in title II are a giant step toward the goal of providing the capital needed to help make the countryside a better place in which to live and work.

This will enable FHA to guarantee loans for purposes ranging from loans for "mom and pop" type businesses to loans to cooperatives to loans for large industrial or commercial operations. In addition, FHA would be authorized to make loans for community facilities ranging from hospitals to industrial parks.

Title II provides a three-step process for commercial and industrial loan applicants.

First, the applicant would apply to financial institutions for a regular commercial loan. If refused by these lenders he would then go to step 2. This would involve asking the commercial lender if he would make the loan if 90 percent of it were guaranteed by FHA. If the commercial lender would not make the loan, FHA could then make it from the Rural Development Insurance Fund. The note signed by the borrower would then be sold out of the fund to a private investor.

Applicants for community facility-type loans could have 100 percent of their loan guaranteed or insured by FHA.

The Small Business Administration is already carrying out a program of rural development. The Farmers Home Administration role as provided for in this legislation will be a desirable complement to the SBA program.

Administrator Thomas Kleppe of the Small Business Administration said:

> Let me call your attention, Mr. Chairman, to the role that SBA can and will play, under existing law, to strengthen the small business segment of the rural economy. Of particular importance are the loans we make to local development companies for the benefit of small business concerns.

By way of explanation, Mr. President, SBA is authorized to make loans to State and local development companies to use in assisting specific small businesses. The agency may lend up to $350,000 for each small business that is to be assisted. These loans may be used to help small firms construct, modernize, or expand their plants, and to develop industrial parks and shopping centers.

Mr. President, I believe most of my colleagues are aware that FHA already has nearly 7,000 employees in 1,700 county offices throughout the Nation.

I believe that the SBA and the FHA

can meet the credit needs for a good program of rural development by adding a relatively small number of qualified business and community facility loan specialists to the FHA rolls.

I am pleased that the committee adopted my amendment which directs the Secretary of Agriculture to set up a program of research, extension, and training to insure successful programs of rural development. Originally proposed by President Varner of the University of Nebraska, this program will make available the expertise found in the public and private colleges and universities of the Nation to State and local governments and multicounty districts in solving the problems of rural development.

The land-grant university in each State will act as the focal point in this effort with cooperative extension service specialists already in the field acting as liaison between local agencies and all other institutions of higher learning, including the community colleges.

Mr. President, the bill now before us could provide the economic nudge for rural America about which I spoke earlier. I believe that it will.

It is time that greater attention be paid to our rural areas. America possesses the capacity for much future greatness and the hope of our Nation lies in the rural areas.

Mr. President, I yield the floor.

Mr. TALMADGE. Mr. President, I yield such time as he may require to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. I thank the Senator from Georgia, the able and distinguished chairman of the Committee on Agriculture and Forestry, for yielding to me at this time in order that I might discuss S. 3462.

Mr. President, as a cosponsor of S. 3462, as a member of the Senate Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry, and as one who is deeply interested in strengthening and preserving the most vital of our blessings—the heritage of rural America—I strongly recommend Senate passage of the Rural Development Act of 1972.

Almost everyone agrees that rural development is important.

Unfortunately, we as a nation are not yet acting as if we think rural development is important.

This is not to say that we are guilty of hypocrisy. We in a democratic society have to agree on our objectives before we can take effective action. Furthermore, we are doing a great deal—as individuals and organizations, as private enterprisers and Government units—to develop the economic and social potentialities of rural America. The trouble is, we are not doing enough. We are moving too slowly, and we are not acting in unison.

The objectives of Congress in the area of rural development are well stated in title IX of the Agricultural Act of 1970. Under the heading "Commitment of Congress," we adopted this language:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

We agreed to this national commitment 2 years ago for a great variety of reasons. Each of us, perhaps, has an individual set of reasons based upon his own observations and predilections.

My own convictions can be put into two categories—first, the fact that both rural and urban America are suffering for lack of opportunity in rural areas; and, second, that we know progress is possible because we see it happening, but not fast enough.

Let us look into the first category of reasons—the fact that rural and urban America are suffering for lack of opportunity in rural areas.

I have seen with my own eyes, and I have heard testimony from witness after witness, that migration out of rural America has produced almost incredible hardship for people and seemingly insuperable problems for city governments and institutions.

In agriculture a technological revolution has displaced people much faster than new jobs and business opportunities have come into being. We have slowed outmigration in many ways. For one, we have been fighting to hold and build markets for our agricultural production in other countries and resisting excessive imports of competing farm products. We have sought to prevent the forceout of farmers by means of programs to support farm prices and income, and in some cases, dividing markets among farmers through marketing quotas.

Through publicly supported research and extension educational work, we have tried to see to it that even the poorest among the farmers could know and use the latest technology. Through conservation programs, we have tried to prevent the erosion of soil and thus maintain a resource base for economic production. Through farm ownership loans, farm operating loans, and various other credit programs, we have tried to make possible the ownership and operation of farms by millions of families who otherwise would have had no chance to be either owners or operators of farms.

I could give many more examples of governmental efforts to maintain the kind of agriculture and rural America—to strengthen the human side of the equation against the harmful forces of the onrushing technological revolution.

Obviously, we have not fully succeeded. Since 1940 more than 30 million people have migrated from rural America, and some 20 million of them from the farms. Now more than 70 percent of our people live on only about two percent of our land. Only 9 million people now live on farms. Of 435 congressional districts, only 35 have farm populations of more than 25 percent, and 21 States do not have a single district in which as many as 15 percent are farm people.

Many of the people who have migrated from rural America were not prepared for industrial jobs or for city living. Even had more of them been well prepared, their numbers were so great and they came so fast, that the cities to which they flocked could hardly have avoided being smothered and choked.

Police departments, fire departments, welfare departments, health departments, sanitation departments—every facet of city government, plus the private institutions of our cities, have been strained, tested, and found wanting.

All of this is to say that rural development also has a special meaning for nonrural residents. It means that if we are to help solve the problems of the cities, we must create a new rural environment which not only will curb migration to urban centers, but also will reverse it.

The migration has been slowed, but it has not stopped. During the 1960's about 1,500 counties lost population—about the same number of counties as in the 1950's.

The ills of rural America have been stated many times. There appears to be no serious disagreement on the major facts. President Nixon has stated—and we find this in the printed hearing records of our Rural Development Subcommittee—that approximately half of the unemployment and underemployment is in rural America, and approximately half of those below the poverty level live in rural America. In his recent message to Congress on rural development, the President said:

> Dramatic disparities exist between metropolitan and rural areas in such indices as per capita income, housing standards, educational attainment and access to medical care.

He noted, also, that Government services cost more per person in thinly settled area, and that State and local governments are frequently "too impoverished or too fragmented to undertake the necessary planning and development activities."

The chairman of our Senate Agriculture Committee, the distinguished Senator from Georgia (Mr. TALMADGE), has stated—and this is in the hearing record—that migration from rural to urban areas is comparable to the movement of 22 million immigrants to our shores between 1890 and 1930. The distinguished senior Senator from Georgia has further stated that the balance-of-payments problem between rural and urban America is far greater than that between our Nation and foreign countries, pointing out that rural people pay millions of dollars of interest to people in the cities and spend millions more on education of children who go to live in the cities. Senator TALMADGE quotes the Veterans' Administration to the effect that 108 of the 159 counties of his State of Georgia are credit-shortage areas where veterans have great difficulty getting home loans. As an example of the staggering credit needs of rural America, he cites Farmers Home Administration survey results showing that communities with populations of 5,500 or less need water and sewer systems that would cost well over $13 billion.

Our Rural Development Subcommittee chairman, the distinguished junior Senator from Minnesota (Mr. HUMPHREY), pointed out in hearings that two-thirds of the Nation's substandard housing is found in rural America. Senator HUMPHREY also pointed out that rural America is short of jobs, doctors and hospitals, transportation facilities.

He further pointed out that industry is not going to move to rural areas if schools are inferior, if there is inadequate electric and telephone service, and if the nearest health care facility is 50 or 100 miles away.

We also have testimony that tells of progress in rural America. We know some kinds of action really work. We can, therefore, commit ourselves to the objectives of rural revitalization, not merely in desperation, but in a spirit of determination and well-founded hope.

One magnificent example is that great engine of democracy, the Tennessee Valley Authority. In subcommittee we took a close look at the triumphs of TVA both at Decatur, Ala., and at hearings here in Washington.

For almost 39 years now, the Tennessee River Valley has been a successful pilot plan to show how men can develop their resources by democratic means and for the benefit of all the people. The achievement of TVA is a record of men at work with their Government with an absolute minimum of control and interference from Washington, D.C. Let me quote a highly significant statement from the testimony before our subcommittee of Aubrey J. Wagner, chairman of the TVA Board:

> Since 1933 when TVA was created, there has been a notable increase in job opportunities in the Tennessee Valley region, and outmigration has been halted.

Let me repeat and emphasize that statement by Chairman Wagner: Outmigration has been halted.

Mr. Wagner went on to say that per capita income in the TVA region has risen from 45 percent of the national average to 75 percent. Jobs in manufacturing make up a greater part of the total employment in the region than in the Nation as a whole. And in recent years about 80 percent of the region's new industrial jobs have been created outside the metropolitan areas.

I quote further from Mr. Wagner's testimony:

> The development of the Tennessee River and its tributaries has provided a base for industrial and commercial growth and a prime recreation asset. The waterway makes available low-cost barge transportation, and the dams we have built provide abundant supplies of water for communities and industries, as well as for water-based recreation. Flood control has made the level land on the shoreline safe from floods and therefore more usable by industry. And, of course, TVA's dams and steamplants provide large amounts of low-cost power.
>
> All of this has meant jobs. Private industry has invested over $2 billion in new and expanded plant facilities along the main stem of the Tennessee River since TVA completed the navigable channel in 1945 . . . In total in the Tennessee Valley, about a million and a half new jobs have been created in the last 30 years.

Yes, Mr. President, TVA represents rural development on a grand scale. The people of the TVA area have outstripped the Nation in their progress—in their agriculture, their business, their industry, in the increase of their personal incomes and in the comforts and conveniences of modern life.

In much smaller areas, the rural electric cooperatives throughout the Nation have been helping build stronger, more attractive communities and providing an indispensable ingredient for industry and commerce—dependable electric service at rates comparable with those of the highly populated cities.

I agree with this statement made by Robert D. Partridge, general manager of the National Rural Electric Cooperative Association, in his testimony before our rural development subcommittee:

> Were it not for the rural electrification program, there would be little or no hope of revitalizing rural areas, which many of us consider essential to achieving balanced national growth.

Rural electric systems are adding consumers to their systems at a rate of nearly 250,000 new meters a year, compared with about 150,000 a year in the mid-1960's. This growth rate in 1970 was 4 percent or nearly double the growth of the electric utility industry as a whole. And the volume of power delivered to consumers on rural electric lines is increasing faster than for the rest of the industry. The power loads of REA borrowers are doubling every 7 years while loads for the entire industry are doubling every 10 years.

In Alaska during last fiscal year, 23 remote villages were electrified, bringing the total of such systems to 40. And in Nevada and Utah the last "power desert" in the continental United States got electric lines.

A REA survey in 1970 indicated that rural electric systems in that year helped to create 38,570 new jobs through 765 commercial, industrial, and community facilities projects.

In Alabama rural electric cooperatives have for years exercised leadership in making communities attractive to people and, therefore, to industry. They have helped the Farmers Home Administration put its expanded housing program before the people, and in one recent 6-month period, the Farmers Home Administration in Alabama doubled its rate of lending for rural housing. Our electric cooperatives have taken the lead in organizing nonprofit housing groups such as the one helped into being by the Baldwin County Electric Cooperative with headquarters at Robertsdale. It is an organization that can borrow money and develop land for rural residences. In many cases, such groups should be able to accomplish much more than could individuals building one house each.

Other Alabama electric cooperatives have helped organize water and sewer projects. For example, Sand Mountain Electric Cooperative with headquarters at Rainsville recently helped get a water project started. And in the Sand Mountain cooperative area, new jobs are being provided by a Monsanto plant, a new cookie bakery, garbage body plant, and recreational developments at DeSoto State Park, Lake Guntersville State Park. Buck's Pocket Tri-County Park, and other places.

This electric cooperative is not alone in its interest in recreation developments. Recreation and tourism together make up one of the fastest growing industries in Alabama. It is a half billion dollar business today and the best is yet to come. Many of our excellent recreational sites are in rural locations served by the electric cooperatives, and I am happy to note they take pride in both serving and boosting our great recreation and sightseeing attractions.

In the field of health care, Alabama is providing still another encouraging approach to the problem of rural health delivery services. In Montgomery last July, our Senate Rural Development Subcommittee heard outstanding testimony from the University of Alabama Medical Center spokesmen about a three-point program to help rural doctors and make rural medical practice more attractive. One part of the program is a medical information system through which any physician in the State can call a panel of specialists at the medical center, day or night, without charge, and can obtain consultation or information from the library, and if necessary he can arrange for emergency flights of medicine, equipment or patients.

Another part is called the MEDEX training program for physicians' assistants. Recently the program has centered on the training of returning military corpsmen, and at the time of our subcommittee hearing in Alabama last July 23 MEDEX trainees were working with rural doctors in five States of the South. The third part of the program is the Lawrence County Project, which aims at developing a model of rural health care involving use of MEDEX assistants and trained outreach teams to help with health care in the home.

We thus see that in various parts of the country where we have held hearings, we have heard not only about problems but also of much promising work and some success.

Somebody must be doing something right, because at least a few of our rural areas are gaining in population. The President identified those areas in his rural development message as the middle Tennessee Valley, which I have already discussed, the Southern Piedmont, eastern Oklahoma, and northern and western Arkansas.

The question now is, how are we going to turn the tide around in many more rural areas?

Probably everyone would agree that new industry is essential. But it has become clear that it will take more than new industry to revitalize rural areas. It takes good electric service and modern telephones, water and sewer systems, doctors and hospitals, good schools, roads, libraries, recreation facilities. Another way of saying all that is: "It takes money."

It also takes organization.

Rather than dismantle the Department of Agriculture, we should insist that the Department of Agriculture has the fundamental mission of organizing and administering a real rural development program. For emphasis, we could call it the Department of Agriculture and Rural Development. That would be all right with me.

There are so many pieces of a rural development program scattered through the Federal Government that we can hardly count them. Many of these pieces are in the Department of Agriculture. They are not pulled together and administered as a program. But they should be, and in my opinion, they must be if town and country America is ever to enjoy the fruits of prosperity to which it is entitled.

Much of the money required to do the job need not be expended in the forms of grants—rather it can be loaned, and later returned to the Treasury for use again. So much money is required that we cannot, as a practical matter, rely on Federal expenditures, grants, and revenue sharing to go around. But credit is another matter. Vastly more credit is needed, and credit is practical for the circumstances with which we are dealing.

But to make credit programs fully effective, we need more advance planning, and for this we need to be able to make limited grants. A community cannot hope to obtain credit for facilities such as water and sewer systems until it has a plan and an official presentation that meets the requirements of the lending agency. Yet, in many cases, the community has nobody with the required time and expertise, and no money to hire engineering and other firms to do the advance work that must be done. Problems of this sort represent a bottleneck in rural development, and it will take some grant money to break the bottleneck.

We have also learned in our hearings and through observation that there have been important gaps in credit programs as well as quantitative limits that seriously restrict the potential for getting results. Housing credit is a problem for rural people of moderate income. We can upgrade rural housing much faster than we are now doing if we open up the Farmers Home Administration housing program to them.

The biggest and most important gap we have observed is that of credit for job-creating industrial and commercial enterprises. I personally feel it is necessary to help and encourage local governmental units in their efforts to offer incentives to industry and business. To this end, I have joined the senior Senator from Alabama in introducing legislation to raise the dollar limit on an issue of tax-exempt industrial development bonds. In our view, the limit should be raised to $10 million. I have been informed that if this bill becomes law, one Alabama company alone will make investments of at least $30 million in plant expansions throughout the State, opening new jobs for more than 2,500 people. For the Nation, this figure could be multiplied manifold.

In addition to helping local government in that manner, we need to make sure that the Federal rural development program can offer loans to both public and private organizations to finance small- or medium-sized industrial and commercial establishments and related facilities.

The principles I have set forth are embodied in the legislation now before us.

We must, of course, continue our endeavor to improve the quality of life in our urban areas, but we must never forget that the strength and prosperity of rural America is basic to the strength and prosperity of our Nation.

Rural America is the very foundation of our national life. It is rural America which has given us the moral and spiritual values that have preserved the vigor of our Nation and the foundations of our freedom and our enterprise.

Indeed, America's greatness has been built not upon material wealth alone but, far more importantly, upon the initiative, the independence, and the love of a divine providence that has flown from the homes of town and country America into the fiber and fabric of our Nation's life.

It is with a deep sense of responsibility to the record of the past and a keen awareness to the challenge of the future that I urge enactment of the Rural Development Act of 1972.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Dent, Mr. Pucinski, Mr. Burton, Mr. Gaydos, Mr. Erlenborn, Mr. Esch, and Mr. Steiger of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 45. An act to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice;

H.R. 1862. An act for the relief of Frank J. McCabe;

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 4679. An act for the relief of Amparo Coronado Vienda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; and

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 45. An act to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice;

H.R. 1862. An act for the relief of Frank J. McCabe; and

H.R. 4679. An act for the relief of Amparo Coronado Vienda de Pena and her three minor children: Yolanda Pena, Marisela Pena, and Lorenzo Pena; to the Committee on the Judiciary.

H.R. 1915. An act to provide for the conveyance of certain real property of the United States; to the Committee on Interior and Insular Affairs.

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Assistant Secretary of the Senate reported that on today, April 19, 1972, he presented to the President of the United States the following enrolled bills and joint resolutions:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes;

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of September 1972 "National Hunting and Fishing Day"; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

ORDER FOR ADJOURNMENT UNTIL 9:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3462) to provide for the development of rural areas.

Mr. AIKEN. Mr. President, I want to bring up a matter on which there appears to be a difference of opinion developing and I think we should put some of this material in the Record tonight so that when the Ellender amendment is voted upon tomorrow, we will have it to go by.

On each Senator's desk there is a report of the President's Task Force on Rural Development. Accompanying it is a letter from the Senator from Georgia (Mr. Talmadge) which reads as follows:

April 19, 1972.

Memorandum

To: All Senators.
From: Senator Talmadge.

Attached for your information is a copy of the report of the President's Task Force on Rural Development.

This report is particulary relevant to debate on Title I of the pending bill. Title I would establish a Rural Development Credit Banking System modeled after the credit system which now exists under the Farm Credit Act.

Title I follows generally the recommendation of the President's Task Force for Rural Development as stated on Page 26 of the attached report. The Task Force recommended a new credit institution to provide rural areas with greater access to private capital. This is precisely what Title I does.

The Task Force recommended that the Rural Development Credit Bank be structured in law as a wholly new title to the Farm Credit Act. In preparing this legislation to carry out the Task Force's recommendations, I considered proposing the Rural Development bank as an amendment to the Farm Credit Act of 1971. However, the present Members of the Farm Credit System objected to this procedure.

Therefore, I and the other sponsors of the Rural Development Credit Bank introduced our proposal as a separate law rather than as a part of the Farm Credit Act.

Mr. President, I had hardly found this on my desk before I found a communication from Will Erwin, Deputy Under Secretary for Rural Development and a member of the President's Task Force on Rural Development, which stated:

> It is incorrect and misleading to utilize the recommendations in the President's Task Force on Rural Development, concerning expanded credit to justify the new rural development credit system proposed in Title I of this bill. In its recommendations, the Task Force utilized an existing credit system and its field offices—the Farm Credit System, and contrary to the proposal in Title I, did not propose to set up a whole new credit system complete with field offices. Indeed, the Task Force stressed the need to streamline Federal programs rather than proliferate new ones.
>
> A detailed report was submitted to Congress last year evaluating the feasibility of the Farm Credit System to handle rural development credit. Its conclusion, which no one challenged, was that it would be more effective to meet rural credit needs through existing government and private institutions rather than setting up an entirely new system.

Mr. President, I am not pretending at this time to render any judgment on this very apparent difference of opinion and difference of interpretation of the members of the President's Task Force on Rural Development. However, there seems to be a rather wide difference. I am putting this in the RECORD, not for the purpose of arguing one side or the other at this time, but to have it in the RECORD when the Ellender amendment to eliminate title I, involving approximately half the total bill, is considered. In this way this matter will be available for Senators to read in the CONGRESSIONAL RECORD, assuming that they read the CONGRESSIONAL RECORD.

I think it is only fair to Mr. Erwin to have this material in the RECORD.

Mr. TALMADGE. Mr. President, I yield myself a brief time to respond to my distinguished friend, the Senator from Vermont.

I ask unanimous consent that my memorandum under date of April 19, 1972, which is to be found on the desk of each Senator, be printed at this point in the RECORD.

The PRESIDING OFFICER. The Senator from Vermont has already read it in the RECORD.

Mr. TALMADGE. Mr. President, I desire to have the memorandum printed in the RECORD also.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

APRIL 19, 1972.

MEMORANDUM

To: All Senators.
From: Senator Talmadge.

Attached for your information is a copy of the report of the President's Task Force on Rural Development.

This report is particularly relevant to debate on Title I of the pending bill. Title I would establish a Rural Development Credit Banking System modeled after the credit system which now exists under the Farm Credit Act.

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Therefore, I and the other sponsors of the Rural Development Credit Bank introduced our proposal as a separate law rather than as a part of the Farm Credit Act.

HERMAN E. TALMADGE.

Mr. TALMADGE. Mr. President, I ask unanimous consent that, beginning with the headline "Financial Action" on page 26 of the President's task force entitled "A New Life For The Country" under date of March 1970, the report of the President's Task Force on Rural Development, be printed at this point in the RECORD, down to the language which is italicized, these four paragraphs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCIAL ACTION

The Task Force recommends a new credit institution to provide rural areas with greater access to private capital. This institution—to be named the Rural Development Credit Bank—should be structured in law as a wholly new title in an amendment to the Farm Credit Act.

The Farm Credit Act, passed more than 50 years ago, established the Farm Credit System, whereby the System sells its bonds and debentures (not guaranteed by the Federal Government) in the private money markets to raise capital for loans to farmers. The System was started with a modest amount of government "seed money" which has been repaid and the System is now completely owned by the users.

We suggest a similar self-liquidating arrangement, within the Farm Credit System, but completely apart from farm loans, to provide private capital for such uses as rural housing, water and sewer systems, water resource projects, rural industries, recreational facilities, and rural utilities including rural electric and telephone systems. Loans should be made to private individuals, cooperatives, corporations, municipalities or other appropriate public authorities established under State Law.

The capital needs for this investment are too great in total, and too large in individual amounts, to be met in full by existing local banking and financial institutions.

Mr. TALMADGE. Mr. President, I also point out that this was a unanimous report without any dissent whatever, and that Mr. Will Erwin was a member of the task force that made this report. Presumably it carried his endorsement at the time he made it. At that time he was not on the Federal payroll.

It is my understanding that he was not subject to dictation from any other authority except his own opinion. He has a right to change his mind.

What the committee has done in title I of this bill is identically what the President's task force recommends. They have a right to change their minds. Everyone does. However, we are doing in title I identically what they themselves endorsed and requested in March 1970. I want that to be perfectly clear so that all Senators can understand it.

Mr. AIKEN. Mr. President, if the Senator will yield, I am very happy that he approves of the action recommended by one President's task force. Unfortunately, I am not always impressed by task forces myself.

Mr. TALMADGE. I am not either. However, I am in agreement with this recommendation of this particular task force.

Apparently one member who made the recommendation is now in disagreement with it. If so, that is his privilege.

Mr. President, I yield 15 minutes to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 15 minutes.

Mr. BELLMON. Mr. President, first I would like to commend the distinguished chairman of the committee, the Senator from Georgia (Mr. TALMADGE) and also the ranking minority member, the Senator from Iowa (Mr. MILLER), as well as the Senator from Minnesota (Mr. HUMPHREY), the chairman of the Subcommittee on Rural Development, for the dedication and the manner in which they conducted the committee deliberations which led to the development of this highly important legislation.

It has been a pleasure to be associated with the distinguished Members of the Senate during this rather lengthy and sometimes difficult period. It is a great pleasure to see the legislation now pending before the Senate.

Mr. President, some may ask, why do we need rural development? The fact is that this Nation's much publicized urban crisis has its roots in rural development. The problems in our cities began because we first had a crisis in rural America which forced literally millions of rural citizens into the urban centers. They arrived without marketable skills and were frequently totally unprepared for their new lives. This legislation is 40 years late, but it is as desperately needed today as it was in 1930.

In addition, Mr. President, rural America is rapidly running out of people. Through neglect of rural areas, government has convinced the vast majority of young people that the cities are where the action is. This fact is borne out by the increasing age of rural people and by the stated intention of most farm youth to leave the land and live their lives in the cities or suburbs.

In other words, there has been no balance to our approach for building America. Between 1961 and 1973 we will have spent $160 billion on the problems of the cities. In 1970, 57 percent of all Federal dollar outlays went to the largest cities.

Meanwhile we have largely ignored the problems of the people left behind in the countryside.

It is important at this point to document the inequities that do exist.

Families living outside metropolitan areas averaged less than 80 percent as much income in 1968 as metro families, a difference of some $2,000 per family.

Unemployment in rural areas, and particularly in farm related business, is nearly twice the national unemployment percentage. This does not mention the great number of people who are underemployed. Rural underemployment is wasting some of the ablest, most willing manpower in our Nation.

Rural America has about half of the Nation's poverty, yet most of the poverty programs are designed specifically for urban areas.

Sixty percent of the substandard housing in this country is in rural areas. Thousands upon thousands of country people live in houses without indoor plumbing.

On the average, $100 less is spent per pupil in rural schools than in urban schools, and what makes this statistic even more pathetic is that after rural people pay their taxes to send their children to school, the children are generally forced to leave home to become taxpaying assets in the cities. This situation is draining rural America of its potential leadership and much of its material wealth.

Over the last 40 years the population of rural areas has actually declined by about one and a quarter million persons, while the population of the entire country has increased by some 87 million. This leads to the simple conclusion that the equivalent of all persons born in rural areas in the last 40 years has moved from those rural areas to urban areas. It can be conservatively estimated that the total migration is in excess of 40 million persons.

Local taxpayers, supporting the local schools and government, shoulder virtually the entire burden of rearing and educating a child. The cost to local resources of raising a child through high school age is well in excess of $5,000. That entire investment is lost to the local community if that child then moves away to spend his productive years elsewhere.

If we can safely assume that 40 million young peoplle have migrated from rural areas which invested $5,000 in rearing each of them, the loss to rural areas amounts to $200 billion in the last 40 years.

But that is not the entire loss. Each of those young persons became productive, taxpaying citizens—each contributing significantly to the economy of the area in which they make their homes. Calculation of the loss of this productivity to rural areas is beyond comprehension—reaching to many hundreds of billion dollars.

Since all the young people are fleeing from the countryside, one might then ask, why bother with rural America? Why not let it peacefully die away?

There are a number of reasons, and the first one starts with A: for agriculture.

We heard a lot of dialog during the recent confirmation of our Secretary of Agriculture about the plight of the family farmer. That was a proper concern because family farms are rapidly disappearing.

We have 2 million farmers remaining in America, and 1.1 million of these produce 90 percent of all the food and fiber grown in this country.

During the past 10 years, we have lost about 1,000 farmers a year in Oklahoma, and not all of them left because they were poor managers.

Most left because of low income. Off the farm jobs would have provided the additional needed income to have kept them and their families down on the farm.

On the other side of the agriculture coin is a sign that says "cheap food."

In spite of the complaints of housewives about high food prices, they still pay less of their household budget for food than in any other country in the world. Frequently overlooked is that food today is less expensive, comparatively, than at any other time. Twenty years ago consumers spent 23 percent of their take home pay for food; today that figure has been reduced to less than 16 percent.

In those same 20 years, farm prices have increased only 9 percent, while wholesale prices have gone up 26 percent and retail prices 47 percent. Farm prices have failed to keep pace with the rest of the economy—and as a result, farm income has suffered.

Today, farmers receive only 72 percent of parity, and still consumers complain about the high cost of food. If farmers received 100 percent of parity as do other industries, the cost of food would average a full 10-percent higher.

How has the American farmer managed to stay in business when he receives such low prices for his products? It has been only through greatly increased efficiency. The output per man hour on farms has increased by 330 percent in the last 20 years, while the productivity per man hour in manufacturing has increased only half that much.

The typical American farmer today produces enough food and fiber for 45 other persons. That record of efficiency and productivity is not only taken for granted—but more often than not, it is ignored—and the American farmer continues to get less than his fair share of America's economic wealth.

Throughout the country many farmers have been forced to turn to nonfarm jobs in spare time to subsidize their farm income. The per capita income from farms is $1,536, while the per capita nonfarm income is $1,438—nearly as much as from in the farming operation. It becomes apparent, then, that the great need in rural areas is for more nonfarm jobs.

Mr. President, the Rural Development Subcommittee held hearings in seven States and took testimony from a large number of witnesses here in Washington. Repeatedly, the question was asked, "Why is rural America dying and what can be done to revitalize the countryside?"

Consistently, the answer came back: "Rural America needs more off-the-farm jobs."

To provide these jobs, the Congress must provide a program for rural nonfarm credit and investment incentives. S. 3462 will do this.

What is needed in rural America is an investment in essential community services that will make these areas safe, pleasant, and attractive places to live. S. 3462 will provide for this investment.

What is needed in rural America is sound planning and economic know-how. S. 3462 makes these services available.

What is needed in rural America is access to the same financial muscle, both private and governmental, which has funded the growth of American cities.

What is needed in rural America is a continuous, coordinated allout effort to understand and solve the problems that have held down progress in rural areas, and to contend with new problems as they arise. S. 3462 gives this charge to the Department of Agriculture, and for the first time defines and assigns this responsibility.

Mr. President, some meaningful efforts at rural development are already being made. The work of the Economic Development Administration is a good example, but insufficient funds are available to do the job.

During the hearings we held on rural development, I asked a representative of EDA about project applications that were carried over from July 1, 1971, because of a lack of funds. This is what he told me:

The 126 public works projects were carried over for a total requested dollar amount of $66.1 million.

The 26 business loans were carried over for a requested dollar amount of $29.6 million.

In all, EDA had requests from over $102 million in financial assistance during fiscal 1970–71 which the agency could not fill for lack of funds.

The EDA is a fine agency that has done much to help my State, and I am convinced that it is operated properly. The point I am making here is that there are significant gaps in the assistance that it gives—through no fault of its own—that prevents this agency from doing the total job in rural America.

Similarly, we are all familiar with the limited funds with which the Small Business Administration must operate, even though its basic program is excellent.

We all know that the front line for investment and venture capital in rural areas has been the country bank. Many bankers are leaders in efforts to develop small towns and agriculture. But even the best disposed of these men have problems which limit what they can do to help their communities.

Carl B. Hamm is the president of the first National Bank of Perry, Okla. He is a progressive man who wants to help his community remain economically strong.

He told our subcommittee:

> Being a civic-minded individual wanting his community to grow and prosper, the

> country banker is always willing to explore financing possibilities for potential new or expanding industry for his town. At times he will loan on a basis which is disproportionate in relation to the collateral available . . . this is frowned on by state and federal bank supervisory forces.
>
> I would like to use an actual case history to illustrate how judicious use of bank credit can help rural America, and in the same study, how the attitudes of supervisory authorities at times might influence the banker's thinking.
>
> In 1957 I was contacted by a local concern that was not a customer of our bank. This concern was in need of more space, more equipment and more credit. They had made application to the bank with which they were doing business for additional credit, and had been declined. Briefly, their financial statement showed a net worth of $130,000 and notes payable of $55,000. The amount of money requested was $45,000. Needless to say, based upon the financial information available, this was not prime credit.
>
> This firm had three things, though, that had not been possible to translate into dollars and cents to put on the financial statement. Good, capable, energetic management, a good product idea, and good marketing potential.
>
> Instead of loaning this firm $45,000 as requested, after looking at their sales projections and other pertinent data, we recommended that they borrow $180,000 to be used as follows: $45,000 for new plant; and $55,000 for debt consolidation and new equipment.
>
> The loan was made with the 75 percent SBA guarantee. After it was made, it was criticized by bank examiners in the next three examinations. This was a five year loan. It was repaid by the company out of earnings at the end of three years.

Mr. President, this small industry—which was such a poor credit risk—now provides over 400 jobs in the community and something like 2,000 people are supported by the plant's payroll. Without this plant, these people would have been forced to move to the cities to add further to our urban crisis.

This is one example of how stunted industrial financing is in rural America. There are many rural banks with lending levels of only $45,000. What can the best of them do to help their towns? They are criticized if they extend help to those they believe in, and many just give up.

They use their deposits to buy safe government bonds, and thus send small town money packing off to some urban center. There is presently no way for that money to return home to benefit the small towns.

Millions of rural dollars flow out of rural areas, but very little urban capital flows back, because many business and investment people mistakenly believe rural America is a bad investment.

My state is full of examples which prove that rural investment is sound. Unfortunately, there is no way to convince the financial centers of this fact, and no vehicle presently exists to return money from the financial centers to the countryside.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. BELLMON. May I have an additional 5 minutes?

Mr. TALMADGE. Mr. President, I yield an additional 5 minutes to he distinguished Senator from Oklahoma.

Mr. BELLMON. The heavy decline of farm people has masked from public notice the rapid growth of the nonfarm segment of the rural population. Rural counties had a growth rate of 43 percent in nonagricultural wage and salary jobs from 1959 to 1969. But this growth was not enough to compensate for the vast number leaving the farm.

Oklahoma and many of the Southern States have proven that with intelligent effort and pure grit, depressed rural areas can come back and be worthwhile places to live. But up to now, much of the economic turn-around has taken place because of the efforts of local people and State governments. These people need a helping hand.

There are going to be 100 million more Americans in this country in about 30 years, and I hear people talking about building new cities. I don't believe this is the answer. It would cost us hundreds of billions of dollars to reproduce a significant number of completely new cities from scratch. The investment to aid the viable towns that already exist would be significantly less.

What is needed is a policy to permit balanced growth. There should be jobs available in both rural and urban areas. Then Americans can choose where to live and work.

The proper extension of credit and investment to towns and their businessmen would do much to help, and that is why I enthusiastically support titles I and II of the proposed Rural Development Act of 1972.

The administration has reported that within a few short years the need for agricultural credit will double. In the old days of 40 acres and a mule, American agriculture operated on revolving credit built around the crop cycle. But now the mule has disappeared and an efficient farmstead is more likely to be 400 acres, or more.

Machinery costs have risen tremendously, and the inability of farmers, young and old, to get credit when they needed it has been a major factor in driving people off the farm.

The farm credit system has been a great help. But the credit of last resort—or soft credit provided by the Farmers Home Administration—needs strengthening by making its present direct loan program one of insured loans. This will create a larger pool of money for this type of credit—and make the system less dependent on the appropriations process. The Rural Development Act would accomplish this. Also it would raise the farm operating loan limit from $35,000 to $50,000. It would, in addition, give special help to young people to get started in farming or some other enterprise.

Mr. President, the FHA is the last hope for many farmers. Those who apply for Farmers Home operating loans and are turned down are usually forced out of the farming business. We know that many could have succeeded in farming—but their loans were rejected because there was no money to loan. Hopefully, this will be remedied by the bill we have under consideration. S. 3462 offers new hope for thousands of family farmers by providing more loan money—money that will also mean less congestion and lower welfare costs in the cities.

Title I and title II of this legislation represent an homogeneous package for nonfarm credit. There are 14,000 banks in this country. Of this number, 5,000 have less than $5 million each in deposits. Nearly all of these smaller banks are located in rural areas.

Title I of this bill will permit these bankers to become participating partners in the economic development of their community and permit a greater flow of loan money into rural areas.

Mr. President, rural America does not want a handout. It wants and needs a hand up. The provision of adequate credit for rural business venture and for development of community facilities provides a major start in this direction.

Federal research has shown that those programs which help small communities most are those which directly promote economic development. Yet, as I pointed out, we really have no Federal programs that provide a line of credit for a truly broad range of nonfarm rural community and business needs.

The credit system designed under title I provides for the establishment of a borrower-owned credit system, similar to the farm credit system. It would require an initial capital subscription of $200 million a year from the Treasury for about 10 years. Borrowers would be required to purchase capital stock in the system so that eventually this Federal money would be returned, and the system would become self-supporting as is the farm credit system.

This would provide a great measure of self-determination for rural America, and would, in great measure lessen the need for small towns to be continually coming to Washington for help, only to find that they have been out-maneuvered by their city cousins and the cupboard is bare.

The system created under title I would consist of 10 regional banks which in turn would have subsidiary financial organizations located within the existing multicounty planning and development organizations. Private banks would be encouraged to be participating lenders.

Prospective borrowers could go through local banks to make application. In the event a member bank was not available, borrowers could go directly to the multicounty financial agency, or directly to one of the 10 regional banks, if necessary.

Mr. President, there are some Members of the Senate who oppose creation of the rural development bank and insist that this service can be provided by the Farmers Home Administration. It is my contention that FHA cannot do an adequate job in this area, and that establishment of the bank is the proper approach.

Last year, James V. Smith, Administrator of the Farmers Home Administration, responded to a series of questions from me concerning the ability of FHA to meet its responsibilities. Among other things, Mr. Smith's letter revealed that his agency needs at least $6 million more to hire enough staff to handle the present case load.

After working with Farmers Home Administration for many years, I know from first hand knowledge how over-extended the agency staff has become. The Congress has continually given FHA more and more responsibility, while at the same time reducing the number of personnel available to do the job.

To give FHA the additional responsibility of financing industrial development in rural areas, as provided in the Rural Development Act, would completely overload the agency and simply mean that many more employees would be needed to handle this new service.

There would be no saving in personnel cost and no reduction in the size of the bureaucracy. But there would be a great problem in attempting to train and redirect the existing personnel to cope with a new, unfamiliar, and totally foreign concept to the traditional role of FHA.

It is my personal conviction, Mr. President, that it would be a grave mistake to place the rural credit responsibilities of this act with the Farmers Home Administration. Without sound, single-minded administration of this purpose of the act, no meaningful development can take place in rural areas. Meeting the credit needs of rural area industries and small cities is so important that a separate agency is necessary—an agency that will bring to the field new ideas and fresh approaches, and an agency that is not already overlooked and encumbered with additional, disassociated responsibilities.

The lending agencies would obtain loan funds from the regional banks which in turn would obtain needed funds by selling bond debentures on the major money markets. These regional banks would operate like any other discount bank, except they would have the added authority to guarantee rather than discount loans.

Governing the new rural development credit system would be a Federal Rural Development Credit Board, composed of 15 appointed and four ex-officio members. Appointed members would be named by the President, with the advice and consent of the Senate. The other four members would include a representative of the Secretary of Agriculture serving on the Farm Credit Board; the Governor of the Farm Credit Administration; the Executive Director of the Federal Rural Development Credit Agency; and the Administrator of the Federal Rural Development Investment Incentives Administration.

Twelve of the 15 members of the board would be required to be residents of rural areas.

Mr. President, this banking system would provide an economic base from which the majority of our rural communities and rural businessmen can gain new vistas of achievement and self-help. And this assistance would be available to all rural communities, not just those that are breathing their last breath.

Borrowers would be required to meet "hard credit" terms essential for the sound operation of such a system.

Just as farm borrowers unable to qualify for the "hard credit" terms of the Farm Credit Administration may go to the Farmers Home Administration as a source of credit of last resort, title II would provide "soft credit" for nonfarm loans.

Farmers Home has proven through the years that rural people are good credit risks for farm loans. The number of persons who have defaulted on these has been miniscule. It is, therefore, reasonable to expect that delinquencies will be a minor problem for expanded Farmers Home nonfarm loans.

TITLES I AND II

Both title I and title II provide for specifically tailored rural development incentive payments or grants-in-aid to encourage or facilitate the implementation of comprehensive rural development.

Title I provides for rural development investment incentives designed primarily to attract new industry and other business to rural areas. This would be done by providing essential community facilities and more directly by making rural location incentive payments directly to sound business enterprises in an effort to influence them to locate new development in rural areas.

Title II provides for capital grants to accompany loans to projects designed to control pollution.

TITLE III

Title III is the committee's version of President Nixon's special revenue-sharing proposal for rural community development. The committee voted to retain 11 categorical programs that would have been folded in under the original proposal. The bill authorizes $500 million of new money to be distributed to States, to sub-State planning and development organizations, to counties and to towns.

The money would be distributed on a formula based on total rural population, rural per capita income and the amount of loss of rural population a State has had, with the Secretary required to take long term, as well as short term rural population losses into account. In my own State of Oklahoma, the sharp decline in rural population started during drought and depression in the 1930's, accelerated in the 1940's, and has only recently been brought to a stop. In allocating funds for rural revitalization, we must give attention to areas that were depopulated early in the game, as well as those which have suffered more recent losses.

TITLE IV

Title IV provides additional authority to the Watershed Protection and Flood Prevention Act, and section 1703 provides a new authority for long-term rural environmental protection contracts. All three of these provisions hold great promise for the future development of rural areas. They are essential to a well rounded rural community improvement and environmental enhancement.

Title IV has an additional provision which I proposed in committee. It permits use of watershed funds for obtaining land rights on privately owned Indian lands.

In some States, Indian holdings are owned by private individuals although the Indians are under the jurisdiction of the Bureau of Indian Affairs, U.S. Department of the Interior. It is the policy of that Department that no Indian can convey an interest in rights to such land without being reimbursed. This requirement has hindered, or in some cases prevented, the carrying out of needed project measures. Since this requirement stems from a Federal agency policy, our committee thought it reasonable that the Secretary of Agriculture be authorized to pay for needed land, easements, and rights-of-way involving such privately owned Indian lands. Title IV offers such a provision.

TITLE V

Title V of the bill amends the Bankhead-Jones Farm Tenant Act to broaden the authority for resource conservation and development projects.

It would authorize technical and cost-sharing assistance for rural community water supply, water quality management, control and abatement of agriculture-related pollution, disposal of solid waste materials, and storage of water in reservoirs, farm ponds, and other impoundments for rural fire protection. These broader authorities are needed in the resource conservation and development projects in Oklahoma.

Section 1703 provides a new authority for long term rural environmental protection contracts. This section would authorize the Secretary of Agriculture to enter into contracts with agricultural producers for periods not to exceed 10 years to carry out provisions of the act. Agreements between the Secretary and producers are to be based on a conservation plan approved by the appropriate local soil and water conservation district.

These contracts, available throughout the entire Nation, would be similar to those now available in 10 States, including Oklahoma, through the Great Plains conservation program.

During its 15 years of operation the Great Plains conservation program has proven to be a successful approach to improving the quality of the environment. It has protected and improved cropland, reduced wind and water erosion, improved rangeland, developed dependable water for recreation and reduced pollution caused by wind and water erosion, livestock, stabilized income, saved scarce irrigation water, strengthened community economy, and made the Great Plains countryside more attractive.

The Great Plains conservation program contracts written in Oklahoma have obligated more than $13 million in Federal funds and involve over 4 million acres of land in the State's 30 western counties. It functions on the following basic principles.

It is fully voluntary on the part of the individual farmer or rancher.

It has the incentive of local leadership. Local soil and water conservation districts assume this leadership.

It is carried out in close cooperation with interested Federal, State, and local governmental units and organizations and other groups and individuals.

A conservation plan, including a time schedule, is a prerequisite to participation.

The landowner—farmer or rancher or recreational enterprise operator is encouraged to carry out his plan in the shortest time possible consistent with the climate and his resources.

He is assured cost-sharing from the U.S. Department of Agriculture in establishing his conservation plan under a long term contract.

Consistent with good management, he may use the land established in vegetative cover under the contract for grazing or other purposes.

It is in addition to and complements other U.S. Department of Agriculture programs in the area.

Expanded long term rural environmental protection contracts hold a great potential for solving environmental problems in rural areas throughout the Nation, as is already done in the Great Plains.

TITLE VI

Title VI is of particular interest to me. Rural community fire protection is one of the most serious unmet needs in the countryside. Millions of people, millions of acres of productive land, and billions of dollars of property values lie unprotected against the ravages of wildfires.

In my view title VI is very much like an insurance policy that is needed to protect investments in rural America. Not only is there a tremendous value in these nonurban areas already—additional private and public investments are being made in rural areas each year. It is folly to continue longer in the pattern of the past and present—leaving these people and their properties unprotected from the hazard of fire.

A modest Federal investment, $5 million per year for 3 years as proposed in title VI of this bill, can make a significant difference. These matching funds can stimulate formation of new firefighting teams in small communities. They can help both new and existing teams improve their equipment and their proficiency. Title VI would work through the States to help rural communities organize, train, and equip themselves to provide fire protection. Ninety-five percent of the Federal funds appropriated would go to States and their rural communities. During the 3-year period proposed in title VI, an estimated 800 local firefighting teams or communities could be assisted.

The 1972 report of the President's National Commission on Fire Prevention and Control indicates that 12,200 Americans died and more than 330,000 were injured by fire in 1971. More than 200 firemen died on duty and property loss was estimated to exceed $2.8 billion. The Commission points out that the fire problem is nationwide. Obviously, the unprotected rural zone between the cities and the heavily forested areas is a weak link in the overall situation. It is clearly in the national interest to take steps now to improve the firefighting capability in the small communities that dot the more than 400 million acres of unprotected rural areas. Such action would be responsive in meeting local needs and Federal responsibilities.

The Commission report also stresses the importance of fire prevention. Title VI would help meet that need. Few approaches are more successful in fire prevention than to organize and support community interest and involvement in protecting themselves against wildfire. Prevention activities and emphasis are natural spinoffs from local efforts to organize, train, and equip volunteer firefighting forces.

Title VI is patterned after the highly successful State-Federal cooperation in forest fire control programs that have evolved during the past 60 years. Strong programs have been developed in each of the 50 States and Puerto Rico. More than 500 million acres of non-Federal forest and watershed lands benefit from the presence of well-organized, trained, and equipped firefighting crews. The record of reduction of loss is excellent—despite increasing pressures of use and risks of fire as more people spend leisure time in the forests each year. In 1970, only three-tenths of 1 percent of the protected area burned over. State forestry organizations have the capability to hit fires hard and fast. This is what is needed in the nonforested rural areas where small communities, farmstead, cropland, pastures, livestock, machinery, summer homes, and rural industry are unprotected and vulnerable to fire.

In this pattern of cooperation the Forest Service of the U.S. Department of Agriculture is the Federal partner with the States. That program supplies technical and financial assistance—and has stimulated great State and local accomplishments, in providing fire protection. Although authorized on a 50–50 matching basis, under the Clarke-McNary law of 1924, presently the $20 million Federal funds amounts to only about 15 percent of the total expended to protect non-Federal forest lands.

TITLE VII

Title VII of S. 3462, provides the essential research and educational backup that is required for a successful rural development program. As farmer, Governor, and Senator, I have been attempting to involve our educational institutions in nonfarm rural development, with special attention to full- and part-time farmers of low income.

With respect to the latter I hope that those who plan the research and carry out the education and extension activities with respect to small farms will give particular attention to ways of keeping families on their small farms with adequate incomes. I do not want these additional research and extension people to be looking for better ways of reducing the number of farm families or small farmers. Rather, the committee intends that this work should result in some innovative new approaches for increasing the income on small farms and for making improvement of marketing systems, including cooperative marketing and processing, under ownership and control of farm families.

In the field hearings of our Rural Development Subcommittee, we kept probing to develop facts as to what sort of expanded role the traditional cooperation between the Secretary of Agriculture and the State land grant college and university system could play in rural development.

As you know, the research of State experiment stations, the formal education provided by the colleges and universities, and the practical, on the ground, service and informal education provided by the Extension Service has proved a great success in the field of commercial agriculture, in home economics, and in the 4–H Club youth work.

Responding magnificently to the challenges thrown out by our subcommittee, the leaders of the public and private universities and colleges have come up with a workable proposal that is incorporated in title VII. It does not require new organizational structure nor new organizational relationships. It will utilize the scientific and educational resources not only of the colleges of agricuture and home economics at the land grant institution in each State, but also provides funds to utilize the expertise and facilities of all the private and public colleges, universities, area vocational technical institutes, and community junior colleges in each State in the overall State rural development effort.

Mr. President, S. 3462 does not contain all the elements and components needed for the complete rural development effort required to implement the balanced national growth policy enacted just over a year ago in title IX of the Agricultural Act of 1970. But it does contain many of the most essential components.

The programs provided by each title in the Rural Development Act depend for greatest effectiveness upon enactment of the other titles. The committee was very conscious of this fact. We deliberately set out to formulate a comprehensive, internally consistent, coherent Rural Development Act; not just to string together a series of disconnected and unrelated proposals.

For example, the effectiveness of the fire prevention and protection program provided in title VI depends in no small way upon enactment of the cost sharing provided in titles IV and V for water impoundments providing water for fire protection.

Likewise, the ability of rural communities to make greatest use of improved multipurpose water development in titles IV and V and the fire protection provided in title VII, and to put into practice the knowledge and scientific information provided in title VII is dependent upon the rural development credit and investment incentives provided in titles I, II, and III.

We should not delude ourselves. The job of rural development, if we intend to reverse the flow of people from rural areas, as I hope we will, is going to require money, a lot of money.

Much of the needed investment in rural development can and will be repaid. It can be provided in the form of sound hard loans by local private banks, and by the local bank-owned rural development credit system.

Some of the projects will require, just as some farmers require, a credit source of last resort. The Rural Development Act expands the authorizations of Farmers Home Administration to meet this need.

Titles I and II are both required to meet rural development credit needs.

Mr. President, the authorizations of the Farmers Home Administration, which depend upon the size of Federal Government employment rolls, can never be expanded sufficiently to meet all credit needs of rural development. Moreover, this type of closely supervised, high-risk loan program is not required for most of the prospective rural development projects. On a sound credit basis, most of them can pay their own way, just as most farmers pay their own way with credit from institutions of the Farm Credit Administration.

Moreover, this proposal would not depend upon Federal appropriations for administrative expenses, and the entire system would be owned by their borrowers and by local private banks in rural areas, which would make and service the loans. In this way, we will strengthen, not weaken, the already existing private credit structure in rural America. We need Farmers Home Administration in this picture. But the great bulk of rural development credit can be made available by the self-help, self-supported system provided in title I.

Successful rural development is also dependent upon adequate rural location incentives that are provided in different ways by titles I, II, and III. Title I incentive payments are designed to make investment in rural areas equally attractive to strong national corporations as investments in nonrural areas.

Title II provides grants to accompany pollution abatement loans of Farmers Home Administration. These are direly needed. Many small towns want and need to increase solid waste disposal and sewer treatment facilities up to the standards needed to meet national water and air quality criteria. They simply cannot now do so. They do not have the tax base; nor the potential of future income. If they try to meet national standards they will simply have to go out of business.

Mr. President, S. 3462 also provides for, and requires, careful coordination among all of the Federal and State programs that contribute to rural development in terms not only of local needs and aspiration, but in terms of national goals as well.

The bill puts a great deal of emphasis upon the general rural development planning and coordination activities of the multicounty planning and development districts that have been set up in almost all the States, either by State law or by Governor's proclamation.

Enactment of title I of the bill would greatly strengthen these areawide planning and development district commissions.

Each would be authorized to establish financial subsidiaries which would be chartered to conduct the business of the borrower-owned rural development credit system within the area covered by the planning and development district. These district financial agencies would become federally chartered rural development credit agencies.

Each district agency would be organized under State law, and would be owned ultimately by the local borrowers and by the local private banks from whom they obtain their loans. No project could be financed that is inconsistent with the general purpose rural development plan formulated by the planning and development district. This is in accordance with the spirit of Circular No. 95 issued by the Office of Management and Budget.

Likewise in title II, no project could be financed by Farmers Home Administration if the proposed undertaking is inconsistent with the district plan. Moreover, these districts would be reimbursed for the cost of reviewing each project.

Safeguards have been provided in the bill to assure that rural development plans and projects developed and approved by such districts shall not be inconsistent with, but rather shall be supportive of, overall national goals and high priority concerns.

I invite the attention of the Senate to section 1702 beginning on page 153 of the bill, particularly the last paragraph of subsection 1702(b). This paragraph provides that—

> The Secretary of Agriculture is authorized and directed to provide leadership and coordination within the Executive Branch and shall assume responsibility for coordinating a nationwide rural development program. . . .

Thus, careful attention to national goals and priorities are assured by the coordinative authority and responsibility of the Secretary of Agriculture. He is authorized and directed to formulate and report to the Congress annually on national rural development goals and the progress made in attaining them.

The hand of the Secretary, in this regard, might be strengthened if we provided him with a broadly based rural development planning board or similar body to assist him to establish rural development goals and to coordinate the work of State-established district planning and development commissions. Such a National Rural Development Planning Board, drawn from a wide cross section geographically, and representing the various interests and concerns in rural development, might be very helpful to the Secretary in formulating rural development goals, in assessing progress toward established goals, and to guard against unintended and unexpected adverse side effects of any kind. Moreover, such a board would strengthen the Secretary's hand in making certain that national priorities are fully considered and taken into account in local, district, and State rural development planning as it is required and encouraged under titles I, II, and III of S. 3462.

I have given considerable thought to introducing an appropriate amendment to the bill to authorize the establishment of such an advisory national rural development planning board. A careful reading of the bill and of existing law indicates that specific statutory provision is not necessary.

But I do wish at this time to indicate the desirability of setting up such a National Rural Development Planning Board, advisory to the Secretary of Agriculture. I believe the necessary board can be established by the Secretary without amending the bill. If the Secretary should find that specific statutory provision for the board would be desirable from his standpoint, he can include that recommendation in his first required report to Congress.

Mr. President, I am hopeful that we can adopt this Rural Development Act of 1972 in its entirety. The programs in its different parts depend for their greatest potential upon the other parts. The bill was developed by the Committee on Agriculture and Forestry in a truly nonpartisan manner. Ideas in the bill came from both sides of the aisle, and partisanship did not enter into our deliberations. This is not a Republican bill or a Democrat bill. It is a rural America bill; it is a bill to insure the future productivity and tranquility of our cities as much as to improve the quality of life in the countryside.

In the field of agriculture our great research and educational institutions ran 50 years ahead of our action and credit programs. But in S. 3462, we are putting the different parts together right from the start. Title VII research, education, inspirational and organizational leadership provisions are backed up right from the start with the credit resources and rural location incentives to give meaning and application to scientific research results. The committee has fashioned this bill as a total systems approach, applying the same kind of complementing components as proved so successful in reaching the moon.

The President's Task Force on Rural Development stated that rural development is like the staves in a barrel. You need all the staves in place before the barrel will hold water. The bill before us will put those staves into place for a complete barrel. Our Nation is rapidly becoming a coastal population, leaving our great continental spaces underpopulated and underutilized. Enactment of S. 3462, the Rural Development Act of 1972, will do a great deal to reverse this adverse trend.

Before closing, Mr. President, I wish to compliment the distinguished committee chairman (Mr. TALMADGE) and the ranking minority member (Mr. MILLER) as well as the distinguished junior Senator from Minnesota (Mr. HUMPHREY) who served as chairman of the Rural Development Subcommittee, for the effective and gracious manner in which they have conducted committee deliberations on this bill. All ideas were welcome. I appreciate the support they have given for inclusions in the bill of many specific provisions that are particularly adapted to solution of the rural problems of my State of Oklahoma and other States of the Great Plains.

I wish also to express my appreciation for the opportunity to have served on the Rural Development Subcommittee under the inspired and dedicated leadership of Senator HUMPHREY.

Appreciation also must be expressed to the large number of persons and organizations that gave freely of their time and talent to appear before our hearings and to send up their letters and proposals for improving the various bills that we had before us.

The bill now under consideration is truly the product of many minds. It reflects the knowledge and concern of many leaders, including President Nixon and all 50 Governors, who have sent up lengthy reports and studies with their recommendations for needed action.

Mr. President, this is truly an all-

American bill for rural America. I urge its adoption.

I wish to sum up my remarks by saying that apparently the major debate, the major controversy, over this measure is going to revolve around whether or not we should create a rural development bank or whether the responsibility should be with the existing Farmers Home Administration. I have been a borrower of the Farmers Home Administration. I admire the agency greatly. I think it has probably done more to help our farming area than any other agency the Government has created. But its hands are full. Its Administrator has repeatedly called upon me, telling me of the difficulty he has handling his present responsibilities with the small staff and low budget provided by the Congress.

To me the argument that the rural development bank system means creating a new large bureaucracy when the present Farmers Home Administration could handle these responsibilities makes no sense. It is going to require a larger agency if this responsibility is going to be authorized in the law. It seems to me to make better sense to create a single agency which has the responsibility of making available money to rural America and which has money available from the money market, and not depend on appropriations.

I, therefore, feel Congress would make a serious mistake if it turned this responsibility over to the Farmers Home Administration and failed to create the rural development bank system as this bill would require. I feel that in the crux of the bill, and I intend to strongly support the proposal included in the original draft of the legislation.

I yield the floor.

Mr. TALMADGE. Mr. President, I ask unanimous consent that there may be inserted in the RECORD a memorandum entitled "Questions and Answers," relating to titles I and II of the bill, at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

S. 3462: RURAL DEVELOPMENT ACT OF 1972—QUESTIONS AND ANSWERS

1. Why is this Act needed? Hasn't migration to cities slowed?

True, migration has slowed but it still causes great pressure on many urban areas. Moreover, the quality of life of people remaining in hundreds of rural communities is marked by a deterioration of amenities, a decline of job opportunities, and outmigration of younger people in search of a better life. This disrupts lives, lessens hope, and impedes our national prosperity. It is increasingly clear that a hit-and-miss approach will neither retard migration to the cities nor improve the well-being of rural areas. Because this act provides for a nationwide integrated approach, it offers new promise that "rural renewal" can be a reality instead of rhetoric.

2. With the Federal government now involved very deeply in the credit and financial picture with agencies ranging all the way from the Federal Reserve Board to Fannie Mae, from the Small Business Administration to the Lockheed and Penn Central loans, why do we need still another nationwide network of Federal credit agencies for rural development?

In spite of the multiplicity of Federal loan programs and Federally-sponsored and assisted credit agencies and regulations, the Congress has never provided, and the nation does not now have, a general loan program to finance private domestic enterprise of all kinds, it does not have a credit program for all kinds of enterprises that reaches into all rural areas.

There are a few loan programs for special kinds of private economic enterprise such as small business or fishery loans, or for especially depressed areas, or for particular sizes of business; but there is none whatsoever available for the ordinary borrower who wants to take on particularly difficult and venturesome projects that will build the rural areas of our country and help reverse the flight of our people from the land.

Research reports both of public agencies and private research funds have on the contrary discovered that the financial systems of many rural areas are not even vary well articulated with the national finance community and that the outflow of savings and investments from rural areas is considerably greater than the inflow of capital funds into the areas, when just the opposite needs to be the case.

3. Would not Title I just add a lot of additional and unnecessary bureaucracy when you already have a nationwide banking system and hundreds of Federal and State Credit Agencies. Why add still another?

Scientific research studies of rural housing and rural economic enterprise as well as of rural community facilities of various kinds, indicates that one of the major factors holding back more rapid economic growth in small communities and rural America is a sort of voluntary credit-rationing which causes a shortage of venture equity capital in rural areas.

It's not just a matter of high interest rates but more often the sheer lack of available credit at any interest rate. And lack of imaginative, creative use of credit in rural areas. Even rural residents have found it much easier and convenient to send their investments to Wall Street than to put the money to work at home. So we're trying in this bill to set up an institution that will gather up that money and other money on Wall Street and put it to work building Countryside USA.

4. What can these banks do that you are setting up to do that other banks can't do?

The new bill enlists and invites the full participation in the new rural credit system of local, national and state banks. The fact is that for a complex of reasons, the small country bank simply has been unable to meet the credit needs of rural America; the proposed legislation will give them a helping hand and backup their efforts to do what many of them would like to be able to do.

5. Do you really believe that making a lot of money available in rural America will "keep 'em down on the farm" and attract immigrants from the cities?

Yes, we do. Our people, a large share of whom already want to live in town and country America, just can't live where they want to if there is no job, and practically no schools, and no water or sewer or garbage collection. Our bill provides the credit and other financial resources required to build the job creating business and industrial enterprises, to construct and operate truly modern community facilities of all kinds. We think that jobs and higher quality environment and services will make people want to stay near their ancestral homes and will attract others to join them.

6. Can just anybody get a loan?

Any firm, cooperative, corporate, nonprofit, partnership or individual proprietorship, and all forms of local governments and their instrumentalities and public and quasi-public bodies are eligible. But they can qualify for financial assistance only if the project they propose to undertake will represent a net increase in economic activity both for the Nation and for the rural area where located. We're not interested, in fact we are opposed, to financing run-a-way industries. Moreover, the proposed project, before it can qualify for a loan must prove out in a strict feasibility study to be a thorough sound repayable economic undertaking that will contribute directly or indirectly to what the bill calls "rural development purposes".

7. What are those, "rural development purposes"?

The President of the United States and his staff, and a special rural development task force that he established; and the Commission on Rural Poverty of the previous Administration—all—studied this problem carefully and earnestly. They found huge gaps in public services, cultural opportunities, jobs, and credit in rural areas. They recommended establishment of a rural development credit bank similar to one contained in our bill. Then the President and his staff went further and developed a billion dollar program of rural development projects that needed to be undertaken. We have accepted the long list of rural development projects and purposes recommended by the Administration in its rural revenue sharing proposal as the list of purposes we have put in our bill as the uses for which the financial resources made available may be used. We commend the President for his rural development goals and we now propose establishing a financial system by which they can be attained.

8. Would your new program, for example, make funds available to construct and operate a catfish packing plant?

Yes.

9. A furniture factory?

Yes.

10. A steel mill in a cotton field such as was built several years ago in South Carolina?

Yes.

11. An industrial park complete with sewer and water connections and electric power?

Yes.

12. How about the factory buildings?

Yes.

13. And the machinery, and working capital and payrolls?

Yes.

14. Could the resources of the Regional Rural Development Credit Bank be used to run some existing business into bankruptcy?

No.

15. If I am a relatively enterprising young businessman with a relatively modest nest egg, how can I get into the action under the provisions of S. 3462.

One promising place to start would be with a visit to the multi-county planning and development agency, for the area you're interested in looking into.

The staff of the district planning commission can guide you to information concerning potential private enterprise rural development projects that the commission thinks is necessary and sound from an economic standpoint, as part of the overall areawide development plan for the district.

Here you can also find out what other supporting enterprises and community services such as industrial parks, water and waste disposal systems, access roads, airports, and developmental highways are planned that will help make your proposed business a greater success.

They will, then, probably suggest that you visit a local national or state bank of your choice and discuss your specific proposal.

If you have a sound proposal that checks out with the areawide plan and the feasibility study indicates a repayable proposition, you then submit your application to the bank of your choice.

The bank then may discount your loan with the Regional Rural Development Bank Agency, or obtain a guarantee or mortgage insurance on it, or obtain a participation, if the loan exceeds the size the local bank can make.

The District Rural Development Credit Agency using funds obtained from the Regional Bank, which had sold its debentures on the central money market, will make the loan to you to construct and start up the business you have in mind.

In addition, you can obtain expert technical advice on various phases of your production, management and marketing problems.

If the loan for which you apply is not secure enough to warrant a hard credit loan from the Rural Development Credit Bank System, the local bank or District Agency may refer you to the local office of what is now the Farmers Home Administration, and you may be able to obtain a guaranteed insured or direct loan from that agency even though your loan is too risky for the fully self-financed Rural Development Bank to approve.

16. Why disturb the organizational structure of Farmers Home Administration as it now exists?

Farmers Home Administration now carries out a wide range of different kinds of loan programs. We are proposing in Title II to expand its scope even further. The Committee feels that greater attention to farm credit and to non-farm rural credit can be given if we reorganize Farmers Home Administration into two more specialized agencies, each with a Presidential appointee at its head.

17. Does this new bill mean that you think the farm loan programs ought to be downgraded?

No. To the contrary the reorganization provided in S. 3462 is for the purpose of upgrading the farm operating, farm ownership, and agricultural emergency loan programs by giving them the full-time attention and leadership of a top level Administrator, who will be nominated by the President and confirmed by the Senate. Under existing organization structure, the farm loans are becoming more and more diluted for the Administrator's attention by the rapidly expanding housing and community facility and other non-farm credit programs of the agency. We think that farm credit in Farmers Home Administration is important enough to have a full-time administrator of its own.

18. Wouldn't your new Regional Rural Development Banks and their local agencies and participants tend to run existing banks out of business and compete with other Federal credit programs such as Economic Development Administration and Small Business Administration?

No. Our bill proposes to enlist and expand the service and credit resources of local banks and other credit institutions. In fact, our bill invites them to become members of the Rural Development Credit System. Moreover, provision is made for banks and other financial institutions to become part owners and voting members of the Regional Banks and District Rural Development Credit Agencies.

As for competition with SBA and EDA and with other Federal and State credit agencies, our bill has provisions that would just simply keep that from happening. No prospective borrower is eligible to obtain a loan and other financial assistance from the new programs if he is eligible for and can obtain needed credit within a reasonable time on reasonable terms from existing private or public credit sources.

We look to the institutions we propose to establish to supplement and not replace the credit already available in towns and the countryside from private and public sources. The need to recapitalize rural America is so great that there are more credit needs than all of them together can meet if we really get going on revitalizing the economy of our great hinterlands.

19. Does not the new bank and other proposed new credit agencies in Titles I and II completely duplicate what Farmers Home Administration of the Department of Agriculture and the Community Facilities Administration of Housing and Urban Development are already doing?

No. In fact, we propose to expand the loan authorizations of Farmers Home Administration in Title II and divide it into two top level action agencies as a way of meeting rural equity capital financial needs that the Rural Development Banks cannot meet. As for taking business away from the Department of Housing and Urban Development, there are 45,000 rural communities that lack adequate sewers and 35,000 that lack adequate water systems. This is not to mention the still unmeasured need for industrial parks, outdoor recreation facilities, cultural and social centers, garbage collection systems, access roads and developmental highways, airports and rural mass transportation that is needed to revitalize rural America, move it off dead center and up to past the point of self-generated economic take off.

Mr. BURDICK. Mr. President, I rise to express my support of S. 3462, the Rural Development Act of 1972, a far-reaching proposal designed to strengthen the farms and rural communities of our country.

In the past 20 years as farm technology and productivity advanced, we found that it took fewer and fewer farmers to produce the food and fiber needed by our rapidly expanding population. We are told over and over that agriculture is the success story of our time. This success cost much in sacrifice and suffering on the part of millions of farmers who, for a variety of reasons—inadequate size of farm, lack of capital, low farm prices, advanced age, poor health, displacement by machinery, lack of opportunity for off-farm employment—to name only a few—were forced off the land and into urban areas. Some were able to earn adequate incomes; many more were not. And, as this tide of migration from the farms ran, small town merchants and bankers—the people who supplied the necessary services to farmers for their livelihoods—were forced from the main streets of our rural communities. North Dakota has many of these small ghost towns. They are a sad sight and a reproach to all for our failure to recognize the interdependence of cities and towns and the land. We have not established a balanced national growth policy.

One of the most damaging kinds of population shifts was spotlighted by Dr. K. A. Gilles, vice president for agriculture of North Dakota State University at Fargo, who stated in testimony before the Rural Development Subcommittee last fall that populations in our State are due primarily to people between the ages of 25 and 54, "the group that is most productive, most capable of assisting themselves and society" who "leave the State and enter professional, technical and managerial employment in urban areas where there are social and economic opportunities."

Mr. President, in considering the legislation before us today, there is a danger of misunderstanding its intent by thinking it would benefit only small industries and businessmen; that farmers would not profit by its terms. This is not true. The aid provided here could open up new opportunities for farmers to extend their operations beyond the farm-gate, into improved marketing channels for their products, giving them much-needed strengthened economic power. For instance, at this time in North Dakota, several groups of sugar beet producers located on the rich farmland of the Red River Valley are seeking sufficient capital to establish their own cooperative sugar processing plants. The demand for sugar is there; the productive capacity of the land is there; the energy and vision of the farmers is there as well as the cooperation of local communities. It is adequate financing that is not available. I ask unanimous consent to place in the RECORD a letter I have received from members of the Credit Committee of the Production Credit Association at Grafton, N. Dak., expressing support for the new credit agency and expanded FHA authorities proposed in title I of S. 3462 because of the potential financial help that could be provided sugar beet growers in establishing their own processing plants.

I ask unanimous consent that a letter from the Production Credit Association, Grafton, N. Dak., be included in my remarks at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRODUCTION CREDIT ASSOCIATION,
Grafton, N. Dak., April 4, 1972.

Hon. QUENTIN N. BURDICK,
Senate Office Building,
Washington, D.C.

DEAR QUENTIN: Your news release of March 23rd pertaining to your Rural Development Act of 1972 (S-2223) was reviewed by the Production Credit Association Credit Committee on April 4.

We are greatly concerned by the uncertain future that the family farm type sugar beet operation faces in the Red River Valley. The proposal for beet growers to purchase the facilities of the American Crystal Sugar Company is creating real problems with farmers' plans for financing.

We find that most of our members could not provide the collateral for a loan large enough to pay their production costs and also provide the capital for the beet mill purchase.

In addition the farmer's share of his beet tonnage will be hard put to pay operation costs, interest, and repay loans for other capital investment.

Therefore, we do support your effect to provide a source of capital for the beet farmers of this area so that a cooperative beet processing industry can be established in the Red River Valley.

LORNE HILLER,
HENRY O. LUNDENE,
CHARLES TROFTGRUBEN,
Members of Credit Committee, Production Credit Association, Grafton, N. Dak.

Mr. BURDICK. Mr. President, for decades, capital has poured out of rural America into the money markets of the East. That capital has played an important part in building high-rise apartment buildings, new suburbs and shopping centers, vacation resorts and factories. Our quest for bigness—I hope our past quest for bigness—made it possible for the moneylenders to approve urban-oriented investments requiring hundreds of millions of dollars while denying to rural communities the more modest sums that are the needed lifeblood.

The principal provisions of the Rural Development Act of 1972 create a comprehensive system of credit for the development of rural America. This involves the establishment of a borrower-owned and controlled rural development credit system modeled after the highly successful farm credit system which services the credit needs of farmers but not the credit needs of rural based businesses and industries. In developing the necessary framework of financial structures of this new lending agency, the initiative of local officials and residents who know best the resources and requirements of the area, whether county, multicounty, State or regional, and the cooperation of existing private lending agencies within the area, would be basic ingredients. Knowledgeable and experienced people will respond to this new opportunity to channel their energy and enthusiasm into meaningful community growth. The agency would not spring into being overnight. It would be the result of most careful planning and supervision, as was the farm credit system with its various agencies.

This bill, in addition, expands the loan-making authorities of the Farmers Home Administration so that the FHA could make rural development loans to borrowers unable to get credit elsewhere just as, under existing authorities, it is a credit source of last resort to farmers who are not able to borrow from private banks or the farm credit system. In both cases, emphasis would be placed on full cooperation with local banks, further strengthening local services. This coordinated expansion of credit services was originally contained in S. 2223, which I cosponsored.

Among the important provisions of S. 3462 are amendments to the Watershed Protection and Flood Prevention Act that would enable many small rural communities that are not now financially able to make optimum use of reservoir sites or to complete watershed projects initiated under the able and enthusiastic leadership of the Soil Conservation Service and local soil conservation districts. The Watershed Act, Public Law 566, needs to be expanded to provide for long-term contracting for installation of land treatment measures. Farmers and ranchers can better plan and systematically program the installation of such measures over a period of years if they know the extent of Federal participation. Treatment of sediment-producing areas in the drainage area above water-impounding structures must precede the construction of the structure. I cannot overemphasize the importance of this kind of work in North Dakota. The value of long-term contracting authority has been well demonstrated in North Dakota in the Great Plains conservation program, also administered by SCS.

Authority is also provided for Federal cost sharing for storage of water to meet present municipal, industrial, and rural community needs, including water quality management. In many areas the topography or geology limits the numbers of sites suitable for water storage structures. It is shortsighted to build a structure for a limited number of purposes if additional needs could be accommodated. Unfortunately this happens when local communities cannot afford to pay the costs involved in enlarging the structure. Federal cost sharing for the water storage needed to enhance the economic growth potential of communities and to control pollution is well justified.

A number of other needed improvements of the Watershed Protection and Flood Control Act are in this proposal, originally introduced as S. 2981, which I cosponsored.

The Rural Development Act contains other important rural development measures, including a program of grants for rural community fire protection and a program involving our public and private colleges in research and education for rural nonfarm development and small farm development. The resources of the Cooperative Extension Service would be used to help the operations of small farms earn more with their present land, enabling them to achieve higher levels of living if they choose to remain on their farms.

The primary focus of this bill on the strengthening of rural communities while at the same time offering many improved services to farmers. I would not, however, be fairly representing the farmers of my State if I did not emphasize that the health and vitality and possibilities of expanding economic opportunity in small rural communities are based on the economic well-being of income-producing family farms. Rural America needs the assistance offered in this legislation, but rural America needs a level of prices for farm commodities that will permit farm families to make their full contribution to the economic life of rural communities.

Farm programs authorized by the Agricultural Act of 1970 are not being administered in a way to bring permanent economic strength to farm income. Before many months have passed, farm legislation to succeed the act of 1970 must be devised and enacted. Debate on S. 3462 will, I am confident, demonstrate to all Members of Congress—regardless of their State or district—that our national well-being requires a strong countryside and that a healthy countryside depends on farm programs designed and administered so that family farmers are adequately rewarded for their services.

Mr. DOLE. Mr. President, the chairman of the Senate Agriculture and Forestry Committee is to be commended for his leadership of that committee this session of Congress.

BIPARTISAN APPROACH

As a member of that committee the past 3 years, and 8 years in the House Agriculture Committee before that, I am convinced farm legislation cannot be passed without bipartisan support. I am also confident that most of my colleagues are aware of this.

RESULT OF HEARINGS

As we commence consideration of legislation that will provide a means to improve rural America, I would like to present some of the most important points brought out at the extensive hearings conducted by the rural development subcommittee.

First, a shift in population from rural areas to urban centers has occurred because rural residents found they could improve their income while working far less hours and provide their families a better living.

Second, over half the poverty of this Nation exists in rural America.

Third, rural communities are in need of additional Federal assistance to improve their communities by building water and sewer systems, electrical and telephone service, fire and police protection facilities, recreation facilities, health and medical facilities, educational facilities, and job development.

Fourth, coordinated planning is needed so that communities within an area do not duplicate services and facilities that they could share.

Fifth, certain Federal and State government services, such as welfare, food distribution and food stamps, unemployment services, and other programs are not as readily available and convenient in rural communities as in the urban centers.

Mr. President, I am confident that the members of the rural development subcommittee and of the full agriculture committee would agree with these points brought forth in the hearings and at this time I would like to point out several important conclusions which can be drawn about the workings of this rural system and its relationship to government programs.

First, rural America is still the best place to live and raise a family in our Nation. These communities are largely free from air pollution. There are no traffic jams or rush hour crushes. Crime levels are dramatically lower than in urban areas. There is room to grow and space to breathe. The most obvious need that I see in the communities of rural America is to improve income so that those who are presently there will find it desirable and economically feasible to remain there.

Second, rural poverty does exist, and more than half of the Nation's poverty by definition exists in rural America. However, it is possible that some people might prefer rural poverty to some of the corruptions of urban prosperity. I do not intend to minimize my concern for improving rural conditions to eliminate rural poverty. It is apparent that the definition of poverty needs a different interpretation in rural areas than in urban centers.

Third, some rural poverty is being eliminated. Jobs are being developed in rural communities; water districts are being built; sewage and solid waste disposal systems are being devised for rural communities; steps are being taken to eliminate minority discrimination. Some rural communities are improving the fire and police protection. Others are providing recreational facilities or health and medical facilities.

UTILIZE EXISTING PROGRAMS

All these efforts are being undertaken with Federal assistance programs, but witness after witness testified at subcommittee hearings that they did not know what Federal programs were available to rural communities, and others said they could not afford to send a delegation to Washington to apply for benefits.

It is therefore apparent that we are not utilizing present Government programs to the fullest extent in rural areas, and we must take corrective steps.

Rural residents need to be informed of Government programs available to them for rural development.

Stimulation and required coordinated planning is needed for areawide rural development to avoid waste and duplication.

Expanded funding is needed for these programs as soon as utilization demands it.

We have the basic mechanisms to develop or improve all segments of rural America. We need to refine and improve the system to better serve the need.

In Alma, Ga., this subcommittee was provided a good example of what can be done with existing programs with its Model Cities effort, and the subcommittee saw other examples of rural community effort utilizing Federal programs in McAllister, Okla., in McCook, Nebr., in Alabama, and in South Dakota. But we must assure that all rural areas have ready access to Federal assistance programs.

IMPROVE FARM INCOME

Mr. President, I feel we should all recognize the primary requirement for rural development—the improvement of farm income. All Federal programs imaginable could prove ineffective unless we assure a solid foundation for their operation by providing our farmers the means to improve their net incomes. And consideration of a new farm program with such provisions will begin early in the next session of Congress.

S. 3462

Mr. President, I subscribe wholeheartedly to the goal set out in the Rural Development Act of 1972, "the enhancement of any rural community or rural area as a place to live or make a living."

Unfortunately, this bill was written on the theory that "if a little is good, a whole lot is better." The committee bill vastly expands the authorities of Farmers Home Administration to guarantee commercial and industrial loans as well as any type of community facility loan. It also creates an entirely new rural development banking system.

NOT EXEMPT FROM APPROPRIATIONS

Some have sought to justify the creation of this new financial body by pointing out that it would not be subject to the budget constraints placed on other Federal departments and agencies. Under the rules promulgated by the Budget Concept Commission, as long as any Federal capital remained in the bank, all of the bank's lending would be included in the budget outlay totals and subject to authorization in annual appropriations bills.

SOFT CREDIT

This banking system—the Federal Rural Development Credit System—has been described as a "hard credit" system which would, in effect, be in direct competition with private financial institutions. On the other hand, it contains a "soft credit" feature, a requirement that the applicant be unable to obtain credit elsewhere. These dual features make title I—the banking system—almost totally overlapping with the new authorities granted Farmers Home Administration by title II.

BUDGET CONTROL

There are two additional reasons why the bank may never be free of budget constraints. First, a Federal Rural Development Investment Incentives Administration is created, and would be authorized to pay up to $100 million annually in interest subsidies and grants in conjunction with loans made by the banking system.

Second, the Secretary of Agriculture is authorized to insure loans made by the banking system. Therefore, most of the "bad" loans made by the bank would wind up in the lap of the Secretary of Agriculture for liquidation.

In short, the question is whether duplication of effort among the Farmers Home Administration, the Small Business Administration, and the proposed banking system would create a competitive and uncoordinated situation which would permanently damage the efforts to develop rural America. I believe it would.

Because of the duplications and waste of taxpayers funds that could be created by approving title I, I shall support the amendment. I understand the senior Senator from Louisiana will offer to strike title I from this bill.

I do not find fault with the authors or sponsors of this original provision, but other provisions of this legislation provide these same services and to support such a duplication would be a gross injustice to my constituents.

In my view, our existing financial institutions are capable of providing more than adequate rural development financing in cooperation with the Farmers Home Administration. This would be in line with the insured or guaranteed loan programs of the Federal Housing Administration and the Small Business Administration. Both have been very successful.

Gov. George W. Mitchell of the Federal Reserve Board made a very cogent statement in a recent speech which deserves our attention. After pointing out the plea of the President's task force on rural development for banks to lend more money "to small business in countryside America," Governor Mitchell added:

> But nowhere did the task force undertake to determine why bankers now run their banks the way they do, and what institutional changes might permit or encourage them to expand lending of the type desired.

KANSAS DEVELOPMENT CREDIT

I might point out, Mr. President, that many of the bankers in my State of Kansas have made some changes which have resulted in the expansion of lending activities.

More than 400 banks have joined with a number of civic-minded corporations to form the Kansas Development Credit Corp. These banks have committed a portion of their assets to making loans which will assist in the economic growth of the State.

The corporation makes loans only to companies which are unable to find suitable financing from conventional lenders. This is an example of what private enterprise can do without governmental assistance.

REVENUE SHARING

With regard to grants, I would note that title III of this bill, rural revenue sharing, authorizes a $500 million annual appropriation to be divided among the States, multi-county districts, and local governments. These funds could be used to provide grants or interest subsidies for community projects in sparsely populated areas where there is an insufficient tax base to pay the full cost of even the most basic community facilities.

RURAL FIRE PROTECTION

I am gratified that the committee included as part of this legislation a bill I introduced last year which will allow the Federal Government to help organize, equip, and train fire departments in cities of 5,500 population and under.

ADEQUATE WATER SUPPLY

One of the prerequisites for a stable economy and growth potential of any rural community is the assurance of an adequate supply of good quality water to meet present and foreseeable needs.

Under provisions of the Kansas State water plan, the water resources board is authorized to request the inclusion of water supply storage space in projects constructed by the Federal Government and to enter into agreements with the Federal Government concerning the payments of such storage features. Inclusion of such storage may be made at the request of the board or through the board by other interest. In carrying out this directive, the board has participated with the Corps of Engineers in a number of reservoir projects in accordance with the provision of the Water Supply Act of 1958—Public Law 85-500.

UTILIZE WATERSHED

Also under this phase of endeavor, the board has been aware of the untapped resource available through the upstream watershed program carried out under Public Law 83-566. Several years ago, in cooperation with the Soil Conservation Service, steps were initiated to inventory possible reservoir sites within the watershed areas of the State where water supply storage could be incorporated to service a need, both present and future. At that time, about 70 potential storage sites were identified as meriting further detailed study and consideration.

It seemed logical to pursue this activity through the well-organized watershed district program of the State. Public Law 83-566 had been amended in 1962 to authorize the Secretary of Agriculture to pay, in the form of an advance, the cost of storage to meet future demands for municipal or industrial water supply included in any reservoir structure constructed or modified under provisions of the act. This was done with the intent to make Public Law 83-566 authority comparable to the Water Supply Act of 1958.

Unfortunately the language provided in the 1962 law has been found to be too restrictive to permit a State agency, such as the Kansas Water Resources Board, to underwrite a repayment agreement with the Federal Government, and thereby negates the opportunity for State cooperation in such cases.

My distinguished colleague from Kansas (Mr. PEARSON) and I previously introduced a bill, S. 2960, amending Public Law 83–566, designed to overcome this problem. We are pleased that it has been included as part of title IV of the bill which covers amendments to the Watershed Protection and Flood Prevention Act.

WATER ESSENTIAL

Multiple-purpose watershed projects have often served as a catalyst to bring about a revitalization of small watershed communities. They provide a unique opportunity for local people working in cooperation with State and Federal agencies to plan and carry out a program which will meet the recognized resource needs, strengthen the local economy, and lead toward a better way of life and environmental improvement to be shared by all.

Mr. THURMOND. Mr. President, we are presently considering the Rural Development Act of 1972, which I feel will help to correct a major crisis confronting our country.

The prosperity of America is unparalleled by any other country in the modern history of the world. During the early years of this Nation we were a striving country experiencing balanced growth Fertile land enabled agriculture to lead the way. With agriculture came industrialization which brought about fast-growing towns and cities.

We, of course, experienced growing pains, but these pains were nothing compared to the catastrophy continued urban growth has caused. Industrialization and urban centralization brought an end to our balanced growth. Beginning around 1930 we began experiencing a migration from rural areas to the cities. In the quarter century between 1930 and 1955 the decisive turn was made, away from small-town life. Since that time this trend has continued. Thirty million Americans have left the farms and small towns since the beginning of World War II. Although this rate has slackened, the migration continues at a rate of about 600,000 people each year.

Mr. President, until recently we looked at this trend in our living patterns and merely made observations. We said that we were changing from an agricultural to an industrial society; from a primarily rural country to one that is primarily urban. Chambers of commerce in cities boasted of their growth. Governmental and urban resources were used to attract more growth in cities.

Americans everywhere, in cities and in rural areas, are taking a hard look and are having second thoughts about our living patterns because they are suffering the consequences. Over 70 percent of our population now live on only 2 percent of the land area in America. Our cities are literally decaying from within. Costs for providing services to urban dwellers have skyrocketed, yet the services these residents are receiving are continually diminishing in value. Continued migration to the cities has also had a disastrous affect upon our rural areas. Small towns, once viable and productive, have dried up. Resources for citizen services have been poured into the cities depriving rural residents of vital facilities and services.

Mr. President, the Rural Development Act of 1972, S. 3462, will go a long way in alleviating the problems our country has faced as a result of migration to the cities. It is labeled "Rural Development," but its intent is "America's Development."

The Agriculture Act of 1970 committed Congress to a sound balance between rural and urban America. The Rural Development Act would provide a large part of the financial investment, credit, educational, research, technical, and institutional resources required to implement this commitment previously made by Congress.

Titles I, II, and III, along with other parts of the bill, provide for rural location incentives payments designed to encourage, facilitate, and finance the location in rural areas of investments in private, industrial and business enterprises, rural community services and facilities, and public works. Under title III, up to $500 million is authorized to carry out a nationwide program of Federal rural community development revenue sharing with the States.

The bill expands watershed and resource conservation programs. It establishes programs to improve rural fire protection and expand rural nonfarm and small farm development research.

The purpose of this legislation is to stimulate growth and development in our rural areas. If such development is accomplished, all Americans will benefit.

The burden on our cities as a result of continued population influx will be lessened. Rural residents will also benefit. Industry will be encouraged to locate in smaller towns and communities because of the credit and community services provided by this bill. Small towns will be revitalized and become attractive for people and business.

Mr. President, once our rural communities are given a chance to develop, a natural result will be a return to balanced growth throughout our country. The quality of life for all Americans will be vasty improved. People will no longer have to go to the cities to find jobs. They will be able to locate in smaller communities and towns where they will find better facilities and services.

We have seen the results when we have not had balanced growth in this country. The Rural Development Act should help bring about a redistribution of America's population. As a result of this bill, our citizens now and in the future should have a better choice as to where they live and raise their families.

QUORUM CALL

Mr. TALMADGE. Mr. President, I ask unanimous consent at this time that I may suggest the absense of a quorum, the time to be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

EACH AMERICAN FAMILY SHOULD PLANT A VEGETABLE GARDEN

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture and Forestry be discharged from further consideration of Senate Concurrent Resolution No. 75, and that the Senate proceed to the immediate consideration of the resolution.

Mr. TALMADGE. Mr. President, has the Senator cleared this matter with the distinguished ranking minority member of the committee?

Mr. ALLEN. Yes, the matter has been cleared with the ranking minority member and all of the minority members on the committee. It has been cleared with the distinguished chairman of the committee and a number of Democratic members as well.

Mr. TALMADGE. Mr. President, the Senator has discussed it with me. There is absolutely no objection. It is a noncontroversial resolution. I am sure if a quorum had been present at this morning's meeting of the committee, it would have been reported unanimously.

The PRESIDING OFFICER. The concurrent resolution will be read by title.

The assistant legislative clerk read the concurrent resolution by title, as follows:

A concurrent resolution (S. Con. Res. 75) to urge each American family to plant a vegetable garden.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

The Chair hears none, and it is so ordered.

The Senate proceeded to consider the concurrent resolution.

Mr. ALLEN. Mr. President, this is an innocuous resolution. It was tied up in the Committee on Agriculture and Forestry because there was no quorum present, and I have resorted to this unusual means of bringing it to the Senate at this time.

It merely urges each American to plant a vegetable garden as a method of fighting inflation and high prices. I do ask that the resolution be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution, with its premable, reads as follows:

Whereas inflation, nutrition, physical fitness, and recreation are national concerns;

Whereas a family can save on food costs, fight inflation, improve nturition, get healthful exercise, and have fun together by planting a vegetable garden;

Whereas many citizens of the Nation have already realized the many advantages of planting a vegetables garden;

Whereas the pleasure, profit, and fulfillment of growing your own vegetables has been recognized by publications with worldwide circulation;

Whereas patriotic citizens planted victory gardens during World War II at the urging of the President of the United States for the purpose of conserving national resources and combating inflation;

Whereas our Nation is currently engaged in battle against the ravages of inflation and malnutrition, and vegetable gardens are a potent weapon against both;

Whereas the American way of fighting a problem is not boycotts and it not mere passing of laws, but is self-help and unity in pulling and working together; and

Whereas the planting of vegetable gardens will provide more food for the family's budget and will increase the vegetable supply and bring food prices down for apartment dwellers without space for gardens: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

ORDER OF BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time being equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum. I know of no further business to come before the Senate.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL DEVELOPMENT ACT OF 1972

The Senate resumed the consideration of the bill (S. 3462) to provide for the development of rural areas.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 minutes from the time under the control of the Senator from Georgia (Mr. TALMADGE) on the bill.

ORDER FOR RECOGNITION OF SENATORS BELLMON, JAVITS, AND ROBERT C. BYRD, AND VACATING PREVIOUS ORDER FOR RECOGNITION OF SENATOR CHILES, TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that tomorrow, immediately following the remarks by the able Senator from Alaska (Mr. GRAVEL), the order for recognition of the able Senator from Florida (Mr. CHILES) be vacated, and that the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes, that he be followed by the distinguished Senator from New York (Mr. JAVITS) for not to exceed 15 minutes, and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER ON TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the unanimous-consent orders recognizing Senators tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time for the quorum call be charged equally to both sides on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield, from the time on the bill under the control of the Senator from Georgia (Mr. TALMADGE), such time as he may require to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, I certainly do thank the Senator from West Virginia. I ask unanimous consent that I may yield to the Senator from West Virginia (Mr. RANDOLPH) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I am appreciative of the forbearance of my able colleague from Mississippi in permitting me to interrupt him, even before he begins. I am grateful to him.

BLACK LUNG BENEFITS ACTS OF 1972

Mr. RANDOLPH. Mr. President, at the request of the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9212.

The PRESIDING OFFICER (Mr. BROCK) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. RANDOLPH. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. EAGLETON, Mr. STEVENSON, Mr. HUGHES, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, Mr. TAFT, and Mr. STAFFORD conferees on the part of the Senate.

RURAL DEVELOPMENT ACT OF 1972

The Senate resumed the consideration of the bill (S. 3462) to provide for the development of rural areas.

Mr. STENNIS. Mr. President, I wish to express my strong support for S. 3462, the Rural Development Act of 1972.

I extend my congratulations to the chairman of the Committee on Agriculture and Forestry, the distinguished Senator from Georgia (Mr. TALMADGE), on reporting this very comprehensive legislation for developing the rural areas of our Nation.

I was a cosponsor of some of the bills that have been incorporated, with various modifications, into this bill. The purposes of the proposed legislation are, in my view, essential to the continued strength and prosperity of our Nation.

The Agriculture Act of 1970 said:

> The Congress commits itself to a sound balance between urban and rural America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

This bill is a reply to that commitment.

Mr. President, I think that we have a very grave and serious problem—I have picked this up as a member of the Appropriations Committee, as well as from participation in other bills—already existing in America because of the overcongestion of our cities. That is no reflection on the cities, but it is just a fact of life that the accumulation of people in small space has extended and expanded, with building after building, mile after mile, and the trend continues. Call them slums, ghettos, overpopulation, or whatever—it is an imbalance; and in many ways these conditions have become unmanageable.

We are spending billions of dollars on housing programs and other programs in an attempt to solve those problems. We have continued to spend even greater amounts. We have even started spending billions of dollars for mass transportation just to haul people back and forth.

I use that as an illustration to show the different areas in which these monumental sums of money are being spent—and it will continue. We will solve the problem in part, but these conditions will continue.

Many of the rural areas have been depopulated to a large extent, many more of them to a moderate extent. Many of them do not have the resources, the payrolls, in order to make their own improvements, and that is a growing problem. The two are connected. There are affinities between the two. In my opinion, when we solve the problem as to the rural areas, we will solve a great part of the problem in the congested areas.

Without the rural program to stop the migration in part and cause a reversal of that migration, we just pile the cities' problems higher and higher. My position is that until we support both of them, we are not getting down to the vitals of these programs, are not putting the emphasis on the necessary parts of this double problem and we are not taking steps that will make one help solve the other. But if we really get into a Rural Development Act now and have it properly financed and do not go too fast, so as to overshoot the mark and mar the progress of the program, and do not fail to get it off on a sound basis, I am satisfied that these two problems, which are related, will have related solutions that can be found and will go hand in hand down the decades of time, and they will help pave the way to keep our Nation strong.

I think that something along this line, in the pattern I have tried to describe, is absolutely essential. We already have lost a good deal of valuable time, but it is not too late. I have had these thoughts for some years—I have expressed them from time to time here and elsewhere—and I am delighted to see this measure move forward with speed that I think is sound and on a basis that I believe will prove to be wise. I support it for that reason.

The matter of financing is going to be under attack, and it is all right to let it stand the test of debate. If it is possible to get the financing plan that this bill undertakes to put on the books, I think we ought to do it.

I came through the depression. I saw the Federal Land Banks. I saw the Home Owners Loan Corporation. I think they saved the economy of this country. They laid the groundwork for clearing up the situation in the banks. They laid the groundwork for the self-sustaining farmer to avoid losing his land. Many of them did lose their land, but not all. Those programs paved the way for the comeback of those farms. I do not know whether private banking could have done that. I do not think it could have done that, even if it had taken more years in trying.

So I am willing to venture here and support the additional plan of financing that is outlined in this bill. I do not think it will replace the Farmers Home Administration; but I know that if we can get a system that is independent of annual appropriations, we will greatly increase the likelihood of this program working.

I know that even now, in these times of great prosperity, when we get billions of dollars here for almost anything, not enough money is available for the right kind of hard-working young man who already lives in a rural community. He is a man of talent and ability and is willing to cast his future in that community if he can get a loan with a reasonable rate of interest with which to buy some land there. Now it is just not available. There is not enough through the Farmers Home and the various plans on paper. They are not practical. They do not work out. I know that in my State, even in my own county, a young man of this type who can qualify for this credit is standing by waiting and waiting. What land is left for sale at all in that country is being bought up by other people in other States as an investment, which means that that land is no longer available to the local boy who is standing by. They do not all get the credit because there is not enough to go around. So I am willing to take some kind of chance on this financing plan. It is not an unsound plan. I would not support it if I thought it was unsound, but we do not know how it will actually work. We never do know how a plan will work until we try it. So, to solve this double problem of congested cities and depopulated rural areas, I believe that this program, going along with the city program, is absolutely essential. I believe that many of these communities will bloom just like a rose when we put some capital into them—some capital for light industry, as to provide a little more push to have the local water works, for example, improved, also for highways, and also for financing the small towns and villages which will be available for solid improvements.

That is also what this bill is designed to do. As I see it, this is in addition to the Farmer's Home Administration which is doing much excellent work, particularly in my State, where it has done so for a long time. It has one of the outstanding programs in the Nation. What the Farmer's Home Administration is doing is an outstanding job, as well, in many other States of the Union.

There is no doubt that the rural areas of our country need assistance to maintain or recover their economic vitality. All are all familiar with the widespread trend of migration toward the big cities. For the most part, of course, the people who leave the country for the city do so in search of opportunity. Many young people, including the most able and talented among them, may not wish to leave home but are forced to do so if they hope to prosper.

The people go where the jobs are, and the rural areas need jobs. I agree with the President's report on financial assistance to rural areas, where it says that "rural development is primarily dependent upon expansion in nonfarm job opportunities in rural areas." In 1970, farm people received only 78 percent as much income as nonfarm people, and almost half of the farm population's income was from nonfarm sources.

It is obvious that if rural areas are to be revitalized by providing new job opportunities, they must be made attractive to light industry, to new businesses, and new commerce. This means providing incentives, and making it possible for people who are willing to invest in rural areas to get the capital that is needed to make those investments.

Of the more than 3,000 counties in the United States, over half lost population between 1960 and 1970. My State of Mississippi increased moderately in population between 1960 and 1970, by about 1.8 percent. Nevertheless, of the 82 counties in Mississippi, 48 declined in population. These are rural counties, of course, for we are, in general, a rural State, and it means that over half our counties are in economic difficulty.

I think, too, that once we get some activity in some of these communities started back on a constructive path—and I say some of them because I do not think all of them will, frankly—but when we get a great majority of them started on this new road, I think that we will find a great many people will come back there to live—some in retirement, but some will come back who still have a hunger and a thirst for the haunts of their youth, because the only reason they left in the first place was to seek the necessary opportunities of life to make a living for themselves and their families. I believe that a great many of them will come back and spend the rest of their productive lives there and contribute to the economy, to the social life, to the education and spiritual life and the wholesomeness of the community. It will be a turning point, I think, in America in those ways.

I believe, too, without a doubt, that one of the finest products of these developed communities that we can promote and develop in the rural areas of the country will be where we will find some of the finest and the soundest political thoughts and philosophy of any part of the Nation and particularly the kind necessary, I think, to keep our system of government in operation. We certainly cannot operate such a system as we have it now due to many of the crises generated as a result of crowded cities and the lawlessness, the terror by day and by night in some of the congested areas, as against being out in the open spaces where people know each other, have more confidence in each other, and have an opportunity to take part in their own affairs, large or small in their own local governments—in a small way or in a medium way. That is where we develop true citizenship and strong personalities. That is where we develop a more contented life and more law-abiding people.

I think that there may be some who would turn up their noses at that thought, but I do not think there is a sounder principle of government, or of social life, than that which I have just stated.

A century ago, 85 percent of the American people lived in rural areas, and only 15 percent of them in the cities. Now there is almost a reversal of this, with 65 percent in the cities and 35 percent in rural areas. That means we have 140 million people who must endure the unattractive, and often unpleasant and unhealthy, surroundings of the metropolitan areas. For the most part, they do so to make a living.

The 65 million Americans who do not live in the big cities will be enabled to stay in rural areas, as most of them would like to do, if jobs of reasonable quality could be brought to them there. Others who now live in the city would join them. Both categories would gain thereby.

It is, of course, the great strides in increasing agricultural productivity that is at the root of the mass movement from farm to city. Agricultural abundance has been a great boon to the United States, and has even permitted us to help some of the less fortunate countries of the world. The rural parts of our country, however, have paid a heavy price for this. With production per man-hour growing several times faster on farms than in the rest of the economy, as it has for many years, it is the disadvantaged rural people who pay the price. Mechanization, ever-increasing production, and the slow disappearance of the small farms have driven hundreds of thousands of farmworkers to the cities seeking work. Too frequently they do not find it, and become welfare cases.

If we can offer the prospect of improved opportunity in the rural areas, this not only can stop the migration to the large cities, but to some extent reverse it. The more attractive environment in the country will hold and attract the people as residents, provided there is employment, and for the young people an expectation to be able to improve their economic status—goals to strive for, with a reasonable hope of achieving them by hard work.

In my judgement, this bill offers reasoned and thoughtful solutions to the problems that plague the rural countryside. If the rural areas are revitalized, we will have gone far toward solving some of the urban ills that are becoming so costly.

So, Mr. President, I am looking forward to continued debate on the pending bill. It has worked out well. Its basic principles are sound. The need is evident and has continued and will continue.

We have lost some time already in providing this solution.

Thus, I urge that we go on and enact the law in this field the best we possibly can and put it in motion and learn from experience. I believe that the fruits will be certain. I believe that progress will be rapid.

I strongly urge passage of the Rural Development Act of 1972 and hope to take part further in the debate and discussion on this valuable bill which seeks to solve this highly important and demanding problem.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENTSEN). On whose time?

Mr. GRIFFIN. I ask unanimous consent that the time required for the quorum call be equally allotted to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9:45 a.m. tomorrow. After the two assistant leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators PROXMIRE, GRAVEL, BELLMON, JAVITS, and ROBERT C. BYRD, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The resolution submitted by the Senator from Arizona (Mr. GOLDWATER), going over under the rule because of objection today to its immediate consideration, will automatically come before the Senate at the end of the morning business on tomorrow. However, if debated until the hour of 11:45 a.m., the resolution will automatically go on the regular calendar.

That being the case, the Senate will then resume the consideration of the unfinished business, S. 3462, a bill to provide for the development of rural areas.

Rollcall votes will occur on tomorrow, especially on the Ellender amendment. Also, rollcall votes may occur on other amendments. A rollcall vote will undoubtedly occur on final passage of the bill.

Due to the fact that there are time limitations on the bill and on all amendments, final action is anticipated on tomorrow. In that event, the Senate will adjourn at the close of business until Monday morning next.

There may be other items on the calendar to be disposed of tomorrow, and conference reports may, of course, be called up if any are ready, but I know of none.

It is urged that committees take advantage of the opportunity on Friday to meet in the hope that most of the major Senate business can be disposed of prior to the conventions.

ADJOURNMENT TO 9:45 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:45 a.m. tomorrow.

The motion was agreed to; and at 5:16 p.m. the Senate adjourned until tomorrow, Thursday, April 20, 1972, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany.

NATIONAL TRANSPORTATION SAFETY BOARD

William R. Haley, of the District of Columbia, to be a member of the National Transportation Safety Board for the term expiring December 31, 1976, vice Oscar M. Laurel, term expired.

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

The following-named persons to be members of the U.S. Advisory Commission on International Educational and Cultural Affairs for terms expiring May 11, 1975:

David R. Derge, of Indiana;
Jewel LaFontant, of Illinois;
William C. Turner, of Arizona.

U.S. MARINE CORPS

The following-named staff noncommissioned officer for appointment to the grade of first lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

William D. Rusinak.

CONFIRMATION

Executive nomination confirmed by the Senate April 19, 1972:

NATIONAL COMMISSION ON MATERIALS POLICY

Peter G. Peterson, of Illinois, to be a member of the National Commission on Materials Policy.

HOUSE OF REPRESENTATIVES—*Wednesday, April 19, 1972*

The House met at 12 o'clock noon.

Rabbi Kenneth Segel, Rodef Shalom Temple, Pittsburgh, Pa., offered the following prayer:

God of Life, Thy children seek Thy help. These, Thy sons and daughters, are charged with the awesome responsibility of directing the affairs of our Nation. Inspire them to rediscover that which is truest and best in the American dream. Help them to stand aside from the world's conspiracy of fear and hate. Aid them to grasp once more the great monosyllables of life: Faith, hope, and love.

May our country combat fear with trust; hate with love; suspicion with faith; and injustice with righteousness. May we so conduct ourselves that those who know us will think of our country not as the mightiest nation, but as the freest; not as the wealthiest, but as the most humane and generous; not as the leader of the world but as the servant of humanity and the steward of liberty for all men. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 222. Joint resolution relating to the furnishing of Secret Service protection to major presidential and vice-presidential candidates.

PITTSBURGH RABBI GIVES TODAY'S INVOCATION

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, it is with the greatest honor that I inform the House that today's invocation was given by a constituent of mine, Rabbi Kenneth Segel of Rodef Shalom Temple in Pittsburgh.

He is assistant rabbi to one of the largest Jewish congregations in the United States.

I think we all were moved by his stirring prayer and we thank him for seeking for us God's guidance and strength.

Rabbi Segel represents the new breed of clergymen. He is very active in community and civic affairs in addition to his role as religious leader to the Rodef Shalom Congregation.

A graduate of the State University of New York at Buffalo, Rabbi Segel received his master of arts in Hebrew letters from Hebrew Union.

He serves on numerous committees and commissions including: Planned Parenthood of Allegheny County; Allegheny County Concerned Clergymen's Committee; Recognize All Potential—RAP; Clergymen Action Committee for Neighborhood Cooperation, and others.

The rabbi was accompanied to Washington today by his wife, Sandra, and his parents, Mr. and Mrs. David Segel, of Buffalo, N.Y.

I want to thank and congratulate all of them.

REPRESENTATIVE GIBBONS TO OFFER AMENDMENT TO AMENDMENT OFFERED IN DEMOCRATIC CAUCUS BY REPRESENTATIVE O'NEILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I use my time of 1 minute now to inform the Members of the House, particularly the Democratic Members, that on tomorrow during the Democratic caucus when the O'Neill amendment is considered, I shall take the opportunity to offer an amendment to that amendment. That amendment will read as follows:

> That it is the sense of the Democratic Caucus of the House of Representatives that in the 92d Congress the House of Representatives:
>
> Should condemn the current military invasion of South Vietnam by the forces of North Vietnam;

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I thank the gentleman for yielding. I think the gentleman's additional language to the O'Neill amendment would certainly improve its attractiveness to a great many members of the Democratic caucus, and I am very pleased to hear the gentleman say that he intends to offer that amendment. It should be a part of any final expression by the caucus on this matter.

Mr. GIBBONS. I thank the gentleman from Oklahoma.

THE NEED TO ELIMINATE CROSS BUSING

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIZELL. Mr. Speaker, I rise at this time to impress again on my colleagues, as I have done on many past occasions, the urgency of passing meaningful and effective legislation to deal with the problem of cross busing to achieve racial balance in our public schools.

Another school year will soon be coming to a close, and yet another will follow in a matter of a few weeks, but we in the Congress will find ourselves engulfed in a quagmire of debate and indecisiveness.

The American people are anything but indecisive on this issue. The results of the busing referendum held in conjunction with the Florida presidential primary showed heavy opposition to cross busing in a State which has often been called a microcosm of the Nation.

Recent Gallup polls registered opposition to busing at 76 percent nationwide, and a recent poll conducted by the National Institute of Student Opinion for Scholastics magazine showed only 8 percent support for busing among 34,000 high school students surveyed throughout the country.

Public opinion against busing for racial balance is so great that we will be abdicating our responsibility if we do not solve this problem once and for all in this session of Congress, and the people will know it. Commonsense and an unmistakable popular mandate demand that we not even think of adjourning this Congress until we settle the issue.

President Nixon has called for action and recommended a possible solution; the people continue to demand clear and decisive action by their representatives to deal with the situation; and many of us have offered legislative measures designed to deal effectively with this problem.

It is left to us to respond to the people's will, to the various initiatives several of us have proposed, and to the clear voice of commonsense by completely eliminating this practice of cross busing from the educational process in America.

POINT OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes the gentleman from New Jersey (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, I rise on a point of personal privilege.

The SPEAKER. The gentleman will state the point of personal privilege.

Mr. GALLAGHER. Mr. Speaker, I wish to answer charges involving a matter of personal privilege relating to an indictment against me last week, stemming from charges in certain publications that bear upon my personal integrity. I will answer that today because it reflects upon my integrity and my conduct in a most reprehensible manner.

The SPEAKER. The gentleman from New Jersey is recognized for 1 hour.

Mr. GALLAGHER. Mr. Speaker, I read this statement at a news conference on April 11, 1972:

> This is a political indictment aimed specifically at discrediting me at a time Congressional redistricting is the major issue in New Jersey. It is also directly related to the terrible smears published in Life magazine, which have been totally disproved. I have retained Edward Bennett Williams as my counsel, and I believe I will be vindicated.
>
> The indictment rests on the purchase of bonds. In fact, bonds were purchased by the Broadway National Bank for two men who told me they were investing Hudson County Democratic funds for future Party use. These men were Mr. Thomas Flaherty, of the Jersey City Party and Mr. Ben Schlossberg, formerly the perennial campaign manager for the County-wide Party.
>
> At no time did I regard these as personal funds or income. The indictment accuses me of tax evasion, but since they were Party funds, the indictment rests on false allegations.
>
> I had no reason not to believe Mr. Flaherty and Mr. Schlossberg. The Dembe brothers, who actually purchased the bonds and who owned the Bank, said it was all perfectly legal and proper.
>
> These were never my funds, these were never my bonds, and I never realized any personal benefit from them.
>
> Mr. Schlossberg asked me, because of my position at the Bank, to act as trustee and custodian of bonds purchased at his request. Mr. Schlossberg died while I was trustee. Due to the disarray of the Hudson County Democratic Party I voluntarily turned them over to the United States Government when I appeared before the Grand Jury. If I would have considered them mine, I could have paid income taxes and realized approximately $200,000, free and clear. But they were not mine; I was the trustee. I had intended to place the bonds with the court and interplead the matter as any trustee would have done under similar circumstances.
>
> I am in fact being condemned for my honesty.
>
> What makes this case different is that this is a political matter. All parties have funds they need to invest.
>
> If the same ground rules were in effect for all political funds as those being used in Hudson County, I.T.T. would probably be under an intensive Grand Jury investigation at this moment. But these were Democratic Party funds in Hudson County. I am accused of knowing that the funds were not Party funds, but I had no way to have such knowledge.
>
> I intend to speak out on the Floor of the House in the very near future and disclose the operations of a monolith which operates totally free of any constitutional or congressional restraint. What was done to me was done by the total corruption at the highest levels of the American secret police. I was selected as a "target" because I opposed those illegal and corrupt methods. A target is a man who opposes unrestrained power and the monolith then sets out to invent a crime to smear the target and to punish him for his opposition.
>
> I am informed that over $11 million in tax payer dollars have been spent to destroy me. I have undergone the most relentless investigation in modern political history for nearly four years, ever since leaked Federal raw investigative files were handed to LIFE. Any citizen—office holder, local policeman, anyone—who disagrees with our new Caesars will be the victim of this terrible repression. I have spoken out against it for 9 years and

> for four years my family and friends have been subjected to a terror equal only to the oppression in Nazi Germany. In the days to come, I shall speak out on this—I will name names.
>
> I expect to be re-elected, but perhaps more important, I will lay out for the first time on the public record the full story of the new surveillance subculture and those who would pervert democracy in the lust for uncontrolled power.

Mr. Speaker, I stand here today to redeem that pledge. I will not comment further today on the allegations of my indictment. I believe I will be vindicated and I await judgment in a court of law.

However, I would point out in reference to my remark about the disarray of the party in Hudson County that at least two groups have now lodged a claim to the bonds I voluntarily turned over to the grand jury.

But I do intend to name names today and I do intend to disclose exactly why I was chosen as a target. To do that demands a brief description of the actions of my Privacy Subcommittee and it demands an understanding of bureaucratic infighting within the Department of Justice. I commend Victor Navasky's book "Kennedy Justice" as a brilliant description of the competing forces at Justice. It is invaluable background material on the complex events I will allude to today.

I would also suggest that anyone seriously interested in the framework of what I will disclose today should read an outstanding article by Richard Harris on recent actions by the Department of Justice and the legislation it has succeeded in having the Congress pass. This article appeared in the March 25, 1972, issue of the New Yorker and is reprinted on page E3351 of the CONGRESSIONAL RECORD of March 30, 1972, where it was inserted by our perceptive colleague, Congressman MICHAEL HARRINGTON.

Let me now begin my own story.

In 1963, I stimulated the Committee on Government Operations to hold a series of hearings on the polygraph. These hearings, held by the subcommittee of Congressman JOHN MOSS, were widely reported as was my role in being their instigator. I was also making statements about other aspects of privacy, such as trash snooping and mail covers. In 1964, the privacy inquiry was formed by Chairman William Dawson and the press at that time indicated that I would undertake a detailed series of investigations of the current erosion in America of human rights of its citizens.

The first inkling I had that this emerging focus on privacy had been noted in the big leagues was when a Mr. Sid Zageri came to my office. Mr. Zageri was General Counsel and chief lobbyist for the Teamsters Union at that time. Mr. Zageri offered me a series of documents detailing practices of the Internal Revenue Service, and components of the Department of Justice. Much of the material referred to his contention that Robert Kennedy had railroaded Jimmy Hoffa and Mr. Zageri requested I hold a hearing with my Privacy Subcommittee on this material.

I was surprised at the depth of the research, and I was greatly shocked at the detailed allegations of improper behavior by Federal agencies. When I questioned the validity of the documents, Mr. Zageri told me that they were the work of the Federal Bureau of Investigation and that since I was regarded as a friend of the FBI and a defender of privacy, he wanted me to see them first.

I flatly refused to hold such a hearing or to get involved in the bureaucratic infighting over Mr. Kennedy's new idea he advanced as Attorney General of a total combined effort by all Federal agencies and the more traditional, separated approach advocated by the FBI. These were things few in Congress knew or understood and at that time I found it hard to believe.

I put Mr. Zageri's offer out of my mind until I read of the sensational series of hearings held by Senator Edward Long's Senate Judiciary Subcommittee on Administrative Practices and Procedures in February and March of 1965. Some of the disclosures were quite similar to the ones I had seen in the documents Mr. Zageri brought me.

Three facts which emerged from those hearings are relevant: First, the then Senator Robert Kennedy was sharply criticized; second, the charge was made that information was leaked to Life magazine in 1961 from the Department of Justice which allegedly resulted in a story critical of Jimmy Hoffa; third, Roy Cohn testified about his personal and professional harassment by the U.S. Attorney for the Southern District of New York.

In June 1965 my Privacy Subcommittee held a widely reported hearing into psychological testing and I was speaking out frequently against what I regarded as the erosion of the Bill of Rights. In addition, the preparations for my July 1966 hearings into the computer and invasion of privacy had stimulated a great deal of press interest. I was obviously being regarded as the leader in the House of Representatives on the issue of privacy, and my Privacy Subcommittee was regarded as a force to be reckoned with in Washington.

In June of 1966 I came into my office one day—it was a Monday—and my administrative assistant, Mrs. Elizabeth May, gave me a large batch of mail to sign. But one particular letter caused me quite a shock. Its contents were a request by me, as chairman of the Special Subcommittee on Invasion of Privacy, to then Attorney General Nicholas deB. Katzenbach for copies of the authorizations for illegal bugging of Rev. Martin Luther King and of the casinos in Las Vegas.

I asked Mrs. May where that letter had come from and she replied that she thought I had known that the letter was dictated to her by Mr. Roy Cohn several days earlier. She said that Mr. Cohn had told her that he would talk with me about the letter over the weekend but, in point of fact, Mr. Cohn had not talked to me.

I immediately got Mr. Cohn on the phone and asked him what this letter was all about. I was very unhappy that he would think I would send out such a letter because no one except members of my staff ever prepares letters for my signature. He told me that he had been trying to reach me to have dinner and talk about it, but did not realize I had already returned to Washington. He said it was very important that I sign and send the letter.

I asked him why it was so important. He said that the man who signed the authorizations for those two electronic surveillances was Robert Kennedy when he was Attorney General. I told Mr. Cohn that I would not become involved in any feud between him and Robert Kennedy.

He responded that this was not his request. He stated that this letter was written by Mr. Deke DeLoach, then No. 3 man at the FBI, with the specific approval of J. Edgar Hoover. He told me that the Federal Bureau of Investigation would consider me a good friend if I were to make public those authorizations. He told me that Mr. Hoover was very upset about the statements being made by Mr. Kennedy about widespread illegal wiretapping, eavesdropping, and bugging, and that Mr. Hoover was sick and tired of being made the sole brunt of that kind of criticism. He stated that Robert Kennedy had authorized those two activities by the Federal Bureau of Investigation and that Mr. Hoover was furious with Senator Kennedy who was blaming it on Mr. Hoover.

I told Mr. Cohn again that I did not want to get involved in the dispute between them and that, frankly, I opposed the use of such methods, no matter who had done it and that it was a disgrace what they were doing to Reverend Martin Luther King. Mr. Cohn then said that this could be very important to my career and that the Federal Bureau of Investigation, Mr. Hoover, and Mr. DeLoach were extremely helpful. They regarded me as a friend.

I told Roy Cohn that I was their friend and in point of fact I had been a loud and vocal supporter of the FBI up until that time. I opposed the proliferation of police agencies within the Federal Government because of the lack of responsibility which happened when other Federal agencies developed their own investigative capability. I thought that if other Federal agencies needed investigators that the FBI should contract its agents to them for they were professional and responsible men. If any agency needed nonuniformed investigators, the FBI should provide them rather than having dozens of investigative forces developed without centralized responsibility.

Up until that time, I was a believer in and a supporter of the FBI and I said so publicly on many occasions.

To continue, I told Mr. Cohn that I did not want to get involved in this sort of bureaucratic infighting and I recounted to him my refusal to conduct the hearings brought to me by Mr. Zageri. And I told Mr. Cohn that I would not send out the letter.

Mr. Cohn then said that he would advise me to do it. I said, "Come on, get off it. What do you mean 'advise me to do it?' " He said that if I was interested in my own future that I should do it. I asked: "Is it the practice of the FBI to threaten or blackmail a Member of the Congress of the United States?"

He replied that he was only telling me this as a personal friend and that if I was not regarded as a friend of the FBI it was his experience that you would be regarded as an enemy. He said they were dangerous people to have as enemies.

I replied that I had done nothing to be regarded as an enemy, so why should I worry about something like that. I added that I was not totally sure that I believed him.

Mr. Cohn replied, "You'll be sorry."

I said, "Is that another threat?"

"No," he said. "That is advice and counsel of a friend. I know how they work." He added "We can get someone else to do it if you refuse. We have other friends."

I asked who would do such a thing and he replied that either Senator Edward Long or Senator Everett Dirkson—both friends of the FBI—would do it. I responded that if either one of them wanted to do something like that, that was their business. I repeated that I would not.

Several times shortly thereafter I met Mr. Cohn or talked to him on the phone. He clearly let me know that Deke DeLoach had composed the letter with the full knowledge and approval of J. Edgar Hoover and that Mr. Cohn had been specifically told to ask me to send it. Mr. Cohn emphasized that the Federal Bureau of Investigation wanted my Special Subcommittee on Invasion of Privacy to be the vehicle through which Mr. Hoover could relieve himself of the public criticism. He said they were very unhappy that I would not send the letter.

It was very clear that I was expected to use my position as chairman of the Special Subcommittee and my position as a Member of Congress to intervene directly in the running feud between Mr. Hoover and Mr. Kennedy. Mr. Cohn made that point to me and I had no reason to doubt that Mr. Cohn did speak for the FBI, for I knew of his relationship with them since the days of Senator Joseph McCarthy.

Nor did I have any reason to doubt that Mr. Cohn was speaking to me as a friend. I knew Roy Cohn long before I came to the Congress. I first met him when he was counsel to Union News and American News, New York corporations. When the board of directors and Mr. Cohn were indicted in New Jersey, I represented them and won dismissal of the case. I then began to represent those New York corporations and Mr. Cohn and I developed a professional and personal relationship. We had dinner together many times and on occasion, my wife and I were guests at his home where we would have dinner with his mother and friends.

We never agreed politically, but we became friends. There was a rapport between us and there was a basis for Mr. Cohn to talk to me about confidential matters.

After I made it very clear to Mr. Cohn that I would not send the letter he had transmitted to me from the Federal Bureau of Investigation, I held the pioneering and widely praised hearing into the computer and invasion of privacy in July of 1966. The FBI considered this hearing a challenge because, unknown to me, they were themselves developing large data banks of their own information. I never knew whether Senator Edward Long had indeed sent out the letter, but ironically, documents leaked by the Organized Crime Division—at that time locked in a titanic bureaucratic struggle with the FBI—or some other group formed the basis for a highly destructive article in Life on him. Obviously, Senator Long's hearings had humiliated the Internal Revenue Service and others connected with the new concept of "strike forces" within the Department of Justice. Retaliation was swift, hard, and resulted, I am sad to say, in his defeat in the election of 1968.

Senator Edward Long was punished by one branch of the competing bureaucratic forces for assisting the other, in my judgment. I am sure that I soon found myself in a similar position for the opposite reason: Senator Long was damned because he did and I was soon to be damned because I did not. It would have been a bearable position for us both if other Federal agencies had been involved but with these agencies, competing for the highest stakes, it was untenable. Both of us had insulted agencies which have had life-and-death power over public men for far too long.

I tried to put the letter out of my mind, and I continued to meet Mr. Cohn occasionally. Interestingly, the only two times I met Deke DeLoach, he was with Mr. Cohn. Mr. DeLoach was No. 3 man in the FBI, and considered the heir apparent to Mr. Hoover. The former No. 2 man in the FBI, Mr. Lou Nichols, had become chairman of the board of Schenley Liquors and it was widely believed that Mr. Cohn was responsible for getting him that position. The point is that they were all very close and Roy Cohn was and is very well wired in to the FBI. Mr. Cohn's credentials with the Bureau had been very sound, ever since the McCarthy hearing days.

The first shot fired across my bow was in 1967 when Life magazine tagged on to the end of a story about organized crime the allegation that I was a "tool and collaborator" of a man who was reputed to be influential in the Mafia. This, of course, was the real beginning of "Mafiaism"—which has even greater potential than McCarthyism. They charged that I had brunch on Sundays with this man at a restaurant on the Saw Mill River Parkway. They left it at that, but it was quite sensational in my hometown and needless to say, I was considerably disturbed by it. I had never, never even heard such a story. It was a complete bolt out of the blue.

I immediately went to the corporate offices of Life magazine to tell them that I had never had brunch on the Saw Mill River Parkway with the gentleman and that I had never had any meal with him in any place. In point of fact, I insisted, I had never eaten a meal at a restaurant along the Saw Mill River Parkway in my life. No one seemed very interested in listening to me and I got the polite run around. Finally, I barged into the office of Mr. James Linen, president of Time-Life, interrupting a conversation he was having with Senator Jacob Javits. Mr. Linen asked who I was, as I had made quite a loud noise on my way into his office, and I told him that I was Congressman Gallagher and said, "your magazine is telling lies about me."

I tried to tell him my story but he said that he did not know very much about the editorial part of the magazine. But he did take me to meet the publisher of Life, a Mr. Hardy. I told Mr. Hardy that what they had written was wrong. As proof of my innocence, I offered to drive with Mr. Hardy, or anyone else he chose, to the Saw Mill River Parkway, and since I did not even know what restaurant they were talking about, I would take a chance on their integrity. They could take me to the restaurant they thought I brunched at and if one person there said I was ever in the place before, I would give them the benefit of the doubt.

Mr. Hardy said that sounded like a very fair test and he said he thought that should be done immediately. He asked me to wait outside his office. Ten minutes later he came out and said, "I'm sorry but we are sticking by the story." "What about going up to the Saw Mill River Parkway?" I asked.

"I'm sorry, but we don't do that," Mr. Hardy replied.

And that was that. That was the courtesy a Member of the Congress of the United States received from Life magazine.

I can only speculate what happened during those 10 minutes to change Mr. Hardy's mind. Obviously, he called the writers of the story, who checked their sources. They undoubtedly received assurances that not only was the original story true, but that there was much more to it.

I protested loudly to Mr. Hardy and I returned again to Life a couple of times to continue my protests. I got nowhere.

I got less than nowhere in several interviews with Life's General Counsel John Dowd. Mr. Dowd seemed to believe that the Mafia was a monolithic international conspiracy and to justify his belief, he asked me if I could deny that I knew an extraordinary number of Italians. I was flabbergasted. Italian Americans comprise the largest single group in my 13th District of New Jersey, exactly the same as true statewide. I also tried to make the point that Jesse James was an early member of organized crime but that he was not Italian.

Second, he asked me why I was against bugging, eavesdropping, and wiretapping if I had nothing to hide. Since he was obviously quite proud of the large autographed picture of himself and Cardinal Spellman which hung behind his desk, I told him I would tell him a story which had shocked Cardinal Spellman when I told him.

I had received a letter from a girl in New Jersey who informed me of a pervert who sat in the Catholic church and directed a parabolic mike toward the confessional. He had recordings of the confessions by young women and compromised them by threatening to play the tapes to their husbands or parents.

I explained to Mr. Dowd my belief that the proliferation of surveillance and computer techniques would soon eliminate all privacy in the country. He disagreed. I now understand why. It is obvious that Life had publication rights to almost all the illegal wiretaps gathered by the FBI and others. It was profitable journalism, free from libel suits, and Mr. Dowd was doing an outstanding job for Life.

About a week later began a terrible ordeal for me and my family. Life whispered it about that I was to be the subject of a full-scale, major exposé and every day or so some new rumor would float into my hometown of Bayonne. Wherever I would go, I was told of a fresh rumor. Life people visited newspapers in Hudson County asking for information about my career. Photographers drove around my home with a telescopic camera frightening my children. The day after Senator Robert Kennedy was shot, my youngest daughter ran screaming into our house saying that a man was pointing a rifle out of a car at her. When I initiated congressional consideration of credit bureaus with my Privacy Subcommittee, a Life photographer was prominent in the audience. It was at this hearing that the first disclosure came about the incredible ease with which FBI and IRS agents gained access to consumer files. In almost all cases no subpena was required to have this data held by private companies become part of FBI and IRS dossiers. Friends and acquaintances would tell me that reporters from Life had been nosing around, searching for derogatory information.

Four basic sources for the story Life later published have emerged. First, and foremost, is Harold "Kayo" Konigsberg who, as a creature and a captive of the Federal Bureau of Investigation, was responsible for the most serious charges. Second was Tom Quinn who wrote letters to the FBI. Third was Cliff Koerkle who also wrote many letters to Federal officials. Fourth was Salvatore Spezio, a local John Birch Society leader.

I will discuss Mr. Konigsberg at length later in this speech but I will not bring myself to comment on the other three today except to point out that Tom Quinn ran against me in congressional campaigns twice and that it was his letter, in the possession of the Federal Bureau of Investigation, which made the charge that I was a political "boss" in Bayonne in spite of the fact that I never held any office in Bayonne at any time. His letter—all lies—sent to the FBI appeared in Life.

One extremely significant event occurred after that first Life article in 1967. I received a telephone call from Mr. Roy Cohn. Mr. Cohn told me that he had called Deke DeLoach and told him, "that was a pretty dirty trick the Bureau did to Neil Gallagher."

"That's just like you, Roy," Mr. DeLoach responded, according to Mr. Cohn, "always standing up for guys who don't stand up for us."

Mr. Cohn obviously called me for one of two reasons. Either he wanted to confirm absolutely that he was speaking for the FBI when he talked to me originally or else he wanted me to know that he was disturbed by what had happened and that he still considered himself my friend.

In any event, the year between the first story and the major story about me in 1968 was one of the most terrible in my experience up till that time. But it is one thing to be treated that way by a magazine and another to be treated that way by your Government. It now seems that 1967–68 was a vacation when compared to 1968–72, when the full weight of the awesome resources of the Federal Government was brought to bear to substantiate the story and destroy me.

On July 3, 1968, three reporters from Life magazine came to my office and I spoke with them for several hours. Also at that meeting were Mr. Larry Weisman, my attorney and Mr. Charles Witter of my staff. That meeting convinced me that there was nothing I could possibly do to prevent the terrible stories from eventually being published and, indeed, the August 9 issue of Life carried an incredible mixture of lies, innuendoes, half-truths, and if it were not for the New York Times against Sullivan and subsequent cases, allegations which would now be publicly branded as the libel I know them to be.

People have always asked me why I never sued Life. Of course, I could have sued, but I would have become a "career plaintiff," the case would not have been decided for years, and Supreme Court decisions say you can lie about public officials. I could sue, go broke, and find that the court still holds that a public official who has been libeled has no recourse at law. A public official cannot win, and so in the public mind, which is not as sophisticated about libel law as are attorneys for the media, the verdict must mean that the attack was true. I can only add that some protection against libel must be restored to public men.

To return to my case, a most important event occurred in the month between the interview with the Life reporters and the publication of the story in August. I have discussed this with very few people and I am still reluctant to tell it to anyone, much less my colleagues in the House and the American people.

It was the most outrageous and appalling thing that has ever happened to me and had more impact than any horror story I have ever read. And it was done to me and my family by my Government, a Government I had served honorably in war and peace, as an infantryman and a Congressman.

And it was done to me by your FBI.

I tell the story reluctantly today because the magnitude of the lie sickens and offends me still though almost 4 years have passed. But it should be part of the public record now so that all will know the corruption that exists at the highest levels of your FBI.

Let me preface it by saying that the major point in the Life article that most people remember relates to the alleged removal of the dead body of Barney O'Brien from my house by Harold "Kayo" Konigsberg. Life devotes four full pages—emphasized by a photograph of Mr. Konigsberg with his most fearsome grimace—to the "body in the basement" allegation.

Life came very close to calling me a murderer. Though that innuendo was there, it was hedged later by saying that O'Brien had died of natural causes. I was supposed to have panicked upon discovering Barney O'Brien's body and called Harold Konigsberg to remove the body. Mr. Konigsberg was supposed to have checked with Joseph Zicarelli, allegedly the mob leader for whom Mr. Konigsberg did unsavory jobs.

All this was written in the fictional style for which Life has become so famous. Let me say now that neither Mr. Konigsberg nor Mr. O'Brien were ever in my house during the 27 years I lived there, that no such phone calls were ever made, and that even today, no law enforcement agency actually knows whether Barney O'Brien is alive or dead.

When the Life reporters asked me about this in my office, I thought they were joking. I had never heard this story connected to me before, though through the years at election time, a similar story would always surface about some candidate but never with names. It was a part of the folklore from olden times in Hudson County politics.

In any event, shortly before the publication in August 1968 of the major story about me in Life, my attorney, Larry Weisman, called me from New York and said that it was urgent that we meet promptly. I flew to Newark Airport and Mr. Weisman and a mutual friend, Mr. Neil Walsh, were waiting for me.

Mr. Walsh was a very trusted friend of mine, but when I asked Mr. Weisman why the meeting was so important, he said he could not talk in front of Mr. Walsh. This was so important and of such a personal nature that Mr. Weisman said he had to speak to me alone. When we were alone, Mr. Weisman told me that he had just come from New York and that he had been with Mr. Roy Cohn. While he was in Mr. Cohn's office, Mr. Cohn had been on the phone with Deke DeLoach. Mr. DeLoach said that every expression and every word I had used in the interview with the Life writers was known to the FBI because they rechecked the story, especially the body story. While Mr. DeLoach was telling Mr. Cohn about the interview, he said:

> If you still know that guy, you had better get word to him to resign from Congress. He's not going to last more than a week after the story hits.

Mr. DeLoach continued that I would resign from the Congress, that Mr. Cohn would be doing me a favor by telling me to do so, and that the end of Gallagher was only days away.

Obviously the Life reporters were in close contact with Mr. DeLoach all the time and they must have told him that I really believed that Mr. O'Brien was never in my house. The Life writers were informed by Mr. DeLoach, just as Mr. Cohn later relayed his words to Mr. Weisman, of the following story:

> My "family were nothing but pigs." Whether I believed it or not, the Federal Bureau of Investigation had "incontestable" proof that Barney O'Brien died in my house. Rather than allow the terrible scandal to my family to become public, I would resign. If I did not resign from the Congress, the FBI and its captive writers were prepared to go "beyond any story hinted at before."

Deke DeLoach then said that Barney O'Brien died in my own bed—

> He had a heart attack while lying next to Gallagher's wife" and that "when Gallagher learned of this, he rushed home from Washington and called Konigsberg to remove the body.

And Deke DeLoach added that if I did not quit the Congress, this story would appear in a future issue of Life magazine.

Does not this incredible lie by the No. 3 man in the Federal Bureau of Investigation go far beyond anything we public men have become accustomed to in the rough-and-tumble world of politics? That outrageous, appalling statement by Deke DeLoach is a greater lie than any man has the right to whisper about another. I had difficulty restraining myself from going after Mr. DeLoach the second I heard it and I am just as mad now as I was then.

If anyone found me overly emotional or paranoid when I talked about these matters before, I would ask them how they would react to the burden of carrying this dirty FBI lie around with them for almost 4 years, when I know my wife to be a wonderful and decent woman. She has raised a splendid family and we were all scurrilously slandered by the FBI.

Was I overstating the case when I spoke of Nazi Germany? I doubt if even Goebbels had the terrible capacity of a DeLoach to spread the big lie, nor could Goebbels exceed the filthy mind of a DeLoach.

It would seem to me that decent newspapermen would have checked out the "body in the basement" allegation, especially since it might go as far as the Federal Bureau of Investigation was pushing it. But it was only after the story was in print that Sandy Smith, one of Life's writers, walked into the Bayonne Police Station to even inquire about Mr. O'Brien, or to even look at a very thorough file on his disappearance.

Life felt its "informed sources" were unimpeachable because Mr. DeLoach was speaking with the full authority of the FBI, but the FBI's source was Harold "Kayo" Konigsberg who, as I shall shortly show, was hardly reliable.

What went into the FBI's files as garbage, came out as gospel. It was gospel not only to Life, but to all to whom this terrible smear was whispered.

The FBI was spreading the story that Mr. O'Brien died in my bed while with my wife. Mr. Cohn was to make me aware of this and the FBI was convinced that I would resign from the Congress and that would write finis to the career of Congressman GALLAGHER. And I wonder how many other Members quietly left this body from the same treatment and how many Americans have suffered, as I have, from their terrible lies and deeds.

The FBI told this to Life. The FBI told this to Roy Cohn who told Mr. Weisman to get in touch with me right away and get GALLAGHER to quit. The FBI was spreading this story through Deke DeLoach.

All this was being spread around in back-alley whispers by the chief investigative arm of the Federal Government, when in point of fact, it could never have happened. This whole thing is one monstrous lie.

On a matter like this, Mr. DeLoach must have had the approval of Mr. Hoover and that alone is enough for Mr. Hoover to resign. If Mr. Hoover did not know of this, he is obviously incompetent to run the Bureau and he should resign.

But where did this lie come from? It came from Harold "Kayo" Konigsberg. Konigsberg has on several occasions been certified insane. Konigsberg has been called the most brutal killer on the eastern seaboard, and Konigsberg was totally a creature of the Federal Bureau of Investigation. For some time, he lived in luxury, providing himself with steaks and women by playing Scheherazade for the FBI.

He would tell a new story every day, and receive his reward every night. He played exactly the same role in my case that Boyd Douglas played in the Harrisburg Seven case. These men are heroes and voices of credibility at the top level of the FBI. Remember Itkin of the Marcus case?

This was the ultimate "informed source" for both the FBI and for Life magazine. The FBI had Mr. Konigsberg in its possession. He is where the original allegation about my being a "tool and collaborator of the Mafia" came from. I was supposed to have been blackmailed by the Mafia because Kayo Konigsberg said he removed Mr. O'Brien's body from my house. The only blackmail involved, however, was the blackmail of the Federal Bureau of Investigation and the only body to be removed was the body of GALLAGHER from the Congress of the United States.

Aside from the fact that Mr. Konigsberg or Mr. O'Brien were never in my house in the 27 years my family has lived there, let me make two additional points about him.

First, Konigsberg himself said the body in the basement story was false. He is quoted in the New York Times of August 18, 1968. Mr. Konigsberg's exact quote is:

> The whole thing was a lie anyway, because I never removed O'Brien's body . . . I never testified to a grand jury in my life, but I will do it now in order to exonerate Gallagher, even though I have no special love for him. But the whole story of Barney O'Brien is a phony.

And Mr. Konigsberg filed suit in New York federal court on August 8, 1968, to prevent Life from distributing the issue containing the story about me.

Second, Life itself completely discredits its own witness. On June 25, 1971, Life prints one of its misnamed "Investigative Reports" entitled, "The Gorilla Cowed His Keepers." Life describes Mr. Konigsberg's stay at the U.S. Medical Center for Federal Prisoners in Springfield, Mo., and tells how he was wild, irrational, and disrupted the entire Federal prison system. Several quotes are interesting.

> First. Once, through his lawyer, he even approached Life with a proposal to do a series of stories, a sort of "murder of the week" serial which would run for 12 weeks. He would be the source.

Life did not take the offer because it would have cost them money. They waited until Kayo could be the source for FBI reports given to Life.

> Second. Digging unearthed the remains of two bodies and evidence of a third—Life. August 9, 1968.

The arrogance of the parentheses around Life, August 9, 1968, is really incredible, since that is the only reference to the story about me. Here they impeach his story but omit saying he lied about me. He may very well have known where some bodies were hidden, but the point is that Mr. Konigsberg did not remove Mr. O'Brien's body from my house.

> Third. The year before, while in an eastern jail, he had approached the FBI with a proposition: information in exchange for money and freedom. An agent started "working" Kayo, and his reports went directly to J. Edgar Hoover. The more Konigsberg talked, the more excited the FBI became.

If any further proof of my charges that Konigsberg was a creature and a captive of the FBI are needed, I offer that statement. Life has made a number of statements through the years which are totally wrong but, since they have such a close working relationship with the FBI, I think we should believe them on that one.

There is one more comment to make about the phony "body in the basement" story. A close examination of the Life article on me in 1968 reveals that the date when that fake event was supposed to have occurred was October 14, 1962. My wife and I were at a political dinner that evening when I received the public thanks of James Fair, a young black men whose life I had saved by personally interceding with the Governor of Georgia. The Jersey Journal of August 21, 1968, presents indisputable evidence which placed me in full view of hundreds during that evening. I have here photographs of that night which include Mr. Fair, my wife, dozens of other people, and myself. We were all at this dinner at the very hour when those terrible events were supposed to be taking place. It happened. It was one terrible hoax aimed at discrediting my work and ruining my career.

Life exposed Mr. Konigsberg. The New York Times exposed Mr. Konigsberg. My documented presence at the dinner where I received the thanks of James Fair exposed Mr. Konigsberg. Mr. Konigsberg himself exposed his own erratic and unreliable behavior when he filed suit to stop distribution of the issue of Life where the story he had so charmed Mr. Hoover with was being printed.

But just as Sandy Smith only checked out the Barney O'Brien story after the story was printed, so dozens of news reports now circulating accept the absurdity of the "body in the basement." I have just shown four easily checkable items. I hope and pray that one result of my speech today will be to forever ban the "body in the basement" story from public print.

And every other part of the Life allegations against me is equally false. The fact that my indictment is not based on anything remotely connected with the Life story, even after every investigative agency—Federal, State, and local—had checked it, offers my final vindication from Life's crude transmission of what was given to them by the Federal Bureau of Investigation.

But that transmission served the purpose. Federal agents swarmed about me and I answered every question about the Life stories. They began to joke with me about how impossible it would be for any sane man to believe it. But the credibility of more than GALLAGHER was at stake here, and the Life story served as a springboard for the investigations which have eventually led to my indictment on charges which, I am convinced, will eventually be shown to be as false as what Life printed.

But the essential point is that every time I wanted to take the floor and demolish the garbage in Life, Federal agents said that my total vindication of all allegations was just a week or so away. That went on for 4 years, my friends, until at long last the grand jury took an action which freed all restraints from me. For 4 years, the so-called crime fighters could not let me off the hook after they have spent $11 million to keep me on the hook that Life baited. And so a new attempt—a political indictment—a new smear right before redistricting in New Jersey and right before my primary.

DE LOACH AND THE PRESS

In the world of journalists relying on leaked documents and "informed sources," one of the rules of the game is that the identity of the source remains confidential. The fact that Federal documents and federally compiled raw investigative files are supposed to be confidential is less important than maintaining the integrity of the source.

In addition to the proof I have disclosed earlier, however, I now offer two published pieces of evidence, which show that Mr. DeLoach has been the FBI's conduit to the press on other occasions as well.

Just last Sunday in The Philadelphia Inquirer, Columnist Jim Bishop complains about the public relations activities in behalf of the Bureau. His column, in the form of a letter to Efrem Zimbalist, Jr., contains the following paragraph:

> This letter comes from one who depended upon J. Edgar Hoover and his lieutenants—Lou Nichols, Cartha DeLoache (sic) and Tom Bishop—for guidance in researching several books. Without violating security, they cheerfully put me back on the rails every time the research ran up a blind alley.

A far more serious exposure of Mr. DeLoach's role is found in a footnote on page 35 of Victor S. Navasky's splendid book, "Kennedy Justice." Mr. Navasky describes the terror the existence of FBI files creates in public men, particularly since those files can be leaked. He says:

> Perhaps the most blatant leaks were tapes played for journalists by Cartha DeLoach in connection with the alleged indiscretions of Martin Luther King. Journalists were told that if they attributed the tapes to DeLoach, he would deny it.

It will be remembered that Mr. Hoover had publicly called Dr. King a liar, and here we see Mr. DeLoach again operating in his customary role of confirming the Director's prejudices.

ONLY THE TIP OF THE ICEBERG

I have disclosed today how the No. 3 man in the Federal Bureau of Investigation spread monstrous lies about my own wife. In this, Deke DeLoach must have enjoyed the connivance or cooperation of J. Edgar Hoover. I have shown how the lies of a man who has been certified insane at various times and who is a convicted murderer were apparently believed at the highest levels of the FBI. Kayo Konigsberg's fabrication was given by Deke DeLoach to the editors of Life magazine undoubtedly with the encouragement and cooperation of J. Edgar Hoover. I have shown how Roy Cohn acted as a conduit to bring the hideous story of my wife to me.

This FBI corruption attempted to subvert congressional responsibility. The Federal Bureau of Investigation tried to use my privacy subcommittee as a tool in its running battle with Robert Kennedy by delivering a hearing to me. The FBI tried to subvert my position as chairman when Roy Cohn was the conduit for a letter actually composed by Deke DeLoach, for me to sign and send to then Attorney General Nicholas deB. Katzenbach which would relieve J. Edgar Hoover of public criticism.

This is corruption at the highest level of the Federal Bureau of Investigation, and when I would not cooperate, in retaliation, every possible filth was used to force me from the Congress.

And, Mr. Speaker, this personal record which I am now putting on the public record for the first time is the tip of the iceberg. I have referred to the ludicrous Harrisburg Seven case and the attack on the Reverend Martin Luther King—both conceived and carried out by J. Edgar Hoover and his political publicity arm. There is even more now on the public record which corroborates my charge that there is an emerging police state in this Nation and that for dissenters or for selected public figures who deviate from blind obedience to the Bureau or any of the secret police, repression is here today.

As a further example of corruption at the highest level, the FBI has flatly denied ever conducting bugging, wiretapping, or eavesdropping on Members of the House or Senate.

Who can deny that former Senator Daniel Brewster was overheard by the Federal Bureau of Investigation? Who will deny that the Federal Bureau of Investigation outfitted an informer with an electronic recording device when he visited the office of Congressman JOHN DOWDY? Can anyone deny the testimony of Acting Attorney General Richard Kleindienst in the Carson trial when he swore, under oath, that the Federal Bureau of Investigation was conducting electronic surveillance in the office of Senator HIRAM FONG?

How else could so much evidence have been gained on Speaker McCormack's assistant unless some form of electronic surveillance was conducted in the office of the Speaker of the U.S. House of Representatives? John McCormack was a man of unimpeachable integrity, he occupied the third highest office in this land, and he was, in my judgment, one of the greatest public servants in America's history. During the time he was Speaker, he was, in both a symbolic sense and a very real sense, the House of Representatives.

I am convinced that electronic surveillance by the FBI was operating in the office of our Speaker and it is a fact that much of the evidence used in later trials was printed in Life magazine.

To follow this theme just a bit further, Mr. Speaker, Senator Edward Long was the pioneer in privacy in the Senate just as I was in the House of Representatives. Yet leaked documents were the basis for the destruction of his career via a story in Life magazine. And leaked documents were the basis for a Life story which ended the career of Senator Joseph Tydings.

Deke DeLoach operated as J. Edgar Hoover's publicity arm to ruin or discredit the Reverend Martin Luther King in the same way he did in my case. The publicity arm of the Federal Bureau of Investigation began to work on the Harrisburg Seven long before they were indicted in exactly the same way as happened in my case. The "Media" papers show that the same harassment, intimidation, and corrupt methods were used against thousands who opposed the war or who spoke out against racism.

In support of my charge that the congressional oversight function of the Federal Bureau of Investigation has been subverted, I remind my colleagues that JOHN DOWDY is a member of the House Judiciary Committee and that Senators Edward Long and Joseph Tydings served on the Senate Judiciary Committee and that Senator HIRAM FONG now sits on the Senate Judiciary Committee.

In addition, it is known that the House Appropriations Subcommittee with jurisdiction over the Federal Bureau of Investigation regularly employs FBI agents as their own investigators. When one asks the question: "Who will investigate the investigators?" we find that the investigators are investigating the investigators.

Along with the harassment of our former Speaker, our current Majority Leader Hale Boggs took the floor of the House on April 22, 1971, to vividly and eloquently describe his own harassment.

CONCLUSION

So, Mr. Speaker, my colleagues, and my friends, this is the real Life story. I have lived with this for over 4 years, always expecting that the investigations would end and that I would be allowed to go on with my life and career. But, of course, they could never let it end and so persecution finally escalated to prosecution.

And, in a strange way, I welcome the indictment. Now I can speak freely, and I shall continue to speak out before any forum I can find. I will make additional speeches on the floor and I will say, today, off the floor what I have said on the floor. I will be happy to appear before any body and swear to the facts as I have described them.

I am a candidate for reelection because I love the House of Representatives, although it saddens me to see that we have become so irrelevant in these important matters. I have described how our behavior has been conditioned by those forces who should be subject to congressional authority. In this area, we have seen the total collapse of the checks and balances which are vital to make our Republic work. I believe there has never been a finer, more dedicated and honest group of men and women than those who now sit in this body. But faceless men intimidate us, precisely because what has happened to me can happen to anyone.

And when we lose our power and our authority, what happens to those who have reposed their trust in us? Our constituents are even more vulnerable than we are, and many of them know it and have felt the vicious lash of unbridled power.

Why does this generation fight as hard to stay out of society as my generation fought to get in? In my judgment, it is because they know America is no longer the land of the second chance and for those who choose to follow a path which could harm the unelected elite, there may be no real chance at all.

Mr. Speaker, this is corruption at its worst and its central figure is J. Edgar Hoover. It is he whose unchecked reign of absolute power has intimidated this Congress to the extent that a serious question has not been asked about his management of the Federal Bureau of Investigation for 10 years—maybe longer. He has become the American Beria, destroying those who threaten his empire, frightening those who should question his authority, and terrorizing those who dissent from his ancient and anachronistic view of the world.

J. Edgar Hoover should resign. If he will not he should be fired.

I know what I have said today will shock a great many people. God knows, I myself probably would not have said it if at some point in the road, decency and honesty would have intervened. Let me make it clear that my quarrel is not with the rank and file of the Federal Bureau of Investigation, for many of them personally suffer from the same scowl from Olympus. My quarrel is not with the brave men who risk their lives now as in the past to combat terrorists, murderers, and those who owe allegiance to a foreign enemy.

No, Mr. Speaker, my quarrel is with the political arm of the FBI which regards the decent American as the enemy. I am talking about the FBI which intimidates Congress and dares Presidents to try to control it.

I am talking about the FBI which employs swarms of informers, spies, and an incredible array of sophisticated surveillance devices—not to pursue enemies of the United States but to destroy citizens of the United States.

I am talking about the man who loudly proclaims that he does not want a Federal police force, yet who through grants, compatible computerized information systems, and often sheer brute force or fear is making every local police force totally dependent on Federal good will, financing, or often directly intervenes in strictly local matters.

And I am talking about the surveillance subculture and the police state mentality which have set loose an investigative insanity that truly threatens the ability of every elected official—Naional, State, and local—to properly function.

And I am talking about the army of investigators recruited from all the Federal agencies who band themselves together and so terrorize a local jurisdiction that its elected officials cannot discharge their responsibilities at a time when our cities and counties need the full attention of the best people we can find.

Finally, I am talking about the perversion of freedom and liberty and the clear possibility, in my view, of a dictatorship in America. If we do not reverse our course and if we do not live up to our responsibilities in this Chamber, Mr. Speaker, I am convinced that we will earn the legitimate scorn of history and the rightful contempt of our children.

REQUESTING CERTAIN INFORMATION FROM THE PRESIDENT AND THE SECRETARY OF DEFENSE RELATIVE TO THE MILITARY INVOLVEMENT OF THE UNITED STATES IN INDOCHINA

Mr. HÉBERT, from the Committee on Armed Services, reported the following privileged resolution (H. Res. 918, Rept. No. 92–1003) which was referred to the House Calendar and ordered to be printed:

H. Res. 918

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

(1) (a) The number of United States military personnel in South Vietnam at the present time;

(b) The number of these individuals who are combat personnel;

(2) (a) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of March 1972;

(b) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of April 1972;

(c) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of March 1972;

(d) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of April 1972;

(3) (a) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of March 1972;

(b) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of April 1972;

(c) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of March 1972;

(d) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of April 1972;

(5) (a) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(b) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(c) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(6) List separately the number of United States military personnel (if any) killed, wounded or reported missing in action during (a) the first ten days of March 1972 and (b) the first ten days of April 1972, specifying how many in each such category were killed, wounded or reported missing in action in or over South Vietnam and how many in each such category were killed, wounded or reported missing in action in or over North Vietnam;

(7) Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States air, naval, and ground support and participation and, if so, what date;

(8) Whether there has been any bombing or shelling carried on by the United States in or over Laos or Cambodia since January 1, 1972, and, if so, the number of sorties flown by United States military airplanes, for bombing purposes, in or over Laos or Cambodia since that date, the tonnage of bombs and shells fired or dropped by the United States into or over Laos or Cambodia since that date, and the cost of all bombing and shelling carried on by the United States in or over Laos or Cambodia since that date, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(9) Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States to Southeast Asia, including the islands of the South Pacific Ocean, since

March 15, 1972 (relative to the thirty-day period immediately preceding that date), and, if so, the nature and extent of the increase in each such category; and

(10) What actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92-156, approved November 17, 1971.

HOUSE RESOLUTION 918

Mr. HÉBERT. Mr. Speaker, in connection with the resolution which has just been ordered to be printed, I have an agreement with the gentlewoman from New York who introduced the resolution that I will not call it up until next Monday or Tuesday when she will be on the floor, and I wanted her to be so informed. Under the normal procedure, the 7 days arrives on Friday, but, by agreement with her, I will not call it up until she is on the floor.

APPOINTMENT OF CONFEREES ON H.R. 9212, FEDERAL COAL MINE HEALTH AND SAFETY ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9212) to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. Perkins, Dent, Pucinski, Burton, Gaydos, Erlenborn, Esch, and Steiger of Wisconsin.

CALL OF THE HOUSE

Mr. MATSUNAGA. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 113]

Abbitt
Ashbrook
Ashley
Belcher
Bingham
Blackburn
Bray
Brown, Mich.
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Conable
Culver
Curlin
Dent
Dickinson
Dow
Dowdy
Dwyer
Edmondson
Edwards, La.
Esch
Eshleman
Fountain
Fulton
Galifianakis
Gettys
Griffin
Gubser
Hanna
Johnson, Pa.
Jones, Ala.
Kee
Keith
Landrum
Long, La.
Long, Md.
McCloskey
McEwen
Macdonald, Mass.
Mills, Ark.
Moorhead
Morgan
Poage
Reid
Riegle
Rosenthal
Rousselot
Saylor
Scheuer
Shipley
Sisk
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Thompson, N.J.
Ware

The SPEAKER. On this rollcall 368 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HANOI INVASION OF SOUTH VIETNAM CONDEMNED

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, it is shocking to me and to the American people that the Government of North Vietnam has seen fit to add a whole new dimension to the Indochina conflict. The invasion by North Vietnamese regular forces—indeed the commitment of virtually all of the North Vietnamese combat troops—is a marked setback for the cause of peace, a goal toward which President Nixon has been working unceasingly.

The invasion across the DMZ—as well as the invasions from Laos and Cambodia—with heavy arms, innumerable tanks, and other sophisticated weapons must shock every thoughtful and peace-loving American.

Mr. Speaker, it seems appropriate to me to condemn the North Vietnamese political leaders who have directed the launching of these attacks at a time when the withdrawal of our American combat troops is virtually completed.

Mr. Speaker, it seems also that the decision of the President to authorize the bombing of military and other support targets in the DMZ and around Hanoi and Haiphong is essential to the protection of our American forces and to our continued troop withdrawal, as well as to advance our policy of Vietnamization. It it my understanding that no American forces have been involved in these military actions in recent days. However, all of our remaining forces there—most of which are not in any combat role—would be jeopardized unless we take steps to prevent further military supplies, as well as fuel and munitions, from reaching the North Vietnamese combat divisions now operating in South Vietnam.

Mr. Speaker, it is my hope that the military invasions by North Vietnam will be turned back and that the North Vietnamese will come to realize that they should negotiate seriously in Paris and cooperate in the final termination of the seemingly endless Vietnam conflict.

Mr. Speaker, I am confident that our troop withdrawal will continue, and I am hopeful that Vietnamization will succeed. Furthermore, I hope and expect that the invaders will be turned back and that the Members of this Congress will rise in condemnation of this new and dangerous military action. In addition, it is my hope that the President's continuing efforts for peace will not be undermined by any partisan attacks, but that the Members of this Chamber may provide the encouragement and support upon which a final resolution of the Vietnam conflict depends. The flagrant escalation of the war by North Vietnam must be denounced and repelled so that the goal of peace in Indochina and elsewhere may prevail.

Mr. Speaker, it is my understanding that my colleagues from Illinois, Mr. Derwinski, and from Louisiana, Mr. Waggonner, propose to introduce a resolution expressing the sense of the Congress in a manner consistent with these remarks. I intend to cosponsor that resolution and to use my influence in what I truly believe to be the most direct and promising path to peace for this and future generations.

PROVIDING FOR CONSIDERATION OF BILL FOR SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, I have two unanimous-consent requests to make.

The House Appropriations Committee will report on Monday two bills.

First, Mr. Speaker, I ask unanimous consent that it may be in order on any day after Tuesday of next week—and that would be Wednesday or thereafter—to consider a general appropriation bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman how it is proposed to handle these bills, in the absence of a rule?

Mr. MAHON. Mr. Speaker, if the gentleman from Iowa will yield, this is a general supplemental appropriation bill which would supply funds to many agencies of the Government.

Mr. GROSS. Yes, I understand that.

Mr. MAHON. I understand, but permit me to explain further. It covers many agencies of Government. Most of the additional money is the result of pay increases which have been accorded by or pursuant to law. It will be the plan of the committee to call the bill up for general debate with 2 hours of debate, to be divided equally, and then under the 5-minute rule, as we usually do on appropriation bills.

This request is for the purpose of bringing the bill up on Wednesday, if possible.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RYAN. Mr. Speaker, reserving the right to object, would the distinguished chairman of the Appropriations Committee inform us as to whether or not it is contemplated that the supplemental appropriation bill will include any money for the military?

Mr. MAHON. Mr. Speaker, if the gentleman will yield, the bill will include several hundreds of millions of dollars for pay increases for civilian and military personnel, based on laws heretofore enacted.

It is now a matter of providing the additional funds with which to make the payments so authorized.

Mr. RYAN. For personnel?

Mr. MAHON. Yes.

Mr. RYAN. Will it include any money for military operations in Southeast Asia?

Mr. MAHON. No; this is not related to

Southeast Asia. Of course, in a sense the whole military program is related to Southeast Asia and areas all over the world. But the supplemental amounts are not related directly to Southeast Asia.

It does provide for pay of military personnel, of course.

Mr. RYAN. Does the bill itself, in addition to pay increases for civilian and military personnel, contain any money for military operations in Southeast Asia?

Mr. MAHON. Not as such at all; no.

The whole objective here is to bring the bill up on Wednesday rather than Thursday in order to expedite the business of the House.

Mr. RYAN. But there is no military money involved, except for pay increases?

Mr. MAHON. Generally speaking, that is correct. I would be perfectly happy for the gentleman to look at the report which is not in final form, but which is available in draft form.

Mr. RYAN. I am concerned about the chairman's statement "generally speaking." Is there some other money, other than for pay increases?

Mr. MAHON. No; not at all.

Of course, the House can work its will on whatever it wishes to do with the bill which will be before us next week.

I would say to the gentleman from New York that it provides for the Department of Defense—military, retirement pay, and increased pay and retirement. In respect to the Defense Department and to a large extent otherwise, it is a routine appropriation to supply supplemental funds for pay cost increases heretofore put into effect.

Mr. RYAN. In other words, the only military funding is for the payment of personnel, either pay increases or increases in retirement pay?

Mr. MAHON. The gentleman is correct.

Mr. RYAN. And there is no money for procurement of weapons, or for conducting military operations?

Mr. MAHON. This did not provide for the procurement of weapons or ammunition.

Mr. RYAN. I thank the gentleman.

Mr. Speaker, I withdraw by reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. PICKLE. Mr. Speaker, reserving the right to object, do I understand the chairman to say that there will be a report available on this supplemental?

Mr. MAHON. Yes, when the bill is reported. It will be reported on Monday.

Mr. PICKLE. Would we be able to have a copy of the report by Monday?

Mr. MAHON. Yes; just as soon as the committee reports it Monday afternoon.

Mr. PICKLE. And not before?

Mr. MAHON. Not before, because the bill will not be approved before. The report, in fact, is not yet finalized. If the gentleman needs to know what is tentatively in the bill, it can be provided; we have a draft of the bill and report, but the point is the whole committee has not yet considered and voted on it. There could be changes next Monday.

Mr. PICKLE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

PROVIDING FOR CONSIDERATION OF A JOINT RESOLUTION MAKING A SPECIAL APPROPRIATION IN RESPECT TO DOLLAR DEVALUATION

Mr. MAHON. Mr. Speaker, I ask unanimous consent that it may be in order on any day after Tuesday of next week to consider a House joint resolution making a special appropriation for the purpose of carrying out the Par Value Modification Act (Public Law 92–268) the dollar devaluation bill.

This is a bill to provide for funds necessary as the result of the devaluation of the dollar.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume this is commonly known as the maintenance of value bill?

Mr. MAHON. That is correct.

Mr. GROSS. And will the same provision for debate and consideration of this bill apply as to the previous bill, with 2 hours of general debate?

Mr. MAHON. This would be a special measure, but we would ask for ample time—an hour to each side, and then the 5-minute rule.

Mr. GROSS. With that understanding, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas (Mr. MAHON)?

There was no objection.

PUBLIC BUILDINGS AMENDMENTS OF 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 931 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 931

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10488) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI, and clause 4, rule XXI, are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 10488, the Committee on Public Works shall be discharged from the further consideration of the bill, S. 1736, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 10488 as passed by the House.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a rule that proves how complicated a simple open rule providing for 1 hour of general debate can be. It makes in order the committee substitute for consideration as an original bill for the purpose of amendment. It waives points of order for failure to comply with the 3-day rule, but copies of the report are available.

There are three sections of the bill which are, in effect, reappropriations of funds and, therefore, points of order had to be waived against them for failure to comply with clause 4 of rule XXI which makes it against the rules to have appropriations in authorizing bills.

Sections 7 and 9 of the substitute which we make in order for consideration as an original bill were not in the original bill and there is some question of germaneness. Therefore, points of order are waived against that in order to comply with clause 7 of rule XVI.

Then less unusual, we provide that after the passage of the House bill, the Committee on Public Works shall be discharged from further consideration of Senate 1736 and it shall be in order to move to strike out all after the enacting clause of the Senate bill and amend it with the House passed language.

I believe that describes all the unusual features of the rule.

I will say that there was no opposition to the rule among witnesses before the committee. I do understand there is some controversy in the matter that will be made in order by the rule and if my friend from Iowa would like me to yield, I will attempt to answer his questions.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I am not at all surprised that there was no opposition to this rule from members of the committee because this certainly accommodates them. I do not see how they could ask for more—they got all outdoors right along with the protective provisions they have in the bill.

Mr. BOLLING. The only thing I can say to the gentleman is that we could have waived all points of order without pointing out what they were in detail.

Mr. GROSS. I understand that.

The SPEAKER. The gentleman from Ohio (Mr. LATTA) is recognized.

Mr. LATTA. Mr. Speaker, I agree with the statement just made by the gentleman from Missouri (Mr. BOLLING) concerning the rule. I think it is a good rule. I think it is the only thing the Committee on Rules could do in this case.

H.R. 10488 amends both the Public Buildings Act of 1959 and the Federal Property and Administrative Services Act of 1949 in numerous respects.

A major purpose of the bill is to require Government agencies using public buildings to budget and pay for the use of the space they occupy. The receipts would then be used by the General Services Administration to finance its public buildings construction and operations, but only after these funds have been appropriated by Congress.

A second major purpose of the bill is to authorize the Administrator to enter into purchase contracts with independent contractors for the purchase of buildings, with payments to be made over a period of from 10 to 30 years. This authority would be valid for 3 years, and would make it possible to construct some of the 63 public buildings already authorized by the House and Senate Committees on Public Works, but not yet funded. The committee report refers to this provision as a "stop-gap expedient, an attempt to reconcile the urgent need for new Federal facilities with present economic conditions." The bill would also, in limited situations, permit the lease-construction of Federal buildings authorized but not funded. The committee report describes lease construction as a "remote alternative, available only when direct Federal construction and purchase contracting are not feasible."

A third provision in the bill authorizes $1,500,000 in fiscal year 1972 for payment of costs of the publicly related functions of the memorial aspects of the John F. Kennedy Center for the Performing Arts. I oppose the inclusion of this section to this bill.

In addition to the $1,500,000 for the Kennedy Center, the committee report shows the cost of this bill over the next 6 years as $1,430,800,000. However, the cost figures in the committee report do not take into consideration the fact that the purchase contract arrangement, assuming 30-year contracts, will continue to cost the taxpayers approximately $100,000,000 per year until the contract expires. These additional cost estimates were provided by the GSA Office of the Budget.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10488) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10488, with Mr. ASPINALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. GRAY) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. HARSHA) will be recognized for 30 minutes. The gentleman from Illinois (Mr. GRAY) is recognized.

Mr. GRAY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, members of the committee, your House Committee on Public Works is privileged to bring before you today for consideration the bill H.R. 10488 that would amend the Public Buildings Act of 1959 to provide for financing the acquisition, construction, alteration, maintenance, operation and protection of public buildings in the United States, Puerto Rico, and the Virgin Islands.

Mr. Chairman, I can assure you that this legislation is in the public interest and in the long run will save many millions of dollars of the taxpayers funds. There are five main provisions of the bill before you.

First, H.R. 10488 would substitute a private entrepreneur method of financing public buildings known as purchase-contracts for a short period of 3 years only in place of direct Federal funding in order to immediately construct 63 much needed Federal buildings in 37 States, Puerto Rico, and the Virgin Islands, Mr. Chairman, most of these buildings have been authorized for many years with no funds to construct them. While these much needed facilities have been on the shelf, inflation has increased their aggregate cost by approximately $100 million per year. In addition, the Federal Government has been leasing space from private individuals with no equity accruing to the taxpayers other than the space used. The General Services Administration estimates that by owning these buildings and paying into equity we can save a minimum of $71 millions per year.

Mr. Chairman, the second provision I would like to explain will also affect great savings to the taxpayers. It would authorize establishment of a public buildings fund into which will be deposited user charges or rents collected from all Federal departments and agencies using space in GSA operated buildings and from which will be drawn the funds to finance the construction and operation of the new Government buildings. Under present law, any agency of Government can request as much space as they want without having to request 1 cent in their budget.

We know for a fact that indiscriminate requests have been made for space that is now costing the taxpayers millions of dollars per year. By requiring every agency to pay for the space they use in all Government owned or rented buildings for the first time in our history we will know exactly what it is costing us to provide this space. Second, we know that agencies will be prone to consolidate some of their far-flung operations and to save millions of dollars by requesting smaller amounts of money in their budgets. The Appropriations Committees of the House and Senate will approve these appropriations which will continue to give Congress full control over this new revolving fund. The moneys collected in the revolving fund then can go to pay the purchase contract payments for the 63 new buildings and others that may be approved later.

Third, this legislation would preserve basic congressional controls over the building authorization and spending process while permitting necessary administrative flexibility. The bill contemplates no change in the past requirement that the House and Senate Public Works Committees approve building prospectuses. In addition, the General Services Administration would be required, as at present, to submit annual budget requests to the House and Senate Appropriations Committees and such requests would have to be approved by both Houses before GSA could make any expenditures from the fund. Thus, the Congress would continue to approve construction on a building-by-building basis and to impose spending limitations.

Fourth, the bill would require the Administrator of GSA to submit a prospectus for approval by the House and Senate Public Works Committees wherever he proposes to secure leased space for which he pays an average annual rental in excess of $500,000. This is a tightening of congressional control over present leasing laws. At the present time, Congress has no control over leasing of public buildings. We feel this should be brought under control so we can monitor the amount spent for leased space where it is not feasible to construct a new building.

Fifth, lastly, the bill would authorize $1.5 million for the nonperforming arts functions at the John F. Kennedy Center. Mr. Chairman, I want to make it crystal clear that these funds are for the security, maintenance, and other necessary expenses in connection with the memorial and not the performing arts functions of the Center. Your committee on public works was requested to provide several million dollars to pay for cost overruns due to labor disputes, inflation, and other factors. Those funds are not in this bill. The $1.5 million is to pay the National Park Service for guard protection, to pay for electrical and air-conditioning bills and other expenses in connection with keeping the Kennedy Center open to the general public during daytime hours when the performing arts part of the Center is not in operation. This authorization expires at the end of this fiscal year with no continuing authorization and it will be our intention under the 5-minute rule to offer an amendment giving the responsibility of providing security and Maintenance at the Kennedy Center to the National Park Service which is charged with the responsibility of maintaining all monuments in the Nation's Capital. This is where this responsibility rightfully belongs. I am sure the Members of the House and the other body do not want to be saddled with this obligation as the years go by. The Park Service has agreed to accept the responsibility and I again want to reiterate it is only the responsibility and expense connected with the daytime operation of the nonperforming arts functions of the Kennedy Memorial.

Mr. Chairman, at the present time, there is an average of 8,000 to 10,000 persons per day visiting the Kennedy Center, some holidays produce even more. It is the second highest visitation point at the present time of any monument or facility in Washington. It is second only to the Capitol Building. The monument was closed for more than 3 months which brought public clamor from all over the United States. It was reopened recently and if the authorization you are being asked to support is not adopted, the Board of Trustees will have no alternative but to once again close the Center during daylight hours. To me, Mr. Chairman, this would be a national disgrace. Since the bill before you will save the taxpayers many millions of dollars, I am sure every Member can justify voting for the entire bill including this Kennedy Center amendment, since the $1.5 million will be offset by savings affected in other sections of the bill.

Mr. Chairman, in closing let me tell you that the American public deserves good service from their Government whether it be in the adjudication of a social security claim or help from the many other Federal agencies. This bill will bring together all of these dispersed offices under one roof in 63 communities, catch up the 10-year backlog of public building construction and make in order the consideration of other projects in other congressional districts as the need arises. If we are to maintain a good court system and provide good public service, we can do no less than send this bill on to the White House immediately in its present form since it has already passed the other body overwhelmingly.

In closing, I have been asked by the gentleman from California (Mr. BURTON) whether or not the Social Security Building in San Francisco could be moved from that city under the terms of this bill; the answer is "No."

I shall be delighted now to yield to any Member who might have any questions concerning this measure.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am delighted to yield to my friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

What is the total cost of this bill?

Mr. GRAY. In the present estimate of the cost of the 63 buildings, it aggregates approximately $1.4 billion. As I pointed out in my statement earlier, many of these projects have been authorized for many years, and it has cost the American taxpayer about $100 million per year in inflation for these 63 projects.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAY. Mr. Chairman, I yield myself 2 additional minutes.

Putting it very simply, what we could build today for $1.4 billion, if we waited another year, would have a cost of $1.5 billion, and, at the present rate of inflation, would have a cost of $1.7 billion 2 years from now, and so on.

Mr. GROSS. Is the total, as set forth in the report, $1,430,800,000? Is that the total cost of the bill, and does that take into account the cost of the 61 buildings?

Mr. GRAY. The 63 buildings. That is not the total cost.

We must remember that many of these projects were approved as long as 9 years ago. This is the best figure we could get now from the General Services Administration.

I certainly want to be fair and candid for the Members, as I have always tried to be. I believe we can say by going the private entrepreneur route, a $10 million building over a period of 30 years would cost approximately double that, or $20 million. So we are really talking about a cost of close to $2 billion over the next 10 years to 30 years.

There is a $71 million per year saving by moving out of rented space, where the taxpayer is getting no return for his investment, and by going into Government-owned buildings.

Add that up, and subtract it from the $2 billion.

The best estimate I can give my friend is to look at page 30, and to say that when those buildings are finally owned by the taxpayer they will cost us double.

Mr. GROSS. Is the figure of $1,430 million limited to the 63 buildings?

Mr. GRAY. Yes, this is limited to the 63 buildings.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 2 additional minutes.

In some cases it may be advantageous to the Government to take as short as a 10-year contract. We allow an escalation of between 10 and 30 years for contracts.

Putting it very simply, the figures are what the building will cost. You have to add what the costs of other goods and services are, such as architectural and engineering costs, and so forth. That is why I am being candid in saying that it will cost double.

The General Services Administration is spending millions a year now for leased space, and I think you have to add that in, with nothing in return to the taxpayer.

Mr. GROSS. Are there no other costs expenditures other than $1.5 million for that monstrosity down on the Potomac?

Mr. GRAY. That is the entire cost. I understand the gentleman now. There is no cost in here except the cost for the 63 buildings plus the $1.5 million for the Kennedy Center. I am sorry I did not understand the gentleman's question before.

Mr. LENNON. Will the gentleman yield?

Mr. GRAY. I yield to the gentleman.

Mr. LENNON. On page 25 of the committee report, as you describe the term "public buildings," beginning on line 13, where it describes it as "any other building or construction project, the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest." For the purpose of precedent, is the annual authorization bill or such authorization bill as has been brought out by the Committee on Public Works relating to public buildings giving the President of the United States the authority to make the selection of the site and then Congress will fund whatever he says should be built, whether it is a center in the District of Columbia for a sports arena or not? Have we done this before?

Mr. GRAY. The gentleman has raised a very important question. If you will refer to the report, you will see the bill you are being asked to vote on here today does not authorize a single project beyond the 63 line items put in this report on page 30.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GRAY. Mr. Chairman, I yield myself 5 additional minutes in order to answer questions.

It does not authorize one single project beyond the 63 enumerated in the report. If any additional buildings are required any place in the country, whether in the gentleman's congressional district or mine or anyone else, you would have to go through the regular procedure of the General Services Administration making a survey of the space needs and working up what is known as a prospectus and submitting this prospectus to the House Committee on Public Works. It would then have to be approved by the Senate Committee on Public Works before any money could be spent from the revolving fund for any purpose for any type of building.

Mr. LENNON. I very much appreciate the gentleman's explicit and definitive explanation, but I am concerned as to why in your report you state as it is used this term: "Public buildings," and then it goes on to say that a public building is any building or construction project the inclusion of which the President may deem from time to time hereafter to be in the public interest.

Why is that language used if you get to stand in the well of the House and say you are now authorized to build any building the President may decide he wants to build?

Mr. GRAY. Let me say, you may have a parking facility or a warehouse or something that does not fit into the general category of a Federal office building. Therefore we have given him that flexibility. But let me remind you it only allows the President the authority to request the Congress to do this. We will still have to approve it by line item, as any project that he deems to be in the public interest.

Mr. LENNON. Let me call my distinguished friend's attention in the same paragraph to the place where you define a public building as record centers, appraiser's stores, courthouses, water inspection facilities, warehouses, and all of these other things.

Then, you conclude the definition of a public building as any building that the President decides should be built in the public interest.

Are you saying to this House today, sir, that there is nothing in here that would authorize the construction of a sports center or recreational center here in the District of Columbia?

Mr. GRAY. I am stating emphatically that any such request by the President would have to be submitted to the House and Senate Committees on Public Works and approved by it on a line item request.

Mr. LENNON. I say this because some members of the Public Works Committee, although I am not a member of that committee, are concerned about this language.

Mr. GRAY. I am sure that any request would have to be approved by the House and Senate Committees on Public Works on a line item basis.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. I notice on page 30 there is included some 30 States and 54,000 square feet of buildings in the Virgin Islands.

Am I to assume that there are no approved projects in the State of West Virginia contained in this bill?

Mr. GRAY. I would remind my friend from West Virginia that the projects that are contained in this bill are projects that have been authorized by the House and Senate Committees on Public Works for as long as 9 years ago.

The purpose of getting this bill passed and getting these 63 projects out of the way is in order that we can build additional facilities in West Virginia and in other places instead of renting that space for the use of social security offices, draft boards and others which are now operating in rented space where the private investigator gets the equity and it never accrues to the benefit of the taxpayers.

I think it is time that we consolidated these operations in West Virginia and in other States in Federal buildings.

Mr. HECHLER of West Virginia. Mr. Chairman, if the gentleman will yield further, I certainly hope that the gentleman and his committee would be sympathetic next year toward the space needs of our State.

Mr. GRAY. We are always sympathetic.

Mr. Chairman, I reserve the balance of my time.

Mr. HARSHA. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the principal aim of any sound Government building program is to assure that space authorizations are attuned to space needs. Thus, when the appropriate committees of Congress find that a Government building is needed, it should be constructed. If this is done, a building program can keep apace with space requirements and Government can operate more efficiently and effectively in the public interest.

Unfortunately, the Federal building program in recent years has not kept abreast of agency requirements. Because of funding limitations, much-needed buildings located in 37 States throughout the Nation, although authorized as long as 9 years ago, have not been built. This is not to be critical of anyone or any committee because we have had priority problems and only so much money with which to meet those problems. However, this has posed a severe hardship on those agencies whose space needs have not been met. And it has proven extremely costly to American taxpayers. The inflation toll alone caused by construction delays amounts to over $100 million annually.

Presently, there is a backlog of 63 public buildings which have been authorized but not built. Clearly, the time has come to eliminate the backlog and to put the Federal building program on a sound budgetary basis.

H.R. 10488 is fashioned with this objective in mind. First, it would authorize GSA to contract, over a 3-year period, for the construction of the 63 backlog buildings. The device used would be purchase contract authority. Such authority would enable GSA to enter into agreements with independent contractors for the purchase of buildings through payments spaced over a period of time up to 30 years. At the conclusion of the contract term, title would vest in the United States. Throughout the contract term, however, the buildings in question would remain in private ownership, subject to State and local taxation. This would mean that the Federal presence in an area would constitute a tax benefit rather than a tax burden.

But I wish to stress that the lease purchase authorization is a stopgap measure. It is not our intention that this type of funding arrangement become permanent. What we are simply doing is providing a mechanism which will enable us to place the Federal building program on a sound and financially responsible basis in the future.

A logical first step is the elimination of the backlog which the lease-purchase or contract purchase authorization over the next 3 years would accomplish. Additionally this legislation establishes a Federal building fund into which user charges would be paid by agencies occupying Federal office space. Each Federal agency would be required to pay into the fund user charges equivalent to commercial rates for the space and related services received.

Since the user charges made would be set at commercial equivalents, sufficient funds would be generated to finance future construction needs.

The General Services Administration strongly endorses establishment of the building fund. In a letter to the Speaker, Assistant Administrator Harold S. Timmer, Jr., declared:

> Requiring all agencies to finance the cost of the space they occupy is consistent with the performance budgeting concept under which total program costs are reflected in the cost accounts of the program agency. Review of agency budgets internally by review authorities in the Executive Branch and by the Congress would be more realistic. This would be a significant change in the method of funding building operating and capital costs, but would be both practical and businesslike.
>
> The new budgeting approach would enhance the ability of General Services Administration to provide faster and better service with respect to space needs of agencies, both by new construction and lease. Provision of funds for space would be directly related to the programs involved. Authorization would be based on better information and costs estimates. Funds for specific projects would be provided at one time in lieu of the present two or more budget requests for the same project, each involving a full cycle.

Let me make this clear, however. In authorizing the establishment of a public building fund, the Congress would not be surrendering congressional control over the building authorization and spending process. The Committees on Public Works of both House and Senate would still approve individual building prospectuses. What is more, GSA would continue to submit annual budget requests to the Appropriations Committees. Such requests would have to be approved by both Houses before any expenditures could be made by GSA from the building fund. Thus, Congress would maintain present authorization and spending control over Federal construction.

As an additional safeguard, H.R. 10488 would require the submission of a prospectus to the Public Works Committees whenever annual rentals for leased space exceed $500,000.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I rise in support of H.R. 10488, the Public Buildings and Grounds amendments.

This bill allows the Federal Government to authorize construction of Federal office buildings by private contractor, with the General Services Administration leasing the building for a specified period and applying the rent toward the final purchase price. The effect would be to allow the construction of at least 63 public buildings already authorized by the House and Senate Committee on Public Works, but which have been thus far unfunded and hence unconstructed.

Included among these 63 proposals is a new Federal Office Building for the city of Albany in my congressional district, the capital of New York State.

The design of this building was completed some time ago and site acquisition will be completed as soon as this legislation is enacted. Although the prospectus for this new Albany Federal Building was approved by both Public Works Committees as far back as 1964, it is estimated that by following present procedures it could be another 10 years before the Capital of New York State had its new Federal office building.

The Administrator of the GSA informs me, however, that when the bill before us today is enacted into law, the GSA is prepared to begin immediately the contract award process for Albany with the building itself to be completed within 2 years.

The purchase contract arrangement provided for in the committee bill is, it appears to me, a far superior method of having Federal buildings constructed than the present piecemeal method of annual appropriations. By funding already authorized buildings on a one-shot basis, the GSA could have the buildings constructed over a relatively short term, and then gradually purchased them by means of the rents collected from the tenant agencies. Until the Federal Government had paid the final purchase price the buildings would be subject to real estate taxes. At the same time a special public building fund would be set up, into which user charges, collected from all Federal agencies using space in GSA buildings, would be deposited. Money from that fund could go toward financing the construction and operation of still other Government buildings.

I urge my colleagues to support this bill so that we will at last have a realistic and financially workable means of constructing new and much needed Federal office buildings, and so we can get going at once on the construction of the new Albany Federal Office Building.

Mr. GRAY. Mr. Chairman, I yield such time as he may desire to the gentleman from California (Mr. Burton).

Mr. BURTON. Mr. Chairman, I thank the distinguished gentleman.

In our city of San Francisco, we have a payment center for the Social Security Administration. They employ some 1,700 people. A number of them are very highly skilled, of course, but there are also a great number of jobs that require somewhat less skill. This employment is very vital to our city. I understand from the remarks of the gentleman from Illinois that there is nothing in this bill that authorizes or encourages the removal of that payment center from San Francisco; is that correct?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BURTON. I yield to the gentleman.

Mr. GRAY. Absoultely nothing—there is absolutely nothing in this bill that would cause the removal of the facility in San Francisco.

Mr. BURTON. I would hope the gentleman from Illinois would agree with me in view of the difficulty of employment in the core cities—that a move of that sort should not be taken without an overwhelming case being made for the removal of this kind of job opportunity for the residents in our central city.

Mr. GRAY. I agree with the gentleman completely.

Mr. BURTON. Mr. Chairman, I yield to my friend, the gentleman from California (Mr. Waldie).

Mr. WALDIE. Mr. Chairman, I appreciate the gentleman yielding.

I just want to state to the gentleman, he has my full support for this bill. The bill has particular reference to my home community where we are seeking the location of a Federal social security payments facility for many of the same reasons that my good friend and colleague from San Francisco, the gentleman from California (Mr. Burton) has suggested. We need to alleviate the unemployment problems in the Richmond area. We see this bill as a major help in that direction and we commend the gentleman and the committee for moving in that direction.

Mr. GRAY. I thank the gentleman from California and I assure the gentleman the committee will be sympathetic to any request that is received.

Mr. Chairman, I yield such time as he may require to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Chairman, I also rise to say I support fully the gentleman in this legislation.

I just have one question along the line that the first gentleman from California (Mr. Burton) inquired about, and it has to do with the net impact of this legislation.

My question is simply this. In my home district of San Antonio, we have had authorized and appropriated for a postal facility for several years. This legislation in no way would detrimentally affect those plans; would it?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman.

Mr. GRAY. I want to make it perfectly clear that there is nothing in this bill that would preclude an ongoing project from continuing whether it is the GSA or the Postal Service.

Mr. GONZALEZ. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. Grover), the ranking minority member on the subcommittee who has done such outstanding work on this legislation.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation and compliment the committee for the work that they have done.

Mr. Chairman, I rise to express my strong support for H.R. 10488, a bill to eliminate the backlog in the construction of public buildings authorized by Congress.

As a member of the Committee on Public Works, I can assure this body that it is generally the position of our committee to fund the planning and construction of Federal facilities directly through appropriations and that by no means is the committee attempting to create a precedent for fundings these projects.

However, flexibility of policy is urgently required in this instance if the Congress is to be able to meet its commitment to a backlog of over $1 billion in desperately needed Federal buildings. To do so directly would require what most certainly would be borrowed funds. This borrowing would add to an already immense deficit and seriously strain the competition for moneys in the lending markets.

By adopting the course indicated by this legislation, we can move rapidly to complete the construction of these buildings in a way that will provide a strong shot-in-the-arm for the economy at a time when the trend toward economic strength is becoming clearer with each passing day.

In addition, a key feature of the measure before us is that it provides a means to construct Federal facilities without depriving local government of vital portions of its tax base. Traditionally, Federal installations do not pay property taxes but H.R. 10488 leaves the property in private hands under the purchase-contract concept. Thus the property will make the Federal presence in the community much easier to accept.

And finally, one of the most important provisions in this bill is the assessment of user charges against the budget of those individual Federal agencies who occupy these buildings. The user fee assessments will require each agency to have to justify its space needs which will permit better congressional oversight both for the authorizing and appropriation committees. These fees will also invite the various agencies to reduce their space needs to the minimum thereby saving tax moneys.

On a national scale this bill will do the job. On the local level it is also excellent legislation as I am aware from the fact that one of the authorized buildings is in Santa Rosa, Calif., in my congressional district.

The bill will escalate the timetable for the construction of the Santa Rosa facility which is already long overdue. This building will effectively meet a need for part of the program of designing the city designed for living.

Mr. GROVER. Mr. Chairman, I wish to join with my colleagues in expressing support for this important bill. Over the past decade, the Committee on Public Works, acting under the Public Buildings Act of 1959, has considered and approved buildings for construction which it felt were vitally needed in the public interest. Because of financial constraints on the appropriation's process, the level of funding necessary to construct all of these much-needed facilities has not been provided.

Although appropriations averaged approximately $115 million per year, a backlog of 63 buildings has been built up. It is to accelerate construction of these facilities that the purchase contract authority contained in H.R. 10488 is directed.

Members of the committee are agreed that direct Federal construction is desirable. But we are facing a condition here, a state of facts, and not a theory. Approximately a billion dollars in Federal funding would be required to eliminate the construction backlog with which we are now faced. That kind of money is simply not available at the present time. Other spending priorities will not permit the immediate Federal investment necessary to get the job done.

It was to get the Federal building program back on the track again that the purchase contract program was devised.

In fashioning it, we have attempted to overcome the weaknesses that plagued its predecessor—the Lease-Purchase Act of the 1950's. Interest rates determined by market conditions assure that rates will be reasonable. And present financial conditions assure healthy competition in the financing construction of these 63 buildings.

Finally, the legislative authorization will be for a period of only 3 years. Thereafter, the new revolving fund concept will become operative, making lease-purchase types of contracts no longer necessary.

Insofar as the new public building fund is concerned, this new device holds great promise. By imposing user charges on Government agencies for the space they occupy in GSA buildings, each Government agency will have an incentive to make space demands equal space requirements. The tendency would, therefore, be to promote the most efficient and economical use of all Government office and storage space.

The lack of sound business procedures in the operation of Government has long been a bitter refrain among critics. Authorization of a public building fund in which each agency would be charged the equivalent of rent for the space occupied makes sense, particularly since commercial rates will be charged. Moneys generated should be sufficient, not only to operate the Federal Establishment, but also to provide funds for future building needs. In the process, substantial savings in space requirements and the funds needed to provide them will be realized. If for no other reason, the consequent savings to the American taxpayer will, I believe, more than justify passage of this bill.

I, therefore, urge approval of H.R. 10488.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. GROVER. I yield to the gentleman from New York.

Mr. WYDLER. I rise in support of this legislation, and I want to commend the gentleman for the work that he has done as a member of the committee considering this legislation. The largest single project in the bill before us is located on Long Island, which the gentleman and myself both represent here in the Congress. It is a Federal office building of a large size, but one which is desperately needed by the Federal Government and by the citizens of that area. I know that the gentleman in the well provided the leadership in the committee which was necessary to see that this particular building was proven necessary for the people in that area and to make it a reality.

Mr. GROVER. If I may return the compliment to the gentleman from New York, I should like to point out that he, himself, was the driving force on Long Island which brought to the committee and to the Congress the desperate need for a center on Mitchell Field on Long Island in the gentleman's district.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in enthusiastic support of this legislation. It is badly needed, not only in the 63 areas that have been mentioned, but in the removal of a backlog. Removal of this backlog will facilitate the orderly development of needed Federal facilities throughout the country.

Mr. Chairman, this bill is badly needed and past overdue. If the other 61 cities besides the one in my district which will have their promised construction proceed under terms of this bill are in the same situation as La Crosse, Wis., I can only say that the Federal Government has done a disservice to the residents of these cities.

The La Crosse Post Office-Federal Building was authorized in 1966, 6 years ago. It is to be the central edifice in an imposing, modern civic center in the heart of downtown La Crosse. To prepare for this civic center, the city of La Crosse razed the existing city hall and built a beautiful new structure. Similarly, the county government tore down the old courthouse building and erected a modern courthouse, architecturally blending with the new city hall.

Amid this well-planned civic center stands the city's worst eyesore, the archaic Post Office Building and an adjacent vacant lot. This space has been acquired for the construction of the new Post Office-Federal Building promised 6 years ago. The architect assures that planning for the building is complete. But the vacant lot remains, a daily reminder to the citizens of La Crosse of the broken promise made to them by the Federal Government.

I cannot believe that anyone in this Chamber can justify keeping people waiting 6 to 10 years before the Federal Government gets around to keeping its promises. For La Crosse and 61 other cities, the bill we are debating today is the answer. Let us resolve to start delivering on these promises made so many years ago, promises which have triggered enormous local investments, and promises which have buoyed the hope of local citizens for years. This year, as political commentators tell us that the people are losing faith in the effectiveness of their Government and as historians tell us that our social problems are rooted in the unfulfilled promises of the decade of the 1960's, let us resolve to move forward to fulfill our promises and demonstrate our resolve to assist these needy and long-postponed projects. Let us pass this bill.

The CHAIRMAN. The gentleman from Illinois (Mr. GRAY) is recognized.

Mr. GRAY. Mr. Chairman, I intended to ask the gentleman from New York (Mr. GROVER) to yield, but he left the well before I had an opportunity to do so. I wish to state publicly for the record that he, as the ranking minority member of the Subcommittee on Public Buildings and Grounds, was of great help in writing this bill over the past several months, as were also the distinguished gentleman from Ohio (Mr. HARSHA) and the distinguished gentleman from Wisconsin who just spoke (Mr. THOMSON). They have all rendered valuable assistance, and I want publicly to thank them for their support, along with that of all Members on our side of the aisle.

I yield such time as he may consume to the very distinguished gentleman from Illinois (Mr. KLUCZYNSKI).

Mr. KLUCZYNSKI. Mr. Chairman, I thank the gentleman. I wish to compliment the gentleman from Illinois for bringing this much needed legislation to the floor today so that we will be able to vote on projects which have been pending for 8 or 9 years. Members know as well as I do that erecting public buildings is like the construction of highways. If you do not build them this year, they will cost you 10 or 11 percent more next year. I want to thank the gentleman from Illinois for bringing this legislation to the floor today, legislation which will save the taxpayers of this country millions and millions of dollars.

We have already heard a great deal about the staggering backlog of congressionally approved but unfunded Federal building projects. Throughout the Nation, the needs of our health, law enforcement, environmental, and other Federal agencies for efficient, modern facilities, are going unmet. Agencies continue to operate in inefficient and, in some cases, obsolete buildings. To the extent that they do, the taxpayer is penalized many millions of dollars in wasted employee time. He is also shortchanged in the delivery to him of the Government services he wants, needs, and pays dearly for. In addition, each passing day erodes the value of $13.6 million he has invested in the purchase of sites and $12.4 million he has invested in designs for 50 buildings already approved by the committee.

No city on earth knows the costs of delay in Federal construction like Chicago. At long last, the new Federal building, for years just a big hole in the ground, is underway. Now the delay falls heavily upon the GSA Federal Records Center, which was first approved in 1966. The GSA Records Center is currently located in a leased building which is filled to capacity and does not comply with GSA's fire safety standards. It is necessary to utilize temporary storage space with inadequate cubic footage capacity at another Government-owned location and to ship a considerable volume of records for processing and storage to record centers in other States. These deficiencies result in delay, increased costs, and reduced operating efficiency—to say nothing of inconvenience to Chicagoans and other midwesterners.

The building will be 185,600 square feet. GSA is now leasing more than 102,000 square feet to house Federal records in Chicago alone. So, there will be a healthy saving in rents as soon as the new center is completed. To get the center completed, we need H.R. 10488. Without this bill, that building could wait another 6 years.

The history of GSA's construction appropriations since fiscal year 1959 shows that GSA has been able to average only $115 million per year for new construction. At that rate, if GSA were to work exclusively on overcoming the present backlog—giving no attention to new requirements as they arose—it would take 10 years to construct buildings we have already authorized.

We need those buildings now. On the other hand, we are in a period when fiscal restraint is the order of the day, and hope for appropriations in this or the next few fiscal years would indeed be wishful thinking.

The purchase-contract provisions of H.R. 10488 are an attempt to reconcile the urgent need for new Federal facilities with today's economic conditions. We are being asked for purchase-contracting of Federal buildings as a stopgap expedient. GSA is so convinced that purchase-contracting will help eliminate the backlog in a very short time that we are asking for this authority for only 3 years. GSA has, in fact, pledged that it can and will beat the backlog in that move to full implementation of the public buildings fund.

The purchase-contract authority proposed in H.R. 10488 would permit GSA to make regular payments over a period of from 10 to 30 years to entrepreneurs who would finance and construct buildings that meet GSA specifications. At the end of the contract term, title to the building would vest in the United States. During the contract term, a purchase-contract building would remain on the local tax rolls, helping to ease the burdens of the Federal presence upon the local community.

There can be no doubt that purchase-contracting for Federal construction projects will increase the total dollars GSA pays out for any specific building. Nevertheless, an analysis of purchase-contracting that takes into account the present value of dollars expended, national spending priorities, and the urgency of the need for these facilities convinces me that any additional costs to the Government, spread over a 10- to 30-year period, would be reasonable and warranted.

In weighing the total cost of homeownership under a mortgage, the prospective home buyer considers many factors, including the amount of capital available to him, alternative uses for his capital—including the education of his children, the purchase of health care, transportation and other services, for his family—and the urgency of his housing needs. In the same way, I believe that it is appropriate for the Federal Government to consider its overall needs in finding a way to get our public building projects underway now. I strongly support H.R. 10488 and hope that other Members will join me in voting for this sound approach to getting the job done now.

Mr. GRAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I take this time in order to have the RECORD show that we thank my distinguished friend, the gentleman from Illinois (Mr. KLUCZYNSKI) who has just spoken, who has rendered an invaluable service on this bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. Mr. Chairman, I rise in support of this legislation and commend the chairman and the fine committee for their efforts in regard to this legislation.

Mr. Chairman, I am quite pleased that H.R. 10488 is under consideration today. I earnestly urge its adoption which will provide a procedure through which a backlog of 63 Federal buildings will be constructed. Most of these projects have been on the back burner for quite some time. Their need is great to provide the necessary accommodations to our citizens and the agencies which will occupy them.

My home community, Syracuse, N.Y., is the site for one of the projects. A dire need exists in that community as it does in the 62 other locales.

The longrun effect will be the convenience of the accommodation as well as the millions of dollars in savings to be enjoyed by the taxpayers.

Again I urge adoption of H.R. 10488.

Mr. GUBSER. Mr. Chairman, I thank the gentleman from Ohio for yielding.

I take this time for the purpose of asking a question. The city of San Jose in my congressional district is very much in need of a Federal office building. The General Services Administration has surveyed it. However, the priority is not sufficiently high at this time for it to be included in this list of 63 cities. My question is, if San Jose achieves priority at some time subsequent to the passage of this bill, can the list of 63 cities be expended?

Mr. HARSHA. First, let me say that this period of contract purchase is authorized for 3 years. At any time during that 3 years, any city which establishes the necessary priority with the General Services Administration can be included in this method of obtaining a Federal building for its community.

In addition, I would add for the gentleman's information that the new revolving fund, if this bill becomes law, will, even after the 3-year period, enable GSA to go about its program of providing needed office space on a much quicker basis than in the past.

Mr. GUBSER. Mr. Chairman, I thank the gentleman. I think this is excellent legislation. I shall support it.

Mr. HARSHA. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. McCLURE).

Mr. McCLURE. Mr. Chairman, as a cosponsor of this legislation, I thank the gentleman from Illinois and the gentleman from Ohio for their very great courtesy to me over the months this legislation has been under consideration, and publicly express my satisfaction that at last we are getting some House approval on a matter critical to every Member of the Congress—not just to those who happen to have buildings in their districts. As has been pointed out, this removes the backlog and allows an orderly consideration of those construction projects which are not included in the list included in this bill.

Mr. HARSHA. Mr. Chairman, I thank the distinguished gentleman from Idaho for his interest in this matter. He has very effectively pursued the interest of the people of his congressional district. He appeared before the committee in support of this legislation and he has conferred with me on several occasions on this matter. He has most urgently acted in pursuit of this legislation so that the citizens of his district can finally realize the benefits of a Federal office building in his district.

Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. THONE), a member of the committee, and I reserve the balance of my time.

Mr. THONE. Mr. Chairman, I share the interest of many of my colleagues that the design of our public buildings should be the finest examples of American architecture. I am very pleased that the committee has adopted my amendment requiring the Administrator of the General Services Administration to give thorough consideration to the excellence of architecture and design during the development of plans for all public buildings.

In this regard, I am hopeful that the pending legislation will enable architects and engineers to continue to work effectively on public building projects without the possibility that their allegiance might be transferred away from their true client, the General Services Administration and the people of this country. I believe the design professions share this hope. It would be helpful if the distinguished gentleman from Illinois (Mr. GRAY), the subcommittee chairman, would clarify a few points relating to the pending bill.

Under the purchase contract authority of H.R. 10488, will GSA retain title to the drawings and specifications already prepared by the original design architect for the 63 authorized but unfunded projects?

Mr. GRAY. Mr. Chairman, will the distinguished gentleman yield?

Mr. THONE. I yield to the gentleman from Illinois.

Mr. GRAY. I am delighted to answer. I have been informed by the acting GSA Administrator, Mr. Rod Kreger, that the answer is yes, they will retain title to the architect's drawings and specifications.

Mr. THONE. I thank the gentleman.

Will the original design architect be retained for the administration and supervision of construction of projects under the purchase contract authority?

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. THONE. I yield further.

Mr. GRAY. The General Services Administration has stated categorically that it will establish procedures to have the original architect provide inspection services wherever possible. Although GSA does not anticipate this occurring frequently there may be cases where the architect and the successful offeror are incompatible for some reason; for example, they might not be able to agree on a fee. In those instances, GSA will insist upon approving the architect to inspect the project.

I am sure the gentleman will agree with this. Wherever possible it will be done, but if someone wants to charge an exorbitant fee on a project the GSA is bound by law to seek out and find someone with a more acceptable fee.

Mr. THONE. I understand that, and that is as it should be.

Under this legislation, would GSA be prevented first, from maintaining a direct contractural relationship with and directly compensating the original design architect for any additional design services and supervision services, or second, from being reimbursed for that compensation through a provision in the agency's contract with the successful offeror.

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. THONE. I yield further.

Mr. GRAY. No. H.R. 10488 would not prohibit GSA from taking either action the gentleman has enumerated.

Mr. THONE. One final question. It is my understanding that GSA has requested the purchase contract authority due to the emergency need to provide long-required Federal office space throughout the country. It is correct that this is an emergency authority only and will automatically go out of existence at the end of 3 years when the Federal buildings fund goes into effect?

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. THONE. I yield further.

Mr. GRAY. The answer is emphatically "yes." The law provides for the expiration of the purchase contract authority after the 3-year period and reverting back to direct fund appropriations.

Mr. THONE. I thank the distinguished gentleman from Illinois.

Mr. Chairman, accountability is the most important aspect of the legislation we are considering.

At present, various Federal departments and agencies are not held fiscally responsible for the space they occupy. Instead, money to pay for building rentals, maintenance, and service is nearly all appropriated to the General Services Administration. In fiscal 1971, GSA was appropriated $660 million to provide more than 220 million square feet and necessary services for 820,000 Federal employes.

This proposed legislation, of which I am a cosponsor, will change this situation. It will provide that each agency will be accountable for the space it uses. Each agency will pay user charges for space. Governmental bureaus now may insist to GSA that they need more space than actually necessary. Each agency will be less likely to ask for more space than needed, when the cost of that space will be reflected each year in its annual appropriations request to Congress. Allocation of these costs will also give Congress, the President, and the general public a truer picture of the cost of each function of the Federal Government.

The user charges will provide a solution to a problem that has long troubled Congress. All user charges will be put into a GSA building fund. Operating costs of buildings will come out of this fund. As time goes by, the fund will have in it sufficient moneys to pay for new Federal buildings as they are needed. Thus, we hope to end the position it is now in, with 63 new Federal buildings authorized without funds being provided for construction.

That brings me to the second important aspect of this proposed legislation. It will allow Congress to keep the promises this body has made to communities all over America. Through authorization acts of Congress, these cities have been promised new Federal buildings. Citizens in these areas are beginning to wonder if Congress will ever keep these promises. Some of the Federal buildings were authorized 9 years ago and still have not been funded for construction.

At the rate appropriations for Federal buildings have been made over the past dozen years, it would take at least until 1982 to fund the 63 buildings authorized in 1969 and earlier.

In this bill, we have our solution. Through purchase contracts the Federal buildings already authorized by Congress would be built. Entrepreneurs would provide the capital to build the buildings to Government-approved plans and specifications. At the end of the contracts, the Government would own all these buildings. Bear in mind that the purchase contract phase of this legislation would only be in effect for 3 years. After that, the user charge fund should contain money to pay for Federal buildings as needed.

The effect of Federal building authorization without construction funding can be devastating for a community. I can speak firsthand for a city in my district, Lincoln, Nebr. The Senate approved the prospectus for a new Federal building in Lincoln in 1965 and the House of Representatives gave approval in 1966. The land involved consists of two square blocks in the heart of the central city district of this community of 150,000. For 6 years, the buildings on this land have been allowed to deteriorate. Some of this land, which is valuable enough for much higher use, has been used only for unpaved parking lots.

Much development by private enterprise has not taken place because this land has laid idle. If the Federal building is begun in the near future, I am certain that it will trigger much private development nearby.

The community of Lincoln, Nebr., illustrates another important factor that this body should consider. The Federal Government is now paying about $½ million annually for rental space scattered all over Lincoln. Some agencies are trying to conduct business in at least 3 buildings. This payment of rent by the Federal Government in Lincoln will be ended, this scattering of agencies will be ended, if the Lincoln Federal building is constructed.

In Lincoln and in 62 other American cities, we can stimulate employment and business by passing this act. We can end rental payments by constructing buildings that will be federally owned. We can keep promises made to people all over the Nation. We can make Government agencies accountable for the office space they use. We can provide a permanent solution to the persistent and troublesome problem of funding Federal buildings for construction. I urgently solicit your votes in favor of H.R. 10488, which is a companion bill of one that I introduced in this regard.

Mr. HARSHA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. I thank the gentleman for yielding.

I rise in support of this measure. I can testify from personal experience as to the need for the new Federal building for Dayton, Ohio, which is contained in this measure.

At the present time the Federal offices are located in a building which was constructed in 1915. Architecturally, this 57-year-old building is very beautiful. However, it is extremely inefficient, inasmuch as it was built to house a post office rather than Federal offices. Too, maintenance costs are extremely high.

Further, at the present time in the Dayton area the Federal Government rents approximately 41,000 square feet at an annual rental of $205,000. All of these offices will be consolidated in the new Federal building once it is constructed. The land is available. The architectural plans have been completed. We are ready to go.

Passage of this bill certainly will save at least 10 years in respect to correcting the costly, wasteful Federal office operation which presently exists in the Dayton area. Therefore, I hope my colleagues will support this measure.

Mr. HARSHA. Mr. Chairman, I have no further requests for time, and I reserve the remainder of my time.

Mr. GRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Chairman, I shall use but a minute.

I want to observe that over the past decade I have waited for the day when I could look at a public works authorization bill and find not 1 cent spent for public office buildings in the District of Columbia. I believe that is a great precedent and a move in the right direction.

And lest some of my colleagues are looking in the direction of the Rocky Mountain States, there is not any item for the great State of Wyoming, either, or for the State of Colorado or Utah. There must be an end to District of Columbia Federal construction—a breathing spell.

I hope this is a landmark and a beginning to that end.

Mr. GRAY. Mr. Chairman, I yield myself the remaining time.

As I stated in my previous remarks, this is an historic bill in many ways, because I think it will save millions of dollars of the taxpayers' money in the long run by requiring Federal agencies to pay for the space they use. We can look at agencies all over the Nation and we can see them sprawling out in all kinds of ways in rented facilities. We think it is time that that practice came to an end and that they be held accountable. This bill requires that type of accountability, and we will take these savings in order to build much-needed facilities in congressional districts all over the Nation.

I want to thank the members of the House Committee on Public Works on both sides of the aisle, because this is a bipartisan measure which was reported out unanimously. I want to single out especially our very distinguished and able chairman, the gentleman from Minnesota (Mr. BLATNIK) who is always sympathetic and helpful, a man of compassion. This kind of critical legislation that comes from the Committee on Public Works unanimously could not have been brought here without his able assistance. I also want to thank our chief counsel, Mr. Sullivan, my able assistant, Mrs. Nancy Vitali, and the staff for their help.

Mr. BLATNIK. Will the gentleman yield?

Mr. GRAY. Of course I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. I appreciate the very generous and certainly thoughtful comments and references to the chairman of the committee.

I would like to make a comment about the work of the subcommittee chairman, Mr. GRAY, and the cooperation received from the minority side in toto and the excellent staff work that has been done there.

Let me say each one of these projects represented a crying need in a given area. Yet it would seem that each one of these projects has some element of justifiable and understandable difference of opinion or judgment in it which could lead to divisiveness. It could either be so because the needs of the local community were opposed to the needs of a State agency or because of a conflict between one or more Federal agencies or because there was a difference of opinion between the members of the subcommittee. Each one of these projects was systematically, patiently, and considerately considered, and each problem was constructively worked out.

I want to commend the chairman of the subcommittee and all of the members of the subcommittee and the staff for the thorough and responsible manner in which they worked out this piece of legislation. It enables us to come out with a good solution to meet the needs of many areas.

I urge that the bill be approved by this full body as presented.

I yield back the balance of my time.

Mr. McMILLAN. Mr. Chairman, I rise in support of the pending bill and would like to state that in my opinion, it is one of the most important bills that has been considered in the Congress since the Christmas holidays.

I am certain the chairman of the Appropriations Committee and the chairman of the Independent Offices Subcommittee of Appropriations will remember that in 1968, approximately $5 million was allocated for a Federal building in my hometown of Florence, S.C. The General Services Administration, the Post Office Department officials, and the U.S. district judges in South Carolina had decided on the type Federal building they wanted at Florence. The Congress passed the bill and the President added his signature; however, after the Federal Government had the plans for the new building drawn up, and the structures cleared from the lot which had been purchased for the new building, the President issued a freeze on all Federal buildings that had not actually begun.

I am delighted that the Public Works Committee has authorized this building in the pending bill and I hope the Members of Congress will understand just how badly we need this building since there are approximately 200 postal employees working in a temporary, abandoned, automobile salesroom. There are also approximately 75 social security employees in addition to the Labor Department inspectors and FBI agents who are waiting to use this new building. The court officials tell me that they are in dire need of a new courtroom as the one in the old building is completely outmoded.

I sincerely hope the Members of Congress will understand that this is, in my opinion, emergency legislation which should be enacted into law without further delay.

Mr. MIZELL. Mr. Chairman, I want to express my strong support for this legislation to provide for financing the acquisition, construction, alteration, maintenance operation, and protection of public buildings.

This legislation, which was reported out of the Public Works Subcommittee on Public Buildings and Grounds, of which I am a member, is a badly needed bill and a very sensible one as well.

Under provisions of this legislation, the Federal Government could authorize construction of Federal buildings by private contractors, and then lease the buildings for a specified period, with the rent payments being applied toward final purchase of the buildings by the Government.

When the lease expires, the Government assumes full ownership, but, until that date, the property and the building would be subject to local taxation.

There are currently 63 Federal building projects throughout the country which have been delayed for lack of Government funds. The General Services Administration is now required to provide direct Federal funding for new construction projects. The lack of sufficient funds has resulted in an estimated 10-year backlog of projects.

Of particular interest to the people of North Carolina's Fifth Congressional District, which I represent, is the effect this legislation would have on a proposed new Federal building to be constructed in Winston-Salem.

The Winston-Salem project was approved for construction 3 years ago, but progress beyond the designing stage has been stalled because of insufficient Federal funds. Estimated construction cost for the 287,000-square-foot building is $12.1 million.

The legislation we offer today will significantly accelerate work on the proposed Federal building in Winston-Salem, possibly pushing the completion date up by 10 years, and permitting similar accelerated construction schedules for other projects throughout the Nation.

I strongly recommend that my colleagues join me in voting for passage of this legislation.

Mr. HARSHA. Mr. Chairman, I have no further requests for time.

Mr. GRAY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. In accordance with the rule, the committee amendment in the nature of a substitute printed in the bill will be read by the Clerk as an original bill for the purpose of amendment.

Mr. GRAY. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Chairman, I would suggest to the gentleman that the bill be read by sections. This would require some eight unanimous-consent requests for the reading of the sections, and I realize this.

Mr. GRAY. Mr. Chairman, I withdraw my unanimous-consent request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Amendments of 1972".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.). is amended as follows:

(1) strike out in subsection (b) of section 4 the figure "$200,000" and insert the figure "$500,000" in lieu thereof;

(2) strike out in subsection (a) of section 12 the following: "as he determines necessary,";

(3) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design."; and

(4) section 7 is amended to read as follows:

"SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriation shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

"(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act;

"(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

"(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

"(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

"(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made."

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 2? If not, the Clerk will read.

The Clerk read as follows:

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

"(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section, and proceeds with respect to building sites, plans, and specifications authorized to be sold pursuant to subsection (h) of this section.

"(C) Receipts for carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, District of Columbia', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

"(5) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

Mr. GROSS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed to section 3?

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I take this time to ask the gentleman from Illinois, or some other member of the committee, what is proposed to be done specifically in this bill with respect to a sports center in the District of Columbia?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Illinois.

Mr. GRAY. I would be happy and delighted to answer that question for my friend.

If you will refer to page 30 of the report, you will find a listing of all of the buildings authorized by line item in this bill. Then if you will refer to——

Mr. GROSS. Where on page 30 will I find them?

Mr. GRAY. If the gentleman will bear with me, I shall be glad to answer his question. I know this is an important matter.

Mr. HARSHA. Mr. Chairman, will the gentleman yield to me?

Mr. GROSS. Yes; I yield to the gentleman from Ohio.

Mr. HARSHA. There is nothing contained in the provisions of this bill that actually authorizes a building known as a sports arena or convention center.

Under the purchase contract authority, conceivably such a building could be built. However, first, it would have to meet certain requirements; that is, the President of the United States would have to declare that that building is a public building. Second, he would have to come before the House and Senate Public Works Committees and have the prospectus approved by those committees for the construction of the building.

Mr. GROSS. The President would have to come before the committee?

Mr. HARSHA. No.

Mr. GROSS. Who would come before the committee?

Mr. HARSHA. Representatives of the General Services Administration would come before the committee after the President made a finding that that was a public building and in the public interest. Then, there would be an amendment offered—and if it is not offered by anyone else, I shall offer it—that no building under this purchase contract authority can be approved until it, first, has been approved by both the Senate and House Appropriation Committees. So, you would have to get the authorization from the Senate and House Public Works Committees and then you would have to get the funding by resolution from the House and Senate Appropriation Committees. So, there would be three steps that would have to be followed in order to build such a building.

Mr. GROSS. In the matter of the construction of public buildings the gentleman's amendment would make a lot of sense and restore some degree of responsibility to the Congress that it has not had in the matter of authorizing buildings. Here, today, we are asked to vote for 63 buildings.

What do we know about the need and the necessity for them? They do not have to be justified on an individual basis. Complete authority has been delegated to this committee.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. In just a minute.

And as was explained to me earlier in the day in the matter of the 63 buildings, the Committee on Appropriations will look these things over. And then I heard from a veteran member of the Committee on Appropriations, who said, "We have already taken care of the funds for these buildings. You can start shoveling dirt almost the minute this bill passes, because we have already given our blessing to these 63 buildings."

Now I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, first, if I could, I now have the precise language, and I will read it to the gentleman, concerning the sports arena and convention center.

On page 18 of the report it says:

> Except for previously approved prospectuses—

Meaning these 63 buildings—

> referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 8 of this Act.

So, I want to lay this perfectly clearly on the table where you can all see it; that, as far as the building of the sports arena and convention center, there is nothing in this bill to build the sports arena and convention center.

Mr. GROSS. We have been duped around here all too often with regard to the stadium and the so-called cultural center. We were told we were through financing that thing, and the gentleman must admit——

Mr. GRAY. If the gentleman will yield further, we are through financing it.

Mr. GROSS. What do you mean we are through financing it? You have $1.5 million for it in this bill.

Mr. GRAY. For security.

Mr. GROSS. We have been told that before; that we had appropriated the last of the money for the Kennedy Cultural Center.

Mr. GRAY. For the construction. There is nothing in here for the further construction of the Kennedy Center, and there is nothing in this bill for the performing arts function of the Cultural Center. But if you go down to the George Washington Monument you can see that that facility was started, and it went up about 50 feet, and then for 60 years it was allowed to lie dormant. Finally Congress had to go in and finish it. You can see that that is so because of the different color in the stonework, and we have continued to maintain the security of that monument, and that is all we are doing to the monument for our deceased President, is to maintain the monument.

Mr. GROSS. Let me tell you something else about the Washington Monument. It took about 40 years to complete it. That was back in the days when they gave consideration to balanced budgets, and had some consideration for financial sanity in the Federal Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. In just a minute. Yes, it took about 40 years to finish the monument to George Washington, and yet today it has to be instant salvation—we have to have these 63 buildings right now to take care of two things, more bureaucrats and forced-draft spending for employment. That is the story. Instead of doing what we ought to do, and that is to cut down on this bureaucracy so that we do not have to go out and put up 63 more buildings. Instead of doing the things that are sane and right and reasonable, we are going to spend money that we do not have for 63 more buildings.

Mr. GRAY. If the gentleman will yield further, I just want to say that when we wrote this bill we had the distinguished gentleman from Iowa in mind.

Mr. GROSS. If you really had me in mind you would not have put $1.5 million in this bill for that cultural palace in Foggy Bottom.

Mr. GRAY. I am talking about the general provisions of the bill. That amendment was added afterwards, but in the bill itself we did have the gentleman from Iowa in mind. Because this was tightening up of our procedure. But if the gentleman wants to know where the money is coming from, it is out of the money that we are now paying in rents. We think it is time that we should stop paying rents, and build some government-owned buildings so we will save money.

The gentleman from Iowa has been tremendously helpful, and I would like to see one of these buildings built in the gentleman from Iowa's district, and see the name put on it, the H. R. Gross Building.

Mr. GROSS. Just spare me that, if you will, please; just spare me in that.

Mr. JACOBS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have, of course tremendous affection for the members of the committee. But, I disagree with this bill as deeply as I can disagree with anything. There is a provision in it—you can go and get your chart out—yes, young lady, get the chart out and show them that in Indianapolis, Ind., there is a new Federal building proposed. But save the time of telling me about it because I already know it. I want the building. But I do not want Indianapolis Federal taxpayers to have to pay for it three or four times.

I would like to have it built with some kind of what they used to call fiscal responsibility.

It has already been acknowledged here by one Member that direct financing is the less expensive way to build. But we cannot afford to do that—there is too big a deficit in the Federal budget.

That is the same kind of shape that a bum is in when he goes to a bank to borrow money and they tell him—"You already owe us $40 billion—we are not going to lend you any money." So he goes out in the street and deals with sharpies. "How much interest?" "Oh, 25 percent or 30 percent—do not worry about it. Someone else will pay it off anyway. You can pay 25-percent or 30-percent interest and we will let you have $5 to go out and eat and have a good time this afternoon."

Well, I dub this approach in this bill a "hide the deficit bill." What you are going to do under this bill is take borrowed money and use it to pay rent to private contractors who borrowed money and put that borrowing in the structure of the rent that they charge.

So what you end up doing is borrowing twice and paying interest twice.

We have a truth-in-lending law. Why do we not have a truth-in-borrowing law for the American people and make it apply to the Congress and make it apply to the Federal Government? Under this bill which pretends we are not borrowing to put up the buildings, we end up borrowing more and paying more in interest.

What happens after these private people put up the building and each agency pays its own rent? We stop paying rent to the private facilities in the community that we are occupying now. The only thing I can tell you is, that in connection with this new library over here, the Manson Library, they are paying $3 million rent now around town to private places, and the interest on the bonds or the interest on the money borrowed to put up that building is going to be $5 million a year. That is how you save the taxpayers' money. It is costing them a net increase of $2 million per year. And "them" includes Americans yet unborn.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. GROSS. The gentleman is exactly right. The lease-purchase building arrangement certainly passes on to the generation to come the mortgage debt for these buildings. That is what we are doing; handing on to the children of today and tomorrow the obligations this Government ought to assume today.

Mr. JACOBS. Yes.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman.

Mr. GRAY. I know that the gentleman is honest and sincere and I have great respect for him. But let us look at the hard, cold facts of this proposed Federal building in Indianapolis, Ind.

Mr. JACOBS. That is what I was hoping you would do.

Mr. GRAY. Would the gentleman advocate that we eliminate the Federal Social Security Administration and the Department of Agriculture and the Department of the Interior and all of the other agencies in Indianapolis?

Mr. JACOBS. That is irrelevant to what I am talking about. What I am talking about is that if there are needs in this country, I am talking about meeting them responsibly.

Mr. GRAY. All right. I asked the gentleman a question—Do you see any possibility of eliminating them?

Mr. JACOBS. Why do not you ask me what I am going to have for dinner tonight? It is irrelevant. Of course, I do not advocate the elimination of legitimate needs of government in this country.

Mr. GRAY. That is the first part of the question and if the gentleman will yield further, I will answer the question propounded by him.

Mr. JACOBS. I yield further to the gentleman.

Mr. GRAY. This method is not going to cost the taxpayers more money. No. 1, we approved that building for your city in 1964, 8 years ago. There has been a 10-percent, and in some cases a 12-percent, escalation cost per year. That building now is going to cost the taxpayers double.

You will not have to pay an entrepreneur 100-percent interest when you borrow from him. If you wait any longer it will cost your taxpayers much more than the method provided in this bill.

By waiting the taxpayers of Indianapolis have already paid twice for that building and they still do not have it. That is being pennywise and dollar foolish. Every year that these 63 projects remain on the shelf results in another $100 million extra cost to the taxpayers. So we either eliminate the need for the buildings or we build them now.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. JACOBS was allowed to proceed for 5 additional minutes.)

Mr. JACOBS. I thank the gentleman for what he said just now, for it leads me into my next point: The escalation in the cost of building in Indianapolis. That is precisely why the building was not put up in 1965. The war in Vietnam was escalated, and $30 billion was piled on top of the Federal budget without a penny of additional tax being secured or any fiscal responsibility shown—$30 billion was piled on top of the Federal budget with no additional taxes at all. After all, we were on a holy crusade and the Lord would provide us with some sort of alchemy through which we would produce that $30 billion. We would not have to tax for it.

I remember my father said at the time that if they raised the taxes to pay for this venture in the quicksands of Asia, the war in Vietnam, it would stop two things: It would stop the inflation and it would stop the intervention.

Now, there are direct funds available to back up the Penn Central loan and the Lockheed business. There are plenty of direct funds to pay wealthy farmers not to farm. And I have filed a discharge petition here to get rid of the "big shot" limousines the Federal Government pays for. Why, you cannot even walk across the street around the Capitol Building because chauffeurs with their fancy uniforms are leaning up against these limousines after hauling bureaucrats down here to tell us how to run the Government.

There are two signatures on that discharge petition, that of the gentleman from California (Mr. ROUSSELOT) and the gentleman from Indiana (Mr. JACOBS). That is an interesting combination. There are direct funds available for that purpose, but there are no direct funds available for buildings that the gentleman says we need, and in effect must borrow two or three times to buy.

I say again, and I emphasize it: You are passing here a new scheme to hide the deficit, to borrow money twice, to pay two interest rates on it, and to allow the fellow who puts up the building to use a little thing called depreciation that puts him on easy street for the rest of his life, and maybe for his descendants, too. So some descendants are getting something out of this.

Mr. Chairman, I should like to mention the pork barrel end of the proposal. Wonderful. Why, if you talk against this approach, we will go out and tell them you are against a new Federal building.

Go ahead and tell them. It is not true. I am in favor of a Federal building of some kind—with fiscal responsibility. Tell the American people how you are going to give them something they need. But remember that line in the show tune that "If you can give the baby a locket from her daddy's pocket you are a natural in politics."

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. GRAY. I am sure the gentleman would not want to leave the impression that the Congress is losing control and that there will be clever manipulations downtown in this program.

Mr. JACOBS. What do you mean? I just spent 8 minutes trying to leave that impression. I am not implying it; I am saying it directly.

Mr. GRAY. Then the gentleman does not understand the bill. The bill charges Federal agencies in your city for using space, and puts the money into a revolving fund. That revolving fund is spent through the actions of the House and the Senate Committees on Appropriation, and if they approve it, as we approve direct appropriations, the money goes to pay the developer of the building. Tell me where there are any hidden charges.

Mr. JACOBS. That revolving fund is being held at the head of every taxpayer and his descendants in this country. That is where the hidden charges are. If you want to find another place where they are trying to do something about inflation I suggest that you will find that by going to a grocery store; they do not even wait until the new stock comes in. They put higher price tags on top of the price tags. They change the prices before they even sell their existing stock. If you do not believe that, go and find out.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Ohio.

Mr. HARSHA. You talk about irrelevant arguments. The gentleman is now stating an irrelevancy.

Mr. JACOBS. Does the gentleman think the actions of the Federal Government in this particular instance are irrelevant to the inflation that is killing this country?

Mr. HARSHA. If the gentleman wants a compromise, we will accommodate him. The Indianapolis building is included at $28 million. We will take it out of there.

Mr. JACOBS. Oh, sure, so your farm subsidies can take its place and your limousines can take its place. Throw out the waste in the budget and you can build the Indianapolis facility and still give the American public a tax cut.

I yield back the balance of my time.

Mr. HARSHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me point out here that if we went the direct appropriation route, this $760 million would be added to the national deficit. Recently the Federal Government borrowed money to take care of the burden of the interest rate and other operating costs on long-term notes, and it paid 5.9 percent interest. So any addition to that national deficit—and the addition of $760 million, if we went the direct appropriations route, at an interest rate of 5.9 percent, would be to add to that deficit until such time as the national deficit is paid off—and apparently it will not be paid off.

So we are not going out and incurring a great deal of hidden charges. Rather, in the most expeditious way and at the least expense to the Government, we are trying to get Government facilities for needed services which people are demanding, which we are not able to provide under the direct appropriation process. It will cost us only the differential between what we have to pay to borrow money at 5.9 percent and what we are going to have to pay for these purchase contracts. It has been estimated at 7.5 percent. So the true differential in cost that is going to have to be assumed by the taxpayers is the difference between 7.5 percent and 5.9 percent.

In addition to that, we can conservatively suggest to the House that by this consolidation of office space throughout the Government, we will save millions of dollars annually. If each agency is charged with the responsibility of financing, funding and defending its budget requests for space before the Appropriations Committee, it will be inclined to conserve space, and that conservation of space will save dollars for the American taxpayer.

In addition to that, the space we are presently renting all over the United States to provide adequate space for Federal agencies, will no longer be needed. We will no longer have to pay for the cost of that space. In addition, the consolidation of agencies into one building will save a great deal of time and lost effort of people going to and from the various buildings and the cost of the transportation of those individuals. That will result in more efficient and effective service to the taxpayer.

So, in the final analysis, this process will in effect save money for the taxpayers, contrary to what the gentleman asserts.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I will say to my friend, the gentleman from Ohio, that the construction startup costs of a billion dollars in this bill will have to come from somewhere. Does not the gentleman think we ought to reserve something for the day of financial collapse in this country, because it is inevitable the way we are going?

Mr. HARSHA. The startup costs will not be a billion dollars to the Federal Government. It will be considerably less. In the committee's report we showed the startup costs and continuation costs for a number of years.

I would hope the gentleman will still feel we will have a balanced budget at some time.

Mr. GROSS. Not with bills such as this will we have balanced budgets.

Mr. HARSHA. I would hazard the observation that if the gentleman continues his fine work of watchdogging the Treasury, we will have a balanced budget.

Mr. GROSS. Thank you.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding two new subsections reading as follows:

"(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator and the Director of the Office of Management and Budget. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments to be proposed? If not, the Clerk will read.

The Clerk read as follows:

SEC. 5 (a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Funds available on the date of enactment of this subsection for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the contruction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 7 of the Public Buildings Act of 1959, as amended, and each such prospectus shall be limited to public buildings generally suitable for office or storage space or both and any other type of public building that is specifically approved by resolution adopted by the Committee on Public Works of the Senate and the House of Representatives for a purchase contract under this section.

(g) No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. STEED

Mr. STEED. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEED: Page 24, after line 13, insert the following:

"(h) No purchase contract shall be entered into under this section until it has been authorized by resolutions adopted by the Committees on Appropriations of the Senate and House of Representatives, respectively."

Mr. STEED. Mr. Chairman, the reason why I offer this amendment is that I believe it is an improvement in the bill and it answers some of the concern which some of the Members have had.

I believe it is fair to point out that there are several stages we go through in the process of construction of Federal buildings. Since our subcommittee is deeply involved in this whole process, it is important that we have this amendment to keep this whole program in an orderly balance.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Ohio.

Mr. BOW. I should like to say to the gentleman that I wholeheartedly support the amendment he has offered. I believe it is a great improvement in the bill and will give us some oversight in the Appropriations Committee.

Mr. STEED. I thank the gentleman.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Illinois.

Mr. GRAY. Certainly the Committee on Public Works wants to continue its cooperation with the Appropriations Committee on the funding of public buildings. This is one additional oversight provision the Appropriations Committee would have, and we on this side are prepared to accept the gentleman's amendment.

Mr. STEED. I thank the gentleman.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. STEED. I yield to the gentleman from Ohio.

Mr. HARSHA. I thank the gentleman for yielding. This is precisely the amendment I had at the desk, and I believe it more properly comes from the distinguished chairman of the subcommittee of the Appropriations Committee. I believe it is proper to include oversight for the Appropriations Committee, and we are happy to accept it on this side of the aisle.

Mr. STEED. I thank the gentleman.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. STEED. I am happy to yield to the gentleman from Texas.

Mr. WRIGHT. As I heard the gentleman's amendment read, I believe it did not have the same caveat that applies in subsection (f) with respect to Public Works Committee approvals, wherein it says:

> Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into.

I wonder if the gentleman would agree to that same sort of arrangement with regard to his committee?

Mr. STEED. As I understand it, the gentleman's committee has to act first. They work up a project, and then they bring it to us in final form and we have to act on it. This keeps it in balance with other work in this field our committee has to do.

I believe there would be no delay in the program, and that this ought to be approved.

I shall call attention to the fact that in our bill our subcommittee handles we are charged with the responsibility of enabling the General Services Administration to provide space throughout the country which the Government has to have to carry on its work. Our rent account is quite heavy. It is nearing the half-billion dollar mark. A large part of that rent account is dedicated to getting space in these areas where these buildings are so badly needed. There is a very high criteria on the justification for erecting Federal buildings.

This bill provides a new tool, added to what we have already, to proceed to get the Government in the most economical housing possible to be provided. With this amendment in here I believe any objection I would have to the bill would be eliminated, and I would support the bill wholeheartedly.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield further?

Mr. STEED. I yield further.

Mr. WRIGHT. In order to achieve an understanding between the two committees, I believe the gentleman's amendment by its terms would require these projects already authorized by the Public Works Committee to come to the Appropriations Committee before they could be constructed, for specific authorizing resolutions from the Appropriations Committee. I assume that the gentleman from Oklahoma would be in a position to say that the Appropriations Committee would expect to act with some expedition upon those already approved projects which have been waiting so long.

Mr. STEED. Of course, as the gentleman knows, under the old system the Public Works Committee had to authorize prospectuses before we had any authority over it anyway. Having the rent account and being under this pressure, I can assure the gentleman that my subcommittee is more concerned about getting adequate space for Government agencies, perhaps, than even his committee, because this is something we live with, and it is getting to be a very sizable burden, and we know a large part of this rent is money that ought to be going into paying for these buildings.

Mr. WRIGHT. I thank the gentleman for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. STEED).

The amendment was agreed to.

Mr. VAN DEERLIN. I move to strike the last word, Mr. Chairman.

Mr. Chairman, I take this time to address a request to the chairman of the subcommittee in regard to a problem that our judges have encountered out in San Diego.

San Diego, as you know, Mr. Chairman, is using a Federal building that was built a year before I was born, which gives you an idea of how very old and used up it is at this point. We enjoy high priority for a new building under the terms of this legislation. As a matter of fact, the last 2 years have been spent by a leading firm of San Diego architects, preparing plans for a $43 million building in which to house the courthouse complex and some 44 Federal agencies at San Diego.

After completion of these plans, Mr. Chairman, the National Judicial Conference ordered a new size courtroom to be the standard courtroom throughout the United States—a smaller, semidepressed courtroom of a size 28 by 40 feet. Completed plans in San Diego provide courtrooms 48 by 40 feet.

The ordered change is going to require redesigning the building—which the architects say must be done with so fundamental a change. This will result in a delay of at least 6 months. That redesign will increase the cost of the building by the amount of architects' fees in a sum of approximately $200,000.

The five judges of our Southern District Court in California—one Democrat, the presiding judge, and four Republican appointees—all feel strongly about this matter. They told me if they are compelled to take these new, smaller courtrooms, they would prefer to stay right where they are in the old, dilapidated courthouse on F Street.

It seems to me that this could be a very embarrassing thing to the Congress, and to me personally, as well as to the GSA and the National Judicial Conference.

May I inquire of the subcommittee chairman what advice we can give in this regard?

Mr. GRAY. Will the gentleman yield to me?

Mr. VAN DEERLIN. Of course.

Mr. GRAY. I say to my good friend from California that this is a problem attendant on almost all of these buildings where it is a combination Federal building including the courts. Baltimore, Md., is one, and I could name many others in the different cities that have this same problem.

We have authorized a larger building, to which the gentleman alluded, but the Judicial Conference met at the request of Chief Justice Burger, and for some reason they asked them to consider requesting the GSA to have a smaller court facility.

My own personal opinion is that this is a case of being penny wise and dollar foolish and that it will cost a lot more money to redraw these plans and come up with this smaller size than it would be to go ahead and build the larger courtroom in the first place. As the judges point out, they need the larger space. Many of the trials are of national interest, and they need a larger courtroom to hold them.

Mr. VAN DEERLIN. We have many multiple-defendant cases because of our proximity to the international border with its immigration and narcotics problems.

Mr. GRAY. But in direct answer to your question, the project as presently authorized could be built exactly as the judges want it. The judges should work on the Judicial Conference and get them to request the GSA not to scale down the size because it requires no further legislative action in this bill to build the larger courtroom. So the problem is with the Judicial Conference and the administrative office of the courts, because I understand GSA, being the so-called real estate agent for the Government, only builds space at the request of an agency, in this case the judiciary. So it is the judiciary itself that has asked that it be cut down. We are powerless to say here that you should build the bigger one. The problem rests with the judiciary.

I will be delighted to hold hearings and bring in the people from the General Services Administration as well as the people from the Judicial Conference, if the gentleman requested it, but I think time is of the essence and feel that the judges should be doing their homework on the Judicial Conference.

Mr. VAN DEERLIN. Does the gentleman not agree that the interest of the local community in this matter is very important, and in line with the sentiments expressed by the President in his state of the Union message last year? Mr. Nixon emphasized that, where possible and appropriate, we should leave decisionmaking to people at the local level.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. VAN DEERLIN was allowed to proceed for 1 additional minute.)

Mr. GRAY. Mr. Chairman, if the gentleman will yield, the answer is "Yes." I agree with the gentleman implicitly, but I was trying to get the mechanics of the problem of the Judiciary asking the GSA to go ahead with the building plans as authorized in the bill.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I am glad that the gentleman from California has brought this problem up because in Honolulu we are suffering from the same bungling. Plans for our new Federal building had been drawn up and construction ready to begin, pending appropriation of necessary funds. Suddenly the postal department altered its plans and the entire building plans had to be redrawn at more expense to the taxpayer. When the new plans had been drawn and approved, and construction once again ready to commence, pending the appropriation of funds, comes now the Judicial Conference, with its recommendation for a decrease in the size of the courtrooms presumably for economy reasons, and threatens to require the redrawing of plans again, at even greater cost to the taxpayer.

The city of Honolulu, with its ill-housed Federal courts and agencies is in dire need of a new Federal building. Further delays in its construction can only mean higher costs. Plans which have been drawn and approved should be allowed to proceed without alteration.

If the chairman of the subcommittee will lend his ear, I would like to say that as a representative of one of the cities being affected, I join with the gentleman from California in begging him, if begging there must be, to exert the influence of his office, as chairman of the Subcommittee on Public Buildings, to cut out the foolishness of costly replanning and delays.

Mr. VAN DEERLIN. I thank the gentleman.

Mr. GRAY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say to my distinguished friend from Hawaii that he never has to beg me for anything. We will hold a hearing and try to help all of the cities to correct similar situations as exists in Honolulu.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 6. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is further amended by renumbering section 210(h) (2) as section 210(h)(3), and adding a new paragraph (2) immediately after section 210(h)(1), as follows:

"(2) In the case of lease agreements providing for the erection by the lessor of buildings and improvements for the use of the United States, the Administrator may enter into any such lease for a period not to exceed thirty years and make the property of the United States to be used as a site for a public building (as defined in section 14(1) of the Public Buildings Act of 1959, as amended) available by sale to the lessor in such manner and upon such terms as the Administrator deems appropriate to the best interest of the United States, together with such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under the authority of this section 210(h) without further approval, and the prospectuses submited to obtain such approval shall, for all purposes, be considered as prospectuses for the lease construction of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost exclusive of financing or other costs attributable to the use of the method of construction authorized by this section. In order to utilize the authority granted under this paragraph (2) with respect to such previously approved projects, the Administrator must find that direct Federal construction and a purchase contract as provided for in section 5 of the Public Buildings Amendments of 1972 is not a feasible means of providing the required space. Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483 and 484), shall not be applicable to property made available under this subsection. The authority granted under this paragraph (2) shall be in effect for a period of three full fiscal years from enactment and not thereafter."

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 6 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. HARSHA

Mr. HARSHA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Harsha: On page 24, strike out line 14 and all that follows down through and including line 2 on page 26. Renumber succeeding sections accordingly.

Mr. HARSHA. Mr. Chairman, this is a very simple amendment. It strikes out section 6. That section authorizes GSA to go out and lease public buildings for periods of occupancy up to 30 years.

My objection to this section is that at the end of the lease term, after paying this lease fee, the entrepreneur or private developers will still own the building. In other words, the Federal Government is not obtaining any equity in the building during this 30-year period.

I would hope that the chairman would accept this amendment. It think it tightens up the bill and strengthens it considerably and strengthens congressional oversight on the balance of the bill.

Mr. Chairman, if I might have the attention of the chairman of the subcommittee, the gentleman from Illinois (Mr. Gray), I would like to ask the gentleman if he is willing to accept the amendment.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I would be delighted to accept the amendment on this side

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Harsha).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 7. (a) The following real property, and any improvements located thereon, when no longer required for occupancy by the United States Postal Service, shall be transferred, without cost, to the General Services Administration for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended:

(1) Post Office—South Main and East Port Street, Saint Martinville, Louisiana.

(2) Post Office—1210 Park Street, Commerce, Texas.

(3) Post Office—34 West Street, Keene, New Hampshire.

(4) Post Office—230 W. Main Street, Ville Platte, Louisiana.

(5) Post Office—400 South Olive Avenue, West Palm Beach, Florida.

(6) Post Office—53 W. Fourth Street, Mansfield, Ohio.

(7) Post Office—114 N. Loraine Street, Midland, Texas.

(8) Post Office—Court House—East Ford Street, Augusta, Georgia.

(b) The provisions of section 204(c) of the Federal Property and Administrative Services Act of 1949 shall not preclude disposition of the properties referred to in subsection (a) at less than their estimated fair market value.

(c) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, and in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west, Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 308 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,100 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

(d) The Postmaster General of the United States Postal Service shall convey to the city of New York, New York, all right, title, and interest of the United States and such Postal Service, in and to the real property (including all improvements thereon) generally referred to as the Morgan Annex, one block square between Ninth and Tenth Avenues, and Twenty-eighth and Twenty-ninth Streets, New York, New York. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for publicly assisted housing and related purposes, and if it ever ceases to be used for such purposes, title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 7 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cleveland: Page 26, line 3, after "Sec. 7." strike subsections (a) and (b) through and including line 4 on page 27.

Renumber succeeding subsections accordingly.

Mr. CLEVELAND. Mr. Chairman, I offer an amendment to H.R. 10488, as reported which would strike from the bill language which is no longer necessary. The subsections I propose to strike calls for a transfer of excess Postal Service properties to the GSA for disposal pursuant to the Federal Property and Administrative Services Act of 1949, as amended.

Late last year, when the committee was considering this bill, I brought to the committee's attention what I considered to be a very inequitable situation. Through its Reorganization Act, the Postal Service had become a Government corporation and had already gained in the transfer, totally without cost, some

1,200 buildings from GSA. In addition to these buildings, new ones were under construction by GSA which were designed to replace some of the older buildings of the 1,200 transferred. Further, the Postal Service was to receive these new buildings at no cost, all the while retaining the buildings which were programmed to be replaced. Such buildings could then have been sold to the highest bidder with all proceeds going to the Postal Service.

This represented to me a windfall to the Postal Service at the taxpayers' expense and one which was not intended under the Reorganization Act. I was particularly concerned about this practice since one community in my own district, long desirous of obtaining for school or library purposes a postal building about to be abandoned for new quarters, suddenly found they were no longer dealing with GSA, but with a government corporation more concerned with the sound management of assets than disposition of some Government property which had been paid for by the taxpayer in the first place.

A survey of similar new postal buildings underway produced those you find in section 7(a) of the bill before you. I introduced legislation to correct this inequity and the committee modified and adopted it.

Subsequently, the Postal Service saw the light and agreed with my position and administratively offered these buildings to GSA, who in turn accepted, for disposal as surplus under the Federal Property and Administrative Services Act of 1949, as amended. With the administrative transfer of these buildings, sections 7 (a) and (b) of this bill become unnecessary and so I offer an amendment to strike them.

By consent obtained after we have returned to full session of the House, I offer correspondence between the Postal Service and the General Services Administration in support of the fact that these subsections are no longer needed.

(The material referred to follows:)

BUILDINGS DESCRIBED IN H.R. 10488 AS REPORTED

Bill identity and location	Estimated cost	Status of new building		Notes
		Under construction	Funded, contract to be awarded	
(1) Saint Martinville, La	(1)		?	
(2) Commerce, Tex	(2)			Occupied.
(3) Keene, N.H	$1,600,000	X		Open May 1972.
(4) Ville Platte, La	408,000			Now occupied.
(5) West Palm Beach, Fla	8,400,000	X		Open July 1972.
(6) Mansfield, Ohio	7,300,000	X		Open December 1972.
(7) Midland, Tex	4,800,000	X		Open August 1973.
(8) Augusta, Ga	5,000,000		X	?

[1] Will be acquired by Post Office, and constructed by Corps of Engineers.

[2] Acquired by Post Office, and constructed by Corps of Engineers.

Senior Assistant Postmaster
General,
Mail Processing Group,
Washington, D.C., November 8, 1972.
Hon. Robert L. Kunzig,
Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kunzig: Some of the buildings transferred to the Postal Service on July 1, 1971 had been programmed, since before enactment of the Postal Reorganization Act, for donation upon completion of planned and approved new multi-occupancy Federal office buildings and Post Office buildings for use in the States wherein they are located for purposes of education, public health, park and recreation, historic monument, or other purposes, pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended, and related statutes. Such buildings were not required by the Postal Service except as temporary quarters pending completion and occupancy of planned new space. In addition, the Postal Service has a postal facility site which has become excess to the Postal Service needs due to the acquisition of a preferable site.

Accordingly, the Postal Service has determined that the following properties are excess to the needs of the Postal Service:

Carbondale, Illinois, postal facility site, Northeast corner of Old West Main Street and Glenview Drive, Carbondale, Illinois, consisting of approximately 191,900 square feet.

Commerce, Texas, Post Office, 1210 Park Street, Commerce, Texas.

Keene, New Hampshire, Post Office, 34 West Street, Keene, New Hampshire.

Mansfield, Ohio, Post Office, 53 West Fourth Street, Mansfield, Ohio.

Midland, Texas, Post Office, 114 North Loraine Street, Midland, Texas.

Saint Martinville, Louisiana, Post Office, South Main and East Port Street, Saint Martinville, Louisiana.

Ville Platte, Louisiana, Post Office, 230 West Main Street, Ville Platte, Louisiana.

West Palm Beach, Florida, Post Office, 400 South Olive Avenue, West Palm Beach, Florida.

These properties are hereby offered for immediate transfer to the General Services Administration for disposal as surplus property in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 and related statutes. General Services Administration agrees to permit the Postal Service to continue to occupy the space the Postal Service presently occupies in each building until such time as the Postal Service moves into replacement space in each respective location. The Postal Service shall bear all costs and expenses of these properties so long as they are occupied by the Postal Service. The General Services Administration further agrees to return to the Postal Service the net proceeds, if any, received from the disposal of these properties.

If this transfer is acceptable to you, please so indicate by signing at the foot of this letter.

Respectfully,

H. F. Faught.

Accepted:

Robert L. Kunzig,
Administrator, General Services Administration.

Senior Assistant Postmaster
General, Mail Processing Group,
Washington, D.C., November 8, 1971.
Hon. Robert L. Kunzig,
Administrator, General Services Administration, Washington, D.C.

Dear Mr. Kunzig: This refers to your October 28 letter to Mr. Blount concerning the Postal Service's request for the transfer to the Postal Service, without reimbursement, of a portion of the Federal Center in Bell, California, and also to the several earlier letters written to the Postal Service by the Public Buildings Service requesting the transfer to GSA, without reimbursement, of buildings destined to be vacated by the Postal Service upon completion of new postal facilities in specified locations.

In your October 28 letter, you indicated that you would recommend the reimbursement-free transfer of the Bell property to the Postal Service if a mutual understanding were reached that, in return for transfer of the Bell property, the Postal Service would transfer to GSA excess properties in the Postal Service inventory which would be equal in value to that of the Bell property. You stated that GSA has continuing needs for these properties, either for dirct assignment to Federal agencies or as a medium of exchange for other properties.

The Postal Service has determined that the following properties are excess to the needs of the Postal Service:

Augusta, Georgia, Post Office—court House, East Ford Street, Augusta, Georgia.

Miami, Florida, Post Office—Court House, 300 N.E. First Avenue, Miami, Florida.

Rock Hill, South Carolina, Post Office—Customs House, 201 East Main Street, Rock Hill, South Carolina.

These properties are hereby offered for immediate transfer to the General Services Administration. The General Services Administration agrees to permit the Postal Service to continue to occupy the space the Postal Service presently occupies in each building until such time as the Postal Service moves into replacement space in each respective location. The Postal Service shall bear all costs and expenses of these properties so long as they are occupied by the Postal Service. The General Services Administration further agrees to recommend to the Office of Management and Budget that the appraised fair market value at the time of transfer of the properties transferred pursuant to this agreement be allowed as a credit to the Postal Service against any reimbursement that may be required from the Postal Service in return for any lands or buildings transferred to the Postal Service under 39 U.S.C. § 2002(d).

If this transfer is acceptable to you, please so indicate by signing at the foot of this letter.

Respectfully,

H. F. Faught.

Accepted:

Robert L. Kunzig,
Administrator, General Services Administration.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, what we were doing legislatively here has been handled administratively, and we accept the amendment offered by the gentleman from New Hampshire (Mr. Cleveland) on this side.

Mr. CLEVELAND. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. Cleveland).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. UDALL

Mr. UDALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UDALL: On page 27, beginning with line 24, strike out all of subsection (d) of section 7 down through line 11 on page 28 and insert in lieu thereof the following:

"(d)(1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon, provided that—

"(A) The City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

"(B) The City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

"(2) If within 24 months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d)(1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, without reimbursement, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon."

Mr. UDALL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Chairman, the U.S. Postal Service owns a square block in Manhattan called the Morgan Annex site. This property was acquired in 1963 for the purpose of building a major new postal facility. There has been a good deal of controversy about the use of this site. The city of New York now wants it for a low-income public housing development.

In the bill as reported by the committee this square block of very expensive land is given to the city of New York, without any reimbursement, for use as a public housing facility.

The Postal Service still wants to build a facility on this block, and now has plans for a four-story major vehicle maintenance facility.

So that we have this conflict: The Postal Department wants to use it for postal facilities, and the committee has said to give the land to the city of New York, and have a public housing project erected.

The amendment I am offering is a compromise. It would permit the Postal Service to build on the lower four stories a major vehicle maintenance facility. But it would give air rights to the city of New York so that a high-rise public housing project could be built on top of the postal facility.

There would be no reimbursement whatever by the city of New York except that the amendment would require the city to pay the cost of the additional foundations because it would need larger and heavier foundations if the air rights were to be used for a housing facility on top of the post office facility. It is estimated the extra expense would be about $2.7 million in costs to the city of New York. Other than that, they would get for nothing these very expensive air rights for this housing project.

So, as I say, this is a compromise which would permit substantial help to the city of New York in this public housing project, and still permit the Post Office Department to build their facility on the land it now owns.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I am happy to yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, I want to commend the gentleman from Arizona for offering the amendment which, as the gentleman says, is a compromise between the two positions. I believe this is fair and reasonable both to the city of New York to meet their needs, and to protect the intent of the Congress in the creation of the Postal Service by giving them the proper ownership to all of the property, and yet at the same time accommodating the needs of the city of New York.

I am indeed happy to join with my colleague, the gentleman from Arizona, in urging support for his amendment.

Mr. UDALL. Mr. Chairman, I thank the gentleman for his remarks.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am always reluctant to oppose the ranking member of the great House Committee on Post Office and Civil Service, my friend Mr. UDALL, in offering this amendment. But if I were to coin an old phrase, I would have to say that the chickens are now coming home to roost. How many of us stood here in the well and debated against giving away congressional authority for this so-called Postal Service to run the Post Office Department as they see fit?

Let me tell you what happened in New York in the district of the gentlewomen from New York (Mrs. ABZUG). We took our subcommittee up there and held public hearings on this matter so I am completely familiar with it. What happened was the Post Office Department said to over 300 citizens in Manhattan, "We are going to displace you from your homes. We are going to get rid of 33 business establishments in order to build an annex to the Morgan Street Station project in New York City."

After putting these low-income people out of their homes—over 300 of them—and after displacing over 30 business enterprises, they then abandoned the project and went over to Secaucus, N.J.—and the gentleman from Iowa who is sitting here knows about that project. If you want to talk about boondoggling—that is it. They now have escalated that project up to approximately $200 million. They could have built a postal facility handling all foreign mail and other postal operations in New York City for about $50 million. But no—they did not want to do that. They went to New Jersey, as I said, and spent about a quarter of a billion dollars of the taxpayers' money in a swamp.

Now they want to hang on to the old site.

The committee bill before you says that since we displaced the low income people, we ought now to give them the land back for public housing. That is what the bill does.

But the amendment offered by the gentleman from Arizona says no, we do not want to do that. We want to go ahead and build another garage for the post office and then allow the public housing to be used over the air rights so they will have all the fumes coming from those trucks that will be so bad and with all the noise from the garage.

My friends, we had people testify that some of these people have been displaced in Manhattan in New York City—16 to 18 of them are living in one and two room apartments because they cannot find decent housing.

That is what we did when we gave away the congressional control of the Postal Service.

Now here I find my very good friend, the distinguished gentleman from Arizona, offering the last straw trying to break the back of the low income people in New York, and saying OK we took this away from you, but we are not going to give it back. For God's sake and for humanities' sake, I ask you to vote down this amendment. Give these low income people of New York City their land back that we took from them and which we did not use.

Mrs. ABZUG. Mr. Chairman, I move to strike the last word.

The Morgan Annex property was acquired to build the Morgan Annex Post Office nearly 9 years ago. The gentleman from Illinois (Mr. GRAY) has indicated what the extensive hearings revealed—dislocation for tenants and for businesses, and loss of income to the city of New York.

There were statements made time and time again—not only before the Committees on Public Works and Post Office, before and during the time I have been a Member of Congress—but to officials of the New York City Housing and Development Administration and the mayor of New York that this property would be declared excess as soon as the bulk mail facility had been constructed in Secaucus, N.J.

Two hundred million dollars of the taxpayers' money has been spent to build this New Jersey Post Office bulk facility. All this time, the Post Office authorities were saying that as soon as the New Jersey facility was built the Morgan Annex land, where they originally intended to have the facility, would become excess and would be returned to the city of New York as a site for much-needed housing. Before the Post Office took over this land, there was housing on it. That housing was torn down by them, and many poor and working people were compelled to relocate.

When the Post Office became an independent corporation, it decided that the Morgan Annex site was valuable land which would be able to produce a profit. So, postal officials suddenly decided that they had to park trucks there. They are asking to park trucks instead of allowing the land to be used for desperately needed housing. One thousand units of low and moderate income housing can be built on this site, but, no, the Post Office needs it to park trucks.

The Postal Service proposed a four-story VMF, two floors above ground and two below, with walls and foundations sufficiently reinforced to allow construction of 20 stories of housing above the garage. For the reinforcement, the Postal Service would require $2.7 million from the city of New York.

This proposal was met with virtually unanimous disapproval from city officials. The Economic Development Administration, the Housing and Development Administration, the City Planning Commission and the Department of Air Resources.

Senator JACOB JAVITS expressed concern and telegrams from Borough President Percy E. Sutton and from Community Planning Board No. 4, located in the Chelsea neighborhood, were also sent.

These individuals and organizations gave the following reasons for concern:

The site was promised repeatedly for housing.

The area is residential and so zoned as to forbid such a facility as the Postal Service proposes. It is, however, zoned for housing.

No explanation has been given as to why the Secaucus facility will not remove the trucks from Manhattan as promised.

Trucks of such number and size are a health and safety hazard to residents of the surrounding neighborhood.

Pollution from the trucks will severely damage air quality levels in mid-Manhattan, according to deputy director of the department of air resources of the city of New York.

Traffic patterns in the area would be disrupted and gross congestion would increase in the already crowded garment district.

In response to these objections, Senior Assistant Postmaster General H. F. Faught, testifying before the Subcommittee on Postal Facilities and Mail on February 9, 1972, declared that the promises of the Postal Services between June of 1970 and July of 1971 were "unfortunate" since they did not tally with the results of a subsequent study of Postal Service future needs. No further defense of the shattered agreements was made.

Mr. Faught further declared that the Army Corps of Engineers feasibility study of the Morgan Annex site as projected by the Postal Service—with housing over the truck facility—would deal more fully with the questions of traffic hazard and congestion, zoning, and reinforcement and insulation costs. As planned, he said, traffic danger would be reduced by provision of separate entrances for people and for trucks on opposite sides of the building.

Mr. Faught stated that in his own personal experience, the sentiment of Chelsea community residents was favorable to the proposal. This was despite the fact that community opposition to anything but housing on the site was expressed in strong terms earlier in the year in telegrams, letters, and public demonstrations at the May 14 hearing.

The most telling objection to the presence of the Postal Service at Morgan Annex, however, is that an eminently satisfactory alternative site for the needed truck facility is available nearby. It is a full block, half owned by the city and half by the Sharp Development Corp., at 30th Street and 12th Avenue. It possesses all the advantages the Postal Service cites for Morgan Annex: A lower Manhattan location, available space, and reasonable financing. In addition, the site would not interfere with existing traffic patterns, would not disrupt a residential area and would aid in revitalizing the 12th Avenue area for commerce.

However, the Post Office initially gave the Sharp site only cursory attention and dismissed it as financially unworkable on grounds a VMF there would cost $73.5 million while the same facility at the Morgan site would cost only $5.1 million—a $68 million difference. The Sharp site was not even included in the feasibility study the Postal Service commissioned from the Army Corps of Engineers.

However, a General Accounting Office report commissioned by Congresswoman ABZUG revealed that the Postal Service's cost analysis had been prepared from preliminary data in 1 day. It further showed that according to standard GAO accounting methods, the cost differential between the two sites was not $68 million but only $2.1 million.

The Sharp Development Corp., working with the New York Economic Development Administration, has since made another offer to the Postal Service that would provide the full block and would be even less costly, thus tipping the economic balance in favor of the Sharp site.

Senator JAVITS and Senator BUCKLEY, my friends on the other side of the aisle, have been working with me in proving to the Post Office that this alternate site is a place where trucks can be parked without creating traffic congestion, without creating noise pollution, without depriving people of housing.

The Sharp proposal has been drawn up by the city and includes concessions which would make it a cheaper facility than the one they now seek to build in the Morgan area. At Morgan, the Post Office would not only have to pay more but would be depriving people of decent low- and moderate-income housing.

There is no justification for the Post Office to take the Morgan Annex land for the parking of trucks when there is an alternate site available at a lower cost.

Has the Post Office something else in mind? This is a square city block which might be a very valuable piece of property and which could make it appear that the Post Office is in the black instead of in the red. Is it going to be utilized for the purpose of being sold rather than for the purpose they claim here?

There is unanimous disapproval from the people and authorities of the city of New York for the Postal Service proposal. Additionally, it seems incredible that the city is now being asked to pay $3 million for the site. That is, the Postal Service says it must have $2.7 million from the city in order to strengthen the foundations of its truck facility so that they will support housing. From the city's point of view this is the same as being asked to pay the Postal Service that money for the land. And if that were to happen, the cost of each apartment would increase by at least $3,000. That is not the land cost for low- or moderate-income housing; that much money goes for luxury housing sites. It means the city could never build low- and moderate-income housing on the facility. We have a crying need for housing in that area, and for low- and moderate-income housing especially. We have been deprived of this housing by the Post Office for no reason.

Postal authorities now tell us they must have millions of dollars in compensation for the land. First, they ignore the commitment they made to provide the land at no cost, during the time that that sort of action was commonplace. The Postal Service should have fulfilled its commitments when those commitments were made. It is unthinkable that now the city should reward them for breaking those promises. In addition, the Post Office has been incredibly compensated already by being granted the Secaucus, N.J., facility—where it has spent $200 million in public money. What has the city received in return? Nothing—no land, no revenues, just hardship and broken promises.

It goes against any human logic to pay the Post Office for its shattered commitments, for the suffering of those people who were displaced without cause and for the continual uncertainty the city has experienced because of the Postal Service's bad faith.

There are those who will say that we must be practical, that money is money, that the city has no right to get something for nothing. But let us also consider the precedent such an action would set. If we now reward the Postal Service for breaking its word, what faith can we have in future Postal Service promises? Is not the strength of an agreement the cardinal rule of our law? We must consider the money, but we must also consider the human consequences.

We understand the need for the mails to continue. We are prepared to see that the trucks deliver the mail. We have gone out of our way, working with Senator JAVITS and Senator BUCKLEY, to create a facility where these trucks can be housed. A letter has been sent by both Senator JAVITS and Senator BUCKLEY and my office to the Board of Governors of the Postal Service, which has not yet acted on the truck facility proposal for the Morgan site.

I make a fervent plea to the House that there be an opportunity for us to have this housing, of which the people of the city of New York have long been deprived, and I urge that this amendment be defeated.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT OFFERED BY MR. UDALL

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS to the amendment offered by Mr. UDALL: on page 2, line 6, strike out the words "without reimbursement" and insert in lieu thereof the following "at the fair market value".

Mr. GROSS. Mr. Chairman, let me read the second paragraph of the amendment offered by the gentleman from Arizona (Mr. UDALL). It states:

If within 24 months after the City of New York has complied with the provisions of paragraphs (a) and (b) of subsection (d) (1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York without reimbursement—

Without reimbursement—

of the right, title and interest to the above-described real property.

And so forth. My amendment would merely strike out "without reimbursement" and insert the words "at the fair market value."

Members of the House, we are dealing with a fair market value, I am told, of approximately $7 million. This is not exactly chicken feed. It may be even higher than $7 million, but it is at least that much.

If the Udall amendment is adopted and for some reason the Post Office Department does not come to terms with the city of New York in 24 months or the city does not perform in 5 years, this property could go as a gift to the city of New York.

I have always contended in the House of Representatives that there should be the fair market value for any land that is disposed of by the Federal Government unless that land was a gift to the Government in the first place.

Moreover, the Postal Service in this instance, if and when it should turn this property over to the city of New York as a gift, would be relinquishing $7 million in capital assets. Let me point out that to replace those capital assets would contribute to the necessity for an increase in postal rates, and I am not about to saddle upon the users of the mail throughout this country, Iowa included, any part of a rate increase to give New York $7 million worth of property.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Chairman, I understand that on this property there would be built a 1,000-unit, high-rise apartment. Does the gentleman know who is going to pay for it?

Mr. GROSS. I do not know who is going to pay for it, but I suspect the money will come from the usual source.

Mr. BOW. As I understand, this is public housing under 236, and the Federal Government will pay for it, and in addition to the $7 million, the land we are providing now, for the building of a 1,000-unit high-rise.

Mr. GROSS. I think the city of New York, if it does obtain title to this property, ought to pay for it just as other States and municipalities would have to do.

Mr. UDALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. UDALL. To my regret, I cannot support the gentleman's amendment to my amendment, but it does pinpoint the compromise in the nature of the amendment I offered. We are giving away the air rights and the public land the Federal Government bought and paid for in order that this public housing can be built upon it. I simply suggest my amendment was a very generous compromise offered to the people of the city of New York, I thought.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment to the amendment. I think something is being overlooked. The Postal Service condemned this property and displaced these low-income people. Most of them did not own their property. In most cases, they got no relocation costs. The Government did not use that property for the purposes intended. Do we not owe those same people something in the way of providing public housing for them? That is number one.

No. 2, we paid only $3 million when we took it. There have been no improvements made on it. How can it now be worth $7 million?

Third, the public housing, as the gentleman from Ohio has pointed out, is subsidized by the Federal Government. This committee bill does not authorize the construction of high-rise housing. It merely says when the low rent housing is built, it will be built on that site.

This does not constitute any type of housing authorization. I want to make it perfectly clear.

But in equity, do we owe those people something? We kicked them off their property and did not use it for the purpose intended. That is what the committee bill says. We say they can have it back, but when they want to build public housing, it will be built there. It cannot be taken by the city of New York and sold and the money put in its coffers. It is only for the low-cost housing for those displaced and hurt by the Government. So I simply suggest we vote down the amendment to the amendment and the amendment.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, there is one thing I do not understand about this whole proposition, which is why we are handling this particular matter in such a unique fashion. We have laws which apply to all surplus Government property matters and which are applied throughout the country to dispose of property the Government no longer needs.

There are surplus property disposal procedures where in the normal course of events the city would get an opportunity to acquire the property. Here we are legislating a special rule for this one parcel of land, and I do not understand why.

Mr. GRAY. I am delighted to answer, in two parts.

No. 1, it was our committee which authorized the taking of that property in the first place, in 1966. We were deceived by the Postal Service. They did not use it for the purposes intended. We gave them the authority, and they went over to New Jersey, and instead of spending the $50 million authorized they went over and bought additional land at the expense of the taxpayers, and spent a quarter billion dollars.

No. 2, as I said earlier, we gave away the committee's authority. We would not be here today if we had not given away that authority.

That is water down the stream. We are back here, because the Postal Service administratively usurped the prerogatives of this committee.

Mr. WYDLER. The point is that we are trying, it seems to me, to punish the Postal authority for not doing what we wanted them to do, but we are not really punishing them much at all. We are really going to punish the whole Federal establishment by making this particular site available for other needs of the Federal Government, which might very well exist and be valid.

What I say is that we have established Government procedures for the disposing of surplus Federal property. That is supposed to give the Federal Government an opportuntiy to use it, for what it needs, and the localities an opportunity to acquire it if it is surplus to the Government needs.

In this particular case we look at a particular piece of property and say that we are going to legislate it into the hands of one particular person.

Mr. GRAY. I want to make clear to my friend from New York that the Surplus Property Act does not now apply to this private corporation downtown. We gave away that authority. We have no control under the Surplus Property Act. There is no criterion for this. We have to legislate it.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the committee bill and in opposition to the amendment with a certain amount of knowledge about this site. It is true it is not directly in my district, but it is just a block away from my district, and

I have worked with the tenants in this area and I know the site well.

It is in an area called Chelsea. It is a marvelous integrated area of low, moderate, middle, and "posh" housing.

It is an area which suffered tremendously when this particular site was taken by the Post Office. If it had been used for the purpose intended—while we did not think the Post Office should actually use a site in that particular area—so be it, if they had built the building we would have accepted it. But they did not do that. People were thrown off their property. The area suffered.

Now we find the Post Office has decided they really cannot use the property. It is going to build elsewhere. We applaud that decision.

The community went to work with the mayor and with the low-income housing authority and with all the people there. I know, for I worked very closely with them. They went to work to get housing built.

I do not have to tell the Members how desperate the housing situation is, and not just in that particular area, though it is an area which requires housing desperately. In the whole city of New York we have slums that are just not describable, where people are living in rat-infested apartments.

Apartments could be built on this site. But if we tack on an expense of, let us say, $7 million, which the gentleman from Iowa suggests, as the fair market value, if we add an expenditure for this property which could only, under the committee bill, be used to erect low-income housing, we are going to make the low-income housing impossible to build.

That is the problem. There are limitations on low- and moderate-income costs. I serve on the Banking and Currency Committee out of which low-income and moderate-income housing comes. There are limitations on what expenses can be entailed in building low- and moderate-income housing. The building costs in New York have become very high. There are a host of reasons, one of which includes the cost of the land.

What we are asking you to do with this particular piece of property, and what we are asking you to do for the city of New York, is something that we do not ask for very often, but is what you do so often in your own districts. If there are rivers to be channeled, the Congress provides the money for it. If there are farm subsidies that are required in order to help you with your crops, you do not have any hesitation to come here and ask for and get them. Well, we do not grow crops or channel rivers, but we have people to house. We are asking you to do a certain amount of equity. The Public Works Committee did equity, and I hope you will support the bill.

Mr. GROSS. Will the gentleman yield?

Mr. KOCH. Of course. I am delighted to yield.

Mr. GROSS. The Federal Government bought this property. It was paid for by the Government. Are you now standing there and saying that the city of New York ought not to pay the fair market value for this land? On top of that New York will be getting a 235 low-income housing unit to get these people above the rats you are talking about.

Mr. KOCH. The gentleman is incorrect when he refers to 236 money in this bill. There is no housing money in the bill.

Mr. GROSS. Will the gentleman yield further?

Mr. KOCH. I decline to yield further.

What I said to the gentleman and the Members of the House is we have a crying need for housing in the city of New York. We cannot build it because, for one thing, the 236 money and the low-income money is not available, and when it is available the costs of the property on which the structures have to be built are too high for us to build low- and moderate-income housing. We are asking you to do for us what you do so often for your own district's needs—give us a break.

Mr. RUTH. Will the gentleman yield?

Mr. KOCH. I am happy to yield to the gentleman.

Mr. RUTH. Will the gentleman explain to me why you put low-income housing on a $7 million piece of property?

Mr. KOCH. Why we what?

Mr. RUTH. Why would you put it on a $7 million piece of property?

Mr. KOCH. I will explain to you why it is. In the city of New York we have problems where property that you would not consider desirable because of its location costs a lot of money. The island of Manhattan is a very small place. Every piece of real property is very expensive. We do not want the island of Manhattan to be a place just for the very rich. We think we have a successful island because it has low-income people and moderate-income people and middle-income and posh people, and we do not want to change that.

Mr. BRASCO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the committee bill and against the two pending amendments.

Let me say this: when this proposition was brought to the attention of the Committee on Post Office and Civil Service the committee decided that we should turn the matter over to Congressman Nix, the chairman of the Subcommittee on Postal Facilities. He held some independent hearings in connection with this very matter before the committee.

Interestingly enough—and I am sure it was pointed out before—as late as November 1971 Mr. Reynolds, the congressional liaison officer of the Postal Service, indicated that there would be no need for this particular facility and its uses as it relates to the Postal Service organization. Thereafter he flip-flopped and changed his mind, after the city of New York made preparations to use this land for low-income and moderate-income housing.

Also and interestingly enough, as a result of the hearings Mr. Nix had it was disclosed that this is not an unusual situation, because eight separate properties were declared excess and turned over to local governments in separate letters dated November 8, 1971.

And, as a result, postal facilities were turned over to local governments located in Augusta, Ga.; Miami, Fla.; Rock Hill, S.C.; Carbondale, Ill.; Commerce, Tex.; Keene, N.H.; Mansfield, Ohio; Midland, Tex.; Saint Martinville, La.; Ville Platte, La., and West Palm Beach, Fla.

Now, after all of these facilities were turned over to those local governments, we are only asking that the same kind of consideration be given to the city of New York in order for it to cope with a very critical problem. The need for housing.

I am not here, my friends, to recriminate with anyone about some of the observations that have been made about the cost of this property, that in fact that if there is low-income housing to be built here, the Federal Government would have to be involved with the expenditure of 236 funds.

Sometimes I think we talk about this money as if it were our own money. This is taxpayers' money and we use it as Members of Congress for multipurposes all across the land. I have voted for the expenditure of taxpayers' money to be used for many purposes such as irrigation, watersheds, and highways, and, in fact, for all types of purposes related to the needs of citizens across our country.

The city of New York has taxpayers also who contribute to these projects. All we are asking for now is some consideration in this very same manner.

I think some day we really have to learn to swim together or otherwise we will drown together.

Mr. Chairman, this is a problem that we have in New York. I am asking my friends to give it their very serious consideration.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. BRASCO. I am glad to yield to the gentleman from New York.

Mr. WYDLER. I am very sympathetic to what the gentleman has said, but I think what you just said supports the point I am trying to make. You are going about this particular case in the wrong way. Whatever happened with reference to the Post Office Department is one thing. However, we are not here today to talk about one department of the Government. We have to consider the entire Federal Government. These other properties that you talk about were not turned over to local governments. They were turned over to the Administrator of the General Services Administration to be disposed of according to law and according to their rules and regulations to whomever should get it.

I agree with the gentleman. I would like to see the same thing done with reference to this property that we are doing with reference to other properties and that is turn this property over to the GSA to dispose of under the surplus property law and rules and regulations.

Mr. BRASCO. As the gentleman knows, we are talking about the opportune time to do something. Those properties, as I understand it, went back to the local governments. Therefore, this is the opportune time to do it for New York. The theory is the same, although the vehicle may be a little different. I subscribe to what my friend from Illinois indicated, the chairman of the subcommittee (Mr. GRAY). We threshed this business out very thoroughly when we discussed the Postal Reorganization Act and he was very correct in his observations that he made at that time and today in this Chamber.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment to the amendment offered by the gentleman from Iowa (Mr. GROSS).

I would like to make inquiry from the distinguished chairman of the subcommittee as to what is the situation with reference to this property. What is going to be built on this property? Am I correct in the assumption that there is a 1,000-unit high rise housing project going to be built on it?

Mr. GRAY. Mr. Chairman, if the gentleman will yield, I would say to my distinguished friend from Ohio that we do not in the legislation now pending before us stipulate what type of building will be put there. We merely limit the use of it to public housing through normal channels, if such a project is authorized. We merely state that it has to be used for the purpose it was primarily used for low-income or medium housing when it was taken. We want merely to try to have equity here. Let us go back to the original use of that property. We are saying that we are giving it to them but it has got to be used for public housing. However, we do not authorize that housing. I hope that answers the question.

Mr. BOW. I thank the gentleman for his answer, but it seems to me very obvious that in addition to the giving back of the piece of property which I am advised is worth something over $7 million, that if a 1,000-unit high-rise is to be built, the information I have is that it would be built out of 236 funds. So, actually the Federal Government would not only lose $7 million, but would be called upon to make some payment for this 1,000-unit high-rise.

Also, the argument has been made here that this high-rise is to make a place for the displaced people who have lost housing. I also find here in the files that actually there were 300 families, and not 1,000 families, who were displaced, that you are going to build the high-rise for. So it seems to me we should give real consideration to the amendment offered by the gentleman from Iowa (Mr. GROSS) and not only find the Federal Government giving away $7 million, but also getting themselves in a position where they are going to have to pay for a 1,000-unit high-rise, and the cost of that high-rise I do not know what it would be—I have no idea, but certainly it will run into millions and millions of dollars.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I will first yield to the gentleman from Iowa, and then I will yield to the gentleman from Illinois.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

A letter of November 8, 1971, from the Post Office Department of the Honorable Robert L. Kunzig of the General Services Administration, it lists several post offices that are surplus to the needs of the postal service. One of them is in Carbondale, Ill. I suspect the gentleman from Illinois (Mr. GRAY) understands where Carbondale, Ill., is, and that post office is going to be disposed of.

This letter states among other things that:

> The General Services Administration further agrees to return to the Postal Service the net proceeds, if any, received from the disposal of these properties.

So it is the established policy to return these proceeds to the Post Office Department rather than dissipate the capital assets of the Post Office Department, and then insist that those capital assets be restored through increased postal rates that would be loaded on all the citizens of the country.

Mr. BOW. I agree with the gentleman. I think he is absolutely right.

Now I will be happy to yield to the gentleman from Illinois.

Mr. GRAY. Mr. Chairman, I know my friend, the gentleman from Iowa (Mr. GROSS) is laboring under the assumption that this proposed amendment will be helping the Postal Service, but let me remind my friend that in all of the cities alluded to by the gentleman from New York a moment ago in the case of New York and Carbondale, that the gentleman has just mentioned, that money goes to the GSA, and not to the Postal Service if any is collected. When the Postal Service gives that property to the GSA, then they kiss it goodby forever. Not one dime will go in the operation of the Postal Service, and it will not have any effect upon the postal rates.

I am sure the gentleman does not want to leave the wrong impression with the House.

Mr. GROSS. If the gentleman will yield further, does the gentleman from Illinois deny the authenticity of the letter which states exactly contrary to what the gentleman from Illinois says?

Mr. GRAY. I do. The Postal Service has told us 15 different stories. I can show you three letters from Assistant Postmaster General Lehne stating they are going to give the property back to New York City. I held hearings in New York, and I talked to the regional director, and I said:

> Are you not going to uphold the promise given by the Assistant Postmaster General to give this property back?

He said:

> I can't answer that question.

He took the fifth amendment before our congressional committee.

Mr. BOW. I think what the gentleman is saying is virtually correct, if the property is sold; that is, property owned by the Post Office Department, the money will go into the Postal Department, into the private corporation. These other items that you have in this bill have been declared surplus, and turned over to the GSA, and for that reason that would not happen, but if you have property, and it is sold; that is, Postal Service property, and it is sold for $7 million, that money would go into the Post Office Department, and would not be money that is taken away, as the gentleman has suggested, because——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. Bow was allowed to proceed for 1 additional minute.)

Mr. GRAY. Mr. Chairman, will the gentleman yield to me for a clarification?

Mr. BOW. Certainly I will yield to the gentleman.

Mr. GRAY. I would say to my friend, the gentleman from Iowa (Mr. GROSS) that under the Property Disposal Act these properties are given by the Post Office to the GSA, and the first screening is for other Federal agencies to have the right to come in and ask for them. The second screening is that the cities and States have a right to take that property for public use such as housing needs in that city.

Now, do you know of any city that is offered a site that is not going to take it for nothing? So where is the money going to come from?

Mr. BOW. I agree with the gentleman that if it is surplus property it goes back to the GSA. This has not been declared surplus property, it is still Post Office property. If it is sold for $7 million, then the money will go back to the Post Office Department.

Mr. GRAY. I have two letters stating that they did intend to declare it surplus. Is not the word of an Assistant Postmater General worth anything?

Mr. RYAN. Mr. Chairman, I rise in support of the committee bill and in opposition to both the Gross amendment and the Udall amendment.

The gentleman from Illinois (Mr. GRAY) stated very ably the equitable case for the committee position.

Section 7(d) of H.R. 10488 provides that the Postmaster General shall convey to New York City the real property known as the Morgan Annex—a square block between Ninth and 10th Avenues, and 28th and 29th Streets—without monetary consideration and upon condition that the real property is used for publicly assisted housing.

The committee adopted this provision after very thorough consideration and after reviewing the history of the U.S. Postal Service's behavior toward the Chelsea community.

This site was acquired and cleared for the construction of a postal facility. Several hundred families were uprooted and displaced from their homes. Then the Postal Service changed its mind and decided not to build the facility.

The land lies vacant; the people have been scattered; and the community has been disrupted. In an effort to make amends, the committee bill would make the site available for housing—housing which the site tenants and neighborhood people can afford. That is only fair and equitable.

To require New York City to pay the fair market value would be to insure that low- and moderate-income housing could not be built. The cost of the land, in addition to escalating construction costs, would make it economically unfeasible. The effect of adopting the Gross amendment would be to deprive the local community of desperately needed housing.

It is specious and misleading to argue, as the gentleman from Ohio (Mr. Bow) did, that the conveyance of this site will result in the Federal Government paying for 1,000 units of housing which otherwise would not be contracted for.

In the first place, there is no housing money authorized or appropriated in this bill.

Second, Federal money in the form of annual contributions to local public housing agencies and for section 236 interest subsidies is allocated by HUD. HUD determines how much money is to be provided to New York City for new housing starts in each fiscal year.

So whether there are a thousand units at this site or a thousand units at another site, the number of housing units will be the same. The committee bill will not result in the Federal Government financing an additional 1,000 units. However, it will provide a site where new housing can be built without the displacement and relocation of people, and that is critically important to us in New York City where there is a severe shortage of decent housing and some 135,000 families are on the waiting list for public housing.

As far as the Udall amendment is concerned, the Postal Service has played fast and loose with the community on this issue for too long. It has not used the site. It should not be permitted to use it for parking purposes. The community needs it for long promised housing.

Simple justice dictates a return of this land to provide housing for the poor people who have been displaced and others in the Chelsea community which has already suffered through torture for 6 or 7 years.

I urge my colleagues to vote down the amendments and to support the bill as reported out by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. Gross) to the amendment offered by the gentleman from Arizona (Mr. Udall).

The question was taken; and on a division (demanded by Mr. Gray), there were—ayes 39, noes 32.

TELLER VOTE WITH CLERKS

Mrs. ABZUG. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mrs. ABZUG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mrs. Abzug and Messrs. Gross, Gray, and Udall.

The Committee divided, and the tellers reported that there were—ayes 196, noes 170, not voting 67, as follows:

[Roll No. 114]

[Recorded Teller Vote]

AYES—196

Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baker
Baring
Belcher
Bennett
Betts
Bevill
Biester
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Camp
Carlson
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Conte
Cotter
Coughlin
Crane
Daniel, Va.
Davis, S.C.
Davis, Wis.
Dellenback
Dennis
Derwinski
Devine
Downing
Duncan
du Pont
Edmondson
Edwards, Ala.
Erlenborn
Evans, Colo.
Fascell
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Frenzel
Frey
Fuqua
Gibbons
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hansen, Idaho
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Keating
Keith
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McEwen
McKevitt
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
O'Konski
Passman
Pelly
Pettis
Pirnie
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Robinson, Va.
Roush
Rousselot
Runnels
Ruppe
Ruth
St Germain
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Snyder
Spence
Steele
Steiger, Ariz.
Steiger, Wis.
Stuckey
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Waggonner
Wampler
Whalley
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wyatt
Wylie
Wyman
Young, Fla.
Zablocki
Zion
Zwach

NOES—170

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Blanton
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Buchanan
Burke, Mass.
Burton
Cabell
Caffery
Casey, Tex.
Celler
Chisholm
Collins, Ill.
Conyers
Corman
Daniels, N.J.
Danielson
Davis, Ga.
de la Garza
Delaney
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Esch
Fish
Flood
Foley
Ford, William D.
Fraser
Frelinghuysen
Fulton
Garmatz
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Halpern
Hanley
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hays
Helstoski
Hicks, Mass.
Hicks, Wash.
Hollifield
Howard
Hungate
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Leggett
Link
Long, Md.
McCloskey
McCormack
McFall
McKay
McKinney
Madden
Mahon
Mathis, Ga.
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
O'Neill
Patten
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Rangel
Rees
Reid
Reuss
Roberts
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ryan
Sarbanes
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Steed
Stratton
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wiggins
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Yatron
Young, Tex.

NOT VOTING—67

Abbitt
Abernethy
Anderson, Ill.
Anderson, Tenn.
Ashley
Bingham
Blackburn
Brooks
Brown, Mich.
Byrne, Pa.
Carey, N.Y.
Carney
Clark
Clay
Colmer
Conable
Culver
Curlin
Dent
Dickinson
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Fountain
Galifianakis
Gallagher
Gettys
Goldwater
Griffin
Hagan
Hanna
Hébert
Henderson
Johnson, Pa.
Jones, Ala.
Kee
Kyros
Landrum
Long, La.
McMillan
Macdonald, Mass.
Mills, Ark.
Mollohan
Morse
Nix
Patman
Pepper
Poage
Pucinski
Riegle
Saylor
Scheuer
Smith, Calif.
Smith, N.Y.
Springer
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Teague, Tex.
Ullman
Ware
Whitehurst

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now occurs on the amendment offered by the gentleman from Arizona (Mr. Udall) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 8. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gray: Page 28, after line 20, insert the following:

Sec. 9. (a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, tne building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 and (2) to direct the Architect of the Capitol to lease, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

Renumber succeeding sections accordingly.

Mr. GRAY. Mr. Chairman and Members of the House, I apologize for bringing this amendment up at this late hour, but it is very important.

EXPLANATION OF LEGISLATION RELATING TO THE CONGRESSIONAL HOTEL BUILDING BY MR. GRAY, TO THE FOLLOWING AMENDMENTS

The purpose of this legislation is to grant authority to the House Office Building Commission to use, in whole or in part, for the purpose of providing office and other accommodations for the House of Representatives, the Congressional Hotel, now defined as part of the Capitol Grounds, and to bring any space so used within the purview of the laws, rules, and regulations governing the House Office Buildings and of those provisions of the Capitol Grounds law, such as pertain to security and policing, now applicable to the Capitol Buildings.

The further purpose of the legislation is to authorize the Commission to direct the Architect of the Capitol to lease any space in the hotel building, not required for immediate use by the House, for such other use, including residential use, and under such terms and conditions and to such parties as the Commission may authorize and to render the provisions of sections 431 and 432 of title 18 of the United States Code relating to contracts with Members inapplicable to leases or subleases entered into, so that Members of Congress may not be excluded from occupying any rooms made available for residential occupancy. The language "notwithstanding any other provision of law" has been included in the legislation to cover this objective. Any space so leased will be a source or rental income to the Government, pending Government use of the entire building.

The hotel structure contains a total of eight floors and basement. Excluding the basement—occupied by a garage, storage and similar facilities—the eight floors contain a total of 203 rooms having a gross square foot floor area of approximately 105,000 square feet.

Since 1958, the building has been operated as a hotel by the Knott Hotels Corp., under a lease with the Government. At the direction of the House Office Building Commission, the lease with the Knott Hotels Corp., has been formally terminated, effective at the close of business May 31, 1972.

There is dire need for use of space in the Congressional Hotel building to provide some measure of relief for present needs of the House of Representatives. Following surrender of possession of the premises by the Knott Hotels Corp., on May 31, 1972, it is proposed, as soon thereafter as feasible, to utilize approximately 75 percent of the rooms in the building for office and other accommodations for the House of Representatives—floors two through seven—and to temporarily lease the remainder of the rooms in the building—floors one and eight—for residential and other private use, until such time as the House Office Building Commission deems it necessary to take over such rooms for official use by the House.

Long-term use of the hotel building is not contemplated. Its use by the House is proposed as an expedient to provide much-needed additional temporary quarters for House activities.

Need for this legislation is further explained, as follows:

The Congressional Hotel, located at 300 New Jersey Avenue SE., was acquired, as part of lot 20 in square 692 in the District of Columbia, by the Architect of the Capitol in 1957, at the direction of the House Office Building Commission, through condemnation, under authority of the Additional House Office Building Act of 1955. The condemnation complaint stated the purpose of the acquisition to be for the public use "as a site for an additional office building for use by the House of Representatives of the United States and for additions to the U.S. Capitol Grounds."

October 17, 1967, pursuant to the requirements of the 1955 act, the House Office Building Commission promulgated a formal order defining for purposes of law the status of all properties acquired under the 1955 act. Eight squares were acquired in all. The Commission's authority was limited by the 1955 act to defining as "House Office Buildings" only those structures and facilities constructed on such property under authority of the 1955 act. All other areas were required to be defined as "Capitol Grounds."

Accordingly, the Commission's order declared the following properties to be "House Office Buildings," effective October 17, 1967:

> The Rayburn House Office Building, the subway connecting such building to the Capitol Building, the pedestrian tunnels connecting such building to the Longworth House Office Building, the underground garages in Squares 637 and 691 and the tunnels connecting these garages to the House Office Buildings, are hereby declared to be House Office Buildings and, as such, are hereby made subject to those provisions of the Act of July 31, 1946 (40 U.S.C., secs. 193a–193m, 212a, and 212b), including any amendments to such Act, which are applicable to the Capitol Buildings, and to the Act of Mar. 4, 1907 (40 U.S.C. 175).

The order further declared the status of all other real property acquired under the 1955 act to be "Capitol Grounds," as follows:

> All other real property acquired by the Architect of the Capitol under authority of the Additional House Office Building Act is hereby declared to be part of the United States Capitol Grounds and is hereby made subject to the Act of July 31, 1946 (40 U.S.C., secs. 193a-193m, 212a, and 212b), including any amendments to such Act.

Under the provisions of the October 17, 1967 order, the Congressional Hotel is now a part of the U.S. Capitol Grounds, and not a part of the House Office Buildings.

In order for the Congressional Hotel, now defined as "Capitol Grounds," to be used, in whole or in part, as part of the "House Office Buildings" complex, subject to laws, rules, and regulations governing the "House Office Buildings," including assignment of rooms, and the security and police provisions of the Capitol Grounds law applicable to the "Capitol Buildings," and subject also to the use of maintenance funds available for maintenance and operation of the House Office Buildings, it is necessary that action be taken to bring the hotel, in whole or in part, within the statutory definition of the term "House Office Buildings."

With respect to the security and police provisions of the Capitol Grounds law applicable to the "Capitol Buildings," Public Law 90–108, approved October 20, 1967, under section 16 (a), has defined the term "Capitol Buildings," as follows:

> Sec. 16 (a) As Used in this Act—
>
> (1) The term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

The House Office Building Commission unanimously endorsed enactment of this legislation at its meeting of April 10, 1972.

I am sure Mr. GROSS and Mr. HALL and the others who are always looking for ways to bring in revenue will be in support of this measure.

Mr. HALL. Will the gentleman yield?

Mr. GRAY. I am glad to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding to me and I appreciate his thoughtful consideration about what my friend from Iowa and I are always seeking insofar as the taxpayers' money is concerned.

I wonder if he would explain the technique just a little bit more, first of all as to history. I understand, of course, we want to take over the Madison Library for additional office buildings.

That was chopped down early in this Congress with the "help" of the Committee on Public Buildings, and I use the word "help" in quotes. But now I also understand—and I am thoroughly in agreement that we ought to grandfather clause in those who have residence at the hotel if, indeed, all the space is not needed and if, indeed, the building will hold up all the things, the machinery and other items that would be placed into it. However, I do not think we ought to have a sweetheart clause in here under some fiduciary organization or other arrangement.

I wonder if the distinguished chairman of the subcommittee would explain to the House just a little bit further what is involved insofar as sweetheart clauses through some group or fiduciary or third party interspersed insofar as its operation is concerned that might yield back in kind, if not in rent, additional benefits to the group?

Mr. GRAY. There will be no sweetheart clauses. There will also be no grandfather clauses.

What we are seeking to do here is to take administrative jurisdiction over the Congressional Hotel, similar to any other public building that is on the Capitol Hill complex which includes the House Office Buildings. However, the Architect of the Capitol does not feel that under present law and regulations he would be allowed to rent space on a monthly or yearly basis and that he needs this legislative authority. However, I assure the gentleman from Missouri that no one will have any separate rights other than on a contract basis.

Mr. HALL. Is it not true, if the gentleman will yield further, that the plan is, according to rumors floating rampant around here, that the Architect not being able to do this and the Building Committee not desiring to do it, intends now to use a fiduciary such as the so-called Democratic Hill Club or whatever the name is, which is at present leasing space over there and they in turn would sublease to individual Members, which would mean in effect that there would be a subsidization to them in the form of equipment and space?

I am simply asking this question for information.

I think we ought to get this out on the table.

I am not sure that there is anything wrong with it, but there is a third party intervening here between the Building Committee, between this subcommittee or the Committee on Public Works as a whole by those who will be renting space.

I think we ought to know what values are going to accrue with reference to the grandfather or sweetheart clauses. I would say to the gentleman that I am in favor of the grandfather part of it but I do not think I am in favor of the sweetheart clause——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Illinois.

Mr. GRAY. First, let me say to the gentleman from Missouri that this request came from the House Office Building Commission. We have the very distinguished dean of the House here who serves with great distinction on that committee and also the ranking minority member of the Committee on Public Works is also a member of that committee.

I would ask the gentleman from Missouri to yield to the distinguished dean to answer that question.

Mr. HALL. I would be glad to yield to the gentleman from New York.

Mr. CELLER. I thank the gentleman for yielding.

The Building Commission unanimously voted for this project upon the strong recommendation of the Architect of the Capitol.

Mr. HALL. Mr. Chairman, I am interested and I am glad to know that it is unanimous, but what I want to know is what is the "arrangement" and/or what is the proposed contract involving how it is the third party.

Mr. CELLER. There are no so-called sweetheart, if I may use that term, proposals in this arrangement whatsoever. These Members are older Members, senior Members, and would occupy the top story and at the end of their stay they can be ousted any time by the House or by the Building Commission. They have no preemptive rights whatsoever. They are there at the sufferance of the House and the Commission.

Mr. HALL. Does the gentleman mean to imply to me that they will pay rent to the Architect of the Capitol, or the Building Committee?

Mr. CELLER. I cannot answer the gentleman.

Mr. HARSHA. Will the gentleman yield to me so that I may answer his inquiry?

Mr. HALL. I will be glad to yield to the gentleman from Ohio.

Mr. HARSHA. I can answer the gentleman that unequivocally those Members who are permitted to stay there will pay rent, and they will pay that rent at the going commercial rate.

Mr. HALL. To whom will they pay the rent?

Mr. HARSHA. They will pay it to the lessee, or the people who contract to rent part of this building that we will not use for congressional office space or committee space. We do not know who is going to be the third party as yet. There are negotiations going on, and those negotiations are for a normal commercial rate of around $4.20 per square foot. So that whoever rents this property from the House Office Building Commission then will have to pay the going commercial rate.

Mr. HALL. Will the gentleman agree that by voting for this amendment we would be giving tacit approval to the fact that there will be a third party between either the House Building Commission or the Architect of the Capitol, and those who occupy the space under this clause?

Mr. HARSHA. That is right, and that is because we cannot now legally contract with Members of Congress.

Mr. HALL. Nor could they pay directly to the Congress, or recoup directly into the Treasury, so there must be a third party.

Mr. HARSHA. That is correct.

Mr. HALL. Do I understand from the gentleman's reply, as cloaked as it is, that there are persons under consideration who might contract to be the third party, or the intervening fiduciary between these two people?

Mr. HARSHA. The Architect of the Capitol is making these negotiations now. Of course, they would have to be approved by the House Building Commission, and just who the third party that would involve would be, I do not know at this stage of the game. But any agreement that is made will have to be approved by the House Building Commission.

Mr. HALL. Mr. Chairman, under that circumstance I would like to ask either the chairman handling the bill or my friend, the ranking minority member, if they have that authority, and if they are going to make a contract, why do we have this amendment unless it is to legalize some such action they obviously have the power to do in the first place?

Mr. HARSHA. The gentleman has answered his own question. It is to legalize the occupancy of some of these rooms that are not needed, by Members of Congress who have been living there for a number of years, and who have no other place to go. But as the law now exists the Congress cannot enter into contracts with Members of Congress, either directly or indirectly.

Mr. HALL. Mr. Chairman, I will say, that this should be watched in the future with a great deal of interest. I am aware of bills that have been run up, not by current or extant Members who occupy any portion of the Congressional Hotel, but other Members who have left from there in the past owing great bills to the Knott Hotel Corp., some of which may have been forgiven.

So I think the House should concern itself with how this matter is handled.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ALBERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say, in view of the colloquy between the gentleman from Missouri (Mr. HALL) and the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. HARSHA) that this matter came to us on a recommendation from the Architect of the Capitol. There was some question as to whether the Architect had the legal authority to proceed, and in order to make sure of that, this amendment was recommended.

The gentleman understands that we are now in the process of taking over the Congressional Hotel, and for those Members of the Congress who happen to stay there, it is necessary that arrangements be worked out, as the gentleman from Ohio has said. It is our understanding that they will pay the going rent, but not less than what they have been paying to the Knott Hotel Corp., for comparable space and services.

We believe that even though the House starts immediately taking over the floors from between the first floor and the top floor, the Government will still probably receive as much, if not more, net income than it has been getting from the Knott Hotel Corp. The reason for taking over the hotel is that we have found it necessary, because of the pressures from committees, subcommittees, and other groups who have the right to occupy space in the House Office Building for office space. We need the extra space.

Eventually, of course, I am sure we will take over the entire hotel, and will probably have to rebuild at some time down the line, but in the meantime this enables us to take over those parts that we need immediately; to remodel them, or to let the Architect of the Capitol remodel them in the manner that will accommodate the needs of the House of Representatives. At the same time, there are Members who have been living there, and we do not need all of the space immediately. So the Architect will negotiate and try to find a lessee who can operate a part of the hotel for the various tenants—and a nonprofit organization is contemplated. The total net proceeds will go into the Treasury of the United States as receipts.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Chairman, in addition to what the distinguished Speaker has said, I would like to point out that this is not limited just to Members of Congress, but any space we do not immediately need could be utilized, and the Architect will, because he is involved, have the right to lease that space out so that we can receive reimbursement for it, so that ultimately there will be money going back into the Treasury, because the lessee is going to have to pay for all the space he uses.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I thank the distinguished Speaker for his statement. I believe we have not yet gotten to the real nitty-gritty of the problem, but perhaps my purpose has been served in alerting the House to the problem.

I am not one of the ones who agrees that if we would eliminate the political groups and the other organizations from the existing Capitol and House Office Buildings that we would need additional space. That is up to the decision being made, unless the Congress wants to recoup that unto itself, but, be that as it may, I repeat, I am in favor of those who live there and have a need to live close to the Capitol, being provided this space if indeed we do not need it, and I doubt that we do.

Additionally, I will be very interested in following the arrangements that will be made, and I am reassured by the Speaker's statement, as Chairman of the Building Committee, of course, that there will be no less income and, indeed, may be enough to defray some of the expenses of the rest of the building. I would hope that the Architect, in his wisdom, and the Building Committee in their approval, search well for an intervener who is going to handle this, and to whom the occupants will pay their rents.

Mr. ALBERT. I hope that what the gentleman suggests will be true. However, I cannot guarantee it, but again I say I hope it will be true.

I think the gentleman from Missouri has served a useful purpose in pointing up these facts.

Mr. HALL. I usually do.

Mr. HARSHA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to reiterate my support of this ammendment and urge its adoption.

AMENDMENT OFFERED BY MR. GROSS TO THE AMENDMENT OFFERED BY MR. GRAY

Mr. GROSS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross to the amendment offered by Mr. Gray: After "the Architect of the Capitol to lease" Insert "at fair market value".

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. It is getting late. In a spirit of friendship and cooperation I accept the amendment.

Mr. GROSS. I was sure that the House, having adopted a "fair market value" provision as applied to New York, would want to regulate its own affairs on that basis. So I am delighted with the statement of the gentleman.

I would like to ask the gentleman a question or two concerning the contract for the operation of this hotel. Are the rentals in the building going to be posted with the Rent Control Agency?

Mr. GRAY. As the gentleman knows, the buildings in the Capitol Hill Complex are not part of the wage and price freeze of the President.

Mr. GROSS. Why not?

Mr. GRAY. Why not?

Mr. GROSS. Yes.

Mr. GRAY. Well, when I went to school, I learned that there were three separate and distinct branches of the Government: Legislative, executive, and judicial. This happens to be the legislative branch, and I do not think we need anyone imposing any restrictions on us.

Mr. GROSS. Do you mean to say that while in Northern Virginia I am getting rent increases every few months, the tenants are not getting them at this Government-owned hotel?

Mr. GRAY. There is certainly a difference. We are not a profit-making agency. We are here to legislate on the Nation's business.

Mr. GROSS. How soon are you going to have an apartment open? I want to move in. If that is a sanctuary against rent increases, I have been missing out on something. I want to move in.

Tell me something else. Who is going to provide the janitorial services and how will they be paid for, and who is going to provide the security, and how is that going to be paid for?

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes, of course.

Mr. GRAY. The House Office Building Commission, as the gentleman knows, is in charge of all the Capitol Hill Complex. This will be handled in the same manner as the other buildings. It will be under contract. That is why the Speaker wants to get back as much money as he can into the Treasury so we can pay some of these costs. When you look at the contract we now have with the hotel, you see it is a sweetheart contract. We are not getting back a fair return. I think we can take care of the janitorial services and other expenses and still save money.

Mr. GROSS. When the gentleman from Missouri was talking about sweetheart contracts a few minutes ago, I did not understand that he was getting any affirmative responses. Now we have it on the line. This hotel is operated with sweetheart contracts, and I assume the clubs in that building will continue to be treated on the same basis. I wonder if the membership in those clubs will be open to all comers?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa to the amendment offered by the gentleman from Illinois (Mr. Gray).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Gray) as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. Section 8 of the John F. Kennedy Center Act, as amended (72 Stat. 1969) is amended by inserting "(a)" immediately after "Sec. 8" and by adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated to the Board not to exceed $1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts."

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that section 9 be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. GRAY

Mr. GRAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Gray: On page 29, after line 4, add the following new section:

"Sec. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended by adding at the end thereof the following new subsection:

"'(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the non-performing arts function of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection.'"

Renumber the succeeding section accordingly.

Mr. GRAY. Mr. Chairman and colleagues, I assure the Members that this is the last committee amendment. I apologize for the delay. I would like to explain about the John F. Kennedy Center. As you know, this has been a project that has been participated in by several countries around the world. Not only have the people of the United States contributed more than $38 million of their own money to build the Kennedy Center, but we have also used taxpayers' money in making this into a national monument to the late President Kennedy and also a theater in memory of former President Eisenhower. We have spoonfed the construction of the Kennedy Center, as it were.

We bottlefed the Kennedy Center, as it were. We hope now it is growing out of its stages of adolescence and becoming a full-grown adult that will provide the services originally intended by the congressional act. For that reason, the Committee on Public Works is offering an amendment that will let us, once and for all, give the maintenance and security of this national monument to the National Park Service where it belongs.

Every year there is some argument taking place on the floor about the further needs of the Kennedy Center. We feel that the National Park Service, since it has jurisdiction over the Washington Monument, the Jefferson Memorial, the Lincoln Memorial, and all other national monuments throughout this city and this country, should rightfully come to the Congress and justify each year, in its line item appropriations request, the money to maintain the nonperforming arts functions of the Kennedy Center.

This amendment will not allow one cent to be spent on the performing arts functions at the Kennedy Center, and it would not allow one cent to be spent on the building construction per se, but merely to be spent for the security and maintenance of keeping the building open to the general public during the daylight hours as a national monument.

If some Members were not here earlier when I spoke in general debate, I pointed out the Kennedy Center is second only to the Capitol Building in the number of visitors. Between 8,000 to 12,000 people a day are going there, including schoolchildren and others, to see this beautiful national monument. We feel it should not be the responsibility of the Congress every year to come up with an authorization bill. All this says is the National Park Service shall assume the responsibility of providing protection and maintenance for this national monument, and then it shall come each year to the Appropriations Committee and justify the amounts needed, as it does for similar memorials.

Mr. Chairman, I ask for a favorable vote.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, has the committee ever given any consideration to charging admission to this palace over on the Potomac River?

Mr. GRAY. I would say to my distinguished friend, the gentleman from Iowa, if anyone has ever gone to the Kennedy Center for an evening performance, he has had to pay an admission of $8 for some of the performances there. If he goes to some, he pays even more. But the part that is going to be open in the daylight hours is a monument for the people of the country to see, and I think it would be highly inappropriate for us to charge people to come in to the Kennedy Center, as it would be if we were to charge them to come into Arlington Cemetery to see Kennedy's grave, or to see the Thomas Jefferson Memorial, or to see the other monuments. This is only to pay the cost of the care and the maintenance and the security of the monument.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. GRAY. I yield further to the gentleman from Iowa.

Mr. GROSS. What does the gentleman estimate it is going to cost per annum if administered through the Department of the Interior?

Mr. GRAY. We have not had a full year of operation. We cannot give any more than an estimate, but I can give the figures of what it cost to secure other Washington memorials. It is $512,000 for the Washington Monument, and $317,000 for the Lincoln Memorial. It will be a little more here, because it is a bigger building, and there will be a requirement for more people with increased visitors.

Mr. GROSS. Maybe it will be $2 million or $2.5 million or $3 million?

Mr. GRAY. I think that would be a little high. I would say somewhere between $1 million and $2 million. It is a guesstimate. As I said, we have not had one full year of operation in order to tell, but let me remind my friend, the gentleman from Iowa, that the gentlewoman from Washington (Mrs. Hansen) is handling the budget for the National Park Service, and I can assure the gentleman that the gentlewoman requires a full justification of all money spent for the National Park Service, and she will carefully consider this matter likewise.

Mr. HARSHA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this simply is an effort to get the operation and maintenance and security and the guide service of the nonperforming arts section of the Kennedy Center away from the management that has abused that privilege and service up until now. We feel that, with this amendment, we will put that service into the Park Service and the Department of the Interior, and we expect the same kind of exemplary service they have given over the years in other kinds of service, such as at the Washington Monument and the Jefferson Memorial, and so on.

So, Mr. Chairman, I support this amendment and urge its adoption.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Iowa.

Mr. GROSS. Is it not true that admission is charged to the home of former President Washington at Mount Vernon? Is it not true that there is a charge to ride the elevator to the top of the Washington Mounment? Is it not true that there is an admission charge to see the Lee Mansion in Arlington Cemetery?

Mr. HARSHA. The home at Mount Vernon is operated by a historical society.

Mr. GROSS. Still, there is a charge.

Mr. HARSHA. That is right, but that is not the Park Service operation. There is no charge by the Park Service either to the Jefferson Memorial or the Lincoln Memorial that I am aware of.

Mr. GROSS. Let me ask another question. What about the leasing of the parking at this cultural center? Who gets the "gravy" from that? It that operated by I.T. & T.?

Mr. HARSHA. No. It is operated to pay off bonds issued to finance construction of the garage.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. Gray) to answer that question.

Mr. GRAY. I would be delighted to answer my friend's question.

First let me state that Mount Vernon is not owned by the Federal Government, but is owned by a group of ladies.

Second the money being collected in parking fees goes to retire the bonds, and as soon as the bonds are amortized the Kennedy Center Board of Trustees—and we have Members of Congress serving on that board—if they want, can have free parking. The fee being charged now is to retire the bonds.

Mr. GROSS. How many hundreds of years of parking will it take to retire the bonds?

Mr. GRAY. I believe they are 20-year bonds, and I am sure the gentleman will agree that the Kennedy Center was built to last several hundred years.

Mr. GROSS. Will that get us our $56 million back in behalf of the taxpayers of this country?

Mr. GRAY. It will recoup the underwriting of the bonds, yes.

Mr. GROSS. The gentleman will not live long enough to see it.

Mr. GRAY. I hope so.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief.

One thing the chairman of the subcommittee said was that once and for all we will be finished with payments to the Kennedy Center. I was not privileged to be in the Congress at the time the authorization legislation for the Kennedy Center passed, but I know that today there is in excess of $4.5 million still owed on construction costs on that center.

I have a particular interest in this matter since one of the major industries in my own district in New York is owed a substantial amount of money by the Kennedy Center.

It was my understanding at first—and I must admit it was a misunderstanding—that the legislation today was going to be directed toward paying these contracts off, that were used in the construction, that people entered into in good faith in constructing the Kennedy Center.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. I thank the gentleman.

I was the original author of the legislation which brought about the Kennedy Center and I served as a trustee, along with the gentleman from New Jersey (Mr. Frelinghuysen) the gentleman from Wyoming (Mr. RONCALIO) and others.

The question of the moneys not owing but in dispute to which the gentleman refers is not at all relevant to this, and nowhere in this legislation is there provision for payment of those disputed contracts. It is highly likely that there might be some litigation with respect to them.

Mr. PEYSER. I thank the gentleman for his comments.

I am aware that this legislation evidently does not speak to this, but when we say we are not going to be putting additional moneys into this it should be noted that there is more than $1,435,000 owed under the original contracts for the construction of the center.

There are over $3 million owed in delayed claims under these contracts. All I am saying is that the U.S. Government was involved in this construction and this represents, to many industries who in good faith went ahead with these contracts and completed them, a substantial amount that they are not now being paid.

Mr. THOMPSON of New Jersey. If the gentleman will yield, no one questions the good faith of those contracts the payment for which is in dispute. It is not a question as to whether the contractor is an honest person or not, but it is a question as to whether or not he fulfilled his contract. Those which have been fulfilled have been paid; those which are in dispute are as yet unpaid and are the subject of negotiation and possible litigation.

Mr. PEYSER. I do not mean to disagree with the gentleman, but I am saying the $1,435,000 is not in dispute in this question. The areas being disputed involve $3 million. But does the gentleman know where this money will come from if it does not come from the Congress?

Mr. HARSHA. Will the gentleman yield to me?

Mr. PEYSER. I yield to the gentleman.

Mr. HARSHA. Any money in this bill is not—and I repeat "is not"—for the retirement of construction obligations. The only money in this bill is for the reimbursement of expenses incurred in providing guide services, security, and maintenance to that portion of the Kennedy Center that is a national monument; that portion which is related to the nonperforming arts. What anybody has told you or your clients with respect to being paid on a construction contract has no bearing as to what is in this legislation.

Mr. PEYSER. I thank the gentleman. I agree with the gentleman, and I am merely saying that I think the Congress also ought to realize that it should pay off these honest debts that were incurred.

Mr. DON H. CLAUSEN. Will the gentleman yield?

Mr. PEYSER. I yield to the gentleman.

Mr. DON H. CLAUSEN. I would like to ask the gentleman from New Jersey, the author of the legislation, if he could expound just briefly on what he refers to as possible litigation. As a member of the board of trustees, could he elucidate on this and tell us wherein there are disputes over the payment of obligations and where will they get the money from to pay what might be a contested contract?

Mr. THOMPSON of New Jersey. If the gentleman will yield, that question cannot be answered until the disputes arising out of the contracts are settled. No one questions the good faith of the contractors. There are, however, and there have been, however, poor performances and poor construction and other matters which the trustees have yet to settle. The trustees are represented by counsel. Counsel is negotiating, and I just anticipate in the final analysis that there may be some litigation.

Mr. RONCALIO. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, the purpose of the amendment is to provide for the operation of the nonperforming arts aspects of the John F. Kennedy Center. These include maintenance, security, information, interpretation, janitorial and other similar services.

When the Center opened last year, it quickly became apparent that the provisions which had been made for providing the nonperforming arts functions were inadequate. The magnificence of the Center made it a stellar attraction for Americans visiting the Nation's Capitol.

Crowds far exceeded estimates. Not surprisingly, therefore, provisions made for policing and security, as well as for maintenance and other services proved inadequate.

I want to stress that what we are talking about here is those functions of the Center related to its role as a national memorial. Performing arts activities would naturally be paid for by performance admission charges.

As a stopgap measure, H.R. 10488 provides $1.5 million for the public costs of maintaining and operating the nonperforming arts functions of the Center. The authorization is for fiscal 1972 only, however. Clearly, if the John F. Kennedy Center is to keep its doors open to the visiting public in the future, additional assistance must be provided.

That such financial assistance should be contemplated is not unreasonable. Other memorials located in the Nation's Capitol such as the Washington Monument and the Lincoln and Jefferson Memorials receive aid. The nonperforming arts functions of the John F. Kennedy Center fall into the same category. They are publicly related. They arise from the operation of the Center as a national memorial to President John Fitzgerald Kennedy.

The authorization provided for in this amendment is for a single fiscal year. During that period, it is my understanding, the Committee on Public Works plans an indepth study of the operations of the Center. From that study, hopefully will emerge a plan for assuring effective managerial controls and operating efficiencies in the years ahead.

During the intervening period, we must provide the moneys necessary to carry out the nonperforming arts national memorial functions of the Kennedy Center. That is the sole purpose of my amendment.

I urge its approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. GRAY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk started to read section 10.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment applicable to the original section 9 as printed in the bill.

The CHAIRMAN. Section 9 has been read. The Clerk will read the amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: On page 28, line 21, strike out all of section 9 through line 4 on page 29 and renumber the following sections accordingly.

POINT OF ORDER

Mr. GRAY. Mr. Chairman, I regretfully rise to make a point of order against the amendment. We have already passed section 9.

The CHAIRMAN. The gentleman from Illinois is correct. The amendment follows section 9. Section 9, accordingly, has been approved.

Mr. HALL. Mr. Chairman, I submit in arguing the point of order that I was on my feet and standing in the well. The amendment has been on the Clerk's desk involving section 9.

Obviously, the Chair recognized the chairman of the committee handling the bill. I am not a member of the committee, but I am an elected Member of this House and I have the right in view of the fact that I was standing to offer an amendment to section 9.

The CHAIRMAN. The Chair does not wish to disagree with his friend from Missouri. The Chair only wishes to state that in accordance with the parliamentary procedures the Gray amendment added a new section 10. Because of that, of course, under the procedures, section 9 has been passed and taken care of.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HALL. Is it not true that the gentleman from Illinois who is handling the bill asked unanimous consent that the entire bill be considered as read and open for amendment at any point?

The CHAIRMAN. The Chair will state to the gentleman from Missouri that the gentleman from Illinois requested that section 9 be considered as read and open for amendment at any place, and this was done. Then he immediately proposed a new amendment which is section 10 to the bill.

There is only one way that the Chair can honor the request of the gentleman from Missouri and that is if the gentleman can get unanimous consent to offer his amendment. The Chair would be glad to honor that request.

Mr. HALL. Mr. Chairman, in view of the fact that I was ready to offer this amendment which deals with section 9 as printed, I ask unanimous consent that we revert to that position and that my amendment be accepted by the Chair.

Mr. GRAY. Mr. Chairman, I reluctantly object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

SEC. 10. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

Mr. GRAY (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Chairman, reserving the right to object may I make a parliamentary inquiry as to whether under the chairman's now posed unanimous-consent request it would be in order to submit an amendment to the original section 9, particularly in view of the fact that the gentleman from Illinois' amendment having to do with the Department of the Interior after June 30, 1973, is labeled and was read by the Clerk as section 10 on page 29?

The CHAIRMAN. In answer to the parliamentary inquiry, the Chair reluctantly holds that it would not be in order to go back to section 9.

If the gentleman from Missouri wishes, and if he has a new amendment, it would be in order to propose that to section 11 of the bill. We are now on section 11.

Mr. HALL. I thank the Chairman, and I withdraw my reservation.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question now occurs on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ASPINALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10488) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, pursuant to House Resolution 931, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 331, nays 40, not voting 62, as follows:

[Roll No. 115]

YEAS—331

Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Biaggi
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
Lujan
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Railsback
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sandman
Sarbanes
Satterfield
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Steed
Steele
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—40

Abzug
Archer
Ashbrook
Biester
Bray
Brinkley
Camp
Collier
Crane
Dennis
Duncan
Gaydos
Gibbons
Gross
Hall
Hutchinson
Jacobs
Kyl
Landgrebe
Lennon
McClory
Martin
Mathis, Ga.
Michel
Montgomery
Pelly
Price, Tex.
Quillen
Rarick
Rousselot
Ruth
Ryan
Scherle
Schmitz
Sebelius
Spence
Steiger, Ariz.
Steiger, Wis.
Teague, Calif.
Young, Fla.

NOT VOTING—62

Abbitt
Abernethy
Ashley
Badillo
Bevill
Bingham
Blackburn
Brooks
Brown, Mich.
Byrne, Pa.
Carey, N.Y.
Carney
Clark
Clay
Colmer
Culver
Curlin
Dent
Dickinson
Dowdy
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Fountain
Galifianakis
Gallagher
Gettys
Griffin
Hanna
Harvey
Hébert
Henderson
Hull
Ichord
Johnson, Pa.
Jones, Ala.
Kee
Kyros
Landrum
Long, La.
McMillan
Macdonald, Mass.
Mills, Ark.
Nix
Patman
Poage
Pucinski
Riegle
Saylor
Scheuer
Smith, Calif.
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Symington
Ware
Whitehurst
Wilson, Charles H.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Henderson against.

Mr. Evins of Tennessee for, with Mr. Fountain against.

Until further notice:

Mr. Charles H. Wilson with Mr. Smith of California.

Mr. Staggers with Mr. Whitehurst.

Mr. Hébert with Mr. Dickinson.

Mr. Abernethy with Mr. Blackburn.

Mr. Stokes with Mr. Riegle.

Mr. Jones of Alabama with Mr. Galifianakis.

Mr. Kyros with Mr. Griffin.

Mr. Macdonald of Massachusetts with Mrs. Dwyer.

Mr. Nix with Mr. Eshleman.

Mr. Pucinski with Mr. Patman.

Mr. Gettys with Mr. Mills of Arkansas.

Mr. Clark with Mr. Saylor.

Mr. Byrne of Pennsylvania with Mr. Ware.

Mr. Brooks with Mr. McMillan.

Mr. Bevill with Mr. Johnson of Pennsylvania.

Mr. Hanna with Mr. Hull.

Mr. James V. Stanton with Mr. J. William Stanton.

Mr. Stubblefield with Mr. Ichord.

Mr. Landrum with Mr. Kee.

Mr. Carey with Mr. Colmer.

Mr. Ashley with Mr. Brown of Michigan.

Mr. Culver with Mr. Clay.

Mr. Carney with Mr. Badillo.

Mr. Symington with Mr. Scheuer.

Mr. Long of Louisiana with Mr. Dowdy.

Mr. Gallagher with Mr. Curlin.

Mr. Bingham with Mr. Abbitt.

Mr. Harvey with Mr. Stephens.

Mrs. ABZUG changed her vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 931, the Committee on Public Works is discharged from further consideration of the bill S. 1736.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. GRAY

Mr. GRAY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. GRAY moves to strike out all after the enacting clause of S. 1736 and to insert in lieu thereof the provisions of H.R. 10488, as passed, as follows:

That this Act may be cited as the "Public Buildings Amendments of 1972".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) strike out in subsection (b) of section 4 the figure "$200,000" and insert the figure "$500,000" in lieu thereof;

(2) strike out in subsection (a) of section 12 the following: "as he determines necessary,";

(3) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design."; and

(4) section 7 is amended to read as follows:

"SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriation shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

"(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act;

"(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

"(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

"(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

"(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

"(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section, and proceeds with respect to building sites, plans, and specifications authorized to be sold pursuant to subsection (h) of this section.

"(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, District of Columbia', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildngs Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) In any fiscal year there may be deposited to miscellaneous recipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

"(5) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding two new subsections reading as follows:

"(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services as responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator and the Director of the Office of Management and Budget. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the services, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

SEC. 5. (a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Funds available on the date of enactment of this subsection for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and it further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 7 of the Public Buildings Act of 1959, as amended, and each such prospectus shall be limited to public buildings generally suitable for office or storage space or both and any other type of public building that is specifically approved by resolution adopted by the Committee on Public Works of the Senate and the House of Representatives for a purchase contract under this section.

(g) No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section.

(h) No purchase contract shall be entered into under this section until it has been authorized by resolutions adopted by the Committees on Appropriations of the Senate and House of Representatives, respectively.

SEC. 6. (a) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west, Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 308 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,100 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

(b)(1) The United States Postal Service shall grant the city of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the city of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the city of New York of a high-rise residential tower thereon, provided that—

(A) The city of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street, between Ninth and Tenth Avenues in the city of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

(B) The city of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

(2) If within 24 months after the city of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d)(1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the city of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the city of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon.

SEC. 7. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

SEC. 8. (a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

SEC. 9. Section 8 of the John F. Kennedy Center Act, as amended (72 Stat. 1969) is amended by inserting "(a)" immediately afafter "SEC. 8" and by adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated to the Board not to exceed $1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts."

SEC. 10. Section 6 of the John F. Kennedy Center Act, as amended, (72 Stat. 1968) is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the non-performing arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection."

SEC. 11. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

The motion was agreed to.

The Senate bill was ordered to be read a third time, and was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 10488) was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERSONAL EXPLANATION

Mr. PEPPER. Mr. Speaker, I was in my office seeing constituents and missed rollcall 114. Had I been present, I would have voted "nay."

COMMUTER TAX UNDER THE GUISE OF POLLUTION CONTROL

(Mr. SCOTT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, yesterday the District of Columbia City Council proposed another commuter tax under the guise of pollution control. You will recall a few years ago the city proposed a payroll tax. Congress refused to approve it. Then they proposed a similar measure but called it a reciprocal tax. Congress did not approve that either. Now the council proposes to bypass the Congress by using a subterfuge—an alleged air pollution regulation which will cost 50 cents for each car parked for a given period of time on commercial parking lots, with the warning that it will soon be raised to $1. This is still a commuter tax, meant to tax the persons who live in the suburbs but work in the city. Mr. Speaker, parked cars do not pollute. There is no tax suggested for cars which drive around the city all day polluting the atmosphere but they are taxed when they are parked with the motors turned off. It could be a challenge to the exclusive jurisdiction of the Congress over the District of Columbia or it could be an effort to pressure the Congress into increasing the Federal payment but regardless of the purpose, it raises a question of whether the interest of the city is served by antagonizing the suburban areas rather than attempting to work with suburban Maryland and Virginia. There is no question in my mind that this is a revenue measure rather than a tax for the purpose of regulating air pollution.

In a Washington Star editorial on March 31, retiring Chairman Gilbert Hahn, who apparently is pushing this matter stated: First, it will raise $38 million a year—this figure apparently was predicated on a $1-per-day tax; second, it will discourage daily automobile commuting and, third, it will tap some of those pesky suburban commuters who work downtown. The chairman does not appear to be talking about a tax imposed for the purpose of reducing air pollution but a revenue measure and Congress still has exclusive legislative jurisdiction over the District of Columbia.

It is my understanding that the business community of the District of Columbia is opposed to this tax and again, quoting from the Washington Star of April 5, many businessmen have indicated that their leases in the District of Columbia will not be renewed if this tax is imposed. The business community also contends that the council does not have the power to enact such a tax. Of course, the city council has only approved the matter at its first reading and it may be that final approval will not be given until a new chairman of the city council is confirmed by the Senate.

Mr. Speaker, in my opinion, this is clearly a prerogative of the Congress and the city council is flaunting this prerogative. Anticipating the possibility of such an event occurring, last week I introduced a measure, H.R. 14340—the text of which is inserted in the RECORD at the conclusion of my remarks—which would remove all doubt regarding the authority of the District of Columbia to levy this tax.

All of us are concerned, Mr. Speaker, about traffic congestion in the District of Columbia. Work has been underway for a period of time to construct a much needed subway system. The use of buses and rail transportation should be encouraged but until some substitute is found, people are going to have to continue to use their automobiles to get to and from work. Whether or not there should be a commuter tax rests with the Congress. Of course, I am strongly opposed to such a measure. The Congress should not permit an assumption of its perogative by the District of Columbia Council under the guise of reducing pollution in the city. Therefore, I have today talked with the chairman of the District of Columbia Committee and also formally called my bill to his attention and requested a prompt hearing.

All of the Members from Virginia and Maryland have strongly opposed the concept of a commuter tax, because our constituents pay local, State, and Federal taxes where they live. I would hope that this matter can be resolved, however, within the District of Columbia Committee and that the Congress will work its will rather than to permit a decision affecting the Members of this House, its staff, and the employees of the Government to be determined without legislative authorization.

The text of H.R. 14340 follows:

H.R. 14340

A bill to limit the authority of the government of the District of Columbia with respect to the levying and collecting of certain taxes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the District of Columbia Council shall not—

(1) change the rate or application of any existing tax, license, or other fee imposed in the District of Columbia; or

(2) impose any new tax, license, or other fee in the District of Columbia;

if a primary purpose of such tax, license, or other fee is, or the effect of the imposition of such tax, license, or other fee could reasonably have been foreseen to result in, the regulation of the flow or use of motor vehicles in the District of Columbia.

REMOVING BARRIERS TO LOW- AND MODERATE-INCOME HOUSING

(Mr. BADILLO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BADILLO. Mr. Speaker, I am introducing today a bill whose purpose is to give substance to the promise of equal housing opportunity which has been repeatedly enacted into law by the Congress.

This bill has two main thrusts: it prohibits the use of zoning, subdivision controls, or building codes to prevent development of low- and moderate-income housing outside the core cities, and it directs the Department of Housing and Urban Development and other Federal agencies to give top priority in awarding Federal grants and loans to those communities having comprehensive development plans for such housing.

I offer this legislation as a direct challenge to the administration and to those in the Congress who support its so-called emergency moratorium on school busing. If they really believe in integrated education, and oppose busing on other grounds, then they should support this bill, because it will remove those housing barriers that have prevented the integration of our schools. It is my hope that the leadership of the House and the leadership of the appropriate committees will schedule this bill for action so that we may have a record vote on both bills on the same day.

In this way, Mr. Speaker, we can demonstrate to the American people and to the nations of the world whether or not racism is involved in the busing dispute, whether or not the Congress intends to keep the poor locked into urban ghettos, and whether or not the Congress will live up to its promises for equal housing opportunity.

I am prepared to offer this bill as an amendment to the administration's busing moratorium legislation, should that be brought before the House, and I am also prepared to offer it as an amendment to the omnibus housing bill now before the Committee on Banking and Currency.

Should it become necessary, I am also prepared to seek a direct discharge of this legislation and should that come about, it will be interesting to see whether those who signed the discharge petition on the antibusing constitutional amendment will also sign a discharge petition in behalf of equal housing opportunity.

I present for inclusion in the RECORD the text of my bill, which will be circulated among my colleagues for cosponsorship:

H.R. —

A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) no State or general or special purpose unit of local government (or other agency having official jurisdiction over one or more regions or subareas within a State or States) shall, in the exercise of powers with respect to planning, zoning, subdivision controls, building codes or permits, or other matters affecting land use, prevent the reasonable provision of low and moderate income housing in undeveloped or predominantly undeveloped parts of any community within a metropolitan area as defined in subsection (b), or discriminate in any other way (on the basis of amount, type, location, or otherwise) against low or moderate income housing in any such community.

(b) For purposes of this section, the term "metropolitan area" means any city or municipality having a population of 100,000 or more (as determined on the basis of the most recent decennial census), together with all general or special purpose units of local government located within a 50-mile radius of such city or municipality (whether or not located within the same State).

(c)(1) If the Attorney General of the United States, after consultation with the Secretary of Housing and Urban Development, believes that the provisions of subsection (a) have been or are being violated, he may bring a civil action in any appropriate United States district court to enforce compliance with such provisions.

(2) Any person who would be assisted (financially or otherwise) in obtaining suitable housing, or would derive any other benefit, direct or indirect, by or from the provision of low or moderate income housing (or additional low or moderate income housing) in any community within a metropolitan area as defined in subsection (b), and who believes that the provisions of subsection (a) have been or are being violated with respect to such community in a way which effectively deprives him of such assistance or benefit, may bring a civil action in any appropriate United States district court without regard to the amount in controversy, or in any appropriate State or local court of general jurisdiction, to enforce compliance with such provisions or obtain other equitable or preventive relief under this section, and may request such relief in any court whenever relevant in connection with a defense to any suit or action brought against such person in that court.

SEC. 2. (a) In the administration of any Federal program providing assistance (in the form of loans, grants, or otherwise) to assist in the construction or development of housing, or in carrying out open-space or urban development projects, or for the planning or construction of hospitals, airports, libraries, water supply or distribution facilities, sewerage facilities or waste treatment works, highways, transportation facilities, law enforcement facilities, or water development or land conservation projects, or elementary and secondary schools, colleges and universities, pre-school and day care facilities, and in the administration of the Federal programs of mortgage insurance and loan guarantees under the National Housing Act and under chapter 37 of title 38, United States Code, a priority shall be given (as provided in subsection (b)) to applications made with respect to property located within the jurisdiction or boundaries of any general or special purpose unit of local government in a metropolitan area as defined in subsection (d) (or other agency having official jurisdiction over one or more regions or subareas, including at least one metropolitan area as so defined, within a State or States) which has drawn up, submitted, and had approved by the Secretary of Housing and Urban Development, or which is subject to the jurisdiction of an areawide agency that exercises powers with respect to planning, zoning, subdivision controls, building codes or permits, or other matters affecting land use in the area which such unit or agency represents and has drawn up, submitted, and had approved by the Secretary of Housing and Urban Development, a plan or plans—

(1) specifically providing for the inclusion of low and moderate income housing in the areas within the jurisdiction of such unit or agency that are undeveloped or predominantly undeveloped but that are in the path of development, in a manner consistent with any local comprehensive or master planning for such areas; and

(2) providing, with respect to the areas within the jurisdiction of such unit or agency in which little or no vacant land is available for low and moderate income housing because of existing density and land use, for compensatory arrangements with other localities within the same metropolitan area still having available vacant land for the construction of low and moderate income housing in those localities, so that no metropolitan area (as defined in subsection (d)) will be left without a proportionate and well-distributed number of units of low and moderate income housing.

Any plan or compensatory arrangement described in the preceding sentence shall be designed to avoid the concentration of low and moderate income housing within any fixed geographical boundaries in any metropolitan area; and any unit or agency which enters into a compensatory arrangement with another locality or localities for the provision of low and moderate income housing because its current density and land use precludes the construction of additional low and moderate income housing within its boundaries shall, when currently-used sites become vacant, make every effort to include such housing within its boundaries.

(b) Each unit or agency which draws up a plan or enters into an arrangement under subsection (a) shall submit such plan or arrangement to the Secretary of Housing and Urban Development for his approval. Upon such approval, all officers and agencies of the United States shall give priority, including all possible special consideration and preference, to any applications submitted by such unit or agency for assistance under any Federal law or program in connection with the construction or development of housing, the carrying out of open-space or urban development projects, the planning or construction of hospitals, airport, libraries, water supply or distribution facilities, sewerage facilities or waste treatment works, highways, transportation facilities, law enforcement facilities, or water development or land conservation projects, or the planning or carrying out of any other urban or areawide development programs or projects, with emphasis upon the development of a sufficiently stable neighborhood possessing an adequate level of amenities for all residents of the area or areas involved.

(c)(1) No plan described in subsection (a) shall be approved by the Secretary unless it is accompanied by satisfactory assurances that all low and moderate income housing constructed in accordance therewith, other than housing which (under applicable State or local law) is specifically exempt from tax or subject to tax only in reduced amounts or at reduced rates, will pay its full share of any local real estates taxes which are generally applicable to housing of the type involved.

(2) Where any of the housing involved is low-rent public housing which is exempt from real and personal property taxes levied or imposed by the State, city, county, or other political subdivision in which the project is located, the plan may be approved only if the public housing agency having jurisdiction over the project is required to make payments in lieu of taxes with respect to the project and the amount of such payments is increased by not less than 10 per centum each year until such time (not later than 10 years after the first such increased payment) as the amount of such payments equals the full amount of such taxes which would be paid with respect to the project except for the exemption. Notwithstanding any other provision of law, the Secretary may cause or permit any contract for annual contributions which may be outstanding with respect to the project to be amended in order to conform with the provisions of this paragraph, and, if conformity with such provisions would require an increase in the annual contributions payable with respect to the project, may provide for such increase in the amendment.

(d) For purposes of this section, the term "metropolitan area" means any city or municipality having a population of 100,000 or more (as determined on the basis of the most recent decennial census), together with all general or special purpose units of local government located within a 50-mile radius of such city or municipality (whether or not located within the same State).

(e) The Secretary shall upon request provide appropriate technical assistance to any unit or agency developing a plan or entering into an arrangement as described in subsection (a).

(f)(1) For purposes of this Act, income levels and the definition of low and moderate income housing shall be determined by the Secretary on the basis of low and moderate income budgets published for the respective areas involved by the Bureau of Labor Statistics in the Department of Labor, with such adjustments as the Secretary may consider necessary in order to allow for variations and special circumstances within such areas.

(2) The determination of what may constitute a proportionate number of units of low and moderate income housing for any area shall be made by the Secretary on the basis of figures developed by the Bureau of the Census showing the number of low and moderate income families within such area and shall take into consideration the housing presently available within such area for such families.

NADER'S CONGRESSIONAL INVESTIGATION

(Mr. DEVINE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous material.)

Mr. DEVINE. Mr. Speaker, Ralph Nader's investigation of congressional offices involves many areas, and the Members are undoubtedly interested in the questions to be asked, and instructions given by Mr. Nader to his investigators. I am submitting these in the RECORD so that all Members may have an opportunity to know what to expect:

VII. DISTRICT OFFICE INTERVIEW

INTRODUCTION

1. Call "Directory Assistance" for the largest city in the Congressional district and ask if they have these listings:

a. Under the heading of U.S. Government, is there any listing for the Member of Congress or his/her district office? Yes or no.

b. Under the Member of Congress' name, is there a telephone listing? Yes or no.

c. Are the telephone number and address of a district office listed? Yes or no.

If you are unable to locate the district office, call the Member's personal phone number if listed and ask for the address and phone number of the district office. You may also look in your local library or call the reference section of the largest public library nearby and ask them to look in the most recent *Congressional Staff Directory* for the telephone number and address of the Member of Congress' district office. Or call the political reporter of a local newspaper.

Explain how you finally located the district office(s):

2. List below the address(es) and phone number(s) of the district office(s):

Address and telephone number.

3. Using the enclosed map of your Congressional district, determine whether the

district offices are within the boundaries of the district. Put a star beside the offices listed above that are outside the district. Then mark on the enclosed map the approximate locations of the district offices, using the letters assigned above.

4. If there is more than one office, call one and ask which is the largest district office. Call the largest office and ask when you will be able to talk in person with the Member's main staff representative there. Make an appointment if necessary.

5. When you visit the office, or if you make an appointment on the telephone, give your name and identify yourself as a researcher for the Ralph Nader Congress study which is running a standard survey of all district offices in the country. Explain that you have a few questions as part of a nationwide survey that will take a short while. If there is absolutely no way that you will be able to interview the main staff representative, then try to see the person next in line who is familiar with the operations of this district office. If you can't interview anyone in any office, call our office for further instructions.

The district office may want you to speak directly to the Member of Congress instead of talking with the main district staff representative. If this happens, explain that the Congress Project's professional staff plans to request an interview with the Member later in Washington, D.C., but that we would like to learn about the district office from the perspective of the staff members who represent the Member in the district. If the office insists that you talk only with the Member, then do so, making it clear that this should not preempt a later interview in Washington, D.C.

The staff may want to know more about you or about the Congress Project before consenting to an interview. If so, show them the enclosed "Description of the Project" and answer their questions if you can. Please do not give them copies of the questionnaire; it is for your use. You may be given only a short time for the interview; if it looks as though you will not be able to complete it in the allotted time, ask the circled questions first and go back to the remaining questions later if time permits. You may have to make more than one visit to the office to complete the interview. You may also need to talk with several staff members, if the main representative does not know about certain parts of the office operations (such as casework or press relations). If you talk with more than one person, indicate *clearly* who answered each question.

6. Once you have arranged for the interview, conduct it in a businesslike and courteous manner. Please use a pen to fill in the answers. Ask every question and fill in all the blanks. If a question is not applicable to your situation, mark N/A and indicate clearly why it is not applicable. If you were not given a response to a question, mark "I Don't Know" or "No Response" and add any additional comments that were made.

7. After you have finished the interview, transfer the answers from your working copy to your final copy. Please print clearly making sure that you have correctly transcribed all of the answers. Mail the final copy to us: Jacqueline Jelley, Field Coordinator, Ralph Nader Congress Project, 1832 M Street, N.W., Suite 101, Washington, D.C. 20036.

Please keep your working copy in case we need to call you.

INTERVIEW AT THE DISTRICT OFFICE

Name of the Member of Congress.
Address of the major district office.
Name of person interviewed.
Title or duties.

Ask the following questions and fill in all answers.

My name is —— and I'm working with Ralph Nader's nationwide Project on Congress. We are doing a standard survey of the district offices of each Member of Congress. We think you would know most about the daily workings of the Member's local offices in this district, and we are interested in your experiences and ideas.

1. How many other official offices does the Member of Congress have in this district?

[If there is *more than one* district office, explain the differences among offices:]

We are interested in the Member's work in the district as carried out through the district offices. Therefore, my questions are intended to apply to all of your district offices. Please let me know as we go along if any of your answers apply to only one office. [Please note in the margin if any answer applies to only one office and which one.]

2. What is the purpose of your district offices?

3. About how many letters would you estimate the offices receive in an average week?

About how many phone calls?

About how many visits?

4. We have a list of some kinds of letters, calls, and visits that district offices often receive; would you *rank* in order of frequency the items on this list:

Requests for help in solving personal problems with the federal government

Requests for help in solving personal problems related to the state and local government (such as sewage backup, voting rights, highway location)

Requests for general information or materials

Complaints about product failures, repairs and safety

Requests for a formal investigation into some general problem area

Expressions of opinion on a pending piece of legislation

Requests for private bills or relief legislation

Other major kinds of communication you receive [Specify]

5. You ranked -------- first. What percentage of the letters, calls, and visits would you estimate deal with this category?

6. About how many letters or cards a month on the average do the *district officers send out* regarding the following matters:

Letters of congratulations or greetings. Please describe:

Letters explaining a legislative position. Please describe:

Letters asking for political support. Please describe:

Casework letters (responses to requests for help).

What other kinds of letters do you regularly send? [Specify]

How many of each kind do you send per year? [Specify]

We're interested in how the district offices learn about the opinions of their constituents on specific issues.

7. Has the Member developed any methods for finding out the view of the constituents? [Explain]

8. Over the past two years have you administered any questionnaire to constituents?

[If yes] How many?

How much did they cost in total?

[If no] Why not?

Do you go to every family in the district? [If no] Who received them, how many received them, and why were these people chosen?

Generally, what percentage of those questionnaires sent out are answered and returned?

What impact have the responses had on the Member's voting record?

9. Have you ever used any of the following ways of discovering district opinion? [Check if yes]

Taking a poll on the streets? (When?)

Counting up letters and calls taking sides on an issue? (When?)

Mobile district offices? (When?)

Fact-finding trips? (When?)

Hearings or open community discussions or "town meetings?" (When?)

Going door-to-door? (When?)

If you have ever used any of these methods, please tell me what issues were covered, what information was exchanged, and which constituents were consulted? [Explain]

10. Which method of discovering constituent opinions has aroused the most interest?

11. Has the Member initiated any new forums or proposals for citizen participation and communication on public issues?

12. To your knowledge, how often has constituent opinion prompted the Member to vote differently than he/she otherwise would have in the past two years?

Can you give me an example?

13. What would you say are the most pressing problems that people living in this district face? [Do not offer examples—if the interviewee asks for clarification, simply restate the question as it is given here.]

14. Which specific people, groups, or businesses would you rate as most active in expressing their views or advice to the district offices? [Mark below. Seek specifics: Not "Labor," for example, but "Garment Workers Union, Local #43"] About how many times a month does each of these communicate with your office?

15. What would you say was this office's greatest crisis or controversy over the past five years?

[If none] What incident required the most activity or work in this office within the last five years?

16. What innovations have been adopted by your office which should be imitated by others?

17. What do you think are the three best accomplishments the Member has achieved for the district?

18. What major federal benefits has the Member helped to bring to the Congressional district? For example, what federal money through jobs, contracts and federal grants, or public works (highways, dams, and military bases) has the Member helped to bring to this district? [List below] What years were those benefits brought to the district? [List below] Can you identify the constituent groups or individuals who suggested or helped the Member get these projects? [List below] Who opposed the projects? [List below]

19. We're interested in learning about the Member's activities in the district. About how many days in a year is the Member usually in the district?

20. When in the Congressional district, about what percentage of time is normally spent on the duties of being a Member of Congress?

Of this time, how would you rank the following activities in terms of time spent?

Holding public office hours in the district office or elsewhere in the district

Giving speeches or talking before the public and press

Consulting with community and political leaders

Are there other things that the Member frequently does here? [Specify]

21. Could you tell me the four to six groups or organizations before which the Member has spoken or appeared most frequently in the past year?

22. What organizations does the Member visit most frequently? (For example, social, religious, recreational, cultural and political clubs)

MEMBER OF CONGRESS

23. What awards or honors has the Member received over the past two years?

24. Has the Member engaged in any public debates in the Congressional district during the past two years?

[If yes] About how many?

When were they held?

Who first proposed the meetings?

Who were the opponents in the debates?

Were they televised?

Were they broadcast [i.e., radio]?

Do you have articles on, or transcripts of, the debates that you could give me?

[If yes, collect them.]

[If no] Where could I obtain them?

25. Does this office have a copy of the Member's voting and attendance record available for review?

[If no] Where in the Congressional district is the Member's voting record for the period since January of 1970 available?

26. Are you familiar with the daily schedule of the Member and of important events in the D.C. office, in case a constituent calls to ask about a scheduled event in the D.C. office?

[If yes] What is your procedure for learning this information?

27. In your own opinion, what was the major emphasis of the Member's legislative activity in Washington, D.C. this term?

28. What new ideas has the Member proposed recently of which he/she is especially proud?

29. Is there a minority group in significant numbers in the district?

[If yes] Are there members of the district office staff from this minority group?

[If yes again] How many?

STAFF

We are studying how Congressional offices in each district divide up their staffs' time and what various tasks are accomplished?

30. Could you briefly summarize the job of each person who works in the District Office and about how much of the time of each (None, ¼, ½, ¾, All) is spent on clerical work, casework, community and press relations, studying and preparing reports for legislative guidance, preparing for the campaign?

31. What has been your turnover in staff in the last two years?

Number left.

Number hired.

32. Could you please list any major studies of problems affecting the district written by district office staff since January of 1970:

33. Do any groups or organizations (such as schools, companies, or labor unions) ever supply volunteers to help your offices?

[If yes] About how many have worked since 1970?

Which organization, union, or business supplies the most volunteers?

34. Have any consultants or researchers or other staff members ever been employed or paid by someone else and used by the Member or the district office?

[If yes, identify]

35. How many hours a week are the district offices open to the public?

36. How many of these hours are after 5 p.m. or on weekends?

37. Are any of the district offices rented with money other than the government allowance?

[If yes, identify]

38. Are any of the district offices not in federal buildings?

[If yes] Do you know who owns the non-government buildings?

[If yes again] Please identify these owners.

39. Does the Member ever supplement the office budget with his/her personal income or savings?

40. Do you ever find that special services or discounts are available to a Congressional district office?

[If yes] Can you please give me some examples?

Do any persons or groups ever help with printing or mailings by giving labor, materials, discounts, or other assistance?

[If yes] Please explain:

Were any of the supplies and equipment for the offices donated or sold to the offices at a discount price?

[If yes] Please give details.

Does anyone ever provide a car, airplane, or other form of transportation for the Member?

[If yes] Who?

PRESS

We're also interested in the work of the local press.

41. How often would you estimate that news of the Member's activities in Washington, D.C. appears in the local papers, TV, or radio, not including the three months just before an election?

42. Does the Member have a regular local radio or TV program?

[If yes] How often?

On what stations?

Who sponsors it?

43. Does the Member have a regular newspaper column?

[If yes] How often does it appear?

In what newspaper?

44. No public official can please everyone all the time. Has any unfavorable publicity about the Member been carried in the local press in the last two years?

[If yes] Could you give me a brief summary of the publicity and the approximate time of the coverage?

What did the Member do about the unfavorable publicity?

45. Have any biographical sketches or articles been written about the Member or about the Congressional district in the last several years either in public or private publications, such as newspapers, books, trade journals, and union or business newsletters?

[If yes] What were the titles and authors, and where can I obtain copies?

46. Has the Member written any books or major articles in the last five years?

[If yes] Please list them:

CASEWORK

47. Which three or four problems of your constituents dominate most of the casework load in your district offices?

48. About what percentage of the problems that people bring to the district offices are related to their business?

What types of business problems are they?

49. About what percentage of the casework does the Member personally handle?

50. Do the offices ever give the Member a report on the numbers and type of problems brought to each of the district offices?

[If yes] How often does the Member receive such a summary?

Do you regularly include how the problems were solved or suggestions for possible legislative solutions?

51. What other methods does the Member use to become familiarized with the district officers' casework?

52. Over the past five years, has the Member or the staff in Washington, D.C. or in the district written, sponsored, or caused to be introduced in Congress legislation which was designed to eliminate some problem brought to light by district office casework?

[If yes] Please describe all of that legislation.

[If no] Why not?

53. Has the Member helped to establish complaining centers in the agencies of government most complained about?

ELECTION CAMPAIGN

Were any of the following materials or services donated, loaned, or sold at a discount to the Member's campaign? [Check the appropriate item(s) and transfer the number(s) of the item(s) to the answer space(s).

-- 1. cars, airplanes or airplane space, pilots, drivers
-- 2. credit card
-- 3. security for loans
-- 4. paper, printing, stamps or postage meter
-- 5. copy or speech writers
-- 6. public relations experts
-- 7. campaign organizers
-- 8. computer time
-- 9. automatic typewriters
-- 10. billboard space
-- 11. opinion polls
-- 12. campaign dinners or events
-- 13. campaign headquarters
-- 14. telephone line or credit card
-- 15. sound or TV taping facilities
-- 16. lists of registered voters or mailing lists.

Ans.-----
Ans.-----
Ans.-----
Ans.-----
Ans.-----

[For each item checked above] Who specifically loaned, donated, or sold it to the campaign and what are their corporate or organizational affiliations?

Are there any other ways in which the Member's campaign was aided by donations of commodities or labor?

55. From which groups or individuals in the district did the Member get endorsements in the last election? Please list them:

56. Which segments of the district population (such as blacks, youth, blue-collar workers) gave the Member the greatest support in the last election?

57. From what groups or individuals did the Member's opponents in the last election get the *most votes?* [List]

The *most financial support?*

58. Why do you think they favored the opponent?

59. What major issues were raised by the Member and the opponents in the last campaign?

60. What campaign promises did the Member make? [List]

Have they each been carried out?

61. What would you say was the Member's major difficulty in conducting the 1970 campaign?

62. Who was the Member's campaign manager?

Present Occupation:

63. Who was the campaign treasurer?

Present Occupation:

64. Did the Member have to borrow money to fund the latest election campaign?

[If yes] From whom was it borrowed?

Has it been repayed?

65. Who were the three largest individual or organizational contributors to the Member's 1970 campaign fund? Could you also tell me their corporate, association, or union affiliations if they have any? Can you estimate the value of their contributions?

ELECTION CAMPAIGN

66. Have any contributors requested assistance from your office since the last election?

[If yes] Please give details:

67. Where is the 1972 campaign office?

Who is the 1972 campaign manager?

Manager's occupation?

Who is the 1972 treasurer?

Treasurer's occupation?

68. What factors were most important in the Member's successful campaigns (primary and general) in 1970? [Circle the number(s) representing the interviewee's response(s) and transfer the number(s) to the answer space.]

	Primary	*General*
No opponent	1	13
Established reputation	2	14
Opponent unknown	3	15
Opponents' mistakes	4	16
Partisan voters	5	17
Redistricting	6	18
Strong campaigning	7	19
Endorsements: politicians; union; newspaper	8	20
Vote split among 3 or more	9	21
Consistent attention to constituent needs	10	22
Strong financial support	11	23
Other: [Specify]	12	24

Ans. ----

Ans. ----

Ans. ----

Ans. ----

Ans. ----

69. What other candidates for office did the Member endorse in the 1970 campaign?

OCCUPATION

70. What was the Member's main occupation before running for political office?

71. In what ways is the Member still connected with that occupation?

72. If the Member practiced law, is he/she still associated with a firm in name or in practice?

[If yes] Name the firm:

Who are the firm's biggest clients? [List]

Which clients does the Member himself (herself) handle? [List]

73. What other employment or business positions (Board of Directors, partnership, ownership) does the Member currently have outside Congress? [Describe]

74. About how often do the Member's former or current occupational associates contact the district offices on a business matter?

75. When customers or clients of the Member's business or former business contact this office on a business matter, do you as a common practice?

Refer them back to the firm or business?

Refer them to the Washington, D.C. office?

Refer them elsewhere? [Specify where]

Handle the matter yourselves?

[If none of the above, specify what is done:]

76. Are you familiar with the Member's financial holdings, (real estate, stock) both locally and otherwise?

[If yes] Describe holding and amount:

77. Does the Member plan to retire from office soon?

[If yes] What will the Member do after leaving office?

78. Has the membership on any committee proved advantageous or disadvantageous for the Member in the district?

[If yes] Explain:

79. Who are the top ten community leaders the Member goes to when seeking the pulse of the community? What parts of the community does each represent?

80. Could you describe the requirements in this district for registering to vote? [List]

Is an effort made by your office to encourage and help people to register?

c. [If yes, describe]

Is it more difficult in any way for minorities, poor people or young people to register?

[If yes, describe]

DOCUMENTS

81. Finally, there are different policies on the public availability of documents. To survey these differences, we have a list of documents sometimes found in district offices. We would like to read this list and check off those you have and those this particular office makes public.

A. Which of these documents do you have in this office? [Read the list on the next page and check the appropriate space]

B. Where else are they kept? [Mark on next page]

C. Which, if any, of these documents are available to the public? [Mark on next page]

D. I would like to inspect the following documents, please. [List whichever documents are in this office and are available to the public. Note the ones which are not produced for your inspection and ask for the exact reason for each denial. Ask for clarification: "I thought you said that these documents are open to the public?"]

E. [Collect any of these documents or copies of them (except for No. 5, files) that the office will give you.]

[If the office charges a fee for copying, please note the cost in column E. Please do not pay for copies unless you are willing to bear the cost yourself as a contribution to the project.]

Date:

Your Name:

District number:

State:

(NOTE.—Each category was divided into the following categories: A. In District offices; B. Elsewhere (specify); C. Available to Public Yes/No/Reasons; D. May I see? Yes/No/Reasons; E. Copies Yes/No/Reason Cost.)

1. Payroll records.

2. The calendar or appointment book of the Member and his/her district representative.

3. The form letters or guides for standard answers to common inquiries.

4. An index of the office files.

5. The office's files, including all correspondence except that which has specifically asked for confidentiality and where there would be retaliation by employers or others.

6. A record of the office's casework over the past 6 months.

7. All newspaper clippings concerning the Member especially from May to Nov. 1970.

8. All newsletters of the Member for the past 6 years.

9. Copies of questionnaires and the results obtained for the past two years.

10. Major campaign materials, especially for 1970, including mailings, pamphlets, leaflets, and major ads.

11. Treasurer's statements or records of the Member's campaign finances for the last election.

12. Disclosure statement of the Member's complete financial holdings (if any).

13. Copies of any of the Member's lectures, speeches, TV and radio transcripts, and other materials written by the Member.

END OF INTERVIEW

[Ask for other comments. You might say, "That finishes all the specific questions I have. Do you have any other comments, or is there anything else that you want to add about the district office or the Member's activities here in the Congressional district?"]

[NOTE.—Don't forget to complete the post-interview forms attached.]

IS INFLATION REALLY ON THE WANE?

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSH. Mr. Speaker, today we are continually confronted with facts and statistics, sometimes conflicting, often confusing; and with projections concerning the present and future state of the economy.

One hardly knows if inflation is really on the wane, or if purchasing power is simply absent. And it is hard to tell just where the unemployment curve is when to really understand it we are told to exclude millions of unemployed women and youths first.

Despite all of this, in this world of uncertainty, I have come upon a comforting discovery; one I would like to share with my colleagues. Were you so fortunate as to be traveling through Indiana in the near future, you would find, as I have, outstanding and specific evidence of the success of the President's Phase II. I wanted to call this to your attention and point it out to the administration because I know the administration is hard pressed to find credible evidence that Phase II of the NEP is working.

Well, in Topeka, Ind., it certainly is and I would like you to know that Turner's Pharmacy there still offers a cup of coffee for 5 cents. Now, any of you who wishes to rush out to Topeka, let me advise you that this town is located in La Grange County, 2 miles east of Indiana State Highway 5 and about a mile north of the La Grange-Nobel County line.

But I must exercise a word of caution to you and tell you that the 5-cent cup of coffee is not a widespread practice in Indiana. In fact that cup of coffee, which I thoroughly enjoyed and which buoyed my spirits, was the only evidence of success of the program I found in miles of travel throughout my district during the Easter recess.

Small as this is, it is significant. Such a discovery gives one hope. It is something like finding the first crocus of spring and one feels impelled to murmur with the poet: "O, Wind, if Winter comes, can Spring be far behind?" Does this nickel cup of coffee make promise for the future, or does it only reflect the nostalgia of the past?

LAWYERS COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM MEMORANDUM OF LAW ON IMPEACHMENT

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, if nothing else, the Nixon administration's escalation of American adventurism in Vietnam should point out clearly that a small cadre of policymakers are able to flaunt the will of the people and the rule of law when given the "opportunity" to suit their fancy.

At this point it becomes meaningless to sit back and criticize the bombing stepup because that escalation shows that we in the Congress have not—I repeat, have not—demonstrated our willingness to change or stop this madness.

Where it leads, I think, is to a serious consideration of the rights and powers of both the President and the Congress in the maintenance and escalation of U.S. offensive capabilities and operations in Southeast Asia.

One group of distinguished lawyers, the Lawyers Committee on American Policy Toward Vietnam, has recently completed and endorsed a major study of the history and precedents of the impeachment mechanism as it relates to the American stance in Indochina. This serious study deserves close scrutiny by the Members of the Congress and by the public at large because it indicates that there are clear and sufficient existing grounds today for this body to have brought before it a bill of impeachment against Richard M. Nixon.

For myself, I deem it capricious for a solitary Representative to stand before you and call for impeachment—even if such clear grounds for impeachment are in evidence. Impeachment has to be—must be—a broad, national action, one supported by widespread public backing.

Therefore, while I personally feel there are overwhelming grounds for impeachment of Richard M. Nixon, all I ask today is for my colleagues to study this important document and to use it as a guide not only for the critical action of impeachment, but also as a framework for the control and determination of policy by the Congress.

The study follows:

LAWYERS COMMITTEE ON AMERICAN POLICY TOWARD VIETNAM

MEMORANDUM OF LAW ON IMPEACHMENT

The conduct of President Richard M. Nixon, since the adoption of the "National Commitment Resolution" of June 25, 1969, and since the repeal of the Gulf of Tonkin Resolution on December 31, 1970 as well as the continued prosecution of the Southeast Asian war in utter disregard of the governing Nuremburg Principles affecting the conduct of war, made President Nixon culpably guilty of "high crimes and misdemeanors" warranting the presentation of a bill of impeachment by the members of the 92nd Congress.

The members of the 92nd Congress, and particularly the new generation of Congressmen who harbor such a close kinship for the families of the 45,000 casualties, the more than 300,000 wounded and, yes, the 35,000 drug addicts, have an opportunity to render their country a service which only members of the House of Representatives can render.

The members of the House of Representatives of the 92nd Congress must disassociate themselves from the commitments of the Congresses that immediately preceded them. All appropriations that are voted on by them and all amendments to the Selective Service Act must be made with the stipulation and the condition that the action is taken only for the purpose of bringing the war to an end. Clarifying amendments should be introduced to avoid any inference that their voting for appropriations or extensions of the draft constitute a ratification of the existing military activities.

Judge John F. Dooling, Jr., in his decision in the *Orlando v. Laird* case in the U.S. District Court for the Eastern District, recited the many instances in the past that Congress, by passing "the repeated amendments to the Selective Service Act," and laws affecting Veterans' Benefits for the "period of the war" and finally concluded: "But it is idle to suggest that the Congress is so little ingenious or so inappreciative of its powers, *including the power of impeachment,* that it cannot seize policy and action initiatives at will, and halt courses of action from which it wishes the national power to be withdrawn. . . .

"That, however, is simply a charge of Congressional pusillanimity . . .

"The Constitution presents the Congress with the oportunity for it, but it cannot compel the making of unpopular decisions by the members of Congress."[1] (emphasis supplied)

Some members of Congress have already begun to despair. Some have among themselves, reflected on the issue of impeachment. Still others have given expression to the extant power vested in the House of Representatives to discipline officials guilty of political crimes.

Under our Constitutional history the House of Representatives—the popularly elected branch of government—is the last rampart in the defense of the rights of the people.

Persons subject to impeachment are set forth in Article II Section 4 of the Constitution. It provides that "The President, Vice President and all civil officers of the United States shall be removed from Office on Impeachment for, or Conviction of Treason, Bribery or other high Crimes and Misdemeanors."

Between 1797 and 1936 eleven impeachment trials were conducted to final decisions. The two most important ones were that of Associate Justice of the Supreme Court, Samuel Chase (1805), and that of President Andrew Johnson (1868), the remaining nine were United States Federal Judges, one senator and a Secretary of War. In the case of the senator no action was taken because he was not subject to impeachment. The final decisions in the remaining ten impeachment trials were six acquittals and four convictions.[2]

"HIGH CRIMES AND MISDEMEANORS"

(As considered at the Philadelphia Constitutional Convention of 1787) *

The fifty-five members who wrote the Constitution, met in Philadelphia in secret sessions between May and September 1787. The records of their deliberations that did come down are sparse and the discussions by them of the section dealing with the "removal of officials" is quite limited. It was a fact, however, that the delegates met after a long war which ended the abuses of a tyrannical king and the need of avoiding the return of a "king" was prominent in their minds and hearts.

What follows is a day by day discussion of the section dealing with the conditions for impeaching a government official.

On *May 29, 1787,* a draft for a "Plan for a Federal Constitution" was presented by Charles Pickney. Article VIII of this plan provided that the President "shall be removed from his office on impeachment by the House of Delegates, and conviction in the Supreme Court, of treason, bribery or corruption." (p. 131)

On *June 2,* during the debate on that section, Mr. Dickinson moved "that the executive be made removable by the national legislature, on the request of a majority of the legislatures of the individual states." "The happiness of this country, in his opinion, required that considerable powers be left in the hands of the states." Mr. Sherman contended, "that the national legislature should have the power to remove the executive at pleasure." (p. 147)

On *June 13, 1787,* this summary power of removal was rejected and a motion was made to substitute the following language "and to be removable on impeachment and conviction of mal-practice or neglect of duty." (p. 190)

On *July 20, 1787,* during the debate, it was observed by Col. Mason that "No point is of more importance than that the right of impeachment should be continued." (p. 340) Dr. Franklin was for retaining the clause . . . it would be the best way, therefore, to provide in the constitution for the regular punishment of the executive, where his mis-conduct should deserve it, and for his honorable acquittal, where he should be unjustly accused." (pp. 340–41)

James Madison immediately added to Dr. Franklin's conclusion that he "thought it indispensable that some provision should be made for defending the community against the 'incapacity, negligence, or perfidy of the Chief Magistrate' " (p. 341).

"Mr. Gerry (at the same session), urged the necessity of impeachments. A good magistrate will not fear them. A bad one ought to be kept in fear of them. He hoped that the maxim would never be adopted here that the chief magistrate could do no wrong." (p. 341)

"Mr. Randolph" observed, "the propriety of impeachment was a favorite principle with him. Guilt, wherever found, ought to be punished. The executive will have great opportunities of abusing his power, particularly in time of war, when the military force, and in some respects the public money, will be in his hands. Should no regular punishment be provided, it will be irregularly inflicted by tumults and insurrections." (p. 342)

On *August 6, 1787,* the report of the Committee of detail was submitted and a printed copy at the same time furnished to each member. Article 9, Section II concerned itself with the duties, powers and responsibilities of the President of the United States of America and provided in part that "He shall be removed from his office on impeachment by the House of Representatives, and conviction, in the Supreme Court, of treason, bribery, or corruption." (p. 380)

On *September 4, 1787,* as the Convention was drawing to a close, a Committee of Eleven was created to whom sundry resolutions were referred for additions and alterations. This Committee inserted in the section dealing with impeachment the following change. "The Senate of the United States shall have power to try all impeachments, but no person shall be convicted without the concurrence of two thirds of the members present." But this Committee of Eleven made a further alteration to wit "He shall be removed from office on impeachment by the House of Representatives and conviction by the Senate for *treason or bribery.*" (p. 507)

On *September 8, 1787,* the Committee of Eleven resumed its work. The clause referring to the Senate, the trial of impeachment against the President, was taken up. Col. Mason observed "Why is the provision *restrained to treason and bribery only?* Treason, as defined by the Constitution, will not reach many great and dangerous offenses. . . . Attempts to subvert the Constitution may not be treason as above defined . . . it is more necessary to extend the power of impeachment." Col. Mason moved to add after "bribery" or "maladministration." This was seconded by Mr. Gerry. Mr. Madison then observed, "So vague a term will be equivalent to tenure during the pleasure of the Senate." Col. Mason thereupon withdrew "maladministration" and submitted "other high crimes and misdemeanors against the State." On the question thus altered the vote was Ay 8 No 3. (p. 528) The delegates to the Convention signed the Constitution on September 17, 1787.

What constitutes "high crimes" has eluded most authorities on constitutional law and the English Common Law. Pollock and Maitland, in their definitive "History of English Law" (Vols. I and II) devote a chapter (Crime and Torts), of more than one hundred pages, to an inquiry into crimes. There is much consideration of "petty treason" and "high treason". High treason covers forgeries, the making of counterfeit money and clipping of coin (Vol. II p. 511). But what constitutes "high crimes" has eluded these writers.[3]

During the trial of Supreme Court Justice Samuel Chase for impeachment, a reference was made to Blackstone's commentaries: at one point in the argument it was urged, "Let us try judge Chase by this test, 'A crime or misdemeanor' (says judge Blackstone) 'is an act committed or omitted, in violation of a public law either forbidding or commanding it.' This general definition comprehends both crimes and misdemeanors, which, properly speaking, are mere synonymous terms."[4]

The writers of commentaries, historians and text writers on the constitution, have, each in his own way, attempted to answer the inquiry "what are impeachable offenses". *Kent* in his *Commentaries* concluded that "The president, as well as all other officers of the United States, may be impeached by the house of representatives for treason, bribery, and other high crimes and misdemeanors . . ." If then "the president will use the authority of his station to violate the constitution or law of the land, the house of representatives can arrest him in his career by resorting to the power of impeachment."[5]

Footnotes at end of article.

Story, in his treatise *On the Constitution,* answered the inquiry of what are impeachable offenses as follows: "The only practical question is, what are to be deemed high crimes and misdemeanors? Now, neither the Constitution nor any statute of the United States has in any manner defined any crimes, except treason and bribery, to be high crimes and misdemeanors, and as such impeachable."[6]

"Congress have unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct . . . It seems, then, to be the settled doctrine of the high court of impeachment that, though the common law cannot be a foundation of a jurisdiction not given by the Constitution or laws, that jurisdiction, when given, attaches, and is to be exercised according to the rules of the common law; and that what are and what are not high crimes and misdemeanors is to be ascertained by a recurrence to that great basis of American jurisprudence (see Jefferson's Manual, Sec. 53, title, *Impeachment,* pp. 29 to 31).[7]

Cooley, in his *Principles of Constitutional Law,* defines impeachable offenses as follows: "The offenses for which the President or any other officer may be impeached are any such as in the opinion of the House are deserving of punishment under that process. They are not necessarily offences against the general laws. . . . It is often found that offences of a very serious nature by high officers are not offences against the criminal code, but consist in abuses or betrayals of trust, or inexcusable neglects of duty. . . ."[8]

Pomeroy, in his treatise *"Constitutional Law,* discusses the grounds of an impeachment at some length. In essence his estimate is that the President or Vice President who has "knowingly and intentionally violated the express terms of the Constitution, or of a statute which charged him with an official duty . . ." is impeachable.

He then lists specific instances which make the President culpable. The following two instances have direct bearing on President Nixon's culpability:

(1) The "President has the sole power to carry on negotiations with foreign governments. Congress may not dictate to him, or restrain him, much less make any kind of diplomatic intercourse on his part an indictable offense. But by a rash, headstrong, wilful course of negotiation carried on against the best and plainest interests of the country, although without any traitorous design, he might plunge the nation into a most unnecessary and disastrous war. For such an act he would be impeachable."

(2) The "President as Commander-in-Chief has the sole power to wage war. Congress may not dictate to him the campaigns, marches, sieges, battles, retreats, much less make any method of conducting the actual hostilities an indictable offense. But if his conduct was something more than a mere mistake in the exercise of his discretion, although not an adhering to the enemies of the United States giving them aid and comfort, he might, by a stubborn and wilful persistence in his plans after their failure had demonstrated their futiltiy, bring defeat, disgrace, and ruin upon his country. For such an act he would be impeachable. Many more instances might be given, but these are sufficient for illustration."[9]

Pomeroy in discussing the grounds of an impeachment makes the pointed observation that "Narrow the scope of impeachment, and the restraint over the acts of rules is lessened." He concludes his observations in the following significant language: "The phrase 'high crimes and misdemeanors' seems to have been left purposely vague; the words point out the general character of the acts as unlawful; the context and the whole design of the impeachment clauses show that these acts were to be official, *and the unlawfulness was to consist in a violation of public duty which might or might not have been made an ordinary indictable offence."* In Pomeroy's estimate the grounds for impeachment is that "The importance of the impeaching power consists, not in its effects upon subordinate ministerial officers, but in the check which it places upon the President and the judges,"[10] (emphasis supplied)

THE IMPEACHMENT OF PRESIDENT ANDREW JOHNSON

President Abraham Lincoln, even before his death, had approached "Reconstruction" in a constitutional and charitable manner. President Lincoln was prepared to recognize a seceded state when 10% of the population had taken an oath to uphold the Constitution. The radicals in Congress were opposed to this procedure and when President Johnson attempted to enforce Lincoln's policy of reconciliation, they organized their opposition.

Pursuing the Lincoln policy, President Johnson granted general amnesty to all participants in the rebellion who took an oath of allegiance to the United States. Soon after the reorganization of the Southern States, under Lincoln and Johnson, they enacted the "Black Codes." Under these codes, Negroes could be held as vagrants and in assigning them to the highest bidder to work off the fines, a new form of slavery was being reestablished. The reaction in the North to the "Black Codes" was crystallized by Horace Greeley who said that the South would not "stop short of the extermination of the black race" and the "Chicago Tribune" wrote, "that men of the North will convert the State of Mississippi into a frog-pond before they will allow any such laws to disgrace one foot of soil in which the bones of our soldiers sleep and over which the flag of freedom waves."[11]

After the 1866 midterm election, the struggle between the Radical Republicans in Congress and President Johnson became acute. A series of Reconstruction Acts were passed; and all were passed over President Johnson's veto. Finally, in March 1867, Congress passed the Tenure of Office Act which prohibited the President from removing office-holders except with the consent of the Senate.

President Johnson thereupon removed Secretary of War, Edwin Stanton. Secretary Stanton refused to resign, the radicals claiming that Stanton's removal was without the consent of the Senate. On March 2, 1868, the House of Representatives adopted a resolution impeaching President Johnson, charging him, in eleven articles, of "high crimes and misdemeanors." The first nine charges were concerned with President Johnson's violation of the Tenure of Office Act. The tenth charge accused him of attacking Congress with "inflammatory and scandalous harangues" and with intent "to bring into disgrace, ridicule, hatred, and contempt the Congress of the United States."

President Johnson escaped impeachment by a single vote. But by the filing of the bill of impeachment, the crisis that confronted the country at that time was overcome. The Radicals regained control of the legislative and the executive branches. The Reconstruction program in the South was reconstituted. The "Black Codes" were eliminated. The Fourteenth Amendment was adopted and the civil rights of Negroes, for at least a decade, were assured (1868–1877).

Of the eleven impeachments that went to trial and which are referred to above, the impeachments of President Andrew Johnson and Associate Supreme Court Justice Samuel Chase are the only trials—because of the very nature of the offices held by them—that have bearing upon the contemplated impeachment of President Richard M. Nixon. Brief reference, therefore, must be made to the impeachment proceedings that involved Associate Justice Samuel Chase.

Justice Chase was one of the 42 justices who were designated by President John Adams during the last week of this tenure, under an act passed just prior to his retirement. Soon after President Thomas Jefferson took office, an act was passed repealing the Adams act under which Justice Samuel Chase was appointed; but, under the Constitution, Associate Justice Samuel Chase could only be removed by way of impeachment.

The struggle between the Federalist oriented Judiciary of 1801–1805 and the Jeffersonian Republicans was such that a bill of impeachment was finally resorted to by the House of Representatives in 1805 to effect the removal of Justice Chase.

The Articles of Impeachment charged Justice Chase with conducting himself "in a manner highly arbitrary, opposite and unjust"; that he was prompted by a "spirit of persecution and injustice"; that he conducted another case "with an indecent solicitude"; "with an intent to oppress and procure the conviction" and finally with, "delivery to the said grand jury an intemperate and inflammatory political harangue with intent to excite the fears and resentment of the said grand jury."

The charges set out in the Bill in Impeachment in the opinion of the House of Representatives of 1805, were inadequate to bring Associate Justice Chase to trial. Although the effort to impeach Justice Chase "ended in an acquittal by a narrow margin,"[12] one historian attributed it to the dominance of the Senate by Federalists.

THE IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

The publication of the Pentagon Papers by the New York Times and the Washington Post have already demonstrated the conditions under which the United States became involved in the Southeast Asia war and we will not burden this memorandum with more than reference to it.

The "Nixon Edition" of the Pentagon Papers, we must assume, will expose the present Administration's shortcomings and irregularities but in this section we will address ourselves to the specific grounds for the impeachment of President Richard M. Nixon.

The 91st Congress, soon after President Nixon's inauguration (on Feb. 4, 1969) began consideration of the "National Commitment Resolution" introduced on that day by Senator William J. Fulbright. This resolution was agreed to on June 25, 1969. It reads in part: *"Resolved,* That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branch of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment."[13]

In the face of this clear mandate of Congress, on the evening of April 30, 1970, President Nixon informed the American people that "in order to avoid" a wider war and keep down the "casualties of our brave men in Vietnam" he ordered American troops to invade Cambodia. In that same address, he declared that the invasion of Cambodia was indispensable to the withdrawal of our troops and that if we escalated our efforts in Cambodia, it would aid our program of Vietnamization.

Footnotes at end of article.

In commenting on the Cambodian invasion, former Secretary of Defense Clark Clifford stated, "How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary Rogers said: 'We have no inclination to escalate. Our whole inclination is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program (Vietnamization) is defeated.' "[14]

The Cambodian invasion, constituted a "high crime" warranting impeachment. His action was personal in character since it is clear that his own Secretary of State was unaware of his plans for the invasion of Cambodia and the act was a high crime because it constituted a commitment "of the Armed Forces of the United States on foreign territory"[15] without the approval of Congress.

The second "high crime" of which President Nixon is guilty, is the invasion of Laos. The Gulf of Tonkin Resolution was passed on December 31, 1970, and signed by President Nixon on January 12, 1971. This act of Congress terminated the war-making authority of the President. Laos was invaded in February, 1971. President Nixon, in signing the repeal of the Gulf of Tonkin Resolution, was aware that his powers to declare war without the approval of Congress would constitute a high crime. But the commitment of air power in support of the South Vietnamese forces without the approval of Congress was also a "high crime" because the "National Commitment Resolution" forbids the commitment of "Armed Forces". The U.S. participation with unlimited air support constituted a "high crime" justifying impeachment.

Finally, in light of the Nuremberg and Tokyo trials, "there are reasonable grounds of regarding Mr. Nixon as responsible for criminal conduct under each" of the three categories of offenses charged to the defendants in those trials: to wit, *Crimes against Peace, War Crimes* and *Crimes against Humanity*. Professor Richard A. Falk, Milbank Professor of International Law at Princeton University, has arrived at these conclusions in his article entitled, "Why Impeachment."[16]

Professor Falk asserts that "Mr. Nixon has been in my judgment and in the judgment of other international law experts, guilty of continuing wars of aggression in Vietnam and Laos and of initiating an aggressive war against Cambodia (1970). The periodic resumption of bombardment against North Vietnam since Nixon took office in situations other than self-defense is a direct violation of the UN Charter. . . ." In urging President Nixon's guilt, Professor Falk declares "It is worth recalling that the Nuremberg Judgment emphasized Crimes against Peace as the fundamental offense: 'To initiate a war of aggression, therefore, is not only an international crime it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.' "

In considering President Nixon's guilt of "War Crimes", Professor Falk resolved that "Specifically Mr. Nixon has relied upon saturation bombing by B–52 bombers against undefended villages and inhabited areas, has employed antipersonnel weapons, toxic chemicals and napalm, . . ."

Professor Falk concludes his "Why Impeachment" theses with the affirmation that, "Some might argue that 'international crimes' are not the sort of 'high crimes' that the Constitution contemplated as forming the basis of impeachment proceedings. But surely the Constitution is flexible enough to embrace a range of actiivties that endanger national, even human, survival and have long been reduced to legal form. International law has been developing on this subject over the life of the Constitution, largely, as I have indicated, at American initiative. Our domestic courts since the last century have applied international law to domestic controversies." Professors Kent, Story, Cooley and Pomeroy have been quoted above on the question of High Crimes and Misdemeanors, and it seems clear that in their opinion the Constitution envisaged the acts of President Nixon as high crimes under Article II, Sec. 4.

THE PROJECTED BILL OF IMPEACHMENT OF PRESIDENT NIXON

The mere filing of the Petition for the Impeachment of President Richard M. Nixon will in itself establish the power and responsibility of the members of the House of Representatives to act in behalf of the people when the Judiciary and the Executive have been found derelict and delinquent in the fulfillment of their responsibilities. The American people are now confronted by the continuance of an illegal war in Indochina by an Executive no longer empowered by Congress to do so (repeal of the Gulf of Tonkin Resolution) on the pretext that our security compels such participation.

The members of the 92nd Congress constitute a free and unfettered body of spokesmen for the people at this moment in history. Whatever self-imposed limitation fettered the 91st and 90th Congresses, the members of the 92nd Congress are to be sure, free of it. The election of freshman Congressmen displacing old and entrenched members of the House of Representatives is particularly conspicuous in the 92nd Congress. Thirteen women were elected and the young Congressmen who replaced House members of long standing, points directly to the changes that have taken place during the 5-year Vietnam war period. The entrenched Democratic "Club" in Congress, must see the signs ahead. Congressman Paul N. McCloskey Jr. has adverted, in an address in the floor of the House, to "Impeachment as a check on the Presidential abuse of power."

Judge John F. Dooling Jr., in his decision quoted above in the Orlando vs. Laird case, refers to "Congressional pusillanimity" and that Congress is not "inappreciative of its powers, *including the power of impeachment.*"

It is also important to note that the grass roots do not shy away from the use of impeachment as a means to terminate President Richard M. Nixon's abuse of power. In April, 1971, more than 400 student presidents and college editors, representing schools as disparate as Harvard and Grace Bible Institute; Dartmouth and Central Bible College in Missouri, signed an open letter to President Nixon condemning his policies in Vietnam and charging that the administration "seriously misinterprets the mood of both the campus and the countryside . . ." and that "changing the color of the corpses does not end the war." (*The New York Times*, April 2, 1971) The *Harvard Law Record* of May 6, 1971 reports that "a petition asking for the impeachment of President Nixon be introduced in Congress as a bill. The petition was signed by more that four hundred students and three faculty members, Vern Countryman, Charles R. Nesson and Derrick A. Bell Jr."

In May, 1971, the Americans for Democratic Action, at its 24th Annual Convention, urged the impeachment of President Nixon for "high crimes" in Indochina. The impeachment call was contained in a convention resolution. The A.D.A. convention of 1970 asked that Mr. Nixon be impeached because of the invasion of Cambodia. (*The New York Times*, May 2, 1971)

Our examination of the original records of the Philadelphia Constitutional Convention records procedure anent the removal for "high crimes and misdemeanors" as well as the original records of the Justice Samuel Chase and President Johnson impeachment proceedings disclose that offenses with which Justice Chase and President Johnson were charged were essentially of a minor character—Justice Chase was charged in the main, with "intemperate and inflammatory" political harangues to grand juries and with conduct on the bench with manifest injustice and with partiality. President Johnson was charged with violation of a Tenure of Office Act, in removing Secretary of War Stanton; an act, whose constitutionality President Johnson intended to test and further because President Johnson had made speeches "with intent to bring into disgrace, ridicule, hatred, contempt and reproach the Congress of the United States."

It is submitted that if Congress was justified in filing a bill of impeachment against Justice Chase in 1805 and President Johnson in 1869, then the members of the 92nd Congress are not only justified in filing a Bill of impeachment against President Nixon, but would actually be obliged to do so. Whereas Justice Chase and President Johnson were essentially chargeable with misdemeanors, President Richard M. Nixon is chargeable with "high crimes" in a more positive way. The invasion of Cambodia in violation of the National Commitment Resolution and the spending of American lives in that venture constituted a "high crime" of a most serious kind warranting removal. President Nixon also "wasted" the lives of scores of members of the Air Force when he committed air-military support in the invasion of Laos without the consent of Congress, also in violation of the National Commitment Resolution.

But there are still other reasons for the filing of a petition for impeachment and that is his manifest abuse of power of the office of the Presidency. President Nixon in his commitment of Armed Forces in Cambodia unmasked a distorted concept of his office. His subjectivity in the exercise of personal power was unveiled when he allowed Secretary of State William P. Rogers to tell Congress on April 23, 1970 that "We have no incentive to escalate . . . We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program is corrupted . . .," and seven days later, April 30, 1970, invades Cambodia. Such conduct on the part of President Nixon verges on base deception. It unsealed personal traits unworthy of the head of any government. It cannot be that on April 23, President Nixon did not know of his plans to invade Cambodia.

The members of the 92nd Congress must be persuaded that the filing of a Bill of Impeachment against President Nixon, even if it does not bring him to trial, will establish a precedent vis-a-vis the powers of Congress to check an untrustworthy President.

The 92nd Congress, by employing the weapon of impeachment will tend to check the abuse of presidential power which has been menacing due process and democratic government during recent years.

WILLIAM L. STANDARD,
Co-chairman, Lawyers Committee on American Policy Towards Vietnam.

FOOTNOTES

[*] The source material for this section is "Debates on the Adoption of the Federal Constitution at Philadelphia in 1787; as reported by James Madison and revised by Janathan Elliot Vol. V, Philadelphia: J. B. Lippincott & Co. 1861.

[1] Orlando vs. Laird, 317 Supp. 1013, at p. 1019.

[2] Committee of the Judiciary, "Legal Materials on Impeachment"—Special Subcommittee on H. Res. 920, August 11, 1970, pp. 4–5.

[3] *The History of English Law* by Frederick Pollack and Frederic William Maitland. Cambridge U. Press, England, 1911 at Vol. II, p. 511.

[4] Trial of Samuel Chase, Impeached for High Crimes and Misdemeanors—Taken in short-hand by Samuel H. Smith and Thomas Lloyd, Washington City, 1805, printed by Samuel H. Smith.

[5] Kent, *Commentaries,* Vol. I, 1826 edition, pp. 270–271.

[6] Story, *On the Constitution* (5th edition 1891), Sec. 796, p. 580.

[7] Idem. Sec. 799, p. 583.

[8] Cooley, *Principles of Constitutional Law,* 4th edition (1931) Sec. 9, p. 205.

[9] Pomeroy, *Constitutional Law,* Third Edition, Sec. 719, pp. 484–485 (1875).

[10] Idem. Sections 725, 726, pp. 498–491.

[11] Carmen and Syrett, *A History of the American People,* Alfred A. Knopf, New York, Vol II, p. 22.

[12] Swisher, *American Constitutional Development, Second Edition* (1954) Houghton Mifflin Co. p. 101.

[13] S. Res. 85, 91st Congress, 1st Session.

[14] Clark Clifford, "Set a Date in Vietnam. Stick to It. Get out." *Life,* May 22, 1970, p. 36.

[15] National Commitment Resolution quoted above.

[16] Richard A. Falk, "Why Impeachment" *The New Republic,* May 1, 1971 p. 13.

[17] *Harvard Law Record,* May 6, 1971, p. 4.

RETIREMENT OF KENNETH WILLIAMSON, REPRESENTATIVE OF THE AMERICAN HOSPITAL ASSOCIATION

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. NELSEN. Mr. Speaker, I learned today with deep regret that Kenneth Williamson, the longtime Washington representative of the American Hospital Association had decided to retire.

It has been my real privilege to have known and worked with Ken Williamson for many years on matters coming before the Health Subcommittee. He was always available to the committee and to the Members of Congress and having spent his whole life in the health field was a veritable fount of knowledge to be tapped in connection with health legislation. Ken has played a key part in practically every major health bill enacted since World War II. The Members of Congress and all of the citizens of this Nation owe Ken Williamson a debt of gratitude for his many contributions to the betterment of health care in this country.

I call attention of the membership to the official release by the American Hospital Association which I include as a part of my remarks.

I take consolation in the statements that while Ken is retiring from the day to day activities of the American Hospital Association, he will continue to be available to the association on a consultant basis. For your information, he has assured me that he will also continue to be available to our Health Committee and to the Members of the Congress.

AMERICAN HOSPITAL ASSOCIATION RELEASE

WASHINGTON, D.C., March 21.—Kenneth Williamson, deputy director of the American Hospital Association and director of its Washington Service Bureau, announced today that he will retire from the Association staff on June 1, 1972. His early retirement at age 60 follows 25 years of service to the Association, the last 18 of which have been spent in the direction of the AHA's Washington activities.

Wiliamson said, however, that he will continue to work with the Association in a consulting capacity for an indefinite period. His decision to retire, he explained, follows the recent death (February 20th) of his colleague, Edwin L. Crosby, M.D., the Association's executive president.

"I feel that it is for the good of the Association's future, and particularly important for Dr. Crosby's successor that I step aside after these many years and assist the Association's officers and staff during the difficult transition period, not through a line responsibility, but from the vantage point of someone able to be objective about the AHA's increasing concerns for the development of a better health care system. It is an organization that I love and care about, and I feel that this move is consistent with my feelings about the Association's progress," Williamson said.

Williamson's announcement was made at a staff meeting of the Washington Service Bureau attended by the Association's president officers. Stephen M. Morris, AHA president, speaking in behalf of the officers and staff, said that "the Association has moved ahead in these last two decades largely through the efforts and leadership of Dr. Crosby and Kenneth Williamson. While we regret Mr. Williamson's decision to retire early, we respect it, and will be calling on him frequently for his judgment and help in this crucial time in the AHA's history. Few have served the Association for so long and so well."

"Many of the Association's most imaginative and innovative programs, and especially its policies in the public interest, are the direct result of Mr. Williamson's tireless efforts and drive," Morris said.

Williamson first joined the Association staff at its Chicago headquarters in December 1943, following several years in hospital administration and after having served as assistant director of the Blue Cross Plan in Southern California, as director of the Association of California Hospitals, and executive director of the Association of Western Hospitals. Following the formative years of the Association as an organization representing all of the nation's hospitals, he left the AHA in 1950 to become executive vice president of the Health Information Foundation in New York City, but rejoined the Association staff in 1954 to direct its Washington Service Bureau.

Williamson has served as secretary of the AHA Council on Legislation and is widely known in the health field as a speaker on health legislation. He has been instrumental in developing the Association's basic philosophy of meeting public needs. Among his many interests have been legislation for the modernization of hospital facilities as a logical area of expenditure of government funds; federal subsidies on interest rates on capital borrowed by hospitals for modernization and expansion; and, in recent years, the Association's efforts in cooperation with Congressional committees in developing Medicare legislation.

Williamson originated the AHA journal, Trustee, and organized a nationwide movement for hospital auxiliaries in behalf of AHA. He is an honorary fellow of the American College of Hospital Administrators, and a fellow of the American Public Health Association.

CLEARING THE AIR ON HIGH MEAT PRICES

The SPEAKER pro tempore (Mr. LINK). Under a previous order of the House, the gentleman from South Dakota (Mr. ABOUREZK), is recognized for 60 minutes.

(Mr. ABOUREZK asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. ABOUREZK. Mr. Speaker, under a special order, we have set aside an hour today to clear the air on high meat prices.

The House already owes a debt of gratitude to Congressman GRAHAM PURCELL, chairman of the House Agriculture Subcommittee on Livestock and Grains, for his leadership in bringing light to this subject.

There has been altogether too much blameful fingerpointing in this controversey, a situation which has not been much helped by the White House sending one wounded steer to placate the consumers while sending another to placate the farmers.

Consumers seem to have focused their anger on farmers—reading that farm prices and supermarket prices went up at the same time—while supermarkets and the large retail food chains have been anxious to shift the focus away from themselves.

It is true that the price paid to farmers for beef did increase when consumer outrage became an item of national attention.

It is true that retailers and processors, likewise, increased their margins during that same period.

And it is true that processors, were allowed, under phase II guidelines, to pass increased meat prices directly to the consumer, tacking on their normal profit margin along the way.

First, a word about the farmers.

The long-term record demonstrates beyond the slightest possible doubt that farmers and ranchers are not getting the kind of return for their labor which they deserve.

While the meat price controversy was raging, in fact, we learned that the farm parity ratio had dropped another few points—to 72 percent.

While the meat price controversy was raging, the farmer's share of the consumer food dollar decreased.

A crisis atmosphere has surrounded beef prices, but during its short-term hysteria, the fact remains that over the years and across the board, farmers and ranchers have consistently gotten the short end of the stick.

While wages and profits have soared in nonfarm sectors, prices received by farmers have risen little or not at all for the past 20 years. Now, when prices for one product, beef, go up for just a few months, we hear loud demands for price controls.

The fact, gentlemen, are the middlemen, not farmers are making the money.

The facts are that beef prices are now going down on the farm, and even when they were up they only approached the same level they were at 20 years ago.

The facts are that farm families have been driven from the land by the millions because their return has fallen farther and farther behind that received by practically every other segment of the American economy.

I ask you, in light of this record, how we can possibly entertain the idea of controlling raw agricultural prices. I ask you how can we talk of flooding the country with beef imports to drive down live cattle prices. I do not think we can, for one simple reason: That controls must be applied where they are needed or they will not work.

Mr. Speaker, I think it right and proper that we focus our attention on the profit margins and the pricing practices of retailers and processors.

I have been disturbed for some time by indications that meat prices—and other food prices as well—seem to be moving into the realm of so-called administered prices—prices set less by market forces than by administrative decisions made by a few large food retailing and processing firms.

When it takes only a dozen supermarket executives to convince the Nation that prices are declining at a time when processors are allowed by phase II to abandon the usual practice of temporarily absorbing beef price increases, then adding their normal profit margin to those increases, it leads me to think that food prices, indeed, are entering the realm of administered prices.

I have been warning all along that the invasion of large corporations into the food industry would end up depressing the farm economy at the expense of the average grocery buyer.

In this entire meat price episode, we learned at least this much: That consumer food prices are to some extent able to travel according to political sensitivity. To the extent that that much is true, it is also clearly implied that food prices are subject to more than market forces. To that same extent, food prices are "administered prices," a development which is logically in concert with price behavior in any industry which is moving toward oligopolistic control.

Mr. Speaker, if I am correct in asserting that large corporations are moving to get a stranglehold on the Nation's food supply, I feel entirely confident in predicting that this latest episode is only a foreboding of what lies ahead.

If the Nation's food industry continues its trend toward fewer and fewer producers, ever larger and fewer middlemen corporations, and larger and fewer retail outlets, we can safely anticipate the day when a few men will determine food prices according to their estimate of the maximum high consumers are able to pay.

Another factor reinforcing this conviction is that fact that costs are declining with respect to disposable personal income.

Mr. Speaker, when the Government designs policies which force millions of farmers off the land, it is accelerating the trend toward bigness in control of the food industry. Our best hope, and the farmers' fondest dream, is a nation with millions of small producers.

If you force more of them off the land, and if you do nothing to stop the conglomerate invasion of agriculture, you only hasten the day when a handful of men sit in a room and say, "All right, gentlemen, what is the price we are going to fix today at the supermarket?"

There is enough evidence to suggest that that is the direction we are moving. We know that during the recent meat price controversy, producers and retailers not only increased their prices, they increased their share of the consumer food dollar as well.

The Department of Agriculture reported late in March that price spreads—the difference between what is paid to the farmer and what the consumer pays—"increased substantially for beef, pork, and some fresh vegetables." The release adds that food cost increases from January to February were "due primarily to increased costs of marketing."

According to a further USDA source, about 45 percent of the beef price increase during phase II was added by retailers.

So not only did they pass on their direct price increase caused by the upswing in live cattle prices, not only did they tack their normal profit margin on to that increase, they also increased the proportionate size of their margin.

Hopefully these trends are nothing more than a temporary creature of the economic stabilization program, a result of the closed-door decision to exempt meat processors from the strictest phase II guidelines. But it seems more likely that something in the nature of basic realinement of the food industry has been taking place, bringing structural changes in the economic process that brings food from the field to the consumer.

We felt the impact of that realinement even before President Nixon took office, and we are likely to be living with it for some time to come. My educated guess is that phase II only brought its worst aspects to the immediate surface, and that the forces of increasing economic power centralized in a few hands not responsible to the public continue in the food industry, thrive in it, and eventually will conquer it.

We must move to decentralize the market place. The best way to do that is to insure that millions of hard-working families have access to adequate credit and the ability to make a decent living on a farm.

The real question we face, then, is whether we want to maintain a viable agricultural system in America. If we do not, then we had better be prepared to accept the empty countryside, the never-ending flow of rural refugees into the cities, and the specter of a nation's food supply controlled by a handful of oligopolies.

Mr. Speaker, I insert at this point in the Record some of the writings of my good friend Homer Ayres of Sturgis, S. Dak., an informed and provocative commentator on farm and ranch affairs. Also an article from the Livestock Reporter by Patrick K. Goggins, publisher, and a list of beef prices contained in "A Report to the Consumer Direct From the Cattle Industry."

ISA Newsletter

Hereford, S. Dak.—In a joint letter to President Nixon two South Dakota farm-ranch leaders have offered their help with suggestions in regard to soaring food prices as they relate to beef and cattle.

In a 700 word letter Jerry Wurnig, president of the South Dakota branch of the Independent Stockgrowers of America and George Levin, president, District Five, South Dakota Farmers Union, both of Hereford, told the President that the middlemen who handle beef are the big supermarket food chains, which according to the National Commission on Food Marketing investigation in 1965, sell about 85 percent of the dressed beef, and had great control over prices to consumers, but also the prices of livestock because of this great economic power.

They suggested that the President use the power of the government to bring representatives of the big food chains, along with their records, into some committee to set the record straight, and learn first hand who gets the various parts of the consumer's beef dollar.

The two members said it was not only unfair to blame farmers for the higher beef prices but ridiculous. "Historically farmers and ranchers," they said, "never have priced their products, but asked the buyer, 'how much will you give me, please'? And when they bought operating supplies or equipment they asked, 'how much do I have to pay you, please'?"

They went on to say that retailers and food processors reaped "a whopping 23 percent profit, while the average farm-ranch profit was only 1.1 percent."

"But most ranchers have not done this well, and as a result have been forced into bankruptcy," they said.

They included a butcher's cutout chart in their letter, showing the percent of each retail cut to the whole carcass, a chart that would enable anyone to determine the price spread between wholesale and retail by checking the prices in the meat counters, and the wholesale price of U.S. Choice beef. The latest USDA price spread report they said was $20 per hundred, or $120 for a 600-pound carcass.

They pointed out that in September 1968, Gene Cervi, publisher of the Rocky Mountain Journal, Denver, charged food chains with making an "unbelievable net profit per 600-pound carcass of up to $156, for beef on which the average feeder may make from $10 to $30 a head live weight of a 1,150-pound animal he has kept for 120–150 days."

The ranchers told the President that a proposed Federal Trade Commission investigation in 1964 was turned into a "study" of the changes from the farm to the consumer, so a group of ranchers had to file a civil antitrust action against the country's three main food chains in 1968 charging them with inflicting losses on ranchers because of their violation of the antitrust laws. And due to the sluggishness of the courts in California a decision has not been reached.

They asked the President to act immediately to bring the guilty to justice after an investigation or an FTC action looking into the buying and selling practices of the supermarkets.

"A sharp drop in livestock prices would be a disaster, what with the commitments ranchers have now," they said.

"What they really need is price floors on livestock pegged at full parity as figured on the 1910–1914 basis," they said. "So they can operate, pay debts and taxes, educate their children, renew their equipment and buildings—and continue to furnish the citizens with some of the best food mankind ever ate."

The full text of the letter follows:

President Nixon,
The White House,
Washington, D.C.

Dear Mr. President: This letter relates to the statement you made recently to the effect that soaring food prices should be blamed on the middlemen, not the farmers. We believe what we have to say in connection with beef and livestock can be very helpful. because beef constitutes quite an amount in the food budget—and cattle production is a very large item in the income of farmers and ranchers.

The middlemen who handle the beef are the big supermarket food chains, which according to the National Commission on Food Marketing sell around 85 percent of the food consumed. As long ago as 1962, or perhaps before, it was evident that the big chains had a great control, not only of beef prices to consumers but also the prices of livestock because of their great economic power.

A Federal Trade Commission investigation launched by the Senate Committee on Commerce intended to look into the role the chains played in the beef-cattle complex, to learn if the chains were in violation of the antitrust laws, was headed off after a few days of hearings in March 1964. And it turned into a "study" by a National Commission on Food Marketing, that would study the changes in the food industry "from the farm to the consumer." So the problem of the tremendous spread between the wholesale price of carcass beef and the retail sales price is still haunting us. The latest USDA price spread published showed a spread of $20 per hundred, which would amount to $120 on a 600-pound carcass, U.S. Choice.

With the power of the Federal Government we think you would be able to bring representatives of the giant food chains into some committee, along with their records and learn first hand who gets the various portions of the consumer's beef dollar.

But with the following percentage schedule, used by meat cutters in stores, then finding out the quality and wholesale price of beef, anybody familiar with beef cuts can determine the gross markup from the wholesaler (or packer) to the consumer. It is very easy to determine the net profit after this. A very similar cutting percentage sheet worked out by the USDA can be found in its Consumer and Marketing Service Bulletin, No. 45, issued in July 1968.

In 1967 a group in Denver, guided by Cervi's Rocky Mountain Journal took the above schedule, and learned that the markup on a 600-pound carcass was $188 for the Denver area. The group suggested the gross profit was 45%, with a net of 25% on a carcass, relationships that gave the stores a tremendous amount for a commodity that turned over every two days.

Items	Cut out by percentages	Selling price per pound	Return per pound
Pot roast, round bone and blade bone	18.00	0.62	0.1116
Neck bone, meat on	2.60	.35	.0091
Navel (whole bone in)	8.64	.20	.0173
6-rib standing roast, oven ready	7.50	1.09	.0818
Bone-in sirloin steak	8.10	1.09	.0883
T-bones and short cuts	7.24	1.33	.0963
Flank steaks	.50	1.21	.0061
Round steak	9.10	.99	.0901
Pikes Peak roast	3.24	.95	.0308
Bone-in rump roast	4.50	.69	.0311
Sirloin tip roast or steak	3.41	1.27	.0433
Ground beef lean trimmings	7.88	.69	.0544
Short ribs	3.04	.39	.0119
Hind shank, meat on	3.80	.49	.0186
Edible fat	5.07	.07	.0035
Waste	1.00		
Bones	4.50	.01	.0005
Cutting loss	1.88		
Whole beef (100 percent):			
Return			.6947
Cost [1]			.3800
Gross profit (per pound)			.3147

[1] Based on the market value of 37–38 cents a pound (1967); 1 whole beef approximates 600# at $0.3147; $188.80 per beef, which equals 45 percent gross profit.

Although the National Commission on Food Marketing did learn that the big food chains "marched in lock step" when it came to buying meat wholesale, nothing was done by the government. And in September 1969, the late Gene Cervi, publisher of the Rocky Mountain Journal, from his sick bed, charged that the food chains were making "an unbelievable net profit of $156, for beef on which the average feeder may make from $10 to $30 a head for live weight of a 1,150-pound animal which he has kept for 120–150 days . . . and have been making that incredible net profit on each carcass since 1958 by their own admission and by the evidence of Safeway's own cutout sheet."

For a long, long time the cow-calf men on the range produced feeder calves at below cost of production, operating by borrowing money on the appreciated value of their land.

Feeder cattle and fat cattle have risen somewhat in price in the past few months, like everything else, but they are, relatively speaking, not nearly as high as cuts of beef. Some retail cuts are now selling for 200% of their selling price 20 years ago, even though beef on the hoof is only 96% of its 1952 selling price 20 years ago. And this with production costs doubled or tripled on items ranchers must buy.

For anybody, anywhere to blame cattlemen for rising beef prices to consumers is not only unfair, but ridiculous. Historically farmers and ranchers have never priced their products, always asking the buyer, "what will you give me, please?" And when they bought operating supplies or equipment they asked, "how much do I have to pay you, please?"

The profits of retailers and food processors was a whopping 23%, according to figures quoted by farm leaders all over the country last summer, and the average farm-ranch profit was only 1.1%—so this gives one a pretty good picture of the relationships involved. But most ranchers have not done this well, and as a result have been forced into bankruptcy. It is a tragedy that today, when some of the ranchers are beginning to see a little daylight over the cliff, that there should be a massive effort to beat them back. And it is particularly galling to find the supermarket industry among the attackers, an industry seemingly a law unto itself. And which boosted their profit margins from $14 per hundred in 1965, when the Food Marketing Commission was holding hearings to over $23 in December 1970.

The Independent Stockgrowers of America was one of the main ranch organizations that helped launch an antitrust civil action against the country's three main food chains in 1968, charging them with inflicting losses on ranchers because of their violation of the antitrust laws. And due to the sluggishness of the courts in California, where the case was filed, a decision has not been reached.

We hope Mr. President you not only set the whole record straight, but also that you can, after an investigation previously suggested, or an FTC investigation of the buying and selling practices of the supermarkets, charge the Department of Justice with bringing the guilty to justice. We urge you to act immediately.

A sharp drop in livestock prices would be disastrous, what with the commitments the ranchers have. What they really need are price floors on livestock pegged at full parity as figured on the 1910–1914 basis, so they can operate, pay debts and taxes, educate their children, renew their equipment and buildings—and continue to furnish the citizens with some of the best food mankind ever ate.

Yours very sincerely,

JERRY WURNIG,
President, South Dakota Branch, Independent Stockgrowers of America.
GEORGE LEVIN,
President, District Five, South Dakota Farmers Union.
HEREFORD, S. DAK.

[From the Western Livestock Reporter, Billings, Mont., Apr. 6, 1972]

THE TRUTH ABOUT BEEF PRICES: RETURN PER DAY OF OWNERSHIP

(By Patrick K. Goggins, publisher)

BILLINGS, MONT.—Everyone in the United States understands a profit or a loss. Most business people and ranchers understand return on investment but the livestock industry, the rancher, and the feeder, the packer and the retailer must look at their investment on a per day basis. You do business each and every day. The decisions you make that day surely can affect you years ahead, but you make that investment and that decision in any given day. Decision making time is here for the livestock industry. Read and study if you will how the consumers beef dollar is divided by the industry:

GROSS RETURN PER HEAD PER DAY OF OWNERSHIP **

* The rancher receives 48 cents/day (540 days); a total of $260.54 (700 lb. steer at $37.22. This is for all expenses of raising the steer. This was the avg. gross yearling price for a steer in Jan. 1972. Please note that this is not the average of the last ten years or even last year.)

* The feeder receives 69 cents/day (150 days); a total of $103.51 (This for 400 lbs. of gain with high grain rations. About 5 months time required in the feedlot).

* The packer receives $5.89/day (7 days); a total of $41.27 (491.3 lbs. at 8.4 cents includes slaughtering, preparing the carcass for retailer.)

* The retailer receives $35.62/day (4 days); a total of $142.48 (491.3 lbs. at 29 cents covers such items as cutting, wrapping & displaying for self service.)

* The consumer pays a total of $547.80 (491.3 lbs. retail cuts at an average price of $1.11 per pound.)

As you study this chart you will notice that the rancher with nearly $800 to $1,200 per cow unit investment receives on any given 700 pound yearling steer a total of 48 cents per day return if he can sell his steers for $37.22 a hundred weight. This at the outset of this argument is giving the industry the benefit of the doubt.

The feeder in a high cost operating position with a lot of expensive feed and materials and help receives but 69 cents per head per day. This is a close margin but you will note that he keeps the animal about five months compared to 18 months for the rancher.

Then there's the packer, who in this example is owning this carcass for seven days. National figures will show that this is nearly 3 days longer that the average. Most packers will have him on the truck and gone in three days but at the seven day level he is able to get a return of $5.89 per head per day of ownership.

Then there is the retail chain store. Please note that under four days of ownership of this carcass, and this by the way could be double from the national average because chains don't want their money tied up that long but again giving the retailer the benefit of the doubt, for four days of ownership, his gross return per day is $35.62.

Now, if you want to put a calculator or a pencil to the return on investment per day, can you please notice the situation that the rancher is in, and yes, the feeder too. This retailer is making 604.7 per cent more gross return per head per day of ownership than the packer. He's making 5,162.3 per cent more gross return per head per day of ownership than the feeder and this retailer is making 7420.8 per cent more gross return per head per day of ownership than the rancher.

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* The rancher, feeder, packer and retailer above information based on figures of USDA supplement to marketing and transportation situation January 1972.

** Figures based on average days of ownership of one yearling steer coming off grass starting at the rancher.

(These are educated industry time estimates that could vary somewhat to economic conditions.)

Profits are made by the amount of time it takes to turn your money over. You in the ranching business are owning this 700 pound steer for an average of 18 months compared to this chain store retailer who owns that fat steer for four days or even two days, that's the difference in return on investment. Those in the ranching business and in the feeding business aren't even in the same ballpark with the food retail chains.

The food chains aren't all bad as through their advertising and promotion to a great degree, beef consumption has doubled in twenty years but so have their profits and more.

The retail price spread of $142.48 as shown in this example is not justified by the services rendered by their industry. As pointed out by the Nebraska Livestock Association, consumers should take a long hard look at this figure and not unfairly blame the cattle industry for the bulge in beef prices.

The cattlemans portion of the consumers beef dollar is much, much smaller than it should be. Beef takes 2.5 per cent of disposable personal income. This is less than for any time in history anywhere.

The insults and accusations that the chain stores have brought to the American public about the beef industry appear libelous and totally unfounded. They are an insult to every thinking American cattleman and feeder.

Not touched upon here yet are expenses. And yes, the retailer with his vast merchandising and advertising campaign, has tremendous expenses. They have elaborate, well lighted beautiful stores.

The packer has a high wage scale to meet. He has a guaranteed kill to meet. He has expensive machinery and he does operate on a low margin business.

The feeder, with his 69 cent gross return per head per day out of this steer, has expenses and costly feeds to buy, labor to pay, machinery to keep up, feeding equipment to buy and feed mills and scales to repair. His is a low margin business but all of these people turn their product over so much more quickly than the rancher.

The rancher with 540 days or 18 months, tied up in this steer on a return of 48 cent gross return per head per day of ownership has expenses too. A pickup that used to cost $2,800 now costs $4,800. A good hired man that used to cost $250 now costs $450 or $500 per month. Land that used to cost $8.00 an acre now costs $40.00 an acre. Taxes that used to cost $300 a year now are $3,000 a year. Cows that used to cost $25 a year to run now are $110 per head per year to run.

It's time that the livestock industry compared their gross return per head per day of ownership with their friendly enemies who receive and use their stock to and through the consumer.

BEEF PRICES—A REPORT TO THE CONSUMER DIRECT FROM THE CATTLE INDUSTRY

The consumer's beef dollar—how it is divided by the beef industry. Example—1,100-pound choice steer dressing 63 percent yields a 693-pound carcass of beef—491.3 pounds less trimming waste.

The rancher receives $260.54. (700 pound feeder steer at $37.22. This for all expenses of raising the steer.)

The feeder receives $103.51. (This for 400 pounds of gain with high grain rations. About five months time required in the feedlot.)

The packer receives $41.27. (491.3 pounds at 8.4 cents. This included slaughtering and preparing the carcass for the retailer.)

The retailer receives $142.38 (491.3 pounds at 29 cents. This covers such items as cutting, wrapping and displaying for self service.)

The consumer pays $547.80. (491.3 pounds retail cuts at an average price of $1.115.)

(The above information based on figures from USDA—Supplement to Marketing and Transportation Situation—January 1972. Also USDA Kansas City feeder cattle data.)

The retail price spread of $142.48 is definitely not justified by services rendered. Consumers should take a long hard look at this figure and not unfairly blame the cattle industry for the bulge in meat prices. Sirloin steak sold in Omaha 20 years ago for 79c to 90c a pound and ground beef 57c to 65c a pound, when cattle prices were higher than they are now. The cattleman's portion of the consumer beef dollar is much smaller now than at that time.

Beef is costing only 2.5 percent of disposable personal income. This is less than for any time in past history and much less than for any foreign country. (Comments from Stanton County Livestock Feeders Association, Stanton, Nebraska.)

The amount received for the feeder steer, $260.54, is for 365 days work, taxes, interest, operating costs. The $142 the retailer receives is for a two-day period he has the carcass in the store, as beef turns over on an average of every two days. We suggest a gross of twice as much as the net. This would make the net $71 each two days for a carcass.

The retailer paid nothing for the carcass until he was paid for it by the consumer, as bills come in after the meat truck drives away. He has no capital outlay.

To get the $260.54 the rancher must have a capital outlay of about $300 for each cow on which interest must be figured.

The net the retailer gets in a year amounts to 180 times $71, or $11,780, if he handles one carcass each two days. This annual net is clear, because we have figured the other $71 for expenses, salaries, rent, labor, advertising, and to carry part of the burden on articles that remain in the store much longer before they turn. The $11,780 on each carcass annually would go to stockholders.

Let the rancher figure out what he gets annually on the above basis.

(Mr. ABOUREZK asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Speaker, I want to thank the gentleman for bringing this to the attention of the American public. I think it is a very important matter. I agree with many of the things the gentleman has said.

However, at the outset of your remarks, and I think the record must be cleared, the President of the United States has said very clearly that the American farmer and the rancher is not the one who is to be held to blame for prices being what they are and Secretary Butz has also said very emphatically that it is not the American farmer who is upping the prices. It is the middleman. It is the retailer as you said in your remarks.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ABOUREZK. I thank the gentleman from Texas. I agree with what the gentleman says except that the President and his Secretary of Agriculture came in a great deal later after the outcry from rural Members of Congress. They have now seen the light and I am very happy that they have.

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. ABOUREZK. I yield to the gentleman from Minnesota.

Mr. ZWACH. Mr. Speaker, I thank my colleague for yielding.

I thank my neighbor, Mr. ABOUREZK of South Dakota, for yielding and I want to commend him for doing the initial work for a farm urban forum.

I think it is a very valuable discussion and it is a chance for us to try to improve our relationship with our urban people. I think it is especially timely that we have this discussion because we know what has happened recently with regard to the discussions on meat.

We know, for instance, there have been very deceptive and misleading ads inserted in the Washington newspapers trying to place the blame for meat prices upon the producers with a type of statement that there are no ceilings on producers at the source and that there have been skyrocketing prices at the source.

This was all very, very deceptive and I think it is important that urban people and our consumers know that it is not the producer that is gouging the consumer. The producer's prices on meat almost reached the point where they were 20 years ago. We know that no one wants to back up to where they were 20 years ago.

The wholesale prices when those ads were run had already started down for several weeks. Yet, these deceptive ads—and Mrs. Petersen particularly ought to have known better—were trying to put upon the producers the onus of those increases in meat prices.

You know, I think it is basically a fundamental truth that producers are the victims of inflation and are not responsible for inflation.

I am very pleased to join with my colleagues of the urban-rural forum and with other Members of the House in discussing food prices. Now that the initial furor has died down a bit, we have a big job ahead of us in informing all segments of our country as to how food prices are determined, and why retail food products cost what they do.

When the economic stabilization program was first formulized, I agreed and still do believe that because of their seasonal fluctuation in price, and a market system in which supply and demand determines the price, raw agricultural products should be exempt from any price controls, at least until they are at least 100 percent of parity.

Now that this normal fluctuation has brought increased prices to the farmer, we hear the retail merchants calling for price controls on raw food, especially beef, because the consumer is paying too much for food. Our first mission is to recognize where this increase in food prices is. A frequently overlooked and nonpublicized fact is that livestock and meat prices go down as well as up. The up movement promotes headlines. The down movement is seldom given a second glance by the national news media or consumer spokesmen.

We recently read headlines proclaiming that "Cattle Prices Are at a 20-Year high." What this means is that cattle prices, after fluctuating up and down for 20 years have finally gone up to where they were 20 years ago.

Who else or what other segment of this economy is forced to take prices, or wages or other forms of benefits comparable to 20 years ago?

General wage rates are 2.4 times higher. Hourly wages of production workers in manufacturing are 2.3 times higher. Hourly wages of food marketing employees are 2.5 times higher. Hourly rates of contract construction workers are nearly three times as high. Farm machinery prices are double what they were 20 years ago. Farm production expenses have doubled. The farm debt is five times what it was 20 years ago. Per capita disposable income is 2.4 times as high. And, while farmers are reaching 20-year ago levels, their output per man has increased 3.3 times; more than double that of industry.

Twenty years ago, the average consumer spent $896 per year for food. Of that amount, $448 went to the producer and $448 went to the processor-retailer. The producer got 50 percent of the food dollar and the processor-retailer 50 percent.

Today, the average expenditure is $1,224. Of that total, the producer now gets only $447, a dollar less than he got 20 years ago, but the processor-retailer share has increased to $767. The latter gets 62 percent of the food dollar and the producer only 38 percent.

Over the last 20 years, the consumer has been increasingly willing to pay more in order to buy more frozen, precooked, premixed, prepeeled and prepared foods. Add to this the increased costs for shipping, container costs, and labor costs and it is not hard to recognize why retail food prices have increased.

But even with these added costs to raw agricultural products, this year, U.S. consumers will spend only 15.6 percent of their take-home pay for food, including both that prepared at home and that eaten away from home, compared to over 16 percent last year and 23 percent 20 years ago. If that same proportion of disposable income was now being spent for food as was spent 20 years ago, consumers would be paying $286 more per person this year. Interestingly, this 15.6 percent compares with 20 percent in Canada, 30 percent in England, 37 percent in Italy, 43 percent in Spain, 50 percent in the Soviet Union, and still more in India and the Far East.

Recently national attention was called to rising food prices and especially the high cost of beef. Enough attention to warrant the Price Commission and our Agriculture Subcommittee to announce hearing schedules barely 2 weeks after food prices appeared in the headlines.

It is especially interesting to note the Price Commission's concern in this area. During the base period, 30 days prior to the wage-price freeze, choice fed steers at Omaha averaged approximately $33 per hundredweight. For the week ending March 25, 1972, the figure was $34.68, only 5 percent over the base period. During the base period, choice steer beef at Chicago averaged approximately $53.40 per hundredweight compared to $53.75 for the week ending March 25, or an increase of less than 1 percent. Wholesale prices for Iowa beef carcasses were 1 percent less than last August 13 before the wage-price freeze went into effect.

Wage rate increases have a much more serious impact on inflation than increases in cattle and beef prices because they are lasting increases and they only go in one direction, namely up; while cattle and beef price increases are unstable and also go down.

With a noninflationary record such as this for the American farmer, the cost of raw agricultural products is not to be blamed for high retail prices of food. Instead of all the misplaced blame, the American farmer should be getting the thanks of the U.S. consumer for his high production and his low rate of return, and for producing a high quality product.

Mr. ABOUREZK. Mr. Speaker, I thank the gentleman.

Mr. LINK. Mr. Speaker, will the gentleman yield?

Mr. ABOUREZK. I yield to the gentleman from North Dakota.

Mr. LINK. Mr. Speaker, I thank the gentleman from South Dakota for taking this time on this important issue. We need to clear up a mistaken impression that the farmer is responsible for rising food costs.

Nothing could be further from the truth. In the past 20 years, the prices the farmer receives for his products have increased 6 percent, while his production costs have risen 100 percent. These figures prove that the farmer is a victim of inflation—not a cause. It is true that in the past 20 years, consumer prices have gone up 43 percent, but the farmer's share of that increase has been microscopic.

In North Dakota, our chief crop is wheat. Twenty years ago, the consumer paid 16 cents for a loaf of bread; the wheat farmer's share was 2.6 cents. Today the wheat farmer's share is exactly the same: 2.6 cents. Beef production also ranks high in my State. The cattle producer is receiving about the same prices today as he did 20 years ago, while meat prices in supermarkets have doubled.

For all foods, the farmer receives only 38 cents of the consumer dollar. That compares with 49 cents 20 years ago.

The farmer's problem is that he is expected to compete on free enterprise terms, while his suppliers operate under different rules.

Because of their economic power, suppliers are able to tell the farmer what he must pay for his farm machinery, fertilizer, seed, and other essential supplies. And buyers of farm commodities are able to tell the farmer what they will pay for the products of his labor.

The farmer sells wholesale, buys at retail and pays the freight both ways. He is engaged in an unequal contest. And he is losing out. Four million farmers, together with their families, have left the land since 1935, and the trend is continuing until we now have fewer than 3 million farmers in the United States. Most of those who left the soil migrated to the large cities of the Nation.

A depressed agriculture, still the Nation's largest single industry, infects the entire U.S. economy. Farmers purchase $60 billion worth of goods and services each year. Weak farm purchasing power is one reason why the national unemployment rate is so high.

The basic requirement for rural renewal is a sound agricultural policy. The present Agricultural Act is not adequate to the task of protecting farm income, because it fails to give proper recognition to the independent owner-operator farm.

A fair price for farm products will have practically no effect on consumer prices and it will create new enterprise and job opportunities in our small towns and countryside. It will make possible fuller utilization of the public service plant of rural America. And it will relieve the pressure on public services in large cities.

So, we must separate the question of economic justice for farmers from the high cost of groceries, since there is very little relationship.

Additional facts have been presented to the House Subcommittee on Livestock and Feed Grains, of which I am a member, in the past 10 days of hearings on the structure and present level of beef prices. From these hearings, I think it already is clear that it is definitely not the cattle producer who is profiting from the rising price of meat in grocery stores.

Several letters from my constituents in North Dakota state clearly the serious economic plight of the cattle producer.

Mr. Speaker, I ask that three of these letters be printed in the Record at this point.

The first is from Darrel Meyer, Figure Four Ranch, Watford City, N. Dak.

The second is from Jewel Roningen, president, Union Stockyards Co. of Fargo, West Fargo, N. Dak.

The third is from George T. "Skip" Duemeland, Patterson Herefords, Bismarck, N. Dak.

The letters follow:

Watford City, N. Dak., *April 7, 1972.*

House of Representatives,
Committee on Agriculture,
Washington, D.C.

Dear Sirs: As active rancher's and farmer's we feel the prices we are now receiving for our work are still under the national average. Our costs have steadily risen during twenty years while the price received for meat during that time has fluctuated greatly and that of grain has declined.

While the price for live cattle at the Omaha central livestock market, for example, did reach the highest price in 21 years recently at $38.50; it should also be understood that just a few years ago the price for 1964's average was $18.10 and many producers were driven out of business. The price of meat across the counter has not changed downward when the producer's income has dropped.

At the present time we are getting back up to the price we received twenty years ago; but we are paying triple the amount for a grazing lease that we paid then; double the amount for interest; triple for equipment and repairs. We are paying an eighteen year old boy double the wage that we received as a married couple working on a farm twenty five years ago.

We are also consumers and checking our grocery purchases find a great deal of the added expense comes from our desire for convenience foods. Two instances: a hotdish filler known as Hamburger helper, consisting mainly of potatoes cost .65 for 7 ounces; two frozen piecrusts (unfilled and uncooked) cost .49. Also consider the many pressure cans containing everything from shortening and whipped cream to all kinds of cleaners. These items raise our grocery bills considerably.

The price of meat, when measured as a percentage of take-home pay, rather than by dollars and cents, has consistently become smaller as average family income has moved upward. Even in terms of dollars and cents, average retail price of meat has advanced about 35% in the past twenty years while personal disposable income of our U.S. Consumers has increased, on the average, by more than 100% in the same period.

Twenty five years ago 6% of that income was spent for meat, now it is 5%.

Thank you for your consideration,

Darrel Meyer,
Figure Four Ranch.

Patterson Herefords,
Bismarck, N. Dak., April 5, 1972.

Hon. Art Link,
1610 House Office Bldg.,
Washington, D.C.

Dear Mr. Link: The big thing that we think is important and should be brought out is that the cattlemen should appreciate the fact that the chain stores and super markets at the present time are moving beef in quantities never before heard of. Not a wheel is turning until a product is sold and production can be increased to meet the demand and many times easily over the demand and so the big job of moving and selling beef is being done by super markets and chain stores. For this reason the rancher should love the super market for the job they are presently doing.

The consideration of putting a price restraint on one agricultural commodity is extremely important because ranching concerns are making an average profit in only one or two years out of ten and in those cases maybe only 1½%. True, their holdings are appreciating much like an apartment but this doesn't pay the bills. The average return of all farms and ranches in the United States is 1½% according to the Wall Street Journal in a headline story last year. At the present time our costs for last month in certain divisions were up considerably and to be exact our costs are currently running approximately 6% more than they were last year. Unless we receive a return commensurate with our expenses, we certainly will not continue to be in the agricultural business. We will switch to apartment houses, nursing homes that are currently returning 8% cash flow, 8% tax savings, 2% appreciation, and 8% return on equity giving a return around 28% or even higher. Many businesses are in for the investment and return. Ranches obviously at 1½% do it because it is a way of life that they enjoy. To further restrict their profits at times like these is not in line and would only serve the price to inflat higher afterwards because of reduced production and no incentive to produce. Prices are now the same as they were twenty years ago and has caused a 6% increase in the replacements and this will soon be reflected by 6% more cattle on the market and is already being reflected by the downtrend in cattle prices.

It is a strange thing but when cattle prices go up the rancher retains his females to meet the future demand so he can hopefully make more return on his investment. During this period of time the replacement females are not going to slaughter and as a result the price tends to rise higher than would normally be indicated. Conversely when prices are down he tends to sell more of his replacement females and poor producers and, as a result, tends to depress the price faster than what is normal. Currently we are probably at about a turning point and the rancher in the years ahead is looking to tightening up his belt and looking for tough times and yet at this time price restraints are being considered for raw agricultural commodities. Not only that he spends an enormous amount of money only to be harvested one day and if that one day doesn't come in due to a hail storm or disease and with the new virus and abortions he just isn't able to pay those bills and it is for this reason we will be violently opposed to any price restraints on raw agricultural commodities.

Yours very truly,

Geo. T. "Skip" Duemeland.

To: House of Representatives.

Livestock and Grains Subcommittee of the House Committee on Agriculture, Washington, D.C.—For Hearing on the Structure and Present Level of Beef Prices—April 10, 11, 1972.

Statement of Jewel E. Roningen, President and General Manager Union Stockyards Company of Fargo, West Fargo, North Dakota 58078.

There is nothing inflationary about $38 cattle or $25 hogs on the hoof. In my reasoning such a price means that the American livestock producers have finally realized an opportunity to earn a reasonable profit.

It is my sincere view that ranchers and farmers should keep control of agriculture—Price restraints on raw agriculture products would be a grave mistake. Livestock producers in the past 20 years have not realized excessive profits in any one year. Take a look at, for example, several yearly averages for beef prices during the period: 1951 $35.45, 1952 $24.30, 1953 $16.30, 1956 $14.90, 1957 $17.20, and not getting above $22.60 for the entire decade of 1958–1968, (dropping to as low as $18.10 in 1964). Since this time beef has moved up gradually to $31.62 in 1971 and up to around $35–$38 in February 1972. So overall the average is still pretty low. (Source National Livestock and Meat Board, Volume V, No. 5, March 13, 1972).

It looks like beef producers are lagging behind about 20 years from the rest of the economy. The 1952 figures that I read indicate that in the United States a worker spent 23 percent of his income for food. In 1971 he spent 16 to 17 percent.

We note that in the past 20 years wages have increased around 2.3 times when money for wage supplements and fringe benefits have increased 7 times; when dividends increased 3 times; and when farm prices were going up a big 6%.

If consumers are to be assured an adequate beef or red meat supply, then the consumer needs to be educated to the fact that there is a satisfactory reasonable plateau of prices he will be paying if he is going to enjoy his good steaks.

Reasonable cannot be defined as a price which we used to pay 5 to 10 or 20 years ago, but prices which fit today's scene.

It should be mentioned also that all the headlines over the recent prices leap is not today, April 6, 1972. Today beef prices are lower that a month and a half ago; so are wholesale beef and pork prices. The index of prices received by North Dakota farmers for all farm products was down 2 points from the previous month. (March 15, 1972) (North Dakota Crop and Livestock Reporting Service April 3, 1972.)

Look at it another way—why is it we do not see headlines about sky-rocketing prices that have been clocked up during the past 20 years—on cars—machinery—vacations—houses—hospital care, or for that matter, a page of advertising in a newspaper and finally are many of these workers getting like today's cattle producers, only 11.3% more for their work time and labor than they did 20 years ago.

In North Dakota feeding cattle for slaughter grade has decreased considerably. The record received from the North Dakota crop and Livestock Reporting Service in Fargo on the number of fed cattle marketed per year from 1960 through 1971 is:

CATTLE MARKETED NORTH DAKOTA

Year:	*Head*
1960	176,000
1961	191,000
1962	136,000
1963	138,000
1964	182,000
1965	175,000
1966	157,000
1967	139,000
1968	118,000
1969—no figure or estimate by Crop and Livestock Reporting Service.	
1970	90,000
1971	78,000

It is true, however, that more cattle were fed for slaughter in the United States in 1971 than in 1960. If this beef product which has *doubled in consumption in the United States* in the past 20 years *under an uncontrolled system* is to continue to provide the beef that the American housewife wants, slapping restrictive controls on the price of the product is a certain way to dry up the source of supply real quick. What needs to be done is *let* the *American consumer* know what really makes beef prices go up. (Charges for transportation, assembly, distribution, and packaging.)

Why should the beef producer be blamed for a natural economic consequence of demand exceeding supply? The American rancher and farmer are not the parties which should be blamed for increased costs of living.

To be fair the writer is of the opinion that those who have helped cause the inflation bulge in food prices should be set forth, (for example, the costs added to beef between the feedlot and the consumer).

J. E. Roningen,
President & General Manager,
Union Stockyards Co. of Fargo.

Mr. ABOUREZK. I thank the gentleman from North Dakota.

I yield to the gentleman from Montana (Mr. Melcher).

Mr. MELCHER. Mr. Speaker, I want to commend my colleague from South Dakota for taking this special order today so the House may better understand what is—and what is not—involved in all of this furor over meat prices, and in particular, beef prices.

This is a subject being explored by the House Livestock and Grains Subcommittee on which I serve, and by the Price Commission. And a New York City grand jury is investigating to see whether organized crime is getting a piece of the action, thus forcing up beef prices.

Earlier today I made a statement on the House floor concerning the possibility of racketeering in east coast beef prices and inserted in the Record copies of newspaper articles by Lacey Fosburgh, of the New York Times, and William Procktor, of the New York Daily News, which discuss the grand jury investigation in Manhattan of a possible conspiracy between organized crime and other groups to skim illegal profits from meats, forcing consumers to pay high prices. Congress and Federal investigative agencies need to look into other areas in the United States to see whether there are indications that price gouging from racketeering is being forced on the public.

Then, on another side of the coin, is the question of tightening up our inspection of foreign meat imports because there has been a clamor to help meat consumers by increasing these imports.

I submit, Mr. Speaker, that to increase meat imports amounts to a cruel, dirty joke.

It is cruel because imported meat is not cheap. The prices generally run wholesale from 63 cents to more than $1 per pound, and this translates into even higher amounts over the retail counter.

It is dirty because the inspection for sanitation and wholesomeness of the imported meat is haphazard and incomplete.

It is a joke because the restrictions on meat imports are like a sieve. Last year there was 1.8 billion pounds of meat imported into this country.

The imported meat prices are high and you cannot be certain that these imports are wholesome, sanitary, and have no harmful chemical residues. This was fully documented by a GAO report released in February which I discussed at length before the House.

I testified before the Price Commission on April 12, Mr. Speaker, and I submit that statement at this time because it provides more facts on meat prices in general and foreign imported meats in particular.

The picture is a many-sided one, to be sure, and we cannot leave any stone unturned in our efforts to provide the producing and consuming public with the complete answers.

The statement follows:

Statement of Congressman John Melcher, of Montana, Before the Price Commission Hearing on Meat Prices

The failure to include on this Commission a representative from agriculture now dramatizes the shortcomings and the limitations of the effectiveness of this Commission. Many of us who voted in Congress for the authorizing legislation granting the power of the President to set up this panel to help in the fight to control inflation were extremely disappointed at the time of the President's appointment of the Price Commission members that our most basic industry, agriculture, was completely forgotten and ignored. The chickens are coming home to roost now as is evidenced by the controversy over beef prices and the conflicting statements of administration officials resulting in calling of hearings by this Commission to look into the matter.

I have come here today to offer testimony as one who has some knowledge of agriculture in general and livestock in particular and as one who also shares the concern of American agriculture that consumers get a fair and honest deal and are made cognizant of the facts of costs with resulting prices for the food that they purchase in their grocery stores.

The format of your hearing allows me only five minutes to testify with the invitation to leave as much additional printed matter as I choose. I hope that the additional material that I leave for your reading later will draw your attention. I shall, of course, abide by this limited gag rule of five minutes, understanding that you do have a vast number of people to hear representing a great array of interests and viewpoints.

Actually I would strongly suggest that the Commission be enlarged to give agriculture proper representation and the panel the balance it needs.

But in the meantime your disadvantage of not having this agricultural repersentation must be overcome if fairness is to be your guiding doctrine by listening closely to those who do appear before you representing agricultural producers. I say this, Mr. Chairman, because that is where the food starts—whether it is milk, meats, cereals, fruits or vegetables—it starts from the hands and toil of the producers on the land.

There are some people in this country, however, who are turning their eyes toward other lands to provide meat for the American table. But the clamor to help meat consumers by increasing meat imports is a cruel, dirty joke.

It's cruel because imported meat is not cheap. The prices generally run wholesale from 63 cents to more than one dollar per pound.

It's dirty because the inspection for sanitation and wholesomeness of the imported meat is haphazard and incomplete.

It's a joke because the restrictions on meat imports are like a sieve. Last year there was 1.8 billion pounds of meat imported into this country. This includes 1.1 billion pounds of low-grade manufacturing meat under quota which has been suspended for three years in a row. Last year's voluntary restraint level in fresh, frozen or chilled beef and mutton was not fully used. The other 700 million pounds of canned or cooked meats come in with no restrictions and were limited only by the willingness of American buyers to pay the price.

In any of these cases, however, the price is high. Here are some examples, on wholesale price basis.

The 1970 average of frozen, cooked beef and veal imports from Argentina was 67 cents per pound. It had risen to 89 cents in 1971 and was 98 cents this January.

Shoulder clods, canners and cutters, were 67½ cents on August 12, 1971, 72 cents last February 24, and 73 cents on March 20.

Imported cow meat, 90 percent, was 60¾ cents on August 12, 1971, 64 cents on February 24 and 66–66½ cents on March 20.

These price quotations, Mr. Chairman, came from the Customs Bureau, the National Provisioner, and USDA Market News.

The picture is discouraging, to say the least, when you combine the fact that consumers cannot be certain that these imports are wholesome, sanitary and have no harmful chemical residues with the other fact that their cost exceeds much of the domestic product of known quality and wholesomeness.

I must ask you: how could an increase in meat imports—and red meat quotas recently were raised 10 per cent over last year's imports—be any answer to the price problem?

Speaking as both a veterinarian and a member of Congress, Mr. Chairman, I must say that the inadequacy of the inspection system for imported meats was dramatically underscored by a comprehensive report from the General Accounting Office released in February.

The Agriculture Department, when it comes to the inspection of imported meats for wholesomeness and sanitation, has failed to keep its own house in order. The 1967 Wholesome Meat Act specifically directs the Department to extend to imported meat products the same high standard of inspection that it is responsible for in relation to meat products in this country. The GAO report, citing in-depth studies of 80 of the 900 plus foreign meat packing plants that are approved to process meat for sale in this country, reveals the high percentage of foreign meat packing plants that cannot meet sanitation standards required by our law and yet are busily engaged in processing and selling their unsatisfactory meat products in this country.

Remember the prices I mentioned earlier about imported Argentine beef and veal?

Well, there were 10 Argentine plants reviewed in the GAO report and this is a country from which we imported 88 million pounds of beef in 1971. Only cooked meat either wrapped or canned is allowed to be imported from countries where there is hoof and mouth disease such as Argentina. None of the 10 plants reviewed were delisted although 9 of them showed some deficiencies. While Argentine inspectors at one of these plants condemned large numbers of organs because of tuberculosis, few carcasses of the animals with diseased organs were condemned. The meat of tubercular animals was thus being processed.

This same GAO report showed that we admitted 11 million pounds of meat last year from just 7 Australian plants which were found to be unfit to ship to the United States after the determination of unfitness had been made.

I know that many times this amount was admitted from such substandard plants abroad before they were delisted or cleaned up because the review staff is just too small to get around but about once a year. Other figures show that more pesticide residues, on a percentage basis, have been found in samples of imported meats than in domestic meats.

And, if you wonder what conditions were in the delisted plants in Australia, judge for yourself by what the GAO had to say about the one allowed to continue in operation.

The GAO tells us:

"The (U.S.) Consumer and Marketing Service foreign programs officer reported that the (Australian) inpectors at this plant:

"—did not require that grossly contaminated carcasses be trimmed before going to the coolers or boning rooms.

"—did not require that carcasses be dressed in a sanitary manner.

"—in performing examinations on beef heads, passed heads even though there were big balls of ingesta in the mouths.

"—failed to detect a diseased head which should have been condemned and should have served as the basis for a more complete inspection of the carcass. When the foreign programs officer pointed out the condition to the Australian inspection officials, the carcass was inspected further and the carcass and parts were condemned.

"The foreign programs officer reported also that the preoperative sanitation inspection of the plant showed that almost all equipment looked at was dirty and that the filth on some equipment was obviously of many days duration. He stated that the Australian inspector inspected some of the same equipment but took no action to have the equipment cleaned before operations started. The foreign programs officer reported further that he found slaughtering operations in process about 1 hour after the preoperative inspection, that he rechecked some of the equipment and found it to be still dirty and that the Australian inspector permitted the slaughtering operations to continue.

"Despite the above-cited deficiencies, and the fact that no action was taken at the time of the review, C&MS gave Australian inspection officials the option of correcting the deficiences or delisting the plants. C&MS officials told us they did not require the plant to be delisted because the deficiencies pertained mainly to improper inspection by Australian inspectors and could be readily corrected.

"A C&MS foreign programs officer's review of the plant about 2½ months later, in July, 1970, showed that deficiencies still existed. The plant was delisted at that time, and as of November, 1972, it had not been recertified for exporting to the United States.

Until it was delisted, the plant remained eligible to export meat products to the United States even though it was not in compliance with U. S. requirements.

"C&MS records relating to plants in Australia showed that C&MS had not always required inspection officials to correct promptly certain deficiencies in the Australian inspection system or in approved plants . . ."

As you wrestle with these problems, Mr. Chairman, you must take these things into consideration and you also must remember that it is not the farmers and ranchers who are causing inflation. To the contrary, they are the goats of inflation which has not been controlled.

And, as I told the House Livestock and Grains Subcommittee on Monday, an explanation is needed for the hodge-podge of prices on retail beef cuts which rise sharply as the beef moves to the populous Eastern seaboard from meat producing areas of the nation. These differences cannot be explained by freight costs, labor costs, big city distribution costs or high farm prices. At this point, I include in my remarks the testimony which I delivered before that Subcommittee to back up and support this brief digest.

Thank you.

Mr. ABOUREZK. Mr. Speaker, I thank the gentleman from Montana.

Mr. BIAGGI. Mr. Speaker, much has been said here in Congress, by the administration and in the news media regarding the high cost of providing three square meals a day for one's family. In fact, in many cases the three squares have dwindled to two and the size and quality dropped even more so.

I am not going to stand here and argue for or against the farmer or for or against the consumer. Each has a valid position. But I am going to state uncategorically that food prices are much too high for a time when strict controls are placed on the wage earners' income.

If we are going to have wage and price controls then all segments of the economy must be controlled. Most of my constituents have seen their salary increases held to 5 or 6 percent, while their rents have gone up 20 or 30 percent or more. They have seen their phone bill go up 29 percent. They have seen their utilities go up and their taxes go up. On top of all this, they have had to pay the highest prices for meat and many other food products in recent years.

These are the facts. When you are trying to stretch a small paycheck or pension payment, it is no consolation to know that according to statistics, consumers are paying less than 16 cents for food out of each take-home dollar, compared with 23 cents 20 years ago.

The course of action, as I see it, is to control the margin of profit of those who process and distribute food and eliminate all controls affecting raw agricultural products. I must exempt the farmer from controls, because his income is 25 percent less than nonfarm workers and he is only just now making a recovery from the relatively low farm prices of recent years.

However, the meat packers, the food processers, the food distributors and the retail supermarkets have all been in for their share of the consumer dollar—a share that has increased as the farmers' share has decreased.

Moreover, there appears to be evidence that supermarkets are practicing price discrimination against the big cities in the Northeast. The wholesale price of beef in Chicago is the same as it is in New York with the exception of a 1-cent per pound freight charge. Yet the New Yorker pays an average of 40 percent more for his beef than does his fellow Chicagoan.

The inequities are evident. The facts have been there for some time, but the administration has failed to act. I would like to suggest today that this Nation take four steps to rectify the imbalance in our food pricing system.

First, the Congress should eliminate all crop subsidies which cost the American taxpayer approximately $5 billion a year. It is this and other price rigging systems—which should also be elimnated—that keep the price of food so high.

To carry out our public policy of providing the farmer a decent return for his labors, part of the $5 billion saved can be applied to income supports paid directly to the farmers to make up for losses in income as a result of lower prices for agricultural products.

Unlike the subsidy program, we would be paying a farmer to work. As far as I am concerned, there is no difference between paying a person on welfare who could be out working and paying a farmer who could be out growing crops.

Any excess food that might be grown as a result of this policy could be distributed to the poor nations of the world or the poor people right here in this country.

The cost of transportation will in no way match the cost of the subsidy program as it is today.

Second, the President should suspend all meat import quotas and all negotiations with foreign suppliers on the quantity of meat entering the country. Congress should at the same time move to repeal the Meat Import Quota Act of 1964. This would help provide meat in the quantities needed to feed America and at the prices people can afford. At the same time all other agricultural quotas and restrictions should be eliminated.

Third, the Price Commission should immediately institute price controls over the processors, distributors and retailers of food products. There is no difference between a manufacturing firm engaged in producing food products and a firm engaged in making vacuum cleaners—both should be controlled.

Fourth, with the elimination of arbitrary controls on the supply and demand for farm products the prices for raw agricultural goods should be allowed to find their own lower levels in the market place. This is truly the American way of free enterprise.

If these steps are taken, the cost of a bag of groceries will return to more realistic levels. Families will once again be able to enjoy good cuts of meat and three solid meals a day. The farmer will be assured a living wage for a good day's work. And numerous bureaucrats will be off finding new jobs since controls on agricultural products will be no more.

The net result is a savings to the taxpayer, a savings to the consumer and an improved way of life for the farmer. It just might prevent the day when people will rent a piece of cooked steak just to give their children an idea what it smells and looks like.

Mr. McCORMACK. Mr. Speaker, I thank my colleagues in the urban-rural forum for inviting me to join in this Special Order.

I would like to bring certain facts to the attention of the House regarding the increase in food costs.

It is a fact that consumers this year will pay less than 16 cents for food out of each dollar of take-home pay, compared with 23 cents 20 years ago. This is much less than almost any other country on earth. Quite frankly, if food costs had gone up in proportion to take-home pay during the last 20 years, consumers would pay an average of $286 more per person for food this year.

Wages to workers in other industries have more than doubled in the past 20 years, and the cost of most everything a consumer buys has more than doubled during the same period. The beef producers' costs have risen nearly 100 percent in 20 years, but the structure of live cattle prices remains essentially the same.

The fact is, Mr. Speaker, that everyone connected with retail beef is collecting a higher portion of the consumer's dollar except the man who raises the beef.

The American farmer is the most efficient food producer in the world. One farmer produces enough food and fiber for nearly 50 persons. In spite of this efficiency, the farmer still receives a smaller reward for his investment and his labors than any other segment of American business. For example, farm assets in this Nation total $307 billion, almost two-thirds the value of all U.S. corporations. The average farmer has an investment of more than $150,000, but he shows a net cash return of much less than the average laborer. Few other industries today would remain in business with that kind of profit picture.

For 1-hour's labor, 1.7 pounds of beef could be purchased in 1951. For that same hour's labor in 1972, 3.3 pounds of beef can be purchased. In 1951, U.S. commercial beef production was 8,549 million pounds. In 1971, producers had increased production to 21,690 million pounds. Expressed in per capita consumption, we were eating only 56.1 pounds of beef per person in 1951, while in 1971, we ate 114 pounds per person. This increase in per capita consumption came about because the domestic beef cattle industry continually wants to satisfy the consumers of the United States who have displayed a strong preference for beef.

Mr. Speaker, these facts must be relayed to the American consumer. One cattle rancher stated recently that he has "no more control over what I get for my cattle when I sell it than the housewife does when she pays for it."

Mr. Speaker, one of my constituents, Mr. Dick Coon, of the Bar U Ranch Co. in Washtucna, Wash., has invited all those who doubt the role of the farmer-rancher in the rising cost of food to visit his ranch. He has offered these visitors complete access to his record so that he might show them in facts and figures how a ranch with approximately 400 head of cattle is run, what its profit and loss figures are, and so forth. The text of Mr. Coon's letter, written to a New England Congressman, is as follows:

WASHTUCNA, WASH., *March 27, 1972.*

DEAR REPRESENTATIVE: I read in Saturday's Spokane, Washington's Spokesman-Review a report that you had suggested a limited nation-wide boycott of meat as a protest against rising prices.

Supposedly, in a letter to your constituents, the suggestion was made to establish two meatless days each week and form the nucleus of a nation-wide boycott of meat products.

As a cattleman and meat producer, I was initially quite disturbed that such drastic action could be advocated which could have such a severe impact on my livelihood.

Further analysis, as well as the fact that I was born and raised in your neighboring state of Massachusetts, impressed me that you could not be acquainted with all the facts and/or figures that affect my business; that the plight and circumstances of the beef producer are not fully known to you.

With this in mind, I would like to extend an invitation to you for a visit to our ranch here in Washington State. I would be happy to show you the records of the ranch, our dollar return on our investment, the risks involved, as well as any other information you might request.

Since we depend on the cow and calf as our sole source of income—we have no other crop—and, therefore, the price per pound for what we sell represents our only basis for return, the picture would remain unclouded by outside factors.

We are a family corporation with a herd of 400 cows approximately. I would imagine that you would find such a visit informative, educational and enlightening.

Sincerely yours,

DICK COON,
Secretary, Bar U Ranch Co.

Mr. ALEXANDER. Mr. Speaker, I am glad to have this opportunity to join my colleagues today in this discussion of rising food prices. This is a complaint which we hear repeatedly. It is a complaint which must not be ignored. And, I believe, that it is a complaint for which simplistic answers are neither accurate, adequate nor proper.

Most recently the fault for rising food prices has been laid at the gates of the farmers. Then when that allegation proved less than correct, the guilt was placed on the shoulders of the middlemen—the processors, the food brokers, the grocery store operators. Now that the middlemen have risen in defense of themselves, a deeper search for answers has gotten underway.

I would not presume to say that I have all the answers. But, I would like to discuss some statistics which may point to the reasons for the increases in food costs. It may be useful here to point out that while the consumer paid 23 cents of each of his dollars for food 20 years ago, he paid only 16 cents of each dollar for food in 1971.

Between 1951 and 1971 the prices paid to farmers for food products rose 6 percent. The wholesale food prices went up 20 percent and the retail prices rose 43 percent. During that same period the Nation's wage levels increased an average of more than 6 percent each year, for a total increase of 130 percent.

At the farm end of this food marketing chain, the cost to the producer of all the products he purchases has risen nearly 50 percent. The farmers production costs have nearly doubled. In that same period, the farmer has increased his productivity per man-hour of work by 330 percent. This compares with an increase in the industrial man-hour productivity of only 160 percent.

It would seem reasonable, in view of these statistics, to say that while the farmer has gotten more money for his products, his profit level has not increased comparably.

Now, let us take a brief look at the so-called middlemen. I have said that their food prices rose 20 and 43 percent respectively. Is this all cost-free profit? I think not. Between the farm fields and grazing lands and the family table, there are a number of cost-producing operations carried out.

These include transportation, processing, distribution, and sales promotion. Labor and equipment is required for each operation. And, further down the chain of our complex way of living, other men and machines are needed for producing the materials and services used in the food production and distribution industry.

It is fair and just that the demand of nonfarm management and labor for an equitable share of the Nation's affluence be satisfied.

By the same token though, it is, I believe, unconscionable for the farm family to be denied its proper place in the Nation's financial system. This group of Americans is dedicated to helping clothe and feed the Nation. Their contribution to our society is of such a magnitude that I cannot believe the farm family's place is at the bottom of the economic ladder. They should not be forced to bear the whole burden in national efforts to keep down food costs to the consumers.

Instead of criticism, the American farmer deserves the gratitude of every consumer for providing to our Nation the best standard of living at the cheapest possible cost.

Mr. KAZEN. Mr. Speaker, I am pleased to join in this urban-rural forum recognition and wish to associate myself with those members of the House who sought to examine the common interests of our cities, small towns, farms and ranches. History has taught us that when class is set against class, it is the nation that loses, but that when we work together, great achievements are possible.

There is no need for me to explain the need for understanding. Certainly it belabors the obvious if I were to express concern over those people of limited vision who look at problems from a narrow perspective. I do want to take time, however, to be very specific about an example of urban-rural cooperation reported to me just yesterday, when more than a dozen leaders of south Texas called on me.

Their purpose in coming to Washington was for the national conference of rural electrification co-ops. I am proud to say that they told me they knew that I understood and supported the REA program so they did not feel they had to educate me. But they informed me of a new effort which six south Texas REA co-ops made just last week. They held a meeting in Houston, in a big hotel ballroom, to report to those REA members who live in that bustling urban area and who were new to REA. The co-op leaders, in other words, proposed to report to members who were served by REA power lines and paid REA bills, but had little personal experience with their fellow members.

The attendance was almost 2,000. The crowd was three times what had been expected. There were no big-name speakers to draw a crowd, no banquet, simply a report to the memberships of those co-ops. I want to salute the managers and directors who planned the meeting, but I also want to salute those members interested enough to attend. I think this is a fine example of the feeling across this country—a feeling that had been slow to develop, but now is mounting in strength and importance—that urban-rural cooperation can help all of us.

REA does serve urban and rural residents. So do other programs. I also welcome the mounting recognition that programs do not have to range across geographical lines to spread wide benefits. If life on a farm or a small town is rewarding enough to hold residents there and bring their sons and daughters back home, some city has fewer people to crowd its streets, its schools and too often its unemployment relief lines. The folks on the farms benefit when the cities prosper, too, so that urban families can buy the food and fiber produced on the land.

Mr. Speaker, I believe that urban-rural cooperation is absolutely essential if we are to continue to have the land of the free and the home of the brave.

Mr. STEIGER of Wisconsin. Mr. Speaker, as a Member of the House representing a mixed rural and urban district in America's Dairyland, and a member of the urban rural forum, I think it is valuable to discuss at length the problems faced by both the American farmer and the consumers. There seems to be many misconceptions concerning who is responsible. The farmer appears to be bearing the brunt of this attack. This is not fair and I fear that many problems faced by farmers are overlooked by those who are critical of farm programs and farmers.

Consumer food prices have been receiving a great deal of attention recently. Secretary of Agriculture Earl Butz has been criticized by C. Jackson Grayson, chairman of the President's Price Commission, for his encouragement of high food prices. And a large grocery chain, Giant Foods, has discouraged its customers from buying meat because of its cost.

Overlooked in this controversy, however, is a disquieting fact: the family farmer is gaining nothing from the increased prices found at the grocery store.

A report released by the U.S. Department of Agriculture—DOA—indicates the difficult economic position of the average farmer today. DOA figures show that while wholesale food prices went up 20 percent and retail food prices rose 43 percent in the past 20 years, prices received by farmers increased only 6 percent. During this same period, the farmer's share of the food dollars has dropped from 49 cents to 38 cents.

Although farm income has risen slightly in those 20 years, total production costs have nearly doubled, wages for hired help have increased 2.3 times, property taxes per acre have nearly quadrupled, and farm debt has grown five times larger.

Before we blame farmers for increased food costs we should first ponder these statistics. While a number of people have pointed out that the skyrocketing price of food is the result of the middlemen—the processors and wholesalers—few people are genuinely aware of that fact.

Meanwhile, the only way farmers survive the ever-spiraling production costs is to increase productivity and efficiency. Their success in doing this has been outstanding.

Output per man-hour on farms since 1952 has increased twice as rapidly as in industry. Production has increased threefold while the number of farms has decreased from 5.4 million to less than 2.9 million and the number of farmers has gone from 9.5 million to 4.4 million.

And despite seemingly high food costs, people today spend only 16 percent of their take-home pay for food. Twenty years ago, 23 percent of their paycheck went for groceries.

Further evidence of the key role American farmers play in our Nation's economic picture is seen in their contribution to the United States strong competitive position in the world marketplace. A record $7.8 billion in farm products were sold overseas last year, and more than $300 million worth of commodities were made available free to foreign countries to upgrade diets and provide disaster relief.

Farmers, then, need apologize to no one for high food prices. In fact, we consumers should count ourselves fortunate that farmers have made dramatic increases in productivity while earning an average disposable income that is only three-fourths that of nonfarmers.

Any boycott of farm products would be highly regrettable. Those who would be hurt most are the family farmers; and if that happens all of America will be hurt. We should seek further means of helping farmers—instead of making it yet more difficult for them to earn a living wage.

Mr. SCHWENGEL. Mr. Speaker, food prices are increasing at a rapidly alarming rate. We only need venture into our local supermarket each week and note the small, but steady increase in the price of all goods. The problem has reached such proportions that American housewives, farmers, and food processors and distributors are keenly aware of this important issue, that the Price Commission is holding hearings or food prices, and the administration has called in numerous individuals in an attempt to hold the line on food prices.

During this heated and ofttimes controversial debate, the farmer has come in for much undeserved criticism. While maintaining high levels of production and efficiency, he has received a consistently smaller percentage of the American food dollar. Recently, in a letter to President Nixon, cosigned by 21 of my colleagues in the House, I noted this dramatic statistic—from 49 cents in 1952, to 38 cents in 1971. Clearly, the increases in food prices must be coming from other sources. The farmer is not to blame.

The farmer seldom realizes any of the price increases that the consumer faces daily. Beef prices, for example, finally reached in March levels of almost 20 years ago. Yet many consumers are led to believe that rising beef prices are to be laid at the farmers doorstep. Grain prices have not reached levels commensurate with demand, although consumers continue to pay increasingly higher prices for bread, cereals, and other grain foods.

It seems we are faced with a problem which affects many millions of Americans. The Price Commission hearings will undoubtedly show that the farmer and consumer are often at the mercy of the processor, shipper, jobber and distributor.

In our discussion we must focus on the unmistakable truth—the consumer is paying more and more, while the farmer is receiving less and less. Only in this light can we begin to address ourselves to the necessary solutions. We must also recognize that we are dealing with a problem that directly affects every American—the price of our most basic necessity.

I urge my colleagues to support the consumer and the farmer in this difficult problem. By doing so we will be serving the interest of all Americans.

Mr. ANDREWS of North Dakota. Mr. Speaker, I want to commend the Urban-Rural Forum for requesting this time to afford the opportunity of the Members of this body to express their views on the matter of increasing food prices, which has, of course, been the focal point of major national concern.

Let me tell my urban friends in the Congress that this concern is shared by those of us in rural America, for we, too, must go to the supermarket to purchase food necessary to sustain life. The concern over the cost of food is magnified even more in rural America when we know that the increase in cost is not reflected in a direct relationship to the price the farmer is receiving for his commodity.

I think a case in point is the recent controversy over the price of beef. On March 28 of this year, I discussed this subject on the floor outlining the situation as it actually was. Let me, if I may, reiterate some of the points which I raised.

On August 13, 1971, the President imposed the economic freeze. That date, choice beef carcasses at Omaha were selling for $54 per hundred pounds. On March 24, 1972, choice beef carcasses at Omaha brought $53.25, below the August 13, 1971, figure, and probably more important, below what beef carcasses were 20 years ago.

I wonder if my colleagues realize that during the past 20 years, Government employees salaries have increased 430 percent, wages for off-farm labor have gone up 340 percent, and business and professional income has increased 200 percent. Yet, during that same period, the 70 major farm commodities have increased in price by only 7 percent. We have seen editorial cartoons in a Washington newspaper indicating the consumer is being forced to pay outrageous prices for beef and that the farmer should get less for his product. I would like to point out that 20 years ago, the Sunday edition of this newspaper was selling for 10 cents. Today it costs the consumer 40 cents, an increase of 400 percent.

Mr. Speaker, the publicity which floated around concerning the price of beef was of great concern to me, not only because of its lack of honesty, but also the fact that it could cause some of our urban colleagues to question future farm legislation presented before the Congress. Yo do not have to be a mathematician to realize that without some of the votes of our urban members it would be impossible to pass some of the farm bills.

Let me say that the cost of food in this country is a bargain. The latest statistics indicate that an American family spends about 16.5 percent of disposable income for food. The nations of Western Europe, meanwhile, probably pay 20 to 25 percent; the Soviet Union about 50 percent, and in Asia they pay as much as 75 to 80 percent of all they make for having a very meager diet.

Those of us from rural America realize that we do have a stake in the cities as customers, but I would like to say that the cities also have a big stake in us as their prime customers. There is no question but that consumers stand to lose the most if agriculture would be allowed to sink into a depression. In this country, the national economy starts with an agricultural base—a sound, vigorous agricultural industry interrelates with the automotive, fuel, chemical and other industries that supply and service farmers. City workers have a vested interest in agricultural progress. In a direct sense, the steelworker in Pittsburgh and the automotive manufacturer in Detroit are partners in the agricultural effort. If the farmers of America can be well off so, too, will these major industries of America be well off.

Our farmers are in a cost-price squeeze. Farmers get only about one-third as much return on their investment as the average businessman—and these figures are based on the good yields of last year. Farmers know that farm machinery has more than doubled in price and real estate taxes per acre are almost four times higher than they were 20 years ago. The farmers economic disadvantage lies in not being able to set the price of his products, passing along these cost hikes like other economic groups do.

In closing, I call upon all members of the Congress to take the time to review the economic condition of those who are growing the food so vital to the welfare of not only this great country, but to the peoples of other countries throughout the world. I think that you will agree that the farmer is doing his job very well and deserves just compensation. I sincerely hope that this discussion today will help achieve this goal and I again commend the Uban-Rural Forum for taking the initiative to arrange for it.

GENERAL LEAVE

Mr. ABOUREZK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

DOMESTIC INDUSTRIES DAMAGED BY FOREIGN IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, on past occasions I have taken special orders to discuss the damage foreign imports have done to domestic industries. I have directed my remarks primarily to steel, because I represent one of the greatest steelmaking districts in the Nation. However, steel is not alone when it comes to being threatened by foreign import domination. Others have been hit and hit hard; the shoe, textile, and electronic industries for example. As Congressmen, I believe we have an obligation to keep abreast of what is happening in industries other than those which directly concern us. If we do not hang together and solidly support those industries which need help, the industries and later ourselves will hang separately.

Several weeks ago I called attention to the many "American" companies which now have their products manufactured abroad but continue to sell it here under the brandname the American buying public has come to know and trust.

Today, I am going to discuss that particular aspect of the import problem again, concentrating on its relation to the domestic manufacture of electronic calculators and portable typewriters. The fact is, we do little or no manufacturing in those fields today compared to what we once did. Foreign manufacturers have reaped the harvest from seeds we planted.

These industries have sustained heavy financial and employment losses at the hands of foreign competitors who take advantage of America's generosity, technology, and antiquated trade laws. Those of my colleagues who represent districts where these industries once thrived know what I am talking out; those who do not are in for some eye-opening statistics.

The information which I am about to present was provided my office through the courtesy and cooperation of Mr. Gerard F. Stoddard, director of corporate communications for the SCM Corp. in New York City. I thank Mr. Stoddard for the time and effort he and his associates spent in compiling this material. I think it will prove enlightening to all of us.

I will insert into the RECORD at the close of my remarks a statement by SCM in support of administrative and legislative action to redress unfair advantages which have resulted in a Japanese electronic desktop calculator displacing a major manufacturing industry in the United States.

I will also insert supporting material, including an SCM news release describing the drastic steps the firm was forced to take to reduce its investment in the calculator field, a letter to former Secretary of Commerce Stans depicting the situation faced by the typewriter industry, a history of the takeover of that industry by foreign competitors and various clippings pertinent to the overall subject.

Just as SCM declares in a memorandum dated November 11, 1971, the story of the Japanese electronic calculator in the U.S. market is a classic example of how a foreign manufacturer's cartel can take unfair advantage of low labor costs and unintended U.S. tariff concessions while, at the same time, strongly protect their own home markets against unwanted competition.

Electronic calculators are a relatively new item in office equipment. They were invented in the United States and first marketed here just 7 years ago. As late as 1967, only 15,000 of the 190,000 calculators sold in the United States were electronic, the others being of the old rotary type. In 3 years, however, 70 percent or 350,000 of 490,000 calculators sold here were of the electronic type.

The takeover of that market by foreign firms has been as dramatic as it has been damaging. Although the electronic calculator was invented and first marketed here in 1965, American firms were reluctant to go into mass production for a number of reasons. First, they wanted to be sure the product was tried and proven and would not tarnish respectable business reputations. Also, operations for production of the rotary calculator had to be phased out to make room for the new product.

The Japanese saw the situation, recognized the potential of the new calculator and went to work. The Japanese had never made or sold rotary calculators; they had no worry about phasing out antiquated operations and they had solid experience in the field of electronic equipment through their production of radio and television sets. With nothing to lose and everything to gain, the Japanese jumped into the calculator race with both feet. In 1967, most of the 7,000 electronic calculators sold in the United States were Japanese, and they netted that nation some $2.5 million extra in sales to this country. By the end of 1970, when American manufacturers had overcome their early caution, the field practically belonged to the Japanese. They had captured more than 70 percent of our market.

I believe it is interesting at this point to call your attention to a Department of State airgram, No. A-1120, dated December 1, 1970, which is referred to in the SCM statement. According to SCM, the airgram reports the stated desire of Japanese business machine manufacturers to "invade the world market with Japanese desktop electronic calculators."

Japanese industry sources, SCM said, were estimating they had more than 70 percent of world production in this still new field. Total export sales in 1970 were estimated at $180 million and the prediction for this year, 1972, was an astounding $700 million.

Under the onslaught of this Japanese invasion, domestic manufacturers of calculators reeled, faltered or failed. Established firms such as NCR, Burroughs, and Dictaphone, came to rely solely on Japanese produced electronic calculators. Their machines were made by Sharp, Sanyo, and Nippon, but sold in the United States under the established American brand name.

Monroe, once a leading calculator manufacturer, still maintains its plant in Bristol, Va., but purchases most of its requirements from Canon, a Japanese firm. Friden, another well known name in office equipment, buys from Hitachi, which resells to American businessmen under the Friden label. Remington buys all its calculators from Casio.

I believe it only fair to point out that SCM Corporation is the manufacturer of the "Marchant" brand desktop calculator and Marchant's only purchases from Japan were in 1969–70, and consisted of a year's requirements of one specialized model from Toshiba.

Unquestionably, Japan, with its low-cost labor, has a tremendous production advantage over the United States in this field. But, in addition, the Japanese manufacturers also receive maximum cooperation from their government.

George D. Butler, president of Electronic Industries Association, told this to the House Ways and Means Committee on June 8, 1970. He said this combination of advantages existed particularly in Japan "where government, industry, the financial institutions, and labor are united in a program to capture for their country an ever-increasing share of the world market."

The Japanese Government offers its support through the Ministry of International Trade and Industry—MITI—and MITI assures home firms of favorable terms while restricting foreign investment and opportunities for foreign companies to compete in Japan's markets.

Startling as it may seem, the Government of the United States also has helped the Japanese manufacturers, although it did not know it at the time. In 1930, the United States set a duty on calculating machines at 35 percent. Of course, the Japanese were not in the business then and the duty did not bother them one way or another. However, by 1967, when Japan was beginning to reap some profits from the new electronic calculators, the duty had been reduced to 10.5 percent. It has continued to drop through scheduled reductions until now it stands at 5 percent.

When the original tariff and schedule were set, electronic calculators had not been invented and, consequently, no differentiation was made between the old rotary calculator and the yet to be born newcomer. When Japan moved into the infant electronic market, the time and price was right. The duty was low and the profit high. Meanwhile, the Japanese—MITI—had imposed tariffs of 15 to 25 percent on calculators shipped to Japan. Some reductions have been conveniently made but the rates still stand between 9 and 15 percent, depending on the particular model.

I believe the most shocking portion of the SCM statement is on page 13, and I certainly hope my colleagues will read it. It reveals that our Government actually has assisted in the loss of the domestic calculator market by its own procurement practices.

According to SCM, which quotes GSA statistics, the U.S. Government purchased $16 million worth of calculators last year and Japanese-made machines accounted for 31 percent or $5 million of that total. SCM notes the Internal Revenue Service primarily bought Japanese "Sharp" models for its regional offices.

The firm raises the question if the IRS action is not in violation of President Eisenhower's Executive order of December 21, 1954, which stipulated that heads of executive agencies would purchase only materials of domestic origin unless it was unreasonable or inconsistent with the public interest.

This is something which consistently irks me. I cannot understand why the Federal Government persists in buying foreign products when industries here at home are crying for business. If the American Government will not "buy American" how can you expect anyone else? I believe the Federal Government has a moral obligation, if not a legal one, to buy everything it can from American manufacturers. Certainly, it should not go out of its way to help destroy our domestic industries.

I do not have any information regarding the number of foreign-made typewriters the Federal Government purchases. It would be rather interesting to know, however, since this is another industry which has gone abroad to a great extent.

Early in my remarks I referred to a letter written to former Secretary of Commerce Stans. The writer was Mr. E. E. Mead, who, I understand, was the former president of SCM. His letter, written last August, assured Mr. Stans that SCM would abide by President Nixon's new economic plan. But, Mr. Mead also pointed out the then new import surcharge had no effect on portable typewriters since there has been no duty imposed on these machines.

He wrote:

> Undoubtedly, for products with an existing duty, a surcharge will be most helpful, and we applaud this motion. But in my opinion the portable typewriter industry continues to suffer gross neglect in our trade agreements. There is no duty on portable typewriters and, therefore, no surcharge.

Mr. Mead feels this lack of protection in a high labor cost product was a major factor why Royal shifted production of portables to Japan and Germany; why Remington has discontinued manufacture of portable typewriters here and now sells a Japanese product under the Remington name; and why R. C. Allen was forced out of business entirely. Incidentally, Underwood, another well-known typewriter manufacturer, was acquired several years ago by an Italian office equipment firm, Olivetti. However, although Olivetti makes their machines overseas, they are sold here under both the Olivetti and Underwood brand names.

As it stands now, Smith-Corona is the only portable typewriter now manufactured in the United States. Mr. Mead candidly admits the firm was forced to move manufacture of its lowest priced model to the United Kingdom some years ago. The alternative, he said, was to be permanently excluded from the product line.

Furthermore, Mr. Mead reports the firm has outstripped competitors in the development of automation and manufacturing efficiencies which reduced the number of man-hours required in this labor-intensive product. But, he warned Secretary Stans:

> We have gone about as far as we can go along these lines. It is imperative that our industry be protected from very low foreign wage rates and through a reasonable duty on imported typewriters.

The United States, according to Mr. Mead's letter, is virtually locked out of major countries, especially those producing typewriters. Those nations, he adds, have the advantage of cheap labor rates while protecting their home typewriter markets with duties ranging from a high percentage to a complete embargo on machines manufactured in other countries.

In September of last year the Smith-Corona Laboratory prepared a detailed comparison of imported and domestic portable typewriters along with a brief, chronological history showing the demise of former major American manufacturers. In this summary, it was pointed out imports of portable typewriterrs have more than doubled since 1960, rising from 524,327 units to 1,299,532 units. The nations showing the greatest growth were: Japan—116,000 units in 1964 to 547,000 units in 1970; Portugal—2,000 units in to 59,000 units in 1970; and the United Kingdom—66,000 units in 1964 to 304,000 units in 1970. Incidentally, imported portable typewriters totaled more than 800,000 in the first 6 months of last year. If that rate continued for the second half of 1971, the total number of imported portables would have eclipsed the 1970 figure by near 300,000 units.

A clipping from a January issue of U.S. News & World Report depicts the dramatic growth of imported typewriters with startling clarity. According to the magazine, which quoted Department of Commerce figures, the United States exported typewriters valued at $19.1 million in 1969, and imported machines valued at $69.4 million. One year later, 1970, our exports had risen slightly to $20.8 million, but our imports had soared to a value of $92.3 million.

It is interesting to note the article quotes a department survey as saying this flight to overseas manufacturing is due to the deterioration of American plants "until many are outmoded and uneconomical." No mention is made of the unfair trade barriers raised against our domestic manufacturers by our own and foreign governments nor the low-cost labor enjoyed by our foreign competitors.

Mr. Speaker, in view of this critical situation in the electronic calculator and portable typewriter industries, I believe the Federal Government must take some protective action. Our trade laws must be revised to afford fair opportunities to our manufacturers. At the same time our Government must stop buying foreign-made products in accordance with President Eisenhower's Executive Order of 1954. Furthermore, I will, at the close of my remarks today, ask the GAO to furnish me with information relative to what office equipment is purchased by our Government from overseas firms and at what cost. I also will ask the GAO to determine whether the purchase of these items from domestic suppliers would be unreasonable or inconsistent with the public interest.

The material follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 19, 1972.

MR. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I recently received information from the SCM Corporation in New York City which contained some alarming statistics relating to the take-over of the American calculator and typewriter industries by foreign competitors.

According to SCM, Japan had captured more than 70 percent of the domestic electronic calculator market and 52 percent of the total U.S. calculator market in 1970. The claim also is made that today there is only one portable typewriter manufactured and assembled in the United States by well-known firms which once were major figures in that domestic industry.

I was particularly disturbed to read on page 13 of the SMC report, a copy of which is enclosed for your consideration, that the Federal Government actually has furthered the take-over of the calculator market through its procurement practices. According to the SCM, the Federal Government purchased $16 million worth of calculators in fiscal 1971, and Japanese models accounted for $5 million or 31 percent of that total. Furthermore, SCM contends the Internal Revenue Service purchased Japanese calculators for its regional offices.

Because I am greatly concerned over our nation's trade imbalance and loss of domestic industry to foreign competitors, I am requesting your office to conduct a full investigation into the purchasing policies of our Federal Government. I am interested in learning what type of office equipment is purchased abroad and where. I want to know the quantity and cost of these purchases and how they compare with equipment bought from domestic manufacturers.

Finally, I am requesting your opinion as to whether the purchase of the foreign made equipment was in violation of President Eisenhower's Executive Order No. 10582, which was issued in December 21, 1954, and is still in effect. As you are no doubt aware, that order required heads of executive agencies to purchase only materials of domestic origin unless it was unreasonable or inconsistent with the public interest.

I look forward to hearing from you and thank you for your cooperation.

Sincerely yours,
JOSEPH M. GAYDOS,
Member of Congress.

STATEMENT OF SCM CORPORATION IN SUPPORT OF ADMINISTRATIVE AND LEGISLATIVE ACTIONS TO REDRESS UNFAIR ADVANTAGES WHICH HAVE RESULTED IN JAPANESE ELECTRONIC DESKTOP CALCULATORS DISPLACING A MAJOR AMERICAN MANUFACTURING INDUSTRY

This memorandum has been prepared by SCM Corporation, a United States manufacturer of the "Marchant" brand desk-top calculators.

The memorandum describes (a) the rapidly changing nature of the calculator market in this country, (b) the extent to which Japanese electronic calculators have displaced products of domestic manufacturers, and (c) the reasons why this has happened.

Specific positive administrative and legislative actions are recommended to correct past and present inequities and to save this major industry from a complete takeover by Japanese manufactured products.

I. BACKGROUND

The history of Japanese electronic calculators in the United States market presents a classic case of a foreign manufacturers' cratel taking unfair advantage of low labor costs, unintended United States tariff concessions, and a protected home market.

A. The rapidly changing U.S. market

Desk-top calculators are machines which add, subtract, multiply and divide and perform various complex mathematical business and scientific calculations. The calculator is far more complex than a simple adding machine but generally lacks the memory banks (programmability) of the computer. Electromechanical rotary calculators, with thousands of moving parts, produce a mathematical result which is shown on dials; electromechanical printing calculators print the result on paper tape. Electronic calculators, with miniaturized electronic circuitry and few electro-mechanical calculators, and the mathematical results are produced on electronic display tubes or are printed on paper type.

For the last 50 years, the leading domestic and world producers of electro-mechanical calculators were Marchant, Friden (now a subsidiary of the Singer Co.), Monroe (now a subsidiary of Litton Industries, Inc.) and more recently, Victor Comptometer. The substantial bulk of the calculators sold by those four companies were manufactured by them in the United States.

The electronic calculator was invented and first manufactured in the United States. Marchant, through their own research and development efforts, was among the first American companies to develop, manufacture and sell electronic calculators, with the first units being marketed in 1965.

Since then, electronic calculators have rapidly displaced rotary calculators in the United States and world markets. Today, all American companies have stopped production of electro-mechanical rotary calculators. For Marchant, this meant closing a large plant in Orangeburg, South Carolina. The plant, which had employed as many as 1,400 people, stopped making rotary calculators in 1968 and was closed down completely in July, 1970 and still remains empty and unused.

Table A (annexed to this memorandum) dramatically demonstrates the rapid changeover in the U.S. market to electronic calculators. In 1967, of the 190,000 calculators sold in the United States, only 15,000 (or less than 8%) were electronic. By 1970, of the 490,000 calculators sold in the United States, 350,000 (or 70%) were electronic calculators.

B. The Japanese "invasion" of the United States and world markets for electronic calculators

As late as 1967, the Japanese had sold relatively few electronic calculators in the United States. In that year Japanese manufacturers accounted for about 7,000 units with a dollar value of $2.5 million out of total United States calculator sales of 200,000 with a value of $160 million. The Japanese had never made nor sold electro-mechanical rotary calculators.

By the end of 1970, the Japanese could boast of having captured more than 70% of the United States electronic calculator market, or about 52% of the total U.S. calculator market. (See Tables A and B attached to this memorandum.)

This tremendous surge of imports of Japanese electronic calculators into the United States was part of a world plan by Japanese industry, as is indicated in Department of State Airgram No. A-1120, dated December 1, 1970. That publication reports the stated desire of Japanese business machine manufacturers to ". . . invade the world market with Japanese desk-top electronic calculators." The Airgram said that in 1970 electronic desk-top calculators had become one of Japan's leading export items, surpassing color television sets. Japanese industry sources were cited as estimating that Japan accounts for over 70% of world production. Total export sales, in 1970, were estimated at $180 million, and a huge increase to $700 million was predicted for 1972:

This Japanese takeover of the United States calculator business has seen such major office equipment manufacturers as NCR, Burroughs, and Dictaphone come to rely solely on Japanese produced electronic calculators (made by Sharp, Sanyo and Nippon) which they now sell under their tradename. Monroe, formerly a leading United States calculator manufacturer, closed down their Bristol, Virginia plant, for a while virtually ceasing all domestic manufacture; and it now still purchases most of its requirements from Canon, another Japanese company. Similarly, Friden is currently purchasing much of its requirements from Hitachi, which it then merely resells to American businessmen under the Friden name. Remington buys all its calculators from Casio; and so on. Marchant's only OEM purchases from Japan were made in 1969–70 and were limited to a year's requirements of one specialized model from Toshiba.

It is generally understood that Friden has sustained substantial losses in the calculator business in the last three years. Marchant has also had heavy losses, in the millions of dollars in that period.

Today, of the former major calculator manufacturers, only Marchant and Victor Comptometer manufacture all their calculators in the United States.* There are a few other United States companies which have in the last ten years entered the calculator business. Among those which have been successful are Wang and Hewlett Packard, both of which manufacture the more expensive programmable calculators.

C. Unfair advantages which have helped the Japanese takeover of the U.S. calculator market

The following are some of the reasons the Japanese have been able to dominate the United States and world markets for electronic calculators.

(i) Low Cost Labor

George D. Butler, President of Electronic Industries Association, testified at the Hearings before the Committee on Ways and Means on June 8, 1970 that:

"The production of electronic products is a labor intensive process, while at the same time these products have a high dollar value per pound of weight. It is natural, therefore, that these products tend to be made in countries with a large supply of low-cost labor and that such products can be shipped to distant markets because there is little freight disadvantage. This explains in part the severe competition U.S. electronic products are facing in the United States and world markets, particularly from Japanese and Far East producers. In addition to the low-cost labor advantages, these Asiatic producers have also competent management and they receive maximum cooperation in their operation from their governments." (p. 2829)

Mr. Butler also said:

"Coupled with the large pool of low-cost labor are capable management, capable technicians, abundant capital, and sympathetic governments, particularly in Japan, where government, industry, the financial institutions and labor are united in a program to capture for their country an ever-increasing share of the world market." (pp. 2831–32)

Electronic calculators are conceptually sophisticated products, but from a manufacturing standpoint they are relatively easy to assemble using unskilled low-cost labor. Indeed, in the early stages of development, some of the circuit wiring and other tasks lent themselves to work in the home. Further, the Japanese had considerable experience in electronics manufacture well before 1965. Manufacturers of such products as transistor radios (with which they had flooded the market) were looking for new products to absorb excess manufacturing capacity.

Thus, it is that the Japanese have been able to take advantage of substantial labor cost differentials *vis-a-vis* American manufacturers. Figures of The United States Department of Labor, Bureau of Labor Statistics, show that the average hourly earnings in manufacturing for Japan were $.80 per hour in 1969 (up from $.67 in the previous year). The average hourly wage for United States manufacturing workers in 1969 was $3.19—a differential of over 300 percent.

(ii) Low investment and technology requirements

Not only were some Japanese manufacturers able to switch to electronic calculators from other electronics products, but, because the initial investment requirements were low, other Japanese companies, such as camera and watch companies, were able to enter the electronic calculator business with relative ease.

All Japanese companies benefited greatly from the years of expensive research and development work done by the American companies, like Marchant, which had produced the first electronic calculators. Since there was little by way of patent protection, the Japanese were able to use the early American commercial units as models.

Also, some American companies in the calculator business and in the components business were willing to enter into licensing and cross-licensing agreements with Japanese companies. For example, Burroughs licensed their "nixie tube" electronic display patents and know-how to Japanese concerns. The Hearings on Tariff and Trade Proposals before the Committee on Ways and Means (91st Congress, Second Session, pp. 2924–2933) provides a partial listing of licensing and know-how agreements made with Japanese companies by such American companies as RCA, Western Electric, General Electric, Admiral, Collins Radio, General Telephone, Honeywell, Litton, Philco, Singer, Texas Instruments, Zenith, Sperry Rand, and numerous others.

Putting it another way, although the Japanese have produced good quality electronic calculators, the trail had been blazed by the American creators of this new product. The Japanese have made no major independent contributions to the technology.

The Japanese, who had never been factors in the mechanical rotary or printing calculator business, were not held back—as were the American calculator companies—by large inventories and investments in that business. Thus, the Japanese were able to make a complete commitment to electronic calculators without concern for pre-existing products or business.

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*On January 31, 1972, SCM announced an expected extraordinary loss of $18 million before taxes, principally involving write-offs with respect to its Marchant calculator operations; and, on March 1, 1972, SCM announced the closing of its Marchant calculator manufacturing plant in Oakland, California.

(iii) Cartel operations supported by MITI and the Japanese

Another significant advantage of Japanese electronic calculator manufacturers is the support and cooperation offered by the Japanese Government, particularly through the Ministry of International Trade and Industry (MITI), and the Japanese banks.

MITI is deeply involved in the licensing process, assuring Japanese companies of favorable terms and, at the same time, restricting foreign investment and opportunities for foreign companies to compete in the Japanese markets.

Also, the loan policies of Japanese banks, for example, allow Japanese companies to become very highly leveraged with what elsewhere would be disproportionately heavy debt financing.

The various Government and banking relationships are peculiarly Japanese, are hard for outsiders to comprehend fully, and are present to one degree or another in all major Japanese industries. But it is increasingly clear that particular emphasis has been placed on building the Japanese electronic calculator industry.

It is our understanding that the Government program to launch this new industry included various restrictions which in 1966–68 in effect prohibited further importation of calculators into Japan. Today, the calculator market in Japan is close to 100% Japanese electronic calculators.

Recently, MITI has responded to a condition of overproduction in the Japanese electronic calculator business by stepping in and establishing a price fixing agreement as well as a production allocation quotas—in the manner of the international cartels of the past—action which cushions the impact of unfavorable competitive developments in a way available to no U.S. company operating under our antitrust laws. (See the attached newspaper articles, Exhibits 1, 2 and 3.)

The tragic irony in this story is that American calculator and electronics companies, subject to the antitrust laws and committed to an individualistic philosophy of free and open competition, have been engaged in brutal competitive struggles domestically and have never even organized to protect themselves—by legislation or other lawful means—from the unfair Japanese electronics cartels subsidized by the Japanese government and protected by the Japanese government by restrictions which virtually prohibit importation of competitive American products into Japan. And, of course, some American multinational companies have added to the problem by licensing away technology and financing Japanese manufacture—through purchases—of private label goods for the American market.

Not only has American industry failed to work together in defending itself against unfair foreign competition, but the United States Government—the Executive and the Legislature—has done virtually nothing to help or protect this great new industry, created by American genius, essential to the country's defense, and crucial to the country's future development. Thus, the 1970 U.S. balance of trade deficit for consumer electronics and components was $1,022,000,000; and, for example, it has been estimated that in the first six months of 1971 there was an absolute loss of over 120,000 jobs in the electronics business in the United States.

(iv) Trade Concessions by the United States and Protective Trade Restrictions by Japan

The United States rate of duty on calculating machines under the 1930 Act was 35% ad valorem. By 1967, the rate had been reduced through trade concessions to 10.5% ad valorem.

Then, on December 16, 1967, by Presidential Proclamation 3822 (the Kennedy Round) still further concessions were made. The new duty on calculating machines (no differentiation is made as between mechanical rotary or printing calculators and electronic calculators) was lowered to 9% ad valorem in 1968 and was further scheduled to *decrease* 1 percent per year each year until 1972 when it would be 5 percent ad valorem.

It is submitted that these tariff measures failed to recognize the changing character of the product, the precarious position of American companies with large investments in mechanical rotary and printing calculators and the vulnerability of what was then an infant industry, newly created by United States technology.

Despite the extremely low tariff, complaints have been made to the effect that importations of Japanese electronic calculators have been grossly undervalued for duty purposes, so that as a practical matter the effective rate of duty in some instances has been as low as 2% ad valorem.

The extremely generous U.S. tariff concessions are to be contrasted with the generally restrictive regulations of foreigners attempting to do business in Japan, as enforced by MITI. And, as late as 1969, the rate of duty on calculators imported into Japan was in the range of 15% to 25% C.I.F., depending on the nature of the calculators (the higher rate applying to the more sophisticated models; even today the range of rates has only been lowered to 9% to 15% C.I.F.

(v) United States Government Purchasers' Disregard of Buy American Requirements

In the face of this onslaught, the U.S. Government has given no aid to American industry—nothing, for example, by way of export subsidies of the kind Japan, Germany, Italy, et al., have given to various domestic industries. Indeed, the takeover of the United States calculator market by Japanese manufacturers has been furthered by U.S. Government procurement practices.

Based on available GSA information, total U.S. Government calculator purchases in the fiscal year ending June 30, 1971 were about $16,000,000; and purchases of Japanese electronic calculators accounted for about $5,000,000 (or about 31%) of that total. An ironic example of such purchasing is the Internal Revenue Service's apparent policy of purchasing primarily Japanese "Sharp" brand calculators for its new regional offices.

In most instances such Government purchases are probably in violation of the Buy American requirements of the Act of March 1933, 41 USC § 10 (a)–(d).

Under the Act, President Eisenhower issued Executive Order No. 10582 of December 21, 1954, which is still in effect. That Order required that the heads of executive agencies purchase only materials of domestic origin unless it was unreasonable or inconsistent with the public interest. Unreasonableness of inconsistency with the public interest are to be determined by application of a price differential of 6% in most cases. A greater differential could be applied for domestic products manufactured in areas of "substantial unemployment."

Also, under that Order, the heads of executive agencies could require a greater differential upon a determination that such action was not unreasonable or not inconsistent with the public interest. Using the above authority, the Department of Defense now requires that there be a 50% differential before foreign-made products may be purchased. All other executive agencies apply only the 6% differential.

At that, there is a real question whether the letter, let alone the spirit, of the Buy American Act or Executive Order No. 10582 is being followed. For, in most cases, calculator prices are negotiated by the General Services Administration which then place the product on the Federal Supply Schedule, making it available for purchase by all executive agencies. The General Services Administration applies the following special provision relating to foreign products:

"*Foreign products*—On items listed in the Schedule indicating foreign products, General Services Administration has determined that there are no comparable items manufactured domestically. (Such determination is based on the fact that there are no specifications or standards for use in comparing the various items. However, domestic and foreign items listed in the Schedule may meet particular requirements of an agency)."

In the case of most Japanese electronic calculators there could be no determination that comparable items are not manufactured domestically. Moreover, the parenthetical portion of the above provision seems to encourage the purchase of foreign items.

II. RECOMMENDED ADMINISTRATIVE AND LEGISLATIVE ACTIONS TO REDRESS UNFAIR ADVANTAGES OF JAPANESE ELECTRONIC CALCULATORS

A. The 10% import surcharge (as provided in Executive Order No. 11615 of August 15, 1971) should be retained with respect to Japanese electronic calculators.

(The Japanese Government has tacitly admitted the justice of such a surcharge on electronic calculators. Thus, the *New York Times*, Sept 22, 1971, p. 39, reported that MITI, the Ministry of Finance, the Foreign Ministry, and the Economic Planning Agency were considering a plan to impose a 10% Japanese export surcharge on selected goods—theoretically to have the same effect on the price of the goods as the U.S. import surcharge and therefore to be imposed in exchange for the United States' ending the import surcharge. Eimei Yamashita, a senior official of MITI, declined to specify the items considered; but, according to the *Times*, "he indicated they might include automobiles, steel, desktop calculators and television sets.")

B. The proposed new investment tax credit should not be applied to purchases of foreign electronic calculators.

C. The United States Justice Department should investigate the reported Japanese calculator cartel arrangements and agreements with respect to prices and production quotas.

(Where Japanese electronic calculators have more than 70% of the U.S. market, the effect on competition in the United States—a crucial element under the Sherman Act—cannot be questioned. There is unquestioned jurisdiction over the American companies buying huge numbers of Japanese calculators for distribution under their label, and over American corporations which are subsidiaries of the Japanese manufacturers. Finally, there is probable jurisdiction over the Japanese parent companies.)

D. In recognition of the new and unique nature of electronic calculators, the relative infant status of the industry, and the substantial advantages of low-cost labor, electronic calculators should not get the benefit of trade concessions originally made with respect to mechanical rotary and printing calculators. A reclassification, providing for a separate category of dutiable items, should be made by legislation setting, at minimum, a 25% ad valorem duty on importations of electronic calculators. Furthermore, consideration should be given to the establishment of import quotas for electronic calculators.

E. Steps should be taken to insure present compliance by the GSA and Federal Government agency purchasers with the Buy American Act and Executive Order No. 10582. In addition, the Order should be amended to provide specifically that the 50% price differential requirement, now in effect for all Department of Defense purchases, be applied to all Government agency purchases of foreign electronic calculators; or, alternatively, Government departments should, under the Order as it presently exists, make a determination, as did the Department of Defense, that a 50% price differential is reasonable and consistent with the public interest.

F.* The Bureau of Customs and the Federal Trade Commission should take immediate action to enforce the laws and regulations which require that imported goods be conspicuously marked to show the country of origin. Section 304 of the Tariff Commission Act of 1930 (19 U.S.C. § 1304) (". . . Every article of foreign origin . . . imported into the United States shall be marked in a conspicuous place as legibly, indelibly and permanently as the nature of the article . . . will permit in such manner as to indicate to an ultimate purchaser in the United States the English name of the country of origin of the article"). Section 5 of the Federal Trade Commission Act (15 U.S.C § 45) ("Unfair methods of competition and commerce, or unfair or deceptive acts or practices in commerce, are hereby declared unlawful.") (See also 34 Fed. Reg. 1824–1825 (1969); *W.M.R. Watch Case Corp.* v. *FTC* (D.C. Cir. 1965), *1965 Trade Cases* § 71,346; *in re* American Toy Works, 27 FTC 1470 (1933); FTC News Release, April 4, 1968 and attached Advisory Opinion Digest No. 219). Section 43 of the Federal Trademark Act of 1946 (15 U.S.C. § 1125) (Section 43(b) provides for the prohibition of entry of goods into the United States which contain "a false designation of origin, or any false description or representation, including words or other symbols tending falsely to describe or represent the same . . .").

Specifically, it is misleading and violates the letter as well as the spirit of the laws and regulations to allow importation of Japanese electronic calculators bearing well-known American names (like "Monroe," "Friden," "NCR," "Burroughs," and "Remington") and heavily advertised names like "Sharp" (where the ads refer only to "Sharp Electronics Corporation, Paramus, New Jersey"), where, in some cases, there is no indication in advertising or catalogs or even on the calculator that the products are made in Japan and in other cases the foreign origin marking on the calculator has only been made, as inconspicuously as possible, on the back or bottom of the calculator. The FTC and the Bureau of Customs have failed to enforce these statutes and regulations which have been so openly and notoriously violated; although much of the harm has already been done, immediate action should be taken to enforce these laws.

III. CONCLUSION

The actions recommended above are necessary to offset the unfair advantages Japanese electronic calculators have had in competing with, and practically destroying, American electronic calculator manufacturers. The implementation of these recommendations would have a salutory effect on our balance of payments; would help American electronic calculator manufacturers to better compete in world markets; and would reverse the industry trend toward idling of production facilities and elimination of jobs, possibly creating again a need for jobs lost under existing policies. We respectfully submit that the recommended actions would be in the interests of a healthy United States economy.

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* Added on April 7, 1972 to original memorandum.

TABLE A.—CALCULATOR SALES[1]—UNITED STATES

	1966	1967	1968	1969	1970
Units (thousands):					
Electromechanical [2]	190	190	200	180	150
Electronic	(3)	15	50	140	350
Total		205	250	320	500
Amount (millions)[4]:					
Electromechanical [2]	$140	$135	$135	$115	$90
Electronic	(3)	25	55	125	[5] 190
Total		160	190	240	280

[1] Sales of U.S. manufactured calculators plus imports.

[2] Key driven calculators (estimated at 16 percent, average price $450 per unit) deleted from BEMA totals.

[3] Not available.

[4] Retail list prices.

[5] Imports—$154,000,000 ($89,000,000 from Japan).

Source: SCM Market Research Department—Based on Business Equipment Manufacturers Association. (BEMA) reports and import data provided by Office Machines International (Washington, D.C.). U.S. Department of Commerce, Bureau of Census, FT 210–70, 610–70.

TABLE B.—ELECTRONIC CALCULATOR SALES,[1] UNITED STATES

[Units]

	Total	Japanese imports	Percentage of Japanese imports to total sales
1967	15, 000	7, 000	47
1968	50, 000	25, 000	50
1969	140, 000	90, 000	64
1970	350, 000	250, 000	71
1971 estimated	700, 000	550, 000	78

[1] Sales of U.S. manufactured calculators plus imports.

Source: SCM Market Research Department, based on Business Equipment Manufacturers Association (BEMA) reports and import data provided by Office Machines International (Washington, D.C.).

[Exhibit 1, Nov. 5, 1971]

[From the Japan Economic Journal, June 22, 1971]

Tateisi Is Raising Prices of Calculators

Omron Tateisi Electronics Co. has notified the Japan Business Machine Makers Association that it has agreed with its two Western import agents to raise the West European retail prices of its 8-digit desk-top electronic calculators by 11 to 12 per cent.

Tateisi's price-hike arrangements made with Commodore Business Machines Ltd. of Canada and Triumph-Adler Vertriebs GmbH of West Germany, are expected by Japanese business observers to work to a considerable extent in allaying growing outcries among West German office equipment makes over what they believe Japanese attempts at European dumping of such calculators.

The trouble had originated in unusually low prices at which the Canadian and West German firms had marketed Tateisi's calculators of the "OMRON 800" type in West Europe. Even in Japan, these products of Tateisi had earlier aroused a stir for their low prices of less than ¥40,000 (approx. $111).

The OMRON 800s subsequently have been retailed in West Germany at 799 D. marks (about ¥78,600 or $218) and in Britain for 89 pounds (some ¥76,900 or $213).

The West German sentiment toward such low pricings of Japanese products has prompted Commodore and Triumph-Adler successfully to request the retail price raises.

Tateisi itself denies any intention to lift its own export prices. The additional sales proceeds derived from the retail price revisions are thus expected to be used by the agents for their sales promotion spendings.

Observers believed the new development will have delicate effects on an export cartel that has taken shape of late among Japanese exporters of the kind.

[From the Japan Economic Journal, June 8, 1971]

Calculator Price Cartel in Difficulty

The move to organize a price cartel for exporting desk-top electronic calculators is encountering difficuties as opposition is being raised among newcomers, such as Sony Corporation and Omron Tateisi Electronics Co., against the trial floor prices recently revised upward by the committee concerned.

The desk-top electronic calculator division of the Japan Machinery Exporters' Association at its meeting early last week came up with the conclusion that the floor prices it tentatively set previously should be increased by 20 per cent.

The previous tentative floor prices reportedly were decided on the basis of ¥40,000 level (approx. $110) for the eight-digit machine sold by Omron Tateisi and the ¥90,000 level ($250) level for the 16-digit machine.

As a result of the latest upward revision, possibilities are strengthening that the prices of the products by the two major manufacturers will have to be regulated because their prices are lower than the new floor prices.

The revision has been made as latecomers strongly hold that the previous lowest prices were too low to halt the current movement in the United States and West Germany against the "cheap priced" Japanese machines.

Against this, Tateisi and other newcomers assert that such price setting is an "intrigue" for checking free competition. They reportedly are determined to oppose such cartel formation even by resorting to filing suits. There are many other major manufacturers who are also critical of the cartel on the reason that it would weaken their international competitiveness.

[Exhibit 2, Nov. 5, 1971]

[From the Japan Economic Journal, June 29, 1971]

Five Items to United States Will Be Restricted

The Ministry of International Trade & Industry last Friday announced an emergency measure for restricting exports of five products to the United States from the aspects of quantity and price.

The step will be implemented before September when the government-level Japan-U.S. Joint Committee on Trade & Economic Affairs is scheduled to be convened in Washington.

The five products are color television sets, automobiles, small electronic desk-top calculators, iron and steel and cosmetics. They are among commodities whose sales to the U.S. recently have been increasing particularly sharply.

As for quantitative restriction, the Ministry intends to bring products under control of export cartels based on the Export & Import Trading Law. The law permits formation of such cartels as exception to stipulations of the Anti-Monopoly Law.

Export prices of products deemed to be unreasonably low will be raised to a level of the "check prices" the Ministry sets.

According to the Ministry, both quantitative and price controls will be imposed on electronic calculators, for which the American market accounts for the largest percentage of 40 per cent of their total exports.

The Ministry says leading manufacturers are selling their calculators in the U.S. for ¥92,800 (approx. $258), whereas the same models are priced at around ¥160,000 (approx. $444) domestically.

Regarding automobiles, the Ministry plans to avoid applying all-out volume restraints on their exports in view of strong demand for small-sized Japanese cars among the Americans. It hopes to extend guidance to the industry so as not to cause frictions with U.S. makers by exporting cars that will compete with that of American automakers.

Japanese automakers also will be asked to purchase more auto parts in the U.S.

The Government has decided to slash import tariffs on automobiles, now set at a uniform 10 percent to 3.5 per cent, the same rate applied by the U.S.

Since a ceiling on volume is in force for iron and steel, the Ministry will only see to it that prices will be raised to a fair level.

EXHIBIT 3

[From Electronic News, Nov. 1, 1971]

JAPANESE CALCULATOR FIRMS TAKE SECOND LOOK AT EXPORTS

(By John Hataye)

TOKYO.—Growing antagonism in the United States and Europe against Japanese calculator imports has the industry, here, taking a serious second look at its export price practices, frequency of model changes, and possibly volume of shipments.

The United States-Japan government-level restraint program on Japanese textile exports may have set an "unwelcome" precedent here for similar controls on calculator exports—the last thing the Japanese want.

The West Germans, in particular, are becoming more vocal in complaints about "cheap Japanese imports." This has spurred speculation, here, that the calculator industry may be pressured eventually to follow the textile industry in controlling exports.

Kanji Ishii, Sharp Corp. director and chairman of the Japan Office Machine Industry Association's desk-top calculator committee, partially places the responsibility on American MOS/LSI makers for depressing prices, particularly in low-end machines.

One reason why the Japanese change models so frequently and at lower prices is because the Americans come in with cheap LSI."

Mr. Ishii, however, notes that while there is a rapid price decline in small personal-use calculators, general-purpose office machines are holding their own.

Leading calculator firms are keeping away from cheap products, he said.

Cheap calculators with only simple arithmetic capabilities Mr. Ishii said, should be handled separately on a sales route not conflicting with stores specializing in office equipment.

The current price war, compounded by new models and declining domestic demand, have put the calculator industry in turmoil.

With domestic demand leveling, the Japanese would like to ship more to overseas markets, but the prevailing international environment has not made things easy for the calculator people.

In a bid to alleviate foreign fears on "unfair pricings," the Japanese, under the endorsement of the Ministry of International Trade & Industry (MITI), on Aug. 23 inaugurated an export cartel fixing minimum price levels on calculators destined for overseas markets.

Now, the industry is working out a program to control frequency of model changes, according to Mr. Ishii.

He gave the following description of the present state of the Japanese calculator industry.

Following implementation of a check price system for export models, the calculator committee, representing 17 firms, is trying to map out a plan to restrict model changes to twice a year.

"We've had many complaints, particularly from France and Germany, that frequent model changes by the Japanese are disrupting marketing . . . in Europe."

Mr. Ishii feels calculator model changes should be restricted to once a year," but considering the many business shows held in Europe and Japan, this appears impractical."

The program envisaged by the calculator committee allows firms to announce new models only every 6 months.

"We are also working out penalties against violators, and also against those who fail to market the products after announcing the model. The latter penalty is designed to prevent firms from introducing products not intended for the market, but aimed to stop others from introducing theirs."

Frequently, Mr. Ishii explained, firms announce new products carrying low price tags and never market them. Meanwhile, firms with similar products refrain from marketing them if they can't beat the price.

Mr. Ishii said that under the model-change program, firms that register new products will be compelled to deliver them within 3 months after registration, with same features and same price tags.

SCM CORP.,
New York, N.Y.

SCM NET RISES 36 PERCENT; REALINEMENT AND WRITEOFF SET FOR MARCHANT CALCULATORS

NEW YORK, Jan. 31.—SCM Corporation expects an extraordinary charge that may approximate $9 million after taxes, or $1 per share, in the year ending June 30, principally as a result of a major realignment of Marchant calculators, Paul H. Elicker, president and chief executive, said.

Despite the extraordinary charge, SCM will show a profit for the year, Mr. Elicker said.

The SCM executive also announced that earnings for the fiscal second quarter, ended December 31, increased 36 per cent to $3,332,000, or 36 cents a share, up from $2,449,000, or 27 cents a share, a year earlier. Sales increased 3 per cent to $228,403,000 from $222,414,000 in the year earlier period.

SCM is showing its principal gains in consumer products which include typewriters, appliances, paints and foods, Mr. Elicker said. Overall sales of these products in the first half were up close to 10 per cent, he said, and in several lines, profit was up by "a great deal more," he added.

For the first half SCM earned $5,321,000, or 58 cents per share, up 42 per cent from $3,741,000, or 41 cents a share, last year. Sales showed a 5 per cent gain to $451,451,000 from $431,975,000 last year.

SCM expects earnings before extraordinary items in the year to rise at a percentage somewhere between those of the first and second quarters. The rate of increase in profit will be well above sales growth, which is expected to be from 5 to 6 percent for the year.

The realignment of the Marchant group, which has been incurring substantial losses, will affect calcuator development, manufacturing and marketing efforts, Mr. Elicker said. While all of these are under review, it has already been decided that the marketing effort will be reoriented toward sales of calculators through office equipment dealers and agents instead of primarily through company-owned branches, he said. Marchant's nationwide service organization will not be affected by the realignment and will continue to provide service for Marchant calculators already in the field as well as those to be sold through dealers.

In connection with the redirection of Marchant, Mr. Elicker announced that Matthew E. Meek has been named vice president and general manager of Marchant operations. Mr. Meek, 46, was vice president-dealer division at Olivetti Corporation of America.

"The change in Marchant marketing efforts is made necessary by the rapidly expanding market in calculators and the radically changed competitive situation in the industry," Mr. Meek said. "The only area in which it is economically justifiable to market calculators at retail is in the high-end, programmable area, where the selling price of the system plus the equipment is high enough to cover the distribution costs. This is clearly no longer the case in the vast majority of desk-top calculator sales which now require mass distribution," he said.

SCM 1ST HALF SALES AND EARNINGS

SCM CORP.—SUMMARY OF INCOME

[In thousands]

	3 months ended Dec. 31		6 months ended Dec. 31	
	1971	1970	1971	1970
Net sales	$228, 403	$222, 414	$451, 451	$431, 975
Income before income taxes	6, 200	4, 889	9, 882	7, 226
United States and foreign income taxes	2, 868	2, 440	4, 561	3, 485
Net income [1]	3, 332	2, 449	5, 321	3, 741
Net income per share (cents) [1,2]	36	27	58	41

[1] Before an anticipated extraordinary charge for fiscal 1972 which may approximate $1 per share and before an extraordinary charge of $1.01 per share recorded June 30, 1971.

[2] Based on average number of common and common equivalent shares outstanding. Fully diluted earnings per share have not been presented as there is no dilutive effect for 1971 or 1970.

HON. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of August 20; please be assured that we have notified all of our operating divisions that it is our policy to conform fully to the President's new economic plan in all possible ways. Further, we have asked our executives to abide fully with the spirit of the proposals; in all cases where the regulations are not clear, we have asked each of our executives to do what we think the President would want us to do.

I would not want to miss this opportunity to make some further comments on your letter, particularly with respect to the temporary import surcharge. Undoubtedly, for products with an existing duty, a surcharge will be most helpful, and we applaud this action. But in my opinion the portable typewriter industry continues to suffer gross neglect in our trade agreements. There is no duty on portable typewriters and, therefore, no surcharge.

The lack of protection in this high labor cost product is very likely the major contributor to the fact that Royal has moved all of its production of portable typewriters out of the United States to Japan and Germany. In the process, Royal vacated or otherwise disposed of their facilities in Springfield, Missouri, and reduced their operations in Hartford, Connecticut, with the consequent dislocation of hundreds of employees over the past several years. Remington, another famous American brand, has also discontinued the manufacture of portable typewriters and is now selling a Japanese product under the Remington name. Underwood no longer manufactures portables. The machines manufactured by Olivetti, the Italian office equipment combine that acquired Underwood some years ago, are also produced overseas and marketed here under both the Olivetti and Underwood brand names. Still another well-known American company, R. C. Allen, was forced out of the business entirely.

Smith-Corona itself was forced several years ago to move its manufacture of its lowest priced typewriters to the United Kingdom. The alternative was to be permanently excluded from this important product line. The "Smith-Corona" is the only portable typewriter still manufactured in the United States. We employ 3,500 persons in Cortland and Groton, New York. We have far outstripped our competitors in the development of automation and manufacturing efficiencies which allow us to reduce the number of man-hours required in this labor-intensive product. But, Mr. Secretary, we have gone about as far as we can go along these lines. It is imperative that our industry be protected from very low foreign wage rates, and through a reasonable duty on imported typewriters.

The imbalance is compounded by our trade agreements particularly the very favorable position accorded in Japan in the Kennedy Round. We are virtually locked out of all major countries, especially those that produce typewriters. Along with their lower labor rates, they have protected their typewriter industry with duties ranging from 9 per cent in the case of Japan, to a complete embargo on typewriters in other countries, and with various disparate forms of subsidies and tax treatment.

It is very clear that this situation cannot continue indefinitely. To give you an idea of the magnitude of the problem, your own Department's figures show that almost 350,000 portable typewriters with a value of over $7 million were shipped from Japan, duty free, into the U.S. between January and June of this year. In the same period, total portable typewriter imports were over 800,000 units with a value of $19.2 million.

I want to assure you again, Mr. Secretary, that SCM Corporation is solidly behind what the President is trying to do. I hope you do not object to my additional comments on the plight of our typewriter business in the course of telling you so.

Sincerely,

E. E. Mead,
President.

Portable Typewriters—Imported and Domestic

(Prepared by Smith-Corona Laboratory, September 1971)

SUMMARY

Domestic Manufacture: Smith-Corona only company presently manufacturing and assembling portable typewriters complete in United States. (Royal assembles two models in United States but parts manufacture is done overseas.)

Imports:

More than doubled since 1960 (524,327 to 1,299,532 units)

Countries showing greatest increases—Japan (116,000 units 1964, 547,000 units 1970), Portugal (2,000 units 1967, 59,000 units 1970), United Kingdom (66,000 units 1964, 304,000 units 1970)

Decreases in number of units is noted in Netherlands, Italy, and Switzerland, which indicates the trend to low labor cost countries.

Recent History

U.S. Portable Typewriter Manufacturers

Smith-Corona

1971—Only company presently manufacturing and assembling portable typewriters complete in the United States. 3500 employees at Cortland, New York facilities manufacture and assemble complete all electric portables and high end of line manual portables. Annual payroll $20.6 million. Annual purchase of raw material and components from U.S. suppliers $10.5 million.

1970—Orangeburg, South Carolina facility closed. Assembly of high end of line manual portables returned to Cortland, New York. Approximately 650–700 employees affected at time of plant closing.

1966—Moved assembly of high end manual portable models from

1967—Cortland, N.Y. to Orangeburg, S.C. expanding overall portable assembly capabilities. Parts and sub-assembly manufacture provided by Cortland, N.Y. facilities. Combined employment of two locations 6600 (5200 Cortland, 1400 Orangeburg).

Royal

1972—Terminated all typewriter manufacturing in U.S.

1971—Major assembly only of one electric portable model and one high end manual portable model. Parts and subsequently manufacture is done in England. Announced (in August 1970) that all future portable models will be manufactured and assembled completely overseas.

1970—Moved typewriter manufacturing (office and remaining portable) to England. Phased out typewriter research and development in the U.S. Relying on acquired capabilities of Triumph-Adler Research and Development. Cut Hartford employment in half (2600 to 1300).

1969—Acquired Triumph-Adler for product and research and development capabilities. Began selling Japanese made electric portable typewriter (Apollo 10).

1968—Closed Springfield, Missouri Plant. Indications are little, if any, portable manufacture was resumed in Hartford, Connecticut. Began selling Japanese manufactured flat-top manual portables.

1967—Closed Holland Plant.

1960—Moved Standard Portable manufacture from Hartford, Conn. to new plant in Springfield, Mo.

1954—Began manufacturing flat-top manual portables in Holland (moved from Hartford, Conn.).

Remington

1972—All typewriter manufacturing terminated in U.S.

1971—No portables manufactured in United States. Current employment at Elmira, N.Y. approximately 800–1000 (down from 6500 in 1950) manufacturing one office electric and one office manual model. Announced September 1971 manual production will be stopped and electric production reduced at Elmira. Will probably affect approximately one-third of work force.

1970—No portables manufactured in United States. Standard portables being manufactured in Holland. Rumors indicate these may be phased out and replaced with Japanese made machines.

1967—Discontinued production of flat-top manual portables in Holland. Began selling Japanese (Brother) portable typewriters (three electric and two flat-top manual models).

1957—Phased out Scotland facilities.

1958—

1955—Moved office electric and office manual production to Scotland.

1950—Located Elmira, N.Y.—6500 employees. Moved portable manufacturing to Holland.

Underwood

1971—No portables manufactured in United States.

1968—Announced closing of Hartford, Conn. plant with 1800 employees affected (once employed 5000 but has shrunk to 1800 by 1968). Moved portable manufacturing from Italy to Spain.

1959—Purchased by Olivetti.

1960—Stopped manufacturing portables in United States and started selling Italian manufactured Olivetti models.

[From the U.S. News & World Report, Jan. 24, 1972]

Typewriter Shift Overseas

An American firm's decision to make all of its typewriters abroad reflects growing pressures on the industry from rising costs, foreign competition and outmoded factories at home.

Royal Typewriter Company explained the reason for the shift in telling employes it needed to find "more-economical facilities" for manufacturing. About 1,500 people at Royal's Hartford, Conn., plant face loss of their jobs.

Royal, a division of Litton Industries, Inc., is manufacturing typewriters in England, West Germany, the Netherlands and Japan. Its last U.S. factory at Hartford is to be moved to one or more of those countries.

The company's switch in manufacturing facilities is the latest in a series of similar moves in the U.S. typewriter business. One reason, according to a Commerce Department survey: the deterioration of American manufacturing plants "until many are outmoded and uneconomical."

Other U.S. firms still in the typewriter field abroad and at home include IBM, Sperry Rand's Remington unit and SCM Corporation.

Of these, Sperry Rand turns out nonelectric machines in the Netherlands. Italy and Brazil and is phasing out such production in the U.S. The manufacture of electric machines is continuing in Elmira, N.Y.

SCM asserts its Smith-Corona portables are the only ones made in the U.S. and that 90 per cent of its typewriter production comes from factories centered around Cortland, N.Y. Two SCM plants in Britain produce machines in the lower price ranges.

The Singer Company, which once built nonelectric machines in Holland has abandoned typewriter production.

Typewriters produced abroad by American and foreign firms dominate U.S. trade, Commerce Department data show. In 1969, U.S. exports totaled 19.1 million dollars, against an import tally of 69.4 million. In 1970, exports come to 20.8 million, while imports soared to 92.3 million.

Workers Dismayed by Rand Decision

(By Tom Page)

America's working class streamed out of the plant, much as many of them have done for 20 and 30 years.

Carrying lunch buckets, they headed at a brisk pace towards the big parking lot. Another day's work was done and, it being Friday, they looked forward to another weekend of diversion from their workaday world.

To the casual and unknowing observer, it looked like the end of just another day, one which artist Norman Rockwell might have painted with his instincts for capturing the essence of middle-class everyday America.

The workingman going home after a hard day's toil and sweat.

But to the folks leaving their shift at the Remington Rand plant in Elmira, the day brought a threat to their very pride as honest working people.

In 10 weeks they would have no job.

No temporary layoff would it be. Nor retirement. Nothing that offered any hope or promise for the future.

These predominantly middle-aged people would be left high and dry by the closing of the 36-year-old Elmira Rand operation, formally announced Friday for the end of March.

To the workers, it meant picking up and starting all over again—with several years yet to go to legitimate retirement.

How to pay off the mortgage? How to send the kids to college? Yes, and how to feed them?

How to live the lives to which they've become accustomed through years of struggling and striving to get ahead? How long will that little extra tide them over?

These and other dismaying questions must have weighed heavily on their minds as they left at 3:30 Friday afternoon for the home and hearth Rand wages have helped them attain over the years.

A group of women employes marched past a couple of reporters and a photographer. One said with a strained smile: "What do you want to do, get pictures of the unemployed?"

From another working gal came: "We're too young to retire and too old to look for another job." Another strode by with head down, grumbling about how it was all the government's fault.

"What can I do?" asked one woman by way of replying to the question: "What will you do now?" A drill press operator, she's been at the Rand for 26 years.

"My husband works here, too, and he's got 32 years in."

If the women looked a little less grim for the most part, perhaps it was understandable. In all probability, most of them have husbands with jobs elsewhere.

A family man's job is his pride, his sense of worth as provider and breadwinner.

Stephen Stetz of Elmira Heights scoffed at the idea of being on welfare or unemployment. His pride wouldn't permit it.

"I'll go somewhere else to find work," said the Rand inspector of 31 years. "There's nothing for me in Elmira."

Stetz blamed the government for the plant closing. He cited a report in a news magazine of a 4 to 1 imbalance in typewriter imports over exports. He showed a reporter a letter from Presidential hopeful George McGovern, the Democratic senator from South Dakota, in reply to his letter asking McGovern to look into the imbalance.

Stetz was less than convinced by McGovern's reply, in which the senator said that to protect American jobs, industry must be compelled to modernize its equipment and technical knowhow to be competitive with foreign manufacturers.

"That isn't the answer," said Stetz. "We've always had the best in equipment here. I think they could make it here if they'd try another year. Sparkes (Plant Manager Robert E. Sparkes) is a good man, probably the best manager they've had here."

Stetz said he also feels local government leaders could have done more to help keep the Rand operation going in Elmira.

"You guys can do a lot if you wanted to by pushing the government," said Stetz to a reporter. "Why is it nobody ever asks these guys running for president what they would do about this trade imbalance?

"Don't ask them about Vietnam. Make them to get down to the nitty gritty."

Leonard Corsi of Elmira joined Stetz for his ride home and Stetz pointed at him, saying: "Here's a guy who fought the Japs in Burma and now they've got his job. Who won the war, anyway?"

Corsi, a machine operator for 32 years, said he's entitled to a pension of $32 a month. He indicated the long strike three years didn't get them the improved pension benefits they held out for.

"There's another old timer," said Stetz, pointing at a lady approaching them.

Marie Tobash of Elmira said she's been with the Rand 26 years. Asked if she would try and get another job, she laughed and said, "Oh no, I'm too old for that."

Stetz was asked if he'd start looking for another job now.

"Naw, I'll keep working right up until the end before I start looking."

Many employes said the news of the closing came as no great shock. But with a wistful shrug, many also indicated they were guilty of a little wishful thinking.

Like maybe hoping for a miracle.

Plant Closing Proposals To Be Mapped Next Week

Officials of the union that represents Remington Rand workers plan to meet in Washington, D.C. next week to begin drawing up plant closing proposals.

Heading up the local contingent of International Association (IAM) of Machinists from Elmira will be Justin J. Donahue, IAM business representative.

Donahue has termed the closing of the plant "the result of our government's disastrous free trade policy.

"We have fought this issue since 1956 and it has been a losing battle from the outset. It is United States policy to grant concessions to American companies to encourage them to expand abroad to help foreign countries.

"We don't believe it was ever the intent that they would close our plants and move overseas. We will continue to battle against this un-American program through for thousands of workers in the office equipment industry, it is too late. Thousands more will have their jobs exported if the Congress does not act soon.

"The company will have to bargain with us on the conditions of the plant closing. We will prepare proposals at once for such negotiations. Most likely they will include such items as severance pay, accrued vacation pay, pension payments to employes with vested rights, continuation of group insurance and job opportunities.

"We will meet in Washington, D.C. with the IAM legal staff next week to get their help in drawing up the plant closing proposals. In addition, we are going to file for available government financial assistance for these employees because they are losing their jobs due to the free trade policy of the government.

"At the proper time, we will meet with the membership to discuss all the problems confronting us.

"The UAW committee at Royal Typewriter at Hartford, Conn. was in similar negotiations with that company Friday.

"This is two typewriter plants that have announced closing within the past six weeks. We estimate that over 30,000 American jobs have been lost in this industry in the past five years involving Underwood-Olivetti, Royal and Remington Rand."

(Mr. GAYDOS asked and was given permission to revise and extend his remarks and include extraneous matter.)

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HANOI REFUSES TO DISCLOSE FATE OF AMERICAN SERVICEMEN MISSING IN NORTH VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Zablocki) is recognized for 10 minutes.

Mr. ZABLOCKI. Mr. Speaker, one among many, of the great delusions under which the American newspress suffers is that any criticism of the press is proof that it is doing its job. That brand of logic is applied with particular enthusiasm when the criticism is leveled by politicians. If the politicians are unhappy, so the reasoning goes, that allegedly is proof that a supposedly fearless press is succeeding.

At the strong, almost inevitable risk of contributing to that sad game, I must report a matter that has recently come to my attention. I do so only because the issue involves the lives of 14 men. These men are now listed as missing in action in North Vietnam. However, there are so many glaring discrepancies surrounding their disappearance we must conclude that they are in fact alive.

It was in effect that message which Secretary of Defense Melvin Laird attempted to present to the press during a meeting in his offices on March 30. On display at that time were graphic case histories of the 14 men, pointing out in detail the circumstances surrounding the disappearance of each and providing clear evidence of their very likely survival. This effort was undertaken to demonstrate that the much publicized and so-called complete list of American POW's provided by the North Vietnamese on December 22, 1970, was far from complete.

The deliberate withholding of information on these 14 men certainly casts serious doubt on the credibility of the North Vietnamese Government. Far more seriously, however, U.S. inability to bring these facts to world public attention through the press runs the danger of jeopardizing the lives of these men. Surely, if the North Vietnamese are not forced to fully and accurately account for these men and explain the discrepancies of their disappearance the temptation will be strong for the North Vietnamese to cover up their own lie by ultimately killing the men.

This is the story which Secretary Laird tried to present to the world through the news media on March 30. Unfortunately, by the warped yardstick used to determine what is or is not "news" these important facts were virtually ignored. Despite the presence of television network crews and a host of wire service, major newspaper and magazine reporters, the story gained fleeting notice on only one local television news program in Washington. What is more, one reporter reacted to this matter by stating, "It is the same old U.S. propaganda." The discrepancies and the lack of accounting of the MIA's, I submit, is a serious matter and must be pursued vigorously and tenaciously until rectified. The communication media can be most helpful in this regard.

Mr. Speaker, it is no exaggeration to say that in large measure the lives of these 14 American servicemen are in the hands of the communication media. Unless and until their story is fully and properly told, I fear for their fate.

In only modest compensation and as a means of bringing the full facts to the attention of my colleagues, I am placing in the Record at this point the pertinent circumstances involving the disappearance of the 14 men in question. The information was obtained from a brochure prepared by the Department of Defense, copies of which have been made available to the press.

(The material follows:)

Hanoi Refused To Disclose the Fate of These Men

The following are narrative accounts of 14 U.S. airmen who were downed in North Vietnam. All 14 men were known to be alive, on the ground in North Vietnam, or were at one time actually identified by the North Vietnamese as having been captured. None of these men appear on the much publicized and so-called "complete list" provided by the North Vietnamese on December 22, 1970. These case histories provide clear evidence that the "list" is neither accurate nor complete. The deliberate withholding of information casts serious doubt on the credibility of the North Vietnamese Government and increases anguish of the families of men who are missing.

Captain Samuel E. Waters was downed in Hoa Binh Province, North Vietnam, on December 13, 1966. He was seen to eject successfully and to deploy a good parachute. The December 16, 1966 edition of the newspaper Vietnam Courier, published in Hanoi, reported that Waters was captured on December 13, 1966. An Agence France Presse report of December 17, 1966 stated that Captain Waters was killed on December 13, 1966; on January 21, 1967 a Bulgarian newspaper, Naroda Armiya, carried an article quoting Captain Waters, and including a picture of his personal identity documents.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 25°52' lat. 105°25' long.

Ltjg Walter O. Estes II and Ltjg James E. Teague were downed near Haiphong on November 19, 1967. Their co-pilots are acknowledged prisoners of war on Hanoi's list. An AP wire photo originated by the Vietnam news agency (North Vietnam) clearly shows the identity cards of Estes and Teague. In addition, the Hanoi caption plainly states that Lt. Estes and Lt. Teague were "captured in Haiphong."

Hanoi refuses to disclose the fate of these men.

Aircraft downed 20°44' lat. 106°39' long.

Captain Frederic M. Mellor's reconnaissance aircraft was lost on 13 August 1965 in Son La Province, North Vietnam. He reported by radio that he had successfully landed without serious injury. Captain Mellor was advised to avoid further contact until the arrival of rescue forces. When the helicopter approached the area and an attempt was made to contact the downed pilot, there was no reply. Subsequent search operations were negative.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 20°51' lat. 104°48 long.

Major Elwyn R. Capling was downed in Quang Binh Province, North Vietnam, on September 19, 1968. Other pilots in the area observed Major Capling's successful ejection and landing on the ground. By radio, he reported his leg was broken and requested help. Rescue attempts were impossible because of the heavy concentration of North Vietnamese forces in the immediate area.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 17°63' lat. 196°55' long.

LCdr Vincent D. Monroe was downed in Nghe An Province, North Vietnam, on May 18, 1968. Emergency radio signals were received from LCdr Monroe and his crew member whose status as a prisoner has been acknowledged by North Vietnam. Radio Hanoi announced the capture of two pilots at the time and place of LCdr Monroe's loss.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 18°58' lat. 105°25' long.

LCdr Randolph W. Ford was shot down on 11 June 1968 in Ha Tinh Province, North Vietnam. He reported on his survival radio that his arm was broken. He also warned rescue forces of the presence of North Vietnamese in the area. A Hanoi radio broadcast described an incident similar to that involving LCdr Ford and announced the capture of the pilot.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 19°16' lat. 106°06' long.

Captain John M. Brucher ejected from an F-105D on 18 February 1969 in Quang Binh Province near the Laotian border. He reported landing in a tree, suspended in mid-air and unable to free himself from his parachute. He later reported having a dislocated shoulder. Rescue efforts were suspended until the following day. When the rescue helicopters returned no contact could be made with Captain Brucher, and his parachute was still hanging in the tree, empty.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 17°17' lat. 106°12' long.

Lt. James K. Patterson was a crew member in an ACA aircraft piloted by LCdr. Eugene B. McDaniel shot down on 19 May 1967 in Hai Duong Province, North Vietnam. Lt. Patterson reported by radio that he had a badly broken leg and probably could not move. LCdr. Eugene B. McDaniel is acknowledged to be a prisoner-of-war on a North Vietnamese list.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 20°46' lat. 105°26' long.

Lcdr Milton J. Vescelius was shot down on 21 September 1967 when his aircraft was hit by antiaircraft defenses. Successful ejection and descent was witnessed by pilots in the area. The pilot was seen to be immediately surrounded by indigenous personnel. A radio Hanoi broadcast on 22 September 1967 described the incident and stated that the pilot was captured.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 20°43' lat. 104°47' long.

Captain William R. Andrews ejected from an F-4C aircraft in Nghia Lo Province, North Vietnam, on October 5, 1966. Soon after landing he reported by radio that he was uninjured but that North Vietnamese forces were approaching his position. He later reported that he was wounded and losing consciousness. The other crew member in the aircraft was rescued.

Hanoi refuses to disclose the fate of this man.

Aircraft downed 21°18' lat. 104°21' long.

Major Joseph C. Morrison and Captain San D. Francisco were in an F-4D lost on 25 November 1968. Both officers established radio contact on the ground with recovery forces. Their parachutes were sighted within 700 meters of a North Vietnamese encampment. Contact with Captain Francisco was lost within a half hour. Major Morrison evaded successfully throughout the night, and reestablished radio contact on the following day. Recovery was prevented, primarily by weather and voice and beeper contact were lost.

Hanoi refuses to disclose the fate of these men.

Aircraft downed 17°20' lat. 106°12' long.

Captain Arthur L. Warren, USAF, was downed on 5 December 1966 in Yen Bai Province, North Vietnam. A pilot in another aircraft witnessed the successful ejection. Voice contact was immediately established and maintained for two hours. The downed pilot stated that he was in good condition. However, radio contact was lost before rescue helicopters could arrive.

Hanoi refuses to disclose the fate of this man.

URBAN-RURAL FORUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILLIS) is recognized for 5 minutes.

Mr. HILLIS. Mr. Speaker, I think the matter of increasing food prices is a fine topic for discussion by the urban-rural forum because this is one area in which a true lack of communication and lack of understanding does exist between rural and urban residents.

The urban housewife goes to the market, cringes at the price she has to pay for a pound of hamburger, goes home and writes her Congressman about the problem of rising food costs, especially during a period of economic stabilization. This housewife has a legitimate gripe—her or her husband's wages have been held at a set rate to cool the fires of inflation, yet food costs keep spiralling uncontrollably. Is this fair, she asks?

On the other hand, the rural housewife is having to pay similar prices for meat, yet she wonders why her husband, as a farmer and/or meat raiser, is not receiving the financial benefits of these higher prices. Certainly her husband has been the brunt of many attacks recently by frustrated meat buyers. But he is receiving little more per pound of meat than he has in past years. So where are the exhorbitant price increases going?

That is the question the Wage and Price Board and the House Agriculture Committee have tried to answer in recent hearings. And from what I can determine, the answer is what I expected: it is not the farmer, but the middleman, and retailers who are reaping the profit from the increased prices.

I did not have to guess at this answer—I had concluded it long ago on the basis of the letters that come pouring into my office from farmers from my district, complaining what low rates they are receiving for their produce. Yes, low. Poultry and egg prices are the lowest they have been in over 20 years—eggs are selling at 9 cents per dozen below production costs in Indiana. Although hog and beef prices are considered good this year by farmers, the amount the farmers are actually receiving for their labors is not higher than 1970 levels for hogs. And prices for beef have finally climbed up to their level of 1950—over 20 years ago.

The crash in the corn market last year, due to an overproduction of corn, combined with a disastrous transportation strike, cost the farmers in my district alone millions of dollars. The harvest price of corn fell below production costs, and predictions are that next fall's harvest prices will be just as low because of the carryover from the 1971 crop.

And to think thousands of American housewives are asking that food costs be frozen. Little do they realize that, for the farmer, rates they receive on their products overall have almost been frozen for the last 20 years—while the cost of living has increased by 56 percent. Labor prices have increased some 340 percent and business and professional income has gone up some 200 percent since 1950. All at a time when farm prices for the overwhelming majority of major farm commodities have increased by a mere 7 percent.

Is it any wonder we are seeing the demise of the family farm? Somehow the consuming public recently has gotten the picture of a fat-car farmer netting untold profits on his produce, sitting on his veranda, Southern Comfort in hand, saying with a wave of his unsoiled hand: "Let them eat cake." It just is not so, and this is what I would like to communicate to my urban colleagues and their constituents.

Of course, along with the letters from farmers, I have received bundles from housewives asking that something be done to control food cost increases. While I can be pleased for the farmer that he is receiving a little more for his produce, I also feel something can and should be done to help out the consuming public.

The answer, I believe, is controlling increasing costs of getting that food to market and selling it—which accounts for two-thirds of the price consumer pays. When the Price Commission exempted raw food products from price controls, it was to help out the farmer and assure no lid would be placed on his meager profit increases.

However, it now appears that some element is taking advantage of this exemption, to the detriment both of farmers and consumers. I cannot pinpoint where this increase is taking place, but I expect the Price Commission and Agriculture Committee will be able to more adequately identify it on the basis of their investigation.

I would recommend that price controls similar to those applied to all other sectors of the economy be applied to produce and meat costs after they leave the farmers' hands, and I would urge the Price Commission to closely monitor these controls for violations—I understand the IRS is now investigating 11 large foodchains for unwarranted price increases. This could be playing a large part in the action initiated recently by many grocery chains to freeze or roll back their food prices.

I will await with great interest the findings and recommendations of the Government food price study groups. In the interim, I hope this country's urban population will not take out its frustrations on its rural brothers—they both face the same question: "Where's the money going?" I hope we will have an answer and some solutions for them soon.

YOUTH CONSERVATION CORPS: FULFILLING THE NEEDS OF YOUTH AND ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, the creation of the Youth Conservation Corps in 1970 established a pilot program significant to the young people of this Nation, for it recognized their value and their interest in working to maintain our environment.

The Corps gave us the concrete beginnings of a method to deal with the problem of youth unemployment and the problem of improvement and upkeep of our forest lands and parks. The importance of the work that can be contributed by the energy and enthusiasm of young people is extraordinary. In fact, the response to the pilot program was so enthusiastic that the number of applications submitted far outran the number of positions available. For 8 weeks during the summer of 1971, 2,200 youths in 63 camps located in 36 States spent many hours clearing campsites, planting trees, clearing brush, opening trails, restoring historic structures, and doing various tasks necessary for the public to enjoy the national parks.

In view of such a response, it seems obvious that it is time to expand this highly successful program in order to allow more young people to share in the work which is important to them. Therefore, I am reintroducing the YCC expansion bill. The legislation has three basic features:

First, it increases the annual authorization level from $3.5 million as contained in Public Law 91–378 to a new figure of $150 million. This increased authorization will make it possible to hire 100,000 youths for the summer projects. And it is important to note that 124,000 applications were received for the 2,200 positions opened in 1971.

Second, the bill allows the States to operate Youth Conservation Corps projects. Before, the programs had been conducted solely by the U.S. Department of Agriculture and the U.S. Department of the Interior.

The legislation furnishes 80 percent Federal matching funds for the State administered program. It specifies that no less than 10 percent and not more 25 percent of all YCC enrollees shall be employed in the States' efforts.

Third, the bill directs that YCC facilities during periods of nonuse shall be available to educational institutions for the purpose of environmental education centers. Costs during periods of official nonuse would be borne by the educational agencies. The provision speaks for itself and is in keeping with passage of the Environmental Education Act.

By the provision of Public Law 91–378, the YCC "shall be open to youth of both sexes and youth of all social, economic, and racial classifications." We recognize the need to provide jobs for our young people and this is one way. However, the summer experience is much more than employment; for by working closely with one another in this situation, YCC enrollees learn about the American scene, about themselves, and about each other.

In fact, I firmly believe this program should be sustained on a year-round basis, not just during summer.

Realizing the necessity of this program to our youth and our country, I can only add that I hope the Committee on Education and Labor will soon schedule hearings on this bill to expand the Youth Conservation Corps.

A NEW ANGLE ON LEGISLATION TO COMPENSATE VICTIMS OF CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. JAMES V. STANTON) is recognized for 15 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, today I am introducing a Compensation to Crime Victims Act which differs in several important respects from other bills now under consideration in the House and Senate. Under my legislation, the crime victim or his family or survivors would apply for compensation to the local U.S. attorney in the Federal judicial district where he resides, rather than to a special board in Washington or to a State agency financed with Federal funds. I feel strongly that there ought to be remedial action on behalf of the victim in the place the crime occurs and where the facts are best known. We should not set up any new layers of government or create new bureaucracies. Most of the dollars devoted to this program should be paid to victims, not to bureaucrats.

A provision such as this is of course in line with the trend toward decentralization of Federal governmental services, and the provision also relieves the crime victim of the burden and necessity of dealing with faceless bureaucrats in some more distant place, whether it be in Washington or the State capital. While U.S. attorneys obviously would have to increase their staffs to administer this program, this would result in accretions to an already existing bureaucracy and would not create a new one. The decisions of the local U.S. attorney would be final under my bill, but would be rendered under guidelines and regulations promulgated by the U.S. Attorney General. The fact that there would be no appeal from the decision of the U.S. attorney would prevent our overworked Federal district courts from becoming bogged down in additional litigation. We need not hesitate to give such authority to the U.S. attorney. He is, after all, like the Attorney General himself and like the judges of the Federal courts, an official appointed by the President of the United States with the advice and consent of the Senate.

Another provision of my bill is aimed at curbing profiteering on the program. The U.S. attorney would order full payment by the Government only of "reasonable" fees by doctors, hospitals, and funeral directors. Where it appears that an excessive fee is being charged, the U.S. attorney would try to persuade the doctor or other person or institution charging the fee to reduce it. If the U.S. attorney is unsuccessful, the Government would pay the "reasonable" part of the fee—and then publicly disclose the amount of the full fee. Other bills on this subject do not contain this safeguard against profiteering. Most professional people, of course, would not take advantage of this kind of program. However, most of us here have heard of cases where a few doctors make more than $100,000 a year out of medicare and medicaid, and we do not want that in this program.

The rationale for this type of legislation has been expounded on by other Members of Congress who have introduced bills on the subject. I subscribe to their thinking, and there is no point in repeating all of it here. I would merely like to point out that the taxpayers spend a lot of money trying to rehabilitate criminals, and this is proper. But the victims are forgotten. If we want justice for all, it is about time we gave some attention to what it costs to be raped, or to be slugged and robbed. We cannot, of course, repay the emotional cost—and for this reason, my bill does not make the usual provision for compensation for pain and suffering. However, although no price tag is feasible for the emotional cost, we can at least relieve our citizens of the financial burden connected with becoming a victim of crime.

I might add, Mr. Speaker, that the legislation I am offering today completes action by me on a package of three bills dealing with different aspects of the crime problem. My Emergency Crime Control Act—H.R. 11813—would speed the flow of Law Enforcement Assistance Administration funds to large metropolitan areas—in the form of revenue-sharing block grants. My second bill, H.R. 11677, provides a $50,000 death benefit to survivors of public safety and court officials killed in the line of duty.

These three bills focus directly on the crime problem. However, they cannot, by themselves, solve the problem. Therefore, I am supporting antipoverty, educational, and other bills aimed at the roots of crime, in the hope of preventing it in the first place.

SEVENTY-ONE DAYS, AND STILL NO WORD FROM PRESIDENT NIXON ON TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. BEGICH) is recognized for 10 minutes.

Mr. BEGICH. Mr. Speaker, it has now been 71 days since House Ways and Means Chairman WILBUR MILLS wrote President Nixon asking for the tax reform proposals the President promised last September.

By this time, disclosures of massive tax advantages enjoyed by the corporate giants of the United States are hardly sensational. Still, it is useful from time to time to see how well some of these large business interests are doing at the expense of Americans who really bear the tax burden in our country.

Today's chapter is from the April 15, 1972, issue of Business Week magazine. I hope the White House has a subscription:

HOW SOME COMPANIES CAN EASE THE TAX LOAD

Annual reports, in the chairman's letter to shareholders, invariably contain a sentence or so about the hefty tax bill the company had to pay. Last year, some companies still eligible to use the 1968 investment tax credit and other tax law provisions, were able to trim their tax load. Notable examples include:

U.S. Steel Corp. The 1968 investment tax credit, mineral depletion allowances, and deferred taxes provided in previous years on foreign income totaled $57.9-million for Big Steel in 1971. Estimated U.S. and foreign income tax for 1971 also came out to $57.9-million. The coincidence, attested to by U.S. Steel's auditor, Price Waterhouse & Co., meant that the U.S. and foreign tax bill was entirely offset by the allowable deductions and credits. But U.S. Steel did pay $149-million in state, local, and miscellaneous taxes.

Western Union Corp. Last year marked the eighth year in a row that it paid no federal income tax even though it turned a profit in each of these years. The maneuver is completely within the tax laws. For one thing, the company uses accelerated depreciation for tax-reporting purposes. It also uses utility-accounting procedures. These permit expensing interest charges on the tax books while capitalizing part of them for accounting and financial purposes. Employee overhead on new plant construction is capitalized in the same way. Thus, Western Union has had a tax shelter for net income since 1963.

Mesta Petroleum Co. The Amarillo (Tex.) oil company turned in a whopping 90% earnings increase last year over 1970's profit figure of $6.7-million. Its tax bill for 1971 was only $200,000, because of a 10% minimum tax on statutory items, principally statutory depletion. Mesa paid no other tax, mainly because of intangible drilling costs and other exploration expenses such as lease rentals. They totaled more than its $12.7-million income.

Texas Oil & Gas Corp. The 1971 fiscal earnings picture of this Dallas-based company was brightened by a 29% boost over 1970. But it paid no federal tax other than a nominal amount of minimum tax on preference items included in operating and general expenses. The reasons: deductions for intangible costs of drilling and other development activities, as well as a tax loss carry-forward.

Flying Tiger Corp. Bottom-line figures for this cargo airline and equipment-leasing company registered an impressive 94% gain in 1971 over 1970. A healthy investment tax credit mixed in with a substantial figure on depreciation of leased equipment outweighed the company's 1971 tax liability. The two deductions are robust enough so that Flying Tiger probably will not pay any taxes this year or next.

Westvaco Corp. A combination of factors put the company on the credit side of the tax ledger in the amount of $600,000 for 1971 compared with 1970 when it made provisions for paying $3.4-million. For one thing, earnings slid from $17-million to $4-million and the bulk of 1971 profits were from foreign operations. Taxes on the foreign income were more than offset by the investment tax credit of $880,000 Westvaco took last year. This wiped out any 1971 federal tax liability.

Revere Copper & Brass Inc. The federal income tax credit of $501,000 reported by Revere is due to a roller coaster dip in 1971 profits from $1.62 per share to 58c. The 58c dwindled when operating and startup costs at a new aluminum smelter—equal to 32c per share—were charged against income. Coupled with weak metals prices, the company would have been in the red if it had not been eligible to take a $1.5-million investment credit on the new plant.

DUTCH BOYCOTT OF ANGOLA COFFEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, throughout the world there is growing support for the struggle to be free of the peoples of Angola, of Mozambique, of Guinea-Bissau, and Cape Verde—the so-called Portuguese territories. A Dutch group, the Angola Committee, has now organized a 90 percent successful boycott by the Dutch coffee market of Angola coffee. I wish to insert in the RECORD, for the thoughtful attention of my colleagues, a press release on this commendable effort:

PRESS RELEASE

The boycott against Angola coffee in Holland which is organized by the Angola Committee has spread to 90% of the Dutch coffee market within a month. The Angola Committee has been active for more than ten years in Holland to support the struggle to free the Portuguese colonies, and to commemorate the eleventh anniversary of the liberation movement on the 4th of February they initiated a campaign to publicize the support given to Portugal in her colonial war through the coffee imported into Holland. The Dutch consumers reacted to the information that at least $4 million per year of the coffee trade from Angola went directly to support Portugal's army in Africa, and to the report of the governing Catholic People's Party that 85% of the workers on the coffee plantations are forced labour, by refusing to buy from roasters using Angola coffee.

On Friday, March 3, five coffee roasters, including Douwe Egberts who represents nearly one-half of the entire Dutch market, joined the eight coffee roasters who had agreed earlier during the action to stop using Angola coffee in their blends. Douwe Egberts communicated in a statement released together with the roasters Van Nelle and Niemeyer which was advertised in all major Dutch papers that there would be no new purchases of coffee from Angola:

"In the past weeks it has become apparent that there are objections on the part of the Dutch consumers to the processing of Angola coffee. This is an indication for us to change our purchasing program. The Angola coffee which is in supply and under contract will be used up within a short period."

The Dutch have been an important consumer of Angola's coffee, and in 1970 they imported 21% of Angola's total export of coffee representing $34.5 million in trade. Coffee is 32% of Angola's export, which means that the Dutch boycott of coffee has the strong impact of placing 7%of Angola's total export under direct boycott.

The Angola Committee has been supported in this action by about 250 local organisations spread throughout Holland. In addition, the three large labour unions placed themselves behind the action. A number of schools, universities, churches, and firms in the country decided not to buy coffee from roasters who use Angola coffee. Various city governments, including Rotterdam, took the decision to boycott Angola coffee as well.

The press, radio, and television have given considerable publicity to this action. The "National Commission on Development Strategy," under the chairmanship of Prince Claus of the Netherlands, has proposed to subsidize the action with funds from the government. This support was questioned by the Minister of Foreign Affairs, Mr. Schmelzer, who asked whether it was advisable to let political considerations overweigh traditional trade relations. When Mr. Boertien, Minister of Development Aid, did not ratify the award, many protests were raised even from governing parties in the Parliament. A motion to reinstate the subsidy has been introduced into Parliament.

The Angola Committee expects that the remaining 10% of the Dutch coffee market will also join the boycott within the next weeks. There are also international contacts with other groups who plan to introduce a similar boycott in other countries which consume Angola coffee, including the U.S.A., Finland, and Poland. If sufficient support is gathered, Portugal's income from coffee trade may be completely undermined.

HOUSEWIVES SHOULD NOT HAVE TO SUFFER WHILE BLAME FOR HIGH FOOD PRICES IS ESTABLISHED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, in recent weeks there has been a great deal of comment in this body and in the press over the subject of the increase in food prices, particularly the question of beef.

The cattlemen blame the processors for the high prices; the processors blame the cattlemen and the supermarkets; and in the next breath the chain is started again.

While a great deal of time is being taken up establishing the blame, it is the housewife who has to pay these higher prices. And she is not really interested in establishing blame but rather in lowering prices. To my knowledge no one has yet blamed the housewife for higher prices, although before the discussion of this whole subject has ended, someone may come forth with that proposition.

Let me admit at this point that I do not know who is responsible for the higher prices. And let me quickly add that I am more interested in reducing food prices than I am in establishing blame.

To this end, I have suggested that the Price Commission freeze food prices. At the very least this would prevent an increase in food prices, while the reasons behind the repeated rise in these prices are researched.

If food prices had been frozen when the wage and price controls first went into effect in August, we would not be facing this situation today. But the administration has chosen not to take that course of action, and consequently food prices are soaring to record levels.

While the food producers are happy about the higher prices, I am certain they also realize that eventually some action must be taken to control these prices—either through governmental controls or by a concerted effort of the shoppers, principally a boycott of meat products. This, of course, could have a long-term negative impact on the food producers.

When the Price Commission began its series of hearings around the country on March 24, I was the leadoff witness in Chicago. At that time I suggested that unless something is done to lower food prices soon, there would be boycotts of supermarkets similar to those that occurred during the 1960's. I urged the Price Commission to put a freeze on food prices, and I am again today repeating my urging that the prices be frozen. Recently, the AFL-CIO added its forecast to my own that unless something was done to control food prices, there would be some form of boycott by shoppers.

While we have seen some decrease in food prices in the past 2 weeks, they have not been significant enough to make me retreat from my prediction of boycotts.

I do not want to see boycotts for no one benefits from such action. But it may be the only way to solve the problem, since the administration apparently is not willing to help the American housewife.

Mr. Speaker, I include in my remarks my testimony before the Price Commission in Chicago on March 24:

STATEMENT OF THE HONORABLE FRANK ANNUNZIO

Mr. Chairman, as a Member of Congress who spent many hours working on the Economic Stabilization Act, let me say that I appreciate the opportunity to present my views today on the effectiveness of the price control program.

For more than a year prior to the President's announcement that he was invoking the wage and price controls granted him by the Congress, I had urged the Administration to exercise such controls. Time and time again I pointed out that inflation had such a stronghold on the economy that it could not be cured without resorting to wage and price curtailments. As you will recall, when President Nixon signed the legislation granting him standby wage and price controls in 1970, he said that although he was signing the legislation, he did not anticipate using such powers.

It is unfortunate that, instead of establishing himself as a poor prognosticator on that day, he did not immediately invoke wage and price controls and do it on an across-the-board basis. Had he taken that action, we would have been out of the inflationary woods today; but instead he waited for more than a year to act. And when he did act, it was on a "hit and miss" basis that has shown little signs of solving economic problems.

The operations of the Price Commission truly reflect the "hit and miss" policies of the Administration. While I would like to point out a number of areas in which I feel the Price Commission has fallen short of the mark, I would like to take my time today to dwell on only two of those areas. The first deals with the so-called Annunzio Amendment to the Economic Stabilization Act allowing consumers who have been overcharged to bring suits for triple damages. The second area concerns the failure of the Cost of Living Council and the Price Commission to take action to put the cost of food under price controls.

Under the present setup of the Price Commission, the enforcement section has been delegated to the Internal Revenue Service to ferret out violators. At best, this is a haphazard way of enforcing Price Commission policies, primarily because of the work load placed upon the Internal Revenue Service. Because of this, I offered an amendment to the Economic Stabilization Act that would make consumers the watchdogs of your Commission. My amendment allowed a consumer who had been overcharged to bring suit and to win triple the amount of the overcharge with a $100 minimum if the suit was successful. The amendment would allow class action suits under which all consumers who had been overcharged could collect damages.

Despite Administration opposition, my amendment was successful. The point of my amendment was not to have consumers running in and out of the court system filing suits, but rather it was to let merchants know that, if they raised prices illegally, instead of only having to worry about an Internal Revenue agent checking on the increase, they would be subject to the scrutiny of every shopper that walked through the doors. Of course, the opportunity of an IRS agent catching the overcharge would be minimal based on the limited number of agents and the multitude of merchants. This pattern would be reversed if the consumer in effect became the enforcer.

It is impossible to determine whether or not my amendment has been successful because the actions of the Commission have totally limited the potential for its effectiveness. I might also add that the Internal Revenue Service has not helped the situation since it refuses to give out any information about price violators. In order for a suit to be brought, it is necessary for the consumer to know whether or not he or she has been overcharged. Under the Price Commission rules, it is so difficult for a shopper to determine the base price of an item that this successfully precludes lawsuits. In short, while the Administration could not defeat my amendment in the proper legislative forum, it has now done that by administrative rulemaking.

The public is frustrated by its inability to find out whether or not prices have been raised by a particular merchant, and so many merchants have been exempt from posting prices that the effectiveness of my amendment has been greatly reduced.

Recently Mr. Chairman, you said in a radio interview that to your knowledge your agents of your Commission had uncovered only a few illegal price raises. It is difficult for me to believe that in a country as large as ours only a few violations have occurred. However, we will never be able to find out exactly how many violations are taking place unless we have vigorous enforcement; and we will not get that enforcement from an agency that is already burdened with the task of enforcing all of the tax laws of our country.

Not only is the consumer being denied information, but the legitimate merchant who has not raised prices is being victimized by the unscrupulous merchant who raises prices and gets away without so much as a warning solely because no one has the proper knowledge to take action in a court of law.

Because of this situation, I urge you to adopt a simplified form for posting base prices and to exempt merchants from such posting only on a case-by-case basis rather than in an across-the-board manner.

Now, Mr. Chairman, let me turn to my second point—food prices, particularly the cost of meat. Much has been said in the past few weeks about the cost of meat prices, including a rather interesting exchange between yourself, Mr. Chairman, and the Secretary of Agriculture. There is a saying in Washington that everybody complains about the weather but no one does anything about it. The same saying holds true for food prices. No one seems to do anything to bring them down. However, this Board could take action that would have immediate results in bringing food prices down. This Board could petition the Cost of Living Council for authority to regulate the price of raw agricultural products, primarily meats. It could then set price ceilings that would reduce food prices to a realistic level. While you may not be able to do anything about the weather, Mr. Chairman, you can do something about food prices. In a number of news articles that I have read about the Commission, you yourself have been quoted on a number of occasions as saying that you will actually run the Price Commission yourself and will only call on the other members of the Commission in certain instances. According to an article in the *Washington Star* in November of last year you said, "I want to use the Commission to the maximum. But as Chairman of the panel I am the only official authorized to sign for the Commission, so the Commission is advisory to me."

I am not here today to argue whether or not this is a proper stance for a Chairman to take; but what I am saying is that you clearly have the power to roll back food prices or, at the very minimum, to petition the Cost of Living Council for the authority to do this.

The latest report on the consumer price index clearly indicates the magnitude of rising food costs. Based on an annual rate, the wholesale price index of food was up 21.6% and livestock prices were 17.4% higher than a year before.

You don't have to have a degree in Economics or follow wholesale price indexes to know that food costs are up—and at an alarming rate. Merely ask the housewife on her weekly shopping trip how much food she is getting for her dollar these days.

Mr. Chairman, we have reached the end of the line on food prices. It is not a question of having enough money to spend for luxury items; but it is a question of having enough money to spend for food, for after all it is perhaps the most basic of our necessities. The situation is so critical that this week two major food chains in the Washington, D.C., area purchased full-page advertisements in newspapers suggesting that shoppers restrict their beef purchases and instead switch to substitutes such as poultry and fish. When chains of food stores tell their customers that the cost of food is too high, then clearly the time to take action has arrived.

This Board in general and you in particular, Mr. Chairman, have the power to solve the problem. You can put meat back on the American dinner table. However, if food prices in general and beef prices in particular are not reduced sharply and quickly, then I predict that the American housewife will soon stage massive supermarket boycotts similar to those that occurred in the mid-1960's. This is the only recourse that the shopper will have since those who have the decision to cut food prices have refused to deal with the problem. It may well be that a massive boycott of beef will be the only answer to this problem. The boycott of certain meat products has already begun, as witnessed by the supermarket advertisements in the Washington papers; but that is only a small beginning to what I predict will happen unless we have an immediate rollback of these prices. I urge you not to leave Chicago without a concrete proposal to solve the food price problem.

ISRAEL'S 24TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 15 minutes.

Mr. RYAN. Mr. Speaker, today marks the 24th anniversary of the founding of the State of Israel and the culmination of a centuries-old dream of the redemption of the Jewish homeland. Surrounded by hostile neighbors determined to destroy her, Israel has had to defend her sovereignty three times since that historic day 24 years ago and has succeeded in doing so through sheer determination. Her survival as a political entity is testimony to the unconquerable spirit of her people. Outnumbered by her attackers, Israel's ability to survive is visible proof of what Theodore Herzl wrote in 1896, "If you have the will it need not be a legend."

In 1948, the United States was the first nation to recognize Israel as an independent State. We must reaffirm our commitment to her survival, first, because she is a bastion of democracy in the Middle East. Her commitment to democratic institutions reflects our own beginnings as a nation, and we can see in Israel the embodiment of many of our own ideals.

Second, Israel is the homeland to which Jews, for thousands of years, have longed to return. And we must not forget the haven that Israel was for the many people who were displaced as a result of the Nazi attempt to annihilate the Jewish people. After the Second World War Israel provided a refuge for hundreds of thousands of homeless Jews. Today, she is looked upon as a haven by the many Jews living in the Soviet Union who yearn to live in a land where they will be granted the opportunity to practice freely their religion and give expression to their rich cultural heritage—a land that will allow them to maintain and strengthen their Jewish identity.

Israel has opened her doors to the Soviet Jews who have been allowed to emigrate but is encountering many problems in absorbing this large group of people. Employment opportunities must be made available, as well as adequate housing and educational facilities. I believe that we must assist Israel in resettling these people who are asking nothing more than to be accorded the basic rights which we Americans value so dearly. Therefore, I have introduced legislation calling for American assistance to Israel for this purpose.

Furthermore, Israel is very strategically located. The United States has a stake in maintaining order in the Middle East; for any threat to peace in that area of the world is truly a threat to world peace.

Since the founding of the Jewish State, that country has undergone a sweeping modernization. Cities have been rebuilt; the desert has been made to bloom; and remarkable technological progress has been made—all despite the fact that Israel has known no real peace. In addition, Israel has shown a sincere desire to help other developing nations. Over 10,000 Africans, Asians, and Latin Americans have trained in Israel and thousands more have worked with the 3,000 Israeli field representatives who have been sent to over 70 nations.

Yet after 24 years, defense remains Israel's number one priority. Israel must acquire the modern eqiupment she needs to face the challenge of the Soviet-supplied weaponry of her enemies. During the past few years, Russia has poured billions of dollars worth of arms into Egypt alone. Thousands of advisers have been sent to Egypt, and Soviet pilots fly Egyptian jets. The weapons Israel is forced to buy drain her financial resources which could be used for rehousing new immigrants, expanding an overcrowded school system, or purchasing modern machinery for factories.

Next month it is expected that the President will visit Moscow, and it is my fervent hope that the talks which will be held there will prove fruitful and will lead to a break in the stalemate that currently exists in the Middle East. The dream for a Jewish homeland has been realized, and we must now see that it is preserved.

OCCUPATIONAL SAFETY AND HEALTH—INFORMING EMPLOYERS AND EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, the CONGRESSIONAL RECORD of March 29 and the Federal Register of March 31, symbolize some of the problems of implementing the Occupational Safety and Health Act of 1970. In the RECORD Congressman STEIGER and other Members discussed among other topics, the ability of small businesses to understand and comply with OSHA standards. The program was criticized for providing little assistance in acquainting management with the meaning of these regulations and how to achieve compliance with them.

Much of the dialog directed at the merits of the act would be better focused on how it is being implemented. At least one valid criticism could be that if you want to delay or obstruct the act you cannot choose a better way than the publication of rules and regulations understandable to only an elite who subscribes to or participates in consensus standards-making organizations.

OSHA policy of establishing regulations by reference to standards of consensus groups is just such an obstruction.

Neither management nor labor should have to maintain libraries and consulting services to assist in the interpretation of Government rules and regulations. These should be self-explanatory and textually complete. It should be self-evident that workers have no greater access to consensus standards than do businessmen. They share the same kind of problems as unions do.

A long step toward solving the problem is to make available rules and regulations with full texts and explanatory notes and comments. This is the first and most essential step of an educational service for business and labor. Relative to this, any other educational activity is of small consequence. OSHA has failed to take this step.

Finally, the single most important tool for disseminating this information is to make abundant copies of rules available without hassle in every OSHA office and through unions and trade associations willing to participate in their distribution.

In dealing with large corporations and unions, the OSHA staff has been cooperative. This, however, is not what an individual writing to OSHA experiences. Very often a return letter is sent, requesting that the worker or businessman write the Government Printing Office. GPO, upon receipt, sends a form and a request for money. Months later the material may reach him.

Many times a sincere distribution effort receives attention only because the group is willing to make multiple phone calls and pound the conference table. Even this method has begun to fail as supplies diminish and requests for materials are again referred to OSHA.

The deteriorating relationship between

the public and OSHA stems in part from just this kind of insensitivity. The Labor Department's administration of the act, not the law itself, is responsible for much of the criticism voiced in the House on March 29.

RESTRICTING THE WARMAKING POWERS OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BYRNE) is recognized for 5 minutes.

Mr. BYRNE of Pennsylvania. Mr. Speaker, it is my intention to vote for the legislation restricting the warmaking power of the President, which passed the Senate by an overwhelming majority. I will support any move possible to get this bill out of the committee and to the floor of the House for a vote, and to the President's desk for his signature.

The huge majority for the bill in the Senate is an indication it will again pass there, even if the President vetoes it; and I believe the action in the House would be the same.

In view of the reescalation of the war in Vietnam, quick action on this legislation is now imperative. Already reports are coming in of deaths and casualties among our Navy personnel, The President by his action has only changed the pattern of the war from a land conflict to a naval and Air Force all-out war. The statements of Secretary Rogers and other spokesmen of President Nixon warrant our fears for the future with regard to an increase in American casualties.

The American people are overwhelmingly in favor of an immediate end to American participation in the Vietnam war. The House of Representatives should take quick action on the legislation passed by the Senate so that the position of the Congress is made known to the President and the American people.

EVIDENCE OF USO CORRUPTION RELEASED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 15 minutes.

Mr. ASPIN. Mr. Speaker, today I am publicly releasing testimony by two former USO personnel in Vietnam dealing with alleged black-market operation by USO officials.

If these allegations are true, then top USO officials have presided over an unprecedented scandal within a charitable organization.

Specifically, the testimony I am releasing today reveals that a former marine staff sergeant admitted to a former USO professional staff member that he and another USO official had sold eleven air-conditioners on the black market.

As many of my colleagues may know, individuals of veterans organizations donate cigarettes to the USO for free distribution to our GI's serving overseas. Unfortunately, according to the testimony I have been given, some of these cigarettes have wound up on the black market.

One official of the USO allegedly stole gift—"care"—packages sent to individual GI's in Vietnam. When the USO's top official in Vietnam was told of these activities, apparently nothing was done to stop the continued stealing.

Some air conditioners, instead of being sold on the black market, may have been illegally traded by USO personnel to other American civilians and military officials.

These allegations, and Secretary Laird's announcement last week of a major investigation of USO, seems to confirm that the American people, and particularly our GI's in Vietnam, have been victimized by a bunch of crooks. Last Friday, Secretary of Defense Laird announced that a worldwide investigation has been launched and the corrupt practices involving "very substantial amounts of money" have been uncovered.

My staff has been investigating this USO scandal for the past several weeks. In the near future I plan to disclose additional detailed information about money manipulation, fradulent mail order schemes, illegal concessions, inflated prices, and attempts by USO officials to cover up these illegal activities.

This situation reeks with every form of corruption and deserves a thorough investigation, Mr. Speaker. Our GI's serving overseas deserve help from the USO. Apparently, according to this testimony, they have been cheated instead.

I plan to turn over all the evidence that I am releasing today to Department of Defense officials who are currently investigating the USO scandal.

Only a full public disclosure of all the facts can permit a cleaning of house from top to bottom in USO.

The USO, the United Services Organization, serves American GI's in the United States and overseas as directly financed by contributions from the United Fund Organization throughout the United States.

One of the USO professional staff members who has approached me testified before a panel of the Inspector General's office in Saigon on approximately October 6, 1971. Gen. Clayton Abrams, our commander in Vietnam, officially initiated a full scale investigation by the Criminal Investigations Division of the Army on October 21 of last year.

Recently, the Office of Special Investigations of the Air Force began interviewing dozens of individuals with connections to the USO about alleged corrupt practices.

The testimony of the individuals involved follows:

INTERVIEW: NEW YORK CITY, APRIL 9, 1972

This interview was conducted with a professional U.S.O. Staff member who served in Vietnam during 1970–1971. This individual came forward with this testimony involving a major scandal in U.S.O. The witness in question served in two of the major scandal areas and has intimate knowledge of the questionable activities within U.S.O.

B. While you were in Vietnam for 18 months, did you ever hear any stories about corruption and the manipulation of currency and black marketeering by staff members of the U.S.O.?

K. Yes. From the day I arrived in Saigon I got my indoctrination. It's common knowledge among everyone that works for U.S.O. and It's discussed openly by many people at many different times.

B. Okay. Did you ever do anything about the allegations that you heard?

In the first week of October ——— I testified before the IG at MACV Headquarters in Saigon. I requested to talk to these men because I was just fed up and I figured I'd better just shut my mouth and quit complaining about it or do something about it, so I decided to do something.

B. Who was on the IG Board?

K. Well, the man that I dealt with, I can't remember all of their names, they were colonels and one of the man's names was Colonel Phillips. Colonel Cormwell I believe was another and I really can't remember the other names.

B. Did you have the opportunity to review your testimony or see a transcript of it?

K. No. I did not.

B. Do you know any of the results of the Inspector General's investigation?

K. Well, I know that I asked to talk to these men and I talked to them informally at first and then I . . . evidently what I said they wanted to check out, so they asked me to come back and put it all on tape . . . so I did and I testified for 3 or 4 hours . . . quite a long time and everything I said was taped. On the basis of what I said, an investigation was begun which resulted in the firing of two people.

B. Who were they?

K. Number one was Bob Rawson who was at that time I Corps Coordinator in Danang. And the other one was Paul Helbing, who was at that time, when he was fired, director of Golden Gate U.S.O.

B. Where's Golden Gate U.S.O.?

K. In Danang. I spent part of my 18-month tour in Danang.

B. Was there a subsequent investigation by the Criminal Investigations Division of the Army?

K. Yes there was. I don't know who asked for this, or whether the IG turned over their material to CID, I don't know that . . . but the next thing I knew the CID was in on it . . . or had taken it over . . . and they were conducting their investigation and I was called in to testify at this also.

B. You testified before a CID board?

K. Well, investigators for a CID board. They did not tape it . . . to my knowledge . . . it was supposedly informal testimony.

B. How many CID investigators have been in Vietnam looking into the U.S.O.?

K. You mean this current one?

B. Yes.

K. I have no idea how many men they have on this.

B. Have there been Department of Defense personnel investigating?

K. Yes. After leaving Vietnam, I knew the CID was handling it . . . I received a letter from a friend who also is a U.S.O. professional staff member and in this letter he said that 11 men had arrived there from the Department of Defense to investigate . . . now whether they're CID or not, I don't know.

B. Has the U.S.O. to your knowledge started any investigation at all?

K. Yes. They were forced into it, I believe. When Mr. Richard Shireman (USN Captain, retired) returned for the national convention in Boston which was held March 10, he must have let the big boys in New York know that there was big trouble in Vietnam because shortly thereafter . . . two U.S.O. lawyers, one of them called Jerry Levian, I don't know the other's name . . . and some other men from U.S.O. were sent to investigate . . . whatever . . . I don't know if it was the corruption or the personnel problem.

B. Has anyone been fired in U.S.O. since you first talked to the IG office?

K. Yes. Bob Rawson and Paul Helbing.

B. Would you tell me in some detail what you understand that Mr. Rawson was doing while he was in this position of responsibility with U.S.O. in I Corps.

K. Well, he was a little dictator in I Corps. He had complete authority to run everything . . . there were five U.S.O installations in Danang as well as one in Chulai . . . they needed someone up North there to run the show because obviously the people in Saigon couldn't, you know . . . it would make their job easier to do this. He was in Danang 3 or 4 years . . . quite a while . . . he had more than 1 tour there. Now, I had heard many stories from the day I got to Vietnam about things that he was involved in, i.e. selling U.S.O. vehicles on the black market.

B. What kind of vehicles?

K. U.S.O. vehicles . . . I don't know . . .

B. Trucks?

K. Yes. Scouts, this type of vehicle.

B. How many vehicles would a typical U.S.O. installation have?

K. The three big clubs we had in Danang would have maybe four vehicles in each club and our coffee lounges would have one.

B. And he sold, apparently, from what you've heard, some of the vehicles on the black market?

K. Yes. And I also heard that he had sold air conditioners on the black market.

B. How many air conditioners would a typical U.S.O. . . . for intsance a coffee house, have?

K. Well, the coffee houses were small. They didn't have any . . . but the three big clubs have a lot. We'd have maybe 4, 5, 6 depending on how many are broken down at the time and this sort of thing . . . but, anywhere between 4 and 7, $500 or $600 air-conditioners.

B. Were you ever told by a staff Sgt. Lloyd Handy about the sale of air-conditioners on the black market by Mr. Rawson?

K. Yes, I was. Handy worked for Golden Gate he was a GI staff aid at Golden Gate U.S.O. in Danang and he was very open about his little activities and he got himself into some trouble, though . . . I don't know if it was CID . . . but he was prosecuted for something because he was always messing around trying to make some money . . . and he told me once a story about how he and Bob had gotten 11 air-conditioners and they sold them on the black market.

B. How often would you be told about instances of Mr. Rawson selling material on the . . .

K. Often. People who worked for U.S.O. talked about these things. I remember one instance about cigarettes and this I was involved in because I went with some other girls downtown to the one and only decent restaurant in Danang called the Select Club. A French restaurant, which is a local Vietnamese restaurant on an economy run by a French man. And I noticed when one of the girls . . . ordered a pack of cigarettes because she'd run out and the cigarettes that came to her . . . that they brought to her . . . were U.S.O. cigarettes and how I knew that was because on the back of all cigarettes you received gift certificates from Winston or Salem or one of these different companies in the States . . . but they're not for sale . . . they're to be given to the GIs free from the U.S.O. club and on the back there's a little paper on the back of every pack of these cigarettes saying "Donated by the VFW, Lodge Number such and such, Oklahoma City, not for sale . . . for free distribution only". Only U.S.O.'s get these. Now we had invoices, I remember, I'd heard about one girl who took care of the cigarettes invoices that we were supposed to acknowledge when we receive all these cigarettes and one time this girl had gotten a letter from one of the cigarette companies, saying, look we sent you people $10,000 worth of cigarettes, have you gotten them or haven't you . . . and we know that they came in.

B. What kind of cigarettes were they?

K. I can't remember whether it was Winston or Salem, but it was one of the big name brands. But, they did check up on it and evidently they did arrive at the Danang Airport but they were filtered downtown to the local black market instead of to the U.S.O. clubs . . . and this sort of thing is just very common.

B. Did Mr. Rawson have direct responsibility for the receipt of these items?

K. Mr. Rawson controlled everything in Danang.

FRIDAY, APRIL 14, 1972

B. M OK, let's just go through this again. My name is Bill Broydrick and I am with Congressman Les Aspin who is a member of the House Armed Services Committee and the Congressman has asked me to undertake a preliminary investigation of the USO particularly in South Vietnam. OK?

M. Uh huh.

B. I'll keep recording this conversation and do you have any objections to that?

M. No, not at all.

B. OK, you know that I am tape recording you.

M. I sure do.

B. OK, fine. Where did you work with the USO?

M. Oh, well, I spent,

B. If you could speak a little bit slowly

M. I spent 18 months USO in South Vietnam

B. OK. At the . . . did you ever hear rumors or stories about wrongdoing on the part of anyone of the staff?

M. Well, I'll tell you I did. I was talking and I have talked to USO personnel in Vietnam about this. Everything that I know concerning this is hearsy. I have absolutely no proof to back anything up.

B. What personnel told you these stories?

M. Well, I heard conversations. I overheard conversations at a USO club.

B. Between

M. And I was aware of things disappearing . . . things like air conditioners and plywood and this sort of thing.

B. Now, how many air conditioners were you aware of were disappearing?

M. Well, I think 2 for sure. Like there never was any explanation, you know, all of a sudden these things would just disappear.

B. Who would you ask for an explanation for this stuff?

M. I would ask the club director, Bob Rawson.

B. And what would Bob Rawson say?

M. Well, there was always some vague answer—he didn't know or something like this. Now

B. What do you think happened to the air conditioners?

M. Well, I think they were probably sold.

B. Where?

M. Well, either on the black market or to use for trading . . . trade an air conditioner for something else.

B. With whom?

M. Often times, it was done with US personnel.

B. With US personnel.

M. Uh huh.

B. With military or civilian personnel?

M. Both.

B. I see. Was this legal to trade this stuff around?

M. Well, of course not. You see, USO was funded through the United Fund, and this was something that the American public had paid for.

B. What would Rawson trade stuff? I mean, did you ever hear of an air conditioner he traded for?

M. No. I would just all of a sudden, I'd walk in the room and 2 new air conditioners would be gone and I have absolutely no proof that he traded it or anything else. It was gone.

B. Do you think it was more likely that he traded it or sold it on the black market?

M. I don't know.

B. But both are possibilities?

M. Yes.

B. OK, now what was this about plywood?

M. Well, like the USO Club at . . . we were trying to refinish. It had been an old mess hall and one of the other girls was in charge and she collected some plywood and she told me that she was going to trade this off. I don't know whether because about that time I left.

B. What was the other girl's name?

M. Her name was . . .

B. How do you spell that, do you happen to know?

M. . . .

B. Where is she now?

M. The last I heard it, she was in California now. Her home is in Houston. You can find out her name and address through the USO office in New York.

B. OK. I don't know if the USO office is doing any handstands about this whole thing.

M. But I know one time she did call Anderson to come up to Danang to discuss this problem with . . .

B. Which problem?

M. Concerning the black market activities.

B. What did Sam Anderson do?

M. Well, nothing.

B. So this, her name again is . . . made Sam Anderson who was then in charge of the executive office in Saigon, she made him aware of the problem?

M. Yes.

B. What did he do?

M. I don't know anything about it. I just know he went up there and she said that she thought Bob Rawson was selling stuff on the black market and obviously she had no proof and you see, the whole thing boils down to when I moved to Saigon I was really quite concerned about things I had heard and things I had observed through being over there and I had a long talk with Mr. Richard Shireman, who is the executive director over there now, and he told me that unless I came to him with proof, that nothing can be done and that I should be very careful about what I said because you can't go and accuse people with stealing which is true and that I was in danger of being sued for slander.

B. That's what Mr. Shireman told you?

M. Yes.

B. So he told you rather than come to him with rumors or suspicions, that you had about individuals, it would be better to just keep quiet.

M. Well, he said that it did no good to come to him and I think he was most concerned about the situation, at least he appeared to be.

B. You don't have any suspicions or have heard anything that Captain Shireman is involved in any wrongdoing?

M. No.

B. OK. Now, what was the result of Sam Anderson's visit to Danang?

M. As far as I know, absolutely nothing.

B. So he did nothing then?

M. I don't know whether he, maybe he didn't find proof, he may have had very good reasons for doing nothing. I don't know, but I know this girl.

B. This was the black marketing in general?

M. Yes, just things in general.

B. What's your overall evaluation of Anderson and this whole thing?

M. Well, I think it's rather apathetic . . . he just . . . because I have no . . . well, like one time I was talking to him and he said that I had a bad attitude because that a lot of good had been done through USO and in order to accomplish this you had to put up with these people it's very hard to get.

B. Put up with what people?

M. Well, people who were really no good.

B. And Anderson said that you have to accept the crooks that go along with the good.

M. Yea, it's not just the crooks that this may exist but it was hard to get people to work in Vietnam and

B. You'd have to expect what some of the people to be dishonest.

M. Yea, and we weren't even discussing individuals. It was just the whole attitude which was so appalled.

B. So Anderson's attitude was that USO is basically good and you have to accept a little bit of corruption?

M. Yea, and that otherwise it was really the public image and if something got out in public that they would think about this instead of thinking about the good that had been done.

B. Do you agree with Anderson about this?

M. No, I don't.

B. How did he tolerate this certain amount of corruption?

M. Well, I don't know about the corruption because I never discussed this.

B. What did he tolerate then?

M. Well, I think it was just the attitude because I went in one time and I said, look Bob Rawson up there has been taking all these packages that have been sent to the GIs taking them home and eating them himself and I said I think this is wrong. If I had gone to the trouble to bake some cookies for some GI out in the field in the rain and the mud, I'd hate to know that that slob was down in his villa eating them and I said that this is wrong and as far as I know he never even mentioned it to him. It certainly didn't stop.

B. So he was stealing stuff?

M. Well, you know it sounds trivia to talk about care packages.

B. Yea, but it is important to the GIs.

M. And some of them were very nice—can pound hams and salamis and really nice things—and this slob would go in there and help himself.

B. I see.

M. This could get serious about this and he didn't seem to get really too concerned about it.

ISRAELI INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 30 minutes.

Mr. PODELL. Mr. Speaker, today is Israel's independence day according to the Hebrew calendar. Today is the day Israel celebrates her battles of the past, fought and won.

Today is the day the people of Israel look ahead to the challenges of the future, to the problems they must face and overcome if they are to win their struggle for survival.

What are those challenges? For one, the successful absorption of new immigrants whose backgrounds, lifestyles and beliefs are in marked contrast to present Israeli norms.

The people of that small beseiged country have girded their belts. They have declared their resolve to welcome the newcomers, and have drawn up plans to open their own homes if necessary until more immigrant housing can be built.

Gaps challenge Israel's social structure—the gap between the poor and the successful, between different religious factions. Increasing contamination of Israeli youth with the Western diseases like drugs and delinquency pose additional problems.

And the shadows of Soviet Mig's in Iraq, SAM missiles in Egypt, terrorist rockets from Russian rocket launchers, bought with Peking money—these clouds are ever present.

But Israel's Government and citizenry have taken new and old problems in stride.

They have decreased their military expenditures in favor of increasing poverty programs and welfare spending. They have encouraged tolerance of all beliefs and opinions. They have promoted governmental responsiveness.

And they will solve their problems. They have shown in the past 24 years that they can tackle even the toughest challenges for one reason: They care.

Jews have cared for centuries—about oppression, disease, civil rights, honesty, beauty, and morality. As bad as the situation might be—and it has been very bad innumerable times—Jews never lost their capacity for caring and trying.

Mr. Speaker, that is the reason our great Nation should learn from Israel on this her 24th birthday: We must care—about the plight of mankind, ecological ruin, the equality of people of all colors and all beliefs, and sharing of our resources and wealth among all our citizens. We can solve our problems only if we care; for once we have stopped caring and have given in to apathy, we have no chance.

PROPOSED SUPERSEDING AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF CHINA CONCERNING CIVIL USES OF ATOMIC ENERGY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 10 minutes.

Mr. HOLIFIELD. Mr. Speaker, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123c of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission on April 5, 1972, submitted to the Joint Committee on Atomic Energy a "Proposed Superseding Agreement for Cooperation Between the Government of the United States and the Government of the Republic of China Concerning Civil Uses of Atomic Energy." The Atomic Energy Act requires that such an agreement lie before the Joint Committee for 30 days while Congress is in session before becoming effective.

The new agreement pertains to both power generation and research applications of atomic energy and supersedes the research only type of agreement which has been in effect since 1955. Under this agreement, authority will be provided for the export to the Republic of China of two nuclear power reactors as well as the providing of enriched uranium fuel for those reactors.

The proposed agreement takes the form consistent with those used in other dual purpose agreements and reflects the passage of the Private Ownership of Special Nuclear Materials Act of 1964. Provision is also made for the application of safeguards to assure the peaceful uses of nuclear materials through the International Atomic Energy Agency pursuant to a trilateral agreement between that Agency and the two countries executed in 1964 and supplanted by the new agreement signed on December 6, 1971.

In keeping with the general practice of the Joint Committee, I asked that there be included in the RECORD for the information of interested Members of the Congress the text of the proposed agreement together with supporting correspondence.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., April 4, 1972.

Hon. JOHN O. PASTORE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR SENATOR PASTORE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

a. a proposed superseding "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of China Concerning Civil Uses of Atomic Energy;"

b. a letter from the Commission to the President recommending approval of the Agreement; and

c. a memorandum from the President containing his determination that its performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the Agreement and authorizing its execution.

The Agreement pertains to power as well as to research applications of atomic energy. It will supersede the current research type of Agreement for Cooperation, which has been in effect since 1955. The principal purpose of the new Agreement is to permit the export of two power reactors from the United States and to permit the long-term supply of enriched uranium fuel. The reactors are identified in the appendix to the Agreement. they are scheduled for operation in 1975 and 1978. The adjusted net quantity of U-235 required to fuel them over the thirty year term of the Agreement is calculated to be 22,200 kilograms.

As mentioned above, the scope of the Agreement accommodates both research and power applications of atomic energy, and its term is thirty years. Other significant features, which are set forth below, are substantially similar to those of other long-term Agreements for Cooperation, for example, those concluded with Austria, Finland, Japan, and Sweden.

Article VI permits arrangements for the transfer of special nuclear material to be made directly between authorized persons under the jurisdiction of the United States and the Republic of China and also between authorized persons of one country and the Government of the other country.

Article VII sets forth the fuel supply undertakings of the United States. The article accords with the policy followed in other Agreements for Cooperation concluded in recent years. It does not reflect the Commission's revised supply policy announced in June 1971—whereby no firm supply assurance occurs until the execution of a specific contract—since negotiations with the Republic of China were begun well in advance of that policy revision.

As in similar Agreements for Cooperation, Article VII provides that toll enrichment will be the normal method of supplying fuel for the two power reactor projects; sale is possible if the parties so agree. Enriched uranium required for fueling research, materials-testing and experimental reactors will be transferred under agreed terms and conditions. In the event of transfer of title to such research material, the United States has the option of limiting supply arrangement to provision of toll enrichment services.

Paragraph C of Article VII indicates expressly that the Commission may transfer to a person or persons under the jurisdiction of the United States Government such of its responsibilities with respect to the supply of special nuclear material, including the provision of enrichment services, as the Commission deems desirable. This provision corresponds to a like provision in the 1970 Amendment to the Swedish Agreement for Cooperation.

Article VIII establishes terms and conditions governing material supply. These are common to other recent similar agreement and include the following:

(1) Prices for enriched uranium and advance delivery notices will be comparable to those applicable to domestic customers.

(2) Uranium fuel may be enriched to greater than 20% in the isotope U-235 when technically or economically justified.

(3) Fuel reprocessing may be undertaken in facilities acceptable to both parties upon a joint determination that safeguards may be effectively applied.

(4) With respect to special nuclear material produced through the use of material supplied by the United States to the Republic of China, transfer of such produced material from China to any other nation or group of nations will be subject to Commission approval.

Article IX establishes the overall adjusted net ceiling governing U-235 transfers. This ceiling is 22,450 kilograms, comprised of the 22,200 kilograms allocated for the two power projects and 250 kilograms for research and other purposes permitted under the Agreement. The ceiling quantity requires a relatively minor amount of separative work (approximately 4.3 million separative work units). These requirements, together with commitments under existing Agreements for Cooperation as well as actual and anticipated enrichment requirements for domestic power reactors which will become operational in the same time period as the Chinese projects, is within the capability of our existing facilities to supply on a continuing basis.

Article X, in conformity with the standard formulation used in other Agreements for Cooperation, contains China's "peaceful uses" guarantee respecting material, equipment and devices transferred under the Agreement, including special nuclear material produced through their use.

Article XI continues the comprehensive safeguards rights of the United States established in the current Agreement for Cooperation.

Article XII provides that safeguards responsibilities respecting materials, equipment and facilities transferred under the bilateral will continue to be exercised by the International Atomic Energy Agency pursuant to the trilateral safeguards transfer agreement signed by the parties and the Agency in 1964, as it may be amended or supplanted by a new trilateral agreement. The trilateral agreement was supplanted by a new trilateral signed on December 6, 1971. The article also permits exercise of Agency safeguards responsibilities as may be provided in an agreement between the Agency and the Republic of China pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons. Such alternative approach is similar to the one followed in the 1970 Swedish Amendment. As in that case, United States safeguards rights will be suspended during the time and to the extent the United States agrees that the need to exercise such rights is satisfied by a safeguards agreement as contemplated in the article.

The Agreement will enter into force on the date on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for entry into force.

Sincerely,

JAMES R. SCHLESINGER,
Chairman.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., January 28, 1972.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed superseding "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of China Concerning Civil Uses of Atomic Energy." The Agreement has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recommends that you approve the proposed Agreement, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The proposed Agreement pertains to power as well as research applications of atomic energy. It is one of those which the Department of State and the Commission expected to conclude pursuant to negotiations already underway, as referred to in the Commission's Statement on Uranium Enrichment Services of June 8, 1971. The Agreement would supersede the current research type of Agreement, which has been in effect since 1955 and is scheduled to expire in 1974. The principal purpose of the proposed Agreement is to permit the export of two power reactors from the United States and to permit the long-term supply of enriched uranium fuel for these reactors, as identified in the appendix to the Agreement. These reactors are scheduled for operation in 1975 and 1978. The adjusted net quantity of U-235 required to fuel them over the term of the Agreement if calculated to be 22,200 kilograms.

As mentioned above, the scope of the Agreement would accommodate both research and power applications of atomic energy. Pursuant to Article XV, its term would be thirty years. Other significant features, which are set forth below, are substantially similar to those of other long-term Agreements for Cooperation, for example those concluded with Austria, Finland, Japan, and Sweden.

Article VI would permit arrangements for the transfer of special nuclear material to be made directly between authorized persons under the jurisdiction of the United States and the Republic of China and also between authorized persons of one country and the Government of the other country.

Article VII relates to the fuel supply undertakings of the United States. According to the standard approach in recent long-term power Agreements, toll enrichment would be the normal method of supplying fuel for the power projects identified in the Agreement's appendix; sale would be possible if the parties so agree. Enriched uranium required for fueling research, materials-testing and experimental reactors would be transferred under agreed terms and conditions. As is common to other long-term Agreements, in the event of transfer of title to such research material, the United States would have the option of limiting supply arrangements to provision of toll enrichment services.

Paragraph C of Article VII would indicate expressly that the Commission may transfer to a person or persons under the jurisdiction of the United States Government such of its responsibilities with respect to the supply of special nuclear material, including the provision of enrichment services, as the Commission deems desirable. This provision corresponds to a like provision in the 1970 Amendment to the Swedish Agreement.

Article VIII would establish terms and conditions governing material supply. These are common to other recent similar agreements and include the following:

(1) Prices for enriched uranium and advance delivery notices would be comparable to those applicable to domestic customers.

(2) Uranium fuel may be enriched to greater than 20% in the isotope U-235 when technically or economically justified.

(3) Fuel reprocessing may be undertaken in facilities acceptable to both parties upon a joint determination that safeguards may be effectively applied. This approach has been adopted in such recent Agreements as those with Argentina, Austria, Finland, Japan, and Sweden.

(4) With respect to special nuclear material produced through the use of material supplied to China by the United States, transfer of such produced material from China to any other nation or group of nations would be subject to Commission approval.

Article IX would establish the overall adjusted net ceiling governing U-235 transfers, which would be 22,450 kilograms. This is comprised of the 22,200 kilograms allocated for the previously mentioned power projects and 250 kilograms for research and other purposes permitted under the Agreement.

Article X, in conformity with the standard formulation used in other Agreements, contains China's "peaceful uses" guarantee respecting material, equipment and devices transferred under the Agreement, including special nuclear material produced through their use.

Article XI would continue the comprehensive safeguards rights of the United States established in the current Agreement.

Article XII provides that safeguards responsibilities respecting materials, equipment and facilities transferred under the bilateral would continue to be exercised by the International Atomic Energy Agency pursuant to the trilateral safeguards transfer agreement signed by the parties and the Agency in 1964. This trilateral agreement was supplanted by a new trilateral signed on December 6, 1971. The article would also permit exercise of Agency safeguards responsibilities as may be provided in an agreement between the Agency and the Republic of China pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons. Such alternative approach is similar to the one followed in the 1970 Swedish Amendment. As in that case, United States safeguards rights would be suspended during the time and to the extent the United States agrees that the need to exercise such rights is satisfied by a safeguards agreement as contemplated in the article.

Following your approval, determination and authorization, the proposed Agreement will be formally executed by appropriate authorities of the United States and the Republic of China. In compliance with Section 123c of the Atomic Energy Act of 1954, as amended, the Agreement will be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

(S) JAMES R. SCHLESINGER,
Chairman.

THE WHITE HOUSE,
Washington, March 22, 1972.

Memorandum for: Dr. James R. Schlesinger, Chairman, Atomic Energy Commission.

Subject: Proposed Superseding Agreement for Cooperation with the Republic of China Concerning Civil Uses of Atomic Energy.

I have reviewed the proposed "Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of China Concerning Civil Uses of Atomic Energy," which was submitted for my approval with the Atomic

Energy Commission's letter of January 28, 1972.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Agreement, and determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Agreement on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

WHEN WILL THE SOCIAL SECURITY BILL PASS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, "When will there be an increase in my social security check?" That is a question which every Congressman is hearing these days, and it is being asked with growing impatience. No wonder. The delay in Congress over the social security bill has been unconscionable.

H.R. 1, proposing a 5-percent increase in benefits was introduced on the opening day of the 92d Congress, January 21, 1971. That was 15 months ago. That was prior to the 4.3-percent rise in the cost of living for 1971. That was prior to the new cost-of-living increases this year—moving so far at an annual rate of 4.9 percent. That was prior to the jump in meat prices to the highest level ever.

Senior citizens are being forced to emulate the patience of the prophet Job. From their point of view it looks as if Congress is poking along deliberating on an increase that everyone should know was needed a year ago. While the purchasing power of senior citizens' social security checks shrinks every day as living costs rise, it seems to them that the Congress of the United States has forgotten their plight or is unbelievably callous. "What is happening to the bill?" they want to know.

The House of Representatives passed H.R. 1 last June less than a month after it was reported out of the Ways and Means Committee on May 26. Ten months have gone by and the bill is still under discussion in the Senate Finance Committee. While the talk goes on millions of older Americans have to trim their budgets, wait and wonder when.

Last year the Senate held hearings on July 27 and 29, and again on August 2 and 3. Then everything was postponed when the President announced the wage-price freeze. At that time he let it be known that for fiscal reasons he did not want action on the welfare reform section of the social security bill.

As a result, the Senate Finance Committee set the bill aside and did not take it up again until January 20 of this year when hearings were resumed. The hearings lasted through mid-February. Since February 17 there have been more than 30 days of executive sessions. There is still no end in sight.

"Will we get our increase by the beginning of July?", my retired friends ask. Even if the Senate Finance Committee reports the bill out within the next 2 weeks, even if the Senate then passes the bill immediately, even if the conference committee reconciles the House and Senate versions of the bill with record speed, and even if the President does not delay in signing it, July is now out of the question.

It takes the Social Security Administration 3 months for processing, after the President's signature, before the higher payments show up in the monthly social security checks.

Regrettably, then, there is no definite answer that can be given to any senior citizen who wants to know when he can plan on the increase. In my opinion every exasperation and impatience with this situation on the part of senior citizens is fully justified.

It is clear to me that there should be a retroactive payment provision in the bill. Beyond that, I would like to see the Congress redeem itself and convince our senior citizens that it has not forgotten them by approving a truly satisfactory benefit increase.

No impetus in this direction has come from the administration. In fact, in his Older Americans message on March 23, the President apparently endorsed the outdated 5-percent increase in the 15-month-old H.R. 1. The Congress should listen instead to the recommendation of the employment and retirement section of the White House Conference on Aging which called for an immediate 25-percent increase in social security benefits. That recommendation was approved by the whole conference of 3,400 delegates with no dissent. I am sure they are fully representative of the 27 million social security recipients waiting and waiting to see what action Congress will take.

WEST GERMANY'S TREATIES WITH MOSCOW AND VIETNAM WAR ESCALATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois, (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, recent events in the war in Vietnam have important implications elsewhere that are in danger of being overlooked. One such case is the bearing the President's action in authorizing the bombings around Haiphong and Hanoi has upon the question of the ratification of the Moscow and Warsaw treaties now pending in the West German Bundestag.

West German Chancellor Willy Brandt has repeatedly made clear his strong feeling that it is in the best interests of his country to press forward with his Ostpolitik and ratification of the resultant treaties while American troops are still in Europe and the United States is still maintaining her defense commitments there. The clear implication is that West Germany now has the best bargaining position it is ever likely to have, because sooner or later the United States is going to withdraw and Western Europe will then be at the mercy of the U.S.S.R. This has apparently been a rather effective argument with his German constituency.

The President's recent action in Vietnam demonstrates resoundingly that Mr. Brandt's supposition can be faulted on two counts. First of all, his entire Ostpolitik is founded on the proposition that the Communist Government of the U.S.S.R. can be trusted to keep treaty commitments and to deal honorably in its relations with other nations. Yet the situation in Vietnam makes it abundantly clear—if new proof is needed—that is not the case. The Communists cannot be trusted. For while President Nixon has been preparing for a summit conference to ease tensions, the Soviets have been arming the North Vietnamese for a new offensive against the South. That is the "code of honor" under which their relations with other nations are conducted.

Second, Chancelor Brandt's supposition regarding the reliability of U.S. defense commitments in Europe is belied by our action in Vietnam. Even in Asia, which, historically, has always been a less important sphere of influence than Europe insofar as our foreign policy is concerned—even in Asia, we are not abandoning our allies and our defense commitments. If we stick by our Asian allies there, in the face of all the pressures both at home and abroad to get out, how much more can Europe depend upon us to keep our commitments there.

Chancellor Brandt's fears, or purported fears, that we will withdraw from Western Europe and leave our West German ally "isolated" simply are not valid. Neither experience nor reason supports any such supposition.

PERSONAL ANNOUNCEMENT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, during the week of March 8–15, I was absent from the House due to pressing matters in my congressional district. Had I been present, I would have voted "yea" on the following rollcalls: No. 65, 70, 72, 73, and 77–82.

On April 11, I was absent from the House on official business for the House Foreign Affairs Committee of which I am a member. Had I been present, I would have voted "yea" on rollcalls 103–106.

NORTHERN IRELAND

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, I am introducing a new resolution dealing with the situation in Northern Ireland. This new resolution updates and expands upon resolutions introduced earlier this year by me and by Senator EDWARD KENNEDY, Senator ABRAHAM RIBICOFF, and our colleague from New York (Mr. CAREY). It reflects a number of conclusions I reached about the situation in Northern Ireland and the course that must be pursued if peace and Irish unity are to achieved there during a recent visit I made to Dublin, Belfast, and Derry.

Specifically, the new proposal I am introducing today differs from these earlier resolutions in the following major respects:

First, it calls for all action by the United States Government regarding Northern Ireland to be taken "in consultation with the Government of the Republic of Ireland."

Second, it recognizes the recent suspension of the so-called Parliament of Northern Ireland—the Stormont—by the British as a "constructive step."

Third, it calls for immediate withdrawal of British troops to their barracks and a phased withdrawal from Northern Ireland to be completed by a set date.

Fourth, it calls upon the President to press for action not only in direct talks with the Government of the United Kingdom but at the United Nations.

I want to commend this resolution to my colleagues whom I know are concerned about the strife in Northern Ireland and American policy toward that situation. The text of the resolution follows:

CONCURRENT RESOLUTION

Whereas the continuing violence and bloodshed in Northern Ireland is a cause of the deepest concern to Americans of all faiths and political persuasions;

Whereas the causes of the present conflict may be traced to the systematic and deliberate discrimination in housing, employment, political representation, and educational opportunities practiced by the governmental authorities of Northern Ireland against the minority there;

Whereas the Governments of the United Kingdom, and of Northern Ireland have failed to end the bloodshed and have failed to establish measures to meet the legitimate grievances of this minority;

Whereas the Government of the United Kingdom has taken a long awaited constructive step in suspending the so-called Parliament of Northern Ireland;

Whereas continued repression and lack of fundamental reforms in Northern Ireland threaten to prolong and escalate the conflict and the denial of civil liberties;

Whereas the problem of Northern Ireland is properly a matter of international concern: Now, therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the United States Government should make clear to the Government of the United Kingdom of Great Britain and Northern Ireland that the continuing violence in Northern Ierland, reflecting a longstanding policy of discrimination against the Catholic minority, is a matter of international concern and cannot be allowed to continue, that such violence must be brought under control with the assistance of the United Nations, and that the long-run solution to the problem of Northern Ireland is a free and united Ireland, established in accordance with the principles of the United Nations Charter calling for the "self-determination of peoples" and the "integrity" of states, and

That it is further the sense of Congress that the United States Government, acting in consultation with the Government of the Republic of Ireland, should urge, in direct talks with the Government of the United Kingdom and before the appropriate bodies of the United Nations, immediate implementation of the following actions:

1. Termination of the current internment policy and simultaneous release of all persons detained thereunder.
2. Full respect for the civil rights of all the people of Northern Ireland and the termination of all political, social, economic, and religious discrimination.
3. Implementation of the reforms promised by the Government of the United Kingdom since 1968 including those reforms in the fields of law enforcement, housing, employment, and voting rights.
4. Immediate withdrawal of British forces in Northern Ireland to their barracks and total withdrawal from Northern Ireland by a specified date.
5. Convening of interested parties, including representatives of the Governments of Ireland and of the United Kingdom and elected representatives of the people of Northern Ireland for the purpose of agreeing on steps to accomplish the unification of Ireland.

THE BETTY WARD STORY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, in its March 1972 issue, Human Living, a magazine devoted to youth, featured a story about Mrs. Betty Ward, a lovely and dedicated lady, and the magnificent contribution she is making to the youth of Dade County, Fla. This remarkable woman has devoted much of her life to the belief that prevention of delinquency, rather than rehabilitation of delinquents, is the answer.

The article about Mrs. Ward, written by Tony Vuolo, tells of her many achievements and effectively portrays the philosophy that has been the cornerstone of her unwavering faith in, and untiring efforts on behalf of, today's youth.

I believe Mrs. Ward's story would be an inspiration to my colleagues and to all of those who read this RECORD. I ask, therefore, Mr. Speaker, that "The Betty Ward Story" appear in the RECORD immediately following my remarks:

THE BETTY WARD STORY

(By Tony Vuolo)

To Betty Ward of Miami, Fla., working with kids is not just a job . . . but a privilege that brings happiness and joy into the heart of this wonderful Irish woman.

She has a philosophy for youth . . . prevention of delinquency rather than rehabilitation. Unfortunately, the latter is the one most people dote on.

Miss Ward has been in show business since she was a very little girl, until World War II, when she joined a USO Club as Assistant Director at the first club ever to be in Miami. She was Director of famed Coral Gables Youth Center; was Youth Editor and columnist of the Miami News; Social Director of the plush Beau Rivage Hotel in Bal Harbour and now, Youth Activities Director of the Department of Youth Services for Dade County, Florida.

Her life has been a series of good breaks—or has it been the hand of God on her shoulder?

When she was a little girl, her sister Helen and Betty left Miami to go to Pittsburgh the Ward's home town. While there, the Ward sisters sang and danced at the William Penn Hotel at a banquet for theater managers who were forming a new club called "Variety." That night their mother signed a contract for the little sisters 48 straight weeks on RKO with one of the biggest theatrical men in the country . . . John H. Harris. Betty said, "He saw talent through all our corn that no one else had and that gave us confidence."

Then she continued, "I don't think Johnny would ever have thought he was my inspiration to devote my life to kids, for you see, like all big people, he was a very humble person. When we worked for him," she continued "we were two of an act of five youngsters. All five at one time or another hit Broadway, the goal of all show people."

"But what I remember most was not Broadway," Betty said, "But how good Mr. Harris was to us. Many's the time we arrived in a town at 4 a.m. and as we were all of the same faith, John sat with us in the hotel lobby until it was time to 6 o'clock mass and then he would go with us. Result? Our religion is one of the big factors in all our lives and without it, there would be no happiness for us."

Betty then remembered when her sister and she were playing Ashtabula, Ohio, a telegram arrived from Miami to the chaperone of the act. It read, "Helen and Betty's father died today." Like the tradition of the theater, "the show must go on;" the girls did it that way, for it was their dad's last wish.

Then she remembered, "Johnny Harris came on immediately from Pittsburgh and stayed with us through our mourning. He had a funeral mass said in Ohio at the same time Dad was buried in Miami and all the people on the show and the townpeople went, in sympathy for us. There we learned the meaning of 'little troupers!' "

Her "first boss" taught them that a great loss can be healed by making others happy. Showmen do this every day because of Johnny Harris. The little club of Variety became a national club . . . now it's international. In most cities, Variety Clubs do good for kids of every religion, race and creed. In Miami, it has the Variety Children's Hospital.

Betty was dancing in a USO show when God again put His hands on her shoulder. She had a two week layoff and came home to Miami when she had another idea. She had been teaching dancing to service men and she thought, Why not try Recreation in a club?

"I'll always remember," she reminisced, "that I phoned the USO Director while on a two week's vacation at home, and asked him if he needed help. He said, 'yes' and to come right over. I was frightened to death for I had never done anything except show business."

"The Director was George Brautigam, who later became State's Attorney for Florida," she continued. "He asked me if I knew how to type. The reply was 'no,' 'How about bookkeeping?' I told him all I know is to use my feet for I was a dancer and to use my head for I thought I had some brains!"

With a twinkle in her Irish green eyes, and pushing back her red hair, Betty said, "I'll never forget how he laughed and said, 'You are so honest, you've got the job!' Later I learned a want-ad had appeared in the paper and 1000 people had answered the ad that I had never known about."

"See how God was so good to me the second time in my so-called career?" she remarked.

Betty then told me how she traveled over the state and was in Key West when the war was over. She had been watching a building going up in Coral Gables when she returned home each week-end and found out it was going to be a War Memorial Youth Center. "That's what I wanted to do, Miss Ward said . . . "work with children. After all, service men away from home are just like kids."

This far-seeing gal had found out who was responsible for the War Memorial and went to see him. He was Harry Morgenthaler. He asked her how she thought she could do this big job. "I'll work for nothing for two weeks and show you I can," said Betty.

Morgenthaler's idea became a reality on Dec. 7, 1945. Needless to say, Betty Ward got the job and was paid for the first two week's too.

God had put His hand on her shoulder again in her career. Because of the good people of Coral Gables and Betty, no juvenile delinquency was seen in the area.

As Betty directed the War Memorial Center, she also did the publicity too. She landed two covers in Life with a seven page story about the Youth Center in one, plus three more national stories about the unique Youth Center.

"I just had a sixth sense for writing and getting publicity for what I was working for, but didn't know that I did," she said.

Then God put His hand on her shoulder for the fourth time. The Managing Editor of The Miami News, Hoke Welch, had his two children come to the Youth Center. One day she received a wire from him asking if she would consider a position on The Miami News.

"I was floored," said Betty "but I was so elated. Result? I went to see him and presto! he asked me to be Youth Editor and get the youth news each week."

Needless to say, Betty accepted the offer and, in no time, she had two weekly pages with reporters from each Dade County School. Betty's friends in Miami and show business volunteered and taught everything from tap dancing to ice skating, boxing, radio, TV, and numerous other activities. All together, Betty had 50 volunteer instructors! Four annual Ice Shows were held. Many are now in Holiday on Ice and Ice Capades. Many have their names in lights on Broadway. Boys and girls of the Youth Roundup Press Club are now making their living and excelling in a position by a "seed" that was implanted in them while they were young.

In her weekly *"Letter From Betty"* column, she even had teenagers from Germany, Australia, Sweden and other parts of the world writing to her; that's how far the news and popularity of the Youth Roundup had spread.

Again delinquency was almost extinct. By this time, Betty had 20,000 boys and girls who either wrote for the paper or were in her Recreation programs. *Not one youth* ever had occasion to appear before the Juvenile Court. It was cited as the *number one prevention program for juvenile delinquency in the nation.*

For this Betty was named Dade County's Woman of the year, plus many other honors, including the American Broadcasting Co.; WTVJ's Woman of the Year; the Honorary Quill and Scroll award for Miami plus others.

"Then I was offered a position at the Beau Rivage Hotel in Bal Harbour on Miami Beach," she related. "They wanted someone who could supply a program for an entire family, to keep everyone busy." As Betty was so qualified, this was a challenge, for it had never been done before. Her friend, Hank Meyers, public relations director for the city of Miami Beach, gave her this break. God tapped her shoulder for another golden opportunity.

Betty stayed at the swank Beau Rivage for a wonderful five years, having a daily TV show from the hotel, plus a daily paper to boot. She did not give up her Youth Roundup, however. Her volunteer program continued. Kids were given lessons in anything they had an interest in. Her show-folk friends and she kept everything going.

Betty, in the meantime, had two wonderful boys whom she brought up all alone since they lost their father when her younger son was eight months old. Knowing what a tough time it was to send her sons to college, she worked out another idea with her Youth Roundup. It was a college scholarship fund for kids who *really wanted* to go to college but didn't have the means to do so.

At first it was called "The Betty Ward College Scholarship" fund. Later on, when her younger son, Teddy, died of skin cancer of the face, the scholarship was put in his name.

A Phys-Ed teacher and football coach, only 26 years old when he died, his last words to his mother were, "Oh Mom, I have so much to do for kids and I've had such a little time." This made a double reason for helping youngsters. There is now a memorial to him at the school where he last taught. Betty Ward's other son is Diving Coach at Yale University.

"I realized then," she said, "that I had to work twice as hard for kids and accepted the position of Youth Activities Director for Dade County's Department of Youth Services."

The *first* Terry Ward college scholarship went to a "black boy" who came to the Home as a delinquent but, through Betty's help, went out with a knowledge of newspaper work and television acting. He is now working hard to be one of the *finest attorneys* Miami ever had.

This year, a dream came true for Miss Ward. Instead of the one scholarship, the Youth Roundup had four. Two were for $1000. each. A Seminarian at St. Vincents College in Boynton Beach, Fla., received one and is able to finish his fourth year at the Seminary.

The other scholarships were given to a girl for graduate work at Duke University; another went to a boy who had just lost his father and could not have resumed his schooling; the fourth went to the oldest of seven fatherless children in the family, who is determined to become a librarian.

What is Betty's next dream? . . . I can tell by that far-away look in her eyes that God is about to touch her shoulder again.

And . . . you know what? I believe it will be the biggest and best dream yet. He seems to have made her one of his "chosen people" to help kids.

INCREASES IN PRICES AND RENTS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, millions of American consumers—people who buy groceries and goods—have suffered acutely from the failure of the administration's program adequately to curb increases in prices and rents which they have had to pay. Many business concerns have increased prices far beyond any general guidelines indicated by the administration and many landlords have increased rents far beyond any indicated guidelines laid down under the rent control program. From the information I have, that condition is general over the country. Recently, representatives of many of the tenants in my congressional district, and particularly in Miami Beach, filed a strong complaint about rent increases with the authorities having jurisdiction over rent increases. It is difficult, if not impossible, to tell just what the rent restraints are under the administration's program. According to some interpretation of the controls now in effect, landlords were permitted to increase rents almost at will by one device or another. These concerned citizens from my area, in a very strong statement which they presented, called upon the rent control authorities to review any guidelines which have been employed in the past and to adopt policies and procedures with reasonableness and fairness to both landlord and tenant regarding rent increases.

Because Congress has the final authority over such matters, although it has presently delegated them to the President, I thought it would be of interest and profit to the Members of the House to have a chance to observe the statement presented recently to the rent control authorities, on behalf of so many of the tenants in my district, by Mr. Alan S. Becker and Mr. Abe Swartz. I therefore, Mr. Speaker, insert the statement presented by Mr. Becker and Mr. Swartz in the Record immediately following my remarks:

Testimony Before the Rent Advisory Board by Alan S. Becker and Abe Schwartz in Behalf of the Tenants Association of Florida

Five months ago the Tenants Association of Florida was formed to provide tenants a voice in dealing with the many landlord-tenant abuses in our area of the country. It soon became apparent that the greatest concern of apartment renter—and the greatest cause of confusion—was runaway rent increases. It is evidence of the frustration that exists that our Association has grown to over 6,000 dues-paying members and is increasing in size at the rate of 1,000 each month.

These tenants and many thousands more throughout the country are looking to this Board to ascertain the weak areas of the Price Stabilization program and to make corrections where it appears that the program does not conform with the intent and purpose of the law as expressed by Congress and the President.

It is our understanding that the purpose of Wage-Price Stabilization is to curb runaway inflation and to stabilize the economy by giving the President emergency power to take any necessary steps to insure the cessation of the inflation. Certainly it was not intended that this program would impose added hardship on any large segment of the people. Unfortunately, this has been the affect of the stabilization policies with regard to rents.

Effective August 15, 1971 a complete freeze was imposed on rents which freeze terminated on November 13th. Thereafter guidelines were issued in an effort to fulfill the purpose of the law and at the same time allow landlords an equitable situation enabling them to operate their properties at a sensible profit. These guidelines permitted the landlord to raise his rent to the *highest* rent charged to 10% of the same or similar apartments. These guidelines were again changed in December to permit the landlord to charge 2½% over the *average* rent charged for the same or substantially similar units during the base period. Provision was also made for the landlord increased costs and taxes.

The rules sound good and if they had been carried through as originally conceived could well have achieved the desired affect of controlling inflationary rents and allowing landlords a fair return on their investment. Instead, and administrative change in wording has rendered the control of rents meaningless . . . a cruel hoax played on millions of people. The problem lies in the definition of "base rent." According to the office of the Chief Counsel of Internal Revenue (Exhibit A) the rules for determining the ceiling rent under Phase I and the maximum allowable rent under Phase II "are similar." There is one key difference: Under Phase I, and thereafter until the rule was changed to benefit the landlord, the base rent was determined by the *highest rent paid,* i.e., actually billed and collected, during the base period. After November 13, 1971 the base rent is determined by the highest rent specified in leases signed during the base period. In other words a landlord can get any inflationary increase at all if he had in pocket a signed lease calling for a substantially higher rent than that which he was *receiving* during the base period.

To illustrate the severity of the problem, take the case of Seacoast Towers, West, located at 5600 Collins Avenue, Miami Beach. That building was completed in October, 1968; it was fully rented with three year leases all of which terminated on October 31, 1971. In March of 1971 the landlord began soliciting renewals and exacted early commitments under threat of leasing away the apartments of any tenant who did not sign immediately. Attached is a list of over 100 tenants in that building, approximately one third of the tenancy, their age, marital status and economic status, their old rent and renewed rent and the percentage of increase. (Exhibit B)

Eighty percent of the tenants are 65 years of age or older; 85% are either widows or retired. The increases in rent range from 30% to 40%. Can anyone claim that the intent of Congress to curb inflation and stabilize the economy is met by a guideline which gives to a landlord the uncontrolled power to exact such unheard of, inflationary increases? It would seem not; yet, the Internal Revenue Service has advised the Seacoast landlord that all of the requested increases were in full compliance with the guidelines. (Exhibit C) This is notwithstanding Mr. Grayson's statement in a Washington Post article of January 5, 1972 that under the new Phase II regulations individual rents may increase as much as 15% but that the average rent will increase only 3 to 3.5% this year. That statement may express the spirit of stabilization but certainly not the fact. The example of Seacoast Towers, West, is far more typical of the situation. It is owned by the Muss organization which owns buildings throughout the country and has five Seacoast Buildings on Miami Beach with over 1,600 tenants. What was the Muss reaction to the new guidelines? Tenants were first advised that time and the IRS had borne out the management position (Exhibit D); any tenant who, due to uncertainty as to what rent should be paid, paid the old rent received written threats to pay up or be put out with no mention of court-proceedings in between. (Exhibit E) In some cases the Sheriff was sent to collect the rent or pull out the furniture.

Clearly, there is virtually no control over landlords with regard to rents which may be charged under Phase II. There is no requirement that the landlord demonstrate hardship or need for an increase to establish a normal profit. Surely there should be such a requirement with the burden on the landlord. Refer again to Seacoast, West as an example. It was a new building; there were no capital improvements or repairs. For fiscal 1970–71 the building was assessed at $7,215,490.00 and the tax was $221,627.66; for 1971–72 the assessment was $6,573,912.00 and the tax was $215,031.61, a decrease of over $65,000.00. Faced with stabilized labor costs and reduced taxes the multi-millionaire landlord was able to exact an increase of approximately $350,000.00 from 284 tenants, the great majority of whom live on fixed incomes. He is permitted to do this under the protection of a custom-built amendment that goes a long way toward establishing a special privilege for landlords. This landlord who has the benefit of a tax shelter such as few of his tenants enjoy and has the added protection afforded by one-sided landlord-tenant laws which are among the most horrendous in the nation in what is totally landlord market has been given a free hand to get what ever rents he can.

Should this segment of the country—the landlord—be given greater protection and freedom to extract inflationary increases than other groups? It is inconceivable that labor is held to 5.5% increases on executory contracts and other types of business are restricted in their price structure and profit structure while rents can rise in many instances such as this unchecked.

It is not sufficient to say that exorbitant increases in rent are permissible because leases calling for the rent had been executed prior to the freeze. For one thing, that argument does not operate with regard to labor. As a result the working man and people on fixed incomes are caught in a disasterous squeeze between frozen income and rapidly rising food and rent costs. One peculiar interpretation of the guidelines in question, directed to this point, appeared in a recent Price Commission Ruling (1972–79) which appeared in the Federal Register of March 2, 1972. That ruling involved a case where a tenant had signed a lease on July 1, 1971 to go into effect on September 1. The renewed lease increased the rent from $150.00 to $200.00 per month. It was held that the landlord could only charge $170.00. The justification for imposing control on an executory lease transaction was that only one lease was affected—this according to Chief Counsel Lee Henkel. But, if the increase is not allowed for one lease executed before the freeze within the base period to go into effect during the freeze, the disallowance must necessarily mean it is inflationary. Is it not 10 times more inflationary for 10 leases and 1000 times as inflationary if 1000 leases are involved? As Senators Javits and Case have indicated, the problem is nationwide. Hundreds of thousands of tenants are faced with inflationary increases in rent.

The condition that we complain of exists in many large complexes in Florida. It exists throughout the United States. It is a condition which must be corrected if inflation is to be effectively curbed and confidence restored in the Administration and the economy.

INTERNAL REVENUE SERVICE,
Washington, D.C., March 22, 1972.

MAX FEINSTEIN,
Miami, Fla.

DEAR MR. FEINSTEIN: Thank you for your letter of March 10, 1972, concerning the Economic Stabilization Program. As you may know, the Office of Chief Counsel serves as legal counsel to the Internal Revenue Service which is charged with the responsibility of enforcing the regulations and guidelines of the program. Under the Economic Stabilization Program, the Office of Chief Counsel has the responsibility of interpreting the regulations and guidelines under Phase I (the freeze) and Phase II (the post-freeze) issued by the Cost of Living Council, the Pay Board, and the Price Commission. We will be pleased to interpret the regulations as they apply to your situation. However, we suggest that if you have a complaint concerning possible retaliatory action by your landlord or you believe that the rent you are being charged is in violation of the regulations, you should contact the nearest Internal Revenue Service Office in order that they may investigate the case. The nearest IRS Office is located at 51 S.W. 1st Avenue, Miami, Florida 33130, phone 425–7595.

You explained in your letter that prior to the freeze your lease provided for a rent of $355 per month, but that on March 17, 1971, you signed a new lease for $478 per month which was to take effect on November 1, 1971. Your question is what is the maximum rent which your landlord may charge under the rules of the Economic Stabilization Program? The Economic Stabilization Act which was passed by Congress has been implemented by regulations. During the freeze period the Office of Emergency Preparedness prepared regulations which controlled rents. These regulations which were published in the Federal Register (beginning on page 16515) on August 21, 1971, control the highest rent which a landlord may charge during the freeze period (August 15, 1971 through November 13, 1971). They provide that a landlord may not charge a rent for a particular apartment during the freeze that is higher than the ceiling rent which prevailed for the same or comparable apartments in 10% of the actual transactions during the base period. The ceiling rent is the highest rent that the landlord received for the same or comparable property in 10% of his transactions during the base period (i.e. July 16, 1971 through August 14, 1971). In other words, if your landlord owned 100 two bedroom apartments that were the same or comparable and during the period from July 16, 1971 through August 14, 1971, the rent received from the 10 apartments which paid the highest rent, was $355 per month, then his ceiling rent would be $355 per month. Since during the freeze (November 1–13, 1971, in your case) the regulations are concerned with the highest rent actually paid during the base period, the ceiling rent can be determined only by learning the amount of rent a landlord received for his apartments during the base period.

After the freeze, the Price Commission prepared the regulations which controlled rents. Initially, the price regulations were so worded that they applied to rental units. However, effective on December 28, 1971, a separate body of rent regulations were published. These new regulations will apply to the determination of your allowable rent the next time you sign or renew a lease with your landlord. The allowable rent under your present lease after November 13, 1971, is determined under the first set of Price Commission regulations. (Federal Register, page 21792, November 13, 1971).

We have enclosed a copy of a Price Commission Ruling which explains how the maximum rent which may be charged after November 13, 1971, under a lease which was signed before August 15, 1971, is determined. You will note that the ruling is concerned with the maximum rent after December 28, 1971, but applies equally to the maximum rent after November 13, 1971. Although the rules for determining the ceiling rent (Phase I) and maximum allowable rent (Phase II) are similar, the key difference is that under Phase II, they are concerned with the *highest rent specified in leases* signed during the base period, whereas under Phase I, they are concerned with the highest rent *paid* during the base period.

Since we do not know the highest rent which was charged (Phase I) and specified in leases (Phase II) by your landlord for units which are the same or comparable to yours, during the base period, we are unable to conclusively determine the legal rent which he may charge you under your new lease. Thus, if you believe the rent which you are being charged is in violation of the regulations, we suggest that you contact your local IRS Office for assistance.

We hope this explanation will be of assistance to you.

Very truly yours,

LEE H. HENKEL, JR.,
Acting Chief Counsel.
By: HERBERT A. SEIDMAN,
Director, Stabilization Division.

Name, marital status, economic status	Apt. No.	Age of head of family	Old rent paid	New rent	Percentage increase
B. Hirsch, widow, retired	3G	60	340	445	28
H. Zippes, married, business	3B	55	285	390	37
A. Tauberg, married, retired	3E	65	425	560	32
I. Wilson, widow, retired	3L	70	240	310	29
G. Benson, married, business	3F	64	440	560	27
A. Summerfield, married, retired	9T	69	367	500	39
M. Bogner, married, business	12V	59	301	389	29
M. Rigkin, married, business	10H	60	310	423	36
S. Rydell, married, business	17G	67	370	483	30
J. Berkowitz, married, business	11H	59	323	426	28
D. Jacobson, married, dentist	15K	71	342	435	28
M. S. Klein, married, retired	7D	69	278	376	35
G. Hilb, widow, retired	7C	71	294	402	37
N. Gendelberg, married, retired	7G	60	358	486	36
B. Kozloff, widow, retired	7K	67	323	416	23
A. Kaplan, married, retired	7B	71	314	405	23
E. Zelnick, widow, retired	7L	60	242	347	41
H. Drucker, widow, retired	7M	65	349	442	27
B. Levy, married, retired	7N	86	339	442	30
J. Leisner, married, retired	7T	66	376	496	32
B. Hochberg, married, retired	7Y	73	268	376	40
M. Wally, married, retired	7E	77	353	471	33
E. Horland, married, doctor	7V	62	268	376	40
G. Becker, married, retired	7U	70	333	410	23
A. Roth, married, semiretired	7W	58	294	402	37
L. Rosenberg, widow, retired	7J	66	323	416	30
T. Scherl, married, retired	7D	66	315	441	40
R. Kadin, widow ,retired	10K	60	330	423	36
D. Relkin, widow, retired	10P	60	227	308	35
S. Fishman, married, retired	10M	70	320	423	32
S. McCarthy, married, business	10Y	48	285	393	39
S. Eidlinger, widow, retired	10V	60	275	383	40
M. Crane, married, retired	10T	68	385	508	32
W. Loewenthal, married, retired	10S	95	420	553	34
S. Monshine, widow, retired	9L	70	255	325	29
F. Mirkin, widow, retired	9W	60	272	380	40
J. Spitzer, married, retired	9P	71	327	420	30
I. Zaitshik, married, retired	9R	56	318	421	33
M. Herrman, married, retired	9U	79	272	380	40
A. Olchoff, married, retired	9S	66	437	550	25
A. Warshawsky, married, retired	6E	84	396	494	25
B. Rubinger, married, retired	6B	58	325	402	24
H. Abel, married, retired	6M	72	321	414	30
J. May, married, retired	6R	73	321	414	30
L. Solls, married, retired	6J	72	301	414	37
B. Scbrager, widow, retired	6T	54	396	494	25
S. Stargatt, married, retired	6W	67	274	376	37
E. Saskin, married, retired	8U	70	280	378	40
L. Hershey, married, retired	8B	78	270	378	40
C. B. Stork, widow, retired	8G	Over 21	335	458	37
B. Fredman, married, working	8A	59	223	303	36
A. Nevans, married, retired	8D	71	270	378	40
M. Esbieh, married, retired	8E	80	380	498	33½
M. Diamond, married, retired	8H	76	316	418	30
L. Lord, married, retired	8C	70	280	378	37
E. Teilelbaum, single, retired	8L	----------	243	323	33⅓
Rose Gorken, widow, working	8Y	Over 21	280	389	35
A. Pollen, married, retired	8W	64	275	378	40
B. Geristley, married, working	8R	64	315	418	33
A. Meyer, married, retired	8N	69	326	419	30
C. Proia, married, semiretired	8T	52	400	498	25
L. Litrin, married, semiretired	8S	72	410	548	33
A. Mansfield, married, retired	9M	60	317	420	33
B. Sper, married, retired	4B	70	280	370	32
A. Sloane, married, lawyer	10D	68	295	383	30
J. Kaplan, married, real estate	11T	58	388	506	30
J. Gasner, married, retired	12B	79	301	390	30
D. Riseman, married, retired	11N	75	313	438	40
M. Mels, married, retired	11J	70	323	426	32
A. Feltz, married, retired	17Y	----------	335	423	32
M. Myers, married, retired	16F	63	490	593	21
M. Lewis, widow, retired	16G	----------	365	478	31
E. Hutner, married, retired	16P	68	345	438	27
H. Forest, married, lawyer	16R	59	365	438	20
J. Bril, married, retired	16T	65	420	518	24
H. Heshkowitz, married, retired	16V	70	310	398	28
M. Ferman, widow, retired	10N	76	335	425	27
A. Sommerfield, married, retired	9T	69	367	500	36
A. H. Schwartz, married, retired	3H	68	320	430	35
B. Silverstein, married, retired	3C	72	300	390	30
F. Weiss, widow, retired	3J	68	330	430	29
B. Mirsky, marri ed, retired	11Y	68	278	386	40
L. Liebowitz, married, retired	11F	58	438	581	33
B. F. Theiss, married, retired	11W	74	292	395	35
B. Spitz, married, retired	11M	66	333	426	29
S. Lantz, married, retired	11G	65	377	467	25
D. Riseman, married, retired	11N	65	313	426	36
A. Ryner, married, retired	11P	65	313	426	36
D. Rosen, married, retired	11R	65	313	426	36
S. Marcus, married, retired	12S	70	452	587	30
J. Weiner, married, retired	10R	71	330	432	29
J. Lieberman, married, business	17S	62	440	573	31
H. Peiser, married, retired	9K	70	317	420	30
I. Denberg, married, retired	9G	76	307	413	30
S. Grauer, married, retired	9D	64	282	380	31
H. Gross, married, retired	15A	64	249	320	28
B. Friedman, widow, retired	15C	66	307	396	30
B. Cutler, married, business	15G	71	275	350	28
H. Streim, married, retired	15H	72	342	435	27
J. Sperling, married, retired	15J	60	342	435	27
D. Cohen, married, retired	15B	83	307	395	29
L. Sapero, married, retired	15N	77	333	435	30
J. Lubasch, married, retired	15L	74	269	340	27
B. Axelroch, married, retired	10F	60	480	578	20
G. Miles, widow, retired	10J	60	310	423	36
W. Carshin, married, retired	5M	65	319	412	30
L. Mones, married, retired	5R	70	319	412	30
M. Bursberg, married, retired	5S	60	409	532	30
S. King, married, retired	5E	51	374	492	32
S. Young, married, retired	5D	75	284	372	31
O. Stelvin, married, retired	5J	69	319	412	30
M. Feinstein, married, retired	5G	71	329	452	37
S. Fired, widow, away	5A	----------	----------	----------	----------
H. Marker, married, retired	5W	82	269	374	40
F. Beckerman, widow, retired	5T	64	394	492	25
A. Katz, married, retired	5B	64	272	372	37
Herman Lazarus, married, retired	5L	70	247	317	28
W. Weintz, married, retired	5N	56	319	412	29
S. Stein, married, retired	5O	55	319	412	29
J. Eisenberg, married, retired	10W	70	280	383	37
P. Cramer, married, retired	17D	66	335	403	20
G. Becker, married, retired	7E	70	308	382	27
J. Weisman, married, retired	11T	66	394	512	30
E. Liebowitz, married, retired	14V	69	304	392	29

INTERNAL REVENUE SERVICE,
Jacksonville, Fla., February 10, 1972.

SEACOAST TOWERS,
5151 Collins Avenue,
Miami Beach, Fla.

DEAR MR. MUSS: Our office has investigated numerous complaints of proposed rent increases for tenants of Seacoast Towers, West, 5600 Collins Avenue, Miami Beach, Florida. Such increases were to become effective between November 14, 1971, and December 28, 1971.

Existing rent guidelines permitted landlords to increase rents on leases becoming effective between November 14, 1971, and December 28, 1971, to the rental he had received for at least ten (10) percent of the same type of units on which leases were signed during the thirty (30) days preceeding August 15, 1971. If no leases were signed during this thirty (30) day period then the nearest preceeding thirty (30) day period in which leases were signed on the same type of units must be used to determine the allowable increase.

The guidelines further provided that landlords must maintain accurate records to verify that any proposed rent increases were within the guidelines and make such records available at the request of the tenant.

In each of the cases investigated by our office, Mr. Muss, the proposed increases were in compliance with the effective guidelines.

Any residence or other real property becoming occupied after December 28, 1971, are subject to the new rent regulations which became effective on December 29, 1971.

Sincerely,

IRA S. LOEB,
Acting District Director.

SEACOAST TOWERS,
Miami Beach, Fla., November 22, 1971.

DEAR RESIDENT: The general 90-day price and rent freeze imposed by President Nixon in August came to an end on November 13, 1971. As many of you may know, the President then established a Price Commission with authority to regulate the stabilization of both prices and rents for the period commencing November 14, 1971.

Our attorneys have reviewed the regulations recently issued by the Price Commission. They advise us that the rent provided in your lease is lawful and now in full force and effect.

Your November rent bill was broken into two parts. You were billed at the old or frozen rent for the first 13 days of November, and at the rent provided in your lease for the last 17 days of November.

The total rent for November is due as billed to you. We, therefore, would appreciate your prompt payment of the amount shown on your November bill less any part which you may have already paid. If you paid the full amount as billed, this naturally does not apply to you. Your December bill will be at the full rate contained in your lease.

As to the billing for the first 13 days of November, we reserve the right to re-bill you for the least amount when and if further clarification allows same.

We are gratified that this period of uncertainly has ended, and we look forward to continued happy relations with you in your residency at Seacoast Towers.

Sincerely,

WILLIAM LEONARD,
Executive Director.

KATZ & SALMON,
ATTORNEYS AT LAW,
Miami Beach, Fla., January 21, 1972.

In re Lease date: 5/9/71.

Mr. and Mrs. ABRAHAM SCHWARTZ,
Seacoast Towers West—Apt. 3-H,
Miami Beach, Fla.

DEAR MR. AND MRS. SCHWARTZ: Please be advised that you are in default of the above referenced lease agreement by reason of your failure to make rental payments due and owing for the months of November, 1971, December, 1971 and January, 1972.

This letter is being served upon you pursuant to Florida Statute to advise you that the landlord will elect to re-enter the demised premises for your benefit should you fail to pay the total arrearage of $628.25 due and owing on or before three days from receipt of this letter.

Alternatively, the landlord may elect to exercise its statutory right of distraint in which case the Sheriff in and for Dade County, Florida will proceed to execute such writ by removing whatever personal property is found in apartment 3-H and selling same at public auction.

In the event it becomes necessary to re-enter the premises or procure a Writ of Distraint, you will be held strictly accountable for the costs of execution of such writ and/or re-entry, including reasonable attorney's fees.

Kindly be governed accordingly.

Very truly yours,

SEACOAST TOWERS, INC.

THE STEEL IMPORT SITUATION

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, in 1971 imports of steel mill products were over 18.3 million tons, the largest tonnage ever and 37.1 percent higher than the 1970 level. Their declared value totaled $2.6 billion, the greatest dollar value of steel imports in our history. Moreover, the excess value of steel imports versus U.S. steel exports was nearly $2.1 billion—a serious contributor to our international balance-of-payments problem. Imports supplied nearly 18 percent of our steel needs in 1971, the deepest penetration into our domestic market in any year on record. This level of steel imports is more than the tonnage shipped in 1971 from all the steel plants in my home State of Ohio—the Nation's second largest steel producer. In fact, it is more than what was shipped by all the plants of the Nation's fourth, fifth, and sixth largest companies in the domestic steel industry. For many steel products and for many parts of our country, the import penetration was far greater than 18 percent. For example, imported cold rolled stainless steel sheets accounted for 32.9 percent of the domestic supply, imported stainless steel wire 48.3 percent and stainless wire rod imports 56.3 percent. Unfortunately, there is little sign of any slowing down in steel imports so far this year in spite of currency revaluation in Japan and the EEC, the main sources of foreign steel.

Many of us have been deeply concerned for some time about steady influx of textile and shoe imports. Yet of all our import-threatened industries steel is the most basic and vital to our national interest. Steel is a material required by many important parts of our American economy, including agriculture, construction, and the automobile, machinery, and home appliance industries. Steel products, especially speciality steels, such as stainless, tool steel, and alloy steels, are essential to our national security.

I am aware of reports that Japan and the European Economic Community—including the United Kingdom for the first time—will soon announce a new 3-year voluntary limitation on their exports of steel to the United States to continue the similar arrangement which expired at the end of last year. I understand that these new arrangements, if they go into effect, will contain certain improvements over the 1969–71 arrangements. They are expected to reduce the annual growth rate for steel imports from the nations involved from 5 percent to 2½ percent. It is hoped that they will contain more definable limitations on specific steel products, particularly the speciality steel products which have been hardest hit by imports in the last several years.

It is most important that the new arrangements are adhered to more closely in the next 3 years than the previous ones have been during the last 3 years. We should all take the responsibility for seeing to it that the appropriate departments of the Federal Government analyze closely the performance under these voluntary arrangements and follow-up any deviations from the commitments made by foreign steel producers.

There is really only one reason for a steel consumer to buy steel from foreign producers. That reason is lower price. Why are foreign steel prices lower? In many cases, they are lower because foreign producers charge a lower price in our market than they do in their own. Additionally, steel producers in Europe are aided in quoting these lower prices by rebates of value added tax on their steel exports. Foreign competitors also have for years reaped substantial benefits from an overvalued dollar.

Perhaps the fundamental reason for lower prices are the differences in unit labor costs. Although costs for raw materials and fuels are about the same for world steel producers, foreign competitors are clearly advantaged by lower hourly employment costs. Hourly employment costs are only a third of ours in Japan and about half of ours in Europe. These lower hourly employment costs in foreign countries are also reflected in lower cost for steelmaking equipment abroad. Although the domestic steel industry is the most efficient, versatile, and technologically advanced in the world and despite the fact that the average number of man-hours required to produce a ton of steel in the United States is still less than in Japan and Europe, the crucial economic advantage of foreign steelmakers therefore is lower hourly labor costs. I might add that another increasingly significant cost factor in the domestic steel picture is more stringent environmental control requirements which necessitate additional capital expenditures which does not contribute to improving output per man-hour. Capital expenditures in the American steelmaking industry required by air and water pollution abatement regulations have been estimated to total $2.4 billion to $3.5 billion for the period 1972 through 1976. This compares to $290 million spent from 1966–69. Annual operation and maintenance expenses will increase to $1.1 billion in 1966 compared to $77 million in 1969.

For every million tons of steel imported we lose an average of 7,200 job opportunities. In other words, the 18.3 million tons of steel imported last year resulted in the loss of over 130,000 job opportunities. In the State of Ohio, which is the center of productivity of high-valued specialty products such as alloy and stainless steel, it has been estimated that 19,200 job opportunities were lost last year. When imports emphasize specialty steel the job losses are even greater because these steels require more man-hours per ton than do ordinary steels. As a matter of fact, stainless and alloy steel require highly skilled and experienced persons, and these people are being particularly hard hit by imports.

What is the solution to the steel industry's problem? There is no single magic potion to cure the industry's ills but several initiatives, which if properly taken, can help improve the situation. First, extension and improvement of the voluntary arrangements will help, provided they are well monitored by our Government officials and adhered to by foreign producers. Second, in that inflation in large degree is the reason for rising production costs, the Federal Government has a critical role to control inflation and promote an economic climate conducive to satisfactory financial performance and investment in the steel industry. More vigorous enforcement policies with respect to certain unfair foreign trade practices such as dumping and export subsidies are also needed. Third, domestic steel companies must themselves do everything possible to reduce costs, improve efficiency, and develop new and better technologies. We cannot ignore the situation in the steel industry today because it will not go away—in fact, it may get worse in the months and years ahead. We must know what we are up against, its overall effects, and then we must set out to find basic and long-range solutions to preserve the steel industry.

ANNIVERSARY OF WARSAW GHETTO UPRISING, WEDNESDAY, APRIL 19, 1972

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, with so much of our attention and our energies being devoted to the crises in Asia and the tensions in the Middle East, many Americans are not adequately considering the prolonged misery and suffering to which millions of people are currently being subjected in Soviet-dominated states. The passage of time alone tends to blunt our compassion and our concern for those who have been enduring virtual slavery for more than the span of a generation. During these long periods when year after year millions of liberty-loving people have been denied the blessings of freedom, we have been happy to witness sporadic attempts of the enslaved to rise up against their slave masters and attempts to regain their lost freedom.

Today marks the 29th anniversary of such a brave revolt for it was on April 19, 1943, that the Jews living in Poland in the Warsaw ghetto rose against their Nazi oppressors and occupiers in a valiant but futile attempt to throw off the shackles of serfdom. The free world was thrilled to hear of this important manifestation of courage and determination even though in the aftermath of its tragic ending people everywhere were plunged into deep sorrow.

Each year since 1943 people who love freedom and are filled with compassion for victims of persecution have observed the anniversary of the Warsaw Ghetto uprising by rededicating themselves to the task of gaining worldwide emancipation of all who are subjected to the status of slaves and vassals. On this meaningful date, many of us renew our determination to do our utmost to secure liberation for those to whom self-determination is denied. This year through the splendid efforts of the Warsaw Ghetto Uprising Committee in New York and with the cooperation of city officials, Times Square will be renamed "Warsaw Ghetto Square" for the day and fitting tributes will be paid to the heroic leader of the revolt, Mordecai Anzelewicz and his brave followers in his Jewish combat organization—ZOB.

This celebration in New York City and in other cities throughout the world will remind all of us of the God-given mandate that we must concern ourselves with the lives and well-being of our fellow men; it will remind us that the Nazi devastation of more than 800 acres of Ghetto homes and shops of thousands of Jews is no worse than the fate others have suffered at the hands of the Communist oppressors in Poland and everywhere the red flag of Russia has been planted illegally in usurped lands and it will remind us that tragic as was the situation where more than 60,000 ghetto dwellers—men, women and children—were captured and killed by the Nazis, even today Jews are suffering similar privations, hardships and even death.

Mr. Speaker, I am sure that my fellow members in this body join me in commending the many loyal Americans who today are commemorating this significant date in our modern history. May their efforts be rewarded in increased awareness of the plight of Jews in the Soviet Union and throughout the world and a rededication to do the utmost to alleviate the suffering and privations of these long-imposed-upon people.

NEEDED: A SEPARATE DEPARTMENT OF HEALTH

(Mr. ROONEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, a February 19, 1971, statement by the AFL–CIO Executive Council sums up very well my thoughts on health care in the United States. It begins "Health care problems in America are frightening—to the patient, who must pay ever larger portions of his family budget for medical care, and to the medical profession, who must try to care for the health of his patients hindered by an outmoded delivery system. What America needs as the heart of its medical care philosophy is a single primary goal—good health care for all its people."

To this should be added that it is indeed frightening to Members of Congress who want to put to the best possible use the funds and resources of the Federal Government. The piecemeal approach in medical care is no longer sufficient and the areas of education and welfare also demand greater attention. Therefore, I am today introducing a bill to establish a Department of Health, which would coordinate and develop the health care programs of the United States into a vehicle providing adequate health care to all, not just those who can afford to pay the price.

My bill also establishes a National Advisory Commission on Health Planning which would study the current and future health needs of the United States and report its recommendations to the United States Congress as a detailed national health plan for meeting the current and future health needs of the United States for at least the next 10 years.

ESCALATION OF THE WAR

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, President Nixon's recent escalation of the Vietnam war is a tragic mistake.

He has listened to the military experts who advise that just one more increase in the violence will win the war.

We have been hearing this kind of advice virtually since the war began. In each case, actions based on such a false premise have proved disastrous.

It was this kind of thinking that mistakenly led to the buildup of troops in Vietnam. President Nixon promised to reverse the escalation. He said he had a "secret plan" to end the war.

The President may have had a secret plan, but unfortunately it is still secret. His actions seem more calculated to broaden and expand the level of military activity than reduce it.

The current bombing of Hanoi and Haiphong takes us back to the dark days when we were engaged in a full-scale war in Southeast Asia; we are still proceeding as though a military victory is our goal.

Clearly, the bombing means that "Vietnamization" has failed. The President promised that under this plan the South Vietnamese would be able to carry on in their own defense. Obviously, they cannot; they cannot because as a people they lack the will to do it.

The Vietnamese people, North and South, are the principal victims. How can we justify our participation? No one suggests that there is any rational reason left, if there ever was one.

We must reverse this madness. We must end the Vietnam war. This is a sin against humanity.

The American people have paid too much already. Thousands of our youth have died. Many more have been wounded.

We cannot ignore the sacrifices that have been made. Yet, to continue a meaningless war will not vindicate their suffering.

Honor does not rise from the agony of death. No "victory" in Vietnam is possible. That should be quite clear after 7 years of a state of war.

Our commitment should be to people. The way to help them and ourselves is to end the war, and to end this misery.

We thought we were fighting to preserve democracy, but there is no democracy in Vietnam. The last election was a sham. We owe nothing to the Saigon government. We have been a prop too long as it is.

Unless we renounce the tattered goal of a military victory, we delude ourselves. It is our own "face" we see reflected in the bloody frenzy to bomb. Is it more important to save our "face" than the lives of our fellow human beings? We are not really helping the Vietnamese people. We are destroying their country. We are killing their people.

President Nixon has not kept faith with the American people. He has ignored our desire for peace. He has all but abandoned the peace talks. His insistence on dictating political goals has stymied progress at the talks. Our massive aerial bombardment rendered meaningless our troop withdrawal.

The Congress must bring this issue of the war to the American people. Only the Congress can end this war. The President cannot be believed. We cannot evade our responsibility.

The people of America have only us to fulfill their dream for peace. We must act now.

THE 29TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, the Warsaw ghetto uprising took place on April 19, 1943, and each year we remember those brave men and women who fought for their lives against insurmountable odds. This year, the 24th anniversary of the founding of the State of Israel also falls on April 19, a fact that is significant in light of the many fortunate survivors of the Nazi holocaust who took refuge in the Jewish homeland.

At the beginning of World War II, Nazi occupation forces herded nearly one-half million Polish Jews into a cramped ghetto in Warsaw, as part of the Nazi plan to annihilate the Jewish people. The effects of this attempt at genocide, felt in all European countries where Hitler's regime held sway, were felt very severely and cruelly in Poland.

As the home of some 3 million Jews, Poland was one of the greatest centers of world Jewry, and Jews constituted a majority of the population in many Polish towns and cities. In effect, Polish Jews made up a nation within a nation. They had a common language, Yiddish, and a rich and flourishing culture. They organized and operated schools, hospitals, theaters, and banks, almost independent of the central government of Warsaw. It was this thriving Jewish community that Hitler promised to liquidate. His threats seemed hollow at first for the Nazi brutality against German Jews did not touch those across the border in Poland. Besides, Polish Jewry was no stranger to persecution—for centuries sporadic anti-Semitic outbursts—pogroms—had brought violent death to Poland's Jews. The menace of Hitler seemed merely a new threat in a history already filled with peril, hardship, and a continuous struggle for survival.

We know, however, that these Polish Jews were tragically mistaken in their assessment of the Nazi threat and that, by the end of the Second World War, the Jewish community in Poland had practically been eliminated. It is for those who survived and to the memory of those who perished that I speak today.

Prior to World War II, the Jewish population of Warsaw numbered more than 330,000. The Nazi occupation of Poland placed them all under SS and Gestapo rule. The first law promulgated by the Nazis made all Jews subject to forced labor. In Warsaw, this was immediately followed by the establishment of "educational" camps for the Jewish population and the expropriation of all Jewish assets that exceeded a designated small amount. One by one, the number of restrictive rules and practices was increased. Jews were forbidden to work in key industries and in government institutions, to bake bread, to buy or sell to "Aryans," to treat or receive medical treatment from these "Aryans," to ride on trains or trolleys, to leave the city limits without special permits, and to own precious metal or jewelry. Jewish property was ordered by the Gestapo to be registered, and both congregational worship and ritual slaughter were prohibited. Every Jew 12 years or older was forced to wear a Star of David on his clothing.

By means of these laws and regulations, the Nazis completely dominated the Jewish population. And there were even further restrictions placed on Jews. Jews were excluded from the jurisdiction of the civil authorities and classed as outlaws, legally analogous to condemned criminals. The punishment for noncompliance with these regulations was death. However, even strict adherence to the special decrees was no guarantee against being shot. One example will illustrate the desperate situation in which the Polish Jews then found themselves. At the end of 1939, a Jewish burglar, interrupted while committing a robbery, shot and killed a Polish policeman. The Jewish community was heavily fined for this action and they quickly paid the amount levied. Nevertheless, 53 persons living in the same house as the burglar were taken into custody and subsequently shot.

By 1940, pogroms encouraged by the Germans swept through the Jewish section of Warsaw. On October 16, 1940, the Nazi Governor of Warsaw published a decree proclaiming the establishment of the Warsaw ghetto. By November of that year, the ghetto had been completely sealed off and segregated from the rest of the city, and in an area of 100 square blocks—less than one-twentieth the size of Warsaw—the Nazis forced nearly half a million Jews. Surrounded by brick walls 10 feet high and barbed wire fences, the ghetto inhabitants lived, nearly eight people to a room. Only 27,000 ghetto inhabitants were employed. Food was extremely scarce, and the Nazis restricted the distribution of what little food there was. It is little wonder that 50 percent of the ghetto population died of starvation and 45 percent were undernourished. Lack of sanitation facilities and the human congestion caused by the overcrowded living conditions caused the rapid spread of epidemics; fevers and typhus were rampant. The supply of medicine was pitifully inadequate, and corpses filled the streets.

There was another side to life in the Warsaw ghetto, however, which illustrates the spirit, courage, and creativity of a people who were accustomed to relying on their own resources. The ghetto inhabitants created a network of community and cultural organizations to serve the varied needs of the population. Hospitals and clinics were organized in an attempt to control and fight the epidemics. Educational activity was extensive and included a wide variety of schools, clubs, youth organizations and a library, and even a university was established. A secret medical school and a faculty of sciences and mathematics were maintained, and there were underground Hebrew and Yiddish schools, religious instruction classes, and clandestine physical fitness activities. A symphony orchestra and many choirs performed for the inhabitants and newspapers were printed in Hebrew, Yiddish, and Polish.

The Nazis were soon dissatisfied with the results of their campaign of starvation and segregation. The Jews of Warsaw were not succumbing to Nazi terror tactics. In fact, the ghetto and its conditions had fostered a unity and a self-sufficency that had not been anticipated by the occupiers. Thus, in the summer of 1942, the Nazis decided to put into full-scale operation their plans to exterminate all of the Jews in Poland. Between July and September, over 300,000 Jews from the Warsaw ghetto were forced into cattle cars and sent to Treblinka. Anyone who resisted deportation was beaten mercilessly, if he was not executed immediately. Some submitted voluntarily to deportation because the SS had declared that those who reported without coercion would not be separated from their families. They were also told that they were only being sent to labor camps. Therefore, significant opposition to the first massive deportation did not materialize. Even had the destination of the trains and the fate of their human freight been known, however, the Jewish underground organization, then only several months old, would have been unable to act effectively. Devitalized by the deportations, the resistance, at that point, lacked arms and the time to organize efficiently and effectively.

Between September of 1942 and January of 1943, the Jews learned the real destination of the deportees and the real meaning of Treblinka. The underground, gradually recovering from the human loss that had resulted from the deportations, sprang into action. Thus, when the Germans marched into the ghetto in January of 1943 to deport 150,000 of those remaining, they were met with armed resistance. After 4 days of skirmishes, the Germans withdrew after suffering more than 20 losses in their ranks.

The effect of this Jewish victory was twofold—the Germans became aware of the fact that there was an organized armed force in the ghetto, and the ghetto residents realized that the resistance did have a chance of standing up to the Germans.

Electrified by the January revolt, the ghetto population rallied to the underground. But the members of the Jewish underground soon found themselves faced with the overwhelming task of acquiring weapons, and they did so only through painstaking labor, for they manufactured many of their own bombs, hand grenades, and Molotov cocktails. Their most potent weapon, however, was their deep sense of national pride and responsibility. In the words of Dr. Ringelblum, archivist of the ghetto:

> We took stock of our position and saw that this was a struggle between a fly and an elephant. But our national dignity dictated to us that the Jews must offer resistance and not allow themselves to be led wantonly to the slaughter.

The underground turned feverishly to its tasks of building and organization, the manufacture of arms and the rehearsal of defense plans. The awaited day of attack arrived on April 19, 1943, when the ghetto was surrounded by SS troops and police. Although the members of the underground fought valiantly, the German attacks were relentless and gradually the Jews were forced to give ground. Organized resistance gave way to irregular guerrilla warfare as women and children joined the defenders in the desperate struggle.

By May 16, 1943, the significant resistance had ended and the German command declared that "There was no Jewish district in Warsaw." But the end of large-scale fighting did not signal the end of all resistance. In the rubble and ruin that was the ghetto—only eight buildings remained standing—the defenders continued to fight. There are records of groups surviving as late as September of 1943. Some of the underground escaped the ghetto and continued their fight with the Polish partisans, and thus continued the battle of the Warsaw ghetto.

The story of the Warsaw ghetto uprising and other accounts of Jewish resistance are a tribute to the courage of a people and a celebration of the indomitable human spirit. Let us pause today to salute these heroic men and women.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HANNA (at the request of Mr. BOGGS), for Tuesday, April 18, through Thursday, April 20, on account of official business.

Mr. CHARLES H. WILSON, for Thursday, April 20, on account of official business.

Mr. ASPINALL, for Thursday, April 20, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Zablocki, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. Lent) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. McCloskey, for 30 minutes, today.

Mr. Hillis, for 5 minutes, today.

Mr. Duncan, for 10 minutes, on April 20.

Mr. Crane, for 5 minutes, today.

(The following Members (at the request of Mr. Runnels) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. James V. Stanton, for 15 minutes, today.

Mr. Begich, for 10 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Annunzio, for 10 minutes, today.

Mr. Ryan, for 15 minutes, today.

Mr. William D. Ford, for 5 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes, today.

Mr. Byrne of Pennsylvania, for 5 minutes, today.

Mr. Aspin, for 15 minutes, today.

Mr. Podell, for 30 minutes, today.

Mr. Holifield, for 10 minutes, today.

Mr. St Germain, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Fuqua in two instances and to include extraneous matter.

Mr. Holifield and to include a newspaper article.

(The following Members (at the request of Mr. Lent) and to include extraneous matter:)

Mr. Burke of Florida.
Mr. Winn.
Mr. Del Clawson.
Mr. Veysey in two instances.
Mr. Derwinski in two instances.
Mr. Whitehurst.
Mr. McClory.
Mr. Nelsen.
Mr. Johnson of Pennsylvania.
Mr. Springer in four instances.
Mr. Steiger of Wisconsin.
Mr. Archer.
Mr. McClure in two instances.
Mr. Shoup.
Mr. Hillis.
Mr. Collins of Texas in five instances.
Mr. Railsback in two instances.
Mr. Wyman in two instances.
Mr. Shriver.
Mr. Anderson of Illinois.
Mr. Schwengel in two instances.
Mr. Hall.
Mr. McKinney.
Mr. Bob Wilson in two instances.
Mr. Frey.
Mr. Esch.
Mr. Mayne.
Mr. Bell.
Mr. Price of Texas.
Mr. Gerald R. Ford.

(The following Members (at the request of Mr. Runnels) and to include extraneous material:)

Mr. Gonzalez in three instances.
Mr. Diggs in two instances.
Mr. Harrington in three instances.
Mr. Hagan in three instances.
Mr. Rogers in five instances.
Mr. Kluczynski in three instances.
Mr. Preyer of North Carolina.
Mr. Helstoski in three instances.
Mr. St Germain.
Mr. Celler.
Mr. Eilberg.
Mr. Bingham in three instances.
Mr. James V. Stanton.
Mr. Carey of New York.
Mr. Begich in five instances.
Mr. Roe in five instances.
Mrs. Sullivan.
Mr. Murphy of Illinois in five instances.
Mr. Rodino in three instances.
Mr. Dingell in three instances.
Mr. Murphy of New York in four instances.
Mr. Daniels of New Jersey.
Mr. Hawkins in two instances.
Mr. Aspin in two instances.
Mr. Hébert.
Mr. Rees in four instances.
Mr. Dent.
Mr. Fraser in five instances.
Mr. Cabell.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 766. An act to authorize the disposal of zinc from the national stockpile and the supplemental stockpile;

S. 978. An act authorizing the conveyance of certain lands to the University of Utah, and for other purposes;

S.J. Res. 117. Joint resolution asking the President of the United States to declare the fourth Saturday of September 1972 "National Hunting and Fishing Day"; and

S.J. Res. 169. Joint resolution to pay tribute to law enforcement officers of this country on Law Day, May 1, 1972.

ADJOURNMENT

Mr. GAYDOS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, April 20, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1881. A letter from the Secretary of Defense, transmitting notice that he has authorized deficiencies to be incurred for the necessities of the current year in the appropriations for "Operation and Maintenance, Navy" and "Operation and Maintenance, Air Force", pursuant to 41 U.S.C. 11; to the Committee on Appropriations.

1882. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for "Support of U.S. Prisoners," for fiscal year 1972, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to 31 U.S.C. 665; to the Committee on Appropriations.

1883. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 58th Annual Report of the Board of Governors, covering calendar year 1971, pursuant to section 10 of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

1884. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to encourage and assist States and localities to coordinate their various programs and resources available for the prevention, treatment, and control of juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

1885. A letter from the Chairman, Federal Power Commission, transmitting the annual report of the Commission for fiscal year 1971; to the Committee on Interstate and Foreign Commerce.

1886. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to amend the Immigration and Nationality Act to provide for the expeditious naturalization of certain former alien employees of the United States who have been admitted to the United States for permanent residence; to the Committee on the Judiciary.

Received From the Comptroller General

1887. A letter from the Comptroller General of the United States, transmitting a report on the dimensions of insanitary conditions in the food manufacturing industry, Food and Drug Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

1888. A letter from the Comptroller General of the United States, transmitting a report on the administration of criteria by the General Services Administration for the leasing of buildings to be constructed; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HÉBERT: Committee on Armed Services. House Resolution 918. Resolution requesting certain information from the President and the Secretary of Defense relative to the military involvement of the United States in Indochina. (Rept. No. 92–1003). Referred to the House Calendar.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 2895. A bill to provide for the conveyance of certain property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Inc.; with amendments (Rept. No. 92–1004). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 11032. A bill to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia; with amendment (Rept. No. 92–1005). Referred to the Committee of the Whole House on the State of the Union.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on the organization and operation of the Small Business Administration (1971) (Rept. No. 92–1006).

Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 9769. A bill concerning medical records, information, and data to promote and facilitate medical studies, research, education, and the performance of the obligations of medical utilization committees in the District of Columbia. (Rept. No. 92–1007), Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary S. 513 an act for the relief of Maria Badalamenti (Rept. No. 92–999). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez (Rept. No. 92–1000). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 1089. An act for the relief of Robert Rexroat (Rept. No. 92–1001). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. S. 1675. An act for the relief of Antonio Plameras (Rept. No. 92–1002). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 14469. A bill to provide for grants to local educational agencies to plan, develop, and conduct courses dealing with the constitutional rights of individuals, judicial procedure, and police and other law enforcement procedures and problems; to the Committee on Education and Labor.

By Mr. ANDERSON of Illinois:

H.R. 14470. A bill to amend the Internal Revenue Code of 1954 to provide that employees receiving lump sums from tax-free pension or annuity plans on account of separation from employment shall not be taxed at the time of distribution to the extent that an equivalent amount is reinvested in another such plan; to the Committee on Ways and Means.

By Mr. BADILLO:

H.R. 14471. A bill to prohibit States and political subdivisions from discriminating against low and moderate income housing, and to give a priority in determining eligibility for assistance under various Federal programs to political subdivisions which submit plans for the inclusion of low and moderate income housing in their development; to the Committee on Banking and Currency.

By Mr. CAFFERY:

H.R. 14472. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.R. 14473. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operations.

By Mr. DUNCAN:

H.R. 14474. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. GRAY (for himself and Mr. Harsha):

H.R. 14475. A bill to provide for certain improvements relating to the Capitol Powerplant and its distribution systems; to the Committee on Public Works.

By Mr. KEE:

H.R. 14476. A bill to provide for repair and conversion to a fixed-type structure of dam No. 3 on the Big Sandy River, Ky., and W. Va., in the interest of water supply and recreation for local interests; to the Committee on Public Works.

By Mr. PODELL:

H.R. 14477. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's Anemia; to the Committee on Interstate and Foreign Commerce.

H.R. 14478. A bill to establish a National Institute of Health Care Delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 14479. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to cities for improved street lighting; to the Committee on the Judiciary.

By Mr. ROONEY of New York:

H.R. 14480. A bill to establish a Department of Health; to the Committee on Government Operations.

By Mr. SCHEUER (for himself, Mr. Williams and Mr. Wright):

H.R. 14481. A bill to provide military assistance to Israel in order to assist in the resettlement of Russian refugees; to the Committee on Foreign Affairs.

By Mr. JAMES V. STANTON:

H.R. 14482. A bill to provide for compensation to victims of violent crime; to the Committee on the Judiciary.

By Mr. STUCKEY:

H.R. 14483. A bill to establish in the District of Columbia a system of first part, no-fault insurance for victims of motor vehicle accidents, and for other purposes; to the Committee on the District of Columbia.

By Mr. DORN:

H.R. 14484. A bill to amend title II of the Social Security Act to provide that a woman may be entitled to full old-age insurance benefits at age 60; to the Committee on Ways and Means.

By Mr. DRINAN (for himself and Mr. Fauntroy):

H.R. 14485. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. FISH:

H.R. 14486. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the labels on all foods to disclose each of their ingredients; to the Committee on Interstate and Foreign Commerce.

By Mr. FRELINGHUYSEN:

H.R. 14487. A bill to amend the Federal Aviation Act of 1958 to prohibit the expenditure of Federal funds for certain airport development projects unless the Secretary of Transportation certifies that there has been afforded the opportunity for public hearings to consider the economic, social, and environmental effects of such development and its consistency with local planning, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY:

H.R. 14488. A bill to amend title 38 of the United States Code to assist veterans with a permanent and total service-connected disability due to the loss or loss of use of one upper and one lower extremity to acquire specially adapted housing; to the Committee on Veterans' Affairs.

H.R. 14489. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 14490. A bill to provide for a Veterans' Administration hospital in Brevard County, Fla., to the Committee on Veterans' Affairs.

H.R. 14491. A bill to amend title 38, United States Code, to increase the statutory rates for anatomical loss or loss of use; to the Committee on Veterans' Affairs.

By Mr. OBEY:

H.R. 14492. A bill to amend the Agricultural Act of 1949, to provide for adjustments in the support price of milk during its marketing year, and to require the support level of milk be set at at least 85 percent of its parity price for its current marketing year; to the Committee on Agriculture.

By Mr. PATTEN:

H.R. 14493. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 14494. A bill to amend the National School Lunch Act, as amended, to assure that every needy school child will receive a free or reduced price lunch as required by said act and to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers; to the Committee on Education and Labor.

By Mr. PODELL:

H.R. 14495. A bill: the Senior Citizens' Rent Limitation Act; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 14496. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. RODINO:

H.R. 14497. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 14498. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide increased protection for consumers from interstate shipment of unfit and adulterated food; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN:

H.R. 14499. A bill to provide for the compensation of innocent victims of violent crime, to make grants to States for the payment of such compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of Georgia:

H.J. Res. 1171. Joint resolution authorizing the President to designate the first week in May of each year, as "One Nation Under God Week"; to the Committee on the Judiciary.

By Mr. BINGHAM:

H. Con. Res. 583. Concurrent resolution with regard to Northern Ireland; to the Committee on Foreign Affairs.

By Mr. BOLLING (for himself, Mr. Burlison of Missouri, Mr. Clay, Mr. Hall, Mr. Hull, Mr. Hungate, Mr. Ichord, Mr. Randall, Mrs. Sullivan, and Mr. Symington):

H. Con. Res. 584. Concurrent resolution extending to the Honorable Harry S. Truman, 33d President of the United States, greetings of Congress on the occasion of his 88th birthday, May 8, 1972; to the Committee on the Judiciary.

By Mr. ESCH:

H. Con. Res. 585. Concurrent resolution to encourage an early end to the war in Indochina and to bring about the rehabilitation of Indochina, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Burke of Massachusetts, Mr. Donohue, Mr. Dow, Mr. Edwards of California, Mr. Eckhardt, and Mr. William D. Ford):

H. Con. Res. 586. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. PRICE of Illinois (for himself and Mr. Betts):

H. Res. 933. Resolution expressing the sense of the House of Representatives with respect to actions which should be taken by Members of the House upon being convicted of certain crimes, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. ANDERSON of Tennessee (for himself, Mr. Abourezk, Mr. Adams, Mr. Alexander, Mr. Begich, Mr. Bevill, Mr. Brademas, Mr. Burton, Mr. Clay, Mr. Denholm, Mr. Dickinson, Mr. Dow, Mr. Edwards of Louisiana, Mr. Flynt, Mr. Foley, Mr. Fulton, Mr. Gonzalez, Mrs. Grasso, Mr. Helstoski, and Mr. Hungate):

H. Res. 934. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. ANDERSON of Tennessee (for himself, Mr. Jones of Tennessee, Mr. Jones of North Carolina, Mr. Kuykendall, Mr. Link, Mr. McCormack, Mr. Mallary, Mr. Mathis of Georgia, Mr. Matsunaga, Mr. Mayne, Mr. Melcher, Mr. Moorhead, Mr. Obey, Mr. O'Konski, Mr. O'Hara, Mr. Price of Illinois, Mr. Roy, Mr. Sarbanes, Mr. Sikes, and Mr. Stubblefield):

H. Res. 935. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. ANDERSON of Tennessee (for himself, Mr. Thone and Mr. Harrington):

H. Res. 936. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

371. By the SPEAKER: A memorial of the Senate of the State of Hawaii, relative to the Federal lease program for low and moderate housing; to the Committee on Banking and Currency.

372. Also, a memorial of the Senate of the State of Hawaii, relative to the agreement between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association; to the Committee on Banking and Currency.

373. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to regulation of the televising of certain professional athletic games; to the Committee on Interstate and Foreign Commerce.

374. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the protection of certain endangered species of wild animals; to the Committee on Interstate and Foreign Commerce.

375. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to allowing greater immigration into the United States to the people of Ireland; to the Committee on the Judiciary.

376. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment of a veterans' hospital in the city of Worcester, Mass.; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAREY of New York:

H.R. 14500. A bill for the relief of Sigurd Daasvand; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 14501. A bill for the relief of Chief Petty Officer Edward Francis Burns; to the Committee on the Judiciary.

By Mr. McCLURE:

H.R. 14502. A bill to quitclaim the interest of the United States to certain land in Bonner County, Idaho; to the Committee on Interior and Insular Affairs.

EXTENSIONS OF REMARKS

SCOUTS WORK HARD TO IMPROVE OUR ENVIRONMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Wednesday, April 19, 1972

Mr. BOGGS. Mr. President, young Americans are rightly concerned about environmental excellence for our Nation. During our celebration of Earth Week, I am happy to note that the young people in Delaware are particularly active in action programs that will improve our environment.

Among the leaders in this effort are the thousands of Girl Scouts and Boy Scouts throughout Delaware. Because of its significance, I would like to share the news of their work with the Senate.

The Girl Scouts have developed a most exciting program that will take place today throughout Delaware. These young ladies have named today Tree Plant Day.

Following school, many of the 13,021 Girl Scouts who live in Delaware will visit church yards, State and city parks, courthouses, schools, and nursing homes in the State. Together with Girl Scouts from the Delmarva Peninsula areas of Maryland and Virginia, the girls will plant many thousands of trees, both seedlings and larger trees.

This Tree Plant Day, which commemorates the 60th anniversary of the Girl Scouts of America, is a most impressive effort. I believe it will offer a real benefit to the environment of Delaware in the years ahead.

As importantly, it demonstrates the commitment these young people have to environmental enhancement.

Then during next week, on Saturday, April 29, the Girl Scouts will join with many Boy Scout troops in programs for the second annual Scouting—Keep America Beautiful Day.

The 400 troops of Boy Scouts, Cub Scouts, and Explorer Scouts in Delaware, comprising 14,500 young men, plan to clean up litter from parks and roadsides throughout the State.

Last year's record was a most impressive one, when Scouts throughout Delaware cleaned up 450 miles of highway roadside, hauling many tons of trash away for proper disposal.

The Scouting—Keep America Beautiful Day program is a national effort, undertaken by the Boy Scouts and the Girl Scouts.

I know that all Members of the Senate share my sense of thankfulness for the fine effort of these young people.

Mr. President, to give a better understanding of these various efforts, I ask unanimous consent that a description of the Delaware Tree Plant Day program, and a description of Scouting—Keep America Beautiful Day be printed in the Extensions of Remarks.

There being no objection, the items were ordered to be printed in the Record, as follows:

NEWS RELEASE FROM CHESAPEAKE BAY GIRL SCOUT COUNCIL

17,000 Girl Scouts in the Chesapeake Bay Girl Scout Council will participate in a one day ecology happening on Wednesday, April 19. This single day event was planned to celebrate the 60th Anniversary of Girl Scouting.

In towns, cities and counties throughout the Delmarva peninsula, Girl Scouts will be planting trees in city and state parks, church yards, schools, firehouses and camps. Girls will learn about ecological needs and will take "Eco-Action". Some places, the Brownies will be planting banks of ivy to help stop erosion. There will be all kinds of trees—from inch-high seedlings to tall single specimen trees.

Some of the happenings will be the Rehoboth Beach, Del., troops planting at their church meeting place; 20 girls will be planting trees at the new park in Ocean View, Del. Some Maryland Girl Scouts will be planting at the Rock Hall, Md., Civic Center. In Salisbury, Md., the troops will be planting 500 seedlings at North Lake Park.

Girl Scout Troop 613 of Chestertown, Md., will be planting dogwood trees at the Magnolia Hall Nursing and Convalescent Home. Laurel, Del., girls will plant at the day care center. Seaford, Del., troops are planting at the Kiwanis Park. Snow Hill, Md., Brownie troop 363 will be planting at the Snow Hill Elementary School. Some Salisbury, Md., Brownies will plant something green at Beaver Run School. Federalsburg and Preston, Md. troops will be planting at the Preston School. At Rising Sun, Md., 65 Girl Scouts in troops 307, 129 and 44 will be planting at Hopewell United Methodist Chuch. Senior Museum Aides from Wilmington and Townsend, Del., will be planting at Hagley Museum, Wilmington, Del.

One of the big single plantings will be at the Delaware Lum's Pond State Park. More than 258 girls will actually plant some 1500 seedlings provided by the state. These girls represent 25 troops in the New Castle County area. It is expected that approximately 250 additional Girl Scouts will be at the park for the 4:30 p.m. ceremony.

280 Girl Scouts will be planting silver maple trees at the Alfred I. duPont District Forwood Elementary School, 1900 Westminster Drive, Holiday Hills, north New Castle County. Girls from both the elementary and junior high schools will present the trees to Mr. Edison Blevins, principal, at the official ceremony at 3:30 p.m.

Because the 121 Girl Scouts in the three Brownie and three Junior troops who meet at Lombardy Elementary School, Foulk Road, New Castle County, gave hours of service to the school, the principal, Mr. Peter A. Mollahan is donating two flowering cherry trees to the Girl Scouts for their Tree Plant Day. At 3:15 p.m., the girls will plant these two flowering cherry trees, along with four more of the school's trees.

269 Girl Scouts from 19 New Castle, Del., troops will plant two double flowering cherry trees at 12 noon at the Colwyck Junior High School, Landers Lane, New Castle, Del. The school will not be open that day.

In Easton, Md., 250 Girl Scouts from 11 troops will be planting trees in the new West Street city parking lot at 4 p.m.

103 Wilmington Inner City girls from nine Girl Scout troops will plant a ten foot littleleaf Linden tree in Compton Park. At the official ceremony at 4 p.m., the Girl Scouts will present the trees to the people of Wilmington. It is expected that Mr. Roger Holmes administrative assistant in the Mayor's Office, will be there representing Mayor Haskell.

150 Girl Scouts in ten northeast Wilmington, Del. troops will plant a little maple tree at the Layton Home for the Aged, 35th and Market Streets. During the 3:30–4:30 p.m. ceremony, the girls from the troops will present the tree to the guests of the home. Each troop will sing songs and give personal gifts to the guests. Some of the gifts are expected to be flowers and others will be handmade crafts.

At the Alexis I. duPont Old Middle School, 3130 Kennett Pike, Greenville, Del., 150 Girl Scouts in troops from the Hockessin and Greenville area will plant ten four-foot hemlock trees and 1,100 clumps of crown vetch, a ground cover with a pink flower for soil erosion control on the bank where the bleachers used to be. The need for the plantings were studied by the school's student exterior ecology committee. The Girl Scouts will take action to see the job is done.

In Denton, Md., at 2 p.m., six troops with 110 girls will be planting flowering crab trees at the Caroline County Nursing Home.

Central Delaware Scouts will be planting really big specimen trees at the Redden State Forest. Girls from eight troops will plant eight trees. There will be one elm, two maples, an American Holly tree, blue spruce and cedar. The girls are from Milford, Georgetown, Lewes and Frederica.

The last sixty years have been filled with service to our country, and for our communities. Today there are over three-and-a-half million girls in Girl Scouting. They can make a big difference in the future.

BOY SCOUTS—KEEP AMERICA BEAUTIFUL DAY

The Boy Scouts of America and Girl Scouts of the USA, the nation's largest youth organizations, have been heavily involved in litter-prevention activities for many years.

On June 5, 1971, as the highlight of the Boy Scouts Project SOAR (Save Our American Resources) an annual service project, the Boy Scouts, joined by many other organizations, staged the first annual Scouting Keep America Beautiful Day. It was so successful that it is being expanded in 1972.

Some six million Boy Scouts and four million Girl Scouts are joining forces with Keep American Beautiful, Inc. for the biggest one day cleanup program in American History. That will be the second annual Scouting Keep America Beautiful Day.

This massive cleanup and educational effort involves a major segment of the American public, combining the energies of young people with many organizations and their adult leaders into a program of action. The project is aimed at not only educating and motivating Americans, but actually cleaning the environment.

Scouting Keep America Beautiful Day is a highly visible project and the most significant one-day effort in the Boy Scouts Project SOAR program and the Girl Scouts Eco-Action program. Huge stacks of litter will be accumulated in central locations throughout the country. This litter will be recycled when possible, or disposed or in acceptable ways. For one day—April 29, 1972—national attention will be focused on litter. Millions of people, young and old, working to remove litter from our streets, parks, beaches and other recreation areas, will be seen by millions of others. The point will be made that people litter and that people can control litter.

The greatest benefit for Scouting Keep America Beautiful Day is the educational value for young people. Youth learns by doing, and the habits acquired on this project might carry through a lifetime.

An obvious objective of Scouting Keep America Beautiful Day is to help solve the litter problem itself by cleaning up as much as possible in this massive one-day effort. Experience has shown that the clean-up effort will continue throughout the year and not just occur on April 29. The young people and adults involved, once they see what a clean alley, vacant lot, or sidewalk looks like, will want to keep it that way. It has been shown that people accustomed to a littered environment tend to continue littering. But, when they see the results of a clean-up campaign, they begin to appreciate an improved environment and will want to contribute to further improvement.

A most important objective of Scouting Keep America Beautiful Day is to increase understanding of recycling as an answer to the nation's critical solid waste problem. The collected paper, glass, steel, aluminum and other materials will be recycled, where possible, into new and useful products. Recycling solves two problems at one time. First, it gets rid of the trash that may become litter. Second, it reduces the drain on natural resources needed to make the product. With increasing demands on raw materials from a growing population and with the volume of solid wastes outrunning our ability to dispose of them, recycling becomes the most attractive alternative.

SCOUTING KEEP AMERICA BEAUTIFUL DAY

What was done in 1971

Participants	2,000,000
Tons of Trash Collected	1,000,000
Miles of highways and streams cleaned	200,000
Acres of parks and public places cleared	400,000

What you can do in 1972

Provide assistance through your public relations staff or agency.

Have your facilities available to receive trash from Scouts.

Offer trucks or other transportation to your local Scouts.

Have your town proclaim April 29 Scouting Keep American Beautiful Day.

Publish helpful brochures on how to help solve your litter problem.

Use your imagination in promoting Scouting, Keep America Beautiful Day.

Get out on April 29 and do your part along with your Scouts.

A special committee is providing the financial support, expertise, guidance and active participation at national and youth levels. Representatives of business, labor, conservation and youth groups, and government make up this committee. For additional information on Scouting Keep America Beautiful Day contact Russell L. Bufkins, public relations, Boy Scouts of America, North Brunswick, N. J. 08902; or Lyle Youngstrom, Project SOAR public relations, at the same address. Phone (201) 249–6000.

National Chairman, Scouting Keep America Beautiful Day: David P. Reynolds, executive vice president and general manager Reynolds Metals Company.

Co-chairmen: James C. Bowling, assistant to the chairman, Philip Morris Company, and president, Keep America Beautiful, Inc., and Mrs. Murray Spitzer, Girl Scouts of the USA.

A POEM FROM 8-YEAR-OLD GIRL ON WHALES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAZZOLI. Mr. Speaker, Members of Congress receive hundreds of letters and communications daily from their constituents. All receive careful attention, but only a very few of them are so special as to be unforgettable. Such was the letter I recently received which was in the form of a short poem.

This poem was composed by a little 8-year-old girl who lives in my hometown of Louisville.

Her poem arrived in my office the day before the House deliberated and adopted the Marine Mammal Protection Act. Its timely arrival made final and absolute my earlier determination to support this very necessary piece of legislation.

This poem is simple and childlike. Yet, it deserves inclusion in the RECORD as an example of the proposition that a simple plea, straight from the heart, is often more effective than the most compelling, erudite speech ever delivered.

One final note is in order, Mr. Speaker. If I appear inordinately impressed by this poem, it is explainable.

The little girl who sent this poem to me happens also to be my own sweet, talented and beautiful daughter, Andrea Marie.

Andrea's poem is as follows:

WHALES

Whales must be saved
Some kind of way.
Oh we'll be so happy that day,
To see the whales free at last,
And see the little whales swimming past.

DEFER SHUTTLE PROGRAM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ASPIN. Mr. Speaker, tomorrow I will submit an amendment asking for a deferment of 1 year on the space shuttle portion of NASA's fiscal year 1973 authorization legislation, H.R. 14070.

Briefly, my amendment calls for a thorough study of the shuttle program to be conducted by the National Academy of Sciences in order to accurately determine the real costs and mission of this multibillion-dollar program.

Hopefully, by this means the Congress will be able to determine exactly what the costs of the program will be and to obtain a more precise definition of its scientific and military role.

Pertinent and compelling reasons prompt my action.

First, despite continued assertions by NASA with respect to the costs, the fact is considerable cost uncertainty exists. Even the $5.15 billion development cost is squishy soft and an opening door to additional costs that could exceed $35 billion or more. The authors of NASA's Mathematica study have testified to the Senate Aeronautical and Space Sciences Committee that the cost for the shuttle could exceed by many billions of dollars—due to great cost uncertainties—the figures constantly paraded by NASA.

Testimony by NASA itself fails to disclose this information and I feel that NASA has been less than candid in its presentations to the Congress.

Second, considerable skepticism must be accorded the proposed program for the space shuttle. Clearly, the facts indicate that NASA itself has no precise idea what the program will do. We need to know what the scientific program will be. We should know the scientific values and goals of the program before blindly voting to fund this program.

Third, Congress has yet to hear a straightforward presentation of the military implications for the shuttle. We need to know the interrelationship of the military mission, including payload costs and capacity, to the entire program. Obviously, military aspects loom large in NASA and Air Force plans. We are not certain how much of a military program is planned. If this aspect is significant—as it appears to be—then military costs should help develop and pay for this program. In addition to the important cost factor, international cooperation is expected to play a pivotal role for the shuttle. Cooperation with the Soviet Union and other nations will assuredly be affected by the military role. These questions need answers.

Finally, there appears to be a great deal of misunderstanding in the Congress with regard to the degree of "prosperity" the shuttle program will bring to an ailing aerospace industry. If NASA is correct in its program projection, only two to five shuttle vehicles and attendant supporting equipment will be fabricated. There is a short-lived program of a few years' duration with resultant short-term employment for somewhere between 30,000 to 50,000 workers, spread over some 30 States.

Thus, there are three basic areas that need answers before the shuttle can be approved.

First, how many billions of dollars is this going to cost the taxpayers?

Second, does it make sense to spend $5 billion or more to create 50,000 jobs for only 2 or more years?

Finally, does the program have significant military value and, if so, then why not include its costs in a military budget?

These and other related issues need clear and precise answers before we in the Congress vote a go-ahead on the shuttle program. I urge you to think hard about this program that is vague and ill defined, then vote to support my amendment to defer it for 1 year and evaluation by unbiased scientists.

I believe that Congress may have been sold a bill of goods, based on flimsy evidence, that is likely to plunge taxpayers into a 10-year billion-dollar commitment to justify NASA's space shuttle project.

THE COMPELLING NEED FOR RENT GUIDELINES REFORM

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HELSTOSKI. Mr. Speaker, after months of foot dragging and indifference to the economic plight of thousands of tenants being subjected to rent gouging under the administration's guidelines, the Rent Advisory Board last Friday finally held a day of public hearings on the rent regulations. While this belated evidence of concern with the impact of the guidelines is to be applauded, it is questionable whether the parent Price Commission will bestir itself in the near future and promulgate effective and uniformly fair rent regulations. Those of us in Congress whose constituents were being slapped with unconscionable rent increases while the Price Commission adopted a policy of "malign neglect" will be watching closely for concrete results from the Advisory Board's hearings.

One of the witnesses at the hearings last Friday was Mr. Martin Aranow, president of the New Jersey Tenants' Organization. In his testimony, Mr. Aranow presented a compelling indictment of the inequities and ineffectiveness of the current rent guidelines and made several positive recommendations for reform. I endorse Mr. Aranow's testimony wholeheartedly and include his prepared statement to the Rent Advisory Board at this point in the RECORD:

TESTIMONY OF MARTIN ARANOW, PRESIDENT, NEW JERSEY TENANTS ORGANIZATION, FORT LEE, N.J.

My name is Martin Aranow. I am President of the New Jersey Tenants Organization, a statewide tenants association of over 500,000 members that encompasses all racial, ethnic, age and economic backgrounds, and that in the period of two short years has transformed archaic landlord tenant relationships in New Jersey into one approximating equality.

I am here today to speak on behalf of these members, working men and women whose wages have been frozen by governmental fiat at 5.5% while they watch their greatest single expenditure—their rents, rise 15 to 45%. These are men and women who looked to you for help and have instead received nothing but added confusion, insecurity and an even greater fear of their landlord than they had before.

Gentlemen, whether by design or error, the interim regulations between November 13th and December 29th, and the Phase 2 regulations have been a total and complete failure. The guidelines do not guide, the controls do not control, and the enforcement machinery does not enforce.

Rather than ease the inflationary spiral, rather than recognize how much the consumer, the tenant, had been hurt prior to the freeze, rather than deal with the problems you faced in public so that positive recommendations could have been given, preventing the maze of confusion, you secretly created these guidelines. Your regulations have created confusion, has created a citizen distrust of government and has encouraged an all pervading cynicism over our entire political system.

However, my purpose here is not to dwell on the thousands of individual cases we have been forced to deal with. I assume that these hearings have been called to re-evaluate the guidelines so that a more equitable workable program will evolve. I would like to cover two areas. First, I would like to highlight what is wrong with the current program and secondly, I would like to offer what I consider the minimum standards of regulations that would be acceptable to New Jersey tenants.

Prior to detailing the errors in the current program I would like to make two concepts clear to you. In New Jersey we are currently attempting to have our legislature enact a reasonable program of rent legislation which we call "rent leveling." New Jersey's powerful real estate interests vehemently oppose this program claiming it is rent control. Their argument and I quote "You cannot control one sector of the economy without controlling the other. The only controls that would be acceptable on rents would be part of an overall wage-price-rent control." unquote. New Jersey landlords agree to be limited by federal controls and yet have been given license to increase rents to fantastically high levels.

Secondly, the severe housing shortage which we face in New Jersey and in the northeast may be shared by other sections of the nation. Where the housing shortage exists reforms of these guidelines are crucial. Although it would be ideal to have uniform regulations, we do not have a uniform nation and exceptions must be made. This possibility must be faced.

Now, what is wrong with the regulations. To begin with, the rent increase formula—highest average transaction: First, as I mentioned earlier, when a man's wages are limited to 5.5%, you morally cannot allow his greatest annual expense to rise anywhere from 10 to 45%. Secondly, you discriminate between tenants with and without leases. Third, allowing rents to increase in this manner is inflationary and does not adhere to the purpose controls were adopted. Is there any wonder why our citizens are losing faith in government? Fourth, you permit a single transaction to determine the percentage increase for any number of tenants. One 25% transaction could allow 2,000 tenants to have their rents raised 25% in a large apartment complex.

Fifth, the interpretations of the regulations are so varied and confusing that the Internal Revenue Service cannot agree on them not only at various offices throughout the State, but even within their own office at a single location. Sixth, the burden of disproving a landlord's claim that he is entitled to a rent increase falls on the tenant, the one who is least competent and able to disprove it. Aside from not knowing what to look for within leases, he must often take time off from his work to examine the records.

Taxes—A tenant is liable to pay any increase in taxes. However, there is no provision for the tenant to receive a rent reduction in the unlikely event taxes are reduced. It is only equitable to provide the same treatment to both parties. In addition, there is no incentive for the landlord to file a tax appeal to lower the taxes. If the landlord does file a tax appeal, the tenants receive nothing. If the appeal is successful, the landlord has additional windfall profits. In addition, landlords who delay tax payments into quarterly payments are charging unsuspecting tenants 1971 taxes and not 1972 taxes. This must be stopped.

Productivity—There is absolutely no provision for a tenant to appeal for reduced rentals because the landlord has cut services and maintenance in order to increase his profit margin. If the landlord is allowed a basic rent increase to cover increased costs, equity dictates the tenant must be able to reduce rents for reduced services and maintenance.

Escalation clauses—Some landlords are granting long term leases which tenants are forced to sign with minimal increases the first year and exhorbitant increases the second year. In addition, many leases now being written include clauses that permit 15% or greater rent increases as soon as controls are lifted.

Cut off—To those upper income tenants in luxury buildings we ask why are they exempt from controls if their rent is over $500.00 per month. Why not $400? Why not $300 or $200? The fact is that this cut off figure is arbitrary, discriminatory and probably illegal. To eliminate from controls certain rentals is like using Orwellian logic "all tenants are equal but some are more equal than others."

Retaliation—There has been virtually no protection from a landlord evicting or threatening to evict a tenant for either complaining to the Internal Revenue Service or other public body about what he believes are questionable landlord practices.

There are numerous cases where the tenant has been evicted before the I.R.S. has had an opportunity to investigate. And finally the role of the Internal Revenue Service and the U.S. Attorney's Office. Rather than describe the cases in which various offices did not act on complaints, rather than describe the incorrect information disseminated by various offices, and rather than question why only a handful of cases were prosecuted suffice to say that the thousands of complaints that have been received, indicated they are not doing the job. Or, we could assume they were doing as much as they could do with the handicaps you gave them with these guidelines.

To summarize these and other objections let me say that any program that is subject to a variety of interpretations is a bad program. Any program that puts the burden of proof inequitably on the party who is least able to prove the validity of the program is a bad program. And finally, any program that is not simple to administer and understand is not only a bad program but a very costly program.

What can be done to correct these objections? It appears to me that you must not only correct these current injustices but you must restore peoples faith in government by correcting any injustices that occurred earlier.

The recommendations I intend to make are not to swing the pendulum from the landlord to the tenant but to enable equity to exist between both landlord and tenant. These recommendations are solely intended to protect people and have the rent guidelines carry out the purposes and intent of the Economic Stabilization Act—to curb inflation.

Rent increases—There must be three criteria for rental increase formula. First, the month to month or shorter tenancy. Secondly, the tenancy greater than one month and up to 12 months. Third, leases that have been in effect for longer than 12 months. For simplicity the month to month tenant would continue the present program except with modifications outlined later.

The final determination for rent increases will be August 15th, 1971. Any tenant who had a 12 month lease expiring after August 15, 1971 can receive no greater increase in rent than 2.5%. Any tenant who had a lease of longer than 12 months expire after August 15, 1971 can have no greater increase than 5%.

Any leases that were signed at higher rentals according to the interim or Phase 2 guidelines wil be rolled back to the above levels. In addition, any money that the tenant paid over these levels will be rebated to him in the form of credits against future rentals during the balance of the lease.

Make no mistake, your guidelines have encouraged hardships for tenants and encouraged rent gouging. I stress that I am requesting not only roll backs to August 15, 1971 levels, but rent rebates. I would like any member of the Commission to be able to justify why the tenant whose wages were frozen at 5.5% should not have returned the excess in rent he has been forced to pay.

I would like to cite another reason I feel rent rebates must be granted. Prior to the announcement of the interim regulations Chairman Grayson warned landlords not to raise rents until the rent guidelines were issued. Landlords of month to month tenants ignored the request despite repeated warnings. When the guidelines were finally announced and the rents rolled back to the September 1st level, landlords were allowed to keep whatever increases they managed to get. Despite the fact, landlords were warned not to increase rents they were rewarded by allowing them to keep what they had extracted.

Fixed percentage increases are not subject to various interpretations, which is one of the downfalls of the current program.

Taxes—Increased taxes are a reasonable expense to pass on to the tenant. However, the regulations must provide that decreases in taxes are also passed onto the tenant lowering the rents. In addition, the landlord must be given incentive to file for a tax appeal. Should he be successful he should be able to recover money and after expenses so should the tenant.

Productivity—The tenant must have the right to reduce his rentals if the landlords has reduced services and maintenance.

Repriasals and coercion—Reprisals and cocercion cover many terms from outright evictions to enforcement of obscure lease provisions. The landlord who utilizes this tactic of "fear" must know that if he attempts a reprisal, the tenant himself can have injunctive relief for those who can afford an attorney and a defense in eviction proceedings for those who cannot afford an attorney. If a tenant complains to a public official about regulations, if he lodges a good faith complaint with his landlord about conditions, if he does little more than exercise his constitutional rights of freedom of speech, he must be protected.

Your regulations must make reprisal a defense in eviction proceedings. It must utilize the language that this defense can be raised for the tenant refusing to comply with the terms of tenancy "if altered substantially" by the landlord.

This will cover any retaliatory act. What is crucial to their defense or injunctive procedure is that once reprisal is raised as a defense a "rebuttable presumption" is created where the landlord has the burden to prove he is not taking a reprisal. If he can prove he is not taking a reprisal the tenant could be evicted. If it is a reprisal the case will be dismissed. Tenants must have the right to sue for civil damages and the government must also have the right to sue for damages.

This protection is essential and without it any regulations are meaningless. Whenever you have a housing shortage, the tenant is not in an equal bargaining position.

Eliminate tenant exemptions—All tenants regardless of what their rental should be protected by the federal guidelines. The $500 exemption should be eliminated. We sometimes forget that rich people are still people and should not be discriminated against merely because they are rich.

Appeal procedures—By removing the heavy administrative burden on the I.R.S., by providing fixed percentage levels, an appeal mechanism should be created so that tenants or landlords who wish to appeal can go before a panel. Perhaps two I.R.S. representatives and one Deputy U.S. Attorney can serve as hearing examiners Both tenants and landlords shall be notified of a pending appeal and each side will be asked to present an evidence. In this manner we are again being equitable.

Gentlemen, I would like to conclude by requesting that you carefully evaluate my criticisms and recommendations. I urge you to view these proposals not in terms of facts and figures but in terms of people. People who you have asked to weed through a landlord's books, interpret complicated leases, and decipher complex rent formulas. People who overcame a fear of eviction to register complaints. People who stood on lines outside the I.R.S. office or who heard the busy signal on the I.R.S. telephone. People who wrote United States Congressmen and Senators and were told there was nothing that they could do.

In short gentlemen, we are still a nation of people and the first consideration of any government must be the concern over the general welfare of the people. This has not been done thus far and I urge you to recognize that what is good for the people makes good policy and good politics.

NATIONAL URBAN LEAGUE ON THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HAWKINS, Mr. Speaker, on March 30, 1972, Mr. Vernon E. Jordan, Jr., executive director of the National Urban League, persented testimony before the Senate Subcommittee on Education on the Equal Educational Opportunities Act and the Student Transportation Moratorium Act. In his testimony, Mr. Jordan points out that the legislation would deny equal protection of the laws and equal educational opportunity for minority children.

Mr. Jordan is a brilliant and articulate leader of one of America's most important institutions which devotes its resources to secure equal opportunity for black Americans and other minorities.

Because quality education is a national priority, I am pleased to submit for the RECORD Mr. Jordan's statement so that my colleagues will have an opportunity to analyze the suggestions made in considering this legislation:

TESTIMONY OF VERNON E. JORDAN, JR.

Mr. Chairman and members of the Subcommittee, my name is Vernon E. Jordan, Jr. I am the Executive Director of the National Urban League.

The National Urban League is a professional, non-profit, non-partisan community service organization governed by an interracial Board of Trustees and founded in 1910 to secure equal opportunity for black Americans and other minorities.

The League seeks solutions to problems of income, employment, education, housing, health and civil rights for the masses of black and brown Americans who want a better way of life. It recognizes that any meaningful and significant changes in these problem areas rest with changing the network of systems which produce black-white disparities.

It works through local affiliates in 100 cities located in 37 states and the District of Columbia, five regional offices and a Washington-based Department of Government Affairs. These units are staffed by some 2,000 persons, trained in the social sciences and related disciplines, who conduct the day-to-day activities of the organization throughout the country.

Strengthened by the efforts of more than 25,000 volunteers who bring expert knowledge and experience to the resolution of minority problems, the National Urban League is unique as the only national educational and community service agency which devotes its entire resources to the use of social work and research techniques for bettering the lives of the disadvantaged and for improving race relations.

Mr. Chairman, it is a sad commentary on the moral state of this nation that I am here to talk about equal educational opportunity. It is my belief that the bill being considered by your committee and the Student Transportation Moratorium Act, of which it is an inseparable part, in intent and meaning, represent a dangerous first step in the process of arresting racial progress and reinstituting the immoral system of segregation. The proposed legislation is wrong in its approach to the problems; it induces a psychology of defiance of the law and of the Constitutional rights of minority citizens; it will give many people sanction for resegregation; it is a betrayal of the millions of Americans—white and black—who have struggled to overcome the discredited system of racial segregation; it panders to the worst in the citizenry, at the expense of the most noble ideals in our heritage, and it threatens a grave Constitutional crisis based upon its unwarranted limitation of the powers of the judiciary.

For eighteen years, black Americans and concerned white citizens have labored to win compliance with the Supreme Court's *Brown* decision. For nearly two decades, we have put up with violence, intimidation, open defiance of the law by school districts, covert defiance of the law, and a multitude of strategies designed to maintain segregated schools. Now, as we stand poised at the brink of the final dismantling of the dual school systems, the Congress is considering not only these newly proposed bills, but several other bills and proposed Constitutional amendments, all of which would return us to the evil system from which we are struggling to escape.

I must point out that the current crisis over desegregation is not so sudden as many would have us believe. For nearly two decades the law has been defied at will; for nearly two decades, school systems have had the opportunity to correct past segregationist patterns. And throughout these nearly two decades of deceptions and lies, the executive branch, the Congress, and above all, the courts, have been stalwart in insisting upon the desegregation of the schools. I would hope that this committee and this Congress will refuse to become a party to the betrayal of the ideals that have informed the actions of the government over these past 18 years.

In the *Brown* decision, the Court ruled that "separate educational facilities are inherently unequal." It thus ruled that the end of such schools is a Constitutional right and a legal obligation. The following year it ordered the dismantling of the dual school system "with all deliberate speed," a verdict that has been followed more with deliberation than with speed. In 1968, in the *Green* decision, the Court ruled that freedom of choice plans, similar to those permitted by the proposed new legislation, were unacceptable and that segregation must be eliminated "root and branch." And in last year's *Charlotte-Mecklenburg* decision, the Court unanimously upheld busing as a means of achieving desegregation and insisted that "desegregation plans cannot be limited to the walk-in school."

The legislation the Congress is now considering flies in the face of these landmark decisions and would insure that segregated schools will persist in this nation and that the Constitutional rights of black and white children will be compromised. The issue has focused on busing, and the debate has been disfigured by popular myths and misconceptions of busing and its role. Busing is not an end in itself. It is but one of several mechanisms which can be used to desegregate illegal and unconstitutional segregated schools.

It is often said that the issue is massive busing to achieve racial balance. This is a gross distortion of the facts. American school children are not bused for racial balance. Busing, as ordered by the courts and other governmental bodies, takes place for one reason only—to desegregate segregated schools. Further, busing is a phony issue in that children have always been bused. Forty percent of all American school children are bused, the vast majority for reasons that have nothing to do with desegregation. Only about three percent of children are bused for purposes of desegregation, and it has been estimated that even today, more children are bused to maintain segregation than to overcome it.

It is also a myth that court-ordered busing imposes unreasonable burdens upon school children. This is generally false, but if any such instances are demonstrable, the remedy lies in the courts and not in legislation or in Constitutional amendments that would frustrate the larger purpose of desegregation. In many southern school districts, court-imposed busing plans have resulted in less travel time and less riding mileage than previously. One North Carolina educator has testified that buses in his district are "travelling 15 fewer minutes per day to achieve integration than they did to achieve segregation." And in many districts, black children have borne the major part of the busing burden, as previously all-black schools have been closed because they were clearly inadequate and white district officials refused to allow white children to attend them. Therefore, it is the black children who must be bused to previously all-white schools. Such remedies as may be called for in rare cases of unreasonable amounts of busing are clearly dealt with in the appellate process. In the *Charlotte-Mecklenburg* decision, the Court indicated that it would disallow capricious or unreasonable busing, and that it would not accept busing to achieve racial balance. There is then, no need for Congressional action, in itself dubious on Constitutional grounds.

The proposed legislation is reminiscent of the language of the majority opinion in the infamous *Plessy vs. Ferguson* decision of 1896, in that it would revive the discredited "separate but equal" doctrine that is clearly a denial of the equal protection clause of the Constitution. I must remind this Committee and the Congress that what we are dealing with are sacred Constitutional rights, that must not be trampled upon if we are to remain a free nation with pretensions to democracy and openness.

I speak from experience, as one who was denied equal educational opportunities. As a student in the segregated David T. Howard High School in Atlanta in 1951, my 11th grade classmates and I studied geometry from beat-up, yellowing and marked textbooks used in 1935, the year of my birth, by white students in the all-white high school. Even with these hand-me-downs, my experience was still better than that of generations of black children whose segregated schools closed early to give them time to chop cotton in the fields while white children rode by on school buses bound for the education that would enable them to escape poverty.

I submit that this proposed legislation would destroy the impetus to desegregation and create the conditions that would allow a return to those days and those practices. It would be far too easy to neglect the racial feelings that are at the root of the national hysteria over busing and that this proposed legislation encourages. It has become a mandatory cliche for people in public life to deny that racial prejudices have anything to do with the busing controversy. Mr. Chairman, the truth, ugly as it is, must be laid on the table. I do not believe that the busing issue would gain the prominence it has, if many white Americans did not cling to the notion that their kids must not go to school with black children. It was never an issue when black kids were bused past all-white schools to attend all-black schools; it has only become an issue as desegregation has begun to become a reality.

The Wall Street Journal of March 20 ran a remarkably frank article that reveals this fact. The Journal talked with residents of Coy, Alabama, a town that used busing extensively to maintain segregated schools, but is now under orders to desegregate. The report quoted one man as saying that his grandchildren, "ain't going on a bus with a bunch of niggers to a school with nigger teachers." To the residents of Coy, busing isn't busing unless black children are aboard. "As long as we don't have niggers on there, it's not busing," said one woman. "Busing is making the white children get on with the niggers." And a pillar of Coy's society, a state senator with a masterful gift for logic, declared: "We don't call what we've been doing busing. That's just carrying the children to school. If a kid's got to ride a bus 50 miles to get to school I'm in favor of it. But I'm not in favor of carrying them one mile to achieve integration."

Sickening as these feelings are, at least they are frank and honest. One must respect honesty, no matter how misguided. But when some white people in northern cities, like Buffalo, New York, which recently defied the state's orders to bus to desegregate, insist that race plays no part in their motives, then we are face-to-face with hypocrisy of the first order. And, Mr. Chairman, I would suggest to you that such hypocrisy is part and parcel of the proposed legislation. for it aids and abets those who would subvert the process of desegregation in language dripping with the honey of meaningless guarantees for denial of discrimination and concern for equal educational opportunity. But the result of this bill would be to deny equal protection of the laws and equal educational opportunity for minority children, as well as seriously retarding the ability of white children to prepare themselves for life in a multi-racial society and a multi-racial world.

And this proposed legislation is hardly calculated to increase respect for the law and for the Constitution, inasmuch as it represents a grave challenge to the finely wrought system of checks and balances that is the keystone of the American system of government. It constitutes a frontal attack on the separation of powers. The proposition that Congress has the right to put limits on the ways in which the courts can enforce the Constitutional rights of citizens is a revival of the doctrine of interposition and is a gross usurpation of the prerogatives of the judicial branch of government by a co-equal branch, the legislative. Basically, this proposed legislation suggests that Congress can stop the courts from ordering busing to make school districts comply with the law and with the Constitution. This, in spite of the multitude of court decisions establishing the role of the judiciary in defining Constitutional right and decisions on school segregation and busing.

I would hope that the Congress will reject this dangerous and unwarranted disruption of its established Constitutional role. I would hope that legislators will resist the temptation to act recklessly and expediently in an election year, counting on the ultimate negation of this legislation by the Supreme Court sometime after the polls close. History is strewn with failed civilizations and nations that acted on short-term expedience, thus undermining the legal order and social values that kept their societies viable.

At this point, I am impelled to point out that the overwhelming majority of the black community sees this proposed legislation as a dangerous threat, not only to the Constitutional process, but also to further progress in racial reconciliation. Many people have seized upon the anti-busing statements of a vociferous minority to prove that black people are against busing. The legitimate ghetto cry for community control is taken as an indication that black people do not want their children to go to white schools.

The fact is that most black people are solidly for busing to desegregate the schools. Most black elected officials support it, from the Congressional Black Caucus on down to lower elected offices. Concern over the proposed legislation has even been publicly voiced by black appointed officials within the Administration. The fact is that most black people are not fooled by the apparent increase in funds for ghetto schools. We know that the money in the Equal Educational Opportunities Act of 1972 is simply a transfer of funds from Title One and from other pending legislation. I must point out that these funds are but a drop in the bucket, compared to the need. Presented in their present form, they represent a thinly veiled bribe to accept resegregation accompanied by the pretense of increased compensatory education for the poor.

But even if the principle could be swallowed, the funds provided by this legislation are grossly inadequate. It has been estimated that up to $15 billion will be required to undo the damage wrought by decades of neglect, to provide the buildings, teachers, equipment and peripheral services required by students who have been victimized by poverty and a denial of basic needs and services.

And the cry for community control and participation is not met by this legislation, either. The black community's desire to control the institutions that serve it will not be met by funds going to predominately white school boards for eventual allocation to poverty-area schools; those funds will still be controlled by the white establishment including, in some cases, school boards and district supervisors that have resisted desegregation for the past two decades.

It is my feeling, and I believe that of the majority of black people, that the schools should be desegregated and that busing is one of a number of legitimate means of achieving that desegregation. And I fully recognize that some schools will remain all or predominately black. In some areas there simply are no whites to integrate with. In those schools every effort must be made to involve the black community in the decisions affecting their children and in the administration of schools and funds so that adequate education is achieved.

It is clear that I reject the proposed legislation in its entirety, and therefore there is no need to discuss specific articles in detail. I should point out however, that black people can have no faith in those portions of the proposed legislation that purport to insure that no state or locality will deny equal educational opportunity. Our experience with anti-discrimination clauses in legislation has been that they are not enforced and only casually complied with. Their existence here, as part of proposed legislation whose ultimate effect would be to deny Constitutional guarantees of educational opportunity and to rollback the process of desegregation is especially ironic.

At the root of this proposed legislation, is a feeling among many people that there has been enough integration; that the country must now pause and consolidate the gains that have been made, and that the proposed moratorium on busing is a good way to do that. I will not here deal with the question of how much is enough, or of what percentage of his rights any citizen should be denied. I merely wish to point out that the moratorium is not a pause in an ongoing process of desegregation, but rather it is the rollback of what has already been achieved. Under the proposed legislation any school district under court order to bus children to desegregate the schools can go back to the lower courts and ask for a revision of the order to comply with the new law. This, and other features, means that many districts that have reluctantly desegregated can go back to separate schools. And the psychological effect of a moratorium on busing is to instill among many white citizens and among school boards the conviction that they need never desegregate.

The debate over busing is reminiscent of the debate in the early sixties over the desegregation of public places. Then as now, the basic issue was one of access. There is no inherent virtue in sitting next to a white child in school, just as there was no inherent virtue in sitting next to a white person at a lunch counter. But there is considerable inherent virtue in equal access to the rights and privileges of this society—and that is what the civil rights struggle today, as in the sixties, is all about. So long as this society has pretensions of being democratic and open, and so long as the resources of public education are concentrated in the hands of the majority white population, the schools must be integrated.

Mr. Chairman, it is my hope that this Committee and the Congress will not let itself be stampeded by the artificially inspired public hysteria over the supposed "issue" of busing. It is my fervent hope that it will provide the leadership and the understanding that will overcome the shrill voices of those discredited, but still powerful elements in our society who refuse to accept the principles and values of equality that have informed our nation and provided the impetus for the giant leap to freedom made by this Congress in the decade past. This ill-advised proposal for a moratorium on busing is actually a moratorium on human rights. Because of the fact that the proposed legislation is based on misconceptions about the role of busing in achieving desegregated schools, and because it will have the effect of halting the desegregation of our society, and because its passage will result in a Constitutional crisis of the utmost gravity, I respectfully urge you to reject this bill, and its companion measure.

If legislation is called for, it should be legislation that increases the speed of the process of desegregation; it should be legislation that supports the courts rather than diminishes them; it should be legislation that provides ample funds to educate our children; it should be legislation that once and for all ends the poverty and deprivation that afflict millions of minority youngsters, and it should be legislation that heals our divided nation and brings it together again, rather than legislation such as that before you now, which rubs salt in the wounds of a racially divided society and drives it further apart.

As the President has so eloquently stated, we must, indeed, "strike a balance which is thoughtful and just; to search for answers that will best serve all of our nation's children." Measured by that test, I have confidence that this Committee will reject this proposed legislation and provide the moral leadership our nation so sorely needs.

Thank you, Mr. Chairman.

ISRAEL—AN INSPIRATION TO ALL THE WORLD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. GRASSO. Mr. Speaker, the State of Israel is an inspiration to all the world.

This 24th anniversary is a proud monument to the cause of national independence, a brilliant testimony to unstinting courage and perseverance.

Israel is a little country that boasts a great people. Threats and suffering, the brink of danger as well as its midst have been constant companions to be lived with, endured, and turned into strengths.

A wealth of talent and a will of steel have enabled this remarkable people to flower a desert in the very shadow of the adversary. Irrigated land more than quadrupled and cultivated land doubled in the first two decades of independence. Since statehood, thousands of acres of swamps and desert, marshes and eroded hills have been claimed and made to bloom. Besides agricultural development has come far-ranging economic development, which has projected Israel since independence from the level of other developing countries to an economic position superior to some of the Western European nations.

Mr. Speaker, Israel is a modern miracle that grows in fortitude and strength. Her people pray for peace—as we all do—and still we read too often of the incidents of war in the Middle East.

Israel needs resources for further social and economic development—to help new settlers make a new life. And they need the assistance to assure defenses in the event of war.

Hopefully, increasingly large numbers of Soviet Jews will be allowed to migrate to Israel.

HOPE IN DOPE

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, when we calculate the costs of unemployment we tend to add up only the economic ones and overlook the indirect negative effects that are less easily measured. The social price that this Nation pays for unemployment is probably incalculable in its entirety, because damage to the fabric of our society and most especially to our youth is so deep that we have difficulty discovering its extent.

Jobless youths are now turning to drugs in their aimless wandering among the streets of those areas particularly hard hit by the downturn in the economy. They are prime targets for pushers who offer the young "hope in dope." An editorial in my district paper, noting the findings of scientists in a University of Michigan study on narcotics habits, says that the highest drug usage is among unemployed young people and military persons. Corresponding harm is inflicted on the rest of the citizens when addicts must commit crimes in order to support their habits.

We must ask ourselves what else is being destroyed or disrupted among the young today? The security and fulfillment that come from a career or even from steady employment is unknown to them. Unlike those with considerable work experience who have had the taste of honey that a job can bring, the young see no tangible reward for educational or training efforts. The satisfaction and delight from the world of drugs, no matter how illusory, offer a hope more easily attained. This country must face the fact that for a young person the ease of obtaining any kind of drug on the street is far greater than obtaining a job.

The horrible truth is that in all of 1971 the average unemployment rate for 16- to 24-year-olds was 13 percent, more than double the rate for everyone else. Even sadder is the fact that in March 1972, the rate for the same group was up to 13.2 percent.

There are currently 2,624,000 youths without jobs who are potential addicts, potential criminals to support their habits, and further, potential discontents with "the system."

The editorial follows:

[From the Hudson (N.J.) Dispatch, Apr. 7, 1972]

JOBLESS TARGET FOR DOPE

The sluggish economy, particularly the incidence of high unemployment, has caused another serious problem, which may not be readily apparent. It lies in the point that dope usage is highest among youths who are without jobs.

With the tight financial conditions, it has been more than amply evident that many young people are just wandering around the streets looking for something to do. Particularly is this noticeable in the urban ghetto areas of Hudson County, of Newark and New York City.

So, not having anything to do, what happens? The dope pushers get active and crime correspondingly increases as the young men —and some women—try to get cash to pay for their habit. This is the isidious circle within a circle on all of this.

The point about the high dope usage came out the other day in a nationwide examination of narcotics habits among young people by a group of scientists at the University of Michigan's Survey Research Center.

It found that the highest rates of drug use are among unemployed youths and in military camps, not on college campuses. College students were found to be using drugs at a rate about equal to that of the average for people of the same age in all walks of life.

While this gives encouragement to the parents of college students that they are not going off the "deep end" on narcotics, it is disturbing to see the report on the jobless youths and those in service, with the unemployed young people "hooked" the worst.

And, you'd better believe that dope peddlers know all of this. Note that wild nightclub shootout in Atlantic City by gunmen from rival Philiadelphia narcotics gangs in which three young women and a millionaire heroin pusher were killed.

This all ties in. It's a real problem, no matter how you try to equate it. It needs the thinking and doing of everyone if we are to prevent the spread of the narcotics scourge among any more of our young people. We've got to keep alert to all of this.

A COGENT POLITICAL ANALYSIS BY MR. PAUL PARKS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HARRINGTON. Mr. Speaker, our colleagues who constitute the Black Caucus recently cosponsored a vigorous and stimulating meeting in Cambridge, Mass., on the subject of national black priorities. One of the interesting papers presented to that caucus was a cogent political analysis delivered by Mr. Paul Parks. Mr. Parks is director of the model cities program in Boston, and has held that post since 1968. Prior to that, he was a distinguished architect, who compiled an impressive community-oriented record, both in his profession, and as chairman of the Education Committee of the Greater Boston NAACP.

As model cities director, he presides over an integrated area of Boston which has all of the ills of any old, urban center, and he has discharged the responsibilities of that very demanding job with great distinction.

I am pleased at this time to be able to make available to my colleagues Mr. Parks' forthright discussion of current American politics, especially as that relates to the black people of our country:

PROPOSAL BY PAUL PARKS, MODEL CITY ADMINISTRATOR FOR THE CITY OF BOSTON TO THE NATIONAL BLACK CAUCUS ON NATIONAL BLACK PRIORITIES

The position of Black Americans in our country has reached a crisis. The Nixon strategy has had the effect of making the scapegoat for the urban ills the black man because of the inability to carry out a legitimate solution to the war in Vietnam. Further, the inability to find an effective solution to rising unemployment and inflation. It was and is necessary to divert the American public's attention from these issues to some other issues that would have an emotional impact on the most affected group of American citizens.

These are the American citizens that make up our solid middle-class. These are the people who are now, in addition to the poor, finding it difficult to survive. This group of people are now finding themselves unemployed or under-employed. This group of Americans had considered themselves to have made it. Now they are faced with the possibility that they may not indeed have made it. They just can't afford to do the things that just a short while ago were possible. They are having trouble keeping the home in good repair, they can't afford to protect the family's health as they would like; health costs are just too high. They have trouble sending the children to college because this cost has become prohibitive and their income just cannot keep pace with escalating college costs. This group of people are groping for an answer as to why they are in this dilemma. The Nixon Administration has given them a reason—black people.

First, there was an attack on the press for being too liberal. This attack was to be sure that the press would be at least an unwitting participant in the new national strategy. It soon became apparent that being too liberal meant too liberal toward blacks.

Then came the attack on the welfare system. The symbol of welfare became the "less than moral" black mother with a flock of fatherless children. Even Time Magazine did an article on welfare and the front cover had the picture of the symbol of the welfare system, a black mother with her fatherless children, as if everyone is unaware of the fact that there are many more whites on welfare than blacks. Suddenly blacks are sloven, lazy and immoral and, therefore, they are causing the high tax cost that is needed to meet the needs of the huge welfare system. Black people are now the scapegoat for high welfare costs.

The one money source in Washington that has not dried up is Safe Streets money. Crime in the streets has been defined as a major urban issue. The press, particularly television, and also the newspapers have again supported the strategy by picking up the issue and are depicting the inner city black communities as being the centers of American urban crime. If the media attempts to be fair, they always show crime as the most integrated institution in America. Once again the scapegoat for the national costly crime rate is black people. Unfortunately there is just enough documentation to illustrate the case for blacks involved in crime. In fact, there are more whites committing crimes than blacks. The cost of crime is very high on the taxpayer. This is a very highly charged emotional issue. Everyone wants to know why the crime rate is so high and the scapegoat once again is black people. Black people are fast becoming the symbol of the high crime rate in America.

Then the busing issue. This may turn out to be the most insidious and dangerous to blacks of all of the urban problems. Busing—to provide a solution to the fact that the Supreme Court ruled in 1954 that separate but equal was in fact not equal and indeed in violation of the fourteenth amendment of the constitution. Up to the time that the school bus began to move children about to implement plans for desegregation of schools, the school bus was a legitimate means of transporting children for one reason or another. Now this vehicle is a detriment to the health and welfare of children. Let us not be deluded, the problem is very simple, busing per se is not the issue, but what is at issue is that many of these school buses are carrying white children to schools in all black communities. Buses carrying children to all black schools, which everyone knows to be inferior, at least most whites would and do say this. Why are they inferior, not because of the fact that many school districts are spending much less per capita to educate the black children in these all black schools than their white counterparts, but they are inferior because the children who are black and attend them are culturally deprived and who would want their culturally advantaged white child attending class rooms with culturally disadvantaged black children. Why are they culturally disadvantaged? Why does it follow that blacks are the symbol of all that is bad in urban communities: poverty, crime, welfare, immorality? Scapegoat!!!

Now, Mr. Nixon, in order to protect white children from these dangers, has declared that he will attempt to get Congress to pass legislation that will declare a moratorium on all court mandated busing of school children in order to integrate schools. Thus, through the strategy of making the school bus an ogre, he is attempting to destroy the validity of the Supreme Court and to effectively destroy the fourteenth amendment of the constitution. If this is allowed to occur, then the symbol of all that is destructive of the American system, in the minds of far too many people, black people will have lost their most important vehicle for freedom and indeed survival—the Supreme Court of the land. The president, with the building of the national scapegoat, black people, will have so destroyed his opposition. He will be able to appoint conservative judges that will in all probability begin to destroy or roll back many of our civil liberties and civil rights.

Busing is not the issue and black people should not get involved in the discussion of whether they want their children bused or not. The real issue is whether or not we will have a place to legitimately redress our grievances—the Supreme Court and the constitution. This is the fight we must take on and we must win.

We are now in the position of having people enter discussions of what is the final solution to the black problem in America and I dread to think of where these discussions will lead.

I believe that as a part of the national agenda and strategy, the following things must be included.

In order to guarantee that every American will have the ultimate opportunity to live in safe, sanitary and decent housing, we must change our present housing laws. At the moment, the cost of a monthly rental of a housing unit developed under the federal housing acts is tied to the cost of the construction of the housing unit. Within the guidelines for eligibility for occupying a low or moderate income unit, a family should not have to pay more than one quarter of his income for rent and the difference between the amortization cost of the unit over the life of the mortgage and one quarter of the family income should be subsidized. The eligibility criteria should be extended upward to include all families that are at or below the income standards that allow a family to live adequately in a particular geographical location. Thus we include in the housing act those people who are in the most trouble economically in our nation and particularly in our urban centers. This can begin to lessen the intensity of hostility on the great American scapegoat—black people. Many of the people that are supporting the scapegoat theory would begin to be relieved of some of their economic pressure.

Decent and adequate health care in this nation should be a right of every individual. Therefore we must get a national health insurance passed into law and adequately funded. This health insurance should require no out-of-pocket expenditures on the part of the individual. In other words, it should be free to all. If there are those who would desire to receive private medical care, they should have that right, but everyone should have a right to quality health care. The effect of this legislation would not only help the poor, but once again it will aid that group of people now called middle Americans. Thus once again we can move toward relieving the economic pressure on this group of Americans and thereby reduce their disaffection and thereby diminish their need to intensify their drive to maintain black people as a scapegoat for all of America's urban problems.

In addition to increasing the budget for Title I, III and IV of the Education Act, I believe that any educational money that is provided to the states should provide for a direct federal policing mechanism to assure that the money is being expended in the way that it was intended. There are too many cases where books and materials that were purchased with educational Act money, lie unused in the basement of school buildings. Further, Title I provides that there be advisory groups of parents and community people around the schools where Title I funds are being expended. In far too many cases the people who make up a majority of the advisory group are on the school board payrolls.

Further, I feel that legislation should be passed that mandates that the federal government support directly the construction of new school buildings in the cities and towns across the country. Thus relieving some of the pressure on the local taxpayer to constantly see taxes rise because of the necessity to provide quality educational school buildings. I want to quickly state that a good school building does not in itself produce quality education, but it is a part of creating the atmosphere that will allow quality education to occur.

Once again I believe that this would begin to reduce some of the national hostility that is occurring that is creating the black scapegoat in our nation.

One additional thought that I would like to make in the area of education. That the decision of whether quality education exists should be the responsibility of not only school officials, but the parents who are involved. Therefore, I believe that if a group of thirty or more parents in a particular school district or community makes an assessment that quality education does not exist in their schools that this becomes bona fide evidence of the lack of existence of quality education in these school buildings. Therefore, additional federal dollars should be concentrated on these schools. These petitions should also state what the parents consider as deficiencies that makes for less than quality education.

I feel that if these issues are included in the agenda of the National Black Caucus, then we will have moved a long way toward blunting the efforts to make black people the national scapegoat and thereby increasing the possibility for black people to survive. I have not addressed myself to such things as community control which I believe must eventually occur for I am a proponent of decentralizing the political structure of our cities. I don't think that we can ever get to these issues unless we protect the constitutional rights of black people and, therefore, all Americans. Unless we relieve the economic pressure on middle Americans, we will never get to the many other issues on the black agenda. We are in serious danger in this nation. We are a short step from the decision being made to find the final solution to the black problem.

IT'S TIME TO BEGIN A NEW AGE OF REASON

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. McCLURE. Mr. Speaker, we are hearing more and more these days about "the good old days." It seems that things were never better than when daddy was a boy. It seems that times were never worse than now, to hear some people talk. This frustrated reaction to today's problems particularly arises with regard to the working press. They, too, are under attack for printing all "bad" news, and in all fairness, I will say that they have to dig pretty hard some days for the "good" news. A prominent Idaho publisher discussed this situation in his column "Stream of Thought" recently, and I would like to share those comments with my colleagues.

The column follows:

IT'S TIME TO BEGIN A NEW AGE OF REASON

(By R. J. Bruning)

Readers from time to time berate the newspapers for not publishing "the good news," and for emphasizing, they feel, the "bad news."

There is "good news" of course, and newspapers do publish it, although in the context of the criticism it seems what some readers want is "happy news." Some papers do try to collect Pollyanna-ish items to please those who prefer their papers to be rose tinted.

We will guess that most of these critics are of the older generation, who long for the rather peaceful days of their youth when newspapers could devote more time to the light hearted articles, the cheerful news items, the "first buttercup of spring" type of story. They probably cut their literary teeth on "Black Beauty and the "Five Little Peppers," of perhaps the "Chatterbox" books.

Drugs were medicine dispensed by a drug store. Congress met for a few months of the year, the President of the United States stayed pretty much in the White House, Russia was red but it was a long way off, and China was a place where you helped support missionaries.

It was exciting, for us youngsters, to read about the bad men of the old west, or watch their exploits in the silent movies. They may have held up stage coaches or railroad trains, but they were always chivalrous to the women and never hurt children.

There were gang wars, to be sure, in the big cities, but gangsters killed each other so that violence was an intramural affair.

Life was pleasant and simple. Only the rich wanted two homes, or several cars, and of course there was no itch to get television sets or other gadgets. And for taxes, especially the federal income tax, were minimal. Take-home pay was what you earned, not what was left over after deductions.

Those were the "good old days," and if filling the front pages of our newspapers with stories of the "good old days" would bring them back, we have no doubt that virtually every publisher in the nation would do so.

Memory of times past, of course, is always colored by the feelings we had when we lived them, and the feelings and emotions we remembered best are those of carefree children.

Remembrance becomes nostalgia—a longing for what we have lost and can never find again.

Because so many want to flee the unpleasantries of today, we do indulge in nostalgia. And perhaps because youth would like to find the simple life the nation once enjoyed, it seeks it in hippy-like life.

We hope that no one, 30 or 40 years from now, will look back on this period in history as the "good old days." If they do, life at that time will be precarious indeed.

Outlawry of the old west can be romanticized, and Robin Hood could be forgiven because we like to believe he stole from the rich and gave to the poor. (That was before you could use the income tax to redistribute the wealth.)

But it would take a sick mind to romanticize anyone who would endanger hundreds of lives of innocent men, women and children by threatening to blow up jetliners unless he is given $2 million ransom.

There was a time when the gangsters of the 20's were romanticized, but can anyone imagine romanticizing drug pushers?

Even war can be a derring-do sort of thing—but hardly bombing department stores and pubs and killing innocent people, or using nuclear weapons that kill hundreds of thousands.

The time essay in Time magazine last week labels this as the Age of Unreason, saying that many intellectuals have given up thinking "as if it were a bad habit," and using as their slogan "nothing makes sense."

We would rather think of this as the Age of Pragmatism, because we feel it offers more hope for the future of mankind.

Pragmatism is defined as a "philosophical system or movement stressing practical consequences and values as standards by which concepts are to be analyzed and their validity determined."

The explosion of technology, science, economics, population, and wants has put the world in a state of flux. People seek new values and new truths; not necessarily because the old values and truths lack validity, but because they are lost, momentarily, in this explosion and people are groping.

Practical consequences and values can only be determined, in the long run, by thinking and by reasoning.

If we learn that, this period of history may not be known as the "good old days," but it may be looked back on as the beginning of a new Age of Reason.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

RAIDING THE HIGHWAY TRUST FUND

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SHOUP. Mr. Speaker, on March 14, 1972, the Secretary of Transportation, John A. Volpe, in forwarding the highway needs study to the Congress, recommended a program under which money from the highway trust fund could be used for urban public transportation or highways beginning July 1, 1973.

The proposal would provide:

First. A single urban fund would be used to support both highways and urban mass transportation in urban areas.

Second. The interstate program would be continued through fiscal year 1979.

Third. A new rural highway program, limited to 600,000 miles, would be funded at $800 million per year from the highway trust fund.

Fourth. A general transportation fund, initially $200 million per year, would be established to provide aid for highways and urban mass transportation in communities of less than 50,000.

Mr. Speaker, I would like to call to the attention of my colleagues several problems I feel many of us have with this proposal.

Item No. 2 of the proposal mentions the continued funding of the interstate highway program, and a continued commitment to complete the system. I think it would be highly desirable to complete the system at an earlier date. My concern with a stretchout is that many of the benefits of constructing and completing the system would be delayed or lost. One of the benefits of these highways is they are far safer for those who use them than the regular two-lane highways. It can and will handle more travelers more safely than the highways it replaces. I feel this concern for highway safety is not something to be ignored. We lose an increasing number of people to highway fatalities annually and this factor should not be forgotten in considerations of implementing the interstate highway program as quickly as possible.

With our Nation's unemployment being as high as it is, it seems wiser to speed up, rather than slow down, this important program, if for no other reason than maintaining the jobs it creates. Under the stretchout concept, many interstate highway construction contracts will not be funded each year. Thus, there will be a direct effect on the continued unemployment problems in the construction and related activities.

Also with a stretchout, there will be a continued adding to the reserve of unspent funds in the highway trust fund. The input each year to the trust fund would continue at a high level but the spending of the funds would lessen. Many people have examined alternative uses of these presently unused trust funds, which were specifically set aside for the benefit of highway users who paid Federal taxes on gasoline and other items into the fund. This is exactly what the Secretary of Transportation did. The Secretary's report said:

> This proposed phase-down would make more money available for other programs and would permit an orderly completion of the Interstate system with a smooth transition into post-Interstate planning.

I cannot stress enough my feelings on the importance of maintaining the highway trust fund so that when people are taxed for a certain purpose, their money is used for that purpose, for their use, and not for a completely different program which they will not directly benefit. We cannot burden rural Americans with taxes which will be spent in urban areas for mass transit systems they will never use.

Item No. 1 of the proposal, which would establish a single urban fund, should not be readily accepted either. The difficulty of highway trust funds being diverted for funding both urban and mass transportation is clear enough. I can assure you that there are many presently unfilled needs for more and better rural highways, which by the way, could use all the available and future highway trust fund moneys. I can say this without even considering this proposed diversion to both urban transit and urban highways.

In my opinion, the worst problem with this proposal is the emphasis on urban areas with populations of more than 50,000. This requirement by itself is adequate reason for my opposition because my district would not qualify for one penny. I do not have a single town in my district that could qualify, because according to the 1970 census, there are no urbanized areas in the first district of Montana. There are only two in the whole State; Great Falls and Billings, both in the Second District.

Item No. 3 of the proposal would establish a new rural highway program, which would be limited to 600,000 miles. This new mileage, which is more limited than the present 910,000 miles of federally designated primary and secondary routes, was derived from the Secretary's highway needs study. However, I do not believe many, if any, of us will want to absorb the necessary cuts in the Federal highway system when the Congress and the administration starts trying to reduce the system by some 310,000 miles. I do not believe any of the towns in my district have the financial capabilities to absorb more of a highway and street system than they presently are required to handle.

While I am greatly in favor of a responsive rural highway program which will be helpful to districts and States like mine, I do not feel that this proposed rural highway plan is nearly large enough to help our many rural Americans.

Item No. 4 proposes a general transportation fund. The one redeeming aspect of this proposal is that it could aid highways and urban mass transportation in communities of less than 50,000 population. I understand the general transportation fund is partly intended to relieve those towns that might be hurt due to any reductions in federally aided highway mileage—the 310,000 miles.

If one analyzes the amount of funds that would be allotted to urbanized areas under the Secretary's plan, one would find that each of the 248 urbanized areas would be eligible for $7.5 million out of the single urban fund. In comparison, the new rural highway program and the general transportation fund has to be divided amongst some 3,840 towns with populations between 2,500 to 50,000, and 13,706 smaller towns with populations less than 2,500. Thus, if you take the 17,546 towns and rural places that are located in and are classified generally as rural America, then each of these towns and rural places would only be eligible for about $57,000.

If I could be sure that both Billings and Great Falls would receive their full share or exactly $7.5 million each out of the single urban fund, my general opposition to such a fund would be less. However, based on my experience as mayor of the city of Missoula—which city barely falls short of the definition of an urbanized area—there is no way that these two deserving urbanized areas can compete with New York City, Chicago, and the other large cities. So one can be sure they and other smaller cities will lose out in the race the Secretary would establish by this raid on the highway trust fund for urban mass transit systems.

Mr. Speaker, I would summarize by saying that the Secretary's proposal on the surface seems very appealing for the large urban complexes, but in my opinion does not help in any significant way the rural areas that I represent. Our rural Americans deserve a better share in such programs as the highway programs and many of the other Federal programs. This proposal just continues to give my constituents and others who live elsewhere than in the big cities the same shabby treatment as in the past.

THE SPACE SHUTTLE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. ABZUG. Mr. Speaker, tomorrow, the House will consider the NASA authorization bill for fiscal year 1973. Included in that measure is an authorization of over $200 million for research and development of the space shuttle.

As I have stated many times before, I think that this project is most ill-advised at this time. Our national needs are too great to allow us to spend $200 million for a program whose feasibility study, the Skylab experiment, will not be completed for another year. In addition, I believe that we must have a great deal more information as to the military ramifications of this project, for I believe that they are considerable.

Dr. Ralph Lapp, a distinguished scientist, recently testified on the shuttle before the Senate Committee on Astronautical and Space Sciences. His testimony is most illuminating, and I include it in the RECORD at this point:

STATEMENT ON THE SPACE SHUTTLE SYSTEM

(Statement of Ralph E. Lapp, April 12, 1972)

I appreciate this opportunity to testify in opposition to the proposed Space Transportation System known as the Space Shuttle. While the views I express are my own, I have consulted with a number of space scientists in preparing my testimony. A number of scientists are manifesting a growing interest in "adversary science and technology"—this being a movement which, in my opinion, is an attempt to exercise a set of checks and balances on the unprecedented activities of research and development. The Space Shuttle is an example of a complex and highly costly technology which is difficult for the layman to comprehend. A number of adversary scientists are attempting to interpret such technological issues free from the bias of the promoter's eye.

President Nixon made a statement on the Space Shuttle on Jan. 5, 1972 in which he stressed the economies of the Shuttle in these words:

"The new system will differ radically from all existing booster systems, in that most of the new system will be recovered and used again and again—up to 100 times. The resulting economies may bring operating costs down as low as one-tenth of those of present launch vehicles."

The layman would be justified in welcoming such a ten-fold reduction in space economy IF it is achievable and IF transportation costs are indeed the prime determinant of space costs. I believe that the data I shall present demonstrate that:

(A) Space Shuttle transportation costs cannot achieve their advertised rates, and

(B) Transportation is not the cost-driver of the unmanned space program.

To make specific the projection of Shuttle transportation costs, I quote from Dr. Fletcher's Jan. 5, 1972 White House statement: "It is estimated that the reusable space shuttle will reduce the cost per pound of putting a payload into space from between $600 and $700 to $100." NASA Associate Administrator Dale D. Myers testified last year that the cost might be reduced to "as low as $75 per pound of payload." Aerospace industry officials (House hearings, Science and Astronautics Comte, FY 72 Pt II, page 482) have projected costs as low as $50 per pound.

NASA's case for the economy of the Space Shuttle is tied to the report "Economic Analysis of the Space Shuttle System" by Mathematica, Inc., a NASA contractor. The Committee has asked me to be prepared to comment on the 1972 Mathematica, Inc. report and on March 13th forwarded the 4 volume report to me. I am happy to respond to this request.

Mathematica, Inc. (Executive Summary dated Jan. 31, 1972, page 0–8) estimates the Launch Vehicle (LV) costs for 514 Shuttle flights as $12.0 billion. Dr. Fletcher in his February testimony updated this figure to $13.1 billion. This amounts to *$25.5 million per Shuttle flight.*

Mathematica, Inc. (Vol. II page 6–42) states: "As it turns out, the actual loading of the Space Shuttle Systems in terms of *satellite payload weight* comes to about 5,000 pounds on the average (*not* the 40,000 pounds theoretically available)." Thus a total of 514 Shuttle flights equals a total of *2.6 million pounds of orbital payload.*

If we divide $25.5 million by 5,000 pounds, we get a unit price of $5,100 per pound place in orbit. This, I maintain, is the true price since it is based on full acounting of all new appropriated dollars for the space program transportation system. However, proponents of the Shuttle may argue that they refer their unit prices only to operating costs without figuring in research, development, test and engineering and shuttle investment. Well, that isn't the way General Motors figures it when I buy a car, but even if we look at operating costs the unit price is nowhere near President Nixon's goal.

Although operating costs for the latest configuration of the Space Shuttle are undergoing almost monthly revision, the latest figure I find is that of $10.5 million per Shuttle flight. This figure is, in my opinion, a highly optimistic one since it assumes that the solid rocket motor (SRM) cases will be used as many as 20 times. Inferior multiple use of the booster could double the unit operating cost. However, accepting the $10.5 million statistic and dividing by 5,000 pounds yields $2,250 per pound placed in orbit. Thus even on this lowest Shuttle cost basis, the unit cost is triple that specified by Dr. Fletcher for conventional expendable rockets.

It appears to me that someone has sadly misinformed the White House on the costs of the Shuttle and, as a result, the American taxpayers have been misled into thinking they are getting some kind of a space bargain. Quite the contrary, the Space Shuttle will, according to NASA's own numbers, be more expensive than a variety of launch vehicles which NASA now uses. I refer to data given on page 389 of this Committee's FY 1972 Authorization Hearing, Part I. I believe that adversary science serves the citizen-taxpayer well when it forces NASA to face facts which compel a realistic assessment of the Shuttle.

Since Mathematica, Inc. (1972 Executive Summary, pg. 0–1) makes as its *primary conclusion:* (Emphasis, Mathematica's)

"The development of a space shuttle system is economically feasible assuming a level of space activity equal to the average of the United States unmanned program of the last eight years."

I believe it is pertinent to tabulate the actual NASA launch vehicle procurement costs for the FY 1964–1971 period, for unmanned missions:

Fiscal year	LV procurement costs (millions)	Percent of NASA budget
1964	$129.8	3.0
1965	154.4	3.0
1966	177.6	3.0
1967	117.6	2.2
1968	124.5	2.6
1969	96.9	2.4
1970	107.8	3.0
1971	124.9	3.7
Total, 1964–71	1,033.5	2.9

Total LV development costs are $631 million.

I think it is very clear that in the past 8 year period launch vehicle costs for NASA have been a very small part of its budget. Yet a layman reading the Mathematica, Inc. primary conclusion cited above would be led to conclude that the Space Shuttle would be economic for unmanned *NASA* flights. He would, perhaps, be unaware that Mathematica, Inc. was using as its actual baseline Department of Defense (DOD) and NASA unmanned flights. This confusion of military and civil space programs persists throughout the Mathematica, Inc. report and makes difficult a realistic appraisal of the Space Shuttle in terms of the NASA program. There is also confusion injected because of a blending in of unmanned and manned space programs and an abundance of assumptions which are not made clear in the Mathematica, Inc. analysis.

In the 1964–71 period U.S. Navy and Air Force space missions dominated the U.S. space activity. To the best of my knowledge there were 369 space missions conducted by DOD. Payloads tended to be heavier than NASA's with emerging dependence upon Titan III–C space vehicles, whereas the NASA total of some 150 space launches employed smaller LVs such as Scout and Delta. Defense space spending amounted to about $14 billion over the past 8 year period. Therefore any comparison by Mathematica, Inc. of this period for Shuttle versus Current Expendable LVs is necessarily heavily weighted in the direction of defense missions. If the Space Shuttle is intended to be a military vehicle, then I submit it ought to be justified and funded by the Department of Defense.

It is pertinent to note that during recent years NASA payloads have averaged just slightly under 1,000 pounds. Mathematica, Inc. has projected an average of 5,000 pounds per Shuttle mission. This means two things: first, averaging in defense payloads which have been heavier than NASA's and second, programing larger and heavier payloads for NASA missions. Thus, the Mathematica, Inc. projections call for increased space activity, as measured by payloads, but the rationale for the Space Shuttle seems to be that it is a cheaper means of space transportation. This requires that we focus attention on the real cost-driver of the space program—the cost of the payloads.

In order to pinpoint this discussion—and to comply with the Committee's request that I make my testimony responsive to the

Mathematica, Inc. 1972 report, I am reproducing from page 0–8 of the Executive Summary Table 0.1 SPACE TRANSPORTATION SYSTEMS COST SUMMARY[1] Source: Adapted from Aerospace Corporation and Contractor Data. Modified NASA and DoD Baseline, 514 Space Shuttle Flights (1979–1990)

TABLE 0.1

[In millions]

	Current expendable	New expendable	Space shuttle and tug
Expected launch vehicle costs:			
Nonrecurring costs (fiscal year 1972–87)	$1,620	$2,000	$7,450
Recurring costs (fiscal year 1977–90)	10,600	8,760	4,800
Total launch costs	12,000	11,000	12,000
Expected payload costs (satellites):			
Research, development, test, and engineering (fiscal year 1975–90)	11,000	10,600	9,880
Recurring costs (fiscal year 1976–90)	18,800	18,400	12,700
Total payload costs	30,000	29,000	23,000
Expected total space program costs	42,000	40,000	35,000

A quick glance at the assembled statistics might lead one to the conclusion that the Space Shuttle promises $7 billion in savings. That is the difference between program costs for current expendable launch vehicles and the Shuttle costs. This is the basis on which the program is being sold. But Mathematica, Inc. projections should be carefully examined item by item to determine what assumptions they may involve. First of all, I maintain that the United States has not approved $42 billion space program in the current expendable category. Therefore, I would question the basic premise of Mathematica, Inc. in its cost projections. In order to determine just what the United States would get for such a $42 billion expenditure, I would recommend that Mathematica, Inc. or, preferably, NASA, should make a program presentation to substantiate this $42 billion figure.

I would like to emphasize that any comparison of Space Shuttle and current expendable space vehicles must take into account the fact that in the development of any new technology contractor estimates of systems costs are hardly reliable. RAND studies (Alvin J. Harman "A Methodology for Cost Comparison and Prediction," Aug. 1970 RM–6269–ARPA and Robert Summers "Contractor Estimate and Prediction of Actual Weapons Costs" March 1965 RM–3061–PR.) show that contractor estimates are invariably low and that actual costs exceed the estimates by 80 percent.

Additionally, I would stress that the Space Shuttle involves a number of significant technological risks. The degree of these risks was undoubtedly a prime factor in NASA's backing away from a fully reusable manned booster. But the unmanned booster still involves risks in that the ocean recovery of a huge 156 inch SRM case is a great extrapolation of recovery technology. The way to overcome technological risk is well known and involves parallel paths of development and improvisation—both of which add cost. It would be highly useful if NASA would perform sensitivity analyses on its areas of high risk and determine the costs which may be involved in these technological sectors.

Focusing attention on Col. 1 of Table 0.1, I do not see why *any* funds are included for non-recurring costs of current expendable vehicles. These vehicles are already developed and their costs have been paid. The $1.62 billion listed actually involves $267 million for RDT&E and investment of Titan IIIB/D/M and $550 million plus $800 million for Big Gemini. This is scarcely fair to include these costs under the "current expendable" category. Therefore, I would strike this $1.62 billion from the column.

As for recurring costs of current expendable launchers, I note first that this $10.6 billion figure includes $2.15 billion for Big G. There is also $0.25 billion for Intermediate 21 and since Mathematica, Inc., states (Vol. II, p. 5–16) that: "Based on the very limited flexibility and applicability of this vehicle it is quite unlikely that it will be used in the 1980s." I would strike this from the column. Since Big G *and* the Shuttle are redundant I would suggest subtracting the $2.35 billion total from the $10.6 billion leaving a residual *$8.25 billion* which then becomes the *total* launch costs rather than the $12.0 billion figure. This is a "saving" of $3.75 billion and involves no diminution of the unmanned NASA or DOD program.

Looking now at the expected payload costs under Column 1 of Table 0.1 I suggest that the proper way to proceed to analyze this expenditure of $30 billion is to set down the complete list of missions and their individual costs so that a rational decision may be made on the program. I note that Mathematica, Inc. (Vol. II Table 6.21, p. 6–46) tabulates the OSSA payloads by cost (but not by mission) as follows:

Payload cost range (million)	Number of payloads	Percent of total
$0 to $20	17	4
$20 to $40	242	61
$40 to $60	46	12
$60 to $80	17	4
$80 to $100	1	<1
$100 to $120	22	6
$120 to $140	22	6
$140 to $160	11	3
Over $160	20	5
Total	398	100

My estimate is that these nearly 400 payloads represent a $20 billion cost. I estimate that $10 billion represents 75 payloads each more than $100 million in cost. I believe that there ought to be a very critical examination of each class of mission from the standpoint of science and national priorities. I believe that the large public expenditures involved make it mandatory that mission models such as Mathematica, Inc. has used be more than NASA or NASA contractor inputs. There can be no doubt that the mission model used in Table 0.1 represents a sharp step-up in NASA space activity and that such a program change should be subjected to public examination on a programmatic basis. Furthermore, the mission model should be specifically a NASA model and not a mixed NASA-DOD model.

I note that the 398 payloads dispersed over a 15 year time span represent a biweekly launch rate for OSSA missions—more than double the present rate and that for recent years. I submit that such an increase in the tempo of the civilian space program has not been justified as a legitimate public expenditure. Therefore, I feel that the $30 billion total in this column is unrealistic and, although lacking a specific itemization of missions, I would suggest a more realistic figure would be $20 billion. Such an adjustment automatically feeds back to launch vehicle procurement and would reduce my suggested $8.25 billion figure to about $5 billion.

Using the new numbers for column 1, I arrive at a bottom line total of $25 billion rather than the $42 billion stipulated by Mathematica, Inc. I further believe that if the scientific and technical community was given this figure as a ceiling, it would be possible to define an aggressive and rewarding space program for the 1975–1990 period.

Skipping Column 2 for the moment, I would like to comment on the launch vehicle and payload costs for the Space Shuttle. First I would note that new numbers need to be inserted for LV costs. The non-recurring costs of $7.45 billion are now estimated to be $8.1 billion. Using the 1.8 factor of contractor estimate understatement (# 45) this 8.1 billion figure could *escalate to $14.5 billion*. It is not necessary to provide a parallel escalation for conventional launch vehicles since their research, development, test and engineering costs have been paid.

The recurring costs for the Space Shuttle estimated at $4.8 billion by Mathematica, Inc. as of Jan. 31, 1972 need to be revised in the light of the hardware decisions made in March. Clearly, recurring costs will depend on the orbiter functioning properly for 100 or more times and refurbishment costs being held in line. More critical to the recurring cost total for the Shuttle is the uncertain reusability of the booster. It is highly likely that the $4.8 billion figure cited by Mathematica, Inc., will escalate considerably. Total launch costs for the Space Shuttle certainly exceed $13 billion and for the 514 flights specified in Table 0.1 it is quite possible that *a $20 billion total* might result.

In any event any comparison of the launch vehicle costs for current expendable LVs, which we have, and the space shuttle, which we do not have, must lead to a favorable cost margin for existing launch systems. No matter how one tries, the Space Shuttle cannot claim an economic advantage based on launch costs. I agree with Mathematica, Inc. in its conclusion (Vol. II, page 6–43): "What matters are the actual space missions performed in the 1980s and used in the economic analysis when comparing Space Shuttle Systems to expendable modes of operations. What matters most, in the economic analysis, is the cost of payloads and of space missions in the 1979–1990 period." Let us therefore look at the cost of the Shuttle payloads.

Table 0.1 lists $9.9 billion as RDT&E costs of Shuttle payloads or $1.1 billion less than for conventional launch vehicle payloads. It is however in the area of recurring costs that Mathematica, Inc. claims a Shuttle advantage. The 12.7 billion figure is $6.1 billion less than for conventional LV payloads. Economies claimed for the Shuttle derive from the potential of making larger and heavier satellites which can be cheaper per pound of instrumentation. No doubt the ability to add weight to a satellite may permit less costly microminiaturization of instrumentation but this is a trade-off situation. Furthermore in making comparative costs of placing a pound of payload in orbit the Shuttle payload cannot then be compared on a 1 for 1 basis since the conventional less weighty payload is then equivalent to x pounds of Shuttle payload. This means that the $5,100 unit price per pound of payload lifted in Sec. 7 needs adjustment upwards. This means that instead of the Shuttle providing transportation for one-tenth the unit price of conventional launch vehicles, it is *actually ten times more expensive*. It is difficult to state how much the higher payload capacity of the Shuttle allows reduction in payload costs on a pound basis, but the trend is contrary to the thrust of technology which aims at more compact, solid-state, instrumentation of high reliability.

Apart from the economy of permitting bulkier instrumentation, the Space Shuttle is claimed to be economical in increasing the reliability of satellites placed in orbit by allowing man to be on board and make a final check-out of the orbital device prior to dispatch into orbit. Since many orbital devices have achieved a 95% reliability in operation, this feature of the Space Shuttle does not appear to be highly significant. Furthermore, the increasing complexity of orbital devices calls for a much greater payload of check-out devices and personnel competence at the check-out point. If the orbital device is checked out prior to launch it does not appear overly advantageous to provide a final checkout prior to orbital insertion.

Proponents of the Space Shuttle place greater emphasis on the capability of retrieving orbital devices, serving them in orbit, and in bringing them back to earth for refurbishment and redeployment in orbit. Here one is faced with a trade-off situation in which the unit cost of the orbital device vs the cost of retrieval, refurbishment and redeployment is of critical importance. As mentioned earlier, there is also the relative impact of obsolescence of the orbital device. What is also involved here is the relative advantage of a single massive orbital device vs a number of smaller, lower-price, units. In the communications satellite field, there appears to be a trend toward smaller devices which grant greater flexibility and back-up to the deployed system. Rather than replace a malfunctioning communications satellite with the same device, retrieved and refurbished, it might be more economic to launch a new, higher-capacity, satellite. I believe that it would be very useful to solicit the views of Comsat Corporation on this matter.

Mathematica, Inc. bases its estimates of retrieval/refurbishment economies on Lockheed Missiles and Space Company (LMSC) studies. LMSC studies (NASW-2156 Contract, LMSC-A990594, June 30, 1971 "Payload Effects Analysis") three devices—OAO (Orbiting Astronomical Observatory), SEO (Synchronous Equatorial Orbiter) and SRS (Small Research Satellite). It concluded that the savings would be significant., i.e., refurbishment cost ratios of 0.32 to 0.39 for Shuttle vs conventionally launched satellites. However, there appears to be considerable uncertainty in these estimates. Since LMSC is an aerospace company which would benefit from Shuttle contracts, it is questionable whether Mathematica, Inc. is justified in accepting the LMSC data without considerable adjustment for bias. Conventionally launched satellites are not credited with much of an increase in future reliability and little attention is paid to the contest between refurbishment and technological obsolescence. It would have been highly instructive for LMSC to have performed an analysis of Comsat type satellites and to have carried out sensitivity analyses on a variety of satellites (retrieval/refurbishment as a function of age of the satellite).

The basic problem posed by the retrieval/refurbishment issue is whether or not the traffic in satellite retrieval and refurbishment justifies the development and deployment of a new space system as costly as the Shuttle. Since Mathematica, Inc. has singled out the recurring costs of Shuttle payloads as the sector of maximum "savings" i.e., "$6.1 billion" in comparing Columns 1 and 2, I suggest that a more careful study be made of this sector. I believe that it should be required that Mathematica, Inc. make a very detailed accounting of how this $6.1 billion payload "savings" is to be achieved. By this I mean specification of *all* missions as tabulated in Table 6.20 on page 6-44 of Vol. ii. It will be noted that in this tabulation, Mathematica, Inc. postulates:

	New satellites deployed	Refurbished satellites deployed	On-orbit maintenance/refurbishment	Flights to space station
Total NASA	242	274	62	62
Total DOD	103	302	(1)	(2)
Total	345	576	62+	62+

[1] Some.

[2] Not available.

Obviously, Mathematica, Inc., foresees a flourishing business in refurbishment of sick or aging satellites. I suggest that the uncertainties of Shuttle costs, technological issues, mission models and booster reuse do not now permit a 1978-1990 projection such as Mathematica, Inc. has made—or, to put it another way, do not permit public confidence in the projection.

I call to your attention the fact that Mathematica, Inc. has listed a minimum of 62 flights to Space Station. I also note that the most recent NASA estimate of the cost of such a Space Station development/deployment is $6 billion and that much higher figures have been suggested. If Mathematica, Inc. is going to include earth-to-Space Station flights in its mission model then it should provide for this expenditure under Shuttle payload costs. This inclusion of the Space Station in its mission model makes it clear that buying the Space Shuttle means we are also buying the Space Station.

I believe that the foregoing commentary makes it clear that the total payload costs associated with the Shuttle system will not be $23 billion, but will be considerably higher and would probably approach the $30 billion figure cited for the conventional payloads. I have suggested in Sec. 19 that the latter could be $20 billion.

If we now consider the "bottom line" totals for conventional and Shuttle program costs, the $42 billion figure (Col. 1) for conventional launch vehicles shrinks to $25 billion (Sec. 20) while the $35 billion Shuttle total may in fact soar to over $44 billion. In other words, instead of "saving" $7 billion the Shuttle could actually "cost" us $19 billion more for the U.S. space program.

It seems to me that we can put space spending in better perspective if we translate the billion dollar totals into specific costs per pound. This was done by President Nixon in his Jan. 5th message for costs of transportation. I suggest we do the same thing for costs per pound of satellite payload. For example, if we accept the $23 billion total for Shuttle payload costs given by Mathematica, Inc. (which includes a large credit for satellite reuse) and use the 2.6 million pound orbital payload (Sec. 6) postulated by Mathematica, Inc. we arrive at an average cost of $8,800 per pound of payload.

Expressed in other units, Shuttle payloads will average $550 per ounce. Thus Shuttle payloads will average ten times more expensive than their weight in solid gold.

In proceeding to discuss Shuttle costs we jumped from Col. 1 to 3 without consideration of Col. 2, the "New Expendable" category. Referring back to Table 0.1 (Sec. 13) Mathematica, Inc. figures for this category is $1 billion less for total launch costs than for either the conventional or Shuttle launch vehicles. Payload costs are $1 billion less than for conventional LVs and $6 billion more than for Shuttle payloads. It seems to me that Mathematica, Inc. and NASA have skipped over a very important potential cost-saver in space activity. In as much as NASA has opted to recover the massive twin rocket motor cases for the Shuttle booster, it would seem to me completely logical that NASA apply the same degree of optimism to recoverability and refurbishment of Titan-class launch vehicles.

Thus I would recommend that NASA examine the possibility of new launch vehicles of the non-shuttle class. In this examination, I would recommend that an attempt be made to standardize on a launch vehicle so that unit costs can be reduced.

In summary, I conclude that the NASA and NASA-contractor basis for the Space Shuttle is inadequate and that the entire issue of launch vehicle choices for the future space program should be restudied. I believe that I have shown remarkable deviations in the cost estimates of NASA and NASA contractors for comparative launch systems.

I appreciate this opportunity to have presented an adversary view of the Space Shuttle System.

PRIVATE PENSION TRANSFER ACT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, a few days ago I introduced two bills on private pension plan reform. Those measures addressed some key questions in the pension field—minimum vesting, tax incentives for pension plan contributions, more precise trusteeship standards. I mentioned then that key areas still required action, among them reinsurance, funding, and that most complex and intractable realm in the pension debate: portability.

Portability has been defined as the development of arrangements whereby a worker can accumulate pension credits from job to job and eventually combine them into qualification for a single pension. Phrased another way, it permits the worker to switch jobs and carry his pension credit along with him with no—or minimum—loss of such credit. In an economy more and more dependent on continuing shifts in manpower needs and possessing the most mobile labor force in history, we ought to acknowledge the fact of labor mobility and the broadening of pension coverage it demands. Continuous service with an employer should be rewarded with concomitant benefits, but we should be careful not to tie workers so tightly to a single pension arrangement that a retirement system serves to immobilize our working populace.

Portability implies protection for the pension rights of a worker who must leave a job through plant shutdown, business failure, or layoff. It means protection for those who leave for noncoercive reasons: to maintain health or education standards, to accept better offers, to try a simple change of scene. A major factor in any of these kinds of moves will be the future of the employee's pension, and the Congress should, where we can, work to assure its future and that of a dignified and self-sufficient retirement.

The bill I introduce today, the Private Pension Transfer Act of 1972, is a step toward portability, a modest proposal which I hope can be later extended and broadened. It amends the Internal Revenue Code of 1954 to allow employees to withdraw their retirement credits upon leaving a job and reinvest them in a new plan without such credits being subject to income tax. The present law penalizes employee mobility and discourages the maintenance of retirement plans by taxing funds withdrawn from such plans, whether or not they are reinvested in another retirement system.

Our tax laws now allow persons who sell their homes for a profit and reinvest the gain in a new house within a year to have that gain exempt from income tax. And justly so. This is a sound incentive for an investment in kind. We can apply the same principle to transferred retirement credits and permit them to be reinvested in kind without a tax liability, to move as the worker moves.

Flexibility is available to the employee under this act, too, if he decides to reinvest only part of his lump-sum payout, he pays tax only on that amount not reconverted into a trust. It also provides for tax rates consistent with how credits are garnered, that is, either as capital gains or regular income.

The bill does not create portability; it allows a shift of money between plans where portability already exists. While it commands no employer to accept a new empolyee's lump-sum credits, I would hope this body could encourage, perhaps eventually define in law, those arrangements necessary for employers to grant the reinvestment of transferred pension sums.

This is an immensely intricate and technical issue. Legislation on portability will require the talents of adept and knowledgable men. Let this Private Pension Transfer Act be a beginning.

PAN AMERICAN WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BEGICH. Mr. Speaker, last week, the week of April 9 through 15, the State of Alaska celebrated Pan American Week and on April 14, Pan American Day. This celebration was in recognition of the importance of the contribution being made by the Organization of American States toward a spirit of mutual understanding and real friendship in our hemisphere.

I commend the people of the State of Alaska for their good will and friendship extended to all the people in this hemisphere, and I am inserting into the RECORD for today a copy of the proclamation signed by the Honorable William Egan, Governor of Alaska, instituting this special week of recognition.

The proclamation follows:

PROCLAMATION: PAN AMERICAN WEEK

The Organization of American States is the oldest international organization of its kind in the world and has a current membership of 24 nations in the Western Hemisphere. Established in Washington, D.C., on April 14, 1890, as the International Union of American Republics, the Organization was renamed Pan American Union in 1910. In 1948, the Pan American Union became the Organization of American States.

Through the Charter of the Organization of American States, the member countries strive to achieve an order of peace and justice, promote solidarity and strengthen collaboration among themselves, and defend their sovereignty, territorial integrity, and independence.

In order to put into practice the principles on which it is founded and to fulfill its regional obligations, the Organization of American States has resolved: To strengthen the peace and security of the Continent; to prevent possible causes of difficulties and to insure the peaceful settlement of disputes that may arise among the member states; to provide for common action on the part of the member states in the event of aggression; to seek the solution of political, juridical, and economic problems that may arise among them; and to promote, by cooperative action, their economic, social, and cultural development.

We in Alaska recognize the importance of the contribution being made by the Organization of American States toward a spirit of mutual understanding in our Hemisphere to preserve the peace and improve the lives of our people.

Therefore, I, William A. Egan, Governor of Alaska, do hereby proclaim April 9 through 15 as Pan American Week, and April 14 as Pan American Day in Alaska and call upon the people of Alaska to take this opportunity to learn more about the worthwhile endeavors of the Organization of American States in an effort to attain a better understanding of the people of the member countries.

Dated this 27th day of March, 1972.

TRIBUTE TO THE CITY OF LA MIRADA, CALIF.

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HOLIFIELD. Mr. Speaker, among the many cities in my district that I am honored to represent is the city of La Mirada. This year is a special one for the city and citizens of La Mirada. It is the city's 12th birthday.

A 12th birthday for a city is certainly not an event that would excite our citizens in the East where centennaries are the cause for celebration, but in youthful and progressive California the birth and development of La Mirada is a sign and symbol of the health of our State and of our citizen's desire to improve their lot.

When the area which is now La Mirada first came into my congressional district it was an area consisting mainly of olive trees. In 1954, the part-time post office could count 50 families only by extending its boundaries far beyond the present ones. As young families moved into the area, it grew both in size and wisdom. In 1960 these forward-looking citizens incorporated into the now city of La Mirada.

Today, with a population of 32,000, La Mirada is a city that is both envied and copied by other and older cities. La Mirada has been blessed with excellent city councilmen who have given of their time and devotion to make their city a wonderful place to live.

Today, with a beautiful civic center, a new library, beautiful parks and a growing industrial area, La Mirada is a suburban dream, and all of this has been done without the imposition of a property tax.

In the 12 years of its existence, I have had the honor to help La Mirada obtain three post offices. Admittedly, the first one was just a room in a store, but then as the city grew, we obtained a larger one that we were sure would last for years. Finally, 2 years ago, we were able to get a post office that we hope will be able to care for the citizens for at least a few more years than did the second one.

Mr. Speaker, as you well know a city is only as good as its citizens. This is why La Mirada is a great city. Lest you think I exaggerate, let me give you but one example.

Debbie Heald gave La Mirada its finest birthday present this year. This lovely 16-year-old citizen of La Mirada came to the East and in the city of Richmond, Va., she gave her city and herself great honor by breaking the world's record for the indoor mile race and at the same time conquering the Russian World's Champion, Tamara Pangelova.

I am sure that when the Olympics begin next year, all of the United States will be rooting for this favorite daughter of La Mirada as she brings home the Gold Medal in the mile run. The city of La Mirada and every citizen in the 19th congressional district is proud of Debbie because of the honors she has brought us. We are even more proud of the fact that Debbie is living example of the beautiful young people in the 19th Congressional District of the State of California and the entire United States.

At this time I would like to introduce into the RECORD the story of Debbie's victory as reported in the La Mirada Lamplighter, of March 22, 1972, one of the finest newspaper in my district:

"COULDN'T BELIEVE I COULD WIN" . . . DEBBIE

(By Jim Marris)

Editor Dick Hurley and I had the pleasure of interviewing Miss Debbie Heald at her La Mirada home Sunday afternoon. She had returned home Saturday afternoon from her smashing victory in the Women's Mile Run of the "First U.S.-Russian Indoor Track Meet" on Friday in Richmond, Virginia. Debbie is a good looking girl with a charming personality. She is very relaxed and natural and has no affectations at all.

Debbie's victory is the more notable in that she had to set a world record of 4:38.5 minutes in the Women's Indoor Mile to win the race. Doris Brown of the U.S.A. who had set the previous record of 4:40.1 bettered that mark, but still only came in third. Tamara Pangelova of Russia placed second and ran the fastest indoor mile of her career. Naturally it also was faster than the old world record.

It was the first time Debbie had ever beaten Doris Brown. Doris has won three times in the two mile cross country event and three times in the mile run. Debbie made the comment, "I've seen the backside of her often."

As for the race itself, Debbie said she was just hoping for a 3rd or 4th place. The runners were pretty well strung out with Debbie in third place at the start of the last lap. She started her push at that time and passed Doris Brown running in second place and then caught Pangelova 20 yards from the finish, and, with her famous finishing kick, burst across the tape in front.

We asked her how she felt afterward and she said, "Neat! I just couldn't believe I could win anything like that." She also commented that the Russians usually didn't set the pace as they did in this race. They like to run right behind the leaders and then challenge them at the end.

Debbie gives all credit for her development as a runner to her La Mirada Meteors Coach, Roy Swett. Roy founded the Meteors and made them a winning organization. Debbie said, "I wouldn't be half way where I am today if it wasn't for him."

The next objective is the 1972 Olympics. She will run next weekend in the Phoenix International Invitational and will participate in about a race a month until July. That is when the Olympic trials start. This race was the first one that Debbie got to wear a uniform with the USA team letters on it. I'm betting she wears it again at the Olympics in Munich, Germany next summer.

FEDERAL LEGISLATIVE PROPOSALS AFFECTING THE OLDER AMERICAN

HON. WILEY MAYNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. MAYNE. Mr. Speaker, the President, his administration, the Congress, State, and local governments, and private organizations concerned with the problems of the elderly have made significant progress in implementing the many recommendations of the 1971 White House Conference on the Aging, and more programs are in the mill.

This last Saturday, April 13, it was my privilege to address the Regional Conference on Aging in Fort Dodge, Iowa, and to discuss with the participants the progress being made at the Federal level in following through on the White House Conference recommendations regarding our older Americans.

As several participants in the Fort Dodge conference have asked me to make a wider distribution of my remarks to others interested in improving the quality of life of older Americans and reinvolving them in society, I am inserting the text of my Fort Dodge speech at this point in the RECORD.

FEDERAL LEGISLATIVE PROPOSALS AFFECTING THE OLDER AMERICAN

(By Congressman WILEY MAYNE)

Mr. Chairman, members of the Iowa Commission on the Aging, participants in this Regional Conference on Aging, ladies and gentlemen.

Thank you for your gracious invitation to discuss with you federal action to implement programs affecting Older Americans. I regret that I was unable to participate in this morning's seminars regarding the work being done to carry out the recommendations of the 1971 National White House Conference on Aging. I'm sure these sessions were very worth-while for much has been accomplished under the able leadership of Governor Robert Ray and the Iowa Commission on the Aging, with the cooperation of the Iowa General Assembly, local governments, and many private voluntary agencies throughout Iowa concerned with the problems of aging.

During the White House Conference on Aging, it was my pleasure to host a luncheon at the Capitol for those participating in the Conference from Iowa's Sixth Congressional District. From the exchange of views at this meeting, I gained greater perspective regarding the Conference.

I was highly impressed with the high caliber and dedication of the whole Iowa delegation to the National White House Conference on Aging, and I am pleased to see several of you here today, assisting the various local committees follow-through on the extensive efforts of the Washington Conference. It is your work and example of leadership, carrying the ball after the limelight and fanfare of the White House Conference fades away, that will determine whether it was a real success or just another meeting with high-sounding resolutions quickly filed away and forgotten.

I have long been interested in improving the lot of Older Americans, and the President, his Cabinet, and the Congress are all deeply concerned with the plight of the elderly. But all too often, other demands upon our interests and time cause us to put aside temporarily the admitted needs of the aging for later attention as time permits. However, I hope the White House Conference and now the various State, regional and local meetings following-through on the Conference's recommendations will serve to hold our feet to the fire, focusing our attention and requiring us to act on these problems. I hope you will keep up this pressure, and will not let governmental leaders or leaders in the private sector forget, neglect or shelve away the very real problems of the elderly.

Last December, in addressing the White House Conference, President Nixon pledged to do all that he could to make 1972 a year of action on behalf of Older Americans.

On March 23, he took an important step in the fulfillment of his promise, through his Message to Congress regarding Older Americans. In this Message, the President outlined a comprehensive strategy for the many complex problems faced by Americans in their sixties and older.

This contained five major elements:

1. Improvement in the income position of Older Americans;
2. Upgrading the quality of nursing homes;
3. Helping Older Americans lead dignified, independent lives in their homes;
4. Expanding opportunites for the involvement of older persons in community life; and
5. Organizing the government to be more responsive to and to meet the changing needs of Older Americans.

Many of the recommendations of the White House Conference are covered in this comprehensive strategy. The Nixon Administration has already taken many administrative steps to help Older Americans, but much of the program requires legislative action. Legislative initiatives to accomplish the objectives proposed by the White House Conference should have the highest priority in the Congressional agenda.

For the elderly, the future is NOW—they can not wait while the government procrastinates. They have the right to expect Congress to move forward with a sense of urgency in carrying out the President's program.

For this next fiscal year beginning July 1st, President Nixon has requested an estimated $50 billion for Older Americans. I am quite confident that the Congress will appropriate at least this $50 billion for programs for the elderly. This would provide for this coming fiscal year 50 percent more than the level of spending requested on behalf of Older Americans in the last budget prepared by President Johnson.

One proof increased recognition by both the Administration and Congress of the problems of the elderly is the Older Americans Act. President Johnson's last budget provided $32 million for programs under this Act. President Nixon's budget request for this fiscal year increases this to $157 million. On March 22, President Nixon signed a law authorizing $100 million for this coming fiscal year and $150 million for fiscal year 1974 for grants to the States for nutrition programs for the elderly. Under this new law, the federal government will pay up to 90% of the cost of providing low-cost, nutritionally sound meals to persons 60 years of age and older and to their spouses. States would be required to furnish at least one hot meal per day for five or more days a week, and to give preference to programs serving low-income individuals and minority groups.

President Nixon has now requested $100 million to fully fund this new program for elderly nutrition, thus increasing his total budget requests for Older American Act programs to $257 million. I anticipate Congress will approve appropriations at this level, providing an 800% increase in funding for this Act over President Johnson's last budget.

One of the greatest concerns of the elderly is their ability to maintain their financial security and to remain independent despite the vice in which inflation places all Americans with relatively fixed or low incomes. Dramatic shifts in social, economic and psychological conditions in the last thirty to forty years have increased the disadvantages of aging. America's elderly worked diligently in the face of at least three wars and a great depression to provide for their children, to keep their families together, and to maintain their self-respect and dignity. Despite the fact that overall American expenditures of the aging have almost doubled in the last five years, and despite the fact that Social Security has gone up 25% in the last two years alone, one out of every four older Americans still lives at or below the poverty line.

Nearly 60% of those elderly living alone or with nonrelatives have incomes of the poor or near poor. 63% of aged women living alone or with nonrelatives have income below or at the poverty line. In 1972, the likelihood of being impoverished is more than twice as great for Older Americans as for the younger.

Each passing year increases the economic problems of old age. Growing urbanization, decay of metropolitan centers and widespread social strife have all increased the economic insecurity of the elderly, many of whom cluster in old neighborhoods in larger cities.

In recognition of this very real and serious problem, President Nixon has proposed that the federal government place a floor under the income of every senior citizen in America. Pursuant to this request, the House with my support responded by passing H.R. 1 on June 22, 1971.

H.R. 1 would for the first time establish a federal income floor for the aged, the blind and the disabled, replacing existing adult categorical assistance programs with a new federal program. The bill provides an income standard of $150 per month for a single aged person, or $200 per month for an aged couple—approximately the current non-poverty threshold level. As passed by the House, this new program would remove 800,000 persons from poverty through an estimated $4.1 billion in payments to the aged, blind and disabled.

The Senate Finance Committee is holding further executive sessions on H.R. 1 this week, and may report it soon with amendments. It has already upped the ante on income floors, to raise 4 million above the poverty level of subsistence at a cost of $5.7 billion for this next year. This increases costs by $3.5 billion over the existing law, and by $1.6 billion over the program approved by the House. This increased spending will be paid out of the Treasury, not out of Social Security trust funds—the Treasury will have to raise the money through increases in taxes or through borrowing, with the principal and interest to be paid through higher taxes at some time in the future.

The guaranteed annual income proposal is rather controversial, and has considerable opposition among those protesting against high taxes and deficit spending. I frankly have considerable misgivings about the Senate Finance Committee's amendment increasing the level of this guaranteed income floor, which might be raised to even higher levels in the Senate. It appears to me that for an experimental new program, despite its possible theoretical attributes, the House-approved level is about all that should be enacted at this time. The $1.6 billion added by the Senate Finance Committee could well be used for so many programs affecting the elderly or for the tax relief so desired by elderly taxpayers and homeowners.

H.R. 1 when finally amended and passed by the Senate will contain many differences from the bill passed by the House last June 22nd. The bill will be sent to Conference for resolution of these differences. The greater the differences between the House and the

Senate versions, the greater the difficulty the Conferees will have in working out any compromise, and the longer it will delay the benefits of H.R. 1 taking effect. I am sure you all will recall that the House passed legislation containing many features of the present H.R. 1 early in the last Congress, only to have the Senate sit on the bill until after the 1970 elections, and then pass the bill with so many "Christmas Tree" riders or amendments that there was no opportunity for a Conference to be held, so that the legislation died with the adjournment of the 91st Congress.

We must not allow a repeat of that sad performance in this 92nd Congress.

In working with Social Security, it seems we are always trying to catch up with increases in cost of living. Too often Social Security legislation lies dormant during the off or non-election years, to be pushed through shortly before elections with wild floor amendments in which Congressmen and Senators, especially those aspiring to higher office, outdoing each other in trying to buy the senior citizen bloc of votes.

Certainly this is no way to legislate. It is undignified, unseemingly, and highly inefficient. Appeals for unrealistic benefit increases having no real chance of being enacted or funded give rise to false hopes among the aged, bound to be frustrated. These practices delay the enactment of needed benefit increases. I am sure the process offends most elderly voters, who tend to vote far more independently and less in blocs than younger age groups. Most Older Americans highly value their vote and exercise their right of suffrage far more diligently than younger citizens. The idea that anyone would think they could buy their vote through such tactics is surely repugnant to most Older Americans.

Since first running for Congress, I have supported efforts to change and reform this system, so that the aged will know they can be assured of Social Security increases whenever the cost of living rises, without it becoming a matter of election-year politics and bidding for votes. I was pleased that President Nixon advocated automatic cost-of-living increases in his 1968 campaign platform, and that under his leadership the House passed such legislation in the 91st Congress.

H.R. 1 as passed by the House almost a year ago provides for a 5% increase in benefits effective this June, and for further automatic cost of living increases thereafter, financed through an increase in the taxable wage base. Since the House passed this bill last year, Older Americans have experienced still further limitations on their purchasing power through cost of living increases, especially in the area of medical treatment, hospitalization and drugs. I therefore believe an increase in benefits beyond the increase approved by the House, to 10 percent, is fully justified, especially since it appears that this increase can be absorbed by the Social Security trust fund without requiring increases in payroll taxes beyond those already approved by the House in H.R. 1.

It appears the Senate Finance Committee will recommend that H.R. 1 be amended to provide an increase of 10%, paid from the Social Security trust fund.

However, several candidates for President, in and out of Congress, are calling for benefit increases of 25%, 30% or higher. They would abandon the traditional tie of benefits to the trust fund created by employer and employee payroll tax contributions. If Congress accepted these proposals, the Social Security system would no longer be actuarially sound and the trust fund would soon be inadequate, requiring direct payments from the Treasury to pay future Social Security benefits and abandoning the present insurance and annuity approach.

Since the inception of Social Security, beneficiaries have received their due under an actuarially sound insurance-annuity program to which they made substantial contributions during their working careers, or to which their deceased spouses had made contribution. But if Social Security benefits were to be paid from the general revenues of the Treasury, from funds raised by income taxes and other taxes, there is a real danger the Social Security program will become just another welfare program, dependent upon annual Congressional authorizations and appropriations.

I am hopeful that the Senate will act responsibly when it considers H.R. 1 and will refrain from adopting any such language which would endanger the Social Security system.

About 58% of our elderly are women, most of them primarily dependent on Social Security benefits earned by their husbands. Under our present laws, widows are eligible for only 82½% of the retirement benefits which would be paid their late husbands if they were still living. H.R. 1 will increase this to 100%.

The House acted to equalize the sexes under Social Security legislation. H.R. 1 provides a three year transition period after which the method of computing benefits for men will be the same as for the ladies. H.R. 1 also provides that widowers under 62 be paid reduced benefits as early as age 60, just as widows are now treated under the present law.

New initiatives are being undertaken by President Nixon and Congress in the field of Medicare. Under present law, Part B Medicare premium charges would be boosted to $5.80 per month, starting in July. H.R. 1 would limit this increase in premium, and President Nixon has now requested repeal of the requirement that enrollees pay any monthly premium at all for Part B Medicare coverage. Enactment of President Nixon's proposal would make an additional $1.5 billion available to Older Americans—the equivalent roughly of another 4% increase in Social Security benefits.

Other provisions of H.R. 1 would extend Medicare coverage to many of the disabled who draw Social Security benefits but had to give up work before reaching the regular retirement age.

While many elderly look forward to that day when they can fully retire, many others are forced into retirement against their wishes. We must put an end to discrimination in this country against older people who are able and want to keep on working.

Under the present federal law, there is an outright ban on setting any maximum age limit for entry into the federal competitive service. I was pleased to join in soundly defeating this January a bill which would have empowered the President to establish maximum age requirements for entry into the civil service.

The Social Security Act now requires those who do not choose to retire at 65 to forfeit their benefits for the period between the age of 65 and the time they finally do retire. H.R. 1 would change this, providing an increase in Social Security benefits of 1% for each year in which the worker delays his retirement between ages 65 and 72.

H.R. 1 also liberalizes the earnings tests, to encourage more of our older citizens to remain active in the economic life of this country. The bill increases the amount that a beneficiary under 72 years of age may earn, from the present $1,680 to $2,000. Each dollar of earnings beyond $2,000 would reduce benefits by only 50 cents—there would be no dollar for dollar reduction as provided in the present law. It is impossible to predict at this stage how the Senate will treat this language, but I am hopeful that, as unemployment decreases and the economy further improves in the future, the income limitation in our Social Security laws may be absolutely repealed.

Those who can work and want to work should not be discouraged from working regardless of age.

By reducing age barriers to work, we can increase the sense of participation among older citizens and more effectively tap their energies and experience. We have in the elderly of America a vast pool of talent, experience and skills, waiting and eager to be called upon.

The Manpower Development and Training Act directs the Secretary of Labor to provide at appropriate times and places a special program of testing, counseling, selection and referral of persons 45 and older for occupational training or further schooling. Only 10% in these programs in 1971 were 45 years old or older, but it is becoming increasingly evident that rehabilitation of the elderly is possible when the persons providing the care or training really believe in what they are doing.

As Aeschylus, who lived and wrote until 81, so truly said: "It is always in season for old men to learn."

A growing number of Older Americans are also taking advantage of the Adult Basic Education Program providing instruction for persons 16 and over for instruction through the twelfth grade, and are passing High School Equivalency tests with flying colors.

At President Nixon's request, the Secretary of Labor is urging Iowa and other States and communities to include Older Americans provided by the Emergency Employment Act of 1971, providing them work in new community public service jobs funded by the Act. The Secretary is also encouraging employment services to help open job opportunities for those over 65, including opportunities for part-time employment in public and private sectors. Through doubling funds for special projects for low-income older workers, such as the Green Thumb and Senior Aides programs, as many as 10,000 older persons will be employed in useful community service.

The Foster Grandparents program offers low income persons of 60 or older opportunity to work with dependent, neglected or culturally handicapped children. In five years, this program has increased from 21 to 68 projects in 40 State, including Iowa, with 5,400 Older Americans serving 22,000 children. President Nixon has requested Congress to move this program from demonstration status to full operation on the national level, and has asked us to double the Foster Grandparents program's funding so that it can provide for 11,500 Foster Grandparents serving children in some 450 child care institutions throughout these United States.

The Retired Senior Volunteer Program, RSVP, was a major innovation of the Older American Act Amendments in 1969. It provides for voluntary services by retired persons for others 60 and older. President Nixon has requested that R.S.V.P. funding be tripled for this next fiscal year, with 75,000 Senior Volunteers becoming involved in community services.

President Nixon has asked for new legislation to expand Person-to-Person Volunteer Service programs for Older Americans, building on the successful experience of the Foster Grandparent program. He has enlisted the cooperation of 130 national voluntary organizations in a program helping Older Americans in 300 communities live dignified lives in the familiar settings of their own homes, assisting them to make home repairs, making shopping more accessible, and providing more convenient transportation so they can obtain health care and tend to other needs.

I am heartily in favor of these efforts, and assure you that I shall make every effort to keep all of these voluntary organizations on their voluntary basis. The very power of voluntary organizations, the reason they can be so effective in meeting changing needs through relatively small dollar investment, is their volunteer spirit. This would to a great extent be lost were the control over these community or private organizations divorced from local leadership and federalized into the government in Washington, D.C.

We have seen in the last three years a great expansion of federal assistance for the Arts and Humanities, and for construction of public library facilities. These increased cultural opportunities are especially enjoyed by those who have retired and have more time to invest in such worthwhile activities.

But many elderly Americans who would like to enrich their lives with such cultural activities, or to participate in volunteer programs or in part-time jobs, are unable to do so, isolated by lack of transportation.

Although the lack of transportation meeting the needs of the aging is basically a question requiring ultimately a local solution, the Nixon Administration and Congress have taken steps helping to alleviate the situation. The Urban Mass Transportation Assistance Act of 1970 provides for special consideration for the needs of America's aged and infirm in the planning, design and operation of transportation services. The Department of Transportation is encouraging research and transportation programs to provide better access to transportation to the elderly. Congressional Committees are exploring possible means of assisting communities to meet transportation needs of the elderly and thus remove one of the great barriers to their involvement and integration into society.

One of the most important concerns of the White House Conference on the Aging was the way in which the government is organized to deal with the problems of Older Americans. President Nixon has appointed a Special Assistant and a Special Consultant on Aging, and has set up a new Cabinet-level Committee to coordinate federal activities regarding the aging. The Secretary of H.E.W. is reorganizing his Department to strengthen his Advisory Committee on Older Americans, with the Commissioner of Aging reporting directly to the Secretary. The Senate has a Select Committee on Aging, and I believe the House needs a similar committee to coordinate its legislative studies and efforts.

I therefore cosponsored legislation establishing a House Committee on the Aging. I regret the House Leadership still has not scheduled hearings on that resolution and has not allowed it to come to the House floor.

Those of you who attended the White House Conference found a great chairman in Dr. Flemming, the former Secretary of HEW.

Dr. Flemming very forcefully called for action to help the aging, for deed, not just words. As he said, failure of the Conference to translate the hopes and aspirations of our Older Americans into action programs will simply add to their frustrations.

From what I have said today, I hope you will agree that President Nixon and the Congress are making efforts to translate the Conference's recommendations into action programs, but some of the problems require long-range solutions and some will have to be dealt with progressively as human and financial resources become available.

That substantial progress is being made is due in no small part to you here today and others like you throughout the country. I pledge to you my whole-hearted support on this great effort to improve the quality of life for Older Americans and bring them back into full and active participation in our society. There is nothing which should be given higher priority in America than the reinvolvement of our older citizens, whose values have helped build this country and made it the greatest in the world.

END AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HELSTOSKI. Mr. Speaker, in the aftermath of the latest escalation of the air war in Indochina, climaxed by this past weekend's bombing raids against Hanoi and Haiphong, it is as if the clock has been turned back 5 years to the cruel and limitless bombing policy of the late Johnson administration. It is as if Mr. Nixon and his advisers in the White House and Pentagon have learned nothing from the tragic lessons of the past few years. In pursuit of vague, undefined, and self-defeating aims, they like their predecessors, subject the peoples of Indochina to a rain of death and destruction unprecedented in the annals of modern warfare. Once again, the American people and their representatives in Congress cry out against this inhuman policy and once again an American President responds by escalating the air war and dragging the United States deeper into the quagmire of Vietnam.

Despite all the horrors of the past few years, Tet, Mylai, Cambodia, the rampant slaughter of civilians, the wholesale devastation of a once fertile land, a poisoning of the American spirit at home and the sowing of distrust and repulsion abroad, Mr. Nixon has learned nothing. Despite the strong desire of the vast majority of Americans to wash their hands of the stain of Vietnam completely and immediately, Mr. Nixon has opened a new chapter in the endless Vietnam story, and has paved the way for deeper and lengthened involvement. A President, who asserted as a candidate in 1968 that he had "a plan to end the war," has plans only to expand it and to perpetuate the killing and violence. The American people voted in 1964 and again in 1968 for peace; their Presidents and a docile Congress give them only more war.

Mr. Speaker, in times like these, it is difficult to remain optimistic about the future of our democratic institutions. Since 1968 it has been clear that the majority of Americans want nothing more to do with the Vietnam war. Yet they remain shackled by their leaders to the carcass of the domino theory. While a Presidentially appointed diplomatic and military elite play God with the lives of Americans and Indochinese in Southeast Asia, our democratic institutions and checks and balances are short circuited by lies, misinformation, press agentry and phony appeals to patriotism and national unity. Much more of this and we shall soon be undone. The United States has already sacrificed too much in pursuit of the fantasy of victory in Vietnam—56,000 American lives, 300,000 American casualties, well over $150 billion from the taxpayers, a loss of national unity, and of domestic tranquility—the list is endless. Now the administration is apparently prepared to sacrifice the chances of lessened tensions with the Soviet Union and the hope of strategic arms limitations. As much as ever, the diplomatic and military policies of the United States are irrevocably wedded to the fortunes of the repressive Thieu dictatorship. How much longer shall we allow the course of our lives and the prospects for a peaceful world to be determined by a narrow military clique in Saigon? How much longer shall we allow the President of the United States to sacrifice all which is decent in this Nation on the altar of "Victory in Vietnam?"

Mr. Speaker, once again efforts shall be made in this House to end this war at once. As in the past, I shall support all measures to end the bombing immediately, and to withdraw all American forces as soon as logistically possible. For nearly 4 years, a lethargic House of Representatives has granted Mr. Nixon the luxury of "ending" the war in his own way. He has only intensified it and raised new specters of deeper American involvement.

The American and Indochinese peoples cannot tolerate this luxury any longer. This House must vote to end American participation in this immoral conflict immediately and unilaterally.

WILLIAM PETERS, OLDEST EAGLE SCOUT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. GAYDOS. Mr. Speaker, the Mon-Yough Boy Scout Council in the 20th Congressional District of Pennsylvania recently held an award dinner to honor a class of Eagle Scouts. The council also paid tribute to scoutmasters who have produced 10 or more Eagle Scouts during their tenure of leadership.

A highlight of this award dinner was the special recognition paid to Mr. William Peters, of 10-A Longfellow Drive, Munhall, Pa. Mr. Peters, commissioner of the Chippewa District, is the oldest known Eagle Scout in the Mon-Yough Council, having achieved scouting's highest rank on October 31, 1924.

Mr. Speaker, I salute Mr. Peters for this outstanding record in scouting and am privileged to insert his name into the RECORD, along with those of his fellow scoutmasters. Their record reflects great credit upon themselves and the Boy Scouts of America.

The list of names, units, and sponsors follows:

CHIPPEWA DISTRICT

Joseph Bakosh, troop 24, West Mifflin citizens.

John W. Christian, troop 15, St. Teresa Roman Catholic Church, Munhall, Pa.

William Galvin, Sr., troop 5, Mifflin School PTA.

Clement A. Matta, troop 12, St. Elias Church, Munhall, Pa.

Earl G. Robinson, troop 4, Homestead Park United Methodist Church.

Albert Sabol, troop 8, St. Nicholas Orthodox Church, Homestead, Pa.

CHEYENNE DISTRICT

Frederick Dachinetz, troop 310, Holy Name Roman Catholic Church, Duquesne, Pa.

SENECA DISTRICT

Thomas A. Dudek, troop 8, St. Stephen's Episcopal Church, McKeesport, Pa.

David J. Edwards, troop 85, St. Robert Bellarmine Roman Catholic Church, North Versailles, Pa.

Allen G. Filson, troop 1, Central Presbyterian Church, McKeesport, Pa.

Charles G. Fulmer, troop 151, Versailles Methodist Church.

Oliver C. Levander, troop 7, Hall Park Welfare and Relief Association, McKeesport, Pa.

Richard C. Stashko, troop 146. Green Valley Volunteer Fire Company.

Charles V. Turner, troop 30, Father's of 30 Club, White Oak, Pa.

MOHAWK DISTRICT

William P. Betzner, troop 55, St. Joseph Roman Catholic Church, Port Vue, Pa.

Theodore M. Frank, troop 99, Mount Vernon Community United Presbyterian Church.

Anthony Grace, Sr., troop 96, Greenock Methodist Church.

Donald C. Kerklo, troop 54, First Presbyterian Church, Glassport, Pa.

Evan Leggett, troop 78, Round Hill Presbyterian Church, Elizabeth, Pa.

GUN CONTROL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BEGICH. Mr. Speaker, I have received a resolution passed by the Kodiak Island Borrough, Kodiak, Alaska, concerning certain legislation being considered in Congress regarding gun control. I think the resolution expresses the sentiments and concerns of a large number of people in Alaska if not the majority.

Last year I was privileged to write an article regarding gun control for the September issue of the Gun World magazine, in which I said in part:

> The case for strict firearms regulation has not been made in Alaska. During my period of service in the Alaska State Senate, I fought and voted repeatedly against registration, mail order and other control legislation. Such statutes would work a special hardship in Alaska, where it would be nearly impossible for Alaska natives and others in the rural areas to comply with such laws. Over a period of time, these same citizens of Alaska have established a record for extremely wise and safe gun use.
>
> It is my feeling that the experience with such legislation in Alaska has been and is being repeated elsewhere in the United States. Wherever it is possible to separate the issue from the emotions, it should be possible to reach rational decisions. In many cases, I believe lawmakers will discover that regulation is just not necessary.

Mr. Speaker, I bring this resolution to the attention of my colleagues at this point in the RECORD so that any such legislation will receive the broadest possible consideration before being enacted into law:

A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY OPPOSING SENATE BILL 2815 OF THE CONGRESS OF THE UNITED STATES

Whereas, the Congress of the United States is presently considering Senate Bill 2815 that would require all citizens to surrender handguns to the Federal Government within one hundred and eighty (180) days of the passage of said Bill, except for law officers, licensed security guards or members of licensed gun clubs with locked storage spaces using guns for bona fide target, sport shooting or other legitimate recreational purposes and

Whereas, those turning in guns would receive in return from the Federal Government fair market value of the weapon and the penalty for failure to surrender the handgun would be as much as $5,000 fine and five years in federal prison and

Whereas, the prohibition of the Act would extend to handgun ammunition and

Whereas, in the judgment of the State of Alaska Legislators this legislation violates a citizen's right to keep and bear arms for his protection or legitimate recreational use and

Whereas, Alaska's vast expanses of uninhibited land masses create unique circumstances wherein the use of handguns for protection while trapping, sports fishing, prospecting or while traveling through the State is of major importance,

Now therefore be it resolved by the Kodiak Island Borough that it opposes the enactment of Senate Bill 2815.

WHAT HAS HAPPENED TO CONSUMER SPENDING?

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, probably the most vital component in our economic recovery is the growth in consumer confidence and spending. Much concern has been expressed recently over the fact that the consumer has maintained a historically high rate of savings, and thus is spending less on consumer goods which are the backbone of our economy.

John O'Riley, in a recent column, indicated another reason for reduced consumer spending which must be taken into account as we seek to revive the economy. I have included his column for the Members' review:

[From the Wall Street Journal, Mar. 27, 1972]

APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

What the economy needs is more consumer spending. How many times have you heard that one in recent years? Quite a few, surely. The consumer, it is said, saves too much. And he lacks confidence. The increased saving is statistically demonstrable. And the lack of confidence is no doubt there to a degree. But there is another long-term trend that impinges on the consumer's spending for his personal wants. That is the growing share of his income that he must spend on non-personal consumption—things like policemen, school teachers, concrete pavement, and so on.

When official calculators compute the gross national product, they do it by adding up all the spending in the country—and that's it, the GNP. The two big spending flows are (1) spending by individuals for personal consumption and (2) spending by federal, state, and local governments. All this money comes originally from the same pockets, of course. But the part in category No. 2, siphoned from those pockets via direct and indirect taxes, inexorably diminishes what the taxpayers can spend on personal needs.

Year after year, decade after decade, the siphoned part grows larger, not just in an absolute sense, which would be expected, but as a percentage of the whole. Starting with 1929 as a way-back base, and then picking up with post-World War II years, here is the record of the GNP, showing the part of it spent publicly. The first two columns represent billions of dollars.

Year	GNP	Government spending	Percent of GNP
1929	103.1	8.5	8.2
1950	284.8	37.9	13.3
1955	398.0	74.2	18.6
1960	503.7	99.6	19.7
1965	684.9	137.0	20.0
1971	1,046.8	233.1	22.2

The figures in both of those first two columns have expanded mightily over the years, of course. But:

Since 1929: While the GNP has increased tenfold, the non-personal, through-the-government share of the spending has increased twenty-sevenfold. And:

Since 1950: While GNP has grown less than fourfold, the through-the-government spending has grown more than sixfold.

In today's world, the taxpayer, usually an employe of some business firm, is increasingly an employer himself—of a growing multitude of public servants. And he must pay these people their wages before he can start spending for personal consumption.

The record of the growth in these public payrolls tells much of the story of the growth in public spending—and taxes. The table below shows all the people on private, nonfarm payrolls and all those on government payrolls. The latter are not, for the most part, federal workers. They are local people—teachers, policemen, firemen, sanitation men, and so on.

Year	Private	Government
1929	28,274,000	3,065,000
1950	39,196,000	6,026,000
1955	43,761,000	6,914,000
1960	45,881,000	8,353,000
1965	50,741,000	10,074,000
1971	57,836,000	12,853,000

The important point in the above is not the growth in the two columns, but rather the difference in rate of growth. It adds up to this:

Since 1929: Private employment up 104%—and government employment up 319%.

Since 1950: Private employment up 47% and government employment up 113%.

There are more people on the public payrolls today than there are men, women, and children in all of New England—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut.

Is this bad? Not necessarily. Who can say? It may be going too far—or it may be just an essential part of the evolution of a more complex, more urbanized society.

For the rancher on the frontier, public services just weren't so burdensome. His primary police department was a 30-30 Winchester over the mantel. His sewerage system (a big tax item today) was an outhouse some twenty yards behind the back porch. Education for his children came largely from getting books and reading them—a route that Abraham Lincoln followed with reasonable effectiveness.

But that is a bygone world. Every man to his own Winchester would hardly replace the modern police department in today's metropolis. The outhouse has had it. The mere reading approach to education seems to be gone for good. Still—those public service payroll costs do put a crimp in a lot of potentially personal-consumption spending.

And there is another huge item in the public spending column today that does not even pay for public service. It is the mounting cost of caring for the poor. Like the cost of meeting the public-servant payrolls, it must be paid by the taxpayers before they arrive at what's left for their own personal spending. The poor have always been with us, indeed, but the rate at which their numbers grow today is much sharper than generally realized.

The population of the country has grown some 15% since 1960. But the number of people on welfare rolls has more than doubled over the same period. Now well above 14 million, the welfare citizenry is greater than the combined populations of New York City, Chicago, and Los Angeles.

As far back as a year ago, the Department of Health, Education and Welfare found more than 10% of the residents of seven of the country's 20 biggest cities on welfare. In Boston the welfare rolls were placed above 15% of the population. In New York they were over 13%. In Baltimore and St. Louis they were above 12%. And in San Francisco, Philadelphia and Newark they topped 11%.

In the overall consumer buying power picture, of course, public employes spend their money on consumer goods just as those on private payrolls do. And so do welfare people. But for those folk who still don't get their livelihood from public coffers (thus far they remain the majority) the brake on personal spending grows tighter. They can't use the same dollars to pay taxes and buy cars and TV sets—or, for that matter, home library encyclopedias and sets of the Harvard Classics.

JOHN O'RILEY.

KOSCIUSZKO AND CULTURAL OPPRESSION IN POLAND

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RARICK. Mr. Speaker, the plight of those living under Communist oppression is, and should be, a matter of great concern to all free people. The passage this week of House Congressional Resolution 471 relative to the persecution of the Soviet Jews and other minorities is a step in the right direction toward correcting the grave injustice, indeed the criminal acts of oppression and violation of human rights perpetrated by the Soviet Union in its drive for total subjugation of the people of the captive nations.

The nation of Poland is, perhaps, a classic example of the deprivation of human rights where the name of the great General Kosciuszko has recently been banned from use in the government newspaper and where it is now forbidden to play the Polish National Anthem—the first line of this great anthem is of great significance here, "Poland is not yet lost."

Almost every American school student knows the story of the great Pole, General Kosciusko, adjutant to General Washington, hero of the Revolutionary War battles of New York and Yorktown and an American citizen by virtue of an act of a grateful Congress. Few know that this same General Kosciuszko later returned to Poland, helping to construct the Polish Constitution and was the general who led the Polish forces victoriously against an invading Russian Army in 1794 at a place called Raclawice.

Kosciuszko is truly a world hero, a great name in the battle and struggle for individual liberty and conscience.

Unfortunately, the President of the United States has chosen to ignore the fact that the Communist Government of Poland has now declared an American hero, truly a father of this country, a nonperson. The President has, in fact, chosen to dignify this very same Government by visiting Poland May 31 and June 1 following his visit to Moscow. In doing so he is giving tacit approval to these recent actions of cultural oppression by the Communist government in control.

Related news articles follow at this point:

[From the Manchester Union Leader, Apr. 15, 1972]

REDS DOWNGRADE KOSCIUSZKO

The Red Government of Poland has declared Kosciuszko to be a non-person and has banned his name from use in the government newspaper.

Almost all American schoolchildren have read about General Thaddeus Kosciuszko, who distinguished himself brilliantly in the Revolutionary War, especially in the battle of New York and at Yorktown.

General Washington made Kosciuszko his adjutant.

This Polish friend of freedom achieved the rank of brigadier-general, and a grateful U.S. Congress honored Kosciuszko with the privilege of American citizenship. Afterwards, Kosciuszko, wearing the American uniform, returned to Poland to help construct the Polish Constitution and to defeat an invading Russian army. This he did magnificently in 1794 at a place called Raclawice.

Now, alas, Poland is once again under the Russian heel.

The tragedy is that Poland, over which World War II started in 1939, now remains less free than it was at the outbreak of that war.

At the top of our back page today we are publishing former Ambassador to Switzerland Henry J. Taylor's brilliant and tragically sad commentary on what has happened to Poland. Mr. Taylor also pays a fitting tribute to young Kosciuszko, who in 1776 at the age of 30 crossed the Atlantic in a perilous journey to volunteer in Washington's army.

One of the real blots on American history is the fact that at Yalta, President Franklin Delano Roosevelt literally sold the Polish people into Communist slavery by not insisting that Poland be free.

If this nation did what it should be doing, it would be aiding Polish patriots to gain their freedom from their Red slavemasters. In this way we could pay part of our debt to Kosciuszko.

WILLIAM LOEB, *Publisher.*

[From the Manchester Union Leader, Apr. 15, 1972]

REDS ALSO BAN NATIONAL ANTHEM OF CAPTURED, BUT NOT CONQUERED, COUNTRY—COMMUNISTS IN POLAND "OUTLAW" KOSCIUSZKO

(By Henry J. Taylor)

The Polish Communist party organ is Warsaw's Trybuna Luda. The government newspaper is Zgcie Warsawy. Poland's great national hero is, of course, Tadeusz Kosciuszko. They have now banned his name.

The Red government has outlawed Kosciuszko as a nonperson.

The Polish national anthem is a mazurka, the first line of which is "Poland is not yet lost." The anthem, too, is now officially banned.

This is the latest Moscow-ordered handiwork of ORMO Secret Police chief Mieczylaw Moczar, the Minister of Interior, clicking his worry beads about the restiveness of the Polish people under Red rule.

Simultaneously, he has now installed a slot box in Poland's police stations for informers to drop anonymous notes accusing friends and neighbors of disloyalty to the Red cause.

Crafty Moczar, pouched and sallow, his smile as cold as a meat plant, was a longtime rival of former Communist party leader Wladyslaw Gomulka, six years in power, current leader Edward Gierek and stooge Premier Josef Cyrankiewicz alike. Their rivalry was evident in the Gdynia shipyard riots in which 54 people were killed and 200 wounded—the worst since the Poznan riots in 1956.

The great Kosciuszko a non-person? Poland lost? The scheme repeats an ancient tragedy.

Poland has always been in the untenable position of a land mass without natural borders. Again and again, always vastly outnumbered by enemies, Poland has been the victim of hungry pythons.

Even at the time of Napoleon's aggressions against Poland, that country already had been dismembered and partitioned three times in 23 years.

Eighteenth century Frederick the Great spoke of "the foul and shabby Polish trash." The commander-in-chief of Germany's World War I army said, "Poland must vanish." One of Hitler's proclaimed war aims was "to send all people of Polish origin to their destruction."

At 4:40 a.m. September 1, 1939, he attacked Poland by surprise. I was there. I experienced with the people their fight on those days and nights soaked with sorrow.

Hitler made this attack on a pretext of Germany's self-defense, trumped up and forged by his own secret service—the ghastly beginning of a war that finally killed 35 million people.

Three million Poles died at German hands in World War II. Then the Soviet slaughter was fully as horrible when, hand in hand with Hitler, the Soviet assaulted Poland (Sept. 16, 1939) in the Germany-USSR agreement to divide the country between them. So was the horrible genocide.

Violating all international laws, Poland's Nazi and Communist masters seized and criminally shunted off more than 1½ million Polish civilian men and women. The genocide involved 300,000 Poles of Warsaw, 150,000 from Lodz and 128,000 from Gdynia, the shipyard city, alone. The families forcibly split, the destinations unrevealed, these Poles entered the ranks of the living dead.

There are more than seven million first-generation immigrants from Iron Curtain countries now in the United States. Poland's oppressed are high among them. And naturally they venerate soldier-statesman Kosciuszko, now nonpersoned.

As the famous Lafayette's contemporary, he should be as well known as Lafayette is to us here.

Young Kosciuszko was essentially Jeffersonian and in 1776, aged 30, crossed the Atlantic in a perilous journey to volunteer in General Washington's army.

His back and his character were as straight as a gun barrel. Six feet tall, kind and gallant, modest, capable and truly brave, Kosciuszko became one of our war's most-respected officers.

He distinguished himself brilliantly in the battle for New York and at Yorktown. Washington made Koskiuszko his adjutant. He achieved the rank of brigadier-general. And a grateful Congress honored Kosciuszko with the privilege of American citizenship.

Kosciuszko, wearing his American uniform, returned to Poland to help construct the Polish Constitution and to defeat an invading Russian army. This he did—and magnificently—in 1794 at Raclawice. Then the Russians wounded and seized Kosciuszko at Maciejowice and carried him off to Russia as a prisoner for two years. And in Poland and America alike you could hear the sound hearts make when they break in two.

Today Poland is again captured. But it is not conquered. The blood of Kosciuszko is in these people. One day the conquerors may well find that it is one think to eat the Poles and another thing to permanently digest them. Honor the brave!

[From the Washington Post, Apr. 18, 1972]

NIXON ADDS WARSAW TO FOREIGN TRIP

(By Carroll Kilpatrick)

Both the White House and the Kremlin indicated yesterday that preparations for President Nixon's summit meeting in Moscow are proceeding on schedule despite the heightened conflict between the two powers over Vietnam.

While some observers were speculating that the Soviet meeting would fall victim to the bombing of Hanoi and Haiphong, Polish Ambassador Witold Trampczynski called on the President to deliver an invitation to visit Warsaw.

Press secretary Ronald L. Ziegler said Vietnam was not discussed during the Polish ambassador's meeting. The President will visit Poland May 31 and June 1 after visiting three Soviet cities and Teheran, Iran, the White House said.

Official sources made it unmistakably clear, however, that Mr. Nixon is deadly serious in his determination to prevent a Communist victory in Vietnam.

He is convinced that the American people support him in the actions he has taken and that they would not support him if he stood by while the Communists overran South Vietnam, the sources said.

Ziegler emphasized repeatedly in answer to questions that the President will take "whatever action is necessary to thwart this invasion" by North Vietnam of the South.

He even indicated that a congressional resolution calling on the President to halt the bombing would be ignored at the White House. Ziegler said critics are "aiming at the wrong target" when they criticize the President; they should aim at Hanoi, which is responsible for the escalation of the fighting Ziegler said.

A few hours before the Polish ambassador called on Mr. Nixon, a White House advance team headed by the President's military aide, Brig. Gen. Brent Scowcraft, took off for a planning trip to the cities the President is scheduled to visit. It is expected to land in the Soviet Union Wednesday.

In Moscow, at about the time the Soviets were formally protesting the Haiphong attack, which they said hit Soviet ships, it was reported unofficially that the President will also stop in Leningrad and Kiev.

From Kiev, he plans to fly to Teheran and then to Warsaw. As Vice President in 1959, after visiting four Soviet cities, Mr. Nixon flew to Warsaw for one of the largest and most emotional welcomes he has ever received.

Further indications that both Moscow and Washington are trying to conduct business despite the new crisis were the start here yesterday of Soviet-American negotiations on a lend-lease settlement and in Moscow over maritime issues.

Also proceeding on schedule was the visiting Chinese table tennis team, which the White House announced will call on the President at noon today.

United Press International quoted "diplomatic sources" in Moscow as saying that the President and Mrs. Nixon will stay in the Kremlin Palace, a guest house within the red brick walls of the ancient fortress, during their four days in the Soviet capital.

The President is scheduled to arrive in Moscow May 22. The White House said last week that he would spend a day or two in Salzburg, Austria, resting after the transatlantic trip before flying to Moscow.

The White House yesterday confirmed reports that the President intends to nominate Martin J. Hillenbrand to be ambassador to West Germany. Hillenbrand has been Assistant Secretary of State for European Affairs since February, 1969.

DETERIORATING CITIES: WHAT TO DO

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HALL. Mr. Speaker, recently, Mr. Carl O. Kamp, Jr., a member of the Federal Home Loan Bank Board, spoke before the Rotary Club of St. Louis, Mo.

Mr. Kamp's remarks dealt with the problems of our deteriorating cities, and included some well-reasoned and concrete suggestions on how to deal with the problems of central-city deterioration.

In Mr. Kamp's words:

> No more wild schemes are needed that call for more public money. No more "social sobbing" is needed by those who publicly decry the decay of our cities, but do little to alleviate the problem.

I think that Carl O. Kamp, Jr., has much of value to say, and I offer his remarks for the enlightenment of all:

AN ADDRESS BY CARL O. KAMP, JR.

A great amount of publicity has focused recently on the problem of our deteriorating cities. In some cases, the news media, politicians and government bureaucrats have tried to lay the blame for the decaying cities everywhere but at themselves. In an effort to actually avoid the problem, some have refused to look analytically and practically at the causes for the decay of our major cities and what could and ought to be done to realistically rebuild these areas which offer so much to the American people.

In the past, our cities have been the hub of commerce, the great "melting pot" of our society, the center of cultural activities, the location of some of our finest institutions of higher learning and the magnetic attraction which turned our nation from a rural society into an urban one in a fantastically short period of time.

But what has happened? In less than a generation, our cities have become, in many cases, an eyesore to the public. Business is moving away; local government can no longer guarantee that the streets will be safe; taxes are skyrocketing; some of our finest institutions have degraded their high purpose of educating our young by wallowing in partisan politics; our citizens are afraid to travel into the city in the evenings and daylight attacks upon individuals are not uncommon.

But, these are only *symptoms* of the disease not causes. And until we determine the basic causes which have contributed to the recent phenomena of the "city deserts" we will only find ourselves with a problem which may soon be so large it will be impossible to solve.

In my conversations and travels around the country, I have found that the savings and loan industry is not passive to the problem of inner city decay. Across the country savings and loan associations have become active in their own areas in trying to maintain and increase decent housing. Many savings and loans are involved. The record can be improved if the causes of inner city decay are attacked and attacked from a responsible and realistic viewpoint by a coalition of the total financial community; the business sector, which, of course, includes you as leaders of the St. Louis business community; local, state and Federal Government officials and agencies; the local people; and, of course, with the support of the news media which should educate their readers, viewers, and listeners about the causes of the deteriorating cities.

A great potential for investment in major cities awaits us all if the basic ingredients of decay can be ferreted out and eliminated. Business should join in this effort to rehabilitate the cities of our country. After all, with the right type of business environment, our major cities could become growing communities not dying ones. Government at all levels should critically analyze its present involvement in the cities. Finally, the local population—those people who are living in the midst of the dying city—needs to determine for itself if it wants to continue a passive life while the city decomposes around it, or is it going to actively participate with the other groups in society to rebuild the cities.

The first and overriding purpose of the business sector is to make a profit. This is true for financial institutions and the corner grocery store, the gas station and the manufacturing plant. All of us here today are interested in learning new ways to make money. The profit motive is the single ingredient, along with our Nation's historical reluctance to clamp on mandatory government controls, which has created this country's vast economic wealth. We all know and understand this basic principle of American success.

Today, I am concerned about what I see as a growing trend in our Nation today. At times I am afraid certain people among us would rather flee than face up to a challenge. And yet, it has been the challenges willingly and ably faced up to by this Nation which have resulted in our most significant advances. Too often today, we are turning toward Washington, D.C., to solve our problems instead of solving our problems locally using our own resources free from government control.

A great challenge faces us today. And, if we can face up to it, profits are available to all, not only financially but morally. The successful rehabilitation of our cities could be one of the greatest accomplishments of American business in our 200 year history as free people. This means new approaches to problem solving, new dedication to the concept of "self help", renewed appreciation in the free enterprise system, and possibly a completely new concept of what we call central cities.

As long as this Nation continues to paint over the problem of our dying cities instead of taking the more realistic, although much more difficult, approach of curing the disease, we will continue to toss money down the proverbial rat hole.

Solving this major problem will take more than a few new buildings. We have found that out here in St. Louis. A few years ago a great campaign was launched which said downtown St. Louis would be revived. The Gateway to the West would make our city once again a thriving and expanding metropolis. The Arch was built, a new stadium, a new riverfront hotel, several new night spots and restaurants were also built. The Mansion House Center and Laclede Town were completed. Yet, St. Louis continues to decline.

This problem is not just centered here in St. Louis. The crisis of our deteriorating cities is a national crisis and one which must be faced up to. The remedies experimented within the past simply have not worked. It is time to look for new remedies.

The idea that simply the allocation of funds will solve problems plagues many government programs—take a look at welfare. According to Milton Friedman, the famed Chicago economist, if the money allocated to helping the poor was merely given to those who qualify as poor, each member of each poor family would get $3,000 a year. A "poor family" of four would be given $12,000 a year!

Instead of merely allocating funds in our philanthropic desire to help people, we must begin to cure the cause of our problems, including the problem of our cities. We must reorder our priorities away from treating symptoms and turn toward curing the causes of the problem of our cities. We can create the business environment for increased investment, new jobs, a larger tax base, better schools and the elimination of a great deal of the present welfare load off the back of the tax paying American people. Everyone will benefit if our cities can be saved by the investment of the private sector with the profit motive as the guiding light and governmental regulation as catalyst for, instead of restriction against, private involvement.

Investors shy away from our cities today for a combination of reasons.

I have talked to builders who, today, have detailed plans for bringing good housing into the inner cities. Yet, they find it impossible. The crime rate is so high and vandalism is so prevalent that builders shy away from implementing their plans.

In many cities, the city government places such rigid restrictions upon the mortgagor and the builder that they feel frustrated when they try to alleviate the existing situation. For instance, building code requirements, like those in Chicago, force residents to abandon their homes rather than invest more money in a neighborhood which is declining and which is in the process of being taken over by criminals. Such counter-productive codes only force a decline in property values and ultimate abandonment and then vandalism of these properties.

Cities which require permits for improvements upon property ought to update or eliminate such restrictive procedures. Some existing permit requirements were drawn up decades ago and need modernizing if not complete elimination.

As an example, in some cities today a building permit is needed for as little as a $100 improvement on your land. A $100 improvement may have been quite an investment 30 years ago but not today. Such restrictions ought to be updated, if not completely eliminated. If a man owns his property why should he be hobbled with the necessity of obtaining a building permit in order to improve his land? As long as building codes are adhered to, building permits may be unnecessary. Besides, the bureaucratic headache in obtaining such permits at City Hall may cause the land owner to miss several days of work.

Of course, the high tax rates existing in many cities only adds to the problem. For instance, according to the *New York Times*, Chicago's taxes last year rose 35% and are expected to rise another 50% this year. In some of my conversations with people around the Nation we hear that property is taxed in some cases two to five times what it should be if the property were reassessed correctly. Property taxes charged the owner are more if improvements are made than if the property is allowed to continue to deteriorate.

The area of property taxes has come into the spotlight lately. It might be worthwhile to consider looking at land and its taxation in a more practical and realistic way.

For instance, isn't it counter-productive to levy higher taxes on improved property? Doesn't such a tax policy discourage rehabilitation of deteriorating properties? Why should a landlord keep his properties looking good and make the necessary repairs if his taxes will increase?

Possibly a more realistic approach would be a land value tax which taxes the land and not the structure. Such a tax might well encourage improvements on many existing structures not only here in St. Louis but in most metropolitan areas.

The present FHA subsidy financing, according to Secretary of HUD George Romney, has been far less than successful. This can be seen by the amount of city property presently owned by the Federal Government, by the fact that FHA financing has, in some cases, been refused to perfectly good properties in the inner cities, and by some of the recent disclosures here in St. Louis as to abuses in the program. Then you have the problem of Urban Renewal which in many cases wipes out a sprawling slum to replace it with a high-rise slum.

The most celebrated case of this type is right here in St. Louis—Pruitt Igoe. Now the Federal Government has decided to blow-up part of this publicly subsidized development and try to rebuild around it. Yet, once again, money is being poured into the area with no real long-range plan for improving the situation except new subsidized housing. No plan is conceived to cure the disease.

It is difficult for most people to break loose from old concepts and traditional viewpoints. I, for one, am a strong believer in traditional American values and the importance of the individual.

However, I do feel that the traditional concept of the "city" may, indeed, be outmoded. Most people view the city and any program to assist the city in the traditional manner—a downtown business sector surrounded by houses and apartments with few commercial areas for daily shopping. Here in St. Louis this is largely the pattern of development. Some areas of South St. Louis, however, have good commercial areas available to the community residents.

But does this traditional view of the city have to restrict our thinking? Maybe the traditional city ought to be replaced with a modern concept which would create a suburb out of the present-day deteriorating city.

Shopping centers and industrial parks act like magnets in the suburbs. Housing and employment is generated around such areas. Why not create such area communities within the city limits of St. Louis?

The need surely exists to service the people of St. Louis with easily accessible shopping areas. Similarly, potential labor is also available here in St. Louis. The creation of jobs creates buying power and thus St. Louis could well halt its present downhill slide into oblivion and begin to rebuild a new St. Louis.

Such "suburbanization" of St. Louis would alter the present image of our city. The image of impending doom could be replaced with a new, exciting image of a city on the go. Employment opportunities would open up and investment opportunities would naturally go hand in hand.

Such a suburbanization program could be accomplished largely without the Federal Government pouring billions of new dollars into the city.

A few things which could be done and need to be done to shore up the decay in our cities and to begin building a community which will service the needs of the people are as follows:

(1) Government, business, and labor must work together to build the necessary "climate for investment."

(2) Good street lighting is necessary as is the continuation of and the expansion of our police forces. Street crimes must be reduced to the lowest possible number.

(3) Existing, though abandoned, structures could be used to house people, as industrial buildings or commercial establishments, and possibly as correctional institutions. In too many cases, I believe, perfectly sound structures are abandoned and torn down which could be used in a constructive fashion.

(4) The court systems in our cities must be modernized and possibly decentralized in order to deal quickly and fairly with those persons faced with civil or criminal proceedings.

(5) The restrictive building codes and home improvement permit issuing should be modernized and, in some cases, eliminated.

(6) The taxing policies of the city and state governments must be revamped in order to encourage, not discourage, business investment.

(7) The private sector should realize that the city can once again become a place of prosperity. We must decide to cure the disease and not simply treat symptoms.

(8) The private sector needs to organize a "United Front" to include all sectors of society which would encourage the present city administrations to implement the improvements outlined herein.

(9) The private sector needs to develop its own plans for developing the inner-city—housing developments, shopping centers, business plants, better use of industrial facilities, job training programs, etc. Many such plans exist today.

(10) We must stop visualizing central cities in the traditional manner and begin to realize that the purpose of cities is to serve the people and businesses which reside therein and to encourage new people and buisnesses to move in. Consequently, the suburbanization of the city may be an answer.

(11) We should encourage evening use of school buildings in the area for classes on family budgeting; home improvement, basic home repair, home and apartment selection, and, if necessary, personal protection.

No more wild schemes are needed that call for "more public money." No more "social sobbing" is needed by those who publicly decry the decay of our cities but do little to alleviate the problem. No more attacks are needed by some members of the news media on the private sector for supposedly failing to meet the problem.

It is time to face up to the problem and to understand that each of us has not only a social responsibility to our community but a responsibility to our firm and to our stockholders to go after profits. Profits are awaiting the private sector in our cities if we work to develop an "investment environment" which can redevelop and rebuild the cities.

Ladies and Gentlemen, we must all combine our imaginations, our expertise, our resources, and our profit-minded desire to restructure the foundations of our cities and create a viable, successful and livable community.

Our forefathers built a Nation out of a wilderness. We should be able to build a livable and profitable community out of St. Louis.

COMMENT ON THE BERRIGAN BROTHERS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HÉBERT. Mr. Speaker, I am inserting in the RECORD today an article by Father Dan Lyons from Twin Circle, the National Catholic Press, which discusses an appearance of one of the Berrigan brothers before the Fordham University Law School.

I found the article particularly interesting because it brings out several significant points never, to my knowledge, mentioned by the newspapers that give so much space to the activities and ideas of the Berrigan brothers. These points are:

Although the Berrigans are Jesuits, they do not reflect the views of other Jesuits.

Why is no attention given to the opinions of their fellow Jesuits on Vietnam, particularly those who have been to Vietnam—or who live and work in Vietnam?

The brothers Berrigan have had as much publicity in the national media as all the other 56,000 U.S. priests combined.

Why is the Catholic clergy in Vietnam not given an opportunity for public comment in our news media in answer to the things the Berrigans are saying?

South Vietnam has a large Catholic population. What happens to them and to the church if the North Vietnamese and the Vietcong take over in South Vietnam, as the Berrigans apparently wish?

Why is it that the Berrigans and their followers, who profess great moral scruples, never express any Christian sympathy for the thousands of innocent civilians murdered by the Vietcong and the North Vietnamese?

Why is a war of defense against a military invasion from another sovereign state now considered immoral?

Why would the tyranny and horror of North Vietnamese and Vietcong communism suddenly become any more acceptable to these self-righteous fanatics than the same sort of totalitarian tyranny which Hitler attempted to impose upon Europe in World War II?

The article follows:

FATHER DAN BERRIGAN'S FIRST TALK

(By Father Dan Lyons)

There were mixed feelings among the audience as Father Dan Berrigan, S.J., gave his first public address at Fordham University Law School since his release from prison for burning draft records. Most of the audience consisted of students in hearty agreement with his talk.

It is fair to say the talk appealed much more to emotion than to reason. On several occasions in the past, students have proposed that I debate with him, but he has always been unwilling to debate. I have debated his brother, Father Phil Berrigan, S.J., at Purdue, Notre Dame, and elsewhere.

Father Dan's talk consisted of reading his poems, making a few remarks, and answering questions. In his introduction he referred to "other poets and other revolutionaries, like Ho Chi Minh." Much of his time was spent in condemning Boyd Douglas, the fellow convict who turned out to be an informer. His attack on Douglas was extremely low level, accusing him of being psychologically unbalanced.

INSECTS

Apart from Douglas, he spoke highly of all those in prison. Yet his charity did not extend to those who work there. They are "insects." Police and prison guards are the bad guys, while convicted muggers, rapists, thieves and murderers are the noble ones. "No one should be kept in prison against his will," he said. Except wardens?

"Angela" drew his repeated respect and veneration. One wonders how much he knows about the Angela Davis case. Or how much he knows about issues such as Puerto Rico. Yet when a questioner asked whether Puerto Rico should become independent of the United States, his immediate reply was: "The sooner the better."

NO SOLUTION

When asked whether our government was worse than Hitler's was, he had no comment. When asked if he had an alternate system to ours, he replied: "Yes. In Jail." He is a professional protester, with no positive solution to offer. His stock in trade is a very vague dissent. When asked if he had any plans, his answer was that he had not thought about it. "Have you any suggestions?" he asked the questioner.

He was asked if the trial involving his brother and six others in Harrisburg, Pa., was a total fabrication. He answered immediately: "Yes. Sure. It was truly a kangaroo scene. It is to prevent free speech. If you in the audience have not thought these thoughts and spoken these words, you ought to be ashamed." There was no mention of the bomb charges; no denial of a plot to kidnap Henry Kissinger. He does not deal with facts.

Father Berrigan and his brother have had as much publicity in the national media as all other 56,000 U.S. priests combined. Magazines like *Time* and *Newsweek* go out of their way to play up anything they do or say. Yet their main theme, the Vietnam war, is a subject on which they know very little.

CONFEREES DISAGREE

Father Dan did not bother to discuss that obviously complicated subject. Yet he keeps referring to it. But as Father Arrupe, General of the Jesuits, has remarked, Father Dan's views do not agree with those of his fellow Jesuits in Vietnam.

Could it be that bishops, priests and laity in Vietnam; could it be that the experts on Vietnam in this country, know facts that the Berrigans do not know? Bishop Hoang Van Doan, of the Diocese of Qui-Nhon, in South Vietnam, reported in a recent interview that "those who blame the Vietnam war on the Saigon and Washington governments are not well-informed." A war of defense "is not immoral," insisted the bishop, adding that the Church has been almost entirely wiped out in North Vietnam.

EXPERTS DIFFER

Priests like Father Raymond de Jaegher of Twin Circle's editorial board, and Father Patrick O'Connor, who has written for Twin Circle, are much better informed than the Berrigans on Vietnam, as each of them lived in Vietnam for 10 years. Their views are diametrically opposed to the Berrigans.

"Gradual strangulation of the Church is the evident objective of Hanoi," both priests insist: "It would be the goal of Hanoi in South Vietnam." Marxism is the only "religion" taught in the schools in the North, they pointed out. "The government there is simply an agency of the Communist party."

What Hanoi wants to do in South Vietnam, it also wants to do in Laos, Cambodia, Thailand and elsewhere. The reasons the Berrigans and their followers are so reluctant to discuss the subject is that they have no answer to these very serious problems. With them the Vietnam war is simply an excuse for attacking our government. They feign sympathy for the few children bombed in Hanoi, but not for the thousands killed or wounded by the Viet Cong.

BEREFT OF CONCERN

As for concern toward the people in South Vietnam, the Berrigans and their followers seem bereft of any. They are warriors without a cause, full of discontent and confusion.

Father Greeley was not far off when he called Father Dan "a self-righteous fanatic." His likeable manner and feigned modesty fail to conceal his attitude of inspired moral superiority.

MADISON-MAYODAN COMMUNITY COMMENDED

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. PREYER of North Carolina. Mr. Speaker, the shortage of physicians in small towns has been one of the most serious problems in delivering good medical care to all of the people of America. The Madison-Mayodan community should be commended for their innovative effort in this area.

An article from the Messenger of March 23, 1972, follows:

COMMUNITY AHEAD OF MOST IN PLANNING FOR PHYSICIANS

A group of Mayodan and Madison citizens met Monday night with Dr. Donald Hayes of the Bowman Gray School of Medicine and Richard Parks of Raleigh to discuss ways and means of getting doctors to come into the area to establish practices. Mr. Parks is a member of the state Committee on Community Health Assistance.

Present were six members of the Madison Medical Facility Authority and three from a newly appointed committee in Mayodan named to find the town an additional doctor.

No new revelations on the secret of finding doctors for small towns came out of the meeting, but after some fact-finding discussion, guidelines were established on how best to proceed.

After hearing what the Madison group had done to date and the plan it has set up, both Parks and Dr. Hayes agreed that the community was far ahead of most communities in its plan of action. Carlyle Lewis, speaking for the Madison group, described plans for first obtaining doctors with a $40,000 guarantee for the first year, and later erecting a medical facility.

Members of both committees pointed out that the two doctors in Madison and one in Mayodan were anxious to have more doctors in the area.

Dr. Hayes said, when it was pointed out

that around 20,000 people are served by local doctors, "Ideally you need 25 doctors to give people the best medical care. I'd pull out all stops to get more doctors. You're not going to get too many."

Lewis said, "If we get a prospect we're going to get on a plane and go see him. We're not going to wait around writing letters back and forth."

Answering a question as to whether medical schools encouraged doctors to go into general family practice, Dr. Hayes said, "I can honestly say at Bowman Gray we are now seriously working on it. In the past we gave only lip-service to the idea." He also agreed that there was a small upsurge of interest in general practice among young medical students.

One type of help for doctors now practicing in the area described by Dr. Hayes is a program which has been developed to supply trained physician assistants and nurse-practitioners, certified to work with established doctors. He described the type of training program required and said in communities where they were working with doctors it was found that their services freed doctors so that they became 50 per cent more productive.

THE 50TH ANNIVERSARY OF THE INTERNATIONAL ASSOCIATION OF Y'S MEN'S CLUB

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. GERALD R. FORD. Mr. Speaker, the International Association of Y's Men's Clubs, a service organization which works through the YMCA, is observing its 50th anniversary this year.

Y's Men's Clubs serve communities here in America and throughout the world, striving constantly to improve mankind's lot and engaging in various civic betterment projects.

In the knowledge that Y's Men's Clubs are dedicated to service and to worldwide brotherhood, I think it is appropriate that the House of Representatives join in paying tribute to them. To that end, I include certain Y's Men's Club golden anniversary material at this point in the RECORD:

PROCLAMATION

To all to whom these presents shall come or may concern:

Witnesseth:

Whereas, The International Association of Y's Men's Clubs, Inc., was founded in 1922 in the State of Ohio, United States of America, and

Whereas, this Service Organization is now operational in 48 countries of the world as the service arm of the Young Men's Christian Association, and

Whereas, the celebration and commemoration of fifty (50) years of such service directed to the betterment of mankind and the advancement of worldwide brotherhood by Y's Men's International is worthy of note and acclaim by all who profess allegiance to those concepts.

Now, therefore, it is publicly recognized and acknowledged that the International Association of Y's Men Clubs be, and it hereby is, congratulated on the attainment of its Fiftieth Anniversary in 1972, and further, that it be, and it hereby is, applauded for its contributions made by Y's Men and Y's Menettes to the improvement of the quality of life in the world, and finally, that it be, and it hereby is, encouraged to renew and rededicate its efforts in even greater measure in the years to come.

Y'S MEN TO CELEBRATE 50TH ANNIVERSARY

The 50th anniversary of the founding of the International Association of Y's Men's Clubs is being observed during the year of 1972 throughout the world.

The Tolymca Club, organized in 1920 by Paul W. Alexander, a young attorney, was the forerunner of the Y's Men's Clubs. The idea of a Service Club working through the YMCA spread from Toledo throughout nearby Ohio cities and in 1922 resulted in the organization of the International Association of Y's Men's Clubs in the first International Convention at Atlantic City, New Jersey. Seventeen Clubs from the United States and Canada formed this Association and Charter Number One was granted to the Toledo Y's Men's Club. Paul Alexander was the First President. In 1924, the first "overseas club" was chartered in Shanghai, China. By 1930 there were 150 clubs and 1940, 250 clubs. The most recent tabulation accounts for 832 Clubs with over 20,000 active members in 48 countries around the world. In addition to the Y's Men members, their wives have membership in the Y's Menettes Clubs, and they too, serve the local YMCA's.

Although the Y's Men's Clubs are designated as the Service Clubs of and for the YMCA's, they do serve the communities at large in various phases and projects.

During the year of 1972, January 1 through December 31, the International Association of Y's Men Clubs is celebrating its 50th Anniversary and relating promotions and activities to the theme "... fifty and forward ..." The past, present and future is being taken into account and combined not only to let the membership at large be aware of the 50th year, but to let communities become aware of their Y's Men's Clubs. Y's Men serve locally, on a regional level and internationally, through the YMCA.

Y's Men have many goals, projects, activities and services. On the major service level, with local chairmen, regional and international service directors coordinating the services, Y's Men work with Youth, Young Adults, provide YMCA Membership service, offer scholarships for Y-careers and have a World Outlook service. A current project that has a meaningful goal, "Golden Opportunity for Leadership Development," is a special thrust for their Golden Anniversary.

The International Headquarters of the Y's Men's organization is located in Oak Brook, Illinois, U.S.A. with Gerald L. Heyl serving as its Secretary General. A second office is located in the World YMCA Headquarters in Geneva, Switzerland with Ingvar Wallin, Associate Secretary General heading the staff.

In July 1972, 24th through 28th, the Y's Men's International Convention will be held at Athens, Ohio, on the campus of Ohio University. The theme of the Convention will also relate to the "... fifty and forward ..." slogan, of the 50th year.

Throughout the years, the International Presidents have been from the United States and Canada. However, the current President, whose term began September 1, 1971 and will continue until August 31, 1972, is Poul H. Jorgensen of Fredericia, Denmark. The President-Elect, who will assume the office of President in September, 1972, is Rev. Heinz Grabia of San Diego, California.

The motto, since the International Association began in 1922, has been and will continue to be: "To Acknowledge the Duty that Accompanies Every Right."

REMARKS OF DONALD F. SIMPSON AT THE DEDICATION OF THE WOODLAWN CENTER IN LOGANSPORT, IND.

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HILLIS. Mr. Speaker, on April 9 I had the privilege of attending the dedication of the Woodlawn Center in Logansport, Cass County, Ind.

The purpose of this greatly improved and enlarged center is for the training, rehabilitation, and comprehensive service to retarded children.

The speaker at this dedicatory ceremony was Mr. Donald F. Simpson, regional commissioner of the Social and Rehabilitation Service at the Department of Health, Education, and Welfare in Chicago. I would like to place a copy of his remarks in the CONGRESSIONAL RECORD so that all of my colleagues may have the advantage of gaining the information which he made available to us at this dedication.

The remarks follow:

PRESENTATION BY DONALD F. SIMPSON

It is a great pleasure to be here today to share in the dedication of the Woodlawn Center. I am happy to salute the many people who have worked very hard and with great commitment to make this Center possible. The dedication today marks a major milestone in the development of a comprehensive service program for retarded and developmentally disabled individuals in Cass County. We particularly salute the leadership and work of the Cass County Council for Mental Retardation in this effort. The building we are here to officially open exemplifies the cooperation and involvement of both public and private, federal, state and local efforts which the Council pulled together.

The opening of this Center will enable the Association for Retarded Children to offer a comprehensive program providing services to preschool children, severely retarded school-age children, post-school vocational training, a sheltered workshop, adult activities, speech, hearing and language development services, and a summer day camp.

Your accomplishments in meeting the needs of the mentally retarded deserve the recognition and appreciation of the entire community. Retardation and development disability generally are both individual and community problems. The impact of rehabilitation on the community is made clear when one recognizes that 95% of the retarded remain in the community living at home with their families. The need for community services such as the ones which will be provided through this facility cannot be overestimated.

We have not always viewed retardation and developmental disabilities from a rational and compassionate point of view. More often these handicaps have been looked upon with varying degrees of scorn, pity, protectiveness, fear and neglect. Today, in the United States, we have accepted the fact that there are many millions of individuals who are mentally retarded and for whom we must provide services which will enable each to achieve his optimal capacity for independent living.

In 1963, Congress enacted the first major federal legislation for specific assistance to the mentally retarded. Since that time, there has been a concerted effort to initiate new approaches among parents, community leaders and professionals in working with the retarded. Advances have been made in diagnosing difficulties, treating disabilities, training minds, shaping behavior, cultivating potential for rewarding individual and community activity, and counseling and assisting families. It is not sufficient to provide isolated services for the retarded child or adult, but a program of services must be developed which is aimed at integrating the developmentally disabled into the life of the community. The Woodlawn Center does this.

The most neglected retarded are 15–25 year old individuals. In the age groups below 15, we are beginning to see the benefits of more extensive activity in early diagnosis and intervention.

The improvements in the care of premature infants, the widespread availability and use of antibiotics, and the early access to programs for developmental stimulation are reducing the numbers of severely handicapped young children each year. But there is comparatively little comparable progress for the 15–25 age group. These latter need far more comprehensive services. All community resources need to be brought to bear in helping them. This means we should use the community's schools, its job training and employment services, its recreational and cultural facilities, and all other community resources that can aid in moving these people to as independent and satisfying a life as possible. The Woodlawn Center is a fine expression of this concept.

We need to examine the relation of development disabilities to poverty. Research has shown that there is a clear connection between retardation and infant diet as well as the nutritional quality of the diet of mothers during pregnancy. Numerous studies have shown that among the poor there are very serious problems of malnutrition. Also, the lack of cognitive and emotional stimulation in infancy and early childhood, which is highly prevalent among the poor, can severely impair emotional and intellectual growth. It is particularly important that we recognize the possibility of preventing retardation through programs designed to improve the nutritional and health status of low income populations. In need of special attention are medical and social measures such as parent and child health, family planning, nutrition, parent education, and early childhood development programs which hold promise of reducing the incidence and severity of retardation in high-risk poverty areas.

Community, public and private agencies working with the mentally retarded must move swiftly to assure that those retarded who reside in low income neighborhoods are afforded the same remedial services as those who live in more affluent areas. The needs of the retarded, regardless of economic status, must be recognized and included in plans for community comprehensive service programs now being developed. The retarded too often are still isolated from these community services, or the services are too fragmented to be effective.

We must enlarge the role of the nation's schools in the diagnosis, prevention, and treatment of mental retardation. The schools need to become more sensitive to the complex problems of the developmentally disabled. They need to increase and improve special efforts on behalf of the retarded and slow learners. Evidence now indicates that many children lose developmental potential during their school years because special programs are not available. The school environment should contribute more to intellectual, social and emotional growth of disabled children as well as foster attitudes of acceptance and tolerance among non-disabled children.

The goal of all programs and services for the mentally retarded is that the disabled individual receive the help he needs at the time and place he needs it. To achieve this goal all mental retardation program planners and providers must coordinate and expand their efforts.

We need to strengthen the linkages among services for disabled individuals at the community State and Federal levels. The old belief that human problems can be solved if only enough money and services are provided is not enough. Experience has shown there seldom is enough money, at least partly because our interest in helping the disabled as well as other vulnerable individuals has resulted in a wasteful and confusing proliferation of isolated services. These services urgently need to be brought together to facilitate their use by those who need them and to put an end to waste and duplication on the one hand while great gaps in service needs continue to exist on the other.

The Developmental Disabilities Act, a 1970 amendment to the Mental Retardation Facilities and Community Health Centers Construction Act of 1963, is a major contribution toward the development of coordinated community based services for the developmentally disabled. The legislation authorizes grants to States to assist in the provision of services and the construction of specially designed public or other non-profit facilities. These facilities house programs for the diagnosis, treatment, education, training or personal care of the mentally retarded, including sheltered workshops which are part of facilities providing comprehensive services.

The program is administered in Indiana by the State Department of Mental Health. The State Developmental Disabilities Planning and Advisory Council sets the direction, development and growth of the program. The Council membership includes representatives of the principal State agencies and non-governmental organizations and groups concerned with services for the developmentally disabled and representatives of consumers of service. At least one-third of the representatives must be consumers of services for the developmentally disabled.

Funds under the Developmental Disabilities Program can support a wide range of activities, depending upon the needs and priorities of the State and the community. Specifically, funds may be used:

To develop and implement comprehensive plans to meet the current and future needs for services;

To assist public or private non-profit agencies in the construction of facilities for the provision of services;

For direct provision of services, including costs of operation, staffing and maintenance of facilities;

For State or local planning, administration or technical assistance relating to services and facilities;

For training of specialized personnel; and

For research or demonstrations related to new or improved techniques for the provision of services to the developmentally disabled.

The act allows for a compresensive definition of what kinds of services are needed as part of a program of services for the developmentally disabled. Services for which funds are available include: diagnosis. evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the disabled individual and his family, protective and other social and socio-legal services, information and referral, follow-along services and transportation.

The Developmental Disabilities program is having a widespread impact on community efforts to meet the needs of the retarded. Public and voluntary agencies are already demonstrating increased interest in the provision of services, and community leaders and professional personnel are combining their efforts to stimulate the sponsorship of needed facilities and services, Despite accomplishments of communities like Logansport, there is still an enormous need for additional services and facilities to serve the mentally retarded. State plans developed under the Developmental Disabilities program have indicated the need for services for over a million retarded individuals not now receiving services.

I think that the decade of the seventies will be one in which decisive progress will be made in reducing retardation and its causes and in designing improved programs to treat those who are retarded. Exciting research is underway in many fields. Important progress is being made in our understanding of the causes and effects of retardation. Research in the bio-medical and behavioral sciences has already uncovered new knowledge about the causes and prevention of retardation. As stated earlier, it now seems possible that at least one major cause of retardation can be dramatically diminished by assuring all Americans of a nutritionally adequate diet. Research also indicates that the effects of retardation that cannot be prevented can be greatly reduced in many cases through education and training programs begun in early childhood. These discoveries must now be translated into practical programs with adequate service delivery systems in every community. You may take pride in the fact that the program developed and operating here in Cass County is in the vanguard of future community planning and development of services for the mentally retarded.

The purpose of all our efforts to help the retarded is to enhance the human qualities and abilities of a person throughout his lifetime.

This involves assistance in every appropriate way to enable the retarded person to enjoy as independent and meaningful a life as possible. It requires the disabled person and his family to be fully included in all human and community relationships. In this way the disabled person will find acceptance, respect, affection and a rewarding life. This is his due as it is of all others in our society.

WHITEWASH OF JUSTICE

HON. MORGAN F. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. MURPHY. Mr. Speaker, recently, newspapers across the country carried a story concerning the sentencing of a French official to 5 years in prison for attempting to smuggle $12 million worth of heroin into the United States.

I would like to comment on this action, Mr. Speaker, because I feel it is exactly this type of flagrant abuse of law and order which encourages others to engage in heroin smuggling.

The accused, Mr. Roger Delouette, received not only the minimum sentence but also praise from a U.S. attorney and a Federal judge for cooperating in the investigation that followed his arrest. I find it truly deplorable that praise would be heaped upon a man whose intent was to make money by selling misery to thousands of Americans.

It may be noteworthy that Mr. Delouette cooperated with officials, but it should be remembered that he was caught and his motivation for cooperation was not the generosity of his heart or a mending of his ways but rather the realization that he would receive a lighter sentence if he confessed.

That to me is in no way a praiseworthy act. It is rather a signpost to others who engage in illegal smuggling that if they are caught they can make a deal with officials for a reduced sentence.

And how then do we tell those who complain of our judicial system that it is fair to sentence someone to 20 years in jail for possession of an ounce of marihuana and give only 5 years to a man who possessed 96 pounds of deadly heroin?

From Delouette's statement it is apparent that other French Government officials have been involved in heroin smuggling and by all means they should be tracked down and apprehended. But Delouette's involvement cannot be diminished nor overlooked and his punishment should fit the crime. People have been clamoring for tougher enforcement of laws against pushers and smugglers and when the chance arose, it was not taken.

It should be further added that of that 5-year sentence, Delouette has already served 1 year because he has been incarcerated that long during his trial. While this may be normal procedure if the accused cooperates, it still seems like a whitewash of justice.

Delouette makes it appear that he was the victim of some sort of conspiracy by higher French officials who offered him $50,000 to smuggle the heroin into the United States and then abandoned him after he was caught. And what of the people who would end up victims of the heroin he was trying to smuggle? Should we not have some sympathy for them? Should we tell them yes, we are sorry but the man who tried to make their lives more miserable will only spend about 3 years in jail? If we are ever going to end addiction we must first stop the smuggling into the country and we will never do that by handing out childish slaps on the hand as Mr. Delouette received.

THE MARINE MAMMAL PROTECTION ACT—ALASKANS EXPRESS THEIR OPINIONS

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BEGICH. Mr. Speaker, as you know, the Marine Mammal Protection Act (H.R. 10420) recently passed the House, and is now under consideration in the Senate Commerce Committee. As I explained in some detail at the time of the vote, I supported the objectives of this legislation wholeheartedly, but could not, in conscience, vote for the bill as amended by the moratorium provision which deprives Alaskan Natives of so much of their livelihood.

Since the bill has been acted upon by the House, with the very late addition of the moratorium which totally altered the character of the legislation, Alaskans have sent a great many communications to me. I am inserting many of these communications here because I believe that all Members will be interested to know some of the additional facts of this matter, and because I believe the views of these people must have the widest possible exposure.

On May 12, 1972, the Senate subcommittee working on this measure will hold hearings in Alaska, chaired by Senator ERNEST HOLLINGS. Many of the people who wrote these letters will have a chance to testify. I hope you will all find these letters, reports, and expressions of opinion to be of interest. As you can see, the letters come from Alaska Natives, environmental groups, local government units, and a wide range of interests. I appreciate the opportunity to make these many communications available.

COOK INLET NATIVE ASSOCIATION,
Anchorage, Alaska, March 23, 1972.

Subject: CINA position of House bill 10420 known as the Dingle bill.

Hon. NICK BEGICH,
Congressman for Alaska, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: Enclosed for your information is a copy of the Cook Inlet Native Association position on House Bill 10420. We further feel that this bill is in direct violation of the Land Claims Settlement Act 92nd Congress 1st Session Report No. 92-581. Sec. 2(c) (G).

The political issue at hand will definitely affect a large segment of our Native population. It would most likely, if passed as is, create a tremendous Welfare problem to the State and Federal governments. The Dingle Bill would intercept the life line of our Native artists, trappers and whale fishermen who use these by-products not only for food and clothing but for their sole means of family support.

Very truly yours,
ROBERT W. RUDE,
President.

The members of the Alaska Rural Development Council, being representative of the federal and state agencies and organizations concerned with improvement of the conditions of rural life in Alaska, are opposed to passage of House Bill 10420, in its present form, and any similar totally-restrictive bills in the Senate regarding protection of marine mammals. Our primary opposition is to Section 107(a)(3); that such taking of marine mammals for subsistence purposes by Indian, Aleut, or Eskimo peoples "is not done for purposes of direct or indirect commercial sale."

First, we feel that this bill, which will have a major impact on a large part of the population of Alaska, should at least be subject to public hearings in rural and metropolitan areas of Alaska before being considered. Second, if this bill becomes law, it immediately destroys the Native arts and crafts cottage-industry as it apparently precludes the sales of any parts of the sea mammals, or any items made from the tanned skins, or objects of art carved from the tusks or teeth. The cultures of these coastal Native peoples are firmly based on the full utilization of the sea mammals. To impose the dominant societies' cultural norm of waste of a valuable resource is not only counter to their cultural beliefs, but is also contrary to present U.S. policy on waste pollution.

In addition, this arts and crafts trade is, in many villages, a major source of cash income for the village. Contrary to popular opinion, passage of the Alaska Native Claims Settlement Act will not solve the financial problems of these people for the near future. There is no money available to the Native people from this Act for the first two years, and total disbursements of cash over the first five years are estimated at $550 per person. The lands allotted under this Act have value only for subsistence use for a long time to come, as it has been estimated that it will take about 25 years to complete the surveying on the 40 million acres at the present level of funding. So it can be seen, that to destroy this Native arts and crafts industry by legislative fiat is to condemn these peoples to a poverty and welfare existence within an inflated cash economy. We, therefore, strongly urge the Marine Mammals Bill not be considered for passage until public hearings are held in Alaska, and until the bill is amended to allow the continuance of the Native arts and crafts industry.

ALASKA NATIVE BROTHERHOOD, INC.,
Juneau, Alaska, April 3, 1972.

Congressman NICK BEGICH,
House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR NICK: The Alaska Native Brotherhood Executive Committee in their executive sessions on March 25–26, 1972 in Junean unanimously passed a motion to go on record opposing H.R. #10420—"Bill to protect marine mammals." This legislation is presently in Senator Hollings Committee.

Some of our reasons for opposing the legislation are: 90% of Alaskan Native arts and crafts products depend upon the use of marine mammals for their production; arts and crafts income is the only source of cash income for approximately 10,000 Native Alaskans; arts and crafts income is part of the cash income of approximately 30,000 Alaskan Natives.

If ocean mammals cannot be used commercially in arts and crafts activities, supplemental income of people in 90% of Alaskan Native villages will be affected. According to reports we have in regard to this legislation it appears as though the Senate will act on it sometime after the middle of April and before the middle of May.

In closing, the Alaska Native Brotherhood is strongly opposed to passage of this legislation. Anything you can do would be deeply appreciated. An early reply would be appreciated.

Yours in Brotherhood,
CARL C. NELSON,
Grand Secretary.

VILLAGE OF SAVOONGA,
Savoonga, Alaska, March 26, 1972.

Hon. NICK BEGICH,
Representative from Alaska,
Washington, D.C.

DEAR SIR: We, the people of Savoonga, believe that the passage of the proposed bill prohibiting the commercial taking and usage of sea mammals will do us a grave injustice. Our village's economy is based on hunting and trapping. We are a coastal village where we depend on sea mammals.

We eat the sea mammals we take. We cannot eat the skins, ivory, or all the blubber of the sea mammals we catch. If the proposed bill is passed we will have to throw away the greater portion of the above items. We now use the skins, ivory, and blubber of the sea mammals to supplement our inadequate incomes. The incomes of most of us in the village are well below the poverty level. Our problem is coupled by the high prices we have to pay for the store bought goods. For example, we cannot afford to buy fresh milk, and even eggs sell for $1.20 a dozen. The price of goods does not reflect a large profit for the stores. The goods cost the stores almost as much.

Not only will the proposed bill seriously affect our economy, it will also deal a devastating blow to our culture. If we are not able to sell our ivory, the art of ivory will falter. Without a market, people will be dissuaded to carve. A strong cultural identification is necessary for persons who suffer great emotional stresses from the convergence of a dominant culture and a less dominent culture. Ivory carving is an integral part of our culture, thus, very important in maintaining our pride as individuals and as a people.

We desperately need your help in introducing a clause in the bill that would allow the commercial usage of the skins, ivory, and blubber of sea mammals taken for subsistance.

Believe us,

Yours very truly,

——— ———.

LIST OF SIGNATURES

Shirley Roohok, Clyde Roohok, Louisa Pungowicz, Ruby Roohok, Laura Pungowicz, Joseph M. Pungowicz, Moses Pungowicz, Betty Wongittilin, Bernice Wongittilin, and Elmer Wongittilin.

Reginald Wongittilin, Floyd Kingeekuk, Maynard Kaur, Bryan Kookok, Sr., David Seppih, Mary Seppih, Lois Seppih, Herman Goolie, and Clarence Waylugi.

Thomas Alowa, Joel Kingeekuk, Bradley Gologuger, Gabriel Gologuger, Clarice Gulozegen, John F. Kulowicz, Alice F. Kulowicz, Albert Kulowzi, and Bryce Miklahook.

Vicki Miklahook, Clara Miklahook, Raymond K. Toolin, Elizabeth Toolie, Elton Kulowicz, Herbert Kiyuklook, Hallie Kiluklook, Marris Toolin, and Gertrude Toolie.

Carl Pelowook, Earl Tumbloo, Ina Seppelu, Beverly Innurgan, Daisy Kiyuhlook, Fred Okonolingh, Annie Wongittilin, Sally Noongwook, and Nelson Alowa.

Ray Gologergen, Patrick Gologergen, Emerson Kogassogon, Ronald, Kingeekuck, Walter Wongittilin, Jacob Suppilin, Kermit Kingeekuk, Candy Penoyak, Dorothy Waglicz, and Mark Miklohook.

Jothan Seppili, Roland Alowi, Edward Gologenyen, Gilbert Pelowook, Vernon Wazluzi, Sr., Melvin Seppilu, Gordon Iga, Michael Kiyukhook, Anthony Pelowook, and Cecil Suppilu.

Chester Noonguard, Harrison Mikahook, Sam Pengowicz, Abner Galogerz, Alexander Akeya, Denny Akeya, Franklin Kiznkook, Lydia Akeya, and Dorcas Akeya.

Calvin Akeya, Calvin Akeya, Sr., Lila Akeya, Timothy Alowa, Agatha Moklujcz, Jackson Molujcz, Sr., Agnes Immingan, Lewis Immingan, Dick Immingan, Sr., Merrill Arroyzah, and Madeline Kane.

Bobby Kawa, Sr., Elsie Kana, Danell Kava, Elvin Hoongwook Jeanette Hoonwook, Cecilia Hoonwook, Henry Hoongwook, and Chridine Alowa.

ALASKA CHAPTER, SIERRA CLUB,
Anchorage, Alaska.

Hon. NICK BEGICH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BEGICH: The Alaska Chapter of the Sierra Club shares the motives of those conservationists who are fighting to protect Alaska's sea mammals. We are especially eager for laws which will protect endangered species.

However, we feel that those who support a total ban on the killing of sea mammals need to be better informed on the situation in Alaska. According to the 1970 Census, the median family income of Anchorage's outlying area (over 95% white) is $14,537 per year. On the other hand, median family cash income for the Eskimo coastal district of Wade-Hampton is $3270 per year. Eskimos depend on seal, walrus and whale meat for subsistence. Taking away this meat would be like taking away the white man's cow.

For thousands of years, in addition to the meat, Eskimos have depended upon the skins of these animals for clothes and on the ivory for tools. A small but still significant part of their limited cash income today derives from the arts and crafts items made from these resources.

The Alaska Chapter of the Sierra Club supports what Eskimo hunters themselves would very much like to have: comprehensive scientific studies relating to the relative numbers of sea mammals remaining. We support a moratorium on any future large-scale commercial sea-mammal hunting pending completion of these studies.

The Alaska Chapter is also concerned about what will happen to the North Pacific Fur Seal Commission agreements if a bill banning sea mammal killing passes. Would sea mammal killing on the high seas increase?

We feel certain that in your environmental concern, which we share, you will support substitute bills which will protect sea mammals without imposing the greatest economic hardship on the poorest segment of the Alaskan population.

Yours truly,

CYNTHIA WENTWORTH,
Alaska Chapter, Sierra Club.

ALASKA CONSERVATION SOCIETY,
College, Alaska, April 1, 1972.

Hon. NICK BEGICH,
U.S. House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: Thank you very much for your letter to Bob Weeden and myself requesting our opinion as to the Marine Mammal Protection Act which passed the House of Representatives March 9, 1972. As you can see from the attached letter from Dr. Weeden to various national conservation organizations, and the attached copy of a telegram sent to Senators Gravel, Stevens and Hollings, the Society generally supports your position as stated in testimony before the House.

Of course, we support rigid controls on the unnecessary killing of any wild animal, marine or terrestrial. This particular legislation, however, was apparently generated by emotion, not fact. As Dr. Weeden ably points out, few, if any, of the animals brought under control by this legislation are seriously, directly, threatened as a result of man's harvest. Thus the legislation will have little effect on these populations, except in the case of the northern fur seal, whose population dynamics are dependent upon the current rate of harvest. If the harvest of this seal is stopped, the results may be serious indeed.

The only real effect of this legislation would be to remove the currently effective management plan of the State of Alaska, and replace it with an untried system administered by the Federal bureaucracy, and to eliminate the small subsistence of Alaskan Natives that depend upon these animals for raw materials. Both of these effects are undesirable and totally unnecessary.

In addition it is unfortunate and disgraceful that Congressman Dingell felt that Alaska's Natives have abrogated their traditional small takes of these animals in the light of the Alaska Native Claims Settlement Act. I am sure that he was uninformed as to the Alaskan Native situation, and I am sure that you have corrected this unfortunate misunderstanding.

I hope that this letter and the enclosures help to answer your questions as to the position of the Alaska Conservation Society in regards to this legislation. Thank you for this opportunity to share our opinions with you.

Sincerely,

ERNST W. MUELLER,
President.

UNIVERSITY OF ALASKA,
College, Alaska, March 27, 1972.

DEAR SIR: I am deeply concerned about marine mammals legislation now before Congress. Intended to afford protection to the dismaying number of marine homiotherms that are in serious danger from overexploitation, unintentional killing, and oceanic pollution, the majority of the bills have unintentionally overlooked two basic facts. First, some marine mammal species or regional populations are large, vigorous, growing, or already at the upper limit of their food resources. Second, these same species or populations provide sustenance to several thousand Aleut and Eskimo Americans, whose annual harvests for food, clothing, or articles of commerce in no way threaten the species in question.

It would be a serious mistake for conservationists to mislead the public into thinking all marine mammals would become more abundant if we only stop hunting them. It would be criminal to legislate an ancient and ecologically balanced native culture out of existence, forcing these people to leave their traditional homes or go on welfare, or both.

A few brief examples will show what I mean. I have enclosed other back-up material from respected biologists to give the details and provide you with the facts you need in your educative efforts.

The Pacific walrus was declining due to excessive hunting in the last half of the 19th century and the first two or three decades of this century. For at least twenty years, however, walrus populations have been increasing. There are at least 100,000 walrus in the Bering Sea now, and the herd shows a net gain each year. Simultaneously, Alaskan Eskimos are harvesting walrus for food, boat coverings, clothing, and ivory. Though more walrus are being lost after being shot than anyone likes, the total kill (retrieved and lost) is still less than the annual increment to the herd. The State's management program, based on exceptionally good research and surveys, incorporates both regulatory and educational aspects; it is a solid, successful program.

Sea otters are another case in point. The State's management work involves complete protection of otters from private hunting or trapping; an exploratory harvest by state personnel in areas where sea otter populations are existing on second-rate foods because preferred species have been reduced by the otters themselves; and substantial re-stocking programs to hasten the recolonization of former sea otter range from Oregon north to the Pribilofs. There are lots of sea otter in southwestern Alaska—at least 40–50,000. Federal legislation to "protect" the otter is not only unnecessary, it is an infringement on Alaska's responsibility, since these animals spend practically all their time in state-owned inshore areas.

Northern fur sales have also thrived under biological management, there being about one and one-half million of them scattered over the entire North Pacific in winter, and concentrated on the rookeries of the Pribilofs in summer. There were close to four million fur seals in 1948. The decline over the past two decades may well have resulted from the increasing exploitation of Bering Sea and North Pacific fish stocks by Japan, Korea, Russia, and other nations. In any case, the current harvest program is not limiting fur seal numbers. If we were to stop harvesting the seals, their populations would not increase. The seals would simply show an increased natural mortality from malnutrition or disease.

I feel no compulsion to maintain the fur seal commerce for its own sake. If people wish to stop buying fur seal coats, that is fine with me. I am only saying that stopping the harvest will not increase the abundance of the seals. We should also recognize the costs of such action. The United States would, for example, have to pay Japan and Russia an amount equivalent to the average loss of revenue following cessation of harvesting. The Aleut people on St. Paul Island would absorb the main costs: they would either have to be relocated or go on dole. (It has been suggested that a tourist industry could provide an equivalent substitute economy for these people, but the short-term prospects for developing such a trade are bleak.)

Beluga whales: Belugas, or white whales, are common from the Gulf of Alaska westward and northward to the Beaufort Sea. They are pelagic in winter but spend summers inshore, often in estuaries and river mouths where fish (especially salmon smolts migrating to the sea) are abundant. Belugas are taken by Eskimos for food from the Kuskokwim Delta north to Barrow, yielding some 200,000 pounds of beluga meat annually, plus oil for cooking.

Belugas concentrate in large numbers in some bays in summer, and apparently can be a serious competitor with commercial fishermen for salmon. Any legislation for marine mammal protection should allow for a continued modest harvest by people who need belugas for food, and for occasional population control measures (frightening or killing whales) where needed to protect fisheries. The State of Alaska has been extremely loath to conduct these control programs in the past ten years, and I see no reason to expect a change in this cautious attitude in the future.

Polar bears: The Department of Fish and Game has conducted a management program on polar bears since 1960. The program has included some excellent research, a progressively restrictive set of harvest regulations, and a valiant but none-too-effective enforcement effort. The Department has proposed regulations which would eliminate aircraft hunting for polar bears after the current season, and ban all sale of polar bear hides. If these proposals are acted upon—and my guess is that they will—the harvest of bears in Alaska will decline to one-fifth or so of its present level of 250-300 per year.

Thus, federal legislation is not needed to protect Alaskan polar bear populations. However, it seems clear that polar bear conservation is more and more an international affair, in which governments at the national level must have full power to negotiate with each other. For this reason I view U.S. federal control of polar bears as inevitable and desirable from the political standpoint, though unnecessary in strict biological conservation terms.

I urge you to lend your support to legislation that will take vigorous action to protect marine mammals that need protection, that will protect subsistence cultures that are ecologically balanced with their marine mammal resources, and that will not unnecessarily substitute an untested federal effort for a successful ongoing state convention program.

Sincerely yours,
ROBERT B. WEEDEN,
Professor of Wildlife Management.

RURAL ALASKA COMMUNITY
ACTION PROGRAM, INC.,
Anchorage, Alaska, March 23, 1972.
Congressman NICK BEGICH,
House of Representatives, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN BEGICH: Enclosed you will find the following regarding the sea mammal legislation: Letter to Senator Hollings, *Resolution passed by the Rural CAP Board of Directors, Report by Art Davidson, Editorial from the Anchorage "Daily News".

These are for your information and study. If there is any way that we can be of further assistance do not hesitate to call or write.

Sincerely,
NELS A. ANDERSON, JR.,
Acting Executive Director.

RURAL ALASKA COMMUNITY
ACTION PROGRAM, INC.,
Anchorage, Alaska, March 23, 1972.
Senator ERNEST HOLLINGS,
Chairman, Senate Subcommittee on Oceans and the Atmosphere, Senate Office Bldg., Washington, D.C.

DEAR SENATOR HOLLINGS: Many Alaska natives are quite concerned about the Marine Mammal Protection Bill that has recently passed the United States House of Representatives. It is also our understanding that this bill is before the Senate and action on the bill will start very soon. The bill in its present form is felt to be a very real threat to many Alaska natives' livelihood and traditional way of life.

If traditional subsistence hunting is prohibited by law, Alaska native people will lose the type of livelihood they have used for many, many generations. There's no question in my mind that the fate of our Alaska native people will be seriously affected if they cannot pursue the type of life style that they have practiced since time immemorial.

If this type of legislation is being considered for immediate action we hope that there will be a delay that will allow Alaska native people to be heard so that their views may become known in Washington, D.C. If no time is allowed for the people directly affected by this legislation, then amendments must be considered that would allow Alaska natives to continue harvesting sea mammals as they have for generations.

I have enclosed a report presented to me by Mr. Art Davidson, who is a member of the Friends of the Earth. This report indicates that native people are not threatening sea mammals with extinction. Mr. Davidson also indicated that the Friends of the Earth were advocating an amendment to the Sea Mammal Protection Bill that would allow Alaska natives to continue their traditional use of sea mammals. Also enclosed you will find an Anchorage "Daily News" editorial of Thursday, March 23, 1972.

There is much concern about this bill in both the native and non-native communities within the State of Alaska. We sincerely hope that you will very carefully consider our request for hearings to be held in the State of Alaska so that the Alaskan native people might be heard. In addition, if this bill must go through without any hearings we sincerely request that an amendment be considered that would allow Alaskan natives to continue using sea mammals in their traditional ways.

Sincerely yours,
NELS A. ANDERSON, Jr.,
Acting Executive Director.

OCEAN MAMMAL LEGISLATION

(By Art Davidson)

I. Native use of sea mammals in commercial arts and craft activities—

In 1967 the wholesale value of arts and craft items to native craftsmen was set at $372,000 by an Ernst & Ernst study for ANAC.

In 1970 the wholesale value of arts and craft items to native craftsmen was set at $500,000 in a study by Harold Wolfe for CEDC.

90% of Alaska native arts and craft products depend upon the use of marine mammals for their production—(Mike Lindeman, head of Arts and Craft Division at CEDC).

Arts and craft income is the only source of cash income for approximately 10,000 Alaskan natives. (Lindeman)

Arts and craft income is part of the cash income of approximately 30,000 Alaskan natives. (Lindeman)

If ocean mammals can not be used commercially in arts and craft activities, supplemental income of people in 90% of Alaskan native villages will be affected. (Lindeman)

Wholesale and retail value of native arts and craft products is $1,000,000 per year. (Lindeman)

II. The effects of native arts and craft industry on sea mammal populations—

Statements from testimony of Dr. Lawrence Irving and Dr. Peter Morrison, Directors of the Institute of Arctic Biology, and John Burns, marine mammal specialist for the Alaska Department of Fish and Game, presented by David M. Hickok, Director of the University of Alaska Sea Grant program.

(1) "Eskimos currently harvest fifteen to twenty-five bowhead whales annually for consumption as food and in the process the whaling period is celebrated in deeply significant cultural traditions."

(2) "Land-breeding harbor seals and sea lions, both the subject of former federal predator control programs, are now protected by seasons and limits. Commercial harvest of these species is regulated on a day to day basis by biologists at various harvest locations. Both species are abundant and regional harvest levels are below the rate of natural recruitment to the populations."

(3) "We believe the present (fur seal) program is an excellent example of successful and intensive species management, based upon the application of sound biological information. Through this program the Pribilof seal has increased from approximately 200,000 animals in the early 1900's to its present optimum of 1.3 million. It now sustains an average annual harvest of 50,000 seals."

(4) "The estimated annual harvest of all hair seals in Alaska is about 25,000 to 30,000 animals. Approximately half of these are taken by Eskimos and used for food, clothing and the home manufacture of articles for sale . . . these species presently appear to have stable populations."

(5) "There are estimated to be 70,000 to 110,000 walruses at this time and the population is continuing to increase."

(6) "If the marine mammal resources of Alaska and the world are to be perpetuated, sound resource management based upon scientific principles should not be rejected in favor of all uses of this resource."

(7) "Surely, when the populations being harvested are not endangered, are most appropriately regulated by the State of Alaska, the Congress could not possibly consider taking away an economic self sufficiency just encouraged by the passage of the Alaska Native Claims Settlement Act."

*Continuance of commercial use of marine mammals in Alaskan native arts and craft production is supported by Friends of the Earth, The Wilderness Society, and the Environmental Policy Center.

[From the Anchorage Daily News, Mar. 23, 1972]

AMEND IT

The marine mammal protection bill which recently passed the U.S. House and now is before the Senate is well-intentioned and necessary legislation. But it poses a direct economic and cultural threat to Alaska's Natives.

In the form it passed the House, the bill would prevent Natives in Alaska's villages from converting ocean mammal hides and ivory into clothing and carvings and selling them.

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*Resolution to follow at a later date.

Precisely what that would mean was spelled out to the Senate the other day by Sen. Ted Stevens (he and Sen. Mike Gravel are cooperating in seeking an amendment to the bill).

"These bills will protect the ocean mammals, but in doing so will exterminate the culture and economy of the Alaskan Eskimos," Sen. Stevens said.

"Many Alaska Natives, particularly Eskimos along the coast, depend upon ocean mammals for their existence. What little cash they are able to obtain in order to have even a marginal existence they are able to earn only through the sale of Native crafts, clothing and art works. These activities are vital for the social and economic welfare of the Alaska Native people . . .

"If Congress enacts provisions outlawing all but subsistence hunting by Alaskan Natives, not only will this proud group of Americans have their economic livelihood stripped from them, but they will face the certain fate of cultural extinction."

Mr. Stevens pointed out to his colleagues that benefits from the Native land claims settlement will not be forthcoming for at least two years and even then the land and cash "will not be enough to compensate him for the loss of his occupation." And beyond jobs, what price does one place on a culture?

The entirely proper objectives of the bill—protection of marine mammals from large-scale commercial abuse—can be obtained and Native culture protected by the simple expedient of adopting an amendment such as the one proposed by Sen. Stevens, which would allow Natives to continue using the animals in traditional ways. It is not, after all, the Natives who are threatening these animals with extinction.

But the bill in its present form is a distinct threat to the Natives' livelihood and culture. Congress must amend it—or face just opprobrium for once again arbitrarily and capriciously legislating the death sentence for one of America's first cultures. Surely, at this late date, we are beyond that.

Anchorage, Alaska,
March 23, 1972.

Congressman Nick Begich,
House of Representatives, Longworth House Office Building, Washington, D.C.

Dear Congressman Pegich: I am enclosing a letter stating the position that the Anchorage Chapter of the Isaac Walton League of America has adopted regarding the Marine Mammals Bill recently passed by the House.

We would appreciate your presenting this letter of position to the appropriate committee if and when a joint Senate-House conference committee is formed.

Your help will be greatly appreciated.

Sincerely yours,
Robert E. Wilson.

Isaac Walton League
of America,
Anchorage Chapter,
Anchorage, Alaska, March 23, 1972.

Re Marine Mammals Bill
U.S. House of Representatives
Committee on Natural Resources
Washington, D.C.

Gentlemen: I believe that just about everyone is aware that the Isaac Walton League of America stands 100% behind good conservation practices in all fields, not just those connected with fishing. It is with this view in mind that the Anchorage, Alaska, Chapter of the League respectfully requests that the Marine Mammals Bill now before the Senate be changed or modified to permit the Alaska natives to continue to utilize this natural resource in the manner they have for years past.

The Alaskan coastal natives do not have a source of employment that is in any way steady or dependable. It will be many, many years, if ever, before the villages will have regular industry or employment due to their geographical location.

To bring their annual income up to the $2000–$2500 level they currently average, these people have sold the seal skins, ivory carvings, whale baleen, and a few items home manufactured from the animal skins such as mukluks (boots) and parkas. If you remove the right for these people to continue to earn their livelihood through the presently proposed legislation, you place them in the position of being completely dependent upon State and Federal agencies for handouts to live by. A nearly 100% welfare situation would be created among a people who want to be self-sufficient.

All of the meat obtained by a native, be it from whale, seal or walrus, is consumed in the village. Walrus hides are used to make skin boats, which they still use extensively. Except for the large whale, not even a bone is left after the dogs are fed. To ask that the native not sell the seal hides or walrus ivory that he does not use himself is a shameful waste of a valuable product. To take away his source of livelihood is a waste.

Statistically, this legislation is detrimental to the proper management of the Alaskan mammals. At the present time, there are 115,000 walrus in Alaskan waters with an annual increase averaging 6%. The yearly kill by natives is 3,000 with sportsmen taking 100. This is fewer than desired by the state game biologists. The seal populations and the beluga whale populations are also increasing at a healthy rate. In some areas, the beluga whale is becoming a distinct danger to the salmon stocks because of their great number and little hunting pressure. The large whales such as the sperm or blue are taken only for subsistence by the natives in small numbers.

To increase the economy of the villages, the State Department of Fish and Game would like to see an increased kill by sportsmen of the walrus. Natives are the only ones who can adequately guide such a hunt, and each walrus puts up to $2000 into the village economy.

The Native Land Claims settlement may eventually benefit the individual native, but the terms of the settlement place this benefit years in the future. They need to live now.

The Anchorage Chapter of the Izaak Walton League of America strongly urges you to consider these points when making your final decision.

Respectfully submitted,
Robert E. Wilson,
Chairman, Steering Committee on Marine Mammals.

Nome, Alaska,
April 1, 1972.

Hon. Senator Hollings,
Washington, D.C.

Dear Mr. Hollings: Before I begin I would like to point out a few things about myself. I am forty eight years old full booded eskimo from Gambell Saint Lawrence Island, Alaska. Before I come to Nome I have been dependent on the natural resources only like hundreds of others all over the state. Never have I ask for help from government even tho we sometimes have not a can of milk for our children. The eskimos all over the state is still doing the same thing nowadays.

In all my life I never see the mammals dease in quantities as I observe this everyday of my life. Not only this for centuries the people of Alaska was always dependent on these animals as they are created for our food and living. Very small amount of the mammals is killed every year as there is only one season to hunt these mammals.

We froze our hands, our feet, even lose our lives just to get a seal skin or a pair of tusks just to get milk or shoes for our children. We hunted, hungry all day and come home without anything, very disappointing to all hunters.

And now there is nothing more disappointing than this bill passed by the house so quickly. To me this bill means if it is passed by the Senate our government will say, hey you, hard working self dependent man, you're fired from your good job. That's crazy isn't it? Look at the other countries, they are not working on the similar bill, so their people I mean their self dependent people will still hold their jobs.

And now let me show you across Alaska, look at all the gift shops and all the native stores who make everything possible to sell all these products for these self dependent people. As I see it, many of these native stores and the gift shops are open, because of the natural resources manufactuerd and sold. If this bill is passed Alaskans will be financially crippled.

Fighting the poverty program who ever created it, it is outstanding. The bill passed by the house is the opposite of fighting the poverty program. America must not go beyond what she's doing, we must think of the people who is making America functioning properly, not the animal controlled by the maker.

So here for all of you leaders we are doing what President Kennedy says, Ask Not What Your Country Can Do For You, Ask What You Can Do For Your Country. By manufacturing the natural resources we can do something for our country. This is the only way thousands of people can do something for their country.

I will be more than happy to get your reply.

Sincerely,
Roger Silook, Sr.

University of Alaska,
College, Alaska, March 30, 1972.

Memorandum to All Council
Participants

Attached are three resolutions passed at our recent Alaska Rural Development Council meeting. These have been forwarded to appropriate officials as requested at the meeting.

The summer quarterly meeting will be held in Kodiak, June 13 and 14. An agenda planning meeting is scheduled for early April. We will send the minutes of the March meeting to Council participants after the preliminary agenda has been determined. We do hope to focus a substantial effort of the June meeting on the management concerns of the marine industry and particularly the waste disposal problems of concern to that industry. We hope these dates will help you in planning your schedules.

We are hoping to update the brochure of the Alaska Rural Development Council prior to the June meeting. If your agency is not listed and you wish to be considered as a regular participant I would appreciate your designating your representative and alternate by return mail on or before May 1.

James W. Matthews,
Chairman,
Alaska Rural Development Council.

RESOLUTION CONCERNING PROTECTION AND USE OF MARINE MAMMALS

The members of the Alaska Rural Development Council, being representative of the Federal and State agencies and organizations concerned with improvements of the conditions of rural life in Alaska, are opposed to passage of House Bill 10420, in its present form, and any similar totally restrictive bills in the Senate regarding protection of marine mammals. Our primary opposition is to Section 107(a)(3); that such taking of marine mammals for subsistence purposes by Indian, Aleut, or Eskimo peoples "is not done for purposes of direct or indirect commercial sale".

First, we feel that this bill, which will have a major impact on a large part of the population of Alaska, should at least be subject to public hearings in rural and metropolitan areas of Alaska before being considered. Second, if this bill becomes law it immediately destroys the Native arts and crafts cottage-industry as it apparently precludes the sales of any parts of the sea mammals, or any items made from the tanned skins, or objects of art carved from the tusks or teeth. The cultures of these coastal Native peoples are firmly based on the full utilization of the sea mammals. To impose the dominant society's cultural norm of waste of a valuable resource is not only counter to their cultural beliefs, but is also contrary to present U.S. policy on waste pollution.

In addition, this arts and crafts trade is, in many villages, a major source of cash income for the village. Contrary to popular opinion, passage of the Alaska Native Land Claims Settlement Act will not solve the financial problems of these people for the near future. There is no money available to the Native people from this Act for the first two years, and total disbursements of cash over the first five years are estimated at $550 per person. The lands allotted under this Act have value only for subsistence use for a long time to come, as it has been estimated that it will take about 25 years to complete the surveying on the 40 million acres at the present level of funding. So it can be seen, that to destroy this Native arts and crafts industry by legislative fiat is to condemn these peoples to a poverty and welfare existence within an inflated cash economy. We, therefore, strongly urge the Marine Mammals Bill not be considered for passage until public hearings are held in Alaska, and until the bill is amended to allow the continuance of the Native arts and crafts industry.

PARTICIPANTS ALASKA RURAL DEVELOPMENT COUNCIL (MARCH 14, 15, 1972 AT ANCHORAGE, ALASKA)

Name, Agency, and Location.

George Nishinoto, Bureau of Land Management, Anchorage.

Eldon L. Young, HUD–FHA, Anchorage.

Paul Pinard, U.S. Army Corps of Engineers, Anchorage.

Lloyd Morley, Alaska Dept. of Health & Social Services, Juneau.

Jim Bemis, Cooperative Extension Service, Fairbanks.

Ralph Brown, Alaska Dept. of Fish & Game, Anchorage.

Wayne Long, Soil Conservation Service, Palmer.

Quentin L. DeBoer, ASHA, Anchorage.

Alex P. Shadura, Office of Governor, Rural Dev. Agency, Anchorage.

Dale L. Cutler, Linck/Thompson Engineers, Anchorage.

Bailey O. Breedlove, National Park Service, Anchorage.

Byron Mallott, Local Affairs Agency, Juneau.

M.D. Wade, Jr., Corps of Engineers, Anchorage.

Ed Nygard, Bureau of Indian Affairs, Juneau.

Bert Hall, U.S. Dept. Health, Education, and Welfare, Anchorage.

Dick Currington, Dept. of Labor, Anchorage.

Alvin S. Ivanoff, YKHC, Bethel.

Dale R. Sanner, Farmers Home Administration, Fairbanks.

Russel L. Brown, Congressman Begich Office, Anchorage.

J. Lee, Native Health Service, Anchorage.

Ben Westrate, Cooperative Extension Service, Anchorage.

L. J. Klebesadel, Agricultural Research Service, Palmer.

William S. Wilson, University of Alaska, Fairbanks.

J. H. Kelly, U.S.D.A. Food & Nutrition Service, Anchorage.

George Neck, YKHC, Bethel.

Don Hartman, Alaska Division of Geological Survey, Anchorage.

Don Perkins, Rural Development Agency, Juneau.

Amos J. Alter, Alaska Water Lab, Fairbanks

Lois Jund, Arctic Health Research, Fairbanks.

Barry Reid, Environmental Protection Agency, Fairbanks.

Mike Smith, Alaska Dept. of Fish & Game, Anchorage.

Dehn Welch, Forest Service, Juneau.

Ernie Brennen, Local Affairs Agency, Anchorage.

Wayne Burton, ISEGR, Fairbanks.

Don Tomlin, Institute of Agricultural Sciences, Fairbanks.

Dick Shepherd, U.S. Dept. of the Interior, Anchorage.

Wally Kubley, U.S.D.A. Sec'y Program Rep., Anchorage.

Walt McPherson, Cooperative Extension Service, Juneau.

Bob Cross, Alaska Power Administration, Juneau.

E. N. Severson, Statistical Reporting Service, Palmer.

James Wiedeman, Governors Office, Juneau.

Esther Wunnicke, Attorney General's Office, Anchorage.

Prent Gazaway, Bureau of Indian Affairs, Juneau.

Loyd Hodson, A.V.E.C., Anchorage.

Ken Kuedel, Farmers Home Administration, Oregon.

Jerry Glore, Farmers Home Administration, Soldotna.

Daryl Bohman, Farmers Home Administration, Palmer.

Ted Freeman, Soil Conservation Service, Anchorage.

Sig Restad, Institute of Agricultural Sciences, Palmer.

A. L. Service, Bureau of Mines, Anchorage.

Ron Sheardown, Lost River Mining Corporation, Toronto.

Larry Oulette, Bureau of Land Management.

Nick Carney, Dept. of Economic Development, Anchorage.

Floyd Johnson, Division of Lands, Anchorage.

Jane Windsor, Cooperative Extension Service, Fairbanks.

MOUNTAIN VILLAGE, ALASKA,
March 8, 1972.

Senator ERNEST HOLLINGS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HOLLINGS: We, the people of Mountain Village do hereby oppose the five year moratorium bill in regards to the welfare of the people of Alaska.

Reasons for opposition:

(1) Dependence of game for subsistence.

(a) Food

(b) Clothing

(c) Income

(2) Regulation of animal population.

(a) Beneficial use of game as food, clothing, and income before nature kills them wastefully.

(3) Inadequate jobs in villages.

(a) Not enough year round jobs for everyone in the village, must depend on furs, ivory, etc. for welfare.

In reference to the above reasons; most Alaskans depend on Natural Resources such as game for subsistence because we do not have the commodities that cities have. A large majority of the Alaskan food originate from land and sea. Unlike people with steady jobs we do not have a continuous flow of income to last us year round. The cost of living is high in Alaska and the money earned during the short summer jobs do not provide financial security during the long winter months.

Due to the lack of jobs for everyone in the village, trapping and selling furs for additional income is a necessity for survival. Discontinuation of selling furs and ivory carvings will result in an increase of welfare checks to needy families. To limit the cost of our everyday living we make clothing out of furs such as winter parkas and boots for warmth.

Are Alaskan residents being blamed for the estimated 3000 Sea otters killed from the five megaton Amchitka blast? Imagine all the fur being wasted. Could not the pelts of the animals caught by Alaskans hereafter be sold as a way of paying for such great loss?

Games killed by Native Alaskans are not wasted. The meat is eaten, the skin is used for clothing or sold. It is the non residents of Alaska that come up to kill for sports and trophies. We feel they are hurting the natural fauna of our state. This type of killing should be more closely regulated or controlled.

Alaska as a whole depends on tourists for money. Ivory and baleen carvers, basket weavers, skin sewers, artists and painters of Native products will be unemployed and tourism will decrease eventually, thus harming the welfare of some Alaskans and Alaska itself.

Before the meat is eaten, the game must be killed and skinned. What will happen to all the precious ivory and fur if the five year moratorium bill is made into law?

This is our living, our tradition, our pride. Empathize!

Respectfully,

HERVY J. BROWN.
(And 98 others.)

ANUPIAK DEVELOPMENT
CORPORATION, INC.,
Nome, Alaska, March 20, 1972.

Senator ERNEST F. HOLLINGS,
Chairman, Senate Subcommittee on Oceans and the Atmosphere, Old Senate Office Building, Washington, D.C.

DEAR SENATOR HOLLINGS: From my own understanding of the "Bill" there are 10 other "Bills" familiar to the same "Bill" on "Sea Mammal Bill." At this time I have copies of neither of the bills; however, only by hearing it over Radio Station KNOM of Nome, Alaska, there are a number of ways that, if the Bill should pass, will greatly affect the subsistence lively-hood of the Natives. From my own opinion, here is what will take affect:

A lot of Natives will have to go on Welfare, especially those whose subsistence living or lively-hood depend on hunting walrus which can be utilized for ivory carving, sell of raw ivory within the State, marketing of meat to other outlying villages and exporting raw walrus hides.

Tourism and big game trophy hunters will be cut off from the State itself and from the Lower 48. Registered and Assistant Native Guides will be affected as well. I am a Native of St. Lawrence Island. I have hunted the Bering Sea all of my adult life. I feel that I can speak honestly for all the hunters of St. Lawrence Island. We were taught by our fathers that we bring meat back to the village. The only time I can remember leaving the meat behind was to take from our skin village.

Sale of whale baleen, meat and muktuk will be affected. Sale of seal skins, seal meat and seal oil and Eskimo artifacts will have to be banished. A lot of novelty stores will have to be closed out as well as those Native owned Cooperatives. Museums within the State will have no more additional collections. Eskimo cultural heritage will fade away.

Lets not forget the killer whales which can kill large masses of whales, seals and boat so we could make it back safely to our walrus. I also know being a native long time hunter the loss of trying to retrieve the sea mammal is caused by a danger threatened by being caught in the ice, motor and equipment and harpoon gear malfunction, or at times the animal is lost wounded where it is even impossible to be reached by skin boat. I also know that a dead walrus just cannot be left when found floating in the iced waters. The tusk is subsistence economy of the natives therefore the tusks have to be taken off as the meat is in no condition to be eaten once it stays for several days. Other than this, the "Nature" itself has means to control the great sea mammals in Alaska, there is no danger of becoming extinct from their existence. There are more walrus and seals each year as they are increasing in numbers.

Not only by the looks of the natives are the sea mammals increasing, the Fish and Game has more knowledge so by their observations the sea mammals are increasing each year.

Furthermore, I strongly believe the hearing on the "Bill" should be held in Alaska in the very near future and the "Native Alaskan" be given a chance to testify his or her rights.

I hope that you will take every opportunity to discourage the "Bill" as many natives will be affected in their everyday livelihood and their subsistence living.

Sincerely,

Jerry Wongittilin, Sr.,
Area Community Developer.

We the undersigned fully support this statement by our signatures.

Jack Fuller (and 59 others.)

Alaska Chapter of the
Wildlife Society,
Anchorage, Alaska, March 14, 1972.

Hon. Senator Ted Stevens,
U.S. Senate Building,
Washington, D.C.

Dear Senator Stevens: I am writing in behalf of the Alaska Chapter of the Wildlife Society. The Alaska Chapter has approximately one hundred members comprising a majority of the State and Federal biologists within Alaska who are working in the field of wildlife management and research. The chapter is an affiliate of the Wildlife Society, an international organization with headquarters in Washington D.C. Our purpose is to assist in the management and conservation of the wildlife resource.

The passage of the Marine Mammals Bill by the House of Representatives jarred us out of our lethargy. We share the House's concern for the welfare of all marine mammals, in particular those that have been adversely affected by man's commercial exploitation or from man-caused pollution, but we firmly believe that most of the marine mammals inhabiting Alaskan waters do not fall in these categories and should be excepted from such legislation.

Some of the whales, notably the blue and and the bowhead whale, do need protection especially from commercial whaling by other nations. In Alaska, the beluga whale is very abundant and it is used for food by many coastal residents. In addition, it is of concern to salmon management in some drainages where it preys upon our migrating smolts. The beluga whale does not need this protection.

Harbor seals, sea lions and sea otters are truly indigenous creatures seldom traveling outside of state waters and dependent upon state tidal lands for basic life processes. Placing these animals under federal jurisdiction would abrogate the established principle that indigenous species are held in trust for the people by the States.

The seals (ribbon, harbor, ringed and bearded) inhabiting the Northern Bering Sea and the Chukchi and Beaufort Seas qualify as international species as do polar bear and walrus. If the government is serious about entering into international treaties to protect these species on the high seas, then it seems rather unusual to prejudice our case before we bargain. It is especially unfortunate since the species mentioned in this communication that the proposed law would protect are *not* endangered. Many people would argue that polar bear hunting with aircraft is not sporting but our analysis of the available data indicates the species is in healthy condition.

The State of Alaska has launched a considerable research and management effort on marine mammals since statehood with excellent results. Management regulations have been tailored to benefit Alaska's citizens and to insure the welfare of the species. Some of the proposed bills provide for subsistence hunting by Alaska Natives. These people still need the marine mammal resource for subsistence and a minimal cash industry based on the manufacturing of ivory and skins. State regulations now provide for these uses without introducing racial discrimination. We strongly urge elimination of subsistence provisions from all bills and providing for state regulations which apply equally to all residents. Discrimination on the basis of race will unnecessarily complicate management of our marine resources.

We have treated the subject most generally knowing that specific information has already been provided, however, if you should desire specific information on the status of any species of wildlife or its' management, we would be pleased to provide the available information.

Alaska has the most to lose from the proposed legislation yet no public hearings have been held here. We urge you to continue in your efforts to schedule hearings on the proposed bills in Alaska so the people most affected can be heard.

We appreciate your persistence in attempting to obtain a reasonable bill for the management of marine mammals and realize that the fight must at times seem to be a lonely, uphill battle—please keep trying.

Sincerely,

Robert A. Rausch,
President.

Alaska Chapter of the
Wildlife Society,
Anchorage, Alaska, March 13, 1972.

Hon. Nathanial Reed,
Assistant Secretary for Fish, Wildlife and Parks, Office of the Secretary, U.S. Department of the Interior, Washington, D.C.

Dear Mr. Reed: I have attached a resolution prepared and approved by the Alaska Chapter of the Wildlife Society for your consideration. Unanswered correspondence to Dr. Linduska is also attached.

Management of the Nunivak Musk-ox is not a bright chapter in the annals of wildlife management. A continued failure to take action to rectify the situation will not abate the problem. The herd, if properly managed, could provide considerable benefit to the people of Nunivak Island while continuing to serve as a source of animals for establishing new herds on the mainland. The latter activity, however, should proceed only if suitable habitat is available.

Your consideration is requested.

Sincerely,

Robert A. Rausch,
President.

Resolution of Alaska Chapter of The Wildlife Society

Whereas, evidence collected by both state and federal biologists over a number of years conclusively shows that the muskox population on Nunivak Island exceeds its range carrying capacity, that the winter range is presently being damaged by over-use, and that the sex ratio of the muskox herd is severely distorted, and

Whereas, the federal-state agreement of 1962 concerning muskox management on Nunivak lists transplanting of muskoxen to their former range in Alaska and maintenance of a viable herd on Nunivak as primary goals of management, and

Whereas, productivity of the Nunivak muskox herd is declining and mortality is increasing, and

Whereas, it is imperative that the Nunivak muskox herd be restored to and maintained at a productive level to allow for production of animals for transplanting, and

Whereas, the number of adult bulls in the herd must be reduced to accomplish these objectives, and

Whereas, state and federal professional biologists in Alaska strongly recommend sport hunting as the most acceptable method of removal of adult bulls, and

Whereas, the state of Alaska has been prevented from exerting proper management on the Nunivak muskox by policies of the Department of the Interior,

Now therefore be it resolved the Alaska Chapter of The Wildlife Society urges the Secretary of the Interior to open, in the most expeditious manner possible, the Nunivak Island Refuge to public access for the purpose of big game hunting.

Greater Anchorage Area Borough,
Anchorage, Alaska, March 29, 1972.

Hon. Warren G. Magnuson,
Chairman, U.S. Senate Committee on Commerce, New Senate Office Building, Washington, D.C.

Dear Sir: The 19 member Anchorage Overall Economic Development Committee was jointly formed by the Greater Anchorage Area Borough and the City of Anchorage to study and recommend ways of improving the local economy and lowering our unemployment rate approximately 10%. We are vitally interested in the following bills relating to harvesting and use of sea mammals presently before your Committee:

SB 3161
SB 685
SB 2639
SB 2871
SB 3112

and would respectfully ask that hearings on these bills be held in Anchorage.

The arts and crafts connected with parts of sea mammals constitute a significant part of our economy particularly to that subsegment consisting of our 6,000 local Natives who comprise in turn a large part of our unemployment problem. Time and money prohibit these people from presenting their case to you if hearings are held in Washington, so we reiterate our request that you hold hearings on these bills in Anchorage so that the economic importance of arts and crafts associated with sea mammals might be demonstrated to you.

Respectfully,

Frank Austin,
Chairman, Overall Economic Development Program Committee.

Greater Anchorage Borough,
Anchorage, Alaska, March 29, 1972.

Hon. Ernest F. Hollings,
Chairman, U.S. Senate Subcommittee on Oceans & Atmospheres, Old Senate Office Building, Washington, D.C.

Dear Sir: The 19 member Anchorage Overall Economic Development Committee was formed jointly by the Greater Anchorage Area Borough and the City of Anchorage to study and recommend ways of improving the local economy and lowering our unemployment rate approximateely 10%. We are vitally interested in the following bills relating to harvesting and use of sea mammals presently before your Committee:

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Respectfully,

Frank Austin,
Chairman, Overall Economic Development Program Committee.

Office of the Governor,
Anchorage, Alaska, April 3, 1972.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: You are the sponsor of a bill that would place restrictions on the taking of ocean mammals. Your bill (and the other five (5)) is a very damaging measure to the Alaska Native people and it will deal a devastating blow to Alaska. Indeed, the very culture of Alaska Natives will be annihilated.

The Natives have depended upon the taking of ocean mammals for food as a way of life and the ivory and furs are used for clothing to survive in the most hostile climate in these United States. If the House-passed version of the "Sea Mammal Bill" is enacted into law, the very existence of the Natives will be threatened. I have hopes that this is not the intent of your bill, Senator.

As one of the few Senators who honored Alaska with a visit to our rural Alaska villages, I surmised you would have been sympathetic. You did tour our villages in April of 1969 during hearings on Indian Education.

I am pleading with you, Senator Kennedy, to save the Alaska Native, and the economy of Alaska, by withdrawing your bill and seeking appropriate amendment to allow continued use of ocean mammals for Native handmade artifacts and clothing.

Postulate, if you will, a bill that would stop the taking of cows—except for subsistence use. Obviously, the Congress will not cause such legislation to be introduced. And yet, the Congress, would take such action against Alaska.

I presume that the legislation is intended in the interest of conservation practices or preservation of sea mammals. There is testimony in Alaska though that will show that there are NO species in Alaska that are threatened. I believe our Congressional Delegation can bear this out.

I ask you again, Senator, help us Save Our State.

Very truly yours,

Robert Willard,
Executive Director.

News Release From Office of the Governor

Anchorage.—The Executive Director of the Alaska Human Rights Commission has called upon Senator Edward M. Kennedy, D-Massachusetts, to withdraw his bill that would place restrictions on the taking of sea mammals—except for subsistence use.

In a letter to Kennedy, Robert Willard, the agency's director, asked Kennedy to seek amendments that would allow the taking of sea mammals for Native handmade artifacts and clothing.

"I fear the culture of the Alaska Native will be annihilated" Willard wrote, if the Senate follows the action of a House-passed bill. The House recently passed overwhelmingly a measure that placed very restrictive provisions on taking of sea mammals. Willard said if the House version is passed "The very existence of the Natives will be threatened. Hope this is not the intent of your bill, Senator."

As a Senator who visited Alaska's Rural villages, I thought you would be more sympathetic, Willard told Kennedy.

Presbytery of Yukon,
Wasilla, Alaska, March 22, 1972.
Hon. Ernest Hollings,
Chairman of the Oceans and Atmosphere Subcommittee, Senate Building, Washington, D.C.

Dear Senator Hollings: The Presbytery of Yukon representing the Presbyterian Churches on the mainland of Alaska adopted the following recommendation at its Stated Meeting on March 10, 1972:

"The Presbytery urges and supports amendment to the bill prohibiting the taking of sea mammals. The Presbytery urges amendment to permit subsistence taking of sea mammals by the native people who have traditionally used these animals for food supply and other necessities."

Respectfully,

Nick J. Brewer, Jr.,
Stated Clerk.

St. Mary's High School,
St. Marys, Alaska, March 6, 1972.
Senator Ernest F. Hollings,
Chairman, Senate Subcommittee on Oceans and Atmosphere, Old Senate Office Building, Washington, D.C.

Dear Senator Hollings: We, the undersigned members of the Alaskan History Class at St. Mary's High School, strongly urge you to oppose the passing of the Sea Mammal Bill. This Bill will cause a hardship to the native people of western Alaska as they are able, through ingenuity, to make fine products from the skins and tusks of the various animals they catch. By selling these products, the Eskimos are able to help support themselves and benefit their community.

Due to the fact that the animals in western Alaska are increasing, the Eskimos should in no way be affected by this Bill. The native people must not have this time-honored heritage taken from them.

Thank you for your consideration.

Sincerely,

Mary Beans,
Frances Evan,
Priscilla Hooper,
Theresa James,
Cecelia Sims,
Martin Tonuchuk,
William Whalen.

COMMUNIST INFLUENCES ON AMERICAN POLITICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RARICK. Mr. Speaker, President Nixon's attempt at reconciliation with the Communist leaders of China and Russia, in order to project himself as a world peacemaker, should remind all Americans again of the past roles of the international Communist movement in influencing American politicians.

Perhaps the President's political advisers had planned the peace overtures to wrest the "peace" movement from the extreme left wing in the United States and set the stage for the President's political future. If so, his advisers have overlooked the hard lessons of history that the best laid plans of mice and men often go astray.

The President's attempt to exploit the Communist leaders offered them an entree into the American news and consequently gave them the opportunity to influence the next presidential election by aiding the candidate of their choosing. Witness the massive build-up of Soviet arms and material to North Vietnam, the assignment of Russian military advisers in Hanoi, the Soviet-encouraged invasion of South Vietnam and now the retaliatory U.S. bombing of North Vietnam and the recommitment of American fighting men.

Overnight, the new peace image of President Nixon has been destroyed and the presidential aspirant preferred by the Communists is catapulted into the political role of the new peace leader merely by expressing vocal opposition to President Nixon's actions, thus attempting to defeat his bid for reelection. An earlier account of how the Communists influenced American politics and destroyed the promising careers of several great Americans is contained in the "Reminiscences" of Douglas MacArthur, General of the Army.

In General MacArthur's comments on the Bonus March we find this statement:

> In these days of wholehearted national unity, it is hard to believe that thirty years ago the President of the United States lived in danger, and that Congress shook with fear at the sight and sound of the marchers. It is hard to believe, too, that government employees and other citizens of Washington who bore witness to the tawdry street battles cheered the stoning of the Washington police force.
>
> The movement was actually far deeper and more dangerous than an effort to secure funds from a nearly depleted federal treasury. The American Communist Party planned a riot of such proportions that it was hoped the United States Army, in its efforts to maintain peace, would have to fire on the marchers. In this way, the Communists hoped to incite revolutionary action. Red organizers infiltrated the veteran groups and presently took command from their unwitting leaders.

Four American leaders were involved in stopping this communist inspired and led confrontation. They were President Herbert Hoover; Gen. Douglas MacArthur, as Army Chief of Staff; Maj. Dwight D. Eisenhower, and Maj. George S. Patton. President Hoover was politically rejected by the American people; MacArthur remained under constant harassing attacks which resulted in his removal from command in the Pacific; and then Gen. George S. Patton was removed from his command.

> I was to be publicly hanged on the steps of the Capitol. It was the beginning of a definite and ceaseless campaign that set me apart as a man to be destroyed, no matter how long the communists and their friends and admirers had to wait, and no matter what means they might have to use. But it was to be 19 years before the bells of Moscow pealed out their glee at my eclipse.

Strangely, the career of only one of the military officers directly involved in the stopping of the Bonus March was not destroyed. That one officer, Dwight D. Eisenhower, went on to become President of the United States, with Richard M. Nixon serving as his Vice President.

Tragically, history is so little studied that its lessons are not understood. Few Americans are even aware that President Eisenhower was involved in the Bonus March, while Generals MacArthur and Patton repeatedly came under merciless attack for their participation.

Those who fail to benefit from the lessons of the past must receive and suffer them.

I insert a selected portion of General MacArthur's book to follow:

REMINISCENCES

(By General of the Army, Douglas MacArthur)

The most poignant episode during my role as Chief of Staff was the so-called Bonus March. The country was in the third year of the great Depression, and heartache and hunger haunted the millions of unemployed. Men lost faith, and the spirit of the country sank to a low that had not been experienced since the financial panic of 1892. Late in May, an army of disillusioned and lost men who had served in the war, the vanguard of a starved band, arrived in Washington, seeking desperately to influence the Congress to grant an immediate cash bonus for veterans. For two fruitless months they lived in abject squalor, making their daily marches to the Capitol, to the White House, and to all of the other sacrosanct federal buildings where they hoped to loosen the pursestrings of government. In the end, their frustration, combined with careful needling by the Communists, turned them into a sullen, riotous mob.

In these days of wholehearted national unity, it is hard to believe that thirty years ago the President of the United States lived in danger, and that Congress shook with fear at the sight and sound of the marchers. It is hard to believe, too, that government employees and other citizens of Washington who bore witness to the tawdry street battles cheered the stoning of the Washington police force.

The movement was actually far deeper and more dangerous than an effort to secure funds from a nearly depleted federal treasury. The American Communist Party planned a riot of such proportions that it was hoped the United States Army, in its efforts to maintain peace, would have to fire on the marchers. In this way, the Communists hoped to incite revolutionary action. Red organizers infiltrated the veteran groups and presently took command from their unwitting leaders.

Walter W. Waters, a persuasive ex-serviceman from Oregon with a gift for public speaking, was the leader of the Bonus Marchers. I conferred with him and reached an agreement that if the Army was called in, he would withdraw the veterans without violence. Many of them were bedded down in partly demolished buildings along Pennsylvania Avenue. To provide further shelter, I issued tents and camp equipment to be set up on the Anacostia Flats. I also ordered out a number of rolling kitchens to relieve any acute suffering. This latter step raised an outburst in Congress. A leader in the House of Representatives said from the floor:

"If they come to Washington, sit down and have three meals furnished free every day, then God knows what will happen to us. There are more than 8,500,000 persons out of work in the United States, most of them with families. If the Government can feed those that are here, then we can expect an influx that will startle the whole country."

The rolling kitchens were withdrawn.

Senator J. Hamilton Lewis inspected the tired and, in some cases, shoeless veterans lying around the Capitol Building and then told his colleagues in the Senate that, "By abandoning the plea for justice and adopting in its place threat and coercion, veterans are causing fellow countrymen to wonder whether their soldiers served for patriotism or merely for pay."

Through the month of June the tension mounted. The camps now occupied by an estimated 17,000 spread out to every sizeable vacant lot. At night, morose men squatted by burning campfires listening silently to the endless speeches, always tinged with the increasing violence of Communist propaganda. The privations, the punishing heat, the unsanitary living conditions, and the interminable hours of wishful waiting for the slightly more than one thousand dollars which was to be each man's share—if Congress relented—took its toll.

During June, the governor of New York, Franklin D. Roosevelt, informed New Yorkers among the Bonus Marchers that the state would pay their railroad fares if they left Washington immediately and returned to New York. President Hoover got a bill through Congress authorizing loans for transportation, and most of the real veterans left. But the hard core of the Communist bloc not only stayed, but grew. The Federal Bureau of Ingestigation reported that an examination of the fingerprints of 4,723 Bonus Marchers showed that 1,069 of them were men who had criminal records ranging from drunkenness to murder and rape. Not more than one in ten of those who stayed was a veteran. By this time Waters had been deposed and the Communists had gained control.

As the violence increased, Pelham Glassford, commander of the Washington police, twice consulted with me about calling on the Army for assistance. Both times I advised against it. But on July 28th, the crisis was reached. A mob of 5,000 strong began to move up Pennsylvania Avenue toward the Treasury Building and the White House. The police were outnumbered five to one. Glassford was mauled and stripped of his police superintendent's gold badge, gunfire broke out, two men were killed and a score or more badly injured. It was evident that the situation had gotten beyond the control of the local authorities.

A request was immediately made through the Board of Commissioners of the District of Columbia for federal troops. Commissioner Richelderfer, in requesting such assistance from the President, stated that it would "be impossible for the police department to maintain law and order except by the free use of firearms. The presence of federal troops in small number will obviate the seriousness of the situation, and it will result in far less violence and bloodshed."

The President then conferred with Patrick Hurley, the Secretary of War, who was immediately placed in charge. Hurley issued the following order:

"To: General Douglas MacArthur, Chief of Staff, U.S. Army.

"The President has just now informed me that the civil government of the District of Columbia has reported to him it is unable to maintain law and order in the District.

"You will have United States troops proceed immediately to the scene of disorder. Cooperate fully with the District of Columbia police force which is now in charge. Surround the affected area and clear it without delay.

"Turn over all prisoners to the civil authorities.

"In your orders insist that any women or children who may be in the affected area be accorded every consideration and kindness. Use all humanity consistent with the due execution of the order.

"PATRICK J. HURLEY,
"Secretary of War."

Six hundred soldiers under the command of *General Perry L. Miles* had been drawn from units close to Washington, General Miles' orders to his unit commanders were as follows:

"We are acting on the order of the President of the United States. The cavalry will make a demonstration down Pennsylvania Avenue. The infantry will deploy in line of skirmishers in the rear of the cavalry. You will surround the area and evict the men in possession there. Use care and consideration toward all women and children who may be in the area."

In accordance with the President's request, I accompanied General Miles and brought with me two officers who later wrote their names on world history: *Major Dwight D. Eisenhower* and *Major George S. Patton*.

Not a shot was fired. The sticks, clubs, and stones of the rioters were met only by tear gas and steady pressure. No one was killed and there were no serious injuries in either side. By 9:30 p.m. the area was cleared as far as the Anacostia Flats. The show of force, the excellent discipline of the troops, and the proper use of tear gas had turned the trick without serious bloodshed. At Anacostia Flats I received word from the Secretary of War, as we were in the midst of crossing the river, to suspend the operation at my discretion. I halted the command as soon as we had cleared the bridge, but at that moment the rioters set fire to their own camp. This concluded the proceedings for the night.

I personally reported to the President and Secretary Hurley at the White House about eleven o'clock, and they expressed gratification at what had been accomplished. Secretary Hurley asked me to give a statement to the waiting newspaper men. After explaining the events of the preceding day, I continued:

"If President Hoover had not acted when he did he would have been faced with a serious situation. Another week might have meant that the government was in peril. He had reached the end of an extraordinary patience and had gone to the very limit to avoid friction before using force. Had the President not acted when he did he would have been derelict in his duty."

The day following the riot, the police rounded up thirty-six of the leaders, including James Ford, the American Communist Party candidate for Vice-President; Emmanuel Levin, a leading New York Communist; and John T. Pace, an acknowledged former Communist. This broke up the organization, and its remnants disappeared.

The most extravagant distortions of what had occurred were widely circulated. I was violently attacked, and even blatantly misrepresented before Congress. Speeches pictured me in full dress uniform astride a fiery white charger, bedecked with medals, waving a bloody saber, and leading a mad cavalry charge against unarmed and innocent citizens. Of course there was absolutely no foundation for such statements. There was no cavalry charge. There was no fiery white charger. There was no saber. There was no full-dress uniform. There were no medals. I wore the same uniform as the troops. When I challenged such distortions, they were merely shrugged off with the expression, "it was only politics." Franklin Roosevelt once said to me, "Douglas, I think you are our best general, but I believe you would be our worst politician." With his rare sense of humor, I wonder which side of that remark he thought was the compliment.

Three days after the uprising, *The New York Times*, in a front-page account, reported:

"The Communist Party, at its headquarters here, accepted responsibility yesterday for the demonstration that resulted in the bonus-army riots in Washington.

"We agitated for the bonus and led the demonstration of the veterans in Washington," a spokesman for the party said at the headquarters at 50 East 13th Street. "We stand ready to go to Washington again and fight for the working men. We started the march from here for Washington and we will lead the way again!"

In 1948, more of the Communist conspiracy was revealed when Benjamin Gitlow, an admitted Communist, wrote in his book, *The Whole of Their Lives:*

"On July 5 Earl Browder declared that the veterans were the shock troops of the unemployed. Said he, 'The Bonus revolutionary force in Washington is the most significant beginning of the mass struggle against the deepening consequences of the crisis.'

"On July 28 the government went into action. General Douglas MacArthur, Chief of Staff of the United States Army, stepped in to prevent serious bloodshed after a fight between communist led veterans and police resulting in the death of one veteran and the shooting of an innocent bystander. It was just what the communists wanted. It is what they had conspired to bring about. Now they could brand Hoover as a murderer of hungry unemployed veterans. They could charge that the United States Army was Wall Street's tool with which to crush the unemployed and that the government and the Congress of the United States were bloody Fascist butchers of unarmed American workmen."

In 1949, John T. Pace testified under oath before a Congressional committee:

I feel responsible in part for the oft repeated lie about President Hoover and General MacArthur.

"I led the left wing or communist section of the bonus march. I was ordered by my Red superiors to provoke riots. I was told to use every trick to bring about bloodshed in the hopes that President Hoover would be forced to call out the army. The communists didn't care how many veterans were killed. I was told Moscow had ordered riots and bloodshed in the hopes that this might set off the revolution. My communist bosses were jumping with joy on July 28 when the Washington police killed one veteran. The Army was called out by President Hoover and didn't fire a shot or kill a man. General MacArthur put down a Moscow directed revolution without bloodshed, and that's why the communists hate him."

During the Bonus March communist threats continued to be made against responsible officials. I was to be publicly hanged on the steps of the Capitol. It was the beginning of a definite and ceaseless campaign that set me apart as a man to be destroyed, no matter how long the Communists and their friends and admirers had to wait, and no matter what means they might have to use. But it was to be nineteen years before the bells of Moscow pealed out their glee at my eclipse.

THE 80TH ANNIVERSARY OF REDONDO BEACH

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BELL. Mr. Speaker, on Saturday, April 29, 1972, the Redondo Beach Chamber of Commerce will sponsor the gala 80th anniversary dinner of the city of Redondo Beach.

At the dinner the Anchormen, the organization of past presidents of the Redondo Beach Chamber of Commerce, will present my friend Francis E. Hopkins, city manager of Redondo Beach, as honored guest for the evening.

The purpose of the dinner will be to focus attention on the rich, colorful, and unusually diverse history of the city, its people, its institutions, and its historical beginnings.

Four hundred and thirty years ago the Spanish explorer Juan Rodriguez Cabrillo entered Santa Monica Bay on California's Pacific coast, claimed all the land within his sight for the King of Spain, and began the period of Spanish influence in our State.

One of the areas which Cabrillo's claim encompassed was territory in the south portion of the Santa Monica Bay occupied by Indians of the Tobikhar, Chowigna Lodge, for whom one of the attractions of the location was an inland lake where salt was plentiful.

In 1794 this area of the South Bay was part of the 75,000 acre Rancho San Pedro land grant to Juan Jose Dominguez by the Spanish Territorial Governor.

Through subsequent sale and resale, a portion of this acreage in 1887 became part of the Redondo Improvement Co. which was incorporated as the ninth city in Los Angeles County 5 years later in 1892.

By the turn of the century the city of Redondo Beach, with a population of less than a thousand, had three commercial piers; was the foremost shipping point between San Francisco and San Diego; benefited from direct service by three railroads; and enjoyed the patronage of Henry Edwards Huntington who had acquired most of the land and buildings in 1901.

But also by the turn of the century, even as the young city seemed to be growing increasingly prosperous, even as it was gaining statewide renown as a vacation retreat and tourist attraction, the process of a long and difficult economic downturn was beginning.

The construction of a breakwater, a preoccupation of municipal planners for almost the entire first 60 years of the city's life, was attempted in 1899, in 1917, and again in 1938 without success.

The once-thriving shipping business fell off. All three wharves were torn down between 1914 and 1926. The flourishing El Paso amusement zone, once a magnet for tourists, gradually disintegrated and became almost abandoned by the time of the city's 47th anniversary in 1939.

An inadequate half million dollar short breakwater was constructed in 1939 with Federal matching funds but the results were dire. In 1940 a major portion of the waterfront area, a number of buildings, and the Strand walk were washed out.

Attempts to halt the waterfront erosion with a variety of hastily constructed and inexpensive sea walls proved futile. In the early 1950's the city of Redondo Beach was a city without much prosperity and with virtually no hope.

And it is not possible fully to appreciate the city of Redondo Beach today without understanding the bleakness of its prospects less than two decades ago. What was to begin in the later 1950's and build with increasing momentum in the 1960's was almost a miracle of renewal and regeneration.

The long awaited breakwater was completed in 1958 at a cost of $5 million. Additional and supporting construction followed in 1960 and shoreline service facilities were added 2 years later in time for the city's 70th anniversary.

Ten years ago a redevelopment agency was set up to restore 50 acres in downtown Redondo Beach. Fifteen million dollars were released by the Federal Government for this project in 1966 and property acquisition began.

One hundred and twenty of the one hundred and twenty-three parcels in this upgrading and modernization program have now been cleared for resale. And for all its accomplishments, for all of the changes which it has effected on the face of the city, the program continues to belong far less to Redondo Beach's past, than to its future.

A variety of supplementary projects, new streets and plazas, which represent the initiatives of some of the most vigorous and active community leaders in California, have already been drafted and await only the budgeting authority of the Department of Housing and Urban Development.

With a superb city manager in Francis Hopkins, with one of the best mayors in the United States in William Czuleger, with one of the most effective and energetic chamber presidents in recent years in Gerald Hilby, and a great city council and municipal staff, and an outstanding chamber of commerce, the city of Redondo Beach is vital, dynamic, future-oriented and on the move.

And for such a city, with such a leadership, it is a good thing to hold an anniversary banquet every few years to take stock of all that has been accomplished, to recognize all those whose work has paved the way, and to feel that special sense of pride that only can come to people who have worked long and well together.

And, Mr. Speaker, that is what the people of Redondo Beach will be doing on April 29. And it will be my great pleasure on that day to be joining them.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the April 17 edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues keep informed of activities preparing for the bicentennial. The bulletin is compiled and written by the staff of the ARBC Communications Committee. The bulletin follows:

BICENTENNIAL BULLETIN

The ARBC Executive Committee will meet in New York City on Thursday, April 20; the ARBC Communications Committee will meet at Headquarters on Tuesday, April 18, as will the ARBC Philatelic Advisory Panel. Also, on Tuesday, April 18, the Open House USA Committee will meet in New York City.

A session of the "Congress of 200" sponsored by the New Mexico American Revolution Bicentennial Commission met in Albuquerque recently. About 200 political, civic and educational leaders from throughout the state heard Governor Bruce King and UNM President open the meeting and Dr. William Dabney, UNM history professor, deliver the principal address on the background of the American Revolution. The afternoon session divided the Congress into workshops to discuss projects suitable for New Mexico. Dr. Luther H. Foster, Commission Member, represented the ARBC.

The ARBC Performing Arts Advisory Panel held its first meeting on Monday, April 10 and the Creative and Visual Arts Advisory Panel met on Tuesday, April 11 at the National Gallery of Art. The Panels were briefed on the overall themes and goals of the Bicentennial and Miss Nancy Hawks, Chairman of the National Endowment for the Arts, spoke on the relationship of that group to the upcoming commemoration. The main thrust of the meeting was a wide-ranging discussion of the nature of the involvement of the arts in the Bicentennial. The Performing Arts Panel members stressed their feeling that the Bicentennial Era should be a time for strengthening and highlighting America's young talent. The Creative and Visual Arts Panel members felt strongly that the Bicentennial should emphasize the multiplicity of creative talent across the country.

Chairman James Copley and the ARBC Communications Committee have announced that the official ARBC symbol will be featured soon in 10-second spot announcements on the Bicentennial by television stations across the nation.

The San Antonio (Texas) ARBC will coordinate and stage a June celebration in conjunction with the opening of the National University of Mexico's branch campus in HemisFair Plaza. "My feeling," explained Chairman B. J. "Red" McCombs, "is that it would be an important event for us to begin our Open House USA category." Mrs. Gene Riddle, associate director of the ARBC of Texas, said a June celebration would put San Antonio in the position of having the first Bicentennial Open House celebration in the nation.

The Florida ARBC in cooperation with the University of Florida's Department of History is sponsoring the first of a series of symposia on the American Revolution in Florida, May 18–20, on the University of Florida campus. The theme for this year's symposium is "Eighteenth Century Florida and Its Borderlands." Several Universities throughout the country are sending speakers and acting as commentators will be William Sturtevant (Smithsonian Institution), Paul Smith (Library of Congress), and Charles Van Ravensway (Henry Francis du Pont Winterthur Museum). Dr. Samuel Proctor, professor of history and social sciences, University of Florida, and a member of the Florida ARBC, is serving as chairman of the symposium. The conference is open to the public.

A group of Philadelphia-based historians, writers, teachers and patriotic citizens are publishing a new tabloid newspaper, "The American Revolution—Illustrated." While appearing exactly as a modern-day newspaper it retells the trials of America's birth from 1769 to 1783. Each event is written as if it were happening today. Some schools are already using the tabloid as an aid to their curriculum. The full story of every event is told is easy-to-read pictured format, suitable for the average reader. For information on the newspaper, which is published in 12 issues annually for $8.00 write Walter Kubilius & Co., 122 Greenwood Avenue, Wyncote, Pa. 19095.

The Bicentennial Council of the Thirteen States will meet in Charleston, South Carolina, April 13th–16th. The ARBC will be represented by its States and Regional Coordinators.

Colorado State Representative Floyd M. Sack has been named interim Chairman of the Colorado Centennial-Bicentennial Commission. Mr. Sack will serve as Chairman of the Commission until September 30, 1972, completing the unexpired portion of the term of Mrs. Stephen Hart who recently resigned as Chairman.

Mr. Andrew Murphy, who represents the Activities Service of The Boy Scouts of America informed the ARBC this week that they are well along in the stages of securing Boy input to their preliminary planning for the BSA's part in the celebration of our Country's 200th anniversary. This is being done in 2 ways this Spring:

"Reactions and Suggestions are being secured from the more than 2,000 Explorer Post Presidents who will meet in Washington, D.C. next week at the Annual Explorer Post Presidents Congress. These are leaders of our high school age program and we should receive valuable suggestions and ideas from them.

"The Order of the Arrow, a B.S.A. Camping Fraternity, is being solicited by mail through their lodge chiefs to secure their suggestions. This group is made up of Boy Scouts as well as Explorers."

A target date of June has been set to secure this information and compile it.

Archivist of the United States James B. Rhoads said recently that the "most visible" of the Bicentennial accomplishments of the National Archives has been establishment of a Center for the Documentary Study of the American Revolution which is preparing guides to Revolutionary War records in the National Archives and a computer index for the Papers of the Continental Congress. He said that the Center is gearing up to provide "better tools for the historian who wishes to use Revolutionary War materials." Rhoads said that the National Archives also is stressing youth education programs as a Bicentennial project, working with the District of Columbia public school system in the preparation of teaching units on history and government. The Archivist spoke at a regional meeting of the American Association for State and Local History which was sponsored jointly by the Mississippi Historical Society.

Some twenty-five top professional, governmental and press women from national women's organizations will be guests of the ARBC on Monday, April 17th, to discuss women's involvement in the Bicentennial. Those attending have expressed interest in the possibility of nationwide projects in the Horizon's '76 concepts and are meeting to explore collective collaboration. And, on Sunday, April 9, the ARBC was represented at the Awards Luncheon of the Virginia Press Women where plans and proposals and the role of the media in informing the public of the Bicentennial goals were discussed.

Contact: F. C. Duke Zeller, Editor (202) 254-8007.

FEAR CAME LATER—PLUCK IN RESCUE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. WINN. Mr. Speaker, Claude Gravely and Roy Roar did not feel like heroes after they rescued a mother and her 10 children from a burning home—they "just felt good."

These two young men from Kansas City performed a brave and heroic deed when they charged into a burning house, and aroused and led 11 people through fire and smoke to safety. They are to be commended for their courage and bravery.

I want to take this opportunity to bring the complete details to the attention of my colleagues here in the House by sharing with them a recent article that appeared in the Kansas City Star.

Following is the article:

FEAR CAME LATER—PLUCK IN RESCUE

(By Andrew C. Miller)

Claude Gravely and Roy Roar don't feel like heroes after they rescued a mother and her 10 children from a burning home Friday night—they "just feel good."

Luck played a large part in their rescue, the two agreed while relating the incident yesterday.

"I guess the good Lord just sent us over there," Gravely said with a smile. "It sure made us feel good."

On their way to a friend's house Friday night, the two saw flames leaping from the roof of a home at 3817 Indiana.

While their dates phoned firemen, Gravely, of 3645 E. 57th, and Roar, of 5700 Swope Parkway, kicked down the front door, rushed upstairs yelling "fire," awakening Mrs. Marilyn Chamberlain and her 10 children.

First Mrs. Chamberlain went downstairs with her youngest child. Then, with Gravely in a second-story hallway and Roar on the stairs, the two young men directed each child downstairs to Mrs. Chamberlain.

Gravely and Roar both said they did not experience fear until their deed was completed and firemen had arrived.

The two have known each other for about 15 years. They both grew up in Newport, Ark., and after graduating from high school there, came to Kansas City for job opportunities.

The Friday night fire was a little more than they bargained for, but both said they would do it again.

"If we would have been by any house, we would have done the same," Gravely said.

Roar said that as the two approached the house, they saw flames covering the roof.

"We yelled 'come out, come out' for a while, but nobody did. So we kicked down the door," Gravely related.

"I stood by the bedrooms," Gravely said, "yelling 'fire.' They started coming out toward my voice. Some had their hair burned."

Roar said the last boy to escape must have been confused because he first started toward the stairway and then headed back into a bedroom.

Gravely said he grabbed the young boy, patted his pajamas to make sure they were not on fire, and then carried him downstairs.

Firemen said the blaze, at 11:30 p.m., did considerable damage to the upper story. The amount was undetermined. The family is staying with relatives.

ARENDS' MORAL FIBER PRAISED

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, all of us have long known and appreciated the fine qualities of our able colleague, the minority whip, LES ARENDS. So it was gratifying to hear those qualities extolled at an appreciation dinner for LES in Danville, Ill., on April 15. The principal speaker at that affair, Dr. David C. Crane of Indianapolis, brought home to his listeners the essence of our colleague's political leadership by reminding us that LES "served to keep the thread of loyalty continuous over the years while many deviated."

Les has demonstrated political integrity throughout his career and his constituents know it, as proved by the large number of his friends in Vermilion County who turned out to honor him. The following report on Dr. Crane's speech is from the April 16, 1972, issue of the Danville Commerce News:

ARENDS' MORAL FIBER PRAISED BY SPEAKER

(By Randy Kirk)

The real crisis in America is a decaying of morality and men like Rep. Leslie C. Arends are needed to fight that crisis, Dr. David C. Crane said at an appreciation dinner for Arends Saturday night.

Dr. Crane, who is a practicing psychiatrist and lawyer from Indianapolis, said that we are told we live in an era of crisis, but the real problem is an "erosion of the soul."

It is time we started questioning the "so-called experts" who say there are population education and pollution crises, Dr. Crane said.

The school houses we built to house the post war babies were an answer to the "education crisis", but now "population is decreasing and these schools are needed more to house unemployed teachers than students," the lawyer and psychiatrist said.

"We are told there is a population crises, but all the people in the United States could live in Illinois and use the rest of the country as a recreation area," he quipped.

The United States has the capability to produce enough food to feed 10 times the current population of the world according to some studies, he added.

"We are told there is an air pollution problem," Dr. Crane said. He added that tests of air pollution conducted in 1910 and 1970 in 87 cities show that the air has not changed. Air pollution in Chicago and New York have actually gone down, he said.

"The crisis that we face is an invisible pollution," Dr. Crane said. The morality of some of our legislative leaders has eroded, he added.

Only 40 years ago, both parties believed in free enterprise, separation of powers between the state and national government and political integrity, but now some leaders don't even believe in the Constitution, Dr. Crane said.

Sen. William Fulbright called the House and Senate obsolete when a Democrat was president, but came back to the Constitution only when President Nixon took over, according to Dr. Crane.

"Rep. Arends has shown a moral fiber not seen in many of his colleagues," Dr. Crane said. He has served to keep the thread of loyalty continuous over the years while many deviated, the doctor and lawyer said.

The United States is the last bastion of hope for the free world. It can survive, but we must dedicate our lives during the next generation to getting the country back on the right track, he added.

"Political integrity must be reasserted and appreciation of America for what it is must be heightened," Dr. Crane said.

PLIGHT OF CAPTIVE NATIONS

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BURKE of Florida. Mr. Speaker, I have been quite interested in the plight of nations held captive by the Communists. In the last session of Congress, I sponsored a resolution (H. Con. Res. 449) which calls for the expulsion of two puppet representatives to the United Nations General Assembly, the Byelorussian, and Ukranian SSR, who, I felt should not be representing their nations in that world body, because they were not considered to be separate nation-states. Rather, they were and still are part of the Union of Soviet Socialist Republics.

Today, I am pleased to insert in the Record a letter I received from the Byelorussian Congress Committee of America analyzing the plight of the Byelorussian nation suffering under the Communist yoke:

BYELORUSSIAN CONGRESS
COMMITTEE OF AMERICA,
Queens, N.Y., March 17, 1972.

Hon. J. Herbert Burke,
House of Representatives,
Washington, D.C.

Dear Sir: March 25, 1972 will mark the anniversary of great significance for American citizens of Byelorussian descent. On that day Byelorussians everywhere in the United States and in other countries of the free world will celebrate the 54th anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In Byelorussia, occupied by Soviet Russia today, this national observance is replaced by the commemoration of the Russian Bolshevik revolution. In this year the Soviet Russian government is also widely marking the 50th anniversary of the founding of the Union of Soviet Socialist Republics (USSR), to which Byelorussian SSR is annexed. The USSR is presented by Soviet propaganda as a voluntary union of sovereign nations. However, in reality the USSR is a prison of nations, reflecting the conquest, subordination, oppression and exploitation of Byelorussia, and other non-Russian nations by Soviet Russia.

The theoretical basis for the creation of the USSR was invented by Lenin, father of Russian Bolshevism. Many years before usurping power in Russia he composed a program for the Bolshevik's Party, in which he formulated a status for non-Russian nations, conquered previously by the Russian Empire. His theses are as follows: a) complete equality in rights for all nations; b) granting to all non-Russian nations the right for self-determination including separation from Russia and creation of independent states; c) merging of all nations in the single class organizations and educating them in the spirit of proletarian internationalism.

These theses were designed for propaganda purposes. Their obvious contradictions were clarified by Lenin in articles, "On the Review of the Party Program". Lenin was stating this: "On our part we have not the desire for a separation. We want as large as possible state; a close as possible union of as many as possible nations, which are living in the neighborhood with Great-Russians". In this way Lenin injected in Russian Bolshevism basic contradiction between propagandistic declarations and intended real policies for non-Russian countries.

The same false tactics was used by the Bolshevicks after their usurpation of power in Russia in 1917. The basic document of Soviet government, "The Declaration of Rights for Nations of Russia", proclaimed liberation of non-Russian nations from national oppression, existing in Czarist Russia, has to be changed to the policies of voluntary and equitable union of nations, belonging to Russia.

The Bolshevick "Declaration of Rights of Working and Exploited People", proclaimed that Russian Soviet Republic has to be erected on the basis of voluntary union of independent nations, as a federation of Soviet national republics. However, the policies implemented by Russia in to non-Russian nations presented a complete contradiction to these declarations.

On December 15, 1917 had assembled in Mensk the First All-Byelorussian Congress. It consisted of 1,872 representatives, elected by the people of all the ethnographical territory of Byelorussia. This was a national Byelorussian constituente, whose aim was to decide the future statehood of Byelorussia. Bolshevik-Russian delegates were in a small minority. They were not able to influence the Congressional decisions. After the Congress had chosen independence for Byelorussian state, the Soviet Russian Army dispersed this assembly.

The Council of this First All-Byelorussian Congress proclaimed independence of the Byelorussian Democratic Republic, on March 25, 1918. In opposition to this independent Byelorussian state the Soviet Russian government created the Byelorussian Soviet Socialist Republic (BSSR). This fictitious state was created and its government was selected in Moscow. Official proclamation of the BSSR took place in January 1, 1919 in the city of Smalensk which at this time was conquered by Russia.

Subsequently, the Soviet Russian Army conquered most of Byelorussia. Concluding a peace treaty with Poland in Riga in 1921, the Moscow government, without representatives from the BSSR, divided the territory of Byelorussia as follows: the BSSR was allotted a territory of six counties of the Mensk district only, with a population of approximately 1.2 million. Poland was given approximately 100,000 sq.km. of Byelorussia with a population of approximately 4.0 million. Directly to the Russian SFSR there was annexed approximately 250,000 sq.km. of Byelorussian territory with a population of over 9.0 million. In this way the Soviet Russian government brutally suppressed the aims of the Byelorussian people for self-determination and independence, and turned them into a colonial people of Soviet Russia. The government of the BSSR always is selected by the Russian Communist Party. Its functions are limited to those of local adimnistration for the central Russian government in Moscow.

The formal creation of the USSR took place later, after all non-Russian independent republics were conquered and destroyed by Soviet Russian armies, and instead of them were created satellitic Soviet republics. On October 6, 1922 the session of the Central (Bolsheviks) accepted the draft by Lenin formulating the creation of the USSR. On December 18, 1922, the 4th Assembly of the Soviets of the BSSR accepted a declaration on the necessity for creation of the USSR. On December 30, 1922, the representatives of Soviet Republics signed the declaration and agreement formally establishing the USSR.

In the reality, the USSR is a continuation of the previously existing centralistic Russian Empire, using a different name, as well as different political, social and economic structure. The governing force in the USSR is the Russian Communist Party. This party presents a new Russian ruling class, substituting class of nobility, in the formerly Czarist Russia. The Polit-Bureau of this party is a totalitarian and dictatorial body, which establishes, executes and controls all policies for the USSR from Moscow, including non-Russian republics.

Consolidation of conquered countries by Russianization of their population is a continuous political process, pressed by Moscow government. This action includes: 1. Suppression of ethnic cultures of non-Russian nations of the USSR and forcibly merging them in the one Russian stream; 2. Spreading of the Russian language by schools, publications, administrative use, etc; 3. Deportation of nationally conscious parts of the population, especially of the intelligentsia, to the other republics, with preference of Asian; 4. Sending in of many Russians for all leading positions; 5. Annihilation of those opposed to this denationalization; 6. Limitless and merciless exploitation of subjugated countries and their population for the benefit of Russian imperial aims; 7. Giving a high priority to the growth of the formidable military might and imperial expansion, neglecting the needs of incorporated non-Russian nations. As a result of these colonial policies of the Soviet Russian domination there were "liquidated" over six million of Byelorussian population.

Lenin envisaged creation of the USSR for the entire globe, obviously under Soviet Russian leadership. Subsequent governments of Soviet Russia are gradually realizing this goal. At present their military activities, covering many parts of the globe on the land, sea, underwater, in the air and stratosphere, often are surpassing those of other countries. This systematically growing threat to the security of free countries is the greatest menace to humanity of our time. It can be avoided by the liberation of Byelorussia and other non-Russian subjugated nations from Russian bondage and restoration of their truly independent states. The Russian state, limited to the ethnographical Russian territories, will not be capable of armed expansion in global dimensions.

At this time the Byelorussians under terroristic Russian domination do not have the possibility to defend their own national interests. Therefore, we take the liberty to ask you for support of the aims of the Byelorussian nation for liberation from the horrors of Soviet Russian occupation, and for restoration of an independent Byelorussian State.

Very respectfully yours,

JOHN KOSIAK,
President.

KENNETH TRUE NORRIS

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. DEL CLAWSON. Mr. Speaker, the late Kenneth True Norris earned a reputation for himself in the State of California as an American in every sense that his middle name implied. His life story could well serve to illustrate some of the highest American ideals and aspirations. His list of contributions to the community and to the Nation need no acclamation they stand on their own and to enumerate them is the only form of tribute necessary. At this point in the RECORD I include an accounting of some of the accomplishments of this leader of industry, philanthropist and honored citizen.

KENNETH TRUE NORRIS

Kenneth True Norris was a great leader of industry whose nobility of mind and spirit brought him equal renown as a compassionate philanthropist, dedicated citizen, and benefactor of higher education.

Those who knew his life history saw in him the embodiment of the American Dream fulfilled. The boy who clerked in his father's general store became founder and board chairman of one of America's great industrial corporations, Norris Industries. The boy who didn't have a college education became Chairman of the Board of Trustees of the University of Southern California and Occidental College. The young man who defied the Great Depression became a member of the Business Advisory Committee to President Franklin D. Roosevelt and Chairman of the Committee for Economic Development for Los Angeles and Orange counties.

Kenneth Norris was born July 8, 1899, in East St. Louis, Illinois. He graduated from Manual Arts High School in Los Angeles, and worked in his father's general merchandise store from 1916 to 1920. During 1918, he served as a private in the United States Army in World War I.

It was by accident that he became involved in the metal stamping business. The Norris family was acquainted with a man who was a major partner in a metal stamping company. In 1920 Mr. Norris happened to be in the area of the Kittle Manufacturing Company, so he stopped in for a visit. The family friend was sick, and his partner rather abruptly said he was swamped. Mr. Norris asked if there was anything he could do to help—and was promptly made head of the shipping department! In a relatively short period of time, considerably less than a year, he became superintendent. He continued with the company and became assistant general manager with the responsibility for estimating, sales, purchasing, and production. In 1930 he proposed a plan that would guarantee him a certain salary and bonus in any year when the company enjoyed reasonable profits. The plan was turned down, so he quit.

He had saved his money, and at a time when many more companies were going out of business than were going into it, Norris Stamping and Manufacturing Company was born. As Mr. Norris liked to point out after his marriage, 1930 was the biggest year in his life with the birth of his son, Kenneth True Norris, Jr., and Norris Stamping and Manufacturing Company. With fifteen employees and a rented building, he hung out his shingle.

Kenneth Norris always took the position that a company could not stand still. In his opinion there were definite limitations to growth in strictly metal stamping operations, so he guided the company towards diversified expansion. Under his guidance it grew to become the Norris-Thermador Corporation.

Working in partnership with his son, whom he raised in the business, the company became known as Norris Industries, with headquarters in Los Angeles. Norris Industries, which employs more than 9,000 persons in 22 plants in four states and five countries, specializes in products for the home, industry, and government.

Through the years, Mr. Norris applied his courage, wisdom and determination to his ventures in behalf of his fellow man.

He was an honorary trustee of Occidental College, where he served on its board since 1951 and was its chairman in 1968–69. He served the School of Medicine of the University of Southern California from 1957 with brilliance, guiding their building program and serving as Chairman of the Board of Councilors. A USC trustee for nearly nine years, he was unanimously elected chairman of the university's Board of Trustees last October.

Mr. and Mrs. Norris were the principal donors for a library building on the USC medical campus and for a Dental Science Center on USC's main campus. The Norris Hall of Science and residence halls at Occidental also bear their names. He also helped foster Norris Industries participation in programs designed to develop the community's youth. Some of these programs include the YMCA Youthmobiles, Future Farmers of America, Boy Scouts and many more.

In addition, he served the community and the nation in such positions as: President, California Manufacturers Association; Director, Los Angeles Chamber of Commerce; Director, Merchants and Manufacturers Association (Los Angeles); Chairman, Committee for Economic Development (Los Angeles and Orange counties); Chairman, Steel Committee, Western States Council; Regional Vice President, American Ordnance Association; Trustee, National Security Industrial Association; and Chairman, Cartridge Case Committee, American Ordnance Association. Other positions held included: member, Business Advisory Committee to President Roosevelt; Director, National Association of Manufacturers; Director, Citizens National Bank (Los Angeles); and Director, Hoffman Electronics Corporation. He was also active as a trustee on the National Council on Crime and Delinquency, the Huntington Institute of Applied Medical Research, and the Kenneth T. and Eileen L. Norris Foundation.

Needless to say, Mr. Morris was an honored citizen within the communities where he worked, lived and served. Included among the recognitions he received were the Navy E and Army-Navy E Awards, World War II; the Presteel Award, American Metal Stamping Society, 1963; an Honorary Doctor of Laws Degree, Occidental College, January 6, 1965; California Manufacturer of the Year, California Manufacturers Association, 1968; an Honorary Doctor of Engineering Degree, University of Southern California, June 5, 1969; the Distinguished Citizen Award, Pepperdine University, May, 1971; and the William Hunt Eisenman Award, American Society for Metals, October, 1971.

Mr. Norris leaves his wife, Eileen; son, Kenneth T. Norris, Jr., President and Chief Executive Officer of Norris Industries; sister, Mrs. Dana Rozelle of Pasadena; brother, Virgil T. Norris of Salinas; daughter-in-law, Alice A. Norris and two grandsons, Bradley Kenneth Norris and Dale Corey Norris of San Marino.

HISTORY REPEATING ITSELF: RICHARD NIXON, AS DID THEODORE ROOSEVELT, MUST SPEAK OUT ON BEHALF OF THE JEWS OF RUSSIA

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I have this day written a letter to the President of the United States which is self-explanatory and which I insert in the RECORD for the information of my colleagues and the public. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 19, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I urge you to speak out on behalf of the Jewish minority in the Soviet Union during your forthcoming trip to that country. I trust you will certainly find a place for this issue on your proposed agenda. Whether the subject is discussed formally or informally, publicly or privately, specifically or generally, directly or indirectly, is not at all as important as your earnestness in bringing it up, your persistence in terms of a follow-through and the results you achieve.

As a Member of the House of Representatives, I do not have the Constitutional duty, as do Members of the Senate, to advise you in the conduct of United States foreign policy. But being a Member of the House puts me in closer touch—at least in my District—with the feelings of the people. I want to report to you in that connection that, even though there are few persons of Jewish faith and background in my constituency, the people of Ohio's 20th District are on the whole outraged and appalled at the treatment accorded to Jews in the Soviet Union. Many of my constituents are Irish Catholics, and I believe the unfortunate events in Ulster cause them to identify with the plight of Jews in Russia. The rest of my constituents are of diverse ethnic backgrounds, and they take pride in being what they are—and they also take pride in the fact that they live in a country that permits them, and even encourages them, to be what they are. This being the case, it is readily discernible why there should be advocacy on behalf of Jews in a Congressional District where there are so few Jews.

Not only does the Soviet Union deny Jews the right to be what they are, but that government also is taking a hand in perpetrating falsehoods—describing Jews in terms of what they are not. I refer, for instance, to that ancient and poisonous forgery, the long-since discredited "Protocols of the Elders of the Zion," which in recent years has again gained currency in some parts of the Soviet Union.

Naturally, the interests of the United States will predominate in your mind as you confer with the leaders of the Soviet Union. This is as it should be. But I have seen no evidence so far—and you, of course, have never intimated that there was any—of any clash between the interests of this country and those of the Jewish minority in the Soviet Union. Rather, it has always been in the broad interest of the United States to call attention to the persecution of people wherever it exists, and to the denial of human rights everywhere. I submit to you that America must assert itself again and again as a champion of freedom in order to retain its leadership of the free world.

We have arrived again at such a time. I am certain that you recognize this, and that you are aware that the need exists today, as it did even as far back as the time of President Theodore Roosevelt, for an American President to speak out, in the name of humanity, for an oppressed people on the vast Soviet subcontinent.

Yours very sincerely,

JAMES V. STANTON,
Member of Congress.

TRIBUTE TO F. W. "BILL" BERGESON

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. McCLURE. Mr. Speaker, Idaho lost a promising young leader recently in the senseless and tragic death of F.W. "Bill" Bergeson, who, like myself, was a candidate for the Republican nomination for the U.S. Senate. Like thousands of others each year, he was the victim of needless error. Losing a friend like this kind of "brings it all home" so to speak. The emotions I have felt over the death of Bill Bergeson were aptly summarized by a photographer who recorded the grim aftermath of that accident, and I enter those words in the RECORD at this point:

THEY NEED NOT HAVE DIED

(By David Frazier)

Every couple of years after covering several fatal auto mishaps in rapid succession, I get fed up with driving habits of Idaho motorists and write a piece like this one.

In recent weeks I have had the unpleasant duty of photographing accidents involving four deaths—four needless deaths. There was the baby tossed out of a car that rolled over, the wrong way head-on killing a politician, and a one-car roll over killing a set of parents.

It is hard to not become involved in such tragedies. The police often ask me to take pictures for their use because there are not enough officers to direct traffic, help the ambulance crews, and also make photos. The pictures would never appear in The Statesman, but I have them in my mind all too often.

How can you help a close friend and policeman and can hardly do his job taking care of a dead baby in the street? The cop is a father who also has the duty as a State Trooper to save lives and he can only shake his head and mumble, "It sure is a senseless loss of a young life."

After covering more than 100 fatal accidents, it isn't hard to see what preventive measures could have been taken. I can see no reason why anyone is ever killed in a one car accident. Seat belts keep people in cars instead of under them or flying through the air or windshield. Very few people actually fasten their seat belt each time they get behind the wheel. Do you?

The drinkers—not just the drunks—contribute to half of the fatals in the country. Almost every fatal accident scene I have observed during late night hours reeks of the smell of booze. The pictures often have bottles and cans in them. There is also the smell of the combined odors of battery acid, gasoline, motor oil, anti-freeze, and burned brakes and tires. I call it the smell of death.

Then there is the onlooker who stops to get a peak of the corpse. I have always wondered if he is the same guy who calls the newspaper and complains that a hand or foot of an accident victim showed in a picture.

There is a standing question about news policy that goes something like: "Why do they always put pictures in the paper of bad wrecks? I think they are in poor taste!"

As a photographer I would much rather take pictures of live people—at least they can move around and smile. As a newspaperman, I take the pictures to bring home to readers the atmosphere of a fatal accident with all its misery and suffering.

Things like seat belts, defensive driving, no drinking, slower driving, and the like are known by everyone who drives a car. Unfortunately the rules are not always followed.

Please! Drive Carefully.

MANSFIELD AMENDMENT: NEW LIGHT ON THE LEGALITY OF THE WAR

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ABOUREZK. Mr. Speaker, I would like to commend to the attention of my colleagues a memo prepared for my use concerning the legality of the current escalation of the war in Indochina.

I would like my colleagues to note that on the only two times that the Mansfield Amendment—title VI of the Military Procurement Authorization Act of 1972—has come before Federal Courts, the Courts have held that it was binding on the President. At that time, the Courts also held that the policy being pursued by the President was not clearly in conflict with the Mansfield Amendment because of the recent disclosure of secret talks with Vietnam. But all that has changed in view of our breaking off of the Paris talks and the resumption of bombing in the North. This escalation bears no direct relationship to the protection of the safety of American troops; indeed, it endangers the lives of our prisoners of war.

It, therefore, is clear that the policy currently being pursued in Vietnam is in violation of the law, and the memo supporting this statement follows:

THE MANSFIELD AMENDMENT—NEW LIGHT ON THE LEGALITY OF THE WAR

On November 17, 1971, President Nixon signed into law the Military Procurement Authorization for 1972 (P.L. 92-156). Title VI (Section 601) of this law stated, in essence, that it is "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina", subject to only one condition: the release of all American prisoners of war. To implement this policy, the President is requested to "initiate immediately" the following actions:

(1) Set a final date for the withdrawal of all United States forces from Indochina.

(2) Negotiate with the Government of North Vietnam for an immediate cease fire.

(3) Negotiate with the Government of North Vietnam for an agreement providing for a "series of phased and rapid withdrawals" of United States forces in exchange for a corresponding series of releases of American POW's.

In commenting on Title VI (also known as the Mansfield Amendment), Senator Stennis said the following prior to final enactment of P.L. 92-156 (Cong. Rec., vol. 117, pt. 14, p. 40792.

"Mr. President, the Mansfield amendment in this bill in my opinion is far stronger than the one finally adopted as part of the Selective Service law. It is true that the House did not agree to a specific date. However, for the first time now we have as a proposed law, language which makes out withdrawal from Indochina 'the policy of the United States,' rather than the sense of the Congress as contained in the previous version. For those who supported the Mansfield amendment, I would urge that they closely consider the meaning of this change in language. As a policy matter it binds the Congress and the President of the United States."

Nevertheless, in signing the act, the President made the following statement (Weekly Compilation of Presidential Documents, November 22, 1971, p. 1531):

"Section 601 expresses a judgment about the manner in which the American involvement in the war should be ended. However, it is without binding force or effect, and it does not reflect my judgment about the way in which the war should be brought to a conclusion. My signing of the bill that contains this section, therefore, will not change the policies I have pursued and that I shall continue to pursue toward this end."

On February 16, 1972, Judge John F. Dooling of the United States District Court for the Eastern District of New York, in *DaCosta* v. *Nixon*, 72 C. 207, ruled on which of these two conflicting interpretations of the legal effect of Sec. 601, Senator Stennis' or the President's, is correct. As shown by the following language, he agreed with Senator Stennis.

"When the bill embodying Section 601 was passed by the Congress and approved by the President's signature it established 'the policy of the United States' to the exclusion of any different executive or administration policy, and had binding force and effect on every officer of the Government, no matter what their private judgments of that policy, and illegalized the pursuit of an inconsistent executive or administration policy. No executive statement denying efficacy to the legislation could have either validity or effect."

However, Judge Dooling went on to hold that, in view of the wide discretion given to the President by Sec. 601 and "the unverified disclosures of executive initiatives taken before and since" the enactment of the Section, it could not be said that there was a clear divergence between the policy being pursued by the President and the policy defined in the Mansfield Amendment. It should be remembered that this opinion was handed down only three weeks after the President's January 25 speech revealing the secret Kissinger-Le Duc Tho negotiations, at a time when the war in Vietnam was at one of its lowest ebbs and the air was rife with talk of official and secret negotiations. In the meantime, the President has

(1) Broken off the official negotiations in Paris;

(2) Refused the other side's offer of resumption of secret talks;

(3) Escalated the air war in Vietnam to levels unprecedented in the history, not only of this particular war, but of warfare generally.

Judge Dooling's decision was affirmed by the Court of Appeals for the 2nd Circuit, without opinion, on February 23, 1972. If this holding is correct as to the binding force of the Mansfield Amendment, it must follow, in the light of the drastically changed intervening circumstances, that the administration's current policy of escalation without negotiations is in clear violation of the law.

SPACE SHUTTLE SEEN A VITAL TOOL FOR THE FUTURE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Mrs. GRASSO. Mr. Speaker, the space shuttle program is an investment in the future that will provide untold dividends for our Nation during the decades ahead.

On April 9, 1972, an excellent letter to the editor supporting the space shuttle program appeared in the Hartford Times. It was written by John N. Pionzio, a sales engineer with Hamilton Standard, which is located in my hometown of Windsor Locks, Conn. For the benefit of my colleagues, a large part of Mr. Pionzio's letter follows:

SPACE SHUTTLE SEEN A VITAL TOOL FOR THE FUTURE

To the Editor of The Times:

Don Noel's signed editorial on March 11th was entitled "The Case for the Space Shuttle—and Against It." It could more accurately have been titled "The Case Against the Space Shuttle", for virtually all his comments—some of them misleading and unfair—were hostile to the Space Shuttle program. Of particular note is his equating of the space budget with that for defense. They are two different entities administered by different agencies, with different objectives, and sharing only a common industry—aerospace.

The only benefit cited from the shuttle program is its positive impact on employment in Connecticut. Later he states he is not convinced as to the efficacy of "pouring money . . . into space". So far as I know, we haven't spent a nickel in space. The 1.5 per cent of our federal revenues that we spend on the space program ($3.2 billion) takes the form of income for American families—income that keeps many of us off the unemployment and welfare rolls. This income, in fact, produces tax revenues which can be applied towards the over $100 billion this country devotes to social programs.

There are many economists who feel that the job issue alone is sufficient justification for the shuttle program. Some psychologists theorize that the space program further serves as a mechanism to release man's aggressive proclivities towards peaceful pursuits where historically these tendencies have resulted in wars. And the space program provides the only good by-products of war—technology development and prosperity.

In the recent past, America's general economic health and favorable balance of trade was a direct result of our high technology. Much of our technological strength came from the aerospace industry which (through programs like the space shuttle) developed techniques, equipment, and materials which allowed the U.S. to compete against the cheap labor markets of other countries. Today we are losing the international trade battle because of the anti-technology hysteria which is stripping us of our technical edge and which will likely result, in the long run, in more unemployment and fewer technical and financial means to solve our growing social problems.

The Space Shutle is the essential element of a future space program that will exploit space for the direct benefit of man. Earth resource satellites, for example, will be valuable aids in a worldwide pollution control program. Utilizing sophisticated sensing mechanisms, these satellites can detect, analyze, and monitor air and water pollution over the entire globe, to an extent far superior and less costly than earth-bound techniques.

Due to the fast-growing world population, the production of food will become a major concern to future generations. Earth-oriented satellites can vastly improve our food production capability by finding new farming and grazing lands, by detecting plant blights, by locating fish, by predicting crop yields, and by locating new water sources.

Already, we are facing a world power shortage which will get worse if we don't develop new sources of power. A possible solution is power generation in space, where solar and radiation energy can be captured by large orbiting arrays, converted to electrical energy, and beamed down to earth. Admittedly, we do not have this capability now—but in 1959 few of us envisioned that man would land on the moon in 1969.

Everyone is aware of the tremendous value of NASA's network of weather and communications satellites. In the future our weather satellites will do more than just forecast the weather—they will allow us to better understand the forces that produce weather. This could ultimately mean actual control of the weather—the implications of which are staggering.

These are but a few of the real benefits a well-balanced, earth-oriented space program can provide. There are many others including benefits in medicine, navigation and opportunities for international cooperation. But without an economical space transportation system—the space shuttle we will never realize the tremendous opportunities space offers. It is the Shutle which will launch, maintain, repair, and recover the satellites at a cost which is up to 90 per cent less than the current cost of a space operation.

The position against the space shuttle is based on its projected development cost of $5.5 billion plus the $10 million for each operational mission—500 over the next dozen years. Consider, if you will, the cost of those missions without the availability of a space shuttle. You favor applying the approximately $1 billion per year (through 1978) that we would spend on the shuttle on "higher priority" social programs. Okay. Instead of an annual $100 billion for social action programs you will have $101 billion. Do you really believe that the extra $1 billion will have any appreciable impact on our problems against the fantastic potential return that investment in the shuttle offers?

We have no obligation to the youth of our nation to solve all the problems of the future. Our legacy to them will include many such problems because that's the way it has always been. We do have the obligation to insure that our children and future generations arrive in their adulthood with the tools to solve the problems that they will face. The space shuttle is one of those tools.

JOHN N. PIONZIO.

GOODBY, LES ARENDS; GODSPEED, GOD BLESS!

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, in anticiptation of the "LES ARENDS We Salute You!" appreciation dinner at Danville, Ill., last week, the editor of the Danville Commercial-News, Martin J. Gagie, a longtime friend of LES', hit the right note in his "Editor's Notebook" column.

Few people have known LES better than Martin Gagie. The following is his tribute "Goodby, LES ARENDS; Godspeed, God Bless!" as it appeared in the April 15, 1972, issue of the Danville Commercial-News.

The article follows:

GOODBY LES ARENDS; GODSPEED, GOD BLESS

(By Martin J. Gagie)

I'm going to a party tonight along with some 325 others. Parties are usually happy events and this will be no exception.

We're going to honor Rep. Leslie C. Arends of Melvin. He is our able Republican whip of the House, a position he has filled since 1943, longer than anyone in history.

Arends has been honored innumerable times since he was elected to Congress in 1934. This testimonial is different, however, because it marks his last general public appearance as our man in Washington.

A three-judge federal court panel tossed him a curve by putting him in a new district on the outskirts of Chicago. We said at the time that it smacked of raw partisan politics rather than an honest attempt at fair reapportionment. It still does.

(Parenthetically, Les Arends, with typical zeal and energy, entered the primary in the 15th District and, against tough opposition, won the nomination. He is considered a favorite in November's general election to succeed the former Rep. Charlotte Reid, who resigned to accept President Nixon's appointment to the Federal Communications Commission.)

His biggest losses other than Vermilion County are McLean, Kankakee and Iroquois. In the next, or 93rd Congress, we will be in the 22nd District, currently represented by Rep. George E. Shipley, a Democrat from Olney.

Unlike his Senate counterpart, Charles Percy, Arends is a warm, likable, easy-to-see man. He's never too busy to see or listen to troubles from any of his area.

Some of the so-called pros in politics aren't smitten with Arends because he is not a man who will roll over and play dead at their beck and call. I admire him for that—always have.

This district really had something going when we had Arends and the late affable Sen. Everett McKinley Dirksen. They could and did open doors in Washington when it was justified.

One incident is still vivid in my mind. I was asked to go to Washington and see our representatives about the abandoned Veterans Administration buildings.

These structures were under the management of the General Services Administration. Danville Junior College wanted them. Without GSA approval it would be impossible. Ex-Sen. Paul Douglas, whom Percy defeated, had done the initial spadework.

Arends took me to dinner to hear our case. Dirksen kept me in his inner office for more than a half hour taking careful notes. Outside were waiting another half dozen petitioners. Percy? I couldn't get within five feet of him.

Danville's case prevailed, thanks to Douglas, Arends and Dirksen. And today just look how it has grown. Maybe we should name some of the buildings after these statesmen.

You may not remember it but Arends was honored by the Veterans of Foreign Wars with its eighth annual Congressional Award for Outstanding Service in 1971. That put him in a class with Sens. Henry Jackson, Carl Hayden, Dirksen, and Richard Russell and Reps. John McCormack, Olin Teague and Wilbur Mills. Some class!

There's another side to Arends that I have been privileged to see and sometimes pay. He's a giant killer on the golf links.

Don't let that gray hair or those added years fool you. Nor don't be smug because you may outhit him some yards. That Burning Tree Country Club handicap is a sleeper.

Burning Tree in Washington, the playground for most members of Congress, and the late President Dwight D. Eisenhower, is five to seven shots tougher than Danville Country Club.

If Arends shows you a 10 handicap from Burning Tree rate him at five. If you don't, it is like giving him a license to steal.

And from 50 yards out he is deadly, usually up and down with two shots. It gets a little monotonous unless he's your partner.

Arends said some months ago about losing all of us: "I am disappointed." So are we and we'll miss him both politically and personally.

I hope we get to play a few more rounds before time does us in. And if we do, I want shots!

NEED FOR HELICOPTER AT CORDOVA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BEGICH. Mr. Speaker, the citizens and commercial fishermen of the greater Cordova area in Alaska continually face a serious problem in their daily living activities. Each year these people suffer loss of life and equipment as a result of marine and aviation accidents.

The U.S. Coast Guard is responsible for research and rescue surveillance and enforcement of laws and regulations in the coastal waters of the United States. But the present Coast Guard vessel in the Cordova area is incapable of negotiating the shallow waters of the Copper River flats where most accidents occur, which costs essential minutes and often means the difference between saving or loss of life and equipment. It seems to me therefore that locally based all-weather helicopter would enable quick access to these victims and would be a great boon to the entire area.

I would like now to insert into the RECORD for my colleagues consumption a resolution adopted by the Alaska State Legislature requesting the U.S. Coast Guard to establish a lifesaving station with an all-weather helicopter unit within the greater Cordova area.

SENATE JOINT RESOLUTION NO. 61 URGING THE ESTABLISHMENT OF A LIFESAVING STATION AT CORDOVA

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States Coast Guard is responsible for search and rescue surveillance and enforcement of laws and regulations in the coastal waters of the United States; and

Whereas the City of Cordova serves several hundred vessels of commercial and sport fishermen; and

Whereas residents and commercial fishermen of the greater Cordova area annually suffer loss of life and equipment as a result of marine and aviation accidents; and

Whereas the present deep-draft Coast Guard vessel is incapable of negotiating the shallow waters of the Copper River flats where most accidents occur; and

Whereas a locally based all-weather helicopter would enable quick access to these victims; and

Whereas in many cases a matter of minutes means the difference between saving or loss of life and equipment;

Be it resolved that the Alaska State Legislature respectfully requests the United States Coast Guard to establish a lifesaving station with an all-weather helicopter unit within the greater Cordova area.

Copies of this resolution shall be sent to the Honorable John A. Volpe, Secretary of Transportation; Admiral Chester R. Bender, Commandant, U.S. Coast Guard; the Honorable Harold Z. Hansen, Director of International Fisheries, Office of the Governor; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

THE MAGAZINE "TO THE POINT"

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 17, 1972

Mr. SIKES. Mr. Speaker, there is a new current events publication entitled "To the Point." It deals in particular with Africa, the Mediterranean area, and Asian countries. Happenings in these areas are not fully reported in any previously existing publication having wide circulation in the United States. "To the Point" fills a definite need for detailed information on that very large part of the world. What happens there can be of great moment to the United States and to the free nations of the world. We know that the Soviets are busy throughout the area and particularly in the Mediterranean. The Chinese Reds have likewise displayed great interest, particularly in Africa, and they are exercising a dominant role in some African countries.

In the March 25 issue of "To the Point" there are an editorial on South West Africa and a guest column entitled "NATO's Backdoor." Both should be of significant interest to Americans. I submit them for reprinting in the RECORD and urge that my colleagues study them very carefully:

SOUTH WEST AFRICA

At its meeting in Addis Ababa on February 4 the Security Council asked the new Secretary-General of the UN, Dr. Kurt Waldheim, to initiate contacts with all parties concerned with SWA (or Namibia) with a view to enabling the 700,000 inhabitants to exercise their right to self-determination and independence. In a whirlwind tour which ended 10 days ago the Secretary-General carried out his task with tireless energy and commendable tact. By his own admission he was able to see everyone, speak to anyone and go anywhere in the vast territory, twice the size of France. Dr. Waldheim not only had lengthy discussions with Mr. Vorster, the South African Prime Minister, whose country has been administering SWA for more than 50 years but also with leaders of the various indigenous peoples, including those implacably opposed to South Africa's continued administration.

The most significant fact to emerge from his visit is the Secretary-General's expressed view that South Africa and the Security Council shared the objective of self-determination for the peoples of South West Africa. Waldheim's remark was the first indication that South Africa's bona fides on this question are no longer the issue. However, the Security Council clearly wants to see the territory achieve speedy independence, not on a fragmented basis but as a unitary state whose government would be elected on the basis of one-man one-vote, thus providing the people with the opportunity for self-determination.

On the other hand, South Africa adopts the view that self-determination for the people is priority number one, not independence for a particular geographic area of Africa. Self-determination and *ipso facto* independence cannot be achieved in their view without due consideration being given to the diversity of the population. This must entail self-determination for each of the various groups ranging from 13,000 nomadic Bushmen to 340,000 settled Ovambos, each in their historic homelands.

The crux of the matter therefore is to find a *modus operandi* for achieving self-determination which would be acceptable not only to both parties but, more important, also the people of SWA, thus bringing to an end more than two decades of argument, including a six-year dispute before the World Court at The Hague, about South Africa's administration of SWA and the territory's international status. In this respect an enormous gap still separates the Security Council and South Africa. How arduous the task will be to bridge this gap, particularly in relation to the population structure and the economic requirements of an independent South West Africa is dealt with in African Background.

Dr. Waldheim's report to the Security Council must be submitted before July 31 of this year. If, as anticipated, it recommends further talks to narrow the gap on the *modus operandi*, it will contribute to an eventual solution. If not, or if the Council rejects anything but an immediate departure of South Africa as proposed by the great majority of African states, the deadlock on South West will simply continue.

NATO'S BACKDOOR

In 1962 the world stood on the brink of war until Soviet ships carrying missiles to Cuba received orders from Moscow to reverse their course and steam home. Thus American sea power saved the world from nuclear war, and it was a lesson the Soviet Union will never forget. From that moment, one of the world's greatest land powers determined to become one of its greatest sea powers.

Under Admiral Gorshkov, who became Commander-in-Chief of the Soviet Navy at the age of 31, that navy has become the second largest of the world's fleets. Russia now outnumbers NATO in nuclear submarines, her ships are fitted with surface-to-surface missiles superior to any in the West, 45 per cent of her fleet is under 10 years old, and she has sufficient auxiliary vessels (such as tankers and store ships) to allow her to operate without bases on a world-wide scale. Her merchant fleet, now the sixth largest and expanding rapidly, is under Moscow's direct control, as is her fishing fleet of 4500 vessels and the largest hydrograph survey fleet in existence.

The 10 years that have seen such an astonishing growth of Soviet sea power have seen a corresponding contraction in the West; bases and dockyards have been given up in the drive for rapid decolonisation. Famous companies such as Cunard or the United States Line now only operate a few vessels. The British Royal Navy has scrapped its reserve fleet, and the USN has an increasing number of ships in mothballs, largely because defence expenditures is unpopular in a democracy. The political repercussions are already obvious to those prepared to look—first in the Mediterranean, where many Arab countries are now potentially hostile; in the Indian Ocean, where Soviet influence in the Third World is growing; and now in the Persian Gulf, where as a result of the British withdrawal, two-thirds of Europe's oil supplies are at risk.

Largely because of the fear of nuclear escalation, few believe that war will develop in Central Europe where NATO confronts the countries of the Warsaw Pact. This stalemate in the centre makes the flanks even more vulnerable. At first sight the main danger comes from the North, where the USSR maintains her largest and most modern fleet at Murmansk; but these ships, both surface and submarine, would have to run the risk of the narrow sea passage in the Greenland Straits or in the Norwegian Sea between Iceland and Norway. This risk makes a surprise attack on Norway possible, and defense of this northern flank is one of the problems NATO is now re-thinking.

Most people regard the Mediterranean as being NATO's southern flank. This was never wholly true, and since the closing of the Suez Canal it is clearly a dangerous fallacy. The real danger to NATO, and therefore both to Western Europe and to North America, lies at NATO's backdoor, the virtually undefended Cape Route.

Few appreciate that NATO's responsibilities end at the Tropic of Cancer and that the politicians of the West have not allowed even contingency planning in the South Atlantic because of the political problems inherent in Southern Africa.

Fifty per cent of Europe's oil comes round the Cape, over 90 per cent of the oil for European NATO nations. This amount is increasing each year, as is the size and therefore the vulnerability of oil tankers. If war convoys formed in the Persian Gulf, in Australia or in South Africa, three out of every five convoys would round the Cape carrying, as far as Britain is concerned, 50 per cent of her oil, 25 per cent of her food and five per cent of her mineral supplies. Yet these convoys are apparently to be unprotected until they have sailed north past the equator and across the Tropic of Cancer.

Even in World War Two, German U-boats created havoc in the Madagascar Channel and off the Cape. What an invitation for the 90 Soviet nuclear submarines, to say nothing of the 125 armed with missiles, or the 255 attack submarines, which may well, in the future, be able to use West or East African bases.

Today, the only link the West has with this vital area is through the Simonstown Agreement between South Africa and Britain. It is about time that this agreement was linked through Britain and Portugal to NATO and the necessary communications, exercises and planning provided for an area vital to the whole of the Western World.

PATRICK WALL.

MITCH KURMAN ON CAMP SAFETY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. McKINNEY. Mr. Speaker, to those of us who serve in the legislative bodies of this Nation, the name Mitch Kurman might be a familiar one. Mitch, as many of us know, is the champion of youth camp safety; a one man citizens' lobby group who combines charm and wit with determination and irascibility to bring his story to the attention of the American people.

Mr. Speaker, Mitch Kurman wants nothing but safe camps for kids. It doesn't sound too difficult, but believe me, Mitch can tell you it is.

However, that's not the main point of this commentary. Recently, The Westport News asked Mitch to comment on what a parent should look for in the search for a safe camp. There's no more qualified expert in this field and I'd like to share his response with you today. It makes for interesting reading and sound advice.

The article follows:

MITCH KURMAN ON CAMPS, SAFETY, LEGISLATION AND TIPS FOR PARENTS

Most people in this area, and many across the country, are aware of who Mitch Kurman is. For those who are not, it may be a good time to become acquainted with him and his story.

Several years ago, Kurman's young son was attending a summer camp near Rochester, New York. The group was taken to Maine to experience a white water canoe trip. Young Kurman never returned. Since that day Mitch Kurman has taken it upon himself to become the guardian of camp and water safety. His extensive travels around the country, (Kurman owns a furniture business), have given him the opportunity to drop in, sometimes uninvited, on camp officials, newspaper editors, legislators and anyone else he thinks may aid his cause. The cause in question is a unified camp safety code. His work did bring results in the area of water safety where one law, requiring a life saving device for each person on a boat, was recently put into effect.

SOME 8 MILLION CAMPERS

"Eight million American young people go to camp each year," Kurman stated. "There are nearly 8,000 camps throughout the country. Camping and its various offshoots is a billion dollar industry. And yet there are virtually no rules or regulations setting down any requirements for these organizations." The Westport crusader rattles off facts and figures concerning the state of U.S. camps with an air of confidence. This comes from his vast file of statistics newspaper clippings and personal correspondences which he has collected over the years. "I might come on strong, and shoot my mouth off more than some people would like, but everything I say can be backed up by facts," Kurman claims.

"Shooting his mouth off" is one of camp safety crusader's weapons. Because of it he has found himself the subject of numerous newspaper articles, the guest on several radio and television shows as well as the self-proclaimed lobbyist for camp safety legislation. "Any time you push for something that will change the status quo you are bound to run into people who hold the opposite view," he explained. "When I was first looking into the life preserver rule the biggest opposition came from the boating industry. But as soon as they realized that safer boating would be good for everyone concerned, they added their weight to the fight for legislation."

Kurman speaks of his attempts for stricter laws in terms of the "struggle" or "fight" or "battle." "It's been uphill all the way," he said. "I've watched so many bills that I have been promised would pass on the first ballot get buried or sent to committee, that I guess I have become a cynic. But things are changing. There are more states now with a camping code than there were five years ago. There are also several states which have no regulations at all in this area. When you think that eight million children are sent to camps each summer and that an average of a quarter of a million accidents requiring medical treatment are reported, it seems to me that it is time we had federal legislation for this industry."

GUIDELINES OFFERED

Mitch Kurman offers the following as general guidelines for parents planning to send their children to camp this summer. "If at all possible, visit the camp itself, check the facilities and find out exactly what activities your child will be expected to participate in. Talk to the camp director. Ascertain whether or not he will be on the site at all times. If there are any trips to another area planned, find out where the campers will be taken, what they will do when they get there, and the means of transportation. Any time a new area is to be camped on or explored make sure that a guide who is familiar with that particular region will supervise. The waterfront director should by all means be a Red Cross certified instructor. There is a difference between a certified swimmer and instructor. Obtain a list of names of some of the previous year's counselors. Talk to them personally. See what they think of the organization. If they are not returning this year, find out why. Do the same with the previous year's campers. Write to the Department of Parks and Recreation of whatever state the camp is located and obtain a list of state regulations concerning the camp. If there are yearly inspections, find out how this particular camp has done in the past.

'The main thing to keep in mind is to use common sense in selecting a camp for your child," Kurman continued. "It is better to take a little time now than to risk the well being of your son or daughter. Camps and camping are great fun for both adults and youngsters. But as a parent you must accept the responsibility of giving your child a safe and enpoyable summer."

WHITTIER HIGH SCHOOL CLASS OF 1932

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. REES. Mr. Speaker, next month the 1932 graduating class of Whittier High School will celebrate the 40th anniversary of their commencement with their first reunion.

The alumni committee, consisting of Richard Knox, Averill Munger, Robert Battersby, John August, Mildred Fitzgerald McGee, and Helen Hannah Campbell, has succeeded in contacting 185 members of the class of 1932. The date of May 13 has been set aside for the occasion at the Candlewood Country Club in Whittier.

I would like to extend my congratulations and best wishes to all of the participants in the event.

HOUSE OF REPRESENTATIVES— *Thursday, April 20, 1972*

The House met at 12 o'clock noon.

Rev. John D. Banks, minister, Bethany Congregational Church, Quincy, Mass., offered the following prayer:

Lord of Creation, whose wisdom overrules the faltering judgment of Your children: A new day summons us to labor within the framework You have given us. To the men and women who here engage in great decisions, grant Your Holy Spirit in guidance and power. For their acceptance, in faith and trust, of the burgeoning concerns of their neighbors, we thank You. For their firm commitment to the right as You give them to see it, we thank You. Lift them above the dark sense of futility, for in Your economy there is neither majority nor minority, neither losers nor winners, but only degrees of integrity. Form and inform the minds of these Representatives, and those they represent. Then may grace, mercy, and peace be the hallmarks of our national life, and Your will be done. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; and

S. 3153. An act to amend the Act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6797. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets No. 316, 316–A, 317, 145, 193, and 318; and

H.R. 7742. An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9212) entitled "An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. WILLIAMS, Mr. RANDOLPH, Mr. PELL, Mr. NELSON, Mr. EAGLETON, Mr. STEVENSON, Mr. HUGHES, Mr. JAVITS, Mr. SCHWEIKER, Mr. PACKWOOD, Mr. TAFT, and Mr. STAFFORD to be the conferees on the part of the Senate.

The message also announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. Con. Res. 75. Concurrent resolution to urge each American family to plant a vegetable garden; and

S. Con. Res. 78. Concurrent resolution paying tribute to President Harry S. Truman on the occasion of his 88th birthday.

FEDERAL REPUBLIC OF GERMANY

(Mr. HAYS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HAYS. Mr. Speaker, it has come to my attention that both some American papers and foreign papers have been carrying statements to the effect that the United States will not support the Federal Republic of Germany unless the Bundestag ratifies the proposed agreements with Soviet Russia.

I think this is a complete misstatement of fact since the relations between the United States and the Federal Republic do not depend upon the relations between the Federal Republic and the Soviet Union. As a matter of fact, the Soviet Union has made no concessions in this agreement to the Federal Republic that it did not make to the United States and other powers in 1945 and 1946. The only difficulty is that the Soviet Union did not live up to its obligations and agreements and has continued to harass traffic between West Germany and Berlin and is directly responsible for the infamous division of the city of Berlin and the inability of Germans to be reunited from time to time with their relatives on the other side of the wall.

If history is any guide, and it has been in the past, there is no assurance that if the treaty is ratified that the Soviet would come any closer to keeping its word with the Federal Republic than it has with the United States.

REPORTS OF COMMITTEES AND INTER-PARLIAMENTARY GROUPS OF CONGRESS ON EXPENDITURES OF FOREIGN CURRENCIES

Mr. HAYS. Mr. Speaker, as chairman of the Committee on House Administration, I am today inserting in the CONGRESSIONAL RECORD the reports of the committees and interparliamentary groups of the Congress on expenditures of foreign currencies and appropriated funds for the 92d Congress, first session.

In doing so, I thought it might be interesting to point out a few facts concerning travel by members of the executive branch of the U.S. Government. It is always the congressional travel that gets the attention of the press and public since we yearly publish a record of it. A little research clearly indicates that the congressional travel is, in fact, a drop in the bucket.

To illustrate this, I have asked the Agency for International Development to submit a record of their temporary duty travel for the calendar year 1971. This TDY travel, as it is called, represents travel for short periods of time—usually a few days or weeks—for supervisory purposes, meetings, special projects, and the like. The report covers only people who work in Washington and travel to other countries and back to Washington. This report does not include TDY travel from one overseas post to another, nor does it include movement of personnel going to an overseas post for a tour of 2 or 3 years.

I had no particular reason for choosing AID for this report. I am sure that the travel of the Department of State, U.S. Information Agency, Central Intelligence Agency, Department of Defense, and numerous other agencies which have people overseas would be equally, if not more, interesting. And I am certain that the travel record of Mr. Kissinger would make for fascinating reading.

Actually, I was planning to insert the AID travel report in the CONGRESSIONAL RECORD, but found that it would cost the taxpayer too much to print as it covers 157 legal size pages. So I am going to give you a brief analysis of the travel and a few examples of executive branch travel. The report itself will be on file in the House Administration Office for anyone who wants to examine it.

The total number of AID trips for the year was 1,080, at an estimated cost of $1,490,891. I found, not to my surprise, that France rated the most visits from AID personnel. There was a total of 96 trips to France, where we have no foreign assistance program, as contrasted with 89 trips to Vietnam.

Here are some other comparisons of numbers of temporary duty trips:

England had 68, and Nigeria had 51.

Switzerland had 40, and Laos had 37.

Italy had 44, and Ghana had 47.

Hawaii had 15, and Tanzania had 21.

Canada had 19, and the Congo had 20.

Back to France for a minute, I discovered in analyzing this report that Paris is a favorite place for meetings of AID personnel for discussions concerning other countries. Meetings took place in Paris for purposes of discussions on the following countries: The Ivory Coast, the Philippines, Turkey, Ceylon, India, Pakistan, Cambodia, Ethiopia, Nigeria, the Congo, Morocco, Tunisia, and Colombia.

Other interesting meetings took place in Paris. A Mr. Konnerup attended a meeting there to, "participate in discussions relative to cost estimates for tsetse fly suppression and control."

And a Mr. Pfoutz went to three separate meetings in Paris to "attend OECD working party on development assistance untying agreement meeting."

Practically all of these AID travelers managed to hit more than one country on these 1,080 trips. Most hit several. A Mr. Brown, in the Technical Assistance Bureau, visited England, France, Liberia, Ivory Coast, Nigeria, Tanzania, Ethiopia, Italy and Tunisia "to visit AID field activities re relevance of domestic foreign assistance activities and experiences and minority talent."

And a Mr. Oleson, described as a multisector officer in SER–PM at AID, spent 1 month traveling through France, Greece, Italy, Spain, and England "to complete a case study in connection with long-term training at Foreign Service Institute Senior Seminar."

And so, here are a few examples from a report I think fairly revealing.

I asked my staff to total up the number of trips made by Members of Congress, and the number given me was 365. The total amount of money reported for travel for both Members and staff as listed in the reports I am submitting is $833,197.15.

I am not trying to be pious in pointing out the 365 congressional trips as contrasted to 1,080 trips by personnel of the Agency for International Development. And I acknowledge that most of these congressional trips included more than one country, as did the AID trips. Nor am I saying that I think it is necessarily wrong that a Mr. Konnerup participated in some discussions in Paris on the control of the tsetse fly.

What I do point out is that as congressional travel is revealed to the public, perhaps it should be put into proper perspective. There are many people, nameless to the public, who are going out to Dulles and National airports each day from the executive branch to board a plane for someplace. And many of them have a lot more miles on them than do any Members of Congress.

LEAVE OF ABSENCE

(Mr. **YOUNG** of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **YOUNG** of Texas. Mr. Speaker, there is a great need for me to go to my district for a period of time in connection with an imminent danger of infestation of the reported fire ant that has swept the South and is presently working its way through my district; also other official business in connection with the Corps of Engineers and the change of the command at the Advanced Training Base in Corpus Christi, and some other personal matters. I ask unanimous consent for permission to absent myself from the House for a period not to exceed 3 weeks.

The **SPEAKER**. Is there objection to the request of the gentleman from Texas?

There was no objection.

SUPPORT FOR THE PRESIDENT

(Mr. **DORN** asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. **DORN**. Mr. Speaker, the North Vietnamese all-out offensive is cold calculated aggression. Their attack is deliberate escalation of the war in the face of American withdrawal and American efforts to promote peace. In its initial stages it was designed to overrun the Republic of South Vietnam and capture American withdrawal forces. There was a very real danger the Communists would break through and capture thousands of Americans, most of whom are not combat trained. Had they been permitted to do so, this would have been a giant step toward world war III.

American response was necessary to protect our withdrawal forces and thus is in the interest of peace. Without American air action, the peace of the entire world would be threatened by rewarding unwarranted Communist aggression against our forces already committed to withdrawal. The President absolutely had no alternative. The President has committed our country to peace in Southeast Asia by withdrawing nearly 500,000 troops. This Nation has taken every honorable step for peace, including the President's journey for peace to Peking and the pending trip to Moscow. The President would be in a position of pitiful weakness in Moscow had he not taken action against a blatant and unconcealed aggression.

Mr. Speaker, I am today joining many of my colleagues in introducing a resolution to condemn North Vietnamese aggression and its all-out attack on its neighbors. Our resolution further calls for congressional support of the President's forthright action to repeal this invasion and attack upon our forces in the act of promoting peace.

EMPLOYMENT RISES SHARPLY IN MARCH

(Mr. **COLLIER** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **COLLIER**. Mr. Speaker, employment soared in March to record heights. After adjustments for seasonal factors, the number of jobholders exceeded 81 million as employment increased by 618,000, the largest absolute advance since April 1960.

The extraordinary growth in employment last month has been overshadowed in some public discussions by the two-tenths of 1 percent rise in the unemployment rate. However, as an indicator of the general strength of the economy, the rise in employment is much more revealing.

The fact is that while the economy produced the largest 1-month increase in employment in over 10 years, the labor force expanded even more sharply. Had the civilian labor force increased at its historical trend rate, the March increase in employment would have driven the jobless rate down substantially. As it happened, our economic expansion provided an unusually large number of new jobs, but the increase in the labor force—the largest in 25 years—prevented the jobless rate from falling.

This does not signal any faltering of the economy. Since June 1971, the adjusted figures indicate labor markets have absorbed 2.3 million out of the 2.6 million increase in the civilian labor force, a remarkable record. Despite creating an extraordinary number of jobs, the economy also had to accept the largest increase in the labor force in two and one-half decades.

There are ample indications that the economy is expanding and will continue to expand at a healthy rate. The March employment increase is one indicator of this strength. As the unusual growth in the labor force tapers off, the coming months should show a falling rate of unemployment in the face of marked employment gains, a development which we all desire.

HAVE PRESIDENT KENNEDY'S WORDS LOST MEANING FOR TODAY?

(Mr. **KEMP** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **KEMP**. Mr. Speaker, about a decade ago a young President said America would pay any price, bear any burden, meet any obligation to assure the survival of freedom.

How far some of those in John Kennedy's party have come in just a decade to the point where those noble words are void of meaning.

Today many of those who have inherited the leadership of his party seem to have more concern for the enemy than for our ally, more condemnation for our President than for the aggressor and more interest in the next election than in the next generation.

Peace at any price may be fine from the floor of the Congress because the price will be paid by someone else if they are wrong.

The President has no such simple decision. As Commander in Chief he must assess the military and diplomatic challenge to his country and its goals. He must calculate what effects his action will have on American desire to help assure peace in the Middle East. Can anyone rationally suggest that it is not important to this country and the free world that we end this war in an honorable way. There is something important about the honor of America. Can we be trusted along the Suez Canal if we are not trusted at the DMZ? Can we be credible at the SALT talks if we are not credible in Southeast Asia?

The Democratic candidates for President speak of peace, yet would purchase it by accepting the dictates of the enemy. In their moral acrobatics they would abandon 18 million people in the midst of as naked an aggression as the 20th century has witnessed. In World War II they called for unconditional surrender of our Nazi enemy. Today they call unilaterally for surrender, not of the Communist enemy, but of our own country.

DEMOCRATIC CAUCUS DENOUNCED COMMUNIST AGGRESSION IN VIETNAM

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PUCINSKI. Mr. Speaker, I listened with great interest to our colleague, the gentleman from New York, a moment ago, and I would take this time to ask him a question. This morning at the Democratic caucus, by an overwhelming vote of 186 to 16, or some lopsided figure such as that, the Democratic caucus roundly denounced the naked aggression of the Communists in South Vietnam.

After having taken that action, what is the basis for my colleague's statement on the floor of the House?

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. KEMP. The gentleman knows full well that yesterday the Democratic caucus defeated by only a vote of 105 to 97 a proposal that the United States cease its support of South Vietnam within 30 days.

Mr. PUCINSKI. Mr. Speaker, I cannot yield further.

This morning they voted by more than 200 to 16 to condemn this Communist aggression.

Mr. KEMP. The gentleman knows the statement of my Democratic colleagues——

Mr. PUCINSKI. Four years ago the President——

The SPEAKER. The gentleman from Illinois has the floor.

Mr. PUCINSKI. I refuse to yield further.

Four years ago the President went before the American people and said, "I have a plan—I have a plan to get us out of Vietnam." Unlike his illustrious predecessor, Dwight Eisenhower, who also said he had a plan and carried out his plan when he effectuated a truce in Korea and got us out of Korea, Mr. Nixon has failed. That is what we ought to be addressing ourselves to, how best we can get ourselves out of Vietnam without seeing that nation fall to the Communists.

PROPOSAL TO PRESENT QUESTION OF RESOLVING HOSTILITIES IN VIETNAM BEFORE GENERAL ASSEMBLY OF UNITED NATIONS

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, this morning, in the referred to Democratic caucus, I did not have an opportunity to offer a resolution, unfortunately, which I believe is something not only the Democrats but also every Member of the House as well as of the Senate should seriously consider. I was prevented from offering my resolution by a gag rule, invoked by the doves, yes, the same who have vociferated for "peace" and "democracy." It is incredible that those who have been so vocal against the gag rule in the past, should have been so gleeful about it now. I can account for it only by attributing it to their ignorance, since they gave no opportunity to find out what it was all about.

Regardless of all the recriminations, which I think are to be regretted, whether we like it or not there are Americans who are dying, and we have a responsibility to be very sober and responsible in our judgments and especially in our utterances at such critical times. It is for this reason I have been very loath to speak out, even during the past 5 or 6 years.

This resolution, which I hope to present to the entire membership at some proper time, reads:

> *Resolved*, That the President should immediately take such steps as may be necessary, acting through the United States Delegation to the United Nations, to bring the question of resolving the hostilities of Vietnam before the General Assembly of the United Nations; that the recent massive invasion of North Vietnam by South Vietnam makes this imperative.

I believe there should be some appeal to that body which the world in great hope founded after World War II.

The Chinese nation, the Communist Chinese—I will not call them the People's Republic of China—the Communist Chinese regime is a member now of the United Nations. Russia is a member of the United Nations. I believe this would be a proper avenue.

RESOLUTION PASSED BY DEMOCRATIC CAUCUS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, as you know, the Democratic caucus has just adjourned and in that caucus we adopted a historic resolution. That resolution is as follows:

> That it is the sense of the Democratic Caucus of the House of Representatives that in the 92d Congress the House of Representatives:
>
> Should condemn the current military invasion of South Vietnam by the forces of North Vietnam;
>
> *Resolved further*, That the recent bombings of North Vietnam represent a dangerous escalation of our role in the Indochina war and a direct contradiction of the administration's stated policy of "winding down" the war;
>
> *Resolved further*, that the national interest in obtaining a permanent peace with security would best be served by promptly setting a date to terminate all U.S. military involvement in and over Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action;
>
> *Resolved further*, that the Democratic Caucus of the House of Representatives hereby directs the Democratic members of the House Foreign Affairs Committee to prepare and report within 30 days legislation designated to accomplish these specific objectives.

As I stated in a speech on the floor yesterday, I offered a resolution in the caucus which was as follows:

> That it is the sense of the Democratic Caucus of the House of Representatives that in the 92nd Congress the House of Representatives:
>
> Should condemn the current military invasion of South Vietnam by the forces of North Vietnam;

My resolution was adopted by the Democratic caucus by a vote of 186 for, 16 against, and 2 voting present. The final resolution incorporating my amendment was passed by a vote of 144 yeas to 58 nays. Although my resolution was not formally adopted until the second day of the debate this was because the parliamentary situation in the caucus prevented its consideration until that time. I think it is important to point out, Mr. Speaker, that there was in all of these deliberations in the Democratic caucus an overwhelming condemnation of the military invasion of South Vietnam by the forces of North Vietnam.

ACTION BY THE DEMOCRATIC CAUCUS

(Mr. CEDERBERG asked and was given permission to address the House for 1 minute.)

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the comments of the gentleman from New York, and his colloquy with the gentleman from Illinois.

I want to say I think it is commendable that the caucus did as an afterthought finally condemn the North Vietnamese for their invasion. I understand that it came in the last part of the resolution, by an amendment from the gentleman from Florida (Mr. GIBBONS) he decided perhaps it would be in the best interests of the caucus to also condemn the people who are invading the South, the North Vietnamese. I believe the caucus should be commended for taking that action.

If the gentleman from Illinois figures are correct I am amazed that there are 16 members of the caucus that would not vote to condemn this Communist invasion.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Florida.

Mr. GIBBONS. I should like to correct the record. I will not have time to do it under the gentleman's 1 minute, but under the revision and extension I asked for I will put it in the RECORD.

Actually, the amendment had been pending for 2 days. It just took a little time parliamentarily to get to it. It was a part of the original context of the Democratic Caucus action.

We are delighted that it did happen.

Mr. GROSS. I wonder if the gentleman from Illinois, who took such pride in telling us about this action, would tell us how many members of the Democratic Caucus voted against the provision condemning the North Vietnamese invasion.

Mr. PUCINSKI. I would hope to respond to the gentleman if the gentleman will yield. It is my understanding and I am not sure on this point, but I believe there is some question as to what is privileged matter in the caucus, but I can tell the gentleman that it was overwhelming. My leader tells me we can tell. It was 200 for and 16 against.

RESOLUTION CONDEMNING NORTH VIETNAMESE AGGRESSION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, as a member of the Committee on Foreign Affairs of the House, I am naturally inclined to be nonpartisan and objective in my approach to all issues. I take this opportunity to announce to the House that shortly, in conjunction with the gentleman from Louisiana (Mr. WAGGONNER), we will be introducing a resolution cosponsored by approximately 61 Members commending the President for his actions in handling the entire situation in Southeast Asia and pointing out the flagrant violations perpetrated by the North Vietnamese. I remind Members of the House that it is our policy to achieve peace and freedom in that area. I certainly think this will ultimately be the view expressed by a majority of the Members of Congress.

Mr. MONTGOMERY. Will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman.

Mr. MONTGOMERY. I offered the resolution this morning in the Democratic Caucus, which received a nice vote.

Mr. DERWINSKI. I thank the gentleman.

VOTE IN THE DEMOCRATIC CAUCUS

(Mr. MARTIN asked and was given permission to address the House for 1 minute.)

Mr. MARTIN. Mr. Speaker, in response to the gentleman from Illinois who gave some figures a few moments ago as to the vote in the Democratic caucus this morning, here is a UPI story which I just tore off the ticker. It says:

> By the overwhelming vote of 144 to 58, Democrats gave final approval to the resolution combining the antiwar demands with condemnation of the Communist invasion.

This was not 16, as the gentleman said.

PAYING TRIBUTE TO PRESIDENT HARRY S TRUMAN ON THE OCCASION OF HIS 88TH BIRTHDAY

Mr. BOLLING. Mr. Speaker, I ask unanimous consent for the immediate consideration of Senate Concurrent Resolution 78.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. HALL. Mr. Speaker, reserving the right to object—and I shall not object—I should like to commend my colleague from Missouri (Mr. BOLLING) for bringing this up.

He provided me with a copy of the resolution sometime ago. It is worthwhile, and it gives me a great deal of pleasure to make it unanimous on this side of the aisle. This, in behalf of the entire conference of Republicans from Missouri.

There is no question, as my colleague stated in his forwarding letter, that it has been handled in different ways in the past, doubtless due to different techniques evolving toward how to show appreciation and affection.

I would like to commend not only my colleagues on the other side of the aisle but particularly the author of the resolution and the President's own Congressman from Independence, Mo. (Mr. RANDALL) for helping to bring this erstwhile action to the floor.

I understand that it passed the other body yesterday.

Mr. Speaker, there is no one more deserving and noteworthy than President Truman, whom the good Lord has spared for four score and eight years, and who history in its objectivity will term not only a great President and statesman, but a man who took the time to read history and to apply it to his current problems before acting; and he always acted, before the "buck" stopped beyond the pale of his desk. I wish him good health, and all happiness, as well as happy returns of the 8th of May.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. RANDALL. Mr. Speaker, further reserving the right to object, and I shall not object, I wish to take a moment to make the record clear as to the reason the resolution was originated over in the other body. The fact is that the gentleman from Independence served in the other body and never was a Member of the House.

However, let me point out that Mr. Truman said many times that he regarded the House of Representatives as the people's body. He has said more than once that if he were to have had his way and the situation presented itself, he would have preferred to be a Member of the House of Representatives because it is closer to the people than the other body on the other side of the Capitol.

Mr. Speaker, I thought it was necessary that this word of explanation be provided as to why the resolution was first adopted on the other side of the Capitol. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. BOGGS. Mr. Speaker, further reserving the right to object, I shall take only a minute to, first, commend the gentleman from Missouri and the other authors of this resolution in paying tribute to a very great American, President Harry S Truman.

I know of no man alive—and for that matter very few who have passed on—who has made a greater contribution to the welfare of this country and to the people of our country. He has done so many great things that time does not permit their enumeration.

Mr. Speaker, the political expression which he used when he was President which I liked best is:

> If you cannot stand the heat, get out of the kitchen.

Happy birthday, Mr. President!

The SPEAKER. Is there objection to the request of the gentleman from Missouri,

Mr. GERALD R. FORD. Mr. Speaker, further reserving the right to object, I deeply appreciate the gentleman from Missouri offering this resolution.

I do not think I can match the eloquence or sincerity of the words of the gentleman from Missouri (Dr. HALL) in endorsing this particular resolution.

I simply want to say that I think history will show, as it has already indicated, that former President Harry Truman was one of our strong Presidents in a trying time. I think this resolution is highly appropriate and I am glad to indicate my personal endorsement of it.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 78

> *Resolved by the Senate (the House of Representatives concurring)*, That the Congress of the United States hereby extends to the Honorable Harry S Truman, thirty-third President of the United States, its greetings and warm wishes on the occasion of his eighty-eighth birthday on May 8, 1972.
>
> SEC. 2. The Congress expresses its admiration and gratitude to President Truman for his many years of distinguished service to the people of the United States and to the world community.
>
> SEC. 3. The Congress expresses its appreciation to President Truman for his contributions as Senator, Vice President, President, author, and statesman.
>
> SEC. 4. A copy of this concurrent resolution shall be promptly transmitted to the distinguished "Man from Independence", Harry S Truman.

Mr. BOLLING. Mr. Speaker, I would like to give the history of this a little bit so that it will be completely understood. I am the dean of the Missouri delegation and I had the cooperation of the entire delegation, including Dr. Hall in the handling of this matter. I felt it was a pleasant idea for the Senate to act first since Mr. Truman served in the Senate. The Senate acted yesterday, and that is the resolution we are considering now. However, I introduced yesterday in behalf of each member of the Missouri delegation, all 10 Members of the House of Representatives, an identical resolution.

Mr. Speaker, I am grateful to all of our delegation for their cooperation and I am very grateful to all the Members of the House for their obvious enthusiasm in the passage of this resolution honoring a man who served his country well.

Although Harry S Truman was a very partisan Democrat, when it came to matters of foreign affairs, he was as unpartisan as any man who ever served his country in American history.

I think this is an appropriate time to pass this resolution.

Mrs. SULLIVAN. Mr. Speaker, on that

tragic April day 27 years ago when the world learned of the sudden death of President Franklin D. Roosevelt at Warm Springs, Ga., there was deep foreboding throughout the free world that the man who was succeeding President Roosevelt would not be equal to the challenge. He had been Vice President only a few months, and his nomination to that office at the Democratic National Convention had been bitterly contested by the supporters of the Vice President he was displacing. In many quarters he was viewed as a small-town politician called upon to succeed one of the greatest Presidents in our history.

But the people of Missouri had few fears 27 years ago about Harry S Truman's capacity to be an effective President of the United States, even in the midst of the largest war the world had ever known. We knew the character of dogged persistence, his courage and great strength, and his humaneness, too. As a two-term U.S. Senator, he had represented his constituents conscientiously and well, bringing to the Senate a sense of personal identification with the problems and the aspirations of all citizens. And he had proved himself one of the best investigators in the public interest that the Senate had ever had. Nevertheless, we knew that our fellow Missourian was assuming the hardest, most demanding job in public life, and one for which no one can truly be fully prepared.

Now, as our former President approaches his 88th birthday, 19 years after he left office, history looks back on his nearly 8 years as President not only with kindness but with intense respect. His accomplishments as President were remarkable and durable ones, from the restructuring of the world's economies to the establishment of the concept of equal rights in the United States. He lost many battles with the Congress during his early years as President—so many, in fact, that his State of the Union messages were, for a time, greeted with ridicule for the "outlandish" demands he was making for legislation to upgrade the quality of American life for all Americans. His program—a vast program for revitalizing the American Constitution and extending the principles of the New Deal—took shape slowly during his Presidency but has been carried through to almost complete achievement in his lifetime.

The pride which we Missourians had in Harry S Truman when he became President is pride now shared by all Americans in his record as President, and as a human being.

To those of us who were privileged to know him as a fine Senator, as Vice President, and as President, and in the years of his retirement, there is special pride in saluting him as an old friend reaching his 88th birthday. As friends, we love him and his gracious and level-headed wife; as American citizens, we are forever grateful for what he was able to accomplish as President of the United States. Free people throughout the world will join us in this gratitude, for he not only fed the starving but lifted them back to productive life in every nation ravaged by World War II.

Missouri treasures the Trumans, realizing, however, that they are not ours alone, that Harry and Bess are also beloved throughout the world. Congratulations, President Truman.

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate Concurrent Resolution 78 just concurred in by the House, and on House Concurrent Resolution 584, a similar resolution.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1973

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 928 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 928

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, I know of absolutely no objection to the rule, and I reserve the balance of my time.

Mr. LATTA. Mr. Speaker, I know of no objection to the rule. It is an open rule with 2 hours of debate. I might say, however, that there is some objection to the bill.

Mr. Speaker, it is interesting to note that the NASA request was for $3,379,000,000, and that the committee, instead of decreasing this amount, increased it by $49,950,000. It seems to me that we should be decreasing instead of increasing these NASA appropriations as the people are asking whether we have not enough moon rocks by this time, and whether we need additional flights just to secure more rocks. I think it is high time that we started cutting back on these flights and using some of this money for needed projects here on earth. As a consequence, I will vote for any reasonable amendment to reduce this authorization.

Mr. Speaker, I support this rule but I oppose this bill unless it is substantially reduced.

The purpose of H.R. 14070 is to authorize appropriations for the National Aeronautics and Space Administration for fiscal year 1973.

Authorizations contained in the bill total $3,428,950,000, which are broken down as follows: research and development $2,650,850,000—construction of facilities, $77,300,000—research and program management $700,800,000.

Some of the major programs included under research and development are: Apollo: $128,700,000. The major focus of this program in fiscal year 1973 will be Apollo 17, the final flight in the series, scheduled for December 1972.

Skylab: $540,500,000. This project will provide the first experimental space station with the initial launch scheduled for April 1973.

Space shuttle: $200,000,000. This program will provide a multipurpose transportation system for routine round-trip access to near earth space. The first flight is planned for 1978. Development costs are estimated at $5,150,000,000 over a 6-year period.

Mariner: $43 million. This program has in the past produced unmanned flights by Mars and Venus, and in 1973 a Mariner is scheduled to fly by Mercury.

Viking: $229,500,000. This project will provide unmanner flights to Mars, which will be able to land on the planet, rather than merely fly by, as Mariner has done.

Of the $77,300,000 authorized for construction of facilities, the largest single amount, $27,900,000, is earmarked for space shuttle facilities at various locations.

The $700,800,000 authorized for research and program management provides the civil service staff necessary for in-house research and to manage the research and development programs. The 1973 budget provides for a further reduction in the number of NASA's permanent positions to a new level of 26,850, a reduction of 1,500 from the number planned for in the 1972 budget request. This reduction will bring to 8,291 the total reductions in permanent positions from peak NASA employment, a reduction of 25 percent, and the lowest level of personnel since 1962.

It is interesting that the original NASA request was for $3,379 million. The committee increased this by $49,950,000. The committee changes bring the total cost of the bill to $3,428,950,000.

The 5-year cost estimate projected by the committee for NASA, assuming no new programs, are fiscal year 1974, $3,370 million; fiscal year 1975, $3,300 million; fiscal year 1976, $3,200 million; fiscal year 1977, $3,100 million; and fiscal year 1978, $2,800 million.

Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MILLER of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. Miller).

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. SPRINGER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 350, nays 2, not voting 81, as follows:

[Roll No. 116]

YEAS—350

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspin
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McKay
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—2

Dow
Ryan

NOT VOTING—81

Annunzio
Ashley
Aspinall
Bingham
Blackburn
Brooks
Brown, Mich.
Broyhill, Va.
Carney
Chappell
Chisholm
Clark
Clay
Colmer
Conyers
Crane
Culver
Curlin
Dellums
Dent
Dickinson
Dowdy
du Pont
Dwyer
Edwards, La.
Eshleman
Flynt
Fountain
Gallagher
Gettys
Gray
Griffin
Halpern
Hanna
Harvey
Hawkins
Hébert
Hull
Johnson, Pa.
Kee
Landrum
Long, La.
McCloskey
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mathias, Calif.
Mikva
Mills, Ark.
Monagan
Moorhead
Morgan
Nix
Pelly
Pettis
Poage
Price, Tex.
Rees
Saylor
Scheuer
Shipley
Sisk
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Teague, Calif.
Terry
Thompson, N.J.
Udall
Ullman
Ware
Whitehurst
Wilson, Charles H.
Wolff

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair designates the gentleman from New York (Mr. Rooney) as Chairman of the Committee of the Whole, and requests the gentleman from Tennessee (Mr. Fulton) to temporarily take the Chair.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes with Mr. Fulton (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California (Mr. Miller) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Mosher) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. Miller).

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. ARENDS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Sixty-one Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 117]

Abourezk
Anderson, Ill.
Anderson, Tenn.
Annunzio
Archer
Ashley
Aspinall
Badillo
Bingham
Blackburn
Blatnik
Brooks
Brown, Mich.
Broyhill, Va.
Buchanan
Byrnes, Wis.
Carney
Casey, Tex.
Chisholm
Clark
Clay
Colmer
Conyers
Crane
Culver
Curlin
Dellums
Dent
Dickinson
Diggs
Dingell
Dowdy
Duncan
Dwyer
Edwards, La.
Erlenborn
Eshleman
Flowers
Flynt
Foley
Ford, William D.
Fountain
Fraser
Gallagher
Gettys
Giaimo
Gray
Green, Pa.
Griffin
Gude
Hanna
Hansen, Idaho
Harvey
Hastings
Hawkins
Hays
Hébert
Hillis
Hosmer
Hull
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Kee
Kemp
Landrum
Leggett
Long, La.
McEwen
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mathias, Calif.
Melcher
Mikva
Mills, Ark.
Monagan
Montgomery
Moorhead
Morgan
Morse
Nelsen
Nix
Obey
O'Hara
Peyser
Poage
Podell
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Rooney, N.Y.
Rosenthal
Saylor
Scheuer
Shipley
Sisk
Smith, Calif.
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Stuckey
Terry

Thompson, N.J.
Udall
Vander Jagt
Ware
Wilson,
Charles H.
Wolff
Zion

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FULTON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14070, and finding itself without a quorum, he had directed the roll to be called, when 314 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN pro tempore. At the time the point of order was made that a quorum was not present, the gentleman from California was in the well and had consumed 3 minutes.

Mr. MILLER of California. Mr. Chairman, all of the increase proposed by the committee falls within the research and development program.

No changes to the construction of facilities or research and program management requests are being recommended.

The overall NASA request for fiscal year 1973 was $5.2 million less than that authorized for fiscal year 1972.

This is the third year in a row that a minimal budget for space has been submitted to the Congress for consideration.

The committee is becoming increasingly concerned about the low level of space funding currently prevailing since there are strong indications that these low funding levels may be placing this Nation's position of preeminence in space in jeopardy.

These reduced funding levels are also having a considerable impact on the Nation's economy.

At the peak of the space program in the midsixties there were about 420,000 Americans engaged in space activities—employed by Government, industry, and the universities.

This number has now dwindled to approximately 139,000 people.

These cutbacks have seriously affected the local economies in many sections of our country.

For these reasons, the committee's deliberations on the fiscal year 1973 authorization request were far more exhaustive than in past years.

We went over each element of the request with a fine tooth comb.

We found no areas, except for one project, where reductions could be made.

We found many areas where increases should be made, but in the interest of maintaining a balanced space effort within the limited national resources available, elected to confine our recommended increases to only three areas.

The one reduction recommended by the committee is in the physics and astronomy program, with specific reference to the High Energy Astronomy Observatory project.

The committee approves of the objectives of this project, having been persuaded that it is of great scientific interest.

However, the committee was not convinced that the amount requested—$68.6 million—was fully justified and accordingly reduced the request by $4 million.

Mr. Chairman, one of the areas of the space program considered to be the most beneficial to mankind in the future is the earth resources survey program.

This program potentially could produce extremely valuable data for the discovery and monitoring of natural resources, improvement of their exploitation, management, and conservation.

Applications include: agriculture, forestry, geography, cartography, oceanography, hydrology, geology, and mineralogy.

To add impetus to this program and to start planning for follow-on spacecraft after the two presently scheduled flights of the earth resources technology satellites, the committee has added $4 million to the program.

Two other adjustments to the R. & D. program effected by the committee were to add $48,450,000 to the aeronautical research and technology program, and $1,500,000 to the technology utilization program.

In the aeronautics area two critical problems face the Nation and require early solution—aircraft noise and safety.

Because of the public demand for some action on jet engine noise abatement, particularly around our Nation's airports, the committee considers that research in this area should be expedited.

NASA had requested only $9 million for this important research.

The committee has increased the amount to be authorized by $41 million.

The committee also added $7,450,000 to the aeronautics program for aviation safety research.

During a recent 5-year period, half of the accidents involving civil aircraft occurred during approach and landing.

The committee believes that research on a fully automatic approach and landing system as well as aircraft collision avoidance should be expedited and accordingly has added authorization for these purposes.

The committee also increased the amount requested for technology utilization by $1,500,000.

For many years the committee has strongly supported this program because of a firm belief that the scientific and technological knowledge acquired in the course of our space research should be made available to the public sector for its benefit as quickly and efficiently as possible.

The committee's action on this program further emphasizes the need for rapid technology transfer.

The balance of the research and development program has been approved by the committee in the amounts requested by NASA.

For the most part the bill before you will continue research and development in ongoing programs previously approved by the Congress:

These include:

The Apollo program in which the last two lunar missions are scheduled for this year—Apollo 16, launched last Sunday, and Apollo 17 scheduled for December;

The Skylab program, this Nation's first earth orbiting space station, now nearing completion and scheduled for launch in March 1973;

Continued scientific research and exploration in the physics and astronomy, lunar and planetary, and space applications areas;

Continued basic and applied research in space research and technology and nuclear power and propulsion fields of endeavor; and

Continued operation and maintenance of our worldwide tracking network.

There is one project included in this year's research and development program which I wish to highlight since it actually constitutes the start of a major program.

There is included in this bill $200 million for the start of research and development of the space shuttle.

This project has been somewhat controversial. However, this committee is convinced that the shuttle is the key to this Nation's future in space, and strongly endorses an early start on this most important program.

On January 5, 1972, President Nixon stated that:

> The United States should proceed at once with the development of an entirely new type of space transportation system designed to help transform the space frontier of the 1970s into familiar territory, easily accessible for human endeavor in the 1980s and 90s.

NASA plans to develop the space shuttle over the next 6 years at a total development cost of approximately $5,150,000,000.

Test flights are to begin in 1976, manned orbital test flights in 1978, and the complete space shuttle vehicle is to be operational before 1980.

The space shuttle will be a manned reusable space vehicle which will carry out various space missions in earth orbit.

It will consist of two stages.

The first stage booster will be an unmanned solid fueled rocket system.

The second stage orbiter will look like a delta-winged airplane and will be piloted by two men who will fly it back to earth for an airplane-like landing.

The booster and the orbiter will then be refurbished and flown over and over again thereby reducing the cost of placing payloads in orbit by 90 percent.

The first satellite this Nation launched cost about $1 million a pound to place it in orbit.

Current launch procedures and equipment have reduced the cost per pound of placing payloads in orbit to slightly less than $1,000 per pound.

Tomorrow's use of the shuttle will reduce that cost to about $100 per pound or less.

I should also point out that the research and development program for the shuttle project will employ 50,000 Americans.

The Committee on Science and Astronautics strongly urges the House of Representatives to support this most important project.

There is also included in the bill before you $77,300,000 for construction in support of our space activities.

Slightly over one third of this amount is for modification of existing Government-owned facilities in support of the space shuttle program.

The balance is for general support of the space research programs at the various NASA centers.

The research and program management part in this bill will provide for the civil service staff necessary for in-house research and the manpower necessary to plan, manage, and support the R. & D. programs.

It also provides for the operations, maintenance, and administrative support of the NASA field centers.

The committee has approved the NASA request of $700,800,000 for these purposes.

We consider the amount included in the bill barely adequate to support a civil service strength of 26,850 personnel, located at 16 field installations in the United States, the capital plant value of which exceeds $5.5 billion.

Mr. Chairman, the committee has carefully reviewed the projects and programs included in the bill before you, and in our opinion it represents the minimum level at which our Nation's space effort can be carried on.

It should be much larger to stimulate and add to the momentum of our technological progress.

However, recognizing the other demands on our national resources, it is about the best we can expect under the circumstances.

In summary, we are presenting to you a bill which would authorize $3,428,950,000 for the Nation's aeronautics and space effort in fiscal year 1973.

We are prepared to answer any questions which you may have regarding this measure.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman.

Mr. WYDLER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this legislation. I think the bill we are presenting to the House today is a very good bill and a particularly strong bill in the area of applications to the needs right here on earth, particularly in the area of aeronautics.

I want to thank the chairman of the committee for the outstanding help that he has given to the members of the committee in bringing out a bill which gives due recognition to the aeronautical needs of this program.

The CHAIRMAN. The distinguished gentleman from California has consumed 17 minutes.

Mr. MOSHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge the House to join our committee in complete support of H.R. 14070, the NASA authorization bill for fiscal year 1973.

I assure you that the minority side of the full Science and Astronautics Committee does support this bill. Ours is a completely bipartisan recommendation, and the White House also is in complete support.

As our distinguished chairman, GEORGE MILLER, has indicated, we propose a total authorization of $3.428 billion which is slightly less than $50 million—or 1.4 percent—above the administration's original request.

And, I emphasize this, all of that 1.4 percent increase is earmarked strictly for aeronautical research and development—not for space. It will be used for a more effective attack on the problems of airplane noise abatement and air safety. I am convinced those funds are needed and that NASA will use them well, or noise abatement and safety, coordinating of course with the FAA.

So, Mr. Chairman, the authorization we propose here for space activities, as distinguished from aeronautics, remains the same as the administration's budget request, no increase.

That is in sharp contrast to our committee's proposals in some other years. Often in the past, this committee has approved major increases, well above NASA's request. Not so, this time. We believe this is a lean budget, a minimum authorization, considering the vast potentials, the many opportunities available in space.

In contrast, some of you may remember 2 years ago at this time when I joined the gentleman from Minnesota (Mr. KARTH) in a very strong effort here on the House floor, to cut back some $300 million from our committee's NASA authorization for fiscal year 1971.

As I remember it, the committee in that year had added approximately $400 million for manned space programs, over and above the administration's request.

Some of us felt then that our committee had gone much too far in proposing such a mammoth increase, we felt it would distort the whole program. So we fought it.

But this year that situation does not exist. I am convinced, and I suspect Mr. KARTH agrees, that the NASA authorization we are considering today is well balanced, it represents a very careful reconsideration, modification, reorientation in NASA's activities, consistent with the budget constraints which are necessary today, and consistent with a transitional period in our space planning, a changing of emphasis.

For example, 2 years ago Mr. KARTH and I were arguing strenuously that the committee's proposed big increase would have NASA moving much too rapidly into development of a new shuttle program, making huge commitments, without adequate consideration and preparation.

In contrast, today, we are proposing only $200 million for the next year of the shuttle. And it is a shuttle program very much diminished and simplified, much less costly than was contemplated 2 years ago. It is the product of a tremendous amount of careful reconsideration and better preparation. It does represent the "go slow" policy which we urged 2 years ago.

So, I stand before you today, confessing that I once was very much a skeptic concerning the shuttle plans. Now, I have changed my mind, and I believe it is for entirely valid reasons.

Today, I do support the shuttle plan, and I ask the House to uphold us with a strong vote of approval for the shuttle.

I am completely convinced that our continuing, vigorous but careful exploration and exploitation of space is essential to our own national interests and to the benefit of all mankind.

Most of you are well aware of the impressive catalog of societal benefits, scientific knowledge, new technologies useful right here on earth which already are the recognized product of NASA's programs in both astronautics and aeronautics. I will not recount those here.

But, obviously, we have made only a beginning in these creative efforts, there is far, far more to be realized in the years to come, and it is imperative that we persevere, that we keep up the momentum—and the shuttle is necessary to that momentum.

The authorization we recommend here today will support the minimum essential effort. Personally, I wish we could do much more.

But Federal revenues are relatively very scarce this year, and there are other very pressing, very essential priorities. I fully recognize how crucial are our other needs. But I assert it is an error to look upon the space program and any other needed program as ever mutually exclusive. In fact, I believe the positive dividends of NASA's programs, in new technologies, in new knowledge, and in stimulating the economy—in all these ways, the space effort compliments, enhances, bolsters other essential programs. It does not detract from them in any way.

The funds we will authorize here today in no way threaten other essential funding. I am confident of that.

Yes, Mr. Chairman, our present budget constraints have forced NASA to sharpen its pencils and its wits, to take a closer look than ever before at the kind of space program the United States should have in the future. The NASA answer is that, first of all we must develop a more cost-attractive space transportation system, for delivering our satellites to space and maintaining them once they are in operation. This was the motivation for reconsidering the space shuttle.

The space shuttle program as now proposed is considerably different from that first recommended. The total development costs for the shuttle have been reduced from $13 billion to $5 billion, to be spread over some 6 years.

At the same time, the total annual NASA budgets needed to support this development will be maintained at approximately the present level for several years to come. The shuttle as now planned will not bloat or balloon the budget requests.

A reusable space shuttle should reduce the costs of each space launching by a factor of more than 10. And from each launching, one shuttle will be able to place several satellites in position out in space.

That contrasts with present practice. We now discard multimillion dollar launch vehicles after only one use. But the shuttle will provide a reusable, cargo carrying vehicle which will permit routine visits to space, with tremendous economies.

Also, NASA argues, the shuttle program will stand the test in terms of amortization of initial development costs. During the 5-year period from 1964 to 1969, the average number of U.S. space launches was 51 per year. In the late 1970's when the space shuttle will first be available, the launch rate for NASA and DOD programs alone is projected at 55 to 60 per year. This projection does not include launches for other civilian and governmental organizations or for the international community which are expected to raise the final launch rate to 75 per year by the end of this decade.

Another point should be made regarding launch rate projections. The space shuttle demonstrates a cost advantage over conventional NASA launch vehicles at a mere 30 flights per year—a launch rate this Nation has surpassed every year since 1961—with the cost advantage of the shuttle increasing as the flight level climbs.

Moreover, I am convinced that NASA activities in such important areas as communications, weather, and earth resources—to mention only a few—will not be adversely affected by NASA undertaking development of the shuttle. This year's space applications budget, which increased approximately 3 percent over last year, will be able to continue to grow in a logical and orderly fashion.

With the final availability of the shuttle, this Nation should then be able to implement full coverage, full service operational systems in the many applications areas which are now being pursued on only a research level. Thus we will be able to economically place into operation our many applications concepts on a more accelerated schedule.

All of us look forward to the time when this Nation will have much more highly advanced weather forecasting, inexpensive and ample new communications capacity, more effective pollution monitoring and control, and more efficient means for detecting and supervising our natural resources.

These are only a few of the more compelling reasons for pursuing space. And these same reasons, in this fiscal year, dictate the development of the space shuttle.

The authorization bill now before us is the result of very careful analysis of every single program proposed by NASA, in our various subcommittees. I believe the $3.4 billion we request here represents a well-balanced program that is sufficient to maintain the vitality of our important space effort.

Mr. Chairman, I most strongly urge approval of the committee bill without amendment.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MOSHER. I yield to the gentleman.

Mr. TEAGUE of Texas. Mr. Chairman, for 6 consecutive years the budget of the National Aeronautics and Space Administration has declined. The budget proposed for fiscal year 1973 by your committee would halt that decline at $3,428,950. In testimony before the full committee under the distinguished leadership of the gentleman from California (Mr. MILLER) and the Subcommittee on Manned Space Flight, NASA stated that there was only a difference of $6.2 million between the NASA submission and the budget request submitted to Congress. Further testimony pointed out that at least $161 million could be profitably employed in NASA 1973 programs.

I cite these facts to point out the critical position that NASA has over the past few years slipped into. In 1969 the President appointed a Space Task Force to evaluate what we must do as a nation to utilize and explore space. That distinguished group of Americans outlined a minimum continuing space effort to be at the $4.25 billion level for fiscal year 1973. This same minimum program to be effective would rise to $5.5 billion in 1976 and remain at that level for the remainder of the decade. The budget before you today is over three quarters of a billion dollars—$0.77 billion—less than the bare minimum program recommended by the President's Space Task Force. To reach this level much is being scrapped. Apollo lunar exploration flights will have been terminated with Apollo 17 rather than Apollo 19. Only one Skylab will we flown, in 1973, with a second Skylab backup available but unutilized. A minimum, but significant start, however, will be made on a low-cost space transportation system—the Space Shuttle.

No increases were made in the manned space flight portion of the NASA authorization. This action was taken after the most extensive hearings ever undertaken by the Subcommittee on Manned Space Flight. There was strong sentiment that the manned space flight portion of the budget authorization, which is $134 million less overall than last year's authorization has gone too low. Both the Manned Space Flight Subcommittee and the full committee considered the testimony of NASA, industry, and other witnesses. Knowing the critical concerns that we all share for our general economics situation, the manned space flight portion of this budget is recommended without increase. In terms of effective programing and total costs this may prove to be false economy over the long run; however, it represents a "bare bones" budget.

I commend to my colleagues on both sides of the aisle the authorization recommended in this bill by your committee.

The following table summarizes the actions taken by the Committee on the Manned Space Flight portion of the budget.

[In thousands of dollars]

Budget line item	Fiscal year 1973 budget request	Subcommittee recommendation
Apollo	128,700	128,700
Space flight operations	1,094,200	1,094,200
Advanced missions	1,500	1,500
Total R. & D.	1,224,400	1,224,400
Construction of facilities	[1] 28,485	[1] 28,485
Research and program management	327,767	327,767
Total, manned space flight	1,580,652	1,580,652

[1] Plus $7,820,000 included elsewhere in the bill for rehabilitation modification, minor new construction, and facility planning and design.

Mr. Chairman, a detailed record of program plans and accomplishments has been compiled for the NASA manned space fight centers and contractors. The Apollo program has successfully concluded the lunar landing and safe return of astronauts on Apollo 11 and initiated a lunar exploration program with Apollo 12, 13, 14, and 15. Saturn IB vehicle production has been concluded and four vehicles transferred to the Skylab program. Saturn V vehicles and spacecraft production has been essentially completed. Of the five remaining Saturn V vehicles, two will be used for lunar exploration and one has been transferred to the Skylab program to be used to launch an orbital workshop in 1973. One will be maintained as a backup for the Skylab program and one complete vehicle will be placed in reserve.

The manned space flight portion of the budget has been approved for the fiscal year 1973 without change. It is the view of the committe that NASA has submitted a conservative, but minimal program for fiscal year 1973. Extensive testimony was taken and consideration was given to possible increases in the manned space flight portion of the NASA authorization. It was also noted that the total manned space flight budget recommended by your committee this year is $57,828,000 less than the NASA requested budget of last year, and $192,158,000 less than the amount authorized by this committee for manned space flight in fiscal year 1972. Mr. Chairman, in testimony provided by the Secretary of the Air Force, the Honorable Robert C. Seamans, Jr., it was noted that the Soviet Union is continuing to undertake an aggressive space effort. It is clear from testimony from senior industry officials, directors of the manned space flight centers, and from NASA headquarters' management that this budget has been "cut to the bone" prior to its submission.

The following program amounts are recommended in the budget:

APOLLO

NASA requested $128,700,000 for completion of the Apollo lunar exploration program in fiscal year 1973.

The NASA budget proposed for Apollo for fiscal year 1973 will allow an orderly completion of the program with the two remaining Apollo lunar exploration missions, Apollo 17 and 18, Funds included in the budget provide for completion of all mission peculiar spacecraft and launch vehicle changes, science payload final preparations, and ground and flight support.

The committee recommends the full $128,700,000 for the Apollo program in fiscal year 1973.

SPACE FLIGHT OPERATIONS

NASA requested $1,094,200,000 for space flight operations in fiscal year 1973. The committee recommends the amount requested, $1,094,200,000 for space flight operation for fiscal year 1973.

The budget proposed for space flight operations for fiscal year 1973 is $421,425,000 more than funds appropriated for fiscal year 1972. This increase reflects increases in funding required to support the Skylab program which will be operational in 1973, to support initiation of the development of the space shuttle, to provide for payload planning and development, and testing and mission operations associated with both programs.

The programs and funding contained with the space flight operations line item include:

SKYLAB

NASA requested $540,500,000 for the Skylab portion of the space flight operations program and your subcommittee recommends this amount. Flight missions will begin in April 1973. During the year three Skylab crews will carry out the most extensive experiment program yet conducted in space, involving over 50 experiments in biomedical sciences, earth resources, astronomy, space physics, space engineering, and manufacturing technology.

SPACE SHUTTLE

NASA requested $200,000,000 for the space shuttle program for fiscal year 1973. This amount is $100,000,000 more than that appropriated for fiscal year 1972. Entrance into the shuttle development program is the basis for the amount recommended. During fiscal year 1972. Entrance into the shuttle development program is the basis for the amount recommended. During fiscal year 1973, funding for the space shuttle development will be used for:

1. Continued high pressure engine design and development and supporting technology;

2. Initiation of orbiter detailed design, selected long lead procurement, and start of structural test program;

3. Initiation of booster detailed design and booster rocket motor development; and

4. Continued technology development essential to the shuttle.

ORBITAL SYSTEMS AND PAYLOADS

NASA requested $23,000,000 for orbital systems and payloads program for fiscal year 1973. This program provides for the development of techniques, procedure, payload experiment definition, and concept development required for payloads which are shuttle associated. The committee recommends the amount requested.

SPACE LIFE SCIENCES

NASA requested $25,500,000 for "Space life sciences", for fiscal year 1973. The committee recommends this amount for biomedical research, life support and protective systems, and biomedical instrumentation development.

DEVELOPMENT, TEST, AND MISSION OPERATIONS

NASA requested $305,200,000 for development, test, and mission operations in fiscal year 1973. This area of effort provides the support required for completion of development and initiation of the Skylab flight program in 1973 and initiation of shuttle development.

The major areas included in this item are:

1. Engineering test and support operation at the Manned Spacecraft and Marshall Space Flight Centers;

2. Skylab earth resources data management and Apollo lunar science program;

3. Reliability, quality assurance, and safety programs; and

4. Crew training, flight operations, mission control, and operations support.

ADVANCED MISSIONS

For fiscal year 1973 NASA requested $1,500,000 for the advanced missions program. The committee recommends the amount requested so that future program concepts and requirements in space tug definition, space safety, and Apollo hardware utilization may be continued.

CONSTRUCTION OF FACILITIES

The basic construction of facilities program in support of manned space flight activities for fiscal year 1973 totals $28,485,000. The amount requested is about $10 million more than was appropriated for manned space flight construction for fiscal year 1972.

Most of the fiscal year 1973 construction request is devoted to meeting the early engine test, research and development, and manufacturing and final assembly facilities requirements in support of the space shuttle program. The request includes $27.9 million for these purposes. No funds are included in the fiscal year 1973 program for launch, recovery, and refurbishment facilities.

Last year $18.5 million was appropriated for space shuttle facilities, including $13 million for main engine test facilities and $5.5 million for facilities modifications required for the development of thermal protection systems now associated only with the orbiter vehicle. Work on these facilities is now underway.

Since the fiscal year 1973 ctnstruction request was compiled prior to the decision on the booster to be employed, it was structured in such a way to permit adjustment at a later date to meet the requirements of either the liquid-fueled or the solid-fueled booster. The decision reached by NASA on March 14, 1972, to proceed with the parallel-burn configuration using solid rocket motors has more clearly defined the scope of the shuttle facilities requirements for fiscal year 1973.

A summary of the requirements to support the initial stages of the shuttle program follows:

For major engine test facilities a total of $7,960,000 is included to further modify altitude test facilities at the Arnold Engineering Development Center, Tullahoma, Tenn., and rehabilitation of propellant and high pressure gaseous systems at the Mississippi Test Facility.

The construction request also includes $14.4 million for research and development facilities at NASA field centers and consists of additions and modifications to existing facilities. Included are modifications to the entry structures facility at Langley; additions to the mockup laboratory and modifications to the acoustic model engine test facility at Marshall.

A total of $5,540,000 is included in the construction request for manufacturing and final assembly facilities which are yet to be sited. Since the location of the booster facilities for the most part will be located at contractor plants, they cannot be specifically sited until the contractors for the shuttle program have been selected. However, the estimates have been based upon known requirements measured against existing Government-owned facilities. Included are orbiter and booster assembly and subassembly facilities.

In addition to the requirement for facilities in support of the shuttle program, a project in the amount of $585,000 has been requested for modifications to the fire protection system at the manned spacecraft center. This project is needed to provide detection and fire suppression systems for high density electronic systems areas within various buildings at the center, including the mission control area. The equipment to be protected is valued at $260 million and is classed as mission essential.

The committee has also reviewed the manned space flight parts of agency-wide supporting type project packages included in the NASA bill. These amount to $7.8 million and include $355,000 for minor new construction, $3,715,000 for rehabilitation and modification at NASA centers, and $3,750,000 for facility planning and design of future construction requirements for the space shuttle.

The Subcommittee on Manned Space Flight and the full committee have carefully reviewed the manned space flight construction request for fiscal year 1973 and consider that it constitutes a conservative list of requirements. During the course of the hearings it was learned that facilities requests from the field totaled approximately $100 million. The request for $28.5 million in basic construction requirements and $7.8 million in supporting projects is modest and the committee recommends approval.

RESEARCH AND PROGRAM MANAGEMENT

The research and program management authorization provides for the civil service staff necessary for in-house research and the manpower necessary to plan, manage, and support the R. & D. program. It also provides for the operations, maintenance, and administrative support of field centers.

For these purposes NASA has requested $327,767,000 for the Kennedy Space Center, Manned Spacecraft Center, and the Marshall Space Flight Center. The request also provides administrative funds for operations at the Western Test Range, the Mississippi Test Facility, the Michoud Assembly Facility, the Slidell Computer Facility and the White Sands Test Facility.

The request for fiscal year 1973 is $17.4 million less than funded for fiscal year 1972. The requirements developed by the field centers for fiscal year 1973 totaled $339.9 million. During the budget review process prior to the submission of the President's budget to Congress, the request for manned space flight was reduced by $12.1 million.

Of great concern to the committee is the continuing reductions to the civil service personnel complement that has occurred over the past 2 years. In fiscal year 1972 a planned reduction of 5 percent was included in the President's budget as submitted. After enactment of the fiscal year 1972 Authorization Act, the executive branch imposed another 3 percent reduction. In total, the personnel strength will have been reduced by 980 positions from end fiscal year 1971 to end fiscal year 1972.

The fiscal year 1973 request proposes a further reduction of 275 permanent personnel positions at the manned space flight field centers. NASA estimates that approximately 50 percent of these reductions can be achieved by attrition. The balance will be subject to reduction-in-force procedures.

At the end of fiscal year 1973 under the proposed reduction, the strength of the manned space flight centers will be down to 11,350 permanent positions. Scientists and engineers represent 51.4 percent of this total.

Of the $327.8 million being requested, almost 72 percent is for personnel compensation and benefits. The balance is for administrative and technical support at the field center level.

The committee considers that the request, having been reduced considerably in the budget review process, is a minimal program and recommends approval as submitted by NASA.

Mr. Chairman, I urge the adoption of the bill as recommended by the committee.

Ever since the first man-made satellite was thrust into orbit almost 15 years ago, there has been a continuing argument as to whether manned or unmanned systems can most effectively accomplish operations in space.

Advocates of robot spacecraft contend that modern, supersophisticated automated equipment is capable of performing most space tasks at a fraction of the cost of a manned system. The opposing school of thought responds that the admittedly greater costs of protecting humans in space are more than justified by man's ability to judge, observe, and forestall failures by corrective action.

I do not propose to rekindle the argument. Rather I suggest that advancing technology has negated it by providing an entirely new approach to space operations which combines the advantages of man in the cycle with a degree of economy hitherto unobtainable. It is the reusable Space Shuttle, which makes possible manned delivery, repair and retrieval of unmanned satellites and which, alternatively, can serve as a manned laboratory in which investigators may conduct those experiments or operations best managed by manned monitorship.

This system, approved by the administration and now pending congressional sanction, offers a number of advantages, among them:

ECONOMY OF DELIVERY

Because the shuttle system can be used over and over again, it will replace practically all of the one-shot-only launch vehicles currently in use, offering substantial reduction in the cost of delivering a payload to orbit.

PAYLOAD ECONOMY

The availability of a large-capacity, reusable "delivery truck" would influence areas other than delivery, such as simplification of payload design, extension of satellite life and reduction in failure frequency, each contributing significantly to overall savings.

FLEXIBILITY

The carrier vehicle can accommodate almost any type of payload contemplated—human researchers with their equipment and experiments, scientific satellites or probes, and applications satellites. It can serve the needs of NASA, the Department of Defense, commercial users and foreign governments.

ROUTINE ACCESS TO SPACE

One constraint on space operations has been the need for elaborate prelaunch preparations, in some cases as much as five months of repetitive systems checks to insure reliability. This is principally due to the fact that the spacecraft's onboard equipment has never before been used. The reusable carrier vehicle will be serviced and maintained more like an airplane, reducing launch complexity and trimming turnaround time to above 2 weeks.

STIMULUS TO MAXIMUM BENEFIT FROM SPACE

Routine access to space, lower mission costs, and the new latitude the shuttle will provide payload designers, all combine to permit vast improvement in the capabilities of applications satellites, such as weather, communications, and survey systems. The shuttle offers added promise to the possibility of better managing our natural resources by means of space monitoring. Similarly, it may speed the day of the global environment-monitoring system.

MANNED SPACE FLIGHT CONTINUITY

After Apollo and its 1973 follow-on, Skylab, the United States will have no manned space program other than the shuttle. The continued presence of American man in space is essential, not only for the broader research capability manned operations permit, but additionally to maintain continuity and keep our options open for the future. With the shuttle, we can keep man in space without reverting to the heavy expenditures of earlier years. NASA has stated positively that the shuttle system can be developed within a budget plan approximating that of the current year, which represents one of the lowest levels of the past decade. Development costs, spread over 6 fiscal years, amount to about $5.15 billion for two test spacecraft and their boosters. If Congress approves the plan, flight testing will begin in 1976 and the shuttle can be available for operational use in 1979.

The space shuttle is a two-element system composed of a booster and a spacecraft. The recoverable booster stage, consisting of two large solid-propellant rocket motors mounted in parallel, has a thrust output of more than 5,000,000 pounds. More powerful than any launch vehicle in the U.S. inventory except the mammoth Saturn V moonbooster, the twin booster allows the spacecraft to carry as much as 65,000 pounds of payload per flight.

The spacecraft, called the Orbiter, is essentially an "aerospace plane," a hybrid spacecraft/airplane. In appearance it resembles a delta-wing aircraft and dimensionally it corresponds closely to the McDonnell Douglas DC-8 jetliner. Weighing some 70 tons, it is heavier than any spacecraft yet flown, including Apollo.

In operation, the shuttle is launched vertically by the combined energy of the solid booster stage and the Orbiter's three liquid-propellant engines with a total thrust of 1,400,000 pounds. At an altitude of about 25 miles, the booster stage separates to descend by parachute for recovery in the ocean. The Orbiter, manned by two pilots and two flight engineers, flies into space under its own power. The Orbiter's rear-mounted engines draw their propellants from a large external tank which is jettisoned when the craft attains orbit.

In space, the Orbiter maneuvers by means of two smaller engines, also mounted in the rear propulsion cluster, whose aggregate thrust is roughly comparable to that of the main Apollo engine which has performed so impressively on the lunar missions. For minor course corrections and adjustments of attitude, the Orbiter has a series of small thrusters located at the tips of the delta wing and atop the vertical tailplane. Normal mission duration will be 7 days or less, but orbital stay-time can be extended for manned operations to 30 days, by the addition of expendables such as water, food and oxygen.

Upon conclusion of its mission, the Orbiter flies back into the atmosphere toward its land base, protected during reentry by a new form of heat shielding which will last 100 missions, unlike the insulation on earlier recoverable spacecraft, which burned off during reentry. Once through the reentry phase, the Orbiter becomes an airplane, gliding as much as 1,100 miles to its base, guided by aerodynamic controls. During the final phase of the flight, jet engines permit adjustments to the approach path.

The Orbiter's entire center section, corresponding to the passenger cabin of a jetliner, is occupied by a large cargo compartment, or payload bay. For delivery of unmanned satellites, the payload bay is unpressurized; its "roof" consists of a pair of clamshell doors which open outward to permit deployment of the satellites. For manned laboratory-type missions, a special pressurized "sortie module" can be fitted into the payload bay.

Here are some examples of how the remarkably versatile Orbiter will function:

In injecting satellites into orbit, which is expected to constitute the primary workload of the carrier vehicle, the Orbiter can accommodate a very large satellite or a number of smaller payloads in the cylindrical bay, 15 feet in diameter and 45 to 60 feet long. Working in the unpressurized bay, space-suited flight engineers will give the payloads a final checkout before deploying them at preselected points in space. The ejected payload, of course, assumes the same velocity as its carrier and it is this velocity which counterbalances the pull of earth's gravity so that the satellite remains in the orbit in which it was injected.

The Orbiter's weight-lifting capability, together with the generous dimensions of its bay, permit delivery of any type of civil payload currently contemplated, including general-purpose scientific spacecraft, special-purpose observatories, interplanetary probes, and communications, weather, earth resources, geodetic, navigational and air traffic control satellites. In addition, the shuttle is being designed with careful attention to the special requirements of the military services. We do not hear a great deal about military employment of satellites because of the classified nature of many of the payloads, but the Department of Defense launches space systems with greater frequency than does NASA, a factor which additionally underlines the need for shuttle development.

In another mode, the Orbiter has utility as a repair/retrieval vehicle for satellites already in orbit which have malfunctioned. The crew maneuvers the Orbiter to a close rendezvous with the satellite; the flight engineers, in extravehicular garb, exit through the open clamshell doors, "capture" the satellite by attaching lines, and haul it into the payload bay for examination. If the trouble is minor, it may be possible to repair the satellite on the spot and redeposit it on station. Otherwise, it can be stowed in the bay and returned to earth for rework, then redelivered to orbit on a later flight.

Still another area of shuttle utility in handling unmanned spacecraft is the employment of the space tug, essentially a propulsion stage which can be used to jockey a satellite from one orbit to another. An example of the need for this service is the synchronous-orbit satellite, one whose path in space is synchronized with earth's orbit so that the satellite remains in a fixed position relative to earth. Synchronization requires that the satellite operate at an altitude approximately 22,300 miles from earth, a high-altitude orbit that demands additional launch energy. In practice, the satellite is usually injected first into a low-altitude orbit still affixed to an upper stage of the launch vehicle. At a given time, the stage's engine is fired to propel the satellite to its synchronous orbit.

The reusable space tug serves as substitute for the "kick" stage. The orbiter delivers the joined space tug/satellite to a point in low altitude orbit. Operated by command signals from the orbiter, the tug fires its engine, moves the satellite to its new orbit, disengages itself and returns to the lower altitude for pick-up by the orbiter. Initially, the tug will probably be an unmanned system, but a manned version compatible with the dimensions of the orbiter's bay is feasible should expanding space operations dictate its need.

With the addition of the pressurized sortie module, the orbiter becomes a manned space laboratory where scientists and engineers can work in shirt-sleeve environment for as long as 30 days. The module can accommodate up to 12 persons along with their experiments and other equipment. Since they play no part in the operation of the orbiter and since the shuttle is being designed for low acceleration forces during launch and reentry, the passengers need not be trained astronauts. For the first time, investigators will be able to accompany their experiments into space and contribute to the greater research efficiency that man-monitorship enables.

Here again, there is military potential. For some time the Department of Defense has sought to evaluate, in actual space flight, the role of military man in space. The shuttle can make possible such an evaluation.

Finally, ever since man first ventured into space in 1961, there has been a never-filled need for a space rescue vehicle. A major reason has been the time required to mount and check out a manned spacecraft. With a fleet of five orbiters, which is what NASA contemplates for the inventory of the 1980's, and the inherent quick reaction of the shuttle, the system can be adapted to fill this long-standing requirement.

The economic advantages of the shuttle system are as broad as the operational gains. Clearly, the employment of a reusable launch vehicle affords savings of substantial order. But although this is the most obvious area of economy, it is not the greatest. NASA estimates that 80 percent of the savings promised in delivery and operation of unmanned spacecraft will stem from the shuttle's influence on satellite design and reuse.

One factor is freedom of design. Today, as in the past, satellite design is pegged to a particular launch vehicle on a cost-effectiveness basis. The launch vehicle's weight-to-orbit capability, therefore, imposes restrictions as to the overall size and weight of the satellite and consequently to the design of each individual component. To meet specifications without sacrificing performance, it is necessary to miniaturize instruments and equipment at considerable developmental cost.

The orbiter's large bay allows a relaxation of weight and dimensional constraints, permitting designers to use off-the-shelf equipment in some cases or, alternatively, to develop new equipment at substantially lower cost. One NASA official says:

> We can put the satellite together like an alarm clock rather than a Swiss watch.

Additional savings are possible in the extension of a satellite's operating lifetime by repair in orbit or by retrieval for overhaul at an earth base. There is related economy in the matter of updating unmanned spacecraft, improving the capability of a particular type of satellite by incorporating advanced equipment which was not available at the time the basic version was being fabricated. Currently, the only way to update is to build a new satellite which frequently requires 6 to 8 years to develop, test and launch. With the shuttle, a replacement instrument or experiment can be developed within 6 to 8 months, because of the relaxed design specifications; it can be installed in orbit or the satellite can be retrieved for updating at the earth base.

Further payload economies are anticipated in the use of the orbiter as a test bed for instrument development. For example, consider the development requirements for a major spacecraft such as NASA's large space telescope, to be flown in the 1980's to give the astronomer the capability to analyze the spectrum of stellar objects free of the distorting effect of earth's atmosphere. This system requires a large array of instruments, which must be designed, built, and tested. The testing is a lengthy and expensive procedure requiring a variety of special facilities, because the instruments must be examined under conditions approximating as closely as possible those under which they later will operate. The shuttle can be used to fly prototype instrument systems to orbit, reducing ground-test operations and facilities requirements and contributing to greater test effectiveness, because the systems will be checked out in the actual space environment rather than by simulation.

Additionally, there is the important consideration of the costs of failures, which continue to occur despite the most elaborate precautions to prevent them. A prime example of the risk-reduction utility the shuttle offers is the orbiting astronomical observatory program, one of the most costly of all unmanned spacecraft projects and also one of the most important from the scientific standpoint. Three OAO's were launched; one performed perfectly, but the other two experienced failures. In one case, a shroud jettison problem prevented the valuable OAO from attaining orbit; this would not have happened in the shuttle-delivery mode. In the other instance, the observatory's battery charger failed, rendering the experiments inoperable. Had the shuttle existed at the time, the OAO could have been returned to earth for repair and quickly restationed. Even the successful OAO, which operated as expected for its planned lifetime, could have been provided additional months or years of life by the shuttle; the problems which eventually cropped up were of such a nature that the satellite could have been repaired in orbit.

A NASA study of 131 space failures shows that 78 of them were related to the launch phase and therefore could not have occurred if the shuttle had been operational. In the remaining cases, where the satellites became inoperable or erratic after deployment, the payloads could have been saved by in-orbit repair or retrieval. Thus, the shuttle promises virtual elimination of total failure. Even should the shuttle itself malfunction, the Orbiter's crew could abort the mission and return to base with the payload intact.

Collectively, these influences of the shuttle on payload design and operation offer potential savings of a very large order. It is estimated that payload development costs can be reduced about 50 percent and these costs constitute the major portion of space program outlays.

There is one other economy factor connected with the operation of the Orbiter itself, rather than its payloads. Unlike all current and previous U.S. manned spacecraft, the Orbiter descends to a land base instead of splashing down in the sea. This eliminates the need for multiship recovery forces, normally on station not only in the primary impact area but also at other locations, against the possibility that an emergency might dictate an alternate descent path.

What order of savings can be expected from employment of the shuttle? That depends to considerable extent on the frequency of shuttle missions, or the number of launches annually. In the first 12 years of space flight—1958–69—the United States sent into orbit an average of more than 50 spacecraft a year, including civil and military payloads together with launches for foreign nations and international consortiums. In the past 2 years, with American space activity at low ebb, the average has declined to 30 a year. The schedule for this year contemplates an increase to about 40 launches.

NASA has conducted a study of anticipated shuttle economies based on a "mission model" that assumes shuttle usage on 580 missions over a 12-year period from 1979, the first operational year according to the development plan, through 1990. That comes to an average of about 48 flights annually. NASA terms the mission model realistic. It may even be conservative, because of the potentially greater opportunities for deriving concrete benefit from space operations and because of the likelihood of increased foreign use of U.S. launch services with the shuttle's lower costs. At any rate, the study concluded that the combined factors of a reusable delivery system, reusable payloads, design simplification, and sharply reduced risk of failure add up to a saving averaging more than $1 billion a year.

The economic features of the program are important, particularly to a legislator, but I do not suggest that cost reduction is the sole, or even the primary, justification for developing this system. The fundamental reason for carrying out the program is to make available a means for routine access to space, to remove the constraints imposed by an earlier level of technology, to progress from space adolescence to full maturity.

The shuttle can be the instrument for maintaining American preeminence in space and for realizing the broad range of benefits that advancing technology promises—those that are already visible and those that we cannot yet envision.

Mr. Chairman, the successes of our Apollo program, the success of our many automated satellites both for scientific exploration and practical application receive most of the attention of the American public and we often forget the significant contributions that the space program is making to our daily life.

The first manned lunar landing in 1969 has been acclaimed as the most important event of the 1960's, and the event in which Americans looked to themselves and the rest of the world as the kind of people they wanted to be. This great adventure, motivated by the desire to go where man had never been, to extend the horizon of man's scientific investigations, this adventure which has been the dream of earlier generations, gave birth to technological advance in virtually every field of engineering. This great adventure provided the driving force for peaceful expansion of scientific knowledge and the advancement of technology which are now contributing to the benefit of all mankind. In my reading the other day, I discovered the following listing of some current benefits of the space program in products and materials:

First. An energy absorber, Tor-Shok, was developed for the Apollo program and can be used to dissipate heat and absorb energy when an axial force is applied. The Bureau of Public Roads reports that six States have already installed highway guard rails equipped with these shock absorbers which reduce effective impact speeds from 60 m.p.h. to 5 m.p.h.

Second. The type I structural firefighter's suit features the latest fireproof materials developed in the space program. The new clothing includes thermal underwear, a coverall, chaps, two types of trousers, two jackets and two proximity suits which permit firefighters to move closer to the fire or even enter the flames if necessary. These suits are in use by the Houston, Tex., Fire Department.

Third. A reinforced plastic mortar pipe known as Techite is being used in fluid conveyance systems and is considered to be the first significant improvement in pipeline material in over 50 years. It was developed from knowledge gained in research and development of glass fiber rocket cases for NASA.

Fourth. Knowledge gained in NASA research has been adapted to the design and manufacture of a deployable lattice tower that stores compactly and is easily portable. The units come in several sizes and are useful as scaffolding, portable radio antennas, temporary mobile communications systems, instrument or camera supports and other uses where easy transportability is desired and permanent structures are not required.

Five. An outgrowth of research into superinsulation materials developed for the space program is the sportsmen's blanket. These blankets have high heat reflectivity and can be used equally well to keep heat away or keep available heat in. Waterproof, windproof and weighing only 12 ounces, these blankets have many uses for the outdoors enthusiast. They can be folded to fit in a coat pocket.

And how much does the space program cost you? The current budget is 1.4 percent of the total Federal budget—roughly 15 dollars per person in one year. Compare this with the $400 per person we spend on social programs, $400 on defense, $35 on alcoholic beverages, $17 on tobacco, or $16 on cosmetics. It is quite clear that the benefits of the space program, both direct and indirect, are providing each American with an excellent return on his investment.

For this and for many other significant reasons that are well-known to all of you, I advocate your support for H.R. 14070 and urge its adoption.

Mr. Chairman, I rise in support of H.R. 14070. As we consider the fiscal year 1973 NASA authorization, it seems important to point out that the next major step, following the Apollo program, in our national space program of the 1970's is the flight of Skylab.

Just a year from now Skylab will be launched into earth orbit. The next day a crew of three astronauts will embark on the first of a series of earth orbital missions using the United States' first manned experimental space station, Skylab. This orbiting research facility has been created specifically to enable man to live and work productively in space for extended periods of up to 56 days. Skylab will be a major advancement in manned space flight providing up to four times as many hours of experience per mission in the clear weightless environment of space than was previously available with the Gemini and Apollo spacecraft.

Skylab circles the earth at an altitude of 235 nautical miles in an orbit that covers approximately three-quarters of the earth's land areas. It is large enough—the size of a two-bedroom home—to provide comfortable living quarters for the three astronauts, as well as the capability to accommodate more than 50 research and development experiments covering a wide range of scientific, medical, and earth resources investigations. The sun, other stars, and our own earth will be studied. Skylab is a program dedicated to the use of space and its unique environment to increase our scientific knowledge, pioneer new techniques to benefit mankind, and to provide for man's future well-being through a better understanding of the earth's vast resources.

NASA and the National Science Teachers Association have cooperated in a program to stimulate interest in science and technology through direct involvement of high school students in space research. As a result, in addition to the programed experiments just described, a number of experiments and demonstrations will be selected to be flown on Skylab from more than 3,400 ideas proposed by high school science students across the Nation and overseas. The 25 finalists already have been chosen and the final selection will be completed by June 1 of this year.

As we approach the "one year to launch" schedule milestone, our assessment is that the launch date of April 30, 1973, can be met. As one might expect in a nonproduction program with limited vehicle hardware available for problem solving, we are experiencing some difficulties which require rescheduling and extra effort to maintain the key milestone dates. However, no known serious problems exist on any of the major assemblies that make up the Skylab orbiting cluster, and unless something unforeseen of significant magnitude turns up, we should meet the planned launch date.

The success of the Skylab program has been safeguarded by providing backup units for all major assemblies that make up the total Skylab vehicle. This backup hardware will be available to be launched within a year, if necessary, to complete or extend the objectives of the initial Skylab program.

Assuming that the first Skylab program is a complete success, a meaningful opportunity exists to extend or expand upon the knowledge gained in the initial program by utilizing the available, paid for backup hardware. In addition, if desired, this second set of Skylab hardware could provide the means for the United States to establish a cooperative international space facility, carrying foreign experiments and the capability for universal spacecraft docking.

I have concentrated my remarks on what I consider one of the most outstanding programs that NASA will undertake in the near future. However, like the other programs of NASA, this is but one of the necessary building blocks to assure our preeminence as a space-faring nation. I urge your support of the bill before you today as a commitment to the necessity of our Nation being first in space so that we may be first here on earth.

Mr. MOSHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

Mr. WINN. Mr. Chairman, I rise in support of H.R. 14070, the fiscal year 1973 NASA authorization bill. This bill will authorize $3.43 billion for our Nation's space effort for the next fiscal year.

I strongly favor the action taken by the Science and Astronautics Committee and its members as they have given so much study to this bill over the past 2 months.

In examining the fiscal year 1973 NASA authorization I wish to commend the able leadership of the gentleman from Ohio (Mr. MOSHER), the ranking minority member of the committee, and also the gentleman from California (Mr. MILLER), our committee chairman. Their bipartisan effort brings before you today a bill that can be justifiably supported by all. It is an austere bill. A bill with the essential, without the extras. It is a demanding bill requiring efficiency and effective management on the part of NASA.

In working with my distinguished colleagues on the Subcommittee on Manned Space Flight and with our outstanding subcommittee chairman, the gentleman from Texas (Mr. TEAGUE), it became clear that more could well be provided for the manned space flight program. But as has been pointed out, we held the line.

The bill proposed represents a well-balanced program between manned and unmanned space research and exploration. But I emphasize also that the NASA request for fiscal year 1973 reflects a very critically constrained budget—lower than any other NASA budget reported out by the committee in the past 10 years.

As a result, NASA has been forced to make reductions and compromises to bring the budget below what is actually needed from a purely scientific and technical standpoint. I strongly feel however that the essential programs within the NASA effort have been retained and that this country will be able to maintain its dominant technological expertise in space.

I feel that a most significant point which my colleagues should weigh in evaluating this year's NASA bill is the return on investment offered to the taxpayer by money invested in the space program.

As an example, looking back 7 years to the development of the first commercial communications satellite, we now see that space technology in communications has become an accepted way of life. Today we have a profitmaking international communications satellite network tying together over 50 countries of the world located on six continents. Since the advent of the communications satellite we have seen an annual growth in telephone traffic by a factor of more than 20, the introduction of live global television transmissions, and a decline in the cost of international communications by a factor of more than 25 times.

In the future, we can expect this country to have in operation communications satellites directed specifically to our domestic communication needs. These satellites will be able to provide full service communications including multiple channels of instructional and educational television tailored specifically for individual communities and school districts.

Likewise, in meteorology, we presently have in operation a NASA-developed satellite system which is producing 24-hour coverage on a routine basis of not only the weather, but the entire earth's climatic cycles. The information we receive from these satellites is available to any nation on earth which desires it. These weather satellites have saved thousands of lives and prevented billions of dollars of property damage—savings that can be fully documented.

In the future, observations of the weather by more sophisticated satellite systems should lead to a quantum jump in the accuracy and range of weather forecasts. I would point out that in the fields of agriculture, transportation, construction, and roadbuilding, the total estimated losses in 1970 due to weather were approximately $15 billion. A nominal reduction of 20 percent in these losses as a result of satellite surveillance would be sufficient to pay for the entire space program for a single year.

These fields of meteorology and communications are only two among a large number of areas including navigation, earth resources, astronomy, celestial exploration, and even international cooperation, in which our space program is making a positive contribution to the Nation's health and welfare.

I would like to stress therefore that the space program has come into each and every one of our lives in many more ways than we commonly appreciate. Unfortunately, in fact, many people fail to realize that even the many spinoff benefits of the space program are literally endless.

From our first decade in space, there have been more than 10,000 total identifiable benefits provided by our work in space. These benefits have ranged from the field of materials to that of atmospheric science and include transportation, urban affairs, geography and geology to mention a few. The important point to realize is that the fields or areas which have benefited by space technology and space techniques are as varied and as numerous as the number of benefits themselves.

But to take full advantage of the potential of space, and to be able to continue to reap the benefits, requires a new approach. In effect, to continue to move ahead demands that a more economical means be realized for exploiting space. It is here that the shuttle emerges as the key to our future progress.

The shuttle concept represents a major step forward in technological and economic maturity. It is a piloted aircraft that can reach space, stay there to place or recover payloads in orbit, permit the crew to carry out research or operational tasks and then return to earth under its own power. After refueling and refurbishment, it is then ready for another mission.

With the availability of the shuttle, we will be able to stop throwing away our launch vehicles—each of which represents thousands of hours of skilled labor and engineering and millions of dollars of our resources.

In the first decade of shuttle operations, NASA estimates that $5 billion will be saved in launch costs alone through the reduced costs of the satellites themselves. With the spacious cargo bay of the shuttle plus the less rigorous launch and maneuvering stresses, more conventional and less delicate scientific instruments can be used as the basis for our future space systems.

The space shuttle will also provide the means by which we will be able to repair and maintain satellites in orbit. This in turn will have the effect of increasing satellite system reliability and lifetime. No longer will we have to design entirely new satellite systems from one generation of satellite to the next. Rather, we will be able to utilize a modular approach to satellite design which will permit a continuous upgrading in the system's performance and capability.

Clearly, the shuttle will be the key to transitioning from the experimental and exploratory phase of space to the common, every day use of space for operations. By the end of this decade, commercial aviation will not be able to tolerate the slightest moment's outage from a navigation satellite. Similarly, our commercial television networks will demand the same high quality and uninterrupter performance from satellites that they presently demand from terrestrial communications systems.

Thus, the space shuttle is the only feasible means by which we will be able to guarantee the highly reliable and continually improved performance necessary to shift the full burden of service in so many areas to the satellite.

The more problems I have studied—whether in environment, medicine, earth resources, communications, agriculture, right down to national security, balance of trade, and international cooperation, I am pointed compellingly in the direction of the fuller exploitation of space.

To me, therefore, the space program is a people-oriented program directed to solving our most pressing societal needs. It provides a healthier economy, a cleaner and safer environment, national prestige and security, and generally enhanced quality of life. For the very reason that our work in space is directed to the people, I support the NASA space program and particularly the new thrust to develop the space shuttle.

This Nation has the skill, the resources, and the vision to use space research and technology to elevate the spirit and welfare of mankind to a level never before believed possible. To turn our back on space and its potential is to turn our back on the future.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, the Subcommittee on Aeronautics and Space Technology recommends an authorization of $788,584,000 for that portion of the NASA budget request considered by the subcommittee. This amount is $49,950,000—or 6.8 percent—higher than the budget request.

We strongly believe that there are good reasons for approving this increase which is largely for pushing forward more rapidly toward the solution of two critical problems facing aviation today: reducing aircraft noise and achieving better air safety.

In January of this year the committee reviewed in considerable detail the results of the Joint DOT-NASA Civil Aviation Research and Development Policy Study report—commonly known as the CARD study. A major conclusion of this report is that aircraft noise is the number one problem in domestic civil aviation today. Another major problem identified in the report is terminal air congestion—of which an important element is safety. Testimony taken during the special January hearings and during the regular authorization hearings demonstrated that more could and should be done in attacking these two critical problems.

NASA has $9,000,000 in its fiscal year 1973 budget request to begin a development and demonstration program on modifying aircraft engines and aircraft to make them more quiet. This program will require about $130,000,000 to complete the R. & D. However, the fiscal year 1973 amount does not permit an expedited program; it would not be possible to begin modifying civil fleet airplanes until at least the end of 1976. The committee determined that it was technically feasible to undertake an R. & D. program which could lead to initiation of civil fleet retrofitting during the latter half of 1975. Achieving such a schedule called for increased funding in fiscal year 1973.

Therefore, the committee recommends that $41 million be added to the NASA request for the specific purpose of accelerating the R. & D. retrofit program by 1 year—without increasing total program costs. This action would represent a major step in solving what the CARD study demonstrated to be the No. 1 problem in civil aviation.

Turning to aviation safety, testimony showed that during a recent 5-year period, half of the accidents involving civil aircraft occurred during approach and landing. Of these, half occurred in low visibility weather. The FAA is planning to install a new microwave landing system by 1978 which would permit commercial aircraft to make automatic landings all the way to touchdown and greatly reduce the chance of an accident.

However, it is also necessary that changes be made in the aircraft to achieve compatibility with the new landing system. NASA has a program for providing and demonstrating the airborne technology and systems engineering for automatic approach and landing, based on the new FAA microwave landing system. Yet, the present level of funding does not permit a rate of progress which would demonstrate the technology and systems engineering in time for civil aircraft, especially commercial civil aircraft, to be prepared for fully automatic flight at the time of deployment of the new microwave landing system in 1978. To speed up research to achieve aircraft compatibility with the new landing system $3,750,000 was added when it becomes available.

Incidents and accidents involving aircraft encountering turbulence account for about 30 percent of the total number of accidents. The committee determined that an additional $700,000 would help expedite obtaining solutions to the problem of detecting clear air turbulence. As more jet aircraft have gone to higher and higher altitudes, this type of turbulence has caused an increasing number of accidents.

Another type of turbulence has become a serious problem with the advent of the large jet aircraft. As a large jet lands and takes off it leaves trailing vortices of turbulence in the air behind it. These vortices persist up to several minutes and can be dangerous for aircraft—particularly small aircraft—following the large jet on landing or takeoff. With an increase of $300,000, more research emphasis could be directed to investigating ways of reducing or eliminating this type of hazard.

Another major cause of air accidents is the midair collision. As the number of aircraft increases over time, the pressure to prevent this type of accident also increases. Although infrequent, the catastrophic nature of collisions between general aviation aircraft and air carriers warrant considerable attention.

While NASA has been active in this area for a number of years, the fiscal year 1973 budget included only about $300,000 on collision avoidance.

It was the judgment of the committee that $3 million should be added to speed up the availability of low-cost, reliable, collision avoidance devices and systems for general aviation aircraft. A major problem is to determine whether and how such devices should be related to collision avoidance systems used by the civil fleet aircraft.

Although most of my remarks to this point have been devoted to the solution of current major problems in civil aviation, I would remind the House that the greater part of the advanced aeronautics and space technology program is devoted to providing the reservoir of new technology for the future. It is as important that we continue with preparing to solve the problems of the future as it is for us to tackle the immediate problems I have already discussed. Maintaining our world leadership role in aviation depends to a very large extent on maintaining and building up this reservoir of advanced technology.

In another area—technology utilization—the committee recommends an increase of $1,500,000 to a total of $5,500,000. For many years the committee has strongly supported this program and this support has been firmly endorsed by the Congress. This position has been taken because of a firm belief in the basic principle of the technology utilization program; scientific, technological and management knowledge acquired with public funds should be made available to the public sector for its benefit as quickly and efficiently as possible. The increased funds would be used to expand and initiate new engineering transfer projects primarily in urban structures, fire safety, transportation systems, energy conversion and environmental pollution.

In closing, I would strongly urge your support of this bill. It represents a good combination of solving immediate problems and providing the science and technology which will be needed in the future.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I wish to preface my remarks on H.R. 14070 by noting that it has been a distinct honor and pleasure to serve on the committee chaired by the gentleman from California (Mr. MILLER).

His continuing leadership and wisdom has enabled this committee to formulate this carefully constructed and highly scrutinized piece of legislation.

Mr. Chairman, I rise in favor of H.R. 14070, a bill to authorize appropriations for the National Aeronautics and Space Administration.

We have all heard the cry of those who insist it is time to reorder our priorities, to cut spending on what is believed to be nonessential and to increase the flow of money into programs designed to create a better quality of life for all Americans.

I am proud to state that I am one of those who has demanded a reordering of our priorities.

It is my firm belief, however, that the bill before us today represents a program that will create a better quality of life for all Americans.

It must be remembered that the reordering of priorities does not mean, and should not be construed to mean, the complete elimination of worthwhile programs in exchange for those thought to be more valuable.

Rather it means keeping our Nation's needs in perspective.

Aside from the direct benefits of space exploration, space technology has been responsible for numerous developments in the fields of mass transit, medicine, nutrition, communications, and education.

Yet, this list is only a small indication of the potential benefits to all mankind which will result from the continuation of the space program.

While this bill will allow us to continue space exploration at a less than optimum level, it will, at the very least, permit this country to derive the direct benefits of space travel together with the secondary benefits that will accrue to all citizens.

The projects to be authorized by this legislation have already been discussed in some detail by my colleagues, but I would like to make a few additional comments.

The United States has demonstrated over the past decade its ability to respond to a challenge, a challenge that severely jeopardized this country's position as the predominant world power.

As a result of this challenge, the foundation has been laid and the initiative has been taken for far greater developments in the area of space exploration.

It would be an injustice to the citizens of this country, and perhaps to all of mankind, if our efforts to harness the assets of space exploration were to come to a grinding halt.

The space shuttle program is absolutely vital if we are to continue at a pace consistent with our talents and if we are to realize the value of our previous sacrifices.

The space shuttle represents, therefore, nothing more than a tool, a tool to be used to secure a better life for all people through the utilization of space technology.

What is of particular significance about the shuttle is that America is taking one giant step toward refining its space exploration.

Heretofore, the vehicles used in space exploration were not capable of reuse.

For the first time we are developing a reusable vehicle that will be capable of utilization time and again.

The development of such a transportation system will result in the saving of millions of taxpayer's dollars.

In other words, instead of riding hardware in our space travels we will be involved in true transportation.

The defense related potential of space is not overlooked by other nations, and it would be foolish for this country to do so.

I am firmly convinced that peaceful cooperation in space is possible only with a strong space program of our own.

Cooperation among equals is a far more desirable situation than one where a nation other than our own gains an unchallenged superiority.

Mr. Chairman, it is for the above-noted reasons that I strongly urge my colleagues to approve the committee bill without amendment.

Mr. MOSHER. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, before I address my comments to the bill under consideration by this committee I should like to note that this will be the last authorization bill coming from the Committee on Science and Astronautics for me, because I am retiring at the end of this session.

I should like to spread on the RECORD the very deep feeling I have of the privilege it has been to serve with the members of this committee, and especially our chairman, the gentleman from California (Mr. MILLER). He has been a very inspiring leader, and I have felt it a tremendous privilege to serve under him.

I believe all my colleagues on the committee will agree with me that the gap made by the tragic death of our ranking Republican member, Mr. Fulton, has been very adequately filled by the gentleman from Ohio (Mr. MOSHER). He has certainly proved his ability and the qualities of his leadership with those of us who are in the minority.

Mr. MOSHER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I am happy to yield to the gentleman from Ohio.

Mr. MOSHER. I know I speak for the gentleman from California (Mr. MILLER), when I say that both of us appreciate those very heart-warming comments the gentleman from Washington just made.

It goes without saying that I can speak for a unanimous minority on the committee—in fact, for the whole committee—in saluting the gentleman from Washington for his diligence, his helpfulness, his cooperation and his wonderfully responsible and intelligent work on the committee. He has been a tower of strength.

And let me add, I also have long served beside TOM PELLY on the Merchant Marine Committee, and there he has exemplified those same qualities. He is a most excellent, effective legislator, and a delightful gentleman.

Mr. PELLY. I certainly thank the gentleman. I have felt it a privilege, as I said earlier—a tremendous privilege—to serve with the other members of the committee.

I would be remiss if I did not mention the gentleman from West Virginia (Mr. HECHLER), the subcommittee chairman of the subcommittee on which I serve, who is probably the hardest working subcommittee chairman I have ever known. He made us meet early in the morning, and long hours more than once a day, in order to meet the committee time schedule; but he never sacrificed the care and scrutiny our committee put into those subjects that were under our jurisdiction. It has been a real pleasure for me to serve with the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Will the gentleman yield?

Mr. PELLY. I am very happy and delighted to yield to my subcommittee chairman.

Mr. HECHLER of West Virginia. I would like to add my own commendation and appreciation to the gentleman from Washington. He has been a tower of strength in the areas of aeronautics and astronautics within the jurisdiction of our subcommittee. As the senior Republican member of the subcommittee, he has approached all questions very diligently and conscientiously. I would particularly like to pay tribute to the gentleman in the well for the tremendous work he has done in giving more prominence and attention to the area of aeronautics. I believe it is through the work and the interest of the gentleman from Washington that our subcommittee has indeed moved forward to put greater emphasis on aeronautics in the entire space program.

We are going to miss him sorely not only on the committee but in the Congress. I would like to add my own warm feelings of personal appreciation of the very effective role which the gentleman from Washington has performed in this Congress.

Mr. PELLY. I thank the gentleman for his kind remarks. I know he, like I, has felt a tremendous feeling of satisfaction because of the fact that we have been able to increase the emphasis on those areas of safety and noise and air pollution and the other matters that concern us. This I think has adequately made up for what I referred to earlier as the long hours of tedious work we had in hearing the witnesses.

Mr. WYDLER. Will the gentleman yield to me?

Mr. PELLY. I am glad to yield to the gentleman from New York.

Mr. WYDLER. I know my colleague is going to retire from the Congress at the end of this session. Of course, that is a matter of great sadness to me personally. I just want to say on what will be the last occasion of consideration of a NASA bill while he is here that I have been with him and behind him on the subcommittee over the years, and this was something of great importance to me. I have learned a lot in having his valuable assistance. I know I will miss the gentleman and that the Congress will be the less for his leaving.

Mr. PELLY. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOSHER. Mr. Chairman, I yield the gentleman in the well an additional 5 minutes.

Mr. GARMATZ. Will the gentleman yield to me?

Mr. PELLY. I am very happy to yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I am just wondering about this. I understand there are about $300 million being spent on the shuttle from here to the moon.

I wonder if we could get a little bit of that money for a train to go from Washington to Baltimore and then on to Philadelphia and New York. Can we not get some of that money transferred over to us in some way?

Mr. PELLY. I am sorry. At this time I cannot speak too knowledgeably on the matter of wisely providing the moneys for rail transportation between Baltimore and Washington, but I assure the gentleman as long as I am in the Congress I will support him in this endeavors for rail service just as I have supported him in his efforts in maritime affairs, which have been outstanding.

Mr. GARMATZ. I don't think there is any question about that, and I thank the gentleman for that, but you know we are both leaving together, so if you can help us, that would be greatly appreciated.

Mr. PELLY. I think the distinguished chairman of the Committee on Merchant Marine and Fisheries and myself ought to form a group and have regular meetings and have an opportunity to review the past and look forward to the future.

Now, because of the limitations of time, I simply want to say that I support the bill and this program in toto.

I would like to speak specifically with respect to the subcommittee's work.

The NASA budget request, I am frank to say, was increased for fiscal year 1973 by approximately $50 million. This increase was in two areas, aeronautical research and development and technology utilization. No increase was made in any area relating to space activity.

The committee increased the budget request for technology utilization because of the importance we place on this program. The technology utilization program is meant to transfer the new knowledge and innovative technology which results from NASA research and development programs to applications in industry, medicine, and other publicly important areas such as air and water pollution, and weather prediction.

The budget request for aeronautical research and development was increased in order to maintain United States leadership in the world aviation market, and to meet urgent domestic aviation requirements.

Our national air transportation system must be made unobtrusive to the environment, safer, and more reliable. We must insure that this Nation's airplane manfacturing industry will be able to continue contributing favorably to our balance of trade posture. Increased research and development must begin now in order to insure that our airline industry will be able to meet the air transportation demands of the next decade.

Under this program a concentrated effort will focus on a short takeoff and landing—STOL—experimental transport aircraft. Quiet engine work will be emphasized for the STOL aircraft and for conventional aircraft.

Other areas of emphasis will include noise reduction by improved flight procedures, advanced air transport technology, and vertical takeoff and landing—VTOL—research and test vehicles. These specific areas of emphasis will be supplemented by a strong technology program encompassing materials, structures, avionics, propulsion, aerodynamics operating procedures, and life sciences.

The most significant dollar increase, by far, is for research and development which will lead to the retrofitting of today's commercial airline fleet with engines that would lower noise levels down to new FAA noise limits. Almost every study generated in the past several years dealing with national aviation priorities has indicated that decreased jet aircraft noise should be a major United States goal.

The American public is in more and more instances filing complaints with the FAA and CAB, demanding airport operating restrictions, and initiating law suits against airport authorities due to excess jet noise. In increasing the NASA budget request in this important area, the Committee on Science and Astronautics is responding to justified and vocal public pressure.

In summary, the Committee on Science and Astronautics made no increase in space activity money requests. Modest but purposeful increases were made in the areas of aeronautical research and development, and technology utilization: areas in which the American public has demonstrated great interest and desire for more rapid advancement.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. COTTER).

Mr. COTTER. Mr. Chairman, I rise in support of this bill.

Mr. Chairman, following an 8-month investigation, the General Accounting Office on March 31 upheld NASA's decision to award the space shuttle main engine contract to the Rocketdyne Division of North American Rockwell. I initiated the GAO investigation because I felt that Pratt & Whitney Aircraft, which had lost the original competition by six points, 711 to 705, had more experience in reusable engines and therefore offered a more cost-effective design for the space shuttle engine.

I was keenly disappointed by this decision. However, the decision has been made and I will abide by it.

Nonetheless, I feel it appropriate as we consider the NASA authorization bill to consider some suggestions on ways to alleviate the conditions that prompted this protracted protest.

One thing that strikes me more than anything else as I read the 107-page single-spaced GAO decision is the confused state of the Government's procurement law, especially as it pertains to negotiated procurements for sophisticated equipment.

A crucial part of the negotiated procurement process is the "discussions" which the procuring agency is required by law to hold with bonafide offerors before the submission of their final proposals. The purpose of this law—section 2304(g) of title 10, United States Code—is to require full-fledged negotiations in order to elicit, in a competitive atmosphere, the proposal most advantageous to the Government. What this means is that Congress wants the Agency to get the best buy for the taxpayers' dollar.

Pratt & Whitney argued that NASA had failed to meet the requirements set down by Congress by not discussing "deficiencies" in the preliminary proposal prior to submission of the final proposal. The GAO said this was not required by law. I think that it should be. To disallow discussion of proposal deficiencies and methods to correct those deficiencies, I submit, defeats the purpose of getting the best proposal possible.

Also, because of the highly sophisticated nature of these negotiated procurements, I think there should be an affirmative duty on the procuring agency to provide each competitor with equal access to all Government technology relevant to the proposal. We cannot hope to get the best proposal from offerors if they are not able to see and study the very latest technology developed under Government sponsorship.

And further, where the procuring agency underwrites the cost of the competition phase, the agency should be required to make sure that none of the competitors receives a competitive advantage by simultaneous funding under separate but related Government contracts.

At a later date, I will present to the House and the Committee on Science and Astronautics some proposals for accomplishing these goals. My purpose is not to open old wounds, but to offer some suggestions on ways that we can restore confidence in our procurement procedure.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CABELL).

Mr. CABELL. I thank the gentleman for yielding.

I certainly lend my wholehearted support to this authorization.

I commend all of the subcommittee chairmen for the diligence with which they conducted our hearings.

Mr. Chairman, our space program helps us prevent human disaster from storms with weather satellites, our space program allows us to see and hear the world for pleasure and business with communications satellites, our space program allows us to navigate the seas with great accuracy with navigation satellites. Our space program extends man's horizons by exploration of the moon in the Apollo program, our space program gives us brief but revealing looks at the planets and stars with scientific satellites and deep-space probes.

With all of this, the scientific information, technology techniques and skills developed in our first decade in space has allowed us to more successfully compete in world markets, provided the basis for innovative products and provided the basis for making near space a place of high utility.

It is this last item that could well become the most important part of the space program in the 1970's and 1980's. I am talking about using space for man's direct benefit beyond communication, weather prediction, and navigation. Each of these, alone, justifies a substantial space program. Each of these, grew year by year as essential parts of our life and economy. But, what seems important to point out is the fuller potential of space—earth resource survey and management, space manufacturing, demographic analysis, space borne air and sea traffic control. In the somewhat more distant future, but perhaps as early as the late 1980's space-based electric power systems for earth use may also be added to this. Each of these areas of space utilization once developed, could by themselves, represent a sufficient basis for space activity by our country.

The fundamental question is whether we are preparing ourselves to take advantage of our opportunities. We started with a decade of space achievement and accumulated knowledge second to none. Our scientific explorations have continued into the 1970s at what I believe is a minimum level. Skylab, a manned near earth orbit workshop, will be operated in three visits in 1973. The start of a low cost earth orbital transportation systems is included in this year's budget.

Based on extensive hearings, conducted under the perceptive leadership of the gentleman from California (Mr. MILLER) and in the Subcommittee on Manned Space Flight chaired by the distinguished gentleman from Texas (Mr. TEAGUE) on which I am pleased to serve, I am convinced that the bill before you is a minimum essential effort to prepare this Nation to realize the potential uses of space I have outlined.

This potential can best be illustrated by example. There are a number of products of high value which potentially can best be made in "zero gravity." Purifying vaccines to high concentration, growing crystals for electronic applications, and making specialty metal products such as low density, high strength alloys and truly spherical ball bearings all are potential space shuttle products. All of the better known current applications of space such as communications, weather prediction and navigation not only can be done better but more inexpensively. A low cost near space transportation system—the space shuttle—will allow us to routinely monitor and predict crop blight, flooding and runoff, forest resources, rural and urban land management problems and many other major conditions affecting our daily lives and standard of living.

Certainly, I have touched on only a few of the most important applications of the space shuttle. Its contribution to scientific investigation and exploration will be of equal value over the long term I am convinced.

This body, over the years, has set a high standard of consistent support for a strong national space program. The bill before us today deserves your full support.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the chairman for yielding and I also rise in earnest support of this bill.

Mr. Chairman, I strongly support the increases for aeronautical safety in this bill. I believe the following information provides a self-evident basis for my support.

Approach and landing accident data—The following quotation is excerpted from the "Report of Department of Transportation Air Traffic Control Advisory Committee," volume I, December 1969:

> "About one-half of all accidents occur during the approach and landing phase of flight, suggesting a need for improved landing aids and perhaps pilot education. In 1967, 31 of the 72 air carrier accidents and 3290 of the 6157 general aviation accidents occurred during landing and rollout."

In the 13-month period prior to January 1969, there were six major airline accidents during instrument approaches, with 168 fatalities. The total fatalities could have been much higher except for the fact that a Japan airline DC–8 landed in shallow water near San Francisco airport without loss of life. Damage suits and airframe losses alone from the loss of a single jumbo jet in a low-visibility landing can exceed $100 million, to say nothing of the impact on the public.

The task of reconstructing accidents to determine if an automatic landing system would have prevented the accident is a very difficult undertaking. Accidents are usually the result of several factors, some of which are hard to quantify under different sets of operating conditions or assumptions. However, it is reasonable to expect that overshoots of the runway, undershoots of the runway, hard landing accidents, and loss of control on approach would have been prevented with an automatic landing system. Data on these types of accidents are summarized below from the National Transportation Safety Board Annual Review of Air Carrier and General Aviation Accidents:

	Air carrier,	*general aviation*
1966:	20	1,415
1967:	7	1,559
1968:	10	1,507
1969:	4	1,137

Collision avoidance—National Transportation Safety Board Report NTSB–AAS–70–2 reveals that in the 11-year period 1959 through 1969 there were 251 midair collisions involving U.S. registered aircraft. Assuming the accident rates are the same for the next 10 years, we could expect the number to increase by 50 percent, that is 335 midair collisions.

Information made available since the NTSB report shows that 37 and 32 midair collisions occurred in 1970 and 1971, respectively.

An analysis of 133 midair collisions during the 6-year period—1964–69—revealed the following data:

116 collisions were between two general aviation aircraft.

8 collisions were between a general aviation aircraft and an airliner.

8 collisions were between a general aviation aircraft and a military aircraft.

1 collision was between two airline aircraft.

The above figures do not include midair collisions between two military aircraft. The USAF reported 91 midair collisions during the period 1964 through 1966.

In addition to the midair collisions, there were 2,230 near midair collisions reported by pilots in 1968 alone; 1,128 of these reports have been classified as hazardous to flight—approaches of less than 250 feet. Of these, 317 were classified as critical in which a high probability of collision existed, and an accident was averted only by the element of chance.

Startingly, 86 percent of all near midair collisions occurred in broad daylight, with visibilities in excess of 5 miles. This bears out the results of our committee's hearings and reports that airways and terminal congestion is an extremely serious problem.

OPPORTUNITIES FOR INTERNATIONAL COOPERATION REPRESENTED BY THE SPACE SHUTTLE PROGRAM

The National Aeronautics and Space Act of 1958 imposed a mandate by Congress directing NASA to conduct aeronautical and space activities so as to contribute materially to cooperation with other nations and groups of nations. President Nixon, in 1969, reaffirmed this when he expressed a desire to include international participation in the cooperative development of future U.S. space programs. The space shuttle program provides an excellent opportunity for international cooperation in the development of the shuttle and associated vehicles, and then in the operational phase, participation in manned and unmanned missions and payloads. Such joint efforts can also further cooperation in space with the Soviet Union during the operational phase of the shuttle.

OPPORTUNITIES FOR INTERNATIONAL COOPERATION

The United States, over the past decade, has made significant strides in international cooperation in space. Cooperative projects and associations have been developed in most aspects of our national space program. These activities have produced some 250 agreements with 35 countries and will, upon completion of current projects, result in joint expenditures by the U.S. and foreign nations of over $500 million since 1961. Some two-thirds of this figure represents foreign expenditure.

However, in two areas, significant cooperative space projects have not materialized. These areas are the development of major hardware items, as in the Apollo program, and until recently, significant cooperation with the Soviet Union.

In view of the above, the space shuttle program, being the primary element of future space programs, offers the opportunity for international cooperation in the development of major hardware and significant cooperation during the operational phase, in missions and payloads with foreign nations including the Soviet Union. Dr. James C. Fletcher, Administrator of NASA, was recently quoted as stating relative to the Space Shuttle:

> We'll have the only system of its kind in the world and it could be that one day, we would even put a Russian payload into orbit.

For the past 2 years, the United States has given the advanced free world countries an opportunity to become acquainted with the major post-Apollo projects. Since September 1970, companies from England, West Germany and France, under funding from their respective governments, have been participating with the U.S. prime contractors on design definition studies for the Shuttle vehicles. As the shuttle program progresses into the final design and production phases in the mid-1970's, opportunities are available for international cooperation in the development and production of selected vehicle elements and subsystems, and of experiment modules to be carried into orbit by the shuttle.

In addition to joint participation in the development of hardware, cooperative programs in the development of payloads and participation in missions to be accomplished through shuttle launches can be realized. Such cooperative projects can include earth resources surveys, aircraft and shipping navigation, communications, weather watch and forecasts, and space exploration.

These cooperative projects will yield many benefits to both the United States and participating foreign nations. The key benefits to the United States lie in three main areas. First are the economic benefits from reduced development and production costs as a result of foreign contributions—Europe is considering contributing up to 10 percent of the cost of the space transportation system; an expanded mission base when foreign missions and payloads are considered; cheaper world communications; and improved balance of payments. Second are benefits in the technological and scientific areas from technology exchanges with foreign engineers and scientists and new technology and scientific findings resulting from foreign missions and payloads. Such technical exchanges will in many cases eliminate duplication of projects between nations and thus provide for more efficient utilization of resources.

Thirdly, political benefits should indeed derive from various nations working together for a common goal. The continued open and peaceful nature of the U.S. space program will enhance the U.S. role of world leadership for peace. U.S. Senator ALAN CRANSTON further emphasized this in February 1971, when he stated:

> One of the main national considerations in the Space Program must be the strengthening and expansion of international cooperation in space. Through such efforts, space can help us wind down the arms race and bring all of the nations of the world into a new earthly concord of friendship and brotherhood.

Mr. TEAGUE of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I would like to take this opportunity to add my remarks to those of my colleagues concerning the regrettable retirement of our colleague TOM PELLY from this committee and this body.

I was privileged to serve with TOM PELLY on two committees, the Merchant Marine and Fisheries Committee and the House Science and Astronautics Committee during my entire period in Congress.

I have had the opportunity to observe him under every condition, and I have watched him and consider him to be a tower of strength not only in the space program—but also in the implementation of a brand new merchant marine whose ships will be on the high seas in the 1980's.

He has made a definite contribution to this body. In my opinion his retirement will be a loss not only to the district which which he has represented so long, but to his country as well.

Mr. Chairman, I rise in support of H.R. 14070, the NASA authorization bill for fiscal year 1973.

As chairman of the Subcommittee on Space Science and Applications, I would like to discuss NASA's unmanned space flight program. But before I get into the work of our subcommittee, let me say a few words about the space program, in general.

I am thoroughly convinced that the national space effort deserves the support of the Congress and the American people not merely because it has expanded man's understanding of his world and his universe, and promises to continue to do so, but even more important is its crucial role in advancing science and technology in the United States. As such, America's investment in space is an investment in the future strength of our country, and will help to assure that the United States will remain in the vanguard of the technologically advanced nations of the world.

Therefore, as I see it, Mr. Chairman, a vigorous space program is not simply a wise use of a relatively small percentage of our national resources, it is an essential investment in the country's economy, in our trade position, in our national security, and the welfare of our people.

Turning now to NASA's unmanned space program, our subcommittee has cognizance over two major divisions of NASA. The first is the Office of Space Science for which NASA has requested $669.4 million for the forthcoming fiscal year. One objective of the Office of Space Science program is the increase of human knowledge of the earth's space environment, the sun and our solar system, the stars, and other celestial bodies.

Because the earth's atmosphere absorbs and obscures most radiations on either side of the visible range of the spectrum, observations in the ultraviolet, infrared, and other portions of the spectrum can be made only by instruments in orbit above our atmosphere. Using rockets and satellites, scientists have been able to make such observations and have thereby increased man's knowledge of the fundamental laws and principles of nature.

The knowledge that is acquired will ultimately help in the solution of many practical problems of men living on the surface of the earth. A good example is NASA's solar physics program.

Because the sun is the ultimate source of all energy on earth, a major portion of the physics and astronomy program has been devoted to gathering information and increasing our understanding of the dynamic processes of this "nearby star," and its tremendous influence on the earth.

It is expected that knowledge gained from studying the sun will aid physicists searching for an unlimited and pollution-free power source on earth; for the sun is a controlled nuclear fusion energy generator, and it is believed that understanding how the sun works will help scientists to produce and control nuclear fusion here on earth, and this will hopefully lead to a virtually pollution-free power source for mankind.

Moreover, solar energy impinging upon earth's atmosphere and surfaces causes the wind pressure circulation patterns which move weather systems around the globe. Thus, a greater knowledge of the sun's activity should lead to a better understanding of the dynamics of the earth's weather and climate.

Finally, the role of the sun as a source of heat and light for photosynthesis is all important—it is the basis for all food production on earth.

For all these reasons, extending man's understanding of the unique relationship that exists between the sun and our home planet is certain to have extremely important consequences for all mankind.

The major project for study of the sun during the 11-year period of the solar cycle is the orbiting solar observatory—OSO—project. To date, seven OSO spacecraft have been successfully launched. These have contributed greatly to the current scientific understanding of solar processes.

But there is much more to be learned, and NASA has undertaken a follow-on OSO project consisting of three larger satellites, which will carry more sophisticated instruments than the earlier OSO spacecraft.

Although testimony was received from NASA officials to the effect that the follow-on project may possibly be canceled in favor of other planned scientific investigations, the committee believes that the OSO project is fully justified and should receive the highest priority. The committee intends to monitor this project during the forthcoming fiscal year, and to urge NASA to continue with a vigorous solar physics program.

Another large-scale effort of the Office of Space Science is the work done in astronomy. Now that men are able to place instruments above the earth's absorbing and obscuring atmosphere, the science of astronomy, like solar physics, is making enormous strides.

Astronomy is one of the oldest recognized scientific disciplines. The study of the universe, its nature, and evolution, is recognized as one of the most demanding and rewarding of scientific endeavors.

Astronomical observations are made from high-flying airplanes, with instruments carried aloft by balloons, by sounding rocket experiments, and with satellites which orbit the earth. All these tools of the space age have contributed greatly to the advancement of the science of astronomy.

The orbiting astronomical observatory—OAO—project has achieved only one success out of three launch attempts to date. Yet, scientists assure us that this one successful spacecraft, still operational after more than 3 years, has provided data which astronomers will be analyzing far into the future.

OAO–2 added a new dimension to the science of astronomy by opening up a large window in the ultraviolet portion of the spectrum that was not available during centuries of ground-based astronomy which was limited to the visible range. It is expected that research and theoretical studies based upon the OAO data will provide much deeper insights into the nature and evolution of the universe.

The fourth and last of the OAO series will carry a 32-inch telescope into orbit this summer to make even more precise observations in the ultraviolet part of the spectrum.

Other regions of the spectrum are also known to hold many secrets of the universe. A new spacecraft is now under development called HEAO, an acronym which stands for high energy astronomy observatory. HEAO will make observations in the X-ray and gamma ray regions of the spectrum, and will investigate recent discoveries such as quasars, pulsars, and neutron stars. Testimony indicates that the scientific community considers this to be a most important and exciting project, and the next logical step in astronomy.

The relatively smaller, less complex, and less expensive spacecraft called explorers continue to be used effectively both for initial discovery of scientific phenomena, and for development of experiments. Many of the instruments ultimately flown on the large observatory class spacecraft have been tried first on explorers.

Explorers also have opened the door to cooperative scientific missions with other countries. Each cooperating foreign partner normally provides the spacecraft and much of the scientific payload, while NASA generally provides the launch vehicle, and tracking and data acquisition facilities, and occasionally some of the scientific experiments.

Finally, the so-called suborbital programs involve instruments which are flown aboard specially outfitted aircraft, or launched with sounding rockets, or carried aloft by balloons.

Sounding rockets are extremely important vehicles since they constitute the primary means for measuring vertical profiles of the atmosphere and for obtaining other geophysical data at altitudes below 80 miles where use of satellites is impracticable. They have been especially effective when used to complement physics and astronomy observations by satellites in the performance of coordinated investigations.

Unfortunately, the sounding rocket program is carried out at a relatively low level of activity contrary to the strong recommendations of the National Academy of Sciences to the effect that the effort should be approximately doubled. I feel certain that the committee would suport a larger sounding rocket program, for these relatively inexpensive devices are highly productive, and constitute an essential element in NASA's scientific effort. NASA is aware of the committee's interest and we fully expect a more aggressive program to be submitted by the administration next year.

Now, I would like to speak briefly about the planetary exploration program. The authorization bill being considered today would approve $321,200,000 for this program, the amount requested by the administration.

The goal of planetary exploration is the acquisition of new and more detailed information and knowledge of the origin, evolution, and dynamics of our solar system by launching spacecraft to the vicinities of the planets with a variety of scientific instruments.

This program has achieved a high degree of success beginning with the Mariner 2 flyby of Venus in 1962. Venus was visited again by a Mariner spacecraft in 1967.

To date, NASA has made nine attempts to launch probes to Mars and Venus, six of which have been successful.

We have had three successful fly-by missions to Mars, one in 1964 and two in 1969. Two Mariner spacecraft were launched to Mars last May, each of which was designed to orbit the red planet for a minimum of 90 days. Unfortunately, due to a launch vehicle failure, the first of these two missions was lost. The second Mariner spacecraft was injected into orbit around Mars last November and has performed flawlessly. Most of the surface of Mars has been mapped, and a variety of scientific data has been acquired regarding the Martian atmosphere and topography that is still being analyzed.

The next Mariner spacecraft will be launched to the vicinity of Venus in 1973. After taking pictures of Venus and gathering scientific information regarding its atmosphere, the spacecraft will be accelerated by Venus' gravity and orbital velocity in the direction of Mercury, and thus the same Mariner spacecraft will be used to achieve our first look at Mercury, the closest planet to the Sun. Television pictures in both the ultraviolet and visual range of the spectrum will be returned from Mercury.

The most ambitious planetary mission of all will occur in 1975, when two Viking spacecraft will be launched and will soft land on the surface of Mars in 1976, the Nation's bicentennial year. Direct measurements of the atmosphere and the surface will be made by the Viking Lander. Special emphasis will be placed on obtaining biological, chemical, and environmental data relevant to the possible existence of life on Mars, past, present, or future.

The search for extraterrestrial life has been given the highest priority in the planetary exploration program. Scientists believe that if any form of life exists in our solar system, or has ever existed, or might evolve in the future, Mars is the most likely place.

Many secrets concerning the origin and evolution of the solar system will remain until the large outer planets are explored. Last year, NASA proposed a project to take advantage of a unique alinement of the outer planets—Jupiter, Saturn, Uranus, Neptune, and Pluto—whereby fly-by missions could be made of as many as three of these bodies with a single spacecraft later in this decade.

These so-called grand tour missions would have been quite expensive, however, and NASA now has under study a less ambitious project to explore Jupiter and Saturn as early steps to a complete outer planets exploration program which has yet to be defined.

In the meantime, two Jupiter fly-by missions will be launched in 1972 and 1973 with smaller spacecraft called Pioneer–F and Pioneer–G for our first look at this, the largest of the outer planets. These spacecraft will also fly through the asteroid belt, and hopefully return information on some of the thousands of asteroids which orbit the sun between Mars and Jupiter.

Finally, a cooperative venture with West Germany has been undertaken to launch two Pioneer-type spacecraft closer to the sun than any other missions to date. This program, called Helios, is the largest international cooperative project, and will provide our first opportunity to measure the intensity of solar radiation at close range.

The second major division within NASA whose program must be authorized each year by our subcommittee is the office of applications.

The space applications program is in the opinion of many the most important effort within NASA, yet, it is the one that has traditionally been funded at the lowest level.

NASA has requested only $194.7 million to support space applications projects during fiscal year 1973, merely $7.2 million more than NASA's operating plan for the current fiscal year.

This work leads to the development of those satellite systems which provide practical benefits to mankind such as communications, services, meteorological observations, and remote sensing of earth resources.

Under the terms of a reorganization of NASA which occurred in December 1971, a new office of applications came into existence, whereas previously it was part of a larger office.

The stated purpose of last December's reorganization was to give greater emphasis to the space applications effort, a purpose strongly supported by the members of the Science and Astronautics Committee, as well as the Space Science Board of the National Academy of Sciences, over the past several years. But this has been largely disregarded by NASA. In fact, as long ago as 1967, the Space Science Board concluded that it would be in the national interest to spend at least $200 million, and perhaps as much as $300 million per year on space applications, a small fraction of the NASA budget, both then and now, but a figure not yet reached by NASA even considering the effects of inflation during the intervening years.

The announcement of the creation of the new Office of Applications was greeted with enthusiasm by many in Congress who have long believed that public support for the national space program in the future will depend very heavily upon how successfully NASA develops these practical applications of space technology. Proponents of the space effort invariably point to the remarkable advances that have already been made in global communications, in weather prediction, and to the anticipated benefits from an earth resources survey system using satellites.

The members of the Science and Astronautics Committee are convinced that the best way to persuade American taxpayers that public funds should be used to support a national space program is to demonstrate, in hard economic terms, the usefulness of space technology in their everyday lives.

For these reasons, many members of the committee fully expected that the establishment of the new Office of Applications would be accompanied by substantially increased financial support of the space applications program.

Unfortunately, the budget submitted for that important program for fiscal year 1973 is only slightly larger than the current fiscal year, and considering the effects of inflation, the funding requested for these activities will support work at about the same level of effort.

Mr. Chairman, it is my conviction that the current level of funding for space applications is inadequate, and I intend to urge a substantial increase in the budget for fiscal year 1974. NASA's stated goal of increased emphasis on space applications can be achieved only if sufficient financial support for this work is forthcoming.

So strongly do the members of the Science and Astronautics Committee feel about the importance of space applications that this bill recommends a $4 million increase in the earth observation satellite project; the only project in the space science and applications portion of the budget to be increased this year.

The committee has, in past reports, expressed its dissatisfaction with the slow pace and narrow scope of the earth resources technology satellite project is finally reaching fruition with the approaching launch of the first of two ERTS satellites in June of this year. There is no follow-on project currently under development, however, and unless some action is taken soon, there will be a hiatus in the remote sensing effort following the launch of ERTS-B in 1973.

Mr. Chairman, it is not too early to undertake a follow-on development to the ERTS project. The earth observation satellite, now under study, is conceived as the follow-on to ERTS, but NASA has requested only $1 million for this work for fiscal year 1973.

However, in its original submission to the Office of Management and Budget, $5 million was requested for EOS so that phase C might be undertaken during the forthcoming fiscal year. The committee voted to restore the $4 million cut imposed by OMB so that NASA will be permitted to proceed with this important project.

In conclusion, Mr. Chairman, I want to urge all my colleagues to support the NASA authorization bill for fiscal year 1973. Personally, I wish the space effort were more aggressive, more vigorous than it is. A major American industry, aerospace, has declined to a dangerous point, and thousands of highly trained scientists, engineers, and technically skilled people are out of work.

This bill authorizes an austere space program, a program of about the same content and level of effort as the past 2 or 3 years. It is a matter of great concern to me that the U.S. program has declined to slightly more than $3 billion per year, while the Soviet program appears to be about twice that size.

Mr. Chairman, I look forward to the day when the Federal Government can see its way clear to substantially increase its support of our national space program.

Mr. PELLY. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, I think today we are really at the turning point in space. We are going from the point where space has been experimental to where it is going to be operational, and where we have gotten our money's worth before now we will reap much more for our money.

I think basically the question before us today, will appear in the form of an amendment whose purpose is to kill the shuttle.

The shuttle will be the main workhorse for our manned and unmanned space vehicles. About 80 percent of the launches will be unmanned launches. No longer can we afford to fly a DC-9 once, and then throw it away. We have to reuse what we have. This in essence is what the shuttle does.

Let me give you one example about how the shuttle can save us money—not in terms of launching costs, but in terms of construction. We had a satellite which many of you might remember, called the OAO-1. It just did not work. We got it up there, but it didn't do the job. It cost us $155 million, and that $155 million was lost.

If we had used the shuttle we could have built that satellite for about $25 million less. You do not need the expensive construction with the shuttle and can use off-the-shelf items.

Second, in placing the satellite in space we could have checked it out on the way up and found if there were problems. If we did put it up, and there was something wrong, we would have the ability to retrieve it. We could do this at a cost per launch of $10.5 million, compared to the $30 million for the OAO-1. You can take this example and extend it into all other satellites with the same cost saving.

A study was done on the economics by Mathmatica that began in June of 1970. We spent over $2.2 million on this study, which was conducted by some of the best economists and engineers in the world. Their conclusion—after nearly 2 years is that the shuttle does make sense economically—saving about $1 billion a year.

I think there is another factor which we have to take into perspective, and that is that there is going to be a gap in the manned space program between 1973 and 1978. And the Russians are not quitting in space. With less than half of our gross national product, they are spending 60 percent more than we are, this year. They have had an 11-percent increase in their budget. They are employing 600,000 people in their space program, and the number of our space workers has fallen from 420,000 to less than 60 percent of our high.

This country is really out of the space program. In this period of time—1973–78—you will see some space spectaculars from the Russians. Unless we act today in a commonsense way we are going to be reacting like we did when sputnik came upon the scene, spinning our wheels and wasting a great deal of money.

In conclusion I would like to say that I think this is a very good day to bring this bill up, with the astronauts going to be landing later today on the moon. It would be a great thing for this House to show its confidence in the astronauts and in the space program, to pass this, bill to pass this shuttle. If so, perhaps tonight we can get a phone call up to the moon, from the President and tell them that all systems are "go" for the future in our space program.

Mr. TEAGUE of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. Mr. Chairman, I appreciate the gentleman from Texas yielding some time. I would like to just touch on a few questions about the space shuttle program which have bothered me, and the reasons why I am worried about this program and worried about whether or not we should have it.

Very simply, all that I am asking for are the answers to these questions that require attention.

For example, what is the tremendous excess payload capacity to be used for? The shuttle is designed to carry 65,000-pound payload. In order to meet NASA's cost-benefit ratio, predicated on a proposed launch schedule of approximately 50 launches per year, the shuttle would place better than 3 million pounds of payload into space. This is an incredible total when past years are considered. In 1969 and 1971, both big years for space, 390,000 pounds and 452,000 pounds were launched respectively.

It would appear that we are building a vehicle with about 10 times the excess capacity needed. To be sure, there are military missions in each of those years, with payload information classified, but even these could not begin to make up the difference needed.

This leads to the obvious question; what are we going to use the shuttle for exactly?

One obvious answer is the inclusion of a space station. As a matter of fact, space shuttle missions are projected for a space station the Mathmatica study and in other NASA studies. In other words, the shuttle will serve the role of the camel's nose under the tent and lead to a vast and greatly expanded space program. Bear in mind, that NASA, after long advocating a space station program, eliminated that from this years program before the Congress. In a few years, of course, with the shuttle operating, NASA is very likely to argue that with the shuttle, the space station becomes logical. Thus, the need becomes a self-fulfilling prophecy for NASA.

On the other hand, the shuttle may be used for a greatly expanded military program. Recently announced dual facilities for the Air Force and for NASA for the space shuttle lend credence to an enhanced military program. Secretary Robert Seamans affirms he is very much in favor of the shuttle, but he does not want it in his budget and as a matter of fact, places a very low priority for the shuttle—behind the F-15 or B-1 projects.

Thus, it would appear that NASA is building something for the military that they feel would be nice to have, but are quite unwilling to fund it from their own pocket. Payload capacity and thrust and other technical changes nevertheless have been incorporated by NASA into the space shuttle in order to accommodate military missions.

All of this effort apparently to secure additional support and a justified role.

Another question that needs a firm answer is: What is the real cost of the space shuttle?

Current estimates project a $5.15 billion development cost for two shuttles. But the total program projects some 580 launches over 12 years. If we accept the 100-mission role for each shuttle as realistic, then at least five more will have to be built and will cost an added $1.3 billion for a total of $6.45 billion, based on estimates—not firm costs—subject to change.

But now we have only bought the space vehicles. It will cost something to launch them. NASA estimates $10 million per launch. At $10 million per launch for 580 launches, the cost of launches over the next 12 years is $5.8 billion. And the total cost of the space shuttle is now $12.25 billion.

But this is only a part of the picture. Payload costs must be included. With a shuttle capable of putting 3 million pounds of payload into space each year, the aggregate potential payload totals about 36 million pounds. Present costs per payload are about $20,000 per pound. Even if we are conservative and place only 20 million pounds into space, the cost—at about $2,000 per pound—reaches $40 billion for payload alone. This cost added to the shuttle development totals about $52.25 billion.

Obviously, not all of this cost is added on to the shuttle. We are not going to save some 50 billions of dollars if the shuttle is canceled. Space exploration will go on and some of this money will be spent in any event.

But the central point is clear; if we go ahead with the space shuttle, we will be committing ourselves to a very expensive and expanded space program. Make no mistake; this is a program in search of a mission and the missions needed to justify its existence will be found. The additional uses are being used to demonstrate that the cost per mission will justify the shuttle.

But the cost figures are manifestly suspect. It should not go unnoticed that the authors of the NASA-sponsored economics study—Dr. Oskar Morgenstern and Dr. Klaus P. Heiss—concede that "considerable cost uncertainties exist" with regard to the shuttle program. The figures paraded by NASA constitute a frail reed for fiscal support. We must allow for cost overruns that are so prevalent these days in many Government-funded programs. Apollo came in under cost estimates but only because three missions were canceled. Cost estimates should be recognized for what they are—estimates—and no one is going to put his personal and professional reputation on the line for these figures.

Aside from the inconclusive cost estimates, another question arises: What are the supposed savings to be derived from using the space shuttle?

Two ways are possible to view these savings; one is through the cost per pound of operations. NASA asserts that this cost will be reduced from the present $1,000 per pound to lift a payload capacity—if this capacity is not used then the cost-per-pound increases and supposed savings lost.

In addition, the cost-per-pound saving fails to include the development and costs of the vehicles; it includes only launch costs. The true cost including development would be more like $500 to $600.

The second way of viewing the cost savings is to look at the launch costs. NASA continues to assert that launch savings of billions will accrue due to the relatively modest $10 million plus launch costs for the operative shuttle. The fact of the matter is that neither the smaller launch vehicles—like the Scouts—or the very large ones—the Saturn modes—will be replaced by the space shuttle. Last year, 1971, of the 30 launches more than half comprised either the very small or the very large vehicles. The dismal fact is, unless the space program is vastly inflated over the next 10 years, we will not save money on launch costs with the shuttle.

Other equally weak arguments are put forward by NASA to justify the shuttle:

We hear that it will repair satellites. But satellites are obsolete within a very few years' time thanks to rapid technology.

We hear that it will rescue men from space. But without a shuttle, there will be no one to rescue.

We hear that the shuttle will save money from mishaps that occur. But there will have to be many, many mishaps or major disasters to justify this role.

We hear that the capacity of the shuttle will allow bigger, more standardized parts. But the practice of using less-than-best equipment—or big and sloppy technology as NASA implies—is less than realistic in an advancing technological world. The payloads still have to be space qualified.

We hear a great deal from NASA's high-priced pitchmen with vague and glowing promises. But we ask for facts.

We hear much about what the shuttle will do. But all that it can do, we are already doing.

We wish to know the answers to the questions that have been raised today in the Congress. Many respected scientists and leaders across the country seek similar answers. The questions that have been raised deserve answers before we approve this program.

Mr. MOSHER. Mr. Chairman, I have no further requests for time.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, the austerity of the NASA budget proposed to us for fiscal year 1973 is well known to the House. The needs to reduce the operational costs of utilizing and exploring space are well understood. The opportunities available to us as a nation and the world to utilize near space are known from our communications, navigation and weather satellite successes. Our ability to explore is unexcelled as is currently being demonstrated in our Apollo program which so shortly will be concluded. Skylab to be flown throughout 1973 portends the great advantages that man obtains from a laboratory-workship in near earth orbit. Our satellites make a limited number, but highly fruitful scientific excursions to the planets. Yet our greatest stumbling block to realizing the full potential of space is low-cost, two-way transportation with high payload flexibility.

This budget contains the initiation of the development of the space shuttle—a low-cost, two-way transportation system. Others have and will point out that the shuttle is the cornerstone of a sound automated and manned space flight program.

What seems important to point out is the impending development of the space shuttle has direct, measurable short-term contribution to our national life over the next 4 to 7 years. Not only will the shuttle contribute to our well-being after completion of its development in 1979 but more importantly it will contribute this year, next year and in all the years through its development from 1972 to 1978.

A number of analyses have been made of what will be the contribution of the space shuttle development to the economy. It is useful first to know what a dollar spent in the space program today is estimated to do for our economy. One dollar spent on our space effort generates $2.50 in gross national product. That same dollar, because of the multiplier effect, generates $2 of personal income and $1.50 of consumer outlays. The tax receipts from the goods and services, personal income and consumer outlays generates 50 cents in taxes. The net result is not only a contribution to our economy but a tax return reducing the cost of the dollar spent on the space program to 50 cents.

Knowing the multiplier effect that space program expenditures have on the economy, what will a $5.15 billion expenditure over an 8-year period on the development of the space shuttle contribute to our economy? A conservative evaluation of the contribution of a $5.15 billion 6-year shuttle program indicates a $12.9 billion addition to our gross national product. Personal income contribution would be $10.9 billion with consumer outlays of $7.9 billion. The net Federal tax return from this activity would be of the order of $2.6 billion returning half of the original investment of $5.15 billion in the program.

Not all Federal activity is or can be such an outstanding contributor to our economy. For example, if $8.3 billion were invested in space shuttle, residential construction or directly in consumer spending it is estimated that the economic multiplier effect of such an expenditure in each one of these areas would generate $17.5 billion from shuttle development, $14.5 billion from residential construction, and $16.8 billion from direct consumer expenditure. I am not suggesting that residential construction or consumer expenditure be curtailed but rather that development of the space shuttle is an economically sound investment of the taxpayers' money. Based on these same analyses at least 35 of our 50 States would share directly in the shuttle development program while all 50 States share in its economic contribution.

Much more can be said as to the space shuttle's and other NASA programs' contributions to this Nation in the years ahead, but I would only urge your support of the bill before us today as the minimum necessary program for NASA in fiscal year 1973.

Mr. Chairman, I rise in support of the authorization bill pending before us. The committees and the subcommittees have gone into extensive work in hearings, traveling to many places throughout the country to try to ascertain the facts as they relate to the various items in the bill.

I would like particularly to speak to the Space Shuttle, and particularly to answer some of the questions that have been raised by the gentleman from Wisconsin. One of the problems which the gentleman mentioned as having plagued him with respect to the Space Shuttle was the excess pay load capacity. If the gentleman will read the Mathematica report, he will find that 67 percent of the pay load capacity is in propellant.

That is answered in this very factually written mathematical report. Even Dr. Klaus P. Heiss who was a director and did this study, has refuted that argument in many places since that time. There will be about 150 Department of Defense missions over the 10 years that it will be included. About 143 of the other missions will be in the area of physics and astronomy. About 43 will be in the area of earth observation. About 69 missions will be in communications and navigation, and 97 are called sortie or short-term laboratory missions, 19 of these to be in the area of planetary missions. There will be 90 missions possibly in space station applications and 128 missions for other agencies such as the Department of Agriculture and others in connection with earth resources.

So I do not think we can say we need to turn this over to the military, as was pointed out by Dr. Heiss in some remarks that he made. Our railroad system does a considerable amount of work for the military, and yet I do not think it is necesary to turn our entire railroad system over to the Department of Defense.

One of the other items that was mentioned was the cost of the program. We pay as we go along. We buy the minimum amount. We do not buy it all in 1 year. It was contended that the $5.15 billion development costs for the shuttle are soft and the direct costs could exceed this cost by many times, as stated by the gentleman from Wisconsin. I think it is important to point out that the development costs have been estimated by the most reliable methods by contractors and NASA over the past several years.

I do not think you can say that in the Apollo program there has been a cost overrun and I do not think you can say there will be a cost overrun in the shuttle program.

It has been claimed that regardless of these studies, the cost of the shuttle would be exceeded by many billions of dollars in figures used by NASA. I would like to quote from a letter by Dr. Klaus P. Heiss, director of advanced technology economics, Mathematics Corp., to the Universe Astronautics Foundation, Inc., on this subject:

> As a matter of fact, the economic case for the present space shuttle system for expendable space transportation is so strong that within any reasonable range of cost uncertainties, the space shuttle system is definitely the preferred choice.

He went on further to say:

> Again, with the danger of being misquoted, I would like to state that our estimates of the non-recurring costs of the Space Shuttle System range anywhere between $6.5 and $8.5 billion. NASA, at present, estimates the Space Shuttle development costs at $5.15 billion for the parallel burn solid rocket motor Space Shuttle System. Thus, even the "success" of critics of the Space Shuttle System is showing potentially higher Space Shuttle costs would not necessarily lead to the conclusion that the Space Shuttle System should be rejected on economic grounds. As a matter of fact, I am convinced that the presently proposed Space Shuttle can and will be developed at a cost below $7.5 billion.

NASA has estimated they can do it for $5.15 billion.

So I think that as far as the cost is concerned, we are well within the ballpark, and the cost is not going to be an escalating matter.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MILLER of California. Mr. Chairman, I yield the gentleman from Florida 5 additional minutes.

Mr. Chairman, will the gentleman yield for a question or an observation?

Mr. FUQUA. Mr. Chairman, I am happy to yield to the distinguished chairman of the committee, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, the gentleman from Florida brought out the fact that people say our railroads are also used by the military. As a matter of fact, the railroad systems of the United States were started after the War between the States stimulated them, and they helped to build this country. We would never have had them if it had not been for that fact.

We can cite the case for the motor car, also. In World War I when I first went into the service, we had horse-drawn artillery and horse-drawn carriages, and before we got out of the war, we had motor trucks, and the motor trucks helped also to build this country.

The thought has occurred to me that a big communications satellite costs about $5 million, and it goes up and stays up for 3 or 4 years, and it still costs $5 million. But it could be brought back down and refurbished for maybe less than half or one-tenth that much, and then be put back into operation. The shuttle is going to be doing this. It is going to be the workhorse of space and save those satellites that gather the information that make space one of the most valuable assets the world has seen.

Mr. FUQUA. I might say the gentleman is making a very accurate statement. It is not necessarily the payload that the space shuttle sends into orbit that counts. It may be the satellite it retrieves and saves from which the ultimate saving will come. This is a very significant part of it.

Not only that, but the best estimates indicate that the cost reductions of construction of satellites up to 50 percent by having a shuttle to launch the satellites into orbit, so here we get additional savings from the program.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I noticed a previous speaker was concerned about the economics. There is a tremendous secondary impact on economics from this shuttle program. For example, the State of Wisconsin stands to gain $59 million in direct shuttle contracts. This will increase the Wisconsin State product by $118 million and raise the annual aerospace employment in Wisconsin by more than 1,600 people.

Mr. FUQUA. I thank the gentleman from California.

There are many States, I was going to say, which will benefit by this. For every dollar we spend in the space shuttle program, approximately $2.50 will be put back into the economy by the multiplier effect with which I am sure the gentleman from Wisconsin is familiar.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I associate myself with the remarks of the gentleman in the well and, the gentleman from California, and his explanation. I am one of the supporters of the space effort and the shuttle program. I have heard explanations about how it will contribute to our ecological efforts and the efforts generally to clean up the environment, and if it is said also that it will be helpful to our military and our defense efforts, I say good for it. I know one of the primary objects is to improve conditions for mankind on this earth. I am all for it; I am proud of the work of this committee and the pioneering genius and dedication of our American aerospace team.

Mr. FUQUA. I know the gentleman from New York is expressing the good judgment he has exhibited continually in the past.

Mr. ANDERSON of California. Mr. Chairman, I rise in support of H.R. 14070, a bill authorizing funds for the continuation of our space program in fiscal year 1973.

At this very moment, Apollo 16 astronauts John Young, Charles Duke, and Ken Mattingly are orbiting the moon, increasing our knowledge of the solar system.

While this is the most visible return from our investment in space, the application of technology adapted from the space program carries over into other fields.

AIRCRAFT NOISE

For example, NASA has undertaken a project which would greatly reduce aircraft engine noise. Originally, NASA sought to reduce engine noise below the B–707 and DC–8 aircraft levels, but tests have concluded that an even greater reduction is feasible.

In the bill that we are debating today, a quiet and clean engine for the STOL—short takeoff and landing—aircraft will be developed. The goal of the program is to develop and demonstrate an engine which emits noise levels much lower than the quietest engines in civil operations today.

NASA and industry studies indicate that noise reductions in the current first generation jet transport aircraft fleet can be achieved through design modifications to the engines. In conjunction with the Department of Transportation, NASA plans to initiate an experimental investigation of design changes to these engines and demonstrate certifiable, retrofitable modifications to aircraft current in service.

Development and demonstration of the modified quieter engines would be completed in time to begin retrofitting the civil air fleet during the latter half of 1975.

These increased efforts to reduce noise pollution created by civil fleet aircraft are well appreciated by those of us in the Los Angeles area who know firsthand the consequences of airport noise.

The residents of the communities which surround the Los Angeles International Airport have suffered physically, emotionally, and economically from the noise generated at the airport.

I am pleased that the committee has emphasized the importance of strengthening our efforts to reduce aircraft noise pollution, and I have the utmost confidence that the aerospace team will conquer this problem with the same competence and efficiency that it has conquered other problems.

SPACE SHUTTLE

Perhaps the most important provision in this bill, in terms of our future in space exploration, is its commitment to develop the space shuttle, a commitment with which I thoroughly agree.

Currently, only four more crews of American astronauts will journey into space in the next 20 months—Apollo 17 spacemen who will land on the moon this year and astronauts who will make three flights next year in an earth-orbiting space Skylab.

When the last Skylab astronauts splash down, scheduled in December 1973, no American will venture into space again until the first shuttle flight in 1978. The Nation has no other manned space program manned or on the drawing boards.

Thus, the key to our future space exploration is the space shuttle—a reusable space vehicle, which will sharply reduce the cost of operations.

Initially, the shuttle will be employed to transport the satellite to orbit, to service orbiting satellites, and to rescue stranded astronauts.

The reusable space shuttle will radically reduce the cost of space operations. Rather than placing a payload in space at a cost of $800 to $4,000 per pound, which is currently the case, the shuttle can transport a satellite to orbit for approximately $120 per pound.

With the savings resulting from the shuttle, it is expected that the shuttle will greatly increase the use of space by government agencies and commercial users and, thus, enhance the use of space for the practical benefit of mankind.

This will enable us to better survey the earth's resources, monitor and predict weather, improve worldwide communications, enlarge our knowledge of the earth and our solar system, and perhaps, even harness the sun's power as a source of pollution-free energy.

CONCLUSION

Mr. Chairman, I support our space program, and I believe that H.R. 14070 is a progressive measure designed to continue our successful exploration of the earth and the solar system. In addition, the knowledge that is gained from this effort is a benefit to all mankind.

We must continue to reap the great harvest of benefits that space holds for mankind, and we must continue to find methods, such as the space shuttle, which will reduce costs while allowing a greater variety of missions.

I support this bill. I urge my colleagues to vote for its passage, and reject the efforts to gut the space program by deleting the space shuttle.

Mr. FRENZEL. Mr. Chairman, the U.S. space explorations and the technology developed as a result of these efforts have come to symbolize the high level of technical advancement to which our Nation has reached. We are justly proud of these efforts.

The full value of these efforts is not culminated in the successful Apollo moonshot, nor even in the establishment of a space shuttle. The technology and the skills developed in these efforts are applicable to many of the now unmet needs of our society.

The December 3, 1971, announcement that an Office of Applications was being established within NASA was welcome news. So, too, was the statement made at that time by NASA Administrator James C. Fletcher that:

> The applications of space technology to solving problems here on Earth is perhaps NASA's most important new thrust.

Included in this authorization is $198 million for this effort, accounting for just over 5 percent of the total NASA authorization, which will allow application of space technology to the needs of the earth sciences, communications, weather, earthquakes and aircraft noise and traffic.

The goals outlined for the immediate future are modest and well within what I believe to be the technical ability of NASA. After a successful initial effort, I am hopeful that the applications can be broadened. In cooperation with the Department of Transportation, NASA attention should be focused on the transit problems facing our urban areas. In his state of the Union message, President Nixon also asked that NASA technology be used in this field by saying:

> A nation that can send 3 people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

I find disturbing the indications in the committee report accompanying this bill that, despite the urging of the Science and Astronautics Committee, the admonition of the President and the strong congressional support for the Office of Applications, efforts to increase this part of NASA's program are being met with reluctance.

NASA's potential in providing direction and technical assistance for these practical applications is enormous. Continued expenditures for space exploration simply because "it is there," or expenditures limited to just outer space applications will be increasingly difficult to justify.

We are being asked to authorize $3.5 billion. This is well below the $5 billion figure of 1965, and is about equal to the amount appropriated last year. Yet when we evaluate priorities, we should view these expenditures not in relation to the amount spent in years past, but in accordance with how we may best utilize limited Federal resources.

I urge NASA officials to explore new areas where their technical expertise could have early practical applications and to vigorously pursue these new applications.

Not included in the space application budget, but of interest to many of the residents in my district is the increased effort in the aircraft noise reduction experiments. After mistakes in past planning for areas surrounding our existing airports, I am confident that the worst of the land use mistakes will not be repeated. Unfortunately this does not eliminate the noise for the people living and working on the edges of existing airport runways. Through the experimentations on quieter engines, the retrofitting of existing aircraft and improved flight procedures, aircraft noise can be significantly reduced. I am particularly pleased to note the plans for increasing this effort in fiscal year 1973.

I am supporting the NASA authorization because I believe these efforts can be of immediate value, and because I am confident that in future years the applications of our space efforts will find constructive uses in solving many of the problems which exist on earth now.

I am strongly suggesting, however, that in future years I and many of my colleagues will be asking for a closer accounting of our space efforts, and we will be asking for an increased participation on the part of NASA in solving our "non-space" problems.

Mr. HANNA. Mr. Chairman, I rise in support of H.R. 14070, the authorization for fiscal 1973 of the National Aeronautics and Space Administration. The committee has taken great pains to analyze and question the administration's requests in detail and has reported a bill authorizing continued spending for our space program which is both fiscally responsible and effective in terms of our continued advancement on the frontiers of space.

I wish to emphasize my support for the space shuttle provision of H.R. 14070. I realize that some of my colleagues in the House have reservations about the space program in general and hesitate to support new hardware ventures. I urge my colleagues to look at the shuttle in the context of the overall space program. To continue our adventures and quest for knowledge in space over the next several decades without the shuttle would increase the cost by billions of dollars. In the first 12 years of shuttle operation, we will save approximately $13 billion. The savings associated with the shuttle result from lower launch and satellite maintainance costs, from a substantial reduction in the cost per pound of sending a payload into space, and from the reusability of the shuttle.

The implementation of the space shuttle concept beginning in 1978 will prove to be a watershed in the history of the space program. The program will move from experimental to operational in nature. The shuttle will enable us to make practical applications of our space accomplishments and add new dimensions to many scientific disciplines.

I would also like to point out to my colleagues in the House who have raised questions about the practical value of NASA that in this year's authorization is $50 million for the development of jet noise control devices. I would hope that the importance of such a project would be clear to all. Ample medical studies on the effects of noise indicate not only hearing loss, but also maladies of the nervous and digestive systems.

Finally, Mr. Chairman, I would like to make clear to my colleagues my support for the Sky Lab project, which will begin operations about this time next year. This program will give us a clearer understanding of man's capabilities to perform for extended periods of time in space.

Mr. Chairman, I want to emphasize that the bill reported by the Committee on Science and Astronautics is both financially responsible and programmatically effective.

Mr. GOLDWATER. Mr. Chairman, I would like to rise in support of H.R. 14070, the bill authorizing appropriations to the National Aeronautics and Space Administration for fiscal year 1973.

After working with the other distinguished members of the House Science and Astronautics Committee, I think it can safely be said that we have reported an authorization bill which will provide us with a maximum return on every dollar invested. Though the NASA authorization for space activities has been cut back to provide for development of the space shuttle and Skylab, the programed launches and experiments will add considerably to our knowledge of the universe and man's position in it. New programs utilizing our satellites for dealing with global problems of water resources, crop disease, weather variations, and natural disasters—to name a few—will enable us to manage, control, and preserve our environment for future generations.

I am especially pleased that the committee approved an additional $49 million for areonautical research and development in the areas of noise abatement and collision avoidance systems. The image of NASA as "the space agency" should be carefully balanced to bring out NASA's valuable pioneering work in aeronautical design—the development of a clean, quiet aircraft engine is the most outstanding example. It is my sincere hope that NASA will continue in this leadership role and coordinate with other Federal agencies for the benefit of Americans in the sky and on the ground.

Mr. KEATING. Mr. Chairman, today we are debating the authorization for the National Aeronautics and Space Administration. Today, with two Americans again landing on the moon is an appropriate occasion to assess the accomplishments of our space program and decide whether or not we are going to continue this adventure or become stagnant.

Critics of the space program argue that we must take care of our problems on earth. While sharing their desire to tackle the problem we have, I do not feel that the two areas are mutually exclusive. If Columbus had waited until the problems of Europe were all solved before trying to find a quicker route to the Orient, we might still be on the European Continent. Out of the space program have come many tangible programs to improve the quality of life on earth.

Improved weather forecasting through satellites has saved many lives through early detection of hurricanes and other storms. Through communications satellites the people of the world are in constant touch with each other. Through these satellites the American people witnessed the arrival of President Nixon at Peking airport after 20 years of confrontation between our two nations. If we are truly to move toward world peace it will be due to the greater understanding that has come from this type of communications revolution.

In the area of medicine many of the technological achievements of space have been adapted for earth use. Techniques for treating heart patients and new instruments to improve eye surgery are directly related to the Nation's space program. Space technology has also led to devices that will give greater mobility to handicapped individuals who do not have full use of their arms or legs.

Now we must decide if the space program is to continue. The next step in the space agenda is the space shuttle. This will give the space program the capability to fly missions at a much lower operational cost. Once in operation, this reusable shuttle will reduce the cost of a launch from the current $125 million to $10 million. This lower cost will open the use of space to other nations, Government agencies, and for commercial use. There can be no doubt that many new advances will be developed out of the space shuttle program.

Mr. COLLINS of Illinois. Mr. Chairman, I rise in support of H.R. 14070, authorizing appropriations for the National Aeronautics and Space Administration.

Our Nation's space program has made true and lasting contributions to the development of knowledge and the technological processes which are important to the advancement of all citizens.

The research effort which has been associated with the space program has resulted in breakthroughs in every area of human concern and deserves the full support of all who are interested in better living conditions here on earth.

I am particularly proud to know of the significant research effort which has been provided by Alabama A. & M. College at Huntsville. This institution of higher learning has provided vital facilities and talented research personnel to advance the space sciences. Dr. Richard D. Morrison has contributed meaningful leadership to the institution and to the total space community in Huntsville, Ala. He is to be commended for his foresight and industry in coordinating and bringing into action the many talented people he has available at Alabama A. & M. College.

I recommend support of the committee's report for funding of the National Aeronautics and Space Administration program.

Mr. JONES of Alabama. Mr. Chairman, I support every penny recommended in H.R. 14070 authorizing appropriations to the National Aeronautics and Space Administration.

Our Nation needs increased emphasis on the scientific and technological research provided by our space program.

This effort is valuable to all of us concerned with the advancement of man and the betterment of the quality of his life on this earth. The benefits in techniques, procedures, and devices have accrued to practically every area of man's concern since the start of this program. Applications of space research have enhanced the life of each citizen and will continue to do so in the years ahead.

I am intimately acquainted with the dedicated service of those associated with the space effort at the Marshall Space Center in Huntsville, Ala. Marshall is the largest of NASA's installations in terms of Government activity and personnel.

It is good to know of the committee's recommendation for construction of facilities at Marshall connected with the space shuttle program. The capable and dedicated personnel at Marshall have much to contribute to the realization of this important national program.

The space shuttle holds great promise for new economies in space operation and still greater benefits for those of us who remain on the earth.

Because of the prospects for vastly improved environmental monitoring from space and more sophisticated testing devices and processes on earth, the NASA effort deserves particular support from those concerned with the environment.

I am confident that the chairman and the committee share my view that even greater resources should be devoted to our Nation's space effort. The committee has accomplished a difficult task in bringing before us a very tight proposal. The committee deserves our full support in their efforts.

Mr. CAMP. Mr. Chairman, I rise in support of H.R. 14070. The direct and indirect benefits which society has derived from our space program have greatly enhanced the quality of life in our Nation.

The NASA budget which the Committee on Science and Astronautics has approved for this coming fiscal year is a modest one. However, it is one which will insure that our Nation will continue to maximize the public benefits which we derive from our space program.

I am not in favor of a space program which places no premium on expense. As with everything else, we must continue our space exploration in an orderly manner, gaining maximum knowledge and effectiveness from our money and human effort. However, it is saddening to realize the extent to which some who are more interested uttering cliches and making noise than in using thought and farsightedness regarding what is best for our country have succeeded in undermining our space effort.

There have been many significant benefits derived by our society from the space program. Electronic miniaturization, computer technology, large propulsion systems, and the general state of our technology have been greatly advanced through our space program. But these advances are sometimes hard for us to appreciate fully, because we as individuals may not be directly involved with computers or electronics or other high technology items.

However, there are many examples of space program benefits which we as average American people can appreciate. Those of us who are outdoor enthusiasts, campers, or fishermen may now be using a new type of blanket which weighs less than 3 ounces, is strong enough to use as a stretcher, and can be folded small enough to fit in our shirt pocket. This blanket is warmer than wool, is windproof and waterproof. It is made of a special metallic-coated plastic which was derived from the "skin" developed for early NASA communications satellites.

Those new slipcovers and draperies of which we are so proud in our homes, are attractive, functional, and home washable. They are an outgrowth of research in fabric materials performed for our space program.

Our plastic coated pots and pans which we use in our kitchen are a result of research directed at protecting our spacecraft from the extreme heat of launch and reentry.

The benefits to our everyday lives in the fields of communications, transportation, and weather prediction require little elaboration. Space offers our most promising means of detecting and controlling air and water pollution.

This country was born and raised on the strength of hopes and dreams, on the urge to explore and expand man's horizons. We opened the frontier, we found new ways to produce food, to cure disease, and to house and clothe our people. We have become a great nation because we have a heritage of exploration and problem solving. Space is our new frontier and our new challenge. We must not deny ourselves the opportunities which will arise from its exploration and utilization.

Mr. VANIK. Mr. Chairman, I must oppose this legislation which authorizes $3.43 billion for the space program. My opposition to this bill is directed to the multimillion dollar down-payment on the space shuttle.

While a case might soon be made on the spaceshuttle, it does not appear that the evidence submitted at this time supports a commitment of the billions of dollars which may ultimately be involved in this program. This is the point of no return on this multibillion-dollar project. Further study and delay may save billions for the taxpayer.

This is only the beginning of our commitment to the space shuttle project: We must have something to put in the shuttle. The shuttle will have a payload capacity of 65,000 pounds. NASA estimates that, to produce savings over conventional rockets, the shuttle will be flown about 45 times a year. NASA also estimates that approximately 80 percent of the shuttle's cargo will consist of satellites, or about an average of 52,000 pounds of satellites per flight. Yet the annual total weight of all NASA satellites for the years 1966–70 averaged only 15,000 pounds, or one-fourth of the capacity of one shuttle flight. With a total yearly capacity of nearly 3 million pounds, the shuttle apparently will rarely run at anywhere near full capacity. If only a single 2,000 pound satellite—which is heavier than most—is carried at each launch, the total weight per year will represent a 6-fold increase over present unmanned flights, and the cost per satellite will be $12,500 per pound, as compared to $700–1,000 per pound today. Such a situation seems to preclude any savings in the space program by the use of this shuttle. To make this program at all economical, we must spend a massive amount of money to provide payloads for the shuttle. How much money? Rand Corp., in a study compiled for the Air Force, estimated total expenditures for the shuttle program would be over $140 billion. Can the U.S. afford to spend such a sum for use in space? The answer, Mr. Chairman, is a definite "No."

The proposed space shuttle program is not an end in itself—it is only the beginning of an expensive new commitment to the space program. We must exercise prudence and demand more overriding evidence that this project is justified at the present time.

Mr. HOGAN. Mr. Chairman, I am pleased to rise in support of the NASA authorization for 1973.

The United States is first in space and our national prestige in the space program is at an alltime high. Our increased knowledge of the scientific and technological improvements also cannot be denied. But, aside from the expansion of our knowledge of space, there have been many spin-off benefits for all men.

The new satellite and airborne systems now being developed which can pinpoint the early stages of crop disease and insect attack, find the ugly sources of water pollution, track the cancer of urban sprawl, and even reveal the locations of valuable mineral deposits and other natural resources on which all our citizens depend. These systems are the means of feeding people who would otherwise go hungry, of preserving their environment against destruction.

There are so many other fringe benefits beyond these important and obvious ones. They include the application of space technology to medicine, where now many lives are saved in surgery, cardiac treatment, and intensive care because of the discoveries made in space research. There are the lifesaving improvements in highway safety that have followed from aerospace discoveries. And there are dozens more. Yet these just hint at things to come in vital areas such as actual control of earthquakes and the weather, which may well result from our long-range study of the moon and our neighboring planets.

The money our country has invested in this program is very small in comparison to the endless benefits we will receive.

I, therefore, give my complete endorsement to the passage of H.R. 14070 authorizing appropriations to the National Aeronautics and Space Administration.

Mr. PRICE of Texas. Mr. Chairman, I rise in support of H.R. 14070, the fiscal year 1973 authorization for NASA.

I know that my colleagues are aware of the many benefits the space program has provided to the American public. It should therefore be further encouraging to the Congress to see NASA emphasizing programs which hold the promise for even greater returns in the future. These are the many applications programs in the areas in which there will be immediate and identifiable benefits. Specifically, NASA is pursuing activities on a high priority basis in the fields of earth resources, environmental protection and surveillance, and communications and navigation.

One program of particular significant value is the earth resources technology program—ERTS. The ERTS satellites are designed to provide a comprehensive global survey of the earth's resources. The principal value of the program is the opportunity to develop the means to intelligently and effectively manage our global resources.

The ERTS satellites will be able to make continuous observations of the earth from space so as to permit a fuller assessment and a greater understanding of the changes taking place. These spacecraft will be able to record and analyze information about the natural resources of the earth on a scale never before thought possible.

The ERTS activities of NASA represent just one of a number of earth observation programs carried out within the total area of science and applications. Under this one category of earth observation, NASA will be working to provide new knowledge in the practical areas of predicting the weather, monitoring and supervising agricultural crop growth, tracking hurricanes, and monitoring and detecting natural resources of our planet.

The second major area of NASA work within science and applications includes planetary exploration. This work entails placing scientific satellites in space to observe the other planets in the solar system as a means by which to increase our general knowledge of the origin, evolution, and dynamic processes of the universe.

One program of particular importance is the orbiting solar observatory—OSO—project which is designed to study sun spots, solar flares, and other phenomena that occur on the sun during the 11-year solar cycle. In order to understand and predict the occurrence and intensity of solar radiation, it is necessary to observe the sun with instruments above the earth's absorbing and obscuring atmosphere.

The sun is the source of all energy on the earth making possible life on this planet. Therefore, study of the sun, its radiation, and its interaction with the earth's environment will provide the knowledge instrumental to further understanding our earth's ecosystems.

Also within science and applications is NASA's work in astronomy. Basically, this activity will involve placing instruments in orbit and pointing them outward toward the solar system to observe the broad spectrum of radiation from the sun and stars. A fourth category of NASA effort includes communications and navigation. NASA programs here are directed to developing space hardware to test and demonstrate global information transfer as well as techniques to locate and help guide ships and aircraft on the surface of the earth.

In the early years of our space program, the public and the Congress heard much debate regarding the benefits that would someday be derived from our research and development work in space. I emphasize to my colleagues that these benefits are no longer merely a promise. They are now hard and immediate realities. The space program has recorded major contributions in medicine, environment, ocean and earth resources, weather, communications and education, products and materials—in short, the space program has come into each and every one of our lives in more ways than we can imagine.

But even more significantly, the many space benefits which we are already taking for granted are being added to on a day-by-day basis. In the general area of science and applications in particular we can expect to see a number of major scientific discoveries and worthwhile applications emerge from the missions now being initiated. These programs that NASA is presently engaged in will play a vital role in solving the most pressing of our societal needs and in building a better life for mankind here on earth.

Mr. Chairman, the fiscal year 1973 NASA authorization bill is the product of the most detailed review of every single program proposed by NASA. H.R. 14070 reflects a well-balanced space effort, maintaining the strength of our country.

I strongly urge approval of the committee bill without amendment.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Apollo, $128,700,000;

(2) Space flight operations, $1,094,200,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $152,600,000;

(5) Lunar and planetary exploration, $321,200,000;

(6) Launch vehicle procurement, $191,600,000;

(7) Space applications, $198,700,000;

(8) Aeronautical research and technology, $211,890,000;

(9) Space research and technology, $64,760,000;

(10) Nuclear power and propulsion, $21,100,000;

(11) Tracking and data acquisition, $259,100,000;

(12) Technology utilization, $5,500,000.

(b) For "Construction of facilities," including land acquisitions, as follows:

(1) Rehabilitation and modification of aeronautical, airborne science, and support facilities, Ames Research Center, $1,065,000;

(2) Rehabilitation of Unitary plan wind tunnel model supports, control systems, and model preparation areas, Ames Research Center, $760,000;

(3) Rehabilitation and modification of utility systems, Goddard Space Flight Center, $590,000;

(4) Rehabilitation and modification of roadway system, Jet Propulsion Laboratory, $610,000;

(5) Modifications of, and additions to, spacecraft assembly facilities, Kennedy Space Center, $8,100,000;

(6) Modification of Titan Centaur facilities, Kennedy Space Center, $2,040,000;

(7) Rehabilitation of Full Scale Wind Tunnel, Langley Research Center, $2,465,000;

(8) Modification of central air supply system, Langley Research Center, $1,175,000;

(9) Environmental modifications for utility operations, Langley Research Center, $650,000;

(10) Modification of high temperature and high pressure turbine and combustor research facility, Lewis Research Center, $9,710,000;

(11) Modification of fire protection system, Manned Spacecraft Center, $585,000;

(12) Warehouse replacement, Wallops Station, $350,000;

(13) Space Shuttle facilities at various locations, $27,900,000;

(14) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $11,580,000;

(15) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,720,000;

(16) Facility planning and design not otherwise provided for, $8,000,000.

(c) For "Research and program management," $700,800,000.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided,* That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

Sec. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (15), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Sec. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (16) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whether feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act. If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under any of the programs authorized by the National Aeronautics and Space Act of 1958, the funds for which are authorized pursuant to this Act.

(c)(1) Nothing in this Act shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1973".

Mr. TEAGUE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, as I understand it, this bill calls for $3,428,950,000 for the next fiscal year. If my figures are correct, the administration's revised budget is $3,407,650,000, which puts this bill as it is before us today above the Nixon budget.

If my figures are correct, there was actually appropriated, for this fiscal year 1972, $3,298,035,000. In other words, it is proposed to spend even more in fiscal year 1973 than in 1972.

Does anyone disagree with those figures?

So we have before us a bill at a time of growing financial crisis in this country not only above last year's spending but also above the budget request.

It seems to me that somewhere, someplace along the line, somebody is going to have to cut some of this spending if this country is to avoid a financial debacle. It is impossible to go on spending, no matter how much the desire to do so, for more trips to the moon, and save this country from financial collapse.

I am reminding the Members once again that the debt ceiling will have to be increased again in June or July of this year, and this time it will undoubtedly be boosted to a half trillion dollars; in other words, $500 billion.

When is there going to be some fiscal sanity displayed in this place? When?

It is dramatic to send men to the moon, but that is not going to buy bacon and beans on this earth. I went through one real depression, and I do not want to go through another.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. MILLER of California. All of the money that is spent for the space shuttle or spent in the space effort is spent in the United States, and it supports the economy of the United States. If the workers in New York State, in California, at Cape Kennedy, and other places, did not have the dollars they earn out of this they would not be able to buy Iowa corn and Iowa feeds, and I wish the gentleman would kindly take note of that.

Mr. GROSS. So the gentleman is a follower of the philosophy that the more this Government borrows and spends, and the greater the debt the more prosperity for the country.

It does not make any difference how much debt we have. It does not make any difference that the Government is paying out $22 billion a year in interest on the Federal debt. The only consideration is that the more we spend the more prosperous we are.

I do not subscribe to that philosophy or theory for one single minute. No one operates a private business on that basis and no one can conduct his private affairs that way and expect to stay out of jail or the poorhouse. It will be impossible to maintain a system of free Government and continue this kind of spending.

It cannot be done.

Mr. Chairman, this bill is far out of line. It ought to be cut and cut deeply. The members of the committee ought to have cut it in terms of the ability of the people of this country to pay for it, for the only way it will be paid for is out of borrowed money, and you know it.

Mr. Chairman, this bill will commit this country to a space shuttle program that will cost untold billions of dollars and it will project that spending into a financial future that is already at the point of crisis. As I have previously stated, the Nation's deficit and debt is already orbiting in the space of inflation.

I am going to vote against this legislation and I am going to continue to voice my protest against this sort of thing at every opportunity.

Mr. RYAN. Mr. Chairman, I move to strike the last word.

I was very much interested to note in the committee report that the NERVA nuclear rocket engine program has been terminated. Whereas the Committee on Science and Astronautics recommended and obtained an authorization last year in the amount of $67.7 million, and that was increased to $70.7 million in conference, this year's bill authorizes $21.1 million. I would simply like to direct this question to the chairman of the committee. What has happened to NERVA?

Mr. MILLER of California. You would have to ask the administration, I am afraid.

Mr. RYAN. It is very interesting, Mr. Chairman. After some $2 billion or more have been sunk into that program over a period of years, a project which I opposed before this House on a number of occasions, the committee itself has now found it advisable to terminate the program.

Mr. WYDLER. Will the gentleman yield?

Mr. RYAN. I am glad to yield to the gentleman from New York.

Mr. WYDLER. I thank the gentleman for yielding.

Of course, I commend the gentleman on the point he is making for the reason that in the years he served as a member of the Committee on Science and Astronautics with great distinction he was indeed one of the members who questioned the value of the then proposed NERVA program. As to that program he can feel confident today his views at that time were apparently justified, because in the main part it has been abandoned. So I think he can rest easily with this bill because it justifies his prior opinion.

Mr. RYAN. I should like to commend the gentleman from New York on his efforts during that period of time. He shared my concern about the NERVA program.

But I do note that on page 95 the reports says:

> Development of the 75,000 pound thrust NERVA engine is being terminated . . .

I wonder how many other boondoggles are strewn throughout this $2.6-billion bill—projects upon which the committee is insisting today but will abandon tomorrow.

Mr. DELLUMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Sixty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 118]

Abourezk
Anderson, Tenn.
Annunzio
Ashley
Aspinall
Bingham
Blackburn
Blanton
Brooks
Brown, Mich.
Carey, N.Y.
Carney
Celler
Chamberlain
Chisholm
Clark
Clay
Colmer
Conyers
Crane
Culver
Curlin
Dent
Dickinson
Diggs
Dowdy
Dulski
Dwyer
Edwards, La.
Eshleman
Evins, Tenn.
Findley
Flynt
Foley
Fountain
Fraser
Gettys
Griffin
Hanna
Harvey
Hawkins
Hays
Hébert
Holifield
Horton
Hosmer
Howard
Hull
Johnson, Pa.
Jones, Tenn.
Kee
Kyros
Landrum
Long, La.
McCulloch
McKevitt
McMillan
Macdonald, Mass.
Madden
Mann
Martin
Mathias, Calif.
Melcher
Mills, Ark.
Minshall
Moorhead
Morgan
Morse
Nix
Peyser
Poage
Podell
Powell
Price, Tex.
Pryor, Ark.
Quillen
Rhodes
Rooney, Pa.
Saylor
Scheuer
Seiberling
Shipley
Sisk
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Terry
Udall
Wampler
Ware
Wilson, Charles H.
Winn

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman of the Committee of the Whole on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14070, and finding itself without a quorum, he had directed the roll to be called, when 336 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the bill which is pending was considered as read and open to amendment at any point.

Mr. DEVINE. Mr. Chairman, I move to strike the last word and ask unanimous consent to address the House out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RALPH NADER'S QUESTIONS

Mr. DEVINE. Mr. Chairman, I shall not take but about 30 seconds.

I would like to invite the attention of the Members to the CONGRESSIONAL RECORD that is under your chair here today, today's RECORD, and invite your attention to page 13530 wherein you will find the questions that are being asked of Members of Congress by Ralph Nader's outfit. It may help you in preparing your answers when they call on you if you are inclined to answer any of these questions.

I yield back the balance of my time.

AMENDMENTS OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered as read.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The amendments offered by Mr. ASPIN are as follows:

Page 1, line 8, strike out "$1,094,200,000" and insert in lieu thereof "$894,000".

Page 3, strike out lines 16 and 17, and redesignate the succeeding paragraphs accordingly.

Page 6, line 24, strike out "(15)" and insert in lieu thereof "(14)".

Page 7, line 11, strike out "(16)" and insert in lieu thereof "(15)".

Page 11, insert the following new section after line 25 (and redesignate the succeeding section accordingly):

"SEC. 7. The Administrator, acting through the National Academy of Sciences, is authorized and directed to conduct a full and complete study of the proposed Space Transport System (hereinafter in this section referred to as the "Space Shuttle"), and to report thereon to the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate, in order to assist the Congress in determining whether and to what extent funds should be included for the Space Shuttle in a subsequent authorization Act. Such study shall include—

"(1) a determination and evaluation of the military applications of the Space Shuttle;

"(2) a determination and evaluation of the scientific applications of the Space Shuttle;

"(3) the most accurate possible determination of the total cost of the Space Shuttle and of the various benefits to be conferred thereby, with a cost-benefit analysis designed to compare such cost with such benefits and thereby to place each in its proper perspective;

"(4) a determination of the probable economic impact of the Space Shuttle, including its impact on unemployment; and

"(5) an analysis of whether and in what ways the expenditure of an equivalent amount for housing, education, mass transportation, and similar purposes might produce a larger or smaller net benefit to the Nation."

Mr. ASPIN. Mr. Chairman, today we are considering the authorization for NASA, and a part of that authorization is $200 million for the space shuttle.

Mr. TEAGUE of Texas. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. ASPIN. Yes, I would be glad to yield to the gentleman from Texas.

Mr. TEAGUE of Texas. Do I understand the gentleman has two amendments?

Mr. ASPIN. No; they are both one amendment.

Mr. TEAGUE of Texas. Is it not the intention of the gentleman to ask unanimous consent to have the two amendments considered together?

Mr. ASPIN. I did not make such a request, but I intend for them to be put together. They are on two pieces of paper, but they are supposed to be one amendment.

Mr. TEAGUE of Texas. Mr. Chairman, the gentleman has one amendment and we intend to make a point of order against one of them.

Is it not the proper procedure to have the two put together and be considered together?

The CHAIRMAN. The Chair has examined the amendments and determines that this is indeed more than one amendment and, without unanimous consent, could not be joined.

Mr. TEAGUE of Texas. If the gentleman made the unanimous-consent request, I did not hear the gentleman.

Mr. ASPIN. I did not. I was considering them as one amendment.

The CHAIRMAN. Does the gentleman make that request now?

Mr. ASPIN. Mr. Chairman, I make that request at this time.

The CHAIRMAN. Is there objection to considering the gentleman's amendments en bloc?

Mr. TEAGUE of Texas. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I withdraw my objection to combining the amendments and then, Mr. Chairman, I make a point of order against the whole amendment.

The CHAIRMAN. Without objection, the amendments will be considered en bloc.

There was no objection.

The CHAIRMAN. The gentleman from Texas will state his point of order.

POINT OF ORDER

Mr. TEAGUE of Texas. Mr. Chairman, my point of order is that the gentleman's amendment directs the Administrator of NASA to make a study of housing and, for sure, this is not germane to the space authorization bill. The last paragraph of his second amendment, I assume, directs the Administrator of NASA to make a study of housing.

Mr. ASPIN. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Wisconsin may be heard on the point of order.

Mr. ASPIN. Mr. Chairman, what the amendment does is ask the people in NASA to instruct the National Academy of Sciences to conduct a study, and I would like to see a rather broader application of some of these questions with reference to the money being spent in the Space Agency. It does not instruct the Administrator of NASA to conduct the study, but asks that the National Academy of Science conduct the study and then provides for a broader spectrum of the questions that they should study.

Mr. TEAGUE of Texas. Mr. Chairman, may I be heard further on the point of order?

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE of Texas. May I read the exact language that is in the amendment. It says:

> The Administrator, acting through the National Academy of Science is authorized and directed to conduct a full and complete study—

And it gets down to housing.

The CHAIRMAN (Mr. ROONEY of New York). The Chair is prepared to rule.

The final paragraph of the amendment requires studies, investigations, and analyses of subjects which are not carried in the bill under consideration and not even within the jurisdiction of the Committee on Science and Astronautics which reported this bill.

The Chair, therefore, sustains the point of order.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RANGEL: On page 2, in line 10, immediately before the semicolon insert the following: "(no part of which may be used in the Republic of South Africa)."

Mr. RANGEL. Mr. Chairman, something is rotten in the Republic of South Africa.

We are all familiar with the evils of the South African practice of apartheid. We read regularly in the newspaper of the latest repression of the black majority there. We hear the horrifying, but true, stories of repression and arrest of those South Africans—white and black—who dare to speak out and condemn this racism. Indeed, we hear that some of our most distinguished black American citizens have been insulted there and barred from public places that are reserved for whites only.

Here in the United States, our Government has pledged itself to end discrimination. Progress in the arena of civil rights here at home is at times slow. Sometimes we take a backward step for each step forward. Nonetheless, almost all Americans are committed to the goal of social justice and equal opportunity. As President Nixon stated on February 25 of last year:

> Both our statements and our actions have, or should have, made it patently clear to all concerned that racism is abhorrent to the American people, to my administration, and to me personally. We cannot ignore the tensions created in Africa by the denial of political self-determination. We shall do what we can to foster equal opportunity and free political expression instead. We shall do so on both moral and practical grounds, for in our view there is no other solution.

Is not it strange, then, that the National Aeronautics and Space Administration should be exempted from the fight to end racism?

The U.S. commitment to our space program has been based in large part on the desire for a better life for all mankind. Innovations in medicine, nutrition, technology, and education have stemmed from our exploration of the universe. Today, with Apollo 16 engaged in its lunar mission, we come even closer to the vision of this better life.

The continued operation of our NASA tracking station in Johannesburg, South Africa, however, compromises American integrity and completely undermines our stated goals of equal opportunity and equal justice.

The United States has negotiated an agreement with the South African Council for Scientific and Industrial Research—CSIR—under which the council operates the Johannesburg tracking station for NASA. The personnel are hired by the council and are paid through appropriations passed by this Congress each year.

At our Johannesburg tracking station, the facilities are segregated, from the dining room to the restroom. There is a dual pay scale under which the top salary paid to a black employee is $1,428 while the bottom salary paid to a white employee is $1,680. NASA's explanation is that black and white employees have different duties. There are no blacks in any of the training programs there. Neither is there collective bargaining.

In his 1971 foreign policy report, Secretary of State William Rogers declared:

> South Africa's relations with the United States have continued to be impeded by its discriminatory racial policies, enforced separation of the races, and complete monopoly of political power by the white minority. The absence of moves toward racial justice continues to prevent any meaningful acceptance of South Africa by most African states.

Aside from NASA and our Embassy, there is virtually no official U.S. Government presence in the Republic of South Africa. The truth is that NASA has a very close relationship with the South African Government. As a result of pressure from some Members of Congress, NASA has taken some tentative and totally inadequate steps toward asking the South African Government to modify its apartheid policy in the Johannesburg tracking station. In a letter of March 9, 1972, Willis H. Shapley, Associate Deputy Administrator of NASA, informed our distinguished colleague, CHARLES C. DIGGS, JR., chairman of the Foreign Affairs Subcommittee on Africa, that:

> NASA has been working with the South African authorities to attempt to bring about improvements, within the existing framework in South Africa, in the working and living conditions, and opportunities, of nonwhite employees at the tracking station near Johannesburg.

"Within the existing framework" means, in this case, a NASA-CSIR agreement to provide additional segregated housing to black employees, to make segregated primary education available to the children of black employees, to build a segregated social center, to provide midday meals at the tracking station for black employees instead of requiring them to go home for lunch, and to provide some medical services for black employees and their families instead of requiring them to travel 20 miles to the provincial hospital.

It is ludicrous, Mr. Chairman, to consider that "progress."

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. RANGEL was allowed to proceed for 2 additional minutes.)

Mr. RANGEL. Mr. Chairman, if this type of racism were taking place in any NASA facility in the United States outraged voices would be heard from both political parties, and from all parts of the United States.

The truth is that we are participating in this with American dollars, and we have heard from NASA indicating that they have to work within the existing system. "Within the existing system" certainly has a bearing on where America is in the moral fight. We heard from NASA's Associate Administrator, Mr. Gerald M. Truszynski, on February 29, when he indicated that throughout all of the visits that we have had of technicians who went to South Africa from 1961 to 1969, there have been some 243 visits made by NASA personnel. In 1970 there were 28 visits. And yet NASA has not seen fit to send one black person to our station in Johannesburg, notwithstanding the fact that Mr. Truszynski has indicated that there are black NASA personnel working in all parts of the world in connection with our tracking stations.

I am not asking under my amendment that we exclude the approximately $3 million which is authorized for the South African Government CSIR from the budget. This money will still stay in. The money is not being removed, and this would not have any effect at all on the American space program. I say that because we find that in the Malagasy Republic, which is just 6 degrees north of Johannesburg, we have facilities that could be used for this very same purpose, and they have not demonstrated the racist policies of South Africa.

We also formerly operated a NASA facility in Zanzibar. The question before us today is a moral one: Will the Congress permit our tax dollars to continue to be used to pay for racism, or will we continue to try to allow the world to believe that we still think about people as well as progress in our scientific programs?

The CHAIRMAN. The time of the gentleman from New York (Mr. RANGEL) has again expired.

Mr. BELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the station that the gentleman is speaking of has exactly one NASA employee. The government there employs 61 blacks and 221 whites.

Mr. Chairman, this is not a situation we can influence, something we can directly control. This is an arrangement between two governments, that of South Africa and our own.

No one can say there is any racism in my soul. I have voted for every civil rights measure brought to the floor of the House. I simply think it ridiculous for us to attempt to interfere in the internal affairs of the South African Government when the only basis for our interest is a single NASA employee who is unaffected by the South African situation.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I appreciate the gentleman yielding. I want to point out, however, that the author of this amendment in the subcommittee, on which I have the honor to be a member, did some very effective work, and directed some very penetrating questions on this whole subject. I would hope, though, that if we are going to eliminate Johannesburg as a tracking station that we would also eliminate Chile, which has a Communist government, and Ecuador, which seizes our fishing boats, and I wish the gentleman would bulk them in all together.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I think that this Congress is sophisticated enough to take on one moral problem at a time, and I think I would be susceptible to any suggestion concerning any nation that is violating the rights of men.

What bothers me is our State Department, and the advice of our President that these conditions are abhorrent to all that we believe in in America, and they will sit down at the table with these people who are openly violating the moral fibers of mankind, and which is against all the mandates of science. So there is no question but notwithstanding our individual positions on what is morally right, the fact remains that our State Department has set down a racist nation under cover of scientific progress.

Mr. BELL. I would like to reply to the gentleman. NASA chooses its own personnel. If this is a basis of difference between two governments, perhaps the question should be brought up by the foreign policy experts.

Mr. WYDLER. I just want to point out that the station we maintain in South Africa is not maintained there for the benefit of the South African Government or any of its policies. The station is maintained there for the benefit of the United States of America.

Mr. RANGEL. At the expense of black lives in South Africa.

Mr. WYDLER. We get the benefit of that station. We need it for the safety of our astronauts. It is our country that gets the benefit from the station. We are not doing it to benefit the Government of South Africa.

Mr. BELL. I might add that the base is furnished by South Africa.

Mr. COLLIER. As long as we are trying to agree on a solution of our problems here at one time, would the gentleman accept an amendment to his amendment which would also take care of the situation in Chile, where we have the problem to which the gentleman from Washington (Mr. PELLY) alluded to previously?

Mr. RANGEL. Mr. Congressman, it is all I can do to work up my one amendment, but I would be glad to join in support of yours.

Mr. BELL. Mr. Chairman, I urge that the amendment be defeated.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. TEAGUE of Texas. I know nothing of the integration or segregation of this tracking station. I would like to reiterate what the gentleman from New York said, that this station was placed there because we had to have something in that area for a tracking station. We cannot leave a gap around the world where we do not have our flights monitored. If we adopt the amendment, then we must go to a tracking ship in the area or station airplanes in the area.

It just is not a racist thing, as far as our committee is concerned. We need a tracking station there for our space flights.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I am glad to yield to the gentleman from California.

Mr. MILLER of California. These stations are located geographically irrespective of the government in the area where they are located. They must be located along certain geographical lines. Some of the most successful tracking stations we have are those in Spain. They are making a great contribution to our program. They are managed by Spanish people, and I am certain it has not been so long ago, and is still in the minds of many people, that the Spanish Government was not fully accepted in this country.

Wherever the tracking stations are located, they are located at those places because of their geographical positions. The ones in Spain would be best located in Morocco, but Spain is as close as we can get to Morocco. We want a station as far south in Africa as we can get, and that is why it is located where it is in Africa.

I will place my record of 28 years in Congress on the racial issue related to any question. I do not go out and make speeches about it. The Constitution of the United States says that all men are created equal. This is the thing I preach.

But I cannot see how you are going to do the things you have got to do and decide that you cannot do it because geographically the part of the country in which you want to place a tracking station happens to be under a government we do not like.

Mr. TEAGUE of Texas. Mr. Chairman, the manned space program of NASA today has in it three tracking ships which, as I said before, are very expensive. If we proceed to do what was suggested, we would get a secondary tracking station for another expensive operation. As I have said, I do not know anything about integration and segregation in that tracking station, but that is not the way to approach the situation.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. BELL. We must remember that these areas are owned by the government in control. We are there only by sufferance. We are not in any position to tell another government what to do.

Mr. TEAGUE of Texas. Mr. Chairman, I yield back the remainder of my time.

Mr. KOCH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. KOCH. Mr. Chairman, it seems to me we are faced with a profound moral question. It is not a question of whether or not we deal with a government that we do not like—the Government of Chile, the Government of Spain, the Government of South Africa—because I think it is recognized that we will be dealing with countries whose form of government we do not like for very practical reasons. That is not what is involved here.

What is involved is that we have a U.S. facility, a facility operated by NASA, which, instead of applying the rules that we would require in this country or in some other country, submits to the segregation rules of South Africa.

What, for instance, would be the response in this country if the Northern Irish Government said to the United States, "You have a facility here but you may not employ Catholics, or if you do, you will pay them at less than what you pay the Protestants." We would say, "That is an outrage, we cannot do that. You will either permit us to treat them equally, or we will remove the facility, because while you may do this, we may not use our moneys for that purpose." Or take the situation when not so long ago certain Arab States said, "You may not have a Jewish soldier in this facility." At first, the Congress went along with that—and then, as some Members may recall although I was not here at that time, the Congress said, "No. We will not let you determine for us how we shall treat people on our particular facility."

And so, today the black community rightfully asks how can we sit here and permit Government moneys to be appropriated and used in a discriminatory way—in a way that would be deemed unconscionable if demanded by Northern Ireland vis-a-vis Catholics and Protestants or by Arab States vis-a-vis Jews or non-Jews? It seems to me that this is the great moral question. It is not simply a question of dealing with a government that we disagree with.

Therefore, Mr. Chairman, I support the gentleman's amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, all of us are aware that there is American corporate involvement in South Africa. I personally deplore American private corporate involvement which sustains or assists economic development and growth of a nation committed to racist policies, a nation committed to a notion that human beings are not equal human beings.

But here we have an important and much different question before us: whether we will take public action to commit public funds to a nation whose policies, at least on their face, when placed in juxtaposition to our own, totally contradict the position we have publicly assumed.

How can we justify our action on the EEOC bill, or how can we justify our action on the Civil Rights Act, or how can we justify the fact that in this country we have established as a matter of law the minimum wage when we provide Federal funds and public dollars in a nation committed to seeing black human beings as second-class people.

I think this is a great political and moral question before us.

Let us not walk out of this Chamber morally bankrupt and without political integrity. I do not believe we can call ourselves Americans committed to democracy and committed to equal justice and equal treatment of all human beings and then allow funds to go to South Africa.

The only justification I have heard in the past 20 minutes for maintaining this station in Johannesburg is to protect safety of astronauts. I certainly do not want anything to happen to astronauts, but I raise this rhetorical question: Why are we so committed to a program that would allow the astronauts to walk in the tranquillity of the moon when we have not found the ability to come together on the floor of this Congress to adopt policies that would enhance our ability to walk as brothers and sisters on the face of this earth?

Why are we so concerned about safety of the astronauts and not concerned about the safety of human dignity of millions of people?

I think we have no alternative but to strike down this legislative provision.

There comes a time in the history of a country when it must live up to its stated principles and its stated goals. If we say that all human beings—black or white, brown, red or yellow, men or women, Christians or Jews—are really true human beings in the sight of God and man in this country, then we must take those same policies throughout the world.

I think we have no alternative but to vote for this amendment to remove the Republic of South Africa from this bill.

The moral and political question is whether public dollars, voted by U.S. Congressmen in the people's branch of the Government, representing some blacks and other racial minorities in this country, some women, some young people—all of whom are treated less than human beings with full freedom and dignity in America—should be used for this purpose.

How do we take these dollars and put them into South Africa, which has policies totally in opposition to the policies we have taken on the floor of the Congress?

I urge my colleagues to vote in favor of the amendment placed before us by my distinguished colleague from New York.

Mr. RYAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I should like to commend the gentleman from New York (Mr. RANGEL) for offering the amendment. Action to cause the U.S. Government to cease subsidizing racism in South Africa is long overdue.

The amendment would cut off funds for two American space facilities in South Africa. The issue is clear—if NASA continues to operate the tracking station in Johannesburg and the smaller optical tracking station at Olifontsfontein, the United States would be continuing to subsidize racism and discrimination.

There is no doubt about the fact that apartheid is the established policy at these two space stations. Willis H. Shapley, NASA Associate Deputy Administrator, in testimony before the House Foreign Affairs Subcommittee on Africa, stated that medical systems and dining areas are segregated at these two facilities and that black and white employees are paid on different salary scales. In addition, Mr. Shapley admitted that not a single black American NASA employee has ever visited our Johannesburg tracking station. From 1961 to 1969, 243 NASA employees visited the Johannesburg tracking station and 28 such visits were made in 1970 alone. Can it be that NASA was unable to find one qualified black staff member to send to South Africa, in light of the fact black NASA personnel are sent to our other overseas facilities? Surely, it is evident that our space administration's policy in this matter is being dictated by the discriminatory policies of the South African Government.

Passage of this amendment will not impair the space program. I understand that NASA could use another site in southern Africa at Tananarive, Malagasy Republic, only 6 degrees north of Johannesburg. However, failure to adopt this amendment will be a disservice to our ideals of equality. Morality dictates that the U.S. Government terminate NASA's use of tracking stations in South Africa as long as segregation and discrimination are practiced in connection with their operation.

Mr. WILLIAMS. Mr. Chairman, I rise in opposition to the amendment.

I should like to say this: What I have heard on the floor of the House today concerning this amendment is far from accurate.

It is quite certain that the Congress of the United States passes all of the laws referred to by the gentleman from California (Mr. DELLUMS) to control things in this country and to eliminate any type of segregation or any type of favoritism.

I definitely resent the fact that the gentleman from California (Mr. DELLUMS) indicates there are areas in this part of the country today where we do not have equal opportunity for all.

I would like to add, if we are going to start doing business with and have as our allies only those people who subscribe to our theories and to our way of democracy we are going to become mighty lonesome in this country.

I can also say that whether or not we have this tracking station in South Africa is not going to make a bit of difference in the policies of South Africa, but it is certainly going to endanger our space program not to have it.

Mr. LEGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I usually share a lot of the views of my colleague from Berkeley with respect to civil rights and the rights of the impoverished and the need for equal opportunity, though not necessarily the right or the need to equalize, but I do not believe we should use the space program as a vehicle to vindicate civil rights theories or to use civil rights as a basis to kill the space programs, which is really the intent of this amendment.

We use American dollars in South Africa to support an embassy, and I would suspect we use American dollars over there for probably 100 international functions.

We need this space station there to make the space program go. I do not believe anybody should be misled that this is a civil rights vote in any way, shape or form. It is a clear effort to kill the space program, and I believe the amendment should be voted down.

Mr. RANGEL. Will the gentleman yield?

Mr. LEGGETT. I certainly will.

Mr. RANGEL. This question has been asked by many people, and certainly nobody is more excited about our space program than I am. However, certain questions have been asked of those in charge of NASA. They said this would not seriously affect our space program. It is unfair to say that this amendment is directed at killing the space program. We have statements in the record—and I have them in my possession now—where it is clearly indicated they said we can go ahead with our space program notwithstanding the fact that we did not have that station in South Africa.

Mr. LEGGETT. We can proceed, but not with as much safety as we had before.

Mr. RANGEL. That is not so. We have documentary proof in our records, I can tell you, taken from Mr. Truszynski, who is more familiar with the program than you and I, and I think it is unfair for you to say this amendment is intended to kill the space program when I intend to vote for it.

Mr. LEGGETT. I thank the gentleman. Certainly you have researched this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, I offer a series of amendments and ask unanimous consent that they be considered en bloc and be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the reqeust of the gentleman from Wisconsin?

Mr. MILLER of California. Mr. Chairman, we have not seen the amendment. It was just handed to us, and therefore I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Amendments offered by Mr. ASPIN: Page 1, line 8, strike out "$1,094,200,000" and insert in lieu thereof "$894,000".

Page 3, strike out lines 16 and 17, and redesignate the succeeding paragraphs accordingly.

Page 6, line 24, strike out "(15)" and insert in lieu thereof "(14)".

Page 7, line 11, strike out "(16)" and insert in lieu thereof "(15)".

Page 11, insert the following new section after line 25 (and redesignate the succeeding section accordingly):

"SEC. 7. The Administrator, acting through the National Academy of Sciences, is authorized and directed to conduct a full and complete study of the proposed Space Transport System (hereinafter in this section referred to as the 'Space Shuttle'), and to report thereon to the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate, in order to assist the Congress in determining whether and to what extent funds should be included for the Space Shuttle in a subsequent authorization Act. Such study shall include—

"(1) a determination and evaluation of the military applications of the Space Shuttle;

"(2) a determination and evaluation of the scientific applications of the Space Shuttle;

"(3) the most accurate possible determination of the total cost of the Space Shuttle and of the various benefits to be conferred thereby, with a cost-benefit analysis designed to compare such cost with such benefits and thereby to place each in its proper perspective;

"(4) a determination of the probable economic impact of the Space Shuttle, including its impact on unemployment;"

Mr. FUQUA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. TEAGUE of Texas. Mr. Chairman, I wish to reserve a point of order against the amendments.

The CHAIRMAN. The gentleman from Texas reserves a point of order against the amendments.

Mr. ASPIN. Mr. Chairman, this is the same amendment that was introduced earlier without the specific section that the gentleman from Texas raised objection. That part has been stricken from the amendment now under consideration.

Mr. Chairman, the amendment proposes to do two things. It proposes to take out of this budget the $200 million that is authorized in this budget for the space shuttle.

The second thing it proposes to do is to direct the Administrator of NASA to conduct a study through the National Academy of Sciences to answer specific questions and to report back within a year so we can decide at that time whether we are going to spend further money on the space shuttle.

So, what this amendment does is to defer the money to be spent on the space shuttle for 1 year while we consider the study done by the National Academy of Sciences.

Mr. Chairman, a study of this kind by the National Academy of Sciences is very important, because there are a number of unanswered questions about the space shuttle. In the first place, there are unanswered questions about the mission of the shuttle.

The shuttle is designed to carry 65,000 pounds of payload on every flight. The estimate is that there will be 50 flights a year which means 3 million pounds of payload a year.

In 1969, which was a very good year for space, we put into orbit only 380,000 pounds. In 1971 we put into orbit only some 450,000 pounds.

Mr. Chairman, the question is, what are we doing with all that excess payload capacity? The Mathematica study which was referred to earlier talked about using the total capacity, but in that capacity was the space station.

If we build a space station, we can use the capacity. If on these shuttle flights we go to 90-percent military payloads we can use the capacity.

But, Mr. Chairman, we are voting on this amendment without knowing what that capacity is going to be used for.

The second question is what effect there will be on employment by this space shuttle.

It has been estimated that there are 580,000 aerospace workers and engineers unemployed.

This program will only employ some 50,000. It will spread that employment over 30 States and it will only be for 2 years at the most. Therefore, this program is not going to make much of a dent on unemployment.

Is this, really, the right way to spend $5.1 billion? To create employment for only 50,000 people on a short-term basis?

The final and most important set of questions deals with the cost of it. NASA says it will cost $5.1 billion. But, that is just for two shuttles. To conduct the number of space launches that NASA has programed we will need three more space shuttles. So, that is an extra $1.3 billion. But, now, we have only bought the equipment. We have not had any launchings. What is it going to cost to launch this shuttle? NASA says $10 million a launch and there will be 580 launches at $10 million a launch which will come to a total of $5.8 billion. Now the grand total for the cost of the shuttle is $12.25 billion.

But, we have not spent any money on payload. Therefore, we must add on the cost for the payload. If you figure the payload will be 65,000 pounds per launch and that payload costs run anywhere up to $20,000 a pound, then we are up to a figure of many, many billions. That is what we are buying with this program. I am not saying that if we vote down this program we are going to save that amount because, clearly, we will spend some of it—not all these costs are add-on costs. However, the problem is that if we vote for the space shuttle we are committing ourselves to a very, very expensive proposition in the range of $50 billion or $60 billion, perhaps, over the next 10 or 12 years. If we vote for the shuttle we are committing ourselves to these large expenditures and have lost all flexibility.

We have not yet counted the possibilities for cost overruns. The Apollo program had no overruns, but that was achieved by canceling a couple of the flights. The military does this frequently. They keep the cost of the program the same by buying fewer planes or tanks. We are going to have cost overruns, very likely, in this program.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ASPIN) has expired.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not insist upon my point of order.

Our country wants the space program. I am a layman, I have listened to all of the testimony of the scientists, engineers, and our top Government people who tell us that the shuttle is the program that we should follow. If we run out of money for the space shuttle, we will not have a space program. So I urge the Members to vote against the amendment.

Mr. BELL. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendments.

Mr. Chairman, the space shuttle is not just an ordinary transportation system, it is the keystone system which will allow our Nation to harness the benefits of space technology which have now come within our reach, thanks to the innovative space research of prior years.

The shuttle will provide us with the most economically feasible method for continued space travel.

The benefits to be derived as immeasurable, in weather research, communication, navigation, environmental preservation, and the proper utilization of ever-dwindling earth resources. The entire scientific community will benefit.

The shuttle will give us the capability of carrying not only vast arrays of scientific equipment and instruments into space, but also the nonastronaut scientists themselves.

Moreover, when speaking of the space shuttle it is not possible to forget its military application. This system will permit this country to man an effective deterrent, coupled with a quick reaction capability.

I emphasize to the Members that I strongly support the shuttle. I feel it is essential for this program to be implemented if this country is to continue as a dominant force in advanced science.

The gentleman from Wisconsin (Mr. ASPIN) has spoken of repairs. One of the economies of the whole space shuttle program is that we will be able to launch the vehicle in order to make repairs on vehicles previously placed in orbit. That is economy. We have approximately 400 vehicles now in orbit. Half of these have been rendered inoperative solely because we have not had the means to repair them properly.

The space program offers one of the highest economic multiplier effects of any Federal dollar investment. Specifically, the space shuttle program will directly employ 75,000 people and will utilize the skills of over 12,000 contractors and subcontractors involving over 30 States. Indirect job opportunities will be given to over 200,000 people. The combined gross products of the 30 States involved in this program will be in excess of $10 billion. Over the 12-year period from 1979 to 1990 there will be savings of over $5 billion in direct launch costs.

NASA has spent over $180 million and utilized the skills of over two dozen contractors on the very things the gentleman is talking about.

This has all been discussed thoroughly by the subcommittee, and we have all decided that we want a space shuttle. To do otherwise would be to waste the money that we have already spent.

Mr. Chairman, I urge that the amendment be defeated.

Mrs. GRASSO. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentlewoman from Connecticut.

Mrs. GRASSO. Mr. Chairman, I thank the gentleman for yielding, and I wish to join with the gentleman in opposition to this amendment.

Mr. Chairman, while Apollo 16 orbits the moon, the American space program faces a crisis here on earth. Now that the Apollo program is drawing to a conclusion, the time has come to determine the future of American space exploration.

I believe that H.R. 14070, the NASA authorization bill, represents a reasonable and appropriate ordering of our national priorities. It offers a balanced program which will not only further our scientific knowledge, but will also allow us to apply this knowledge to the goal of improving life on earth.

I commend the Science and Astronautics Committee for its understanding of the need to apply our space knowledge to earth problems. The committee has increased from $9 million to $50 million the authorization to help reduce noise pollution levels of civilian aircraft through quieter engines. This action directly follows from the reasoning of the Noise Control Act which states:

> The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health and welfare.

The committee also added $7.45 million for aircraft safety such as improved landing guidance systems and collision avoidance research, and $1.5 million for utilizing space technology in other areas.

H.R. 14070 also includes $198.7 million for the application of space techniques to vitally important areas such as earth resources surveys, meteorological and geodetic satellites, and global atmospheric research. Much of the $211.9 million for Aeronautical Research and Technology will support improvements in our air transportation systems to make them competitive, safer, more reliable, and relevant to future transportation demands.

H.R. 14070 provides authorizations for the space shuttle program—a project that will yield the maximum benefits from space exploration at minimum costs. This project represents a new generation of scientific research and development which is necessary to meet the needs of the 21st century. The dividends from the space program will substantially benefit all our citizens.

The space shuttle program provides both long term and short term dividends which justify this expenditure.

An immediate benefit will be the creation and retention of thousands of jobs. In fact, the program will provide some 50,000 badly needed skilled jobs—with the estimated multiplier effect of two additional nonaerospace jobs for each aerospace job—a boon to the lagging economy in many areas of our Nation, including my own State of Connecticut. For example, in our State the allocation of contracts for such components as the life support system, engine and vehicle control equipment, and related mechanical and electrical systems could provide 2,000 additional jobs. With the estimated multiplier effect of two additional nonaerospace jobs for each aerospace job, the space shuttle provides the stimulus which the Connecticut economy desperately needs.

Long-range benefits will be many. For example, the United States is presently losing the lead we once held in producing high technology goods and products, a decline that has greatly contributed to our balance-of-payments difficulties. The space shuttle will stimulate high technology research in industries, some of which are only tangentially connected to the space program. By improving our technology and applying it to nonspace needs, we will be able to regain some of the lost ground in such areas as electronics and aviation. The advantages for our economy, as well as for improving the quality of life in our Nation, are clear.

In fact, the scientific and technological spin-off benefits from space exploration include, among others, the areas of communications, pollution control, aviation, medicine and surgery, electronics, weather and sensor satellites, food processing, and agriculture.

In the April 1972 issue of Foreign Affairs, Robert Jastrow and Homer E. Newell noted some of the economic benefits which applied space science will provide. For example, they estimate that better weather forecasting could save the agriculture, transportation, and construction industries $2.6 billion a year. Detection of mineral deposits by improved earth satellites could yield $2 billion a year. An IBM report estimates that $840 million annually could be saved in the United States alone through detection of plant diseases.

Two years ago, Dr. William McElroy of the National Science Foundation told a House committee that:

> Civilized man cannot long survive on this planet without increased creation of new knowledge and its enlightened use.

The present space program has initiated the creation of knowledge which will one day revolutionize the lives of everyone.

In its support for the space shuttle, the Christian Science Monitor noted:

> We would argue that a space shuttle program, because it is so practically linked to fulfilling man's age-old vision of mastering the heavens, will unleash more constructive human energy than it will consume. And this excess will make meeting earthside demands the easier.

To eliminate or postpone the space shuttle would in effect, shelve the important breakthroughs of the past decade.

Because I believe that the space shuttle will provide untold benefits for all mankind, I do not believe that the Congress should defer the authorizations contained in H.R. 14070. Therefore, I intend to oppose any amendment to this bill which would delay the space shuttle.

As Dr. Wernher von Braun has stated:

> Scientifically and technologically * * * we have built the foundations for America's greatest age. Space offers the opportunity to fulfill the requirements of the spirit while we increase our capabilities to meet the material needs of ourselves and fellowmen.

I support H.R. 14070, and with it, man's next "giant leap" into space, as well as a better life here on earth.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from California.

Mr. TEAGUE of California. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Texas (Mr. TEAGUE) and also those of my colleague, the gentleman from California (Mr. BELL) and to state further that anyone who had the opportunity last Sunday to have heard Mr. von Braun down in Florida describe this program would be, I am sure, entirely ctnvinced of its soundness.

Rejection of the space shuttle would be in fact an abandonment of our entire space program, and all activities connected therewith.

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman.

Mr. WYDLER. I would just like to say there is no earthly use in sending to the National Academy of Science for a study. All the relevant information available to our nation concerning this show is available in the space agency. We have that information available now. There is nothing more to study regarding it. This body can make up its mind whether it wants a shuttle or not.

Time to say that we are going to have some other person study some material for next year is just an insult to the intelligence of this House.

Mr. RYAN. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I rise in support of the Aspin amendments which would defer the space shuttle program for 1 year, a postponement that will afford the National Academy of Sciences the opportunity to conduct an indepth study of this program.

At present, no reliable cost estimates exist for this program. NASA's claim that the total cost of the space shuttle will be $5.15 billion has been challenged by a number of eminent scientists. At this point in the RECORD, I would like to insert an excerpt from a letter written to me by Nobel laureate physicist Dr. Ralph Lapp in which he gives his estimates of the total cost of the space shuttle program:

> Given an impending $40 billion deficit, taxpayers ought to be interested in the true costs associated with the Space Shuttle which President Nixon announced on Jan. 5, 1972.
>
> Dr. Fletcher of NASA stated that $5.5 billion will go into RDT&E, plus a 20% override, and 0.3B for a launch site. NASA pinpoints an orbiter unit cost of 0.25B and claims a 100 reuse capability. However, the investment costs of the booster are evaded. NASA says $50 million each but does not define reusability. Since NASA claims that each launch will cost less than $10 million, I would judge that booster costs have to be pared to less than $5 million per mission i.e. at least 10 uses of a single booster.
>
> Here's some bewitching math—if one makes some Simple Simon estimates of investment costs (orbiters and boosters) and also operations costs, it's impossible to get total systems costs below $10 billion. Now if each mission costs less than $10 million, this must mean that NASA is planning 1,000 Shuttle missions. Each Shuttle will have maximum payload of 65,000 pounds. Thus if we assume only 50,000 pounds per mission this means a commitment of 50 million pounds to space. But NASA in the past several years has averaged about 10,000 pounds of unmanned payloads per year!
>
> NASA's claims, echoed by President Nixon, is that the transportation charges for lifting things from earth to orbit are limiting factors in space activity. The basic justification for the Shuttle is that NASA claims costs can be reduced from $700 per pound to $100 per pound placed in a low earth orbit. I submit that NASA has the problem upside down—it's the cost of the payloads that is excessive—by its own testimony last year this runs $20,000 per pound and higher.
>
> This Shuttle flim flam overlooks the fact that 50 million pounds of payload, even if costs can be reduced to $1,000 per pound, would be 50,000,000 x 1,000=$50 billion. That's a more accurate index of what's behind the Shuttle. Not to mention jobs for the ailing aerospace industry.

Moreover, Dr. Oskar Morgenstern and Dr. K. P. Heiss, the two authors of the NASA space shuttle study, stated in testimony before the Senate Aeronautical and Space Committee, that "considerable cost uncertainty exists."

Second, although NASA officials cite the increase in jobs that will result from the space shuttle program, the fact is that only 50,000 new jobs will be created to be spread out in 30 States. This figure can hardly be considered a strong argument in the program's behalf.

Finally, the program's precise mission has yet to be defined by NASA. As I said on June 10, 1969, during the debate on the NASA authorization bill, when I offered an amendment to reduce the amount authorized for the NERVA nuclear rocket engine program, before authorizing money for a specific program "we should be aware of what NASA intends for the future. Although no specific decision may have been made, once the investment has been made, NASA will argue, 'There is so much money invested in this program that the investment will be completely wasted if we do not continue.' "

Again on April 23, 1970, when I offered an amendment to strike money for the NERVA program I made the same point. And today after an expenditure of some $2 billion the NERVA nuclear rocket engine program has been abandoned.

The same argument should be made regarding authorizing money for the space shuttle program. Congress will be asked to support vastly expensive missions in order to justify the original development cost. Once the initial expenditure has been made, the next step becomes inevitable. Let us not err today by authorizing a project which will entail increasingly large outlays of money—a project for which no mission has been defined and the costs of which are so speculative.

It is essential that our national priorities be reordered and our resources devoted first to meeting the unmet needs of our society on earth.

Mrs. ABZUG. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, when the space shuttle program came up in the first session of the Congress, I opposed it. Earlier in this session, I appeared before the Manned Space Flight Subcommittee to oppose it. Today, I rise again to ask that it be deleted from this bill, at least for this year.

According to NASA, the shuttle will cost the American taxpayers "only" $8 billion to produce—$5.5 billion for research and development for the first two spacecraft, $1 billion to cover increasing costs and unforeseen research and development needs, and $1.5 billion for three additional craft. As with the SST issue before this, Congress is confronted with the necessity of determining whether our scarce resources should be spent on the development of five space shuttles, at $1.6 billion per craft, or on the curing of our ever-increasing domestic social ills. I would remind you that the President recently vetoed as "fiscally irresponsible" a bill that would have provided only $2 billion for child-care centers.

I think, before we agree to commit the billions of dollars that this authorization will ultimately lead to, we have to ask ourselves:

What role will the space shuttle system play in our future?

Who will actually utilize it?

What are the true costs involved in constructing and operating it?

I think most of all, we ought to ask what is the price that the citizens of the United States will have to pay for it in terms of the resulting inattention to the steady decline in the quality of life within our society, including deficient educational, medical, and correctional facilities, insufficient and inhuman housing for the impoverished, the needy and the elderly, and the collapse of our mass transit systems?

We should not allow NASA to continue to drain our economic limited resources by shooting billions of dollars worth of hardware into space while our other needs go unmet.

Just what purpose will this elaborate system serve? If we investigate the proposed figures listing the increase in payload poundage per year for this system, our skepticism is indeed aroused.

In 1969, there were 37 space launchings, carrying a total payload of 381,400 pounds. According to NASA predictions, the payload level for future shuttle flights would increase to the astronomical figure of over 2.6 million pounds of payload per year between 1978 and 1990. It is obvious that the shuttle is being designed to facilitate far more than mere manned space exploration.

Could this system possibly serve as a primary transport of heavy military equipment for use in outer space?

It has been estimated by the Mathematica report, which approves the shuttle system, that the military will use over 23 percent of the program's missions and capabilities for its own purposes. Even Air Force Secretary Seamans stated, on April 1, that the shuttle "could accommodate both DOD and NASA," and pointed to the fact that the shuttle is designed to carry over 2.6 million pounds of payload annually, which would easily accommodate the payloads of the military. The Defense Department, however, does not plan to have one penny of the cost of this project come out of its measly $76 billion annual budget. I believe that we in Congress must investigate the military plans and possibilities of this shuttle system before we authorize any further funds for it.

At a time when money is so scarce, we cannot afford to squander our funds on exorbitant projects; this is doubly so when we are unaware not only of their benefits, if any, but also of their intended uses. My friend the gentleman from Texas (Mr. TEAGUE), who is the chairman of the Manned Space Flight Subcommittee, writes in the current issue of Aerospace that—

> The shuttle is being designed with careful attention to the special requirements of the military services.

Are we not supposed to be making agreements with other nations not to use outer space for military purposes?

When this legislation came up on the floor last year, there were denials that the space shuttle is going to be used for military purposes. If it is, we have to know just what these military purposes are. Will our space frontier be cluttered with heavy military armaments to serve another effort on our part to confront our so-called enemies? Is that what we are about? Are we not doing something in the way of peace and attempting to end the war in Vietnam? Should we not attempt to aid our cities, urban areas, and rural areas?

How can I return to my district, be confronted by a worker who can barely feed his family, and tell him that his hard-earned tax dollars are being employed for Defense Department purposes under the guise of a NASA civilian project, which will in any case offer him only the most abstract benefits?

How can I tell an elderly woman living in the squalor of a broken-down tenement that she must continue to live in filth until she dies, so that we may experiment further with the civilian and military uses of space?

It is time that we survey the trend in values that the legislation before us represents. This is a great country, but it cannot remain great while we continue to ignore the decay of our cities and the neglect of our citizens by reason of "maintaining American preeminence in space." The advancement of science and technology is truly worthwhile, but now is the time to harness these forces and reap their benefits to better the lot of individual citizens in this country.

Millions of our fellow citizens are unemployed. It is true that the shuttle program will create 50,000 jobs, but this is a drop in the bucket when we look at the overall figure. Let us use this $200 million to employ 50,000 unemployed people—or 50,000 aerospace workers, for that matter—to build the day care centers needed for 1.3 million welfare children under the age of 5. As I stated when I appeared before the distinguished subcommittee which wrote this legislation:

> If we were to take less than one-fifth of the total expenditure cost of this . . . space shuttle, we could construct over one and one-half million new low and moderate income housing units—triple the number being constructed today.

Let us use these funds to help eliminate the pains of hunger found in the stomachs of our poor, our handicapped and our elderly.

Let us use these funds to help provide the transportation which these people so sorely need.

Let us use these funds to offer bilingual education to the 5 million children who are in need of it.

Let us use these funds to improve the quality and availability of health services in our country, so that we may all be healthy and not suffer the agony of disease.

This list is practically endless, and I certainly do not mean to imply that we can cure all of our problems for $200 million, but we must at least have the courage to begin to tackle these problems. We cannot allow projects such as the space shuttle to push the needs of our people under the rug, for it is these needs which must occupy the top rung on our ladder of priorities.

Mr. Chairman, the amendment which has been offered here by the gentleman from Wisconsin (Mr. ASPIN) is a very valid one. I think we should not authorize it, we should not do so before there is further study and testimony brought in which gives some answers to these questions.

I therefore support the amendment.

Mr. ESCH. Mr. Chairman, I rise to oppose the amendments.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I am happy to yield to the gentleman from California.

Mr. BELL. The gentleman from New York, as well as others in the New York delegation, might be interested in some information that I have received. New York will gain $47 million in direct shuttle contracts. The program will increase the New York State program by $915 million and raise aerospace employment by 12,000 people.

Mr. ESCH. Mr. Chairman, whenever I listen to our national debate on the future of the space program I somehow conjure up visions of a similar one which must have taken place within the court of Ferdinand and Isabella nearly 500 years ago. I am sure there were courtiers then who said, "but we do not know whether he will find the way. Maybe all the money will be wasted." Some undoubtedly argued that there were serious problems existing in Spain which needed instant attention. Perhaps still others were cautious about how much the Government was spending and urged that the fantastic project be dropped in order to bring the royal budget into balance.

Similarly, a year later when Columbus returned from his journey, the skeptics must have continued to greet him with scorn. After all, though he had found something he had not brought back any great quantity of gold or rich spices—just a couple Indians and some new plants.

Yet the discovery which Columbus had made was to expand the horizons of the world and to improve the quality of life everywhere. It was Columbus' discovery which initiated and inspired much of the progress made in the next few centuries. It was to inspire both bold new ideas and bold new ways of life.

So, too, has it been with our space program. From the beginning the skeptics have urged that money should be spent instead on "urgent domestic priorities." Many have argued that we simply cannot afford the costs in light of our budget deficits. We all have realized that we really do not know just what we will find and how it will apply to us here on earth. Mr. Chairman, in my opinion, we should not be short-sighted. Our resources are great. We need not turn our backs on any segment of this Nation, including our great cities. To proceed with this project does not mean that we are going to neglect these grave responsibilities. I have faith that as Americans we will respond affirmatively to these challenges.

Our explorations of space, like Columbus' journey to the Western Hemisphere will expand the horizons of the entire world and, I am convinced, will improve the quality of life everywhere. Already, the spinoff of presently ongoing space programs have made vast advances in medical science, in miniaturization, in weather prediction—and thus protection of populations from violent storms—in the location of natural resources, in the location of plant diseases and their control, and many others.

In the next few weeks we will begin debating a new concept of space travel which will determine whether or not the United States will take advantage of the tremendous opportunities and challenges of the new horizons we have found in space. We will decide, like the Spaniards of old, whether we should exploit our new discoveries, or whether we should forego their possibilities.

I strongly feel that we should accept the latest challenge and that we should embark on the new method of exploring the outer reaches of space science.

Space exploration, as we all know, has been extremely expensive. The cost will continue to be high—almost prohibitive—as long as we continue to use today's expendable, one-shot launch vehicles. The kind of extensive manned and unmanned program which could result in so many important discoveries to improve life here on the earth will be impossible unless we find some means of reducing the cost of space exploration.

The space shuttle, as proposed by NASA is our chance to reduce those costs to an acceptable level. The space shuttle represents an entirely new basis of transportation for men and materials from earth to outer space and back. It will take off like a rocket, fly in orbit like a spaceship, and land like an airplane. It will not only take materials and satellites and men into space and serve as their spacecraft, but it will return to earth intact. It is completely reusable.

The space shuttle will expand our space horizons in many ways. First, and perhaps most obvious, it will reduce the cost of putting a payload into orbit, an effort which presently costs from $700 to $1,000 per pound. The shuttle will reduce that cost to $100 per pound. It is estimated that over the initial 12 years of operation, the space shuttle will save the Nation $12 billion in launch and payload costs.

However, far more important than the money saving aspects of the shuttle are its contributions to making our space program more flexible and more useable in solving the difficult problems we face in the decades ahead. The space shuttle will reduce drastically the amount of training that a person will have to undergo in order to participate in a space flight. It is projected that, within a short period of time, the space shuttle will become a sort of commuter plane for scientists and technicians. It will not be necessary for each of them to be trained in all the essentials of space flight. Thus, if a particular mission involving plant disease is undertaken, agronomists can be transported into space to do the work. Or, if we are having difficulty with communications satellites, we can send our best communications technicians into space to examine the orbiting communications satellite and repair it.

In short, the shuttle will make manned space flight far more productive in scientific discoveries and in practical applications. It will give us a working presence in space. It will also make unmanned space exploration more productive through the repair of unmanned instruments, and perhaps through the collection of actual films rather than just radio signals of the photographs taken. The shuttle will remove the barriers between manned and unmanned research and unify them into a more effective whole.

Additionally, with the shuttle's easy and routine access to space, scientists and astronauts of many nations could be taken into orbit with their experiments to join firsthand in space studies. Thus the expertise of the scientists throughout the world can be brought to bear. In the area of science, perhaps more than in any other, international cooperation and friendship have transcended national borders, hostilities, and philosophies.

One important aspect of the space shuttle proposal will be its contributions as a spur to our economy. The leadership momentum this country has maintained in the past has depended upon the "cutting edge" provided by our major national technological programs which have focused our advanced management/scientific/engineering / production talents on the achievements of specific capabilities at specific times. The shuttle program is well suited to replace Apollo as the cutting edge which is required to maintain our national technological superiority.

I sometimes think when we discuss money spent on the space program that many believe the money is sent off in a Buck Rogers-like vehicle to float through the vacuum of the far reaches. To the contrary, every dollar spent on the space program is invested here on earth. A recent economic study indicated that $10 billion invested in the space shuttle over a period of 15 years would result in almost $27 billion in additional indirect stimulation of our economy.

It is well, when we discuss this new proposal, to review the many areas in which the space program has already made significant contributions to our quality of life. The space shuttle can, in every case, expand the practical applications and usefulness of these space research programs. Briefly, the major areas of contribution are:

First. Communications—satellite communications has, within the decade, moved from novelty to accepted convenience. World Olympics, Presidential visits to China, and other historical events, made possible only through use of communications satellites, are now accepted matter of factly by the general public.

Second. Weather—meteorological observation via satellite has provided one of the most significant advances in weather reporting in the Nation's history. Until the advent of earth satellites 80 percent of the earth was subject to only scattered weather observations. Reliable long-range weather predictions of 2 weeks or longer should be attainable using weather satellites.

Third. Navigation—satellite navigation systems can provide global coverage. They are practically invulnerable to weather, available day or night, and are capable of responding instantaneously.

Earth orbiting navigational satellites discern ship and aircraft positions much more accurately than previous systems. In our fast moving environment of air traffic, such a capability is essential for traffic control, and collision avoidance. With satellite assists, controllers can pinpoint an aircraft's position within approximately 1 mile.

Fourth. Agriculture and forestry—observation via satellite will offer a substantial improvement in the kind of crop and fire observation that was initially made possible through aerial photography. The satellite method makes possible regular periodic observation on a routine basis.

Using satellites and their remote sensors, man will be assisted in his management of food crop and timber resources. He can monitor the health of timber resources, aid in determining the best time to plant and to harvest for maximum yields, detect potential damaged crops, help improve land use, conduct crop inventories, spot plant blights before they spread, and be forewarned of impending droughts, erosion, and floods.

Fifth. Astronomy—astronomers have heretofore been limited in their observations of space by the earth's obscuring atmosphere. Observing equipment placed outside the earth's atmosphere will aid substantially in understanding celestial mechanisms. Manned attendance of astronomical instruments within the shuttle orbiter will allow for modification, adjustment, maintenance, repair, and film recovery and replenishment.

Advancements such as this will assist in transforming astronomy from mere data collection to a better understanding of the universe.

Sixth. Earth resources—the space shuttle will offer man a new and comprehensive view of the earth's resources. It will be a view that will contribute to conservation, as well as utilization.

Man will be able to monitor mineral resources such as iron, copper, and gold. Nonmetallic deposits such as sand, gravel, limestone, oil, and gas will also be observed from the space shuttle. Electromagnetic energy and the electrical properties of rocks and terrains will be much more satisfactorily observed from the shuttle than is presently possible from the limited height of aircraft observation.

The infrared scanners which will be utilized in the space shuttle will be able to track thermal pollution in overheated waterways, follow forest fires through the thickest smoke, and, coupled with other sensors, will monitor oil spills and solid waste dispersal. Utility companies will be assisted by the shuttle through detection of such things as hot spots in transmission lines and location of underground geothermal sources, which have been suggested as pollution-free sources of energy for powerplants.

Forest services and agricultural groups will be benefited by the shuttle's ability to detect crop and plant diseases. The very same film that is used to detect these crop and plant diseases will also be used to detect local underground faults.

Air pollution will be observed by the shuttle and it will become an invaluable tool in charting corrective action as it reports the movement and diffusion of pollutants and the effects of weather and climate in the creation and dissipation of pollution.

In short, the space shuttle will provide the human race with its first opportunity to take an inventory of the planet. Man will be able to know exactly what is on his planet in the way of plants, animals, forests, land, water, minerals, and people. He will be able to determine the stresses that he and nature are placing on this planet, and hopefully be able to establish a harmonious relationship between himself and his surroundings.

Seventh. Oceanography—two-thirds of the earth's surface is covered by the oceans. They can be viewed in their entire scope only from a distant point in space. This distant point of view, which the shuttle will provide, will be utilized to increase our understanding of the oceans, to utilize them as a medium of transport, to detect their influence on weather and climate, and to evaluate them as fishing grounds.

The continually changing state of the sea requires that information, in order to be useful, must be gathered quickly. This is feasible only using satellite techniques.

Eighth. Pollution control—the increased use of outer space afforded us by the shuttle will aid us in locating and minimizing pollution of the oceans and major lakes. It will detect the heat and content changes that typify pollution growth, and will continue to detect disease and insect growth patterns.

Ninth. Space manufacturing—the shuttle's cargo bay, and ability to service stations in space will make it an ideal mechanism for aiding in the development of products that are more easily created in the weightlessness and hard vacuum of space. These possibilities include foamtype steel that has the strength of solid steel yet the lightness of balsa wood and the growth of crystals for industrial uses.

It is my firm belief that 500 years from now when future generations are discussing history, they will point to our decisions to pursue the exploration of space with the same kind of respect which we accord to the decisions our ancestors made to explore the new world. For all of mankind, space is the new world, the new frontier. An investment in the space shuttle is an investment in the future.

To summarize I would point out to the gentleman that I, too, have raised many of the same questions which the gentleman discusses in support of his amendment. From all I have studied, however—and I have personally spent a great deal of time in reviewing NASA and contractor material on the subject—I do not believe that we will be able to capitalize effectively on our space science and applications opportunities without the availability of the space shuttle.

Many of our most important missions in both the science and applications areas because much more costly and needlessly complicated without the shuttle. To continue in space without the shuttle system would mean we would never be able to realize the full return on our investments in such major areas as space communications, navigation, meteorology and geodesy.

The next generation of fully operational applications systems will also be prohibitively expensive. I am talking now in terms of programs in such fields as natural resources management, pollution monitoring, weather modification and climate control, television distribution, natural disaster prediction and avoidance, and public health and safety to name a few.

The many commercial systems which we might otherwise be able to implement and operate will be greatly reduced in scale if not eliminated unless we are able to reduce the costs of operating in space. This then is the prime motivation for the space shuttle—to permit a fuller utilization of space in addressing the many pressing needs of society.

I therefore urge that this amendment be rejected and the $200 million allocated for the shuttle program for fiscal year 1973 be approved.

Mr. McCORMACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, there are several arguments not generally made by NASA or by many supporters of the shuttle that I should like to discuss.

One is the gross misconception that all too often is accepted in our society today, that money spent for NASA projects is lost money that does not help our unemployment or our poor. This misconception seems to picture the NASA program as taking trunks of money to the moon and leaving them there; and having that money do no earthly good to anyone. Nothing could be further from the truth. NASA programs are among the healthiest in terms of stimulating the economy and providing jobs for engineers and scientists and craftsmen and laborers and a myriad of service industries across the Nation.

Every State benefits from the NASA programs, and the economic health of hundreds of communities is dramatically improved. It makes no sense to cut constructive employment programs such as NASA or the space shuttle, and then appropriate money for welfare. To even the most insensitive person to the great scientific benefits of the NASA programs, it is at the very least one of the most worthwhile mechanisms for providing employment.

I want to discuss with the Members now another facet of the shuttle that has not been presented. One point the President made in his statement of support for the shuttle, almost in passing, was that the shuttle would be valuable in solar energy research. Mr. Chairman, I am chairman of the Task Force on Energy of the House Committee on Science and Astronautics, chaired by the gentleman from California, the Honorable GEORGE MILLER. During recent months, we have been conducting extensive "briefings-in-depth" on the energy crisis into which this Nation is slipping. One obvious conclusion of our studies is that soon after the year 2000 our Nation must transfer its reliance to large blocks of essentially pollution-free electric energy from inexhaustible sources—such as nuclear fusion or satellite solar energy.

Mr. Chairman, I know of no informed Member of this House who would, during this hour when our astronauts are orbiting the moon, belittle the concept of satellite solar power, but we must understand this will be a tremendously large project costing huge sums of money over several decades.

This project in itself may actually dwarf the cost of the shuttle.

Already there are four corporations which are, in concert, initiating a series of research programs for satellite solar energy. They envision colossal satellites with solar panels several square miles in area, in synchronous orbit 23,400 miles above the earth, converting sunlight into microwaves and beaming them to earth to be converted into usable electricity.

One such satellite is proposed to supply 10 million kilowatts of pollution-free electricity.

Mr. Chairman, the benefits of this sort of project—satellite solar energy—will be almost beyond comprehension. However, solar satellites will require the space shuttle; and an orderly program will call for the shuttle for research in the near future; and later as a part of the satellite solar program itself.

Mr. Chairman, I have tried to throw one more ray of light onto the discussions of the space shuttle. There are many other reasons why it should proceed. All of them require a little vision, a little looking into the future, and a little appreciation of what scientific research can mean to the future of this Nation.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I endorse what the gentleman from Washington said from the technological viewpoint of the Joint Committee on Atomic Energy. We are very well aware that the Nation benefits greatly in many respects from the continuation of programs of this sort in general and the space element in particular.

Mr. McCORMACK. I thank the gentleman from California.

Mr. BOGGS. Mr. Chairman, I rise in opposition to the amendment. I hope the Committee will reject this amendment. I say that with all the conviction I can command, because in my judgment to delay and cut back this program at this time would really kill the space program.

This has really been an amazing achievement of American science, American industry and American Government working together as a team. It took a very long time to assemble this team, but unfortunately, because of the necessities of the limits on appropriations, a great many people who contributed so much to this program are being dismissed and laid off, and the know-how and the intellectual skill which have been accumulated are being lost forever.

Today, if we delay for another year, we will never regain the momentum which the space program now has.

Many people like to say that the space program is a boondoggle and like to associate it with something far from the problems of the earth. I believe they are wrong. I like to feel that I have been aware of and conscious of the problems which confront us as human beings and as a nation on this beautiful earth of ours. But I also know that this program has made its greatest contributions toward solving the problems of earth itself.

The gentleman from Washington very properly pointed out a minute ago, in the limited period of time available to him, the upcoming crisis in energy this great Nation faces. All of us know we do face an energy crisis. How long it will be with us and what its implications may be no one at this time can foretell, but it is a fact that every source of energy must be exploited and every source of energy must be explored. There is tremendous energy that will ultimately come from outside the earth. It is pollution-free energy.

In addition to that, the science of communication, the science of transportation, the health of our people have all been immeasurably improved by this program.

Finally, but certainly not the least, this program is the age-old quest of mankind for knowledge, to improve his situation on earth, to learn about whence he came and to where he ultimately may be headed.

The strength of this Nation and, for that matter, the strength of the people who inhabit the earth is derived from the incomparable and insatiable quest of mankind for knowledge. That is what this program is all about

I have complete confidence in the members of this great committee. They have worked long, hard, and diligently, and have brought to this Chamber a bill with almost the unanimous support of their committee. I know they are not wasteful human beings. I know they would not support a program which did not contribute directly to the benefit of those of us who live here on the face of the earth.

I believe the program they have recommended here today is a balanced one, one that will maintain space technology, one that will keep together this incomparable team and make it possible for us to continue the march toward solving the problems of mankind.

Mr. CASEY of Texas. Mr. Chairman, will the gentleman yield?

Mr. BOGGS. I am happy to yield to my good friend from Texas.

Mr. CASEY of Texas. I want to commend the distinguished majority leader for the statement he just made. As he says, in the limited time we have today we cannot possibly tell all of the possibilities of benefits we are going to derive from this program.

One thing I myself feel you have hit upon is that this country has never refused to take a challenge to explore the unknown and to explore for the purposes of gaining scientific knowledge.

I think you are correct that if we fail to fund it this year we will never regain the momentum we have, and we might kill the program.

Mr. BOGGS. Mr. Chairman, I trust that the amendment will be defeated.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly oppose the amendment.

All or most of the arguments have been made, but I would like to add my own observations and comments.

It would be very ill advised to postpone a decision on this matter because it would get us back into what we have done too frequently in the field of military weapons development and in many other scientific developments, that is, where we start something and stop it mid-way, we break up the organization, and then at a subsequent date try to reassemble and get the momentum going again. In other words, a peak and valley program.

Science and technology are expensive operations. The cost of the program is high enough as it is, but a start and stop, peak and valley operation, would be astronomical in cost.

We are prepared to proceed. We ought to do it on the schedule that has been announced. If we do, we will do it at the least cost and with the greatest possibility of success.

Second, although this program is being monitored by a civilian agency, I think it is being monitored effectively. We admit that there are some military potentials and some military ramifications. We should not apologize for that under any circumstances. If there is a spin-off that is beneficial to our national security, we are fortunate that that is the result.

Also, I think, from my information, this is a good illustration of cooperation and coordination between a civilian agency on the one hand and a military operation on the other. We have continuously sought to accomplish that. In the past we have had some bad examples where the military was going off in one direction and the civilian agency in another, both with more or less the same objective. In this instance it is a case where we have a single over-all objective, and there will be both military and civilian benefits.

I think we should carry this program out as planned and as programed and seek to do it as cheaply and effectively as we can, with the greatest cooperation. As I understand the program, it is designed in that way.

Mr. Chairman, I strongly oppose this amendment.

Mr. ANDERSON of Illinois. Mr. Chairman, will the distinguished minority leader yield?

Mr. GERALD R. FORD. Yes. I am glad to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Chairman, I should like to associate myself with the remarks of the distinguished minority leader.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. Aspin) to defer funding for the space shuttle program. I think it should be made clear from the outset that the basic question involved in the gentleman's amendment is not whether we want to continue with a specific NASA project—the space shuttle—but whether we want to continue a space program of the kind we have maintained over the last decade and one-half at all. For if we do want to continue a space program of approximately the current magnitude in terms of launches per year and the like, then there is no question that the space shuttle is desirable and necessary, and that it will allow us to carry on such a program over the next two decades in the most efficient manner possible in terms of budgetary outlays

While the critics of the shuttle program have blithely tossed about some horrendous figures as to possible overruns, I have yet to see any convincing evidence that these figures are even in the "ball park." I think we must recognize that NASA is not the Defense Department, and that it has a "track record" far superior to the latter institution in estimating the costs of its major projects, and then in coming out on or before target. I will discuss this whole question of possible overruns and cost-benefit ratios in more detail in a moment. But suffice it for now to say that the evidence points to a savings of $5 to $8 billion over the next 20 years in the space program if the shuttle is developed and put into operation.

Mr. Chairman, I would not deny for a moment that we are confronted with an important question concerning future national priorities as we consider this amendment. But the space shuttle in itself is irrelevant to that question. The real question is whether or not the 1.3 percent of the Federal budget that we are currently devoting to the space program as a whole can be justified by the spur to technological progress and the spinoff benefits that this program has yielded over the last decade, and will likely continue to yield in the future. I think the answer to that question is "yes." In my view, investment in the space program will not only yield a high rate of return in terms of longrun national benefits, but can also play an important role in our efforts to solve the very problems—poverty, environmental degradation, urban decay—that the critics of the program say deserve first claim on Federal expenditures.

Mr. Chairman, I make this assertion, because I am afraid that many of our current enthusiasts for reordering national priorities have a rather simplistic and naive view of what will be necessary to find solutions to the great problems that confront us as we move into a new decade. Put simply, this view is based on the assumption that the amount of new Federal money that we throw at a problem symptom such as the decal of our central cities, or inadequate housing, is a direct measure of the progress we are making in arriving at a solution to these problems, and is an indicator of our national commitment or lack thereof to deal with them.

Nothing could be more mistaken. National priorities cannot be measured by means of simple budgetary classifications and arithmetic. The great domestic problems that we face today are far too complex and stubborn to yield readily to new Federal spending panaceas; if we have learned anything from the vast disappointment of the Great Society period it should be that. Solutions to the problems of poverty, of the environment, of urban decay, of full participation in American society by our long deprived minorities can not be obtained by means of mere budget shuffling alone. At bottom, they are related to the health and productivity of the entire American socio-economy—of both the public and private sector—and until we begin making progress on those larger problems, the battle will not even have yet been joined.

Mr. Chairman, the sine qua non of progress toward the solution of these great national problems is a healthy, productive, and growing economy, and an economy that can remain viable and competitive in international markets. To take just one obvious example, during the 1960's the number of Americans below the poverty level was reduced from nearly 40 million to about 24 million. And the great bulk of that progress was accounted for by a vigorous and growing economy—far more than all the poverty programs combined.

Unfortunately, there is grave doubt at the moment as to whether the American economy can ever pull out of its current slump, and once again resume the vigorous sustained expansion that we experienced during the mid-1960's. Structural changes in the labor force have made it increasingly difficult to reduce the unemployment rate to the 4-percent target without unacceptable inflationary pressures. The continued shift from a goods producing to a service-oriented economy dims prospects for reestablishing the kind of long-term productivity growth rate that we have historically maintained. Rapidly changing job market needs and opportunities have far out-paced the ability of the labor force to adjust to these changes, and this mismatch only compounds our unemployment and inflation problems. The dramatically increased investment costs of our new environmental goals—goals that are absolutely essential—have reduced the amount of capital available for the expansion of production and job opportunities; investment and job oportunities that are required by our expanding population and labor force, and that will be essential if our standards of living are to continue to rise, if new governmental revenues are to be available in sufficient quantity to finance neglected public needs, and if the over-all income pie is to continue to expand. Finally, the growing strength and competitiveness of other nations in the international market have caused great disruption and problems in many of our domestic industries, and have unleashed a protectionist trend in the Nation, which, if successful, would only compound our economic difficulties.

Mr. Chairman, solutions to these problems should command our attention as a No. 1 national priority as we move into a new decade. For if the current "stagnation" afflicting the economy persists, if our competitive position continues to decline, if our current GNP continues to fall almost $70 billion short of its potential, and governmental revenues fall short by a proportionate amount, our great problems will go unresolved, no matter how much budget shuffling we do and no matter how heated the rhetoric over national priorities becomes. All the myths and mistaken notions to the contrary, we are not an affluent society, and our great problems can only be solved as the sum of our national resources expands. To use the language of the game theorists, the national priorities question is not a zero-sum game in which some of the claimants must always gain at the expense of others. The situation is more nearly a mixed-interest conflict in which everyone can come out ahead if we make the right kinds of decisions about allocation and investment of our national resources.

Mr. Chairman, modest investment in the space program is one of these current mixed-interest decisions. More than any other governmental program, it has encouraged and spurred the kind of technological progress and development that is essential to continued economic health and growth. And too some very important degree, I think it can be said that without this continued scientific and technological spur, without the incentive to accomplish the technological "impossible" that it has provided, without the great teams of the best scientific engineering and technical minds that it has harnessed, without all of these important assets—the job of arresting the current decline of our economy will be all the more difficult if not impossible. These are the basic reasons why we must continue with the space programs and why it makes iminent sense to go ahead with the space shuttle project.

Mr. Chairman, the space shuttle has been subjected in recent months, to critics who have pointed to an "authoritative study" which was conducted by employees of Project Rand that concluded the shuttle was not justified on economic grounds. It is unfortunate that those who have taken the time to criticize the shuttle on the basis of this report did not take the time to read a disclaimer printed on the title page of the report which stated that the work did not represent the policy of Project Rand, but rather that of the authors alone. George M. Low, Deputy Administrator of NASA, has further pointed out that the study was based primarily on data 3 years old and did not take account of recent technical and economic studies of the shuttle and shuttle payloads.

NASA and the Air Force did in fact authorize an official study to be conducted of the program by Mathematica, Inc., the results of which have only recently been completed. The major conclusion of that report stated:

> The development of a Space Shuttle System is economically feasible assuming a level of space activity equal to the average of the United States unmanned program of the last eight years.

Their report also stated that the nonrecurring costs for a fully reusable shuttle program could be permitted to run as high as $14.2 billion and still cost less than the current launch program. This is obviously much higher than the current estimates of $5.5 billion and moreover it assumes a 10-percent-per-year economic rate of return on investment which in Mathematica's words is:

> Among the highest discount rates ever applied in the evaluation of public investment in this country.

Mr. Chairman, the space shuttle is a necessity over the long haul, for if we want to continue the space program, we must reduce costs by increasing the reuse of launch vehicles and payloads. The space shuttle will allow us to do just that; it permits us to reuse boosters that power payloads into orbit as opposed to the conventional one time use of boosters. It will also eliminate the need to sacrifice satellites that fail to operate. the shuttle will be able to return the satellite to earth and place it back into orbit once a repair has been made.

This repair capability could represent a tremendous savings as NASA scientists estimate that of the $16 billion spent on payloads since the commencement of flight activity in 1958, 6 percent or $1 billion could have been saved had we had the facilities the shuttle affords us.

In addition, the cost per mission of the shuttle at $10.5 million is less than every existing launch vehicle—except the giant Saturn V—although its cargo bay is far greater than any of them.

The cost effectiveness of the shuttle can be most clearly seen when we examine the difference in costs between placing payloads in orbit through conventional launch vehicles and the space shuttle. The cost declines from a range of $900 to $5,600 per pound for conventional launch vehicle, to $160 per pound with the space shuttle. The net savings from the shuttle's lower launch cost and the reuse design simplifications of payloads the shuttle makes possible are estimated at $13 billion over the period 1979 to 1990, or an average of $1 billion per year. This estimate was based on an average of 50 flights per year through NASA and DOD usage, but can be permitted to slide to an annual usage of only 30 missions per year and still represent substantial savings. Thus, even if the total investment cost of space shuttle research and development reaches $7 billion, we would still save $6 billion over the next 20 years if we continue the overall space program at current levels.

Some critics have said that the current production cost of the space shuttle which stands at $5.5 billion with a 20-percent cost overrun cushion is actually going to be much higher. Senator MONDALE has suggested a figure as high as $12 billion. While I would certainly agree that we must carefully consider potential overruns in evaluating the program in light of the experience we have had with a number of recent defense projects, I think it is also important to remember that NASA's track record on estimating project costs has been much better than that of some of the other agencies. In 1962 in its first congressional submission of cost estimate for the Mercury program NASA stated a figure of $256 million, while coming through at $268 million. Once again on the Gemini program NASA pointed toward $1.225 billion estimate but came through slightly over $1.282 billion. In plain English, the cost over-runs for these two space projects were only a fraction of 1 percent, a far cry from the 50 percent to 100 percent overruns that some critics of the shuttle program are glibly bandying about.

Moreover, in 1961, before the detailed designs and specifications for the Apollo program were even started, before all of the developmental research problems had been assessed, NASA said it would cost between $20 and $40 billion to place men on the moon and return them safely to earth. In fact, NASA succeeded in its mission for $19 billion, an amount even less than their initial conservative estimate. Assuming that NASA has learned a little bit during the past 12 years in computing costs and overruns, I think it is reasonable to believe their $5.5 billion estimate, based on completed designs and specifications, is fairly close to accurate.

Mr. Chairman, I think it is also important to note that the space shuttle in no manner represents a commitment to a large-scale manned space program. The shuttle can in fact be justified on its potential contributions to programs relying entirely on unmanned spacecraft. The research and development of the shuttle, the initial required investment and subsequent operations can be supported within the current framework of the NASA budget, about 3.4 billion in 1972 dollars. Decisions on future manned space programs, such as skylab or further exploration of the moon, can be made entirely separate from the decision on the shuttle. The primary purpose for developing a space shuttle is to save the taxpayers dollars in each and every launching of a payload, both manned and unmanned.

Mr. Chairman, another argument rallied against the space shuttle is also of little substance. Contrary to the remarks of some critics the shuttle does not represent a hazard to the environment in any way. The shuttle cannot and should not be likened to the now defunct SST program. The purposes and effects of the two programs are vastly different, yet some continue to draw analogies between them.

The environmental impact of the SST was examined within the context of a fleet of 500 SST's flying 7 hours a day, every day. In marked comparison the space shuttle would fly only 50 flights per year. Certainly this is a great difference in flying times and obviously the exhaust product quantity would be much less. The amount of water vapor that would be exhausted by the shuttle is only one five-hundredths that of the SST fleet. The majority of the SST exhaust products would be released continuously within a narrow band of altitude at 65,000 feet. This would tend to concentrate these products in a very rarified region with little vertical mixing, according to NASA scientists. These particles would very likely remain in suspension for as long as 3 years. On the other hand, the shuttle exhaust products, mostly water vapor, will be evenly distributed from sea level to orbital level, thereby averting the alleged SST situation.

The critics also continue to voice concern over the sonic boom effects that allegedly would be created had the SST flown. The theory for the SST was that the shock wave created by the supersonic speed of the plane would travel along the ground beneath the aircraft within a predictable lateral band and on a continuing basis during most of each flight. These conditions simply do not apply to the space shuttle. The flight phase of its mission is at orbital altitude in a near vacuum where sonic booms as such cannot be produced. Sonic booms might be produced during launch and reentry and to avoid subjecting large populations to any possible noise, the trajectories of the shuttle have been computed to be over oceans and less densely populated areas. Information gathered from the Apollo flights have given scientists at NASA enough understanding and confidence in the situation that it is firmly believed that the sonic boom will not represent the threat it did during the development of the SST.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Chairman, I will not take 5 minutes.

I am a member of the committee and I am also a member of Mr. McCormack's task force on energy.

I oppose the amendment, but I want to point out a couple of things and ask a couple of questions.

In answer to some of my liberal friends, I might say that no one is more concerned about our misplaced national priorities than I am. However, I do not think this is necessarily the right target.

You know, an advertising expert will tell a corporation that 50 percent of all the money you spend on advertising is wasted, but if you ask them which 50 percent to cut out, they cannot tell you this in advance because it is impossible to determine, and that is somewhat in the nature of scientific research, including the space program.

In the hearings before the Manned Space Flight Subcommittee which appear on pages 632 and 633 there is information as to the projected use of the space shuttle. It is projected that for the period of 1979 to 1990 there will be 589 missions of a scientific nature, plus 150 Defense Department missions.

I would like to inquire of the chairman of the subcommittee, the gentleman from Texas (Mr. Teague), whether it will be possible in future consideration of NASA budgets to ask the Department of Defense and to ask the Office of Management and Budget to give serious consideration to having the Department of Defense in the Defense budget bear a pro rata share of the cost of developing this shuttle, because there is a substantial part of the cost in that area. If we are going to have a proper accounting to the American people, it seems to me that a part of the cost should be included in the Defense Department budget.

Mr. TEAGUE of Texas. Mr. Chairman, if the gentleman will yield, we have that assurance at this time. We have an arrangement today where the Department of the Navy does the recovery of our astronauts and the NASA repays the Navy for their expenses.

Now, the expense for the Department of Defense in the shuttle will not occur until about 1979, but it is understood—and I am sorry that the gentleman is not on our subcommittee because we had the Secretary of the Air Force before our subcommittee and we talked about this matter—but I can assure the gentleman that the Department of Defense is going to pay for the things they get from NASA from this space program.

Mr. SEIBERLING. I thank the distinguished chairman of the subcommittee, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Aspin).

The question was taken; and on a division (demanded by Mr. Aspin) there were—ayes 11, noes 103.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Rooney of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, pursuant to House Resolution 928, he reported the bill back to the House.

The CHAIRMAN. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GROSS. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Gross moves to recommit the bill H.R. 14070 to the Committee on Science and Astronautics.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 277, nays 60, not voting 96, as follows:

[Roll No. 119]

YEAS—277

Abbitt
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Fascell
Fish
Fisher
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Keating
Kemp
King
Kuykendall
Kyros
Leggett
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKinney
Mahon
Mailliard
Mallary
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Calif.
Mills, Md.
Mink
Minshall
Mollohan
Monagan
Montgomery
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Neill
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Rarick
Rees
Reid
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Roncalio
Rooney, N.Y.
Rostenkowski
Roush
Roybal
Runnels
St Germain
Sandman
Sarbanes
Satterfield
Schneebeli
Scott
Sebelius
Seiberling
Shriver
Sikes
Springer
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Ullman
Van Deerlin
Vander Jagt
Veysey
Waggonner
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wolff
Wright
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—60

Abernethy
Abourezk
Abzug
Andrews, Ala.
Aspin
Badillo
Broomfield
Burlison, Mo.
Chisholm
Clay
Dellenback
Dellums
Diggs
Fraser
Gross
Henderson
Hicks, Wash.
Hungate
Hutchinson
Ichord
Jonas
Jones, N.C.
Kastenmeier
Kee
Koch
Kyl
Landgrebe
Latta
Lennon
Long, Md.
McClure
McDonald, Mich.
Mayne
Mikva
Miller, Ohio
Minish
Mitchell
Mizell
Myers
Obey
O'Konski
Randall
Rangel
Reuss
Rodino
Rosenthal
Roy
Ruppe
Ruth
Ryan
Scherle
Shoup
Skubitz
Slack
Snyder
Thomson, Wis.
Vanik
Wyatt
Yates
Zwach

NOT VOTING—96

Annunzio
Ashley
Bingham
Blackburn
Blanton
Blatnik
Bray
Brooks
Brown, Mich.
Carey, N.Y.
Carney
Celler
Chamberlain
Clark
Colmer
Conyers
Culver
Curlin
Dent
Dickinson
Dingell
Dow
Dowdy
Dwyer
Edwards, La.
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Flynt
Foley
Fountain
Galifianakis
Gallagher
Gettys
Green, Oreg.
Griffin
Hall
Hanna
Harvey
Hawkins
Hays
Hébert
Hull
Jacobs
Johnson, Pa.
Kazen
Keith
Kluczynski
Landrum
Long, La.
McKevitt
McMillan
Macdonald, Mass.
Madden
Mann
Mathias, Calif.
Mills, Ark.
Moorhead
Morgan
Nix
Peyser
Poage
Podell
Price, Tex.
Pryor, Ark.
Quillen
Railsback
Rogers
Rooney, Pa.
Rousselot
Saylor
Scheuer
Schmitz
Schwengel
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Terry
Udall
Vigorito
Waldie
Wampler
Ware
Wiggins
Wilson, Charles H.
Winn

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dent for, with Mr. Stokes against.

Mr. Annunzio for, with Mr. Waldie against.

Mr. Price of Texas for, with Mr. Bingham against.

Mr. Dickinson for, with Mr. Carey of New York against.

Mr. Hays for, with Mr. Conyers against.

Mr. Hébert for, with Mr. Dow against.

Mr. Charles H. Wilson for, with Mr. Nix against.

Mr. Rousselot for, with Mr. Quillen against.

Mr. Moorhead for, with Mr. Bray against.

Mr. Celler for, with Mr. Saylor against.

Until further notice:

Mr. Dingell with Mr. Hull.

Mr. Evins of Tennessee with Mr. Hall.

Mr. James V. Stanton with Mr. Jacobs.

Mr. Brooks with Mr. Terry.

Mr. Blatnik with Mr. Schwengel.

Mr. Ashley with Mr. Harvey.

Mr. Hanna with Mr. Smith of California.

Mr. Stubblefield with Mr. Scheuer.

Mr. Vigorito with Mr. Eshleman.

Mr. Clark with Mr. Johnson of Pennsylvania.

Mr. Gettys with Mr. Blackburn.

Mr. Rooney of Pennsylvania with Mr. Peyser.

Mr. Rogers with Mrs. Dwyer.

Mr. Morgan with Mr. Ware.

Mr. Macdonald of Massachusetts with Mr. Brown of Michigan.

Mr. Hawkins with Mr. Dowdy.

Mr. Sisk with Mr. Mathias of California.

Mr. Shipley with Mr. Findley.

Mr. Kazen with Mr. Chamberlain.

Mr. Udall with Mr. Keith.

Mr. Madden with Mr. Railsback.

Mr. Blanton with Mr. Smith of New York.

Mr. Carney with Mr. J. William Stanton.

Mr. Culver with Mr. Fountain.

Mr. Curlin with Mr. Spence.

Mr. Podell with Mr. Mills of Arkansas.

Mr. Evans of Colorado with Mr. McKevitt.

Mr. Flynt with Mr. Long of Louisiana.

Mrs. Green of Oregon with Mr. Smith of Iowa.

Mr. Mann with Mr. Wampler.

Mr. Landrum with Mr. Gallagher.

Mr. Kluczynski with Mr. Griffin.

Mr. Stephens with Mr. Price of Texas.

Mr. Staggers with Mr. Colmer.

Mr. Galifianakis with Mr. McMillan.

Mr. ARCHER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROGRESS REPORT ON APOLLO 16

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, the latest information we have on the astronauts is that the LM has lost yaw control. The other vehicle is standing by. They are now about 900 feet apart. They proposed to bring the craft back to 30 feet apart and attempt to correct the problem. If control can be regained within 10 hours, they will proceed with landing. If not, they will then decide whether to return to a docked position and return to earth.

APPOINTMENT OF CONFEREES ON H.R. 13361, AMENDING AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

Mr. ABBITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? The Chair hears none, and appoints the following conferees: Messrs. ABBITT, MCMILLAN, JONES of North Carolina, WAMPLER, and MIZELL.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the distinguished minority leader's inquiry, we have completed the legislative program for this week, and I will ask to go over until Monday.

The program for next week is as follows:

Monday is District Day, and there are three bills:

H.R. 2895, to convey land to National Firefighting Museum;

H.R. 9769, medical records; and

H.R. 11032, benefits to the blind.

For Tuesday, H.R. 13034, the Fire Research and Safety Act Authorization, with an open rule and 1 hour of debate;

H.R. 14108, the National Science Foundation Authorization, with an open rule and 1 hour of debate.

For Wednesday and Thursday, we will have House Resolution 918, providing information on Indochina. This is a privileged resolution with 1 hour of debate.

We will also have two appropriation bills, one the House joint resolution for the dollar devaluation appropriations, having to do with the change in the gold requirements, and the other the second supplemental appropriations bill, for fiscal year 1972.

Following that: H.R. 12202, the Federal Employees Health Benefits, with an open rule and 1 hour of debate, and H.R. 13591, the National Institute of Arthritis, Metabolism, and Digestive Diseases. This is also with an open rule and 1 hour of debate.

On Friday, we will receive former House Members, as announced on March 28.

Conference reports, of course, may be brought up at any time, and any further program will be announced later.

ADJOURNMENT TO MONDAY, APRIL 24, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CONGRESS MUST LEAD IN VIETNAM DISENGAGEMENT

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr. Speaker, it has been almost 9 years since I took the oath of office in this Chamber. Throughout these years—day in and day out—our deliberations have been carried on in the shadow of one overriding issue—the war in Vietnam.

In 1967, a reassessment of my views on our role in the war led me to feel that we were moving too slowly toward a peaceful settlement. It was even then evident that the human and financial resources required by our war effort were having serious repercussions here at home. U.S. domestic problems were becoming critical through neglect. In 1968, after years of fruitless escalation, President Johnson announced a bombing halt. His decision came amid growing recognition—both public and official—that our Nation's interests in that war had been overstated, our commitments had been overextended, and our involvement had been overboard.

During the presidential election campaign in 1968, the standard bearers of both the Democratic and Republican Parties promised to end American involvement in the war. Although their approaches may have differed significantly, both candidates made such promises. Because it became a subject of considerable controversy, we recall very well the declaration of then candidate Richard Nixon, that he had a "plan" to end the war.

Four years later, we are again involved in a campaign for the Presidency, and the war is still going on. It is true that American ground combat forces have been cut back by some 400,000 to a point where about 85,000 ground troops remain. It is true that the ground combat role has been substantially shifted to the South Vietnamese. It is true also that American ground combat casualties in recent months have been sharply reduced.

Yet, Mr. Speaker, the war shows no sign of being near an end.

While our ground troops have been withdrawing, our role in the air war has grown at an alarming rate. In 1968 there was war in Vietnam, but today, war rages throughout Indochina. We have helped extend the war into Cambodia and Laos. Tragically and shamefully, we in Congress do not really know how deeply American personnel and funds are involved in military actions in Cambodia, Laos, or Thailand. We apparently are financing CIA mercenaries in one or all of these countries. I do not believe that any Member of this House could state confidently that he or she knows just how extensive our involvement may be. Can any of us say with confidence how many hundreds of millions of dollars for clandestine warfare are concealed in the budget?

Now, after the many inconsistencies which have marked the execution of the highly-touted Nixon peace plan, the war has been accelerated once more. After raising the hopes of all of our citizens that American boys would be coming home, we have amassed naval and air strength larger than at any time since the war's peak combat level during the Johnson administration. We have resumed intense bombing of Hanoi and Haiphong in a hazardous exercise in brinkmanship.

There is far too much at stake—the lives of millions in Indochina and hundreds of millions throughout the world—to engage in games of chicken in Indochina or anywhere else. The resumption of bombing in North Vietnam can only undermine the commendable gains President Nixon has made this year in the field of international diplomacy. I applaud his efforts to normalize relations with the People's Republic of China. I look forward with hopeful anticipation to his visit to the Soviet Union. But, even if the bombing attacks pass without creating serious consequences for these diplomatic efforts, I deplore the frivolity of such hazardous actions.

This week I listened carefully to Secretaries Laird and Rogers as they made successive appearances before the Senate Foreign Relations Committee. I was startled by the policies and attitudes expressed by both. I had thought these policies permanently discarded 4 years ago when America began to implement a common resolve to end our involvement in the Indochina conflict. "Whatever military action is necessary" were the words Secretary Rogers used on Monday. "Any area in North Vietnam, certainly as long as this invasion continues, is subject to attack," said Secretary Laird.

We have been told to expect that "Vietnamization" would lead the South Vietnamese to military self-reliance. But now, when Vietnamization is being put to its first real test since the 1968 Tet offensive, the program has failed and the United States has unleashed its air power in all its fury.

I cannot help but wonder whether the administration's motive for this accelerated warfare was to aid the South Vietnamese or to save face in light of clear indications that Vietnamization was less than a brilliant success.

Mr. Speaker, during the past several years I have cosponsored a number of measures proposing to set a date certain for total American withdrawal from Vietnam. I have been hesitant to support other proposals to force immediate withdrawal by cutting off funds. Now, however, it seems clear that administration decisionmakers are not about to end America's military involvement in Indochina—except on terms which are reminiscent of the misguided and tragically ineffective policies of the past.

Fifty thousand American lives have been sacrificed in the name of an American commitment in Southeast Asia. Some 325,000 Americans have been wounded. Several thousand are missing or held prisoner. Two hundred billion dollars in American resources have been expended for the defense of South Vietnam.

I cannot condone the administration's new escalation of the war. Withdrawal must not only be continued—it must be accelerated.

I endorse the resolution proposed by the Democratic caucus:

> To bring about the withdrawal of all U.S. forces, to provide for the cessation of bombing and to effect the release and repatriation of American Prisoners of War.

In addition, I support the thrust of that resolution to urge prompt legislative action on H.R. 14055 to cut off funds pending release of all American prisoners of war.

Our prime concern in carrying out this total withdrawal must, of course, be the release of American prisoners. This bill states in terms that cannot be misunderstood that total U.S. withdrawal is contingent only upon release of all prisoners. I consider this our best hope for gaining their release in the immediate future.

I am convinced that Congress must take the lead to force the Nixon administration to follow a course of total disengagement. It clearly does not otherwise intend to do so. I hope that this House will give strong support to the prompt passage of H.R. 14055, the 1972 end the war bill.

THE MENOMINEE INDIANS OF WISCONSIN SHOULD BE REINSTATED AS A FEDERALLY RECOGNIZED TRIBE

(Mr. OBEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. OBEY. Mr. Speaker, I am introducing today, along with seven of my colleagues, a bill to reinstate the Menominee Indians of Wisconsin as a federally recognized tribe, and to make all Menominees eligible for the Federal services and benefits to which all such Indians are entitled. Companion legislation is being introduced in the Senate by Senators PROXMIRE and NELSON.

Some of my colleagues may remember the Menominees. The issue of their future was before the Congress in 1953. At that time many thought termination of tribal status for Indians was the final solution to the Indian problem in this country. Terminate the tribes it was thought, and Indian lands, culture, and identity would slowly fade away, and with it a national responsibility to a people who occupied our land before most of our ancestors ever arrived here.

Now I think the country knows better. We know that Indians want and deserve a measure of self-determination, a voice in their own affairs, and an opportunity to manage the natural and human resources of their people. But self-determination is a far cry from termination. Hopefully the fact that we now recognize the failure of termination as a policy will help all those tribes which did not terminate over the past 20 years. They will be able to avoid a great mistake.

But unfortunately this is not true of the Menominees. By an act of Congress in 1954, their tribal status was terminated and Federal protection of their lands ended. Today they need a different kind of help from the Federal Government, and I believe that help is contained in the legislation which I am introducing in the House today.

THE MENOMINEE INDIANS

Mr. Speaker, at one time the Menominees occupied nearly 9½ million acres in northeastern Wisconsin and the Upper Peninsula in Michigan. In 1854 the tribe agreed to move to a reservation on the Wolf River. In exchange for their land, the Federal Government promised to protect their land and to provide services available to Indians through the Bureau of Indian Affairs.

By 1953, the Menominees as a tribe were relatively prosperous—certainly not rich—but better off than most other tribes. Their forest lands were valued at $36 million. They had a hospital of their own on the reservation, run with the help of a Roman Catholic mission. They paid for most of the services which they received from the BIA. And, in 1951 they won a judgment for $7.6 million as a result of a U.S. Court of Claims case against the BIA for mismanagement of their forest resources.

The tribe requested that approximately $5 million of that judgment be divided among all members of the tribe, $1,500 going to each member. An act of Congress was needed to release that money. A bill was introduced in the House to give the Menominees their money. That legislation passed the House, but unfortunately the Menominees soon learned they had to pay a price to get their money from the Government. That price was termination as a tribe, for when the House bill reached the Senate, it was amended to require the Menominees to terminate in order to get their per capita payments.

To be sure, consent is needed before a tribe can be terminated, and it is true the Menominees "consented" to such action. But serious questions remain as to whether the Menominees really knew what they were being asked to ratify.

When a vote of the people was taken, they favored the "principle of termination" by a vote of 169 to 5. That vote reflected the views of less than 10 percent of the Menominee people, and many Menominees thought they were voting only in favor of getting their $1,500 cash payment. There was no ratification of a specific termination plan, and in fact, the policy of termination itself was later rejected by the Indians by a unanimous 197 to 0 vote.

When termination became final, it was clear that the termination act was not a measure for distributing aid to the Menominee people, but a vehicle for potential destruction of the tribe as a whole.

The Menominee Reservation became Menominee County, and its people, with a limited amount of experience, were expected, with little help, to govern it. A corporation, Menominee Enterprises, Inc.—MEI—was established to manage the tribal assets. But those assets had dwindled badly. Because the Menominees had to pay many of the costs of termination themselves, the tribal treasury was virtually empty.

Menominee children born after 1954 were no longer regarded as Indians. Health, education, and medical services from the BIA ceased. Menominee Enterprises, Inc., was left with a deteriorating and obsolete sawmill which was in violation of many of Wisconsin's pollution abatement regulations. The hospital on the reservation was closed and there was not a doctor in the county. The Menominee land became subject to taxation and the only way the Menominees could meet that new tax burden was to begin to sell their land.

To the extent that the Menominees have kept their heads above water, they have done so only with the help of Federal and State governments which have provided them with $19 million in aid since their experiment with termination began, and all this was needed, I might add, by a tribe which was relatively self-sufficient before termination.

If the Menominees as a people are to remain economically viable, it will probably be at the cost of selling off still more of their land. Both as a county and as individuals, Menominees are desperately poor. Average unemployment in Menominee County in 1970 was over 22 percent. Today, Menominee County has the highest percentage of families below the poverty level—34 percent—of any county in Wisconsin. Assets individual Menominees do possess, at least those Menominees on the tribal rolls at the end of 1954, include a $3,000 bond which reaches maturity in the year 2000, and 100 shares of stock in MEI which were nonnegotiable until 1971. The State of Wisconsin extended the nonnegotiability of that stock to December 31, 1973. But obviously, unless action is taken soon, Menominees will be forced by their own poverty to sell away, in bits and pieces, the assets of the Menominee tribe.

The Congress has tried to help the Menominees with stop-gap measures in the past. So-called Nelson-Laird funds have been available to them for health, education and economic development purposes. But these funds are exhausted, and what the Menominees need are not more short term measures, but long term solutions to their problems.

That solution, I believe, is a reversal of the mistake which was made in 1954 when the Menominees were terminated as a tribe.

MEMOMINEE LEGISLATION

Mr. Speaker, the legislation I am introducing today would repeal the termination act of 1954 and once again make the Menominees a recognizable tribe. It would restore the Federal Government's status as trustee of Menominee lands and restore to the Menominee people the Federal services which were taken from them by termination.

Under the bill, a Menominee Restoration Committee would be elected to represent the tribe in bringing about restoration.

Menominees born since 1954 would be added to the tribal rolls so they could receive the benefits of Indian health, education, employment and other assistance programs funded by the Bureau of Indian Affairs.

A governing body for the tribe is provided for, as well as a constitution, bylaws, and tribal corporation to conduct the economic activities of the tribes.

The assets of Menominee Enterprises, Inc. would be transferred to the Secretary of Interior to be held in trust for the tribe, and the land transferred would become a federally recognized Indian reservation.

The Menominee assets would henceforth be exempt from State, local, and Federal taxation. This provision, probably more than any other in the bill, would free the Menominees of an oppressively heavy property tax burden and allow them, over time, to become as self-sufficient as they were before termination.

The ownership of lands formerly part of the reservation but since purchased by non-Menominees would not be affected by this legislation. If persons who now own such land decided to sell their land to the tribe or the Secretary of Interior, to be held in trust for the tribe, they could do so.

The valuable Menominee forest lands would be operated on a sustained-yield basis.

The water, hunting, fishing, trapping, and treaty rights of the people, given to them in the treaty of 1854, and other treaties, would be protected.

I do want to make it clear, Mr. Speaker, that this legislation has the support of the vast majority of all the Menominee people. Admittedly, the Menominees have disagreed among themselves in the past over which programs and policies they ought to follow. But they were told by those of us in Washington, and by the Governor of Wisconsin in Madison, that if the Menominees wanted further help, they had to speak with one voice. I am convinced that as far as this legislation is concerned, they are doing just that.

Mr. Speaker, this truly is important legislation, not only for the Menominee people who want and need it, but for all Indians in this country. Its passage could show a recognition of the fact that termination has been a mistake as a policy and a disaster in practice. It deserves the attention of the Congress, and I am hopeful that Congress will give careful consideration to this measure, a copy of which appears below.

Cosponsors of this bill are Congressmen ASPIN, KASTENMEIER, MEEDS, O'KONSKI, REUSS, RUPPE, and THOMSON of Wisconsin.

H.R. 14556

A bill to repeal the Act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin; to reinstitute the Menominee Indian Tribe of Wisconsin as a Federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Menominee Restoration Act".

SEC. 2. For the purpose of this Act—

(1) "Tribe" means the Menominee Tribe of Wisconsin, as determined by the membership roll prepared pursuant to section 4 of this Act;

(2) "Secretary" means the Secretary of Interior;

(3) "Menominee Restoration Committee"

means that committee of nine Menominee Indians, who have been elected at a General Council meeting open to all living persons on the final roll of the Tribe published pursuant to the Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 893) (hereinafter referred to as the "final 1954 roll"), and their descendants. The Secretary shall approve the membership of the committee if he is satisfied that the above requirements of this section have been met. Immediately upon the enactment of this Act, the Secretary shall publish the names of the membership of the Menominee Restoration Committee in the Federal Register. The Menominee Restoration Committee shall be the entity which shall represent the Menominee people in coordinating and negotiating the implementation of this Act prior to the restoration date, as described in section 8 of this Act. The Menominee Restoration Committee shall have no powers other than those given to it by this Act.

SEC. 3. Effective on the restoration date established pursuant to section 8 of this Act, the Act of June 17, 1954 (Public Law 399 of the Eighty-third Congress; 25 U.S.C. § 891–902) is repealed and shall be of no further force and effect.

SEC. 4. As soon as practicable, the Secretary shall establish a membership roll of the Tribe (hereinafter referred to as the "membership roll"). The roll shall contain the ages and quantum of Indian blood and, when approved by the Secretary, shall constitute the legal membership of the Tribe for all purposes. The membership roll shall include all persons listed on the final 1954 roll who are still living on the date of the enactment of this Act. The membership roll shall also include all descendants of persons listed on the final 1954 roll, if such descendants have at least one-quarter Menominee blood and if such descendants are living on the date of the enactment of this Act. Applications for inclusion in the membership roll may be filed with the Secretary for a period of four months after the enactment of this Act. Within 30 days after the enactment of this Act, the Secretary shall notify in writing all persons who were listed on the final 1954 roll for the purpose of ascertaining the names of all descendants of such persons. The Secretary shall also make all reasonable independent efforts to ascertain the identity of all persons entitled to be included on the membership roll. For a period of three months after the closing of the period for applications, the Secretary shall provide a reasonable opportunity for any person to protest against the inclusion or omission of any name on or from the roll. During such period of three months, the Secretary shall permit the examination of the applications by the Menominee Restoration Committee for the purpose of lodging protests in regard to the inclusion or omission of any name on or from the roll. The Secretary shall publish the membership roll in the Federal Register within 30 days after the last day on which protests may be filed pursuant to the above provisions of this section. After the restoration date, as described in section 8 of this Act, the Secretary shall make additions, deletions, and modifications to the membership roll, based upon written notice from the governing body of the Tribe, according to tribal rules and regulations which have been approved by the Secretary.

SEC. 5. All persons on the membership roll shall be eligible, as of the restoration date as described in section 8 of this Act, to receive all Federal services furnished American Indians because of their status as Indians. Such services shall include, but shall not be limited to, all health, education, employment, welfare, loan, financial, and other assistance and services which are provided to American Indians because of their status as American Indians.

SEC. 6. (a) Subject to the approval of the Secretary, as set forth in section 7(a) of this Act, the Tribe shall organize a governing body for the Tribe's common welfare and shall adopt an appropriate constitution and by-laws, which shall become effective pursuant to the provisions of sections 7 and 8 of this Act. Such constitution and by-laws shall be recoverable by an election open to the same voters and conducted in the same manner as provided in section 7 of this Act. Amendments to the constitution and by-laws may be ratified and approved by the Secretary in the same manner as the original constitution and by-laws. In addition to any powers which were vested in the Tribe before the termination of Federal supervision and in addition to any powers which may be vested in any Indian Tribe or tribal governing body by existing law, the constitution adopted by the Tribe may vest in the Tribe or its governing body the following rights and powers: to employ legal counsel, including the choice of counsel and fixing of fees; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe; to purchase property, real and personal; to create a tribal corporation or corporations to conduct all or some of the economic activities of the Tribe, subject to the provisions of subsection (b) of this section; and to negotiate with the Federal, State, and local governments; except that no authority shall be granted to sell, or to mortgage or lease for a period exceeding 25 years, any of the land included within the limits of the Reservation. The Secretary shall advise, and consult with, the governing body of the Tribe concerning all appropriation estimates of Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Office of Management and Budget or to the Congress.

(b) Subject to the approval of the Secretary, the Tribe may organize a tribal corporation or corporations to conduct all or some of the economic activities engaged in by the Tribe. The corporation or corporations may be organized pursuant to the laws of any State. In addition to all powers which may be vested in any corporation pursuant to the laws of the State in which the corporation is incorporated, the tribal corporation or corporations may be granted the following rights and powers: to purchase, take by gift or bequest, or otherwise own, hold, manage, and operate property of every description, real and personal; to purchase property, real and personal; to exchange interests in corporate property for any property, real or personal, acquired by the corporation; to dispose of personal property; to sue and be sued for matters involving such economic activities engaged in by the corporation or corporations, as may be incidental to the conduct of corporate business; and such further powers, not inconsistent with law; except that no authority shall be granted to sell, or to mortgage or lease for a period exceeding 25 years, any of the land included in the limits of the Reservation.

SEC. 7. (a) The Secretary shall conduct an election by secret ballot, pursuant to the provisions of this section, for the purpose of determining the Tribe's constitution and bylaws. Within 15 days after the publication of the membership roll, the Secretary shall announce the date of the election. The date of the election shall be within 60 days after the publication of the membership roll. All adult members on the membership roll shall be entitled to vote in election, either in person or by absentee ballot. The constitution and bylaws shall be adopted if they receive a vote of the majority of those actually voting and if they receive the approval of the Secretary, who shall give his approval or disapproval within 30 days after the date of the election. The Secretary shall approve any constitution and bylaws chosen by the Tribe if he finds that the constitution and bylaws will treat with reasonable equity all persons on the membership roll and that they conform to applicable Federal and State law.

(b) The texts of the constitution and bylaws which shall be on the ballot at the election shall be determined by the Menominee Restoration Committee, after consultation with the Secretary. The Menominee Restoration Committee shall distribute to all persons entitled to vote in the special election, at least 30 days before the special election, a copy of the constitution and bylaws which will be presented at the election, along with a brief, impartial description of the constitution and bylaws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the special election concerning the texts and description of the constitution and bylaws.

(c) If the constitution and bylaws presented at the election are not adopted, pursuant to the provisions of subsection (a) of this section, a second election shall be held. The Secretary shall announce the date of the second election within 15 days after the proposed constitution and by-laws failed to receive the requisite number of votes or, if applicable, within 15 days after disapproval by the Secretary. The date of the second election shall be within 60 days after the proposed constitution and bylaws failed to receive the requisite number of votes or, if applicable, within 60 days after disapproval by the Secretary. Such election, and any subsequent election, shall be conducted in accordance with the provisions of this section in all other respects.

SEC. 8. Within 15 days after the Secretary approves the tribe's constitution and bylaws, as provided in section 7 of this Act, the Secretary shall announce a restoration date. The restoration date shall be within 90 days after the Secretary approves the constitution and bylaws. The Secretary shall promptly publish the restoration date in the Federal Register. On the restoration date, the following events shall occur:

(1) Subject to the approval of the shareholders as required by the laws of the State of Wisconsin, the Board of Directors of Menominee Enterprises Inc., or the appropriate officers at the direction of the Board of Directors, shall execute all necessary and appropriate documents to transfer to the Secretary all assets held by Menominee Enterprises, Inc. Such assets shall be held in trust by the Secretary, on behalf of the United States, for the tribe. Such assets shall include, but shall not be limited to, all cash, buildings, personal property, lands, waters, and interests therein owned by Menominee Enterprises, Inc., as of the restoration date. The transfer of assets shall be exempt from Federal, State, and local taxation. All such assets, while held in trust by the Secretary, shall be exempt from Federal, State, and local taxation.

(2) The land which is transferred pursuant to paragraph (1) of this section shall become a federally-recognized Indian reservation.

(3) All provisions of the constitution and by-laws selected by the Tribe and approved by the Secretary pursuant to section 7 of this Act shall become effective. The governing body selected by the Tribe at the election and approved by the Secretary pursuant to section 7 shall begin operation and shall be the official governing body of the Tribe in all respects.

(4) The Tribe shall be a Federally-recognized Indian Tribe.

(5) All persons on the membership roll shall be eligible to receive the Federal services set forth in section 5 of this Act.

SEC. 9. The Secretary is hereby authorized, in his discretion, to acquire for inclusion in the Menominee Reservation through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without the Menominee Indian Reservation as those boundaries were established by the treaties of 1854 and 1856, except that land within the present boundaries of the Stockbridge-Munsee Reservation shall not be acquired by the Secretary pursuant to this provision. The Secretary is further authorized to receive on behalf of the United States from the governing body of the Tribe, or from any person on the membership roll, voluntarily executed deeds to such lands as the Tribe or person may own in fee simple free from all encumbrances. Any property purchased, or received from the Tribe, pursuant to this section shall be held in trust by the Secretary, on behalf of the United States, for the benefit of the Tribe. Any property received from any person on the membership roll pursuant to this section shall be held in trust by the Secretary, on behalf of the United States, for the benefit of such person. Any land or rights transferred under this section shall be exempt from Federal State, and local taxation.

SEC. 10. The governing body of the Tribe, after full consultation with the Secretary, shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management. The governing body of the Tribe, after full consultation with the Secretary, shall make such other rules and regulations as may be necessary to protect the lands of the Tribe from deterioration. The governing body of the Tribe, after full consultation with the Secretary, may regulate hunting, fishing, and trapping on the Reservation.

SEC. 11. This Act shall reinstitute all, and shall not abrogate any, water, hunting, fishing, and trapping rights or privileges, and any other rights and privileges of the Tribe and its members enjoyed under Federal Treaty or otherwise.

SEC. 12. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

TIME MAGAZINE WEAKENS ITS RECORD OF JOURNALISTIC EXCELLENCE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BIAGGI. Mr. Speaker, Time magazine greatly weakened its record of journalistic excellence this week by quoting a Rand Corp. analyst as saying:

> It is inconceivable that the South can't hold out against the North Vietnamese. They are just too good and well-equipped an army for that—unless the North Vietnamese are all Prussians and the South Vietnamese all Italians.

This ethnic slur should never have been said, let alone appear in print. It defames the thousands of Americans of Italian descent who served in the U.S. Armed Forces honorably and well during the First and Second World Wars. It ridicules the armed forces of our good friend and ally the Italian nation. As a member of NATO that country and its people have contributed greatly to the allied cause in the cold war and in postwar peace keeping.

Such continued use of prejudiced and pejorative ethnic slurs and innuendoes only perpetuates the social discrimination of Americans of Italian ancestry. It is up to responsible journalists to stop such activities, yet it is apparent that Time magazine has chosen to abdicate its responsibility in this regard.

The fact that a senior analyst of Rand Corp. made the statement in the first place, raises serious questions. I have asked the Defense Department to investigate the employment practices of the Rand Corp. to determine whether or not this attitude of one of their senior analysts is similarly reflected in their hiring practices. It may well be revealed that Rand Corp. not only thinks Italians are not courageous but believes it as well and excludes them from its employ.

I sincerely hope the other Members of this body who oppose such disparaging statements against an ethnic minority will join me in this protest against not only Rand Corp., and Time magazine, but all Americans who seek to divide this pluralistic society of ours by denigrating particular segments and peoples.

FEDERAL FUNDS HAVE DOUBLE BARRELED EFFECT ON 19TH CONGRESSIONAL DISTRICT OF PENNSYLVANIA

(Mr. GOODLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLING. Mr. Speaker, our Federal Government is a vast machine, and the various operations it carries out have a dynamic impact on the various States and their political subdivisions.

The 19th Congressional District of Pennsylvania, the district I have the privilege of representing in this body, is no exception in this regard, for recent newspaper reports indicate that the Farmers Home Administration had extended housing loans equal to $1,685,150 to citizens of York, Cumberland, and Adams Counties in this district.

Too, in response to an inquiry I had effected with the Library of Congress, I am advised that appropriations for Gettysburg National Park in Adams County for fiscal 1971 were $624,900, with $306,800 of this going for management and protection and $317,100 for maintenance and rehabilitation. For fiscal 1972, appropriations are $703,700, and $361,700 of this is going for management and protection and $342,000 for maintenance and rehabilitation.

This is only a token of the total amount of Federal funds that have ben assigned to Pennsylvania's 19th Congressional District, for the record shows that for fiscal 1971 Federal outlays for Adams County were $29,889,468, for York County $195,463,229, and for Cumberland County $254,138,496. This makes for a total of $479,491,193, the figures have been derived from "Federal Outlays in Pennsylvania," a report of the Federal Government's impact on States and political subdivisions for fiscal year 1971. This report was compiled for the Executive Office of the President by the Office of Economic Opportunity.

It should be mentioned that these Federal funds come from various operations of the Federal Government, along with payments made to veterans and their dependents, social security beneficiaries, and so forth.

These Federal funds have a "double barreled" effect on the 19th Congressional District's economy. While these moneys unto themselves are a significant economic factor, they also generate other economic dynamics. The important thing is that taken together, the effect is that the wheels of private commerce in the 19th Congressional District are driven faster.

HONEST BEEF PRICES AND NUMBERS

(Mr. MELCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MELCHER. Mr. Speaker, beef producers and beef consumers share a common belief; they both want fair and honest prices. The farmers and ranchers of this country who raise, and feed, and fatten the cattle that become the beef in our grocery store meat counters have high production costs that are locked in and not likely to come down. And the price they are receiving for the live animal is no less than what is needed to keep them in business.

The housewife who does the family shopping and is faced with balancing the budget, despite the pressures of inflation, wants to be assured that she is getting the most for her meat purchase dollar in both quantity and quality, so she too wants a fair price.

I have previously drawn the attention of the House to the Bureau of Labor Statistics monthly report on beef prices listing much higher prices in eastern metropolitan centers than in Chicago. Beef prices are much higher in Baltimore, Washington, New York, Philadelphia, and Boston than in Chicago. I have prepared a table to list some of these differences.

Those retail figures, which were going up at a time when the wholesale price of beef was dropping, are compiled by the Bureau of Labor Statistics. Judge for yourself by this hodgepodge of prices:

RETAIL PRICES FOR JANUARY

	Chicago	Washington	Philadelphia	Baltimore	New York	Boston
Round steak	$1.22	$1.42	$1.60	$1.62	$1.71	$1.73
Rump roast	$1.24	$1.45	$1.58	$1.55	$1.51	$1.47
Hamburger	.71	.69	.74	.76	.94	.83

UPWARD TREND FOR FEBRUARY

	Chicago	Washington	Philadelphia	Baltimore	New York	Boston
Round steak	$1.32	$1.52	$1.66	$1.66	$1.79	$1.80
Rump roast	$1.36	$1.53	$1.62	$1.58	$1.62	$1.48
Hamburger	.76	.74	.74	.78	.97	.87

Mr. Speaker, you will notice that the further east the beef moves, as reported by the Bureau for January and February, the higher the prices became.

It cannot be explained on the basis of freight, which is less than 2 cents a pound from Chicago to these cities.

It cannot be explained away on the basis of higher distribution costs in a metropolitan area for Chicago, our Nation's second largest city, has the same distribution costs in its metropolitan area.

Nor can the difference be explained away on the basis of higher labor costs. A journeyman butcher in the New York area receives $180 for a 40-hour week as compared to a journeyman butcher in the Chicago area receiving $196 for a 40-hour week.

There is no question, Mr. Speaker, that there is much more to this pricing policy on beef in these various cities listed above than the once-over-lightly explanations that have been furnished so far to the Livestock and Grains Subcommittee and the Price Commission, both of which held hearings on this matter last week.

A grand jury investigation which is underway in Manhattan is trying to determine whether there is a possible conspiracy between organized crime and other groups that force up the price of meat in supermarkets throughout the New York metropolitan area. When I learned this, I contacted Alfred Scotti, chief assistant district attorney in New York, and discussed the situation with him.

Mr. Scotti told me last week that he fears underworld involvement in the pricing picture extends beyond the Manhattan grand jury inquiry and at that point, Mr. Speaker, I asked the Justice Department to begin a broader investigation. I had previously recommended a General Accounting Office investigation, and I wrote both the Justice Department and Mr. Staats, pressing for such review by their respective agencies. I also sent the pricing statistics to Mr. Scotti which dramatically paint the picture of higher retail beef costs in the East.

This picture concerns me greatly, and I feel that an extensive indepth study is needed of beef pricing and any gouging of consumers that may be taking place.

I am inserting copies of news articles by Lacey Fosburgh in the New York Times and William Proctor in the New York Daily News of April 11 that describe the grand jury investigation in Manhattan.

I am delighted that tomorrow our Livestock and Grains Subcommittee is hearing a witness from New York, a former assistant State's attorney, Nichol Scoppetta, who we hope will be able to shed some light on the possibility of organized crime's involvement without prejudicing the Manhattan grand jury investigation.

Now another side of the beef picture is the supply of beef. This country has been lulled into the belief that we have an abundance of beef in prospect by reports of the U.S. Department of Agriculture that our cattle numbers are increasing 2, 3, and 3½ million head a year, and that cattle on feed numbers are soaring to produce plenty of choice and prime beef.

Calf crop reports have indicated that there is an abundance of young feeder cattle to be placed in lots for feeding.

Two reports which came across my desk this week are quite disturbing in this respect.

One is a new cattle-on-feed report which says that only 2 percent more young animals were put on feed in the first quarter this year than were placed in the same period in 1971.

Feed prices are low. Finished cattle prices are good. This is a period when it was anticipated that all those hundreds of thousands of extra young steers and heifers would be packed into the feedlots but there was actually only a 2-percent increase—about 140,000 out of nearly 6 million head. Another indication that our cattlemen may be scraping the barrel for feeder animals is a tremendous increase in importation of young animals from Mexico; the number nearly doubled to 102,000 head in January, the latest report available to me.

The second item is a compilation of the total number of cattle enumerated during the 1969 Agricultural Census in 45 of our 48 States as it compares to the U.S. Department of Agriculture inventory figures for the next day, January 1, 1970.

The census data, compiled by the veteran livestock industry analyst Charles Burmeister, for Washington Farmletter, indicates that there were a total of 103,571,560 head of cattle in the 45 States or nearly 6 million less than indicated by the USDA inventory, on which our rosy picture of beef abundance is based. The USDA inventory showed 109,508,000 head in the same 45 States, or 5.73 percent more.

The missing States are Florida, South Carolina, and New Hampshire, which had about 2.5 million head in the USDA inventory on January 1, 1970. Census data has not been released on them yet.

It is clear that the census is going to show at least 6 million head less than USDA, and, when allowances are made for the mythical calves of mythical cows which have found their way into the USDA totals in the past 2 years since the counts were made, USDA may be over 7 million head high in comparison to census.

The differences between census and USDA figures are subject to an adjustment. After each census, certain quality tests are run. Several areas are intensively restudied to determine the percentage of people, farms, ranches, animals, and all other items have been missed by the census enumerators. Adjustments of 2 percent to 4 percent have been made in the past, although some experts contend that the farms missed are mostly small ones which seldom have cattle.

But it is still apparent that USDA is millions high on its cattle numbers figures, which they have boosted from 112.5 million head on January 1, 1970, to nearly 118 million head on January 1 this year, and that an adjustment is in order.

That adjustment should be made promptly. In view of the meat price furor created by President Nixon's Price Commission Chairman and erroneous Giant Food store advertising, there is a threat of farm commodity price ceilings that could cause a contraction rather than a needed growth of cattle production. Chairman C. Jackson Grayson of the Price Commission was still talking about farm price ceilings on nationwide TV last Sunday. There is a real danger that price ceilings would discourage producers and bring about a decline in production, aggravating later price problems. Any control policy forced by Government could lead to beef shortages followed by black marketeering and/or illegal racketeering.

So this gets us back to the point which I was earlier discussing, Mr. Speaker, regarding beef prices in the New York area where the grand jury is investigating the possibility of organized crime extracting a tribute from meat wholesalers jacking up the price the consumers have to pay.

We need to know the facts that lead to the final cost figures of beef and in particular the high prices in eastern cities; and we need to know the facts about the supply of beef for the near future by knowing the true facts about cattle numbers and the production outlook. And again producers and consumers have a common cause in determining these true and accurate facts.

The before mentioned articles follow:

[From the New York Daily News, Apr. 11, 1972]

PROBERS WEIGHING THE MOB FOR FAT IN HIGH MEAT PRICES

(By William Proctor)

A Manhattan grand jury is investigating whether meat prices in the metropolitan area have been rising because of the "infiltration of organized crime" into the city's supermarket industry, according to statements made at a hearing yesterday in Manhattan Supreme Court.

Assistant District Attorney Franklyn Snitow appeared in court yesterday to ask Justice Joseph Martinis to order a grand jury witness, Herbert Newman, 70, of 185 E. 85th St. and Miami Beach, to testify. Snitow said he has been conducting the investigation into the supermarket industry with the help of Chief Assistant District Attorney Alfred Scotti and the DA's squad since early last year.

ORDERED TO TESTIFY

But he said that the grand jury probe, which focuses on extortion, conspiracy, grand larceny, bribery of labor officials and illegal kickbacks, began only last month.

Newman, who is a retired president of Trans-World Fabricators, a meat company formerly called Trans-World Brokerage Inc., at 14 Gansevoort St., wanted to postpone his testimony until his attorney, Paul Rooney, has finished trying the Hulan Jack labor conspiracy case in Federal Court. Martinis, however, ordered Newman, who has been given immunity, to testify.

Snitow said in court that the specific question under investigation is whether meat brokers, who act as middlemen between supermarket chains and wholesalers, are using the threat of labor problems to force wholesalers to raise meat prices and to strongarm retailers into buying at those prices.

OTHER CONSIDERATIONS

The inflated prices would then be passed on to the consumer, who would in fact be "paying tribute to organized crime."

The grand jury is also considering whether "the additional money which is obtained as a result of the inflated prices is then paid to certain representatives of organized crime and certain corrupt officials of unions," Snitow explained. These unions represent supermarket employes throughout the city, Snitow said, and the money could be used "to purchase labor peace or labor influence for these supermarkets" from the underworld.

Another facet to the investigation, Snitow said, is whether the supermarket chains are being forced to deal with certain meat brokers and whether wholesalers are also being forced to go through these brokers to market their meat products.

Snitow said the investigation involves supermarket chains throughout the metropolitan area—New York City, Long Island, Westchester, northern New Jersey, and southern Connecticut.

Neither Snitow nor Scotti would name the specific labor unions involved or say whether any indictments were imminent. But the probe may involve "several conspiracies," Snitow said in court.

Sources close to the investigation said that the probe is likely to continue for "a very long time."

[From the New York Times, Apr. 11, 1972]

Crime Link With Meat Is Hinted

(By Lacey Fosburgh)

A Manhattan grand jury is investigating a possible conspiracy between organized crime and corrupt labor leaders to force up the price of meat in supermarkets throughout the metropolitan area, the District Attorney's Office disclosed yesterday.

Assistant District Attorney Franklin Snitow asserted that consumers were being made to "pay tribute" to the forces of organized crime when they bought meat.

The price of meat has risen here during the last year almost three times as much as the Consumer Price Index as a whole, according to the Federal Bureau of Labor Statistics.

MEAT BROKERS INVESTIGATED

Mr. Snitow said that the investigation, which has been conducted by the rackets bureau for more than a year, had focused on the operations of certain meat brokers, the middlemen in the meat industry between the retailers and the wholesalers.

The grand jury, he said, is specifically seeking to determine these things:

Whether certain meat wholesalers have been forced to offer their products at these specific wholesalers at the special, inflated prices. The extra money, which is shared by the crime figures and the corrupt labor leaders, Mr. Snitow said, is allegedly the price they must pay to maintain peace with some labor unions.

Whether certain meat wholesalers have been forced to offer their products at these increased prices as the cost of their right to stay in operation and to sell to supermarkets, generally among the most lucrative outlets.

The investigation was disclosed yesterday when Mr. Snitow went before State Supreme Court Justice Joseph A. Martinis to ask him to order a witness to testify before the grand jury.

The witness, Herbert Newman, 72 years old, the retired president of Trans World Fabricators, a meat brokerage at 14 Gansvoort Street, wanted to delay his appearance before the grand jury until his regular lawyer, now busy on another case, could accompany him.

Justice Martinis refused, however, and ordered him to testify immediately.

SNITOW GAVE REASONS

In his effort to persuade the judge to have the witness testify, Mr. Snitow said the grand jury was seeking to determine "whether there exists in New York County a conspiracy or several conspiracies to commit the crimes of grand larceny by extortion, coercion, bribereceiving by a labor official, bribery of labor officials and commercial bribery."

Under the Nixon Administration's Economic Stabilization Program, the wholesale cost of meat is exempt from price control and retailers are allowed to raise their prices as long as their profit margin remains the same.

During the last year, however, the price of meat has risen here more than that of any other food commodity.

Samuel Ehrenhalt, the deputy director of the Bureau of Labor Statistics, pointed out that from February, 1971, to February, 1972, the over-all price index had increased 4.9 per cent, food and groceries 6 per cent, fruits and vegetables 9.5 per cent and meat, poultry and fish 10.1 per cent.

Neither Mr. Snitow nor Chief Assistant District Attorney Alfred J. Scotti, who is in charge of the rackets bureau, would say, however, whether this substantial price increase had been influenced in any way by the possible infiltration of organized crime.

Neither of the officials would comment any further on the investigation or identify either the supermarkets or the labor unions possibly involved.

The president of one of the largest wholesalers in the downtown meat market here, who asked not to be identified, said that the presence of organized crime was generally known throughout the industry.

From time to time, he said, these criminal elements would control certain companies, or aspects of the business, such as trucking, for example.

ON THE REESCALATION OF THE WAR BY THE NORTH VIETNAMESE

(Mr. CRANE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CRANE. Mr. Speaker, today, I have joined with Congressmen DERWINSKI and WAGGONNER, as well as many other Members, in support of a proposed House resloution condemning the North Vietnamese Communists for their invasion of South Vietnam. It is my hope that the U.S. House of Representatives will go on record as soon as possible supporting this resolution, indicating that it believes recent pronouncements blaming the United States for the increased war activity are without foundation, and are in fact completely irresponsible.

I presume the President will continue to follow through with his Vietnam policy which is, in part, based on the proposition that the United States will not allow the Communists to overrun South Vietnam. While he continues to seek a political solution, notwithstanding the unwillingness of the Communists to negotiate anything that might bring a cessation of hostilities, the President is faced with a military challenge, mounted by a Communist clique which seems to have estimated that the United States, in the midst of a policy of de-Americanization of the war and an election, would not respond.

Obviously they have guessed wrong, notwithstanding the screams and outcries from numerous presidential candidates who are appalled at the renewed bombing, but who have said nothing in condemnation of the Communists' invasion of the South. One must wonder just how these one-sided critics will view the recent attacks on American shipping as it patrols the Gulf of Tonkin. No doubt they will determine that our effective response which sunk two vessels and downed one plane is yet another example of American escalation.

On April 18, 1972, Secretary of Defense Melvin Laird indicated that under consideration was the possible mining of the harbor of Haiphong. Given this most recent and brutal reescalation of the war by the Communists, I think the allied forces are perfectly justified in taking this military move and others. All Americans should appreciate that if the harbor had been closed, no Soviet tanks would have been available for the North Vietnamese to use for their World War II-style attack; no Soviet SAM's would have been available for installation in and just north of the DMZ to use against American aircraft. Without injury to any civilians, the United States could have done, and still could accomplish, much to end the war by cutting off what the North Vietnamese Communists need most: Armaments, supplies, and continuing support, which, need it be pointed out, come primarily through the ships unloaded at Haiphong.

As the administration reviews the situation, it is my hope they will review all options, especially the possibility of closing the harbor at Haiphong. Gradual escalation, as Gen. Maxwell Taylor has pointed out in his recent book, was ineffective. Apparently, gradual deescalation does not work either because the Communists fully intend to fight on until they have conquered the South. This the United States must keep in mind as it proceeds.

THE SECRETARY OF THE TREASURY SAYS HE SEES NO TAX LOOPHOLES

(Mr. VANIK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VANIK. Mr. Speaker, I was shocked and dismayed to learn today that the Secretary of the Treasury indicated that he sees no loopholes in present tax laws. It is a gross insult to the intelligence of the average taxpayers of America to assume that no tax loopholes exist in the tax laws of our Nation.

Under present tax laws corporate taxation is on its way out. In 1971, over 40 percent of American corporations paid no taxes. My office is currently undertaking studies to determine how many of the 500 largest corporations of America are freeloaders and pay no taxes, because of depletion, depreciation, the asset depreciation range, investment credit, the foreign tax credit, and what have you.

The high-income citizen has a comparable selection of tax escapes including tax-free bonds, investment credits, depletion, depreciation, capital gains, dividend exclusions, and stock options, among others. These gimmicks are especially designed for those of large income

The average taxpayer has no way out, but to pay, and he does.

The Secretary of the Treasury is following a dangerous course if he overlooks the action of the House Democratic Caucus which adopted the following resolution on March 15, 1972:

RESOLUTION ADOPTED BY THE DEMOCRATIC CAUCUS, PRESENTED BY CONGRESSMAN CHARLES A. VANIK

Whereas, the estimated Federal Funds budget deficit of the Federal government for the fiscal year ending June 30, 1972, exceeds $44.7 billion, and the estimated deficit for fiscal year 1973 is now estimated at $36.2 billion, which means in four years an increase in the Public Debt of $123 or $124 billion; and

Whereas, the National debt ceiling has been raised to $450 billion, with a higher debt ceiling request scheduled for June, 1972; and

Whereas, additional revenues and reduced deficits may be achieved through effective tax reform; and

Whereas, the House is reluctant to undertake weeks of work on tax reform proposals if after passage they are to be subjected to a Presidential veto; and

Whereas, full Presidential support is needed to assure passage of meaningful, revenue-raising tax reform:

Now, therefore, be it resolved by the Democratic Caucus of the House of Representatives of the 92nd Congress

That it is the sense of the Caucus that passage of legislation further increasing the federal debt ceiling will be jeopardized unless the President either publicly supports a meaningful, revenue-raising tax reform proposal, or, at least, sets forth the tax preferences or loopholes which in his judgment Congress may attempt to rectify without confronting a Presidential veto.

The Democratic Caucus in this action reflects a determination of the American people to bring about fair play in taxation. The day of reckoning will occur when the Secretary requests a higher debt ceiling and must explain who will be paying the new and added tax burdens which must be faced next year.

DECRIMINALIZING PERSONAL POSSESSION AND USE OF MARIHUANA

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill, H.R. 14549, today to provide for the decriminalization of marihuana. H.R. 14549 is identical to the bill introduced in the Senate today by Senators JACOB JAVITS and HAROLD HUGHES. It would remove all penalties for the possession of marihuana for personal use in a private home; it would also allow not-for-profit transfer of marihuana and the possession of reasonable amounts of marihuana in public when such possession is incident to private use. Marihuana smoking in public would continue to be a criminal offense.

We are introducing this legislation in response to the recommendations made in the March 22d report issued by the National Commission on Marihuana and Drug Abuse. Senators JAVITS and HUGHES are members of the Commission. I had the privilege of introducing the original bill in 1969 providing for the Commission's creation.

For the past year the 13-member Commission has conducted a comprehensive study of marihuana smoking in this country, examining the social, medical, and legal effects of its use. The Commission considered this issue from as many vantage points as possible, including the historical and social context of today's use of marihuana.

The Commission found that approximately 24 million Americans have tried marihuana at least once and that there are at least 8.3 million current users. The Commission did not find any evidence that experimental or intermittent use of marihuana causes physical or psychological harm. The immediate effects of marihuana on a user are similar to alcohol; according to the Commission it causes a "loss of some psychomotor control and a temporary impairment of time and space perceptions."

While proposing a "social policy seeking to discourage marihuana use," the Commission recommended that all criminal penalties for the simple possession of marihuana and the casual, not-for-profit transfer of marihuana in private be removed. This is what our bill would do. In addition, however, it would remove the penalties for possession and not-for-profit transfer of marihuana in public when incident to private use. The Commission recommended that marihuana possessed in public remain contraband subject to summary seizure and forfeiture—and that such possession of more than an ounce remain a criminal violation. We have departed from the Commission's majority recommendation on this point because of the inconsistencies and difficulty of making it legal for a person to have marihuana at home for his personal use and yet retaining the criminal sanctions against its not-for-profit transfer in public and transportation home even when incident to its decriminalized private use.

In addition to its decriminalization provision, our bill implements the Commission's recommendations for a new provision in the Federal law: One providing that a plea of marihuana intoxication shall not be a defense to any criminal act under its influence.

Mr. Speaker, there are persons sitting in jail today serving sentences for convictions of simple possession of marihuana. The Federal penalty for a first offense was revised in 1970 so that it is now a misdemeanor punishable by up to 1 year in jail and a $1,000 fine; a second offense is punishable by up to 2 years in jail and a $2,000 fine. Unfortunately, the penalties are even higher in many States; indeed, there is a man serving a 30-year sentence in Texas today for the simple possession of marihuana. The National Commission on Marihuana and Drug Abuse has aptly demonstrated that the Federal law again needs revision; furthermore, it has recommended the adoption by the States of a uniform statutory scheme for marihuana similar to that recommended for the Federal law. I recognize that the bill we are introducing today would not affect the largest number of marihuana users since most arrests and convictions are carried out under State laws. But, this legislation can set an example leading to changes in the States' laws. It is imperative that the Congress act quickly to correct its own laws and provide a model for the States.

In concluding, Mr. Speaker, I would just like to commend the two Commission members from the Senate, Senators JAVITS and HUGHES, for their leadership in this field. Similarly, we in the House are indebted to the distinguished gentleman from Florida (Mr. ROGERS) and Kentucky (Mr. CARTER) for their service and representation of this body on the Commission.

Mr. Speaker, the text of the bill follows:

H.R. 14549

A bill to amend certain provisions of the Controlled Substances Act relating to marihuana

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controlled Substances Act is amended by inserting immediately after section 404 thereof, the following new section:

"SEC. 404A. (a) Notwithstanding the provisions of section 308, 401(a)(1), 404, or any other provision of this title or any other Federal law, it shall not be unlawful for any person—

"(1)(A) to possess, within a private dwelling or other residence, marihuana for his own use, or for the use of others, within any such residence or dwelling, if such marihuana is not possessed with the intent to distribute, or sell such marihuana in violation of this title or any other Federal law; or

"(B) to possess, in a public area, marihuana in a reasonable amount, if the possession of such marihuana is incident to a private use within the purview of subparagraph (A) of this paragraph, and is not with the intent to distribute, transfer or sell such marihuana in violation of this title or any other Federal law; or

"(2) to distribute, transfer or sell, in public or private, any marihuana, lawfully possessed, to any person for a private use within the purview of subparagraph (A) of the first paragraph of this subsection, if such distribution, transfer, or sale is not made for profit.

"(b) Notwithstanding the provisions of section 511 or any other provision of this title or any other Federal law, marihuana in the lawful possession of any person shall not be considered contraband and shall not be considered contraband and shall not be subject to seizure or forfeiture by the United States.

"(c) In the prosecution of any person charged with an offense in violation of any Federal law, the fact that such person was suffering from marihuana intoxication at the time of the commission of that offense shall not be a defense to that charge or any element thereof.

"(d) For purposes of subparagraph (B) of paragraph (1) of subsection (a) of this section, the possession of marihuana in an amount not to exceed three ounces shall be deemed to be a reasonable amount, if such possession is incident to a private use within the purview of subparagraph (A) of paragraph (1) of subsection (a) of this section, and is not with the intent to distribute, transfer or sell such marihuana in violation of this title or any other Federal law.".

THE PLIGHT OF OUR LIVESTOCK FARMERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 10 minutes.

Mr. RANDALL, Mr. Speaker, if there has ever been a clear illustration of the true plight of our beef cattle producers, it is some statistics that were published in the Hastings, Nebr., Tribune recently.

During the Easter recess, I met one evening with the representatives of the Lafayette County Farm Bureau in Higginsville, Mo. This has been an annual event for many years on the Monday evening following Easter Sunday. The purpose of these meetings is to give the members of the farm bureau an opportunity to discuss legislation on the Federal, as well as on the State, level of importance to farmers.

It was my privilege this year to have with me as a panel of two, the Honorable Melvin Vogelsmeier of Concordia, Mo., who represents Lafayette County in the Missouri House of Representatives. I mention this only because I am indebted to Mr. Vogelsmeier for providing me with some statistics published in the Hastings, Nebr., Tribune.

The point is that the livestock producers in America, and principally our beef cattle producers, are already the "underdog" in the meat market situation, and can hardly afford to take any additional losses.

For the benefit of the Members of the House as well as the other body of the Congress, and also those others who may read the Congressional Record, I submit herewith some prices per hundredweight of cattle as follows:

In January 1952:	
Prime cattle	$38
Most choice of prime	34–38
February 16, 1972	
Prime cattle	39
Most choice of prime	35.50–38

Please note that these prices are substantially the same, or very nearly identical. But just take a look at what has happened after 20 years to retail prices. The Nebraska paper contends that the retail price for different cuts of meat were taken from the very same supermarket for, both the year 1952 and the years 1972, which is exactly 20 years later. The figures are as follows:

January 9, 1952:	*Per pound*
Swiss steak	$0.85
Hamburger	.49
Rib steak	.79
Beef stew	.79
Sirloin steak	.85
Round steak	.98
Beef roast	.65
Prime rib	.69
February 16, 1972:	
Swiss steak	1.69
Hamburger	0.98–1.19
Rib steak	1.59
Beef stew	.98
Sirloin steak	1.63
Round steak	1.63
Beef roast	1.19
Prime rib	1.29

With these kinds of statistics staring us in the face I suppose the immediate reaction would be to ask, "What goes on here?" It should be very clear from even a casual glance at these figures that hamburger prices are more than double what they were 20 years ago. Sirloin steak is almost double. Round steak is nearly double in price. Just about every item has been substantially doubled in price in the last 20 years.

Mr. Speaker, this brings us down to the question as to whether or not the American farmer has received his fair share in the prosperity of our economy. I become so very weary of the efforts of those who seek through the media, both electronic and published, to say that somehow, somewhere, if Congress does something that could or might be in the interest of the American farmer they must be hurting the American consumer. Recently Secretary Butz has come under criticism for his efforts to try to help our farmers. There are those within and without the administration who seek to thwart his efforts and to muzzle his statements when he speaks out for the American farmer.

I shall not take long tonight except for a moment to repeat, or I should say once again express, what an unusual or perhaps a better word is what an exceptional job the American farmer is doing for the American consumer in relation to what is happening elsewhere in the world. Because of the efforts of the American farmer, the American family gets a better bargain today for his food dollar than anywhere else on earth. I wish there was some way better to dramatize or emphasize this point. Instead I shall have to rely on the economic report of the Department of Agriculture which, appears on page 10 of the August 1971 issue, which sets out the expenditures for food as a proportion of the total of private consumption expenditures for various countries during the years 1955 through 1969. I suppose the most meaningful figures would be the most recent figures which are available, or, in other words, the figures for 1968.

The best answer to those continuously harping critics who go about trying to arouse a confrontation between the consumer and the farmer would be to take a close look at the figures which are listed below. In the United States only 18.3 percent of the family budget is expended for food. In our neighboring country to the north, Canada, the percentage of the family budget expended for food is 19.3.

Mr. Speaker, I submit herewith and read into the Record the cost or expenditure for food as a proportion of total private consumption expenditures for the following countries for the year 1968, which as far as I can determine are the latest figures available from our own Department of Agriculture:

LATIN AMERICA	
Jamaica	32.7
Panama	45.9
Puerto Rico	22.8
Venezuela	27.6
WESTERN EUROPE	
Austria	28.3
Belgium	24.3
Denmark	22.3
Finland	29.3
France	27.5
Germany, Federal Republic	31.9
Greece	37.5
Ireland	29.6
Italy	36.9
Malta	37.9
Netherlands	25.2
Norway	27.8
Sweden	25.0
Switzerland	23.6
United Kingdom	23.7
EASTERN EUROPE	
Bulgaria	54.4
Poland	47.6
U.S.S.R.	50.1
Yugoslavia	40.9
AFRICA	
Ghana	60.0
South Africa	26.8
Sierra Leone	45.6
ASIA	
Ceylon	50.9
China (Taiwan)	41.6
Israel	26.1
Japan	35.4
Korea, Republic of	47.1
OCEANIA	
Australia	20.8

In conclusion let me suggest that if there should be those who still have reason to challenge any of the above figures, then I hope they will come forward and advise me of my errors or else the errors of the Department of Agriculture.

I have listened to debate on the floor of the House in years past which indicated that in some parts of Southeast Asia and portions of the dark continent of Africa where food costs take even a higher percentage of total family income than those that have been previously published. In former years the food costs for some countries on this earth has run as high as 70 or 80 percent of the total private expenditures. On the other hand I can prove that since 1955 the American farmer has been responsible for lowering the percentage of expenditures for the American housewife from a figure of 22.6 percent in 1955 down to a point of 18.3 percent in 1968 of the total family's overall expenditures for food.

Mr. Speaker, what more arguments are needed than the above figures to show that our American farmer needs and deserves to enjoy a greater share in the economic prosperity of our country.

TOWARD A STRONG BALANCED AIR TRANSPORTATION SYSTEM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Esch) is recognized for 10 minutes.

Mr. ESCH. Mr. Speaker, I for one want the record to show that I support a strong air transportation system, grounded on the proved ability of scheduled service. This is the backbone of the air industry and the basis of our national leadership in the air. I believe that the supplemental carriers should perform those duties for which they were originally created, namely, to greet the needs of the public not served by the basic scheduled air transport system. They were created to supplement, not to supplant or destroy scheduled service.

Although there have been many requests by the Air Transport Association representing all the scheduled carriers, interested cities, chambers of commerce, Members of Congress, to mention a few, urging the CAB to hold full scale hearings on the issue of group charters, all that is forthcoming is oral arguments to the Board. In view of the fact that the proposed rulemaking could alter entirely the shape of our scheduled airline service as we know it today, this CAB policy strikes me as being wholly unsatisfactory.

Mr. Speaker, the proposals contained in this rulemaking may be fine if you live in a major city such as New York, Chicago, or Los Angeles, but most of the rest of the country's air travel would be greatly curtailed. What is self evident here is that if this proposed rule is put into effect, the scheduled airline system, out of pure economic necessity, would have to change their "modus operandi" to conform to the new regulations. Make no mistake about this, with far more stringent charter restrictions the supplemental carriers have made extraordinary inroads into transatlantic travel.

In 1964 the supplemental carriers flew less than 5 percent of the U.S.-flag share but by 1969 they carried nearly a quarter of all U.S.-flag transatlantic passengers. By their ability to concentrate their activities in prime markets, the supplementals carried more than half of all passengers between California and Europe in 1969. The latest IATA figures indicate that scheduled traffic across the North Atlantic increased by only 4.6 percent in 1971 while charter passengers gained 29.7 percent. If this trend continues, it may well be that by 1975 supplemental traffic across the Atlantic could exceed U.S. scheduled carrier traffic. This charter proposal, while compounding the transatlantic problems, will open new doors to the domestic market which so far have been relatively free from such intrusion.

Mr. Speaker, it seems to me that the real issue here is whether the public wants low fares within a framework that allows for all the advantages of a network of dependable scheduled air service, or whether it wants low fares alone with only limited, irregular and infrequent service. The CAB, in my opinion, has decided it will change the law by administrative rulings without the benefit of public evidentiary hearings. Unwittingly then, they will force the scheduled airlines to reevaluate their present policies and cause them to adopt the same scheduling techniques used by the supplemental carriers, namely, full planeloads from major hubs. It is easy to say we want the cheapest available way to fly but let us look at the facts and see if this is what we really mean.

Scheduled service is merely another way of saying "full service" whereas supplemental service suggests "limited service." The "full service" carriers handle the public's needs for every type of air transportation from the individual vacation traveler to the transportation of mail. The public's needs are served on thin routes as well as strong, on off season as well as peak, on the lightly traveled mid-week day as well as the heavily traveled weekend. In contrast the "limited service" charter carrier meets very few of the public's needs. It operates only at its convenience and with full plane loads, hence only on certain traveled routes and heavily traveled seasons.

In stark contrast to the rounded service of the scheduled carriers, the charter carriers, in order to provide the public with even a modest fare reduction from the bargains available on scheduled carriers, must necessarily depend on plane load economics. Therefore, as I pointed out earlier, they must concentrate their services where such loads are available. They must also operate at their convenience rather than when the public convenience and necessity dictates.

Mr. Speaker, if the public should decide that the way of the future lies in the direction of limited service, full plane load, charter operations, you can be sure the scheduled airlines will adjust to the new ground rules. However, if this comes to pass, it will be the public itself that will be the greatest loser.

The seemingly subbargain pricing which limited service dangles before it is not the solution. Moreover, it will be our constituents who will complain the loudest when they are unable to get from Lansing to Albany or Richmond to Albuquerque.

As I have suggested, the full service carriers have been successful in meeting the public's overall service needs because up to now they have been able to maintain a healthy route balance. However, the whole balancing concept of route structure falls apart if another group of carriers are free to concentrate on those operations which permit full plane loads and to do so without regard to bona fide groups, but rather by selling to the general public at large as the CAB regulations propose.

Mr. Speaker, I do not for 1 minute suggest that the charter carriers should be put out of business. They do a commendable job for certain types of group transportation. I am urging that a proper balance be struck between the two types of carriers. The present charter rules, bottomed on affinity requirements, were not arrived at haphazardly and accordingly should be maintained for the interest of all concerned.

It is time we stop and take stock of our air transportation system. Do we want regularly scheduled services serving small cities as well as large in and out of season or do we want bulk transportation by means of charter aircraft only at major hub airports? It is clear to me that we cannot have both.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 2 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the United States has pursued steadfastly a policy of responsible withdrawal of ground troops from Vietnam and has undertaken since 1969 a general deescalation of the war. In response, the North Vietnamese have intransigently refused to move toward a peaceful settlement.

The recently launched massive invasion of South Vietnam probably has many goals, but certainly not the least of these goals is to arouse public disharmony in our Nation.

The U.S. House of Representatives should emphatically condemn the brutal, desperate use of military force by the North Vietnamese in their current offensive. We should also support the efforts on the part of South Vietnamese forces to repel this latest testimony to the North Vietnamese lack of desire for peace.

We must disregard the counsel of those who would have us abandon the people of South Vietnam. The statistics of our disengagement speak for themselves: In early 1969 we had 550,000 ground troops there. Today we have fewer than 90,000, none of whom are engaged in ground combat. But this disengagement has been and should continue to be a responsible, honorable one, one which will give the South Vietnamese a chance for self-determination. At the same time we must continue to provide protection for our own remaining ground troops.

I join in support of the resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese Communist invasion of South Vietnam and in support of actions taken by the United States to assist in repelling the invasion.

VLADIMIR MACHLIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I have been asked to deliver a message to my distinguished colleagues and other Americans.

It was sent by telephone from Moscow by a 27-year-old Jewish man, Vladimir Machlis, who, in the past 6 months, has applied six times to emigrate to Israel and has been turned down six times by Soviet officials.

The message was relayed to me yesterday by Vladimir's twin brother, Leonid, who, along with his mother and sister, Ella, were given permission to emigrate to Israel 6 months ago.

Vladimir's message is:

> I have only one hope left now, that good people of America and everywhere will cry out for me.

Leonid borrowed money to come to the United States and my office to deliver his brother's plea.

He and the other two members of his family were granted exit permits only after much harassment and frustration.

On the day Leonid received his emigration permit, a neighbor threw boiling water on his sister's head and face, causing second-degree burns and leaving permanent scars. Leonid told me that, as a result of Government propaganda against those seeking to leave the Soviet Union, neighbors considered his family "traitors."

Vladimir was constantly harassed by the KGB, even though he was a civil pilot for Aeroflot, the Russian airline, for 6 years.

His troubles began while he was in pilot training. At that time, an old man gave him a Hebrew Bible at a synagogue. With the aid of a flashlight, Vladimir read it secretly at night under his blanket. He became increasingly involved in Jewish activities, began training as an historian with the goal of studying Hebrew and the Bible more openly and narrowly missed being brought to trial for his activities in 1966.

Now, as a result of his requests to emigrate, Vladimir has been dismissed from his job. He is without relatives or money.

Like thousands of Jewish citizens in the Soviet Union, he is a victim of an official system which discourages emigration, even though the Soviet Constitution proclaims it as a right. One of the ways the government discourages emigration is to allow some members of Jewish families to emigrate to Israel while refusing the same right to other members of the same family. In Vladimir's case, it has been his fate to be detained in the Soviet Union while his family has been freed.

Leonid reports his brother has written letters, seeking assistance, to United Nations Secretary-General Kurt Waldheim and to President Nixon.

Mr. Speaker, I have long been convinced, and I was reminded yesterday by Leonid, that the focusing of attention on the oppressed Jews and other religious minorities in the Soviet Union by public and official opinion in the United States and other countries is one of the most effective ways to alleviate the continuing oppression and, in some cases, to secure the survival of some of the oppressed.

Today, I am privileged to bring the attention of this legislative body to a bipartisan list of 125 colleagues who are publicly showing their concern for the cause of Soviet Jewry and human rights by signing a petition to President Nixon before his departure for Moscow.

Mr. Speaker, at the end of my remarks I will insert this petition which asks our President to convey to Soviet leaders the concern of millions of Americans over the treatment of the Jewish minority and the names of my colleagues who have joined me in signing the petition.

I also will include the names of 45 Soviet Jews, who, like Vladimir Machlis, have been denied requests to emigrate to Israel, are deprived of work and who are the victims of other forms of discrimination.

This list represents only a very small part of the thousands in similar circumstances. But it is important that we, in the Congress, identify and bring attention to as many of these victims of oppression as we can with the hope that our small effort will ease their plight and eventually secure their freedom to emigrate.

Finally, Mr. Speaker, at this point I insert a copy of a letter Vladimir Machlis wrote to Secretary-General Waldheim. This letter describes the terrible frustration and the hope for outside assistance for Soviet Jewry.

We, in the Congress, and the people of the United States will be watching with interest the reaction of Soviet Russia to the plight of these Jews. We will be interested to see if Soviet Russia treats these people as human beings with God-given rights or as serfs. I plan to make sure their plight receives world attention.

The material follows:

National Conference on Soviet Jewry

President Richard M. Nixon,
The White House,
Washington, D.C.

Mr. President: In the interest of peace and the easing of world tensions we, the undersigned, welcome your forthcoming trip to Moscow. We also urge you to take advantage of this unique opportunity and to help redeem Soviet Jews, thus fulfilling the hopes of millions of Americans who have labored on their behalf.

Mr. President: We respectfully petition you on behalf of three million Soviet Jews. We urge you to be their advocate and to convey to Soviet leaders the concern of millions of Americans, and people of good will everywhere, over an oppressed minority which faces discrimination, and is prevented from perpetuating its history, its culture and its ancient religious heritage. Nearly forty of its finest young people are in Soviet prison camps because they sought to live as Jews, while others seeking to emigrate are harassed. If some succeed in departing it is only after months of struggle and of deprivation.

Mr. President: We urge you to exert your influence to help free Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to leave for Israel and elsewhere.

Bella Abzug, Joseph Addabbo, John Anderson, William Anderson, Frank Annunzio, Bill Archer, Les Aspin, Herman Badillo, William Barrett, Alphonzo Bell.

Charles Bennett, Tom Bevill, Mario Biaggi, Johnathan Bingham, Edward Boland, Frank Brasco, Jack Brinkley, Joel Broyhill, John Buchanan, John Byrnes.

Goodloe Byron, Hugh Carey, Elford Cederberg, Donald Clancy, Del Clawson, James Cleveland, James Collins, Barber Conable, Silvio Conte, Lawrence Coughlin.

Philip Crane, Dominick Daniels, George Danielson, James Delaney, Frank Denholm, Samuel Devine, John Dingell, Harold Donohue, John Dow, Thomas Downing.

Robert Drinan, Thaddeus Dulski, John Duncan, Florence Dwyer, Don Edwards, Joshua Eilberg, Dante Fascell, Hamilton Fish, Daniel Flood, Edwin Forsythe.

Donald Fraser, Bill Frenzel, Edward Garmatz, Sam Gibbons, Barry Goldwater, Jr., Ella Grasso, Charles Griffin.

Gilbert Gude, Seymour Halpern, James Hanley, Michael Harrington, James Hastings, Ken Hechler, John Heinz, Henry Helstoski, Louise Day Hicks, Lawrence Hogan.

Chet Holified, Frank Horton, James Howard, John Hunt, William Keating, Carleton King, Edward Koch, Norman Lent, Arthur Link, Clarence Long.

Manuel Lujan, Mike McCormack, Robert McEwen, William Mailliard, Richard Mallary, Dawson Mathis, Spark Matsunaga, Abner Mikva, Parren Mitchell, Jan Myers.

Lucien Nedzi, James O'Hara, Edward Patten, Thomas Pelly, Claude Pepper, Peter Peyser, Bertram Podell, Richard Poff, Walter Powell, Richardson Preyer.

Charles Rangel, Thomas Rees, John Rhodes, Robert Roe, Paul Rogers, Benjamin Rosenthal, Edward Roybal, William Ryan, Paul Sarbanes, James Scheuer.

Garner Shriver, B. F. Sisk, Henry Smith, Gene Snyder, Robert Steele, Sam Steiger, William Steiger, Samuel Stratton, Fletcher Thompson.

Frank Thompson, Jr., Robert Tiernan, Lionel Van Deerlin, Victor Veysey, Jerome Waldie, William Widnall, Lawrence Williams, Bob Wilson, Wendell Wyatt, John Wydler, Sidney Yates.

List of Detainees

MOSCOW

Slepak Vladimir, K–9, 15 Gorkovo str., apt. 77.
Polsky Victor, 23 Krasnokazarmennaya str., apt. 62.
Abramovich Pavel, 39 Parkovaya str., apt. 65.
Kliachkin Mikhail, 25 Dmitrovskaye shosse, apt., 6.
Prestin Vladimir, 6 Uralskaya str., cor. 4, apt., 11.
Gershovich Ada Grigorievna, 13 Lesnaya str., apt., 3.
Orlov Boris, 12 Cherkizovskaya str., cor. 1, apt. 253.
Gurvich Sergei, 3/1 Cherkizovskaya str., apt. 71.
Tsitliznok Boris, 5–ya Parkovaya str. 54, apt. 23.
Libov Lev Davidovich, 25 Trubnaya st., apt. 37.
Smelianski Emmanuel, 17 Tashkentskaya st., apt. 42.
Begun Iosif, 14 Melnikova st., apt. 14.
Kogan Boris Victorovich, 22 Buzheninovskaya st., apt. 78.
Lerner Aleksander Yakovlevich, 4 Dmitria Uljanzva st., cor. 2, apt. 322.
Korenfeld Ilya, 14 Pervomajskaya st., apt. 65.
Tsypin Leonid, 6 Koltsevaya st., apt. 32.
Shapiro Gavriel, 10 Chkalova st., apt. 11.
Svechinsky Grigori Lazarevich, 19 Strelbishchensky per., apt. 31.
Ratner Marina, 7 Khersonskaya st., apt. 418.
Faingold Natan, 2 Stoletova st., apt. 65.

RIGA

Segal Mikhail, 24 Gospitaliu st., apt. 1.
Shvalbe Mira Markovna, 99 Lenina st., apt. 24.
Gerchkov Mikhail, 37 Kr. Barona st., apt. 8.
Zitserman Boris, 18 Engelsa st., apt. 21.
Kit Lazar Girshevich, 61 Lachplesha st., apt. 8.
Osherov Boris Veniaminovich, 3 Gauyas st., apt. 2.
Ulman Mikhail, 105 Karl Marx st., apt. 10.

LENINGRAD

Varnavitski Izrail, 102 Prospect Tareza corp. 2, apt. 19.
Lerner Lev Davidovich, 28 prospect Engelsa, apt. 23.
Fridman Vladimir, 7 Pobedy st., apt. 190.

KIEV

Melamed Zinovi Usherovich, 7*a* Raisy Okipnoj st., apt. 28.
Pipko Grigory Veniaminovich, 9 Kolomyshevsky per., apt. 66.
Soroko Yuri Lazarevich, 15/14 Vasilkovskaya st., apt. 20.
Khusid Grigori Khunovich, 5 Ivana Shetsova st., apt. 2.
Remennik Simkha Kiselevich, 4 Podvojskovo st., apt. 13, Kiev-60.

SVERDLOVSK

Kosharovsky Yuli Mikhailovich, 76 Michurina st., apt. 5.
Markman Vladimir Ilyich, 69 Lenina st., apt. 429.

MINSK

Levin Ernst Markovich, 13 k. Marksa st., apt. 1.
Alshansky Naum Mordukhovich, 2/35 Tashkentsky per., apt. 9.

KISHINEV

Gittelman Vladimir Iosifovich, 64*b* Kotovskoya shosse, apt. 1.

KHARKOV

Grinberg Solomon Isaakovich, 20 Ivanova st., apt. 10.
Siganievich Eduard, 8 Chicherina st., apt. 10.

VILNIUS

Shames Leib Gdalevich, 75 Zhirmunu st., apt. 110.
Klein Khaim Yakovlevich, 8 Kretingos st., apt. 11.
Skutelski Mikhail Davidovich, 103 Dzerzhinskovo st., apt. 9.

Translated From Russian

To the UN Secretary General, Mr. Kurt Waldheim.
To the Prime Minister of the State of Israel, Mrs. Golda Meir.
To the President of the United States of America, Mr. Richard Nixon.

I, the undersigned, a Jew, an inhabitant of Moscow, am forced to appeal to you and in your person to the entire progressive mankind with the request to render me all possible aid in helping me to realize my desire to emigrate to the State of Israel, where my relatives, mother, sister and brother live. The opposition with which I meet on the part of the Soviet organs is unexplainable, antihumane and unjustifiable both morally and legally.

Emotionally and spiritually I have been tied with Israel for many years and I consider it as my only Homeland. And as a son of the Jewish people, which had gone through the most cruel oppression, hounding and physical annihilation, I am prepared to go to the end for the sake of this aim, because I cannot imagine the possibility of further existing in the diaspora.

I appeal to you not to remain indifferent to the tears of my mother; I beg you to do everything that is possible and necessary for the reunification of my family.

Being one out of the thousands of Soviet Jews whose rights to free emigration are unlawfully violated by the Soviet Authorities, I apply to you with a personal letter, because I consider that the fate of every individual is the reflection of the fate of his people.

I know that Statesmen and International organizations meet with difficulties in formalities when they attempt to help individuals whose rights are violated by the administrative apparatus of one or another country. However, placing great value on your prestige and influence, I believe that you will be able to help me and my family.

May God help you.

Makhlis Vladimir Semenovich.

U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, on June 13 of this year the nations of this globe will meet in what will surely be one of the profound historic gatherings of our century. On that date, the United States will meet with some 130 other countries to begin the United Nations Conference on the Human Environment in Stockholm, Sweden.

I hope and expect, along with scientists and politicians all over the world, that this meeting will be a significant turning point for every nation in bringing about coordinated action to meet one of the greatest challenges mankind has ever faced—the challenge of preserving our global environment. I am sure I need not cite here the now-familiar statistics which demonstrate that threats to the environment are already at critical points.

However, even before the conference itself begins, it has produced significant accomplishments. Four preparatory sessions have been held, which were in effect "miniconferences." During these sessions the agenda was settled upon, key problems identified, and questions for debate formulated. I had the privilege to serve as a U.S. delegate to the second preparatory conference, and I can report that the work done at these sessions was thorough and painstaking. There is no question of the value of the preparation process for world environmental concerns.

Each participating nation has been forced to ask itself new questions concerning the six agenda item subject areas:

Planning and management of human settlements;

Natural resource management;

Identification and control of pollutants;

Educational and informational aspects;

Development and environment; and

Organizational implications of action proposals.

As part of the preparations for the conference, each nation has been asked to prepare reports on the state of its environmental problems, organization, and actions. Some 70 nations have now submitted their reports, and these already constitute a valuable inventory of such problems and capabilities within individual countries.

In addition, international organizations and national governments have cooperated in assessing the scope of the various issues mentioned in the agenda, and the capabilities that already exist to monitor and deal with the problems that have been identified. This total overview approach has not been done before, and will prove invaluable.

As this information becomes available, nations are already in better positions to compare their standing with others in dealing with these problems. And the need to create an international organizational capability to carry on data collection and dissemination of this sort in the future has already become obvious.

Furthermore, as the more obvious environmental problems were discussed and the necessary approaches developed, new and crucial aspects of these issues emerged.

Partly as a result of all these developments during the conference preparations, there has been a distinct change in emphasis in expected results after Stockholm. In 1968 the conference was established for the purpose of alerting the world to the global nature and critical extent of the environmental crisis. By 1972 the rapid spread of environmental consciousness everywhere has produced changes in attitudes, and the emphasis is now on actions needed, and the possible programs and organizational developments that will be necessary.

However, although much has been accomplished in the preparations, the critical decisions and commitments have yet to be made at the Stockholm meeting. I urgently hope that the U.S. Government can demonstrate its commitment to the environment by exercising real leadership in forging a lasting and meaningful commitment at Stockholm.

The critical areas in which actions are needed and expected by the world's scientists and international leaders are: Agreement on methods of controlling major identified pollutants; designation of effective research and monitoring capabilities by existing facilities and the creation of new facilities for these purposes; the setting up of an institutional framework to coordinate these efforts.

The increased activity of national governments in attacking environmental problems has also resulted in some newly perceived problems on the international horizon. It has become clear that trade patterns among countries may be substantially affected by pollution control requirements through higher prices on affected items. The interconnection between methods of meeting pollution control costs and effects on international trade relations must be defined. This is a problem in which I have taken strong interest, and, as Members may recall, I have introduced a bill in this Congress to create a National Commission on International Trade and Environment which would examine these matters with a view to assisting both formulation of U.S. policy and discussion on the international level.

As has happened in the United States, I expect that discussions on the international level will center more and more on the economic ramifications of environmental management, as consideration moves from the abstract into the realm of active pollution control methods and resource management.

In consideration of these economic realities, I am sure that the international framework which seems certain to emerge from Stockholm will play an essential role.

In this and in the other crucial environmental concerns that face the world as representatives from around the world meet at Stockholm, I have every confidence that the beginnings of global cooperation will be set effectively in motion.

I have this confidence, because I think we have discovered that no nation can hope to obtain a healthy environment through its own efforts alone. There are no boundaries for air and water pollutants. The need is established for international cooperation in measuring and assessing the present state of pollution and in discovering ways to deal with present and future environmental problems.

The preparations for the Stockholm Conference have shown already what can be accomplished by an international effort; and now I hope the United States will send the most determined and committed leadership to Stockholm to contribute to a meaningful continuation of this effort—not only during the 2-weeks of the conference, but in the period following, so that this can be counted a real turning point in world commitment to survival.

AMERICAN RADIO OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Frelinghuysen) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, in view of the current interest in the future of Radio Free Europe and Radio Liberty as well as continuing discussion over the status of the U.S. Information Agency, I submit for inclusion into the Record the text of remarks by Frank Shakespeare, Director of the U.S. Information Agency:

In recent months the international radio voices of the American people have come under attack as being outmoded relics of a supposedly evaporated cold war.

What are these voices?

What purpose do they serve?

Do people listen to them?

Are they outmoded?

These are legitimate questions. What is involved are four radio stations broadcasting into certain foreign countries and operated and paid for with minor exceptions by the United States. They are:

Radio Free Europe, which broadcasts into Eastern Europe: Poland, Hungary, Czechoslovakia, Romania, Bulgaria.

Radio Liberty, which broadcasts into the Soviet Union.

RIAS, those initials stand for Radio in the American Sector, which broadcasts from West Berlin into East Germany.

And the Voice of America, which broadcasts worldwide and thus reaches Mainland China and Cuba as well as Eastern Europe and the Soviet Union among the closed societies.

The purpose of these radios is to inform people about events and policies in their country, which oftentimes are kept from them.

Do people listen?

In the Communist societies one does not take surveys. There are no Gallup Polls, there are no man-on-the-street interviews.

In seeking to determine whether people listen to foreign radio, one must search for telling bits and pieces of evidence

Here are some . . .

A sensitive writer and poet defects from the Soviet Union. His name is Anatoli Kuznetsov.

During a television discussion on his decision to flee, he is asked how in a sealed society he formed a judgment of life's value in the West.

In effect, they asked him how did he conclude that he would not be going from the frying pan to the fire.

And he answered, "There are the foreign radios—BBC, Radio Liberty, the Voice of America."

This week, in an extraordinary interview, the very symbol of the struggle against repression of ideas in the Soviet Union, the courageous novelist Alexander Solzhenitsyn, said, referring directly to Radio Liberty:

"If we learn anything about events in our country, it's from there."

James Scheuer, Congressman from New York City, recently returned from a visit to the Soviet Union and told how Jews in that country had come up to him with tears in their eyes to express appreciation for the broadcasts of the Voice of America. To them it keeps hope alive. He said whatever doubts he may have had about the value of the radios were gone.

When Senator William Fulbright, Chairman of the Senate Foreign Relations Committee, indicated during recent Senate hearings that he had reservations about the continued usefulness of the American radio (RIAS) in beleaguered Berlin, spokesmen for all three political parties in Berlin spoke out in the strongest terms about the value of the station. They said that in East Germany it was a symbol to an oppressed people and in West Berlin it was a symbol of the American commitment to freedom.

American reporters traveling through Eastern Europe are close to unanimous in their appraisal that Radio Free Europe is widely listened to and believed . . . particularly when crisis threatens such as during the Soviet invasion of Czechoslovakia in 1968 and the riots in Poland in December 1970

Some say the cold war is over. If by the cold war is meant:

The clash of ideas;

Differing views on the nature and interrelationship of God, man and the state;

Efforts by some to force their views on others;

The pressures of nationalism; and

The maneuvering of nations seeking to achieve their ends, which in some cases is the domination of their neighbors . . . then the cold war is self-evidently not over, and our international information programs should be structured accordingly.

President Nixon has called for an era of "negotiation not confrontation" in a determined effort to seek fairer arrangements in a troubled world. Those who support his efforts must deal with the world as it is.

For us who live in this country, it is difficult to conceive of the hunger for truth among people who have no access to truth—

Whose television, radio, newspapers, magazines and theater are total instruments of the state;

Whose educational institutions are not places in which to search for truth but in which to indoctrinate the young;

Who cannot travel abroad;

Who fear to be seen talking with foreign visitors lest they arouse the suspicions of the security police; and

Whose very thoughts of God must be in private to avoid the frowns of their authorities.

For such people to be able to hear through the miracle of radio free voices talking to them from afar is a ray of light.

To argue that the existence of such radios is a cold war anachronism is to tragically misunderstand the needs of the human spirit.

For us, as a people, to extinguish or to dim the light would not only be political folly but would be an act of shame.

MILITARY RETIRED PAY RECOMPUTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GUBSER) is recognized for 10 minutes.

Mr. GUBSER. Mr. Speaker, today I have been afforded the privilege of introducing legislation recommended by President Nixon which addresses itself to the long standing controversy of military retirement and the right of retirees to recompute their retired pay as a percentage of current active duty pay.

This bill is the result of an extensive study by a distinguished commission appointed by the President to study retired pay. Though it does not represent all that retirees had hoped to achieve and, in my opinion, does not award them what they are morally and legally entitled to, it is without doubt the most practical solution to the perplexing problem of recomputation.

Mr. Speaker, the bill I am introducing will allow those retired prior to January 1, 1971, the right to recompute their retired pay at age 60 if they have had less than 25 years of service and at age 55 with more than 25 years of service. In light of the fantastic anticipated costs of future retired military pay I feel that this bill is the best possible compromise with fiscal reality.

Mr. Speaker, for more than 100 years military men were recruited and continued their military service with the clear-cut understanding that their retired pay would be based upon a percentage of current active-duty pay.

In 1963 the Defense Department admitted that this right to recompute had been both a moral and legal obligation for more than 100 years. Defense Department officials stated that though the military retirement system is not a contributory system, military men, by accepting a lower active-duty pay, do achieve the effect of contributing to their retirement. However, unlike civil service retirement, nothing is credited to their accounts and if they leave before retirement they have no equity to collect. Nor do their survivors have any right to this equity or a continued annuity. The retired military man is still subject to orders by his Commander in Chief and his retirement pay is, in effect, deferred earned pay. Let me emphasize this point—retired pay is earned pay.

In 1958 Congress, without any warning to those who had served in good faith and entered retirement status in reliance upon the moral and legal obligation of this Nation, decided to abolish recomputation and to substitute cost-of-living increases. But the Congress did not bother to repeal title X, section 6149, of the United States Code which guaranteed recomputation as a legal right. Finally, in 1963, this section was repealed and those who retired after passage of the 1958 act and before passage of the 1963 act were given the benefits of recomputing on the basis of the 1958 act. After 1963, however, they were denied this right. So today we have a situation where a man who retires prior to a pay raise will receive one level of retired pay, while another man with exactly the same length of service and exactly the same grade, will receive a greater sum simply because he retired at a later date.

If retired pay is in fact earned pay, as the Defense Department has admitted, then why should it be bestowed upon military retirees under a multiplicity of standards? This is an inequity and one which should be corrected.

Mr. Speaker, in 1963 I was responsible for a House-passed amendment which would have restored full recomputation. On still another occasion the House has voted in favor of the same principle. However, the matter died in the Senate. Since that time, retirement costs have skyrocketed and as a purely practical matter we must all admit that full recomputation though justified on moral and legal grounds, is a practical impossibility.

This bill when enacted will put this problem which has been with us since 1958 to permanent rest and will establish a permanent policy for the future. I sincerely hope that the Armed Services Committee will schedule hearings in the near future. My bill will finally solve a problem which has involved the good faith of the U.S. Government, has seriously jeopardized the morale of active duty forces, and has created a discriminatory retired pay structure as between those who gave equally dedicated service to their country but retired on differing dates.

INTRODUCTION OF ECONOMIC DEVELOPMENT LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 30 minutes.

Mrs. ABZUG. Mr. Speaker, I recently introduced legislation, H.R. 14369, to modify the Economic Development Act of 1965. My aim was to expand the powers of the successful agency created by the act, the Economic Development Administration. In so doing, I endeavored to provide EDA with tools it can use to aid economic development in urban areas without hindering or limiting highly successful operation in the Nation's rural communities.

My bill would set up a new designation category of areas impacted by rural migration and suffering substantial unemployment. It would also widen the options available to the EDA in aiding an applicant to finance a project, and would create a number of financial and procedural tools that EDA could use to great advantage in the cities.

For too long EDA has been exclusively a rural-oriented agency. I am not suggesting that it should reduce its role in rural areas, but only that it should expand its overall view to include the inner city areas that desperately need economic development and the kind of coordination that so far only EDA has been able to provide.

I testified on behalf of this amendment before my own Economic Development Subcommittee of the Public Works Committee, and I insert the text of the bill and my remarks before the subcommittee at this point in the Record:

H.R. 14369

A bill to amend the Public Works and Economic Development Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 101. This bill may be cited as the "Public Works and Economic Development Act Amendments of 1972".

Sec. 102. Section 101(c) of the Public Works and Economic Development Act of 1965 is amended by striking the second sentence and inserting in lieu thereof the following: "In the case of a grant for a project in a redevelopment area designated as such under section 401(a)(6) of this Act in which the Secretary determines that the applicant is unable to immediately contribute the full amount of the required non-Federal share because of financial inability, he may:

"A. waive the non-Federal share;

"B. reduce the non-Federal share below such per centum; or

"C. authorize payment of the full cost of such project if he receives a binding commitment upon such terms and conditions excluding the payment of any additional charge as he deems necessary from the applicant to pay the 20 per centum non-Federal share of the project cost over the useful life of the project."

Sec. 103. Section 105 of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"Sec. 105. (a) There is hereby authorized to be appropriated to carry out this title not to exceed $500,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter through the final year ending June 30, 1971, and not to exceed $800,000,000 per fiscal year for the fiscal year ending June 30, 1972, and not to exceed $1,000,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each fiscal year thereafter through the fiscal year ending June 30, 1977. Any amounts authorized but not appropriated for a fiscal year beginning with the fiscal year ending June 30, 1972, may be appropriated for the succeeding fiscal year. Not less than 25 per centum nor more than 35 per centum of all appropriations made for the fiscal years ending June 30, 1972, and June 30, 1973, under authority of the preceding sentences shall be expended in redevelopment areas designated as such under section 401(a)(6) of this Act.

"(b) There is hereby authorized to be appropriated, not to exceed $100,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, in addition to all other amounts authorized under this section, for grants for the acquisition or development of land and improvements for mass transportation facility usage in connection with projects in redevelopment areas designated under section 401(f) of this Act.

"(c) There is hereby authorized to be appropriated not to exceed $50,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, in addition to all other amounts authorized under this section, for grants to redevelopment areas designated under section 401(f) of this Act.

"(d) Authorizations contained in subsections (b) and (c) of section 105 shall not be construed as a limitation on the amount of funds authorized to be appropriated for grants to redevelopment areas designated under section 401(f)."

Sec. 104. Section 201(c) is amended by striking out everything after *"Provided,"* and substituting in lieu thereof the following: "That annual appropriations for the purpose of purchasing evidences of indebtedness, making and participating in loans, guaranteeing leases, and providing mortgage insurance shall not exceed $350,000,000 for the fiscal year ending June 30, 1973, and for each fiscal year thereafter through the fiscal year ending June 30, 1977.".

Sec. 105. Section 202(a) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"Sec. 202. (a) The Secretary is authorized (1) to purchase evidences of indebtedness and to guarantee and make loans (which for purposes of this section shall include participations in loans) to aid in financing any project within a redevelopment area for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings; (2) to guarantee loans for working capital made to private borrowers by private lending institutions in connection with industrial or commercial facilities in redevelopment areas upon application of such institution and upon such terms and conditions as the Secretary may prescribe; (3) to guarantee rentals under leases of single or multitenanted commercial and industrial property in redevelopment areas upon application of lessor or lessee; and (4) to insure and to make commitments to insure prior to the date of their execution or disbursement thereon mortgages (including leasehold mortgages) in connection with any project within a redevelopment area for the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, and rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion or enlargement of existing buildings upon application by the mortgagee: *Provided, however,* That no guarantee or insurance obligation under this section shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan, rental, or mortgage."

Sec. 106. Section 202(b)(7) of the Public Works and Economic Development Act of 1965 is amended by striking out "twenty-five" wherever it appears and inserting in lieu thereof "thirty".

Sec. 107. Section 202(b)(8) of the Public Works and Economic Development Act of 1965 is amended by adding at the end thereof the following: "The Secretary is authorized to contract to pay and to pay annually on such terms and conditions as he may deem necessary, taking into consideration the financial capacity of the business and the size of the loan, to or on behalf of private business entities, amounts which are sufficient to reduce by up to 2 percentage points the interest to be paid by such entities on loans (including mortgages) both Federal and non-Federal, obtained in connection with projects in redevelopment areas".

Sec. 108. Section 202(b)(9) of the Public Works and Economic Development Act of 1965 is amended to read as follows:

"(9)(A) Loan assistance shall not exceed 65 per centum of the aggregate cost to the applicant (excluding all other Federal aid in connection with the undertaking) of acquiring or developing land and facilities (including machinery and equipment) and of constructing, altering, converting, rehabilitating or enlarging the building or buildings of the particular project, and shall, among others, be on the condition that—

"(i) other funds are available in an amount which, together with the assistance provided hereunder, shall be sufficient to pay such aggregate cost;

"(ii) not less than 15 per centum of such aggregate cost be supplied as equity capital or as a loan repayable in no shorter period of time and at no faster an amortization rate than the Federal financial assistance extended under this section is being repaid, and if such a loan is secured, its security shall be subordinate and inferior to the lien or liens securing such Federal financial assistance: *Provided, however,* That, except in projects involving financial participation by Indian tribes, not less than 5 per centum of such aggregate cost shall be supplied by the State or any agency, instrumentality, or political subdivision thereof, or by a community or area organization which is nongovernmental in character, unless the Secretary shall determine in accordance with objective standards promulgated by regulation that all or part of such funds are not reasonably available to the project because of the economic distress of the area, or for other good cause, in which case he may waive the requirement of this provision to the extent of such unavailability, and allow the funds required by this subsection to be supplied by the applicant or by such other non-Federal source as may reasonably be available to the project;

"(iii) to the extent the Secretary finds such action necessary to encourage financial participation in a particular project by other lenders and investors, and except as otherwise provided in subparagraph (ii), any Federal financial assistance extended under this section may be repayable only after other loans made in connection with such project have been repaid in full, and the security, if any, for such Federal financial assistance may be subordinate and inferior to the lien or liens securing other loans made in connection with the same project.

"(B) In determining the loan assistance required for the rehabilitation, alteration, or enlargement of an existing building, the loan assistance needed by the individual lessees of such building may be aggregated."

Sec. 109. Section 203 of the Public Works and Economic Development Act of 1965 is amended by striking out the last sentence thereof.

Sec. 110. Section 302 of the Public Works and Economic Development Act of 1965 is amended by inserting "and" before "June 30, 1972" and by striking out "and June 30, 1973" and inserting in lieu thereof the following: "and $100,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each fiscal year thereafter through the fiscal year ending June 30, 1977."

Sec. 111. Section 401 of the Public Works and Economic Development Act of 1965 is amended by adding a new subsection (f) as follows:

"(f) The Secretary shall designate as 'redevelopment areas impacted by rural migration' those redevelopment areas designated pursuant to section 401(a)(6) of this Act located in municipalities with a population of over two hundred and fifty thousand if he determines that the areas:

"(1) have experienced a substantial influx of persons from rural areas, and

"(2) have experienced substantial unemployment in the total population."

SEC. 112. Section 701(4) of the Public Works and Economic Development Act of 1965 is amended by striking out "made" wherever it appears and inserting in lieu thereof the following: "or guarantees made or mortgages insured".

SEC. 113. Section 701(5) of the Public Works and Economic Development Act of 1965 is amended by striking out "made" wherever it appears and inserting in lieu thereof the following: "or guarantees made or mortgages insured".

SEC. 114. Section 701(6) of the Public Works and Economic Development Act of 1965 is amended by striking out "made" and inserting in lieu thereof the following: "or guarantees made or mortgages insured".

SEC. 115. Section 701(7) of the Public Works and Economic Development Act of 1965 is amended by striking out "made" wherever it appears and inserting in lieu thereof the following: "or guarantees made or mortgages insured".

SEC. 116. Section 701(9) of the Public Works and Economic Development Act of 1965 is amended by striking out "made" and inserting in lieu the following: "or guarantees made or mortgages insured".

H.R. 14369

(Remarks of BELLA S. ABZUG)

Mr. Chairman, I am pleased to report to you today that I have introduced legislation, H.R. 14369, which I feel will speak to many of the problems that have been so well discussed during these hearings.

First let me tell you what my bill is NOT.

The bill is not an attempt to change the focus of EDA. It is not an effort to increase funding for urban areas at the expense of rural neighborhoods. It is not a sweeping overhaul of the system, nor is it a revolutionary new proposal. Neither is my legislation the kind that will make the cities wholesome and beautiful overnight, nor will it make any big headlines tomorrow.

But it is important legislation and it is useful. What my bill will do is provide new tools to the Economic Development Administration, tools EDA can use to become effective in the cities as it is in our rural areas. The bill is a series of amendments, more or less technical, which will expand EDA powers so that its organizational talent and proven effectiveness can be applied to the cities too.

As you have heard repeatedly during these six weeks of hearings, EDA has already demonstrated its capability in rural development. It is structured to get at the root causes of rural stagnation and, with nothing more than increased funding, would be able to increase its effort there. And this is important.

As Mr. Podesta indicated was needed, my bill would increase funding for EDA Title I to $1 billion per year up to and including fiscal 1977. Only with such guaranteed funding on a fairly long range basis can EDA make the kind of long-range planning and long-range commitment that means coordinated and well-targeted programs.

Only with enough money to do the job in enough places will EDA reach the full potential of its powers. And this year, let us not only authorize such funding, let us see that it is appropriated too; and once it is appropriated let us demand that it be spent for its intended purposes. For only then can we truly say we have made any real progress.

It has often been said, here as well as elsewhere, that the federal government already spends too much money on the cities compared to the amount it spends on rural areas. (Mr. Mizell of North Carolina, I believe, cited figures to that effect during these very hearings.) And it is true there are many programs aimed at city problems.

The difficulty is that none of these programs—from HUD, from HEW, from the Small Business Administration and the OEO—none are coordinated with any other (with the possible exception of Model Cities). Not one of these plans takes an overall view, not one is capable of drawing together the various elements of a development problem and providing aid at more than one point.

One program builds sewers, another provides health care, a third offers manpower training, another changes tax provisions. Often they work at cross-purposes. And it is further the case that the largest cities (such as my own New York) are often deliberately excluded from these programs because of the intensity of the problems and the small funding available. Yet these so-called "high risk" areas are among the places that need help the most.

That is why I have avoided setting up radically new programs, new approaches or new bureaucratic structures. As Mr. Podesta asked. EDA will not have to balloon into any superagency with vast new responsibilities. Instead, my bill provides only some tools for the existing EDA framework to exercise; new muscles, if you will, for this agency to flex in the cities.

Let me now tell you what my bill does do.

To allow more flexible targeting, H.R. 14369 would permit a new designation: one of urban areas impacted by rural migrants and therefore suffering from substantial unemployment. (This is described under Section 111 of the bill.) We have agreed here during these hearings that rural residents who leave home for lack of a job or prospects weaken their small towns by leaving. At the same time they create problems in the cities because their lack of skills often makes it hard for them to find a job in urban areas. The new designation would simply make the central city areas where these people concentrate eligible for EDA attention.

We have heard here from many able spokesmen for urban areas that a major problem for people in these impacted areas is transportation—transportation to and from possible places of employment. My bill would set aside $150 million for grants to such areas for transportation development and other purposes. It is my position that such an investment would be more than repaid by the increased productivity of the people involved.

Further, my bill would increase the options available to EDA in another direction. At present, when the Secretary determines an applicant for aid is unable to raise the money for its share of a project fund—usually a 20 per cent share—then EDA can do one of two things. It can either reduce the amount the applicant must pay or eliminate the non-federal share altogether. In practice these things rarely happen and some worthwhile projects are stalled for very long periods while the applicants work to come up with ready cash to pay their 20 per cent of the cost.

My bill would provide a third alternative.

It would allow EDA in effect to *loan* the applicant this 20 per cent of the funding costs, the non-federal share, at no interest, providing EDA gets in return a binding commitment that the share will be paid at a future date. This way the much-needed project can receive its initial funding and get started while the applicant is raising his share of the bill. I might point out that this provision will make it easier for rural and urban areas alike to get their projects off the ground.

Other changes I am proposing are the more technical ones. They include provision of increased interest subsidies, mortgage insurance for commercial and industrial use; and, for the first time, lease guarantees so that businesses could rent space backed by the federal government rather than having to buy it.

That latter provision would involve shopping center uses too—lease guarantees for multi-tenant facilities are included.

In determining aid needed, EDA for the first time would be able to aggregate the business loan need of all tenants of a building rather than have to deal with each one separately as is now the case. And my bill would extend the term of loan guarantees from 25 to 30 years, because that would make the effective term 40 years—with the normal 10-year extension—and 40 years is the standard property depreciation term used in most other business calculations.

So you see I have proposed nothing that is really revolutionary. These are changes in the EDA act of the kind that make progress but rarely make news. They would provide some of the weapons EDA could use for an attack on city problems, an attack as necessary as the one EDA has already mounted in the area of rural development.

And the increased funding I have included in my bill will make it possible for EDA to address itself to development problems in rural areas as it has been doing, with increased funding there . . . and for the first time also to the development of city areas.

Nothing is lost, much is gained by this legislation, and for thaat reason, I ask you to give it your favorable consideration.

Thank you.

THE FUTURE IS NOW FOR AMERICA'S AGED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROSENTHAL) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, after a lifetime of work, the retired American soon learns his "golden years" are anything but golden. His income drops while prices keep climbing in the other direction. These soon become the years of despair and disappointment.

Inflation eats away at savings and pensions with a voracious appetite. Food prices and rents soar, property and sales taxes climb and medical costs zoom out of sight. About 80 cents out of every dollar the elderly have must go for day-to-day survival, such as food, housing, transportation, and medical care.

In the wealthiest nation on earth, there is no justifiable reason why millions of elderly citizens must live in or near poverty. Yet, that is just what is happening. It has been reported that 70 percent of all single women and 32 percent of all single men over age 65 have incomes less than $2,670 a year. Couples are only slightly better off, with nearly one in four having annual incomes below $3,000. Some 5 million or more older Americans are subsisting below the poverty level.

It has been pointed out that poverty among the aged could be wiped out for what it costs to conduct the war in Indochina for only 3 months. Medicare coverage could be expanded to include out-of-hospital prescription drugs for the price of a single aircraft carrier. A comprehensive manpower program for older workers could be established for the cost of a single submarine.

Surely a nation that has so much money to spend on the instruments of death and destruction can set aside a fraction of that sum for life and opportunity for its elderly citizens.

Low income is the No. 1 problem of today's aged population. Regrettably, the social security system has failed to keep up with the rising income needs of the aged. Poverty is not a transitional problem for the elderly, that given present trends, will solve itself.

Because so many are on fixed incomes, they are among the first and hardest hit by inflation. If we do not enact a bold, comprehensive, and truly meaningful social security bill, many of our aged citizens may have no alternative but to go on welfare. Our piecemeal trial and error steps in this field are continually going to fail to meet the needs of the aged, 15 percent of whom are chronically ill. The ineffectiveness of our present social security coverage further regresses among minorities, where the likelihood of being poor is nearly twice as great for the white aged population and four times as great as for our total population.

I am today introducing what I feel is a much-needed social security bill which can help relieve the unconscionable state of deprivation that so many of our elderly citizens have been forced to endure for so long.

My bill provides for a 50 percent increase in benefits for the elderly, survivors, and disabled with a $150 monthly minimum for an individual, and $300 for a couple. A recent survey of my constituents revealed overwhelming support for this move.

This bill will lower the minimum age of eligibility for health insurance benefits to 60, a provision which is the result of good commonsense since extreme illness strikes when it can least be afforded. Millions of older Americans today postpone treatment until the crisis stage simply because they expect old age to bring infirmity and misery. Gaps in medicare and medicaid coverage also make it difficult for them to receive high-quality health services and supplies except during and immediately after hospitalization.

About half of the elderly population pay a monthly premium of $5.60 to supplement medical care costs under part B of medicare, and this rate will go up to $5.80 in July to an annual cost of $69.60. Inflation, which hits hardest at those on fixed incomes like the poor and the elderly, is sure to send this fee higher and higher in the years to come. Such increases probably will force many to give up their medicare coverage, and the result can easily be catastrophic out-of-pocket medical costs. Under my bill, those earning under $4,800 would be exempted from this payment.

Medicare protection has already eroded to the point that the elderly, as as a group, are paying almost as much in out-of-pocket payments for health care now as the year before this law went into effect. Forty-one percent of their medical costs remain as a personal responsibility to be met out of social security benefits, other income, personal assets, by relatives and friends, and by their private insurance.

On the average, an elderly person pays $791 a year for medical bills. Hospital and doctor costs are rising rapidly, well ahead of the overall cost of living. Health bills for the elderly are averaging almost $800 million a year; nearly six times that for youngsters and triple that for individuals in the 19-to-64 age bracket. How are these people expected to cope with this unavoidable horror? A physician's care cannot be compared with a new dress or a movie. Illness demands treatment and care now, and our sense of morality and decency cannot allow us to think of the consequences of only half-treating this problem. We must supply this Nation with workable, tangible means of quality health care for the elderly.

In this bill, unlimited post-hospital extended care services are offered with an emphasis on prescription drugs. The elderly spend about three times more per capita on prescription drugs as the rest of the population. A study by the Department of Health, Education, and Welfare showed that the 1970 per capita expenditure on drugs by the elderly was $50.94, compared to $16.29 for persons 65 and under.

My bill would extend medicare coverage to include out-of-hospital prescription drugs. This is something I have long advocated and a program endorsed by the White House Conference on Aging, the President's own Task Force on Aging, the Health, Education, and Welfare Department's Task Force on Prescription Drugs, and the 1971 Social Security Advisory Council. A large portion of health care costs stem from the purchase of drugs. This is especially true of our elderly, who must spend 20 cents of their health care dollar on medicine. While the elderly represent only 10 percent of our population, they account for 25 percent of the Nation's prescription drug expenditures, or about $1 billion a year. It is essential that we make the purchase of these drugs less of a hardship.

Aside from financial difficulties, the elderly face additional obstacles. They frequently have transportation problems and find it difficult to shop around for the lower drug prices they might be better able to afford. Oftentimes, their very illnesses present impediments to their exercising full consumer power.

This measure will not only eliminate this unfortunate use of much-needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people.

This program would also help avoid much worry and bother for medicare patients. They would simply pay the pharmacist $1 for each prescription and not have to worry about keeping any records, paying monthly premiums, filing claims or getting tangled up in redtape. A person would pay for this coverage during his working years, rather than after he retires and his income is sharply reduced.

Any program has potential administrative problems, and this bill is no different. Yet, the $1 copayment, the reimbursement directly to pharmacies, and the formulary committee proposal strikes me as offering a balance between safeguards against waste, on the one hand, and protection and convenience for pharmacists, the Government, and, of course, the elderly, on the other.

The human costs of not enacting this bill, and thus perpetuating this hardship for our elderly, are far greater than the financial costs involved. In an age when we talk of spending over $10 billion on space shuttles and one-tenth that amount on elaborate university campuses and Government office complexes, surely we must find the necessary funds to provide drugs for our elderly citizens.

I think my bill takes a giant step toward alleviating the inequities between what should be done and what has not been done by us.

Among the features of my bill are:

The age of entitlement is lowered to 60 for both men and women. Age 60 would be the cutoff for both men and women in computing insured status and average monthly wage.

Early retirement is a developing trend that could seriously impede attempts to improve the income position of future aged populations. However, the eligibility age would be an inducement for earlier retirement and make more jobs available to others. In recent years, more than half of the men retiring have done so before age 65.

Payment of increased benefits is permitted to a married couple on their combined earnings record where that method of computation produces a higher combined benefit. Persons should not be penalized for being married.

A widow's benefits are increased from 82.5 percent of her husband's payment to a full 100 percent. At a time when the insurance benefits are needed most, they should not be reduced. Present law says that if a couple receives $150 a month and the wife dies, the husband would continue to collect $100, the full benefits for a single person. But if he died, his widow would only receive $82.50 a month. Under my bill, both would receive the $100.

The earnings base is raised to $15,000.

Cost-of-living increases in social security benefits are provided. There are two aspects to this provision: one is national across-the-board, cost-of-living adjustments. Inflation has made this imperative. The second aspect provides for cost-of-living differentials in major metropolitan areas where living costs are markedly above those elsewhere.

Dependent and surviving parents can begin receiving benefits at age 60 instead of 62. They are facing all the same problems of all the aged, too.

Age requirement for entitlement to widow's and widower's insurance benefits are lowered from age 60 and 62, respectively to 50. More of the aged in the future will be women and most of these women will be widows, many living alone. Widowers face problems in comparable sums of money.

Sisters or brothers of insured individuals are entitled to receive insurance benefits if they have reached the age of 60 and were receiving at least half of their support from the insured person at the time of his death.

The blind can refuse to accept State rehabilitation services without suffering deduction in their social security payments; they are also entitled to disability benefits after age 65. The blind should not be forced to submit to a rehabilitation program in order to receive benefits because of a physical disability.

Federal employees are permitted to elect social security coverage instead of the present Government pension program, if they wish.

The reduction in disability insurance benefits presently required if a beneficiary is receiving workman's compensation is repealed.

Late applications for disability insurance benefits, where failure to file in time was due to good cause, will be accepted and validated.

The ceiling on outside income is removed. Because social security is insurance which the worker paid for, he should not be denied the benefits because he has provided for other income in retirement or because he continues working. If he paid for it, he should receive the benefits.

Medicare coverage is extended to the disabled under the age of 60.

Federal, State, and local employees are eligible for medicare.

The 100-day limit on posthospital extended care services under the hospital insurance program is eliminated.

Individuals with less than $4,800 gross annual income will be exempt from paying for their supplemental medicare coverage.

Free annual physical examinations for the elderly are provided. This will encourage preventive care rather than crisis treatment, contribute to a healthier population, and could help prevent more costly illnesses later one.

Every part of my bill affords effective, tangible, and solvent ways of correcting the questions it deals with. We all face a common aging problem. We must provide and plan for a retirement period of indeterminate length and uncertain needs. In 50 years 15 percent of all Americans will be over 65; a third of these, 15 million, will be over 75. My bill will help eliminate many of the spiraling problems that have plagued our country's aged. It must be kept in mind that social security is not charity, but insurance bought and paid for by American workers.

Because the bill is so voluminous, I am inserting in the RECORD at this point the table of contents:

H.R. 14558

A bill to amend title II of the Social Security Act to provide a 50-percent benefit increase with a $150 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefor, to increase widow's benefits and provide for payment of such benefits in full at age 50 without regard to disability, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to eliminate the retirement test; to amend title XVII of such Act to reduce to 60 the age of entitlement to Medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, to include qualified prescription drugs and free annual physical examinations under the supplementary medical benefits program, and to eliminate monthly premiums under such program for those whose gross annual income is below $4,800; and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Social Security Amendments of 1972".

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FUNDING NEEDED FOR MILK PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, I urge the Congress to extend and fund section 6 under Public Law 92-32 for fiscal 1973.

Section 6 money, originally made available in Public Law 92-32, and not publicized by the Department of Agriculture makes it possible to provide iron-enriched milk to infants. We are particularly concerned that these programs be funded for we see reason to hope that iron-fortified infant feeding programs may prove the breakthrough to eradicating hunger among infants that school lunches have been for school age children.

Over the past 14 months the Maryland Food Committee has funded with $35,000 two pilot programs for iron-fortified milk: One in Cherry Hill and O'Donnell Heights in Baltimore City, and the others in Anne Arundel County and the nine counties of the Eastern Shore. The programs were set up to evaluate the effectiveness of such programs in redressing infant anemia and malnutrition and to study various distribution methods coupled with nutrition education for the mothers.

The programs were administered by the Maternal and Infant Care Divisions of the Baltimore City Health Department and the Maryland State Department of Health and Mental Hygiene.

In Cherry Hill where the program has been in operation longest, the results have been truly remarkable. At the start of the program 40.8 percent of the infants were markedly anemic. A high percentage of the babies were smaller and lighter in weight than normal, 90 percent had some identifiable medical problem. After 4 months on the iron-enriched formula, the anemia was largely corrected and the height-weight curves were significantly improved.

The Maryland State Department of Health and Mental Hygiene is prepared to extend this program to all needy infants in the State through its well baby clinics. If "needy" is determined by State medicaid standards about 5,000 infants would be involved; if by food stamp or school lunch eligibility standards, which would seem more logical, 13,000 infants should be reached. Family nutrition education using community volunteers and extension aides is built into the program outline.

The Congress of the United States has demonstrated in the last year, through its passage of Public Law 92-32 and House Joint Resolution 923 its very real concern for the hungry children of this country and its determination to do something to relieve the condition. It is logical and essential to carry this concern one step further and extend section 6 to provide iron-fortified milk to hungry infants.

THE TOUGH HIDE SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I rise today to call the attention of the Members of this House to a most serious situation, in the past few weeks Member after Member, including myself has risen to point out some of the more obvious shortcomings and failures of phase II. The implementation and administration of the guidelines has not been what anyone could mistake for a modern American success story. The irony is that in one of the few cases where controls have produced results the results were neither intended nor desirable. I am referring to the serious crisis which has developed in our domestic footwear and tanning industry directly as a result of the imposition of price controls on hides.

I found it necessary to come to the House to discuss the seriousness of the situation because, quite frankly, I seriously doubt whether the powers that be in this administration have been too impressed with just how serious this situation is—this in spite of repeated warnings and communications from Members of Congress, including practically the entire New England delegation. I first became involved in this crisis—and I do not think "crisis" is too strong a word to use describing the situation facing the footwear industry—I first became involved in this crisis as long ago as the beginning of the year. All I have succeeded in accomplishing to date, however, is to initiate another vicious circle of buck-passing from one agency in the administration to another. The Price Commission and the Cost of Living Council have refused to budge on the matter and modify their controls in this particular instance on the grounds that an administrative remedy is available from the Commerce Department which is able to recommend to the President the imposition of controls over exports of hides. At the present, I am caught in the incredible situation where the Commerce Department refers me to Mr. Flanigan of current fame at the White House, with Mr. Flanigan very obligingly referring me back to the Commerce Department and so on and so forth.

What are the issues in brief? What has happened as a result of the controls imposed upon prices of domestic hides is that the sales of hides in this country have practically dried up because hide producers have been able to receive much better prices for their product on the world market. The reason for this, from what I have been able to determine, is that world demand for hides has never been greater and supply has never been more limited. Under the circumstances the American tanneries and ultimately the shoe manufacturers that are still manufacturing in this country are unable to compete in any way, shape, or form with the foreign purchaser. In point of fact, a number of firms have not been able to purchase hides for the past several weeks now and in at least several instances tanneries are on the verge of closing down in a matter of days. Speaking for myself and for the Commonwealth of Massachusetts, the last thing we need in Massachusetts right now is more unemployment. What particularly upsets me and galls me in the present situation is that it is at root a manufactured crisis, an artificially created crisis for which there is an administrative remedy available—if not several administrative remedies available. Yet all I have met with in my attempts to break through the barrier of disinterestedness in the executive department here is more and more frustration and bureaucratic gobbledegook. All I have been promised for my efforts are more and more studies. To date, I have been careful about being too quick to criticize the obvious lack of progress in resolving this crisis in hopes that something could be worked out. Following Monday's meeting, however, in the form of a briefing on the Hill with officials of the Department of Commerce, I am convinced that the administration has no other intent except to study this problem to death. Meanwhile time is running out and I am fearful that what is left of the shoe industry in this country is in serious danger of total disruption. Instead of responding to a serious crisis after the fact, my hope was that the administration would anticipate the crisis.

I am sorry if I cannot place greater reliance on the promise of further surveys by the Department of Commerce before a decision is made. I can appreciate their reluctance to recommend the President placing export controls over hides. But however, understandable, reluctance can be overcome and should be overcome in emergency situations. As far as I am concerned, this preoccupation with studying the problem fits in all too well with the pattern this administration has consistently displayed where the shoe industry of this country is concerned. They are studying the industry to death. For instance, the President has had before him now for more than a year a proposal to grant the industry a measure of industry-wide relief because of the impact of foreign imports. All we have been promised is more and more consideration. Meanwhile firms and workers are still waiting for adjustment assistance. It is not surprising that I am wary of being promised that the problem will be considered and that surveys are currently underway before action is taken. Therefore, anything you, my colleagues, can do to impress upon the White House through your contacts with administration officials the seriousness of the present situation facing the tanning and shoe industry in this country would be deeply appreciated by myself and thousands of workers around the country.

COTTER APPLAUDS DEMOCRATIC CAUCUS ACTION TO END THE WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I was extremely gratified by the action of the Democratic caucus today which overwhelmingly adopted the O'Neill resolution which places the House Democrats on record for the first time as desiring an end to the war dictated by congressional legislation.

The caucus further instructed the House Foreign Affairs Committee to report appropriate legislation to the full House within 30 days.

I have little doubt, Mr. Speaker, that this vote was a direct result of the renewed bombing of North Vietnam. The new rash of bombings over North Vietnam in retaliation for the attack by North Vietnamese troops in South Vietnam, has made the war reemerge as a major national issue.

I, along with many of my colleagues, have been working and voting to end U.S. military participation in this war. I have supported President Nixon's troop withdrawals, although I have frequently been critical with the pace of withdrawal and the content of the withdrawal program. The crux of the Vietnam war is that it continues to divide the American people because the United States continues to assume a major combat role in the defense of South Vietnam.

We are all constantly harassed with new plans and strategies to end the war, but in my own mind, the only condition to complete U.S. military withdrawal is the return of our POW's. I have fought and voted for this position before and I will again.

In January of this year, when intensified bombing began in Cambodia and Laos, I wrote to the President urging him to clarify his withdrawal program. I was concerned then, and subsequent events have reinforced my concern, that the retention of massive U.S. airpower and naval power signifies a continuing large-scale direct U.S. military presence for the indefinite future.

Today I reiterate my call to the President. At a time when our Nation has been torn apart by the conflict and Southeast Asia has been decimated by the war, I ask the President to address the American people about his future intentions. Our Nation cannot stand more unclear statements about "troop withdrawals" when what is meant is only ground combat troops while a vast U.S. air and naval armada is massed to save the South Vietnamese Army.

There is another matter that the President should address. His Vietnamization program allowed the South Vietnamese to build a 2-million-man army with a 500,000-man militia. This 2-million-troop South Vietnamese Army—ARVN—is not being supplied by the United States to be Thieu's palace guard; they are there to protect South Vietnam from attack. I do not condone the attack of the North Vietnamese across the DMZ, but I am terribly concerned that the South Vietnamese Army appears to have been saved only by massive U.S. air power. The President must explain how, after 10 years, the South Vietnamese cannot withstand such an attack when they have superior manpower and equipment.

I believe that the President owes the American people a complete and candid explanation of these two central issues. The American people must be told if the President plans an indefinite U.S. air and naval commitment to protect South Vietnam and a realistic report on the progress of Vietnamization.

Absent any clearly defined statement by the President on these matters, I will continue to vote, as I have today and in the past, to end the war by congressional action.

I believe that the House Democrats have today acted courageously and responsibly. By adopting this resolution, the Democrats assured that the House of Representatives will be given the opportunity to vote openly on specific legislation to end this tragic and divisive war.

On the other hand, this action by the House Democrats has reinforced the obligation of the President to clearly and precisely inform the American people about his plans for ending the war, and I am hopeful that he will take the opportunity next week to "square" with the

American people, and that, through a candid address, he can repair the divisiveness that again threatens our country.

VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, in the shock and horror which followed the announcement that President Nixon had ordered massive bombing of Hanoi, Haiphong and other areas of North Vietnam, I was reminded of several tantalizing lines from the folk song, "Blowing in the Wind."

> How many years must one man have, before
> he can hear people cry;
> How many deaths will it take to be known
> that too many people have died.

President Nixon, who was elected to office on the basis of his "secret plan to end the war," has now had more than 3 years to hear the American people cry out that they are sick of the war in Southeast Asia, which has now become the longest war in our Nation's history.

How many more deaths, how much more slaughter and destruction, will it take to convince him that too many people have already died in this senseless war?

A keen analysis of the American bombing, and the illogic of continued use of B–52's over North Vietnam, was given in this morning's Washington Post. The editorial reads as follows:

> The debate on the renewed heavy bombing of the Hanoi-Haiphong area seems to us to have missed a crucial point about B–52s. These huge heavy airplanes, which carry 30 tons of bombs apiece, cannot dodge missiles the way lighter aircraft can, and they must fly at great altitudes—six miles or so—in order to avoid being shot down. For just this reason, B–52s had not previously been used in the more urban and heavily defended parts of North Vietnam.
>
> The mysterious way in which the military finds ripe new targets sprouting after every raid, like mushrooms after a rain, should not be underestimated. But it is surely fair to insist that the administration accept the implications either of its claimed success or of an actual failure, whichever obtains. It cannot have it both ways.
>
> Either the bombs dropped by B–52s on Hanoi and Haiphong last weekend hit their intended military targets, as the Pentagon claimed, in which case there is no further military reason to send the B–52s back; or those bombs did not hit their intended military targets, in which case there also is no further reason to send the big planes back, since the oil depots surely will have been emptied and supplies dispersed and since the accuracy of high-flying B–52s surely will not have been improved in the intervening days.
>
> If Mr. Nixon nonetheless does decide to make further B–52 raids on North Vietnam's most heavily populated and—because of the dikes—most vulnerable areas, then he will be wide open to the charge that he is indifferent to the danger of killing civilians and destroying civilian centers and works for the sake of making a diplomatic or political impact on Moscow. This is very nearly the moral equivalent of shooting hostages. Lyndon Johnson never deliberately and consciously adopted a bombing policy which endangered civilians to this degree. He did not use B–52s as far north as Hanoi and Haiphong, as has Mr. Nixon, who is supposedly "winding down" the war.

President Nixon's resumption of wholesale bombing represents not only a renewal, but an expansion, of the discredited bombing policy of 1965–68, which proved so futile. The President's action shows a reckless disregard for the avowed wishes of the American people, and for the potentially tragic consequences which could result.

U.S. bombers rained a hail of destruction upon both North and South Vietnam from early 1965 until late 1968, with virtually no effect on the ability or the determination of the North Vietnamese and the Vietcong to continue the war. The Tet offensive of January 1968 bore dramatic testimony to this fact. The slaughter of innocent civilians and the destruction of homes, school, and hospitals only bolstered their will to fight.

The amount of bombs that we have dropped in Vietnam since 1965 is truly appalling. More than 6 million tons of bombs have fallen on that hapless nation, three times the total tonnage dropped by American planes in all of World War II.

More than half of this tonnage has been dropped in the 3 years since President Nixon took office.

What has it accomplished? The current North Vietnamese offensive, like the 1968 Tet offensive, does not represent the efforts of a nation bombed into submission.

Mr. Speaker, our intervention in Southeast Asia was based on a "commitment" to the Government of South Vietnam nearly 10 years ago. Have we not more than fulfilled whatever commitment or obligations we may have had?

South Vietnam, the nation for which we have expended nearly 60,000 American lives and over $100 billion American dollars, is today pockmarked with American bomb craters. Over 150,000 South Vietnamese soldiers have been killed, another 350,000 wounded. More than 4 million persons, nearly a quarter of the population, have been driven from their homes. We have destroyed nearly 6 million acres of forests and croplands with herbicides. More than 1 million civilians have become casualties, including 325,000 killed—100,000 of them children under 13. The economy has been demolished, with a $50 billion loss in production and damage to capital assets estimated at $304 million. More than half of the South Vietnamese national budget today is derived, directly or indirectly, from the U.S. assistance.

Inflation has become a way of life; retail prices in Saigon have increased by over 700 percent since 1965. Black marketeering, governmental corruption, increased narcotics addiction, and prostitution are among the other "benefits" to the Vietnamese of our intervention.

Do the South Vietnamese really need or want any more of our "help"? Is any American national interest served by our continued intervention? Is the perpetuation of the Thieu government really worth more American lives and dollars?

If President Nixon really wants to "wind down the war" and secure the release of our captured servicemen, why have we boycotted the Paris peace talks?

If the Vietnamization program is working, why does the South Vietnamese Government need our planes and ships to repel the current invasion?

Mr. Speaker, there is only one way to bring this tragic episode in America's history to a close, and it is not through escalation and retaliation. Our expanded bombing can only add to the toll of innocent victims, and add to the toll of American prisoners in Communist hands.

We must act now to completely terminate our military activity in Southeast Asia and to resume negotiations at Paris for release of our prisoners.

This morning, in the Democratic Caucus, I supported the resolution offered by the majority whip (Mr. O'NEILL) and his Massachusetts colleague (Mr. DRINAN).

I have also joined with another member from Massachusetts (Mr. HARRINGTON) and several other colleagues in sponsoring a Concurrent Resolution to stop the bombing of North Vietnam, to order our representatives at the Paris Peace Talks to resume negotiations, and to continue withdrawal of American forces.

The negotiators in Paris would be instructed to seek the return of all our prisoners now held captive, and an accounting of all our missing men, in return for total withdrawal of all American forces from Indo-China and a cessation of all our military activity there.

These simple steps, Mr. Speaker, offer us a clearcut way out of the morass into which we have been led, as opposed to President Nixon's policy of escalated bombing which can serve only to lead us deeper into the quagmire and invite the possibility of world war.

Mr. Speaker, at this point I would like to insert the text of the resolution I am cosponsoring to stop the bombing of North Vietnam and end this terrible war:

Concurrent Resolution to Stop the Bombing of North Vietnam

Resolved by the House of Representatives (the Senate concurring), that, (1) All American military activity, whether land, sea or air, against the territory of North Vietnam be terminated at once;

(2) The President now order our representatives at the Paris peace talks to resume negotiations, in order to achieve the return of our personnel held captive in Indo-China and an accounting of all those missing there, in return for the total withdrawal of American military forces from Indo-China and the cessation of all American military activity in that region; and

(3) Meanwhile there be no interruption in the withdrawal of American military forces from Indo-China.

The text of the resolution adopted by the Democratic Caucus this morning reads as follows:

Democratic Caucus Indochina Resolution

(Adopted April 20, 1972)

That it is the sense of the Democratic Caucus of the House of Representatives that in the 92d Congress the House of Representatives:

Should condemn the current military invasion of South Vietnam by the forces of North Vietnam;

Resolved, that the recent bombings of North Vietnam represent a dangerous escalation of our role in the Indochina war and a direct contradiction of the Administration's stated policy of "winding down" the war;

Resolved further, that the national interest in obtaining a permanent peace with security would best be served by promptly setting a date to terminate all U.S. military involvement in and over Indochina, subject only to obtaining the release of our prisoners of war and all available information on the missing in action;

Resolved further, that the Democratic Caucus of the House of Representatives hereby directs the Democratic members of the House Foreign Affairs Committee to prepare and report within 30 days legislation designed to accomplish these specific objectives.

DELAYING A POSTAL BOOST

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, I would like to call my colleagues' attention to the following editorial that appeared in the April 3 Belleville, Ill., News-Democrat. As the editorial suggests, wonders never cease.

Delaying a Postal Boost

The thesis that wonders will never cease derives a lot of support from Postmaster General E. T. Klassen's cancellation of 450-million-dollar postal rate increase scheduled to take effect next January. As anyone who has ever mailed a letter must realize, this sort of thing is just not done in the best postal circles.

Klassen went further than simply announcing cancellation of the hike in mailing rates. Said he at a meeting of management personnel of the U.S. Postal Service, "We must learn to live within our income."

This revolutionary concept has had some lip service in the past, but Klassen put it rather more bluntly than is customary. Moreover, he proposed a course of action to follow through on the idea, notably a 90-day moratorium on hiring in the Postal Service.

Actually, the postmaster general left himself a loophole. That is, he said, learning to live within postal income "means that without impairing service, costs must be substantially reduced in order to enable us to eliminate the need for a 450-million-dollar increase next January."

The operative words are "to enable us." If it doesn't work, presumably, mail rates may still have to be jacked up in accordance with the initial plan.

Whatever happens, it is good to have a postmaster general urging the Postal Service to live within its means instead of routinely turning to another postal rate increase. The latter may be necessary in time, but economies of operation certainly will be welcome.

AEC'S 15TH ANNUAL REPORT ON PRICE-ANDERSON ACT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, in accordance with the Atomic Energy Act, the AEC recently submitted its 15th anual report to the Joint Committee on indemnity activities under section 170 of the act, commonly referred to as the Price-Anderson Act. A copy of the report is available at the Joint Committee offices. I should like to submit for inclusion in the Record a summary of highlights of the report.

Summary of AEC's 15th Annual Report on Indemnity Activities Under the Price-Anderson Act

1. Effective January 1, 1972, the two nuclear energy liability insurance pools, Nuclear Energy Liability Insurance Association (NELIA) and Mutual Atomic Energy Liability Underwriters (MAELU), increased the combined maximum amount of nuclear energy liability insurance available from the pools from $82 million to $95 million. Since the total of liability insurance and government indemnity fixed by statute is $560 million, the indemnity portion is reduced proportionately from $478 million to $465 million. The history of the growth of the capacity of the insurance pools is as follows:

[In millions of dollars]

	Liability insurance (pools)	Indemnity (Government)
Original	60	500
Jan. 1, 1966	74 (+14)	486
Jan. 1, 1969	82 (+ 8)	478
Jan. 1, 1972	95 (+13)	465

Effective March 1, 1972, the Commission amended the regulations and its indemnity agreements to reflect the increased private insurance. The time lag was to afford licensees a reasonable opportunity to make the necessary arrangements.

2. The Commission adopted an amendment to its regulations, an amendment to its form of indemnity agreements, and approved an endorsement to liability insurance forms to clarify the waiver of defenses provision under the Price-Anderson Act. Those provisions relate to waiver of defenses available to a party liable in the event of "an extraordinary nuclear occurrence." The changes make it clear that a licensee employee working at an indemnity site exclusively in connection with construction of a reactor for which no operating license has been issued and not involved in the possession, storage, use or transfer of nuclear materials, maintains his rights under the waiver of defenses provisions. Those provisions will also be available to workers engaged in construction of a follow-on reactor (i.e., a second reactor at an existing site) for which no operating license has been issued and to maintenance employees (even though only part-time) at an essentially completed facility pending issuance of the operating license.

3. Consistent with the Industry Credit Rating Plan the two insurance pools paid the fifth annual refund of premium reserves to 1961 policyholders (247 policies). This retrospective rating plan provides for a portion of annual premiums to be set aside as a reserve for either payment of claims or return to policyholders after 10 years. The amount of the reserve available for refund is determined on the basis of loss experience over the 10-year period. The 1971 refund was $1,017,609 representing 68 percent of the premiums paid in 1961 and 97 percent of the reserve established from those premiums. Comparative figures for the first four refunds were:

Year	Refund	Percent of premiums	Percent of reserve
1970	$784,612	67.2	96.4
1969	477,870	66.8	97.1
1968	241,209	67.5	99.2
1967	46,436	66.0	97.0

4. Under the Price-Anderson Act, every licensee protected by an indemnity agreement must pay an annual indemnity fee to the AEC at the rate of $30 per megawatt of thermal capacity authorized by the license. During the year ending March 21, 1972, $794,377 was paid to the Commission for such fees making a cumulative total paid since the inception of the program of $2,664,553. No claims have been filed nor payments made under licensee indemnity agreements since the inception of the program.

5. The Commission established interim amounts of financial protection and interim indemnity fees for the Midwest Fuel Recovery Plant (General Electric Co.) near Morris, Illinois. These were set at the same level as those required for the Nuclear Fuel Services plant in New York. Financial protection requirements were set at $5 million for preoperational storage and $20 million for plant operation. The indemnity fee was set at $500 for preoperational storage and $4,000 for plant operation.

VEGETABLE GARDENS AND EARTH WEEK

(Mr. DORN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DORN. Mr. Speaker, during Earth Week 1972 it is especially fitting and proper to encourage the American people to plant flower and vegetable gardens. There is today a new awareness about the environment and about ecology. We have a few prophets of doom who preach gloom and disaster, but most Americans believe in the positive approach to environmental improvement.

Earth Week is a splendid tribute to those millions of concerned citizens who are doing something positive to improve the environment. There is so much that each individual can do in his own way. Some contribute by growing flowers. Our own State is especially beautiful in the spring and summer with the color and scent of billions of flowers. The fabulous gardens of the Charleston area are world famous, and in our own city of Greenwood we are especially proud of the annual South Carolina Festival of Flowers, to be held this summer on July 28 to 30.

Another splendid activity of environmental improvement is gardening. Even a small garden the size of a living room can greatly improve a diet and provide recreation which is good for the mind and physical body. Gardening is good therapy for all of us, particularly the elderly. I am especially pleased during this Earth Week 1972 to introduce a resolution to encourage each American family to grow a vegetable garden. In addition to being of great value as recreation and environmental improvement, vegetable gardening by millions of Americans will fight inflation by increasing the supply of vegetables.

We introduce this legislation during Earth Week 1972 in recognition and commendation of the millions of Americans who make positive contributions to the beauty and the environmental improvement of the United States. For example there are the millions of garden club members who are so dedicated and devoted to the beautification of our Nation.

In introducing this bill, Mr. Speaker, we encourage all Americans to follow the spirit of Earth Week 1972 and make a positive contribution to environmental enhancement.

The text follows:

Resolution

Whereas inflation, nutrition, physical fitness, and recreation are national concerns;

Whereas a family can save on food costs, fight inflation, improve nutrition, get healthful exercise, and have fun together by planting a vegetable garden;

Whereas many citizens of the nation have already realized the many advantages of planting a vegetable garden; and

Whereas the pleasure, profit and fulfillment of growing your own vegetables has been recognized by publications with worldwide circulation;

Whereas patriotic citizens planted victory gardens during World War II at the urging of the President of the United States for the purpose of conserving national resources and combating inflation;

Whereas our nation is currently engaged in battle against the ravages of inflation and malnutrition, and vegetable gardens are a potent weapon against both;

Whereas the American way of fighting a problem is not boycotts and is not mere passing of laws, but is self-help and unity in pulling and working together; and

Whereas the planting of vegetable gardens will provide more food for the family's budget and will increase the vegetable supply and bring food prices down for apartment dwellers without space for gardens: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

LEAA: SETTING THE RECORD STRAIGHT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.

Mr. MONAGAN. Mr. Speaker, charges have recently been made in connection with the proposed but unpublished report of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations concerning the administration of the block grant programs of the Law Enforcement Assistance Administration—LEAA—since its creation in June 1968.

The extended statement made in the other body on Thursday, April 13, by the Senator from Nebraska (Mr. HRUSKA) contains inaccuracies of fact and unwarranted conclusions and requires a reply.

To begin with, I deprecate the political atmosphere which has been cast about the whole question of reviewing the activities of LEAA. With the public history of scandal, ineptitude, and criminality which has been revealed in many States, conspicuously Alabama, Florida, and Indiana, it was not only desirable but essential that a committee of the House charged with reviewing the economy of operation and effective functioning of Government agencies should look into the affairs of this unit of the Justice Department which had never been thus reviewed since its creation.

In addition, the escalating volume of appropriatons which reached $699 million in fiscal year 1972, a 1,100 percent increase in 4 years, demanded appropriate examination, especially in these days when the taxpayer complains increasingly about the burden and distribution of the payments exacted from him by the Government and about too frequent waste of public funds.

Unfortunately, the opportunity to discuss the problems of LEAA on their merits has been disrupted by events of the last week involving the publicity given to the report which Senator HRUSKA describes.

In this connection it is essential that certain facts be understood. First, the draft of the report was never released outside the membership of the House Committee on Government Operations. Second, after a preliminary draft of the report had been distributed to 39 members of the full committee, someone leaked a copy to a reporter for the Chicago Tribune and stories concerning the report appeared in the Tribune on Friday, April 7, and the next 2 days. It is my understanding that the reporter who wrote the stories covers the Justice Department and the Supreme Court and not the Congress. Upon hearing of this action I immediately wired the following telegram to the publisher of the Chicago Tribune:

> Publication of report of Legal and Monetary Affairs Subcommittee on Law Enforcement Assistance Administration program is premature and unauthorized. Report is subject to approval by House Committee on Government Operations and should not have been released for publication prior to Committee approval. Release was not authorized by me.
>
> JOHN S. MONAGAN,
> *Member of Congress, Chairman, Legal and Monetary Affairs, Subcommittee of House Committee on Government Operations.*

On Friday, April 14, 1972, I received a response from the executive editor of the Chicago Tribune which, in part, stated:

> (Re:) your telegram of the 9th concerning our stories on the law enforcement assistance administration program . . . I am assured that the information reflected in these stories did not come from you.

The interviews for the CBS documentary concerning LEAA on "60 Minutes" were filmed on February 24, 1972. They were related to the hearings of the Legal and Monetary Affairs Subcommittee on LEAA which were held July 20–22, 27–29, and October 5–7, 1971. The discussions were dependent upon the hearings, rather than the report for their basic facts.

LEAA knew about the preparation of the program and in fact the Administrator of LEAA consented to be interviewed for the program and played a prominent role in the telecast.

It is unfortunate that the leak of the subcommittee's report to the Chicago Tribune occurred. Such a premature leak could have the effect of minimizing the coverage which the report otherwise would have received upon official release. I believe that the leak to a reporter for the Chicago Tribune, who covers the Justice Department and not the Congress, was a calculated attempt to lessen the impact of the report and prevent it from getting serious consideration on its merits.

I regret the leak to the Tribune, but I am more concerned about the waste and ineffectiveness that has characterized too much of LEAA programs; the lax and dishonest procurement procedures at State and local levels and the exorbitant fees and shoddy work of outside consultants. I am more concerned about LEAA funds paying for an airplane used to transport a Governor, his family, and State LEAA officials around the country.

I am equally concerned about the attack by the LEAA Administrator on the integrity of a committee of Congress and its staff.

I merely call the attention of the Members of this body to Mr. Leonard's statements which Mr. HRUSKA inserted in the RECORD of April 13, 1972, at pages 12659–60. His attack on the right of Congress to review the operations of executive agencies and on the motives of Members of Congress flies in the face of legal authority and shows a total misunderstanding of the role of an oversight committee of the Congress.

The Senator from Nebraska has done a public service by inserting in the RECORD the entire transcript of the interview of Mr. Leonard by Mike Wallace, which I understand took place in March 1972. It affords an opportunity, over and above what Mr. Leonard said on the air, to evaluate the accuracy of the administrator's responses. It is useful to highlight some of the responses:

First, Mr. Leonard says at pages 12653–54 of the RECORD that a prospective discretionary grant to the city of San Diego in the amount of $920,000 for security at the Republican Convention was not published by LEAA and that the agency did not receive the grant application "until very recently."

The facts are that San Diego did submit a grant application to LEAA on December 8, 1971, in the amount of $920,287. On November 9, 1971, Mr. Leonard had announced a grant in the amount of $395,424 to Miami Beach for security at the Democratic Convention. In a letter to me dated December 30, 1971, responding to a series of questions I raised about the convention grants, Mr. Leonard stated:

> The Discretionary Grant application of the City of San Diego was received by LEAA on December 8, 1971. That Grant Application is currently being reviewed and evaluated by LEAA staff, and no date or dollar amount of the award has yet been determined.

Second, Mr. Leonard responded to another of Mr. Wallace's questions that "handcuffs, tear gas, surveillance equipment, mugging cameras—and—all that kind of thing" purchased under the Miami Beach grant "can all be moved" to San Diego for use at the Republican Convention.

LEAA's own grant conditions on discretionary grants state that title to property purchased under such grants "vests in the grantee subject to divestment at the option of LEAA—exercisable only upon notice of 120 days after the end of the grant period—."

The time period of the Miami Beach grant is from November 1, 1971 through March 1, 1973, so it is clear that none of the equipment purchased by Miami Beach can legally be transferred to San Diego in time for use at the Republican Convention.

Third, at another point in his interview Mr. Leonard stated that "the governors have unanimously agreed to accept the responsibility for the audit function — "

In fact, responses by the Governors to a request by Mr. Leonard on June 7, 1971, for audits of the State programs, on the whole, have been negative and have resisted the Administrator's request for such audits.

The record of the subcommittee's investigation reprints 39 letters of Governors responding to Mr. Leonard's request. They are far from unanimous. In fact, many of them requested additional payments in order to perform the auditing duties requested by Mr. Leonard. Included in that group were the responses from the States of Hawaii, Louisiana, Nebraska, Massachusetts, Connecticut, Nevada, Utah, Idaho, and Mississippi.

Fourth. Mr. Leonard also told Mr. Wallace that possibly "a couple thousand" projects "didn't work out as well as the people who put them up thought they would."

I believe this admission, considering the amounts of money that some of these projects entail, is quite serious and underscores the suspicion that as extensive as the subcommittee's investigation was, it may only have touched the tip of the iceberg.

Fifth, Mr. Leonard characterizes Washington, D.C. as a "fine, safe town today."

While everyone is pleased when any city is able to curb the rise in crime, I believe all will agree that Mr. Leonard's characterization of the personal security in the Nation's Capital is somewhat charitable.

There is no reason why the Nation's Capital should not be the safest city in the world. Recognizing the crime problems of the District of Columbia I have consistently supported court reform, stronger criminal laws, and drug control legislation that would assist Federal and local authorities in their effort to halt the rise in crime. I congratulate Chief Wilson and his department and others in the District of Columbia criminal justice system for their efforts but any local success does not explain or justify the deficiencies which are highlighted in the report.

Sixth, Mr. Leonard told Mr. Wallace that he knew about alleged closed specifications written by Motorola Communications and Electronics, Inc. "shortly after (he) became Administrator" and that he "began to take steps to get uniform specifications."

In his appearance before the subcommittee on October 7, 1971, 5 months after he became Administrator, Mr. Leonard testified:

> We have this Committee and its staff to thank for bringing this problem—closed specifications—to our attention. This is one, at least, that until these hearings got underway, that had not come to my attention. (page 689)

Mr. Speaker, other inconsistencies and inaccuracies could be pointed out. It is obvious that the Administrator is embarked on an attempt to obscure the real issue and to prevent it from being considered in a dispassionate way. He resorts to guttersnipe tactics and political obscurantism by equating the review of his agency's programs with softness on crime. This is arrogance indeed in view of the developing record. By use of such smokescreen he is attempting to defuse a thorough and fully documented report which seeks to channel more effectively the common effort to control crime. May we not get back to the real issue: the effective operation of LEAA?

OPPOSITION TO WAR IN VIETNAM CONTINUES

(Mr. KEMP asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KEMP. Mr. Speaker, during the past week we have heard the Democratic Presidential candidates and other Democratic leaders making such rash and irresponsible remarks as: The response of the President to the North Vietnam invasion is "a moral outrage and a dangerous gamble" and "if I were President, I would end the bombing on a moment's notice," or "the only way to end the war is to recognize we made a mistake and to set a date now to terminate operations in Southeast Asia." Listen to this: "My fervent hope is that in their own decisions on the war, the leaders in Hanoi, Moscow, and Peking will not be as irresponsible as President Nixon has been." Resolutions are being introduced to force our President to abandon assistance to South Vietnam all at a time when the outcome is in doubt, and we have seen headlines entitled, "Pullout Voted by Democrats."

Suppose we do as they propose; tell the enemy we are leaving, lay down our weapons and withdraw our assistance. What then? Can they assure us our men will be unmolested—that our prisoners and missing in action will be returned? What if they are wrong? What if the enemy descends on our retreating forces as they have on South Vietnam these last 2 weeks. What if there is a Dunkirk with thousands of our young men killed and captured. Do our advocates of peace at any price have guarantees that there would not be slaughter?

Does any one doubt that the detente in the Middle East—the first such stability in more than two decades—is the result of the fact that Egypt and Soviet Russia believe that the United States will stand behind Israel in any future aggression. If peace in the Middle East is predicated on the credibility of our continuing commitment to helping Israel defend themselves, how is it that we can be less than credible in our commitment to South Vietnam to help them defend themselves.

I realize, Mr. Speaker, that the parallel between South Vietnam and Israel is not perfect, parallels seldom are. I recognize that Saigon has not achieved Jeffersonian democracy nor is it as responsive to the will of its people as is the Israeli Government, but nonetheless there are 18 million people who are attempting to defend themselves.

Admittedly, we have put too much money and too many troops into Vietnam in the past and that to the contrary Israel is not asking for American manpower but seeks only to purchase American firepower. But, Mr. Speaker, it was not the President who poured that money and those troops into South Vietnam; it was the party of those who, when they last held executive power in this country, gave us 550,000 troops with no plan to win the war and no plan to extricate us from the war. Their only plan was further escalation.

Mr. Speaker, I confess grave doubts about the outcome of this battle, not so much because of an unwillingness on the part of the South Vietnamese to defend themselves or the President to lend air support but because of the moral mediocrity of those who cry for "peace at any price."

Mr. Speaker, we cannot declare peace from the floor of the Congress. There is no division in this country over the desire for peace, but winning the actual peace is something more difficult. It has been said that in the field of foreign policy you can choose who you want to be your leader, but you cannot choose not to have a leader. That is to say that it is the President who is our leader, and he is attempting to win the peace, not at any price, not just "in our times," as was so tragically attempted in 1939, but his aim is for peace in the years to come. These critics imprisoned by the present crisis, mesmerized by the latest headline only the "now," cannot even suspend their judgment until the battle is over.

As Secretary Rogers has said so eloquently, there is plenty of time for criticism. The President is not trying to dodge his accountability but at least we can await the outcome of this military and diplomatic challenge with some unity in this country.

Mr. Speaker, what I really find ironic is that Monday we unanimously passed a resolution on this very floor condemning Soviet Russia for its treatment of Soviet Jews. We asked that our President speak up on behalf of this oppressed minority and stand up to the Soviets to help the Soviet Jews. In the last few days, in a 180-degree moral flip-flop, many of those who helped pass that resolution are now willing to suggest that our President not stand up to the Kremlin nor to the North Vietnam invaders, and further suggest we withdraw American support for 18 million oppressed people attempting to defend themselves. If they think that this will bring peace to the world or if this will help contribute to the continuance of a detente in the Middle East, I would like them to consider the warning of the very able correspondent of the New York Times, Hanson Baldwin, who said:

> If the Americans are forced, whether for military or for political reasons, to pull out of Vietnam, their defeat, however, disguised, will be hailed by revolutionaries everywhere as the final vindication of the theory of People's Revolutionary War—a demonstration that even a super-power can be defeated by a peasant army. In that event, the efforts now being made to launch such insurrections, or sustain them, in Africa and Latin-America, would be redoubled.

Mr. Speaker, I want peace as do I am sure all Americans. The American people want a peace that, as Smith Hempstone in the Washington Evening Star points out, is not a euphemism for surrender to Communist aggression. I do not doubt the sincerity of those who disagree with American policy, but I seriously question their judgment. I ask that all pay attention to the following article by Mr. Hempstone:

Heading Toward a Moment of Truth in Vietnam

(By Smith Hempstone)

In a number of ways, it may be just as well that the North Vietnamese launched their massive, multi-pronged invasion, now about to enter its fourth week, of South Vietnam.

With some 12 of its 13 mainforce divisions locked in combat on South Vietnamese soil, it becomes a trifle difficult for Hanoi to cling to the hoary fiction that the conflict is essentially a civil war between freedom-loving, anti-imperialist South Vietnamese and a puppet, neo-fascist regime in Saigon.

The war is revealed finally and conclusively for what it in fact has been since the early 1960s: A war of naked, coldly calculated aggression waged by North Vietnam, with the support of the Soviet Union and Communist China, against South Vietnam, supported by the United States.

Not that this will deter Sen. George McGovern. Nor will it change the attitude of the Doomsday Gang, whose bag is denigration of their country and exaltation of its enemies. They have, after all, demonstrated an infinite capacity to believe whatever they wish against any and all evidence to the contrary: To hear them tell it, the murder of thousands of South Vietnamese civilians in Hue during the Tet offensive of 1968 was no more than a true expression of the popular will in which a few (no doubt unpleasant) people happened to lose their lives. Nothing to compare to My Lai; Oh, my no!

In the end, of course, the war will be neither won nor lost on the American presidential campaign trail, in Ivy League faculty clubs or in the newspaper columns of the mea culpa pamphleteers. It will be won or lost in the paddies of the Mekong Delta, in the mistwreathed mountains of the Central Highlands and in the twisting streets of Hue and Saigon and of a hundred nameless villages. And it will be won or lost by the only people who can win or lose it, the people of South Vietnam. American air power and (where it can be brought into play) sea power can have an effect on the outcome, but they cannot determine it.

The track record of the ARVN (South Vietnamese troops) admittedly is mixed. They have not done well in Cambodia, and rather less than that in Laos. But on their own soil, in defense of hearth and home and family (as was the case during the 1968 Tet and is so now), they have, when well led, given a good account of themselves.

And so perhaps it is just as well that the decisive campaign of the war—and who can doubt that this is it?—should come, not in Cambodia or Laos, but literally in their own backyards. And in this respect it is perhaps worth noting that the pitiful flow of refugees is not toward those areas "liberated" by the North Vietnamese but toward government-controlled sanctuaries — and no Asian peasant lightly abandons his land. That is known as voting with your feet.

Thirdly, the invasion is to be welcomed because it casts the cold light of reality upon the euphoria engendered by President Nixon's visit to Peking and his forthcoming trip to Moscow. The exchange of musk oxen and pandas is well and good but it does not alter the fact that the men in charge in Peking, Moscow, Hanoi and most other Communist capitals are a bloody bunch of cutthroats dedicated to the ultimate destruction of democracy everywhere and of the United States in particular.

And finally, that the North Vietnamese should be willing to sacrifice so much blood and treasure with the obvious intent of resurrecting the war as an issue in American politics and procuring the defeat of Richard Nixon in November can be taken as a measure of the effectiveness of the President's policy. Hanoi apparently is convinced that it has no hope of winning the war if Nixon is re-elected and that, at least to this observer, is a rather good reason why he should be.

Nobody in his right mind wants this (or any other) war to continue. But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender.

Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: "If peace cannot be maintained with honor, it is no longer peace." That still holds true today. Which is one reason Mr. Nixon launched the B52s against Hanoi and Haiphong.

Now that House Democrats have voted to push the end of the war issue to a full House vote within 30 days, let them consider the probable fate of the people of South Vietnam in the event of a Communist takeover. At this point, Mr. Speaker, I would like to insert an article written by Mr. P. J. Honey, a British authority on Vietnamese affairs:

VIETNAMESE COMMUNISM—THE FORMATIVE YEARS

(By P. J. Honey)

In the monograph that follows, P. J. Honey presents a chilling analysis of the historical record of how the Vietnamese Communist Party, the Hanoi government, and their principal leaders have dealt with the political opposition in circumstances where the Communists have gained the upper hand over the latter. His account begins with the earliest political activities of Ho Chi Minh in China, including his betrayal of the respected Vietnamese nationalist leader Phan Boi Chau to the French authorities; and carries through the grisly massacres perpetrated by the Communists in the city of Hue during the infamous Tet offensive of 1968. . . .

Mr. Honey is the first British scholar to have specialized exclusively on Vietnamese affairs. He has lived in both North and South Vietnam, and is fluent in the Vietnamese language. Formerly a Lecturer in Vietnamese at the London School of Oriental and African Studies at London Unviersity. His two books, *Communism in North Vietnam* (Cambridge, Mass.: M.I.T. Press 1963), and *Genesis of a Tragedy, The Historical Background to the Vietnam War* (London: Benn, 1968), are standard references.

Communism in Vietnam was the achievement of a single individual, Nguyen Tat Thanh, better known to the world by the alias he later adopted, Ho Chi Minh. He learned his trade of professional revolutionary at the University of the Toilers of the East in the Soviet Union during the early days of the Stalin era, and first applied his newly acquired skills in Canton, where he worked on the staff of the Russian Consul Mikhail Borodin. There, under cover of his consular appointment, Ho created the Vietnamese Revolutionary Youth Association, the forerunner of the Vietnamese Communist Party, and selected and trained the lieutenants who would later serve him in the titanic struggles he undertook. To understand Ho's political philosophy and methodology, one must begin by examining his thinking at that time and the technqiues he employed, for he inculcated both into his disciples by word and example.

From the start, it was apparent that Ho had acquired in the Soviet Union an unshakable belief, which he retained to the end of his days, in the two basic principles of Stalinist orthodoxy:

(1) The dictatorship of the proletariat must be achieved in two stages: the bourgeois democratic revolution; and, later, the Communist revolution.

(2) Only workers can provide good revolutionary leadership, while peasants and others can never be more than "long term allies."

It was the first of these principles that determined the whole course of Ho's political activities from the 1920s to the 1950s. Unlike so many other Communist revolutionaries, he resisted the temptation to move directly towards the establishment of communism. He evidently believed implicitly the warnings he received from his Russian teachers concerning the dangers of too great haste, and carried with him the lesson he learned from the Soviet experience that revolution can be successfully accomplished only if it is undertaken in two stages. All his efforts were, therefore, directed to the achievement of a bourgeois democratic revolution in Vietnam in the first instance. . . .

NO SERIOUS RIVAL TOLERATED

The bourgeois classes were never regarded as anything more than temporary allies of communism, necessary for the accomplishment of the first, or bourgeois democratic, phase of the revolution. Their role was to serve under a Communist leadership and preferably remain unaware that they were doing so, which is why communism was carefully concealed from the revolution's supporters in the opening years of the Vietnamese revolution. Bourgeois classes were never, under any circumstances, to be allowed to assume political power. Such members of the bourgeoisie as already held positions of leadership, or were even believed to possess the qualities which might make them leaders at some future time, had to be eliminated as early as possible. No serious rival to Vietnamese communism could be tolerated. Ho Chi Minh's conduct as the founder and head of the Revolutionary Youth Association exemplifies this latter principle.

HO ELIMINATES NATIONALIST LEADER

At the time of Ho's arrival in Canton during 1925, a Vietnamese independence movement already existed in southern China, organized and led by the greatly respected nationalist leader Phan Boi Chau. This organization would have proved a formidable rival to Ho's intended Vietnamese Revolutionary Youth Association, not least because Chau's face and prestige far overshadowed that of Ho. The latter therefore resolved to liquidate the movement together with its illustrious leader, and did so in the following way. Having arranged with the French Security Service to deliver Phan Boi Chau for a reward of one hundred thousand piastres—a very large sum indeed at that time, Ho invited Chau to a meeting in Shanghai. The unsuspecting nationalist leader, who had failed to remark that the meeting place was just inside the boundary of the French Concession (an area within Shanghai formerly administered by the French authorities under the old "unequal treaty" system) went to the house and was immediately arrested by French police. Ho's ally in this plot was Phan Boi Chau's own representative in Hong Kong, Nguyen Cong Vien, who was at that time using the name Lam Duc Thu, and the two divided the reward equally. Chau was brought back to Vietnam, tried and sentenced to death for his revolutionary activities. . . .

At a later stage of his revolutionary progress, in August 1945, Ho Chi Minh was present inside North Vietnam as the leader of the Viet Minh movement he had himself created. At his disposal he had a small military force, weapons supplied by the World War II Allies, and a network of Communist Party cells throughout the country. The Japanese occupation forces had imprisoned all French troops on March 9th; and, when Japan capitulated to the Allies on August 15th, her soldiers adopted an attitude of neutrality while they awaited the arrival of Allied troops who would disarm and repatriate them. Thus the Viet Minh movement was virtually unopposed after August 15th, and moved swiftly throughout all parts of Vietnam to make itself master of the country. Within ten days it had, to all intents, accomplished this objective; and on August 29th, Ho Chi Minh proclaimed the Provisional Government of the Democratic Republic of Vietnam.

COMMUNIST PARTY BEHAVIOR HASN'T CHANGED

The very great majority of Vietnamese knew little or nothing about communism or the Viet Minh. But all were perfectly well aware that the French were in prison, that colonial rule had, for the moment at least, ended, and that a Vietnamese government was once more in control in Vietnam. Popular rejoicing was nationwide. Ho and his Communist comrades, who were unquestionably masters of both the Viet Minh and the Provisional Government, were everywhere regarded as liberators and patriots. It is instructive, therefore, to observe Ho's action on assuming power because, although the Communist Party was then smaller, less experienced, and less organized than it now is, little change has taken place in the top leadership and there is no reason to suppose what the Party's behavior pattern at that time was markedly different from what it would be today.

The following is a description of what took place, published in the book *Histoire du Viet-Nam de 1940 a 1952* by Philippe Devillers, French writer well-known for his sympathetic attitude towards the Vietnamese Communists:

"In the villages and towns, (Vietnamese) notabilities and officials in their hundreds were singled out, molested, arrested, and even massacred by unrestrained groups led by agitators who were frequently unknown (locally), without provoking any reaction from the populace, itself generally terrorized but, on occasion, consenting. All the prisons, all the jails, thrown open at the same time, poured out on the country political and common law prisoners drunk with the thought of freedom and revenge. . . .

"People soon gave up counting the numbers of beatings, seizures, extortions of money, and 'confiscations of goods belonging to bourgeois fascists and counterrevolutionaries,' arbitrary arrests, and assassinations after (or even without) a farcical trial by hastily assembled 'peoples courts.' . . ."

The above extracts, it should be pointed out again, were written by a man widely known over many years for his sympathetic attitude towards the Vietnamese Communists and who still supports their cause with the spoken and written word today. . . .

GENERAL GIAP MAKES HIS MOVE

A year later, in mid-1946, the Communists had disposed of all the organized resistance to their regime in North Vietnam with the sole exception of the Viet Nam Quoc Dan Dang (VNQDD, the Vietnamese Nationalist Party). In July, General Giap moved his forces against these remaining opponents, and the following extract from the same book of Philippe Devillers describes the action:

"After bloody clashes, its (that is, the government's) forces retook control over the towns of Vinh-yen, Viet-tri, and Phu-tho, completely clearing the Phu-tho—Tuyen-quang—Ha-giang axis. In the Cao-bang—Land-son region they consolidated their positions. Their successes were less clear-cut in the Red River Valley; Lao-kay, on the frontier, was nevertheless occuppied.

"But it was in Hanoi that the great blow was struck. A succession of police raids on VNQDD centers during July 11th, 12th, and 13th led to the arrest of about 120 people, and to the seizure of arms, documents, and materials for forging money. The offices of the newspaper *Viet Nam*, principal organ of that party, at 80 Grand Bouddha Street, were taken; far from being suspended, the newspaper reappeared six days later, but under new management and under the control of the censors. . . .

"At the end of July, therefore, the Viet Minh Government had consolidated its strength. It had practically eliminated its rivals. It no longer faced adversaries capable, without external help, of overthrowing it."

Thereafter, the ascendancy of the Communist-controlled United National Front was unchallenged, and Ho Chi Minh was able to lead the movement into a war against the now returned French on December 19, 1946, with the approval and support of the great majority of the Vietnamese people. From then until the end of 1950, the resistance movement conducted its "anti-imperialist" struggle relatively harmoniously and with only minimal internal dissension. At the beginning of 1951, however, the Communist leadership decided the moment was opportune to shift to the "antifeudal" phase of the struggle, that is to say, to change the objective of the revolution from simple overthrow of colonial rule to the twin objectives of defeating colonialism and establishing communism. The Indochinese Communist Party, ostensibly dissolved in November, 1945, lest non-Communists be dissuaded from supporting the resistance, reappeared under the changed name of Dang Lao Dong Viet Nam, or Vietnamese Workers Party. A new slogan was adopted, "The anti-imperialist and antifeudal fights are of equal importance"; and communism became the overt controller of the revolutionary movement. . . .

THE COMMUNIST REVOLUTION

During the years 1951 and 1952, Communist Party control over every area of activity in the resistance zone was strengthened and consolidated in preparation for a campaign that might strain the Party to the utmost but which would eliminate, once and for all, the possibility of further internal challenge to the Communist regime thereafter. That was the agrarian reform campaign, an operation of some complexity for which minute and careful preparations had to be made. In February, 1953, when both peasants and traders had been reduced to a state of penury and debt by the impossibly high taxes imposed on them, a campaign of terror was unleashed by order of the Communist Party Central Committee. It lasted for fifteen days, two terrible weeks in which no single person was safe from denunciation, torture, arrest, or assassination, when indiscriminate violence raged unchecked and the Party authorities made no move to intervene. After the campaign had ended, as abruptly as it had begun, by personal order of Ho Chi Minh, every citizen was aware of, and overawed by, the might of the Party. But the two weeks of terror proved to be no more than a demonstration of what the Party could do. It imbued all with the desired dread of the Party and ensured instant compliance with Party wishes, but much worse was to follow. . . .

NORTHERNERS LINKED TO REGIME

The campaign instilled into all North Vietnamese a boundless fear of the Communist regime; but at the same time, it linked them inescapably to that regime. Were it ever overthrown or replaced by another, the people could scarcely expect to escape blame for the terrible crimes committed, since the whole populace had approved the sentences and witnessed their execution. Immediate compliance with the regime's future demands would thus be assured, and the people would feel impelled to do all in their power to ensure that this regime was not replaced by any other liable to exact punishment for the crimes. Some idea of the scale on which the murders were carried out is apparent from the disclosure by Nguyen Manh Tuong, in his address to the National Congress of the Fatherland Front (a front organization established by the North Vietnamese Communists in 1955 and designed especially to appeal to South Vietnamese dissatisfied with the regime of Ngo Dinh Diem) in October 1956, that the slogan used by the Communists throughout the campaign was, "It is better to kill ten innocent people than to let one enemy escape." No official figure has ever been divulged by the Communist authorities of the total number killed during this orgy of butchery, and none is ever likely to be; but Gerard Tongas, a French history teacher who continued to work in Hanoi until 1959, claims to have acquired accurate information on this point. He states that the campaign resulted in a hundred thousand deaths—more than double the total American deaths in the entire Vietnam War to date.

THE GENEVA ACCORDS

Whatever Ho Chi Minh's reasons may have been, more than a quarter of a century of experience convinced very large numbers of Vietnamese of the extreme dangers that threatened non-Communists—in particular, those non-Communists belonging to institutions or organizations regarded with suspicion by the Communists, such as the Roman Catholic Church, the nationalist parties, and the like—in circumstances of unchallenged Communist domination. The 1954 Geneva Accords legitimized such domination by the Communists in North Vietnam, which is why a million North Vietnamese availed themselves of the opportunity to flee to South Vietnam. Such evidence as is available suggests that the numbers of those leaving North Vietnam at that time would have been very much greater if the Communists had honored the terms they accepted at Geneva and permitted all who wished to do so to leave the country unimpeded. In the event, however, they prevented large numbers from going, which forced some of those whose intentions were frustrated to resort to such desperate measures as putting out to sea on flimsy, hastily constructed bamboo rafts. A few were picked up by passing ships, but the numbers of those who drowned or starved can never be known.

The mass exodus from North Vietnam following the Geneva Accords was a very important propaganda setback for the Vietnamese Communists, because it proved to the watching world the falsity of their claims to the support and approval of the Vietnamese people as a whole. These people have learned from bitter experience how a numerically tiny Communist Party can, by dint of its disciplined organization and total ruthlessness in pursuit of its objectives, impose itself on a whole people.

SOUTH VIETNAM

South Vietnam remained a secondary theater throughout the First Indochina War, the main action taking place in the North. No great victories were won in South Vietnam and no Communist fief was created in any populous area there. Consequently, in 1954, the South Vietnamese people had very little direct knowledge of the Vietnamese Communist regime. For the vast majority of them, the First Indochina War was, from start to finish, an anticolonial struggle for national independence. French promises of independence were not believed by them, and the "nationalist" governments formed from Vietnamese prepared to work with the French failed to win their respect or support.

Consequently, when the Communists resumed the war in the southern half of the new divided but independent Vietnam, the insurgents were at first regarded with some tolerance by the majority of the South Vietnamese people. Certainly the guerrillas exploited their favorable image in South Vietnam, and the myth of Communist invincibility that derived from the defeat of the French Expeditionary Corps. Only the government of Ngo Dinh Diem and the North Vietnamese refugees recognized the new threat for what it was; but the latter were still occupied in establishing themselves in South Vietnam, while the government lacked the resources to counter the insurrection effectively. . . .

INSURGENTS RESORT TO VIOLENCE

But the insurgents in South Vietnam failed to find an emotive cause which would persuade the local people to support their movement wholeheartedly as they had earlier done in the war against the French. . . . Few, apart from Communist sympathizers, were moved by Hanoi's claims. While people were willing to tolerate the insurgents, they did not go out of their way to help them with food, money, or men. The insurgents, for their part, were largely dependent on South

Vietnamese assistance. Since this was not offered voluntarily, they were obliged to take what they needed by means of armed force or terrorism. At first they employed selective terrorism, killing or abducting officials, educated persons such as teachers, and men of influence. When they wished to assassinate someone publicly, as an exemplary punishment designed to cow others into submission, they tried to select victims whom they knew to be unpopular or corrupt. As the fighting spread, however, and their needs became greater, the insurgents resorted more and more to indiscriminate violence. . . .

But the overthrow of the [Diem] government had created political instability, which was worsened by the inexperience of the new rulers and by the ambitions of rival claimants to power. During 1964, coup d'etat followed coup d'etat and government succeeded government. While South Vietnam's leaders quarrelled among themselves, the Viet Cong used the opportunity to spread their control throughout large areas of the countryside. Not until early 1965 was political stability restored in Saigon. But by that time, the military situation had so deteriorated that only outside help could restore it. It was then that President Lyndon B. Johnson took the momentous decision to commit American troops to the fighting in the South and to commence a systematic bombing of North Vietnam. During the remainder of 1965 and throughout 1966, American assistance enabled the military deterioration to be halted and the situation to be stabilized. In 1967, the Communist forces were committed again and again to large, set-piece battles in which they suffered very heavy casualties because the Allies were able to bring to bear their superiority in manpower and firepower, and their monopoly of air power.

THE TET OFFENSIVE

By the end of 1967, it had become clear to the Communist leaders in Hanoi that their military strategy was disastrously wrong. If persisted in, it would lead to the early destruction of their forces fighting in South Vietnam. A change had to be made, and this took the form of massive surprise attacks on all the cities and towns of South Vietnam simultaneously. . . . To assemble sufficient troop strength for the execution of such a grand offensive, known now in the West as the Tet Offensive, the Communists were obliged to denude the countryside of cadres. In the event, total surprise was achieved, but the rest of the plan went hopelessly awry. The Communists had completely misunderstood the mood of the South Vietnamese people, failed to bring about any popular uprising against the government, and were eventually driven out of all the places they had entered, suffering huge losses in the process. Had it not been for the wildly inaccurate and alarmist reporting by the foreign press crops in South Vietnam, Tet Offensive would have been an unrelieved failure for its authors. As it was, the panic of the press correspondents was communicated to the American public, which brought irresistible pressure to bear on the President to change his policy in Vietnam. In response, President Johnson first restricted, and then ended, American bombing in North Vietnam in return for Communist agreement to participate in talks to be held in Paris. Thus the only advantage to accrue to the Communist side from the Tet Offensive came, not from their own efforts, but from the hysteria their attacks induced in the American and other foreign correspondents. Rarely in the history of modern warfare has any nation been so ill-served by its own press.

The one exception to the general military pattern was the Central Vietnamese city of Hue, which was occupied by the Communists for more than three weeks. Because the Communists controlled Hue and its population for this period, their conduct during these weeks must be examined closely.

THE TRAGEDY OF HUE

The importance of what took place in Hue cannot be exaggerated, because it provides a scale model of what would follow a decisive Communist victory in South Vietnam. The conduct of the Communist soldiers occupying that hapless city, it is true, diverged in no important respect from earlier Communist behavior patterns. But in Hue, it was subsequently possible to investigate their actions immediately after they had taken place and in the fullest detail, as well as to question eyewitnesses who watched them from beginning to end. This writer was present in Hue during September, 1970, and was able both to inspect the locations where the events unfolded and to questions witnesses of them. This is what happened.

COMMUNISTS OCCUPY HUE

A Communist force of twelve thousand soldiers, most of them North Vietnamese regulars, attacked and occupied the city of Hue on the night of January 30, 1968. The Communists remained there for 26 days before finally being driven out. Numbers of South Vietnamese, soldiers and civilians, were killed in the course of the fighting, their bodies being readily identifiable as battle casualties by the wounds or the circumstances of death. Others were deliberately assassinated by the order of 150 civilian cadres who concerned themselves with the civil population of Hue while the soldiers were occupied with their military duties. Because no Communist official would dare to execute such a methodical preplanned campaign without authority, it may safely be assumed that these 150 men carried out an action program expressly ordered by their Communist Party superiors. Not all of them entered Hue with the soldiers, for some were already living in the city as part of the Communist infrastructure there. The majority of the 150 were locally born men, natives of Thuathien Province, and well acquainted with the city and its inhabitants.

HOLD KANGAROO COURTS

During the first days of the occupation, the cadres rounded up numbers of residents, whose names and addresses were contained in lists prepared before the Communist attack, and brought them before "kangaroo" courts. The "trials" lasted about ten minutes each, and all the accused were found guilty of being "enemies of the revolution." Sentence—always execution—was carried out at once, and the bodies were either buried or returned to their families. The victims were civil servants, military officers and NCOs, teachers, doctors, and religious figures; in fact, the leading members of Hue's citizenry. Once these individually named individuals had been eliminated, the cadres commenced a second roundup, this time working from a list of professions, occupations, organizations, groupings, and social classes, not of individual names. The second purge was patently designed to eliminate those whose social class, occupation, or association rendered them, in Communist eyes, a potential opposition to communism in the future, which is why so many non-political persons—even children and students—were killed. Because of its nature, the second purge eliminated some who, though they belonged to suspect groups, had been active supporters of the Communist cause in Hue. Some two thousand people were eliminated in this campaign.

MANY PEOPLE "DISAPPEAR"

Throughout the final week of the Communist occupation of Hue—they were driven out on February 24th—the cadres arrested and marched away many hundreds of citizens after first informing them that they were being taken for political indoctrination. Sometimes those arrested were known to the cadres and were addressed by name, but at other times the arrests appeared to be haphazard, as when the four hundred persons sheltering in a Roman Catholic church in Phu-cam district were marched away *en bloc*. There has since been speculation that those arrested during the closing days of the occupation were taken because they were in a position subsequently to identify the cadres of the local Communist infrastructure, and therefore had to be eliminated. But this is no more than speculation, and several other possible explanations would equally well fit the circumstances. At any rate, the people were arrested and were not seen afterwards. Relatives and friends continued to hope that they were prisoners of the Communists and still alive.

Two days after the expulsion of the Communists, seventy bodies were discovered in the grounds of Gia Hoi school. In the ensuing months, eighteen further burial sites yielded another 1,030 bodies. A year later, more mass graves were discovered accidentally at Phu-thu, some miles from the city, and were found to contain 809 bodies. Not until late September 1969, was another mass grave found, this time in the inaccessible Da-mai Valley, as a result of information supplied by Communist defectors. By then the bodies had decomposed so much as to be unrecognizable, but 250 skulls were discovered. Although the city of Hue lost 4,800 citizens dead or missing in the successive purges. By no means all of these have yet been found, and more graves may still come to light. Hope that the missing who are still unaccounted for may yet be alive has now been abandoned.

NO WORD OF REGRET

These happenings took place within the space of 26 days in a city from which the Communists had always known they would be expelled. The arrests and killings were carried out on orders from the Communist leadership, coldly and deliberately, in accordance with prearranged plans. Any possibility that some terrible mistake had been made, that the local cadres had erred or exceeded their orders, was dispelled by subsequent references to the events made by the Vietnamese Communist press and radio. Typical of such comment was a broadcast on Communist Liberation Radio on April 26, 1968, while the mass graves were still being uncovered. It stated that those killed were "hooligan lackeys who owed blood debts to their compatriots, and who were annihilated by the Southern armed forces and people in the early spring." There was no word of regret.

COMMUNISM DOES NOT LIBERATE

The prevalence of famine, disease, and flood in many parts of Asia has made premature, violent death all too common a phenomenon, and engendered in the people a stoical acceptance of what cannot be avoided. The fatalism of Asians in the face of frightful disasters never fails to amaze Westerners. But despite this inbred tolerance to adversity, the systematic and unfeeling massacre of so many ordinary residents of Hue struck horror and revulsion into the people of South Vietnam. Those Hue citizens questioned by this writer professed, in addition, incomprehension; they simply did not understand how Vietnamese people could behave in so brutal a fashion to their compatriots. For them, the massacre provided incontrovertible proof that the Communist insurrection had abandoned all pretense of seeking to liberate the people of South Vietnam, and was undisguisedly attempting to establish an oppressive and intolerant Communist dictatorship. . . .

The tightly controlled information media of North Vietnam have been saying it [that a decisive Communist victory would result in a bloodbath] for several years. Hanoi Radio, to cite one typical example, in a broadcast on September 18, 1969, cited the following words of Politburo member Truong Chinh: "It is absolutely necessary for the people's democratic dictatorships to use violence against counterrevolutionaries and exploiters who refuse to submit to reform.

Therefore, we must pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, and so forth." The same radio station, broadcasting on March 21, 1968, said: "All citizens are bound to take an active part in denouncing counterrevolutionary elements, in providing dictatorial organs with evidence and documents, in supervising punishment . . . of counterrevolutionary elements." North Vietnamese press and radio have referred to all in South Vietnam who have opposed the Communist insurrection as "hooligans," "lackeys," "exploiters," "counterrevolutionaries," and the like, and have repeatedly mentioned the "blood debts" such persons have incurred. Solemn promises are constantly made that full payment of those debts will be exacted. Historical precedent and recent example make it impossible to doubt that the Communist leaders intend to keep their word.

CONCLUSION

Should the Vietnamese Communists win undisputed control of South Vietnam, either by military victory or through a "coalition government" in the fashion of some countries of eastern Europe. they will act exactly as they have done in the past. They will seize control of all South Vietnamese information media and use them for their own purposes. They will expel the foreign press corps and all other foreigners, and will then close the frontiers of the state. Once all non-Vietnamese witnesses have been removed, they will proceed to exact payment of the "blood debts." In a deliberately created atmosphere of terror, they will establish thousands of *ad hoc* "people's courts," before which will be arraigned all those individuals and groups the Party has decided to eliminate. Those unfortunates will be accused of "crimes" which have no existence in civilized societies. They will face charges of being "counterrevolutionaries," "enemies of the people," "exploiters of the people" and a host of similar meaningless things, and they will be found guilty by jurors too terrified to do anything but obey the orders of Party cadres. All believed to pose a threat, real or potential, to the Communist regime will be killed at once, and some of the remainder may be permitted to postpone execution as long as they continue to work as unpaid slave laborers. Calculated on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure. While the massacre is in progress, the outside world will know nothing of it, for foreigners will have been expelled and no mention will be made by the Communist information media. Because the battles will be over and the big guns will have ceased to fire, peace will be said to have returned once more to Vietnam.

Mr. Speaker, at the end of my remarks I will include an editorial appearing in the April 18, 1972, Buffalo Evening News. I am very proud to call attention to this editorial because it is from my home town paper and shows a keen analysis of the sensitive and critical issues involved in the bombing response.

The article discusses the risks of total South Vietnamese collapse; the risks to the end of the American involvement; and the political risks to the President. The column points up the fact that the President, fully aware of these risks has made his decision, and is deserving of "all the homefront trust and support he can get."

NIXON NEEDS CRISIS BACKING

The intensity of the administration's responses, both verbal and military, makes it clear how deeply President Nixon is convinced that the massive Soviet-supported North Vietnamese invasion of South Vietnam has confronted both his summit diplomacy and his effort to settle the Vietnam war with a new kind of acid test. It is a test on which he plainly feels that an American under-reaction would, at this moment, incur graver long-run risks than would an over-reaction.

The risks in the latter course, both to his over-all foreign policy and to his domestic re-election prospects, are certainly as obvious to Mr. Nixon as they are to his Senate and other critics, who have wasted no time in denouncing his bombing response as "reckless" and in decrying what they fear may be a new start down the old Johnson road of endless war.

It is the opposite risks, however, which the President is in a better position to weigh than we are, and which he evidently deems the more dangerous. These presumably include the risk of a South Vietnamese collapse if our air power does not sufficiently blunt the Hanoi invasion, and the risks to our remaining forces in event of such a collapse, or even a major, demoralizing setback. And they may include a series of wider and subtler risks to the Nixon negotiating position at Moscow on such sensitive and vital issues at the Middle East and strategic arms limitations.

Under the circumstances, the American public, as much as it wants the U.S. involvement in this tragic conflict to end, has little choice but to stand behind the President and trust him to do his best to steer us safely through it.

Even the War Powers Act just passed by the Senate, in a proper effort to revitalize the participatory role of Congress in underwriting long-term war-type commitments, recognizes clearly that the President must be free to make the initial responses to any grave foreign threat to our security as he perceives it.

President Nixon on his record of steadily diminishing the American troop commitment to Vietnam, moreover, is entitled to be believed now when his leading foreign policy spokesman declared that an administration which has withdrawn a net total of 450,000 ground troops from Vietnam has no intention of reversing that process.

As was the case in the 1970 incursion into Cambodia, so this latest seeming re-escalation of enemy provocation and U.S. response can be better judged in its immediate aftermath. Suffice it to say that the President knows well the political risks of any course that would reverse his long-term commitment to wind down the war. As recently as last January, he had declared flatly that "Vietnam will not be an issue in the (1972) campaign because we will have brought the American involvement to an end." Hopefully, this can still be the case.

Faced with Hanoi's Moscow-armed and Peking-prodded all-out invasion of the South, the President had to weigh the grave risks of over-reacting against those of under-reacting. He has set his course fully aware, we must assume, of the varied dangers thereby incurred. While the outcome hangs in the balance, the President needs—and on his record, deserves—all the home-front trust and support he can get.

URGING THAT THE SOVIET GOVERNMENT CEASE PERSECUTION OF SOVIET JEWS

(Mr. HELSTOSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, unfortunately, illness prevented my presence on the House floor on Monday, April 17, 1972. I deeply regret that I was, therefore, unable to cast my vote in favor of House Concurrent Resolution 471, calling on the President to urge that the Soviet Government cease the persecution of Soviet Jews.

My record, however, is clearly in support of these efforts. Shocked by the treatment of Jews in the Soviet Union and realizing that many of these people are seeking a haven from persecution, last May I introduced the Soviet Jews Relief Act of 1971, H.R. 8488. This measure would authorize 30,000 special immigrant visas for Soviet Jews who are heads of households. Their spouses and children would be issued visas to emigrate to the United States without numerical limitation.

Before then Commerce Secretary Stans visited the Soviet Union in November, I signed a telegram to him urging that he impress upon Soviet officials the deep concern of the American people for the plight of Jews in the Soviet Union. The telegram also called on Secretary Stans to urge that the U.S.S.R. guarantee to Soviet citizens the right to practice their religion and preserve their traditions without fear of reprisal or threat of harm, and to emigrate to other lands if they desire to do so.

In February of this year, I cosponsored the Soviet Refugee Assistance Act of 1972, H.R. 13022, which would authorize $85 million for assistance to Soviet Jewish refugees resettling in Israel. It is estimated that Israel will receive 40,000 to 60,000 new refugees this year from the U.S.S.R. alone, placing a severe burden on the already strained Israeli economy.

President Nixon will have a significant opportunity to urge Soviet leaders to reverse their repressive policies during his forthcoming visit in Moscow. For this reason, I joined in petitioning the President this month:

> To help free Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to leave for Israel and elsewhere.

The complete text of this communication follows:

President RICHARD M. NIXON,
The White House,
Washington, D.C.

MR. PRESIDENT: In the interest of peace and the easing of world tensions we, the undersigned, welcome your forthcoming trip to Moscow. We also urge you to take advantage of this unique opportunity and to help redeem Soviet Jews, thus fulfilling the hopes of millions of Americans who have labored on their behalf.

Mr. President, we respectfully petition you on behalf of three million Soviet Jews. We urge you to be their advocate and to convey to Soviet leaders the concern of millions of Americans, and people of good will everywhere, over an oppressed minority which faces discrimination, and is prevented from perpetuating its history, its culture and its ancient religious heritage. Nearly forty of its finest young people are in Soviet prison camps because they sought to live as Jews, while other seeking to emigrate are harassed. If some succeed in departing it is only after months of struggle and of deprivation.

Mr. President, we urge you to exert your influence to help free Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to leave for Israel and elsewhere.

HENRY HELSTOSKI,
Member of Congress.

LEAD POISONING

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. RONCALIO. Mr. Speaker, today I introduced legislation to protect game and wildlife resources by prohibiting the use of lead shot for hunting on public lands. The problem simply is that 2 to 3 percent of the waterfowl population dies annually due to lead poisoning. This represents more than a million birds when waterfowl populations are high. Lead pellets have also been found in the gizzards of rails, although significant poisoning has not been demonstrated. It is, however, reasonable to assume that mortality occurs.

Lead shot are ingested—either as food or grit—and erroded due to chemical and physical abrasion in the gizzard. Subsequent assimilation of lead into the blood stream causes poisoning. Poisoning affects the blood, the liver, the kidneys, the brain, and the vascular system. Acute toxicity results in rapid death. Chronic toxicity is prolonged and may or may not result in death directly attributable to lead—in other words, sick ducks may be subject to increased predation by natural predators or man. Chronic toxicity is evidenced by apparent starvation, and ducks may not die for 60 days. Ducks lose 30 to 60 percent of original body weight, and finally die if the lead pellets are not voided from the gizzard. Obviously, the greater the number of lead shot in the gizzard, the greater the likelihood that a duck will die of acute effects of lead.

Lead pellets are deposited in the environment by hunters, and current estimates are that about 6,000 tons of shot are deposited annually. Certainly, most of this is deposited in marshes and other aquatic or semiaquatic areas where it may remain available to waterfowl and other marsh birds such as rails. Depending on the bottom type, shot may sink out of reach of waterfowl or may remain on the surface and become concentrated, thereby serving as a death trap.

A substitute for lead shot is available: soft-iron shot. Soft-iron shot has been proven to be nontoxic to waterfowl and is suitable ballistically, that is, the killing power of size No. 4—that size often used for ducks and geese—is comparable to that of lead shot up to about 50 yards and crippling losses are not increased.

Use of iron shot should be required in marshes and other aquatic areas. Size No. 4 shot is certainly suitable for most, if not all waterfowl hunting. The target date for the switchover should be the 1973 hunting season, with regulations prohibiting all but iron shot in connection with hunting primarily in and around aquatic areas.

I am hopeful Congress can act on this legislation, for it is needed if we are to maintain our present numbers of waterfowl.

LEAVE OF ABSENCE

By unanimous consent, leave of abscence was granted to:

Mr. CHARLES H. WILSON (at the request of Mr. BOGGS), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RANDALL, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

Mr. HUNGATE, for 60 minutes, May 1, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. RUTH) to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 10 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. GUBSER, for 10 minutes, today.

Mr. CRANE, for 5 minutes, today.

Mr. DUNCAN, for 15 minutes, April 24.

Mr. ASHBROOK, for 15 minutes, today.

(The following Members (at the request of Mr. DANIELSON) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mrs. ABZUG, for 30 minutes, today.

Mr. ROSENTHAL, for 30 minutes, today.

Mr. MITCHELL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. WILLIAM D. FORD, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. RUTH) and to include extraneous matter:)

Mr. DERWINSKI in two instances.

Mr. BRAY in three instances.

Mr. GOODLING.

Mr. BUCHANAN.

Mr. SHOUP.

Mr. RAILSBACK in four instances.

Mr. KEMP in three instances.

Mr. HOSMER in two instances.

Mr. BOB WILSON in two instances.

Mr. WYMAN in two instances.

Mr. DUNCAN.

Mr. FRENZEL in two instances.

Mr. MALLARY.

Mr. THONE.

Mr. SEBELIUS.

Mr. HALPERN in two instances.

Mr. NELSEN in two instances.

Mr. PRICE of Texas.

Mr. ESCH.

Mr. ANDERSON of Illinois.

Mr. LANDGREBE.

Mr. MCCLOSKEY.

Mr. BROTZMAN.

Mr. COUGHLIN.

Mr. CLANCY.

Mr. O'KONSKI.

Mr. HANSEN of Idaho.

Mr. GOLDWATER.

Mr. ASHBROOK in two instances.

(The following Members (at the request of Mr. DANIELSON) and to include extraneous matter:)

Mr. GONZALEZ in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS of Florida in five instances.

Mr. KLUCZYNSKI in two instances.

Mr. BEGICH in five instances.

Mr. MURPHY of New York in two instances.

Mr. ROSTENKOWSKI in three instances.

Mr. ST GERMAIN.

Mr. HAMILTON in three instances.

Mr. FULTON.

Mr. CELLER.

Mr. JAMES V. STANTON in two instances.

Mr. RANGEL in two instances.

Mr. BADILLO.

Mr. REUSS in six instances.

Mr. LENNON.

Mr. BURKE of Massachusetts in two instances.

Mr. DINGELL in three instances.

Mr. BURTON in two instances.

Mr. WOLFF in two instances.

Mr. JONES of Alabama in two instances.

Mr. HARRINGTON in two instances.

Mr. COTTER in three instances.

Mr. GIBBONS.

Mr. FLOWERS in three instances.

Mr. RYAN in five instances.

Mr. RONCALIO.

SENATE CONCURRENT RESOLUTION AND JOINT RESOLUTION REFERRED

A concurrent resolution and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 75. Concurrent resolution to urge each American family to plant a vegetable garden; to the Committee on Agriculture.

S.J. Res. 222. Joint resolution relating to the furnishing of Secret Service protection to major presidential and vice presidential candidates; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain start route contracts; and

S. 3153. An act to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967). An Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on April 19, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 10344. An act to authorize the District of Columbia to enter into the Interstate Compact on Mental Health.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, April 24, 1972, at 12 o'clock noon.

REPORT OF EXPENDITURES OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS INCURRED IN TRAVEL OUTSIDE THE UNITED STATES DURING 1971 AS REQUIRED BY THE MUTUAL SECURITY ACT OF 1954, AS AMENDED BY PUBLIC LAW 86-472 AND BY PUBLIC LAW 86—628

Mr. HAYS. Mr. Speaker, section 502(b) of the Mutual Security Act of 1954, as amended by section 401(a) of Public Law 86-472, approved May 14, 1960, and section 105 of Public Law 86-628, approved July 12, 1960, require the reporting of expenses incurred in connection with travel, including both foreign currencies expended and dollar expenditures made from appropriated funds.

The required reports for travel during 1971 are submitted herewith:

EPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 22, 1ST SESS., 92D CONG., COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Joseph P. Vigorito.:												
Italy	Lira	11/7	11/15	9	30,600	$50.00	275,400	$450.00	8,700	$13.96	284,100	$463.96
Plane transportation	D. mark								3,515.55	1,019.00	3,515.55	1,019.00
Hon. Robert B. Mathias.:												
Italy	Lira	11/12	11/20	9	30,600	50.00	275,400	450.00			275,400	450.00
Plane transportation	D. mark								3,515.55	1,019.00	3,515.55	1,019.00
Allan Watson:												
Italy	Lira	11/7	11/12	6	30,600	50.00	183,600	300.00	3,038	4.88	186,638	304.88
Plane transportation	D. mark								3,515.55	1,019.00	3,515.55	1,019.00
Total						50.00		1,200.00		3,075.84		4,275.84

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Mar. 8, 1972.

W. R. POAGE,
Chairman, Committee on Agriculture.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

RECAPITULATION

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Full committee	Dollar							$1,065.41		$1,800.04		[2] $2,900.31
Agriculture—Environmental and Consumer Protection Subcommittee.	Dollar							150.00				150.00
Defense Subcommittee	Dollar							1,644.37		3,433.24		5,077.61
Foreign Operations Subcommittee	Dollar; Egyptian Pounds.							3,215.00		6,834.47		10,049.47
HUD-Space-Science-Veterans Subcommittee.	Dollar							5,963.50		11,160.67		[2] 17,188.26
Interior Subcommittee	Dollar							486.00		949.80		1,435.80
Military Construction Subcommittee	Dollar							1,053.02		2,142.88		3,195.90
State, Justice, Commerce, and Judiciary Subcommittee.	Dollar							5,915.50		13,017.38		18,932.88
Transportation Subcommittee	Dollar							321.00		165.80		486.80
Treasury-Postal Service-General Government Subcommittee.	Dollar							648.00		1,666.00		2,314.00
Surveys and Investigations Staff	Dollar							12,563.25		25,074.67		37,637.92
Appropriations Committee, total.								33,025.05		66,244.95		[2] 99,368.95

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Does not add due to miscellaneous entries.

GEORGE H. MAHON,
Chairman, Committee on Appropriations.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS (FULL COMMITTEE), HOUSE OF REPRESENTATIVES EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Charlotte Reid:												
United States	Dollar		12/27	½		$35.00		$17.50		$10.75		$28.25
Italy	Dollar	12/28	1/2	5		31.00		155.00		64.10		219.10
Denmark	Dollar	1/2	1/5	4		34.00		136.00		56.00		192.00
Finland	Dollar	1/5	1/7	2		32.00		64.00		74.53		138.53
U.S.S.R.	Dollar	1/7	1/10	3		35.00		105.00		3.00		108.00
Germany	Dollar	1/10	1/13	3		30.00		90.00		111.86		201.86
Switzerland	Dollar	1/13	1/15	1		34.00		34.00		97.73		131.73
United Kingdom	Dollar	1/15	1/16	2		36.00		72.00		65.90		137.90
Miscellaneous	Dollar											34.86
Air transportation	Dollar									1,310.00		1,310.00
Subtotal								673.50		1,793.87		2,502.23

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS (FULL COMMITTEE), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Louis Stokes:												
United States	Dollar		3/1	½		35.00		17.50		(2)		$17.50
Liberia	Dollar	3/2	3/3	2		37.00		74.00				74.00
Ivory Coast	Dollar	3/3	3/5	2		34.00		68.00				68.00
Ghana	Dollar	3/5	3/7	1½		50.00		75.00				75.00
Subtotal								234.50				234.50
Hon. Bob Casey: France	Dollar	9/2	9/10	9				157.41		6.17		[3] $163.58
Subtotal								157.41		6.17		163.58
Full committee, total								1,065.41		1,800.04		2,900.31

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Round-trip transportation to Africa provided at other-than-Government expense.

[3] For expenses not otherwise reimbursed.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. William J. Scherle: Germany	Dollar	6/13	6/17	5		$30.00		$150.00		(2)		$150.00
Agriculture-Environmental and Consumer Protection Subcommittee, total								150.00				150.00

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Transportation at other-than-Government expense.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON DEFENSE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. George H. Mahon:												
United States	Dollar		1/2	1				$3.00				$3.00
Spain	Dollar	1/3	1/6	3½				74.65				74.65
Italy	Dollar	1/6	1/10	4				103.40		$44.61		148.01
Germany	Dollar	1/10	1/14	4				34.89		15.85		50.74
Belgium	Dollar	1/14	1/16	2				46.57				46.57
England	Dollar	1/16	1/18	2				52.81				52.81
United States	Dollar	1/18		½				1.00				1.00
Transportation	Dollar									[2] 934.50		934.50
Subtotal								316.32		994.96		1,311.28
Hon. William E. Minshall:												
United States	Dollar		5/20	1		$35.00		35.00				35.00
Spain	Dollar	5/21	5/23	3		28.00		84.00				84.00
Germany	Dollar	5/24	5/26	3		30.00		90.00				90.00
France	Dollar	5/27	5/29	3		40.00		120.00				120.00
England	Dollar	5/30	6/1	3		36.00		108.00				108.00
Transportation	Dollar									[2] 888.40		888.40
Subtotal								437.00		888.40		1,325.40
Mr. John M. Garrity:												
United States	Dollar		5/20	1		35.00		35.00				35.00
Spain	Dollar	5/21	5/23	3		28.00		84.00				84.00
Germany	Dollar	5/24	5/26	3		30.00		90.00				90.00
France	Dollar	5/27	5/29	3		40.00		120.00				120.00
England	Dollar	5/30	6/1	3		36.00		108.00				108.00
Transportation	Dollar									[2] 888.40		888.40
Subtotal								437.00		888.40		1,325.40
Hon. John J. Rhodes:												
Spain	Dollar	8/6	8/9	4		32.00		128.00				128.00
Italy	Dollar	8/10	8/12	3		38.00		114.00				114.00
Malta	Dollar	8/13	8/13	1		26.00		26.00				26.00
England	Dollar	8/14	8/15	2		36.00		72.00				72.00
Transportation	Dollar									559.58		559.58
Subtotal								340.00		559.58		899.58
Hon. Robert L. F. Sikes:												
Malta	Dollar	8/24	8/25	1				25.00				25.00
Italy	Dollar	8/25	8/25	1				20.00		101.90		121.90
Spain	Dollar	8/26	8/30	5				69.05				69.05
Subtotal								114.05		101.90		215.95
Defense Subcommittee, total								1,644.37		3,433.24		5,077.61

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[1] If foreign currency is used enter U S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Transportation partially furnished by Government-owned aircraft and vehicles.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON FOREIGN OPERATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Garner E. Shriver:												
United States	Dollar		1/2	1		$35.00		$35.00				$35.00
Japan	Dollar	1/3	1/5	2		31.00		62.00				62.00
Hong Kong	Dollar	1/5	1/8	3		36.00		108.00				108.00
Thailand (Bangkok)	Dollar	1/8	1/9	2		28.00		56.00				56.00
Australia	Dollar	1/10	1/13	3		31.00		93.00				93.00
New Zealand (Auckland)	Dollar	1/13	1/15	2		31.00		62.00				62.00
United States	Dollar	1/15	1/19	5		35.00		175.00				175.00
Transportation	Dollar									$1,378.13		1,378.13
Subtotal								591.00		1,378.13		1,969.13
Hon. Otto E. Passman:												
United States	Dollar		2/14	1		35.00		35.00				35.00
Switzerland	Dollar	2/15	2/17	3		34.00		102.00				102.00
France (Paris)	Dollar	2/18	2/19	2		38.00		76.00				76.00
Transportation	Dollar									1,201.60		1,201.60
Subtotal								213.00		1,201.60		1,414.60
Mr. Donald E. Richbourg:												
United States	Dollar		2/14	1		35.00		35.00				35.00
Switzerland	Dollar	2/15	2/17	3		34.00		102.00				102.00
France (Paris)	Dollar	2/18	2/19	2		38.00		76.00				76.00
Transportation	Dollar									983.75		983.75
Subtotal								213.00		983.75		1,196.75
Hon. Clarence D. Long:												
United States	Dollar		4/1	1		35.00		35.00				35.00
United Arab Republic	Dollar	4/2	4/6	5		50.00		250.00				250.00
Ethiopia	Dollar	4/7	4/8	2		28.00		56.00				56.00
Kenya (Nairobi)	Dollar	4/9	4/13	5		30.00		150.00				150.00
Ethiopia	Dollar	4/14	4/14	1		28.00		28.00				28.00
Israel	Dollar	4/15	4/17	3		50.00		150.00				150.00
Italy	Dollar	4/18	4/18	1		31.00		31.00				31.00
Transportation	Egyptian Pounds.									812.00		812.00
Subtotal								700.00		812.00		1,512.00
Hon. Edward R. Roybal:												
Mexico, D. F.	Dollar	5/5	5/7	2½		30.00		75.00				75.00
Transportation	Dollar									503.73		503.73
Subtotal								75.00		503.73		578.73
Hon. William D. Hathaway:												
Mexico, D. F.	Dollar	5/5	5/7	2½		30.00		75.00				75.00
Transportation	Dollar									339.00		339.00
Subtotal								75.00		339.00		414.00
Hon. Robert C. McEwen:												
Mexico, D. F.	Dollar	5/5	5/8	3		30.00		90.00				90.00
Transportation	Dollar									339.00		339.00
Subtotal								90.00		339.00		429.00
Hon. Clarence D. Long:												
United States	Dollar		8/10	1		35.00		35.00				35.00
Colombia	Dollar	8/10	8/19	9		30.00		270.00				270.00
Aruba	Dollar	8/19	8/23	4		44.00		176.00				176.00
Venezuela	Dollar	8/23	8/27	3		35.00		105.00				105.00
Barbados	Dollar	8/27	8/30	3		35.00		105.00				105.00
United States	Dollar	8/30		1		35.00		35.00				35.00
Transportation	Dollar									705.15		705.15
Subtotal								726.00		705.15		1,431.15
Hon. Edward R. Roybal:												
Venezuela	Dollar	8/22	8/28	6		35.00		210.00				210.00
Trinidad	Dollar	8/28	8/30	2		33.00		66.00				66.00
Barbados	Dollar	8/30	9/1	1		35.00		35.00				35.00
French West Indies (Martinique)	Dollar	8/31	8/31	1		36.00		36.00				36.00
Puerto Rico (San Juan)	Dollar	9/1	9/3	2		42.00		84.00				84.00
Jamaica	Dollar	9/3	9/5	2		33.00		66.00				66.00
United States	Dollar	9/5		1		35.00		35.00				35.00
Transportation	Dollar									572.11		572.11
Subtotal								532.00		572.11		1,104.11
Foreign Operations Subcommittee, total								3,215.00		6,834.47		10,049.47

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON HUD-SPACE-SCIENCE-VETERANS HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Robert Giaimo:												
United States	Dollar		12/27	½		$35.00		$17.50		$10.10		$27.60
Italy	Dollar	12/28	1/4	8		31.00		248.00		74.10		322.10
Denmark	Dollar	1/4	1/5	1		34.00		34.00		23.55		57.55
Finland	Dollar	1/5	1/7	2		32.00		64.00		52.38		116.38

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON HUD-SPACE-SCIENCE-VETERANS HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Robert Giaimo—Continued												
U.S.S.R	Dollar	1/7	1/10	3		$35.00		$105.00		$3.00		$108.00
Germany	Dollar	1/10	1/13	3		30.00		90.00		111.86		201.86
Switzerland	Dollar	1/13	1/15	1		34.00		34.00		95.48		129.48
United Kingdom	Dollar	1/15	1/16	2		36.00		72.00		65.25		137.25
Miscellaneous	Dollar											36.49
Air transportation	Dollar									1,310.00		1,310.00
Subtotal								664.50		1,745.72		2,446.71
Hon. Joseph McDade:												
United States	Dollar		1/2	½		35.00		17.50		12.00		29.50
Ireland	Dollar	1/3	1/4	1		34.00		34.00		18.35		52.35
United Kingdom	Dollar	1/4	1/5	1		36.00		36.00		6.00		42.00
Denmark	Dollar	1/5	1/6	1		34.00		34.00		7.05		41.05
Finland	Dollar	1/6	1/7	2		32.00		64.00		52.38		116.38
U.S.S.R	Dollar	1/7	1/10	3		35.00		105.00		3.00		108.00
Germany	Dollar	1/10	1/13	3		30.00		90.00		111.86		201.86
Switzerland	Dollar	1/13	1/15	1		34.00		34.00		97.73		131.73
United Kingdom	Dollar	1/15	1/16	2		36.00		72.00		76.15		148.15
Miscellaneous	Dollar											27.60
Air transportation	Dollar									1,218.80		1,218.80
Subtotal								486.50		1,603.32		2,117.42
Hon. David Pryor:												
Denmark	Dollar	2/3	2/6	4		34.00		136.00		[2] 77.70		213.70
France	Dollar	2/7	2/11	4¾		38.00		180.50		76.00		256.50
Excess luggage	Dollar									36.65		36.65
Subtotal								316.50		190.35		506.85
Hon. George E. Shipley:												
United States	Dollar		5/31	½		35.00		17.50				17.50
England	Dollar	6/1	6/1	1		36.00		36.00				36.00
Spain	Dollar	6/2	6/3	2		28.00		56.00				56.00
France	Dollar	6/4	6/6	3		40.00		120.00				120.00
Air transportation	Dollar									907.00		907.00
Subtotal								229.50		907.00		1,136.50
Hon. Robert N. Giaimo:												
United States	Dollar		5/27	½		35.00		17.50				17.50
England	Dollar	5/31	6/1	[3] 2		36.00		72.00				72.00
Spain	Dollar	6/2	6/3	2		28.00		56.00				56.00
France	Dollar	6/4	6/6	3		40.00		120.00				120.00
Air transportation	Dollar									992.00		992.00
Subtotal								265.50		992.00		1,257.50
Hon. Joseph M. McDade:												
United States	Dollar		5/28	½		35.00		17.50				17.50
England	Dollar	5/31	6/1	[4] 2		36.00		72.00				72.00
Spain	Dollar	6/2	6/3	2		28.00		56.00				56.00
France	Dollar	6/4	6/6	3		40.00		120,00				120.00
Air transportation	Dollar									877.00		877.00
Subtotal								265.50		877.00		1,142.50
Mr. Hunter Spillan:												
United States	Dollar		5/29	½		35.00		17.50				17.50
England	Dollar	5/30	6/1	3		36.00		108.00				108.00
Spain	Dollar	6/2	6/3	2		28.00		56.00				56.00
France	Dollar	6/4	6/6	3		40.00		120.00				120.00
Air transportation	Dollar									877.00		877.00
Subtotal								301.50		877.00		1,178.50
Hon. Burt L. Talcott:												
United States	Dollar		8/7	½		35.00		17.50				17.50
Great Britain	Dollar	8/8	8/13	6		36.00		216.00				216.00
U.S.S.R	Dollar	8/13	8/19	6		35.00		210.00				210.00
Austria	Dollar	8/19	8/23	4		36.00		144.00				144.00
Yugoslavia	Dollar	8/23	8/27	4		50.00		200.00				200.00
Italy	Dollar	8/27	8/29	2		31.00		62.00				62.00
Denmark	Dollar	8/29	8/31	2		40.00		80.00				80.00
Sweden	Dollar	8/31	9/3	3		40.00		120.00				120.00
France	Dollar	9/3	9/5	1¾		40.00		70.00				70.00
Transportation	Dollar									1,309.96		1,309.96
Subtotal								1,119.50		1,309.96		2,429.46
Hon. Del Clawson:												
United States	Dollar		8/7	½		35.00		17.50				17.50
Great Britain	Dollar	8/8	8/13	6		36.00		216.00				216.00
U.S.S.R	Dollar	8/13	8/19	6		35.00		210.00				210.00
Austria	Dollar	8/19	8/23	4		36.00		144.00				144.00
Yugoslavia	Dollar	8/23	8/27	4		50.00		200.00				200.00
Italy	Dollar	8/27	8/29	2		31.00		62.00				62.00
Denmark	Dollar	8/29	8/31	2		40.00		80.00				80.00
Sweden	Dollar	8/31	9/3	3		40.00		120.00				120.00
Norway	Dollar	9/3	9/6	2¾		40.00		110.00				110.00
Transportation	Dollar									1,385.46		1,385.46
Subtotal								1,159.50		1,385.46		2,544.96
Mr. G. Homer Skarin:												
United States	Dollar		8/7	½		35.00		17.50				17.50
Great Britain	Dollar	8/8	8/13	6		36.00		216.00				216.00
U.S.S.R	Dollar	8/13	8/19	6		35.00		210.00				210.00
Austria	Dollar	8/19	8/23	4		36.00		144.00				144.00
Yugoslavia	Dollar	8/23	8/27	4		50.00		200.00				200.00

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Mr. G. Homer Skarin—Continued												
Italy	Dollar	8/27	8/29	2		$31.00		$62.00				$62.00
Denmark	Dollar	8/29	8/31	2		40.00		80.00				80.00
Sweden	Dollar	8/31	9/3	3		40.00		120.00				120.00
Norway	Dollar	9/3	9/5	2		40.00		80.00				80.00
Sweden	Dollar	9/5	9/7	5¾		34.00		25.50				25.50
Transportation	Dollar									1,272.86		1,272.86
Subtotal								1,155.00		1,272.86		2,427.86
HUD-Space-Science-Veterans Subcommittee, total								5,963.50		11,160.67		17,188.26

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Round-trip air transportation to Europe provided at other-than-Government expense.

[3] May 28, through May 30 not at Government expense.

[4] May 29 and May 30 not at Government expense.

[5] Sept. 6 not at Government expense.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Wendell Wyatt:												
United States	Dollar		1/4	1		$35.00		$35.00				$35.00
France	Dollar	1/5	1/6	2		38.00		76.00				76.00
Germany	Dollar	1/6	1/7	1		30.00		30.00				30.00
Netherlands	Dollar	1/7	1/10	3		31.00		93.00				93.00
Germany	Dollar	1/10	1/12	2		30.00		60.00				60.00
Austria	Dollar	1/12	1/14	2		30.00		60.00				60.00
Germany	Dollar	1/14	1/16	2		30.00		60.00				60.00
United Kingdom	Dollar	1/16	1/18	2		36.00		72.00				72.00
Transportation	Dollar									$949.80		949.80
Interior Subcommittee, total								486.00		949.80		1,435.80

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount as expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON MILITARY CONSTRUCTION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Charles R. Jonas:												
England (London)	Dollar	8/8	8/11	4				$109.67				$109.67
Belgium (Brussels)	Dollar	8/12	8/15	4				131.74				131.74
Germany (Heidelberg)	Dollar	8/16	8/19	4				90.75				90.75
Austria (Vienna)	Dollar	8/20	8/23	4				144.00				144.00
Germany (Munich)	Dollar	8/24	8/25	2				60.00				60.00
France (Paris and other)	Dollar	8/26	8/31	6				175.25				175.25
United States	Dollar	9/1		1				4.45				4.45
Transportation	Dollar									$1,207.89		1,207.89
Subtotal								715.86		1,207.89		1,923.75
Mr. Robert C. Nicholas III:												
United Kingdom	Dollar	8/8	8/11	4				117.83		23.64		141.47
Belgium	Dollar	8/12	8/15	4				151.73		92.35		244.08
Germany	Dollar	8/16	8/19	4				67.60				67.60
Air transportation	Dollar									819.00		819.00
Subtotal								337.16		934.99		1,272.15
Military Construction Subcommittee, total								1,053.02		2,142.88		3,195.90

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[1] If foreign currency is used, enter U.S. dollar equivalent; If U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, AND JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. John J. Rooney:												
France	Dollar	12/28	12/31	4		$38.00		$152.00				$152.00
United Kingdom	Dollar	1/1	1/7	6		36.00		216.00				216.00
Switzerland	Dollar	1/7	1/10	4		34.00		136.00				136.00
Portugal	Dollar	1/10	1/12	2		26.00		52.00				52.00
Spain	Dollar	1/13	1/17	4		25.00		100.00				100.00
Portugal	Dollar	1/17	1/18	2		26.00		52.00				52.00

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, AND JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. John J. Rooney—Continued												
Transportation	Dollar									$1,016.60		$1,016.60
Subtotal								$708.00		1,016.60		1,724.60
Mr. Jay B. Howe:												
France	Dollar	12/28	12/31	4		$38.00		152.00				152.00
United Kingdom	Dollar	1/1	1/7	6		36.00		216.00				216.00
Switzerland	Dollar	1/7	1/10	4		34.00		136.00				136.00
Portugal	Dollar	1/10	1/12	2		26.00		52.00				52.00
Spain	Dollar	1/13	1/17	4		25.00		100.00				100.00
Portugal	Dollar	1/17	1/18	2		26.00		52.00				52.00
Transportation	Dollar									1,016.60		1,016.60
Subtotal								708.00		1,016.60		1,724.60
Hon. John J. Flynt:												
Japan	Dollar	1/3	1/5	2		31.00		62.00				62.00
Hong Kong	Dollar	1/5	1/8	3		36.00		108.00				108.00
Thailand	Dollar	1/8	1/9	2		28.00		56.00				56.00
Australia	Dollar	1/9	1/12	3		31.00		93.00				93.00
New Zealand	Dollar	1/12	1/16	4		31.00		124.00				124.00
Transportation	Dollar									1,810.07		1,810.07
Subtotal								443.00		1,810.07		2,253.07
Hon. Mark Andrews:												
Japan	Dollar	1/3	1/5	2		31.00		62.00				62.00
Hong Kong	Dollar	1/5	1/8	3		36.00		108.00				108.00
Thailand	Dollar	1/8	1/9	2		28.00		56.00				56.00
Australia	Dollar	1/9	1/13	4		31.00		124.00				124.00
New Zealand	Dollar	1/13	1/16	3		31.00		93.00				93.00
Hawaii	Dollar	1/16	1/19	3		35.00		105.00				105.00
Transportation	Dollar									2,042.47		2,042.47
Subtotal								548.00		2,042.47		2,590.47
Hon. Frank T. Bow:												
Spain	Dollar	8/9	8/12	3½		32.00		112.00				112.00
Italy (Rome)	Dollar	8/12	8/15	3		38.00		114.00				114.00
Yugoslavia	Dollar	8/15	8/18	3		50.00		150.00				150.00
Italy (Venice)	Dollar	8/18	8/21	3		31.00		93.00				93.00
England	Dollar	8/21	8/24	2½		36.00		90.00				90.00
Transportation	Dollar									1,048.92		1,048.92
Subtotal								559.00		1,048.92		1,607.92
Mr. Dempsey B. Mizelle:												
Spain	Dollar	8/9	8/12	3½		32.00		112.00				112.00
Italy (Rome)	Dollar	8/12	8/15	3		38.00		114.00				114.00
Yugoslavia	Dollar	8/15	8/18	3		50.00		150.00				150.00
Italy (Venice)	Dollar	8/18	8/21	3		31.00		93.00				93.00
England	Dollar	8/21	8/24	2½		36.00		90.00				90.00
Transportation	Dollar									1,048.92		1,048.92
Subtotal								559.00		1,048.92		1,607.92
Hon. Neal Smith:												
Israel	Dollar	8/15	8/18	3		50.00		150.00				150.00
Switzerland	Dollar	8/18	8/20	3		36.00		108.00				108.00
Germany	Dollar	8/20	8/23	3		36.00		108.00				108.00
Denmark	Dollar	8/23	8/25	2		40.00		80.00				80.00
England	Dollar	8/25	8/26	1		36.00		36.00				36.00
Transportation	Dollar									1,557.00		1,557.00
Subtotal								482.00		1,557.00		2,039.00
Hon. John M. Slack:												
Switzerland	Dollar	8/18	8/20	3		36.00		108.00				108.00
Germany	Dollar	8/20	8/23	3		36.00		108.00				108.00
Denmark	Dollar	8/23	8/26	3		40.00		120.00				120.00
Sweden	Dollar	8/26	8/28	2		40.00		80.00				80.00
England	Dollar	8/28	9/1	4		36.00		144.00				144.00
Transportation	Dollar									761.40		761.40
Subtotal								560.00		761.40		1,321.40
Hon. John J. Rooney:												
Italy (Naples)	Dollar	8/22	8/24	1¼		31.00		38.75				38.75
Italy (Rome)	Dollar	8/24	8/29	5		38.00		190.00				190.00
Switzerland	Dollar	8/29	9/1	3		36.00		108.00				108.00
Germany	Dollar	9/1	9/4	3		36.00		108.00				108.00
England	Dollar	9/4	9/8	4		36.00		144.00				144.00
Iceland	Dollar	9/8	9/10	2¼		38.00		85.50				85.50
Transportation	Dollar									1,404.00		1,404.00
Subtotal								674.25		1,404.00		2,078.25
Mr. Jay B. Howe:												
Italy (Naples)	Dollar	8/22	8/24	1¼		31.00		38.75				38.75
Italy (Rome)	Dollar	8/24	8/29	5		38.00		190.00				190.00
Switzerland	Dollar	8/29	9/1	3		36.00		108.00				108.00
Germany	Dollar	9/1	9/4	3		36.00		108.00				108.00
England	Dollar	9/4	9/8	4		36.00		144.00				144.00
Iceland	Dollar	9/8	9/10	2¼		38.00		85.50				85.50
Transportation	Dollar									1,311.40		1,311.40
Subtotal								674.25		1,311.40		1,985.65
State, Justice, Commerce, and Judiciary Subcommittee, total								5,915.50		13,017.38		18,932.88

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S dollar [1] equivalent or U.S. currency
Hon. Silvio O. Conte:												
Germany	Dollar	2/12	2/13	1		$30.00		$30.00		[2] $63.00		$93.00
Italy	Dollar	2/13	2/16	3		31.00		93.00		91.80		184.80
United Kingdom	Dollar	2/16	2/18	3		36.00		108.00		11.00		119.00
Subtotal								231.00		165.80		396.80
Mr. Thomas J. Kingfield: Mexico	Dollar	6/10	6/13	3		30.00		90.00		(3)		90.00
Subtotal								90.00				90.00
Transportation Subcommittee, total								321.00		165.80		486.08

[1] If foreign currency is used enter U.S. dollar equivalent. If U.S. currency is used, enter amount expended.

[2] Transportation expenses, Washington, D.C., to Frankfurt, Germany, and return, not claimed

[3] Transportation provided by Government-owned aircraft.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON TREASURY-POSTAL SERVICE-GENERAL GOVERNMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Tom Steed: United Kingdom	Dollar	8/7	8/15	9		$36.00		$324.00		$833.00		$1,157.00
Subtotal								324.00		833.00		1,157.00
Mr. A. A. Gunnels: United Kingdom	Dollar	8/7	8/15	9		36.00		324.00		833.00		1,157.00
Subtotal								324.00		833.00		1,157.00
Treasury-Postal Service-General Government Subcommittee, total								648.00		1,666.00		2,314.00

[1] If foreign currency is used, enter U.S. dollar equivalent. If U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Cornelius R. Anderson:												
England	Dollar	8/21	8/26	5		$36		$180.00		0		$180.00
Germany	Dollar	8/26	9/9	14		8 at 36 6 at 30		468.00		0		468.00
Denmark	Dollar	9/9	9/13	4		40		160.00		0		160.00
Germany	Dollar	9/13	9/18	5		3 at 30 2 at 36		162.00		0		162.00
England	Dollar	9/18	9/20	2		36		72.00		0		72.00
Round-trip transportation	Dollar									$1,147.20		1,147.20
Thailand	Dollar	11/1	11/5	4		31		124.00		0		124.00
Hong Kong	Dollar	11/5	11/13	7¾		36		279.00		0		279.00
Round-trip transportation	Dollar									2,076.61		2,076.61
Subtotal								1,445.00		3,223.81		4,668.81
Warren F. Bedell:												
England	Dollar	8/21	8/24	3		36		108.00		0		108.00
Germany	Dollar	8/24	9/20	27¼		9 at 36 18¼ at 30		871.50		0		871.50
Spain	Dollar	9/20	9/23	2¾		32		88.00		0		88.00
Round-trip transportation	Dollar									994.20		994.20
Subtotal								1,067.50		994.20		2,061.70
Carl L. Bennett:												
Thailand	Dollar	11/1	11/5	5		31		155.00		0		155.00
Hong Kong	Dollar	11/5	11/7	2		36		72.00		0		72.00
Korea	Dollar	11/7	11/11	4		28		112.00		0		112.00
Japan	Dollar	11/12	11/20	9		31		279.00		0		279.00
Round-trip transportation	Dollar									2,076.56		2,076.56
Subtotal								618.00		2,076.56		2,694.56
Andrew P. Bosko:												
Japan	Dollar	11/12	11/13	1		31		31.00		0		31.00
Hong Kong	Dollar	11/13	11/15	2		36		72.00		0		72.00
Vietnam	Dollar	11/15	12/2	17		36		612.00		0		612.00
Hong Kong	Dollar	12/2	12/4	2		36		72.00		0		72.00
Japan	Dollar	12/4	12/6	2		31		62.00		0		62.00
Round-trip transportation	Dollar									2,063.82		2,063.82
Subtotal								849.00		2,063.82		2,912.82
Donald A. Brummitt:												
England	Dollar	8/21	8/24	3		36		108.00		0		108.00
Germany	Dollar	8/24	9/20	27¼		9 at 36 18¼ at 30		871.50		0		871.50
Spain	Dollar	9/20	9/23	2¾		32		88.00		0		88.00

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date		Total days	Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Donald A. Brummitt—Continued												
Round-trip transportation	Dollar									$994.20		$994.20
Subtotal								$1,067.50		994.20		2,061.70
W. Dana Carson:												
England	Dollar	8/21	8/26	5		36		180.00		0		180.00
Germany	Dollar	8/27	9/9	14		3 at 36 11 at 30		438.00		0		438.00
Denmark	Dollar	9/10	9/13	4		40		160.00		0		160.00
Germany	Dollar	9/14	9/20	7		3 at 30 4 at 36		234.00		0		234.00
Italy	Dollar	9/21	9/24	4		2 at 31 2 at 38		138.00		0		138.00
Round-trip transportation	Dollar									1,248.60		1,248.60
Subtotal								1,150.00		1,248.60		2,398.60
John G. Goedtel:												
Japan	Dollar	11/12	11/13	1		31		31.00		0		31.00
Hong Kong	Dollar	11/13	11/15	2		36		72.00		0		72.00
Vietnam	Dollar	11/15	12/2	17		36		612.00		0		612.00
Hong Kong	Dollar	12/2	12/4	2		36		72.00		0		72.00
Japan	Dollar	12/4	12/6	2		31		62.00		0		62.00
Round-trip transportation	Dollar									2,049.42		2,049.42
Subtotal								849.00		2,049.42		2,898.42
Leroy R. Kirkpatrick:												
England	Dollar	8/21	8/24	3		36		108.00		0		108.00
Germany	Dollar	8/24	9/20	27¼		14 at 36 13¼ at 30		901.50		0		901.50
Spain	Dollar	9/20	9/23	3		32		96.00		0		96.00
Round-trip transportation	Dollar									1,147.20		1,147.20
Subtotal								1,105.50		1,147.20		2,252.70
Willie C. Law:												
Thailand	Dollar	11/1	11/5	4½		31		139.50		0		139.50
Hong Kong	Dollar	11/5	11/7	2		36		72.00		0		72.00
Korea	Dollar	11/7	11/11	4		28		112.00		0		112.00
Japan	Dollar	11/11	11/20	8¾		31		271.25		0		271.25
Round-trip transportation	Dollar									2,076.56		2,076.56
Subtotal								594.75		2,076.56		2,671.31
Hugh B. McGahey:												
England	Dollar	8/21	8/26	5		36		180.00		0		180.00
Germany	Dollar	8/26	9/20	25		7 at 36 18 at 30		792.00		0		792.00
Italy	Dollar	9/20	9/24	4		2 at 31 2 at 38		138.00		0		138.00
Round-trip transportation	Dollar									1,019.00		1,019.00
Subtotal								1,110.00		1,019.00		2,129.00
Joseph E. Michalski:												
Thailand	Dollar	11/1	11/5	5		31		155.00		0		155.00
Hong Kong	Dollar	11/5	11/11	6		36		216.00		0		216.00
Philippines	Dollar	11/11	11/17	6		27		162.00		0		162.00
Okinawa	Dollar	11/18	11/20	3		29		87.00		0		87.00
Round-trip transportation	Dollar									2,027.66		2,027.66
Subtotal								620.00		2,027.66		2,647.66
Earle J. Morris:												
Thailand	Dollar	11/1	11/5	5		31		155.00		0		155.00
Hong Kong	Dollar	11/5	11/11	6		36		216.00		0		216.00
Philippines	Dollar	11/11	11/17	6		27		162.00		0		162.00
Okinawa	Dollar	11/18	11/20	3		29		87.00		0		87.00
Round-trip transportation	Dollar									2,027.66		2,027.66
Subtotal								620.00		2,027.66		2,647.66
Andrew J. Shannon:												
Thailand	Dollar	11/1	11/5	5		31		155.00		0		155.00
Hong Kong	Dollar	11/5	11/7	2		36		72.00		0		72.00
Korea	Dollar	11/7	11/11	4		28		112.00		0		112.00
Japan	Dollar	11/12	11/20	9		31		279.00		0		279.00
Round-trip transportation	Dollar									2,076.56		2,076.56
Subtotal								618.00		2,076.56		2,694.56
Lyle J. Theisen:												
Japan	Dollar	11/12	11/13	1		31		31.00		0		31.00
Hong Kong	Dollar	11/13	11/15	2		36		72.00		0		72.00
Vietnam	Dollar	11/15	12/2	17		36		612.00		0		612.00
Hong Kong	Dollar	12/2	12/4	2		36		72.00		0		72.00
Japan	Dollar	12/4	12/6	2		31		62.00		0		62.00
Round-trip transportation	Dollar									2,049.42		2,049.42
Subtotal								849.00		2,049.42		2,898.42
Surveys and investigations staff, total.								12,563.25		25,074.67		37,637.92

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[1] If foreign currency is used, enter U.S .dollar equivalent; if U.S. currency is used enter amount expended.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
MASTER COMPILATION												
Subcommittee on Alleged Drug Abuse in Armed Services								$3,430.62		$16,207.90		$19,638.52
Subcommittee on Real Estate								935.88		7,210.63		8,146.51
Subcommittee on Defense Communications								1,400.00		3,351.34		4,751.34
Subcommittee to South Asia								2,917.08		14,091.75		17,008.83
Subcommittee to Western Europe								4,509.97		6,153.11		10,663.08
Subcommittee to Western Europe, Middle East, and North Africa								4,800.75		11,303.92		16,104.67
Subcommittee to Western Europe								1,245.78		51.19		1,296.97
Subcommittee on NATO Commitments								1,445.61		5,862.00		7,307.61
Full Committee (travel by individual members)								3,709.98		10,115.55		13,825.53
Grand total								24,395.67		74,347.39		98,743.06

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$65,444.63
Appropriated funds:	
Government Department:	
Air Force	30,842.43
Navy	2,456.00
Total	98,743.06

F. EDWARD HÉBERT,
Chairman, Committee on Armed Services.

Mar. 13, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE ON DRUG ABUSE IN ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. G. Elliott Hagan:												
Japan	Yen	1/3	1/4	1	18,000	$50.00	18,000	$50.00			18,000	$50.00
Korea	K. won	1/4	1/5	1	15,759	50.00	7,000	22.08			7,000	22.08
Okinawa		1/5	1/6	1	(2)	(2)	(2)	(2)				
Taipei		1/6	1/7	1	(2)	(2)	(2)	(2)				
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	82,500	300.00			82,500	300.00
Thailand	Baht	1/13	1/15	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Hong Kong	H.K. dollar	1/15	1/17	3	307.00	50.00	906.00	150.00	449.80	$73.96	1,355.80	223.96
Transportation:												
Commercial aircraft	D. marks								6,651	1,812.80	6,651	1,812.80
Military aircraft	U.S. dollar									850.00		850.00
Hon. Floyd V. Hicks:												
Japan	Yen	1/3	1/4	1	18,000	50.00	18,000	50.00			18,000	50.00
Korea	K. won	1/4	1/5	1	15,759	50.00	10,397	32.91			10,397	32.91
Okinawa		1/5	1/6	1	(2)	(2)	(2)	(2)				
Taipei		1/6	1/7	1	(2)	(2)	(2)	(2)				
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	57,500	209.09			57,500	209.09
Thailand	Baht	1/13	1/15	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Hong Kong	H.K. dollar	1/15	1/17	3	307.00	50.00	906.00	150.00			906.00	150.00
Transportation:												
Commercial aircraft	D. marks								6,651	1,812.80	6,651	1,812.80
Military aircraft	U.S. dollar									850.00		850.00
Hon. Richard C. White:												
Japan	Yen	1/3	1/4	1	18,000	50.00	18,000	50.00			18,000	50.00
Korea	K. won	1/4	1/5	1	15,759	50.00	8,259	26.09			8,259	26.09
Okinawa		1/6	1/6	1	(2)	(2)	(2)					
Taipei		1/6	1/7	1	(2)	(2)	(2)					
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	82,500	300.00			82,500	300.00
Thailand	Baht	1/13	1/15	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Hong Kong	H.K. dollar	1/15	1/17	3	307.00	50.00	906.00	150.00			906.00	150.00
Transportation:												
Commercial aircraft	D. marks								6,651	1,812.80	6,651	1,812.80
Military aircraft	U.S. dollar									850.00		850.00
Hon. Bill Nichols:												
Japan	Yen	1/3	1/4	1	18,000	50.00	18,000	50.00			18,000	50.00
Korea	K. won	1/4	1/5	1	15,759	50.00	15,759	50.00			15,759	50.00
Okinawa		1/5	1/6	1	(2)	(2)	(2)					
Taipei		1/6	1/7	1	(2)	(2)	(2)					
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	68,360	248.58			68,360	248.58
Thailand	Baht	1/13	1/15	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Hong Kong	H.K. dollar	1/15	1/17	3	307.00	50.00	906.00	150.00			906.00	150.00
Transportation:												
Commercial aircraft	D. marks								6,651	1,812.00	6,651	1,812.80
Military aircraft	U.S. dollar									850.00		850.00
Hon. John E. Hunt:												
Japan	Yen	1/4	1/6	2	18,000	50.00	36,000	100.00	19,614.00	54.48	55,614	154.48
Okinawa		1/6	1/6	1	(2)	(2)	(2)					
Taipei		1/6	1/7	1	(2)	(2)	(2)					
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	82,500	300.00			82,500	300.00
Transportation:												
Commercial aircraft	D. marks								6,736.11	1,835.46	6,736.11	1,835.46
Military aircraft	U.S. dollar									930.00		930.00
William H. Hogan, Jr.:												
Japan	Yen	1/3	1/4	1	18,000	50.00	18,000	50.00			18,000	50.00
Korea	K. won	1/4	1/5	1	15,759	50.00	13,209	41.87			13,209	41.87
Okinawa		1/5	1/6	1	(2)	(2)	(2)					

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS. 92D CONG. COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE ON DRUG ABUSE IN ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] or U.S. currency	Foreign currency	U.S. dollar [1] or U.S. currency	Foreign currency	U.S. dollar [1] or U.S. currency	Foreign currency	U.S. dollar [1] or U.S. currency
William H. Hogan, Jr.—Continued												
Taipei		1/6	1/7	1	(2)	(2)	(2)					
Vietnam	Piastre	1/7	1/13	6	13,750	50.00	82,500	$300.00			$82,500	$300.00
Thailand	Baht	1/13	1/15	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Hong Kong	H.K. dollar	1/15	1/17	3	307.00	50.00	906.00	150.00			906.00	150.00
Transportation:												
Commercial aircraft	D. marks								$6,651	$1,812.80	6,651	1,812.80
Military aircraft	U.S. dollar									850.00		850.00
Total								3,430.62		16,207.90		19,638.52

[1] If foreign currency is used, enter U.S. dollar equivalent; If U S. currency is used, enter amount expended.

[2] No counterpart drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$14,458.52
Appropriated funds:	
Government Department: Air Force	5,180.00
Total	19,638.52

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE ON REAL ESTATE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. W. C. "Dan" Daniel:												
Japan	Yen	1/8	1/12	5	18,000	$50.00	79,920	$222.00	75,212	$208.92	1,551.32	$430.92
Korea		1/12	1/13	1	(2)	(2)						
Okinawa		1/14	1/15	1	(2)	(2)						
Transportation (commercial aircraft).	D. mark								6,294.95	1,733.19	6,294.95	1,733.19
Hon. Charles H. Wilson:												
Japan	Yen	1/8	1/9	2	18,000	50.00	36,000	100.00			36,000	100.00
Korea	K. won	1/10	1/11	2	15,778	50.00	31,556	100.00	21,968	68.95	53,524	168.95
Okinawa	Yen	1/12	1/14	3	18,000	50.00	54,000	150.00			54,000	150.00
Transportation (commercial aircraft).	D. mark								6,294.95	1,733.19	6,294.95	1,733.19
Hon. William G. Bray:												
Japan	Yen	1/7	1/10	4	18,000	50.00	41,000	113.88			41,000	113.88
Korea		1/11		1	(2)	(2)						
Transportation (commercial aircraft).	D. marks								6,294.95	1,733.19	6,294.95	1,733.19
James F. Shumate:												
Japan	Yen	1/8	1/12	5	18,000	50.00	90,000	250.00			90,000	250.00
Korea		1/12	1/13	1	(2)	(2)						
Okinawa		1/14	1/15	1	(2)	(2)						
Transportation (commercial aircraft).	D. mark								6,294.95	1,733.19	6,294.95	1,733.19
Total								935.88		7,210.63		8,146.51

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [2] No counterpart drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$8,146.51

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES (DEFENSE COMMUNICATIONS SUBCOMMITTEE), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Robert H. Mollohan:												
England	Pound	2/26	2/28	3	20-66	$50.00	61-98	$150.00			61-98	$150.00
Germany	Mark	2/28	3/2	2	181.50	50.00	363	100.00	1,625.04	$447.67	1,988.04	547.67
Italy	Lire	3/2	3/5	2	31,200	50.00	61,100	100.00			61,100	100.00
Greece	Drachma	3/5	3/6	1	1,500	50.00	1,500	50.00			1,500	50.00
Ethiopia	Dollar	3/7	3/8	1	125	50.00	125	50.00			125	50.00
Iran	Rial	3/8	3/11	3	3,812.50	50.00	11,438	150.00			11,438	150.00
Spain	Peseta	3/11	3/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,228.00		1,228.00
Mr. John F. Lally:												
England	Pound	2/26	2/28	3	20-66	50.00	61.98	150.00			61-98	150.00
Germany	Mark	2/28	3/2	2	181.50	50.00	363	100.00	1,625.04	447.67	1,988.04	547.67
Italy	Lire	3/2	3/5	2	31,200	50.00	61,100	100.00			61,100	100.00
Greece	Drachma	3/5	3/6	1	1,500	50.00	1,500	50.00			1,500	50.00
Ethiopia	Dollar	3/7	3/8	1	125	50.00	125	50.00			125	50.00
Iran	Rial	3/8	3/11	3	3,812.50	50.00	11,438	150.00			11,438	150.00
Spain	Peseta	3/11	3/13	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation (military aircraft)	U.S. dollar									1,228.00		1,228.00
Total								1,400.00		3,351.34		4,751.34

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,295.34
Appropriated funds:	
Government Department: Department of the Navy	2,456.00
Total	4,751.34

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES (SUBCOMMITTEE TO SOUTHEAST ASIA), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Jack Brinkley:												
Vietnam	Piastre	4/8	4/12	4	13,750	$50.00	32,500	$117.08			32,500	$117.08
Hong Kong	Dollar	4/12	4/14	3	299	50.00	897	150.00	124.75	$20.73	1,021.75	170.73
Taiwan	Dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,094	50.00	16,094	50.00			16,094	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Hon. Harold L. Runnels:												
Vietnam	Piastre	4/8	4/12	4	13,750	50.00	55,000	200.00			55,000	200.00
Hong Kong	Dollar	4/12	4/14	3	299	50.00	897	150.00			897	150.00
Taiwan	Dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,904	50.00	16,904	50.00			16,904	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Hon. Bob Wilson:												
Vietnam	Piastre	4/8	4/12	4	13,750	50.00	55,000	200.00			55,000	200.00
Hong Kong	Dollar	4/12	4/14	3	299	50.00	897	150.00			897	150.00
Taiwan	Dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,904	50.00	16,904	50.00			16,904	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Hon. C. W. (Bill) Young:												
Vietnam	Piastre	4/8	4/12	4	13,750	50.00	55,000	200.00			55,000	200.00
Hong Kong	Dollar	4/12	4/14	3	299	50.00	897	150.00			897	150.00
Taiwan	Dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,904	50.00	16,904	50.00			16,904	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Hon. Floyd D. Spence:												
Vietnam	Piastre	4/8	4/12	4	13,750	50.00	55,000	200.00			55,000	200.00
Hong Kong	H.K. dollar	4/12	4/14	3	299	50.00	897	150.00			897	150.00
Taiwan	Dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,904	50.00	16,904	50.00			16,904	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Mr. Ralph Marshall:												
Vietnam	Piastre	4/8	4/12	4	13,750	50.00	55,000	200.00			55,000	200.00
Hong Kong	H.K. dollar	4/12	4/14	3	299	50.00	897	150.00			897	150.00
Taiwan	T. dollar	4/14	4/16	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	4/16	4/17	1	16,904	50.00	16,904	50.00			16,904	50.00
Transportation (military aircraft)	U.S. dollar									2,345.17		2,345.17
Total								2,917.08		14,091.75		17,008.83

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,937.81
Appropriated funds:	
Government Department: Air Force	14,071.02
Total	17,008.83

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE TO WESTERN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. O. C. Fisher:												
France	Francs	5/26	5/30	5	276	$50.00	1,380	$250.00			1,380	$250.00
Transportation (commercial aircraft—military rate)	U.S. dollar									$297.60		297.60
Hon. Samuel S. Stratton:												
France	Francs	6/1	6/3	3	276	50.00	607.20	109.97	1,009	182.35	1,616.20	292.32
Transportation (commercial aircraft—military rate)	U.S. dollar									297.60		297.60
Hon. Richard H. Ichord:												
France	Francs	5/28	6/6	10	276	50.00	2,760	500.00	3,051	553.23	5,811	1,053.23
Transportation (military aircraft)	U.S. dollar									398.84		398.84
Hon. Robert L. Leggett:												
France	Francs	5/25	6/3	9	276	50.00	2,484	450.00	2,587	469.19	5,071	919.19
Transportation (military aircraft)	U.S. dollar									398.84		398.84
Hon. Alexander Pirnie:												
Germany	D. marks	5/21	5/26	5	175	50.00	875	250.00			875	250.00
France	Francs	5/26	6/3	9	276	50.00	2,208	400.00			2,208	400.00
Transportation (commercial aircraft—military rate).	U.S. dollar									305.30		305.30
Hon. William L. Dickinson:												
France	Francs	5/27	5/30	4	276	50.00	1,104	200.00			1,104	200.00
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation:												
(Commercial aircraft—military rate).	U.S. dollar									147.30		147.30
(Military aircraft)	U.S. dollar									427.79		427.79
Hon. Charles W. Whalen, Jr.:												
France	Francs	6/1	6/6	6	275	50.00	1,656	300.00	2,584.04	468.63	4,240.04	768.63
Transportation:												
(Commercial aircraft—military rate).	U.S. dollar									147.30		147.30
(Military aircraft)	U.S. dollar									308.84		308.84
Hon. Floyd D. Spence:												
Germany	D. marks	5/22	5/26	5	175	50.00	875	250.00			875	250.00
France	Francs	5/26	5/30	4	276	50.00	1,104	200.00			1,104	200.00
Spain	Pesetas	5/31	6/2	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation:												
Commercial aircraft—military rate	U.S. dollar									147.30		147.30
Military aircraft	U.S. dollar									308.84		308.84

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE TO WESTERN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Mr. Earl J. Morgan:												
Germany	D. marks	5/24	5/26	3	175	$50.00	525	$150.00			525	$150.00
France	Francs	5/26	6/6	11	276	50.00	3,036	550.00	3,530.41	$640.25	6,566.41	1,190.25
Transportation (military aircraft)	U.S. Dollars									314.81		314.81
Mr. John Ford:												
Germany	D. marks	5/24	5/26	3	175	50.00	525	150.00			525	150.00
France	Franks	5/26	6/6	11	276	50.00	3,036	550.00	134	24.29	3,170	574.29
Transportation (military aircraft)	U.S. dollars									314.81		314.81
Total								4,509.97		6,153.11		10,663.08

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$6,847.91
Appropriated funds:	
Government Department: Air Force	3,815.17
Total	10,663.08

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE TO WESTERN EUROPE, MIDDLE EAST, AND NORTH AFRICA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Bill Nichols:												
Spain	Pesetas	8/20	8/22	3	3,480	$50.00	10,440	$150.00			10,440	$150.00
Italy	Lire	8/22	8/24	2	31,150	50.00	62,300	100.00	42,298	$68.02	1,045.98	168.02
Turkey	Liras	8/24	8/25	1	742.50	50.00	742.50	50.00			742.50	50.00
Greece	Drachmas	8/25	8/27	2	1,500	50.00	3,000	100.00	4,429	[2] 147.63	7,429	247.63
Germany	D.marks	8/27	8/30	3	170	50.00	510	150.00			510	150.00
Transportation (military aircraft)	U.S. dollar									1,392.40		1,392.40
Hon. Robert H. Mollohan:												
Spain	Pesetas	8/20	8/22	3	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lire	8/22	8/24	2	31,150	50.00	62,300	100.00	42,298	68.02	1,045.98	168.02
Turkey	Liras	8/24	8/25	1	742.50	50.00	742.50	50.00			742.50	50.00
Greece	Drachmas	8/25	8/27	2	1,500	50.00	3,000	100.00			3,000	100.00
Germany	D.marks	8/27	9/1	5	170	50.00	850	250.00			850	250.00
Switzerland	Francs	9/1	9/3	2	198.75	50.00	397.50	100.00	203.00	51.05	600.50	151.05
Germany	D.marks	9/3	9/4	1	170	50.00	170	50.00			170	50.00
Transportation (military aircraft)	U.S. dollar									1,683.72		1,683.72
Hon. W. C. "Dan" Daniel:												
Spain	Pesetas	8/20	8/22	3	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lire	8/22	8/24	2	31,150	50.00	62,300	100.00	42,298	68.02	1,045.98	168.02
Turkey	Liras	8/24	8/25	1	742.50	50.00	742.50	50.00			742.50	50.00
Greece	Drachmas	8/25	8/27	2	1,500	50.00	3,000	100.00			3,000	100.00
Germany	D. marks	8/27	8/30	3	170	50.00	510	150.00			510	150.00
Transportation (military aircraft)	U.S. dollars									1,392.40		1,392.40
Hon. Bob Wilson:												
Italy	Lire	8/15	8/17	3	31,150	50.00	93,450	150.00			93,450	150.00
Lebanon	Pounds	8/18	8/20	2	161	50.00	322	100.00			322	100.00
Greece	Drachmas	8/20	8/21	2	1,500	50.00	3,000	100.00			3,000	100.00
Transportation (commercial aircraft).	Guilders								5,743.72	1,677.00	5,743.72	1,677.00
Hon. William L. Dickinson:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00	661.44	93.46	1,718.94	243.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Greece	Drachmas	8/13	8/13	1	1,500	50.00	1,500	50.00			1,500	50.00
Switzerland	Francs	8/14	8/18	5	202.50	50.00	1,012.50	250.00	1,065	261.03	2,077.50	511.03
Transportation (commercial aircraft).	D. marks								2,925	865.19	2,925	865.19
Hon. John E. Hunt:												
Spain	Pesetas	8/9	8/13	4	3,480	50.00	13,920	200.00	2,000	28.74	15,920	228.74
Italy	Lire	8/13	8/16	4	31,150	50.00	124,600	200.00	47,030	75.61	171,630	275.61
Greece	Drachmas	8/16	8/19	3	1,500	50.00	4,500	150.00			4,500	150.00
England	B. pounds	8/19	8/21	2	20.60	50.00	41.20	100.00	51.47	124.56	92.67	224.56
Transportation (commercial aircraft).	D. marks								4,465.90	1,320.88	4,465.90	1,320.88
Hon. G. William Whitehurst:												
Germany	D.marks	8/16	8/28	12	170	50.00	1,167.63	350.75	93.20	26.40	1,260.93	377.15
England	Pounds	8/28	8/30	3	20.13	50.00	60.30	150.00			60.39	150.00
Transportation (military aircraft—MAC).	U.S. dollars									157.00		157.00
Mr. James F. Shumate:												
Spain	Pesetas	8/20	8/22	3	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lire	8/22	8/24	2	13,150	50.00	62,300	100.00	42,298	68.02	1,045.98	168.02
Turkey	Liras	8/24	8/25	1	742.50	50.00	742.50	50.00			742.50	50.00
Greece	Drachmas	8/25	8/27	2	1,500	50.00	3,000	100.00			3,000	100.00
Germany	D.marks	8/28	9/1	5	170	50.00	850	250.00			850	250.00
Switzerland	Francs	9/1	9/3	2	198.75	50.00	397.50	100.00	203.00	51.05	600.50	151.50
Germany	D.marks	9/3	9/4	1	170	50.00	170	50.00			170	50.00
Transportation (military aircraft)	U.S. dollars									1,683.72		1,683.72
Total								4,800.75		11,303.92		16,104.67

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Local transportation for entire group.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$9,795.43
Appropriated funds:	
Government Department: Air Force	6,309.24
Total	16,104.67

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE TO WESTERN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Charles H. Wilson:												
Iceland	Kronur	8/29	8/31	3	4,356	$50.00	13,068	$150.00			13,068	$150.00
United Kingdom	Pounds	9/1	9/3	3	20.16	50.00	60.48	150.00			60.48	150.00
France	Francs	9/4	9/11	8	275	50.00	2,200	400.00			2,200	400.00
Transportation.[2]												
Hon. Alexander Pirnie:												
Iceland	Kronur	8/28	8/31	3	(3)	(3)	(3)					
United Kingdom	Pounds	8/31	9/1	2	20.16	50.00	40.32	100.00	21.15	$51.19	61.47	151.19
France	Francs	9/1	9/10	9	275	50.00	2,450	445.78			2,450	445.78
Transportation.[2]												
Total								1,245.78		51.19		1,296.97

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Traveled as a member of the Interparliamentary Union under Committee on Foreign Affairs.

[3] No counterpart drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$1,296.97

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES—SUBCOMMITTEE ON NATO COMMITMENTS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. William J. Randall:												
Belgium	Francs	12/15	12/16	2	2,250	$50.00	3,330	$74.00			3,330	$74.00
Germany	D. marks	12/17	12/19	3	162	50.00	227	70.00			227	70.00
Norway	Kroner	12/20	12/21	2	336.38	50.00	415.63	61.85			415.63	61.85
Transportation:												
Commercial aircraft	D. marks								3,032.76	$897.00	3,032.76	897.00
Military aircraft	U.S. dollar									278.60		278.60
Hon. Samuel S. Stratton:												
Belgium	Francs	12/15	12/16	2	2,250	50.00	4,395	97.65			4,395	97.65
Germany	D. marks	12/17	12/19	3	162	50.00	437.60	135.05			437.60	135.05
Norway	Kroner	12/20	12/21	2	336.38	50.00	381.75	57.06			381.75	57.06
Transportation:												
Commercial aircraft	D. marks								3,032.76	897.00	3,032.76	897.00
Military aircraft	U.S. dollar									278.60		278.60
Hon. Charles S. Gubser:												
Belgium	Francs	12/15	12/16	2	2,250	50.00	4,500	100.00			4,500	100.00
Germany	D. marks	12/17	12/19	3	162	50.00	486.00	150.00			486.00	150.00
Norway	Kroner	12/20	12/21	2	336.38	50.00	672.75	100.00			672.75	100.00
Transportation:												
Commercial aircraft	D. marks								3,032.76	897.00	3,032.76	897.00
Military aircraft	U.S. dollar									278.60		278.60
Hon. Alexander Pirnie:												
Belgium	Francs	12/15	12/16	2	2,250	50.00	4,500	100.00			4,500	100.00
Germany	D. marks	12/17	12/20	3	162	50.00	486.00	150.00			486.00	150.00
Transportation:												
Commercial aircraft	D. marks								3,032.76	897.00	3,032.76	897.00
Military aircraft	U.S. dollar									262.60		262.60
Mr. John J. Ford:												
Belgium	Francs	12/15	12/16	2	2,250	50.00	4,500	100.00			4,500	100.00
Germany	D. marks	12/17	12/19	3	162	50.00	486	150.00			486	150.00
Norway	Kroner	12/20	12/21	2	336.37	50.00	672.75	100.00			672.75	100.00
Transportation:												
(Commercial aircraft)	D.marks								3,032.76	897.00	3,032.76	897.00
(Military aircraft)	U.S. dollars									278.60		278.60
Total								1,445.61		5,862.00		7,307.61

[1] If foreign currency is used, enter U.S. dollars equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollars equivalent)	$5,930.61
Appropriated funds:	
Government Department: Air Force	1,377.00
Total	7,307.61

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES (TRAVEL BY INDIVIDUAL MEMBERS), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Charles S. Gubser:												
Spain	Pesetas	4/22	4/26	5	3,480	$50.00	17,400	$250.00			17,400	$250.00
Switzerland	Francs	4/27	5/1	5	214.75	50.00	1,073.75	250.00	526.70	$127.94	1,600.45	377.94
Italy	Lire	5/2	5/4	3	311.50	50.00	93,450	150.00			93,450	150.00
Greece	Drachmas	5/5	5/7	3	1,500	50.00	4,500	150.00			4,500	150.00
Transportation (commercial aircraft).	D. marks								4,475.65	1,233.40	4,475.65	1,233.40
Hon. Samuel S. Stratton:												
Japan	Yen	7/12	7/13	2	18,000	50.00	14,085	39.12	2,748	7.63	16,833	46.75
Transportation (at no expense to the Government).												

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 201, 1ST SESS., 92D CONG., COMMITTEE ON ARMED SERVICES (TRAVEL BY INDIVIDUAL MEMBERS), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Alvin E. O'Konski:												
Ireland	Pounds	8/9	8/11	3	20.65	$50.00	61.95	$150.00			61.95	$150.00
England	Pounds	8/11	8/12	1	20.60	50.00	20.60	50.00	202.31	$489.62	222.91	539.62
Poland	Zlotys	8/12	8/17	5	3,250	50.00	16,250	250.00			16,250	250.00
Germany	D. marks	8/17	8/20	3	169	50.00	507	150.00	4,375.86	1,239.62	4,882.86	1,389.62
Austria	Schillings	8/20	8/22	2	1,240	50.00	2,481	100.00	4,235	170.08	6,716	270.08
Transportation (commercial aircraft).	Zlotys								24,192	1,008.00	24,192	1,008.00
Hon. Floyd D. Spence:												
Spain	Pesetas	8/10	8/13	3	3,480	50.00	10,440	150.00			10,440	150.00
Italy	Lire	8/13	8/16	4	31,150	50.00	124,600	200.00	60,560	97.36	185,160	297.36
Lebanon	Pounds	8/17	8/18	2	161	50.00	322	100.00			322	100.00
Greece	Drachmas	8/19	8/21	3	1,500	50.00	4,500	150.00			4,500	150.00
Malta	Pounds	8/22	8/23	1	19.11.08	50.00	19.11.08	50.00			19.11.08	50.00
England	Pounds	8/23	8/25	3	20.21	50.00	70.63	150.00	64.98	157.26	125.61	307.26
Transportation (commercial aircraft).	Guilders								6,176.90	1,803.47	6,176.90	1,803.47
Hon. Bob Wilson:												
Ireland	Pounds	11/6	11/10	4	20.03	50.00	80.12	200.00			80.12	200.00
England		11/10	11/11	(2)	(2)	(2)	(2)					
Transportation:												
Commercial aircraft										440.52		440.52
Military aircraft—MAC										90.00		90.00
Hon. James A. Byrne:												
Spain	Pesetas	11/18	11/19	2	3,425	50.00	6,850	100.00			6,850	100.00
Italy	Lire	11/20	11/23	4	30,600	50.00	122,400	200.00	60,576	97.23	182,976	297.23
Germany	D. marks	11/24	12/1	8	166	50.00	1,328	400.00			1,328	400.00
England	Pounds	12/2	12/4	3	19.97	50.00	59.92	150.00			59.92	150.00
Transportation (commercial aircraft).	D. marks								3,339.60	968.00	3,339.60	968.00
Hon. G. V. (Sonny) Montgomery:												
Japan	Yen	12/21	12/22	2	15,400	50.00	20,196	65.57			20,196	65.57
Vietnam	Piastre	12/22	12/26	4	13,750	50.00	31,270	115.53			31,270	115.53
Thailand	Baht	12/26	12/27	1	1,041.25	50.00	893.50	42.90			893.50	42.90
Germany	D. marks	12/27	12/29	2	163	50.00	315.75	96.86			315.75	96.86
Transportation (commercial aircraft).	D. marks								7,125	2,185.42	7,125	2,185.42
Total								3,709.98		10,115.55		13,825.53

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] No counterpart funds drawn.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,735.53
Appropriated funds:	
Government Department: Air Force	90.00
Total	13,825.53

March 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 114, 1ST SESS., 92D CONG., COMMITTEE ON BANKING AND CURRENCY HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
							[2] 31,150	[2] $50.00				
Hon. Frank Annunzio:												
Italy	Lire	8/9	8/11	3	31,150	$50.00	93,450	150.00	102,402	$164.63	195,852	$314.63
France	Franc	8/12	8/15	4	275.50	50.00	1,102	200.00	8,170.55	1,476,70	9,272.55	1,676.70
Spain	Pesetas	8/16	8/20	5	3,480	50.00	17,400	250.00	4,731	67.97	22,131	317.97
Portugal	Escudos	8/21	8/23	3	1,421	50.00	4,263	150.00	2,366	83.25	6,629	233.25
Italy	Lire	8/24	8/26	3	18,690	50.00	93,450	150.00	84,425	132.30	177,875	282.30
Germany	D. mark								3,855.08	1,061.42	3,855.08	1,061.42
Hon. Thomas L. Ashley: Peru	Soles	5/9	5/14	6	2,169	50.00	10,845	250.00	2,475	57.05	13,320	307.05
Mr. John E. Barriere:												
United Kingdom	Pounds	8/9	9/1	24	20.62	50.00	494.84	1,200.00	269.39	651.96	764.24	1,851.96
France	Franc								3,827.80	691.81	3,827.80	691.81
Germany	D. mark								177.50	50.28	177.50	50.28
Hon. Tom Bevill:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187.00	100.00			187.00	100.00
Argentina	Pesos	2/27	3/3	4	200	50.00	800	200.00	741	185.25	1,541.00	385.25
Peru	Soles	5/9	5/14	6	2,169	50.00	10,845	250.00	2,700	62.24	13,545	312.24
Hon. Ben B. Blackburn:												
Argentina	Pesos	2/26	3/3	6	200	50.00	800	200.00	780	195.00	1,580	395.00
							[2] 13,750	[2] 50.00				
Vietnam	Piastres	8/23	8/25	3	13,750	50.00	27,500	100.00			27,500	100.00
Thailand	Bahts	8/26	8/27	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Indonesia	Rupiahs	8/28	8/28	1	20,750	50.00	20,750	50.00			20,750	50.00
Malaysia	Dollars	8/29	8/30	2	147.00	50.00	294.00	100.00	150	49.67	444	149.67
Hong Kong	Dollars	8/31	9/3	4	292.50	50.00	1,170	200.00	98.15	16.33	1,268.15	216.33
							[2] 33,820	[2] 100.00				
Japan	Yen	9/4	9/6	3	16,940	50.00	33,880	100.00	14,196	42.19	48,076	142.19
Germany	D. mark								6,414.15	1,766.26	6,414.15	1,766.26
Netherlands	Guilders								7,926.26	2,227.73	7,926.26	2,227.73
Hon. Garry Brown:												
Japan	Yen	4/8	4/11	4	18,000	50.00	72,000	200.00			72,000	200.00
Malaysia	Dollars	4/12	4/17	6	151.38	50.00	908.25	300.00	213.75	70.54	1,122	370.54
									[2] 209.79	[2] 62.05		
Germany	D. mark								7,693.89	2,231.34	7,693.89	2,231.34

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Philip M. Crane:												
Japan	Yen	8/20	8/22	3	18,000	$50.00	54,000	$150.00	19,431	$53.98	73,431	$203.98
							[2] 120	[2] 3.00				
Taiwan	Dollars	8/23	8/24	2	2,000	50.00	3,880	97.00			3,880	97.00
Hong Kong	Dollars	8/25	8/27	3	292.50	50.00	877.50	150.00	46.40	7.72	923.90	157.72
Vietnam	Piastres	8/28	8/28	1	13,750	50.00	13,750	50.00			13,750	50.00
							[2] 32,000	[2] 63.49				
Laos	Kips	8/29	8/29	1	25,200	50.00	18,400	36.51			18,400	36.51
Thailand	Bahts	8/30	8/31	2	1,041.25	50.00	2,082.50	100.00	1,415	67.96	3,497.50	167.96
Netherlands	Guilders								7,521.85	2,114.07	7,521.85	2,114.07
Mr. Orman S. Fink:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187.00	100.00			187.00	100.00
Argentina	Pesos	2/27	3/3	5	200	50.00	800	200.00			800.00	200.00
Peru	Soles	5/9	5/14	6	2,169	50.00	13,014	300.00	21,302	491.06	34,316	791.06
Germany	D. mark	9/13	9/19	7	169	50.00	1,180.50	350.00	5,658.23	1,668.66	6,838.73	2,018.66
Hon. Tom S. Gettys:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187.00	100.00			187.00	100.00
Argentina	Pesos	2/27	3/3	5	200	50.00	800	200.00	760.50	190.13	1,560.50	390.13
Germany	D. mark	6/11	6/15	5	175.50	50.00	877.50	250.00	225.18	63.79	1,102.68	313.79
Hon. Charles H. Griffin:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187.00	100.00			187.00	100.00
Argentina	Pesos	2/27	3/3	5	200.00	50.00	800.00	200.00	832.00	208.00	1,632	408.00
Peru	Soles	5/9	5/14	6	2,169	50.00	10,845	250.00	4,950	114.11	15,795	364.11
United Kingdom	Pounds	8/8	8/10	3	20.62	50.00	61.85	150.00	38.25	92.57	100.10	242.57
France	Franc	8/11	8/13	3	275.50	50.00	826.50	150.00	690.71	124.83	1,517.21	274.83
Italy	Lire	8/14	8/15	2	31,150	50.00	62,300	100.00	43,730	70.31	106,030	170.31
Germany	D. mark								3,617.45	1,069.93	3,617.45	1,069.93
Hon. James M. Hanley:												
Italy	Lira	4/23	4/29	7	31,150	50.00	186,900	300.00	119,280	191.46	306,180	491.46
Germany	D. mark								3,617.45	996.54	3,617.45	996.54
Hon. Richard T. Hanna:												
Peru	Soles	2/23	2/25	3	2,169	50.00	6,507	150.00	2,700	62.24	9,207	212.24
Argentina	Pesos	2/26	2/28	3	200	50.00	600	150.00	481	120.25	1,081	270.25
Brazil	Cruzeiros	3/1	3/4	4	250	50.00	1,000	200.00	1,523.10	304.62	2,523.10	504.62
Japan	Yen	4/2	4/7	6	18,000	50.00	108,000	300.00	68,708	190.86	176,708	490.86
Korea	Won	4/8	4/11	4	16,064	50.00	64,256	200.00			64,256	200.00
Taiwan	NT dollars	4/12	4/13	2	2,000	50.00	4,000	100.00			4,000	100.00
Malaysia	Dollars	4/14	4/18	5	150	50.00	750	250.00	1,712	565.02	2,462	815.02
Japan	Dollars	4/19	4/20	2	18,000	50.00	36,000	100.00			36,000	100.00
France	Franc								4,929.50	893.67	4,929.50	893.67
Germany	D. mark								7,468.22	2,166.44	7,468.22	2,166.44
Hon. Margaret M. Heckler:												
Italy	Lira	8/17	8/18	2	31,150	50.00	62,300	100.00	52,820	84.92	115,120	184.92
Israel	Pounds	8/19	8/21	3	175	50.00	525	150.00	6,563.68	1,587.28	7,088.68	1,737.28
Hon. Albert W. Johnson:												
Netherlands Antilles	Florins	2/25	2/26	2	200	50.00	800	200.00	754	188.50	1,554	388.50
Argentina	Pesos	2/27	3/3	5	93.50	50.00	187	100.00			187	100.00
Peru	Soles	5/9	5/14	6	2,169	50.00	10,845	250.00	4,950	114.11	15,795	364.11
Dr. Paul Nelson:												
Japan	Yen	4/7	4/10	4	18,000	50.00	72,000	200.00			72,000	200.00
Malaysia	Dollars	4/11	4/16	6	151.38	50.00	908.25	300.00	427.50	141.09	1,335.75	441.09
Japan	Yen	4/17	4/17	1	18,000	50.00	18,000	50.00			18,000	50.00
Peru	Soles	5/9	5/14	6	2,169	50.00	13,014	300.00	2,700	62.24	15,714	362.24
									[2] 3,133.53	[2] 926.81		
Germany	D. mark								7,641.54	2,107.39	7,641.54	2,107.39
Hon. Thomas M. Rees:												
Peru	Soles	5/12	5/14	3	2,169	50.00	6,507	150.00	2,475	57.05	8,982	207.05
							[2] 900	[2] 62.81				
Chile	Escudos	5/9	5/11	3	1,016.50	50.00	2,149.50	87.19			2,149.50	87.19
Germany	D. mark								2,496.12	707.12	2,496.12	707.12
Hon. Henry S. Reuss:												
Japan	Yen	4/7	4/10	4	18,000	50.00	72,000	200.00	78,114	216.98	150,114	416.98
Malaysia	Dollars	4/11	4/17	7	150	50.00	1,058.25	350.00	213.75	70.54	1,272	420.54
Hong Kong	Dollars								57.30	9.52	57.30	9.52
Germany	D. mark								7,528.62	2,074.00	7,528.62	2,074.00
Hon. J. William Stanton:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187.00	100.00			187.00	100.00
Argentina	Pesos	2/27	3/3	5	200	50.00	800	200.00	780	195.00	1,580	395.00
									[2] 3,232.70	[2] 956.14		
Germany	D. mark								213.57	20.14	213.57	20.14
Hon. Robert G. Stephens, Jr.:												
Netherlands Antilles	Florins	2/25	2/26	2	93.50	50.00	187	100.00			187	100.00
Argentina	Pesos	2/27	3/3	5	200	50.00	800	200.00	721.52	180.38	1,521.52	380.38
Hon. Leonor K. Sullivan:												
Portugal	Escudos	9/3	9/6	4	1,393	50.00	5,575	200.00			5,575	200.00
Spain	Pesetas	9/7	9/11	5	3,475	50.00	17,375	250.00	4,642	66.78	22,017	316.78
		9/12	9/16									
Germany	D. mark	9/21	9/21	6	169.16	50.00	1,017	300.00	3,896.06	1,147.47	4,913.06	1,447.47
Austria	Schillings	9/17	9/20	4	1,215.50	50.00	4,862	200.00	2,850	116.71	7,712	316.71
Hon. Lawrence G. Williams:												
Italy	Lira	8/10	8/13	4	3,115	50.00	124,600	200.00	98,142	157.78	222,742	357.78
Switzerland	Franc	8/14	8/17	4	202.50	50.00	810	200.00	1,132.50	277.60	1,942.60	477.60
Spain	Pesetas	8/18	8/21	4	3,480	50.00	13,920	200.00	16,196	232.70	30,116	432.70
									[2] 164.67	[2] 48.70		
Germany	D. mark								3,624.06	1,024.59	3,624.06	1,024.59
Hon. William B. Widnall: Germany	D. mark	9/13	9/19	7	169	50.00	1,180.50	350.00	3,636.45	1,070.68	4,816.95	1,420.68
Total								13,970.70		35,022.71		48,993.41

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Refund.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$48,993.41

WRIGHT PATMAN,
Chairman, Committee on Banking and Currency.

Mar. 14, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 333 AND 434, 1ST SESS., 92D CONG., COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

COVER SHEET

	Amount
Full committee	$2,868.16
Special Subcommittee on Labor	13,035.62
General Subcommittee on Labor	72,465.10
Select Subcommittee on Education	45,210.54

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$76,415.42
Appropriated funds:	
Government Department: Department of Air Force	57,164.00
Total	133,579.42

CARL D. PERKINS,
Chairman, Committee on Education and Labor.

Mar. 13, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434, 1ST SESS., 92d CONG., FULL COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon John M. Ashbrook:												
Switzerland	Francs	6/19	6/30	12	277.7095	$50.00	2,448.00	$600.00			2,448.00	$600.00
Switzerland	Francs	6/19	6/30						5,416.00	$1,327.45	5,416.00	1,327.45
Netherlands	Guilders	6/19	6/30						3,347.05	940.71	3,347.05	940.71
Total						50.00		600.00		2,268.16		2,868.16

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: Above travel under the auspices of the full committee.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$2,868.16

———— ————,
Committee on Education and Labor.

Mar. 6, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434, 1ST SESS., 92D CONG., COMMITTEE ON EDUCATION AND LABOR, SPECIAL SUBCOMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Frank Thompson, Jr.:												
Italy	Lire	8/10	8/16	6	31,300	$50.00	186,900	$300.00	311,254	$500.41	467,004	$800.41
France	Francs	8/16	8/25	9	247.95	50.00	2,479.50	450.00	3,342.40	606.17	5,821.90	1,056.17
United Kingdom	Pounds	8/25	8/28	3	20.26	50.00	101.34	250.00	184.87	447.41	286.21	697.41
								[2] 50.00				[2] (50.00)
Netherlands	Guilders								3,867.68	1,129.15	3,867.68	1,129.15
Hon. John Brademas: United Kingdom	Pounds	8/25	8/29	5	20.26	50.00	101.34	250.00	195.41	472.92	296.75	722.92
Hon. Roman C. Pucinski:												
United Kingdom	Pounds	9/3	9/8	5	20.12	50.00	100.60	250.00	28.50	69.55	129.10	319.55
Germany	D. marks	8/71							2,873.85	850.00	2,893.85	850.00
Hon. Patsy T. Mink: United Kingdom	Pounds	8/25	8/29	5	20.26	50.00	101.34	250.00				
Hon. Lloyd Meeds: United Kingdom	Pounds	8/25	8/29	5	20.26	50.00	101.34	250.00				
Hon. John Dellenback:												
Germany	D. marks	8/26	8/28	3	169.00	50.00	507	150.00			507	150.00
United Kingdom	Pounds	9/5	9/7	3	20.18	50.00	60.55	150.00	18.60	45.01	79.15	195.01
Netherlands	Guilders	8/71						100.00	3,180.95	928.74	3,180.95	928.74
												[2] (100.00)
Hugh G. Duffy:												
Italy	Lire	8/9	8/16	6	31,300	50.00	186,900	300.00			186,900	300.00
France	Francs	8/16	8/25	10	247.95	50.00	3,033	550.00	172.72	31.22	3,205.72	581.22
United Kingdom	Pounds	8/25	8/28	3	20.26	50.00	101.34	250.00			101.34	250.00
Netherlands	Guilders								3,831.75	1,020.73	3,831.75	1,020.73
								[2] 100.00				[2] (100.00)
Jeunesse M. Beaumont:												
Italy	Lire	8/9	8/16	6	31,300	50.00	186,900	300.00			186,900	300.00
France	Francs	8/16	8/25	10	247.95	50.00	3,033	550.00	172.71	31.21	3,205.71	581.21
United Kingdom	Pounds	8/25	8/29	4	20.26	50.00	101.34	250.00			101.34	250.00
Netherlands	Guilders								3,719.35	1,085.94	3,719.35	1,085.94
								[2] 50.00				[2] (50.00)
John C. Miller:												
Italy	Lire	8/10	8/16	6	31,300	50.00	186,900	300.00			186,900	300.00
France	Francs	8/16	8/25	10	247.95	50.00	3,033	550.00	172.71	31.21	3,205.72	581.22
United Kingdom	Pounds	8/25	8/29	4	20.26	50.00	101.34	250.00			101.34	250.00
Netherlands	Guilders								3,719.35	1,085.94	3,719.35	1,085.94
								[2] 100.00				[2] (100.00)
Total												13,235.62

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Refund.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,035.62

FRANK THOMPSON, Jr.,
Chairman, Special Subcommittee on Labor.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 434, 1ST SESS., 92D CONG., SUBCOMMITTEE ON GENERAL LABOR OF THE COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. John H. Dent:												
Kenya	Shillings	8/7	8/9	3	350.52	$50.00	1,057.50	$150.00	7,188.30	[2] $1,015.73	8,245.80	$1,165.73
Do [3]	Shillings								661.44	93.46	661.44	93.46
Do [4]	Shillings								200.00	28.26	200.00	28.26
Ethiopia	Dollars	8/10	8/12	3	125.06	50.00	372.19	150.00	211.50	[2] 85.91	583.69	235.91
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00	9,060	118.82	12,873	168.82
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00	3,895	[2] 159.50	10,100	409.50
Germany	Marks	8/22	8/24	2	170	50.00	340	100.00			340	100.00
Do [3]	Marks								1,676.31	495.80	1,676.31	495.80
U.S. dollar refund										(472.00)		(472.00)
Hon. Phillip Burton:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do [3]	Shillings								661.44	93.46	661.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00	1,117,661	[2] 1,810.90	1,304,561	2,110.90
Hon. William L. Clay:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do [3]	Shillings								661.44	93.46	661.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Hon. William D. Ford:												
Austria	Schillings	8/14	8/20	7	1,241	50.00	8,687	350.00			8,687	350.00
Germany	Marks	8/21	8/23	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/24	8/29	6	131,150	50.00	186,900	300.00			186,900	300.00
Netherlands [3]	Guilders								3,647.45	1,064.95	3,647.45	1,064.95
Hon. Edith Green:												
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00	[3] 1,693.95	[3] 501.02	2,203.95	651.02
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
U.S. dollar refund								(195.00)				(195.00)
Hon. John N. Erlenborn:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do [3]	Shillings								661.44	93.46	661.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Hon. Marvin L. Esch:												
Iran	Rials	8/6	8/7	1	3,813	50.00	3,813	50.00			3,813	50.00
Ethiopia	Dollars	8/8	8/12	5	124.06	50.00	620.32	250.00			620.32	250.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Do [3]	Marks								1,633	482.99	1,633	482.99
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Robert E. Vagley:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do [3]	Shillings								661.44	93.46	661.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Netherlands [3]	Guilders								1,854.20	521.14	1,854.20	521.14
Do [5]	Guilders								(1,854.20)	(521.14)	(1,854.20)	(521.14)
Adrienne Fields:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do [3]	Shillings								661.44	93.46	661.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,205	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Michael Bernstein:												
Kenya	Shillings	8/7	8/9	3	352.50	50.00	1,057.50	150.00			1,057.50	150.00
Do.[3]	Shillings								661.44	93.46	611.44	93.46
Ethiopia	Dollars	8/10	8/12	3	124.06	50.00	372.19	150.00			372.19	150.00
Iran	Rials	8/13	8/14	1	3,813	50.00	3,813	50.00			3,813	50.00
Austria	Schillings	8/15	8/21	5	1,241	50.00	6,205	250.00			6,025	250.00
Germany	Marks	8/22	8/24	3	170	50.00	510	150.00			510	150.00
Italy	Lire	8/25	8/30	6	131,150	50.00	186,900	300.00			186,900	300.00
Total						2,650.00		9,355.00		5,946.10		15,301.10

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Local transportation charges incurred by full subcommittee, but charged to chairman for bookkeeping purposes.

[3] Commercial air transportation.

[4] Miscellaneous expense.

[5] Refund commercial air transportation.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$15,301.10
Appropriated funds:	
Government Department: Department of the Air Force	57,164.00
Total	72,465.10

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 333 AND 434, 1ST SESS., 92D CONG., COMMITTEE ON EDUCATION AND LABOR (SELECT SUBCOMMITTEE ON EDUCATION), HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1972

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. John Brademas:												
France	Francs	4/9	4/13	5	275.50	$50.00	1,378.50	$250.00			1,378.50	$250.00
Norway	Kroners	4/14	4/15	2	356.00	50.00	712.00	100.00			712.00	100.00
Local transportation									7,229.00	$1,013.17	7,229.00	1,013.17
United Kingdom	Pounds	4/16	4/20	5	20.60	50.00	103.00	250.00			103.00	250.00
Local transportation									174.18	418.00	174.18	418.00
Miscellaneous expense									4.00	9.60	4.00	9.60
Germany	Marks											
Round trip air fare									3,356.22	924.58	3,356.22	924.58
Poland	Zlotys	8/19	8/24	6	325.00	50.00	19,500.00	300.00			19,500.00	300.00
Round trip air fare									25,392.00	1,058.00	25,392.00	1,058.00
Local transportation									14,351.44	597.98	14,351.44	597.98
Miscellaneous expense									5,221.73	217.57	5,221.73	217.57
Finland	Markkas	12/27	1/5	10	204.50	50.00	2,045.00	500.00			2,045.00	500.00
Round trip air fare	Guilders								3,699.45	1,130.64	3,699.45	1,130.64
Miscellaneous expense									40.90	10.00	40.90	10.00
Local transportation									1,576.04	385.34	1,576.04	385.34
									306.75	75.00	306.75	75.00
Jack G. Duncan:												
France	Francs	4/7	4/13	7	275.70	50.00	1,929.90	350.00			1,929.90	350.00
Local transportation									1,622.04	294.06	1,622.04	294.06
Norway	Kroners	4/14	4/15	2	356.00	50.00	712.00	100.00			712.00	100.00
United Kingdom	Pounds	4/16	4/20	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany	D. marks											
Round trip air fare									3,440.03	947.67	3,440.03	947.67
Poland	Zlotys	8/18	8/23	6	325.00	50.00	19,500.00	300.00			19,500.00	300.00
Refund							−4,120.00	−63.38			−4,120.00	−63.38
Round trip air fare									24,600.00	1,025.00	24,600.00	1,025.00
Finland	Markkas	12/27	1/3	8	83.40	50.00	1,501.19	367.04			1,501.19	367.04
Round trip air fare	Guilders								3,808.61	1,164.00	3,808.61	1,164.00
Local transportation									1,576.04	385.34	1,576.04	385.34
Do									153.37	37.50	153.37	37.50
Miscellaneous expense									40.90	10.00	40.90	10.00
Christina Orth:												
Finland	Markkas	12/27	1/5	10	204.50	50.00	2,045.00	500.00			2,045.00	500.00
Round trip air fare	Guilders								3,880.98	1,186.12	3,880.98	1,186.12
Local transportation									1,576.04	385.34	1,576.04	385.34
Do									306.75	75.00	306.75	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Martin L. LaVor:												
France	Francs	4/7	4/13	7	275.70	50.00	1,929.90	350.00			1,929.90	350.00
Refund							−551	−100.00			−551	−100.00
Norway	Kroner	4/14	4/17	4	356	50.00	1,424	200.00			1,424	200.00
United Kingdom	Pounds	4/18	4/22	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany	Marks								3,440.03	947.67	3,440.03	947.67
Round trip air fare												
Poland	Zlotys	8/18	8/23	6	325	50.00	19,500	300.00			19,500	300.00
Round trip air fare									13,992	583.00	13,992	583.00
David Lloyd-Jones:												
France	Francs	4/9	4/13	5	275.70	50.00	1,378.50	250.00			1,378.50	250.00
Norway	Kroner	4/14	4/15	2	356	50.00	712	100.00			712	100.00
United Kingdom	Pounds	4/16	4/20	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany	Marks								3,356.22	924.58	3,356.22	924.58
Round trip air fare												
Hon. Patsy T. Mink:												
Poland	Zlotys	8/18	8/23	6	325	50.00	19,500	300.00			19,500	300.00
Round trip air fare									25,944	1,081.00	25,944	1,081.00
William F. Gaul:												
Poland	Zlotys	8/20	8/25	6	325	50.00	19,500	300.00			19,500	300.00
Round trip air fare									26,232	1,093	26,232	1,093.00
Hon. Lloyd Meeds:												
France	Francs	4/8	4/12	5	275.70	50.00	1,378.50	250.00			1,378.50	250.00
Norway	Kroners	4/13	4/14	2	356	50.00	712	100.00			712	100.00
United Kingdom	Pounds	4/15	4/19	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany	D. marks											
Round trip air fare									3,239.10	892.31	3,239.10	892.31
Poland	Zlotys	8/18	8/23	6	325	50.00	19,500	300.00			19,500	300.00
Round trip air fare									13,632	568.00	13,632	568.00
Local transportation									3,462	144.25	3,462	144.25
Hon. Jack F. Kemp:												
Poland	Zlotys	8/21	8/25	5	200	50.00	1,000	250.00			1,000	250.00
Round trip air fare									22,440	935.00	22,440	935.00
Hon. Alphonzo Bell:												
Finland	Markkas	12/27	1/3	8	200.50	50.00	1,501.19	367.04			1,501.19	367.04
Local transportation									830.43	203.04	830.43	203.04
Local transportation									306.75	75.00	306.75	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Round trip air fare	Guilders								2,789.20	734.00	2,789.20	734.00
Hon. Ogden R. Reid:												
Poland	Zlotys	8/20	8/25	6	325	50.00	19,500	300.00			19,500	300.00
Round trip air fare									16,723.20	696.80	16,723.20	696.80
Refund U.S. dollars										−100.00		−100.00
Hon. James G. O'Hara:												
France	Francs	4/10	4/13	4	275.70	50.00	1,102.80	200.00			1,102.80	200.00
Norway	Kroners	4/14	4/16	3	356	50.00	1,068	150.00			1,068	150.00
United Kingdom	Pounds	4/17	4/21	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany (round-trip air fare)	D. marks								2,089.86	575.72	2,089.86	575.72
Finland	Markkas	12/27	1/5	10	204.50	50.00	2,045	500.00			2,045	500.00
Round-trip air fare	Guilders								3,933.27	1,202.10	3,933.27	1,202.10
Local transportation									1,576.04	385.34	1,576.04	385.34
Do									306.75	75.00	306.75	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Hon. James H. Scheuer:												
France	Francs	4/9	4/11	3	275.70	50.00	827.10	150.00			827.10	150.00
Norway	Kroners	4/12	4/14	3	356	50.00	1,068	150.00			1,068	150.00
United Kingdom	Pounds	4/15	4/19	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany (round-trip air fare)	D. marks								2,094.54	577.01	2,094.54	577.01
Finland	Markkas	12/27	1/2	7	213.84	50.00	1,496.86	365.98			1,496.86	365.98
Local transportation									1,427.33	348.98	1,427.33	348.98
Round-trip air fare	Guilders								2,604.51	796.00	2,604.51	796.00
Refund by personal check to U.S. Treasury.										−15.98		−15.98
Miscellaneous expense									40.90	10.00	40.90	10.00

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Robert C. Andringa:												
France	Francs	4/8	4/12	5	277.7095	$50.00	1,378.50	$250.00			1,378.50	$250.00
Norway	Kroners	4/13	4/14	2	357.1430	50.00	712	100.00			712	100.00
United Kingdom	Pounds	4/15	4/19	5	20.8334	50.00	103.30	250.00			103.30	250.00
Germany (Round-trip air fare)	D. marks								3,356.22	$924.58	3,356.22	924.58
Finland	Markkas	12/27	1/3	8	200.50	50.00	1,501.19	367.04			1,501.19	367.04
Local transportation									1,576.04	385.34	1,576.04	385.34
Local transportation									153.37	37.50	153.37	37.50
Miscellaneous expense									40.90	10.00	40.90	10.00
Round-trip air fare	Guilders								4,117.20	1,202.10	4,117.20	1,202.10
Hon. William L. Clay:												
France	Francs	4/7	4/12	6	275.70	50.00	1,654.20	300.00			1,654.20	300.00
Local transportation									78	14.14	78	14.14
Refund									551	−100.00	551	−100.00
Norway	Kroners	4/13	4/16	4	356	50.00	1,424	200.00			1,424	200.00
United Kingdom	Pounds	4/17	4/21	5	20.66	50.00	103.30	250.00			103.30	250.00
Germany (round trip air fare)	D. marks								3,290	931.01	3,290	931.01
Hon. John Dellenback:												
Finland	Markkas	12/28	1/3	7	200.5	50.00	1,366.47	334.10			1,366.47	334.10
Local transportation									1,524.14	372.65	1,524.14	372.65
Do									306.75	75.00	306.75	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Refund										−145.74		−145.74
Do										−105.92		−105.92
Netherlands (estimated round trip air fare).	Guilders								3,926.40	1,200.00	3,926.40	1,200.00
Hon. Earl Landgrebe:												
Finland	Markkas	12/28	1/6	10	204.50	50.00	2,045	500.00			2,045	500.00
Netherlands (round trip air fare)	Guilders								2,581.61	789.00	2,581.61	789.00
Local trnasportation									1,576.04	385.34	1,576.04	385.34
Do									306.75	75.00	306.75	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Hon. Orval Hansen:												
Norway	Kroners	4/12	4/14	3	356	50.00	1,068	150.00			1,068	150.00
									669	93.76	669	93.76
United Kingdom	Pounds	4/15	4/19	5	20.66	50.00	103.30	250.00			103.30	250.00
Local transportation									5.65	13.56	5.65	13.56
Germany	D. marks											
Round trip air fare									3,864.44	1,067.14	3,864.44	1,067.14
Refund									−1,456.88	−430.90	1,456.88	- 430.90
Finland	Markkas	12/27	1/3	8	92.31	50.00	1,661.56	406.25			1,661.56	406.25
Netherlands (round trip air fare)	Guilders								4,119.15	1,258.91	4,119,15	1,258.91
Local transportation									1,420.33	347.27	1,420.33	347.27
Do									306.25	75.00	306.25	75.00
Miscellaneous expense									40.90	10.00	40.90	10.00
Total						2,350.00		12,594.07		32,616.47		45,210.54

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$45,210.54

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Committee on Education and Labor.

Mar. 10, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1ST SESS., 92D CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Melvin O. Benson:												
Italy	Lire	2/8	2/8	1	31,150	$50.00	31,150	$50.00			31,150	$50.00
Somalia	Shilling	2/9	2/12	3	355	50.00	1063.9	150.00			1,063.9	150.00
Kenya	Shilling	2/12	2/16	4	352.70	50.00	1,410.80	200.00			1,410.80	200.00
Madagascar	FMG	2/16	2/20	4	13,850	50.00	55,400	200.00			55,400	200.00
Mauritius	Rupees	2/20	2/22	2	275	50.00	550	100.00			550	100.00
Gabon	CFA franc	2/22	2/23	1	13,750	50.00	13,750	50.00	800.00	$2.90	14,550	52.90
Central African Republic	CFA franc	2/23	2/27	4	13,850	50.00	55,400	200.00			55,400	200.00
Congo (K)	Zaires	2/27	2/28	1	24.50.0	50.00	24.50.0	50.00			24.50.0	50.00
Cameroon	CFA franc	2/28	3/1	1	13,850	50.00	13,850	50.00	24,563	88.99	38,413	138.99
Ghana	New cedis	3/1	3/5	4	51.00	50.00	204.00	200.00	16.01	15.70	220.01	215.70
Togo	CFA franc	3/5	3/7	2	13.350	50.00	27.700	100.00			27.700	100.00
Nigeria	Pound	3/7	3/11	4	17.12.03	50.00	70.9.0	200.00			70.9.0	200.00
England	Pound	3/11	3/15	4	20.65	50.00	82.60	200.00			82.60	200.00
Transportation	D. mark								7,742.00	2,114.20	7,742.00	2,114.20
Portugal	Escudo	8/5	8/7	2	1,421	50.00	2,842	100.00			2,842	100.00
Portuguese Guinea	Escudo	8/7	8/10	3	1,421	50.00	4,263	150.00			4,263	150.00
Cape Verde	Escudo	8/10	8/11	1	1,421	50.00	1,421	50.00			1,421	50.00
South Africa	Rand	8/11	8/19	8	35.05	50.00	280.40	400.00	948.02	1,342.42	1,228.42	1,742.42
Senegal	Franc	8/19	8/20	1	13,000	50.00	13,000	50.00			13,000	50.00
Mauritania	Franc	8/20	8/21	1	13,750	50.00	13,750	50.00	3,437	12.50	17,187	62.50
Senegal	Franc	8/21	8/23	2	13,000	50.00	26,000	100.00	2,080	8.00	28,080	108.00
Gambia	Dalasy	8/23	8/26	3	100	50.00	300	150.00			300	150.00
Senegal	Franc	8/26	8/27	1	13,000	50.00	13,000	50.00			13,000	50.00
Morocco	Dirham	8/27	8/29	2	251	50.00	502	100.00			502	100.00
Algeria	Dinar	8/29	9/2	4	246.50	50.00	986	200.00			986.00	200.00
France	Franc	9/2	9/7	6	275	50.00	1,650	300.00			1,650.00	300.00
Transportation	N. guilder								8,754.42	2,449.94	8,754.42	2,449.94

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1ST SESS., 92D CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Robert K. Boyer:												
Hong Kong	HK dollars	11/1	11/2	2	290	$50.00	580	$100.00	36	$6.11	616	$106.11
Khmer Republic	Riel	11/2	11/12	10	6,986	50.00	69,860	500.00	8,625	61.74	78,485	561.74
South Vietnam	Piastre	11/12	11/16	3	13,750	50.00	41,250	150.00			41,250	150.00
Thailand	Baht	11/16	11/19	4	1,041.25	50.00	4,165	200.00			4,165.00	200.00
Transportation	D. mark								7,285.99	2,111.88	7,285.99	2,111.88
John J. Brady, Jr.:												
Switzerland	S. franc	4/5	4/6	1	214.60	50.00	214.60	50.00			214.60	50.00
France	F. franc	4/6	4/9	4	275.70	50.00	1,102.80	200.00			1,102.80	200.00
Italy	Lire	4/9	4/10	1	31,150	50.00	31,150	50.00			31,150	50.00
Turkey	Lira	4/10	4/12	2	742.50	50.00	1,185	79.80			1,185	79.80
Iran	Rial	4/12	4/14	2	4,125	50.00	8,250	100.00			8,250	100.00
Thailand	Baht	4/14	4/17	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
South Vietnam	Piastre	4/17	4/18	1	13,750	50.00	2,250	8.10			2,250	8.10
Hong Kong	HK dollar	4/19	4/20	2	299	50.00	598	100.00			598	100.00
Japan	Yen	4/20	4/22	2	18,000	50.00	36,000	100.00			36,000	100.00
Transportation	D. mark								7,829.11	2,156.78	7,829.11	2,156.78
Hon. William S. Broomfield:												
Japan	Yen	12/31	1/2	3	18,000	50.00	54,000	150.00			54,000	150.00
Korea	Won	1/2	1/7	4	15,758.50	50.00	63,034	200.00			63,034	200.00
Japan	Yen	1/7	1/9	3	18,000	50.00	54,000	150.00			54,000	150.00
Transportation	D. mark								5,928.87	1,632.40	5,928.87	1,632.40
Hon. J. Herbert Burke:												
Italy	Lire	2/8	2/8	1	31,150	50.00	31,150	50.00			31,150	50.00
Somalia	Shilling	2/9	2/12	3	355	50.00	1,063.9	150.00			1,063.9	150.00
Kenya	Shilling	2/12	2/16	4	352.70	50.00	1,410.80	200.00			1,410.80	200.00
Madagascar	FMG	2/16	2/20	4	13,850	50.00	55,400	200.00			55,400	200.00
South Africa	Rand	2/20	2/27	7	35.71	50.00	215	300.00	126.51	177.11	341.51	477.11
Zambia	Kwacha	2/27	3/2	3	35	50.00	105	150.00	30.10	42.51	135.10	192.51
United Kingdom	Pound	3/2	3/3	2	20.66	50.00	41.32	100.00			41.32	100.00
Transportation	D. mark								7,266.30	1,983.17	7,266.30	1,983.17
Germany	D. mark	5/23	5/26	3	175	50.00	525	150.00			525	150.00
France	Franc	5/26	5/30	5	276	50.00	1,380	250.00			1,380	250.00
Spain	Peseta	5/30	6/1	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation	U.S. dollar									620.86		620.86
Germany	D. mark	8/16	8/19	3	169.50	50.00	508.50	150.00	354.09	100.31	862.59	250.31
England	Pound	8/19	8/22	4	20.61	50.00	82.45	200.00	86.84	210.16	169.29	410.16
Portugal	Escudo	8/22	8/25	3	1,421	50.00	4,263	150.00	3,068.00	107.95	7,331	257.95
Morocco	Dirham	8/25	8/29	4	227.5	50.00	910	200.00	2,927.22	583.11	3,837.22	783.11
Algeria	Dinar	8/29	8/31	2	246.50	50.00	493	100.00			493.00	100.00
France	Franc	8/31	9/3	3	275.50	50.00	826.50	150.00	1,013.70	183.84	1,840.20	333.84
Transportation	N. guilder								896.18	251.88	896.18	251.88
Goler T. Butcher:												
Portugal	Escudo	8/5	8/7	2	1,421	50.00	2,842	100.00			2,842	100.00
Portuguese Guinea	Escudo	8/7	8/10	3	1,421	50.00	4,263	150.00			4,263	150.00
Cape Verde	Escudo	8/10	8/11	1	1,421	50.00	1,421	50.00			1,421	50.00
South Africa	Rand	8/11	8/19	8	35.05	50.00	280.40	400.00	948.02	1,342.42	1,228.42	1,742.42
Senegal	CFA franc	8/19	8/20	1	13,000	50.00	13,000	50.00			13,000	50.00
Mauritania	CFA franc	8/20	8/21	1	13,750	50.00	13,750	50.00	3,437	12.50	17,187	62.50
Senegal	CFA franc	8/21	8/23	2	13,000	50.00	26,000	100.00	2,080	8.00	28,080	108.00
Gambia	Dalasy	8/23	8/26	3	100	50.00	300	150.00			300.00	150.00
Senegal	CFA franc	8/26	8/27	1	13,000	50.00	13,000	50.00			13,000	50.00
Morocco	Dirham	8/27	8/29	2	251	50.00	502	100.00			502.00	100.00
Algeria	Dinar	8/29	9/2	4	246	50.00	986	200.00			986.00	200.00
France	Franc	9/2	9/4	3	275	50.00	825	150.00	270.70	48.92	1,095.70	198.92
Netherlands	N. guilder	9/4	9/5	1	177.90	50.00	177.90	50.00			177.90	50.00
Denmark/Sweden	Kroner	9/6	9/8	2	253.75	50.00	507.50	100.00			516.20	100.00
Transportation	N. guilder								8,775.40	2,466.39	8,775.40	2,466.39
John Chapman Chester:												
Pakistan	P. rupee	9/29	10/3	5	500	50.00	2,500	250.00			2,500	250.00
India	I. rupee	10/3	10/8	5	380	50.00	1,710	225.00			1,710	225.00
Greece	Drachmae	10/8	10/11	3	1,500	50.00	4,500	150.00			4,500	150.00
Transportation	I. rupee								13,192	1,735.78	13,192	1,735.78
Harry C. Cromer:												
Japan	Yen	12/31	1/2	3	18,000	50.00	54,000	150.00	67,308	186.97	121,308	336.97
Korea	Won	1/2	1/7	4	15,758.50	50.00	63,034	200.00			63,034	200.00
Japan	Yen	1/7	1/9	3	18,000	50.00	54.000	150.00			54,000	150.00
Transportation	D. mark								5,928.87	1,632.40	5,928.87	1,632.40
John C. Culver:												
France/Morocco	Franc	2/16	2/19	3	275.90	50.00	827.70	150.00			827.70	150.00
Germany	D. marks	2/19	2/21	3	18.13	50.00	224	61.76			224	61.76
Marian A. Czarnecki:												
Costa Rica	Colones	1/24	1/27	4	331	50.00	1,324	200.00	794	119.94	2,118	319.94
Guatemala	Quetzales	1/28	1/31	4	50	50.00	200	200.00			200	200.00
Transportation	D. marks								1,604.80	441.06	1,604.80	441.06
Poland	Zlotys	6/10	6/15	5	3,250	50.00	16,250	250.00	5,627	106.33	21,877	356.33
Transportation	Zlotys								25,713.60	1,071.40	25,713.60	1,071.40
Panama	Dollar (U.S.)	9/15	9/19	5		40.00		200.00				200.00
Transportation	D. marks								1,496.92	442.74	1,496.92	442.74
Hon. Edward J. Derwinski:												
England	Pound	2/12	2/13	1	20.66	50.00	20.66	50.00			20.66	50.00
Italy	Lire	2/13	2/15	2	31,150	50.00	62,300	100.00	18,130	29.15	80,430	129.15
Kenya	Shilling	2/15	2/16	1	352.50	50.00	352.50	50.00			352.50	50.00
Madagascar	FMG	2/16	2/20	4	13,850	50.00	55,400	200.00			55,400	200.00
Mauritius	Rupee	2/20	2/22	2	275	50.00	400	72.73			400	72.73
South Africa	Rand	2/22	2/25	3	35.71	50.00	107.14	150.00	126.51	177.11	233.65	327.11
Transportation	D. mark								8,102.37	2,230.97	8,102.37	2,230.97
Hon. Charles C. Diggs, Jr.:												
Italy	Lire	2/8	2/8	1	31,150	50.00	31,150	50.00			31,150	50.00
Somalia	Shilling	2/9	2/12	3	355	50.00	1,063.9	150.00			1,063.9	150.00
Kenya	Shilling	2/12	2/16	4	352.70	50.00	1,410.80	200.00	2,338.00	327.73	3,748.80	527.73
Madagascar	FMG	2/16	2/20	4	13,850	50.00	55,400	200.00	224,935	814.99	280,335	1,014.99
Mauritius	Rupees	2/20	2/22	2	275	50.00	450	81.82			450	81.82
Gabon	CFA franc	2/22	2/23	1	13,750	50.00	13,750	50.00	800.00	2.90	14,550	52.90
Central African Republic	CFA franc	2/23	2/27	4	13,850	50.00	55,400	200.00	226,985	822.41	282,385	1,022.41
Congo (K)	Zaire	2/27	2/28	1	24.50	50.00	24.50	50.00			24.50	50.00
Cameroon	CFA franc	2/28	3/1	1	13,850	50.00	13,850	50.00	24,563	89.00	38,413	139.00
Ghana	New cedis	3/1	3/5	4	51	50.00	204	200.00	147.42	144.54	351.42	344.54
Togo	CFA franc	3/5	3/7	2	13,350	50.00	27,700	100.00			27,700	100.00
Transportation	F. franc								13,274.71	2,406.59	13,274.71	2,406.59
Portugal	Escudos	8/5	8/7	2	1,421	50.00	2,842	100.00			2,842	100.00

Footnotes at end of table.

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S currency
Hon. Charles C. Diggs, Jr.—Continued												
Portuguese Guinea	Escudos	8/7	8/10	3	1,421	$50.00	4,263	$150.00			4,263	$150.00
Cape Verde	Escudos	8/10	8/11	1	1,421	50.00	1,421	50.00			1,421	50.00
South Africa	Rand	8/11	8/19	8	35.05	50.00	280.40	400.00	870.01	$1,231.96	1,150.41	1,631.96
Senegal	Franc	8/19	8/20	1	13,000	50.00	13,000	50.00			13,000	50.00
Mauritania	Franc	8/20	8/21	1	13,750	50.00	13,750	50.00	3,437	12.50	17,187	62.50
Senegal	Franc	8/21	8/23	2	13,000	50.00	26,000	100.00	2,080	8.00	28,080	108.00
Gambia	Dalasy	8/23	8/26	3	100	50.00	300	150.00			300	150.00
Senegal	Franc	8/26	8/27	1	13,000	50.00	13,000	50.00			13,000	50.00
Morocco	Dirham	8/27	8/29	2	251	50.00	502	100.00			502	100.00
Algeria	Dinar	8/29	9/2	4	246	50.00	986	200.00			986	200.00
France	Franc	9/2	9/4	3	275	50.00	825	150.00	922.20	167.07	1,747.20	317.07
Netherlands	Guilder	9/4	9/5	1	177.90	50.00	177.90	50.00			177.90	50.00
Denmark	D. kroner	9/6	9/7	1	367.50	50.00	367.50	50.00	181.50	24.21	549	74.21
Sweden	S. krona	9/7	9/8	2	258.10	50.00	516.20	100.00	214.20	41.50	730.40	141.50
Transportation	N. guilder								8,921.25	2,508.97	8,921.25	2,508.97
Hon. Dante B. Fascell:												
Costa Rica	Colones	1/24	1/27	4	331	50.00	993	150.00	794	119.94	1,787	269.94
Guatemala	Quetzales	1/28	1/31	4	50	50.00	200	200.00			200	200.00
Transportation	D. marks								1,604.84	441.06	1,604.84	441.06
Mexico	Pesos	6/24	6/29	5								
Transportation	D. marks								1,203.45	340.92	1,203.45	340.92
Hon. Paul Findley:												
Germany	D. marks	2/19	2/21	2	181.5	50.00	278.10	76.66			278.10	76.66
France	Franc	2/21	2/23	3	275.90	50.00	827.70	150.00			827.70	150.00
Canada	C. dollar	9/23	9/27	4	50	50.00	200	200.00			200	200.00
Transportation	U.S. dollar									68.04		68.04
R. Michael Finley:												
Venezuela	Bolivars	8/22	8/28	6	224	50.00	867.24	193.58	1,500	401.78	2,367.24	595.36
Transportation	D. mark								845.81	250.17	845.81	250.17
Transportation	U.S. dollar									132.12		132.12
Hon. Donald M. Fraser:												
Switzerland	S. franc	9/6	9/9	4	198	50.00	792	200.00	49.80	12.21	841.80	212.21
Italy	Lire	9/9	9/12	3	30,800	50.00	92,400	150.00			92,400	150.00
Transportation	D. marks								3,463.80	1,024.49	3,463.80	1,024.49
Hon. Peter H. B. Frelinghuysen:												
United Kingdom	Pound	1/7	1/13	6					3.26	7.82	3.26	7.82
Belgium	Franc	1/13	1/15	2					379	7.63	379	7.63
Netherlands	Guilders	1/15	1/17	2	179	50.00	358.00	100.00			358	100.00
France	Franc	1/17	1/19	3	276	50.00	828	150.00			828	150.00
Transportation	D. mark								1,826.34	502.85	1,826.34	502.85
Pakistan	P. rupee	9/29	10/3	5	500	50.00	2,500	250.00			2,500	250.00
India	I. rupee	10/3	10/8	5	380	50.00	1,710	225.00			1,710	225.00
Greece	Drachmae	10/8	10/11	3	1,500	50.00	4,500	150.00			4,500	150.00
Transportation	I. rupee								13,192	1,735.78	13,192	1,735.78
Hon. Cornelius E. Gallagher:												
Hong Kong	HK dollar	2/2	2/5	4	300	50.00	1,200	200.00	71.60	11.77	1,271.60	211.77
Taiwan	T. dollar	2/6	2/7	2	2,000	50.00	4,000	100.00			4,000	100.00
Korea	Won	2/7	2/12	5	15,868	50.00	79,340	250.00			79,340	250.00
Philippine Islands	Peso	2/12	2/16	4	319.5	50.00	1,278	200.00			1,278	200.00
Transportation	D. mark								7,839.50	2,158.45	7,839.50	2,158.45
Taiwan	T dollars	5/28	5/29	2	2,000	50.00	4,000	100.00			4,000	100.00
Hong Kong	HK dollars	5/29	6/1	3	299	50.00	897	150.00	45.85	7.62	942.85	157.62
India	Rupee	6/2	6/4	2	380	50.00	760	100.00	656	86.32	1,416	186.32
Transportation	D. mark								4,823.58	1,347.17	4,823.58	1,347.17
Clifford P. Hackett:												
Sweden	Kroner	8/20	8/25	5	256.75	50.00	1,185.92	230.95			1,185.92	230.95
Greece	Drachmae	8/25	9/1	7	1,500	50.00	9,800	326.67	2,442	81.40	12,242	408.07
Spain	Pesetas	9/1	9/5	4	3,475	50.00	13,474	193.88	7,573	108.95	21,047	302.83
Belgium	Franc	9/5	9/8	4	2,400	50.00	8,095	168.83			8,095	168.83
Transportation	Guilders								4,774.38	1,341.87	4,774.38	1,341.87
Hon. Seymour Halpern:												
Switzerland	S. franc	2/7	2/19	13	214.65	50.00	2,791	650.00	2,716.30	680.97	5,607.30	1,330.97
Austria	Schilling	2/19	2/21	2					3,200	124.22	3,200	124.22
France	F. franc	2/21	2/24	3	275.85	50.00	827.60	150.00	1,113.02	201.71	1,940.62	351.71
Transportation	D. mark								2,481.13	671.23	2,481.13	671.23
Philippine Islands	Peso	4/11	4/12	1	319.50	50.00	319.50	50.00			319.50	50.00
Vietnam	Piastre	4/12	4/14	2	13,750	50.00	23,080	83.93			23,080	83.93
Singapore/Malaysia	M. dollar	4/14	4/18	5	182	50.00	750	250.00	109.05	35.99	859.05	285.99
Thailand	Baht	4/18	4/20	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Israel	I. pound	4/20	4/22	2	175	50.00	350	100.00	72.90	20.83	422.90	120.83
Cyprus	C. pound	4/22	4/23	1	20.555	50.00	20.555	50.00			20.555	50.00
Lebanon	L. pound	4/23	4/24	1	162.50	50.00	162.50	50.00			162.50	50.00
Turkey	Lira	4/24	4/27	3	742.50	50.00	2,227.50	150.00			2,227.50	150.00
France	Franc	4/27	5/1	4	275.70	50.00	1,102.80	200.00			1,102.80	200.00
Transportation	D. mark								7,993.44	2,202.05	7,993.44	2,202.05
Portugal	Escudo	8/15	8/19	4	1,500	50.00	1,500	50.00			1,500	50.00
Spain	Peseta	8/19	8/27	8	3,475	50.00	3,475	50.00			3,475	50.00
Morocco	Dirham	8/27	8/29	3	251	50.00	502	100.00			502	100.00
Algeria	Dinar	8/29	8/31	2	246.5	50.00	493	100.00			493	100.00
Spain	Peseta	8/31	9/4	6								
Transportation	F. franc								2,681.00	486.22	2,681	486.22
Hon. Sherman P. Lloyd:												
Poland	Zlotys	11/4	11/9	5	3,250	50.00	8,230	126.62			8,230	126.62
Austria/Denmark	Schilling	11/9	11/14	5	1,206.50	50.00	4,826	200.00			4,826	200.00
Transportation	U.S. dollar									1,096.60		1,096.60
Hon. F. Bradford Morse: Venezuela	Bolivares	8/25	8/28	3	224.0	50.00	672.0	150.00			672.0	150.00
Hon. Morgan F. Murphy:												
Switzerland	S. franc	4/6	4/6	1	214.60	50.00	214.60	50.00			214.60	50.00
France	F. franc	4/6	4/9	4	275.70	50.00	1,102.80	200.00			1,102.00	200.00
Italy	Lire	4/9	4/10	1	31,150	50.00	31,150	50.00	9,630	15.46	40,780.0	65.46
Turkey	Lira	4/10	4/12	2	742.50	50.00	1,485	100.00			1,485	100.00
Iran	Rial	4/12	4/14	2	4,125	50.00	8,250	100.00			8,250	100.00
Thailand	Baht	4/14	4/17	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
South Vietnam	Piastre	4/17	4/19	1	13,750	50.00	13,750	50.00			13,750	50.00
Hong Kong	HK dollar	4/19	4/20	2	299	50.00	598	100.00	42.15	7.00	640.15	107.00
Japan	Yen	4/20	4/22	2	18,000	50.00	36,000	100.00	87,302	242.51	123,302	342.51

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 109, 1ST SESS., 92D CONG., COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Morgan F. Murphy—Continued												
United Kingdom	Pound	9/2	9/4	3	20.12	$50.00	60.36	$150.00	118.75	$289.72	179.11	$439.72
Ireland	Pound	9/4	9/5	1	20.31	50.00	20.31	50.00			20.31	50.00
Transportation	D. mark								10,867.96	3,053.36	1,086.96	3,053.36
Hon. Benjamin S. Rosenthal:												
Germany	D. mark	4/15	4/18	3	181.5	50.00	544.50	150.00			544.50	150.00
Israel	I. pound	4/18	4/22	4	175	50.00	700	200.00	166.92	47.70	866.94	247.70
France	Franc	4/22	4/24	3	275.70	50.00	827.10	150.00			827.10	150.00
Transportation	D. mark								5,259.12	1,448.79	5,259.12	1,448.79
Franklin J. Schupp:												
Germany	D. mark	4/15	4/18	3	181.5	50.00	544.50	150.00			544.50	150.00
Israel	I. pound	4/18	4/22	4	175	50.00	700	200.00	166.92	47.69	866.93	247.69
France	Franc	4/22	4/24	3	275.70	50.00	827.10	150.00			827.10	150.00
Transportation	D. mark								4,926.73	1,350.63	4,926.73	1,350.63
Hon. Robert H. Steele:												
Switzerland	S. franc	4/4	4/6	2	214.60	50.00	429.25	100.00	79	18.36	508.25	118.36
France	F. franc	4/6	4/9	4	275.70	50.00	1,102.80	200.00			1,102.80	200.00
Italy	Lire	4/9	4/10	1	31,150	50.00	31,150	50.00			31,150.00	50.00
Turkey	Lira	4/10	4/12	2	742.50	50.00	1,485	100.00			1,485.00	100.00
Iran	Rial	4/12	4/13	1	4,125	50.00	4,125	50.00			4,125.00	50.00
Thailand	Baht	4/14	4/16	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
S. Vietnam	Piastre	4/17	4/18	2	13,750	50.00	25,250	88.91			25,250.00	88.91
Hong Kong	HK dollar	4/19	4/20	2	299	50.00	598	100.00			598.00	100.00
Japan	Yen	4/20	4/23	3	18,000	50.00	54,000	150.00			54,000	150.00
Transportation	D. mark								7,741.27	2,132.58	7,741.27	2,132.58
John H. Sullivan:												
Hong Kong	HK dollars	11/1	11/2	2	290	50.00	580	100.00	36	6.11	616	106.11
Khmer Republic	Riel	11/2	11/12	10	6,986	50.00	69,860	500.00	8,625	61.74	78,485	561.74
South Vietnam	Piastre	11/12	11/16	3	13,750	50.00	41,250	150.00			41,250	150.00
Thailand	Baht	11/16	11/19	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Transportation	D. mark								7,285.98	2,111.88	7,285.98	2,111.88
Hon. Guy Vander Jagt:												
Portugal	Escudo	8/5	8/7	3	1,421	50.00	4,263	150.00	1,700	59.82	5,963	209.82
Portuguese Guinea	Escudo	8/7	8/10	3	1,421	50.00	4,263	150.00			4,263	150.00
Cape Verde Islands	Escudo	8/10	8/11	1	1,421	50.00	1,421	50.00			1,421	50.00
South Africa	Rand	8/11	8/19	8	35.05	50.00	280.40	400.00	948.02	1,342.42	1,228.42	1,742.42
Senegal	Franc	8/19	8/20	1	13,000	50.00	13,000	50.00			13,000	50.00
Mauritania	Franc	8/20	8/21	1	13,750	50.00	13,750	50.00	3,437	12.50	17,187	62.50
Senegal	Franc	8/21	8/23	2	13,000	50.00	26,000	100.00	2,080	8.00	28,080	108.00
France	F. franc	8/23	8/25	2	275.5	50.00	551	100.00			551	100.00
Transportation	N. guilder								5,024.23	1,371.23	5,024.23	1,371.23
Jamaica	J. dollar	12/27	12/31	5	40.16	50.00	200.8	250.00			200.8	250.00
Transportation	D. mark								835.11	247.00	835.11	247.00
Hon. J. Irving Whalley:												
Germany	D. mark	5/23	5/26	3	175	50.00	525	150.00			525	150.00
France	Franc	5/26	5/30	5	276	50.00	1,380	250.00			1,380	250.00
Spain	Peseta	5/30	6/1	2	3,480	50.00	6,960	100.00			6,960	100.00
Transportation	U.S. dollars									620.86		620.86
Venezuela	Bolivares	8/22	8/28	6	224	50.00	1,344	300.00	1,500	401.79	2,844	701.79
Trinidad	T dollars	8/28	8/30	2	100	50.00	200	100.00	330	169.49	530	269.49
Barbados	Dollar	8/31	9/1	2	95.55	50.00	95.55	50.00	40	20.54	135.55	70.54
Jamaica	Dollar	9/2	9/5	3	41.32	50.00	123.96	150.00			123.96	150.00
Transportation	D. mark								1,355.98	401.18	1,355.98	401.18
Italy	Lire	2/8	2/8	1	31,150	50.00	31,150	50.00			31,150	50.00
Somalia	Shilling	2/9	2/12	3	355	50.00	1,063.9	150.00			1,063.9	150.00
Kenya	Shilling	2/12	2/16	4	352.70	50.00	1,410.80	200.00			1,410.80	200.00
Madagascar	FMG	2/16	2/20	4	13,850	50.00	55,400	200.00	38,000	137.68	93,400	337.68
South Africa	Rand	2/20	2/27	7	35.71	50.00	215	300.00	126.51	177.11	341.51	477.11
Zambia	Kwacha	2/27	3/2	3	35.00	50.00	105.00	150.00	30.10	42.51	135.10	192.51
United Kingdom	Pound	3/2	3/3	2	20.66	50.00	41.32	100.00			41.32	100.00
Transportation	D. mark								7,565.22	2,071.95	7,565.22	2,071.95
Hon. Lester L. Wolff:												
Germany	D. mark	4/15	4/18	3	181.5	50.00	544.50	150.00			544.50	150.00
Israel	I. pound	4/18	4/22	4	175	50.00	700	200.00	166.92	47.69	866.93	247.69
France	Franc	4/22	4/24	3	275.70	50.00	827.10	150.00			827.10	150.00
Transportation	D. mark								4,926.73	1,350.63	4,926.73	1,350.63
Hon. Gus Yatron:												
Israel	I. pound	7/24	7/26	2	175	50.00	350	100.00	227.85	65.10	577.85	165.10
Transportation	I. pound								1,044.96	248.80	1,044.96	248.80
Hon. Clement J. Zablocki:												
Poland	Zlotys	6/10	6/15	5	3,250	50,00	16,250	250.00	5,627	106.33	21,877	356.33
Transportation	Zlotys								25,713.60	1,071.40	25,713.60	1,071.40
Total								31,194.24		73,434.65		104,628.89

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$101,890.41
Appropriated funds:	
H. Res. 288, 92d Cong	400.16
Government department:	
Department of Defense	1,241.72
U.S. Information Agency	1,096.60
Total	104,628.89

THOMAS E. MORGAN,
Chairman, Committee on Foreign Affairs.

Mar. 17, 1972.

EPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 676, 1ST SESS., 92D CONG., BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. James Kee: Spain	Pesetas	10/28	11/7	10	3,425	$50.00	34,250	$500.00	9,458.50	$136.08	43,708.50	$636.08
	D. marks								3,073.67	942.84	3,073.67	942.84
Hon. James McClure: Spain	Pesetas	10/28	11/7	10	3,425	50.00	34,250	500.00	9,458.50	136.08	43,708.50	636.08
	D. marks								3,073.67	942.84	3,073.67	942.84
Hon. Joe Skubitz:												
United Kingdom	Pounds	10/28	10/30	3	19.97	50.00	59.92	150.00	5.50	13.42	65.42	163.42
Spain	Pesetas	10/30	11/7	8	3,425	50.00	27,400	400.00	9,458.50	136.08	36,858.50	536.08
	D. marks								2,010.25	616.64	2,010.25	616.64
William L. Shafer: Spain	Pesetas	10/28	11/7	10	3,425	50.00	34,250	500.00	9,458.50	136.08	43,708.50	636.08
	D. marks								3,073.67	942.84	3,073.67	942.84
Total								2,050.00		4,002.90		6,052.90

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$6,052.90

WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs.

Mar. 15, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 170, 1ST SESS., 92D CONG., COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Torbert H. Macdonald:												
Haiti	Gourdes	2/7	2/16	10	250.00	$50.00	2,500	$500.00			2,500	$500.00
Transportation	D. marks								1,438.38	$396.03	1,438.38	396.03
Japan	Yen	4/8	4/12	5	18,000	50.00	90,000	250.00	60,244	167.34	150,244	417.34
Transportation	D. marks								8,168.46	2,250.26	8,168.46	2,250.26
Total								750.00		2,813.63		3,563.63
Hon. Ray Blanton:												
Israel	Pounds	7/22	7/24	2	175	50.00	350	100.00	339	97.27	689	197.27
Transportation	Pounds								1,044.96	248.80	1,044.96	248.80
Total								100.00		346.07		446.07
Hon. Henry Helstoski:												
Poland	Zlotys	6/14	6/20	6	3,250	50.00	19,500	300.00			19,500	300.00
Transportation	Zlotys								25,411.68	1,058.82	25,411.68	1,058.82
Total								300.00		1,058.82		1,358.82
Hon. John Jarman:												
Iceland	Kronur	8/28	8/31	3	4,356	50.00	13,068	150.00			13,068	150.00
Scotland	Pounds	8/31	9/2	3	20.16	50.00	60.48	150.00			60.48	150.00
France	Francs	9/2	9/10	8	275	50.00	2,200	400.00			2,200	400.00
England	Pounds	9/12	9/19	8	20.16	50.00	161.33	400.00			161.33	400.00
Total								1,100.00				1,100.00
Hon. Robert O. Tiernan:												
Japan	Yen	1/5	1/10	5	18,000	50.00	90,000	250.00			90,000	250.00
Hong Kong	Dollars	1/10	1/12	3	302	50.00	906	150.00	82.35	13.54	988.35	163.54
Thailand	Bahts	1/12	1/14	2	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Refund of overpayment								−50.00				−50.00
Vietnam	Piastres	1/15	1/15	1/2		50.00	9,250	16.36		[2] (16.36)		
Greece	Drachmas	1/15	1/17	3	1,500	50.00	4,500	150.00			4,500	150.00
Transportation	D. marks								7,532	2,074.02	7,532	2,074.02
Switzerland	Francs	6/6	6/12	5	203.55	50.00	1,018.75	250.00	1,537.30	357.18	1,537.30	670.18
Transportation	Guilders								3,356.65	943.41	3,356.65	943.41
Total								966.36		3,388.15		4,354.51
Hon. William L. Springer:												
Japan	Yen	8/20	9/5	16		50.00	31,978.80	88.83	157,236	458.92	189,214	547.75
Transportation	D. marks								3,159.64	895.08	3,159.64	895.08
Netherlands Antilles	Florin	12/6	12/17	11		50.00	456.20	250.00			456.20	250.00
Transportation	D. marks								645.77	191.00	645.77	191.00
Total								338.83		1,545.00		1,883.83
Hon. Bob Eckhardt:												
United Kingdom	Pounds	10/15	10/18	4	20	50.00	80	200.00			80	200.00
Germany	D. marks	10/19	10/28	10	166	50.00	1,660	500.00			1,660	500.00
Belgium	Francs	10/28	10/29	2	2,350	50.00	4,700	100.00				
Refund of overpayment								−50.00			2,350	50.00
France	Francs	10/30	11/1	3	276	50.00	828	150.00			828.00	150.00
Transportation	D. marks									917		917.00
Total								900.00		917.00		1,817.00
Hon. Samuel L. Devine:												
United Kingdom	Pounds	5/25	5/26	2	20.62	50.00	41.24	100.00	7.87	18.89	49.11	118.89
France	Francs	5/26	5/30	4	276.00	50.00	1,104.00	200.00	1,348.19	243.66	2,452.19	443.66
Israel	Pounds	5/31	6/3	4	175.00	50.00	700.00	200.00			700.00	200.00
Transportation	Pounds								5,099.50	1,457.00	5,099.50	1,457.00
Total								500.00		1,719.55		2,219.55

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 170, 1ST SESS., 92D CONG., COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S currency
Hon. Fletcher Thompson:												
France	Francs	5/28	6/2	6	276.00	$50.00	1,656.00	$300.00	905.35	$163.63	2,561.35	$463.63
Transportation	Guilders								3,201.00	899.66	3,201.00	899.66
Total								300.00		1,063.29		1,363.29
Hon. Donald Brotzman:												
Japan	Yen	1/5	1/10	6	18,000.00	50.00	108.000	300.00	66,229	183.97	174,229	483.97
Hong Kong	HK dollars	1/10	1/12	3	302.00	50.00	906.00	150.00	66.28	10.90	972.28	160.90
Philippines	Pesos	1/12	1/15	3	319.00	50.00	957.50	150.00			957.50	150.00
Refund of overpayment								−50.00				−50.00
Transportation	D. marks								4,248.31	1,169.69	4,248.31	1,169.69
Total								550.00		1,364.56		1,914.56
Hon. Paul G. Rogers:												
Thailand	Bahts	8/8	8/12	4	1,041.25	50.00	4,165.00	200.00	72.00	3.46		
Refunded							825	39.63			3,412	163.83
Vietnam	Piastres	8/12	8/14	2	13,750	50.00	27,500	100.00				
Refunded							23,000	83.64			4,500	16.36
Hong Kong	Dollars	8/14	8/18	5	299	50.00	1,495	250.00	715.60	119.08	2,210.60	369.08
Japan	Yen	8/18	8/22	4	18,000	50.00	72,000	200.00	33,008.33	91.69	105,008.33	291.69
Transportation	D. marks								7,356.17	2,175.14	7,356.17	2,175.14
Total								626.73		2,389.37		3,016.10
Hon. Richardson Preyer:												
Thailand	Bahts	8/8	8/12	4	1,041.25	50.00	4,165	200.00	72	3.46		
Refunded								−14.41			−3,937	189.05
Vietnam	Piastres	8/12	8/14	2	13,750	50.00	27,500	100.00				
Refunded							25,500	92.73			2,000	7.27
Hong Kong	HK dollars	8/14	8/18	5	299	50.00	1,495	250.00	2,838.40	118.08	4,333.40	368.08
Japan	Yen	8/18	8/21	3	18,000	50.00	72,000	200.00				
Refunded							21,000	58.33			51,000	141.67
Transportation	D. marks								7,356.15	2,175.73	7,356.15	2,175.73
Total								584.53		2,297.27		2,881.80
Hon. Hastings Keith:												
Switzerland	Francs	7/1	7/4	3	204	50.00	613.50	150.00			613.50	150.00
Transportation	Guilders								2,449.15	688.35	2,449.15	688.35
Total								150.00		688.35		838.35
Hon. Clarence J. Brown:												
Switzerland	Francs	6/9	6/14	6	204	50.00	1,224	300.00	410.00	95.26	1,634	395.26
Denmark	Kroner	6/14	6/15	1	375	50.00	375	50.00	380.16	50.72	755.16	100.72
Transportation	Guilders								2,131.60	599.10	2,131.60	599.10
Total								350.00		745.08		1,095.08
Hon. Dan Kuykendall:												
France	Francs	2/10	2/11	2	275.90	50.00	551.80	100.00			551.80	100.00
United Kingdom	Pounds	2/17	2/18	2	22.30	50.00	44.60	100.00	6.42	15.41	51.02	115.41
Transportation	D. marks								486.30	82.72	486.30	82.72
Spain	Pesetas	8/21	8/24	4	230	50.00	13,920	200.00			13,920	200.00
		8/27	8/28									
Switzerland	Francs	8/24	8/27	3	199	50.00	597	150.00			597	150.00
Total								550.00		98.13		648.13
Hon. Bertram L. Podell:												
Japan	Yen	1/1	1/5	4	18,000	50.00	72,000	200.00	38,300	106.47		306.47
Korea	Won	1/5	1/6	2	15,758.50	50.00	31,517	100.00				100.00
Taiwan	T dollars	1/6	1/8	2	2,000	50.00	4,000	100.00				100.00
Hong Kong	HK dollars	1/9	1/12	3	302.00	50.00		150.00		37.31		187.31
Thailand	Bahts	1/13	1/15	3	1,041.25	50.00	3,123.75	150.00			2,123.75	150.00
Vietnam	Piastres	1/12	1/12	1	13,750	50.00		50.00		[2] (50.00)		
Transportation	D. marks								7,331.16	2,018.49	7,331.16	2,018.49
Israel	I Pounds	4/7	4/12	5	175	50.00	875	250.00	520.05	148.59		398.59
Greece	Drachma	4/13	4/15	3	1,500	50.00	4,500	150.00			4,500	150.00
Spain	Pesetas	4/15	4/19	4	3,480	50.00	13,920	200.00			13,920	200.00
Transportation	D. marks								5,266.15	1,450.73	5,266.15	1,450.73
Hong Kong	HK dollars	8/9	8/15	6	299.00	50.00	1,794	300.00	215.30	35.82		335.82
Thailand	Bahts	8/15	8/19	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Malaysia	Dollars	8/19	8/20	2	150.00	50.00	300	100.00	180	59.60		159.60
Indonesia	Rupiah	8/20	8/24	4	19,050	50.00	76,200	200.00	36,230	95.09		295.09
Australia	Dollars	8/24	8/26	2	44.26	50.00	88.52	100.00		162.71		262.71
Transportation	D. marks								9,285.13	2,630.35	9,285.13	2,630.35
Total								2,200.00		6,745.16		8,945.16
Hon. James F. Hastings:												
France	Francs	2/2	2/3	2	276	50.00	552	100.00			552	100.00
Austria	Schillings	2/3	2/7	4	1,290	50.00	5,160	200.00	4,687.00	181.95	9,847	381.95
Hungary	Forints	2/7	2/9	2	1,500	50.00	4,500	150.00		[2] (50.00)	3,000	100.00
United Kingdom	Pounds	2/9	2/11	2	20.82	50.00	41.65	100.00			41.65	100.00
Transportation	D. marks								3,468.22	954.91	3,468.22	954.91
United Kingdom	Pounds	5/20	5/22	3	20.63	50.00	61.85	150.00			61.85	150.00
Denmark	Kroner	5/23	5/25	3	375	50.00	1,125	150.00	300.00	40.02	1,425	190.02
Germany	D. marks	5/25	5/26	1	175	50.00	175	50.00			175	50.00
Belgium	Francs	5/27	5/29	3	2,750	50.00	7,500	150.00	5,862.00	118.13	13,362	268.13
France	Francs	5/30	6/3	5	276	50.00	1,380	250.00			1,380	250.00
Transportation	Guilders								3,341.21	930.61	3,341.21	930.61
Total								1,250.00		2,225.62		3,475.62

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Lionel Van Deerlin:												
Japan	Yen	1/5	1/10	6	18,000	$50.00	108,000	$300.00	76,294	$211.93	184,294	$511.93
Hong Kong	HK dollars	1/10	1/13	3	302	50.00	906	150.00	66.27	10.90	972.28	160.90
Philippines	Pesos	1/13	1/15	3	319.50	50.00	975.50	150.00				
Refund of overpayment								(50.00)			638.00	100.00
Transportation	D. marks								4,114.20	1,132.76	4,114.20	1,132.76
Total								550.00		1,355.59		1,905.59
Hon. Charles J. Carney:												
France	Francs	5/27	6/1	6	276	50.00	1,656	300.00			1,656	300.00
Ireland	Pounds	6/1	6/5	4	20.63	50.00	82.58	200.00	106	256.72	188.58	456.72
Transportation	Guilders								3,201	899.66	3,201	899.66
Ireland	Pounds	9/3	9/12	10	20.31	50.00	203.10	500.00	333.65	814.18		1,314.18
Transportation	D. marks								2,756.55	815.31	2,756.55	815.31
Total								1,000.00		2,785.87		3,785.87
Hon. Peter N. Kyros:												
Japan	Yen	1/5	1/10	5	18,000	50.00	90	250.00	129,723	360.34	219,723	610.34
Hong Kong	Dollars	1/10	1/12	3	302	50.00	906	150.00	82.35	13.54	988.35	163.54
Thailand	Bahts	1/12	1/14	2	1,041.25	50.00	3,123.75	150.00			2,082.50	100.00
Refund of overpayment						50.00						
Greece	Drachmas	1/15	1/17	3	1,500	50.00	4,500	150.00			4,500	150.00
Transportation	D. marks								7,532.83	2,074.02	7,532.83	2,074.02
France	Francs	2/2	2/3	2	276	50.00	552	100.00			522	100.00
Austria	Schillings	2/3	2/7	4	1,290	50.00	5,160	200.00	1,618	62.81	10,154	393.83
Hungary	Forints	2/7	2/9	2	1,500	50.00	4,500	150.00		[2] (50.00)	3,000	100.00
United Kingdom	Pounds	2/9	2/11	2	20.82	50.00	41.65	100.00	5.16	12.38	5,403	112.38
Transportation	D. marks								3,468.21	954.90	3,468.21	954.90
Thailand	Bahts	8/8	8/12	4	1,041.25	50.00	4,165	200.00	72.00	3.46	3,937	189.05
Vietnam	Piastres	8/12	8/14	2	13,750	50.00	27,500	100.00		[2] (14.41) [2] (18.18)	22,500	81.82
Hong Kong	Dollars	8/14	8/18	5	299	50.00	1,495	250.00			1,495	250.00
Transportation	D. marks								7,356.15	2,175.73		
Transportation refund									213.79	63.23	7,142.36	2,112.50
Total								1,667.41		5,724.97		7,392.38
Hon. Louis Frey, Jr.:												
United Kingdom	Pounds	5/20	5/22	3	20.62	50.00	61.85	150.00			61.85	150.00
Denmark	Kroner	5/23	5/25	3	375	50.00	1,125	150.00	300	40.02	1,425	190.02
Germany	D. marks	5/25	5/26	1	175	50.00	175	50.00			175	50.00
Belgium	Francs	5/27	5/29	3	2,500	50.00	7,500	150.00	679	13.68	8,179	163.68
France	Francs	5/30	6/3	5	276	50.00	1,380	250.00			1,380	250.00
Transportation	D. marks								1,727.52	475.90	1,727.52	475.90
Mexico	Pesos	10/21	10/24	4		50.00	2,498	200.00			2,498	200.00
Transportation	D. marks								1,531.80	453.06	1,531.80	453.06
Total								950.00		982.66		1,932.66
James Menger:												
Japan	Yen	1/7	1/12	6	18,000	50.00	108.000	300.00			108,000	300.00
Hong Kong	Dollars	1/13	1/15	3	302	50.00	906	150.00			906	150.00
Thailand	Bahts	1/15	1/18	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Transportation	D. marks								6,952.79	1,914.31	6,952.79	1,914.31
Total								600.00		1,914.31		2,514.31
Hon. Tim Lee Carter:												
Austria	Schillings	1/9	1/13	4	1,288.50	50.00	5,154	200.00	2,335	90.64	7,489	290.64
Switzerland	Francs	1/13	1/15	2	212.25	50.00	430.50	100.00	360	83.55	790.50	183.55
France	Francs	1/15	1/17	3	276	50.00	828	150.00	352.80	63.94	1,180.80	213.94
Transportation	D. marks								3,610.51	994.08	3,610.51	994.08
Total								450.00		1,232.21		1,682.21
Hon. David E. Satterfield:												
Thailand	Bahts	8/8	8/11	4	1,041.25	50.00	3,865	185.59	72.00	3.46	3,937	189.05
Vietnam	Piastres	8/11	8/13	1	13,750	50.00	7,500	27.27			7,500	27.27
Hong Kong	Dollars	8/13	8/17	5	299	50.00	1,495	250.00	709.60	118.08	2,204.60	368.08
Japan	Yen	8/18	8/22	5	18,000	50.00	90,000	250.00	33,008.33	91.69	123,008	341.69
Transportation (air fare)	D. marks								7,356.15	2,175.73	7,356.73	2,175.73
Total								712.86		2,388.96		3,101.82
W. E. Williamson:												
Japan	Yen	1/7	1/12	6	18,000	50.00	108,000	300.00			108,000	300.00
Hong Kong	Dollars	1/13	1/15	3	302	50.00	906	150.00			906	150.00
Thailand	Bahts	1/15	1/18	3	1,041.25	50.00	3,123.75	150.00			3,123.75	150.00
Transportation	D. marks								6,952.79	1,914.31	6,952.79	1,914.31
Total								600.00		1,914.31		2,514.31
Stephen E. Lawton:												
Thailand	Bahts	8/8	8/12	4	1,041.25	50.00	4,165	200.00	72.00	3.46	4,237	203.46
Vietnam	Piastres	8/12	8/14	1	13,750	50.00	27,500	100.00		[2] (86.55)	3,700	13.45
Hong Kong	Dollars	8/14	8/18	5	299	50.00	1,495	250.00	709.60	118.08	2,204.60	368.08
Japan	Yen	8/18	8/22	4	18,000	50.00	72,000	200.00	33,008	91.69	105,000	291.69
Transportation	D. marks								7,356.17	2,175.00	14,356.17	2,175.14
Total								663.45		2,388.37		3,051.82

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Refunded.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$68,802.47

HARLEY O. STAGGERS,
Chairman, Committee on Interstate and Foreign Commerce.

Mar. 16, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 161, 1ST SESSION, 92D CONGRESS, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Edward G. Biester, Jr.:												
France		7/5	7/12	7	275	$50.00	1,884	$341.56	303.58	$54.87	2,187.58	$396.43
Netherlands	Guilders								2,244.75	630.90	2,244.75	630.90
Total								341.56		685.77		1,027.33
Hon. Emanuel Celler:												
France	Francs								9,253.35	1,672.39	9,253.35	1,672.39
United Kingdom	Pounds	8/10	8/15	5	20.62	50.00	103.10	250.00	68.99	166.98	174.19	416.98
Norway	Kroners	8/15	8/18	4	354.34	50.00	1,417.37	200.00	612	86.17	2,029.37	286.17
Sweden	Kroners	8/18	8/21	3	258	50.00	774	150.00	400	77.55	1,174	227.55
Denmark	Kroners	8/21	8/25	4	375	50.00	1,500	200.00	665.50	88.78	2,165.50	288.78
Portugal	Escudos	8/25	9/4	10	1,421	50.00	14,210	500.00	4,362.47	153.50	18,572.47	653.50
Total								1,300.00		2,245.37		3,545.31
Frances F. Christy:												
France	Francs								8,216.45	1,484.34	8,216.45	1,484.34
United Kingdom	Pounds	8/10	8/15	5	20.62	50.00	103.10	250.00	68.99	166.98	174.19	416.98
Norway	Kroners	8/15	8/18	4	354.34	50.00	1,417.37	200.00	612	86.17	2,029.37	286.17
Sweden	Kroners	8/18	8/21	3	258	50.00	774.00	150.00	400	77.55	1,174	227.55
Denmark	Kroners	8/21	8/25	4	375	50.00	1,500	200.00	1,040.50	138.78	2,540.50	338.78
Total								800.00		1,953.82		2,753.82
Garner J. Cline:												
France	Francs	5/16	5/19	3	276	50.00	828	150.00	5,440.80	983.34		1,133.34
Switzerland	Swiss francs	5/7	5/13	7	209	50.00	1,466	350.00	432	100.37	1,898	450.37
Austria	Shillings	5/13	5/16	3	1,245	50.00	3,735	150.00	338	13.57	4,073	163.57
Total								650.00		1,097.28		1,747.28
Peru	Soles	8/18	8/11	3	2,169	50.00	6,507	150.00			6,507	150.00
Argentina	Pesos	8/11	8/14	3	235	50.00	705	150.00			705	150.00
Brazil	Cruzeiros	8/14	8/17	4	268.50	50.00	1,074	200.00			1,074	200.00
Italy	Lire	8/17	8/20	3	31,150	50.00	93,450	150.00			93,450	150.00
Portugal	Escudos	8/20	9/2	13	1,421	50.00	18,473	650.00	2,884	101.50	21,357	751.50
Germany	Marks								6,952.75	2,056.42	6,952.75	2,056.42
Total								1,300.00		2,157.92		3,457.92
Switzerland	Swiss francs	11/23	12/5	13	198	50.00	2,575	650.00	457	112.56	3,032	762.56
Italy	Lire	11/20	11/23	3	30,600	50.00	91,800	150.00			91,800	150.00
France	Francs	12/5	12/8	3	375.50	50.00	826.50	150.00			826.50	150.00
Germany	Marks								3,515.55	1,119.00	3,515.55	1,119.00
Total								950.00		1,231.56		2,181.56
Bess E. Dick:												
France	Francs								8,486.41	1,533.78	8,486.41	1,533.78
United Kingdom	Pounds	8/10	8/15	5	20.62	50.00	103.10	250.00	68.99	166.98	171.09	416.98
Norway	Kroners	8/15	8/18	4	354.34	50.00	1,417.37	200.00	612	86.17	2,029.37	286.17
Sweden	Kroners	8/18	8/21	3	258	50.00	774	150.00	400	77.55	1,174	227.55
Denmark	Kroners	8/21	8/25	4	375	50.00	1,500	200.00	665.50	88.78	2,165.50	288.78
Portugal	Escudos	8/25	9/4	10	1,421	50.00	1,421	500.00			14,210	500.00
Total								1,300.00		1,953.26		3,253.26
Hon. Don Edwards:												
Vietnam	Piasters	8/20	8/22	3	19,750	50.00	39,890	145.05			39,890	145.05
Hong Kong, B.C.C.	H.K. dollars	8/18	8/19	2	299	50.00	598	100.00	24.85	4.13	622.85	104.13
Japan	Yen	8/15	8/17	3	18,000	50.00	54,000	150.00	30,264	84.07	84,264	234.07
Iran	Rials	8/22	8/24	2	3,812.50	50.00	6,250	81.97			6,250	81.97
United Kingdom	Pounds	8/24	8/27	3	20.27	50.00	60.81	150.00	66.75	161.54	127.56	311.54
Netherlands	Guilders								7,960.10	2,237.24	7,960.10	2,237.24
Total								627.02		2,486.98		3,114.00
Hon. Joshua Eilberg:												
United Kingdom	Pounds	8/9	8/15	6	20.62	50,00	123.70	300.00	121.70	294,53	245.40	594.53
France	Francs	8/15	8/19	5	275.50	50.00	1,377.50	250.00	2,021.40	365.34	3,398.90	615.34
Italy	Lire	8/19	8/31	12	31,150.00	50.00	373,800	600.00	495,410	796.48	8,692.10	1,396.48
Germany	Marks								3,464.80	1,024.79	3,464.80	1,024.79
Total								1,150.00		2,481.14		3,631.14
Hon. Joshua Eilberg:												
Switzerland		11/29	12/2	3	197.25	50.00	591.75	150.00	1,165.00	286.95	1,756.75	436.95
Germany									3,073.95	891.00	3,073.95	891.00
Total								150.00		1,177.95		1,327.95
Hon. Walter Flowers:												
Germany	Marks	5/26	5/26	1	175	50.00	175	50.00			175	50.00
United Kingdom	Pounds	5/20	5/22	3	20.15	50.00	61.85	150.00	42.24	101.37	104.09	251.37
Belgium	Francs	5/27	5/29	3	2,500	50.00	7,500	150.00	6,003	120.98	13,503	270.98
France	Francs	5/30	6/3	5	276	50.00	1,380	250.00			1,380	250.00
Denmark	Kroners	5/23	5/25	3	375	50.00	1,125	150.00	761.12	101.54		251.54
Netherlands	Guilders								3,308.36	921.46	3,308.36	921.46
Total								750.00		1,245.35		1,995.35
Mr. Herbert Fuchs:												
France	Francs	7/1	7/22	21	276	50.00	5,796	1,050.00	1,333.41	241.82	7,129.41	1,291.82
Sweden	Kroners	7/23	7/24	1	258	50.00	258	50.00			258	50.00
Netherlands	Guilders								3,221.05	902.26	3,221.05	902.26
Total								1,100.00		1,144.08		2,244.08

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Lawrence J. Hogan:												
Israel	Israeli pounds	11/24	11/27	3	210	50.00	630	$150.00	6,062	$1,443.33		$1,593.33
Switzerland	Swiss francs	11/27	11/30	4	197.18	50.00	788.75	200.00	1,325	326.35		526.35
Total								350.00		1,769.68		2,119.68
Hon. William L. Hungate:												
France	Francs	7/17	7/20	2	276	50.00	552	100.00			552	100.00
Yugoslavia	Dinars	7/20	7/29	9	750	50.00	6,750	450.00	13,350	890.00	20,100	1,340.00
United Kingdom	Pounds	7/29	7/30	2	20.62	50.00	32.78	79.62	5.01	12.12	37.79	91.74
Total								629.62		902.02		1,531.74
Hon. Edward Hutchinson:												
Switzerland	Swiss francs	10/19	10/25	5	198	50.00	840	213.05			840	213.50
Germany	Marks								3,163.65	935.71	3,163.65	935.71
Total								213.05		935.71		1,148.76
Hon. Robert W. Kastenmeier:												
France	Franc	7/6	7/13	8	276	50.00	2,208	400.00	2,353.46	426.82	4,561.46	826.82
Netherlands	Guilders								3,201.05	899.68	3,201.05	899.68
Total								400.00		1,326.50		1,726.50
Hon. Robert McClory:												
France	Francs	9/4	9/10	6	276	50.00	1,650	300.00			1,650	300.00
Iceland	Kroner	8/28	8/31	3	4,356	50.00	13,068	150.00			13,068	150.00
United Kingdom	Pounds	9/1	9/4	3	20.16	50.00	60.48	150.00			60.48	150.00
Total								600.00				600.00
Hon. Robert McClory:												
Switzerland	Swiss francs	11/22	12/1	10	199	50.00	1,592	400.00	2,017.40	496.90	3,609.40	896.90
Germany	Marks								2,063.10	598.00	2,063.10	598.00
Total								400.00		1,094.90		1,494.90
Hon. James D. McKevitt:												
Switzerland	Swiss francs	11/28	11/30	3	197.25	50.00	591.75	150.00	602.50	148.40		298.40
Germany	Marks								3,163.65	917.00	3,163.65	17.00
Total								150.00		1,065.40		1,215.40
Hon. James R. Mann:												
United Kingdom	Pounds	4/15	4/18	3	20.66	50.00	61.98	150.00			61.98	150.00
Denmark	Kroners	4/18	4/22	4	375	50.00	1,500	200.00	374.66	49.98	1,874.66	249.98
France	Francs	4/22	4/26	4	275.70		1,102.80	200.00			1,102.80	200.00
Germany	Marks								3,356.22	924.58	3,356.22	924.58
Total								550.00		974.56		1,524.56
Hon. Wiley Mayne:												
Switzerland	Swiss francs	5/10	5/13	4	216	50.00	858.50	200.00			858.50	200.00
United Kingdom	Pounds	5/9	5/10	1	20.83	50.00	20.83	50.00				50.00
Germany									2,111.82	598.25		598.25
Total								250.00		598.25		848.25
Hon. Abner J. Mikva:												
France	Franc	7/8	7/13	6	276	50.00	1,656	300.00	1,329.24	240.24	2,985.24	540.24
Netherlands	Guilders								2,668.15	749.90	2,668.15	749.90
Total								300.00		990.14		1,290.14
Hon. Tom Railsback:												
United Kingdom	Pounds	4/12	4/15	3	20.66	50.00	61.98	150.00			61.98	150.00
Denmark	Kroners	4/15	4/18	4	375	50.00	1,500.00	200.00			1,500	200.00
France	Francs	4/18	4/22	4	275.70	50.00	1,102.80	200.00			1,102.80	200.00
Germany	Marks								3,356.22	924.58	3,356.22	924.58
Total								550.00		924.58		1,474.58
Hon. Tom Railsback:												
Switzerland	Swiss francs	11/29	12/2	4	193.92	50.00	591.75	150.00	1,026.00	252.71	1,617.75	402.71
Germany									3,163.65	917.00	3,163.65	917.00
Total								150.00		1,169.71		1,319.71
Hon. Peter W. Rodino, Jr.:												
Peru	Soles	8/8	8/11	3	2,169	50.00	6,507	150.00	2,700	62.24	9.207	212.24
Argentina	Pesos	8/11	8/14	3	235	50.00	705	150.00	280.29	44.56	985.29	194.56
Brazil	Cruzeiros	8/14	8/17	4	268	50.00	1,074	200.00			1,074	200.00
		8/17	8/20									
Italy	Lire	8/25	8/26	4	31,150	50.00	124,600	200.00	93,125	149.72	217,725	349.72
Portugal	Escudos	8/20	8/25	5	1,421	50.00	7,105	250.00	5,504	193.67	12,609	443.67
Germany	Marks								6,928.18	2,049.15	6,928.18	2,049.15
Total								950.00		2,499.34		3,449.34
Hon. Peter W. Rodino, Jr.:												
Switzerland	Swiss francs	11/27	12/4	8	197.22	50.00	1,577.75	400.00	2,205	543.10	3,782.75	943.10
Germany	Marks								3,163.65	917,00	3,163.65	917.00
Total								400.00		1,460.10		1,860.10
Hon. Henry P. Smith III: Yugoslavia	Dinars	7/17	7/25	7		50.00	5,250	350.00	11,505	767.00	16,755	1,117.00
Total								350.00		767.00		1,117.00

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 161, 1ST SESSION, 92D CONGRESS, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Mr. Jerome Zeifman:												
Vietnam	Piasters	8/20	8/22	3	19,750	$50.00	39,250	$142.73			39,250	$142.73
Hong Kong, B.C.C	B.C. dollars	8/18	8/19	2	299	50.00	598	100.00			598	100.00
Japan	Yen	8/15	8/17	3	18,000	50.00	54,000	150.00			54,000	150.00
Iran	Rials	8/22	8/24	2	3,812.50	50.00	7,624.00	100.00			7,624	100.00
United Kingdom	Pounds	8/23	8/29	5	20.27	50.00	101.34	250.00			101.34	250.00
Netherlands	Guilders								7,960.10	2,237.24	7,960.10	2,237.24
Total								742.73		2,237.24		2,979.97
Total								17,403.98		38,575.71		55,979.69

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

March 16, 1972.

EMANUEL CELLER,
Chairman, Committee on the Judiciary.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 21, 1ST SESS., 92D CONG., COMMITTEE ON MERCHANT MARINE AND FISHERIES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Frank M. Clark:												
Hong Kong	Dollars	5/23	5/26	4	299	$50.00	1,196	$200.00			1,196	$200.00
Thailand	Bahts	5/27	5/30	4	1,041	50.00	4,165	200.00			4,165	200.00
Vietnam	Piastres	5/31	6/2	3	13,750	50.00	41,000	149.09			41,000	149.09
Hong Kong	Dollars	6/3	6/6	4	299	50.00	1,196	200.00	89.70	$14.91	1,285	214.91
Japan	Yen	6/7	6/8	2	18,000	50.00	36,000	100.00	26,988	74.97	62,988	174.97
	D. marks								7,361	2,085.31	7,361	2,085.31
Hon. Philip E. Ruppe:												
Hong Kong	Dollars	5/23	5/26	4	299	50.00	1,196	200.00			1,196	200.00
Thailand	Bahts	5/27	5/30	4	1,041	50.00	4,165	200.00			4,165	200.00
Vietnam	Piastres	5/31	6/2	3	13,750	50.00	31,000	112.73			31,000	112.73
Hong Kong	Dollars	6/3	6/6	4	299	50.00	1,196	200.00	59.70	9.92	1,255	209.92
	D. marks								7,361	2,085.31	7,361	2,085.31
Refunded to Department of State for credit to Committee account (personal check)												165.00
Capt. John H. Bruce:												
Hong Kong	Dollars	5/23	5/26	4	299	50.00	1,196	200.00			1,196	200.00
Thailand	Bahts	5/27	5/30	4	1,041	50.00	4,165	200.00			4,165	200.00
Vietnam	Piastres	5/31	6/2	3	13,750	50.00	41,000	150.00	250.00	2.55	41,250	152.55
Hong Kong	Dollars	6/3	6/6	4	299	50.00	1,196	195.85	17.90	2.97	1,213	198.82
Japan	Yen	6/7	6/8	2	18,000	50.00	36,000	100.00			36,000	100.00
	D. marks								7,361	2,085.31	7,361	2,085.31
Ernest J. Corrado:												
Hong Kong	Dollars	5/23	5/26	4	299	50.00	1,196	200.00			1,196	200.00
Thailand	Bahts	5/27	5/30	4	1,041	50.00	4,165	200.00			4,165	200.00
Vietnam	Piastres	5/31	6/2	3	13,750	50.00	41,000	149.09			41,000	149.09
Hong Kong	Dollars	6/3	6/6	4	299	50.00	1,196	200.00	96.60	16.05	1,292	216.05
Japan	Yen	6/7	6/8	2	18,000	50.00	36,000	100.00			36,000	100.00
	D. marks								7,361	2,085.31	7,361	2,085.31
H. C. Shepheard:												
England	Pounds	3/13	3/20	7	20.62	50.00	144.62	350.00			144.62	350.00
Do	Pounds	10/4	10/16	13	20.62	50.00	260.32	650.00	245	599.19	505.87	1,249.19
	D. marks								2,931	807.62	2,931	807.62
Robert J. McElroy:												
Italy	Lire	8/22	8/28	6	31,150	50.00	186,900	300.00	8,280	13.31	195,913	313.31
	F. francs								2,556	462.04	2,556	462.04
	D. marks								2,015	596.12	2,015	596.12
Richard N. Sharood:												
Switzerland	Francs	3/21	4/2	13	214.71	50.00	2,791	650.00	2,768	622.26	5,559	1,272.26
	D. marks								3,239	892.31	3,239	892.31
Total						1,150.00		5,209.31		12,452.91		17,497.22

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$17,497.22

March 17, 1972

EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 415, 1ST SESS., 92D CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency
Hon. Morris K. Udall:												
Netherlands [2]	Guilders								2,719.35	$1,045.35	3,719.35	$1,045.35
Italy	Lire	7/2	7/6	4	31,200	$50.00	124,800	$200.00	367,975	*591.60	492,775	791.60
Germany	D. marks	7/6	7/9	3	175	50.00	525	150.00			525	150.00
United Kingdom	Pounds	7/9	7/13	4	20.62	50.00	82.45	200.00	542.83	*1,313.72	625.28	1,513.72
Germany (local transportation provided by the military).										106.31		106.31

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per item		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Lawrence Hogan:												
Netherlands [2]	Guilders								3,719.35	$1,045.35	3,719.35	$1,045.35
Italy	Lire	7/2	7/5	4	31,200	$50.00	124,800	$200.00			124,800	200.00
Germany	D. marks	7/5	7/9	5	175	50.00	875	250.00	601.10	170.28	1,476.10	420.28
United Kingdom	Pounds	7/10	7/13	3	13.74	33.42	41.23	100.27	74.56	180.45	115.79	280.72
Germany (local transportation provided by military).										106.31		106.31
Hon. Graham Purcell:												
Netherlands [2]	Guilders								1,679	449.63	1,679	449.63
Italy	Lire	7/2	7/6	5	31,000	50.00	156,000	250.00	12,700	20.42	12,700	270.42
Germany	D. marks	7/6	7/9	3	175	50.00	525	150.00			525	150.00
United Kingdom	Pounds	7/9	7/13	4	20.62	50.00	82.45	200.00			82.45	200.00
Germany (local transportation provided by military).										106.31		106.31
Hon. Edward J. Derwinski:												
Netherlands [2]	Guilders								3,456.55	971.49	3,456.55	971.49
Germany	D. marks	7/6	7/9	3	175	50.00	525	150.00			525	150.00
United Kingdom	Pounds	7/5	7/6	2	20.62	50.00	41.24	100.00			41.24	100.00
Germany (local transportation provided by military).										106.31		106.31
Hon. William D. Ford:												
Netherlands [2]	Guilders								3,719.35	1,045.35	3,719.35	1,045.35
Italy	Lire	7/2	7/6	4	31,200	50.00	124,800	200.00			124,800	200.00
Germany	D. marks	7/6	7/8	2	175	50.00	350,	100.00			350	100.00
United Kingdom	Pounds	7/8	7/13	6	20.62	50.00	123.70	300.00	45.07	109.08	168.77	409.08
Germany (local transportation provided by military).										106.31		106.31
Anthony J. Raymond:												
Netherlands [2]	Guilders								3,719.35	1,045.35	3,719.35	1,045.35
Italy	Lire	7/2	7/6	4	31,200	50.00	124,800	,200.00			124,800	200.00
Germany	D. marks	7/6	7/9	4	175	50.00	700	200.00			700	200.00
United Kingdom	Pounds	7/9	7/13	3	16.53	40.10	49.58	120.30	20	48.40	69.58	168.70
Germany (local transportation provided by military).										106.31		106.31
John Gabusi:												
Netherlands [2]	Guilders								3,719.35	1,045.35	3,719.35	1,045.35
Italy	Lire	7/2	7/6	4	31,200	50.00	124,800	200.00			124,800	200.00
Germany	D. marks	7/6	7/9	4	175	50.00	700	200.00	333.50	94.48	1,033.50	294.48
United Kingdom	Pounds	7/9	7/13	3	20.62	50.00	61.85	150.00			61.85	150.00
Germany (local transportation provided by military)										106.31		106.31
Hon. David N. Henderson:												
Netherlands [2]	Guilders								3,662.41	1,029.35	3,662.41	1,029.35
United Kingdom	Pounds	8/6	8/8	2	20.60	50.00	41.20	100.00			41.20	100.00
Belgium	Francs	8/8	8/10	3	2,500	50.00	7,500	150.00	1,052	21.79	8,552	171.79
Belgium (appropriated funds used for local transportation)										31.33		31.33
Germany	D. marks	8/10	8/21	10	169	50.00	1,706	500.00			1,706	500.00
Germany (appropriated funds)			8/22	1				31.81		47.44		79.25
Italy	Lire	8/22	8/25	4	31,150	50.00	124,600	200.00	218,800	351.77	343,400	551.77
Italy (appropriated funds)			8/26	1				18.36		73.75		92.11
Spain	Pesetas	8/26	8/28	2	3,475	50.00	6,950	100.00		[4] 19.00	6,950	119.00
Other transportation provided by military aircraft										703.50		703.50
Hon. Charles H. Wilson:												
Germany [5]	D. marks								8,093.59	2,292.80	8,093.59	2,292.80
Japan	Yen	7/31	8/3	4	18,000	50.00	72,000	200.00		[3] 7.62		207.62
Local transportation all delegation members.	Yen								88,560	246.00	88,560	246.00
Taiwan	Dollars	8/4	8/6	3	2,000	50.00	6,000	150.00		[3] 5.66		155.66
Local transportation all delegation members.	Dollars								2,880	72.00	2,880	72.00
Hong Kong	Dollars	8/7	8/9	3	299	50.00	897	150.00		[3] 7.95		157.95
Local transportation all delegation members.	Dollars								3,063	509.68	3,063	509.68
Thailand	Bahts	8/10	8/14	5	1,041.25	50.00	5,206.25	250.00		[3] 9.82		259.82
Local transportation all delegation members.	Bahts								5,160	247.84	5,160	247.84
Australia	Dollars	8/15	8/18	4	44.26	50.00	177.02	200.00		[3] 11.28		211.28
Local transportation all delegation members.	Dollars								773.90	892.41	773.90	892.41
Victor Smiroldo:												
Germany [5]	D. marks								8,093.59	2,292.80	8,093.59	2,292.80
Japan	Yen	7/29	8/3	6	18,000	50.00	108,000	300.00		[3] 7.62	108,000	307.62
Taiwan	Dollars	8/4	8/6	3	2,000	50.00	6,000	150.00		[3] 5.66	6,000	155.66
Hong Kong	Dollars	8/7	8/9	3	299	50.00	897	150.00		[3] 7.95	897	157.95
Vietnam	Piastres	8/10	8/11	1	13,750	50.00	13,750	50.00		[3] 2.66	13,750	52.66
Thailand	Bahts	8/11	8/14	4	1,041.25	50.00	4,165	200.00		[3] 7.16	4,165	207.16
Australia	Dollars	8/15	8/18	4	44.26	50.00	177.02	200.00		[3] 11.28	177.02	211.28
George B. Gould:												
Germany [5]	D. marks								8,093.59	$2,292.80	8,093.59	$2,292.80
Japan	Yen	7/29	8/3	6	18,000	$50.00	108,000	$300.00		[3] 7.62	108,000	307.62
Taiwan	Dollars	8/4	8/6	3	2,000	50.00	6,000	150.00		[3] 5.66	6,000	155.66
Hong Kong	Dollars	8/7	8/9	3	299	50.00	897	150.00		[3] 7.95	897	157.95
Vietnam	Piastres	8/10	8/11	1	13,750	50.00	13,750	50.00		[3] 2.66	13,750	52.66
Thailand	Bahts	8/11	8/14	4	1,041.25	50.00	4,165	200.00		[3] 7.16	4,165	207.16
Australia	Dollars	8/15	8/18	4	44.26	50.00	177.02	200.00		[3] 11.28	177.02	211.28
Maj. Mack Howard:												
Germany [5]	D. marks								8,093.59	2,292.80	8,093.59	2,292.80
Japan	Yen	7/31	8/3	4	18,000	50.00	72,000	200.00			72,000	200.00
Taiwan	Dollars	8/4	8/6	3	2,000	50,00	6,000	150.00			6,000	150.00
Hong Kong	Dollars	8/7	8/9	3	299	50.00	897	150.00			897	150.00
Thailand	Bahts	8/10	8/14	5	1,041.25	50.00	5,206.25	250.00			5,206.25	250.00
Australia	Dollars	8/15	8/18	4	44.26	50.00	177.02	200.00			177.02	200.00
Sgt. John Knewell:												
Germany [5]	D. marks								8,093.59	2,292.80	8,093.59	2,292.80
Japan	Yen	7/29	8/3	6	18,000	50.00	108,000	300.00			108,000	300.00

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 415, 1ST SESS., 92D CONG., COMMITTEE ON POST OFFICE AND CIVIL SERVICE, HOUSE OF REPRESENTATIVES EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Sgt. John Knewell—Continued												
Taiwan	Dollars	8/4	8/6	3	2,000	$50.00	6,000	$150.00			6,000	$150.00
Hong Kong	Dollars	8/7	8/9	3	299	50.00	897	150.00			897	150.00
Vietnam	Piastres	8/10	8/11	1	13,750	50.00	13,750	50.00			13,750	50.00
Thailand	Bahts	8/11	8/14	4	1,041.25	50.00	4,165	200.00			4,165	200.00
Australia	Dollars	8/15	8/18	4	44.26	50.00	177.02	200.00			177.02	200.00

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[2] Transportation to Europe and return.
[3] Includes cost of local transportation supplied by Department of Defense.
[4] Appropriated funds.
[5] Transportation to Far East and return.

*Note: Local transportation for party charged to chairman of the delegation.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$33,731.71
Appropriated funds:	
Government department: Dept. of Defense	1,796.35
Total	35,528.06

T. J. DULSKI,
Chairman, Committee on Post Office and Civil Service.

Mar. 16, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 649, 1ST SESS., 92D CONG., COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Kenneth J. Gray:												
Germany	D. marks	10/25	10/28	3	166.50	$50.00	499.50	$150.00	1,332.92	$394.23	1,832.42	$544.23
United Kingdom	Pounds	10/28	10/30	3	19.73	50.00	59.92	150.00	87.12	212.59	147.04	362.59
Hon. James J. Howard: Germany	D. marks	10/26	10/30	5	166.50	50.00	832.50	250.00			832.50	250.00
	D. marks								3,438.89	1,017.12	3,438.89	1,017.12
Robert Loftus: Germany	D. marks	10/25	10/29	4	166.50	50.00	666	200.00	1,054.55	311.90	1,720.55	511.90
Richard C. Peet:												
Germany	D. marks	10/25	10/28	3	166.50	50.00	499.50	150.00	1,054.55	311.90	1,554.05	461.90
United Kingdom	Pounds	10/28	10/31	4	19.73	50.00	79.90	200.00			79.90	200.00
Total								1,100.00		2,247.74		3,347.74

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$3,347.74

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

Mar. 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 142, 1ST SESS., 92D CONG., COMMITTEE ON PUBLIC WORKS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Patrick T. Caffery:												
Colombia	Pesos	2/1	2/3	2	960	$50.00	1,920	$100.00			1,920	$100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.12	$58.18	716.12	108.18
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Netherlands	Guilders								2,248.40	625.25	2,248.40	625.26
Hon. Don H. Clausen:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Colombia (refund)	Pesos						(945)	(49.84)				
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.12	58.18	716.12	108.18
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Ecuador	Sucres	11/19	11/23	5	1,375	50.00	6,875	250.00	4,835.05	175.82	11,710.05	425.82
Germany	D. marks								1,775	568.00	1.775	568.00

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. John Paul Hammerschmidt:												
Costa Rica	Colones	2/7	2/8	1	331	$50.00	331	$50.00			331	$50.00
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								8,374.42	$653.75	374.42	653.75
Subtotal								1,000.16		2,932.25		3,932.41
Hon. James J. Howard:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Guatemala	Quetzales	2/7	2/9	2	50	50.00	100	100.00			100	100.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Netherlands	Guilders								2,893.87	804.75	2,893.87	804.75
Netherlands (transportation refund).	Guilders								(1,204.50)	(351.68)		
Ecuador	Sucres	11/20	11/23	4	1,375	50.00	5,500	200.00			5,500	200.00
Germany	D. marks								1,971.20	543.00	1,971.20	543.00
Hon. John C. Kluczynski:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Hon. Jack McDonald:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Netherlands	Guilders								1,660.75	461.83	1,660.75	461.83
Hon. Jim Wright:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00	3,600	189.87	5,520	289.87
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00	3,371.05	481.57	3,721.05	531.57
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00	5,718.15	457.82	6,967.15	557.82
Subtotal								2,200.16		6,428.82		8,628.98
Hon. Jim Wright: Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Salvatore D'Amico:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.12	58.18	716.12	108.18
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Martha E. Downie:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Betty Hay:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Do	D. marks								99.25	27.34	99.25	27.34
Colombia (refund)	Pesos						(888)	(46.84)				
Subtotal								3,053.32		9,802.96		12,856.28
Joseph A. Italiano:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								3,045.85	838.64	3,045.85	838.64
Robert F. Spence:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00			1,249	100.00
Germany	D. marks								2,880.42	793.07	2,880.42	793.07
Do	Do								99.26	27.34	99.26	27.34
Ecuador	Sucres	11/20	11/23	4	1,375	50.00	5,500	200.00			5,500	200.00
Germany	D. marks								1,971.20	543.00	1,971.20	543.00
Gordon Wood:												
Ecuador	Sucres	11/19	11/23	5	1,375	50.00	6,875	250.00			6,875	250.00
Germany	D. marks								1,971.20	543.00	1,971.20	543.00
Paul R. S. Yates:												
Colombia	Pesos	2/1	2/3	2	960	50.00	1,920	100.00			1,920	100.00
Costa Rica	Colones	2/7	2/8	1	331	50.00	331	50.00	385.11	58.17	716.11	108.17
Nicaragua	Cordobas	2/8	2/9	1	350	50.00	350	50.00			350	50.00
Subtotal								4,303.32		12,722.52		17,025.84
Paul R. S. Yates:												
Mexico	Pesos	2/9	2/11	2	624.50	50.00	1,249	100.00	300.40	24.05	1,549.40	124.05
Germany	D. marks								2,880.42	793.07	2,880.49	793.07
Total								4,403.32		13,539.64		17,942.96

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Appropriated funds: H. Res. 142	$17,942.96

JOHN A. BLATNIK,
Chairman, Committee on Public Works.

Mar. 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 243, 1ST SESS., 92D CONG., COMMITTEE ON SCIENCE AND ASTRONAUTICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S. currency	Foreign currency	U.S. dollar [1] equivalent or U.S currency
Hon. George P. Miller:												
Italy	Lire	5/1	5/8	7	30,650	$50.00	217,700	$350.00	164,220	$263.60	381,920	$613.60
Germany	Marks								3,617.4	996.54	3,617.4	996.54
France	Francs	5/27	5/30	4	276	50.00	1,104	200.00	817.56	148.25	1,921.56	348.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
Italy	Lire	10/1	10/9	8	30,650	50.00	275,850	400.00	99,890	160.34	375,740	510.34
Netherlands	Guilders [2]								1,606	451.38	1,606	451.38
France	Francs	10/10	10/17	8	276	50.00	2,200	400.00	0	0	2,200	400.00
Germany	Marks [2]								552	163.27	552	163.27
										[3] 424.40		424.40
Total												4,159.34
Hon. J. E. Karth:												
Switzerland	Francs	2/8	2/19	11	214.7	50.00	2,361.7	550.00	0	0	2,361.7	550.00
Germany	Marks [2]								3,246.13	893.76	3,246.13	893.76
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												2,988.30
Hon. J. W. Davis:												
New Zealand	Dollars	1/13	1/14	1	43.37	50.00	43.37	50.00	0	0	43.37	50.00
Germany	Marks [2]								6,143.3	1,691.44	6,143.3	1,691.44
Total												1,741.44
P. B. Yeager:												
France	Francs	10/11	10/16	5	275	50.00	1,225	223.00	0	0	1,225	223.00
Germany	Marks [2]								3,032.2	896.86	3,032.2	896.86
Total												1,119.86
R. A. Carpenter: France	Francs	7/15	7/17	2	276	50.00	500	88.90	0	0	500	88.90
Hon. Don Fuqua:												
Spain	Pesetas	8/14	8/16	3	3,480	50.00	10,440	150.00	0	0	10,440	150.00
Portugal	Escudos	8/16	8/17	1	1,424	50.00	1,424	50.00	306	10.77	1,730	60.77
Germany	Marks	8/17	8/19	2	170	50.00	340	100.00	0	0	340	100.00
Austria	Schillings	8/19	8/22	3	1,241	50.00	3,723	150.00	3,249	130.48	6,972	280.48
Greece	Drachmas	8/22	8/26	4	1,500	50.00	6,000	200.00	0	0	6,000	200.00
Italy	Lire	8/26	8/31	5	31,150	50.00	155,750	250.00	171,840	276.10	327,590	526.10
France	Francs	8/31	9/2	2	275	50.00	550	100.00	782.8	141.97	1,332.8	241.97
Germany	Marks	9/2	9/3	1	170	50.00	170	50.00	44.60	12.63	1,214.6	62.63
Netherlands	Guilders [2]								2,098.2	589.71	2,098.2	589.71
Total												2,211.66
Hon. Robert Price:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												1,544.54
Hon. R. A. Roe:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												1,544.54
Hon. Larry Winn:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												1,544.54
Hon. John N. Happy Camp:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												1,544.54
W. G. Wells:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.8g
Total												1,544.54
Carl Swartz:												
Germany	Marks	5/23	5/26	3	175	$50.00	525	$150.00	449.6	$123.87	974.6	$273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3] 620.86		620.86
Total												1,544.54

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
D. C. Quigley:												
Germany	Marks	5/23	5/26	3	175	$50.00	525	$150.00	449.6	$123.87	974.6	$273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3]620.86		620.86
Total												1,544.54
W. B. Arnold:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3]620.86		620.86
Total												1,544.54
M. L. Boswell: France	Francs	5/27	5/30	4	276	50.00	1,104	200.00	817.56	148.25	1,921	348.25
J. D. McDonald:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
France	Francs[2]								1,544.9	279.23	1,544.9	279.23
										[3]196.40		196.40
Total												1,147.75
Philip Drew:												
France	Francs	5/20	5/30	10	276	50.00	2,760	500.00	817.56	148.25	3,577.5	648.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
	Guilders[2]								1,606	451.38	1,606	451.38
Total												1,351.19
P. O. VanGilder:												
France	Francs	5/20	5/30	10	276	50.00	2,760	500.0	817.56	148.25	3,577.5	648.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.0	10,548	151.56	17,508	251.56
	Guilders[2]								1,606	451.38	1,606	451.38
Total												1,351.19
J. S. Manolovich:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3]620.86		620.86
Total												1,544.54
William McCord:												
Germany	Marks	5/23	5/26	3	175	50.00	525	150.00	449.6	123.87	974.6	273.87
France	Francs	5/26	5/30	5	276	50.00	1,380	250.00	817.56	148.25	2,197.5	398.25
Spain	Pesetas	5/31	6/1	2	3,480	50.00	6,960	100.00	10,548	151.56	17,508	251.56
										[3]620.86		620.86
Total												1,544.54
Thomas Odhiambo	Shillings[4]								12,071.95			1,692.17
Abdus Salam	Lire[4]								661,950			1,064.23
Francesco DiCastri	Escudos[5]								20,300			1,416.61
Adriano Buzzati-Traverso	Francs[4]								4,696.08	851.05		851.05
Staffan Burenstam Linder	Kroner[4]								4,900	948.33		948.33
Bengt Lundholm	Kroner[5]								3,325	645.25		645.25

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used enter amount expended.
[2] Cost of overseas transportation.
[3] Cost of transportation furnished by Department of Air Force.
[4] Special consultant to committee as per authority of House Administration Committee, Nov. 25, 1970 and Dec. 14, 1970.
[5] Special consultant to committee as per authority of House Administration Committee, May 5, 1971.

Mar. 17, 1972.

GEORGE P. MILLER,
Chairman, Committee on Science and Astronautics.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 538, 1ST SESS., 92D CONG., COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Thaddeus J. Dulski:												
Germany	D. mark	11/11	11/14	3	167	$50.00	501	$150.00			501	$150.00
Spain	Peseta	11/14	11/17	4	3,425	50.00	13,700	200.00			13,700	200.00
Total								350.00				350.00
U.S. dollar refund								−95.00				−95.00
Total								255.00				255.00
Hon. Roman C. Pucinski:												
Vietnam	Piastres	8/16	8/19	4	13,750	50.00	27,500	100.00			27,500	100.00
Hong Kong	HK dollar	8/19	8/21	3	299	50.00	897	150.00	77.70	$12.93	974.70	162.93
Japan	Yen	8/21	8/23	3	18,000	50.00	54,000	150.00	25,558	70.99	79,558	220.99
Netherlands (transportation only)	Guilders								6,340.05	1,781.91	6,340.05	1,781.91
Total								400.00		1,865.83		2,265.83

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 538, 1ST SESS., 92D CONG., COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Louise Day Hicks:												
Hong Kong	HK dollar	4/9	4/12	3	299	$50.00	897	$150.00	91.70	$15.24	988.70	$165.24
Japan	Yen	4/6	4/9	3	18,000	50.00	54,000	150.00	12,142	33.73	66,142	183.73
Korea	Won	4/12	4/13	1	16,064	50.00	16,064	50.00			16,064	50.00
Philippines	Peso	4/13	4/16	3	319.50	50.00	958.50	150.00			958.50	150.00
Taiwan	NT dollar	4/16	4/17	1	2,000	50.00	2,000	50.00			2,000	50.00
Vietnam	Piastre	4/17	4/22	6	13,750	50.00	45,650	166.00			45,650	166.00
Germany (transportation only)	D. mark								8,397.28	2,313.30	8,397.28	2,313.30
Total								716.00		2,362.27		3,078.27
Hon. John Paul Hammerschmidt:												
Vietnam	Piastre	8/12	8/16	3	13,750	50.00	39,750	144.55			39,750	144.55
Japan	Yen	8/11 8/16 8/19	8/12 8/18 8/20	6	18,000	50.00	93,619	260.05			93,619	260.05
Korea	Won	8/18	8/19	1	18,457	50.00	18,457	50.00			18,457	50.00
Germany (transportation only)	D. mark								6,574.90	1,944.66	6,574.90	1,944.66
Total								454.60		1,944.66		2,399.26
Hon. G. V. Montgomery:												
Vietnam	Piastre	8/12 8/18	8/14 8/19	3	13,750	50.00	41,750	151.82			41,750	151.82
Laos	Kip	8/15 8/11	8/17 8/12	3	25,200	50.00	67,500	133.93			67,500	133.93
Japan	Yen	8/19	8/20	4	18,000	50.00	58,654	162.93	10,465	29.07	69,119	192.00
Germany (transportation only)	D. mark								7,500.88	2,218.54	7,500.88	2,218.54
Total								448.68		2,247.61		2,696.29
Hon. George E. Danielson:												
Japan	Yen	7/5	7/7	3	18,000	50.00	46,500	129.17	14,980	41.61	61,480	170.78
Korea	Won	7/7	7/8	1	18,457	50.00	15,447	41.86			15,447	41.86
Hong Kong	HK dollar	7/8	7/10	3	299	50.00	897	150.00	122.25	20.34	1,019.25	170.34
Vietnam	Piastre	7/10	7/14	3	13,750	50.00	29,130	105.93			29,130	105.93
Thailand	Baht	7/14	7/16	2	1,041.25	50.00	2,082.50	100.00			2,082.50	100.00
Philippines	Pesos	7/16	7/17	1	319	50.00	319	50.00	19.46	3.02	338.46	53.02
Netherlands (transportation only)	Guilder								7,568.49	2,117.18	7,568.49	2,117.18
Total								576.96		2,182.15		2,759.11
Total								2,851.24		10,602.52		13,453.76

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$13,453.76

OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs.

Mar. 3, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR TRAVEL, PARLIAMENTARY GROUP TO KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Carl Albert:												
Korea	Won	8/9	8/13	4	18,457.00	$50.00	73,828.00	$200.00			73,828.00	$200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Joseph P. Addabbo:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/16	2	299.00	50.00	597.00	100.00	6.80	$1.13	603.80	101.13
Netherlands (transportation)	Guilders								3,485.75	979.69	3,485.75	979.69
Hon. Edward P. Boland:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. William G. Bray:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Col. Lloyd L. Burke:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Tim Lee Carter:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Silvio O. Conte:												
Korea	Won	8/9	8/13	4	18,457.00	$50.00	73,828.00	$200.00			73,828.00	$200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. John C. Culver:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Eligio de la Garza:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Frank E. Denholm:												
Korea:	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. John J. Duncan:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Thomas S. Foley:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Cornelius E. Gallagher:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Richard Hanna:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Imogene Holmes:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Justin R. Keiser:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Tamara Kitchens:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Eugene L. Krizek:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Delbert Latta:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	3,830.00	95.75			3,830.00	95.75
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. John M. Murphy:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Col. William P. Nelson:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Edward Patten:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. William Poage:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/18	1	319.00	50.00	319.00	50.00			319.00	50.00
Netherlands (transportation)	Guilders								3,124.40	$878.13	3,124.40	878.13
Hon. Melvin Price:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Robert Price:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. James H. Quillen:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, FOR TRAVEL, PARLIAMENTARY GROUP TO KOREA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Michael A. Reed:												
Korea	Won	8/9	8/13	4	18,457.00	$50.00	73,828.00	$200.00			73,828.00	$200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. James Scheuer:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. William J. Stanton:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	NK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Marna L. Steger:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Susan Thompson:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Larry Winn:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Hon. Lester Wolff:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Harry C. Cromer:												
Korea	Won	8/9	8/13	4	18,457.00	50.00	73,828.00	200.00			73,828.00	200.00
Taiwan	NT dollars	8/13	8/15	2	2,000.00	50.00	4,000.00	100.00			4,000.00	100.00
Hong Kong	HK dollars	8/15	8/17	3	299.00	50.00	897.00	150.00			897.00	150.00
Philippines	Pesos	8/17	8/20	3	319.00	50.00	957.00	150.00			957.00	150.00
Delegation Expenses:												
Korea	Won								892,597	$2,412.42	892,597	2,412.42
Taiwan	NT dollars								99,344.20	2,483.61	99,344.20	2,483.61
Hong Kong	HK dollars								13,523.30	2,250.13	13,523.30	2,250.13
Philippines	Pesos								18,144.28	2,813.08	18,144.28	2,813.08
Total								20,095.75		11,818.19		31,913.94

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

Foreign currency (U.S. dollar equivalent)	$31,913.94

CARL ALBERT,
Chairman, Parliamentary Group to Korea.

March 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, TRAVEL AUTHORIZED BY H. RES. 551, 1ST SESS., 88TH CONG., HOUSE DELEGATION TO NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

		Date			Per diem rate		Total amount per diem		Transportation		Total	
Name and country	Name of currency	Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Jack Brooks:												
Belgium	B. franc	5/25	5/28	4	2,500	$50.00	10,000	$200.00	12,311	$248.11	22,311	$448.11
Do	Netherlands guilder								3,201	899.66	3,201	899.66
United Kingdom	Pound	5/28	5/29	1	20.62	50.00	20.62	50.00			20.62	50.00
Canada	C. dollar	9/23	9/28	6	50	50.00	300	300.00			300	300.00
Hon. Phillip Burton: Canada	C. dollar	9/23	9/26	4	50	50.00	200	200.00	63	63.00	263	263.00
Hon. Charles J. Carney:												
Belgium	B. franc	8/7	8/21	15	2,500	50.00	37,500	750.00			37,500	750.00
Do	Netherlands guilder								3,208.05	936.66	3,208.05	936.66
Hon. Frank M. Clark: Canada	C. dollar	9/24	9/28	5	50	50.00	250	250.00	50	50.00	300	300.00
Hon. Mendel J. Davis:												
Belgium	B. franc	8/7	8/21	15	2,500	50.00	37,500	750.00			37,500	750.00
Do	Netherlands guilder								3,287.80	959.94	3,287.80	959.94
Hon. Sam Gibbons:												
Belgium	B. franc	3/14	3/16	3	2,500	50.00	7,500	150.00			7,500	150.00
Do	D. mark								3,092.70	851.98	3,092.70	851.98
Do	B. franc	5/23	5/27	5	2,500	50.00	12,500	250,00	10,260	206.77	22,760	456.77
Do	Netherlands guilder								1,857.85	522.16	1,857.85	522.16
Canada	C. dollar	9/23	9/28	6	50	50.00	300	300.00			300	300.00
Hon. Wayne L. Hays:												
United Kingdom	Pound	2/26	3/2	5	20.66	50.00	103.30	250.00	49.69	119.25	152.99	369.25
Do	Pound	4/18	4/20	2	20.66	50.00	41.32	100.00	31.92	76.60	73.24	176.60
Do	Pound	5/26	5/27	2	20.62	50.00	41.24	100.00	34.74	83.37	75.98	183.37
Belgium	B. franc	5/27	5/29	2	2,500	50.00	5,000	100.00			5,000	100.00
Do	Netherlands guilder								3,201.05	891.66	3,201.05	891.66
United Kingdom	Pound	5/29	5/30	1	20.62	50.00	20.62	50.00			20.62	50.00
Canada	C. dollar	9/23	9/28	6	50	50.00	300	300.00			300	300.00
United Kingdom	Pound	11/20	11/28	9	19.97	50.00	179.77	450.00			179.77	450.00
Hon. Albert W. Johnson: Canada	C. dollar	[2] 9/23	9/28	6	50	50.00	300	300.00			300	300.00

Footnotes at end of table.

Name and country	Name of currency	Date			Per diem rate		Total amount per diem		Transportation		Total	
		Arrival	Departure	Total days	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Robert B. Mathias:												
Belgium	B. franc	5/28	5/29	2	2,500	$50.00	5,000	$100.00			5,000	$100.00
Do	F. franc								74	$13.42	74	13.42
Canada	C. dollar	9/23	9/26	4	50	50.00	200	200.00	63	63.00	263	263.00
Hon. Bertram L. Podell:												
Belgium	B. franc	2/24	2/26	3	2,500	50.00	7,500	150.00	4,212	84.88	11,712	234.88
Do	F. franc								4,703.95	852.78	4,703.95	852.78
Canada	C. dollar	9/23	9/25	3	50	50.00	150	150.00			150	150.00
Hon. Peter Rodino: Canada	C. dollar	9/23	9/26	4	50	50.00	200	200.00	63	63.00	263	263.00
Hon. Philip E. Ruppe: Canada	C. dollar	9/23	9/26	4	50	50.00	200	200.00			200	200.00
Hon. Sidney R. Yates: Canada	C. dollar	9/23	9/25	3	50	50.00	150	150.00			150	150.00
Peter Abbruzzese:												
Belgium	B. franc	5/23	5/29	7	2,500	50.00	17,500	350,00	14,690	296.05	32,190	646.05
Do	Netherlands guilder								1,938.15	539.87	1,938.15	539.87
United Kingdom	Pound	5/29	5/30	1	20.62	50.00	20.62	50.00			20.62	50.00
Canada	C. dollar	9/23	9/28	6	50	50.00	300	300.00			300	300.00
Boyd Crawford: United Kingdom	Pound	2/26	3/2	5	20.66	50.00	103.30	250.00			103.30	250.00
Paula Peak: Canada	C. dollar	9/23	9/28	6	50	50.00	300	300.00			300	300.00
Delegation expenses including office rental, telephone, transportation, and official representation:												
United Kingdom												250.00
Canada												3,684.02
Total								7,250.00		7,822.16		19,006.18

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[2] Arrived in Canada evening of Sept. 23.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$19,006.18

WAYNE L. HAYS,
Chairman, North Atlantic Assembly.

March 17, 1972.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1, 1971, AND DEC. 31, 1971

Individual	Country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
			Foreign currency	U.S. dollar equivalent	Foreign currency	U.S. dollar equivalent	Foreign currency	U.S. dollar equivalent	Foreign currency	U.S. dollar equivalent	Foreign currency	U.S. dollar equivalent
Representative Robert N. C. Nix	Mexico	U.S. dollar		$130.24		$22.50		$12.00		$15.50		$180.24
Representative James C. Wright, Jr	do	do		25.00		17.25		113.00		10.00		165.25
Representative Eligio de la Garza	do	do		107.10		21.50		169.40		18.50		316.50
Representative John E. Moss	do	do		98.69		13.24		8.00		17.00		136.93
Representative Abraham Kazen, Jr	do	do		94.36		18.75		16.00		15.25		144.36
Representative Morris K. Udall	do	do		26.21		8.00		119.00		8.00		161.21
Representative William J. Randall	do	do		99.35								99.35
Representative Peter H. B. Frelinghuysen.	do	do		81.85								81.85
Representative Vernon W. Thomson	do	do		78.95						5.00		83.95
Representative Sam Steiger	do	do		92.60						8.00		100.60
Representative Charles E. Wiggins	do	do		99.76		17.50		14.50		10.00		141.76
Representative Manuel Lujan, Jr	do	do		91.24		20.50		17.00		12.50		141.24
Albert C. F. Westphal	do	do		64.11		28.00				12.00		104.11
Paula L. Peak	do	do		61.61		8.00		3.08		7.00		79.69
Delegation expenses												3,995.03

RECAPITULATION

	Total amount
Appropriated funds: Public Law 86-420	$5,932.07

March 17, 1972

ROBERT N. C. NIX,
Chairman, House of Representatives Delegation,
Mexico-United States Interparliamentary Group.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971

Name and country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Edward J. Derwinski:											
Venezuela	Bolivar	840	$186.67	898.45	$200.44	993	$221.65	333	$74.00	3,064.45	$682.76
Iceland	Krona	5,570	64.18	3,577	41.65	13,068	150.00			22,215	255.83
United Kingdom	Pound	51.77	128.39	60.48	150.00					112.25	278.39
France	Franc	2,668	485.09	772.70	140.49	2,090	380.00	174.50	31.72	5,705.20	1,037.30
Hon. Jackson Betts:											
Iceland	Krona	5,570	64.18	11,600	133.76			5,223	59.90	22,393	257.84
United Kingdom	Pound	31.58	78.32	53.94	133.78			10.48	25.99	96	238.09
France	Franc	1,656	301.09	2,180.25	396.40	200	36.36	678	123.28	4,714	857.13

Footnotes at end of table.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS, U.S. GROUP, INTERPARLIAMENTARY UNION, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1971—Continued

Name of country	Name of currency	Lodging		Meals		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency	Foreign currency	U.S. dollar[1] equivalent or U.S. currency
Hon. Bob Casey:											
Iceland	Krona	4,120	$47.29	3,301	$37.89					7,421	$85.18
United Kingdom	Pound	31.58	78.32					6.32	$15.67	37.90	93.99
France	Franc	1,656	301.09	403.35	73.34			2	.36	2,061.35	374.79
Hon. Lee Hamilton:											
Venezuela	Bolivar	840	186.67	1,029.75	229.07			52.40	11.65	1,922.15	427.39
Iceland	Krona	5,570	64.18	15,239	174.81			2,655	30.50	23,464	269.49
United Kingdom	Pound	31.58	78.32	60.97	151.20			3.48	8.64	96.03	238.16
France	Franc	1,536.50	279.36	1,536.50	281.17	1,040	$189.10	153	27.80	4,266	777.43
Hon. John Jarman:											
Iceland	Krona	5,570	64.18	16,076	184.50			1,890	21.69	23,536	270.37
United Kingdom	Pound	31.58	78.32	5.86	16.02			.12	.30	38.16	94.64
France	Franc	1,656	301.09	1,031	187.46			48.50	18.82	2,735.50	507.37
Hon. John S. Monagan:											
Venezuela	Bolivar	840	186.67	821.90	183.20			101.70	22.60	1,763.60	392.47
Iceland	Krona	5,570	64.18	13,030	150.58			3,068	35.22	21,668	249.98
United Kingdom	Pound	30.65	76.01			61.47	151.20			92.12	227.21
France	Franc	1,863	338.72	1,824.95	331.81	1,610	292.90	209	38.00	5,506.95	1,001.43
Hon. Robert McClory:											
Venezuela	Bolivar	840	186.67	188.40	41.86			3.50	.77	1,031.90	229.30
Do	U.S. dollars				20.00						20.00
Iceland	Krona	5,570	64.18	14,867	170.63			2,045	23.33	22,482	258.14
United Kingdom	Pounds	31.58	78.32	51.92	128.76			10.58	25.85	94.08	232.93
France	Franc	1,656	301.09	1,423.70	260.78			981.80	179.01	4,061.50	740.88
Germany	D. mark					2,063.10	598.00			2,063.10	598.00
Hon. F. Bradford Morse:											
Venezuela	Bolivar	680	151.11	1,968.45	438.82			129.95	28.88	2,778.40	618.31
Iceland	Krona	2,780	31.91	1,420	16.33			90	1.01	4,290	49.25
United Kingdom	Pounds	31.58	78.32	66.87	165.85			3.38	8.38	101.83	252.55
France	Franc	1,656	301.09	3,063.20	556.95			282	51.27	5,001.20	909.31
Netherlands	Guilder					2,949.20	846.22			2,949.20	846.22
Hon. Alexander Pirnie:											
Venezuela	Bolivar	680	151.11	203.75	45.28					883.75	196.39
Iceland	Krona	2,780	31.91	1,651	18.96					4,431	50.87
France	Franc	1,138.50	207.00	41.50	7.54			10.70	5.20	1,190.70	219.74
Hon. Charles H. Wilson:											
Iceland	Krona	4,120	47.29	3,355	38.13					7,475	85.42
United Kingdom	Pound	31.58	78.32	4.17	10.34			.08	.20	35.83	88.86
France	Franc	1,656	301.09	129.20	23.49			162.50	29.54	1,947.70	354.12
W. Pat Jennings:											
Venezuela	Bolivar	840	186.67	503.85	111.96					1,343.85	298.63
Iceland	Krona	4,120	47.30	3,190	36.65					7,310	83.95
United Kingdom	Pound	3,158	78.32	3.74	9.27					35.39	87.59
France	Franc	1,656	301.09	661.60	120.29			103.50	18.89	2,421.10	440.27
Mary Sweet:											
Iceland	Krona	2,780	31.91	1,390	15.96					4,170	47.87
United Kingdom	Pounds	15.79	39.16							15.79	39.16
France	Franc	1,012	184.00	207.90	37.80					1,219.90	221.80
Jay Long:											
Venezuela	Bolivar	680	151.11	279.20	62.04			48.75	10.84	1,007.95	223.99
Iceland	Krona	2,780	31.91	1,891	21.71					4,671	53.62
France	Franc	1,138.50	207.00	1,754	31.89			198	36.00	1,511.90	274.89
Delegation expenses:											
Venezuela:											
Hotel office	Bolivars	3,228.80	721.25							3,228.80	721.25
	U.S. dollars		151.66								151.66
Meals	Bolivars			2,133.40	477.65					2,133.40	477.65
	U.S. dollars				708.35						708.35
Gratuities	Bolivars							410	93.20	410	93.20
Printing	Bolivars							85	19.00	85	19.00
Gifts	U.S. dollars								451.88		451.88
Transportation	Bolivars					9,980	2,227.68			9,980	2,227.68
	U.S. dollars						755.16				755.16
Iceland:											
Hotel office	Krona	121,179	1,390.94							121,179	1,390.94
Meals	U.S. dollars				356.58						356.58
Gratuities	U.S. dollars								19.50		19.50
Transportation	Krona					82,073	939.73			82,073	939.73
United Kingdom:											
Hotel office	Pounds	15.56	38.58							15.56	38.58
Meals	Pounds			306.36	759.77					306.36	759.77
Gratuities	Pounds							41.50	102.92	41.50	102.92
Miscellaneous	Pounds							58.75	145.70	58.75	145.70
Transportation	Pounds					407.84	990.13			407.84	990.13
Do	U.S. dollars						512.25				512.25
France:											
Hotel office	Franc	5,708.90	1,037.97							5,708.90	1,037.97
Office expenses	U.S. dollars		33.85								33.85
Meals	Franc			852.40	154.98					852.40	154.98
Gratuities	Franc							185.00	33.64	185.00	33.64
Gifts	U.S. dollars								228.25		228.25
Transportation	Franc					19,254.58	3,500.83			19,254.58	3,500.83
Luxembourg:											
Miscellaneous	U.S. dollars								41.52		41.52
Transportation	Franc					10,560.00	213.16			10,560.00	213.16
Germany:											
Official reception	U.S. dollars				540.00						540.00
Transportation	D. mark					1,655.77	489.73			1,655.77	489.73
Total			10,094.45		8,586.19		12,494.10		2,100.92		33,275.66

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[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent)	$14,424.96
Appropriated funds: Other (22 U.S.C. 276)	18,850.70
Total	33,275.66

EDWARD J. DERWINSKI,
Chairman, President, IPU Group.

Mar. 16, 1972.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1889. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of procurement receipts for medical stockpile of civil defense emergency supplies and equipment, covering the quarter ended March 31, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1890. A letter from the Assistant Secretary of State for Congressional Relations, transmitting an explanation of the requested appropriation for security assistance activities in Cambodia in fiscal year 1973, pursuant to section 655(e) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1891. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed grant with the Virginia Polytechnic Institute and State University for a research project entitled "Preparation of Pure and Impurity-Stabilized Polymorphs of SiO_2 in the Minus Five Micron Particle Size Range by Non-comminution Techniques," pursuant to Public Law 89-672; to the Committee on Interior and Insular Affairs.

1892. A letter from the Administrator, Environmental Protection Agency, transmitting a report on water pollution control manpower development and training activities, pursuant to section 5(g)(4) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

1893. A letter from the Acting Administrator of General Services, transmitting prospectuses for the proposed construction or alteration of Federal facilities at various locations, pursuant to 73 Stat. 480; to the Committee on Public Works.

1896. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods; to the Committee on Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

1894. A letter from the Comptroller General of the United States, transmitting a report on providing guidance to States in establishing rates of payment for nursing home care under the medicaid program; to the Committee on Government Operations.

1895. A letter from the Comptroller General of the United States, transmitting an assessment of the operations and management of Opportunities Industrialization Centers, in which Federal participation is administered by the Department of Labor, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 2725. A bill for the relief of Fredi Robert Dreilich with amendment (Rept. No. 92–1008). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. H.R. 3698. A bill for the relief of Louisa DiLeonardo with amendment (Rept. No. 92–1009). Referred to the Committee of the Whole House.

Mr. DENNIS: Committee on the Judiciary. H.R. 4494. A bill for the relief of Mrs. Latife Hassan Mahmoud; with amendment (Rept. No. 92–1010). Referred to the Committee on the Whole House.

Mr. WALDIE: Committee on the Judiciary. H.R. 10676. A bill for the relief of Lester L. Stiteler (Rept. No. 92–1011). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 11632. A bill for the relief of Vincent J. Sindone. Rept. No. 92–1012). Referred to the Committee of the Whole House.

Mr. FLOWERS: Committee on the Judiciary. S. 65. An act for the relief of Dennis Yiantos; with amendments (Rept. No. 92–1013). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. S. 1923. An act for the relief of Harold Donald Koza. Rept. No. 92–1014). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 14503. A bill to authorize the Secretary of the Interior to construct certain pumping facilities for the Mammoth Spring National Fish Hatchery, Arkansas; to the Committee on Merchant Marine and Fisheries.

By Mr. BELCHER:

H.R. 14504. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNETT (for himself Mr. Bob Wilson, Mr. Matsunaga, Mr. Steiger of Wisconsin, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Horton, Mr. Keating, Mr. Kemp, Mr. Latta, Mr. Lent, Mr. Lloyd, Mr. McClory, Mr. O'Konski, Mr. Quie, Mr. Schwengel, Mr. Sebelius, Mr. Shriver, Mr. Teague of California, Mr. Thone, and Mr. Vander Jagt):

H.R. 14505. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Bell, Mr. Clancy, Mr. Collins of Illinois, Mr. Davis of Georgia, Mr. Denholm, Mr. Fish, Mr. Forsythe, Mr. Gaydos, Mrs. Grasso, Mr. Harrington, Mr. Link, Mr. Lujan, Mr. Thompson of Georgia, Mr. Young of Florida, and Mr. Blackburn):

H.R. 14506. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 14507. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to permit the equitable reappointment of officers and members of the Metropolitan Police Force, the Fire Department of the District of Columbia, the U.S. Park Police, and the Executive Protective Service; to the Committee on District of Columbia.

H.R. 14508. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide that the Federal Government shall pay all of the costs of providing such assistance; to the Committee on Public Works.

H.R. 14509. A bill to amend title II of the Social Security Act to provide that an individuals' entitlement to benefits shall continue through the month of his death (except where the continuation of such entitlement and the consequent delay in the payment of survivor benefits would reduce the total amount payable to the family); to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts:

H.R. 14510. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to eliminate certain restrictions on the rights of officers and employees of the Postal Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Massachusetts (for himself, Mr. Andrews of North Dakota, Mr. Bevill, Mr. Brown of Michigan, Mr. Conte, Mr. Davis of South Carolina, Mr. Denholm, Mr. Dorn, Mr. Fisher, Mr. Frelinghuysen, Mr. Garmatz, Mr. Giaimo, Mr. Hanley, Mr. Harrington, Mr. Hays, Mr. Landrum, Mr. Lujan, Mr. McKay, Mr. Mizell, Mr. Nix, Mr. Pike, Mr. Podell, Mr. Pryor of Arkansas, Mr. Randall, and Mr. Rarick):

H.R. 14511. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Roush, Mr. Runnels, Mr. J. William Stanton, Mr. Stratton, Mr. Stuckey, Mr. Tiernan, Mr. Vigorito, and Mr. Waggonner):

H.R. 14512. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

By Mr. BURKE of Massachusetts (for himself, Mr. Aspinall, Mr. Baring, Mr. Bevill, Mr. Bray, Mr. Broyhill of North Carolina, Mr. Cederberg, Mr. Davis of Georgia, Mr. Fisher, Mr. Fuqua, Mr. Griffin, Mr. Hastings, Mr. McCormack, Mr. Mann, Mr. Nichols, Mr. Passman, Mr. Rarick, Mr. Rhodes, Mr. Schwengel, Mr. Sikes, Mr. Slack, Mr. Thomson of Wisconsin, Mr. Wright, Mr. Wyman, and Mr. Burleson of Texas):

H.R. 14513. A bill to amend the Internal Revenue Code of 1954 to provide for an estate tax charitable trust in the case of certain charitable remainder trusts; to the Committee on Ways and Means.

By Mr. BURLESON of Texas:

H.R. 14514. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

H.R. 14515. A bill to amend the Chesapeake and Ohio Canal Development Act to suspend the use of eminent domain within any part of the park in any county which has in force a valid zoning bylaw, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COTTER:

H.R. 14516. A bill to amend title 39, United States Code, to regulate the mailing of certain advertising matter unsolicited by the addressee, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOW:

H.R. 14517. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs; to the Committee on the Judiciary.

H.R. 14518. A bill to provide for the establishment of a national cemetery in the lower Hudson area in the State of New York; to the Committee on Veterans' Affairs.

By Mr. EILBERG:

H.R. 14519. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the disposal of certain surplus property for court and law enforcement purposes; to the Committee on Government Operations.

By Mr. FAUNTROY:

H.R. 14520. A bill to amend the District of Columbia Revenue Act of 1937 to provide for the registration of automobiles at least 25 years old as antiques; to the Committee on the District of Columbia.

H.R. 14521. A bill to provide for the issuance of special registration certificates and identification tags for motor vehicels operated by members of the Department of the District of Columbia Disabled American Veterans; to the Committee on the District of Columbia.

By Mr. FRASER:

H.R. 14522. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act; to the Committee on Public Works.

By Mr. GROVER (for himself, Mr. HALPERN, Mr. BLACKBURN, Mr. MOORHEAD, Mr. HOWARD, Mr. TERRY, Mr. THOMPSON of Georgia, Mr. JONES of North Carolina, Mr. YOUNG of Florida, Mr. CASEY of Texas, Mr. O'NEILL, Mr. GRIFFIN, Mr. WILLIAMS, Mr. BRASCO, Mr. CLEVELAND, Mr. ADDABBO, Mr. HUNT, Mr. WIDNALL, and Mr. HATHAWAY):

H.R. 14523. A bill to establish a contiguous fishery zone (to the outer limits of the Continental Shelf) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. GUBSER:

H.R. 14524. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. GUDE:

H.R. 14525. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. HALPERN:

H.R. 14526. A bill to amend the Internal Revenue Code of 1954 to allow an itemized deduction for motor vehicle insurance premiums; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 14527. A bill to amend the Public Health Service Act so as to provide prevention and control of venereal disease; to the Committee on Interstate and Foreign Commerce.

By Mr. HÉBERT (for himself and Mr. ARENDS) (by request):

H.R. 14528. A bill to amend section 3031 of title 10, United States Code, to increase the number of authorized Deputy Chiefs of Staff for the Army Staff, and eliminate the provisions for the Assistant Chiefs of Staff for the Army Staff; to the Committee on Armed Services.

H.R. 14529. A bill to prevent the loss of pay and allowances by certain officers designated for the performance of duties of great importance and responsibility; to the Committee on Armed Services.

H.R. 14530. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 14531. A bill to amend titles 10, 32, and 37, United States Code, with respect to accountability and responsibility for U.S. property, and for other purposes; to the Committee on Armed Services.

H.R. 14532. A bill to amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port; to the Committee on Armed Services.

H.R. 14533. A bill to amend section 5504 of title 10, United States Code, relating to assignment of lineal position to certain officers of the Navy and Marine Corps; to the Committee on Armed Services.

H.R. 14534. A bill to amend section 203 of title 37, United States Code, to provide additional pay for permanent professors at the U.S. Military Academy and the U.S. Air Force Academy; to the Committee on Armed Services.

H.R. 14535. A bill to amend title 10, United States Code, to authorize the Secretary of the Navy to establish the amount of compensation paid to members of the Naval Research Advisory Committee; to the Committee on Armed Services.

H.R. 14536. A bill to amend section 8376 of title 10, United States Code, to eliminate the requirement that an Air Force Reserve, or Air National Guard, officer serving on extended active duty in a temporary grade which is higher than his reserve grade must apply for promotion to the next higher reserve grade, when otherwise eligible; to the Committee on Armed Services.

H.R. 14537. A bill to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; to the Committee on Armed Services.

H.R. 14538. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to extend the expiration date of certain authorities thereunder and for other purposes; to the Committee on Armed Services.

H.R. 14539. A bill to authorize the disposal of molybdenum from the national stockpile; to the Committee on Armed Services.

H.R. 14540. A bill to amend title 10, United States Code, to suspend operation of the restrictions on authorized strength of Army officers in the grade of major for fiscal year 1972; to the Committee on Armed Services.

H.R. 14541. A bill to amend section 269(d) of title 10, United States Code, to authorize the voluntary assignment of certain Reserve members who are entitled to retired or retainer pay in the Ready Reserve, and for other purposes; to the Committee on Armed Services.

H.R. 14542. A bill to amend the act of September 26, 1966, Public Law 89–606, to extend for 4 years the period during which the authorized numbers for the grades of major, lieutenant colonel and colonel in the Air Force may be increased, and for other purposes; to the Committee on Armed Services.

H.R. 14543. A bill to amend title 10, United States Code, to permit the Secretary of the Navy to establish annually the total number of limited duty officers permitted on the active lost of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

H.R. 14544. A bill to amend title 10, United States Code, and the Military Selective Service Act to permit the oversea assignment of members of the Armed Forces who have completed basic training and who have been awarded a military specialty; to the Committee on Armed Services.

H.R. 14545. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

H.R. 14546. A bill to amend titite 10, United States Code, to authorize the use of health maintenance organizations in providing health care; to the Committee on Armed Services.

By Mr. JACOBS:

H.R. 14547. A bill to provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent, under certain circumstances, to give a specimen of his blood, breath, or urine for chemical testing to determine its alcoholic content, and for other purposes; to the Committee on the District of Columbia.

By Mr. JONES of North Carolina:

H.R. 14548. A bill to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal; to the Committee on Interior and Insular Affairs.

By Mr. KOCH:

H.R. 14549. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mrs. ABZUG, Mr. ANDERSON of Tennessee, Mr. BADILLO, Mr. BELL, Mr. BENNETT, Mr. BINGHAM, Mr. BOLAND, Mr. BURTON, Mr. CLAY, Mr. CLEVELAND, Mr. CONYERS, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. DEVINE, Mr. DRINAN, Mr. DULSKI, and Mr. EILBERG):

H.R. 14550. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. ESCH, Mr. EVINS of Tennessee, Mr. FLOOD, Mr. FRENZEL, Mr. GOLDWATER, Mr. GUBSER, Mr. HAGAN, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mr. HOSMER, Mr. MCKEVITT, Mr. MCKINNEY, Mr. MAZZOLI, Mr. MIKVA, Mr. MOORHEAD, Mr. OBEY, and Mr. O'KONSKI):

H.R. 14551. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. PEPPER, Mr. PODELL, Mr. RARICK, Mr. REID, Mr. RODINO, Mr. ROSENTHAL, Mr. ROUSH, Mr. ST GERMAIN, Mr. SCHEUER, Mr. SHOUP, Mr. J. WILLIAM STANTON, Mr. JAMES V. STANTON, Mr. TAYLOR, Mr. TIERNAN, Mr. WALDIE, Mr. WHITEHURST, Mr. CHARLES H. WILSON, and Mr. WOLFF):

H.R. 14552. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 14553. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to establish a National Parole Institute, and to provide assistance to the States for the operation of fair and adequately staffed parole systems, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.R. 14554. A bill to provide for the cessation of bombing in Indochina and for the withdrawal of U.S. military personnel from the Republic of Vietnam, Cambodia, and Laos; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H.R. 14555. A bill to amend the Occupational Safety and Health Act of 1970 and for other purposes; to the Committee on Education and Labor.

By Mr. OBEY (for himself, Mr. Aspin, Mr. Kastenmeier, Mr. Meeds, Mr. O'Konski, Mr. Reuss, Mr. Ruppe, and Mr. Thomson of Wisconsin):

H.R. 14556. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin; to reinstitute the Menominee Indian Tribe of Wisconsin as a federally-recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians; to the Committee on Interior and Insular Affairs.

By Mr. RODINO:

H.R. 14557. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's Anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 14558. A bill to amend title II of the Social Security Act to provide a 50-percent benefit increase with a $150 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefor, to increase widow's and widower's benefits and provide for payment of such benefits in full at age 50 without regard to disability, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provide optional coverage for Federal employees, and to eliminate the retirement test; to amend title XVIII of such act to reduce to 60 the age of entitlement to medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, to include qualified prescription drugs and free annual physical examinations under the supplementary medical benefits program, and to eliminate monthly premiums under such program for those whose gross annual income is below $4,800; and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 14559. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. Matsunaga, Mr. Bob Wilson, Mr. Anderson of Illinois, Mr. Archer, Mr. Biester, Mr. Brown of Michigan, Mr. Broyhill of North Carolina, Mr. Buchanan, Mr. Cleveland, Mr. Córdova, Mr. Danielson, Mr. Donohue, Mr. Duncan, Mr. Edwards of Alabama, Mr. Esch, Mr. Fish, Mr. Frelinghuysen, Mr. Halpern, and Mr. Hansen of Idaho):

H.R. 14560. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. THOMPSON of Georgia:

H.R. 14561. A bill to authorize a Coast Guard appropriation for alteration of bridges over the navigable waters; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST:

H.R. 14562. A bill to amend section 203 of the National Housing Act to increase maximum mortgage amounts thereunder, and to eliminate the downpayment requirement in certain cases involving relatively low-income mortgages; to the Committee on Banking and Currency.

H.R. 14563. A bill to authorize the Administrator of General Services Administration to contract for the construction of certain parking facilities on federally owned property; to the Committee on Public Works.

By Mr. BOB WILSON:

H.R. 14564. A bill to repeal section 5532 of title 5, United States Code, relating to reductions in the retired or retirement pay of retired officers of regular components of the uniformed services who are employed in civilian offices or positions in the Government of the United States; to the Committee on Post Office and Civil Service.

H.R. 14565. A bill to amend title 38, United States Code, to increase payments of vocational rehabilitation subsistence under chapter 31, to provide for the payment of tuition, subsistence, and educational assistance allowances on behalf of or to certain eligible veterans pursuing programs of education under chapter 34 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Georgia:

H.R. 14566. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MOSS (for himself and Mr. Broyhill of North Carolina) (by request):

H.R. 14567. A bill to foster the development and implementation of an integrated system, to be privately owned and operated, for the prompt and accurate processing and settlement of securities transactions effected on national securities exchanges and in the over-the-counter markets, which will assist in assuring the proper functioning of the securities markets and which will be responsive on a nondiscriminatory basis to the needs of issuer companies, brokers, dealers, banks and other members of the securities industry and the public investors; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 14568. A bill: Omnibus Fire Protection Act of 1972; to the Committee on Science and Astronautics.

By Mr. RONCALIO:

H.R. 14569. A bill to protect game and wildlife resources by prohibiting the use of lead shot for hunting on public lands; to the Committee on Merchant Marine and Fisheries.

By Mr. SCOTT (for himself, Mr. McMillan, Mr. Robinson of Virginia, Mr. Wampler, Mr. Poff, Mr. Downing, Mr. Hogan, Mr. Mills of Maryland, Mr. Abbitt, Mr. Satterfield, and Mr. Whitehurst):

H.R. 14570. A bill to limit the authority of the government of the District of Columbia with respect to the levying and collecting of certain taxes; to the Committee on the District of Columbia.

By Mr. PICKLE:

H.J. Res. 1172. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. RODINO:

H.J. Res. 1173. Joint resolution to create a select joint committee to conduct an investigation and study into methods of significantly simplifying Federal income tax return forms; to the Committee on Rules.

By Mr. DORN:

H. Con. Res. 587. Concurrent resolution to urge each American family to plant a vegetable garden; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD:

H. Con. Res. 588. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. Conyers, Mr. Helstoski, and Mrs. Mink):

H. Con. Res. 589. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. BROTZMAN:

H. Res. 637. Resolution providing for two additional student congressional interns for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia; to the Committee on House Administration.

By Mr. CELLER:

H. Res. 938. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Appropriations.

By Mr. DERWINSKI (for himself, Mr. Waggonner, Mr. Ashbrook, Mr. Baker, Mr. Belcher, Mr. Betts, Mr. Blackburn, Mr. Bray, Mr. Brinkley, Mr. Broyhill of North Carolina, Mr. Burleson of Texas, Mr. Camp, Mr. Cederberg, Mr. Del Clawson, Mr. Collier, Mr. Colmer, Mr. Crane, Mr. Dennis, Mr. Edwards of Alabama, Mr. Devine, Mr. Dickinson, Mr. Dorn, Mr. Duncan, Mr. Fisher, and Mr. Gerald R. Ford):

H. Res. 939. Resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese Communist invasion of South Vietnam and in support of actions taken by the United States to repel the invasion; to the Committee on Foreign Affairs.

By Mr. DERWINSKI (for himself, Mr. Waggonner, Mr. Goldwater, Mr. Haley, Mr. Hansen of Idaho, Mr. Hillis, Mr. Hosmer, Mr. Hunt, Mr. Kemp, Mr. King, Mr. Landgrebe, Mr. Lennon, Mr. McClory, Mr. McClure, Mr. McCollister, Mr. Michel, Mr. Minshall, Mr. Montgomery, Mr. Myers, Mr. Passman, Mr. Pelly, Mr. Price of Texas, Mr. Quillen, Mr. Rhodes, and Mr. Rousselot):

H. Res. 940. Resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese communist invasion of South Vietnam and in support of actions taken by the United States to repel the invasion; to the Committee on Foreign Affairs.

By Mr. DERWINSKI (for himself, Mr. Waggonner, Mr. Scherle, Mr. Scott, Mr. Sikes, Mr. Spence, Mr. Steiger of Arizona, Mr. Wiggins, Mr. Wydler, Mr. Wyman, Mr. Veysey, Mr. Cleveland, Mr. Springer, Mr. Williams, and Mr. Zion):

H. Res. 941. Resolution to express the sentiment of the House of Representatives in condemnation of the North Vietnamese communist invasion of South Vietnam and in support of actions taken by the United States to repel the invasion; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 14571. A bill for the relief of Louisa B. Gunther Farcasanu; to the Committee on the Judiciary.

By Mr. RYAN:

H.R. 14572. A bill for the relief of Lucille de Saint Andre; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

215. The SPEAKER presented a petition of the city council, Palo Alto, Calif., relative to the San Felipe division of the Central Valley project, which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Thursday, April 20, 1972*

The Senate met at 9:45 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, who art the same from generation to generation, keep our lives in the light of Thy presence and our actions under Thy constant scrutiny. In days of crisis when the path is uncertain and human judgment frail, we beseech Thee to enlighten us. Make and keep us a people both strong and good. In our efforts to deliver nature from pollution preserve us from pollution of human nature. In our zeal for a way out of war keep the warring spirit out of our personal lives. Care for us and this Nation when we seem least able to care for ourselves.

O Thou restorer of souls, lead us in paths of righteousness for Thy name's sake. May goodness and mercy follow us all our days that we may dwell in the house of the Lord forever. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 20, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday April 19, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VACATION OF ORDER FOR RECOGNITION OF SENATOR GRAVEL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered for recognizing the distinguished Senator from Alaska (Mr. GRAVEL) today be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UPPER MISSOURI RIVER REGIONAL COMMISSION

The second assistant legislative clerk read the nomination of Robert L. McCaughey, of South Dakota, to be Federal Cochairman of the Upper Missouri River Regional Commission.

The ACTING PRESIDENT pro tempore. Without objection the nomination is confirmed.

DISTRICT OF COLUMBIA COUNCIL

The second assistant legislative clerk proceeded to read sundry nominations to the District of Columbia Council.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

The second assistant legislative clerk read the nomination of Willie I. Leftwich to be a member of the Board of Directors of the District of Columbia Redevelopment Land Agency.

The ACTING PRESIDENT pro tempore. Without objection the nomination is confirmed.

Mr. GRIFFIN. I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION UNDER THE STANDING ORDER OF MAJORITY AND MINORITY LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, I make no request for time.

The ACTING PRESIDENT pro tempore. Does the assistant Republican leader desire recognition?

Mr. GRIFFIN. I do not desire recognition.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the distinguished Senator from Wisconsin (Mr. PROXMIRE) is recognized.

(The remarks Mr. PROXMIRE made at this point on the introduction of S. 3514 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

Mr. ROBERT C. BYRD. Mr. President, will the Senator reserve the remainder of his time, momentarily?

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time, and I yield to the Senator from West Virginia whatever time he desires.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, on my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Oklahoma (Mr. BELLMON) for not to exceed 15 minutes.

(The remarks Mr. BELLMON made at this point when he introduced S. 3515 and S. 3516 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time does the Senator have remaining?

The ACTING PRESIDENT pro tempore. The Senator has no time remaining.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. I suggest the absence of a quorum, and I ask unanimous consent that it be without prejudice to the next order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, without prejudice to the order recognizing the distinguished Senator from New York (Mr. JAVITS), I be recognized on the time allotted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M., MONDAY, APRIL 24, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the Senate completes its business today on S. 3462, a bill to provide for the development of rural areas, it stand in adjournment until 11 a.m. Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER ON TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after the two assistant leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements made therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum on my own time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining under the order?

The ACTING PRESIDENT pro tempore. The Senator has 12 minutes remaining.

Mr. ROBERT C. BYRD. I reserve the remainder of my time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from New York is recognized for not to exceed 15 minutes.

Mr. JAVITS. I thank the Chair.

VIETNAM CROSSROAD

Mr. JAVITS. Mr. President, we are at a fateful new crossroad in Vietnam. The major new offensive of the North Vietnamese, and the vigorous United States and South Vietnam counterattacks, have forced yet another moment of decision upon the consciousness of the Senate and the Nation. Whatever wishful thoughts that may have been entertained earlier that fate would somehow conspire to present us with an easy way out of Vietnam have been dashed by the cold reality of the great battle now in progress.

It should, finally, be clear that we are just not going to be able to eat our cake and have it too, in Vietnam. We cannot both assure that South Vietnam is protected from the Vietnamese Communist forces and assure an early total U.S. disengagement from the fighting—which I feel the American people so rightly demand. Once again we are in a dilemma—and we must make a choice.

It is in this present set of circumstances that I wish to take my position. In my judgment, it is in the overriding national interest of the United States to set a date for the total U.S. disengagement and withdrawal of our forces from Vietnam this year. That necessity, and that decision, must take priority over the understandable bent of President Nixon and his military advisers to assure, if they could, the military success of the Government of Vietnam, especially in its current very difficult situation.

I have not been an opponent of the "Vietnamization" program and I hope it has succeeded and will succeed. From everything I have seen—and I have been to Vietnam twice in the past 2 years alone—the Vietnamization program under the direction of Secretary Laird and General Abrams has accomplished a great deal in making the ARVN a viable military force.

I hope very much that the ARVN succeeds in standing up to the current North Vietnamese offensive. I can also understand President Nixon's decision to order U.S. air action in support of ARVN's defense—though its reach so far up north raises some doubts in my mind as to its appositeness to the basis which could justify U.S. air action—to insure the safety of the remaining U.S. forces in Vietnam, and for myself, I can see no other justification for it. I can even accept a U.S. air role in tactical support of the ARVN's hard-pressed units near the DMZ and elsewhere—for the same purpose again, only to assure the safety of remaining U.S. forces in Vietnam. But I am very much opposed to making the success of Vietnamization a precondition of U.S. withdrawal.

I am prepared to be quite blunt about that. It is not in the interests of the United States to allow the ARVN to be overrun, and the Thieu government to be blown down, by this current North Vietnamese offensive. But we have already done in Vietnam all that any nation could ever do for an ally in our own casualties and treasure spent, let alone the division in this country. And, we have helped to establish a heavily armed 1-million-man force—and an air force—with a capability at least as great and probably much greater than that of North Vietnam. Now we can do no more in the fighting without serious jeopardy to our own Nation at home and abroad.

We can be sure of the fact that if the South Vietnamese people support the government and want a country, they can have it. We have equipped them generously for the purpose, but for us the time has come to get out completely. We cannot continue for the indefinite future to underwrite the survival and security of South Vietnam.

A gruesome trial of strength is now in progress and the war seems to have acquired a new character. For the first time in Vietnam we are witnessing massive fighting in the conventional—as contrasted to the Guerrilla—mode. The North Vietnamese, with conspicuous Soviet support, have mounted an offensive on a new scale of intensity never before achieved. Clearly, the political embarrassment of President Nixon is a major objective. Characteristically, President Nixon is fighting back vigorously.

There is a grave danger that—in the heat of battle and the pitch of resolve—President Nixon may be tempted to go too far and thus ensnare our Nation in massive new problems. The attacks on our Navy in the Tonkin Gulf already show what could be ahead. The press reports indicate that the bombing of North Vietnam by U.S. Navy and Air Force planes may well have gone beyond any reasonable limits of providing tactical air support for the ARVN and protecting the remaining U.S. forces in Vietnam.

The significance of the raids on Hanoi and Haiphong, in my judgment, is more political than military. In political terms, the objective appears to be punitive—to signal Hanoi that the United States is not prepared to accept the overthrow of the Thieu government on the battlefield through the current offensive. Beyond this, the attacks on Hanoi and Haiphong—including the damage inflicted on Soviet ships in Haiphong harbor and Secretary Laird's intimation that a blockade and mining of Haiphong harbor are not ruled out—seem clearly intended as a signal to the Soviet Union.

It is this aspect of the current U.S. military actions which causes me the gravest concern.

First, because it appears to reflect a fundamental misunderstanding of the whole nature and origins of the Vietnam war—a misunderstanding flowing directly from—and just as colossal—as the misunderstanding which caused President Johnson to involve our Nation so disastrously and so ineffectually in Vietnam in 1964–65. Heaven help us, if we are in 1972 back to thinking that the 25-year struggle of the Vietnamese Communists to reunite Vietnam under their hegemony is an instrument of the international Communist conspiracy directed by Moscow which it is our national interest to prevent at any cost to us.

Second, some aspects of the U.S. military response to the current North Vietnamese offensive suggest that we may be falling into a new ensnarement which could be even more costly and dangerous than the snare we got caught in with the massive ground intervention in 1965.

In a sense we are now in grave danger of becoming the victims of the success of the Vietnamization program, and of all those years in which U.S. foot soldiers fought a war of attrition and search and destroy.

Hanoi is now apparently convinced that it cannot any longer win a military victory through guerrilla tactics. Accordingly, it has shifted to new, conventional war tactics. And, it clearly has persuaded the Soviet Union to provide it with the equipment necessary to pursue a conventional-style war.

But as this is a new war, and the new danger is again what it was in 1964–65 of the Saigon forces being overrun, it is absolutely essential that an irrevocable decision is made now that the United

States will not involve itself in fighting this new war: That the fighting is going to have to be done by the South Vietnamese on their own, and that we wish them all the luck in the world and will give them generous material support so long as they have the will to fight. But we have to decide right now that we are not going to fight the new war for them. That is the principal thrust of what I have to say this morning.

That may be a bigger and more difficult decision than people now realize. We could be heading for a new battlefield situation in Vietnam reminiscent of Korea—in a way that the Vietnam war heretofore has never resembled Korea.

Secretary Laird said in the Foreign Relations Committee hearing on Tuesday that the administration is making its plans in Vietnam on the assumption of the success of the Vietnamization program. He declined to concede even the existence of any contingency planning based on the premise of a failure of the Vietnamization program. Clearly, there is a deep reluctance to face up to the necessity of choice in Vietnam. Maybe everything will come up roses; and the ARVN and the Thieu Government will succeed decisively in putting down the Communists, allowing the United States to continue and complete its unilaterally paced withdrawal by the end of 1972—and to leave and ultimately pull out and "insurance" force—all without having to swallow any more bitter pills—beyond the hemlock we have already drunk at home in terms of the savage damage to our own internal body politic.

But the United States has got to have a better policy than just one of hoping for the best. We have got to have an irrevocable national decision to get out of Vietnam completely by a date certain this year. And we have to make that national decision now.

The time has passed when the Senate can be content with wringing its hands over this question. I think the war powers debate, and the overwhelming Senate vote for the War Powers Act, clarified the basic issues respecting congressional authority and congressional responsibility in this field.

The time has come for the Senate to set a date certain for complete U.S. withdrawal from Vietnam. It is my firm conviction that there should be no preconditions attached to the complete withdrawal of U.S. forces from Vietnam. We cannot accept the success of Vietnamization as a precondition for complete U.S. withdrawal, nor can we insist on Hanoi's agreement to our negotiation terms at the peace table as a precondition to our complete withdrawal. The likelihood of getting out the prisoners is on precedent much greater on this basis. All the lessons of warfare throughout history counsel and teach us with reference to prisoners of war, that it is the only way in which they are eventually released; and we had the same experience in this respect even with the crew of the *Pueblo* held in North Korea.

The task therefore is to establish a national decision to withdraw our forces completely from Vietnam—without preconditions—and without allowing ourselves to get trapped into fighting a new war in Vietnam such as the latest fighting in Vietnam presages and I hope the Senate will enact legislation to this end.

I repeat, we have now armed, supplied, and manned the South Vietnamese in a way in which, if they want an independent country, they should be able to resist and overcome the Communist offensive—this one or the ones that follow—and if they do not want such a country, no power on earth can get it for them, including the United States of America.

I thank the Senator, and I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back the balance of my time.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, may I ask if the morning hour is about to begin?

Mr. ROBERT C. BYRD. Yes, it is.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period of not to exceed 30 minutes for the transaction of routine morning business, with speeches of each Senator limited to 3 minutes.

The Senator from New York is recognized.

(The remarks of Mr. JAVITS on the introduction of S. 3517 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CRANSTON. I ask unanimous consent that until such time as the resolution offered by the Senator from Arizona (Mr. GOLDWATER), coming over under the rule and to be taken up shortly, has been dealt with, I may have present in the Chamber two members of my staff, Ellen Frost and Murray Flander.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from California. The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. CRANSTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 294—TO CONDEMN THE INVASION OF SOUTH VIETNAM BY NORTH VIETNAM AND TO SUPPORT THE GOVERNMENT OF THE UNITED STATES IN ITS EFFORT TO PROVIDE AN HONORABLE PEACE IN SOUTH VIETNAM

Mr. ROBERT C. BYRD. Mr. President, I have discussed this matter with the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT). In order to save the time of the Senate today, I ask unanimous consent, with the approval of both of those Senators, that the resolution (Senate Resolution 294) coming over under the rule be placed on the calendar.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. Mr. President, I thank the acting majority leader for doing this. I understand full well the difficulties involved in operating in a delicate area such as this. I shall, at the proper time, move to have this resolution considered, and if I fail in that effort, offer it as an amendment to some appropriate bill.

Again I thank the Senator from West Virginia.

Mr. GRIFFIN subsequently said: Mr. President, the distinguished Senator from Arizona (Mr. GOLDWATER) submitted the resolution yesterday. I understand that he would like to have had a vote on it today, but because of the parliamentary situation a vote is possible, and the resolution has been placed on the calendar. I wish that the Senate could have voted on the resolution today.

It seems to me that anyone who will take time to read this resolution would find it very difficult to oppose. Since yesterday I have had an opportunity to study the text of the resolution, and I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, the text of the resolution reads:

> Whereas South Vietnam has been the subject of long efforts, by covert and open means, to destroy the government of that nation and bring the people of that nation under the control of the communist government of Hanoi;

Certainly, that is a statement of fact, which is true.

> Whereas the Government of North Vietnam has pursued a consistent policy of oppression, terror, and murder toward the civilian population of South Vietnam;

That is a statement of fact, which is true.

> Whereas the Soviet Union has provided its client state, North Vietnam, with the means to commit brutal aggression against South Vietnam;

That is a statement of fact, which is true.

Whereas in the prosecution of this armed aggression the Government of North Vietnam on March 30, 1972, unleashed the full power of its military force by a massive invasion of the territory of South Vietnam; and

That is a statement of fact, which is true.

Whereas the Government of North Vietnam in its aggression acted in open violation of the Geneva Accords of 1954;

That is a statement of fact, which is true.

Whereas the Government of North Vietnam has openly violated the 1968 understanding to respect the Demilitarized Zone in return for a halt in the bombing of the sanctuaries of aggression in the North;

That is a statement of fact, which is true.

Whereas this unrelenting effort against the people of South Vietnam has resulted in untold death and suffering to those people:

Certainly, that is the case.

Be it resolved, That the Senate of the United States condemns the invasion of South Vietnam by North Vietnam and calls upon the Government of North Vietnam to end its aggression against the people of South Vietnam and to terminate its invasion.

Surely, no great amount of debate should be necessary to agree on that point.

SEC. 2. The Senate of the United States declares its support of the Government of the United States in its intention to provide an honorable peace in South Vietnam.

I assume all of are—or should be—in favor of an honorable peace in Vietnam. Accordingly, I find it very difficult to understand, frankly, how any Senator could oppose this resolution. I believe the resolution should have been brought to a vote and approved today.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report of that Board, for the calendar year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT ON MEDICARE

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on Medicare, for the fiscal year 1970 (with an accompanying report); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems in Providing Guidance to States in Establishing Rates of Payment for Nursing Home Care Under the Medicaid Program", Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated April 19, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED GRANT TO VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

A letter from the Deputy Assistant Secretary of the Interior, transmitting a proposed grant with Virginia Polytechnic Institute and State University, Blacksburg, Virginia (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED COMPREHENSIVE YOUTH SERVICES ACT OF 1972

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to encourage and assist States and localities to coordinate their various programs and resources available for the prevention, treatment, and control of juvenile delinquency, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT ON WATER POLLUTION CONTROL MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

A letter from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report on Water Pollution Control Manpower Development and Training Activities, dated March, 1972 (with an accompanying report); to the Committee on Public Works.

PROSPECTUSES FOR CERTAIN CONSTRUCTION OF GOVERNMENT FACILITIES

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for the construction of certain government facilities (with accompanying papers); to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3526. An original bill to provide authorizations for certain agencies conducting the foreign relations of the United States and for other purposes (together with additional views of Mr. SPONG (Rept. No. 92–754).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, adversely:

H. J. Res. 1. A joint resolution concerning the war powers of the Congress and the President (Rept. No. 92–755).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HUGHES, from the Committee on Armed Services:

Robert D. Nesen, of California, to be an Assistant Secretary of the Navy.

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

John W. Warner, of Virginia, to be Secretary of the Navy.

By Mrs. SMITH, from the Committee on Armed Services:

Frank P. Sanders, of Maryland, to be Under Secretary of the Navy.

Mr. TOWER. Mr. President, from the Committee on Armed Services I report favorably the nominations of 34 flag and general officers in the Army and Navy. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. Hugh McClellan Exton, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general;

Lt. Gen. James Benjamin Lampert (Army of the United States), major general, U.S. Army, to be placed on the retired list, in the grade of lieutenant general; and

John D. Chase, and sundry other officers, for promotion in the Navy.

Mr. TOWER. Mr. President, in addition I report favorably 1,593 appointments in the Navy in grade of commander and below; 216 appointments in the Army in grade of major and below; and 1,789 appointments in the Air Force in grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretarys desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Andrew R. Adams, and sundry other midshipmen (Naval Academy), for assignment in the Navy;

Richard D. Adams, and sundry other Reserve officers, for promotion in the Navy;

Douglas W. Barron, and sundry other officers, for promotion in the Navy;

James C. Akers, and sundry other officers, for promotion in the Air Force; and

Charles W. Boohar, Jr., and sundry other persons, for appointment in the Regular Army.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 3514. A bill to repeal the Act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin; to reinstitute the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian Tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians. Referred to the Committee on Interior and Insular Affairs.

By Mr. BELLMON (for himself, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, Mr. FANNIN, Mr. PEARSON, and Mr. YOUNG):

S. 3515. A bill to provide a practicable precipitation management program for the Nation. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 3516. A bill relating to the jurisdiction of the Joint Committee on Atomic Energy. Referred to the Joint Committee on Atomic Energy.

By Mr. JAVITS (for himself and Mr. HUGHES):

S. 3517. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 3518. A bill to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions. Referred to the Committee on Agriculture and Forestry.

By Mr. GAMBRELL:

S. 3519. A bill for the relief of George E. Ray. Referred to the Committee on Post Office and Civil Service.

By Mr. GAMBRELL (for himself and Mr. Talmadge):

S. 3520. A bill to designate certain lands in the Okefenokee National Wildlife Refuge, Georgia, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS (for himself, Mr. Beall, Mr. Boggs, Mr. Brooke, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Javits, Mr. Percy, Mr. Saxbe, Mr. Stevens, Mr. Taft, and Mr. Weicker):

S. 3521. A bill entitled "The Juvenile Delinquency Prevention Act of 1972." Referred to the Committee on the Judiciary.

By Mr. MATHIAS (for himself and Mr. Beall):

S. 3522. A bill to authorize the conveyance of certain lands in the District of Columbia to the Greater Southeast Community Hospital Foundation, Inc. Referred to the Committee on Interior and Insular Affairs.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 3523. A bill to amend section 1302 of title 18, United States Code, relating to the mailing of certain matter. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 3524. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended. Referred to the Committee on Commerce.

By Mr. TOWER:

S. 3525. A bill to provide for the conveyance of approximately 5 acres of land, more or less, located at Camp Bullis, Tex., to the Texas National Guard Armory Board, a body politic and corporate of the State of Texas. Referred to the Committee of Armed Services.

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

S. 3526. An original bill to provide authorizations for certain agencies conducting the foreign relations of the United States and for other purposes. Ordered to be placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE (for himself and Mr. Nelson):

S. 3514. A bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin; to reinstitute the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign Indian tribe; and to restore to the Menominee Tribe of Wisconsin those Federal services furnished to American Indians because of their status as American Indians. Referred to the Committee on Interior and Insular Affairs.

MENOMINEE RESTORATION ACT

Mr. PROXMIRE. Mr. President, on behalf of myself and Senator Nelson I am today introducing a bill to repeal the act terminating Federal supervision over the Menominee Indian Tribe of Wisconsin; to reinstate the Menominees as a federally recognized, sovereign Indian tribe; and to make the tribe eligible for the services the Federal Government furnishes to Indians.

THE MENOMINEE INDIANS

Since time immemorial the Menominee Indians have lived in what is now the State of Wisconsin. In 1854 they entered into a treaty with the United States by which the Menominees ceded to the United States their claim to all their land except for 234,000 acres along the Wolf River. This acreage became the Menominee Indian Reservation.

By the early 1950's the Menominees had become, on paper at least, one of the most prosperous Indian tribes in the United States. This prosperity was in large part due to the excellent forest located on their reservation, which was valued at $36 million. In addition, the tribe had $10 million on deposit in the Federal Treasury. Over three quarters of this money came from a law suit which the tribe won in 1951 against the Bureau of Indian Affairs for mismanagement of the forest. After this law suit was settled the Menominees decided that they wanted approximately $5 million of their money distributed to each member of the tribe—$1,500 per capita. This money was to be used for improving housing conditions and for other necessities of life on the reservation. Because the Federal Government held a trusteeship over the Menominees an act of Congress was needed to release the money.

Appropriate legislation was introduced in Congress in 1953 and soon passed by the House. When the bill reached the Senate it was amended to provide for termination of the Federal trusteeship. The Interior and Insular Affairs Committee recommended that termination be coupled with the provisions granting the Menominees access to their money because the committee felt the tribe had sufficient assets to exist without Federal support. There is some confusion as to whether or not the tribe gave its informed consent to this policy. On June 20, 1953, the principle of termination was approved at a tribal council meeting held on the reservation by a vote of 169 to 5. But it was later rejected at another council meeting by a vote of 197–0. It should be noted that these two votes represented only 5 percent of the membership of the tribe. Today there is resentment among the Menominees who feel that termination was forced on them as a condition for receiving their money.

In 1954 the Menominee Termination Act was passed. The tribal roll was closed and the Indians were ordered to produce a termination plan. Because of difficulties in drawing up this plan the final date for termination was put back from 1958 to 1961. With the implementation of termination the Federal trusteeship ended, BIA services were withdrawn, and the Menominees ceased to exist as a legal entity. A corporation, Menominee Enterprises Inc.—MEI—was established to manage the tribal assets—the forest, saw-mill, public utilities, and land. Each enrolled Menominee was given 100 shares of stock in this corporation.

EFFECTS OF TERMINATION

It was the intent of Congress that the Menominees should be able to develop on their own initiative free from the control of the Federal Government. By being placed on an equal legal footing with the general population, it was felt that the Indians would be able to expand their economy and to plan their future. But this has not happened. The Menominees have been unable to develop and prosper as it was hoped they would. The observable results of termination are far different from what was expected.

First, the Menominees have lost their liquid assets. The payment of the $1,500 per capita to the tribe and the payment of termination costs exhausted the $10 million which the tribe had. The pre-termination assets of the Menominees proved to be insufficient to establish them on a sound economic footing. Although these assets appeared to be substantial on paper, in reality they were not. As a result the Menominees have been hard pressed to obtain the funds needed to survive.

Second, the ending of BIA services cost the Indians their school and hospital. Now most of the children must go to neighboring Shawano County for their education. The Indians are having difficulties obtaining adequate health and dental care.

Third, the Menominee Reservation became Menominee County, one of the smallest and poorest counties in Wisconsin. As a county the Indians now had to meet State standards in all the services they provided. This required large initial expenditures which the county was unable to raise through its taxing power. Since 1961 the Federal Government has spent over $12 million and the State of Wisconsin over $7 million to keep Menominee County functioning. It has cost the American taxpayer over $19 million to support a tribe that before termination was able to pay for its own support.

Menominee Enterprises, Inc., pays only $347,000 a year in property taxes and the individual Indians pay a meager amount. The dollars raised by the community in taxes have not been sufficient to finance adequate services. Part of the deficiency has been made up by State and Federal funds. But where this has not been done, the services have not been provided and the Menominees have suffered. As an example, the Menominee County government is now under two pollution abatement orders from the Wisconsin Department of Natural Resources for failure to bring the county sewage disposal system up to State standards. The Menominees do not want their lands and waters spoiled. They would like to meet the State standards and are making every effort to do so. But they are having an extremely difficult time in trying to obtain the necessary funds.

Fourth, in an attempt to expand the tax base of the county and raise needed money, 8,760 acres of land was sold to non-Menominees as home sites. Slowly but surely the Indians are being forced by economic necessity to give up their ancestral land.

The present situation in Menominee County is bleak. Average unemployment in 1970 was 22.4 percent, well above the national average. Per capita adjusted gross income in 1969 was $1,048 as compared with the $2,950 figure for the State of Wisconsin as a whole. The Indian children who have gone to Shawano County for their education have found it difficult to compete with the better prepared white children. And the Shawano School District has been having trouble providing the Indian children with an understanding of their Menominee heritage.

The prospects for the future of Menominee County are even bleaker. The community does not have the funds necessary to expand their industry or to increase the tax base. Economic stagnation is probable. The policy of selling off the land to non-Menominees in an attempt to ease the financial situation may continue. If carried on long enough it could result in a permanent loss by the Menominees of their land and control of the county. If this were to happen the Menominees would be through as a community. Their heritage, their cultural identity, their unity would be destroyed. Without their land they will be unable to survive as a people.

PREVIOUS ASSISTANCE

The Menominees are not satisfied with the present condition in their county. They do not want their future to be as I have outlined it. But there is little they can do because of their limited wealth and resources. The Federal Government, which by adopting the policy of termination helped to bring about the condition of the Menominees, is in a position to provide assistance to them so that present problems can be alleviated and future problems avoided.

Both the Federal Government and the State of Wisconsin have attempted to provide monetary assistance to Menominee County. In 1965 the Nelson-Laird Act, which I was proud to cosponsor, authorized the Secretaries of Commerce, Interior, and Health, Education, and Welfare to make grants and loans available to the Menominees for economic development, health and educational services. Those funds are no longer available.

While this money has saved the county from total disaster it has not solved the problems that plague the Menominees. Additional funding of this nature is not a long-range solution. It would serve only to postpone such a solution. The Menominees do not need another stop-gap measure. They need a measure that will help them overcome their problems of poverty, their lack of adequate educational, health and community services, and their poor economic conditions.

RESTORATION OF INDIAN STATUS

Mr. President, the bill which I am introducing is such a measure. It seeks to provide the Menominees with the long-range assistance which they so desperately need. The Menominee County government, Menominee Enterprises Inc. and a group known as DRUMS—Determination of Rights and Unity of Menominee Stockholders—have all endorsed this bill. In meetings held over the past few months these parties agreed to a program of action which they feel will substantially alleviate the problems of the Menominees. This bill is the product of those meetings and has received wide spread support from the Menominee community. They feel that if this bill is not enacted the Menominees will be unable to survive as a people.

The general intent of this bill is to restore the Menominees to trust status and put them in the same relationship to the Federal Government that all other federally recognized tribes are in. It will help solve their problems by removing them from their present disastrous status. The bill repeals the Menominee Termination Act of 1954 which was the beginning of the tribe's problems. As I have stated at length above, the 1954 act has been of no benefit to the tribe, but rather has created insoluble problems. Removing the act from the books is the first step in helping the Menominees.

The bill then reopens the rolls of the tribe that has been closed since 1954. All the Menominee children who have been born in the interim will be legally recognized as members of the tribe. Opening the rolls is necessary to determine who is eligible to receive the services being made available. Provision is made to assure that all potential enrollees are considered.

The Menominees are to be made eligible to receive all the services and funding that the Federal Government makes available to Indians because of their status as Indians. In addition to funds they will be able to receive the technical assistance that they must have to adequately provide community services and to develop their economy. This should cost the Federal Government less in the long run than continual allocations of funds through legislative measures such as the Nelson-Laird Act. The Bureau of Indian Affairs has estimated that the yearly cost of providing Menominee County with adequate education, training, and social services is about $1,300,000. In addition the U.S. Public Health Service estimates that $638,000 per year would have to be paid for proper health care. Before termination the Menominees were able to reimburse the Government for the costs of running the reservation. It is a possibility that given enough time they will be able to do so again.

The next sections of the bill enable the Menominees to establish their own tribal government and business organization. The provisions are similar to those of the Indian Reorganization Act. This will give the Menominees the control over their internal affairs that Congress intended all federally-recognized Indian tribes to have.

A restoration date is established, at which time the important provisions of the act will go into effect. On the restoration date the new governing body of the tribe will begin operations, Federal services will commence, and the trust relationship will be established. This date will be approximately 13 months after the passage of the act, so that there will be ample time to prepare for restoration.

The Secretary of the Interior is authorized to receive and hold in trust for the Menominees such assets as the present tribal corporation, Menominee Enterprises Inc., or individual Menominees, may wish to convey to him. Both MEI and the Menominee people have expressed a desire for their assets to be placed in such a trust. In addition the Secretary is authorized to spend whatever funds the tribe may have on account with the Federal Treasury to purchase additional assets for the tribe.

Since termination MEI has sold some of the Menominee land to non-Menominees. This bill will not adversely effect the ownership of this land in any way. The purchasers of this land bought it in good faith and it is theirs as long as they wish to retain it. However, should any individual owning land in Menominee County desire, for reasons of his own, that his land be added to the trust for the benefit of the Indians he can sell it back to the tribe or to the Secretary. Furthermore, after consultation with the Secretary of the Interior the tribe will make what rules and regulations it feels are necessary to protect the land which they own, including the forest land, so that it will not be destroyed or unwisely used.

The U.S. Supreme Court in 1968 ruled that the Menominee Termination Act did not extinguish the hunting and fishing rights guaranteed by the Wolf River Treaty of 1854. But the decision was vague as to what persons possessed those rights. This bill will clear up that ambiguity by plainly stating that the Menominees retain all the rights guaranteed them by their treaties with the United States.

The final sections of the bill authorize the appropriation of necessary funds and allow the Secretary of the Interior to make necessary rules and regulations.

Menominee County and its government were established by the Wisconsin State Legislature. This bill will not alter or abolish the county structure. The State legislature will have to decide at a future date what action, if any, should be taken in this regard.

NEED FOR ACTION

It is my hope that this bill will soon be the subject of hearings in the Senate Interior Committee so that the Menominees will be able to tell their own story. The problems which they have had since termination are manifold. The facts when presented will speak for themselves. After the hearings I hope this bill will be able to receive speedy and sympathetic consideration by the full Senate. Each passing day increases the problems of the Menominee people. Assistance should be provided for them as soon as possible.

Mr. President, I send this bill to the desk and ask that it be appropriately referred. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3514

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Menominee Restoration Act".

SEC. 2. For the purpose of this Act—

(1) "Tribe" means the Menominee Tribe of Wisconsin, as determined by the membership roll prepared pursuant to section 4 of this Act;

(2) "Secretary" means the Secretary of Interior;

(3) "Menominee Restoration Committee" means that committee of nine Menominee Indians, who have been elected at a Gen-

eral Council meeting open to all living persons on the final roll of the Tribe published pursuant to the Act of June 17, 1954 (68 Stat. 250; 25 U.S.C. 893) (hereinafter referred to as the "final 1954 roll"), and their descendants. The Secretary shall approve the membership of the committee if he is satisfied that the above requirement of this section have been met. Immediately upon the enactment of this Act, the Secretary shall publish the names of the membership of the Menominee Restoration Committee in the Federal Register. The Menominee Restoration Committee shall be the entity which shall represent the Menominee people in coordinating and negotiating the implementation of this Act prior to the restoration date, as described in section 8 of this Act. The Menominee Restoration Committee shall have no powers other than those given to it by this Act.

SEC. 3. Effective on the restoration date established pursuant to section 8 of this Act, the Act of June 17, 1954 (Public Law 399 of the Eighty-third Congress; 25 U.S.C. § 891–902) is repealed and shall be of no further force and effect.

SEC. 4. As soon as practicable, the Secretary shall establish a membership roll of the Tribe (hereinafter referred to as the "membership roll"). The roll shall contain the ages and quantum of Indian blood and, when approved by the Secretary, shall constitute the legal membership of the Tribe for all purposes. The membership roll shall include all persons listed on the final 1954 roll who are still living on the date of the enactment of this Act. The membership roll shall also include all descendants of persons listed on the final 1954 roll, if such descendants have at least one-quarter Menominee blood and if such descendants are living on the date of the enactment of this Act. Applications for inclusion in the membership roll may be filed with the Secretary for a period of four months after the enactment of this Act. Within 30 days after the enactment of this Act, the Secretary shall notify in writing all persons who were listed on the final 1954 roll for the purpose of ascertaining the names of all descendants of such persons. The Secretary shall also make all reasonable independent efforts to ascertain the identity of all persons entitled to be included on the membership roll. For a period of three months after the closing of the period for applications, the Secretary shall provide a reasonable opportunity for any person to protest against the inclusion or omission of any name on or from the roll. During such period of three months, the Secretary shall permit the examination of the applications by the Menominee Restoration Committee for the purpose of lodging protests in regard to the inclusion or omission of any name on or from the roll. The Secretary shall publish the membership roll in the Federal Register within 30 days after the last day on which protests may be filed pursuant to the above provisions of this section. After the restoration date, as described in section 8 of this Act, the Secretary shall make additions, deletions, and modifications to the membership roll, based upon written notice from the governing body of the Tribe, according to tribal rules and regulations which have been approved by the Secretary.

SEC. 5. All persons on the membership roll shall be eligible, as of the restoration date as described in section 8 of this Act, to receive all Federal services furnished American Indians because of their status as Indians. Such services shall include, but shall not be limited to, all health, education, employment, welfare, loan, financial, and other assistance and services which are provided to American Indians because of their status as American Indians.

SEC. 6. (a) Subject to the approval of the Secretary, as set forth in section 7(a) of this Act, the Tribe shall organize a governing body for the Tribe's common welfare and shall adopt an appropriate constitution and by-laws, which shall become effective pursuant to the provisions of section 7 and 8 of this Act. Such constitution and by-laws shall be revocable by an election open to the same voters and conducted in the same manner as provided in section 7 of this Act. Amendments to the constitution and by-laws may be ratified and approved by the Secretary in the same manner as the original constitution and by-laws. In addition to any powers which were vested in the Tribe before the termination of Federal supervision and in addition to any powers which may be vested in any Indian Tribe or tribal governing body by existing law, the constitution adopted by the Tribe may vest in the Tribe or its governing body the following rights and powers; to employ legal counsel, including the choice of counsel and fixing of fees; to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the Tribe; to purchase property, real and personal; to create a tribal corporation or corporations to conduct all or some of the economic activities of the Tribe, subject to the provisions of subsection (b) of this section; and to negotiate with the Federal, State, and local governments; except that no authority shall be granted to sell, or to mortgage or lease for a period exceeding 25 years, any of the land included within the limits of the Reservation. The Secretary shall advise, and consult with, the governing body of the Tribe concerning all appropriation estimates of Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Office of Management and Budget or to the Congress.

(b) Subject to the approval of the Secretary, the Tribe may organize a tribal corporation or corporations to conduct all or some of the economic activities engaged in by the Tribe. The corporation or corporations may be organized pursuant to the laws of any State. In addition to all powers which may be vested in any corporation pursuant to the laws of the State in which the corporation is incorporated, the tribal corporation or corporations may be granted the following rights and powers: to purchase, take by gift or bequest, or otherwise own, hold, manage, and operate property of every description, real and personal; to purchase property, real and personal; to exchange interests in corporate property for any property, real or personal, acquired by the corporation; to dispose of personal property; to sue and be sued for matters involving such economic activities engaged in by the corporation or corporations, as may be incidental to the conduct of corporate business; and such further powers, not inconsistent with law; except that no authority shall be granted to sell, or to mortgage or lease for a period exceeding twenty-five years, any of the land included in the limits of the Reservation.

SEC. 7. (a) The Secretary shall conduct an election by secret ballot, pursuant to the provisions of this section, for the purpose of determining the Tribe's constitution and bylaws. Within fifteen days after the publication of the membership roll, the Secretary shall announce the date of the election. The date of the election shall be within sixty days after the publication of the membership roll. All adult members on the membership roll shall be entitled to vote in election, either in person or by absentee ballot. The constitution and bylaws shall be adopted if they receive a vote of the majority of those actually voting and if they receive the approval of the Secretary, who shall give his approval or disapproval within thirty days after the date of the election. The Secretary shall approve any constitution and bylaws chosen by the Tribe if he finds that the constitution and bylaws will treat with reasonable equity all persons on the membership roll and that they conform to applicable Federal and State law.

(b) The texts of the constitution and by-laws which shall be on the ballot at the election shall be determined by the Menominee Restoration Committee, after consultation with the Secretary. The Menominee Restoration Committee shall distribute to all persons entitled to vote in the special election, at least thirty days before the special election, a copy of the constitution and bylaws which will be presented at the election, along with a brief, impartial description of the constitution and bylaws, the Menominee Restoration Committee shall freely consult with persons entitled to vote in the special election concerning the texts and description of the constitution and bylaws.

(c) If the constitution and by-laws presented at the election are not adopted, pursuant to the provisions of subsection (a) of this section, a second election shall be held. The Secretary shall announce the date of the second election within 15 days after the proposed constitution and by-laws failed to receive the requisite number of votes or, if applicable, within 15 days after disapproval by the Secretary. The date of the second election shall be within 60 days after the proposed constitution and by-laws failed to receive the requisite number of votes or, if applicable, within 60 days after disapproval by the Secretary. Such election, and any subsequent election, shall be conducted in accordance with the provisions of this section in all other respects.

SEC. 8. Within 15 days after the Secretary approves the Tribe's constitution and by-laws, as provided in section 7 of this Act, the Secretary shall announce a restoration date. The restoration date shall be within 90 days after the Secretary approves the constitution and by-laws. The Secretary shall promptly publish the restoration date in the Federal Register. On the restoration date, the following events shall occur:

(1) Subject to the approval of the shareholders as required by the laws of the State of Wisconsin, the Board of Directors of Menominee Enterprises Inc., or the appropriate officers at the direction of the Board of Directors, shall execute all necessary and appropriate documents to transfer to the Secretary all assets held by Menominee Enterprises, Inc. Such assets shall be held in trust by the Secretary, on behalf of the United States, for the Tribe. Such assets shall include, but shall not be limited to, all cash, buildings, personal property, lands, waters, and interests therein owned by Menominee Enterprises, Inc., as of the restoration date. The transfer of assets shall be exempt from Federal, State, and local taxation. All such assets, while held in trust by the Secretary, shall be exempt from Federal, State, and local taxation.

(2) The land which is transferred pursuant to paragraph (1) of this section shall become a Federally recognized Indian Reservation.

(3) All provisions of the constitution and by-laws selected by the Tribe and approved by the Secretary pursuant to section 7 of this Act shall become effective. The governing body selected by the Tribe at the election and approved by the Secretary pursuant to section 7 shall begin operation and shall be the official governing body of the Tribe in all respects.

(4) The Tribe shall be a Federally recognized Indian Tribe.

(5) All persons on the membership roll shall be eligible to receive the Federal services set forth in section 5 of this Act.

SEC. 9. The Secretary is hereby authorized, in his discretion, to acquire for inclusion in the Menominee Reservation through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without the Menominee Indian Reservation as those boundaries were established by the treaties of 1854 and 1856, except that land within the present boundaries of the Stockbridge-Munsee Reservation shall not be acquired by the Secretary pursuant to this provision. The Secretary is further authorized to receive on behalf of the United States from the governing body of the Tribe, or from any person on the membership roll, voluntarily executed deeds to such lands as the Tribe or person may own in fee simple free from all encumbrances. Any property purchased, or received from the Tribe, pursuant to this section shall be held in trust by the Secretary, on behalf of the United States, for the benefit of the Tribe. Any property received from any person on the membership roll pursuant to this section shall be held in trust by the Secretary, on behalf of the United States, for the benefit of such person. Any land or rights transferred under this section shall be exempt from Federal, State, and local taxation.

SEC. 10. The governing body of the Tribe, after full consultation with the Secretary, shall make rules and regulations for the operation and management of the tribal forestry units on the principle of sustained-yield management. The governing body of the Tribe, after full consultation with the Secretary, shall make such other rules and regulations as may be necessary to protect the lands of the Tribe from deterioration. The governing body of the Tribe, after full consultation with the Secretary, may regulate hunting, fishing, and trapping on the Reservation.

SEC. 11. This Act shall reinstitute all, and shall not abrogate any water, hunting, fishing, and trapping rights or privileges, and any other rights and privileges of the Tribe and its members enjoyed under Federal Treaty or otherwise.

SEC. 12. The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this Act.

SEC. 13. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HARRIS. Mr. President, I join the distinguished Senator from Wisconsin (Mr. PROXMIRE) and his colleague (Mr. NELSON) in urging swift approval of the proposed legislation to restore Federal services and recognition to the Menominee. They have suffered greatly and unjustly as victims of a now discredited termination policy. We must right this wrong at once, and I am pleased to join in this vital effort to do so.

Mr. NELSON. Mr. President, the bill introduced today, the Menominee Restoration Act, repeals the Menominee Termination Act of 1954 which terminated Federal jurisdiction over the Menominee Indian Tribe of Wisconsin.

As Governor of Wisconsin in 1961, it seemed to me that the policy of termination was unwise and unsound. I came to Washington at that time to oppose the policy on the ground that it would not work. It is quite obvious now that it has not worked and will not work.

After termination it very soon became clear that Menominee County—which is what the Menominee Reservation became once termination was effected—was in desperate economic straits. Accordingly, in 1966 the Nelson-Laird bill was introduced in the Senate; this bill resulted in an appropriation of over $1.8 million for Menominee County for the purposes of education, public welfare benefits, health, and sanitation services, and the construction of sanitation facilities. The fact that such a measure was needed was an indication even then of the failure of the policy of termination.

The Menominee Termination Act was passed in 1954. A brief history of the events leading up to termination is necessary to understand it fully. In 1951, the U.S. Court of Claims awarded the Menominee Tribe a $7,650,000 judgment against the Bureau of Indian Affairs for mismanagement of the tribe's forest. By 1953, the Menominee had $10 million in the U.S. Treasury and their tribal forest valued at $36 million. Also, the tribe was one of only three tribes in the country who were able to pay for most of the cost of the Federal services provided to them. However, the appearance of tribal wealth should not be allowed to overshadow the reality of the poverty of the individual Menominee at that time. Housing, education, and health care on the reservation were well below national norms, and the Federal services provided were not of the highest quality. But it was at this stage of development that Congress decided on the policy of termination.

In 1953, the Menominee decided that they wanted to have $5 million of their settlement distributed to them on a $1,500 per capita. Even though the Court of Claims had previously awarded the settlement to the tribe, congressional approval was required before any money could be distributed to the tribe.

A bill was introduced in the House to provide for the desired per capita payment of $1,500 from tribal funds. However, in the Senate the bill was effectively rewritten to provide for the "orderly termination of Federal supervision over the property and members" of the Menominee Tribe. The Senate version of the bill passed and was signed by President Eisenhower on June 17, 1954. Thus one can see that the Menominee, in an attempt to gain the money legally awarded them, wound up with far more than they had bargained for or wanted; namely, termination.

After termination was proposed the Menominee were understandably eager to find out exactly what it would mean to the tribe. On June 20, 1953, they were told that Congress had already decided on termination of the Menominee and that they would not receive their per capita allotments until after termination. The manner in which the policy was explained to the tribe made it appear that if you do not vote for termination, you will not receive your per capita allotments.

Later that same day, the general council of the tribe voted 169 to 5 in favor of the "principle of termination." However, after the Bureau of Indian Affairs greatly modified the termination bill drafted by the tribe and after another termination bill continued to make headway in Congress, another meeting was called. The 197 members present at this second meeting voted unanimously to oppose the bill, showing their willingness to forgo the payments in order to prevent termination.

But regardless of the feelings of the Menominee, the Menominee Termination Act was passed by Congress and signed into law on June 17, 1954. The measure required termination no later than December 31, 1958, but the act was amended several times and termination did not take effect until April 30, 1961. On that date, the Menominee Reservation became Menominee County.

In testimony on the Termination Act, the overwhelming majority of Indians testified in opposition to the legislation. The arguments presented touched on the following matters: First, financial concerns; second, loss of treaty rights and privileges; third, concern for the state of tribal preparedness; fourth, procedural issues; and fifth, emotional ties to tribal lands.

Not only did the Menominee Tribe object to the policy of termination before the act was passed, but also after the passage of the act they tried in vain to prepare themselves for the withdrawal of Federal services. They were successful in extending the effective date until 1961, but, as was evident then and has become increasingly evident since, this was not long enough to adequately prepare for termination.

In 1961 the Bureau of Indian Affairs terminated all education, health, and utility services which had been provided for years. But what the Menominee were left with is graphic testimony to the woeful inadequacy of the preparation for termination. They were saddled with a school and hospital both of which had to be closed because they did not meet State standards. The sewerage system was also substandard and had to be renovated at Menominee expense. It was discovered that the sawmill had over 100 State safety code violations. In addition, the roads were substandard and required substantial repair work.

It was bad enough that the Menominee had to undergo termination at all. But not only were they forced to do so, but also, as a result of a congressional decision, they had to pay for most of the costs of termination.

Mr. President, the present situation of the Menominee people offers ample evidence of the failure of the policy of termination.

From the latest 1970 census data relating to the Menominee Indians living in Menominee County, one can get a good idea of the depressed economic situation of the tribe. Nearly 25 percent of all Menominee families receive welfare assistance, compared to a statewide average of only 3 percent; 40 percent of Menominee families have incomes below the Federal poverty level as compared to 8 percent for the State as a whole.

The average per capita income for the county is $981 compared to a statewide average of $2,915. The unemployment rate was 10.9 percent, compared to 4 percent for the State as a whole. Both unemployment rates are now higher.

To a large extent the extremely high rate of unemployment can be directly attributed to the Termination Act. After termination, Menominee Enterprises, Inc.—the corporation set up to run the affairs of the Menominee, was faced with the task of paying taxes and making profit enough to support all the costs and services related to running a county government. Thus, MEI was forced to maximize efficiency in the Indian-owned sawmill. Doing this meant dismissing a large number of Menominee who worked in the mill. Since the mill is virtually the only source of employment in the area, the unemployment rate rose dramatically.

Since the hospital was closed in 1961, there has been no adequate health care. In fact, shortly after termination there was a tuberculosis epidemic, which was finally brought under control after State and county spending of some $200,000.

One major effect of termination was the end of tribal ownership of the land. Under the termination plan, the tribal land was transferred to MEI. The Menominee people were forced to buy, from MEI, the land which they had lived on for years and which they had always considered to be their own.

Not only were the Menominee forced to buy their land but also as a result of termination they have been forced to sell part of their land. This selling of land may well be of more long-range harm to the tribe than anything else which has resulted from termination. In an effort to expand the tax base and provide money for all the badly needed services of the county, MEI, in cooperation with a recreation developer has sold more than 8,700 acres of land to non-Indians. In the words of one Menominee, this is roughly analogous to "burning down your house to keep warm in a blizzard."

To an Indian tribe, land is much more than just a material asset; it is a birthright, symbol of a proud cultural heritage, and the last refuge from an encroaching white society which has refused to leave the Indian tribes in peace. When a tribe begins to sell its land, it can truly be said that the end is in sight; for, once the tribal land is sold, dispersal of the Indians cannot be far away. If termination is not reversed then the Menominee might well become another victim of Government policy and join the ranks of the landless Indians.

Under the termination plan, a corporation, Menominee Enterprises, Inc., was formed in order to hold and manage all Menominee assets: forest, sawmill, utilities, and land. Each of the 3,270 Menominee received 100 $1 par value shares of stock in the corporation and an income bond guaranteed to mature at $3,000 in December 2000, and bearing interest at the rate of 4 percent—$120—per year.

Many Menominee were forced to sell their bonds in order to buy the land which they had lived on for their whole lives. Menominee were also required to sell their bonds in order to qualify for welfare. Accordingly, the State of Wisconsin has accumulated over $1,200,000 worth of these bonds.

The Menominee voted to maintain the nonnegotiability of their stock until 1974. But it may be only a matter of time before the pressing economic demands on the tribe will force a vote for negotiability. And, of course, if this happens, the tribe will lose what little control it has over its own destiny.

One Menominee summed up the present plight of the tribe in the following statement:

> We are much worse off now as the 72d county of Wisconsin than we ever were as a reservation. We have more to lose now. We are losing our land, our assets, our people.

The only other major Indian tribe to be terminated was the Klamath Tribe of Oregon. The Klamath termination took effect in 1962. The last termination act passed by Congress was also in 1962, dealing with the Ponca Tribe of Nebraska. Since then no Indian tribe has been terminated. The reason is that all parties concerned realize that the policy of termination has been a failure. In fact, in 1969 Congress voted to halt previously ordered termination proceedings dealing with the Oklahoma Choctaws.

The policy has been rejected in deed, if not in words, by both the Bureau of Indian Affairs and the Congress. The President himself has come out quite strongly against the policy. In a 1968 speech to the National Congress of American Indians, Richard Nixon stated:

> Termination of tribal recognition will not be a policy objective, and in no case will it be imposed without Indian consent.

In 1970, President Nixon stated that:

> Because termination is morally and legally unacceptable, because it produces bad practical results, and because the mere threat of termination tends to discourage greater self-sufficiency among Indian groups, I am asking the Congress to pass a new Concurrent Resolution which would expressly renounce, repudiate and repeal the termination policy as expressed in House Concurrent Resolution 108 of the 83rd Congress [August, 1953].

Mr. President, this legislation would do that which President Nixon has asked the Congress to do, namely repeal the past policy of termination.

Certainly it would be indefensible to admit that Congress erred in its policy of termination, and then not to rectify that error by reversing termination. The experiment of termination was a failure. The very least we can do is come to the aid of one of the tribes upon which the experiment was tried.

Quite apart from the argument based on moral, social, humanitarian, and legal grounds, it can also be shown that even on the basis of economics it would behoove the Congress to repeal termination of the Menominee Tribe. Before termination, the Menominee Tribe was one of the few which was able to pay for almost all of the Federal Government services provided them. Since 1961, when termination took effect, the Federal Government has spent more than $11.5 million in regular and special grants for health care, education, welfare, highways, housing, property tax relief, sewer and sanitation facilities, shared taxes, and other purposes.

I ask unanimous consent that a table, "Menominee County Aids and Grants," compiled by the Menominee Indian Study Committee, be inserted in the RECORD at the conclusion of my remarks. The table shows exactly how much Federal and State money has been spent in Menominee County for fiscal years 1961 through 1971.

In 1971, the Federal Government spent more than $2,444,000 in Menominee County. The Bureau of Indian Affairs has estimated that it would cost approximately $1,415,000 per year to restore BIA-authorized services to the Menominee. The Public Health Service estimates that it would cost approximately $638,000 annually to provide adequate health care for the Menominee.

Thus, the total annual cost of restoring the Menominee to their federally recognized tribal status would be $2,053,000 or $391,000 less than the Federal Government spent in Menominee County in fiscal year 1971. Moreover, this annual cost of restoration is over $1,421,000 less than both the State and Federal Government spent in 1971.

Not only have the Federal aids and grants been quite costly, but they have also been ineffective. This fact can be easily recognized by considering the terrible economic and social plight of the Menominee people today—even after millions of Federal dollars have been spent.

One of the motives for passage of the termination act was a desire for the Federal Government to save money when the Menominee became self-supporting. As the above figures indicate this economic saving has not been realized and the Federal Government currently spends more in Menominee County than would be spent for regular Federal services to the Menominee should their status as federally recognized Indians be reinstated. So even when considering the most basic economic argument, the continued termination of the Menominee cannot be justified.

The bill introduced today is a simple one with one main purpose: the restoration of Federal services and recognition to the Menominee Tribe. A brief synopsis of the proposed legislation is as follows:

Section 1 gives the short title of the bill as the "Menominee Restoration Act."

Section 2 provides for a democratically elected "Menominee Restoration Committee" to represent the tribe in restoration negotiations.

Section 3 repeals the termination legislation.

Section 4 requires the preparation of a Menominee tribal roll, including all Menominee on the "formal" 1954 roll as well as their descendants.

Section 5 makes all persons on the tribal roll eligible for all Federal services to which American Indians are entitled.

Section 6 outlines the nature of the governing body of the tribe after restoration; also specifies the nature of the corporate entity which will transact the business of the tribe.

Section 7 establishes an election procedure for the selection of the governing body and the corporate entity of the Tribe.

Section 8 establishes a restoration date, approximately 13 months after the passage of the act, on which the important provisions of the bill will go into effect. On this date Federal services will begin, and the new governing body will begin operation.

Section 9 permits the Secretary of the Interior to repurchase and hold in trust land formerly within the reservation. This section also authorizes the Secretary to hold in trust any land transferred to him by the tribe or by an individual Menominee.

Section 10 permits the tribe, after full consultation with the Bureau of Indian Affairs, to manage their forest on a sustained-yield basis.

Section 11 protects water, hunting, fishing, trapping, and treaty rights.

Section 12 authorizes the Secretary to make regulations necessary to carry out the provisions of the act.

Section 13 authorizes appropriations necessary to implement the act.

Mr. President, now is the time for Congress to act and move toward righting the wrongs perpetrated on the Menominee people. We must reassert and reassume our treaty obligations toward the Menominee. The proposed bill would do just that: protect their assets, lands, resources, and rights and provide the basic and necessary community services to which the Menominee people are justly entitled.

There being on objection, the table was ordered to be printed in the RECORD, as follows:

MENOMINEE COUNTY—AIDS AND GRANTS

Fiscal year	Aid and grants due to special legislation or programs			Regular aids and grants			Total special and regular aids and grants
	State	Federal	Total	State	Federal	Total	
1960–61				$70,953.52		$70,953.52	$70,953.52
1961–62	$34.32	220,000.00	$220,034.32	124,327.85	$64,575.89	188,903.74	408,938.06
1962–63	1,703.65	596,065.01	597,768.66	239,473.80	82,996.84	322,470.64	920,239,30
1963–64	523,381.00	149,934.99	673,315.99	330,023.48	111,384.99	441,408.47	1,114.724.46
1964–65	589,486.75	179,895.43	769,382.18	298,711.79	141,399.22	440,111.01	1,209,493.19
1965–66	100,000.35	356,083.35	456,083.70	420,532.55	161,824.85	582,357.40	1,038,441.10
1966–67	346.084.96	631,344.64	977,429.60	666,811.73	264,978.15	931,789.88	1,909,219.48
1967–68	334,097.25	2,800,136.58	3,134,233.83	671,843.77	382,255.45	1,054,099.22	4,188,333.05
1968–69	204,399.59	1,505,516.52	1,709,916.11	724,663.83	456,028.24	1,180,692.07	2,890,608.18
1969–70	301,750.52	747,639.06	1,049,389.58	517,684.18	406,430.25	924,114.43	1,973,504.01
1970–71	273,504.00	2,039,622.80	2,313,126.80	756,551.08	404,472.49	1,161,023.57	3,474,150.37
Total	2,674,442.39	9,226,238.38	11,900,680.77	4,821,577.58	2,476,346.37	7,297,923.95	19,198,604.72

Note: The material in this report was compiled by Faith Moulin, researcher, Menominee Indian Study Committee (M.I.S.C.) from Wisconsin Department of Revenue's Taxes and Aids, 1961–68 and Wisconsin Fiscal Digest, reports submitted to the M.I.S.C. and other data supplied by State and Federal agencies.

By Mr. BELLMON (for himself, Mr. CURTIS, Mr. DOLE, Mr. HANSEN, Mr. FANNIN, Mr. PEARSON, and Mr. YOUNG):

S. 3515. A bill to provide a practicable precipitation management program for the Nation. Referred to the Committee on Commerce.

WEATHER MODIFICATION AND PRECIPITATION MANAGEMENT ACT OF 1972

Mr. BELLMON. Mr. President, since the time pioneers first settled the great plains and southwestern United States, drought has been a periodic enemy of man. Records of the National Weather Service for the State of Oklahoma, for example, show that a critical dry period has recurred every 20 years since 1870. The most disastrous of these dry periods came during the mid-1930's, producing the devastation we know as the "Dust Bowl" when a quarter million persons gave up their homes and migrated out of the panhandle region of Oklahoma, Texas, Kansas, and New Mexico.

The drought of the 1930's lasted for more than 8 years—100 consecutive months during which time precipitation averaged only 65 percent of normal.

According to the best available rainfall records, drought index, the long range predictions of the National Weather Service, a severe drought is once again spreading across the southern Great Plains—perhaps worse than that of the 1930's.

Since late in 1970, precipitation throughout large areas of the Great Plains has averaged less than 60 percent of normal. Some relief was experienced in the last quarter of 1971, but the areas of critical drought are growing rapidly again this spring.

The 14-county area which comprises southwest Oklahoma has had less than one-half inch of rain in the last 4 months, which is only 14 percent of normal precipitation. Similiar conditions can be found over wide areas of New Mexico, Arizona, and Texas.

Mr. President, last night we did have some rain in a portion of Oklahoma, and we are thankful for the relief; but we realize that this is only a temporary relief.

As of April 1, 1972, the National Oceanic and Atmospheric Administration, published information showing drought conditions ranging from moderate to extreme in Oklahoma, Texas, Kansas, Nebraska, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, and California, and a few other isolated areas to the east of the Great Plains. Many of these same areas experienced severe drought last summer with resulting losses of crops and critical shortages of municipal and industrial water. They have not yet recovered from that hardship and most cannot withstand a second consecutive summer without near normal rainfall. If current conditions are not relieved, much human suffering and great economic losses are a certainty.

Because of the drought, the wheat crop in Texas last year was 25 million bushels below the harvest of 1970, representing a loss of approximately $35 million. In Oklahoma, the loss was even greater, and similar calculations can be made for other crop and livestock losses throughout the region.

In the four State region of Oklahoma, Texas, Arizona, and New Mexico, over 9,000 farmers and ranchers received emergency drought loans from the Federal Government totaling more than $100 million. Countless more drew upon their own reserves or borrowed money from private institutions to stay in business.

The citizens of the Southern Plains and Southwest United States are in desperate need of help. Fortunately, the Federal Government has the ability to provide the relief, they need.

For the past 10 years, the Bureau of Reclamation's division of Atmospheric Water Resources Management has conducted comprehensive research and development programs to perfect the techniques of cloud seeding and weather modification. These research programs have been highly successful, generally increasing rainfall by as much as 10 to 30 percent.

Equally as significant is the relatively low cost of such operations. Benefit to cost ratios generally range above 10 to 1 and sometimes as high as 100 to 1.

Last summer, the Bureau of Reclamation conducted an emergency 60-day cloud-seeding program in portions of drought-stricken southwestern Oklahoma. Evaluation of that program indicates natural precipitation was augmented by 85,000 acre-feet at a total cost of $290,000. That amounts to less than $3.50 an acre-foot—far less than most farmers and ranchers pay for irrigation water. Some cities are paying upward of $100 an acre-foot for municipal and industrial water.

More importantly, the emergency rainmaking program in Oklahoma broke the drought—at least temporarily—and helped the region recover from the long, dry summer. During the period in which the Bureau of Reclamation operated, several weather reporting stations measured the highest monthly rainfall in 70 years. The program proved beyond doubt that techniques developed by the Bureau can successfully augment natural precipitation and can be a valuable tool in stabilizing rainfall in arid regions of the Nation.

Mr. President, there is a general consensus of opinion among professional meteorologists and weather modification authorities that the time is right to put weather modification to work on an operational, large-scale basis to demonstrate its potential and to make it an integral part of our Nation's water resources management program. By necessity, these programs must be directed by the Federal Government since weather systems are regional in nature and pay no attention to State boundaries.

The severe drought conditions now existing in the Southern Plains, and the long-range predictions that the dry period will likely continue until several more years provide additional impetus to make use of our weather modification knowledge at the earliest possible time.

For these reasons, I am today introducing the Weather Modification and Precipitation Management Act, a bill to authorize the Department of the Interior and Bureau of Reclamation to engage in operational weather modification programs and to undertake two operational programs in fiscal 1973.

The first of these programs is for the Southern Plains, including the States of Kansas, Colorado, Oklahoma, Texas, New Mexico, and Arizona. The second is for the Northern Plains, to include the States of North Dakota, South Dakota, Wyoming, Montana, and Nebraska. Each program is authorized for a period of 5 years.

Mr. President, I have been joined in the authorship of this legislation by Senators representing these areas: Senator CURTIS of Nebraska, Senator DOLE of Kansas, Senator HANSEN of Wyoming, Senator FANNIN of Arizona, Senator PEARSON of Kansas, and Senator YOUNG of North Dakota.

I am very much pleased to have the cosponsorship of these distinguished Members of the Senate.

Four million dollars annually will be required to operate the Southern Plains program, and $3 million annually for the Northern Plains program. Past experience indicates these programs will increase rainfall substantially over the entire project area. According to conservative estimates, the additional precipitation would produce annual benefits of $200 million to the agricultural industry, and would greatly increase the amount of water available for municipal and industrial needs in critically dry areas. The economic benefits to the U.S. Treasury could be many times the cost.

The total 5-year cost of the two operational projects will be $35 million, about the same cost as an average size multiple-purpose reservoir, capable of supplying water for one average size city. That same amount of money spent in weather modification has the potential of filling numerous dry reservoirs supplying water to scores of towns and cities throughout 11 States.

Plans are underway now to construct a conveyance system for moving water from regions of excess precipitation to the high plains of Oklahoma, Texas, and Kansas. The cost of the project will run between $5 billion and $10 billion. From a purely economic point of view, weather modification should be put into effect first.

An operational cloud-seeding program that will increase precipitation by 10 percent or more can achieve many of the same beneficial results as a water conveyance system at a tiny fraction of the cost.

When implemented, the programs authorized in the weather modification bill will help provide the drought relief so desperately needed in many areas; and will refine the techniques that can be used in the future to prevent recurring drought. The programs will likewise provide the additional research experience needed to integrate weather modification techniques into our overall water resource management program for augmenting water supplies, increasing crop yields under all weather conditions, and suppressing many forms of severe weather, which cause substantial damage each year.

Strong support for federally operated weather modification programs has been demonstrated throughout the Plains States. Some State legislatures have already appropriated funds for use in weather modification, and, in the Southern Plains, representatives of seven States are negotiating a regional weather modification compact. Letters and telegrams representing a wide variety of individual and group interests are coming to us daily from drought-stricken States asking for Federal assistance in weather modification; and the Oklahoma State Legislature recently adopted a resolution urging the Federal Government to undertake a long-term, multistate operational program. I ask unanimous consent that a copy of this resolution be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, it was the great humorist Will Rogers who once said:

> Everybody talks about the weather, but no one does anything about it.

That need not be true any longer. We have the capability and the knowledge to modify the weather and manage precipitation to a significant degree. If we use this ability and knowledge properly, we can relieve great anxiety and human suffering, prevent disastrous drought, significantly reduce the damage from hail, tornadoes and other severe weather, and greatly increase the productivity of our land.

In view of the worsening drought conditions throughout much of the Southwest and Southern Plains, immediate implementation of an operational weather modification program must be considered vital to the welfare of the citizens of those States.

And in view of the great potential of weather modification for permanent, long range improvement of the economic and social well being of the entire Nation, enactment and adequate funding for the provisions of this bill must be considered one of the best investments that could be made by the Congress of the United States.

Mr. President, any Member of Congress who has personally witnessed the violent whims of nature—the ravages of drought, the destructiveness of hail and tornadoes or the heartbreak of floods—anyone who has seen these things will agree that the Weather Modification and Precipitation Management Act is a matter of urgent national concern. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Weather Modification and Precipitation Management Act of 1972."

SEC. 2. The Congress recognizes (1) that weather systems, severe storms and the ravages of drought affect large areas of the United States without respect to State or other jurisdictional boundaries, and that the present and growing water shortage in many areas of the Nation has created serious problems of national concern, with an urgent need to find new sources of water supply to support rapid advances in population, agricultural production and industrial development; (2) that large quantities of nonprecipitating moisture are frequently present in the atmosphere over critically dry areas of the Nation where additional precipitation would be of measureable benefit; (3) that the science of weather modification has been developed and proven to a degree that predictable and beneficial results can be achieved by augmenting precipitation an average of from 10 to 30 percent, (4) that a major advance in large scale use and public acceptance of weather modification for the prevention of human suffering and serious economic losses is imminent; and (5) that a program of weather modification and coordinated application of precipitation management techniques is in the national interest.

TITLE I—PRECIPITATION MANAGEMENT PROGRAMS

SEC. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to carry out precipitation management projects throughout the United States designed to augment or otherwise benefit, to the extent practicable, the usable water resources of the Nation.

SEC. 102. (a) In order to carry out the provisions of this Act, the Secretary shall—

(1) identify, through an adequate program of planning, field surveys and data collection, the situations in which precipitation management is advantageously applicable to meeting water needs of the Nation, taking into account State or local interests and the regional differences in the requirement for additional water, the nature and timing of productive opportunities to apply developed precipitation management techniques;

(2) contract with institutions of higher education, Federal agencies, State or local governmental agencies, business concerns. skilled and experienced in weather modification, in order to conduct precipitation management activities, including "emergency" drought relief cloud seeding projects specifically authorized by, and conducted in coordination with, the Office of Emergency Preparedness;

(3) contract or enter into other appropriate types of financial arrangements with Federal, State or local entities benefiting directly from precipitation management projects, including augmentation of storage supplies derived through such management, for the payment of the direct costs thereof, exclusive of costs of supporting research, environmental monitoring and studies of similar activities which do not contribute directly to increased water supplies;

(4) continue in close coordination with research programs of other agencies, particularly those of the National Science Foundation, Department of Agriculture, and Depart-

ment of Commerce, the applied research and development effort of the Bureau of Reclamation's Atmospheric Water Resources Management Program to complete the development of techniques for application where current techniques may not be applicable, to improve techniques currently known to be applicable, to determine the feasibility of utilizing new and innovative methods or materials, to evaluate the practicability and efficacy of the program authorized by this title, with particular emphasis upon environmental studies designed to determine the ecological, economic, legal and social effects of such program, and to provide research and evaluation support to local precipitation management activities funded and conducted by other persons or agencies when such support would be of benefit to this program or otherwise in the national interest; and

(5) make recommendations to the Congress of additional legislation which may be required in carrying out the provisions of paragraph (3) of this subsection.

(b) In the performance of the duties specified in subsection (a) of this section, the Secretary is authorized to—

(1) accept gifts and bequests, including gifts or bequests restricted or limited by the donor for use in connection with certain projects or areas;

(2) acquire by purchase, license, lease, or donation such inventions, patents, patent applications, licenses, real property, and interests therein as he deems necessary;

(3) utilize the property, equipment and personnel of other agencies of the Federal Government, with the approval of the head of such agency, and pay for such property, equipment and personnel out of funds made available pursuant to this Act, either in advance, by reimbursement, or by direct transfer;

(4) deploy or otherwise make available personnel, equipment and instruments in weather modification activities under the direction of other agencies upon specific request of those agencies;

(5) consult with appropriate representatives of other agencies which have expertise or programs in weather modification, and such representatives of other Federal agencies are authorized and directed to furnish such assistance as the Secretary may require;

(6) participate, upon request, on regional coordinating commissions or boards which have responsibilities for directing operational activities; and

(7) cooperate in any international activities relating to precipitation management subject to the approval of the Secretary of State to assure consistency with foreign policy objectives of the United States.

SEC. 103. All additional supplies of water derived from the development of precipitation management techniques, the improvement of such techniques, or the determination of the feasibility of utilizing new and innovative methods, as well as water produced in the course of "emergency" drought relief seeding, shall be considered a product, the cost of which shall be nonreimbursable.

SEC. 104. (a) The Secretary is authorized, on behalf of the United States, to consider, ascertain, adjust, determine, settle, and pay any claim against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the modification of the weather pursuant to the provisions of this Act where such claim is presented to the Department of the Interior in writing within two years after the incident out of which the claim arises, and the claimant establishes to the satisfaction of such Department the extent of the damages claimed, and that such damages were caused by the weather modification activities of such Department; except that in no event shall a payment in excess of $25,000 be made with respect to any one claim.

(b) If the Secretary considers that payment in excess of $25,000 thereon is meritorious and would otherwise be covered by subsection (a), he is authorized to report the facts and circumstances thereof to the Congress for its consideration.

(c) No action shall lie by any person against any Federal employee, or any other person when acting solely as an employee, agent or independent contractor of the Federal Government in performing weather modification activities pursuant to the provisions of this Act, for bodily injury, death, or damage to or loss of real or personal property resulting from the modification of the weather.

(d) Any award, compromise or settlement in an amount of $2,500 or less made pursuant to this Act shall be paid by the Secretary out of appropriations available to the Department of the Interior. Payment of any award, compromise or settlement in an amount in excess of $2,500 made pursuant to this Act shall be paid in the same manner as judgments and compromises for similar amounts are paid under section 2672 of title 28, United States Code, and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises or settlements under this Act.

SEC. 105. Any precipitation management activity referred to in section 102 of this Act which may be expected to adversely affect another country, shall be authorized only with the concurrence of the Secretary of State.

SEC. 106. (a) Each recipient of assistance under this Act pursuant to contract or other agreement entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit, and shall comply with any other established reporting procedures as required by the Secretary or other appropriate authority.

SEC. 107. The Secretary shall prepare and forward to the Congress an annual report which summarizes results and provides information of future plans of this precipitation management program.

SEC. 108. As used in this Act, the term "precipitation management" includes any intentionally produced changes, including changes induced through cloud seeding, in the composition, behavior, or dynamics of the atmosphere on or over the territory or territorial waters of the United States whereby the amount or location of precipitation that would normally be expected from the atmosphere is varied for the ultimate benefit of society.

SEC. 109. (a) There are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be required to carry out the purposes of this title.

(b) All funds appropriated to carry out the purposes of this title which are not expended during the fiscal year for which they are authorized are to remain available until expended.

TITLE II—DEMONSTRATION PROJECTS

SEC. 201. (a) The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to engage in operational demonstration projects for the purpose of carrying out precipitation management programs in each of the following:

(1) The Southern Plains-Southwestern States, including the States of Arizona, New Mexico, Texas, Oklahoma, Colorado, and Kansas; and

(2) The Northern Plains States, including the States of North Dakota, South Dakota, Nebraska, Wyoming and Montana.

(b) Each such operational project shall commence July 1, 1972, or as soon thereafter as may be practicable, and shall continue through the fiscal year ending June 30, 1977. There shall not be included in any such project lands located within any State unless such State has executed an agreement with the Secretary of the Interior pursuant to which such State agrees to cooperate in such project and to provide (directly or through any political subdivision or other local entity of such State, or any public trust or other authority established within such State for purposes of weather modification) with respect to such project, for the costs of operation thereof during fiscal years ending June 30, 1975, June 30, 1976, and June 30, 1977, an amount equal to ten per centum of the costs of such project, during such fiscal years, attributable to lands within such State (as determined under subsection (c) of this section) affected by such project.

(c) For purposes of subsection (b) of this section, the costs of any project which is attributable to the lands affected by such project within any State shall be an amount which bears the same ratio to the total costs of the operation of such project as the number of acres of land within such State which are affected by such project bears to the total number of acres of land affected by such project.

(d) (1) For the purpose of carrying out the Operational Demonstration Project under this title for the Southern Plains-Southwestern States, there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next following four fiscal years, the sum of $4,000,000.

(2) For the purpose of carrying out the operational Demonstration Project under this title for the Northern Plains States, there is authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next following four fiscal years, the sum of $3,000,000.

SEC. 202. Nothing in this title shall be construed to limit the authority of the Secretary of the Interior or the Bureau of Reclamation in conducting additional research, experimental or emergency weather modification programs with funds appropriated for those purposes.

EXHIBIT 1

A CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR A WEATHER MODIFICATION PROGRAM IN THE STATE OF OKLAHOMA AND SOUTHERN GREAT PLAINS; AND DIRECTING DISTRIBUTION

Whereas, the Bureau of Reclamation, Department of the Interior, has been engaged in a research program to develop techniques which utilize cloud seeding to augment precipitation in water-short areas; and

Whereas, the water storage supplies in parts of the State of Oklahoma are currently below minimum levels, and forecasts indicate that the State of Oklahoma will again be faced with a prolonged drought during 1972; and

Whereas, the development of the industry and resources of Oklahoma and the stability of the economy of this State are vitally affected by water supplies and precipitation.

Now, therefore, be it resolved by the Senate of the 2nd session of the 33rd Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. That the Bureau of Reclamation, Department of the Interior, be encouraged and supported in its research efforts to manage precipitation, and that the Governor of Oklahoma be encouraged to continue his cooperation and coordination with the members of the Oklahoma Delegation in the Congress of the United States in seeking federal support for a major long-term operational weather modification program in the State of Oklahoma and other states of the Southern Great Plains.

Section 2. That copies of this Resolution shall be forwarded to the Governor of Oklahoma, the Secretary of the Interior and each member of the Oklahoma Congressional Delegation.

Adopted by the Senate the 29th day of March, 1972.

FINIS SMITH,
President pro tempore of the Senate.

Adopted by the House of Representatives the 30 day of March 1972.

REX PRIVETT,
Speaker of the House
of Representatives.

By Mr. BELLMON:

S. 3516. A bill relating to the jurisdiction of the Joint Committee on Atomic Energy. Referred to the Joint Committee on Atomic Energy.

Mr. BELLMON. Mr. President, on May 20 of this year, I introduced a bill that would amend the Natural Gas Act and provide for the establishment of a minimum wellhead price for natural gas and the graduated deregulation of natural gas by the Federal Power Commission.

Today I would like to coordinate this effort to help solve our energy crisis in another way. In my statement that accompanied the introduction of the prior bill, I indicated that it was my intent to introduce legislation as I saw necessary to facilitate the orderly development of our natural resources. Over the years, in numerous hearings relating to energy, it has been abundantly clear that countless agencies, departments, bureaus, commissions, in one form or another, have shaped our national energy policy with very little, if any, coordination. The President has recognized that this cumbersome apparatus has made the implementation of a well coordinated, national energy policy more difficult day by day. He has called for the establishment of a Department of Natural Resources, which I strongly support. This Department would truly be responsive to the needs of these times, and without question, would assist the country in extricating itself from the confusion that persists today. The administration has taken a necessary and courageous step, and yet the Congress has not acted.

Mr. President, without question, the complexities of issues relating to energy are difficult. They seem to defy an orderly resolution of the present crisis. I would like to believe that a proper concern by Congress coupled with a more orderly and systematic approach can cure the present energy crisis and prevent its recurrence.

For that reason I am today introducing another bill intended to be helpful. I am supported in this belief by the fact that a workable example exists today. I am referring to the Joint Committee on Atomic Energy. This committee was established to oversee and guide the development of our atomic resources. It has done an admirable job. During difficult times, this committee helped guide and sponsor the development of our nuclear capability.

Given a broadened responsibility, the necessary authority, and wider membership drawn from the Members of Congress, coupled with the experience and expertise the committee already has, I believe this committee could be of great assistance in the resolution of the current crisis.

I am today introducing a bill amending the Atomic Energy Act of 1954 to broaden the responsibility of the Joint Committee on Atomic Energy to include the entire energy spectrum. I firmly bebelieve that this Joint Committee on Energy will provide the needed congressional focal point to enable Congress to effectively deal with issues relating to energy and to formulate legislation that will solve the current crisis and prevent its recurrence.

By Mr. JAVITS (for himself and Mr. HUGHES):

S. 3517. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana. Referred to the Committee on the Judiciary.

CRIMINAL LAW AND MARIHUANA USE

Mr. JAVITS. Mr. President, on behalf of myself and the Senator from Iowa (Mr. HUGHES), who is the distinguished chairman of the Subcommittee on Alcoholism and Narcotics, I send to the desk a bill which would repeal certain criminal penalties relating to the possession and use of marihuana in private.

The bill would not change the Federal law regarding criminal penalties which apply to the sale of the drug for profit.

The National Commission on Marihuana and Drug Abuse—of which the Senator from Iowa (Mr. HUGHES) and I are both members—has now completed and made public an exhaustive and comprehensive year-long study of marihuana. It has recommended to the President and the Congress that criminal penalties be eliminated for private possession and use of the drug.

Its recommendations were based upon extensive evidence gathered from all points of view, including those of public officials, community leaders, district attorneys throughout the country, young people, medical and professional experts and students. More than 50 projects were funded ranging from a study of the effects of marihuana, to a field survey of the enforcement of the marihuana laws in six metropolitan jurisdictions.

The bill we introduce today would implement this recommendation and, in addition, carry the decriminalization a step further to certain other activities which are deemed to be necessarily incident to private possession and use.

Treating the user of marihuana as a criminal, can and has had a shattering effect upon the lives of thousands of individuals who are otherwise law-abiding citizens. The consequences of such a policy for the individual and society are far more serious than any personal or societal harm resulting from the use of the drug itself.

We do not at this time advocate removal of all restrictions on the use of marihuana. We firmly support the view of the Commission that national policy on this issue ought to discourage use of the drug, and that those who traffic in marihuana for profit must be prosecuted. We cannot say at the present time that the drug is totally harmless from the medical point of view.

But criminal penalties for its use and possession in private are so disproportionate to the degree of mental and physical risk involved that there can no longer be any justification for their imposition in view of the Commission's findings. To equate the risk of using marihuana—which the Commission found to be a relatively benign drug—with the risk inherent in the use of hard narcotics is in our view totally indefensible. Yet in many jurisdictions throughout the country, this equation is written into the criminal law.

While the enforcement of laws against possession and use of marihuana is principally a matter for State and local governments, we hope that the State legislatures throughout the country will follow the policy approach which we are today proposing for the Federal law.

Our bill would change existing Federal law in that it would no longer be unlawful for a person to possess within a private dwelling marihuana for his own use, or for the use of others, so long as it is not possessed with the intent to sell it for profit.

It would also no longer be unlawful to possess in public an amount not to exceed 3 ounces of marihuana, if such possession is incident to a private use and is not with the intent to sell it for profit. Also, marihuana which is lawfully possessed by any person would no longer be considered to be contraband and would not be subject to seizure or forfeiture. Lastly, in the prosecution of any person charged with a violation of Federal law, the fact that such person was under the influence of marihuana would not be a defense to that charge.

Every provision in the bill specifically relates only to personal use of marihuana in private. The bill does not provide decriminalization for activities of any kind involving commercial and nonpersonal possession and sale. Although we go further than the majority of the Commission in terms of our decriminalization approach, we believe that the bill reflects the general policy recommendation of the Commission to concentrate the weight of the criminal sanction upon significant supply and distribution activities, rather than upon casual consumption.

Mr. President, the Commission has performed a singularly important public service in that it has provided a rational and objective perspective on the problem of marihuana. It has presented the facts in a straightforward and unequivocal way. We believe that the time has come for Congress to act upon these facts and to repeal those provisions of the Federal criminal law dealing with marihuana which have now been demonstrated to be ill-conceived and unfair.

Both Senator HUGHES and I consider this to be a very important reform of our Federal criminal law. We must finally answer the legitimate complaints of American youth that those in our society who drink cocktails discriminate against those who in private, and in the same way, engage in the casual use of marihuana. We must answer the legitimate complaint that respect for the law has been undermined, and that thousands of young lives have been damaged—and in some cases wrecked—because of the present state of Federal and local criminal laws on this subject.

The Senator from Iowa (Mr. HUGHES) and I believe this proposal to be essential, rational, and fully supported by the findings of the Commission. We shall do our utmost to get early action on the bill.

I ask unanimous consent that the text of the bill be printed in the RECORD as a part of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controlled Substances Act is amended by inserting immediately after section 404 thereof, the following new section:

"SEC. 404A. (a) Notwithstanding the provisions of section 308, 401(a)(1), 404, or any other provision of this title or any other Federal law, it shall not be unlawful for any person—

"(1)(A) to possess, within a private dwelling or other residence, marihuana for his own use, or for the use of others, within any such residence or dwelling, if such marihuana is not possessed with the intent to distribute, transfer, or sell such marihuana in violation of this title or any other Federal law; or

"(B) to possess, in a public area, marihuana in a reasonable amount, if the possession of such marihuana is incident to a private use within the purview of subparagraph (A) of this paragraph, and is not with the intent to distribute, transfer or sell such marihuana in violation of this title or any other Federal law; or

"(2) to distribute, transfer or sell, in public or private, any marihuana, lawfully possessed, to any person for a private use within the purview of subparagraph (A) of the first paragraph of this subsection, if such distribution, transfer, or sale is not made for profit.

"(b) Notwithstanding the provisions of section 511 or any other provision of this title or any other Federal law, marihuana in the lawful possession of any person shall not be considered contraband and shall not be subject to seizure or forfeiture by the United States.

"(c) In the prosecution of any person charged with an offense in violation of any Federal law, the fact that such person was suffering from marihuana intoxication at the time of the commission of that offense shall not be a defense to that charge or any element thereof.

"(d) For purposes of subparagraph (B) of paragraph (1) of subsection (a) of this section, the possession of marihuana in an amount not to exceed three ounces shall be deemed to be a reasonable amount, if such possession is incident to a private use within the purview of subparagraph (A) of paragraph (1) of subsection (a) of this section, and is not with the intent to distribute, transfer or sell such marihuana in violation of this title or any other Federal law."

Mr. HUGHES. Mr. President, I am pleased to join my distinguished colleague, the Senator from New York, in introducing a bill to carry out the recommendations of the National Commission on Marihuana and Narcotics Abuse contained in the Commission's recent report on marihuana. The bill would substantially reduce and in some instances eliminate all Federal penalties for the possession and use of small amounts of marihuana. Our bill would also move somewhat beyond the Commission's recommendations in order to reflect the separate views which the Senator from New York and I have expressed as members of the Commission.

Mr. President, it should not be necessary to emphasize once again that neither the Senator from New York nor I, nor any other member of the Commission would encourage the use of marihuana. We all believe that Government should not encourage the use of any drug or hallucinogen, no matter how mild, for purposes which are recreational rather than medical. Our objective here is not to "legalize" marihuana, but to "decriminalize" the private possession and use of small amounts.

Over the past year the Commission has conducted an exhaustive study of marihuana from the medical, legal, social, and political standpoints. As a result of this study, even the most conservative members of the Commission reached the conclusion that our criminal penalties against marihuana were based largely on sheer myth. It is not a physically addictive substance and of those who do use it, only a very small number develop any psychic dependency. That small number for whom marihuana becomes a device for avoiding reality would in all probabilitv find some other substance, perhaps a very harmful one, to obtain the same objective if they were not using marihuana.

At the same time, Mr. President, we recognize that although it has not been possible to identify physically harmful effects of marihuana, more research is needed in order to be certain that there are no incipient effects which might not appear until after long usage.

In introducing this bill, my distinguished colleague and I are addressing ourselves to an effect which is in fact certain and which is most surely damaging to the lives of many young Americans; this is the effect of incarceration and a criminal record that will follow these young people for a lifetime simply because they have been caught in possession of very small amounts of the substance intended for their own use. In short, the penalties do not fit the crime. The time has come for us to decide honestly what the crime is. If we decide that certain private conduct is not a crime, then we should eliminate the penalties for it, and to the extent that we believe that criminal sanctions should be retained for conduct, then we should measure the penalties in relation to the seriousness of the conduct.

In asking the Congress to face this duty, Mr. President, we recognize that there may be a political cost. We will be criticized by those who in clinging to the old myths refuse to examine the facts. All too often the criticism will come from middle-aged adults who enjoy shaking their heads over the behavior of the young while sipping their own form of pleasure-producing substance which is likely to be at least as dangerous as marihuana. I believe that it is our duty to endure this criticism in the interest of saving the productive lives of thousands of young Americans whose reputations and careers are being irreparably damaged by the injustice of our criminal laws against marihuana.

Mr. President, young people accuse the adult world, sometimes unjustly, of hypocrisy. In this case, they are right. These laws are hypocritical. It is time to separate the treatment accorded to the private user of marihuana from that accorded to the dealer who sells for a profit. If we can do this rationally, we will be living up to the American system of justice at its best, and we will be preserving the good order of our society.

By Mr. GAMBRELL (for himself and Mr. TALMADGE):

S. 3520. A bill to designate certain lands in the Okefenokee National Wildlife Refuge, Ga., as wilderness. Referred to the Committee on Interior and Insular Affairs.

THE OKEFENOKEE WILDERNESS ACT

Mr. GAMBRELL. Mr. President, for myself and Senator TALMADGE I am today introducing S. 3520, a bill to designate as wilderness 343,850 acres in the Okefenokee National Wildlife Refuge, Ga., in accordance with the provisions of the Wilderness Act of 1964. This bill is identical to H.R. 11852 which has been introduced in the House of Representatives by Mr. STUCKEY.

I have frequently said that southeast Georgia is the environmental capital of the world. It contains the Golden Isles with their unsurpassed beauty, the Marshes of Glynn, and the majestic Altamaha River. It is one of the largest expanses of open space, clean air, and pure water in the world, and it offers an abundance of natural and human resources. Finally, there is the Okefenokee Swamp, the brightest star of the ecological crown.

This swamp, which is second only to the Everglades in size, extends about 30 miles east to west and about 45 miles north to south. The name of the swamp comes from the Seminole Indians "ecunnau finocau," which means "land of the trembling earth."

I am told that the biological balance of the Okefenokee Swamp is unique; that its ecology offers to scientists one of the most important opportunities for wilderness study in the country. The swamp abounds in wildlife, offering a home to over 41 species of mammals, 54 of reptiles, 32 of amphibians, 34 of fish, and 223 of birds. Efforts to introduce alien species into the swamp have repeatedly failed, and the swamp remains one of the few areas of our country that man has not succeeded in altering to his own purposes.

The swamp, too, has resisted man himself. At least five Indian tribes, the Uchees, Yamasces, Apalachees, Timuquas, and the Seminoles each at one time or another attempted to live in the swamp, only to be ultimately driven out by military forces in the mid-19th century. But the settlers who followed did no better, and the swamp was left alone to prosper as it had done for centuries until the harvesting of cypress lumber threatened its extinction in the early part of the 20th century.

In 1919, the Okefenokee was first set aside as a game reservation by the Georgia General Assembly. It was purchased and made into a national wildlife refuge by the Federal Government in 1937.

Hundreds of thousands of Georgians and other Americans have visited the Okefenokee Swamp since its designation as a national wildlife refuge, and the bill that I propose today is intended to secure for future generations the opportunity to view and enjoy the flora and fauna of this beautiful reminder of primitive time.

I feel strongly that the designation of the Okefenokee as a wilderness is needed to insure its preservation. The transition of the Okefenokee from a wildlife refuge to a wilderness transfers the burden of protecting the swamp from a discretionary basis to a statutory requirement. We cannot allow politics or the whims of a future Secretary of the Interior to enter into decisions affecting the Okefenokee.

The "wilderness" designation should insure the protection of the swamp for posterity, but this will involve tremendous responsibilities on the Secretary of the Interior. The management of the Okefenokee is not a purely protective problem. It calls for an active and creative role. The Okefenokee is not static like other wilderness areas but is dynamic. The forces of nature at work in the swamp are unlike those existing elsewhere. If not intelligently controlled, it is possible that the natural dynamics of the swamp could develop a harmful imbalance. There must be a constant monitoring of the Okefenokee to insure that the natural dynamics of the swamp are not destroying those very wonders which we are attempting to preserve. The swamp is not in a virgin state now, and is unlikely to restore itself to its condition prior to man's arrival within a millennium.

There is another reason that creative management is called for in preserving the Okefenokee. Although this is a wilderness area, it is not remote from human contact. Besides being on several major arteries of tourist traffic, it has for two centuries been a viable part of the local community. To the local residents, the Okefenokee is a beloved institution, and one of their most important economic assets. Residents have tended to treat the swamp as a member of their family, or as a good neighbor, and the managers of the wilderness should encourage this relationship rather than attempt to divorce the swamp from the community.

The bill which I am offering today recognizes the role the swamp has played in the community, and provides for the use of small powered watercraft which are necessary to navigate the swamp, and for fishing under the direction and supervision of the Secretary of the Interior. Our goal is to both enjoy and preserve the great Okefenokee.

In his letter of April 28, 1971 to the House and the Senate, the President expanded his proposal for designating the Okefenokee Swamp as a national wilderness area, saying that:

> Its designation . . . would auger well for the continued existence of the nearly 400 species of birds, mammals, reptiles, amphibians, and fish that frequent this valuable ecosystem.

The fact is that in addition to its natural beauty, and the preservation of its ecosystem, the swamp holds the potential of such future contributions to life as the use of peat for food, and insights into other problems of biological study. It is even possible that some forms of life may be found in the Okefenokee which could not survive outside the swamp.

The Okefenokee Swamp is one of our priceless natural resources, one which I hope we will preserve for future generations of Americans by designating as a Wilderness Area.

I ask unanimous consent that the bill be printed in the Record at this point in my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3520

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Okefenokee National Wildlife Refuge, Georgia, which comprise about three hundred forty-three thousand eight hundred and fifty acres and which are depicted on a map entitled "Okefenokee Wilderness Proposal" dated October 1967, revised August 1971, are hereby designated as wilderness. The map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sec. 2. Within the wilderness designated by this Act, subject to such restrictions as the Secretary of the Interior deems necessary for public safety and to protect flora and fauna of the wilderness, (1) the use of powered watercraft, propelled by outboard motors of ten or less horsepower, will be permitted, (2) watercraft trails consisting of approximately one hundred twenty miles as delineated on the attached map will be maintained. Access to watercraft trails in the wilderness area will be provided from the Suwannee River Sill, Steven Foster State Park, Kings Landing, and Suwannee Recreation Area (Camp Cornelia).

Sec. 3. Fishing shall be permitted in the waters of the Okefenokee Wilderness, in accordance with applicable State and Federal regulations, except that the Secretary of the Interior may designate zones and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment.

Sec. 4. As soon as practicable after the Act takes effect, a map and a legal description of the wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided*, however, That correction of clerical and typographical errors in such legal description and map may be made.

Sec. 5. The area designated by this Act as wilderness shall be known as the Okefenokee Wilderness and shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act.

By Mr. MATHIAS (for himself, Mr. Beall, Mr. Boggs, Mr. Brooke, Mr. Case, Mr. Cooper, Mr. Hatfield, Mr. Javits, Mr. Percy, Mr. Saxbe, Mr. Stevens, Mr. Taft, and Mr. Weicker):

S. 3521. A bill entitled "The Juvenile Delinquency Prevention Act of 1972." Referred to the Committee on the Judiciary.

Mr. MATHIAS. Mr. President, on April 12, on behalf of myself and Senators Beall, Boggs, Brooke, Case, Cooper, Hatfield, Javits, Percy, Stevens, Saxbe, Taft, and Weicker, the Omnibus Criminal Justice Reform Amendments of 1972 were introduced. S. 3492 is a comprehensive bill containing 19 programs intended to assist and upgrade the Nation's criminal justice system. Introductory remarks were made on April 12 for those who have an interest in the bill and wish to cosponsor the legislation.

The Juvenile Delinquency Subcommittee of the Senate Judiciary Committee will soon be holding hearings on the Federal Government's bureaucratic and organizational problems with regard to juvenile delinquency. It is important, I believe, that this bill be considered by this subcommittee. It is for this reason that I am now introducing the juvenile delinquency prevention part of this omnibus crime bill as a separate and independent act.

By Mr. BIBLE (for himself and Mr. Cannon):

S. 3523. A bill to amend section 1302 of title 18, United States Code, relating to the mailing of certain matter. Referred to the Committee on the Judiciary.

Mr. BIBLE. Mr. President, on behalf of myself and my colleague Senator Cannon, I introduce for appropriate reference a bill to amend section 1302 of title 18 of the United States Code relating to the mailing of certain matter.

Section 1302 of title 18 is that part of the Federal criminal code making it an offense to use the mails to conduct or promote lotteries and other games of chance.

Among other things, section 1302 makes it a criminal offense to deposit in the mail or to send or deliver by mail any publication of any kind containing any advertisement of a lottery or other gaming activity. It makes no difference that the lottery or other gaming enterprise is entirely lawful in the State where it is conducted. Nor does it make any difference that the reference to a lottery or other game of chance in a particular publication occupies only a small part or is merely incidental to the overall purpose of that publication. If the material is viewable as a gaming advertisement, it is barred from the postal system, and violations of the law are punishable by heavy penalties.

Mr. President, I think the time is ripe for a reevaluation of this aspect of the Federal criminal code.

We have a situation today in which not only my State of Nevada but more and more of our States are turning to legalized gaming enterprises in an effort to generate revenues to pay the increasing cost of essential public services. The passage of the New Hampshire Sweepstakes in 1963 precipitated widespread interest in legalized gambling. Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania—and recently Connecticut—have established State-conducted or State-sponsored lotteries. New York has legalized off-track parimutuel betting. And many other States appear to be looking with increasing interest at legalizing lotteries, off-track betting, and other forms of gaming.

The existing prohibition against the mailing of gaming advertisements makes the task of promoting and disseminating information concerning these and other legal gaming enterprises unnecessarily difficult.

The present law is a major handicap for the legalized gaming enterprises in the State of Nevada. The gaming activities of Nevada's resort hotels are licensed, regulated, and closely monitored by the State. Yet, these hotels may not advertise by mail if any part of the advertisement relates to the entirely lawful gaming activities.

A situation was recently brought to my attention in which a major Nevada hotel undertook to place certain literature in the hands of travel agents located in various cities in Eastern States. The material consisted of a 50-page brochure generally descriptive of the hotel, its facilities, services, rates, food services, and other attractions. A minor portion was devoted to describing the legal gaming activities available at the hotel. And, because of its reference to gaming, the entire brochure was deemed nonmailable by postal authorities.

This was a perfectly legitimate promotional effort, by an entirely legitimate business enterprise. The hotel merely sought to place travel agents in a better position to inform prospective guests of its attractions.

I submit, Mr. President, that the law making it a crime to use the mails for this kind of legitimate business purpose must be changed.

The bill I am introducing today would modify existing law so that it will no longer be a criminal offense to mail a gaming advertisement when the material mailed does not relate solely to a gaming enterprise, and when the material mailed is directed to a party to be used by that party in advertising or promoting lawful activities of the sender.

Prompt action on this bill would be a first step in an already overdue reexamination of our criminal laws on this subject. It makes no sense at all to make it a Federal offense to use the mails to disseminate information regarding activities that are entirely lawful within a State.

By Mr. MAGNUSON (by request):

S. 3524. A bill to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I am introducing, by request, a bill to extend the period of authorization of appropriations of the Commercial Fisheries Research and Development Act of 1964 for an additional period of 5 years.

The purpose of the act is to coordinate State-Federal efforts in research and development for the conservation of the commercial fishery resources of the Nation, as well as the environment that supports them now and for the future by authorizing Federal assistance for State programs meeting Federal approval. Additionally, funds are provided to relieve resource disasters affecting commercial fishery production and utilization.

Conservation and development of the fishery resources and supporting environment have largely been the responsibility of the individual States. However, most of the States have not had the financial resources and facilities to conduct fishery programs necessary to carry out the responsibility. This program has provided research laboratories and vessels that will have lasting benefits to the States in carrying out research and development programs. It has enabled the States to secure needed information to better manage important commercial fishery resources. It has provided funds to better utilize underdeveloped resources.

All 50 States, the Commonwealth of Puerto Rico, and the Governments of American Samoa, Guam, and the Virgin Islands are participating under this authorization. A total of 455 projects have been approved and funded at an estimated total cost of more than $40 million, both State and Federal, of which the Federal share is approximately 67 percent. Of the total projects, 293 have been completed at a total cost of more than $24 million, and 162 projects, at various degrees of completion, are continuing at an estimated total cost of nearly $16 million. Programs are in the general areas of research, development, construction, and planning and coordination. Research continues to be the backbone of the program where about 55 percent of the Federal dollars are spent, with about 25 percent of the Federal dollars for development, 12 percent for construction, and 8 percent for planning and coordination.

Examples of specific accomplishments are:

First, marine research laboratories have been constructed in Maine, Massachusetts, New York, Puerto Rico, Texas, and Washington. Additionally, research vessels have been constructed or acquired in American Samoa, Georgia, Massachusetts, Montana, New Hampshire, New York, Puerto Rico, and Texas. These facilities have greatly increased States' capabilities for carrying out fishery research and development projects.

Second, significant advancements have been made in the fields of aquaculture; that is, cage rearing of catfish and trout, and mass culture of shrimp, oyster, and other shellfish. Techniques developed are rapidly expanding in commercial fishery operations and will help increase supplies of fish and shellfish to meet demands of increasing population and improved standards of living.

Third, 14 resource disasters from such causes as hurricanes, fish diseases, and others have been alleviated.

Fourth, much scientific information has been obtained on fish and shellfish and their environment such as the timing and sizing of runs, effects of logging and other land use on the resource, in species relationships, abundance of stocks and their removal, and so forth. The work has resulted in more than 200 reports in scientific journals and publications in partial fulfillment of requirements for college degrees.

The benefits from this program are widespread and enjoyed not only by all participants, but by external groups as well. The States have benefited by increased research capabilities through the construction of laboratories and vessels and have enhanced fishery stocks through the construction of hatcheries and other facilities. Federal agencies benefit as the program contributes supporting knowledge resulting in a strengthened national effort. There is also substantial benefit to industry from projects dealing with technology, extension, and research enabling industry to make better use of and provide better fishery products.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 738

At the request of Mr. CRANSTON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 738, a bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation of permanent residents for possession only of marihuana, by the U.S. Attorney General.

S. 855

At the request of Mr. COTTON, the Senator from Indiana (Mr. BAYH), the Senator from Maryland (Mr. MATHIAS), and the Senator from Georgia (Mr. GAMBRELL) were added as cosponsors of S. 855, a bill to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement.

S. 1520

At the request of Mr. MATHIAS, the Senator from Kentucky (Mr. COOK) was added as a cosponsor of S. 1520, a bill to require that all materials prepared by the Internal Revenue Service for public use be as clear, concise, and comprehensive as possible.

S. 2163

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 2163, the Vietnam Veterans Act of 1971.

S. 2689

At the request of Mr. CHURCH, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2749

At the request of Mr. HART, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 2749, the

Regulation of Trade in Drugs Act of 1971.

S. 3205

At the request of Mr. MATHIAS, the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), and the Senator from Montana (Mr. MANSFIELD) were added as cosponsors of S. 3205, a bill to provide for the acquisition of Oxon Hill Manor for use as the official residence for the Vice President.

S. 3231

At the request of Mr. PACKWOOD, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 3231, a bill relating to the reimbursement of actual travel expenses of Senators and employees of Senators.

S. 3394

At the request of Mr. DOMINICK, the Senator from Nebraska (Mr. CURTIS), the Senators from Montana (Mr. MANSFIELD and Mr. METCALF), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3394, a bill to permit citizens of the United States to buy, hold, and sell gold.

S. 3472

At the request of Mr. ANDERSON, the Senator from Montana (Mr. METCALF) was added as a cosponsor of S. 3472, a bill to authorize Federal cost sharing in promoting public safety through the elimination of hazardous open canals by converting them to closed conduits and by fencing.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 273

At the request of Mr. MATHIAS, the Senator from Oregon (Mr. HATFIELD) and the Senator from New York (Mr. JAVITS) were added as cosponsors of S. Res. 273, calling for a comprehensive nuclear test ban treaty.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—AMENDMENT

AMENDMENT NO. 1140

(Ordered to be printed and to lie on the table.)

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States and for other purposes, which was reported earlier today.

I submit the amendment on behalf of the distinguished majority leader; and, having supported the amendment in the past, I also join myself as a cosponsor.

Mr. President, I ask unanimous consent that the amendment be printed and lie on the table.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 1145

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, on Monday, April 17, the Committee on Foreign Relations approved an amendment to the State Department authorization bill designed to establish an independent grievance board, and to provide the framework of a grievance procedure with accompanying basic guarantees of due process for employees of the Foreign Service. The committee amendment is generally parallel to S. 2659, a bill I introduced last June after the tragic suicide of Charles Thomas, a foreign service officer who committed suicide after being fired because of a clerical error. I commend the committee for its willingness to take action on this bill after countless delays by the Department of State in negotiating its own final grievance procedures with the employee organizations, Senators FULBRIGHT, COOPER, and CASE have been especially interested in the problem and have all contributed to the amendment as reported by the committee.

On the whole, I am in support of the committee amendment and urge the Congress to approve this legislation to protect foreign service officers from a system which, until the introduction of S. 2659, had granted only one hearing in 15 years. The amendment provides such basic guarantees as the right to a hearing, the right to representation at all stages of the proceeding, the right of access to documents relevant to a grievant's case, the right of a transcript of the hearing and cross-examination of witnesses, and the right to call witnesses under the supervision of the Department. Most important, the board's findings and recommendations are binding on the Department of State with narrow exceptions. None of these provisions are guaranteed under the Department's Interim Grievance Procedures now in operation.

In spite of my general support for the committee action, I do believe that one change is absolutely essential to insure that the grievance board established by this legislation is an independent and judicious as possible. As a result of last minute confusion, the committee approved one change which I believe would seriously undermine the integrity and independence of the grievance board. As approved, the board consists of a panel of three members, one of whom shall be appointed exclusively by the Secretary, one by the employee's, union, and one by the other two members.

Unfortunately, this procedure would result in a highly political board, rather than a judicial body all of whose members are independent and neutral. I believe further amendment is needed to insure the board's complete independence and impartiality. Secondly, there is no assurance that the appointees would be experienced arbitrators, comfortable with the difficulty of making judgments in highly complex, sometimes acrimonious disputes.

Finally, since the officials of the labor unions are Foreign Service officers themselves, vulnerable to the approval or disapproval of the Office of Personnel in the Department, they would be subject to subtle pressure from that Office while choosing the second member of the board. Since the Department has traditionally had the power to influence not only the employee bargaining agent but even the board itself, it would be especially unwise to risk continued influence of this kind. Without true independence on the part of the board, the bill is totally meaningless and no other procedural protections can be of any value.

Mr. President, I wish to bring the attention of the Senate to an editorial which appeared in the April edition of the American Foreign Service Association's journal, indicating that concern about the impartiality of the board is a real and widely-recognized problem. The Association represents 7,500 Foreign Service employees and is generally expected to be elected as the exclusive bargaining agent for foreign service employees. The editorial concludes:

> If this system is to succeed and if we are to realize our goal of effective co-determination, the Board must enjoy the full confidence of both the Foreign Service and Agency leadership. It can no longer be the prestigious rubber stamp for management decisions that it has been in the past. It must speak with its own voice and its procedures must be impartial.

I urge the Senate to approve my perfecting amendment and then to pass legislation desperately needed in the State Department. It has now been over a year since the State Department secured for the Foreign Service an exemption from the President's labor-management Executive Order 11491. It has been 1 year and 1 week since the death of Charles Thomas, and 10 months since I first introduced a grievance bill. And yet the Department still has not begun the process of negotiating its own grievance procedures as an alternative to Executive Order 11491. My office has received letters from all over the world about this issue; congressional action will boost the seriously low morale of some of the most highly trained executors of this country's foreign policy. I ask unanimous consent that the text of my amendment and the editorial quoted be printed at this point in the RECORD.

There being no objection, the amendment and editorial were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1145

In the second sentence of subsection 692 (2)(A), strike out the words "The board shall consist of panel of 3 members," and insert in lieu thereof the following: "The board shall be appointed from a recommended list of at least fifteen arbitrators submitted by the American Arbitration Association, and shall consist of a panel of three members,"

[From the Foreign Service Journal, April 1972]

TOWARDS AN IMPARTIAL BOARD OF THE FOREIGN SERVICE

The deliberations of the Board of the Foreign Service since the promulgation of E.O. 11636 have raised questions regarding the Board's procedures and impartiality.

Our major concern is that the Board has insulated itself from the employee's representatives but not the personnel managers. The Board's agenda is secret; documents sent to the Board for action are closely held. Employee representatives have been permitted to appear only once before the Board to present their views, while personnel management officials are *always* present.

Conflicts of interest also concern us. Individual Board members, who play the key roles in personnel management of each foreign affairs agency, support and vote for proposals which they have previously decided and have recommended to the Board for approval. They review their own decisions. The Executive Director of the Board is the Director General of the Foreign Service. The attorney for one of the Board's Committees has been lobbying on the Hill against the AFSA-supported Bayh Bill to provide grievance procedures for the Service.

The Board of the Foreign Service is the key element in the successful working of an employee management relations system for the Foreign Service. If this system is to suceed and if we are to realize our goal of effective co-determination, the Board must enjoy the full confidence of *both* the Foreign Service and Agency leadership. It can no longer be the prestigious rubber stamp for management decisions that it has been in the past. It must speak with its own voice and its procedures must be impartial.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1141

(Ordered to be printed and referred to the Committee on Aeronautical and Space Sciences.)

COST-BENEFIT ANALYSIS FOR NASA PROGRAMS

Mr. GAMBRELL. Mr. President, the current Apollo 16 flight makes this a particularly appropriate time to consider the efforts of NASA and our entire space program. As a member of the Aeronautical and Space Sciences Committee of the U.S. Senate, I take particular pride in the flight of the Apollo 16, and join with all Americans in hoping for a successful mission and the safe return of Astronauts Young, Duke and Mattingly.

As we all know, the current flight of Apollo 16 and the Apollo 17 mission in December, will end manned space flights as we have known them for the past decade. The immediate future holds an expansion of the scope of space exploration with the skylab and limited outer planetary tours. Apollo 16 and the entire Apollo program represents the near fulfillment of a great national objective which is indicative of the progress of our technology and the quality of those people drawn to our space program.

The space program which our country has pursued, beginning in the 1960's, has been one of outstanding success both in terms of scientific and technological advances, and as a source of pride and achievement for our people. For this reason, I have fully supported the development and utilization of space so long as it yields a direct benefit to the American taxpayer who is paying the bills.

In recent years, space authorization legislation has been subjected to more careful scrutiny as a result of budget consciousness on the part of Congress and the people of this country. This is true of the recently concluded hearings of the Space Committee on the 1972 authorization bill for the National Aeronautics and Space Administration.

One of the most controversial commitments being considered in this year's authorization, as well as one of the more costly, is the proposal for the development of the space shuttle. Last year, I supported the proposed funding of advance evaluation of this program. For some time, I have studied the information regarding the proposed Space Shuttle, and have carefully considered the testimony submitted to the committee at this year's hearings. Based on this, I have concluded to support going forward with the space shuttle program.

The economic feasibility study which accompanied the President's recommendation of the space shuttle in this year's budget, has been of crucial importance in my decision to support the program, just as economic unfeasibility was the determining factor in my decision last year to vote against continued funding of the supersonic transport. During this period when our national budget deficit approaches $40 billion, it seems to me essential that all new Government undertakings be justified on a cost-benefit basis, and that we not permit ourselves to become locked into programs which have proven to be unfeasible. A healthy economy is vital to all forms of achievement and also to international prestige, and more stringent systems of benefit evaluation must be introduced if we are to live within our means. Achieving fiscal responsibility demands that we avoid "gold-plating and gimmickry" in all Government programs.

The challenge of the new era in space activity, which is primarily a program of science and technology, is for the professionals in this area to be prepared to justify proposed programs in cost-benefit terms. This is not an unreasonable requirement, and it is one which professional engineers are accustomed to meeting with outstanding success.

Evidence submitted to the Space Committee in support of the space shuttle program brings the shuttle well within the demands of a reasonable cost-benefit requirement. In contrast to the SST, which could not be justified as a commercial venture, or from a military standpoint, the space shuttle would significantly bolster our national defense capability, and it also promises significant economies in space operations. The Space Shuttle has the capability of producing dollar savings through the recovery of space personnel, vehicles, and payloads, and the repair of space equipment in orbit. These features could result in cash savings of over $1 billion per year in military and earth sciences space operations in which the shuttle can be used.

Furthermore, the space shuttle will have great impact on our daily lives as a result of the civilian space applications. For example, the space shuttle will allow us to launch more sophisticated communications, exploration, and weather satellites, and will enable us to bring education through television to remote areas. Satellites with these improved capabilities will allow us to more carefully attend our natural resources and our agriculture.

It has also been suggested that the space shuttle will help internationalize space exploration. This could lead to the development of a global environment monitoring system, international in scope, which would help us to control and better understand our environment here on earth. The developments and advantages which will be available as a result of the space shuttle appear to represent an appropriate and healthy redirection of our space effort away from spectaculars in outer space, and towards practical and useful applications closer to the earth and its people.

In connection with the Aeronautical and Space Committee's consideration of the NASA authorization bill, I am submitting an amendment today which would insure that before becoming committed to costly programs, some prior analysis is performed to determine the benefit or utility of the proposed program in relation to the projected cost or expense of it.

It has long been my concern that since the American taxpayer is paying the bills of the Federal Government, he should expect the best possible use to be made of his money. This would require the Government to have the benefit of a comprehensive cost-benefit analysis before undertaking a program, and to have current reports on the continued feasibility of the endeavor. I have recently heard NASA officials present their budgetary needs to the Aeronautical and Space Sciences Committee, and I was pleased to see such a detailed and complete analysis of the programs which they planned, and the uses they expected to make of their funds. I look forward to well-reasoned and fully considered plans for future space exploration.

NASA can and should play an active role in determining how its expenditures relate to its yields, and the amendment I offer today would establish in NASA an office of cost benefit headed by an assistant administrator who would have the responsibility for making this examination. Testimony before the committee revealed that NASA has done some of this work in its Resources Management Division but that most of it is handled through consultant contractors.

I understand that Mathematica Co. did the complete analysis of the development of the space shuttle. The cost benefit and economic analysis work done on the shuttle saved vast amounts of taxpayer's money. I have been informed that at the urging of the Office of Management and Budget, NASA submitted the space shuttle proposal to Mathematica 2 years ago at a projected cost of $14 billion. Through the elimination of "technical elegance," the shuttle is now projected to cost $7 billion. This reduction in cost is largely the result of hard economic and cost benefit analysis done by Mathematica. The effectiveness of this work convinced me of the validity of the shuttle program. I feel that it is important to continue and expand these efforts in NASA itself. A cost-benefit analysis at an early stage of the development of its projects would allow NASA to at least have information needed to determine the priorities of its programs based on their economic yield. It would also allow the Congress to think not only about the utility of NASA projects, but their utility in relationship to their expense.

In particular, the Assistant Administrator for Cost Benefit as provided in my amendment shall investigate and report to the Administrator on the prospective costs to be incurred and the projected benefits to be derived from any program, project, or undertaking in which NASA is proposed to be a participant or a sponsor. My amendment would require that such a report precede any program, project, or undertaking by NASA and that these reports be reviewed and updated at least annually.

I feel strongly that a specific office within NASA be responsible for preliminary and current evaluation of projects. Criteria should be established by which this will be done, including guidelines for evaluating projects which do not promise specific commercial or financial returns.

In summary, the approach which I have presented in this amendment would introduce a healthy element of fiscal responsibility into the NASA program. It would also allow the Congress to have a better idea of how programs in NASA are progressing, and would inspire confidence on the part of the public.

Mr. President, I ask unanimous consent that the amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1141

On page 12, after line 3, add the following:

"Sec. 7. (a) There shall be established in the National Aeronautics and Space Administration an Office of Cost-Benefit, which shall be headed by an Assistant Administrator. The Assistant Administrator for Cost-Benefit shall investigate and report to the Administrator on the prospective costs to be incurred, and the projected benefits to be derived, from any program, project or undertaking in which the National Aeronautics and Space Administration is proposed to be a participant or sponsor. No such program, project or undertaking shall be initiated by the National Aeronautics and Space Administration unless preceded by a Cost-Benefit Report, and each such report shall be reviewed and updated by the Assistant Administrator not less frequently than annually. The Administrator shall promulgate rules, regulations and procedures in accordance with which such reports shall be produced.

"(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section."

On page 12, line 4, strike "Sec. 7" and insert in lieu thereof "Sec. 8".

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1142 AND 1143

(Ordered to be printed and referred to the Committee on Finance.)

DAY CARE AMENDMENTS

Mr. MONDALE. Mr. President, today Senators Bayh, Brooke, Case, Cranston, Hart, Hughes, Humphrey, Javits, McGovern, Moss, Muskie, Ribicoff, Stafford, Taft, Tunney, Williams, and myself, are introducing a series of five amendments designed to assure that any day care to be provided under H.R. 1 will meet at least minimal standards of quality, focus on the needs of the children served, and be offered under terms which will strengthen family life.

These five amendments—of which I am the principal sponsor of two, and a principal cosponsor of the two being introduced by Senator Javits and the one being introduced by Senator Tunney—are in the form of amendments to amendment 559, Senator Ribicoff's amendment to H.R. 1.

We have discussed these amendments with Senator Ribicoff. They are acceptable to him. He is a cosponsor of them and they have his support.

The central thrust of these amendments is simple. They seek to assure that any day care provided in connection with welfare reform be developmental in nature; meet high standards for quality; be adequately staffed; be explicitly designed to provide for health, education, and nutritional needs of the children served; and be offered in a way that involves parents in the decisions affecting their children.

They are designed to clarify some disturbing ambiguities and omissions in the day-care provisions contained in the House-passed bill, and to assure that any day-care opportunities provided under this program become more than simply custodial parking lot facilities for children.

Mr. President, for the past 3 years, I have been conducting hearings and helping shape legislation concerning preschool education, day care, and child development. The comprehensive child development bill which was passed by the Congress and vetoed by the President was a culmination of these efforts. That legislation reflected what I believe to be some of the essential truths about child development. It was based on an understanding that:

A child's chance for an equal educational opportunity begins long before he enters school;

The home environment—or the day-care environment—in which a preschool child spends his time can have a major impact on his future educational career;

Quality preschool programs for children and parents can eliminate much of the deficit normally produced by poverty or custodial day care;

Programs must strengthen family life and family capabilities; and must provide adequate health, nutritional, and educational services.

As the principal sponsor of that vetoed bill and as a principal sponsor, along with Senator Nelson, Senator Javits, and Senator Taft of a revised and modified child development bill, reported last week by the Subcommittee on Employment, Manpower, and Poverty, I am continuing to work for enactment of a comprehensive child development bill this year. Nothing short of a quality, parentally based, family-strengthening bill of that nature will meet preschool education and day-care needs faced by many families and children.

Thus, the amendments we are introducing today, while they seek to improve the day care provisions in H.R. 1, are in no way designed as a complete or even a partial substitute for a comprehensive child development bill.

They are designed instead to recognize that H.R. 1 may provide up to 800,000 new child care opportunities and as such must be amended in a way to assure that this supplementary effort, dealing primarily with the needs of children from welfare families, provides nothing less than quality child care.

The need for amendments such as the ones we are introducing is apparent to anyone who has examined some of the existing day care programs funded in connection with welfare. No less an authority than Dr. Edward F. Zigler, Director of HEW's Office of Child Development, has testified that as much as 80 percent of the existing day care under title IV of the Social Security Act is purely custodial. He has stated before my Subcommittee on Children and Youth that in "many instances we are paying for service that is harmful to children."

His conclusions are supported by numerous studies including the recent report of the National Council of Jewish Women entitled "Windows on Day Care." That report, parts of which I will be inserting in the Record shortly, indicate the tremendous inadequacies of many existing day care programs, the damage which is being done to many children in some of these programs, and the need for comprehensive child development legislation and for amendments such as we are introducing today.

Mr. President, permit me to describe the two amendments of which I am the principal sponsor.

The first amendment will assure that standards of any child care provided under H.R. 1 would be no weaker than the 1968 Federal Interagency Day Care Standards. This amendment provides that standards for child care under this act must "be consistent with" the 1968 Federal Interagency Day Care Standards which currently apply to all federally assisted day care programs. The specific intent of this amendment is to guarantee that adult-child ratios in these day-care programs—which parents, researchers, child welfare experts, and other authorities agree is perhaps the single most important guarantee of quality and protection against damage—cannot be diluted. This amendment does not freeze every provision of those standards. It deliberately provides HEW with the flexibility to correct weaknesses and improve the quality of day care. But it will not permit any weakening of those standards which would provide cheaper or less adequate care, decrease the existing emphasis on nutrition and health, or reduce the existing adult-child ratios. The administration has testified to both the Ways and Means Committee and the Senate Finance Committee that child-care opportunities under this program will be developmental. This amendment is designed to reflect that commitment, define it specifically, and give it the support of the Congress.

My second amendment places the administrative responsibility for child-care programs under this act in the Secretary of Health, Education, and Welfare—where most existing programs serving children and families presently reside—including day care and child development efforts such as Headstart, title IV A of the Social Security Act, preschool programs under the Elementary and Secondary Education Act, and other programs.

The President has designated the Office of Child Development in the Department of Health, Education, and Welfare as the principal office responsible for overseeing Federal child-care programs. Yet the House-passed bill places responsibility for child care under this act in the Secretary of Labor. The administration's original welfare reform proposal placed these responsibilities primarily in the Secretary of HEW and this amendment is designed to restore that arrangement. It is designed in addition to underscore the central purpose of all of these amendments; namely that child-care programs be focused on the needs of children and families, not just on considerations of employment and training.

Mr. President, I would like to indicate at this point my very strong support of the two amendments being offered today by Senator JAVITS which will: First, include in the statement of purpose of this act the intent of Congress that child-care opportunities to be provided under the reform measure will be designed to meet the education, health, nutritional, and other needs of children, as well as enable parents to engage in employment, training, or education; and second, insure that mothers who have registered for work and training and who are caring for a child through the age of 12 will not be required to accept work or training if it would necessitate their absence from the home during hours or periods in which the child is not attending school. I am delighted to be a principal cosponsor of these amendments with Senator JAVITS, Senator CRANSTON, and Senator TUNNEY.

I would like to express my strong support as well for the amendment Senator TUNNEY is introducing today which will reserve at least 5 percent of the child-care appropriations under H.R. 1 for staff training. This is a desperately needed amendment and I am delighted to be a principal sponsor of that with Senator TUNNEY, Senator JAVITS, and Senator CRANSTON.

Mr. President, I cannot overemphasize how the experiences a child has during the preschool years affect his chances for success or failure in school, and indeed in life. That is why I believe that any program providing day care, preschool education or health and nutritional assistance to children in the early years of life must be offered in a sensitive manner, with the highest quality, and in a way that involves parents and strengthens family life. That is the purpose of the amendments we offer today.

I ask unanimous consent that an explanation of all five of these amendments and a copy of the two amendments I am introducing be printed at this point in my remarks.

There being no objection, the explanation and amendments were ordered to be printed in the RECORD, as follows:

EXPLANATION OF CHILD CARE AMENDMENTS OFFERED BY SENATOR MONDALE, SENATOR JAVITS, SENATOR CRANSTON, AND SENATOR TUNNEY TO AMENDMENT NO. 559 TO H.R. 1

MEETING CHILDREN'S DEVELOPMENT NEEDS

H.R. 1 and amendment No. 559, introduced by Senator Ribicoff, place primary emphasis on the provision of child care as a means of enabling parents to become self-supporting by engaging in employment, training or education.

While recognizing this as a legitimate objective, the amendment adds a clear statement of legislative intent that child care programs be designed also to meet the educational, health, nutritional and other needs of children so that each child shall have full opportunity to attain his or her full potential.

The Administration has indicated the necessity of ensuring that child care provided under the Act is developmental in nature.

This amendment would write that purpose into law so as to ensure that the program is administered with at least equal regard to the needs of children as to the employment, training and educational needs of parents.

AMENDMENT TO EXEMPT CERTAIN MOTHERS FROM WORK AND TRAINING REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES

In general, under H.R. 1 and Senator Ribicoff's amendment, mothers of school-age children (generally between the ages of six and sixteen) would be required to register and accept manpower services, employment, or training or forfeit their cash benefits under the Act.[1]

Thus, a mother of a child under the age of 13 would become aware of various opportunities through registration and would be required to accept services, employment or training which would not conflict with the need to surpervise and give attention to her children when they are in the home, if she determines that to be in the best interest of her family.

This provision will thus avoid the possibility of "latch-key" children—children left without attention, which can only serve to perpetuate the cycle of poverty.

Experience under the current programs has established that the great majority of welfare mothers are motivated by a desire to engage in work or training in order to improve the financial situation of their families and will do so, if adequate arrangements can be made.

The provision of as many as 875,000 child care opportunities as planned under H.R. 1—including more than 584,000 after-school opportunities—will help to make this possible.

STANDARDS FOR CHILD CARE

The amendment would ensure that standards which the Secretary would be required to establish for child care under the Act would be "consistent with" existing Federal Interagency Day Care standards which apply to all federally assisted day care programs; the Ribicoff amendment provides that such standards shall be "no less comprehensive" than the existing standards.

The difficulty with the existing provision is that standards could be "no less comprehensive" and yet be weaker than existing standards. For example, if the Secretary of HEW were to shift the adult-child ratio from 1 to 5 as under current standards to 1 to 10 under new standards, the new standards would be no less "comprehensive" in the sense that they would address the issue of adult-child ratio.

The amendment uses the words "consistent with" to indicate that standards can be the same as or represent improvements on existing standards, but not a weakened version of what already exists. Thus a smaller adult-child ratio would be "consistent with" objectives of existing standards for quality care, while a greater ratio would not be consistent in that it would dilute quality.

Thus the amendment is designed to bring any new child care programs specifically under existing standards or improvements thereon. H.R. 1 contains no reference to standards or quality and the House Committee Report and other legislative history indicates a willingness on the part of the Committee to permit such standards to be waived.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The amendment vests authority for the operation and administration of child care programs under welfare reform in the Secretary of Health, Education, and Welfare. It is designed to underscore the objective that such programs focus on the childrens interest. The President has designated the Office of Child Development of the Department of Health, Education, and Welfare as the principal office responsible for overseeing federal child care programs. While the House-passed bill places the responsibility for child care in the Secretary of Labor, the Adminstrations original welfare reform proposal placed these responsibilities principally in the Secretary of Health, Education, and Welfare.

TRAINING OF STAFF

The amendment would earmark at least five percent of all sums appropriated for child care under H.R. 1 for the initial and continued training of competent child care workers of all levels.

The provision of sufficient suitable staff is a critical determinant of the standard of child care services. The rapid expansion of demand for child care services has already resulted in a shortage of trained workers in programs for young children. Many preschools are unable to find the qualified staff they need. The Director of the Office of Child Development has shown that most children presently enrolled in federally funded projects and other day care programs are being supervised by untrained personnel. The supply of suitable people will be even less adequate of new federal programs are established without special attention to the training of both professional and paraprofessional staff. This amendment seeks to incorporate such attention in the Child Care provisions of H.R. 1.

AMENDMENT NO. 1142

On page 31, beginning on line 3, strike out "no less comprehensive than" and insert in lieu thereof "consistent with".

AMENDMENT NO. 1143

On page 7, line 19, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare."

On page 8, line 1, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare".

On page 8, line 7, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare".

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[1] H.R. 1 currently exempts mothers of children under the age of six from the registration requirements of the bill and then only during the first two years of the program; thereafter the exemption applies only to children under three years of age. Senator Ribicoff's amendment would permanently maintain for all years the exemption for children under six.

Under the amendment also, mothers of school-age children would be required to register and, generally speaking, to accept manpower services, training or employment.

However, a mother, or other relative, caring for a child under the age of 13 would have "good cause" for refusing such services, training or employment if it would necessitate her absence from the home during hours of periods when the child is not attending school.

On page 8, line 13, after "Welfare" insert "under section 2134 and other laws".

On page 8, beginning on line 17, strike out "the Secretary of Labor" and insert in lieu thereof "under section 2134 and other laws, he".

On page 9, line 12, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare".

On page 10, beginning with line 6, strike out through line 11.

On page 10, line 12, strike out "(7)" and insert in lieu thereof "(6)".

On page 10, beginning on line 12, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare".

On page 10, line 15, strike out "Secretary of Labor" and insert in lieu thereof "Secretary of Health, Education, and Welfare".

On page 28, beginning with line 22, strike out all after "transportation" through line 24, and insert in lieu thereof a period and the following: "Where available, facilities developed by the Secretary of Health, Education, and Welfare under section 2134 and other laws shall be used on a priority basis.".

On page 29, line 2, immediately after "2134" insert "and other laws".

On page 30, line 18, beginning with the comma after "establish" strike out all through the comma on line 19.

AMENDMENT NO. 1144

(Ordered to be printed and referred to the Committee on Finance.)

CHILD CARE IS FOR CHILDREN

Mr. TUNNEY. Mr. President, one of the more regrettable aspects of the continuing controversy about welfare reform is the fact that the child care services to be provided under H.R. 1 have been viewed predominantly from the perspective of adult rather than children's needs.

Day care for the children of welfare recipients has been treated not as a means for promoting the best interests of children, but primarily as a way of disposing of them so that a parent will be free to accept work or training.

Children should not be treated as pawns in any welfare program, however effective it might be in the immediate concern of removing people from the welfare rolls. The welfare of children is a long-term concern. If we sacrifice the interests of children at this most formative stage of their lives to the interests of their parents, we run a very high risk of alleviating the welfare problem now at the cost of aggravating it later. We run an even higher risk of impeding those children from fulfilling their individual potential for participating in and contributing to society as a whole.

In terms of child care this means that the services provided must not be held down to the level of "warehousing." It is a fallacy to regard simple custodial care as neutral to a child's development. Unless the environment positively encourages development of the different sides of a child's makeup, it is extremely likely that it will do actual harm. Children need more than protection from everyday hazards and cursory individual attention. They need the constant care and attention which a mother normally affords in a good home environment in helping her children develop their bodies, expand their minds, and learn to live with others.

It is essential, then, to insure that the care to be provided for the children of welfare recipients who wish or are required to accept work or work training should meet at least basic standards of adequacy. The amendments which we are introducing today seek to insure that child care provided under H.R. 1 will meet at least minimum standards of quality, will concentrate on the needs of the children rather than the needs of their parents, and will be made available under terms which will do nothing to weaken family life.

COMPETENT WORKERS

In any adequate child care progam, proper attention must be paid to the health and nutrition of the child, the type of facilities and equipment, the involvement of parents.

But the single most important factor in determining the standard of care is the character and quality of the adult who takes the main responsibility for the supervision and encouragement of the child—who guides and fosters his educational and social development.

No matter how fine the equipment or how suitable the surroundings, the advantage or disadvantage which a child derives will be determined fundamentally by the capabilities of this person.

If there are not enough people at all levels who are competent to take on the very demanding task of fostering the development of our youngest citizens, then the net effect of our child care programs is all too likely to be to commit our children in ever larger numbers to care which does not deserve the name—to care which damages or inhibits their growth and development.

This fact does not alter whether the care is provided for larger numbers in a center, or for a small group in a home with a single person in charge.

The unavoidable fact is, however, that there is already a definite shortage of properly competent workers for child care. Unless long-term trends in our society are suddenly and unexpectedly reversed, that shortage will be intensified progressively through the seventies.

Since 1960, the number of licensed day care facilities has tripled and the number of children in other preschool programs has doubled. If this trend continues, kindergarten and nursery school enrollment will increase from 3.9 million children in 1968 to 6.3 million in 1980. If the trend is reinforced, it is likely that the increase in demand will be even greater—and there will of necessity be even greater resort to inadequate and unlicensed arrangements.

At the present time there is a shortage of trained people to work in programs for young children. Many centers are unable to find qualified staff. Most children presently enrolled in federally funded projects and other day care programs are being supervised by untrained workers.

The Department of Labor has estimated in the field of early education alone some 23,000 new teachers will be needed every year to cope with the accelerated growth of enrollment—and that is nearly five times as many as are currently being trained each year.

The supply of suitable people will be even less adequate if new Federal programs such as those in H.R. 1 are established without special attention to the training of staff at all levels.

The provision of adequate competent staff is not something that can be taken for granted. Simply creating a program by legislative fiat will not of itself produce a sudden crop of trained child care workers, especially when the existing shortage is so great. An effort must be made, and it must be made from the beginning.

Putting a heavy emphasis on the use of family day care homes, caring for, say, four to eight children, is no way of meeting the problem, either. The need for competency and suitable training for child care workers at all levels does not decrease with the size of the group of children involved. The evidence is, on the contrary, that affording proper advice, support and training in their homes is actually more expensive than for centers.

While the children's interests should at all times be paramount, it is also necessary to give close attention to the needs of the adult workers. Suitable opportunities must be provided for all workers from aides to cooks to teachers to advance themselves. This is especially important in view of the intention to employ welfare mothers where possible in providing the child care services under H.R. 1. It makes no sense to admit these people only to the lower or middle levels of employment when they may have the capacity, with training, to advance to significantly higher levels.

Of the group of amendments which we are introducing today, the one which I now offer is designed to address this specific and very important problem of staff supply. It earmarks at least 5 percent of the sums appropriated for child care under the family assistance plan and the opportunities for families program for the initial and continued training of staff at all levels, but with particular emphasis on the all-important professional and paraprofessional levels It also seeks to insure that those welfare mothers who are offered employment in child care will be given the access to training which will enable them to improve their skills and capacities and qualify themselves for progressively more responsible and more lucrative work.

In the context of the version of H.R. 1 which has been passed by the House, this bottom figure of 5 percent would amount to some $37.5 million dollars a year, a sum which would not at all meet the cost of adequate training. Under the more realistic provisions of the amendment offered by the distinguished Senator from Connecticut (Senator RIBICOFF), it would amount to some $75 million.

I believe this is a fundamentally necessary investment which must be made and sustained if the many thousands of children who will be involved are to receive the basically adequate standard of care which their future demands.

Mr. President, I ask unanimous consent that the full text of the amendment be printed in the RECORD, together with a list of its cosponsors.

There being no objection, the list and amendment were ordered to be printed in the Record, as follows:

Amendment No. 1144

Intended to be proposed by Mr. Tunney (for himself, Mr. Mondale, Mr. Javits, Mr. Cranston, Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Hart, Mr. Hughes, Mr. Humphrey, Mr. McGovern, Mr. Moss, Mr. Muskie, Mr. Pell, Mr. Ribicoff, Mr. Stafford, and Mr. Williams) to amendment No. 559:

On page 10, line 5, insert immediately after "facilities. the following:

"Of the amount appropriated to enable the Secretary of Labor to carry out his responsibilities under this paragraph, the Secretary shall spend such amounts as may be necessary to assure that the persons trained under the provisions of this paragraph receive as much training as necessary to assure that they are equipped to provide child care services on a level consistent with the Federal interagency day care requirements as promulgated on September 23, 1968."

On page 33, line 12, strike out "especially" and insert in lieu thereof "including".

On page 33, line 14, insert immediately after "section 2111" the following: "(with special regard to the pre-service and inservice training of professional and para-professional personnel)".

On page 34, strike out lines 21 through line 2 on page 35 and insert in lieu thereof the following:

"(d) of the sums appropriated to provide for child care services under this title for the fiscal year ending June 30, 1972, or any fiscal year thereafter, such amounts as may be necessary (but not less than 5 percent of the total amounts so appropriated) shall be used for the initial and continued training of professional and para-professional personnel for employment in the provision of child care services."

AMENDMENTS NOS. 1146 AND 1147

(Ordered to be printed and referred to the Committee on Finance.)

Mr. JAVITS. Mr. President, I introduce two amendments designed to improve the child care and certain related provisions of amendment No. 599, to H.R. 1, the welfare reform measure approved by the House. These are two of five amendments which Senators Mondale, Cranston, Tunney, and I are introducing today to amendment No. 559; each has the support of the principal sponsor of that amendment, Senator Ribicoff.

The Ribicoff amendment, in which each of us has joined, would substitute a new "Family Assistance" title for that contained in H.R. 1.

The first of my amendments would require that child care provided under the welfare program be developmental in nature—that is, that it will meet the educational, health, and other needs of children, and that it is not alone custodial.

The second would provide that a mother of a school age child between the ages of 6 and 13 would not be required to accept employment or training where it would necessitate her absence from the home during hours or periods when the child is not attending school. However, she would still be required to register for such activities, as under H.R. 1, so that she could be required to work when there is no conflict and would become aware of other opportunities to be accepted at her option.

In addition to Senators Mondale, Cranston, and Tunney, I am joined in these amendments by Senators Bayh, Hart, Hughes, Humphrey, McGovern, Moss, Muskie, Pell, Ribicoff, Williams, Case, and Stafford.

The other amendments which we introduce today would: First, assure that specific standards for child care are no weaker than existing standards; second, place administrative responsibility for child care with the Secretary of Health, Education, and Welfare, rather than the Secretary of Labor as under the House bill; and third, earmark for staff training 5 percent of the appropriations for child care in each year.

As principal Senate sponsors and cosponsors of the child development bill which, unfortunately, was vetoed last year, we continue to support the enactment of comprehensive legislation in this session. The Subcommittee on Employment, Manpower, and Poverty just last week reported to the full Committee on Labor and Public Welfare. of which I am the ranking minority member, a new bipartisan proposal—separate from the extension of the poverty program—to that end.

The new subcommittee bill, the Comprehensive Headstart, Child Development and Family Services Act, combines the best elements of S. 3228, a bill of that same title which I had introduced on February 24, 1972, with 12 Republican cosponsors and, S. 3193, introduced by Senators Mondale and Nelson, which would have added a new title to the Economic Opportunity Act for child care programs.

Such comprehensive legislation should be our principal effort in child care, but we should include also, as would H.R. 1 and the Ribicoff amendment, a basic authority for child care under the welfare program itself in light of the established link between child care opportunities and the reduction of welfare dependency.

H.R. 1, and amendment No. 559, would each provide 876,000 opportunities each year—consisting of 291,000 preschool opportunities and 584,000 afterschool opportunities; these are significant quotients but quite obviously they must be supplemented by comprehensive legislation since there are some 3.5 million children in poor families under the age of 6 and an additional 4 million under 13 as well as many other children; in contrast there are currently only 700,000 licensed child care opportunities in the Nation.

Our purpose in these amendments is merely to insure that child care provided under the welfare proposal will meet at least minimal standards of quality, concentrate on the needs of children, and will be made available in a context which will serve to strengthen family life.

A detailed explanation of the two amendments which I introduce today follows:

AMENDMENT TO MEET CHILDREN'S DEVELOPMENTAL NEEDS

H.R. 1 and amendment No. 559 places principal emphasis on child care as a means of permitting welfare parents to engage in employment, training, or education, so as to become self-supporting.

While recognizing this as a legitimate objective, the amendment requires that child care must be designed to meet the educational, health, nutritional, and other developmental needs of children so that each will have a full opportunity to attain his or her full potential.

This, in fact, is the intent of the administration. As President Nixon stated in his welfare reform message, August 11, 1969:

> The child care I propose is more than custodial. This Administration is committed to a new emphasis on child development in the first five years of life. The day care that would be part of this plan would be of a quality that will help in the development of the child and provide for its health and safety, and would break the poverty cycle for the new generation.

But despite all good faith and intents, there remains the possibility that pressure for effort to provide more "slots" to enable parents to work could result in shortcuts with respect to the quality of child care.

This amendment would write into law the administration's plans to insure that the program is administered with full regard to the needs of children, as well as of parents.

AMENDMENT TO EXEMPT MOTHERS FROM WORK OR UNDER CERTAIN CIRCUMSTANCES

In general, under H.R. 1 and amendment No. 559, mothers of school age children would be required to register for and accept manpower training or employment or forfeit their cash benefits under the act.

Also, under our amendment, such mothers would be required to register and, generally speaking, to accept such services.

However, where such work or training would necessitate her absence from the home during hours when the child is not attending school, a mother caring for a child under the age of 13 would have "good cause" for refusing such opportunities.

Thus she would become aware of various full- and part-time opportunities through registration but would be given the option to refuse them if they conflict with the need to give attention to her children while they are in the home.

In this connection, I should note that H.R. 1 currently exempts mothers of children under the age of 6 from the registration and work requirements of the bill and then only during the first 2 years of the program; thereafter the exemption applies only to children under 3 years of age. Senator Ribicoff's amendment would continue that exemption for children under 6 in all years.

Our amendment is based upon the assumption that welfare mothers do not have to be "beaten over the head" to engage in work or training.

Currently, one of the most unfair myths is that welfare mothers lack a propert motivation to work. In fact studies, such as that conducted by Dr. Lawrence Podell in 1966, have repeatedly shown that at least seven out of 10 welfare mothers would rather work and that eight in 10 have employment experience.

Of course, it would have been possible

to provide that a mother would have "good cause" only if child care or other arrangements were not available, as determined by the Secretary of Health, Education, and Welfare.

But such a provision would make child care—as well as work and training—mandatory under the act.

I believe that such a result would be inconsistent with our policies generally and run the risk of lifetime damage in a number of cases.

At the insistence of my colleague Senator BUCKLEY, the child development legislation approved by the Congress last year contained a number of provisions to make clear without any doubt, as intended by its sponsors, that child care would be provided only when the parent or guardian requests it. The new subcommittee bill contains similar provisions.

If mandatory care is bad policy for children generally—as I believe it is—then it is bad policy in respect to poor children.

There can be no double standard.

There will always exist a number of children for whom child care will not be only inappropriate but damaging.

As noted in a letter to me dated December 8, 1970, from the Child Welfare League of America—in general support of an amendment which I previously submitted on this issue:

> We believe that the primary concern in making this decision should be to protect the best interests of each child, and some children need to be cared for by their own mothers. A day care service is not beneficial or appropriate for every child. Many children are not psychologically or emotionally ready at school age for all-day separation from their mothers, nor are they all able to tolerate long periods away from home in group care. Some children do not thrive in group situations and need the supportive care of their own families in order to feel secure and develop properly. We, therefore, believe that day care services should never be required when it is not in the child's best interest.

Mr. President, in my view, we cannot leave it up to the Secretary of Health, Education, and Welfare or the Secretary of Labor—however enlightened they may be—to make a determination as to whether the child care available is "suitable" or otherwise in the best interest of the child. In my opinion, no guidelines can be formulated that will express adequately for each of the millions of school-age children in poor households the circumstances under which child care will be a long-term detriment to the child.

It is preferable in my opinion to draw the line in terms of any time conflict between the employment offered and caring for the child, as we propose.

Mr. President, in summary I believe that these amendments, and the others being introduced, are essential to prevent damage to children through shortsighted efforts to deal with the present welfare crises.

It would be ironic indeed if we were to perpetuate the cycle of poverty through a welfare reform measure.

I ask unanimous consent that the text of these amendments and a description of each be printed at this point in the RECORD.

There being no objection, the amendments and description were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1146

On page 6, line 2, insert immediately after the period the following: "The Secretary shall determine that good cause exists if such individual is a mother or relative actually caring for one or more children under the age of thirteen who are attending school and if such employment, services, or training would necessitate the absence from home of such individual during hours or periods when the child or children are not attending school."

AMENDMENT NO. 1147

On page 3, line 4, immediately after "Act" insert "(1)".

On page 3, line 12, strike out the period and insert in lieu thereof the following: ": and (2) to assure that child care services provided under this Act shall be designed to meet the educational, health, nutritional and other needs of the children served in order that each such child shall have a full opportunity to attain his or her full potential.".

On page 7, line 22, immediately after "for insert "children of".

On page 8, line 2, strike out "in order to" and insert in lieu thereof "meeting the requirements of this Act while their parents".

On page 28, line 10, immediately after "services" insert "meeting the requirements of this Act".

On page 28, line 11, immediately after "for" insert "children of."

On page 28, line 15, immediately before "who" insert "for children".

On page 28, line 16, strike out "in order to be able to participate" and insert in lieu thereof "while their parents are participating".

EXPLANATION OF CHILD CARE AMENDMENTS OFFERED BY SENATOR MONDALE, SENATOR JAVITS, SENATOR CRANSTON, AND SENATOR TUNNEY TO AMENDMENT NO. 559 TO H.R. 1

MEETING CHILDREN'S DEVELOPMENT NEEDS

H.R. 1 and amendment No. 559, introduced by Senator Ribicoff, place primary emphasis on the provision of child care as a means of enabling parents to become self-supporting by engaging in employment, training or education.

While recognizing this as a legitimate objective, the amendment adds a clear statement of legislative intent that child care programs be designed also to meet the educational, health, nutritional and other needs of children so that each child shall have full opportunity to attain his or her full potential.

The Administration has indicated the necessity of ensuring that child care provided under the Act is developmental in nature.

This amendment would write that purpose into law so as to ensure that the program is administered with at least equal regard to the needs of children as to the employment, training and educational needs of parents.

AMENDMENT TO EXEMPT CERTAIN MOTHERS FROM WORK AND TRAINING REQUIREMENTS UNDER CERTAIN CIRCUMSTANCES

In general, under H.R. 1 and Senator Ribicoff's amendment, mothers of school-age children (generally between the ages of six and sixteen) would be required to register and accept manpower services, employment, or training or forfeit their cash benefits under the Act.*

Under the amendment also, mothers of school-age children would be required to register and, generally speaking, to accept manpower services, training or employment.

However, a mother, or other relative, caring for a child under the age of 13 would have "good cause" for refusing such services, training or employment if it would necessitate her absence from the home during hours of periods when the child is not attending school.

Thus, a mother of a child under the age of 13 would become aware of various opportunities through registration and would be required to accept services, employment or training which would not conflict with the need to supervise and give attention to her children when they are in the home, if she determines that to be in the best interest of her family.

This provision will thus avoid the possibility of "latch-key" children—children left without attention, which can only serve to perpetuate the cycle of poverty.

Experience under the current programs has established that the great majority of welfare mothers are motivated by a desire to engage in work or training in order to improve the financial situation of their families and will do so, if adequate arrangements can be made.

The provision of as many as 875,000 child care opportunities as planned under H.R. 1—including more than 584,000 afterschool opportunities—will help to make this possible.

STANDARDS FOR CHILD CARE

The amendment would ensure that standards which the Secretary would be required to establish for child care under the Act would be "consistent with" existing Federal Interagency Day Care standards which apply to all federally assisted day care programs; the Ribicoff amendment provides that such standards shall be "no less comprehensive" than the existing standards.

The difficulty with the existing provision is that standards could be "no less comprehensive" and yet be weaker than existing standards. For example, if the Secretary of HEW were to shift the adult-child ratio from 1 to 5 as under current standards to 1 to 10 under new standards, the new standards would be no less "comprehensive" in the sense that they would address the issue of adult-child ratio.

The amendment uses the words "consistent with" to indicate that standards can be the same as or represent improvements on existing standards, but not a weakened version of what already exists. Thus a smaller adult-child ratio would be "consistent with" objectives of existing standards for quality care, while a greater ratio would not be consistent in that it would dilute quality.

Thus the amendment is designed to bring any new child care programs specifically under existing standards or improvements thereon. H.R. 1 contains no reference to standards or quality and the House Committee Report and other legislative history indicates a willingness on the part of the Committee to permit such standards to be waived.

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*H.R. 1 currently exempts mothers of children under the age of six from the registration requirements of the bill and then only during the first two years of the program; thereafter the exemption applies only to children under three years of age. Senator Ribicoff's amendment would permanently maintain for all years the exemption for children under six.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The amendment vests authority for the operation and administration of child care programs under welfare reform in the Secretary of Health, Education, and Welfare. It is designed to underscore the objective that such programs focus on the children's interest. The President has designated the office of Child Development of the Department of Health, Education, and Welfare as the principal office responsible for overseeing federal child care programs. While the House-passed bill places the responsibility for child care in the Secretary of Labor, the Administration's original welfare reform proposal placed these responsibilities principally in the Secretary of Health, Education, and Welfare.

TRAINING OF STAFF

The amendment would earmark at least five percent of all sums appropriated for child care under H.R. 1 for the initial and continued training of competent child care workers of all levels.

The provision of sufficient suitable staff is a crucial determinant of the standard of child care services. The rapid expansion of demand for child care services has already resulted in a shortage of trained workers in programs for young children. Many preschools are unable to find the qualified staff they need. The Director of the Office of Child Development has shown that most children presently enrolled in federally funded projects and other day care programs are being supervised by untrained personnel. The supply of suitable people will be even less adequate if new federal programs are established without special attention to the training of both professional and paraprofessional staff. This amendment seeks to incorporate such attention in the Child Care provisions of H.R. 1.

OCEAN MAMMAL PROTECTION ACT—AMENDMENTS

AMENDMENTS NOS. 1148 THROUGH 1154

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. GRAVEL submitted seven amendments intended to be proposed by him to the bill (H.R. 10420) to protect marine mammals; to establish a Marine Mammal Commission; and for other purposes.

ANNOUNCEMENT OF HEARINGS ON AMENDMENTS TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished junior Senator from Washington (Mr. JACKSON), I ask unanimous consent that his announcement of hearings on April 28, 1972, on amendments to the National Environmental Policy Act of 1969, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

Mr. President, on Friday, April 28, a hearing has been scheduled before the Committee on Interior and Insular Affairs to receive testimony and recommendations from selected Federal officials and public witnesses on H.R. 13752, a bill passed by the House of Representatives on April 17 to amend the National Environmental Policy Act of 1969 to provide for the interim licensing of the operation of certain thermoelectric generating plants, and for other purposes. The hearing will be held in room 3110 and will convene at 10 a.m.

ADDITIONAL STATEMENTS

A RICHLY DESERVED HONOR—SENATOR NORRIS COTTON TO RECEIVE ROBERT FROST CONTEMPORARY AMERICAN AWARD

Mr. McINTYRE. Mr. President, my good friend and senior colleague from New Hampshire, Senator NORRIS COTTON, will receive the coveted Robert Frost Contemporary American Award from the Alumni Association of Plymouth State College next Monday, April 24.

The award is presented each year to an outstanding American, and is made in memory of the beloved poet who taught at Plymouth State College in the early 1900's.

In 1923—about the time that NORRIS COTTON entered public life—Frost wrote this about our Granite State:

> Just specimens is all New Hampshire has,
> One each of everything as in a showcase . . .

Mr. President, New Hampshire has just one NORRIS COTTON, and I rise today, not only to congratulate him, but to pay personal tribute to his character—and to express my appreciation of his friendship.

Robert Frost knew that in New Hampshire "it is knowing what to do with things that counts." And NORRIS COTTON's resourceful, seasoned ability to get things done is well known in our State.

Just a few miles from the quiet town of Lebanon, where he began his career, one of the world's most important cancer research centers is being built. It will stand as a permanent tribute to my senior colleague's accomplishments as a legislator and as an effective leader in man's battle against disease.

The wellspring of his deep humanitarian concern—and, indeed, of his effectiveness—is the man's own character.

Mr. President, we hear much these days of the estrangement between the people and their elected leaders, of the growing complaint that leadership has grown remote and aloof.

This is not so of NORRIS COTTON.

He has kept his humility. He has kept himself accessible. He has never forgotten that he is of the people. To this day, no citizen—regardless of how modest his station—is uncomfortable in NORRIS COTTON's presence. He has just rare ability to put everyone at ease.

This unfailing appreciation of the average citizen nourishes his art as one of the Senate's most accomplished and appealing storytellers.

Robert Frost understood that such true humor draws on a deep taproot of humanity, for he once said:

> I judge a man by his anecdotes. If he always attaches a famous name to them, like "the last time I saw the Duke of so-and-so," then I don't like him nearly as much as a man whose anecdotes are about the common people and common every day things.

And now I should like to tell you how I have benefited from NORRIS COTTON's inherent decency.

From the day I entered this body nearly a decade ago, he has treated me with courtesy, with kindness, with utmost civility and helpfulness; and I assure you that the warm friendship that has grown between us is cherished by the junior Senator.

He and I do not always agree. We are, after all, independent men.

But we share an appreciation of that most familiar of Frost's lines, the old New England folk saying that "good fences make good neighbors."

We know that fences do not divide. They represent mutual respect. We share the north country conviction that the individuality of neighbors is not to be suspect, but to be cherished.

A further thought, Mr. President:

Many months ago, that wise and good lady from the State of Maine, Senator MARGARET CHASE SMITH, told us that our national fate hinged upon the restoration of civility to personal and public life.

Civility. That special grace which assumes sincerity and accords good will and respect to those with whom one honestly differs.

In a period when, throughout the country, shrill voices and small minds have been trying to divide our people, NORRIS COTTON retains that special grace called civility, Mr. President.

Lastly, I like to think that NORRIS COTTON and I have worked together in effective harness. And I like to think that the reason for this harmony and effectiveness is our mutual, and abiding, belief in the goodness and the worth of the people of our State.

Frost spoke of our people in a poem which described his move to New Hampshire:

> I hadn't an illusion in my handbag—he wrote,
> About the people being better there
> Than those I left behind. I thought they weren't.
> I thought they couldn't be. *And yet they were.*

They still are, Mr. President. And NORRIS COTTON is living evidence.

FIRST ANNUAL REPORT OF THE NATIONAL COMMISSION ON PRODUCTIVITY

Mr. PERCY. Mr. President, the National Commission on Productivity has just published and made available to Members of Congress its first annual report on its activities since its inception in July 1970.

The report is a summary of the Commission's efforts to define and study various aspects of the problem of American productivity. It presents in outline plans for the future, including plans that are being made to implement the new title providing for a national productivity policy—the Javits-Percy amendment— that the Senate added to the Economic Stabilization Act Amendments of December 1971.

Publication of the report is timely, because our Nation's productivity continues to be a problem, as demonstrated most recently by a poll by the American Institute of Public Opinion—the Gallup poll—which was designed to explore the public's attitudes about productivity. According to Gallup, the poll showed that a majority of U.S. adults believe American workers are not turning out as much work each day as they should. Even a majority of manual workers, both skilled and unskilled, agree that this is true. Fifty-seven percent of those polled believed they could accomplish more each day if they tried.

This is revealing information. It shows, I believe, that there is an underlying national concern that our Nation's economy is lagging—that we as a Nation could be more productive.

The work of the Productivity Commission, and the Pay Board and Price Commission in stressing the factor of productivity as a precondition of increased wages and higher prices, all relate to our national interest in increasing productivity. It is thus valuable to have this report on the Productivity Commission's productivity goals and work program. Its former Chairman, OMB Director George Shultz, is to be commended for guiding the Commission's initiation of a valuable substantive work program. I and other Senators look forward to aggressive implementation of this program under its new Chairman, Secretary of Commerce Peter G. Peterson.

I ask unanimous consent that the Commission's report, the Gallup poll, and the "productivity policy" title of the Economic Stabilization Act be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FIRST ANNUAL REPORT OF THE NATIONAL COMMISSION ON PRODUCTIVITY: HIGHLIGHTS OF THE COMMISSION'S ACTIVITIES—1970–72

In opening the first meeting of the Commission on August 7, 1970, the President stated that productivity growth is the key to the continuing improvement in the quality of life for all Americans, to the satisfaction of urgent domestic needs, and to the maintenance of the competitive position of the United States in world trade. This theme has become a unifying and stimulating element for subsequent activities of the Commission.

The President stressed, in announcing the Commission, that "productivity in the American economy depends on the effectiveness of management, the investment of capital research, development and advanced technology, and most of all on the training and progressive spirit of 86 million working Americans." This charge to the Commission provided the framework for its initial activities and organization.

The first session of the Commission was concerned with developing a common understanding of the background for the Commission and an organizational framework for its activities. The Chairman reviewed the basic trends in productivity, wages, and costs and their economic implications. The meaning and measurement of the terms were also discussed. A working agreement on these matters was considered central to the effectiveness of the Commission.

In this setting the Commission organized itself into four working groups each composed of members representing labor, business, the public, and government. The titles of the working groups are sufficiently broad to permit a wide range of inquiry and still to focus on topics of immediate concern. The four groups and questions they were to consider are:

Labor and Management Policies and Practices.—What type of labor relations climate is most conducive to improved productivity? How are the costs and benefits of change to be distributed? What is the appropriate role of the firm, the union, the government in the adjustment process?

Education and Research.—How can we improve the input of basic research to technological innovation and productivity? How does the education system feed into this process and how can it be improved?

Government Activities.—In what way can the government influence productivity in the private sector of the economy by improving practices in such areas as procurement, and construction regulations? How can productivity in government at all levels—Federal, State, and local—be measured and improved?

Management Organization and Capital.—How can management improve its organization for productivity gain? Are there impediments to diffusion of technological knowledge—can the adoption of new technology be accelerated? Is the rate of investment adequate for desired productivity goals?

The second session, in November 1970, continued the process of developing mutual understanding of basic factors and problems. As the working groups progressed on their investigations, reports of their findings became the main topics of the agenda of Commission meetings. At its April and June 1971 sessions, the Commission reviewed the conclusions and recommendations of various reports submitted to it and made suggestions for refinement and extensions.

POLICY STATEMENT OF SEPTEMBER 7, 1971

On September 7, 1971, the Chairman of the National Commission on Productivity released a statement, entitled "Productivity and the National Interest," which had been approved by the members of the Commission (app. B). This statement expresses the consensus of business, labor, public, and Government representatives as to the importance of policies and programs to foster productivity growth and as to the general structure and thrust of such policies and programs. In several areas—most notably, research and development and government productivity—the consensus expressed by the Commission has served as a catalyst for the development of concrete programs.

In substance the statement underscores the importance of maintaining our historic rate of productivity increase as vital to employment growth, curing inflation, meeting international competition, abating pollution, eliminating deprivation, and improving services at the local level. Productivity is seen to depend upon the optimum combination and development of human, capital, and natural resources in harmony with our traditional values of opportunity, work, and reward.

The Commission stated that "the first and basic prerequisite" for productivity improvement is an "expanding economy, with maximum employment and maximum utilization of plants and machines. . . . In the absence of such economic expansion there is lagging productivity, usually accompanied by increasing unemployment and underemployment." Noting that "a high level of economic activity is a necessary but not sufficient condition for the realization of our full productivity potential," the statement identified six "targets of opportunity," on which the Nation must consciously focus.

The first is *productivity bargaining* which features the specific discussion of productivity in the collective bargaining process. The potential is far greater than the current scope of bargaining practices. "Work rules, training and upgrading workers, group incentives, job redesign and enrichment, workplace participation and communication, safety and work scheduling are all areas that deserve close attention."

Complementing the first, the second target is the *strengthening of manpower adjustment policies* to meet the human costs of change where such costs exist. This can be done by such means as avoiding worker displacement, mitigating financial loss to individual workers, and assisting workers to find alternative work. Both private and government sectors must provide programs to avoid adverse effects.

The third target involves selective stimulation of *education and research and development*. The Commission finds a need for "further active experimentation, with government support, in development of new and more flexible institutional and financing arrangements as well as improved educational content and instructional methods." Since the benefits of basic research are broadly diffused, the Commission found that the Federal Government has a special responsibility to assure an adequate and sustained level of funding, and the private sector might be given incentives to invest more in applied research and development.

Improvement of productivity of government is the fourth target. The Commission found that there is considerable scope for applying the productivity bargaining approach in the public sector. Also, there should be efforts to identify emerging ideas to improve local government productivity.

The fifth target is the urgent need to assess the extent to which business, government, and other institutions will have access to an adequate *supply of capital funds* in the 1970's and to identify the means of correcting any deficiencies.

Finally, the Commission recognized the importance of timely *identification of industries with lagging productivity growth* and practical measures for improvement. This involves more adequate productivity measurement of such major sectors as construction, services, and government.

The Commission agreed that public awareness of the importance of productivity must be promoted through the widest dissemination of information.

ACTIVITIES UNDER THE STABILIZATION PROGRAM

Following the freeze on wages and prices, the attention of the Commission shifted to the design of the economic stabilization program. Members of the Commission, a cross section of eminent representatives of business, labor, the public, and government, were consulted during the formulation of the post-freeze program plans. New members were added to give additional representation to business and labor, and to provide representation for the farm sector, State and local government and the consumer. The entire Commission was convened in October 1971 for a preview of the decisions on the structure of the post-freeze economic stabilization program, and members were given an opportunity to express their views. It was also noted that the Commission would be called upon to consult with the Cost of Living Council as the stabilization program progressed.

Plans for expansion of the Commission's work as provided by an amendment to the Economic Stabilization Act were reviewed at a session convened in February 1972 (these are covered in chapter III). Members also heard about several new initiatives to enhance productivity growth: the proposed new Federal programs for research and development and innovations in labor-management relations, in the steel and construction industries. Finally, progress of the economic stabilization program was discussed with officials of the agencies involved.

PUBLIC INFORMATION ACTIVITIES

The President's initiative in bringing together outstanding leaders of labor, business, the public and government had the effect of focusing nationwide attention on the economic importance of productivity, a subject that normally had interested only a few specialists. The first year and half of the Commission's life, therefore, saw growing popular interest in information about productivity. Public leaders, the communications media, and professional and trade groups dealt with the issue, highlighting the changing position of the United States in relations with the major economic blocs of the world, and the Executive Director was invited by a number of professional groups to discuss the objectives and work of the Commission in relation to trends in productivity and the economy.

Several national periodicals, including Time, Business Week, Fortune, U.S. News and World Report, and Newsweek, featured stories about the domestic and international conditions that gave rise to the establishment of a National Commission on Productivity. An example of the interest of the trade press was the special 16-page section featuring statements by the President, Secretary of Labor, and Commission members on the productivity problem in the April 1971 issues of four trade journals published by Cahners Publications. These journals have a circulation of over 250,000 among plant engineers, managers, and purchasing agents in different industries. Copies of the productivity section were also sent to 12,000 leading officials of industry and government.

Many members of the Commission cited the urgent need to promote a better public understanding of the relationship of productivity change to the rate of inflation and to the economy's long-term growth capacity. One of the first steps in this direction was taken when the Commission lent its support to the preparation by the U.S. Bureau of Labor Statistics of a Chartbook, *Productivity and the Economy* (Bulletin 1710), which has proved highly useful in increasing public awareness and appreciation of the productivity issue.

In an effort to broaden its education activities, the Commission contracted with the Smithsonian Institution to prepare a popular exhibit tracing the productivity theme in American history. This exhibit will be shown beginning about June 1972 in the National Museum of History and Technology, which is visited by about 6 million people each year. Plans were also being made for smaller traveling exhibits to permit wider public exposure.

The Commission is planning to hold a national conference of leaders of labor, industry, agriculture, education, government, and the public in the spring of 1972 to consider policies and programs for promoting long-term growth in productivity. In addition, Commission staff will be working with other individuals and organizations who have indicated a desire to sponsor regional or industry conferences on productivity. The resources of the Federal Regional Councils composed of representatives of the principal grantmaking domestic department and agencies in each of the 10 standard Federal regions will be available to support Commission staff in this effort.

REPORTS, PAPERS, AND STUDIES

Experts in government and universities prepared under contract a number of papers, reports, and studies to help the Commission members in their consideration of various substantive issues. A list of the Commission's publications available to the public is presented in appendix C. This chapter briefly summarizes the findings and conclusions of the most important papers and studies and relates them to the problems considered by the Commission.

MEANING AND MEASUREMENT OF PRODUCTIVITY

The importance of clarifying the meaning of the term "productivity" for the general public was stressed at the first meeting of the Commission. Statistical measures of productivity vary and misunderstanding about the meaning of trends in productivity often arises because of the plausibility of different concepts and the use of different data sources. Members of the Commission, therefore, invited leading experts to explain the meaning of the terms and methods used in measuring productivity.

Meaning of productivity

In a brief paper on the meaning of productivity, Dr. Herbert Stein, now Chairman of the Council of Economic Advisers, dealt with the most commonly used definition—real output per man-hour. Productivity in this sense is a rough measure of the effectiveness with which we use our most important productive resource—labor. This concept has significant social and economic implications. It takes account not only of the chief means of satisfying individual and social wants, i.e., output of goods and services, but also of the major real cost of getting the output, namely, man-hours of work. Moreover, the trend in output per man-hour has a direct bearing on the movement of labor costs, prices, and real earnings of workers.

While the simple index of output per man-hour serves many analytical and policy purposes, Dr. Stein believes additional measures are needed. When we measure output per unit of capital and labor combined and adjust for quality change, we have another useful measure of the efficiency of resource use. In short, a family of measures is needed to provide better understanding of our economic problems.

Concepts and measurement

The concepts and data used in available indexes of productivity together with some problems of measurement, were the main issues considered in a paper by Jerome A. Mark, Assistant Commissioner for Productivity and Technology, Bureau of Labor Statistics, of the U.S. Department of Labor. Measuring trends in output, labor input and capital input in a highly diverse and ever-changing economy involves many complex statistical problems.

A fundamental problem of measurement is the difficulty of obtaining directly quantitative measures of output and input, consistent in scope and coverage. Hence, substitute measures or approximations must be used. Within these general constraints, however, productivity measures for the total private farm and nonfarm sectors of the economy, for some major groups, such as manufacturing, transportation, mining and utilities, and for many key industries, such as auto, steel, coal and airlines, are considered reliable and useful for economic analysis.

Reliable measures for construction and service industries, however, are not available. To improve these series, more accurate data on price changes in these sectors are needed. There is also a need for more comprehensive estimates of industry man-hours, including better measures of the hours of supervisory workers and changes in the "quality" of labor. Measures of output per capital input and total factor productivity, based on the flow of services as well as the stock of capital, would significantly enhance our knowledge of productivity change.

Statistical research

The Commission granted funds to the Bureau of Labor Statistics to expand its research work to improve data on productivity and related trends. The number of individual industries for which indexes of output per man-hour is available is being increased. However, the BLS is devoting special attention to developing measures for industries in the service sector where the concept of output is more difficult to quantify than in manufacturing. Only a few new productivity series may be produced, but it is hoped that the effort will lead to a better knowledge of trends in the important service sector. Price indexes for individual industries are also being developed by the BLS. This expansion of statistical information about productivity will provide a firmer basis for economic policy decisions.

ACTIVITIES OF WORKING GROUPS

A significant part of the work of the Commission was carried out by the four working group which met frequently during 1970 and 1971 to choose alternative topics, to direct inquiries for background papers or research, to deliberate over policy and program, and to develop the issues for presentation to the full Commission. The findings of these working groups are currently under final review and will shortly be considered as policy recommendations by the full Commission. The reports, papers and studies that were prepared for the working groups are summarized below.

A. Labor and management policies and practices

The potential contribution of cooperative action by labor and management to improving productivity was recognized by the Commission at the outset. It was agreed that productivity advances generally have been accompanied by rising employment and real wages, but the possibility of labor displacement in particular instances could not be overlooked. The Commission, therefore, arranged for the preparation of a series of reports or working papers on various aspects of collective bargaining experience with productivity improvement and on the related subject of manpower adjustments to technological changes, both in the United States and abroad. These working papers provide a factual basis for recommendations on productivity bargaining and manpower adjustments by the working group on labor and management policies and practices for consideration by the full Commission.

Examples of Labor—Management Practices

The Bureau of Labor Statistics prepared for the Commission a report entitled "Improving Productivity: Labor and Management Approaches," which described cases of "good" practice in industry. Thirty-one examples of special efforts in different industries were analyzed in terms of their benefits and problems.

One section of the report dealt with cases of collective bargaining settlements in which work rules were revised to permit the use of labor-saving technology in return for job or income security. This type of "productivity bargaining" included the agreements setting up trust funds for musicians affected by mechanical recording; the protective arrangements for butchers with the introduction of centralized meat cutting in retail food chains; the settlements to eliminate "bogus" typesetting in the printing industry; agreements to facilitate prefabricated housing construction; and the mechanization and modernization agreement in West Coast longshoring.

The report also described the application of various collective bargaining agreements to cushion the impact of technological change such as the attrition arrangements in the railroad industry; interplant transfers in autos; relocation allowances in steel; early retirement plans; and the Armour automation fund for plant shutdowns. Closely related to these protective approaches are the extensive efforts in manpower planning in the telephone industry and the Internal Revenue Service to avoid adverse effects among workers.

In addition to work rule changes and manpower adjustments, the BLS report described a broad range of joint labor-management actions for productivity improvement, many outside the collective bargaining table: union sponsored retraining programs to upgrade plumbers, printers, hospital, steel and maritime workers; the Scanlon and other plantwide productivity incentive plans; the TVA and similar programs to use the know-how of workers to improve operations. Experiments with job redesign, human engineering, and the 4-day week were also described as ways of influencing worker attitudes, absenteeism, and motivation.

Productive Bargaining

Special attention was devoted by the Commission's working group to an examination of potentialities of "productivity bargaining." The term is defined as a process which seeks to treat production as a central collective bargaining consideration and explicitly recognizes the trade off between measures to improve labor productivity and the sharing of resulting benefits. A few U.S. examples were summarized in the Bureau of Labor Statistics report, but the Commission also contracted with Prof. Robert B. McKersie, dean of the New York School of Industrial Relations, for a detailed study of productivity bargaining in Great Britain, with special attention to its relevance for the United States.

Professor McKersie found that the British experience, though not easily transferable, had some useful implications for the United States. First adopted at the Fawley Oil Refinery in 1960, productivity agreements were introduced in a wide range of industries where they often resulted in elimination of restrictive work practices and modified manning scales and lower unit labor cost. In return, workers received higher earnings, more fringe benefits, and job security. The report concluded that the most significant result of productivity bargaining in the early stages of its development in Britain was to encourage acceptance of union-management negotiations as a useful device for accomplishing change and to focus attention on improving labor productivity to justify wage changes.

The establishment of a statutory "incomes policy" aroused great enthusiasm for productivity bargaining in 1967, and 1968. Wage increases over the norm were permitted only if warranted by productivity gains in the individual firm. Although many bona fide agreements were made, a great number of requests based on spurious productivity gains resulted in a general upward push on wages. The report attributed the decline in productivity bargaining after 1968 to such factors as the limited content, exhaustion of possible gains, and growth of unemployment and resistance to change in the late 1960's.

Reviewing the limited experience with productivity bargaining in the United States, Professor McKersie concluded that the concept has promising results, similar to those in Britain, in industries based on the craft system such as longshoring, printing, railroads, airlines, and construction. Because of differences in general attitudes toward technological change, there is less scope in manufacturing where productivity agreements have been prominent in Great Britain. The British experience in service industries, however, may have some lessons for the United States. Also, greater emphasis on worker consultation and participation on a continuous basis may be applicable.

To foster productivity bargaining, Professor McKersie suggested greater planning by management and the need for the education of union leaders by first hand observation of successful cases. The impetus for this type of bargaining, however, must come from the parties at the local level.

WORKER PROTECTION IN WESTERN EUROPE

The policies of Western European governments in protecting workers affected by technological change were the subject of a brief study by the Bureau of Labor Statistics. In these countries, a policy of full employment is considered the best setting for dealing with problems of labor adjustment. They have gone beyond the policy of providing unemployment compensation and place emphasis on maintaining existing jobs and creating new jobs for redundant workers by subsidies, loans and credits to industry; by regulation of labor migration and other labor market controls; by financial aid and guidance, especially to older workers, in transfer, relocation, training, and retraining. In general, the report concluded that measures to prevent redundancy have been effective in Western Europe.

PRIVATE AND PUBLIC MANPOWER PROGRAMS

An assessment of the whole range of private and public manpower policies that could facilitate productivity improvement was undertaken by Prof. Eli Ginzberg with Prof. James W. Kuhn, and Beatrice G. Reubens of the Conservation of Human Resources Project, Columbia University. Their brief report, "Private and Public Manpower Programs for Adjustment to Productivity Change," reviewed policies in the United States and Europe.

The principal directions where new initiatives, according to the authors, hold promise of constructive advances were as follows: Emphasis in public policy on the twin objectives of productivity improvement and worker protection against adverse effects; the institution of a technical assistance service to facilitate adjustment; compulsory vesting of private pensions after a qualifying period of 10 years or so; liberalization of social security to permit earlier pensions for displaced workers; more liberal mobility allowances; greater coordination among government procurement, regional development, and manpower policies; and efforts to improve Employment Service assistance to displaced workers. Above all, the report concluded, "the sine qua non for a conducive environment for stimulating productivity changes is a high level of continuing employment for the economy."

B. Education and research

Economists in the past decade have devoted much study to the role of intangible investments in education and research in improving productivity and have found that the growth of human capital has contributed significantly to economic progress. The Commission, therefore, invited several outstanding researchers to evaluate these studies and to draw implications for national policy.

Education and productivity

In a paper on "Education and Productivity," Prof. Theodore W. Schultz, of the University of Chicago summarized his own studies and those of other researchers on the return on investment in education, both to the worker and to the economy as a whole.

It is generally agreed that the cost of education includes not only the cost of such things as teachers' salaries and physical facilities, but also the individual's earnings he had to forego by continuing his schooling instead of taking a job. When the extra income earned through finishing school is considered against the total costs of elementary school, high school, college, and post-graduate study, the rates of return on investment are high, compared with the average rate of return on investment in the private business economy. As might be expected, the biggest gains come from elementary education when the child is acquiring basic skills in reading, writing, and the ability to do arithmetic.

While the return on investment at all levels of education appears to be high, it is not certain that our educational system at present is structured to obtain the maximum return for the student and for society. On this important issue, the experts are divided on how to take account of differences in the quality of the services and of the outputs.

Research and Development

Expenditure on research and development is another key factor affecting the growth of productivity. In support of the Commission, the National Science Foundation invited four outstanding economists to prepare papers reviewing the research studies on the impact of R. & D. The papers by Charles T. Stewart of George Washington University, Edwin Mansfield of the University of Pennsylvania, William Fellner of Yale University, and Zvi Griliches of Harvard University, with a summary by Leonard L. Lederman, were published February 1971 by the National Science Foundation, in a report entitled, "A Review of the Relationship Between Research and Development and Economic Growth and Productivity."

The authors considered the return on investment in research and development in such widely diverse fields as agriculture, machinery, chemicals, and petroleum. They concluded that despite the lack of definitive measures of the relationship, research and development has been one of the major sources of economic growth and improvements in productivity. Measurement of the relationship between R. & D. and productivity growth involves many complexities of isolating R. & D. contribution from that of many interacting factors such as organizational and managerial progress and economies of scale.

The authors agreed that the evidence suggests that "the United States is probably underinvesting in civilian sector research and development from a purely economic growth/productivity point of view." One reason for this underinvestment is that the private firm which pays for the R. & D. cannot capture all the benefits accruing from it. Because of inadequate patent protection, widely dispersed markets, and failure to exploit the innovation, other firms are able to copy or to follow the innovator. Since other firms obtain benefits without having to pay for the cost of research and development, more benefits are achieved in the economy that can be measured by the firm which pays for the initial expenditures. Also, a distinction must be made between basic research which has a long lag-time before payoff is realized, and applied research and development for which the returns may be realized very quickly. Hence, private underinvestment is likely to be greater for basic than for applied research.

One conclusion shown from the studies was that nothing can be said about where particular R. & D. investments should be made, but "there is good reason to expect that a well diversified incremental R. & D. investment will result in high payoffs similar in magnitude to those of the past."

R. & D. in the Federal Budget

As the competitive position of the United States in world trade became more critical during 1971, members of the Commission along with government officials and many private individuals became deeply concerned about the loss of exports in the field of high technology. Also, economists projected a lag in national productivity over the decade because of the increasing importance of service industries with low levels of productivity. Many experts attributed this situation to the relatively low level of support for research, especially applied research in these fields.

This issue was discussed with the President in several Commission meetings and the President ordered a complete review of Federal research and development programs to assess the need for new programs to open up opportunities for technological innovation. A task force of technical experts from various government agencies, with the assistance of scientific and industrial leaders, conducted a comprehensive review of opportunities to advance technology. The result of this review was a major presidential initiative in the field of R. & D. for fiscal year 1973.

The budget for fiscal year 1973 provided an increase of $1.4 billion in scientific research and development funds and a number of important policy trends. Among the objectives of the new budget were closing the gap between the United States and its world competitors in productivity growth rates and improving the efficiency of some basic services of the economy. Civilian oriented programs, including energy, health, education, environment, urban problems, transportation, and other areas were increased significantly. Also, funds were provided for experiments in stimulating innovation and productivity in the private sector.

C. Improving Government productivity

The sharp growth of public employment relative to private jobs has been one of the most significant trends in the structure of the economy over the past decade. In 1970, nearly one out of every five wage and salary workers was a government employee. Experts project continued increases as our urbanized population seeks more and better education, health, police, and sanitary services. As government regulations and the demand for reports proliferate, overhead staffs in government and business are significantly enlarged. Since government services are still largely labor intensive, the growth of government employment has involved greatly increased costs. The Commission's working group, therefore, gave special attention to seeking ways of improving productivity in government operations. As a first step, it supported efforts to improve measurement of change in output per man-hour at both the Federal and local levels.

Measurement of Productivity in the Federal Government

There has been considerable dissatisfaction with measures of Government productivity based on national income concepts. Because labor input is used to measure output, indexes of output per man-hour for Government activities cannot show any change. While this statistical convention is useful in fitting Government activities into the national income accounting framework, it is often misconstrued to mean that there has been no improvement in actual Government productivity. A study of selected activities in five Federal agencies by the Bureau of the Budget in 1964 demonstrated the possibility of developing indexes based on actual physical output, a more appropriate concept. The derived series, however, were not maintained or extended.

As a first step in a Government-wide approach, the General Accounting Office, together with the Office of Management and Budget and the Civil Service Commission and with support from the Commission, initiated a study of productivity trends in Federal agencies. The background and objectives of the study were reported to the Commission in a paper, "Productivity in the Federal Service," by the Office of Management and Budget.

A preliminary review by the GAO of 17 major Government agencies found that some agencies maintain data that could be useful in measuring productivity change. Such data are used by the agencies for manpower planning, work measurement, cost control and, in a few cases, for productivity measurement by the agencies themselves. This survey reported that approximately 500,000 employees, most of them in the Post Office, are directly covered by existing productivity indexes, and measures may be feasible for an additional 750,000 employees.

The study group, with technical assistance of the Bureau of Labor Statistics, is now collecting data from various Government agencies on real output and man-hours. These data will be used to prepare indexes of output per man-hour for broad functions of Government rather than for individual agencies. The study group plans to work with agencies to improve reporting systems and basic data and extend the coverage of productivity measures.

Productivity in State and Local Government

Since 10 million persons—about 80 percent of all government employees—work for State and local governments, prime targets for productivity improvement are the major functions performed by these units such as law enforcement, sanitation, and education. The Commission, therefore, asked the Urban Institute to undertake an exploratory study of the status of productivity measurement and its feasibility.

In their report, "Improving Productivity and Productivity Measurement in Local Governments," Dr. Harry P. Hatry and Mr. Donald M. Fisk of the Urban Institute, reviewed major conceptual problems and current measurement practices. They found little factual data readily available, either for measuring trends or for comparing levels among localities. However, they concluded that data which could be useful for productivity measurement of specific functions are collected by some localities and there are many technological opportunities for improving productivity that should be evaluated and disseminated.

A brief paper on "Productivity and Technology in Law Enforcement," by William M. Spreches and Edwin L. Golding, of the Department of Justice provided some illustrations of the possibilities of measurement and the role of science and technology in improving productivity of police departments. Computers, communication systems, helicopters, and electronic alarm systems are being used increasingly to improve the performance of law enforcement officers.

Following these exploratory studies, the Commission in October 1971 contracted with the Urban Institute to undertake further research on the improvement of productivity in local government. This decision followed a review of the exploratory report by several public interest groups, including the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the International City Management Association, the National Governors Conference, and the Council of State Governments. The Urban Institute's study will deal with measurement and improved practices in two functions; law enforcement and refuse collection. The study will examine different types of measures to determine the most appropriate indicator, taking account of any frequent garbage collection might result in reducing productivity if measured in tons removed per man-hour, but could result in a more sanitary community. An alternative measure might cover not only the quantity removed but also the degree to which a desired level of service is achieved.

Another objective of the study will be to identify and report on outstanding "success" stories in improving productivity in local functions. These reports would describe managerial and organizational as well as technological innovations in city government. The dissemination of success stories might encourage others to use the latest ideas.

D. Management organization and capital

The availability of capital for investment at reasonable interest rates affects productivity in two ways. First, investment in labor or material-saving devices leads directly to increased productivity. Second, the availability of capital has a significant effect on the steady growth of the economy and the close relationship between increasing output and increasing productivity is well established.

Because of its critical importance, the Commission requested the Department of Commerce to study the factors influencing the availability of capital throughout the 1970's. The study, "Capital Requirements for the Seventies," generated estimates of capital requirements by considering the factors involved in the supply and those involved in the demand for capital, independently. While the initial intent of the study was to indicate whether potential supply and demand would be in balance, and whether capital would be available through traditional sources at reasonable interest rates, the results were particularly useful in indicating the necessary policy objectives to assure that adequate capital would be available.

E. Industry studies

The special problems of specific industries in improving productivity were another area of research. The Commission contracted for studies of two key consumer goods industries—the food and the footwear industries—to determine where obstacles to productivity improvement exist and how they might be overcome.

The study, "Productivity in the Food Industry: Problems and Potential," by Prof. Gordon Bloom of the Massachusetts Institute of Technology, reviewed a wide range of institutional, legal, labor, and systems problems affecting productivity in food manufacturing, wholesaling, and retailing. The report found that there are numerous opportunities to improve efficiency in food distribution by considering the entire process from the farmer to the consumer. Standardization of shipping methods and hardware, for example, could produce sizeable gains in productivity. Also, more extensive use of unit trains for food could improve output per man-hour in transportation, the cost of which significantly affects food costs to the consumer.

The study of the footwear industry, by Prof. Stanley Jacks of the Massachusetts Institute of Technology, covered a labor-intensive industry where negligible productivity gains in recent years have contributed to capture of a large part of the domestic market by overseas producers. Additional research and development in machine and materials technology is needed to maintain the domestic shoe industry competitive with foreign producers. Although shoe machinery suppliers are engaged in substantial R. & D. programs, rising costs and decreasing markets may cause difficulty in obtaining capital needed to support expansion. The report recommended that indirect support to the footwear industry might be provided under such programs as the trade adjustment assistance program. While government programs to assist noncompetitive companies are not widely favored in the United States, the report pointed out that many countries are subsidizing footwear firms producing for the export market.

Industry Efforts

The need for productivity improvement and innovations in practices was considered by two key industry groups represented on the Commission—construction and steel. Leaders of the Building Trades Council of the AFL–CIO took up the issue at their convention and industry, labor and government members of the Commission have formed a group to pursue this issue in conjunction with the Construction Industry Stabilization Commission. Considerable attention was also devoted to the need for productivity growth by the United Steelworkers of America AFL–CIO. The 1971 Basic Steel Collective Bargaining Agreement provided for the establishment of joint union-industry committees on productivity at the plant level.

FUTURE PLANS UNDER THE NEW PROGRAM

Under Section 4 of the Economic Stabilization Act Amendment of 1971, entitled "National Productivity Policy," (approved Dec. 22, 1971), Congress declared that "it is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy."

Relating productivity improvement to the price and wage stabilization programs, Congress finds that "management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices, and that, without in any way infringing on the right of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action."

The act declares that "it shall be the objective of the President's National Commission on Productivity . . . to enlist the cooperation of labor, management, and State and local governments in a manner calculated to foster and promote increased productivity through free competitive enterprise."

The act lists several additional objectives, including promoting the improvement of worker motivation and community interest in reducing waste; the more effective use of labor and management personnel; policies to insure the competitiveness of U.S. products in world markets; and programs to deal with problems of workers adversely affected by automation and other technological changes or the relocation of industries.

A substantial increase in funds for the Commission was authorized and over $5 million has been requested in the President's fiscal year 1973 budget. These funds will be used to expand the staff, to enhance informational activity, and to contract for research and other services.

Under this legislative mandate, the Commission will extend its activities in several directions. First, the Commission plans to expand its substantive program of policy research and development needed by the working groups to formulate recommendations. Most of this basic work will be done by the Commission staff. They will enlist the aid of outside consultants, provide background papers, arrange for seminars and conferences, and draft recommendations for the Commission.

Special attention will be given to work on the opportunities and obstacles to improving productivity in important industries which have been lagging. In this effort, the Commission will strive to be responsive to the needs and suggestions of the agencies involved in the economic stabilization program. In this context, the studies of productivity in the Federal Government and in local government described earlier will be continued, with the staff working with interested organizations such as the U.S. Conference of Mayors and the Council of State Governments. Also, work will be undertaken on several other key industries, including construction and health, where costs have been rising sharply.

Another broad area of examination by the Commission will involve factors that affect productivity generally. Alternative approaches to pollution control will be analyzed in terms of both relative efficiency in achieving goals and implications for productivity growth. Studies will be made of the influence on productivity of workers attitudes and motivation, and the possibilities of improvement through group incentive plans, job redesign and related techniques. The contribution of R. & D. programs to productivity enhancement will also be covered. These areas will be explored with the assistance of leading experts in government, universities, and private industry who are already giving attention to these problems.

Second, the Commission has been charged under the act with the task of fostering attention to productivity improvement on a regional and local basis throughout the Nation. In order to meet this challenge, the regional representative of the Secretary of Labor will be given responsibility for development of a coordinated Federal effort to promote greater awareness of productivity at the local level and in specific industries at the regional level. These representatives will receive technical assistance from the Commission's national office and will draw on the work of the Commission to promote the objectives of the act. With the regional councils as their base, the regional representatives will be able to utilize the resources of a wide range of domestic departments and Federal agencies who have close working relationships with State and local governments and broad contact with all sectors of the public.

Finally, the Commission will enlarge its information program to improve public understanding of the issues and its program. Workers, managers, and consumers will be given more information about the meaning and importance of productivity and its relationship to jobs, income and living standards. The Commission's studies, reports, and recommendations will be disseminated widely. National, regional, and local conferences, meetings, workshops and seminars with a wide range of participants will be held. Special pamphlets, speeches, and other educational materials will be prepared. The Commission will continue to develop recommendations for private and public policy to encourage productivity improvement in the decade of the 1970's.

In addition to activities under the section on "National Productivity Policy," the Economic Stabilization Act Amendments of 1971 seek to enhance productivity growth through provisions of the pay stabilization program. Section 2 precludes from control by the Pay Board any increase in wages "paid in conjunction with existing or newly established employee incentive programs which are designed to reflect directly increase in employee productivity." The types of employee incentive plans intended to be covered by this provision "are mainly those known as productivity sharing plans," e.g., bona fide programs of "productivity bonuses on a plantwide basis to reward workers for achieving established productivity goals."

Section 2 also provides that rules, regulations, and orders issued under the pay and price stabilization programs "insofar as practicable be designed to encourage labor-management cooperation for the purpose of achieving increased productivity, and the Executive Director of the National Commission on Productivity shall when appropriate be consulted in the formulation of policies, rules, regulations, orders, and amendments under this title."

These provisions specifically recognize the importance of productivity growth in maintaining cost stability and are likely to provide additional stimulus to the progress of the productivity improvement programs. The Commission and its staff will work closely with the economic stabilization program agencies to see that these provisions and the importance of productivity to long-run economic stability are given full consideration.

NATIONAL COMMISSION ON PRODUCTIVITY

MEMBERS [1]

Business

Stephen D. Bechtel, Jr., President, Bechtel Corp.

Berkeley Burrell, President, National Business League.

Edward William Carter, President, Broadway-Hale Stores, Inc.

Archie K. Davis, President, Chamber of Commerce of the United States.

Labor

I. W. Abel, President, United Steelworkers of America.

Joseph A. Beirne, President, Communications Workers of America.

Frank Fitzsimmon, President, International Brotherhood of Teamsters.

Lane Kirkland, Secretary-Treasurer, American Federation of Labor and Congress of Industrial, Organizations.

R. Heath Larry, Vice Chairman of the Board, United States Steel Corp.

James M. Roche, Member of the Board, General Motors Corp.

M. Peter Venema, Chairman of the Board, National Association of Manufacturers.

Walter B. Wriston, Chairman, First National City Bank.

John H. Lyons, President, International Association of Bridge, Structural and Ornamental Iron Workers.

George Meany, President, American Federation of Labor and Congress of Industrial Organizations

Floyd E. Smith, President, International Association of Machinists and Aerospace Workers.

Leonard Woodcock, President, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America.

Public

William T. Coleman, Jr., Dilworth, Paxson, Kalish, Levy & Coleman.

John T. Dunlop, Professor of Political Economy and Dean of the Faculty of Arts and Sciences, Harvard University.

Howard W. Johnson, Chairman, Corporation of the Massachusetts Institute of Technology.

William Kuhfuss, President, American Farms Bureau.

Government

Hon. Beverly Briley, Mayor of Nashville.

Hon. John B. Connally, Secretary of the Treasury.

Hon. James D. Hodgson, Secretary of Labor.

Hon. Virginia Knauer, Special Assistant to the President for Consumer Affairs.

Edward H. Levi, President, University of Chicago.

Arjay Miller, Dean, Graduate School of Business, Stanford University.

John Scott, Master of the National Grange.

W. Allen Wallis, Chancellor, University of Rochester.

Hon. Arch A. Moore, Governor of West Virginia.

Hon. Peter G. Peterson,[2] Secretary of Commerce.

Hon. George P. Shultz,[2] Chairman of the Commission, Director, Office of Management and Budget.

Hon. Herbert Stein, Chairman, Council of Economic Advisers.

[From the Chicago-Times, Apr. 2, 1972]

GALLUP POLL—MOST SAY WORKERS COULD PRODUCE MORE

(By George Gallup)

PRINCETON, N.J.—A majority of U.S. adults believe American workers are not turning out as much work each day as they should. Even a majority of manual workers—skilled and unskilled—agree that this is the case.

Most economists believe that if the United States is to compete successfully in world markets, while maintaining wages at a high level, the productivity of U.S. labor must be constantly increased.

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[1] Harlee Branch, Jr., former chairman of the board of the Southern Co., and Edward J. Dwyer, former chairman of the board of the National Association of Manufacturers served until Dec. 31, 1971. Jerome M. Rosow, former Assistant Secretary of Labor, served as Vice Chairman until July 23, 1971. Hon. Maurice Stans, former Secretary of Commerce, served until Feb. 29, 1972.

[2] The President designated Hon. Peter G. Peterson as Chairman of the National Commission on Productivity to succeed Hon. George P. Shultz, effective Feb. 29, 1972. This annual report is the last official act by Mr. Shultz as Chairman.

Although improved technology is a key factor in productivity, of equal importance is the attitude of workers.

To explore views on this subject, and more particularly to find out from the worker himself if he thinks he could accomplish more if he tried, the Gallup Poll has begun to research this problem.

In a survey just completed, it was found that the majority agree that workers are not turning out as much work as they should.

Men, who comprise most of the nation's working force, are more certain of this than are their wives.

Age is also an important factor persons between 18 and 29 are far less likely than are those over 30 to believe that workers today are not working up to their capacity.

[In percent]

	Yes	No
Total	57	43
18 to 29 years	72	28
30 to 49 years	59	41
50 and over	43	57
College	70	30
High school	60	40
Grade school	34	66
Profession and business	70	30
White collar	70	30
Manual workers	54	46
Farmers	51	49

The results reported here are based on interviews with 1,569 adults in more than 300 locations.

This was the question asked of all adults in the survey:

Some persons claim that American workers are not turning out as much work each day as they should. Do you agree or disagree with this?

The results follow:

[In percent]

	Agree	Disagree	No opinion
National	54	35	11
Men	60	34	6
Women	47	37	16
18 to 29 years	51	44	5
30 to 49 years	63	34	3
50 and over	65	26	9

Since the key to greater industrial production rests with the male skilled and unskilled manual workers of the nation, their views on this question are of particular significance. A majority (52 per cent) agree that U.S. workers do not work up to their potential; 42 per cent disagree.

ECONOMIC STABILIZATION AMENDMENTS ACT OF 1971

NATIONAL PRODUCTIVITY POLICY

SEC. 4. (a) (1) It is the policy of the United States to promote efficient production, marketing, distribution, and use of goods and services in the private sector, and improve the morale of the American worker, all of which are essential to a prosperous and secure free world, and to achieve the objectives of national economic policy.

(2) The Congress finds that the persistence of inflationary pressures, and of a high rate of unemployment, the underutilization and obsolescence of production facilities, and the inadequacy of productivity are damaging to the effort to stabilize the economy.

(3) The Congress, therefore, finds a national need to increase economic productivity which depends on the effectiveness of management, the investment of capital for research, development, and advanced technology and on the training and motivation of the American worker.

(4) The Congress further finds that at a time when economic stabilization programs require price-wage restraints, management and labor have a strong mutual interest in containing "cost-push" inflation and increasing output per man-hour so that real wages may increase without causing increased prices, and that, without in any way infringing on the rights of management or labor, machinery should be provided for translating this mutuality of interest into voluntary action.

(b) It shall be the objective of the President's National Commission on Productivity (hereinafter referred to as the "Commission")—

(1) to enlist the cooperation of labor, management, and State and local governments, in a manner calculated to foster and promote increased productivity through free competitive enterprise toward the implementation of the national policy declared in the Employment Act of 1946 to create and maintain "conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power";

(2) to promote the maintenance and improvement of worker motivation and to enlist community interest in increasing productivity and reducing waste;

(3) to promote the more effective use of labor and management personnel in the interest of increased productivity;

(4) to promote sound wage and price policies in the public interest, and to seek to accomplish that objective within a climate of cooperation and understanding between labor, management, and the public, and within a framework of peaceful labor-management relations and free and responsible collective bargaining;

(5) to promote policies designed to insure that United States products are competitive in domestic and world markets;

(6) to develop programs to deal with the social and economic problems of employees adversely affected by automation or other technological change or the relocation of industries.

(c) (1) It shall be the duty and function of the Commission, in order to achieve the objectives set forth in subsection (b) of this section, to encourage and assist in the organization and the work of labor-management-public committees and similar groups on a plant, community, regional, and industry basis. Such assistance shall include aid—

(A) in the development of apprenticeship, training, retraining, and other programs for employee and management education for development of greater upgraded and more diversified skills;

(B) in the formulation of programs designed to reduce waste and absenteeism and to improve employee safety and health;

(C) in the revision of building codes and other local ordinances and laws, in order to keep them continuously responsive to current economic conditions;

(D) in planning for provision of adequate transportation for employees;

(E) in the exploration of means to expand exports of the products of United States industry;

(F) in the development, initiation, and expansion of employee incentive compensation, profit-sharing and stockownership systems and other production incentive programs;

(G) in the dissemination of technical information and other material to publicize its work and objectives;

(H) to encourage studies of techniques and programs similar to those in paragraphs (A) to (G) of this subsection, as they are applied in foreign countries; and

(I) in the dissemination of information and analyses concerning the economic opportunities and outlook in various regions and communities, and of information on industrial techniques designed for the increase of productivity.

(2) The Commission shall transmit to the President and to the Congress not later than March 1 of each year an annual report of its previous year's activities under this Act.

(3) The Commission shall perform such other functions, consistent with the foregoing, as it determines to be appropriate and necessary to achieve the objectives set forth in subsection (b) of this section.

(d) (1) In exercising its duties and function under this Act—

(A) the Commission may consult with such representatives of industry, labor, agriculture, consumers, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties;

(B) the Commission shall, to the extent possible, use the services, facilities, and information (including statistical information) of other Government agencies as the President may direct as well as of private agencies and professional experts in order that duplication of effort and expense may be avoided; (C) the Commission shall coordinate such services and facilities referred to in subsection (B) above in order to supply technical and administrative assistance to labor-management-public committees and similar groups referred to in subsection (c) (1);

(D) the Commission shall establish the regional offices and such local offices as it deems necessary;

(E) the Commission shall hold regional and industrywide conferences to formulate ideas and programs for the fulfillment of the objectives set forth in subsection (C);

(F) the Commission may formulate the model programs to ameliorate the effects of unemployment caused by technological progress;

(G) the Commission may furnish assistance to parties in collective bargaining entering into collective bargaining agreements; and

(H) the Commission may review collective bargaining agreements already in effect or those being negotiated to ascertain their effects on productivity; and it may have the power to make recommendations with respect to the agreements made or about to be made in specific industries.

(2) The Commission may accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities.

(e) (1) The Executive Director of the Commission shall be the principal executive officer of the Commission in carrying out the objectives, functions, duties and powers of the Commission described in subsections (b) through (d) of this section.

(2) The Executive Director of the Commission, with the approval of the Chairman of the Commission, is authorized (A) to appoint and fix the compensation of such officers and employees, and prescribe their functions and duties, as may be necessary to carry out the provisions of this section, and (B) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(f) There is hereby authorized to be appropriated the sum of $10,000,000 to carry out the purposes of this section during the period ending April 30, 1973.

Approved December 22, 1971.

SIMPLIFIED INCOME TAX FORMS

Mr. ALLEN. Mr. President, the public has expressed a considerable degree of unhappiness with complexities of the 1971 individual income tax return forms. I am inclined to believe that neither form 1040 nor supporting forms are as simplified as they should be. In this connection, a good personal friend of mine, the Honorable Guy Sparks, a former chief tax counsel for the State of Alabama and former commissioner of revenue for the State and now a prominent attorney in Alabama, has written me an impressive letter in which he identifies some of the problems with the prescribed forms and related matters.

Mr. President, I believe that Senators can gain a valuable perspective on a serious problem in need of a remedy by a careful perusal of Mr. Sparks' letter. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANNISTON, ALA., *April 17, 1972.*

Hon. JAMES B. ALLEN,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLEN: It is my hope that you will look into the current operation of the Internal Revenue Service in respect to the general public. I have particular reference to complexities of forms, to failure to have required forms available in its offices and to last minute changes in respect to forms.

This year's (1971) individual income tax return is a nightmare. No one, however well trained in accounting or tax law, is likely to properly prepare the return itself. New forms in respect to the self-employed retirement contribution under the Keogh Act are completely impossible. It is simply not possible to tell what information the IRS wants. Worse still, all required forms were never available locally, and indeed some were not issued at all until the last minute.

I am not unsympathetic to the administrative and legal problems of those charged with the important and heavy responsibility of collecting our nation's taxes. For four years I was chief tax counsel for the State of Alabama and for almost two years was Commissioner of Revenue for this State. I am aware of the complexities and difficulties. These are compounded, however, when taxpayers are faced with forms they cannot understand—even when they have had the administrative and legal tax experience which I have had. They are made even worse when required forms are unavailable, when information as to when they will be available is unobtainable, and when no assistance can be secured as to the proper method of filling out tax forms.

The above is not an overstatement of the situation that existed this year. Past years have been bad, but I simply would not have believed that what happened this year would ever have occurred. It can only result in a long-term loss to the Government, monetarily and otherwise. Taxpayers are frustrated, totally, and not a little angry. Their confidence in the IRS has been badly shaken by this year's chaotic situation.

A well-managed Revenue Service is essential to efficient tax gathering and to an adequately financed government. I urge that your office do what it can to make improvements, not only for the benefit of the individual taxpayer, but for the well-being of IRS itself, our national Government and the public as a whole.

Sincerely,

GUY SPARKS.

ARIZONA REALTORS

Mr. GOLDWATER. Mr. President, all over the country today the subject of taxes—Federal, State, and local—is coming in for a great deal of debate and in the discussion numerous proposals for easing the present burden on the taxpayers have been advanced, including the value-added tax at the Federal level.

Needless to say, all organizations affected by government taxation are giving considerable time and study to this problem. One group in my State which has become concerned over the rising cost of government and the increasing level of taxation is the Arizona Association of Realtors.

This group held its 27th annual convention in Tucson, Ariz., on April 7 and 8 of this year. I ask unanimous consent that the report adopted by the resolutions committee of the Arizona Association of Realtors be printed in the RECORD.

Ther being no objection, the reports was ordered to be printed in the RECORD, as follows:

RESOLUTIONS COMMITTEE REPORT, 27TH ANNUAL CONVENTION, ARIZONA ASSOCIATION OF REALTORS, APRIL 7–8, 1972

The Resolutions Committee does hereby present for the considered judgment of the Arizona Association of Realtors, assembled in its 27th Annual Convention at the Pioneer Hotel in Tucson, Pima County, Arizona, on the 8th day of April, 1972, the following resolutions:

I

Whereas, state, local, and county governments throughout our great land have increasingly been burdened with rising costs, and

Whereas, local taxation has increased to the point where it is rapidly approaching a confiscatory nature, and

Whereas, the theory of a value added tax on a federal level has been studied and appears to have merit, be it

Resolved, that the members of this Association, in order to reduce excessively burdensome taxation, strongly recommend to our Governor and to the members of our legislature that they urge the federal government to further study this method of taxation and to share the revenues so derived with local government on a general as opposed to a categorical basis.

II

Whereas, the citizens of Arizona and the Arizona Association of Realtors are disturbed and concerned about increasing real property taxes, and

Whereas, the legislature has failed to take action on the revision of present methods of taxation to remove unfair tax burdens from homeowners, or to implement a system of tax equalization particularly as it pertains to school taxes, be it

Resolved, that the members of this Association recommend to the citizens of Arizona that they elect a legislature in 1972 which will be more responsive to the needs and wishes of the electorate.

III

Whereas, this nation was created, built, and made strong by the adoption of the philosophy of a free enterprise system, and

Whereas, gradually this philosophy has been eroded, either intentionally, or as a byproduct of certain acts of all three branches of state and national government, be it

Resolved, that the Arizona Association of Realtors oppose any activity that would further erode this philosophy and in addition, do all in its power, to restore the concept of the free enterprise system so that this nation may continue to grow and to develop as all its thinking citizens would have it do

IV

Whereas, the Arizona Association of Realtors has dedicated itself to the ideals expressed in the Code of Ethics of the National Association of Real Estate Boards in all contacts with the public and with each other, and

Whereas, the members of this Association have repeatedly offered to society and to government the benefits of their knowledge of real estate, their experience, their technical facilities, and their civic pride be it

Resolved, that the members of this Association shall continue to support the historic American institutions which safeguard and preserve the right of individual ownership of real property, regardless of race, creed, or national origin.

V

Whereas, the Arizona Association of Realtors, in their daily concern with the land, is deeply disturbed about the condition of the environment in which we live, and

Whereas, all citizens should become involved in the coalition of interested people vitally concerned about the destructive effect of air, water, and land pollution which increasingly presents a disastrous danger to the health, welfare, and enjoyment of all citizens, be it

Resolved, that the members of this Association offer their assistance to commerce, industry, and government in the monumental task of making their operation compatible with the improvement of the total environment.

VI

Whereas, the Arizona Association of Realtors has long recognized the need for, and long supported the enactment of, stricter license laws and stricter enforcement of existing laws, which would only permit properly trained and qualified persons to assist Buyers and Sellers with real estate transactions, and

Whereas, members of this Association have always been aware that only honest, ethical, and knowledgeable licensees can offer greater protection and service to the public, providing more and continuing education is made available to them, and

Whereas, the Arizona Association of Realtors has continuously opposed the efforts of any special interest group which would tend to restrict the licensing of qualified persons, be it

Resolved, that the Arizona Association of Realtors support the efforts of Commissioner J. Fred Talley and members of the Arizona Real Estate Board to accomplish these aims of this Association.

VII

Whereas, Fred Tucker, Jr., President of the National Association of Real Estate Boards, has adopted as his watchword for this year "Sell America first, everyday," and

Whereas, the National Association of Real Estate Boards has given him their wholehearted endorsement, be it

Resolved, that the members of this Association in their daily goings always remember to do all in their power to "Sell America first, everyday".

VIII

Whereas, only approximately 15% of the total land area of this great state is privately owned, and

Whereas, more land must be made available near the population centers of our state, be it

Resolved, that this Association support the efforts of those groups advocating that the state and federal government make available to private ownership, certain additional lands in this state.

IX

Whereas, this, the 27th Annual Convention of this great Association was an outstanding one, be it

Resolved, that the members of this Association express their thanks to the Tucson Board of Realtors, Inc. and to our guests who were instrumental in making this an outstanding convention. We express our appreciation to Mr. Fred C. Tucker, Jr., Indianapolis, president of the National Association of Real Estate Boards; Mr. Burr Brown, AFLB, Fresno, California, president of the National Institute of Farm and Land Brokers; Mrs. Gene Buescher, Albuquerque, New Mexico, president of the Womens Council of the National Association of Real Estate Boards; Mr. Paul H. Rittle, Sr. CPM, Pittsburgh, Pennsylvania, president of the Institute of Real Estate Management, NAREB; Mr. Burton E. Smith, Beverly Hills, California, Regional Vice President of the National Association of Real Estate Boards; Mr. Joseph B. Carnahan, Northridge, California, president of the California Real Estate Association; Mr. Art S. Leitch, San Diego, California, president of the National Institute of Real Estate Brokers, NAREB; Mr. Zan Beckstead, Los Angeles, California, Executive Vice President of the California Real Estate Association; and to panel members and Convention committees.

FREE SPEECH AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some people who oppose the Genocide Convention do so because they believe that American ratification of this treaty will destroy free speech in the United States. They believe that article III(c) of the Convention will empower the Government to prevent citizens from exercising their constitutional right to speak as they please.

This argument is wrong on two counts. First, it conveniently overlooks the first amendment to the Constitution which specifically guarantees all Americans the right of free speech. Article VI says that the Constitution is the supreme law of the land. Acts of Congress and treaties are also the supreme law of the land when they conform to the Constitution. The U.S. Supreme Court and other Federal courts have consistently maintained that acts of Congress and treaties must conform to the Constitution, and where they do not they are null and void. Thus, the Genocide Convention cannot in any way abridge the freedom of speech guaranteed under the Constitution.

Second, the crime defined in article III(c) of the Convention is "direct and public incitement to commit genocide." To prohibit public incitement to commit genocide would not be an abridgement of free speech. It has long been recognized that the first amendment does not give a person the right to say anything he wants. A person cannot say a libel. A person cannot give false evidence under oath. A person cannot incite others to commit any crime, whether murder, arson, riot, or, if this treaty is ratified and the implementing legislation enacted, genocide.

Under our constitutional system of government neither the Genocide Convention nor any of the 940 treaties that the United States is presently a party to can override any provision of the Constitution. Thus the Genocide Convention can pose no threat to the rights of the American people.

Mr. President, I call upon the Senate to ratify the Genocide Convention as soon as possible.

THE MULTINATIONAL CORPORATION

Mr. PERCY. Mr. President, the Committee on Foreign Relations is in the process of undertaking an in-depth study of the role of the multinational corporation in world politics. The study is to be balanced, objective, unhurried, with public hearings not getting underway until next January.

The wisdom of this decision to conduct such a study is supported by the growing controversy in this country as to the effect of multinational corporations on the American domestic economy and the economy of foreign countries, as well as the controversy and confusion relating to the political role of multinational corporations in foreign countries.

On March 2, 1972, I placed in the RECORD a study by the Emergency Committee for American Trade on the role of multinational corporations. I commend this study to all members of the Foreign Relations Committee particularly, and to my other colleagues in the Congress as well. Without question, some of the outstanding industrialists in America who participated in developing this study will be and should be called before the Foreign Relations Committee as witnesses next year.

There are others who should be considered as witnesses, among them a distinguished Frenchman, Jean-Jacques Servan-Schreiber, the author of "The American Challenge," a book that quickly became "must" reading for all European political and business figures and that also has had widespread readership in this country. Businessmen have told me that they have gained a better insight into the role of American corporations in Europe through study of this volume than even as a result of their own direct experience.

I commend also to the Senate attention an interview with Samuel Pisar, a naturalized American citizen, noted international lawyer, an expert in foreign economic trade policy and a member of President Kennedy's Task Force on Foreign Economic Policy. His book, "Coexistence and Commerce," published by McGraw Hill, New York, is also "must" reading for labor, business and political leaders who wish to better understand the role of multinational corporations. Realités magazine, in its February 1972 issue, conducted an interview with Samuel Pisar, and I ask unanimous consent that it be printed in the RECORD following my remarks.

Mr. Pisar seems to confirm the judgment of the Foreign Relations Committee in undertaking a long-range, in-depth study of the role of multinational corporations when he points out that there is a fundamental confrontation between the two greatest forces of our time: the determination of nation-states to retain their receding authority, and the unifying tidal wave of the multinational economy. He states further:

> The outcome of this conflict in which the two great forces of the age are now engaged could well have decisive consequences for the future of mankind.

Mr. President, this is a most important subject for Congress to study thoroughly and discuss and one which has important domestic and international implications.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

THE MULTINATIONAL CORPORATION IN THE NATION STATE

(An interview with Samuel Pisar)

The lingering international trade and monetary crisis is only an epiphenomenon, says Samuel Pisar. It hides a much more fundamental confrontation between the two greatest forces of our time: the determination of nation-states to retain their receding authority, and the unifying tidal wave of the multinational economy.

Since last summer the world has been plunged in a monetary crisis whose elements are so complex as to be not only beyond the comprehension of the public but almost beyond the ability of governments to control. What, in your opinion, are the reasons?

Although everyone is affected, very few people understand what is happening. In fact, the trade and monetary upheavals, which culminated in the protectionist measures taken by President Nixon last August, are only an epiphenomenon. A far greater drama is unfolding in the background. The world has entered into an evolutionary period which can be described without exaggeration as a turning point in history. It is the confrontation of two gigantic forces: the political power of nation-states and the economic power of multinational corporations. The outcome of this contest in which the two great forces of the age are now engaged could well have decisive consequences for the future of mankind.

What are the respective strengths of these two forces? First, we must identify them. On the one hand there is the political power of the states. This is an established power, enclosed, recognized and circumscribed by political and ideological frontiers. It is the subject matter of our history books. The challenger on the other side is a fascinating, mysterious new force which is just beginning to reveal its strength, its ability to break out of traditional categories, to cross borders, to bridge ideologies. It is the economic force of multinational enterprise. From its vantage point the whole world is one unified field of action for investment, production and distribution. This "economic monster" has its own logic, independent of that of the nation-state. It has its own dynamism, generated by a simple principle: optimum efficiency. Thus it is a neutral, transnational and transideological force. It seeks to discover, at all times, and on a global scale, where the best opportunities exist for mining, for manufacturing, for buying, for selling and for unlimited growth. Wherever it establishes itself, regardless of the prevailing social or political climate, the multinational corporation is motivated by one principal criterion: how much profit will its operations show on the balance sheet at the end of the fiscal year? Its dominant rationale, then, is progress and prosperity. It is also a force that requires order and stability: international peace is indispensable to its continued development. If General Motors or Fiat make gearboxes in one country, tires in another, engines in a third and market their finished products on a worldwide basis, they depend to a large degree on quiet and open frontiers. This implies a quest for good and ample international relations. If the force I speak of is a monster, I would say that it is a benevolent monster, straightforward and candid, looking for rational solutions to practical problems and doing its job automatically, almost like a computer. To make it work for the good of man, its activity must be channelled in proper directions, and not stifled.

What is the role of the states, of traditional political authority, faced with an economic force which refuses to recognize constraints and frontiers?

There is the rub. Relations between national political power and multinational economic power are profoundly ambiguous, rather like an erratic love and hate affair. The states need the multinational enterprises because they stimulate local business activity, create jobs and bring in tax revenues. At the same time, the states dislike this anonymous force which, true only to its own aspirations, remains outside their control. Governments want to protect their own national interests against decisions taken elsewhere that can affect the everyday life, the economic climate and even the social stability of their countries.

One striking example illustrates the ambiguity of these relations. Not long ago Henry Ford II was the guest in London of his friend Ted Heath, the Prime Minister. After a very pleasant lunch at 10 Downing Street, where the ghosts of Disraeli and Churchill still prowl, Mr. Ford made a comment to the press which added up to something like this: "Behave, or we will go elsewhere." This seemed like a warning not only to the strikers at Ford's huge plant in Dagenham, but to England as a whole. It symbolized very clearly the essence of this supranational force which offers investment, jobs, technology and development. England, its unions, its bankers and its businessmen need them—that is why the government is obliged to court the corporations. That is also why an eminent representative of that force can allow himself to be so blunt. I know Mr. Ford: he is not at all a cynical or inhuman capitalist. In taking this forthright attitude he is doing his job as the leader of an international enterprise. In the exercise of his daily responsibilities he must look on man as a unit of production: his duty is to seek maximum efficiency and productivity. The duty of Mr. Heath, as a head of government, is precisely to ensure that men are not reduced to mere units of production. But beyond questions of social morality and political philosophy, it all comes down to an intensely practical set of problems for any government: how to keep the economy in good shape, how to avoid social unrest, how to retain political power. There you have the fundamentals of the issue that is now being joined between the forces of economic multinationalism and political nationalism, a debate that is as important as that which at one time opposed Church and State.

For you, which is the more dangerous force, that of the nation-states or that of the multinational economy?

When political power—or ideology—takes precedence over economic action, we know the result. Look at the example of the communist system in the East. Political interference crushes the economic spirit.

Yet it is precisely because of the inexorable tendency, East as well as West, towards a unified world economy, a single world market, that one can expect to see a loosening of ideological constraints. The Czechs, the Rumanians, the Hungarians, and even many Russian managers and engineers sense the value of latching on to this evolution of international business life in order to escape from internal stagnation. Hence the importance of what I call the "transideological enterprise": for instance, a Polish company, which belongs to the communist state, setting up a joint subsidiary with a German company, controlled by capitalist interests, in order to manufacture goods that will be sold to Egypt, Cuba or Ireland. These combines, whether simply multinational or—as in the example just cited—transideological, have one essential interest: to take advantage of conditions that are favourable for commerce and investment, to establish themselves—anywhere and anytime—to make the most of available opportunities, in terms of labour markets, tariffs, fiscal policies, currency fluctuations, and so on.

I think that Mr. Kosygin himself is aware of the importance of the multinational market of goods, ideas and facilities and that in his arguments with the Soviet military-industrial complex, the "metal-eaters," he tries to convince them that it is in the interest of the USSR to participate in this process and to integrate itself a little more closely into the world economy. In order to buy Western technology, the Russians and, even more so, the smaller East European countries must sell their own products. To do so, they must incorporate certain priorities determined by the world market into their governmental economic plans. That in itself is part of a logic governed essentially by the push and pull of multinational forces.

In Yugoslavia there are already transideological enterprises. Rumania has just passed a law allowing for their creation. Hungary is about to follow suit. But the situation remains very fragile. Political and ideological power could assert itself at any moment and nip these trends in the bud. The Soviet Union could step on the brakes again, as it did in Czechoslovakia, and stop the progress of business relations between East and West if this progress accelerated beyond its control, despite the fact that such action might be economically harmful for its own bloc of nations.

And what of the Western countries?

There is an even more serious danger that Western nation-states will act to impede the continued growth of the multinational economy. That is what is starting to happen now. The states are still sufficiently strong to react with violence when they feel themselves individually threatened by this new international business force which has no respect for petty provincial concerns. The vulnerable point of multinational enterprises lies in their dependence on an open world economic order favourable to trade and investment. Their development, over the last fifteen years, went hand in hand with a trend towards freedom of exchange on a global scale. When nations threaten to fragment the world economy through restrictions on the free circulation of capital, goods and know-how, the very survival of multinational corporations is in question.

Perhaps that is what President Nixon set in motion when he suspended the convertibility of the dollar into gold and introduced a hefty surcharge on imports. While some measures to right America's rapidly deteriorating balance of payments were obviously needed, should the crisis linger on, other countries will, without doubt, retaliate in kind. The dangers inherent in this easy progression are evident. The short-term advantages to be gained by the states concerned will in the long term bring about a reduction in international trade, with all that this entails: recession, unemployment, social upheavals, or even worse.

Do you find it paradoxical that this reaction should come from the United States Government, when the corporations which have reached international proportions are for the most part American?

Strangely, no. As long as these companies furthered the development of American influence in the world, Washington obviously had no interest in restraining their activities: but gradually, they have developed terms of reference of their own. To an increasing extent, they function beyond the control of their state of origin. The trade union leader George Meany has accused the multinational corporations of having taken 500,000 jobs away from the United States in the last ten years. In looking for the best cost and profit conditions, many of these firms have chosen to set up manufacturing units abroad; they have even begun to import products into the United States from their foreign-based facilities. From a strictly American viewpoint, although these offshore investments constitute an important economic asset because of the considerable dividends, royalties and other earnings they eventually bring back home, they nevertheless produce a double negative effect in the short term: first, on the level of employment, second, on the balance of payments.

These corporations have, in fact, detached themselves from their American pole. Together with a handful of similar-sized firms in England, Holland, Germany and elsewhere, they have internationalized the production process and de-emphasized the importance of exports from their bases of origin. Their universal approach to industry and commerce can and does occasionally conflict with the interests of their own country's government or those of their host country, each faced with its own burning national priorities and problems. The "American Challenge," which the French author and politician Jean-Jacques Servan-Schreiber defined in 1967, has blossomed into a stateless multinational challenge. The United States itself must now come to terms with it.

Do you think it is desirable that the world should be allowed to develop in accordance with the logic of the anonymous international force which the great multinational corporations represent?

This force is, in itself, efficient, objective and innocent. But it must be channelled into positive directions. Harmful by-products of the system must be eliminated. Scandals like IOS, which roamed the globe without legal supervision, tax accountability or business scruples must not be allowed to be repeated. The development of the basically wholesome economic phenomenon must be harmonized with other imperatives, like the preservation of the environment and the general welfare. Otherwise we shall find ourselves in an industrial jungle, with towns so polluted that life itself will be endangered. Among current expressions of awareness that controls are needed, one should cite the campaigns of Ralph Nader, tracking down abuses, first in the US and now elsewhere, which reveal a certain disregard among business corporations for the rights of the consumer and citizen. The rejection by Congress of the Boeing supersonic aircraft also provides an unequivocal sign of popular watchfulness. The problem derives from galloping technological development, from the rapid growth of communications, tourism and business made possible by the emergence of a world virtually without frontiers. Suddenly a voice arises, as if from the depths of human conscience: "Let us stop and think for a moment: where are we going? Isn't our industrial machine getting out of control? Should it not be restrained?"

Other indications can be found in the behaviour of the unions. They may be expected to react to the advent of the multinational corporations. Some of them are already beginning to do so by organizing themselves on a multinational scale. The American unions will certainly encourage them. It is very much in their interest to see the workers in other countries press for increased wages and better working conditions so as to diminish the competitive disadvantage inherent in higher US costs.

But these partial reactions do not resolve the basic problem, which is how to create a meaningful balance between economic and political power, economic and political responsibility. The greatest danger at this moment is that the nation-states may indulge their jealous, destructive instincts vis-a-vis the multinational fact. Under the pretext of controlling the flows and patterns of world business activity, the states, whether motivated by politics or ideology, are quite capable of destroying international trade altogether, and, with it, our hopes for prosperity and even peace itself.

On the one hand you say that the enormous power of the multinational economy must be channeled and controlled, yet on the other you suggest that the actions of the states in this regard are damaging and even dangerous to the peace and prosperity of the world. Are we really faced with such a dramatic impasse?

What I mean is that we need this new economic force, this nonrespecter of frontiers and ideologies, because it is an unprecedented dynamo of progress towards prosperity, peace and freedom. But a social and legal framework must be created, within which this force can continue to develop on a world scale to the benefit and not to the detriment of man. Traditionalist politicians in the West and in the East reveal great temptations to break up this process. Their inspiration is national egotism or dogmatic ideology. I believe quite strongly that the established political structures must be reformed to accommodate and channel the international business energy that is burgeoning before our eyes.

But the nation-states, with their nineteenth-century mentality, lack the indispensable global vision which would enable them to adapt their institutions and policies to the needs and challenges of the modern world, brought closer together by the unprecedented growth of trade and commerce. In short, there is no valid interlocutor with whom the multinational corporation can conduct a constructive dialogue, no counterbalancing force which is flexible and self-confident enough to draw up proper limits, and allow a competing force to thrive and bring forth ever greater material and social benefits. This incapacity of the states will, without doubt, condemn us to a long period of transition during which we shall go from one economic crisis to another, until a new international system emerges and asserts itself.

How can such an order emerge?

I would like to know that myself. It is difficult, but the solution may not be that far off.

The immense multinational economic force, operating beyond the reach of nation-states which are caught between the spectre of their eroding authority and people's demands for a better standard of living and ever higher rates of growth in an industrial society, will itself one day give birth to a new supranational structure. There is a subtle pragmatism that differentiates the businessman from the conventional government official, diplomat or idealist who seeks to create a world order through abstract concepts. Those who have produced the vitality of economic multinationalism which characterizes our era possess a great deal of inbred wisdom and practical common sense.

Sometimes they abuse their position, but their fundamental concern, based on self-interest, is to safeguard their accomplishments and foster conditions for their further development. In past civilizations, businessmen have always manifested this pragmatic wisdom, whether in accepting a certain order imposed by the great empires, or in creating an orderly framework of their own within which they could promote their affairs. The *lex gentium* has invariably found favour with the merchants, and so has the *lex mercatoria*, because disorder, in spite of the short-term advantages it can bring, is death to business in the long run.

Today, we are at a turning point. The grave threat of disorder in international economic relations, emanating from narrow, nationalist politics, is really intolerable. For the first time, the push of a worldwide production system and the pull of a worldwide market have given birth to a truly supranational force. It is a primary force based on hard-nosed economic realities. Under its impact, businessmen will find a way of compelling statesmen to furnish them with an international structure worthy of the historic new challenge.

Samuel Pisar has described the transideological enterprises—one of the latest manifestations of the unifying action of the international economy—in his book. *Coexistence and Commerce*. Below is a passage in which he shows how these enterprises, formed in partnership between capitalist and communist countries, are born, and how they bridge the ideological gulf.

It is axiomatic of a communist economy that private capital, domestic or foreign, cannot be admitted to participate in local industry. A noteworthy exception is Yugoslavia, where a law enabling foreigners to invest in domestic enterprises was promulgated in 1967. The law limits the outside investor's role to that of a minority shareholder. But the essential novelty of the law is the fact that the Western party's return from the investment is directly tied to the profitability of the joint enterprise.

The foreigner is not deemed to hold equity in the strict sense of the word. His rights are contractual in nature, deriving from an investment agreement with the local entity. In this manner, the sanctity of socialist property is presumed intact, if only for the sake of appearances.

One of the first Western firms to make use of the new law was Fiat of Italy. For more than a decade its vehicles have been assembled and sold in Yugoslavia under license by a local enterprise. Crvena Zastava. This relationship has now been converted into a joint venture, with a capital of some $50,000,000. Fiat shares in the profits of the undertaking and participates in management through a mixed committee of experts.

Although the Yugoslav variety of international joint venture is still a solitary institution in the East, it may prove to be a precursor of comparable developments in adjacent countries. As East German, Czechoslovak, Hungarian and other enterprises in the region increasingly take advantage of similar opportunities, their appreciation of the potential and methodology of cooperative East-West production and marketing will undoubtedly grow, and with it the possibility of legislative innovation and liberalization. After all, Russia's New Economic Policy of the 1920's constitutes a Leninist precedent for the mobilization of capitalist assistance for an industrial leap forward. The unknown quantity is, of course, the political climate within the communist camp and the extent to which the Soviet Union will allow its smaller neighbours to experiment with new economic tools.

Certainly, communist philosophy cannot tolerate a pattern of far-reaching exceptions to the central notion of state ownership and management. Allowing private Western investors openly to draw profits from local industrial or commercial activity would be tantamount to introducing capitalist, or worse, foreign capitalist, exploitation into a socialist society.

Yet a variety of functional arrangements which give Western firms a stake in the Eastern economies have come into the realm of the feasible in the last few years. These arrangements are predicated upon an advantageous division of labour which extends to the sharing of technical know-how, production facilities, marketing outlets and management skills, occasionally in combination with other factors. The cooperation which they envisage, both in the manufacturing and service industries, is characterized by a marked degree of continuity and a solidarity dictated by common objectives.

Joint East-West undertakings are presently encountered at four levels; government-to-government, government-to-enterprise, industry-to-industry and enterprise-to-enterprise.

An example of the first is the Franco-Soviet Agreement of June 30, 1966, which provides a broad institutional framework for economic, industrial, scientific and technical cooperation between the two countries. Examples of the second are agreements in industrial and technological cooperation concluded by the Soviet Committee on Science and Technology in 1968 and 1969 with J.R. Geigy A.G. of Switzerland in the area of pharmaceuticals, with Polimer Corporation of Canada in the area of synthetic rubber and with Nebiolo S.p.A. of Italy in the area of polygraphic materials. An example of the third is the Japan-USSR Agreement for the Development of Soviet Forestry of July 29, 1968, which encompasses several companies from both countries.

Cooperative company-to-company arrangements based on private law relations are more current and varied.

The arrangement between French and Soviet enterprises to exploit the SECAM colour television system is an illustration in point. All the underlying industrial property rights are shared, the Soviet party holding title to the USSR territory and the French party to the rest of the world.

More often than not, the grant of industrial property rights is combined with the sale of a complete plant or the lease of special equipment. In such situations. the foreign licensor frequently agrees to purchase a fixed portion of annual output or to distribute the manufactured items in designated territories.

In several instances, Eastern enterprises have undertaken to produce goods for delivery to a Western firm, in accordance with the latter's specifications. Some or all of the export proceeds thus realized may be earmarked for the procurement of production equipment from the Western side. In this vein, a Hungarian enterprise, Gants, manufactures generators while its West German co-venturer produces boilers for integration into completed electric power stations.

Another variant is the device of subcontract. The Eastern party agrees to furnish components which its Western partner integrates into finished products. The latter usually undertakes the task of merchandising and distribution. Thus, a Polish furniture enterprise supplies semifinished elements to IKEA, a Swedish company, which in turn attends to finishing and marketing in designated Western areas.

Similarly, an Eastern and a Western enterprise may pool their technical expertise to produce a fully integrated line of products. The state entity takes charge of the segment of manufacture in which it is more specialized, in a pattern of far-reaching technical complementarity. This is illustrated by an agreement for the production of motorcycles concluded by Motokov of Czechoslovakia and Italjet of Italy. The former builds the engines.

Joint marketing ventures are becoming increasingly popular. Production may take place at an Eastern plant, a Western plant or both concurrently. As a rule, the communist partner is allotted sales exclusively in its own and in other Eastern markets, while the Western partner concentrates on the remaining territories. An example is an agreement under which the Simmons Machine Tools Company of Albany, New York, sells in the United States equipment manufactured by Czechoslovakia's Skoda.

Joint efforts in the service industries offer exceptional latitude for foreign management and profit participation. A significant straw in the wind is the willingness of Russia's

Intourist travel agency to rent cars under a royalty remunerated Hertz franchise. Avis is not too far behind in other East European regions.

In 1967, Intercontinental Hotels Corporation, a fully-owned subsidiary of Pan American Airways, in conjunction with Tower International, a company controlled by the Cyrus Eaton group of Cleveland, entered into agreements for the construction and operation of luxury hotels in Hungary, Rumania and Czechoslovakia. The Western firms are assisting with design, construction, personnel training, supervision, bookings and, above all, finance (interestingly enough, obtained in part from the Soviet-owned Moscow Narodny Bank in London). An important aspect of the agreements is a license to use the Intercontinental name as a magnet for foreign tourists. Compensation is akin to, and in many respects better than, a profit participation, namely, a percentage of the hotel's gross, hard currency receipts over a term of years, payable in convertible funds.

The cooperative production of motion pictures and television films is a related form of activity to which Rumania, Hungary and Czechoslovakia have been particularly receptive. Typically, the Western producer is offered low-priced studio facilities, secondary native actors, technicians, a variety of picturesque locations and various other facilities. Little or no legal restriction stands in the way. Personnel can be brought in from abroad without the opposition of local trade unions; nor are any tax or customs obstacles interposed. The consideration accruing to the Eastern party may include a cash payment in convertible currency, a participation in profits realized from the film's worldwide distribution and exclusive exploitation rights in local theatres or in other territories within the communist orbit.

Although the socialist countries have been reluctant to allow split ownership in domestic co-ventures, they no longer demonstrate the same ideological aversion in the case of foreign-based activities; nor is it considered unpolitic to share the profits which such operations might yield. It is even becoming commonplace for capitalist firms and communist instrumentalities to register jointly owned corporations under Western law, as vehicles for a continuing relationship. Of great potential importance are international marketing ventures conducted through mixed companies. Formed in jurisdictions which are hospitable from a legal and taxation point of view, the companies are conceived on the basis of divided equity, a balanced board of directors and jointly appointed management. In due course, jointly owned firms, or consortia of communist and capitalist enterprises formed on an *ad hoc* basis, may be expected to bid for supply and construction contracts anywhere in the world, including the industrialized West.

By now, sufficient evidence has accumulated to suggest that in the East-West context a significant movement is afoot from commodity trade to diverse forms of economic cooperation. As the conventional exchange of goods reaches a ceiling imposed by hard currency shortages and the East's inability to market a broader range of exports, joint production, marketing and servicing ventures may become the most dynamic sector of commerce between planned and free economies.

The development of legal concepts necessary to sustain such a movement is still in an embryonic stage. But once again necessity is coming to the rescue as the mother of invention. A new range of pragmatic tools is being subtly hammered out by business executives and attorneys on both sides of the ideological barrier. To overcome the stricture of communist doctrine which preclude direct investment within the confines of a socialist economy, workable camouflage devices have been developed by imaginative draftsmen. The mutually desired economic results seem attainable nonetheless.

In any event, the experience of the last decade suggests that when an objective is demonstrably and mutually advantageous, the socialist partner will spare no effort to meet his capitalist partner halfway.

MISSOURI PROCLAMATION OF EARTH WEEK

Mr. SYMINGTON. Mr. President, a national observance marked by its third year, Earth Week, designated as April 17–23, gives testimony to continued and increasing public awareness of the need for environmental improvement programs.

Any success in the past has resulted from participation at the community level. State and local organizations tap their individual resources and determine their own priorities for environmental projects.

In line with the growing concern for our ecological welfare, Gov. Warren E. Hearnes of Missouri has proclaimed recognition of Earth Week in the State, urging local participation in Earth Week activities.

I ask unanimous consent that the Missouri proclamation recognizing April 17–23 as Earth Week be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION—STATE OF MISSOURI

Whereas, there is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

Whereas, there is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor, and civic and private organizations, to work to solve these fundamental environmental problems; and

Whereas, the attention of the nation is focused on environmental problems and their solutions:

Now, therefore, I, Warren E. Hearnes, Governor of the State of Missouri, do proclaim the period April 17–23, 1972, as "Earth Week" in Missouri, and urge the broadest participation in its activities in order that we might seek a greater degree of conservation and ecological balance for the purification and preservation of our natural environment.

In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 12th day of April, 1972.

WARREN E. HEARNES,
Governor.

WHO'S TO BLAME?

Mr. GOLDWATER. Mr. President, in all the shrill debate we hear in this election year about unemployment and high taxes, very seldom does anyone get around to explaining that the economic problems which plague our country today were created during the 32 years out of the past 40 that Democrats controlled both the presidency and the Congress.

Of course, it is easy to see that my Democrat colleagues, so many of whom are candidates for their party's presidential nomination, would like the American people to believe the whole mess was created in the past 3 years by Republican President Richard M. Nixon.

I can understand this. Some people regard it as good politics. But that does not change the fact that the people who gave us the economic problems of today are busy complaining about them while promising programs which call for more of the same. Some liberal Democrats have proposed a Federal budget of $350 billion by 1974. This enormous budget would be used to underwrite $100 billion for additional Federal programs. These same Democrats do not explain where they intend to raise $100 billion at a time when taxes are already so high that we are actually threatened with a taxpayer's revolt in this country.

Mr. President, one of the most devastating analyses of Democrat performance and promises has been made by California Gov. Ronald Reagan who outlined his conclusions on March 29 in a speech to the Trunk 'N Tusk Club of Phoenix, Ariz. Because of its importance at this time, I ask unanimous consent that the text of Governor Reagan's remarks and an editorial from the Arizona Republic of April 2 which was based on those remarks be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS OF GOV. RONALD REAGAN

This is an annual affair with me, and I have also been present here at others of your Trunk 'n Tusk meetings. So this is a very enjoyable occasion.

And when you were honoring that very distinguished citizen and party member and his lovely wife up here a moment ago, I was thinking of what an age of cynicism it is.

The other day, I heard someone say that if you see a man assisting a woman into a car, he has either acquired one or the other or both recently. And I don't think that that's true at all.

You know, I'm sure you people realize the governor you have. I know when I first met him at the first governor's conference that I ever attended, there was one thing in my mind that I'm sure was on his.

We both discovered that we had inherited a sort of feud that raged across the river that separated our two states. And I found great agreement on the part of your governor in the decision to settle this on the basis not of *who* was right, but *what* was right. And I think we made great progress in doing that.

Now I have another thing. I'm over here in Arizona to see if I could contract out with Arizona for senatorial representation in Washington.

We've got two. One of them always votes wrong, and the other one would vote wrong except he's usually skiing in Switzerland with Teddy Kennedy.

But absenteeism on the part of Democratic senators is commonplace these days. The only way they can get a caucus among the Democrats is in Chicago when the candidates are in between planes.

You know, it seems sometimes that if God had intended them to fly so much he would have made them mayor of Los Angeles.

They've got a new system—the Democrats—now for picking delegates to the convention. They're going to have twice as many as we have. It's the only way they could outnumber the candidates.

Did you ever stop to think of that traditionally little green man from Mars should ever land in a flying saucer and approach a Democrat and say, "Take me to your leader"? They'd both get pretty confused.

But of all the campaign gismos around

now, the newest thing of course the last few years has been watches.

Senator Muskie has one. You wind it up and it doesn't tell you the time. It just plays "The Little White Cloud that Cried."

And then McGovern has one. You wind it up and Teddy Kennedy starts running.

Teddy has one. It isn't numbered 1 to 12. It says, "I'd rather '76, or even '80, or maybe they'll forget by '84."

And of course Hubert Humphrey has one. You wind the Hubert Humphrey watch and you never have to wind it again.

Of course, if any one of them gets elected there will have to be a taxpayer's watch. It won't tell time either. It will just wring its hands.

And John Lindsay—he doesn't need a watch. He's not going anyplace.

He was visiting in California recently. We wanted to make him feel at home. We didn't collect the garbage for a couple of weeks.

As Republicans, aren't you proud of the way we stood up under the blow of his leaving us? When he was in California, he said he had the second toughest job in the nation. And I think that's true, the way he does it.

The last five years, he's doubled the city's budget. He added almost as many employees as we have running the entire government running the State or California. In fact, the budget for the City of New York is now $2 billion bigger than the California state budget.

Now he did that while he was a Republican. What do you think is going to happen now that he is a Democrat?

I know that you all have been reading a lot about our own convention since Jack Anderson volunteered to advance it. San Diego—beautiful city—you're going to love it. It's just a stone's throw from the Western White House, and we're hoping the President doesn't figure that out.

Well, seriously, we are in one of those rare moments in history when our deeds and our actions in the months ahead will set the pattern for our children and their children, and for mankind for perhaps generations to come. The peace and security of the world depend on our fiscal economic stability and our willingness to remain strong at whatever the cost.

Our opponents, almost to a man, are reciting the same litany. We must change the direction in which this nation is moving. Somehow this has a hauntingly familiar ring. We heard it first 12 years ago from men—indeed, some of the same men who are talking today.

They were the men who were describing the Eisenhower years—the years of peace and economic stability—as a period of stagnation.

Well, call it what they will. It was a time when even the most reckless foreign adventurer talked very softy, because he knew the will and the strength of this country were sufficient to protect the citizens and the security and peace of the world.

Now these ambitious men on that day 12 years ago sought the presidency. They were urging change. They were playing on fears. We heard the phrase for the first time in that campaign of missile gap. Of course, there was no such thing.

Earlier in the term, John Fitzgerald Kennedy—he was able to face Nikita Khrushchev at a time of crisis, bolstered in the knowledge that he had inherited from Dwight David Eisenhower a 5-to-1 nuclear superiority.

Richard Nixons' inheritance eight years later was not so substantial. During the eight years of Kennedy and Johnson, the missile gap became a tragic reality. We live now with the knowledge that the day is not too distant when a Soviet ultimatum could find us with no other choice but surrender or die.

The President tries to restore our strength, and is thwarted by those who would call for peace at any price. They call for unilateral disarmament. They say it's time for a change. Are they saying there has been no change in these three years? Or is it the change that we've noticed that they object to?

They would have us return to the old—not move on to something new. Return to Camelot and the Great Society, whose hallmark was burning cities and organized rebellion in the academy. When inflation, deliberately encouraged, eroded the value of our savings, our pensions, and our Social Security. To that time of the bullion social consciousness when it was fashionable to defend the criminal against society, instead of the other way around; to denounce the American people—a great and compassionate people—as racist and selfish, sick with greed.

You wonder if they believe honestly that our memories are so short that we've forgotten that only three years ago we were looking forward with dread to the long, hot summers. But only three years ago, 542,000 young Americans were fighting in Vietnam, and 500 of them were dying each week.

Today less than 100,000 remain, and the death toll is only two a week—not 500. The draft calls are down from 300,000 a year to 50,000. And we are well on our way to that volunteer army that Barry Goldwater first called for in 1964.

Apparently none of that is good enough for these men who would be president. They're so positive in their assurances that they alone have the answers. But we should be cautious, because they were equally as positive when it was a Democratic war, and they expressed somewhat different views.

You wonder, is Hubert Humphrey right now, or was he right when he said, "The minute we back away from our commitment, the commitment we've made to the defense of freedom where Communist powers are guilty of aggression, on that day the freedom and honor to the United States will be eroded."

Senator Muskie said, "I believe the credibility of our word and our purpose are at stake. South Vietnam's loss would be an enormous setback for the forces of freedom." Of course, when he said that he was only running for vice president.

Even super-dove McGovern said, "We should be prepared to wage a prolonged conflict rather than surrender the area to the Communists."

And more recently, since the war did become Richard Nixon's problem, the Democratic national chairman said, "We will hold Richard Nixon responsible if he turns South Vietnam over to the Communists."

Well, he's not turning South Vietnam over to the Communists. And in recent weeks he has offered the most unique and generous plan for peace in the history of international relations. It was immediately rejected by the Washington Post and Senator Muskie. The enemy didn't get around to turning it down for another two weeks.

Senator Muskie has a two-point plan of his own: Bug out now, and let the last man to leave shoot President Thieu. I think really he's been playing Lincoln so long in this campaign that he wants us to surrender at Appomattox.

Perhaps some of our liberal editorial writers are so mistrusting of their own government that it is difficult to appreciate just how generous the President's proposal really was. What if we reversed it? Has anyone thought about this peace proposal that he has made—how enormous it was in its generosity?

What if his offer had carried a Moscow dateline instead of Washington? Suppose it had been Moscow that proposed an immediate ceasefire, an end to the killing; that the men of all armies would return to their homes; all prisoners on both sides would be freed; there'd be no bitterness—no victory, no vanquished—no vengeance, no reparations; the military unelected by any one dictatorship of North Vietnam would offer to resign and submit to an internationally-supervised election, with even the erstwhile enemy allowed to participate in the voting.

And Russia generously would offer to rebuild all the war-torn countries of Southeast Asia, enemy and ally alike.

And what if such an effort had come from Moscow, and Washington and Saigon had rejected it? How many professors would lead how many students in a march on Washington?

But these men who would be president continue to insist that the prisoners of war will be returned if we will accept the enemy terms. What if they're wrong? As one of them said he would do in such an event, perhaps as candidates they can afford to take chances with other men's lives. But the President can't. He's the commander-in-chief of these men, and he is the only man in the presidential sweepstakes today who has said, "We will not abandon our young men to the enemy."

I think it's time that all of us made it plain to the President, to the world, and to the enemy especially, that so long as they hold even one young American captive, 200 million of us pledge we will do whatever has to be done to get him back.

Three years ago, we placed a new captain at the helm of the Ship of State. It was war-battered, it was dangerously adrift in uncharted waters. Now some are complaining because he didn't give us an instant moonlight cruise. But the ship has headway, and slowly it's making its way out of the shoals.

This President is trying to renew the spirit of our people, to restore our sense of purpose and our pride in America. The highest court in our land no longer indulges in social experiments in rewriting the law. It interprets the Constitution. Colleges are once again institutions of learning.

I found that out very personally just a few weeks ago in California. It was a story that broke to the effect that at one of our largest California state universities the students were to jammed at the library in such a lack of facilities and books, and so forth that they stood in line and couldn't complete their studies at all. And of course, there having been a certain difficulty between the university and me budget-wise, the inference was that this was caused by my budgetary policies.

Now I knew better, because I have a warm spot in my heart for college libraries. I figure that's where you learn what keeps you in school, and it's also where you meet what makes kids' staying in school pleasant. And I hadn't cut the budget for the library, so I demanded publicly to know what had happened that had victimized these young people.

And somewhat sheepishly, the chancellor of the university admitted that there had been no change in the budget, there was no reduction of the facilities for the library, there was no increase in the number of the students. It's just that today the students had increased their use of the library 27 per cent over what they were using it when they were so busy picketing and demonstrating.

This President has called for an end to centralizing authority in Washington—a reduction of the federal bureaucracy that threatens to make all of us tenant farmers on a federal plantation.

He has asked for a sharing of revenues and responsibilities with state and local governments. And in the face of a hostile Congress tending toward peace at any price and unilateral disarmament, he has called for a rebuilding of our defenses.

He inherited a near runaway inflation, the result of the guns-and-butter policy of his predecessor. He knew that curbing inflation would meet with an unpopular cooling of the economy, just as he knew that winding down the war would add unemployment to the dislocation of the economy.

But he took on both tasks, accepting the shrill cries from those who would blame him both for the high prices and the unemployment. Two million defense workers, a quarter of a million Department of Defense employees, and one million uniformed personnel have been thrown onto the job market.

Now no one doubts or makes light of the seriousness of the problem of unemployment. It is serious. Why, unemployment today has reached a rate that is almost as high in this time of emergency as it was in the entire three years of the Kennedy administration.

Of course, it is not usually presented that way. In fact, it took a little digging to find that out. Because in those three years of Camelot, no one ever suggested that there was a problem, and no one in the frequent press conferences ever asked the President even once if he intended to do anything about unemployment.

This points out what I think should be the great issue of the coming campaign. The great mythology that has been built up about politics in America, aided and abetted by large segments of the media this country has been led a long way down a dangerous road.

Our sons and daughters are coming into their heritage of citizenship a little early, and they, too, have been victimized by this myth. In spite of and possibly because of a thousand different social science courses, a great many of them lack a historical perspective in a political sense.

We're told they are registering 3-to-1 with our opponents, but that possibly even a greater number are not registering at all because they think it is useless. There's no difference between the two parties. Government—the system, as they call it—has become too big and impersonal. It's beyond their ability to influence.

These young people are idealistic. They sincerely desire to take a part doing and solving the problems of human misery that concern all of us. They mustn't become captives to some demagogue who may appear on the scene riding a white horse.

I think our task is to explode and expose that political myth. We can begin with the fact that there is great fundamental and philosophical difference between the two parties. We can begin by telling our young people that what they find wrong is not of our doing, because for virtually the last four decades—for 40 years—the leadership of the Democratic Party has determined national policy.

And that leadership, in doing that, has tended to drift farther and farther away from the beliefs and the desires of its own rank-and-file party members.

It's true that in these 40 years, Republicans have occupied the White House for 11. But only in one two-year term did a Republican president have a Republican Congress. And, incidentally, that two-year Republican term was the only time in the entire 40 years that the dollar retained its value and didn't lose a single penny in purchasing power.

Thirty-eight of the 40 years, our opponents have been in charge. At the beginning of these 40 years, the federal government had one employee for every 203 citizens. When Richard Nixon took office, there was one for every 67. The dollar had lost 61 cents of its purchasing power.

And what a record they piled up in those 38 out of 40 years. They set out to help keep the family farmer as an American institution, for example. And after 20 years and billions of dollars, there were only half as many family farmers left. But in the Department of Agriculture, there was one employee for every 22 farms.

They were going to help the wheat farmer. And they ended up cutting the price of wheat in half and doubling the price of bread.

They started out to build in the urban areas 26 million low-cost housing units, and managed to leave us with 200,000 less than we had when they started.

Everytime they failed, they didn't cancel the failure. They added more money and more failures on top of the others. They don't solve problems, they subsidize them.

Our good American citizens of Indian heritage know something about being helped by government. There's a story they tell in Washington that illustrates what bureaucracy has done for the Indians. It has to do with the Bureau of Indian Affairs—one of those large acres and acres of office space, with those rows and rows of desks and thousands of people. And one day one employee in the corner of the room was sobbing as if his heart would break. They finally persuaded him to tell them what was wrong. He said, "My Indian died."

This political myth has been told and retold so many times that even some of us begin to accept it as truth: That the Republicans are the establishment of business, finance, and wealth; that we subscribe to a trickle-down theory of the rewards for the "haves" at the expense of the "have-nots".

We don't bother to explain that if that's true, though, how come on Wall Street that the Wall Street bankers, Democrats outnumber us 58-to-42? Or that in the 40 years there have been six presidents, and two of them Republican started in poverty and in humble beginnings, and even those successful in life, neither one of them accumulated wealth.

But out of the four Democratic presidents, three of them were multi-millionaires.

According to the myth, the Democratic Party is a party of peace. The party is better able to cope with economic problems and to provide jobs for working men and women.

Well, there have been four wars in my lifetime—all of them have been fought under Democratic presidents. Now I don't charge that the Democratic presidents caused those wars, but I wish that their presidential hopefuls would stop charging Richard Nixon with being responsible for this one.

And the party of the working man and prosperity in jobs. The only full employment that we have known in these 40 years has been as the result of one of those wars. Through most of the two terms of Franklin Delano Roosevelt, in spite of the most Herculean efforts of social engineering, unemployment remained at a full 25 per cent of the nation's work force.

It began to go down when we became the arsenal for democracy with the allies in Europe. FDR ran for a third term, happily stating and taking credit, I'm sure, for the fact that the 25 per cent unemployment rate had declined by that time to 14.6.

We had full employment only when we entered World War II. We knew it again during the Korean war, and we knew it when they revved up the war in Vietnam. And we knew it until Richard Nixon began winding down that war as Dwight David Eisenhower had ended the war in Korea.

But let's take note of the fact that even while he is winding down a war, he is slowly lowering the rate of unemployment. It isn't going the other way.

According to the myth, our opponents are the champions of the disadvantaged in our minority communities. But which party was it—not the Republican—that based its political fortunes for more than a half of this century on a one-party rule in a large segment of this nation, where they shut their eyes to the fact that the constitutional guarantees of freedom to a large segment of our American citizens were completely denied?

And it was a Republican president who said those constitutional rights will be provided and guaranteed at the point of bayonet if necessary. And he provided the bayonets when it became necessary.

Today, after three years of this administration, there are six times as many Negro children attending integrated schools in the South, and 10 times as much money has been loaned by the Small Business Administration in the minority community than in all the eight years of Camelot and the Great Society.

Lastly, the myth would have us believe that the Democratic Party is the party of compassion. Well it's a rather selective compassion.

It is true they have sentenced a segment of our society to a permanent life on the dole, even unto the third and fourth generations in some communities. Their compassion does not extend to the hardworking, taxpaying citizen who labors five months out of the year to pay for the cost of government.

Our opponents have a gift for demagoguery. And they're practicing it right now. They would have us believe that government can be practically free for everyone, except a mysterious "they" that they have discovered. This is a "they" they claim is not paying its fair share of the taxes. "Loophole" is a magic word. And with it go the terms "oil depletion" and "capital gains".

But they have more in mind than that. These two items would only produce about $1.5 billion in added federal revenue, if they eliminated them. They have in mind at least another $100 billion for all the free goodies they intend to buy us with our own money. And that's by their count, not ours.

The young senator from Massachusetts: He has in mind bridging the gap—if you'll forgive the expression—to complete socialized medicine with $77 billion worth of something he calls Teddycare.

There's no secret where the revenues will come from. They're already on record in their own councils. When they say "loophole", they go beyond those two items I mentioned. They mean your right to deduct the interest on your mortgage, the taxes on your home, state and local taxes, your medical expenses, your charitable contributions, when you're computing your income tax.

These are the things they consider loopholes. And these items will bring in, according to their estimates, another $18 billion they say the federal government is letting get away from it.

From there, they will go to payroll taxes they've announced over and above the income tax, increases in Social Security taxes, and eliminate local and state governments' right to sell tax-free bonds—which means the federal government would take over all state and local capital expenditures, including our schools.

Now I didn't invent this for campaign purposes. These are not Republican charges against the opposition. These are their own words and their own statements—their own desire to have, as they say, by the year after next a $350 billion budget in this country.

Twelve years ago at a Republican convention, Senator Barry Goldwater said, "Conservatives, grow up!" Well, I'd like to add, "Republicans, wake up!"

Tired of contributing to the party? I don't think anyone can blame you. It seems as if it's never-ending in this effort that we're making to fight our way back.

But I have a memo that perhaps will impress you as how necessary it is that we keep on doing this. Everyone has secret papers these days, so I have mine. I refuse to give the source.

I have the budget of the Committee on Political Education of the AFL–CIO for the coming campaign year. They have put it all together in a memorandum—their spending plans for Democratic candidates.

It's all line-itemed—from voter registration drives and what it will cost to get out the vote, 700 phone banks operating across this country, door-to-door canvassing.

One line in the line-item will make you laugh: It reads, "Salaries for volunteers."

There are figures for polling research, for full-time COPE employees paid from union general funds—without the consent of the rank-and-file union members, I might add—babysitters, drivers and transportation on election day, and direct cash contributions.

And the total: $72,425,110. And more than half of that will not have to be reported as campaign contributions. It will be accepted as the legitimate function of the Committee on Political Education.

This is the contribution of the hierarchy of Organized Labor—the labor lords—removed by too many years and tens of thousands of dollars of salary from having any understanding of the real hopes and dreams of the men and women they're supposed to represent.

They scramble and squirm trying to avoid offending one voter bloc while appealing to another. They divide our citizenry into age groups, ethnic groups, classes, and sections as they busily pursue combinations of the young, and the black, and the poor, and so forth.

Well, there's a voting bloc waiting for us—a voting bloc that has been ignored by our opponents. But when we go after that voting bloc, there must be no uncertain note to our trumpet.

In trying to curb inflation, and at the same time restore full employment without a war, the President in his administration has resorted to some things that are not commonly associated with Republican philosophy. There have been a number of Republicans—perhaps some of you—disturbed at a Republican administration employing deficit spending, wage and price controls, in this time of economic dislocation.

And some Republicans have said, "Is there any difference, aren't we doing the very things for which we've critized the opposition?"

Well, it so happens that, prior to last August, when he instituted those controls, inflation had been reduced, but only to 4.6 per cent from the 7 per cent level. And the American people still had the psychosis, the psychology of depression.

Since August, following five months since the institution of the controls, the inflation rate dropped to 2.2 per cent.

But even if you still disagree, and say that you yourselves would not have chosen those particular methods or tactics in fighting the economic battle, we still as Republicans can recognize that deficit spending and controls have been applied as temporary, bitter medicine to a sick economy. And this differs drastically from the Democratic policy of permanent controls, of a managed economy, and deficit spending as an ongoing thing in good times and bad.

I have heard the men who are entrusted with the controls say that over and over again the President tells them, "You must not institutionalize these controls; they must remain temporary and jerry-built."

And over and over again, the President has said, "As soon as the economy shows the restoration that we need, there will be no deficit spending."

But he's walked a thin line between trying to cure the economic ills without sliding over that thin line into the danger of a full-scale depression.

Some Republicans reacted with fear when the President announced his visit to Peking. Some said that if a Democratic president was going there, we as Republicans would be totally united in our opposition to such a visit.

Well, you bet your life we'd be united in opposition if a Democratic president was going to Peking. And we'd have good reason to be in opposition.

We have seen an American president bring us back the bitter fruit of appeasement from Yalta and Potsdam. We have seen defeats snatched from the jaws of victory in Korea.

We have seen an American president walk all the way to the barricade in the Cuban missile crisis, and lack the will to take the final step to make it successful. We have seen our nation disgraced at the Bay of Pigs.

And we as Americans are not accustomed to seeing our young men asked to give their lives for a cause that is not worth winning, and that they're not allowed to win.

But this president went to Peking—a Republican president who was fully aware of the nature of the enemy, who has no illusion about the great ideological gulf separating us. He didn't go to negotiate away anyone's freedom, nor did he go to forsake old friends and allies.

He wanted to open communications—simply to take a step, if possible, to remove us at least a little way from the possibility of a nuclear confrontation.

The trip is over. And, despite the efforts of many in the press to distort the outcome of that trip, I know, because I asked him what would happen if the Red Chinese should attempt to take Taiwan by force. And the President said to me, "This country will protect and defend Taiwan."

I know that many of us are uncomfortable. But if we demand 100 per cent adherence to what we think we would do if we were president, we ignore the fact that unless we are president and have access to all the facts that he has, we don't know whether our decision would be any different than his.

So let's stop giving him and let's stop giving each other political saliva tests to determine whose Republicanism is better than whose.

Let us address ourselves to that long neglected, that unrepresented voter bloc. It's a voter bloc that's out there for everyone to see. It crosses all ethnic lines. It knows no sectional boundaries.

It's made up of young people, of old people, of black people, of white people, and of all the ages and shades in between. It is the most discriminated against bloc of voters in America today.

It's made up of farmers, it's made up of city folks. It's made up of professional people and workers.

It's made up of people whose sons accept their country's call, if and when it comes, not with any particular joy, but because they've been raised to know that there are obligations that go with citizenship.

It's made up of people who get up and go to work in the morning. They hope to give their children a better start than they had.

Most of them can be found in the church or synagogue come the Sabbath.

They contribute to the United Fund, to the community chest, to the March of Dimes, and all the other good causes that persist despite the government's attempt to make charity a dirty word.

They're made up of Democrats, independents, and Republicans.

They're the very soul of America. They ask nothing of freedom but freedom itself.

And that's our voting bloc.

That's the voting bloc that our opponents wouldn't even know how to approach. Let us try to be deserving of them.

We have such a task in one of the most dangerous moments in history. A journalist the other day in California probably described it best of all: To all of those who think it is so easy to say "If I were president . . ." what they would do, he said, suppose you were.

He said, you had as a goal the ending of the war. You had several other goals—the restoring of the economy, building back of our world trade, all these things.

Then, he said, you would be taken down into the bowels of the Pentagon, and there men who had spent their lives studying things of this kind would make you privy to all the possibilities and all the ramifications of every decision. The possibility of World War III. The possibility of losing our prisoners of war.

And this kind of briefing would be given to you on logistics and supplies, our shortcomings, the possibility of enemy retaliation. And you would be briefed on all the other major items, whether they had to do with international relations, or whether they had to do with our own economy and our own economic situation.

And then, he said, how smart would you feel?

And you think of a picture that appeared recently in the paper of one man, squatting down on a beach in Florida with his arm around a dog, looking out over the ocean, the problems—all the problems of the world on his shoulders.

The loneliest man in the world.

I think our task is cut out for us, and I think we know what we have to do in the coming campaign.

Let's stand together. Let's grow up. Let's wise up.

And then let's re-elect our President and this administration, and carry on through the years—the years it's going to take to push back all that has been done to us in these last four decades, and to restore freedom to this country.

[From the Arizona Republic, Apr. 2, 1972]

REAGAN'S COGENT WARNING

California Gov. Ronald Reagan wasn't overstating his case in Phoenix this week when he told the Trunk 'n' Tusk Club that, "We're in one of those rare moments in history when our deeds and our actions in the months ahead will set the pattern for our children and their children and mankind for perhaps generations to come."

Reagan reminded his audience that Democrats controlled both executive and legislative branches of the federal government for 32 of the 40 years immediately preceding President Nixon's 1968 election. In the eight GOP years of President Eisenhower's administration, only two included a Republican majority in Congress—the only two, incidentally, since President Franklin D. Roosevelt took office that the dollar retained its value and lost not a penny of purchasing power.

Those 38 years of Democratic government were marked, said Reagan, by deficit spending, runaway inflation causing high prices and unemployment, inordinate growth of the federal bureaucracy resulting in a proportionate loss of state and local autonomy and individual freedom, and significant deterioration of U.S. military strength.

And he correctly warned his audience that a Republican defeat in 1972 would return this country to the same perilous course that resulted in the enormous problems inherited by President Nixon 39 months ago.

Reagan makes a strong case. And those who doubt his warning had better quickly wake up. All the prominent Democratic presidential contenders—those with any chance of winning the nomination—are today reciting the same liberal litany that brought up to a near economic and strategic standstill.

And at a time when taxes are already intolerably high, these same liberal Democrats have proposed a whopping federal budget of $350 billion by 1974 to underwrite $100 billion for additional federal programs if they again control national policy following the November elections.

Where do Democratic presidential hopefuls intend to raise $100 billion needed to fund national health insurance, a guaranteed annual income, and their other Socialist measures? Certainly not by eliminating the oil depletion allowance and capital gains tax incentive for U.S. industry—pet whipping boys of liberal politicians. Governor

Reagan observed that would only net about $1.5 billion in additional federal revenue.

Democrats themselves simply plan to take about another 25 or 30 per cent of every citizen's income by eliminating all personal income tax deductions, including the individual's right to deduct interest on mortgages and loans, taxes on homes, state and local taxes, medical expenses, and charitable contributions. This will bring in an additional $18 billion a year.

From there, the Democratic Congress will go to payroll taxes in addition to the income tax, increases in Social Security taxes, and will eliminate the right of state and local government to sell tax-free bonds. This, said Reagan, would ultimately mean federal control over all state and local capita expenditures, including all public schools.

We are sure that the vast majority of American people want no part of such a scheme. And Governor Reagan is certainly correct that voters who desire a reduction of federal bureaucracy and controls, and a decrease rather than an exorbitant increase in federal taxes, will only set a pattern of national policy in exactly the opposite direction if Democrats are returned this year to the White House and control of Congress.

CONFRONTATION IN THE CARIBBEAN

Mr. CRANSTON. Mr. President, the dramatic events surrounding the recent escalation of the fighting in Vietnam have obscured an ominous development in another part of the world. I am referring to military plans recently approved by the Joint Chiefs and relayed to Caribbean naval commanders. Entitled "Special Rules of Engagement for the Caribbean," these plans authorize the Navy to use force to protect merchant ships threatened by Castro's gunboats. If a Cuban attack continued, U.S. Commanders could "continue interposing until further Cuban aggression creates a situation of self-defense for U.S. forces."

Under the terms of the plans, the local commander initiating the defensive reaction must have "no knowledge" that the ship in question has been taking part in illegal activities directed against Cuba. Furthermore, there must be some reason to believe that U.S. citizens are on board. In neither case is any confirmation required.

These plans contrast sharply with previous instructions to engage in no military operations without Washington's approval. They open the door to the possibility that some right-wing exile will provoke an American-Cuban confrontation, not to mention an American-Soviet encounter. Now that American planes have bombed Soviet ships in the Haiphong area, the Soviets may see fit to retaliate by stirring up a small crisis in the Caribbean. Surely we have had enough of this dangerous game.

Mr. President, the Wall Street Journal published an excellent analysis of the new military plans on April 13. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IN A CHANGE OF POLICY, U.S. ORDERS WARSHIPS TO RESIST THE CUBANS

(By Jerry Landauer)

SAN JUAN, P.R.—The Nixon administration is stiffening its stance toward Communist Cuba in an admittedly risky way that even contemplates the possibility of confrontation with Russia here in the Caribbean.

On instructions from Washington, the U.S. military establishment is primed to police the area "by force if necessary" to protect the merchant ships of friendly nations against harassment by Fidel Castro's Soviet-supplied navy. The new instructions replace sit-tight directives that were in effect last December when Cuban gunboats ranging far out to sea seized two ships flying the flag of Panama.

Though some officials feel further seizures are unlikely, U.S. policymakers have decided that the possibility is serious enough to justify strong measures. Hence, military commanders now are armed with authority to "interpose" American warships between Cuban attackers and merchant ships in danger of imminent seizure so as to block the Cuban line of fire and thwart any boarding attempts. At the same time, Air Force jets would scramble to the scene, in a display of strength intended to make the attackers turn tail.

But shooting could occur if the attack persists, for in that case U.S. commanders are authorized to "continue interposing until further Cuban aggression creates a situation of self-defense for U.S. forces."

In issuing these instructions, Pentagon strategists have taken full account of the possibility that Soviet naval task forces often operating in the Caribbean might move as if to intervene on Cuba's side. In that contingency, or as soon as he sights hostile-seeming Soviet fleet movements, the U.S. commander on the scene is directed to notify the Joint Chiefs of Staff "immediately" and wait for further instructions.

A SENSITIVE DOCUMENT

This scary-sounding scenario—worrisome even to some hard-line Naval officers—is contained in a sensitive set of military plans approved by the Joint Chiefs and relayed from them to Caribbeans commands through the Norfolk headquarters of Adm. Charles K. Duncan, the commander-in-chief of Atlantic operations.

According to these plans, labeled "Special Rules of Engagement for the Caribbean," U.S. forces could be ordered into action without further instructions from policymakers in Washington and even in the absence of an official request from the government of a country whose ships seem threatened by Mr. Castro's fleet.

Authority to undertake risky "interposing" missions has been delegated by Defense Secretary Melvin Laird to the Joint Chiefs and by them to Adm. Duncan. In turn, the admiral is authorized to delegate down the chain of command as he deems "appropriate," and his subordinates can act if these conditions seem present:

The merchant ship facing seizure must be sailing in international waters at least three miles from Cuban shores.

The commander of U.S. warships moving to the rescue must have "no knowledge" (the instructions don't require him to try to make sure) that the threatened ship has been engaging in illegal activities against Cuba.

And the U.S. commander must have reason to believe that some American citizens are aboard.

This third condition—an American aboard, perhaps in danger—presumably supplies whatever legal underpinning may exist for ordering U.S. forces into peacetime action without seeking approval from Congress.

ROOM FOR ERROR

But the Pentagon instructions appear to allow room for error about whether American lives might be in danger. "In the absence of other certification" that a citizen is indeed aboard, the U.S. commander on the scene is directed to "take the word" of the ship's captain. His orders contain no hint of the possibility that the captain could be a hot-headed exile who hopes to involve U.S. forces by provoking the Castro government.

In fact, it was an exile raid from the sea on a Cuban village that in all likelihood prompted Cuba to send gunboats out 100 miles to grab the two Panamanian ships last December. "It was an eye-for-an-eye matter," says a State Department official.

This official gives assurances that Washington is moving to stop further exile action, and he doubts that Havana's gun boats will strike again. But he concedes that some anti-Castro leaders continue to assume that the U.S. government secretly welcomes raids on Cuba; "they don't believe we mean it," he says.

During one ship seizure in December, the captain, an American citizen, was wounded by gunfire, prompting the administration to declare that it would henceforth "take all measures under international law to protect U.S. citizens and freedom of the seas." The Pentagon contingency plans simply back up that warning, officials insist; they contend the plans reflect no basic change of policy toward Cuba.

And despite the provocative-sounding directive to "create a situation of self-defense," there's certainly no U.S. intent to engineer an election-year put-down of Premier Castro. Any Caribbean confrontation would have to be triggered by Cuban action, officials emphasize.

Still, the military instructions from Washington do take a tough approach toward Cuba, in apparent contrast to the Nixon regime's overtures toward the Communist giants, China and the Soviet Union. The administration's attitude toward the Castro government seems to be quite consistently hostile, at least for now. One explanation might be that Cuba remains something of a political issue in the U.S., at least in the Miami area, and Mr. Nixon is eager to carry Florida in the November election.

Whatever the reason, the administration has rejected Havana efforts to send delegations to the U.S. Last fall a planeload of Cuban sugar technicians arrived for an international conference in New Orleans, despite being denied visas by the State Department. After a comic-opera house arrest in a motel, they were forced to fly home without attending any meetings. Just last month, private efforts to organize a Cuban film festival in New York, including appearances by four Havana filmmakers, were blocked by Washington.

Yet there are signs that the administration wants to repair relations with Fidel Castro's regime eventually. Officials no longer seem worried about his alleged meddling in other Latin American nations; they claim Cuba's economic failures, plus the Che Guevara fiasco in Boliva, mean it is no longer considered a revolutionary model by Latin political dissidents. Some U.S. officials indicate an American overture to Havana will come shortly after the November election, if Mr. Nixon wins.

One objective of the Caribbean contingency planning may be simply to uphold the freedom of the seas. But the U.S. isn't taking many risks to uphold that principle for American ships in some international waters.

In the nearby Pacific, the President could order the Navy to stop letting Ecuador interfere with American boats fishing for tuna, far beyond that nation's three-mile limit. But he hasn't acted. Since the December incidents in the Caribbean, Ecuador has grabbed about 50 American tuna boats, and Washington has paid what amounts to ransom money exceeding $3 million.

In the far Pacific, U.S. oil-company executives have been told not to expect protection in case some Communist power should attack American vessels searching for oil in the South China Sea. Presumably the risk of more military involvement in the Far East is considered excessive.

Whatever the objective, the plans for protecting foreign-flag ships in the Caribbean appear to have no peacetime precedent, the State Department says. So, even if the Caribbean stays calm, there could be repercussions on Capitol Hill.

There, the Nixon team is strongly resisting a Senate bill to restrict the Commander-in-Chief's peacetime authority to "introduce" armed forces "in situations where imminent involvement in hostilities is clearly indicated." Requiring a President to go to Congress before deploying forces could endanger the nation, Secretary of State William Rogers has testified.

"On the other hand," Mr. Rogers has allowed, "the fact that even a minor skirmish could lead to a confrontation of the major powers and raise the specter of nuclear war serves to emphasize the desirability of appropriate congressional participation in decisions which risk involving the U.S. in hostilities."

But it isn't clear what Secretary Rogers means by "appropriate participation." Certainly Congress has had no part at all in the Caribbean contingency planning.

SENSIBLE INCOME TAX FORMS

Mr. MATHIAS. Mr. President, we are all painfully aware that yet another grueling, confusing, and nerve-racking income tax eve has come and gone amid complaints and some controversy.

Not only our income, but also our patience, is being taxed by the myriad forms, schedules, tables, and instructions which we are required to use in performing this increasingly difficult task.

Over a year ago, I introduced S. 1520, which would establish a Citizen's Advisory Committee instructed to simplify tax forms. On Tuesday, April 18, the Baltimore Sun endorsed this proposal and discussed other problems with our current income tax laws.

Mr. President, I believe the editorial deserves the attention of the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE INCOME TAX HANGOVER

Senator Mathias's interest in clarifying the federal income tax 1040 Form is admirable. In short, he wants a 15-member advisory committee appointed to help the Internal Revenue Service frame something in "common every-day American English." He recognizes that millions of Americans are battered as well as broke today after laboring to meet the midnight deadline for filing.

Anything that simplifies the federal tax form has our support, including simpler language. But more basic complications are built into the income tax law itself. Through numerous amendments and revisions, the law is studded with boobytraps and dead ends. Deductions are piled upon deductions; inequities are exposed at every turn. Most recently a litany of complaints was heard by the House Ways and Means Committee. One widely held and popular theory that was promptly upset is that married couples can live as cheaply as one—not if they're filing a joint tax return with Uncle Sam.

Little wonder that so many Americans turn in desperation to tax consultants. Yet even they are being challenged by the IRS over erroneous and fraudulent returns filed on behalf of clients. Could it be that experts disagree on interpretations of myriad forms, schedules, declarations and instructions provided by the Government?

In any event, we wish Senator Mathias success in his effort on behalf of frustrated filers. If his bill is passed and signed by the President, maybe a simpler exercise in tax filing will result. Before that happens, however, it would be comforting to know that common every-day American logic is being used to shorten the filing process.

DEATH OF JAMES O. "JIM" MOORE, PRESIDENT, GEORGIA STATE AFL–CIO

Mr. TALMADGE. Mr. President, I was very much saddened by the passing last Sunday of my good friend James O. "Jim" Moore, president of the Georgia State AFL–CIO.

Jim Moore was a leader in organized labor in the State of Georgia for more than a quarter of a century. He was known and respected throughout the State, and across the Nation. He devoted a major portion of his life to improving relations between management and organized labor. He was a tireless worker who contributed beyond measure to social and economic progress in our State.

I greatly valued his friendship over the years, and Mrs. Talmadge joins me in extending our deepest sympathy to his family.

I ask unanimous consent that there be printed in the RECORD an obituary on Jim Moore, published in the Atlanta Constitution.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JIM MOORE IS DEAD; CIVIC, LABOR LEADER

Services for James O. (Jim) Moore, president of the Georgia State AFL–CIO, will be at 3 p.m. Tuesday in Stewart Avenue Methodist Church, where he was a member and had served on the official board for more than 30 years. Burial will be in Westview cemetery.

Mr. Moore, 66, of 928 Allene Ave. SW, died Sunday after a long illness.

Atlanta Mayor Sam Massell expressed sadness Monday afternoon at the passing of "one who has long been instrumental in furthering understanding between business and organized labor as well as playing an active role in the civic activities of the community," adding, "He was my friend and supporter and I express deepest sympathy to his family and loved ones."

Born and educated in Carroll County, Mr. Moore was a leader in the field of organized labor for more than 25 years. He served in many capacities in his local union, the International Brotherhood of Painters and Allied Trades, and as president of the Atlanta Building and Construction Trades Council, president of the Southeastern Building and Construction Trades Conference, president and secretary of the Atlanta federation of Trades and president of the Atlanta Labor Council. As president of the state AFL–CIO, he also served as labor's representative on the Fulton County Civil Service Board.

In civic affairs, Mr. Moore was a member of Masonic Lodge No. 640, a member of the Board of Ethics of the City of Atlanta, a member of the Advisory Council of the Urban Renewal Commission of Atlanta, a member of the Atlanta Bond Commission, a member of the board of directors of the United Appeal and Community Services, a member of the Atlanta housing Resources Committee, and a member of the Advisory Committee of Division and Rehabilitation of the State Department of Education.

He also was a member of the permanent committee on Education and Automation, chairman of the Georgia Labor Division of U.S. Savings Bonds, a member of the Consolidation Committee of Fulton County and the City of Atlanta, a member of the governor's Youth Opportunity Council, a member of the governor's Citizens Advisory Council on Environmental Affairs, a member of the governor's Reorganization Committee, a member of the Atlanta Charter Commission, chairman of the State Muscular Dystrophy Telethon in 1971, a member of the Georgia Commission for Higher Education, a member of the Multi-Trades Committee of the U.S. Penitentiary Apprenticeship Program, a member of the Employment Security Agency Advisory Council of the State Department of Labor and a member of the Statewide Occupational Safety and Health Task Force.

Survivors include his widow, Mrs. Hattie Craven Moore; daughters, Miss Mary Moore and Mrs. J. R. Blackburn Jr., both of Atlanta, Mrs. C. Lamar Scruggs of Stone Mountain and Miss Janet Moore of Hapeville; sons, J. W. Moore Sr. of Decatur and the Rev. Merrell C. Moore of Macon, stepmother, Mrs. Annie Lou Moore of Carrollton; sister, Mrs. C. L. Alford of Hapeville, and brother, W. T. Moore of Carrollton.

A.T. & T. MAY NEVER BE ABLE TO COLLECT DEMOCRATS PHONE BILL

Mr. DOLE. Mr. President, since March 10, other Members of the Senate and I have attempted to draw the Nations attention to a highly irregular relationship between the American Telephone & Telegraph Co., one of the worlds largest corporations—and one operating under Federal regulation—and the countrys majority political organization, the Democrat National Committee. This situation involves a debt of at least $1.5 million owed to A.T. & T. by the Democrats for telephone service during the 1968 Presidential campaign.

This debt has been carried since 1968—possibly without interest—and certainly without any significant efforts by the Democrats to pay it or by A.T. & T. to collect it. In addition, A.T. & T. has entered into agreements—in spite of this massive debt—to provide telephone service to the Democrat National Convention in July, and A.T. & T. has continued to provide telephone service to the Democrats national party headquarters.

As I have said before, if an ordinary telephone customer owed A.T. & T. a long overdue phone bill, there would be no question: His service would be cut off. But not so with the telephone customer which happens to be the Democrat Party, the party which controls the Congress and the party which might once again be in the White House.

The response to the revelation of this highly irregular situation has been less than informative. The Democrats have sought to ridicule the questions raised, and A.T. &T. has maintained a lofty silence.

The tactics of the Democrats and A.T. & T. have obviously been adopted in utter disregard for the ordinary telephone customers right to have all customers treated equally. I suggested a possible course for A.T. & T. customers to follow would be to make escrow payments of telephone bills to protest the Democrats being given special treatment.

The public response to this suggestion has been encouraging. But still A.T. & T. and the Democrats do not shed any light on their arrangement.

But it now appears that by flouting the public interest in this matter, A.T. & T. may have gotten into serious difficulties in regard to its stockholders' interests. By failing, for 4 years, to take action to collect this $15 million overdue Democrat phone bill, A.T. & T. may have foreclosed any possibility of ever forcing payment of the debt. Thus, they have skimmed that same $1.5 million off the company's earnings and its dividend payments to stockholders.

Section 415 of the Federal Communications Act provides:

> All actions at law by carriers for recovery of their lawful charges shall be begun within one year from the time the cause of action accrues, and not after.

In layman's terms, this section means that A.T. & T. had 1 year from election day 1968, to sue the Democrats for their bill Because it is now 2½ years beyond that cutoff date, there is no way A.T. & T. can force the Democrats to pay up.

If I were a bill-paying customer of A.T. & T.—and I am—I would be highly upset that the Democrat National Committee could get by without paying its bills.

If I were one of the millions of stockholders of A.T. & T.—and I am not—who look to A.T. & T. dividends to provide extra income tuition for children, supplement for retirement pensions, and for other uses, I would want to know why the Democrats' debt was taken out of my dividends.

As a Kansas newspaper pointed out recently:

> What stock is held by more old folks, more young folks, retired persons, and pension funds than any other? American Telephone and Telegraph.

I am sure these stockholders and millions of other Americans would like to hear some answers from A.T. & T. and the Democrats.

Why has A.T. & T. allowed the Democrats' debt to go uncollected?

How can A.T. & T. defend its actions to its stockholders?

How can A.T. & T. and the Democrats support their arrangement for continuing telephone service when other customers in much less extreme positions would have their telephones cut off until payment in full was received.

SHORTCHANGING THE ENVIRONMENT

Mr. CHURCH. Mr. President, recently I called to the attention of the Senate the failure of this administration to request enough money to man our national forests adequately. The budget, as submited by the President, for Forest Service personnel will lead to a reduction in foresters, the men who are responsible for the care of our national forests. The personnel reduction that will occur if the budget is passed in the form submitted will work a hardship on those attempting to manage our national forests. This shortsighted budget policy shortchanges the environment. We have asked for better management of the forests. What do we get? A reduction in the number of Federal employees responsible for such management.

I recently communicated with Mr. Steve Yurich, regional forester for region 1, in Missoula, covering parts of the Northwest and northern Idaho. I asked him what the impact of proposed personnel cuts would be on region 1. He states that the region must reduce its present permanent full-time force of 2,212 employees by 110 personnel. In addition, the temporary force employed during the summer must be reduced by 430 personnel. In Idaho's region 1, this means a cut of 36 full-time employees and 230 temporary employees. I find cuts of this type, in face of an increasing demand for better management that protects the scenic and recreational values of our forests, to be discouraging.

Those who are interested in conserving our great national forests, in managing them in keeping with the best concepts of the Multiple Use-Sustained Yield Act of 1960, should insist that the Forest Service receive adequate personnel funding. I urge the Senate to see that this is done.

I ask unanimous consent that the answer from Mr. Steven Yurich, regional forester of region 1, signed by Mr. William Wort, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Agriculture,
Forest Service,
Missoula, Mont., April 10, 1972.

Hon. Frank Church,
U.S. Senate,
Washington, D.C.

Dear Senator Church: This is in answer to your letter of March 22 including correspondence by Mr. Morton Brigham of Lewiston, Idaho.

Mr. Brigham's suggested areas for consideration as candidate study areas have been forwarded to the National Forests concerned. The Forests will evaluate the areas Mr. Brigham recommends along with areas recommended by others. The Forest Supervisors will make recommendations to me in June. At that time I'll review the areas from a Regional perspective and forward recommendations to the Chief. The process provides considerable opportunity for areas such as Mr. Brigham proposed to be considered as possible study areas.

The Boise meeting Mr. Brigham speaks of was a long distance to expect people from north Idaho to travel. Consequently, all the Forests north of the Salmon River are holding local meetings where people can voice their ideas about roadless area studies.

In regard to your question on personnel cuts, I feel the following will give you an idea of our position:

Although the lack of enough people and funding needed to achieve a balanced land management program is not new, these latest limitations will have a considerable adverse effect. We are experiencing a critical period in our effort to emphasize balance among our programs. We have identified the necessary direction and are now taking the first steps toward our balanced program objectives. However, these latest personnel limitations will seriously curtail this effort as well as reduce our present programs. The more serious effect of this is the compounding impact it will have on future activities.

As a result of the average grade reduction and the 5 percent personnel cut, the Northern Region of the Forest Service must reduce its present permanent full-time work force of 2,212 employees by 110. Coupled with this the size of our summer seasonal work force, which we put on the employment rolls in June, must be reduced by approximately 430 employees.

For the Forest Service Units in the State of Idaho this represents a reduction in our work force of approximately 36 permanent fulltime employees and a reduction of our seasonal force by 230.

In addition to the reduction of employees, dollar savings which result from these various personnel limitations are being either withdrawn or impounded. For the Northern Region this will amount to $1,459,000 of which approximately $568,000 will come from Forest Service Units in Idaho.

We are making a real effort to assure that multiple use planning and management in the Northern Region are reflecting changing public values and concerns. This responsibility is having a significant impact on management and the production of commodities. In the case of timber management the Region's efforts to do a high quality job in conducting timber harvest has contributed to a reduction in the timber sale program. This can be partly attributed to limitations on people and funding to carry out balanced programs. Maintaining a status quo on personnel would, by itself, hamper the efficiency of our efforts. The reduction of personnel not only precludes carrying on all regular activities but also seriously restricts our ability to be flexible in meeting quantity and quality needs in planning and management.

Federal agencies such as the Forest Service, to be responsive to new laws such as the National Environmental Policy Act and changing public values, must now utilize the service of social scientists and economists in our planning and management activities. The addition of specialists such as this has been almost totally curtailed as a result of the personnel ceiling situation we face.

Thank you for your letter and I hope I have an opportunity to discuss other aspects of forest management with you.

Sincerely,

Wm. A. Wort,
Regional Forester,
(For Steve Yurich).

REFORMING IRS FORM 1040

Mr. MATHIAS. Mr. President, more than 1 year ago, I introduced S. 1520, designed to aid the millions of Americans who each year faithfully perform the arduous and increasingly complex task of filling out their Federal income tax forms. My bill would subject all future income tax materials to the careful scrutiny of a panel of average taxpayers, who will insure that all such forms shall be as clear, concise, and comprehensible as possible.

Coincidental with this year's April 17 income tax deadline was the release of an Internal Revenue Service study of the attitudes of taxpayers toward the "infamous tax" form 1040. I feel that the results of this study warrant the attention of the Senate and clearly reveal the need for the legislation which I have introduced.

In what seems to be a growing trend, it was revealed that 69.8 percent of all American taxpayers seek outside help in the preparation of their income tax, an increase from the 69.1 percent who sought help the previous year.

It was further revealed in this report,

prepared by Crossley Surveys, Inc., that 97 percent of those taxpayers not having completed elementary school were required to have others prepare their income tax reports; 70 percent of all taxpaying high school graduates sought outside help, while 43 percent of college graduates paying income taxes reported having someone else prepare their income tax returns.

Mr. President, these statistics, coupled with the recent controversy over the validity of returns prepared by commercial tax preparation services, clearly indicate the need for the simplification of our tax forms. I would, therefore, commend the bill to the attention of the Senate, and would hope that positive action, too long delayed, will now fulfill the hopes of America's taxpayers.

JAMES B. GODWIN—GEORGIA-BORN CATHEDRAL ARCHITECT

Mr. GAMBRELL. Mr. President, Georgians have been recognized for their accomplishments in many varied fields of endeavor but perhaps none is more unique than Mr. James B. Godwin, a native of Columbus, Ga., and the present architect of Washington's National Cathedral. I ask unanimous consent that an editorial on Mr. Godwin's work and dedication published in last Sunday's Washington Post, be printed in the RECORD, so that all may read of the perseverance of this fine Georgian.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WASHINGTON CATHEDRAL . . .

. . . officially known as The Cathedral Church of Saint Peter and Saint Paul and the sixth largest church in the world, has a new Superintending Architect. He is James B. Godwin, who was born and raised in Columbus, Georgia, has designed a number of churches and chapels in the Gothic style and looks and talks as we imagine a medieval stone mason might have. Mr. Godwin has been busy since last December preparing the final working drawings for the Cathedral, which has been under construction since 1907, so that any competent architect, expert in Gothic or not, can supervise its completion.

Mr. Godwin is the fourth architect on the job. The initial plans were drawn up by Dr. George F. Bodley, the foremost exponent of English Gothic in modern times. He died before construction began and Henry Vaughan of Boston took over. World War I interrupted the work which, since 1921, was continued by Philip H. Frohman. Still the Cathedral Architect in title, Mr. Frohman, who is now 85, had to relinquish his daily responsibilities.

Mr. Godwin is Heaven-bent to complete the interior of the Cathedral, that is the entire nave and narthex complex, in time for the nation's bicentennial celebration in 1976. The west portal with its two flanking towers, that will resemble Canterbury Cathedral in England, are to bring the building to completion in 12 years. Like his predecessors, Godwin will make the building faithfully Gothic, not just in appearance but also in its method of stone construction, making concessions to modern concrete and steel only to assure greater permanence and fire resistence. Like the Cathedral's Dean, the Very Rev. Francis B. Sayre, he sees Gothic architecture not as an anachronism but as the most perfect expression of the spirit of Christianity. "If we had gone 'modern' when we started this building at the turn of the century," the Dean said recently, "it would look pretty antique now, don't you think?" We are afraid he has a point. And he is right, too, when he points out that the Washington Cathedral, whose central tower, atop Mount Alban, rises even above the Washington Monument, has long since become a magnet "even for the long-haired kids who come simply because it is so beautiful and because it says something that they are feeling deep down inside them today."

STATUS OF HEALTH CARE IN THE UNITED STATES

Mr. DOMINICK. Mr. President, I ask unanimous consent that an address published in the American Journal of Obstetrics and Gynecology be printed in the RECORD. The reprint is an address delivered by Thomas W. McElin, M.D., president of the Central Association of Obstetricians and Gynecologists.

I think that Senators will find interesting Dr. McElin's remarks in defense of the status of health care in this country. They offer some relief from the seemingly interminable dirge being sung by so many critics of our health care system. Dr. McElin even dares to suggest that the patient is not only not dead; it is not even in critical condition; and while not necessarily in perfect health, it continues to show improvement!

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE LAMENT OF THE WHITE RABBIT

(By Thomas W. McElin, M.D., M.S.)

The onus to utilize wisely and well the precious minutes of a Presidential Address is heavy. It is a burden which my predecessors have borne with obvious savoir faire. I have decided after many months of soul-searching to proceed with the very first plan for the utilization of this brief and treasured time that came to my mind when I was designated as your President-Elect. I choose today to speak in defense of the current system of health-care delivery in the United States. I recognize in the current climate wherein, it seems to me, physicians are expected to indulge in excessive breast-beating and in the repetitive proclamations of loud "mea culpas" that the utterance of some gracious and admittedly defensive remarks about ourselves may be designated as petty, self-aggrandizing, and not in the image of a Presidential Address. However, I will speak to that which I believe.

In the climate of "let's attack American medicine" which has been rife in the land since the early 1930's, but an attitude which becomes progressively more strident, perhaps the most comprehensive attack in the current drive to "radically restructure the medical delivery system" was presented by *Fortune* magazine in January, 1970. In this issue of *Fortune*, the following statements were made, which I, for one, am completely unable to accept: (1) "Whether poor or not, most Americans are badly served by the obsolete, overstrained medical system. . . ." (2) "But in order for" . . . improvement to be accomplished . . . "doctors will have to reform their ancient ways." (3) ". . . the management of medical care has become too important to leave to doctors."

Now, it is staggering to me that statements of this type (and they are being uttered daily by our many articulate critics—the health planners, the politicians, certain economists and management personnel, student activists, labor leaders, and certain of our patients) are challenged by practically no person or organization except the American Medical Association. A reply by this Association is, of course, immediately declared invalid by the same critics simply because the A.M.A.'s image and presence is totally unacceptable to those who denigrate American medicine. With what to me seems Machiavellian logic, the critics then argue because organized medicine does protest and does object to certain criticism that the very objections constitute acknowledgement of guilt or wrong. Furthermore, the posture of the perennial defender is unappealing.

Let's look more closely at these three quotations in Fortune's denouncement of American Medicine.

First, can we accept the criticism, "Whether poor or not, most Americans are badly served . . ." by the current system. I refuse to accept the statement that most Americans are badly served by you, by me, by our colleagues. It is the use of the word most that totally offends me. I submit this is a classic illustration of the technique of "the big lie." I freely acknowledge that access or entry into the system for the poor, for the underprivileged, and for certain minority groups is unbelievably difficult and that this is an un-American and immoral state of affairs. I acknowledge that physicians must be more concerned about access or entry into the health-care system that we may have been in the past. However, I submit that the problem of access has to do with the poverty that begets malnutrition, with poor housing, with ignorance which stems from poor education, and with automation and subsequent unemployment (clearly, problems in the province of government, industry, and politics). To be sure, medicine is tangentially involved and, according to its singular competences, must be prepared and willing to participate in and to contribute to the resolution of the problem of inadequate and incompetent medical service where such exists. Is it, however, possible because physicians are inherently conservative, because we have divided ourselves by specialization since we believe it in the patient's best interest to do so, that we are acknowledged as and are, indeed, weak and divided and, hence, have become everyone's "whipping boy"? Thereby, we are assigned responsibility for problems over which we have very limited or no control. Thereby, the convenient, the catchy, and, I believe, libelous and inflammatory statement that "most Americans are badly served" is endlessly repeated by the media, and no voice of rebuttal is heard.

Never is the public told that the American medical system is almost universally recognized as the finest system in the world. Furthermore, have we not made major effort to increase the effectiveness and scope of our outpatient clinics; are most of our hospitals not involving themselves in extensive outreach operations to the best of their harrassed financial abilities; have we not seen to it that senior physician staffing of our outpatient and emergency room facilities is the best we can provide? Are we not trying constantly to upgrade our services in these areas and many others, and do we not constantly acknowledge that we must do still more? I, of course, believe the answer to each of these questions is "yes."

Can we accept *Fortune's* unfortunate statement, "But in order for . . ." improvement to be accomplished ". . . doctors will have to reform their ancient ways." The "physicians' monopoly" is often submitted as justification for this charge.

Table I demonstrates what I regard as an exciting response to the criticism that there is a shortage of physicians and that organized medicine is not responsive. These enrollment increases represent the fruition of years of planning and development in American medical schools. The gains now being realized were initiated in the early 1960's and represent a growth in both the number of medical schools and size of classes. Female admissions were increased 31.2 per cent in 1970–1971, and black entrants were increased 58.4 per cent. Is this not to be given "credit" as "reform"? Is this not about as massive an attempt to meet the need for more physicians as could be mounted by medical educators? If, indeed the A.M.A. did consciously and deliberately restrict the number of physicians in the past, as has been alleged and for which, in my opinion, there is no evidence, can this charge be made today? Additionally, 21 schools are in the process of development and, by 1975, the new schools alone will be accepting about 1,000 additional first-year students. The House Commerce Committee in July (1970) estimated that the number of practicing physicians would reach a total of 436,000 by 1980, an increase of more than 100,000 above the current level. It seems logical to conclude that the need for physicians, real or perceived, will be met in this decade.

TABLE I

Year	Number of schools	1st-year enrollment	Number of graduates	Total enrollment
1960–61	86	8, 290	6, 994	30, 288
1970–71	103	11, 306	8, 996	40, 377
1971–72	108	11, 762	9, 363	43, 143
1975			14, 660	
1980			17, 350	

Now surely, *Fortune* was not referring to the caliber of medicine practiced in every hospital when they used the phrase "ancient ways." Surely, no segment of the citizenry since the dawn of time reviews its work with more care than physicians and, in particular, obstetrician-gynecologists. Can you imagine our contemporaries in law, in business, and in labor relations concerning themselves with the equivalents of tissue committees, utilization committees, audit committees, maternal mortality and morbidity committees, infant mortality and morbidity conferences, joint obstetric-pediatric review committees, and residency review and accreditation committees! The blatant suggestion that medicine does not seek to improve, does not seek to correct, does not attempt with vigor to utilize the new is, to me, grossly improper! The chilling fervor with which we review our own patient care problem in weekly departmental meetings would not be believed by the public in general.

The third *Fortune* comment which I will discuss is, "The management of medical care has become too important to leave to doctors." One wonders how a comparable statement might be received in the corporate headquarters of *Life, Time,* and *Fortune,* to wit: The management of major publications has become too important to leave to publishers, editors, and writers.

Fortune magazine and others, of course repetitively allege that the "non-system" of health-care delivery extant today is evidence of our poor managerial ability. "Non-system" is a phrase which I reject and dislike intensely. The phrase "non-system," however, is clever, neat, and attractive—convenient to use by those who criticize. It is also nonsense!

I submit that the current health-care delivery system is no more a "non-system" than the current method of delivering legal care. (The attorneys of America are not as consistently subjected to mass criticism; could it be that they are less divided, less specialized, and less subject to "attack"?) I submit that we are no more a "non-system" than the current method of delivering grocery care. I do not believe the grocery stores and hardware stores in Appalachia and ghetto areas are as deluxe or the quality of produce and merchandise are as high as in Milwaukee or Chicago. I submit, however, that grocery, hardware, legal, and medical care in deprived areas must be upgraded by improved and innovative techniques that we have only begun to explore. We surely cannot force lawyers to move into depressed areas any more than we can force the great grocery chains to build costly supermarkets in depressed areas. Many observers of the current scene contend that *distribution* of medical care is the key problem to a much greater degree than the *number* of physicians, but if we are to retain democracy and not force physicians, or plasterers, or economists to live and work in an assigned area then we do, indeed, have to be innovative. Medical students today seem enthusiastically to support programs which would commit them, for a stated period of time, to care of the impoverished rather than a military service commitment. Financial support programs to students who would pledge service for a stated time could well be amplified. Increased Federal monies could well be used to induce or entice physicians of all ages into medically deprived areas.

Now, although it will be the most difficult aspect of this address to present and not be criticized for pettiness, self-aggrandizement, and the like, I feel I must, because somebody, somewhere, must, talk about the single, inherent feature of the present system of health-care delivery in this nation which consistently causes both continuous and paroxysmal hypertension in our many critics. I refer to physicians' incomes and the "fee-for-service" system of payment for health care which is today the predominant system of physician compensation in our American nonsystematized "cottage industry."

Despite my personal preference for "fee-for-service," I believe in the present pluralistic American medical system as it now exists—a logical extension of the American dream, a commitment to the free-enterprise system. Today, "fee-for-service" by individuals, groups, or clinics, prepayment, and government medicine as provided for military personnel and dependents comfortably and competitively coexist. It is my profound hope that these methods, and perhaps others yet unconceived, may continue to comfortably and competitively coexist. If more prepayment programs come to the fore and if physicians and patients elect such programs and "fee-for-service" simply becomes nonviable as a course of evolution, then such must be the case. I would be terribly distressed, however, if by fiat and excessive governmental support to other programs the "fee-for-service" system was eliminated or slowly squeezed to death. This to me would have to be the consummate example of "throwing out the baby with the bath water."

Injustice is being done physicians to imply that it is somehow unethical, unreasonable, undignified, or improper for them to be concerned with the financial aspects of their practice. No other segment of the economy is embarrassed or shy about discussing this particular fact of life. There are really two key questions: (1) Are physicians' incomes excessively high? (2) Is "fee-for-service" an outmoded or un-American or unjust system of compensation?

In terms of level of income, the example has been cited many times and I will not embellish it, but simple mathematics derives the conclusion that if a physician worked 54.3 hours per week (which is one of the standard figures given for the average physician's work week) at the wages of a skilled laborer the physician's annual income would be approximately $50,000 with fringe benefits such as paid malpractice insurance, vacations, retirement funds, etc. The average current income of an American physician is $38,538. Although physicians' fees have doubled in the past 20 years, I know of no study which does not indicate that the physician's spendable income per annum has surely diminished each of the last several years due to the inflationary rate of 4.5 per cent per annum. Additionally, practice overhead expense has increased some 67 per cent in the last three years, principally because of salary increases, and malpractice insurance rates have easily tripled. Some group practices now report an overhead cost in excess of 50 per cent of collections. The percentage of all health care expenses which is spent on physician services has actually been reduced from 23.08 per cent in 1950 to 21.22 per cent in 1969.

While this has been going on, the Teamsters have recently achieved a 45 per cent increase in income over a three-year period; the rail workers, a 37 per cent increase; and Bell Telephone personnel and the steel workers, a 33½ per cent increase. All contracts, of course, for all of the segments of the economy have a cost-of-living escalator clause so that the ravages of inflation will not strike groups which stick together.

Newspapers emblazon and newscasters constantly trumpet the contention that in the decade of the 1960's medical costs rose twice as fast as the cost of living. Physician's charges plotted against the general cost of living as measured by the Consumer Price Index have so risen. However, an effective refutation to the claim that physicians' incomes have risen disproportionately is provided by Robert J. Myers who from 1947 to 1970 was Chief Actuary for the Social Security Administration. He explains that a more realistic analysis of doctors' compensation is achieved by a comparison with overall wages or incomes in the United States. It is obvious from the fifteen-year period charted that physicians' incomes lag behind the earnings increases of the general population.

Therefore, in the light of such analysis, I do not think physicians' fees or incomes are excessive. Neither am I willing to be a critic of the increase in United States Senatorial salaries from $22,500 in 1960, to $42,500 in 1969, although I did not enjoy a similar percentage increase.

Perhaps we could conclude from this analysis that we should revise our form of reimbursement and copy the rigid formula of labor, including time-and-a-half for night work and double pay for holidays. I, however, am opposed to a change because I believe that the "fee-for-service" or free-choice" concept is one of the essential components of the medical system in a democracy as it is in any other system of a democracy. I believe our current system creates competition and provides incentive for the doctor, and that really doesn't seem unfair, outmoded, or un-American. I believe the one-to-one relationship of patient and doctor engendered by "fee-for-service" is in the patient's best interest. I believe that effective peer review, and I emphasize the words effective and peer, can and must eliminate excessive charging, for surely such occurs. Finally, in this discussion of income and charging, I must ask the question, if we fail to respect ourselves and what we do—who else will?

In the forefront of the many criticisms leveled against the present health-care system is the repetitive statement that the United States ranks only thirteenth in the enlightened nations of the world in infant deaths. This charge has been drummed into the nation's eyes and ears by almost every politician and by all of the media. The conclusion is, thus, unceasingly presented that obstetricians and pediatricians, in particular, are doing a very poor job. I object to the manner in which the statistic is derived, and I object still more to the unfairness of the conclusion that is universally drawn. In most of the countries with lower infant deaths, the following are important factors: (1) The populations are small and much more homogeneous with no significant minority groups; (2) most of the countries with a lower infant mortality rate have a highly organized social welfare system, and poverty and overcrowding simply do not exist as they do in our urban ghettos; (3) most every baby in these nations with superior statistics is a wanted baby; (4) teen-age pregnancy, which means "high-risk pregnancy" is a very minor factor in these other countries; (5) there is no comparability in statistics between nations in this or any other category. In some countries, a birth is not recorded if the infant does not breathe; stillbirths are, therefore, automatically excluded. In some countries, a birth is not recognized until the baby is baptized, an event that may take place a week or more after birth. Hence, the neonatal deaths are excluded. To be sure, exclusion of stillbirths and neonatal deaths would make all of our annual reports more pleasant to read.

The opening chapter of the *United Nations Demography Yearbook* points out the impossibility of drawing meaningful comparisons among nations from the data collected.

In the decade from 1960 to 1970, the infant death rate in this nation, the largest, most complex of the Western nations, was reduced 25 per cent on top of the 12 per cent decrease in the prior decade (Table II). If this is "crisis," what shall we label "improvement"?

TABLE II.—INFANT MORTALITY RATE PER 1,000 LIVE BIRTHS

Year	Mortality rate
1936	57.1
1940	47.0
1950	29.2
1960	25.3
1967	22.4
1968	21.7
1969	20.7

It is tragic and inexcusable that non-white neonatal losses are approximately twice those of white neonatal losses. I submit that all neonatal losses represent a horrendous tragedy, but I insist that assigning the medical-delivery system with the total or even major responsibility for this national loss is irresponsible. I prefer to accept the analysis of one of our own, Sprague H. Gardiner, President-Elect of the American College of Obstetrics and Gynecology, who has stated that the nation's infant mortality rate could be diminished by 50 per cent if communities would establish regional, hospital-based intensive care units for newborn infants.

I feel it appropriate to look for a few moments at certain of the aspects of the Kaiser-Permanente Program which is regarded by many of the planners and legislators as a model of quality and cost control and as a potential model for health maintenance organizations or health care corporations. My intent is not to denigrate but simply to see if there are warnings that should be heeded.

Sydney Garfield, the architect of the Kaiser-Permanente Plan, has suggested the Plan is being clogged by those who are not actually in need of care. "Only after years of costly experience did we discover that the elimination of the fee is as much a barrier to early sick care as the fee itself." When the fee is removed, apparently the major regulator of flow into the system is similarly removed.

Another quotation from Dr. Garfield, "As for group practice, though it is flattering to have part of our program proposed as a model for the nation's future delivery system, it is a mistake to believe that it will automatically solve very much. There is nothing inherent in prepaid group practice that guarantees ready availability of services. In fact, this has been as serious a problem with us as in practice in general."

Dr. Mark S. Blumberg, Corporate Planning Advisor for the Kaiser Foundation Health Plan, warns, ". . . against the assumption that more health services will improve health. There is no correlation between a nation's general level of health care and the number of doctors per capita. I am convinced that among the developed countries most of the international differences are not due to health-care providers or health-care systems—they are due to radical differences in socioeconomic standards."

Finally, in December, 1970, for the third time in less than two years, Kaiser-Permanente of Northern California raised its rates 9 per cent. It had increased its rates 7.5 per cent earlier in 1970 and 18 per cent in 1969—no different from the national pattern.

Over and over, one hears of statistical studies to show reduced utilization rates under prepayment. Less prominence is given to studies such as that of the Russel Sage Foundation which concluded that nearly one half of all the members of the Health Insurance Plan of Greater New York and also of the Labor-Health Institute Plan go outside of the Plan for some medical health services. To be sure, utilization rates within such systems would *seem* to be reduced.

Regarding the impact of federal management on our health care system, I will make two comments: (1) The overpromise, the erroneous cost estimates, the fantastic inflationary effect, and the administrative difficulties of Medicare and Medicaid should deliver some message to those who would significantly change the present system; (2) it is of interest that we have tripled our Federal health-care expenditures for medical and health problems in the past five years. It is further worth noting that this same period has seen a greatly magnified discontent with the quality and cost of medical care provided.

In a consideration of the various foreign experiments to produce new health-delivery systems, I will restrict myself to two observations: (1) In the first year of the British National Health Experience, initial cost estimates were exceeded by well over 200 per cent. Since then, while the cost-of-living index in Britain has risen rapidly, over-all medical costs have risen 150 per cent as rapidly and hospital costs have risen three times as rapidly as general prices. In the forefront of a current reform movement are Britain's younger physicians, thousands of whom labor long hours under a huge work load for pay ranging from $5,000 to $8,000 per annum. Little wonder that approximately one half of Britain's medical graduates are expatriates. (2) I will comment briefly upon the tragedy of Quebec. Contemplate, if you will, relatively recent governmental action against Canadian physicians. The doctors of Quebec, in the closing months of 1970, were literally imprisoned in the province by Bill No. 41. Doctors objecting to a new Medicare Law were forced to continue working under penalty of jail sentence and fined up to $500 per diem if away from their practice. The macabre sequence clearly exposed the naked force that lies behind every act of social legislation.

I have attempted to present to you what I regard as a reasonable and logical reply to certain of the grossly exaggerated criticisms that have been leveled against our current health care system, particularly those charges against physicians. If evolution changes medical delivery, I will yield to evolution and attempt to do so graciously. But to change by legislative revolution a superior system because of unchallenged complaints based on exaggeration, distortion, and untruth is, to me, grotesque and tragic.

I submit, individually or collectively, we have a perfect right to defend ourselves against unfair allegations and to argue for preservation of those aspects of the present pluralistic system which we wish preserved. For those of you who accept my major thesis, to wit, we are not "all bad," and any plan to radically restructure the status quo is in error, two questions must be posed: What can we do—today? How can we defend ourselves?

1. We can speak and write in our own defense as I have tried to do today.

2. We can talk to our patients, who still are our greatest allies. We can explain to them the unheralded safeguards which we have built into their health-care program. We can clarify the "whys" of our charges. More importantly, we can explain our hospital's charges as the hospital component of medical cost is vastly more than ours.

3. We can work with our hospitals to develop ambulatory care facilities, to arrange outpatient surgery, and labor in any other reasonable endeavor to reduce stay and reduce cost. We can do our part to increase the current 45 per cent utilization rate of the nation's operating rooms, which is a staggeringly inefficient figure.

4. We can bend our every effort to check the senseless proliferation of costly, duplicative hospital facilities.

5. Escalation of medical costs could also be significantly checked by effective governmental action on the malpractice front or by self-insurance mechanisms.

6. Catastrophic illness can bankrupt even the family of moderate means. This problem could be solved by government-organized, major medical insurance, the cost of which, on a national per capita basis, would be relatively small.

The nation's real problems of medical care can, I believe, best be met by measures that focus on particular trouble areas, rather than by a violent transformation of the entire medical complex that would affect equally all parts, those working well and those working poorly.

The most powerful force on the earth today simply has to be what certain philosophers have referred to as "the moral force." We must believe it to be a greater force than the hydrogen bomb, for example, or there is little hope for any of us. If, tiny minority that we are, we do not wish the system "radically restructured," I suggest we do not have to be "radically restructured." We, when all is said and done, are the *only* doctors this nation possesses. I, in 1971, wish to believe that there will never be health-care legislation enacted in this nation so objectionable that a "strike" would ever be justifiable. Such a technique, although our conferees in Canada felt it imperative, to me is anathema and not consistent with Christian, Judaic, Hippocratic, or any other ideology.

However, unless compelled by law, I cannot, at this moment, conceive of a force—including economic necessity—that could compel conscientious physicians to participate in an altered medical-delivery system unless the evidence was overwhelming that improved care for greater numbers of patients could be achieved. The specter of a health-care system that could result in inferior standards is intolerable. I am not currently impressed with the Veteran's Administration Hospital System, Medicare, Medicaid, or the Postal System.

It just may be that the distressed state of the economy and the current "freeze" on wages and prices will simultaneously (and appropriately) demote a number of ill-advised health and welfare plans into a "political freeze." The chances of passing new major health-care legislation in the current Congress—which two months ago was regarded as a fait accompli—are now somewhat diminished. The time at hand probably represents the very last opportunity for American physicians to speak in their own defense if they choose to do so.

Major, new health-care legislation is just "around the corner." By some technique, if we do not wish "radical restructuring," and that's the key phrase, we must make known our valid objections to change which is not acceptable—now!

Let us eschew the lament of Alice in Wonderland's harassed, harried white rabbit who, in that confused and nightmarish narration, bewailed, "Oh, dear! Oh, dear! I shall be too late."

I would prefer to heed the counsel of a feminist source, the etiquette of the impeccable Emily Post, whose only unchallenged social canon in these troubled times is "You must *not* be late!"

I will acknowledge certain deficits in the current health-care system. I will work to correct them. I will not apologize for the totality of the current health-delivery system.

Another Evanstonian, a former Vice-President of the United States, Charles Gates Dawes, anticipated and phrased my thoughts superbly: "If you work in a profession, then in heaven's name, work for it. If you live by a profession, live for it. Help advance your co-workers, respect the great power that protects you; that surrounds you with the advantages of organization; that makes it possible for you to achieve results. Speak well for it, stand for it."

GENOCIDE IN BANGLADESH

Mr. CHURCH. Mr. President, after the Allies put a stop to Hitler's savage program of genocide against German minorities, no one expected so soon thereafter another case of deliberate, systematic measures to bring about the extermination of a particular group. But from March 25, 1971, to December 16, 1971, the Pakistan Army conducted a program to slaughter Bengalis in then East Pakistan. Intellectuals, politicians, and Hindus were the main targets.

Norbert Hirschhorn, a medical doctor who had conducted research on cholera in Dacca until the genocide campaign began, spoke on this subject last month in Baltimore. His vivid account reminds us that genocide is still a possibility within our world, all the more reason for all nations, including the United States, to pledge themselves to try to outlaw genocide. That is why the United States should ratify the Genocide Convention.

I ask unanimous consent that Dr. Hirschhorn's talk be printed in the RECORD.

There being no objection, the talk was ordered to be printed in the RECORD, as follows:

GENOCIDE IN BANGLADESH

(By Norbert Hirschhorn, M.D.)

I would like to thank you for the opportunity, by your invitation, of learning and thinking about genocide especially as related to the slaughter of Bengalis in the year 1971.

Genocide, the term coined by jurist Raphael Lemkin, means murder of a people. *The United Nations Convention on the Prevention and Punishment of the Crime of Genocide*, concluded in 1949 and yet not approved by the United States in 1972, defines genocide as follows in part:

"Genocide means *any* of the following acts committed with *intent* to destroy, in whole or in part, a national, ethnical, racial or religious group by

(a) killing members of the group,

(b) causing serious bodily or mental harm to members of the group,

(c) deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part.

In East Pakistan, now Bangladesh, it is said that in 1971 over a million Bengalis died, countless others were harmed physically and mentally, and 30 million were made homeless and destitute (10 million in refugee camps in India, another 20 million displaced within Bangladesh). It is my intention to show that this catastrophe was the result of genocide.

It appears to me that in the making of genocide at least three ingredients must combine:

First, and foremost, a deliberate plan by a governing or policing authority that has the "intent to destroy in whole or in part," a particular group;

Second, a consideration by the killers-to-be that their victims are sub-human, unclean, corruptive, unworthy of existence;

and *Third*, the collusion in, or acquiescence with the genocidal events by other governments and peoples. Passive uninvolvement may be a form of acquiescence.

Since we have yet been unable to prevent genocide I cannot prove that the third ingredient—collusion, acquiescence—is the critical catalyst. But we could take a lesson from the master, Adolf Hitler, who said that murder of Jews would be a simple matter; after all, who protested when the Armenians were slaughtered.

By all these standards and definitions, events in Bangladesh was genocide.

An all-too-brief summary of the events of 1971 in Bangladesh will have to suffice. In the first free, one-man-one-vote election ever held in Pakistan the Bengali Awami League party of Sheikh Majibur Rahman won an absolute majority of seats in the new constituent assembly on the platform of economic autonomy for both East and West Pakistan within one federated nation.

Dismayed by the outcome, West Pakistani political leaders, notably the current President Bhutto, and the military, under former President Yahya Khan forced indefinite post-ponement of the Assembly. Massive civil disobedience by the Bangalis followed. Negotiations between the Bengalis and the West Pakistanis took place over the next two weeks. The talks seemed to be progressing and technical experts were beginning their talks. Quite suddenly, on the evening of March 25th Yahya Khan packed and flew back to West Pakistan. A few hours later wholesale killing by shooting, bombing and burning began in Dacca and simultaneously in several other large towns and cities of East Bengal. Deliberate targets in those first few days were students, professors, politicians, Hindus, the Bengali police force, the Bengali militia, all attacked where they lived or congregated; the University, barracks, market places, temples, ferry landings and crowded residences of the old town.

Many of the army units carried whole lists of people to be found and liquidated.

John Woodruff of the *Baltimore Sun* wrote on March 30, 1971:

"One well connected traveller arriving in Dacca from Karachi shocked newsmen a week before the conflagration by reporting that two generals he regarded as highly reliable had told him that the army's plan was to lull the Bengali leadership into believing the talks could succeed, then to crack down without warning."

During those talks thousands of Pakistani troops arrived in the East wing by sea, or by air, dressed as civilian travellers.

Anthony Mascarenhas, a Wast Pakistani journalist, fled to England with his family in May, and then wrote his eye-witness account:

"What I saw and heard with unbelieving eyes and ears during my 10 days in East Bengal during April made it terribly clear that the killings are not the isolated acts of military commanders in the field. They are the result of deliberate, vengeful orders from the top."

When the journalist asked a Pakistani major why he was about to kill a terrified civilian the reply was,

"Because he might be a Hindu or he might be a rebel, perhaps a student or an Awami Leaguer. *They know we are sorting them out.*"

There, the first ingredient—the planning. Mascarenhas continues:

"As I traveled with the officers of the 9th Division . . . I witnessed the terrifying extent of genocide. I saw Hindus hunted from village to village . . . shot offhand. I have seen truckloads of other human targets, and those who tried to help them, hauled off 'for disposal'. I have witnessed 'kill and burn' missions. I have seen whole villages devastated by 'punitive action.' "

He then quotes an Army Major Bashir who explained the bloody events so,

"This is a cleansing process, . . . a war between the pure and the impure . . . the people here may have Moslem names and call themselves Moslems, but they are Hindus at heart."

The favorite joke of the officers was, "that Bengal is a low-lying land; the people are low and they lie." This incidentally said of a people with a magnificent living folk and classical culture in music, poetry, drama, dance and crafts.

There: ingredient two—the profound disgust and contempt.

Over 10,000 people are believed to have been killed in Dacca alone in those first few days.

After this initial spasm while the Pakistani troops consolidated, Bengali guerrilla resistance began. At its core were members of the East Pakistan Rifles, the Bengali militia, who escaped the first wave of slaughter. Then from mid-April *up to* the last day of the Indo-Pakistan War on December 9th genocide was carried out viciously, almost reflexly, but almost always with a deliberate plan.

Newsweek magazine, August 2nd. The headline:

"Bengal: The murder of a people" The correspondent quotes a Bengali friend,

"We have been ordered not to talk to foreign journalists. We are scared. We live in terror of the midnight knock on the door. So many people have been killed. So many more have disappeared and more vanish every night."

In the cities many hostages were taken by the army and locked up in the fortified garrisons called cantonments. Their families had to sign loyalty oaths and volunteer to become informers for the Army in return for the safety of their imprisoned relatives. In fact, weeks after the liberation the Bengali newspapers were still full of ads for missing persons and vast common graves have been discovered around each cantonment.

From the same *Newsweek* article:

"It seemed a routine enough request. Assembling the young men of the village of Haluaghat in East Pakistan, a Pakistani Army major informed them that his wounded soldiers urgently needed blood. Would they be donors? The young men lay down on makeshift cots, needles were inserted in their veins—and then slowly the blood was drained from their bodies until they died." This story was to be repeated in many towns.

As the Bengali guerrillas—the Mukhti Bahini—became active, the Pakistan Army issued Martial Law order 148 which declared a death penalty for sabotage and then stated:

"Inhabitants of the surrounding areas of all or any such place or places [affected by sabotage] will render themselves liable to punitive action collectively."

A team of experts from the World Bank visited East Bengal in June of 1971. In their report they noted the effects of Marial Law 148:

"It was only April that the Army moved North from Jenidah and into Khustia. There must have been very strong resistance. When the insurgents withdrew the army punitive action started. It lasted 12 days and left

Khustia virtually . . . destroyed. The population was down from 40,000 to 5,000. Ninety percent of the . . . buildings were totally destroyed. People were sitting around dazed . . . It was like the morning after a nuclear attack."

Sydney Schanberg of the *New York Times* returned to Bangladesh in January of this year. He found, "that almost every town had one or more . . . graveyards where the Pakistanis killed hundreds of thousands of Bengalis, apparently often on a daily basis throughout their months of military occupation."

With the nearly daily discovery of new graves and bones—the toll believably exceeds a million.

We have said little of the "serious mental harm" defined by the Convention as one act of genocide, and certainly suffered by the Bengalis. In the West we write doctoral theses on the psychological traunas to children following earthquakes or civil riots. Who will document the damage done to the Bengali children who have witnessed. . . . Who became malnourished. . . . What psychologist can heal the immense shame and guilt felt by the 200,000 Bengali girls raped, many made pregnant by Pakistani soldiers, many kept in the cantonments for round-the-clock pleasure.

"Serious mental harm:"

In each major town particular targets for the Army were the secondary schools. All destroyed. The consequences of the attempt to destroy both learning and the learned are still to be felt.

If the United States had immediately cut off all economic and military aid to Pakistan and vigorously denounced the genocide, that might have sufficed to stop the killings.

But we did neither, so we'll never know.

In fact, our government provided direct military, economic, and political support to the Central Government of Pakistan while all the events I have just described were occurring and no one in our government can say "I didn't know."

We provided continued economic assistance to Pakistan, allowing them to use precious foreign exchange to buy weapons; we allowed Pakistan to default on an 80 million dollar debt payment—enough money to run the Bengal operation for over a month. Even the American effort to relieve Bengali suffering was magnificent Orwellian fantasy. For instance, we supported the United Nations relief mission in East Pakistan and the Nixon proposal was for the U.N. to "help restore confidence in the East Pakistani administration" and to "help Pakistan restore communications and remobilize the province's private fleet of 40,000 river boats and 10,000 trucks," the very acts which would have promoted the army's grip on East Bengal. Four hundred UNICEF trucks and jeeps were actually taken over by the army, often used as gun and troop carriers. U.S. food grains were taken over by the Pakistan Army that distributed them in large part to collaborators and soldiers. By mid-summer, the Bengali guerrilas controlled 25% of the country along the border areas, with millions of refugees in them; yet no attempt was made to distribute relief there.

While all this was going on the Pakistan Government in September sold 30,000 tons of high quality rice to Iraq.

Finally, last November, after Congress voted 250 million dollars for immediate and direct aid to the Bengalis, the deputy head of our Agency for International Development, according to a November 21st *New York Times* article, concocted a fantastic scheme: He would use this money to pay refugees to return to the very horrors from whence they fled. Pay, mind you. So much per child, so much per adult.

Through June and July we were still delivering military supplies to the Pakistan army. In finest Orwellian "double think" we were told it was "only" two million dollars worth of "non-lethal end items." Well what were these "non-lethal" items? From testimony before Senator Kennedy's Subcommittee on Refugees June 28, 1971:

"Components, parts and accessories for military aircraft"

"Component, parts and accessories for military vehicles"

"Component, parts and accessories for artillery"

"Components, parts and accessories for tanks."

How many villages were destroyed and villagers killed by refurbished aircraft, vehicles, artillery and tanks?

When we evacuated Americans from Dacca on April 5th, 1971 arrangements were all set for a flight to Bangkok—the logical place to go. At the last moment all Americans were flown by Pakistan International Airlines to Karachi. The empty planes then flew back filled with Pakistani troops and *we paid for the round trip.*

Symbolic support also is not lost on diplomats. Last summer one of our top counselor officers announced that everything certainly seemed normal in Dacca and that he intended to break in his new golf clubs. There are two places for golfing in Dacca. One is in the center of town and the site of a Hindu village that was razed and its 200 inhabitants killed that night in March; the other is at the cantonment where the hostages were kept.

Of all the genocides in this century, this one was most publicized. *Time, Newsweek,* the *Washington Post,* the *Baltimore Sun,* the *New York Times,* numerous foreign papers all sent star reporters who, daily, filed one detailed grisly story after another. Many Congressmen and Senators were upset with the U.S. role and sponsored resolutions and legislation to halt aid to Pakistan. Yet, I have found a remarkable malaise about the subject among even colleagues and friends. I can offer a few conjectures, only guesses really, why this is.

First, I find a continuing disbelief that American leaders have a capacity for evil deeds. I, myself, don't want to believe it.

Second, Bengalis are remote and they are Asian. A prominent relief worker who was thoroughly familiar with Biafra as well as Bangladesh told me that American response to Biafran suffering was much greater. He thought it had to do with the Christianity of the Ibos and the filial relationship to the blacks of our own country.

Third, and probably most critical, is that our government has systematically blunted our sensitivities to human suffering, especially Asian suffering, by the prolonged war in Vietnam and the euphemisms used to cover our deeds:

Protective reaction strikes, V.C. body Counts, pacification, resettlement, free-fire zone, defoliation, and anti-personnel bombs.

But now, any of us who listen to what the anguished among us are saying, know what suffering those words really stand for. Yet, the words act as more anaesthetics to our already numbed souls. We have become chloroformed to the point that our government can talk glibly about "only" 2 million dollars worth of "non-lethal end items."

Perhaps, also, we are just plain fatigued. Arthur Miller has written that ours is not "the Age of the Credibility Gap, not with the mountain of facts available . . . ours is the Age of Abdiction."

Parenthetically, however, if there were 5 million politically active, well-to-do Bengali-Americans living here things might have been different for Bangladesh, but there aren't, and it wasn't.

Please, now consider with me this most important hypothesis: That there exists in every society the capability to commit or tolerate mass murder and genocide and that when governing powers rationally determine to use genocide as a state policy the worst impulses dormant in society become unleashed. This is not to say that each of *us* is capable of murder. That's nonsense. But, each of us is capable of watching murder.

If my hypotheses is correct it therefore becomes a critical function for government and organized society not only to control and subdue the impulses to commit evil, but also to encourage the majority of us to recognize and resist evil. Confucious long ago stated that the morality of a people is determined by the morality of its leaders. Yet, in America today we cannot expect our government to fulfill this function as long as our would-be Metternichs play global chess and arrange power balances. Albert Schweitzer once wrote, "We have talked for decades with ever-increasing light-mindedness about war and conquest, as if these were merely operations on a chessboard; how was this possible save as the result of a tone of mind which no longer pictured to itself the fate of individuals, but thought of them as figures or objects belonging to the material world?"

What can we, as Americans, as Jews, as people, now do?

Since the Passover season is nearly upon us it is appropriate to turn to our Jewish teachings. After partaking in nearly 60 *seders* I realized for the first time last year that the four sons of the Hagadah were all posing the same question: "What is Passover all about?" and were getting the same answer, which is simply, that in every generation each man and woman must consider themselves as if they had personally been delivered from Egypt. But listen how the attitude changes from son to son.

The wise son says, "I think I understand all you have said. Now what must I do?" The answer is to teach him everything about the seder ritual, even to the most obvious detail—that you don't go carousing after the ceremonies—that you respect and remember the suffering of others—not because he *needs* to be told that but because he wants to know the specific actions he should take.

The evil sons says, "What are *you people* getting so excited about? It's just that old Hindu-Moslem thing again. Besides, they're overpopulated anyway." The Hagaddah tells us to seize him and shake him until his teeth rattle and say "You people! We're all human beings. We slaved in Egypt together; we were gassed in Dachau together; we *all* died in Dacca." Maybe, as the Hagaddah suggest we can't save this son; but we must prevent him from infecting the others.

The simple son says, "What's this all about? I am not a political person; what do I know which side is to blame. Look if you want to talk about humanitarian things, where's your collection box? Here, I'll give a few dollars." And you reply "my child,"—not so endearingly because he's had a few thousand years to think about this—"my child, what people do *to* people and *for* people is political. Coming out of Egypt was a political act; the building of Israel is a superb political act; genocide is a political act; the delay in recognizing Bangladesh and sending aid is a political act. You don't have to like it, but you had better understand it."

Finally the son who is too timid to speak; you say to him, "All right, I talk better than you, I will speak widely on your behalf; I write better than you, I will compose articles and letters for you; I am wealthier than you, I will donate the money. Just nod your head if you understand, and support me."

Wise people, listen to what you must do—tell others about the killing of Bengalis, talk about America's role in the world today, write our Congressmen, Senators, newspapers; insist on recognition of Bangladesh and the immediate succour of crying people; give money to UNICEF, the International Rescue Committee, the Emergency Relief Fund, the Bangladesh Information Center and Foundation; ask for America's approval of the

Genocide Convention; learn what causes genocide, insist on punishment of its perpetrators; and, finally *study ways to prevent the next genocide.*

For if we have any love for ourselves, our humanity, our God, genocide must never be allowed to happen to any people again! Not ever again. Never . . . again.

FOREIGN AID TO DEVELOPING COUNTRIES AND THE LINK

Mr. JAVITS. Mr. President, on March 17 I submitted a concurrent resolution which recommended that a "link" be established between the future creation of special drawing rights—SDR's—and development assistance. Representative Reuss submitted the same resolution in the House.

I submitted this resolution since in my view it serves the best interests of the United States in at least two ways:

First, the channeling of additional reserves to the developing world would stimuate their purchases of goods from the developed world of which the United States is the most important nation. These increased exports which would result from these increased LDC purchases would stimulate our economy and create additional jobs. We have heard much about the jobs that have been lost to imports; the link proposal would build exports and consequently employment.

Second, the "link" proposal would strengthen our relations with the developing world, and perhaps gain LDC support for the U.S. position on such matters as the future shape of the world monetary and trading system. Secretary Connally has publicly stated that it is his wish to see the world's economic negotiating forums such as the Group of Ten expanded to include representatives of the developing world.

I bring this matter to the attention of the Senate again today because some of our chief trading partners and trading rivals have adopted a very positive position regarding the "link" in the UNCTAD conference now underway in Santiago, Chile.

The French Finance Minister Mr. Giscard d'Estaing, in his statement before the conference stated:

> Finally, the creation of agreed international liquidities in the form of special drawing rights—if confirmed, as we expect, by the new system—will enhance the continuity and the progression of public aid efforts. This is why France is prepared to allow the creation of a link between these special drawing rights and aid for development.

The Japanese spokesman Mr. Aichi stated:

> Another issue which is closely connected with the future of the international monetary system is the question of the link between SDRs and development assistance. We fully understand the position of the developing countries in proposing "the link" as a promising means of activating financial cooperation from the developed countries. But, we are still in initial stages of the international examination of the future role of SDRs themselves. My country strongly hopes that the International Monetary Fund will give the issue of "the link" an active and serious consideration, keeping in mind its relationship with the examination of the role of SDRs themselves. We will participate positively in such an examination of the "the link."

Finally, the representative of the United Kingdom said the following on behalf of his Government:

> My Government supports the claim of developing countries for changes in the machinery of the International Monetary Fund which will enable them to participate more directly in the discussion of these reforms and in the management of the international monetary system. Because reform of the system is so complex, it will require most careful examination before changes can be internationally agreed. My Government believes that one part of such an examination should be the link between flows of development assistance and a new international monetary reserve asset. This study should be designed to discover first, whether a wider international monetary reform would provide a suitable occasion to introduce such a link. Secondly, the study should consider whether the link would be compatible with what must be the primary object, namely, the early and urgent reform of the international monetary system. Finally, we need to know whether such a link would command sufficient support among the Governments concerned to make it a workable proposition. While this study is being made, the United Kingdom Government's view is that more traditional efforts to sustain both multilateral and bilateral aid flows must be continued and increased; and here, in particular, I have in mind the need to complete quickly the third replenishment of IDA.

Mr. President, I must admit that I find it little short of astounding that France, in particular, which opposed the very creation of SDR's now support the "link." Their self-interest must be served by this and I would hope that our Government would take a similarly enlightened view as to the U.S. self-interest. The United States should support the concept of the "link" and failure to do so would represent a lost opportunity not only to strengthen our economy and balance-of-trade position, but also to reaffirm our interest in the development of the developing world.

NEUTRALIZATION OF SOUTHEAST ASIA

Mr. FULBRIGHT. Mr. President, on March 24, the Senator from Delaware (Mr. Roth) suggested on the Senate floor that the United States should endorse the concept of the neutralization of Southeast Asia. I think that this is a most commendable proposal.

In 1966, the Committee on Foreign Relations commissioned a study of the problems and prospects of neutralization in this troubled region. The study concluded that—

> Viewed as an alternative to the long-term continuation of a large American military presence in South Vietnam, the idea of neutralization merits serious consideration on the part of the U.S. Government. A policy of neutralization, if reasonably successful, would facilitate the achievement of the American objective of permitting countries to fashion their own destinies without massive interference from the outside.

As Senator Roth made clear in his remarks, neutralization is still highly compatible with U.S. interests in Southeast Asia. It may be even more so today. The idea of neutralization has been endorsed by the members of the Association of Southeast Asian nations—Malaysia, Singapore, Indonesia, the Philippines, and Thailand. As we now try to improve relations with China, the neutralization of Southeast Asia would be an excellent way to reduce future friction in the region.

I commend the Senator from Delaware for his fine statement.

I also recommend to the attention of Senators the Study of the Foreign Relations Committees of October 10, 1966, entitled "Neutralization in Southeast Asia: Problems and Prospects," which is useful in considering the validity of this suggestion.

OUR WILDLIFE—WHO "OWNS" IT?

Mr. HANSEN. Mr. President, over the past several years there has been much discussion and controversy relative to the Federal-State relationship as it pertains to control and management of fish and wildlife within each State.

Mr. Don Hall is a graduate of the University of Wyoming Law School and has worked for several years as a special assistant to the attorney general for the State of Wyoming assigned to the Wyoming Game and Fish Commission.

He has written a fine article analyzing the problems which face the States in regard to ownership of game and fish which inhabit federally-owned land.

Mr. President, I hope that Senators will take note of this article. I ask unanimous consent that the article by Mr. Hall, as it appeared in the April 1972, issue of "Wyoming Wildlife" magazine, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STATE VERSUS FEDERAL JURISDICTION OVER WILDLIFE

(By Don Hall)

The legal status of game and fish has evolved from a broad historical background. Traditionally, the ownership of wildlife was vested in each state. In 1896, Justice White of the U.S. Supreme Court [1] traced the history of the ownership of game and fish to Grecian and Roman law, Salic and Anglo-Saxon law, to the Crown of England and subsequently to the United States.[2]

The legislative power exercised by the respective states over wildlife is based upon this theory that each state has an absolute ownership of the wildlife therein.

The legal doctrines pronounced in *Geer v. Connecticut* [3] and *McCready v. Virginia,*[4] which established state ownership of wildlife, remained unchallenged until 1920. In *Missouri v. Holland,*[5] the U.S. Supreme Court diminished the state ownership theory with respect to migratory birds. In essence the court held that the states cannot claim absolute ownership of wildlife whose migratory habits transcend state and national boundaries. Thus, the regulation of migratory birds was given to the Federal Government through the treaty-making authority of the United States. State ownership of wildlife was then reduced to those resident species which during their normal course of life stayed within the boundaries of each state.

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[1] *Geer v. Connecticut,* 161 U.S. 519, 40L.Ed. 793, 16 SCt. 600 (1896).

[2] Author would extend credit to the excellent background material provided by papers presented by *Mr. Nicholas v. Olds* entitled the *Legal Status of Game and Fish* and *Do States Still Own Their Game and Fish.*

[3] *Supra,* Note 1.

[4] *McCready v. Virginia,* 94 U.S. 391 (1877).

[5] *Missouri v. Holland,* 252 U.S. 416, 641 Ed. 641, 40 S.Ct. 382 (1920).

With the advent of passage of various laws by Congress which enabled the various departments of the Federal Government to acquire lands for wildlife refuges and national forests, a new concept entered the law which enabled the various departments of Federal Government to exercise qualified dominion of wildlife. This new concept within the Federal framework could appropriately be entitled, "The Land Ownership Theory." Under these laws the Federal Government acquired properties under two situations: (1) an outright cession by the state which gave the Federal Government exclusive control over the land and wildlife; and (2) acquisition of property without cession by the states which put the Federal Government on essentially the same ownership footing as any private individual.

Several cases have arisen wherein Federal dominion over wildlife on Federal lands has been an issue. In *Hunt v. U.S.*[6] it was decided that the Federal Government had the same authority as a private landowner to reduce deer populations which were causing serious depredations on the land. In other words, the Federal authorities were permitted to reduce deer herds without being restricted by state law.

In 1969, the Tenth Circuit Court of appeals in the case of *New Mexico State Game Commission v. Secretary of Interior*,[7] decided that the Federal Government need not secure permission from the state game department to kill game animals in the management of national parks. This decision went substantially further than the Hunt case because the Federal Government therein did not need to show actual depredations or damage to the land by game animals.

The question may then be asked at this point, when or to what extent the Federal Government is now entitled to exercise complete dominion over wildlife on Federal lands without interference from state game laws? In other words, may the Federal Government now by virtue of its land ownership extend its complete dominion over wildlife under land management policies? It is readily obvious that if the land ownership theory is carried to its fullest extent, then there is a dangerous precedent established that even private individuals can exercise complete dominion over wildlife running on private land. The end result of relating land ownership to absolute dominion over wildlife running thereon would be that private persons as well as the several government entities which own lands would all be exercising control over the wildlife resources. This quagmire of ownership would undoubtedly lead to mass confusion and mismanagement of the species presently found on the various land bodies. In my opinion, this would ultimately destroy the wildlife resources which all of the citizens of the United States and the citizens of the various states now enjoy.

So far, the United States Supreme Court has not yet totally destroyed the concept of state ownership of wildlife. In *Toomer* v. *Whitsell*, 1948,[8] the United States Supreme Court declared, in essence, that the absolute ownership of wildlife by the state may be a legal fiction. In *Toomer*, they then viewed a South Carolina Statute for a Commercial Fishery License unconstitutional under the "Privileges and Immunities Clause." It would appear that state game laws will now be viewed in the light of their "reasonableness" under police power concepts rather than on states absolute ownership.

In the case of *Mullaney v. Anderson*, 1952,[9] the United States Supreme Court declared a nonresident license fee invalid as a discrimination against nonresident commercial fisherman. Thus, it is apparent that the United States Supreme Court will scrutinize commercial aspects of game and fish laws within the "reasonable aspect test" of police powers. It would now appear that if the several states hope to retain complete jurisdiction over wildlife that their respective Legislatures will have to apply the "reasonable test" with regard to all differentials in the treatment of residents as opposed to nonresidents.

If the states do not attempt to fairly regulate wildlife resources within Federal constitutional limits, then either the courts or Congress will declare that the right to control and manage wildlife shall be vested in the Federal Government.

SPENDING HASTE

Mr. PROXMIRE. Mr. President, the Milwaukee Sentinel in a thoughtful editorial on April 12, 1972, sums up the Navy's orders to spend $400 million before June 30 this way:

> There simply is no acceptable excuse for wasting the taxpayers' hard earned dollars.

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Spending Haste

The following paragraph of gobbledygook is tough going but, we believe, worth a taxpayer's time to plow through:

"Fiscal year 1972 outlay targets promulgated by reference A as part of the President's budget for fiscal year 1973 are over $400 million above target in the earlier fiscal year 1972 budget for the OPN, SCN, PAMN, and MILCON appropriations. Difficulty of achieving these targets during the remaining months of fiscal year 1972 fully appreciated but importance of avoiding shortfall in meeting newly established fiscal year 1972 targets to avoid resultant adverse effects on anticipated fiscal year 1973 outlay ceiling dictates need for top management attention. Anticipate any shortfall in fiscal year 1972 outlay target could be translated into program loss under fiscal year 1973 outlay ceiling."

There's more, but that should be enough to give you the general idea. Not that you or anyone else should be expected to understand immediately what Adm. Elmo R. Zumwalt, chief of naval operations, is saying in this memo.

As interpreted by Sen. Proxmire (D-Wis.), Zumwalt is ordering the Navy's procurement officers to spend up to the hilt this fiscal year so the Navy can have more funds to spend next year.

The Navy has a defense for this spending practice. Testifying before Proxmire's Joint Economic Subcommittee, Adm. I. C. Kidd, chief of the Naval Material Command, after admitting that he had a hard time understanding the memo himself, says memos like this have been issued for years.

It seems that Congress gets later and later in making its appropriations, not getting around to it until long after a new fiscal year gets underway.

"When we get final approval of our budget and the money actually in hand so late in the fiscal year," said Kidd, "it very seriously complicates the ability of the systems commands to get proper contracts drawn and to get that money actually spent." In other words, they have to do in six months what they should have a year to do.

If that be the case, why doesn't Zumwalt just say so in simple English instead of engaging in circumlocution about outlay targets, shortfalls and such?

Certainly Congress shares some blame for not making appropriations on time. But the Navy—and all other offices in and out of the Pentagon which hasten to make waste—also are to blame. There simply is no acceptable excuse for wasting the taxpayers' hard earned dollars.

SENATE HEARINGS ON THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. PERCY. Mr. President, on April 11 and 12 the Government Operations Committee held additional hearings on S. 1430, the President's proposal to create a new Department of Community Development. The hearings were chaired by Senator Chiles in the absence of our distinguished chairman, Senator McClellan, and the senior Senator from Connecticut (Mr. Ribicoff) who is chairman of the Subcommittee on Executive Reorganization.

As principal Senate sponsor of this and the administration's three other executive reorganization bills, I am very pleased that we have reopened hearings now. On April 11 the House Government Operations Committee held its final day of hearings on the Department of Community Development, in which it heard Secretary Connally and Mr. Frank Carlucci, Associate Director of the Office of Management and Budget, present a final summary of the administration's case for the bill.

The chairman of the House committee, Congressman Chet Holifield, deserves praise for his diligent and thorough attention to the reorganization measures, and for his intention to move ahead with this worthwhile legislation. The Senate should move in tandem with the House and I am looking forward to completion of the hearings in our own Senate committee as well.

The witnesses who appeared before the Senate committee on April 11 and 12 were Under Secretary of Transportation Beggs, Under Secretary of Commerce Lynn, OEO Director Sanchez, and Associate OMB Director Carlucci. I have excerpted their testimony for the Record in order to make it available to those who are interested in the creation of this new Department.

I would note that this testimony on the creation of a new Community Development Department comes at an appropriate moment. The Senate is now considering S. 3462, reported by the Committee on Agriculture and Forestry, which would add a major new community development role to the existing Agriculture Department.

During our debate on the bill I shall ask the Senate to consider whether the job of creating economically viable, enjoyable, rural communities is primarily a matter of rural policy, or a matter of community building and improved community facilities. I submit that it is the latter. A community—rural, semirural, or urban—is built of many things: Among them are community spirit; community facilities for recreation, sanitation, and transportation; commercial development; and an industrial or manufacturing base. There should be no artificial distinctions made among urban and suburban communities and primarily "rural" communities. One department charged with the responsibility and given the programs to help build all of the Nation's communities is, I suggest, the more logical, responsible solution to the problem of aiding rural community development.

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[6] *Hunt v. U.S.*, 278 U.S. 96 (1927).

[7] *New Mexico Game Commission v. Secretary of Interior*, et al., 410 F.2d 1197 (1969).

[8] *Toomer v. Whitsell*, 334 U.S. 385 (1948).

[9] *Mullaney v. Anderson*, 342 U.S. 415 (1952).

I ask unanimous consent that portions of the testimony be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD as follows:

THE DEPARTMENT OF COMMUNITY DEVELOPMENT BILL (S. 1430)

(Statement of Under Secretary James M. Beggs)

Mr. Chairman, I appreciate the opportunity to appear this morning to present the views of the Department of Transportation on the President's Departmental Reorganization Program, and specifically on the proposed Department of Community Development.

We truly believe that this program presents a unique opportunity to substantially improve the operation of the Executive Branch of the Federal Government, and we support it wholeheartedly.

To those who ask why—when only a short time ago we were urging the consolidation of transportation resources into a single department, we now urge their division—I would make three points:

(1) The establishment of the Department of Transportation was a wise and necessary move, taking into account the dispersion of transportation programs and the departmental structure which prevailed in 1966. Even though the Department still does not include all of the transportation agencies it should, it has made substantial gains in developing an intelligent and consistent Federal policy regarding all modes of transportation.

(2) In recommending the division of the functions of the present Department, I am in no way advocating a return to the situation that existed before the Department was established. At that time, transportation functions were distributed among many agencies and departments without any consistency or overall purpose. What we propose today is a division of transportation functions essentially between two departments based on their primarily national versus predominantly local orientations. This is in marked contrast to the fragmentation of transportation functions among the five departments and three independent agencies which previously exercised the functions now vested in the Department of Transportation.

(3) When the Department of Transportation was established, the President's Departmental Reorganization Program was not available. If it had been, I believe quite frankly that the consolidation and disposition of transportation functions would be essentially as we now recommend.

The creation of a broad-based Department of Community Development will make it possible to provide a more focused and integrated response to the full range of community development problems, such as the steady movement of people from rural to urban areas or from cities to suburbs.

Further, our proposal will combat the adverse effects of disorderly, costly, and undesirable land development and use. The Department of Community Development, by offering a broad range of programs aimed at total community development needs, will move away from the narrow functional orientation which currently exists.

Two major elements of the Department of Transportation are deeply involved in community planning and development—the Federal Highway Administration, and the Urban Mass Transportation Administration.

Since the entire Urban Mass Transportation Administration is dedicated to the service of individual communities, especially through its capital grant program, it would be transferred intact to the Department of Community Development.

The Federal Highway Administration of the Department of Transportation has two main program areas—highways (including construction-related aspects of highway safety) and motor carrier safety. The highway program is very much involved in community planning and development. Quite obviously, streets and highways are every bit as essential to community development as is housing, water and sewer systems, or community services. It is imperative that these functions be planned together from their inception.

The Interstate Highway System, although nationwide in its scope and objectives, has a very significant impact on the development of communities served. It is logical, therefore, to include this program with the other community-oriented elements of the Department of Community Development.

Motor carrier safety is not involved to a great extent in community life. The major impact is on interstate transportation, and its objectives relate to the safety of trucks and buses operating over a transportation system which is nationwide in scope. It is, therefore, more appropriate to include this function in the proposed Department of Economic Affairs along with other transportation safety programs having similar objectives.

As you know, the proposal for establishing the Department of Community Development originally provided for the inclusion of the highway traffic safety grants programs of the National Highway Traffic Safety Administration in the Department of Community Development. After careful reexamination, we became convinced that it would be better to include the motor vehicle safety and highway traffic safety functions now administered by NHTSA in a single department. The motor vehicle and the driver are an inseparable combination whose actions and reactions to the highway environment cause highway accidents. Separating these two programs by placing them in different departments would run counter to the purposes of the reorganization. Further, the traffic safety functions concerned here—that is, those *not* associated with the construction and maintenance of highways—do not require coordination with community planning and development agencies. Finally, we believe that our proposal to keep the highway traffic safety and motor vehicle safety programs together is consistent with the intent of Congress as expressed in the Highway Safety Act of 1970. Briefly, this is why we are recommending this amendment to our original bill.

The two community-oriented elements of the Department of Transportation—the Urban Mass Transportation Administration and the highway related elements of the Federal Highway Administration—would comprise the Community Transportation Administration, one of three major administrations in the new department. The essential elements for comprehensive, community-oriented planning and programming—urban and rural development, housing, and community transportation—thus are embodied in a single department.

In our study of the means for implementing the reorganization proposal most effectively, great care was taken to preserve the effective program delivery systems currently existing. The State Highway Departments, for instance, will continue to conduct their business with the Division Engineers in their States as at present. Similarly, only one Federal agency will be concerned with mass transit grants. I am confident that the clientele groups and planning agencies will find their tasks facilitated by the new organization, particularly since the community planning and development agenceis will also be in the same single department.

We have also developed a concept for a field organization. As I mentioned earlier, the Department of Community Development is envisioned as a community-oriented agency. This concept dictates that a high degree of decentralization and delegation of program authority be effected. It further dictates that the departmental regional director have comprehensive line authority over fucntional field officials at the regional level.

The field organization of the Department of Transportation elements transferring to the Department of Community Development would remain essentially intact, thus assuring continued service.

The Federal Highway Administration field organization presently consists of nine regional administrators in regions corresponding very closely to the ten standard regions. Subordinate to the regional administrator is a division engineer in each State capital to whom most program authority has been delegated. The Division Engineer reviews the State highway plans for adherence to Federal standards. An excellent working relationship exists between the States and the division engineers. This relationship and the program authority delegation must be retained. Coordination with other Department of Community Development programs will be facilitated by the proposed establishment of the Department of Community Development field offices at the State level. We believe that the present regional highway administrator would be most effectively placed in a line position under the regional director.

The Urban Mass Transportation Administration has not yet established a field organization. However, Congress has authorized thirty field positions, and the development of field representation is well underway. In the Department of Community Development, the Urban Mass Transportation Administration regional director would become a staff assistant to the Departmental Regional Director and a member of the team serving the urban communities.

Mr. Chairman, I believe that the establishment of the Department of Community Development would enable the Federal Government to mount a considerably more effective and efficient drive against the problems of our deteriorating urban and neglected rural areas than can now be accomplished. More importantly, this increased efficiency will mean better government for all the people.

I urge this Committee to take favorable action on S. 1430 as rapidly as possible.

S. 1430. TO ESTABLISH A DEPARTMENT OF COMMUNITY DEVELOPMENT

(Statement of James T. Lynn, Under Secretary of Commerce)

Mr. Chairman, I wish to thank you and the members of the Committee for this opportunity to present the views of the Department of Commerce on the proposed Department of Community Development. My testimony today will be in support of S. 1430, the bill establishing the Department of Community Development. I must, however, also discuss to some extent S. 1433, the companion bill which establishes the Department of Economic Affairs.

Our programs affected by the DCD bill are those of the Economic Development Administration and the Title V Regional Commissions. These programs, all of which are authorized by the Public Works and Economic Development Act of 1965, work toward the resolution of economic problems by stimulating creation of permanent jobs. They include direct aid to job-creating businesses themselves as well as assistance to hard-pressed communities to help those communities create the economic infrastructure necessary for industrial growth.

The Economic Development Administration makes low interest loans and working capital guarantees to businesses. EDA also provides grants and loans to communities for public works and development facilities. EDA also has available technical assistance, planning, and research capacities which are used both with its business loan and public works programs to enhance the economic impact of individual projects and, apart from individual projects, to supplement a variety of local initiatives with economic development expertise.

Congress appropriated $284.4 million for the EDA program in FY 1972. Of this amount, $190 million was appropriated for public works and development facilities. The latter would be transferred to DCD under the proposed bill.

To date, six multi-state so-called title V Regional Commissions have been established: Ozarks, Upper Great Lakes, Four Corners, New England, Upper Missouri, and Coastal Plains. We anticipate the formation of several others in the near future.

The commissions provide a system through which the states and federal government jointly participate in analyzing development problems, decide upon plans and programs to overcome these problems, and provide technical, planning, and grant assistance. Congress appropriated $39 million for the commissions in FY 1972.

The apportionment between DCD and DEA of the Department of Commerce programs was made in accordance with the missions of the proposed Departments. DCD's mission will be, in general, to help state and local governments and other appropriate agencies plan and carry out a program of balanced growth, an important part of which would include providing for needed public facilities. DEA's primary goal will be to assure the proper functioning and growth of our national economy. This will require stimulating the economic development process in the less prosperous areas of the country.

The bills, as recently amended in a mostly technical way, now provide as follows:

The Title V Regional Commission program, with its emphasis on developing multi-State regional strategies for development, will be transferred to DCD.

The Economic Development Administration's authority to provide grant and loan assistance for public works and development facilities will be transferred to DCD.

DEA will have EDA's authority to provide business loans and working capital guarantees, to conduct economic development research and to designate areas eligible for assistance under the Public Works and Economic Development Act.

EDA's technical assistance, planning, and demonstration project authority will be shared by DCD and DEA. DCD will use this authority for the specific purposes of assisting public works and development facilities projects and providing community development planning assistance. DEA will use the same authority to assist economic development activity. EDA's planning assistance authority will be used by DEA to support overall economic development planning activities, including EDA's economic development district program.

We believe these reorganization proposals assure that the people, communities, and states which rely on the EDA and Title V programs will continue to benefit from them under their mission-oriented management by DCD and DEA. And they will find the programs more efficient, more responsive, and far more effective for their integration with similar programs in DCD.

Let me briefly describe the way the Title V Commission programs and the EDA public works and development facilities programs will be administered, and some of the advantages that will flow from this administration.

The only administrative change in the Title V Commission programs envisoned by the bill will have the Secretary of DCD assume the responsibilities vis a vis the Commissions now exercised by the Secretary of Commerce. The unique federal-state structure of the commissions will remain intact. But, at the same time the commissions will be able to mesh closely regional development programs with the other community development programs of DCD.

EDA's public works and development facility authority will be administered by DCD along with community facilities programs from HUD, Agriculture, and elsewhere. Community facilities assistance will be administered through DCD's Urban and Rural Development Administration. Decision-making will be strongly decentralized at the state level. Proposals for EDA public works and development facilities projects, for example, will be initiated by applicants through Economic Development Representatives of EDA and, where appropriate, DCD field personnel. Projects will be referred to DCD State offices, with copies to DEA field offices. The DCD State office will process the project and will have the power of final approval. The DEA field office will certify to DCD conformance with the overall economic development program of the area in which the project is located. It will also ensure compliance with the Public Works and Economic Development Act. It will determine, for example, whether the prohibition against assistance for industries suffering from excess production capacity would be violated. Construction management for these projects will be carried out by DCD state offices along with similar DCD projects.

The DCD bill and the administrative arrangements that I have just detailed are designed to ease many of the burdens imposed upon State and local officials seeking to obtain federal community development assistance, especially assistance for water and sewer facilities.

These burdens are significant. Take, for example, a municipality that is eligible for water and sewer assistance from EDA, HUD, and FHA. While it is true that these agencies have developed various coordinating and referral procedures for processing water and sewer applications, the fact remains that these arrangements are far from perfect, and the local official seeking such assistance is faced with a number of problems. Initially he must determine which of several agencies to approach. He must then tailor his application with a view toward satisfying the planning and other statutory and administrative requirements of each of the various Federal water and sewer agencies. Often, the local official must prepare for and attend meetings with representatives of each of the Federal agencies. Sometimes these meetings involve decisions concerning the participation by EDA, HUD, and FHA in complicated combination grant, supplementary grant, and loan packages. Even when preliminary agreement is reached on combination funding by the Federal agencies, the local official still must cope with the somewhat different standards and time schedules used by the agencies to process the community's water and sewer assistance application.

After the combination assistance package is approved, the local official is still subjected to the imperfect Federal coordinating devices that are designed to smooth over the agencies' different practices concerning disbursement of funds and construction management.

The enactment of the DCD bill will provide unified management control over the EDA, HUD, and FHA community facilities programs, and will go a long way toward eliminating the administrative procedures that have proved so costly and frustrating to state and local government. Federal costs and duplication of effort will be reduced. The prime beneficiaries, however, of integrated, efficient community facility administration by DCD will be state and local governments and the people. Local officials will be able to go to one source for community facility assistance. DCD's integrated administration and financial flexibility will enable local officials to assert more effectively their own priorities concerning community facilities. They will no longer be plagued by the conflicting project processing and management procedures of the existing Federal agencies concerned with community facility assistance.

Thus, we believe that the DCD legislation offers a framework for responsive, effective Federal community and economic development efforts, and we strongly urge its enactment.

One final note. We believe that the provisions of the DCD bill are consistent with the legislation the President has proposed to establish a rural community development revenue sharing program. If this special revenue sharing proposal is enacted into law after the passage of the DCD bill, DCD would assume administrative responsibility for the revenue sharing program. Many of the programs that are to be absorbed by this special revenue sharing proposal—such as the Title V Regional Commissions, and EDA—are, in any event, as I have previously indicated, to be transferred, in large part, to DCD under the DCD bill. Thus, the vesting of such authority under the reorganization in DCD would be consistent with the ultimate design envisioned in this special revenue sharing proposal.

S. 1430. To Establish a Department of Community Development

(Statement by Phillip V. Sanchez, Director, Office of Economic Opportunity)

Mr. Chairman and Members of the Committee, I appreciate this opportunity to present my views on S. 1430, legislation proposed by the President to establish a Department of Community Development.

As you know S. 1430 would transfer from the Director, OEO to the Secretary of the DCD, responsibility for administering the Community Action Program and associated support activities under Title II of the Economic Opportunity Act. It would also transfer responsibility for the Senior Opportunities and Services program under Section 222(a)(7) of our Act, and the Special Impact Program under Title I–D. The activities conducted under these parts of the Economic Opportunity Act cut broadly across many functional program categories. They represent the kinds of community development effort which the proposed new Department is designed to enhance. Of the three programs, Community Action is by far the largest, with a FY 1972 budget of $325 million. The Special Impact Program, which is designed to provide highly visible economic and community development impacts in urban and rural areas with high concentrations of poverty is funded at $26 million in FY 1972. The Senior Opportunities and Services Program, which is closely associated with Community Action, seeks to increase the opportunities and participation of the older poor in Community Action and other programs at the community level, with a FY 1972 budget of $8 million.

In my statement today, I want particularly to discuss three major points:

1. The institution-building aspects of community development.
2. The relevance of Community Action to this institution-building purpose.

3. The effects of a new Department of Community Development on the future of Community Action.

Previous witnesses have underscored the fact that the DCD will be far more than an expanded HUD with a new name, and that community development must be far more than the construction of houses, roads, water and sewer, transportation and other community facilities. These tangible structures and facilities are important but they do not make a community. A community has to do, not with things, but with people and the institutions and activities through which they work together to solve common problems.

. . . The Comunity Development concept also assumes that a community is not embodied entirely in its government but exists to a large degree in the private sector. This includes private economic enterprises and the independent private organizations formed by citizens who share common interests. This is an especially vital aspect of American communities. A key element of Community Development is the strengthening of the capabilities of all citizens to contribute to the solution of community problems; to participate in planning and carrying out those activities which affect their lives.

In creating the DCD, the Federal Government will for the first time have the ability to provide integrated support and assistance to the community-building efforts of state and local governments and a range of private institutions. Instead of Community Development being a by-product which may hopefully emerge from the conduct of programs aimed primarily at other goals, Community Development will become one of the explicit and primary purposes of the Federal Government. It will have a major cabinet level department responsible for producing results in this most critical field.

One hardly needs to ask what is the interest of the poor in all this. The poor know perhaps better than anyone else the price that is paid when local government and local private institutions lack the ability to plan and carry out programs that are truly responsive to the needs of all citizens.

And the poor have historically been least able to participate in and influence the planning and management of programs which affect their lives. They have been largely isolated from the communication and decisionmaking processes through which other citizens have been able to gain community support for their legitimate interests and needs.

The Community Action Program speaks directly to these community-building needs which I have described. In fact, it has pioneered many of the paths that are leading to an expanded Community Development effort. There are today more than 900 locally-established and locally-governed Community Action Agencies (CAAs) in both urban and rural communities. Through their broadly representative local boards and other means, CAAs have provided a new institutional framework in which the poor, local government officials, and private sector leadership can jointly assess the poverty problems of their community and develop plans for mobilizing public and private resources to address those problems. This process is opening up new doors and new communication channels between the poor and public and private institutions. It is forming new partnerships between government and private institutions at the community level. It is generating new investments of both financial and human resources for local antipoverty efforts. In the CAA, Community Action is building a flexible new instrument capable of operating a wide range of service delivery programs and linking them together at the neighborhood level. It is giving poor people a new stake in their community. It is generating not only *participation* but also *leadership* among the poor, which represents a new community resource for future local problem-solving.

The vast potential of the CAA for this kind of constructive impact rests largely on the unique form and quality of the CAA, which is in most cases a private, nonprofit institution, established and subject to modification by local government. It is a quasi-public/private institution whose mission is to build community bridges that facilitate more responsive planning and better coordinated actions. This is precisely the kind of community institution which the DCD will encourage as an essential part of its mission.

With its emphasis on helping each community improve its own local response to local poverty problems, Community Action has been in the forefront of the growing Federal concern with community problem-solving which cuts across narrow categorical lines. Community Action has specifically encouraged broad problem-oriented community planning and has supported such planning with flexible "local initiative" grants which in many ways foreshadowed the recent interest in block grants and revenue sharing. Community Action explicitly recognizes that each community is in many ways unique and that single national solutions imposed from Washington are no substitute for the hand-tailoring of programs by local citizens to fit local needs.

The Community Action Program not only fits naturally into the new Department of Community Development; we expect that the existing purposes, assets and experience of Community Action will help to define the future institutional development mission of the new agency, and will have a significant effect on the character of DCD support for community development.

If Community Action will be good for the Department of Community Development, will the DCD also be good for Community Action? That is a question which is being asked by many of the friends of Community Action today. Part of the answer is suggested in the trends which are observable in Community Action relationships throughout the country.

As experience accumulates, the need for closer ties between Community Action and other major programs has been recognized at the community level, and CAAs are generally moving toward greater coordination and involvement with local and state government, as well as with private institutions.

The greatest obstacle to this healthy trend and to further broadening of federal support for the goals and activities of Community Action is the continuing isolation of Community Action from other major programs within the Federal Government. This organizational isolation makes it difficult for CAAs and other community institutions to agree upon, and gain coherent Federal support for, locally-tailored programs which cut across Federal agency jurisdictions.

Having contributed to the growth of a national concern with Community Development which will undoubtedly result in increasing resources available for this purpose, it would be tragic if Community Action were to miss the opportunity to be involved in shaping this broad national effort as it gains momentum. If the Federal staff and Congressional leaders who have carried the major burden of establishing Federal support for local Community Action can continue this supportive effort in the broader context of community development, they will achieve much greater leverage on the way in which the poor benefit from the massive Federal resources that are being and will be spent, not only in community improvement, but in a wide range of other poverty-related programs which affect the poor.

The community-wide scope and generalist approach of Community Development will lend strength to Community Action because the problems and needs of the poor in fact cut across all program areas. Community Action is not a human resources program—it is an anti-poverty program, designed to increase the community's ability and commitment to meet poverty problems in any programmatic field. Education, health and manpower programs are of course important to the poor. But so are housing, urban renewal, highway construction, mass transportation, water and sewer facilities, economic development, law enforcement and pollution control. To gain significant impact on all these programs, Community Action must become institutionalized as an integral and pervasive aspect of local programs affecting the poor. It is unlikely to succeed in this major evolution if it is walled off bureaucratically and politically from the resources and decisionmaking processes that are becoming increasingly open to the kinds of new approaches which have been pioneered by Community Action.

The opportunity for broader Community Action impact on the major Federal resource systems through the DCD also raises some questions which have made some friends of Community Action fearful of any merger. Their concern is that the antipoverty thrusts of Community Action, and the influence of those who have supported it in the past, might be diluted in the broader effort.

We sincerely believe that such concerns are unfounded. We are in fact making Community Action a strong, as well as an integral part of the community-building mission of the proposed Department of Community Development. We believe that the DCD proposal presents a wide range of opportunities to the concept of Community Action.

How, then, will Community Action operate under the Department of Community Development? The answer is that Community Action Agencies will continue to develop and carry out local community action strategies and programs in the same manner as at present. The legislative mandates and requirements in Title II of the Economic Opportunity Act will not be altered in any way by the transfer of the Federal administrative responsibility from OEO to the new DCD.

The field staffs which now serve CAAs in OEO will become employees of the DCD and will continue their Community Action support functions. Logistically, these staffs will be more accessible to local CAAs because many of them will be further decentralized from the ten regional office locations to a larger number of subregional offices. While the pattern of subregional offices may vary somewhat, depending on the particular needs of each area, the normal pattern will be one office in each state.

Within the subregional office, there will be a separate Community Action support unit whose chief will report directly to the subregional office director.

The Community Action field staff will be responsible for day-to-day contact with CAAs. They will also be responsible for all aspects of the Community Action Grant Application and Review Process. Based on the recommendation of the Community Action Unit Chief, Community Action grants will be signed by the subregional office director.

As a senior member of the subregional office director's staff, the Community Action Unit Chief will also be in a position to influence plans, priorities and administrative actions relating to other Community Development programs as they affect Community Action and the poor.

The Headquarters and Regional organization of the DCD will provide strong support for the continuing work of the Community Action field staff.

At the Headquarters level, reporting to the Administrator for Urban and Rural Development, there will be an Associate Administrator for Planning and Community Affairs, who will be responsible for the community planning and institution-building aspects of community development. This senior official of the new Department will be concerned with the direction and support of programs such as Community Action as well as planning assistance to state and local governments. Cutting across these programmatic concerns will be his responsibility for strengthening citizen participation, including the poor, in all aspects of community development planning and operations. The political and programmatic weight which this official will carry will make him a powerful Federal advocate for the kinds of local institutional change that Community Action has been promoting under OEO auspices. In carrying out his Community Action responsibilities, under the Economic Opportunity Act, the Associate Administrator will be supported by a Community Action staff, which will also be concerned with the development of citizen participation in all of the programs of the DCD.

There will also be a Community Action staff in each Regional Office to assure that Community Action policy and planning guidance provided from Headquarters will be carried out effectively and that Community Action problems coming to the region from the field office level are handled properly. This staff will assure that CAAs and their citizen participation mechanisms will have the opportunity for impact on all DCD programs administered at the local level. The location and function of the Community Action staff at the Headquarters, Regional and subregional levels are shown in the chart at the end of my prepared testimony.

Relating programs such as Community Action to assistance for state and local government planning, and linking this whole effort to the cross-cutting support for citizen participation, will gvie a powerful impetus to the kinds of change Community Action has been pursuing. For example, DCD guidelines for state and local planning assistance will have to reflect the DCD's clear responsibility for strengthening citizen participation. And the Department's Community Action responsibility will require that citizen participation includes strong support for participation of the poor.

By placing Community Action solidly in the mainstream of Federal support for Community Development, the Department of Community Development can do much to shape the growing community development efforts at all levels along the lines which have been pioneered by Community Action. Mr. Chairman, the development of workable communities which can truly respond to the needs of citizens is a prime agenda before this country today. The proposed Department of Community Development can go a long way toward giving us new handles on this problem. Community Action can make major contributions to the process, both nationally and locally, if it is properly related to the other community-building efforts at all levels. I believe enactment of S. 1430 would strengthen all of our efforts, to the benefit of the poor, as well as other citizens.

S. 1430. To Establish A Development of Community Development

(Statement of Frank C. Carlucci, Associate Director, Office of Management and Budget)

Mr. Chairman and Members of the Committee: The President has repeatedly stressed the critical importance of departmental reorganization. His concern has been reflected in numerous speeches and statements, including the 1971 and 1972 State of the Union Messages, and most recently, in his special Message to the Congress of two weeks ago. The Committee can proceed with its hearings on the Department of Community Development with full confidence that the President, as well as his entire Administration, will do everything possible to assist the Congress in the early enactment of these urgently needed Departmental reforms.

I should like at this point to lay to rest a prevalent misconception concerning the proposed new departments—namely, that they are only enlarged versions of the departments which they replace. We are talking about new departments built around new concepts of purpose and equipped with organizations and management systems which draw upon our best experience. DCD and the other proposed departments will, in short, be fundamentally different organizations with different operational concepts from those of the agencies that they are absorbing. This is a fundamental feature of the President's Departmental Reorganization Program.

I would also like to comment briefly on the President's decision to retain a Department of Agriculture. Although various functions of the present department that are not directly relevant to the production and marketing of food and fiber will be transferred to DCD and the other proposed departments, the continuing Department of Agriculture will still be a major agency with some 28,000 people and 5.2 billion dollars in annual outlays. The streamlined Department will be able to concentrate its attention on the strengthening of the Nation's agriculture sector, a purpose from which it has been progressively distracted over the years by accretions of responsibility for rural community development, social programs, and certain aspects of natural resources management.

PURPOSE AND ORIENTATION OF DCD

The basic purpose of establishing a Department of Community Development is to bring together and provide common leadership to those Federal activities that bear most directly on the development, through growth and renewal, of both urban and rural communities. Through DCD we can better provide opportunity for all citizens to obtain wholesome living environments which meet varying local needs. In order to meet this objective there must be

Comprehensive community planning for development;

Effective and responsible community government;

Communication and cooperation between citizens and government;

Provision of systems of land use, community facilities and utilities, and transportation; and,

Adequate housing.

These ingredients need to be more effectively combined if we are to improve on our present disorganized, hit-and-miss approach to urban and rural development.

The new Department will be equipped to grapple with the whole range of these community development issues. There has been some apprehension lest the new Department be too hardware oriented, that is, preoccupied with housing, highways, water and sewer, and other construction programs. On the other hand, some highway proponents are known to be concerned over what they regard as an overly heavy social orientation of the new department. These conflicting complaints seem to indicate that we may have indeed, achieved a balance between bricks and mortar and people in our planning for DCD. Only with such a balance can we bring about the kind of institution building required for effective community development.

TRANSPORTATION PROBLEMS

Let me elaborate on how this reorganization can help resolve some current problems in the critical area of transportation. The impact of transportation systems is often much more complex and far-reaching than meets the eye. Take, for example, low-income families. Poorly planned thoroughfares can isolate them from employment opportunities and public and private services they need. On the other hand, the planning of these roadways in close partnership with the planning of the location of low-income housing and other elements of community development can do much to enable these families to become a part of the economic and social mainstream of community life. As Under Secretary Beggs has pointed out, by drawing these programs together in the same department, highway and mass transportation considerations can be brought to bear much earlier in the development of community plans. Thus, issues are less likely to reach the stage of public confrontation which in recent years has delayed and jeopardized many important transportation projects. Also, by introducing people considerations early in the planning process, we would expect needed transportation projects to gain broader public support, particularly from the minority and disadvantaged groups.

As a further example of the present confusion surrounding community impact of transportation, we have public mass transportation. For a city to receive a maximum urban mass transportation grant from DOT, HUD must certify that the project is needed to carry out a program for a unified transportation system as part of the comprehensively planned development of the urban area. However, UMTA and HUD do not have a common approach to deciding what constitutes an "urban area" or what constitutes a "unified" system. Further, since, in all but the largest urban areas mass transportation relies on highways, the confusion is further compounded. Mass transportation projects can be delayed due to disagreements over the adequacy of community planning as well as the merits and scale of funding. Situations such as these can only work to the detriment of the applicant and the people of the area who need the facilities in question. Clearly, policy direction through a single department with administration through a unified regional organization would prevent this kind of frustrating confusion from happening.

RURAL DEVELOPMENT PROBLEMS

At the present time, rural community development problems and programs must compete for the attention of the Secretary of Agriculture against other programs and problems, many only tangentially related to rural community development. It is unrealistic to expect the Department of Agriculture to develop the capacity and expertise to handle such diverse matters as community planning, highways, water and sewer services, housing, and institution building, all of which are essential to the development of our rural communities—communities in which only one out of every six workers makes his livelihood by farming.

The Administration has repeatedly emphasized the need for a DCD if we are to provide a more effective structure for rural development efforts. The FHA, REA, and other rural development agencies would be strengthened, not weakened, by inclusion in a department charged with community development on a nationwide scale. By establishing a Department of Community Development with a strong rural mission, our rural communities will receive stronger and more sustained leadership at the national level than is now possible. They will have access to a wider range of Federal programs and they will receive more consideration in overall national planning. This approach can in our judgment provide the best attack upon the problems of our rural areas.

COORDINATION OF COMMUNITY DEVELOPMENT PROGRAMS

Coordination of Federal community development programs at the present time rests mainly on uneasy interagency alliances and coordination agreements. These arrangements are seldom workable on a continuing basis although they occasionally prove effective in *ad hoc* situations, especially those provoked by crisis and public protest. We are concerned, as is this Committee, with the proliferation of interagency committees which inevitably results from the fragmentation of responsibility and the inability of our existing executive departments to deal with broad community development issues in a coherent manner.

In addition to ameliorating interagency coordination problems in our cities, the DCD will help to break down the very artificial and unrealistic dichotomy between rural and urban community development. Who is wise enough to tell us where an urban community ends and a rural community begins? Rural towns have too frequently been treated as something outside the mainstream of our national development. While we deplore the uncontrolled growth of the increasingly troubled megalopolis and the decline of the rural community, the programs that should be focused on these problems are now scattered among the organizational units proposed for inclusion in the Department of Community Development. Administering these programs within a single department will give the President an organization he can hold accountable for carrying out the major elements of a national strategy on coping with communities of all sizes.

As the Committee is aware, I am a former Director of OEO. I regard the creation of DCD as an unparalleled opportunity for Community Action to reach its true potential as a change agent to help the poor break out of their isolation. The Community Action Agencies can serve to mobilize all resources available to the community, seeing that housing programs serve the poor, that public facilities adequately serve low-income neighborhoods, that relocation assistance is provided under highway and urban renewal programs. In sum, placement of such institution building functions in DCD can help assure that the new department will have a concern for people, not just bricks and mortar.

MANAGEMENT OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Other witnesses have dwelt on the basic management concepts of DCD which center on a strong Secretary with full authority *and accountability* for departmental programs. We believe that the new department, indeed, the whole President's Departmental Reorganization Program represents a new departure in organizing the Executive Branch. However, I should make it clear that in developing the internal structure and management concepts of the Department, we have also tried to maintain and strengthen those elements of existing organizations that have proven workable and successful. This is particularly true in the case of the proposed DCD field structure. The local offices of the Farmers Home Administration will provide the means for bringing DCD programs directly to the community level in rural areas. Nor will the State level offices which now administer Federal highway programs be disturbed. The new department's regional offices will be looked on to assure effective direction and coordination of these field organizations.

In this connection, we expect to continue a management policy commenced during this Administration. This is the move to decentralize program administration. The decentralization contemplated for the new department, already substantially under way among many of the programs being transferred, will add materially to its efficiency in operation and will help eliminate the "layering" phenomenon about which concern has been expressed. Program decisions under decentralized administration will be made by field officials as close as possible to the place where the problems are.

PROPOSED AMENDMENTS TO S. 1430

Some of the concerns expressed during the overview and earlier DCD hearings, and the continued work of the departmental task forces, have led us to reexamine our thinking and to propose selective changes to the DCD bill. We have, for instance, proposed deletion of language which would have altered the successful working relationships between the States and the Executive Branch under the legislation providing for the Appalachian and Title V Regional Commissions. Consequently, the Appalachian Regional Commission will remain untouched under the bill as we have proposed to amend it. The only change with respect to the Title V Commissions, is that instead of being under the general oversight of the Secretary of Commerce, they will look to the Secretary of Community Development.

Concern has been expressed by this Committee and others over the fact that there was no provision in the DCD bill for assuring coordination of airport location and access with planned community development. We have, therefore, proposed an amendment that would require the Secretary of Transportation to consult with the Secretary of Community Development in developing criteria for planning airport locations and access facilities to assure maximum compatibility of airports with planned community and areawide development.

Other amendments proposed by the Administration are more technical in nature or are of minor importance. Together, all of these amendments will give us a stronger and more workable Department of Community Development. They are all included in the revision of the compilation of *Papers Relating to the President's Departmental Reorganization Program* recently furnished the Committee.

CONCLUSION

We are not presenting reorganization as a panacea. We cannot, for example, by this bill resolve problems that are due to the substance of programs.

However, we do know that as presently constituted the Executive Branch has become increasingly unmanageable, and piecemeal measures are not enough to bring it under control.

In his message to the Congress of March 29, the President singled out the DCD bill for special attention, stating, "Prompt, favorable action on this bill would represent a much-needed victory for common sense and the public good. Its defeat or emasculation would . . . cruelly disserve the interest of literally thousands of urban and rural communities with millions of people who are tired of waiting for Washington to get itself together and help them." Continuing, the President specifically had this to say of his hopes for action during this session:

"I urge all those concerned with the cause of executive reorganization to redouble their efforts to bring H.R. 6962 to my desk for signature during 1972—and, further, to press ahead on enactment of H.R. 6959, the Department of Natural Resources bill, and of legislation for the other two new departments which we need to govern effectively in the seventies."

If you have questions on any aspects of the reorganization, I will be pleased to address them.

ECONOMIC CONVERSION

Mr. McGOVERN. Mr. President, a great deal is known about the Nation's failure to plan for the transition from a war to a peace economy.

In Seattle the aerospace collapse has brought near depression.

Nationwide there are as many as 100,000 scientists and engineers out of work—and that is not just between jobs.

In Massachusetts there are 12,000 unemployed scientists and engineers in the route 128 area alone.

And military and aerospace cutbacks account for as much as one-fifth of all unemployment in this State.

But today's crisis does not come as a surprise. We could see it years ago.

The country has pleaded for an end to the war in Vietnam. But we have long known that any phasedown in the war would produce lost jobs in Massachusetts—that it would eliminate a third of the ordnance industry, a fourth of the aircraft industry, more than a tenth of the research and development work, and a significant portion of other business.

We have searched for an end to the wasteful, futile and deadly arms competition between the United States and the Soviet Union. But we have long known that ending the race would eliminate jobs for the people who do the running, who supply the equipment and maintain the track.

We have known that completion of the Apollo program would bring a sag in space spending. And we have known that public interest in new priorities would bring tougher scrutiny of military programs across the board.

All of these factors have begun to converge. They are producing a desperate job crunch in the States which have grown dependent on aerospace spending. And the pressure has just begun.

The Nixon administration has shown some interest, inspired by defeat of the SST and, one suspects, by the turn of the calendar into an election year.

But there has been little in the way of real substance. For all practical purposes the administration still clings to the notion that the private economy will resolve the problem by itself. And a big share of the nation's 5 million unemployed can thank that simple-minded premise for the fact that they cannot pay the mortgage, cannot pay the tuition, cannot make the car payments, and cannot find work.

Those wasteful conditions did not have to happen. And they can be changed.

For the average worker we can begin with a $10 billion fiscal stimulus, including contracts for now and rehabilitated housing, public transportation systems, environmental protection, and public service employment, producing 2.4 million new jcbs.

We can follow that with tax and welfare reform proposals of the kind I have outlined in this campaign. They would provide an enormous boost to the private economy, by taking some of the low velocity dollars held by the rich and redistributing them to income levels where they will turn over more rapidly.

And a 2-year transition to the $54.8 billion alternative defense budget I have proposed—coupled with the immediate application of those funds to civilian needs—would produce a massive net increase in production line jobs.

Proposals of that kind would allow us to guarantee a useful, productive job to everyone in this country who wants to work.

As some of you know, I have been working since 1963 on legislation to stimulate conversion planning by the major arms industries. to protect workers displaced by military cutbacks and to undertake new enterprise in the civilian sector.

I frankly do not think we have found an answer.

Some companies have reduced their dependency on the Pentagon.

But I suspect that even if my bills had passed, the major arms contractors would still be shortchanging plans for the transition and pursuing more defense and space dollars.

But I also have another suspicion.

I suspect that if I am elected President this fall, the major military contractors will do more conversion planning in the few weeks between the election and the inauguration than they have done in the past 10 years.

That would happen because they know the kind of people-oriented priorities I would present to Congress and the country.

They would know what it is the Federal Government would have them convert to—where the money is going to be—when they leave their traditional business. And it is on that single element that any attempt at federally inspired conversion will succeed or fail.

This major reordering of spending priorities would guarantee a bright future for the average aerospace worker. But we need a more detailed policy in the case of technical professionals.

The new money we spend for housing construction and rehabilitation, for schools and hospitals, for better mass transit systems and for other programs of that kind will produce far fewer scientific and engineering jobs than equal investments in defense. They are less R. & D. intensive.

Meanwhile our colleges and universities are continuing to turn out still more technical personnel to compete for limited jobs.

And those of you who have aerospace experience find that the younger guys are coming out ahead in the competition. They are not tied so tightly to a specific locality or to a professional specialty. They usually cost less. And they do not suffer from the aerospace prejudice which holds that a defense or space expert is a bad risk for civilian work.

So a more sensitive program is needed.

Again it is a matter of creating an effective demand.

The truth is that we are surrounded by research and development needs. They simply have not been backed up with money, or with institutional reforms designed to stimulate innovation.

In the private sector some of our major industries—electronics, steel, shipbuilding, and others—are losing out to competition from overseas, in large part because we have lagged behind in developing new products and production techniques.

We can get a glimpse of the demand in the public sector by noting that within 2 months of a seminar on the subject, NASA's Office of Technology Utilization received 500 proposals for technical work that could benefit the cities.

Let me suggest some of the directions I would pursue.

First, we need to greatly expand funding for research and development across the entire range of public concerns.

In this, as in so many other areas, the Nixon administration has shown its great gift for overstatement and underachievement. Much of the heralded expansion in R. & D. money—about 80 percent in the case of the Environmental Protection Agency, for example—has actually been budgeted for construction. Certainly that construction is worthwhile, but it provides very little in the way of new technology.

What I am proposing is increased funding for real research—for laboratory and feasibility studies, for experimentation and design. And we should be doing that across a broad range of civilian needs—in health, in water pollution control, in waste recycling, in energy conservation, in air traffic control, in noise abatement, in mass transit systems, in population planning, in law enforcement methods, in drug rehabilitation, and in a host of others.

Second, we need to find effective methods of stimulating research in the private sector.

Government can, of course, encourage private sector research on public concerns through its regulation of the private economy.

But we should also consider support for research with purely commercial applications, especially in the case of smaller firms. Considering the enormous influence of technology on our rate of economic growth and on the world trade balance, I see little justification for the long-standing resistance to Federal support for research that might be used exclusively in the private sector.

The revised version of Senator KENNEDY's bill, S.32, approaches this problem in a way that could be useful immediately. It includes a $275 million job transition program to subsidize the trial employment of scientists and engineers, including provisions for training in technical and managerial fields. A program of that kind would cost little more than unemployment compensation, and it would produce many times the benefit to the professional, the company and the economy.

But we should go beyond that, to share the cost of research in target areas which are of overriding importance to the national economy and which are not likely to be met by private investment alone.

Third, we should search for ways to stimulate and encourage smaller technical enterprise.

The bulk of Federal research and development funds goes to the biggest corporations. About 85 percent goes to companies with more than 5,000 employees.

Yet, independent inventors and small research-based companies have consistently produced far more than their share of important new ideas and innovations. The cyclotron, the xerox process, polaroid, automatic transmissions, oxygen steelmaking, modern steel hot rolling techniques, titanium, the jet engine, the helicopter—these are a few of the major inventions which have been produced in small laboratories in this country, and the list goes on and on.

There are good reasons for this. Large manufacturing firms tend to ignore and resist new technology which would require replacement of their capital equipment. They want to protect their investment. If a new idea is developed the company will often sit on the patent.

Hence, in this context as in others, it makes sense for the Government to pursue a vigorous free enterprise policy—to come down hard on the side of smaller enterprise.

A minimum share of Federal research funds should be allocated to smaller firms, and that should include money for both public interest and commercial research. Federal R. & D. agencies should be directed to examine carefully the unsolicited proposals which pour in from these sources. Small Business Administration funding should be expended and should be available to research-based consulting firms. And we should look at two patent reforms: Innovations developed by employed scientists and engineers should revert to them if they are not exploited by their employer within a certain period of time, and similar procedures should be adopted in the case of inventions with commercial application produced under Government contract.

Fourth, Federal research and development programs should be consolidated in a Cabinet-level Department of Science and Technology.

The Department would be actively involved with all other Federal agencies, and also with the States and the cities and with the private sector, in seeking out and funding worthwhile research and development programs. And it would be responsible for all existing R. & D. efforts, including those conducted by the Department of Defense and the National Aeronautics and Space Administration.

Government reorganization is never a panacea. But the establishment of a Department of Science and Technology would produce vitally important benefits.

It would allow vastly improved coordination of research and development programs.

It would facilitate rational budget presentations, so that Congress and the American people could distinguish between research and development funds and funds for other purposes.

It would assure that national policy on the administration of science programs—including minimum requirements for the support of research by small firms—would be consistently applied.

It would allow a continuous evaluation of scientific and technical resources and a continuous assessment of research needs.

And it would encourage the development of a realistic scale of national research and development priorities, with clear goals and a real determination to meet them.

These four initiatives can restore a busy and productive scientific community in this country—one that is moving to meet the real concerns of the American people.

America knows the economic wreckage of military waste.

We know the frustration and the outrage of neglected human needs.

We know the fear of nuclear war that can incinerate most of mankind.

And we know too well the terror of war.

We cannot remove those quantities from a war-oriented economy. They are built into it.

But we can take the pain out of peace.

We can make it a goal that no one need fear—a dream we can all welcome with confidence and hope.

That is what I propose to do.

VISIT BY POW–MIA COMMITTEE OF PENSACOLA, FLA.

Mr. GURNEY. Mr. President, the day before yesterday a courageous group of people came up from Pensacola, Fla., to bring a very pressing problem to the personal attention of their elected representatives, and other Government officials, here in Washington.

Barbara Ann Hawthorne, Jaqueline Wilson Kent, Maria Fiscella, Gneal Trevethan, and John Schill are a very special group of people for their problem is one that should concern all Americans. Each of these individuals is a member of the POW–MIA Committee of Pensacola, Fla., and, although not all of them have relatives among the captured or missing in action, each is doing what he or she can to help speed the release of our POW's and MIA's by working to bring about increased awareness of their plight not only in the United States but around the world.

Yesterday, as a part of that effort, the group appeared before and made a presentation to the Republican policy committee of the Senate. The remarks of Barbara Ann Hawthorne, whose husband has been missing in action since 1967, are directed to all America and should concern all Americans. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF BARBARA ANN HAWTHORNE TO THE MINORITY POLICY COMMITTEE OF THE SENATE, APRIL 18, 1972

My husband, Lt. Col. Richard Hawthorne, has been missing in action since September 12, 1967. The night that the casual TY officer doctor and chaplain came to my home to inform me of Dick's failure to return from his mission, I was told at the same time, not to tell even the neighbors about Dick's tragedy. There was to be no publicity regarding the missing in action and prisoners of war. Then in May of 1969 Secretary Laird, acting for the new Nixon Administration, finally made the issue a public one. The wives were encouraged to speak out and to tell their story. The reasoning at the time was—North Vietnam wants to join the community of nations if we can have favorable American public opinion to in turn influence world public opinion, Hanoi would be forced to abide by the tenents of the Geneva convention relative to the treatment of prisoners of war. At that time, we weren't even asking for release of our men—simply humane treatment.

We never really got that world public opinion because we couldn't even get American public opinion to the extent that it was needed. It was thought that the family members would begin and then be joined by other concerned Americans. The family members are still working and there would be more concerned Americans if our political leaders took the initiative and spoke out on the issue frequently.

I sometimes think that I am a person standing next to myself—gazing over at this woman who I know is me but I can't believe that this is really happening to me and my family in this country today. I can see the casualty officer coming to my home again—this time to tell me that my husband is *a presumptive* death. This will happen because as in North Korea, we will not get an honest accounting and our men will be expended. It is up to you, our elected officials, to see that this does not happen. We must have accountability—we must know the circumstances under which these men died—if, in fact, they are dead.

The MIA-POW issue must be a major one in the 1972 election campaign. You can help these men by developing a proposal to secure their accounting and release and by urging the platform committee of the Republican Party to include a strong plank regarding the MIA's and POW's.

In addition, we need a champion to oppose the inhumane treatment of the POW's, MIA's and their families with the same zest used to oppose the SST, the Cross State Florida Barge Canal and several proposed Administration appointments.

Why can't we find a champion for the most vital humanitarian issue to face America today?

My name is Barbara Hawthorne. It is not important to remember that name. The name I want you to remember is Richard Hawthorne—Lt. Col., U.S.M.C.—missing in action—South Vietnam—September 12, 1967. He counts on you!

Another name to remember is Robert Kent—Captain U.S.M.C.—missing in action—Laos—December 20, 1968. He also counts on you.

Jackie and I will give those of you who do not already have a bracelet, one with either Bob's or Dick's name. This will serve as a constant reminder of them and the other 1,623 men whom we hope will not be forgotten.

JOHN T. HOLDEN: AN OUTSTANDING EDUCATOR

Mr. McINTYRE. Mr. President, I want to share with Senators my deep appreciation for the long service, both to his country and to his State, of Prof. John T. Holden, of the University of New Hampshire. A man who has pursued a tremendous variety of activities during his distinguished career, Professor Holden has always dedicated himself above all to the true ideals of education. He has lived many roles as an administrator, soldier, college president, student, and of course teacher, and he has always shared what he has learned from each experience with others. Many have benefited from his knowledge and experience.

Jack Holden's wide range of educational experience dates from his years on a farm in the Connecticut River valley where he lived as a boy. He went to college at Wesleyan University and, on graduating, worked first as a personnel officer for a Boston firm and then as an administrator for a prep school. During World War II he earned higher degrees at Harvard University before entering the Army for a short time. He was discharged in 1943 in order to teach public administration for the Navy's V–5 and V–11 wartime programs at Harvard, and simultaneously taught at both Tufts University near Boston and Nasson College in Maine. He was made president of Nasson in 1944. In 1947 he came to the University of New Hampshire where he has taught until the present. During these past 25 years, though, he has traveled and lectured widely, and has been an adviser to various Federal, State, and private groups, among them the Departments of State and Defense and three Governors of New Hampshire. His particular area of expertise being political science, Professor Holden was chairman of the department of government at the University of New Hampshire for 15 years and is well renowned as an expert in world affairs, especially Southeast Asian affairs. In fact, in 1964–65 he was sent as senior Fulbright lecturer to India, Ceylon, Thailand, and Vietnam.

This is certainly a magnificent and varied career. But it is as a teacher that Jack Holden will be best remembered. His contributions to the acedamic community at the university are so lasting that few, if any, will ever equal them. When he came to the department of government at the University of New Hampshire almost 25 years ago, it was very small in size. However, through his leadership the department has grown tremendously until it is now one of the strongest in the university and well reputed throughout the country. Jack Holden's courses are perenially among the most popular in the university. In addition, he has been chairman of several important committees, among these the welfare committee of the faculty and the selection committee for a president.

It is through these channels that Jack has applied his experience and savvy to the university in such a lasting way. For, having helped to mold the school's institutions, Jack Holden's educational philosophy will continue to influence students for years to come.

Now he is on the eve of his retirement, and I can only say that it comes too soon. No school can lose a dedicated teacher without losing a part of its being, and as I think of the great contributions that Jack Holden has made to the University of New Hampshire, it is clear that this school is losing a great deal. Fortunately for us his influence will remain after him, reflected in all the phases of university life with which he was connected. I join with the university community, with Jack's many friends and students, in wishing him well. Thank you, Jack Holden.

SECRETARY ROMNEY'S HOUSING RECORD

Mr. PERCY. Mr. President, I recently saw some criticism of Secretary George Romney, because of revelations of fraud and exploitation in some of our housing programs. I believe this criticism of Secretary Romney does not take into account the outstanding job that he has done in increasing the level of production of new housing. It does not take into account the structure he inherited in the interest subsidy programs.

The Federal Housing Administration—

FHA—was given responsibility for the home ownership program for low-income families. I fought against locating the program in FHA for over a year as a member of the Housing and Urban Affairs Subcommittee of the Senate Banking and Currency Committee. I introduced legislation cosponsored by every Republican Member of the Senate at that time and introduced in the House by Congressman William B. Widnall and over 100 of his colleagues, to establish a National Home Ownership Foundation. I felt this new structure concentrating on much closer screening, supervision, counseling and community action was required to deal with a different kind of housing problem. As I said at the time, entrusting the home ownership program to FHA would be comparable to directing the Cadillac Motor Division to build Volkswagens in its existing plant and with its existing personnel and organization.

I not only admire Secretary Romney's enthusiasm, energy, and drive, but also his sense of purpose and his great organizational skill. When he took office he faced a miserable problem. Congress had set a national goal of producing an average 2.6 million new housing units per year for the next decade. We had been producing in some years at less than half this rate. Secretary Romney put first things first, and succeeded in pushing production of all kinds of housing—subsidized and unsubsidized—to all-time record levels. We are actually now one-half million units ahead of the pace necessary to meet the housing goals established by Congress in 1968. But George Romney has been typically candid in admitting a mistake, which he partially attributes to himself, in not realizing "the FHA's lack of preparation for its new role in central cities and their exposure to speculators and fast-buck artists."

Here is what I had to say about that very problem 5 years ago.

> Why not establish this program [low-income home ownership] within the Federal Department of Housing and Urban Development?
>
> (a) The first reason is philosophical, relating back to the policy statement of the Housing Act of 1949. The government should be assigned a function only when the private sector cannot perform it.
>
> (b) FHA has not spoken to lower income housing needs and, given human nature, probably never will. A private sector institution established expressly for the purpose of assisting lower income families to become homeowners, and over the policies of which local organizations concerned with this problem have some control, would afford a much more responsive tool.
>
> (c) All established bureaucracies tend to ossify, but government bureaucracies have been unusually notorious in this respect. Private business institutions can generally claim substantially more efficient procedures than government bureaus. In addition, capable people who will not consider going to work for the Federal government could be attracted to the Foundation.
>
> The Foundation could thus be expected to operate more efficiently than an equivalent organization within HUD.
>
> (d) This whole effort is founded on the need to mobilize private sector resources. While any comparable effort within HUD would claim the same objective, the business community is far less likely to give its enthusiastic support to a government bureau than to a private sector institution staffed largely by businessmen and not by career civil servants. The mere existence of an 18 member Board of Directors composed of blue ribbon leaders from all walks of American life would itself have a very important influence on stimulating private sector participation.

Representative Thomas L. Ashley, of Ohio, a leading Democratic member of the House Committee on Banking and Currency, put the issue succinctly in the January 1, 1972, issue of the National Journal. He said:

> You cannot run a middle-class program in the ghetto and that is why we have bankrupt FHA programs in the cities. It is the fault of the Administration and the Congress, Republicans and Democrats, because we have been relying upon a more than 30-year-old system of mortgage underwriting which was explicitly designed not to cope with the problems of the city.
>
> The Administration and Congress have shown a tremendous inability to respond to the enormous and complex changes taking place in the center cities.
>
> That is why we took a program that was crafted for the suburbs and put it in the inner city. If we had stopped to think about it, we would have agreed that the program was designed to avoid just that kind of environment.
>
> That it has been perverted by swindlers, that its effects have been ruinous and that its treasury might go bust should have been expected.

I take no satisfaction, nor have any feelings of bitterness, in pointing out that we were on the verge of avoiding this problem when the Congress did authorize the creation of the National Home Ownership Foundation and directed the President to establish such a Foundation within 30 days of enactment of the Housing Act of 1968. President Johnson was in the process of doing this when the new administration took office. In addition to the Secretaries of HUD and Agriculture and the Division of OEO, who are members of the Board, the Nixon administration had also selected 15 outstanding other Americans from every walk of life for membership on the Board of the Foundation. I know this Board and the Foundation staff would have prevented many of the abuses that have plagued the home ownership program.

I had orginally conceived the Foundation as the vehicle for financing and closely supervising home ownership for low-income families. Congress assigned it only responsibilities for counseling services and general program oversight. Even this lesser effort was gutted by the unwillingness of Congress to appropriate a mere $250,000 to get the Foundation underway. In personal testimony before a House Appropriations Subcommittee on May 22, 1969, I stated that this would be one of the best investments of public funds that could be made by Congress. I made similar representations to members of the Senate Appropriations Committee. It certainly must be obvious when we see the waste of millions of tax dollars and when we see the exploitation of the poor by profit-hungry developers, real estate brokers, and builders, that the Congress must bear a very large share of the responsibility because of its negligence and callous unconcern. To place the blame solely on Secretary Romney at this point is unjust and unwarranted.

What makes this situation particularly tragic is the fact that for the most part homebuilders and real estate brokers, mortgage houses, and insurance companies are ethical, honorable, and fair in their business practices. But the actions of a relatively small proportion of the industry have placed a stigma on all. Recently, in an interview with Martin Skala, business and financial correspondent of the Christian Science Monitor, Mr. Stanley Waranch, president of the National Association of Home Builders, put the problems of the interest subsidy programs into proper perspective. I ask unanimous consent that the interview be printed in the Record at the conclusion of my remarks.

Recently a group of business executives from the Illinois Chamber of Commerce called on me to question the need for a consumer protection agency. One of the participants challenged me to give specific instances of the need for a consumer protection agency. I mentioned recent examples of thousands of faulty automobiles endangering the safety of their passengers; 65 million doses of vaccine sold to the American Government and the American public that either did no good at all in immunizing the recipient or actually did harm to the human system as a result of its usage; baby cribs so faulty in construction that the child could actually be injured rather than protected in them; Christmas tree tinsel that could poison a child. But I need not have mentioned these. I could have referred only to the 500-count Federal indictment handed down in New York that week against a group of FHA officials, real estate speculators, landlords, real estate brokers, bankers, lawyers, and officers of Dun & Bradstreet who have for several years been systematically exploiting and defrauding the poor in their housing needs. My business constituents offered no rebuttal or response to the situation I described. There just is not any.

I ask unanimous consent also that an editorial on this subject entitled "The Rats Must Go," from the Christian Science Monitor of April 7, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Scandals, Foreclosures: Home Builder Defends FHA Subsidy Program

(By Martin Skala)

New York.—The disclosure of serious abuses in government-backed housing programs is sending shock waves through the nation's homebuilding industry.

Builders are concerned that the housing scandals, which have led to federal indictments of real-estate speculators and FHA officials in New York, Detroit, and elsewhere may undermine public support of government-subsidy programs for lower-income housing.

Such programs, which usually involve direct mortgage-interest or rental subsidies along with FHA insurance, have played a key role in the current housing boom. Last year, one out of every five housing starts was spurred by some type of federal subsidy.

NEW UNITS EXPECTED

While there has been a slowdown in the pace of subsidized apartment building, experts expect some 500,000 new units will be federally assisted in 1972.

The major scandals that have arisen, Stanley Waranch, president of the National Association of Home Builders, said in an interview here, stem from the "cosmetic repair and sale of existing homes by speculators." There have been "relatively few cases of abuse" in the construction and sale of new units, the chief spokesman for over 50,000 home builders says.

Mounting FHA foreclosures in blighted areas of New York City and Detroit, tend to be identified as failures of government subsidy programs. In point of fact, according to Mr. Waranch, the foreclosures arose under older, unsubsidized programs where Congress specifically directed that larger risks be taken in insuring mortgages in the inner cities.

GHETTO CONCENTRATION

The mortgage plans were concentrated in "red lined" ghetto areas, where private lenders weren't willing to commit their funds, Mr. Waranch points out. Run-down homes were snapped up by speculators, badly patched up, and then resold with the help of inflated, FHA-insured mortgages. The fraudulent practices involved speculators, FHA appraisers, and credit agencies.

The Virginia builder says that reforms are necessary to eliminate the possibility for such abuses. "HUD [U.S. Department of Housing and Urban Development] recognizes its problem areas," he adds "and Secretary George W. Romney has been administratively moving to correct them."

But he disagrees vigorously with those critics who would use the current FHA foreclosure wave as a springboard to "attack the whole subsidy effort—its cost and relevancy."

CRITICISM NOTED

Some critics argue that current subsidy programs are primarily "a bricks and mortar" boon to builders and lenders, and don't really help the poor.

Others are alarmed at the escalating cost, of mortgage-interest subsidies, and wonder how taxpayers will finance future increases.

HUD granted $1.3 billion in subsidies last year but since they cover interest on 30-to-40 year mortgages, its long-term commitment could run as high as $30 billion.

By 1978, federal officials estimate, HUD will be spending $7.5 billion annually, with a long-term commitment of 30 times that amount.

There is a growing support for the view that it may be cheaper for Washington to pay housing supplements directly to low-income families and let them find their own accommodations.

BUILDER VIEWPOINT

The home-building industry, whose cyclical growth has accelerated because of the subsidy programs, doesn't see things that way.

According to Mr. Waranch, the two major subsidy programs established under the 1968 Housing Act are "the most effective means yet devised for housing the economically disadvantaged." In 1971 some 300,000 families with incomes too high for public housing and too low to buy or rent on their own benefited from the Sections 235 and 236 programs of the 1968 act. The first provides interest-rate subsidies for home purchases, the second the same thing for families living in rental units.

"By and large, these subsidies have helped people escape deteriorating housing where one out of six families still live," the trade group executive maintains.

INCOMES RE-EXAMINED

Subsidy costs won't escalate as rapidly as critics forecast, Mr. Waranch argues.

The first group of home purchasers under Section 235 recently had their incomes re-examined. Eight percent were earning enough to go over the subsidy rolls while 65 percent of the families had decreases in subsidy payments because their incomes had climbed.

Under a new omnibus housing bill which has passed the U.S. Senate and now awaits House action, incomes would be reviewed every year. This would add considerably to HUD's paper-work burden, but it hopefully would reduce sudsidy payments over the long run.

The Rats Must Go

The revelations of mass collusion and systematic looting of public funds in federal urban housing programs have shown that not all the rats in the cellars of America's poor city dwellers are of the four-legged variety.

We refer to the 50-count federal indictment in New York against a group which includes real estate speculators, landlords, bankers, lawyers, brokers, contractors, Federal Housing Administration agents, and certain officers of Dun & Bradstreet, the national credit-rating firm. Federal investigators have turned up not only in New York, but in Philadelphia, Boston, St. Louis, Chicago, Detroit, and elsewhere, similar charges of collusion across the public and private housing field to defraud poor families and city and federal governments. In the process, the public is finding out why whole neighborhoods have turned from usable white residential to poor, nonwhite slum, and in some cases to disaster areas of abandoned, vandalized buildings.

In Brooklyn alone in one decade, 740,000 whites have fled and been replaced by 285,000 poor blacks and Puerto Ricans. Entire blocks of houses in Bedford-Stuyvesant, East New York, Brownsville and Crown Heights look more like Dresden 1945 than New York 1972. The total cost of this fraud in New York alone has been estimated at $200 million.

For poor families, the cost has been even more terrible in personal suffering. Added to the misery of high crime rates, schools that do not teach, and of the almost total failure of other community services, poor families have been hoodwinked into buying substandard homes at carrying costs they could not afford, through manipulation of FHA loan programs. In the end, the city or federal government ends up owning another abandoned piece of slum property. Other families have been taken by unscrupulous landlords who, in collusion with federal agents, collect up to $750 in "finder's fees." Once the fee is collected, the landlord harasses the tenants until they move, so that he can repeat the process and collect again.

Perhaps these instances of corruption account for only a minute part of the $160 billion spent by the government to correct the enormous problems of physical decay and social disruption in cities since 1960. But the growing outflow of public funds and their susceptibility to abuse are all part of the deep malaise that strikes at the social fabric. It only starts at the bottom of the economic rung with housing for poor, but it mounts into the highest offices of privilege, with unlawful payoffs to the national political parties from union and corporation funds.

We must ask, along with Assistant U.S. Attorney Anthony Accetta in New York, "how anyone who is black or Puerto Rican could have faith in the white system after being shaken down like this and then forced to lose his house."

As the United States struggles with the staggering problem of building new and habitable cities out of the ashes of its battered urban landscapes, the current investigations point to a deeper need—to reform the basic motivation and performance of its operating institutions.

After two decades of philosophizing about the role of the central cities, of game-playing with a patchwork of programs, and of expending billions upon billions of tax dollars, our cities are no better and in many instances are worse off than ever. The rats still infest the urban slums. Now we find they have penetrated the stronghold of government and private business in gross abuse of the public trust.

The rats must go. In this presidential election year, no candidate from any party deserves a vote who does not come forth with a vigorous extermination plan.

TAKING US TO THE CLEANERS

Mr. PROXMIRE. Mr. President, the Miami Herald has zeroed in on the essence of the Navy's directive to spend, spend, spend.

In its lead editorial of April 11, the Herald points out:

> One admiral did concede in sworn testimony: I know these things are not correct. I know that they are taking us to the cleaners . . .

And the Herald makes another point that should be underscored when considering how the Pentagon spends defense dollars. The editorial said:

> No one sensitive to defense needs would demand that any of the services scrimp and short-change the safety of the American people. Equally, no one ought to fatten prodigiously at their expense.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

YOUR TRIP TO THE CLEANERS, COURTESY OF DEFENSE "CLAIMS"

Three years ago the Navy Department "settled" a claim with the Todd Shipyards Corp. for $96.5 million which the General Accounting Office said was clearly unsubstantiated.

The incident piqued the curiosity of the Senate subcommittee on priorities and economy in government. Curiosity later mounted to outrage as the committee, headed by Sen. William Proxmire of Wisconsin, began to ask questions. Since the answers involve your dollars, we thought a brief recital of what the subcommittee has been finding ought to be laid before the reader.

The Todd fiasco brought a lot of blushes all over Washington. It also brought about the creation of a civilian claims review board called the Rule Group after Gordon W. Rule, its chairman and a civilian procurement official.

Two years later the Navy made a tentative "settlement" with Avondale Shipyards, Inc., for $73.5 million in supposed cost overruns. The agreement went to Rule Group, which rejected the claim. Shortly after Mr. Rule "resigned," the group was demobilized and a general board of flag officers was appointed in its place.

The Proxmire committee, one of whose most active members is Sen. Charles Percy of Illinois, a former businessman and wartime Navy procurement officer, has been getting curious again. "The claims problem," said Chairman Proxmire at a hearing March 30 this year from which we have the transcript, "became critical when for the first time the dollar volume of claims pending and about to be filed neared the one billion dollar mark."

Indeed, so deep was the committee's concern that it labeled its hearing "How Defense Department Beats the Taxpayer." This appears to be a mild editorialization at best.

The committee has been calling in procurement officers and searching for the bottom line. One of its first discoveries was a memorandum from Adm. Elmo Zumwalt, Jr., Chief of Naval Operations, reminding his command that "fiscal year 1972 outlay targets promulgated by reference A as part of the President's budget for fiscal year 1973 are over $400 million above target," going on to say that if the $400 million were not spent pronto the Navy couldn't ask for more next year.

This, as we understand it, is a common practice, although Sen. Proxmire's witnesses apparently failed to satisfy him why it is necessary. One admiral did concede in sworn testimony: "I know these things are not correct. I know that they are taking us to the cleaners . . ."

This would seem to be an understatement. The General Accounting Office, according to Sen. Proxmire, has found returns of as much as 50 per cent on contractors' invested capital in one instance and smaller but still fabulous returns in others. When full facts are sought, as one officer admitted, "because you ask five different people, Mr. Chairman, you get five different answers."

No one sensitive to defense needs would demand that any of the services scrimp and short-change the safety of the American people. Equally, no one ought to fatten prodigiously at their expense.

Federal deficit outlays for fiscal 1972, in case you had forgotten, will exceed receipts by $38.8 billion. The fiscal 1973 budget projection is for another $25.5 billion deficit. Just a footnote.

MULTINATIONAL CORPORATIONS

Mr. JAVITS. Mr. President, one of the more important debates that is presently underway and one that has important ramifications for the future of the American economy and the U.S. position in the world economy, relates to the role of the multinational corporation in our society.

One school of thought holds that the activities of the multinational corporation contribute to an export of American jobs. The other school of thought holds that cutting off the essential activities of the multinational corporation would weaken our overall economy and contribute to a net loss of jobs.

The legislative expression of the first school of thought is represented in the Burke-Hartke bill and it would be my hope and expectation that the trade legislation which the administration will soon send to the Congress will not embody the basic principles or provisions of this bill.

The debate has now been joined by George Meany, president of the AFL–CIO, and Peter Peterson, Secretary of Commerce, in an exchange of letters. I ask unanimous consent that this exchange of letters be printed in the RECORD. Also, I ask unanimous consent that a letter I have received from the chairman of the Federal Reserve Board on the Burke-Hartke bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C.

Mr. GEORGE MEANY,
President, AFL–CIO,
Washington, D.C.

DEAR MR. MEANY: In your letter of March 20 you offered some criticism of the Department of Commerce staff study "Policy Aspects of Foreign Investment by U.S. Multinational Corporations." I appreciate this opportunity to respond. After reading your letter, I do not see any reason—as I will outline later—for altering our study conclusions. On this point we have opposing views. But there are two significant issues on which we are in agreement, and I would like to touch on them.

One point of agreement is that in international economic matters, as you put it, "the world has changed." Last August 15, the President demonstrated his awareness that we are in a new era by calling for fundamental changes in the world's monetary and trading systems. Since then a number of basic monetary and trading negotiations have strengthened America's competitive position and will provide jobs for American workers.

The year 1971 was, of course, the first year since 1893 that the U.S. had a trade deficit. Even so, there was a balance of trade in manufactured goods—$30.4 billion of exports and $30.4 billion of imports. Over the next couple of years, the currency revaluations should certainly improve on this—with an estimated swing to a trade surplus of several billion dollars. Furthermore, as our trade balance improves, U.S. jobs associated with trade should increase. A number of experts have estimated that between 60 and 70 thousand jobs are created for every $1 billion of favorable shift on our balance of trade. Some of these same studies show that jobs in export industries are higher paying jobs. Thus, I find it hard to accept your statement that the "jobs of millions of Americans are now adversely affected."

A second issue on which we can find common ground is the need to promote employment and reduce unemployment. Foreign competition—like domestic competition—does adversely affect particular industries. But the solution to this kind of problem lies in promotion of greater domestic economic expansion—not in rigid protectionist responses.

If the U.S. were to block imports unilaterally, there would be several serious consequences. Other countries would be encouraged to block our exports to them. This would obviously decrease U.S. jobs in these export industries. The stimulus that imports give domestic competition would be greatly reduced. Further, consumer costs would rise substantially, with the burden falling most heavily on low-income groups who can least afford price increases.

However, it is my view that when foreign competition brings unacceptably fast change we should be able to use adjustment aids, including temporary orderly marketing mechanisms, to help groups of workers in specific industries adjust. It is clear that a few should not be asked to bear a disproportionate burden for the benefits of an open international economy enjoyed by many.

You also made some specific comments on the Commerce study with which I cannot agree. As you know from reading the study, it is the first of a three-part effort in the Department's attempts to assess the impact of multinational corporations here and abroad. We expect to complete the next phase of the study in May. It will cover the numbers of domestic jobs, overseas investment, and exports of more than 400 companies in all kinds of industries. The findings made in the first part of the staff study appear to be supported by the information we have received to date on the broader sample.

At one point in your letter you state that only 11 of the 14 industries were considered in compiling data on the employment effects of multinational companies. However, the paragraph to which you refer is immediately followed by a second that deals directly with the employment trends in the remaining three industries.

You also suggested other methods of examining employment trends; for example, by comparing employment in these 14 industries to total U.S. employment in general. I believe care must be used in projecting these numbers for reasons explained in the study.

But it is instructive to compare employment trends in these 14 industries to trends in all manufacturing industries. Thirteen of these 14 industries are manufacturing in nature. It is, therefore, appropriate to compare them with their own kind. By using the 7 percent figure that you suggest for all of the 14 industries we find it is very close to the 7.5 percent average increase in overall manufacturing employment during this period.

Further, you mentioned that these 14 industries showed a decline as a percentage of total U.S. employment. Again I feel it is helpful to compare these industries to manufacturing as a whole. Looked at it this way, these industries maintained their share of manufacturing employment between 1965 and 1970—i.e., 20.8 and 20.6 percent respectively.

Having responded to the points you raised, I feel it is important to mention that caution should be exercised in drawing conclusions from the published aggregate data because of the difficulties in separating the direct investment effects from other factors affecting employment. The study pointed out that:

"In view of the difficulty of separating direct investment effects from other macroeconomic factors affecting employment, caution must be exercised in drawing conclusions from this aggregate data. What seems clear from these data is that the effects on employment due to cyclical and other factors present in the domestic economy tend to swamp the adverse effects—if any—that might result from the foreign trade side. The argument that overseas investment is causing job losses in the United States does not appear to be borne out. Rather, the basic employment trend for these investment-oriented industries has been upward."

I believe that the analysis in the staff study is sound and revealing. Where industries or workers are adversely affected by competition from abroad, it is my view that the best solution lies not in protectionist legislation, but in the promotion of economic expansion at home and an open international economy, where, to be sure, American products are treated equitably.

I appreciate this opportunity to respond to your letter since, although our points of view are divergent, our objective—a strong and growing U.S. economy—is the same. In an area where anecdotes and rhetoric have played such a large role, I welcome the opportunity to discuss analytical evidence with you. If members of your staff wish to review our research on this subject, my colleagues would be most happy to do so.

Sincerely,

PETER G. PETERSON.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL
ORGANIZATIONS,
Washington, D.C., March 20, 1972.

Hon. PETER G. PETERSON,
Secretary of Commerce,
Washington, D.C.

DEAR SECRETARY PETERSON: A Commerce Department report, "Policy Aspects of Foreign Investment by Multinational Firms," misrepresents AFL–CIO views on international trade and investment. The report even presents an unfair analysis of employment figures to conclude that "an examination of the relevant data . . . does not bear out labor's contention that overseas investment operations result in declining employment." I urge you to correct the public record.

The AFL–CIO has asked for modernization of U.S. trade, tax, investment and related international policies, because the world has changed and jobs of millions of Americans are now adversely affected. The AFL–CIO also supports the Burke-Hartke bill, H.R. 10914 and S. 2592, legislation designed to modernize U.S. laws on international trade, taxes and related issues. The Commerce Department report emphasizes only multinational firms with misleading analysis.

Unemployment is a serious problem in the United States. The AFL–CIO has stated that complex changes, including the operations of multinational firms, increase that unemployment. Any fair examination even of the employment figures used in the report as "relevant data" shows that the analysis is distorted:

For employment figures, the Commerce Department selected 14 industries "which include the largest overseas investors" to suggest the multinational firms' relationship to employment.

Employment gains of 11 industries with rising employment are said to be "nearly equal" to total U.S. employment gains between 1965 and 1970.

A fair analysis would show that total U.S. employment rose 2½ times faster than employment in the 14 industries selected. The reason for the difference is that the report's analysis included only 11 industries with rising employment in its comparison with total employment rises of all U.S. industries. In other words, the analysis omitted three industries with declining employment of the total 14 selected in a comparison with total employment gains of all industries. All 14 industries—those with declining and rising employment—showed a 7% employment increase, and all U.S. industries—those with declining and rising employment—showed a 17% employment increase. A fair analysis would have made that comparison instead of omitting three industries with declining employment and comparing 11 out of the 14 with all U.S. industries to show that the employment gains were "nearly equal."

The three industries with declining employment accounted for 44% of the 14 industries' employment in 1965. The analysis does not mention this relationship and thus omits half of the iceberg. These three industries showed a decline of over 80,000 jobs in the five-year period. By 1970, their share of employment fell to 39%.

The 14 industries' share of total U.S. employment dropped from 6.2% in 1965 to 5.6% in 1970. The analysis does not mention this fact.

The employment figures used for the 14 industries selected are for all workers in those industries, not just employees of multinational firms. Thus the figures do not even reflect the employment trends of firms with overseas investment or employment trends of multinational firms which have production in those industries. If BLS data on all U.S. industries were used to compare those industries with rising employment and the 11 industries with rising employment the percentages would be 21% and 16% between 1965 and 1970.

Therefore, the analysis is biased and the conclusion is false.

In the interest of accurate public information, I urge you to correct the public record.

Sincerely,

GEORGE MEANY,
President.

MARCH 16, 1972.

DEAR JACK: I am writing in reply to your letter of February 14, 1972, in which you requested my views on the Hartke-Burke Bill (S. 2592/H.R. 10914). Let me comment briefly in this letter on each of the eight features of the bill you have listed.

As I have already said in testifying before the Joint Economic Committee on February 9, 1972, I regard the bill as a most unfortunate legislative action which could only injure this country and the international economy. My reasons for this view will be apparent in the following comments on its provisions as you summarized them.

(1) "Repealing the foreign tax credit, and making payment of foreign taxes by multinational corporations merely deductible; imposing stricter depreciation rules for foreign investment; imposing taxes upon income received by U.S. companies for transfers of technology."

If these provisions were enacted they would impose on the foreign earnings of U.S. companies a tax burden significantly greater than on their domestic earnings, and generally much greater than is borne by their local competitors abroad. In many cases it would probably make the investment in foreign affiliates uneconomic, and it would apply not only to new or recent investments, but to the whole range of existing investments—income from which is an important support for our balance of payments.

I believe that what we should seek for these investments is a position of tax neutrality, that is, neither our tax laws nor those of other countries should create subsidies or extra costs that would induce U.S. corporations to invest abroad, or prevent them from doing so. To the extent there are such elements in our present tax structure I would support actions to eliminate them. However, in my view the provisions of this legislation would impose an unfair tax burden on the foreign affiliates of U.S. companies.

(2) "Creation of a Foreign Trade and Investment Commission, with strong powers to regulate imports."

I believe the Commission as proposed would introduce an arbitrary and potentially divisive element into the administration of foreign trade policy, since it would include representatives of partisan interests. We now have a Council on International Economic Policy, and expert staffs at the Tariff Commission and at several other agencies that perform fact-finding functions and carry out policy in their areas of responsibility. I doubt that the proposed Commission would further the broad public interest of the United States in the foreign trade and investment field.

(3) "Widening the scope of import quotas to cover more goods."

There is no question in my mind that the imposition of quotas as conceived in this bill would be an enormous setback for U.S. and world trade. It would not only cut back U.S. imports by perhaps one quarter of their 1971 value, but it would also create severe rigidities and inequities in the whole trade picture and plunge us into bitter controversies with other countries. It would involve us in clear violation of our obligations under the General Agreement on Tariffs and Trade.

I recognize that at times import competition falls especially heavily on certain sectors of American industry and labor, and we should be prepared to assist the people involved to reestablish themselves in viable occupations. But we will only weaken our economy in the long run if we try to do this by fencing off certain sectors from competition—either foreign or domestic. The interests of American consumers would be damaged by rising prices and more limited choice. Moreover, it is certain that other countries would retaliate by shutting us out of their markets. The shrinkage of world trade that would occur if this legislation were implemented would set back efforts in many countries to overcome recessionary tendencies.

It is especially inappropriate to be considering a measure that would shrink our foreign trade at the very time that we have succeeded in reaching multilateral agreement on a realignment of exchange rates that will allow us to move from trade deficits to trade surpluses in the period ahead.

(4) "Tightening of anti-dumping and countervailing duty laws."

It may be that improvements could be made in the administration of these laws, but it is not clear why this cannot be done within the present legislative and administrative framework.

(5) "Relaxing the criteria for escape clause assistance."

I believe the proposals to relax the criteria for escape clause assistance would go too far toward protecting firms from competition, since a finding of injury from imports could be made even though an increase in imports was not a major or primary factor causing, or even threatening to cause, serious injury. Under present law an increase in imports would have to be a "major" factor causing injury, and the increase in imports must be related to a trade-agreement concession.

(6) "Enabling the President to regulate capital transfers, including transfers of technology, if he determined that the effect of the transaction would be to decrease domestic employment."

There has been a very lively debate on the effects of direct foreign investment on the U.S. balance of payments, and we already impose certain restrictions on these investments because of the large balance of payments deficits we have had for many years. In my judgment, it is not desirable to continue such controls as a long-term measure, though they may be necessary to deal with short-run difficulties. As to proposals to limit the dissemination of technology, I would consider this to be unwise and, as history shows, very unlikely to be effective. At the same time, I believe that when U.S. technology is used abroad there should be an adequate payment to the United States to compensate for the development costs. There is now a large return to the United States as fees and royalties on such technology.

Apart from questions of the correct policy to follow, the specific criterion for imposing restrictions suggested in the legislation—the net effect on employment in the United States—would probably be impossible to administer.

(7) "Repeal of sections 806 and 807 of the Tariff Schedule that permit U.S. corporations to reimport goods that have been assembled in low-wage countries, paying duty only on the value added."

This is a rather technical matter, which has been studied by the Tariff Commission, and I would defer to the judgment of others more knowledgeable in this area.

(8) "More visible labeling on the origin of foreign made goods, or products with components made overseas."

This question also is rather technical, and I would have no strong views.

I hope that you will find these comments helpful.

Sincerely yours,

ARTHUR F. BURNS.

OSTPOLITIK OF CURRENT GOVERNMENT IN BONN

Mr. TOWER. Mr. President, there has been much talk lately about the Ostpolitik of the current government in Bonn and about the continuing controversy over the ratification of the Warsaw and Moscow treaties. I would like to make some observations on these matters. Concerning Ostpolitik, no one denies that ways to live with the Soviet Union and to lessen tensions in the world must be sought. However, one must ask what price will be paid for this to happen. At the very time when the Soviet Union is financing a massive offensive by the North Vietnamese against the ARVN and U.S. forces in South Vietnam, one must wonder if the Russians are truly desirous of improving relations in the world community.

In considering whether to ratify the treaties with Moscow and Warsaw, the opposition parties in Germany, the CDU/CSU, are asking many questions which it seems reasonable to have answered before so much is given away by the West German Government. The questions concern what secret deals, if any, were made between Bonn and Moscow? Are the German people getting any real concessions from the Communists for what they are giving up?

Simply by raising these questions, particularly by Dr. Barzel, the CDU leader in the Bundestag, and Hans Karl Filbinger, the inestimable Prime Minister of Baden-Wurttemberg, Moscow has already been compelled to make further concessions to the Brandt government lest the treaties fail entirely in the Bundestag. Given this situation, one must wonder what further concessions can be obtained by holding to a firm bargaining position. In this respect, I look forward to a lasting peace in Central Europe, one built on mutual respect and understanding.

ADDRESS BY SENATOR MONDALE BEFORE PHI THETA KAPPA

Mr. BAYH. Mr. President, I ask unanimous consent to have printed in the RECORD a speech made recently by the distinguished and able Senator from Minnesota (Mr. MONDALE). I am particularly gratified to be able to place this speech in the RECORD, because it deals with an issue that is close to my heart—women's rights. The Senator from Minnesota has been a strong and dependable supporter of the women's rights measures which have come before the Senate in recent months: The equal rights amendment, the strengthening of the powers of the Equal Employment Opportunities Commission, and the antisex discrimination provisions of the Higher Education Act.

Senator MONDALE delivered this speech on Saturday, April 15, at the national convention of Phi Theta Kappa, a national honorary for junior college students, in Rochester, Minn.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF WALTER F. MONDALE

I hope that I won't offend half of my audience by telling you that I intend to talk about women today. I guess there's a double risk involved . . . the men may prefer not to hear about women at all . . . and the women may feel that the last person they want to talk to them about women is a man.

I'll take that risk, because it seems to me that over the years many of us have been guilty of ignoring the fact that women are at least half our constituency . . . that many of us have been talking and even acting . . . in Washington and in our own States . . . as if men should and do run the country.

But a lot of consciousness-raising has been going on in the last couple of years. It is no longer possible for a politician running for election to ignore the serious and fundamental questions that the women's movement has raised about our society.

One thing that seems to get in the way of thoughtful discussions about women's rights is terminology . . . phrases like "consciousness raising" . . . there is a lot of confusion and even hard feelings about the language of the movement and its meaning.

For example, I personally don't believe that it is possible to be simply for or against "women's liberation" or "the movement" because these terms mean so many things to so many different people. In talking to you today I hope I can avoid getting hung up on the language and concentrate on the substance.

We have made great strides in this country in recent decades toward eliminating the legal basis for discrimination against members of many groups . . . against blacks and other minorities . . . and against young people, by enacting the 18 year old vote. But we still have a long way to go to provide the same protection to the majority of our population . . . the 51 percent who are women.

Although in some quarters the women's movement prompts only humor and cynicism, the concerns that it addresses are neither funny nor trivial. Discrimination against women is a documented, proven fact in many aspects of American life and a cruel reality that mars the ambitions of untold numbers of American women.

The drive for women's rights is not a new phenomenon in this country. The Equal Rights Amendment was first introduced in the U.S. Congress in 1923 . . . nearly 50 years before its passage by the Senate last month. The passage of the 19th Amendment guaranteeing women the right to vote in 1919 was the result of a long and arduous campaign.

What is new is the widespread and growing recognition that our so-called "free" society has erected many barriers . . . legal and social . . . to the exercise of rights by a majority of its citizens.

The Equal Rights Amendment will go a long way toward rectifying these legal inequalities between men and women. It will strike down laws that have required a woman to serve in prison longer than a man convicted of the same crime; that have provided women with inferior medical and insurance benefits; that have barred women from serving on juries and from being hired to do certain jobs. Some opponents of the Amendment contend that the "equal protection" clause of the 14th Amendment already provides all of the legal protection needed by women. Yet in 200 years, the Supreme Court has not enunciated the application of the amendment to discrimination against women, except in one narrow case.

I cosponsored the Equal Rights Amendment and voted against all attempts to weaken it because I believe that a piecemeal approach to the fundamental question of providing equal rights is not enough. We could go on striking down archaic, discriminatory laws in our courts and state legislatures for years and years and still not complete the job. And as long as one discriminatory law stands we could not truly say that all human beings have equal rights in our society.

The Equal Rights Amendment was not the only important "women's legislation" to come before Congress in this session. Another measure which I cosponsored was an antisex discrimination amendment to the Higher Education Act. This provision is important because it would bar discrimination against women in almost all educational activities . . . not just on the college level. Many studies show that women have not received a fair chance in college admissions or scholarships . . . or in faculty employment, promotions and salaries.

Our own University of Minnesota has admitted to a less than perfect record in this area. A study of women graduate students and faculty members in the 1969–70 academic year showed that there were no women on the faculty at all in the departments of music, anthropology, psychology and history . . . all of which had substantial female graduate enrollments . . . and only one woman in the departments of geography, political science, sociology and journalism . . . which also had large numbers of women enrolled on the graduate level.

A study by a Congressional committee found that the number of women applying to medical schools increased by more than 300 percent between 1929 and 1960. Applications from men in the same period went up only 29 percent. Yet the percentage of women applicants who are accepted into medical school actually declined.

The provision aimed at eliminating discrimination against women in education is now before the joint conference committee of Senators and Representatives. I am hopeful that it will be approved. If it is, sex discrimination will no longer be permissible on *any* level of education . . . preschool, elementary and secondary, professional, junior colleges, and vocational schools or graduate institutions. The one exception would be private undergraduate colleges. The Commissioner of Education would be required to study the extent of sex discrimination in these schools and indicate to Congress a year later whether he believes that the legislation should be extended to them.

Another major area where women face discrimination is employment. Statistics show that women often earn less than their male counterparts in many jobs. In 1969, one Congressional committee found 35 percent of male full-time workers earned $10,000 or more per year while only 5 percent of women earned $10,000 or more.

The federal, state and local civil services are among the offenders discriminating against women. In the U.S. Office of Education in Washington, men earn an average of twice as much annually as women.

And we all know that there are many jobs which simply have not been open to women in the past although being a man was not necessarily a requirement for them. Although we have had girl pages in the U.S. Senate since April, 1971, the House of Representatives still does not have any. Law and medicine and some of the other professions have traditionally not welcomed women . . . often denying them entrance to educational institutions on the grounds that they might marry and not finish their course of study.

It is heartening to see that women have begun to fight these injustices on an individual basis. In Philadelphia, three women have started a law firm together. Why? As one of the lawyers put it: "When I started hunting for jobs there was one guy who wouldn't even look at my resume . . . He told me his partners wouldn't work with a woman."

But not every woman law graduate can find the capital to start her own firm. The problem is so serious and so widespread that women require a strong guarantee of access to any job and to the salary and other benefits that derive from it. For several years that Federal Equal Employment Opportunities Commission has been looking into the question of discrimination against women in employment. But even when discrimination was found, the EEOC lacked the power to do anything about it. I am proud to say that in this session the Congress recognized that without enforcement power, EEOC would never be a meaningful force in the fight against discrimination.

We approved legislation that will . . . for the first time . . . allow the agency to seek an order from a federal court against an employer or union that discriminates. In addition, the legislation will extend EEOC jurisdiction to cover employees of state and local governments . . . for the first time.

I have been proud to support all of these major legislative efforts on behalf of women in the current session of Congress. Another legislative effort that unfortunately did not meet with the same success was the bill I sponsored to make preschool education and quality day care available to American families who need them.

The President's veto of day care legislation in December represents a failure to recognize very basic changes that have come about in the role of the family, the role of women, and in American society in general in recent years. There is an unmistakable trend toward having both parents in a family work:

In 1971, 43 percent of the nation's mothers worked outside the home, compared to 18 percent in 1948;

One out of every 3 mothers with preschool children is working today compared to one out of eight in 1948;

Fewer than 700,000 licensed day care opportunities exist to serve the over 5 million preschool children whose mothers work.

And what of the rights of the children of these working parents? Are we to accept the fact that they are often left in the care of other, somewhat older children? Or that they become "latchkey" children with no home and no adult to turn to in case of an emergency during the day? What of their right to get three decent meals a day and to receive the regular attention of a doctor? We cannot abandon these children.

I believe that the provision of dependable, quality day care is so important that I have introduced a new, compromise version of last year's bill. I have sincerely tried in this new legislation to meet the objections raised by the President in his veto message; and I hope that this year the bill will meet with success.

Perhaps if we had more women in Congress the interest of women in the general population would be better represented. We have only one woman Senator—Margaret Chase Smith—and 11 women Representatives—out of 435. It was 1917 before a woman was elected to serve in the U.S. Congress And this year . . . 1972 . . . when women members of the General Assembly of the State of Maryland complained that no women had been named to head legislative committees . . . the leadership responded by creating a Ladies Rest Room Committee and appointed one of their number to head it.

But in politics as in the other areas I have discussed women have been victims of the stereotype that members of their sex are best suited to volunteer work . . . or to clerical and secretarial jobs.

I call attention to the underrepresentation of women in politics because it illustrates the need for the reforms the National Democratic Party is making to encourage greater representation of both women and young people . . . and I am most encouraged by the signs that women are demanding and gaining a more influential role in politics in Minnesota.

In politics, in education, in employment and legal practices we have made a very significant start in providing legal justice to women. In the context of your broad study of government and ideology, I think it could be said that government has begun to respond . . . that as the ranks of concerned women have grown and as they have exercised their influence on the political system, legislators have begun to respond.

But we have a long way to go . . . starting with the ratification of the Equal Rights Amendment by 38 States before it can become effective. As we work toward implementing this and other legislation . . . I believe that all Americans . . . not just women . . . will be encouraged to become more sensitive and humane individuals, aware of each other's differences but respectful of them.

I agree fully with the conclusions of Virginia Allen, Chairman of the President's Task Force on Women's Rights and Responsibilities, who wrote to the President in 1969:

"Equality for women is unalterably linked to many broader questions of social justice . . . (what is needed) is a national commitment to basic changes that will bring women into the mainstream of American life. Such a commitment . . . is necessary to healthy psychological, social and economic growth of our society."

JUST TAXPAYERS' MONEY

Mr. PROXMIRE. Mr. President, the McClatchy newspapers of California have used irony to illustrate the Navy's cavalier handling of $400 million.

The April 10 editorial in the Sacramento Bee, the Fresno Bee, and the Modesto Bee recount the problem of the "hot" money burning a hole in the Navy's pocket. The editorial ends with two pithy sentences:

> Cynics will ask why the fuss anyway.
> After all, it is only taxpayers' money.

Taxpayers, who have been paying until it hurts too much, are becoming concerned. And they well might. Their threshold of pain is becoming lower.

Mr. President, I ask unanimous consent that the McClatchy newspapers' editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

OH, WELL, IT IS JUST TAXPAYERS' MONEY

Around the government bureaus in Washington, D.C., when there is heavy spending in June the explanation is that the agency is getting rid of its "hot money."

The money is not "hot" in the usual criminal sense where it is illegally acquired, although some disgruntled taxpayers may claim it was extracted practically at gun point.

June is the last month of the fiscal year and the funds must be spent or returned to the treasury. In addition, if too much money is in the till, some economy-minded members of Congress might get the idea the agencies could get along with less in their new budgets.

Now a controversy is going on as to whether the Navy is getting rid of $400 million in "hot money" between now and June 30 or whether the expenditure eventually will prove a saving.

In any event, Adm. Elmo R. Zumwalt, chief of naval operations, sent a memo to Adm. Isaac C. Kidd, chief of naval materiel, and nine other top Navy officers, suggesting the field in which spending could be accelerated.

Zumwalt expressed fear that unless the money was spent the Navy budget for next year would be cut.

US Sen. William Proxmire, D-Wis., told an economic subcommittee he was shocked that the military in general is doing its best to "spend, spend, spend" in the face of a $38 billion national deficit.

Adm. Kidd said it was no such thing because everybody knows inflation is causing materials to go up and if purchases are put off they simply will cost more later. He has given assurances the money will be spent properly and effectively.

Cynics will ask why the fuss anyway.

After all, it is only taxpayers' money.

U.S. FOREIGN SERVICE OFFICERS

Mr. PEARSON. Mr. President, on April 12, I introduced S. 3488, a bill to provide for a 2-year tour of duty in the United States, but outside of Washington for U.S. Foreign Service officers. The bill would, I believe, make several positive contributions to the FSO's and to the people of the United States. It would provide challenging and professionally rewarding assignments for Foreign Service officers in place of duties in Washington which often underutilize their talents and training. I would provide a highly skilled supplement to the staffs of local and State governments and other public institutions. Finally, it would help to reacquaint FSO's with their own country and provide a new means of directly informing Americans about problems of foreign policy.

I believe that an article by John Crutcher, Office of Economic Opportunity, and a longtime observer of American diplomats at home and abroad, supports the concept behind S. 3488. I commend this article, which appeared in the Department of State Newsletter, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

THE FSO AND THE OFFICE OF ECONOMIC OPPORTUNITY

(By John Crutcher)

In the past 20 years, as a frequent visitor to an assortment of chanceries around the world, I've had an opportunity to pick the brains of FSO's of every grade and description. They are almost invariably stuffed with facts, figures and reliable and valuable opinions about their host country.

Sometimes, though, I've found myself answering more questions about the United States than I asked about the country being visited. This is most likely to occur in more isolated posts than, say, in Western Europe.

After a succession of billets in the Foreign Service, many of the more discerning FSO's develop a feeling of isolation from their homeland—and for good reason.

A conscientious Foreign Service Officer will make every effort to immerse himself in the history, politics, culture, customs and traditions of his assigned country. In the process of doing this, he has scant time for in-depth attention to developments in the United States. What reading is done tends to be concentrated on matters directly related to foreign policy.

Interestingly, most FSO's do not feel isolated from their homeland while overseas. They read, on the whole, a variety of U.S. publications representing a good range of domestic activity. There is always the sound of the mother tongue around the Chancery, and a busy social schedule with conversation often dwellings on domestic developments.

Not until they return to the United States do they realize how great has been the gap between concept and reality and the superficiality of their comprehension of events in their own country.

Of course, such misapprehension varies somewhat by station. Those lucky enough to be stationed in Western Europe, where attitudinal patterns of every sort more nearly resemble those of the United States, are likely to have the least jolt upon return. But whether stationed in Paris or Nepal, there is always, to varying degree, a developing gulf between the apprehension of domestic developments and the reality of attainment.

How can it be otherwise?

We live in the most profoundly revolutionary society ever conceived. The explosion of learning and knowledge in the world today is a phenomenon without parallel. Some educators claim our total body of knowledge now doubles every generation. Incredible as it may seem, this revolution's pace is accelerating rather than slowing and the focal point of it all is America.

In the light of this new knowledge we are feverishly reexamining every known human institution . . . social, economic, religious and political. Everywhere there is challenge to the established order of things.

Thus the Foreign Service Officer who serves outside the United States for a decade (not uncommon) will return to a different country with different problems and concerns (who worried about ecological matters in 1961?) and to some extent with different values.

Many of them quickly discern that Washington is a very poor vantage point from which to fill in the gaps. A few have opted for limited periods of service outside State.

Eighteen FSO's now serve in the Office of Economic Opportunity. Their experience is still too new to be evaluated in depth. Certain patterns have appeared. however, to indicate the advisability of enlarging the number involved even to the extent of requiring some such service outside State for all FSO's at some point in mid-career in sectors unrelated to foreign affairs.

This experience might be compared with the sabbatical that professors of some universities are entitled to every seven years. It should be a time for growth and reflection, a time for gaining fresh insights and understanding of the rapidly changing realities of American life. While a sabbatical of some sort is probably beneficial to everyone, it is particularly so to FSO's if they are to represent their country adequately.

As long as it is not mandatory for all FSO's to serve outside State for a minimum period, there are obvious career hazards. As in the military, any officer who ventures outside the "approved" career development pattern does so at some risk. Official, and unofficial, word to the contrary notwithstanding, "out of house" means out of sight and mind.

FSO's express a kind of visceral prejudice against out-of-house assignment. Those who have not made the break generally believe that colleagues who voluntarily venture "outside" for an assignment are at considerable disadvantage in competition for high promotional visibility slots.

There is a striking similarity between military and State career patterns. Most career FSO's believe a General or Admiral with a background of attaché service would be better qualified to render geopolitical judgments of critical importance.

It's just possible the Vietnamese War might have been avoided had our top military commanders been given more exposure to geopolitical problems studied at State.

As in State, though, there is evident promotional prejudice against the career military officer who opts for a tour of attaché duty. Off hand, I can think of only one Navy Captain who has been selected for flag rank after having performed attaché service.

Writing the "efficiency reports" of FSO's functioning outside State presents special problems. It is essential for the supervisor to understand very clearly the nuances of the State Department system. A written explanation is hardly sufficient because some of the well-known "rules" cannot be set down in writing. An oral briefing is thus quite necessary.

Although I didn't check this attitude, it would not be astonishing to learn that some FSO's hesitate to go on loan to another agency, partly through fear that efficiency reports will be markedly different from those they receive in the Foreign Service.

It is easy to believe this difference might result, not from any change in performance, but from ignorance on the part of their supervisor about certain unwritten rules for writing efficiency reports.

A detailed, well-written report, using the right terminology and hitting the right considerations, is essential if the officer on an out-assignment is to have equal footing with officers in-house.

For this reason, it is vitally important that supervisors have a thorough briefing, both oral and written, before they prepare an out-of-house officer's efficiency report.

Until such outside service is mandatory, there will be understandable hesitation to break traditional career patterns. Most of those who have made the break feel it may be inimical to their career development. Others who would relish an interval of this type will not expose themselves to the career hazards involved.

The Foreign Service tends to attract a certain type of person and, like any organization, tends to mold its staff into a common frame. Requiring ESO's to go outside for a year or two would help prevent over-regimentation.

Some, obviously, would want to work in positions similar to State; for example, the Pentagon, or international divisions of the Commerce or Labor Departments. This type of detail would be inconsistent with the reasons behind an obligatory detail to a domestic human service department (e.g., OEO, HEW, DOL).

A good case might be made to exchange FSO's for a year with corporate executives at a comparable point in mid-career. Detractors of State claim that one reason for its undistinguished management record lies in the fact that FSO's have generally had little or no administrative experience by the time they are thrust into positions of genuine authority.

This exposure to the private sector would, if the positions were well chosen give a new dimension to foreign service management. Indeed anyone in the State Department, whether an FSO, FSSO or GS personnel would probably benefit from such an experience if he reaches a managerial position.

If it could be balanced out with a one-for-one exchange, it would be even better. It would be comforting to know that in a few years the occupants of some of our top corporate board rooms had, at an earlier point in their career, been exposed to some of the nation's problems in the realm of foreign affairs.

There's a very evident risk involved that some of State's bright young men will be lured away to take permanent positions with other governmental or private sector agencies. Khrushchev provided the best answer to that one.

A few years ago, with a small group of professional people, I was favored with a most fascinating three-hour interview with Khrushchev in his Kremlin office.

To my question about the prospect of large student exchanges between the U.S. and USSR, he waggled a fat forefinger at me and said, "You think when our students get to America they'll all want to become capitalists and stay there. Well, perhaps a few will, but some of yours will want to become Communists and stay in Russia." Then he laughed, "Personally, I don't think that would hurt either country."

If State is alert and flexible, it can pick up personnel from the private sector to replace the few it loses, and that might help everyone concerned.

Most of the 18 FSO's now serving in the Office of Economic Opportunity are happy with their duties, some at a level of responsibility far beyond what they could expect for some years at State.

One FSO, working out of a western Regional Office, is charged with establishing mutual confidence and an orderly working relationship with the governors and elected local officials in his Region. It demands full application of all the diplomatic skills he acquired in foreign service.

Because staff in that Regional Office is always insufficient to do more than the bare essentials, he is drawn into operational programs involving Blacks, Chicanos and Indians. In a letter to me, he wrote, "The opportunity to work with these people, and to know them, is of immeasurable value to someone whose duties require that he represent the U.S. abroad. It is humbling to recognize how arrogant our claims of representing the country have been, both with regard to its people and its issues."

In a sense, that FSO in our Regional Office is a roving intergovernmental ambassador to sovereign states whose combined area is equal to that of Western Europe. He is directly responsible for programs which total about $1 million and employ several score people.

Another FSO is managing a technical assistance program spread over 21 states with an operating budget of $1.5 million. He has been required to write operational guidelines, plan national conferences, develop agendum, assist in recruitment of skilled personnel, draft letters to governors and local officials and perform a whole host of peripheral duties. These are rather ordinary responsibilities for middle-level OEO officials, but they demand far greater operational independence than most FSO 4s and 5s are called upon to assume.

Nearly all of the 18 FSO's now serving in OEO feel their services has given them heightened consciousness of the country's most pressing social problems. Although most of them have long had an abiding concern for social problems, this experience has given them an opportunity to concentrate in a direct and practical manner on the most baffling and frustrating social problems of today.

By helping the State Department personnel attain closer rapport with the less fortunate elements of our society, they are, in turn, better qualified to interpret that society to overseas audiences.

Nearly all of the 18 now working in OEO feel their experience in their assignment will make them more useful throughout the remainder of their career. Those who have been fortunate enough to be placed in a position to acquire executive and managerial skills feel they are now trained far beyond what they might have acquired had they remained in the Department.

Management and executive exposure should not come too late when a person is neither young and vigorous nor sufficiently adaptable and flexible. Such exposure is an appetite-whetting experience that gives middle-level officers insight into executive techniques and it develops capabilities for future utilization. When they attain higher grades, this should be of enormous value to the Department.

In the meantime, what they learn in the out-of-house assignment will permit them to reflect their country in a much more meaningful way abroad. They will be able to reflect their country not as they would like it to be, but as it actually exists.

They have a better basis for explaining to foreigners that the U.S. is really endeavoring to cope with its problems, not always with success but always with genuine effort. They can explain that our multi-faceted approach to the country's social problems by many dedicated people is having an impact.

It is a story that should be conveyed to both their friends and critics abroad and those FSO's who have done a tour of duty in OEO are much better qualified to interpret specifics of the domestic affairs scene from their personal experience.

Hopefully, they will also be much better observers and analysts of foreign political and social scenes after having gained knowledge and insights through a tour of duty with one of our major domestic agencies. It is conceivable that they might even be able to be of more practical help to the countries where they are assigned.

I am convinced that both foreign service and domestic agencies would benefit from having FSO's work for a year or two on loan to domestic agencies. Such a period of service should come at some point in early mid-career and should be in addition to not in lieu of, advanced academic work.

For nearly all the FSO's I have observed at OEO, this has been a period of growth and challenge, and it seems reasonable to assume that there will consequently be a substantial payoff to the Department of State when they return for a new in-house assignment. Surely, the Office of Economic Opportunity has gained a great deal from the efforts of the Foreign Service Officers who have worked here.

THE REVOLUTION IN HEALTH CARE

Mr. KENNEDY. Mr. President, I ask unanimous consent to have printed in the Record a document entitled "The Revolution in Health Care," produced by a planning group of the Democratic Policy Council. The document summarizes the results of four public hearings held across America, in Detroit, Mich., Portland, Oreg., Atlanta, Ga., and Philadelphia, Pa. The hearings were chaired and conducted by Congresswoman Martha Griffiths and by Mr. Leonard Woodcock, president of United Auto Workers, in order to produce recommendations for the Democratic Party platform in the area of health care.

Witness after witness at the public hearings summarized in this document, testified to the deep problems Americans encounter in seeking good health care, and in paying the skyrocketing costs of health care. The story sometimes emerges in poignant and personal terms, and sometimes in measured objective analyses. In either case, the story of these hearings amounts to a call from Americans for responsible Government action in the face of a growing national crisis in health care.

The summary of this testimony, and the recommendations of the planning group presented in this document present a program of action which will be debated by the Democratic Party and help to shape the party's national platform. These recommendations deserve the attention, however, of all Americans, and I offer them here in the Record to further the public debate in this area.

I am especially pleased to note that as a result of these hearings and considerations, this study committee has recommended that the Democratic Party endorse a program of national health insurance which embodies the principles of the health security bill, which I introduced into the Senate over a year ago. This action increases still further my confidence that the principles of this bill will profoundly affect the shape of national health insurance enacted in this country, and the quality and responsiveness of health care offered to all Americans.

There being no objection, the document was ordered to be printed in the Record, as follows:

The Revolution in Health Care

The planning group on health care held four regional public hearings on America's health crisis: Detroit, Michigan; Portland, Oregon; Atlanta, Georgia; and Philadelphia, Pennsylvania.

In announcing the hearings, Rep. Martha Griffiths (D-Mich.) charged that the medical care system in America is in deep trouble.

"Doctors are in short supply and services are disorganized. Hospitals cannot control costs and runaway inflation has become a fact of life. Private health insurance companies and Blue Cross build palatial offices and pay plush salaries, but have never taken the necessary measures to control the spiraling inflation of health care costs or correct the mal-distribution of health resources."

Chairman Woodcock opened the hearings by summarizing the growing national feeling about the present health system and by stating the purpose of the planning group hearings:

"The American health care system is in crisis, and the crisis is deepening. The reality of this crisis, which affects almost every citizen, is no longer denied.

"The crisis presents both a danger and an opportunity. The danger is that we may shrink from the magnitude of the effort required to reform and improve the existing health care system. We may shrink because of powerful parochial interests, whose principal concern is their own private interest and not the public welfare.

"If we have the courage and the wisdom to diagnose the substantive economic and political dimensions of the crisis, it will afford us an opportunity to achieve the reform we urgently need."

Testimony during the four days of hearings ranged over many problems in the financing and delivery of health services. Major interest, however, centered on six interrelated factors:

Need for a national health strategy.
Skyrocketing health care costs.
Manpower shortages and mal-distribution.
Uneven quality of care.
Lack of integrated health care systems.
Need for consumer control.

In discussing solutions to these problems, most witnesses advocated some form of national health insurance incorporating the principles of the Health Security Bill (S. 3 and H.R. 22–23).

NATIONAL HEALTH POLICY

The underlying cause of our national health care crisis was described by many witnesses as the failure to develop a coordinated and coherent national health strategy. A spokesman for the Association of American Medical Colleges said "Unfortunately, this great country of ours has no national health policy. Our people, although citizens of the wealthiest and most powerful country, do not receive the best health care in the world."

Several witnesses testified that the lack of a national health policy results in waste, inefficiency, and piecemeal planning. Manpower education and training programs do not meet the needs or priorities of the delivery system and health facilities construction responds to the needs of the 1950's instead of the 1970s.

A state senator in Connecticut argued that we must abandon the myth that Medicaid or any national health insurance program that replaces it is an "income supplement program". These are health programs since they have such an enormous effect on health care and financing and ought to be administered and regulated by people who are administrators and regulators in the health field.

Yet he discounted the possibility of any such coherent approach when the "top health officer in this nation—the Assistant Secretary of HEW for Health and Scientific Affairs—controls less than one-fifth of the government's input into the health care system."

One witness advocated that Congress should—as a first priority— "provide a single, authoritative point of responsibility for health policy within the federal structure. The scope and magnitude of HEW's responsibility for civilian health programs seems to argue compellingly for locating overall leadership of federal health activities in HEW."

At the same time, witnesses unanimously agreed that the present HEW organization is no match for the job of providing vigorous national leadership for sound evolution of federal health programs, and that a new organization is needed—preferably a cabinet-level Department of Health.

HEALTH CARE COSTS

The high cost of health services was mentioned most frequently as a cause of the current crisis. A U.S. Congressman reported that expenditures for personal health services reached $70 billion last year or seven percent of the Gross National Product. Nearly all witnesses agreed that such high costs deprive millions of Americans of their "right" to high quality health services.

A Georgia spokesman for the aged said that "some older people use brake fluid to treat their arthritis because they have no money and no insurance for medicines." Another reported the case of a retiree who was given a ticket for jaywalking: "He had to pay a fine even though he had very little income. He didn't see the 'Don't Walk' sign. He needs glasses. He can't get them because he can't afford them. But they'll be sorry—he can't pay the fine either."

Many witnesses said that even those individuals theoretically "covered" by private insurance find it generally does not pay for the basic component of care—ambulatory services. The Chairman of the Board of Philadelphia General Hospital said that "unfortunately some very important people in the insurance industry remain afraid of the consequences of insuring ambulatory care to the fullest extent."

A labor leader complained that because of the rapidly rising costs of medical care, only the well-to-do are assured of adequate care:

"Private health insurance programs are not providing adequate coverage for our members. Many an individual has entered a hospital confident that his hospital insurance will cover the bill, only to find he should read the fine print in the contract."

Another witness reported:

"Health care is not equally provided for all Americans. It is a myth that private insurance is doing—or can do—the job. More than 20% of the population under 65 is not covered against the most costly aspects of medical care—hospital and surgical services. More than half have no coverage for physician home and office visits. A minute number have coverage for dental costs."

Other witnesses decried the burden assumed in the event of a catastrophic illness, but criticized proposals for "catastrophic insurance" as inflationary and only providing illusion of coverage. A labor spokesman called such an approach "a rich man's program financed by the working people", and a state insurance commissioner condemned it as totally unacceptable "They just pour more money into the system without the needed controls", he said.

The Health Security Program (S. 3 and H.R. 22–23) was widely supported as the best proposal for controlling costs through budgeting and other fiscal controls.

HEALTH CARE PERSONNEL SHORTAGE

The personnel shortage was a second major factor cited in the general characterization of the nation's health care crisis. The problem was decribed as:

". . . an acute worsening shortage of health personnel, especially doctors. One of the best known facts of the crisis is that we need 50,000 more doctors than we have today. There are hundreds of counties and thousands of communities in the nation without a doctor, and countless more have too few to meet the needs that presently exist."

An Arkansas consumer spokesman testified that most rural counties do not have a doctor or any adequate public health services and that hundreds of lives are lost each year because personnel and facilities are not available, even for emergencies. "In Arkansas we are lowest in everything except Congressional seniority", she stated.

The Chairman of the U.S. Senate Health Subcommittee scored the "sorry record" of the Nixon Administration in responding to this need. HEW officials have requested appropriations of less than half those authorized under the Comprehensive Health Manpower Training Act of 1971.

The president of a state medical society similarly criticized the Nixon Administration policy as exhibiting a shocking inconsistency. " . . . At the same time government has been pleading additional services it has been decreasing the financial support needed to educate more health care professionals."

Spokesmen for the Association of American Medical Colleges urged full funding of health manpower appropriations and their extensions to include support of graduate medical education. Noting that educational costs are now borne largely by the patient through his hospital bill and payment for medical care, they said "It is time to take this burden off the back of our ill and distribute this responsibility across the country." The spokesmen also stressed the need for improved scholarship support and for adequate funding of biomedical research.

Finally, many witnesses said that the geographic distribution of physicians leaves the minorities, the poor, and those in rural areas with little or no access to physician's care.

Representatives of Chicano and Indian organizations spoke of the futility their members felt in seeking basic health services or even emergency care. They described efforts of some Indian and migrant groups to obtain "foreign aid" assistance from other countries to meet their health and economic development needs.

A spokesman for the Farmer's Union summed up the problem by saying "an appointment to see the doctor is just an appointment to start waiting."

QUALITY OF CARE

Many panelists and witnesses agree that while "much of our health care is of high quality", some is not nearly as good as it should be. Too often health care is felt to be inadequate, incompetent or worse. In many of Detroit's hospitals, for example—particularly those that treat the poor—patients are kept waiting "from 8 to 12 hours" after their scheduled appointment hour before seeing a doctor.

Two cases were cited from the *Chicago Tribune* Task Force studying care in nursing homes.

"[one night there was] . . . not enough food and the nurses' aide in charge scrapes uneaten portions of steamed cabbage and noodles into other trays and serves it a second time and a third until all are fed."

"Two old women, their bodies crippled with age and trembling from the cold of a winter night without heat, screech and claw at each other as they struggle for a single ragged blanket. A nurses' aide appears in the doorway and shouts 'Shut your goddam mouths, both of you, or I'll take your blankets away and both of you can freeze."

Witnesses for the Urban League pointed out the inconsistent quality of care suggested by international morbidity and mortality figures. For example, the United States presently ranks 14th in infant mortality; 22nd in life expectancy for males and 7th for females and 16th in death rates of males in their middle years. The appalling fact is that in all these categories the United States ranked higher just a generation ago.

Yet Urban League witnesses testified that for the poor and non-white, similar indicators of quality health care are even more disillusioning. "These men and women can expect fewer years of life than more affluent Americans; their babies have as much chance of surviving as infants in Ecuador; their young mothers have about the same chance of surviving childbirth as the women of Costa Rica."

FAILURE TO DEVELOP SYSTEMS

The Chairman of the American Hospital Association's "Special Committee on the Provision of Health Services" summarized his committee's findings on the need to improve the health care delivery system:

"We confirmed the fact that it is not merely lack of finances serious as that is, that keeps Americans from getting the best health care possible, but far more importantly, it is the shortcomings in the organization of our delivery system. These result in our being a less healthy nation than would be expected from the tremendous expenditures made for health care—the highest per capita of any nation in the world."

A Portland physician pointed out that "doctors from other lands come to America to learn from us, but they come to visit our research facilities and study some of medicine's problem diseases. Few come to study our health care system and no country has ever advocated that they copy the American system of medical care." He suggested that if the Saskatchewan (Canadian) system of national health insurance were instituted in Oregon, comprehensive care could be provided to every resident of the state for no more money than is currently spent for episodic health services in Oregon, with thousands of people receiving little or no care.

NEED FOR CONSUMER CONTROL

Many witnesses stressed the need for increased participation by consumers in the planning and administration of health programs. A state insurance commissioner said "one of the keys to better health care delivery for all our citizens is greater control and input into the decision-making process. Our health care delivery system all too often has been run for the benefit of hospitals, physicians, and other providers of health care for the benefit of the public. Experience indicates that when health care is left to the professionals, the system is planned more for the benefit of the professionals than for those the system is to serve. Thus, the system becomes self-serving and concentrates on areas of professional interest rather than patient need."

The president of a state organization for senior citizens reflected similar sentiments:

". . . I would say that our American medical care system is characterized by the fact that there is no identifiable point of accountability. To whom can the older patient or, indeed any patient, go and say 'I don't like what's going on; who is going to do something about it?' "

Some professionals disagreed with the need for increased responsiveness to consumer demands. A state medical society president called these ". . . the minor part of the problem—and the one which mistakenly is considered by many persons to be the major one by that segment of the public that is motivated to seek health care that is not available at a cost, time and place of the public's choosing."

RECOMMENDATIONS

Suggestions for reorganizing the present health care industry were numerous and varied, but remarkably consistent. In the interest of brevity, these consensus recommendations are listed in order of their relevance to the major issues discussed above.

(1) *Creating a national health care strategy:* Congress must create an administrative mechanism to develop and coordinate national health strategy. Witnesses unanimously agreed that this is the only way resources can be brought to bear on needs with maximum efficiency, and for costly duplication of programs and services to be ended. Most witnesses supported a cabinet-level health department with responsibility for all federal health programs.

(2) *Controlling health care costs:* National health insurance was widely viewed as the only way of protecting the American public against the high cost of health services. The many advocates of the Health Security program (S. 3 and H.R. 22–23) testified that it would be effective in curbing inflation while simultaneously achieving an equitable distribution of services to all citizens. There was general agreement that any health insurance system should be universal in scope, comprehensive in benefits, equitably financed and aimed at the reformation of the health care delivery system. There was widespread condemnation of plans such as current catastrophic insurance proposals that would simply pump more money into the existing system. In addition, there was strong agreement that new federal programs should not rely on the private insurance industry for underwriting or administration.

(3) *Development of Health Manpower:* Increased federal support should be given for the training of physicians and other categories of health manpower currently in short supply. Such support should, however, be in accordance with established priorities of national need. Special emphasis should be placed on training for family-oriented practice and practice in organized group settings. Scholarships should be widely available to make education in all health professions more open to minorities and to women.

Payment systems under existing and future federal health programs should develop incentives to encourage physicians and other professionals to practice in areas previously considered "undesirable" such as the urban ghetto and rural areas and to select the most-needed specialities.

(4) *Improving the Quality of Care:* National policy must provide for and encourage the continuing education of physicians, nurses, administrators, technicians and other personnel without loss of income.

National licensure standards were supported for both professional and institutional providers of services.

Many witnesses urged a strong federal initiative to improve the quality care in nursing homes. Strict standards and frequent monitoring of facilities were urged as the only way to assure a decent level of care in most facilities.

(5) *Improving Organization of the Health System:* Strong federal support should be given to the development of group practice programs to service suburban neighborhoods, rural areas, the inner city and small towns. Support should include adequate funds for planning, start-up costs and underwriting initial operating losses. Profit-making group practices were sharply denounced as undesirable intrusions of "commercialism" into the health care system that will inevitably lead to higher costs and reduced quality of services.

(6) *Consumer Participation:* Improved opportunities for consumer participation were widely advocated. Any facilities or group practice receiving federal funds should be required to consult regularly with the people served by the institution.

Federal health programs should be required to give consumer or public spokesmen an active role in administration of the program including determination of priorities and serving as "ombudsman" for the public interest.

Several witnesses advocated improved programs of public health education. Such programs should include education regarding body functions, disease processes, health maintenance, rational expectation from health care personnel and the effects of drugs.

The Revolution in Health Care

HEARING PARTICIPANTS AND PLANNING GROUP MEMBERS

Co-Chairmen: Leonard Woodcock, Martha W. Griffiths.
Austin, Richard, State Treasurer, Lansing, Michigan.
Bachman, Leonard, M.D., Harrisburg, Pennsylvania.
Bechtol, Thomas, Gladstone, Oregon.
Bloomquist, Elmer, Corvalis, Oregon.
Bourne, Peter, M.D., Athens, Georgia.
Boyer, Harry, Harrisburg, Pennsylvania.
Brand, Eleanor, Seattle, Oregon.
Brown, John J., Jr., M.D., Detroit, Michigan.
Carter, Joan E., Detroit, Michigan.
Cole, Glen, Birmingham, Alabama.
Conyers, John, Jr., U.S. Representative, Michigan.
Coombs, William P., Harrisburg, Pennsylvania.
Corbett, Alice, Democratic National Committeewoman, Oregon.
Cutini, Gary, Philadelphia, Pennsylvania.
Darnell, Emma, Atlanta, Georgia.
Denenberg, Herbert S., Harrisburg, Pennsylvania.
Dowde, William, M.D., Atlanta, Georgia.
Dyson, John, New York, New York.
Edwards, Nelson Jack, Detroit, Michigan.
Feise, Richard, M.D., York, Pennsylvania.
Ford, Sandra, Portland, Oregon.
Francis, Richard J., Detroit, Michigan.
Freeman, Andrew G., Philadelphia, Pennsylvania.
Gaarenstroom, William, Portland, Oregon.
Garber, Aaron, Eugene, Oregon.
Gibbons, Harold, St. Louis, Missouri.
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Haughton, James G., M.D., Chicago, Illinois.
Hogan, Glen, Atlanta, Georgia.
Horn, Barbara, M.D., East Lansing, Michigan.
Hunt, Andrew, M.D., East Lansing, Michigan.
Jackson, Maynard, Vice Mayor, Atlanta, Georgia.
Johnson, Ruben, Atlanta, Georgia.
Johnson, Wallace, Portland, Oregon.
Jones, Josephine, Atlanta, Georgia.
Kelly, Helen, Detroit, Michigan.
Lang, William, Portland, Oregon.
Larson, Roger, Corvallis, Oregon.
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Mapes, Eva, Los Angeles, California.
Marshall, William, Detroit, Michigan.
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Masters, Brooker L., M.D., East Lansing, Michigan.
McCabe, John, Detroit, Michigan.
McCarthy, Bennett J., Detroit, Michigan.
McConnell, Jack, Washington, D.C.
McCoy, William, Portland, Oregon.
McNeeley, James, Chairman, Michigan State Democratic Party.
Meighan, Spence, M.D., Portland, Oregon.
Melendy, Patrick, Portland, Oregon.
Mitros, Paul P., D.O., Farmington, Michigan.
Morse, Wayne, former U.S. Senator, Oregon.
Nelson, Russell A., M.D., Baltimore, Maryland.
Nestigen, Ivan, former mayor, Madison, Wisconsin.
Oakman, Guy F., McConnellsburg, Pennsylvania.
Oss, James, Nutley, New Jersey.
Paulson, Reverend Peter, Portland, Oregon.
Perloff, Earl, Philadelphia, Pennsylvania.
Prete, John D., State Representative, Connecticut.
Priver, Julian, M.D., Lansing, Michigan.
Richardson, Russell, Atlanta, Georgia.
Rogers, Lou Ann, Portland, Oregon.
Roley, Ronald, Portland, Oregon.
Rosemond, George P., M.D., Lemoyne, Pennsylvania.
Sanford, Terry, former governor, North Carolina.
Serchuk, Max, Miami, Florida.
Sesti, Louis M., Detroit, Michigan.
Shope, R. Wesley, Harrisburg, Pennsylvania.
Sloan, Harvey, M.D., Lexington, Kentucky.
Smith, Elaine, Philadelphia, Pennsylvania.
Speller, J. Finton, M.D., Harrisburg, Pennsylvania.
Tanaka, Augustus, M.D., Portland, Oregon.
Taylor, John, Ashton, Pennsylvania.
Thatcher, Robert, M.D., St. Paul, Minnesota.
Thurman, Marjorie, Democratic National Committeewoman, Georgia.
Timm, Sally, R.N., Albany, Oregon.
Tuttle, Elbert P., M.D., Atlanta, Georgia.
Wade, Lyndon, Atlanta, Georgia.
Weeks, Barney, Birmingham, Alabama.
Whelan, Edward, Portland, Oregon.
Whipple, Blaine, Democratic National Committeeman, Oregon.
Wilkins, Caroline, Chairman, Oregon State Democratic Party.
Wurf, Jerry, Washington, D.C.
Young, Charles, Detroit, Michigan.

THE UNIONS

Mr. FANNIN. Mr. President, beginning on April 9, the Washington Post published a 10-part series of articles entitled "The Unions." The stories were written by Haynes Johnson and Nick Kotz.

I find myself in the unusual position of praising that newspaper, but I have always believed in giving credit where credit is due. I also commend reporters Johnson and Kotz for the tremendous amount of research that they had to undertake to produce these articles. I recommend to Senators that they read all 10 articles. We are all overburdened with the reading we must do. However, these articles are timely. They recite facts with respect to union membership, attitudes of individual members to their union and their job, and how unions operate in the political arena.

In these articles we have found support for the positions we have taken in the past and will continue to take.

To cite just a few examples:

Article III published on April 11 says:

> Two things characterize the makeup of the AFL–CIO's Executive Council composed of International union presidents who form labor's leadership elite—old age and nepotism.

Article IV appearing on April 12 states facts on union political contributions:

> Just on what's on the record alone, it becomes obvious the AFL–CIO spent nearly $3 million on politics in the year ending June 30, 1971—a non-presidential year.

COPE spends $1 million a year on voter registration which comes from dues paid into the AFL–CIO by union members. Unions contend they can use this dues money—money collected involuntarily from union members—for voter registration efforts, because it is an "educational expense." Actually, the "voter registration" is aimed solely at rounding up voters for the candidate of the union leaders' choice. There is nothing educational about it. The Post says:

> Present plans call for doubling that sum on a permanent basis.

Article X, appearing on April 17, provides facts and figures on union membership, and concludes with the statement:

> Organized labor's total membership is virtually stagnant and Unions represent an ever declining minority of the workforce. Fewer than one in four American workers belong to unions.

Mr. President, these remarks could be expanded easily. My purpose today is not to editorialize, but to call attention to the articles. No doubt I shall be quoting from them in the future.

THE MATHEMATICA REPORT

Mr. ANDERSON. Mr. President, yesterday there was placed in the Record the testimony of Dr. Ralph Lapp before the Committee on Aeronautical and Space Sciences on April 12 in opposition to the space shuttle. Much of this testimony is aimed at the Mathematica report prepared by the distinguished economist Dr. Oskar Morgenstern and his associate Dr. Klaus Heiss, who also testified before the committee on April 12.

It is unfortunate that an opposition witness to the space shuttle has chosen to cast aspersions on the integrity of Dr. Morgenstern and Mathematica, Inc. We hoped that the discussion would have been held to the merits of the case.

Mr. President, I ask unanimous consent that there be printed in the Record at this point the testimony of Drs. Morgenstern and Heiss before the committee on April 12, a statement of personal privilege made by Dr. Morgenstern at the same hearing, and a detailed rebuttal to the Lapp statement subsequently submitted to the committee by NASA.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement of Dr. Oskar Morgenstern, Chairman of the Board, Mathematica, Inc.; and Dr. Klaus P. Heiss, Director, Advanced Technology Economics, Mathematica, Inc.

BIOGRAPHY OF DR. OSKAR MORGENSTERN

Born: January 24, 1902.

Education: Doctor rer pol (Political Science) University of Vienna, 1925.

Positions: Chairman of the Board, Mathematica, Inc.; Formerly, Professor of Political Economy, Princeton University; and Professor of Economics, New York University.

Professional activities: At various times, Consultant to the White House; Consultant, U.S. Atomic Energy Commission; presently co-editor of Naval Research Logistics Quarterly and various other learned periodicals.

Awards: Correspondent of the Institut de France, Academie des Sciences Morales et Politiques, Paris, 1967.

Honorary degrees from the University of Vienna, 1965; University of Basel, 1960; University of Mannheim, 1957.

Affiliations: Fellow, American Statistical Association; Fellow, Econometric Society, etc.

Publications: Has published a considerable number of books as well as over 100 papers on economics and related topics. Among his principal publications are: *Theory of Games and Economic Behavior* (with John von Neumann) 1944; *On the Accuracy of Economic Observations*, 1963; *Predictability of Stock Market Prices* (with C. W. Granger), 1970.

BIOGRAPHY OF KLAUS P. HEISS

Born: August 21, 1941.

Education: Ph. D. School of Business Administration, Vienna, Austria, 1964.

Positions: Director, Advanced Technology Economics, Mathematica, Inc.; Research Associate and Lecturer in Economics, Econometric Research Program, Princeton University.

Experience: Dr. Heiss has had extensive experience in economics, covering the most recent developments in economic theory and policy. In two years at Princeton University his major fields of research were mathematical economics, econometrics and game theory. In addition, his European education gives him a strong background and understanding of international finance, the role of inflation and economic policy planning at a national level.

Since joining Mathematica, Dr. Heiss has worked with the success in the economic evaluation of major new technological systems for various U.S. Government Agencies including the U.S. Atomic Energy Commission, the U.S. Department of Transportation, the Office of Naval Research, and the National Aeronautics and Space Administration. Some of this work had a major impact on actual policy decisions.

Publications: Dr. Heiss is the author of numerous papers and study, especially on the relation between modern technologies and their economic significance. For example: "The Economics of the Peaceful Uses of Underground Nuclear Explosions," 1967, for the Atomic Energy Commission: "Cost-Benefit Study of the Earth Resources Satellite Program: Grazing Land Applications." Mathematica, 1968: "Theory and Implementation of Cost-Benefit Analysis of Transportation Systems," for the Department of Transportation, 1969: "Long-Term Projections of Power: Review and Outline," for the Office of Naval Research, 1970.

Dr. Heiss has testified on the Senate Committee on Appropriations, Subcommittee on HUD-Space-Science, June 29, 1971: to the President's Science Advisory Committee, Space Shuttle Panel, August 15, 1971.

Dr. Heiss is a member of several scientific societies and an Honorary Faculty Member of the U.S. Army Logistics Management Center.

HISTORICAL BACKGROUND

Dr. MORGENSTERN. Mr. Chairman, it is an honor to appear before this committee. Over the past 2 years, Dr. Heiss and I have conducted a research group at Mathematica Inc., in Princeton, N.J., in a comprehensive independent study of the economics of new space transportation systems, with particular attention given to a proposed space shuttle system for the United States in the 1980's. As you are well aware, any economic study of advanced new research and development projects, with technical leadtimes of 8 years or more, is a difficult enterprise, both conceptually and in practice.

Our expertise lies mainly in economic analysis, so we cooperated in this investigation over the past 2 years with two other corporations which with our support, provided us with the required data: Aerospace Corp. of El Segundo, Calif., and Lockheed Missiles and Space Co. of Sunnyvale, Calif.

The function of LMSC, a contractor with extensive experience in payload research, development, testing, evaluation, and production, as well as payload operational requirements, was to investigate in depth the effects that a reusable space transportation system will have on the expected costs of payloads and space missions in the 1980's. The overall estimates of these effects in the economic study are called payload effects. Payload effects are thus the combined effects of a reusuable space shuttle system on the payload and spacecraft costs of space missions; they include possible cost reductions through reuse, updating, maintenance and in-orbit checkout of satellite payloads in the operating phase of a space shuttle system. In addition to this, LMSC also evaluated the cost of payloads in the 1980's using expendable transportation systems. Extensive reviews of the work done by LMSC took place over the past 2 years, and wherever deemed necessary by us and Aerospace Corp., LMSC's work was redirected to conform to our requirements.

The detailed cost estimates on alternate payload effects using different space transportation systems were then given to Aerospace Corp. The function of Aerospace Corp. was to investigate the extent to which the payload effects studied by LMSC for specific individual spacecrafts can be generalized across the mission models of the 1980's for different U.S. Government agencies as well as for civilian users. In addition to this, Aerospace Corp. also had the task of estimating independently, with information supplied—among others—by the phase B contractors, the expected costs of alternate space transportation systems to be used in the 1980's; the current expendable system, an economic new expendable system and a space shuttle system. Again, extensive reviews of the work done by Aerospace were made on a regular basis and, when necessary, Aerospace Corp. was directed to conform to our requirements. Dr. Heiss participated in all of these review meetings and I participated wherever feasible.

One might ask why payload effects are of importance. Even on an intuitive basis it is clearly an advantage to be able to bring satellites safely back to earth for updating and refurbishing them, or for repair, if necessary. It is interesting in that connection to point out that, for example, for satellites which have 2-year design for functioning, of the failures which occurred, 26 percent occurred at launch, 48 percent after 1,000 hours only of functioning. That is, 74 percent of satellite failures occurred very early, either at launch or immediately after launch.

It may also be added that among those which failed was the Orbiting Astronomical Observatory at a cost of about $60 million, and of course, there were failures also among military craft, the value of which is not public.

In order to reduce the possibility of satellite failures, much redundancy and extraordinary care in manufacturing and preflight checkout is required. This drives costs up almost at an exponential rate. In orbit and on ground standby capabilities are very expensive in some programs. Most satellites could now not be returned at all because they cannot withstand the severe reentry environment. But the Space Shuttle vehicle offers precisely the needed protection. Sometimes also speed of launch and of return is of great importance. Here is one additional source of Space Shuttle capability. Of course, not all satellites can or need be retrieved (that is, the few deep interplanetary probes), so that it is a question of the mix of types of satellites, either expendable kick stages or a space tag. One-half of the missions are to synchronous orbit and therefore require additional propulsion. Each mission has been studied in detail in regard to its need to use additional propulsion systems. The data used include the costs for such additional requirements.

Overall, for the report completed for the National Aeronautics and Space Administration on May 31, 1971, Mathematica invested about 8 man-years of effort in the economic analysis; the effort by LMSC was about 12 man-years and the effort by Aerospace Corp. was in the neighborhood of 25 man-years. Figure 1 gives a flowchart of the overall organization of the study and the inputs used in the economic analysis done on new space transportation systems.

In our work for NASA, we were impressed by the good and prompt working relationships. We were assisted to a major extent by our technical monitor, Mr. Robert N. Lindley.

After May 31, 1971, the economic analysis effort was extended by another 6 months and the results of this additional work are presented in the Mathematica report published January 31, 1972. It is our understanding that the executive summary has been placed in the record of these hearings. Preliminary results were presented to Dr. Fletcher in a special memorandum submitted on October 28, 1971.

It may be interesting to this committee to learn more about the spirit of the study, as well as the contractual understanding that existed between the National Aeronautics and Space Administration and Mathematica in conducting this economic analysis. The work statement of contract NASW-2081 called for an independent economic analysis of new space transportation systems considering in particular expendable transportation systems and a two-stage fully reusable Space Shuttle System. In the second half of the effort, the independent analysis was extended to include an evaluation of alternative Space Shuttle configurations in order to determine the most economic system capable of meeting, on economic grounds, expected U.S. space transportation needs of the 1980's and beyond.

Aside from this background, we proceeded in the contract as follows: At the end of April 1970. Dr. Klaus Heiss and I gave an extensive briefing to the National Aeronautics and Space Administration on the economic methodology that would be applied to the analysis in trying to determine the worth of a reusable space transportation system as well as for determining the most economic space transportation system of the 1980's. The methodology employed was, to the best of our knowledge, the most strict and conservative way in which new technologies can be evaluated in economics. The reports issued on May 31, 1971, and the latest report of January 31, 1972, do describe in detail the economic methodology.

Here we want to restate that wherever controversy or uncertainty existed about the economic method of analysis, or about the value of specific economic parameters, as well as the inputs provided to us by the other two contractors (Aerospace Corporation and LMSC), NASA and the Department of Defense, we consistently tried to be as conservative—I would even say as skeptical as possible. We forego a description of the Space Shuttle since the committee has been amply briefed regarding its nature and purpose.

ECONOMIC EVALUATION

There are two broad general alternative assumptions with which one can approach the economic evaluation:

(*a*) The capabilities (missions) are specified and alternative feasible space transportation systems are evaluated for the lowest cost solution (equal capability cost-effectiveness); or

(*b*) The budgets (funds) available for space applications are assumed given, and each system tries to do the most with these operating funds (equal budget cost-effectiveness).

The equal capability and equal budget cost-effectiveness analyses were carried out for the evaluation of new space transportation systems. This was the most stringent way in which such an economic study could be conducted. Specifically, any additional capabilities that are most likely to be expected as a consequence of the development of a Space Shuttle system—because of cost reductions—were systematically excluded from the comparative analysis of space transportation systems in the 1980's. This meant that a considerable area of potential benefits that may result from a Space Shuttle system was excluded a priori from the evaluation in our study. In particular, we did not include or measure the benefits of Space Shuttle sortie missions, a new capability offered by the Space Shuttle system, nor the role of using man in space. This was not done due to a lack of confidence in the added capabilities that a Space Shuttle system would give to the United States, but to preserve as much as possible an economic analysis restricted to the capabilities of present expendable space transportation systems. As a matter of fact, it was Dr. Heiss' belief as well as my own personal belief early in the project, that it would be very unlikely that a reusable space transportation system could be justified on economic grounds based on such a stringent evaluation methodology. Yet our investigations showed that a justification was possible.

The most recent Mathematica study is an investigation aimed at finding, as already stated, the most economical system from a set of technically possible systems. The mere fact that a system—any system—is technically feasible is by itself not a sufficient justification for its introduction. Here, however, we have made the simple assumption that future U.S. unmanned space activity will not be less than it was in the average over the last 8 years—not only a conservative but probably a pessimistic assumption. In addition, we varied the expected unmanned U.S. space activities in the 1980's over a wide range of hypothetical space programs that cover, to our best understanding, a very wide range of space programs, most of them below the levels of activity provided to us by NASA and the Department of Defense.

The question of "priorities" does not arise in this context at all: We are merely confronted with the question of an optimal choice within a given system of priorities. The wider question, that of priorities, is therefore whether the basic U.S. space activity level is reasonable, or too high or too low, seen in the entirety of the U.S. society, economy, and the Federal budget. Priorities have to do with the aims of space activity, not with the mechanics of how to achieve those aims. It is our personal belief—and with this remark, I, as well as Dr. Heiss, are going beyond the scope of our investigation—that it is inconceivable that the present aims would be cut back to such an extent over the next years as to make the proposed Space Shuttle meaningless. I emphasize this is a personal observation.

The correct way to measure, economically, national priorities is through the imposition of an appropriate social rate of discount on Government investment projects. The Space Shuttle is one such project. Different Government projects must be acceptable for given interest rates. In that respect they are to be judged precisely as private investment projects which must earn at least the current and expected long-term rate of return. For private investment, the necessary information about the prevailing rate is furnished by the capital market. The Government must also consider that rate, but it really has to discover the "social rate of discount" which expresses the Nation's time preference. This is not easy and there is no unanimity. As in all cases—whether it be private or public investment—a high rate discourages investment, a low one encourages it. When there is no clarity or agreement, it is desirable to study the effect of a variety of rates and to determine their influence upon the proposals.

In the case of the Space Shuttle system we therefore made all analyses with ranges in the discount rate from zero to 20 percent. Our conclusions are based on the economic evaluation at 10 percent, in accordance with the current practices of the Office of Management and Budget. Given that the analyses were carried out in constant 1970 dollars—that is, projecting no inflation—and given the long leadtime required for the initial operating capability of the system, the Space Shuttle system had to meet a most difficult test indeed in order to be found economically acceptable. Present empirical evidence available to us for the United States, as well as theoretical considerations, lead us to the belief that the 10-percent rate as used in this economic analysis is sufficiently high.

MAIN PROBLEMS ANALYZED IN STUDY

The main problems submitted to us for analysis were:

(1) The economic worth of a reusable space transportation system. The May 31, 1971, report addresses this particular issue in depth and great detail. We concluded at that time, and present results confirm that conclusion, that the most conservative economic analyses show, at a 10 percent social discount rate, that the allowable nonrecurring cost—the benefits—for "buying" a fully reusable space transportation system are somewhere between $12.9 billion and $15.4 billion depending on the activity level expected in the 1980's and beyond. The estimate of allowable nonrecurring costs is a convenient form of expressing the "benefits" measured in terms of cost-effectiveness analysis of a reusable space transportation system.

On the other side, we estimated—in cooperation with Aerospace Corp.—that the actual nonrecurring costs of the Space Shuttle and tug system—the two-stage fully reusable system then being favored—would be about $12.8 billion. All of these estimates were made in constant 1970 dollars.

We furthermore concluded on May 31, 1971, that the fully reusable, two-stage Space Shuttle is only one of several conceivable space transportation systems capable of achieving the objectives of space transportation in the 1980's. We therefore called, at that time, for the further study of other technically acceptable systems.

Furthermore, we concluded on May 31, 1971, that the then projected nonrecurring costs associated with developing a Space Shuttle system were shown by the economic analysis to be covered by the identified benefits, provided the United States intends to operate a space program with a number of flights equal merely to the levels of unmanned space program activities the United States had actually undertaken in the past decade.

We found, and this conclusion is confirmed by the results of the January 31, 1972, report, that the choice of the social discount rate has, as we expected, a major influence on the economic evaluation of a new space transportation system, as on any other investment. Differences in the rate applied to the analysis outweigh many other important issues usually raised—and analyzed—in the context of large scale research and development projects, in particular those issues arising from irreducible uncertainties in the cost data.

We furthermore found in May 31, 1971, that the economic justification of a reusable space transportation system is relatively independent of the question of manned versus unmanned space flight. The space programs analyzed by Mathematica were in line with the activity and funding levels of the unmanned U.S. space program for the 1960's—NASA, the Department of Defense, and commercial users included. This, of course, does neither preclude nor require the possibility that the future unmanned space program could be much larger than in the past, if, for example, the Nation were to decide on a substantial continued manned exploration of space in the 1980's.

Thus, the report of May 31, 1971, concluded that it was worthwhile for the United States to undertake the investment for a reusable space transportation system under the given restrictions.

(2) Which is the most economic Space Shuttle system to meet the expected activity levels of the 1980's of the United States, including NASA, the Department of Defense, and commercial space applications?

The results of this additional effort are reported in detail in the report of January 31, 1972, submitted to the National Aeronautics and Space Administration. Dr. Hess and I can reassure the committee that the economic analysis of alternative Space Shuttle systems was again carried out in complete independence from NASA. People closely associated with our work, within NASA and outside NASA, can surely testify to that effect. We were closely in touch with the developments taking place in industry proposing alternative ideas on achieving the basic objectives of a reusable space transportation system. The major families of Space Shuttle systems are shown in figure 2.

In figure 2 a simplified, yet concise, summary is shown of the results of the analyses conducted to discover the most economic Space Shuttle configuration. In this figure are shown the relative positions for the two-stage, fully reusable Space Shuttle, the two-stage flyback Space Shuttle, the twin pressure fed booster Space Shuttle—one TAOS version; that is, Thrust Assisted Orbiter Shuttle—the series burn pressure fed booster Space Shuttle, the twin solid rocket motor Space Shuttle—another TAOS—the series burn solid rocket motor Space Shuttle, as well as a space glider concept in combination with a new expendable system. Many alternative systems were evaluated by us and the industry contractors. The most economic shuttle configuration is shown in the corner of this diagram of the curve. This most economic Space Shuttle system is determined by the position and slope of the economic tradeoff line also shown in figure 2. The purpose of this computation was to find precisely this point, to identify this particular system from among all the systems which were before us for inspection and investigation.

Any of the systems has considerable cost uncertainties attached to it. All investments, whether private or public, have uncertainties attached to them. Given the advance in space transportation proposed by the Space Shuttle system, these cost uncertainties are prominent. They also differ substantially among particular Space Shuttle configurations. Within the range of configurations analyzed, the SRM–TAOS has the lowest overall development risks among the various Space Shuttle configurations. Also shown in figure 2 (see page 7) is the position of the economic tradeoff line at a 10-percent discount rate. That straight line which runs across the diagram reflects a 10-percent interest rate. In a very simplified way, the economic tradeoff line shows the benefits—expressed in allowable nonrecurring costs—of Space Shuttle systems as the costs per launch are increased from $5 to $10 to $15 million per launch. So if there were a higher rate of interest, the line would be below the 10 percent line and at lower interest rates this line would shift up much higher.

The calculations show that at interest rates of 10 to 15 percent the solid rocket motor, parallel burn Space Shuttle system is the most economic system among the many alternative systems considered. At a social rate of discount of 5 percent, the solid rocket motor, parallel burn system is still favored over other alternatives, yet a pressure fed, parallel burn or series burn version of the Thurst Assisted Orbiter Shuttle would become an economically acceptable alternative.

LEVEL OF FLIGHT ACTIVITY

Besides these cost uncertainties which we have not further discussed here and the choice of the correct social discount rate, there is, of course, the question of the level of flight activity. This level has to reach at least some minimum in order to make the Space Shuttle profitable, which is exactly as any other transportation system has to be judged. If you have to transport only a few persons, you do not build a railway or subway; you might use horses instead. The density of space flights per year is one way of expressing the nature of future space activity. It is clearly only a partial characterization because it neglects to state what the various satellites and other cargo will accomplish in space, what value derives from their functions, and so forth. These factors enter into the choice of the social discount rate: the more scientifically or even politically valuable are these functions, the lower the interest rate imposed on the whole cost structure might be. To exhibit the significance of this circumstance, as Dr. Heiss has stated, we have shown the effects for the whole spectrum of social discount rates from zero to 20 percent. This allows Congress to see what the consequences are of having one priority rather than another.

MOST ECONOMIC SYSTEM

Based on these and other results of our economic analysis, we stated on October 28, 1971, and January 31, 1972, that the solid rocket motor parallel burn Space Shuttle System (SRM–TAOS) of all the many technically feasible alternative Space Shuttle configurations, is the most economic system with which to achieve the original objectives of NASA. This system would meet the projected space transportation needs of the 1980's for the Nation. When we compare the nonrecurring costs of that configuration with those of a fully reusable system, as originally proposed, there does exist roughly a 50-percent cost reduction in the estimated nonrecurring costs for a 1979 operational Space Shuttle System. This cost reduction is achieved by increasing somewhat the cost per flight of the system. Yet with all the trade-offs duly considered in the economic analysis, this increase is well justified by the decrease in nonrecurring costs of about $7 billion in the 1970's. There is your trade-off between the nonrecurring costs and recurring costs which we mentioned earlier.

The total prospective investment in the new Shuttle configuration spread over several years amounts to about $7.5 billion versus $14.6 billion for the earlier, fully reusable two-stage Space Shuttle. This amount should be seen in proper perspective: it is about 3 percent of the annual Federal budget, about one-third of 1 percent of the annual GNP—whatever the worth of that somewhat dubious concept. It is an investment spread out over several years at an almost constant projected NASA budget. It is an investment that corresponds almost exact to the annual capital investment of the petroleum industry, and is one-half of the approximately annual new plant and equipment investment of the U.S. communication industry—to give only a few references to use as a yardstick. (We don't even want to mention the country's outlays for pet food and the like, which are in that order of magnitude, almost.)

Given our findings of October 28, 1971, and our conclusions in the January 31, 1972, report, we concur with the decision of NASA in its choice of the Space Shuttle System now to be developed in the 1970's, that is, a parallel burn, solid rocket motor Thrust Assisted Orbiter Shuttle (SRM-TAOS).

DIFFERENCES BETWEEN TWO SYSTEMS

There are many important differences between the original two-stage fully reusable Space Shuttle System and the new Space Shuttle System now proposed by NASA. They are to a great extent technical, yet the cost estimates reflect the much reduced effort in terms of initially estimated nonrecurring costs—research, development, and investment—as well as the potential cost overruns that might have resulted from an inability to meet some of the technical assumptions underlying a two-stage fully reusable system. It might be added at this point that the cost overruns discussed by Congress are usually in the investment phase and not in the operating phase. Therefore, if the costs of investment are sharply reduced, that danger of cost overruns, of which we are fully aware, is correspondingly also reduced.

We would like further to state that among the alternative Space Shuttle configurations that allow the achievement of the original objectives of NASA, the SRM-TAOS also promises the lowest development risks among any of the systems competing with this version. NASA will have a difficult enough development job as it is, even with the now proposed Space Shuttle System.

There never—and I would like to make that quite clear—does exist something like a "final economic analysis." There are always problems to be further analyzed: some are technical, others are in the area of real strict economic analysis. Yet, within the scope of the original two questions—that is, the worth of a reusable space transportation system to the United States, and the most economic configuration among the alternative Space Shuttle configurations—we do think that the results of our analysis are as definite as such efforts can ever be.

The fact that the nonrecurring costs in the 1970's have been cut by about $7 billion should not lead to the conclusion that further drastic reductions can be envisaged and the capabilities of the system maintained. The process of selection of the optimal Space Shuttle configuration has, in some sense, come to an end—everything based on present technology and present prices.

INTERNATIONAL COOPERATION

As to outlook, there remains one final point we would like to make to this committee. Given a Space Shuttle system, we believe there exist major opportunities for the United States to advance international cooperation. NASA has already gone to great lengths to emphasize this potential. Personally, we do think that the presently considered participation of Europe, for example, in building a space tug in accordance with the Space Shuttle system, would be of major significance and great importance, not only to NASA, but to the United States and to Europe.

In addition, other areas of cooperation with regard to the space transportation system of the 1980's have been identified in some detail by NASA and others. We want to stress that a great opportunity is offered here to the European nations as well as to Japan and other nations for participating with the United States in development efforts on a scale and scope that may not occur in a similar way in this field, or in many others, in the foreseeable future. We hope the United States and the European nations realize this opportunity.

This. Mr. Chairman, concludes our statement.

Statement of Personal Privilege by Dr. Oslsav Morgenstern

Dr. MORGENSTERN. I would like to make a brief remark.

I am glad to see that Dr. Lapp is convinced that economic analysis is very difficult and complex and that it was very difficult to give a correct restatement, even, of pieces that have been presented. Someday I hope I will have the opportunity of appearing at a hearing on nuclear physics to expound my views on nuclear physics with similar competence.

I agree with him absolutely that it is not only in the interest of the United States but it is our duty to make proper provisions for the most economical use of public funds and that was one of the purposes of our entire study. I think we will submit and we will ask the committee to accept a statement which will deal with some of the points which Dr. Lapp has raised. We are certainly not responsible for foolish remarks made by other people concerning the Shuttle. What we think about the Shuttle and the new space transportation systems is contained in our publications and in the statements made here today.

I want to say, however, that I absolutely reject the remarks and insinuations by Dr. Lapp concerning our integrity. I reject any remarks of this kind as far as my person is concerned and that of my collaborators. The mere fact that a contract was let is not an indication that one is purchased and bought by the people who buy our time. I want to tell the committee of one incident which will indicate the attitude which we have.

A few years ago, I was asked by the Joint Chiefs of Staff to make an evaluation of a particular project they had. I will not name the project, although it was not classified. A considerable amount of money had been spent on this project. We studied it under a contract and our evaluation was as follows. We said that the project had no value, it had no mathematical structure, it had no salvagable parts, it should be abandoned immediately, and any further money spent on it would be throwing good money after bad, and in the following pages, we will give our reasons for this treatment.

This is what we did under a contract and this is the attitude which we have taken under the present contract with NASA. We said what we thought and not what NASA hoped we would say.

NASA Comments on Statement of Dr. Ralph E. Lapp on the Space Shuttle

NASA welcomes the opportunity to comment on the statement on space shuttle economics presented by Dr. Ralph Lapp in hearings before the Senate Committee on Aeronautical and Space Sciences on April 12, 1972.

We agree that the economic issues are important and that persons having responsibilities in the decision process, as well as the general public, should understand the economic rationale for the space shuttle program. We have prepared a concise summary of the facts about space shuttle economics, along with a more general treatment of the objectives of the space shuttle program. An updated version of this fact sheet which incorporates the latest data is enclosed.

Dr. Lapp's testimony is primarily directed at the results contained in the Mathematica report. Although this report represented a major input to the total systems analysis of alternative new space transportation systems, inputs from other in-depth studies by various contractors and NASA organizations were also significant in the final decision.

Dr. Lapp's argument against the economic results of the shuttle system focuses on the following major points: That the cost savings of $7 billion reported by Mathematica should instead show a total program cost for the shuttle of $19 billion greater than the current expendable system; that the Space Shuttle transportation system cannot achieve its advertised cost rates; that the study results are heavily biased by the fact that a significant portion of shuttle traffic will be military payload; and that projected payload benefits will not be achieved.

We will address each of these points in turn.

Dr. Lapp contends that when "appropriate" adjustments are made to economic methodology and cost estimates used by Mathematica, the cost savings of $7 billion reported by Mathematica should instead show a total program cost for the shuttle of $19 billion greater than the current expendable system. In paragraphs 12 through 24 of his statement, Dr. Lapp provides his analysis of the Mathematica results. The table in paragraph 13 represents not the finding of the Mathematica analysis but the input data to Mathematica, resulting primarily from Aerospace Corporation's work. It represents a cost summary for a specific baseline traffic model which has been established by NASA and the Department of Defense. This is not the only traffic model upon which Dr. Morgenstern's conclusions are based. In fact, Mathematica used this model and its associated data only as a point of departure from which to construct a wide range of potential space programs, some smaller and some larger than the baseline model.

Dr. Lapp comments adversely on the program cost for the baseline model using the current expendable system, maintaining that the "United States has not approved a $42 billion space program in the current expendable category." Of course, the United States has not approved in detail any space program for the 1980's; NASA and DOD will continue to seek approval from the Administration and the Congress of their space activities—program by program—as they now do each year. It should be noted, however, that the $42 billion for the baseline program is for a 12-year program and that it includes the direct costs for all users of space for all traffic launched within the United States, including NASA, DOD, and other government agencies, commercial users (e.g., Comsat), and flights undertaken for other nations. In other words, the $42 billion program amounts to an average of $3.5 billion of annual expenditure. This is certainly not out of line with the level of expenditure of today's space programs.

Dr. Lapp then says that the costs shown for the current expendable case should be substantially and arbitrarily reduced, but offers little to support his claims. For example, he removes $1.62 billion because he deems it "scarcely fair" to include these costs under the current expendable case since these funds are required for RDT&E and investments for the "Big G" and for current expendable launch vehicles; he reduces necessary recurring launch costs of an additional $2.35 billion on the basis that the "Big G *and* the shuttle are redundant"; and he reduces the costs for payloads by $10 billion because "a more realistic figure would be $20 billion" and as a result of this adjustment reduces launch costs by another $3.25 billion. He then raises the space shuttle development costs by $6.4 billion because he believes contractor estimates are understated and he raises the costs of payloads by $6 billion because the *development cost* of the space station should be included under shuttle payload costs, "if Mathematica, Inc. is going to include earth-to-space station flights in its mission model. . . ." He also suggests that including the space station in the mission model makes it clear that buying the space shuttle means we are also buying the space station.

There is absolutely no justification for these adjustments; in fact they violate accepted system analysis techniques which underlie any study comparing cost/benefits of alternative programs. The basic economic methodology applied by Mathematica in assessing the cost-effectiveness of the space shuttle program was to establish the *total program* life cycle costs of performing specified space programs for each of three technologies (current expendable, new expendable, and space shuttle and tug systems), seeking the *least-cost* approach for accomplishing a fixed set of mission objectives. Many variations and sensitivity analyses were performed around this general approach, but the key point is that in every cost comparison made between competing systems, *all* of the costs were included for doing the same job by alternative means. This is a basic principle of cost-effectiveness analysis.

The shuttle and the "Big G" systems could be "redundant", as Dr. Lapp claims, only if they were employed together. In fact, however, they are alternative means of accomplishing certain objectives—the current expendable system requires the "Big G" in order to perform the mission model. Its costs cannot be deleted from the current expendable accounting without destroying the fundamental principle of the cost comparison, namely that all relevant costs for doing the job must be included. The same explanation applies to his comment on current expendable system nonrecurring costs, which he proposes to delete from the accounting.

Raising the space shuttle development costs to overcome alleged contractor underestimates is not justified because the estimates already include a level of contingencies and allowances for changes, although certainly not in the magnitude suggested by Dr. Lapp. We might add that NASA has demonstrated that it can carry out major programs including significant technical unknowns within reasonable cost limits.

Dr. Lapp's statement that the space station development costs should be included as a cost of the shuttle payload makes no sense unless its costs are also included under the payload costs for the current expendable, since both systems must carry out the same mission objectives if valid economic results are to be obtained. As we have stated time and time again, the space shuttle is not a commitment to the development of a space station. This program will be decided on its own merits in the years to come.

Dr. Lapp also asserts that the space shuttle transportation system cannot achieve its advertised cost rates. The cost per pound delivered to orbit is an accurate measure frequently used to relate the efficiency of the various launch vehicle systems on the basis that each is loaded to capacity. However, the relevant cost comparison is the "per mission" cost (transportation and payload). On this basis, the shuttle will have an economical advantage over all competing systems because of the reductions in payload costs which are possible with the shuttle. But the real issue is not how NASA represents relative efficiency and least-cost but rather has NASA selected the most efficient and least-cost system? Of course, the real understanding of the comparative merits of shuttle and expendable systems can only be obtained by conducting an analysis of all costs associated with operation of a space program with the competing systems. This is, in fact, the type of analysis that has been performed by our contractors, Lockheed, Aerospace Corporation, and Mathematica, in the work reported by Dr. Morgenstern. These studies, together with NASA's in-house work, conclusively show that the space shuttle is a clear economic choice.

Dr. Lapp also suggests that a significant portion of shuttle traffic will be military payloads. We have certainly never made any secret of this and Dr. Seaman's recent Congessional testimony emphasized that he anticipated a requirement for about 20 flights per year for the military. I believe that this assumes that the international situation would remain much as at present.

As history has shown us, this situation could well change by the shuttle operational period. With this in mind, Mathematica has examined a range of space programs in which the military component varies from about 30% of the total to about 60% of the total. In all cases, the economic justification of the shuttle was found to be sound. Obviously, the space shuttle is a general purpose system which can transport military traffic as effectively as it transports non-military traffic.

Dr. Lapp, in commenting on the payload benefits projected through use of the shuttle, has questioned the merit of some of the assumptions in the technical areas where savings are anticipated, such as the relaxation of weight and reliability constraints, the advantage of on-orbit checkout, and the desirability of retrieving "obsolete" payloads.

Actually, the shuttle impact on payload costs and design is one of the most attractive features of the shuttle and it has been the subject of definitive analyses by Lockheed and Aerospace, which have been reviewed by the OMB, the DOD, NASA, and other competent organizations throughout the country. There is no disagreement that the shuttle will produce significant savings in many payload configurations although the full extent of these savings was an area of uncertainty and was the subject of intense analyses. The Lockheed Company, an experienced spacecraft development firm, prepared a detailed subsystem analysis correlating historical payload costs and technical parameters, and exposing areas where savings could be achieved. The Aerospace Corporation reviewed and validated the Lockheed results and conducted a very extensive trade-off and sensitivity study of each specific payload in the mission model to ensure that the application of low cost design (savings through relaxation of weight and volume constraints) as well as retrieval and refurbishment were economically desirable and technically feasible. Thus the detailing of the cost benefits called for by Dr. Lapp has been accomplished and has been critiqued by responsible people in NASA and other government activities.

An important finding of these studies is that the low cost design accounts for only about 5% of the estimated payload benefits and that payload retrieval and reuse are the significant drivers in reducing payload costs. It should be noted here that the payload costs for refurbishment include technological improvements which should eliminate Dr. Lapp's protest that the shuttle economic analysis is based on reusing obsolete payloads. Also, it should be pointed out that while the on-orbit checkout capability available with the shuttle is considered a definite advantage in payload operations, it was not a factor in the calculations of payload cost reductions with the shuttle.

Dr. Lapp also suggested that the reusability and refurbishment features of the solid rocket motors used with the shuttle should also be applied by NASA with the same degree of optimism to the standardized new expendable system. This point was considered in the decision process in the selection of the space shuttle system. Using the same assumptions and ground rules for the new expendable as applied to the space shuttle, NASA's finding was that the net benefits projected for the space shuttle would be reduced by less than 10%. The question of the degree of reuse and cost of refurbishment involves some uncertainty as Dr. Lapp suggests. Again, however, economic results in favor of the shuttle are not dependent upon recovery and reuse of the solid rocket motors since their recovery and reuse results in savings of about 30% of the original procurement cost.

MISUSE OF DRUGS

Mr. BROCK. Mr. President, a new national campaign to prevent a further spread of the problems of drug abuse is now well underway throughout the country.

President Nixon's Special Drug Action Office which has been operating under executive decree is now fully authorized by Congress. I supported the creation of this office and worked in the Government Operations Committee to give it the necessary tools to mount an all out effort to cope with drug abuse.

The main target of Federal law enforcement is the criminal, from the international trafficker down to the peddler.

Those who dispense addicting drugs and deliberately initiate new cycles of drug dependency must be stopped. But the answer to drug dependency is not simply aiming to control the supply side. It takes a balanced program of treatment and education such as is now being proposed.

Inflammatory and misleading information on drug abuse has probably done more to encourage and foment drug usage among many sectors of our society, particularly with young people, than any other thing.

Much of this misunderstanding and misinformation is reflected in current laws designed to prevent the use of drugs. Laws against the use of marihuana are in many cases so out of step with the degree of the offense that many judges are forced to dismiss defendants or interpret statutes drawn from principles that are refutable.

For two very significant reasons, I do not support the legalization of marihuana. First, I believe that presently our information on the physical, psychological, and social effects is inconclusive and filled with blank areas where we have virtually no data. Second, and perhaps more important, there is already an overabundance of mind altering substances legally available for public consumption. With or without prescription, from the liquor store or in the pharmacy, we have too many routes for escaping reality and too many people taking these courses—whatever their individual reasons.

In the case of alcohol, we find the Nation's most used and abused drug. Alcoholism has been called the country's No. 1 public health problem—not heroin or amphetamine, nor marihuana usage. The failure to make a massive assault on alcohol addiction arises from the fact that the use of the causative agent is socially and legally acceptable. Such is not the case with the use of heroin, "speed," marihuana, or any equivalent drugs of the so-called subculture.

Yet, Dr. Morris E. Chafetz, director of the National Institute on Alcohol Abuse and Alcoholism, estimates that there are 36 million problem drinkers in this country. Of that number, some 9 million are chronic alcoholics and this figure is rising by 100,000 a year. Further, he states the disease of alcoholism claimed 86,000 lives last year, excluding traffic accidents, and that at least 50 percent of the Nation's annual 56,000 motor vehicle fatalities were caused by excessive drinking. Every 2 years, irresponsible drunk drivers account for more deaths than our total losses in Vietnam.

On an average, Americans spend close to $20 billion annually on alcoholic beverages. Of this amount, the Nation's 9 million alcoholics account for half the sales.

As is quickly becoming the case with the use of the drugs such as heroin, marihuana and their counterparts, the disease of alcoholism cuts across all social and economic lines. Individuals are susceptible to addiction to alcohol, regardless of one's education, ethnic, cultural, or economic background.

I need not continue the endless list of statistics to demonstrate the enormity of the problems related to overindulgence in drugs. This is not to say that attention should be paid to one situation over the other, but merely to point out that a crisis situation exists within the total definition of drug abuse.

Legal and illegal drugs are being consumed at an enormous rate and we must strive with all speed to deal with this problem from the demand side as well as the supply side. One specific area of concern from a legal point of view is the growing use of marihuana.

It is estimated that at one time or another over 24 million Americans have tried marihuana. Of this number less than 2 percent could be termed as heavy users, and perhaps even fewer have developed a classifiable psychological dependency. As a large segment of the society has broken our laws regarding marihuana, and in taking the drug have found its effects have been enormously misreported, respect for law has been diminished.

Laws governing the use of marihuana have been ignored for too long. By virtue of lengthy criminal sentences, many State courts subject youthful offenders to prisons in the company of hardened convicts where drug usage is more widespread than in the society which removed him for their protection. Thus, we have the anachronism of a marihuana offender sent to prison for reform and emerging possibly more dangerous to himself and others than when he entered.

Ninety-three percent of arrests, in a study of enforcement in six metropolitan areas, were for simple possession, and two-thirds of the arrestees were held for possession of an ounce of marihuana or less. We are barking up the wrong tree.

In an attempt to get the country on a realistic course in coping with the problem of marihuana, the National Commission on Marihuana and Drug Abuse has recently issued its report and recommendations to the President. The reports goes a long way to bridging the information gap on marihuana usage and its wide effects.

While any change in official attitude toward marihuana use will have little immediate effect on the use of the drug itself, simply because reasons for marihuana use are diverse—part fad, part peer pressure, whatever, new, more appropriate and reasonable statutes are vital to maintain respect for law and restore sensibility in dealing with offenders.

The findings and recommendations of the Presidential Commission will certainly aid in this important realining process.

MUTUAL AND BALANCED FORCE REDUCTIONS

Mr. MATHIAS. Mr. President, the concept of mutual and balanced force reductions—MBFR—is the central approach of the North Atlantic Treaty Organization toward arms control in Europe. It has been the vehicle of NATO's proposals to Eastern Europe for a realistic European security arrangement at lower cost to both sides.

But how can we achieve force reductions in East and West Europe that are truly mutual and balanced? The March 1972, issue of International Conciliation, includes an excellent article entitled "Mutual and Balanced Force Reductions: The Next Step in Detente?" written by Robert E. Hunter. It is among the most lucid and satisfying examinations of the subject I have read. I heartily commend it to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ARMS RACE: STEPS TOWARD RESTRAINT

(By Herbert Scoville, Jr., Betty G. Lall, and Robert E. Hunter)

ANNOUNCEMENT TO READERS

On behalf of the Board of Trustees of the Carnegie Endowment for International Peace, we announce with regret that the Endowment will cease publication of *International Conciliation* with this issue. The magazine has had a distinguished history through the years that the Endowment has published it, and we like to think it has made important contributions to the understanding of issues in the field of international affairs. It is always sad to see the end of a long established magazine, but, in our considered judgment, the increasingly high cost has grown disproportionate to the impact that the magazine has been able to make.

We are glad, however, to announce that arrangements have been made to continue in a new format the annual review of "Issues Before the General Assembly." Henceforth it will be published by the United Nations Association of the USA and will appear as a special autumn insert in their magazine, *Vista*.

We are also glad to announce that the Endowment has now entered into an association with the publishers of *Foreign Policy* magazine, the new quarterly journal of opinion, which has rapidly gained attention since its first appearance in the winter of 1971. We feel that the association with this magazine will enable us to cover a broader range of topics and to present a wider spectrum of views on significant international issues. Current subscribers to *International Conciliation* have been notified by mail that the unexpired portion of their subcription will be converted to *Foreign Policy* magazine unless they apply for a refund.

THOMAS L. HUGHES,
President,
Carnegie Endowment.

CONTRIBUTORS

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Betty G. Lall is Co-Chairman of the Task Force for the Nuclear Test Ban, an organization devoted to public education on this issue. Ms. Lall was formerly Special Assistant to the Deputy Director of the U.S. Arms Control and Disarmament Agency and Staff Director of the U.S. Senate Subcommittee on Disarmament. She has been a Contributing Editor of the *Bulletin of the Atomic Scientists* and is currently a member of the faculty of the New York State School of Industrial and Labor Relations of Cornell University in New York City.

Herbert Scoville, Jr., is a member of the

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PREFACE

This issue of *International Conciliation* appears at a time when prospects for a U.S.-U.S.S.R. agreement limiting the deployment of strategic armaments look promising. However, few advocates of strategic arms control would argue that such an agreement would constitute anything but a first step toward a much more comprehensive series of mutually agreed restraints on the arms race, both qualitatively and quantitatively. The recently announced increased defense requests by President Nixon and the reported increase in the nuclear delivery capabilities of both the United States and the Soviet Union make it all the more urgent that serious attention be devoted to developing restraints on the arms race as a means of strengthening national security rather than further enlarging our arsenals.

The three essays that follow propose and examine some potential next steps. The introductory discussion by Herbert Scoville, Jr., explores the broad range of possible activity following a limited SALT agreement, while the presentations of Betty Lall and Robert Hunter analyze the problems and prospects for a comprehensive test ban and for mutual and balanced force reductions in Europe, respectively. All three authors are members of the New York Arms Control Study Group of the Carnegie Endowment for International Peace, where the substance of these three essays has been extensively discussed. The authors and the Endowment are grateful to the members of the Study Group for their helpful comments and suggestions.

PATRICIA S. RAMBACH,
Editor-in-Chief.

ARMS CONTROL: WHAT ARE THE NEXT MOVES?

(By Herbert Scoville, Jr.)

THE FIRST STAGE OF SALT

The Strategic Arms Limitations Talks (SALT) are now well into their third year and, while concrete results still appear elusive, there seems a reasonable chance that some agreements will be achieved during the coming months. President Nixon's visit to Moscow in May will probably provide the stimulus for the high level decisions that will be necessary to achieve an initial agreement. Unfortunately, it seems likely that the limitations will be less extensive than those that were expected when the negotiations began.[1] However, even if controls are restricted to Anti-Ballistic Missile systems without any limits on offensive weapons, SALT will have made an important first step in dampening the strategic arms race. In fact, an "ABM-only" agreement would be better than one that includes only an illusion of controlling offensive systems.

As discussions have proceeded in Helsinki and Vienna, it has become apparent not only that limitations on ABMs should have the highest priority, but that they are probably also the easiest on which to achieve agreement. This was confirmed in May 1971, when President Nixon and Premier Kosygin jointly announced that they had "agreed to concentrate this year on working out an agreement for the limitation of deployment of antiballistic missile systems (ABMs)."[2] ABMs were the weapons first mentioned by President Johnson when he suggested in 1967 that the two countries should begin talks on strategic weapons. At that time, it was the Soviets who were pushing for the inclusion of offensive weapons, while in recent years the positions have been reversed and the United States has insisted on linking the two types. President Nixon strongly endorsed this linkage in his State of the World message in February 1971, but this position seems to have been considerably softened in statements since then. President Nixon in his State of the World message of 9 February 1972 noted that a consensus was developing toward a treaty setting comprehensive limitations on ABMs and only an interim agreement to freeze certain offensive arms.

The basic objective of any ABM limitation is to prevent the deployment of a system of sufficient size to provide nationwide coverage and thus give rise to fears that it might, by reducing a retaliatory attack to "acceptable" levels, downgrade the deterrent against the initiation of strategic nuclear warfare. Such concerns could come not only from the capability of the actual system deployed, but also from the possibility that anti-aircraft defenses might be upgraded secretly to obtain such a capability.

For these reasons, it is essential that both nations agree to limit the number, and particularly the location, of their large ABM radars, since these are the most critical, have the longest lead time, and are the most easily observable component of an ABM system. Secret deployment of an ABM radar in violation of a treaty is not feasible. It seems likely that the agreement might restrict the location of the United States radars to the vicinity of the Minuteman sites and the Soviet radars to the neighborhood of Moscow. Under such circumstances, no fears should be aroused over an ABM which could threaten the deterrent of either side. Secondly, it is important to limit the number of ABM interceptor missiles and their launchers. The United States is reported to have proposed at SALT that 100 would be allowed if these were deployed in defense of population centers (the Soviet program), and 300 if deployed in defense of missile sites (the United States plan). While logical from a strategic point of view, this inequality will probably be difficult to negotiate, and some compromise that narrows the difference between these two values seems necessary. From every aspect—security, expense, and arms control—the lower the agreed number, the better would be the treaty; however, even 300 interceptors on each side would be a satisfactory arrangement, provided that the radar deployment were simultaneously carefully controlled.

Because of the wide variety of offensive strategic systems, and the qualitative as well as the quantitative differences between the United States and Soviet systems, reaching an agreement in these areas is extremely complicated and difficult. The United States has been seeking a numerical limitation on both landbased and seabased offensive missile systems, as well as some restrictions on the number of very large Intercontinental Ballistic Missiles (ICBMs), such as the Russian SS–9.[3] Since the United States has long since stopped increasing the number of its missile launchers both on land and in submarines and has no plans to increase these in the future,[4] such a numerical ceiling is probably viewed by the Soviets as a very one-sided restriction. The United States instead has chosen to enlarge and upgrade its strategic forces by placing on its missiles multiple warheads capable of being individually aimed at separate targets (MIRVs). However, there have been virtually no attempts to negotiate limitations on MIRVs at SALT despite strong support for such action by the United States Senate. It seems likely therefore that any SALT agreement on offensive weapons will be limited to some sort of numerical ceiling.

The Russians might be willing to agree to a numerical ceiling on ICBM launchers since they now have appreciably more, about 1500, compared to the United States, which now has 1054. They might even agree to a sub-ceiling on very large ICBM launchers such as those for the SS–9 and the approximately 30 new large holes reported by Secretary of Defense, Melvin Laird, during the past year. The possibility of such a concession might be improved if the United States would limit its conversion of Minuteman missiles to the new Minuteman III with MIRVs, but at the moment there is no evidence that the United States is willing to do this—even though this conversion is not essential to national security. It seems less likely that the Soviets would agree to a ceiling on submarine missiles since they are both qualitatively and quantitatively significantly behind the United States in their submarine deterrent capability. However, if their desire to achieve an agreement were very strong, they might be satisfied if the submarines now under construction were allowed to be completed; this would give them approximate numerical, if not qualitative, parity. In any case, limitations on submarine missiles are far less important than on landbased ICBMs since the former are considered to be primarily second strike retaliatory weapons rather than first strike ones for use in initiating a nuclear attack. Actually, none of the proposed ceilings on offensive weapons are particularly useful as long as no restrictions are placed on upgrading existing systems or substituting new models for the presently deployed missiles. The United States has no program for increasing the number of its launchers, and the Soviets have as many as they need or probably even want. A numerical ceiling alone could turn the arms race toward qualitative improvements unless great restraint were exercised by both sides. A simplified summary of various options for an initial SALT agreement is given in Table I.

TABLE 1.—SALT OPTIONS

Possible measure: ABM's	Potential effect on: Weapons programs	Arms race
(a) Restriction on location of radars	Limit ABM to Moscow and Minuteman sites	Most essential limitation.
(b) Limit on number of radars	Restrict expansion of present systems	Important but less so than restriction (a).
(c) Limit on number of interceptors:		
(1) 100	(1) Freeze U.S.S.R. at present level; allow 1 Safeguard site	(1) Preferable of 2 options. Neither U.S.S.R. nor U.S. ABM destabilizing.
(2) 300	(2) Allow U.S.S.R. expansion and 2 to 3 Safeguard sites	(2) Satisfactory but less so than (1), since would allow U.S.S.R. to improve ABM.

Note: ABM limitation would guarantee deterrent regardless of whether any limitations on offensive weapons were achieved. It would break action-reaction cycle of arms race.

Footnotes at end of article.

TABLE 1.—SALT OPTIONS—Continued

Offensive weapons	Weapons programs	Arms race
(a) Ceiling on total numbers of launchers (replacements allowed).	Prevent increase in U.S.S.R.'s ICBM and SLBM launchers; permit increase in SS–9s by replacement of old missiles.	Of little value since would promote qualitative race and U.S.S.R. to continue SS–9 program.
(b) Ceiling on ICBM launchers (replacements allowed)	Same as (a) except no restrictions on SLBM's	Less useful than (a).
(c) Same as (b) but would ban replacement of small ICBM's by large SS–9 size missiles.	Same as (b) except stops SS–9 program	More useful than (a) since would stop SS–9s.
(d) Freeze on ICBM's—ban on replacements [1]	Halt SS–9 and Minuteman III	Much more useful than (a).
(e) Freeze on SLBM's—ban on replacements [1]	Halt U.S.S.R.'s SLBM and Poseidon conversion and freeze U.S. superiority.	Useful but not critical since SLBM's are primarily deterrent weapons.
(f) Ban on MIRV testing and deployment	Prevent U.S.S.R.'s acquisition of MIRV's and freeze U.S. Poseidon and Minuteman III programs.	Most useful. Assures security of landbased deterrent.

[1] A verification on replacements would be restricted to changes in the visible external characteristics of the missiles and launchers. Thus it would not prevent the deployment of such new weapons as MIRV's and advanced guidance systems.

Note: Ceiling (a) probably not negotiable since affects only U.S.S.R. and not U.S. programs. Items (b) and (c) might be achieved, as Soviets now have more ICBMs than United States. Freeze on ICBMs (d) may be most useful and yet practical for near future; this could be usefully combined with (e) without risk to U.S. security, MIRV ban (f) most useful, but probably not negotiable now, as United States too far ahead.

Even if no limitations are placed on offensive weapons during the first stage of SALT, an ABM agreement such as that discussed would by itself have a very important effect on the arms race and might provide the climate in which meaningful controls on offensive weapons might be achieved at a later date. It would guarantee for the indefinite future the continuation of the present state of mutual deterrence, since the initiation of strategic nuclear war is inconceivable without an ABM to deal with those retaliatory missiles that would inevitably survive a first strike. "A decision that would bring even one hydrogen bomb on one city of one's country would be recognized in advance as a catastrophic blunder." [5] Furthermore, the viability of our submarine missile deterrent with its thousands of nuclear warheads would be unquestionable for many years. Within the foreseeable future, there will almost certainly not be an antisubmarine warfare technology that could threaten a large fraction of the United States Polaris force. An ABM agreement by itself could usher in a new era in strategic stability. Since most new offensive missile programs are justified for overcoming an ABM, the incentives for new offensive programs would also be largely removed.

BEYOND THE FIRST STAGE OF SALT

The first stage of SALT probably will not place any restrictions on qualitative improvements, with the possible exception of a numerical ceiling on very large missiles. It is therefore important to consider what arms control measures should be promoted in the months ahead in order to rectify this omission. Perhaps the most feasible and most useful action might be the negotiation of a comprehensive nuclear test ban which would extend the limited Test Ban Treaty of 1963 to include underground tests as well. No serious negotiations have been carried out in this area since 1963 even though that treaty and the 1968 Non-Proliferation Treaty as well urged priority attention to the subject.

The banning of nuclear tests is of course not a concern of the United States and the U.S.S.R. alone but would restrict nations throughout the world and is in fact strongly endorsed by almost all. At its 1971 session, the United Nations General Assembly adopted a resolution expressing an urgent need for the suspension of nuclear and thermonuclear tests by a vote of 91 to 2, with 21 abstentions. China and Albania voted against, and the United States, the U.S.S.R., the United Kingdom, and France abstained. Thus it would appear that the nuclear weapons countries have little worldwide support for their continued testing. The negotiation of a comprehensive test ban treaty would more properly be carried out at the Conference Committee on Disarmament (CCD) in Geneva, where a wider world representation exists, rather than bilaterally at SALT. This, of course, would not limit private discussions between the United States and the U.S.S.R., which have always occurred in the past in Geneva. The Chinese of course are not now represented in the CCD but might join in the future. Their negative attitude toward a test ban could introduce a new difficulty in the negotiation even though their participation is not technically or militarily critical.

The negotiations would not be a part of SALT, but they would be a very natural outgrowth of an agreement achieved in its first phase. Even if SALT were limited to controls on ABMs, the requirement for additional nuclear tests by the United States or the Soviet Union would be greatly reduced. The weapons developers will always offer justifications for further tests, but over time these become less convincing. More than two thirds of the United States tests since 1963 have been related to strategic weapons systems; the largest one (5 megatons at Amchitka in November 1971) was for an ABM warhead. A limit on ABMs would not only eliminate the requirement for new warheads for such systems, but for offensive weapons as well. No longer would there be any need to have new missile warheads to ensure penetration of a future ABM. No longer would the effects of a nuclear explosion on an incoming warhead require testing. Finally, the security consequences of a treaty depend on the net effect of both the U.S. and the U.S.S.R. halting tests. A ban now would almost certainly freeze the U.S. in a superior technological position. Thus, it is most appropriate to seek a comprehensive test ban treaty after an initial SALT agreement, and steps should be taken now to start serious negotiations if we are to succeed in achieving this very critical move toward halting the nuclear arms race.

Another area that will apparently not be treated in a first stage SALT agreement will be those forward based nuclear weapons systems (FBS) deployed to support the United States allies, particularly NATO in Europe. It has been reported that in the early phases of the discussions the Russians were insisting on including in the definition of strategic arms those systems which had the capacity of delivering nuclear weapons on either the United States or the Soviet Union. Such a definition would include those United States nuclear delivery vehicles that are stationed in Europe or on carriers and have the capability of reaching the Soviet Union. On the other hand, the Russians do not have any such short-range weapons that can hit the United States, and their medium- and intermediate-range ballistic missiles (MR/IRBMs) stationed in the western U.S.S.R. and aimed at European targets, would not be included. Any limitations on these forward based systems would have involved complicated consultations with the NATO partners and would have perhaps indefinitely delayed the achievement of any agreement at SALT. During the past year the Soviets appear to have dropped their insistence that such systems be considered in the first stage of SALT; however, these weapons cannot be neglected indefinitely if the nuclear arms race is to be contained.

Since forward based systems are considered by the United States to be an integral part of its contribution to NATO defense, and since Soviet MR/IRBMs (medium- and intermediate-range missiles) are primarily a threat to NATO countries, it would seem appropriate that following the first stage of SALT, negotiations on these weapons be commenced in the context of mutual and balanced force reductions (MBFR) in the NATO Warsaw Pact area. Both East and West have agreed that discussions on MBFR should be undertaken, but as of the present time the start of concrete negotiations seems to have run into a number of roadblocks. The relationship of arms control in Europe to the Berlin question and to an overall European Security Conference has resulted in delays; however, these political difficulties may be ironed out in the near future, and specific discussions may commence. These forward based nuclear weapons systems would be very pertinent and probably even essential for inclusion in any discussions on mutual and balanced force reductions—since it would seem almost impossible to agree to limitations on conventional forces without at the same time taking into consideration the nuclear forces that are in the area. Such discussions would, of course, also have to include the nuclear weapons of both the United Kingdom and France since these are an important element of the overall NATO nuclear strength.

The very large asymmetries between the Eastern and Western nuclear capabilities will make the achievement of any agreement in this area very difficult. A first simple step might be to agree that there would be no further increases in the United States deployment of forward based systems and in Soviet MR/IRBMs. Since both sides already have much larger forces than are needed, and few, if any, plans to increase them, this should, in theory, be easily arranged. A next and more useful step would be the phased withdrawal of American nuclear forces back to this continent in return for Soviet removal of missiles from the western U.S.S.R.[6] In time, the levels of European based nuclear weapons might be reduced to the number of British and French nuclear missiles capable of reaching the Soviet Union. As a part of these arrangements, the U.S.S.R. could, in addition to its MR/IRBMs, withdraw from Warsaw Pact countries some of its forces capable of delivering nuclear weapons. Since the size of these is probably somewhat smaller in the Eastern bloc than in Western Europe, and since, on the other hand, NATO conventional forces are smaller than those of the Warsaw Pact, consideration should be given to an eventual trade-off between the cutback of Western nuclear forces and Soviet conventional ones.

It is obvious that the many possible variations can present severe problems in working out a specific agreement. Furthermore, ten or more countries with very strong but

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Footnotes at end of article.

differing national interests will be involved in the negotiations, so that the achievement of an agreement will not be easily arrived at. These complications should be weighed against the relatively simple situation of a bilateral negotiation at SALT on weapons with purposes and values that can be rather easily determined. Yet the SALT negotiations have been going on for nearly three years, and success is still in the offing. The problem of forward based systems will never be solved unless it is faced. Key elements in the situation will be the ability to reduce the issues to relatively simple terms, and the willingness of the leaders on all sides to face up to the decisions which must be made. In most cases these will not involve technical or military issues but will be primarily of a political nature.

In addition to the initiation of serious negotiations on a comprehensive nuclear test ban and on mutual force reductions in Europe, there are many other strategic areas that will have to be controlled, in many cases as a continuation of the bilateral strategic arms talks. The exact nature of these cannot be determined until the precise provisions of a first-stage agreement are known. Clearly a major problem will be the extension from quantitative to qualitative controls. Otherwise the arms race could proceed unabated with only a turn in a new direction.

A most important factor will be the exercise of unilateral restraint on the individual country's weapons programs which are not banned by the agreement. When the limited Test Ban Treaty was ratified, the United States instituted a whole series of expensive programs which had the purported objective of providing safeguards against a possible Soviet violation or abrogation of the treaty. Underground testing went forward at an accelerated pace so that on the average more tests per year have been carried out since the treaty than before. In many ways these safeguards defeated the purposes of the treaty and much money was wasted.

This should not be allowed to happen again. After the first stage of SALT both nations must examine their weapons programs and only proceed with those that are truly necessary in light of the stabilized strategic balance created by the agreement. For example, with ABMs kept at low levels, the security requirement for MIRVs will disappear. With appropriate restraint the fruit of the initial agreement will have a chance to ripen. Countless opportunities will develop to expand the controls to many other weapons; in time this could lead to a complete halt in the upward trend and to the eventual reduction in nuclear armaments.

FOOTNOTES

[1] For background on the strategic arms race and on the issues raised at the start of the SALT negotiations, see George W. Rathjens, *The Future of the Strategic Arms Race* (New York: Carnegie Endowment for International Peace, 1969); and Herbert Scoville, Jr., *Toward a Strategic Arms Limitation Agreement* (New York: Carnegie Endowment, 1970), respectively.

[2] *The New Yok Times*, 21 May 1971.

[3] The U.S.S.R. has deployed or under construction about 300 landbased ballistic missiles which are larger than any deployed by the U.S. The current missile, nicknamed SS–9, can launch a single warhead of 25 MT or three of 5 MT. About 30 of the new large launchers being built will hold the SS–9 or a now as yet untested missile.

[4] The recently announced United States defense budget calls for an acceleration to the program for an advanced submarine missiles system (ULMS).

[5] McGeorge Bundy, "To Cap the Volcano." ***Foreign Affairs,*** **Vol. 48, No. 1 (Oct. 1969), p. 10.**

[6] Strong political pressure exists, as expressed in the Mansfield amendment, which proposes unilateral withdrawal of U.S. forces from Europe regardless of whether the Russians reciprocate. Therefore, the longer negotiations on troop withdrawals are delayed, the weaker will be the U.S. bargaining position.

A Comprehensive Nuclear Test Ban Treaty

(By Betty G. Lall)

REVIVAL OF THE TREATY ISSUE

On 9 October 1971, the United States reported that the Soviet Union tested a large nuclear weapon underground, the equivalent of three million tons of TNT. On 5 November 1971, the United States, on the island of Amchitka, off the coast of Alaska, tested a nuclear weapon underground, the equivalent of five million tons of TNT. These two tests signify that the limited nuclear Test Ban Treaty of 1963, banning nuclear tests in the atmosphere, in outer space, and underground, no longer acts as a brake on the nuclear arms race. Nuclear weapons testing since 1963 has gone on at a faster pace than before the treaty was signed. The United States in this eight year period has tested 234 devices, compared to 298 tests from 1946–1963, a 17 year period. The Soviet Union, which does not announce its test, has tested since 1963, 54 nuclear weapons, according to United States reports. Its testing record in the previous comparable period was 124 tests.

Increasingly the size of these tests has grown, indicating that testing underground no longer inhibits the size of weapons tested. The first United States underground test in 1957 was 1,700 tons worth of explosive power; now testing is done in the 100,000 to several million tons range without apparent difficulty. These facts constitute one important reason why this is an appropriate time to review the possibilities, as well as the difficulties, for activating serious negotiations between the United States and the Soviet Union to extend the limited Test Ban Treaty so that it is comprehensive and bans all underground nuclear weapons tests.

There are other reasons why a comprehensive test ban treaty has again become a current issue. Further deployment of the delivery vehicles for these bombs and warheads may shortly be curtailed as a result of current U.S.-U.S.S.R. SALT negotiations to place limitations on their long range missiles and bombers. Therefore, further testing of nuclear weapons for strategic purposes not only may no longer be relevant to United States and Soviet armaments programs, it may also threaten the viability of a SALT agreement if post-agreement testing appears to give one side an unanticipated advantage over the other. A SALT agreement is more likely to endure if both sides believe that a status quo in this aspect of their weapons development has been reached and hence stabilized. If a SALT agreement does not materialize there will be pressure to step up the race in strategic armaments. Statements made by President Nixon and Secretary of Defense Laird in connection with the fiscal 1973 budget presentation suggest that the United States Executive branch may want to speed-up the development and deployment of additional strategic delivery vehicles such as an advanced missile submarine.[1]

The previously mentioned large nuclear tests of the United States and the Soviet Union presumably were to test the warhead of part of their antiballistic missile systems. If so, a relative parity in testing may now exist between the two sides. A state of parity would be a propitious time to seek an agreement. Moreover, there is not a lot more to be learned from testing at this time and, consequently, this would make a total ban more acceptable. On most occasions either the United States or the Soviet Union believes that it would be more to the advantage of the other party to have an agreement; this means that seldom do the two countries reach simultaneous judgments that a particular time to enter into an arms control accord would be beneficial. Weapons experts familiar with the development of nuclear weapons concede that no new breakthrough is expected in nuclear weapons design in the foreseeable future, but should no limit be placed on testing it may be predicted that weapons laboratory specialists will find some innovation worthy of a strong push for renewed testing. To take advantage of this plateau of development may be in the interests of both the Soviet Union and the United States.

A third reason to press for a comprehensive test ban agreement is the possibility that continued testing of large nuclear weapons will have a deleterious effect on the environment. The most serious aspect of this concern relates to the problem of underground tests triggering earthquakes. Studies in California over the past fifteen years revealed that underground tests detonated in areas of active earthquake activity, such as exists along the entire west coast of the United States, have stimulated small earthquakes. If the United States continues to test very large weapons, then the stimulation of earthquakes may be more intense, with the consequent danger of loss of life and damage to the environment. In the U.S.S.R. thus far most nuclear testing has occurred in areas of less seismic activity.

In addition to earthquakes another concern of environmentalists is the possibility of contamination of the water and earth surrounding test sites. Some of the underground tests of the United States and the Soviet Union have vented so that radioactive debris has been spewed into the atmosphere. There is a fear that water tables and the wildlife of the sea may be adversely affected if significant amounts of radioactivity escape through cracks in the earth caused by the tests.

When underground nuclear weapons tests vent and radioactive debris cross national boundaries, this is a technical violation of the limited Test Ban Treaty. Such technical violations occurred these past eight years on the part of both the United States and the Soviet Union, but neither side chose to object too strenuously, much less to threaten cancelation of the treaty.

Another worry is that if large underground tests near the shores of oceans produce earthquakes, this may cause tidal waves. There is as yet no evidence that such a misfortune has occurred from past tests, but this cannot be ruled out completely.

A fourth reason for mounting a campaign for serious U.S.-U.S.S.R. test ban negotiations is the belief that time is running out to prevent the proliferation of nuclear weapons to many other countries. Of the near-nuclear powers, only Canada and Sweden have ratified the Non-Proliferation Treaty which the Committee of the Disarmament Conference at Geneva, then eighteen nations, produced and submitted to states for ratification in 1968. Other near-nuclear powers, namely, the Federal Republic of Germany, India, Israel, and Japan, have various motivations for not wanting to renounce their right to produce nuclear weapons. Some believe that the major nuclear powers must first take more meaningful disarmament measures. Others are influenced by security problems within their own region. A comprehensive test ban treaty which would preclude any additional nuclear weapons testing, thus foreclosing further improvements in nuclear weapons design, would be an important demonstration that the nuclear powers at least may be serious in wanting to reduce their nuclear arsenals.

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A new argument for halting tests, not previously heard with much intensity, emphasizes the financial costs involved. While nuclear testing is only one ingredient, a small one at that, in the arms budget, its elimination would allow funds for testing to be used for other projects receiving higher priority by the political process. In the eight years, fiscal 1964 through 1971, over $2.5 billion have been spent by the United States for nuclear weapons testing; the average is over $300 million spent annually. A nuclear test ban treaty by which the United States and the Soviet Union both give up testing would make possible a reallocation of most or all of these resources.

Of all the reasons why attention is now being focused on reaching a comprehensive test ban treaty none is second to the argument that advances in research in the detection and identification of underground nuclear tests in the past eight years have been remarkable. The problem of verification of a comprehensive treaty, therefore, no longer exists in any way germane to United States national security. There will probably always be a threshold beyond which some seismic events cannot be identified, and others not even detected, but for the purposes of safeguarding national security and compared to the benefits cited above to be won from a treaty, it is no longer important (if it ever was) to delay a treaty because a 100 per cent capability to detect and identify seismic events has not been achieved or because on-site inspection cannot be negotiated. Below there follows a discussion of what these advances in research show and why they make it possible, in the view of many knowledgeable persons, to have full confidence that the Soviet Union could not gain a significant military advantage by attempting to violate a comprehensive treaty in secret.

BACKGROUND CONSIDERATIONS

Nuclear weapons testing constituted the first step in the post World War II nuclear armaments race between the United States and the Soviet Union.

Early in 1946 the Navy asked Congress for authority to destroy ships in the first nuclear weapons test series. This authority was eventually granted but only after Congress demanded that the number of ships destroyed be reduced and, after considerable debate in both the House and Senate as to whether such an early resumption of nuclear weapons activity, following the dumping of nuclear bombs on Japan, would not be counterproductive for United States foreign policy objectives: to place the atomic bomb under international controls and make the United Nations the mechanism for building a lasting international security system. Senator J. Huffman from Ohio, a leading opponent of the test series, said to the Senate:

"This is no time for martial gestures. The proposed tests should be canceled until the cause of international cooperation for a firm and lasting peace has been given every opportunity to succeed. . . . The United Nations Organization is in its infancy. It is incongruous to its every purpose and aim for this Nation or any other nation to exhibit large-scale preparation for future wars, and it is unthinkable that the United States should even remotely indicate that she is preparing for an atomic war."[2]

In the House there was equal consternation but that body, by a lopsided vote of 313 to 25, decided to authorize the tests.

When the cold war seemed capable of thawing after Stalin's death, in 1954 nuclear testing became the focus for a first step agreement. That year, after the crew of the Japanese fishing vessel, the Lucky Dragon, had unfortunately been unduly exposed to radioactive fallout from United States tests in the Pacific, India's Prime Minister Nehru raised the question of halting nuclear testing. The United States paid little heed to this demand. But as testing continued each year and as levels of radioactive fallout rose in many areas of the world, particularly in the United States, calls for an international agreement to halt testing intensified. Resolutions to this effect in the General Assembly of the United Nations were passed with increased frequency. The Soviet Union adopted the position that tests should stop, but refused to consider any means of verification of a test ban agreement that involved foreign inspection teams on Soviet territory. The United States, frightened by the secrecy surrounding all Soviet military activities, refused to consider any agreement that did not provide for inspection within the Soviet Union. These incompatible positions, characteristic of all U.S.-Soviet arms control and disarmament negotiations from 1946 to 1963, were to plague all international discussions of the test ban issue in their first several years.

In mid-1955 two developments occurred within the United States which were to have a positive impact on the quest for a nuclear test ban agreement. The first was the appointment by President Eisenhower of Harold Stassen as his Special Assistant for Disarmament. Mr. Stassen was determined to negotiate at least a first step arms control agreement with the Soviet Union and believed that a ban on nuclear tests was one of the areas (the other being withdrawal of troops from Central Europe) in which agreement might be possible. Shortly after the Stassen appointment the second important development took place; this was the creation by Senate resolution of a Special Senate Subcommittee on Disarmament, composed of members from the three key committees concerned with foreign and military policy—Foreign Relations, Armed Services, and the Joint Committee on Atomic Energy.[3] Senator Hubert Humphrey chaired the subcommittee, which represented the first significant and sustained Congressional interest in the subject of arms control since the end of World War II. This subcommittee took an active interest in all aspects of disarmament and arms control, and in 1958 decided to examine prospects for a nuclear test ban agreement as the most likely possibility for a breakthrough in the impasse suffered in United Nations disarmament negotiations.

With so much public attention focused on the need to stop nuclear testing, United States and Soviet leaders reacted finally in mid-1958 and agreed to hold a conference of nuclear experts to determine whether they could reach common ground on the question of the verification of nuclear weapons tests. The conference, attended by scientists from eight countries (four from NATO and four from Warsaw Pact countries), reached agreement.

Subsequently, diplomatic negotiations were entered into on the part of the United States, the Soviet Union, and the United Kingdom to write a treaty banning tests in the atmosphere, in outer space, under water, and underground. International verification that tests were not being conducted in any of these environments became the most important and controversial element in the negotiations. Verification of testing underground became the serious point of controversy, because tests underground emitted signals to the earth which, many scientists proclaimed, could not be differentiated from earthquakes. In these negotiations the United States insisted on the right to send an inspection team to the probable site of an underground event if the seismic signal was unclear. The Soviet Union resisted all such rights of inspection, claiming that a country would not cheat on the agreement and that in any case seismic instruments located in far off stations could discriminate between explosions and earthquakes. Finally, the Soviet Union agreed to accept up to three inspections a year. This was not sufficient for the United States, but after many months of negotiations, sometimes productive, sometimes vituperative, and sometimes abandoned, the Soviet Union in July 1963 accepted a proposal originally advanced by the United States to sign a limited test ban treaty, banning tests only in the atmosphere, under water, and in outer space, leaving underground tests to future negotiations.[4]

There were three aspects of the negotiations of this period having a significant bearing on current efforts to achieve a comprehensive test ban treaty. The first concerns the manner in which the negotiations began. Stemming from the nuclear experts conference of 1958, the negotiations were afflicted with a heavy emphasis on technical questions of verification. Although the participation of scientists helped to assure the success of the nuclear experts conference, and scientists played a key role in resolving many problems blocking agreement, the concentration on technical questions, especially in the public debate, tended to obscure the more important question of the relationship of a nuclear test ban agreement to national security. Many scientists themselves regretted that the evaluation of the net worth of a treaty did not rest primarily on whether the United States was better off, from a security point of view, to have a treaty banning tests which would not be technically perfect, than to have continued and unlimited nuclear testing in the world.

The second aspect of the negotiations was their accompaniment by a moratorium on all testing, which lasted from the fall of 1958 until the Soviets conducted a whole series of publicly acknowledged tests in early September 1961. Many who were hostile to the realization of a test ban agreement insisted during the period of the moratorium that the Soviet Union was testing nuclear weapons secretly. No significant evidence was produced, however, and the consensus was that in fact the Russians had abided by the moratorium.

President Kennedy, between the time of the signing of the test ban treaty in Moscow and the Senate vote to consent to ratification some two months later, conducted negotiations of his own within the United States government, both within the Executive branch and on Capitol Hill. These discussions essentially were to win support for the treaty from potentially hostile persons in the Defense Department and members of the Senate Armed Services Committtee. The President agreed to adopt certain safeguards to assure that the United States would suffer no disadvantages under the treaty. These safeguards included the commitment to keep United States weapons laboratories in a constant state of readiness, to conduct an underground testing program for a variety of weapons purposes, and to take whatever steps were necessary to assure that the United States would not fall behind the Soviet Union in military technology. Unfortunately, the effect of the steps was to undercut in part one of the objectives of the treaty, namely, to slow down the nuclear arms race between the two nuclear giants.

Despite the difficulties in negotiating the limited Test Ban Treaty, on balance the treaty has had positive results. Most nations continue to observe it; over 100 countries have ratified it; and most important, the decision by the Senate to consent to ratification by a vote of 77 to 19 resulted in a more positive outlook on the part of the Senate toward attempts by the U.S. Executive Branch to improve U.S.-U.S.S.R. relations. Few would have predicted how profoundly the Senate viewed its responsibility to vote the treaty up or down. It was judged to be the most important act of conciliation

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towards the Soviet Union since the end of World War II. More than one senior Senator declared it to be the most difficult vote in his long career in the Senate. None of the several subsequent steps to place constraints on the arms race produced so much soul-searching. Many other arms control measures were enacted, nevertheless, including the Non-Proliferation Treaty, the agreements not to place weapons of mass destruction in orbit or on the seabed, and the treaty prohibiting biological warfare. After the decision in 1963 these acts seemed less consequential. Serious preparations began by both countries for negotiations to limit strategic nuclear delivery systems. These SALT talks, commencing in late 1969, will probably lead to some agreement. New preparations are beginning for talks on limiting United States and Soviet troops in Central Europe and for a European Security Conference.[5]

SCIENTIFIC ASPECTS OF VERIFICATION

The issue of verification of arms control agreements arose out of the cold war and the extreme distrust with which the United States and the Soviet Union had viewed each other for so many years. In the United States the distrust originally manifested itself by political and military officials demanding that the Soviet Union accept the right of inspection as the major means to verify arms control agreements. In the Soviet Union the distrust manifested itself by its leaders rejecting any form of inspection on the territory of the U.S.S.R., on the ground that this was wanted for espionage purposes. In the late 1950s the Soviet Union indicated willingness to accept limited territorial inspection in an agreement to prevent surprise attack and up to three inspections a year in an agreement to ban nuclear weapons tests. These offers were not pursued by the United States.

The current official United States government position is that the right of on-site inspection should be included in any agreement which bans tests underground. Most non-governmental scientific and knowledgeable opinion, however, now rejects this view and instead reflects the view that developments in seismic detection and identification have progressed sufficiently to eliminate on-site inspection as a prerequisite to an agreement.[6] Given these divergencies it is important to review how seismic detection and identification are achieved and the extent of advances in research in this area.

Underground events (earthquakes and man-made explosions) release energy into the earth. Some of this energy is released in the form of body waves (called P waves, magnitude m_b), which travel through the interior of the earth, and some of the energy from seismic events, which travels along the surface of the earth, are called surface waves (M_s). Both kinds of waves can be measured by appropriate seismic instruments. The magnitude of seismic events is measured on a numerical seismic scale. For example, a nuclear explosion equal to six kilotons detonated in granite generates signals (P waves) that measure 4.5 on the M_b seismic scale. (In softer rock—tuff—an explosion would need to be about 12 kilotons to register 4.5 and in porous material—alluvium—a 4.5 magnitude would be equal to about 45 kilotons. Alluvium, however, tends to collapse and thus such an explosion could be detected by non-seismic means.)

Until a few years ago the principal way that earthquakes could be distinguished from explosions was to identify an earthquake by the reading of the direction of the first motion on a seismograph. Seismic stations located in all directions from the earthquake would have about half of its first motions register a direction away from the event and half register toward the event. This is so because an earthquake is considered to be a sliding a fault in the earth. Explosions, on the other hand, would all have their directional first motions away from the event. Verification for an underground test ban agreement, therefore, had primarily consisted of identifying earthquakes, leaving the unidentified seismic events to be subject to inspection as possible underground nuclear tests.

Seismologists also devised other means by which many seismic events could be eliminated as earthquakes. These "diagnostic aids," as they are called, include the following: 1) the depth of the event; this can often be measured, though not always with precision, and when depth is established as being many miles beneath the earth's surface the event is fairly certain to be an earthquake; 2) location of the event; many earthquakes occur deep in the earth under water in the ocean and it would be extremely difficult to dig deeply into the ocean floor at great depths in order to conduct a clandestine test.

Despite these various means to identify earthquakes, verification still faced several problems. One of these was the background noise surrounding the usual seismic station; such noise, whether it came from the ocean pounding the beach, vehicles rumbling by a road, or machinery operating nearby, tended to make difficult a clear reading of the seismic signals as they were registered on graphs in the seismic station. This problem can be alleviated by placing seismic stations in strategically located quiet sites and by constructing sophisticated arrays of stations.

A second problem was the inability of the seismic instruments to pin-point the exact location of the event. Ascribing value to on-site inspection assumes not only that the instruments accurately located the event, but also that clear evidence—radioactive debris—of a test can in fact be found. The accuracy of location, however, could be subject to an error of several miles; this would make any inspection team almost certain not to find evidence of a nuclear test. This problem can be alleviated if local seismic stations are installed in a way that permits regional variations in the earth to be pinpointed so that travel time can be calibrated accurately.

A third problem in verification stemmed not so much from the fallibility of seismic instruments but from the rugged terrain of many earthquake areas in the Soviet Union. Assuming most inspection would be nothing more than inspections of earthquakes, they would require inspection teams to visit and dig around in difficult mountain spots. On the Kamchatka Peninsula there are very few roads and it is in this area and in the surrounding sea that most earthquakes in the Soviet Union occur. It would be difficult to bring in equipment to implant a nuclear device in the soil or water of this area and even more difficult to bring in inspection equipment to determine whether a device had ben detonated.

Another verification problem was seen by some to lie in the possibility of muffling the energy from an explosion so that no strong seismic signals would be transmitted. This has been calculated to be theoretically feasible and some very small conventional (and one nuclear) explosions have shown that the signals can be muffled. Whether this can be done effectively with large explosions remains in doubt. Of further dubiousness is the unlikelihood of any power digging deeply without having this revealed through various methods of intelligence, such as satellite detection. Another theoretical method of cheating would be to detonate a nuclear test simultaneously with an earthquake with the expectation that the seismic signals from the latter would obscure those from the former. This has never been tried and there remains the doubt that it is of practical concern, since waiting an undetermined period of time for an earthquake of a specific size to occur, with all equipment and personnel poised to set off a nuclear test, hardly seems an effective technique to advance military security.

As a result of intensive research over the past eight years, scientists have essentially solved the difficult problem of positively being able to identify explosions as explosions. The large scale seismic research program undertaken by the United States government, called Project Vela, and the research programs of other governments and private scholars and groups, produced major improvements in the capability to detect and identify seismic events. The most important advance is that explosions have now been found to have different seismic characteristics from earthquakes, especially in their extremely weak surface waves (M_s). When surface waves versus body waves are plotted, earthquakes and explosions can be separated from each other. Thus, with sophisticated instruments installed, any seismic event as small as the equivalent of 5 to 10 kilotons of explosive power detonated in hard rock can be identified by instruments located thousands of miles from the event. This is the position of a Canadian working paper presented to the Geneva Disarmament Conference and supported by prominent United States seismologists, including James N. Brune, Professor of Geophysics at the University of California.[7] Even if available improvements in seismic instruments were not made, the estimate of the current capability is 10 to 20 kilotons. Dr. Brune's summary of the advances in detection and identification of seismic events, presented to the Senate Foreign Relations Subcommittee on Arms Control, International Law and Organization on July 23, 1971, is as follows:

> Discrimination between earthquakes and explosions is possible because the seismic waves generated by underground explosions and earthquakes are fundamentally different at all levels in simple and obvious ways. One of the important results of seismic studies in the last 10 years has been to reaffirm this result with great certainty. Although there is a wide variety of diagnostic aids which can be used to discriminate earthquakes from explosions, the main criterion used at present is the M_s versus m_b criterion, that is, the relative excitation of long period (12–40 sec.) surface waves (M_s) and short-period (½–2 sec.) body waves (m_b). A plot of M_s versus m_b separates earthquakes from explosions, earthquakes generating relatively greater amplitude surface waves. In addition, diagnostic aids such as depth determination, first motion, complexity, surface wave spectra, Love wave excitation and event location, when combined, provide powerful additional discrimination tools. There is no problem of detection and discrimination for large underground tests and a treaty banning such tests could easily be monitored. I agree with the recent Canadian statement at the Conference of the Committee on Disarmament in Geneva indicating that discrimination in Eurasia could be implemented at 5–10 kilotons in the near future.[8]

The weight of evidence submitted by knowledgeable seismologists demonstrates that the United States could use national means to verify a test ban treaty which banned all underground tests. Those few seismic events not identified would not have any appreciable effects on our national security. This is so because, as the following section will show, most testing in the past has covered tests of larger sizes (10 kilotons and above), ones that can be identified; those in the smaller range, if conducted successfully in secret by the Soviet Union, would not have any profound effect on the U.S.-U.S.S.R. strategic nuclear balance.

Another reason it is unlikely that the Soviets could gain an important military advantage over the United States by attempt-

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ing to test in secret is because most nuclear weapons development requires many tests before the technology can be utilized in the production of weapons. Hence the Assistant to the Secretary of Defense for Atomic Energy testified to the Senate that the development program for a nuclear warhead generally takes three or more years if the design is based upon a relatively well known technology. During this period as many as twenty to thirty underground nuclear tests may take place.[9]

MILITARY NEEDS

To assess how important nuclear testing is to current requirements for military security is a difficult and subjective task. Similarly, there is no ready and obvious answer to the question, how much curtailment of the arms race would a comprehensive test ban treaty achieve? Data supplied by the United States Department of Defense and the Atomic Energy Commission appear in generalities in public statements. Even the detailed questioning of Executive branch witnesses by members of Congress, while more enlightening than official reports, still leaves considerable doubt about the true state of affairs concerning the relationship of nuclear testing to military objectives and strategies.

For the foreseeable future it is not essential for United States military security to continue testing nuclear weapons. In short, nuclear weapons development, while not insignificant in some areas, by and large is not expected to contribute in any substantial degree to the total arsenal of nuclear weapons. The important changes in weaponry that have occurred should be noted, however, because they do show that stopping the tests even at this late date may still have a positive impact on limiting the arms race, not only in nuclear ammunition (warheads and bombs) but also in strategic delivery vehicles.

According to the Department of Defense, 91 per cent of the 234 tests conducted to date were concerned with military needs and 9 percent were related to peaceful uses of nuclear explosions.[10] Of the tests for military purposes, 65 per cent were for weapons development, 16 per cent were validation tests (whether the weapons in the stockpile were still effective), 9 per cent were for weapons effects (on the environment, property, other weapons, and people), 5 per cent for combined weapons development and validation, and 5 per cent for combined weapons effects and validation. Those in charge of the testing program stress predominantly the need for continued development of weapons, and to a much lesser degree the need to check weapons in the stockpile or to ascertain how weapons might behave when used in actual warfare.

As to the mission of the weapons tested, the overwhelming preference has been for the testing of warheads for offensive and defensive strategic weapons, such as the ABM Spartan and Sprint missiles and the MIRV vehicles for the Poseidon and Minuteman III offensive missiles. The Department of Defense said: "These warheads could not have been developed without testing, both in regard to the size, shape and yield of the warheads and in regard to their hardness levels." [11] Eighty-nine per cent of the nuclear weapons tests were concerned either exclusively with strategic weapons (67 per cent) or with strategic and tactical weapons combined (22 per cent). Only eleven per cent of the tests were concerned with the small, tactical nuclear weapons. The proportion of tests allocated to these various purposes had not changed in the past eight years.[12]

Many would prefer to have had these weapons developments prevented on the part of both the United States and the Soviet Union, and a comprehensive test ban probably could have foreclosed them because these large tests, several hundred kilotons to several megatons of explosive power, are not ones which would remain unidentified by the seismic stations now installed. Some weapons experts, however, believe that the ABM and MIRV warheads could probably have been developed from weapons designs already tested, produced, and stored in the stockpile. Although such warheads might not have been as efficient (in that they might have been heavier and perhaps some of their materials might not have been as effective), they nevertheless could have been developed. These experts also believe that new weapons on the drawing boards could use warheads already developed and placed in the stockpile. A treaty which entered into force in 1973 or 1974 could allow timely conclusion of ongoing programs.

Defense Department officials emphasize that, of the 25 basic models of nuclear weapons now in the United States stockpile, about 15 have received validation tests; in other words, tests to determine that the weapons are still effective. They emphasize this is an important aspect of testing, although they acknowledge that most validation takes place through tests done in the laboratory. In fact, the assistant to the Secretary of Defense for Atomic Energy has said that nuclear testing "has been rarely if at all used" to discover defects in weapons in the stockpile.[13] Validation tests of nuclear assemblies are not conducted after a warhead has entered stockpile unless such tests are deemed necessary to determine performance degradation which is suspected because of evidence obtained in the stockpile sampling program or to demonstrate that defects have been satisfactorily corrected. Other experts, moreover, point out that of all the aspects of nuclear weapons, the warhead is probably the most reliable and that validation tests for other components, such as degradation of the fuel system, ignition system, guidance system, accuracy, or hardening, are more important. Aging effects of nuclear weapons are not discovered by nuclear tests. If they are found by other means, they can always be corrected by replacement with a newly fabricated weapon without additional nuclear tests.

In discussing possible needs for testing in the future, Defense Department spokesmen cite the following goals:

The goals of the United States nuclear weapons program are: (a) to develop new warheads to meet established Defense Department requirements; (b) to identify new options to meet new military circumstances; (c) to contribute to a continuous advance in nuclear weapon technology; (d) to contribute to the maintenance of a viable weapons stockpile; (e) to aid in understanding the effects of nuclear detonations; and (f) to assist in the evaluation of the threat from other nations' capabilities. These goals are achieved by means of a vigorous program which includes theoretical design, laboratory testing, and nuclear testing in the field.[14]

Specifically they mention such areas as missile design, improving the yield to weight ratio, production of low fission weapons, and weapons with a smaller diameter as being of interest to a nuclear test program within the next five years. With respect to the yield to weight ratio most expert opinion appears to think that this has been extended almost to its outer limit and further major improvements are not likely. With respect to the need for low fission weapons and those with a smaller diameter, the proponents of an agreement point out that these are weapons in the tactical category which have not been of much interest to those making decisions about the kinds of tests to hold. Moreover, some would suggest that any further improvements in tactical weapons should be foreclosed, if possible, so that these weapons would not become easily available to other nations as well as the United States and the Soviet Union.

Some in the Defense Department take the view that nuclear testing is more important to the United States than to the Soviet Union, and thus the United States would suffer more if a comprehensive treaty were negotiated. They reason that the Soviets developed their basic strategic warhead designs before 1963 and that the Soviets have not been as elaborate or as sophisticated as the United States in their testing programs. This contention no doubt is at least partially true, but this is not different from the comparison of the United States and Soviet weapons programs in other fields. With the apparent greater affluence of the United States, we have tended to expend more funds and resources on diversifying our weapons designs. With fewer designs, the Soviets presumably would have greater uncertainty than the Americans about both the reliability of weapons in the stockpile and their effects once used in a real environment. To say that because of greater affluence and sophistication the United States must continue to test nuclear weapons at a more rapid pace than the Russians is making a questionable judgment both about military needs and the use of the nation's total resources. The opposite argument could also be mentioned—the U.S.S.R. could at some future time by testing make greater strides if they are indeed behind.

A consideration that should be discussed at this point is what relationship, if any, China's continued testing of nuclear weapons would have to a comprehensive test ban treaty. The answer lies primarily in the fact that the United States (and to a lesser extent the Soviet Union) has conducted several hundred tests over the past twenty-five years and its technology is so far ahead of China that there is virtually no possibility that continued Chinese testing could overtake U.S.-Soviet capabilities in strategic and tactical nuclear weapons. This situation is likely to be the case for at least a dozen years. Some day, if China continued to refuse to sign an agreement to stop testing, one or both of the nuclear powers may feel compelled to use the escape clause provided in the limited Test Ban Treaty, or in a comprehensive test ban, to opt out of the treaty. Since that time is not likely to come soon, this should not be a hindrance to the completion of an agreement at the present time. Furthermore, a comprehensive test ban would make it more difficult politically for the Chinese to engage in continuous testing than does the current situation with the United States and Soviet tests continuing. Such a treaty adopted by the United States, the Soviet Union, the United Kingdom, and many other nations would mean that world political pressure and public opinion opposed to nuclear testing would focus on China and France and any other powers continuing to test. Finally, any improvement in the relations among the major powers, especially manifested by further arms control agreements, should also have a beneficial influence on persuading the Chinese to be more sympathetic to curtailing their nuclear weapons program, including testing.

Before leaving the discussion of nuclear weapons and testing, it is necessary to relate it specifically to the United States-Soviet SALT negotiations to achieve agreement to limit strategic nuclear delivery vehicles. The SALT talks, now in their third year, move closer to agreement, with the most likely outcome an agreement to limit the number of ABMs to be deployed to protect cities or missile sites. There is less of a chance that an agreement will limit quantitatively the number of land-based offensive missiles (ICBMs). It is also likely that one of the provisions of a SALT agreement may be that if one side substantially improved its offensive capabilities this would constitute grounds for the other

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side withdrawing from the agreement. Such a provision obviously is intended to help stabilize the deterrent capabilities of the two large nuclear powers. In this context a comprehensive test ban treaty becomes an important sequel to a successful SALT agreement, since the main purpose of nuclear testing has been the improvement in strategic nuclear weapons development. An agreement to stop testing would be an incentive to take additional steps at SALT so as to stabilize at lower levels the military balance as now developed by both nuclear powers.

THE PLOWSHARE PROGRAM—PEACEFUL TESTS

A growing problem in the realization of a comprehensive test ban treaty is the interest of some non-nuclear and nuclear powers in using nuclear explosives for peaceful purposes. Of the 234 nuclear tests by the United States since 1963, 21 have been primarily adapted for the peaceful uses program, called Plowshare. Some of the Soviet tests have also been of this type. The possibility that such tests might some day have a utility for mining, digging tunnels, and otherwise exploring the resources of the earth for the benefit of man has whetted the appetite of some developing countries, particularly India and Brazil. In fact, such powers as these argue that they are not so much concerned with becoming nuclear weapons powers as they are with achieving a nuclear capability for peaceful uses.

The trouble with the Plowshare type programs is that it is virtually impossible in a nuclear explosion to determine whether it is for peaceful or weapons purposes. A country could and probably would develop a significant nuclear weapons capability under the guise of detonating nuclear explosions for a specific domestic project of non-military dimensions.

A number of solutions have been proposed to the Plowshare problem. One would be to ban peaceful as well as weapons explosions for a specific period of time. Many sophisticated and knowledgeable scientists believe that as yet the benefits from peaceful nuclear explosions do not outweigh the social costs involved, for example, potential harm to the environment through the escape of radioactive debris from these events. Most objectives to be achieved by nuclear explosions can be achieved by conventional explosions or other methods. When scientists compare the gains from peaceful nuclear explosions to their disadvantages arising out of potential harm to the environment and the complications they cause to the achievement of a comprehensive test ban treaty, many tend to favor forgoing the peaceful explosions. This would be especially so if a simple comprehensive test ban treaty without on-site inspection could be realized in the near future.

Should other countries persist in their demand for peaceful explosions, the considered next best alternative would be to have all peaceful explosions conducted or monitored by the International Atomic Energy Agency. This would be a complicated feat to execute but it could eventually be done. A treaty might contain provisions for a monitoring function to be worked out by the IAEA and this would allow the treaty to be consummated without delay while details for conducting peaceful explosions are worked out by the parties concerned. In any case peaceful explosions should not be allowed to postpone achievement of a comprehensive test ban.

INTERNATIONAL AND NATIONAL POLITICS OF NUCLEAR TEST BAN NEGOTIATIONS

While professing support for a comprehensive test ban treaty, the United States maintains that despite the many advances in seismic research to detect and identify explosions down to small sizes, a treaty must still contain the right of on-site inspection. It has maintained this right knowing that the conduct of an inspection on Soviet soil would be extremely difficult, costly, and would not have a high probability of success. The United States position, which has not changed in principle on this point since it was first enunciated in the mid-1950s, has continued without apparent regard for the fact that nuclear weapons development does not promise to advance much through further testing. Between 1963 and 1972, the United States Executive branch apparently undertook no initiatives to review its position.[15]

Although many senior officials who formerly served in the Eisenhower, Kennedy, and Johnson Administrations have openly advocated a comprehensive test ban treaty without on-site inspection, the entrenched positions of members of the government's scientific and military bureaucracy continue to dominate arms control policy in this area. No other explanation seems plausible when it appears clear that all of the top policy makers in the arms control area, as well as science and defense advisers to former Presidents believe that a comprehensive test ban treaty without on-site inspection would be more in the security interests of the United States than continued unlimited underground testing.

The Advanced Research Project Agency (ARPA), supported by the Department of Defense, recently took the unusual step of altering the conclusions of a group of scientists which met in July 1970, at Woods Hole to consider recent advances in seismic detection and identification capabilities. ARPA evidently disagreed with the optimistic views of the scientists. The second summary issued by ARPA was objected to by these participating scientists as not representing their point of view as expressed in the original report. One of the scientists attending the conference, who had been mentioned earlier, James Brune, stated to the Senate: "I think the second summary emphasizes the difficulties . . . which might be encountered and tends to sort of negate the optimism which I felt definitely existed at the meeting."[16]

Within the Congress, at least a fifth of the Senate membership has taken positive stands on behalf of a comprehensive treaty. Subcommittees of both the Senate Foreign Relations Committee and the Joint Committee on Atomic Energy have held hearings during the past year. In the House there has not traditionally been much activity concerning a test ban agreement except for occasional speeches by members with special interests in the field, or by those who work closely with constituent groups with such interests.

The Congress is sensitive to the opinion and activity of private groups, however, and reacts also when it becomes aware of important developments and controversies within the Executive branch. Hence, as public efforts grow to achieve a test ban treaty, and as international pressures activate policy discussions within the Executive branch, Congress can be expected to expand its participation in the exploration of the conditions necessary for an agreement. A number of public organizations also have increased their efforts to stimulate support for an agreement. They include the Task Force for the Nuclear Test Ban, the Council for a Livable World, the Federation of American Scientists, the Committee for Nuclear Responsibility, the Coalition on National Priorities and Military Policy, and Americans for Democratic Action.

Late in 1970 and early 1971 members of Congress in both the Senate and the House issued statements and introduced, or indicated they planned to introduce, resolutions which would call for immediate negotiations between the United States and the Soviet Union to reach agreement on a comprehensive test ban treaty. Senator Edmund Muskie in November 1971 advocated a comprehensive test ban treaty. Senator Edward Kennedy submitted a resolution in January 1972, and Representative Bella Abzug in December 1971 introduced a resolution with basically the same intent but somewhat different language and provisions. Other senators and congressmen indicated that they too would be introducing similar resolutions.[17] This activity apparently stimulated the Executive branch to review the government's position.

Groups in opposition to a comprehensive test ban treaty have not been active in recent years because the United States government has taken no tangible step to demonstrate it has an interest in pressing the Soviet Union to negotiate for such an agreement. Presumably some opposition would be organized by groups close to the government's military and scientific weapons' establishments if international negotiations took on a serious complexion. One such potential group, active in the past, is the American Security Council.

Internationally, pressures for a comprehensive test ban treaty without on-site inspection have grown, particularly in the past three years. Canada, Japan, Sweden, Egypt, and Brazil, all nations represented at the Geneva disarmament conference, have placed major emphasis on the need to negotiate a treaty in the near future. None of these countries sympathizes with the position that on-site inspection is necessary. Some have proposed alternative means to satisfy questions of verification. One alternative, proposed by Sweden, is to permit a challenge to a country to explain the nature of an unidentified seismic event. If the explanation is not acceptable, then the inquiring country may seek relief from the constraints of the treaty.

Other countries, such as India and Israel, have not been active on behalf of a comprehensive treaty, no doubt largely because of their interest in preparing to develop nuclear explosions for peaceful or weapons purposes. United Nations members, however, overwhelmingly went on record at the 1970 session of the General Assembly by voting 112 to 0 (one abstention) to urge the nuclear powers to extend the limited Test Ban Treaty to underground tests at the earliest possible date. The resolution did not specify a judgment about the need for on-site inspection. Another resolution, which passed the United Nations General Assembly at its 1971 session by a vote of 91 for, 2 against (China and Albania), and 21 abstentions, called on all governments to adhere to the limited Test Ban Treaty and on those governments conducting nuclear weapons tests immediately to undertake measures to suspend tests or limit or reduce the size of their tests pending the completion of a comprehensive test ban.[18]

The official position of the Soviet Union remains in favor of a treaty but without on-site inspection. The U.S.S.R., like the United States, has not taken any initiaive since 1963 to press for a treaty. It too has been testing underground at a much greater pace since 1963. Much of its tests, according to United States analysts, have been concerned with warheads for strategic defensive and offensive nuclear delivery vehicles.

Nuclear powers, other than the United States, the Soviet Union, and the United Kingdom, have not supported any limitation on nuclear testing in the absence of a comprehensive disarmament agreement The Chinese presumably will continue to test nuclear weapons until they feel secure relative to the military capabilities of the United States and the U.S.S.R. France does not consider iself in a race with the two large nuclear powers, but does not view a test ban agreement as contributing anything substantial to improving the prospects for peace and removing the threat of war.

The main international private thrust for

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a comprehensive treaty stems from the annual conferences of the Pugwash Movement, the Conference of Scientists on World Affairs. These annual week-long meetings, held under the auspices of the Academy of Science of several countries, often include scientists who are close to establishment thinking on national security problems. Despite the official reluctance of the United States and the Soviet Union to show movement toward negotiating a comprehensive treaty, Pugwash scientists consistently advocate such a step. The latest statement, issued by the Pugwash Committee following the 21st conference at Sinaia, Romania, 26–31 August 1971, is as follows:

Preventing further vertical and horizontal proliferation of nuclear weapons remains extremely important, and the achievement of a Comprehensive Test Ban Treaty will make a major contribution to that end. Fortunately, progress in the development of the means for detecting possible violations has effectively removed the obstacles which once blocked the achievement of such a treaty. These means include not only seismic methods for detection and identification of nuclear explosions but also satellites and other unilateral means for collecting information. The combination of all these techniques now makes it practically impossible to conduct meaningful nuclear testing without detection.

In the process of preparation and putting into effect of such a treaty, it is most important to include at an early stage all the nuclear nations; it is also important to involve other nations, especially those that have the capability of becoming nuclear powers in the near future.

In this connection the problem of so-called Peaceful Nuclear Explosions was also discussed. The conclusions reached at the last Pugwash Conference were re-affirmed: "Excessive claims have been made regarding the importance of nuclear explosions for peaceful purposes. Whatever short term economic advantage there may be in the use of such explosions is likely to be more than offset by the risks of nuclear proliferation implicit in such explosions." [19]

WHAT WOULD A TREATY LOOK LIKE?

A simple way of negotiating a comprehensive test ban treaty would be to amend the limited treaty of 1963. This could be done by removing all phrases describing the limited treaty and inserting the word "comprehensive" wherever applicable. A less simple way would be to draft a new treaty which would acknowledge the existence of the 1963 treaty and would then indicate that tests underground were also prohibited. A new treaty could also contain clauses specifying that verification would be by national means and that if the supreme interests of a party were jeopardized by its adherence to the treaty, that party by giving three months notice could exercise its sovereignty and withdraw its ratification.

There is a slight possibility that provision for right of request for explanation of a suspicious seismic event might be acceptable to both the United States and the Soviet Union as a means of bridging the different views about verification. Neither party, however, has expressed support for such an approach and thus its eventual inclusion in a treaty remains doubtful.

Subsequent to the passage of the 1963 limited Test Ban Treaty, some countries, such as Egypt and Japan, proposed the concept of a threshold treaty whereby tests down to a given size, as measured on a seismic scale, would be banned. The threshold would be set by the consensus about what size tests could definitely be identified. Tests below the threshold would either be allowed or would be banned for a specific period pending the results of further research and experimentation. The proposal was never discussed at any length at the disarmament talks after 1963. This may reflect the general reluctance of the United States and the Soviet Union to open any negotiations on the subject of a comprehensive test ban, or it may reflect a view that a threshold treaty might be too complicated to live with, given the constant possibility that seismic measuring devices may not always clearly measure the size of an event and thus unambiguously determine whether it was above or below the threshold established. In view of improvement in seismic capability this no longer appears an interesting approach.

RISKS VERSUS BENEFITS

Ultimately, the assessment of whether a major drive should be made to negotiate a comprehensive test ban treaty rests on weighing the risks inherent in a treaty, especially one which uses national means for verfication and does not require the right of on-site inspection, versus the benefits of stopping all tests by the United States, the Soviet Union and possibly other powers. Moreover, any weighing of these factors assumes certain judgments about the primary objective of United States national security policy.

A major benefit of a comprehensive test ban is clearly that it would provide a significant curtailment of the nuclear arms race between the United States and the Soviet Union. It would take the two countries a small step nearer the long-range goal of a world in which military means do not constitute the principal means a nation chooses to defend its interests. Not only would a comprehensive test ban realize this objective, it would also satisfy in part the objective of United States national security policy of achieving greater military stability between the two powers; if unlimited nuclear testing is allowed there is always the possibility that stability will be upset and the arms race would again increase in intensity.

Alongside the benefit contributing to curtailment of the arms race in nuclear warhead designs and greater stability, a comprehensive test ban would also help to reinforce an agreement arising out of the SALT talks. If these talks produce a limitation on deployment of anti-ballistic missiles and even if no action is taken limiting the deployment of offensive weapons, a comprehensive test ban would be an obvious next step. Since the major need for nuclear testing has been in the area of strategic nuclear weapons development, a ban on testing, by preventing this aspect of the strategic balance from being disturbed, would help to assure the continued observance of a SALT agreement. New warheads for offensive weapons would not be needed if no or only a weak ABM system existed.

A comprehensive test ban would have the benefit of encouraging greater adherence by non-nuclear nations to the principle of not proliferating nuclear weapons. Such nations, even if they did not sign the non-proliferation agreement, would not likely become nuclear powers if they signed a comprehensive test ban and therefore agreed to forgo nuclear testing. Many nations, such as India, Japan, and Brazil, would be much more likely to accept a comprehensive test ban than the non-proliferation treaty because the former is non-discriminatory, while the latter discriminates against them. In a comprehensive test ban all powers would be treated alike under the substantive terms of the treaty.

Other benefits stemming from a comprehensive test ban would include a further step in the growing detente between the United States and the Soviet Union, a savings of many millions of dollars of expenditures on the part of the two countries, and the removal of potential dangers to the environment.

Finally, it would be an added impetus to reaching arms control and disarmament measures. A comprehensive test ban has been a major concern of the Twenty-five Nation Conference of the Committee on Disarmament.[20] The achievement of a comprehensive test ban would raise the issue of future priorities for the Committee. Control and reduction of conventional weapons, regional disarmament measures, control of the trade and traffic in armaments, reductions in strategic and tactical nuclear delivery vehicles and warheads, reductions in the armed forces of states, and cutbacks in military budgets are some of the measures awaiting serious negotiation. A comprehensive test ban would contribute to the momentum of continued concentrated negotiation for the objectives of disarmament and arms control.

Against the above benefits the risks must be considered. The most important risk is that the United States, as well as the Soviet Union, would have to forgo improvements in nuclear weapons development and thus be denied continued upward thrust of its reliance on nuclear weapons for military security. A lesser risk is that some uncertainty may grow about the effectiveness of weapons in the stockpile; although testing has not been used in the past to discover a weapons defect, tests have been used to verify that a defect discovered in the course of examination by other means was corrected. Under a comprehensive test ban only those corrections can be made which need not be verified through testing. Any such restriction would apply equally to the Soviet Union and in fact might present it with greater problems than it would the United States.

There is also the risk that the Soviet Union might try to violate the agreement by testing successfully without being caught. The Soviets, it is argued, might realize some significant gains in weapons development in areas not limited by a SALT agreement, some information about correction of defects in its stockpile, and information about weapons effects. The question here is how much can be learned through the testing of a single device or a series of tests of very low yield. This is about the extent of what the Soviets could possibly accomplish. A large series of tests of moderate to high yield would surely be detected. According to testimony of the United States Defense Department as many as twenty or thirty tests are used in the development of a new weapon even when the technology is fairly well known; there is serious doubt, therefore, about the severity of this risk.

There is the risk that China may, through its continued weapons development programs, eventually pose a threat to the United States. This risk too appears minimal since any comprehensive test ban would no doubt contain a clause, similar to that in the limited Test Ban Treaty, to the effect that events which jeopardized the supreme interests of the nation would be cause for abrogation of the treaty. A continued watchfulness of China's nuclear weapons development should assure that no surprises could take place to injure the military security of the United States.

Finally, there is claimed by weapons scientists the risk that a comprehensive test ban would require the dismantlement of weapons laboratories with the most talented scientists leaving the nuclear weapons field for more fruitful work elsewhere. They do not think that the Soviet Union would face comparable difficulties since its scientists could be "forced" to work in weapons laboratories. Two points need to be cited about the risk. The first is that in the 1958–61 period when there was a moratorium on testing, the laboratories did not suffer. Therefore, any deterioration in maintaining quality work in the laboratories probably would not occur immediately; in fact the laboratories have many other functions to perform. After a period of three years there would be some

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assessment as to whether the benefits of the treaty continued to outweigh the risks. Second, it is becoming increasingly difficult for Soviet leaders to compel Soviet citizens to perform work which they do not want to perform. Soviet scientists are not immune to the influences of the outside world and Soviet society is not nearly so monolithic as it once might have been with regard to attitudes toward the United States and the need for cooperation and coexistence.

On balance the benefits eclipse the risks when the totality of the former are weighted against the totality of the latter. It is only after a total view of the issue is taken that a judgment can be rendered which considers national security in a comprehensive framework. Whether governments can be persuaded to revive the comprehensive test ban in a serious manner probably depends to a large extent on whether public, legislative, and international pressures increase.

Note: The author wishes to acknowledge with appreciation the helpful critical comments of Franklin Long, Herbert Scoville, Jr., and Richard Garwin.

FOOTNOTES

[1] See *The New York Times*, 7 December 1971. See also State of the World message, *The New York Times*, 10 February 1972.

[2] *Congressional Record*, Vol. 92, 29 March 1946, p. 2790.

[3] Senate Res. 93, 84th Congress, 1st Session, 25 July 1955.

[4] See John P. de Gara, "Nuclear Proliferation and Security," *International Concilliation*, No. 578 (May 1970).

[5] See pp. 39–58.

[6] See, for example, statement of Dr. Jerome Wiesner and testimony of Professors Frank Long, Bernard Feld, and James Brune in *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings*, U.S. Congress, Senate Committee on Foreign Relations, Subcommittee on Arms Control, International Law and Organization, 92nd Congress, First Session, 22 and 23 July 1971.

[7] The Canadian paper is Document 327 of the Conference of the Committee on Disarmament entitled "Working Paper on the Seismological Detection and Identification of Underground Nuclear Explosions."

[8] During the same hearings the U.S. Defense Department spoksman, Dr. Carl Walske, indicated that under optimistic assumptions only two or three events per year each in the Soviet Union and China above the equivalent of six kilotons would go unidentified; above 1½ kilotons, the number of unidentified events would be about 25 in the U.S.S.R. *Prospects for Comprehensive Nuclear Test Ban Treaty Hearings*, (*Op. cit.*) p. 119.

[9] *Ibid.*, p. 129. It is possibly true that U.S. weapons are more sophisticated than their Russian counterparts, but, nevertheless, the Soviet Union also would have to conduct several tests in developing new technology, though not of the order of the number of U.S. tests.

[10] *Ibid.*, p. 130.

[11] *Ibid.*, p. 131.

[12] *Ibid.*, p. 130.

[13] *Ibid.*, pp. 107. 129.

[14] *Ibid.*, p. 130.

[15] *Ibid.*, Testimony of Philip J. Farley, Deputy Director of the U.S. Arms Control and Disarmament Agency, p. 16. He said: "In view of the situation which has prevailed in international negotiations since Geneva, we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven. I think it was in 1963." Late in February 1972, however, news reports suggested that some Executive branch consideration had been initiated. See for example, *Washington Post*, 4 Feb. 1972.

[16] *Ibid.*, p. 146.

[17] On 2 March (as this publication went to press) Senators Philip A. Hart and Charles Mathias introduced a bipartisan resolution supporting a comprehensive test ban treaty using national means for verification.

[18] General Assembly Res. 2828 C (XXVI), 16 Dec. 1971.

[19] The last paragraph is especially important representing as it does a consensus of knowledgeable American, Soviet, Indian, European, and other scientists that uncontrolled peaceful nuclear explosions represent a threat to curtailing nuclear weapons proliferation.

[20] This committee resulted from several months of United States-Soviet Union negotiations in 1961. The negotiations produced a Joint Statement of Agreed Principles for Disarmament Negotiations to guide the two countries in their conduct of future disarmament negotiations. One of these principles specified that the two sides would continue to negotiate until a complete and comprehensive disarmament agreement was achieved.

MUTUAL AND BALANCED FORCE REDUCTIONS: THE NEXT STEP IN DETENTE?

(By Robert E. Hunter)

Can there be arms control in Europe? This is a question that is being asked with increasing urgency in a number of countries. It is a problem first of maintaining European security at lower cost to countries in both East and West. But any attempt to solve this problem will inevitably also have a significant impact on other matters of far-reaching importance to the future of Europe. What happens in European arms control could, for example, affect the methods and possibly even the extent of Soviet control of political developments in East Europe; it will affect future relations between the United States and Western Europe in many fields; it will affect the evolution of the European Community; and it is inextricably linked to the complex questions relating to a European Security Conference. As a result, the discussion that follows must continually be seen in a broad context and not as a matter primarily of negotiating tactics and military mechanics; otherwise, we may prejudice the resolution of other issues which, for the European allies especially, are more important than questions of strategy or military force levels.

This article will therefore treat problems of force-reductions in Europe with an emphasis on related developments in the United States, in Western alliance relations, and in East-West *détente* generally. It will also deal with the timing of mutual and balanced force reductions (MBFR), necessary parallel efforts, and the relationship of United States-Soviet negotiations to multilateral negotiations. The article will not attempt, however, to suggest specific positions that should be adopted by the North Atlantic Treaty Organization (NATO) allies in actual negotiations, or the details of negotiations or possible agreements, or the shape of military deployments and strategies in the event that negotiations succeed. It will concentrate instead on political methods and interrelationships leading up to negotiations themselves.

It is unlikely that a process of negotiating force reductions on the Continent will take place in the orderly manner recommended here. But the recommendations may at least point to a direction in which the United States particularly—and the Western allies generally—could usefully proceed.

THE VIEWS OF EAST AND WEST

Securing the strategic balance in Europe with fewer forces and at far lower cost than at present has long been a stated goal of Western policy. The setting of this goal derives from the existence of a tacit understanding, on both sides of European confrontation, that the strategic *status quo* on the Central Front must be preserved in the interests of all countries concerned with European security. This goal is also based on the growing perception that the massive array of forces constituting NATO and the Warsaw Pact is much greater than required to provide assurances that the *status quo* will be preserved. There is also an important unstated—and so far untested—assumption in proposals for force reductions: that there can be a less expensive "balance" of forces that will not threaten the climate of acceptance for the strategic *status quo*, and that such a balance of forces could also reduce anxieties on all sides by de-emphasizing the role of deployed forces in European confrontation. There would, in effect, be as much "certainty" in European security as there is today, and a further step taken toward lowering tensions all around.

Unfortunately, we have not yet found the means necessary to change the structure of military confrontation in Europe that protects both East and West against virtually all contingencies (many of which are conceivable only as expression of military "worst-possible-case analysis," and not as realistic predictions of developments on the Continent). In recent months, however, we have seen a number of developments that could lead toward some formal, institutional approach to a reduction of forces deployed in Europe. These developments are not of recent origin. For example, for many years there have been approaches from the Warsaw Pact concerning force reductions and even the abolition of the two military pacts. Most important, the Warsaw Pact has repeatedly proposed the convening of a European Security Conference to consider several political and economic issues in Europe.

At least until NATO's recent formal commitment to it, the idea of holding a conference has been resisted in several Western countries—especially in the United States—for several reasons. First, there is a risk of raising false expectations and of giving the Soviet Union a "propaganda victory." It is also feared in some quarters that such a conference would merely "confirm" Soviet hegemony in Eastern Europe without gaining anything substantial for the West. And there has been uncertainty about the role the United States would be able to play in a European Security Conference. This uncertainty has been somewhat abated by the specific references to a United States role—in, for example, the June 1970 Warsaw Pact declaration and the Brezhnev-Brandt communiqué of 18 September 1971.[1] But it has nevertheless reinforced anxieties in Washington that the Soviet Union would place more emphasis at such a conference on trying to divide the United States from its European allies than on trying genuinely to sort out problems to mutual advantage.

In 1968, NATO outlined its own views in a set of proposals designed to achieve the more limited objective of moving toward a less expensive and perhaps even more stable form of European confrontation. This proposal, expanded somewhat at the Rome Ministerial Meeting of the North Atlantic Council in 1970, attempted to place primary focus on achieving MBFR ahead of other matters that might be considered at a European Security Conference. Perhaps more fundamental changes, or at least discussions, could come later, but concrete steps first had to be taken in regard to force reductions in both halves of Europe. In part, those steps would test overall Soviet intentions toward improving East-West relations in Europe by concentrating on a concrete issue of particular interest to the West. Indeed, it is not entirely clear that the NATO powers expected much to come of their proposals for force reductions, nor that this was a completely serious effort.

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Nonetheless, in June 1970, the Warsaw Pact foregin ministers responded favorably to the idea of discussing force reductions—indicating, however, that these should not take place at an all-European conference but should be determined instead "by the organ proposed to be established by the all-European conference or in any other forum acceptable to interested states." NATO at that time did not consider this an adequate response.

General Secretary Leonid Brezhnev went further at the Twenty-Fourth Congress of the Soviet Communist Party in March 1971 and again in a speech in May. He accepted in broad outline the prevalent Western view that MBFR should proceed on its own, benefiting from whatever political context is implicit, but not requiring the prior solution of more complex issues. Why Brezhnev made this proposal is not clear. He may have wished to exploit Western desires for lower defense budgets in order to weaken resolve to maintain today's level of forces or increase their effectiveness. Brezhnev may have been genuinely interested in seeing *détente* move forward in an area promising some budgetary savings (even though the current five-year plan belies this), and permitting the Soviet Union to pay greater attention to China. He may have seen this proposal as a device for gaining greater access to Western technology. He may have wished to gain specific Western recognition of the Soviet "sphere of influence" in Eastern Europe, as a way of reducing the West's economic attractiveness for Eastern Europeans. Or he may simply have wanted to show that the Soviet Union, in contrast to China, was concerned with arms control and relaxation of tensions—a position that would reflect Soviet anxieties over a possible Sino-American *détente* and might help the USSR in the internal debates taking place within the Communist world.

Indeed, if this last suggested motive of simply *appearing* to be interested in arms control was the dominant one, the Soviet Union may not have had a clear idea at the time of what negotiations would entail, and may not have been prepared for NATO's favorable response. And this response, after all, was precipitated in part by the role the May Brezhnev speech played in the United States Senate debate on Senator Mike Mansfield's amendment to reduce United States forces in Europe by 150,000 men. Significantly, Brezhnev's earlier, March speech had been largely ignored in the West.

NATO'S "GO SLOW" APPROACH

NATO's formal response to the Soviet proposal came at the Ministerial Meeting of the North Atlantic Council, held at Lisbon in June 1971. While responding favorably, NATO added enough qualifications to ensure that the process would get under way slowly. The qualifications included: further exploration of the Soviet offer; a meeting of NATO's deputy foreign ministers, "or other high officials," to review the results of exploratory contacts and to consult on approaches to MBFR; and appointment by the Council of a representative to conduct still further exploratory talks designed to work out arrangements for the negotiations. NATO's retiring Secretary-General, Sgr. Manilo Brosio, was selected to represent the Organization, but so far the Soviet Union has studiously refused to receive him.

In view of past disappointments in the pursuit of *detente* (and especially in view of the shock produced by the Soviet invasion of Czechoslovakia) by the slow and cautious approach prompted by the United States and adopted by NATO was understandable. Indeed, without a clear indication of Soviet motives and intentions, there is still much skepticism in the West about proceeding with negotiations on force reductions at all. Not only are there the arguments advanced against a broader European Security Conference, but also there is concern that the very start of negotiations to reduce forces would lead NATO to begin "unravelling" before an adequate system of European security is ready to replace it. Many European states, especially, would be inclined to reduce their contributions to defense still further, in anticipation of a successful outcome of the talks. Or they might see negotiations largely as a United States effort to cloak a decreasing concern with Europe's future.

It is possible to exaggerate the potential financial savings to be derived from force reductions, especially for the United States. Even if reductions were substantial, which is unlikely in the near future, the United States would continue to maintain considerable forces on the Continent, along with the infrastructure and weapons required for returning major forces to Europe in the event they were needed. Indeed, such a double-basing concept would cost the United States more than simply leaving forces where they are. And returning forces to the United States, but not disbanding them, would not be cheaper, even though there could be some savings in foreign exchange.

In addition, there is the tremendous difficulty of coordinating policies, on almost any subject, within the NATO alliance. How much more difficult it would be to hammer out a common bargaining position on issues as substantive as force reductions or the new strategies that would be needed for Western defense (provided, of course, that MBFR proceeded far enough to invalidate current strategies)! Furthermore, starting MBFR negotiations now may be introducing prematurely one of the most difficult issues in *détente* before enough other "political" steps have been taken to make it possible for troop reductions to help relax tensions and strengthen the Western alliance rather than raise new anxieties.

Most important, however, beginning MBFR negotiations now would increase the attention paid throughout the continent to questions of forces and strategies at a time when progress in *détente* has been making these seem less important and when attention has been turning optimistically toward political and economic matters. Already, for example, the United States Secretary of Defense has been exhorting the allies to maintain and augment their defenses as part of a bargaining position for MBFR. Ten of them responded in December 1971 by pledging a $1 billion collective increase in their defense budgets for 1972. Secretary Laird has also announced that American forces in Europe would be brought back up to nominal strength. Yet the paradox of seeking force reductions through increases is obvious.

Furthermore, as negotiating positions are worked out and new strategies formulated, we may find that MBFR merely prolongs a preoccupation with strategic matters to the extent of stifling other more promising aspects of *détente*. One cannot stress this point too much. The best alternative for *détente*, therefore, may be simply to stop discussing force levels in general, and MBFR in particular, until a more appropriate moment presents itself to raise these subjects again.

WHY BEGIN NEGOTIATIONS NOW?

All of these objections have to be weighed carefully against arguments in favor of proceeding with negotiations at this time—not the least of which is the fact that the project has entered the canon of accepted NATO objectives. It may simply be too late *not* to start negotiations, although, of course, whether or not they must be pursued to any conclusion is a different matter. Other, more "positive" arguments include the hope that any step forward can "build confidence" in *détente* and thus lead on to other steps. But two of the most important reasons for proceeding now toward MBFR relate primarily to the timing of the negotiations and are essentially negative. They may be no less compelling for all that.

THE MANSFIELD AMENDMENTS

To begin with, the issue of reducing troops in Europe has not been raised in a political vacuum. Most important, in the United States, there is growing concern to reduce United States forces on the Continent, unilaterally if necessary. This concern is most apparent in the Senate, where there has long been considerable sentiment against maintaining a large United States presence in Europe, and a feeling that the Europeans should "pull their own weight." This sentiment has been exacerbated by the economic nationalism of President Richard M. Nixon's new economic policy. It is also unlikely, on the basis of past experience, that the new efforts of "burden sharing" among the allies will prove substantial enough to quiet Senate concern for very long.

Senator Mansfield has been the most diligent in trying to put the Senate on record in favor of United States troop cuts. In the past, he has sponsored "sense of the Senate" resolutions to this effect. More recently, however, he has embodied his idea in amendments which, if signed into law, would have had binding effect. Two of these were defeated: one, in May 1971, requiring a 50 per cent cut in forces; and one, in November, requiring a cut of 60,000 troops by 15 June 1972.

Despite these defeats, some observers believe that the United States Administration has not been sufficiently sensitive to the important—even if not yet majority—sentiment expressed in the Senate resolutions and amendments. They argue that the White House is now living on borrowed time with regard to maintaining 310,000 forces in Europe. At some point, perhaps in the near future, the Senate Majority Leader is likely to muster enough votes to pass an amendment calling for some United States troop reductions in Europe—unless he is pre-empted by some other event, such as promise of success in MBFR negotiations.

A key question therefore relates to timing: will Senator Mansfield succeed soon, or only after a period of two to three years? Senate feeling against continuing to bear such a large military burden on the Continent does not appear to have been dissipated by the defeat of the Mansfield amendments, but it is not yet clear whether enough Senators would choose to be identified as opponents of this particular "security" issue before the 1972 elections. Yet no matter what the immediate Senate decision is on this matter, some concrete steps are required of the Administration if it wishes to retain control of this issue.

In practical terms, of course, an affirmative vote in the Senate—whenever it comes—might not carry the day, since any such amendment would have trouble passing the House, much less weathering a presidential veto or a direct appeal to the nation on the basis of the President's responsibilities for national security. But in terms of United States relations with the European allies, an expression of sentiment by a majority of Senators would have a strong impact. There is already serious concern in Western Europe that the experience of the United States in Vietnam is eroding its willingnes to retain a significant commitment to Europe's future. A declaration of sentiment by the Senate is therefore likely to reinforce uncertainties. The United States might then find that many Europeans would be less prepared to accept at face value expressions of support made by a United States Administration for the course of political and military developments on the Continent.

Thus, for some time already, there have been persuasive arguments at hand for the United States government to take a clear stand in favor of negotiations on MBFR—before Senator Mansfield gains majority support in the Senate for his views, and especially before the European allies become convinced that his success is imminent. It may be that these negotiations will take some time to reach any real conclusion. It may be that the Russians will retreat from their support of this bold initiative if they see that the West is willing to proceed in earnest (in fact, this may have been the reason for Moscow's noticeable cooling to the idea at the end of 1971). But from the standpoint of preempting a Mansfield amendment—or at least of hedging against its success—the convening of negotiations at an early date has increased in importance.

Indeed, as critical as it clearly is, the manner in which negotiations on MBFR are conducted may not be as important in United States domestic politics as any action that is both prompt and apparently pointed in the direction of troop reductions. It has been possible for some time to argue that the Administration might have less difficulty over time in maintaining "enough" United States forces on the Continent by demonstrating clear support for early negotiations on MBFR (regardless of the Soviet response). In this context, "enough" relates to the ability a) to demonstrate continuing United States commitment to Western Europe and b) to reduce any possible Soviet incentive to stall while waiting for unilateral United States reductions. Time, therefore, may only be on the side of the United States (and of those allies wishing to avoid a crisis over the United States commitment) if it is prepared to use it soon.

The Administration implicitly moved toward the position suggested here when it relied heavily on the Brezhnev speech in May to defeat the first Mansfield amendment (by a vote of 61 to 36); it locked itself into this position in November, when its chief weapon in defeating the second amendment (by a vote of 54 to 39) was a presidential letter arguing that unilateral United States cuts would undermine progress toward negotiations to reduce forces on both sides. Continuing this process has now thus become necessary if the Administration is not to be faced by a future, successful challenge from the Senate, with consequences outlined above.

STRATEGIC SEPARATISM

These concerns are supplemented by trends emerging in Western Europe. In the next few years, for example, the United States will have to face the possible growth within the alliance of a European movement favoring the addition of a formal security dimension to the European Community. This still nascent development stems in part from increased doubts that the United States can be relied upon much longer to provide Western Europe with all of the strategic assurances it needs—assurances not so much that the United States would be prepared to help prevent war as that it would be prepared to underpin a diplomatic process of movement in East-West political and economic relations. There are also growing indications that Britain and France are each disposed to believe that the other power looks to some form of European military effort and identity as an important element of their revived relationship with each other.

Furthermore, the idea of strategic separatism is emerging in Western Europe as a device for gaining greater influence—at least symbolically—in the course of political changes that will be possible in East-West relations during the next few years. This is particularly important in the case of bilateral United States-Soviet negotiations such as SALT, which vitally affect Europe, and in which it can no longer be assumed that United States and Western European interests are identical.

For all these reasons, it appears likely that Western European governments will wish to take a more active part in ordering European security during the next few years. Because of opposition in parliaments, this may mean not increased defense budgets, but rather movement toward, among other things, some form of Western European security organization. Such a development would be a natural one, at some point, as an emerging European Community takes more decisions in common and accepts more responsibility for all aspects of supranational sovereignty, including foreign policy and defense. Nor should the United States be opposed to such a development, especially since it would promote the strength of a European Community for whose security and prosperity the United States will continue to have concern.

The question is less one of "whether?" than of "when?"—though public reluctance to take defense seriously could vitiate even those organizational efforts that did not cost more money. As the failure of the European Defense Community in 1954 testifies, however, cooperation in basic areas of national sovereignty such as defense and foreign policy has to come late in the process of forming a community—if the risk is to be avoided of threatening the whole edifice by forcing individual countries to take critical decisions before they are prepared to do so. The Common Market crisis of 1965, which raised problems that had even fewer implications for national sovereignty, reinforces this point. Furthermore, there are some practical implications of moving at this time to greater European defense cooperation—implications for reducing the emphasis in *détente* on military questions.

On the most practical level, greater emphasis on a separate strategic identity in Europe at this time would mean even more attention paid by governments to defense and deterrence in general, and to the actual details of forward defense and defense organization in particular—despite general acceptance of the strategic *status quo* which has reduced the importance of these defense efforts, even if there were fewer United States forces on the Continent. Any such preoccupation with modalities, should it occur, would come about precisely because of the compelling *political* objectives of European cooperation that would be served by European defense arrangements. These political objectives are judged to be at least as important as concern about United States intentions toward the Continent.

It is true that such an effort would act as a hedge against lingering uncertainties about Soviet intentions toward Western Europe. Yet it is also true that a context of military confrontation, once established, imposes a logic of its own. That logic then exerts its own pressures, even when there is no military threat sufficient to warrant its emergence. Even if it came up against widespread public indifference, this logic would still be taken seriously by governments, and greater concentration on military factors would have a significant impact on the process of negotiating force reductions. For one thing, it would lead the Western allies to spend extra energy debating the strength and character of the defense structure that would be left after force reductions have taken place. This is not to say that defense issues need not be considered; it is a matter of emphasis and degree. There has always been a danger that a political process of reducing forces would be negated by an approach, on both sides, that placed too much emphasis on the kinds of strategies that would be viable after MBFR had taken place.

A EUROPEAN NUCLEAR DETERRENT?

For another thing, in time there would also be more interest in Europe in creating some form of nuclear deterrent—based on current British and French capabilities—that can operate independently of the United States deterrent. This interest would merely be strengthened by any Western European move toward a security organization, which would inevitably come up against the reluctance to spend more on defense. There would be a tendency to make up a shortfall in troop levels with nuclear weapons—even though these would be less sophisticated than weapons available to the Soviet Union.

The development of a European nuclear deterrent could be particularly unsettling for all concerned. The Soviet Union, especially, is not yet ready to welcome another center of strategic decision-making in Western Europe in addition to that controlled by the United States President. Indeed, the more likely it is that the Western Europeans will want to proceed to some form of politically independent deterrent—even if this does not now seem a real possibility to the Russians—the less likely Moscow will be to pursue a process of mutual force reductions that would significantly diminish its military presence in Eastern Europe (if it would do so at all).

The role of West Germany in any nuclear deterrent would be of even greater concern to all nations interested in the future of Europe. This role might be limited to financial contributions at first. At some point, however, the vexing question of a West German role in the actual use of nuclear weapons would have to be faced. Indeed, the prospect of this issue's eventually arising would inhibit the progress of negotiations on MBFR step by step with any discussions within Western Europe about its own deterrent.

The United States, too, continues to be directly concerned about the emergence of a Western European nuclear force. It still values its dominant role in nuclear decision-making for the West, and will no doubt continue to do so. Since the onset of *détente,* however, this role has been less important to the United States as a way of ensuring its control over the use of the Western arsenal in the event of a nuclear war than as a factor in United States relations with the Soviet Union. The SALT talks, after all, are predicated on the United States' being able to negotiate—whether its allies agree or not—the level of those armaments that make up the bulk of the Western strategic arsenal, but which are also centrally involved in Western European strategy. For this reason—as well as for others, including its interest in nonproliferation—the United States would look askance at Western European efforts to create another center of nuclear decision-making.

For the United States, therefore, a key issue in approaching negotiations on MBFR relates to the likelihood that in the fairly near future Western Europe will seek a greater degree of strategic independence, either within NATO or in some new European security organization. For as long as it is in the United States' interest to inhibit, or at least postpone, this movement, it will need to maintain enough forces on the Continent to continue the credibility of its nuclear guarantee. The nuclear guarantee is important, as noted above, more for its role in the "logic" of military confrontation and in demonstrating a United States political commitment to Europe's peaceful and orderly development than for its role in an actual crisis or war. The United States must therefore continue to station "hostage" forces capable of some limited form of flexible response, although how large these must be is by no means clear. The United States must also retain enough tactical nuclear weapons on the Continent to reinforce the idea that there would be fairly rapid escalation to nuclear war (with the United States strategic arsenal brought into play) in the event of major hostilities. At the same time, the United States needs to bring its allies more fully into the planning of forward defense, in order to give them a greater stake in existing arrangements rather than direct them toward separate efforts. In this way, the United States would also help to reassure the Russians that its presence in Western Europe exerts a considerable force for restraint on

Western European ambitions for a separate strategy.

Clearly these efforts would work against MBFR by stressing a United States military role in Europe at the very time that it should be de-emphasized. There is no simple way to resolve this dilemma. However, if negotiations on MBFR were started fairly soon, the United States could at least get that process well under way before Western European strategic separatism becomes an important trend.

PRACTICAL STEP TOWARD MBFR

Prompt action would help in several ways to meet the various problems presented here. First, if negotiations on MBFR were to begin soon, they would help focus attention in the NATO alliance on an orderly means of permitting some United States force reductions before domestic pressures cause reduction to take place higgledypiggledy and with little regard for political consequences. Of course, it may be argued that starting negotiations on MBFR now would only hasten Western Europe's search for its own strategic identity. Yet it can also be argued that the Europeans are more likely to be discouraged from this search by evidence that the United States is prepared to take their security problems seriously—evidence represented by serious efforts to bring about formal negotiations—than they are by today's uncertainty about future United States military, political, or economic intentions toward the Continent.

Second, an orderly *process* of negotiating MBFR, provided that it begins soon, could itself help to reduce anxieties concerning a possible turning away by the United States from Continent. Such a move by the United States would increase the Soviet Union's chances to reduce Western Europe to a state of political neutrality, if not dependence.[2] Today, a European Community armed with nuclear weapons would appear to be one way of protecting the area from the emergence of such a Soviet threat; making a commitment to an orderly political process of MBFR would be a better way to do it, even though this effort might not be enough. Indeed, neutralization is more a problem of Western European cohesion and of orderly changes in Western defense than it is of any particular strategy, force structure, or pattern of European involvement in military affairs. Without cohesion, Western European nuclear weapons would do little to prevent political neutralization.

Third, and most important, a process of negotiating MBFR that gets under way in the near future, with all of its institutional paraphernalia and consultations, might help to "freeze" Western European trends toward strategic separatism before they get well established, and before they exaggerate the role that will continue to be played in European security by military forces and a viable forward defense. Even the most ambitious European federalist will resist introducing an added element of complexity—both diplomatic and military—into an effort that has raised hopes (true or false) that defense budgets of all countries involved in European security could be reduced without prejudicing the political development of the European Community.

Fourth, successful negotiation on MBFR could also help to reinforce a trend that has already appeared in superpower politics—that of reducing the role of military forces as the primary factor in constituting and demonstrating a nation's power. Provided that MBFR did indeed preserve the climate of acceptance for the strategic *status quo* in Europe, there could be a decreasing emphasis on questions of military forces and strategy in the ordering of security on the Continent, even though the initial response would be to *increase* that emphasis.

In time, moving away from reliance on military forces as the exclusive foundation for European security could also help to inhibit the growth of pressures in the European Community for nuclear weapons simply as a function of great power status. MBFR could make clear to all Western Europeans—as it already has to the United States and the Soviet Union—the limited political value of nuclear weapons in this part of the world. Even if Western Europe were to opt for some form of defense organization of its own, it would be less likely after MBFR had taken place to substitute a nuclear force for expensive, and thus unpopular, conventional force levels; a non-nuclear defense organization could be maintained at lower cost, yet carry relatively more diplomatic weight, in an environment where United States and Soviet forces also had been reduced.

It is even possible that a general reduction of arms on the Continent would hasten the day (still very far off, if possible at all) when some form of cohesive structure in Western Europe would be able to deal more effectively with the Soviet Union in a diplomatic arena, without either going its separate way from the United States or acquiring nuclear weapons. Then Western European economic strength could have a greater impact on political developments.

For all these reasons, therefore, both the United States and its allies have an interest in seeing that steps leading to negotiations on MBFR (whether they take place separately or as part of a European Security Conference) begin soon and maintain momentum. Undeniably, how these negotiations take place will also be very important and worthy of careful deliberation unmatched in NATO's history. There is always a possibility that the process of negotiating may itself get out of hand, especially in the case of efforts by the Western powers to coordinate their position.[3] At the outset, however, a firm commitment to proceed in this direction may be more important than insistence on the working out of all procedural details. The time factor may be on the Western allies' side only if they are prepared to use it wisely now. And the methods they employ in trying to agree may become even more important than the specifics of their agreement.

UNITED STATES-EUROPEAN COOPERATION

Negotiations on MBFR must also take account of other developments taking place in Europe. Indeed, it should be clear at this point that mutual and balanced force reductions will have a most profound—though as yet unclear—impact on the character of both the Western and Eastern alliances. Negotiations must therefore be seen primarily as a political process whose essential objective is to shore up what military stability already exists, at lower cost, while minimizing difficulties that arise in the process. The word minimize is used advisedly: some developments, such as the decreasing influence of the United States in Europe in many fields, will in any event create profound difficulties, which are beyond the scope of this paper. Within the limited context of the subject under discussion, however, there are some things that should be done. For one thing, the United States should realize that domestic pressures, and European views of these pressures, for a reduction of United States forces on the Continent may proceed faster than negotiations on MBFR, despite the inhibiting effects but these negotiations would have on any Mansfield amendment and sentiments related to it. This will be particularly significant if for any reason the Russians retreat from their commitment to negotiations, as they may now be doing.

At the same time, it is necessary to reinforce any existing Soviet interest in MBFR, even though the Soviet Union might believe it could gain significant advantages by simply allowing United States forces to be reduced unilaterally. It is not certain, however, that this would be entirely to Soviet liking, at least in the long run, because of the potential problem of Western European strategic separatism noted above. The Russians also may not wish the United States to withdraw so many troops that the role of the *Bundeswehr*, the largest conventional army in NATO Europe, would be further enhanced.[4]

An approach to resolving these problems may be to concentrate on establishing an orderly process that would lead to the withdrawal of some United States forces, rather than trying, in the absence of an MBFR agreement, to prevent any and all United States troop reductions. On the face of it, this suggestion may seem paradoxical, but it is not when viewed in terms of allied political relations, and especially in terms of Western European psychology regarding the underlying United States political commitment to the Continent. It is clear that the United States does not need 310,000 troops on the Continent to preserve a credible commitment to its allies' future. In fact, reinforcement of this "magic number" may simply be tempting fate by increasing pressures at home that would initiate troop reductions on a haphazard and disorderly basis and might overemphasize the importance of any reductions that do take place. It is this disorder that the United States most needs to avert. Indeed, the manner in which American force reductions take place is more important than the actual number of troops arrived at. The United States can help in this process by determining in consultations with its allies the number of forces actually required to retain European confidence in the United States commitment. Of course, "consultations" are always taking place. But an effort must be made to convince Western Europeans that these consultations can be a means of gaining some say in United States force reductions—rather than simply a means of stressing demands that Washington maintain present force strength. Without this albeit difficult process the allies will be unprepared for the consequences of a smaller United States troop presence, however it comes about. Indeed, there is considerable scope in this matter for the Western Europeans to try to act in common—building, perhaps, on the so-called "Eurodinner" consultations among themselves that take place before meetings of NATO's Defense Planning Committee. Such cooperation would also be helpful throughout MBFR negotiations, and would give Western Europeans a form of "identity" within the Atlantic alliance, without a defense organization that included strategic separatism and overemphasis on military programs and plans.

In the process, the United States could begin to reduce the military character of its involvement with Europe, further reducing the role of NATO in alliance diplomacy, and begin to bolster a recognition that economic relations and economic organizations (such as the Organization for Economic Cooperation and Development) will play an increasingly significant role in demonstrating United States concern for the future of Europe. Indeed, promoting this shift of emphasis could actually contribute to European security, by placing Atlantic relations increasingly on a basis that is more likely to endure than is the stationing of 310,000 men in Europe.

In this regard, the economic nationalism of the new economic policy was particularly unfortunate, as was European reluctance to meet legitimate United States objections to some practices of the European Community. A failure by the allies to work out current problems in their trade and monetary relations could have effects of far-reaching importance on the alliance, particularly with

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major decisions on force reductions pending. If discussion within the alliance on this sensitive subject goes forward in the midst of a general climate of acrimony and distrust over economic matters, then the potentially adverse consequences of MBFR negotiations sketched earlier would be more likely to come about. Indeed, reestablishing a climate of cooperation on alliance economic problems has now become a critical matter for its own sake, for the sake of the next steps to be taken in *détente,* and for the sake of the future of Atlantic relations and security generally. The initial agreement on the devaluation of the dollar, in December 1971, was therefore a step in the right direction. The real test will come, however, with efforts to restructure the international monetary system and to sort out disagreements on trade.

This economic crisis underscores the changes taking place in Atlantic relations. But it is not yet clear what the nature of the new relations will be; they can only develop through consultations, experience, and sensitivity on all sides. It is extremely important that the United States not try to decide the character of these relations in advance; it will need to adapt itself gradually to the emergence of a situation in which "equality" is becoming a fact rather than merely the goal of political rhetoric that it was in the 1960s.

Provided that these points are borne in mind, consultations leading to some unilateral United States force reduction can take place without weakening the strength of the Atlantic alliance. By bringing the Western allies more closely into United States defense decision-making, while demonstrating to the Soviet Union that the process is an orderly one that will not weaken the fundamental fabric of Atlantic relations (if this can, indeed, be done), such an effort could actually reinforce Moscow's incentives to reduce forces on its side as well. Certainly it would reduce the utility of Soviet forces as a political weapon for intimidating Western Europe. If consultations on a unilateral force reduction did take place between the United States and the Western allies, the Russians would also have less incentive to stall on MBFR; there would then be little reason for them to expect United States unilateral reductions to weaken Atlantic ties and thus increase Soviet political opportunities in Western Europe.

Of course both the United States and the Western allies should continue to press for negotiations on MBFR, especially to ensure that the process of reductions on both sides is clear and controlled all around. But some reduction of United States forces, undertaken while the United States supports its allies' political efforts in *détente,* need not rule out Soviet and Warsaw Pact reductions as well. The essential point is that the two processes need to be pursued simultaneously by the West. If this is done, the allies might be better able to discuss in an orderly fashion the complex questions of Atlantic relations that will arise whenever and however forces are restructured on the Continent. By broadening alliance consultations on a host of political issues, and thus decreasing the chances of fragmentation, it may be possible to offset the advantage the Eastern bloc would have in negotiating as a unit on MBFR in the event that negotiations take place outside a broader European Security Conference.[5]

Another political effort that should be conducted at the same time as MBFR concerns one of Western Europe's primary goals in *détente:* to gain better Soviet behavior in Eastern Europe. At the moment, this objective is most threatened by the Brezhnev Doctrine, by which the Russians have been attempting to retain a large measure of control over internal developments in Eastern Europe. Of course it may be that the Doctrine cannot be sustained in any event, especially in view of the growth of Eastern European economic power and the increasing dependence of the Soviet Union on the West for its own economic progress. So far, however, the Doctrine certainly has not been abandoned.[6]

Western European states will be more disposed to explore the possibilities of a more liberal Soviet approach in Eastern Europe (and will be better able to do so) if the United States continues its strong opposition to the Brezhnev Doctrine at the same time that it reinforces understandings with Moscow about the strategic *status quo* in Europe and pursues agreement at SALT. Such an effort will help to bridge potentially competing objectives between the United States and its European allies. By acting in this way, the United States can also help to impose a choice upon its Western European allies either to promote some form of strategic separatism, which would have the consequences for MBFR sketched above, or to pursue the development of economic relations with Eastern Europe. It appears that Western European states will not find it easy to do both—at least not while the Soviet Union retains considerable control over Eastern European international economic activity, and continues to be concerned that the United States preserve its control over Western European strategic policy, especially in relation to nuclear weapons. It is also possible, though highly debatable, that successful negotiations on MBFR would reduce the Soviet incentive for continuing to pursue the Brezhnev Doctrine. At least one official justification for the Doctrine—the strength of NATO—would be weakened.

The United States should also exercise more tolerance for its allies' independent approaches toward the East than it has in the past. These approaches include West German *Ostpolitik* and the sale of so-called strategic goods to the East. And it needs to show more understanding of its allies' support for a European Security Conference and permanent Commission, which many Europeans conceive as ways of increasing contacts between Eastern and Western European states, thereby lessening, by however little, Soviet control of Eastern European internal developments. At least the Russians would have to grant legitimacy to contacts between Eastern Europe and the West that took place within this formal context.[7]

The question of a European Security Conference will remain important even if MBFR negotiations are held separately. Indeed, a Conference, and a permanent Commission to be set up by it, would offer some distinct advantages over separate MBFR negotiations as a way of helping to secure the Western European objective of greater freedom of action for Eastern European states. The existence of two military structures—NATO and the Warsaw Pact—naturally makes it likely that any separate MBFR negotiations would be conducted on a bloc-to-bloc basis instead of a multilateral basis in which each state would be represented on its own. Since there is a greater identity of views between the Russians and the Eastern Europeans on military matters than on political or economic issues, MBFR negotiations separated from a broader political conference could actually aid Moscow's efforts to dominate the role of the Eastern European countries in the process of change.

As a result, there is considerable value for the West in its favorable response in December 1971 to proposals for a European Security Conference, despite the possibility that greater divisions in Western attitudes might emerge in truly "multilateral" (as opposed to bloc-to-bloc negotiations). Any disagreements that might arise among the Western states could be handled in part by treating the Conference and Commission as an exploratory operation, designed to test Russian willingness to permit greater latitude for the Eastern European states; the West needs to stress that a European Security Conference, and a Commission to be set up by it, would merely be part of a very long process that would only gradually get into problems of a truly sensitive nature.

In any event, the NATO allies may soon be faced with a real decision on this issue. At its meeting in May 1971, the North Atlantic Council declared that a European Security Conference could not be held before a successful conclusion of negotiations in Berlin. It reaffirmed this decision in December and indicated a readiness to initiate conversations "as soon as possible" after the successful conclusion of those negotiations. What this will mean, however, is still not clear. Yet for reasons presented here, the allies would be well advised to see that such a conference is pursued either parallel with negotiations on MBFR, or as the actual forum for these negotiations (although the latter method would raise complications because of the presence of neutral powers). This approach would be designed to further Western European political and economic objectives in *détente* at a time when emphasis on military subjects in East-West relations will simply increase Soviet control over developments within the Eastern European bloc.

It is also desirable to establish this parallelism, or actual link, between MBFR negotiations and a European Security Conference *before* military questions are resolved either at SALT or on MBFR. After these questions are settled, it will be harder to discuss the matter of Soviet behavior in Eastern Europe, especially Soviet efforts to regulate Eastern European contacts with the West. Of course, if MBFR negotiations were to lead to a sizable reduction of Soviet forces in Eastern Europe, this would potentially give some greater freedom of action to the Eastern European states. Even if Soviet forces were only a few miles away, it would be politically more difficult to reintroduce them than to use them (as in, say, Poland) before they were withdrawn. However, the Russians are not likely to proceed so far with force reductions that this issue would become a live one—at least not for some time. On the basis of experience in Czechoslovakia, the Russians may believe they can make small force reductions without losing their ability to act or to control events decisively in Eastern Europe, even if the Eastern European states gain more room for maneuver. Beyond that, however, further steps are uncertain. As a result, there is more incentive for the United States at the same time to encourage greater East-West political and economic contacts and a modification in *practice*—not just in declaration—of the Brezhnev Doctrine.

This point leads to consideration of a final parallel development with force level negotiations which again relates to the differing interests of the United States and its European allies in *détente.* Quite simply, the United States needs to have some means of involving its allies more closely with what is happening at SALT. Negotiations on MBFR are potentially an ideal vehicle. The very convening of negotiations could increase United States latitude at SALT by helping to reduce Western Europe's suspicions that the USSR and the United States were independently reaching agreements affecting Europe's future security.[8]

FORWARD BASED SYSTEMS

Force level negotiations are also the logical way to approach one further complex issue: the future of United States tactical nuclear weapons stationed in Western Europe and with the Sixth Fleet. Some of these weapons, out of a total of at least 7,000, could reach the Soviet Union. These are the so-called "forward based systems" that at some point will be a focus of attention at SALT. It is clear that decisions on forward based systems will have a profound effect on Euro-

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pean security, especially upon the European allies' view of the need to develop their own nuclear capability. Western Europeans will therefore resist the resolution of this issue at the SALT talks. Nor can the issue really fit within negotiations on MBFR, since forward based systems do relate to the total United States strategic arsenal that is capable of attacking the Soviet Union.

If MBFR negotiations and the SALT talks proceed in parallel, however, there is some chance that the issue of forward based systems can be successfully resolved, along with the issue of the Soviet defense equivalent—the medium-range ballistic missiles targeted on Western Europe. Otherwise, the United States may find itself in the embarrassing position of being asked at SALT to withdraw these systems out of range of the Soviet Union while they remain a key part of Western strategy in the event of an attack on Western Europe. This is another example of an issue that could have political consequences in Western Europe, even if it makes little military sense at a time when there is a well-developed climate of acceptance for a strategic *status quo* in Europe. In such circumstances, considerable opportunities are open to the Soviet Union to play the United States and its allies against one another, thereby weakening the Atlantic alliance. But if any agreement to include forward based systems at SALT proceeds parallel with talks on mutual and balanced force reductions, the issue of forward based systems could be approached in United States-Soviet bilateral relations at the very time that negotiations were proceeding to reduce levels of forces, including tactical nuclear weapons, to be deployed in Western Europe. Alternatively, the subject could be dealt with in negotiations on MBFR. Either way, at least the Western European states would be clearly involved in any decision regarding these weapons, and in revising allied strategy accordingly.

HOW CAN NEGOTIATIONS PROCEED?

In approaching the subject of mutual and balanced force reductions, it is important to stress again that the negotiations are likely to be long and may not lead to a substantial withdrawal of forces on each side until there is some more general arrangement about the future of European security, if then. Indeed, it would be better to embody the negotiations in a continuing institution, rather than in a single conference, however long it lasts. Nor can there be a total withdrawal of United States forces from Europe as long as the question of maintaining a strategy of escalation to nuclear war remains valid for the West.[9] Furthermore, until such time in the distant future that patterns of confrontation are recast, NATO and the Warsaw Pact will remain. Psychologically, they may even become more important as symbols of strategic understandings at a time when other factors are in a state of flux.

The various parties interested in MBFR may soon recognize that the military institutions themselves are probably not the best mechanisms for conducting negotiations. It is true that NATO would remain invaluable as a forum for reconciling competing views of strategy within the Western alliance. But as an institution it is too much concerned with military problems to give proper weight to the essentially political nature of the entire negotiating process. Much the same can be said about the Warsaw Pact. Different views within the Atlantic alliance on the nature of "security" make this an important point. Governments may be represented on a bloc-by-bloc basis; but governments will not want their activities to be determined by military institutions designed for quite different purposes.

Finally, negotiating MBFR should be seen as less a matter of *bargaining* on the details of military forces than of searching for mutually acceptable areas of agreement that will give all nations concerned greater confidence about the political understandings that are being sought. These are understandings, especially, about the need to preserve the climate of acceptance for the strategic *status quo*, despite a lower level of forces. What would happen in this process is unclear and beyond the scope of this article; yet the need to establish the right emphasis is important. If this is not done at the start, here will be a host of perhaps insoluble issues, such as the fact that the Soviet forces will only have to withdraw a few hundred miles as compared with the United States' 3000. But if the emphasis is placed on political problems and political understandings, instead of on bargaining about details, issues like this one may not prove insuperable in the long run. This is an important distinction: if negotiations on MBFR are permitted to be dominated by a discussion of details, then the military tail could easily come to wag the political dog. This has already happened to some extent at SALT, where emphasis on bargaining each element in the "package" has led the two powers, both intent on agreement, to move toward much higher levels of armaments deployment.

Indeed, negotiations on MBFR should be seen as a gradual process of "confidence building" throughout Europe. Thus the issue of actual force reductions may come rather late in the negotiations—as the Germans have suggested—after an initial discussion of principles and preliminary agreements on subjects such as force ceilings, limitations on force movements, exchange of information, and posting of observers on both sides. After these questions are discussed, negotiations on MBFR can proceed to more substantive matters, while seeking at the same time to preserve confidence at every step along the way. Orderliness will not be easy to achieve. But if it is achieved, these negotiations hopefully can then become an important basis for other political agreements in Europe.

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

The Carnegie Endowment for International Peace was established in 1910 to seek practical paths to peace. Income from the original endowment has been devoted to research and education in this field. The Endowment's range of interest covers international organization, international law, the changing role of military force, advancement of international relations research, and education and training for diplomacy, and includes an active program of publications.

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FOOTNOTES

[1] For information on the Warsaw Pact Declaration, see *The New Yorks Times*, 22 June and 27 June 1970; for the Brandt-Brezhnev communique, see *The New York Times*, 19 Sept. 1971.

[2] Of course, any process that would lead toward decreasing European links with the outside superpowers would be appreciated in Eastern Europe. (The process of neutralizing Western Europe is called "Finlandization" in reference to Finland's somewhat dependent relationship to the Soviet Union.)

[3] This problem has not arisen in the case of the SALT negotiations; the *bilateral* nature of these talks has not presented the diplomatic problems and demands that are inherent in any *multilateral* effort.

[4] Needless to say, anxieties on this point are shared by other European states, both in the West and in the East. This problem has long been recognized in West Germany, and is part of what lay behind the agreement between Brezhnev and Brandt in September 1971—namely, that MBFR not be limited to United States and Soviet forces. (Of course, Brezhnev may also have been interested in removing one more impediment of the eventual reduction of the United States presence in Europe.)

[5] At its January 1971 meeting, the Warsaw Pact Consultative Committee argued that troop reduction "should not be the prerogative of the existing military-political alliances in Europe." While this statement may have been primarily an attempt to place negotiations on MBFR within a broader European Security Conference, it would also serve Western interests by decreasing the role of Warsaw Pact in—and hence Soviet control over—this step in *détente*.

[6] Despite Brezhnev's token rejection of the Doctrine during his visit to Yugoslavia last September, a careful look at the documents coming out of the meetings indicates that the Doctrine has not been abandoned.

[7] Many contacts of course take place now on a bilateral basis, but at some point there must be real value in eliciting their explicit sanction by the Soviet Union.

[8] This is not the concept of "linkage" introduced by President Nixon; instead, the emphasis would be on the method of involving Western Europeans, not on typing agreement at SALT to a resolution of specific European problems.

[9] MBFR along the Central Front, without the emergence of firm political understandings between the United States and Soviet Union about, for example, Yugoslavia, or the Middle East, may actually require greater United States naval forces in the Mediterranean, and perhaps greater emphasis on the ACE Mobile Force, to offset the loss of forces on the Central Front that now could be used in these other strategic contexts. And for countries like Yugoslavia, a properly prepared European Security Conference would become even more important, as a way of extending political understandings. From Belgrade's point of view, MBFR negotiations taking place by themselves (from which the Yugoslavs would be excluded) would be of no value whatsoever and might even be seen as dangerous. Unless these negotiations were firmly imbedded in a European Security Conference, or were closely linked to one, Yugoslavia and the other neutrals would be isolated.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. INOUYE). Is there further morning business? If not, morning business is concluded.

RURAL DEVELOPMENT ACT OF 1972

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

S. 3462, to provide for the development of rural areas.

The Senate resumed the consideration of the bill.

Mr. MILLER. Mr. President, I send to the desk a series of amendments and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. MILLER. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be printed in the RECORD.

The texts of the amendments are as follows:

On page 95, between lines 23 and 24, insert the following:

"SEC. 909A. Sec. 309(a) is amended by inserting in paragraph (5) after 'to pay' the following: ', for contract services,' "

"SEC. 909B. (a) Section 307(a) is amended by inserting before the period at the end the following: ', and borrowers under this title shall prepay to the Secretary as escrow agent such taxes and insurance as he may require, on such terms and conditions as he may prescribe'.

"(b) Section 309(f)(2) is amended by—

"(1) striking out 'the interest' and inserting in lieu thereof 'amounts';

"(2) changing 'prepayments' to 'payments' in all three places; and

"(3) inserting after 'until due' the following: 'or until the next agreed annual or semiannual remittance date'."

Page 96, between lines 2 and 3, insert the following:

"SEC. 910A. Section 331 is amended by adding at the end a new paragraph as follows: '(g) Not require borrowers to pay interest accrued after December 31, 1972, on interest in any loan held or insured by the Farmers Home Administration'."

"SEC. 910B. Sec. 331(b) is amended by inserting before the semicolon, the following: ', and make contracts for services incident to making, insuring, collecting, and servicing loans and property as determined by the Secretary to be necessary for carrying out the purposes of this Title;' "

Page 99, amend section 309A(g)(2), as added by section 911 of S. 3462, as follows:

"(1) In line 8, strike out 'the interest' and insert in lieu thereof 'amounts';

"(2) Change prepayments' to 'payments' in lines 10, 12, and 13; and

"(3) In line 14, insert after 'until due' the following: 'or until the next agreed annual or semi-annual remittance date'."

Page 100, lines 4 and 5, amend Section 309A(g)(6) as added by section 911 of S. 3462, by deleting the words "or property appraisals" and inserting in lieu thereof, the following: "expenses for necessary services, including construction inspections, commercial appraisals, loan servicing, consulting business advisory or other commercial and technical services, and other program services,"

Page 100, line 12, amend section 309A(g)(6), as added by section 911 of S. 3462, by inserting before the semicolon at the end thereof the following: ", or in connection with grants and any other activity authorized in this title".

Mr. MILLER. Mr. President, this amendment is really a series of technical amendments which I propose to offer en bloc. It is a series of perfecting amendments which have been requested by the Farmers Home Administration.

These amendments have been worked up by the committee staff, coordinated with the chairman and the staff of the committee and, to my knowledge, there is no objection to any of them. They are purely technical.

Mr. TALMADGE. Mr. President, will the Senator from Iowa yield?

Mr. MILLER. Yes indeed.

Mr. TALMADGE. I have examined the amendments. As the Senator from Iowa has stated, they have been requested by the department and I think they will improve the bill. I have no objection to them and would urge the Senate to adopt them.

Mr. MILLER. I thank my colleague. If he will indulge me, just for the record, I should like to explain them.

They have as their purpose the clarification of the authority of Farmers Home Administration to contract for services and to pay the cost thereof and to modernize the handling of its loan instruments.

Farmers Home Administration presently originates and services all its loans, both direct and insured. With the spectacular growth in its lending operations, the paper work involved in servicing its mortgages has grown to be such a massive clerical job that it is diverting Farmers Home loan personnel from their primary job of providing credit services to rural people.

The agency proposes to contract with commercial lenders and others to help with its expanding work volume; and, the 1973 budget now before the appropriations committees contains $10 million in new administrative money for contract purposes.

One of the best prospects for contracting is with private banks and other mortgage lenders in the small towns of rural America to handle monthly collections on mortgage loans. Such an arrangement would be beneficial to both the Farmers Home Administration and to the commercial lender. It would relieve Farmers Home of routine clerical functions. It would give the local bank the opportunity to get acquainted with the FHA borrower and to attract new customers.

The agency is exploring other opportunities for contracting for services such as fee appraisals, building inspections, and other commercial services.

To facilitate Farmers Home's efforts to make best use of the private sector through contracts and to modernize its note handling operations, I propose this series of amendments to both the Consolidated Farmers Home Administration Act and to the new Rural Development Insurance Fund provisions in S. 3462 as follows:

First, to clarify the Secretary's authority to contract for services;

Second, to authorize the collection of insurance and taxes in the monthly mortgage payment and to permit the Secretary to pay noteholders annually or semi-annually even though payments are made by borrowers monthly;

Third, to modify outstanding loan contracts to provide that interest on late payments would be calculated on a simple interest basis rather than a penalty interest basis.

Fourth, to use fees and charges authorized in the section to pay for contract services, insured loan activity, and other;

Fifth, to permit the Secretary to pay noteholders annually or semi-annually even though payments are made by borrowers monthly.

These amendments to the basic authorities of the Farmers Home Administration will provide it with more flexible authorities to carry out the expanded programs authorized in the Rural Development Act.

I recommend their adoption by the Senate.

Mr. President, I thank my colleague from Georgia for his gracious comments with respect to these amendments.

Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. MILLER. I ask unanimous consent that the amendments be agreed to en bloc.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, the amendments are considered and agreed to en bloc.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time used therefor be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1139

Mr. INOUYE. Mr. President, I call up my amendment No. 1139 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

Title II, page 108, line 17, add the following new section:

SEC. 924. Subtitle A is amended by adding at the end thereof after section 310B as added by section 912 hereof, a new section as follows:

"SEC. 310B. For the purposes of title V of the Housing Act of 1949, as amended, a guarantee of payment given under the color of law by the Department of Hawaiian Home Lands (or its successor in function) shall be found by the Secretary reasonably to assure repayment of any indebtedness so guaranteed.".

Mr. INOUYE. Mr. President, I offer at this time an amendment to the Rural Development Act of 1972, that will rectify a situation that has been a source of frustration to lessees of Hawaiian homestead lands. At the present time, two Federal laws operate, together, to adversely affect the rural dwellers of Hawaiian ancestry. The benefits of the Federal loan programs that were specifically designed to give them financial assistance are not available to them at a time when they sorely need the funds.

In 1920, Congress enacted the Hawaiian Homes Commission Act, to preserve the native Hawaiian race, raise their standard of living, provide them the means to a better livelihood, and generally improve the quality of life for the Hawaiians. The major feature of this legislation was homesteading, whereby those of Hawaiian ancestry were encouraged to settle on specific plats of land. The law prohibited these Hawaiian families from acquiring title to the lands that they occupied. More importantly, and relative to the issue that this amendment addresses, these Hawaiians were prohibited from mortgaging their homesteads.

Since the enactment of the 1920 law, the lands have been administered by the Hawaiian Homes Commission. The leaseholds can be conveyed by a lessee only with the approval of the commission and only to a family member who can meet the blood qualifications. Due to these strict limitations, these Hawaiians have never been able to acquire any equity that would constitute security for a mortgage agreement.

Moreover, under the provisions of the Housing Act of 1949, which established home loan programs, a mortgage on fee simple real estate is required before a loan can be transacted with the Farmers Home Administration.

Thus the lessees of the Hawaii Home Lands have continually been informed by the administrators of these programs that they are ineligible for financial assistance due to their lack of security or collateral. This adverse administrative determination excludes Hawaiian homesteaders from one of the most important sources of rural housing loans.

This amendment, a relatively simple one, would rectify the present situation by releasing the homesteaders from a trap that was inadvertently set by legislative oversight. With this amendment, the Hawaiian homesteader can acquire the states, as a borrower, that all other rural dwellers in this country already have.

Today, the State of Hawaii through its Department of Hawaiian Home Lands, is ready, willing and able in appropriate cases to provide, in lieu of real estate mortgages on fee simple land, a guarantee that the borrowing Hawaiian homesteaders will repay loans authorized and approved by Federal agencies. The loan guarantee limit is $20,000.

My amendment to the act would require the Secretary of Agriculture to accept a loan repayment guarantee by the Department of Hawaiian Home Lands of the State of Hawaii as security for a rural housing loan on land under the Hawaii department's jurisdiction which cannot be encumbered by a mortgage.

It is my belief, Mr. President, that the purpose and effect of this amendment is in complete accord with the purposes of the major bill before us: to extend financial assistance to rural Hawaiian residents for the construction, improvement, alteration, or repair of dwellings, and related facilities that they so sorely need.

Mr. President, I ask unanimous consent that my senior colleague, Senator FONG, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. INOUYE. I am happy to yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, does this relate exclusively to housing loans administered by the Farmers Home Administration under title V of the Housing Act of 1949?

Mr. INOUYE. Mr. President, this applies to the Farmers Home Administration.

Mr. TALMADGE. Mr. President, the Senate Committee on Agriculture and Forestry has unanimously reported previous bills relating to a similar matter, farm owner-operator loans under the Farmers Home Administration Act. The Senate has agreed to them, and they have become law. Special provision is needed, because the Hawaiian Homes Commission Act prevents the homesteaders from acquiring title to Hawaiian homestead lands or giving a valid mortgage. The amendment provides that the guarantee of a State agency will serve as an adequate substitute for a mortgage in these cases.

Mr. INOUYE. The Senator is correct.

Mr. FONG. Mr. President, I urge my colleagues to support the amendment offered by my colleague from Hawaii (Mr. INOUYE) and myself which adds a new section, section 924, to the bill on page 108, line 17.

This amendment would require the Secretary of Agriculture to accept a guarantee by the Department of Hawaiian Home Lands of the State of Hawaii as security for a rural housing loan on lands under such Department's jurisdiction on which a mortgage cannot legally be given. Under the Hawaiian Homes Commission Act, a State law, a mortgage on Hawaiian Home Lands cannot legally be given to any person or organization except a native Hawaiian.

Lands under the jurisdiction of the Hawaiian Homes Commission by State law can be leased in the first instance only to "native Hawaiians," meaning descendants of the Polynesian Hawaiians who settled in Hawaii before 1778.

In addition, the Hawaiian Homes Commission Act, in section 208(5), prohibits the transfer to, or mortgage, pledge, or otherwise holding for the benefit of any person or group or organization of the lessee's interest in the land except a native Hawaiian. Also, with some expectations, such interest cannot be subject to attachment, levy, or sale upon court process.

However, the act further provides that the Department of Hawaiian Home Lands "may assure the repayment of loans to lessees from governmental agencies where such loans have been approved by the department," up to the limits provided in the act. Under present State law, the limit on guaranteed home loans is $10,000. But under a bill just passed by the Hawaii State Legislature and sent to the Governor, this limit would be increased to $20,000.

Because of the restrictions in the Hawaiian Homes Commission Act, the Farmers Home Administration has not extended loans to these lessees. The proposed amendment to the rural development bill would provide a means by which lessees of Hawaiian Home Lands could qualify for rural housing loans.

This would be accomplished by requiring the Secretary of Agriculture to accept a guarantee by the State of Hawaii Department of Hawaiian Home Lands. Under the bill just passed by the State legislature, the amount of funds authorized to the Department which could be used for guaranteeing home loans to Hawaiian Home Land lessees would be doubled.

Gov. John A. Burns of Hawaii yesterday by cable assured me that his administration and the State legislature are in favor of the pending amendment.

There is also broad support in the Hawaiian community for this amendment. I have been contacted by a number of Hawaiian organizations urging support of this language, which was included by the House of Representatives as part of H.R. 12931, Rural Development Act of 1972, which passed the House on February 23 this year. H.R. 12931 is similar to the Senate bill (S. 3462), to which our amendment is offered.

This amendment seeks to remedy an inequity falling on descendants of the Polynesians inhabiting Hawaii prior to 1778, an inequity resulting from a State law governing land leases to these people. The amendment would protect the interest of the Federal Government in its rural housing loans at the same time that the amendment would make it possible for lessees of Hawaiian Home Lands to qualify for Farmers Home Administration housing loans.

Mr. President, I urge my colleagues to support this amendment.

Mr. TALMADGE. Mr. President, I have examined the amendment. The senior Senator from Iowa (Mr. MILLER), the ranking minority member of the committee, and I both think that it should be agreed to.

Mr. INOUYE. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, the Senator from Louisiana desires to be recognized for the purpose of offering an amendment.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1120

Mr. ELLENDER. Mr. President, I send to the desk amendment No. 1120 and ask that it be stated.

The PRESIDING OFFICER (Mr. INOUYE). The amendment will be stated.

The legislative clerk read as follows:

> Strike out all of title 1, page 1, line 5, to page 89, line 17, and renumber succeeding titles, sections, and cross-references accordingly.

Mr. ELLENDER. Mr. President, it is not my purpose to take much time to explain the pending amendment. The amendment strikes out title I of the bill.

I regret having to oppose that portion of the bill. I think the record will show that I was the only Senator who voted against the measure. I did so because title I of the bill would create a vast new bureaucracy with the supposed purpose of assisting rural development by duplicating and undercutting all of the other agencies we have doing that work now.

Mr. President, as I see it, there is absolutely no need for another huge bureaucracy at this time. The seed money for this bank would be furnished by the Government at the rate of $200 million a year over a period of 10 years, or an aggregate of $12 billion for the entire 10 years. This seed money would be used by this new bank to make loans to construct facilities designed to create employment within certain areas.

This bank will not be under the direct control of Congress, but will have a Federal charter. It will have the right to loan as much as $40 billion based on its original capitalization.

Mr. President, over my entire Senate career I have encouraged the Congress to adopt legislation that would help to assist rural areas. I fostered laws aimed at farm problems, and at bringing about general improvement in rural life. Unfortunately, two bills that I introduced in 1966 and 1967, as will appear in the RECORD, were passed by the Senate but were not considered by the House. They were aimed specifically at helping to bring about rural community development. That legislation was S. 2934 of the 89th Congress, and S. 645 of the 90th.

It was my intention to provide ways and means of assisting the local people to develop rural areas. It was my aim to help the local people help themselves. I was confident that, if jobs could be provided, our young people, growing up in the country, would prefer to settle near their homes and not flood into the cities.

The bill I introduced had as its main objective the creation of development areas or districts within a State. The people who were to administer the program would be elected officials within the several parishes or counties that would be organized into a district. Then the Federal Government would come into the picture by paying part of the moneys necessary in order to prepare plans indicating what the resources of that particular area were, so that the information could be disseminated throughout the country as an attraction to business.

Although the bill that I introduced was passed by the Senate on two occasions but failed in the House, certain Government agencies have copied from that bill almost the same idea; that is, they are promoting ways and means by which large industries—and, in fact, the public as a whole—could be apprised of the needs of a certain area, and also of what the resources of a particular area are.

We now have the program that is conducted by the local people, which in my opinion, is very effective. I have many instances I could present to the Senate. Only a short time ago there was constructed in one of our parishes an industry that employs around 800 to 900 people. That was done through the assistance of the Economic Development Administration. We have had similar small business established throughout the State through the use of the available programs. These businesses were established by virtue of work done by the local people. We received assistance from existing agencies that permitted the local people to provide certain programs that were necessary in order to attract businesses.

I may say that in most cases when a new industry comes into being they like to know what the transportation system is, the water system, the sewage system. At the suggestion of those in charge of fostering businesses for certain areas, the local officials apply, let us say, to the Farmers Home Administration. That is one agency that has been very helpful in providing funds to correct certain problems existing in a locality where businesses desire to locate.

The Farmers Home Administration assists farm production directly and also provides recreation and soil improvement loans. In addition, loans are made to public and nonprofit associations for water supply and waste disposal improvement. Grants are also available for this purpose through the FHA. Rural housing is assisted, and watershed improvement and flood prevention loans are available. Resource development grants are made. All of these make it attractive to companies or people who are desirous of opening up new businesses in the area. Technical assistance for comprehensive planning is provided in cooperation with the Department of Housing and Urban Development. That is in line with the bills I referred to a moment ago which were reported from the Committee on Agriculture and Forestry in 1966 and 1967.

Mr. President, I have an exhibit here which is a detailed presentation of the assistance programs of the FHA. I am not going to attempt to read them all, but this exhibit indicates the areas in which the Farmers Home Administration is involved. There are many ways in which farmers and others in rural areas, can obtain this assistance to improve the conditions of their everyday life.

Under the Farmers Home Administration we have, of course, farmers' ownership loans. Those are to broaden the scope in farming and provide for all sorts of ways and means of improving farms. We have recreation loans which can be made in order to make an area more attractive for the people. We have soil and water loans to individuals which are provided. Loans are made to public and nonprofit associations for the effective development and utilization of water supply and waste disposal systems, and the improvement of land by soil and water conservation facilities and practices.

Oftentimes when an individual or company desires to locate in a certain area the first request is, "Do you have sufficient water there, and can it be readily used? What about your sewage system?" Things of that kind are asked. The FHA has in the past contributed considerably to many of these areas and as a result of that the conditions of life were improved.

There are several others which can provide assistance and enhance living conditions in rural areas.

Mr. President, I ask unanimous consent that the exhibit and summary of agencies assisting rural areas from which I have just been reading be printed in the RECORD at this point.

There being no objection, the exhibit and summary were ordered to be printed in the RECORD, as follows:

SUMMARY OF GOVERNMENT AGENCIES' EMPLOYMENT AND BUDGET DEVOTED TO ASSISTING RURAL AREAS

1. *Farmers Home Administration.* FHA assists farm production directly and also provides recreation and soil and water improvement loans. In addition, loans are made to public and non-profit associations for water supply and waste disposal systems improvements. Grants are also available for this purpose through the FHA. Rural housing is assisted. Watershed improvement and flood prevent loans are available. Resource development grants are made. Technical assistance for comprehensive planning is provided in cooperation with the Department of Housing and Urban Development.

Exhibit I is a detailed presentation of all these programs.

Exhibit I(a) provides a breakdown of the loans and grants made by the FHA for the last two fiscal years with an estimate for fiscal '73.

It is estimated that in fiscal '73, the FHA will make $3.2 billion in loans available for applicants for all purposes. It is also estimated that $51.2 million will be made available for grants. The grand total in loans and grants for FY 73 will be $3,275,592,000. This compares with $2,411,584,000 made available in FY 71.

As of March 31, 1972, there are 7,544 employees in the FHA. Of these 265 were in Washington, 472 at the Computer Center in St. Louis, and 6,817 were employed as field personnel in the State and County offices.

2. *Farm Credit Administration.*

In the 12 district offices of the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, there are 1,830 employees.

In the local Production Credit Associations, there are 6,845 employees.

In the Farm Credit Administration itself, there are 220 administrative employees.

Total: 8,895.

Administrative costs of the FCA amount to $128.4 million annually. In the current year, loans amounting to $17 billion will be made.

The Farm Credit Administration is now totally privately financed by its members and receives no Federal funds.

The Farm Credit system operates on sound banking principles. Yet it required about 30 years to move away from government subsidy.

3. *Economic Development Administration.* One of the purposes of EDA is to promote balanced national growth. Efforts are made through it to improve life in rural communities and help small towns achieve some of the advantages of cities. It does this through making technical assistance and planning grants available to development districts.

It provides public works grants and loans to enable areas to build public facilities and provides basic services necessary for economic growth and community development.

Business loans and capital guarantees are made to help business men expand industries and generate new jobs.

In support of its programs, extensive research is carried out to identify causes of economic distress and determine ways in which Federal development activies can be made more effective.

EDA sponsors multi-county economic development districts which assist small communities to work together. Locally elected officials and civic and business leaders in neighboring counties are encouraged to pool their resources to bring economic growth.

In fiscal 72, the EDA budget was $284,355,000.

As of March 31, 1972, there were 897 full-time employees.

4. *Small Business Administration.*

The SBA assists business men with no primary regard to location. There are no current figures available on the amount of SBA assistance made available to rural areas. A study has been conducted on the breakdown between rural and urban areas for the fiscal years 1968, 1969 and 1970. In 1970, 769 Small Business loans were made in rural areas. The total amount of these was $9,238,000, of which the SBA share was $8,812,000. In 1968, 4,909 loans were made, of which the SBA share was $5.2 million out of a total of $5.5 million made available.

In fiscal 1972, there were 4,019 employees on board the SBA.

5. *Department of Housing and Urban Development.*

In fiscal 1970, HUD's total outlays for housing programs amounted to $10,057,900,000, Of this total $2,166,100,000, or 21.5 per cent, went for assistance to rural areas.

Even in the categories classified as urban development, funded at a level of $1,649,200,000, 28.3 percent of that amount went to improve conditions in rural areas. These activies include comprehensive planning, water and sewer facilities grants, open space land programs, neighborhood facilities grants and some urban renewal as well as public facilities loans.

6. *Health, Education and Welfare.*

In HEW for fiscal year 1971, total outlays amount to $52.6 billion. Of this amount, it is estimated that $20.2 billion, or 38.5 percent, went to rural areas.

7. In a soon to be released study of the amount of Federal monies going to rural areas in selected programs, the record is shown as follows:

In fiscal 1970, in the agencies included in the study, $159.96 billion was expended. Of this amount $54.726 billion went to rural areas, or 34.2 percent of the total.

For fiscal year 1971, the total outlays were $178 billion, of which $61.5 billion, or 34.5 percent, went to rural areas.

FARMERS HOME ADMINISTRATION PURPOSE STATEMENT

The Farmers Home Administration, established November 1, 1946, by the Farmers Home Administration Act of 1946, conducts the following activities:

1. *Farm ownership loans.* Loans are made to farmers and ranchers for acquiring, enlarging, or improving farms, including dwellings and farm buildings; land and water development, use and conservation; forestry development; recreational facilities; the development of nonfarm enterprises on farms; refinancing indebtedness, and for loan closing costs. Loans are limited to farms which are not larger than family farms and cannot exceed the normal value of the farm or $100,000, whichever is the lesser. The loan limitation includes the unpaid indebtedness against the farm or other security. Loans are repayable in not more than 40 years and bear interest not in excess of 5 percent. Loans may be made simultaneously with loans made for authorized farm ownership purposes by private long-term lenders. Insured loans are made from the Agricultural Credit Insurance Fund for sale to private lenders. Payments of principal and interest to the lenders are fully guaranteed. The Administrator services these insured loans, makes collections, and pays the lenders.

2. *Recreation loans.* Loans are made to farmers and ranchers for converting all or a portion of the farms or ranches they own or operate as outdoor income-producing recreation enterprises which will supplement or supplant farm income and permit carrying on sound and successful operations. Recreation loans to individuals are insured on the same basis as insured farm ownership loans.

3. *Soil and water loans to individuals.* Loans are made to farmers, ranchers, and nonoperator owners for land and water development, use and conservation. Direct land conservation and development loans are made in the Appalachian region to establish and carry out land stabilization, conservation and erosion control practices. Loans may be made on farms of any size. A loan cannot exceed the normal value of the farm or $100,000, whichever is the lesser. The loan limitation includes the unpaid indebtedness against the farm or other security. Loans are repayable in not more than 40 years and bear interest not in excess of 5 percent. Soil and water loans to individuals are insured on the same basis as insured farm ownership loans.

4. *Loans to associations.* Loans are made to public and nonprofit associations for the effective development and utilization of water supply and waste disposal systems and for the improvement of land by soil and water conserving facilities and practices. Loans to associations also may be made for shifts in land use, including grazing, the development of recreational facilities and for irrigation development. Loans to associations are authorized in designated areas to repair or replace certain public facilities damaged or destroyed by a major disaster. Association loans may be made to serve residents of open country and rural towns and villages of not more than 5,500 population, which are not part of an urban area. The unpaid principal indebtedness of a loan, together with the amount of any grant assistance, is limited to $4,000,000. Loans are repayable in not more than 40 years and bear interest not in excess of 5 percent. Association loans are insured on the same basis as insured farm ownership loans.

5. *Indian tribe land acquisition loans.* Loans are made to qualified Indian tribes or tribal corporations to acquire land or interests in land within the tribes' reservation or Alaskan Indian community, as determined by the Secretary of the Interior. These loans are insured on the same basis as insured farm ownership loans.

6. *Grants for the preparation of comprehensive plans which coordinate the development of water and waste disposal systems in rural areas.* Planning grants are made to public bodies such as counties, townships, planning commissions, and similar units of government, and such other agencies as may have authority to prepare such official comprehensive plans. The amount of each grant will be limited to the actual expense for the preparation of the plan which is outside the normal budget of the recipient organization.

7. *Grants for water and waste disposal development.* Development grants are made to associations, including corporations operating on a nonprofit basis, municipalities, and similar organizations, generally designated as public or quasi-public agencies, that propose projects for the development, storage, treatment, purification, and distribution of domestic water or the collections, treatment, or disposal of waste in rural areas. Development grants to associations also are authorized in designated areas, under limited conditions, to repair or replace certain public facilities damaged or destroyed by a major disaster. Grants may not exceed 50 percent of the development cost of the projects and supplement other funds borrowed or furnished by applicants to pay development costs. No grant may be made which, together with any unpaid principal loan indebtedness of any association owed to the Farmers Home Administration, would exceed $4,000,000 at any one time.

8. *Operating loans.* Loans are made to farmers and ranchers for costs incident to reorganizing a farming system for more profitable operations; for a variety of essential farm expenses such as purchase of livestock, farm equipment, feed, seed, fertilizer, farm supplies, and other essential operating expenses, including cash rent, and costs incident to the production and harvesting of forestry products; for financing land and water development, use and conservation; for recreational uses and facilities; for costs incident to nonfarm enterprises on farms; for refinancing indebtedness; for other farm and home needs; and for loan closing costs. Loans are confined to operators of not larger than family farms. The outstanding principal loan balance for operating loans is limited to $35,000. Loans bear interest at a rate based on the average rate paid by the U.S. Treasury on obligations with a similar maturity period. The rate for the 1972 fiscal year is 6⅜ percent. Loans may be scheduled for payment over periods from 1 to 7 years depending on loan purposes. In some situations, they may be renewed for not more than 5 additional years. Loans are secured by crop and chattel liens and, when necessary, by real estate mortgages. Other reliable agricultural credit sources are encouraged to furnish as much as possible of the essential needs of loan applicants with the balance being supplied with operating loan funds from the Farmers Home Administration.

9. *Emergency loans.* Loans are made in designated areas where a natural diaster has caused a general need for agricultural credit. The former statutory emergency loan requirement of inability to obtain credit elsewhere was suspended by Public Law 91-606, approved December 11, 1970, for loans made before the end of the first full operating year following the disaster. Thereafter, however, applicants must be unable to obtain credit elsewhere in order to qualify for additional emergency loans based on the same disaster. Emergency loans are made to eligible established farmers, ranchers or oyster planters, and to private domestic corporations or partnerships engaged primarily in farming, ranching or oyster planting. Emergency loans are made primarily for financing farm operating needs, family living expenses, and a number of closely related purposes. Loans bear interest at a rate determined monthly not in excess of 6 percent and are repayable over periods not longer than regular loans made by the Farmers Home Administration for similar purposes. Loans may be made outside of designated emergency areas under certain conditions to persons or corporations who have suffered severe production losses not general to the area as a result of a natural disaster, or to persons who are indebted for emergency loans made under prior authorities. Public Law 91-606 authorized loans in areas where the President has declared a major disaster, with special provisions for refinancing real estate debts under restricted conditions, for cancellation of a portion of principal up to $2,500, and for deferment of interest and principal payments up to three years on loans for other than operating expenses. Under Public Law 92-173, approved November 24, 1971, emergency loans may be insured on the same basis as insured farm ownership loans.

10. *Rural housing loans.* Insured building loans to individuals are made to enable eligible applicants in rural areas to construct, improve, alter, repair or replace dwellings and essential farm service buildings. Loans may include funds to buy a house, building site

and farm service buildings. If the borrowers are persons of low or moderate incomes, and if their need for necessary housing cannot be met with financial assistance from other sources, including assistance available under section 235 of the National Housing Act, the insured loans made by the Farmers Home Administration in fiscal year 1972 will bear interest at 7¼ percent with provision for interest credits up to 6¼ percent under certain circumstances. Such loans may not exceed amounts necessary to provide adequate housing, modest in size, design and cost. Building loans are made to farm owners, owners of other real estate in rural areas, others who are or will become rural residents, and long-term leaseholders. These loans are repayable in not more than 33 years. Loans are limited to rural areas which include towns, villages or other rural places with a population up to 10,000 inhabitants. Insured rural housing loans are made from the Rural Housing Insurance Fund for sale to private lenders. Payments of principal and interest to the lenders are fully guaranteed. The Administration services these insured loans, makes collections and pays the lenders.

Insured natural disaster loans are made at a rate determined monthly not in excess of 6 percent for not more than 33 years to provide for repair or replacement of farm or rural dwellings, farm service buildings and related facilities damaged by a natural disaster.

Direct repair and improvement loans of $2,500 or less are made at one percent interest for not more than 10 years only to very low-income families who are owners of farms or nonfarm rural property to repair or improve their dwellings and essential farm buildings in order to make them safe and sanitary or to remove health hazards to the families or the community. Such loans which involve water supply, septic tanks, or bathroom and kitchen plumbing facilities may be made in amounts not in excess of $3,500.

11. *Insured rural rental and cooperative housing loans.* Insured loans are made to individuals, corporations, associations, trusts, or partnerships to provide moderate cost rental or cooperative housing and related facilities for elderly persons and other persons of low or moderate income in rural areas. These loans are repayable in not more than 50 years and bear interest in fiscal year 1972 at 7¼ percent with provision for interest credits up to 6¼ percent under certain circumstances. These loans are made only if the need for necessary housing cannot be met with financial assistance from other sources, including assistance available under section 236 of the National Housing Act. No loan may exceed $750,000. Loans are limited to rural areas which include towns, villages or other rural places with a population up to 10,000 inhabitants. Rural rental and cooperative housing loans are insured on the same basis as insured housing loans to individuals.

12. *Farm labor housing loans.* Insured loans are made to a farm owner, to a public or private nonprofit organization or to a nonprofit organization of farmworkers incorporated within a State to provide modest living quarters, basic household furnishings, and related facilities, including land necessary for an adequate site, for domestic farm labor. These loans are repayable in not more than 33 years and bear interest not in excess of 1 percent. Farm labor housing loans are insured on the same basis as other insured rural housing loans.

13. *Financial assistance to a public or broad-based private nonprofit organization or to a nonprofit organization of farmworkers incorporated within a State for low-rent housing and related facilities for domestic farm labor.* Grant assistance, not to exceed 90 percent of the total development costs, is provided for new structures or rehabilitation of existing buildings suitable for dwelling use by domestic farm labor. Funds also may be used for essential related facilities such as dining halls, community rooms or buildings, infirmaries or other essential services, including basic household furnishings. These grants may be made simultaneously with farm labor housing loans.

14. *Financial assistance to local organizations to promote mutual or self-help housing.* These grants are especially designed to aid the development of mutual or self-help housing programs under which groups of families build their own homes by mutually exchanging labor. Grants are used to provide technical and supervisory assistance to families who build their homes by the self-help method.

15. *Loans for purchase and development of land to be subdivided into building sites* and sold on a nonprofit basis to low-income families or to organizations for rental or cooperative housing. Site loans are insured on the same basis as insured rural rental and cooperative housing loans. Direct site loans are made at 3 percent interest for a two-year period to develop building sites for sale in connection with self-help projects. Insured loans are made at 7¼ percent interest in fiscal year 1972 for a two-year period.

16. *Watershed works of improvement and flood prevention loans* to sponsors of projects approved for operation by the Soil Conservation Service. Direct loans are made to local organizations for installing, repairing or improving works of improvement and water storage facilities, purchasing sites for rights-of-way and for related costs. Watershed works of improvement and flood prevention loans are repayable in not more than 50 years at an interest rate based on the average rate paid by the U.S. Treasury on obligations of similar maturity. The rate for the 1972 fiscal year is 3.502 percent. Total loans outstanding on any one project may not exceed $5,000,000.

17. *Resource conservation and development loans* to sponsors of projects approved for operation by the Soil Conservation Service. Direct loans are made to local organizations and individuals for planned measures and works of improvement as specified in approved work plans. Resource conservation and development loans are repayable in not more than 30 years, with repayment of principal and interest deferred up to 5 years, if necessary. Loans bear interest at a rate based on the average rate paid by the U.S. Treasury on obligations of similar maturity. The rate for the 1972 fiscal year is 3.502 percent.

18. *Grants* may be made from funds from the Appalachian Regional Commission, the Department of Commerce, or the Department of the Army to supplement the water and waste disposal loans and grants made for development costs by the Farmers Home Administration.

19. *Technical assistance for comprehensive planning* is provided, in cooperation with the Department of Housing and Urban Development, regarding establishment of nonmetropolitan districts and the carrying out of comprehensive planning in such districts.

Technical guidance in planning and carrying out sound operations is provided borrowers on the basis of their individual problems and needs. *No loan is made to anyone who can secure adequate credit from other sources at reasonable rates,* except for certain initial emergency loans. A local county or area committee of 3 is generally required to approve each applicant and each loan or grant.

On July 1, 1971, the Administration was servicing the accounts of about 548,000 individual borrowers and 7,500 association borrowers serving aproximately 1,800,000 families with principal indebtedness of $7,869,000,000. Under the program direction of the Washington headquarters, this service was provided through 42 State offices, a National Finance Office in St. Louis, Missouri, and approximately 1,750 county offices utilizing the services of about 3,200 supervisors and 7,500 local committeemen.

EXHIBIT I(A)

FARMERS HOME ADMINISTRATION—OBLIGATIONS FOR ALL LOAN AND GRANT PROGRAMS

[Dollars in thousands]

Type of loan	1971 actual	1972 estimate	1973 estimate
Farm ownership loans:			
Direct	$5,437		
Insured (regular)	259,658	$340,000	$340,000
Insured (including non-farm enterprise)	3,341	10,000	10,000
Subtotal, farm ownership loans	268,436	350,000	350,000
Recreation loans (individuals):			
Direct			
Insured	1,090	2,000	1,500
Subtotal, recreation loans (individual)	1,090	2,000	1,500
Land conservation and development loans (Appalachia) (direct)	13	100	
Soil and water loans (individuals):			
Direct	2,563		
Insured	4,744	4,000	3,000
Subtotal, soil and water loans (individual)	7,307	4,000	3,000

Type of loan	1971 actual	1972 estimate	1973 estimate
Association loans:			
Water and sewer systems:			
Direct	$30,097		
Insured	231,607	$300,000	$300,000
Subtotal	261,704	300,000	300,000
Irrigation and drainage:			
Direct	900		
Insured	408	1,000	1,000
Subtotal	1,308	1,000	1,000
Grazing:			
Direct			
Insured	6,947	5,000	4,000
Subtotal	6,947	5,000	4,000
Recreation facilities:			
Direct			
Insured	1,632		500
Subtotal	1,632		500
Indian tribe land acquisition loans:			
Direct			
Insured	5,000	10,000	10,000
Subtotal	5,000	10,000	10,000

Footnotes at end of table.

EXHIBIT I(A)—Continued

FARMERS HOME ADMINISTRATION—OBLIGATIONS FOR ALL LOAN AND GRANT PROGRAMS—Continued

[Dollars in thousands]

Type of loan	1971 actual	1972 estimate	1973 estimate
Association loans—Continued			
All association loans:			
Direct	$30,997		
Insured	245,594	$316,000	$315,000
Subtotal	276,591	316,000	315,500
Farm operating loans (direct)	275,000	275,000	275,000
Rural housing building loans (individual):			
Direct	11,283	10,000	10,000
Insured	1,356,485	1,555,000	2,059,000
Subtotal, building loans (individual)	1,367,768	1,565,000	2,069,000
Rural rental housing loans:			
Direct	1,151		
Insured	25,637	35,000	70,000
Subtotal, rural rental housing loans	26,788	35,000	70,000
Rural housing site loans:			
Direct (self-help land development fund)	150	1,225	900
Insured	1,459	5,000	5,000
Subtotal, rural housing site loans	1,609	6,225	5,900
Farm labor housing loans (insured)	474	10,000	10,000
Emergency loans:			
Direct	127,636	30,000	[1] 500
Insured		110,000	100,000
Subtotal, emergency loans	127,636	140,000	100,500
Watershed works of improvement loans (direct)	$6,758	$5,000	$20,000
Flood prevention loans (direct)	228	400	400
Resource conservation and development loans (direct)	1,959	3,300	3,600
Loans to individuals (OEO) (direct)	2,439		
Loans to cooperatives (OEO) (direct)	1,033		
Total, direct loans	466,647	325,025	310,400
Total, insured loans	1,898,482	2,387,000	2,914,000
Total loans	2,365,129	2,712,025	3,224,400
TYPE OF GRANT			
Water and sewer grants:			
Planning	2,643	2,000	2,000
Development	41,355	40,000	40,000
Subtotal, water and sewer grants	43,998	42,000	42,000
Farm labor housing grants	736	3,767	5,463
Mutual and self-help housing grants	1,721	2,450	3,729
Total, grants	46,455	48,217	51,192
Grand total, loans and grants	2,411,584	2,760,242	3,275,592

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[1] For security servicing.

FARMERS HOME ADMINISTRATION—NUMBER OF LOANS AND GRANTS FOR ALL PROGRAMS

Type of loan	1971 actual	1972 estimate	1973 estimate
Farm ownership loans:			
Direct	$200		
Insured (regular)	10,614	$13,730	$13,275
Insured (including nonfarm enterprise)	142	370	365
Subtotal, farm ownership loans	10,956	14,100	13,640
Recreation loans (individuals):			
Direct			
Insured	43	80	60
Subtotal, recreation loans (individuals)	43	80	60
Land conservation and development loans (Appalachia) (direct)	9	100	
Soil and water loans (individuals):			
Direct	423		
Insured	872	800	600
Subtotal, soil and water loans (individuals)	1,295	800	600
Association loans:			
Water and sewer systems—			
Direct	201		
Insured	1,136	1,740	1,935
Subtotal	1,337	1,740	1,935
Irrigation and drainage:			
Direct	4		
Insured	13	24	24
Subtotal	17	24	24
Grazing:			
Direct			
Insured	50	48	50
Subtotal	50	48	50
Recreation facilities:			
Direct			
Insured	34		8
Subtotal	34		8
Indian tribe land acquisition:			
Direct			
Insured	5	50	50
Subtotal	5	50	50
All association loans:			
Direct	205		
Insured	1,238	1,862	2,067
Subtotal	1,443	1,862	2,067
Farm operating loans (direct)	42,180	42,800	40,900
Rural housing building loans (individual):			
Direct	$6,397	$8,700	$8,700
Insured	107,067	112,800	138,300
Subtotal, building loans (individual)	113,464	121,500	147,000
Rural rental housing loans:			
Direct	12		
Insured	410	600	1,190
Subtotal, rural rental housing loans	422	600	1,190
Rural housing site loans:			
Direct (self-help land development fund)	4	31	22
Insured	18	63	65
Subtotal, rural housing site loans	22	94	87
Farm labor housing loans (insured)	13	105	105
Emergency loans:			
Direct	19,804	4,380	
Insured		16,220	14,300
Subtotal, emergency loans	19,804	20,600	14,300
Watershed works of improvement loans (direct)	28	25	85
Flood prevention loans (direct)	3	7	7
Resource conservation and develop, loans (direct)	30	50	53
Loans to individuals (OEO) (direct)	1,336		
Loans to cooperatives (OEO) (direct)	33		
Total direct loans	70,664	56,093	49,767
Total insured loans	120,417	146,630	170,327
Total, loans	191,081	202,723	220,904
TYPE OF GRANT			
Water and sewer grants:			
Planning	175	140	140
Development	625	630	630
Subtotal, water and sewer grants	800	770	770
Farm labor housing grants	4	16	21
Mutual and self-help housing grants	15	24	37
Total, grants	819	810	828
Grand total, loans and grants	191,900	203,533	220,922

Mr. ELLENDER. Mr. President, after all, the virtue of these programs is that the local people handle them. The local people try to take care of their own problems. They give of their time in order to establish businesses that will in turn employ many rural people, and thereby keep them occupied where they live so that they will not drift into the larger cities.

I think these programs as well as the programs of other agencies have been very effective up to now. To simply create a new banking agency with 10 regional banks that can obtain Government funds with cut rates of interest, will be very costly to the Federal Government.

As I indicated a while ago, the recipients of this method of financing can get, aside from the loans asked for, a certain amount of money which is set aside, separate and apart from the seed money of the banks, whereby some of these industries can be subsidized at Government expense. Not only can they be subsidized by the furnishing of funds—the total would be $100 million—in order to build certain enterprises, but they can also receive a subsidy on interest. In other words, the going rates of interest can be cut back, and good old Uncle Sam will absorb the difference.

It is my belief that such a bank is not necessary at this time at all. As I said, it is going to be a severe drain on the Federal Government which is already in a bad way financially.

I am not going to go into details, but I am sure all Senators are familiar with the financing problems of our Government. As chairman of the Appropriations Committee of the Senate, I have examined into many problems that have arisen in the last few years in respect to our finances.

For the information of the Senate, the last time I looked at our debt figure, I think it was in excess of $435 billion. Come June 30 this year, that debt will be increased to as much as $450 billion.

As one looks over the fiscal year 1973 budget, it will be found that there is an admission on the part of the administration that the deficit will be in excess of $23 billion or $24 billion, but that is only the unified budget deficit. If we take into consideration the administrative budget, I venture to say that, unless things improve quickly, the deficit will be in excess of $45 billion.

By June 30, 1973, our debt may be almost half a trillion dollars. The carrying charge on that huge sum will be about $23 or $25 billion, merely to pay the interest on our debt.

To saddle our Government with the creation of a new institution, a bank, in order to foster small businesses throughout the country will be very expensive. My fear is that much loss will come to the Government.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CURTIS. I might add to what the Senator from Louisiana has said that the Small Business Administration is doing a great deal in rural development. Not only does it have the lending service directly, but authority to participate in the creation of investment companies for the promotion of industry, and that is done right along in the small communities and rural areas.

I happen to know also that within the last year a very small community in my State established a concern that is manufacturing housing material and also building houses. This was established in an Indian community. The agency that financed it was the Small Business Administration.

I cite that for the reason that I doubt very much if we need an additional agency in this field.

Mr. ELLENDER. Mr. President, a moment ago I mentioned, as a part of my remarks, the names of these various agencies and how they operate.

As I say, I have had reports from my State which indicate that practically every parish in the State is now a part of these development districts that have been organized and created under the law by the local people.

Local people get together, and they get information as to conditions within their respective areas, and they work up to the point where they can provide good water, good transportation, good housing, sewage plants, and various other facilities that are needed if a business is to be established within the area.

As I said, under the procedures we now have, the local people, through their own work, through their own efforts, get together in my State, and I am sure in the Senator's State, too—in fact in practically every State in the Union. Assistance is obtained from existing agencies, the Small Business Administration, the EDA, and the Farmers Home Administration have aided in doing the things necessary to bring small business there.

As I say, Mr. President, for us now to create a huge bureaucracy which can, in the next few years, involve expenditures for our country of as much as $40 billion, should not even be considered at this time. I am very hopeful, Mr. President, that my amendment will prevail.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, since the first day I came to the Senate I have been associated with the senior Senator from Louisiana. I associate myself with him now in his effort to make of this bill, S. 3462, a law which will truly benefit American agriculture and American rural life.

No Member of this body knows agriculture better than the senior Senator from Louisiana. He not only knows American agriculture in all its 50 States; he knows agriculture in virtually every country in the world, and how to work with agricultural interests in every other country in the world.

He has been a humanitarian Senator, too. He was the original sponsor of the food stamp program, which I believe was a year or two before I came to this body. He is the father of the school breakfast and school lunch programs. He was a coauthor of Public Law 480, which passed Congress in 1954 and which has resulted in virtually eradicating famine as is was previously known in most parts of the world. He is the author of the Community District Development Act.

But in spite of all his consideration for people who needed his help, whether on the farms, in the towns, in the cities, or in foreign countries, he has insisted upon getting full value for every dollar expended. He has not always been successful in doing that, but he has insisted on it. As chairman of the Committee on Agriculture and Forestry over these many, many years, he not only had the smallest staff of any committee of the Senate, but I say without hesitation one of the two or three most efficient staffs of the entire Senate.

I would just like to say that the Senator from Louisiana has explained this bill better than I can do. I am not going to waste time on it. But I do want to say that not only the Senate but this country needs more men of the caliber of ALLEN ELLENDER of Louisiana, and we need him for a long time to come.

The Senator has explained a part of this bill which he believes to be undesirable, and which I, too, believe is undesirable. I do not favor downgrading the agencies of our Government which have done such excellent work up to this time by establishing a new, overall banking organization which would engulf them, and heaven knows what the ultimate cost to the country might be, or the ultimate responsibilities might be. I think the Farmers Home Administration has done remarkably well, particularly in the last few years since we have given it additional authorization and something to work with. It has not done all it could because Congress has not let it do all it could. Now, I believe, they are in a position to do better work than they have ever done before. A few years ago, we gave them the authority for administering the rural water and waste disposal program. I believe the State of Mississippi has benefited more from that program through the Farmers Home Administration than any other State, and Texas second, but every State in the Union has now felt the beneficial effect of that legislation.

I say we have other agencies, too, that have done excellent work. The Farm Credit Administration—why should we create opposition, as there certainly would be, opposition of a political nature? I am not speaking of Democrats and Republicans, either, but it would still be of a political nature. In fact, the bank proposal which the Senator from Louisiana would now like to strike from this bill was first proposed, I believe, when Orville Freeman was Secretary of Agriculture. It did not get anywhere at all. They could not convince him that it was good to downgrade these other agencies and set up something overall, when we did not know what it might develop into.

We have the Farmers Home Administration. We have the Extension Service, which has done excellent work. We have the resource conservation, and development program, which I know from experience has done splendid work in developing rural areas and increasing the incomes and standards of living of the people who live there.

We have the agricultural conservation program, which is now going under the name of, I think it is, REAP, whatever those letters mean. We have the Soil Conservation Service and the Farm Credit Administration, with the Production Credit Associations, which have now been eminently successful.

We have the Small Business Administration, which for the last 2 years has gone into the same work which it would be expected to share with or subordinate to the new monolithic bank proposal contained in title I of this bill, and I will say now that Housing and Urban Development, HUD, is working in concert with them.

Why do we want to break up and downgrade these agencies of Government which have done excellent work? I say that we should approve the amendment of the Senator from Louisiana—the great Senator from Louisiana, if I may add that—and upgrade these agencies which are all prepared to handle this work if given the opportunity and the means.

Many parts of this bill are excellent. They ought to be approved. They will improve rural living in this country. They will improve the status of the farmer in the United States. But let us not slap down those agencies of Government which have done excellent work by authorizing something that in the future—the not distant future—would be expected to downgrade their good work and their endeavors.

I compliment the Senator from Louisiana again.

Mr. President, I ask unanimous consent to have my individual views on this bill printed at this point in the RECORD.

There being no objection, the individual views were ordered to be printed in the RECORD, as follows:

INDIVIDUAL VIEWS OF MR. AIKEN

> The Rural Development Act of 1972 contains a number of important provisions which should be enacted into law if rural life is to have modern and efficient economic and social attractions.
>
> Title II is especially important for it contains broad new powers which are critically needed if the Farmers Home Administration is to become a central source of credit and grant funds for the wide range of development projects which our rural areas require.
>
> The bill also contains important new provisions for Federal cost-sharing to improve water quality, and provide technical assistance in solving problems of land management and agricultural waste control. Closely linked to these are additional provisions for rural fire protection and Federal cost-sharing for rural municipal, industrial and community water supply needs.
>
> These sections of the bill were originally contained in S. 2981 which I introduced with the Chairman of the Committee and 69 other cosponsors. They would allow for effective expansion of our Small Watershed Program and Resource Conservation and Development projects.
>
> Another section of considerable merit authorizes special technical assistance for small marginal farms and would allow the establishment of a nationwide Farm Family Program similar to the highly successful program which has been developed as a national pilot program in Vermont over the last three years.
>
> These important provisions are, however, jeopardized by Title I, which would not be in the bill and which, if retained, might very well block any hope for enactment of the desirable provisions of the bill.
>
> Title I should be dropped as it duplicates and overlaps the new FHA functions provided in Title II. It would establish a massive new untried banking system which would compete not only with private banks but with FHA as well. As an independent agency it would escape the normal budgetary and personnel ceilings and would set its own interest rates.
>
> It could become a second market for obligations. It would set its own loan terms and conditions. The Secretary could insure or guarantee its obligations with the full faith and credit of the Federal Government. The bank could accept deposits and pay interest on them like any normal bank.
>
> It could become a bonanza for political patronage as it has 10 regional appointed boards of directors and one Federal board of directors, each consisting of 12 members.
>
> The proposed banking system would not be required to pay Federal income taxes on its earnings. The system would consist of a Federal bank, 10 regional banks and hundreds of local district banks. Practically any institution would be eligible to become one of its district banks.
>
> The banking system would also have funds to subsidize the construction of bank buildings, operation costs and interest without limit. This subsidy is such that it could reward inefficiency.
>
> The Senate should strike Title I and insist on the expansion of FHA and other existing credit agencies to perform the credit functions needed for rural development.
>
> There are certain other provisions of the bill, such as the revenue sharing proposal, with which I am not fully satisfied at this time. With the exception of Title I, however, to which I am completely opposed, other provisions of the bill can be taken up in Conference with the House and modified or deleted if it is found advisable.
>
> GEORGE D. AIKEN.

Mr. ELLENDER. I thank the Senator from Vermont for his kind remarks.

Mr. President, this huge bank would overlap much of what is now being done. As I understand title II of this bill, some programs can be undertaken under that title which are included in title I. As I have said, it is a duplicating effort.

All my life I have lived on the farm. I have been raised in rural areas. I think I understand their problems. If we have to beef up some of the programs we now have, I would much prefer doing it that way than to create a huge monster, as I call it, of a banking institution that would have the capability within the next 10 years of saddling the Government with debts of $40 billion.

I wish to read an excerpt that I received recently with regard to the proposal we are now discussing:

> The rural development credit system would be given extraordinarily broad powers to formulate its own programs and to finance broadly defined rural development projects.

That is what we are trying to do now through the people living in the various regional areas that are created under the present law.

> The statement of program purpose would authorize a credit system to engage in virtually any commercial or community undertaking which it feels in its judgment would contribute to rural development. The credit system would be given blank check authority to finance its activity by direct borrowing from the Treasury and through the use of the full-faith-and-credit powers of the Federal Government to back its credit sales in the central money market.
>
> This combination of authorities would have the effect of taking the credit system out from under the disciplines of the Federal budget. The credit system would be virtually an autonomous entity, able to chart its own course in program administration and to finance these programs outside of the budget. The appropriations authorized for this title include——

I have already stated the $200 million annually for 10 years, which can be multiplied by 20 over the next 10 years. There is $100 million annually for grants; $26 million annually for research and scientific study; $5 million as initial capital to the Secretary of Agriculture for a revolving fund to guarantee the loans; any other sums necessary to carry out the title.

It is apparent from the language in this bill that the sky would be the limit. I do not want to be a party to any program that gives so much power to just a few people and is able to obtain from the Treasury credit to the tune of $40 billion within the next 10 years, and then these additional sums of $100 million a year in order to contribute grants for these new industries.

Aside from that, as I have just stated, the interest rates, although fixed at the beginning of a loan, can be subsidized if it is found that the businesses do not prosper as well as anticipated. So that with this title, as I said earlier, the sky would be the limit, and there is no telling what the results would be within the next 10 years.

In addition, I am convinced that adoption of this section of the bill—title I—would be to the actual detriment of our farmers, who are still the backbone of our rural communities. I say this because the money to fund this bank would have to be taken from existing Federal programs that have proved very successful and beneficial to our farmers, consumers, and rural and urban dwellers alike.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. I yield myself such time as I may require.

The PRESIDING OFFICER (Mr. CHURCH). On the bill?

Mr. MILLER. How much time remains on the amendment, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia has 90 minutes. He has not used any of his time. The Senator from Louisiana, on the other side, has 49 minutes remaining on the amendment.

Mr. MILLER. Mr. President, will the Senator from Louisiana yield me such time as I may require? I understand that he has 49 minutes remaining.

Mr. ELLENDER. I yield 10 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. MILLER. I thank the Senator from Louisiana.

Mr. President, I am hopeful that Congress will have a rural development bill ready for the President's signature within a short period of time.

However, I must say I share the view of our colleagues who serve on the Committee on Agriculture in the other body with regard to the form this legislation should take.

The report accompanying H.R. 12931, which has been adopted by the House, states:

> The Committee, in considering rural development, had the option of either creating a new Federal bureaucracy or expanding the roles of existing Federal agencies now engaged in some form of rural development.
>
> The Committee chose the latter course because, through the years, two agencies of the Department of Agriculture have long performed vital services to rural areas in which their programs operated. These agencies, the Farmers Home Administration and the Soil Conservation Service, have an effective network of offices and personnel throughout rural America.

The report continues:

> In most instances, these employees know the problems of rural people and are in touch with the conditions of farmers and other rural residents.
>
> The Committee feels that it is both more logical and far wiser to utilize the facilities of these agencies, bearing in mind that it would be mandatory to give added personnel and expertise to these agencies to perform these new roles.

Mr. President, I have taken the liberty of quoting from this report at such length because it coincides with the views I have expressed previously on the floor of the Senate and during committee consideration of this legislation and my additional views on pages 134 and 135 of the committee report.

I ask unanimous consent that an excerpt from page 134 of the committee report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Title I would create an entirely new rural development banking system, modeled after the Farm Credit System, while the Farm Credit System was designed to deliver relatively small loans to a relatively large number of borrowers in a fairly homogeneous farming industry, the rural development banking system would likely make a small number of relatively larger loans to borrowers in a wide variety of non-farming, commercial industries and for community facilities. (See USDA Report—page 94).
>
> The new credit system would be composed of a complicated new bureaucracy for loan-making purposes. This approach has several built-in disadvantages including: requiring a long time to establish an effectively operating organization; being expensive to operate, thereby using up funds that could be more profitably used for rural development; creating new national, regional, and some new local lending agencies with little or no lending experience; and being likely to make a larger than normal number of mistakes during its early years which might harm the entire rural development effort.
>
> An even more serious set of difficulties arises with the subsidy provisions of the rural development banking systems. This would allow interest subsidies to private businesses which obtain loans from the system and are unable to repay at the market rate of interest. In the case of community facilities, loans could be augmented by grants.
>
> The interest subsidy would be available only to firms locating in areas which have had a net loss of population. This would have the effect of encouraging only marginal firms to locate in those areas, because only those firms which are unable to pay full interest on their loans would be entitled to subsidies.
>
> This "selection of the weakest" process could weaken, rather than strengthen, the rural economy.
>
> Although the rural development banking system is billed as a "hard credit" bank, the interest subsidies and grants add to its duplication of other programs authorized in the bill. In addition, there would be created an insurance fund through which the Secretary of Agriculture may guarantee loans made by the credit system. This creates additional duplication of Farmers Home Administration programs.

Mr. MILLER. Mr. President, this also accords with the views expressed by the Department through a letter I have received from the Honorable Earl L. Butz, Secretary of Agriculture, dated April 17, 1972, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEPARTMENT OF AGRICULTURE,
> *Washington, D.C., April 17, 1972.*
>
> Hon. JACK MILLER,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR JACK: It has come to my attention that there is some confusion with regard to the Administration's position on the Rural Development Act of 1972 (S. 3462).
>
> In 1971, and again this year the President sent special rural development messages to Congress proposing rural community development revenue sharing and government reorganization as means of creating a new partnership between all levels of government to assure rural Americans "a full share in the nation's prosperity and growth. . ."
>
> We are concerned with the overlap and duplication which are inherent in Titles I and II of S. 3462. Title I would create a new "Rural Development Banking System" which could make loans for any purpose that would enhance rural communities or rural areas as a place to live or make a living.
>
> Title II would authorize Farmers Home Administration to guarantee loans made by private financial institutions for any purpose which would enhance rural communities or rural areas as a place to live or make a living.
>
> We believe that the creation of a new federal bureaucracy in addition to the already existing delivery system of Farmers Home Administration is wasteful and detracts from the real goal—to help develop rural America. In addition, we believe the duplication of effort between the new banking system, Farmers Home Administration, Small Business Administration, and the Economic Development Administration would create a competitive situation which could permanently damage the efforts to develop rural America.
>
> I hope you will urge your colleagues to strike Title I when this legislation comes before the Senate.
>
> Sincerely,
>
> EARL L. BUTZ,
> *Secretary.*

Mr. MILLER. Mr. President, there is little doubt that should title I become law, there will be a new bureaucracy created, whether federally supported or not. This would undoubtedly lead to an expensive "shakedown" period and consequent delays and inefficient use of financing promptly needed for rural development.

Some of my colleagues have predicated their support of title I upon the premise that a borrower-owned rural development banking system would not be subject to Federal budget constraints.

However, as long as any Federal capital remains in the bank, the bank's lending would have to compete with other Federal program priorities. It would not be free of budget constraints.

There are two other provisions in title I, Mr. President, which, in my opinion, add to its duplication of title II by authorizing the rural development banking system to place a great deal of financial reliance upon the Federal Government through the Secretary of Agriculture.

First, there is authorized within title I a $5 million Federal contribution to a revolving fund. The Secretary of Agriculture could use this fund to insure loans made by the rural development banking system.

Although the bill does not specifically spell out exactly how this revolving fund would work, I believe it is logical to assume that Farmers Home Administration would be given administrative authority with regard to this revolving fund. This would mean that FHA would be given the job of liquidating any insured banking system loans which become in default.

This renews the question: Why create a new bureaucracy with the authority to pass on its bad loans to the Government and at the same time give Farmers Home Administration the authority to make exactly the same type of loans?

Another section of title I also gives the Rural Development Banking System more of the characteristics of a government agency than a borrower-owned financial institution. Section 313 of this title authorizes the Secretary of Agriculture to "guarantee the timely payment of principal and interest on such obligations as shall be issued by the Federal agency on behalf of the regional banks or other institutions of the rural development credit system."

There is little doubt in my mind that the major investors of the Nation would purchase the obligations of this proposed new rural development banking system without the security of a Federal guarantee.

With this information, I do not see how anyone can call the rural development banking system—borrower-owned.

It may be argued that the President's task force on rural development urged the creation of such a financial institution. I would like to quote the exact language of the task force report on this subject:

> The Task Force recommends a new credit institution to provide rural areas with greater access to private capital. This institution—to be named the Rural Development Credit Bank—should be structured in law as a wholly new title in an amendment to the Farm Credit Act.

I would point out that efforts to give the farm credit system authority to make rural development loans were rebuffed during last year's discussion on amendments to the Farm Credit Act. It was representatives of the farm credit system who objected to giving the system such new authorities, as recommended by the task force.

As I stated in my earlier remarks on

the bill, the authorities granted Farmers Home Administration in title II are a great step toward the goal of providing the capital needed to help make the countryside a better place to live and work.

Accordingly, I shall support the amendment of the Senator from Louisiana, and I thank him very much for yielding me this time.

Mr. TALMADGE. Mr. President, I yield 5 minutes to my distinguished colleague from Georgia (Mr. GAMBRELL).

The PRESIDING OFFICER (Mr STEVENSON). The Senator from Georgia is recognized for 5 minutes.

Mr. GAMBRELL. Mr. President, I thank my distinguished senior colleague from Georgia, the chairman of the Committee on Agriculture and Forestry, for yielding to me for this brief period, during which I wish to address my remarks to the pending bill and, in particular, to the amendment proposed by the Senator for Louisiana (Mr. ELLENDER).

I plan to offer a more extended statement in the RECORD in support of the legislation itself, but would like to take this opportunity to commend my colleague from Georgia (Mr. TALMADGE) and also the Senator from Minnesota (Mr. HUMPHREY) for the outstanding work they have done in developing this legislation.

Mr. President, I have frequently described the State of Georgia as the rural capital of the United States and possibly of the world.

Georgia is distinguished by its great amount of open space, its clean air, and its abundant supply of water. Its natural resources are outstanding, as are its human resources—its people. They are outstanding for the tremendous potential for development of their own economic lives.

In addition, there are a number of areas in Georgia which lead in the field of rural development.

Let me mention some of them briefly.

The city of Alma in Bacon County, and Bacon County itself, are the leading rural model cities under the Model Cities Act in the country. Alma and Bacon County represent the most successful model cities development in the United States—a city of somewhere around 3,000 to 4,000 people in a county of somewhere around 17,000 to 18,000 people.

In Tifton, Ga., the University of Georgia system has a rural development center of which there is nothing like it in the country under either governmental or academic sponsorship.

The Agriculture Committee and the Subcommittee on Rural Development have visited both of these places during the preparation of this legislation.

The State of Georgia leads in area planning development. It is more thoroughly covered by area planning commissions than any other State in the country.

Recently, in Berrien County, Future Farmers of America chapter, the young men of that county were awarded a national first prize sponsored by the Department of Agriculture in the area of what is called "Build Our American Communities"—the BOAC program, so that the State of Georgia leads in rural development in many ways.

With reference to title I, my experience as a practicing lawyer in Georgia over the past 20 years has been devoted to a large extent to municipal and industrial development financing. I have had experience, on an almost daily basis, in dealing with rural communities throughout Georgia in the consideration of their plans and needs in community development and in industrial development. I know what their problems are. I know the barriers they have faced.

I know, as the opponents or the proponents of the Ellender amendment have stated, that the communities are poor credit risks, that the possibility of setting up such a system is subject to any number of objections; but I would say that the reasons in favor of developing this program as proposed in title II by far outweigh the objections.

Of course, I was not here at the time, but I suppose the same objections were made against the REA, the same objections were made to the Production Credit Association legislation, the same objections were made to the Federal land bank legislation, the same objections were made to the Farm Home Administration and, in fact, I have no doubt the same objections were made to the Federal Deposit Insurance Corporation. Yet all of these agencies have been vital to the development not only of the rural areas but also of the developments of entire communities.

We are not talking about something for the farmer. We are talking about something for the United States. We are talking about a way to encourage people to stay in rural areas and create economic opportunities and create opportunities for a better life in areas that have been described as poor credit risks.

Mr. President, if we were to treat everyone who could borrow money in the bank as a poor credit risk and unworthy of the concern of our Government, we would be in bad shape in this country.

Mr. President, I can prove that a dollar spent in this fashion in Alma, Ga., is more economically spent, man for man, woman for woman, and child for child, than any dollar spent in Atlanta, Chicago, New York, or in any other large metropolitan community in the country.

It is a boon to the self-help that the people in the rural areas are willing to give themselves. It is an investment and not an expense. It is an investment in an area of our country that is most vital, most productive, and most economical and has the most potential of any of our great areas of our country.

Mr. President, I support and intend to vote for title I and for the pending bill.

I thank the Senator for yielding to me to make these remarks.

Mr. TALMADGE. Mr. President, I thank my distinguished colleague from Georgia.

Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, I have the highest personal regard for the senior Senator from Louisiana. I have served in the committee under his chairmanship for 13 years. I know of his devotion to rural America and the great contributions he has made to our country. I dislike to find myself on opposite sides from him. However, under these conditions I have no other choice.

Mr. President, it is imperative that the Senate reject the pending amendment, an amendment to delete title I of S. 3462.

This amendment would eliminate the most important part of the comprehensive system of credit which would be established by the pending legislation. By eliminating the rural development banking system, the advocates of this amendment would insure that most applicants for loans in rural areas will fare no better than they do under the present system.

This is the case because the rural development banking system which would be established under S. 3462 would be needed to provide the bulk of the financing for rural development.

The sponsors of the pending amendment maintain that the Farmers Home Administration can do the job. However, if they would take a quick look at the past record and present activities of the Farmers Home Administration, they would realize that this could not, that this will not be the case.

Presently the Farmers Home Administration is one of the most overworked agencies in all the Federal Government, the Farmers Home Administration has taken on a great many added responsibilities in recent years, but little added personnel.

The Farmers Home Administration is unable to do an adequate job of processing loan applications it receives from applicants for farm loans, housing loans, and community facility loans. Currently, the Farmers Home Administration is attempting to find relief from its burgeoning administrative caseload in the rural housing program by arranging to pay fees to private construction inspectors and appraisers and by making fee arrangements with private lending institutions to pay for loan servicing. Presently these tasks are performed by the Farmers Home Administration personnel.

Mr. President, the advocates of the pending amendment have charged that they are opposed to the rural development credit banking system because they are opposed to setting up a huge new Federal bureaucracy. However, they have ignored the fact that the credit banking system to be established by title I would be a borrower and investor-owned banking system. It would be a banking system that would depend on existing financial institutions—the local rural banks. The new employees that would be required would be employees of the borrower-owned credit system rather than Federal employees. The Farm Credit Administration which made over $13.66 billion of loans in fiscal year 1971 has only slightly more than 200 Federal employees. The rural development credit banking system is modeled after the farm credit system. It, too, would be borrower owned. It, too, would have a minimum of Federal employees.

On the other hand, the Farmers Home Administration, which made $2.4 billion of loans in 1971, had over 8,000 Federal employees. As I stated earlier, these employees are overworked and unable to handle the present workload. Any increase in responsibility can mean only one of three things:

First, that the Farmers Home Administration will provide poorer service to its present borrowers—especially its farmers and its rural housing applicants; or

Second, that the Farmers Home Administration will not utilize the authority of this act to make additional rural development loans; or

Third, that the Farmers Home Administration will require thousands of new employees.

Mr. President, none of these alternatives is acceptable to me.

It was never the thought of the authors of title I of the pending bill that the Farmers Home Administration could be utilized to provide the bulk of the credit for rural development purposes. At the time this bill was written, I realized that to place such a responsibility on the Farmers Home Administration would mean an army of new Federal employees. I immediately rejected this approach for I have always felt that the Federal bureaucracy is becoming too large and too unwieldy. I would never be an advocate of adding thousands of additional employees to the Federal payroll. For this reason, I joined in introducing legislation which would meet the credit needs of rural America through a system to be owned, controlled, and staffed by the people whom the system would serve.

Mr. President, the opponents of title I have attempted to defeat it by saying that it is overlapping and duplicative of title II. Nothing could be further from the truth. The rural development credit bank would be no more overlapping with the Farmers Home Administration under the pending bill than would the Farm Credit Administration overlap the Farmers Home Administration under present law.

On the contrary, the Farmers Home Administration would be used to complement the lending activities of the rural development credit banking system in much the same way that the Farmers Home Administration complements the Farm Credit Administration today. In other words, borrowers who were unable to qualify for the hard credit under the rural development credit banking system would go to the Farmers Home Administration as a creditor as last resort.

Mr. President, the opponents of title I have used the shotgun approach in speculating and articulating their opposition. They have said that the rural development credit banking system would be expensive to operate, that it would make a larger than normal number of mistakes during its early years, and that it would take too long to establish. Each of these arguments is fallacious and invalid.

The credit banking system would not be expensive to operate, for most of the operating costs would be paid by borrowers in interest payments. In fact, it would be less expensive to operate than the Farm Credit Administration because of the larger than average size of loans.

The argument that the new lending agency would have little or no experience and that it would make a larger than normal number of mistakes is particularly misleading. It is misleading because the Rural Development Credit Banking System would depend for its success on the institutions which have a great deal of experience in lending operations—the local rural banks in the areas to be served.

In addition, the pending bill provides for numerous safeguards to insure sound financial management. The rural development credit system would be subject to the supervision of the Farm Credit Administration with respect to all procedures relating to financial examinations, including audits. A report of each annual audit of the rural development credit system would be made to the President and to the Congress. Also each institution of the rural development credit system would be subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General would determine.

For those who contend that a rural development credit banking system would take too long to establish, I would say only that this is all the more reason for immediate passage and implementation of the pending bill. The establishment of the credit banking system need take no longer than President Nixon wants it to take. If he desires to put the full force of the executive branch behind the implementation of this program, results can be achieved in the immediate future. However, intentional foot dragging and stalling by the executive branch could cause serious delays.

The Rural Development Bank to be established under title I was bipartisan in origin just as it would be bi-partisan in operation. The bank was recommended by a very distinguished panel, the President's task force on rural development. In the task force report, "A New Life for the Country," it is stated on page 26:

> The Task Force recommends a new credit institution to provide rural areas with greater access to private capital. This institution—to be named the Rural Development Bank—should be structured in law as a wholly new title in an amendment to the Farm Credit Act.

That is exactly what our committee did, except that we did not put it in the farm credit system because the Farm Credit Administration did not desire it there. But it is patterned after that system, and it is largely identical in structure, purpose, and powers. That agency has been successful. It loaned almost $14 billion last year. The Federal Treasury does not have one dime in it. It has been completely repaid to the Government in full with interest. That is what we are trying to do in title I.

The distinguished Senator from Kansas (Mr. PEARSON), introduced the first rural development bank bill during this Congress, S. 742. The committee has made good use of Senator PEARSON's suggestions, as well as the recommendations of the President's task force.

I would point out that there is not one single dissent in the recommendations of the President's task force; it was unanimous. Two of these men who made this report are in the Department of Agriculture today. They did not dissent at that time. They have changed their minds since that time. They are now on the Federal payroll, and they are under the Secretary of Agriculture. Of course, they have the right to change their minds once they get on the Federal payroll.

Mr. President, there has been too much talk and too little action on rural development for some years now. All of us like to talk about the virtues of rural living, the joys of the wide open spaces, the superior quality of life which can be enjoyed in the crime-free, pollution-free environment of rural America. We all deplore the continued population pressures that rural outmigration puts on our overcrowded metropolitan areas.

Now we have a chance to do something about it. We have a choice between two courses of action:

First, either we can put a few patches on our present inadequate system of rural development incentives; or

Second, we can enact a comprehensive program which will provide the credit, the financing, and the incentives that are needed to rebuild rural America.

The passage of the pending amendment would cut the heart of the rural development bill. It would eliminate the promise of this bill and reduce it to an inadequate patchwork of amendments.

Mr. President, the question on the pending amendment is whether we are going to give rural Americans continued lipservice or whether we are going to give them the tools necessary to rebuild our countryside. We have had too much rhetoric for too many years.

Mr. President, what the committee is trying to do in title I is to do for the vast areas of this country that have been losing job opportunities, that have been losing skills for more than 50 years, what our Government has been doing on a worldwide basis since the conclusion of World War II. Let me give a few facts.

We are asking that there be created a redevelopment bank for rural America. We have at least seven different international organizations to do things throughout the length and breadth of the world but I would be laughed off the Senate floor if I seriously proposed them for my State of Georgia. What is the first one? The International Bank for Reconstruction and Development. Do you know how much our Government put into it?—$6.350 billion. All we are asking you to do is to put up $200 million in a rural development bank for Americans.

What is the next item? The International Finance Corporation.

We have put into that organization $35.168 million.

What is the next one? The next one is the International Development Association. We have put into that international bank $952 million-plus.

What is the next one? The Inter-American Development Bank. We have put into that organization $2.974 billion.

We have created an Asian Bank; we have created an African Bank.

In those six banks I have mentioned, we have put in to date $10,510,979,000 to do overseas what our committee is asking you to do in the United States of America

That is not all. In addition to that we have created the Export-Import Bank. We have put over $12 billion in that bank. When you add the total we have put over $22 billion since the conclusion of World War II in international banks to try to do things overseas—in Africa, in Asia, and throughout the world—that we are trying to do in rural Missouri, rural Nebraska, rural Oklahoma, rural Iowa, rural Louisiana, rural Alabama, and rural Georgia.

Most of the rural counties of this Nation have been losing population? What happened? There has been no job opportunity. People pull up stakes; they move to Kansas City, they move to St. Louis, they move to New Orleans, they move to Philadelphia, they move to Chicago. When they get there many of them do not have the skills or the educational ability to live in metropolitan life and many of them wind up on relief or welfare. Three generations of them in many instances have never known any way of life except welfare.

They migrate from rural America to our seething urban areas. We have an urban crisis. Mr. President, do you know how much money we have spent on the urban crisis? We have spent $160 billion. The urban crisis is worse today than it was before we spent the first dollar. Many areas of our country are great urban centers which have become unlivable and ungovernable because they are teeming with masses of people that do not pursue productive lives and who live on welfare.

Many of them have drifted off into crime and narcotics. They have created problems in pollution, housing, and congestion. You name it—they have it. Why is that? Because over 70 percent of the people in the United States of America live on less than 2 percent of our land, and nature has rebelled against it.

I found out as a farmer that you could have too many plants on an acre of land. I found out you could have too many trees on an acre of land. I found out you could have too many animals on an acre of land. Somehow, nature rebels against it. Yet we have in our great metropolitan areas today public housing, with sometimes 20,000 people living in one building, and all of them on welfare. Go in there and what do you find? You find a jungle that is ungovernable and unlivable.

If we want that to continue, all we have to do is sit down and do nothing. Strike title I. Continue to send rural Americans to the teeming cities. Continue to crowd our cities. Continue to add to our urban crisis. If all that continues and our problems continue to be compounded in the next 20 years as they have in the last 20 years, I have grave doubts that our republican form of government can survive.

We are already 50 years late in getting started. We have not done what we should. England and the Scandinavian countries have done a much better job than we have done. Israel, particularly, has done a better job than we have. When Israel got its independence 23 years ago, it had a population of 600,000. Today the population is 2.8 million. The population has increased almost 500 percent in 23 years' time. Most of that population went there by migration. Many of them were well educated. Many were well trained. Many of them were highly motivated. But that was not true of all of them. Some of them came from some of the most backward areas in the world—Yemen, Africa, and some Asian countries. Some of them could not even read or write their names. As soon as they got there they were put into what we call vocational or technical schools and they were taught to do something useful. They were supported until they could do something useful. Then when they learned something useful, they were sent to some of their new cities and communities and farms, and today they are useful citizens.

If our country had grown as fast as Israel has over the past 23 years, we would have a population of over 1 billion at the present time.

The time has come for us to act, and not to continue just with lip service. We have a bill here that is comprehensive. It has eight titles. All of them are interrelated. Every one of them is trying to improve the quality of life in the whole United States—not just rural America, not just urban America, but all America. What affects New York City affects south Georgia. What affects south Georgia also affects New York City.

If we do not stabilize the population of this country, obtain some sort of balance in the population of this country, some sort of balance in job opportunities in every area of this country, we will continue to have this mass migration, with teeming millions in the congested cities, many or all of them on welfare, many drifting into crime, adding to pollution, congestion, welfare, creating more and more problems for metropolitan America.

What we are trying to do here is not dam up the stream at the end of the line. We are trying to dam up the stream where it originated. The urban crisis did not originate in New York or Philadelphia or Chicago. That crisis originated in Nevada, Oklahoma, Louisiana, Missouri, Alabama, Georgia, and Iowa, where those people originally lived; and when the job opportunities were not there, they had to move.

I am asking the Senate to help us solve this great crisis.

I yield now to the Senator from Alabama (Mr. ALLEN) such time as he may desire.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Georgia for yielding to me, and I commend him on the outstanding speech that he has made and the outstanding leadership that he has exerted in the committee, in the field, and on the floor of the Senate, in bringing the bill to the point where we are about ready to act on the very heart of the bill.

Mr. President, the bill (S. 3462) is an original bill coming from the Committee on Agriculture and Forestry. It is based on S. 2223, which contained titles I and II as now appearing in S. 3462. Fifty-one Senators were cosponsors of S. 2223.

I ask unanimous consent that a list of the cosponsors of S. 2223 be inserted at this point in the RECORD.

There being no objection, the list of cosponsors of S. 2223 was ordered to be printed in the Record, as follows:

LIST OF COSPONSORS

Mr. Humphrey and Messrs. Talmadge, Aiken, Allen, Anderson, Bayh, Bellmon, Bentsen, Bible, Burdick, Byrd of West Virginia, Cannon, Church, Cooper, Cranston, Eastland, Ervin, Fulbright, Gambrell, Gravel, Harris, Hartke, Hollings, Hughes, Jackson, Jordan of North Carolina, Jordan of Idaho, Kennedy, Magnuson, Mansfield, McClellan, McGee, McGovern, McIntyre, Metcalf, Mondale, Moss, Muskie Nelson, Pearson, Pell, Randolph, Ribicoff, Sparkman, Spong, Stennis, Stevens, Stevenson, Tunney, Williams, and Young.

Mr. ALLEN. Mr. President, I rise in opposition to the amendment proposed by the distinguished Senator from Louisiana (Mr. ELLENDER) to strike title I from this bill.

If this amendment is accepted we will have cut the heart out of this bill and have turned our backs on thousands of communities and millions of people in rural America. All of the work in developing this legislation over the past year and all of the fine speeches that have been made in these chambers and elsewhere about how we want to help renew the promise and potential of rural America, will all have been for naught if this title is deleted from the bill.

Dropping this title from the bill would amount to writing off rural America as some kind of "basket case" to be helped only through periodic intravenous feedings of Federal dollars through Federal agencies by Federal bureaucrats. Of course, the problem with that approach is when the Federal doctor gets the least bit ill himself or gets busy with other things, he may be forced to "pinch off" that feeding, which may not only increase the patient's discomfort, but may eventually kill him altogether.

Surely, we do not want to turn rural America into that kind of patient. We have already been guilty of subjecting this part of our Nation to an attrition process which has drained it of most of its people and its promise. Let us finally begin the job of doing some "institution building" in rural America that will permit it to stand on its own feet and be able to begin rebuilding itself.

The Farmers Home Administration over the years has done a commendable job in helping meet some of the needs of rural America—especially in the fields of farm and housing credit, and more recently in loans and grants for small community water and waste disposal systems. But let us remember that the financial help and credit being supplied by FHA for these purposes has been in the nature of "last resort" assistance. Furthermore, when matched up against "need," it has been a mere "drop in the bucket." And finally, it has been too narrowly oriented. Rural America's requirements are enormous, both in scope and amount. And if we want to launch a program which will begin to supply those needs in a much more massive scale, and to do it within the kind of planning and development context that is essential to sound development, then title I of this bill must be retained.

Today Federal agencies, including Farmers Home Administration, go about their activities in such a way as to almost completely ignore local planning and development requirements. While some of the language in titles III and VIII of this bill will help improve that situation, the credit and financial system provided in title I is designed to operate and function as an integral part of such local planning and development efforts.

What rural America needs is venture equity capital, and lots of it. The problem with credit in rural America is that there is simply not enough of it. These regions of our Nation not only have difficulty in attracting venture capital and investment funds from large urban banking and financial centers but even in tapping the capital and investment funds available from their own rural residents. Why? Because lacking any effective mechanism to pull such funds together, rural people like others send them to Wall Street for investment. The system provided in title I of this bill will help bring those moneys and others back into rural America to begin the job of rebuilding and revitalizing its communities and in the creation of jobs and business opportunities for its citizens.

As most of us will recall, S. 2223, introduced last year by the chairman of the Senate Committee on Agriculture and Forestry (Mr. TALMADGE) and by the chairman of Rural Development Subcommittee (Mr. HUMPHREY), is now embodied in S. 3462 as titles I and II. Over 50 Senators cosponsored that legislation, and their names were inserted in the RECORD a moment ago.

I understand others have since indicated their support. Almost a hundred witnesses appeared before the Rural Development Subcommittee on this legislation, the vast majority of whom strongly supported it. With the probable exception of one major farm organization, all of our Nation's leading farm and commodity organizations have indicated their support for this legislation. The National Rural Electric Cooperative Association is vigorously supporting this bill—as is the National Telephone Cooperative Association. The newly established Coalition for Rural America has indicated its support for this legislation—all titles of it.

The National Council of Farmer Cooperatives, the Cooperative League of the U.S.A., the National Association of State Land Grant Colleges, the National Service to Regional Councils, the National Catholic Rural Life Conference, and numerous other national, regional, State, and local organizations from throughout this country have indicated their support for this legislation, especially titles I and II.

RURAL AMERICA SUPPORTS THIS LEGISLATION

The new system of credit and financial assistance that title I would establish would:

First, eventually become a wholly independent borrower-owned and operated and managed system.

As we know, the entire present Federal credit system is farmer-owned, and the Rural Development Bank, it would appear, could itself become owned by those residing in rural America, the borrowers of these funds.

Second. It would secure its funds out of the central money markets of our Nation by selling its own securities and obligations.

Third. It would structure similar—but entirely separate from—the time-tested and highly successful Farm Credit Administration system—which has completely repaid all of the Federal capital it received initially to get itself established.

Fourth. It would require only a minimum of Federal employees because most of the people that would be involved in operating the system would be employees of local private banks or borrower-owned agencies, or related institutions of the system itself.

Fifth. It would provide the venture equity capital for rural development that is required and not available through existing lending institutions or agencies.

Sixth. It would become an integral part of the planning and development efforts of local government, thereby assuring that financial or other assistance provided through it would be going for purposes not inconsistent with those planning and development efforts.

Seventh. It would supply "hard credit" both to communities and to private businessmen for developmental and industrial purposes, and

Eighth. Its purposes are entirely consistent and in accordance with the congressional policy commitments made in 1970 to work toward a more balanced national growth and development pattern in the United States.

Mr. President, I wish to be recorded as voting in opposition to this amendment which would delete title I of the bill. Dropping title I of the bill would not only be cutting the heart out of this legislation, but would be cutting the heart out of any hope for a viable national development program in this country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, acting for the Senator from Louisiana (Mr. ELLENDER), I yield such time as he may require to the Senator from Missouri.

A WISE AMENDMENT

Mr. SYMINGTON. Mr. President, during my years in the Senate I have been gravely concerned with, and consistently supported, programs designed to meet the economic and social problems of our rural areas, including those in my own State, which has its share of economically depressed areas.

All of us recognize that the problems of rural America are inseparable from those of urban America. We must continue to take action in support of the countryside as well as our cities. If we do not act now to restore an urban-rural balance in this Nation, within 30 years many if not most of our small towns will have become ghost towns. Rural America could become a vast empty land, populated by a handful of agribusiness technicians cultivating gigantic tracts with computers and drone tractors.

The gravity of this developing situation is equalled by the necessity to come up with the right solution, for we may not have another chance. Before us now is the Rural Development Act of 1972, and the question—is this measure that proper solution? Will it stem the flow of outmigration and renew and revitalize our farm areas?

There is no question that conditions have deteriorated. A glance at rural Missouri is convincing. But recognizing the fact that action is needed does not mean we should act unwisely. Spending money for the sake of spending never solves any problem and generally creates many.

It is with those premises that I question some provisions of this bill.

Let me respectfully urge the Senate to consider carefully the reasoned views of the distinguished senior Senator from Louisiana as contained in his dissent from the favorable committee report, in which he points out the problems as well as the cost contained in the concept of title I.

Do we need to create a wholly new system for providing loans and credit when we already have many Federal agencies engaged in the same services, and to some extent actually overlapping themselves? As the Senator points out, various sections of the Department of Commerce, the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Housing and Urban Development are already active in this area.

I also have reservations concerning the basic philosophy and formula for the revenue sharing proposal of title III. In a year when the administration now admits a Federal budget deficit of $38.8 billion—some say it will be much higher—and has already forecast a $25.5 billion deficit for next year, under the above conditions I do not believe it wise for the Congress to set up a new $500 million a year grant program. This title would make the Congress levy and collect the taxes, with authority for distribution of said taxes being handed over to the State and local governments. That in my opinion is an unwise separation of taxing authority from responsibility for spending.

I am also disturbed by the discretion which title III gives to the Secretary of Agriculture in authorizing the holder of that position such wide latitude in choosing the allocation formula. As but one example, under the bill as it now reads, I am told the Secretary could allocate either $9 million or $17.1 million to Missouri.

If we must have some form of revenue sharing, surely care should be taken to devise a truly equitable and precise method of allocating our increasingly scarce financial resources.

There can be no doubt that continued Federal action is needed to improve our rural areas. But wrong action now can only decrease the chance of reaching a successful solution to the current crisis characteristic of rural America.

Therefore, although I support the broad purposes of this bill, I would urge the Senate to consider its provisions carefully.

For these reasons I shall vote for the amendment of the senior Senator from Louisiana to delete title I from the bill.

The PRESIDING OFFICER. Who yields time?

Mr. YOUNG. Mr. President, I yield 10 minutes to the Senator from Nebraska.

Mr. CURTIS. I thank the distinguished Senator from North Dakota.

Mr. President, credit is important in rural development, but we must not let this debate indicate that it is the only thing.

I should like to inject at this point that one of the means of financing job producing activities that has worked well—very well—without any Government agency at all has been the tax free industrial development bonds. Some 7 or 8 years ago, by executive action, those were abolished, for all practical purposes. Congress reinstated the tax-free industrial development bonds but limited their use to only a million dollars. You cannot build much of a factory with a million dollars. Later on, we got that up to $5 million. We urgently need to have that raised. That is not in this bill. I doubt that it is germane. It belongs before another committee.

On at least two occasions, the Senate has passed a proposal to raise that limit on tax-free industrial development bonds to $10 million per project. The House has resisted this. I hope that all those in the House of Representatives who are interested in rural development—and there are many—will realize that if they can get the House to take action on that matter, that probably will finance more real job producing activities in rural America than the things we are now debating.

The question before the Senate today is, Should we set up another lending agency? I do not think so. I shall support the Ellender amendment.

The Committee on Rural Development held hearings throughout the country. We had some very good hearings at Lincoln, Nebr. Mr. Robert W. Shively, industrial development manager of the Nebraska Public Power District at Columbus, Nebr., made a fine statement. That gentleman has had a great deal to do with helping many communities get some small industry. This is what he said:

> Many Federal programs already exist to help communities solve these problems, but they are inadequately funded. The first thing the Federal Government should do is adequately fund present programs available to rural America for the development of public works projects, medical facilities, educational opportunities, housing, etc. It should not launch new grant programs. . . .

While that is not right on the point, it does have some bearing on what the people back home are thinking.

Mr. President, following the discussion yesterday between the Senator from Vermont and the chairman of the Committee on Agriculture and Forestry with regard to the "Financial Action" subchapter of the President's Task Force on Rural Development, I took the liberty of contacting a constituent of mine who happened to be Chairman of the President's Task Force on Rural Development. The Chairman of this task force was Mrs. Haven Smith, of Chappell, Nebr. She is the wife of a wheat farmer. She is well known in this country and abroad. She has spoken under many auspices in this country and several foreign countries. She is an outstanding leader, not only in farm circles but in all other circles as well. If she signs a report, she knows what is in the report.

I had a telephone conversation with her this morning. She told me that it was not the intention of this task force to recommend a new banking agency, not a new Federal agency that would be set up to provide credit for rural development.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. CURTIS. I am about to read what the chairman has read.

The chairman read this language from the task force report:

> The Task Force recommends a new credit institution to provide rural areas with greater access to private capital. This institution—to be named the Rural Development Credit Bank—should be structured in law as a wholly new title in an amendment to the Farm Credit Act.

That has been cited. But I want to read a little further:

> The Farm Credit Act, passed more than 50 years ago, established the Farm Credit System, whereby the System sells its bonds and debentures (not guaranteed by the Federal Government) in the private money markets to raise capital for loans to farmers. The System was started with a modest amount of government "seed money" which has been repaid and the System is now completely owned by the users.
>
> We suggest a similar self-liquidating arrangement, within the Farm Credit System, but completely apart from farm loans, to provide private capital for such uses as rural housing, water and sewer systems, water resource projects, rural industries, recreational facilities, and rural utilities including rural electric and telephone systems. Loans should be made to private individuals, cooperatives, corporations, municipalities or other appropriate public authorities established under State law.

I think it is quite clear that they were talking about an addition to the Farm Credit Administration. What has been done in the subsequent titles of the bill is that they have enlarged the functions of the Farm Home Administration—it was not the Farm Credit Administration. But it is not a true picture to contend that the task force, in their recommendations, had in mind an institution as would be provided for in title I.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. TALMADGE. Title I was drafted in accordance with this recommendation of the President's task force, with one and only one exception. We decided to do it just as it was recommended, to make it a part of the existing farm credit system. We took it up with those people. They objected to it, for this reason: They have paid off every dollar of Federal money, and it is now 100-percent farmer owned, as the Senator knows. They would have had to go back to the Treasury annually and get part of their money Having gotten out of debt, they wanted to remain out of debt, which is a laudable and desirable objective.

I can understand fully what motivated the officers of the Farm Credit Administration. Acting in reliance on their desire to stay out of debt, we decided to pattern title I exactly in accordance with the Farm Credit Administration, which has been so successful and has paid off every dollar. It is true that it would create a new agency, but it would create a new agency modeled after one that has been so successful that it has paid every dime on every dollar and last year loaned almost $14 billion, with approximately 200 Federal employees. We thought that was a good pattern of policy.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. TALMADGE. I yield the Senator 2 minutes.

Mr. CURTIS. I think that is a fair statement, because I am sure that that is the intention of my distinguished chairman, as well as all of us.

The fact remains, are the interested people going to have to go to the Farm Credit Administration or the Small Business Administration, which already exist, or are they going to set up an entirely new Federal agency? That is what we do not need. I repeat, that is what we do not need, because whatever credit is needed can be provided under existing agencies.

I might add, I hold in my hand a telegram from former Under Secretary of Agriculture True D. Morris, which reads as follows:

> As a member of the President's Task Force on Rural Development, I urge that efforts to set up an entirely different credit institution then recommended by the task force be opposed. Our recommendation was to use the existing and time-proven credit program with new title to Farm Credit Act.

Mr. President, there is nothing wrong with my reading. I believe something is wrong with the wording in the Western Union telegram. That sometimes happens.

Mr. President, I invite attention to one other point: In the first chapter of "A New Life for the Country"—the report of the President's Task Force on Rural Development, it states:

> Rural development is not:
>
> A new agency of government.
>
> A new appropriation to spend money in rural America.
>
> A new set of directives from the Federal Government.
>
> A program handed down and run from above.

Mr. President, that has some significance, to indicate the intent of the task force, that they felt the undertaking to improve conditions and employment in rural America did not necessarily rest on creating an additional new government agency.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from Oklahoma (Mr. BELLMON).

The PRESIDING OFFICER (Mr. CHILES). The Senator from Oklahoma is recognized for 5 minutes.

Mr. BELLMON. Mr. President, first, I should like to compliment the distinguished chairman of the Committee on

Agriculture and Forestry for the eloquent and effective defense he has made of title I of the Rural Development Act. I believe that he has stated the case for the Rural Development Bank with clarity. Those who heard his arguments will believe, as I do, that this title is the heart of the bill and if we take it out of the bill we will have damaged the legislation irreparably.

The arguments today seem to center on two primary points. One is that we already have financial institutions in existence that can meet the needs of rural America. I submit that if that were the case, we would not have the rural urban crisis we have today, which has commanded the attention of Congress and which has brought about the creation of this legislation.

The fact is, the agencies we have, whether it be the EDA, the FHA, or the SBA, or any other agency, are falling short of meeting the credit needs of rural America. In addition, they even lack the concept that the committee had in mind when it added the Rural Development Bank as title I of the bill.

Mr. President, I had my staff checking this morning, and we find that EDA last year came more than $100 million short of being able to meet the credit needs of the qualified applicants that came to that agency for help.

The Farmers Home Administration was required to turn down more than $70 million for qualified applicants because of lack of funds.

The Small Business Administration apparently keeps no record of the number of loans it is forced to decline, but the total is substantial, I know from my own experience in Oklahoma that many qualified borrowers from the Small Business Administration are turned down or are required to wait until the next fiscal year because of lack of funds.

So, no matter what is said about existing agencies, the fact is that Congress has not given them adequate tools to deal with the credit needs of rural America. There is a tragic shortage of financing, which only the creation of a Rural Development Bank can solve.

Also, Mr. President, one of the other arguments is whether the President's Task Force on Rural Development really intended for Congress to create a Rural Development Bank.

To me, the language in the report is absolutely clear, that they did intend this bank to be created for the purpose the committee has set out in title I.

The only difference is whether it should be a part of the farm credit system or whether it should sit on its own bottom.

I feel very strongly that it would have been a great mistake to have put the Rural Development Credit Bank in the farm credit system because, as the chairman has said, that system is now totally free from Federal funding. It is totally controlled by those who use it. Knowing firsthand the attitudes of many individuals, I feel that they would not have had the concept the committee had in mind when the Rural Development Bank legislation proposal was created.

The farm credit system is run by farmers. It is primarily intended to loan money for farm operations. To get those individuals retrained and to create in their minds the concept of loaning money for the development of rural industry, I believe, would be a virtual impossibility.

I think that we are much wiser to start off with a new agency, not hampered by the concepts developed by the present board of directors and others who use the farm credit system.

The same argument can be made about the Farmers Home Administration. It is an existing agency. It has a long and illustrious history of having met the needs of farm borrowers. But, to take the same individuals and now retrain them and give them the concept of loaning for the development of rural industry, I believe, would be an almost impossible task.

In addition, it has been said here repeatedly that none of the agencies presently are adequately staffed. The Farmers Home Administration has been given vast new responsibilities, yet the size of its staff is smaller now than in the past. So, no matter if the Rural Farm Credit Bank was put in either the Farmers Home Administration or the farm credit system, the size of the staff would have to be increased.

To me, we are much wiser to do this in a new agency than to append it onto an existing agency and bring about the serious retraining problems that would be bound to follow.

The rural development credit bank concept has this to commend it to me, that it would be a system that would ultimately do the same thing the farm credit system has done; that is, it would finally become owned by those who use it. It would be free from appropriations by Congress. It would have the advantage of being locally managed. I can assure you, Mr. President, that those who would make up the management of this system would be as prudent as have the managers of the farm credit system been, and that the likelihood of the Federal Government's incurring any sizable debts as a result of the operations would be extremely small.

As has been stated here today, the farm credit system loaned over $4 billion in the past year, which has cost the Federal Government not one thin dime. I anticipate, as the Rural Development Credit Bank begins its operations, and as it gains expertise in this field, that it will also be able to operate on the same basis, and that the Congress would not be asked to appropriate funds to make up deficits due to bad loans.

I feel strong that, without the Rural Development Credit Bank, the legislation we have before us now will not accomplish the objectives the committee and Congress have in mind. I feel that those who oppose title I, while they perhaps intend to help the bill, are, in effect, cutting the heart out of this legislation.

Therefore, Mr. President, I strongly urge rejection of the pending amendment.

Mr. CHURCH. Mr. President, the legislation which is before the Senate today, the Rural Development Act of 1972, is a proposal which I have long supported. It is the result of long and hard work and I am pleased to say that it contains, in large measure, many of the proposals which I have urged as a cosponsor of S. 2333, which was introduced in the Senate on July 7, 1971. The legislation has also adopted the proposal I first advanced in the 91st Congress to increase the operating loan limit on Farmers Home Administration loans from $35,000 to $50,000.

Rural America has been described as the forgotten frontier. As Frederick Jackson Turner wrote of the closing of the western frontier in the late 19th century, we have watched, during this middle part of the 20th century, a large part of that frontier losing its population to the giant cities until, today, 70 percent of the Nation's population lives on 2 percent of its land. The rural frontier, once so well populated, is dying. Rural America contains one-half of the Nation's poverty, and 60 percent of the Nation's substandard housing. It suffers from shortages of doctors and other essential services and continues to lose population to urban areas. But today the Senate is awakening to the rediscovery of that abandoned frontier. Just as the Homestead Act brought Americans to the countryside, so, hopefully, the financial incentive provided by this legislation may help provide the financial base to attract many Americans back to the countryside.

My State is predominately rural. Its total farm employment has steadily declined from an average of 66,000 from 1961–65, to 46,000 in 1969, the latest year for which complete figures are available. I am pleased to say that when I originally announced my support for rural development legislation, the response was overwhelmingly favorable. A man who chooses to live in a small town deserves the same right to earn a living as a man residing in a city of millions. A farmer has a right to the availability of credit just as much as a large corporation. This legislation will help provide those opportunities.

When finally signed into law, this proposal will, among other things:

First. Create a new rural development credit system to provide new sources of capital to develop rural areas.

Second. Expand the lending authority of the Farmers Home Administration, providing for the division of that Department into two agencies with separate administrators, one dealing with farm development and the other with rural enterprise and community development.

Third. Increase the farm operating loan limitation from $35,000 to $50,000.

Fourth. Preserve currently existing categorical grant programs such as the Economic Development Administration, resource conservation and development program, cooperative Agricultural Extension Service, rural environmental assistance program, forestry assistance grants, and others.

Fifth. Provide authorization for an additional $500 million in rural revenue-sharing funds to be used by the State and local governments for new or existing rural development programs.

Sixth. Provide for a 3-year pilot program for fire protection in communities under 5,000 population.

Seventh. Establish a program under the Secretary of Agriculture for rural development and small farm research aimed at assisting the small farm and small farm operator.

These are major steps toward the necessary revitalization of rural America. The years of talk about helping rural America are drawing to a close. This is the kind of action which I, and many other of my colleagues from rural States, have urged for many years. This legislation may well be a turning point in setting new national priorities.

I urge the Senate to pass this bill. I hope that the House will give the proposal its early consideration, so that a final version of the bill can be signed into law by the President at the earliest possible time.

Mr. MONDALE. Mr. President, at the request of my colleague from Minnesota (Mr. Humphrey), I ask unanimous consent that a statement by him relative to the pending bill be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Humphrey

It is indeed with a great deal of pleasure and pride that I speak to discuss the merits and provisions of S. 3462, the Rural Development Act of 1972. This legislation clearly is among the most comprehensive ever to be considered by the Senate on behalf of Rural America. As I said following it's being reported by the Full Committee, It is a "Magna Carta" for Rural America.

As Chairman of the Rural Development Subcommittee of the Committee on Agriculture and Forestry, I would like to commend the Members of both the Subcommittee and the Full Committee—both Republican and Democrat—for their work and contributions in connection with the development of this legislation.

Almost immediately following the formulation of the Rural Development Subcommittee last April, we began to hold hearings, both here in Washington and in various parts of the nation. In all, we held 17 days of hearings—10 days here in Washington and 7 days in Rural America. Over 350 individual witnesses were heard—farmers, businessmen, migrant workers, home builders, doctors, college students, the elderly, Governors, Mayors, County Commissioners, poor people, university presidents, bankers, conservationists, planners, transportation experts, educators and Members of the President's Cabinet and Administration. Everyone who wanted to be heard or comment was given an opportunity to appear before our Subcommittee or submit a statement.

During these hearings the Subcommittee received many excellent suggestions and recommendations, many of which are now incorporated in S. 3462. The bill now before you. In holding our field hearings in various parts of the country we not only gave many citizens an opportunity to appear before us who otherwise could not travel to Washington, but we were able to help them tell their stories to the Nation—stories that needed telling if Rural citizens are to receive the attention and help from their Federal and State Governments that they deserve.

When we refer or address ourselves to "Rural America" in this bill, we are referring to that part of our Nation which contains almost 70 million Americans or 35 percent of our Nation's total population. These are the citizens residing in communities of less than 50,000 population.

In Minnesota, for instance, all towns, cities, and counties in the State, with the exception of the Minneapolis-St. Paul, Duluth-Superior, Moorhead and Rochester areas, would be eligible to participate under most titles of this new Rural Development bill.

Four out of five of the citizens residing in these non-metropolitan or rural areas are non-farmers, although many of them depend upon agriculture for employment in an indirect manner.

And what is the general social and economic condition of these non-metropolitan or rural areas of the Nation today? Do they share equitably in the allocation of Federal resources? To what extent do the people residing in these regions of our Nation enjoy the same services and amenities of life as people residing in our large metropolitan areas? To what extent do they share parity of opportunity and income with their big city cousins?

These are some of the questions we considered in developing the legislation now embodied in S. 3462. And lets review briefly some of our findings in this regard:

We found that while about half of all children between the ages of 6 and 17 living in poverty had their residence in rural counties, these counties, in 1970, received only 40 percent of the Federal outlays under Title I of the Elementary and Secondary Education Act—36% of Headstart Follow Through funds, 24% of the funding for aid to families with dependent children and only 20% of all Child Welfare Service funds;

With respect to community development programs—totalling $26 billion—rural counties again received much less than metro counties—$98 per person versus $136.

In the case of the largest community development program, namely housing, the rural-urban gap was even wider—$38 per person for rural counties versus $86 per person for urban counties. And it should be pointed out here that rural counties had roughly two-thirds of all substandard housing units in the late 1960's, yet they received only 16% of all Federal housing assistance in 1970.

And of all Federal programs, the outlays for Defense, the National Space Program and the Atomic Energy Commission far outshadowed the others. Expenditures for these purposes made up nearly half of all 1970 outlays examined—$64 billion. And $8 out of every $10 spent for these programs went to metropolitan counties.

In 1967 the National Advisory Commission on Rural Poverty issued its report. Last year I had a survey made to determine the extent to which the 150 recommendations of that Commission had been implemented. The results: very few had been implemented.

The facts today remain much as they were in 1967, namely while only one-third of our nation's total population resides in Rural America, half of the entire nation's poor people live there.

The Commission's report was aptly entitled, "The People Left Behind."

Rural citizens have been "left behind". They have been left behind in housing, education, health services, community services and income opportunities.

They have been left behind in sharing equitably in most government services and programs.

They have been left behind in seeing a decent price for their farm products.

They have been left behind in recreational and cultural opportunities.

They have been left behind in having access to adequate transportation.

They have been left behind in gaining access to adequate credit and financial assistance.

They have been left behind in being able to care and provide for their elderly.

They have been left behind in the availability and use of communications technology.

They have been left behind in developing and supplying needed electrical and other sources of energy for industry, farm and home use, and

They have been left behind in creation of jobs, employment, careers and business opportunities.

These are among the forces that have driven so many of our nation's rural citizens and young people off the farm and out of small communities into the overcrowded metropolitan regions of our country.

In the last three decades we have seen the greatest movement of people in the history of mankind. And this movement has occurred right here in the United States.

Almost 30 million have left our nation's farms and open countryside in the last 30 years and have migrated to our nation's cities. Although the rate at which this flow of outmigration from rural to urban America has declined to about 600,000 per year, when added to the natural increase in births occurring in metropolitan areas, big city problems can only be further compounded by such further additions to their population.

By the year 2000 it is expected that 85 percent of the nation's total population will be metropolitan.

In 1970, more than four out of every 10 Americans were living in metropolitan areas comprised of one million or more people.

By the year 2000, the projections indicate that more than six of every 10 persons are likely to be living in these large areas, that is, if we do nothing to prevent it.

In 1920, there were 10 urban regions in the United States with over one-third of the total population. By 1970, about three-fourths of the population of the United States lived in urban regions which already exist or are expected to develop by the end of this century.

By the year 2000, urban regions will likely occupy one-sixth of the continental United States land area, and contain five-sixths of our nation's people.

And, if our national population distributes itself according to these projections, 54 percent of all Americans will be living in just two of these huge urban regions. The metropolitan belt stretching along the Atlantic Seaboard and westward past Chicago would contain 41 percent of our total population. Another 13 percent would be in the California region lying between San Francisco and San Diego.

And, when we examine these future population distribution patterns we must keep in mind that we are talking about another 100 million Americans being added to our nation's population within the next 30 to 40 years.

In recognition of these major demographic and population distribution factors, Congress on two separate occasions in 1970 proclaimed its commitment to the development of a more sound balance between rural and urban America.

In Title IX of the Agricultural Act of 1970 Congress said "it considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas."

In Title VII of the 1970 Housing and Urban Development Act, it states that it is the policy of Congress "to provide for the development of a national urban growth policy; to encourage the orderly development and redevelopment of states, metropolitan areas, cities, counties, towns, and communities in predominantly rural areas which have a special potential for accelerated growth. . . ."

And, I might add at this point, the people of this nation understand and support these actions by Congress.

In its work this past year, the Commission on Population and the American Future conducted a nationwide survey to determine people's views on this and other related subjects. Let me quote from the Commission's own report: "According to the Commission's survey 54 percent of Americans think that the distribution of population is a 'serious problem'; half believe that, over the next 30 years, it will be at least as great a problem as population growth. This is in accordance with our belief that to reduce problems of population growth in no way absolves us of the responsibility to address the problems posed by the distribution of population."

Personally, I view the population distribution problem in this country as posing a much greater threat to our nation's welfare than population growth itself, at least over the next 30 years.

Why?

Because even though we have nearly reached a "zero population growth rate" in this country, a much larger than normal percentage of our total population today are young adults, born in the post war years of the 1940's and 50's.

This post war baby boom created an elementary and secondary education crisis for us in the 1950's, a higher education crisis for us in the 1960's and now will likely create a new population growth and distribution crisis for us in the 1970's and beyond.

The population commission reports that 35 million new workers will be seeking their first job in the decade of the 1970's. That is 7 million more than in the 1960's!

In addition to the added pressure these swelling numbers of job applicants will have on achieving full employment in this nation, their presence on the American scene will also create added pressure on the entire social and political infrastructure on our society!

Therefore, the real question now before the nation is not "whether" we are going to meet these needs, but "how" and "where" we are going to meet them!

Big city America already is faced with economic, environmental, and social problems of enormous dimension and scope. To expect these areas of our nation to carry the full burden of providing all the jobs, housing and other social and economic services that will be required on behalf of present and future generations is neither realistic nor possible.

We must turn at least some of our attention and resources to accelerating the growth of existing small and medium sized communities located in Rural America to meet these national needs.

As I indicated earlier, Congress already has committed itself to the pursuit of a more balanced growth pattern in the United States.

The question before us today is whether Congress is prepared to back up its words with implementing machinery and the money needed to accomplish these admirable goals.

S. 3462, the Rural Development Act of 1972, is a historic piece of legislation. If enacted and adequately funded, this legislation can have as dramatic an impact upon the future of Rural America as did the Homestead Act on the opening of our nation's early frontiers.

This legislation, as has already been indicated by our very able and distinguished Chairman, Senator Talmadge, represents a bipartisan, cooperative effort by the Committee. S. 3462 incorporates suggestions and amendments of many Members of the Committee, other members of the Senate, the President and many other individual Americans who participated in the Subcommittee's hearings.

Titles I and II of this bill incorporate the basic provisions of S. 2223, a bill which Chairman Talmadge and I introduced last summer to provide for a total system of credit and financial assistance for nonfarm rural development purposes. Forty-nine other Senators eventually joined us in co-sponsoring that bill.

S. 3462, the Committee bill now under consideration, contains, I'm told, legislative proposals which have been co-sponsored by a total of 88 members of the Senate. This is indeed encouraging news, not only to those of us who have worked so hard in developing this legislation, but to the millions of rural Americans who have been waiting so long for the comprehensive help this bill provides.

This bill would provide a comprehensive program for rural development investment credit and location incentives supported by a sound research, education, and community development extension effort. This bill also is designed to strengthen multi-state, state, and sub-state planning and development efforts. It will provide local people and governments with the resources and flexibility they require to improve the quality of life of their communities in accordance with their own wishes, and objectives.

All eight titles of this bill are important to rebuilding Rural America.

Titles I and II would provide for a complete system of non-farm rural development credit patterned after the existing and successful experiences in the farm credit field of the Farm Credit Administration and USDA's Farmers Home Administration.

In developing Title I of this bill, the Subcommittee on Rural Development consulted with literally hundreds of people and groups throughout the nation. The Independent Bankers' Association worked particularly close with us in the development of this proposed new credit system. And many other bankers and financial experts—both from government and from the private financial world—assisted us and offered many helpful and constructive ideas, and suggested amendments in drafting this particular proposal.

Having spent almost 20 years in Congress I think I can honestly say that few legislative proposals presented to this body have been reviewed beforehand so thoroughly by so many interested groups and individuals as this particular one.

Most of the Rural Development Subcommittee's time and effort this past year was concentrated upon developing and perfecting the proposal now embodied in Title I of this bill. Over a full week of 8-hour a day hearings were held on this proposal alone.

I would like to quote from the testimony of one of those many witnesses we heard on this proposal:

"A new credit institution created especially to provide financial support for rural development would be a dramatic indicator of the need to restore a balance to national economic growth. It would signal the intent of Congress and the nation to a redirection in values and goals. It would focus both urban and rural attention on the need for rural development and help get the commitment from the population in both areas.

"The Rural Development Credit Banks would increase the amount of capital funds available to rural commerce and industry. It would stimulate greater use of rural funds for rural businesses. It would stimulate and improve the performance of rural financial institutions and spur them to provide financial leadership and assume responsibility for local development. The Rural Banks would provide channels for a two-way flow of funds between urban and rural areas. It would be a major step toward equalizing the urban and rural financial systems.

"Two aspects of S. 2223 appear to be particularly important: The Section which provides technical and financial assistance to rural areas; and

"The section which adds a financial capability to the multicounty development agencies. The avaliability of technical and financial expertise will help assess and reduce the risks of rural business. The result will likely be to increase lender and invester confidence and increase the volume of capital funds flowing to rural businesses.

"The addition of financial ability to multicounty development agencies would help redirect their emphasis from a planning and political orientation to that of economic development. These agencies will not be given a full trial unless they are integrated into their regional economics. They cannot become effective by preparing district planning documents and acting as a tool of grantmanship. They must also participate in the job-creation process. Their ability to advise and finance rural businesses would make them development agencies in fact as well as in name, and give them the power and focus that they were originally intended to have.

"S. 2223, to create a Federal Rural Development Credit System, would be a major step in improving the quality of living in both rural and urban areas. It deserves the support of everyone concerned with the quality of life in this country."

This statement was made to the Rural Development Subcommittee by Mr. Jack Hopper, Manager of the Technical Economic Group of the Spindletop Research Center in Lexington, Kentucky. I believe it speaks for itself in making the case for the passage of this legislation.

Another witness' testimony I would like to quote in part is that of Mr. Richard T. O'Connell, Secretary of the National Council of Farmer Cooperatives, who also appeared before our Subcommittee in support of S. 2223, or what is now Title I and II of S. 3462:

"We believe the establishment of a rural development financing system, if properly administered, will help break the cycle of what is happening in rural America. The cycle, as we all know is: (1) The rural resources are strained to educate the youth of rural America who promptly take their talents elsewhere upon completion of their education, (2) the resulting outmigration, particularly of young people, diminishes a source of potential leadership and income and (3) the uncertainty and high risk of loans in many rural areas leads rural bankers to invest a significant portion of their loanable funds in government securities and much of the remainder in short-term consumer lending.

"One major source of nonagricultural funds in rural areas comes from the correspondent banking system. It is effective to some degree in providing rural investment funds. However, from a practical standpoint, the opportunities for greater return on capital are in the urban and suburban areas. This forces metropolitan correspondent banks to give a secondary priority to the amount of funds flowing into rural America.

"Without some system of breaking the cyclical patterns of migration and low investment flow, conditions in Rural America will either retain their status quo or deteriorate. Therefore, we believe a rural development bank system will be effective in injecting new funds into rural America.

"There may be some reluctance to establishing a new Federal agency, but we do not see any alternative. The Farm Credit System is an agency into which the rural development bank could be structured, but we believe it is unwise to mix a Federal lending program into an already existing program which, in fact, has reached the goal of retirement of Government capital and achieved a more independent status.

"We applaud the idea proposed in the measure which eliminates overlapping of lending functions by the proposed agency with other existing governmental lending institutions. We also believe it's beneficial that private lending institutions will have an opportunity to participate in this program so as to gain support and experience from the private banking system. We believe the establishment of a rural development bank will be a step forward in meeting some of the problems of this country and we urge its adoption by Congress."

I also believe it important to review an excerpt taken from the testimony of Mr. George W. Mitchell, Member of the Board of Governors of the Federal Reserve System regarding what has been revealed by the Federal Reserve System's own studies on the subject of rural banking and lending difficulties:

"I have mentioned the Federal Reserve interest in rural development. Our studies of regional and agricultural lending indicate that for many years after World War II most rural banks had funds in excess of local loan demands. Some years ago, however, this situation began to change. Banks in many rural areas, such as areas in which the livestock industry has been rapidly expanding, have exhausted accumulations of liquidity and still continue to face loan demands that are increasing faster than their local deposits. To participate better in meeting the credit demands of their communities, rural banks in this position need improved access to nonlocal sources of funds, through development of markets for their assets and liabilities, through banking structure change that would bring about the services of larger banks to rural areas, or through improved credit services via co-respondent banking, the Federal Intermediate Credit Banks, or the Federal Reserve discount mechanism. Federal Reserve staff work undertaken in the course of our reappraisal of the discount mechanism, and since published, noted in detail and at length the disadvantages faced by small rural banks in attempting to develop nonlocal sources of funds."

Other studies and witnesses have indicated much the same.

The establishment of this new permanent system of credit and financial assistance would substantially improve the availability of credit to meet the many and varied needs of Rural America. It would also provide a vehicle and process for generating the funds to supply this credit—not out of the U.S. treasury—but out of the central money markets of this nation.

By providing for this new system, Congress would be helping Rural America help itself, instead of forcing it to remain dependent upon yearly appropriations by Congress, which when provided, are often impounded by the Executive Branch.

The system would eventually become an independent borrower-owned, operated and managed system, not run by Federal bureaucrats from Washington, but by the borrowers themselves. It will encourage and depend upon the participation and involvement of local banks, thereby complementing, not competing with them.

In short, if we are really serious about rural development in this nation it is essential that we provide this new permanent system of credit and financial assistance.

Title II of S. 3462, indicated earlier, provides the "soft credit" or "Higher risk" loan funds required by many lenders.

Title II would provide this credit, along with grants, through a slightly reorganized farmers home administration to both rural communities and to commercial and industrial enterprises who could not obtain credit through the system provided in Title I of this bill or from other commercial sources.

Title II also makes some important changes and additions to the farm lending activities of the Farmers Home Administration. It changes the farm operating loan program from a direct lending program to an insured lending program in order to ease the pressure on the Federal Budget and to hopefully make more credit available to our nation's farmers. The operating loan limit on FHA loans also would be raised from $35,000 to $50,000 by this Title of the bill.

The Committee also took an important step in Title II of this bill by authorizing FHA loans to rural young people to enable them to operate farming enterprises in connection with their participation in 4-H, Future Farmers of America and similar training programs.

Mr. Paul M. Day, Minnesota State Supervisor of Agricultural Education, reported to me that there are 748 veterans of the Vietnam War enrolled in the Veterans Training Program in Agriculture in Minnesota. Of these, at least 75% need financial help in the form of available credit to further expand and bring their farming operations into an economic unit. 240 additional young farmers enrolled in Farm Business Management Programs in the State have the same needs for credit, credit which this Title of the bill will now provide.

Title III of this bill would authorize up to $500 million to be appropriated by Congress yearly to carry out a nationwide Federal Rural Revenue Sharing program with States, rural multi-jurisdictional planning and development districts and with local governments. This special rural revenue sharing program differs from that earlier introduced by the Administration in that it does not disturb the Federal character of the Appalachian Regional Commission, the Title V Commissions, the Economic Development Administration or the other eight Federal categorical programs embodied in the Administration's proposal. Nor does it turn the Federal funds for these programs over to the States. All the funds provided under this Title would be "new money," to be allocated to the States and to be shared with the planning and development districts within each state and with local government.

Title IV and V of this bill would provide for additional Federal cost sharing and technical assistance to rural communities to construct needed municipal and industrial water supplies and to control agricultural-related pollution, waste disposal and to provide water for adequate fire protection.

Title VI provides Federal cost-sharing and technical assistance to small rural communities to establish and improve their fire protection and fire fighting capabilities.

Title VII would establish a national program of research, training and extension education through the States, involving both public and private educational institutions, for rural development and small farmers.

Title VIII of the bill would expand the statutory mission of the U.S. Department of Agriculture with respect to the Rural Development activities of the Federal Government. It also would require that all assistance under the Act be designed and provided in such a way as to increase the national total number of jobs and income opportunities available, and not to assist in the movement of jobs from one place to another, or from one firm to another, this latter is known to many as the "antipiracy" provision of the bill, a provision which I endorse and encourage enforcement of by the Executive Branch if this bill is enacted.

As I have indicated already, this is a major and comprehensive bill. And like any bill this size and complexity there will be features that some people are opposed to or wish to change. While I respect the judgment and rights of those wishing to make changes in this bill, I would hope that such changes could be kept to a minimum and that they would strengthen—and not weaken—the overall bill.

The loss of any title to this bill would adversely effect the entire bill. The Titles I and II, as I have indicated, were designed as a total system of credit and investment incentives for rural development.

The loss of either of these Titles would cut the heart out of the entire rural development program embodied in this bill, especially Title I.

And, I might also add, that in view of the fact that we must take whatever is passed by the Senate into conference with the House, which already has passed a Rural Development bill, we will need to demonstrate as strong a Senate backing as possible if the Senate conferees are to protect and retain all Titles of the bill.

Enactment of this bill by Congress will not only make for a better Rural America, but a better America. It will give renewed hope to millions of Americans living in both city and countryside in restoring a precious freedom that many of them have lost, namely, "freedom of residence".

By helping Rural America share equitably in the resources and job opportunities of this nation, we will provide the citizens of both our small and big cities with the opportunity to choose where they want to live based upon personal preferences and not upon economics or political considerations.

S. 3462 provides a major step forward in achieving these goals.

Therefore, I urge every Senator, whether he be Democrat or Republican, liberal or conservative, northern or southern, eastern or westerner, urban or rural oriented, to vote and support this entire bill.

Mr. BOGGS. Mr. President, I wish to express my general support for S. 3462, the Rural Development Act of 1972. This is legislation that will bring new vitality, new jobs, and new stature to our rural areas.

I was honored to be a cosponsor of S. 2981, one of the bills that was the basis for this new legislation.

While there are many worthy new concepts in this legislation designed to create a healthier economy and environment in rural America, I would like to highlight a couple of provisions that may not have received wide attention.

Title VI establishes an important program to improve fire protection in rural areas. It will provide $5 million a year in assistance in augmenting fire safety.

Title VII augments the research and education effort of the USDA. This is vital work, and I am particularly pleased that it will be focused through our State land-grant universities.

Section 1704 of the bill broadens the USDA authority under its rural environmental assistance program. It will allow cost-sharing payments to farmers for agriculture-related pollution prevention and abatement measures. Current law allows such payments only if the measure also conserves soil and water. This new authority is vital to help farmers improve our environment still further.

While I agree with most of this bill, I must express my opposition to its title I. This title would establish a rural development credit system, comprised of 10 regional rural development banks. I agree with the Department of Agriculture and many of the members of the Committee on Agriculture and Forestry that such a new credit mechanism is unnecessary.

I find that title I is particularly unnecessary in view of the improvements to the Farmers Home Administration contained in title II of this legislation. Title I, in reality, would only create a mammoth new and untried banking system that would compete with the Farmers Home Administration.

Title II provides the broad range of credit services necessary for full rural development.

Many of our colleagues pointed out these deficiencies in title I in their individual and additional views submitted with this legislation. I would like to quote a portion of the perceptive views made by the distinguished Senator from Louisiana (Mr. ELLENDER) in his evaluation of title I:

> There is a vast duplicity of effort introducing a high degree of competition to make funds available for rural development purposes. In this situation I can see substantial waste of Federal funds and a high degree of losses because of this competition.

I believe the existing procedures of the Farmers Home Administration, augmented by title II of this legislation, offer the full range of financial methods necessary for effective rural development.

Mr. President, I would like to compliment the distinguished Senator from Louisiana (Mr. ELLENDER) for his leadership in the effort to strike title I of this legislation. Further, I would like to compliment Senator MILLER, Senator AIKEN, Senator CURTIS, and Senator DOLE for their perceptive evaluations of title I in the additional views and individual views they submitted with the report on S. 3462.

Mr. McGOVERN. Mr. President, it has been my view for some time now that the best rural development legislation we could enact would be measures to insure a vital and healthy agricultural economy. However, years of neglect of the well-being of agriculture have persuaded me the Federal Government must take action to bring the services and credit in rural America up to par with those available in the rest of the Nation.

Only then will the millions of Americans who wish to return to rural America make that move. Only then will the highly educated young men and women and the skilled workers give up their headlong dash to the city and be in a position to pursue their careers in rural areas. However, before we can reverse the rural to urban migration, we must establish a credit base to provide for economic development.

Title I provides for just this credit base. It is based on the approach used years ago for the creation of the farm credit system which has served our Nation's farmers so well. This title would create a rural credit system which would provide low-risk loans where they are not available. This system, it should be noted, will eventually become borrower owned. In time, the entire Federal investment in the system would be repaid.

I do not subscribe to the view that the creation of this system would compete with existing credit institutions. If these same large banks had shown the same interest in providing rural America with its legitimate credit needs as they have in opposing this bill, the legislation would not be necessary. It is enough to observe that the Independent Bankers Association favors this bill. These bankers do business in rural America and know full well that the creation of this rural credit system will not compete with them, but will assist them in better serving our rural areas.

Mr. TOWER. Mr. President, I am pleased that the Senate is taking action today on a bill which will prove to be very beneficial to the rural areas of Texas and the Nation.

For many years we have seen a trend of people moving from the rural communities of America into the already congested areas of the cities; and a major cause of such movement is the lack of jobs available and the lack of adequate financing to promote new business interests.

Generally, population increases in the already large cities and decreases in the smaller towns. In Texas, with a population in excess of 11 million, there are only 27 cities with a population of 50,000 or more. Yet, according to the 1972–73 Texas Almanac, these cities account for 49.5 percent of the State's population. Our challenge today is to prevent the hundreds of smaller towns from becoming even smaller—to help them begin growing instead of decreasing in population each year. A large number of these smaller communities will be eligible for assistance under the proposed Rural Development Act of 1972, S. 3462.

A major necessity for growth in a small community is the development of new businesses and opportunities for business expansion, as well as improved financial assistance to the vital agricultural economy. This bill will offer that needed assistance by providing funds to all types of eligible businesses and agricultural enterprises. It provides for an increase in farm operating loan limits to individuals from the Farmers Home Administration from $35,000 to $50,000. The bill also provides for loans to cities for water improvements. Needless to say, good water is a very important factor in promoting new business and industry, and is one of the basic necessities of any city.

Environmental aspects of rural living will also be improved by providing funds for conservation efforts and pollution control practices. We will improve the environment by making funds available to those agricultural-related firms which are required to adopt pollution control procedures.

Rural areas are excellent places to live, work, and raise a family. They offer ideal conditions for industrial expansion as well as numerous attractions unavailable in the cities. Nevertheless, without proper facilities, this expansion is almost impossible. A bill of this type will make funds available for the needed improvements which are so important in promoting this growth potential. The revenue-sharing proposals of S. 3462 will make funds available for distribution to the States based on rural population, rural population loss, and rural per capita income. These funds could be used to fulfill any of the goals of the State rural development plan.

Mr. President, as good as this bill is, however, there is a portion of it that I feel I must oppose. The banking system proposed in title I is too broad and overlaps many other programs. There is considerable concern that this title will lead to direct competition with private lending institutions. I do not feel it is necessary to establish a completely new Federal agency; and further, I do not feel that the needs of rural development will be best served by title I. With this portion deleted, however, I feel this bill will be one of the most promising and progressive means of rural development that rural America has ever had.

Mr. President, one of the objections that I and some of my colleagues have raised to this bill is duplication or overlap of effort or competition of programs. Cited or implied, or possibly could be cited, first, the duplication between titles I and II which should be resolved by dropping title I, and second, the authorizations, first, in sections 912 and 914 for cost-sharing grants for pollution abatement and control projects; second, in section 1301(c) for entering into long-term agreements for carrying out conservation plans in specified planned watershed project areas; and third, in section 1703 for entering into long-term agreements, based on conservation plans approved by the local conservation district, for sharing the cost of conservation and pollution abatement practices throughout the country. Authorizations of all three types have merit and will help get environmental work done that urgently needs doing.

Some of these problems or possible problems of duplication or overlap, in case the programs are activated, can be resolved. For the successful use of any of these authorizations there must be sound technical planning. That is the role of the soil and water conservation districts and the Soil Conservation Service, in cooperation—where applicable—with the State's environmental control agencies, in each of these authorizations. The Secretary of Agriculture's appropriate assignment of the planning requirements of the act would insure the needed competence and coordination in the planning area.

Successful, efficient operation also requires coordination of contract administration where essentially the same kinds of program participants are involved under authorizations with essentially similar ends—in this case, conservation and pollution-abatement project or practice cost-sharing with landholders. There must be numerous administrative decisions as among and between the many claimants, where limited Federal funds and equitable treatment under program rules are involved. There must be coordination to see that the total benefits awarded are consistent with the needs being dealt with—and that there is not duplication of aid, or bidding one program against another. Frequently, relationships with other programs are involved; for example, the preservation or surrender of cropland, crop acreage, and allotment history, and the correlation of practice requirements and cost-share rates where funds under different authorizations are or may be involved.

I am confident here, too, that the Secretary of Agriculture will avoid overlap or program competition by assigning this administrative, resource allocating, and fund disbursing responsibility to the ASC committees, in dealing with participating landholders. The county ASC committees have been elected by their neighbors to make such decisions and to provide the associated services, and they have been successfully doing these things throughout the country for 34 years. Routinely, they have been dealing with almost all agricultural producers, numerous vendors of conservation materials and services furnished to individuals, and various lending organizations—under annual program arrangements, under a variety of long-term contract programs, managing detailed land use records, utilizing Commodity Credit Corporation facilities and services in making program payments, providing payment data for reporting to the Internal Revenue Service, and so forth. The funds made available under different legislative authorizations for all such program participants could be budgeted direct to the administering agency or could be transferred to and disbursed by that agency for these particular purposes.

Certainly it would not be desirable—for it would, in fact, be duplicating—for other agencies with other basic functions to "tool up" in numerous field offices to perform these administrative functions. In fact, this matter is by strong inference, addressed in section 1702(c) of the bill, which directs the Secretary to utilize his field offices and personnel for the most efficient possible enhancement of rural development activities.

Mr. MOSS. Mr. President, I am immensely impressed by the dimensions and scope of the bill before us today. It is truly an instrument for breathing new life into the rural communities of the Nation. If financing can be provided for the wide-ranging spectrum of farm and nonfarm rural development included in this bill, our farm communities should become far more attractive and rewarding places to live, and hopefully the farm-to-cities tide of migration can be reversed.

I commend the chairman and the members of the committee for the gargantuan job they have done. This is a milestone measure.

I wish to speak here particularly about provisions of a bill which I introduced which have been adopted. My bill S. 1094—the third of a series of such bills I have been introducing since the 90th Congress—would authorize the Farmers Home Administration to make loans and grants to both existing and new cooperatives unable to secure financing anywhere else. I am delighted that S. 3462 not only authorizes the Farmers Home Administration to close this credit gap, but that adequate financing for cooperative ventures of all types is written into the entire new credit system which this bill would authorize. I am, of course, delighted.

There exists today throughout the State of Utah and the intermountain area a serious gap in credit available to cooperatives. Under title III of the Economic Opportunity Act, the Farmers Home Admnistration had until last year authority to make loans to rural groups of low-income people to organize and operate rural cooperatives. This was an outstanding program which resulted in the creation of many new cooperative associations. Unfortunately, in some cases, the terms of such loans required that these cooperatives show an almost-instant success. What clearly was needed was grant assistance to carry these new organizations through the first difficult—and often unprofitable—months of operation.

For various technical reasons, partly because of administrative interpretation, but mainly because the laws specifically provide otherwise, none of these established cooperatives is able to obtain financing through the Banks for Cooperatives, the Farmers Home Adminsitration or the Small Business Administration. As a matter of fact these are among the few business corporations in the State of Utah which do not have available on "umbrella of protection" in the form of Federal Government credit. Each pays high interest costs on any money which it is able to borrow and each is handicapped in developing business successfully, because of the lack of reasonable financing.

It is gratifying therefore that S. 3462 makes a double-barreled effort to ease this tight credit situation. The district agency of the regional bank of the new credit machinery which the bill would establish can make assistance available to cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing—including preservation or preparation of edible products for markets—transporting or marketing agricultural commodities or products, consumer purchasing services, or processing or marketing of other products of farmers or rural residents, or other cooperatives or self-help enterprises who are or will become voting holders of presently nonvoting stock.

The Farmers Home Administration is authorized to "make, insure, or participate with other financial institutions" in making loans: to cooperatives that are unable to obtain credit from the banks for cooperatives to acquire and improve lands, to apply soil conservation practices, to provide marketing and other services to make shifts in land use, to conserve, develop and control water, to install, improve, equip or operate drainage, waste disposal or other rural community development projects, and recreational developments which are serving or providing employment to farmers, ranchers, farm tenants, farm laborers, or other rural residents, or to furnish financial aid in the planning projects for such purposes.

In short, the authority given firm credit agencies by this is broad enough to assure the financing of most projects of most cooperatives. This is a great step forward.

Mr. President, there are many other aspects of this bill which deserve discussion and commendation, but I will not take the Senate's time to discuss them here. I merely wanted to review the provisions for cooperatives to urge their retention in the bill, and to assure my assistance in keeping them in the House-Senate conference.

Mr. FULBRIGHT. Mr. President, I want to express my strong and active support for the Rural Development Act of 1972, S. 3462, which is now before the Senate. This bill contains most all of the provisions of S. 2223, of which I am a cosponsor, and I believe that the passage of this legislation will represent an increasing awareness by the Senate of the vital needs of rural America.

Mr. President, we owe a large measure of thanks to the Committee on Agriculture for the dedication, energy, and perseverance which the members of that committee have shown in bringing to the Senate one of the most comprehensive pieces of rural development legislation ever to be reported by a committee of the Congress. The committee chairman (Mr. TALMADGE) as well as the Rural Development Subcommittee chairman, (Mr. HUMPHREY) are to be particularly commended for the fine work and leadership they have demonstrated throughout the committee's consideration of the bill.

Earlier in this debate the chairman of the Committee on Agriculture gave a very fine summary and explanation of the eight titles contained in this bill. While I shall not at this time burden the record with repetition, I would like to comment on certain features of S. 3462 which I feel are worthy of emphasis.

Titles I and II would establish a comprehensive system of credit for the development of rural America by creating a borrower-owned and controlled rural development credit system modeled after the highly successful farm credit system. Notwithstanding some progress through the years, the availability of credit in rural areas remains a critical problem. These titles, additionally, would expand the loanmaking authority of the Farmers Home Administration so that the FHA could make rural development loans to borrowers unable to get credit elsewhere. In both cases, Mr. President, I am advised by the staff of the committee that the emphasis would be placed on cooperation with local banks, which could apply for and become qualified to act as participants in the rural development credit system.

Another commendable feature is the liberalization of the Farmers Home Administration lending authority for farm loans. The bill increases the limit on operating loan indebtedness for farmers from $35,000 to $50,000.

I am particularly pleased to note that the bill as reported authorizes $50 million for grants to the land-grant universities for the establishment of rural development extension programs, research, and training for rural development and for small farmers. As a former president of a State land-grant university, the University of Arkansas, I believe the committee is wise in using this approach, particularly since the administrative structure for cooperative research and extension programs is already established.

The committee bill also addresses the needs in rural areas for additional fire protection by authorizing funds for a new rural community fire protection program.

Titles IV and V provide Federal cost-sharing to improve the quality of the environment in rural areas, to control pollution, and to provide for water reservoirs for small town and industrial needs.

The keen interest in and support for this legislation in my State is eloquently expressed in a letter from Mr. Harry L.

Oswald, general manager of the Arkansas Electric Cooperatives, and I would ask, Mr. President, that it appear in the record at this time:

> Our nation's rural communities, rural businesses, rural towns and small cities desperately need help. Certainly ours in Arkansas needs assistance to be able to provide an adequate and decent place for our people to live and to work rather than being forced by economic considerations, to continue to migrate to our glutted metropolitan and megalopolis areas.
>
> Early action by the U.S. Senate on the Consolidated Farm and Rural Development Act (S. 2223) is of timely urgency. This act, cosponsored by you and Senator Hubert H. Humphrey, Minnesota, recognizes the basic stature which a line of credit plays in long-term and meaningful development projects. It recognizes the lack of sources of such credit for individuals, businesses and public bodies located in rural areas by the establishment of such a system on a national basis, similar to the very successful farm credit system and federal land banks. It is appropriate that the U.S. Senate take the lead in establishing this national development policy so vital to the future balanced growth of our nation.

Mr. President, the Agricultural Act of 1970 states:

> The Congress commits itself to sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

Hopefully, our action today will be a major step toward the fulfillment of that commitment.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ELLENDER. Mr. President, I do not have too much to add to what I have already stated. All of the fine programs that have been mentioned by the distinguished Senator from Oklahoma (Mr. BELLMON) were supported by me because they directly help the farmers. As a matter of fact I helped to draft most of them, and I am proud to say that all of these programs were and are a success. However, as efficient as this new bank which would be created might be, it is not at all connected with the farmer. Almost any industry can be brought in under this, and under the definitions contained in title I, it is difficult for me to imagine any project that could not be funded.

As I stated previously, Mr. President, it strikes me that we have sufficient legislation on the statute books to take care of the situation. If need be, all we have to do is to beef up the organizations we now have on the statute books in aid of rural development and that will accomplish the task instead of creating a brand new bureaucracy.

I am in favor of virtually every other portion of the bill, especially those titles expanding our soil conservation and watershed programs, and making cost-sharing provisions available for pollution control. These sections of the bill are in line with what I have just said about the need to strengthen and expand existing programs.

But I repeat, Mr. President, this bill will actually work against our American farmers. It will be to their detriment, because of the funding involved.

On that point Mr. President, I would like to close my remarks by reading a short paragraph from a letter to me from the American Farm Bureau. The Farm Bureau has studied this bill; and states to me as follows:

> The provisions of S. 3462 have been reviewed carefully in the context of the explanations set forth in the Committee Report.
>
> Title I of this bill comprises the Rural Development Financial Resources Act of 1972. The report states "Title I is structured generally along lines of the legislative provisions for the Federal Land Banks, their local associations, and the Farm Credit Administration and will like them eventually be fully owned and controlled by participating local private banks and borrowers." The structure in Title I may be "generally" patterned after the successful structures of the Federal Land Bank. However, the solid structures of that system are hardly recognizable in the complex, multi-faceted structures proposed in the provisions under this title. It would create a complicated new bureaucracy; create new national, regional and local lending agencies with no lending experience in an area of lending that needs experienced judgment if a constructive program is to be developed.
>
> We oppose Title I of this legislation and strongly recommend that this title be stricken from S. 3462.

Mr. President, I believe the judgment of this large farm organization should be heeded by the Senate.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. ELLENDER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of a death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Alaska (Mr. STEVENS) are detained on official business.

On this vote, the Senator from Massachusetts (Mr. BROOKE) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Massachusetts would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Colorado (Mr. ALLOTT) is paired with the Senator from Minnesota (Mr. HUMPHREY). If present and voting, the Senator from Colorado would vote "yea" and the Senator from Minnesota would vote "nay."

The result was announced—yeas 44, nays 32, as follows:

[No. 152 Leg.]

YEAS—44

Aiken
Anderson
Beall
Bennett
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Case
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Fong
Griffin
Gurney
Hansen
Hruska
Long
Mathias
Miller
Packwood
Percy
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Young

NAYS—32

Allen
Baker
Bayh
Bellmon
Bentsen
Burdick
Byrd, Robert C.
Chiles
Church
Eastland
Fulbright
Gambrell
Gravel
Hart
Hollings
Hughes
Inouye
Javits
Jordan, Idaho
Magnuson
McGovern
McIntyre
Mondale
Moss
Nelson
Pearson
Pell
Proxmire
Stennis
Stevenson
Talmadge
Williams

NOT VOTING—24

Allott
Brooke
Eagleton
Goldwater
Harris
Hartke
Hatfield
Humphrey
Jackson
Jordan, N.C.
Kennedy
Mansfield
McClellan
McGee
Metcalf
Montoya
Mundt
Muskie
Pastore
Randolph
Ribicoff
Scott
Sparkman
Stevens

So Mr. ELLENDER's amendment was agreed to.

Mr. ELLENDER. Mr. President, I

move to reconsider the vote by which the amendment was agreed to.

Mr. CURTIS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. GRIFFIN. Mr. President, will the Senator from Illinois yield to me briefly so that I may take this opportunity while quite a few Senators are in the Chamber to ask the distinguished acting majority leader if he could tell us anything about the program for the rest of the day and into the future?

Mr. STEVENSON. I yield for that purpose.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Who yields time?

Mr. ROBERT C. BYRD. Will the Senator from Georgia yield to me on the bill?

Mr. TALMADGE. I yield to the Senator from West Virginia such time as he may desire.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will complete action on the pending bill today. That being the case, and in consideration of the current status of the calendar, it was intended that the Senate go over until Monday. It had been the intention of the leadership to call up on Monday the USIA-State authorization bill, but I am now apprised of certain problems in connection with that bill which will prevent its being called up on Monday of next week. That being the case, I have gone over the calendar as carefully as I can and explored with the committees the possibility of having other legislation ready for consideration on Monday. I find that no measure is going to be ready for Floor consideration on Monday.

It is quite possible that by Tuesday there will be sufficient business on the calendar to warrant a session.

Therefore, in answer to the able minority whip's question, it will be my suggestion that when the Senate completes its business today on the pending measure, it go over until tomorrow for a pro forma session, no business to be conducted, no speeches to be made, and that when the Senate then adjourns, it adjourn until Tuesday next.

Mr. GRIFFIN. I thank the acting majority leader for that statement. I am sure he joins me in urging Senate committees to utilize this time to produce the legislation that the Senate must act on.

Mr. ROBERT C. BYRD. Yes. I am certainly glad that the distinguished assistant Republican leader mentioned this. I hope that all committees will take advantage of this opportunity to meet and conduct hearings. I note that certain committees are meeting daily. The various Subcommittees on Appropriations are going ahead with hearings on appropriation bills, even though such bills have not yet come over from the other body. The Finance Committee and the Judiciary Committee have been meeting daily, as have other committees. So, with the Senate out of session these 2 days, the committee hearings will not be interrupted.

So I hope that committees will take this opportunity, so that we may get major measures to the floor, and, hopefully, get most of them disposed of prior to the convention.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; and

S. 3153. An act to amend the Act of January 8, 1971 (Public Law 91-660; 84 Stat. 1967). An act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

RETURN OF SENATOR McINTYRE

Mr. COTTON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. COTTON. Mr. President, I am sure Senators have noted with pleasure that my distinguished colleague, the Senator from New Hampshire (Mr. McINTYRE), is on the floor of the Senate, having fully recovered his health after corrective surgery.

It is a pleasure to me, as his colleague, to welcome him back and to express our gratification that he has been thoroughly restored to health. I think we should give him a hand in bidding him welcome.

[Applause, Senators rising.]

Mr. STENNIS. Mr. President, if the Senator will yield to me for one additional comment, I not only join in the sentiments expressed in the Senator's announcement, but wish to state that we had an Armed Services Committee meeting this morning, where we had a warm welcome there for the Senator from New Hampshire, where he was already in action and rendering fine service.

Mr. COTTON. Mr. President, I want it understood that my deep personal friendship and affection for the Senator from New Hampshire is in no wise a political endorsement. [Laughter.]

Mr. McINTYRE. Mr. President, I would just like to say in response to my distinguished senior colleague from New Hampshire and the distinguished chairman of the Armed Services Committee, the Senator from Mississippi, that I deeply appreciate their kind expressions here. I wish also to say to the many Members of the Senate who were so kind in sending me messages of encouragement during my stay of 2 or 3 weeks at Johns Hopkins and my recuperation at home that I appreciate it enormously.

I am pleased that I am back and fulfilling my duties in, I hope, as good a fashion as my colleague from New Hampshire and the Senator from Mississippi think I am.

Mr. ROBERT C. BYRD. Mr. President, I join the distinguished senior Senator from New Hampshire, Mr. COTTON, and the distinguished chairman of the Armed Services Committee, Mr. STENNIS, in expressing our satisfaction and pleasure in seeing the very distinguished junior Senator from New Hampshire, Mr. McINTYRE, back on the floor. I am delighted that he is looking so well. He is very, very diligent about his work not only as a member of the Armed Services Committee but also with respect to other committee assignments and his floor work as well. The Senate has missed him during his necessary absence. We are happy that he has returned to us and that he is ready now to take his place again on the floor of the Senate and on the committees.

Mr. GRIFFIN. Mr. President, since the Senator from Illinois first yielded to me, I want to thank him for his indulgence and tolerance, and now he can have the floor back.

RURAL DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3462) to provide for the development of rural areas.

Mr. STEVENSON. Mr. President, I have an amendment at the desk, which I call up.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

Strike out all of Title III, from line 17 on p. 108 through line 23 on p. 129 and insert in lieu thereof:

"TITLE III—AMENDMENT TO CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

"SEC. 1001. Section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961 is amended by striking out '$100,000,000' and inserting in lieu thereof '$400,000,000'."

Mr. STEVENSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a question?

Mr. STEVENSON. I gladly yield.

Mr. ROBERT C. BYRD. Does the Senator feel that the full time of 2 hours will be used on this amendment as far as he is concerned?

Mr. STEVENSON. Not as far as I am concerned. I do not think it will take me more than 10 or 15 minutes. I do not know how many other Members of the Senate want to address themselves to this amendment.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. STEVENSON. Mr. President, title 3 of S. 3462 authorizes the distribution of $500 million to States, one-third for their own use, one-third for distribution to counties, and one-third to planning districts in rural America. My amendment strikes title 3 and increases the present $100 million authorization for the Farmers Home Administration water and waste disposal program to $400 million, the amendment represents a budgetary saving of $200 million—the difference between the proposed $500 million authorization under title 3 of S. 3462 and the additional $300 million an amendment would provide for the FHA program.

Mr. President, I have no objections to the whole notion of distributing Federal funds to other units of government so long as those units have a need for the funds and as long as they are distributed in a rational and fair way and with appropriate safeguards.

Title 3 does not do that. It distributes funds for the States, counties, and planning districts among the States on a formula which, among other things, allocates 40 percent of the funds according to the degree to which the rural population in each State has declined. Each State receives a portion of this 40 percent equal to that State's decline in rural population divided by the total national decline in rural population.

Title III does not say how or over what period of time the decline in rural population is to be determined, but it assumes, for some reason, that those communities which have lost the most rural population should get the most money.

The results of the formula have been distributed to Senators and should be on their desks. This fact sheet on the allocation of the funds under title III show that 39 States would receive a smaller percent of rural revenue sharing funds than their percent of the rural population. Eleven States would receive more. In fact, these 11 States, with 19 percent of the rural population in America, would receive more than 50 percent of the rural revenue sharing funds.

I ask unanimous consent to have printed at this point in the RECORD the fact sheet on the distribution of rural revenue sharing funds.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

STEVENSON AMENDMENT FACT SHEET—ADDENDUM

Thirty-nine states would receive a smaller percent of rural revenue sharing funds than their percent of the rural population. Eleven states receive more. These 11 states, with 19% of the rural population in America, receive more than 50% of the rural revenue sharing funds.

STATES WHCSE PERCENT OF RURAL REVENUE SHARING IS LESS THAN THEIR PERCENT OF TOTAL RURAL POPULATION IN AMERICA

State	Percent of rural population	Percent of rural revenue sharing
Alabama	2.8	2.04
Alaska	.4	.1
Arizona	.7	.41
California	2.9	1.32
Colorado	.9	.55
Connecticut	.6	.31
Delaware	.2	.11
Florida	3.3	1.95
Georgia	3.3	2.43
Idaho	.9	.48
Illinois	3.3	1.63
Indiana	3.2	1.54
Iowa	2.6	2.15
Louisiana	2.6	1.81
Maine	1.0	.57
Maryland	.9	.38
Massachusetts	.2	.1
Michigan	3.1	1.73
Minnesota	2.5	1.62
Montana	.8	.38
Nevada	.1	.05
New Hampshire	.7	.39
New Jersey	2.4	1.16
New Mexico	1.0	.62
New York	3.8	1.85
North Carolina	4.8	3.19
Ohio	3.7	1.99
Oregon	1.5	.75
Pennsylvania	3.7	2.10
Rhode Island	.3	.11
South Carolina	2.5	1.68
Tennessee	2.9	2.10
Texas	5.4	3.26
Utah	.3	.21
Vermont	.5	.26
Virginia	2.9	1.88
Washington	1.7	.74
Wisconsin	3.3	1.75
Wyoming	.5	.22

Mr. STEVENSON. Also, the funds are distributed without regard to the purpose for which they will be used. It is an arbitrary distribution by an arbitrary formula which takes no account either of the need for the funds or the purpose for which the funds are to be used.

I, as a former State official, have a lot of sympathy for State officials. I can well understand how State and local officials would welcome the opportunty to spend some of the Federal Government's money. I have no doubt that the need is great in many, if not all, of the States, counties, and planning districts that would receive this money.

I have no doubt, either, that most State and local officials would use it wisely, though not all. Some of this money would be wasted.

But those are not, Mr. President, the principal reasons for striking title III. The primary reason is that the Federal Government simply cannot at this time afford it. As has already been mentioned by the distinguished Senator from Missouri, the Federal Government faces this year a budgetary deficit of some $38 billion. We have an estimated budgetary deficit of about $26 billion for next year.

This amendment, if adopted, would mean a budgetary saving of $200 million. The fact that the Federal Government cannot afford to support $500 million for title III and at the same time continue existing programs at reasonable levels would mean that one or the other would suffer, and I do not think there is much doubt but that the administration, given a choice of spending funds for rural revenue sharing under title III or existing categorical aid programs, would fund the former and starve the latter. That has been its position, and it has made no bones about it. The administration's revenue-sharing program proposed the elimination of 11 categorical programs: The rural water and waste disposal grants, for which I propose, by this amendment, an increase in the authorization from $100 million to $400 million; the rural environmental assistance program; the Cooperative Agricultural Extension Service; the Economic Development Administration; the Appalachian Regional Commission; the resource conservation and development program; the title V Regional Commission; forestry assistance grants; the Great Plains agricultural conservation program; the water bank program; and the tree planting grants programs.

All these programs would, in all probability, be either eliminated or cut back in order to provide the $500 million authorized for rural revenue sharing. Far from being cut back, many or even all of them should have their funding increased, perhaps especially the Farmers Home Administration water and waste disposal program.

The authorization is now for only $100 million. The backlog in applications for water and sewer grants currently before the Farmers Home Administration is $195.6 million, and it is growing. That backlog will increase dramatically if this bill is passed, because the bill extends the eligibility of communities for these grants from communities of less than 5,500 to all communities in rural areas of less than 50,000 people.

It was estimated in 1969 that the need of communities served by the Farmers Home Administration for water systems amounted to about $4,161,000,000, and for sewer systems about $7,121,000,000, for a total of over $11 billion. This amendment would not go far toward meeting that need, but it would help. It would increase the authorization from the meager $100 million at which it now stands to $400 million.

One real need in rural America is for sewer and water facilities. This amendment offers the Senate a chance to help meet that need. It offers the Senate a chance to preserve and continue established and successful programs.

There are other programs either on the books or in the works which can help provide local communities with funds and with flexibility and the authority with which to determine their own local priorities and meet them. Money available through the Economic Development Administration can be made available. It was not long ago that the Senate passed a Comprehensive Housing Act, which included a community developments title and earmarked 25 percent of all funds under that title for communities of less than 50,000 in rural areas. That and other programs can make funds available to communities for their local needs and priorities without revenue sharing. Rural revenue sharing would simply add another program to a long list of existing programs, many of which are successful and need to be increased and improved, not, as this legislation would do, cut back.

Mr. ALLEN. Mr. President, will the Senator yield for a question with regard to his amendment?

Mr. STEVENSON. I gladly yield to the Senator from Alabama for a question.

Mr. ALLEN. As I understand the Senator's amendment, he would eliminate the authorization of $500 million a year for rural revenue sharing, and take $300 million of that authorization and put it over into one single program, the water and sewer assistance grant program; is that correct?

Mr. STEVENSON. The Senator is correct, except I should point out that that one single program provides grants for water systems, sewer systems, solid waste disposal systems, and community facilities and services in rural America.

Mr. ALLEN. What is the present appropriation for the current fiscal year for this program? It is $100 million, is it not?

Mr. STEVENSON. The Senator is correct. It is $100 million. The apropriation is all the way up to the authorization level of $100 million.

Mr. ALLEN. Under the Senator's amendment, the revenue sharing for rural areas would be eliminated and the authorization for water and sewer systems be increased from $100 million to $400 million?

Mr. STEVENSON. The Senator is correct.

Mr. ALLEN. The Senator realizes, does he not, that only $42 million of the current fiscal year's appropriation has been released by the administration?

Mr. STEVENSON. The Senator is correct, and that is one of the reasons for my concern about revenue sharing. I am very much concerned, as I indicated before, that if the administration has the opportunity to spend $500 million for revenue sharing, these other programs, including those for water and sewers, would get cut back even further.

Mr. ALLEN. Why does the Senator feel that by increasing the authorization more money would be released, when they have released only $42 million out of the current $100 million authorization?

Mr. STEVENSON. Well, I am an optimist. I would hope that the administration would respond to the very real, pressing needs of people all across this country in rural America, and to the entreaties of their representatives in Congress; and I might also say to the Senator from Alabama that there could be a different administration soon.

Mr. ALLEN. Yes; I suppose that could conceivably be the case. But I just wonder why the Senator would feel that all the eggs should be placed into one basket and the hands of the local authorities tied down to one particular program rather than have available many rural revenue programs.

Mr. STEVENSON. The Senator is making my point for me, and he is doing it on my time, I believe.

But the point is that I want to continue the variety of programs. Among that great variety of programs, including the water and the sewer program which covers grants for community facilities, water systems, sewer systems, and solid waste programs, are economic development, title 4 of the EDA, which does provide funds for general purposes, and the community development legislation which I mentioned a moment ago, already passed, if I recall correctly, almost unanimously by the Senate, which earmarks some 25 percent of all the funds authorized under that legislation for block grants to communities in rural America.

The trouble with title III is that it does put the eggs in one basket—one great, big revenue-sharing basket—and there is no telling what will happen to those eggs or all the other programs we depend upon if revenue sharing is approved.

Mr. ALLEN. But the Senator is eliminating all the other programs and putting all the emphasis on one very desirable program which has not had released to it the amount of money already appropriated by Congress.

Mr. STEVENSON. I am not eliminating any programs. I am trying to save programs. We are transferring additional money to one program that is particularly starved for funds. As the distinguished Senator from Alabama pointed out, the appropriations are already up to the $100 million authorization level.

As I tried to point out earlier, the unmet need for water and sewer systems alone in rural America was estimated in 1969—it is probably higher than that now—to be more than $11 billion.

Mr. ALLEN. There would be nothing to prevent the local authorities, under the bill as reported by the committee, from using these funds for water and sewer purposes, would there?

Mr. STEVENSON. There is nothing to prevent them, under this bill, from using these funds for any purpose. There is absolutely no telling. We are simply making it possible, under title 3, for State and local officials to spend the Federal Government's money.

As a former State official, I can sympathize with them. That is an enviable position to be in—to be able to spend the money without having to raise it. But that does not make me sympathetic to the proposed legislation. It seems to me that we have a responsibility, having collected the taxes from the people, to exercise some responsibility for the expenditure of those funds.

Mr. ALLEN. I gather that the Senator does not subscribe to the concept of general revenue sharing. Is that correct?

Mr. STEVENSON. I have doubts about the wisdom of giving away money. I will say to the Senator that if there is anything I firmly do believe, it is that money alone will not solve all our problems. Something more than money is needed—new ideas, new initiatives, reform. General revenue sharing, like title 3, only offers money.

Mr. ALLEN. I thank the distinguished Senator from Illinois.

Mr. President, I yield myself such time as I may require.

I rise in opposition to the proposed amendment to strike out title III, the Rural Community Development Revenue Sharing Act.

The rural revenue sharing as now generally provided in title III, was considered in executive session of the Rural Development Subcommittee of the Committee on Agriculture and Forestry and amended there. It was then considered in full committee and amended there.

Federal revenue sharing for rural community development is neither a novel nor a new concept to the Senate. As far as this body is concerned, it is not a new idea that came along just recently. I have studied the history of this concept in the Senate.

In truth, the Senate has been engaged in rural development revenue sharing for its entire history.

For many years we had the support of the entire Nation.

Federally assisted rural development helped build our Nation and, until the farm depression following World War I, our country had a long-standing policy of geographically balanced national growth, characterized by the long series of enactments for internal improvements and by the Homestead Act.

Some time in the twenties, the Nation abandoned the balanced growth policy.

We lost our way.

It became fashionable to equate the trek of people from the land with national progress and growth of civilization. How wrong we were.

During the three decades that followed, the Nation became preoccupied with the depression and with wars, hot and cold, and their consequences.

Considerations of growth policy centered on nationwide aggregates—full employment and increased gross national product—with little or no thought to any concerted or consistent idea or concept of how that growth was to be distributed over our Nation.

We were hung up on something called progress—whatever that is.

The result of this drifting was the greatest migration of people in so short a time in the history of the world. We emptied out our rural areas and jammed many of the unfortunates into central city ghettos.

National growth policy began to take a turn for the better with the enactment of the Food and Agriculture Act of 1961 of which the Consolidated Farmers Home Administration Act of 1961 was a part.

More than 10 years ago, under the leadership of the former distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), the Senate took the first major step toward modern rural area development when he sponsored and brought to enactment the Consolidated Farmers Home Administration Act of 1961 as part of the Food and Agriculture Act of 1961.

Another major step was taken when Senator ELLENDER introduced, in 1966 and again in 1967, and the Senate passed twice, the rural community development districts bill.

While that particular bill failed to pass in the House, its major provisions were adopted in a watered down version in the Housing and Urban Development Act of 1968, which for the first time provided planning grants for areawide rural multijurisdictional districts.

In a real sense, the legislation pioneered by the Senator from Louisiana, now the distinguished President pro tempore, was the original special rural community development revenue sharing proposal.

Senator Ellender's leadership during the middle 1960's provided the base upon which we now build.

The present chairman of the Committee on Agriculture and Forestry (Mr. Talmadge) working in a cooperative bipartisan manner with the distinguished chairman of the Republican National Committee, the Senator from Kansas, (Mr. Dole), built on that base last year to fashion and bring to enactment title IX of the Agricultural Act of 1970.

That legislation, along with title VII of the Housing and Urban Development Act of 1970, reestablishes at long last, a national policy of geographically balanced growth, giving highest priority to rural development.

Now again we have before us another major step to reestablish a geographically balanced national growth policy—the special rural community development revenue sharing proposal embodied in title III, which the amendment would strike out.

I hope and trust that we can handle it in the same spirit and manner of constructive bipartisan cooperation.

As members of the Senate know, I have maintained an open mind about the revenue sharing and bloc grants proposals and their various alternatives.

I am still open to persuasion on the subject of general revenue sharing.

I am well aware of the severe strains on municipal budgets and tax bases.

I was privileged this year to read of the annual meeting of the National Association of Counties. There they discussed county problems frankly and in stark outline.

I have watched the fledgling areawide planning and development districts in my State of Alabama strive to get underway with inadequate Federal and State appropriations. These districts lack financial support for the kind of expenditures they must make to become the needed leading force in orderly, locally controlled rural development.

I am fully aware that demands on State governments have been mounting at a rapid rate. At the same time matching requirements of many worthwhile Federal programs have put an added strain on State revenues and a warping pressure on State budget planning.

Mr. President, the Rural Development Subcommittee, of which I am pivileged to be a member, has held extensive field hearings in connection with the bill now before us.

We had 10 days of hearings in Washington. Our subcommittee staff has obtained extensive studies from many sources.

Mr. President, the testimony we have heard and the evidence we have seen indicate a vast need for funds for community facilities in rural America. Considerable improvements are called for in education and technical training; for health care; and for incentives for more rapid rural industrialization.

Moreover, I am concerned that local governments and areawide planning and development districts in low-income rural areas have less effective opportunity than affluent suburban jurisdictions to benefit from Federal categorical grants that require local matching.

Forcing low-income districts to pay all their own costs of orderly planning and development without any Federal funds at all would be even more unfair, and even more regressive, in a national sense. Even if local revenues were raised by a progressive piggy-back addition to the Federal income tax or a special Federal tax rebate, areas with a small tax base would remain at a disadvantage.

These are all hard realistic reasons why we should initiate now a new system of noncategorical Federal grants for rural development activities of States, districts, and local governments as the President has proposed.

At the same time, no one has been more fully aware than I that some of the forms and procedures of local government and restrictions on them by State laws or constitutions have become outmoded.

I realize that cost-effectiveness program planning, budgeting, analysis, and evaluation have not been fully adopted on a widespread basis by counties and municipalities. We may not even be getting our dollars worth in expediture of local revenue in some jurisdictions. Farmers and others may be called upon to bear an undue share of the burden of property taxes. Certainly improvement in local government is something we all should encourage.

I have been equally concerned that the governmental unit that spends the money should have responsibility for raising it; and the governmental unit that collects the revenue has a grave duty to exercise responsibility for its expenditure to attain national as well as local and State concerns. In any event, Federal moneys spent by other units of government should contribute to the attainment of high-priority national goals.

In addition, Mr. President, the revenue resources of the Federal Government are no more unlimited than those of State and local governments.

These are hard realistic reasons why we must proceed cautiously in turning over Federal funds to other units of government to spend on their own local needs.

These are compelling concerns, Mr. President. Some would move us one way, some another, on rural development revenue sharing.

These and other considerations, Mr. President, I continue to weigh as I study the several general and special revenue sharing proposals.

They bear strongly on the decision we should make concerning the amendment to strike out title III.

They, and still others, have bearing on the decisions we should make on the general revenue sharing proposal. But we should not confuse the two proposals—argument against general revenue sharing do not apply to the rural development block grants in title III.

Last year Congress passed, and the President signed, title IX of the Agricultural Act of 1970 and title VII of the Housing and Urban Development Act of 1970. Both establish a high national policy of balanced growth. Both require that a top priority be given to actions to speed up rural development within the context of balanced national growth.

The objectives of title III move in that direction. They are consistent with these firm congressional and Presidential statements establishing more rapid rural development as a high national policy.

None of the witnesses before the Rural Development Subcommittee of the Committee on Agriculture and Forestry testified in opposition to these aims. Not one witness urged even so much as a simple language change in the proposed rural development purposes.

Not one witness—I repeat—not a single witness—objected to providing unmatched grants for State and local governments to initiate and carry out rural development projects.

Not one witness objected to the emphasis given by the proposal to nationwide rural development planning through local and State governments and areawide sub-State multijurisdictional districts, aided by multi-State regional planning and development.

Mr. President, there appears to be a national consensus on these matters.

I share that consensus.

However, Mr. President, many witnesses who appeared before our subcommittee expressed deep concern that the same proposal which brought forth such a groundswell of support for its rural development objectives should run the risk of sounding the death knell of many rural programs adopted over past years by this Congress.

Not one scintilla of criticism, and no opinions or convictions, were expressed to evidence that any of these programs have lost their usefulness.

Not one witness singled out any program that he urged be given transitional treatment to possible elimination. No one presented evidence or proof that any of these programs is not helping to attain the objectives of rural development in the context of balanced national growth.

Not one witness presented evidence that the cost effectiveness of funds spent for the Appalachian regional program, the Economic Development Administration program, the rural environmental assistance program, or the new water bank program would not match up to a high standard.

Mr. President, even the witnesses who appeared in full support of the entire rural revenue sharing proposal, including its transitional provisions, upon questioning by members of the Rural Development Subcommittee, filled the record with highly favorable accounts of the good that is being done by the forest fire fighting appropriation, the tree planting appropriation, and the Great Plains conservation and resource conversation and development programs and others listed that could be phased out under the proposal as it now stands.

Many witnesses expressed concern that large numbers of rural communities may be forced to the wall if water and sewer grant programs are not expanded.

Yet water and sewer grants are placed on the expendable list in the transitional title of the original rural revenue sharing proposal of the administration. These communities are faced with the need to meet high standards for water, air, and environmental quality. We all support those. But, at the same time, we must provide the funds by which these little communities can meet these standards.

We must expand rather than phase out the fine programs that the distinguished Senator from Vermont (Mr. AIKEN) worked so hard and so effectively to put on the books in the 1960's.

Mr. President, I do favor title III that will add a rural development revenue sharing program to complement the successful programs we already have.

I am pleased that this kind of accommodation of aims for which I have searched has been included as title III of S. 3462.

I am happy to have joined in introducing the proposed amendment, in the nature of a substitute, to the special rural community development revenue sharing bill, that has now been included as title III of S. 3462.

Title III authorizes new money of up to $500 million annually. It makes the revenue-sharing funds available to areawide multijurisdictional planning and development districts and to counties, parishes, municipalities, burroughs, towns, and other units of local general government as well as to States.

The formulas for distribution or allocation of the funds give weight to the rate of rural outmigration and to the relative extent of rural poverty, both of which characterize rural areas of the greatest need and smallest tax base. The result of this change would be to increase the relative proportions of the total funds going to States, districts, counties, and municipalities with heavy rates of outmigration and with relatively low rural per capita incomes—those that need it most in the context of a policy of balanced national growth.

Title III requires that a State would have to have a State rural development plan to qualify for revenue-sharing funds. Title III requires a rural development plan rather than just a development plan. The members of the State rural development advisory committee would have to be chosen from rural areas within the planning districts, rather than just selected at large.

Title III allocates 33⅓ percent of the annual amount of the shared revenue to counties, municipalities, and other local governments and 33⅓ percent to multijurisdictional areawide planning and development districts; and 33⅓ percent to States.

The original proposal left the size of the annual amount of shared rural revenue funds entirely to the annual appropriation process while title III sets an authorized annual appropriation not to exceed a maximum of $500 million annually.

Title III requires the State, district, and local governments receiving shared revenues to comply with the provisions of section 901(a) and section 901(b) of title IX of the Agricultural Act of 1970—Public Law 91–524. Title IX of Public Law 91–524 would thus be given muscle and implement with funds to make a reality of the earlier policy statement adopted by this body.

The "Congressional finding and policy" and "rural development purposes" sections of title III are the same as the original proposal.

Title III establishes the same standards of accountability in identical language as the original administration proposal.

Title III requires the same State and multijurisdictional planning districts to establish organizational structures and annual plans.

Mr. President, I hope the Senate will reject the amendment to kill title III because I feel it best meets the needs of a policy of balanced national growth and preserves for the governmental unit that collects the revenue the responsibility to spend this revenue through a thoroughly flexible program responsible to local initiative.

Now, Mr. President, the provisions of title III provide for an authorization of $500 million a year to be appropriated for rural revenue sharing. The President has proposed general rural revenue sharing. The method by which the revenue was going to be shared was to stop some 13 existing rural programs and use that money, with some slight additions, as the money for rural revenue sharing; so that the existing rural programs the President's rural sharing plan would have withdrawn appropriations from are these:

The extension service.

Rural environmental assistance program.

The rural water and waste disposal grants. I invite the attention of the distinguished Senator from Illinois to that.

Forest Service grants for forestry assistance.

Great Plains conservation program.

Water bank program.

Resource conservation and development grants.

Tree planting assistance.

Regional development programs.

Economic development assistance.

Appalachian Regional Commission.

All of these rural programs for 1972—the fiscal year that we are now in—amount to $1.58 billion.

It was the administration's plan to authorize the appropriation of $1.1 billion in lieu of all the tried and true programs, which would have provided only $42 million for rural revenue sharing throughout the entire United States.

Now the purpose of title III is to leave all of the existing programs for rural development and rural service as they now are. Not one single word of testimony in opposition to continuing these programs came before the Committee on Agriculture and Forestry or any of its subcommittees.

Why should it be the policy of the administration, in providing rural revenue sharing funds, just to use the money now being used by tried and true programs that the people approve of, and then divide that money harum-scarum throughout the country?

So the purpose of title III is to leave those programs intact. Every single one of the items that I have just read off would be left alone. The money would not be withdrawn from those programs.

In addition to that, Mr. President, the sum of $500 million would be authorized and, it is only an authorization. Congress would have to appropriate the money. There would be no duty upon the Congress to appropriate anything. It would not be mandatory to appropriate anything. It is an authorization, to be weighed by Congress and implemented by appropriation if, in its wisdom, it sees fit so to do. That money would be divided throughout the United States for rural development programs.

Mr. President, I might say that it would be the very first piece of legislation involving revenue sharing as such that has been passed by the Congress since the President made his recommendations for revenue sharing. I would like to see one piece of legislation involving revenue sharing as such passed by Congress. And I know of no better place to start than in a revenue-sharing measure for rural America.

What would the amendment offered by the distinguished Senator from Illinois do? It would wipe out entirely this authorization and deprive Congress of the opportunity to provide revenue sharing in this fashion, and instead it would transfer that authorization over to one single worthwhile program. But why concentrate on only one program? Why not have available all worthwhile programs for the development of rural America? Why say that we are going to use this for only one purpose? That is what the amendment of the distinguished Senator from Illinois would do, Mr. President. It would deprive the local government of any freedom of action in deciding where that money would go. It would have to go into this one program.

Is more money needed in that program? I daresay that it is, but not the $300 million which could well be divided over half a dozen or a dozen different types of programs.

Let us see what would happen if the authorization were transferred from general revenue sharing for all of rural America over to one program for water and sewer disposal system grants with no flexibility and no right to use the money for other worthwhile programs, but just to be in this one program.

What has been the experience up to the present time in implementing this program? There is currently a $100 million appropriation for making water and sewer system grants. However, only $42 million has been released by the executive department. Why the distinguished Senator from Illinois would feel that more would be released if the authorization were $400 million or $500 million or any other figure is a mystery to the junior Senator from Alabama. All that the administration has been willing to release is $42 million, when they could have gone up as high as $100 million because that was the amount appropriated.

Why was it felt they would go to a higher figure with a $400 million authorization?

I feel that the amendment is unwise. It would not be translated, in the judgment of the junior Senator from Alabama, into additional water and sewer system grants because we have not used even half of what has already been appropriated for that purpose.

Mr. President, I hope that the Senate will reject the amendment. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, I yield 5 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 5 minutes.

Mr. AIKEN. Mr. President, first, I point out that I appreciate the effort which the Senator from Alabama has been putting into trying to create a solution for the problem of revenue sharing. Let me say that I am in favor of revenue sharing. However, I have yet to see any method of providing it which meets with my approval. I think there is some way to do it. I do not think we have provided it in this bill as far as revenue sharing is concerned.

Mr. President, I have asked to have this particular piece of legislation which is now in the bill analyzed. And I have received some comments on it, and particularly on the provision in the bill providing revenue sharing of funds to State and local officials on what amounts to a no-strings-attached basis with no guarantee that they will be used in an effective manner. In this connection it should be noted that the Federal Government would have no approval authority over the State rural development funds required by the amendment.

Distribution of revenue shared funds under the Allen amendment would be based on a rigid formula taking into account rural population, rural per capita income, and rural outmigration. This formula cannot be changed without changing the legislation. These three factors may or may not have any relationship to particular rural development problems.

The Allen amendment would impose still another set of special districts on State and local governments—multijurisdictional planning districts. This can result in greatly increased administrative costs and create an administrative nightmare. Direct funding to these districts can result in duplication of effort and conflict with existing State organization, and subsidies from other Federal agencies like HUD, EDA, and EPA.

Mr. President, I might say that we are overwhelmed with planning commissions at the present time which have overlapping jurisdiction and overlapping authority. The States have them, and even the Federal Government has them. I would like to see some better way of handling the situation because they all compete with each other and work against each other in some places in order to get the credit for doing the job and getting the most Federal money.

The Federal Government already has a substantial number of proven rural development programs. While the Allen amendment would not replace any of those programs, it would intensify the competition for funds within the Federal budget to the detriment of those programs.

Mr. President, several other reasons are given why this special proposed program in the bill would not be very workable. I do not doubt that it would result in much greater benefits to certain areas that perhaps do not have a need than it would to some of the other areas that do have a need.

I say again that I want to give the Senator from Alabama and the Senator from Georgia full credit for trying to work out something they think would be good for rural development. However, in the case of this proposal for revenue sharing, I would rather wait another year and see if we could work out something which would do a better job.

Instead of multiplying the jurisdictional commissions we should seek to do something toward bringing them into line.

Other than that, I believe the Federal Govenment cannot completely give up all the requirements for approval of some of the projects, many of which will cross State lines, and there might be one State doing something, which would react against a State which adjoins it.

I shall vote for the amendment proposed by the Senator from Illinois. I am not satisfied with the situation now and I realize some kind of revenue sharing is important because local taxation is discouraging a lot of people, but I have serious doubts that the provision now included in the bill would prove to be a satisfactory solution.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the President made a recommendation for rural revenue sharing. It was sent to our committee. We moved expeditiously and promptly to consider the President's recommendations. Our committee held the first hearings on the President's recommendations and our committee was the first committee to report on the matter.

The distinguished Senator from Vermont, along with other Senators sponsored a bill, and I was happy to cosponsor it, providing for water in our rural areas. It is one of the most needed things we have. I am delighted to have joined in that cosponsorship. It worked well but it was too limited and we had too little money. In addition, there are no guidelines to guide the Executive authority of the Government. They want to spend all the money they can in Vermont or in Georgia, or in Illinois. It was the considered opinion of the Committee on Agriculture and Forestry that there should be some guidelines by which this revenue-sharing money would be utilized.

We knew also that in not every community would water be the most desperate need. So we thought they should have some flexibility to utilize the funds for what the local people thought was the greatest need.

The President's recommendation provided for the abolition of 11 of the most popular programs we have relating to agriculture in this Nation. One recommendation was to abolish the Extension Service. Not a single Senator in this Chamber would cast his vote to abolish the Extension Service. By far the most popular program with which the Department is related is the Extension Service. It is in every school, in every 4–H Club, in every courthouse of America, where they are teaching farmers to utilize better methods.

It was recommended that other programs of a similar nature be abolished. The committee decided not to abolish these programs but to make a reasonable authorization in compliance with the President's desire for rural revenue sharing.

We tried to allocate the money, first, where the rural population is, second, where there is rural poverty, and third, where there is rural migration, where people have been moving because job opportunities were not there. So the committee devised a formula that this $500 milion authorized annually would be divided 40 percent on the basis of rural population, 40 percent on the basis of rural outmigration, and 20 percent on the basis of rural poverty.

When the money reached the States it would require they could keep one-third for local purposes, and local governments could keep one-third for local government purposes, and one-third must be utilized by the appropriate planning commission in every State of the Union to try to utilize the money to better themselves and create job opportunities in that area. That was our purpose rather than to have a grab bag with some Federal administrator, at his whim, caprice, and desire, only to give it over here or over there, or utilize it in any way he wanted, if he had a congressional race, a senatorial race, or a gubernatorial race. He could use the money for that purpose. But under the formula the committee devised, each area will get its share of the funds in accordance with the formula.

Since the Committee on Agriculture and Forestry acted, the Ways and Means Committee of the House reported a bill for revenue sharing that is in excess of $5 billion a year for a period of 5 years; so, Mr. President, you are talking about $25 billion involved in that program. I presume the majority of that money is going to the cities, and the cities are desperately in need of funds. But I remind the Senate today that over 50 percent of the poverty in America is in rural areas, over 60 percent of substandard housing is in rural areas, and that is where the problem arose before it became an urban crisis.

I hope the Senate will reject the amendment of the Senator from Illinois and stand by the Committee on Agriculture and Forestry, which gave this matter intense consideration after deliberate hearings and thorough examination.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENSON. Mr. President, it has been said this is the first revenue-sharing program to reach the floor of the Senate. I would remind the junior Senator from Alabama that the senior Senator from Alabama (Mr. SPARKMAN) worked very hard and diligently for a long time in the Committee on Banking, Housing and Urban Affairs, and with others, including the junior Senator from Illinois, to resolve the difference between the administration community development revenue-sharing program and existing categorical programs, to fashion a new block grant program for community development in America. That bill which is a form of revenue sharing, a workable form of revenue sharing, has been passed by the Senate. It authorizes $2.7 billion the first year, of which $675 million is earmarked for rural America. That is revenue sharing for rural America that has already passed the Senate.

The basic problem is that we cannot afford another rural revenue-sharing program, as well as to continue support for all of the existing, proven, successful categorical programs. The distinguished Senator from Alabama and the distinguished chairman of the Committee on Agriculture and Forestry have expressed their support for the rural water and waste disposal treatment programs, the economic development program, the Extension Service, and the others mentioned.

If we pass rural revenue sharing, those programs will be cut back because we cannot afford to support them at adequate levels and community development programs and other revenue-sharing programs.

We know very well by now that given the choice of funding water and sewers, the agricultural extension program and the others, and funding revenue sharing, the administration will fund revenue sharing and starve those other programs.

I will say one final word, and then I shall be prepared to yield back the remainder of my time, and that is to simply agree with the Senator from Georgia and the Senator from Alabama that we do need to give far more support to people in rural America; but the revenue-sharing proposal in title III does not do that, or at least does not do it rationally. It allocates funds to the least populated areas of rural America.

These are funds that are supposed to be for the benefit of the rural population, but they are not distributed in proportion to the rural population. For example, the State of Alabama has 2.8 percent of the rural population of America, but it receives only 2.04 percent of the rural revenue-sharing funds. Take the State of Georgia. It has 3.3 percent of the rural population of the United States, but it receives 2.43 percent of the rural revenue-sharing funds. My own State of Illinois has 3.3 percent of the rural population in America and yet would receive only 1.63 percent of rural revenue sharing funds provided by title III of this bill. It simply is not a rational basis for getting funds into rural communities, into those parts of America that have the rural population.

With that, Mr. President, if the manager of the bill is prepared to yield back his time, I am prepared to yield back my time.

Does the Senator from Alabama yield back the remainder of his time?

Mr. ALLEN. Yes; I will yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Illinois. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Connecticut (Mr. RIBICOFF) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Wyoming (Mr. HANSEN) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 32, nays 50, as follows:

[No. 153 Leg.]

YEAS—32

Aiken
Bayh
Brock
Buckley
Case
Church
Cook
Cooper
Cranston
Curtis
Eagleton
Hart
Hartke
Hruska
Javits
Kennedy
McGee
Nelson
Pearson
Pell
Roth
Saxbe
Schweiker
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams
Young

NAYS—50

Allen
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cotton
Dole
Dominick
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hollings
Hughes
Inouye
Jackson
Jordan, Idaho
Long
Magnuson
Mathias
McGovern
McIntyre
Miller
Mondale
Moss
Packwood
Percy
Proxmire
Spong
Stennis
Talmadge
Thurmond
Tower
Weicker

NOT VOTING—18

Allott
Brooke
Hansen
Harris
Hatfield
Humphrey
Jordan, N.C.
Mansfield
McClellan
Metcalf
Montoya
Mundt
Muskie
Pastore
Randolph
Ribicoff
Scott
Sparkman

So Mr. STEVENSON'S amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MILLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 78) paying tribute to President Harry S. Truman on the occasion of his 88th birthday.

ENROLLED BILLS PRESENTED

The Assistant Secretary of the Senate reported that on today, April 20, 1972, he presented to the President of the United States the following enrolled bills:

S. 1989. An act to amend title 39, United States Code, to provide for the renewal of certain star route contracts; and

S. 3153. An act to amend the Act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an Act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

RURAL DEVELOPMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3462) to provide for the development of rural areas.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BELLMON. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 130, line 14, insert the following: after "land" insert ", and particularly reclamation revegetation of land that has been mined, strip-mined or abandoned by its owners,".

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. Mr. President, one of the factors that holds back the development of many rural areas is the fact that large sections of rural America have been strip mined or otherwise devastated by mining operations that have made the land unproductive and which in many cases have left the land in such condition that the reclamation and revegetation of these areas costs more than the land is worth once the operations have been completed. This language would simply make it possible for some of the moneys in this bill to be used for these purposes when the local interests felt that it was a good investment.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. TALMADGE. Mr. President, I have examined the amendment of the distinguished Senator, and I have discussed it with the ranking minority member of the committee, and we are in accord. It is an excellent amendment and improves the bill.

We think that the Soil Conservation Service should be interested in improving the land that has been strip-mined or abandoned by its owners, and I hope that the Senate will accept the amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. COOPER. I ask the Senator this question: Suppose land has been strip-mined and it is not abandoned and it has an owner. Would this public money be used to reclaim the land where the owners are in possession of it and are able to reclaim it? Are we going to pay the costs to reclaim land for coal companies or individuals who have mined it profitably and have gone away and left it in the public domain?

Mr. BELLMON. Mr. President, most States, including the State of Kentucky, which has one of the best mining laws of any State, now require that when permits for mining are issued, bonds be posted by the mining companies to make certain that the land will be restored to productive condition once the mining operation has been completed.

The problem is that there are many "orphan" lands that have been mined in past years, when our mining laws were lax, and these mines now are in a totally unproductive state, and there is no apparent method of getting reclamation and revegetation practices put into effect.

It is the intention of this amendment that under the terms of the watershed protection and flood prevention program, moneys of that program could be used for the reclamation and revegetation of strip mines or abandoned mines in case the local agency, the Soil Conservation Service, felt that this was a good investment.

Mr. COOPER. I appreciate the Senator's purpose. I may say that I had the opportunity to go with him and Senator Moss, Senator COOK, and Senator BAKER to look over the lands in Tennessee and Kentucky.

I know that in certain areas it would be important to take measures to protect the rivers and streams and lakes from being ruined and despoiled by uncontrolled strip mining. But is there any provision here to assure that the States shall have such regulations that owners or the mine operators will also be required to assume the costs of reclaiming this land after it has been mined? This bill would not in any way take the burden of responsibility for reclamation away from the mine operators, would it?

Mr. BELLMON. It is not the intention of this amendment in any way to diminish the responsibilities of the mine operators or the landowners. Most of the soil conservation practices presently supported under the watershed protection and flood prevention program require participation by private land owners. In many cases there is a cost-sharing arrangement with the Federal agency, and the same arrangement can be carried out in this respect.

Mr. COOPER. I hope that in conference, the conferees will show in the report what the effect of this amendment might be as it would apply to corporate or individual owners.

The problem in Kentucky now is that some mining companies have already despoiled the country. For example, strip mining to supply coal for the Tennessee Valley Authority has practically despoiled western Kentucky. The mining that has been done there has ruined water tables and ruined the country side. I know the example I cite is an extreme example. I know the Senator's purpose.

We will want to help reclaim these devastated and despoiled areas. We should not, however, do something to let the Government agencies and big operators escape their duty.

I want to make a correction. The Tennessee Valley Authority did not mine this land. It entered into contracts with big coal companies of the United States who initially mined it, but the TVA did not withhold sufficient funds to insure that they reclaimed the land. I believe that should be their responsibility.

Mr. BELLMON. Mr. President, I might say that the problem we are trying to get at is the problem that exists because of lax laws in the past. We recognize that particularly the TVA has strip-mining provisions in its contracts, to make certain that mining companies do not destroy the surface and leave the land in an unproductive condition. In the past, in Kentucky and in many other States, including my own State, strip-mining operators have left the land in unproductive condition, and we must take steps to correct this situation.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. AIKEN. Assuming that the big coal companies have stripped the coal and have made their fortunes on the coal but leave the land in a virtually worthless condition—they still have the title to the land—would the Senator's proposal authorize that the land be restored to a highly valuable condition for another purpose, so that they might pick up another fortune, for example, in land development, recreation, and so forth? I can see that it would be desirable to have the land reclaimed, but it goes against the grain to give another handout to the people who already have been responsible for despoiling it. How would that be handled?

Mr. BELLMON. Mr. President, that problem and that decision largely would be handled by the local boards of directors of the Soil Conservation Service. They would require cost sharing participation by any owner, whether it is a private individual or a company. I am of the opinion that they are not going to use the funds in such a way as to make a windfall profit for a large corporation.

Mr. AIKEN. I realize the desirability of restoring the land to valuable condition. It just makes me uneasy.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. BELLMON. I yield.

Mr. MILLER. Do I correctly understand that in the colloquy with the Senator from Kentucky (Mr. COOPER), the Senator from Oklahoma indicated that the intention is that money used under this authority, as set forth in his amendment, would not be used, in effect, to get a company or an individual off the hook, so to speak, with respect to their responsibilities under a State law to take care of the damage done in strip mining operations?

Mr. BELLMON. That is correct.

Mr. MILLER. May I say to my colleagues that this matter will be in conference. I believe that, with this legislative history, we should be able to make sure that there is no question about that in the minds of the conferees or in the report of the conference.

Mr. BELLMON. I appreciate the contribution of the distinguished ranking minority member. What he says is right as to my intent in bringing up this amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BELLMON).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask that it be stated.

Mr. President, I ask unanimous consent that my colleague from Kansas (Mr. PEARSON) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will state the amendment.

The legislative clerk read as follows:

On page 94, line 2, add the following: after the period: "Provided, that at least 60 per centum of the total financial assistance extended under sections 304(b), 306(a), 310A, and 312 (b), (c) and (d) shall be in counties not having an incorporated city with a population of more than 25,000 inhabitants according to the last decennial census."

Mr. DOLE. Mr. President, title II defines rural areas as all areas outside cities of greater than 50,000 population and their urbanized and urbanizing areas, and makes these rural areas eligible for loans and grants under this title.

My amendment would merely require that at least 60 percent of the Farmers Home Administration and nonfarm rural development loan and grant funds go to counties which have no incorporated city of more than 25,000 population.

It has been my experience that counties having a city of more than 25,000 population are generally viable communities and are not as badly in need of the type of assistance provided in title II as are counties with no city in the 25,000 population category.

Mr. TALMADGE. Mr. President, I have examined the amendment, as has the distinguished ranking minority member, and the staff, and I see no objection to it. I believe it might improve the present language in the bill. I hope that the Senate will agree to the amendment.

Mr. President, I yield back the remainder of my time.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. WEICKER). All time on the amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

The bill is open to further amendment.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 116, line 25, insert the following: strike "40 per centum" and insert "50 per centum".

On page 117, line 7 strike out "20 per centum" and insert "25 per centum".

On page 117, line 20, strike out "40 per centum" and insert "25 per centum".

Mr. JAVITS. Mr. President, as one looks at the tables prepared by the committee, in order to see how the revenue-sharing operation will tentatively be apportioned—and this is a kind of template of what will probably be the future of revenue sharing—we find a heavy emphasis on areas which have lost rural populations heavily, that is where there has been a decrease in rural population.

If Senators will look at the proposed charts and tables, they will find that out of the 50 States only 10 States get anything whatever out of this particular form of revenue sharing as is provided for in section 1102(a)(C). The reason is that the formula is such as to take in few States.

It is often not known that my State of New York has a true rural population. Other industrial States have major rural populations as well. My State has some major rural areas where there are real problems, where they may be in great need, although statistically that population may show an increase due to the number of families which have moved out from a metropolitan district. If that growth is large enough to the point of altering the census in the area, the total population will show an increase even though the "rural" population showed decrease.

The local level loss of population and resultant abandonment of the farms and the margins of farming areas is not necessarily undesirable. Such margins may arise because the soil, climate, and topography no longer are suitable for local agriculture, and such areas may be a poor choice for the investment of Federal funds. On the other hand, investments in rural areas with increasing populations which result from a spilling over from metropolitan areas might yield a greater result in terms of saving farms from urban encroachment and attracting some industries to provide rural employment.

So, Mr. President, I think that the formula seems to be, if we look at the results, too heavily weighted in the direction favoring "decreasing population," and not heavily enough weighted in the propositions concerning populations and per capita income.

For those reasons, it commends itself to us that we go back to the percentage distribution formula proposed by the administration. That is all I am proposing—the administration proposal originally in the bill sponsored by the Senator from Iowa (Mr. MILLER), S. 1612; the applicable percentage proportions were 50, 25, and 25. That is exactly what I am suggesting we should restore them to.

Before I complete my argument, I ask unanimous consent that the amendment at the desk may be considered en bloc.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I have examined the Senator's amendment and the reason for his offering it, as has the distinguished Senator from Alabama who is the principal author of title III. The Senator from Alabama thinks that it will improve the bill. I am perfectly agreeable to it under those conditions. I cannot speak for the ranking minority member of the committee. He will have to speak for himself.

Mr. MILLER. Mr. President, I will say that if the Senator from Alabama, who is the author of the amendment the way it appears in the bill, feels that this is an improvement, I do not wish to dispute that. I think it will require a little more research. As long as this bill will be going to conference, we will rewrite a lot of the bill in conference, so that I have no objection to the Senator's amendment.

Mr. BELLMON. Mr. President, I should like to point out that the reason the committee changed the formula was there was a mass exodus of rural people taking place during the 1930's and the 1940's which largely depopulated States such as Oklahoma and other major sections of rural America.

The committee's thought was that we should take into account the fact that at some time we would witness the return of a large population to rural America. There was the feeling that we should take into account the fact that the areas could again accommodate larger populations if the necessary services were provided. So that the formula agreed on by the committee was to help the communities prepare themselves for larger populations than presently reside there.

I feel that the formula the committee came up with properly takes account of basic population out-migration. I feel that it is a better arrangement than the proposal of the Senator from New York. But, in light of the fact that both the chairman and the ranking minority member agreeable to accepting the amendment, I will not oppose it.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments of the Senator from New York.

The amendments were agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MILLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. Mr. President, I thank the Senator from Alabama (Mr. ALLEN), the Senator from Georgia (Mr. TALMADGE), and the Senator from Iowa (Mr. MILLER) very much for their cooperation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment reads as follows:

At the end of the bill add a new section as follows:

SEC. 1705(a) Section 407 of the Rural Electrification Act of 1936, as amended, is amended by inserting "(a)" immediately preceding the first sentence thereof and adding at the end thereof the following:

"(b) The telephone bank is also authorized to issue telephone debentures to the Secretary of the Treasury, and the Secretary of the Treasury may in his discretion purchase any such debentures, and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds of the sale of any securities hereafter issued under the Second Liberty Bond Act, as now or hereafter in force, and the purposes for which securities may be issued under the Second Liberty Bond Act as now or hereafter in force are extended to include such purchases. Each purchase of telephone debentures by the Secretary of the Treasury under this subsection shall be upon such terms and conditions as to yield a return at a rate not less than a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturity. The Secretary of the Treasury may sell, upon such terms and conditions and at such price or prices as he shall determine, any of the telephone debentures acquired by him under this subsection. All purchases and sales by the Secretary of the Treasury of such debentures under this subsection shall be treated as public debt transactions of the United States."

(b) The right to repeal, alter, or amend this section is expressly reserved.

Mr. DOLE. Mr. President, the purpose of the amendment is to enhance the ability of the Rural Telephone Bank to obtain funds with which to finance rural telephone service.

Mr. President, the amendment has been discussed with the chairman of the committee, the Senator from Georgia (Mr. TALMADGE), and the ranking minority member of the committee, the Senator from Iowa (Mr. MILLER), has been made aware of the amendment. The amendment was considered at the time the telephone bank bill was passed in 1971. This amendment was not agreed to at that time.

The Rural Telephone Bank bill was passed last year after several years of consideration. I was fortunate to have worked for passage of the legislation in the House of Representatives before coming to the Senate, and can assure my colleagues that the expansion of communications this bank will facilitate will be a major contribution to rural development. Since the bill was signed into law May 1, 1971, it has become apparent that new legislation action is needed. Presently, borrowing authority is restricted to the private market; however, other Federal enterprises, after which this bank was patterned, have authority to borrow from the Secretary of the Treasury. Secretary of Agriculture Earl L. Butz, in a letter to SPIRO T. AGNEW, President of the Senate, said:

> The backlog of applications for telephone loans is currently about five times the amount made available by annual appropriations for loans under section 201 of the Rural Electrification Act. The act requires that loans be made with telephone bank funds instead of REA (2% loans) funds if the borrower has an average subscriber density of more than three per mile, is eligible for a bank loan, and bank funds are available therefor.
>
> The recommended legislation would facilitate the bank's ability to obtain funds required for such loans on favorable terms and conditions. The interest rate on the bank's borrowings from the Treasury would be based on the current average yield on outstanding marketable obligations of the United States with maturities comparable to the bank's borrowings.

Mr. President, I ask unanimous consent to have the letter from Secretary Butz to the President of the Senate printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 14, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith, for consideration of the Congress, is a draft bill "To amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions."

The Department recommends enactment of the draft bill.

After more than 5 years of legislative efforts supported by all segments of the telephone industry, a bill to establish a Rural Telephone Bank was approved by the Congress of the United States and signed by President Nixon on May 7, 1971, as Public Law 92-12. The objective of this legislation was to meet the growing capital needs of rural telephone systems by providing assured and viable sources of financing supplemental to the existing telephone loan program administered since 1949 by the Rural Electrification Administration, an agency in this Department.

The law authorizes the Government to purchase up to $30,000,000 annually of the Telephone Bank's Class A stock until $300,000,000 has been invested in such stock. It also authorizes the Telephone Bank to have outstanding bonds, debentures, notes and other evidences of indebtedness not in excess of eight times its paid-in capital and retained earnings. The terms and conditions of the Telephone Bank's securities offered to the public are subject to the approval of the Secretary of the Treasury.

A review of the Telephone Bank's financing plans by the Treasury Department and the Office of Management and Budget revealed the need for the legislation now being proposed to correct a defect in the Telephone Bank's borrowing authority. It was pointed out that the Telephone Bank may borrow only from the private market. Other Federal enterprises which have authority for private market borrowing also have authority to borrow from the Secretary of the Treasury, e.g., U.S. Postal Service, Federal National Mortgage Association, and Federal Home Loan Bank. Without this authority, it appears that the Telephone Bank will have to pay more for its borrowings than other Federal agencies. This will have a pronounced effect on the proportion of the telephone loan backlog which can be financed by the Telephone Bank for borrowers able to pay more than the two percent statutory interest rate established for REA loans.

The lack of this authority denies to the Rural Telephone Bank the possibility of direct loans from the Treasury which can be obtained at lower costs than private market borrowing, even by Federal agencies which have their loans backed by the full faith and credit of the United States. These direct loans would have no adverse budgetary effect since the Telephone Bank's receipts and expenditures are already included in the Federal budget, irrespective of the source of its borrowings.

The proposed amendment would permit the Rural Telephone Bank to issue its obligations to the Secretary of the Treasury and authorize the Secretary of the Treasury to purchase such obligations in his discretion. The Office of Management and Budget and the Treasury Department support such legislation because it would shift debt management problems from the Rural Telephone Bank to the Treasury Department. This would eliminate the need for the Rural Telephone Bank to have its own Fiscal Agency and permit it to minimize borrowing costs and avoid cash flow problems which could disrupt its lending program. Interest costs of the various federally sponsored agencies normally exceed Treasury borrowing costs by substantial amounts and the cost of money to such agencies is futher increased by the higher underwriting costs of relatively small issues. The Treasury already has the necessary expertise, flexibility, volume, and marketing power to minimize financing costs and assure an effective flow of credit for the supplementary financing program established by the Congress.

Early enactment of this legislation is recommended to facilitate the operations of the Rural Telephone Bank. The backlog of applications for telephone loans is currently about five times the amount made available by annual appropriations for loans under section 201 of the Rural Electrification Act. The Act requires that loans be made with Telephone Bank funds instead of REA funds if the borrower has an average subscriber density of more than three per mile, is eligible for a Bank loan, and Bank funds are available therefor. The recommended legislation would facilitate the Bank's ability to obtain the funds required for such loans on favorable terms and conditions. The interest rate on the Bank's borrowings from the Treasury would be based on the current average yield on outstanding marketable obligations of the United States with maturities comparable to the Bank's borrowings.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

EARL L. BUTZ,
Secretary.

Mr. DOLE. Mr. President, the Office of Budget and Management finds there is no objection to the presentation of the proposed legislation. This would eliminate the need for the rural telephone bank to have its own fiscal agency and permit it to minimize borrowing costs and avoid cash flow problems which would disrupt its lending program. Interest costs of the various federally sponsored agencies normally exceed Treasury borowing costs by substantial amounts and the cost of money to such agencies is further increased by the higher underwriting costs of relatively small issues. The Treasury already has the necessary expertise, flexibility, volume, and the marketing power to minimize financing costs and assure an effective flow of credit for the supplementary financing program established by Congress.

Mr. President, I have discussed this amendment as I have said. In fact, I believe the distinguished chairman of the committee has introduced a bill today that would accomplish the same purpose. I have also discussed the proposed amendment with various Members interested in rural telephone legislation and those who dealt directly with the telephone bank bill enacted and signed into law by President Nixon on last May 1. There is a general feeling that this is needed.

I urge my colleagues to support this important rural development measure to insure the continued expansion of our rural telephone communications system.

Mr. TALMADGE. Mr. President, if the Senator from Kansas would yield, I introduced a bill this morning for the Department by request that would accomplish the identical thing that the distinguished Senator from Kansas seeks to accomplish by his amendment.

We have examined the Department recommendations. They will save the Government money. Our staff has examined the recommendations. The ranking minority member of the committee has also examined it. We all agree to it. I hope that the Senate will approve the amendment.

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I understand that the distinguished Senator from West Virginia has some amendments that are noncontroversial. After we obtain third reading of the bill it is my understanding that the distinguished Senator from Illinois (Mr. PERCY) was to speak for about 5 minutes. I have had no other requests for time. I think we can have final passage of the bill within the next 45 minutes. I sincerely hope that we can do so.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 141, after the period in line 11, add the following:

"In addition, there is also authorized to be appropriated for each such fiscal year to carry out the purposes of this title the sum of $2,000,000 for use in those States where the per capita income in rural areas as defined in section 102(b) of this Act is below the national average per capita income of the population of rural areas and where the Chief of the Forest Service determines that the timber reserves within the area concerned are of such importance to the national timber reserve to warrant special consideration. Such funds shall be utilized by each such State for added assistance in those multijurisdictional planning districts as defined in section 1002(h) of this Act where the rural per capita income is below the national average."

Mr. ROBERT C. BYRD. Mr. President, first let me express appreciation to the distinguished manager of the bill for his forbearance in waiting until I could come to the floor from an executive meeting of the Judiciary Committee.

Mr. President, this amendment deals with title VI of the bill, which authorizes the Secretary of Agriculture to provide funds, technical and other assistance to appropriate State officials in cooperative efforts to organize, train, and equip local forces to fight wildfires in rural areas and rural communities of 5,500 or less. Existing provisions in S. 3462, as reported, limit this assistance to "not to exceed 50 percent or budgeted or actual expenditures", whichever is less.

This amendment does not alter or detract from existing provisions in title VI of the bill, but, rather, supplements them. My amendment would add $2,000,000 per year, for the same purposes, subject to the same matching provisions, to be distributed to States where the per capita income of rural areas is below the national average, and where the Director of the Forest Service determines that the timber reserves within the area concerned are of such importance to the national timber reserve to warrant special consideration. At the present time, there are 20 States containing areas which could potentially benefit from this amendment. They are not limited to any section of the country. Some of those included in the list are Minnesota, Louisiana, Alabama, Oklahoma, Georgia, and my own State of West Virginia. I ask unanimous consent to have included in the RECORD at this point, a table which shows the rural per capita income of all States, and the average for the United States.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Rural income per capita

United States average	$2,378
Alabama	1,866
Alaska	3,705
Arizona	2,233
Arkansas	1,956
California	2,916
Colorado	2,338
Connecticut	2,838
Delaware	2,848
Florida	2,368
Georgia	1,894
Hawaii	2,577
Idaho	2,530
Illinois	2,798
Indiana	2,801
Iowa	2,653
Kansas	2,796
Kentucky	1,954
Louisiana	1,963
Maine	2,523
Maryland	3,032
Massachusetts	3,044
Michigan	2,544
Minnesota	2,253
Mississippi	1,860
Missouri	2,145
Montana	2,753
Nebraska	2,755
Nevada	4,391
New Hampshire	2,660
New Jersey	2,781
New Mexico	2,320
New York	2,819
North Carolina	2,164
North Dakota	2,492
Ohio	2,597
Oklahoma	2,200
Oregon	2,701
Pennsylvania	2,501
Rhode Island	3,018
South Carolina	2,100
South Dakota	2,536
Tennessee	1,957
Texas	2,348
Utah	2,294
Vermont	2,694
Virginia	2,200
Washington	2,957
West Virginia	2,068
Wisconsin	2,619
Wyoming	2,870
American Samoa	473
Guam	1,688
Puerto Rico	1,077
Virgin Islands	1,527

Mr. ROBERT C. BYRD. Mr. President, this amendment would simply insure that there are additional amounts available to assist areas within States, which need it most.

Mr. President, may I say that I have discussed this amendment with the distinguished manager of the bill (Mr. TALMADGE) and with the distinguished Senator from Kansas (Mr. MILLER) and my amendment was modified to meet some of the suggestions and to conform with some of the suggestions made by Senator MILLER. I hope that the amendment will be agreed to.

Mr. TALMADGE. Mr. President, I have examined the amendment as has the staff and the ranking member of our committee. We think it is a good amendment. We hope that the Senate will agree to it.

Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 147, between lines 6 and 7, insert the following:

"(c) In addition to the amounts authorized by subsection (a) there is also authorized to be appropriated for the fiscal year ending June 30, 1974, and for each fiscal year thereafter, for carrying out all the purposes of this title, the sum of $25,000,000 for allocation among those States where the per capita income of those living on small farms in rural areas (as defined in Section 102(b) of this Act) is below the national average per capita income of the population of rural areas. Such sum shall be allocated to such States on the basis of the number of persons in each such State who live on small farms in rural areas (as defined in section 102(b) of this Act) and whose income is below the poverty level, as determined by the Secretary of Agriculture as of the most recent date for which such determination is available."

On page 146, line 8, after "title" insert "pursuant to subsection (a)". Reletter succeeding subsections accordingly.

Mr. ROBERT C. BYRD. Mr. President, this amendment deals with title VII of S. 3462, which directs the Secretary of Agriculture to establish a program for rural development and small farm research, utilizing the land grant institutions and the extension programs. Hopefully, this type of research will assist in developing the means to make small farms profitable, and thus encourage small farm operators to remain on their land, instead of migrating to the already overcrowded urban areas to seek employment.

The land grant university in each State will be the focal point of this research and the Extension Service will act as the conduit to transmit the results of this program back to the people in the rural areas.

Mr. President, my amendment does not reduce or detract from any of the existing provisions of title VII. It does, however, authorize an additional $25,000,000 for the same purposes, to be apportioned to those States having a high percentage of rural residents, living on small farms, with below-poverty incomes. Title VII, as reported by the Senate Agriculture Committee authorizes $50,000,000 for fiscal year 1974; $85,000,000 for fiscal year 1975; and $135,000,000 for fiscal year 1976 and subsequent years. My amendment would authorize an additional $25,000,000 per year, to be distributed to the States in proportion to the number of persons residing on small farms in rural areas, with incomes below the poverty level, as determined by the Secretary of Agriculture as of the most recent date for which such determination is available.

Therefore, under my amendment, the areas in this Nation which need this type of assistance the most, would receive special attention, to assist them in catching up with the rest of the Nation.

Mr. President, I have discussed this matter with the able manager of the bill, the Senator from Georgia (Mr. TALMADGE), and with the distinguished ranking minority member of the committee, the Senator from Iowa (Mr. MILLER). The amendment has been modified to conform to certain suggestions made by the ranking minority member (Mr. MILLER).

Mr. President, I hope that the amendment will be agreed to.

Mr. TALMADGE. Mr. President, I have examined the amendment, as has the staff, and as has the ranking minority member. We think it is a good amendment. I hope the Senate agrees to it.

Mr. ROBERT C. BYRD. I thank the distinguished manager of the bill for what he said. I have also cleared the matter with the distinguished Senator from Nebraska (Mr. CURTIS).

Mr. MILLER. Mr. President, I join my colleague, the distinguished manager of the bill (Mr. TALMADGE) in supporting the amendment. I believe it is a good amendment. I am not sure that the formula we have provided in that amendment is everything that we believe it should be but this is going to conference, and I have assured the distinguished Senator from West Virginia that in the interim we could get statistics which should be able to confirm what we think is right, and if they do not bear out we would be pleased to work with him in trying to come up with an allocation formula that will fit the purposes of the amendment.

Mr. ROBERT C. BYRD. I thank the able Senator, and I thank the distinguished manager of the bill.

Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARTKE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 153, line 8 add the following new subsection:

"(c) No financial or other assistance shall be extended under any provision of this Act unless the Secretary of Labor certifies that the provisions of this section have been complied with. The Secretary of Labor shall, in cooperation with the Secretary of Agriculture, develop a system of certification which will insure the expeditious processing of requests for assistance under this Act."

Mr. HARTKE. Mr. President, I offer this amendment on behalf of the Senator from Minnesota (Mr. HUMPHREY) and myself.

Under my amendment the Secretary of Labor would have to certify that the financial and other assistance provided under this proposed act is being provided in compliance with the act's antipiracy provisions. My amendment also would require the Secretary of Labor, in cooperation with the Secretary of Agriculture, to develop a certification system which would insure quick handling and processing of requests for assistance under this act.

I believe it most important that this amendment be incorporated into the bill. I know of no existing Federal law or program containing similar antipiracy provisions which place enforcement of those provisions with anyone other than the Secretary of Labor. The Secretary of Labor is in the best position to enforce such provision. His Department has most of the figures and data required to make such judgments and as I have already indicated, the Secretary already has similar responsibility under several other laws. To vest that responsibility under this act to anyone other than to him would be sloppy legislating, and in this case, would unnecessarily add to the administrative burdens of the Secretary of Agriculture.

Mr. President, I have discussed this matter with the manager of the bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HARTKE. I am pleased to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, the Committee on Agriculture and Forestry approved what it thought was a very strong antipiracy provision. It is not our purpose to take jobs from one section and create them in another section. We thought the provisions of the bill quite stringent. However, we have discussed the provisions of the amendment offered by the Senator from Indiana. The staff has studied it, and the distinguished ranking minority member of the committee (Mr. MILLER) has studied it.

I see no objection. It would merely authorize the Secretary of Labor to certify it would not transfer jobs from one section to another.

I urge that the Senate agree to the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. HARTKE. I yield back my time.

Mr. TALMADGE. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. TALMADGE. Mr. President, I know of no further amendments at this time. The Senator from Illinois has been most patient in waiting to make his remarks. If he will permit me to do so I would like to suggest the absence of a quorum to get a sufficient number of Senators in the Chamber to request the yeas and nays on final passage.

The PRESIDING OFFICER. Does the Senator from Georgia have any objection to the clerk proceeding to third reading of the bill?

Mr. TALMADGE. No.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum. I request attachés to let Senators know we desire Senators in the Chamber to ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, the Senator from Arkansas (Mr. McCLELLAN) has introduced S. 10, a bill on rural development, that is backed by an overwhelming number of Senators. The Committee on Government Operations, under his chairmanship, has given very serious consideration to the organization of our rural development programs and how we can stimulate and implement those programs.

On January 24 and 25 of this year I was the chairman of field hearings of the Committee on Government Operations specifically directed to problems of economic development in 34 county areas in southern Illinois. We heard 19 expert witnesses. I learned a great deal as a result of that experience.

I commend our distinguished chairman, who has presented today a bill that is aimed in the direction of assisting and aiding rural America. I know that the Senator from Arkansas (Mr. McCLELLAN), were it possible for him to be in the Chamber today, would be speaking in strong support of this general concept, an area in which he has done a great deal of creative and pioneering work throughout the years.

In the President's Rural Development Message on February 1, he called for special attention to rural development and made proposals for strengthening the Federal Government's rural development programs. But he made clear that these programs could be better implemented in the context of a new Department of Community Development.

> Comprehensive reorganization would mean that every Federal dollar spent on rural development could have a far greater impact. I again call on the Congress to establish this new Department [of Community Development], which would be uniquely capable of launching a well-developed, well-coordinated campaign to achieve the nation's community development goals.

I cannot emphasize too strongly my support of this concept based on my own experience.

In the Government Operations Committee we have had—to date—8 days of hearings on the President's executive reorganization program and the Department of Community Development—2 days in May, 1 in June, 3 in December 1971, 2 last week.

We have had a wide range of excellent, bipartisan witnesses, thoroughly familiar with issues of Government structure, goals, and functions: Charles Schultze, Joe Califano, Ben Heineman, Roy Ash, John Gardner, George Schultz, Arnold Weber, Secretary John Connally, Mayor Lugar of Indianapolis, urban planners and economic planners, and the Government officials most concerned with urban and rural development, transportation and community facilities. All have supported executive reorganization, and DCD.

In addition, on January 24 and 25 I chaired Government Operations Committee field hearings specifically directed to problems of economic development in the 34-county area of southern Illinois. We have 19 expert witnesses.

I learned from these experiences that the present method of organizing Government programs to deal with community problems has failed. The main problem facing most of our communities, no matter where they are, in urban Indianapolis, suburban St. Louis, or rural Illinois, is the fragmentation of Federal Government delivery systems. Different Federal programs, all directed in some way at community development, typically require different types of grant applications, operate according to different standards and requirements, and different administrative jurisdictions.

This fragmentation makes it almost impossible for a mayor, whether of a village or city, to learn how to deal with the massive Federal Government in a short 2- or 4-year term. By the time he has learned it he is out of office. A League of Cities/Council of Mayors survey showed that of 1,856 cities responding: 242 mayors had terms of 1 year; 747 had terms of 2 years; and 803 had terms of 4 years.

The result, as the President said in his special message on February 1, is that—

> One of the most significant barriers to effective planning and coordination in rural areas has been the fragmentation of Federal efforts. Too many programs which should be closely related are operating as very separate entities. As a result, State and community leaders must often run a complex obstacle course in order to obtain development assistance. Frequently there is poor coordination and wasteful duplication and in some cases the action of one Federal agency actually conflicts with that of another.
>
> The principal reason for this fragmentation has been the failure of the Government to recognize the interrelationship among rural, suburban and urban problems and the need to strengthen the essential social and economic partnership between rural America and our great metropolitan centers.
>
> I believe the proper solution to this problem is to gather the principal Federal programs which support community development within a single new Department of Community Development.

Creating a new Department of Community Development with all the necessary community-development programs would strengthen, not weaken, the Agriculture Department.

The Agriculture Department has a massive responsibility: assuring adequate, inexpensive food and fiber needs for the United States and much of the world.

It is unrealistic to expect the Secretary of Agriculture to be two separate Secretaries: one for agricultural production and one for community development. These are separate jobs.

Rural community development will be strengthened, not weakened, by being linked with the Department whose main concern is national community development. The new DCD will have a very strong rural development mission.

The DCD would put an end to the senseless, artificial division between "rural" and "urban" communities. Where does an urban community end and a rural community begin? What is distinctly different about an urban or suburban community as opposed to a primarily "rural" one? One of the biggest problems of smaller towns has been that they have been treated as something outside the mainstream of our national development. The DCD would make them inclusive units.

I realize that, because the Department of Community Development has not been enacted, it is impossible to refer the new rural community development programs being created in this bill to the new Department. But the prospects for the bill are good. The House Government Operations Committee is beginning its markup of the bill. We intend to proceed in the Senate, with the support of Senator Ribicoff and the help of Senator Chiles who has been authorized by Senator McClellan and Senator Ribicoff to chair hearings in their unavoidable absence.

The Senate Government Operations Committee will certainly want to include in the new bill all of the programs necessary to structure a viable, strong Department of Community Development with a strong mission to promote rural development.

In conclusion, therefore, I am sure that the Senate will, when presented with the work of its Government Operations Committee, agree with the theory and structure of the new Department, and agree that it should contain the rural development programs now being lodged in the Agriculture Department.

Mr. President, I yield back the remainder of my time.

Mr. CHILES. Mr. President I would like to express my support for the Rural Development Act of 1972. Thirty million Americans have left the farms and the small towns, since the beginning of World War II, for the promise of city living, draining the countryside of its promise. The Department of Agriculture predicted that by 1980 the United States would have only 2.6 million farmers remaining on the land. In 1972 there are only 2.9 million left. At present 70 percent of the people in the United States live on 2 percent of the land. The rural people left the countryside for the amenities the city promised. And suddenly both the residents of the urban areas and the rural people are beginning to realize that something is wrong. As the committee report pointed out—nobody planned it that way, and maybe that's the trouble. Well, this piece of legislation is a plan. It is a plan for a total approach to rural development. We know that rural America is both separate and unequal; that rural America has about half of the Nation's poverty; 60 percent of the substandard housing; that hundreds of towns are without adequate water and sewer systems and that there is a lack of credit for housing, venture capital, and even public facilities. Hopefully, this bill will bring some planning and sanity to national growth patterns and give Americans a choice of where they want to live—a real choice, which is something they do not presently have.

Title VIII of this legislation contains a section I am particularly interested in. On April 19, 1971, Senator Packwood introduced, and I, along with others cosponsored, S. 1560. I offered and, the committee accepted the language of S. 1560 as an amendment to the rural development bill. Section 1704 of title VIII would amend the Soil Conservation and Domestic Allotment Act to permit sharing the cost of agriculture-related pollution prevention and abatement measures. Under current provision of the act there is Federal money available for converting to a pollution-abatement practice if the practice will also conserve soil and water.

In several States, Florida for example, smudge pots are one of the principle methods of protecting fruit and vegetable crops from frost damage. Growers burn a variety of materials such as old tires and cross ties to create the necessary heat—and along with that heat a severe air pollution problem is also created. Section 1704 authorizes cost-sharing so growers can convert to smokeless grove-heaters.

This section also assists in cost sharing to eliminate burning of slash and other wastes, crop residues, and water, air or land pollution from farm livestock, poultry barns, and feedlots.

Clean air and water can no longer be taken for granted in rural America. Section 1704 will help initiate new air, water and land antipollution measures and help solve the serious problem of pollution from agricultural sources.

Mr. President I believe the Senate, if it passes this legislation, will be expressing its commitment to rural development. I believe this legislation intensifies our effort to provide a true climate of opportunity in rural America.

Mr. PEARSON. Mr. President, the Rural Development Act of 1972 is in many respects a historic piece of legislation.

Its enactment will not solve all the problems that plague rural America, nor will it in or of itself bring about the balanced national growth that is so important to the ecoonmic health and social well-being of our future generations, but it represents a good beginning.

It demonstrates in hard, concrete terms the determination of the Congress to address itself to the goal of rural development and balanced national growth.

It reflects the growing conviction that a continuation of present population and economic growth trends will only serve to generate future economic inefficiencies and magnify our social ills.

It constitutes a rejection of the old notion that growth patterns are somehow dictated by immutable natural laws of economics.

It is a recognition that in comparison to metropolitan areas, our rural communities are often shortchanged in Federal assistance programs for health, education, housing, and welfare.

It is a reaction to an expressed public opinion which clearly indicates that Americans want a more meaningful opportunity to earn a decent living and raise their families in communities of their choice.

Those of us who have urged a national policy of rural development and balanced national growth, take a great deal of satisfaction in this legislation. When a few of us first began to propose rural development initiatives several years ago there was little interest, but now there is a visible and growing national commitment to this cause.

Mr. President, the Senate Agriculture Committee, particularly the Subcommittee on Rural Development is to be commended for their own commitment to this cause and for the enormous work that has been done in preparing and reporting this piece of legislation to the floor.

Mr. President, it has long been recognized that the lack of credit is one of the major barriers to a successful long-range rural community development effort. Smalltown banks often do not have adequate resources to finance industrial and other economic development projects. Beyond the problem of shortage of loan funds, smalltown banks are often not properly staffed to service development loans.

Under present conditions there is a very considerable flow of capital out of the rural area. We need a system that will serve to retain capital in rural areas and will serve to increase the flow of capital into our smaller communities.

This was recognized by President Nixon's Task Force on Rural Development which in 1970 recommended the creation of an institution patterned after the Farm Credit Administration aimed at increasing availability of credit in rural areas for economic development purposes. Following the recommendation of the President's task force I proposed the establishment of the Rural Community Development Bank in March of 1970. That proposal was again introduced in the 92d Congress in February of 1971.

The original title I of the Rural Development Act would have created an independent rural development credit system with regional and district offices. I regret that this title was eliminated. I believe that it was needed. However, the size of the vote in support of title I gives hope that after study and hearings the Congress will vote, at some future date, to create a rural community development bank of some type.

The Rural Development Act contains language to greatly strengthen the capacity of the Farmers Home Administration to serve the cause of rural development. The Farmers Home Administration is authorized to make business and development loans as well as to continue its traditional service to farmers and to very small towns. It seems to me that this broadening and strengthening of the Farmers Home Administration is most desirable. This title is especially important in view of the elimination of the development bank's proposals.

A general rural revenue sharing program authorizing $500 million annually is provided by the bill. This will serve to considerably strengthen the capacity of the State and local governments to carry out rural development programs of their own.

Other titles will serve to strengthen water and soil conservation programs and particularly to provide special assistance which will help to better link conservation efforts to rural community development programs.

Another title will establish a 3-year pilot program for fire protection in small rural towns and certainly this is a fully justified and needed program.

The bill also directs the Secretary of Agriculture to establish a program in rural development and small town research through the Land Grant College and University system. I think this is an extremely important feature of this bill. It is absolutely essential that our universities do more to assist small communities in their planning and development efforts. This particular title of the bill will strengthen the hands of the universities in meeting this obligation.

Finally, the bill requires the Secretary of Agriculture to coordinate rural development activities, authorizes the rural environmental assistance programs to enter into long-term conservation contracts, and provides for a cost sharing for agricultural pollution abatement practices.

Mr. President, this is a good bill. Its final passage will contribute greatly to the cause of rural development and balanced national growth. It leaves much undone, but its adoption will move us an important step forward.

Mr. MONDALE. Mr. President, I rise to join the distinguished Senior Senator from Georgia and many of my colleagues in support of S. 3462, the Rural Development Act of 1972. I cannot overemphasize the importance of this measure to the future of rural America to our entire Nation. I believe that this is the most comprehensive and most vital rural development measure since the Homestead Act. It will help to form the foundations upon which improved quality of life for all Americans can be built.

In rural America today, we face a situation similar to that faced by our forefathers over a century ago, when most of the population was crowded along the east coast. The answer then was to open up the frontiers, to grant homesteads to anyone willing to work the land, to give land to the railroads and land to communities for schools. Those actions by national leaders gave impetus to the building of towns and villages of rural America.

But now rural America is threatened with a slow death. During the past two or three decades we have seen increasing migration from the rural areas to the cities. Farm income has diminished and that has forced many farmers off the land. With less farmers and the ones that are left having less money to spend, smalltown businesses and banks suffer. Entire rural communities suffer.

Because of the social problems it causes in the cities, this exodus from rural areas would be a cause for concern even if people moved by choice. The real tragedy is that most people living in rural areas today would like to stay there but they cannot afford to.

In northern Minnesota, several farms were abandoned during the great depression. Now, a drive through the countryside of our agriculturally more productive southern Minnesota counties is starting to show the same thing—farmsteads deserted, smalltown businesses boarded up.

Earlier this year I attended a conference called "Crisis in the Cornbelt," at Worthington, Minn. The conference was organized by concerned residents of several prosperous communities in southwestern Minnesota and northwestern Iowa. Although their own towns are not dying, these people are concerned that they may be next. They are concerned because of the figures from the 1970 census which showed a severe drop in population for their area. And they are concerned by the information in a comprehensive study completed last fall. It showed that 18 counties of southwestern Minnesota are facing grave population and economic problems. The study was done by Gerald Heil, then a researcher for Southwest Planning, a project of the Minnesota State Governor's Office of Economic Opportunity.

The Southwest Minnesota Population Study also showed that one in four families in that area live in poverty. This is appalling when one realizes that the area is one of the most productive farming areas in the corn belt.

That study pointed out the fact that population of the area reached its peak in 1950.

The State of Minnesota has grown steadily in the last three decades. But rural areas have declined in population.

The southwest area where the population study was done, had 11.3 percent of the State's population in 1940. In 1970, only 7.8 percent of the population lived there. Even greater cause for concern is the fact that 96.5 percent of the decline took place between 1960 and 1970.

Rural Americans do not demonstrate or carry signs to protest the death of their communities. They keep on with their work seriously and silently. Some have to leave or get off-farm jobs. Others manage to stay. But more and more of their children leave rural America early in adulthood, never to live there again. The rural population is top heavy with older citizens. Yet every poll I have seen shows that 50 to 60 percent of the people living in the cities want to live in the country. But they cannot afford to live out there.

A farmer out in Minnesota told me recently about a comment some movie star made in a television interview. The actor had just returned from filming in the country and was commenting on the beauty and wide-open space. He thought people from the crowded cities should move out to those wide-open spaces.

The emcee candidly asked:

> But what would they do for a living, grow radishes?

The farmer had been impressed by that interviewers question. He further pointed out:

> We would love to have our kids stay in the home town area. And a lot of them would like to stay. But what would they do here? There's less and less chance in farming. Small businessmen have all they can do to make a living for themselves so they can't pay much. Smart kids go on to school. They'd like to come back to their own community or some other small community. But there aren't enough good jobs there. Out of 110 kids that graduated from high school with my boy six years ago, only seven stayed here. Four others are in other small communities. The rest all went to the big city—quite a few left the state for even bigger cities.

During the 1960's the population in my home State of Minnesota increased by 11 percent—roughly the same as the Nation as a whole. But 95 percent of that growth occurred in metropolitan St. Paul, Minneapolis and the surrounding area. Meanwhile, rural Minnesota lost people. While the State grew, over half the counties continued to decline in population.

Growth is fine, but we do not need more and more people jammed into already crowded and unmanageable cities. We need balanced growth across my home State and across the Nation. And the way we get that kind of balance is by providing good foundations for business and employment and living in rural America.

Rural communities and the people who live in them need jobs. Employment opportunities must be expanded in rural America so more young people can stay there where they have family and friends—where they have a community spirit. And by allowing these people a chance to stay in their communities, we also would put more life into rural communities.

And if more people could stay in rural communities, earn incomes there, and spend their money there, new vitality would come to the rural economy. This would become self-intensifying and self-sustaining.

Along with expanded economic activity, rural America desperately needs better community services. Nearly half of our small towns do not have adequate water and sewer systems. Medical care is often far away. Housing is inadequate and there is little hope for improving it with the inadequate financing available.

Communication and transportation services to rural areas are inadequate in many cases. No wonder people leave and businesses do not want to locate there.

But rural residents know they have something worth building on. They have fine communities, fresh air, beautiful scenery. These fine communities can be used to build foundations for balanced national growth.

By the year 2000 we will have 75 million more people in the United States. We have room for these people but we will have some terrible problems if we do not get going with the revitalization of rural America.

The Minnesota Department of Health recently projected population trends for the rest of this century. If nothing happens to change the current situation, rural areas will lose a third to a half of their population. We cannot let movement from rural areas continue while an expanding population is forced to crowd into and around the already crowded cities.

That is what this measure we have before us now seeks to change. In rural America there are wonderful people, fine communities, and valuable natural resources. We must provide the means, the foundations, to build on these basics an improved quality of life to accommodate the growing population and increased demands of the Nation.

Passage of this comprehensive bill could be the beginning of a new era in expanding the quality of life throughout America. I strongly support it and I urge other Senators to join in supporting the bill in its entirety.

Mr. FONG. Mr. President, as a cosponsor of the pending Rural Development Act of 1972 (S. 3462), I support passage of this measure.

At this time, I wish to direct some comments to the provisions of this bill which broaden the authority for the Watershed program and the Resource Conservation and Development program. Having cosponsored S. 2981 offered by the distingusihed senior Senator from Vermont (Mr. AIKEN), which would broaden this authority, I am pleased that the pending rural development bill takes care of this matter. The wider authorities provided in S. 3462 will be beneficial to my constituents in Hawaii in the years ahead.

In the State of Hawaii, watershed construction activities have provided about 365 man years of employment since 1960. The Watershed program of the Soil Conservation Service is making substantial contribution to rural development in Hawaii and throughout the Nation.

Since Hawaii became a State in 1959, ten applications for assistance under the Watershed Protection and Flood Prevention Act have been submitted from communities throughout Hawaii. Of the ten, two—Naalehu and Puukapu—have been completed; three are under construction—Kona, Waianae Iki, Waianae Nui—one—Kahaluu is approved for construction but not yet under way; two are now being planned—Honolulu and Wailuku-Alenaio—and two have not yet been authorized for planning.

When heavy rainstorms hit parts of the islands of Oahu and Hawaii in January this year, the Waianae and Naalehu projects functioned successfully. Flooding was prevented. Especially welcome also was the news that the recently completed Kainaliu diversions in the Kona Watershed project on Hawaii are functioning well. Since completion of the Kainaliu facilities last September, the Kainaliu rain gage has registered 21.5 inches of rain; yet there was no flooding in the town.

In the Soil Conservation Service program in Hawaii, we have one Resource Conservation and Development Project. The Tri-Isle R.C. & D. project plan was completed about a year ago by the sponsors of the project, five Soil and Water Conservation Districts in Maui County and the county of Maui, with technical help from Federal and State agencies. In May 1971, the Secretary of Agriculture authorized operations.

The Soil Conservation Service assisted the Maui County Board of Water Supply in developing the Tri-Isle's first project measure work plan. The plan consists of a series of feeder pipelines to improve distribution of agricultural and domestic water in Maui's Kula area. Construction is scheduled to begin this spring.

The program of action under the Tri-Isle work plan lists 105 projects aimed at sound resource development and preservation of a quality environment. Project measures includes developments related to social, economic, and natural resource aspects of the project area.

Preliminary planning is taking place for stabilizing over 2,000 acres of critically eroding areas and distributing water for irrigation to seed corn and grain growing areas on the Island of Molokai.

With land in Hawaii so limited in area and with Hawaii so dependent upon its agriculture industry, watershed, flood control and conservation projects are critically important to my State.

I see great benefits for the future for Hawaii from the broadened authorities in the Watershed program and the Resource Conservation and Development program. I, therefore, urge the enactment of the Rural Development Act of 1972.

Mr. STEVENSON. Mr. President, Main Street America and the family farm together epitomize the heritage of hard work and individualism that built America. It is our rural areas that supply America with its food and basic resources. And it is the rural ethos of Jeffersonian democracy which characterizes the best in American political life.

But too many Americans have come to think of our rural areas as a dying relic. It is this pernicious and pessimistic attitude which more than anything else has prevented this country from showing the same concern for the needs of rural citizens that it professes for residents of our great cities. For if our rural areas are dying it is because the Government has chosen to allow them to die—there is nothing inevitable about the process.

Rural development must be more than an empty slogan. Rural areas need credit; they need funds for development and for public facilities. Their citizens need the full range of social, economic, and education services we now make available to urban residents.

There can be no greater folly than to pit the needs of rural and urban America against one another. For if America is to be a great country, it must provide opportunities for all its citizens regardless of residence.

The Rural Development Act of 1972 is not perfect legislation, but I strongly hope it marks the first step in a long overdue national effort to meet the needs of rural America. For that reason, I support the legislation and intend to vote for it.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the pending bill by the distinguished Senator from New Mexico.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR MONTOYA

I rise in support of S. 3462, a bill to provide for the revitaliation of rural areas by establishing a rural development credit system and investment location incentives.

I would like to congratulate my colleagues of the Committee on Agriculture and Forestry for their outstanding job in preparing this piece of legislation for Senate consideration. The Committee has worked long and hard on this bill, and I want them to know that I appreciate their efforts.

The passage of S. 3462 will represent a significant step forward in the revitalization of rural America. The major socio-economic problems of rural America—unemployment, outmigration, substandard housing, lack of water and sewer systems, and the lack of public facilities and venture capital—cannot be attacked on a piecemeal basis. Comprehensive measures like S. 3462 are needed to redress the grievous imbalance in the quality of life in rural versus urban areas and to reverse the continuing stream of rural Americans to our overcrowded cities.

I would especially like to thank my colleagues on the Agriculture and Forestry Committee for incorporating a rural fire protection program in S. 3462. Title VI of this bill establishes a system of grants-in-aid to enable rural communities to establish and maintain an adequate fire protection and fire fighting capacity. Certainly, we cannot expect business and industry to locate in rural areas until adequate fire protection is afforded their plants and facilities. Nor can we expect to raise the quality of life in rural America until every individual feels reasonably secure that his property and home are protected from wildfire.

Since the 90th Congress, I have attempted to have the Senate pass a rural fire protection bill. I am deeply gratified that such a program will finally be voted on. Approximately 420 million acres of crop land, forests, pasture, and related improvements are currently unprotected against the ravages of wildfire. An estimated 8.5 million acres of rural lands are burned annually. In 1968, farm property losses from fire were estimated at $227 million. Approximately 1,000 lives are lost annually in rural fires.

Given this shameful waste of lives and property, I urge my colleagues to support Title VI of S. 3462 along with the other provisions of the bill. Title VI incorporates three rural fire protection bills introduced in the 92nd Congress. My bill, S. 963, has 28 cosponsors, which clearly indicates the recognized need for a rural fire protection program on the part of many Senate colleagues.

Title VI authorizes the appropriation of $5 million for fiscal years 1973, 1974, and 1975, to enable the Secretary of Agriculture to provide financial, technical, and other assistance to state officials in a cooperative effort to organize, train and equip local forces, including those of Indian tribes on Federal and State reservations, to prevent, control and suppress wildfires in rural areas and communities of 5,500 or less. Federal assistance to the states is not to exceed 50% of budgeted or actual expenditures, whichever is less. Title VI encourages local initiative and involvement. Participating communities will provide volunteer labor and facilities for fire program activities. The program will be closely coordinated with existing efforts of the Forest Service to prevent fires in rural areas. Two years after the enactment of this title, the Secretary of Agriculture shall submit a written report detailing the contribution of rural fire protection programs toward achieving the purposes of this title.

Mr. President, I believe the benefits of Title VI are truly great in relation to the relatively small cost of the program. Lives will be saved and property losses diminshed. Fire insurance premiums for rural residents will be reduced or made available for the first time. Tax revenues which are lost because of property destruction by fire will be saved. Industries and businesses will no longer be afraid to relocate in rural areas because of inadequate fire protection.

Furthermore, we have every indication that the programs to be established by Title VI will be extremely successful. During the period 1964–1966, the Forest Service conducted five experimental rural fire defense training projects in cooperation with the Office of Civil Defense. These projects were similar in scope and nature to the programs established by Title VI. I have been informed by the Department of Agriculture that local cooperation and acceptance of these projects was excellent. Nearly 7,000 individuals from 613 organized groups volunteered their own time to receive 50,000 man-hours of training. Many of these groups were organized as a direct result of the program. Reports of fire protection successes continue to be received from the pilot areas, as do local requests for other projects in new areas. All of this activity was set in motion by a mere $384,500 in Federal funds.

Given these facts, and in view of the widespread bi-partisan support my original fire protection bill has received, I am certain that the Senate will vote to make fire prevention and protection programs a reality for rural America.

Once again, Mr. President, I would like to express my appreciation to my colleagues of the Committee of Agriculture and Forestry for the fine work they have done on S. 3462. I fully support the basic purposes of this bill and urge my colleagues to do likewise.

Thank you, Mr. President.

Mr. TALMADGE. Mr. President, I ask unanimous consent to have a statement by the distinguished Senator from West Virginia printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR RANDOLPH

It is a privilege to express my support for the Rural Development Act of 1972. This measure, which contains many proposals which I have cosponsored and advocated, will provide urgently needed programs for the development of rural areas and smaller communities throughout America. This is an effort which is long-overdue.

The pending measure truly recognizes:

That it is essential to the national interest to stimulate the economic and social development of the rural areas, including farm communities and the smaller towns and cities of our Country;

That a more effective use of the resources of the rural areas of America will contribute to a stronger and more stable national economy;

That successful rural development efforts will help to slow the migration from rural areas and thereby help to reduce the increasing complex pressures on urban centers;

That a greater exchange of information and communication among the various public and private agencies whose activities are related in one way or another to rural development and welfare is essential; and

That a comprehensive continuing research and information exchange program designed to analyze the problems of rural areas and the interrelationship between rural and urban America—and to stimulate the economic and social development of rural areas—should be operated and maintained.

We know that enough has not been done to increase the effective use of the human and natural resources of rural America.

Nor has enough been done, nor is there sufficient effort today to slow the migration from rural areas due to lack of economic opportunity in the rural areas.

Consequently, there is no real national policy and practice to reduce population pressures in urban centers resulting from forced migration from rural areas.

For my part, I believe there has been—through both national policy and practice—an over-concentration on solving urban and suburban problems by over-expanding both the defense and the space and science exploration programs. Conversely, we have under-concentrated on development of the less populated areas of our Nation.

The pending measure is not perfect, but it is a basis for a viable development program for rural America.

It is a measure not only for the American Farmers but for America's small town, villages and growing communities that can be and ought to be centers of growth.

It constitutes a determined effort to promote balanced rural-urban growth in our Nation at a time when we are experiencing one of the greatest continuing mass migrations to our cities.

And urban governments are near fiscal collapse as they try vainly to cope with the relentless pressures of population.

As we focus on the massive problems of urban America, we too often forget that rural poverty remains disproportionately high. Only part of the reason is the depressed farm economy. The highest levels of rural poverty are among those people who are not in farming.

The rural-urban migration has produced these alarming statistics:

73 percent of population lives on just 2 percent of the land.

Within 30 years, if the trend should continue, more than half of our people will be living in three huge metropolitan regions—one in the upper Atlantic Seaboard—Washington, D.C. to Boston; one in the Great Lakes Region; and the third along the Southern California Coastline.

This migration is compounding both our rural and urban area problems.

It has placed enormous pressures on our cities. Local urban governments are unable to keep pace with demands for quality services for their rapidly growing populations.

Yes, the migration from rural areas to urban and suburban areas is so over-loading the cities and suburbs that their housing is grossly inadequate, slum areas grow in size and the problems they create keep multiplying. City crime grows. The drug problem gets worse. Education suffers. Pollution and waste problems reach near—intolerable proportions. Fuels and energy conditions grow more and more complex and the power crisis becomes more acute.

So, the rural-urban migration is creating gigantic metropolitan disruptions and is creating economic and social decay conditions in the rural and small town areas.

Most tragic of all, the migration to the cities is robbing small communities of their most precious resource—people—needed to rebuild and revitalize their communities.

Our Nation must have programs designed to provide the necessary financing to revitalize our rural areas—for business and industrial development—for new payrolls and new jobs—for better schools—for medical centers and hospitals closer to the people—for improved transport systems—and for desperately needed housing. And we need go beyond these and see that our rural areas have industrial parks, water and sewer systems, water disposal plants, rural slum clearance, streets, police and fire protection, and libraries.

We must revitalize rural America.

We must rebuild rural opportunity.

Mr. President, I believe that the Rural Development Act of 1972 with its extensive provisions for financing of public facilities; investment of needed capital in the farm and non-farm business enterprises; orderly planning, research and technical assistance; and flexible revenue sharing with States and local governments will be a significant forward step in the development of our Nation. In the final analysis, all citizens—rural and urban—will benefit.

I congratulate the Committee on Agriculture and Forestry for bringing this vital measure to the Senate.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my support for S. 3462, the Rural Development Act of 1972, and to urge its passage by the Senate.

One of the most serious plights facing rural America today is the outmigration of residents from our rural areas to the already overcrowded urban cities. In order to reverse this trend, rural America must be developed, and jobs and income must be brought to the individuals who still remain there. I believe S. 3462 will help to achieve this goal of bringing jobs and income to these areas through the expanded loan and grant authorities which are designed to meet the credit needs of rural individuals and communities, who are unable to qualify for financial assistance from other Federal or private sources. These new and expanded loan and grant programs will channel needed funds to communities, businesses, and individuals, and assist them in their efforts to create and bring new jobs and income to these areas of rural America.

This bill also contains a revenue-sharing proposal, which authorizes an annual appropriation of $500,000,000, which will be apportioned to States according to rural population, rural per capita income, and rural outmigration. While all funds will go directly to the States, one-third would be earmarked for multicounty planning and development districts, and one-third would be earmarked for other local units of government. West Virginia is one of those States which have suffered a large outmigration from rural areas, and this revenue-sharing proposal contained in S. 3462 should prove to be very beneficial to my State if it is enacted into law.

Titles IV and V of this bill are essentially the same as S. 2981, which was introduced by Senator AIKEN last December, and of which I am a cosponsor. Title IV broadens the authority of the Watershed Protection and Flood Prevention Act, and title V broadens the authority for resource conservation and development projects. Both of these programs, as enlarged by the committee, will greatly assist many of the rural communities of West Virginia. These titles also authorize Federal cost-sharing for improving water quality, for developing municipal, industrial, and rural community water supplies, and for fire protection.

Title VI of this bill authorizes $5 million per year to enable the Secretary of Agriculture to provide financial, technical, and other assistance to appropriate State officials in cooperative efforts to organize, train, and equip local forces to fight wildfires in rural areas and rural communities of 5,500 or less.

My amendment to title VI, which was adopted, will provide an additional $2 million per year for additional assistance to rural areas in which the per capita income is below the national average and in which are contained timber reserves sufficiently important to the national timber reserve to warrant this special assistance. We have many small communities located near the National Forests in West Virginia, and I believe this assistance will prove very helpful to them.

Title VII directs the Secretary of Agriculture to establish a program for rural development and small farm research, utilizing the land grant institutions and the extension programs. My amendment to this title, which was adopted, authorizes an additional $25 million for these same purposes to be apportioned to those States having a high percentage of rural residents, living on farms, with below-poverty incomes. I believe this additional $25 million will focus special attention upon the most needy areas of this Nation, and assist them in meeting their problems.

The Rural Development Act of 1972 is one of the most comprehensive, far-reaching proposals targeted toward the improvement of rural America and the enhancement of rural life which have been considered since I have been in the Congress. I want to congratulate the chairman and the other members of the committee for their diligence, their thorough consideration of this entire problem, and for reporting such an excellent bill.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from further consideration of H.R. 12931.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 12931.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill (H.R. 12931) by title, as follows:

A bill (H.R. 12931) to provide for improving the economy and living conditions in rural America

The PRESIDING OFFICER. Is there obection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I ask unanimous consent that H.R. 12931 be amended by striking out all after the enacting clause and inserting in lieu thereof the language of S. 3462, as amended.

The PRESIDING OFFICER. Without objection, the bill is thus amended.

Mr. TALMADGE. Mr. President, I know of no Senator desiring to speak at this time, and I think all has been said that could reasonably be said that could affect any issue regarding the bill, but I do at this time wish to commend our staff, which has worked so hard, so loyally, and with such devotion for a period of well more than a year on this bill. I refer to Mr. Harker T. Stanton, who is staff director and general counsel; his assistant, Mr. Michael R. McLeod, who is also an attorney for the staff; our statistician and economist, Mr. Henry J. Casso; and Mr. Forest W. Reece; Mr. James W. Giltmier; Mr. James E. Thornton; and Mr. John A. Baker.

Each and every one of those gentlemen have been extremely and heavily involved in this bill and has worked beyond the call of duty. They have performed in an exemplary way, and I want at this time, as chairman of the committee—and I feel I speak for every member of the committee, and I am delighted to see my distinguished friend from Vermont (Mr. AIKEN) on his feet—to commend the staff, because I know every member of our committee, both majority and minority, hold the staff in extremely high esteem.

I would like to say also that our staff works on a nonpartisan basis. As far as our committee is concerned, we have no Republican staff members and we have no Democratic staff members. They are staff members of the Committee on Agriculture and Forestry and they are available for any service at any time that any Senator wants them to perform.

I yield the floor.

Mr. AIKEN. Mr. President, I want to take this opportunity to extend my appreciation to the chairman of the committee, the ranking Republican member, the Senator from Alabama (Mr. ALLEN), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Dakota (Mr. YOUNG), the Senator from Nebraska (Mr. CURTIS), the Senator from Oklahoma (Mr. BELLMON), and all other members of the committee who have worked on this bill. We have had areas of disagreement, and that is good, because without disagreement we do not make much progress.

I think we have this bill in such a shape that when and if it goes into conference we will come out with something that will be generally acceptable and very helpful indeed to the program of rural development and a better agriculture.

Mr. TALMADGE. I thank my distinguished colleague from Vermont and concur and endorse everything he has said. The committee and staff members have worked hard, all with equal zeal, all with equal devotion, all with equal dedication.

Mr. AIKEN. I include them, too.

Mr. TALMADGE. They all have the same objective.

We have had some slight disagreements, but that is normal in any legislative body.

I yield to the distinguished Senator from West Virginia such time as he may require.

Mr. ROBERT C. BYRD. Mr. President, I merely want to state that the distinguished manager of the bill is recognized by all of us as a man of tremendous ability, a man who works diligently at his duties, and a man who is most effective, in the legislative process, on behalf of the people of his State of Georgia and the people of the Nation.

I think that his work on the bill today is certainly consistent with that customary diligence, effectiveness, and knowledgeability which he always brings to bear on every matter which may come before his committee and the Senate for decision.

I want to congratulate him, and I also congratulate the ranking minority member, and also the distinguished Senator from Vermont (Mr. Aiken), and all other members of the committee, for the good work they have done on the bill.

Mr. President, the yeas and nays were ordered on the Senate bill. While I would ordinarily object to asking by unanimous consent for the yeas and nays on any bill, the Senate is about to vote on the House bill, the language of the Senate bill having been inserted therein in lieu of the House language. It is the House bill instead of the Senate bill, on which the yeas and nays were previously ordered.

I, therefore, ask unanimous consent that the yeas and nays previously ordered on the passage of the Senate bill be transferred to the House bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. AIKEN. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Montana (Mr. Mansfield) and the Senator from New Mexico (Mr. Montoya) are absent on official business.

I also announce that the Senator from Connecticut (Mr. Ribicoff) is absent because of death in the family.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Humphrey), the Senator from New Mexico (Mr. Montoya), the Senator from West Virginia (Mr. Randolph), the Senator from Rhode Island (Mr. Pastore), the Senator from Connecticut (Mr. Ribicoff), the Senator from Arkansas (Mr. McClellan), the Senator from Oklahoma (Mr. Harris), and the Senator from North Carolina (Mr. Jordan) would each vote "yea."

Mrs. SMITH. I announce that the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Buckley), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), and the Senator from Wyoming (Mr. Hansen) are necessarily absent.

The Senator from Oregon (Mr. Hatfield) is absent because of a death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business.

The Senator from New Hampshire (Mr. Cotton) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Massachusetts (Mr. Brooke), and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

The result was announced—yeas 78, nays 0, as follows:

[No. 154 Leg.]

YEAS—78

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
McGee
McGovern
McIntyre
Miller
Mondale
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Roth
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—22

Allott
Brooke
Buckley
Cotton
Goldwater
Griffin
Hansen
Harris
Hatfield
Humphrey
Jordan, N.C.
Mansfield
McClellan
Metcalf
Montoya
Mundt
Muskie
Pastore
Randolph
Ribicoff
Scott
Sparkman

So the bill (H.R. 12931) was passed.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 12931 and that the bill be printed as it passed the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I move that the Senate insist on its amendment, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Chair appointed Mr. Talmadge, Mr. Allen, Mr. Humphrey, Mr. Chiles, Mr. Miller, Mr. Aiken, and Mr. Curtis conferees on the part of the Senate.

Mr. TALMADGE. Mr. President, I ask unanimous consent that S. 3462 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRODUCT SAFETY

Mr. MAGNUSON. Mr. President, a useful new Washington newsletter is now being published on a weekly basis dealing solely with product safety. Editor and publisher David Swit refers to his new publication as the Product Safety Letter. As a thorough and complete synthesis of the developments in the product safety area, this weekly publication should be a valuable tool to those of us concerned with consumer safety.

In its first two issues, the Product Safety Letter has dealt with such topics as limits being sought for range surface temperatures, new test methods for eye injuries, the hazards of pop-top cans for automobile additives, warning symbols in ads for hazardous consumer products and sleepwear flammability standards. In addition, the letter has compiled a concise, useful summary of S. 3419, our legislation to establish a new Independent Consumer Safety Agency and to protect consumers against unreasonable risk of injury from hazardous products. I ask unanimous consent that the analysis from the first two issues be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Legislative outlook for Sen. Magnuson's product safety bill hinges largely on the structure proposed for an independent Consumer Safety Agency with power to set safety standards for hundreds of previously unregulated products. The far-reaching measure (S. 3419) approved by the Senate Commerce Committee would create a three-part Agency having separate commissioners controlling general consumer products, foods and nutrition, and drugs. Among items in the consumer products category are appliances, TVs, housewares, furnishings, clothes, toys, nursery equipment, household cleaners and sports equipment.

Rep. Moss' (D-Calif.) House Commerce Subcommittee is expected to approve, about early May, a bill (HR 8157) with a different structural approach. While similar in regulatory thrust to the Senate version, the Moss proposal would give a new agency jurisdiction *only over general consumer products* leaving foods and drugs to the present FDA.

The full House committee is likely to stick to Moss' structure if it okays the measure. But its chances in the full committee depend on obtaining enough Republican support, and overcoming the concerns of Health Subcommittee Chairman Rogers (D–Fla.) about potential effect on FDA, which his panel oversees. If these problems are solved, the bill might get full committee approval by late June.

Industry's only chance to impact the House bill will be at the subcommittee and committee level, for once the measure reaches the floor it will be hard to vote against "safety" or oppose the appeal of consumerism, especially in an election year. This was pointed up by balloting in the Senate committee, where seven Republicans joined 10 Democrats in approving Chairman Magnuson's (D–Wash.) pet project 17-to-1. The only dissenter was Sen. Cotton (R–N.H.).

Magnuson's bill will be studied by Senate committees on Government Operations and Labor & Public Welfare until May 25, but neither appears to be a major hurdle. The measure could pass the full Senate before the July recess for the Democratic convention. Magnuson then might compromise with the House on structure in order to gain his long-sought goal of product safety regulation.

A possible solution could be accepting the House approach, which follows closely the 1970 recommendations of the National Commission on Product Safety, created largely at Magnuson's urging. If a congressional compromise is reached, it almost certainly will ignore the President's proposal to keep product safety regulation in HEW, under a strengthened FDA. Despite this head-on conflict with the Administration's position, a veto would be improbable if the President must take a stand before Election Day.

A product safety bill—propelled by consumerist demands—has at least a 50–50 chance of becoming law this year. Even if these pressures do not prevail in 1972, the issue will be far from dead, and passage of major product safety legislation appears to be in the near future.

Key Senate bill provision authorizes Government to set standards for the safety of a consumer product, or class of products, when it finds this necessary to "eliminate unreasonable risk of injury or death." The "consumer product" definition excludes tobacco, and products covered by U.S. motor vehicle, aircraft, boat, gas pipeline, atomic energy, insecticide, occupational safety, and food, drug & cosmetic laws. The Magnuson bill sets up a separate control system for foods, drugs and medical devices, and switches cosmetics from their historical food & drug coverage to the consumer product regulatory group.

The bill repeals—and supersedes with product safety controls—the hazardous substances, flammable fabrics, radiation control, poison prevention, and refrigerator safety laws. Existing or pending regulations or permits under those laws stay in effect unless modified under product safety procedures.

The procedure for promulgating a safety standard starts with a Federal Register announcement of the government's intentions. This "notice of proceeding" must describe the products involved, risks intended to be controlled, and information on which the Product Safety Commissioner based his judgment that a standard is needed. Within 30 days, any person may challenge the need for the standard, propose an existing standard to accomplish the government's aims, or offer to develop a standard under government-prescribed procedures.

Consumers or other persons may petition for issuance of product safety standards. Such petitions must be published in the Register with opportunity for comment. If the Commissioner decides against issuing a standard requested in this manner, he is required to publish his reasons for the denial.

The next step under the Magnuson bill presumes that the Commissioner determines, after evaluating information presented by industry and others, that a standard is needed. He then may formally propose: (1) using an existing federal standard or one published by any other "qualified agency, organization, or institution"; (2) accepting one or more "technically competent" offerors' proposals to develop a standard with one year; or (3) having the Agency develop a standard itself.

Within 180 days after publishing the "notice of proceeding," the Commissioner—unless he formally grants himself more time—must either withdraw the notice, propose to promulgate a safety standard, or move to ban the product as hazardous. To ban a product, the Commissioner must first conclude that no safety standard will adequately protect the public. If a standard or ban is proposed, time must be allowed for public comment. The Commissioner *may* hold a hearing to resolve any "issue of material fact" raised in such comments.

The final move must be made within 60 days after the standard is promulgated or a ban is initiated. Unless the Commissioner decides to drop—with a public explanation of his reasons—the entire proceeding, he is required to order the standard or ban into effect. If the effective date is more than six months after publication of his order, the Commissioner must desclose his reasons for the extended period. Standards or bans are subject to court review, which can be initiated by "any interested person," including consumers who consider a government action too weak.

Safety standards are required to meet several criteria under the Magnuson bill. The standards generally must cover a product's safety performance, including its packaging, and specify workable test procedures. However, a standard's scope may include the design, construction, composition or finish of a product—or any of its components—if the Commissioner decides that the public cannot be protected by a standard restricted to safety performance.

Manufacturers may be ordered to put on any product, or a component, markings or tags giving clear warnings or instructions to consumers. This may impose on distributors the responsibility for making sure the warnings are on the product when it is delivered to the buyer, and could be interpreted as requiring retailers to alert the consumer to the warnings and make sure he understands them.

Retailers would bear a special burden for repurchasing banned products or those which fail to comply with government standards. Any banned product sold after the Commissioner proposes the ban must be bought back by a retailer from the purchaser or a subsequent owner. The retailer is required to refund the purchase price—less an allowance for use if the product was sold more than a year earlier—and pay transportation costs involved in the return. The bill provides that manufacturers and wholesalers reimburse succeeding trade levels for products returned to them.

Similar requirements are imposed on retailers, wholesalers, importers or manufacturers if safety defects are found in products marketed under government standards. All these trade levels can be ordered to give public warning via TV and radio, mail notices to purchasers, and either correct the defect or replace the product or repurchase it. All sellers also can be required to keep records of purchasers' names and addresses.

An "emergency action" section in the Magnuson bill permits the government to ask a U.S. district court to act against any "imminently hazardous consumer product" or firms that manufacture, import or sell it. This step can be taken even if a safety standard exists or is pending. If the court finds an imminent hazard it may order: notification of first purchasers, public notice, recall or seizure of the offending item, or its repurchase, replacement or repair.

The bill does not mention appeals court review of such orders, but this is permitted by existing laws. If an imminent hazard is declared, the Commissioner must move to promulgate a safety standard for the product or to initiate a ban.

Hearings on Sen. Magnuson's product safety bill, planned by Sen. Ribicoff's (D-Conn.) Government Operations Subcommittee for about late April, are expected to run four to five days maximum, and produce no obstacle to Senate passage of the measure. The hearings will concentrate on the Magnuson bill (S. 3419) provisions that would shift existing regulatory programs, especially FDA's control over foods and drugs, to a new Consumer Safety Agency (CSA) which would be independent of HEW, the present parent department.

Government Operations will give only passing attention to the bill's central theme—granting CSA authority to set standards for the safety of hundreds of previously unregulated products. Ribicoff, HEW secretary in 1961 and 1962, has been a frequent critic of FDA, and shares Magnuson's desire for product safety regulation. In this climate, Ribicoff's hearings are likely to provide a legislative "plus" for the Magnuson proposal.

Opponents of the move to dismantle FDA have been quietly but strenuously presenting their case to Ribicoff's staff. At a recent luncheon, a "save FDA" plea was made by former General Counsel William Goodrich, now president of the Institute of Shortening & Edible Oils. Among others at the private luncheon was ex-Commissioner Herbert Ley.

Hearings also will be held by Sen. Kennedy's Health Subcommittee, probably before early May. These sessions are not expected to provide any stumbling block for the Magnuson bill, which won 17-to-1 bipartisan approval from his Commerce Committee.

Editor's Note: The Magnuson bill is the most important Senate measure from the standpoint of industries covered by existing government regulations or subject to new controls. *Product Safety Letter* will provide frequent reports of the vital congressional developments in the weeks ahead, and continues below its analysis—begun in the April 3 issue—of key provisions in the Magnuson bill.

Criminal penalties specified in the Magnuson bill—covering manufacturers, wholesalers, retailers and importers—would apply to a corporation and any director or officer who knowingly and willfully causes the firm to violate the product safety law. Conviction could bring fines of up to $10,000, prison terms of not more than one year, or both. Civil penalties for knowing violations can be as high as $10,000 for each illegal act.

Private suits to enforce a product safety standard or order can be brought by anyone "who may be exposed to reasonable risk of injury or death" from a consumer product.

CSA and the prospective defendant would have to be notified of planned suits 30 days before they were begun, and such suits could not be brought if government action were pending for the same alleged violation.

Anyone injured due to violation of a standard or regulation could sue in Federal court if the damages amounted to $10,000. Successful plaintiffs would be permitted to recover the cost of the suit in addition to damages sustained.

Stockpiling by manufacturers & importers would be illegal between the time CSA issues a final order establishing a product safety standard and the order's effective date. The Magnuson bill prohibits producing or importing a product in "significantly greater" quantities than those in a base period set by the Product Safety Commissioner.

Imports would be subject to strict controls under product safety regulation, and the Customs Bureau would be a key part of the government's mechanism. Customs would require bonding before releasing a shipment to which a safety standard applies and could demand redelivery to the Bureau if a product released under bond failed to meet a safety standard, or was banned or declared immanently hazardous.

The Magnuson bill sets up a procedure for attempting to bring offending imports into compliance with product safety standards. If a product is ordered destroyed the owner or consignee would have to pay the government's costs—including travel, expenses and salaries—related to the destruction. *Products manufactured for export from the U.S.* would be exempt from safety standards if they are marked to indicate that they are to be sold outside the country.

Manufacturers' quality control procedures would be subject to government review under the Magnuson bill. If the Commissioner "has good cause to believe" a regulated product is being made "with a significant incidence of non-compliance" with a safety standard, he may require the firm to submit a description of the quality control methods it uses.

Should the Commissioner conclude that non-compliance is due to inadequate procedures, he may—after giving the manufacturer opportunity for a hearing—order the firm to revise the procedures "to the extent necessary to remedy such inadequacy."

Regulated products would be tested by Government to make sure they comply with safety standards. Manufacturers or importers must furnish free samples, drawn from regular production runs, to the Commissioner upon request.

Manufacturers, importers and wholesalers of products covered by safety standards would be required to supply distributors and retailers with certification that the product conforms to all standards applicable at the time of delivery.

Inspections of factories, warehouses, retail stores, and trucks can be made by CSA employees who present written notice when they arrive, not in advance. The inspections can extend to equipment, materials, containers and labeling.

Records must be kept by all producers and sellers of regulated products, providing whatever information CSA regulations require concerning the products' safety. These and other relevant records would be subject to government inspection.

CSA would set up a "national injury information clearinghouse" and a nationwide network of reporting centers to monitor injuries and identify their causes. Manufacturers, importers, processors, distributors, retailers and assemblers can be ordered to submit data about injuries resulting from the use of their products.

Insurers also are covered by this provision, and the bill's drafters anticipate a gold-mine of information in insurance company files. CSA regulations would have to provide that persons supplying information are not compromised in pending litigation.

Trade secrets would be protected by several big "ifs" exist in the Magnuson bill's provisions on this key question. Trade secret data obtained by the Clearinghouse may be disclosed (1) to other Federal agencies for official use, (2) to congressional committees, (3) in judicial proceedings under court orders designed to preserve confidentiality, (4) in proceedings under the proposed Consumer Safety Act, and (5) to the public "in order to protect their health and safety." However, trade secrets exempted from disclosure under the Freedom of Information Act could not be released by CSA.

Before making disclosures to the public, CSA must notify manufacturers and give them 15 days for written comment or discussion in closed session with the Agency. This provision can be ignored if the delay would be "detrimental to the public health and safety."

Public access to all communications and information received at or sent by CSA is guaranteed—through the Agency's Office of Consumer Information & Representation—in a special section of the bill. It reiterates the trade secret protections, with the same five exemptions.

Consumer Information Office's main functions are to answer the public's written inquiries about product safety, conduct education programs, and insure public access to information. The Office is empowered to name a lawyer to represent "the consumer interest" in CSA rule-making and other proceedings. This provision is expected to be deleted from the Magnuson bill if the Senate approves a House-passed measure creating a Consumer Protection Agency (not to be confused with CSA) which would speak for the consumer before all Federal agencies.

CONSUMER PROTECTION

Mr. MAGNUSON. Mr. President, I am a sponsor of consumer safety legislation soon to come before the Senate. It is with some pride that I make that claim, but an article published in the Seattle Times of April 10, 1972, leaves me something less than proud of the consumer protection efforts of the U.S. Government.

In order that others may share the knowledge of the pain, the horror, and the sorrow of one incident—resulting from an apparent policy of official neglect, I as unanimous consent that the Seattle Times article, by John Hinterberger, and editorials in the Times and the Seattle Post-Intelligencer be printed at this point in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Seattle Times, Apr. 10, 1972]

Fiery Gown: Little Could Be Done To Save Burned Girl

(By John Hinterberger)

Tammy Brown died at 10:25 p.m. yesterday.

There was little question that the burns which seared 90 per cent of her body Saturday would kill her. The only question was when.

She didn't know that when she was sitting on the big circular bed in Children's Orthopedic Hospital Saturday while the nurse in the mask gently slid medicated creams over her 11-year-old, trim, light-brown body.

Her mother, Mrs. Bertis Stell Coven, "mother of 13; 10 still living with me," didn't know it either . . . didn't know that her girl trapped in a suddenly flaring nightgown after standing, warming her back and legs in front of the fireplace was going to die of what seemed like such superficial burns.

"What I'm trying to tell you," Dr. Abe Bergman told newsmen Saturday, "is that—simply—she is going to die. And it's particularly rough on the people here. The staff, the nurses.

"Because one minute you have a child, a running, bouncing, energetic human being, and a minute later, you have someone who has stopped."

"But the family doesn't know it yet; neither does the little girl."

He stood outside the treatment room, a large portable screen blocked the entry. A sign warned that this was a burn-treatment area. Nothing goes in unless it has been boiled, steamed, autoclaved, wrapped in sterile coverings.

But in a way it was pointless. An exercise in professionalism.

"She's not in any great pain," the doctor said. "Third-degree burns mean that the full thickness of the skin has been burned. And so the nerve endings are destroyed. She can't feel anything. See," he said pointing through the glass, "she's talking to the nurse."

Mrs. Coven, under sedation, came out of a room where she had been resting. She had been shopping at the Pike Place Public Market Saturday morning when the accident occurred in the home at 3406 35th Ave. S.

"I'm on welfare," she said, "so I have to shop there."

She was asked where she had purchased the nightgown, what kind of material it was made of.

"The Salvation Army," the woman said in a flat, distant voice. "It had flowers on it and lace around the bottom."

With the rest of her family, she resumed her waiting, perhaps beginning to know what was coming.

"This is the third nightgown burning we have had in a month," Dr. Bergman said, "And the worst."

The two other little girls would survive.

Why little girls? Why nightgowns? Was there some exotic kind of material responsible? Some new, explosive synthetic?

No, he said. The new synthetics melted and shriveled instead of burning. But cotton . . .

Cotton . . . thousands of years old . . . burns. And it burns best, worst, easiest, when there is a surface of air on both sides of the garment. Like a little girl's nightgown.

The flames catch at the bottom and flare up. And the child runs. Tammy's brother, Timothy, 12, ran after her with a blanket and caught her. He put the fire out.

The mother explained about the fireplace. "The furnace was busted," she said.

[From the Seattle Times, Apr. 12, 1972]

Inexcusable Stalling Killed Tammy

The tragic sory of Tammy Brown, the 11-year-old Seattle girl who died as a result of severe burns caused when her nightgown caught fire, is the heart-rending result of procrastination on a national scale.

Her death is only one of many caused by children's wear that is not flame-resistant, clothing that flares into flames through too close proximity to fire or high heat.

Nor will children's nightwear be required to be flame resistant under federal regulations until after July, 1973. That despite the fact that Congress passed the Flammable Fabrics Act four and a half years ago to impose mandatory treatment of children's nightwear to retard flames.

Tammy's death is testimony to the callous procrastination of the Commerce Department, which is responsible for setting and enforcing standards under the act, and to foot-dragging in the textile industry, which has sought throughout the four and a half years to delay and weaken imposition of the regulations.

A sad aspect of it all is that two years ago some flame-resistant children's nightwear was available at some stores. It was taken off the shelves when unknowing parents declined to buy because it was more expensive.

The Commerce Department must not be dissuaded from imposing tough standards beginning no later than its announced 1973 date.

[From the Seattle Post-Intelligencer, Apr. 14, 1972]

INFLAMMABLE CLOTHING

(A P-I View: The federal government and some segments of the industry are fiddling while children burn.)

Although the federal Flammable Fabrics Act was passed more than four and a half years ago, virtually no positive effects of the act have been noticed and the number of burn cases with victims wearing non-fire-retardant apparel continues to grow.

Sunday night 11-year-old Tammy Brown of Seattle died at Children's Orthopedic Hospital after receiving burns over 90 per cent of her body. Her flannel nightgown had caught on fire the day before.

Dr. Abraham B. Bergman, director of the hospital's out-patient services, said the young girl was the third youngster admitted to the hospital during the past month with serious burns attributable to ignition of flannel nightgowns.

According to the February Consumers Reports, last July the Secretary of Commerce promulgated a new flammability standard for children's sleepwear. This stringent regulation will require flameproofing of children's nightwear for youngsters up to the age of five, stopping at size 6X. This standard will be effective in July, 1973.

It has been estimated that some 4,000 deaths and about 175,000 burns occur annually due to flammable garments. Consumer Reports, in a test of 76 models of children's sleepwear in sizes up to 6X, found that 75 of the samples failed to pass when suspended specimen swatches were exposed to a controlled flame for three seconds.

The reaction of industry spokesmen to the Secretary of Commerce's standard was negative. They claimed they could not meet the July, 1973, deadline. They referred to the difficulties in obtaining satisfactory test results and the need for additional time to develop flame-retardant sleepwear.

We believe too much time already has passed in bringing clothing within safe standards. By the time the new regulation takes effect next summer, more than five years will have passed since the initial federal legislation was enacted. And then, only children through age five, hopefully, will be protected. What about everyone else?

A one-year grace period begins this July and during this time manufacturers will be allowed to sell flammable garments provided they are so labeled. This may be of limited assistance to safety conscious parents.

We would hope the entire industry will follow the example of the American Apparel Manufacturers Association which moved forward the date for full compliance with the act to April, 1973. Until this time comes, everyone would be well advised to use extreme care in selecting non-flammable garments for purchase.

The slowness in implementing this law is no credit to the federal government. The reluctance of the clothing industry to comply with the basic act over the past five years is equally reprehensible.

Mr. MAGNUSON. Mr. President, I have also received a telegram from Dr. Abraham B. Bergman, director of outpatient services at Seattle's Children's Orthopedic Hospital and Medical Center, and a member of the National Advisory Committee for the Flammable Fabrics Act, and a letter from Ralph Maughan, a paramedic with the Seattle Fire Department. I ask unanimous consent that these, too, be printed at this point in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

[Telegram]

APRIL 10, 1972.

Hon. PETER G. PETERSON,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: Tammy Brown, an eleven year old Seattle girl, died last night at Children's Orthopedic Hospital and Medical Center. She was burned the day before when her flannel robe caught on fire as she was standing with her back to the fireplace to get warm. There was no other source of heat in the house; the furnace was broken. Tammy was the third youngster admitted to our hospital in the past month with serious burns resulting from ignition of a flannel nightgown.

It is now four and a half years since the Flammable Fabrics Act was passed by Congress and signed by the President. To date, not one childhood burn injury has been prevented or ameliorated as a result of the law. You, sir, are charged with administering the Flammable Fabrics Act passed by Congress. Had the law been implemented according to the intent of Congress, Tammy and scores of children like her would be alive today. How many more Tammys will have to be sacrificed before you are moved to take appropriate action?

The National Advisory Committee for the Flammable Fabrics Act, of which I am a member, has met several times a year in a conference room at the Department of Commerce building in Washington, D.C. Might I respectfully suggest that the next meeting of the committee be held on a burn unit of a children's hospital with yourself in attendance. I feel that the pace of our deliberations might take on a quicker tempo were the officials responsible for making decisions to take a closer look at the stakes involved.

Sincerely,

ABRAHAM B. BERGMAN, M.D.,
Member, National Advisory Committee for the Flammable Fabrics Act.

SEATTLE, WASH.,
April 10, 1972.

WARREN G. MAGNUSON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MAGNUSON: First I would like to introduce myself. My name is Ralph Maughan, and I am a paramedic with the Seattle Fire Department's "Medic One" emergency aid unit.

On April 8, at 11:00 A.M., I responded with my partner to an emergency call in the south end of Seattle. Upon our arrival we found an eleven year old sitting on the edge of a couch with her skin hanging from her arms, legs and face. One hundred percent of her body was burned. Tears were flowing from her eyes and she asked me quietly, "Please don't let me die, please don't let me die." Her nightgown of plain unpolished cotton had caught fire while she was standing next to an open fireplace.

Today she is in Children's Orthopedic Hospital with a less than 20% chance to live. If she does live she will spend the several years of her life in hospitals with doctors attempting to restore her body to something which others will view as a hideous, badly scared human being.

Senator, I know that you have done a great deal to make children's clothing safe, and have been extremely successful in passing laws requiring clothes to be nonflammable. I am extremely grateful for your efforts and wish you continued success in your efforts.

I have not written this letter to belittle the work you have done, but only to make you aware of one incident and the continued need for your efforts in law making bodies of our government. I do hope that letters such as this can be useful tools for you to use in your efforts to further the safety of our nations' children.

A little girl has asked me "Please don't let me die," because her nightgown with pictures of kittens on it had burned her flesh, so that it hangs from her face and arms in folds of searing dead skin. She asked me because I came to help. But really she is asking the people who made her nightgown, to make it safe.

Respectfully,

RALPH MAUGHAN.

Mr. MAGNUSON. I think most Senators know of my involvement and that of some of my fellow members of the Commerce Committee in the field of flammable fabrics.

First came the Flammable Fabrics Act. Then, when we saw implementation of that act dragging, we passed the Flammable Fabrics Act Amendments of 1967.

The Department of Commerce, we believed, would then get busy—especially in the field of children's clothing—and set standards that would help to end the horror and suffering and death, to the thousands of American children who are each year burned, scarred and charred by these grotesque and bizarre mishaps.

But laws and congressional pressure have not yet saved a single life. The industry has used every procedural barrier to delay the imposition of standards. And the Department of Commerce has wavered and delayed under pressure.

I, for one, have had enough. The product safety bill will come to the floor at the end of May. If by that time the Department of Commerce has not promulgated an adequate flammability standard for children's nightwear, I will offer such a standard as an amendment to the bill.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, for the purpose of making it the pending business for consideration on Tuesday next, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 721, S. 3507.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ORDER FOR THE SENATE TO PROCEED TO CONSIDERATION OF UNFINISHED BUSINESS AT THE CONCLUSION OF ROUTINE MORNING BUSINESS ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, at the conclusion of the routine morning business, the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 10 a.m. tomorrow, Friday, April 21, 1972, for a pro forma session, with no debate and no business to be transacted.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY, APRIL 21, 1972, TO APRIL 25, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns on tomorrow, April 21, 1972, it stand adjourned until Tuesday next, April 25, 1972, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for he quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON COMMERCE AND COMMITTEE ON VETERANS' AFFAIRS TO HAVE UNTIL 6 P.M. TOMORROW, APRIL 21, 1972, TO FILE CERTAIN COMMITTEE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce and the Committee on Veterans' Affairs have until 6 p.m. tomorrow to file certain committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT OF THE SENATE UNTIL TUESDAY NEXT, APRIL 25, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the House of Representatives during the adjournment of the Senate over until Tuesday next, April 25, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE PRESIDENT PRO TEMPORE AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF THE SENATE OVER UNTIL TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President pro tempore and the Acting President pro tempore of the Senate be authorized to sign duly enrolled bills and joint resolutions during the adjournment of the Senate over until Tuesday next, April 25, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 295, RELATING TO A SUBPENA DUCES TECUM DIRECTED TO THE FINANCIAL CLERK OR HIS AGENT

Mr. ROBERT C. BYRD. Mr. President, I send a resolution to the desk and ask unanimous consent for its immediate consideration, having cleared it with the leadership on the other side of the aisle.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered; and the clerk will state the resolution by title.

The second assistant legislative clerk read as follows:

> A resolution relating to a subpoena duces tecum directed to the financial clerk or his agent.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, the financial clerk of the Senate or his designee has been subpenaed by the Criminal Branch of the Superior Court of the District of Columbia, to appear and testify as a witness for the U.S. Government—United States—*District of Columbia* v. *Willie Arrington,* Docket No. 7916–72—on April 27, 1972. The subpena also requires the production of "all records of financial payments to Maureen E. Walter on December 20, 1971."

This resolution is being submitted in conformity with the custom of the Senate. The Senate has maintained inviolate the rule that no documents of the Senate can be removed from its possession except by its permission. The U.S. Attorney has determined that this testimony is necessary in the conduct of the trial.

The resolution will permit the financial clerk or his designee to appear and testify on behalf of the Government. It does not permit the removal of any original documents. However, it does permit the financial clerk, if the court so determines, that certain documents are material and relevant to the case, to furnish certified copies of the documents involved to the court.

Mr. President, I ask unanimous consent that a copy of the subpena be printed in the RECORD.

There being no objection, the subpena was ordered to be printed in the RECORD, as follows:

[Form C–30 Criminal Subpoena Superior Court of the District of Columbia]

UNITED STATES DISTRICT OF COLUMBIA VS. WILLIE ARRINGTON, DOCKET NO. 7916–72

To: Financial Clerk, or His Agent, Senate Disbursing Office, S–233, U.S. Capitol Building.

You are hereby commanded to appear before the Criminal Branch of the Superior Court of the District of Columbia at 9:00 o'clock a.m., on the 27th day of April 1972 as a witness for United States of America and bring with you all records of financial payments to Maureen E. Walter on December 20, 1971, and not depart the Court without leave thereof.

Witness, the Honorable Chief Judge of the Superior Court of the District of Columbia, and the seal of said Court this 13th day of April, A.D., 1972.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The preamble was agreed to.

The resolution (S. Res. 295) with its preamble reads as follows:

S. RES. 295

Whereas a subpoena duces tecum issued on application of the United States of America addressed to the Financial Clerk or his agent, United States Senate, and served upon the Financial Clerk, directs him to appear in the city of the District of Columbia, before the Criminal Branch of the Superior Court of the District of Columbia on the twenty-seventh day of April, 1972, at 9:00 o'clock antemeridian, and to bring with him certain records in the possession and under the control of the Senate: Now, therefore, be it

Resolved, That by the privileges of the Senate no evidence of a documentary character under the control and in the possession of the Senate can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the Senate is needed for use in any court of justice, before any judge, legal officer, or grand jury, for the promotion of justice, the Senate will take such order thereon as will promote the ends of justice consistently with the privileges and rights of the Senate; be it further

Resolved, That William A. Ridgely, Financial Clerk of the Senate, or his designee, be authorized to appear at the place and before the court named in the subpoena duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in the possession of the Financial Clerk of the Senate; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the records called for in the subpoena duces tecum to the proceeding before the court, the said court, through any of its officers or agents, shall have full permission to attend with all proper parties to the proceeding at a place under the orders and control of the Senate, to take at such place copies of such records in possession or control of said Financial Clerk as the court has found to be material and relevant, and to take at such place such evidence of witnesses in respect to such records as the court or other proper officer thereof shall desire, except that (1) the possession of such records by the said Financial Clerk shall not be disturbed and such records shall not be removed from their file or custody under said Financial Clerk, and (2) no minutes or transcripts of any executive session or any evidence of witnesses with respect thereto may be disclosed or copied; be it further

Resolved, That subject to the limitations hereinbefore stated, said Financial Clerk is authorized to supply certified copies of such records as the court has found to be material and relevant to the proceeding before the court; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpoena aforementioned.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GRAVEL ON TUESDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the two assistant leaders under the standing order, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTIONS OF ROUTINE MORNING BUSINESS ON TUESDAY, APRIL 25, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, following the recognition of Senator GRAVEL, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, there is no calendar business ready for floor action tomorrow. Consequently, there will only be a pro forma session at 10 a.m. tomorrow, with no speeches.

Moreover, the state of cleared bills on the calendar is such that nothing can be ready for floor action until Tuesday of next week. Consequently, the Senate will go over from the pro forma meeting on tomorrow until 10 a.m. Tuesday, April 25.

On Tuesday the Senate will convene at 10 a.m. Following the recognition of the two assistant leaders under the standing order, the able Senator from Alaska (Mr. GRAVEL) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 3507, a bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal and estuarine zones and for other purposes.

At least one rollcall vote will occur on that bill. Following action on the coastal zone bill, the Senate will proceed to the consideration of the Amtrak bill and/or—and not necessarily in that order—the veterans health bill. Other measures may also be cleared for action by Tuesday.

The leadership on both sides of the aisle urges committees to take advantage of the opportunity to meet during Friday and Monday in the hope that most of the Senate's major business can be reported to the floor and, disposed of prior to the conventions.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 10 a.m. Friday.

The motion was agreed to; and at 4:18 p.m., the Senate adjourned until tomorrow, Friday, April 21, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 20, 1972:

Upper Missouri River Regional Commission

Robert L. McCaughey, of South Dakota, to be Federal Cochairman of the Upper Missouri River Regional Commission.

District of Columbia Council

John A. Nevius, of the District of Columbia, to be Chairman of the District of Columbia for the term expiring February 1, 1975.

Sterling Tucker, of the District of Columbia, to be Vice Chairman of the District of Columbia Council for the term expiring February 1, 1975.

District of Columbia Redevelopment Land Agency

Willie L. Leftwich, Esq., for appointment as a member of the Board of Directors of the District of Columbia Redevelopment Land Agency for the unexpired portion of the 5-year term ending March 3, 1976, effective upon the date of his appointment, pursuant to the provisions of section 4(a) of Public Law 592, 79th Congress, approved August 2, 1946, as amended.

EXTENSIONS OF REMARKS

CONSTITUENTS HONOR LES ARENDS

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, on Saturday, April 15, several hundred of LES AREND's friends gathered in Danville, Ill., to honor him for the great service that he has rendered to the 17th Congressional District of Illinois.

LES has been representing Vermilion County, of which Danville is the county seat, for the past 20 years.

It is indeed unfortunate that LES will not be representing Vermilion County under the new reapportionment of Illinois congressional districts. The redistricting plan worked out by a panel of three Federal judges put Vermilion County in the 22d District.

LES made an outstanding speech on this occasion. He has never hesitated to speak his mind in the service of his country. We are fortunate that he has been a member of the Armed Services Committee for more than 30 years. During that time he has stood for a strong America and a bipartisan foreign policy to be sure that the intentions of this country are not misunderstood by our enemies. I know that all of my colleagues are delighted that LES ARENDS' constituents have honored him for his long outstanding service in the Congress of the United States.

The following is a report on this great tribute to LES by Randy Kirk in the April 16, 1972, issue of the Danville Commercial-News:

ARENDS SHOWS AUDIENCE SPARK THAT KEPT HIM IN U.S. HOUSE

(By Randy Kirk)

Rep. Leslie C. Arends thanked his hosts for an appreciation dinner Saturday night and then gave off some of the sparks that have kept him in the U.S. House of Representatives for 38 years as he attacked enemy actions in Vietnam.

More than 325 persons, including Secretary of State John W. Lewis, State Sen. Tom Merritt and State Reps. Bill Cox and Charles "Chuck" Campbell, attended the dinner.

THE 17TH DISTRICT

Last year's reapportionment of legislative districts takes Vermilion County out of the 17th District, which Arends, a Melvin Republican, has represented for the past 22 years, effective the end of this year.

The appreciation dinner, sponsored by a group of interested citizens, was to honor Arends for his work in representing the county.

"What is happening in Vietnam?" Arends,

who is ranking minority member of the House Armed Services Committee, asked the question, then answered:

"It is a Communist invasion."

"Why don't the American people know it is an invasion? Because they have not been told by the 'so-called experts' in the news media," he answered.

REPUBLICAN WHIP

Arends, who has been Republican whip in the House since 1943—longer than anyone in history—added, "We fail to do what we have to do and we fail to see what the consequences might be."

It would be awful if the United States became number two, but "I have faith that America will reach the right conclusion," the representative said.

"I am an eternal optimist and can see the light at the end of the tunnel. I look forward to getting back on the steady road," he added.

Arends said this will be an interesting political year. For those who have been living in the "fools paradise" it is time to pay up, he added.

Government has over extended itself trying to do too much which has caused our economic difficulties, he said. People are starting to realize now that the government cannot do all things, he added.

NEW DISTRICT

Arends will serve a new district on the outskirts of Chicago after the first of the year. He won the Republican primary for the 15th District and is considered a favorite in the general election.

He said he has no plans to leave government. "It's a challenge and you like to see it through," the representative said.

ABRAHAM LINCOLN AS A REPRESENTATIVE IN THE ILLINOIS GENERAL ASSEMBLY

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SCHWENGEL. Mr. Speaker, recently I attended a meeting of the Lincoln Group of the District of Columbia. Always we have interesting speakers to give us some new insight, evaluations, and conclusions of Abraham Lincoln. At the last meeting on Friday, April 14, this was no exception.

Our very able colleague, Congressman ROBERT MCCLORY spoke to the group on Abraham Lincoln and his experience and contribution in the Illinois General Assembly. He could and did speak with knowledge because he is an avid Lincoln student and comes from Illinois.

There is so much of value and food for thought that I commend these remarks to all my colleagues for reading and I hope also that students everywhere who may be reading the CONGRESSIONAL RECORD and who may have interest will find this of great value to them as they pursue their studies of this most American of all Americans:

ADDRESS OF CONGRESSMAN ROBERT MCCLORY

Commander Dalton, Congressman Schwengel, and distinguished members of the Lincoln Group of the District of Columbia: It is a distinct privilege to appear before this prestigious group to discuss an aspect and a brief but highly significant period in the life of Abraham Lincoln—to whose memory this organization is principally devoted. My subject—dealing with Abraham Lincoln as a member of the house of representatives of the Illinois General Assembly is a subject very dear and very close to me.

I suppose that in the lives of all of us we have memories that stand out more prominently than others in the course of our human experiences—what Lincoln termed the "mystic chords of memory."

In my own career the thrill of approaching the broad steps of the State Capitol in Springfield, Illinois, more than 20 years ago stands out indelibly in my mind and memory. Indeed, as I assumed my seat in the house of representatives and later in the Illinois State senate, I always seemed to sense the presence of Abraham Lincoln with whom Springfield and Sangamon County are the places—outside of this place—with which Lincoln was principally identified.

This identity is most eloquently set forth in his brief remarks when following his election he left Springfield for Washington in 1861. Included in those remarks are these touching and prophetic words:

"My friends—No one, not in my situation, can appreciate my feeling of sadness at this parting. To this place, and the kindness of these people, I owe every thing. Here I have lived a quarter of a century, and have passed from a young to an old man. Here my children have been born, and one is buried. I now leave, not knowing when, or whether ever, I may return with a task before me greater than that which rested upon Washington. Without the assistance of that Divine Being, who ever attended him, I cannot succeed. With that assistance I cannot fail. Trusting in Him, who can go with me, and remain with you and be every where for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you in affectionate farewell."

I would like also to point with pride to the slogan of the State of Illinois which is emblazoned on our Illinois license plates—"Land of Lincoln."

I recall in 1955 when the legislation officially establishing this slogan was pending in the Illinois House of Representatives. The Republicans had a bare majority at that time. When the measure was called for a second reading in the House of Representatives one of the Democratic leaders—recalling appropriately that Stephen Douglas was also a son of Illinois, proposed an amendment that the slogan should read "Land of Lincoln—and Douglas." The small Republican majority stood fast and the amendment was defeated. But then another threat occurred when a resourceful Member of the House, who also had an automobile dealership, proposed that we should be designating "Land of Lincoln, Mercury, and Ford."

But loyal supporters of General Motors, American Motors and Chrysler defeated that proposal—and we in Illinois became proudly citizens of the "Land of Lincoln."

Another significant event occurred during my experience in the Illinois General Assembly when we voted funds to restore the Capitol at Springfield to the general condition and appearance which it had in Lincoln's day. Although Lincoln's experiences as an Illinois lawmaker preceded the establishment of the Capital at Springfield, it was in that Capitol Building where one of the historic Lincoln-Douglas debates took place.

Just a few months ago the President visited the Old Capitol Building—now restored—in official ceremonies which established the Lincoln home a few blocks away—as a national historic site under the jurisdiction of the national park service. Our Lincoln and United States Capitol authority, Fred Schwengel was also present on that occasion.

Lincoln is customarily regarded as a late starter. The view is generally held that most of his education did not occur until he was an adult. Certainly his formal education prior to his 21st birthday was extremely limited. But there is no indication in any sense that he was uneducated, inarticulate or unskilled in letters when he first arrived in New Salem, Illinois on a flatboat in 1831. He saw New Salem before he journeyed on the flatboat to New Orleans along the Sangamon River—which was then more navigable than it is today. He returned to New Salem and established residence there in 1831. The very next year he was a candidate for the Illinois General Assembly. Having been born in 1809, he was only 22–23 years old as he waged his campaign. Indeed, from April until June 1832 he was away from New Salem and his district entirely—as a volunteer in the Black Hawk War. First, as a captain of the Illinois Militia. Later, as a private in the Federal forces. This limited his campaign activities—but I should add that he never saw Chief Black Hawk or any other Indians except one elderly squaw—and is reported to have fired only one shot—but not at an Indian.

In the early weeks of the campaign, Lincoln set forth his stand on most of the current issues which were of local importance, including his support for (1) internal improvements, (2) public education and his (3) opposition to loaning money at high interest rates. As his principal qualification, Lincoln cited his experience as a Sangamon River boatman. He published this platform and his qualifications in some detail in a piece which appeared in the Sangamon Journal of March 15, 1832.

Running as a Whig in a county where that was the minority party, Lincoln very wisely included the following plea: "My case is thrown exclusively upon the independent voters of this county."

Lincoln made a few speeches after returning to his home a short time before election day, August 6, 1832. Four members of the Illinois House of Representatives were elected from a field of 13 candidates—in Sangamon County. Lincoln ran 8th—and lost. However, his personal popularity in New Salem was established where in his home precinct he garnered 277 of the 300 votes cast.

Obviously he had to make himself better known. This, he did through appointment as postmaster of New Salem and as a surveyor of lands throughout Sangamon County. Meeting the citizens as he journeyed about the countryside with chain and compass, he made friends and won political support. He again announced his candidacy in the 1834 campaign. It is reported that he was approached by the Democrats to team up with them to assure his election with the idea of beating John T. Stuart, the leader of the Whigs. When Lincoln took the proposition to Stuart he was advised by Stuart to accept the offer. Then the Stuart voters concentrated on beating the strongest Democratic candidate, Richard Quinton. It seems like an odd political deal. But Lincoln ran second only 14 votes behind the winner and Stuart came in fourth with the result that Lincoln and Stuart, the two Whigs, were elected along with two Democrats in the 1834 election. Quinton was nosed out by a narrow margin.

I am sure that many have visited the log cabin community of New Salem and can appreciate the primitive conditions which existed there in Lincoln's day. Following his election—and in order to make his initial period in public life more impressive, he borrowed $200 from a New Salem friend, paid $60.00 for a new suit which was tailor-made in Springfield and used the rest of the money for other needs until he boarded the regular weekly stage to report to his official duties in the State capital at Vandalia, Illinois—where he could collect his legislative salary of $3.00 per day. I should point out that while Lincoln gave an extensive description of his qualifications in his first campaign, he did quite the contrary in the election of 1834. He simply recalled the strong bipartisan support he had received in the 1832 campaign, and appealed as he had before to the independent voter.

Lincoln rode with Stuart from Springfield to Vandalia by stage coach and arrived at the State Capitol in Vandalia at the end of November. Thus began his service in the Illinois General Assembly which continued from 1834 to 1841 (the 9th through the 12th General Assemblies).

Frequent references are made to Lincoln the President, Lincoln the lawyer, and even Lincoln the soldier, but few seem to recall Abraham Lincoln's first important political office as a member of the Illinois General Assembly. Lincoln's political talents and his capacity for leadership were displayed almost from the first day he arrived in Vandalia. He was then just 25 years of age when he took his seat with 53 other House members on December 1, 1834. Lincoln was not then a lawyer and most of his colleagues in the House of Representatives were farmers. Of the total of 54 House members, 35—including Lincoln—were first termers. He showed real wisdom in his immediate association with John T. Stuart with whom he roomed in Vandalia and who was at that time the leader of the Whig minority. Through Stuart he made many important and influential contacts which benefitted him greatly, then and later. However, it is interesting to note that Lincoln, himself, was so little known that the first record of him in Vandalia omits his first name and lists him simply as—Lincoln. However, Stuart knew virtually everyone. He introduced Lincoln and soon Lincoln became well known too.

Some have asked how Lincoln happened to identify with the Whigs (the party of Henry Clay) which was regarded in that day as the party of the Aristocrats, instead of the party of Andrew Jackson—the people's hero.

Indeed, many of the Whigs in advancing their aristocratic identity were trapped by what became known as the "Little Bull Bill." This measure which was passed in the 1836 session of the Illinois House of Representatives, made it unlawful for small bulls to run at large. This law favored by owners of well-bred livestock was intended to prevent breeding with small bull sires. The Democrats accused the Whigs of carrying their aristocratic tendencies even into the animal kingdom and many who voted for the "Little Bull Bill" were defeated when they ran for reelection.

However, Lincoln was one of those who voted against the bill and thus was able to continue his public career until he voluntarily retired from the House of Representatives in 1841. Only five days after he was sworn in as a State representative, Lincoln introduced his first bill entitled "An Act to limit the jurisdiction of the justices of the peace." This may sound somewhat like the present bill to limit the jurisdiction of Federal courts in school busing cases. Other measures which he introduced provided funds for a toll bridge across Salt Creek in Sangamon County for his friend Samuel Musick which later was passed and a bill to add five new circuit judges, which also became law. When the first session ended on February 13, 1835, Lincoln had performed virtually every function of a House member except (because of his minority party position) he could not serve as chairman of a standing committee or chairman of a committee of the Whole House or as a conference committee chairman.

John T. Stuart, who was looking toward the U.S. Congress, appeared deliberately to be grooming Lincoln to take over his role as leader of the Whigs. In this respect, Stuart had done an excellent job. Stuart was a good mentor and Lincoln was an apt and ready pupil. When he left Vandalia at the end of the first term, he returned of course to New Salem as he resumed his duties as postmaster, as well as his surveying activities—but with this difference. Lincoln had determined upon a profession, namely, the law. While he had done some reading of the law prior to this time, he continued in his reading of the law and was admitted to practice law before his reelection to the Illinois General Assembly in 1836. Indeed, in the 1836 election he led the ticket as he did also in 1838 and I believe in 1840. Lincoln was candidate for Speaker of the Illinois House of Representatives in both the 1838 and 1840 session but lost on both occasions to the Democratic candidate, William Lee Davidson Ewing, who later became Governor of Illinois.

As we know, Lincoln was one of the members of the so-called long nine from Sangamon County who served in the Illinois House of Representatives and State Senate in the session of the Illinois general assembly which began in 1836 and ended in 1837.

As leader of the long nine, Lincoln's principal legislative activity in the 1836–1837 session was the bill to remove the State capital from Vandalia to Springfield.

The measure had been on the ballot in 1834 at which time the proposition was approved to relocate the State capital. Thereafter, Springfield and Peoria and Alton were set forth as possible locations with one proposal that the capital should be located in the "geographical" center of the State.

In the 1836 session, the long nine devoted their principal attention to public improvement legislation. This involved appropriation of State funds for roads, railroads, bridges and other public projects, in which a total of $10 million was appropriated—a staggering figure for that day.

Secretly, the long nine, representing primarily Sangamon County, had in mind a measure to remove the State capital from Vandalia to Springfield. While the capital at Vandalia had been destroyed—burned for the second time prior to the 1836 session it had been replaced by a new structure. However, when the legislature convened in 1836 the building was found to be too small. The efforts of Vandalia to retain the seat of government in their city seemed doomed.

A bill to remove the State capital from Vandalia without designating a new site reached 3rd reading in February 1838. An amendment was adopted which would require the new State capital, wherever named, to donate $50,000 . . . to the State, matching a similar sum authorized in the bill. A motion to table was carried by a majority of one vote—39–38.

Lincoln was disheartened but not defeated and he spent the weekend reminding numerous members of the appropriations which had been made for public works in their districts and several days later on a Saturday morning, February 18, a motion was made to take the bill from the table which passed by a margin of 42–40.

Still, several more days elapsed while Lincoln garnered further support for the measure. Finally with every Sangamon Representative in his place, the bill was called on third reading and passed on February 24, 1838 by a vote of 48–34. However, up to this time Springfield had not been officially chosen as the new capital. But this also was accomplished before too long as the other cities which were contending for the State Capital were eliminated: Peoria, Alton, Jacksonville, Decatur. There were four ballots which were cast on this issue with Springfield being selected on the 4th ballot.

Springfield's victory was a great personal triumph for Lincoln, and gave proof of his capacity for leadership and for his political skill.

The victorious long nine were reported to have staged a wild celebration at Ebenezer Capp's Tavern near Vandalia's State House with free champagne, cigars, oysters, almonds and raisins. A full 81 bottles of champagne were consumed and the bill paid by Ninian Edwards totalled $223.50.

When the session adjourned on Monday, March 6, almost 400 bills had been enacted and the Sangamon delegation boarded the first stage North. They entered Springfield in Triumph. Of course, Lincoln returned to New Salem but only to prepare for his move to Springfield, the State Capital, where he was at that time the outstanding political hero. In turn, he became a law partner of John T. Stuart. The announcement appearing in the Sangamon Journal of April 15, 1838 that "J. T. Stuart and A. Lincoln, attorneys and counsellors at law, will practice, conjointly, in the courts of this judicial circuit." Springfield made good on its $50,000 pledge—and after one more session of the legislature in Vandalia, the new State Capitol was established permanently in Springfield. Lincoln was the top vote getter on August 6, 1838 when he was elected to the 11th Illinois General Assembly. He led the ticket again when he was reelected in 1840 for his last term.

What else may be said about Lincoln, it cannot be denied that the political skill which he developed and displayed as a member of the Illinois House of Representatives gave clear evidence of the leadership and greatness which characterized him in later years as one of the most prominent figures in the history of the world.

ABANDONMENT OF NONCOMMUNIST ALLIES UNDER THE FOREIGN POLICY OF THE AMERICAN REVOLUTION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RARICK. Mr. Speaker, the international image of the United States has truly undergone change. Following our President's visit to Red China and the Nationalist China sellout at the United Nations there have occurred repeated instances of non-Communist countries, formerly our friends and allies loosening their ties to our country and becoming truly nonalined as independent self-sustaining representative governments.

Classic, in the falling away of smaller nations, is the Republic of the Philippines. For example, President Ferdinand E. Marcos of the Philippines, in an April 9 speech at Mount Samat ceremonies commemorating the fall of Bataan, said the tragedy was the result of too much dependence on American military might.

> Never again should our country depend on others for its security. We have faith and trust in our allies.

He pointed out that as a sovereign country the Philippines finds herself no longer under the exclusive, all powerful protection umbrella of the United States.

> We must not depend entirely on our allies for our security. Bataan was the object lesson.

Subsequently, the five Southeast Asian nations of ASEAN, Indonesia, Thailand, the Philippines, Malaysia, and Singapore, meeting in Singapore released a so-called Malik statement interpreted as a hardline regional policy laid down by Indonesia following China's admission to the U.N. and President Nixon's visit to China.

While our present international accommodation of communism is driving free nations from us, Moscow and the

United States announce the extension and expansion of an agreement for cultural, scientific, and educational exchanges. And at Santiago, Chile, a U.S. Under Secretary of State defended the U.S. role in the development of the third world—supposedly unalined Communist controlled nations.

This was followed by World Bank President Robert S. McNamara's speech at the U.N. Conference on Trade and Development that the Communist nations of the world were not on schedule with their programed progress and that the larger and more wealthy countries should retard their economic well-being and production to benefit the so-called developing countries. Since the World Bank is funded principally by U.S. tax dollars under guidance of the one-world international bankers' umbrella it should be obvious to concerned Americans that not only have we alienated many of our deserving free world allies but on our present course we can be expected to continue to subsidize Communist dictatorships.

I include related news clippings as follows:

[From the Manila Chronicle, Apr. 9, 1972]

MARCOS POINTS TO LESSON OF BATAAN

MOUNT SAMAT.—President Marcos today put heavy emphasis on the responsibility of sovereign nations like the Philippines to look after their own security.

Speaking at ceremonies commemorating the Fall of Bataan, the President said the tragedy in Bataan was the result of too much dependence on American military might.

"Never again should our country depend on others for its security. We have faith and trust in our allies. We can depend on them, but we can best trust ourselves and depend on our own capabilities." Mr. Marcos said.

High government officials and Filipino and American veterans accompanied the President and the First Lady in the trek to this mountain, where the Philippine-American forces surrendered to numerically superior Japanese troops 30 years ago.

American Ambassador Henry Byroade reassured US allies that his country is "slowly getting back to a readiness footing. We are ready and willing to use force, reluctantly but effectively, if we have to deter future aggression." Byroade said.

The US envoy who was among the members of the diplomatic corps who attended impressive ceremonies here, pointed out that the United States had learned from Pearl Harbor. Bataan, Corregidor, Iwo Jima, Leyte and Saipan that "we must remain a part of the Pacific. And being in the Pacific, the US is ready to defend her allies."

"The trend among Asian countries to adopt a policy of self-reliance in their defense is not incompatible with the US policy of helping states needing assistance." Byroade said.

After the last war, President Marcos said, there had always been the constant threat to the country's security posed by internal subversion or external aggression.

He pointed out that as a sovereign country, the Philippines finds herself no longer under the exclusive, all-powerful protective umbrella of the United States. The defense of the Philippines has become the sole responsibility of her people, Mr. Marcos said. He reiterated: "We must not depend entirely on our allies for our security. Bataan was the object lesson."

The President also noted that despite the massive efforts of his Administration there still is an active insurgency in the country fomented by misguided elements. These elements are just waiting for the right moment to try to seize power from the constituted authorities, he said.

[From the Washington Evening Star, Apr. 14, 1972]

FIVE SOUTHEAST ASIAN NATIONS ADOPT INDONESIA'S HARD LINE

(By David Van Praagh)

SINGAPORE.—After thoroughly discussing the Vietnam situation behind closed doors, the leaders of five Southeast Asian countries adopted today the Indonesian concept of "national resilience" that appears the basis for prospective informal backup military alliance in the region.

"It is necessary for member countries to develop national resilience to enable them to face present charges and challenges of the future with greater confidence," the foreign ministers said in a joint communique. It was issued on the occasion of foreign ministers meeting of the Association of Southeast Asian Nations.

The ASEAN members are Indonesia, Thailand, the Philippines, Malaysia and Singapore.

Commenting on the two-day meeting, Indonesian foreign Minister Adam Malik said "We may be satisfied with the introduction and eventual adoption of an ASEAN strategy to give up clear direction of how to proceed.

The vague communique and the Malik statement appeared to diplomatic observers to signal acceptance of a hardline regional policy laid down by Indonesia's ruling generals following China's admission to the United Nations and President Nixon's visit to China.

President Suharto's recent visits to the Philippines and Australia and those of his defense deputy, Gen. Maraden Panggabean, to Malaysia and Singapore laid the groundwork for the new emphasis on national resilience.

This was explained by Malik as national and regional economic development without outside interference.

While Indonesia stopped short here of proposing joint ASEAN military measures, it recently reached limited defense agreements with Malaysia the Philippines and Australia and is building up with U.S. military aid a strategic mobile infantry force that could be used within the region.

Reliable sources in Asian countries say that by national resilience the Indonesian generals mean keeping China, Russia and Japan out of Southeast Asia as much as possible, playing down U.S. aid and support and minimizing the proposed neutralization of Southeast Asia.

Indonesia succeeded at a meeting of ASEAN foreign ministers in Kuala Lumpur last November in deleting big power guarantees from the adopted Malaysian ideas of a neutralized Southeast Asia.

This formal Singapore meeting appears to have pushed the five-nation group, primarily concened with economic matters, further into political and possibly military spheres.

But there is no thought of a formal pact.

At Singapore's suggestion it was agreed the foreign ministers would meet at least once a year to discuss "international developments."

At the suggestion of the Philippines, the working of ASEAN will be reassessed with a view to seting up a regional secretariat.

Thailand and the Philippines are the only two ASEAN members allied with the U.S. Making his first appearance outside Thailand since undergoing a period as a Buddhist monk, former Thai Foreign Minister Thanat Khoman, showed he had lost none of his anti-Communist fervor by blaming North Vietnam and an unnamed major power providing "massive support" for upsetting peaceful coexistence which he said resulted from Nixon's Peking venture. Thant is expected to be renamed foreign minister.

The proposal of Philippine President Ferdinand Marcos for a summit meeting of Asian leaders—also believed opposed by Indonesia—was again stalled here.

The five ASEAN members have tacitly agreed not to establish diplomatic relations with China for the indefinite future.

[From the Baton Rouge (La.) Morning Advocate, Apr. 10, 1972]

DEATH MARCH OBSERVED BY PHILIPPINE SOLDIERS

MOUNT SAMAT, PHILIPPINES.—President Ferdinand E. Marcos led thousands of Filipinos and Americans up this historic mountain Sunday in remembrance of the fall of Bataan to the Japanese army 30 years ago.

About 100 Filipino soldiers, bandaged and barefoot struggled along 9 miles of road up the mountain in reenactment of the 65-mile death march of prisoners that followed the battle.

Marcos, a survivor of the Battle for Bataan and the most decorated Filipino soldier in World War II, called on his countrymen not to forget the sacrifices of the thousands of brave men who fell during the four-month long battle and the ensuing battle march.

AMBASSADOR PRESENT

Joined by American Ambassador Henry Byroade, Marcos laid a floral wreath at the foot of the large marble shrine of honor, a memorial dedicated to the Filipino and American soldiers who died.

"We believe in self reliance and mutual respect and accept American friendship the way we did in the years before," Marcos said, "but we must look forward and try to learn on our own."

A squadron of Philippine air force trainer planes circled overhead, dropping confetti on the thousands who braved the hot tropical sun to make the sentimental journey up this 1,700-foot peak.

Japanese forces were represented by Ryoichi Sasakawa, who was a member of the Japanese Diet during World War II and who now has become a philanthropist and a strong promoter of Japanese Filipino friendship.

ENDED RESISTANCE

The fall of Bataan and the neighboring fortress island of Corregidor in Manila Bay 27 days later marked the end of organized allied resistance in the Philippines until 1944. But the long battle considerably delayed occupation plans of the Japanese, who had counted on a much quicker victory.

The death march which followed the 120-day battle proved to be one of the grisly episodes of the war and did nearly as much to inflame world opinion against the Japanese as did the attack on Pearl Harbor.

About 12,000 American officers and men and 66,000 Filipino soldiers plus 6,000 Filipino civilian employes surrendered to the Japanese on Bataan.

Exact figures of the number that died during the march are not known, but estimates range from 17,000 to well over 20,000. An official U.S. Government estimate said another 5,200 Americans died after the march in Japanese prisons camps.

[From the Washington Post, Apr. 12, 1972]

UNITED STATES, SOVIETS SIGN ACCORD EXPANDING CULTURAL EXCHANGE

(By Murray Seeger)

MOSCOW.—The United States and the Soviet Union agreed today to extend and expand their 14-year-old agreement for cultural, scientific and educational exchanges.

The new accord provides for an increased number of scholars, technical experts and performing artists to be exchanged between the two nations during the 1972–73 period. The greatest expansion will be in scientific and technical areas, reflecting the current high interest here in improving the efficiency of the nation's economy.

U.S. Ambassador Jacob Beam and Soviet Deputy Foreign Minister Alexei Smirnov signed the new accord, which has been the subject of negotiations here since March 17.

[U.S. Secretary of Agriculture Earl Butz, who is in Moscow to discuss grain sales to the Soviet Union, was received by Soviet leader Leonid Brezhnev today, Tass news agency reported. The two men conferred in "an informal and businesslike atmosphere," Tass added.]

The new agreement also stipulates that each government can send one official traveling exhibit abroad similar to the Soviet arts show now appearing in Los Angeles and the American technology exhibit, which is currently in Moscow.

American negotiators said the cultural talks have been "businesslike" and not marked by the kind of political wrangling that has interrupted previous negotiations. They attributed part of the positive negotiation atmosphere to a Soviet concern not to mar the approaching summit talks between Soviet leaders and President Nixon next month.

After the signing ceremony, Smirnov, said the cultural agreements had "invariably proved to be beneficial for both sides" and have "a positive influence on the general status of relations between the states."

[In Washington, Secretary of State William P. Rogers said the accord would make "a useful contribution" toward increasing "contact and cooperation between our two peoples."]

U.S. officials noted the agreement is voluntary and simply sets out a plan for exchanges. Frequently, one side or the other has failed to deliver on half of an exchange automatically cancelling the other half.

In the scientific and technical areas, the agreement calls for 21 exchanges including five which were not carried out in the 1970–71 agreement. But the program also proposes for the first time an unlimited number of additional exchanges in 18 specific fields that could be negotiated individually in the next two years.

U.S. officials said they were unable to get written assurances from Soviet officials to reduce imbalances that have marred the cultural agreements. American artists in Russia often find they have been booked into small auditoriums and in remote cities while Russian artists are booked by commercial agents in the U.S. into the best and biggest halls for longer tours.

The biggest imbalance is in the tourist traffic which is also covered by the agreement. In 1971, an estimated 58,000 American tourists visited the Soviet Union while only 200 Russian tourists visited the United States.

[From the Washington Post, Apr. 15, 1972]

U.S. Role in Third World Defended

(By Lewis H. Diuguid)

SANTIAGO.—Under Secretary of State John N. Irwin II defended the U.S. role in the development of the Third World today.

Irwin's speech seemed in response to yesterday's opening address to the U.N. Conference on Trade and Development (UNCTAD) by its host, Chilean President Salvador Allende, who severely criticized American performance.

However, a member of the 20-man U.S. delegation headed by Irwin said that his remarks had not been altered as a result of Allende's speech.

"The United States has supported and contributed substantially to the process of development," Irwin said. It has joined with others in establishing the concept that the wealthier countries have a responsibility to help the poorer nations accelerate their economic and social progress."

Allende had said that the industrial countries, and implicity the Unitd States in particular, dominated the world economic order and manipulated it to improve their own well-being at the expense of the less-developed nations, which make up 96 of UNCTAD's 141 member nations.

M'NAMARA'S STATISTICS

World Bank president Robert S. McNamara also addressed the plentary session today, amply sustaining with statistics Allende's contention that the gap between rich nations and poor—and between rich and poor within many nations—is widening.

McNamara stressed that while developed countries had agreed at previous international meetings that their official development assistance should reach 0.7 percent of their gross national products by 1975, the figure for the United States actually has fallen from 0.5 percent in the early 1960s to 0.3 percent this year. It is expected to drop to 0.24 percent by 1975.

So large a role does the United States play in aid that the overall figure for the 16 industrial nations is expected to be half of the target in 1975—even though several European nations are increasing their aid substantially.

While McNamara noted that the gross national products of developing nations had increased in recent years, he rattled off figures to show that this means no progress for the majority poor in many countries.

INCOME DISTRIBUTION

Citing Brazil McNamara said its GNP had grown 2.5 per cent per capita annually over the last decade, while the share of the poorest 40 per cent of the people had declined from 10 to 8 per cent in the same period. The richest 5 per cent of the people increased their share of the wealth from 29 to 38 per cent.

Mexico, India and other countries show similar patterns, he said. Among measures he advocated to reverse the trend were fast, vigorous tax and land reforms.

"If developing countries themselves do not adopt the policies to deal with this problem, there is little that, international institutions and other external sources of aid can do to help the poorest 40 per cent of their peoples," he said.

Irwin, like McNamara and Allende, stressed that "Increased attention must be given to particular human needs and social goals" at this third UNCTAD. He said U.S. bilateral aid will be focused on "education, nutrition, increased agricultural production and, for countries who wish it, help in family planning."

President Nixon has promised that the United States will provide preferential tariff treatment for goods of the Third World, a step already taken by Japan and European countries.

"As all of you know only too well, the United States has not yet been able to put its own plan into effect. We very much regret our inability to do so," he said. Internal economic problems persist, creating an inauspicious atmosphere, he added. "We will recommend action by Congress as soon as the chances for success improve."

Other speakers today included former Japanese Foreign Minister Kiichi Aichi, French Finance Minister Valery Giscard d'Estaing and West German Finance Minister Karl Schiller.

[From the Christian Science Monitor, April 15, 1972]

McNamara Urges Help for Poor Nations

(By David R. Francis)

WASHINGTON.—World Bank president Robert S. McNamara gave the industrialized nations of the world an earful in Santiago, Chile, on Friday. Current and projected flows of official development assistance—at less than half the established targets—"are wholly inadequate," he said.

This situation, Mr. McNamara told the third United Nations Conference on Trade and Development, contributed to a state of development in most of the developing world that is "unacceptable—and growing more so."

The text of Mr. McNamara's speech was made available here.

Unless the industrialized nations expand their aid, the former U.S. secretary of defense said, the poorest countries of the world will be unable to reach their objectives for the Second Development Decade of a 6-percent annual growth rate.

Many other nations, without increased aid, will face mounting external debt problems.

Since the mid-1950's, Mr. McNamara continued, publicly guaranteed debt of the poor countries has been growing at about 14 percent a year. At the end of 1971 it stood at over $60 billion, and annual debt service exceeded $5 billion.

Servicing of debt since the mid-1950's has been growing at the same average annual rate of about 14 percent. This is about twice the rate at which the developing countries' export earnings, from which the debt must be serviced, have been growing.

"Such a relationship cannot continue indefinitely," Mr. McNamara noted.

Thus he saw it as a "most imperative need" for the developing countries to expand their export earnings.

This can be done, Mr. McNamara argued, "but only by difficult economic adjustments, broad policy changes, and astute political leadership in the rich and poor countries alike."

Mr. McNamara noted that fuel exports by developing countries, accounting for a third of their export earnings, are growing at an average rate of 10 percent a year. But three-quarters of these substantial earnings go to only 6 nations containing less than 3 percent of the world's population.

By contrast, those poor countries highly dependent on exports of agricultural products find their growth of exports of these primary commodities not likely to exceed 3 or 4 percent a year.

Mr. McNamara suggested these nations might negotiate stabilization agreements—on the international coffee-agreement model for cocoa and other commodities. These might provide for multilateral financial assistance.

Further, he said, "the wealthier nations could well afford to leave more of their markets open to agricultural imports from developing countries."

Agricultural protectionism by the temperate countries for such products as beet sugar "makes neither domestic nor international sense," he charged.

Other developing countries, whose populations total over 1 billion, have greater capabilities for the export of manufactures. To obtain the 6-percent growth target, these nations will need an increase in total export earnings, in current prices, of nearly 10 percent a year, Mr. McNamara stated. This, in turn, necessitates an annual increase of their manufactured exports of 15 percent.

In fact, the manufactured exports of these developing countries did grow at that 15 percent rate in the 1960's.

Mr. McNamara held that the momentum of these exports must be maintained. The developing countries must use their abundant, cheap labor to make textiles, garments, footwear, vegetable oil, processed foodstuffs, plywood, furniture, glassware, plastic and wooden products, and electronic and engineering subassemblies.

"IT IS . . . WHOLLY ILLOGICAL"

He criticized the developing nations for clinging too long to inward-looking, import-substitution policies—that is, high tariffs or other trade barriers designed to encourage local production of imported goods. Rather they should encourage labor-intensive, export-oriented enterprises.

The World Bank president similarly blasted the developed nations for restricting imports from the poor countries.

"It is . . . wholly illogical," he stated, "after 20 years of development assistance to poorer countries, for the wealthy nations to negate that effort by maintaining higher tariffs on the manufactured goods these poorer countries export than on manufactures from their affluent counterparts."

The level of tariffs on imports of manufactured goods in the United States is 7 percent from rich trading partners and 12 percent from the poor countries. The same figures for the United Kingdom are 9 and 14 percent and for the European community, 7 and 9 percent.

Further, Mr. McNamara added, the discrimination is enlarged by the structure of the tariffs. They rise with the degree of fabrication. For instance, the European community puts a 3 percent duty on cocoa beans from nonassociated countries. Processed cocoa products must face an 18 percent tariff.

"This manifestly means that processing—even simple processing—can by such tariffs be priced out of the developing country's most appropriate markets."

Even more repressive of the developing countries' export opportunities, Mr. McNamara said, is the whole series of restrictive nontariff barriers that rich countries have erected over the years. These include quotas, subsidies, and preferential-purchasing arrangements.

Mr. McNamara held that it was "essential" that the wealthier countries grant preferential treatment to the manufactured exports of developing countries. Japan, the Nordic countries, and the European community have done so. The U.S. and Canada have not.

NEW POLICY URGED

These preference agreements would increase the developing countries' exports of manufactures by only about $1 billion a year, Mr. McNamara said.

To maintain the 15 percent growth rate for manufactured exports, these nations must increase these exports from $7 billion in 1970 to $28 billion by 1980.

The bank president admitted this would be "an enormous task." But he said it would certainly not impose an intolerable import burden on the wealthy countries. The $28 billion in exports would amount to only about 7 percent of the expected manufactured imports of the affluent countries. It would represent less than 1 percent of their gross national product.

By accepting these more labor-intensive manufactured items, he argued, the rich countries could turn their attention to the production of more sophisticated items and those employing capital-intensive technology.

To prevent the short-term problems of adjustment in the well-to-do countries, Mr. McNamara advocated adoption of policies "to cushion the impact to import competition by retraining, relocation, and refinancing." Until the industrialized countries do this, "labor and management opposition to trade liberalization will be great—and justly so."

KEEP HIM HONEST

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SHRIVER. Mr. Speaker, it is not often that one reads a newspaper editorial, not an advertisement, that urges the citizens of a community to attend a fundraising dinner for their Congressman. It is not often that an editorial specifies the amount of money for a plate and emphasizes that it is the duty of people to finance the candidate and cites the reasons.

When it is a newspaper like the esteemed Emporia Gazette that the late William Allen White made famous and when the editorial writer is Mr. Allen's distinguished son, William L. White, I think my colleagues will appreciate this unique situation.

The Congressman who is so knighted is my colleague, JOE SKUBITZ. I include the brief editorial in the CONGRESSIONAL RECORD.

The editorial follows:

KEEP HIM HONEST

In the 10 years that Joseph Skubitz has represented the Fifth District, he has become a parental figure, and on this basis its people bring him their troubles. These can be Social Security foul-ups, government checks which have been stolen and must be replaced, citizenship for a relative, or it can be what to do about the price of beef. In 20 years, beef on the butcher's block has gone up from 40 per cent to 70 per cent, while beef on the hoof is what it was back in 1950. All this they bring to Joe to straighten out, in the belief that he will kiss it and make it well. More often than not he does. He protested this price spread before the Interstate and Foreign Commerce Committee in Washington.

There was also the famous case when the Atomic Energy Commission threatened to use, as a dumping ground for atomic waste, some abandoned salt mines under Lyons. This could have given every man, woman and child in Rice County the hot foot. It could have boiled the catfish in the streams. In their hour of peril, naturally the voters of Rice County turned to Joe, as of course we would in Lyon County were we threatened by such a peril. Small wonder that Joe Skubitz, in the 1970 election, carried every precinct in Lyon County.

And this week we have our chance to support Joe. For Lyon County Republicans are giving him a $10.00-a-plate dinner this coming Saturday night beginning at 6:30 o'clock in the Student Union Ballroom of the Kansas State Teacher's College. Tickets are now on sale, and there is a student's rate of $5.00.

So come one, come all! Let us common run of folks finance Joe—to keep him honest so that he will not be beholden to the wicked corporations, and can thumb his nose at IT&T.

Here is our chance to help him who has so greatly and so often helped us.

THE IMPACT OF PUBLIC ASSISTANCE ON STRIKERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. CRANE. Mr. Speaker, a serious problem facing our country and its long-established system of collective bargaining is that, in recent days, we have witnessed a situation in which workers on strike have become the recipients of Federal and State financial assistance.

In West Virginia, for example, a coal strike caused 15,000 new families to be added to the food stamp program, a fact which swelled the State's total food stamp role by 20 percent. In one week, the West Virginia State Welfare Department distributed $1.7 million in food stamps to the miners' families and declared that the Federal Government had paid for the program.

In a recent address, Dr. Herbert Northrup, Chairman of the Labor Relations Council and Director of the Industrial Research Unit of the Wharton School of Finance at the University of Pennsylvania, pointed out during the General Motors strike:

> We figured that almost 30% of the General Motors employees in Michigan were on food stamps and 20% on welfare. . . . We've made studies of local situations such as the long Westinghouse strike at the Lester plant outside of Philadelphia. We found out the Welfare Department took on 10 people to take care of this situation.

In cases such as these, the agencies of Government have provided workers with their sole "strike benefits." The labor unions themselves, in such situations, paid no strike benefits at all.

Such a state of affairs tends to encourage and prolong strikes. Dr. Northrup notes that:

> It enables the union to hold out without pressure from the rank and file. If there is one thing that was clear in both the General Electric and General Motors strike, it is that there was no pressure on the rank and file to settle the strike.

When no pressure exists to settle a strike, the strike tends to continue, costing all concerned, workers, management, and the tax-payers, huge amounts of money. In addition, states Dr. Northrup:

> It makes a big difference in the character of the result. It makes a big difference in the inflationary impact.

Collective bargaining is based, at least in part, upon the assumption of governmental neutrality. Dr. Northrup declared that:

> The collective bargaining system in the United States cannot work satisfactorily if the public purse becomes an extension of the union treasury for paying strike benefits.

This, however, is clearly what is happening. Government is becoming a silent partner in labor-management disputes, assisting labor unions to prolong strikes and eliminating pressure upon the union leadership from the rank and file to accept settlements.

Those who are truly concerned with stemming the tide of inflation should consider the inflationary force of such one-sided governmental interference in collective bargaining. I wish to share with my colleagues the address given by Dr. Northrup before a combined meeting of the NAM Committees on Employee Benefits, Employee Health/Safety and Industrial Relations, and insert it into the RECORD at this time:

THE IMPACT OF PUBLIC ASSISTANCE ON STRIKERS

(By Dr. Herbert Northrup)

I am delighted to share with you some of our preliminary findings about a jungle that none of us know very much about—including me, actually.

A couple of years ago I picked up the newspapers during the General Electric strike and saw a picture of a well-dressed gentleman carrying a bunch of groceries out of some establishment in Schenectady. Having been involved in getting Schenectady wages in line some years earlier, and knowing that the Schenectady workers were not among our poverty-stricken types, I was fascinated about why I, as a taxpayer, should be paying for his groceries. I have five children of my own and that's really enough to support.

A further investigation revealed that although I was supposed to know what was going on in industrial relations, I had missed something . . . namely, that when you go on strike you become in need and when you are in need there are several things to which you are entitled. This was really the beginning of our study of the impact of welfare on strikes.

Now we are all familiar with the fact that in the undeveloped civilizations of New York and Rhode Island—and on the railroads—you can get unemployment compensation after a period when you go on strike. And we are all familiar with the fact that in New York, if a strike lasts six weeks it is jolly well going to last seven, because after seven the State provides the mechanism whereby the employer pays you strike benefits.

There are a great many other states where you can get unemployment compensation by one wrinkle or another. For example, in Pennsylvania if you are locked-out (instead of striking) you are entitled to unemployment compensation. The definition of a lockout versus a strike is a fascinating one that the Supreme Court has been debating for about 35 years and still doesn't know the difference, so there is great opportunity for unemployment compensation administrators to decide whether it is a lockout or strike . . . and then there are all sorts of other rules. So my only comment on the whole unemployment compensation front is that, if you are not from New York or Rhode Island and don't work on the railroad, you better look at your state laws in any labor disputes you are involved in before you take any action (or before any action is taken against you) because the unemployment compensation regulations of that state may be a significant factor in the outcome of a strike.

But let's turn our attention to the welfare situation because this is not only new, it is something we don't know anything about and yet it seems to be generally accepted. Now, in every state in the country, welfare seems to be in a mess. Served with my breakfast was the *Washington Post* (which is not a piece of writing that generally goes well with breakfast but that's what they serve in Washington) and it says the Governor of Maryland is going to purge the welfare rolls. Well it so happens that at the present time there is a litigation in Maryland (brought, you will be interested to know, by a community service lawyer whom you and I are paying for) and the purpose of this law case before a three-judge federal tribunal is to see that strikers are not excluded from welfare. I thought you would be delighted to know how your tax money is being used in that way.

Since I am in the company of outstanding legal talents, I hesitate to make a pronouncement about what the courts might do, but I am not optimistic. For the most part these laws were enacted in the 1930's, and all they say, in effect, is that if you are in need you get welfare. And of course they are administered by social workers who don't know tho difference between a Schenectady striker and a broken-down fellow who can't work. And the more business they hand out, the more jobs they have.

Recently, the *Wall Street Journal* reported that West Virginia was hard-hit by the long coal strike—and the article said that over 15,000 West Virgina families were added to the food stamp program this month. This swelled the state's total food stamp role by 20%. Last week the State Welfare Department distributed $1.7 million in food stamps to the miners' families and then informed us that the federal government paid for the program. But it doesn't say it's bad, it just says that this is happening.

The Philadelphia Bulletin—which doesn't go much better with supper than the *Post* does with dinner—has begun a series of articles on welfare and a few days ago reported that welfare is the top industry in Fayette County (a coal mining area in southwest Pennsylvania). It said that 13.5% of the total population in this county is on welfare and this dependency is worsening because of a strike that has closed the mine. But it never gets around to questioning whether strikers should get welfare and that is my point: the concept is now widely accepted.

Furthermore—the second happy thought I give you—is that it is growing fast. Since the General Electric strike, it is the way of life in a strike. It is an accomplished fact and a sophisticated part of union strike strategy. And it does not make any difference where the plant is.

Now how did it get that way? Well, *first*, while the rest of us were fast asleep, the unions were working very hard. They began to cultivate the welfare area way back in World War II. They set up a Community Service Department and worked to get a union man on every community service board throughout the country. That's the man who does it. He's liaison between the welfare people and the local unions. The union contacts him before the strike starts . . . he sets the thing in motion and the welfare people are most cooperative. They set up special offices in the union hall, provide the union with the forms to fill out so that all the union member has to do is write in his name. They set up special staffs to take care of the situation and they are getting more and more experienced and it begins to work like well-oiled machinery. Consequently, today when a strike occurs they are ready with food stamps, aid to dependent children, public welfare and some other fringe benefits I'll mention.

Now the *second* thing that makes this a phenomenally successful program which has gradually converted the thinking of Americans to the belief that welfare is a *right* and that there is an obligation to pay welfare to anyone who is in need, with the word "need" defined as broadly as possible. Thus in the papers I read to you, whether it be the *Wall Street Journal*, the *Washington Post* or a more conservative publication, it doesn't seem to be challenged. The welfare recipient is a "client," you see. Even our language has been used to help lull people into a sleep, and to accept the idea that the client needs to be taken care of. A client, of course, is a person that demands special attention, and the welfare person has become the "client" of the professional social worker.

So, in the greatest prosperity of all time in this country or in the world, welfare rolls have tripled. This is what happened in the 1960's. The whole theory of welfare, particularly old age assistance and aid to dependent children is that it would go down as social security and such other benefits took over. But it just hasn't happened that way.

Now, the *third* thing is the food stamp program. This is sort of the marijuana of the whole business that leads to the hard drugs later on. Nearly everybody seems to be eligible for food stamps, regardless of what the regulations say. It is very amazing. And there are a lot of people with a vested interest in food stamps. The Agriculture Department sees this as a way to get rid of surplus foods; the supermarkets like it—it is pretty simple and they make for more business; college students like it; the hippies like it; and strikers love it. The minute you go on strike you can become eligible for food stamps. It varies from area to area, depending on the number of children and a number of other factors, but you can get $120 or $150 worth of food stamps for anywhere from $10 to $35. You can eat pretty well on food stamps.

Congress has made strikers eligible for food stamps. There is no legal question about this. The issue has been debated several times and provisions which would make strikers ineligible were defeated either on the floor or in conference committees. The matter has been considered; Congress did not make strikers ineligible and it is pretty much accepted that they are legally eligible.

Now the *fourth* thing which brought this program to a head was a modification of the old age and dependent childrens' program in the 1960's. This program was something the social workers sold on the basis that it would keep children with their mothers. It is kind of a heart-string approach—it doesn't go into the fitness of the mothers or the legitimacy of the children, but rather into the horrors of the orphan asylum and so forth. This program was designed to enable mothers to take care of children and it seemed like a good idea at the time.

But then there came the question of whether it was contributing to illegitimacy and in order to avoid that, Congress did what it often does, that is to pass another law, and so it compounded the problem. It provided that under certain circumstances the unemployed father would not render a household ineligible to receive aid to dependent children. In other words, the father did not have to be dead, absent or not around for some reason or another. He could be there and unemployed. This opened the flood gates again for the use of aid to dependent children during a strike, because the term "unemployment" to a social worker doesn't mean the same thing as it does to labor relations people or to the Bureau of Labor Statistics who understand that if a person is on strike he is not considered unemployed. He certainly has rights to his job when the strike is over (and if you don't think so there is an agency on Pennsylvania Avenue that will enlighten you on that question). But to the social worker he's unemployed.

Now there are all types of general assistance available. You see the social workers are in the business of selling welfare . . . and they have a supermarket. You come in to get your food stamps and they put their arm around you and they say, "Buddy, we have all sorts of interesting programs that we want you to see." (Just like when somebody comes in to buy something from your outfit. He buys a small nut and you try to sell him a turbine, you know.) Well that's what they do.

Before I go into it, a word about the legal situation. There have been a number of cases about whether they can pay welfare to strikers, that is, aid to dependent children or public assistance, whether it may be paid or not, whether it is compelled to be paid, whether the payment of welfare interferes with the national labor policy pursuant to the Taft-Hartley Act. For the most part, these cases have gone against management and I'm not too hopeful about a change. The laws are vague and quite frankly, in my judgment, the remedy will have to come from legislation. But it is not likely to come from legislation without a tremendous campaign being mounted.

Now what does it involve? Generally, when employees go on strike there is a thirty-day waiting period, during which general assistance is often available. In case of great need, food stamps are available, but generally aid to dependent children isn't available until after a waiting period. This is an extremely difficult job of statistical analysis and the welfare people allow these statisticians to do their best to hide the statistics or to deny they exist.

But we have been able to run enough of a sophisticated statistical analysis on the computer to come up with a model, which will give us some facts, and in addition, we have a number of case studies—all of which will be published by the Industrial Research Unit early in 1972.

But when people are on general assistance and they go on strike, the state is anxious to get them on aid to dependent children because the Federal government pays a big part of that. So they shift them from general assistance to that, and then there are all sorts of fringe benefits: they can get medicaid, have their teeth fixed, and their tonsils taken out. You can get eyeglasses while you're on strike; you can get your rent paid or your mortgage payments paid while you're on strike. In addition to substantial amounts of funds, you can come very close in numerous instances, to getting your take-home pay.

The cost goes up, it's into the millions and on its way to the billions. Of course, it depends on the number of strikes. But it has a profound effect on a state economy for example. Take a situation like the General Motors strike, where the state on the one hand is deprived of tax revenues, and on the other hand pays out enormous amounts of money. We figured that almost 30% of the General Motors employees in Michigan were on food stamps and 20% on welfare. And every Local we talked into said "We could have done a much better job if we had more experience in this." We've made studies of local situations such as the long Westinghouse strike at the Lester plant outside of Philadelphia. We found out the Welfare Department took on 10 people to take care of this situation. The welfare was the sole strike benefit; the union paid no strike benefits at all.

We believe that in the future there will not be a major strike which lasts over 30 days in which welfare will not be a significant factor. It enables the union to hold out without pressure from the rank and file. If there is one thing that was clear in both the General Electric and General Motors strike, it is that there was no pressure on the rank and file to settle the strike. This is the unanimous opinion of the union people and the management people. And this makes a big difference in how long the strike lasts. It makes a big difference in the character of the result. It makes a big difference in the inflationary impact. The unions will tell you that it really isn't important in these cases but if it's not important, why do they push so hard to get it? I regard union officials as very rational beings. And I've never seen them work awfully hard if it wasn't important.

The only thing that settled the General Motors strike when it did, was the fact that the company stopped paying for the insurance and welfare pursuant to the contract, that is the health benefits. The union had to pay for them and in two months it broke the union. And incidentally, that is why the unions want additional health insurance so badly because if the Federal government pays for health insurance, on a national basis, then obviously it can't be a factor during a strike, which is something you might ponder. And it's no accident that Ted Kennedy's health insurance bill is the Reuther Bill . . . there is absolutely no difference . . . this is the bill that was conceived by Walter Reuther and his group.

Looking ahead I would have to say that the collective bargaining system in the United States (which fundamentally depends for its working on the ability of strikes to hurt both parties, and therefore to induce us either not to have strikes or to compromise through a settlement once a strike is under way) cannot work satisfactorily if the public purse becomes an extension of the union treasury for paying strike benefits. Yet this is what is happening—and it is happening to such a degree that strikes in many cases no longer hurt. Now as the unions become more and more experienced and sophisticated in the business field, obviously this is going to have a larger and larger impact.

Unfortunately the Administration does not seem to get the message, particularly where health and welfare are concerned. I understand the Secretary of HEW spoke to you about the new program to reorganize welfare but I would wager that this subject was not mentioned or considered. But somehow, somewhere the message has to get through that this is a fundamental abuse of welfare which, if it continues, will not only drain the Treasury, but in my judgment will destroy what is left of the collective bargaining system.

COLUMBIA LAW SCHOOL FACULTY MEMBERS OPPOSE NIXON BUSING POSITION

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. ABZUG. Mr. Speaker, 28 faculty members of Columbia Law School, my alma mater, have issued a thoughtful and erudite statement on the President's proposals regarding busing and so-called "equal educational opportunity." The statement discusses both the constitutional and the educational aspects of the Nixon proposals, and concludes that:

> The two bills, if enacted, would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children.

I am in full agreement with that conclusion, and am shocked and ashamed—though not surprised—that the President of the United States is trying to return us to the discredited doctrine of Plessy v. Ferguson.

For the information of my colleagues, I am including the full statement in the RECORD at this point:

STATEMENT ON BUSING

The undersigned members of the Faculty of Law of Columbia University are strongly opposed to the two bills proposed by President Nixon for passage by Congress on the subject of busing of school children. We believe that the two bills, if enacted, would sacrifice the enforcement of constitutional rights, impair the functions of the judiciary under a rule of law, and jeopardize improved schooling for many, many children. More specifically, our reasons for opposition are as follows:

(1) The Supreme Court declared the segregated dual school system unconstitutional in the *Brown* case 18 years ago. For much of that period, opponents of the *Brown* decision have successfully avoided and delayed its enforcement. Only recently has the enforcement process achieved any momentum. Enactment of the two bills at this time will certainly be seen—by blacks and whites alike—as a major break in the Nation's resolve to realize the constitutional rights of black children under the *Brown* decision. Moreover, the very proposal of these bills—especially given the psychological impact of the President's speech—will seriously hamper and may well cripple efforts to achieve compliance with *Brown* now under way.

(2) The two bills call for a very substantial change in the standards and modes of enforcement of *Brown* by the courts. Their enactment by Congress under Section 5 of the Fourteenth Amendment invokes a rarely exercised power whose limits are not at all clear. Strong doubts of constitutionality exist, with constitutional lawyers differing as to the outcome if the bills become law and their legality were tested in the courts.

Whatever may be the scope of the Congressional power, the proposed bills clearly would misdirect it. The President is encouraging Congress to react in a panic to busing, as though that were the key issue, when he should be exercising his leadership to calm the public and to call on Congress to deal with busing as one aspect of a comprehensive program for ending dual systems of segregated schools. This failure of leadership is highlighted by two key facts. According to Administration sources, while about 40% of the Nation's school children are bused to school, at most 1% or 2% of this total are bused for reasons of desegregation. Secondly, in calling for an expenditure of 2.5 billion dollars on "inner-city schools," the Administration has not added one dollar to existing programs or proposals it has previously made. The net effect of the present proposals is to cut back sharply on existing remedies for segregation while offering little or nothing in their place.

(3) The two bills involve a needless and dangerous disruption of the power relationships between the President and the Congress on the one side and the Supreme Court and other federal courts on the other. As recently as one year ago in the *Swann* case, in light of almost 20 years of experience with enforcing *Brown*, the Supreme Court approved of court-ordered busing as one means of disestablishing dual school systems—a means which in particular cases might be necessary to bring about a unitary, desegregated school system. The Court did not insist that busing was required in any mechanical way or that its disadvantages should be ignored by federal judges.

The President has suggested that lower federal courts have gone beyond the Supreme Court—and in his view, improperly so. One would then expect the Administration to press appeals of these decisions to the Supreme Court, and perhaps to ask that Congress mandate stays of execution pending the appeals. Instead, the Administration presents proposals which amount to a declaration of no confidence in the courts and a repudiation of what they have done under the Constitution and laws of the United States. If we take the President at his word, this is premature and unnecessary. It risks the very undermining of the Supreme Court's standing that the President has on other occasions said should be avoided.

(4) One need not be an advocate of large-scale busing to see the harms and dangers in the proposed scheme. Serious questions about various aspects of busing have been raised by both blacks and whites. But the Administration has not asked Congress to regulate alleged excesses of busing in a selective, sensitive way. Rather, the Administration seeks to eliminate all busing as a remedy for desegregation by placing rigid, mechanical limitations on it. The practical effect is that busing could no longer be used even as a minor but necessary part of a desegregation plan that emphasized, for example, new geographic districts, or school pairings. It is in cases of this kind that the threats to the enforcement of *Brown* and to the proper role of the courts are clearest.

We call on Congress to reject the two proposed bills on busing.

Curtis J. Berger, Harlan M. Blake, George Cooper, Harold S. Edgar, E. Allan Farnsworth, Wolfgang G. Friedmann, William R. Fry, Nina M. Galston, Richard N. Gardner, Harvey J. Goldschmid, Frank P. Grad, Louis Henkin, Harold L. Korn, Louis Lusky, Michael C. Meltsner, Arthur W. Murphy, Harriet Rabb, Albert J. Rosenthal, Leonard M. Ross, Benno

C. Schmidt, Abraham D. Sofaer, Philip G. Schrag, Michael I. Sovern, Peter L. Strauss, H. Richard Uviller, Walter Werner, William F. Young, John M. Kernochan.

RESULTS OF THE HONORABLE ALBERT W. JOHNSON'S LATEST QUESTIONNAIRE

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. JOHNSON of Pennsylvania. Mr. Speaker, for the information of the Members and other interested persons, I am presenting today the completed tabulation of the results of my recent questionnaire. As has been my custom in the past, the results of the questionnaire are set out in the form of a newsletter containing the following caption: "Newsletter from Your Open Door in Washington—Congressman ALBERT W. JOHNSON, 23d District of Pennsylvania—Newsletter 22, April 1972."

The newsletter also contains a picture of myself in front of the door of my office, in which picture I am holding a publication of the Pennsylvania Department of Commerce entitled, "Discover the New Pennsylvania." The newsletter then continues as follows:

DEAR FOLKS IN THE 23RD CONGRESSIONAL DISTRICT: The returns from this questionnaire have been tremendous. I have received the greatest volume of returns from this than from any other I have sent out. This is due to the extreme interest in these questions.

Question No. 1—Would you favor an agreement with North Vietnam to settle the Vietnam war which would provide for the return of U.S. prisoners of war and our withdrawal of all financial, economic and military support of South Vietnam?

The Answer: Yes: 66.4%; No: 27%; N.A. 6.6%.

When President Nixon took office there was an authorized troop level of 549,500 Americans in Vietnam; casualty rates were averaging around 300 Americans killed per week; and there was no comprehensive plan to end U.S. involvement. The President has completed withdrawals of troops as follows: August 1969—25,000; December 15, 1969—40,000; April 15, 1970—50,000; April 1971—150,000. On December 1, 1971, the American troops ceiling was 184,000; on February 1, 1972, it was 139,000. By May 1, 1972 remaining troops are promised to be 69,000. President Nixon has effectively reversed the escalation policies he inherited and has dramatically reduced the level of U.S. forces in S.E. Asia. This poll result indicates a majority of people in the district favor withdrawal from Vietnam.

Question No. 2—Do you feel our national defenses are being adequately maintained?

The Answer: Yes: 44.8%; No: 47%; N.A. 8.2%.

Vice President Agnew, speaking before the annual convention of the Society of Former FBI Agents said, "This is the worst possible time for the United States to relax its efforts to stay strong." Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, testifying before the House Armed Services Committee stated, "The single overriding point I wish to leave with you is that the military and maritime situation of the United States is changing and that it is essential that we understand the implication of the change." He cited the expanding Soviet Seapower as representing a new dimension in world affairs.

The United States has frozen the size of its nuclear arsenal since the Strategic Arms Limitation Talks (SALT) were announced in 1968. Russia began heavy expenditures on research and during this time, they have increased their missile force by nearly 300%. Fresh worry over the Soviet arms build-up exists. Not only have they gained nuclear parity, but with this momentum they are on the verge of gaining clear superiority.

President Nixon's proposed Defense Budget for Fiscal Year 1973 is $83.4 billion, 65% of which represents military, civilian and retired pay cost increases. This represents only 19.8% of the total Federal budget, a 23 year low. The percentage of Gross National Product devoted to Defense continues to decline, and for FY 1972, it is 6.4%, a 22 year low. Significant increases are programmed for the strengthening of U.S. strategic nuclear deterrent including a major step to enhance the sea-based deterrent, Research and Deveopment, shipbuilding, Guard and Reserve forces. Also emphasized are personnel-oriented programs aimed at achieving zero-draft and an all-volunteer force. Total Defense military and civilian strength at the end of FY 1973 is planned to be 3.394 million—38,000 below FY 1972, 1.440 million below wartime peak of FY 1968, and the lowest since 1950.

President Nixon's proposed Defense Budget for FY 1973 represents the minimum request to provide essential force capability and readiness to support the National Security Strategy of Realistic Deterrence. At the same time it is in keeping with President Nixon's determination to provide as much resources as possible for pressing domestic needs.

Some comments from 23rd District residents: "Yes, we are spending too much on defense;" "No, I believe our national defense is very poor;" "No, I feel what we need is more sea power."

Question No. 3—Do you believe that a volunteer army can be raised to ensure an adequate national defense?

The Answer: Yes: 42%; No: 51.4%; N.A. 6.6%.

There is a tremendous problem of including high quality people to remain in the service. The Nixon Administration has taken a position to move toward an all-volunteer force. Pay will have to be increased in order to make the military competitive with pay scales for similar skills on the outside. Recruitment efforts also face the problem of the current public assaults against the tradition of professional military service.

Some comments from 23rd District residents: "Yes, but it will take many changes; the greatest one will have to be in the general attitude of the people"; "Yes, in time of peace, but not in times when the U.S. would be in danger of invasion", "No, I believe it can be used by power-hungry persons to take over our government by force. Keep the draft."

Question No. 4—Do you favor establishing diplomatic relations with Mainland China?

The answer: Yes: 79.2%; No: 16.4%; N.A. 4.4%.

The primary goal of President Nixon's trip was to establish communication with the People's Republic of China. One contact point has been set in Paris involving the U.S. Ambassador to France and the Chinese Ambassador to France from the People's Republic. Journalistic exchanges are also occurring.

Mainland China and the United States share many parallel interests in the areas of trade, culture and education. Major differences between our two governments do exist, and as President Nixon has said, "Peace in Asia requires that we exchange views not so much despite our differences as because of them." Reality will shape the future of our relations and an initial dialogue has begun.

Some comments from 23rd District residents: "Yes, to offset Russian influence"; "No, treaty commitment"; "No, not if it harms Taiwan."

Question No. 5—Do you favor the gradual withdrawal of all U.S. Armed Forces from Taiwan (Nationalist China)?

The Answer: Yes: 57.6%; No: 37.2%; N.A. 5.2%.

Upon his return from Mainland China, President Nixon stated our established policy that our forces overseas will be reduced gradually as tensions ease and that our ultimate objective is to withdraw our forces as a peaceful settlement is achieved. The United States is sticking to its treaty commitments. Our present policy will probably remain unchanged until the retirement or death of Chiang Kai-shek. Military authorities say Taiwan's principal value to the United States is as an intelligence-gathering base for keeping tabs on Mainland China.

Some comments from 23rd District residents: "Yes, at once"; "Yes, if they asked us to leave"; "No, Executive Department needs flexibility in this decision"; "No, we must be faithful to our treaty commitments."

Question No. 6—Do you favor a nationwide system of federally financed child care centers?

The Answer: Yes: 31.4%; No: 65.2%; N.A. 3.4%.

Congress considered legislation which would establish a nationwide system of federally financed and operated child care centers. President Nixon vetoed the bill calling the child care provision "the most deeply flawed" part of the bill. I did not vote for this particular provision. There were serious questions as to effectiveness, staff qualifications, management problems, and possible creation of a new bureaucracy. The program would have a weakening effect on family relationships and would not bring the family unit together.

I do not approve of the Federal Government stepping in and practically taking over the rearing of our children. I would favor a system of locally operated and controlled day care centers. H.R. 1 which passed the House June 22, 1971, contains a provision for day care centers to provide for the children of the poor so that their parents can leave the welfare rolls and go on the Nation's payrolls. I supported this measure.

Some comments from 23rd District residents: "Yes, only if properly run so as to let the ones who really need it to benefit and not have it run like our welfare system;" "Yes, this is very badly needed;" "No, too many overlapping agencies in the field already;" "No, I am against more federal intervention into our lives;" "No, child care is the responsibility of the mother, not the government;" "No, this should be on the state level;" "No, children should be cared for by mothers. If mothers are too busy, then they should not have children at all."

Question No. 7—Do you favor a Federal amnesty law allowing draft evaders to return without prosecution?

The Answer: Yes: 13.4%; No: 84.2%; N.A.: 2.4%.

Tens of thousands of young men (the exact number is not known) evaded the Vietnam War illegally and are now on the run or living in Canada, Sweden or elsewhere abroad. Several bills have been introduced in Congress which would grant amnesty. Questions have arisen as to whom amnesty should apply: draft-resisters, deserters, with or without conditions of atonement, or should prosecution continue. Personally, I do not favor amnesty.

The last time the question of amnesty took on major proportions was following World War II when President Truman established a three-man Amnesty Board to determine whether those convicted of refusing to fight should continue to be punished. Over 15,000 cases were considered and only 1,500 men were pardoned, most of these on religious grounds.

Some comments from 23rd District residents: "Yes, if individual cases are tried." "No, absolutely not. You are letting down all those who served and died for our country;" "No, four sons and my husband fought for our country. Why should yellow draft dodgers be patted on the back;" "No, let these draft evaders take the penalty for their acts;" "No, let them fight for the countries they live in now."

Question No. 8—Do you favor a Federal subsidy for U.S. Olympic teams?

The Answer: Yes: 56.8%; No: 40.2%; N.A.: 3%.

This question raises two issues, the first being the purpose of the Olympics which is primarily to promote friendship, good will and international understanding with secondary emphasis on the athletic contests. Indeed, not all Olympic records are also world records.

One argument for changes cites the practice of Russia and some other Communist bloc countries who totally subsidize their athletes. The adoption of such a practice could result in loss of the Olympic spirit and original meaning of the games. Some feel the games should be for all athletes and not just for amateurs. The problem if opened to professionals is that the games would become a festival of commercialism. Dedicated, hard-working, young athletes who now spend many years of their lives preparing for the Olympics would soon give up as they would have no chance against the seasonal highly-paid professionals who once winning a championship would retain it until retirement.

The second issue raised would be the type of subsidy; should it be directed to an individual, or to the U.S. Olympic Committee. If to the Committee, then what criteria should be used in determining the recipients of these funds. Should such subsidies be directed to training or limited to traveling to the games and living expenses during the games.

There is no legislation pending in Congress for a general subsidization of American participation in the Olympic Games. The only legislation enacted deals with the statute incorporating the U.S. Olympic Committee. This committee functions as a selection committee, but does not receive public funds. In the past 20 years several bills have been introduced to subsidize American participation in the Olympics; however, none has received action.

Some comments from 23rd District residents: "Yes, to be competitive in Olympics we must do as Russia;" "Yes, for team, but not individuals;" "No, USA should drop out of the Olympics as other countries don't honor the amateur status;" "No, scrap the Olympics or allow professionals to play."

Question No. 9—Do you favor a National Health Insurance program to be financed by increased social security taxes and other Federal taxes?

The answer: Yes: 38.4%; No: 56.4%; N.A. 5.2%.

National Health Insurance has been an issue before the public eye for the past two years. Last year the House Ways and Means Committee held hearings on various plans submitted by the Nixon Administration, the American Medical Society and several Congressmen and Senators. No one is sure of the final form this bill will take; however, this legislation will certainly be a top priority issue for consideration by the next Congress.

It is interesting to review the results of my February 1971 questionnaire: 37.6% favored no new Federal Health Insurance program at all, 28.7% favored a Federal Health Insurance program for everybody which would be financed from Federal revenues and by increased Social Security taxes, and 23.5% favored a new program extending medical care to indigents only regardless of age coupled with insurance to everybody against catastrophic illness. 10.2% had no opinion.

Some comments from 23rd District residents: "Yes, safeguards against skyrocketing medical and hospital costs;" "No, Medicare is enough;" "I feel we need federal help in a national health program, but I don't see how we can bear much more Social Security tax."

Question No. 10—Do you favor a procedure for automatic Federal intervention in prolonged strikes that endanger the public's interest?

The Answer: Yes: 87%; No: 12.2%; N.A. .8%.

In the past decade, Congress has acted to curb strikes only in times of crisis. Recently, the West Coast Dock Strike and two rail crises have increased public demands for some positive solutions. Strikes are lasting too long, workers in many industries have been thrown out of work, and the over-all economic impact on the American people has been devastating.

Two years ago, President Nixon submitted to Congress the "Emergency Public Interest Protection Act." This legislation is designed to mitigate work stoppages which imperil the national interest and would cover all transportation industries, airlines, trucking, offshore maritime, longshore and railroads. It provides a formula for compulsory arbitration with an impartial panel ordering the settlement terms. No final action has yet occurred and the bill is still bogged down in Democrat-controlled committees.

Union leaders are showing increased interest in ways to avert strikes. Alternatives such as arbitration are being sought.

Some comments from 23rd District residents: "Yes, our unions have gone too far;" "I favor outlawing strikes of any kind;" "All strikes endanger the public interest."

Question No. 11—Do you favor the legalization of abortion by Federal law (now a State matter)?

The Answer: Yes, 44%; No, 50.6%; N.A. 5.4%.

Abortion has become a subject of controversy with many religious and moral arguments against it. Some states have passed liberal abortion laws and a presidential study commission has formally recommended that all states greatly liberalize their abortion laws to permit a doctor to perform abortion at a patient's request. A report from the Commission on Population Growth and the American Future called for the government to fund abortion services and urged abortion costs be covered by health insurance. These recommendations and others have certainly triggered a widely heated public debate. President Nixon has called abortion an unacceptable method of population control. I do not favor any abortion legislation, and I believe this should remain a state matter.

Currently in over ⅔'s of the states, abortion is a crime except to preserve the life of the mother. Twelve states prohibit abortion except in cases where the mother's life or her mental or physical health is in danger, or to prevent birth of defective offspring, or in cases of rape or incest.

The Pennsylvania State Legislature will be considering abortion legislation as judges in Allegheny and Centre Counties have ruled the present law as being unconstitutional.

Some comments from 23rd District residents: "No, abortion is murder;" "No, should continue to be a state matter;" "No, Federal government has no business in this;" "No, except in cases of health or rape;" "I think it should be left to the discretion of the woman and her physician;" "Abortion is personal; no laws should govern what to do with your body."

Question No. 12—Do you favor the legalization of the possession and use of marijuana by persons over 18 years of age?

The Answer: Yes: 10.6%; No: 86.6%; N.A. 2.8%.

Since young, white, middle-class groups began smoking "pot" in the mid-1960's, and especially since this use spread to high school and college populations, state arrests for possession have risen about 1000%. Under present federal statutes, possession of marijuana or distribution even in small amounts is subject to a $1000 fine and up to one year in jail for the first offense.

The National Commission on Marijuana and Drug Abuse on March 22, 1972, recommended that marijuana be legalized for private, personal use. However, at the same time, the Commission stated that it strongly favors a policy of discouraging any use of marijuana. This Commission also concluded that marijuana does not lead to "hard" drug use, cause crime or create addiction, and recommended that criminal penalties be ended.

Opinions from medical experts are far from unanimous and this appears to be a dilemma resolved only partially by scientific evidence. It continues to remain an emotion-charged issue. I will not vote for the legalization of marijuana.

Some comments from 23rd District residents: "Yes why make criminals out of people for such a trivial thing;" "Yes, I think marijuana should be controlled;" "No, we haven't solved problems of alcohol under same rules, why add marijuana until we do;" "No, this is dangerous;" No, marijuana use leads to use of hard drugs and more crime on streets; "No, not unless there is a legal way to obtain the product."

Question No. 13—Should the U.S. continue its generous financial support of the United Nations?

The Answer: Yes: 28%; No: 64.8%; N.A. 7.2%.

Several legislative measures have been introduced in the Congress regarding the U.S. financial contribution to the United Nations and related agencies which is presently 36%. Other bills have been aimed at a review of the United Nations Charter relative to the role the United States should play in the United Nations and possible revisions in the areas of voting procedures, financial support, and membership responsibilities.

Some comments from 23rd District residents: "Yes, I think we should support the UN as it is our best hope for world peace;" "No, other nations should pay their share;" "No, it is time for other nations to assume more of the financial burden;" "No, I feel that our support to the UN should be reduced but not withdrawn;" "No, get out of the UN altogether and get headquarters out of U.S."

Question No. 14—Should general education be financed by a national sales tax rather than through present real estate taxes?

The Answer: Yes: 53.6%; No: 38.8%; N.A. 7.6%.

The affirmative answer to this question indicates the concern over the rising costs of public education. A majority feel that the burden should be shifted to all of the people instead of just to real estate owners. Taxpayers have registered objections to the high cost of new ornate school buildings. They want the teachers to receive fair compensation but deplore recent teacher strikes.

Some comments from 23rd District residents: "Yes, why should the property owners have to pay for the education of the non-property owners. It would be a more fair system, I think;" "Yes, why should property owners share all of the burden," "No, a national sales tax would hurt the poor and pensioners;" "No, no national sales tax of any kind for any reason."

Question No. 15—Should the minimum hourly wage of $1.60 be raised to $2.00?

The Answer. Yes: 65.2%; No: 29.8% N.A. 5%.

Minimum wage legislation has been reported from the House Education and Labor Committee and is expected to come before the House during this session.

Under the reported bill, persons previously covered would immediately receive an increase to $2.00. Those persons beginning coverage with the enactment of this bill would receive an immediate increase to $1.80. This would be raised to $2.00 in January

1973. This particular bill also has a student provision which permits hiring at 85% of the minimum.

If the Rules Committee grants an open rule on this bill, amendments could be offered from the House Floor. One possible amendment would provide for an immediate increase to $2.00 for everyone.

Some comments from 23rd District residents: "Yes, the minimum hourly wage should be raised to $3.00 per hour so that every American could have a decent living;" "Yes, minimum wage is far too low according to high prices for food and other prices;" "No, inflationary;" "No, wages are too high now. We are working ourselves out of the world market."

Question No. 16—Do you favor a Federal system of "no-fault" automobile insurance?

The answer: Yes: 66%; No: 25.2%; N.A. 8.8%.

Not many motorists are happy with the present automobile insurance system, and the public outcry has risen over spiraling automobile insurance rates. Complaints center on climbing premiums, allegedly arbitrary cancellations of policies, fear of cancellation if claims are filed, and asserted underpayment of claims. Also, there are long waits for trial in court cases—16 months for the average case.

Congress will probably act next year to establish a new system. This new system is called no-fault insurance because fault no longer would be a factor in determining whether an accident victim would be compensated for his injury. Instead, the victim or his family would receive compensation for his life, injuries or lost wages from the insurance company which covered the vehicle he was driving or riding in or which struck him. The system covering property damage resulting when two or more vehicles collide would be left just about untouched by the no-fault system.

At the state level, several states have enacted studies for a possible no-fault system. Only Massachusetts has enacted such a system. Proponents say when no-fault is adopted auto insurance rates are bound to decline or at least halt their steady climb, and Massachusetts drivers have realized substantial savings in the one year their state has had the new system. One argument by those who oppose no-fault is that the system would lead to more accidents, more injuries, and more deaths. Relieved of the fear that he will be punished by the cancellation of his policy for negligence, the argument goes, the driver will drive less safely.

Some comments from 23rd District residents: "Yes, something should be done about auto insurance; it is getting out of hand;" "Yes, if the government underwrites part of the premiums;" "No, not a federal system;" "No, I favor no-fault provided by private companies;" "No, a state matter entirely;" "No, no-fault has not been proven good to my mind yet."

And now, in closing, I want to thank those who took the time to complete and return the questionnaire and I trust you have found this Newsletter both interesting and informative.

Sincerely yours,

ALBERT W. JOHNSON.

HON. BRADFORD MORSE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. GUDE. Mr. Speaker, the appointment of my friend and colleague, F. BRADFORD MORSE, to the position of United Nations Under Secretary General for Political and General Assembly Affairs is welcome news for those of us who believe in the U.N. and its role in world affairs.

We in the House of Representatives will lose a devoted and intelligent mind. BRAD MORSE is renowned in this body for the substantial time and effort he has given to international affairs and for the very high level to which he has raised our consideration of such matters.

BRAD MORSE's involvement and interest in international relations, however, has extended far beyond the Congress. He has served as congressional adviser to the U.S. delegation to the Geneva Disarmament Conference, U.S. delegate to both the Mexico-United States and Canada-United States Interparliamentary meetings, and U.S. observer at the Council of Europe. Even these impressive credentials, however, fail to convey the total on going contribution which BRAD MORSE has and will continue to make to this Nation and the world community.

BRAD has the strength of idealism tempered with vast experience. It is a combination that will serve him well as he steps into the shoes of the late Ralph Bunche.

I wish BRAD the very best of luck in his endeavor. I know that his service will be a credit to the Nation and I am sure that he will find in the undersecretaryship a role which he can expand, grow into, and truly make his own.

"OEDIPUS THE KING": ASSURED

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. CABELL. Mr. Speaker, in Dallas in my district, is an outstanding institution of higher education, Southern Methodist University. Students from SMU were selected as one of 10 college groups from more than 300 colleges and universities to participate in the American College Theatre Festival at the John F. Kennedy Center for the Performing Arts.

Those of us present at the performance were delighted and I am pleased to insert in the RECORD the following review from the Washington Post by Richard Coe:

"OEDIPUS THE KING": ASSURED

(By Richard L. Coe)

Man's search for himself and the tragedy of his discovery—what could be a more relevant theme for our introspective age?

It was accented more than intelligently in a handsome production of "Oedipus the King" for two performances yesterday in the Kennedy Center's College Theater Festival.

Under the direction of Burnet M. Hobgood, who prepared the adaptation with Anthony Graham-White, the production was from Southern Methodist University of Dallas, where the theater benefits from two theaters, one given by Bob Hope, the other named for Margo Jones. With 9,000 students, SMU enrolls 150 students in a pre-professional training plan. Uncredited on the program, the "Oedipus" set was multilevel with three sails of dark brown textures suggesting the seas of Greece.

The choice for the production probably rests on the Oedipus of Powers Boothe, a 23-year-old post-graduate student with fine presence and voice, the latter especially good. Indeed, the principal voices had an uncommon sense of orchestration, different tones and levels. The diction was mid-Atlantic English. Less effective was the chorus work, where solo speech generally lacked timbre. Resting as it did on Boothe's abilities, the performance boasted handsome assurance.

Already one must question the demands the new booking policy makes. Previous festivals allowed a day of preparation followed by three performances.

At the Eisenhower Theater the production is moved in, set and lighted in the morning, followed by matinee and evening performances. Only professionals tramping one-night stands endure this and with diminishing effectiveness.

Rehearsal limitations in an entirely unfamiliar theater and so full an 18-hour schedule are hardly fair to the students who competed for the Washington honors. As it was yesterday, the Texans explored Sophocles with an assured artistry that does them honor.

ON SECOND THOUGHT: COUNT OF BALDHEADED AMERICAN MEN URGED

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. DERWINSKI. Mr. Speaker, reading the Washington papers as many Congressmen do, we have come to appreciate the light touch and humor of columnists such as Art Buchwald and Paul Hoppe. I consider it a privilege to have as a working editor and columnist in a number of publications circulating throughout my district an outstanding journalist in Mr. Glen Logan whose column of April 12 in the Lemont Herald is typical of his effective and entertaining journalistic style.

The article follows:

ON SECOND THOUGHT: COUNT OF BALDHEADED MEN URGED

(By Glen Logan)

In this day and age of the statistically inclined it is almost certain that some agency must have a record of the number of baldheaded persons there are but just where such figures are to be found is beyond us.

The conservationists seem to have a pretty fair idea as to the bald eagle population which is said to be dwindling because of several different reasons but as far as this department has been able to learn no one has made any check on the supply of bald men.

I say bald men because I have never seen a baldheaded woman. There are some who have thinning hair. I have never seen one with a bare scalp, although I have heard of such. But then one hears so many things—some true, some false. It really behooves one to check on what one hears but one hears so much that there just isn't enough time to verify everything. And with a constitutional amendment making women equal with men, and needing only two more states for adoption, if there aren't baldheaded women now there soon will be.

The U.S. Department of Commerce, which among its other duties runs the census bureau and also keeps tab on a lot of things, like how many people have two automobiles, how many have radios, television sets, bathtubs or more than one job. It is possible the

USDC has made a count of baldheads but where it is I don't know.

The World Almanac, which is chock full of facts and figures, has nothing to say on the subject. We looked for bald in the index but found nothing listed between Balboa and Balearie Islands. Hair was bare too—nothing between Human Island and Haiti, and thinking there might be something under "wigs," we turned to the W's, but there wasn't anything listed between Wight, Isle of and Wildlife.

Yet there must be a count someplace because there are a number of business firms hawking remedies for baldness, including wigs, who advertise in the newspapers, the magazines, radio and TV and no business is spending money like that unless they have expectations of getting a good return. And today in addition to various organs of the human body there are people in the business of transplanting hair.

We don't know how they go about that. If it is one hair at a time it would seem to be an endless job but perhaps they have something like that species of grass that one plants in clumps quite a few inches apart and it finally grows together? Or perhaps they have something like a creeping bent on golf greens?

Perhaps someday someone will discover what causes baldness and figure out a preventive remedy but until that day arrives there isn't much anyone can do about it but put up with it.

Back in frontier times when scalping was in vogue there were cases of instant baldness, usually fatal. But generally speaking getting bald is a drawn out process.

The hair begins retreating. It is seldom the retreat becomes a rout. Sometimes the process starts at an early age, sometimes it doesn't begin until one is getting long in the tooth. But whenever it starts the erosion process proceeds at a steady pace and contour plowing is out of the question.

It seems that most baldness has a tonsured effect. The top is bare but around the edges, like on the old time surreys, there is a fringe. Some men today take a leaf from the long haired lot and let the fringe grow especially at the back.

There is a risk to letting this back fringe grow so long that it curls up to quite a depth, especially in the spring when birds are in quest of nest sites.

One thing about the fringe type baldness and your correspondent speaks from experience there is no putting off shampoos until the weekend. One gets a shampoo everytime he washes his face because there's no stopping at the forehead.

There are some cases of baldness in which the entire head is devoid of hair and is as slick and shiny as a billiard ball whether the white or the red.

Jefferson P. Throttlebottom was telling me one day that one of the lads that hangs around Kelly's Tap is as bald as a cue ball but it never bothers him, whether the weather is quite cold or extra hot. Sometimes he sits in a chair and takes a little nap, Jeff said, but never near the pool table He says it makes him nervous to be around a man with pool cue in his hands and him not wearing a hat.

SPACE SHUTTLE INVESTMENT IN THE FUTURE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. FUQUA. Mr. Speaker, the April issue of Aerospace, the publication of the Aerospace Industries Association, carried an article by Congressman OLIN E. TEAGUE, my distinguished colleague and chairman of the House Manned Space Flight Subcommittee.

Having served on the Science and Astronautics Committee and this subcommittee since coming to Congress, I know that Congressman TEAGUE has been responsible for much of the success of our space program, and his in-depth knowledge of its implications for the future are unquestioned.

Because of my high regard for his ability, I insert his remarks in the RECORD at this point:

SPACE SHUTTLE

Ever since the first man-made satellite was thrust into orbit almost 15 years ago, there has been a continuing argument as to whether manned or unmanned systems can most effectively accomplish operations in space.

Advocates of robot spacecraft contend that modern, supersophisticated automated equipment is capable of performing most space tasks at a fraction of the cost of a manned system. The opposing school of thought responds that the admittedly greater costs of protecting humans in space are more than justified by man's ability to judge, observe and forestall failures by corrective action.

I do not propose to rekindle the argument. Rather I suggest that advancing technology has negated it by providing an entirely new approach to space operations which combines the advantages of man in the cycle with a degree of economy hitherto unobtainable. It is the reusable space shuttle, which makes possible manned delivery, repair and retrieval of unmanned satellites and which, alternatively, can serve as a manned laboratory in which investigators may conduct those experiments or operations best managed by manned monitorship.

This system, approved by the Administration and now pending Congressional sanction, offers a number of advantages, among them:

Economy of delivery. Because the shuttle system can be used over and over again, it will replace practically all of the one-shot-only launch vehicles currently in use, offering substantial reduction in the cost of delivering a payload to orbit.

Payload economy. The availability of a large-capacity, reusable "delivery truck" would influence areas other than delivery, such as simplification of payload design, extension of satellite life and reduction in failure frequency, each contributing significantly to overall savings.

Flexibility. The carrier vehicle can accommodate almost any type of payload contemplated—human researchers with their equipment and experiments, scientific satellites or probes, and applications satellites. It can serve the needs of NASA, the Department of Defense, commercial users and foreign governments.

Routine access to space. One constraint on space operations has been the need for elaborate pre-launch preparations, in some cases as much as five months of repetitive systems checks to insure reliability. This is principally due to the fact that the spacecraft's onboard equipment has never before been used. The reusable carrier vehicle will be serviced and maintained more like an airplane, reducing launch complexity and trimming turnaround time to about two weeks.

Stimulus to maximum benefit from space. Routine access to space, lower mission costs and the new latitude the shuttle will provide payload designers, all combine to permit vast improvement in the capabilities of applications satellites, such as weather, communications and survey systems. The shuttle offers added promise to the possibility of better managing our natural resources by means of space monitoring. Similarly, it may speed the day of the global environment-monitoring system.

Manned space flight continuity. After Apollo and its 1973 follow-on, Skylab, the U.S. will have no manned space program other than the shuttle. The continued presence of American man in space is essential, not only for the broader research capability manned operations permit, but additionally to maintain continuity and keep our options open for the future. With the shuttle, we can keep man in space without reverting to the heavy expenditures of earlier years. NASA has stated positively that the shuttle system can be developed within a budget plan approximating that of the current year, which represents one of the lowest levels of the past decade. Development costs, spread over six fiscal years, amount to about $5.15 billion for two test spacecraft and their boosters. If Congress approves the plan, flight testing will begin in 1976 and the shuttle can be available for operational use in 1979.

The space shuttle is a two-element system composed of a booster and a spacecraft. The recoverable booster stage, consisting of two large solid-propellant rocket motors mounted in parallel, has a thrust output of more than 5,000,000 pounds. More powerful than any launch vehicle in the U.S. inventory except the mammoth Saturn V moonbooster the twin booster allows the spacecraft to carry as much as 65,000 pounds of payload per flight.

The spacecraft, called the Orbiter, is essentially an "aerospace plane," a hybrid spacecraft/airplane. In appearance it resembles a delta-wing aircraft and dimensionally it corresponds closely to the McDonnell Douglas DC–9 jetliner. Weighing some 70 tons, it is heavier than any spacecraft yet flown, including Apollo.

In operation, the shuttle is launched vertically by the combined energy of the solid booster stage and the Orbiter's three liquid-propellant engines with a total thrust of 1,400,000 pounds. At an altitude of about 25 miles, the booster stage separates to descend by parachute for recovery in the ocean. The Orbiter, manned by two pilots and two flight engineers, flies into space under its own power. The Orbiter's rear-mounted engines draw their propellants from a large external tank which is jettisoned when the craft attains orbit.

In space, the Orbiter maneuvers by means of two smaller engines, also mounted in the rear propulsion cluster, whose aggregate thrust is roughly comparable to that of the main Apollo engine which has performed so impressively on the lunar missions. For minor course corrections and adjustments of attitude, the Orbiter has a series of small thrusters located at the tips of the delta wing and atop the vertical tailplane. Normal mission duration will be seven days or less, but orbital stay-time can be extended for manned operations to 30 days, by the addition of expendables such as water, food and oxygen.

Upon conclusion of its mission, the Orbiter flies back into the atmosphere toward its land base, protected during re-entry by a new form of heat shielding which will last 100 missions, unlike the insulation on earlier recoverable spacecraft, which burned off during re-entry. Once through the re-entry phase, the Orbiter becomes an airplane, gliding as much as 1100 miles to its base, guided by aerodynamic controls. During the final phase of the flight, jet engines permit adjustments to the approach path.

The Orbiters entire center section, corresponding to the passenger cabin of a jetliner, is occupied by a large cargo compartment, or payload bay. For delivery of unmanned satellites, the payload bay is unpressurized; its "roof" consists of a pair of clamshell doors which open outward to permit deployment of the satellites. For manned laboratory-type missions, a special pressurized "sortie module" can be fitted into the payload bay.

Here are some examples of how the remarkably versatile Orbiter will function:

In injecting satellites into orbit, which is expected to constitute the primary workload of the carrier vehicle, the Orbiter can accommodate a very large satellite or a number of smaller payloads in the cylindrical bay, 15 feet in diameter and 45–60 feet long. Working in the unpressurized bay, space-suited flight engineers will give the payloads a final checkout before deploying them at preselected points in space. The ejected payload, of course, assumes the same velocity as its carrier and it is this velocity which counterbalances the pull of earth's gravity so that the satellite remains in the orbit in which it was injected. The Orbiter's weight-lifting capability, together with the generous dimensions of its bay, permit delivery of any type of civil payload currently contemplated, including general-purpose scientific spacecraft, special-purpose observatories, interplanetary probes, and communications, weather, earth resources, geodetic, navigational and air traffic control satellites. In addition, the shuttle is being designed with careful attention to the special requirements of the military services. We do not hear a great deal about military employment of satellites because of the classified nature of many of the payloads, but the Department of Defense launches space systems with greater frequency than does NASA, a factor which additionally underlines the need for shuttle development.

In another mode, the Orbiter has utility as a repair/retrieval vehicle for satellites already in orbit which have malfunctioned. The crew maneuvers the Orbiter to a close rendezvous with the satellite; the flight engineers, in extravehicular garb, exit through the open clamshell doors, "capture" the satellite by attaching lines, and haul it into the payload bay for examination. If the trouble is minor, it may be possible to repair the satellite on the spot and redeposit it on station. Otherwise, it can be stowed in the bay and returned to earth for rework, then delivered to orbit on a later flight.

Still another area of shuttle utility in handling unmanned spacecraft is the employment of the space tug, essentially a propulsion stage which can be used to jockey a satellite from one orbit to another. An example of the need for this service is the synchronous-orbit satellite, one whose path in space is synchronized with earth's orbit so that the satellite remains in a fixed position relative to earth. Synchronization requires that the satellite operate at an altitude approximately 22,300 miles from earth, a high-altitude orbit that demands additional launch energy. In practice, the satellite is usually injected first into a low altitude orbit still affixed to an upper stage of the launch vehicle. At a given time, the stage's engine is fired to propel the satellite to its synchronous orbit.

The reusable space tug serves as substitute for the "kick" stage. The Orbiter delivers the joined space tug/satellite to a point in low altitude orbit. Operated by command signals from the Orbiter, the tug fires its engine, moves the satellite to its new orbit, disengages itself and returns to the lower altitude for pick-up by the Orbiter. Initially, the tug will probably be an unmanned system, but a manned version compatible with the dimensions of the Orbiter's bay is feasible should expanding space operations dictate its need.

With the addition of the pressurized sortie module, the Orbiter becomes a manned space laboratory where scientists and engineers can work in a shirtsleeve environment for as long as 30 days. The module can accommodate up to 12 persons along with their experiments and other equipment. Since they play no part in the operation of the Orbiter and since the shuttle is being designed for low acceleration forces during launch and re-entry, the passengers need not be trained astronauts. For the first time, investigators will be able to accompany their experiments into space and contribute to the greater research efficiency that man-monitorship enables.

Here again, there is military potential. For some time the Department of Defense has sought to evaluate, in actual space flight, the role of military man in space. The shuttle can make possible such an evaluation.

Finally, ever since man first ventured into space in 1961, there has been a never-filled need for a space rescue vehicle. A major reason has been the time required to mount and check out a manned spacecraft. With a fleet of five Orbiters, which is what NASA contemplates for the inventory of the 1980's, and the inherent quick reaction of the shuttle, the system can be adapted to fill this long-standing requirement.

The economic advantages of the shuttle system are as broad as the operational gains. Clearly, the employment of a reusable launch vehicle affords savings of substantial order. But although this is the most obvious area of economy, it is not the greatest. NASA estimates that 80 percent of the savings promised in delivery and operation of unmanned spacecraft will stem from the shuttle's influence on satellite design and reuse.

One factor is freedom of design. Today, as in the past, satellite design is pegged to a particular launch vehicle on a cost-effectiveness basis. The launch vehicle's weight-to-orbit capability, therefore, imposes restrictions as to the overall size and weight of the satellite and consequently to the design of each individual component. To meet specifications without sacrificing performance, it is necessary to miniaturize instruments and equipment at considerable developmental cost.

The Orbiter's large bay allows a relaxation of weight and dimensional constraints, permitting designers to use off-the-shelf equipment in some cases or, alternatively, to develop new equipment at substantially lower cost. "We can," says one NASA official, "put the satellite together like an alarm clock rather than a Swiss watch."

Additional savings are possible in the extension of a satellite's operating lifetime by repair in orbit or by retrieval for overhaul at an earth base. There is related economy in the matter of "updating" unmanned spacecraft, improving the capability of a particular type of satellite by incorporating advanced equipment which was not available at the time the basic version was being fabricated. Currently, the only way to update is to build a new satellite which frequently requires six to eight years to develop, test and launch. With the shuttle, a replacement instrument or experiment can be developed within six to eight months, because of the relaxed design specifications; it can be installed in orbit or the satellite can be retrieved for updating at the earth base.

Further payload economies are anticipated in the use of the Orbiter as a test bed for instrument development. For example, consider the development requirements for a major spacecraft such as NASA's Large Space Telescope, to be flown in the 1980s to give the astronomer the capability to analyze the spectrum of stellar objects free of the distorting effect of earth's atmosphere. This system requires a large array of instruments, which must be designed, built and tested. The testing is a lengthy and expensive procedure requiring a variety of special facilities, because the instruments must be examined under conditions approximating as closely as possible those under which they later will operate. The shuttle can be used to fly prototype instrument systems to orbit, reducing ground-test operations and facilities requirements and contributing to greater test effectiveness, because the systems will be checked out in the actual space environment rather than by simulation.

Additionally, there is the important consideration of the costs of failures, which continue to occur despite the most elaborate precautions to prevent them. A prime example of the risk-reduction utility the shuttle offers is the Orbiting Astronomical Observatory program, one of the most costly of all unmanned spacecraft projects and also one of the most important from the scientific standpoint. Three OAO's were launched; one performed perfectly but the other two experienced failures. In one case, a shroud jettison problem prevented the valuable OAO from attaining orbit; this would not have happened in the shuttle-delivery mode. In the other instance, the observatory's battery charger failed, rendering the experiments inoperable. Had the shuttle existed at the time, the OAO could have been returned to earth for repair and quickly restationed. Even the successful OAO, which operated as expected for its planned lifetime, could have been provided additional months or years of life by the shuttle; the problems which eventually cropped up were of such a nature that the satellite could have been repaired in orbit.

A NASA study of 131 space failures shows that 78 of them were related to the launch phase and therefore could not have occurred if the shuttle had been operational. In the remaining cases, where the satellites become inoperable or erratic after deployment, the payloads could have been saved by in-orbit repair or retrieval. Thus, the shuttle promises virtual elimination of total failure. Even should the shuttle itself malfunction the Orbiter's crew could abort the mission and return to base with the payload intact.

Collectively, these influences of the shuttle on payload design and operation offer potential savings of a very large order. It is estimated that payload development costs can be reduced about 50 percent and these costs constitute the major portion of space program outlays.

There is one other economy factor connected with the operation of the Orbiter itself, rather than its payloads. Unlike all current and previous U.S. manned spacecraft, the Orbiter descends to a land base instead of splashing down in the sea. This eliminates the need for multi-ship recovery forces, normally on station not only in the primary impact area but also at other locations, against the possibility that an emergency might dictate an alternate descent path.

What order of savings can be expected from employment of the shuttle? That depends to considerable extent on the frequency of shuttle missions, or the number of launches annually. In the first 12 years of space flight (1958–69), the U.S. sent into orbit an average of more than 50 spacecraft a year, including civil and military payloads together with launches for foreign nations and international consortiums. In the past two years, with American space activity at low ebb, the average has declined to 30 a year. The schedule for this year contemplates an increase to about 40 launches.

NASA has conducted a study of anticipated shuttle economies based on a "mission model" that assumes shuttle usage on 580 missions over a 12-year period from 1979, the first operational year according to the development plan, through 1990. That comes to an average of about 48 flights annually. NASA terms the mission model "realistic." It may even be conservative, because of the potentially greater opportunities for deriving concrete benefit from space operations and because of the likelihood of increased foreign use of U.S. launch services with the shuttle's lower costs. At any rate, the study concluded that the combined factors of a reusable delivery system, reusable payloads, design simplification and sharply reduced risk of failure add up to a saving averaging more than $1 billion a year.

The economic features of the program are important, particularly to a legislator, but I do not suggest that cost reduction is the sole, or even the primary justification for developing this system. The fundamental reason for carrying out the program is to make available a means for routine access to space, to remove the constraints imposed by an earlier level of technology, to progress from space adolescence to full maturity.

The shuttle can be the instrument for maintaining American pre-eminence in space and for realizing the broad range of benefits that advancing technology promises—those that are already visible and those that we cannot yet envision.

THE SHIFTING SCENE IN EDUCATION

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, I want to share with my colleagues some thoughts on "the shifting scene in education" expressed by Dr. Glenn D. Williams, vice president for student affairs at Eastern Illinois University.

Dr. Williams' speech originally was given on February 16, 1972, at the National Convention of Home Economics Administrators of Higher Education in Chicago and later was the subject of an article in the National Home Economics Administrator. Speaking of the need to place more emphasis on those areas of instruction where graduates can make an immediate contribution, Dr. Williams urges universities to embark on "programs for the training of creative craftsmen."

Dr. Williams presents the challenge in these ringing terms:

> I can tell you here tonight that in spite of any opposition, there is a change in demand on the education market and there will need to be a change in procedure and emphasis or the market and the producer will soon part company.

Dr. Williams' speech follows.

THE NEW FRONTIER

(By Glenn D. Williams)

There is a story about Khrushchev and John Kennedy that may capture the academic atmosphere in which I present tonight's remarks. It seems that soon after the hot line was put in, Khrushchev decided to test it on a matter of less urgency than that for which it might later be used. He dialed Kennedy and when the President answered, said, "Mr. President, I have it on irrefutable authority that Adam and Eve were Russians. What do you say to that?" Kennedy paused, not knowing quite what to answer, and finally replied, "Well, I can't say much on such short notice, but why don't you call Harold MacMillan in England. He is versed on such things and besides that he is a Protestant and will give you a different view point." Khrushchev took Kennedy's advice and MacMillan, after sputtering a bit, said, "I can't answer for Her Majesty's Government in an off-hand manner. Why don't you call David Ben Gurion in Israel, he's on the scene you know?" Khrushchev immediately placed the third hot line call and when Ben Gurion answered said, "Mr. Premier, I have it on irrefutable authority that Adam and Eve were Russians." There was a long silence on the other end of the line and finally Ben Gurion's thoughtful voice replied, "Mr. Khrushchev, you may be right. Here were two people, stripped of their clothing, with nothing but an apple to eat, and they thought they were in paradise."

After the stripping of higher education that has gone on in the last two years and with meager financial cuisine which the immediate future seems to hold, there are not many members of the university community who are going to make the same mistake that was portrayed in the anecdote. A fair number of names may apply to the present condition but paradise is not one of them.

But what is the true picture, what are the possibilities and where do we go from here? In pursuit of some thinking about answers to these questions, I would like to outline just briefly, 1. The immediate past and the thrust education has taken. 2. The shifting present and apparent new directions education will take and, 3. The promise of the future and our relationship to it. I give you three little keys or pegs upon which you can hang the clothing of my talk. Needless to say, I relate my observations most heavily to home economics in higher education, rather than higher education in general.

No one can discuss the immediate past in higher education without laying heavy emphasis on a review of our devotion to science and the liberal arts. With the scientific advancements of the Russians and the dramatic display of their pragmatic fruits in the space program, it seemed as though our entire university systems turned its attention to science, mathematics and the supportive scholastics which would produce classic scholars devoted to somewhat abstract technological endeavors. Our effort was directed toward problem solving in the realm of material rearrangement and the procedure for the solving of problems in this area of knowledge is the method of science. It is the only method for solving such problems and it is the sacred duty as well as the privilege of every man to gain such solutions and to know as much about the world, in a scientific sense, as it is possible to know. Indeed, we should not only be eager to gain the great wealth of scientific discovery from the past, but we should all want to contribute to the advancement of man's condition through such discovery in the future.

Unfortunately, this attitude toward discovery and change did not always hold. That is to say, it was not always easy sledding, even for science. There was a period in man's civilized existence when man did not want to know.

I was re-reading the other night, for the ninth time a letter from Galileo to Keppler (both of whom you will remember as being scientists par excellence) Galileo wrote, "Oh, Keppler, would that you could have been here last night. I invited the professor of philosophy (in that period of history the professor of philosophy meant the professor of theology) to look through my newly discovered long glass. He said 'No thank you' he couldn't come. I said, just come down and take a peak, you'll see a star never before beheld by man. He said 'No thank you' he wouldn't come—wouldn't come. He said if he looked he was afraid he'd see it and he had read the Bible backward and forward and knew Aristotle intimately and the star wasn't mentioned in either or them. If he looked and saw it he would know it was a sign set in the sky by the devil to wean him from fealty.

We can laugh at that today, but it is no laughing matter that we still have people who do not want to gather all the information they can, who are not open to change and who say to us, "It's either science and a classical education or it's nothing." As I say, science itself had a difficult time overcoming the existent atmosphere into which it was born and we may have just as difficult a time emerging from an academic age dominated almost totally by science and the supportive liberal arts.

Let me tell you of a recent incident. It happened when I was speaking to the head of one of our leading eastern girls' finishing schools, right after the first volume of the Kinsey report was issued. I asked her what she thought of the report and what her students had to say about it. She said she didn't care for it. I asked if she disliked it because of the method used in collecting the statistical data, I had heard it criticized on those grounds. She replied that she didn't know anything about that, but she did know something of the contents and she didn't want her girls exposed to such things.

Imagine anyone in this day and age who doesn't want to know all that there is to know through the method of science or through methods designed to bring social change. I say that was the first volume. I don't know what she has done now that the second volume has appeared.

Thus it is the first duty of an educated man or woman to solve every problem that is capable of solution and the method of science is the tool for gaining this end. We have been using this tool in our educational endeavors almost to the exclusion of the practical arts and their supportive curriculum.

Now I want it understood that I come here tonight, not to speak against science and the liberal arts, but rather to point to the need for a balance in our educational program and caution against a kind of pendulum effect which may well be underway at the present time. We seem to have gotten snagged on the scientific aspect of education for the past twenty years and have been fascinated by the semantic rubdown that classical scholarship offers. In the meantime the vast wealth of human endeavor that is not scientific lay fallow and the great arena of human interaction where science comes up dry and classical studies sterile, or nearly so, in their efforts, has been almost totally neglected.

What do you do with human problems that cannot be solved, that haven't been solved and that, in the opinion of many of us, are never going to be completely solved? The great problems of man dealing with man, the problem of leading a rich and rewarding life and the problems that center around the very core of a nation like ours, the interrelations of the family unit. Problem areas where the variables run rampant, and constant adjustability is the key to success. Areas where, if left to science, we could end up as a race of lower primates and higher computers.

These are areas where the practical arts and the high art of human adaptability take over. When we attempt to apply science to the human problems we deal with every day in the areas just cited, and try to get the same kind of precision that scientists get, we not only don't get it, but we make ourselves the laughing stock of people who ought to think well of our efforts. The fact is that we already have the unique tools, particularly in a field such as home economics, to deal with human problems, in a practical way, so that real life satisfactions ensue and an improvement of man's general condition results.

For in fields such as yours, the curricular effort is, or ought to be, tied to the pulse of the times and indeed often acts as a pacemaker to the heart of the evolving human condition.

Our students and many of us who deal with them are coming to the hard questions of life. Questions which deal with man relating successfully to everyday existence, to everyday people and to the everyday running of families and social groups so that satisfaction and happiness result. Somerset Maugham put it well when he said, "There is no more merit in having read a thousand books than in having ploughed a thousand fields. There is no more merit in being able to attach a correct description to a picture than in being able to find out what is wrong with a stalled motorcar. The true, the good and the beautiful are not the prerequisite of those who have been to expensive schools, burrowed in libraries, and frequented museums."

Universities have identified themselves for so long with the imparting of theory and the discussion of aesthetic abstractions that it is now difficult for them to shift gears and cultivate new perspectives. In many ways, they are more resistant to changing academic emphasis than was the case with the general population in its attiture toward science in the mid-centuries. This condition obtains even among people whose disciplines should be in the forefront of change.

I am reminded, in reflecting upon these immovable institutions and their immovable people, of the veteran who came home from the late wars, slightly addled in certain profound ways. He carried on his daily fare in good order, but he took every opportunity to tell people that he was, in truth, dead. Some of his war buddies heard about this and sought to talk him out of this belief.

He saw them coming up the walk and remarked that he was glad to see them. Then he said, "But hold on a minute, I should warn you that I'm dead."

"Well," they said, "That's what we came to see you about, you're not dead."

"I guess I know whether I'm dead or not and I'm dead as a doornail," he replied.

"Well", said one of his war buddies, "what do you mean when you say you're dead?"

"I suppose you want a working definition of a dead man and not some egghead answer", he countered.

"Yes", was the reply.

"Well", he said hesitatingly, "during the war I handled many a corpse and nary a one of them bled."

"You'll put it down then, as fundamental in your thinking that a corpse does not bleed?"

"Yes", he replied.

"May we test it on you?", asked one of his buddies.

He nodded his head in consent. Another whipped out a razor blade, pulled back his sleeve and nicked his wrist a little. He stood there watching the blood trickle down and drip off his fingertips. Finally he looked up sweetly and said, "Well, I'll be damned, a corpse does bleed."

In spite of the stark evidence staring him in the face he stuck to his point of view. And in spite of the stark evidence staring some educators in the face today, they stick to their contention that only a liberal arts education is an education worthy of the name or only a social studies centered curriculum can produce an educated man or, in short, only an education based on theoretical and abstract principles produces a fully schooled graduate. I can tell you here tonight that in spite of any opposition, there is a change in demand on the education market and there will need to be a change in procedure and emphasis or the market and the producer will soon part company.

You can see at a glance that I have already launched into the second of my sub-topics—the shifting scene in education today. This shift was heralded by a fair portion of our youth several years ago in the cry for relevance. They further contended that our current endeavors are antiseptically unhuman and lead to a vocationless future. I submit to you that it is extremely difficult for all disciplines to meet this challenge with equal expectations of success. Some simply do not lend themselves to day-by-day meaningful implementation; the reduction of life's problem areas into bite-sized chunks.

The forward-looking university today is interested in surveying the tilt of the social landscape and in laying emphasis on those areas of instruction where its graduates can make an immediate contribution. What we need to embark on is a program for the training of *creative craftsmen.* Let me say that again—what universities need are programs for the training of *creative craftsmen.*

Home economics is particularly well suited to play a highly meaningful role in this pursuit. It can best do this through a reordering of current priorities.

Only a few universities have seized upon the notion that man and not knowledge is central in the educational effort. Only a few fields have dedicated themselves to this principle and I trust that home economics is one of them.

During the 1950's and 1960's many disciplines adopted a defensive stance and it appears to me that home economics may have been one of them. In light of the changing scene and the new directions being called for it appears that the time is right for a return to a progressive if not an aggressive stance. I would be remiss here if I did not pause to define the field as I see it. Since I am admittedly no expert and have scant background to attempt such a definition I obviously have considerable latitude for error, so please bear with me. It seems to me that home economics is the study of and involvement in the processes and forces, both cultural and intercultural, material and psychological, as well as social, affecting family life styles—the end result of which involvement is to establish a pragmatic association between theory and practice in family life-support systems. That's a long and stylized statement, but it is necessary as I move toward consideration of the future and your role in preparing creative craftsmen.

As I said earlier, we are in some difficulty in higher education today and home economics may have been in a defensive attitude in the immediate past, but I trust that home economists are like tea—their real strength is unknown until they get into hot water. Let's look at some areas for the possible release of that strength under stress.

I can best launch into this pursuit by relating, briefly, an experience I had just over a year ago. I found myself serving as an educational consultant on the island of Ceylon. The thing that impressed me was their need for the kind of pragmatic home economics that we had at our university. There is at least one person in this room tonight who knows that I sent back a call for help, which was answered and which produced a basic family-involved home economics curriculum that was later cited by the Ceylonese Government as the greatest educational contribution to their schools during that year.

This sets the keynote for what I am about to say concerning the frontiers of the future and an attitude of one-upance, that is to say, being projective (ahead of the game so to speak) which should be emerging in your field. Our Jewish friends have a word for one-upance which says it better than we do. The word is Hutspa. The only direct meaning of that word I ever got was by way of anecdotal story. One of my Jewish friends said Hutspa is when a boy will do away with his parents and then throw himself on the mercy of the court because he is an orphan.

I would suggest to you that the time has come to demonstrate one-upance by preparing graduates to meet the needs of the families of mankind rather than just the families of Americans. This means adopting a constructive approach to the realities of the human condition in varied cultures, providing youth and families guidance in developing intellectual and emotional stability to cope with change and the marked diversity in world environment. The need here is to improve the quality of family life through cross-cultural training to help home economists from other countries, as well as our own, to enrich their approach to the peculiar problems of their several lands. In short, we have a challenge to make family planning services more effective for the world family instead of the local family or the American family.

I would propose to you that your field prepare to aid, in a major way, a whole new and malignantly growing segment of American society—the older family. I would attach to the effort, for want of a better title, the name geriatric home economics. A shortened employment span and the prolongation of life beyond the age of 70 open an entirely new and demanding vista for servicing the nutritional, economic, recreational and family support needs of what is becoming a major part of the world population.

The demand for proper and continuing interpretation of consumer needs looms as a major concern for those who would look to an ordered and productive general society. The intermediary function of interpreting desires and translating these into meaningful production goals may well fall to the home economist. Thus combined majors, particularly with such areas as business administration, communications and recreation will be in order.

A human services discipline may well emerge as a viable adjunct to the field. Home economists may find themselves on the comprehensive health care team, the mass recreation team or on a social aid team whose duty it is to relate knowledge of interior design to housing problems of tenants in both low and low-middle income housing projects.

It seems to me that home economists could appear on the professional horizon as family ecologists, maintaining a concern for values in the family besides material goods. The stress here would be on family competence ratehr than adjustment, or an improved family life-style and the maintenance in the family of an environment for educability.

You will note that I have not mentioned the more traditional areas where home economists have always held forth and where they will undoubtedly continue to upgrade and improve without any prodding from anyone. I count on that happening, without stimulation, but doing the things just suggested will require a re-ordering of current priorities and reflective interinstitutional planning will be needed to achieve these new goals.

Now what I have brought to you tonight is just a collection of words. Nothing will happen without action and dedication. I have mentioned before that these are difficult times and I need not *convince* you of that fact. What may be in need of *convincing* is that element in your ranks who need to "screw their courage to the sticking place", gather their forces and move forward.

The immediate future will be a time of battle—of battle for improvement of present practices, of battle for progress in new endeavors and possibly of battle for survival itself. This is a moment for those creative souls with dedicated courage to come forward. Let me portray what I mean by way of illustration in citing to you a scene from Shakespeare's *Henry V.*

You will recall that on the night before the Battle of Agincourt Henry looked out on a bleak future. Outnumbered by the enemy, with his past efforts blunted and his forces dampened by the awesome task that lay ahead of them, he called his people together and uttered a speech that I trust will stay in your memory for recall if your professional armor grows thin. It was the eve of St. Crispin and a bleak one. . . . he said:

Let him which hath no stomach to this fight depart
His passport shall be made and crowns for convoy put into his purse
We would not die in that man's company who fears his fellowship to die with us
For tomorrow is called the feast of Crispin
He that outlives this day and comes safe home
Will stand atip-toe when this day is named
And rouse himself at the name of Crispin
He that lives this day and see old age
Will yearly on the vigil feast his neighbors
And say, tomorrow is Saint Crispin's
Then will he strip his sleeve and show his scars
And say, these wounds I had on Crispin's Day
This story shall the good man teach his son
And Crispin, Crispin shall ne'er go by
From this day to the ending of the world
But we in it shall be remembered,
We few, we happy few, we band of brothers
For he that today sheds his blood with me, shall be my brother
Be he ne'er so vile, but that this day shall gentle his condition
And Gentlemen in England now abed
Will think themselves accurs'd that they were not here
And hold their manhoods cheap whilst any speaks
Who fought with us upon Saint Crispin's Day.

As we face the eve of our St. Crispin's Day and the possibility of a great victory, armed with the ability to solve our problems and disposed in attitude toward incorporating new ideas and techniques through frontier thinking to advance our profession, the call goes out to stand tall and fight the good fight. Yes, the call goes out, but as I utter these words, I must relate to you a final brief message and leave you, not with answers, but with two questions.

Some of you have seen the play *1776*. You will recall that a beleaguered Washington, his army in rags, sent repeated messages to the Continental Congress, asking for guns, blankets and general support. But the Congress was too busy working on its own concerns to answer. And so the messages continued to pour in throughout the play, but the replies never came.

Finally, in the last scene, a chilled commander writing by firelight at Valley Forge sent a last pitiful note. It was short and asked the basic questions which I leave with you tonight:

Is anybody there? . . . Does anybody care?

ATTACKING DRUG ABUSE

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. CELLER. Mr. Speaker, narcotics addiction has become a national crisis. It affects us all in our daily lives, especially in the large urban centers such as New York City, where heroin addicts are concentrated, and where the crimes they commit to support their daily habits have created a climate of fear that have made many of the city's residents prisoners in their own homes. It is estimated that there are 560,000 heroin addicts in the United States and that more than 125,000 of them live in New York City. In New York City more people between the ages of 15 and 35 years die as a result of narcotics than from any other single cause—in the year 1970 over 1,000 youngsters died of narcotics overdoses.

The cost to society of these wasted young lives is incalculable, yet it is only part of the terrible cost we pay daily as a result of narcotics addiction. Crime, broken families, fear-ridden communities, and corruption of the law enforcement process are other byproducts of narcotics which are weakening and threatening to destroy the very fabric of our society.

The recognition of narcotics addiction as a national emergency is long overdue. I and other Members of Congress have urged for years that Federal resources be mobilized for an all-out war on narcotics addiction. Realizing the extent of this problem:

In 1966, I introduced the bill which became the Narcotic Addict Rehabilitation Act, an act to provide for the civil commitment and treatment of narcotic addicts charged with Federal crimes.

In 1968, I introduced the bill which became the Omnibus Crime Control and Safe Streets Act of 1968, an act which provides States with discretionary funds for law enforcement activities—LEAA grants are now supporting a wide variety of drug abuse treatment and education activities.

In 1970, I introduced a proposal which was cosponsored by 131 Members of the House of Representatives directed at cutting off the supply of hard core narcotic drugs from abroad. Under this bill the President was authorized to suspend economic or military assistance under foreign aid programs to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully. The President was authorized to provide financial assistance to any country which undertook a program of attempting to control the narcotics traffic for export and within its borders.

In 1971, I introduced a bill to amend the Narcotic Addict Rehabilitation Act of 1966 to permit the use of methadone in the treatment and rehabilitation of narcotic addicts committed for treatment under the provisions of that act.

In 1971, I chaired the committee which reported out amendments to the Omnibus Crime Control and Safe Streets Act which provides for the establishment of emergency drug treatment facilities in State correctional institutions.

In 1972, I chaired the committee which reported out amendments to the probation and parole laws significantly expanding the treatment and opportunities available to drug dependent persons convicted of Federal crimes, while institutionalized and upon probation, parole, or mandatory release.

President Nixon's establishment of a Special Action Office for Drug Abuse Prevention in the Executive Office of the President is in response to repeated calls for such action by Democratic Congressmen. Although the Special Action Office has just begun to operate, it appears that its primary role may be merely the coordination of existing Federal narcotics treatment programs rather than the mobilization of additional Federal resources for a concentrated effort to increase the availability of facilities for the treatment and rehabilitation of narcotic addicts.

The Congress has given the Special Action Office for Drug Abuse Prevention the authority to pull together and rationalize the various narcotics treatment programs funded by the Federal Government. We hope that the Director of the Special Action Office will have the support of the administration when it comes time to convince the heads of the various Federal drug treatment programs in the large Federal bureaucracy, who are often in competition with each other, to cooperate and to coordinate their efforts through one central office.

But a reorganization and coordination of existing Federal Government drug abuse treatment programs is not enough, we need to have an expansion of programs to enable us to reach for treatment the thousands of addicts who are not undergoing treatment and, therefore, remain on the street as a hazard to themselves, their families, and to society at large. Only 26,196 of the estimated 560,000 addicts in the Nation are presently enrolled in federally supported treatment programs. We need to establish as a national priority a commitment to provide treatment and rehabilitation services to every narcotics addict.

At the present time throughout the country there are waiting lists of addicts who cannot enter treatment programs because there is no room for them. In New York City, for example, the methadone treatment programs operated by the Health Services Administration have a waiting list of 8,000 addicts. This waiting list is growing at the rate of 400 to 500 addicts per week and is expected to be 12,000 addicts long before June of 1972, even though 8,500 additional maintenance places are being provided under the city's expansion of methadone maintenance facilities. Thus even though New York City is making a major effort to increase the availability of methadone maintenance, the number of addicts coming forth desiring treatment is outpacing the provision of treatment facilities by 50 percent. Information received by a subcommittee of the Committee on the Judiciary indicates that growing waiting lists of addicts desiring treatment exist almost everywhere there is a significant addict population. As soon as methadone treatment programs open their doors, addicts are lining up for this form of treatment. Given the oftentimes difficult problem of getting addicts into treatment, there should certainly be an expansion of treatment programs which addicts in great numbers have expressed a voluntary desire to enter. To this end, I recommend Federal funding for a broad expansion of methadone programs.

METHADONE TREATMENT PROGRAMS MUST BE AUGMENTED BY SUPPORTIVE SERVICES

In calling for such an expansion I fully recognize the controversy surrounding methadone as a method of treatment. The Judiciary Committee through one of its Subcommittees has received testimony from witnesses who have charged that the provision of methadone in the treatment of addiction is merely the exchanging of one form of addiction for another. We have also become aware that methadone not sufficiently controlled by treatment programs is being sold on the streets and that some people are becoming addicted to methadone as their drug of first addiction. Methadone is a highly addictive drug. Its use must be closely regulated, and it should not be dispensed except by narcotics treatment professionals as a means of detoxification or as a part of a comprehensive treatment program which offers the addict supportive services to prepare him for a new life style. Used in this manner, methadone has proved to be an invaluable tool for the weaning of the addict from heroin addiction and the drug subculture toward attainment of the ability to function in a manner that regains self-esteem. But methadone is not enough. Methadone, taken orally once a day, enables the addict to avoid the hunger for heroin and the fear of painful withdrawal symptoms which formerly dominated his waking hours. He is able, perhaps for the first time in years, to think of something other than his next needle. At this point it is essential that he be given something else to think about—that a purposeful existence be established. Particularly for the addict who is poor and from an environment where the incidence of drug abuse is high, it is important that a methadone treatment program contain the ability to provide him with opportunities for education, training, and employment so that he may build a life different from that from which he has come. If the methadone maintenance program does not contain these elements, then there is a certain validity to the charge that it is merely a substitution of one form of addiction for another.

FEDERAL FUNDING FOR NARCOTICS TREATMENT AND REHABILITATION IS WHOLLY INADEQUATE

The fiscal 1973 budget provides no evidence of the commitment in the President's June 1971 drug abuse message to a substantial new Federal effort toward the treatment and rehabilitation of narcotics addicts. The administration's budget request for drug abuse programs totals $365.2 million, a purported substantial increase over last year's budget. But when one examines this increase it is apparent that most of the existing funding is scheduled for programs designed to meet the military drug abuse problem. For example, of the $230.2 million budgeted for the treatment and rehabilitation of narcotic addicts, $84.2 million will be spent by the Department of Defense and the Veterans' Administration, leaving but $146 million for the treatment and rehabilitation of civilian addicts. This $146 million represents only $21 million more than was allocated for nonmilitary treatment programs in the budget for fiscal 1972 and falls far short of the amount allocated by New York State, which has budgeted $161.5 million for drug abuse treatment programs during its 1971–72 fiscal year. Thus the massive new Federal treatment and rehabilitation effort described by the administration in the summer has, in a little more than 6 months, withered to a program that is not even as large as that conducted by a single State, the State of New York. We welcome and applaud, as must anyone who is familiar with the national tragedy of the addicted veterans, the additional funding which is being provided for the treatment and rehabilitation of veterans. In fact, this funding is not yet nearly enough, as is proven by the pleas for assistance with the treatment and rehabilitation of returning Vietnam veterans that are increasingly arising from local communities. But we cannot pretend to be waging a war against drug addiction if the Federal Government is limiting its budget increases to treatment of the addicted veteran and providing no significant increases in programs for the treatment and rehabilitation of the large, growing civilian addict population.

EVALUATIVE CRITERIA ARE NEEDED TO JUDGE PROGRAM EFFECTIVENESS

We on the Judiciary Committee have been concerned about the lack of evaluative criteria to judge the effectiveness of current drug abuse treatment programs funded by the Federal Government. The recent expansion, however, has been until now unaccompanied by any comprehensive evaluation and assessment of the impact of this increased Federal funding. Early last year the Judiciary Committee, through one of its subcommittees, initiated a study of the effectiveness of federally supported drug abuse treatment programs. This study, which has been conducted by the General Accounting Office in five cities, is almost completed. The committee expects that it will provide a fair, objective, meaningful evaluation of the effectiveness of a cross-section of existing federally supported treatment programs. This information will provide the committee with a factual basis for recommendations for the improvement of existing programs and for proposing new legislation to create new treatment alternatives.

EXPERIENCE WITH THE NARCOTIC ADDICT REHABILITATION ACT OF 1966

It is essential that the Congress take steps to develop information for itself. We cannot trust the Federal bureaucracy to monitor and evaluate its own performance in this area. I was made aware of this during hearings held by a Judiciary Subcommittee into the implementation of the Narcotic Addict Rehabilitation Act of 1966. This act, which I introduced into the 89th Congress, was intended as a breakthrough toward the treatment of narcotic addiction as a medical problem. In its statement of objectives to treat narcotic addiction as a medical rather than a criminal problem and to treat the addict for his addiction rather than to punish him, the act broke significantly with attitudes of the past. The Narcotic Addict Rehabilitation Act created a system of civil commitment which provides compulsory institutionalized treatment for the addict over an extended period of time.

In creating such a system, the Judiciary Committee, and then the Congress, was responding to the rapid national rise in drug addiction and drug-related crime and to the "revolving door" process which had characterized the treatment of narcotic addicts at the Federal Public Health Service hospitals at Lexington, Ky., and Forth Worth, Tex. The experience of these hospitals in not being able to hold addicts for sufficient lengths of time to effectuate a treatment program motivated the belief expressed during the debates by several supporters of the bill in both houses that there was need for use of the Government's coercive power to hold the addict in a treatment program long enough to allow him to derive the full benefit of the program.

Under the Narcotic Addict Rehabilitation Act civil commitment is initiated either by the court, if the addict has been charged with a crime and it is determined that he will benefit from treatment in lieu of prosecution, or by the addict himself or a member of his family in the absence of a criminal charge if it is determined that the addict is likely to be rehabilitated. There is also provision in the Narcotic Addict Rehabilitation Act for the sentencing of convicted addicts to treatment.

However, despite the epidemic of heroin addiction in the 6 years since the passage of the Narcotic Addict Rehabilitation Act, the act has not been used to the extent expected. During our hearings on the act in 1965 and 1966 witnesses from the Department of Health, Education, and Welfare estimated that there would be 900 commitments per year under the commitment in lieu of prosecution provision of NARA alone. Instead, the General Accounting Office reports that in the first 3 years of the program only 207 persons have been examined for admission to treatment in lieu of prosecution and only 179 have been accepted for treatment unler this provision of the Narcotic Addict Rehabilitation Act.

Likewise under the voluntary civil commitment section of the act there has been a large degree of underutilization, largely because of the overly strict standards used by the administrators of the programs in judging a volunteer "suitable for treatment." The General Accounting Office found that during the first 3 years of the voluntary civil commitment program, 2,801 addicts, or about 57 percent of the total of 4,889 who voluntarily sought commitment for treatment, were rejected by Federal treatment centers during the examination and evaluation phase of the treatment program. Almost all rejections were made on the basis of unsuitability for treatment and rehabilitation.

Although these diagnoses of unsuitability for treatment may have been made on valid medical grounds, the effect of the decisions to reject 57 percent of the addicts who voluntarily applied for treatment under NARA were undoubtedly devastating for the individuals involved and for their communities. For these addicts often had nowhere else to go. The alternative to admission to the Federal treatment program was often no treatment at all and a return to the streets of the home community because State and local communities for the most part have not been able to establish their own drug abuse treatment programs.

To deny an addict treatment is a crime against him and against society. Yet we were not informed that this was a consistent practice until we undertook our own investigation. I am disturbed at the administrative policies which have turned so many addicts away from treatment and sharply limited the scope and effectiveness of the Narcotic Addict Rehabilitation Act of 1966. The Special Action Office for Drug Abuse Prevention has been specifically charged by the Congress with responsibility for the ongoing evaluation of Federal Government drug abuse treatment programs. The conducting of probing and comprehensive evaluations of existing treatment programs is one of the most important functions the Special Action Office has been asked to perform, and I call for the immediate implementation of a nationwide evaluative study of the treatment results achieved by federally financed drug abuse treatment programs.

I recommend that the kind of ongoing evaluation of drug abuse treatment programs presently being conducted by the Judiciary Committee through the General Accounting Office be built into all new Federal narcotics legislation so that Congress and the public can be informed of whether the treatment programs we establish are meeting their intended objectives.

THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The Judiciary Committee, which pioneered in comprehensive narcotics treatment legislation with the Narcotic Addict Rehabilitation Act of 1966, has met successive challenges posed by the continuing heroin epidemic of recent years. The Law Enforcement Assistance Administration, created by the Omnibus Crime Control and Safe Streets Act of 1968, now provides $19.1 million to drug abuse treatment and rehabilitation programs. Through its oversight of the Law Enforcement Assistance Administration the Judiciary Committee will continue to encourage the development of effective programs for the treatment of addiction, which remains a major source of criminal activity in the United States.

In the 92d Congress the Judiciary Committee reported out legislation which amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide for Federal funding of narcotic treatment programs operated by State and local governments in correctional institutions and facilities and in connection with probation and other supervisory release programs. Under the bill, which has been passed by the House of Representatives, but not yet acted upon by the Senate, States which apply for funding for correctional institutions from the Law Enforcement Assistance Administration under the Omnibus Crime Control and Safe Streets Act will have to provide for the development and operation of narcotic treatment programs in their correctional systems. This should stimulate the development of narcotic treatment programs in the correctional systems of the States and should assist the development of treatment in States where treatment is presently unavailable to addicts in the criminal justice system.

Because of the often necessary linkage between narcotics addiction and crime, the criminal justice system acts as a prime, and sometimes the only intake mechanism for the entry of drug addicts into governmental institutions. Drug addicts are often not identified as addicts until they are arrested and charged with a crime.

When an addict is convicted of a crime and sentenced, he enters the correctional system of the State. At this point the State has the responsibility to select the correctional device which is most likely to lead to the rehabilitation of the convicted addict. Good sense as well as good medical practice dictates that a narcotics addict receive treatment for his addiction as a part of his correctional program. However, because of a combination of lack of funds and a lack of experience, exacerbated by the large and increasing number of narcotics addicts entering the correctional system, some States are unable to offer even the most minimal treatment programs for narcotics addiction in their correctional institutions.

It is clear that it does no good to sentence an addict to a prison facility where he cannot receive treatment for his addiction. If the addict cannot be treated during his period of incarceration, it is almost certain that upon release he will resume his addiction and the criminal activity related to it. I thus regard the bill to provide narcotic treatment programs in correctional institutions as one of the most important pieces of legislation passed by the House of Representatives in this Congress.

My committee, in a related piece of legislation, has reported out a bill to provide for narcotics addicts who are placed on probation, released on parole, or mandatorily released. This bill provides the U.S. Bureau of Prisons with authority to enter into contracts with community-based facilities for the continued treatment of addicts who are released on probation, parole, or mandatory release after a period of institutional treatment. Under present law only a small percentage of narcotic addicts qualify for institutional treatment after sentencing under the Narcotic Addict Rehabilitation Act. Although it has been found that approximately 30 percent of the 11,000 people per year who are committed to serve sentences in Federal prisons have drug-related problems, or have been convicted of drug-related crimes, only 1 or 2 percent of this number are sentenced under the special sentencing provisions of the Narcotic Addict Rehabilitation Act. The bill recently reported by the Judiciary Committee will provide treatment to addicted offenders who do not qualify for treatment under the Narcotic Addict Rehabilitation Act. This bill, if passed by the House, should provide a significant increase in treatment opportunities for the addicted population of our Federal prison system.

Another bill reported by the Judiciary Committee during this session was my bill amending the Narcotic Addict Rehabilitation Act of 1966 to provide for treatment which controls, as well as treatment which terminates drug addiction. The purpose of this bill, which was passed by the House but still awaits passage by the Senate, is to permit the use of methadone in detoxification and maintenance as a treatment of narcotics addiction under the Narcotic Addict Rehabilitation Act. NARA as presently written does not clearly provide for the use of methadone in the treatment of addiction. The treatment programs operated by or funded by the Federal Government should not be denied the use of methadone, whose value in the treatment of narcotics addiction has been proved beyond doubt. The bill makes clear that the treatment professionals in federally operated and federally funded treatment programs will have the full range of treatment modalities available.

INTERNATIONAL CONTROL OF NARCOTICS TRAFFIC

It is heartening that President Nixon has been able to achieve an agreement with the Government of Turkey under which the government will prohibit the further growth of the opium poppy from which morphine and heroin are derived. This action is one I urged as early as the spring of 1970 when I introduced a proposal directed at cutting off the supply of hardcore narcotic drugs from abroad. The bill I introduced at that time authorized the President to suspend economic or military assistance under foreign aid programs to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully. Under my bill the President was also authorized to provide assistance in controlling unlawful narcotic production to countries which require such assistance.

I joined with Congressman RODINO, the ranking Democrat on the Judiciary Committee, in sending a letter to all Members of the House of Representatives. It has taken the President 2 years to achieve the goal of our proposed legislation, but we hope now that action has been taken it will be effective in stemming the flow of much of the heroin which enters the United States.

We cannot, however, depend on the agreement with Turkey to be totally effective in stopping the supply of heroin to the United States. Although it is estimated presently that 70 to 75 percent of the heroin which reaches the United States originates in Turkey, current estimates are that the United States consumes only about 1 percent of the total world production of opium. The illicit opium needs of this country could be grown on about 10 square miles of land in provinces in Turkey, Afghanistan, and Pakistan where the governments of those nations do not exercise control over the tribesmen who inhabit those areas.

These areas are wild and hilly—ideal for the growing of the opium poppy, but extremely difficult to patrol. The tribesmen are fiercely independent and will not consider themselves bound by any agreement made by governments to which they owe only the most tenuous allegiance. Far more opium is grown in the Far East than in the areas mentioned above, although at the present time only 15 percent of the heroin which reaches the United States is estimated to have originated in the Far East. The huge profit obtainable from the heroin traffic makes me pessimistic that the Turkish supply, if stopped, will not be replaced by new sources of supply from the Far East.

We need, therefore, to expand the agreement reached with Turkey to other countries, as suggested in my bill, and at the same time we need to increase the international law enforcement efforts to stop heroin smuggling.

Earlier this year the Committee on the Judiciary reported a bill to increase the U.S. participation in Interpol, the International Police Organization. We hope that Interpol, with the increased financial support of its members, will become more effective in assisting national law enforcement agencies in coordinated efforts to stop the international traffic in illegal narcotics.

At the same time we need to call upon other international organizations, specifically the World Health Organization of the United Nations, for assistance in combating our international heroin epidemic. The World Organization has been working for years on projects to combat addiction and most of the leading treatment authorities in the world have contributed to useful studies on the addiction problems of other countries. Why not use this accumulated expertise on the addiction problem of our own country? I propose that we ask the United Nations, through the World Health Organization, to conduct a comprehensive study of the United States heroin addiction problem and recommend techniques for the treatment and rehabilitation of our addict population.

CONCLUSION

My experience in this area convinces me that there are no simple solutions to the problem of effective treatment and rehabilitation of narcotic addicts. A treatment modality which is successful with one addict can be utterly unsuccessful with another. Motivation plays an extremely important role in determining the likelihood of successful rehabilitation of the addict, and an addict may not be sufficiently motivated towards rehabilitation until he has experienced successive failures to achieve rehabilitation.

What is clear, however, is that there is a need for increased numbers of treatment programs offering increasing varieties of treatment modalities. We must adopt a national goal of providing treatment for every drug addicted person, tailored to his individual need, and we must commit the needed Federal resources to achieve this goal.

AN ASSIGNMENT IN HONDURAS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RAILSBACK. Mr. Speaker, year after year Congress has appropriated funds for the Agency for International Development. Some of this money is well spent. Some of it has been spent foolishly. If we fully understood the difference between the two, I am sure Congress could handle AID's annual budget more wisely, both in our authorizations and in our appropriations.

One of my constituents, Armin O. Grossmann, of Cambridge, Ill., stopped in my office recently to describe an assignment he had just completed in Honduras—one funded largely by AID—that is, I believe, somewhat remarkable. Since his experience may help us, as lawmakers, improve our legislative performance, I want to describe it for my colleagues.

Mr. Grossmann retired in December after 30 years as manager of Henry Service Co., a cooperative Henry County farmers own and use to buy $4 million worth of feed, fertilizer, petroleum products, chemicals, and other farm supplies each year for their own operations. This cooperative—and others like it in Iowa, Illinois, and Wisconsin—in turn own FS Services, a large wholesaling and manufacturing cooperative with headquarters at Bloomington.

Just before Mr. Grossman retired, a federation of farmers' cooperatives in Honduras asked Volunteer Development Corps, headquartered here in Washington, to send someone qualified to advise them on the feasibility of importing commercial fertilizer in bulk. Honduras produces no fertilizer. While a few large banana plantations on the Caribbean coast import bulk fertilizer, the fertilizer Honduras farmers use is imported in bags. The co-op federation felt farmers might reduce the cost of fertilizer if it were imported in bulk.

U.S. cooperatives created Volunteer Development Corps 2 years ago to provide short-term, volunteer, technical help to cooperatives in the developing countries at their request. These cooperatives provide part of VDC's funds. AID provides most of its funds under a grant. VDC asked Mr. Grossman to volunteer for this assignment, and he accepted.

Mr. Grossmann received no salary, fee, or honorarium for his services. With AID funds, VDC paid his travel, lodging, meals, and clothing care, and it also paid his wife's expenses. U.S. cooperatives covered some of VDC's administrative costs. The Honduras co-ops provided Mr. Grossmann's in-country travel, an interpreter, a place to work, and secretarial help. This was a genuine, joint undertaking.

After thorough investigation, Mr. Grossmann advised the Honduras co-ops not to undertake bulk importation of fertilizer at this time. They are not now distributing enough material, he explained, to make this feasible. This advice quite possibly enabled the cooperatives to avoid sinking as much as $250,000 in an an unwise venture.

Mr. Grossmann did not stop there. He gave these Honduras farmers a goal. He told them that when they are handling six times as much fertilizer as they handled last year, they ought to take another look at their proposal. It may then be feasible. He also urged them, meanwhile, to import and distribute bagged fertilizer under their own brand, rent a warehouse and trucks to distribute it, and thus become independent of other importers and distributors so that, when bulk importation becomes feasible, they will have built a sound operating base.

In several respects, this seems to me remarkable. First, it was Honduras farmers who triggered this undertaking. Not their government. Not the AID mission in Tegucigalpa. No one in the United States. This help, we can be sure, was really wanted.

Second, Mr. Grossmann advised these Honduras farmers not to move ahead now with their proposal. Sometimes, even when we think positively, we come up with a negative answer. Mr. Grossmann did. And "no" may be quite as important as "yes" in helping the people of lesser developed countries avoid mistakes while we help them help themselves.

Third, I am impressed with the variety of organizations that contributed resources to this undertaking. Mr. Grossmann, of course, volunteered his services. AID and U.S. cooperatives jointly finance the work of Volunteer Development Corps, which provided the Grossmann's travel to Honduras and expenses. And the co-op federation there provided various support services. It sounds to me, Mr. Speaker, as if this time U.S. taxpayers got their money's worth.

These three considerations—a genuine desire not for U.S. money but for U.S. assistance, genuine U.S. competence based on years of experience, and a pooling of United States and foreign resources—may help us distinguish between money wisely spent and money foolishly spent as each year we consider AID's budget. I want to commend my constituent, Mr. Grossmann, not only for helping the farmers of Honduras, but also perhaps for helping us here under the Capitol dome.

THE NATION DEEPLY MOURNS THE PASSING OF A GREAT AMERICAN, THE HONORABLE HARRY BURDETTE HAINES, 1882–1972

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ROE. Mr. Speaker, on March 30, 1972, a respectful silence fell upon the city of Paterson, the Eighth Congressional District, the State of New Jersey, and our United States of America with the shock and sadness of losing our most outstanding citizen, benefactor, news editor, publisher, and friend to all, the Honorable Harry Burdette Haines, who entered into eternal rest after a lifetime of dedicated eminent service to his fellow man. I ask my colleagues here in the Congress to join with me in tribute to all of his good works.

His most prestigious newspaper, the Paterson News, has eloquently provided the historic background of his life which has provided a quality of excellence that bespeaks a great era in our Nation's history in which Harry B. Haines has made a significant contribution that is forever etched in lasting memory in the hearts of all of us who have had the privilege and honor of knowing him. Mr. Speaker, I respectfully request permission to place his newspaper's statement of Friday, March 31 at this point in the record of Congress as follows:

HARRY B. HAINES DIES AT 89; NEWS PUBLISHER FOR 61 YEARS

Harry B. Haines, editor and publisher of The Paterson News for 61 years, died Thursday at Doctors Hospital, New York, following a brief illness. He was 89 years old.

Born Sept. 18, 1882 in his parents' apartment above the Altoona (Pa.) Morning Call, the newspaper published by his father, the late Edward B. Haines, he was brought at the age of two to Paterson. His father at that time founded The Morning Call which is now combined with The News.

Long known as a "crusading editor," Mr. Haines took over the reins of The News in 1911 following the death of his father. There were then four newspapers in Paterson, The Press and Guardian, which later combined, The Call, which at that time was independent and The News. The sole remaining paper is The News.

As a youth, Mr. Haines was one of the first automobile owners in New Jersey. He, along with the late Henry Ford, founder of the automobile dynasty, the late Guy Vaughan, former president of Curtiss-Wright Corporation, and many other pioneers participated in the "Glidden Tours." Among their achievements were the first trips by automobile from the East to the West Coasts of the United States and a tour through Cuba several years after the Spanish-American War.

An independent in politics, Mr. Haines was a friend of many outstanding public figures. Included among these were the late President Woodrow Wilson when he was governor of New Jersey. The News at that time had a large job plant and was official printer for the state. Also among his close friends was the late U.S. Senator Walter E. Edge, twice governor of New Jersey and ambassador to France, and the late Bernard Baruch, adviser to several presidents.

CHURCHILL TRIBUTE

One of the most singular honors conferred upon Mr. Haines was the recognition given him by Lady Clementine Churchill when she presented him with two copies of the 80th birthday tribute to Sir Winston Churchill a personal friend. Copy No. 11 was presented to the City of Paterson in Lady Churchill's behalf and Copy No. 9 was retained for Mr. Haines' own library. The presentation was made in appreciation of the tribute paid to the late Sir Winston at the time of his death by 16,000 Paterson school children under Mr. Haines' sponsorship. Impressed by the number of spontaneous letters sent to him by Paterson school children, asking whether they might do something to honor the great statesman, Mr. Haines offered to send the condolences of all the city's public, private and parochial school children to Lady Churchill in a bound volume. With the cooperation of the Board of Education and the school faculties, 16,000 letters were received. They were handsomely bound in leather with an introductory illuminated text by the master printers of St. Anthony's Guild.

Mr. Haines at one time was a vice president of the Sperry & Hutchinson Co. and The News in its job plant printed the S. & H. green trading stamps.

During World War I Mr. Haines held a commission as a captain in the U.S. Army. Later he was honored by being appointed an honorary lieutenant colonel by the New Jersey National Guard.

The New Jersey Partolmen's Benevolent Association for his efforts on behalf of the police presented him with a gold card, one of the few of this type presented by the organization.

When the depression of the '30s struck, Mr. Haines established The News Save-A-Home Fund which provided food and sustenance for more than 1,000 families until municipal relief was begun. For this effort he was cited in 1930 as outstanding citizen by Paterson's service clubs.

In 1952 he initiated a project to memorialize Christopher Columbus with the result that funds were raised to build the Columbus Memorial in Eastside Park. For this endeavor he was awarded Italy's highest decoration to a non-citizen, the "Star of Solidarity" in 1954.

EDITORIALS WON ACCLAIM

Twice honored by Freedoms Foundation for his editorials awakening a renewed appreciation for the American heritage, he also led a drive in 1957 to display the colors on patriotic holidays. This successful campaign brought him an award from the New Jersey Department, Jewish War Veterans, as New Jersey's outstanding citizen in 1957. The same year he was honored by the Paterson Dux Club as its "Man of the Year."

Numerous organizations conferred honorary membership status upon him including Paterson Rotary and Paterson Kiwanis clubs. He also held an honorary membership in the Knights of Columbus, in appreciation of his leadership in the campaign to erect a statue of Msgr. Anthony Stein in Sandy Hill Park as well as other Catholic causes.

Mr. Haines spearheaded a campaign to raise funds for an addition to Barnert Memorial Hospital and dedicated a special room in honor of his parents in St. Joseph's Hospital.

In the interest of human understanding he caused to be erected at City Hall Plaza statues of Nathan Barnert, Paterson's only Jewish mayor and outstanding philanthropist, and Dr. Andrew F. McBride, three-time mayor of Paterson, a Catholic physician beloved by all the people, to join the statue of Garret A. Hobart, a Protestant and vice president of the United States, thus representing the trinity of the faiths.

In 1958 he led a "Believe in America" campaign that won the support of 28 governors, the White House, three Cabinet members, leading members of the U.S. Senate and House of Representatives, national, state and local Chamber of Commerce heads as well as businessmen, editors, publishers and plain citizens.

In 1959 he was made an honorary member of the International Printing Pressmen and Assistants' Union and in 1963 he was honored as the founder of the Paterson Jaycees.

Among his achievements was the establishment of the Plaza of Memories in Eastside Park dedicated to his parents and the parents of all Patersonians. Mother's Day services are held there each year.

FORWARD PATERSON FOUNDER

Mr. Haines was a founder of Forward Paterson and led the fight to have the Great Falls of the Passaic River recognized and restored to its merited position as the birthplace of the city. This culminated in success when the U.S. Department of the Interior designated the Falls and adjacent industrial complex as a National Historic District. The Great Falls Park overlooking the Falls was dedicated last year.

Mr. Haines for a number of years was president of the daily newspaper division of the New Jersey Press Association. He held honorary membership in the New Jersey Patrolmen's Benevolent Association and the Firemen's Benevolent Association, the 29th Blue and Gray Association, Optimists' International, New Jersey Association of State Chiefs of Police and many other service, civic and veterans organizations.

He was a member of the American Society of Newspaper Editors, New Jersey Press Association, Passaic County Historical Society, Passaic County Grand Jurors' Association, the American Academy of Political and Social Sciences, Old Timers' Athletic Association, the Pica Club, Paterson Guam Club, Loyal Order of Moose, New York Athletic Club, the Lotus, Friars and Lambs Clubs of New York, the Columbia Yacht Club, Metropolitan Club, New York Advertising Club, North Jersey Country Club, Grand Street Boys of New York, Paterson Boys Club, the Police Athletic League of New York, the National Premium Advertising Association of which he was a past secretary and United Press International.

Mr. Haines was the son of the late Edward B. and Sarah Haines. He was predeceased by a sister, Esther. He is survived by his wife, the former Helene Brundage; a son, Edward; one grandson, Harry; a granddaughter, Mrs. Frank (Diane) Donato; a nephew and niece, Mr. and Mrs. Edsell Brundage, of Montville.

I am deeply saddened by the loss of a personal friend. Mr. Haines was a longstanding personal friend of the Roe family for generations. His love for the city of Paterson and his unselfish and never-ending labors for his beloved city are without parallel. He was a man of outstanding qualities and his contributions for Passaic County, N.J. and the Nation could fill volumes. His passing leaves a void which can never be filled. Of his life on earth, almost four score and 10 years, it can truly be said:

> Well done thou good and faithful servant . . . enter now into thy eternal rest.

The warmth of the friendship of Harry B. Haines to me and all of the members of my family throughout the years is a treasure of life that helps make living worthwhile—and I know that all of those who had the good fortune to be numbered amongst his friends share my high esteem and respect for the quality of the leadership of this outstanding individual of our times.

The richness of his wisdom as editor and publisher of the News and the compassion and benevolence of his helping hand to those in need have truly enriched our community, State, and Nation and will be sorely missed by all of us.

We trust that his family will soon find abiding comfort in the faith that God has given them and in the knowledge that the Honorable Harry Burdette Haines is now under His eternal care. May he rest in peace.

THE PLIGHT OF VETERANS IN FLORIDA

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. FREY. Mr. Speaker, veterans who have been disabled as a result of service in the Armed Forces deserve special recognition and gratitude. Although there is no way to fully compensate a man who has suffered irreparable physical or mental injury in his country's service, I feel we must at least provide basic health services and reasonable compensation for expenses incurred as a result of such injuries.

Since my congressional district includes a large number of veterans, I am acutely aware of their problems and health needs. There are, for instance, over 40,000 veterans in Brevard County alone. Moreover, there is every indication that the veteran population of this area will continue to grow. Patrick Air Force Base located in Brevard has brought many retired veterans from the military to the area. The aerospace industry has brought veterans and retired military personnel to the area because of the nature of their professional requirements. In addition, huge land development projects are attracting veterans to the area. General Development Corp. has about 5,500 people in its Port Malabar and St. John developments. About 70 percent of these families are headed by veterans. This company projects 3,500 homes per year in the next 3 years—and most of them will be occupied by retired military veterans. GAC, another large land development company, has recently started a mobile home community, and is encouraging retirees to settle there. In addition, all interested agencies within Brevard County, including the Brevard Economic Development Council, chambers of commerce, and other groups and financial institutions are advertising to military retirees to make Brevard County their home. The veteran population of the area can do nothing but expand. The same is true in my other three counties of Orange, Osceola, and Indian River.

As a result of this huge and rapid influx of veterans to my district, health care facilities have been unable to keep up with the rising demand for health services. Moreover, reduced compensation payments due to inflation together with gaps in programs compensating disabled veterans are compounding the situation.

Consequently, I am today introducing a package of four bills which, if enacted, would provide needed health services as well as increased compensation to meet more reasonably and adequately the needs of veterans residing in central Florida. And, by providing such, these measures would relieve civilian facilities of a considerable burden. Veterans funds used for military-connected injuries would be injected instead, in one form or another, into the local economy.

The most important of these measures would establish a 500-bed Veterans' Administration hospital in Brevard County.

Mr. Speaker, in the past, decisions to build VA hospitals have been based on such primary factors as veteran population concentration, demand, and the ability to recruit professional staff. Central Florida, and Brevard County in particular, qualify and need a VA hospital. As I mentioned earlier, there are over 40,000 veterans in Brevard alone, and several times that number in the neighboring counties of Seminole, Orange, Indian River, Osceola, St. Lucie, Martin, Okeechobee, most of Volusia, parts of Palm Beach, Highlands, Lake and Glade—the area such a hospital would serve. An estimated 15,000 veterans from Brevard County alone are currently receiving service from VA medical facilities. At present, they must travel a minimum distance of 161 miles to St. Petersburg, which is where the closest of Florida's four VA hospitals is located. If they choose, the veterans can travel 172 miles to the Miami hospital, 183 miles to the Gainesville hospital, or a comparable distance to a projected hospital in Tampa.

In addition to the large concentration of veterans, and the long distances to the nearest VA facilities, there is the question of treatment availability. Area veterans who need emergency treatment, or who have a service-connected disability are sometimes able to use the 75-bed Patrick Air Force Base Hospital. However, veterans who need nonemergency treatment generally are turned away, and must go to one of the more distant VA hospitals. At present, there is a waiting list of more than 500 for Gainesville's 450-bed VA hospital. There is a waiting list of over 300 for the Bay Pines VA hospital in St. Petersburg.

The Brevard area offers large numbers of qualified medical personnel who would be able to assist veterans in a new VA hospital. Besides Patrick AFB Hospital, there are four existing civilian hospitals and five nursing homes in Brevard itself. A current census of medical doctors in the county totals 166, working in almost all specialties, and also 938 active registered nurses. The county has a mental health clinic recognized as one of the best in the State.

In the past it has been argued that VA hospitals should be located near medical training institutes. There are already 168 VA hospitals in the Nation and only 97 medical training institutes. In view of the qualified area personnel to assist veterans, it is obvious that a medical training institute as a construction requirement is not mandatory here.

Brevard is accessible to the surrounding counties. It is served by an excellent highway network and is in an air center served by excellent interstate and intrastate air transportation facilities.

There are at least five sites in the area which are available for a new VA hospital at no cost to the Government. These offers come from agencies and individuals who feel that there is a distinct need for a VA facility in the Brevard area.

The Veterans' Administration and the Office of Management and Budget in the 91st Congress opposed legislation for this new VA hospital on budgetary grounds. Hopefully, with increased funding for VA facilities, they will reverse themselves. Inflation should not be used as an excuse for denying our veterans the level of service and benefits which they deserve and require.

Two of the three other bills I introduce today would increase the benefits for veterans, which have been reduced because of inflation. Presently, an estimated 123,000 veterans must subsist on an allowance of $25 per month for a 10 percent disability to $450 per month for a total disability.

Legislation I introduce today would provide an immediate increase of 10 percent in monthly compensation payments to our disabled veterans. This increase would take into account both the loss in purchasing value since July 1970 and the estimated additional loss which will occur before the next review of the disability compensation program.

There is an especially urgent case for increasing the $47 monthly award for anatomical loss. This amount was established in 1952, 20 years ago, and numerous attempts to introduce legislation to correct the situation have failed. Meanwhile the severely or totally disabled war veteran suffers a particularly high loss in both economic and noneconomic terms for his service to his country. His present earnings are inadequate. Available statistical data show that the 1971 average earnings for production workers in private manufacturing industries were $7,809, while the compensation for the severely disabled, unemployed war veteran is $5,400 per year.

The final bill which I propose today would assist veterans with a permanent and total service-connected disability due to the loss of the use of one upper and one lower extremity, to acquire specially adapted housing. This is an expense which these veterans cannot afford, and it should be borne by those whom they defended.

In summary, Mr. Speaker, if these bills should receive favorable consideration, the many disabled veterans in central Florida would have adequate health facilities available, and benefits to meet their expenses.

INHERITING THE WORLD—A FORUM FOR CHILDREN

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BINGHAM. Mr. Speaker, children's publisher, Russell Dodworth has made a considerable contribution toward bridging the gap between rich and poor, young and old, black and white by creating a forum in which young people—principally between the ages of 9 and 16—can express their views on the significant issues of today through his "Inheriting the World" columns in the New York Voice.

Dodworth's newspaper column invites the young people to write "stories" on drugs, ecology, war, racism, life styles and politics with messages of social reform and community improvement. The articles always close with a new idea or solution.

In the first edition of the "Inheriting the World" column in the New York Voice, a 9-year-old boy, John McCormick, reports on "Child Discrimination" when he and his young friend are not treated democratically and overpassed by adult customers at the pizza parlor; Tom Maxwell, age 12, wishes "peace instead of piece" for the New Year; Robert Whitey, age 10, enjoys his experience in scouting but wants to see more room for black fathers on the executive council of the Boy Scouts so "all can benefit from the practical knowledge and experience of ordinary working people and be useful to his fellow scouts"; Sally Jenkins, age 11, "believes in equal pay and job opportunities for women but stops at 'Dutch

Treat'" and says "why go dutch when you do not have to?"; Kim Wha Young, age 16, proposes the idea of a new job on the President's Cabinet, "Secretary of Pensions to protect and prevent foolish and mainly selfish investments by funds of labor unions and insurance companies."

Andrea Wolkenberg, age 14, feels that there should be a new respect and regard for people who work with their hands; and Hunt Richardson, age 13, who is optimistic about world peace with more standardization, that is, system of world currency, weight, and measure.

Russell "Rusty" Dodworth has launched a successor to his continuing concept of having the children write about the world the way they, themselves, see it: the "Overground Press" magazine.

Dodworth and his associates are aware that these young children are the new crop of leadership for the future.

I would like to share now some of the articles that have appeared in Mr. Dodworth's newspaper column since the inception of Inheriting the World in the New York Voice on October 1, 1971. The articles follow:

INHERITING THE WORLD

(By Russell Dodworth)

THE YOUNGER GENERATION SPEAKS ITS MIND

Since we first announced the coming of the "Inheriting the World" column, material has been flowing in and the topics have proved to be most interesting. The New York Voice and I have discovered that there's a segment of the population (the nine to sixteen group), unexplored for their ideas. There's plenty more ore in the mine; the minds of younger people, heretofore voiceless in city newspapers.

Now that the voting age is down to eighteen, younger people will sooner have an important touch of control and more rapidly, qualify for leadership in the world that they know (in youth's less biased conscience) is not entirely right. The best way to alter, or have a course change, in our attitude, is to air our thoughts. Beginning from there, come creative ideas and a few "answers", possibly.

Publishing the thoughts and opinions of "Inheriting the World", in the New York Voice, will also give parents, who may just happen to be glancing, a few ways to relate to their own kids and, as need be, understand "where they're at?"

JOHN M'CORMICK, AGE 9

CHILD DISCRIMINATION

Once, I went to a pizza parlor with my friend, Robert, and we went up and ordered one large pizza. They made one large pizza and cut it up into pieces and they sold it to people who only wanted one slice.

We waited fifteen minutes and they made another pizza and gave it to people who were only buying one slice.

Then, a lady came and she ordered a large pizza and they gave it to her. The pizza parlor started working on another pizza and the lady heard us talking.

Robert and I were talking about the situation. She (the lady) went up to the cook and said, "How come I got my pizza before they did?" The guy mumbled and said, "theirs is cooking".

Then, the pizza was done and he gave it to us and we walked home with it.

What I Think About What Happened: I thought the cook was not paying attention to us because we were children. I also think that, if the lady did not say anything, we would not have gotten it!

ANDREA WOLKENBERG, 14, ON SKILLED WORKERS

Skilled workers, such as watchmakers, shoemakers, metal workers and piano tuners, etc., are becoming more and more difficult to find. This is due, mainly, to social prejudice because parents want their children to become doctors, lawyers, and businessmen, plus go into fields associated with brains and money.

For instance, the Sanitary Engineer (garbage collector) is discriminated against because his job involves handling garbage, which the people, themselves, make. He also makes good money and just imagine where we would be without him. The streets would be covered with garbage, smelling like hell, as was proved when the sanitation department went on strike.

Skilled workers are being killed off by technology. Machines are replacing them and usually don't do as good a job. I believe, if we make more of a demand for handmade goods, which are, indeed, finer, more skilled workers will appear.

MS. SALLY JENKINS, AGE 11

"WOMAN'S RIGHTS"

My opinion of woman's rights is that woman should have equal pay, equal job opportunities and be able to do anything they want. My main opinion is that the "liberation movement" is going too far. Some women (ladies) won't let a man open a door for them and they even let the man step out of the elevator first. That, I think, is ridiculous. Women are given all the advantages but some of them don't realize it! A group of my fellow females think that if a man pays for her dinner, he is discriminating against her; some ladies insist on going "Dutch Treat." That doesn't really matter to me but why go Dutch Treat when you don't have to?

TOM MAXWELL, AGE 12

On peace, I like to say: "let us have it!" For the New Year coming up, I sincerely want to have "peace" and not "piece".

This country has been undergoing a lot of change and I'm hopeful that she will not crack at her seams.

In the true revolutionary spirit that we once had almost 200 years ago, I depend on seeing New Sincerity for the rights of other individuals.

Let every adult or boy and girl see "where it's at" because we all have to live together.

HUNT RICHARDSON, AGE 13

WORLD COOPERATION

Nixon's trip to China has benefited the U.S. and China in many ways. There is one obvious way it has benefited the two countries which is an improved diplomatic relation. There are many other benefits but my main point is, could this lead to total and united cooperation with the Chinese if trips like this one were to be continued? Also, could it be a factor for world cooperation? I believe so. Perhaps in a couple of decades, we might all have only one system of currency, weight and measure. Using the metric system, for instance.

Who knows?, maybe this wonderful world cooperation thing could happen in five years.

I am for peace in this world just as much as anyone. Probably the best way to have peace, world peace, that is, is to have total world cooperation. So let's have more of these diplomatic trips.

ROBERT WHITEY, AGE 10

SCOUT POUT

It takes a certain amount of courage to wear a scout uniform these days. Other kids, who usually have nothing else to do, tease and make fun of our traditional "good guy" uniform. This is what I want and enjoy doing and the others wouldn't be on the outside long, if they knew the kind of fun I have.

Perhaps half the trouble is that there isn't enough future for a black father in Scouting. The Boy Scout Council, on the level important enough to take a full-time salary paid job is full of rich men who enjoy getting together. They have a real good time talking about brotherhood and these folks ask each other for donations. The important thing is that these men do not benefit from knowing other men with less education and lower income simply because they discriminate by making their requirements so high. I think the practical knowledge and experience that ordinary working people have can be useful to my fellow scouts. I guess it's hard to fight an exclusive club and then Rockefeller probably wouldn't leave a big tip at lunch.

RIGHT-TO-WORK LAW FAVORED BY WIDE MARGIN

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ARCHER. Mr. Speaker, I would like to call to the attention of my colleagues a column by Ray McHugh, Washington Bureau Chief, Copley News Service, that appeared in the San Diego Union on March 30, 1972.

In his column, Mr. McHugh notes that a poll conducted by the National Federation of Independent Business shows 93 percent of the organization's 295,000 members favor enactment of H.R. 11827, a bill introduced by Congressman SAM STEIGER, myself, and 17 other cosponsors that would ban compulsory unionism.

According to McHugh, the federation reports that:

> This is the largest majority recorded on any question in recent years. . . . No state registers less than 91 per cent support.

The complete text of the column follows:

RIGHT TO WORK PLAN SUPPORTED

(By Ray McHugh)

WASHINGTON.—A nationwide small business organization numbering almost 300,000 members is supporting proposed right to work legislation.

A bill by Rep. Sam Steiger, R-Ariz., would repeal clauses in the Nation Labor Relations Act and the Railway Act that give federal approval to compulsory union membership.

The National Right to Work Committee has urged President Nixon to throw the full weight of the administration behind efforts to hold hearings on Steiger's bill. The committee cited the AFL–CIO walkout from the President's wage control board as an example of "excessive union monopoly." It also is fighting Democrat-sponsored legislation that would establish collective bargaining procedures and authorize compulsory unionism for state and municipal employes.

The committee has won support from the National Federation of Independent Business. A poll of the federation's 295,000 members shows 93 per cent in favor of the Steiger bill, only 5 per cent opposed.

"This is the largest majority recorded on any question in recent years," reports the federation which regularly polls its membership on national policy issues. ". . . No state registers less than 91 per cent support."

BUSINESS VIEW

Many businessmen see compulsory unionism as the basis of union power which they feel has grown out of proportion and contributed to the "dictatorial" position of some union leaders, the federation says.

"Let the unions make their membership desired by workers," comments an Arkansas funeral director.

"Compulsory unionism is clearly not working for the benefit of members or the economic benefit of our country," wrote the owner of a Dallas manufacturing firm.

DENIES HARM

An Iowa business owner observes: "Iowa is a right-to-work state and this has not hurt the workers in any way. The good unions who are truly serving their members still get very high percentages of workers to join . . . but if the union fails in its purpose, the members get a chance to withdraw their support."

While outlawing the closed shop which enforced a "hire union members only" policy, the Taft-Hartley Act of 1947 left the question of union shops (requiring union membership soon after hiring) to the states. Nineteen state legislatures have banned the union shop with right-to-work laws.

The 19 states have reported greater industrial growth in recent years than the other 31 states combined.

To men close to the labor and right-to-work movements only the overwhelming margin of the federation's poll is suprising. Surveys have demonstrated consistently public opposition to compulsory unionism.

A poll taken for the National Right to Work Committee by the Opinion Research Corp., Princeton, N.J., last year showed a national right-to-work law was favored by a 2–1 margin.

SURVEY RESULT

One of the earliest polls on the subject was taken by the American Institute of Public Opinion in 1957. It asked respondents if they would vote for a law stipulating that each worker had a right to hold his job, whether or not he joined a union. Sixty-three per cent said "Yes," including 33 percent of the union members polled.

A 1966 nationwide survey indicated a 63–25 margin in favor of a federal law making all union membership voluntary rather compulsory.

AFL–CIO President George Meany allegedly has suppressed a John E. Kraft poll of union members that the AFL–CIO paid for. The Right to Work committee claims that poll shows union members disagree with Meany's wage-price stand and reflects deep misgivings about the AFL–CIO positions on political, social and economic matters.

HON. F. BRADFORD MORSE

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. ZABLOCKI. Mr. Speaker, I want to join with my colleagues in extending best wishes to the Honorable F. BRADFORD MORSE upon his appointment as Deputy Secretary General of the United Nations.

As a member of the Committee on Foreign Affairs, on which he also serves, I have had the opportunity to work with BRAD for many years. He has made a very important contribution to the shaping of our foreign policy undertakings. He has been imaginative and openminded in his approach to the problems which have confronted our committee, the Congress, and our Nation over the years. And he has persevered in working for the principles which he has considered important to the development of a more stable, more peaceful, and more just world community.

We have not, of course, agreed on all of the issues which have been considered by our committee. This is only natural. I must say, however, that at all times I have found BRAD sincere, thoughtful, and very articulate in presenting his position and diligent in the discharge of his responsibilities.

I know that the cause of peace and international understanding is very close to BRAD's heart and I am confident that his new assignment will afford him ample opportunity to employ his considerable talents in supporting that cause.

We will miss BRAD MORSE in these halls. He has been a good friend and a valuable Member of the Congress. Our loss, however, will be the United Nation's gain.

My sincere congratulations, BRAD, and very best wishes for satisfaction and success in your new assignment. I hope that our paths will continue to cross for many years to come.

THIRTEENTH NATIONAL POLICY CONFERENCE OF THE AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. VANIK. Mr. Speaker, today, hundreds of my colleagues in the House and Senate joined hundreds of delegates at a luncheon in the Rayburn Building sponsored by the American Israel Public Affairs Committee currently conducting their 13th National Policy Conference to celebrate the 24th anniversary of the State of Israel and to honor the distinguished Israeli Ambassador to the United States, Lt. Gen. Yitzhak Rabin.

A series of speeches were delivered from a distinguished list of leaders of the House and the Senate, including the Speaker, Mr. ALBERT, the minority leader, Mr. FORD, the chairman of the House Committee on Foreign Affairs, Mr. MORGAN and Senators JAVITS and GRIFFIN.

Special tribute was paid to the group and its work by the dean of the House of Representatives Mr. CELLER.

Two speeches were of particular importance. The first was by Irving Kane who is the president of AIPAC and is a resident of my congressional district. The second statement was delivered by the Ambassador Rabin. The Ambassador enumerated the difficulties faced during the past year by Israel and recounted for the delegates the great assistance voted by the Congress to provide solutions to Israel's problems. General Rabin clearly noted the great help provided by the President as well.

At this point I would like to insert a copy of Mr. Kane's remarks followed by a copy of the complete schedule for this important AIPAC conference in Washington. This important statement clearly outlines the challenges of the past year for Israel and those which lie ahead. The work of AIPAC in its earnest quest for an enduring and lasting peace for Israel and her neighbors is a great tribute to Mr. Kane and to I. L. Kenen, the executive vice president of AIPAC. Mr. Kane's statement is as follows:

STATEMENT BY IRVING KANE

This function is a major part of the Annual Conference of AIPAC. We meet each year in Washington to consider how we can best serve the cause of American-Israel friendship—how we can deepen their mutual commitment—how we can help to achieve an Arab-Israel peace.

And so it is appropriate that we take counsel with our Congressmen—today, as we shall tomorrow with the Department of State.

As you know, AIPAC is a non-partisan organization. We have always appealed to and won support from both sides of the aisle.

We and our predecessors have brought our story to the national political conventions since 1944, when both parties came out for restoration of the Jewish Commonwealth.

This year we shall again present our views to the Platform Committee of both conventions in the hope that we may again win bipartisan reaffirmation of American interest and support for Israel. We urge you who will be participating in these conventions, to help us achieve this objective.

Much has happened in the 12 months since we last met. Much of it has happened as a result of the initiative of the Congress, and we who are concerned about the survival and peace of Israel, offer you our thanks.

At this luncheon last year our Committee appealed to our Government to take measures to strengthen Israel's economy and defenses. Since then the Congress has taken the initiative and included a supporting assistance grant in the Foreign Aid bill, the first such grant to Israel since 1959. In addition, Congress approved military credits, to enable Israel to acquire the weapons she must have, to deter further aggression against her.

Late last year, there was a renewed demonstration of support by the Congress, when 78 members of the Senate and 257 members of the House sponsored resolutions urging the United States, "without further delay," to take affirmative action on Israel's request for Phantom planes, and to provide such supporting equipment and assistance as are essential to maintain Israel's deterrent capability. That resolution also reaffirmed "the importance of secure and defensible borders as a vital element in a peace settlement to be negotiated by the parties themselves."

By this action, the Congress was informing the Administration that the people of our country are committed to Israel's survival. And equally important, the message was being conveyed to the Arab states and to the Soviet Union.

We have seen a convergence of American and Israeli interests in the Near East. United States recognition of Israel's economic and military needs is a manifestation of the closer relations that have developed since we last met. The Administration has responded vigorously in support of Israel.

There is now a far better understanding of America's interests and responsibilities in the Near East and we warmly commend the Administration for its much firmer commitment.

This year, we again urge you to give sympathetic consideration to Israel's needs for military credits and a supporting assistance grant. The Soviets, who have already provided Egypt and other Arab states with military equipment to the tune of many billions of dollars (some say over five billion), continue to provide them with sophisticated weapons, and at the rate, according to one estimate, of $5 million per day.

Some 20,000 Russian personnel are now stationed in Egypt—a sinister threat to Israel. There should be no diminution or relaxation in our support or in our vigilance.

For their part, the Israelis themselves have shouldered the major burdens of defense. They do not ask for our soldiers. They are prepared to defend themselves and are paying a huge price. They have gone deeply into debt.

And now there is a new and moving chapter in Israel's history. Since she was established, Israel has opened her doors and given sanctuary to every Jew in search of home and freedom. Now suddenly, for whatever reasons, Russian Jews are allowed to make their way to Israel. But their absorption constitutes a new challenge to the Israelis. Many of you in the Senate and House have sponsored the pending legislation to assist Israel to discharge this enormous responsibility.

We are pleased to note that recently the Senate Foreign Relations Committee voted to include in the authorization for the Department of State the sum of $85 million for this purpose. We are hopeful that this legislation will win final approval.

We appeal to you for your support of this humanitarian undertaking. You have—so many times in the past—reaffirmed the close ties of friendship between the U.S. and Israel. We trust that you will continue to do so, in the still perilous times ahead.

PROGRAM: AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE, 13TH NATIONAL POLICY CONFERENCE

WEDNESDAY, APRIL 19

8:30 A.M., registration, Lobby, Shoreham Hotel.

10:00 A.M., opening of conference, Palladian Room, Shoreham, Hotel.

Rabbi Eugene Lipman, Co-Chairman, Washington Committee, AIPAC.

Briefing, Isaiah L. Kenen.

Submission of Policy Statement.

Discussion.

(Buses will leave Shoreham Hotel at 11:30 A.M.)

12:15 P.M., luncheon, Room B-339, Rayburn Building, Capitol Hill.

Presiding, Irving Kane, Chairman, AIPAC.

Ambassador of Israel, Lt. General Yitzhak Rabin.

Rep. Carl Albert, Speaker of the House.

Rep. Hale Boggs, Majority Floor Leader of the House.

Rep. Gerald Ford, Minority Floor Leader of the House.

Sen. Robert P. Griffin, Assistant Minority Floor Leader of the Senate.

Rep. Thomas E. Morgan, Chairman, House Committee on Foreign Affairs.

(Buses will leave Rayburn Building at South Capitol Street entrance at 2:00 P.M.)

2:15 P.M., symposium, Palladian Room, Shoreham Hotel.

Presiding, Albert E. Arent, President National Jewish Community Relations Advisory Council.

"The Image of Israel," Zvi Brosh, Israel's Minister of Information.

Discussants:

Dr. Isaac Franck, Executive Vice President, Jewish Community Council of Greater Washington.

Milton Viorst, columnist.

Discussion from the floor.

(Buses will leave Shoreham Hotel for Kennedy Center at 4:30 P.M. & 5:30 P.M.)

Please see your invitation for time.

5:00-6:00 P.M. and 6:00-7:00 P.M., reception, The John F. Kennedy Center Concert Lounge (adjoining Concert Hall).

Tendered by the Ambassador of Israel and Mrs. Rabin.

(Because space is limited, this event must be held in two sessions. Please see your invitation for time.)

8:30 P.M., public meeting, Palladian Room, Shoreham Hotel.

"Israel on the World Scene."

Presiding, Rabbi Philip S. Bernstein, Honorary Chairman, AIPAC.

Dr. Hans J. Morgenthau, Professor Emeritus, University of Chicago.

Mrs. Rita Hauser, former U.S. Ambassador to the United Nations Human Rights Commission.

Ambassador of Israel, Lt. General Yitzhak Rabin.

THURSDAY, APRIL 20

8:00 A.M., buffet breakfast, Forum Room, Shoreham Hotel.

9:00 A.M., executive session, Forum Room, Shoreham Hotel.

Presiding, Mrs. Max Schenk, President, Hadassah.

Briefing, "Background from Cairo".

Donald Bergus, United States Principal Officer, United States Interests Section, Cairo, 1967-1972.

Questions from the floor.

(Buses will leave from Shoreham Hotel for Capitol Hill at 10:30 A.M.)

11:00 A.M., appointment on Capitol Hill. Delegates may have lunch in cafeterias in Senate and House Office Building.

(Buses will leave Capitol Hill for the Department of State at 1:30 P.M.; from the Rayburn Building on South Capitol Street; from the Senate Office Building at First and Constitution Avenue; and from the Shoreham.)

2:00 P.M., briefing, International Conference Room, Department of State.

Assistant Secretary of State Joseph J. Sisco.

Questions from the floor.

(Buses will leave from the State Department to the Shoreham and Sheraton Park Hotels.)

(Buses will leave from the Sheraton Park and Shoreham Hotels for the Statler Hilton Hotel at 5:45 P.M.)

6:00 P.M., reception, Federal and South American Rooms, Statler Hilton Hotel.

7:00 P.M., dinner, Presidential Ballroom—Statler Hilton Hotel.

Presiding, Irving Kane.

The Foreign Minister of Israel Abba Eban.

Isaiah L. Kenen.

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STRUGGLE FOR SUPREMACY IN THE MEDITERRANEAN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. DERWINSKI. Mr. Speaker, too often, in our review of international developments, we have been so long concerned with complications in the Mediterranean that the overall significance of that area is not quite appreciated. I felt, therefore, that the article by Harry Homewood in the Suburbanite Economist of April 12, was a very profound commentary with timely historic references and that it was a true public-service article reminding his readers of the strategic significance of the Mediterranean Sea.

The article follows:

HARRY HOMEWOOD COMMENTS

The Mediterranean has been a focal point of power down through history. Control over that body of water meant dominance over much of the land against which its seas washed. The picture is not so very different today. The sea where the galleys of the Barbary pirate Barbarossa ranged and fought bitterly with Admiral Andrea Doria is still an area of contention. But where once the struggle was resolved by the boarding pike now politics and economics are the weapons.

The recent crisis of Malta is an example of the continuing struggle for supremacy of the Mediterranean. Malta, an island, sits in the channel that connects the east and west basins of the Mediterranean. Britain has been paying the government of Malta $10,000,000 a year to use its harbors for British naval vessels and to maintain military and air bases on the island.

Dom Mintoff, the premier of Malta, demanded an annual rental fee of $45,000,000—or he said he would kick the British out and invite the Soviet Union in to use Malta as a Mediterranean base. After much agonizing Britain agreed to pay Malta $13,000,000 a year and the nations of the North Atlantic Treaty Organization will pay Malta an additional $22,500,000 a year.

That isn't as much as Premier Dom Mintoff wanted, but the Maltese leader had an ace or two up his sleeve. Prior to the new agreement with Britain, Premier Mintoff had given the Soviet Union the right to use Malta's shipyards and harbors for refueling and repairs. He had, as well, given the Arab nations of the Middle East the right to establish military missions in Malta. And then, just to keep everything in balance, Dom Mintoff flew off to Peking to solicit economic aid from the Chinese, who, in all probability, will demand the right to establish at least a legation in Malta from which they can keep an eye on the Middle East—and the Soviet Union's naval fleet. There is much to look at in that direction; the Soviets have as many warships in the Mediterranean as the United States.

There isn't any doubt that the struggle for supremacy in the Mediterranean will go on for a long time. Premier Dom Mintoff may hold the keys to that struggle. The new agreement that allows Britain and the NATO forces (with the exception of the United States) to use Malta as a military base is only temporary. Premier Mintoff may demand even more money as annual rental next year. And the odds are that he will get it because no major sea power will be the first to give up its hold in the Mediterranean—a sea that has seen its waters incarnadined for centuries past and whose bottom holds the hulks of scores of warships sunk in battle.

EXPLOITING WASHINGTON PUPILS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. McCLORY. Mr. Speaker, one of the most objectionable trends which has occurred in recent years is the use of our public schools as testing grounds or stages for exploiting social and political schemes and issues. It is my considered belief that schools should be used essentially for the education of schoolchildren and not as forums for advancing social or political ends, no matter how lofty or idealistic the goals might seem to be to the promoters.

A flagrant abuse of the public schools was evidenced recently in the Nation's Capital, when the partisan promoters of an attack against President Nixon organized and carried out a reprehensible "Children's March for Survival." The schemes and devices which were employed, and the cheap political exploitation of innocent children which was practiced should bring public and official rebuke to those misguided and misinformed individuals and groups who perpetrated this spectacle.

A most perceptive article on this subject appeared in a recent—April 6, 1972—article in the Chicago Tribune by Nick Thimmesch, entitled "Exploiting Washington Pupils."

I am pleased to include this article, which I am attaching to these remarks.

EXPLOITING WASHINGTON PUPILS

(By Nick Thimmesch)

WASHINGTON.—The White House still fumes over last week's "Children's March for Survival," wherein some 10,000 Washington school children were mustered to protest government welfare programs, particularly President Nixon's proposed family assistance plan.

The spectacle of small children, recruited by the District of Columbia School Board, superintendent of schools and teachers, chanting "Nixon doesn't care" and carrying crude anti-Nixon signs, was galling to the President's men, who already take all manner of guff from the Republican right wing over Nixon's welfare reform proposals.

The march drew 20,000 folk, including a dreary array of elitist activists who plain hate Nixon; black "names" like Mrs. Martin Luther King who is trundled out for every last stunt; and Presidential aspirant Eugene McCarthy, now a sad and coldly desperate figure.

AND NO POINTS

The upshot was 1,000 children got lost and were found crying in a mess of chicken bones, garbage, and discarded bagfuls of bread; fierce denunciation in the press and in Congress for exploitation of children; and no apparent points scored at the congressional power center.

The demonstration won its key blessing with an endorsement at a March 1 meeting of the D.C. School Board [interrupted by a bomb threat] which listened to the persuasions of George Wiley, executive director of the National Welfare Rights Organization.

Then Supt. Hugh J. Scott ordered all school principals to distribute literature promoting the march, and also urged them to hold assemblies and focus on the march. One cartooned leaflet distributed in the schools showed Nixon scowling down on two children and was captioned: "Peace, not war . . . Nixon doesn't care." The children were promised puppets, an art fair, balloons, and other entertainment. Anti-Nixon day would be fun.

Supt. Scott refused to criticize or withdraw the offensive leaflet. People were suddenly outraged.

School board member Bardyl R. Tirana, absent when the resolution passed, criticized the board and Scott's instant blind support, noted the irony of the board and Nixon agreeing on the notion that no welfare mother should be required to register for work and training until after her youngest child reaches the age of 6.

Indeed, Wiley's organization and other critics of the proposed Family Assistance Plan fear government control of children, and also charge that the Nixon program is inadequately funded. But Nixon's statements and veto of the child day-care bill go heavy on the notion of favoring family, rather than government, control of children. Moreover, the administration argues it's better to get some sort of welfare reform passed now, just to get it started, because the nation is fed up with the failure of the welfare system.

Above all, tho, this march, as dissenting board member Albert A. Rosenfield says, "is a sinful use of children for political exploitation." The complexities of welfare reform are too much for most adults and many congressmen to understand, much less school children.

LESSON IN HATE

What the children might have derived from this march was a lesson in hate of their government and their President.

One consequence is that the House subcommittee on District of Columbia appropriations might be of a mind to include an amendment in its upcoming bill which would prohibit the use of federal funds by D.C. school administrators or teachers for any partisan political activities. Another is a reinforcement of the conviction of many congressmen that home rule for the District of Columbia would turn out to be a painful, expensive folly.

INNOCENT BUSINESSES SUFFER INDICTMENT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. NELSEN. Mr. Speaker, there is much political discussion these days about various tax inequities and loopholes which permit the wealthy to escape their proper tax obligations. However, many of us fear that far too wide a brush is being used to paint the picture with the result that the innocent are being indicted along with the few who may be guilty.

The political accusations being tossed around so freely have quite naturally created concern within the business community. This fact is evidenced by a letter I have received from Mr. Harry Heltzer, chairman of the board of the 3M Co. based in St. Paul, Minn.

Mr. Heltzer points out that in the period 1965 through 1971, his company alone has paid over $1 billion in Federal, State, and local taxes in the United States, an amount representing over 51 percent of the company's U.S. book income. It is, therefore, a much more sizable proportionate tax contribution than that paid by most individual taxpayers.

We should remind ourselves that business big and small is the mainspring of our private enterprise system. Its contributions through jobs and taxes have given the American people the highest standard of living of any people on earth. We must not let this superlative living standard be jeopardized by the victimization of innocent businesses.

I insert in the CONGRESSIONAL RECORD the complete text of Mr. Heltzer's letter at this point in my remarks, and I hope that its contents will help to offset the damage being done by those more interested in their personal political future than in the truth:

3M Co.,
St. Paul, Minn., April 12, 1972.

Hon. ANCHER NELSEN,
Rayburn House Office Building,
Washington, D.C.

DEAR ANCHER: In recent weeks, through a few widely reported news items, U.S. corporations have been cited as allegedly paying zero federal income taxes in 1971. I am not familiar with the circumstances surrounding the cases in question. However, it would be unfortunate if the public is misled by generalizations in the news media suggesting that U.S. corporations are avoiding their tax obligations. I am sure you recognize that the overwhelming majority of corporations, including 3M, have paid substantial taxes over many years.

You may be interested in knowing that in the period 1965 through 1971, the 3M Company has paid over $1 billion in federal, state and local taxes in the United States. This amount represents over 51 percent of our U.S. book income.

In 1971, 3M's total U.S. tax payments exceeded $151 million and in 1970, $146.5 million, and continue to represent more than 50 percent of our U.S. income. As noted above, these amounts include federal and state taxes, as well as substantial amounts paid to the many local communities in which our facilities are located.

I hope this information proves useful to you as I'm sure you share my concern that any future tax legislation consider fully the substantial tax burden presently borne by the large majority of corporations, including 3M Company.

Sincerely,

HARRY.

HON. F. BRADFORD MORSE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. DERWINSKI. Mr. Speaker, I am very pleased to join in the tribute which so many Members of the House have payed to our respected colleague F. BRADFORD MORSE of Massachusetts.

Having served for many years with BRAD on the House Foreign Affairs Committee and on numerous meetings of the Interparliamentary Union, where he served effectively as one of the U.S. delegates, I can attest to his foreign policy expertise. He is eminently well qualified to serve in his new position as United Nations Under Secretary General for Political and General Assembly Affairs.

BRAD is also a great individual. He is sincere, dedicated, and energetic, and, throughout his public career, he has exemplified the type of service which the public and his constituents expect in an elected official. Mr. Speaker, I have no doubt that, with his energy, talents, and, above all, thorough knowledge of world affairs, BRAD MORSE will be not only a credit to the United States in his new position at the U.N., but will also serve the world organization at a time when a resurgence of effectiveness is necessary in that organization.

I join the Members of the House who wish BRAD well in his assignment, and I am looking forward to continuing our friendship since the support of U.N. programs depends so much on the support of our Government and the Congress.

ISRAEL AT 24

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RODINO. Mr. Speaker, how does a nation feel upon reaching the age of 24? In what manner does she view the world and in which position does she best perceive her own place and recognize her responsibility in meeting the challenges and reaching the hopes which lie in so many of our hearts? At 24, a nation has had time to learn, to grow, to develop a foundation of knowledge and insight, to act with sound judgment, and to think and evaluate with the quiet guidance of experience and understanding. These 24 years have brought with them significant pride in past achievements; Israel possesses the ability to stand firmly on her own feet and to perceive clearly what she wants and needs.

In 1948, Israel was established to provide a safe and secure home for the thousands of Jewish immigrants who sought refuge in her land. From its inception, therefore, she has been a nation ready to give strength, pride, employment, education, and an answer to the hopes of all those who sought a homeland and of all those who depended on her for their very survival. As chairman of the House Subcommittee on Immigration and Nationality and as chairman, this year, of the annual Intergovernmental Committee on European Migration, I well understand the important place this nation holds in the hearts of those who have been uprooted throughout the world.

Israel has progressed at so rapid and surprising a pace, from constructing highways to Sharamelsheik, to building homes where marshland had formerly flourished, to creating expansive and well-respected universities, to forming cultural centers and a symphony orchestra esteemed and recognized throughout the world. We cannot forget, however, that the country is faced with complexities and difficulties; this would be true of any nation which has taken such giant steps in growth, in the absorption of immigrants, and in development. The problems within are augmented, as we well know, by threats, fears, hostilities, and continued dangers from without. The country still mourns the death and destruction of its youth, with each son who goes to the Sinai and with each victim of cruel sniper fire.

Combined with an outlook and an approach implanted with realism, pragmatism, and with the continual fight for survival, at 24, Israel is a nation filled with the excitement, the vigor, and the idealism to look forward confidently to building a future of positive goals and of very special dreams.

Israel is 24 years old today. As she continues to move forward, those of us who share her dream for peace and progress reaffirm our belief and trust in the principles for which she stands.

SLAUGHTERHOUSE SIX

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. FRASER. Mr. Speaker, Anthony Lewis, New York Times correspondent in London, has again placed American bombing of North Vietnam in perspective. His commentary will not make any American very comfortable, but this is not a time for complacency. He says:

> For the truth is now impossible to escape if we open our eyes: The United States is the most dangerous and destructive power in the world. And its political leadership seems virtually immune to persuasion by reason and experience.

This is strong language but who, having experienced the last 7 years of Vietnam war debate, can deny Mr. Lewis' observations.

And the fear expressed recently in the Financial Times of London by Theo Sommer, deputy editor of Die Zeit, and repeated by Mr. Lewis, I also heard expressed during recent visits to Europe: continuation of the Vietnam war may lead to a revulsion by Americans against all U.S. military commitments. We are already seeing evidence of this. Next to the grave effects the war is having on our society, this is the most serious effect of our nonending war involvement. Our people will no longer distinguish between valid U.S. security interests and spurious ones. We must end our military involvement in Indochina.

Lewis' April 17 column follows:

[From the New York Times, April 17, 1972]

SLAUGHTERHOUSE SIX

(By Anthony Lewis)

LONDON, April 16.—In my generation we grew up believing in America. We knew there was a fundamental decency and humanity in our country, whatever its wrongs, and openness: The wrongs could be changed by reason and persuasion.

The violent anti-American rhetoric of the radicals and the young has therefore repelled us. To call the United States an aggressive country, so tightly controlled that only revolution could change its course, seemed the stuff of fantasy. A general might talk about bombing the Vietnamese back to the Stone Age, but our political system would never allow it.

That faith in America has been sorely tested in these last years, but never more terribly than by Richard Nixon's bombing of Hanoi and Haiphong. For the truth is now impossible to escape if we open our eyes: The United States is the most dangerous and destructive power in the world. And its political leadership seems virtually immune to persuasion by reason and experience.

It is seven years—seven years!—since Lyndon Johnson began bombing North Vietnam. Literally millions of tons of American explosives have been dropped on Indochina since then, but the peninsula is no more "secure"—secure for the American system that we want to impose on it. Only a fool or a madman could believe, now, that more bombing will bring peace to Indochina.

Why are we bombing? To keep Nguyen Van Thieu in office in Saigon. To make sure that Nixon is not the first American President to lose a war. To teach the Russians a lesson about supplying arms to our enemies.

Those are some of the reasons that are advanced. To state them is to laugh, because none of them could remotely justify the disproportionate cost of the bombing in human or political terms.

Proportion: That is the terrible failure of American policy in Vietnam. Of course the Communists are fighting the war too, and attacking in the South, and killing human beings. But they are doing so in what they regard as their own country, for a genuine cause and at immense sacrifice to themselves. The United States is dropping bombs from 50,000 feet above a country thousands of miles from our shores, for no cause that Americans can state. How different the moral equation would be if the officials and the generals who give the bombing orders ever found their own lives at risk.

It is the old question of means and ends. For American leadership in the world there is no more important question. Our allies have accepted our leadership because they believed we would exercise our power with restraint and wisdom.

Englishmen and Frenchmen will not easily lose their affection for America, and certainly not their fear of Communist tyranny, but they can hardly help noticing that it is not the Russians or the Chinese but the Americans who are bombing a distant country for reasons of pride and pique.

Yes, pique. Thinking about it, one realizes that that is the real reason for the escalation: Richard Nixon does not know how else to react to the Communists' advances on the ground, so he has chosen to punish them by slaughter in the mass. That is the ultimate disregard of the relationship between means and ends. It passes mistake and approaches crime.

The effect on Indochina will be to delay still further the adjustment to political reality that must some day take place—reconciliation among the people who inhabit the peninsula. Bombing can only destroy and embitter.

For America's place in the world, too, there must be damage. The reason was expressed the other day—before the expanded bombing—by a German known to American strategists as an outstanding thinker on alliance problems, Theo Sommer, deputy editor of Die Zeit.

Writing in The Financial Times of London, Mr. Sommer said: "It would be sad to see South Vietnam go down, but fatal to see the United States go in again." For "re-escalation" by the America side, he said, would make more likely an eventual American "revulsion" against military commitments elsewhere, notably in Europe.

But the most disastrous effects of the bombing escalation must be inside the United States. For no society can be at peace within when it begins to see itself as a destroyer outside.

What is left to say to these who question the very nature of America? After seven years, it is not possible to go on saying that it will all work out, that peaceful change within the political system will have its effect eventually. I cannot believe myself that violence improves the lot of mankind. The only hope left is that somehow—in some new form of protest—the decent strain in American life will make itself felt. The alternative is black despair.

AMERICAN ASSEMBLY ON THE UNITED STATES AND THE UNITED NATIONS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. FRASER. Mr. Speaker, during the past weekend I had the privilege of participating in the American Assembly on the United States and the United Nations at Arden House, Harriman, N.Y. For 3 days, approximately 40 persons—including former U.S. Ambassadors to the U.N., distinguished scholars on international organization affairs, Members of Congress, officials of the executive branch, and prominent citizens interested in the United Nations—met to discuss the role of the United States in the United Nations—past, present, and future. At a later date, Columbia University will publish the report of the Assembly.

One of the most significant statements of the 3-day meeting was made by former Supreme Court Justice and Ambassador to the U.N., Arthur J. Goldberg. He cited the need for all member nations to return to the principles of the U.N. Charter and breathe new life into them. The great powers, including the United States, tend to turn to the U.N. only when world political problems have become insoluble, or when they think the U.N. might achieve their national goals for them. Ambassador Goldberg commented on these tendencies:

> Our government, for example, should ask itself not how the United Nations can help it do what it wants done in Vietnam, but how it should conform its Vietnam policy to its United Nations commitments.
>
> If the charter system is to work, the members of the United Nations, including the United States, will have to ask themselves not just what the United Nations can do for them, but what they can do to build a regime of law for the resolution of differences.

Implicit in this statement is the requirement that nations must accept the risk of adverse judgment in the United Nations, something we and the other leading members have been unwilling to do. Noting that never in the 27-year history of the United Nations has this country accorded the world organization such a low priority in its foreign policy, Ambassador Goldberg called upon President Nixon to act on his state of the world declaration that "the end of bipolarity requires that the structure [of peace] must be built with the resources and concepts of many nations."

I insert Ambassador Goldberg's complete statement in the RECORD at this point:

ADDRESS BY ARTHUR J. GOLDBERG

Before addressing myself specifically to the subject of the United States and the United Nations, I should like to say some words about the United Nations in general. In doing so, I want to go beyond the usual, albeit true, generality that the United Nations, with all its faults, is indispensable and our best hope for peace. I want to offer some thoughts on the role of the United Nations in peacemaking and peacekeeping.

In discussing this subject I do not minimize, in the least, the importance of the U.N.'s work in economic and social development, in human rights, in science and technology, and in new areas like the human environment, population control, and the seabed. I want to emphasize, however, that unless the U.N. is made a more effective instrument for peacemaking, its other activities may all evaporate one day in a mushroom cloud.

Nor do I wish to diminish in any way the vital role the United Nations has played in several areas in deploying military forces to contain and control violence. On the contrary, I believe the time has come to strengthen the peace-keeping capacity of the United Nations, and I fully endorse the recommendations made on this subject by the Policy Panel of the United Nations Association headed by President Kingman Brewster of Yale and former Ambassador Cyrus Vance.

Peacekeeping is important, of course. But we cannot *keep* a peace we haven't got—and we simply do not have peace in the world. Rather, in the recent past, major conflicts have occurred and at least one—Vietnam—is still going on. Therefore, we need greater attention to *making* the peace. The very first paragraph of the very first article of the United Nations Charter declares that one of the purposes of the organization is "to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

We need greater attention to this purpose—and to the solemn treaty commitment that all United Nations members have taken in Article II, Paragraph 3, to "settle their disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered."

And we need to breathe a new life into the provisions of Article 33, which declares that the parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, should "first of all"—I repeat, *first of all*—"seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

I think it is obvious to all that these provisions are not being implemented sufficiently today. Indeed, they are the great under-developed areas of the Charter.

The peaceful settlement of disputes is not a Utopian dream. It is a practical necessity for survival in the nuclear age. Nations, like individuals, will resort to self-help and violence unless they have some other means for the satisfaction of their legitimate grievances.

I have no illusions that institutions by themselves can be the chapter. In the international as in the domestic community, institutions are of no avail unless there is the political will to make them work.

It is the absence of this political will that is at the root of the United Nations' difficulties today. Virtually all members pay lip service to the United Nations while at the same time pursuing their short-term advantage, ignoring them when they do not.

This is true of all countries—large, middle and small. It is true of the United States as well as of the Soviet Union, and I have no doubt that it will be true of the People's Republic of China. Our government, for example, should ask itself not how the United Nations can help it to do what it wants to do in Vietnam, but how it should conform its Vietnam policy to its United Nations commitments.

If the charter system is to work, the members of the United Nations, including the United States, will have to ask themselves not just what the United Nations can do for them, but what they can do to build a regime of law for the resolution of differences. Then and only then can the world organization be what U Thant said it should be—a place for the reconciliation of differences, not just a place where they manifest themselves.

What does this mean in specific terms?

It means that in the interest of saving the community of nations, each nation must recognize that it cannot have its way on every issue. Nations must accept the risks of adverse judgment. And they must also accept the responsibility of making judgments on controversies in which other nations are involved, with greater attention to the merits and less concern with bloc affiliations and the protection of their own interests.

If the members of the United Nations—and particularly the United States—were to take this attitude toward their Charter obligations, I believe we could make real progress toward a more effective peacemaking system.

It is in light of these general observations that I now address myself to the specific subject of this Assembly.

In the "State of the World" Report to Congress on February 9, 1972, President Nixon set forth his philosophy of a "new American foreign policy." In the President's words, the "core principles" of this philosophy embrace these concepts:

"The end of the bipolar postwar opens to this generation a unique opportunity to create a new and lasting structure of peace.

"The end of bipolarity requires that the structure must be built with the resources and concepts of many nations—for only when nations participate in creating an international system do they contribute to its vitality and accept its validity."

If multipolarity involving "the resources and concepts of many nations" is to be the basis of our new foreign policy, rather than bipolarity, embracing essentially those of the two super powers, the United States and the Soviet Union, one would naturally assume that the President's new foreign policy envisions a strengthened and reinvigorated United Nations.

This assumption would be unwarranted. The President's quest for a "new and lasting structure of peace" envisions and institutional approach separate and apart from the United Nations.

Never, since its creation in 1945, has the United Nations been so downgraded as an important component of American foreign policy as it is today under the present Administration.

The Administrations own statements and actions vis-a-vis the United Nations show how little the U.N. now enters into the philosophy and execution of our foreign policy.

In fairness, it needs to be said that a Democratic Congress shares responsibility with the Administration for the present lack or regard by our government for the United Nations. There is, however, an important difference between the present Administration and prior ones—Republican and Democratic—regarding Congressional attitudes towards the United Nations. Prior administrations vigorously resisted Congressional attempts to undercut our participation in and support of the U.N.; the present Administration at best gives lip service only to opposing such attempts. Notable cases in point are the present Congressional default in appropriating the federal government's share for necessary expansion of U.N. headquarters in New York and, more important, the Congressional sabotage of our continued participation in the International Labor Organization (ILO). The Administration's efforts to overcome such ill-conceived Congressional action have been, to say the least, less than wholehearted.

The United Nations has learned to live through and survive many crises—political and economic. What is new in the present situation is that there is a crisis in the relations of the United States and the United Nations—political and economic. U.S. relations with the U.N. are so strained and attenuated as to threaten the very survival of the United Nations. I do not believe it can be gainsaid that without vigorous support by the United States, the United Nations cannot long endure.

One of the reasons advanced for the Administration's disregard of the United Nations in its new foreign policy is the U.N.'s inability to cope with crises of the present and recent past—Vietnam, Bangladesh, Czechoslovakia and the Middle East—to cite only some examples.

This sense of frustration is shared by all, including the U.N.'s strongest friends and adherents. If frustration was the basic cause of the Administration's attitudes concerning the U.N., it could and probably would be alleviated either by the passage of time, including some future U.N. success in peace-making or peace-keeping, or by such reforms of the U.N. as are suggested in Professor Gardner's excellent and comprehensive background paper.

In my view, however, the Administration, in writing off the United Nations as an instrument for building peace, is acting out of a deep-rooted philosophy rather than responding to frustration. Basically, the President's philosophy is not multipolarism in the sense of the Charter of the United Nations. Rather, it is multipolar in a balance of power sense—scarcely a new concept in foreign policy. The multipolarism of the President seems more accurately described as tripolarism—groupings of nations and alliances around the three great superpowers, the U.S., Soviet Union and China.

Underlying the President's philosophy, I believe, is the conviction that what nations really respect is not "the law of the Charter" but political power. This view was expressly articulated by the late Dean Acheson. Mr. Acheson described our present era as going through "a withdrawal of the legal order" in which sheer power is more decisive in international affairs, and law, especially that of the United Nations, has become little more than a mockery.

It is my belief that we should beware of accepting a philosophy of either national of international affairs in such a way that law and power become antithetical. In real life, law and power operate together. Power not ruled by law is a menace; but law not served by power is a delusion.

The Charter of the United Nations is law, particularly for us, since under the Supremacy Clause of the Constitution a treaty, such as the Charter, is part of the Supreme Law of the land. The Charter is a good law and neither we nor any other nation should withdraw from the legal regime it prescribes. And that we are withdrawing, in considerable measure, is becoming more and more apparent. Again, in fairness, it should be said that past administrations participated in this withdrawal, e.g., our failure to resort to the U.N. before heavy military involvement in Vietnam and the Dominican Republic. But the commitment to withdrawal is more evident in this Administration than any previous one.

I hope that the deliberations of this Assembly will help in reversing this direction of the President's new American foreign policy.

Instead of abandoning the U.N., the Administration should be addressing itself to the real problem involved; namely, how to put the power of the U.N.'s member nations, and particularly the power of the great nations, to the service of the law of the Charter—to the service of world peace and security. If the law of the Charter is, in many instances, a delusion, as it has been, it is because of the unwillingness of the great powers, including ourselves, to put their power to serve the law which they agreed should govern the international community.

As a nation committed to the rule of law here and abroad, we should take the lead role in advancing and supporting proposals to this end. It is neither seemly nor in our national interest for the United States, a principal architect of the United Nations, to undermine its foundations, and this we are now doing.

I am a realist, and, therefore, ask the Administration what other alternative to the U.N. do we realistically have? The President, in the report from which I have quoted, says "that the end of the bipolar postwar world opens to this generation a unique opportunity to create a new and lasting structure of peace" and "that the structure must be built with the resources and concepts of many nations." The President nowhere defines, except in balance of power terms, the institutional structure he would create. If the search for peace is to be institutionalized, and it surely must, then a structure is required. And if a structure is required, why start from scratch and build a new one when we have on hand the United Nations? It is a weak structure which needs to be buttressed by our support rather than allowed to fall in ruins by our increasing neglect and disregard.

The American people do not want to witness, let alone be responsible for, the decline and fall of the United Nations. Polls show that although a majority of the people now believe the U.N. is not doing an adequate job, an overwhelming majority of the American people would like to see the United Nations become a stronger organization rather than the weak one it now is. In response to the Gallop poll question (October 1970), "Would you like to see the United Nations become a stronger organization?" 84% said yes and only 8% said no. In this overwhelming expression of the American desire to strengthen the U.N., the United States led all other countries in the world.

The Administration would do well to heed the peoples' voice It reflects a common sense and realistic appreciation that the United Nations, with all its many faults, is indispensable in our Nation's quest for peace.

The "real politick" of the Administration seems to me to reflect a dream of an international Utopia in which a few great states would use their power to settle the affairs of the world, much as the major powers of Europe did in the century after the Congress of Vienna. But we should remember that when the rule of the concert of Europe finally fell apart, world war ensued. This happened in great part because, in large areas of the world, the international order of the nineteenth century did not redress grievances but merely submerged them—until in our own century they erupted in revolution and world war.

The world law we should seek would be different. It would extend impartially to white and black, north and south, old and new. This law, in other words, is the unrealized law of the Charter. It would still be imperfect, as the U.N. is now imperfect; it would still depend for its effectiveness, as the U.N. does, on the willingness of the stronger nations to put their power at its service. But it will embrace in a spirit of equality all the races and cultures of the world—and it will address itself to the real troubles of mankind: poverty, inequality, and the deprivation of rights. In that respect, it will surpass even the hundred years' peace of the Congress of Vienna, which was based on the subjection or impotence of half the world's people's.

Our nation derives its great influence in the world not only from great physical power but also from the fact that our basic law and our national outlook are premised on the equality and dignity of all men. The way to peace in this turbulent age is to keep to that naional vision and to extend it to the international sphere; to work with all our might for the strengthening of the U.N. as the structure of law and enduring peace For though the United Nations alone cannot assure world peace, there can be no peace without it. Our national power and all our energies should operate in the light of that truth.

FROM GATHERING OF WATERS

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. OBEY. Mr. Speaker, I was pleased to learn recently that a constituent of mine, Miss Suzanne Hoogesteger of Rudolph, Wis., has been chosen essay winner of the sixth grade history competition sponsored by the National Society of the Daughters of the American Revolution.

Miss Hoogesteger has compiled as her entry a most interesting history of the State of Wisconsin and am pleased to commend her on her essay, the text of which follows:

FROM GATHERING OF WATERS . . .

(By Suzanne Hoogesteger)

In the beginning, God created the heavens and the earth, and He created me, Wisconsin, the 30th state of the United States of America.

Over a billion years ago, parts of me were covered by shallow, silent oceans. I was one of the first portions of the present surface of the earth to rise out of the original ancient sea. Some geologists believe I was the very first land created. Red Rocks found through the central northern part of me are called the most ancient rocks in the world. They are estimated to be about 1,600 million years old! At least a dozen times I was subjected to cycles of sea, emergence of dry land, and development of streams that carried new valleys, hills, & plains.

The last of my great geological periods was the Ice Age which ended 25,000 to 50,000 years ago. Huge massive glaciers from Canada covered my rough surface. It broke down mountains into hills and hills into little mounds. The glaciers carried away much of my soil. About a quarter of my land in the southwest corner escaped the glaciers. After many hundreds of years, the glaciers finally melted. They left many lakes and ponds in my valleys and low spots.

Many different kinds of people have inhabited my lands. As long as 8,000 years ago, what we now know as the Copper Culture Indians lived here. They pounded copper out of rocks and made useful items and jewelry.

Less than 100 years before white men came to Wisconsin, a cannibalistic people roamed my lands. They have been given the name of Aztalans because of the resemblance in their way of living to the Azetecs of Mexico. They ate other people because they believed they would inherit the strength of those eaten!

When the first white explorers came to visit me in the early 1600's, they found many different tribes of Indians. In what is now Door County lived the Potowotomi. My oldest resident Indians, the Menominee, or "rice eaters" lived on the north shore of the Green Bay. The Winnebago or "men of the sea" made their home at the mouth of the Fox River. Other Indian tribes were the Mascouten, Sauk, Fox, Ojibwa or Chippewa, Sioux and Kickapoo. These Indians lived in little huts and tents made of bark and rushes. They hunted, trapped, and fished for their food.

Through my long and exciting history, I have been called by many names. The Chippewas called me Wees-kon-San, which meant "gathering of water." When Father Marquette traveled my mighty river in 1673, I was given the name Meskousing, meaning "red stone" which they found alot of along the banks of my largest river. Father Hennepin in 1683 chose to call me Misconsin or Miskonsing because of the strong current and wild rushing channel of my river. The oldest French documents spell my name, oh- so-many ways: Misconsing, Ouisconching, Ouiskensing and later Ouisconsin. Historians can't agree just what this Algonquin word meant. Suggested meanings are: "hole of the muskrat" "holes in the bank of a stream in which birds nest"

"muskrat lodge"

"good place to live"

"gathering or meeting of waters"

In the early 1800's, I appeared on maps as Wisconsan and, as you know me today, Wisconsin. In 1836, I became a territory and my name became officially Wisconsin.

Eons of time have passed. Feet have trudged . . . men have toiled . . . today, I stand, Wisconsin.

BIBLIOGRAPHY

Wisconsin: Bernadine Bailey, Albert Whitman & Company, Chicago, Ill.

Wisconsin: Allen Carpenter, Childrens Press, Chicago, Ill.

Badger Tales: Clara L. Tutt, Lyons & Carnahan.

Wisconsin Magazine of History: State Historical Society of Wisconsin, Sept. 1942, Sept. 1946.

Wisconsin: R. G. Thwaites, Houghton Mifflin Company.

Wisconsin, Its History & People, Vol I: Milo Quaife, S. J. Clarke Publishing Company.

Wisconsin Story: Austin, Milwaukee Journal.

Wisconsin Blue Book 1925—article: W. O. Hotchkiss State geologist of Wisconsin.

History of Wisconsin Territory: Moses Strong, Democrat Printing.

The Romance of Wisconsin Place Names: Robert E. Gard & L. G. Sorden, October House Inc.

Forty-Seven Wisconsin Stories: Mary G. Muggah & Paul H. Raihle, Chippewa Falls Book Agency.

JOHNNY UNITAS HONORED

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. HOGAN. Mr. Speaker, today I would like to pay tribute to a person whose name is familiar to nearly every American and especially to those living in the Baltimore-Washington area. He is Johnny Unitas, the great quarterback of the Baltimore Colts, whose brilliant career is truly a guiding light for all aspiring young football players.

Johnny Unitas was recently honored by the Maryland House of Delegates, and his many achievements are detailed in the house resolution which was drawn up in his honor. Mr. Speaker, I insert the resolution into the RECORD at this point:

MARYLAND HOUSE RESOLUTION NO. 79

House Resolution honoring John Unitas on his brilliant career with the Baltimore Colts and, in particular, for his display of physical and mental courage and total commitment demonstrated by his recovery from an Achilles tendon injury in 1971

John Unitas has become a legend in his own time in the annals of professional football. He undoubtedly holds more individual records for quarterbacks than anyone else in the history of the game.

As an example, Johnny has completed more passes for more yardage, more touchdowns and more mileage than any player in National Football League history. As of the completion of the 1970 season, his credentials would show that he had 2,616 completions in 4,777 attempts (54.8%) for 37,715 yards, 280 touchdowns and over 21 miles. He holds the incredible record of having thrown a touchdown pass in 47 straight games during the period 1956 to 1960. Among other records that he holds are most passes attempted in a career, most games passed for 300 yards or more (25), most touchdown passes in a career, the league record for passing yardage in a Championship Game (349) against the New York Giants in 1958, a game known as "The Greatest Game Ever Played." He naturally holds every Baltimore Colt club passing mark.

Mr. Football has had many injuries throughout his brilliant career, the last big one being in 1968 which caused him to miss most of the season prior to 1971. At the age of 38, in April of 1971, he ruptured his right Achilles tendon, an injury which has terminated the careers of many athletes in sports less strenuous than football. At that age, and with his many injuries sustained in the past, Johnny Unitas could easily have "called it a day" and gracefully retired from football. However, this would not have been a reflection of his indomitable spirit. His dedication, his mental courage, and his physical commitment led him to a recovery which, from the standpoint of time, made it close to a physical miracle, and he was able to see his first action in the opening League game of the 1971 season.

Johnny U was all pro six times, selected to the Pro Bowl 10 times, and is a three-time NFL Most Valuable Player. He was, also, selected by the Nation's fans as NFL Man of the Year in 1971, an award which resulted in five Baltimore area youths sharing $25,000 in scholarship money. In Maryland, they speak of Johnny U and "Fly the Friendly Skies of Unitas," and all who hear know the man these saying represent; now, therefore, be it

Resolved by the House of Delegates of Maryland, That John Unitas is hereby honored on his brilliant career with the Baltimore Colts and, in particular, for his display of physical and mental courage and total commitment demonstrated by his recovery from an Achilles tendon injury in 1971; and, be it further

Resolved, That a copy of this Resolution be sent to John Unitas, Carroll Rosenbloom, Steve Rosenbloom, Alvin "Pete" Rozelle (Commissioner of the NFL), and the National Football Hall of Fame in Canton, Ohio.

SCANDANAVIANS BACK OSTPOLITIK

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ROSENTHAL. Mr. Speaker, the Christian Science Monitor, in a report in today's editions from Oslo, outlines the attitudes of the Scandanavian countries toward West German Chancellor Brandt's Ostpolitik. In particular, Scandanavian views toward the coming vote in the West German Bundestag on approval of the German-Soviet and German-Polish treaties are described by correspondent Harry B. Ellis.

His conclusion is that a defeat of the Eastern treaties, and therefore, of Brandt's Ostpolitik, would gravely affect the confidence of the northern European countries in the Common Market and in the whole role of Germany in Western Europe.

Mr. Ellis' article, which follows, is an interesting account of the crucial role of the coming Bundestag vote:

SCANDINAVIANS BACK OSTPOLITIK

(By Harry B. Ellis)

OSLO.—"Just below the surface," said the tall, gray-haired man quietly, "there is always the question: Are the Germans reliable?"

Speaking was Trygve Bratteli, Prime Minister of Norway, who spent the wartime years in a Nazi concentration camp while his country was occupied by the German Army.

"I think all of Norwegian opinion," he continued, "not only the Labor Party, would regret it very much if Brandt's Eastern treaties were to be defeated."

I had asked Mr. Bratteli how Norwegians would react, if the Christian Democratic Union (CDU) opposition in Bonn succeeded in blocking ratification of Chancellor Willy Brandt's treaties on normalization with the Soviet Union and Poland.

"If Brandt's Ostpolitik is defeated, it will be a great setback for peace in Europe." This was Olof Palme, Sweden's young Social Democratic Prime Minister, answering the same question in Stockholm.

"Brandt," declared Mr. Palme, "is a symbol of a new Germany. He persuades even the Danes and the Norwegians that the Germans can be trusted."

Danish Prime Minister Jens Otto Krag spoke of specific consequences for Denmark, if Mr. Brandt's policy should be overturned.

"Defeat of Brandt's Eastern treaties," said the husky Danish leader, "would be a heavy burden on our struggle to join the Common Market."

"I prefer to put it another way," replied Mr. Bratteli. "Success of Brandt's Ostpolitik would make it much easier for Norwegians to accept going into the Market."

Both Denmark and Norway face critical parliamentary tests and national referendums on whether or not to join the European Economic Community (EEC).

Mr. Palme was blunt. "They [the Danes and Norwegians] will lose their referendums, if Brandt is defeated. That is simply a fact."

Mr. Palme's government is negotiating only a limited form of association with the EEC. So the Common Market question is less acute for him than for the Danish and Norwegian leaders. Experts say that the Danish and Norwegian standards of living will drop by 5 to 10 percent, if the two nations stay outside an enlarged EEC.

All three Scandinavian leaders, interviewed by this reporter in their respective capitals, stressed that trust of Mr. Brandt among their peoples extends far beyond the ranks of their own Social Democratic Parties.

"There is a feeling among Danes," remarked Mr. Krag, "that much of the economic co-operation developed by the Common Market has resulted partly from its political and foreign-policy outlook.

"There would be a psychological change in Denmark," he said, "if a German Government came in, which had rejected a key part of this foreign-policy outlook."

UNIVERSITY OF ILLINOIS REHABILITATION-EDUCATION CENTER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, I know we have all observed at one time or another a physically handicapped person using either crutches or a wheelchair or other artificial means of transporting himself. Recently, a reporter on the Champaign-Urbana News Gazette did a series of articles on the Rehabilitation-Education Center at the University of Illinois. Carol Mathers' first article relates to her own personal experience in using a wheelchair and meeting all circumstances as any other handicapped person. It follows and I am sure my colleagues will find this one and the subsequent ones of great interest:

AN OVERWHELMING FEELING OF HELPLESSNESS: A DAY IN A WHEELCHAIR—MORE PUSHING—MORE RAMPS—MORE COLD

(By Carol Mathers)

The overwhelming feeling was one of helplessness.

Having enjoyed excellent health for twenty-plus years, I take it for granted. Being able-bodied is my right. Right?

Wrong.

Because every year more than 200,000 people suffer spinal injuries which permanently paralyze them and put them in wheelchairs for the rest of their lives.

I had talked to several such people, all of them UI students enrolled through the Rehabilitation-Education Center at the university. They had tried to prepare me for the experience. But talking about it and doing it are two different things.

One does not, I discovered, simply sit down in a wheelchair and push off. Like driving or flying, wheelchair operating requires special instruction.

I had to be "fitted" for a chair—one that was not too heavy, not too wide, not too cantankerous Next I had to learn how to use it.

In one cram course I learned the fundamentals of wheeling (wrist action is all-important), turning (it is not considered cheating to use the nearest wall to help you round a corner), stopping (not as difficult as I had anticipated) and curb hopping (this one's tricky).

I also learned that decent clothes, long fingernails, rings and watches are all taboo. There is no "clean" way to push a wheelchair even in dry weather—the insides of your arms get filthy from rubbing against the wheel. Fingernails catch and break in the wheel spokes, rings and watches cause blistering.

Thus forewarned, I arrived at the Center the following morning in jeans and grubby sweater, completely devoid of jewelry. Also completely devoid of confidence.

Fortunately I was not going to have to solo my first time out. I had been assigned a "wheelchair buddy." sophomore Ed Scherer whose diving accident two years ago left him a quadriplegic (paralysis in all four extremities).

With flaming red hair and beard, Ed was the picture of enthusiasm. Throughout the day this enthusiasm never flagged, and he showed superhuman amounts of patience, kindness, and encouragement. He immediately made me feel like one of the gang and when a staff member of the Center jokingly asked Ed, "Who's your gimpy friend?" I was actually proud to belong to the club.

Of course, they could have made it easy for me—but they didn't. Tim Nugent, director of the Center briefed us before we set out and directed Ed to take me to "every difficult place" he could think of. The campus itself, thanks largely to Nugent's efforts, is completely accessible to people in wheelchairs. But the outside community certainly is not.

We were assigned our own private bus—one of the five operated by the Center and specially equipped with hydraulic lifts for wheelchairs. The bus driver's name was Martin. In the course of the day it became apparent that Martin knew as much about campus accessibility as the kids themselves.

Our first stop was the supermarket, one of the "everyday living experiences" Nugent thought I should encounter. Marketing in a wheelchair is no small job. What would ordinarily have taken me five minutes to accomplish took almost half an hour.

In the first place, the way merchandise is stacked in supermarkets makes it impossible for a wheelchair shopper to reach the topmost item. And no matter how gingerly I tried to extract one of the boxes stacked near the bottom, I was in constant danger of being buried alive.

Then there's the problem of produce. By wheeling up alongside the refrigerated counter. I could just manage to reach the lettuce lined up near the front. If that particular head didn't suit me, there was no way for me to examine and choose from among the others—they were out of reach.

Meat selection presented a similar problem—fortunately all the chicken looked pretty good that day.

Pushing a grocery cart is an impossibility, so I stacked my purchases in my lap and wheeled to the checkout counter. Another obstacle—the check-out lanes are much too narrow for wheelchairs. So I waited until the girl had bagged my groceries, then holding the bag in my lap I wheeled for the door.

One more impediment—the only door I could get to in a wheel chair was the "In" door. Electronically operated, the "In" door opens, naturally enough, in—but not out. So a clerk had to be summoned to go out and step on the mat to open the door for me.

Back on the bus again our next stop was the UI Assembly Hall. From the ridiculous to the sublime—the Assembly Hall is a model of accessibility, built with wheelchair patrons in mind. The ramps, though somewhat steep, lead everywhere, and there is even a special place reserved for wheelchairs around the top of the first section. We were in and out in five minutes.

Next Ed asked Martin to drive us over to campus so I could tackle the job that every wheelchair student faces every day—getting to class.

The UI campus is no place for the fainthearted. It was a Herculean struggle for me just to keep my wheelchair moving in a straight line. (The sidewalks tend to slope in one direction and I was constantly drifting that way.)

Getting up some of the ramps was an almost insurmountable challenge. When I finally got up the ramp at Mumford Hall which requires going halfway up the ramp, stopping, pulling open a door, pushing through it and then on up to the top of the ramp) I was as proud as if I'd conquered Mt. Everest.

The Math and English buildings and Lincoln Hall were almost as difficult, but by that time I was feeling like an old pro. The problem was all the pushing we had to do between buildings—by the time we actually arrived, I was too exhausted to try to get in.

As we went from bus stop to bus stop Martin kept up a running commentary on the accessibility of various buildings. He and Ed, who is chairman of a committee on campus accessibility, agreed that while a wheelchair student can get into any building on campus, it isn't always as easy as it might be.

"We generally refer to this as the maintenance man's tour," Ed told me as we progressed from building to building. "Often you'll find, that the only door you can get through and enter by is in the basement."

Still, the basements were warm—which is more than we could say for the weather outside. It rained, of course. A fine, freezing mist that penetrated through any number of sweaters and a parka. The rehab kids hate winter and I was beginning to—it isn't easy in any weather—but when there's snow and slush on the ground, it's twice as hard.

As soon as my wheels got wet they threw the slush up the sides of my chair and it wasn't long before my sleeves were soaked and I was frozen through. Ed wasn't faring much better, so we were glad when we could use lunch as an excuse to take a break.

Martin drove us back to the Center and we got permission to use the driver education car which is specially equipped with hand controls. Ed—who drives his own similarly equipped car all the way home to Long Island for vacations—showed me how to stow a wheelchair in the back seat in less than five minutes. He said it used to take him more than an hour, but he's improved with practice. I was beginning to see that people confined to wheelchairs don't go anywhere in a hurry.

We drove to a steak place near campus and parked the car—being careful to choose a place where we couldn't be parked in too close to load and unload our chairs.

It was at lunch that I got my first real feeling of what it's like to be the object of to understand why. Wheeling unveiled curiosity. Ed said the wheelchair kids live with it all the time—he even thinks it's kind of fun because it gives him a "chance to show AB's (able-bodied people) that handicapped people are not necessarily disabled."

People everywhere were very helpful—but they couldn't stop staring. They stared through the windows of the restaurant as Ed and I got out of the car and unloaded our chairs—a process which took a full five minutes.

They stared as Ed showed me how to get up the shallow curb of the restaurant sidewalk (place your front castors against the curb then push your chair forward while leaning backward to tip it up) and that took another five minutes.

They stared when we entered and took our place in the cafeteria line, trays on laps, reaching up to the counter for silverware and napkins. The waitresses were very helpful, moving benches for us so we could wheel our chairs right up to the table. But the eyes of the entire restaurant were riveted to us. I was somewhat unnerved, but it didn't bother Ed.

It was during lunch that Ed explained his philosophy to me. We talked about the deep depressions which grip many people who have accidents which leave them paralyzed. Ed said he never went through a period like that.

"For one thing, I had really great care. Everyone at the hospital where I was was fantastic. The other thing is that from the very beginning I was fascinated by the whole thing—I wanted to know everything the doctors were doing and why," Ed said.

That same determined attitude took Ed a long way once he got out of the hospital. From the very beginning he insisted upon doing everything for himself—no matter how difficult. Today he has almost full use of his hands, though they still are weak, and unless you watch him carefully as he pushes his wheelchair, you might think he was paralyzed only from the waist down.

After lunch we took the car back to the Center and caught the next regularly scheduled bus back to campus.

More pushing. More ramps. More Cold. The later it got, the more discouraged I became. Each door I had to get through seemed heavier than the one before, every ramp steeper. Even Ed was beginning to tire. "I haven't pushed around this much in months!" he confessed.

The kids on campus, accustomed to seeing wheelchair students everyday, gave us no more than a passing glance. At times here I felt free from stares.

I was relieved to see the day end. And yet I hadn't had it as rough as a real paraplegic. I had dressed before getting into the chair. I hadn't had to do any housework, I didn't have to care for our little boy.

I didn't have to go to the dentist or fight traffic downtown or try to get into a department store dressing room or a public restroom.

But most of all, I had full use of all my muscles. There is no way to simulate the the paralyzed condition—even though I wasn't actively using certain parts of my body, the muscles nevertheless were in good condition and they helped to support me all day long. The difference that makes is hard to measure—but its considerable.

I was exhausted when Ed and I got off the bus at the Center for the last time. I was ready to call it quits and turn in my chair. It had been a rough day. At least I had the comfort of knowing that it was over.

But for my friend Ed and others like him there would be tomorrow—a whole lifetime of tomorrows.

REDUCTION OF FLIGHT SERVICES AT ILIAMNA AIRPORT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BEGICH. Mr. Speaker, the Iliamna area in Alaska not only is renowned for its recreational potentials but as well is the transportation hub for several area villages and the portal through which a great many light aircraft en route to the Bristol Bay area must pass.

I am inserting into the RECORD for my colleagues' interest a copy of a resolution adopted by the Alaska State Legislature opposing the reduction of flight services at Iliamna airports as proposed by Airspace Proposal No. 72–AL–10NR:

SENATE JOINT RESOLUTION NO. 58—OPPOSING THE REDUCTION OF FLIGHT SERVICES AT ILIAMNA

Be it resolved by the Legislature of the State of Alaska:

Whereas the Iliamna area has experienced a remarkable increase in light aircraft operations during recent years; and

Whereas the navigational aids and weather reporting services at the Iliamna Federal Aviation Administration Station have become increasingly important due to such expanded activity; and

Whereas Iliamna is an area which experiences some of the most dangerously capricious weather conditions in Alaska; and

Whereas the Iliamna area not only is renowned for its recreational potentials but as well is the transportation hub for several area villages and the portal through which virtually all light aircraft en route to the Bristol Bay area must pass; and

Whereas the safety and convenience of such increased aircraft operations indicate an expansion rather than a reduction of minimal flight services now rendered:

Be it resolved by the Alaska Legislature that it urgently opposes any reduction of flight services at the Iliamna airport as proposed by Airspace Proposal No. 72–AL–10NR.

Copies of this resolution shall be sent to the Honorable John A. Volpe, Secretary, Department of Transportation; the Honorable Peter G. Peterson, Secretary Designate, Department of Commerce; the Honorable John H. Shaffer, Administrator, Federal Aviation Administration; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

PUBLIC OPINION POLL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. RAILSBACK. Mr. Speaker, recently, Local 5051 of the Communications Workers of America of the AFL–CIO conducted a public opinion poll in Cook County, Ill. Approximately 400 individuals received the questions, and an 87 percent response followed. I commend Local 5051 for their efforts in determining the thinking of the American public on such important issues as U.S. involvement in Southeast Asia, busing, wage and price controls, environmental protection, and taxes. I am certain the results of the poll will be most interesting to my colleagues and request that the public opinion poll follow my remarks.

The public opinion poll follows:

PUBLIC OPINION POLL

1. Do you support present efforts being made to end U.S. involvement in Vietnam? Yes 65%; No 32%; Undecided 3%.

2. If your answer to question No. 1 was No, then what steps do you favor?

(A) Immediate pullout: 44%.

(B) Major concessions at the Paris Peace Talks: 10%.

(C) All out military victory effort: 44%.

(D) Other: 13%

3. Do you feel that any Vietnam settlement should include immediate release of all American P.O.W.'s?

Yes 98%; No 2%.

4. Do you believe amnesty should be granted to those who fled the U.S. to avoid being drafted?

Yes (Amnesty should be unconditional) 7%.

Yes (Amnesty should be Granted Provided Equivalent Time is served in a Non-Combat Roll.) 27%.

No (No Amnesty) 65%.

(Undecided) 1%.

5. Do you believe amnesty should be granted to military deserters?

Yes (Amnesty should be unconditional) 4%.

Yes (Amnesty should be Granted Provided Equivalent Time is served in a Non-Combat Roll.) 17%.

No (No Amnesty) 76%

(Undecided) 3%.

6. Whom do you favor in the coming election for President?

Nixon 45%; Wallace 15%; Muskie 10%; Humphrey 9%; McGovern 4%; Jackson 2%; McCarthy 2%; Lindsay 0.

7. Do you approve of busing to achieve school integration? Yes 7%; No 88%; Undecided 5%.

8. Welfare—Which of the following do you favor:

(A) Stop all welfare: 3%.

(B) All able-bodied welfare recipients should be made to work in order to earn their payment: 90%.

(C) No change in welfare: 2%.

(D) Other: 5%.

9. In your opinion are the existing wage price controls effective? Yes 20%; No 78%; Undecided 2%.

10. Would you favor additional controls on any of the following: (Check if Yes.)

Wages 30%; Prices 59%; Profits 46%; Rent 33%; Interest Rates 54%; No Controls 7%.

11. Do you favor *Full* disclosure of *All* Income and its source by public servants? Yes 89%; No 10%; Undecided 1%.

12. Do you believe the United Nations serves a useful purpose? Yes 66%; No 32%; Undecided 2%.

13. In your opinion is it necessary to maintain military supremacy regardless of cost? Yes 64%; No 32%; Undecided 4%.

14. Environment (Choose one or more):

(A) Both Federal and State government should have stricter enforcement of violations: 86%.

(B) Present standards are adequate: 2%.

(C) Present standards are inadequate: 46%.

(D) Heavier penalties should be levied: 62%.

(E) Other: 9%.

15. Would you favor, in principle, abolishing *All* State and Local Taxes as they now are, replacing them with a single flat rate income tax. A tax to be applied equally to individuals and to corporations, and not allowing for *Any* deductions, exemptions, or other loop holes for either individual or corporation? Yes 61%; No 18%; Undecided 21%.

16. Would you favor a tax plan similar to question number 15 for Federal Tax Reform? Yes 54%; No 21%; Undecided 25%.

A SALUTE TO THE HONORABLE GORDON CANFIELD, 1972 RECIPIENT OF THE COVETED U.S. COAST GUARD DISTINGUISHED PUBLIC SERVICE AWARD

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ROE. Mr. Speaker, it was indeed a great privilege and honor to participate in the recent U.S. Coast Guard testimonial to our most distinguished senior statesman, former Congressman, and my good personal friend, the Honorable Gordon Canfield of our Enghth Congressional District of New Jersey. Through this historic journal of Congress I respectfully request you to join with me in national recognition of the standards of excellence he has imparted to our community, State and Nation in a lifetime of dedicated service to his follow man.

In further tribute to all of his good works, having tallied up an enviable record of achievements during two decades in service to our State and Nation as a Member of Congress, Mr. Canfield has now received still another citation from the U.S. Coast Guard—the Distinguished Public Service Award—which indeed connotes the great pride and respect that all of us in New Jersey share in the wisdom and quality of his leadership during his tenure as our Representative in the Congress.

Mr. Canfield first came to our Nation's Capital in 1923 as secretary to the late Congressman Seger of Passaic, N.J., and was elected to succeed him in Congress in 1941. Prior to coming to Washington, he was a distinguished newspaper correspondent in Passaic, N.J., and received his exemplary knowledge of the law at the New Jersey Law School in Newark and George Washington University Law School, Washington, D.C., LL.B. 1926. He served during the First World War in the Signal Corps, U.S. Army, and during World War II served during the congressional recess in 1944 as a seaman on North Atlantic tanker duty, U.S. Merchant Marine.

As a guardian of our Nation's Constitution and our people in the Congress, it is indeed a fitting tribute to now receive this most coveted award from the U.S. Coast Guard whose major phases of operations range from support of naval activities in the conflict in Southeast Asia to its many and varied peacetime activities including oceanic research, exploring ways to combat and control oil pollution, the regulation of dangerous bulk cargo transportation, and all other phases of marine safety.

This Distinguished Public Service Award is symbolic of the deeply profound manifestation we all feel and applaud in grateful acknowledgement of the warmth of his friendship, his impeccable ethics, the richness of his compassion for others, and the integrity of his sincerity of purpose.

As history is recorded, we are most fortunate to have been the beneficiary of this distinguished public service of a great American. Many, many thanks, Gordon Canfield—We do indeed salute you.

HELP VLADIMIR MACHLIS

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. KOCH. Mr. Speaker, today I was visited by Leonid Machlis, a 27-year-old Russian Jewish activist just released from the U.S.S.R. He is here in the United States to plead for assistance in obtaining permission for his twin brother, Vladimir, a leading figure in the Moscow Jewish resistance, to leave the U.S.S.R. Leonid, his sister Ella, and their mother were permitted to leave for Israel after much harassment and frustration. He told me of one incident where a neighbor of the Machlis family was incited to throw a pot of boiling milk in Ella's face after they applied to leave for the Jewish State. Reaching their goal almost penniless, Leonid borrowed money to travel to America.

Leonid further told me that his brother is now subject to prison, having been discharged from his job and accused by the Soviet Government as a result of his not being employed as a "parasite." Only in the U.S.S.R. could such an impossible situation exist.

It is very important that President Nixon, when he travels to Moscow in May, take up the plight of Vladimir Machlis and seek exit permission for him so that he might join his family. Yesterday the Congress passed a resolution urging the President to take up the plight of the Soviet Jews and intercede with Soviet authorities on the behalf of that persecuted minority. Surely, the President will exercise his great powers in such a humane endeavor.

FOREST INDUSTRY VITAL TO AMERICA

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. FUQUA. Mr. Speaker, one of the most articulate and knowledgeable voices raised in Congress with regard to the great and essential forestry industry in the United States has long been my friend and able colleague from Florida, Representative Bob Sikes.

When it comes to forestry legislation, Members of the House of Representatives listen to Congressman Sikes because they know that he knows what he is talking about.

On March 27, 1972, he made an outstanding speech to the American Pulpwood Association at their annual meeting in Atlanta, Ga.

His statements are revealing and valuable for all Americans because forestry and its attendant industries are vital to the economy and the future of this great land.

For that reason I would like to have his remarks reprinted so that others might have a chance to read them.

The speech follows:

Speech by Robert L. F. Sikes, Member of Congress, to Annual Meeting of the American Pulpwood Association, Atlanta, Ga., March 27, 1972

I congratulate this notable group upon your objectives and your achievements. Collectively you have planted more trees and put out more fires than any other group in the world. I am very glad to meet with you.

We meet in a time of change, a time of great significance as well as great concern to those interested in forestry. This includes a great many people and their interests are far from uniform. For instance, House action is expected this week on the Water Pollution Bill. This very probably is the most important environmental issue of the year. The Senate passed by unanimous vote the most restrictive anti-pollution bill in history and I doubt that many of them knew what it is in the bill. Most people other than the environmentalists feel it is a bill the nation simply can't live with. The House Public Works Committee has amended the bill very significantly and even this version is going to require strong efforts by industry and the public if its stipulations are met. There are those who will seek to restore the tighter Senate language and they have strong support from a number of responsible recreational and environmental organizations that should know better.

Both the House and Senate bills declare their objective is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. The Senate bill declares this to be national policy which means it is enforceable by law. The House bill declares this to be a national goal.

Both bills change from the present policy of water quality control to a "point source discharge" program. This means eventual elimination of any effluent discharge into the streams, rivers and public waters.

The Senate bill has a "zero discharge" effective not later than 1981. The House position is that technology is not available to enforce "zero discharge" without serious disruption of industry. Certain industries, such as the pulp industry, the steel industry, and the chemical industries, produce pollutants for which we have no satisfactory method of disposal. So the House bill moves the effective date to 1985 and further provides that the National Science Foundation shall undertake a national study to determine feasibility, desirability, and the best available technology for achieving "zero discharge."

The Senate bill would require all industry and designated plants to secure permits indicating the volume of discharge and type of pollution being discharged. The Senate version leaves all permit and enforcement policies with the Federal Environmental Protection Agency.

The House version would require EPA to provide guidelines and leave enforcement to the States so long as they maintain Federal standards. This is one of the major objections of the environmentalists.

They are attacking the House bill as a weak bill, yet my personal opinion is that the House version itself would result in the closing of some 4% to 5% of our industrial capacity. But the Senate version could close as much as 20%. It is obvious that we are going to have either the Senate bill or the House bill, and the Senate bill could close most of the nation's pulpwood plants.

Consideration for the ecology, which was a virtually unknown thing just a few years ago, has in many areas become a major item. In particular, it has affected proposals for waterway improvements. It also affects forest use considerations. It very definitely slows approval of developmental projects and in some instances blocks them completely.

Ecology is a new and exciting "catch" phrase. It is something very important; also it can be overdone. Admittedly it is serving to force attention on the need for correction of abuses, particularly abuses which are associated with pollution. What has been done generally has been needed. There are exceptions, such as the Cross-Florida Barge Canal, where work was stopped after consideration only for the viewpoint of the ecologists. In fact, it was the only viewpoint heard by the Administration.

This is an illustration that there must be a balance between what people want and what is practical. We cannot close down this country's business and industry just for the sake of the ecology. But it is very certain that we cannot allow the growing and steadily worsening pollution of our earth to continue.

Pollution can take many forms. It can mean clear-cutting timber with no effort to plant new trees or re-seed damaged earth. It can mean indiscriminate strip mining. It can mean pollution of air from the smog in many American cities which even for a non-smoker is equivalent to smoking three packs of cigarettes a day, to sulphuric fumes which hang over other cities. It can mean pollution of water, from Lake Erie which is dead, and in once beautiful estuaries around too many American cities which are now stinking and poisonous from disease-producing and crippling organisms.

Present conditions did not develop overnight. They got their start long ago, but in recent years they have worsened rapidly as industrial development has accentuated and city slums have mushroomed. Now we understand the problem and we are embarked on a program of corrections. It will need revision and strengthening, but we are on the way. We must accomplish the things that are needed in a sensible and orderly way. We can't burn down the barn to get rid of the rats.

Let's talk about forestry legislation. A forestry legislative package which I was privileged to introduce contains some very important provisions. There are approximately 100 Congressmen who are cosponsors and who are scattered the length and breadth of the land, and it is hard to find 100 Congressmen nowadays who have an understanding of forestry. H.R. 8817 is a multi-purpose bill which is designed to update the Nation's forestry programs to meet present day needs. The bill was drafted with the help of Federal and State forestry agencies and industry representatives.

As you well know, most of today's forest legislation was placed on the statute books in the late 1940's and early 1950's, and some of this carries my name. The measure which is now before Congress updates the Clarke-McNary Act for fire protection, provides increased authorization for cooperative forest management, and a new program for urban and environmental forestry management. Let me briefly discuss what it does in each instance.

Under the Clarke-McNary Act, although designed for 50-50 sharing, Federal contributions for forest fire protection have never reached that level. The States are carrying about 85% of the load. In order to permit more equitable sharing of responsibilities, the present Federal authorization of $20 million annually should be raised to $40 million, and that is what we propose to do. Fire prevention, detection and control require activities far beyond the capabilities of individual forest owners. Yet on 200 million acres, protection forces are spread too thin for effective control, and 31 million acres are not protected at all. In 1969, more than 103,000 fires started on State and private lands, nearly all of which were preventable. They destroyed forest resources on more than 2½ million acres. A greater Federal effort to support the work of the States is required.

The Cooperative Forest Management Program which was authorized in 1950 has provided a primary vehicle for making technical forest management assistance available through State forestry organizations to hundreds of thousands of non-industry private owners. Although the benefits of the program are substantial, they fall short of national needs if the 300 million acres of non-industrial private forests owned by some 4 million people are to furnish their share of products in the future. Currently, only about 115,000 owners annually receive assistance. Greater use must be made of America's forests and much depends upon Federal-State cooperation in providing technical assistance to landowners who lack forest management expertise. The present authorized limit of appropriations is only $5 million. This amount is to be increased to $15 million annually.

We also seek to authorize a new program for urban and environmental forestry. Secretary of Agriculture Freeman's Forest Research Advisory Committee recommended a new forestry program to meet a need which only recently has been recognized. It is a program to provide technical assistance for protection, improvement, or establishment of native trees and shrubs on private lands and particularly in public areas in urban and suburban areas. Administration would be by the States through cooperative agreements between the Secretary of Agriculture and a State agency designated by the Governor, usually the State forest service. The services of landscape architects, foresters, horticulturists, nurserymen, and other qualified experts could be used as needed. It is estimated that by the year 2000 about 85% of the people of the United States will be living in metropolitan areas. This will create severe environmental problems in maintaining open spaces, greenbelts, and natural woodlands in and near heavily populated areas, for which there is now no overall program. For this we propose an annual authorization of $5 million.

I am happy to report to you H.R. 8817 passed the House of Representatives unanimously, and this is an almost unheard of thing for major legislation. We had support from all segments of the forestry industry and many organizations, including yours, gave strong endorsement. The bill has not fared as well in the Senate. It was reported unanimously by Senator Herman Talmadge's Committee on Agricuture, but it has remained inactive on the Senate calendar for nearly three months. I am told by Senator Mansfield it is on his list of bills to pass. I am confident he means to call the bill up but I confess to concern about the delays which we have experienced in the Senate.

I have also introduced a forestry incentives bill which is awaiting action in the House Committee on Agriculture. It proposes that the Secretary of Agriculture be authorized to develop a program to encourage sound forestation and reforestation practices, multiple-purpose management, protection of forest resources, and the enhancement of recreational opportunities. It will include cost-sharing with the landowner to support practices which carry out the purpose of the forestry inventives program. It is directed principally to the small non-industrial private forest landowner. It is intended to serve the forest landowner by encouraging sound forestry practices as agricultural programs have served the farmer by helping him to take advantage of better farming practices. It is obvious that this type of program would require strict management but I feel that it has a definite potential for good. The number of the bill is H.R. 12873. We have asked for a $25 million authorization to be expended as the program develops.

There is one very important side effect for all of these bills. They will help to improve standards of rural community living. One of the urgent needs in our nation today is to reverse the trend of population which is flowing from rural areas to city slums. People are leaving the farms and small towns because they simply can't make a living. But the conditions they find in the cities often are worse. If we can help people to find a good life and an adequate livelihood in the rural areas instead of sending them to the welfare rolls in the slums, we will have benefited America greatly.

Legislation is, of course, important. So are many other things which directly affect forestry and your industry. Land taxes are increasing at an astronomical rate. Land is continually removed from the timberland base for agriculture, suburban sites, industrial development, and many other special uses. The cost of clearing, cutting, and hauling is going right through the ceiling. Pulp and paper mills are under heavy pressure to meet air and water pollution control regulations. Some mills and even some companies can't survive.

I'm not at all certain that there are enough people in the land who understand the significance of forestry and its economic importance to the nation. There is a requirement to intensify efforts to educate the public so they may better understand the blessings which come to us simply because one-third of the nation's area is forest land. That forest land provides a continuous flow of renewable wood fiber for housing construction, packaging and paper, in addition to scenic, wildlife habitat, watershed, and recreational values. We must insure that more people recognize the fact that productivity of the forest is essential to the economy in employment and community development. The public needs to better understand the nation's wood needs, the ABC's of renewable resource management on forest lands. There are so many who have little or no contact with or knowledge of forest problems who could be easy game for special interest groups, including ecologists, who want to place their stamp on all programs, forestry and otherwise, even to the point of stopping sound utilization of forests.

There is also a requirement for intensive research. It is time for particular stress on insect and disease control and on genetic studies toward stronger and more productive strains in trees. New harvesting practices and improved marketing methods obviously are due more consideration. Research can well be directed toward solution of environmental problems. These can be as important in our time as tree planting activities have been in earlier days. We also need to be aware of the problems of visual impact on forest visitors, of wildlife habitat and of other management considerations. There will be more and more sensitivity of the public on the way we manage forests. It's better to do our research and come up with the right answers than have it done for us and to have the wrong answers inflicted upon us.

I emphasize quality and environmental management because they make sense, but also because of increased public awareness of environmental issues and the influence it is bound to have on legislators, both State and national. I do not want to see forest practices regulated by law, yet that is just what some people are threatening or crying for.

It is important that industry and the administrators of public lands maintain a harmonious working relationship with conservation groups and remain flexible in seeking common ground for management and resource objectives.

What seems clear to me is that the momentum toward a more expansive forestry program nationwide, some kind of accommodation with a more environmentally conscious public, and a more balanced use and development of natural resources on public and private forest lands are realities that will loom larger as time goes on. The way we meet these challenges will determine, to a great extent, not only the state of our future timber supply, but the whole vast environmental picture in which each one of us—timber producer, forest user, manufacturer, public forest administrator, general consumer, and the man in the street—has a place.

A long time ago one of America's greatest conservationists, Gifford Pinchot, said, "Conservation means wise use of the earth and its resources." That's still the name of the game for those who believe in strong forestry practices. But we have a selling job to do.

Now, at the risk of talking too long, I feel I must discuss with you some other considerations.

America is moving and moving fast. I am not sure we know just where we are going. There is great new moral concern for the people, for the environment, for minority interests and this is good. We should work toward a better life for everyone. But as a part of this changing public attitude, there has been a loss of a sense of responsibility on the part of too many Americans who now believe that society owes them something, too many who expect more from our Nation than they are willing to give in return. Their demands are transmitted to Washington and Washington is listening.

There is dissatisfaction, uneasiness, on the part of the public. It was vividly expressed just two weeks ago at the polls in Florida. There we saw a man receive more than forty percent of the votes because he was able to express in plain and simple terms the feelings of a disturbed America. He did not propose panaceas or pie-in-the-sky. He simply phrased the doubts which have been building up in America. Americans sometimes vote from prejudice—they vote against the establishment rather than vote for logic or even for constructive programs. But the voters also were saying America needs leadership, needs it badly; needs leadership which can point the way safely through the maze of difficulties which confront us.

American leadership during much of our history has been an exciting, dynamic thing. Perhaps that leadership has now been weakened by slackening of the national will. The United States needs purpose, coherence and integrity among its leaders. The American people need to know where we are going. They need to be told again and again that citizenship involves responsibilities and burdens, belief in our country, and patriotism. This is part of the story of America. We are not sick—we just need purpose and confidence.

There has never been a time when we didn't have problems. A hundred years ago this country was torn apart by war between the States, but we endured. Forty years ago a great depression shattered the security of most of our people, but we endured. Today's problems are serious. They may be as serious as any in our history. But the most serious problem would be a loss of faith in our ability to endure.

It is time for new stress on Americanism. This means involvement with America. It means an interest in what is happening to America. It means an effort to make our America a better and a safer and a happier country. It means interest in the methods by which government operates. There is great need for that kind of interest. The government directly affects the livelihood, health, happiness and pocketbook of every person. But Americanism is not effective until it is translated into programs—programs to stimulate patriotism, programs for a stronger America.

Yes, it is time for more active participation in government. Historically, too many of you have been reluctant to get involved. The time for involvement is now.

That brings me to this final word. America has demonstrated time and again that it can do whatever it sets its mind to accomplish. We have explored the moon in a most dramatic way. But there are too many problems at home which haven't been solved. Herein lies a warning. We like to do the spectacular, but the problems confronting us can't be dealt within this fashion. They require constant effort, tireless endeavor, and full dedication. We cannot afford a continuation of the indifference which has produced destructive pollution, intolerable crime rates, Black Panthers, ugly slums, unsolved disease, drug problems, and hospital costs that are out of reach. The county which gave opportunity to nearly all who sought it and produced a standard of living unheard of elsewhere in the world can cope with its problems, but it is time to be about it. This nation must realize and use its own strength.

I believe in America. I am sure you do. But all of us need to be reminded time and again of the importance of believing in America. It is easy to take the United States for granted. Its great power and prestige make us feel that it will go on and on just as we have known it. But that isn't necessarily true. Time for our country may be running out.

America must have the confidence and support of its own citizens to carry on its mission. Let's tell the world and each other that we have not lost our sense of mission, that we still have confidence and pride in this great adventure which produced the world's ideal of freedom and democracy. Let's be about America's business. Let's not classify and hold secret the fact we believe in America.

UNIVERSITY OF ILLINOIS REHABILITATION-EDUCATION CENTER

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. SPRINGER. Mr. Speaker, in writing her series of articles on the physically handicapped and earning their degrees at the University of Illinois, Carol Mathers tells about the Rehabilitation Education Center at the university which is the only one of its kind in the world. The second article gives the personal experiences of four individuals. The third article concentrates on Timothy J. Nugent who started the program in 1949 with one wheelchair student. These two articles follow:

DISABLED?—NOT THESE REHABILITATION CENTER ALUMS

(By Carol Mathers)

After my own disastrous experience in a wheelchair, I would not have thought it possible that anyone so confined could manage to take care of himself—much less lead an active, productive life.

But hundreds of UI graduates who have spent four years at the Rehabilitation-Education Center daily explode the myth that handicapped people are "disabled."

On the contrary, the Center boasts some locally well-known and highly accomplished alums.

Tom Jones, for instance. Jones is sports director for WCIA, Channel 3, in Champaign. A native of Carbondale, he graduated from the university in 1959 and last year received his master's degree in TV journalism from the UI College of Communications.

Jones has been a paraplegic since age five when he was shot off his tricycle by kids playing with an "unloaded" hunting rifle.

"At the time of my injury, a paraplegic was not expected to live long," Jones said. "But my mother, who was a registered nurse, was determined to rehabilitate me early—and she did."

He attended public school in Carbondale and played sports with the neighborhood kids. "I could hit the ball, but I had to have a runner run for me," Jones explained. "And I played first base—but the second baseman played pretty close to first."

While in high school, Jones got a part time job with a radio station in southern Illinois. When it came time to go to college, Jones said, "the university was the only place where I could go when I was looking for a good, well-balanced education."

He pursued his interest in electronic media and landed a part time job with WCIA while a sophomore in college—and went to work there full time after graduation.

"I'm not the least bit bitter," Jones reflected. "I would not have been able to do all I've done if it hadn't been for that accident. My whole life style was changed. If it hadn't been for my accident, I probably would have been content to get a high school diploma and go to work for the railroad like my dad."

Jones attributes a large measure of his success to the Center, and to its director Tim Nugent. "Nobody else would have sacrificed as Tim did to get this done—a lot of us have him to thank."

Evelyn Moore is in complete agreement. "I wouldn't be doing anything I'm doing now without the Rehab Center," she said.

"I was totally unfunctional when I arrived at the Center," Mrs. Moore went on. An automobile accident left her a quadriplegic at age 18. "That first semester I had to get up at 4 a.m. to be ready to go to class at 8:30. It took me two hours to get ready for bed. But by the end of the semester it took me only 45 minutes to dress, and ten minutes to undress! There was almost nothing I couldn't do."

Mrs. Moore said she "did it because I had to if I wanted to stay at the university—and I really wanted to stay because I was having a ball!"

She graduated in 1969 with a degree in sociology and went to work for the state Department of Public Aid as a case worker. She maintains a caseload of some 300 families whom she counsels on financial problems.

Married six years, the Moores have a 2-year-old son Justin. "I worked up until two weeks before Justin was born," Mrs. Moore said. She was also the first quadriplegic to give birth to a baby.

So now besides working full-time, Mrs. Moore takes care of her son, does her own housework, and still finds time to swim, bowl, and play table tennis.

Another quadriplegic with a busy schedule is Jack Whitman, a sales representative for radio station WDWS. Whitman injured his neck in a trampolet accident as a college sophomore and has been confined to a wheelchair since then.

Totally paralyzed at first, Whitman slowly regained the use of his hands. After being out of school for more than two years, Whitman returned to the University of Illinois and enrolled at the Center in 1952.

Whitman was the first Center student to graduate with a degree in journalism—but his real fame lies in his archery records, many of which will never be broken.

"In 1962 I missed the record in the British Open by only four points," Whitman said with justifiable pride. He competed in the Paraolympics in Rome in 1960 and in the International Wheelchair Games held every year in England.

"The nicest thing that ever happened to me was being named to the National Wheelchair Sports Hall of Fame last spring," Whitman said. "That was a real thrill."

Though he himself no longer shoots, Whitman is still active in archery. He spends some time every afternoon at the Center working with wheelchair archers, and he holds Wednesday night classes at the Osage Archery Range for kids 7–18 years old.

"I've coached more than 80 kids," Whitman said, "and eight of them have gone to international championships and about two dozen to national championships."

Whitman said that the hardest thing he had to learn was "how to handle the tension of being a champion."

"You're under pressure to get better at the time—and when I first started shooting in tournaments, I was a real rarity," he said. "I shot in two wheelchair tournaments a year plus the regular national and international tournaments. It really got to be an awful lot of work."

Whitman said he owes a lot to the Center. "The program was new and not much accepted when I was there," he explained. "So the students had to help Nugent make the program work—to prove that it had value."

About Nugent himself Whitman said, "I was awestruck when I first met Tim 20 years ago and I'm still a little awestruck—I still can't quite believe him, he's such a dynamic individual.

"Of course, he made a big impression on all of us," Whitman continued. "At that time, Tim was the Center—he handled all the administration and the therapy."

"We all had to work hard to make that program a reality," Whitman said. "The kids today don't realize how much they have in that Center."

Another graduate who has watched the Center grow from nothing but an abstract theory is Don Swift, supervisor of placement services for all nonacademic UI personnel.

A World War II veteran Swift was the first paraplegic ever to graduate from college. He majored in accounting because "it was one of the few areas wheelchair people could get into."

"Once I graduatad I had job offers from all over the world," Swift recalled. "Being the first paraplegic to get a college degree, I received all sorts of publicity—really it was played all out of proportion."

He decided to take a job with the university and has been there since 1952. "When we graduated we had to be a success," Swift pointed out. "You had to give a good impression both on and off the job because everything you did was a reflection on the Center."

The Center had barely begun when Swift arrived on the Galesburg campus in 1948. "Even after being injured in the war, I never gave up the hope of going back to school," he said. "I spent some time in the veterans' hospital in Chicago and there I met Harold Scharper, Nugent's first student. Scharper told me about the program starting in Galesburg and I was immediately interested."

Swift was part of the program when the Galesburg campus closed in 1949 and the wheelchair vets had to find another place to go to school.

"We surveyed hundreds of campuses all over the country, but nobody seemed interested in having us," Swift said. "So in desperation we held what proved to the forerunner of the sit-in—we went to Springfield and convinced the Legislature that it should allow our program to come to the Champaign-Urbana campus."

The Legislature agreed—grudgingly. They allotted the program two tarpaper shacks left over from World War II surplus housing. "The whole program—everything—was housed in those two shacks at first," Swift recalled.

Swift was also a part of the first wheelchair sports team and participated in the first national basketball tournament in 1949 in which six teams competed.

"We've come a long way since then," Swift said, "not just in athletics—the whole program has grown."

And what Swift experienced was only the beginning.

UI REHAB PROGRAM HAD "TEMPORARY" START: NUGENT JUST KEPT ACCEPTING STUDENTS . . . DESPITE UNIVERSITY WISHES

(By Carol Mathers)

Actually, it wasn't supposed to be anything more than a temporary assignment.

When Timothy J. Nugent, graduate student at the University of Wisconsin, arrived on the University of Illinois campus in Galesburg, he was working on his doctoral dissertation in educational psychology and administration.

The subject of his dissertation was to be the development of an educational program for the severely, permanently handicapped. After a couple of years, when his research was completed, Nugent planned to go back to Wisconsin to write his dissertation. The program would be completed.

That was 25 years ago.

Today Nugent is the director of the nation's most comprehensive university rehabilitation and education program: the Rehabilitation Education Center at the University of Illinois.

He never did go back to Wisconsin. Said Nugent, "There was so much to be done. Nobody had ever worked with paraplegics and quadruplegics before—because nobody expected them to live more than three or six months."

According to Nugent, it was not until after World War II that paraplegics became the subject of any intensive medical research. So little was known about the paralyzed patient—certainly a college education was never considered.

"But from the very beginning I was convinced that paros and quads could do more than they were being given a chance to do," Nugent emphasized. "It was my aim to afford people with severe, permanent disabilities the opportunity for a normal education like other people have—including extracurricular participation and all the things which are part of a college education."

The obstacles were formidable, but in September, 1949, Nugent began his program at what is now the State Research Hospital in Galesburg. He had one wheelchair student.

"By the next fall we had 13 students on campus—and 22 students before that year was out," Nugent recalled.

The program ran on a shoestring. With no firm commitment from UI to develop a full-time program, Nugent had to raise the necessary funds by himself.

According to Nugent, he raised money "from gifts and grants" and from contracts which he had with the Veterans' Administration and the state Division of Vocational Rehabilitation (DBR).

"Because my students were entitled to certain benefits, due to the nature of their disability, the VA and DVR were required to help pay for their education," Nugent explained. "For every student, I had an individual contract with a public agency to pay for our services—and that's how we financed the program initially."

About the time the program was off to a promising start the state legislature decided to close the Galesburg campus. Nugent and his students wrote "hundreds of letters to colleges all over the country"—but got little response. "Nobody was interested in taking over the program," Nugent said.

Not to be dismissed lightly, Nugent and his two dozen students decided to take their case to Springfield. Their demonstration—probably the nation's first "sit-in"—illustrated the need for and interest in the program.

"Our primary objective in that demonstration in the spring of 1949 was to keep the governor from signing a bill to close the Galesburg campus," Nugent said. "Our second objective was to get a guarantee that our kids could continue their education even if the Galesburg campus was closed."

Their first objective failed—but their second was victorious after Nugent brought a groups of his students to the Champaign-Urbana campus to demonstrate that wheelchair students could, indeed, get around.

Nugent and his group of 28 handicapped students arrived at their new headquarters in the fall of 1949. UI administrative support was half-hearted at best.

"They gave us two Army surplus barracks in which to house the students and the program," Nugent reminisced. "In half of one tar paper shack we put our therapy, work room, treatment room and office. The rest of the space was used for student housing."

The whole program was still "temporary," according to UI officials. Nugent was told that he could fulfill his commitment to the students he had brought from Galesburg—but that was as far as the university intended the program to go.

"The university didn't appropriate any funds for the program that first year," Nugent said. "In fact, it didn't appropriate any money at all for the first nine years."

The program lived a hand-to-mouth existence but continued to thrive. Bypassing university administration wishes to phase out the program, Nugent accepted new students every year.

"We just kept taking over more tar paper shacks for student housing." Nugent shrugged. By 1955 the complex included about eight such shacks.

And by 1965 the university was beginning to take notice. For the first time that year the program for handicapped students was granted a budget appropriation by the university and Nugent was able to hire one full-time staff member—the only other one besides Nugent himself.

"Of course we hadn't been sitting still all those years," Nugent pointed out. "Ever since coming here in '49 we had been building ramps and cutting curbs to make the campus accessible for our kids."

Having worked its way into the university family—if only as a step-child—the program continued to expand. So did its needs.

In 1958 Nugent, striving to make a dream come true, submitted a development proposal for a new rehabilitation-education complex which would be without rival on any campus anywhere in the world.

The original proposal called for $1.2 million, one-third of which would come from federal funds under the U.S. Public Health Service, one-third from state funds and one-third from private resources.

"The way things turned out, I had to raise a good deal more than that one-third from private resources," Nugent said. "Our original estimate was low and as additional funds were needed, the only place to go was to our friends."

In the summer of 1965—almost 18 years after it was begun—the program moved into its new headquarters on Oak Street. Almost simultaneously the bulldozers plowed down the old tar paper shacks.

Sitting now in his modern office, Nugent learned back in his executive-size chair behind his executive-size desk and lit a cigar.

"We've come a long way in 25 years—but there's still a lot to be done," he said. "Financially we're still hunched over and can't stand up straight—but at least we're not on our knees any more."

The director has pushed—hard—to make it all happen. And he doesn't see an end to his task just because things look a little better.

He drives himself and his staff to their absolute limits—and then some. His violent red hair is fading—but his temper is not and he demands excellence at all times. If an award exists, he's won it—from presidential citatons to Chamber of Commerce plaques.

In one half hour he handled a request from the Easter Seal Society for 20,000 copies of a paper he'd written and a plea for help from an ex-student who is sitting in a Chicago jail. The Center, he says, gets some 200 special requests a week concerning facilities, treatment, transportation, and therapy.

He takes a personal interest in each and every one of "his" students and is affectionately known around the center as Tim.

According to Nugent, much remains to be done. "Public education about the handicapped, accessibility of buildings and transportation, elimination of employer prejudice—these things may never be fully accomplished," he says.

But Nugent, and the members of his staff, go on trying.

BECKMAN HONORED BY ALMA MATER

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, on Tuesday, April 18, 1972, Chicago Tribune White House Correspondent Aldo Beckman returned to his alma mater, Western Illinois University, where he was honored by both students and faculty alike. Aldo has been a most capable Washington correspondent for the Tribune for several years, covering the complete spectrum of significant events emanating from our Nation's Capital.

He has just recently come back from the Republic of China where he covered the President's precedent-setting trip. His return to Western Illinois gave him the opportunity to share with the students there the insights and experiences he has obtained from his years of traveling with the President.

I would like to insert the Chicago Tribune article concerned with Western Illinois' tribute to Aldo Beckman for my colleagues attention. I believe that it was a well-deserved honor for a very capable man.

The article follows:

[From the Chicago Tribune, Apr. 19, 1972]

BECKMAN HONORED BY ALMA MATER

(By David Gilbert)

MACOMB, ILL., April 18.—Tribune White House Correspondent Aldo Beckman was honored today by students and faculty at his alma mater, Western Illinois University.

For the students and faculty, Beckman's homecoming gave them a chance to hear an eye witness report on the activities of President Nixon, whom Beckman has covered for the last two years.

For Beckman, the day of activities gave him a chance to renew old acquaintances and to speak in his traditional Illinois twang without sounding out of place.

WAS GRADUATED IN 1956

Beckman was graduated from Western in 1956. Nixon was Vice President then, seeking reelection, and one of the big campus events was a concert by Fred Waring and his Pennsylvanians.

"Things have really changed," Beckman said as he was greeted by John T. Bernhard, university president.

"Driving thru the campus I noticed a coed wearing hot pants," Beckman said. "We sure didn't have anything like that when I was at school."

Instead of Fred Waring, students will hear a concert Saturday by Isaac Hayes and the Hot Butter and Soul group.

Beckman recalled that only 1,400 students were enrolled when he attended Western. The sprawling university campus now houses more than 14,000 students.

DISCUSSES NIXON'S TRIPS

Beckman discussed Nixon's recent trips to China and Canada with political science students.

He also was interviewed by journalism students.

One person who remembered Beckman when he was a student, was Reef Waldrep, professor of journalism.

"It is nice that a member of the class of 1956 is coming home by way of the People's Republic of China and Canada," he said.

"It is also nice to know that THE TRIBUNE man who covers the President once sat in classes here."

This school has developed nicely" Beckman said. "I'd probably would flunk out now as a freshman.

A BILL FOR AMNESTY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. ABZUG. Mr. Speaker, while our President soothes us with regular reports of his troop withdrawals and claims of success in his Vietnamization program, our forces increasingly devastate the land and people of Southeast Asia and Asians continue to kill Asians with American weapons. A vast and cynical effort is underway to transform the American people's bitterness against the war into a pacified, postwar mentality, even while the computerized destruction in Southeast Asia continues peace.

Perhaps one indication that this new deception is enjoying some success is the recent upsurge in public discussion of the question of amnesty. In one sense the popularity of the subject is a good sign. It is evidence of the widespread judgment that the war is immoral and that steps should be taken to vindicate those who reached this judgment long ago. But at the same time talk of amnesty may show a willingness to close the book on the war, to resolve the war issue prematurely. Amnesty is regarded by some as part of a postwar program of reconciliation—one of those issues we deal with now that peace is restored, now that the fighting is over.

Well some of us are not reconciled yet. Some of us are not fooled. We know that without sending troops into the field we still kill hundreds of Asian soldiers and civilians every week, victims of our new electronic monsters, of our remote control warfare. Our Government is still eagerly perpetuating an immoral war, and talk of postwar programs is not going to pacify us.

Still, most of us are deeply sensitive to the issue of amnesty. We are aware of the needs of those other victims of the war—those conscientious Americans whose moral commitment to peace subjected them to prison sentences or exile. We feel a strong sympathy for those war resistors because we know that the war is and has been morally wrong.

Thus the dilemma: how to talk about amnesty, while not compromising our fierce opposition to the continuing war? I, for one, feel that we can and we must discuss amnesty as long as we deal with the war as a first priority, and as long as we support the kind of amnesty measure which recognizes our constituents' assessment of the whole war policy. In other words, we need amnesty legislation which responds to the war resisters by confronting the war issue straight on—an amnesty measure which focuses, rather than dilutes our bitterness against the war.

Mr. Speaker, I would like to propose just such a measure. I am submitting today legislation which I regard as the first honest, consistent, comprehensive response to the problem of amnesty. My bill is not simply a means to grant relief to certain persons. It is first and foremost a demand for peace and a demand for a new direction in our national goals. My bill would grant relief to war-resisters of course, and it would acknowledge their hardships and their courage. But first it would echo their conscientious opposition to the continuing war.

CESSATION OF HOSTILITIES

My bill embodies six major features. First, of course, it demands a speedy and total cessation of U.S. involvement in Southeast Asia. It does this not only by implication—through vindication of war-resisters—but also by specific language.

Consistent with this first goal, the amnesty I propose would not become effective until the war is really ended. This is necessary if we are to validate the stand taken by war-resisters, and the fact is that the resisters themselves would have it no other way. They have taken their stand on principle and they will not be reconciled except on principle. They would be degraded and their acts of resistance rendered meaningless if they were to accept reinstatement while the war which prompted their acts continues.

UNCONDITIONAL AMNESTY

Second, my bill would grant, after the cessation of hostilities, unconditional restoration of rights to war-resisters, without imposing requirements of alternative service or a showing of "repentance." Imposition of such conditions would imply two fallacious assumptions: first, that recipients of amnesty shirked some legitimate duty to contribute to the war effort, and second, that by avoiding this duty they enjoyed some unfair personal advantage. The answer to the first of these points should be obvious to anyone who has judged the war immoral. How can a citizen have a legitimate duty to support an immoral war? And on the second point, how can it be said that one who has had the courage to face imprisonment or exile has enjoyed an unfair personal advantage? One cannot fail to recognize the bitter hardship that a young man suffers when he must abandon family, friends, job, and home for an uncertain life in a strange country, or worse a life of degradation in prison, with the permanent stigma which that attaches. For the Government to impose these hardships for the sake of a corrupt war policy is equally as unjust as conscripting men and sending them to risk their lives to defend such a policy. A proper amnesty measure must mitigate these hardships while an alternative service requirement would only supplement them.

UNIVERSAL AMNESTY

Not only is the amnesty I propose thus unconditional, but it is broad enough to cover all classes of essentially nonviolent war resistors. I feel that amnesty should extend not just to draft evaders but to deserters and antiwar demonstrators as well. Under my bill amnesty would be granted automatically to anyone who refused or evaded induction under the draft laws, to anyone who absented himself from the Armed Forces, and to violators of associated statutes when such violations occurred or will occur during the war years. In addition, my bill proposes the establishment of an Amnesty Commission appointed by the Congress and the President to grant amnesty to violators of any other Federal, State, or local laws when the Commission finds that the violation was motivated substantially by opposition to the war and that it did not result in significant property damage or personal injury. The bill gives the Commission leeway to grant amnesty further when it finds in rare instances that although the violation did result in damage it was nevertheless justifiable on the basis of a deeply held ethical or moral belief.

FULL RESTORATION OF RIGHTS

The amnesty I propose is thorough enough to negate every legal consequence suffered as a result of war resistance. With respect to the violations I have mentioned, a grant of amnesty under my bill would restore all civil, political, citizenship, and property rights. It would release those imprisoned. It would immunize from criminal prosecution. It would expunge all criminal records. And it would require the Armed Forces to grant an honorable discharge to anyone who received other than an honorable discharge because of the violations I have mentioned. A further provision would require restoration of citizenship upon simple request, to anyone who renounced his citizenship because of his opposition to the war.

AVOIDING UNFAIR DISCRIMINATION

In developing amnesty legislation it is essential to insure that a grant of amnesty will not discriminate unfairly between resistors in different formal legal classifications, or from different socioeconomic backgrounds. It would be hypocritical in the extreme to restore the rights of draft evaders while denying reinstatement to deserters, who simply came to their moral awareness after entry into the service rather than before. The legal distinction between draft evaders on the one hand, and deserters on the other is not relevant to the question of amnesty. The question is a moral one, and no moral distinction can be made between these two groups.

Other amnesty proposals have suggested automatic amnesty for draft violators but more careful consideration or no consideration at all for deserters. The theory, supposedly, is that the motives of draft evaders are more easily identifiable as conscientious, while the motives of deserters are more diverse or tend to be selfish. While this theory is not supported by the facts, I question its relevance, since it is impossible to devise a fair administrative mechanism to identify motives. The records of draft boards and military boards who have ruled on the sincerity of conscientious objectors show that such proceedings are by nature arbitrary and capricious, discriminating flagrantly against those who are less well educated and less articulate in stating their beliefs. In fact, many war resistors, both convicts and fugitives, are themselves conscientious objectors who were unable to convince their draft boards but unwilling to compromise their beliefs. It would be absurd to require such men to submit their consciences to further governmental scrutiny. What recourse would they have if they failed a second time to establish their sincerity in an arbitrary administrative proceeding?

At the same time there are a great many other convicts or exiles who have never applied for CO status or perhaps would not consider themselves CO's under the law, who might be unable to articulate their beliefs but who, nevertheless acted upon a deeply felt opposition to the war. The only way to restore justice for those individuals is to grant a blanket amnesty, for certain acts, which undeniably would apply to all regardless of motive.

But is this a real problem? Must we really be concerned as to the motives of those who refused to fight? In the final analysis, if we affirm and stand by the judgment voiced by the majority of the people that the war is immoral, then it follows that no one could rightly be compelled to participate in it. If the duty to fight was not legitimate then we cannot punish anyone who failed to fight, regardless of the motives for his failure. Under our birthright as Americans none of us can be deprived of life, liberty and the pursuit of happiness without just cause. I submit that our war policy in Southeast Asia has never constituted such a just cause.

BRINGING HOME THE WAR-RESISTERS

The final unique feature of my legislation is its effectiveness in responding to the just demands of war-resisters themselves. It is an unprecedented and tragic fact that this country has lost to self-imposed exile, an enormous number of its finest, most conscientious, most creative young people. One of the most important purposes of any amnesty measure must be to bring these exiles home, so they can lend their energies to rebuilding the Nation, to effecting the changes we need, and to working with the political structure to insure that we have no more Vietnams. No measure short of the one I propose can succeed in accomplishing this purpose.

Every communication from war exiles abroad which I have seen in the press, in my own mail, and at recent congressional hearings, makes it clear that virtually none of the war exiles would return home under the half-way amnesty proposals which we have seen in Congress up to the present.

War-resisters to whom amnesty would apply have rejected previous amnesty legislation for a number of sound reasons. First, they must, on principle, oppose any attempt to reconcile them or the American people to a war policy which they have found unconscionable, and which our Government continues to espouse. Second, they reject discriminatory amnesty measures which grant relief to some members of their group while ignoring others, especially deserters. Third, they reject amnesty measures which impose essentially punitive conditions such as alternative service. They regard the war as criminal, and they ask, "Since we refused to commit the crime, why should we be punished?"

I join with war-resisters in rejecting the tokenism inherent in previous amnesty legislation.

To summarize, my bill would grant unconditional amnesty upon a stipulated end of the war. It would grant amnesty to all classes of essentially non-violent war-resisters who have violated Federal, State, and local laws in the course of their protest. It will restore to the recipient every right of citizenship and negate every legal disadvantage suffered as a consequence of war protest. My bill will avoid discrimination against those who are less well educated, by not requiring a sophisticated explication of the philosophical motives behind the acts subject to amnesty. Finally my bill will effectively reconcile and repatriate war-resisters, as soon as that is made possible by an end to the war.

This bill embodies honesty and consistency, while not compromising an unalterable opposition to the war. I feel that only by adopting such a measure can we hope to end the war decisively, restore justice to the war's victims and begin to renew our country morally.

Critics of amnesty are numerous, vocal, and, in the main, sincere. Two arguments are most frequently advanced by them to counter the idea of amnesty. First, while few critics attempt to justify the war policy itself, they argue that amnesty for war-resisters would dishonor or disown the sacrifices made by those Americans who fought in Southeast Asia. I do not belittle these sacrifices. On the contrary I mourn them bitterly and deeply because I deem them to have been purposeless, squandered by the Government for wrongful ends or no ends at all. I am angered and I am sickened when I consider all of the tragedies of the war, but I do not direct my anger at those who refused to fight, who were themselves victimized. I direct my anger at the responsible parties—the warmakers in our Government. They are the ones who dishonored our soldiers, by using them and wasting them in a corrupt enterprise. If the Government had listened to the draft refusers, the demonstrators, and the deserters long ago many lives could have been saved and much suffering averted.

To make an analogy, when a court system sentences a man to death and later strikes down the law under which he was sentenced, reversal is ordered. The courts do not insist upon the sentence for the sake of consistency or to honor others who were wrongfully executed. In the carrying out of this war, it is the Government which, as it were, pronounced sentence erroneously against 55,000 young soldiers. It is time for the Government to reverse itself now, and not blindly perpetuate the wrong by punishing those who refused to fight.

Furthermore, how can we be so concerned that amnesty would dishonor the veterans and casualties of Vietnam, when many of the veterans themselves are the most active, dedicated opponents of the war, and the most vocal proponents of amnesty. Many veterans, having experienced the war firsthand, having witnessed its consequences, and having examined the war's deceptive rationale, have concluded that they should not have fought and would themselves have refused to fight had they been aware at the appropriate time.

A second argument commonly advanced to oppose amnesty is that amnesty now would lead young men of the future to believe that they could shirk their military duties with impunity. Thus, the argument goes, in some future national emergency we would be unable to raise armies. But I would point out that amnesty measures have followed nearly every major war this country has fought. Historically, amnesty is an American tradition. And yet history also shows that whenever the country has been in danger, young citizens have responded and sacrificed willingly in combat. In fact, this country never has experienced significant difficulty in raising armies for its military endeavors. I have faith in the patriotism of young Americans. I have faith that they would rise to defend this country if a national emergency really required it. But I also have faith in their ability to think for themselves, to distinguish right from wrong where their Government's policies are concerned, and to have the courage to resist official policies where they are manifestly immoral.

For these reasons I reject the contentions of those who would deny amnesty. I submit, to the contrary, that a broad amnesty measure would honor us as a nation and serve our most vital national interests.

Mr. Speaker, I urge my colleagues to consider carefully this legislation, the text of which I am including in the RECORD. I invite your attention to a brief compilation of statements which support unconditional amnesty eloquently and from various points of view.

I include the text of the bill introduced by myself, Mr. CONYERS, Mr. DELLUMS, and Mr. RYAN:

H.R. 14175

A bill to exonerate and to provide for a general and unconditional amnesty for certain persons who have violated or are alleged to have violated laws in the course of protest against the involvement of the United States in Indochina, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "War Resisters Exoneration Act of 1972".

FINDINGS AND DECLARATION

SEC. 2. (a) The Congress finds and declares that a general and unconditional amnesty with full restoration of all civil, political, property, and other rights is a necessary measure, after the cessation of United States military operations in Indochina, for the reconciliation and reinstatement of persons who have been prosecuted, or who may be subject to prosecution, for failing to comply with any requirement of, or relating to, service in the Armed Forces during the involvement of the United States in Indochina, or for engaging in any nonviolent activity or activity justified by deeply held moral or ethical belief in protest of, or opposition to, the involvement of the United States in Indochina.

(b) The Congress further finds and declares that it is an immunity of citizens of the United States (within the meaning of section 1 of the Fourteenth Amendment to the Constitution of the United States) to enjoy the annulment of all legal disadvantages that have been incurred or suffered by reason of opposition to the involvement of the United States in Indochina, to the greatest extent consistent with the preservation of life and property.

EFFECT OF GENERAL AMNESTY

SEC. 3. The general amnesty granted by or under this Act shall, with respect to any violation of law enumerated in section 4 or covered under section 6—

(1) restore to the grantee all civil, political, citizenship and property rights which have been or might be lost, suspended, or otherwise limited as a consequence of such violation;

(2) immunize the grantee from criminal prosecution for such violation;

(3) expunge all notation relating to such violation from the records of courts and law enforcement agencies;

(4) require the granting of an honorable discharge to any person who received a discharge other than an honorable discharge from the Armed Forces if such violation was solely the cause, or a substantial cause, of the granting of such other than honorable discharge; and

(5) nullify all other legal consequences of such violation.

AUTOMATIC GENERAL AMNESTY

SEC. 4. (a) Notwithstanding any other provision of law, general amnesty is hereby granted to any person for violation of one or more of the laws enumerated in this section, or regulations and policies promulgated pursuant thereto, if such violation was committed between August 4, 1964, and the effective date of this section. Such amnesty is automatic, and no application to the Amnesty Commission or any other agency is necessary to effectuate it.

(b) General amnesty is granted for violations of any of the following laws:

(1) Section 12 of the Military Selective Service Act (50 App. U.S.C. 462) with respect to the following prohibited acts—

(A) evading or refusing registration, evading or refusing induction into the Armed Forces, or willfully failing to perform any other duty under such Act, or conspiring to do so;

(B) knowingly counseling, aiding, or abetting others to refuse or evade registration or service in the Armed Forces of the United States, or conspiring to do so; or

(C) publicly and knowingly destroying or mutilating any registration or classification card issued or prescribed pursuant to such Act and knowingly violating or evading any of the provisions of such Act, or rules and regulations promulgated pursuant thereto relating to the issuance, transfer or possession of any registration or classification card.

(2) Section 882 of title 10 United States Code, which prohibits the soliciting or advising another, or attempting to solicit or advised others, to desert the Armed Forces of the United States.

(3) Sections 885 and 886 of title 10 United States Code, which prohibit deserting or going absent without leave from the Armed Forces of the United States.

(4) Section 887 of title 10 United States Code, which prohibits missing the movement of a ship, aircraft, or unit with which it is required in the course of duty to move.

(5) Section 888 of title 10 United States Code, which prohibits using contemptuous words against the President, the Vice President, Congress, the Secretary of Defense, the Secretary of a military department, the Secretary of the Treasury, or the Governor or legislature of any State, territory, Commonwealth, or possession on which he is on duty or present while a commissioned officer in the United States Armed Forces.

(6) Section 1381 of title 18 United States Code, which prohibits the enticing or procuring, or conspiring or attempting to entice or procure any person in the Armed Forces of the United States, or who has been recruited for service therein, to desert therefrom, or aiding any such person in deserting, or in attempting to desert from such service; or harboring, concealing, protecting, or assisting any such person who may have deserted from such service, knowing him to have deserted therefrom, or refusing to give up and deliver such person on the demand of any officer authorized to receive him.

(7) Section 2387 of title 18 United States Code, which prohibits the advising, counseling, urging or in any manner causing or attempting to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States, with the intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States.

AMNESTY COMMISSION

SEC. 5. (a) There is established a commission to be known as the Amnesty Commission (hereinafter in this Act referred to as the "Commission");

(b) The Commission shall be composed of five members, qualified to serve on the Commission by virtue of their education, training, or experience, as follows:

(1) One appointed by the President.

(2) One appointed by the President pro tempore of the Senate.

(3) One appointed by the Speaker of the House of Representatives.

(4) One appointed by the minority leader of the Senate.

(5) One appointed by the minority leader of the House of Representatives.

Individuals who are officers or employees of any government are not eligible for appointment to the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) Members shall be appointed for the life of the Commission.

(d)(1) Members of the Commission shall each be entitled to receive an annual salary equal to the annual salary payable to a judge of a United States district court.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

(e) Three members of the Commission shall constitute a quorum. The Chairman of the Commission shall be elected by the members of the Commission.

(f) The Commission may appoint and fix the pay of such personnel as it deems desirable, including such hearing examiners as are necessary for proceedings under this section. The provisions applicable to hearing examiners appointed under section 3105 of title 5 are applicable to hearing examiners appointed pursuant to this subsection.

(g)(1) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(3) The Administrator of General Services shall provide to the Commission on a

reimbursable basis such administrative support services as the Commission may request.

GRANT OF GENERAL AMNESTY BY THE COMMISSION

SEC. 6. (a) Notwithstanding any other provision of law, the Commission shall grant general amnesty as provided for in section 3 of this Act to any individual who, during the period beginning August 5, 1964, and ending on the effective date of this Act, violated any Federal law (other than one enumerated in section 4 of this Act) or State or local law if the Commission finds that—

(1) such violation was in substantial part motivated by the individual's opposition to, or protest against, the involvement of the United States in Indochina; and

(2) the individual was not personally responsible for any significant property damage or substantial personal injury to others in the course of his violation of any such law;

except that, in any case in which the Commission finds that an individual was personally responsible for significant property damage or substantial personal injury to others in the course of his violation of any such law, the Commission shall grant amnesty if it finds that such conduct was justifiable on the basis of a moral or ethical belief deeply held by the individual.

(b)(1) Whenever the Commission grants general amnesty under this section to an applicant who received a discharge other than an honorable discharge from the Armed Forces, it shall make a finding as to whether any violation of law or which general amnesty is granted was solely the cause, or a substantial cause, of the granting of such discharge.

(2) The Commission shall also have jurisdiction to hear and determine applications from individuals entitled to automatic amnesty under section 4 of this Act and aggrieved by the refusal of the military board concerned to grant an honorable discharge to him under section 3(4) of this Act.

(3) Any finding or determination made by the Commission pursuant to this subsection shall be conclusive upon the military board concerned and is not reviewable by any agency or member of the Armed Forces or any civilian officer of the military establishment.

(c) Any individual desiring amnesty under this section, or review of the decision by a military board to deny him an honorable discharge, shall make application therefor to the Commission in such form as it shall prescribe. The Commission shall not receive any application for amnesty or discharge review under this Act after the close of the 48th month after the month in which this section takes effect.

(d) Any application for amnesty or discharge review which is timely filed shall be determined on the record after opportunity for hearing in accordance with sections 554, 556, and 557 of title 5, United States Code. The entire record developed at the hearing on any application shall be certified to the Commission for decision. All decisions of the Commission shall be by majority vote.

(e) Any applicant may obtain judicial review of a decision by the Commission which is adverse to him by filing a petition for review in the United States court of appeals for the circuit wherein he resides within 60 days after the date on which the decision is made. The Commission shall thereupon file in the court the record of the proceedings on which the Commission based its decision, as provided in section 2112 of title 28. The court shall have jurisdiction to review the decision in accordance with chapter 7 of title 5 and to grant appropriate relief as provided for in such chapter.

(f) Any individual not able to apply to the Commission for a determination under subsection (b)(2) of this subsection because the decision of the military board concerned to deny him an honorable discharge was made after a date sixty days prior to the closing date specified in subsection (c) of this section may obtain judicial review of such decision by filing a petition for review in the United States district court for the distirct wherein he resides within sixty days after the date of such decision. The military board concerned shall thereupon file in the court the record of the proceedings on which the board based its decision. The court shall have jurisdiction to review the decision of the military board in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided for in such chapter.

RESTORATION OF CITIZENSHIP

SEC. 7. Upon petition to any district court of the United States, the United States citizenship of any former citizen who states that he renounced such citizenship solely or partly because of disapproval of involvement of the United States in Indochina shall be fully and unconditionally restored.

SUITS IN THE DISTRICT COURTS

SEC. 8. (a) The district courts of the United States shall have jurisdiction without regard to the amount in controversy to hear actions brought to redress the deprivation of rights granted by section 3 of this Act, and to grant such legal and equitable relief as may be appropriate.

(b) Notwithstanding the provisions of section 2283 of title 28, United States Code, or any successor provision thereto, a district court hearing an action brought pursuant to subsection (a) of this section may grant injunctive relief staying proceedings in a State court.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY OF PROVISIONS

SEC. 10. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to other persons or to other circumstances shall not be affected thereby.

EFFECTIVE DATES

SEC. 11. Sections 4, 6, 7 and 8 of this Act shall take effect upon the date of cessation of United States military operations in or over South Vietnam, North Vietnam, Cambodia, Laos, and Thailand which date shall be proclaimed by the President and shall be not later than three months after the date of enactment of this Act.

THE GENTLE GIANT FROM BROOKLYN

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. CAREY of New York. Mr. Speaker, I would like to bring to the attention of my colleagues three articles written by Dick Young which appeared in the New York Daily News on April 4, 5, and 6, 1972.

These articles pay tribute to Gil Hodges, who died suddenly on Easter Sunday, just 2 days before his 48th birthday. Gil Hodges was a great success in baseball, first as a star first baseman with the Brooklyn Dodgers and later as manager of the New York Mets. His achievements, as well as his sincerity and humility, served as an inspiration for thousands of youngsters in Brooklyn, where he lived for more than two decades.

I had the personal privilege and honor to be in the company of Gil Hodges a number of times. He met my young children who idolized him. We attended many functions for the benefit of young people. He was famous for giving freely of his time and energy to any good cause in his adopted hometown of Brooklyn.

Mr. Speaker, I insert these articles in the RECORD at this point:

BORN IN MIDDLE AMERICA, TESTED ON IWO JIMA

(By Dick Young)

The fireboat, a mayor's plaything, came around the bend, shooting its water-spouts to the evening sky in a fine spray. The people at the cookout, the baseball players and the basketball players, and their ladies and some children, hurried excitedly down to the edge of the lawn that slopes to the East River behind Gracie Mansion. Gil Hodges remained behind long enough to stuff the last large bite of a hotdog into his mouth.

He turned and noticed a man coming toward him, a man taller even than himself, and as broad. The square jaw, the tousled hair, looked strongly familiar. Gil Hodges' mind spun rapidly, trying to put a name to the face.

"Dave DeBusschere," said the man, a step away, extending his hand. "I just want to tell you I like your style."

"Thanks, and congratulations," said the manager of the champion New York Mets to the forward of the newly-crowned New York Knicks, that mild May evening of 1970.

Let me, please, tell you about Gil Hodges' style. It was born in mid-America, tested on Iowa Jima, and nurtured in Brooklyn where it will be buried on Thursday.

No, that's wrong. He will be buried, but his style lives on in all men of high moral value. He loved his family, his home, his God, Jesus Christ, his country, his team, in that order. He made a show of none of them. Whatever he did, he did quietly, in a time when being quiet, when having those values, seemed to have gone out of fashion.

In managing a ballclub, his style was the detached, aloof way. He resented the propaganda that said the kids of today are different; they must be handled differently. He refused to diaper them, to burp them. He treated them like men, realizing that men, too, must live by rules. His cardinal rules were: Be on time, and be ready to give your best. If you weren't there, it was no big deal. Somebody else would take your place. No fuss. The world would go on. You're not that important. It is a philosophy often tested by ball players, even now.

Ron Swoboda was the first to test the new manager in the spring of '68. The Mets were playing the Orioles at Miami. First inning. Ken Boswell up, and Ron Swoboda due next. The on-deck circle was empty. Gil Hodges looked down the bench. "Where's Swoboda?"

"I'll send somebody into the clubhouse for him," said Rube Walker.

"Don't bother," said Hodges. "Cleon, you get up there."

There was another time, earlier, when he managed in Washington. Perhaps the only major league ballplayer he had was the shortstop, Ed Brinkman, whose wife was expecting. Just before the game, the clubhouse man came to the dugout and told Brinkman the hospital was on the phone. Brinkman went in to answer. A few minutes later, Hodges walked back to the clubhouse. There, alone, in front of his locker sat Ed Brinkman.

"What are you doing here?" said Hodges. "Get to the hospital where you belong."

It's a matter of values. His weren't infallible, but they were good, very good. People will be asking who should manage the Mets. If Gil Hodges were to have a say, he would say Rube Walker. On the rare occasions when Gil couldn't be there, he would turn the team over to Walker, his old Brooklyn teammate, and his first mate through nine years of managing.

One day in Washington, the flu bug hit Hodges hard. He went to the park, but couldn't go on. He turned the club over to Walker, went back to the hotel, climbed into bed, and listened to Rube lead the Senators to victory in the doubleheader, an historic feat.

A moment after the second game ended, the phone rang. Hodges picked it up and, without hearing a thing said, "Yes, Rube."

"Any comments?" said Walker, as smugly as only a close friend can be.

"That's the most disloyal thing I've ever seen a man do!" said Hodges.

His humor was the straightfaced needle, and he could laugh as loudly as anyone at a joke, but there were some things Gil Hodges could not joke about. When he came to manage the clowns who kept falling down in Shea Stadium, he announced that there was nothing funny about losing. The entire philosophy of Shea Stadium changed almost overnight.

Two years later, when the Mets had won the World Series, the editor of a new sports magazine, which specialized in an iconoclastic approach, had an idea for a special cover. Several Mets, in uniform, would pose raising their flag, in exact replica of the famed photograph of the Marines planting Old Glory on the crest of Iwo Jima's Mt. Suribachi. Hodges couldn't believe it.

"Nobody," he said to the editor, "is prouder of my players than I am. But they only won a pennant. The boys you are mocking in that picture died for their country." The magazine printed the picture with models posing in Met uniforms, and shortly went out of business.

Most people who met Gil Hodges, and saw him play ball, recognized him as John Wayne in knickers. He was a stoic figure. He had courage and strength, but was born with neither. He made himself do things, forced himself to stand up to the plate, overcame the common tendency to bail out, the ballplayers' expression for striding away from the pitch on a breaking ball. Sometimes his front leg, planted astride the plate, would quiver visibly. "That's my curve ball knee," he would say smiling.

In "The Boys of Summer," writing of that very thing, Roger Kahn says: "It is a measure of courage that Hodges fought his cringe reflex, year after year. To taste fear as he did, and to choke it down and make a fine career is a continuing act of bravery."

As most outsized men of strength, Hodges was the peacemaker rather than the combatant. Early in his career, when a field fight flared between Pee Wee Reese and a Ft. Worth farmhand named Dee Fondy, Hodges wrapped his steel arms around Fondy, a large man, and deposited him yards away. Another time, when the Braves attacked his roomie, Don Drysdale, and bodies were thrashing on the mound, Hodges reached into the pile, grabbed a leg and pulled. I still can see Eddie Mathews emerging from the heap, his nose furrowing the ground.

"It is not natural for a man to suppress his anger the way Gil Hodges does," I have heard people say. They said it when he had his warning heart attack in August of 1968, blaming it on emotional repression. "A man like that would be better off exploding once in a while, letting it all out."

Gil Hodges did have self-control beyond most men. He considered it a badge of civilization, but there was another reason. He loved his fellow-man. When pushed to the wall, Gil was human enough to explode, and hated himself for it. There was the pitcher who, due to work that day, showed up drunk. Gil threw him bodily out of the Washington clubhouse.

The pressures of winning, and not winning, got to Gil Hodges much as they get to all big league managers. Pressure was a personal thing. He had gone back to smoking cigarettes, against the doctor's warning. At the Tampa airport last Friday, he was putting his wife and two younger daughters on the plane to New York. And their white poodle, Slugger. The dog, in kennel, would require a ticket said the Eastern Airlines agent. That would be $12.

"Does he get a first class meal?" Hodges said, peeling off the money. He turned, kissed Joan Hodges, and Cindy and Barbara, and headed out of the terminal.

"Watch the cigarettes," Joan Hodges called after him.

YOGI METS' MANAGER . . . IF HE WANTS JOB

(By Dick Young)

Bud Harrelson's right eye was bloodshot red from two days of intermittent rubbing. "If they name one of the coaches," he said, "then Gil Hodges will be managing the Mets in 1972. That would be good. I know I don't want an outsider and I don't think the rest of the guys do."

There will be no outsider, says Don Grant. This much, he says, was decided at an emergency meeting of the club directors Monday night. They met at his Florida place on Hobe Sound, some 40 miles north of where Gil Hodges died suddenly on Easter Sunday.

"It will be somebody within our organization," says Don Grant. You do your organization some good when you promote from within."

I do not doubt the directors already have made their decision. They would prefer to delay an announcement until after the funeral, but an abandonment of propriety may be forced upon them. Should the player strike end abruptly, and everyone scramble to make schedule commitments, the Mets would open in Pittsburgh tomorrow, with a field leader. Tomorrow, Gil Hodges is to be buried.

I believe there were seven names under consideration at the Hobe Sound meeting: Yogi Berra, Rube Walker, Eddie Yost, Joe Pignatano, who are the four coaches; Bob Scheffing, the general manager; Hank Bauer, manager of the Mets' highest farmclub; Whitney Herzog often described as the man who knows a ballplayer when he sees one.

Quickly the field was reduced to the three men who have managed in the bigs: Berra, Bauer and Scheffing. Scheffing, as general manager a member of the board, told the others he would rather not return to uniform at age 58. Scheff managed the Cubs for three years and the Tigers for 2½, and has been away from it since June of 1963.

That left Hank Bauer and Yogi. Oddly, both have managed in the American League only. Bauer ran for 4½ seasons in Baltimore and, in the midst of it, had a spectacular success. He won the pennants in '66, and swept the Dodgers in four straight—the Koufax-Drysdale Dodgers. A year and a half later, he was canned.

The appreciation of Yogi Berra, manager, was even more mystifying. He led the Yankees for one season, won the pennant, lost the World Series to St. Louis in seven games, with Whitey Ford useless to him, and was fired the next day. A month later he signed on as coach of the Mets. The Yankee decline traces to that place in time.

From time to time, Don Grant has said two things pertinent to this case:

"Yogi Berra has the best job in baseball."

"I think Yogi is the highest-paid coach in the game, and worth every penny of it."

The average coach in the bigs goes between 20 and 25 thousand. Yogi is an image-coach, and as such is paid $35,000. He has no major responsibility, is under no great pressure. He has substantial outside income, broad security, and he is loved. It is, as Grant says, "the best job in baseball." Why would any man give that up for say, another $30,000 and a million dollars worth of aggravation?

It's an addiction, that's why. You catch it once, just once, and the craving never leaves. I have asked Yogi, at different times, about managing. Invariably, his answer is something like this: "If the right offer came along, I think I'd like to manage again." There is no offer more right than this one.

Carmen Berra believes that Yogi Berra, Met coach, is "the best job in baseball." She likes the serenity, the handsome smile on that unhandsome face when he comes home at night. She remembers the agony, the worry of those managing days, the times he came home and grunted only once instead of his usual twice, and she wants no more of it. Still, Yogi is her man, and she has a wonderful feminine quality. She believes in him.

The job is Yogi's if he says yes. If not, it is Hank Bauer's. I believe that's how the directors left it at Hobe Sound, and I believe Yogi will take it, right after Carmen Berra says, go ahead, you nut!

"I think the guys would accept Yogi, or any of the other coaches," said Bud Harrelson. "They wouldn't try to crap on him like they might do with some outsider. I think if its Yogi, that the whole four coaches will really be running the club, and that means Number 14 will be the manager, because they would do things as if he was still there."

"Number 14 is still there, that's right," said Tom Seaver. "Number 14 is still there. If we miss curfew, he'll fine us a hundred."

It is a boyish trait of ballplayers that they refer to their manager by uniform number. Leo Durocher is "Number Two," and Walt Alston is "Double Dozen." Gil Hodges was Number 14, and they would say it big, like the man.

Gil Hodges was just getting to know his men, and they him, when they parted. "I think we were closer this spring than ever before. He seemed happier than I'd seen him," said Bud Harrelson, and his eyes were wet above the red.

It wasn't that Gil Hodges had changed. They had changed, and he had grown happy in the realization of it. They had begun to appreciate his values, to realize he was fair. In past years there had been talk of the Hodges Doghouse. Some players were convinced they had suites in it. Ron Swoboda was one. Cleon Jones another.

Gil Hodges was a shy man. It manifested itself in his horror of speaking publicly. "I am not an orator," he said simply.

It was his phobia that led him and others in his Brooklyn playing years, to believe he would not manage. "Pee-Wee and I used to talk about," I remember him saying. "We had similar beliefs. We love the game so much, but not the outside stress of making public appearances . . ."

Then came the hurt knee, the days on the bench, watching another play first. "Sitting on the bench," he once said, "you start analyzing things. You ask yourself, would I do it that way. I watched Alston make moves, and Stengel, and the opposing managers. I think most players think that way around that time."

"And when did you finally decide to manage?" I asked him.

"On May 21, 1963," he said, grinning. "That's the day I was asked."

HODGES' HANDS QUICKER THAN WILLIAMS' EYES

(By Dick Young)

During the 1969 World Series, Ted Williams, one of baseball's more perceptive men, sat in a field box near third base and watched Eddie Yost in the coach's box. He studied Yost's swift hand signs, then glanced into the dugout at Gil Hodges . . . then back at

Yost. By the end of the game, Ted Williams had reached a startling conclusion.

"Gil Hodges doesn't do anything," he announced. "Once the game starts, Yost runs the club. He gives all the signs. Hodges just sits there."

Eddie Yost tells the story with a smile, not to make out Ted Williams as a dumbo, which he hardly is, but to illustrate how sharply advanced was the Hodges mind, the mind that dropped, mournfully premature, on Easter Sunday, two days short of his 48th birthday.

"Gil was so quick," says Yost, "the other team really didn't know where the signs were coming from, or when. He gave them, all right. But he gave them to me far ahead of time.

"Say there's a man on first, and the batter hits one of those first-to-third singles. As the runner is sliding into third, Gil is giving me the squeeze sign. I glance into the dugout and I see it. The other people in the park are watching the play, they don't see it."

DEVICE OF MAGICIANS

It is the device of magicians, the distraction that makes the hand quicker than the eye. At all games involving a ball, 99.99% of the people watch the ball. The delayed steal is baseball's known exploitation of this common trait—the runner who goes while the catcher lobs the ball back to the pitcher; while the shortstop and second-baseman are relaxed, not thinking of covering. Hodges used this to his advantage, making signs pilfer-proof. He readily adopted strategems from other sports and applied them to baseball.

"Have you ever watched Johnny Unitas after a turnover?" says Rube Walker. "He just might throw that bomb right quick, first down. The other team is dazed over the fumble, so he hits them while they're down. Gilly liked to do that. If the other team made an error, especially one that cost them a run, steal on them right away. Don't let them up."

Rube Walker is the Met pitching coach. He was Gil Hodges' No. 1 aide: "Some people think I decided when a pitcher was coming out. Not so," says Rube. "He had absolute say on everything. He hated to take a guy out of a game. He was very good at detecting when a pitcher was getting tired."

This was part of the Hodges way of doing things: If the pitcher needed to be slowed down, or a bit of advice, Hodges would send Rube Walker to the mound. If the pitcher was done, it was Hodges who undertook the unpleasantness of sticking a fork in him.

"Gil felt he should be the one. The pitcher who didn't want to come out could give a little guff to me a lot quicker than to Gil," says Rube Walker.

WARNING TO KNOWLES

Harold Knowles had a disconcerting habit. Whenever the manager came out to get him, approaching to within a few steps of the mound, Knowles would flip the ball to him, rather than place it respectfully in the palm, as is custom.

"You are lucky I have pretty good hands," Hodges said to Knowles. "I thought I'd let you know that the day you toss me that ball, and I have to pick it up, it will cost you a hundred."

The Hodges hands were legend. Before I heard of Hodges, I heard of his hands, "We have a kid," Branch Rickey, Jr., said one day in Havana, where the Brooklyn Dodgers trained in '47, "who has hands like hamhocks. I want you to meet him. He's gonna be something."

When the time came I stuck out my hand, flinching inwardly. "Watch this big hick try to show me how strong he is," I thought. It was like sticking my hand into a bin of feathers. The big hands were gentle.

Yet so adroit. They came to be known as the best hands at first base. "The only reason Hodges wears a glove," Pee Wee Reese used to say, "is because the rules require it."

He was fearless charging a bunt. Lefthanders are sought to play first because they can charge a bunt, or field a ground ball, and throw it to second without wasted motion. Hodges, a righty-thrower, could spot them the extra split-second, the turn of the body, and make the play better than most. His audacity at charging the plate in a bunt situation, disdainful of the possibility that the batter might swing away, was matchless. He once caught a foul-popped bunt on the other side of the third base line.

CAME WITH FRANCHISE

He went to the Dodgers to Los Angeles, but when National League baseball returned to New York, Gil Hodges returned with it. I doubt that Mrs. Payson or Don Grant would have accepted the franchise otherwise. Baseball recognized the obvious, and Gil Hodges became a side deal of the expansion move. When it would be time for the Mets and Houston to pick players from the other clubs, Hodges would be protected for New York. The Mets need not expend an early draft for him. He would be there, waiting. The Astros would keep hands off. On the seventh round, Hodges was picked.

He was 38 then, and he brought with him the old Dodger spirit, and a knee that needed surgery. He played in 54 games that first year and, oh, poetic justice, who hit the first home run ever hit by a Met? Gil Hodges, on opening day 1962. By the next year, his mobility gone, he decided the time had come. On May 21, George Selkirk offered him the job of managing the Washington Senators, another expansion ballclub.

Hodges did exceptionally well there, considering the tools, and the Mets brought him back as their manager for the 1968 season for $100,000 and a young pitcher named Bill Denehy.

The first thing Hodges did was order the Mets to take off their greasepaint. They were to be clowns no longer. The Mets were not a joke. Losing was not a joke. They would win, he told them, and they believed him. A year later, far ahead of his fondest expectations, the Mets, genuinely amazin', were champions of the world.

There were better players in baseball than the Mets that year, but no better team. He made them play as a team, not as individuals, and yet he thought of them as individuals.

"Gilly treated everybody alike," says Joe Pignatano, "but handled each man different. He was a master at it." It was Joe Pignatano who, rushing up to his fallen friend on Easter Sunday, pounded on stilled heart, slapped the face, screaming, sobbing, trying frantically to command some sign of life.

Today, they will bury Gil Hodges, and the Mets will be there. The players' strike, the general strife, all seem so far away. Had there been no strike, had the Pittsburgh ballclub gone through with its opening game tomorrow as intended, the Met players would have defaulted the game. That's how most of his players loved him, respected him. They were in open revolt.

On Tuesday night, before Pittsburgh cancelled, Tom Seaver, the opening day pitcher, said, "I don't know how they expect to play. The players will all be here, at the funeral."

"I'm staying back here for the funeral," said Tommie Agee. "I wouldn't think of playing ball on that day. Gil helped me when I needed him. In his first year, and mine, I had a terrible time. I went 35 at-bats without a hit. He stuck with me. He played me. I was 0-for-two-months, and he played me. I should have been in the minors. He had gone through it himself. He knew what I felt. He always said, hang in there . . . how do you feel? . . . how's the family?"

The players came to the bier in the funeral home on Flatbush avenue, and the umpires.

"He never cursed us," said Tom Gorman.

"Hell was about the strongest word he'd use. He'd come out and say, well, what's it all about? He'd give you a chance to explain. If he disagreed, he'd have his say. That was it," said Nick Colosi.

Alongside the casket, in the widow's ordeal, sat Joan Lombardi Hodges, the Brooklyn girl who married the strong young man from Indiana. "Only 48 years," she cried out Tuesday night. "Today was his birthday. Would you believe the children and I never had a birthday party with him?"

A baseball man is a travelling man, and on April 4 he is away from his family. The many absences struck home to Joan Hodges. "Oh, my God," she sobbed. "If I could have him back for just one of those road trips . . ."

RESOLVED TO DIE OR TO BE FREE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. EILBERG. Mr. Speaker, 151 years ago the Greeks rose up in arms to begin a war of independence to free themselves from Turkish oppression.

On the anniversary of this important day for all of mankind, I was invited to speak before the Philadelphia Federation of American Hellenic Societies at Independence Hall in Philadelphia.

I believe it was particularly appropriate to celebrate the revolution of the first pure democracy at the site of the birth of American democracy, Independence Hall.

For 300 years, the Greeks had endured Turkey's rule, then on March 25, 1821, the Greek leaders issued a Proclamation of Revolution:

> We, the Greek Nation of Christians, knowing that the Ottoman race despise us, and that it intends destruction for us, using one means or another, have decided resolutely, either to die to the last man or to free ourselves, and because of this, we now hold arms in our hands seeking our rights.

This proclamation is an inspiration to all Americans. For it shows that the Greeks, our cultural forefathers, loved freedom more than life; they rejoiced in it and found they did not want to live without it.

In southeast Pennsylvania there are approximately 25,000 families of Greek extraction. The Greeks are one of many ethnic groups that have contributed so much to the enrichment of the cultural and political life of our Nation.

It is with great pride that I enter into the RECORD the agenda and portions of the proceedings of the 151st anniversary of Greek independence at Independence Hall in Philadelphia:

PROGRAM

Master of Ceremonies: The Honorable Thomas N. Shiomos, Judge of Philadelphia Court of Common Pleas.

Presentation of Colors: VFW "Eleftheria" Post No. 6633 Honor Guard.

National Anthems: Mrs. Eugenia Daglos Vozakis.

Invocation: Reverend John A. Limberakis, pastor, Church of the Annunciation, Greek Orthodox Community of Philadelphia, oldest of its denomination in the triState.

Opening remarks: Mr. George P. Pavlos, A.I.A. President, Philadelphia Federation of Hellenic Societies.

Greetings: The Honorable Gregory G. Lagakos, Judge of Philadelphia Court of Common Pleas.

Proclamation: The Honorable Frank L. Rizzo, Mayor, City of Philadelphia, Presented by the Honorable Martin Weinberg, City Solicitor.

Proclamation: The Honorable Milton J. Shapp, Governor, Commonwealth of Pennsylvania and Remarks by the Honorable Frank C. Hilton, Secretary of Property and Supplies, Commonwealth of Pennsylvania.

Remarks: The Honorable Joshua Eilberg, U.S. Congressman.

Address: Dr. Achilles N. Sakel, Public Affairs Advisor, A.I.D., United States Department of State.

Address: The Honorable Elias Gounaris, Consul General of Greece in New York City, representing His Excellency Basil Vitsaxis, Ambassador of Greece.

Benediction: Reverend Stamatios Ganiaris, pastor, Greek Orthodox Church of the Holy Trinity, Wilmington, Delaware.

REMARKS FROM THE PRESIDENT OF THE PHILADELPHIA FEDERATION OF AMERICAN HELLENIC SOCIETIES—MR. GEORGE P. PAVLOS.

As President of the Philadelphia Federation of American Hellenic Societies I want first to introduce the Co-Chairman of this celebration—My wife Anne and Mr. Frank Marmarov for the beautiful job they have done, and then on their behalf, and on behalf of the entire American Greek Community, I wish to express our sincere thanks and gratitude to each one of you, for coming to help us celebrate the 151st Anniversary of Greek Independence.

To all those city of Phila. officials who were kind and cooperative in our efforts, to the superintendent of these Historical grounds made available to us, to Police Commissioner oJseph O'Neil, to Captain Joseph Cifelli and his band, to our soloist Mrs. Eugenia Vozakis, to all the police, to VFW, Boy Scout troop, the church communities and organizations who helped to make this affair a success my heartfelt thanks.

I want to take this opportunity to extend belated special thanks and appreciation to my dear wife who not only this year, but every year takes full charge of problems and details necessary for an affair of this type.

It was 151 years ago, on March 25 1821, that bishop Germanos raised the flag and the Cross, and declared that henceforth Greece will be free from the Turkish rule.

Modern man is fortunate to have inherited many examples of Greek Art, Sculpture, Architecture and Literature.

The U.S. and Greece have always enjoyed good relations because of American respect for the Greek devotion to Freedom.

Such eminent Americans as Henry Clay and Daniel Webster voiced their approval of Greek Independence, as did two other Presidents, James Monroe and James Madison.

During the Post-World War II struggle against the communist rebels President Harry S. Truman noted "This valor of Greece . . . convinces me that the Greek people are equal to the task."

President Dwight D. Eisenhower said in 1953, after the Greeks defeated the communists: "Greece asked no favor except the opportunity to stand for those rights for which it believed and gave the world an example of battle . . . a battle that thrilled the hearts of all free men and free women everywhere."

REMARKS OF DR. ACHILLES N. SAKELL, PUBLIC AFFAIRS ADVISOR, AID, U.S. DEPARTMENT OF STATE, WASHINGTON, D.C.

We are gathered here today to celebrate the 151st anniversary of the beginning of the Greek War of Independence. In these trying times it is well to pause for a moment in order to pay tribute to one of the finest human values and qualities, the love of freedom. Love of freedom is a preeminently hellenic attribute. According to the national Greek anthem, "Liberty sprang from the very marrow of the bones of the Hellenes."

The role of Greece in ancient times has been not only that of a brilliant beacon of enlightenment and refined civilization, but also that of an unshakeable rock upon which all the thrusts of the invaders were smashed.

Eventually, however, after repeated incursions, the forces of aggressive despotism prevailed. For four hundred years Greece, the glorious land of heroes and philosophers, the cradle and fountain source of our western civilization was under an alien yoke.

Finally the Greeks took up arms against the oppressors. On the 25th day of March, 1821, the Archbishop of Patras officially raised the standard of the Greek War of Independence and blessed the holy struggle.

I should like to leave this final word with you. Some years ago, at Princeton, Dr. Albert Einstein, undoubtedly one of the ten greatest men that ever lived, Dr. Einstein, while toying with the potentialities of nuclear physics, told me that once the atom is split, the salvation of humanity will lie in the fundamental morality which existed from time immemorial. Unless, he said, we apply the transcendental principles and norms of justice to human relations, the human race will perish. Dr. Sakell, he said, you are of Greek descent and you know the meaning of the Greek word *atom*. It means undivided or indivisible. Well, he said, once the atom is split, humanity had better remain united or perish.

REMARKS OF THE HONORABLE ELIAS GOUNARIS, CONSUL GENERAL OF GREECE IN NEW YORK CITY, REPRESENTING THE HONORABLE VASILIOS VITSAXIS, AMBASSADOR OF GREECE

In the history of Nations, there are certain events which, quite rightly so, are characterized as turning points, because they decisively influence the future progress and evolution of those nations. The Revolution of 1821 was such a turning point for the Greek Nation, which celebrates, with excusable pride, the 151st Anniversary of that Revolution, this year.

The 151st Anniversary of the Revolution of 1821 finds the nation in a period of intense activity and arduous creative effort. The creative task, which began a few years ago, is already bearing fruit. Law, order, good legislation, intensive economic development and the turn towards improvement in all branches of the States' activities, provoke deep satisfaction with the present state of things and provide guaranties of a better future.

The fruit of those efforts are worthwhile achievements in all branches of Greek national existence. It is the duty, then, of the younger generations to continue the work of their ancestors—that course towards creation and prosperity, with the same faith and the same ambition.

DOUBTS ABOUT THE PRESENT WEST GERMAN GOVERNMENT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. BOB WILSON. Mr. Speaker, I have doubts about the sincerity and the good intentions of the present West German Government. My doubt and apprehension with regard to the future are based on the fact that some of the leaders of the Socialists have maintained that West Germany would be isolated within the Western alliance in case the treaties with Moscow and Warsaw are not ratified plus statements that our Government and its Allies have supported the Willy Brandt Ostpolitik, and that President Nixon has welcomed the Moscow and Warsaw treaties.

Many German leaders are saying that the West could and would seek a detente over the heads of the West Germans in case the treaties are not ratified and that only Brandt and Bahr have a "peace" policy or even that, in case that the treaties are not ratified, the entire Western alliance would be "shaken."

Such statements are nothing but free fabrications and propaganda.

The truth is that we see the acute danger of West Germany slipping slowly into the Socialist camp. There is no doubt that the Communists in the Soviet Union, and everywhere else, want to have all Germany in the Socialist camp. This aim could not be achieved under a Christian Democratic Government, as shown by history. The Christian Democrats have fought in the past for Germany's alliance with the West against the opposition of the Socialists. It is obvious that it can be achieved only under a Socialist Government in West Germany.

Mr. Speaker, I want to emphasize these points:

The West German Parliament is free to make its own decisions. The administration has never supported the Brandt type of Ostpolitik and his type of treaties. The present Moscow and Warsaw treaties are not in the interest of the free world.

The Communists and Socialists have used massive means of pressure on the German people in the last days and weeks through Brezhnev, Gromyko, Pravda, and others. If the West Germans ratify the treaties, they will be subject to future Soviet blackmail and will be drawn slowly but surely—first in the economic field, then in the political field—into the Socialist Communist bloc. If they reject the ratification, the treaties will be renegotiated in the interest of the Federal Republic of Germany and her allies.

I think the German people should know:

The United States will never desert West Germany. It will not go over the head of the Federal Republic of Germany to get a detente and a European Security Conference with the Soviet Union without the Federal Republic or even against its interests.

When President Nixon visits Moscow, he will be there in order to negotiate as a free and equal partner with the Soviet leaders, not in order to sell out Europe. Willy Brandt's policies would seem to weaken the position of our President and the position of the entire free world.

PROGRESS REPORT—THE ALASKA NATIVE CLAIMS SETTLEMENT

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, on December 18, 1971, the Alaska Native Land Claims Act became law, and a factor in Alaska history to rival statehood. I credit my colleagues who worked on this legislation with creating a fair and just settlement, with unprecedented reliance on the concept of self-determination for the Alaska Natives who are the subjects of the act.

The new law, as my colleagues well know, is complex and comprehensive, and will demand the best efforts of the Natives, the State of Alaska, the Federal Government, and many others to be successful. Because I believe my colleagues are interested in the results of their work, and because I believe the concept of self-determination is so well served by progress to date, I offer the following brief report.

Though the funds authorized have not yet been appropriated, many of the different groups as well as a large number of individuals in Alaska have already begun the difficult task of preparing for the implementation of the act. The enrollment process is now well underway under the auspices of the Department of the Interior and the leadership of the Alaska Federation of Natives. Some of the regions have also begun the process of incorporating under the terms of the Settlement Act. Of most importance, I think this legislation is serving to unify and to provide a meaningful sense of direction to many people who have been living in poverty.

Mr. Speaker, I have today received a copy of a comprehensive economic and social development study, entitled, "Implementing the Alaska Native Claims Settlement Act," from the Robert Nathan Associates, Inc., of Washington, D.C. I think this study represents the leadership of Alaska Natives and their desire for well planned and orderly development under the terms of the Settlement Act. I know my colleagues will be interested in this study. I would like to share this report by inserting in the RECORD certain portions, including the preface, background, challenge, and plan of action, which presents a good summary statement of the 220-page report. The summary follows:

IMPLEMENTING THE ALASKA NATIVES CLAIMS SETTLEMENT ACT

PREFACE

In March 1971 the Alaska Federation of Natives Charitable Trust, supported by a grant from the Ford Foundation, contracted with Robert R. Nathan Associates, Inc., to conduct a comprehensive economic and social development study. The purpose of the effort was to assist Alaska Natives to take full advantage of the anticipated resources they would receive for the settlement of their land claims.

As often happens in projects of broad scope, research and analysis is constrained by and dependent upon the availability of pertinent information. Fortunately two institutions in Alaska, the ex-Federal Field Committee for Development Planning of the U.S. Department of Commerce and the Institute for Social, Economic, and Governmental Research of the University of Alaska, have been actively engaged in studies related to the development of Alaska and its Native people. We drew upon both their experiences and their findings and wish to express our thanks for the willingness with which these were shared. Our thanks are also extended to the many officials of both Federal and State agencies who generously contributed their time and knowledge to our analysts.

Of invaluable assistance throughout the study were the staff members of the Charitable Trust. Their daily participation and general counsel not only contributed to the substance of the report but also served to direct our efforts and kept us from straying from our ultimate purpose. Our special thanks are extended to the Board of Directors of the Charitable Trust and to the Alaska Native leadership, without whose support and guidance our efforts would have been without focus or meaning.

BACKGROUND

Alaska history was made with the passage of the Alaska Native Claims Settlement Act by the U.S. Congress on December 18, 1971. For the Alaska Natives, the importance of the act is unprecedented, for it resolves their long-disputed land rights. For extinguishing their claims the act compensates them with title to 40 million acres of land and $962.5 million. But of equal importance, the act endorses the principle of Native self-determination and represents an opportunity for Alaska Natives to become a significant force in controlling their own destiny.

To the State of Alaska the act is probably only second in importance to the Alaska Statehood Act itself. The settlement increases the amount of land controlled by the State or its residents by 40 percent and endows a group of its citizens with $462.5 million from the U.S. Treasury. Large portions of this amount and of the earnings derived from it will be spent or invested in Alaska, thereby substantially stimulating the local and particularly the rural economy. Of special significance to the State is that the consumption and investments will be directed toward improving the social and economic well-being of the Alaska Native, and thereby contributing to the overall well-being of the State.

The following papers report our research and analysis. We trust they will help the Native associations in the State as they go about implementing the Alaska Native Claims Settlement Act.

THE CHALLENGE

In absolute terms $962.5 million is a considerable amount of money, but spread over 20 years and 75,000 people its present value is considerably less. Furthermore, in terms of the magnitude of needs to be met, even the gross amount of the settlement is only a minor part of what is required to improve significantly the conditions under which many Alaska Natives live. Whatever index is used for judging the standard of living, the conditions in villages in Alaska are among the lowest. The majority of villages go without indoor plumbing, water and sewers. Many are still without electricity. A recent study reflected that 80 percent of all housing was substandard and needed to be replaced.

The social needs are as great as the need for physical community improvements. The vast majority of Alaska Natives lives apart and removed from Western society. Health care is half as good and illness is twice as prevalent as it is among the white society. Educational attainment is about one-third that of the white Alaska population. While most white Alaska children attend neighborhood or community secondary schools, the majority of Native students in secondary education are removed from their home towns and placed in dormitories or boarding homes hundreds of miles from their parents, friends, and communities.

The problems of improving health and education in rural Alaska will not be solved by money alone. The per capita health expenditure for the Alaska Native is almost twice that of the U.S. average, yet the care is half as good. Even in education the per pupil expenditure in rural Alaska is higher than that in the more urbanized centers. Approximately $50 million a year is spent by the Bureau of Indian Affairs and the Public Health Service in providing health care and education for the Alaska Natives. If this expenditure were constant over a 20-year period, the total amount spent on health and education would be $1 billion, $37.5 million greater than the total cash portion of the claims settlement. What is most wanted is the active Native involvement and control of the planning and operation of programs designed to meet Native needs. This participation is essential to the improvement of the present social conditions

The vast majority of Natives live in small remote villages in harsh climates and on rugged terrain. Those who migrate to urban areas seldom have the opportunity to employ their skills or to attain required skills. Many who remain in the villages prefer life there despite the absence of economic opportunities. In most villages in Alaska the few jobs available and viable are frequently occupied and controlled by non-Natives. Not only is unemployment extremely high, but employment available to Natives is very seasonal and often requires a very mobile work force.

The claims settlement and the accompanying influx of money will serve to expedite change, both social and economic, in the culture. The challenge to the Native community will be how to capitalize on the change and to minimize the harmful effects. The challenge, in short, is whether or not the Alaska Native community will attain the power and rights of self-government to make decisions regarding its own future.

A note of caution needs to be introduced here because hasty and ill-planned actions would significantly water down the benefits of the Settlement Act. Some of these involve:

1. The danger of using Native funds to supplement or replace public services to which all citizens are entitled.

2. The desire of each village and region to act alone, to compete rather than to cooperate for mutual benefit.

3. The tendency to spend without planning as a response to demands to produce immediate and visible results, a tendency that will cause inflation and allow others to profit unreasonably from the monies derived from the settlement.

PLAN OF ACTION

The sections of the report present the different issues facing the Native community in the months and years ahead.

Section II concerns itself with the enrollment. It outlines a position for the Native community to take before the Secretary of the Interior as he begins to draft the rules and regulations which will govern the enrollment process and influence the plan by which the enrollment will be carried out. The paper briefly reviews the previous enrollments in the Native community and compares the task facing the Alaska enrollment to the taking of a population census. The paper concludes with specific recommendations regarding a plan of action.

Section III pertains to Native land selection and examines several basic steps in the land selection process and raises several issues which should be kept in mind by villages and regions. The steps are categorized as follows: (1) organization for land selection, (2) identifying land resource needs, (3) gathering information, (4) reporting findings, (5) reporting information to the people, and (6) outlining objectives in making the final selection. The paper was intended to serve as a means of help, particularly to villages, in preparation for land selection.

Section IV pertains to the management of the financial resources to be received under the act. It presents the range of alternatives available to regional and village corporations regarding the use of the funds. It discusses the various considerations in establishing a long-term investment program and discusses the various types of investments available to Native corporations. The paper concludes with a discussion of the various arrangements by which investment decisions could be made and implemented.

Section V is an introduction to the process of planning. It examines the basic question of how Native corporations can go about deciding and planning for the future they desire. It demonstrates how one relates resources to needs and develops a plan for using the resources to meet the needs.

Section VI identifies and assesses the major human and material resources available to Alaska Natives and presents guidelines for using these resources to the best advantage in terms of creating more and better jobs, establishing viable business enterprises and obtaining higher levels and qualities of goods and services. It also deals with public employment as a source of jobs and with methods for capitalizing on opportunities for Natives to participate to a far greater extent in filling government jobs.

Section VII provides information about how villages can go about the task of organizing themselves to obtain the benefits to which they are entitled under the Settlement Act.

Section VIII identifies and explains the vital resources, rights and responsibilities of the regional corporations as set forth in the Settlement Act. It also outlines the steps that must be taken to organize the corporations and get their programs underway in an effective manner.

RICHMOND-HENRICO-CHESTERFIELD SCHOOL CONSOLIDATION

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 20, 1972

Mr. HARRY F. BYRD, JR. Mr. President, on Thursday, April 13, 1972, the U.S. Court of Appeals for the Fourth Circuit, sitting in Richmond, heard oral arguments in the Richmond-Henrico-Chesterfield merger case.

In view of the widespread interest in this case, I ask unanimous consent that an editorial entitled "Reason Versus Absurdity," published in the Richmond Times-Dispatch of Friday, April 14, be printed in the Extensions of Remarks.

The editorial page editor is Ed Grimsley.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

REASON VERSUS ABSURDITY

If the Richmond school consolidation case could be resolved on the basis of reason alone, foes of the proposed merger could claim complete victory now. Yesterday, their lawyers utterly demolished the U.S. District Court's rationale for ordering the school systems of the city, Henrico and Chesterfield counties united to promote racial balance in the public schools. All that remains to support the concept of merger is the perverse desire of social engineers to manipulate the racial attitudes of the community.

In mandating consolidation, U.S. District Judge Robert R. Merhige Jr. accepted the theory that "quality education," whatever that is, is impossible without integration that results in a predominately white school system. Ideally, the social psychologists argued, the typical school's black enrollment should be from 20 to 40 per cent. But because blacks constitute the majority of Richmond's school population, an ideal integration plan for the city alone could not be developed. Thus those experts recommended consolidation, and Judge Merhige obliged, ordering the creation of a metropolitan system of predominately white schools with black enrollments of from 17 to 40 per cent. Such a school system, he decreed, is constitutionally required.

Yesterday, Philip B. Kurland, a University of Chicago law professor retained to represent merger opponents, devastated Judge Merhige's absurd doctrine. If the U.S. Constitution requires each school system to be predominantly white and supports the concept of black quotas ranging from 17 to 40 per cent, Kurland noted, 118 of Virginia's 129 school divisions would have to be considered unconstitutional because they either have too many or too few white pupils. Moreover, it would be impossible for many of them ever to meet Judge Merhige's standards of constitutional acceptability.

Consider some statistics:

Buchanan County's school system is 100 per cent white because the county has virtually no black residents. Under Judge Merhige's doctrine, Buchanan's school system is therefore unconstitutional and should be merged with another to promote the desired racial balance. But merged with which county? Neighboring Dickenson? Its school system is 99.2 per cent white. With neighboring Tazewell? Tazewell's school system is 97.2 per cent white.

At the other extreme, Surry county's school system is 100 per cent black. How could it obtain a white majority and thus attain constitutionality? By merging with neighboring Sussex County? No, for the Sussex system is 82 per cent black. By consolidating with neighboring Isle of Wight County? No, because that county's school system is 65 per cent black.

Of course, if the school systems of Surry, Sussex and Isle of Wight could be consolidated with the school systems of Buchanan, Dickenson and Tazewell, a predominantly white and presumably constitutional system would result. But Surry, Sussex and Isle of Wight are about 300 miles as a jet flies, from Buchanan, Dickenson and Tazewell. It is doubtful that even Judge Merhige would approve busing children that far to promote racial balance. On the other hand, would it be fair to allow geography to interfere with the constitutional rights of any student?

Obviously, if the Merhige doctrine of racial balance is constitutionally and educationally essential for the Richmond area, it should be constitutionally and educationally essential for all areas. But it is equally obvious that it would be ridiculous to attempt to implement such a doctrine throughout Virginia. In other words, the whole theory of racial balance is absurd, which should be reason enough for the appeals court to overrule Judge Merhige.

SHOWDOWN IN SOUTHEAST ASIA

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. WYMAN. Mr. Speaker, Hanoi's deliberate invasion of South Vietnam in violation of its bombing halt agreement proves Hanoi is the agressor in Vietnam, which it has been all along. Its commitment of 13 out of its 14 regular army divisions to offensive attack in invasion of otherwise peaceful neighboring countries that only ask to be left alone, is a go-for-broke phenomenon that requires a meaningful military response.

Should this invasion for the North be defeated the odds favor agreement at long last that the war in Vietnam be ended and our prisoners returned. In fact the probability is that this is the only way such agreement can ever be achieved.

To defeat the agressor South Vietnam's troops are fighting valiantly aided by U.S. air strikes. The invasion depends in large measure on its mechanized force and these depend on oil. If their oil supplies are cut off those enemy tanks cannot keep on.

The showdown is here and as Smith Hempstone puts it so well in the Washington Star, the world is "Heading Toward a Moment of Truth in Vietnam.":

HEADING TOWARD A MOMENT OF TRUTH IN VIETNAM

(By Smith Hempstone)

In a number of ways, it may be just as well that the North Vietnamese launched their massive, multi-pronged invasion, now about to enter its fourth week, of South Vietnam.

With some 12 of its 13 main-force divisions locked in combat on South Vietnamese soil, it becomes a trifle difficult for Hanoi to cling to the hoary fiction that the conflict is essentially a civil war between freedom-loving, anti-imperialist South Vietnamese and a puppet, neo-fascist regime in Saigon.

The war is revealed finally and conclusively for what it in fact has been since the early 1960s: A war of naked, coldly calculated aggression waged by North Vietnam, with the support of the Soviet Union and Communist China, against South Vietnam, supported by the United States.

Not that this will deter Sen.. George McGovern. Nor will it change the attitude of the Doomsday Gang, whose bag is denigration of their country and exaltation of its enemies. They have, after all, demonstrated an infinite capacity to believe whatever they wish against and all evidence to the contrary: To hear them tell it, the murder of thousands of South Vietnamese civilians in Hue during the Tet offensive of 1968 was no more than a true expression of the popular will in which a few (no doubt unpleasant) people happened to lose their lives. Nothing to compare to MyLai; Oh, my no!

In the end, of course, the war will be presidential campaign trail, in Ivy League faculty clubs or in the newspaper columns of the mea culpa pamphleteers. It will be won or lost in the paddies of the Mekong Delta, in the mist-wreathed mountains of the Central Highlands and in the twisting streets of Hue and Saigon and of a hundred nameless villages. And it will be won or lost by the only people who can win or lose it, the people of South Vietnam. American air power and (where it can be brought into) outcome, but they cannot determine it.

The track record of the ARVN (South Vietnamese) troops admittedly is mixed. They have not done well in Cambodia, and rather less than that in Laos. But on their own soil, in defense of hearth and home and family (as was the case during the 1968 Tet and is so now), they have, when well led, given a good account of themselves.

And so perhaps it is just as well that the decisive campaign of the war—and who can doubt that this is it—should come, not in Cambodia or Laos, but literally in their own backyards. And in this respect it is perhaps worth noting that the pitiful flow of refugees is not toward those areas "liberated" by the North Vietnamese but toward government-controlled sanctuaries — and no Asian peasant lightly abandons his land. That is known as voting with your feet.

Thirdly, the invasion is to be welcomed because it casts the cold light of reality upon the euphoria engendered by President Nixon's visit to Peking and his forthcoming trip to Moscow. The exchange of musk oxen and pandas is well and good but it does not alter the fact that the men in charge in Peking, Moscow, Hanoi and most other Communist capitals are a bloody bunch of cutthroats dedicated to the ultimate destruction of democracy everywhere and of the United States in particular.

And finally, that the North Vietnamese should be willing to sacrifice so much blood and treasure with the obvious intent of resurrecting the war as an issue in American politics and procuring the defeat of Richard Nixon in November can be taken as a measure of the effectiveness of the President's policy. Hanoi apparently is convinced that it has no hope of winning the war if Nixon is re-elected and that, at least to this observer, is a rather good reason why he should be.

Nobody in his right mind wants this (or any other) war to continue. But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender.

Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: "If peace cannot be maintained with honor, it is no longer peace." That still holds true today. Which is one reason Mr. Nixon launched the B52s against Hanoi and Haiphong.

DELAWARE: THE FIRST STATE IN HIGHWAY TRAFFIC SAFETY

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Thursday, April 20, 1972

Mr. BOGGS. Mr. President, Delawareans are very proud of the fact that we are the first State of our Nation. Now we are thankful that we are achieving another distinction: The most progressive State in reducing highway accidents.

Recently, I spoke to the Senate about the commendable traffic safety record that Delaware achieved in 1971. Delaware reduced the number of traffic fatalities last year by approximately a quarter from the 1970 rate. This was a greater percentage reduction than in any other State in the continental United States.

Now, Delaware has achieved the highest ranking of all the States in compliance with the Highway Traffic Safety Standards established by the Department of Transportation. It should be noted that Delaware also achieved the No. 1 ranking the previous year.

Much of the basis for this accomplishment is due to the excellent work of our State police and the Department of Public Safety. I would also like to commend the excellent work of Delaware's Federal-State highway safety coordinator, William Scotten, and his deputy, Capt. Walter Nedwick.

I know that all Delawareans are proud of this accomplishment. But more than proud, we are thankful, as this effort has great meaning to the safety and welfare of the people of our State and those who visit Delaware.

Mr. President, I ask unanimous consent that a report on this latest achievement by Gov. Russell W. Peterson be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT BY THE GOVERNOR OF THE STATE OF DELAWARE

For the second year in a row Delaware has earned the highest national ranking from federal officials for compliance with 16 Highway Safety Standards—scoring 1,387 points out of a possible 1,600.

Governor Russell W. Peterson recently received from John A. Volpe, Secretary of the U.S. Department of Transportation, a detailed evaluation of Delaware's 1971 highway safety program as compared to the programs of the other states in the nation, the District of Columbia and Puerto Rico.

"I was very pleased to learn from Secretary Volpe that Delaware's highway safety efforts during the past year were ranked Above Average—the highest possible ranking—placing us among 12 states and the District of Columbia which scored better than 1,250 points," Governor Peterson explained. "We received a perfect score of 100 points in five standards, a score of 80 or better in another seven standards, a score of 70 or better in three standards, and our lowest score was 66."

The 66 points were scored on the standard which pertains to a program of highway design, construction and maintenance to improve highway safety. The Governor noted that while Delaware's score on this single standard was low, it was still above the national average of 59.

The only improvement needed to increase to a perfect score the 75 points received for the Emergency Medical Standard is a state wide comprehensive plan for emergency medical services which is already under preparation.

The other standards and the points earned were: Periodic Motor Vehicle Inspection (88), Motor Vehicle Registration (82), Motorcycle Safety (100), Driver Education (90), Driver Licensing (82), Codes and Laws (100), Traffic Courts (100), Alcohol Safety (100), Identification & Surveillance of Accident Locations (91), Traffic Control Devices (86), Pedestrian Safety (81), and Debris Hazard Control and Cleanup (100).

"The Federal report card on the State's implementation of the 16 High Safety Standards, coupled with the fact that the 117 highway deaths on Delaware's roads last year was 23 percent fewer than the 152 of the year before, points up very clearly that we are definitely working the highway safety problem and achieving significant results," Governor Peterson said.

"But our past achievements in highway safety should in no way lead to complacency," he added. "Already this year, 29 persons have died on our highways compared to 14 during the same period last year."

"While this year's higher death rate is partially attributable to the fact that there already have been four multiple fatality accidents claiming 8 lives including two pedestrians, which is an unusual circumstance in so short a period, our law enforcement and highway safety activity remains at the same high level as last year," the Governor explained.

"I call for every citizen of Delaware to put forth the extra effort needed to further reduce the needless loss of lives on our highways," the Governor urged.

The National Highway Safety Act of 1966 authorized the U.S. Secretary of Transportation to develop highway safety standards each state strives to meet in order to continue to receive federal highway funds. The implementation of the standards in Delaware is coordinated by the Federal State Highway Safety Coordinator's Office of the Department of Public Safety.

SENATE—*Friday, April 21, 1972*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. ELLENDER).

The PRESIDENT pro tempore. Pursuant to the order of yesterday, the Senate will now stand adjourned until Tuesday, April 25, 1972, at 10 a.m.

ADJOURNMENT TO TUESDAY, APRIL 25, 1972

Thereupon, at 10 o'clock and 10 seconds a.m., the Senate adjourned until Tuesday, April 25, 1972.

NOTICE OF HEARING ON DEEP WATER PORT POLICY ISSUES

The Committee on Interior and Insular Affairs will hold a hearing on April 25, 1972, pursuant to the study of national fuels and energy policy authorized under Senate Resolution 45, to review deep water port policy issues. Testimony will be presented by Government witnesses who include:

Dr. Gordon J. F. MacDonald, member, Council on Environmental Quality;

Mr. Robert J. Blackwell, Deputy Assistant Secretary for Maritime Affairs, Department of Commerce; and

Lt. Gen. Frederick J. Clarke, Chief, Army Corps of Engineers.

The hearing will convene at 10 a.m. in room 3110 of the New Senate Office Building. Representatives of other Government agencies, coastal States and communities, industry, conservation, labor and consumer groups, and independent experts are being asked to submit written statements for the hearing record.

EXTENSIONS OF REMARKS

AMNESTY GAINS SUPPORT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mrs. ABZUG. Mr. Speaker, on March 29 I introduced H.R. 14175, the War Resisters Exoneration Act of 1972, calling for complete and unconditional amnesty for all who have violated laws in the course of nonviolent war protest. Amnesty under the bill would become effective upon the date of cessation of hostilities in Indochina, which would be within 3 months after the bill is enacted.

Since the bill was introduced, I have received a large number of statments of support for my position on amnesty. Many of these I have already entered in the Record, and I would like to enter today three additional statements which are among the most thoughtful and articulate I have seen on the subject. The first is a thorough, scholarly study by the distinguished historian, Henry Steele Commager, which appeared in the New York Review of Books of April 6, 1972. The second is the policy statement on amnesty of the National Student Association. The last is the text of a telegram of support from the American exile community in Winnipeg, Manitoba, Canada. I invite your attention to this important material:

[From the New York Review of Books, April 6, 1972]

The Case for Amnesty

(By Henry Steele Commager)

We do not have and, in the circumstances, we cannot have accurate statistics on desertion and draft evasion for the past seven years. It seems likely that desertion has been as high in the war in Southeast Asia as in any other war in which we have been involved, although since draftees were allowed to buy substitutes during the Civil War, the comparison is bound to be faulty. In 1970 the desertion rate in Vietnam was 52 per thousand—twice the rate of the Korean war. In 1971, up to September, the rate was 73.5 per thousand. Many of these deserters were subsequently returned to military control. As for draft evaders, estimates run between fifty and one hundred thousand, but since many potential draftees took cover before being formally inducted, these figures are almost meaningless.

This high incidence of desertion and draft evasion is not, I submit, a commentary on the American character, but a commentary on the war; after all, there was neither large-scale desertion nor draft evasion in World War II, and the national character does not change in a single generation. What is by now inescapably clear is that the Vietnam war is regarded by a large part of our population—particularly the young—as unnecessary in inception, immoral in conduct, and futile in objective. What is clear, too, is that more than any other war since that of 1861–65, it has caused deep and bitter division in our society. The task confronting us is therefore not dissimilar to that which Presidents Lincoln and Andrew Johnson faced; it is not merely that of ending the conflict in Asia but of healing the wounds of war in our own society, and of restoring—it is Jefferson speaking—"to social intercourse that harmony and affection without which liberty and even life itself are but dreary things."

Both the term and the concept of amnesty are very old. The word is Greek—*amnestia*—and means forgetfulness, oblivion, the erasing from memory.* I cite this not out of pedantry but because it illuminates the problem that Senator Taft of Ohio has raised: whether there can in fact be conditional amnesty. Can there be partial oblivion, can there be a qualified erasing from the memory? Can draft evaders who take advantage of the amnesty proposed by Senator Taft—working out and presumably expiating their sins for a period of up to three years—during these years of forced service forget or erase from their memory this unhappy chapter of their history and ours? After the guns have fallen silent and the bombs have ceased to rain down on Vietnam and Laos, will deserters who are tried and punished for their military offenses be able to put the war out of their minds?

And indeed while these unfortunates are doing penance in various ways, will the nation be able to forget the deep moral differences that animated those who fled their country or their regiments rather than violate their consciences? If it is oblivion we want, or even reconciliation and harmony, we shall not achieve any of them by this labyrinthine route.

The question of amnesty and/or pardon to draft evaders and deserters is not really a legal or constitutional question. There is no doubt about the constitutional right of the President to grant pardon and to proclaim amnesty, and none about the Congressional right to enact amnesty, nor is there any constitutional obligation for either President or Congress to take any action at all. The argument for amnesty is threefold: historical, practical, and ethical. It is to the interesting question of experience, the illuminating question of expedience, and the elevated question of moral obligation that we should address ourselves.

We may dispose of the history summarily, though one chapter of it is relevant. The American Revolution was a civil war. Those whose supported the Crown, whom John Adams estimated as one-third of the population, were exposed to the obloquy and persecution that attend most civil wars. They suffered deprivation of position, confiscation of property, physical violence, and exile. During and after the war some 80,000 Loyalists fled the country, mostly to Canada. A few returned, but both public opinion and legislation were so hostile to Loyalists that most preferred exile. This for want of magnanimity and vision, the new nation, which needed all the resources that it could obtain, lost a large and valuable segment of its population, established in Canada a body of United Empire Loyalists whose unifying principle was hostility to the United States, and earned an international reputation for harshness and rancor.

Desertion was, as we all know, endemic in Washington's army—which all but melted away at Valley Forge—but after the war was over no effort was made to punish wartime deserters. As President, Washington established the precedent of generosity for those guilty (or allegedly guilty) of insurrection: he proclaimed amnesty for participants of the Whiskey Rebellion, observing, in words that are pertinent today, "Though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet my personal feeling is to mingle in the operations of the Government every degree of moderation and tenderness which justice, dignity, and safety may permit."

John Adams took the same attitude toward the so-called Fries Rebellion of 1799, granting "a full, free and absolute pardon to all and every person concerned in said insurrection." Jefferson in 1807 pardoned all deserters from the army of the United States who returned to their units within four months; Madison issued no fewer than three proclamations of the same nature, covering deserters in the War of 1812. President Jackson's Amnesty of June 12, 1830, had an interesting twist to it: he pardoned all deserters from the army provided they would never again serve in the armed forces of the United States!

It is the Civil War that provides us with the best analogies and, I think, the best models for our own time. Desertion from both Union and Confererate armies was roughly 10 percent—perhaps higher. Draft evasion was widespread and flagrant, complicated in the North by what was called "bounty-jumping," that is, multiple enlistments and desertions designed to collect bounties. While neither draft dodgers nor deserters were a danger in the North, they were in the South: it was said—on what authority it is not clear—that, in 1864, there were more deserters and draft evaders in the mountains of the Carolinas than there were soldiers in Lee's army. Appomattox put an end to the problem in the South; no action was taken against either deserters or draft evaders after the end of the war in the North.

What is illuminating, however, is the attitude of Presidents Lincoln and Johnson toward Southerners who had engaged in rebellion and were, technically, guilty of treason. Should they be brought to justice, and punished? Should states that had joined the Confederacy be punished? Lincoln's position was clear and consistent. Even during the war he issued a series of amnesty proclamations designed to bring Confederates back into allegiance and to get government in operation in the South. He had been unwilling to "let the erring sisters go in peace"—as Horace Greeley recommended—but he was ready to let them return in peace. Congressional radicals wanted to punish the South for its treason by excluding the Southern states from full membership in the Union: in the end, as we know, they succeeded at least in part.

Lincoln would have none of this, indeed he regarded the question of the legal status of the Confederate states as "a pernicious abstraction." "Finding themselves safely at home," he said—which might be said of our draft evaders who, after all, did not bear arms against the United States—"it would be utterly immaterial whether they had ever been abroad." How fascinating is Gideon Welles' recollection of that last cabinet meeting which discussed the question of capturing Confederate leaders and bringing them to trial. "I hope there will be no persecutions," said Lincoln, "no bloody work after the war is over. No one need expect me to take any part in hanging or killing those men, even the worst of them. . . . Frighten them out of the country, open the gates, let down the bars, scare them off—" and opening his hands as if scaring sheep, "enough lives have been sacrificed."

Who can doubt, now, that Lincoln's policy of magnanimity was wiser and more far-sighted than the radical one of punishment? Even the radicals were not vindictive by modern standards. How gratifying it is to recall that the United States put down the greatest rebellion of the nineteenth century without imposing on the guilty any formal punishment. Not one leader of the defeated rebels was executed; not one was brought to trial for treason. There were no mass arrests,

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*There is the highest judicial sanction for this definition: "Amnesty is the abolition and forgetfulness of the offense; pardon is forgiveness," said the Supreme Court, *Knote* v. *US* (95 US 149).

no punishment even of those officers of the United States Army and Navy who had taken service in the Confederacy. No Confederate soldier was required to expiate his treason, or his mistake, by doing special service; none was deprived of his property—except property in slaves—or forced into exile by governmental policy. What other great nation, challenged by rebellion, can show so proud a record?

We can dispose with lamentable brevity of the record in the present century, for it is a brief record. There was no general amnesty for draft evaders or deserters after World War I. Indeed those guilty of violating the Espionage and Sedition Acts—among them Eugene Debs—languished in jail while President Wilson was in the White House. That dangerous radical, Warren G. Harding, gave Debs a partial pardon, and his equally radical successor, Calvin Coolidge, released most of those who were still in jail when he came to the Presidency.

No major war in which we have engaged saw fewer desertions or draft evasions than World War II—a war which almost all Americans thought necessary and just. Yet when Vice-President Truman came to the Presidency, in 1945, there were some 15,000 draft evaders and other offenders against the military law in federal custody. Truman appointed a committee, headed by Justice Owen Roberts, to advise him on what action he should take. The committee advised against a general amnesty and recommended individual consideration of each case. This advice was accepted; only one-tenth of those in jail, however, were actually released—not a very gratifying result.

One final observation and we are finished with our historical recapitulation. Confronted with acts of hostility against the nation incomparably more serious than those alleged against our deserters or draft evaders, France, Norway, Belgium, the Netherlands, and Japan all granted partial amnesty to those large segments of their populations who had engaged in disloyal activities. It is perhaps even more pertinent to recall that that great soldier and statesman, General de Gaulle, proclaimed a general amnesty to almost all those who had resisted—even by arms—the government of France during the Algerian crisis. In all this we are reminded of what that other great soldier and statesman, Winston Churchill, said, "There must be a blessed act of oblivion."

More important than historical precedents, however illuminating, are considerations of wisdom and of morality. Here we come, I think, to the heart of the matter. A nation does not adopt important policies—policies affecting the lives of hundreds of thousands of its young people, and affecting the social and moral order itself—out of petulance or vindictiveness. It bases its judgment rather on the interests of the commonwealth. Nor do statesmen indulge in what Lincoln called "pernicious abstractions"—abstractions about whether magnanimity to some will somehow be unfair to others: after all, who knows what is ultimately just, or what will ultimately satisfy the complex passions of a vast and heterogeneous society? We should make our decisions on the question—complex enough to be sure—of what appear to be the long-range interests of the nation.

When we consider the problem of amnesty in this light, several considerations clamor for our attention:

1. Those who deserted either the draft or the army were not young men indulging themselves in reckless irresponsibility, or confessing cowardice. They were, and are—we must concede this in the face of so large a resistance—acting sincerely on conscience and principle. After all, this is the position that wise and objective judges of the Supreme Court accepted in both notable conscientious objector cases—*US* v. *Seeger* (1965) and *Welsh* v. *US* (1970).

We must put aside for the time being the question whether the deserter-evaders are right in their convictions, or whether those who oppose them are more nearly right. What we cannot deny is that the vast majority of them acted on principle; that they felt—what it is probable the majority of the American people now feel—that the war in which they were required to participate was misguided and immoral; they rejected it therefore on moral grounds. This is a position the American people have always respected—not only in questions of military service but in other large issues of public policy: the obligation to return fugitive slaves to their masters, for example.

It is a principle, too, we have respected in others. It is not the "redcoats" who laid waste the countryside in the American Revolution that we remember and admire, but those back in Britain who thought the war on the colonies a wicked war and refused to have any part in it: Jeffrey Lord Amherst, for example, who refused to resume active service against the Americans, Lord Admiral Keppel, who refused to serve against the Americans, Lord Frederick Cavendish, who sat the war out, the Earl of Effingham, who turned in his commission rather than fight in America—and was thanked for this by the corporations of London and Dublin!

2. Nor can we overlook another consideration. In many ways the deserters and draft avoiders of today are like the "premature antifascists" of the 1930s, who suffered persecution during the Joseph McCarthy era because they had fought fascism abroad before the country caught up with them. May we not say that most of those who have deserted or gone underground merely took "prematurely" the position that most Americans now take; more, that they took prematurely the position that the government itself now takes: that the war was and is a mistake, that we should extricate ourselves from it as expeditiously as possible, and that the whole enterprise of fighting a war designed primarily to "contain" China looks absurd at a time when our President has gone to China to arrange closer relations with her? May not the deserters and evaders claim that their error is to have been ahead of public opinion and of government policy, and that it should be easy to forgive this error?

3. There is a third consideration which affects a substantial number of those with whom amnesty is now designed to deal—a group who may be designated premature moral objectors. For as we all know, the legal interpretation of what constitutes acceptable objection on grounds of conscience has changed. That change began as early as 1965, in the notable case of the *US* v. *Seeger* (380 US 163), which extended exemption from the draft to those who embraced a "belief in and devotion to goodness and virtue for their own sakes, and a religious faith in a purely ethical creed."

Speaking through Mr. Justice Clark the Court held that Seeger was entitled to exemption "because he decried the tremendous spiritual price man must pay for his willingness to destroy human life." But in 1965 the Court still required, as a legal basis for exemption, some belief, however vague or remote, in a Supreme Being. By 1970, however, the Court was prepared to accept moral and ethical scruples against the war as meeting the requirements that the Congress had set for exemption on account of conscience. That requirement, wrote Justice Black, "exempts from military service all those whose consciences, spurred by deeply held *moral, ethical or religious beliefs* [italics mine], would give them no rest or peace if they allowed themselves to become a part of an instrument of war" (398 US 333, at 344).

Clearly if those whose opposition to war is based not on formal religious beliefs but on moral and ethical principles are now exempted from service, then those with the same beliefs who were denied CO exemption in the past have an almost irresistible claim on us for pardon or amnesty.

There are, to be sure, some serious objections to be met. Not the objections inspired by passion, by prejudice, or vindictiveness; these must be left to that religion which so many feel the deserters and evaders have flouted, or to the healing force of time; but objections based on considerations of public policy. It is alleged, for example, that a sweeping amnesty would somehow lower the morale of the armed services. Quite aside from the observation that it is difficult to see how that morale could be any lower than it now appears to be, it is proper to say that there is no objective evidence to support this argument. It does not appear that amnesty worked this way in the past, in those relatively few instances where it was applied while the war was still going on. Nor is it irrelevant to note, for what it is worth, that there is strong support for amnesty from several veterans' organizations today.

But would a sweeping amnesty make it more difficult for the United States to recruit or draft an army for another war? Such speculations are what Lincoln called "pernicious abstractions": certainly Lincoln's use of amnesty did not appear to have any effect whatever in later wars.

There is a further point here. Is there not something to be said for putting government on notice, as it were, that if it plunges the nation into another war like the Vietnam war, it will once again be in for trouble? After all, governments, like individuals, must learn by their mistakes, and though the process of teaching government not to make mistakes is often hard on those who undertake it, it is also often very useful. Southern states no longer threaten to secede; Congress no longer threatens to establish military government in states that do not behave themselves; whatever we may think about the dangers of alcoholism, we no longer try what was once called "the noble experiment" of Prohibition. If the war in Southeast Asia is a mistake from which we are even now extricating ourselves, is it just that we should punish those who—at whatever cost—helped to dramatize that mistake?

For almost a decade now our nation has been sorely afflicted. The material wounds are not as grievous as those inflicted by the Civil War—not for Americans anyway—but the psychological and moral wounds are deeper, and more pervasive. Turn and twist it as we may, we come back always to the root cause of our malaise, the war. If we are to restore harmony to our society and unity to our nation we should put aside all vindictiveness, all inclination for punishment, all attempts to cast a balance of patriotism or of sacrifice—a task to which no mortal is competent—as unworthy of a great nation. Let us recall rather Lincoln's admonition to judge not that we be not judged, and with malice toward none, with charity for all, strive on to bind up the nation's wounds.

UNITED STATES NATIONAL
STUDENT ASSOCIATION,
Washington, D.C.

Amnesty has become a popular topic of debate with the supposed winding down of the war. Clearly the issue of amnesty is an important one, to be resolved along with other considerations raised by the Vietnam War. We believe that the complexities of the war are so great as to defy computation, and that those who refused induction or otherwise resisted participation in the war should not be punished for pursuing what they believed to be the only honorable course of action. But we are concerned lest a limited discussion of amnesty obscure the other and broader issues of the war. We are torn between two perceptions: on the one hand, we realize that amnesty must be raised as an issue in order to create a political climate in which it can be rationally discussed. On the other, simply because amnesty has historically been extended at the end of a war, we are afraid that a discussion of amnesty at this point might be premature and incorrectly create the impression that the Indochina War is ending. We believe that amnesty should be extended to resisters, we believe that the Nixon Administration should end the war. *But the first cannot happen without the second,* and the second does not seem to be happening at all. In fact, all available evidence points more towards an escalation than towards a conclusion.

We speak as students and as young people, because we think that a youth perspective should be brought to bear on the discussion of amnesty. For the most part, those who would be most directly affected by an extension of amnesty, either conditional or universal, have not been consulted. Most people will agree that the majority of all Vietnam War resisters are members of our generation, and consequently we believe it our responsibility to see that our brothers and sisters are treated fairly. This statement is not meant to constitute a way in which this nation can absolve itself of the crime against humanity the war represents. Instead, it is meant as a first step toward a realization of our responsibility, to our friends, our brothers and sisters, and our whole generation.

There are reasons which might best be described as politically expedient to support a demand for amnesty. In the long, troubled years of the Vietnam War, few communities have escaped the tragedy of lives lost and careers interrupted; few communities have been spared the tensions of dissent and disillusionment. Our leaders, on the whole, have aggravated rather than alleviated, the differences among us. The complexities of imputing blame and ascribing honor grow with each new revelation about the origins and purpose of the war. As we debate issues that seem increasingly insoluble, the problems of turning our society's energies and resources away from war and towards social justice become more acute. We can ill afford to waste more time arguing about the rightness or wrongness of individual responses to the war if we are to heal those differences and return this nation to a singleness of purpose in its pursuit of justice.

For pragmatic reasons, then, we feel that a call for amnesty is justifiable, as a way of reunifying the American society, not in forgetfulness but in acceptance of responsibility. Reordering priorities and realigning resources is a massive task, but we perceive a starting-point in the extension of amnesty to all individuals who resisted participation in the war. This is not to say that theirs' was the only honorable response to the moral dilemma posed by the war; we recognize and respect the integrity of many who chose to fight as the only justifiable course of action. But we believe that those who chose to resist acted with equal justification, and should not be made to bear the legal responsibility for a nation's confusion. We say: let the exiles in Canada and around the world return to the United States free of legal impediment. Let the military stockades and federal penitentiaries be emptied of those convicted, or currently awaiting trial for, their refusal to support the war. Let the military and civil records of all resisters, deserters and dissenters not be held against them. We need their talents and energies too badly to tolerate a class of political exiles in our midst.

But there is a moral imperative involved here, too, and it far outweighs the politics of expediency. And that is why we support a universal amnesty that is unconditional, automatic and non-punitive. We call for universal amnesty for all those who resisted the Vietnam War in whatever form. Let there be no mistaking precisely what this means: to call for universal amnesty is not to "forgive and forget." To forgive and forget is to reject the responsibility that we as a nation must bear for the brutality and destruction we have perpetrated on the peoples of Southeast Asia. To forgive and forget is to leave open the possibility that this nation might again embark on a disastrous foreign policy such as the one which dictated American involvement in this war. And we must never allow such a war to be waged.

On the contrary, we must force this nation to recognize and accept its responsibility for the war and its aftermath, and to understand that part of its aftermath is a generation of political exiles: exiles because they refused to participate in a war against which their individual consciences argued, and against which most of the American people's sentiments have turned. Exiles because they refused induction, or fled the country, or deserted the military, or were dismissed from service with a less than honorable discharge, or otherwise violated civil or military codes in protesting the war. Exiles because the American government persists in prosecuting and imprisoning them. Exiles because employers reject them, communities harass them, and the American people refuse to accept their collective responsibility and insist on placing the sole legal responsibility for the war on the very people who refused to wage it.

And we cannot forget that these people, at very great personal sacrifice, awakened the conscience of the American people. They maintained the war as an issue before the eyes of the public. They countered every instance of Administrative duplicity with their own personal statements, quiet or dramatic, of the truth. In the 1960's, while many of us trembled to put even our personal or political credibility on the line to oppose the war, they put everything on the line—their homes, their families and friends, their careers, their freedom, their honor. We would betray their convictions if we proposed to the American people that they forgive and forget. On the contrary, we insist that a universal amnesty would have such far-reaching ramifications that, far from obliterating their records and forgetting the crisis of conscience through which the war forced them, the whole society would be compelled to bear the burden of conscience these men and women now carry.

SCOPE

Many categories of resisters and dissenters would be covered by a universal amnesty. Resisters, who fled the country or went underground, and accepted exiles rather than bear arms, constitute the category on which the most emphasis is placed by legislators and the media. There are between 70,000 and 100,000 young Americans exiled in Canada or abroad who are unable to return to the United States without facing prosecution. They should be allowed to return to this country free of legal impediment. There are some 8,500 resisters who either are serving or have served sentence in federal penitentiaries for refusing to register or accept induction; their sentences should be terminated and their records wiped clean. There are hundreds upon hundreds of men and women who have been prosecuted, fined and/or imprisoned for civilian acts of resistance to the war. Their sentences should also be commuted, and their records likewise wiped clean. *That is not to say that in erasing the legal stigma from their records, we should erase their stories:* the witness they bore to the American people should be preserved as our best assurance against just such a future war as this.

There are other categories of resisters who receive less press coverage and less public sympathy, and we are particularly adamant that they be included in a universal amnesty. Apparently the media finds something more romantic, or at least more newsworthy, in the plight of the resister in jail for clearly articulated reasons of conscience, or the fate of the exile in Canada who fled his country rather than register or accept induction. And yet there are thousands of men who are currently serving time or awaiting trial in military stockades for violations of the military code, or who were dismissed from the military with less than honorable discharges, or who deserted the military, all of whom should be included. These men have been unjustly excluded from consideration under most of the pending amnesty bills, an exclusion apparently rationalized by maintaining that many of them violated the military codes for reasons other than direction opposition to the Vietnam War. That is, we believe, a bogus argument. There is a direction relationship between America's aggression against the people of Indochina and its repression of servicemen. In a society where the government allows its citizens' constitutional rights to be abrogated by the military, there should be little surprise when it abrogates the most basic human rights of people abroad. Viewed from that perspective, it seems clear and reasonable that opposition to a repressive and inhuman military is a corollary of opposition to that military's repressive and inhuman activities abroad.

There are yet more serious reasons for insisting that those who violated military codes during the course of the war be included in a call for universal amnesty. We will be very specific about this: for every young man from a middle-class background who had the benefit of a student deferment, or access to financial resources and legal counsel to secure a conscientious objector status or otherwise avoid induction, there is a young man, often from a poor or working-class background, often non-white, who was inducted in his place. For every young man who had the benefit of an understanding draft board that supported his case against induction, there is a young man who had to face a wholly unsympathetic and often racist board that forced him into the military. Most young people who were successful in their fight to avoid induction recognize that theirs' was a luxury afforded to few in this society, and we believe they share our conviction that men not so fortunate as they should be fully exonerated and recompensated.

And there is a case to be made, too, for men who willingly entered the military and only later realized that their consciences would not permit them to perform the actions their superiors demanded. If we as a nation have come only so lately to a realization that this was wrongly conceived and shamefully fought, can we in all conscience condemn the soldier who arrived at the conclusion after he was in service? There should be no differentiation between the draft resister and the military deserter or the dishonorably discharged. The issue is not whether one is more or less guilty for following the dictates of his conscience at an earlier or later time in his life; the choice they have made is essentially the same. Why should these men shoulder the responsibility for the war, when the country as a whole has not yet truly accepted its moral responsibility for destroying a country and its people for generations to come in the name of freedom?

The question, then, is not one of who shall be included, but who shall be excluded, from a universal amnesty. A universal amnesty is by definition one with the broadest possible scope, and should exclude only those who are actually responsible for committing war crimes and those who committed a crime against human life.

METHOD

We believe that universal amnesty should be extended as soon as possible, and no later than the conclusion of hostilities in Southeast Asia, whether that truce be declared or *de facto*, and that such amnesty should be automatic: that is, the declaration shall be immediate and comprehensive and without the intervention of any board or commission. We are strongly opposed to making the extension of amnesty a case-by-case process of examination and judgment. In the first place, a case-by-case examination and judgment would clearly tie up any commission in red-tape for generations to come, simply by virtue of the sheer numbers involved. In the second place, because our perception of universal amnesty is based on the proposition that *all* Americans must shoulder the responsibility for the war, we doubt that there is any board that is qualified to sit in judgment upon resister, deserters and dissenters. And finally, such a case-by-case approach would place at a great disadvantage those men and women who did not have access to proper counsel and advice, or who, for one reason or another, were not as adept as others in articulating their individual cases.

Instead, we believe that only an immediate and automatic extension of amnesty would be a fair and honorable way of resolving the hundreds and thousands of cases that would arise in the event that amnesty became a reality.

NON-PUNITIVE AMNESTY

We do not find acceptable any proposal about a punitive amnesty which would require resisters, deserters, the dishonorably discharged, and the dissenters to perform some form of alternative service as a way of discharging his or her obligations to society. On the contrary, a universal amnesty is a small first step towards recompensating these individuals for the personal sacrifices they were compelled to make in responding to the moral dilemma raised by the war. Furthermore, it is understandably questionable whether the majority of these individuals, who assumed the stance they did because it was the only possible moral response, would sacrifice their convictions and accept public penance, and thus tacitly acknowledge guilt. The only acceptable amnesty, then, is an unconditional and non-punitive one which is not so much grounded in a willingness to forgive but a desire to recompensate.

CONCLUSION

It has been said that the United States government could not logically extend a universal amnesty without calling for the resurrection of the dead. That is perhaps true, but only if in calling for the resurrection of the dead as a form of amnesty, we remember that the Vietnamese dead are surely as deserving of recompensation as are the American dead. We mourn the dead, mourn them as vicitims of a misguided foreign policy, and surely there is a little part in each of us that we could erase all the effect of the war. But we know we cannot wish away what was, any more than we can ever permit ourselves to forget what was and is. And like Mother Jones, we feel compelled to pray for the dead and fight like hell for the living. Securing a universal amnesty for our brothers and sisters is one component of that struggle.

An so we call upon the Congress to prepare itself for the enactment of amnesty legislation, but to recognize that their primary responsibility at present is to enact legislation that would force the government to withdraw all U.S. troops—ground, sea and air forces—from Indochina, and to withdraw all other economic and military support from the present Saigon government. And we call upon the President, and all who would be President, to support the movement for amnesty as a step towards healing the division of the American people, but to recognize that the first step towards true reconciliation can only be the conclusion of the war. And finally, we call upon the American people to understand that mutual pardon in the form of amnesty is crucial to the restoration of unity in our nation, but to recognize that the forgiveness of the Indochina people can only be won by rapidly and wholly removing the burden of war which we have visited upon them for so many years.

March 29, 1972.

Congressman Bella Abzug,
U.S. House of Representatives,
Washington, D.C.:

On behalf of the American Exile Community in Winnepeg, Manitoba, Canada, we wish to express our vigorous support for the Amnesty Bill that you are introducing as you know we firmly believe that ending the war is the first priority and that a meaningful amnesty is a postwar issue. However we feel it is necessary to have introduced at this time a broadly based non-punitive bill that can offset the inept bills of Senator Taft and Representative Koch for taking our concerns and the concerns of all the victims of the war to heart. We applaud you, it will only be through courageous and constructive acts such as yours that the United States may be able to make peace with itself and the world.

Winnepeg Committee to assist war Objectors.

Patrick Cook, *Coordinator,*
Tim Maloney, *Social Worker.*

DEVELOPMENT OF LOST RIVER MINERAL RESOURCES

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, the Alaska Rural Development Council recently passed a resolution concerning development of Lost River mineral resources. At this site a sizable commercial mineral deposit has been located, and development of this mine would provide 300 jobs. The inhabitants of the area and western Alaska are in dire need of a chance to enter gainful employment to lift themselves above a subsistence and welfare economy and, therefore, the development of this mine site would be a great boon to the area. I am inserting into the Record a copy of the resolution.

Resolution Concerning Development of Lost River Mineral Resources

Whereas a sizeable commercial mineral deposit has been identified and explored; and

Whereas the Seward Peninsula of the State of Alaska is lacking in employment opportunities; and

Whereas a mine to develop this deposit would provide 300 jobs; and

Whereas the inhabitants of the area and Western Alaska are in dire need of a chance to enter gainful employment to lift themselves above a subsistence and welfare economy and enter into an improved style of living; and

Whereas the State would derive income through normal corporation taxes; and

Whereas the Seward Peninsula would benefit from improved shipping facilities; and

Whereas the lack of an established community at the site provides an opportunity for a totally planned, modern community

Now therefore be it resolved that the Alaska Rural Development Council hereby requests the Governor of the State of Alaska to direct those commissioners and directors concerned with rural and industrial development, community and health and social services, environmental protection, State planning and legal services to lend the Lost River Mining Corporation all possible assistance in getting the development underway; and

Further that effort be expended to develop full services, public docking and community facilities to complement such a development.

TONY RIOS—VETERANO

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Thursday, April 20, 1972

Mr. CRANSTON. Mr. President, I invite the attention of the Senate to one of Los Angeles' truly remarkable citizens, Mr. Tony Rios, president of the statewide Community Service Organization.

Tony Rios has been working devotedly and determinedly for his fellow Chicanos almost all of his life. The East Los Angeles Chapter of CSO, of which he has been the principal leader since its formation, is the oldest community group serving Mexican-Americans in Los Angeles. It has served as a model for community groups all over the State.

Tony Rios' long, dedicated service has been recognized by the Los Angeles Times in an article published Sunday, April 9, 1972. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Tony Rios—A "Veterano" of Battles for Chicanos—Community Service Group He Heads Had Its Beginning in Boyle Heights in 1947

(By Frank Del Olmo)

In the ranks of Chicano activists, who range from the conservative to the radical, Tony Rios stands out as one of the genuine "veteranos."

The 57-year-old president of the statewide Community Service Organization has been organizing since the 1930s, starting with early efforts to organize fellow farmworkers in Ventura County, and then in more successful efforts to unionize the local steel industry.

In 1947, he was one of a handful of Boyle Heights residents (he has lived on the east side the last 36 years) who formed the state's first CSO chapter.

He has remained ever since with the East Los Angeles CSO, the oldest continuously active Chicano community group in the nation's largest barrio.

THE 25TH ANNIVERSARY

The local chapter celebrated its 25th anniversary last month in conjunction with CSO's 20th statewide convention at the Los Angeles Convention Center.

The campaigns the 33 local GSO chapters have engaged in over the last two decades are as varied as the barrios they are based in, from small farming towns in the Central Valley to inner city areas like East Los Angeles.

As the original chapter, however, the Los Angeles chapter, headquartered at 2820 Whittier Blvd., has often served as a testing ground and model for community service plans eventually applied in other areas.

Among CSO's more notable efforts:

Periodic voter registration drives that Rios said have registered close to half a million Mexican-Americans throughout the state.

A self-supporting credit union with assets of more than $90,000.

A self-supporting buyers club, with 11 branches in the state, which purchases eggs, meat and other goods wholesale and sells them at discount to low-income families.

Two low-income housing projects. Both are due to begin construction soon in Tulare (112 units) and San Bernardino (36 units) with the CSO working in partnership with local developers. CSO planners hope similar projects planned for the future will be run by CSO alone.

POOL RESOURCES

Also planned for the near future is a CSO political arm to pool resources from throughout the state, both in terms of talent and money, and bring them to bear in local political campaigns for Mexican-American candidates.

In its 25 years, CSO also has initiated numerous public interest lawsuits, including police malpractice cases. It has sponsored citizenship classes, organized neighborhood improvement projects and, in general, waged its own guerrilla-style war on poverty and other problems in the Mexican-American community, long before such efforts became common.

CSO's first success was a solitary but significant one—helping in the election in 1949 of the first Mexican-American to serve on the Los Angeles City Council in 70 years.

U.S. Rep. Edward Roybal (D-Calif.)—an original CSO member—was the winner in that campaign. Thanks in part to subsequent realignment of council districts, Roybal remains the last Mexican-American to have sat on the City Council.

Rios said it was an unsuccessful councilmanic campaign by Roybal in 1947 that stirred a group of his supporters to form a permanent group that would work at organizing Mexican-Americans for community action.

The thrust of CSO in its early years was highly political, centered around voter registration drives and local campaign efforts.

Among the new CSO leaders was an up-and-coming former farmworker and barrio street tough from San Jose—Cesar Chevez.

Chavez organized for CSO some 10 years before moving on, in 1962, to his now famous campaign to unionize farm labor.

While leaders like Chavez and Roybal have moved on, still maintaining personal contact with CSO, Rios has remained.

He has stayed to not only watch CSO grow, but to observe an often startling growth in the activism of the Mexican-American community.

"There have been lots of changes," the native of Calexico said." Many more people are active now and interested in community affairs."

He has even seen Chicano leadership reach out of the barrios to involvement in state and national affairs.

He laughs now when he recalls that "it used to be difficult to get people organized about putting in a stoplight."

The veteran activist credits this increased awareness to second and third generation Mexican-Americans.

"The older generations that came here at the turn of the century never gave up their dreams of returning home to Mexico," he said.

But World War II convinced many of that older generation's children that "they fought for this country, so they had some rights. They had a stake in it even if their parents had been executed by the majority."

NEW MILITARY

Now a third generation is moving with a militancy that Rios said he does not always agree with, at least in terms of tactics.

"There are some groups (in the Chicano movement) now that are just talk," he complained.

Rios contends that some militants "just demonstrate and talk tough" rather than joining in the "long, slow process of building barrio power and learning how to use it."

Nevertheless, Rios said, he thinks the Chicano movement "overall is moving in the right direction," and that activist and militant campaigns—even those that have created some turmoil—have "helped wake up the people in the barrio and sensitize the majority community outside it."

As for his own involvement, which has lasted "all my life," Rios said he "wouldn't want to do anything else."

"I haven't taken a vacation in 28 years," he boasts, "and I don't need one. I like my work too much."

TAX REFORM AND THE FOUNDATIONS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, everybody is for tax reform, especially, it seems, in those years divisible by four; and 1972 is no exception. But reforms advanced in such years must be examined with a critical eye, for they tend to include the reckless as well as the reasonable, the political as well as the practical.

I think we should be especially wary in this election year of the quadrennial "New Populists" whose idea of tax reform is to legislate charitable foundations out of existence. These so-called New Populists are parading under the banner of loophole-plugging and relief for the little man, and yet the net effect of some of their foundation-wrecking schemes would be to create new pressures for Federal tax increases to fund those services now being supported by foundations. For if we dry up foundation support for private colleges, hospitals, and service organizations, these institutions will either have to turn to public support or terminate their operations. Either way the taxpayer will have to foot the bill to provide these vital services.

Mr. Speaker, rather than plunging into this kind of plugging, I think we would be better advised to take a close look at what effect the foundation-related provisions of the 1969 Tax Reform Act have had on foundations and private philanthropy. For the evidence is mounting that these provisions have had the unexpected effect of reducing foundations support for nonprofit educational, cultural, and service organizations which are already beginning to feel the financial pinch.

What we attempted to do in the 1969 Tax Reform Act was to eliminate foundation abuses of their tax-sheltered status. But it now appears that we may have been guilty of overkill, and the nonprofit organizations dependent on foundation support are the innocent and unintended victims.

What are the provisions of the Tax Reform Act which have had this crippling effect on foundation giving? First, under the new law, only half the appreciation on securities used in foundation funding is now deductible. Furthermore, the gifts to fund a foundation may not exceed 20 percent of the taxable income and may not be spread over 5 years as is permitted in the case of gifts given directly to a charitable organization. These provisions will obviously not only discourage the formation of new foundations, but will seriously jeopardize the continued funding of existing foundations. And this in turn, over the next few years, will threaten the survival of many nonprofit organizations dependent on foundation support.

Second, foundations are now subject to a 4-percent Federal excise tax, ostensibly for the purpose of providing the Treasury funds with which to audit the foundations. And yet, despite the fact that the IRS budget figure for auditing all 501(c)(3) organizations is $18 million, it is estimated that the revenues from this foundation excise tax will total $27 million in 1971, and $40 million in 1972 and 1973. Thus, the effect of this so-called audit fee is to pillage private philanthropy to the tune of $40 million, more than twice the amount required for the auditing it was designed to finance.

Earlier this year, Carnegie Corp. President Alan Pifer, in paying the foundation's 4 percent tax for 1971 under protest, estimated that, in his words:

> If the tax as now levied continues in force, the loss to potential recipients of Carnegie grants alone will, in the next decade, be at least $5 million, and the loss of grants from all foundations at least half a billion dollars.

In a letter to Treasury Secretary Connally, Pifer went on to say that the Carnegie Corp's $521,116, 1971 tax bill "which goes into the general revenues of the U.S. Government, would, without the tax, have been given in its entirety to colleges, universities, medical schools, and other charitable institutions, mostly under private control."

I think Mr. Pifer's letter deserves quoting even further here. In his words:

> A tax on foundations strikes at the very heart of pluralism by shifting scarce resources from the private to the public side of the ledger. If pluralism is good for America, a tax on foundations cannot be. It is for that simple but powerful reason I remain unalterably opposed to the tax.

Mr. Speaker, let there be no mistake about it, what is at issue here is the future of private philanthropy and the survival of those private organizations which rely on this support. We are confronted with a most basic and crucial public policy question, and that is whether we want to encourage more private giving as a strategy for solving our social problems, or whether we want to rely more heavily on public funding. And a related question is whether or not we want to preserve our private educational, cultural, and service organizations with their unique identities and rich diversity. For their fate is certainly linked to that of charitable foundations.

Mr. Speaker, in early 1969, an independent commission comprised of private citizens was formed to conduct an appraisal of American philanthropy. Known as the Commission on Foundations and Private Philanthropy, and funded by nonfoundation sources, the commission was chaired by Mr. Peter G. Peterson, then the chairman of the board of Bell and Howell and currently the Secretary of Commerce. The Commission concluded that—

> The public interest is best served through a strong dual system of private giving and government funding as a means for allocating resources for the general welfare.

Writing in the preface to the Commission report, Foundations, Private Giving and Public Policy, published in 1970, Mr. Peterson observed that—

> Even if all the follies, excesses, inequities and abuses charged against private philanthropy were factually true, would anything be gained if private philanthropy were "legislated out of existence?" When we consider the alternative of an American life in which private philanthropy no longer played a key role, the picture that looms up is a bleak one.

Mr. Peterson went on to write, and I quote:

> It is my strong impression that in the past few years even those individuals who are among the most enthusiastic advocates of public funding for general welfare programs have been forced by the evidence of their own senses to reduce the scale of the social gains they anticipated from government programs alone. They have been forced increasingly to recognize some of the inherent limitations of such programs and to look more to the private sector and local forces as alternative sources of initiatives bearing on the general welfare.

Mr. Speaker, I could not agree with Mr. Peterson more. "We are," as President Nixon put it in his inaugural, "approaching the limits of what Government alone can do." The President went on to say:

> Our greatest need now is to reach beyond Government to enlist the legions of the concerned and the committed. What has to be done has to be done by Government and people together or it will not be done at all. The lesson of past agony is that without the people we can do nothing; with the people we can do everything.

It, therefore, makes little sense to me, Mr. Speaker, that we should be consciously pursuing a policy which discourages private philanthropy and which threatens the very survival of these nonprofit charitable organizations which have contributed so much to our country in the past, and which have such great untapped potential for the future.

When the Frenchman Alexis de Tocqueville visited this country nearly a century and a half ago, he was perhaps most impressed by the manner in which Americans were constantly forming voluntary associations for such a wide variety of purposes:

> To give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the Antipodes; in this manner they found hospitals, prisons and schools.

De Tocqueville went on to note that such intellectual and moral associations in America are perhaps even more necessary to the American people than political and industrial associations. In his words:

> In democratic countries the science of association is the mother of science; the progress of all the rest depends upon the progress it has made.

Mr. Speaker, as is the case with so much of de Tocqueville's writing on America, this still rings true today. Mr. David F. Freeman, president of the Council on Foundations, struck a similar note recently when he observed:

> Voluntary organizations as we know them are a uniquely American phenomenon, and their wide diversity, at the local, state and national level, provide opportunities for millions of our citizens to give time and talent, as well as money, to worthwhile causes.

And, speaking more directly to the issue of Government tax treatment of philanthropy, Mr. Richard H. Wangerin, president of the American Symphony Orchestra League has said:

> If the policy of Government tax incentives for giving is abandoned, the public cannot carry these burdens from private funds, and yet another tenet of the principles that built this nation—that of voluntary assumption of leadership and financial support on behalf of the public good—will have disappeared from our national scene. Our nation will be the poorer for it.

And so, Mr. Speaker, I am suggesting that our tax treatment of foundations and private philanthropy is a very basic public policy issue which runs to the very heart of our society. It is not something which should be brushed aside as irrelevant in our zeal for tax reform or in our haste to correct certain abuses. It is inseparably tied to the larger question of the future of our society and what role the private sector will play in that society. I think we must deal with this policy questiton in that context, and it seems to me that a good way to begin is to carefully examine the impact of the 1969 Tax Reform Act on foundations and private philanthropy.

For that reason, Mr. Speaker, I have written to Chairman MILLS of the Ways and Means Committee earlier this week requesting that hearings be held on this subject. I am encouraged by the fact that Chairman MILLS has already announced that hearings will begin on May 2 on a related matter, H.R. 14243 which I cosponsored with Mr. SYMINGTON on March 29 of this year. This measure would liberalize existing restrictions on the legislative activity in which a 501(c) (3) organization may engage without jeopardizing its tax-exempt status. I commend the chairman on scheduling these hearings, and I would hope that he would see fit to extending them into the area which I have discussed today.

I have also written this week to Comptroller General Staats of the GAO requesting that a study be conducted on the impact of the 1969 act on foundations' philanthropy and that the GAO make recommendations for corrective legislation which may be necessary based on the findings of this study.

At this point in the RECORD, Mr. Speaker, I include the full texts of those two letters:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1972.

Hon. WILBUR D. MILLS,
Chairman, House Committee on Ways and Means, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to urge that you give serious consideration to conducting hearings on the impact of the 1969 Tax Reform Act on foundations. I have received numerous letters, as I am sure you have, indicating the provisions of the Act relating to foundations have had the effect of cutting deeply into philanthropic activities and this in turn is causing serious problems for private colleges, hospitals and other cultural and service organizations which are heavily dependent on gift support.

I don't think the Committee in any way intended to kill private philanthropy when it drafted the 1969 Tax Reform Act, and yet the evidence is mounting that certain provisions of that Act have dealt a crippling blow to many foundations, and in some instances, it has already proved fatal. If this trend continues, I can foresee this ultimately costing the taxpayer dearly as private colleges, hospitals and service organizations are forced to either turn from private to public support, or terminate their operations, thus creating pressures for new public institutions to perform these vital services. Needless to say, not only would such a situation prove costly, but would seriously jeopardize the diversity and independence of these institutions—factors which have made an invaluable contribution to the greatness of this nation.

Finally, on a related matter, I would again urge you to conduct hearings on H.R. 4905, the Higher Education Gift Incentive Act, which I introduced along with over 70 cosponsors on February 25, 1971. As you will recall, this legislation would allow a direct tax credit of up to $100 for individual contributions to colleges and universities, and up to $5,000 for corporate gifts. Again, the theme here is encouraging rather than discouraging private philanthropy.

With all best wishes, I am
Very truly yours,
JOHN B. ANDERSON,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 18, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. COMPTROLLER GENERAL: I am writing to request that the General Accounting Office conduct a study into the impact of the 1969 Tax Reform Act on private foundations, particularly with regard to philanthropic activities. It has been called to my attention by representatives of various private colleges, hospitals and service organizations that the provisions of the Act relating to foundations have had the effect of curtailing foundation giving to these institutions which are so dependent on such support. It is their further contention that both the survival of some foundations and some institutions they support is seriously threatened by the punitive provisions of the Tax Reform Act.

While I realize that it would be a nearly impossible task to survey all foundations and private institutions which rely on foundation giving, it seems to me a random survey of some sort would be feasible and useful for the purposes I have outlined. I would also appreciate any recommendations GAO might have in the way of corrective legislation which may be necessary based on the results of such a study. My primary interest in this, of course, is to ensure that private giving by foundations is not discouraged, and that private service institutions continue to receive this valuable form of financial support.

With all best wishes, I am

Very truly yours,

JOHN B. ANDERSON,
Member of Congress.

ST. PAUL CHAMBER OPPOSES BURKE-HARTKE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRENZEL. Mr. Speaker, the St. Paul, Minn., Chamber of Commerce board of directors has drafted a thoughtful resolution, and accompanying letter concerning the Foreign Trade and Investment Act of 1972, the Burke-Hartke bill.

I commend both the letter and the resolution to my colleagues:

APRIL 6, 1972.

Hon. WILLIAM FRENZEL,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FRENZEL: Please find enclosed a resolution unanimously adopted by the Board of Directors of the Saint Paul Area Chamber of Commerce expressing opposition to the "Foreign Trade and Investment Act of 1972" (H.R. 10914, S. 2592) also known as the Hartke-Burke bill.

We call to your attention the Multinational Enterprise Survey recently completed by the Chamber of Commerce of the United States showing that 121 of the largest firms in the United States, including those based in Minnesota and the Saint Paul metropolitan area, with multinational manufacturing facilities had an increase in domestic employment of 31.1% from 1960 to 1970 compared to a national average rate of increase for the same period of 12.3%. This is entirely inconsistent with the views of the proponents of this bill that the establishment of plants abroad has resulted in fewer jobs in the United States; the number of jobs has increased, not decreased.

These same firms indicated their primary reasons for establishing plants abroad were 1) to provide better service to existing markets, and 2) to overcome tariff and trade restrictions. Manufacturing facilities have not been established abroad to take advantage of lower labor rates, but rather to service and supply markets that would otherwise be closed to U.S. products.

The protectionist trade proposals of the Hartke-Burke bill will inevitably lead to retaliatory import quotas in U.S. goods, consequently reducing exports and, correspondingly, employment in our export industries.

The latest U.S. Department of Commerce statistics show that Minnesota exports some $500 million in manufactured goods annually providing employment for some 44,000 persons. The export of Minnesota manufactured products has increased in the last decade at a rate more than double that of the rest of the U.S. The high level of Minnesota's export industry, and its accompanying employment, has been the result of the success and growth of the substantial number of multinational and export companies headquartered in Minnesota and the Saint Paul area. Should the Hartke-Burke bill be passed into law, it is reasonable to expect diminished growth of these Minnesota based companies and correspondingly, diminished employment.

International trade without unreasonable restrictions is important not only to the economy of the United States, but vitally so to the economy of the State of Minnesota and the metropolitan area of Saint Paul. We strongly urge you to oppose the Hartke-Burke bill.

Sincerely,

ROBERT C. CHINN,
President, Saint Paul Area Chamber of Commerce.

RESOLUTION PERTAINING TO H.R. 10914 AND S. 2592, "FOREIGN TRADE AND INVESTMENT ACT OF 1972," ALSO KNOWN AS THE HARTKE-BURKE BILL

Whereas, international trade is vitally important to the economy of the United States, Minnesota and Saint Paul and to the well-being of the substantial number of American firms with international interests, and

Whereas, protectionist trade policies will inevitably lead to retaliatory import quotas on U.S. goods and services, diminished U.S. exports and fewer jobs in U.S. industry, higher product prices for the U.S. consumer and an increase in the U.S. balance of payments deficit,

Be it resolved that the Saint Paul Area Chamber of Commerce opposes the foreign trade and investment controls proposed by the "Foreign Trade and Investment Act of 1972," H.R. 10914 and S. 2592, and urges Congress to initiate legislation that will increase U.S. exports and encourage U.S. investments abroad.

Recommended to the Board of Directors by the World Business Center Task Force of the Saint Paul Area Chamber of Commerce, March 17, 1972.

Passed unanimously by the Board of Directors of the Saint Paul Area Chamber of Commerce March 21, 1972.

NASA TO BEGIN WORK ON AIRCRAFT NOISE REDUCTION

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, often the National Aeronautics and Space Administration is associated in the public mind with Apollo missions and space flights to the moon and beyond. While no one can deny the spirit of adventure that the space program has evoked in this country over the past decade and a half, recently some legitimate questions about the usefulness of NASA's activities in solving the very real problems we face here on earth have been raised.

I believe that in H.R. 14070, the fiscal year 1973 NASA authorization bill before us today, the House Science and Astronautics Committee has shown us a way in which this technology can be applied to some of the problems which confront people in their day-to-day lives. For in this bill the committee has more than quintupled the original NASA request for funds for research and development to reduce aircraft noise, increasing the amount from $9 million to $50 million.

This announcement by the committee that the goal of reducing aircraft noise is being accorded No. 1 priority will certainly be good news to the people of the 20th Congressional District who live near Cleveland Hopkins Airport. For years these people have been subjected to the constant roar of jets as they fly immediately overhead after takeoff and before landing. Not only is this noise a terrible irritation, but also recent research indicates that prolonged exposure to such noise may cause physical harm.

Thus I commend the committee for its realistic action in directing the talents of NASA to areas such as aircraft noise where the need for expertise is so great, and I continue to urge whatever congressional action is needed to end noise pollution in this country.

YOUTH PROBLEMS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. SHOUP. Mr. Speaker, I would like to submit for the record a statement of fact concerning our Nation's youth that many of them and we more senior persons probably are not aware. The terrible slaughter of many thousands of our youth in automobile accidents, much more than any other cause, is clearly stated in the following statement of facts by the Liberty Mutual Insurance Co. Their story was recently revealed in Washington, D.C., at a press conference, by Mr. Roger Wingate, which unveiled a new brochure and film on the need for improved driver education. I believe it tells a story worth reading:

YOUTH PROBLEMS

In the last decade we killed 470,000 people on our nation's highways and last year alone, 55,000. *Today* about 150 people will die tragic, needless deaths. Another 5,400 will suffer disabling injuries. These are the grim statistics on motor vehicle accidents in our country.

Who are these people being killed and maimed? Too many are the nation's youth—promising lives erased before they even have a chance to make their mark. The crisis on our nation's highways continues and the accent is on youth.

The leading cause of death to youngsters in the 15 to 25 year old age group is motor vehicle accidents. More youngsters in this age group are killing themselves and others with a 3,000 pound licensed weapon than with loaded guns or loaded hypodermic needles. In 1970, 1,500 youngsters between 15 and 25 died from drugs. Another 3,394 were murder victims. And 4,204 died in the Vietnam War. But 17,360—nearly twice the combined total of the others—were killed in vehicle accidents.

Why the young? By virtue of their age they have strength, agility, and perception on their side. Their eyesight and reflexes are far better than their parents'. They represent about 21 per cent of the driving population and yet are involved in 34 per cent of fatalities.

Why? The fact is, many accidents involving teenagers occur within the first few months in which they have their licenses. Inexperience is their largest single handicap and, mixed with any degree of unwarranted overconfidence, it can easily make a deadly combination.

Their lack of experience is largely due to three factors; the young age at which they are licensed, their lack of time behind-the-wheel, and most significantly, the lack of training in real-life driving experiences.

Some safety people express great concern about the first factor. They point out that in

30 states teenagers can legally drive a car before their 16th birthday. In 11 states they can drive before age 15.

Some safety specialists are much troubled about the second factor and for that reason recommend probationary licenses. In the probationary period, they feel that severe restrictions should be placed upon young drivers and that drivers should have to prove themselves before receiving a so-called permanent license.

Liberty Mutual's prime area of concern is the third factor—the lack of training in real-life driving experience. The obvious question is—How well are youngsters trained before being allowed to venture out on our hazardous highways? The unfortunate answer is—well by the book but not well by practical experience.

Driver education, which began in this country in the 1930's, has simply not kept pace with the kind of driving decisions needed in almost every mile driven daily. Automobiles today are a great deal different than those of the 30's and there are almost four times as many of them on the roads. Highways have changed too, and the demands for instant and safe decisions increase continually. The driver education challenge is greater than ever.

Is the challenge being met? Last Fall the National Transportation Safety Board said, and I quote, "Driver education programs cost the government some $8 million a year, yet after more than 60 years of commerical and 37 years of public high school driver education experience there is still no body of data or series of studies that can prove the programs actually contribute to highway safety."

That is a rather harsh, sweeping statement. In truth there is evidence of improved safety on our highways. The death rate per 10,000 motor vehicles or per 100 million vehicle miles has steadily declined from about 13 in the 1930's to less than 5 in 1970. That is a hopeful indication that driver education has made a contribution but it's not enough.

The automobile death rate by population has remained almost constant for nearly forty years. About 25 of every 100,000 people will die each year in motor vehicle accidents and as our population continues to grow, so will the actual number of people killed on the highway each year.

But let's get away from numbers and back to people—back to our concern for those youngsters. What is missing from high school driver education programs? Start with the single word heard most frequently around the academic community today. Start with relevance.

The fact is, driver education, as it is currently being presented in most high schools, is simply not relevant enough to real-life situations. Secretary of Transportation, John A. Volpe said, "Young drivers, almost by definition, lack experience more than any other factor. Many of our schools today offer what is called the '30 and six' course—30 hours of course work and six hours behind the wheel. That's not enough."

Even many of the texts being used in high school driver education courses haven't been changed in years. How relevant can the lessons be when the written material is outdated.

When we consider the six hours of training behind the wheel, let's face facts. Most of that time is spent driving in good weather on familiar local roads which are traffic-free and under almost perfect driving conditions. In some cases, classes are cancelled if the weather is bad. Under these circumstances a youngster's ability to handle a vehicle is never seriously challenged. His greatest challenge might be to see how well he can execute a three-point turn or parallel park. And let's face it—youngsters are not being killed trying to park.

How can we teach our new drivers how to perform without error under the more difficult driving situations—the true to life situations some of them will encounter in their first few miles of "solo" driving. For example, they must recognize trouble before it happens. They must be ready to handle the special problems of night driving or high-speed driving. They must be able to recognize the first signs of fatigue. And most important, they must develop the proper attitude and learn a healthy respect for the potential within their grasp when they hold a steering wheel.

Too often a youngster's first confrontation with an emergency situation is the real thing. Most accidents result from some kind of emergency situation and a youngster's vehicle handling in that situation can make the difference of life and death.

These are the problems. The solution is to make driver-training more relevant But how?

We at Liberty Mutual feel we have a good part of the answer. We have been able to recognize problems and suggest solutions as a result of a long and proud history of leadership in automotive safety research and development. We were instrumental in the development of seat belts and later built two Survival Cars to show the world the way to safer automobiles. Recently we developed a unique two stage car bumper system. So much for the car, but what of the driver?

Liberty Mutual has some real experience in driver training to draw upon. First, we know what kinds of driving situations continually result in automobile accidents.

So, lets start by asking a few questions.

What do you do when you are travelling along the road at 60 miles an hour and experience a blowout? You can't stop to reason it out then. You don't have time. You have to do the right thing right away—almost automatically.

What if you are driving around a curve on a two-lane undivided highway and you suddenly see a car pulling out of a hidden driveway in front of you? What if there is a car in the oncoming lane? And then what if it's raining and to avoid the slowly accelerating car you start to skid?

What happens if your are driving along, safely minding your own business and an oncoming car swerves over into your lane? Or what if you suddenly lose steering or brake control? What if the windshield wipers stop or the lights go out? What if the accelerator gets stuck?

Yes, what if?

Your worst enemy in a crisis can easily be yourself if you panic. You can talk about emergency situations and what to do. You can simulate these situations on film but there is no replacement for the real experience. That is exactly what is needed in high school driver education today—we need more of the real thing. We wouldn't suggest it if we thought it wasn't possible to include this kind of training in high school programs. We know it is possible.

When novice drivers are learning how to handle emergency situations, they will see how important it is to keep the situation from developing in the first place. For example, when young people are introduced to slippery turns, some of them at least, will decide to drive in the manner necessary to prevent a skidding emergency.

Liberty Mutual is launching a major campaign to lead the way. We are immediately instituting a multi-phase driver education program which will aid high school programs in three distinct ways. First a permanent research driver education program to discover better ways of teaching avoidance and control of emergencies will be conducted at our Hopkinton, Mass. Research Center. We will do all we can to make it available to high school driver educators. Second, we will take a similar but mobile program throughout the country each year to share with driver educators and public administrators what we have learned. Third, Liberty will make available brochures describing how driver educators can establish relevant programs.

In the last several years our research resulted in the development of a skid school program. It was first conducted at Hopkinton and now has been taken across the country. Our success with it and the plans we have drawn for others has resulted in it becoming a part of driver training programs in many parts of the country. It is relevant and makes us feel that many similar true-to-life programs can be developed.

Liberty's proposed multi-phase program will center around an emergency driving school. One part of the program is emergency reaction training, which will be taught on a variety of specially-arranged courses on a driving range. Various courses will be used to test different maneuvers which are necessary in emergencies. Some of the standard courses will emphasize evasive moves so necessary on the highway today, controlled braking, off-road recovery and blow-out's on curves. Virtually any configuration emphasizing an emergency can be simulated. On the driving range, the student goes over and over a single maneuver until he is capable of control. For instance, a student who loses control in a simulated blowout on a curve does it until he or she gets it right. If the same situation ever occurs on the highway, the chances of survival are greatly enhanced.

Emergency reaction training can provide practice in almost any kind of emergency driving situation. For example, part of the program should deal with skid control. It is estimated that skidding is a major contributing factor in one of every four fatal accidents. The course will teach students how to recognize the six types of skids which can occur and the best ways to avoid or control them. Again, the accent is on real experience and the students actually experience the various skids and practice them until they are capable of control. Where it is impractical or dangerous to conduct maneuvers on the driving range a classroom Decision Driving program is a possibility. The Liberty Mutual Decision Driving Course is a multimedia presentation which teaches participants how to make the right decisions on the highway. A driver has to make an average of eight decisions per mile and there is little or no room for error or delay.

We at Liberty Mutual do not pretend to be the originators of emergency driving schools. We are the first to demonstrate how high schools throughout the country can and should develop their own emergency driving schools to make their programs more relevant.

All of the programs are described on film or by written material. The essence and importance of the programs is that they give real life experience for which there is absolutely no substitute.

The film which you will see shortly supplements this major effort, as does a new brochure entitled "Do You Have The Guts To Say No?" The film is called "Let's Pass As Friends." Its stars are real-life students who recognize the need for improved driver education and state it quite clearly in their own language.

Experience. That's the answer. Liberty is going to do its part. We want others to get involved. Students, teachers, school administrators, the media and most of all the public. This is the direction in which high school driver education (and all driver education or re-education) should go in the future. It's going to take a good deal of concern and involvement from many people, but it must be done if we are ever to turn the grim statistics around.

TWO INTERESTING ARTICLES FROM THE PATRIOT

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GOODLING. Mr. Speaker, just recently I asked the Justice Department and the Department of State about the prospects of deporting one Mr. Eqbal Ahmad, a Pakistani immigrant who made some threatening remarks against the United States in the event the Vietnam war did not end in accord with his time schedule. He demonstrated this treachery in my congressional district.

Just recently an editorial appeared in the April 15, 1972, issue of the Patriot, a prominent daily newspaper in Pennsylvania. Because it has application to the concern I have evidenced in this case, I submit it to the RECORD and commend it to the attention of my colleagues.

Appearing in the same newspaper issue was a reference to top scholars who have been awarded merit scholarships. Because two of these award winners were from my congressional district, one from Hanover and another from York, I insert this, too, into the RECORD:

U.S. HOSPITALITY: AHMAD ABUSES ALIEN STATUS

Undesirable aliens have created more than a little mischief in this country and the most conspicuous at the moment is Pakistani Eqbal Amad. Having enjoyed all the benefits of the American system of justice during his trial as one of the "Harrisburg 7," Ahmad has resumed his activist course in resisting American foreign policy.

The day after the trial ended in a hung jury, Ahmad was in York, encouraging disruption of production at AMF. While there, according to U.S. Rep. George A. Goodling, Ahmad told demonstrators if the Vietnam war continues "and there is no accountability on the part of public officials, the papers will have to be destroyed, buildings will have to continue to be raided and discussions about citizens arrests of officials whom we consider guilty or at the least very deserving trials for crimes against humanity, will continue to take place."

Goodling, of Loganville in Adams County, took to the floor of the House this week to declare that Ahmad is a "menace and a threat to the security of the United States." He has contacted both the Immigration and Naturalization Service of the Department of Justice and the Department of State regarding his demand that Ahmad be deported.

This would be an appropriate action to take against an arrogant, self-righteous alien from a divided nation which hasn't recovered from the wounds of a civil war in which atrocities were commonplace.

The responsible peace movement in this country abhors the violent and unlawful tactics of some elements who have embraced the Vietnam war as a holy cause. Unfortunately, the issue also has been seized upon by others whose primary aim, instead of peace, is to embarrass the United States by any means available.

Ahmad fits into the latter category. If he had a true love for peace and loyalty to his native land he would be there today leading a Pakistani peace movement.

TOP SCHOLARS: THEY MERIT AREA'S APPLAUSE

Congratulations to the six Midstate high school seniors who are among the first group of '72 winners of four-year Merit Scholarships. These prestigious awards represent much more than the money involved, though their cash value can be as much as $6,000, depending upon the individual student's financial situation.

In addition to adding to a student's academic credentials, a Merit Scholarship reflects honor on his home and school as well. For many years Central Pennsylvania schools have produced outstanding students and Merit Scholars who have gone on to become community and State leaders in the law, arts and the sciences.

This year's winners, from about 1,274 across the nation—Michael D. Roach of Middletown, Frederick J. Hensal of Boalsburg, Mark C. Davison of Chambersburg, Joel E. Buckley of Hanover, Craig Keemer of Lewistown and William F. Boyer of York—carry on a distinguished tradition.

All too often the scholars are taken for granted while the athletes win the headlines and the plaudits of their communities. On this occasion—the selection of "All-American Scholars"—we salute the winners and also the many finalists from area schools. Among these young people are the leaders of tomorrow, the core of the human resources which make our nation great.

They are alert, bright, well-informed and aware of the needs of society. The higher education which these scholarships help provide can prepare them for the task they know is ahead.

THE HONORABLE F. BRADFORD MORSE

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MAILLIARD. Mr. Speaker, I would like to express my great respect for my friend and colleague, F. BRADFORD MORSE of Massachusetts, as he completes one career and prepares to begin another.

I have worked closely with BRAD as a member of the Committee on Foreign Affairs, where his intelligence, initiative and sound judgment have contributed much to our country's foreign policy.

His record on the Hill is distinguished and unique. Not only has he served in the Congress for 11 years, but prior to his service as a Member of Congress BRAD was a member of the professional staff of the Senate Armed Services Committee and was the administrative assistant to Massachusetts' Senator Leverett Saltonstall. From this experience he has an in-depth understanding of the legislative process.

While his new position at the United Nations will be different in many ways, BRAD will bring to it many qualities that will enable him to represent the U.N. with great effectiveness. He has experience and knowledge gained from his service on the Foreign Affairs Committee. He is friendly, enthusiastic, hard-working and persistent. He is an able negotiator.

As a former delegate to the United Nations, I know that the qualities I have just enumerated will be a real asset to the person who is Under Secretary General for Political and General Assembly Affairs.

I am confident that BRAD will make an outstanding contribution to the effectiveness of the United Nations in the years ahead, and I wish him well.

SCHOOLBUS SAFETY WEEK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. COUGHLIN. Mr. Speaker, this week, April 17 to 23, has been designated as "Schoolbus Safety Week" in Pennsylvania, as well as 39 other States throughout the Nation. As chairman of the task force on Transportation of the Republican Research Committee, I would like to call attention to this fact and to remind my colleagues of the purpose for which this observance was intended.

"Schoolbus Safety Week" has been initiated for four reasons:

First. To make safer drivers of the schoolbus drivers;

Second. To emphasize State laws concerning when and when not to pass schoolbuses;

Third. To help inform the general public of the importance that schoolbus plays in the educational program; and

Fourth. To give recognition to the 500,000 people in the United States who are involved in the pupil transportation field.

As many people may not realize, schoolbuses are the safest means of land transportation in the country today. According to statistics of the National Safety Council, they are 40 times safer than private passenger cars, based on 100 million passenger-miles.

In 1970, 140 persons—100 of them students—were killed in schoolbus accidents. When compared to the deplorable figure of approximately 55,000 Americans who die annually on our Nation's highways, 140 is a remarkable figure indeed.

Even though this record is good, it could be better. The number of injured in schoolbus accidents—4,500 in 1970—and the number of crashes involved—42,000—is far too high And the sad thing is that many of these accidents could have been avoided.

Unfortunately, schoolbus safety is an area which has been neglected far too long. Until now, improvements have been made in primarily a piecemeal fashion, with one State, then another, implementing their own standards and regulations. Clearly, national direction is needed in this most critical field.

The National Highway Traffic Safety Administration of the Department of Transportation recently prepared a standard on pupil transportation safety which would require that each State, in cooperation with its school districts and its political subdivisions, develop a comprehensive pupil transportation program to assure that school buses are operated and maintained so as to achieve the highest possible level of safety. At the present time, it is indefinite whether this standard will be released intact by the Secretary or whether it will be incorporated into other standards previously issued under the Highway Safety Act of 1966. No matter which alternative is selected, I strongly urge the appropriate parties to take action as soon as possible so that the purposes for which this standard was developed can be implemented.

Among other things, this standard would greatly aid in providing the uniformity we long have needed—uniformity in the appearance of buses, warning systems and State laws. In addition, it would set requirements for pupil instruction, route safety and selection, vehicle maintenance, and record keeping and reporting.

But most important, perhaps, is that this standard would develop a plan for selecting, training and supervising schoolbus drivers in order to assure that they attain a high degree of competence in, and knowledge of, their duties.

This last area is particularly significant since 50 percent of schoolbus crashes are due to driver errors. Even more appalling is that one-third of pupil transportation fatalities are caused by children being run over by the same bus in which they had been riding. In 1972 alone, 20 children have been killed in this way—20 fatalities which might easily have been avoided if stricter qualification standards and proper instruction methods had been in operation.

This is not to say that the majority of schoolbus drivers are not dedicated and conscientious individuals. Their responsibilities are tremendous, and they are to be commended for the vital contribution they are making to our educational system and to our children. But I am sure that they would be the first to agree that urgent steps are needed.

While there is no doubt that implementation of the provisions contained in this standard would be a significant step forward in pupil transportation safety, a serious gap still remains in another critical area—bus construction standards and safety features. As anyone who has ever ridden a schoolbus will readily concede, the interior of these vehicles is highly conducive to injury. Structural improvements are drastically needed, both to the inside of the bus and to the body frame.

Together with several of my colleagues, I have introduced a bill to provide for installation of lap belts in schoolbuses, coupled with improvements in seat design. While I am fully aware of the pros and cons surrounding this issue, I feel that at least a demonstration should be conducted in order to test the feasibility of such a practice, as well as its protective benefits.

At a time when millions of dollars and much rhetoric is being directed toward improved automobile design and safety devices, shockingly little attention has been focused on schoolbuses. Technical engineering knowledge is available which would greatly increase the protection afforded our country's students, and legislation has been introduced in the Congress which would require that these construction standards be put into effect. Although the Department of Transportation has research underway, progress here is slow.

Congress, DOT and the American people should act now to end this lack of concern about pupil transportation safety. The lives of 19.6 million children who ride school buses daily are at stake. They are our Nation's most precious assets—the least we can give them is the safest possible ride.

THE SUMMER INTERN PROGRAM

HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BROTZMAN. Mr. Speaker, most of our colleagues here in the House make use of the student congressional intern program every summer to afford hundreds of America's youth the opportunity to see Congress at work first-hand.

Since the beginning of the intern program in 1966, approximately 1,800 students have been able to officially participate. Thousands of others, through my own efforts and those of my colleagues, have been hired on as "part-time summer employees" and paid from the regular congressional staff allowances.

These interns provide the additional help I know most of our officers can use for special projects. They are the extra hands to do the intensive research projects that the regular staff is not always able to pursue. Last year, I had an intern help to draw up the annual opinion poll I conduct in my district. Several other Congressmen I know have had their mailing lists completely revised and expanded. All of the jobs these interns take on, whether large or small, help us to better serve our constituents.

The idealism and enthusiasm of today's youth is an asset the American people can be well proud of. I need not remind you that it was on just such idealism and enthusiasm that our great country was founded. It is our duty, here, as representatives of the people, to harness that energy and see it put to good use.

We realize that college costs money. Almost every student must work through the summer to finance his education in the fall. Many are forced to leave school temporarily in order to earn the money they need to finish. They too often find that jobs are scarce and hard to find. What better place for the Federal Government to provide jobs than here?

A good student learns his lessons not only in the classroom, and the congressional office is a perfect supplement to a quality education. The disillusionment and lack of trust in the democratic system many youth feel today is, I think, a reflection of their lack of understanding of just how that system works. The summer intern program is an initiative designed to overcome this lack of understanding.

Under the program as it is presently, each Congressman is limited to only one intern per summer. The intern is allowed $300 a month for the 2½ months he is here—this amount in addition to any other personnel allowances available to the Member.

The program, I feel, has more than proven its worth. The only problem is that it is not large enough to accommodate all those who would like an internship. Each spring my office is swamped with requests from well-qualified youngsters in my district wanting to take part in the program. However, there just are not enough funds or positions to go around.

Therefore, Mr. Speaker, I am today introducing a bill which would expand the present summer intern program to give more people a chance to participate. I understand that similar resolutions have been introduced in both Houses of the Congress, and that they have received strong bipartisan support. This particular version is cosponsored by over 80 Members on both sides of the House.

Specifically, my bill would triple the present program, providing each Member with a limit of three summer interns each year. The intern allowance would remain $300 a month for each participant.

The importance of this expansion should be obvious. The more responsible students we are able to reach today with this program, the more that will have the proper exposure to Government to help them one day run the country. I urge my colleagues to act on this resolution expeditiously. I believe that it has great merit.

AMERICAN FARMERS WANT FAIR PRICES FOR THEIR PRODUCTS

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. LANDGREBE. Mr. Speaker, on July 21, 1954, N. Shellian of Hazel Green, Wis., sold 13 hogs, weight 2,680 pounds to the Dubuque Packing Co., Dubuque, Iowa, and received 21 cents per pound, or $562.80.

On April 5, 1972, the same farmer sold to Al Berning of Cuba City, Wis., 13 hogs, weight 2,610 pounds, and received 21¾ cents per pound, or $567.67. However, he was charged a handling fee of $2.67, leaving him $565.

Assuming that Mrs. Shellian purchased a pork roast for her family's dinner on July 21, 1954, she would have paid 37 cents per pound. On April 5, 1972, Mrs. Shellian would have been required to pay 59 cents per pound for pork roast.

With these facts and figures in mind, how can anyone accuse our American farmers of receiving excessive prices for their livestock, a charge recently leveled at them by certain food chains?

Mr. Speaker, our American farmers do not want handouts, they want and should have fair prices for their products.

MARTY CHASE: THE MAN WHO CREATED AN INDUSTRY

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ST GERMAIN. Mr. Speaker, today I would like to pay tribute to a man who created an industry.

Martin Chase set in motion a tide of retailing which revolutionized merchandising in the United States and greatly extended the purchasing power of the American consumer. Like an old Yankee merchant, he combined imagination, courage and initiative to create the discount department store industry.

Marty was my long-time personal friend and a man of unusual insight. He was totally dedicated to his grandchildren, and when they were together you saw the real goodness of the man. He cared about people as human beings first; everything else was secondary. He knew every employee by their first name. Their welfare was as important to him as his own.

As chairman of the board of Ann & Hope Stores, his courage was often an inspiration. Death came to Marty at age 65 on December 24, 1971. His friends knew that he had been seriously ill at home and in the hospital for the past 4 years. But Marty refused to let any illness keep him from his frequent visits to his office.

To the end he proudly told visitors to Ann & Hope Stores:

> Any success we have is due to the fact that we have never gotten away from our original policy, that is to maintain a small markup no matter how good a buy we make.

He strongly believed in industry unity, and enjoyed helping his competitors as much as his customers. His wholehearted assistance and unselfish advice to countless colleagues who followed him into the discount store field was recognized throughout the industry.

But Marty was not a businessman in the usual sense of the word. His heart was in his business. He treated his employees much like his own family. He was more like a father than a boss at the office. At times he would help check out merchandise at a crowded cash register. He always insisted on personal contact with his stores. Almost everyone, from the top executives to the cashiers—called him "Marty" and that is the way he wanted it.

The Mass Merchandising Institute formally acknowledged his contribution to the industry in 1968 when Marty was honored as their first "Man of the Year." The Institute will pay a final tribute as Marty Chase at their annual convention next month with the following resolution:

A RESOLUTION

> Whereas 15 years ago Martin Chase, of Providence, Rhode Island, exercised visions of industrial statesmanship and recognized a novel possibility of bringing great benefits to the people of America and, indeed, to all the people in the Free World, and
>
> Whereas having implemented the vision by building the first discount department store and developing it into an object of great success, said Martin Chase generously and without reward or gain shared his discovery with others by teaching them his methods and his newly gained knowledge, and
>
> Whereas because of this selfless inclination by said Martin Chase the discount department store concept was adopted gradually throughout the United States and eventually spread across much of the world, and
>
> Whereas as a result an industry was spawned that in 1971 enjoyed sales of $30 billion, employed some 900,000 people and created additional millions of jobs in manufacturing, transportation and building, and
>
> Whereas this new industry, conceived and nursed to life by said Martin Chase, has raised the living standard of some 42 million families in the United States alone,
>
> Therefore, We, the members of the board of directors of Mass Retailing Institute, do hereby resolve to officially recognize said Martin Chase as founder of the discount department store industry.

SOME PROPOSALS FOR TAX RELIEF FOR HOMEOWNERS AND RENTERS—OTHER TAX REFORM PROPOSALS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. CELLER. Mr. Speaker, presently I am drafting a bill which will be introduced shortly to bring much needed tax relief for homeowners and renters. Under the present law renters of apartments receive no tax benefits at all. At the same time, middle and lower income homeowners do not receive the same large benefits that are given to the owners of very expensive homes. For example: a taxpayer in the 70-percent bracket who pays $10,000 per year in interest payments and real estate taxes on a very expensive home is in fact receiving a $7,000 per year tax subsidy for housing from the Federal Government. The middle and lower income homeowner can in no way achieve this amount of tax benefit, and under the new laws in many cases will take the standard deduction and receive no benefit at all from his mortgage payments and tax payments.

In the case of homeowners, the tax law should be amended so as to permit the homeowner a credit against the Federal tax—as distinct from a deduction—for at least 30 percent of his interest payments and real estate taxes. Homeowners taking such a credit would still be entitled to the standard deduction. In the case of the apartment renter who pays no real estate taxes and has no mortgage payments, an additional personal exemption of $750 should be provided.

In addition, I shall propose the closing of loopholes with respect to percentage depletion deduction and intangible drilling expense deduction of large companies. Under the present law large petroleum companies in particular are currently receiving a gigantic tax subsidy from the United States in the form of a 22½ percent depletion deduction and a deduction for intangible drilling expenses.

The percentage depletion deduction should be drastically reduced, if not entirely eliminated. I would personally favor its complete elimination; however, I recognize that it probably will not be possible to get the votes for such a position in the Congress. Under the circumstances I would advocate and press for a reduction of the present rate to 15 percent. Together these tax subsidies can amount to between $3 and $5 billion per year. If these two loopholes were closed, it would be possible to provide greater tax relief for middle and lower income taxpayers.

It likewise appears to me that equity demands greater retirement benefits for middle and lower income groups. To encourage the portability of retirement benefits, the tax laws should be amended so as to favor retirement plans which permit each employee to bring his accumulated retirement benefits with him whenever he changes jobs. In addition, the law should be reformed so as to give favored tax treatment only to those retirement plans at least 50 percent of whose beneficiaries are middle and lower income wage earners.

Under the present law, pension and profit sharing system plans are given favored tax treatment. However, many such plans are currently operating in an inequitable way. Some operate so as to keep older employees tied to one company at a low salary and cause such employees to forfeit their benefits if they seek employment elsewhere. Some other plans are designed more to benefit high-level executive employees at the expense of middle and lower income employees.

At this point, I want to state unequivocally my strong opposition to a value added tax. The value-added tax—or "turnover tax," as it is known in Europe—is a tax which falls primarily on consumers. Most European countries are using it in a manner similar to the manner in which our States and cities are currently using sales taxes. Since the value added tax directly adds a tax on to the selling price of every item, for the housewife and wage earner it is, in fact, a sales tax. Currently State and city sales taxes are already imposing enormous tax burdens on consumers as every housewife knows. In my view, consumer-type taxes on a State and local level are already so burdensome that it would be unconscionable to impose any additional Federal tax at the consumer level.

I welcome such suggestions as may be given to me to bring about greater equity in our tax structure.

NATIONAL SECRETARIES WEEK, APRIL 23–29

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MURPHY of New York. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following tribute from the President of the United States, Richard M. Nixon, to the Nation's secretaries:

National Secretaries Week, April 23–29, 1972

As a daily beneficiary of the dedication, talent and skill of my own secretarial staff, I am proud to salute the Nation's secretaries and to commend their essential role in the life of our society.

It is well that the National Secretaries Association has given special focus to this indispensable profession and drawn public attention to its immeasurable influence on the success of both industry and government.

I know that I am joined by countless fellow citizens in paying special tribute to American secretaries and to the job they do so well.

Richard Nixon.

FOREIGN POLICY

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. LENNON. Mr. Speaker, our respected journalist and editor of the U.S. News & World Report, Mr. David Lawrence, recently made some timely comments on the right of a President to conduct foreign policy. I commend his remarks for the consideration of our colleagues.

The editorial follows:

Have Times Changed?

(By David Lawrence)

There was a time when Congress respected the right of a President to conduct foreign policy.

There was a time when no efforts were made by the introduction of resolutions to limit his powers to deploy American military forces anywhere in the world.

There was a time when international affairs were not the basis of political battles by an opposition party against an incumbent Administration. Polemics were derived from political questions at home.

The complaint being voiced nowadays by some members of Congress is that they do not know what is being done by the Administration in foreign policy or what steps are being taken which may lead to combat. It is argued that the consent of Congress must be given.

Actually, in the history of the United States the constitutional provision that Congress shall have the power to declare war has been used only a few times. Presidents have had the responsibility of defending the country and its interests abroad without waiting for a declaration of war. Indeed, many disputes have been settled without the need for a big war.

In the conduct of foreign relations the military strength of a nation has been important as a potential factor. The mere sending of a naval unit to a particular area has been enough to indicate a possible intervention by the United States and cause a change by a government that is pursuing a dangerous policy.

One of the most essential elements in dealing with the perplexing questions that come before the State Department or the Department of Defense is secrecy. Consultations with other governments must remain confidential. Preparations that might be going on to mobilize military units in different parts of the globe have to be kept private.

Presidents have always told the foreign relations or the armed services committees of Congress certain facts about critical situations in the world, but have been cautious about revealing plans because these are matters which are not finally decided until circumstances require it and emergencies arise. Currently, many things are leaked from congressional committees, and it would be risky for the executive branch to divulge all of its secrets to them. There is another reason for withholding information. Conferences with other governments sometimes find solutions which do not necessitate military participation by us.

Today, it is suggested that the Government of the United States refrain from any military action without the consent of Congress. This implies debate in both houses which gives enemies a chance to strengthen their opposition. In fact, it provides them with reasons for making alliances on the theory that the United States will not send any troops abroad or take effective steps to protect small nations.

The North Atlantic Treaty Organization has helped to keep peace in Europe. But if the interference with the Chief Executive continues by means of resolutions impairing his freedom of action in the conduct of foreign policy, there is a possibility that a crisis will occur in Europe and this country will be confronted with an embarrassing question by its allies. It will be: "Are you going to desert us?"

Our involvement in Vietnam has been expensive, but the principle back of it is vital. The United States had established until recently a faith that the self-determination of peoples would be upheld. Lately, however, the discussion in Congress has brought doubts around the world and the beginning of a general feeling that this country can no longer be relied upon to support its allies in Europe and Asia.

The way to prevent a major war is to be prepared with sufficient military forces and agreements with allied countries to impress would-be belligerents who might initiate conflicts. So to curtail the President's authority by any legislation that would hamper the use of armed forces or even the dispersal of combat units in various localities is to take a chance that our interests abroad would not be protected.

To weaken America's position in the world involves a risk that other countries may consider the United States has adopted an isolationist attitude, particularly if both political parties were to endorse the idea of permitting the Congress to share with the President the conduct of foreign policy. The Administration does not want any limitations placed on its right to manage foreign policy, which includes communication with friendly nations, the making of arrangements for assistance in case of emergencies and other things that cannot be made public. World war would be far more damaging than the war in Vietnam.

When the consequences of such a turnabout in American foreign policy are thoroughly considered by the American people, they will wish they had allowed the President to exercise full power in helping our allies in the prevention of wars. But have times changed and is much thought being given nowadays to the possibility that there might be another world war into which the United States would inevitably be drawn?

COMMEND RADIO STATION WKDA–FM ON SUCCESSFUL VOTER REGISTRATION CAMPAIGN

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FULTON. Mr. Speaker, I have today learned of the outstanding achievements made recently in registering voters, particularly young voters, in the city of Nashville. In one 3-day period, some 12,000 had their names entered on the registration rolls.

One major reason for success in this undertaking was the concerted promotional campaign produced and broadcast by radio station WKDA–FM. Its 30- and 60-second spots aired once per hour highlighted recording artists urging registration. Added to this and helping to bring results were two-per-hour live mobile broadcasts from temporary registration sites, such as shopping centers.

As one who has actively sought extension and greater implementation of the vote my compliments on its registration efforts are extended to WKDA–FM.

LEGISLATION TO INCREASE VIETNAM VETERAN'S EDUCATIONAL BENEFITS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BOB WILSON. Mr. Speaker, I am today introducing legislation to substantially increase the amount of educational benefits payable to Vietnam veterans. I am very pleased that the House has approved a 14 percent increase in the subsistence allowance, but do not feel that we have gone far enough in this regard. With the continued increase in the cost of living in recent years, coupled with the skyrocketing cost of education even at State universities, many veterans are unable to take advantage of their educational benefits. They simply cannot pay living expenses and tuition costs even though many work at part-time jobs to supplement their incomes.

For this reason, I am today introducing legislation, drafted by the American Legion, to substantially increase the educational benefits available to current veterans and to bring them more in line with the funds available to our generation after World War II. I would like to take this opportunity to commend the Legion for the outstanding work it is doing on behalf of these newest veterans.

First, this legislation provides for direct payment to the educational institution of 75 percent of the tuition, books and other fees up to a maximum of $1,000 per year. Second, the bill establishes a loan program for educational assistance, and, finally increases the monthly subsistence rate for disabled veterans pursuing vocational rehabilitation.

I understand that there is some concern, both within and outside the Veterans Administration, over direct payments to the schools because of the difficulties encountered with some institutions after World War II. The VA has developed considerable expertise since that time, however, and I am confident that they could establish sufficient administrative controls to carefully oversee the program and halt any attempt at fraud or misuse.

Aside from the increase in benefits, I

feel very strongly that the loan program contained in this bill is a most important provision which should be enacted this year. The legislation provides VA insured loans to veterans going to institutions of higher education and pursuing degree objectives with interest subsidy provisions similar to the interest free insured loans under the Higher Education Act of 1965, as amended. In addition, the bill provides direct VA loans where insured loans are not available under interest rates prescribed by the Administrator in the veteran's area of residence or not available under the terms and conditions necessary for approval of an insured loan by the Administrator of Veterans Affairs. Such a loan program will give the veterans greater choice in his educational program. Even with the $1,000 a year payment for tuition and books, the costs at most private colleges and universities would still be prohibitive. It is going to become increasingly difficult for State universities to absorb the rising influx of students who are flocking to public-financed institutions because of the high tuition rates at private universities.

This loan program will provide greater viability for the schools themselves and considerably more flexibility to the veteran in planning his educational program. I understand that the Senate Veterans' Affairs Committee is considering the addition of a loan program to its own version of H.R. 12828 and hope that my House colleagues will support this amendment if it is included in the Senate bill.

Finally, the specter of cost is always before us when we are talking of veterans benefits. The direct tuition payment after World War II for 20 million eligible veterans was $500. I do not consider a bill to double that figure for 7 million current veterans too costly, particularly in view of the substantial increase in wages, prices, and taxes in the interim. We should stop to realize that we are making a long term investment in the future of America. The men who used the GI Bill after World War II have more than repaid the Nation many times over in terms of productivity, technology, and to speak in dollars and cents, taxable income. The man who returned home in 1945 was hailed as a hero; the man returning in 1972 often must face the contempt of his peers and the suspicion of his elders. Regardless of our views on the war in Vietnam and the President's efforts to terminate it, the men who did the fighting should not be left holding the bag. In addition, I know all of us are very concerned about the high unemployment rate among Vietnam veterans. Having interrupted their schooling and civilian jobs to serve in the Armed Forces, they return home to find that they do not have the necessary skills to find a job. Their contemporaries, who were not called to serve, have a considerable headstart in terms of education and job experience.

America owes a debt to the Vietnam veterans for their service in these troubled and turbulent times and I sincerely hope my House colleagues will reconsider the authorized level of educational benefits when the Senate acts on this legislation. We must not be penny-wise and pound foolish.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS SUPPORTS THE RURAL JOB DEVELOPMENT ACT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. SEBELIUS. Mr. Speaker, I doubt very seriously whether any of my colleagues would believe the assertion that businessmen throughout our Nation would welcome competition in a limited market area as well as higher taxes. Nevertheless, this assertion is true, and it represents the self-sacrifice businessmen across the country are willing to make if prospects are good for rising employment and economic progress as a result.

The following information from the Federation of Independent Business, the business organization with the largest individual membership in the United States, dramatizes the groundswell of national support the Rural Job Development Act has received. I would also like to point out the independent businessman's selfless dedication to community development and to the free enterprise system. This is best illustrated by the fact that almost 96 percent of the respondents would not object to new competition as long as new jobs came to their area, and almost 86 percent felt that higher taxes for expanded community services prompted by additional employment would be acceptable.

In this regard, I am almost gratified to report that 95 percent of the respondents in this special survey of Advisory Council members of the National Federation of Independent Business support the Rural Job Development Act.

The rural job development bill would give special tax incentives to new job producing enterprises locating in rural areas. It would also give these firms tax breaks on investment and the training of local manpower during their early stages of operation. The available evidence strongly indicates that these new businesses, along with the jobs they would create, would provide the U.S. Treasury with a net revenue gain.

The principle author of this legislation is Senator JAMES PEARSON, my good friend and the distinguished senior Senator from my home State of Kansas. My distinguished colleague, the Honorable JOE L. EVINS, Congressman from Tennessee, and I are the principle sponsors of this legislation in the House of Representatives. The fact that this legislation has attracted the support of more than 50 Senators and close to a majority of the House of Representatives, I think represents a mandate for congressional action.

I commend this information to my colleagues. This news can be interpreted as a nationwide call for action on the Rural Job Development Act, a proposal to ease the city's burden, to develop the countryside, and to provide new opportunities and better living conditions for all Americans.

The news item follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, D.C.

Rising employment in their localities is more important to independent businessmen than increased competition or higher taxes.

This is becoming clearer as the results are tabulated from a special survey among the more than 2,000 Advisory Council members of the National Federation of Independent Business. These Advisory Council members, all leading businessmen in their respective communities, are being questioned on the attitudes of their colleagues toward the Rural Job Development Bill introduced by Congressman Joe L. Evins and Keith G. Sebelius, and Senator James Pearson of Kansas.

The computer shows that 95% of the respondents support this legislation. In addition, they are informed that the development of new payrolls would probably result in more competition, and they are asked if they would be willing to face this possibility. The totals so far show that almost 96% of them would not object to new competition as long as new jobs came to their area.

The questionnaire also explains that additional employment would probably mean higher taxes to pay for expanded community services. Somewhat surprisingly, almost 81% of the respondents answered that they felt this would be acceptable.

The Rural Job Development Bill would give special tax incentives to new, job producing enterprises locating in rural areas. It would also give these firms some tax breaks during their early stages of operation on investment and the training of local manpower.

This approach, which is supported by more than 50 Senators and close to a majority of the House of Representatives, would not involve the expenditure of Federal tax money. Instead, the available evidence seems to strongly indicate that these new businesses, along with the jobs they would create, will provide the United States Treasury with a net revenue gain.

The nation's small business community has long shown a decided preference for this tax incentive approach, and N.F.I.B.'s current survey of its Advisory Council enforces this attitude. It clearly shows that America's rural businessmen are deeply concerned with the economic plight of their communities—concerned enough to willingly shoulder their share of the cost of revitalizing them.

Volunteer comments by respondents to the survey indicate the depth of their concern for the problem of rural redevelopment.

The owner of a sheet metal fabricating plant in Iowa says, "I think 'Operation Build America' sounds just wonderful! Wouldn't it be amazing to find out that a lot of problems can be solved by the people without such a terrible waste of tax money. People are not going to establish new businesses under present conditions. We have to cut ours back because of them.

A Maryland mill owner comments, "Operation Build America' looks great, involve people—Most bureaucrats could not operate a shoe store profitably if given a barrel full of money."

The owner of a concrete product manufacturing plant in upper New York State says, "This certainly would be worth trying. Young people are leaving rural areas due to lack of jobs. Many small stores are closing up due to people moving closer to the cities to find work."

A South Dakota insurance broker comments in the same vein saying, "Operation Build America' appears to have great merit. The American people can and will build as in the past if given a chance. We do not need a free ride and choose to build with our hands and exercise our mental capacity."

A New Mexico retailer reports, "We are fortunate to live in a state of great land area, small population, mostly air and lots of small rural communities still thriving. Some aspects of the Pearson bill have already been instigated by communities of New Mexico and it will absolutely work even in this and other states if Congress will only enact legislation and give it a chance. There has been so much Federal money pumped into our state because of the Indian population that it is really hard to tell what will happen to business in this area when we stop giving these massive amounts of grants to Indian populated areas."

A Maryland dairy retailer says, "This is the best idea yet to cover our country's multitude of problems. We should also do away with too much government interference in agriculture. Cut out farm subsidies to large corporate farms! Also, this would give small farms a chance to survive with this program. Let the law of supply and demand take over again! Not by government controls! The wage-price freeze is a farce! Food prices are skyrocketing again, yet the little farmer is struggling to make ends meet. I am in the food and dairy drive-in business and this year is my toughest struggle—all because of governmental interference, etc."

A Texas banker has no doubt that this tax incentive approach would work, commenting on a local effort as follows, "In 1968, fifty-six local businessmen each invested in a local industrial corporation. Each man purchased $1,000.00 in stock and the money was used to purchase land and construct buildings for new industries. The two local banks, the local savings and loan, and the Small Business Administration participated in these loans. To date we have three new industries employing 150 to 175 local people."

CHOICE: A CRUEL NECESSITY

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MALLARY. Mr. Speaker, one of the realities of Government is that there are more worthwhile things to be done than we can possibly do with our Nation's limited resources. This is one of the first realities that we must face if we are to be honest and responsible in carrying out our duties as legislators. We must make choices and we do so every day. Sometimes we must choose between very worthwhile programs. Choice is the cruel necessity of our profession. It requires us to pay careful attention to both the stated goals of our proposed programs and the realistic possibilities for their success.

I am very pleased that in our Government there are some men who recognize the necessity to establish realistic priorities and to make the difficult choices between competing worthwhile needs. One man, the Secretary of Health, Education and Welfare, has expressed this dilemma quite eloquently in a recent speech that was printed in the Washington Post. I would like to take this opportunity to place a copy of Secretary Elliot Richardson's speech in the RECORD. I urge my colleagues to read his words. If they cannot because of the press of other worthwhile business then I hope that in making this choice they will realize that they have once again demonstrated that—

> Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do.

The article follows:

CHOICE: A CRUEL NECESSITY

(By Elliot L. Richardson)

We are standing at a unique juncture in the course of history. At no other time have we been so aware both of how breathtakingly close we have come to realizing the promise of America for all its citizens *and* of how painfully far we are from locating and gathering all the resources that would fulfill that promise tomorrow.

The founders of this complex and diverse nation, and each succeeding generation, set themselves truly awesome tasks to perform. For the most part, their aspirations and their capabilities have been within hailing distance of each other. In our own time, great though the growth in our resources, the growth in our expectations has been even greater. Today these expectations are like a giant helium-filled balloon cast loose from its moorings, sailing beyond sight. We must somehow bring our expectations back to earth; we must level with each other. For either we shall understand the reality of what can and cannot be done overtime, or we shall condemn ourselves to failure, and failure again and again.

When we compare ourselves with those who preceded us, or with others in the world today, there is no denying that we are moving ever closer to the promise of this country.

Yet frustrations and disappointments abound, and alienation from our basic institutions seems endemic. Why is this so?

One reason, it seems to me, stems from our very successes. As Alexis de Tocqueville wrote many years ago:

"The evil which was suffered patiently as inevitable seems unendurable as soon as the idea of escaping from it crosses men's minds. All the abuses then removed call attention to those that remain, and they now appear more galling. The evil, it is true, has become less, but sensibility to it has become more acute."

It is not, then, that we have come so far, but that we seem so near, so exasperatingly near, to realizing our national hopes, that some of us grow impatient and angry. What could be suffered silently or even cheerfully when there was no chance of improvement, becomes intolerable as soon as it is learned that a cure is within our capability. And then we must have the cure immediately.

Another reason is that we are constantly setting ourselves ever more difficult goals to achieve. We may reach a goal today that appeared improbable or optimistic yesterday, but instead of finding in this success a source of satisfaction, we find a sign of failure.

THE LEGISLATION FALLACY

There is, besides, much actual failure. Exaggerated promises, ill-conceived programs, over-advertised "cures" for intractable ailments, cynical exploitation of valid grievances, entrenched resistance to necessary change, the cold rigidity of centralized authority, and the inefficient use of scarce resources—all these add to frustration and foster disillusionment.

Population growth, technological change, mass communications and big government, meanwhile, have been progressively submerging the individual's sense of personal significance in a gray, featureless sea of homogenized humanity. In a country which has been dedicated from its beginning to the liberation of human aspirations and the fulfillment of human potential, these massive changes result in vague feelings of anxiety and unease. We yearn for a greater voice in—a greater impact on—the processes that affect our lives. We long to make a difference.

But the most profound and far-reaching source of our frustrations and disappointments is to be found in the "expectations gap" to which I have already alluded. There is a fallacy abroad in the land—and rampant in the Congress—to the effect that passing legislation solves problems. There are, to be sure, many problems that cannot be solved without new legislation. But all too often—and increasingly so—new legislation merely publicizes a need without creating either the means or the resources for meeting it. If this kind of legislation is implemented at all, it is at the cost of spreading resources still more thinly over existing programs.

Just this, in fact, has been happening at an accelerating rate. In the first full budget of the Kennedy administration, congressional authorizations for HEW programs exceeded amounts requested for their operation by $200 million. In the current fiscal year authorizations for HEW programs exceed appropriations by $6 billion. Legislation likely to be enacted by this Congress may add still another $9 billion in new authorizations for next year and even larger amounts for future years—much of which also will never be fully funded.

What does this accomplish except to create expectations beyond all possibility of fulfillment and then, because they were not fulfilled, dash the hopes of those who have the greatest needs?

TOO MANY NEEDS

Then there's the nagging problem of inequity in helping those who need help. The federal, state and local cost, both public and private, of assisting individuals whose dependency might have been prevented is running at an average annual rate of about $19 billion. And yet the cost and quality of assistance to such individuals varies widely. If our assistance to all these people met the standards applicable to the most-favored one-third, the annual cost would be nearly $7.5 billion more than it is now.

If, in addition to raising benefit standards for those now receiving assistance, we increased eligibility by uniformly applying a standard for assistance corresponding to the most liberal one-third, another enormous expenditure increase would be required.

Consider just the following list: Fulfillment of the Right to Read objectives, which would give youngsters the tools they need if public schools are to be at all meaningful; homemaker services, mental retardation services, and vocational rehabilitation services for all who need them; developmental day care services for needy children; good compensatory education for every disadvantaged child. To meet even these few goals, we would have to increase our spending by roughly $27 billion per year and recruit and train 6 million more professionals, paraprofessionals, and volunteers.

When we begin to take into account other large claims—health care, higher education, urban redevelopment, transportation, and environmental protection, for instance—we rapidly enter a realm of almost unimaginable numbers. The needs are real, but we cannot conceivably meet them all comprehensively and all at the same time.

The President has the most complex and broadest choices to make. He must, within the constraints imposed on him, select from among efforts to improve the environment, to improve transportation, to make the nation more secure at home and abroad, to bring sense and humanity to our welfare system, and from among a host of other worthy and pressing objectives.

The Secretary of HEW must choose among efforts to bring health services into poor neighborhoods, to increase the educational opportunities of children living in those same neighborhoods, to reduce the isolation of the aged, to offer alternatives to delinquency and drugs, and among many other objectives, all of which again are worthy and compelling.

And down through the tiers of government it goes, the inescapable necessity of choosing.

SHIFTING PRIORITIES

Choice is the basic reality, and for us it is doubly difficult and saddening because whatever we have to give up is not something bad or trivial, but something that is only somewhat less important, if that, than what we have selected to do.

To a degree that many Americans still do not realize, we *have* shifted our priorities—rather dramatically—in the past three years. Since 1968, outlays for human resources programs have increased 63 per cent while total budget outlays grew by only 28 per cent. In the Fiscal Year 1973 budget, human resources spending represents 45 per cent of all expenditures, while defense spending totals only 32 per cent.

This exactly reverses the spending priorities of only three years ago, when the defense share was 45 per cent and human resources share was only 32 per cent.

Yet even though HEW's budget will exceed the Defense Department's in FY 1973—for the first time in history—this shifting of priorities has not lessened the need for us to make difficult choices.

As an example, federal expenditures for education are budgeted to increase by $276 million over current-year appropriations. But all programs did not grow—and to put emphasis where we believed it would do the most good, it was necessary to trim back other worthwhile effects. To sustain increases in four major areas—$449 million in elementary and secondary education, $49 million in educational renewal, $35 million for the National Institute of Education, and $97 million for the National Foundation of Higher Education—two major cuts were required. Aid to school districts with large numbers of federal employees—so-called "impact aid"—was reduced by $180 million and library services support by $24 million.

The point is that while both impact aid and library services are worthy of our support, the level of funds available to the department forces us to make budgetary trade-offs—forces us, in short, to make choices.

Because choice is so important, because so many lives are affected by our choices, we must constantly improve the way in which choices are made.

We must, first of all, create a process of rational decision-making that is both open and honest. The choices must be made clear and understandable, their advantages and disadvantages fully stated, and the alternatives brought into the light—as in the use of expanded nutrition or family planning services, instead of more medical services, to obtain a certain amount of improvement in health.

COST-BENEFIT RATIOS

How does one compare the benefits of one program with the benefits of another? Rarely can we reduce these benefits to dollar figures without the result being so artificial that we lose confidence in it. Yet such a comparison is essential to every budgetary choice we make, because the budget forces us to balance a dollar spent on one program against a dollar spent on others.

Let me give an example. We often speak of a single human life as infinitely precious, and so it is. But when it comes to the allocation of time, money, and energy, it is obvious we do not literally mean it. Each year our society tolerates thousands of deaths which might be prevented. Last year 114,000 Americans were killed in some form of accident. Of these, about 23 per cent were in the home, about 48 per cent were on the highway. Some 95,000 Americans died from preventable illnesses, an estimated 60,000 of these from lung cancer caused by smoking cigarettes. But building safer cars, highways and homes, and reducing cigarette smoking involve costs. By not pushing these things as far as we could, we implicitly put a value on the lives they might save. Unfortunately, such implicit valuations do not give us an explicit measure of the value of human life that could be compared with the value of a year of education or a reduction in water pollution.

I have suggested from time to time that we should develop a benefit unit called the "HEW" for use in comparing cost-benefit ratios among our activities. Such a unit would force us to look at just how much importance we really place on our efforts to deal with any single problem. And it would permit us to compare our real effort in one area—and the returns we got for it—with our real effort and returns in another. If a child-year of preschool education is worth one "HEW," how many "HEWS" is it worth to avoid one traffic death? To rehabilitate one disabled worker? To cure one drug addict?

Using such a benefit constant, we might readily see that the incremental costs of reducing a very small number of deaths by seafood poisoning might be better applied to reducing a large number of deaths on the highway, or that the additional resources that would allow us to inspect every food processing establishment twice a year could be more advantageously used to immunize our children. Similarly, it might show that we would achieve higher benefits in lives saved by investing in the safety of products than in special ambulances for victims of heart attacks.

The comparison gets harder to make, of course, when we come to the reduction of injuries, discomforts, and irritations, and when the outcome is uncertain. How much should we be investing, for example, in finding a cure for the common cold? Reducing noise pollution? We make such choices anyway, of course, but the process is seldom both deliberate and explicit.

Hard as it is to define our goals clearly, and then to rank them in importance, we must also imaginatively consider different ways of approaching each goal. Cost-benefit analysis must open the door to fresh and imaginative alternatives. It must enable us, if such be the case, to say that there is a better way of attacking a problem than by an HEW program and that we should shut ours down and support another, somewhere else.

THE LIMITS OF ANALYSIS

Finally, to assure a chance for better decision-making we must be able to measure the cost of each alternative. Our skills in this area are seriously underdeveloped. We are not always careful to remember, for example, that the true "cost" of a federal program is not invariably measurable by the number of dollars we allocate to it in the budget. Did we include air pollution costs in our accounting for the federal highway program? Do we charge ourselves for the loss of recreation, fish and wildlife when we develop our rivers and harbors? Do we take into account the possibility that federal dollars collected from some sources may have more adverse effects on economic activity than those collected from other sources?

Further, our ability to predict what the budgetary costs of alternative programs will be seriously lacking. There are a few shining examples of good cost estimation in the federal government. The Actuary's Office in the Social Security Administration is one. But there are many more dismal cases of complete ignorance about what resources will be needed to carry out proposed programs.

There are of course, severe limits on the practical use of evaluation and cost-benefit analysis. Such techniques may help us to choose the best way to use an additional $1 million on homemaker services for the elderly or preschool education for disadvantaged children. They may even offer some basis for comparing the social return on one or another such investment. But a choice between homemaker services and preschool education cannot and should not rest only on this kind of analysis. Even though it could be shown that the investment in preschool education paid larger dividends for a longer future, our feelings toward the generation to which we owe our own existence and education cannot be fed into this kind of calculation.

The hard choices, in the end, are bound to depend on some combination of values and instincts—and, indeed, it is precisely because the content of choice cannot be reduced to a mathematical equation that we need the political forum to reach the final, most difficult decisions.

To recognize this, however, reinforces the importance of being as honest and explicit as possible in articulating the non-measurable considerations that transcend the limits of objective analysis. Only if these considerations are exposed to full view can we bring those whose expectations have to be deferred—or over-ruled—to accept the legitimacy of the process by which this was done. Only thus can we hope to reconcile the loser to losing and encourage the impatient to wait.

Without this sort of open discussion of the hard choices we must continually make, the gap between public expectations and government performance will keep growing, and the erosion of confidence in government's ability to bring about desirable change will continue. Americans have never been particularly trusting of government; but still, something is much amiss when surveys show a continuing decline in the percentage of adults expressing a degree of trust in their government.

We in government must take a leading role in any effort to restore confidence in government. As a start, I believe we must go to whatever lengths are necessary to explain to the American public the necessity for making hard choices among priorities. We must make clear the true cost of worthwhile programs, whoever their sponsor may be. If we do this, we may finally put to rest the simplistic shibboleth that all we need do to create Utopia here and now is to "reorder our priorities."

NEBRASKA'S GIFT TO THE WORLD—ARBOR DAY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. THONE. Mr. Speaker, your attention is called to one of the gifts the State of Nebraska has given to the world—Arbor Day.

At a meeting of the State Board of Agriculture in 1872, one of the members, J. Sterling Morton, moved that April 10 be "especially set apart and consecrated to tree planting" and be called Arbor Day.

From that beginning, Arbor Day spread across the Nation and around the world. Arbor Day is commemorated on different dates in varying locales. In various U.S. States, the observance is celebrated on a date set by school officials, by Governors' proclamations or as a legal holiday. In Nebraska, Arbor Day is a legal holiday. It takes place on April 22, birthday of J. Sterling Morton, who served as U.S. Secretary of Agriculture and whose statue stands in the rotunda of the U.S. Capitol.

The 100th anniversary of Arbor Day was observed at the White House on April 10. The red-coated U.S. Marine Band played "Trees," "America The Beautiful" and "God Bless America," while Mrs. Richard Nixon officiated at planting a 12-foot tall fern leaf beech tree.

Vern Livingston, Nebraska chairman of the centennial observance of Arbor Day, presented Mrs. Nixon with a gavel made from a walnut tree grown in Arbor Lodge State Park and fashioned by Ivol Stever of Nebraska City. The tree is believed to have been planted by J. Sterling Morton. Mrs. Gerald Livingston, Nebraska City chairman of the centennial, presented the First Lady with a gold centennial medallion encased in a walnut box made by Ken Clark of Nebraska City.

Mrs. Pat Nixon presented a seedling hemlock tree to each of us at the ceremony. Out-of-town visitors at the White House included Nebraska State Senator Calvin Carsten, Avoca; Mrs. Frederic Lattner, granddaughter of J. Sterling Morton, Des Moines; and Billie Szalawiga, 10-year-old Arbor Day poster child, Lincoln.

While Arbor Day will be celebrated throughout Nebraska, the main thrust of the centennial will be a 3-day observance in the hometown of J. Sterling Morton, Nebraska City, and at his former homestead, Arbor Lodge State Park.

Events in Nebraska City on Friday, April 21, will include an old-fashioned chautauqua show. On Saturday, April 22, there will be a centennial barbeque in downtown Nebraska City and a centennial ball with crowning of a centennial queen at Arbor Lodge State Park. On Sunday, April 23, there will be a fly-in breakfast, dedication of a stained glass window at the First Presbyterian Church, a noon banquet, a parade and a program at Arbor Lodge State Park. The ceremoney will include planting a tree provided by Mrs. Nixon. It is a seedling from a White House elm tree, planted in 1825 by President John Quincy Adams and still healthy.

Tree planting does more than improve the scenery; it can save our environment. I wish to also insert in the RECORD an article, by Newspaper Enterprise Alliance national columnist Don Oakley, which points out how much trees contribute to the fight against air pollution.

J. Sterling Morton was an ecologist who 100 years ago led the fight to improve our environment. Hopefully, each citizen will observe the centennial of Arbor Day by planting at least one tree to make a better America tomorrow. As J. Sterling Morton said:

> While other holidays repose upon the past, Arbor Day is a day that proposes for the future.

The news item follows:

ARBOR DAY—LET'S THANK NEBRASKA

(By Don Oakley)

It was no accident that the first Arbor Day in America was proclaimed in the young state of Nebraska 100 years ago on April 10. Coming from the wooded East to the lush and rich but monotonous prairie, one thing the pioneers missed most of all was trees.

Trees. Man has always loved them. He has written music about them, poems to them. In the childhood of the race he worshipped them. The scientists even say he descended from them—though not genetically, of course.

Trees. Man has always loved them, but only recently has he begun to realize that not only the quality of life but life itself may depend upon them.

Consider this:

—For every pound of wood produced in a forest, 1.83 pounds of carbon dioxide are removed from the air and 1.34 pounds of oxygen are returned.

(Because young, growing trees produce more oxygen, a properly managed sustained-yield forest is thus of double benefit to man.)

—An acre of growing trees has the capability to scrub clean the air pollution generated by eight automobiles in 12 hours of steady running—though with some damage to the trees. The same acre can also absorb the carbon dioxide produced by 50 automobiles in the same period.

—One tree growing in the concrete jungle of the city can generate as much cooling effect as five room air conditioners as it evaporates 100 gallons of water, with no breakdowns because of an electrical "brown-out."

One historian has speculated that before the white man began hacking away at the red man's forests, a squirrel could have traveled from the Atlantic to the Mississippi without ever touching ground.

Yet amazingly enough—and the "crisis lobby" will be skeptical about this—America still has about 75 per cent as much forestland as it had when Columbus arrived, about 758 million acres. And a third of this—248 million acres—is set aside in parks, wilderness areas and watersheds. This is an area equal to the size of Norway, Sweden, Denmark, Austria, Switzerland, Holland, Belgium and Israel.

The "instant ecologists" may also object to this, but nature, not man, is the greatest destroyer of trees. The great New England hurricane of 1938, for example, wiped out millions of carefully nurtured hardwood trees, along with the industry.

It is no surprise to be told that the states of Maine and New Hampshire remain more than 80 per cent forested, and that forest products constitute one of their most important industries.

But recent estimates indicate that even industrialized and urbanized New Jersey is nearly half forest (46 per cent), and that in that state, as well as New York and Pennsylvania, the woodlands are actually increasing because of shrinking acreage devoted to agriculture.

But the experts also tell us, however, that paper consumption in the United States will leap from its present 575 pounds per person to 1,000 pounds by the year 2000 and that sawtimber demand for houses will double as soon as 1980.

Trees. Plant one for Arbor Day, 1972. Your children will need it.

BUSING AND ITS ALTERNATIVES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. McCLOSKEY. Mr. Speaker, the most recent issue of Forum, the publication of the Ripon Society, is devoted to the question of "Busing and Its Alternatives." With this issue, the Ripon Society continues a tradition of unmatched excellence in research and the presentation of progressive Republican philosophy. I commend to the House the entire April 1972 issue, but insert here a single article from the issue which, in my judgment, should be read by every Member with deep concern:

AND IT'S NOT EVEN CONSTITUTIONAL

(By Peter V. Baugher)

Both the President and the congressional Democrats have now announced their programs for curbing school busing while guaranteeing equal educational opportunity. Regrettably, the urgent tone and political timing of these plans would damage their credibility even if they were soundly conceived. But Mr. Nixon's legislative proposals must be challenged not simply on the basis of general policy but on legal grounds as well.

Even if busing were an unmitigated scourge unsupported by independent social analysis, constitutional principles would militate against the President's legislative program. As a general rule, Congress should decline to pass and the chief executive refuse to sign measures of questionable legality, because the forcing of a constitutional test by the prestigious elected officials may itself undermine the constitutional order. This cautionary presumption is especially relevant in intragovernmental conflict, for power struggles between coordinate branches are frequently destructive and difficult to resolve.

Both President Nixon's bills violate this presumption. Both depend upon the alleged existence of far-reaching congressional authority to narrow the equity jurisdiction of federal courts. The Student Transportation Moratorium Act (H.R. 13916) would prevent judges from issuing new busing orders until July 1973, or until Congress took action on Mr. Nixon's second and more comprehensive busing plan. The Equal Education Opportunities Act (H.R. 13915) earmarks funds for upgrading innercity schools and reaffirms (superfluously) the Constitution's proscription of all deliberate educational segregation. Courts, however, would be deprived of their present power to compel long-term busing of elementary school students, and all court order or desegregation plans currently in effect would be "reopened and modified to comply with the provisions of this Act." Each of these measures is legally vulnerable.

The Administration bills rely first on Article III, Section 2 of the Constitution, which grants the Supreme Court appellate jurisdiction over "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States, . . . with such exceptions, and under such regulations as Congress shall make." The proposed statutes derive secondary support from clause 9 of Article I, Section 8: "Congress shall have the power . . . to constitute tribunals inferior to the Supreme Court." Finally, White House apologists point to Section 5 of the Fourteenth Amendment, which specifies that "The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article." When observed in the context of the whole constitutional structure and in terms of the framers' intent, however, the circumscribed nature of these dictates becomes apparent.

The cornerstone of our government framework is the doctrine that the Constitution stands above all else and is, to quote John Marshall, "superior paramount law, unchangeable by ordinary means, . . . [not] averable when the legislature shall please to alter it." Accompanying this critical precept, is acceptance of the proposition set forth 170 years ago in *Marbury* v. *Madison*, 1 Cranch 137 (1803), that a major function of the Supreme Court is to interpret the meaning of the Constitution and to review all executive conduct and legislative enactments which (like the current presidential offerings) seem to contravene those interpretations:

"It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws [the Constitution and an act of Congress] conflict with each other, the courts must decide on the operation of each . . . This is the very essence of judicial duty."

EXCEPTIONS CLAUSE

The presence of Article III's previously-quoted "exceptions" clause does not narrow the scope of these principles. In granting Congress the power to regulate the Supreme Court's appellate jurisdiction, the authors of the Constitution were concerned primarily with preventing the Court from subverting the purpose of jury trials by making its own findings of fact—an issue settled almost immediately threafter by the adoption of the Seventh Amendment in 1791. The true intent of the framers concerning judicial guarding of constitutional freedoms (now including the "equal protection" guarantee of the Fourteenth Amendment) was eloquently voiced by James Madison during the congressional debate on a federal bill of rights:

"If they [the proposed first ten amendments] are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive."

From this perspective—to the extent that they perpetuate the existence or effects of state-imposed segregation, and therefore preserve conditions of unconstitutional inequality—the Nixon-sponsored limitations on busing cannot be sustained. Congress is no doubt empowered in this matter to prescribe preferences and priorities for guiding the courts in their determination of which methods should be employed to enforce the Fourteenth Amendment. Where a court, however, in the exercise of its judicial function concludes that busing is the only practical means of providing persons with the equal protection of the laws promised to them by the Constitution, no contrary legislative statement can be accorded deference.

How, for example, can the Constitution assign the Supreme Court the duty to decide "all cases" in accord with that document—contradictory legislative utterances notwithstanding—if Congress is at liberty to defeat this obligation by a jurisdictional edict? It is inconceivable that the mere power to regulate jurisdiction should be transformed into an engine by which the legislative branch can (1) affect rights having nothing to do with jurisdiction, and (2) affect those rights in disregard of all other terms in the very charter which confers that (properly construed) modest regulatory authority. Congress' exceptions to the jurisdiction of the Supreme Court must at least not be such as will destroy the essential role of that body in the constitutional plan.

Despite, though not necessarily inconsistent with, the efficacy of this reasoning, the Supreme Court has suggested on a number of occasions that the judiciary does not enjoy complete independence from congressional control. But in only one case since the founding of the republic—a case the continuing validity of which has been publicly disputed by Justices William D. Douglas and the late Hugo L. Black—did the Court acquiesce to the removal of its jurisdiction over a matter of constitutional law. In *ex parte McCardle*, 74 U.S. 506 (1869), the Supreme Court (under intense pressure from the radical Republicans of that day) yielded to an act of Congress repealing its authority to handle *habeas corpus* appeals; a measure passed specifically to prevent the Justices from freeing newspaper editor Henry McArdle who was at that time being held unlawfully by military officials in Mississippi.

The force of this precedent is substantially restricted, however, by several considerations. The first of these is the Supreme Court's understandable political trepidation in the face of contemporary events—Andrew Johnson had just become the first United States President to face impeachment proceedings. The second distinguishing characteristic of *McCardle* is that parts of the judiciary were allowed to remain open to *habeas corpus* suits. Congress in no way attempted to cabin lower court jurisdiction, and the Supreme Court itself was not restrained from entertaining petitions for the writ filed with it in the first instance. Under the Nixon plan, on the other hand, no judge in any tribunal could order busing.

Furthermore, unlike the 1868 legislation, the Moratorium and Equal Opportunities Acts do not oust the federal courts of jurisdiction over the subject, in this case school desegregation. They merely proscribe the single remedy of recourse to the school bus. But Congress cannot pick and choose among various forms and degrees of relief without impinging on the doctrine of the separation of powers. So long as a court is not deprived of its authority to hear a case or class of cases, it is constitutionally obliged to resist legislative instruction with respect to the mode and scope of its adjudication of the constitutional issues presented. Justice Wiley B. Rutledge put the matter succinctly:

"It is one thing for Congress to withhold jurisdiction. It is entirely another to confer it and direct that it be exercised in a manner inconsistent with constitutional requirements or, what in some instances may be the same thing, without regard to them . . . Whenever the judicial power is called into play, it is responsible directly to the fundamental law and no other authority can intervene to force or authorize the judicial body to disregard it. (*Yakus* v. *United States*, 321 U.S. 414 (1944); dissenting opinion.)"

In short, where no constitutional question is raised, Congress may generally enlarge or contract the equity jurisdiction of federal courts, though such alterations (1) must make provision for at least some access to a judicial panel, and (2) cannot withdraw jurisdiction selectively or fractionally in order to overrule an ongoing series of court decisions. The President's anti-busing bill fails under both of these qualifications. But more important, Congress patently lacks the power to prevent the Supreme Court from fulfilling its essential constitutional role as the agency whose unique function it is to interpret the Constitution and review the enactments of the legislature in the light of those interpretations. No act of Congress can legitimately constrict the Court's ability to discharge this responsibility.

It is claimed by the advocates of the proposed statutes that this rule should be modified when Congress seeks to exercise its stated rights to enforce the Fourteenth Amendment. Indeed, three recent Supreme Court cases—*Katzenbach* v. *Morgan*, 384 U.S. 641 (1966); *Shapiro* v. *Thompson*, 394 U.S. 618 (1969); and *Oregon* v. *Mitchell*, 400 U.S. 112 (1971)—have suggested that Section 5 (Congress shall have the power to enforce . . .) may give rise to certain special legislative authority. But this authority can only be employed (if at all) to facilitate the realization or expand the reach of the Fourteenth Amendment. The authors of Section 5 did not go to the trouble of amending the Constitution so that one hundred years later Congress would be able to redefine more strictly the sweep of the equal protection clause. As Justice William J. Brennan wrote in *Katzenbach* v. *Morgan*:

"Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment. . . . [It] does not grant Congress power to exercise discretion in the other direction and to enact statutes so as in effect to dilute equal protection and due process decisions of this Court. We emphasize that Congress power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees."

Provisions similar to Section 5 also appear in Amendments Thirteen (slavery), Fifteen (voting rights), Nineteen (women's vote), Twenty-three (D.C. representation), Twenty-four (poll tax), and Twenty-six (18-year-old vote). Yet none of these grants has been—or could be—used to abridge basic guarantees embodied in those amendments. With regard to the Fourteenth Amendment, then, Congress may preempt or dictate the judicial response to school desegregation cases only when the banned remedy of busing is not constitutionally imperative. Where a court determines busing to be the only means of achieving equal opportunity, statutory language passed pursuant to Section 5 but inconsistent with the judges' holding is of no consequence.

But if these legislative avenues are blocked, what of a constitutional amendment barring all compulsory busing? Aside from the nearly insuperable difficulties of drafting in this area, and the unexpiable affront of adding a racially motivated paragraph to the American Constitution, even the most carefully and humanely worded amendment would constitute a deficient approach to the disposition of the busing issue. Because it varies greatly from place to place and is local and time-bound in nature, the busing problem is not a suitable subject for constitution-writing. Our Constitution is not the Code of Federal Regulations, or the Elementary and Secondary Education Act of 1972. It is a repository for fundamental substantive, structural, and procedural provisions, suited as John Marshall said for ages to come

A MAJESTIC PROMISE

It may be replied that the courts are already dealing with busing, and in the name of the Constitution. But this is an exercise of their equity power to implement the constitutional mandate of *Brown* v. *Board of Education*. Numerous federal courts have issued specific decrees conditioned by the variables of one or another particularized situations. What the Constitution contains is only the majestic promise of equal protection, on which the gloss of the *Brown* decision has quite properly been placed. Implementation of that promise by individual judicial orders dispatched in different places at different times, is a matter widely dissimilar from attempting to govern the question of busing by inserting a constitutional clause.

Both President Nixon's legislative program, and the amendatory alternatives introduced earlier this year, are thus incompatible with American constitutionalism. Congress does, however, have the power to specify procedures for enforcing the Fourteenth Amendment, as long as those procedures are adjudged by the judiciary to be in conformance with the Constitution. If it is felt that *some* kind of "anti-busing" legislation is needed, the following language (together with the monetary provisions of the Equal Educational Opportunities Act) may fill that requirement:

"Except as required by the Constitution, no court, department, or agency of the United States shall order the implementation of a plan designed to transfer or transport students from any school attendance area prescribed by competent state or local authority, for the purpose of achieving a balance among students with respect to race, religion, or national origin, where such plan would increase (1) the average daily distance traveled by the students in question, (2) the average daily time of their travel, or (3) the average daily number of students involved in the busing."

This proposal has the advantage of effectuating Congress' view that when equal protection has been denied the first recourse should be to such measures as voluntary student transfer, rezoning of attendance lines, pairing of racially-opposite schools, and integration-governed site selection for new units. Only if these methods were inadequate, could a court (as the Constitution demands it must) order new busing. While accomplishing these reasonable objectives, the introductory clause would safeguard the bill's constitutionality and reassure those who have viewed the congressional response to the busing "crisis" as an attempt to retreat from the position of *Brown* v. *Board of Education* and an excuse to relinquish the goal of creating a fully integrated multiracial society.

OCCUPATIONAL SAFETY AND HEALTH ACT REVISIONS NEEDED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. NELSEN. Mr. Speaker, I am today introducing as a cosponsor a package of amendments to the Occupational Safety and Health Act of 1970 that are designed to prevent small businesses and farmers from being drowned in a sea of unworkable, unreasonable and illogical requirements.

We set out in 1970 with the very worthwhile purpose of improving health and safety conditions for workers on their jobs. But as this new law is being interpreted and implemented, it is proving to be a monstrosity that undermines public respect for law and government among workers and their employers. In some cases, it is just plain ridiculous.

How, for example, is safety promoted by requiring a TV repairman with one or two helpers to have a coat hook in his toilet?

Why should a carpenter and his crew be required to provide special window opening protections like those found in skyscraper construction when they are building a single-story house at ground level?

Why should a farmer who goes next door to lend a free helping hand to his neighbor be considered an employee subject to all provisions of OSHA?

Why should a farmer who operates his tractor on level or near-level ground 100 percent of the time be required to have a roll bar attached to it?

Mr. Speaker, we are seeing a classic demonstration in progress of trying to force the same sized Federal shoe on everyone's foot. It will not fit. It is totally unfair to expect the smallest businesses and trades to comply with all the requirements expected of the very largest corporations.

One of the great injustices is that employers are not being given proper notice what steps if any they are required to take to be in compliance, even though failure to comply can result in civil or criminal penalties. They are supposed to read all the fine print—which the law says the Secretary of Labor need only publish in the Federal Register—and then determine at their own peril which rules apply to them. This is asking the impossible of hundreds of thousands of smalltown businessmen operating on a thin margin who can not afford a stable of lawyers and other specialists to give advice.

Some of the amendments I am cosponsoring would—

Exempt both agricultural and nonagricultural employers of 25 or fewer employees from the act;

Delay for 1 year the effectiveness of the act for employers of between 25 and 100 workers;

Provide technical help to firms with less than 100 employees to help them comply with the act;

Permit the formation of employee safety committees so that workers themselves can help employers identify health or safety problems and contribute to their solution;

Revise the procedures by which the Secretary of Labor may implement so-called national consensus standards;

Require the publication by the Secretary of Labor of the estimated maximum and average cost of complying with each present or future rule as a means of determining whether compliance is possible;

Specify that no penalty may be exacted by the Secretary of Labor for noncompliance with national consensus standards unless an employer has been provided with a copy of the requirement and given 30 days in which to comply or request administrative review;

Provide compensation to any employer for costs incurred in complying with rulings not adopted pursuant to the Administrative Procedures Act;

Stipulate that failure to comply with rulings in which usual administrative procedures have not been followed may not be used against employers as evidence of neglect or wrongdoing;

Protect employers from the absolute liability provisions of the act in cases where employee carelessness is to blame;

Provide that no employer may be held accountable for fines or punishment if he can prove that implementation of questionable requirements would not have materially improved the health or safety of his employee;

Permit the Secretary of Labor to assist employers and employees with certain medical requirements of the act;

Provide the Secretary of Labor with greater flexibility to negotiate prompt compliance in lieu of the imposition of Federal penalties.

These amendments, originally offered in the Senate by Senator CURTIS of Nebraska, would go a long way to assuring Federal reason and responsibility in implementing the Occupational Safety and Health Act for the benefit of employees and their employers.

It is to be hoped, Mr. Speaker, that this package of amendments will receive prompt consideration by Congress. As an indication of the seriousness of the present situation, I include in the RECORD at this point an editorial from my hometown paper, the Hutchinson Leader, written last week by L. D. "Tip" Mills. Tip is a highly respected editor in my State of Minnesota and he is not given to exaggeration.

The item follows:

PERSONALLY SPEAKING

(By L. D. "Tip" Mills)

If businessmen in the Hutchinson area appear red-eyed, tired and ornery in coming weeks, it may be because of the Occupational Safety and Health Act (OSHA) seminar attended by 83 employers here Tuesday.

Until the supply ran out because of the larger-than-expected attendance, the employers received copies of the Federal Register covering occupational safety and health standards, national concensus standards and established federal standards.

That may not seem particularly earth-shaking until you realize that the Register contains 249 pages of small type covering working environment for just about everything from ship repairing to retail stores. It will be required reading for most of us until we can figure out what we need to know and do.

There probably are few employers in the whole county who are not guilty of some violation of OSHA without even being aware of it.

The seminar was co-sponsored by Hutchinson Chamber of Commerce, Hutchinson Safety Council and Minnesota Retail Federation. Speakers included Eloi Hamre and Al Brodie of the Federation, plus John Kaul, research analyst for the Minnesota State Planning Agency.

(I would earnestly recommend that any employer who did not attend the seminar or who is not otherwise familiar with OSHA start learning about it in a hurry, and that includes the family farmer with a hired man. You can start by contacting Cole Fowler of the Chamber of Commerce, phone 896-5795.)

As the speakers ticked off some of the requirements of the act and the penalties for not being aware of them, groans and moans of the listeners could be heard from throughout the room, accompanied by the shaking of heads.

Based on my understanding of what we were told Tuesday and without having had much of a chance yet to dig into those 249 pages of small type, it appears that federal inspectors can walk into any business place and start assessing fines right and left for violations of OSHA standards. Economic hardship is no excuse. If the expense of correcting deficiencies or paying the fines will put the firm out of business, that's the owner's tough luck. It's also tough luck for the employees who will be put out of work.

I don't quarrel with the basic purpose of the law, which is to assure safe and healthful working conditions throughout the nation. Many people are injured or killed at work. If conditions which cause illness, injury or death can be found and corrected, certainly that is what should be done.

What bothers me and many of the others at the meeting is that apparently the inspectors have arbitrary power to serve as combination prosecuting attorney, judge, jury and hangman. If we were correctly informed, the inspectors have power to levy fines without warning, without giving employers the opportunity to correct conditions that they don't even realize are in violation of the new law.

The act requires that each employer furnish his employees a place of employment free from recognized hazards that might cause serious injury or death, and it further requires that employers comply with the specific safety and health standards issued by the Department of Labor.

It also requires that each employee comply with safety and health standards, rules, regulations and orders issued under the Act and applicable to his conduct.

But apparently all the responsibility is placed on the employer. It is he who is threatened with mandatory penalties of up to $1,000 for each serious violation and with optional penalties of up to $1,000 for each non-serious violation. Penalties of up to $1,000 are required for each day during which an employer fails to correct a violation within the period set in the citation. Any employer who willfully or repeatedly violates the Act is to be assessed civil penalties of not more than $10,000 for each violation.

In addition to providing a safe environment, the employer is placed in the position of having to constantly keep at his employees to see that they follow safety rules. For his own protection and that of his employees, it is possibly he might have to fire an otherwise good worker.

After having written all that, I still haven't mentioned the record-keeping! Even if there haven't been any work-connected injuries or illness, the employer can still be fined if he hasn't crossed all the t's and dotted all the i's.

The act is a burden on all employers, large or small. The large employer, at least, can designate certain employees to do nothing but keep up to date on the government's regulations. For the small firm with a handful of employees, it's one more hat for the boss to wear.

No wonder there was mumbling Tuesday morning that sounded suspiciously like this: "To hell with it all. I'm going to sell the darned business and go to work for someone else."

And sure enough, one businessman stopped Cole Fowler on the street Wednesday and announced that he had bought that big sign required by OSHA. Asked which sign, he replied, "The one that is so high and so wide and says 'For Sale'."

FEDERAL BUDGET ARITHMETIC: FISCAL 1973

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HORTON. Mr. Speaker, because of the deep concern of my constituents about the contents, the amounts, and the priorities of the Federal budget, I have adopted the custom each year of preparing an extensive analysis of administration budget proposals. My analysis seeks to highlight priority judgments in the budget items, particularly focusing on the proposed expenditures of controllable funds, as opposed to uncontrollable expenditures and trust funds which are inflexibly earmarked for special purposes.

Several weeks ago, I completed a two-part analysis entitled "Federal Budget Arithmetic" which evaluates the fiscal 1973 proposals and compares the results with similar analyses of the fiscal 1970, 1971, and 1972 budgets.

I think that the results of my study will be of interest to my colleagues and to all Americans who share my concern with the spending judgments which are made at every level of Government.

At this point, Mr. Speaker, I will insert the full text of Federal Budget Arithmetic:

FEDERAL BUDGET ARITHMETIC: BUDGET PRIORITIES FOR FISCAL 1973

In late January, President Nixon submitted the third budget message of his Administration, covering fiscal 1973 which begins July 1, 1972 and ends June 30, 1973. As with every budget proposal in this era of scarce government resources and heavy demands for government services, the key budget questions refer to the spending and program priorities selected by the President and requested Congress.

Three years ago, I began the practice of doing my own priority analysis of the requested budget, so that the taxpayers of the 36th District could get an approximate picture of where each $100 paid in Federal income taxes is spent.

The chart below shows the slow change in budget priorities from fiscal year 1970's budget request made in January of 1969—the last budget of Lyndon Johnson's presidency.

THE $100 TAX PICTURE

	[1] 1970	[1] 1971	[1] 1972	1973
National defense	$48.90	$45.67	$42.77	$40.59
International affairs and finance	2.53	2.24	2.23	2.00
Space research and technology	2.39	2.12	1.74	1.65
Agriculture and rural development	3.93	3.32	3.20	3.57
Natural resources	1.53	1.55	2.34	1.27
Commerce and transportation	3.08	2.72	3.40	3.45
Community development and housing	1.87	2.34	2.48	2.51
Education and manpower	4.64	5.05	4.86	5.85
Health	8.16	9.28	8.83	9.39
Income security (excluding social security)	4.14	5.27	6.46	6.09
Veterans benefits and service	5.34	5.26	5.87	6.54
General government	2.22	2.55	2.74	2.87
Interest	10.98	11.04	10.86	10.97
Allowances	.29	1.59	--------	.66
Revenue sharing			2.22	2.59
Total	100.00	100.00	100.00	100.00

[1] Figures do not include allocations from the social security and highway trust funds, which are not collected from income taxes.

While the 1973 budget estimate totals $246 billion, or $10 billion higher than the present fiscal 1972 budget, the allocations of funds proposed for various program categories have only slightly changed from 1972.

The Administration's spending priority evaluation of the new budget shows dramatically that defense receives only 32¢ of each tax dollar while human resources receive 45¢ on each dollar. Their analysis includes large-scale expenditures from special purpose trust funds which are derived from taxes other than income taxes.

My analysis subtracts from the budget total over $57 billion in planned expenditures from Social Security trust funds, and over $4.8 billion in highway trust funds.

These funds are raised through payroll and user taxes from Social Security-covered employers and employees and from motor fuel consumers. These trust funds are not subject to discretionary spending on a year-to-year basis, and thus they should not be included in a fair evaluation of budget priority proposals and decisions.

While the chart I have prepared shows a slow evolution in priorities toward domestic, human and community needs, there is still very little in the nature of dramatic spending shifts.

In next week's column, I will discuss the severe limitations in discretion and budget flexibility which can be exercised with regard to domestic programs, and I will recommend some ways of improving this flexibility.

In the meantime, I would invite the readers' comments on the implications of the priority shifts that are taking place, as shown in the four-year-chart.

FEDERAL BUDGET ARITHMETIC: CONTROLLABLE AND UNCONTROLLABLE EXPENSES

(By Congressman FRANK HORTON)

At this time of concern over the financial crisis of government and the burdens of taxation, it is important to take a realistic view of the Federal budget—to examine how much financial assistance the Federal government is actually able to allocate to states and localities and how much money it can spend on solutions of domestic problems.

In analyzing the current Fiscal 1972 budget on the basis of controllable expenses, I note that only $28.6 billion in controllable budget funds were allocated for domestic purposes. This amounts to 12% of the total $236.6 billion budget for Fiscal 1972.

In analyzing the Fiscal 1973 budget, I can report that the news is even less cheerful, the controllable funds available for domestic purposes still is not enough to meet the mounting financial and economic crisis.

In this budget, $28.2 billion in controllable funds amounting to 11.4% of the total $246.3 billion budget, is available for domestic use. This is a decrease of $400 million from last year.

What few people realize is that 70.8% of the total 1973 budget figure, or $174.6 billion, is categorized as Uncontrollable or relatively uncontrollable expense. This means, briefly, that the President and Congress have little flexibility or choice in the expenditure of 71% of the budget.

This compares with $162.8 billion, or 68.8% in uncontrollable expenses in the 1972 budget.

Included in uncontrollable budget items are such programs as Social Security, medicare and other social insurance trust funds. These alone amount to $68.1 billion for Fiscal 1973.

Military retired pay, interest on the Federal debt, veterans benefits, medicaid and welfare assistance grants to states, farm price supports, operating costs of the legislative and judiciary branches of the government and obligations to carry out prior-year contracts make up the remainder of the $174.6 billion in uncontrollable expenses.

None of these budget items is subject to administration discretion in the sense that existing legislation requires the expenditures of funds for these programs. But of course changes in Social Security laws, veterans benefit laws, treasury borrowings, interest rates and other factors can have an upward or downward effect on these expenditures.

With 71% of the budget allocated to uncontrollable items, what discretion is left to the government to allocate money for so-called "controllable" categories or programs?

In Fiscal 1973, the total of "controllable" budget items requested by the President is $79.8 billion or about 30% of the total budget. Theoretically, this is the figure the President and Congress can work with in setting budget priorities and in allocating funds for new programs.

This is a decrease of 2% over the controllable budget estimate for Fiscal 1971 during which $81.4 billion, or 34%, of the total budget was allocated for controllable expenses.

Those concerned about the need for new and costly domestic programs in the area of revenue sharing, housing, education, transportation, job training, pollution control and welfare reforms would, at first glance, feel that $79.8 billion would provide enough leeway to make room for some or all of these needed items.

However, a closer look at the controllable side of the 1973 budget paints a different picture. Of the $79.8 billion controllable budget dollars, the 1973 budget requests $51.6 billion or 64.6% of the controllable budget for defense expenditures. This leaves $28.2 billion for civilian programs.

In Fiscal 1972, of the $81.4 billion in controllable expenses, $52.7 billion or 64.7% of the controllable expenses, were allocated for defense.

President Nixon's proposed budget for Fiscal 1973, therefore, does not show a significant shift in priorities from defense to domestic programs. Controllable defense spending has been cut only slightly from the 1972 level as a proportion of the controllable budget. This $1.1 billion decrease is accompanied by a decrease of $400 million in controllable spending for domestic programs such as revenue sharing, welfare reform and environmental quality.

The table below, however, showing the breakdown of controllable and uncontrollable budget items for 1971, 1972, and 1973, illustrates in dollar terms the impact of budget controllability.

SUMMARY TABLES

[In billions]

Controllability in 1972	Fiscal year—		
	1971 actual	1972 estimate	1973 estimate
Relatively uncontrollable under present law:			
Open ended programs and fixed costs:			
Social security, medicare and other social insurance trust funds	54.9	61.9	68.1
Interest	19.6	20.1	21.2
Veterans benefits: pensions, compensation, education, and insurance	7.6	8.5	8.7
Medicaid program	3.4	4.4	4.1
Other public assistance grants	6.3	8.7	8.2
Farm price supports	2.8	4.4	4.3
Food stamp program	1.6	2.1	2.3
Military retired pay	3.4	3.9	4.3
Postal Service	2.2	1.9	1.4
Legislative and judiciary	.5	.6	.7
Other	3.3	4.8	4.9
Outlays from prior-year contracts and obligations:			
National defense	22.1	20.6	19.7
Civilian programs	18.2	19.7	23.1
Allowances for pay raises:			
Department of Defense		0.8	2.7
Civilian agencies		.2	.8
Total, relatively uncontrollable outlays	145.7	162.8	174.6
Relatively controllable outlays:			
National defense	52.1	52.7	[1] 51.6
Civilian programs:			
General revenue sharing proposal		2.2	5.0
Other	21.0	26.4	23.2
Total, relatively controllable outlays	73.1	81.3	79.8
Allowance for contingencies		.3	.5
Undistributed intragovernmental transactions	−7.4	−7.9	−8.6
Total budget outlays	211.4	236.6	246.3

[1] Includes $400,000,000 for proposed volunteer Armed Forces pay adjustment.

BRAD MORSE: ANOTHER MILESTONE IN A DISTINGUISHED CAREER

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. CLEVELAND. Mr. Speaker, I am pleased to join my colleagues in paying tribute to FRANK BRADFORD MORSE, my friend, from the Fifth District of Massachusetts. BRAD will soon leave us to take up new duties as Under Secretary for Political and General Assembly Affairs for the United Nations. This new post is but another milestone in a long and distinguished career.

BRAD MORSE has been a member of this body for the last 11 years during which time he has again and again proven his wisdom, capacity for hard work, and dedication. As a member of the Foreign Affairs Committee he has demonstrated a thorough knowledge of the field of international relations. He has added to this knowledge as a congressional adviser to the U.S. delegation to the 18-Nation Disarmament Conference in Geneva, member of the Council of Foreign Relations, and Director of the Pan American Development Foundation.

As a member of the New England delegation, I have worked with BRAD MORSE on many occasions in dealing with some of the serious problems that face our area. My admiration for his energy and resourcefulness, coupled with his political wisdom and skill, is unbounded.

One proof of BRAD's outstanding success as a representative of his district is that the population there is predominantly made up of Democrats. Yet every 2 years they have sent him, a Republican, back with a resounding vote of confidence. I know of this, because the southern part of my New Hampshire district borders his.

As a matter of fact, many of his constituents have demonstrated their wisdom and moved from his district into the southern portion of mine. In meeting these people I am constantly impressed with the enthusiasm which they have for this fine statesman. His personality and excellent performance have won their hearts and lasting admiration.

The enthusiasm, self-confidence, and zest with which BRAD MORSE attacks the most awesome problems have been an inspiration. I am grateful to have had the opportunity to serve with him in the U.S. Congress.

I regret that he will be leaving our ranks, but am convinced that he is going on to even more important and meaningful public service. His energy, pragmatism, and dedication to world peace and cooperation are precisely the qualities that the United Nations needs.

TRIBUTE FOR F. BRADFORD MORSE

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. MONAGAN. Mr. Speaker, I am happy to join my colleagues in paying tribute to one of the ablest Members of this body, a colleague on the House Foreign Affairs Committee, and a good friend of mine, F. BRADFORD MORSE.

The House of Representatives will sorely miss BRAD MORSE, for since he first came to Congress in 1960, he has distinguished himself as a man of extraordinary talent and energy. As the Representative from the Fifth District of Massachusetts, he has worked untiringly to express and meet the needs of his constituents. He has proved an effective and dedicated legislator, and a well-informed contributor to the lawmaking process.

Nowhere were these attributes more visible than in the field of foreign affairs. Through his conscientiousness and enthusiasm, BRAD has established himself as a foreign affairs expert in the House. His views are highly respected, and carry considerable weight among his colleagues. BRAD took a special interest in Latin American affairs, an area which has too often been neglected in the formulation of U.S. policy. Our present relationship with the Latin American nations are clearly in a state of turmoil and unrest. The task of the House in formulating a Latin American policy will certainly not be made any easier by the absence of BRAD MORSE.

I was fortunate to have the opportunity to work closely with BRAD on the Foreign Affairs Committee. I have also served with him on the U.S. delegation to the Interparliamentary Union, so I understand more than most the contribution he has made during the last 12 years. He has proved a valuable member of the committee, and a valuable Member of the House. He will be missed by all of us.

The talents which BRAD takes with him from the House of course excellently qualify him for his new appointment as United Nations Under Secretary General for Political and General Assembly Affairs. I am certain he will offer the same quality performance in this position as he offered the House of Representatives. With my colleagues, I am sorry he is leaving, but I wish him all the best in this new and important endeavor.

HON. F. BRADFORD MORSE

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. QUIE. Mr. Speaker, I join in thanking the gentleman from Massachusetts (Mr. CONTE) for taking this special order to honor our distinguished friend and colleague, the gentleman from Massachusetts (Mr. MORSE).

As he leaves this body to take on a new and broader challenge as Under Secretary General for Political and General Assembly Affairs in the United Nations to succeed the late Dr. Ralph Bunche, it is appropriate that those of us who have known and worked with BRAD MORSE should give witness to the high esteem in which we hold him and the eminent contributions he has made to the Congress, the country and a better world during his 11 years of service.

Others have cited his distinguished record.

I wish merely to express my thanks for BRAD's unfailing friendship and moral support in the many joint undertakings we have tackled during our service in this body and to wish him the very best of luck in his new assignment.

I am confident that no more worthy successor to the late and great Ralph Bunche could have been selected.

NADER AND CONGRESS

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RONCALIO. Mr. Speaker, Mark Twain once said that—

> It is the will of God that we must have Congressmen, and we must bear the burden.

In an effort to help the American people "bear the burden" Ralph Nader's Congress project, made up of 80 professionals in Washington and volunteers in every congressional district and State capitol, currently is seeking to provide comprehensive information about the Congress.

A little light in the dark corners surely will be welcome. If the American people, through additional information, become more well informed about Congress and its function, our jobs as Members of Congress, should be made easier.

I welcome the study as I am sure many Members do.

One of the forms used by project volunteers in interviewing congressional district office staffers appeared in the CONGRESSIONAL RECORD recently. It seemed thorough and if honestly answered, capable of shedding light.

I am inserting today additional information describing the project. Included are two letters sent to every Member of Congress outlining the project. The second letter, mailed in February, notes that the project volunteers will be in district congressional offices and seeks suggestions from Members.

Other information I am inserting includes Mr. Nader's speech to the National Press Club in November and a short description of the project given to all district volunteers working on the project across the country.

The items follow:

ADDRESS BY RALPH NADER

There should be little disagreement over the assertion that ours is a society of unparalleled material wealth, and skill increasingly unable to solve, diminish or forestall problems to which wealth and skill should be responsive. This is a signal fact of American life that is the contemporary and gnawing American paradox. As our dollar gross national product zooms upward, our cities are rotting, malnutrition and disease stalk millions of impoverished citizens, pollution is increasing faster than GNP, the narcotics trade eats at the human fiber, government corruption and waste is busting out all over, bureaucracy has become the opiate of the people, consumer fraud grows hand in hand with big corporate dominance over the economy and much of government, rank and file disgruntlement with labor leadership deepens, housing, rapid transit and medical care seem to defy even a focused constituency for problem resolution, local schools are near bankruptcy in many parts of the country and the law stand mocked or manipulated by the powerful and viewed with increasing contempt by the poor and middle class who are given little access and less compassion by legal systems.

When was the last time the press reported that any of the country's major domestic problems—such as noted above—was rolled back? Americans, as problem solvers of yesteryear able to overcome the challenge to grow, now seem unable to overcome the agonies, and injustices sidestepped or created by that growth. This is not to say that we have no problem solvers today. Each week ways are being found to overcome obstacles to development of more efficient weapons, easier transportation into space and more facile persuasion of consumers to buy foot spray deodorants. There is a peculiar aversion however to solving problems which have a common unity—that they adversely affect millions of people as they go about their daily lives. A paralysis grips the land as major institutions—private and public—fail to deliver. Risk levels for the future, particularly from technology, are rising with little anticipatory planning.

We are entitled to ask—if we cannot reduce raging crises with all our wealth and talent, what is there left with which to achieve the necessary changes?

Hand in hand with models of change must go levers for change. Searching for these levers has been the preoccupation of many minds and many movements. Usually lacking, however, is a set of criteria to enable a more effective choice between the many change-agents which beckon. Selection of criteria is more than an academic exercise, for a proper pursuit of such enables a compression of time and energy, which a nation needs to reach toward its promise with the most just means. I submit the following criteria for the choice of effective change-agents.

1. Established legitimacy;
2. Adequate authority;
3. Sufficient resources;
4. Assurance of continuity;
5. Operations with high visibility;
6. Accessibility to a broad constituency;
7. Susceptibility to performance standards;
8. Ability to obtain information.
9. Functional insecurity of members of the change in maintaining their power;
10. Possession of energizing and guiding influence over other potential change-agents, and
11. Sensitivity to broadly based urgencies and pleas.

Obviously, few prevailing institutions can meet more than a few of these criteria. But the United States Congress could. Like the nerve center of a traffic control system, the Congress stands potentially as both reflector and initiator of operational democratic solutions and responses. The words "could" and "potentially" are used advisedly as expressions of hope and realistic prospect. For in its past and in its present, Congress has been a continuous underachiever.

It would be difficult to overstate the extent of abdication to which Congress has been driven by external and internal forces. Contrary to its preeminent constitutional authority and constitutional stature as the branch of government closest to the people it has been reduced to a puny twig through which flows the allocation of a massive taxpayer treasure chest of over $200 billion in appropriations largely at the beck and call of executive Branch and special interest advocacy and pressure. It reacts to the Executive far more than it initiates and the separation of powers between the two branches has been so eroded that its rare assertion by Congress makes headline news.

In the more important Congressional hearings and deliberations, secrecy is rampant which contributes to the great difficulty of the populace in establishing performance standards and specific accountabilities. More critical is the process of entrance to the national legislature—wracked with obstacles and expenses for those who wish to contend on the merits and the issues. The ability of Congress to tie itself into knots with archaic procedures primitive information systems and timidities in probing national abuses and Executive bureaucracy underlines the concentration of power within the Congress in a few hands. This plays into the hands of those interests outside who desire a ready deliverance of their requests through powerful Committee Chairmen who maximize their already considerable power by respecting each other's turf.

This is not to say that Congress is not allowed its tempers. Senior member prerogatives are respected with well trained Executive Branch etiquette and in direct proportion to their personal trivia or idiosyncracy. On occasion the legislature rises as one to remind other powers that it is, after all, in a distinctly marked place in the U.S. Constitution. The price of its routine subservience to special interests is an occasional assertion of independence. Nevertheless, the Congress remains the best private investment in the country, if we are to give any credence to the attentions and campaign contributions accorded its members. Where else can so few dollars prior to campaigns and the friendly treatment of the pressure group clientele reap such permissiveness toward corporate pillage and earn such raids on the U.S. Treasury?

True enough, the luster of what this institution could be like comes through in the courage and ideals of some hardworking members and staff. And on occasions, the Congress as a whole has given us a glimpse of how responsive it can be to citizens who have declined to abdicate. Yet many of its noblest programs are squandered or looted by the corporate state or turned into shocking opposites of what they were supposed to achieve.

What does the public know of Congress? Not much at all. There is, to be sure, a widespread cynicism about "politicians" along with a feeling that nothing can be done about them beyond mere endurance. At times, a reading of postures toward the Congress leads to the conclusion that three major attitudes prevail—that it is something to be manipulated by interest groups or bureaucracy, something to be ridiculed or something to be ignored either because it is an ornament or that it is hopelessly beyond reach.

I disagree on all three counts. I view the often futile efforts at internal reform by some Congressmen in Congress to have failed because they were largely undertaken with little understanding and less participation by citizens. I believe that an institution which yearly distributes or effects the distribution of several hundred billion dollars through the tax and grants system, which is possessed of broad constitutional powers to advance the well-being of Americans and, to some degree, the rest of the world, which can air a nation's problems openly, which can secure the information with which to plan for the future intelligently, which can review the results of its decisions in government, industry and labor, and which can be run by the American people, is the prime level of change and justice in our country. Nothing remotely compares with the Congress as the hope of reclaiming America. In reclaiming the Congress, America revolutionizes itself. For in so doing there is a required emergence of citizenship, expertise and stamina such as this country has never seen.

It is every citizen's right and duty to strive for such development. And it should not have to be equivalent of reaching for the Stars. Accordingly, we are launching what is probably the most comprehensive and detailed study of the Congress since its establishment. The non-partisan Congress Project will enlist the assistance of hundreds of citizens covering nearly every Congressional District. Here in Washington about 80 graduate students and young professionals will conduct research during portions of this year long study. Today, the Project Director, Robert Fellmeth, is sending letters to all members of Congress informing them of the study and inviting their suggestions, cooperation and enthusiasm. The findings of the study will be made as widely available to the public as is possible. It will range from an analysis of the electoral and campaign process to individual profits of members of Congress to the internal workings of the legislature and its interaction with the Executive Branch and private constituencies. The study's purpose will be to concentrate on dynamic and internal forces, to diagnose deficiencies, record strengths and recommend the ways and means of effecting the desired changes based on past experience of the Congress and future prospects for reform.

Traditionally, the political system in this country has led Americans to look to the Presidency for inspiration and leadership. But the Congress can be a more effective leader and shaper and receiver of democratic values in just action. For some of Washington's old hands, this aspiration may be taken as bad humor if not explicitly bizarre. But if one considers the number of flexible and decentralized options and authorities available to Congress perhaps it is easier to conclude that the importance of being Congress far transcends its endemic delay and chronic inaction which its insulated surroundings have woven into its fabric. Certainly many previous studies, including some by former members of Congress, serve to confirm this observation.

If information is the currency of democracy, it is time to apply that principle to the sinews of citizenship involvement with their representatives in Congress. Who is to say that our Congressmen and Senators would not welcome the partiicpation of the people?

NADER TASK FORCE ON CONGRESS,
Washington, D.C., November 1, 1971.

DEAR MEMBER: An institution with as much impressive authority and power as the United States Congress deserves the full understanding of its citizens. Under the guidance of Ralph Nader, we are forming a large, nonpartisan study group to conduct a year-long inquiry into the structure and operations of Congress.

Our goal is to provide citizens with additional and comprehensive information about their Congress. We shall focus on the activities, procedures, and composition of the Senate and House of Representatives and examine their impact both in Washington, D.C. and at the local level.

Research will be conducted in Washington, D.C. by about 80 young professional and graduate students from all parts of the country during the spring and summer of 1972. In addition, information will be gathered in as many of the Congressional districts as possible. The end product will be a detailed and constructively framed report.

To ensure the accuracy and completeness of our analysis, we look forward to working and talking with you and your staff. We also hope that our findings and suggestions will be reviewed and considered by the Congress.

Your experience and guidance will be valuable in helping us transmit an active understanding of the legislative branch of government to the American people. We would welcome receiving any addresses, articles, or debates which you have prepared or conducted on Congressional activities and public issues, including your newsletter to constituents. Thank you.

Very truly yours,
ROBERT C. FELLMETH,
Project Director.

CONGRESS PROJECT,
Washington, D.C.

DEAR MEMBER: In a letter dated November 1, 1971, we explained the scope and purpose of our forthcoming Congress Project. An important segment of this study will be conducted in the home districts where researchers will contact your main district office in the course of obtaining information on the Congressional process.

Our researchers will request interviews with members of your staff to learn how Members of Congress interact with the citizenry. The interviewer, who will most likely be a constituent, will start work shortly. We wish to apprise you of their work and request your fullest cooperation. They will bring a "Description of the Project" and a letter of introduction with them to your district office.

In case our earlier letter was not brought to your attention, we would like to be placed on your mailing list to receive your newsletters, releases, as well as speeches, and written commentary relating to the structure, rules, powers, and improvement of the Congress or its constituent parts.

Sometime during the months of May through August, one of the researchers from the Congress Project will request an interview with you in Washington. Your assistance will be most appreciated; if you have any suggestions at any time, please forward them to us. Thank you.

Sincerely,
RALPH NADER.
ROBERT C. FELLMETH,
Project Director.

DESCRIPTION OF RALPH NADER'S CONGRESS PROJECT

Congress is potentially the best initiator of democratic solutions to the nation's problems and the best champion of citizen interests. The Constitution is designed to put Congress closer to the people than the other branches of the federal government. Its established legitimacy and enormous power, its potential for airing problems openly and providing flexible and decentralized alternative solutions, and its capability for full citizen access make the U.S. Congress the prime lever for change and justice in our country.

The Nader Congress Project, announced on November 2, 1972, will focus citizen attention and expertise upon the Congress. It will concentrate on forces both upon Congress and within Congress, diagnose deficiencies, record strengths, and recommend the ways and means of reform. Members of the project will analyze the campaign and election process, the workings of the legislature and its relations with the executive branch and private constituenices. Individual profits of Members of Congress will also appear in the study.

This project has been in preparation since the summer of 1971, when eleven students and professionals contributed background research papers. In September a permanent staff of seven in Washington, D.C., was assembled to do further research, planning, and recruiting.

The Nader Project consists of two groups. About 80 students and professionals are being selected to perform part-time investigation in Washington, D.C., in the summer.

A second group is being recruited to study nearly every state and Congressional district. These field researchers will be volunteer citizens, typically living in the districts they study. Their research will take place in February through September, 1972, in the local districts. They will research how each Member of Congress and the local constituency interact. They will help sketch a profile of that Member.

The project is expected to take approximately one year. It is intended to be a comprehensive and detailed study of the Congress.

SAN DIEGO FEDERAL BUILDING-COURTHOUSE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BOB WILSON. Mr. Speaker, I was pleased to support H.R. 10488 which passed the House yesterday, and I want to commend the House Public Works Committee for their close attention to this legislation. H.R. 10488 enables immediate construction of the San Diego Federal Building-Courthouse, a project of critical concern to our community.

This legislation is backed by the Nixon administration and would provide for the lease-purchase construction of 41 Federal buildings around the country, including the $44,200,000 San Diego project now being designed by architects. This lease-purchase program is needed to eliminate the backlog of Federal buildings that have been authorized, but not funded, for construction because of tight budget restrictions.

With the continued upward spiral of building costs, it is very important to proceed with these projects as soon as possible. Since 1959, annual appropriations for Federal building construction has averaged $115 million. Yet, the 41 Federal buildings currently awaiting funding would require more than $1 billion in appropriations. At the rate of appropriations over the past 13 years, it would take until 1982 to provide enough money for building the 41 authorized projects. Under this bill, construction could being almost immediately. In addition, this will allow the Government to deal better with the problem of inflated construction costs. Had the San Diego project been built soon after it was authorized in 1966, it would have cost $30 million rather than the now projected $44.2 million.

The General Services Administration has assured me that construction of the San Diego project could begin immediately upon completion of the design work.

SECOND-CLASS CITIZENSHIP FOR WELFARE RECIPIENTS? NEW YORK STATE SAYS "YES"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, since September of last year, the New York State Department of Social Services has been attempting to secure approval from the Department of Health, Education, and Welfare for two welfare demonstration projects.

The projects, Incentives for Independence and Public Service Work Opportunities, are political in origin. In an election year, the Republican Party, both in Washington and Albany, wants to show that it can cut welfare costs, even in a time of inflation and sky-high unemployment. Who are the victims? Primarily disadvantaged children and their mothers. The projects are a move to cut the cost of welfare by cutting the food budgets of poor Americans. If the projects are approved for New York State, disadvantaged families across the country can be sure that the steamroller is not far behind, ready to crush them too.

The Center on Social Welfare Policy and Law in New York City has submitted detailed objections to the Department of Health, Education, and Welfare, hoping to block this Orwellian scheme planned in Albany. I commend the center's comments to my colleagues so that they will be fully aware of the potential dangers facing their own less affluent constituents. I am also inserting my letter to John D. Twiname, Administrator of the Social and Rehabilitation Service, at this point in the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 20, 1972.

Hon. JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. TWINAME: I would like to take this opportunity to reiterate my total opposition to the Incentives for Independence Project and Public Service Work Opportunities Project proposals resubmitted by the State of New York.

The "new" proposals fail to correct any of the glaring inequities of the "old" proposals of last Fall and Winter. New York State is again asking for your approval of two demonstration projects designed to bestow second-class citizenship upon welfare recipients in my State. There is no question in my mind that the entire thrust of the Department of Social Services proposals is still in conflict with the intent of Congress in enacting Section 1115, authorizing demonstration projects.

I again urge you to disapprove these proposals and put to rest, once and for all, that myth which says poor people should be treated like children and manipulated into performing in "acceptable" modes of behavior in order to get the necessary money to feed and clothe themselves and their children.

Sincerely,
CHARLES B. RANGEL,
Member of Congress.

ANALYSIS OF PROPOSED NEW YORK PROJECTS IN PUBLIC ASSISTANCE PROGRAMS

(By Adele M. Blong)

1. Incentives for Independence (IFI)
2. Public Service Work Opportunities Project (PSWOP)

BACKGROUND

Section 1115 of the Social Security Act authorizes the Secretary of Health, Education, and Welfare (HEW) to waive certain requirements of the public assistance titles of the Social Security Act in order to allow a state to carry on an "experimental, pilot or demonstration project . . . likely to assist in promoting the objectives of [such titles]." (See also Handbook of Public Assistance Administration, Part IV, §§ 8440–8443.)

New York submitted applications to HEW under date of September 9 and September 10, 1971, asking for waivers under § 1115 to run two "experimental" programs on AFDC families titled "Incentives for Independence" (IFI) and "Public Service Work Opportunities" (PSWOP). The fundamental purposes of the projects as originally submitted were to reduce grants to FAP levels, and to require recipients to participate in work relief projects and conform their life-styles to models selected by the state. HEW had previously announced that the President had promised Governor Rockefeller approval of a work off program for AFDC families. Almost immediately on receipt of the applications, it indicated that they would be approved promptly notwithstanding the fact that they effected a drastic change in the status and grants of the recipients covered and represented a radical departure from the basic federal policies concerning assistance which have been developed from the experience of the last 30 years.

However, such approval was forestalled by a strong public outcry from recipient groups and interested third parties including voluntary organizations, legislators and other community representatives. By HEW's own account some three or four hundred comments or statements on the projects were received. Although many, if not most, of these comments voiced opposition to the basic concept of the projects and urged that they be rejected in toto, HEW advised New York that the projects would be approved if certain features were modified or deleted.

On November 11, New York submitted revised applications for both projects which deleted some of their more obviously Orwellian features but left their basic purpose unchanged, i.e., to use public assistance to control individual behavior by conditioning the amount of the grant and its receipt on the manifestation of behavior considered to be acceptable by the state. Accordingly, the revisions left most of the basic problems unanswered. In addition, certain of the changes and additions to the projects in the form of new mechanisms and requirements raised entirely new questions for analysis and comments. However, HEW refused to allow time for analysis and comment on the projects and instead announced their "approval" on Thanksgiving eve, November 24, 1971.

The obvious desire of the federal agency to avoid further public exposure and discussion of the merits of these projects is manifest. Its precipitous action is even more remarkable in view of the fact that it could not find the projects approvable as submitted. Thus, HEW recognized that the submissions were still incomplete and internally inconsistent, and approved the projects "contingent upon submission" of additional information and data. (Letters of November 24, 1971, from John Twiname, Administrator, SRS, to George Wyman, Commissioner, N.Y.S. D.S.S.) The listing of the required information required some seven pages and included such things as "a plan for general project activities (screening, referral, monitoring, etc.)," a plan setting forth the development of job slots, a plan for providing the required day care, and an explanation of the counseling components detailing the staff qualifications and the nature of the counseling and the scope of the recipient's rights in such counseling procedure. In other words, HEW approved the project applications without any knowledge of what the project would actually consist of or of how it would operate in relationship to people. HEW manifested its recognition of this fact in its letters to the state of February 9 and 10 repeating the request for information and stating that particular items would have to be "submitted to HEW for review prior to implementation of the program aspects of the demonstration."

Clearly, there is serious legal question as to whether HEW can "approve" a project application which by its own admission is totally lacking in the information necessary to determine its acceptability. In addition, the course of events since November 24, demonstrates the danger of such premature approval. Thus, as of February 22, 1972, the state, without supplying the requested data, formally requested "approval to initiate the project[s] effective February 24, 1972, with implementation of the program aspects . . . on April 1, 1972." Even more importantly, serious harm has been caused to hundreds of thousands of mothers and children who by HEW's action have been led to believe that the projects will necessarily be imposed on them. There is absolutely no reason why they should be subjected to the apprehension and anxiety which they are now suffering when HEW does not know whether the state could ever develop an acceptable plan for the project.

HEW had not yet responded to the state's February 22 request as of March 13, 1972, when it was ordered to withdraw the November 24 approval and hold the matter in abeyance for 30 days.

PROJECT DESIGN

As noted above, the major feature of the IFI and PSWOP projects is compulsory work for "employable" members of AFDC families, to be facilitated by forced placement of children in child-care. In most cases this will be unpaid work, i.e., work relief in which the "employable" person works off the family grant. The desire to require AFDC mothers to work off the grant supplied the major impetus for the projects. New York State enacted a work relief law in March of 1971 which applied to both HR and AFDC recipients and such a program has been in effect in HR since July of 1971. However, the state was unable to put the program into effect in AFDC because it was advised by HEW that it would lose federal funds if it imposed such requirements under the regular state plan. Accordingly, New York requested HEW to grant a waiver of federal requirements under §1115 of the Social Security Act in order to allow New York to conduct experimental projects to "test out" such work relief. This "test" under the name of PSWOP will cover all AFDC families in Manhattan, Staten Island and the area covered by the Bay Ridge Center in Brooklyn, as well as Albany, Cattaraugus, Chemung, Franklin, Greene, Nassau, Niagara, Oneida, Orange, Rockland and St. Lawrence Counties.

A. PSWOP—Work relief

Any person in the family over 15 who is not too ill or too old to work (under the agency's standards) will be considered employable and therefore available for work relief unless he or she is:

1. a child in the family and a full-time student;

2. the mother or other responsible relative caring for a child under six;

3. a person continuously needed in the home to care for another who is ill or incapacitated;

4. a female "caretaker" of a child in a home where there is an adult male relative who is registered for manpower services, training, or employment.

There is no indication of what standards are to be used in making this determination or of what, if any, rights an individual would have to challenge the determination. The proposal states only that decisions now reviewable will be subject to review. New York State does not presently have any clear policies on this question and most local agencies, including New York City do not consider such determinations to give rise to hearing rights. Operations under the current work program demonstrate the need for such hearings, e.g., out of 44,000 cases reviewed, four out of eleven had been improperly classified as employable.

Any person who cannot get a regular job within 30 days after he or she is classified as employable can be forced to participate in work relief. Work relief is work without pay. The person would be assigned to work for a public agency such as the New York City Health and Hospitals Corp., the Housing Authority, the Department of Social Services. He or she would not get a salary or any of the fringe benefits that normally are earned in employment, e.g., he or she would not be covered by health insurance, would not earn civil service status or credits in the pension system, would not get social security coverage, would not earn vacation time or sick leave. The hours worked would depend on the amount of the grant and the hourly rate assigned to the work. For example, if a mother with three children has to work off an assistance payment of $314 a month and she is assigned to work at $2.00 an hour, she would have to work at least 157 hours a month or 19 days a month to "earn" her family's assistance.

The application does not specify how the hourly rates are to be determined for particular work assignments but it appears to be assumed that most work will be valued at $1.85 an hour or $2.00 an hour in New York City. (New York City apparently intends to value slots at $2.00, $3.00 or $4.00, but there is no clear statement of the standards or criteria used for such differentiations.) This means that the work performed by assistance clients will be valued at less than the wages paid to employees doing comparable work. Thus, the work-off rate of $1.85 an hour or $3848 a year is far below the present minimum salary for state employment which is $4595 or the New York City municipal minimum of $5300. Even the New York City hourly rate of $2.00 an hour would only equal $4160. This disparity in "pay" is increased by the value of the extras or fringe benefits earned by regular employees.

The application is unclear as to the amount which the recipient would have to work off. Clearly a mother would have to work off the full amount of her family's regular monthly assistance, that is, the pre-added allowance plus the shelter grant, plus any special needs. However, it is not clear whether she will also be required to work off the allowance which will be provided to participants in work relief to cover the cost of transportation to the work site and lunches on work days. If so, most parents would end up working full-time for a full year for no pay. In fact, as explained below, they might well work full-time for a full year to lose money because of inadequate allowances for their work expenses.

The proposal does not specify how the amount of the work expense allowance will be determined. However, New York City currently allows only $0.95 a day for lunches. This fact plus the lack of any recognition of the other extra costs attributable to work, e.g., extra clothing required, additional food costs because of necessary changes in the family menus, assures that the family will actually end up with less money to meet their needs as the result of participation in a work relief project. It will be necessary for a mother to take money out of her family's already underbudgeted assistance grant to meet the costs of her participation in work relief.

Supposedly no one will be considered employable unless "adequate" child-care is provided. However, the proposal does not specify the ages of the children for whom child-care will be considered necessary. (The original proposal for the companion IFI project proposed to provide child care only up to age 11. This was raised to age 14 at HEW's request but there is still no similar guarantee in the PSWOP application.) In addition, such afterschool care as is described in the application is available only from 8:00 a.m. to 6:00 p.m. A working parent could easily have to travel an hour or more to or from work and might well not be able to be at home both before and after the child's return from child-care. It is particularly incongruous for the federal government which is so vigorously voicing concern over the spread of the drug problem to elementary and junior high schools, to sponsor a project which will compel parents to leave their children uncared for during part of the day.

Under the proposal, the agency—not the parent—will decide whether or not a child should be placed in child-care and whether a particular kind of care, e.g., "in-home" day care as opposed to a center, is adequate for the particular child's needs. The project does not specify what, if any rights a mother has to refuse to accept child care because she considers it unsuitable. It is not even clear that a parent would be entitled to a prior hearing on the adequacy of day care if she challenged the department's determination.

The lack of this protection is particularly important because of the project's emphasis on the use of "in-home" day-care, providing care for as many as five children possibly all of the same age in the "day-care mother's" home. Obviously there are serious questions as to the adequacy of in-home care unless the program is run under close supervision with the most careful screening of potential day-care providers and ongoing education, training and supervision. In such situations, there is only one adult in the home, with one person providing the care, and the potential for abuse is staggering.

However, far from indicating that a controlled approach will be followed, the project makes it quite clear that pressure will be brought to bear on recipients to volunteer to provide day-care; every employable female recipient will be told that she has the option of registering and being subject to referral to work relief or providing "in-home" day care. Thus, the state will force mothers and other female relatives to make a cruel choice between the needs of their own children and those of children of other recipients. A mother who feels that she must stay in the home to care for her own children will subtly be coerced to volunteer, whatever her doubts as to her abilities to serve as a day-care provider either in terms of her own self or the home environment. There is nothing in the program to suggest that this will be guarded against. In fact the agency's motive is clearly to the contrary—to create as many day-care slots as fast as possible to free up a sizable number of mothers for the work program. These slots would have to be created through in-home day-care as there are no vacancies in day-care centers. On the contrary, the state has been consistently unable to place WIN volunteers because of the lack of day-care for their children.

Any doubts as to the state's intentions as to the quality of care are resolved by the remaining information in the proposal. There are no standards specified as to the person or dwelling. Apparently, agency workers will be free to make their own decisions as to the suitability of a home for such purpose. No provision is made for any payment to cover the cost of providing meals and snacks to the children, much less to provide any books, games, or any other items which might normally be expected to be present in a "day-care" situation. Similarly, although the caretaker is supposedly required to assure the provision of adequate health care and the availability of a person to assist in emergencies, there is no indication of how she is to accomplish this without additional funds or any agency help.

The state has attempted to mask some of these deficiencies by submission of a plan purportedly followed by New York City in developing in-home day-care. There is, of course, no guarantee that this plan will be adhered to in the operation of the project in New York City, much less in other counties in the state. Furthermore, the plan is undated and there is no indication as to whether it represents current practice. The currency of the plan is in doubt in light of budget cutbacks in 1971 which severely reduced the funds available for administration of the in-home day-care development program.

In any case, the City plan supplies little if any assurance of a controlled program to achieve quality care. It is essentially standardless, giving the agency worker almost limitless discretion in determining to accept or reject a home. Thus, the worker is to determine the suitability of the mother based on the following:

"She should be able to relate well to people, to be free from judgmental attitudes about the Mother who leaves children in her care, and to be respectful of the opinion and wishes of others. She should be capable of sound judgment as well as able to cope with emergencies. She should have a sense of humor and enjoy children. She should show a willingness to learn and to accept training and supervision."

There is no mention at all of such things as the physical qualities or location of the home, which could be dealt with in objective terms.

The state proposal also raises serious questions as to the adequacy of funding for the in-home day-care which will be provided. Under the project as written, day-care would be an unpaid work relief activity. Although the state agency has advised third parties that it does not intend to include this as a work relief activity and that all family day-care mothers will be paid, there is no guarantee that this promise will be fulfilled unless it is specifically incorporated into the project application.

Even assuming that all day care mothers will be paid, it appears certain that the amount will be inadequate. While there is, of course, no specific information as to the rate of payment in the proposal, the state does estimate a cost of $65 per month for full-time in-home day-care for children under age six. Assuming 21 days of care per month, i.e., day-care five days a week, this would constitute a payment of $3.09 per child per day. It is ludicrous to suggest that this sum could represent a fair wage for a day-care mother. In addition, since no provision is made for the cost of food or for any other items, it is obvious that most if not all of the payment would go to meet the child's maintenance.

Clearly the project approach is inimical to the provision of *adequate* day-care. In fact, since the state has not yet been able to come up with a plan for development of slots for the project, one can only wonder at how the program is expected to operate. Some answers can be found in the requirement that diligent efforts be made by all potentially employable individuals to obtain day-care needed to make them available for employment. This is noteworthy in two respects. First, the mother is required to find the care, although all of the decisions as to whether or not her children should be placed in day-care are to be made by the agency. Secondly, the proposal does not provide any specificity as to the meaning of the requirement, e.g., when the individual is required to seek day-care or how, or what constitutes "diligent efforts." The process in effect under the present state work program demonstrates the abuses which can flow from this open-ended requirement.

Current practice under the state work program is to require a mother to look for day-care in order to provide a basis for determining employability, regardless of whether or not there is any job for her. She is required to visit at least five day-care resources regardless of distance or accessibility from her home. No funds are provided for the cost of such visits. Of course, if the agency determines that the mother is not making bona fide efforts to secure day-care, she is subject to termination for failure to cooperate with the work program. This procedure is, of course, in contravention of the AFDC service plan which requires the agency to assume any burdens attached to the location of day-care, although HEW has not yet taken any action to put a stop to the practice.

The project application is silent as to the effect of a mother's failure to seek day-care (silence being the rule rather than the exception with regard to specification of the rights and obilgations of participants), but there is no reason to think that the state intends to be any less repressive in the project than it is in the operation of the basic work program. Unless this matter is clarified in the project application, therefore, it can be assumed that the "diligent effort" requirement will be used to harass recipients as is being done under the state program.

Overall, the state's approach to day-care in the project is in direct contravention of the achievement of quality day-care and is intended simply to set up a program of cheap custodial baby-sitting with little or no protection against physical harm for the children involved and even less concern with the emotional harm of inadequate care under conditions which are trying for custodian and child alike.

The single most important item in the project is still undefined. The state has still not identified the types of jobs to which recipients will be assigned, the ways in which such job slots will be developed, nor the procedures which will be used in assigning a recipient to a particular job, despite HEW's statement of November 24 that development of such a plan for each demonstration district was a condition precedent to implementation of the program. In fact, the state's attempt to respond to this request demonstrates the total bankruptcy of its project planning. Thus, the state submitted the "job development plans" used by Franklin and Monroe Counties for placement of HR recipients. The so-called job development plan of Franklin County consists of two pages which do little more than state the fact that a list of HR recipients will be sent to the work relief coordinator and that the hours of work will be figured by dividing the grant amount by $1.85 an hour. Although the information from Monroe County is somewhat more detailed, it consists mainly of an identification of the DSS personnel and the forms included in the process and the routing of forms and recipients from one clerk to another.

Moreover, the details supplied by Monroe County indicate that there are no standards or criteria by which participants are selected for particular job slots. Rather the "liaison-Dispatcher" who receives the job orders merely reviews the file of available recipients to determine who can supply the skill and hours required and makes the assignment. There is no consideration of whether the job is suitable for the particular individual nor any consideration of individual choice or preference. There is not even any mention of a process for recognizing and dealing with a participant's objections, although several steps are devoted to "listening" to the problems of the *employer* and taking action acceptable to the *employer*. If a problem such as non-reporting arises, it is deale with by discussion between agency personnel who "jointly determine" the action to be taken without any communication with the participant.

The application sheds no light on the question of a participant's rights as it states merely that a recipient who refuses, without *good cause*, to participate in the work relief program will become ineligible. No indication is given as to standards which will be applied in determining good cause or even whether the client will be subject to the penalty applied under the state work program, i.e., a waiting period of 30 days before aid can be reinstated even if the individual is willing to immediately comply with the work requirement. There is no indication of whether the recipients will receive any of the supportive services mandated by federal law for participants in a work program. Clearly they will not receive the counselling which federal law requires be given prior to termination for refusal to accept work.

As to the jobs themselves, there is no requirement in the project application or elsewhere that they be positions which will provide any training or upgrading of skills or otherwise develop the individual's potential for true employability. Even individuals with a particular skill or experience will be required to take unskilled work unless there happens to be a position available that would allow them to utilize their skill or prior experience. Skilled or unskilled, there is little likelihood of any individual getting a job that would enhance employability. The "skill uses" listed in the Monroe County plan are:

1. clean-up;
2. trimming;
3. mowing grass;
4. marking roads;
5. light mechanical work;
6. building cleaning;
7. data processing;
8. clerical;
9. hospital work.

Similarly, the 100 slots available in the various towns in Franklin County are listed as follows:

1. kitchen services;
2. institutional aide;
3. ground maintenance;
4. highway maintenance;
5. simple maintenance of recreation areas and roads;
6. highway and building maintenance;
7. simple maintenance and auto mechanics;
8. building maintenance and auto mechanics;
9. highway maintenance and auto mechanics.

These facts alone would seem to be sufficient to demonstrate that the project has no possibility of promoting employability. But if this were not enough, one need only look to the known facts as to the employability and employment of members of AFDC families which, significantly, are nowhere discussed or even referred to in the proposal.

Thus, the applications proposes to subject 88,000 families to loss of rights guaranteed to them under federal law in order "to determine the impact on welfare dependency when every employable recipient is required to be working or in training." The proposal does not suggest that working off a grant could have any impact on dependency nor provide any information or estimates as to the number of "employable" recipients, and for good reason.

All the known information as to the characteristics of AFDC recipients in New York State demonstrates that a work program, and especially an unpaid work program which does not provide any training or skill development, is no answer to the problems which give rise to the need for assistance. Thus, in the IFI application, the state indicates that there are only 50,000 employable adults out of the 1.8 million people on assistance in New York State. Clearly it is not the lack of work motivation that has placed the other 1.75 million on assistance. Furthermore, these 50,000 employables are simply those people whose age, physical abilities and home situations would permit work, and they include "many recipients who have never been employed as well as those who lack education, training or skill necessary to obtain employment." (Annual Report of the State Board of Social Welfare, 3/71, Pub. No. 1016.) The state's own data destroy its thesis that work is the solution to the problems of the welfare system.

Another assumption of the project is that compulsory unpaid work is required because of the unwillingness of recipients to work. An HEW study of the AFDC program based on January 1971 data found that in New York State, 12.4 percent of AFDC mothers were employed or in training, 2.3 percent were awaiting WIN enrollment and 3 percent were actively seeking work, i.e., a total of 17.7 percent working or trying to find work. On the other hand, it was found that only 4.4 percent of the mothers might be available for employment but were not actively seeking work. (N.C.S.S. Report AFDC-1 (71), Table 21.) Furthermore, out of 5148 recipients referred to WIN in New York prior to March 1969, only 21 were found to have refused without good cause to accept work or training (N.C.S.S. Report to WIN, Tables 4, 8.) This both demolishes the State's assumption and demonstrates that the need is not for more punitive work requirements which provide no means of alleviating the family's need for assistance but for a positive program developing real jobs at decent wages.

The absence of such jobs is one more flaw in the state's rationale. How can a work relief program mean anything other than exploiting recipients as a source of cheap labor when there are no jobs which they could take in preference to work relief or to which they could "graduate" after having been "imbued with the work ethic" in work relief?

Only 2947 persons were placed in jobs after WIN training in 1970, although New York has 14,800 work and training slots. This was attributed to the fact that:

"The program has been adversely affected by a lack of employment opportunities caused by the general business slowdown during the past year and by a shortage of day-care facilities." (Annual Report of the State Board of Social Welfare and the New York State Department of Social Services for the year 1970.)

Since 1970, the unemployment rate among the poor has greatly increased and is now 9.7 percent. (Washington Post, Feb. 25, 1972, A-3.) Between December 1971 and December 1972, New York State lost 94,000 jobs, the unemployment in the state rose to 505,000 resulting in an increase in the unemployment rate from 4.9 percent to 6.0 percent; and unemployment insurance beneficiaries in the state increased by 27.6 percent to a level of 235,000. (City of New York Department of Social Services, Work Relief Employment Program, Administrative Proposal, p. 7.) Finally, conclusive evidence of the unreality of the state's supposed purpose is found in the results of the state work program. During the first six months of the program, only 13.9 percent of those recipients required to report to N.Y.S.E.S. were placed in jobs. Many of these placements were in positions which offered employment for less than three months and paid $1.85 an hour or less. (Brief Amicii Curiae of NWRO in *Dublino v. N.Y.S.D.S.S.*, U.S. District Court for the Western District of New York at 4–5.) 8.6 percent of those placed remained on the job less than three days and 2.2 percent were placed in seasonal agricultural work. A study of recipients placed during September revealed that one-third terminated in one week or less and another third terminated within 10 weeks. (N.Y.D.S.S., Work Relief Employment Program, supra.)

Clearly there can be no support for the project on the theory that it will alleviate the need for assistance by placing people in employment. However, the goals of the project include the achievement of certain behavioral modifications as well as "improve [ment of] the attitude of the public" and "decreas[ing] the costs of public assistance." Perhaps these goals provide the truest key to its purposes.

It is obvious that the fact that recipients are working off their grants does not in and of itself decrease the costs of public assistance. It could result in a decrease if the program resulted in individuals leaving the rolls or requiring less assistance because they had acquired paying jobs. However, given the fact that work relief is designed for those for whom "employment in the regular economy, training or public service employment is not available *or not appropriate*" and the facts noted above, it is apparent that the state has no real expectation in this regard. Costs could also be decreased if the program brings attrition, i.e., individuals being dropped for refusal to participate and/or foregoing assistance rather than participating in work relief.

For example, a mother who believes that her proper place is in the home caring for her child may well try to eke out a hand to mouth existence rather than seek assistance at the cost of leaving the home. The state admits that one of its purposes is to test the assumption that work relief will "reduce the number of new [AFDC] cases" by causing potential applicants "to exhaust all other available alternatives before seeking welfare eligibility." Since public assistance is a program of last resort to begin with and a family cannot become eligible unless it has depleted all its savings and has income below 90 per cent of its basic needs requirement as defined by the state, it seems quite clear that the state simply wants to see if work relief can discourage the needy from applying for assistance.

Although it is always difficult to believe that people in need can and will forego assistance, there have always been more people who could qualify for assistance than chose to do so. In 1960 it was concluded that there were 716,000 people in New York City alone living at or below the welfare level and not receiving assistance. (*The Enemies of the Poor*, James Graham, Random House, 1970, at 203.) Other studies have found as many as 13 per cent of people not on the rolls to be eligible. (*A Strategy to End Poverty*, Cloward & Piven, The Nation, May 2, 1966.) As late as 1967, New York City Welfare Commissioner reported that "there were nearly as many eligible families off the relief rolls as there are on." (New York Times, May 18, 1967, editorial.) This fact was attributed in New York as elsewhere to a deliberate suppression of information by welfare officials as to eligibility, to the fact of a "grueling bureaucratic obstacle course" to qualification, and the establishment of arbitrary and restrictive practices and conditions that included examination of such things as the individual's sexual behavior. (*We've Got Rights: The No-Longer Silent Welfare Poor*, Cloward & Piven, The New Republic, August 5, 1967, at 25.)

This trend was somewhat reversed in the late 1960's when the poor finally began to realize that the "welfare stigma" was a hoax which had been foisted on them, and a growing body of law began to limit the states' power to impose restrictive eligibility conditions which invaded the privacy and rights of recipients. Apparently New York thinks it has found a way to bring back the "good old days"—work relief, which serves notice on every mother that she must choose between making her own decisions as to the care and raising of her children or receiving assistance to provide food and shelter for her children and requires every applicant to accept the role of a bond slave as the price of assistance.

And there is yet another way in which the costs of assistance could be decreased in a figurative sense. The cost of assistance may be described as decreased even if the dollar expenditure is not reduced, if assistance is looked upon as buying certain services for the state. Certainly $3763, the grant for a family of four for a year, is not a costly figure if it is looked upon as an annual wage for full time year round employment, i.e., 2034 hours or 51 weeks at $1.85 an hour.

This approach could also explain how work relief can "improve the attitude of the public," i.e., the public may be willing to support the assistance program as a source of cheap labor (so cheap as to be free). It is difficult to conceive of any other relationship between work relief and public attitudes toward welfare except for a somewhat Machiavellian theory allegedly advanced by the state.

Thus, representatives of the state agency have reportedly suggested that the project could be used to show how few assistance recipients are truly employable.[1] Of course, if this is in fact the project purpose, it could be certainly accomplished more expeditiously and more economically, not to mention more humanely, by an informational campaign designed to bring the facts as to the makeup of the caseload to public attention.

The behavioral goals of the project are but another reflection of the stereotyping of recipients and mandating of life styles manifested in the brownie point programs. Thus the project assumes that these attitudes can be changed by work relief. No rationale or theory is advanced as to how such problems if they exist could be cured by work relief. If one considers the forced nature of the work, the segregation of the assistance recipient in the work setting, the lack of any recourse from arbitrary supervision, as well as the lack of any wage or income increment, it is difficult to see how one's self respect or initiative could be enhanced.

Finally, even if one could accept the state's theories as to the usefulness of this experiment, there is a very basic question which is left unanswered. What will the cost of the project be? (For these purposes we are referring to the financial cost. The human cost may be perceived from the points discussed above.)

The proposal identifies only the additional annual administrative costs attributable to the state's project staff and the local agency staff required to process cases which do *not* require day-care in order to be placed in the work program (under the state's estimate, 16,000 of the 88,000 families covered by the project). The annual salary and maintenance cost for the state staff is $127,814. This cost is to be met solely by federal funds. The local cost is $1,491,024 (1,028,761 for New York City alone). (However, the amount allowed for local costs in the funding request is only $1,165,000, on the assumption that the local offices will not be fully staffed throughout the project year.) In addition, there is the cost of the evaluation contract which is estimated to be $35,000 yearly. (Apparently, in recognition of its own inadequacies, the state has agreed to contract out the total evaluation component of the project.) These costs alone would amount to $1,653,838 yearly, without even reflecting the total cost of local administration.

The failure to fully identify and provide for local costs is critical, not only because it results in gross underestimation of the project costs but because it indicates that the state does not intend to authorize the additional staff which will be needed. Clearly the result will be gross understaffing, ensuring general mismanagement, high error rates, etc.—in a word, chaos.

There can be no other result in New York City which will be required to process 60,000 cases under the program. Nor is it any answer that the City would be required to take some of the steps, such as screening for employability, under the state work rules even if there were no project. The reason the City is only now beginning to so screen AFDC families and is doing so in small batches is because its severe staff shortages prevent it from doing any more. Without additional staff, the City cannot expand its capacity at the rate that would be required by the projects. For example, if only one-third of the 60,000 families require counselling either for job orientation, child care assessment, or any one of the myriad problems that could be caused by involuntary servitude, 400 caseworkers would be needed, assuming a basic caseload of 50 families per worker—the base ratio used by the City for high risk cases. The pressures engendered by the projects will, ipso facto, mean that these families will be high risk cases.

There is serious question as to whether the City could take on the additional tasks required by the project even if it received staff proportionate to the project needs. It is a well-known fact that administration of welfare in the City is at a crisis stage. Centers close daily or admit only clients whom the "doorkeeper" thinks have extreme necessities. Recipients wait on line day after day without getting to see a worker. At present, all 43 centers have less than 50 percent of the staff required in the General Services Component. The Bureau of Child Welfare is carrying vacancies of over 25 percent.

Caseworkers or service staff are still performing income maintenance functions in the separated centers because of insufficient clerical staff. Much of the misclassification of HR recipients as employable and the misrouting of recipients' checks to the SES offices has been attributed to the lack of staff to do the job properly. The check pick-up requirement alone adds tremendously to workloads because of the need to straighten out misroutings, deal with problems resulting from an individual's inability to report to SES at the scheduled time and consequent loss of the check, etc.

It is totally irresponsible to suggest adding any new functions or tasks in New York City until the department can resolve its present organizational problems. But to suggest adding functions without the additional staff required for each and every step is to destroy the last vestige of meeting human needs.

It appears that the problem of inadequate funding for staff may be far worse even than that stated in the application. Thus, the proposal assumes that 75 percent of the $1.4 M dollar cost of local staff will be met from federal funds. There is no authority for such funding since 75 percent federal matching is limited to reimbursement for services provided to clients. Even if one closed one's eyes to classification of referral to work relief

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Footnotes at end of article.

as a service, the project components could not be classified as services because they are compulsory. Under the services program, acceptance of any service must be voluntary with a refusal having no effect on the individual's continued eligibility.

There is also the direct cost of the work relief project itself, i.e., the supervisory personnel, materials required, etc. During the 1930's work relief experience in New York City, the average cost per case of participation in work relief was double the cost of maintaining the family on HR. (Millet, John D. *The Works Progress Administration in New York City*, Public Administration Service, Chicago, 1938, at 194.) Such cost may well be justified where the individual is receiving training or skill upgrading which will equip him to enter the labor market. However, it is sheer waste where the "job" leaves the individual exactly as it found him.

Another hidden cost of work relief is its effect on wage rates generally. Again, the 1930's experience demonstrated that the proliferation of cheap labor tended to drag down wage rates especially at the lowest level, where the decreases could least be accepted and absorbed by the worker.

Finally the proposal is completely silent as to the cost of day-care. This involves not only the cost per child but the basic cost of developing the additional day-care which would be required, that is, staff to investigate and evaluate possible new resources, to carry on supervision of facilities and particularly family day-care homes. Under current policies, one worker is needed to supervise 25 homes. On the average, initial establishment of a day-care home has required a lump sum payment of $275 to enable the home to meet minimum safety standards. Finally there is the direct cost per child, $90 per month in a home [2] or $3000 annually for a pre-schooler, $2000 for school age, in other facilities.

Stripped of all the hortatory language, the effects of the proposal are unequivocally clear:

1. The proposal presents a substantial threat to the development of quality day-care;

2. Implementation would require all day-care slots to be used for children of working parents leaving the countless other parents who require child care for personal or health reasons without any available resources;

3. Need is to be used to compel people to subject themselves to exploitation as cheap labor without any potential for a present or future change in their needy condition;

4. The threat of a work relief placement is to be used to deter needy families from applying for assistance.

The cost to all citizens both recipients and non recipients will be high, perhaps higher even in terms of the results that will flow from this alienation of the poor than in dollars. The benefits are, to this writer, imperceptible.

B. *IFI—Work relief plus*

In three of the project areas, the Bay Ridge Center in Brooklyn, Rockland County and Franklin County the state proposes to carry the experimentation beyond work relief into direct control over behavior and to apply more severe penalties for failure to cooperate in the work program.

In these areas, the family loses $66.00 a month ($800 a year) if an employable member fails to cooperate in the work program. Presumably the reduction will be double if there are two employable members, e.g., a mother and a teenager not in school and both fail to cooperate. This penalty would attach under the same standardless approach followed in the basic work-relief program. An individual could be terminated because of "unsatisfactory" participation in the work assignment but no standards are specified for this determination.

More emphasis is placed on the fact that the project will provide an alternative to work relief-created public service jobs funded under the Emergency Employment act,[3] designated in the proposal as the Public Service Employment Program—PSEP. The state originally indicated that there would be 1377 PSEP jobs, coincidently the same number as its estimate of employables in the three areas, and that they would pay a wage at or above the minimum wage in local public employment. The state subsequently reduced the number of PSE jobs to 621 at an annual wage of $5359. A family of four or more would get supplementary assistance to bring its income up to 90 percent of the state standard of need, e.g., under this program the total *gross* income of a family of four could be $5936. However, it appears that the state is still overestimating the number of jobs and the wages which can be produced under this program.

The funding of the program is based on a fixed allocation of $2,904,000 from the United States Department of Labor under the EEA. These funds are pooled with money saved under the assistance program under the project—the difference between what the state pays as assistance supplemental to wages and what it would have had to pay if the family had no earned income. However, this assistance saving is reduced by the cost of day care provided to participants in the program. The proposal overestimates the state contribution to the pooled account by consistently underestimating the cost of day-care. Thus, the state uses an *average* cost of $65 a month for in-home day-care although the payment actually made is $90 a month. Also the state suggests an average cost in a center of $1824 for a pre-school child, $770 for school age, while the true averages in New York City are $3000 and $2000 respectively. Any increase in day-care costs in the project estimate decreases the total amount available for wages. Accordingly, it can be assumed that there will be less than 621 paid jobs or that the pay will be less than $5359.

Although the project is supposedly designed to decrease dependency on public assistance by providing adequate income through employment, families in the project area will be dropped from assistance at a lower income level than is generally allowed under the regular state plan. Where a family on AFDC has earned income the amount of their grant is equal to the payment level for assistance (90 percent of the standard of need) minus their "available" income. Under federal law, available income means total wages less $30 a month and one-third of the remainder and less work expenses (income disregarded). For example, if mother's monthly wages were $450 and her work expenses were $125, her available income would be $450 minus $30 equals $420 minus ⅓ of the remainder ($140) equals $280 minus $120 work expenses, a total of $160 available income. If her regular monthly grant was $310, she would receive $310 minus $160, or $150 grant paid.

Accordingly, her total net income would be $330 plus $150, or $480.

However, the project will not apply the federally mandated income disregard. It will use a new formula which disregards $720 plus one-third of the remainder up to 150 percent of the FAP levels ($3600 for a family of four) and 25 percent of the remainder. By this method a family of four with a total gross income of $6128 or a take-home pay of $102.65 a week has attained self sufficiency. (The Bureau of Labor Statistics, Lower Living Standard for an urban family of four in May 1970 was $7060.) Under the current state plan, such a family would be eligible for supplementary assistance of at least $631, and medical assistance for all items of care and services covered under Mediaid.[4]

The project disregard deprives them of both. Where is the work incentive in a program which deprives a family of all aid at a point where income is obviously insufficient to meet all needs? Clearly there is a positive disincentive to work unless income can be expected to soar far above the cutoff point for aid.

Although the state steadfastly supports the reasonableness of this reduction, it does not intend to apply the reduced formula to any earned income which an AFDC family has at the outset of the project. "The new earned income exemption . . . would be applied to newly employed persons and additional earnings only." (Letter from Seymour Katz, Director, IFI, to Jule Sugarman, Commissioner, N.Y.C.D.S.S., 12-27-71.) Accordingly, there will be a distinction in AFDC families based on whether they began to work before or after the inception of the project. In addition, the restriction to new earnings belies the state's assertion that the new disregard will be of positive benefit because it will be applied to HR families in the project areas who currently receive only a minimal disregard under state law. (The IFI project covers both HR and AFDC families.) Since the father in an HR family will already be fully employed at the time the project starts, it appears that the disregard will not apply unless he increases his income and then only to the amount of such increase. There is no indication of what disregard will be applied to families who apply for assistance after the beginning of the project and already have earned income. In short, the positive benefits of the application of the disregard to "all families" seems as ephemeral as the job opportunities under PSEP.

Two of the brownie point features of the revised application have been retained. One is that AFDC children over 14 who are full-time students and not otherwise employed or in a training program will be required to participate in "community service projects." [5] The family's grant is reduced by $12.50 per month for any child who refuses to so participate. There is no allowance for, or recognition of the possibility of, good cause for a refusal in a particular case. In fact, the proposal even neglects to place responsibility for determination of whether there has been such refusal, i.e., is the determination to be made by DSS, ES, or both?

A stipend of $1.60 an hour is to be paid, but payment is limited to 150 hours per year. Under the project as written, the student could be required to work 360 hours per year, averaging out to a rate of $.67 per hour. The state has indicated that it intends to restrict the requirement to 150 hours per year, but there can be no assurance without a specific provision in the proposal. Moreover, the student has no choice as to whether the work is done during the school year (six hours every two weeks) or during the summer. Needless to say, it is somewhat ironic to require a student to work during the school year when he or she may be unable to get work in the summer.

Participation in the community service projects is limited to children of assistance families. This reflects not only segregation in fact, but an approach that only children of the poor need to develop motivation for work and good working habits. Furthermore, earning of the stipend of $1.60 per hour (exempt in determining assistance) is dependent upon *satisfactory* participation as determined by the work site supervisor and will include consideration of "program behavior, attitudes, etc." The student is required to report to the State Employment Service youth division, YOC, regardless of whether or not there is a slot available and there is no limit on the number of times a student could be required to report while waiting until a slot is available. Apparently, a student who refused to continue reporting to the center without job placement would incur the grant deduction penalty. There is no provision for

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Footnotes at end of article.

payment for the cost of transportation to the YOC, nor any identification of the center to which they will be required to report. Contrary to the state's assertion, there are no YOC's in the neighborhoods covered by the projects. The nearest YOC to the Bay Ridge Center is in downtown Brooklyn and is a double fare ($1.40 round trip). It is actually closer to the Clinton Center which is described in the application as having only "fair" access to a YOC although the Bay Ridge access is supposedly "good."

As to the work itself, there are no provisions or standards with regard to the work which could be required or its possible location, i.e., the "community service" need not be in the student's own community. In addition, there is no indication of what, if any, allowance will be made for work expenses.

All of these questions as to actual operation seem somewhat beside the point. It is nothing short of incredible that the state would prepare a compelled program of after-school work for the very adolescents whose continuation in school is most jeopardized. Perhaps this is the state's answer to the over-crowding problem in the City schools. In fact the program would seem to be designed to produce sufficient alienation to ensure that the teenager will drop out of school, the institution which personifies the society that offers him or her this insult, and refuse to participate in the program, thus producing a saving in both assistance and educational budgets.

The second brownie feature relates to school attendance. A determination by the social services agency that a child "exhibits truant behavior" can lead to the family's being deprived of any control over, or voice in, the use of its grant. The parents in such a family must accept counseling and a plan for dealing with the child which is established by the welfare agency, or be put on a restricted grant. Under the restricted grant mechanism, the family's shelter allowance will be paid directly to the landlord and money will be deducted from their basic allowance to buy food stamps. The family will receive in cash only the balance left after the shelter grant and the purchase of food stamps has been deducted.

At the outset, it is to be noted that New York State is required to offer counseling services for educational problems under the Title IV-A and IV-B services program. 45 C.F.R. § 220.22. Therefore its provision "on an experimental basis" indicates that the state is currently violating the provisions of federal law by not supplying these services. Also, a system of compelled counseling is in direct violation of the federal requirement that a family have the right to accept or reject any plan of services 45 C.F.R. 220.16. Moreover, can there be any question that "compelled counseling" is a contradiction in terms?

The use of the restricted grant as a penalty for conduct which the agency considers unsuitable is in direct contravention of the purposes of the Social Security Act, which limits its use to cases of demonstrated inability to manage funds. This limitation is essential to the fundamental premise of the federal assistance program—direct money payment to the individual concerned without any control over conduct or behavior unrelated to need.

Even more fundamentally, the use of the vendor payment device as a penalty for refusing to surrender the normal rights of parental control is the grossest violation of fundamental rights of self determination and self control. If the child's or parent's behavior is not such as to warrant action under the generally applicable provisions of New York law relating to child welfare, the state has neither the right nor the authority to attempt to coerce changes in such behavior.

Of course, the direct payment of rent to the landlord also constitutes an unwarranted publication of the fact that the family is on assistance. However, this violation of privacy pales in comparison to the agency's plan to mandate group counseling. Thus, in the interest of saving money, parents will be required to discuss intimate details of their family life in group sessions. Again, of course, the concept of not allowing the individual to choose between individual or group sessions is in direct contravention of the accepted norms of counseling. But while the usual consequence of improper counseling may be a failure to resolve the problem or even its worsening, here, the family may suffer the restricted grant *penalty* if the parents are unable or unwilling to bare their souls in group sessions.

Lest the above not be sufficient to ensure docility on the part of poor families, the proposal is completely lacking in standards for its application so as to ensure that recipients are at the mercy of the agency. There is no definition of the term "truant behavior," e.g., the frequency, or length of absences. Nor is there any limit on the number frequency of counseling sessions which a family might be required to attend. As with the teen-age work project, there is no recognition that a parent might have good and valid reasons for refusal in a particular case, e.g., it is not altogether impossible that in a particular situation the child's truancy may be due to school conditions or behavior of school personnel, and that the focus on counseling for parents is misplaced. There is not even any specification of the qualifications of the counselors nor any indication of where they are to be obtained.

Finally, although the plan required for the child is supposed to be reached by "consensus" among the parents, agency worker and school personnel, there is no indication of who has the controlling vote in case of inability to reach an agreement. It may be safely assumed, however, that the views of either school personnel or agency worker or both will carry more weight than those of the parent. But then the whole thrust of the requirement ensures the destruction of any parental authority over the child. One wonders how the state expects a parent to deal with a child who knows that the parent is submitting to compelled counseling to continue receipt of the grant.

Although the IFI proposal expands on the penalties for failure to comply with the work requirement, it offers no information beyond that in the PSWOP proposal as to how the placement of children in day-care will be administered. In fact neither proposal indicates that there will be any evaluation of the day-care component. Certainly with a project of this magnitude and the degree of controversy as to the merits of different type of care, it would be only reasonable to attempt to produce and examine relevant data.

However, it is not hard to understand why this factor was overlooked since it is difficult to believe that either HEW or New York State really thinks that they will be running a project in the true sense of the word. The materials indicate preparation in a slipshod manner to create just enough of the appearance of a "project" to evade present requirements of federal law. For example, the state has responded to HEW's request for its rationale for selection of the Bay Ridge Center by submitting supporting documentation which would be laughable if it were not for its palpable disregard of the human lives involved. (HEW's request was prompted by the fact that the state had failed to conform the project materials to the change in the project site from the Hamilton Center to Bay Ridge.)

While one of the purported reasons for the original selection of Hamilton was that it was separated and automated, the state now omits this consideration altogether. Although Hamilton is separated, the caseload per caseworker precludes any truly meaningful service activity. As of February, 1971, the average number of cases per caseworker was 213 families (as compared to 171 for Hamilton Center or 134 for Clinton Center).[6] As discussed above, Bay Ridge's accessibility to a YOC is misstated. Finally, Hamilton with a caseload 50 percent Black, 50 percent Spanish-surnamed was selected because it was "reflective of the urban core area." Bay Ridge is purportedly selected because:

"The ethnic distribution in the center in these programs is extremely close to that of the ADC and Home Relief proportions in the City as a whole. Based on the 1971 AFDC Characteristics Study, the racial mix of the center is approximately 40% Negro, 46% Latin American and 14% White. (The ethnic distribution of the AFDC caseload in New York City was Negro, 45.3%, Latin American, 44.4%, White, 9.6%, Oriental, 0.2% and unknown, 0.5%.)"

The state's characterization of Bay Ridge is in direct contradiction of the statements of responsible city officials who have stated the racial mix as 65 percent Spanish-surname and 15–20 percent Black,[7] or 55 percent Spanish, 31 percent Black.[8] Apparently, the principle of rational selection had no place in the state's identification of project sites. Similarly the estimate of employables in the project areas continues to be 1377 although the change from Hamilton to Bay Ridge increases the number of families covered from 7100 to 9100, or from 26,000 to 37,000 people.

As with PSWOP, the IFI proposal does not identify all of the costs of the project. However, for openers, the yearly cost of special state staff for the project will be $608,255. The Department of Labor funds requested for PSEP and the Youth Work Program amount to $3,000,000. Data processing and evaluation contracts amount to $142,790 and $192,000 respectively. The additional cost of local administration is not identified. Nor is there any reference to the cost of day-care. Assertions are made as to payment for additional local staff being made out of assistance "savings." However, these "savings" reflect the transfer of part of the assistance cost for HR to the federal government; federal matching will be provided for HR in the project areas. Accordingly, the so-called saving does not change the fact of a real cost for local administration. As can be seen, the cost of this project can conservatively be estimated as staggering.

SUMMARY

Whatever the vagaries of the demonstration project authority vested in the Secretary by § 1115 of the Social Security Act, there is no reason to think that Congress ever intended to authorize denial of rights mandated under the federal statute. HEW itself has both implicitly and explicitly recognized that § 1115 does not authorize waivers which allow a state to diminish the rights which an individual would otherwise have. In fact, these projects would constitute the first overt use of § 1115 to give recipients less than they would be entitled to under the regular state plan or to impose eligibility conditions more onerous than those under the plan.

It is ludicrous to even speak of the state's proposal as a project whether viewed from the standpoint of size, methodology, or intent. A caseload of 88,000 families is equivalent to the total AFDC population of many states. How can such a scope be justified either as needed to obtain statistically valid results or as within the capacity of management in a project:

". . . I can only point to the language and history of the Social Security Act which clearly forbids Federal matching for 'payments for work' except where expressly authorized by the Congress. While it is also true that Section 1115 of the Act permits

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Footnotes at end of article.

exceptions to be made in the case of limited work relief experiments, it is obvious that the Department has no basis for subverting the operative provisions of the law by allowing great numbers of exceptions through the 'experiment' loophole." (Letter of Elliot Richardson, Secretary of HEW, March 14, 1972.)

Apparently, however, the Secretary does not find it subversive to approve a so-called project which would cover over 88,503 families in New York State or a California work relief project which covers over 210,000 families or at least 9.5 percent of the total number of families receiving AFDC in the country will be subject to work relief. (September 1971, total AFDC families, 2,824,000.)

Where is the data supporting the plausibility of the "assumptions" which will be purportedly tested? Where any reasoned, thought through plan of operations? Thus, there is a fundamental procedural problem in approval of these projects, the lack of any true project design. The materials submitted by the state are merely a statement of purposes and effects without any detail as to the actual process which will be followed or the standards or guidelines which will be applied. For example, there is no delineation of the standards which will be used by workers to determine "satisfactory" participation in a work program, or "cooperation" with counseling or "good cause" for refusal to participate in work relief.

Assuming that any validity at all could attach to the projects, it would seem to be wholly dependent on the sophistication and meaningfulness of such standards, and on the ability of the state to construct standards which are susceptible of at least somewhat objective application. Yet the state has been unable to fashion such standards despite repeated requests by HEW since November 24. Clearly HEW cannot reach any reasoned judgment as to the relationship of the projects to the objectives of the Social Security Act when the materials do not provide any specific details as to the working of the project and further, are inconsistent on a number of points. Furthermore, it would be inhuman for HEW to again purport to approve these projects, thereby causing untold anxiety and apprehension to recipients when it does not even know whether the proposals will ever be in acceptable form.

However, perhaps both HEW and New York State consider that it would be wasteful to spend too much time on window dressing since any knowledgeable viewers will still be able to see through the real purpose. As discussed above, there is no question as to the unreality of the state's purported purpose of replacing assistance with employment. Even the officials who would be responsible for administration of the program have acknowledged its bankruptcy:

"We should not deceive ourselves or the public into believing that welfare problems are going to be solved by such ersatz programs as compelling people to work off a welfare check.

"They neither meet the financial needs of welfare recipients nor significantly reduce the welfare caseload. They are inherently inefficient methods of employing people. We should be acutely conscious that simply because we place thousands of people in training programs with stipends does not mean we have achieved a real solution to their financial needs. In fact we have set the stage for another personal failure for those individuals unless real jobs will be available at the end of the process. No wonder that bitterness and disillusionment rather than satisfaction and a feeling of achievement characterize so many of our manpower programs.

"There are, of course, much broader effects of these failures in public policy. Neither welfare payments nor manpower training stipends provide sufficient funds on which people can live decently. Consequently there is continuing deterioration in the stability of family life as more and more men give up hope that they will be able properly to support their families. Both the enormous crime rate, reported and unreported, and the tragic level of drug addiction, are directly related to the failure to create viable employment opportunities. Finally, the level of ethnic and racial polarization has deep roots in the fear of competition for a limited number of available jobs.

* * * * *

"Public officials have their own set of myths about the welfare population too, and they are deluded by these myths. Although the public work program is in many ways a repressive measure, we have found from our experience with the program thus far that the people required to participate are willing to work. They, however, are somewhat bewildered that anyone ever perceived their attitudes toward work differently. Isn't it plausible that they wonder why all the resources being expended to force them into public work are not used to create real jobs for them? This brings us back to the real issue.

"Rather than dissipate our resources on non-work income maintenance programs and forced work projects, and the support of layers upon layers of government employees needed to administer such programs, we need to devote our resources to productive use. We need to create genuine jobs for people which meet the real needs of the nation." (Testimony of Jule M. Sugarman, Administrator, Human Resources Administration, City of New York, before the Select Sub-Committee on Labor, House Committee on Labor and Education, Feb. 9, 1972).

This comes as no surprise to New York State which, in a spirit of admirable honesty, has made it quite clear that its fundamental purpose is to obtain "behavior modification." Clearly it is no more reasonable to look to such factors in a scheme of taxation based on individual behavior. Both would amount to punishment for unacceptable behavior in both legal and moral terms. Conditioning receipt of public benefits on acceptance of the views of one segment of society (apparently the white middle class) as to "individual betterment" and accetpable behavior patterns would violate the basic standards of due process and equal protection.

Notwithstanding its irrationality and illegality, the state apparently intends to try to condition individuals to accept control over all aspects of their lives as the consequences of being poor. The silent majority apparently is to be replaced by the silent poor, or perhaps the silent invisible poor.

FOOTNOTES

[1] Comment attributed to Barry Van Lare, Executive Deputy Commissioner, at October 7, 1971 meeting with New York community groups and voluntary agencies.

[2] The figure $65.00 used above in discussing family day-care is taken from the project proposals. However, the rate actually being paid under the regular plar. is $90. The state has either understated the cost in the proposal or intends to pay less than the going rate in the projects.

[3] For a full discussion of welfare demonstrations under the EEA, see *Analysis of the EEA Welfare Demonstration Projects*, prepared by the Center on Social Welfare Policy and Law, Clearinghouse No. 7309.

[4] The diminution in grant is even greater than appears from this comparison. Thus, the state's description of current plans is based on $30 and one-third plus *$60* for work expenses. All available information indicates that $60 is not a reasonable estimate of work expenses. Under the state's own figures, deductions for social security, federal and state taxes alone for a family of four with a gross income of $6100 a month cannot reasonably cover all payroll deductions, transportation, lunches, uniforms, etc. (In New York City, with a $.35 subway fare, minimum transportation is $3.50 a week or $15 a month.)

[5] This results in the anomaly that a 15 year old child in school will be required to work but would not have to work if he or she had dropped out of school.

[6] The reference to Hamilton and Clinton is not meant as an indicator of the acceptability of such workloads, but merely to indicate the extremity of the problem in Bay Ridge.

[7] These figures are based on statements of the Director of the Bay Ridge Center.

[8] Figures used by N.Y.C.D.S.S.

THE OTHER SCHOOLBUS PROBLEM

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, as you know 79 House Members have joined me in sponsoring schoolbus safety legislation. Those of my colleagues concerned with this vital subject may be interested in an article by Colman McCarthy entitled "The Other School Bus Problem" which appeared in the Washington Post, Friday, April 14, 1972. That article follows:

[From the Washington Post, Apr. 14, 1972]

THE OTHER SCHOOL BUS PROBLEM

(By Colman McCarthy)

As if school buses weren't getting enough national attention already—on school integration—the recent crash in Valley Cottage, N.Y., suggests there is another kind of attention school buses ought to be getting: on safety. At Valley Cottage two weeks ago, four students were killed and more than 40 others injured when their bus collided with a freight train at an unguarded railroad crossing. By coincidence, no sooner had federal investigators arrived in Nyack for the inevitable "fact finding" mission than another team weighed in with the facts on an earlier, and bloodier, crash in Colorado. Taken separately or together, the two crashes are sad reminders that the lives of thousands of children are needlessly risked daily because of low standards for school bus safety. Campaigning politicians keep on with clever talk about who should has made any load demands that the hauling be safe.

With 256,000 school buses operated by 275,000 drivers, and transporting 20 million children each day, the causes of unsafety are many. The Gunnison crash is almost a model in tragedy. First, the bus—a 1971 International Harvester (the same make used in 66 passenger vehicles for Washington public school children) was found by investigators to have had a history of both brake fade and difficulty in gear shifting. In this case, brake fade meant that after the hydraulic brakes were pumped three times—as the runaway bus descended a mountain slope—the braking power diminished. The driver, his brakes gone, tried to shift to a lower gear, but the bus was hurtling too fast for this. In panic, a well-meaning passenger rushed forward to pull the parking brake, but this effort only stalled the engine, putting the vehicle even more out of control. Federal investigators said brake fade was a definite cause of the crash. Although the driver was inexperienced, "this does not exempt the manufacturer (International Harverster) . . . from providing equipment systems with an adequate margin of safety." According to the Department of Transportation, some 1971 Harvester buses are involved in a current recall for possible brake failures.

The Gunnison disaster is only one of many examples of brake problems among school buses. A 1970 government report on Huntsville, Ala., crash of a General Motors school bus said the accident "occurred when the brakes failed" as the vehicle came down a hill. One child was killed. In 1970, GM recalled 4,000 buses for possible brake problems. They were recalled twice more, once for clutches and once again for brakes. (A local owner of three 1969 GM buses reports that last month he had GM put new brakes on one bus. The company did, and the owner took them to the safety inspection station. The brakes flunked. He took the bus back to GM for adjusting but they flunked inspection again. And a third time. They passed on number four.)

A second abuse is that many school buses are driven by incompetent and untrained drivers. Gunnison is again a model. Investigators report that the 23-year-old driver "had only been driving school buses two weeks, had no previous formal school bus driver training, and had never driven this particular bus before." Parents want the best for their children, but the problem of drivers is one of small pay and awkward hours. Some states and school boards enforce strict requirements before a person is allowed to drive away with as many as 66 passengers, but other states are lax. Then also, driving a school bus is considered menial work. A recent study by Physicians for Automotive Safety says it is anything but. "Not only does a driver take a bus over a sometimes complicated route, and to a time schedule, but often has to keep in mind special instructions such as dropping children off at other people's homes instead of their own. To do all this, keeping order among as many as 100 children, and at the same time drive safely, requires a great deal of ability."

The question of discipline on the school bus has been talked about only in recent years regarding safety. At no other time during the school day, or any day, are so many children allowed to be on their own as on the school bus ride. How can drivers be careful about safety when wild kids are letting loose behind them—fighting, throwing things, bellowing and other reversions to the animal state? Children quickly pick up their parents feeling about the low status of the bus driver, and act accordingly, treating him like a servant. Occasionally, a bus driver, unconvinced of his supposed lowliness, will throw off an unruly student, letting him walk home—or more effective, forcing the child to phone up Dad at the office to come pick him up. Recently, in Norfolk, Va., plainclothes policemen began riding some school buses because more than half the school system's diciplinary problems were occurring on the buses. At Gunnison, a possible cause of the crash "was an internal distraction created by the noisy and rowdy behavior of the student passengers."

A fourth curse among school buses—also found amply in Gunnison—their flawed design. Injury and death are caused by the lack of structural integrity in the roof and sidewall area of the bus. In laymen's terms, this means the bus shells are poorly bolted and riveted. Children are easily thrown from the bus on impact, or if they stay within, are vulnerable to knife-like edges as they are heaved about. Many believe that seat belts (which few buses have) are the answer, but in collisions, or even sharp stops, even belted pupils still strike the top horizontal edge of the seats in front of them. Faces, necks, chests and teeth are injured. A study at the University of California at Los Angeles said that seats now in school buses are unsafe and should be replaced by high-strength, high-back models.

Because safety costs money, the question of how safe school buses should be made is often left either partially unanswered or not answered at all. The Department of Transportation has limited funds and staff, so priority is given to automobile safety where the death rate is higher; data show that there are as few as .05 fatalities per 100 million passenger miles of school bus travel compared to 2.1 fatalities for passenger cars. Yet the cost of safety is hardly prohibitive. Last year, two large companies that make school bus frames displayed in Washington a new type vehicle that met the most rigid standards for structural safety; one company—Ward Manufacturing, Conway, Arkansas—said the cost of its safer vehicle was only $390 more than the regular models, a small sum compared to the average bus price of $9,000 or $10,000. In Congress, Rep. Les Aspin (D-Wis.) has introduced a school bus safety bill that now has 79 co-sponsors. Among other sensible proposals, the bill would establish for the first time federal safety design standards for all school buses.

As crashes continue, alibis for inaction become thinner. The problems are known, the technology is available. The undecided question is whether the sources of money needed for safety—school boards, statehouses and Congress—think that saving childrens' lives unconvinced of his supposed lawliness, is important. Meanwhile the busing issue gets more speeches than busing safety.

PASQUALE CAGGIANO

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HARRINGTON. Mr. Speaker, the citizens of Lynn, Mass., recently suffered a grave loss in the death of their mayor, Pasquale Caggiano. Mayor Caggiano was stricken only a few months after he assumed office. But the force and vigor of his personality made a significant impact even in the tragically short time in which he had to govern.

He was an independent and outspoken man, who vigorously pursued the interests of his constituents as he saw them. He will be fondly remembered by his thousands and thousands of friends, and those of us who were his colleagues in government will miss working with him.

As an indication of the regard in which he was held, I wish to insert at this point the eulogy delivered at his funeral by the Reverend Joseph Massaro, CSS.:

EULOGY FOR PASQUALE CAGGIANO

Right reverend, very rev., and rev. fathers, Pasquale Caggiano's family and friends.

We do not come this morning to mourn the passing of a loved one, but strangely enough to celebrate—to celebrate the meaning of a man in his own community. We live and work so closely with one another that we easily recognize each others faults and failings. We take each other for granted. We never really see how each fits into the fabric of our lives. When death takes one from our sight and stills his voice, we are forced in spite of ourselves to pause and ask who this man is.

Mayor Pasquale Caggiano was a man who loved and enjoyed people. He was elected to exercise authority at a time when the whole meaning of authority is being questioned; he was called to leadership when the role of the leader is being challenged. I think "Pat" was what would be called a dynamic, forceful leader, a person who would plunge into new ventures and perhaps blaze new "dramatic trails". Essentially he was not a shy man, a quiet man; and because of these characteristics many loved him and admired him while others disagreed, but he did exercise leadership and a great desire to aid the city he so much loved.

St. Paul tells us "The life and death of each of us has its influence on others." If we live, we live for the Lord. And if we die, we die for the Lord. So that dead or alive, we belong to the Lord. Pat Caggiano belongs to the Lord—in life and now in death. He belongs to the Lord because of all the influence our Lord had on him during his life. An influence that prompted him to serve his God here at St. Francis for almost 40 years, a service that the priests and people of St. Francis cannot and will not ever forget.

The death of our dear friend, in a way, is one of the happy echoes of Christ's own death and resurrection. There are tears, yes—just as Christ cried at Bethany when he heard about the death of his friend Lazarus. But they are tears tinged with hope and joy, as we hear Christ say to our dear one what he said to Lazarus: "Come forth to the joy of eternal life with me and your friends in heaven."

So today we honor Pasquale Gaggiano, a man well known in the community by his public acts, well known by some, especially his family, by his private deeds. In his scale of values his own welfare and prosperity and his good name and fortune were not the first things that he sought. He sought to fulfill his function as a member of his larger family which was this parish and the community of Lynn. We do not stand here in judgement upon his activities. Yet when so many rise up to praise him, when there is such a chorus of acclaim for all that he did, then this community he served has set its seal upon his actions.

When such a man as this dies, our community is impoverished. We no longer have his example, we no longer experience his charity and gentleness, his concern for all of us, his desire to make us a united people better citizens of God and of the City. Perhaps we can see more clearly how much he meant to us and with what singleness of purpose he lived his life.

We do him the greatest honor not by merely sharing in this funeral liturgy in which the church commends his soul to the eternal Father: but by dedicating ourselves to the ideals of his life. That is to be community minded persons and to imitate his example of unselfish service to others.

This morning we thank almighty God for the marvelous gift he has given us in our brother Pat. We also thank his wife Olga and his family who shared him with us that we might walk on in the knowledge that this man is not dead and gone, but has risen to walk beside us, not as a memory or an example, but in the newness of life. It is wonderful to know that he still has need for us, that he needs us to proclaim visibly, in his name within the community the meaning of his life—to need one another, to be loved by one another and so to ennoble one another.

May God grant him eternal rest and peace. Amen.

MULTINATIONAL CORPORATIONS

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GIBBONS. Mr. Speaker, at the request of AFL–CIO officials I recently inserted in the RECORD a letter from George Meany to Commerce Secretary Peter G. Peterson which criticized the Commerce

Department study "Policy Aspects of Foreign Investment by U.S. Multinational Corporations."

This insert appears on page 12574 of the April 13 RECORD.

Secretary Peterson has now replied to Mr. Meany and has provided me with a copy of his reply. In the interests of a balanced discussion of the operations of our multinational corporations, I would like to insert the Secretary's letter in the RECORD at this point.

THE SECRETARY OF COMMERCE,
Washington, D.C.

Mr. GEORGE MEANY,
President, AFL-CIO,
Washington, D.C.

DEAR MR. MEANY: In your letter of March 20 you offered some criticism of the Department of Commerce staff study "Policy Aspects of Foreign Investment by U.S. Multinational Corporations." I appreciate this opportunity to respond. After reading your letter, I do not see any reason—as I will outline later—for altering our study conclusions. On this point we have opposing views. But there are two significant issues on which we are in agreement, and I would like to touch on them.

One point of agreement is that in international economic matters, as you put it, "the world has changed." Last August 15, the President demonstrated his awareness that we are in a new era by calling for fundamental changes in the world's monetary and trading systems. Since then a number of basic monetary and trading negotiations have strengthened America's competitive position and will provide jobs for American workers.

The year 1971 was, of course, the first year since 1893 that the U. S. had a trade deficit. Even so, there was a balance of trade in manufactured goods—$30.4 billion of exports and $30.4 billion of imports. Over the next couple of years, the currency revaluations should certainly improve on this—with an estimated swing to a trade surplus of several billion dollars. Furthermore, as our trade balance improves, U. S. jobs associated with trade should increase. A number of experts have estimated that between 60 and 70 thousand jobs are created for every $1 billion of favorable shift on our balance of trade. Some of these same studies show that jobs in export industries are higher paying jobs. Thus, I find it hard to accept your statement that the "jobs of millions of Americans are now adversely affected."

A second issue on which we can find common ground is the need to promote employment and reduce unemployment. Foreign competition—like domestic competition—does adversely affect particular industries. But the solution to this kind of problem lies in promotion of greater domestic economic expansion—not in rigid protectionist responses.

If the U.S. were to block imports unilaterally, there would be several serious consequences. Other countries would be encouraged to block *our* exports to them. This would obviously decrease U.S. jobs in these export industries. The stimulus that imports give domestic competition would be greatly reduced. Further, consumer costs would rise substantially, with the burden falling most heavily on low-income groups who can least afford price increases.

However, it is my view that when foreign competition brings unacceptably fast change we should be able to use adjustment aids, including *temporary* orderly marketing mechanisms, to help groups of workers in specific industries adjust. It is clear that a few should not be asked to bear a disproportionate burden for the benefits of an open international economy enjoyed by many.

You also made some specific comments on the Commerce study with which I cannot agree. As you know from reading the study, it is the first of a three-part effort in the Department's attempt to assess the impact of multinational corporations here and abroad. We expect to complete the next phase of the study in May. It will cover the numbers of domestic jobs, overseas investment, and exploits of more than 400 companies in all kinds of industries. The findings made in the first part of the staff study appear to be supported by the information we have received to date on the broader sample.

At one point in your letter you state that only 11 of the 14 industries were considered in compiling data on the employment effects of multinational companies. However, the paragraph to which you refer is immediately followed by a second that deals directly with the employment trends in the remaining three industries.

You also suggested other methods of examining employment trends; for example, by comparing employment in these 14 industries to total U.S. employment in general. I believe care must be used in projecting these numbers for reasons explained in the study.

But it is instructive to compare employment trends in these 14 industries to trends in all *manufacturing* industries. Thirteen of these 14 industries are manufacturing in nature. It is, therefore, appropriate to compare them with their own kind. By using the 7 percent figure that you suggest for all of the 14 industries we find it is very close to the 7.5 percent average increase in overall manufacturing employment during this period.

Further, you mentioned that these 14 industries showed a decline as a percentage of total U.S. employment. Again I feel it is helpful to compare these industries to *manufacturing* as a whole. Looked at in this way, these industries maintained their share of manufacturing employment between 1965 and 1970—i.e., 20.8 and 20.6 percent respectively.

Having responded to the points you raised, I feel it is important to mention that caution should be exercised in drawing conclusions from the published aggregate data because of the difficulties in separating the direct investment effects from other factors affecting employment. The study pointed out that:

"In view of the difficulty of separating direct investment effects from other macroeconomic factors affecting employment, caution must be exercised in drawing conclusions from this aggregate data. What seems clear from these data is that the effects on employment due to cyclic and other factors present in the domestic economy tend to swamp the adverse effects—if any—that might result from the foreign trade side. The argument that overseas investment is causing job losses in the United States does not appear to be borne out. Rather, the basic employment trend for these investment-oriented industries has been upward."

I believe that the analysis in the staff study is sound and revealing. Where industries or workers are adversely affetced by competition from abroad, it is my view that the best solution lies not in protectionist legislation, but in the promotion of economic expansion at home and an open international economy, where, to be sure, American products are treated equitably.

I appreciate this opportunity to respond to your letter since, although our points of view are divergent, our objective—a strong and growing U.S. economy—is the same. In an area where anecdotes and rhetoric have played such a large role, I welcome the opportunity to discuss analytical evidence with you. If members of your staff wish to review our research on this subject, my colleagues would be most happy to do so.

Sincerely,

(S) PETER G. PETERSON.

MORE SHIPYARD FOLLIES

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, some months ago, on the strength of various rumors circulating around this city and several newspaper stories, I called the attention of the House to the mess the Navy had got itself into with its decision to concentrate the bulk of this Nation's naval shipbuilding program in one yard—a new yard at that, with no previous track record. Today, I regret to say that the situation is obviously far more serious and cries out for a complete and thorough investigation by this House. I am referring of course, to the incredible cost overruns that have been incurred by the Navy at the Litton Shipbuilding Yard at Pascagoula, Miss.

I only hope that my criticism, indeed condemnation, of the Navy for the way it handled itself in awarding all these contracts to one yard is not interpreted as mere sour grapes from a Congressman representing another shipbuilding district. Whether the Navy gave any of this work to the Fore River Shipyard or not, the fact is it could only seem to even the most casual observer that the decision to concentrate a whole program in one yard, again, unproven and untested as it was, was obviously fraught with tremendous risk. What I objected to several years back, what I objected to a few months ago, and what I object to today is not that the Fore River Yard or some other yard did not succeed in getting work but that it was not even allowed to compete for the work, in effect. If other yards had been allowed to compete for some of this work, I would have been perfectly willing to allow the Fore River Shipyard in Quincy to take its chances fully confident that it would bid realistically for the work and deliver the goods. But others allegedly more knowledgeable than I, the proverbial powers that be, with their computers and their cost/efficiency surveys concluded that the Nation would be better served by funneling all the work involved into one yard. The only cry we heard around this town that everything was up to date in Pascagoula. Nowhere in the country could touch it for modern up-to-date techniques and equipment. Ignored in the process were the proven track records of other yards which have been in business since the early days of the Republic. Ignored in the process was highly skilled labor with a tradition of harmonious industrial relations. Ignored in the process was a record of consructing seaworthy ships with minimal delays and cost adjustments. Ignored in the process was a capacity to begin work immediately and deliver the ships on time. The whiz kids had their day, however, and a decision was made to experiment with the

Nation's defense requirements. The resulting mess as documented in the following articles is nothing short of a national scandal. It is time we get to the bottom of it. I, for one, do not intend to let the Navy get off the hook on this one any too easily. Too much is at stake, both in terms of national defense and our Nation's shipbuilding capabilities. While one yard in this country sits stuffed to the gills like a Christmas goose with work carrying it through practically the next century, other yards are withering on the vine and are in danger of disappearing from the scene altogether. In the process, a vital, valuable national resource is being squandered and lost forever. No one yard in this country, least of all a private yard, is capable of meeting this Nation's total naval defense needs.

The articles follow:

[From the Wall Street Journal]

LITTON'S HANDLING OF TWO NAVY SHIP CONTRACTS TO BE STUDIED—DELAYS, RISES IN COSTS CITED

WASHINGTON.—Two major naval ship construction programs of Litton Industries Inc. seem to be headed for serious trouble.

The House Armed Services Committee set aside regular business and announced yesterday it will investigate Litton's handling of the two multibillion-dollar contracts it won in recent years. The committee claims Litton is seriously behind schedule and over contract costs on both ship programs.

Meantime, Navy Secretary John Chafee apparently has rejected Litton's request for revision of one of the contracts. Though a final judgment hadn't been made yet, Mr. Chafee announced yesterday that a preliminary look at Litton's proposal "presents no basis for Litton not to be held to the terms of the present contract."

That contract covers construction of amphibious assault ships known as LHAs. Originally, the Navy ordered nine, but later cut the total to five ships; Litton claims it should be paid substantially more per ship because of the change.

The other program under fire is a 30-ship order for new destroyers known as the 963 Class. A recent cost estimate for them is $2.71 billion, or $90.5 million apiece. House sources claim this program is falling seriously behind schedule, though they declined to give specifics; the Navy is supposed to receive its first 963 Class in two years.

LHA production is at least 18 months behind schedule, which could cause the destroyer program serious delays. Litton is building both types of ships at its Pascagoula, Miss., yard.

The Navy agreed to renegotiate its original $1.12 billion LHA contract and give the company a higher per-ship price due to cutting the program from nine vessels to five. However, Litton's "voluminous and complex" new proposal, Mr. Chafee said, threatens to "involve major increases in the total contract amount," which means Litton wants more than the original nine ship price for building only five LHAs.

These trends caused the House committee to announce it will postpone other business to "review cost growths and delays" in the two construction programs.

Some shipbuilding experts have blamed Litton's troubles on its new Pascagoula shipyard, designed to be an automated "shipyard of the future." A series of management, labor, and technical problems have caused Litton to fall behind on both its naval and commercial ship construction. For example, when separately built sections of one freighter were joined together in the final production stage last year, many of the pieces didn't fit correctly.

[From the New York Times, Apr. 19, 1972]

LITTON PLEA PUT AT $400 MILLION

INCREASE FOR SHIP CONTRACT LINKED TO SOARING COSTS

(By Richard Witkin)

Litton Industries has asked the Navy for a price increase of about $400 million in its contract to build five amphibious assault ships, well-informed Washington sources disclosed yesterday.

The increase was reportedly sought to cover soaring costs caused by such factors as rising labor rates, 19-to-24-month production holdups and contractual fees for canceling four additional ships in the original order.

The Litton case, said to be documented in 10 thick volumes, was outlined by the Navy for the House Armed Services Committee in hearings that got under way Monday.

One official who attended the closed session said in an interview:

"It was the opinion of the Navy Department that this price increase would be rejected out of hand."

One Congressman, calling the $400 million figure an imprecise "ball park estimate," characterized the Litton request as "unbelievable."

Delivery dates

The ships, last estimated to cost $192 million each, are being built at Litton's highly automated new shipyard on the west bank of the Pascagoula River, Pascagoula, Miss.

Cascading problems have caused repeated slippage of delivery dates so that the first of the five amphibious assault craft, known as LHA's, is now estimated to be 19 months late. The ones behind it will be late up to two years.

Among the problems encountered have been the following:

Overoptimism on the technical job of getting a pioneering venture under way; repeated changes in top management personnel, who came largely from the aerospace industry and knew little of shipbuilding; difficulties in getting and keeping labor, and a strike and hurricane last fall.

The massive LHA difficulties have raised strong doubts about the ability of the untested new yard to carry out an even bigger contract to produce 30 newly designed DD-963-class destroyers.

Litton insists, however, that the LHA program should have no impact on the destroyers, and that the first of the DD–963's should be delivered on schedule in 1974.

Funds for 16 of the destroyers were appropriated in previous years. The contract cost is about $90 million each, but many knowledgeable observers expect the price to go well over $100 million.

At stake at the moment is a budget proposal for $600 million for seven more ships for the fiscal year ending June 30, 1973. Several House committee members have said privately that the committee might well refuse to approve the authorization, while others say that it is much too early to tell.

Payment method changes

The Litton case was evolving rapidly as a prime issue of the 1972 Congressional debate over alleged Pentagon waste, sharing the stage with the controversy over the Navy's F–14 Tomcat fighter.

On Monday, the Grumman Corporation's chairman, E. Clinton Towl, told the Senate Armed Services Committee that the company could not build 48 more planes unless the Navy "restructures" its contract. In other words, Grumman, like Litton, wants a big increase in the contract price.

The Navy and Litton have both indicated that it will take months to negotiate an agreement on the LHA issue. But Congressional sources said that the matter had to come to a head by fall because of critical terms of the current contract.

At that time, the sources said, the payments to Litton change over from a "cost" basis to a "progress of work" basis. In other words, Litton would only be paid in accord with how far it had progressed with construction of the ships, rather than in accord with how much it had spent.

The House committee was reported to have been told by Navy witnesses that Litton had already been paid 50 per cent of the contract price, whereas, even with the most generous calculation of engineering completed, only 25 per cent of the work had been done.

"Litton is confronted with a critical cash flow problem," a Congressional source said.

The company would not comment on these matters. The first of the long-delayed LHA's is now scheduled to be delievered to the Navy in April, 1974.

JOSEPHINE ROBERTS

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MILLER of California. Mr. Speaker, Josephine Roberts, women's editor for the San Leandro Morning News, is an outstanding person; talented, competent, charming, and gracious.

Recently Jo Roberts was doubly honored when she was tendered a dinner recognizing her services to the community and was nominated for the Soroptimist Federation's Woman of Achievement Award.

The city council of San Leandro also recognized her efforts in behalf of their community and passed a resolution of commendation setting forth more eloquently than I ever could, the distinguished career of this extraordinary woman. I include this resolution as a part of these remarks and in closing join with Jo Roberts' many friends in wishing continued success in her many endeavors:

RESOLUTION OF COMMENDATION: JOSEPHINE ROBERTS

Whereas, San Leandro has truly been blessed with many outstanding citizens throughout the years, and it has been through the gifted foresight of our community leaders to render proper recognition of these fine and dedicated people, in a most appropriate and timely manner; and

Whereas, Josephine Roberts, whose humanitarian endeavors have been recognized by such organizations as the Soroptimist Club of San Leandro, the Portuguese Womens Society (first award so given in sixty-nine years), the Dooley Foundation, the Parent-Teachers Association, the American Legion Auxiliary, the Help a Retarded Tot Society, the Sister City Program, the American Cancer Society, the San Leandro Boys Club, the Arts Council, the San Leandro Girls Club, the Junior Chamber of Commerce and many other organizations; and

Whereas, she has been nominated for the "Outstanding Woman of Achievement" award by the Soroptimist International Association of the Soroptimist Federation of the Americas, Inc., and nominated for four awards for best Women's Page in the State of California; and

Whereas, Josephine Roberts efforts in behalf of her fellowman are legion and she continues to dedicate her life to the betterment of all:

Now, therefore, the City Council of the City of San Leandro does resolve as follows:

That this City Council does recognize Josephine Roberts' unselfish and generous contributions to the welfare of San Leandro and extends to her the recognition so justly deserved.

WHAT TO DO WITH ALL OUR JUNK?

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAGAN. Mr. Speaker, it is estimated that every American is responsible for more than 5 pounds of solid waste every day, or nearly 1 ton a year. Multiply this by 209 million persons and you get some idea of what we are doing to ourselves—a slow burial.

For those who have not looked at their own garbage can recently, what they can see is unbelievable. First, the waste food itself—thrown away portions, apple peelings, potato peelings, and such. Our grandmothers made excellent jelly out of apple cores and peelings. It is said that the most nutrition is found either in the peel or just underneath it. Some have estimated that millions of Asiatics could live well, foodwise, out of the average American garbage can.

Second, there is the vast amount of pasteboard cartons, bottle caps, and aluminum pans of all sizes and shapes. Then there is the built-in obsolescence we have to contend with in automobiles, refrigerators, washing machines, television sets, and so forth. Many landfill garbage operations will not accept these items. Where will they be stashed away? Only a small beginning is being made to compress these and recycle them through steel mills. In the meantime, small mountains of these hard and unwieldy gadgets of our civilization are accumulating.

One war in which every American should engage in wholeheartedly is the effort to solve the waste problem. It is already very late to begin the battle.

Jack Spalding in his Atlanta Journal column of April 2, 1972, discusses the problem interestingly, entitled "What To Do With All Our Junk," as follows:

WHAT TO DO WITH ALL OUR JUNK?

(By Jack Spalding)

The more abundant society has its weak points. One is waste products. These are things left over for which there is no use. We waste billions of dollars a year here.

For example; auto bodies after the cars have quit running. Some of the most beautiful countryside in all Georgia is defaced by same. Old autos, made up of lots of good metal for which there should be some sort of use (if only for fishing reefs), form unsightly piles along our most important highways.

Take a nice, quiet, unpaved mountain road. It leads along running streams, little water falls and banks of laurel. Lo. There's an abandoned school bus right there against the rhododendron. Or a small fleet of ex-pickup trucks, rusting away. It will be years until the metal rusts or before a kindly nature screens them with shrubs and hides them with creepers.

So much for cars. Clear the roadside of dead and abandoned ones and life will be better. Now on to beer cans, and other drinks, now that other drinks are being canned. There's no road pastoral enough to be without its can quota. But there's some little good to be said about roadside cans. They shine at night and do help mark the roadside. That is until a big rain comes when they're all over the pavement, waiting to cut your tires.

Garbage? Public sanitary services should be sufficient. But still there are people who save up their own in order to dump them in a neighbor's yard or wood lot early some morning. Once upon a time the heat of the sun and the rain helped decompose at least some of this. But now our garbage droppers, driven by some ironic urge for neatness, put their mess in plastic bags. These bags are awfully permanent and require personal handling unless you want to be reminded of your neighbor's bad manners daily.

These are the ordinary things, so ordinary that society may be so accustomed to them they're no longer eyesores. More's the pity.

There are other things, such as insoluble synthetic jugs and other containers along the banks of our watercourses.

There is the stuff you get at the store.

Some of it is packaged to death.

Consider a simple screw-driver.

Once upon a time you bought it, put it in your pocket (after paying) and took it home. Maybe a little sales ticket came with it, but it was no problem. A waste basket took care of that or the first rain dissolved it.

But now?

The screw driver is stapled to a piece of cardboard and covered by a plastic bubble. You need another screw driver to break in. And then what do you do with the cardboard and plastic?

Right. It becomes something else on the national litter heap.

Maybe this is good merchandising but it is getting to be poor ecology.

This is a big country but it is not big enough for the stuff we produce just to throw away. This waste is a sign of our wealth, sure, but do we have to be reassured of it every time we go for a drive?

Poorer countries don't have this problem, though they probably would love it.

They don't go in for wrapping quite as extensively and they use cars and components longer.

It is estimated that each and everyone of us is responsible for more than five pounds of solid waste a day.

This makes the national garbage problem something to marvel at.

Where does it go? Is there enough room in the country to keep handling it at this rate? Is it possible to go back to selling plain old screwdrivers, or is all merchandise going to be as much package as basic material from now on?

THIS YEAR IN JERUSALEM

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BRASCO. Mr. Speaker, 24 years ago, a new baby first uttered its cries in the family of nations. Birthed in the agony of the holocaust, it was the longest expected child in human political history. Conceived in the minds of suffering dreamers, its coming heralded a glittering new age of fulfillment for the Jewish people.

For more than 20 centuries, these people had roamed the face of the globe, driven by the whips of persecutors and followed by the curses of the ignorant, and always in response, the Jews raised their glasses and gave the hallowed toast, "Next year, Oh God, in Jerusalem."

Countless generations of Jews lived, suffered, and died without seeing that dream fulfilled. But before they went to their eternal rest, they passed on to their children that deathless dream. This hope became a reality in the minds of innumerable Jews. It aided them to learn who they were. It allowed them to place their persecutions in perspective. It was nurtured in their breasts under torture. It was the last word on their lips when they died.

And that toast—that noble expression of human yearning—became part of their way of life in the Diaspora. It stayed with and sustained them in the night of persecution and oppression.

It was heard in the temples of north Africa, in the time of Saladin. It was uttered secretly in homes in Spain when Torquemada and the Inquisition prevailed. It was echoed in the little shtetls of the Pale, and it rose to Heaven in a painful cry from the gas chamber of 200 death camps across the face of occupied Europe.

And God heard. And God lifted his hand. And when he unfolded that hand, a new breed of Jew walked the earth in His image. And they created and brought to birth and fruition the reality this 24th birthday we celebrate today.

Out of the furnace of 20 centuries of persecution came a new Jew. His back was no longer bent. His pack was no longer on his back. His cap was no longer clutched in his hand. He no longer stood in the gutter with his eyes upon the ground.

In his place stood that absolutely beautiful strange new breed we know as the Israeli. In one fell swoop—in 24 years—they have destroyed 1,000 old images of the Jewish past. The wandering Jew is gone, home at last. The frightened Jew is gone, a man at last. The stranger in a strange land is gone, by his own heart at last.

And his children are born and live free, bowing their heads and bending their knee to no living human being. And this is the most beautiful of all God's works.

The flow of history is inexorable. The pharaohs are gone. Nebuchadnezzar is gone. Torquemada is dead. The persecutors of Dreyfus are no longer even remembered, save by historians. Hitler is ashes. Stalin is dust. And who will remember Nasser in the Western World in another 10 years?

Yet the Jewish people live. And from the walls of Jerusalem that cry resounds, and a million echoes answer back, "This year—this year in Jerusalem."

TELEPHONE PRIVACY—XV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, I have recently reintroduced the Telephone Privacy Act (H.R. 14097) with 28 cosponsors.

This bill would give the individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations and opinion poll takers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 13th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

SANTA ANA, CALIF.,
March 31, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: I noticed an article in the Pilot, a local newspaper of Newport Beach, Calif., about the bill you are introducing to curtail telephone solicitation.

Mrs. Walton and I get sick and tired of running to the phone for that kind of calls. Sometimes it means an interruption of our evening meal; other times we tear in from outdoors. We pay for the phone for our own, private use—not for the use of people trying to sell us something.

TAKOMA, WASH.,
April 6, 1972.

Congressman LES ASPIN,
House of Representatives.
Washington, D.C.

DEAR CONGRESSMAN ASPIN: The recent article in the Christian Science Monitor regarding your efforts to introduce a bill in the Congress restricting unsolicited business calls, was of great interest to me. I wrote to Congressman Floyd V. Hicks of this congressional district, within the past year concerning this very matter. I have spoken to many of my friends about this, too, and we are all in agreement that it is a nuisance, as well as an invasion of privacy. I do hope you will be given more publicity on this, so that more people will write to you and let you know their feelings.

APRIL 5, 1972.

Congressman LES ASPIN,
U.S. Congress, Longworth Office Building,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: I would appreciate receiving a copy of your bill restricting telephone solicitations and any background material which might be useful in presenting a similar measure at the state level.

Thank you very much.

CARSON CITY, NEV.,
April 4, 1972.

Hon. LES ASPIN,
House of Representatives, Cannon House Office Building, Washington, D.C.

DEAR SIR: I would appreciate receiving a copy of your recently introduce "Telephone Privacy Act". Members of our legislature are very interested in this problem.

NEW CANAAN, CONN.

DEAR MR. ASPIN: I'm delighted to read of your bill to allow us to request "no solicitation by phone" notices. I've wanted phone advertising totally banned because I pay for the phone for our pleasure & convenience. Unwanted mail, at least, they pay for. I open it or not at my own leisure. I, an ordinarily polite person, now explode over the phone in anger & to discourage this policy. I may be getting fewer interruptions because of it. But your legislation would help me & those of us who haven't yet reached the "rude" stage & I know some.

You can feel the support of everyone I talk to about it. Best of luck!

(P.S. We all answer the phone!)

ALEXANDRIA, VA.,
April 6, 1972.

DEAR MR. ASPIN: I have just read the article in the Congressional Record of March 30 concerning your bill on telephone restrictions. This is a great idea of yours and I sincerely hope that some action will be taken to put the bill into reality for all Americans.

My husband and I have also been bothered by these unwanted and nuisance calls. Since the telephone company gives out new phone numbers so easily, I hope that your bill states that the telephone company will bear the expense of the asterisk system or whatever is finally decided upon.

Good luck and success with your bill.

ARLINGTON, VA.,
April 12, 1972.

DEAR SIR: I am in favor of your House bill to stop unsolicited calls. Especially "land companies" and cemetery plots. Would not restrict blind, deaf or nonprofit companies.

ERROR COULD BE FATAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BENNETT. Mr. Speaker, I have just read an excellent editorial of Jacksonville Journal and I want to share it with the other Members of the House. So I include it here for their consideration. It points out the necessity to be careful in military expenditures to prevent waste, but also the need to be on the same side when today's troubled times are considered. The editorial entitled "Error Could Be Fatal" applies primarily to the ULMS project; but it could be equally applied in several other areas of developemnt as well:

ERROR COULD BE FATAL

A group of liberal congressmen who call themselves "Members of Congress for Peace through Law" is sharpening the axe for the Navy's undersea long-range missile system.

The system—referred to in government shorthand as ULMS—would consist of a fleet of giant new submarines bearing missiles with a range of 6,000 to 7,000 miles. The present Polaris-missile submarine fleet carries the Poseidon, which has a much shorter range.

President Nixon's proposed defense budget requests $977 million to begin serious work on ULMS. The congress group wants to cut this by well over half, to $380 million.

A report prepared by the group says ULMS is a pig in a poke which could wind up costing $40 billion—instead of the estimated $30 billion which has been estimated as the cost of building 30 ULMS subs. In addition, the report says, the ULMS program would point us in the wrong direction.

"We could have a much better bargaining position on disarmament with Russia if we proceeded now with work on a new long-range missile system only," the Congressmen said in their report.

There is, of course, always room for honest disagreement on which of several possible ways is best to strengthen the national defense. Nor is any serious effort to prevent waste in the expenditure of defense funds to be scorned as somehow "unpatriotic." Misuse of defense funds should and must be rooted out, in fact, because any waste can only weaken our defenses.

But even the report of the "Peace through Law" group itself raises some warning flags against accepting that group's recommendations.

The report acknowledges, for instance, that Soviet Russia is deeply involved in what appears to be a great effort to build up its own missile and submarine forces. This has more pointedly been reported by others. A blue-ribbon panel created by the President recently reported that Russia already has half again as many ICBMs as the United States and added:

"The situation which our country faces is without precedent . . . It is not too much to say that in the '70s neither the vital interests of the U.S. nor the lives and freedom of its citizens will be secure."

The congressional group admitted in its report that it did not know the full extent of Soviet intentions and capabilities.

This is very serious business. In the face of an acknowledged Soviet buildup, present Soviet superiority, and an inability to determine Russian intentions and capabilities, it is foolhardy to risk error on the side of weakness.

Spending funds on any unneeded project is to be deplored, always. But when it occurs it is always possible to discover the error and correct it. To fail to spend funds for a project that our most reliable defense experts tell us is needed, however, could be an error which proved to be literally fatal.

THE EXPLOITATION OF MEAT PRICES TO PROMOTE A CONTROLLED SOCIETY—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on the exploitation of meat prices to promote a controlled society. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE ON THE EXPLOITATION OF MEAT PRICES TO PROMOTE A CONTROLLED SOCIETY

In a previous report on inflation and the new economic policy of the Administration, I explained that throughout the period of recorded history experiences of nations have clearly proved that wage and price controls have never been successful in stabilizing prices. On the contrary, history proves that the imposition by a government of price controls has inevitably tended to stifle initiative and the competitive spirit thereby causing production to go down. The economic consequences of reduced production have been higher prices and more controls including government rationing and black market operations.

In another report, I discussed food prices and American agriculture with the imminent agricultural expert, Dr. Dan P. Van Gorder, who expressed doubt that we would ever have an abundance of meat on the meat counter of this nation until we get completely rid of government interference in the market place.

In still another report on consumerism, I pointed out the controversial background of the organized consumerist leaders such as Ralph Naders and the Esther Petersons who consider business their target and profit their enemy and whose real goal is the destruction of the free enterprise system by placing private industry under socialist controls.

Recent events brought out in hearings on meat prices before the Agriculture Committee illustrate the validity of my remarks to you in the previous telecasts on wage and price controls, food prices and American agriculture and the consumer movement. So. I thought today we'd talk about the exploitation of meat prices by so-called consumerists to promote a controlled society.

The events to which I refer were triggered by full page advertisements in the two largest Washington newspapers. The contents of the ads were reported around the country by news agencies.

Across the top of the page in large letters is the statement: "You have the right to be informed about meat prices." Below that caption appears this message: "Meat prices are high and from all predictions will remain high. Beef is near the highest level since the end of the Korean War. Why are they so high?"

Following this message in large bold letters is this false answer as I shall explain later: "It begins at the source."

Then comes this explanation: "Livestock prices were not and are not now controlled under the present economic program. Less meat is reaching the market. Prices from our suppliers have skyrocketed. Because of all these reasons, you will find higher prices on almost all fresh meats."

And finally in bold letters there is a plan for consumer action: "We consumers can help bring prices down. Buy less meat. Use other forms of protein. Buy something else."

The full page advertisement was prepared by Mrs. Esther Peterson, consumer advisor for Giant Food, Inc., a regional supermarket chain based in Washington, D.C.

It is important to this discussion of the exploitation of meat prices to promote a controlled society to take a close look at the validity of the ad and to try to arrive at a conclusion as to its real purpose especially in the light of its author's background.

The ad proclaims that the rise in beef prices "Begins at the source." Since the farmer and the cattle rancher constitute the source, the public is led to believe that farmers are the culprits for the increased retail beef prices. Actually, in March of 1952 the farmer got 34½¢ per pound on the carcass for choice steers while 20 years later in March of 1972, he received 35¢ per pound—a 1% increase in 20 years. Now, compare that to the increase in the supermarket price from 95¢ per pound in March, 1952 for U.S. choice sirloin steak to $1.57 per pound in March of 1972—an increase of 65.3%.

The ad also reads: "Prices from our suppliers have skyrocketed." This statement is patently false as shown by the reliable reports of the National Provisioner Daily Market Service. On August 13, 1971, the last market day before President Nixon imposed the wage-price freeze, the price at which wholesalers bought both top choice beef and prime beef was 54¢ per pound. On March 21, 1972, the day the full page ad was run the first time, the wholesale price of both top choice and prime beef was 53¢ and 53½¢ respectively per pound without any price regulation.

Statistics also show that beef prices had been decreasing for 18 days consecutively just prior to the date of the ad stating that suppliers' prices had skyrocketed.

The statement in the ad calling upon consumers to buy less meat provoked an outcry of protests by Congressmen from cattle producing areas. The Livestock and Feed Grains Sub-committee of the Agriculture Committee of which I am a member held extensive hearings on meat prices, participated in not only by livestock growers but also by packers, distributors, retail and consumer representatives, and a representative of the Office of the Secretary of Agriculture.

The diverse points of view expressed in the hearings provide a good insight into the furor over meat prices.

First let's hear from the farmers—the men who raise the livestock—the source of the meat prices.

Mr. Edward Ladd, 50 year-old farmer from Rock Rapids, Iowa expressed concern over the fact that for some time the farmers' share of the consumers' dollar has remained stable while their costs have continued to skyrocket. His machinery repair cost increased 44% in the last 5 years and his taxes increased 29%. Farmer Ladd stated:

"Where have we gone so wrong as to think that it should be the consumer's inalienable right to buy meat for the same price as it was 20 years ago when their own disposable income has more than doubled in the same period? Somehow it is all right for automobiles to go up $150 to $200 every year and its all right for medical costs to go up 400% in the past 20 years, but it's not all right for farm products to go higher. Whenever prices start to go up in the livestock industry, we get hit with higher import quotas or some other device designed to hold down meat prices."

And Mr. Ladd added the grim warning that unless the long term profit in agriculture improves, young people will continue to choose careers outside of agriculture and the family farm as we know it will be a thing of the past.

Another farmer, Frank Buryanek of Sioux City, Iowa, 38 years old and father of 3 children, testified that his net farm income last year was $3445 or for his year's work 90¢ an hour. "This is why" Farmer Buryanek stated, "I get mad when the newspapers quote the so-called authorities who blame the farmer for high food prices." And he expressed this concern:

"The thing that concerns me is that the average age of an Iowan farmer is 56. Where are we going to get the young men to replace these men about to retire. With the profits we have been getting the last few years, no one can blame young men for leaving the farm for jobs in the city. Take these men off the family farm and it leads down only one path—corporate farming. The family farm has been a way of life in America since before the revolution. Don't take it away now . . . All we ask is a fighting chance. We are a minority—feeding the majority. Drive us off with bad prices and rising costs and you will be taking the backbone out of America."

He concluded his remarks to the Congressmen with this philosophical gem: "Tell your voters you heard it from a farmer. No man is farther from a phone booth but closer to God."

A spokesman for the American Meat Institute, whose membership includes 350 meat processing companies doing business in all 50 states, stated that for the long-term well-being of consumers in terms of their beef supply, policies should be followed which are encouraging rather than discouraging to farmers and ranchers—or those of us who like beef will end up with smaller supplies of meat at higher prices.

A representative of the Indiana Farm Bureau presented a similar view stating that agriculture's unparalleled production is the consumers' best safeguard against food shortages and meat price increases. There is no substitute for productivity.

Also testifying was Esther Peterson, who started the furor with her full page meat boycott ads. Farmers and other consumers alike are entitled to know just who she is.

Esther Peterson has a long record of close association and cooperation with subversives in working for a controlled economy and destruction of free enterprise.

At the recent hearings, Mrs. Peterson acknowledged her association with the Consumers Union. According to testimony before the House Committee on Un-American Activities in 1938, Consumers Union was formed as a result of a 1935 Communist Party directive to "launch a whole new series of united front organizations dealing ostensibly with the interests of consumers."

Consumers Union has been cited as a communist front by the U.S. Government as well as by the governments of California and Pennsylvania.

While special assistant to President Johnson for consumer affairs, Mrs. Peterson was instrumental in bringing about the formation of the Consumer Federation of America about 4 years ago and became one of its vice presidents. There is a close relationship between Consumers Union and the Consumer Federation of America. It is of interest that when an executive of a large national retail chain asked about becoming a member of the Consumer Federation of America, he was told that his company did not qualify since it had no consumer program and since it was run for profit. So, obviously Esther Peterson is opposed to the profit motive and the free enterprise system.

Many may wonder why a highly intelligent person like Esther Peterson would incite a price war between American farmers and consumers with her false and fraudulent ads attacking American farmers. The reason, of course, is that she wants a controlled society. One step in that direction is complete price controls by the controlling elite class. A clue that this is her purpose is revealed by the statement in her ad that one reason for high meat prices is "livestock prices were not and are not now controlled under the present economic program."

It is also apparent that she would have more controls over our farmers by her false charge that the high prices begin with the farmers and her statement that less meat is reaching the market.

The fact is that livestock prices are indirectly controlled. Corn and feed grains are controlled and have been since 1933. It is as impossible to produce beef and pork without feed grains as it is to play baseball without balls and bats. And Mrs. Peterson knows this. Beef and pork control was the major aim of the original AAA because the card-carrying communists who wrote the act realized fully that our livestock industry was the foundation of American farming. Herbert Hoover once stated that Western civilization was built around and sustained by livestock, particularly dairy cows.

What is the answer to the problem of high meat prices? The answer is increased productivity to meet consumer demands.

The answer is to take the shackles and controls off the farmer. It seems foolish to me that the U.S. taxpayers should pay farmers and other landowners not to produce, while at the same time we import food products from foreign countries. We should reduce food imports by encouraging our own farmers to produce more instead of paying them not to produce. When the farmers receive a fair price for their products, they are encouraged not only to market their cattle but also to increase production with the result that more food is made available to the consumers at lower prices.

History proves that price controls and constraint of and interference with the free operation of the law of supply and demand never stop at half way measures. We must either yield to complete controls or demand and get complete freedom.

I strongly recommend freedom in the American tradition. The food consumer and the food producers are dependent on one another—if one suffers then both are damaged.

CHAIRMAN CLAUDE D. PEPPER CALLS FOR ENACTMENT OF DISTRICT OF COLUMBIA HEROIN PARAPHERNALIA CONTROL LEGISLATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, the House Select Committee on Crime has made an exhaustive investigation into the heroin paraphernalia trade. Without chemicals to cut the heroin, materials to package it, and hypodermic needles and syringes to inject it, the power of this deadly drug to destroy our communities would be greatly restricted.

On Wednesday, April 12, Chairman CLAUDE D. PEPPER testified before the Judiciary Subcommittee of the House District of Columbia Committee in support of H.R. 8569, legislation to help the government of the District of Columbia to suppress drug paraphernalia trafficking. As a cosponsor of this important bill, I hope swift congressional action will encourage other cities and States to enact their own antiparaphernalia laws.

It makes no sense, Mr. Speaker, to talk of a commitment to fight drug abuse without dealing with all the aspects of the narcotics crisis, including paraphernalia.

I am pleased to share Chairman PEPPER's testimony with my colleagues at this time:

TESTIMONY BY HON. CLAUDE PEPPER

Mr. Chairman and Members of the Subcommittee: Thank you for the invitation to appear today to testify on H.R. 8569, a bill designed to assist the Government of the District of Columbia suppress the drug paraphernalia trade and in so doing, combat the heroin traffic.

I am certain that every Member of this Subcommittee shares my shock and dismay at the epidemic proportions of drug abuse in America today. We must realize the fact that we now face what I believe to be the most serious domestic crisis of the past 100 years. Illicit drugs are directly threatening the mental and physical health of our youth. Drug related crimes are overwhelming the capacity of federal, state and local police in some parts of the United States and the epidemic is spreading fast. Narcotic addicts and drug abusers are seriously impairing the safety of our urban streets, the orderly operation of our court systems, and the capacities of our correctional institutions.

The Select Committee on Crime undertook the investigation of the drug problem after a series of overview hearings held in all parts of the country indicated there was direct relationship between the rise in drug abuse and the rise in crime. The investigation of the past two years has proved that relationship does indeed exist.

We found that the primary danger in the abuse of dangerous drugs, such as amphetamines, barbiturates, and L.S.D., is the mental and physical peril to the abuser. Dangerous drugs are relatively inexpensive, are not distributed in a highly organized manner, and are not physically addicting. The existence of these factors allows the dangerous drug abuser to lead a relatively normal life. However, the absence of these same factors in the case of heroin causes a heroin addict to be inevitably forced into a life of crime to satisfy the overwhelming daily physical need for an extremely expensive drug.

The State of New York has conducted a comprehensive study of the correlation between heroin addiction and crime. Howard A. Jones, Commissioner of the New York State Narcotic Addiction Control Commission, testified that 50 to 60 percent of all the street crimes reported to the police in the State of New York are committed by heroin addicts. Furthermore, The Commission has determined, and I quote, "the street addict is committing 120 crimes for every one that he is being arrested for." George McGrath, then the New York City Commissioner of Corrections, found that 40 percent of the males and 70 percent of the females arrested and jailed in New York City are heroin addicts. Mr. McGrath's percentages represent more than 40,000 people every year.

As you are aware, the District of Columbia has not escaped the heroin epidemic. On October 5, 1970, Dr. Robert L. DuPont, Director of the Narcotic Treatment Agency, testified that 45 percent of those arrested and jailed in the District are heroin addicts, a figure that nearly duplicates the experience of New York City. Since October of 1970, the heroin addiction problem of this city has grown significantly worse. At that time, Dr. DuPont estimated the number of addicts in the District to be 10,000. His current estimate is almost double that number. The Coroner of the District of Columbia reports that drug overdose deaths rose from 23 in 1969 to 83 in 1971, and that 25 died of overdoses in the first two months of 1972.

I believe it is clear that every possible, reasonable and prudent legislative measure must be adopted without delay to combat heroin trafficking. The Select Committee on Crime believes that H.R. 8569 is such a measure.

The heroin traffic is more than merely smuggling, distributing and selling heroin. A complementary trade in heroin paraphernalia is thriving and is essential to the heroin traffic. Allow me to briefly detail for you how the heroin traffic operates and how drug paraphernalia relates to it.

The raw opium harvested from poppies grown in Turkey, India, Iran and other parts of the Near East, is smuggled to Lebanon, France and Italy where it is processed into relatively pure heroin. A United States "importer", often an organized crime syndicate member, can purchase a kilogram of heroin in Europe for about $5,000. The importer, who never sees the drugs, arranges for the heroin to be smuggled into the United States by couriers, often called "mules." The methods of smuggling heroin into the United States are infinitely varied.

The importer sells the heroin to a major distributor called a "kilo-connection" for about $20,000 per kilo. The kilo-connection cuts the heroin he purchases one-for-one, with quinine hydrochloride, lactose [milk sugar], and mannite. By doing this, he doubles the volume and halves the potency of the drug. The quinine is believed to heighten the sensation, or "rush", the addict feels when he first injects the heroin. The lactose and the mannite inflate the volume and weight of the heroin.

The kilo-connection sells the now diluted heroin for $20,000 per kilo to an "ounce man". He also performs a one-for-one cut and divides the aggregate into ounces, each of which he sells for $800 to $900, or more than $56,000 for each kilogram. By this time, the kilo-connection has doubled his money and the ounce man has made a return of more than 150 percent on his investment.

The ounce man sells to one of the most important links in the distribution chain: the "dealer for weight". He controls the flow of heroin within a city or section of a city because he sells to the "pusher" or "street dealer". The dealer for weight is the highest link in the distribution chain to risk arrest. He makes a two-for-one cut and sells in ½ ounces or "pieces" for $600 or $700. The heroin sold to the pusher is only 6 or 7 percent heroin and the rest diluents. The dealer for weight also more than doubles his investment.

The pusher breaks the "pieces" into small portions which he sells to the street addict. Of course, the pusher has also made a cut so the street addict is receiving a substance which typically is 4 to 5 percent heroin. The pusher may or may not be an addict.

The bottom link in the distribution chain is the addict himself. If he can afford it, he may buy 20 or 30 doses from a pusher and sell them to other addicts for just enough profit to support his own habit. Statistics show that 50 percent of a heroin addict's income comes from selling drugs to other addicts.

The pusher prepares the heroin for street sales in a clandestine location known as a "cutting house" or a "factory". In New York City the pushers commonly package heroin in 1½" by 1½" glassine envelopes which the addicts call "bags". In Washington heroin is commonly sold in small No. 5 gelatin capsules which the addicts call "caps". The aggregate weight of a "cap" or a "bag" is about 90 milligrams, of which only 5 milligrams or so is heroin. Because there is so little heroin in each unit, addicts need to inject the contents of many "bags" or "caps" a day to satisfy their habit.

This description of the heroin traffic identifies two categories of material we refer to as heroin paraphernalia; the diluents or cutting agents, and the packages for the heroin such as gelatin capsules or glassine envelopes.

A third category of drug paraphernalia is the needles, syringes, or other devices used by addicts to actually inject heroin into their veins.

Great quantities of paraphernalia are needed to make the heroin traffic go. For every kilo of pure heroin that reaches the street, 45 pounds of diluents are needed. If each of New York City's 125,000 addicts shot only 5 bags a day, the local pushers would need more than 18 million glassine envelopes a month to stay in business. These are rough estimates of course. However, the investigation of the Select Committee on Crime has proved that drug paraphernalia is indeed big business.

Before we can judge what behavior is normal or legitimate. In other words, what are quinine hydrochloride, mannite, lactose, empty capsules and small glassine envelopes used for? How much of each is sold by honest pharmacists and businessmen?

John R. McHugh, director of professional services for Peoples Drug Stores, has an intimate understanding of how the 250 Peoples Drug Stores in the Washington area operate. In his testimony to the Crime Committee, Mr. McHugh said that all of these drug paraphernalia items are so rarely used that Peoples Drug Stores does not even have them in stock in their warehouse. The small gelatin capsules, No. 4 or 5, are of almost no use to a pharmacist because they are "too small to handle". There is absolutely no legitimate reason to sell them empty and in bulk. Quinine hydrochloride was commonly used once to fight malaria. Dextrose and Lactose are used by hospitals for babies' formula. However, Mr. McHugh said there is no legitimate reason to sell these items in bulk.

Mr. McHugh's statements were corroborated in full by Edward D. Spearbeck, Vice President of Drug Fair, who speaks for the 125 Drug Fair Stores.

And what about tiny glassine envelopes? The United States Envelope Co., which was the largest East Coast producer of these envelopes, informed the Committee that this product was intended for such exotic uses as storing small amounts of watch parts, string for pearls, decals, and beads.

With this information as a reference point of legitimate behavior, allow me to relate what the Crime Committee found in New York City and Washington:

The Committee uncovered a single small store in New York City, called the Harlem Stationery Store, which had purchased 52 million, 1½ by 1½ inch glassine envelopes in 1969 from the United States Envelope Co. This envelope company sold only a total of 152 million of these envelopes that entire year. The owner of the Harlem Stationery Store admitted to a Committee Investigator that he knew these envelopes were used in the heroin trade. The Division Manager of th envelope company acknowledged that the Federal Bureau of Narcotics contacted him in 1967 and explained that their product was used to package heroin. Both the owner of the Harlem store and the officer of the envelope company protested that these glassine envelopes were a "legitimate" item which they had a right to sell with no questions asked.

I should note here, that at the strenuous urging of the Committee, the United States Envelope Company has voluntarily ceased to produce this small size glassine envelope.

The Committee found numerous pharmacies in New York City that are veritable supermarkets for heroin paraphernalia. The owner of the Greene Drug Store for example was selling 200 ounces of quinine hydrochloride a month, 1.2 million glassine envelopes per year, and large amounts of mannite regularly. Although it is usually difficult to estimate the financial gain of this type of profiteer, we learned through the undercover work of a Committee investigator that the Greene Drug Store was selling quinine for $30 per ounce and purchasing it at $4.25 per ounce. This means Mr. Greene was realizing a gross profit of approximately $64,000 per year from this one item alone.

Another New York City store, the Wayde Pharmacy, sold 107 ounces of quinine hydrochloride, 12 pounds of lactose, 24 pounds of dextrose, 32 pounds of mannite, 520,000 small glassine envelopes, and 1,700,000 empty No. 5 gelatin capsules in 1969 alone.

The Federal Bureau of Narcotics and the New York City Police Department were powerless to stop any of these supposedly "legitimate" businessmen from aiding the heroin traffic.

The District of Columbia heroin paraphernalia dealers operate exactly like those we uncovered in New York. However, one of these apparently legitimate drugstores, the Petworth Pharmacy, operated by Richard and Jerry Rosenberg, has been stopped by a criminal prosecution.

The Rosenbergs were arrested and charged with the possession of 36,500 No. 5 gelatin capsules, 384 ounces of quinine hydrochloride, 36 pounds of dextrose, and 125 pounds of lactose in violation of the District "burglar tools" statute, 22 D.C. Code, Section 3601. The Government successfully proved these items of heroin paraphernalia were implements that may reasonably be used in the commission of a crime.

Judge Tim Murphy, of the Superior Court, found the Rosenbergs guilty on September 21, 1971, but had a difficult time in doing so. The defendants advanced strong arguments challenging the "burglar tools" statute as unconstitutionally vague, and the sufficiency of the Government's proof of criminal intent. At the end of his lengthy and thoughtful opinion, which includes an excellent discussion of the heroin paraphernalia trade, Judge Murphy said:

"The report (of the Select Committee on Crime entitled Heroin and Heroin Paraphernalia) suggests that the District of Columbia does not have laws presently on the books which can be used to deal effectively with possession of No. 5 gelatin capsules, quinine hydrochloride, lactose and dextrose. The Court must agree with this view. Although it may constitutionally be used to prosecute for possession of these four items (at least when they are held in large quantities), Section 3601 is, as the case before the Court has illustrated, a clumsy and poor designed statute. If Congress is interested in curbing the traffic in these types of narcotic paraphernalia, it would do well to follow the advice of the Select Committee and adopt a comprehensive and up-to-date narcotic paraphernalia statute. . . ."

Section (a) of H.R. 8569 is intended to jail those who deal in drug paraphernalia intentionally to further the drug trade, to deter those who are tempted to do so, and to educate those wholesalers or retailers who ignorantly or negligently trade in these materials.

However, Section (a) meets a second specific need that was pointed out to the Committee by police officers from the State of Maryland and the District of Columbia. Too often, law officers, armed with a search warrant, enter a heroin pusher's "factory" seconds too late. The heroin has just been flushed down the toilet. All that remain are the tools of the pusher's trade: glassine envelopes or small capsules, quinine, lactose and dextrose. The way the law now stands, the pusher has almost certainly escaped arrest.

The penalty provisions for Section (a), which are contained in Section (c), parallel the penalties provided in the Federal Controlled Substances Act, and the proposed Controlled Substances Act for the District of Columbia (H.R. 11268). The penalty for trafficking in paraphernalia is the same as the penalty for trafficking in the applicable drug. For example, possessing quinine to cut heroin for sale.

Although Section (a) and (b) are primarily directed at the heroin traffic, both have a somewhat broader application. Selling needles, syringes, or other instruments he uses to consume his drugs. Typically, a heroin addict will carry a "kit" consisting of a bent spoon, a needle and syringe or eyedropper, and a bottle cap or "cooker" and other materials. Section (b) provides the same misdemeanor penalties for possession of paraphernalia as defined by Section (a) (1) for personal use as is provided in the Controlled Substances Act for possession of drugs for personal use.

Again, I thank you, Mr. Chairman and Members of the Subcommittee, for the opportunity to testify in behalf of H.R. 8569. I will be most happy to answer any questions you may have. The Select Committee on Crime would welcome the opportunity to assist you in your consideration of the drug paraphernalia trade in any way that we can.

CANCER CONTROL MONTH IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, I would like to take this opportunity to call attention to a recent proclamation by William Egan, Governor of Alaska. By proclamation the month of April 1972, has been set aside as "Cancer Control Month." In demonstration of my support of the war against cancer, I submit this proclamation into the RECORD:

PROCLAMATION—CANCER CONTROL MONTH

The American people are launching the greatest attack against cancer in the history of the world. It is estimated there will be 650,000 new cancer cases among men and women of all ages and children this year. Many forms of cancer are curable if detected early and treated promptly.

The American Cancer Society, in addition to support of vital research, alerts the public to cancer's warning signals. Some cancers can be prevented; most lung cancers are caused by cigarette smoking, and most skin cancers by frequent exposure to direct sunlight.

The medical profession must be kept informed of the latest advances in knowledge and nurses must know how best to care for cancer patients. The American Cancer Society provides invaluable aid in rehabilitation services to the cancer patient, improving the quality of survival. The American Cancer Society also provides crucial, flexible support for both laboratory researchers and clinicians.

Therefore, I, William A. Egan, Governor of Alaska, recognizing the significance of the program of education, service, and research of the American Cancer Society, proclaim April, 1972, as

CANCER CONTROL MONTH

in Alaska, I urge all residents of this State to support the efforts of the many dedicated volunteers so that the aim "To Cure Cancer in Our Lifetime" can be realized.

Dated this 29th day of March, 1972.

THE ANTI-AMERICAN PROTESTORS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, the so-called peaceniks that have plagued this country during recent months have now shown their true colors and anti-American sentiments.

No longer content with mouthing praises to Mao, carrying North Vietnamese flags, or desecrating American symbols, the peaceniks have now petitioned the Soviet Embassy here in Washington to "avenge Hanoi and Haiphong" and "send more missiles to shoot down more U.S. planes."

Publicly encouraging American defeat, the People's Committee for an NLF Victory presented a statement to Russian First Secretary Nikolay Popov which read in part:

> We recognize that the use of Soviet armaments will result in the destruction of American bomber crews, but these crews, unlike the men who have been forced or duped into serving in the Armed Forces, are volunteers *who must bear the consequences of their actions.*

Mr. Speaker, it is time for the Congress to take action to stop these immoral acts of treason on the part of disloyal Americans who would hide behind the veil of supposed innocent idealism.

A related newsclipping follows:

[From the Washington Post, Apr. 20, 1972]

SHOOT DOWN MORE U.S. PLANES, U.S. PROTESTORS URGE SOVIETS

(By Paul Valentine)

In a new antiwar development here, about 20 American radicals yesterday formally asked the Soviet government to boost its military aid to North Vietnam and the National Liberation Front (NLF) to help defeat American forces in Indochina.

"We encourage you to continue and increase your aid," the group said in a statement issued at the Soviet Embassy, 1125 16th St. NW.

Calling itself the Peoples Committee for an NLF Victory, the mostly youthful group stood in front of the embassy for a half hour holding signs saying "Avenge Hanoi and Haiphong" and "Send More Missiles to Shoot Down More U.S. Planes."

One participant, who identified herself only as Kathy Lewis of Washington, met briefly inside the embassy with first secretary Nikolay Popov and presented the group's petition.

The action came amid growing reverberations throughout the country against the escalated U.S. bombing of North Vietnam. War protest activists said it marks the first time that any faction of the broad-based American antiwar movement has publicly encouraged American defeat in Indochina.

"We recognize that the use of Soviet armaments will result in the destruction of American bomber crews," the group's statement said. "These crews, unlike the men who have been forced or duped into serving in the armed forces, are volunteers who must bear the consequences of their actions."

Heretofore, public antiwar sentiment has ranged from the neutral pacifism of Quaker groups to generalized sympathy for North Vietnam by various socialist factions.

The National Peace Action Coalition (NPAC), one of the largest antiwar umbrella organizations, for example, consistently has urged only immediate American withdrawal from Indochina. Several local NPAC activists privately voiced disapproval of the strategy of the group at the Soviet Embassy yesterday.

Members of the Peoples Committee group have few formal affiliations but are loosely associated with various freewheeling local communes such as the underground Quicksilver Times newspaper and the Breadbox Collective.

Henry Schoenfeld, an attorney accompanying the group at the embassy yesterday, said many antiwar activists "are afraid to support the other side . . . but the continuous mass murders committed by American bombers have made it impossible for some of us to stand by any longer."

Elsewhere yesterday, activists on local university campuses continued efforts to organize classroom boycotts and a general students strike for Friday.

The strike, sought by the Student Mobilization Committee and the National Student Association, would be a prelude to mass antiwar rallies scheduled by NPAC on Saturday in New York and Los Angeles.

An organization calling itself the Lawyers Action Coalition is planning a march here Saturday at noon, from Union Station to the Ellipse.

EARTH WEEK 1972

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, Earth Week 1972 provides an opportunity for all citizens to reaffirm the Nation's commitment to work toward a healthy and self-sustaining environment. Two years ago we celebrated Earth Day, this event beginning the annual series now known as Earth Week. This first event reflected a newly emerged national awareness, a budding concern with little in the way of national policy to give it meaning. Only 2 years removed, the hope is becoming a reality. In this short timespan we have made great strides in buttressing the environmental awareness with the machinery of laws and regulations so necessary to eventual success. It can happily be stated that Earth Week 1972 signifies but one element—though an important one—of a comprehensive public policy that seeks, in the words of the National Environmental Policy Act, to "encourage productive and enjoyable harmony between man and his environment." The activities that will occur during Earth Week 1972 in special ceremonies and classrooms throughout the country will pay homage to our continuing efforts to achieve this harmony.

While there are indications that significant progress has been made—and for this reason much to celebrate—Earth Week 1972 is in a sense more important and more critical than the observances in the past. The very progress of our involvement in pollution control has served to bring home the fact that at least some sacrifices on the part of the citizenry may be necessary if we are to achieve our goals. And after centuries of abuse of the environment this is no more than should be expected.

A recent Government report estimates that around $70 billion will have to be spent on air and water pollution control over the next 5-year period. This will amount, however, to only just over 1 percent of the increase in GNP over the same period. About one-fourth of the $70 billion will come from the public sector and the rest from the private. In regard to the private contribution, it is expected that it will have only a minimal adverse impact on employment and prices.

In addition, if our objectives are to be realized, there may need to be a cutback in the rate of growth of consumption of some commodities whose use has adverse environmental consequences. Energy consumption is a prime example. It is estimated that the demand for electrical power by the end of the current decade will double from its current level. Yet environmental regulations may prevent the use of our plentiful—but sulfur rich—coal deposits. Secretary of the Interior Morton has recommended the adoption of an "energy ethic" that would establish a national policy on the conservation of energy.

These various costs, if equitably shared by all, will not pose an unreasonable burden. Thus, we must not let the imposition of some sacrifice cause our resolve to waiver. At this critical juncture, we must not slacken off the pace.

There will be those, of course, who persist in dismissing the environmental concern as a fad; and there will be those who will voice approval as long as they think they are getting "something for nothing." But there is evidence that the majority of Americans—cutting across party and economic lines—not only realize that there will be a cost but are willing to see the job through. A recent Harris poll found that most people are willing to pay a $15 per year tax to finance Federal programs in air and water pollution. The poll showed, in addition, that support has been increasing over time. This is further corroborated by the overwhelming success throughout the country of referendums on bond issues that would finance pollution abatement activities.

Therefore with the somber realization of the possible sacrifices involved, we must as a Nation reaffirm our commitment to protect the environment and in so doing set an example for the nations of the world to follow. As President Nixon stated in proclaiming Earth Week, 1972:

> If man is to preserve the natural heritage upon which his survival and the quality of his life depend, he must make resolute choices and fix uncompromising priorities.

We have made, and are making, what we trust are resolute—and reasonable—choices. During Earth Week 1972 let us reaffirm our priorities in moving toward the restoration and protection of our environment.

SATELLITE COMMUNITIES: A PROPOSAL FOR A NEW HOUSING PROGRAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MIKVA. Mr. Speaker, every once in a while we come across a perceptive analysis of a problem which shakes up our conventional attitudes and assumptions and frees our minds for fresh understanding of things we thought we already understood.

Just such an article appeared recently in the Center magazine. It is entitled "Satellite Communities: Proposal for a New Housing Program," and was written by Mr. Bernard Weissbourd, an expert in the housing field who is president of Metropolitan Structures, Inc., of Chicago and is also a member of the board of directors of the Center for the Study of Democratic Institutions in Santa Barbara, Calif.

Mr. Weissbourd points out how misguided our present programs and planning are, resting as they do on false assumptions about future population growth and housing markets. He goes on to explore a challenging new approach to dealing rationally with the future development of our urban centers, primarily through the establishment of satellite communities and new towns in town. Underlying his discussion of urban development is a keen awareness of the central importance of breaking down racial barriers in the housing market and in residential housing patterns.

Mr. Weissbourd's vision of the future is keen, and his analytical scalpel deftly wielded. He leaves us with much-needed hope for the future improvement of our urban condition, tainted only by the sad realization of how far behind the times is the thinking of present policymakers in the field of housing and community development.

I am pleased to commend Mr. Weissbourd's stimulating article to my colleagues, in order that they may share his optimistic vision of the future, and in the hope that our legislative efforts in this area will be improved as a result

The text of the article follows:

SATELLITE COMMUNITIES: A PROPOSAL FOR A NEW HOUSING PROGRAM

(By Bernard Weissbourd)

The term "urban crisis" has different meanings to different people. Those most immediately affected by hunger, lack of health services, unemployment, poor education, and housing shortages are the black and the poor—and their neighbors. Problems of air and water pollution, traffic congestion, and municipal finance, on the other hand, clearly affect everyone in the metropolis—whether he lives in the suburb or in the city. But to the poor these problems are not as immediate as their poverty. The "urban crisis" has a significantly different impact on different segments of the population, living in different sections of the metropolis. The severity of the problems also varies widely between metropolitan areas. In general, it is directly proportional to the size of the population, the growth of the population, and the size of the ghetto.

What strategies can we employ to combat these pressures? Financial aid to the cities, either by means of revenue-sharing or through the federal government's bearing a larger share of expenditures for education and welfare, will certainly be essential. Unwieldy governmental machinery will have to be bypassed, since problems of this urgency will not wait for the reorganization of fragmented governmental jurisdictions.

The program proposed here focuses on the problems of migration, pollution, transportation, unemployment, and segregation. Specifically, it recommends that:

The federal government, in cooperation with the states, should embark upon a land-acquisition program for new satellite communities. Acquiring enough land in the metropolitan areas where the problems are the greatest to accommodate half of the population growth expected by the year 2000 would require the surprisingly small investment of less than three billion dollars. If the land were properly located, this investment would yield a profit, unlike other governmental housing programs, which are typically operated at a loss.

Antidiscrimination laws should be affirmatively enforced through the lending policies of the F.H.A., V.A., and federally insured savings and loan associations and through the denial of federal funds to builders of segregated developments.

Existing federal subsidies for housing should be redirected toward families earning between six thousands dollars and twelve thousand dollars a year, and income limits on persons eligible for subsidized housing in satellite new communities should be removed.

An income-maintenance program should be established for lower-income people to assist them in buying or renting older housing.

The federal government should provide funds to rebuild substandard central city areas, perhaps as "new towns-in-town," after making a sufficient number of new homes available through the new satellite communities program. This would assure immediate accommodations for those displaced from the buildings to be demolished.

The heart of this program is the acquisition of land for new satellite communities which would house part of the population growth of selected metropolitan areas. The need for new communities is now widely acknowledged, although there is widespread confusion regarding their fundamental purpose as well as their financing, location, and size.

For example, David Rockefeller has called for a ten-billion-dollar private corporation to build satellite new communities on land acquired through the aid of a federal land corporation. *The New City*, a book produced by an impressive group of senators, congressmen, and national organizations of cities, counties, and mayors, advocates:

". . . financial assistance . . . from the federal government to enable the creation of one hundred new communities averaging one hundred thousand population each and ten new communities of at least one million in population."

Moreover, the Congress has passed new legislation authorizing federal loan guaranties for financing new communities. This new legislation identifies four types of new communities as eligible for federal assistance: satellite communities (on the outskirts of existing metropolitan areas as an alternative to subdivision development), urban growth centers (additions to small towns and cities), new towns-in-town (within central-city areas), and independent new cities unrelated to metropolitan areas that are already in existence.

Yet, the Congress, by enacting legislation providing funding for all four kinds of new communities, has avoided answering such basic questions as: What are the fundamental purposes of new communities? What kinds and sizes of new communities are most urgently needed? Where should they be located? The program proposed here is based on the conviction that new communities developed under current legislative policies will be located in the wrong places, will be too few, and only a small percentage of them will be desegregated.

I propose to show that while we need new communities for many reasons, their most important function is as part of a desegregation strategy that deals realistically with race and class; that we need satellite new communities rather than isolated new towns; and that the federal government should begin now to acquire the land for these new satellite communities instead of continuing to guarantee loans for private land acquisition. Finally, I propose to identify those metropolitan areas with the greatest need—where the land should be acquired for satellite new community programs significant enough to have an impact on the ghetto.

DESEGREGATION—RACE AND CLASS

The 1970 census returns demonstrate all too clearly that the dire prophecies of black inner cities encircled by white suburbs are being fulfilled. At least four major American cities, Atlanta, Newark, Gary, and Washington, now have central cores that are over fifty percent black. In addition to these, seven other cities have black ghettos of more than forty percent of the central city population. One reason is the flight of white population from the central cities. In Chicago, for example, the white population declined by more than half a million between 1960 and 1970; in Detroit there was a decline of 345,000 during the same period. The other factor, according to the Bureau of the Census, was that the "increase in the black population of the central cities proved to be both large and widespread, thus changing the racial mixture substantially." Though this situation is recognized as critical, most current proposals fail to deal realistically with political obstacles resulting from attitudes toward race and class.

Before addressing ourselves to this question, let us turn our attention toward another aspect of the problem. It has now become commonplace to recognize that the new suburbs are also the location of the new jobs, particularly the new industrial jobs, since industries find it more economical to build single-story plants on cheap suburban land than to build multistory plants on expensive city land. Only office jobs are increasing in the cities, and this trend is expected to continue. So we daily witness the remarkable phenomenon of inner-city blacks filling the expressways en route to their industrial jobs in the suburbs while, at the same time, suburban whites are fighting traffic in the opposite direction to get to their office jobs in the cities. This is a consequence of the separation of place of work from place of residence carried to absurdity.

The core of the problem is race. Black people need places to live near their work, yet white suburbia's level of anxiety at the prospect of an influx of black neighbors was expressed by President Nixon when he opposed Secretary Romney's proposal for using federal funds to open up the suburbs by calling it "forced integration"; and there are voices within the black community advocating total separatism

The strong resistance of white suburbia to the acceptance of black neighbors, in large part, is based upon a fear of inundation by an alien culture. Each suburban community fears that, if it becomes the first of its neighboring areas to welcome blacks, it will become the central focus of the entire black migration Given this white resistance and the understandable reluctance of black families to move into an inhospitable environment, legal and legislative efforts can open up the suburbs to only a few highly motivated black families intent upon securing better housing, better jobs, and better education for their children. Large numbers of black families will not be affected nor will the lower-class or the unemployed

Nevertheless, overcrowding in the ghetto and the resulting pressure on the white neighborhoods adjoining it must be relieved. Where housing is scarce and segregation prevails, the growing black population can only expand into the adjoining white neighborhoods. Block by block, as these white residents are squeezed out of their neighborhoods, they tend to reassemble in other ethnic or cultural enclaves farther out, which become that much more resistant to any black entry.

Land is scarce in the city, and urban renewal has destroyed more housing than it has created. It is very difficult to reproduce the high density of our ghettos except by building high-rise apartments—very high; these are now generally considered by ghetto residents as undesirable places to raise their children. The only land available, then, for housing the growing black population of our cities—if they are not simply to displace their white neighbors—is in the areas next to be developed at the suburban fringes or on inner-city industrial land no longer suitable for industry. Once population pressures in the ghetto have been relieved through new construction in out-lying areas, our inner cities can be rebuilt. London, for example, built new towns before the East End was cleared so that the residents of the East End had someplace to go before their homes were destroyed.

There is still another aspect of the situation that should not be neglected. Besides simply relieving the overcrowding in the ghetto it is also necessary to speak to the condition of despair in which most of its inhabitants find themselves. Satellite new communities provide an opportunity for white America to convince black America that there is someplace in the United States where there can really be hope, where Americans put into practice the ideals we profess, where there are good jobs, good housing, and a good education for children. Many black Americans may prefer to stay where they are, rejecting the new communities and the racial mixture they offer; but they would still be aware that this opportunity exists if they choose it.

Black separatists argue that the growth of black majorities in our cities will increase both the political and the economic power of the black community. There is certainly strength in this position. The business communities which occupy the center of those American cities with populations over forty per cent black will have to learn how to cope with this reality. On the other hand, it would not seem plausible that the separatist movement would deny that same choice of environment to blacks that the majority society has always enjoyed. In any case, white society now has the power to open the way for black occupancy of homes in the suburbs and in new communities, and, if it is used, blacks can choose whether or not to live there.

Historically, the ethnic neighborhood functioned effectively as a place where the immigrant could adjust to the New World while he preserved his own culture and roots. His children usually became part of the majority culture. It is glaringly obvious, however, that this process is not operating for black people and that the barriers to upward mobility are greater for them than they were for the Irish, Italians, Jews, and other groups. Limited progress does occur, of course. Opportunities for employment and education are expanding, but the increasing ghettoization of black people is an insurmountable barrier to their entrance into the larger society unless it can be somehow revised.

We will be confronted for many years to come with a situation in which a number of central cities will be dominated by black groups. This means that one route for the black community will be the development of their own economic and cultural institutions, depending on this own initiative and on negotiations with white people having economic power in the city. Here an analogy to the biculturalism of Quebec might be relevant, where the French majority faces an English minority holding economic dominance.

An alternative route for black advancement lies in desegregation and the accompanying improvement in education, employment opportunities, and housing that a desegregated society can provide. The term "desegregation," however, does not imply that every street or apartment building has black residents in precise proportion to the total population. Obviously, economic status, distance from work, arbitrary personal preferences (including those based on race), and many other factors will continue to affect where and how people choose to live. Desegregation does require, however, that black people have the same opportunities to make choices that white people have. We must continuously be reminded that the success with which we develop an environment that will close the unconscionably wide gap between the opportunities available to black and white people will not only determine the future of many of our cities, it will also have an enormous influence on our national character and on our international relationships.

Any desegregation strategy must begin by making a proper distinction between race and class. This distinction has long been blurred, perhaps deliberately. For years the executive branch of the government "sold" Congress on housing legislation without ever mentioning the word "black." It was considered wiser to talk about "poverty," and the fact that there are twice as many poor whites as there are poor blacks in the United States.

President Nixon's statement of policies relative to equal housing opportunities has been attacked because of its lack of commitment to racial and economic integration. However, the statement deserves to be read in its entirety because, for the first time, the executive branch of the federal government has made the important distinction between racial and economic integration and has recognized the difference between opposition to building low-income housing in wealthy suburban areas and the movement of relatively affluent black families into those same suburbs.

Anyone with any experience in leasing apartments or in selling homes knows that it is much more difficult to mix different economic classes than to mix different races in this country. The 1970 census shows, in fact, that we are getting some small mixture of middle-income black and white families in suburban areas, and there are numerous examples of integrated buildings and neighborhoods in the cities. However, comparable examples of economic integration of rich and poor are rare.

The President's statement also acknowledges for the first time the role that the Federal Home Loan Bank plays in the housing market through its regulation of savings and loan associations. Almost all present financing for new homes and apartments involves the federal government in one way or another. About half of the outstanding mortgage debt on single-family homes is either F.H.A. or V.A. insured, and most of the balance is financed by savings and loan associations with deposits insured by the federal government and investments regulated by federal law. The remaining factor in home and apartment mortgage financing is the life insurance companies, and they most certainly would coöperate with any Equal Opportunity Program affecting the F.H.A., V.A., and savings and loan associations. If these lenders or loan guarantors were to provide funds only for equal opportunity developments, almost all new construction of homes and apartments would be desegregated, just as equal opportunity employers have partially succeeded in desegregating the work force.

It will be necessary, however to design separate programs for different income groups. Only families earning more than ten thousand dollars per year are able, at current market prices, to afford new homes or apartments outside the South. In the northern and western metropolitan areas approximately thirty-two percent of all black families earn more than ten thousand dollars a year, as compared to fifty-two percent of all white families. This means that in a metropolitan area with a population which is, say, twenty percent black (though most, of course, have a smaller percentage of black families), approximately thirteen percent of the total families who could afford to move into suburban areas might be black.

However, because the white families are already there, and because black families might hesitate to move into a potentially hostile environment, a much smaller percentage of black families can be expected to purchase or rent new housing in already built-up areas or in traditional suburban subdivisions, even with a free housing market. Since the percentage is likely to be relatively small, any action taken by the federal government in relation to open housing should not arouse enormous fears. Experience suggests that such a mix would be stable. Moreover, the fact that practically all new developments would have to be equal opportunity developments under such a plan means that no single development would run the risk of becoming the focus of more extensive change. Builders would be able to prove compliance by demonstrating that they have, in fact, sold or rented to black families or show that they have unsuccessfully advertised for, and have not discriminated against, them. Thus a modest degree of racial desegregation would be achieved; it will not, however, produce any substantial amount of economic mixture, since only families earning more than ten thousand dollars a year would be involved.

RACIAL AND ECONOMIC BALANCE

To facilitate the housing of black industrial workers near suburban plants other programs will be needed. This may be a more difficult goal because of the greater resistance to mixing economic classes than to mixing races. A better opportunity for achieving racial and economic heterogeneity is offered by new satellite communities. Desegregation here would signify real options in terms of where and how people want to live. Given a choice of locations in new communities, it is quite possible that people would sort themselves out: some into white neighborhoods, some into black, and some into mixed. It is also possible that some management people living in the new communities will isolate themselves from the factory workers, while others will prefer to mix with them. These options must always be kept open, because the principle of free choice is quite as important as any of the other concepts discussed here.

Housing middle-income people and industrial workers in new satellite communities will require some form of subsidy, since some of them may be earning only about six thousand dollars a year. This means that such a family can afford little more than $125 a month for rent. Of all black families living in the North and West, sixty-five percent earn at least six thousand dollars a year, as compared with seventy-nine per cent of all white families in those areas. This means that in a metropolitan area with a population, say twenty percent black (again this figure is larger than average), approximately seventeen percent of the total families who would move into such new communities would be black. Experience, again, indicates that such a population mix in new communities would be stable. However, even though black families would be welcome in such new communities, in contrast to the hostility of the existing suburbs, it is doubtful whether the percentage of blacks, at least in the initial phases of the program, would be as high as seventeen percent.

Income groups earning less than six thousand dollars a year present an entirely different problem. It is possible that the best way to deal with poverty is with money. Income maintenance or some form of negative income tax might be more effective answers to the problems of low-income families than housing subsidies. People in this income bracket may prefer to select older housing, spending a larger proportion of their total income on other necessities. If we are interested in achieving some degree of economic heterogeneity, new communities should then be prepared to accept their share of the new housing for this group in proportion to their presence in the metropolitan area as a whole.

The results of this program are likely to be that a small percentage of relatively affluent black families will live in the same suburban neighborhoods as white families of a similar economic level, in new housing. A larger percentage of both working-class and affluent black people will live in desegregated new satellite communities with whites of the same economic status. Poor families, both black and white, will live largely in the older housing and apartments, with a small percentage in new homes and apartments and in new satellite communities.

High-rise public housing, on the other hand, should be reserved exclusively for adults—either the elderly or young single or married people without families. The buildings are adequately constructed and can be utilized in much the same way as luxury high-rise apartments, by adults. For large families, income maintenance might permit them to buy older housing, preferably in a neighborhood with good schools, or provide a much more suitable environment for the children.

This approach is the opposite of the one we are now pursuing. We have for some time been providing new housing for poor people through public housing projects and for the relatively affluent through government subsidies for single-family homes. Instead, we should be providing new housing for middle-income people earning between six thousand dollars and twelve thousand dollars a year and allow those with lower income to acquire older housing through income maintenance. People with incomes over twelve thousand dollars can afford their own housing, subsidized as at present through special income tax treatment of home ownership.

What has been proposed, then, is a four-point program:

Affirmative action to enforce antidiscrimination laws through F.H.A., V.A., and federal savings and loan association lending policies so that black families able to afford single-family homes can move to the suburbs.

Housing subsidies for middle-income people earning between six thousand dollars and twelve thousand dollars a year to enable them to afford new housing in new satellite communities.

An income maintenance program for lower-income people so that they may be able to purchase suitable older housing.

A new satellite communities program offering housing of varying price range in a choice of black, white, or racially mixed neighborhoods.

THE HIDDEN COST OF SUBSIDIES

The federal government pours at least ten billion dollars a year in direct or indirect subsidies into the housing market. The federal budget directly allocates approximately four to five billion dollars a year to housing, including appropriations for urban renewal, public housing, mortgage loan interest, subsidy programs, etc. This figure, however, does not include rent payments made for welfare recipients, which are indirectly financed by the federal government through matching funds to the states (in New York City alone these costs amount to eight hundred thousand dollars a year). The federal budget figure also does not include the major benefit involved in the whole system of F.H.A. and V.A. mortgage guaranties, nor does it include the funds supplied by the savings and loan associations, which have financed the large portion of so-called "private" housing development. By insuring deposits in savings and loans and requiring them to invest these funds in home mortgages, the government has made available a continuing supply of money to the housing market at a lower interest rate than could be obtained in a competitive money market. It would be difficult to calculate the extent of this benefit.

The outstanding mortgage debt, however, of the savings and loan associations exceeds $160 billion, and the outstanding F.H.A. and V.A. guaranties represent an even larger amount. If the interest differential is one percent, the benefit involved amounts to more than three billion dollars a year. The over-all cost to the government of its borrowings may be increased by these loans and guaranties, but to a degree next to impossible to measure.

To these subsidies must be added the cost to the federal government of the loss of revenues deriving from its tax treatment of home ownership. The deductions allowed home owners for mortgage interest payments and real-estate taxes is another form of subsidy. It has been estimated that, in 1966, the deductions for mortgage interest reduced revenues by $1.6 billion, and those for property taxes caused a reduction of $1.4 billion. It is also estimated that the failure to tax the value of occupying a home (imputed income) reduced revenues by four billion dollars. The total revenue lost to the federal government by special tax treatment of home ownership, therefore, amounts to some seven billion dollars a year, or more than the total amount in the federal budget earmarked for housing. Perhaps this analysis reflects a rather extreme point of view. However, if we were to follow the example of the Canadian government, which does not tax imputed income but does not allow the deduction of mortgage interest or of property taxes either, the gain in revenues would amount to three billion dollars a year.

Perhaps an example will clarify what is meant by "imputed income." If a home owner has a house worth thirty thousand dollars on which he has a mortgage of twenty thousand dollars his equity investment is ten thousand dollars. If that investment had been invested instead at eight per cent interest, it would be earning eight hundred dollars a year on which a taxpayer in the forty-per-cent bracket would pay $320 in income taxes. However, the home owner has a return on his ten-thousand-dollar investment of the privilege of occupying his own home, for which he pays no tax. This annual value is known as "imputed income."

The inequities involved in this arrangement are manifold. For example, the more expensive the house the larger the tax benefit of home ownership. If the home owner, on the other hand, were to decide to rent his house to another family, he would have to pay income tax on the amount by which the rent received exceeded his mortgage payments, operating costs, and real-estate taxes, except for the special tax treatment for depreciation of real estate, which in the early years will also make his eight-hundred-dollar to one-thousand-dollar return on his investment tax free. Instances of such special tax treatment exist throughout the tax laws. The investment credit for new plants and equipment is a comparable example.

My aim is not to reform the tax laws but rather to emphasize the size and extent of the subsidies available to home owners and landlords in the form of tax benefits as compared with the subsidies for moderate-income housing, where a three-per-cent interest subsidy on a sixteen-thousand-dollar mortgage amounts to only about $480 a year. Its after-tax value to a taxpayer in the forty-per-cent bracket, however, is only $192 a year, or considerably less than the subsidy to the home owner or landlord owning more expensive property in the example above.

It will undoubtedly take a major effort to organize and rationalize the whole subsidy system in the housing market. I am not suggesting that we do away with income tax deductions for mortgage interest and real-estate taxes or for depreciation. I am rather suggesting that we try to understand their impact on the housing market and make sure that comparable subsidies are made available to lower-income people as well.

Unfortunately, many people become quite moralistic when subsidies for the poor are concerned and tend to worry about the problem of cheating. The opportunity to cheat is built into many of our housing programs when they specify minimum income levels. If a man's family is likely to be evicted from its apartment when his income increases, he is very likely either to avoid making more money or to be somewhat uncommunicative about the fact that he does. Such income limitations should be abolished in satellite communities. If a person earning more money still wishes to live among his lower-income neighbors, he should be encouraged to do so for the sake of economic heterogeneity. If he goes out and buys a home or rents a more expensive apartment, he is receiving another kind of subsidy, in any event. Furthermore, eliminating such income limitations will aid in overcoming racial prejudice. Experience has shown that the best way to encourage desegregation is to offer a bargain. Such integrated developments as Prairie Shores in Chicago and St. Francis Square in San Francisco have largely been successful because they offered well-designed apartments at a little less money. This policy creates a waiting list of potential tenants who are more concerned with getting in than they are with who lives next door.

Of the ten billion dollars that the federal government is spending in the housing market, a large portion has the effect of encouraging white home ownership in the suburbs and public housing for black people in the inner city. In other words—whether intentionally or not—it has resulted in increasing segregation. If we really were to decide to use these funds for the opposite goal, we could—within a decade—create many desegregated new communities, decrease overcrowding in the ghetto, reduce the pressure on its adjoining white neighborhoods, and encourage some black families to move into what are now all-white suburban areas.

Specifically, satellite new communities should receive a priority in the allocation of federal subsidies for low- and moderate-income housing in order to make it possible for everyone who works in the new community to live there. The amount of subsidy should vary with the income of the home owner or renter, so that no more than twenty-five per cent of his income is required for rent or mortgage payments.

NEW COMMUNITY OPTIONS

Why should we build satellite new communities? Why not consider a low- and moderate-income housing program in suburban locations instead? The fact is that the present level of resistance to the construction of such housing in already established suburban areas is so great that it is unlikely that very much low- and moderate-income housing will be built there. In bypassing these areas and creating new satellite communities on the vacant land beyond, the political opposition to desegregation is significantly reduced. Furthermore, building in such outlying areas where vacant land is still available requires a scale of development for roads, sewer and water, and other amenities, at least on the level of the planned unit development and approaching the scale of satellite communities, in any event.

Most of the advantages of new communities have been fully described elsewhere, so only a brief list will serve our purposes here. New communities offer options for living in black, white, or mixed neighborhoods; they can provide an integrated school system; they open up opportunities for employment in the new suburban industrial plants; they reduce automobile traffic by allowing people to live near their work, thus lessening air pollution and the drain on our diminishing oil resources.

Certainly, satellite new communities provide an organizing idea which permits the planning needed to rationalize our transportation systems as well as our land use. Furthermore, only in satellite new communities will it be possible to aggregate the housing market efficiently in order to make industrialized housing feasible while their higher density would permit us to protect the environment by saving land and preserving open space. Definite financial benefits would result from federal land acquisition for new satellite communities, and these savings could be channeled into housing needed to accommodate population growth and replace substandard housing.

As mentioned earlier, influential proponents of new communities have called for ten new cities of one million people each and one hundred new towns of one hundred thousand each. It is thought that a population of at least one hundred thousand is required in order to sustain the services necessary to a self-sufficient community. Satellite new communities, however, need not be self-sufficient since they can depend on the central city for many of these necessary services. Consequently, they might be as small as eight thousand to ten thousand people—i.e., neighborhood size, large enough to sustain an elementary school, community center, nursery, convenient shopping center, service station, recreational facilities, and other local amenities. Such neighborhoods exist in the new towns of Färsta and Vallingby, near Stockholm, and in Tapiola, outside of Helsinki.

These are largely town-house and apartment communities as opposed to single-family homes, which are more characteristic of new communities in the United States. If one of the purposes of satellite new communities is to house the workers employed by outlying industries, they will have to consist partly of town houses and garden apartments, since only persons earning at least ten thousand dollars a year can afford new single-family homes in the northern and western United States at today's prices. However, these town houses and apartments could be sold as condominiums rather than rental units, if ownership is the desired goal.

Though satellite new communities might, in some instances, consist of as few as eight thousand to ten thousand people, in others larger populations are desirable, particularly if desegregation is our goal. Communities consisting of four such neighborhood units, or approximately thirty-five thousand people, could offer a choice of white, black, or integrated housing, with an integrated school system as well as other community activities.

Moreover, a satellite new community of thirty-five thousand people could be linked to the central city and to other similar communities by mass transportation. This becomes even more feasible if the town houses and apartments are centrally located near the mass transit station or bus stop, with single-family homes surrounding this central core. Such concentration of population at mass transit origins and destinations is necessary if it is to be workable at all.

Even larger satellite new communities are possible, though it is generally true that the larger the community, the more difficult the land acquisition process. Evanston, Illinois, an old suburban community, for example, has a population of eighty thousand and a school system which is integrated without excessive busing.

In metropolitan areas with very small black populations, like Minneapolis and Seattle, other means of desegregation are possible, so that satellite new communities there might be as small as eight thousand people. In those areas with large black populations where desegregation is a primary goal, new communities might better be built for thirty-five thousand people or more.

Very little land is required for a satellite new community of eight thousand to ten thousand people. Three thousand dwelling units at a modest apartment density of twenty units to the acre could be built on only 150 acres of land. An additional twenty acres could easily accommodate a school, shopping center, and other community facilities. In most metropolitan areas, tracts under two hundred acres are relatively easy to assemble. At mixed town house and apartment density, such a community might require four hundred acres; if four such neighborhoods are joined together to create a community of thirty-five thousand people, 1,600 acres would be more than adequate. Another four hundred acres could provide space for a high school, additional recreational facilities, and for industrial and commercial uses. However, in most metropolitan areas tracts as large as two thousand acres are usually quite difficult to assemble. In most places the government's power of eminent domain will be necessary to assemble the land for satellite new communities.

A community of forty thousand people on two thousand acres provides a density of twenty persons to the acre. The city of Chicago (including all of the land devoted to offices, industry, commerce, recreation, and other uses) has a density of more than seventy persons per acre, or more than 3.5 times as dense. Older suburbs of Chicago, like Berwyn, Cicerco, and Evanston also have much higher densities, i.e., thirty persons to the acre, with mixed residences including single-family homes, duplexes town houses, and apartments. Even some of the newer subdivisions built since World War II and consisting entirely of single-family homes have similar densities.

The lower density of twenty persons per acre has been chosen to demonstrate that, even at this low density, only one million acres of land will be needed for a satellite new communities program accommodating half of the expected growth in selected metropolitan areas during the next thirty years. The cost of acquiring this land at three thousand dollars per acre (the land for both Reston and Columbia was purchased for about $1,500 an acre) is only three billion dollars. So, if we build at higher densities, less land and less money will be required; if the land can be purchased for less than three thousand dollars an acre, a further saving can be obtained.

Half the expected population growth between 1970 and the year 2000 in thirty-eight selected metropolitan areas amounts to twenty-one million people. These selected metropolitan areas account for over eighty-five percent of the population, eighty-seven percent of the black population, and ninety percent of the population growth in all metropolitan areas of over five hundred thousand people. A more modest but more concentrated program involving twenty-four selected metropolitan areas would account for seventy-two percent of the population, eighty-three percent of the black population, and seventy-two percent of the population growth in metropolitan areas of over five hundred thousand people. These, then, are the metropolitan areas with the greatest degree of segregation, the greatest pressure on the environment, and the greatest problems resulting from size.

The more modest program would require eight hundred thousand acres in these selected areas for new satellite communities. This land could be acquired for less than $2.5 billion spent once, as opposed to the federal government's annual expenditure, both direct and indirect, of ten billion dollars for housing.

LAND ACQUISITION

I have suggested that the federal government, in cooperation with state agencies, acquire one million acres of land in certain metropolitan areas for satellite new communities. In addition to the value of early land acquisition to a satellite new communities program, the estimated three billion dollars required for this investment could be expected to yield a profit to the government.

Private land acquisition for new community development can presently be financed through federal loan guaranties. It appears that a number of such projects will be undertaken if only as a result of the rather favorable terms offered. The major flaw in this approach is that the land best suited to the development of new communities is seldom available under a single ownership and cannot be assembled without invoking the government's power of eminent domain. Consequently, many of these new communities will not be located where they are most needed. Moreover, piecemeal new community development competes with ordinary subdivision development, which makes desegregation difficult.

A bolder strategy is needed. If the federal government were immediately to acquire the land required for new satellite communities, many of the worst fears would be allayed. As David Rockefeller notes, a federal agency with "powers for planning and obtaining sites for new towns" might "perhaps provide guidance in terms of national land use planning." Whether the federal agency involved is part of the executive branch of the government or is a separate entity altogether, such as the T.V.A. (which I tend to prefer), the land should initially be acquired and *owned* by that agency. When land is privately owned, local zoning and building codes hamstring the development of new communities. This problem, however, tends to disappear when the new satellite community is part of a federal "enclave."

Local authorities, of course, should be involved in the process of planning the location of new communities. Perhaps the best agency for coordinating local with area-wide planning is the metropolitan area planning authority, which exists in nearly every major metropolitan area. In the Chicago area, for example, most federal grants to municipalities in northern Illinois must first be approved by the Northeast Illinois Planning Commission in order to show compliance with the commission's guidelines.

The profits to be made from a land acquisition program can accrue to the public's benefit. Private real-estate investors now reap the profits from increased land values created by public construction of subways, bridges, roads, airports, sewer plants, and other public utilities. Advance knowledge of highway interchanges creates instant fortunes in real estate. If land value profits created by public expenditures are recaptured for the public benefit, they can be reinvested in various aspects of new community development. In England, for example, land investments for new towns have nearly all been profitable for the government, although private investors in this country might expect a higher return.

The actual development of new communities, unlike land acquisition, should be accomplished by private developers rather than by the government. Urban-renewal procedures might serve as a model here, although we might experiment with other mixtures of government and private responsibility. Land for urban renewal is acquired by a public agency which also plans the major streets, public utilities, and land uses. Parcels of land are then sold to private developers. In this case, there is usually a write-down on the land because these projects are generally undertaken in depressed areas, while in the case of new satellite communities, the land could be resold at a profit.

Of course, there is more to a new community program than buying the land. Roads and streets, sewers, water, and other utilities must be provided. While the land itself may cost less than three thousand dollars per acre, the infrastructure (roads, streets, utilities, etc.) for such a project might well cost as much as fifteen thousand dollars per acre. This expenditure, however, is not entirely made at the beginning of the project since only major roads, storm water interceptors, and part of the sewage treatment plant must be installed then. Perhaps five thousand dollars per acre would be a more realistic figure to represent the primary investment in the infrastructure. The balance can ordinarily be provided by land sales. The point is that these particular expenses will have to be met in any event if the land is to be developed at all. State and local governments ordinarily bear the burden of these expenditures, which are more costly for ordinary subdivision than for new community development. There is no reason why these expenses should not be shared by the private developer to whom the land is sold, perhaps with loans guaranteed under the New Communities Act.

Urban land values have increased more than four hundred per cent within the last twenty years. A single-family lot which sold for one thousand dollars in 1950 cost over five thousand dollars in 1970. This increase is greater by far than the increase in the cost of living in general and greater even than the increase in building costs themselves. Properly located land is a unique form of monopoly: the supply is limited, and increased demand sends prices soaring. If the land is acquired by a governmental agency, however, the profits—as explained above—will accrue to the public or be used for further new community development.

Numerous federal and state agencies presently are involved in the planning of roads and utilities. The federal government, moreover, is financing the acquisition of open lands. It would seem to be highly desirable to coordinate all these various efforts, so that planning for roads, mass transit systems, sewers, and water can coincide with land acquisition for new satellite communities and thereby guide the growth of our metropolitan areas.

A final and singularly important reason for suggesting that land be acquired now by the federal government is to establish the credibility of the new communities program. People need tangible evidence that we actually do have a national commitment to desegregated new communities. In the building industry, announcements of new projects are generally credible only when the builder owns the land.

I believe that the land for satellite new communities should be acquired in the areas next to be developed in our fastest growing metropolitan areas. This belief is based upon the judgment that these are the places where desegregated new communities are most necessary, and also that these are the areas where population growth will occur anyway. The Nixon Administration, however, has proposed a very different policy.

In July of 1970, the President's National Goals Research staff issued a report entitled "Toward Balanced Growth—Quantity with Quality." In effect, it recommended that both the government and the private sector intervene in order to change the pattern of population settlement and prevent the further growth of megalopolis. The Nixon Administration has thus called for the concentration of resources to bolster urban growth centers by improving employment opportunities and providing professional services in regions of limited growth.

While federal assistance and intervention in the development of urban growth centers may be desirable, as a substitute for a national urban policy it is sheer disaster. Even if migration to the cities continues, the influx will progressively dwindle. Since massive migration is already coming to an end, the plan for urban growth centers actually comes too late. Moreover, it is simply not possible to keep the largest metropolitan areas from growing without overhauling the entire economic distribution system, and the cost of such an enterprise would far outweigh the benefits. Major metropolitan areas will continue to grow for the same reasons that they have grown in the past, and industries will keep on locating on the outskirts of such cities in order to serve their markets and attract labor for their plants and warehouses. The situation must be quite exceptional if an industry decides to locate in an urban growth center in Kentucky in order to serve a market in Chicago.

The large metropolitan areas will also continue to remain the centers of the boom in office buildings. Office jobs in the New York area are expected to almost double by the year 2000 and to increase 2.5 times throughout the country as a whole between 1965 and the end of the century. It is remarkable that, though the twenty-four largest metropolitan areas contain only thirty-four percent of the nation's total population, they provide sixty-five percent of all its office jobs—and this percentage is expected to decline only slightly, in spite of government intervention to promote urban growth centers. The number of white-collar jobs first began moving ahead of blue-collar jobs in the mid-nineteen fifties, and it is expected that they will exceed all other forms of employment by 1980. Finally, metropolitan areas will continue to grow, even without significant migration, by the normal process of the birth of children to the residents. Serving these children and their families will be a motivational factor in the choice of location for many "service" industries.

If this is the real significance of metropolitan areas, then we must treat as commandable but, perhaps, futile attempt by the Administration to redistribute the population away from major metropolitan areas. Certainly, whenever possible, government offices, universities, defense contracts, etc., should be used to aid underdeveloped areas in the United States. This is simply a matter of not increasing congestion in built-up metropolitan areas. But to assume that any such effort can make a significant difference is a misconception. Whenever we encourage new cities in the prairies or urban growth centers or further growth in metropolitan areas of less than five hundred thousand people will have very little impact on such metropolitan areas as New York, Los Angeles, and Chicago, which will all continue to grow.

Similar considerations preclude the building of many new cities in the prairies. It is possible to build a few, perhaps, and this effort might be encouraged, in locations where a new university or federal installation provides an economic base for such an independent new town as an experiment in new technology. However, in the main, no cost benefit analysis can justify the federal government's intervention except where the action already is—i.e., in the areas to be developed during the next three decades on the outer fringes of the suburbs now encircling the major metropolitan areas. *After* these areas have been developed with satellite new communities, we can consider the creation of "new towns-in-town" on the vacated inner-city land which will become available, to replace substandard housing no longer needed in the ghetto.

Some people give the term "urban growth center" a different meaning. They talk, instead, about adding to existing satellite old communities, of which Aurora, Elgin, Joliet, and Waukegan are examples in the Chicago area. This concept has some merit. There is no reason why these old satellite communities should not be enlarged, provided that a desegregation program is an integral part of the plan.

POPULATION GROWTH AND HOUSING SUPPLY

It is argued that even if some twenty million people lived in "new towns" they would represent such a small percentage of the population as not to be significant. The 1970 census shows, however, that twenty million people constitute more than half the total population growth expected between now and the year 2000 in the metropolitan areas with the worst problems. A program of properly located new satellite communities to house this anticipated growth in the metropolitan areas where it is expected to occur would certainly have a major impact.

It was one anticipated that the population would double between 1960 and the end of the century. The Nixon Administration, however, has been talking about a slow rate of growth, while Congress places the figure for population growth between 1970 and the year 2000 at only seventy-five million people. Anthony Downs believes that the 1970 census data indicate that an increase of fifty to sixty million is a more realistic figure, and estimates that most of this growth will occur during the earlier portion of this 30-year period, with a point of zero population growth reached well before the turn of the century. My own calculations are based upon an increase of seventy million people between 1970 and the year 2000.

The birth rate is still declining, as it has since 1957, with a consequent lowering of the estimates of future population growth. Nevertheless, large numbers of post-World War II babies are now producing children of their own and will probably cause the population to increase over the next two decades—even if they have proportionately fewer children than previous generations had. In addition, we gain some four hundred thousand persons each year through immigration. Whether the population will begin to stabilize after this latest wave of new families depends largely upon what people believe about how many children they should have. A stable population within the next thirty years could have enormous economic and social implications well beyond the scope of this analysis. At any rate, an increase of seventy million people in a 30-year period is a reasonably manageable figure, as compared to earlier estimates of 150 to 180 million.

Based on the larger projections of population growth, the Kaiser Commission established in 1968 a goal of twenty-six million new housing units to be built over the next 10 years. I believe that this goal is excessive. It was officially adopted during the Johnson Administration and has become the basis for the housing policy of the Nixon Administration. This goal is based upon estimates of the number of new household formations, housing units required to replace substandard units, and units scheduled for demolition. Though the Administration's goal is based on too high an original estimate of future population growth, the error is partially offset by the fact that there are perhaps ten to twelve million households that we could consider inadequately housed, even though only six million dwellings would be classified as "substandard" by the official definition of the U.S. Bureau of the Census. Moreover, if the rate of abandonments continues to increase as it has in recent years, we may need still more replacement units than heretofore anticipated. As a recent study of rental housing in New York City points out:

"The increase in the number of housing units withdrawn from use since 1965 has been startling. During the early nineteen-sixties, roughly fifteen thousand units were annually removed from the active housing stock for reasons other than their demolition to make way for new construction. In the period 1965 to 1967, the annual average rose to thirty-eight thousand units. These recent losses have not been confined to the worst part of the stock, as is usually the case."

It is obvious that there are numerous uncertainties inherent in such projections. For example, the number of new units required each year will depend partly on how fast we want to eliminate substandard housing. In addition, these projections must take into account the increased vacancy rate necessitated by the increasing mobility of the population. Since I believe that all these considerations are important, I would prefer to choose the higher rather than the lower goal, while recognizing that—if we conceive the timetable for eradicating the inadequate housing supply as fifteen rather than ten years—a lower rate of production would be adequate.

In spite of all these considerations, a goal of 2,600,000 new housing units each year seems excessive in relation to a population growth of seventy million people in a period of thirty years. Even taking into account the replacement of inadequate housing, an increased vacancy rate, and the trend toward more abandonments, we should require no more than forty to forty-five million new units in the next thirty years, or an average of at most one and a half million units a year. If we build two million units a year for the next ten years to replace substandard housing, the rate might drop off to approximately one million to 1,500,000 per year for the remainder of the period. If the building industry makes the attempt to gear up for the Kaiser Commission's 2,600,000 units per year, on the other hand, serious discontinuity will result later. A rate of two million new units a year, therefore, seems a more appropriate goal.

The building industry is now producing two million housing units a year, if we include mobile homes, so its present capacity is not the problem. The rapidly shrinking supply of construction labor, however, is serious enough to cause an eventual decline in production. Construction wages, as a result of the declining labor supply, are rising faster than those in almost any other sector of our generally inflationary economy, and the cost of housing has subsequently risen very rapidly. Though construction unions have been largely successful in minimizing minority participation, black labor, nevertheless, represents the only major labor pool left untapped; it is bound to become an indispensable component of any real solution to the problems of the industry. Given the government's "Operation Breakthrough" program, which was designed to encourage the industrialization of housing production, it is possible that the major thrust of black entry into the construction industry will be through the factory rather than in the field.

The most serious constraint, however, in the maintenance of adequate housing production has been the erratic fluctuations of "tight" and "loose" money. During periods of "tight" money, other industries tend to attract a larger share of available investment capital than does housing construction. The production of housing, therefore, falls off drastically until a period of "loose" money causes it to spurt suddenly ahead. While the federal government's policy of increasing the flow of money to the savings and loan associations and into subsidized housing programs does manage to smooth out these periodic fluctuations to some extent, a perceptive new approach for providing fresh capital to the housing industry will be necessary before these problems are entirely solved. Certainly, industry cannot be expected to invest substantial capital in industrialized housing until it is convinced that the demand for its product will not vary widely from year to year.

The excessively high projections of future population growth have not only led to erroneous estimates of the demand for housing but to the concept of "megalopolis" as well. This concept, while useful for some purposes, has had the negative effect of raising the false specter of an America running out of land. The megalopolis known as the Atlantic Region which stretches from Massachusetts to Virginia includes the cities of Boston, New York, Philadelphia, Baltimore, and Washington (or five of the fourteen metropolitan areas with populations over two million) and contains some thirty-five million people. Other megalopoles are the Lower Great Lakes, Region, the California Region, and the Florida Peninsula.

This situation sounds rather alarming unless two additional facts are also taken into consideration: there is no *other* identifiable urban region in this country that will exceed even *six* million by the year 2000, and none of these so-called megalopoles are actually running out of open space. It is not even accurate to refer to "San-San," as the California Region is sometimes called (San Francisco to San Diego), since a large amount of open country still exists in that region between the mountains and the coast that could not possibly be filled up by the year 2000. Similarly, the concept of a "Lower Great Lakes Region" assumes a continuous urban belt between Detroit and Chicago. Though the towns of Kalamazoo, Jackson, and Battle Creek are certainly growing, an automobile trip on route I-94, connecting Chicago and Detroit, clearly shows that there are still miles and miles of undeveloped farmland along that stretch. Florida, of course, still has its share of everglades, the palmetto scrub, and orange groves,

The idea that we are running out of land is patently not true. On the other hand, there are far more serious threats to urban life which require immediate attention. Both automobile ownership and consumption of electrical energy and fossil fuel is increasing at a much faster rate than the population as a whole. The concentration of people in megalopoles means a concentration of consumers whose capacity for consumption is potentially very much greater than its present level. If we are successful in raising the incomes of people now improverished in inner-city ghettos and they too become consumers of automobiles, ranges, air conditioning equipment, and other accouterments promised them as part of the "good life," the problem will begin to take on very serious dimensions. Thus, while availability of land may not pose a real threat, air and water pollution, depletion of our oil resources, and the disposal of waste heat emerge as possibly the most ominous consequences of the growing concentration of people in megalopoles.

Similarly, there is an enormous pressure to develop ocean shores, lake frontage, woods, and other natural resources outside the cities which will intensify as the society becomes more affluent. The real danger highlighted by the concept of megalopolis is not that we will run out of land but that we might run out of clean air, water, and natural resources.

CRITICAL TARGET AREAS

The 1970 census data not only indicate that previous population growth estimates and required housing units have been greatly exaggerated, they also show that a large percentage of that growth as well as a large percentage of the black population is concentrated in a few metropolitan areas. If we rank metropolitan areas according to size, growth, and black populations, we can then begin to establish some criteria for deciding which of these areas requires the most urgent attention, for which satellite new communities offer solution. It will also enable us to suggest the kinds of satellite communities needed and to estimate the amount of land required for these new communities.

Writers from each of the American regions tend to project the problems of their own area onto the country as a whole. The particular problems besetting New York and Los Angeles, for example, are often described as though they were typical of the entire country. I suggest rather that New York and Los Angeles are unique. Cities like Chicago, Philadelphia, Detroit, and Baltimore require a different kind of approach. Smaller metropolitan areas with fewer black people and less population growth can utilize other strategies more appropriate to their needs.

The census defines a place as "urban" if it has a population of fifty thousand or more people. A town of fifty thousand does not usually have an "urban crisis," as the term is normally used, or share the problems of cities like Chicago and Cleveland. To use the term "urban" for such places sometimes misleads people into enlarging the scope of the urban problem. In fact, if we limit our attention to cities with populations in excess of five hundred thousand, we will still find many metropolitan areas that neither manifest the problems nor require the solutions. discussed here. Smaller metropolitan areas may need a strategy for desegregation or suffer from various other urban ills, but the scale of these problems is too small to warrant the construction of satellite new communities.

CHART 1

Metropolitan area	Total population, 1970	Total black population	Percent black population	Total population, 1960	1970 population, central city	1970 black, central city	Percent black
New York, Newark, Patterson, Clifton, Passaic, Jersey City	15, 354, 000	2, 367, 000	15. 4	14, 182, 000	8, 793, 000	1, 978, 000	22. 5
Los Angeles, Long Beach, San Bernardino, Riverside, Ontario, Anaheim, Santa Ana, Garden Grove	9, 588, 000	824, 000	8. 6	7, 552, 000	3, 925, 000	553, 000	14. 1
Chicago, Gary, Hammond, East Chicago	7, 608, 000	1, 340, 000	17. 6	6, 794, 000	3, 697, 000	1, 214, 000	32. 8
Philadelphia	4, 816, 000	844, 000	17. 5	4, 343, 000	1, 949, 000	654, 000	33. 6
Detroit	4, 196, 000	756, 000	18. 0	3, 762, 000	1, 509, 000	659, 000	43. 7
San Francisco, Oakland, San Jose	4, 181, 000	348, 000	8. 3	3, 291, 000	1, 524, 000	232, 000	15. 2
Washington	2, 861, 000	704, 000	24. 6	2, 064, 000	757, 000	538, 000	71. 1
Boston	2, 754, 000	127, 000	4. 6	2, 595, 000	641, 000	105, 000	16. 3
Pittsburgh	2, 402, 000	170, 000	7. 1	2, 405, 000	520, 000	105, 000	20. 2
St. Louis	2, 634, 000	379, 000	16. 0	2, 105, 000	622, 000	254, 000	40. 9
Baltimore	2, 071, 000	490, 000	23. 7	1, 084, 000	906, 000	420, 000	46. 4
Cleveland	2, 064, 000	333, 000	16. 1	1, 909, 000	751, 000	288, 000	38. 3
Houston	1, 983, 000	383, 000	19. 3	1, 418, 000	1, 233, 000	317, 000	25. 7
Miami, Ft. Lauderdale	1, 888, 000	267, 000	14. 1	1, 269, 000	582, 000	100, 000	17. 2
Minneapolis, St. Paul	1, 814, 000	32, 000	1. 8	1, 482, 000	744, 000	30, 000	4. 0
Dallas	1, 556, 000	249, 000	16. 0	1, 119, 000	844, 000	210, 000	24. 9
Seattle, Everett	1, 422, 000	42, 000	2. 9	1, 107, 000	584, 000	38, 000	6. 5
Milwaukee	1, 404, 000	107, 000	7. 6	1, 279, 000	717, 000	105, 000	14. 7
Atlanta	1, 390, 000	311, 000	22. 3	1, 017, 000	497, 000	255, 000	51. 3
Cincinnati	1, 385, 000	152, 000	11. 0	1, 268, 000	453, 000	125, 000	27. 6
San Diego	1, 358, 000	62, 000	4. 6	1, 033, 000	697, 000	53, 000	7. 6
Buffalo	1, 349, 000	109, 000	8. 1	1, 307, 000	463, 000	94, 000	20. 4
Kansas City	1, 254, 000	151, 000	12. 1	1, 093, 000	507, 000	112, 000	22. 1
Denver	1, 228, 000	50, 000	4. 1	929, 000	515, 000	47, 000	9. 1
Indianapolis	1, 110, 000	137, 000	12. 4	944, 000	745, 000	134, 000	18. 0
New Orleans	1, 046, 000	324, 000	31. 0	907, 000	593, 000	267, 000	45. 0
Tampa, St. Petersburg	1, 013, 000	109, 000	10. 8	772, 000	494, 000	87, 000	17. 6
Portland	1, 009, 000	23, 000	2. 3	822, 000	383, 000	22, 000	5. 6
Subtotal	82, 468, 000	11, 190, 000	10. 4	70, 572, 000	35, 645, 000	8, 996, 000	25. 2

CHART 1—Continued

Metropolitan area	Total population, 1970	Total black population	Percent black population	Total population, 1960	1970 population, central city	1970 black, central city	Percent black
Phoenix	968,000	33,000	3.4	664,000	582,000	28,000	4.8
Columbus	916,000	106,000	11.6	755,000	540,000	100,000	18.5
Providence, Pawtucket, Warwick	911,000	21,000	2.5	821,000	340,000	16,000	4.7
Rochester	883,000	58,000	6.5	733,000	296,000	50,000	16.8
San Antonio	864,000	60,000	6.9	716,000	654,000	50,000	7.6
Dayton	850,000	94,000	11.0	727,000	244 000	74,000	30.5
Louisville	827,000	101,000	12.3	725,000	361,000	86,000	23.8
Sacramento	801,000	38,000	4.7	626,000	254,000	27,000	10.7
Memphis	770,000	289,000	37.5	675,000	624,000	243,000	38.9
Fort Worth	762,000	83,000	10.9	573,000	393,000	78,000	19.9
Birmingham	739,000	218,000	29.5	721,000	301,000	126,000	42.0
Albany, Schenectady, Troy	721,000	24,000	3.3	658,000	256,000	20,000	7.8
Toledo	691,000	57,000	8.3	631,000	384,000	53,000	13.8
Norfolk, Portsmouth	681,000	168,000	24.7	579,000	419,000	131,000	31.3
Akron	679,000	54,000	8.0	605,000	275,000	48,000	17.5
Hartford	664,000	51,000	7.6	549,000	158,000	44,000	27.9
Oklahoma City	641,000	54,000	8.5	512,000	366,000	50,000	13.7
Syracuse	636,000	23,000	3.7	564,000	197,000	21,000	10.8
Honolulu	629,000	7,000	1.2	500,000	325,000	2,000	.7
Greensboro, High Point, Winston-Salem	604,000	118,000	19.6	520,000	340,000	101,000	29.7
Salt Lake City	560,000	4,000	.7	448,000	176,000	2,000	1.2
Allentown, Bethlehem, Easton	544,000	6,000	1.2	492,000	215,000	5,000	1.5
Nashville	541,000	96,000	17.8	464,000	448,000	88,000	19.6
Omaha	540,000	37,000	6.8	548,000	347,000	34,000	9.9
Grand Rapids	539,000	23,000	4.3	462,000	198,000	22,000	11.3
Youngstown, Warren	536,000	51,000	9.4	509,000	203,000	44,000	21.7
Springfield, Chicopee, Holyoke	530,000	24,000	4.6	494,000	281,000	23,000	8.5
Jacksonville	529,000	118,000	22.3	455,000	529,000	118,000	22.3
Richmond	518,000	130,000	25.1	436,000	250,000	105,000	42.0
Wilmington	499,000	61,000	12.2	415,000	80,000	35,000	43.6
Total	103,041,000	13,397,000	13.0	88,059,000	45,681,000	10,820,000	23.7

Chart I lists those metropolitan areas in the United States with populations which exceeded five hundred thousand in 1970, ranked according to population size. Cities like New York, Newark, and other New Jersey cities have been grouped together in a single metropolitan area, as has Los Angeles, Anaheim etc., and Chicago, Gary, and East Chicago. These are actually unified metropolitan areas and are treated as such for purposes of this chart, though the census, for other reasons, lists them separately.

A look at the chart shows the concentration of urban population in a relatively few large metropolitan areas and an even denser concentration of the black population. For example, sixty-nine million Americans now live in the fourteen metropolitan areas with populations of approximately two million or more; eighty-two million live in cities over a million; more than eleven million of these eighty-two are black and nine of that eleven live in central cities. 103 million Americans live in metropolitan areas with populations over five hundred thousand, thirteen million of these "urban" dwellers are black, and only two of the thirteen million live in the suburban areas surrounding the central cities.

Those cities most in need of desegregation can also be identified from the chart. It indicates that, though a high proportion of the urban black population resides in a few large northern and western metropolitan areas, some smaller southern cities like Memphis, Birmingham, New Orleans, and Norfolk all have a very large proportion of black residents. These cities have their own distinct problems (and opportunities) and require some special attention.

The metropolitan areas listed on the chart may also be ranked according to size of growth between 1960 and 1970. It can be projected that perhaps forty to fifty million people will be added to these metropolitan areas during the next thirty years. Of course, it is one thing if an area of a million people increases by thirty per cent and becomes a city of 1,300,000; it is quite another if a metropolitan area like Los Angeles grows at a slower rate, but expands its population by two million people. Even if a metropolitan area of five hundred thousand doubles in size it will still not have the monumental problems of a city like New York, Los Angeles, or Chicago. The increase in population in Los Angeles during the last ten years was as large as the entire population of Cleveland or Baltimore or Houston. Yet only the city of Los Angeles could reach the present size of New York by the year 2000, and only San Francisco and Philadelphia might grow to the size of Chicago, and only Washington might exceed the present population of Detroit within thirty years. Certainly, it is clear that no city of less than two million people could possibly reach a population of seven million by the year 2000.

It is no longer appropriate to discuss metropolitan planning in broad, general terms. We need to consider each area separately and develop for each its own specific regional plan designed to protect the environment, provide for an adequate mass transportation system, and promote desegregation.

When all of the 1970 census data have become available and we are able to evaluate the latest statistics on employment, education, welfare, housing, crime, transportation, and the fiscal condition of the cities, perhaps some useful comparisons can be made in order to determine the effect, if any, the size of the metropolitan area, the growth rate of the population, and the size of the ghetto have on these problems. In the meantime, perhaps we can draw some tentative conclusions:

We should concentrate on the metropolitan areas with the largest populations, because that is where the people are, and size itself creates problems of transportation, pollution, and race relations.

We should concentrate on the metropolitan areas with the largest growth, because that is where the opportunities are, and that is where the environment will be destroyed if we do not act quickly.

We should concentrate on the metropolitan areas with the largest black populations, because that is where desegregation is most crucial.

VARYING LAND REQUIREMENTS

Applying these criteria to the metropolitan areas with populations over a million, it is possible to establish certain categories and to estimate the amount of land required for both a minimum and maximum satellite new community program.

The first category contains only New York and Los Angeles since their size and growth put them in a class by themselves. These areas will require, in addition to satellite new communities, either the construction of new cities on the scale of five hundred thousand to a million each, or the enlargement of existing suburban centers in order to accommodate the inevitable growth in population. The only other comparable metropolitan area is Chicago, though I have classified it in the second category since it shares more of the characteristics of metropolitan areas like Philadelphia, Detroit, Washington, St. Louis, Baltimore, Atlanta, San Francisco, Houston, Miami, and Dallas than it does those in the first category. All of the metropolitan areas in the second category grew by more than 250,000 people between 1960 and 1970, and all have black populations in excess of 250,000. The first seven of these areas have central cities that are over thirty per cent black, and each urgently requires a new satellite community program to desegregate, protect the environment, and accommodate part of the expected population growth.

The thirteen metropolitan areas in the first two categories contain nearly sixty percent of the black population. A minimum program consisting of satellite cities and communities for New York and Los Angeles and satellite new communities for the other eleven metropolitan areas would, nevertheless, accommodate a very large percentage of the people affected by the "urban crisis."

If we add a third category consisting of the other metropolitan areas with populations over five hundred thousand which grew by more than one hundred thousand people in the last decade and which have black populations exceeding one hundred thousand, we will have accounted for seventy-two percent of the population living in metropolitan areas of over five hundred thousand people, eighty-three percent of the black population of such areas, and seventy-two percent of the growth (Chart II). These metropolitan areas are Boston, Cleveland, Milwaukee, Cincinnati, Kansas City, Indianapolis, New Orleans, Tampa, Columbus, Louisville, and Norfolk.

CHART 2

Metropolitan areas	Total population, 1970	Black population, 1970	Growth, 1960-70
Group 1:			
New York	15,354,000	2,367,000	1,172,000
Los Angeles	9,588,000	824,000	2,036,000
Total	24,942,000	3,191,000	3,208,000
Group 2:			
Chicago	7,608,000	1,340,000	814,000
Philadelphia	4,816,000	844,000	473,000
Detroit	4,196,000	756,000	434,000
San Francisco	4,181,000	348,000	890,000
Washington	2,861,000	704,000	797,000
St. Louis	2,364,000	379,000	259,000
Baltimore	2,071,000	490,000	267,000
Houston	1,983,000	383,000	565,000
Miami	1,888,000	267,000	619,000
Dallas	1,556,000	249,000	437,000
Atlanta	1,390,000	311,000	373,000
Total	34,914,000	6,071,000	5,928,000
Group 3:			
Boston	2,754,000	127,000	159,000
Cleveland	2,064,000	333,000	155,000
Milwaukee	1,404,000	107,000	125,000
Cincinnati	1,385,000	152,000	127,000
Kansas City	1,254,000	151,000	161,000
Indianapolis	1,110,000	137,000	166,000
New Orleans	1,046,000	324,000	139,000
Tampa	1,013,000	109,000	241,000
Columbus	916,000	106,000	161,000
Louisville	827,000	101,000	102,000
Norfolk	681,000	168,000	102,000
Total	14,454,000	1,815,000	1,638,000
Group 4:			
Minneapolis	1,814,000	32,000	332,000
Seattle	1,422,000	42,000	315,000
San Diego	1,358,000	62,000	325,000
Denver	1,228,000	50,000	299,000
Portland	1,009,000	23,000	187,000
Phoenix	968,000	33,000	304,000
Total	7,799,000	242,000	1,762,000
Group 5:			
Rochester	883,000	58,000	150,000
San Antonio	864,000	60,000	148,000
Dayton	850,000	94,000	123,000
Sacramento	801,000	38,000	175,000
Fort Worth	762,000	83,000	189,000
Hartford	664,000	51,000	115,000
Honolulu	629,000	7,000	129,000
Salt Lake City	560,000	4,000	112,000
Total	6,013,000	395,000	1,141,000

Not all of these metropolitan areas require a satellite new community program of thirty thousand to one hundred thousand in size. In fact, some the smaller areas could best be served by satellite neighborhoods of eight thousand to ten thousand people. It is not our purpose here to plan all of the metropolitan areas, but rather to emphasize the need for focusing on areas of urgent need with a concentration of people and problems.

A fourth category might consist of those metropolitan areas with substantial growth but relatively small black populations. Minneapolis, Seattle, San Diego, Phoenix, Denver, and Portland would make up this list. A satellite-new- communities program in these areas would relate to the goals of managing growth, rationalizing mass transportation, protecting the environment, and providing an alternative to ordinary subdivision development. Desegregation in these areas can readily be achieved by other measures.

A fifth category, very similar to the fourth, would include such smaller metropolitan areas as Rochester, San Antonio, Dayton, Sacramento, Fort Worth, Hartford, Honolulu, and Salt Lake City. They all had substantial growth and none of them had very large black populations. Some could use a desegregation program, and—while a satellite neighborhood program would undoubtedly be beneficial—the urgency and the scale of the need for such a program in these areas is minimal.

Cities like Pittsburgh and Buffalo form a category of their own. Each had an insignificant record of growth between 1960 and 1970. There would be very little reason for a new-communities program in these areas, unless possibly to provide for replacement of substandard units—which is, of course, a program quite different from the one I described here.

AMOUNT OF LAND NEEDED

How much land, then, do we need for satellite new communities? The population of the United States as a whole grew by some 23,500,000 people between 1960 and 1970, and about fifteen million people were added to the metropolitan areas of over five hundred thousand in that period. As we noted, Congress expects that population to increase by another seventy-five million between 1970 and the year 2000, though some experts believe that a growth of fifty to sixty million is more realistic figure in view of the declining birth rate. For our purposes, however, it is reasonable to assume that each of the metropolitan areas will grow by approximately three times the growth it experienced between 1960 and 1970, but at a declining rate.

In order to calculate how many new communities we will need, let us assume that only half the population growth in each metropolitan area should be accommodated in new satellite communities. The balance of the growth can fill up vacant land in existing suburbs or vacant industrial land in the cities (perhaps as new towns-in-town). Moreover, to anticipate population growth in these new satellite communities, land should be made available so that they can reach their ultimate size over a 30-year period. In that case, no additional land would be required to replace substandard housing, since the new units would originally be built with this purpose in mind. The substandard units thus vacated in the cities can themselves become the sites of new dwellings in the city.

A minimum new-satellite-community program would call for the acquisition of land in the metropolitan areas listed in Groups #1 through #3. One-half of the estimated population growth during the next 30 years in those areas amounts to approximately 16 million people. A maximum program, on the other hand, would involve acquiring land for satellite communities in all of the metropolitan areas listed in Groups #1 through #5. One-half of the estimated 30-year growth in these areas would amount to almost twenty-one million people.

At twenty-one people (or approximately six units) to the acre—a relatively low density—one million acres of land would be required to house twenty-one million people. The land, in appropriate locations, may cost from one thousand dollars to three thousand dollars per acre. Therefore, a maximum of only three billion dollars is required for the entire land acquisition program I have described. Even at lower densities, or with more land allocated for industrial parks and commercial use, three billion dollars should be adequate. The minimum program, of course, would cost even less.

At densities of thirty-three persons per acre (including land for recreational, commercial, industrial, and other uses) the program would cost at most two billion dollars. Densities, of course, will vary from one metropolitan area to another. In smaller metropolitan areas, available land for satellite neighborhoods and communities will be less expensive and lower densities may be preferred, while land will be most expensive in areas like New York and Los Angeles, and therefore somewhat higher densities will be desirable.

Funds for land development are an initial expense rather than an annual expenditure, and the land ought to be resold for development at a profit. Moreover, three billion dollars spent once is a surprisingly small figure compared to the ten-billion-dollar *annual* expense of the federal government for housing.

LOCATION OF SATELLITE NEW COMMUNITIES

The metropolitan areas most in need of a satellite-new-communities program have already been identified. The next problem to be considered is where, within each metropolitan area, should they be located? While each metropolitan area requires a specific plan in order to adequately answer that question, there are certain definable principles to be considered in the acquisition of land.

The first step is to determine where *not* to build. In this regard, one can do no better than to paraphrase David Wallace's list of don'ts:

Don't build on the ocean beach. The shore and a substantial area next to it should be preserved in a natural state and be for public use and enjoyment.

Don't build at the river's edge or violate the riverside or the river's setting with inappropriate development. The quality and quantity of clean water, a vital natural resource, flood control, and public enjoyment require application of controls in all areas of the river landscapes.

Don't build on flood plains except under strict controls. Common sense (which doesn't usually prevail) would dictate limiting development where frequent floods occur.

Don't build on steep slopes or denude areas of forests. Amenity and water management, both vital to future urbanization, argue for this caveat.

Don't build in areas of great recreational value or unique visual personality. These areas can become the most valuable for people as open space close to urbanization.

Don't allow harmful development in violation of principles of natural conservation to remain. We must not be forever victims of mistakes of the past. Over time, uses that are clearly not in the public interest should be phased out, and nature reestablished in our cities.

These environmental safeguards actually remove very little land from circulation in comparison with the total amount available. Even in the Atlantic Region, with its present low-density consumption rates, enough land is left after securing these lands to accommodate all the development anticipated for the next fifty years.

If the removal of certain lands from development defines part of the form which the metropolitan area will take, the rest is defined by the design of the transportation system. This element of the metropolitan plan should be considered next—not only because the nature of the transportation system will determine the location of the satellite now communities, but also because the existence or absence of a mass transportation system has a major impact on the employment opportunities available to their residents.

Automobiles serve only low-density areas efficiently. If sufficient streets and parking spaces are provided to accommodate the automobiles of all the residents of medium-density areas, very little land is left over for the buildings. More urban land is presently used for transportation facilities than for any other function outside of residential. Most suburban zoning codes now require two parking spaces per apartment unit or town house, and over two-thirds of the land area in a typical suburban shopping center is earmarked for parking. A typical community college usually provides about 150 square feet of parking space per student, or one parking space for every two students. Though not all neighborhood obsolescence can be attributed to the automobile, it is certainly true that no urban neighborhood or industrial area developed prior to World War II has the space or design to accommodate a majority of its residents traveling by auto.

In the past, mass transit has been largely built to catch up with population growth, since only high density population centers can support it. However, both Stockholm and Toronto have shown us that mass transportation systems (in these instances, subways) can determine future growth. Unless the origin and destination of the transit system are in clustered locations, it is not possible to have a mass transit system at all. The automobile, on the other hand, lends itself rather to low-density, single-family housing. The process, then, is circular—the more expressways that are constructed, the more single-family homes are encouraged. Conversely, if subways or high-speed buses are provided, high-density developments are generated at their nodes. Since this appears to be one of the facts of life, good planning suggests that such subway stations or mass transit stops become the foci of new satellite communities with shopping, commercial, and municipal facilities, together with apartments, near the core, and single-family homes and townhouses located at the periphery.

A good deal of technological study has gone into the development of new mass transportation systems; it is not necessary at this stage to choose between them. It is sufficient to state that what is needed in most of our metroplitan areas is a series of new satellite communities linked to the central city and to each other by some form of high-speed mass transportation—whether it be subway, bus, monorail, or Gravity Vacuum Tube. Planning for transportation must be done simultaneously with determining the location of satellite communities, since each is closely related to the other.

In our larger metropolitan areas, the time now involved in traveling from one place to another exceeds the time devoted to any other single activity, except for sleep and education. The very least that will be accomplished by a good mass transportation system will be to provide inner-city residents with an opportunity to find their way quickly and inexpensively to the sites of the industrial jobs in outlying areas, while suburbanites similarly are able to commute to jobs downtown. Hopefully, if people eventually are able, through the development of new satellite communities, to live near their work, the total burden on the mass transportation system will be considerably diminished. It is even possible that recapturing those millions of hours of commuting time will contribute toward an improvement in the quality of life for the residents of both our cities and the new satellite communities.

THE INNER CITY

This focus on metropolitan areas does not deny that rural problems such as poverty, hunger, disease, poor education, and substandard housing also require urgent attention. Our description of urban racism as a conflict of black and white, is but a simplification of a larger problem involving Spanish-speaking people, Indians, Appalachian whites, and other minority groups in many of our larger cities. And, finally, our emphasis on new satellite communities does not imply that inner-city housing problems should be neglected. Industries able to provide significant employment for ghetto residents should be induced to locate there. The test for the industrial use of the land relates to the number of jobs created per acre. Only a few industries will qualify. The Brooklyn Navy Yard is an example of land of this type. In more instances, the land will be suitable for construction of "new towns-in-town."

Until a sufficient number of satellite new communities are built to relieve crowding in the ghetto, emphasis there should not be on urban renewal programs that displace more persons than they accommodate, but on programs that seek to improve the quality of education, to reduce unemployment, and to give ghetto residents a voice in the public decisions that affect their lives. What should be built in the ghetto, now, are medical facilities, schools, libraries, neighborhood centers, and adult job-training facilities. After satellite new communities have relieved the pressure of overcrowding, substandard housing in the ghetto can be eliminated, and "new towns-in-town" can be built on the vacated land. With overcrowding ended, ghetto rents and the artificially high value of slum buildings will decrease.

Creation of new satellite communities can serve as the catalyst for economic and social solutions to the nation's urban problems. Current policies and legislation, however, do not provide for these communities in sufficient number . . . in the most critical locations . . . or in a manner that will assure desegregation. Consequently, I have suggested a program of land acquisition now by an agency of the federal government. Most of the land needed could be acquired within two years of the passage of the necessary legislation through the government's power of eminent domain.

I am aware of the inevitable resistance to the idea of removing one million acres of land from private control by this method. But historic precedents for federal land utilization in the public interest exist. Land grants to colleges expanded public education; additional grants to railroads opened the west. And contemporary administrations have continued to acquire land for other public purposes such as construction of highways, slum clearance and urban renewal. I have tried to demonstrate that the creation of satellite communities by federal land acquisition would give us a new arena for the solution of our most critical urban problems. I believe that no other domestic public purpose deserves a higher priority.

WNBC–TV SALUTES THE CONTRIBUTION OF THE LATE HONORABLE ADAM CLAYTON POWELL TO THE FIGHT FOR EQUAL EMPLOYMENT OPPORTUNITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, on April 11, WBNC–TV called upon Congress to redesignate the recently enacted Equal Employment Opportunity Act in honor of the late Hon. Adam Clayton Powell. From his arrival in Congress in 1945 on, Adam was deeply concerned with ending the discrimination that sentenced millions of black citizens to the most menial of jobs at the lowest prevailing wages. His fight to establish a permanent Fair Employment Practices Commission ultimately resulted in the creation of the Equal Employment Opportunity Commission. Each step we take to strengthen that landmark legislation reminds us of Adam Clayton Powell's contribution to the struggle against racial discrimination.

I am pleased to share the WNBC–TV editorial with my colleagues in the House of Representatives.

The editorial follows:

ADAM CLAYTON POWELL

It is ironic that while Adam Clayton Powell lay in a death coma, he was achieving another of his major legislative triumphs. We refer to the Equal Employment Opportunity Act of 1972 just signed by President Nixon.

This act strengthens and expands the government's powers against discrimination in employment. Congressman Powell was the prime mover behind this legislation seven years ago.

Perhaps one of the most suitable memorials to Congressman Powell would be to change the cumbersome title of the act from the Equal Employment Opportunity Act to the Powell Amendment.

Let it stand as the final tribute to a man who compiled one of the most successful legislative records in the history of the United States. It is the way we shall always remember him.

CRIME AND CRIMINAL JUSTICE IN THE UNITED STATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAMILTON. Mr. Speaker, I include the complete text of my Washington Report series on "Crime and Criminal Justice in the United States," as follows:

WASHINGTON REPORT OF CONGRESSMAN LEE HAMILTON

In a very real sense, all Americans are victims of crime. Statistics from the FBI show that an increasing number become victims of some form of crime each year. All of us must bear the cost of crime, estimated to be in excess of $30 billion annually, in higher insurance rates, higher prices for goods and services, and in increased taxes to support the police, the courts, and the prisons.

There is an even more insidious cost—the fear of crime. The quality of life is seriously eroded when the fear of crime keeps Americans behind locked doors, away from downtown, and shut off from friends and neighbors after dark.

During the last decade (1960–1970), crime has increased 14 times faster than our population—176 percent as compared to a 13 percent population growth. Crime has spared no geographic region or level of society. In those 10 years, crime also has crept into the traditionally "peaceful" rural areas, showing in 1970 alone a 15 percent increase.

A partial count of the questionnaire which I sent to residents of the Ninth District shows that respondents think that crime is the most serious of our national problems. 40 percent indicated that they are personally afraid of crime in their areas. Concern about crime is also reflected in an increasing number of conversations and letters from Ninth District residents.

While the public's growing discontent and insistence upon action is often directed at the Federal government, the Federal government has surprisingly little direct control over crime in the streets. The Federal role is to give the strongest possible support to state and local police, courts, and prisons, which have the responsibility for curtailing crimes against life and property, the ones people fear most.

The system of criminal justice is comprised of (1) the police, the front line against crime, (2) the courts, which are struggling under increasing caseloads, and (3) the jails and prisons, most of them antiquated. The system has been the victim of neglect at all levels, and its shortcomings have become more pronounced under the pressure of increasing crime rates. While it may be smart politics to call for a "get tough" attitude, or demand "law and order," rhetoric simply will not stem the tide. In fact, any approach which only reinforces the present system with its weaknesses and shortcomings, is no longer feasible. We must look to reforms which:

Update, simplify, and standardize criminal codes across the country to conform to existing attitudes and customs.

Bring modern management and technology, such as data processing, into the judicial system.

Recognize and deal socially with such "non-victim" crimes as alcoholism and drug addiction which now clog court dockets.

Revamp our penal system, which are little more than schools for crime, and not for rehabilitation.

Intensify the attack on drug problems, with more emphasis on destroying the economic attractiveness of the illegal drug trade.

Develop more and newer methods of dealing with young offenders before they become involved in serious crimes.

Provide continuing training for policemen, and recognition of competency with higher salary levels.

But even these reforms will be insufficient to reverse the crime rate if the causes of crime are not dealt with. Mark on any map of a large city where there are slums, poor schools, high unemployment, poverty, bad housing, and a high incidence of sickness and mental illness, and you will also mark the area where crime flourishes (as former Attorney-General Ramsey Clark pointed out.) Any effective effort to control crime must eliminate the conditions which breed crime.

Until an enlightened public insists on structural changes in the criminal justice system and improves efforts to eliminate the conditions which breed crime, the war against crime will continue to be an ever growing and ever costly effort to catch and contain criminals and, in the long run, it will not be enough to win the war.

LAW ENFORCEMENT AND THE COURTS

The criminal justice system is increasingly hard-pressed just to contain the increasing crime rates, let alone reverse the trend. To make progress, the system must be reshaped and strengthened.

The system includes the police, the courts and the correctional facilities (prisons). It can work better than it does, but most experts agree that, by itself, it cannot turn the rising tide of crime across this country. The system's shortcomings are illustrated by these facts:

Barely one in every nine crimes which are reported results in a conviction (and most crimes go unreported).

Far in excess of one-half the number of robbery cases are not prosecuted, usually because of inadequate evidence.

Long delays in trials, now commonplace, weaken the deterrent of swift and certain conviction.

More than 40,000 different law enforcement jurisdictions in the U.S. make police efficiency hard to achieve.

Twice as much is spent in this country on tobacco as on the criminal justice system.

Only two Federal prisons have been built since World War II.

The criminal justice system's three components are highly interdependent. Police, courts and correction systems must each function efficiently or the whole system breaks down. If the police don't capture offenders, prosecuters cannot prosecute. If the prosecuters cannot get convictions, police are frustrated in their efforts. If the prisons do not rehabilitate, then more persons capable of crime are at large.

The policeman is the first line of defense in the effort to control crime. We expect him to be a law enforcer, lawyer, scientist, social worker, community relations expert, marriage counselor, traffic director and sharpshooter. We expect him to stop speeders, disarm robbers, sober drunks, get cats out of trees, stop riots, guard banks, check parking meters and instruct children to obey the law. We expect the policeman to accomplish all of this with long hours, little training, inadequate pay, and at the risk of life and limb. He is expected to deal with people at their worst, when tensions run high and violence often erupts.

One important step to strengthen the police is to relieve officers of duties which have little to do with crime control and are not the best use of their time, such as efforts to deal with the habitual drunkard, and the bookie. The policeman should not, for example, waste his professional skill enforcing safety codes and registering automobiles and pets.

To control crime, every effort must be made to professionalize police by initiating higher educational standards and continuous training. This is not inexpensive, but today the average American pays about $15 for all police services, and, even if we doubled the budget for the police, it would cost about one-thirtieth of our annual defense expenditures.

A major objective should be to improve the strength and caliber of police manpower. Qualifications must be upgraded, pay increased, training programs expanded, and partisan politics eliminated. Special attention is needed to improve police relations with the community, to improve the facilities and techniques of police management through modern communications, records and equipment, and to increase the capacity of various police forces to pool services and functions.

Programs such as the Law Enforcement Assistance Act (LEAA) are beginning to achieve these aims. Through direct grants to local units for training, equipment and such, Ninth District police and sheriff's departments received $7,851 for twenty improvement projects in 1969, $123,465 for forty projects in 1970, and $505,146 for forty-eight projects in 1971.

THE PRISON SYSTEM

America's prisons have been described as the stepchildren of the criminal justice system. They rank at the lowest level of priority for funds and, instead of serving as rehabilitation centers, they are little more than human warehouses. Fully 80 percent of their inmates come back again, convicted of another crime. (This is the most important statistic on crime, say the experts).

The best hope to reduce crime is to reduce the number of "repeaters," and no other single effort within the system, other than an effective corrections program, holds a fraction of the potential to reduce crime. Cutting the recidivism, or "returnee" rate to prisons, by half would mean a reduction of about 50 percent in the nation's crime rate.

Our prisons tend to be places of meaningless work, violence, drugs and despair. About 95 percent of all expenditures for corrections facilities is for custody, and only 5 percent is for education and training. State prisons, especially, tend to have as first priorities work programs to bring income to the system, and inmates are thrust into license plate manufacturing, or some similar effort, which fails to equip them for "outside" employment.

While federal and state corrections facilities usually have some form of rehabilitation, local jails are greatly deficient in this area. These jails usually lack the funds for any effective program of work or education, and the inmates become a jumble of short-term and first-term offenders, hardened criminals awaiting trial, appeal or conviction, and other inmates being held for other authorities. Of the 4,037 jails in the nation, 89 percent have no facilities for exercise, 89 percent have no educational facilities, 49 percent have no medical facilities, 26 percent are without visiting facilities, and 1.4 percent do not even have toilet facilities.

All through the system there is a critical lack of specialists such as caseworkers, psychiatrists, psychologists and counselors. There is a shortage, too, of adequately trained and adequately paid guards. Corrections officers average less than $6,000 a year, and only about 20 percent of them work at rehabilitation.

Penologists agree that about 20 to 30 percent of the present inmates are a danger to society and not capable of rehabilitation. If the remaining inmates can be corrected in less volatile, less restrictive local institutions, fewer maximum security prisons will be required. Rehabilitation, then, must be the goal of the corrections system. Following conviction:

1. Such prisoners must be screened and classified and rehabilitation procedures developed for them which are flexible enough to deal with the prisoners individually—the drunk driver, the bank robber, the embezzler and the rapist require vastly different rehabilitation methods.

2. A broader range of alternatives for dealing with offenders must be developed. Options should range from total release to total confinement, including work releases, halfway houses, pre-release guidance centers, community supervision, and most importantly, separate facilities for juvenile offenders.

3. Vocational training in high employment fields should be expanded and meaningful work experience in prison industries made available to the inmates.

4. More emphasis should be placed on small correctional centers, located in the community or the area they serve and offering flexible treatment which includes partial release, job training and counseling. These centers place offenders near the stabilizing influences of family and work.

5. Indeterminate sentences should be considered under certain circumstances.

6. Skilled manpower in corrections must be increased at all levels of the system.

With 19 out of every 20 persons sent to prison eventually returning to society, it is apparent that reforms in the present system, and a change in the public's attitude about the system, are needed if we are going to "turn around" the rising crime rate.

THE COURTS

The courts are the central, crucial institution in this country's criminal justice system. They separate the guilty from the innocent, shape the activities of the police, determine the work of the prisons, mold and apply the criminal law, and regulate the flow of the criminal justice process. Courts have the primary responsibilitity of the fair treatment of every individual, and for the speedy trials which our Constitution guarantees and which effective criminal deterrence demands.

Given this central role of the courts in our system, it is discouraging to note that American courts are often cramped, noisy and undignified places, with insufficient numbers of personnel who often lack training, carrying enormous case loads. Under the pressures of these handicaps, courts often become places where convictions are negotiated (the practice of "plea bargaining"), probation services are either non-existent or inadequate, parole officers struggle under excessive case loads, judges are selected through partisan politics, prosecutors serve only part-time and often for inadequate pay and with a total absence of business and management practices to handle efficiently the caseloads.

Obviously, the manpower of the court systems needs to be increased and upgraded by the use of seminars, conferences and institutes. The judge's time must be put to its best use, and qualified support from magistrates, referees, commissioners, bailiffs and secretaries is essential to enable the judge to do his best work.

But more than increased manpower is needed. The Federal courts have found that with about the same level of new cases beginning each year, and with far more judges to handle them, there are still twice as many cases pending as there were a few years ago. It has become clear that the Constitutional right to speedy trial depends on more than just additional judges. The court system needs reform, including:

Improvement of facilities.

Expansion of pre-sentence investigations,

Reform of bail procedures,

Simplification of sentencing procedures, including greater flexibility,

Increased availability of probation services,

Establishment of standards of performance for the completion of various stages of criminal cases,

Establishment of court management systems with computerized record-keeping and the use of business and management techniques,

The creation of a unified court structure subject to administrative control,

The elimination from the system of trials for crimes without victims (a recent report showed that six men in one large city had been arrested and convicted for drunkenness more than 1,400 times over a period of years at a cost to the taxpayers of more than $600,000—yet they were not cured of alcoholism.)

Two areas, in addition to the police, corrections and the courts, need special attention in the fight to control crime. The police in several large American cities estimate that as much as 50 percent of crime is related to drug use. Drug abuse must be brought under control through a carefully coordinated attack employing research, education, law enforcement and rehabilitation. Also, since most crime is committed by minors (nearly two-thirds of all persons arrested for serious crimes are under 21), the nation's best hope for reducing crime is to reduce youth crime. In the handling of juvenile offenders, where at least many potential criminals could be turned around, the courts should be at their best, but are often at their worst.

State and local governments must continue to carry the major burden of reducing crime in this country. But the Federal government has an important role to play in strengthening law enforcement, crime prevention and the administration of justice. Federal support to local and state governments should concentrate on planning, the training of criminal justice personnel, coordination of national information systems, research and financial aid for operations.

These past several newsletters have tried to suggest steps this nation should take if it is to control crime. I have come to believe this nation can achieve a significant reduction in crime if it wants to. It will not be easy, but it is within our capability if individuals, private and public organizations become involved in planning and executing the required changes in the criminal justice system.

LEGISLATURE OF ALASKA OPPOSES REDUCTION IN THE U.S. COAST GUARD

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

ALASKA STATE LEGISLATURE HOUSE JOINT RESOLUTION NO. 87 RELATING TO THE REDUCTION OF MANPOWER IN THE U.S. COAST GUARD

Be it resolved by the Legislature of the State of Alaska:

Whereas, beginning this month, the United States Coast Guard will begin reducing its current manpower by five per cent under orders of President Nixon; and

Whereas this cutback in the Coast Guard's manpower means the deactivation of 1,700 officers and men along with ten cutters, three aircraft, two LORAN stations, and one ocean vessel station; and

Whereas continuously for many years Alaska has requested more Coast Guard vessels and men to more adequately patrol our vast coastlines, protect our fisheries from the blatant intrusion of foreign vessels, and perform more never-ending search and rescue operations; and

Whereas Alaskans have been told that additional craft and manpower requested could not be released from other duty stations and transferred to Alaska; and

Whereas Alaska is desperately in need of more fisheries surveillance and search and rescue operations, the present complement of Coast Guard equipment currently in Alaska being totally inadequate to ensure the sanctity of our waters and resources and protection of lives and property;

Be it resolved by the Alaska Legislature that it protests vigorously the reduction of Coast Guard manpower and the deactivation of enforcement ships when Alaska is in urgent need of additional Coast Guard patrol capabilities in Alaska; and be it

Further resolved that the President is urged to reassess his ordered cutback in the current manpower of the United States Coast Guard and to direct the immediate reassignment of some of the men and ships to be deactivated to the jurisdiction of the Seventeenth Coast Guard District.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary, Department of Transportation; Admiral Chester R. Bender, Commandant, United States Coast Guard; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

SCHOOL PROBLEMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, prior to 1954 when the main function of the Nation's schools was changed from education to integration, our youth were instructed and learned in an academic environment which was peaceful, disciplined, and conducive to education. The assignment of policemen to schools to keep order was an unheard of practice.

Today—after billions of taxpayers' dollars, 18 years of desegregation, integration, court-ordered busing and other experiments—disorder, confusion, and chaos have all but replaced education in schools throughout the land.

In spite of the fact that the 1964 Civil Rights Act prohibits busing to remove racial imbalance, Federal judges continue to order forced busing of students to achieve a judicially acceptable percentage of mixing by the races.

In Michigan, a Pontiac father, who bought a new home 4 blocks from a school he wanted his daughter to attend, was charged and tried for child neglect for refusal to allow his 13-year-old daughter to be bused crosstown to a school in a high crime area which a Pontiac police captain testified was an unsafe area.

Nearby Northwestern Senior High School in Hyattsville, Md. was closed last Friday as a result of disorder, reported triggered by racial tension between whites and blacks. There were several injuries and about 50 arrests and the police used tear gas.

The maintenance of orderly and quiet surroundings in which learning can take place has become all but impossible for school officials. One of the chief means used by principals to maintain discipline in schools has traditionally been the power to discipline by suspending or expeling unruly students. The NAACP legal defense fund now seeks to render that power ineffective through legal action to protect black students threatened with expulsion or suspension. Everyone would blame someone else except those responsible. All proposed solutions but aggravate the situation because they approach effects and not the cause.

The problems of our schools will never be solved until the people demand and are successful in having control and operation of public schools restored to local school boards in accordance with the wishes of the people served by the schools.

I ask that several related newsclippings follow:

[From the Washington Star, Apr. 14, 1972]

HIGH COURT GETS NORFOLK BUSING PLEA

(By Lyle Denniston and John Mathews)

Norfolk's School Board has asked the Supreme Court to hold a special summer session if necessary to reach an early decision on school busing in the Virginia city.

In an appeal filed yesterday, the board challenged a March 7 decision by the 4th U.S. Court of Appeals ordering the board to set up a free bus system to carry out a new desegregation plan.

The board now operates no school buses, and it would have to spend $3 million to buy the necessary bus fleet to carry out the order, the board advised the justices.

As the appeal brought another major busing controversy before the Supreme Court, the 4th Court of Appeals began studying an appeal in the controversial Richmond desegregation case.

After a two-hour hearing yesterday in Richmond, the full bench of the appeals court began deliberating in private whether to uphold, modify or strike down Federal Judge Robert R. Merhige's desegregation order for Richmond area schools.

Merhige ruled that the Richmond city school system and the neighboring systems in Chesterfield and Henrico Counties must be merged to end segregation throughout the metropolitan area.

His ruling would involve additional busing of schoolchildren.

Busing is the key issue in the Norfolk case, which went to the Supreme Court yesterday.

The appeals court approved a school board plan for pairing and clustering of schools, but added a requirement that the board provide bus transportation to move students to their newly assigned schools.

The opinion of the lower court remarked: "The court cannot compel the student to attend a distant school and then fail to provide him with the means to reach that school."

The school board's appeal said school officials have assigned a "lower priority" to transportation than to other educational programs and should not have their decision forcibly changed by a federal court.

Meanwhile, it appeared the appeals court faces a tough choice as it begins analyzing the Richmond case.

First, the court is being asked to enter a previously unchartered area of school desegregation law posed by the Merhige merger decision before the Supreme Court deals with another key desegregation case—the Denver decision—presumably not until next year.

The court also may have to act before Congress deals with President Nixon's antibusing program, which could affect whatever decision it renders. One provision of the President's program would bar federal courts from ordering city-suburban mergers, unless it can be shown separate school districts were being established for racially discriminatory reasons.

Finally, the court is considering a key decision with nationwide implications at a time when the nation is in the midst of a presidential election campaign where busing and school desegregation have been made key domestic issues by the candidates.

At yesterday's Richmond hearing, the University of Chicago law professor hired by the defendants—the state education board and the two county school boards—clearly dominated the proceedings.

Prof. Philip Kurland's entire presentation was built around the theme that the Merhige decision was "without precedent" in requiring a state government to merge racially identifiable school systems: The city's nearly 79 percent black schools and the two counties' more than 90 percent white schools.

Kurland, a recognized constitutional scholar, continually emphasized what made the Merhige decision unique and novel. "The national media notwithstanding," he said, "this is not a busing case."

He added that the case, unlike other desegregation or school cases, also does not involve disparities in the size or wealth of school systems, or the original setting up of boundary lines to discriminate against blacks.

A key missing element, he said, is that the record of the case does not show the city, county or state officials had anything to do with Richmond becoming a largely black school system and the counties largely white.

This point interested particularly Judge J. Braxton Craven, Jr., who closely questioned Norman Chachkin of the NAACP Legal Defense Fund, representing the black plaintiffs in the case, and George Little, lawyer for the Richmond school board which supports the merger concept.

Chachkin insisted the "racial imbalance (between city and suburbs) is the result of much discriminatory state action), including that of state education authorities."

Little, the city school board lawyer, said the state could not show "a compelling interest" why the school district lines should be maintained and that past official discrimination in the state raised suspicions about the racial intent of the boundary lines. He added that blacks could not receive a desegregated education within the city, so the only relief to provide desegregation was to desegregate beyond city lines into the suburbs.

Both sides want the court to decide the case on its merits, a decision it is likely to make within the next month or two. And that decision by the appeals court is certain to wind up eventually for consideration by the nation's highest court.

[From the Detroit Free Press, Apr. 7, 1972]

DAD ON TRIAL FOR DEFYING PONTIAC SCHOOL-BUS ORDER

(By Tim McNulty)

A Pontiac father who has refused to let his 13-year-old-daughter be bused crosstown to school went on trial Thursday for child neglect.

It was the first school district enforcement test of Pontiac's controversial court-ordered school busing.

"I will not let my girl go down to that area even if I have to go to jail," said Carl E. Merchant. "My main concern is the general area of the school. It's a high crime area. I have the right of a parent to look out for my child's safety."

Merchant has been charged in Oakland County Juvenile Court with neglect because he has kept his daughter Cari home from school since the beginning of the term last September.

* * * * *

The busing was part of Federal Judge Damon Keith's massive school busing order to achieve racial balance in Pontiac schools.

Merchant, 34, a weld inspector at General Motors Corp.'s Fisher Body plant in Pontiac, is white.

He bought a new home last year four blocks from Lincoln Junior High School, which is in a predominantly white neighborhood, because he wanted his seventh-grade daughter to go to school there, he said.

Jefferson Junior High School is in the center of Pontiac's black community.

Pontiac Police Capt. Harry Nye testified at Merchant's six-member jury trial Thursday that Jefferson is in "an unsafe area."

Asked by defense attorney Richard Kuhn whether he would let a white, 13-year-old girl walk alone down streets in the Jefferson school area, Nye said, "no."

Nye said because of the high crime in the area police patrols there are never less than two men.

Cari is the oldest of seven Merchant children, six of whom are of school age. All six children were withheld from schools for the first semester and then Merchant allowed five of them to attend.

Three of those five are being bused to schools.

Since Keith's enforced integration order all 36 Pontiac public schools have a ratio of 60 percent white students and 40 percent black students.

Merchant said he tried to enroll Cari in a private school but was unable to do so. He said he offered to drive her to and from other public schools rather than have her bused to Jefferson.

Cari was an A and B student at Baldwin Elementary School, which she previously attended.

Merchant said he found it "ridiculous" that his daughter had to be bused crosstown when there was a school near her home.

"A lot of people feel the same way but they're too damn afraid" to fight the busing order, Merchant said. "The people of Pontiac and Detroit have to know what's going on. I feel that I'm representing more people than just me."

Merchant is the first parent to be prosecuted by the Pontiac School District for withholding a child from school because of the busing order.

The school district said it did not know exactly how many parents were withholding children from Pontiac schools because of busing.

But it said it planned to prosecute a total of 211 parents it had reason to believe were doing so.

Under state law parents must send their children to school until the children are 16.

The Pontiac school district had expected an enrollment of 24,000 students this year. Enrollment figures, however, show less than 22,000.

Kuhn, a former state legislator, argued that under the U.S. Constitution parents have the right to keep children from school when their safety cannot be assured.

Merchant, Kuhn said, "is not guilty of any crime or neglect."

"Rather," he said, "he has taken the more important duty and responsibility of looking out for the health, welfare and, especially, the safety of his child.'

Clark Balch, school district supervisor for child accounting and attendance, said if the district lost its case against Merchant it probably would not appeal.

He said, however, it would continue to prosecute other parents who are believed to be keeping children out of school because of busing.

Balch was angered that the Oakland County prosecutor's office, which is prosecuting the case, and the defense attorney agreed to open the trial to newsmen.

"The real losers in all these cases are the kids," Balch said. "Our obligation is to protect them. And sometimes I think we're more concerned about that than the parents."

Balch said Cari will suffer from the publicity given the case.

"We're placed in a position of having to enforce Judge Keith's plan and we're in the middle," Balch said.

The case is being heard by Probate Judge Norman Barnard. It was adjourned until Friday.

[From the Washington Evening Star Apr. 11, 1972]

SCORES ARRESTED IN SCHOOL MELEE

Between 40 and 50 young people were arrested by Prince Georges County police today as disorder, reportedly triggered by racial tension, erupted at Northwestern Senior High School.

County police rushed about 10 cruisers, several detectives cars and wagons to the school on Adelphi Road in Hyattsville and used tear gas to breakup a melee in the school cafeteria.

There apparently were several injuries. At least one girl was taken away by ambulance.

A heavy police guard was posted around the school after the initial disorder subsided. About 300 students were grouped in a parking lot at the rear of the school as many others left school to return home.

BUSED TO POLICE STATION

The operations division of the county police said at mid-day that between 40 and 50 youngsters had been arrested. It was not known how many were students. They were being taken to the Hyattsville police station in school buses.

By noon, police said the situation seemed to be under control.

According to preliminary reports, there had been a racial flareup yesterday at the school about a half mile from the College Park campus of the University of Maryland.

Police said that racial antagonism at the school had been developing over several weeks. School authorities and community organizers had been holding a series of meetings to try to dispel the tension.

SEVERAL FIGHTS

Yesterday, police said, several fights developed and "subsequently escalated to a confrontation this morning on the school grounds with about 50 blacks and 50 whites gathered outside in a standoff."

Police were summoned by school authorities. A meeting was convened in the school cafeteria and reports indicated that the disorder broke out there.

Reporters on the scene said that tear gas was used by police as they moved to restore order.

Charges against those arrested varied from assault and disorderly conduct to trespassing, the latter apparently lodged against non-students.

GIRL CALLED HOME

The mother of one senior girl at Northwestern said her daughter had called her from the campus, "petrified" as it appeared trouble was developing.

The mother said that tension had been growing at the campus "all this year," but officials had been able to head off trouble until this week.

Principal Raymond Reed said police, after the disturbance inside, gave the youths gathered outside 3 minutes to clear the area.

Police formed a line in the middle of the parking lot, separating blacks and whites. When they did not heed the 3-minute warning, arrests began.

Several days ago, Reed said, blacks and whites got into "an altercation" at a nearby carryout. He said he did not know the cause.

[From the Washington Evening Star, Apr. 14, 1972]

HYATTSVILLE SCHOOL SHUT AFTER STORMY MEETING

(By Lance Gay)

Northwest High School in Hyattsville was closed today after racial tensions flared last night in a heated three-hour meeting of parents, faculty members and students aimed at ironing out the troubles that have rocked the school since Monday.

Pandemonium broke out during the meeting in the school's cafeteria last night when a white student ran in, grabbed the microphone from a speaker and told the assemblage of about 800 persons that a white student had just been assaulted by nine black students in a school lavatory while the meeting was going on.

"While we're discussing it, it's going on," the student screamed into the microphone as students and parents jumped to their feet and some of the white students made threatening moves toward a knot of black students and parents in the room.

A few racial epithets were hurled and at least one white parent shook his fist at a black parent as Joseph Parker, chairman of the Prince Georges County Human Relations Committee vainly tried to restore order.

In the midst of confusion and yelling, more than 200 persons left the meeting and the building.

School Principal Raymond Reed called the Prince Georges County police after learning of the incident in the lavatory, and at least three uniformed officers entered the school but did not go into the cafeteria area. Reed confirmed that the incident in the lavatory involved an altercation between a white student and nine blacks.

One school official said the white youth was cut across the cheek with a knife during the scuffle.

Taking over the microphone, the ashen-faced Reed announced to the group that "in view of the unfortunate incidents" at the meeting, he and Asst. Supt. George Robinson had determined "it would be unwise to conduct school tomorrow."

"I'm hoping that a three-day cooling off period will solve some of the problems," Reed said after the announcement. He said classes will resume Monday "as normal—at least I hope so."

Students and parents in the school said last night they felt the meeting exacerbated, rather than allayed, tensions there.

After the raucous meeting, Steve Holland, a member of the Northwestern Black Student Union said, "All we have worked for this week—all we had accomplished—is gone, gone."

The meeting, called and sponsored by the county's Human Relations Committee, began in an atmosphere of subdued tension, the result of incidents early in the day.

Over the objections of school administrators who feared further trouble, the school's human relations committee had called assembly meetings to distribute recommendations drawn up by a panel of students and parents, designed to promote accord.

Reed said the assemblies, held in three shifts, went without trouble, and "there were no problems until late afternoon, about five minutes before school let out."

There were two minor scuffles between black and white students then, he said. One youth's mouth was bloodied, officials said.

And a junior at the school who suffers from polio and walks only with the aid of crutches, was assaulted by two black youths. As he was walking up a flight of stairs, one of them, he said, "for no reason," hit him in the stomach and the other pushed him down the stairs. His wallet, containing $2, fell from his pocket, he said, and one youth grabbed it. However, when the white youth yelled for help, he dropped the wallet and both black youngsters ran. He said he did not recognize them as students but was not certain. He was treated at Prince Georges Hospital and released, not seriously hurt.

Many students still were visibly angry about these incidents when the meeting convened at 8 p.m. The Rev. Perry Smith, a well-known county black leader and pastor of First Baptist Church of North Brentwood, read the recommendations of the students and parents.

Among other things, they called for tighter discipline in the school, parent involvement in investigation of police actions on Tuesday, establishment of a "trouble-shooting" team of parents which would be called immediately when trouble breaks out at the school, "gut-spilling" sessions for students to discuss grievances, and recognition of the school's Black Student Union as having equal status with the Student Government Association.

After the recommendations were read, there was to be a discussion with the assembly accepting or rejecting each of the 20 points.

Edward Reggin, a vice principal, called for stronger actions against a "very small and very devastating group, both black and white, whom I call hoodlums" in the school, "who prowl the halls and do not attend classes."

Reggin's speech was received with a standing ovation by most of the audience, including some of the whites who apparently interpreted his remarks as being directed at the black students and made gestures toward the blacks.

Roy Lincoln, chairman of the county's NAACP chapter, replied that it is "the un-American thing to say your children are hoodlums. They are children and should be treated as children . . . I demand the school system be completely fair and above board to all students," he said. His speech was given a standing ovation by the black parents and students and some whites. Some whites booed his remarks.

The meeting continued with speeches on the recommendations until, about 9 p.m., when the student ran in and told the group of the incident in a lavatory near the sprawling school's auditorium.

It took Parker about five minutes to restore some order. It was decided by a narrow show of hands among remaining parents and students to split up into smaller groups and go to classrooms in the building.

[From the Washington Evening Star, Apr. 19, 1972]

BLACKS MAPPING STUDENT RIGHTS FIGHT

(By John Mathews)

The NAACP Legal Defense Fund is planning to develop a coordinated legal strategy to protect the rights of black students who are being expelled and suspended in increasing numbers from desegregated Southern school systems.

Widespread disciplinary actions against black students in desegregated school systems are viewed by civil rights supporters as a key problem, tending to make many blacks—particularly young people—question the value of integration.

"Many students and parents are saying that at least in segregated school systems they received some education and were not excluded from school unjustly," said Charles Stephen Ralston, an NAACP lawyer in the fund's New York headquarters.

The Legal Defense Fund itself has two key cases in federal courts now involving student rights and plans to hold a national conference sometime soon on the issue of student suspensions and exclusions.

COORDINATED STRATEGY

"We are getting into this area in a substantial way and hope a conference can develop a coordinated legal strategy to attack the problem," Ralston said in a telephone interview yesterday.

Comprehensive figures are lacking on the extent of student expulsions and suspensions from Southern schools which first became apparent last school year, but the actions are thought to have accelerated this year with more desegregation, according to knowledgeable observers.

The Southern Regional Council recently surveyed 127 Southern school districts and found 11,146 cases this school year, the overwhelming majority being suspensions that often last five or more days.

In North Carolina, the number of expulsions is increasing since a new state law went into effect this school year which allows a school principal to permanently exclude a student who has been suspended twice and then found guilty of another offense.

Cases filed by the NAACP and other organizations in federal courts charge that most suspension and expulsion policies discriminate heavily against black students and that school systems cannot exclude a child from class without first providing due process in the form of a hearing.

The cases also raise the issue of whether permanent expulsion is unconstitutional since it deprives a student of his right to a public education. School systems, some of the cases argue, must provide alternative forms of education for expelled students.

Recently, the defense fund succeeded in having the U.S. 5th Circuit Court of Appeals in New Orleans order the return to class of some 40 students who were expelled by Tift County, Ga., school authorities for the rest of the academic year.

The students had held a silent vigil outside their high school in support of a request to have the contribution of black Americans included in the American History curriculum. The appeals court ordered the students returned to class, pending disposition of the case by a lower federal court.

ALTERNATIVE EDUCATION

In Charlotte, N.C., the Legal Aid Society of Mecklenburg County, has brought two class action suits in the school district that was the subject of the U.S. Supreme Court's landmark Swann decision almost a year ago.

The high court in that decision said school systems must fully desegregate, using measures like busing to create unitary school systems.

The legal aid lawyer, Shelley Blum, who several years ago taught in Washington schools, said the cases involve due process issues and the obligations of a school system to provide alternative education for expelled students.

Suspensions in the school system have increased in Charlotte along with increased school desegregation and tensions in junior and senior high schools.

In the 1968–69 school year before extensive desegregation, Blum said the system had about 1,500 suspensions. The following year with high schools integrated the number rose to 3,200 then to 6,500 suspensions last year with systemwide desegregation.

HOSTILELY TOUCHING

Figures covering only the first two months of the current school year showed about 1,100 suspensions, Blum said. The number of expelled students already is almost equal, he added, to the total of 54 expulsions recorded last school year.

The suit filed this week involves four expelled students, 14 and 15-year-olds, Blum said. A junior high school girl was expelled when the new state law was applied. She was initially suspended for fighting, then for being off-campus without authorization, then expelled for cutting gym class, Blum said.

The other cases involve an epileptic girl who is occasionally hostile and disruptive, a junior high school boy who threatened to fight a teacher and another student who is accused of "hostilely touching" a teacher, he said.

The cases are being heard by District Judge James McMillan who issued the original Swann case decision.

ONE HUNDRED AND TWENTY-FIVE YEARS OF SPIRITUAL SERVICE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KEMP. Mr. Speaker, Sunday, April 23, marks the 125th anniversary of the establishment of the Catholic Diocese of Buffalo, N.Y., and the 100th anniversary of the weekly diocesan newspaper, the Magnificat.

All of us in western New York State owe a debt of gratitude to The Most Reverend James C. McNulty, bishop of the Buffalo diocese, to the priests and nuns and the other members of religious orders under his spiritual leadership and to their forebearers for their vital and selfless contributions to the development of our community and our country.

Long before the flag of any nation was planted in North America, a French Franciscan missionary, Father Joseph de la Roche Dallion, arrived on the Niagara frontier in October 1626.

Father Dallion arrived in a spirit of peace and service among the Indians, a spirit which is carried on today by those of his faith who followed.

Preceding the establishment of the Buffalo diocese in 1847 with its first spiritual leader, Bishop John Timon, who was born in a Pennsylvania log cabin, the church had made an indelible mark in our community.

In 1821, Father Patrick Kelly already had begun to care for the hundreds of Catholics who had moved to western New York to help build the original Erie Canal. The first Catholic church in Buffalo, constructed of oak logs secured from the forest was completed in 1832. In the immediate years which followed, Father John Neumann ministered to his parishioners in Lancaster, North Bush, and Williamsville by walking for as long as 12 hours at a time with his vestments and altar kit on his back. After saying Mass, he would walk for miles, back to his residence, because there often was no other place to rest and sleep.

When Bishop Timon took charge of the new diocese, which at that time contained all the land west of Lake Cayuga, he held services in barns, homes, sheds, courthouses, halls, and other available facilities. Shortly after accepting diocesan leadership, he opened a seminary in his own home for young men entering the priesthood.

In 1848, Bishop Timon persuaded the Sisters of Charity in Baltimore to come to Buffalo where they took charge of a girls' orphanage and established a hospital in an old school building which is still standing at the corner of Virginia Street and St. Louis Place.

During the following year, a deadly cholera epidemic swept Buffalo, taking the lives of some 900 people in 5 months. Despite the extent of the tragedy, the dedicated care provided by the nuns established an amazing record of cures. Still, many children became orphans and Bishop Timon was instrumental in the founding of a boys' orphanage.

Diocesan high schools and institutions of higher learning followed, including Canisius, Villa Maria, D'Youville, Trocaire, Rosary Hill and Medaille Colleges, and St. Bonaventure and Niagara Universities.

Despite economic depressions and changing times, the weekly Magnificat has never missed the publishing of a single issue since its founding 100 years ago. Today, the diocesan newspaper is one of the leading religious journals in the United States.

The first edition was set entirely by hand, letter by letter, about a quarter of a million pieces in all. Press power was supplied by human muscle.

Along with the acquisition of modern printing equipment throughout its history, the Magnificat exhibited a community and social consciousness that was as progressive as its physical facilities. The first encyclical of Pope Leo XIII, issued in 1891, "On the Condition of Labor," was printed in its entirety. And the publication was the first Buffalo newspaper to carry the union label, demonstrating the church's diocesan's interest in the welfare of the laboring man. The shop remained union until the plant's dissolution in 1970.

Today, under the direction of Editor in Chief Monsignor Robert D. Duggan and General Manager Thomas G. Bennett, the Magnificat is setting new standards of religious journalism and planning even greater service for the future.

This publication's high standards are best summed up in its masthead, which states:

> The policy of the Magnificat is framed in the ancient formula: In essentials, unity; in doubtful matters, liberty; in all things, charity.

Mr. Speaker, I wish to convey, on the occasion of these anniversaries, my very best regards and prayers for the continued successes of our diocese and our Magnificat.

A RECOLLECTION OF THE U.N.

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DERWINSKI. Mr. Speaker, I direct the attention of the Members of the House to the recent retirement of William "Bill" Fulton, veteran correspondent of the Chicago Tribune who covered the U.N. for many years.

From the years in which I have followed Bill's column and my brief experience at the U.N., I believe that he knows that organization as well as any observer. This point is demonstrated in an article in the Tribune of April 15 in which he writes of some of the unusual situations and individuals he encountered in his years of covering the U.N.

The article follows:

A RECOLLECTION OF THE U.N.

(By William Fulton)

NEW YORK.—"The United Nations is largely protocol, Geritol, and alcohol," Adlai Stevenson said years after the world body had stumbled thru a number of crises and raised doubts as to its peace-keeping effectiveness.

Stevenson delivered his jocular summary while he was the chief American delegate. It was a remark typical of the man who had quipped when appointed to his U.N. post: "Flattery is all right, if you don't inhale."

Stevenson and I were both present in the winter of 1945–1946 when world leaders converged in London to launch the U.N. machinery.

The former Illinois governor served on the executive committee of the preparatory commission of the U.N. He took turns with me in entertaining the committee in an effort to convince the commission to make Chicago U.N. world headquarters.

Chicago lost that bid when the U.N. came to be headquarters at an old slaughter house site in New York.

It was the fall of 1962 and the U.N. debated one of its most dramatic situations—the Cuba missile crisis.

President Kennedy and Premier Nikita Khrushchev of the Soviet Union met on the edge of a nuclear holocaust and Stevenson pleaded America's case. Kennedy told a shocked nation on Oct. 22 that aerial photographs showed that the Cubans, with the aid of Russian technicians, were building offensive missile sites within striking distance of the major cities in the Western Hemisphere.

On Oct. 25, the Soviet delegate, Valerian Zorin, ridiculed American evidence of the missile preparations.

A few feet away, Stevenson scribbled on a yellow pad. "Let me ask you one simple question," Stevenson said. "Do you, Ambassador Zorin, deny that the Soviet Union has placed and is placing medium and intermediate missiles and sites in Cuba?

"Yes or no? Don't wait for the translation. Yes or no?"

Zorin fumbled for words. "I am not in an American court of law and, therefore, do not wish to answer a question put to me in the manner of a prosecuting counsel," he said.

"You are in the courtroom of world opinion," Stevenson shot back. "You have denied they exist. I am prepared to present the evidence in this room . . . now."

Aides from the U.S. mission set up an

easel. Enlarged photographs offered unmistakable evidence of the deadly work afoot in Cuba.

The impact here and abroad was profound. Friends called it Stevenson's "shining hour."

Prime Minister Clement Attlee, an unassuming gentleman whose Labor Party had just defeated Winston Churchill's Consevatives, gave the welcoming speech at the first General Assembly on Jan. 10, 1946.

Attlee called the U.N. "an invention fraught with great possibilities."

Churchill once had called Attlee "a sheep in sheep's clothing."

Fifty-one nations sent their representatives to the first assembly. Eleanor Roosevelt, garbed in black, sat in the hall as a member of the U.S. delegation.

Andrei Gromyko, the raven-haired Soviet ambassador to Washington, became active on the assembly floor that first session but did not fraternize with his colleages from the West. Gromyko not long after became the Soviet foreign minister.

Trygve Lie, the burly Norweigian foreign minister, was a standout in that first crowd. Lie lost the election for general assembly president to Paul-Henri Spaak, the foreign minister of Belgium, but later was elected the first secretary general.

Lie became an activist, not to the liking of the Russians who had supported him. A labor leader turned diplomat, Lie bluntly supported the West in the fight in South Korea and earned undying Soviet hatred. He was forced to resign in 1953, leaving what he called "the world's hardest job."

Dag Hammarskjold, Swedish diplomat and mystic, succeeded Lie. He served as secretary general until his death in a mysterious air crash in 1961 while on a Congo peace mission. Beneath Hammarskjold's aesthetic posture lay a Scandinavian toughness of mind that no one, including the Russians, could see in the beginning. He and the Russians came to verbal blows over action he took against the Communists when civil war erupted in the former Belgian Congo in 1960.

Khrushchev attracted a galaxy of world figures to the U.N. for the fiery debates in 1960 over the Congo. They included President Eisenhower, Yugoslavia's Tito, India's Nehru, Indonesia's Sukarno, and Britain's Harold Macmillan.

Khrushchev dashed across the assembly floor to embrace Fidel Castro of Cuba in a Russian bear hug.

Khrushchev took off his shoe and pounded his desk in a show of rage against Hammarskjold. He boasted to shocked diplomats that his factories were turning out deadly missiles "just like sausages."

One night I sat at the table beside Khrushchev and the king of Morocco at a reception. The Russian's shoes were wrinkled and cracked with age.

"We figure him as a peasant," remarked a knowledgeable member of the U.S. delegation. "He's a great improvement on Stalin, but we never know what he might do on impulse. He has all those missiles and new weapons, like a peasant with new farm machinery who is curious to try them out. We just hope that he won't."

Kremlin moves in the Security Council during the Arab-Israeli crisis of 1967 shifted like the windsands of the desert with the changing fortunes of the Egyptian armies.

The Soviet delegate at the time was Nikolai Fedorenko, a debonair veteran of China posts who wore red bow ties. Fedorenko could see no need for Big Four consultation while the Egyptians were swarming like locusts but he weakened with the ebbing of the Egyptian battle prowess. Suddenly he was willing to have negotiations take place. He smiled weakly and shook his head in a "no comment" gesture when I cornered him in the council lounge about his change of heart.

Sen. Warren Austin [R., Vermont], the U.S. permanent representative, had had his fill of politics when he entered the U.N. arena. Austin will go down in diplomatic history as the man who asked in all seriousness why the Arabs and Israelis couldn't settle their differences "in the true Christian spirit."

The Russians had demanded a three-man team to replace Hammarskjold but they dropped the demand when the secretary general's job was filled by U Thant, a Burmese leader of the Afro-Asian bloc. Thant managed to walk the tightrope between East and West for 10 years.

An East European ambassador, asked whether the Communists again would press for a troika, remarked: "Why should we, we have a troika right now." He referred to Thant's well known unwillingness to take any position on a Cold War issue.

Francis T. P. Plimpton, U.S. deputy representative to the U.N. in 1961–65, said of Thant that he had "preserved a posture of nonalignment characterized by many as gelatinous."

Henry Cabot Lodge became President Eisenhower's man at the U.N.

Lodge countered Khrushchev's revelation of the U–2 spy threats over Russia with the disclosure that the Russians had bugged the official seal of the U.S. Embassy in Moscow.

When it came time last December to name a new secretary general because of Thant's ailing health, the Soviet choice significantly still was Thant. He demurred and the Russians switched to Kurt Waldheim, an Austrian. Red China was in on the naming of a U.N. secretary general for the first time. Peking vetoed Waldheim at the start but later withdrew its opposition.

Waldheim, who likes to skate in Central Park, will have a chance to show his prowess skating on diplomatic thin ice. The other secretary generals had to glide between the U.S. and the Soviet Union. Now a third obstacle has been added—the People's Republic of China.

Waldheim has waded into the job with energy and industry. He has hurried about the world's capitals in quest of peace and jolted the secretariat by embarking on a $6 million economy program, something new in the U.N. bureaucracy.

Dealing with him on the U.S. side will be the chief representative, George Bush. Yankee-born and Texan by adoption, Bush said he believes the U.N. has filled an important role in keeping peace in certain areas. "Countries are allowed to let off steam and to make debating points," he said. "If agreements are not reached, and differences crop up as a result, that simply mirrors the world as it is."

AN IMPORTANT DECISION OF THE HIGH COURT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DINGELL. Mr. Speaker, yesterday the Supreme Court decided the so-called Mineral King case Sierra Club against Morton. This is an important decision, and one which I might say I consider incorrectly decided. In any case, I thought it important to have this decision set forth for the benefit of my colleagues.

I would particularly call to their attention the eloquent dissent of Justice William O. Douglas. He stresses the vital significance of seeing to it that the environmental interests themselves should be spoken to and for. I can only concur, and urge that the Congress address itself to this issue at an early date, to make its views on the subject abundantly clear to as well as to the Department of Justice, which opposed the intervenors in this case. Legislation is presently pending the judicial branch of the Government, before the Committee on Merchant Marine and Fisheries to correct the evils of this decision and I intend to move forward on it.

The opinion follows:

[Supreme Court of the United States, Syllabus]

SIERRA CLUB v. MORTON, SECRETARY OF THE INTERIOR, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

(No. 70–34. Argued November 17, 1971—Decided April 19, 1972)

Petitioner, a membership corporation with "a special interest in the conservation and sound maintenance of the national parks, game refuges, and forests of the country," brought this suit for a declaratory judgment and an injunction restraining federal officials from approving an extensive skiing development in the Mineral King Valley in the Sequoia National Forest. Petitioner relies on § 10 of the Administrative Procedure Act, which accords judicial review to a "person suffering legal wrong because of agency action, or [who is] adversely affected or aggrieved by agency action within the meaning of a relevant statute." On the theory that this was a "public" action involving questions as to the use of natural resources, petitioner did not allege that the challenged development would affect the club or its members in their activities or that they used Mineral King, but maintained that the project would adversely change the area's aesthetics and ecology. The District Court granted a preliminary injunction. The Court of Appeals reversed, holding that the club lacked standing, and had not shown irreparable injury. *Held:* A person has standing to seek judicial review under the Administrative Procedure Act only if he can show that he himself has suffered or will suffer injury, whether economic or otherwise. In this case, where petitioner asserted no individualized harm to itself or its members, it lacked standing to maintain the action. Pp. 4–14.

433 F. 2d 24, Affirmed.

Stewart, J., delivered the opinion of the Court, in which Burger, C. J., and White and Marshall, J.J., joined. Douglas, Brennan, and Blackmun, J.J., filed dissenting opinions. Powell and Rehnquist, J.J., took no part in the consideration of decision of the case.

[Supreme Court of the United States, No. 70–34]

SIERRA CLUB, PETITIONER, *v.* ROGERS C. B. MORTON, INDIVIDUALLY, AND AS SECRETARY OF THE INTERIOR OF THE UNITED STATES, ET AL.

(On Writ of Certiorari to the United States Court of Appeals to the Ninth Circuit, April 19, 1972)

MR. JUSTICE STEWART delivered the opinion of the Court.

I

The Mineral King Valley is an area of great natural beauty nestled in the Sierra Nevada Mountains in Tulare County, California, adjacent to Sequoia National Park. It has been part of the Sequoia National Forest since 1926, and is designated as a National Game Refuge by special Act of Congress.[1] Though once the site of extensive mining activity, Mineral King is now used almost exclusively for recreational purposes. Its relative inaccessibility and lack of development have limited the number of visitors each year,

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Footnotes at end of article.

and at the same time have preserved the valley's quality as a quasi-wilderness area largely uncluttered by the products of civilization.

The United States Forest Service, which is entrusted with the maintenance and administration of national forests, began in the late 1940's to give consideration to Mineral King as a potential site for recreational development. Prodded by a rapidly increasing demand for skiing facilities, the Forest Service published a prospectus in 1965, inviting bids from private developers for the construction and operation of a ski resort that would also serve as a summer recreation area. The proposal of Walt Disney Enterprises, Inc., was chosen from those of six bidders, and Disney received a three-year permit to conduct surveys and explorations in the valley in connection with its preparation of a complete master plan for the resort.

The final Disney plan, approved by the Forest Service in January, 1969, outlines a $35 million complex of motels, restaurants, swimming pools, parking lots, and other structures designed to accommodate 14,000 visitors daily. This complex is to be constructed on 80 acres of the valley floor under a 30-year use permit from the Forest Service. Other facilities, including ski lifts, ski trails, a cog-assisted railway, and utility installations, are to be constructed on the mountain slopes and in other parts of the valley under a revocable special use permit. To provide access to the resort, the State of California proposes to construct a highway 20 miles in length. A section of this road would traverse Sequoia National Park, as would a proposed high-voltage power line needed to provide electricity for the resort. Both the highway and the power line require the approval of the Department of the Interior, which is entrusted with the preservation and maintenance of the national parks.

Representatives of the Sierra Club, who favor maintaining Mineral King largely in its present state, followed the progress of recreational planning for the valley with close attention and increasing dismay. They unsuccessfully sought a public hearing on the proposed development in 1965, and in subsequent correspondence with officials of the Forest Service and the Department of the Interior, they expressed the Club's objections to Disney's plan as a whole and to particular features included in it. In June of 1969 the Club filed the present suit in the United States District Court for the Northern District of California, seeking a declaratory judgment that various aspects of the proposed development contravene federal laws and regulations governing the preservation of national parks, forests, and game refuges,[2] and also seeking preliminary and permanent injunctions restraining the federal officials involved from granting their approval or issuing permits in connection with the Mineral King project. The petitioner Sierra Club sued as a membership corporation with "a special interest in the conversation and sound maintenance of the national parks, game refuges, and forests of the country," and invoked the judicial review provisions of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*

After two days of hearings, the District Court granted the requested preliminary injunction. It rejected the respondents' challenge to the Sierra Club's standing to sue, and determined that the hearing had raised questions "concerning possible excess of statutory authority, sufficiently substantial and serious to justify a preliminary injunction . . ." The respondents appealed, and the Court of Appeals for the Ninth Circuit reversed. 433 F. 2d 24. With respect to the petitioner's standing, the court noted that there was "on allegation in the complaint that members of the Sierra Club would be affected by the actions of [the respondents] other than the fact that the actions are personally displeasing or distasteful to them," *id.*, at 33, and concluded:

"We do not believe such club concern without a showing of more direct interest can constitute standing in the legal sense sufficient to challenge the exercise of responsibilities on behalf of all the citizens by two cabinet level officials of the government acting under Congressional and Constitutional authority." *Id.*, at 30.

Alternatively, the Court of Appeals held that the Sierra Club had not made an adequate showing of irreparable injury and likelihood of success on the merits to justify issuance of a preliminary injunction. The court thus vacated the injunction. The Sierra Club filed a petition for a writ of certiorari which we granted, 401 U.S. 907, to review the questions of federal law presented.

The first question presented is whether the Sierra Club has alleged facts that entitle it to obtain judicial review of the challenged action. Whether a party has a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy is what has traditionally been referred to as the question of standing to sue. Where the party does not rely on any specific statute authorizing invocation of the judicial process, the question of standing depends upon whether the party has alleged such a "personal stake in the outcome of the controversy," *Baker* v. *Carr*, 369, U.S. 186, 204, as to ensure that "the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution." *Flast* v. *Cohen*, 392 U.S. 83, 101. Where, however, Congress has authorized public officials to perform certain functions according to law, and has provided by statute for judicial review of those actions under certain circumstances, the inquiry as to standing must begin with a determination of whether the statute in question authorizes review at the behest of the plaintiff.[3]

The Sierra Club relies upon § 10 of the Administrative Procedure Act (APA), 80 Stat. 392, 5 U.S.C. § 702, which provides:

"A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof."

Early decisions under this statute interpreted the language as adopting the various formulations of "legal interest" and "legal wrong" then prevailing as constitutional requirements of standing.[4] But, in *association of Data Processing Service Organizations, Inc.* v. *Camp*, 397 U.S. 150, and *Barlow* v. *Collins*, 397 U.S. 157, decided the same day, we held more broadly that persons had standing to obtain judicial review of federal agency action under § 10 of the APA where they had alleged that the challenged action had caused them "injury in fact," and where the alleged injury was to an interest "arguably within the zone of interests to be protected or regulated" by the statutes that the agencies were claimed to have violated.[5]

In *Data Processing*, the injury claimed by the petitioners consisted of harm to their competitive position in the computer servicing market through a ruling by the Comptroller of the Currency that national banks might perform data processing services for their customers. In *Barlow*, the petitioners were tenant farmers who claimed that certain regulations of the Secretary of Agriculture adversely affected their economic position *vis-à-vis* their landlords. These palpable economic injuries have long been recognized as sufficient to lay the basis for standing, with or without a specific statutory provision for judicial review.[6] Thus, neither *Data Processing* nor *Barlow* addressed itself to the question, which has arisen with increasing frequency in federal courts in recent years, as to what must be alleged by persons who claim injury of a noneconomic nature to interests that are widely shared.[7] That question is presented in this case.

III

The injury alleged by the Sierra Club will be incurred entirely by reason of the change in the uses to which Mineral King will be put, and the attendant change in the aesthetics and ecology of the area. Thus, in referring to the road to be built through Sequoia National Park, the complaint alleged that the development "would destroy or otherwise affect the scenery, natural and historic objects and wildlife of the park and would impair the enjoyment of the park for future generations." We do not question that this type of harm may amount to an "injury in fact" sufficient to lay the basis for standing under § 10 of the APA. Aesthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process. But the "injury in fact" test requires more than an injury to a cognizable interest. It requires that the party seeking review be himself among the injured.

The impact of the proposed chages in the environment of Mineral King will not fall indiscriminately upon every citizen. The alleged injury will be felt directly only by those who use Mineral King and Sequoia National Park, and for whom the aesthetic and recreational values of the area will be lessened by the highway and ski resort. The Sierra Club failed to allege that it or its members would be affected in any of their activities or pastimes by the Disney development. Nowhere in the pleadings or affidavits did the Club state that its members use Mineral King for any purpose, much less that they use it in any way that would be significantly affected by the proposed actions of the respondents.[8]

The Club apparently regarded any allegations of individualized injury as superfluous, on the theory that this was a "public" action involving questions as to the use of natural resources, and that the Club's longstanding concern with and expertise in such matters were sufficient to give it standing as a "representative of the public."[9] This theory reflects a misunderstanding of our cases involving so-called "public actions" in the area of administrative law.

The origin of the theory advanced by the Sierra Club may be traced to a dictum in *Scripps-Howard Radio, Inc.* v. *FCC*, 316 U.S. 4, in which the licensee of a radio station in Cincinnati, Ohio, sought a stay of an order of the FCC allowing another radio station in a nearby city to change its frequency and increase its range. In discussing its power to grant a stay, the Court noted that "these private litigants have standing only as representatives of the public interest." *Id.*, at 14. But that observation did not describe the basis upon which the appellant was allowed to obtain judicial review as a "person aggrieved" within the meaning of the statute involved in that case,[10] since Scripps-Howard was clearly "aggrieved" by reason of the economic injury that it would suffer as a result of the Commission's action.[11] The Court's statement was rather directed to the theory upon which Congress had authorized judicial review of the Commission's actions. That theory had been described earlier in *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 477, as follows:

"Congress had some purpose in enacting § 402(b) (2). It may have been of opinion

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Footnotes at end of article.

that one likely to be financially injured by the issue of a license would be the only person having a sufficient interest to bring to the attention of the appellate court errors of law in the action of the Commission in granting the license. It is within the power of Congress to confer such standing to prosecute an appeal."

Taken together, *Sanders* and *Scripps-Howard* thus established a dual proposition: the fact of economic injury is what gives a person standing to seek judicial review under the statute, but once review is properly invoked, that person may argue the public interest in support of his claim that the agency has failed to comply with its statutory mandate.[12] It was in the latter sense that the "standing" of the appellant in *Scripps-Howard* existed only as a "representative of the public interest." It is in a similar sense that we have used the phrase "private attorney general" to describe the function performed by persons upon whom Congress has conferred the right to seek judicial review of agency action. See *Data Processing, supra,* at 154.

The trend of cases arising under the APA and other statutes authorizing judicial review of federal agency action has been towards recognizing that injuries other than economic harm are sufficient to bring a person within the meaning of the statutory language, and towards discarding the notion that an injury that is widely shared is *ipso facto* not an injury sufficient to provide the basis for judicial review.[13] We noted this development with approval in *Data Processing, supra,* at 154, in saying that the interest alleged to have been injured "may reflect 'aesthetic, conservational, and recreational' as well as economic values." But broadening the categories of injury that may be alleged in support of standing is a different matter from abandoning the requirement that the party seeking review must have himself suffered an injury.

Some courts have indicated a willingness to take this latter step by conferring standing upon organizations that have demonstrated "an organizational interest in the problem" of environmental or consumer protection. *Environmental Defense Fund, Inc.* v. *Hardin,* 428 F. 2d 1093, 1097.[14] It is clear that an organization whose members are injured may represent those members in a proceeding for judicial review. See, *e.g., NAACP* v. *Button,* 371 U.S. 415, 428. But a mere "interest in a problem," no matter how longstanding the interest and no matter how qualified the organization is in evaluating the problem, is not sufficient by itself to render the organization "adversely affected" or "aggrieved" within the meaning of the APA. The Sierra Club is a large and long-established organization, with an historic commitment to the cause of protecting our Nation's natural heritage from man's depredations. But if a "special interest" in this subject were enough to entitle the Sierra Club to commence this litigation, there would appear to be no objective basis upon which to disallow a suit by any other bona fide "special interest" organization, however small or short-lived. And if any group with a bona fide 'special interest" could initiate such litigation, it is difficult to perceive why any individual citizen with the same bona fide special interest would not also be entitled to do so.

The requirement that a party seeking review must allege facts showing that he is himself adversely affected does not insulate executive action from judicial review, nor does it prevent any public interests from being protected through the judicial process.[15] It does serve as at least a rough attempt to put the decision as to whether review will be sought in the hands of those who have a direct stake in the outcome. That goal would be undermined were we to construe the APA to authorize judicial review at the behest of organizations or individuals who seek to do more than vindicate their own value preferences through the judicial process.[16] The principle that the Sierra Club would have us establish in this case would do just that.

As we conclude that the Court of Appeals was correct in its holding that the Sierra Club lacked standing to maintain this action, we do not reach any other questions presented in the petition, and we intimate no view on the merit of the complaint. The judgment is

Affirmed.

MR. JUSTICE POWELL and MR. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] Act of July 3, 1926, 44 Stat. 821, 16 U.S.C. § 688.

[2] As analyzed by the District Court, the complaint alleged violations of law falling into four categories. First, it claimed that the special use permit for construction of the resort exceeded the maximum acreage limitation placed upon such permits by 16 U.S.C. § 497, and that issuance of a "revocable" use permit was beyond the authority of the Forest Service. Second, it challenged the proposed permit for the highway through Sequoia National Park on the grounds that the highway would not serve any of the purposes of the park in alleged violation of 16 U.C.S. § 1, and that it would destroy timber and other natural resources protected by 16 U.S.C. §§ 41 and 43. Third, it claimed that the Forest Service and the Department of the Interior had violated their own regulations by failing to hold adequate public hearings on the proposed project. Finally, the complaint asserted that 16 U.S.C. § 45(c) requires specific congressional authorization of a permit for construction of a power transmission line within the limits of a national park.

[3] Congress may not confer jurisdiction on Art. III federal courts to render advisory opinions, *Muskrat* v. *United States,* 219 U.S. 346, or to entertain "friendly" suits, *United States* v. *Johnson,* 319 U.S. 302, or to resolve "political questions," *Luther* v. *Borden,* 7 How. 1, because suits of this character are inconsistent with the judicial function under Art. III. But where a dispute is otherwise justiciable, the question whether the litigant is a "proper party to request an adjudication of a particular issue," *Flast* v. *Cohen,* 302 U.S. 83, 100, is one within the power of Congress to determine. Cf. *FCC v. Sanders Bros. Radio Station,* 309 U.S. 470, 477; *Flast* v. *Cohen,* 392 U.S. 83, 120 (Harlan, J., dissenting); *Associated Industrics* v. *Ickes,* 134 F. 2d 694, 704. See generally Berger, Standing to Sue in Public Actions: Is it a Constitutional Requirement?, 78 Yale L. J. 816, 837 ff. (1969); Jaffe, The Citizen as Litigant in Public Actions: The Non-Hohfeldian or Ideological Plaintiff, 116 U. Pa. L. Rev. 1033 (1968).

[4] See, *e.g., Kansas City Power & Light Co.* v. *McKay,* 225 F. 2d 924, 932; *Ove Gustavsson Contracting Co.* v. *Flocte,* 278 F. 2d 912, 914; *Duba* v. *Schuctzle,* 303 F. 2d 570, 574. The theory of a "legal interest" is expressed in its extreme form in *Alabama Power Co.* v. *Ickes,* 302 U.S. 464, 479–481. See also *Tennessee Electric Power Co.* v. *TVA,* 306 U.S. 118, 137–139.

[5] In deciding this case we do not reach any questions concerning the meaning of the "zone of interests" test or its possible application to the facts here presented.

[6] See, *e.g., Hardin* v. *Kentucky Utilities Co.,* 390 U.S. 1, 7; *Chicago* v. *Atchison, T. & S.F.R. Co.,* 357 U.S. 77, 83; *FCC v. Sanders Bros. Radio Station,* 309 U.S. 470, 477.

[7] No question of standing was raised in *Citizens to Preserve Overton Park, Inc.* v. *Volpe,* 401 U.S. 402. The complaint in that case alleged that the organizational plaintiff represented members who were "residents of Memphis, Tennessee who use Overton Park as a park land and recreation area and who have been active since 1964 in efforts to preserve and protect Overton Park as a park land and recreation area."

[8] The only reference in the pleadings to the Sierra Club's interest in the dispute is contained in paragraph 3 of the complaint, which reads in its entirety as follows:

"Plaintiff Sierra Club is a non-profit corporation organized and operating under the laws of the State of California, with its principal place of business in San Francisco, California since 1892. Membership of the Club is approximately 78,000 nationally, with approximately 27,000 members residing in the San Francisco Bay area. For many years the Sierra Club by its activities and conduct has exhibited special interest in the conservation and sound maintenance of the national parks, game refuges and forests of the country, regularly serving as a responsible representative of persons similarly interested. One of the principal purposes of the Sierra Club is to protect, and conserve the national resources of the Sierra Nevada Mountains. Its interests would be vitally affected by the acts hereinafter described and would be aggrieved by those acts of the defendants as hereinafter more fully appears."

In an *amici curiae* brief filed in this Court by the Wilderness Society and others, it is asserted that the Sierra Club has conducted regular camping trips into the Mineral King area, and that various members of the Club have used and continue to use the area for recreational purposes. These allegations were not contained in the pleading, nor were they brought to the attention of the Court of Appeals. Moreover, the Sierra Club in its reply brief specifically declines to rely on its individualized interest, as a basis for standing. See n. 15, *Infra.* Our decision does not, of course, bar the Sierra Club from seeking in the District Court to amend its complaint by a motion under Rule 15, Federal Rules of Civil Procedure.

[9] This approach to the question of standing was adopted by the Court of Appeals for the Second Circuit in *Citizens Committee for the Hudson Valley* v. *Volpe,* 425 F. 2d 97, 105:

"We hold, therefore, that the public interest in environmental resources—an interest created by statutes affecting the issuance of this permit—is a legally protected interest affording these plaintiffs, as responsible representatives of the public, standing to obtain judicial review of agency action alleged to be in contravention of that public interest."

[10] The statute involved was § 402(b)(2) of the Communications Act of 1934, 48 Stat. 1064, 1093.

[11] This much is clear from the *Scripps-Howard* Court's citation of *FCC* v. *Sanders Bros. Radio Station,* 309 U.S. 470, in which the basis for standing was the competitive injury that the appellee would have suffered by the licensing of another radio station in its listening area.

[12] The distinction between standing to initiate a review proceeding, and standing to assert the rights of the public or of third persons once the proceeding is properly initiated, is discussed in 3 Davis, Administrative Law Treatise, §§ 22.05–22.07 (1958):

[13] See, *e.g., Environmental Defense Fund, Inc.* v. *Hardin,* 428 F. 2d 1093, 1097 (interest in health affected by decision of Secretary of Agriculture refusing to suspend registration of certain pesticides containing DDT); *Office of Communication of the United Church of Christ* v. *FCC,* 359 F. 2d 994, 1005 (interest of television viewers in the programming of a local station licensed by the FCC); *Scenic Hudson Preservation Conf.* v. *FPC,* 354 F. 2d 608, 615–616 (interests in aesthetics, recreation, and orderly community planning affected by FPC licensing of a hydroelectric project); *Reade* v. *Ewing,* 205 F. 2d 630, 631–632 (interest of consumers of oleo-margarine in fair labeling of product regulated by Federal Security Administration); *Crowther* v. *Seaborg,* 312 F. Supp. 1205, 1212 (interest

in health and safety of persons residing near the site of a proposed atomic blast).

[14] See *Citizens Committee for the Hudson Valley* v. *Volpe*, n. 8, *supra; Environmental Defense Fund, Inc.* v. *Corps of Engineers*, 325 F. Supp. 728, 734–736; *Izaak Walton League* v. *St. Clair*, 313 F. Supp. 1312, 1317. See also *Scenic Hudson Preservation Conf* v. *FPC*, *supra*, at 616:

"In order to ensure that the Federal Power Commission will adequately protect the public interest in the aesthetic, conservational, and recreational aspects of power development, those who by their activities and conduct have exhibited a special interest in such areas, must be held to be included in the class of 'aggrieved' parties under § 313(b) [of the Federal Power Act]."

In most, if not all of these cases, at least one party to the proceeding did assert an individualized injury either to himself or, in the case of an organization, to its members.

[15] In its reply brief, after noting the fact that it might have chosen to assert individualized injury to itself or to its members as a basis for standing, the Sierra Club states:

"The Government seeks to create a 'heads I win, tails you lose' situation in which either the courthouse door is barred for lack of assertion of a private, unique injury or a preliminary injunction is denied on the ground that the litigant has advanced private injury which does not warrant an injunction adverse to a competing public interest. Counsel have shaped their case to avoid this trap." The short answer to this contention is that the "trap" does not exist. The test of inquiry in fact goes only to the question of standing to obtain judicial review. Once this standing is established, the party may assert the interests of the general public in support of his claims for equitable relief. See n. 12 and accompanying text, *supra*.

[16] Every schoolboy may be familiar with de Tocqueville's famous observation, written in the 1830's, that "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." 1 Democracy in America 280 (Alfred A. Knopf, 1945). Less familiar, however, is de Tocqueville's further observation that judical review is effective largely because it is not available simply at the behest of a partisan faction, but is exercised only to remedy a particular, concrete injury.

"It will be seen, also, that by leaving it to private interest to censure the law, and by intimately uniting the trial of the law with the trial of an individual, legislation is protected from wanton, assaults and from the daily aggressions of party spirit. The errors of the legislator are exposed only to meet a real want; and it is always a positive and appreciable fact that must serve as the basis for prosecution." *Id.*, at 102.

MR. JUSTICE BLACKMUN, DISSENTING

The Court's opinion is a practical one espousing and adhering to traditional notions of standing as somewhat modernized by *Association of Data Processing Service Organizations, Inc.* v. *Camp*, 397 U.S. 150 (1970); *Barlow* v. *Collins*, 397 U.S. 159 (1970); and *Flast* v. *Cohen*, 392 U.S. 83 (1968). If this were an ordinary case, I would join the opinion and the Court's judgment and be quite content.

But this is not ordinary, run-of-the-mill litigation. The case poses—if only we choose to acknowledge and reach them—significant aspects of a wide, growing and disturbing problem, that is, the Nation's and the world's deteriorating environment with its resulting ecological disturbances. Must our law be so rigid and our procedural concepts so inflexible that we render ourselves helpless when the existing methods and the traditional concepts do not quite fit and do not prove to be entirely adequate for new issues?

The ultimate result of the Court's decision today, fear, and sadly so, is that the 35.3-million-dollar complex, over 10 times greater than the Forest Service's suggested minimum, will now hastily proceed to completion; that serious opposition to it will recede in discouragement; and that Mineral King, the "area of great natural beauty nestled in the Sierra Nevada Mountains," to use the Court's words, will become defaced, at least in part, and, like so many other areas, will cease to be "uncluttered by the products of civilization."

I believe this will come about because: (1) The District Court, although it accepted standing for the Sierra Club and granted preliminary injunctive relief, was reversed by the Court of Appeals, and this Court now upholds that reversal. (2) With the reversal, interim relief by the District Court is now out of the question and a permanent injunction becomes most unlikely. (3) The Sierra Club may not choose to amend its complaint or, if it does desire to do so, may not, at this late date, be granted permission. (4) The ever-present pressure to get the project underway will mount. (5) Once underway, any prospect of bringing it to a halt will grow dim. Reasons, most of them economic, for not stopping the project will have a tendency to multiply. And the irreparable harm will be largely inflicted in the earlier stages of construction and development.

Rather than pursue the course the Court has chosen to take by its affirmance of the judgment of the Court of Appeals, I would adopt one of two alternatives:

1. I would reverse that judgment and, instead, approve the judgment of the District Court which recognized standing in the Sierra Club and granted preliminary relief. I would be willing to do this on condition that the Sierra Club forthwith amend its complaint to meet the specifications the Court prescribes for standing. If Sierra Club fails or refuses to take that step, so be it; the case will then collapse. But if it does amend, the merits will be before the trial court once again. As the Court's footnote 2, *ante*, p. 3, so clearly reveals, the issues on the merits are substantial and deserve resolution. They assay new ground. They are crucial to the future of Mineral King. They raise important ramifications for the quality of the country's public land management. They pose the propriety of the "dual permit" device as a means of avoiding the 80-acre "recreation and resort" limitation imposed by Congress in 16 U.S.C. § 497, an issue that apparently has never been litigated, and is clearly substantial in light of the congressional expansion of the limitation in 1956 arguably to put teeth into the old, unrealistic five-acre limitation. In fact, they concern the propriety of the 80-acre permit itself and the consistency of the entire, enormous development with the statutory purposes of the Sequoia Game Refuge, of which the Valley is a part. In the context of this particular development, substantial questions are raised about the use of National Park area for Disney purposes for a new high speed road and a 600,000-volt power line to serve the complex. Lack of compliance with existing administrative regulations is also charged. These issues are not shallow or perfunctory.

2. Alternatively, I would permit an imaginative expansion of our traditional concepts of standing in order to enable an organization such as the Sierra Club, possessed, as it is, of pertinent, bona fide and well-recognized attributes and purposes in the area of environment, to litigate environmental issues. This incursion upon tradition need not be very extensive. Certainly, it should be no cause for alarm. It is no more progressive than was the decision in *Data Processing itself*. It need only recognize the interest of one who has a provable, sincere, dedicated, and established status. We need not fear that Pandora's box will be opened or that there will be no limit to the number of those who desire to participate in environmental litigation. The courts will exercise appropriate restraints just as they have exercised them in the past. Who would have suspected 20 years ago that the concepts of standing enunciated in *Data Processing* and *Barlow* would be the measure for today? And MR. JUSTICE DOUGLAS, in his eloquent opinion, has imaginatively suggested another means and one, in its own way, with obvious, appropriate and self-imposed limitations as to standing. As I read what he has written, he makes only one addition to the customary criteria (the existence of a genuine dispute; the assurance of adversariness; and a conviction that the party whose standing is challenged will adequately represent the interests he asserts), that is, that the litigant be one who speaks knowingly for the environmental values he asserts.

I make two passing references:

1. The first relates to the Disney figures presented to us. The complex, the Court notes, will accommodate 14,000 visitors a day (3,100 overnight; some 800 employers; 10 restaurants; 20 ski lifts). The State of California has proposed to build a new road from Hammond to Mineral King. That road, to the extent of 9.2 miles, is to traverse Sierra National Park. It will have only two lanes, with occasional passing areas, but it will be capable, it is said, of accommodating 700–800 vehicles per hour and a peak of 1,200 per hour. We are told that the State has agreed not to seek any further improvement in road access through the park.

If we assume that the 14,000 daily visitors come by automobile (rather than by helicopter or bus or other known or unknown means) and that each visiting automobile carries four passengers (an assumption, I am sure, that is far too optimistic), those 14,000 visitors will move in 3,500 vehicles. If we confine their movement (as I think we properly may for this mountain area) to 12 hours out of the daily 24, the 3,500 automobiles will pass any given point on the two-lane road at the rate of about 300 per hour. This amounts to five vehicles per minute, or an average of one every 12 seconds. This frequency is further increased to one every six seconds when the necessary return traffic along that same two-lane road is considered. And this does not include service vehicles and employees' cars. Is this the way we perpetuate the wilderness and its beauty, solitude and quiet?

2. The second relates to the fairly obvious fact that any resident of the Mineral King area—the real "user"—is an unlikely adversary for this Disney-governmental project. He naturally will be inclined to regard the situation as one that should benefit him economically. His fishing or camping or guiding or handyman or general outdoor prowess perhaps will find an early and ready market among the visitors. But that glow of anticipation will be short-lived at best. If he is a true lover of the wilderness—as is likely, or he would not be near Mineral King in the first place—it will not be long before he yearns for the good old days when masses of people—that 14,000 influx per day—and their thus far uncontrollable waste were unknown to Mineral King.

Do we need any further indication and proof that all this means that the area will no longer be one "of great natural beauty" and one "uncluttered by the products of civilization?" Are we to be rendered helpless to consider and evaluate allegations and challenges of this kind because of procedural limitations rooted in traditional concepts of standing? I suspect that this may be the result of today's holding. As the Court points out, *ante*, pp. 11–12, other federal tribunals have not felt themselves so confined.[1] I would join those progressive holdings.

The Court chooses to conclude its opinion with a footnote reference to De Tocqueville. In this environmental context I personally prefer the older and particularly pertinent observation and warning of John Donne.[2]

FOOTNOTES

[1] *Environmental Defense Fund, Inc.* v. *Hardin,* 428 F. 1093, 1096–1097 (CADC 1970); *Citizens for the Hudson Valley* v. *Volpe,* 425 F. 2d 97, 101–105 (CA2 1970), cert. denied, 400 U.S. 949; *Scenic Hudson Preservation Conference* v. *FPC,* 354 F. 2d 608, 615–617 (CA2 1965); *Izaak Walton League* v. *St. Clair,* 313 F. Supp. 1312, 1316–1317 (Minn. 1970); *Environmental Defense Fund, Inc.* v. *Corps of Engineers,* 324 F. Supp. 878, 879–880 (DC 1971); *Environmental Defense Fund, Inc.* v. *Corps of Engineers,* 325 F. Supp. 728, 734–736 (ED Ark. 1971); *Sierra Club* v. *Hardin,* 325 F. Supp. 99, 107–112 (Alas. 1971); *Upper Pecos Association* v. *Stans,* 328 F. Supp. 332, 333–334 (N. Mex. 1971); *Cape May County Chapter, Inc., Izaak Walton League* v. *Macchia,* 329 F. Supp. 504, 510–514 (N.J. 1971).

See *National Automatic Laundry & Cleaning Council* v. *Schultz,* 443 F. 2d 689, 693–694 (CADC 1971); *West Virginia Highlands Conservancy* v. *Island Creek Coal Co.,* 441 F. 2d 232, 234–235 (CA4 1971); *Environmental Defense Fund, Inc.* v. *HEW,* 428 F. 2d 1083, 1085 n. 2 (CADC 1970); *Honchok* v. *Hardin,* 326 F. Supp. 988, 991 (Md. 1971).

[2] "No man is an Iland, intire of itselfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine owne were; and man's death diminishes me, because I am involved in Mankinde; And therefore never send to know for whom the bell tolls; it tolls for thee." Devotions XVII.

Mr. Justice Brennan, Dissenting

I agree that the Sierra Club has standing for the reasons stated by my Brother BLACKMUN in Alternative No. 2 of his dissent. I therefore would reach the merits. Since the Court does not do so, however, I simply note agreement with my Brother BLACKMUN that the merits are substantial.

Mr. Justice Douglas, Dissenting

I share the views of my Brother BLACKMUN and would reverse the judgment below.

The critical question of "standing"[1] would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation. See Stone, Should Trees Have Standing? Toward Legal Rights for Natural Objects, 45 S. Cal. L. Rev. 450 (1972). This suit would therefore be more properly labeled as *Mineral King* v. *Morton.*

Inanimate objects are sometimes parties in litigation. A ship has a legal personality, a fiction found useful for maritime purposes.[2] The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases.[3] The ordinary corporation is a "person" for purposes of the adjudicatory processes, whether it represents proprietary, spiritual, aesthetic, or charitable causes.[4]

So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fishes, deer, elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water—whether it be a fisherman, a canoeist, a zoologist, or a logger—must be able to speak for the values which the river represents and which are threatened with destruction.

I do not know Mineral King. I have never seen it nor travelled it, though I have seen articles describing its proposed "development"[5] notably Hano, *Protectionists* v. *Recreationists*—the Battle of Mineral King, N.Y. Times Mag., Aug. 17, 1969; and Browning, Mickey Mouse in the Mountains, Harper's March 1972, p. 65. The Sierra Club in its complaint alleges that "One of the principal purposes of the Sierra Club is to protect and conserve the national resources of the Sierra Nevada Mountains." The District Court held that this uncontested allegation made the Sierra Club "sufficiently aggrieved" to have "standing" to sue on behalf of Mineral King.

Mineral King is doubtless like other wonders of the Sierra Nevada such as Tuolumne Meadows and the John Muir Trail. Those who hike it, fish it, hunt it, camp in it, or frequent it, or visit it merely to sit in solitude and wonderment are legitimate spokesmen for it, whether they may be a few or many. Those who have that intimate relation with the inanimate object about to be injured, polluted, or othewise despoiled are its legitimate spokesmen.

The Solicitor General, whose views on this subject are in the Appendix to this opinion, takes a wholly different approach. He considers the problem in terms of "government by the Judiciary." With all respect, the problem is to make certain that the inanimate objects, which are the very core of America's beauty, have spokesmen before they are destroyed. It is, of course, true that most of them are under the control of a federal or state agency. The standards given those agencies are usually expressed in terms of the "public interest." Yet public interest" has so many differing shades of meaning as to be quite meaningless on the environmental front. Congress accordingly has adopted ecological standards in the National Environmental Policy Act of 1969, Pub. L. 91–90, 83 Stat. 852, 42 U.S.C § 4321, *et seq.* and guidelines for agency action have been provided by the Council on Environmental Quality of which Russell E. Train is Chairman. See 36 Fed. Reg. 7724.

Yet the pressures on agencies for favorable action oneway or the other are enormous. The suggestion that Congress can stop action which is undesirable is true in theory; yet even Congress is too remote to give meaningful direction and its machinery is too ponderous to use very often. The federal agencies of which I speak are not venal or corrupt. But they are notoriously under the control of powerful interests who manipulate them through advisory committees, or friendly working relations, or who have that natural affinity with the agency which in time develops between the regulator and the regulated.[6] As early as 1894, Attorney General Olney predicted that regulatory agencies might become "industry-minded," as illustrated by his forecast concerning the Interstate Commerce Commission:

"The Commission is or can be made of great use to the railroads. It satisfies the public clamor for supervision of the railroads, at the same time that supervision is almost entirely nominal. Moreover, the older the Commission gets to be, the more likely it is to take a business and railroad view of things." M. Josephson, The Politicos 526 (1938).

Years later a court of appeals observed, "the recurring question which has plagued public regulation of industry [is] whether the regulatory agency is unduly oriented toward the interests of the industry it is designed to regulate, rather than the public interest it is supposed to protect." *Moss* v. *CAB,* 430 F. 2d 891, 893 (CADC 1970). See also *Office of Communication of the United Church of Christ* v. *FCC,* 359 F. 2d 994, 1003–1004; *Udall* v. *FPC,* 387 U.S. 428; *Calvert Cliffs' Coordinating Committee, Inc.* v. *AEC,* 449 F. 2d 1109; *Environmental Defense Fund, Inc.* v. *Ruckelshaus,* 439 F. 2d 584; *Environmental Defense Fund, Inc.* v. *HEW,* 428 F. 2d 1083; *Scenic Hudson Preservation Conf.* v. *FPC,* 354 F. 2d 608, 620. But see Jaffe, The Federal Regulatory Agencies In a Perspective: Administrative Limitation In A Political Setting, 11 Bos. C. I. & C. Rev. 565 (1970) (labels "industry-mindedness" as "devil" theory).

The Forest Service—one of the federal agencies behind the scheme to despoil Mineral King—has been notorius for its alignment with lumber companies, although its mandate from Congress directs it to consider the various aspects of multiple use in its supervision of national forests.[7]

The voice of the inanimate object, therefore, should not be stilled. That does not mean that the judiciary takes over the managerial functions from the federal agency. It merely means that before these priceless bits of Americana (such as a valley, an alpine meadow, a river, or a lake) are forever lost or are so transformed as to be reduced to the eventual rubble of our urban environment, the voice of the existing beneficiaries of these environmental wonders should be heard.[8]

Perhaps they will not win. Perhaps the bulldozers of "progress" will plow under all the aesthetic wonders of this beautiful land. That is not the present question. The sole question is, who has standing to be heard?

Those who hike the Appalachian Trail into Sunfish Pond, New Jersey, and camp or sleep there, or run the Allagash in Maine, or climb the Guadalupes in West Texas, or who canoe and portage the Quetico Superior in Minnesota, certainly should have standing to defend those natural wonders before courts or agencies, though they live 3,000 miles away. Those who merely are caught up in environmental news or propaganda and flock to defend these waters or areas may be treated differently. That is why these environmental issues should be tendered by the inanimate object itself. Then there will be assurances that all of the forms of life[9] which it represents will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams. Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community.

Ecology reflects the land ethic; and Aldo Leopold wrote in A Sand County Almanac 204 (1949), "The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land."

That, as I see it, is the issue of "standing" in the present case and controversy.

FOOTNOTES

[1] See generally *Data Processing Service* v. *Camp,* 397 U.S. 150 (1970); *Barlow* v. *Collins,* 397 U.S. 159 (1970); *Flast* v. *Cohen,* 302 U.S. 83 (1968). See also MR. JUSTICE BRENNAN's concurring opinion in *Barlow* v *Collins, supra,* at 167. The issue of statutory standing aside, no doubt exists that "injury in fact" to "aesthetic" and "conservational" interests is here sufficiently threatened to satisfy the

case or controversy clause. *Data Processing Service* v. *Camp*, *supra*, at 154.

[2] *In rem* actions brought to adjudicate libellants' interests in vessels are well known in admiralty. Gilmore & Black, The Law of Admiralty 31 (1957). But admiralty also permits a salvage action to be brought in the name of the rescuing vessel. *The Comanche*, 75 U.S. (8 Wall.) 449, 476 (1869). And, in collision litigation, the first-libelled ship may counterclaim in its own name. *The Gylfe* v. *The Trujillo*, 209 F. 2d 386 (CA2 1954). Our case law has personified vessels:

"A ship is born when she is launched, and lives so long as her identity is preserved. Prior to her launching she is a mere congeries of wood and iron. . . . In the baptism of launching she receives her name, and from the moment her keel touches the water she is transformed. . . . She acquires a personality of her own." *Tucker* v. *Alexandroff*, 183 U.S. 424, 438.

[3] At common law, an office holder, such as a priest or the King, and his successors constituted a corporation sole, a legal entity distinct from the personality which managed it. Rights and duties were deemed to adhere to this device rather than to the office holder in order to provide continuity after the latter retired. The notion is occasionally revived by American courts. *E.g.*, *Reid* v. *Barry*, 93 Fla. 849. 112 So. 846 (1927), discussed in Note, 12 Minn. L. Rev. 295 (1928), and in Note, 26 Mich. L. Rev. 545 (1928); see generally 1 Fletcher Cyclopedia Corporation, §§ 50–53; P. Potter, Law of Corporation 27 (1881).

[4] Early jurists considered the conventional corporation to be a highly artificial entity. Lord Coke opined that a corporation's creation "rests only in intendment and consideration of the law." The Case of Suttons Hospital, 77 Eng. Rep. 937, 973 (K.B. 1613). Mr. Chief Justice Marshall added that the device is "an artificial being, invisible, intangible, and existing only in contemplation of law." *Trustees of Dartmouth College* v. *Woodward*, 17 U.S. (4 Wheat.) 518, 636 (1819). Today suits in the names of corporations are taken for granted.

[5] Although in the past Mineral King Valley has annually supplied about 70,000 visitor-days of simpler and more rustic forms of recreation—hiking, camping and skiing (without lifts)—the Forest Service in 1949 and again in 1965 invited developers to submit proposals to "improve" the Valley for resort use. Walt Disney Productions won the competition and transformed the Service's idea into a mammoth project 10 times its originally proposed dimensions. For example, while the Forest Service prospectus called for an investment of at least $3 million and a sleeping capacity of at least 100, Disney will spend $35.3 million and will bed down 3300 persons by 1978. Disney also plans a nine-level parking structure with two supplemental lots for automobiles, 10 restaurants and 20 ski lifts. The Service's annual license revenue is hitched to Disney's profits. Under Disney's projections, the Valley will be forced to accommodate a tourist population twice as dense as that in Yosemite Valley on a busy day. And, although Disney has bought up much of the private land near the project, another commercial firm plans to transform an adjoining 160-acre parcel into a "piggyback" resort complex, further adding to the volume of human activity the Valley must endure. See generally; Note, Mineral King Valley: Who Shall Watch the Watchman? 25 Rutgers L. Rev. 103, 107 (1970); Thar's Gold in Those Hills, 206 The Nation 260 (1968). For a general critique of mass recreation enclaves in national forests see Christian Science Monitor, Nov. 22, 1965, at 5, col. 1. Michael Frome cautions that the national forests are "fragile" and "deteriorate rapidly with excessive recreation use" because "(t)he trampling effect alone eliminates vegetative growth, creating erosion and water runoff problems. The concentration of people, particularly in horse parties, on excessively steep slopes that follow old Indian or cattle routes, has torn up the landscape of the High Sierras in California and sent tons of wilderness soil washing downstream each year." M. Frome, The Forest Service 69 (1971).

[6] The federal budget annually includes about $75 million for underwriting about 1,500 advisory committees attached to various regulatory agencies. These groups are almost exclusively composed of industry representatives appointed by the President or by Cabinet members. Although public members may be on these committees, they are rarely asked to serve. Senator Lee Metcalf warns: "Industry advisory committees exist inside most important federal agencies, and even have offices in some. Legally, their function is purely as kibitzer, but in practice many have become internal lobbies—printing industry handouts in the Government Printing Office with taxpayers' money, and even influencing policies. Industry committees perform the dual function of stopping government from finding out about corporations while at the same time helping corporations get inside information about what government is doing. Sometimes, the same company that sits on an advisory council that obstructs or turns down a government questionnaire is precisely the company which is withholding information the government needs in order to enforce a law." Metcalf, The Vested Oracles: How Industry Regulates Government, 3 The Washington Monthly 45 (1971). For proceedings conducted by Senator Metcalf exposing these relationships, see Hearings on S. 3067 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 91st Cong., 2d Sess. (1970); Hearings on S. 1737, S. 1964, and S. 2064 before the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, 92d Cong., 1st Sess. (1971).

The web spun about administrative agencies by industry representatives does not depend, of course, solely upon advisory committees for effectiveness. See Elman, Administrative Reform of the Federal Trade Commission, 59 Geo. L. J. 777, 788 (1971); Johnson, A New Fidelity to the Regulatory Ideal, 59 Geo. L. J. 869, 874, 906 (1971); R. Berkman & K Visecusi, Damming The West, The Ralph Nadar Study Group Report On The Bureau of Reclamation 155 (1971); R. Fellmeth, The Interstate Commerce Omission, Ralph Nadar Study Group on the Interstate Commerce Commission and Transportation 15–39 and *passim* (1970); J. Turner, The Chemical Feast, The Ralph Nader Study on Food Protection and the Food and Drug Administration *passism* (1970); Massed, The Regulatory Process, 26 Law and Contemporary Problems 181, 189 (1961); J. Landis, Report on Regulatory Agencies to the President-Elect 13, 69 (1960).

[7] The Forest Reserve Act of 1897, 30 Stat. 34, 16 U.S.C. § 551, imposed upon the Secretary of the Interior the duty to "preserve the [national] forests . . . from destruction" by regulating their "occupancy and use." In 1905 these duties and powers were transferred to the Forest Service created within the Department of Agriculture by the Act of Feb. 1, 1905, 33 Stat. 628, 16 U.S.C. § 472. The phrase "occupancy and use" has been the cornerstone for the concept of "multiple use" of national forests, that is, the policy that uses other than logging were also to be taken into consideration in managing our 154 national forests. This policy was made more explicit by the 1960 Multiple Use and Sustained Yield Act, 74 Stat. 215, 43 U.S.C. § 315, which provides that competing considerations should include outdoor recreation, range, timber, watershed, wildlife and fish purposes. The Forest Service, influenced by powerful logging interests, has, however, paid only lip service to its multiple use mandate and has auctioned away millions of timberland acres without considering environmental or conservational interests. The importance of national forests to the construction and logging industries results from the type of lumber grown therein which is well suited to builders' needs. For example, Western acreage produces douglas fir (structural support) and ponderosa pine (plywood lamination). In order to preserve the total acreage and so-called "maturity" of timber, the annual size of a Forest Service harvest is supposedly equated with expected yearly reforestation. Nonetheless, yearly cuts have increased from 5.6 billion board feet in 1950 to 13.74 billion in 1971. Forestry professionals challenge the Service's explanation that this 240% harvest increase is not really overcutting but instead has resulted from its improved management of timberlands. "Improved management" answer the critics is only a euphemism for exaggerated regrowth forecasts by the Service. N.Y. Times, Nov. 15, 1917, at 48, col. 1. Recent rises in lumber prices have caused a new round of industry pressure to auction more federally owned timber. See Wagner, Resources Report/Lumbermen, conservationists head for new battle over government timber, 3 Nat. J. 657 (1971).

Aside from the issue of how much timber should be cut annually, another crucial question is *how* lumber should be harvested. Despite much criticism the Forest Service had adhered to a policy of permitting logging companies to "clearcut" tracts of auctioned acreage. "Clearcutting," somewhat analogous to strip mining, is the indiscriminate and complete shaving from the earth of all trees—regardless of size or age—often across hundreds of contiguous acres.

Of clearcutting Senator Gale McGee, a leading antagonist of Forest Service policy, complains: "The Forest Service's management policies are wreaking havoc with the environment. Soil is eroding, reforestation is neglected, if not ignored, streams are silting, and clearcutting remains a basic practice." N. Y. Times, Nov. 14, 1971, at 60, col. 2. He adds "In Wyoming . . . the Forest Service is very much nursemaid . . . to the lumber industry. . . ." Hearings on Management Practice on the Public Lands before the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs, pt. 1, at 7 (1971).

Senator Jennings Randolph offers a similar criticism of the leveling by lumber companies of large portions of the Monongahela National Forest in West Virginia. *Id.*, 9. See also 116 Cong. Rec. 36971 (1970) (reprinted speech of Sen. Jennings Randolph concerning Forest Service policy in Monongahela National Forest). To investigate similar controversy surrounding the Service's management of the Bitterroot National Forest in Montana, Senator Lee Metcalf recently asked forestry professionals at the University of Montana to study local harvesting practices. The faculty group concluded that public dissatisfaction had arisen from the Forest Service's "overriding concern for sawtimber production" and its "insensitivity to the related forest uses . . . and the public interest in environmental values." S. Doc. 91–115, 91st Cong., 2d Sess., 14 (1970). See also Behan, Timber Mining: Accusation or Prospect? 77 American Forests 4 (1971) (additional comments of faculty participant); Reich. The Public and the Nation's Forests, 50 Cal. L. Rev. 381–400 (1962).

Former Secretary of the Interior Walter Hickel similarly faulted clearcutting as excusable only as a money-saving harvesting practice for large lumber corporations. W. Hickel, Who Owns America? 130 (1971). See also Risser, the U.S. Forest Service; Smokey's Strip Miners, 3 The Washington Monthly 16 (1971). And at least one Forest Service study team shares some of these criticisms of clearcutting. U.S. Dept. of Agriculture, Forest

Management in Wyoming 12 (1971). See also Public Land Law Review Comm'n, Report to the President and to the Congress 44 (1970); Chapman, Effects of Logging upon Fish Resources of the West Coast, 60 J. of For. 533 (1962).

A third category of criticism results from the Service's huge backlog of delayed reforestation projects. It is true that Congress has underfunded replanting programs of the Service but it is also true that the Service and lumber companies have regularly ensured that Congress fully fund budgets requested for the Forest Service's "timber sales and management." Frome, The Environment and Timber Resources, What's Ahead for Our Public Lands? 24 (A. Pyles ed. 1970).

[8] Permitting a court to appoint a representative of an inanimate object would not be significantly different from customary judicial appointments of guardians *ad litem*, executors, conservators, receivers, or counsel for indigents.

The values that ride on decisions such as the present one are often not appreciated even by the so-called experts.

"A teaspoon of living earth contains 5 million bacteria, 20 million fungi, one million protozoa, and 200,000 algae. No living human can predict what vital miracles may be locked in this dab of life, this stupendous reservoir of genetic materials that have evolved continuously since the dawn of the earth. For example, molds have existed on earth for about 2 billion years. But only in this century did we unlock the secret of the penicillins, tetracyclines, and other antibiotics from the lowly molds, and thus fashion the most powerful and effective medicines ever discovered by man. Medical scientists still wince at the thought that we might have inadvertently wiped out the rhesus monkey, medically, the most important research animal on earth. And who knows what revelations might lie in the cells of the blackback gorilla nesting in his eyrie this moment in the Virunga Mountains of Rwanda? And what might we have learned from the European lion, the first species formally noted (in 80 A.D.) as extinct by the Romans?

"When a species is gone, it is gone forever. Nature's genetic chain, billions of years in the making, is broken for all time." 13 Conserv. 4 (Nov. 1971).

Aldo Leopold wrote in Round River (1953) p. 147:

"In Germany there is a mountain called the Spessart. Its south slope bears the most magnificent oaks in the world. American cabinetmakers, when they want the last word in quality, use Spessart oak. The north slope, which should be better, bears an indifferent stand of Scotch pine. Why? Both slopes are part of the same state forest; both have been managed with equally scrupulous care for two centuries. Why the difference?

"Kick up the litter under the oaks and you will see that the leaves rot almost as fast as they fall. Under the pines, though, the needles pile up as a thick duff; decay is much slower. Why? Because in the Middle Ages the south slope was preserved as a deer forest by a hunting bishop; the north slope was pastured, plowed, and cut by settlers, just as we do with our woodlots in Wisconsin and Iowa today. Only after this period of abuse something happened to the microscopic flora and fauna of the soil. The number of species was greatly reduced, *i.e.*, the digestive apparatus of the soil lost some of its parts. Two centuries of conservation have not sufficed to restore these losses. It required the modern microscope, and a century of research in soil science, to discover the existence of these 'small cogs and wheels' which determine harmony or disharmony between men and land in the Spessart."

[9] Senator Cranston has introduced a bill to establish a 35,000 acre Pupfish National Monument to honor the pupfish which are one inch long and are useless to man. S. 2141, 92d Cong., 1st Sess. They are too small to eat unfit for a home aquarium. But as Michael Frome has said:

"Still, I agree with Senator Cranston that saving the pupfish would symbolize our appreciation of diversity in God's tired old biosphere, the qualities which hold it together and the interaction of life forms. When fishermen rise up united to save the pupfish they can save the world as well." Field & Stream, December 1971, p. 74.

APPENDIX TO OPINION OF DOUGLAS, J.—STATEMENT OF THE SOLICITOR-GENERAL

"As far as I know, no case has yet been decided which holds that a plaintiff which merely asserts that, to quote from the complaint here, its interest would be widely affected, and that 'it would be aggrieved,' by the acts of the defendant, has standing to raise legal questions in court.

"But why not? Do not the courts exist to decide legal questions? And are they not the most impartial and learned agencies we have in our governmental system? Are there not many questions which must be decided by courts? Why should not the courts decide any question which any citizen wants to raise? As the tenor of my argument indicates, this raises, I think, a true question, perhaps a somewhat novel question, in the separation of powers. . . .

"Ours is not a government by the Judiciary. It is a government of three branches, each of which was intended to have broad and effective powers subject to checks and balances. In litigable cases, the courts have great authority. But the Founders also intended that the Congress should have wide powers, and that the executive branch should have wide powers. All these officers have great responsibilities. They are no less sworn than are the members of this Court to uphold the Constitution of the United States.

"This, I submit, is what really lies behind the standing doctrine, embodied in those cryptic words 'case' and 'controversy' in Article III of the Constitution. Analytically, one could have a system of government in which every legal question arising in the course of government would be decided by the courts. It would not be, I submit, a good system. More important, it is not the system which was ordained and established in our Constitution, as it has been understood for nearly 200 years.

"Over the past 20 or 25 years there has been a great shift in the decision of legal questions in our governmental operations into the courts. This has been the result of continuous whittling away of the numerous doctrines which have been established over the years, designed to minimize the number of governmental questions which it was the responsibility of the courts to consider.

"I have already mentioned the most ancient of all, case or controversy, which was early relied on to prevent the presentation of feigned issues to the court. But there are many other doctrines, which I cannot go into in detail: reviewability, justiciability, sovereign immunity, mootness in various aspects, statutes of limitations and laches, jurisdictional amount, real party in interest and various questions in relation to joinder. Under all of these headings, limitations which previously existed to minimize the number of questions decided in courts have broken down in varying degrees. I might also mention the explosive development of class actions which has thrown more and more issues into the courts. . . .

"If there is standing in this case, I find it very difficult to think of any legal issue arising in government which will not have to await one or more decisions of the court before the administrator sworn to uphold the law, can take any action. I'm not sure that this is good for the government. I'm not sure that it is good for the courts. I do find myself more and more sure that it is not the kind of allocation of governmental power in our tripartite constitutional system that was contemplated by the Founders. . . .

"I do not suggest that administrators can act at their whim and without any check at all. On the contrary, in this area they are subject to continuous check by the Congress. Congress can stop this development any time it want to."

THE MODERN STATE OF ISRAEL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, in 4 years, the United States will celebrate the 200th anniversary of its declaration of independence. We will have much upon which to reflect on that occasion—the growth of our industries and farms, the realization of the freedoms and liberties which were 200 years ago only dreams, the melding of the world's peoples into something we call the American citizen, the advances in science and education—and we will take a critical look at the future. Another anniversary, not so dissimilar from our own, occurs today, the 24th year of independence of the State of Israel. For the Israeli citizens, there is also much for reflection and for contemplation.

For Israel, the past extends backward through time to the earliest record of the Hebrew prophets and patriarchs, creating a continuum of history that is unbroken to the present day. The promises made by God to a wandering people seeking a homeland have been realized, the predictions of an ingathering of the exiles are still being turned into realities, and the threats of trials and hostilities are still being made. Israel is a modern state, but it is also an ancient nation that has faced more than once the specter of impending death and has risen like the phoenix to live again.

And Israel shall live. The Israeli people are willing to meet the challenges of modernization, and they are determined to create not just a viable state but a dynamic nation. The growth of Israeli industry, the almost magical planting of farms, vineyards and orchards in hostile deserts, the building of new cities and villages, the gathering together of the threads of mankind to create the Israeli citizen, are ample demonstrations of what the Israelis can do and are doing. And amid the building of the Israeli nation, there have been formidable attacks on the very right to live by hostile enemies of the Jewish people. But that challenge, too, was turned aside by a strength of arms and by a fierce resiliency of life—the Israelis have not waited 2000 years to be denied their dream in the 11th hour by aggression-bent neighbors.

For the future of Israel, there are still many problems to be solved, the resettlement of the new immigrants from the Soviet Union, the heavy debt incurred in defending their state, the search for peace with the Arabs, the continuation of the building for the future; but the Israelis are prepared for tomorrow and they are capable of confronting the unknown. We share much with Israel, our love of freedom, our pioneering past, our desire for peace, our anticipation of the future, and we share a friendship in an age when friendship seems an obsolete commodity. On the 24th anniversary of the founding of the independent State of Israel, we extend our congratulations, and we reaffirm the friendship of the American and Israeli peoples.

EXCELLENT SPEECH BY BANKING COMMITTEE CHAIRMAN WRIGHT PATMAN ON NATION'S HOUSING PROBLEMS, BEFORE NATIONAL HOUSING CONFERENCE

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mrs. SULLIVAN. Mr. Speaker, the Housing Subcommittee of the House Committee on Banking and Currency has been at work for several months on a comprehensive new housing bill intended to correct the admittedly serious problems in the operation of existing programs and in developing new programs or new techniques for meeting the needs of the American people for decent, sanitary homes in a good environment. We will soon be recommending such a bill to the full committee.

As the ranking majority member of that subcommittee, and as a member of that subcommittee since it was established in 1955, I know of no housing bill we have ever worked on which reflected as much intensive study as we have given to this pending measure. Instead of trying to patch up a hole here or there in existing programs, we have undertaken a comprehensive review through a series of panel investigations into every phase of production and financing and consumption of housing to determine how we can encourage the provision of more housing for all Americans, particularly those whose incomes are above the public housing or subsidized housing income levels but who are unable to afford a good home at today's extremely high construction and financing costs. These are the people who pay the taxes which help to subsidize low-income families in obtaining housing, but receive no help themselves in buying a home.

Under the chairmanship of Congressman WILLIAM A. BARRETT, of Pennsylvania, the Housing Subcommittee has done, I believe, a truly remarkable job of digging into the facts in this situation and documenting the needs for improvement in our housing supply.

We have been able to accomplish these purposes because we have had the full support and assistance of the chairman of the parent committee, the Honorable WRIGHT PATMAN, of Texas, in assigning staff members of the full committee to help in conducting a series of investigations into the frauds and deceits and scandals which have marked some of our housing programs.

INVESTIGATION BY AD HOC SUBCOMMITTEE ON HOME FINANCING PRACTICES AND PROCEDURES

In 1969, Chairman PATMAN established an Ad Hoc Subcommittee on Home Financing Practices and Procedures to investigate abuses in the sale of homes to low income families in inner city areas, particularly in the city of Washington. Out of this 91st Congress investigation, which I chaired, assisted by Representatives HANLEY and BRASCO, of New York, former Representative Mize, of Kansas, and Senator BEALL, or Maryland, who was then in the House, we uncovered the basic outlines of vast scandal involving housing speculators financed by some savings and loans which victimized many poor families in the Nation's Capital and elsewhere. Following the enactment of some corrective legislation in 1970, the full committee, under Chairman PATMAN, then pursued in this Congress the implications of this scandal as it involved the section 235 subsdized homeownership program, resulting in a complete halt of the entire 235 program until reforms were instituted by the Department of Housing and Urban Development.

The ad hoc subcommittee in 1969 and 1970 also exposed the cost-raising features of the mysterious "closing costs" or "settlement costs" of a home purchase, and the Housing Subcommittee pursued those issues in this Congress following an excellent series of articles by Ronald Kessler in the Washington Post and the introduction by Chairman PATMAN of a bill dealing specifically with closing costs.

NATIONAL HOUSING CONFERENCE SPEECH BY CHAIRMAN PATMAN

Last month, at the 41st annual convention of the National Housing Conference, a nonprofit organization which has been in the forefront since early New Deal days of the fight for better housing legislation for all Americans, Chairman PATMAN delivered a major address on the scope of today's housing problems, as reflected in extremely high interest rates, bureaucratic redtape, fake appraisals, fraud, real estate speculation, and built-in cost raising procedures which have grown up over the years, particularly in the closing costs and other fees which have added substantially to the expenses of purchasing a home and often involve kickbacks and commissions to lawyers and others who serve not the buyer but the seller or lender.

Chairman PATMAN's speech to the National Housing Conference provides a clear insight into the problems we have tried to solve in the forthcoming new housing bill. As he said in that speech:

> We have got to find the means to make these programs work better and that goal may not always coincide with the profit desires of all of the real estate and lending interests.

The recent news articles throughout the country on the abandonment of defective housing sold to low-income families at horribly inflated prices under terms which had the Federal Government not only guaranteeing the mortgage and interest but actually footing most of the monthly interest charges underscore the urgency of correcting past mistakes and avoiding their repetition. But the problems are not restricted just to subsidized housing for low-income families; our problems in the housing field cover the whole range of housing for moderate- and average-income families, as well as the very poor.

I urge the Members of the House to read Chairman PATMAN's remarks on this subject as preparation for consideration of the kind of housing bill we hope to bring before the House in the near future. He tells what the problems are, how we got into this situation, and some of the things we have to do about it. His remarks follow:

REMARKS OF HON. WRIGHT PATMAN, CHAIRMAN, HOUSE BANKING AND CURRENCY COMMITTEE, TO THE NATIONAL HOUSING CONFERENCE 41ST ANNUAL CONVENTION, STATLER HILTON HOTEL, WASHINGTON, D.C., MARCH 5, 1972

It is good to be back at the National Housing Conference. Developments have moved rapidly in the Housing field since I spoke to you last and today this industry is riding the crest of one of its best booms in history. This is encouraging and I know that many of the groups represented here today deserve a share of the credit for this increased production.

A mere recitation of the figures might lead the unsophisticated into thinking that we were well on the road to solving all of our housing and development problems. But this audience is not so easily deluded. You know that underneath these aggregate figures, many of our problems are actually becoming worse and moving farther and farther away from solutions. These hard, cold facts aren't talked about on the financial pages which herald the two million new starts for 1971.

To begin with, we are struggling against an overwhelming backlog of needs in the housing area. This backlog has been growing steadily for many decades and it reached desperation level in 1969 and 1970. In those two years, housing construction—for all practical purposes—ground to almost a total standstill in the wake of the high interest, tight money policies of the Nixon Administration.

In 1969, we were able to build only 1,400,000 new homes, and in 1970, only 1,430,000 new starts were recorded. So, it is obvious that the two million plus new starts of 1971 did not begin to make up for the depression years of 1969 and 1970—much less attack our long-standing deficiencies in low and moderate income housing. We all know that one reasonably good year does not begin to meet the really crushing housing needs of the nation. This is particularly true if we are talking about housing for the low and moderate income families of this nation.

The gap is widening between the affluent—who can afford to pay any price for shelter—and the low and moderate income families who are forced to live within tight budgets and whose financing is sharply restricted by the level of their income. So, simply announcing two million new starts as a record year—without finding out who bought the houses—doesn't really tell the American Public very much about our progress in providing housing—the kind of housing really demanded and needed by the great majority of the American people.

It is possible to play all kinds of numbers games with housing construction figures. It is an industry that is over-burdened with statistics. I don't want to add to this burden here today, but I think it is interesting to note that back in 1965, more than 50% of the homes built sold for under $20,000. In 1971, less than one-third of the homes built across the nation fell into this under-$20,000 category.

In 1971, more than one-third of the homes constructed were priced above $30,000, compared with only 13% in this more affluent category in 1965.

Without question, there are a number of factors involved in this trend, but any fair analysis would point the finger of blame primarily at the rising cost of financing and the prolonged period of high interest rates. Homebuilders and developers are businessmen and they know that most low and moderate income families cannot meet the downpayment and the monthly payments required when interest rates are at 7%, 7½% and 8% in various sectors of the nation.

Many builders have been forced to adjust their sights upward. They have started building more homes for the rich and for the families who could afford huge downpayments and high monthly interest charges. As a result, the low and moderate income housing areas have been abandoned—in many cases—at the very time of greatest need.

The truth is, a tremendous number of people—millions of good, hard-working Americans—cannot qualify for home mortgages when interest rates range between 7% and 8% plus fees—the conditions which exist today. This is a dangerous situation. We are asking for trouble when we develop programs—and monetary policy—which end up building housing for the affluent and ignoring the needs of the low and moderate income family. That isn't the American way and we are going to have to find the solution which will make housing—good, clean, sanitary shelter—available for all Americans.

The starting point has to be interest rates. This is the most costly item in any home and, as you know, the total interest payments usually are one and one-half to two times the actual principal of the average mortgage. In other words, the financing costs more—much more—than all the bricks, lumber, workmanship, land, plumbing and everything else that goes into the construction of a dwelling. So unless we have a program to reduce interest rates, we don't have much chance to reduce the cost of housing.

And despite all of the great propaganda that has rolled forth in recent months, we aren't doing a thing about high interest rates in the home mortgage area. This is a fact which is being clouded more and more to the detriment of our hopes to provide decent housing for everyone. The truth is, a great deal of propaganda has been generated about monetary conditions and interest rates as we have gotten nearer and nearer the 1972 election campaigns. In reality, mortgage interest rates have continued at extremely high levels. The Federal Home Loan Bank Board survey shows that average interest rates across the nation on new homes were 7.66% just prior to the freeze imposed on August 15. By the end of January, these same rates had risen to 7.77%. These are averages and of course this means in many parts of the country, interest rates are actually in the neighborhood of 8% plus fees and points.

If these interest rates weren't so hard on the people, the Administration's efforts to hide the facts—and to distort the facts—would be comical. Virtually every expert in the Federal Government has testified or issued a press release telling the public that home mortgage rates had declined after the President imposed the wage-price freeze back last August 15.

When we pointed out that the monthly surveys of the Federal Home Loan Bank Board actually showed increases—instead of decreases—these experts then claimed this simply represented "forward commitments"—commitments made before the August 15 freeze. This story worked for a while, but it began to get a little absurd as the weeks rolled on.

August 15 is now nearly seven months behind us, and everyone knows that the current high level of mortgage rates—rates higher than the pre-wage-price period—could not possibly be reflecting prior commitments. These rates are on commitments made since the wage-price freeze. So it is time for the Administration to start facing the hard facts on this issue.

There may well be minor fluctuations in these interest rate figures on home mortgages in the coming weeks and months. There may even be some fractional declines about which we will hear lots of propaganda. But underneath all of this, you know that home mortgage rates have hung at a very high level—a level much too high to sustain the kind of boom that we must have in homebuilding and much too high to allow low and moderate income families to obtain decent housing.

We need a sizeable and meaningful reduction in these rates. Rates between 7% and 8% are not "normal" rates and they are not in line with the historic level of interest rates on this type of lending. This is one of the problems which still remains from the high interest period of 1969 and 1970. Home mortgages then were 8½% and 9%—if available at all—and some people today persist in trying to compare the current level of interest rates with this disastrous period.

This is not a valid comparison and it tells us nothing about the level of interest rates needed to fuel homebuilding. The Administration seems to be telling the people that since they were run over by a steam roller in 1969 and 1970, they should be grateful because this year they are only being hit with a two-ton truck.

We have never gone through such a prolonged period of high interest rates in the mortgage area. There is no comparable period in the financial history of this nation. Over the past three years, mortgage interest rates have been between 7% and 9%—and there isn't any period to match this in our entire history. Look back through your statistics and you will find that in the mid-1960's, these same home mortgages were available between 5 and 5½%. This is the base on which we ought to be comparing interest rates. And more importantly, the Administration ought to be pursuing policies that would get interest rates down to 5% on home mortgages.

To accomplish this, I am convinced that President Nixon will need to follow the intent of Congress and employ controls over all levels of interest rates. We gave the President this power in the Economic Stabilization Act. The intent was very clear that he use this authority while general wage and price controls were in effect. The only exception to this requirement was if the President made a finding that interest rates were at satisfactory levels in all categories.

The President's Cost of Living Council issued a feeble statement purporting to make such a finding, but it was not accompanied by economic data and analyses as the Congress required. The order which the Cost of Living Council issued in this area is invalid and violates both the spirit and the letter of the Economic Stabilization Act. It is not a finding as required by law and I think it is a shame that this Administration has failed to protect the American public in this area and has blatantly ignored congressional directives.

You cannot expect the wage-earner and the businessman—who are under controls—to cooperate wholeheartedly with a stabilization program which allows lenders and interest rates to go uncontrolled. The whole success of an economic stabilization program on equal treatment and yet this entire area remains in a favored position. This endangers the success of Phase II.

The problem of high interest rates extends far beyond the mortgage field. For example, the very best corporate bonds are priced at between 7 and 7.50% today, while in the mid-1960's, these same classes of bonds carried interest rates below 4.50%.

High-grade municipal bonds are ranging between 5% and 5.50% today, while in 1965, this same type of bond bore an interest rate around 3.25%. The rates in the consumer areas are even more out of proportion with "normal" levels and in most areas of the country, people are paying 36% and more on small loans, and from 18% to 24% on a growing volume of installment credit. So, the fact that some interest rates are below the historic highs of 1969–70 does not translate into "reasonable" or "low" interest rates.

Economic recovery cannot be accomplished at the current level of interest rates. We cannot reduce unemployment at this level of interest rates. Housing production will not continue at high levels unless we can do something about mortgage interest rates. The situation is critical and it has not been helped by the Administration's attempts to propagandize in this area with repeated statements about the handful of money market rates which have declined.

These are other areas—besides interest rates—where there can be some definite cost-cutting—and a little more justice for the homebuyer. Most of you are aware that the Banking and Currency Committee is now moving to cut some of the fat out of the closing or settlement costs associated with a home mortgage. These charges vary greatly from state to state and it is obvious that the homebuyer is getting stuck with some unnecessary and overblown charges in many localities.

These settlement costs are imposed on the homebuyer at the last minute and after he has already come up with sizeable sums for downpayments, for moving expense, and for the many details associated with any home purchase. The homebuyer is already strapped for cash at this point, and we should certainly make sure that he is not stuck with additional and unnecessary fees and charges at closing.

Basically, a homebuyer ought to be charged only for those services which benefit him directly and those which are actually necessary to protect his interests in the piece of real estate. No one objects to the homebuyer being charged legitiate fees for legitimate services—but let us make certain that all these charges are indeed legitimate. And to be legitimate, it is necessary that these charges be calculated on the basis of the time, work and risk involved and not on generalized and undocumented rate schedules.

In addition, I feel it is very important that the homebuyer be informed prior to the actual closing about these fees so that he can raise questions if they appear out of line. It is my hope that everyone interested in housing will get behind the effort to provide reasonable remedies to this problem and to help remove all of these unnecessary roadblocks in the way of homeownership.

Certainly, there are other, even more fundamental questions facing us in the housing area. This is painfully obvious in those areas which involve subsidy programs of the Federal Government.

After all of these years we really don't have what can be honestly regarded as a coherent national policy on housing. It's still little more than a patchwork of overlapping, inadequate programs glued together with high-sounding preambles and pronouncements.

At times, Federal housing policies—and administration—have created and maintained slums and have not moved this nation closer to the day when every American can have decent shelter at a reasonable cost. This is a sad situation in a country that has the technical know-how and the resources to put a man on the moon.

Too often, these Federal programs have been developed more as a subsidy to the industry—to the entire range of real estate interests—rather than as assistance to the homebuyer. Too often, housing organizations—good ones with good purposes—have been too interested in a housing program just for the sake of a housing program without looking down the road to see where some of these policies were leading us.

Your organizations have a duty to investigate these housing programs, to point out the deficiencies and to argue the case for long-range solutions. I don't think anyone—in or out of Congress—has been giving enough thought to these rambling omnibus housing bills that seem to roll forward every year.

Perhaps some hard-nosed investigation might have saved us from the disasters of public housing. Here is a program that ended up constructing barracks-like buildings around the nation—buildings that didn't satisfy anyone—the community or the tenants. Many of these projects were built helter-skelter without regard to future population trends, without any study about their proximity to job opportunities, without regard to the needs of the tenants—in short, without any real planning. In some areas, these buildings stand vacant today, in disrepair and as a monument to the Government's inability to match its programs to the needs of the people.

This is a waste which benefits no one. It is the kind of history that hurts Federal housing programs and gives the opponents of housing legislation a great arsenal of ammunition.

Many of these programs start out with high-sounding purposes, and what appear to be really outstanding concepts. Then some one comes along and insists that we add in the profit margin for each real estate interest as the program moves forward. There's a little bit for the land speculator, the builder, the lender, the closing attorney, the title company, the insurance company, and on down the line. By the time the project reaches the end of the line, it is so top heavy that you can't be sure just who did get the subsidy.

Without question, many of these costs are legitimate and cannot be eliminated, but at the same time I think it is absurd to insist that every conceivable interest can claim and receive the fullest possible profit on projects supposedly designed for low-income families. There's plenty of room for profit-taking in the more affluent conventional market and we are going to have to find ways to reduce some of this fat in programs where we expect the taxpayer to pick up the tab. We just don't have the resources to pay all the profit being demanded in housing the poor.

The FHA 235 and 236 programs are good examples and the problem has been compounded by atrocious mismanagement of these projects at HUD. When these programs got underway, there was little or no effort made to look down the road—to see what kind of mess we were getting into.

Two years ago, we started getting mail and telephone calls about the administration of the 235 and 236 programs. We heard some pretty bad horror stories of speculation, of outright cheating of the homebuyers. We started investigating and you know more than a year ago the Banking and Currency Committee issued a report detailing widespread abuses in this program—inflated appraisals, substandard housing, speculative profits—just about every con game in the book was pulled on these people who were trying to buy homes under the 235 program. And the saddest part of this story was that HUD was just sitting around twiddling its thumbs and doing nothing to help these people. In fact, in some cases, the HUD appraisers were right in the middle of the shell game. It's hard to understand how any of these FHA officials could have approved some of the contracts involved in the 235 program.

Secretary Romney was very defensive—almost emotional—about our discoveries. He conducted a press conference and, in effect, denounced the Committee for issuing the report. The Secretary—I am convinced—was mislead at that time by a lot of his assistants and today he seems much more realistic about the problem. After he finally became convinced that the Committee report was accurate and that there were problems, he has sincerely atempted to correct the situation I commend him for this.

But, the problems are not over . . . in fact, this program has basic structural defects which I am not sure we can correct without major surgery. It's turning out to be one of the most expensive housing programs in the history of the nation—and at the same time it really isn't doing what needs to be done to house low-income people. I was very discouraged when I found that HUD had let much of the program fall into the hands of slum speculators, but I am even more disturbed by the cost figures.

On the one hand—as our investigations disclosed—we are in danger of perpetuating slums under Federal sanction and on the other hand, of wasting billions of dollars of tax money that is badly needed to build housing.

The 235 program, of course, provided that the Federal Government would pick up part of the interest charges on these homes. The law allowed HUD in effect to pick up all but one per cent of the interest . . . the exact amount of the subsidy depended on the income of the homebuyer.

So, here again, we had a Federal program designed to make sure that the lender got his full take—his full profit—the same profit that he would get on any loan. The Government was supposed to be subsidizing the homebuyer, but it is obvious it is also subsidizing the lenders.

When this program was considered in the Congress, interest rates were in the vicinity of six per cent on home mortgages. But before the program went into effect, FHA rates had climbed to 8½ per cent plus insurance—an effective 9 per cent. This meant that the Federal Government could be stuck with 7 and 8 per cent interest on the mortgage—and remember these were 30-year mortgages on FHA 235 and 40 years on FHA 236.

The Federal Government quickly found that it was supporting the highest mortgage interest rates in the history of the Nation and was guaranteeing the full payment of these high interest rates for 30 and 40 years. The cost of this is staggering, and it is growing every day.

Buried deep in the Appropriations Committee hearings last year was a section on FHA 235 and 236. The press didn't pick up these figures, but they are startling. That hearing—based on data submitted by HUD—indicated that the Federal Government had a potential liability of $15 billion on the 611,000 FHA 235 units committed through the current fiscal year. It estimated another potential liability of $20 billion for 570,000 units committed under FHA 236. This makes a whopping total of $35 billion and new commitments are being made every day. I am sure we would be on the conservative side if we estimated that our current liability under these programs is at least $40 billion.

Admittedly, this $40 billion estimate of commitments is based on the "maximum liability" that could occur under current projects. This could change, to a degree, particularly if the homebuyer increases his income and he is able to contribute more to the monthly payment.

Any way you figure this, however, a lot of Federal housing money will be tied up in this program and every dime of it is going to the lenders and other real estate interests. In effect, we have set up the private lending institutions as a high-price toll gate between the Federal Government and the low-income family we are trying to help.

Certainly, these figures demonstrate the folly of this system. It plainly establishes the need for the Government to deal directly with these problems instead of going through the morass of endless real estate and lending interests. Obviously, a direct lending program would have been much cheaper and would have provided a better break for the homebuyer.

For example, the $40 billion of potential liability in the current FHA 235 and 236 projects would provide the funds for the construction of more than two million, six hundred and sixty-six thousand $15,000 homes. The Government could double its production of low and moderate income housing had it made direct loans instead of engaging in the interest subsidy game.

In short, we are simply wasting billions of taxpayers money—and not getting either the quantity or quailty of housing we should from this huge outlay. No one is benefiting from this waste except the lenders. The tax-sheltered investors and other real estate interests.

In addition, if the Government had made direct loan money available, the repayments would be coming back to the Treasury and would be available for additional housing programs. Now the interest subsidy is paid out to the lender and that's the last the Federal Government ever sees of the money.

A direct lending program—for areas where private lenders cannot or do not operate without Government subsidy—could be set up through a National Development Bank. Such a development bank could, of course, also supply funds for local and state governments, school districts and for businesses in areas of high unemployment or underemployment.

Such a bank could be capitalized with a billion dollars with lending capacity 20 times that amount—in other words, a $20 billion source of credit. I have introduced such a bill in the House and John Sparkman has an identical bill in the Senate. Obviously, a development bank could handle much of this financing without this costly procedure of financial toll gates.

In any event, I am convinced that we are going to have to change our approach to low and moderate income housing programs. I don't think we can continue to use the interest subsidy approach. It just isn't realistic to think that we are going to pay billions and billions to lenders when it would be cheaper to make direct loans.

We have to find the way to build more low income housing and at a cheaper price to the homebuyer and the Federal Government.

We have got to find the means to make these programs work better and that goal may not always coincide with the profit desires of all the real estate and lending interests.

Thank you very much for inviting me.

SCHOOL BUS SAFETY WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, recently much attention has been paid to school bus safety, or the lack of it. The last 2 years have been scarred by a number of school bus tragedies, some involving loss of life. As a rural State, Alaska often depends upon school buses to get her children to school, often in adverse weather conditions.

In spite of the many dangers, an excellent safety record has been compiled by the many drivers of buses throughout the State. I am submitting for the Record a copy of a proclamation designating the week of April 17 as School Bus Safety Week in Alaska. Set aside by Governor Egan, this week is in salute to those drivers who have made it possible for thousands of children to travel to school safety:

Proclamation: School Bus Safety Week in Alaska

Each school day throughout Alaska, thousands of children are transported to and from schools by fleets of school buses which are an integral part of our education system.

Drivers of these school buses have compiled an enviable safety record, covering thousands of miles of roads, often in adverse weather conditions.

Alaska's school children have enjoyed safe and excellent transportation provided by dedicated people who are entrusted with the precious lives of our young students.

As proper thanks and recognition are due the responsible drivers of our school buses and to all those who make this mode of transportation possible, as Governor of Alaska, I, William A. Egan, proclaim the period from April 17 through April 23, 1972, to be School Bus Safety Week in Alaska. I urge all citizens to be aware of the skill and dedication of the many people who make our school bus system possible, and to exercise constant courtesy and caution concerning school buses in order that we may continue our commendable safety record in Alaska.

JACKSONVILLE CRIME RATE DOWN

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BENNETT. Mr. Speaker, I am delighted to join the Florida Times Union in praising Sheriff Dale Carson, of Jacksonville, and all the policemen there in the reduction in the crime rate in my hometown of Jacksonville. I know that the Federal laws we have recently passed to assist local law enforcement have been helpful, but the real thrust for reduction in crime comes from dedicated police officers such as Jacksonville has and from a sense of growing good citizenship on the part of all citizens which I feel also is present in Jacksonville. The Florida Times Union ran the following fine editorial on the subject:

A Welcome Downward Trend

Perhaps the most significant conclusion to to drawn from this year's crime figures is that—if a city will work at it—something can be done.

Jacksonville showed a reduction, not an increase as is still the national trend, in six of the seven categories covered in the Uniform Crime Reports of the Federal Bureau of Investigation.

Sheriff Dale Carson attributed Jacksonville's accomplishment to the extensive use of helicopter patrols (coordinated with ground units) and the city's new one patrol plan (the city is divided into four areas with zone commanders in each concentrating upon the particular crime problems of that area).

By like token, Washington, D.C., once one of the nation's hotbeds of rampant crime, showed a most impressive 13 percent decrease overall (and lowered crime in every category).

Washington, it must be noted, has made a sweeping, vast all-out war on crime (the effort was to make the nation's capital a national example).

Without question, both citizen concern over crime, and public officialdom's response thereto, has exerted an influence across the nation. And while this hasn't brought an overall downtrend, the rise the lowest this year in recent years (six percent compared to nearly twice that last year and 17 percent in 1968).

Jacksonville's overall reduction of four percent (representing thus a ten percent difference from the national average) is without question the result of effort expended in Jacksonville.

Washington's substantial and striking reduction (a 23 percent disparity from the national norm) is also in proportion to the truly massive (and expensive) effort made to make the national capital more of a model city than a national horror.

Innovation and dedication by law enforcement agencies, and wide public backing for this effort, have shown their worth. By no means has the effort been easy, but the results show that the effort is worthwhile—and by implication that if more is to be accomplished in the future, then more must be done.

Meanwhile a pat on the back is in order for Jacksonville's law enforcement personnel.

AN OUTSTANDING PUBLIC SERVANT—PERRY DURYEA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, last weekend I had the pleasure of reading about the Honorable Perry Duryea, one of New York State's most exciting and dedicated public officials.

As speaker of the State assembly and legislator for many years, Perry Duryea has established a legislative record equaled by few men. He is respected by Members on both sides of the aisle for his legislative judgment as well as his warm personal charm.

Speaker Duryea possesses qualities which some people say makes him a natural born public servant. He is a dedicated legislator who spends more than 12 hours a day at his office—not to mention the numerous social duties incumbent upon him as speaker—and has the leadership ability to effectively preside over the notoriously independent New York State Legislature.

Off the assembly floor, Speaker Duryea finds himself at home with friends. His interests include not only people but boats, planes, hunting, fishing, and dinner with friends.

His philosophy is quite simple: "Work hard and be good at what you do." Certainly I know of no other man who better follows his own philosophy.

The April 16 issue of Newsday's magazine for Long Island had a most interesting and revealing article about this outstanding individual. Written by Jon Margolis, this article eloquently describes the public and private life of one of New York State's most fervent legislators.

If there are no objections I would like to include a copy of Mr. Margolis' article into the Record so that my colleagues in the House can learn more about Speaker Perry Duryea.

The article follows:

Perry Duryea Knows Himself, But . . .

By Jon Margolis

His honor the mayor was not amused. Freshly tanned from a weekend of campaigning in Florida, John Lindsay stood in the rear of the big ballroom of the Hilton Hotel in Manhattan and said to an aide, "We're late. Let's go back."

Lindsay was supposed to deliver a welcoming speech to the annual convention of the New York State Association of Towns. When he arrived a few minutes late and found the program already in progress, he figured he might as well just forget about it.

Then he heard the man speaking from the front of the room say, "I suppose it's best that the mayor is late. This way I can welcome him back to New York State and he can welcome you to the city." Most of the audience laughed. Lindsay did not. Instead of leaving, he began to walk slowly, not smiling, toward the front of the room, giving every indication of doing a slow burn. When the speaker saw him he said, "There he is. Hello, John, it's great to have you with us. I want to see your tan."

The man who was speaking holds more than academic interest for John Lindsay. For unless things go much better nationally for the mayor this year than most politicians expect, Lindsay may well be the Democratic candidate for governor of New York in 1974. And while predictions in politics are risky to the point of foolishness, the Republican nominee could turn out to be the same man ribbing Lindsay from that lectern, the Speaker of the State Assembly, 51-year-old Perry Belmont Duryea Jr. of Montauk.

Duryea's gibes were conventional enough, but Lindsay seemed to take them seriously. In his talk, the mayor bitterly criticized the Legislature, at one point referring to it as a "cold, fishy-eyed, lobster-eyed institution." Perry Duryea is in the lobster business.

Later, as Duryea piloted his Piper Aztec plane to Albany, some friends who had been near Lindsay in the back of the room told Duryea of the mayor's displeasure. Duryea, his press aide and two old friends from Montauk had a good laugh about it. But it may just be that there was a touch of hollowness to the laugh. Because in two years, if the two men do face each other, Duryea is likely to hear a lot more about being cold; maybe lobster-eyed, too. And it might hurt.

Around Albany, and on Long Island's East End, Perry Duryea is known as a master politician, a leader of men, a backroom negotiator who can sometimes outmaneuver even Nelson Rockefeller. His rise up the political ladder has been swift; he has carefully plotted each move and made it with an almost ruthless toughness, twice ousting incumbents of his own party.

But he has never run for election outside eastern Suffolk's First Assembly District, in which almost any Republican can be elected. He won nomination in a district caucus, won his party's leadership in Albany behind the closed doors of the Republican caucus. Outside the cloistered atmosphere of the East End, his public appeal has never been tested, and there are those who say public appeal is what he lacks.

"Pious Perry," a lot of Democrats and even a few Republicans call him. Some of the other adjectives applied to him are austere, aloof, aristocratic. By any objective standard Dureyea should be a political public-relations man's dream. He is tall and ramrod straight. His even features and silver hair give him the look of a slightly aging matinee idol. His voice is strong, his speech articulate. But those intangibles which make up what is called charisma seem to be lacking. His speeches are polished, but stilted and formal. When he appears on television, he sometimes seems nervous and more calculating than spontaneous. "He is," said someone who has watched him for a long time, "a very cautious, deliberate man." In the view of another state politician, "Perry Duryea is a cold fish."

There is irony in this because personally Duryea is not at all a cold fish. At his home in Montauk, flying his plane, striding the deck of his boat, climbing around the green tanks which hold his lobsters, Duryea is outgoing, talkative, earthy, easy to laugh. "He's like Dr. Jekyll and Mr. Hyde," said someone who has seen him in both Albany and Montauk. "He's like two different people." Duryea does not like to admit that he lacks the common touch. He attributes the image to his intentional effort to be formal in Albany, in order to enhance the dignity of the Assembly.

Still, maybe Duryea realizes that not all of the formality is intentional, that he would like to relay more of the private fervor. On a recent day in Montauk, he was driving a couple of visitors around in his station wagon. He was wearing dungarees and a blue pullover sweater and a baseball cap and talking easily of politicians and Montauk's past and chopping ice years ago on a pond where some geese were now swimming, and for some reason the name of the late Sen. Robert F. Kennedy came up.

"He really had appeal with the masses, didn't he?" Duryea said, with what appeared to be just a touch of wistfulness in his voice. "I could never understand why, because he never came across that way in person. He was always very reserved." It seemed as if Duryea were asking why Kennedy, often so withdrawn in private, came across with such fervor to the public while Duryea, warm and relaxed in private, had trouble communicating that quality to the voters.

Indeed, Duryea could be forgiven for being downright paranoid about charisma. One reason that he is not governor now is that Rockefeller decided to run for a fourth term in 1970. Men who know them both do not think Rockefeller is nearly as warm or gracious a man as Duryea. Rockefeller even fails that most traditional of political tests—remembering names, which is one reason he calls so many people "fella." But his frenetic campaign style charms the uncommitted and sometimes even wins over the hostile.

Duryea may face the communication problem head on with Lindsay. He does not think very highly of the mayor. First because Duryea admires ability, whether the ability to govern or the ability to navigate a boat, and from his perspective Lindsay's only proven "ability" is winning elections. Also, like all good backroom politicians, Duryea feels that a deal reached and sealed with a handshake behind closed doors is a sacred trust. Such a deal was reached on the New York City budget in Albany in 1969. Lindsay blasted it in public as soon as the top city and state officials meeting in the governor's office walked out the door. Since then Duryea and his aides have considered Lindsay a double-dealer.

But such arcane doings mean little to the average voter. To the public Duryea is not very well known at all; legislators don't like to admit it but they aren't very famous. To the extent Duryea has an image, it is of a man to respect, and perhaps fear a bit, but not love. Duryea projects the image of a capable Prussian, Lindsay of a vulnerable lover. Even the loyal secretaries in Duryea's office swoon on the days the mayor comes to Albany.

It isn't simply the silver hair, the formal manner, the natural reserve which has led so many to portray Duryea as cold and austere. Those politicians who appear to have "heart," or to "put principle above politics" are politicians who are associated in the public mind with specific issues: Lindsay on the cities, Robert Kennedy on war and poverty, Rockefeller (formerly) on moderation and social welfare.

Duryea is associated with no issues of great moment. He has improved the efficiency of the Assembly, but this is apparent only to insiders. He has even counteracted his positive steps. He has taken the lead in establishing local addiction-control centers, then approved budget cuts which forced those centers to reduce operations.

On the major issues confronting the state, Duryea has taken a back seat. He is a conservationist, but has not been a leader in pushing environmental legislation. Last year he delicately maneuvered through the Assembly a bill creating a special agency to zone the private land in the upstate Adirondack Park. Despite the obvious political points to be gained from environmentalists by being associated with the park agency, which would have the Adirondacks from exploitation, Duryea did nothing to advertise his part in the negotiations.

He has used his power as Speaker to raise, or at leasts maintain, state aid to education, but he has not been in the forefront of that issue either. Nor has he been a protagonist in the fields of prison problems, tax reform, racial discrimination, poverty. So his reputation is that of the manipulator, of "the ultimate pragmatist." Some think that he follows no ideology, reaches only for the attainable, protects his flanks.

There is one other aspect of Duryea's social views that is rarely discussed, but very much in evidence at time. He is a Protestant, a WASP, and in some areas this appears to lead him into differences with the largely Catholic Republican hierarchy in the Legislature and the party leadership.

When former Assemblyman George Michaels changed his vote on the floor during a roll call, he got all the publicity for casting the "deciding" vote on the bill to legalize abortions. But the needed 76th vote was actually Duryea's. Characteristically, though, Duryea did not use his influence to line up any other votes on this touchy issue. Nor is Duryea much of an advocate of aid to parochial schools. He has not blocked the aid programs pushed by others. But he has shown no enthusiasm for them, either.

The only place Duryea has an ideological identity is in New York City, and there it is something he would prefer to live without. His part in cutting funds for state social programs, combined with his wealth and his austere image, have made it tempting for many city columnists to portray him as the state's leading anti-city power. Such judgments, however, are usually made by writers who comment on Albany affairs without leaving New York City, and they are incorrect. The real budget cutters are the upstate Republicans. While Duryea often accommodates them, he does not spur them on.

One writer even blamed Duryea for the failure of the "Corona compromise," designed to save a number of Queens homes from being razed. Duryea actually had tried to get the compromise bill through the Assembly. It may be significant, however, that he was not so committed to the plan that he would risk his slim GOP majority by defying one rather obscure assemblyman who was so intransigent about this one issue that he threatened to oppose other key legislation.

But Duryea is by no means shy about using his powers. And whether or not he becomes Governor, Duryea is already a powerful man. There are no esoteric, mysterious reasons for this. By the laws of the state and the rules of the Assembly, the Speaker is powerful. He assigns all the committee members, including the chairmen; allots office space; hires 425 full-time and part-time men and women on the Assembly payroll, not to mention many of the workers (a lot of whom do very little work) on the staffs of joint legislative committees.

This means he controls legislation and patronage. His control of committee chairmanships means that he is in effect the chairman of every committee; no major bill gets reported to the Assembly floor without the Speaker's okay. A rank-and-filer pushing a bill to help his district may have to pledge in return his support for a measure the Speaker wants.

Duryea has distributed his patronage widely around the state, earning the gratitude of Republican county chairmen all over New York. He exercises his control over legislation with an iron hand. Unlike his Republican predecessor, Joseph Carlino of Long Beach, Duryea uses the soft-sell approach to Republican assemblymen. There are those in Albany who remember Carlino screaming at reluctant GOP rank-and-filers, even once in the confines of his office, threatening to punch one in the face. Duryea does not push so hard. "The threats are implicit," said one assemblyman. "You know he can take away committee chairmanships or kill your pet bills. He doesn't have to tell you." Also Duryea rarely has to shout. He appears to have the genuine affection of most Republican assemblymen. Which tells a good deal about Duryea as Speaker.

He is a fierce partisan, a firm believer that with his victory came the spoils. He follows the old Albany tradition of interpreting the rules of the Assembly liberally for Republicans, narrowly for Democrats. Sometimes he gavels down Democrats for no apparent reason, perhaps just for the fun of it. During the closing days of last year's bitter session, he and the Democratic deputy minority leader, Albert H. Blumenthal (D-Manhattan), held more than one shouting match which made the blood rise in both their faces. After the final gavel, though, they shared a cordial drink in Minority Leader Stanley Steingut's office. Duryea can divorce the personal from the political.

Despite this toughness, and the high regard in which other Republicans hold him, Duryea has been more of a conciliator than a leader. "When he first took over," said one Republican who often disagrees with Duryea on policy, "I would have followed him anywhere. He was like an infantry second looie leading a bunch of recruits. Now some of the luster is gone."

In fact, Duryea has acted more like the chairman of a corporate board than an infantry platoon leader. The second lieutenant's job is to stand up amidst the hail of fire and shout, "Follow me," taking the first step toward the enemy. But Duryea does not get far in front of his troops. Like most political leaders, he waits to see where his followers want to go, then leads them there.

Never was this more evident than during last year's big budget battle. When Rockefeller first proposed his $8.4 billion budget and $1.1 billion tax hike, Duryea kept silent. But when the upstaters persisted in their intransigent opposition to the taxes, Duryea led the budget-cutting forces. At one point he was even ready to accept a $70,000,000 cut in state school aid, anathema to Long Islanders with their high property-tax rates. Only when Assemblyman Joseph M. Margiotta (R-Uniondale), the Nassau GOP leader, bluntly told Duryea there would be no Nassau votes for any budget which cut school aid, did Duryea order the $70,000,000 restored.

But most of the other cuts went through, including a 10 percent cut in welfare benefits. Duryea was not enthusiastic about the welfare cuts. "It bothered me," he said almost a year later while being interviewed in his Montauk home, "because it hurt the people who really need it."

That's easy to say sitting in your living room while the sea breaks on the beach outside the picture window. Certainly it is not in the tradition of *noblesee oblige,* which has been the hallmark of New York's moderate, establishment Republicans. But Duryea is not one of that breed, either personally or politically. He is often thought to be, partly because he is wealthy, partly because of his patrician appearance. This reinforces the image of inherited wealth, the same kind of family money that characterizes the state's other rich politicians: Rockefeller, Harriman, Roosevelt. It is an image that suggests the best private schools, childhood vacations in Europe, a life of ease.

But the image is false. Duryea is not nearly that rich—he denies that he is a millionaire, but he must be very close. And he is not at all idle. His late father was successful and influential, but no aristocrat, and not as rich as his son. The Duryeas are not one of the old East End families who trace their lineage back to the early settlers of New England and Long Island.

Like a lot of other Long Islanders in later years, they came from New York City. Perry Duryea Sr. was the first in the family to come to Suffolk. He was born in New York City, the son of a man in the publishing business and the grandson of a former New York State assemblyman, a Democrat from Queens who served one term. This first Assemblyman Duryea was defeated for reelection by seven votes, a verdict he refused to accept. When the next session began, he journeyed to Albany, took his old seat and refused to budge. Next day, Assembly leaders detailed several burly men to haul off the former legislator. In the intervening generations, the Duryea family seems to have become more sophisticated but no less determined.

Perry Duryea Sr. grew up in Amityville, and joined the Army in 1915, serving first in the search for Pancho Villa and then in France. He returned in ill health, and his doctors suggested that he live in the healthiest possible area. So he moved to Montauk, then a tiny hamlet in which nearly everyone fished for a living and lived in flimsy homes—fishing shanties—near the edge of Fort Pond Bay.

Duryea had a little money, and it was not long before he bought into a fishing business. He took full control of it when his partner retired in 1932, 11 years after Perry Jr. was born. Duryea's business prospered, but while they lived better than most Montauk fishermen many still in the shanties, the Duryeas were not, according to longtime residents, the richest family in town. The business never employed many people, and it required a lot of hard work.

Like most young men in Montauk, Perry Duryea, Jr. did not wait long to do his share of the work. "Boys around here started working early then," he remembered recently. At the age of 12, "Junie" (the diminutive of Junior) was setting his own string of lobster pots. At 15, he was harpooning swordfish and at 16 he was out in the fishing boats for two and three days at a time, working for "shares"—the workers' percentage of the catch.

Duryea remembers those days, before Montauk was a resort community, when life centered on working and the sea. The family rule was as soon as you could swim you could have a boat. He learned to swim when he was about 7, and got a little rowboat. He has not been without some kind of boat since.

Several Duryea characteristics emerged from his early life in Montauk. He still loves boats and the ocean and the sun. And he likes to work. In Albany, he often gets to the Capitol by 8 a.m., and his day's work rarely ends until late in the evening.

And he likes to do things himself. When the power failed at his Montauk firm one day last winter, Duryea himself checked the electrical system. He can afford a posher craft than The Satellite, the old 60-foot lobster boat first built in 1890, which he converted into a pleasure boat sleeping six. But on an elaborate modern boat, the engines don't conk out, and Duryea seems actually to enjoy the prospect of puttering around with a balky engine. Once off the New England coast he could not fix a breakdown immediately. While some of his guests anxiously pondered their chances of drifting out to sea during the night, Duryea calmly lowered a rowboat and painstakingly towed The Satellite toward the sound of a bell buoy, tying up there for the night.

The early days in Montauk, being on the sea may also have inculcated in Duryea his enjoyment of the company of men. Ask almost anyone who knows him what Duryea is like and one of the first things said will be, "He's a man's man." Duryea likes to sit around with other men, have a few drinks and talk of boats and duck hunting, politics and football, or nothing in particular. He would fit well into a full-color whisky advertisement in Esquire, sitting in a gadget-filled den and calmly sipping some fine liquor all by himself. In fact he has such a den, and though he does more reading than drinking there, he also spends some time gazing out to sea through a telescope, watching for ships.

In Albany, Duryea is not much of a party-goer, though there is an almost continuous cocktail circuit. Most evenings he heads for a late dinner with "the boys": Edward Ecker, a former East Hampton supervisor and now all-purpose friend and *factotum;* Henry Mund, another Montauk friend and aide; Charles Webb of Syracuse, the sophisticated lawyer who is one of the few upstaters in the Speaker's exclusive inner circle.

His sense of humor—of the sophisticated locker-room-practical-joke variety—matches this masculinity. Duryea likes to tease Ecker by doing such things as putting his plane on automatic pilot and while several thousand feet above the water opening The New York Times until Ecker, in exasperation, hollers, "Goddamit, will you look where you're going!"

Duryea has loved flying so long, so much, that in college he saw himself a pilot for life. While he was at Colgate University, after graduation from East Hampton High School, World War II broke out and he joined a student pilot-training program that enabled its participants to stay out of the draft until they graduated. In 1942 he got both his bachelor's degree and his pilot's license. From 1943 through 1946 he was a command pilot of the Naval Air Transport Service in the Pacific.

When the war ended he returned to Montauk. His father had become the state conservation commissioner, but was still active in the business. Ambitious, perhaps a bit restless, and not afraid to break with past practices, young Duryea apparently saw some things that others didn't as far as the business was concerned.

He saw that growth and tourism were coming to Long Island and might not be compatible with large-scale commercial fishing. He saw that so many small, individual sellers and buyers would be able to use the services of a knowledgeable middleman.

Within a few years he had transformed the family business into a shellfish-distribution firm. The company cut down on its own fishing (now it does none) and began buying the catches of others, reselling to restaurants and markets in Long Island and New York. The ability to fly came in handy for quick trips to the abundant lobster beds of Maine and Nova Scotia, where Duryea would contract to buy from lobstermen. A knowledge of boats helped too, since for years the lobsters were shipped to Montauk by boat (now they are trucked). For more than 10 years, Duryea devoted nearly all his time to the business. By the time he ran for the Assembly in 1960, he was well on his way to becoming a wealthy man. The business is still a part of his life, but in a less-intense way.

"I don't have to prove myself to me any more," Duryea said. "In a small way I enjoy my business," he said. "I still do all the buying. It's a crazy business. But it gives me independence. I'm responsible to no man except myself. Once I was hung up on aviation, but three years of the war got that out of my system. So whatever life brings along, that's great."

One reality may seem surprising to those who persist in thinking of Duryea as the kind of Republican associated with the eastern liberal establishment. In fact, there has been some talk that this establishment—the old-line Republican financiers and corporate lawyers—might find a candidate to oppose Duryea in the 1974 primary. If Duryea is to be typecast, a better cliche would be the successful, made-it-on-his-own businessman usually associated with small towns and cities of the Midwest. To a considerable extent Duryea defines himself as a businessman. He thinks like a businessman, and his social views are those of a businessman.

Duryea likes to describe his philosophy by quoting Lincoln's remark that "government should only do for the people what they cannot do for themselves." Not that Duryea wants to bring government activity back to the level of the last century. "There's a different yardstick now," he said. "We have to do more in the fields of health, education, transportation and social services."

But what is done must be limited. "Sure," he said, "I'd like to give the world everything it wants. But we're limited by our ability to deliver. I'm a fiscal realist." Like most businessmen, Duryea thinks government should be run "like a business" and with more efficiency. So that while he was not happy about last year's welfare cuts, he blamed them not on the budget-cutting upstaters, but on the loose administration of welfare by the State Social Services Department. Duryea played a role in the ouster of former welfare Commissioner George Wyman, whose administration he considered inept.

Besides, while Duryea is not the ultra-conservative some have made him out to be, he instinctively dislikes the blanket-spending approach. He is rather like those members of the Elks or Lions clubs who give generously to the underprivileged, but oppose being taxed for social welfare programs.

One of the men who knows Duryea's social views best (and shares them) noted, "Perry is a fiscal conservative and a social liberal. But not the kind of social liberal who backs massive across-the-board spending programs which give a little bit to everyone. He's the kind whose heart really goes out to specific individuals in real trouble." As an example of this contrast, the friend cited Duryea's 1967 fight to force deep cuts in the state's medicaid program and yet his intense interest is in the growing problem of child abuse. "That's the sort of one-to-one personal tragedy he can identify with," the friend said.

Another issue close to the Speaker's heart is the Assembly itself. His insistence on "dignity" has paid off. The Assembly is hardly a lofty deliberative body; its decorum is usually not that much better than a mildly rowdy sixth-grade class. But before Duryea became Speaker, it was worse. Since he became Speaker in 1968, Duryea has streamlined the Assembly's committees, increased their staffs and created a central research body. Even the Democrats grudgingly admit that they get a better shake now than the minority party ever did in the past. Duryea is not one to make sweeping changes in his personal life, however. For Duryea's life there is not the kind most people would like to change. His children are grown, his material needs satisfied. He and his wife, Betty (Elizabeth Ann Weed Duryea), live in a comfortable but not ostentatious ranch-style home which Mrs. Duryea designed so that nearly every room overlooks the ocean. He has a lot of leisure time. He spends a little of it playing golf (not very well, he said) or riding horseback or simply walking along the beach. "That's important to him," said a man who knows him well. "It's his strength. He needs it to regenerate the battery."

Sitting amid all that recently, Duryea was trying to explain, for perhaps the thousandth time, that he is not committed to running for governor in 1974. When he says that in the cynical and political atmosphere of Albany, it's hard to take. In Montauk it seems more believable.

"Everybody says he's burning to be governor," said one of Duryea's aides. "Well, I'll tell you. If it doesn't work out he could very happily just chuck it all, go back to Montauk, get on the boat with Betty and sail off and never give Albany another thought."

Nor is Duryea limited to Montauk. He can get into his plane and fly down to his hunting lodge on the Maryland shore for a few days of duck shooting. He can set off in The Satellite and drift off the coast of New England. In either craft he can go to Green Turtle Cay in the Bahamas. He has a little place there where he is reachable only by citizens-band radio.

Once while he was there Rockefeller tried to call him. The secretary at Duryea's Montauk office said, "I'll try to reach him on The Satellite." When Duryea finally got the message and called the governor, Rockefeller said, "Gee Perry, where do you go that we have to get you by satellite?"

Duryea always plays it cautiously. "I'm a fatalist," he said. "I'm not going to spend my life in the Legislature, and I'm not a lifelong political person, I'm not driven." What could stop him? Well, Rockefeller could quit before his term expires, making Lt. Gov. Malcolm Wilson the Republican governor who would almost surely try to run again. Can he take the nomination away from an incumbent in his own party? "Not a chance," said Perry Duryea. "It would be crazy."

But it can be done. To the GOP leaders from Long Island, New York City, the Rochester area and other big suburban counties who back Duryea, state patronage is not that important. Rockefeller has dominated the Republican Party because of his ability to finance it (and to finance insurgent Republicans if he chose) and through the sheer force of his personality, Malcolm Wilson has neither.

And the record disputes Duryea's claim that he is not driven. He seems to have been driven since the late 1950s, when he jumped uninvited into Suffolk GOP politics. The late R. Ford Hughes was the powerful head of the Republican Party in Suffolk then. Closely allied with Perry B. Duryea Sr., Hughes ran a cohesive organization. In the late '50's Suffolk Republicans were linked to the first of a series of land scandals. As the revelations piled up, many called for Hughes to resign. "I'll resign," he said, "when the Republican Party starts losing elections."

In 1959 the Republicans lost town elections all over the county. Still, Hughes made no move to quit by the time of the first post-election county committee meeting. Nor did anyone expect any move to oust him, least of all by young Perry Duryea, then nothing more than the co-chairman of the East Hampton Republican Committee, a school board member and his father's son.

But the meeting had hardly begun when Duryea rose and said bluntly, "Well, Ford, when are you going to resign?" Hughes did resign, and since then Duryea has wielded major influence on the county GOP organization. He does not have the power to dictate to it. He is an East Ender, and most of the population, hence most votes in the county committee, lies in the West End. But when scandals hit again in the late '60s, it was Duryea to whom the party turned. The present chairman, Edwin M. (Buzz) Schwenk, is a friend and golfing partner of Duryea's whom the Speaker hand-picked.

Not that everyone follows Duryea. Brookhaven Town Republican Chairman Richard Zeidler has survived Schwenk's efforts to oust him. A certain amount of resentment has built up among some Suffolk Republicans. State Sen. Bernard C. Smith of Northport, a stubborn independent Republican, has made no secret of his disinclination to do Duryea's bidding. A few of Smith's pet bills have sailed thorugh the Senate only to be blocked in the Assembly.

In 1960, Irving Price was the Republican assemblyman from the First Assembly District, as safe a Republican district as there is. He could look forward to a long and easy career in the Assembly. But that year, fresh from his triumph in the county committee, Duryea decided to go after Price's seat. To make himself a bit better known in the area outside of Montauk, Duryea, before he announced his candidacy, gave talks to civic groups on "the sex life of the lobster," a subject which han hardly fail to knock 'em dead at any men's gathering. After Duryea had declared his candidacy and the district Republican caucus had met, Price had become a private citizen again.

Assemblyman Duryea started slowly. Aside from succeeding Robert Moses as president of the Long Island State Park Commission in 1963, (he stepped down in September, 1969), Duryea made few waves. He was waiting for his opening. He got it in 1965, after the Assembly Republicans failed to recapture the majority they lost in the 1964 Lyndon Johnson landslide.

The '64 debacle had cost the Republicans the seat of former Speaker Joseph Carlino, and the minority leadership fell to George Ingalls of Binghamton. When the Republicans lost again, Ingalls became vulnerable, and Duryea leaped for the kill. When the Republican caucus ended, Duryea was minority leader. It was a tough thing to do, Duryea said then, "because of my devotion to George Ingalls."

Just as he maneuvered himself into opportunities to get to be Speaker, Duryea has maneuvered himself out of other opportunities, his eye seemingly fixed firmly on the governorship. He turned down chances to become GOP state chairman and to run for Congress. And despite the activities of some of his supporters, he adroitly stayed out of the Republican family feud over former U.S. Sen. Charles Goodell.

Duryea has been especially nimble in his dealings with Rockefeller. "They circle each other warily," said a man closest to the governor, "like two boxers in the first round. The king always gets uneasy when one of his princes starts acting up."

The king-prince relationship is both political and personal. Rockefeller is not only the governor, he is a billionaire. Like a king, he is surrounded by courtiers, isolated from the general public, and despite his pizza-knish handshake campaigns, there is something imperious about him. By comparison, Duryea is a commoner who has worked himself into a spot where he can tilt with royalty. Nor does Duryea show the fealty of a subject; he thinks he's any man's equal.

Duryea has managed to steer a course somewhat independent of Rockefeller, while remaining basically loyal to him. Of late, the independence has been outweighing the loyalty. Duryea's Assembly forced deep cuts in Rockefeller's proposed state budget last year, and when Rockefeller sought new taxes in a special session late last year, it was Duryea who forced him to reveal the details earlier than he had planned.

The majority for that tax package was actually put together without Duryea's active support, which may have cost him some esteem. "The luster's off," said one Republican assemblyman. On the other hand, tax increases are a good thing not to be associated with in the public mind. It seemed clear last year that Duryea had decided to carve out an image as an economizer, both because it comes naturally to him and because he thinks it represents the public mood. Duryea's main thrust in the last two years, then, has been to move slightly to the right of the governor, without being quite as conservative as some of the upstaters (after all, he didn't block those tax hikes; he could have).

But last winter, Rockefeller called for the state to take over the City University of New York, and to end free tuition at the City University. At first, it seemed that his ideas might prevail. Only the liberal Democrats from the city opposed it; conservatives generally like the idea, and most Republicans in the Legislature are more conservative than Rockefeller.

Then on Valentine's Day the plan was scuttled. By whom? By Perry Duryea, who without much fanfare made a speech declaring that both proposals were dead for this year. From out of nowhere, Duryea got himself a lot of publicity in New York City, taking a pro-city line against Rockefeller and making a common cause with . . . Lindsay.

If Duryea and Lindsay do run against each other in 1974, it would be an interesting race. The best fights are always between a good boxer and a good puncher.

RESTRICTIONS ON SOVIET JEWS AN INSULT TO CONCERNED WORLD CITIZENS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GOLDWATER. Mr. Speaker, the situation with regard to Soviet Jews has reached the point where it is an affront to every concerned citizen of this planet. We live in an era of global communications, of intimate knowledge of our fellow man, and of a worldwide concern over the future of our race.

The years of oppression of Soviet Jews have, until recently, largely passed unnoticed. Hundreds of thousands of Soviet citizens, who have worked diligently and loyally for Russia, have been subjected in return to religious persecution, career repression, and personal harassment. And increasingly, the scapegoat of anti-Semitism has been trotted out to bear the punishment of failures of the Communist regime.

Many Soviet Jews love their country so intensely that they wish to remain and serve despite the impossible social context. Others, however, wish to rejoin the free community of mankind, and migrate to the Jewish homeland of Israel, or to a friendly Western nation. Almost every free nation of this world, including the United States, has made drastic modifications in its immigration policies in order to accommodate these refugees from Communist repression. But the Soviet Union, while treating their Jews as fourth-class citizens on the one hand, has been reluctant to let them go, on the other. Those lucky individuals and families who do manage to get emigration visas find themselves stripped of all their worldly possessions and even intimate personal belongings.

Mr. Speaker, it is time that world opinion spoke up against this intolerable situation. The treatment of the Jews is an insult to the freedom of every religion in the world. The anti-Semitism involved makes a mockery of the sacrifices of the Second World War. And the imprisonment and constraint of the Jews who wish to leave Russia are the most blatant demonstrations since the erection of the Berlin Wall of the reliance on totalitarian repression of Communist regimes with nothing to offer the individual.

I urge my fellow Members of Congress to speak out against this insult. I urge the President of the United States to deliver a strong protest to the Russian leadership when he visits in May. As the leading spokesman for the world community, only the President can truly express our massive indignation at the repression of the Soviet Jews.

ALL-OUT COMMUNIST OFFENSIVE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DERWINSKI. Mr. Speaker, as the news continues to pour in from the battlefields in Vietnam, one of the first articles analyzing the offensive which was decided upon at the 20th meeting of the North Vietnamese Communist Party's Central Committee was carried in the Washington Star of April 11 and I believe it deserves thoughtful review.

In this article, Mr. Bradsher very objectively analyzes the strategies and motivation of the North Vietnamese Communist leaders. May I also add that any objective observer of the situation in Southeast Asia has certainly reached the conclusion that the North Vietnamese are guilty of classical military invasion and that the ultraliberals acceptance of the Communist propaganda that the war was a legitimate uprising by the people of Vietnam has been thoroughly discredited by recent events.

The article follows:

HANOI'S GOAL: TOTAL VICTORY

(By Henry S. Bradsher)

SAIGON.—The leaders of North Vietnam have disclosed a decision "to mobilize all our forces" to try to achieve a total Communist victory in South Vietnam.

The decision apparently was the basis for the present all-out Communist offensive against the south.

So long as the United States "maintains, in whatever form," an American-backed government "in the southern part of our country, our people will have to fight on," the major policy statement said.

"On the path to total victory, there will still be many trials," Hanoi warned.

But the statement expressed determination to keep victory in the south as the main priority of North Vietnam.

The decision was taken "recently"—no date was given—at the 20th meeting of the North Vietnamese Communist party's Central Committee, which lays down basic policy for the country.

A resolution on the meeting's decision to step up the war effort was broadcast last night in Hanoi radio's home service.

Disclosure of the decision followed the capture in South Vietnam of Communist document which outline a new war strategy.

It calls for the use of regular North Vietnamese army (NVA) units to tie down the army of the Republic of Vietnam (ARVN). Then Communist guerrillas are to begin attacking provincial defenses, and "spontaneous uprisings" are supposed to break the Saigon government's grip on the cities.

The NVA offensive has tied down most ARVN units already, even sucking reserve forces out of Saigon and other rear-area cities. Guerrilla attacks have been limited so far, and the Communist underground in cities has not yet risen up.

ARVN has been doing pretty well against NVA frontal assaults. It is holding in the north and counterattacking above Saigon.

But the Communist strategy means a possible threat to the rear, if it is carried out.

REFLECTS MAJOR DECISION

The Hanoi broadcast confirmed the deductions of observers of North Vietnamese affairs that a major policy decision had been taken before the Communist offensive was launched 13 days ago.

Observers think a policy shift began in Hanoi late last summer.

The Central Committee meeting apparently was held at the end of December or in January. The new policy which it adopted was kept secret until the offensive was underway, apparently for tactical reasons.

The change is from giving first priority to building North Vietnam's economy and letting the war in South Vietnam be continued by small NVA units and guerrillas to hurling NVA "main-force units" into conventional warfare with ARVN while making economic construction in the north wait.

Now with complete confidence that no one is going to invade North Vietnam, Hanoi has completely denuded the country of organized combat divisions in order to press the offensive against the south with every soldier it can muster.

The North Vietnamese government insists officially that it is "People's Liberation Armed Forces" of southerners mounting the current offensive.

This is contrary to all the battlefield evidence. And the party resolution said bluntly that "our army and people must . . . valiantly march forward."

"AN IMPERATIVE TASK"

The resolution said the Central Committee meeting stressed that "an imperative task for our entire party is to mobilize—with the spirit of persevering in and advancing the anti-U.S. national salvation resistance toward total victory—all our forces, make outstanding efforts, courageously advance and, in close solidarity and co-ordination with the fraternal Lao and Khmer (Cambodian) armed forces and peoples, foil the Vietnamization policy and the Nixon doctrine in Indochina."

North Vietnam, it said, has "endeavored to provide adequate and timely support and assistance in human and material resources for the frontline."

The resolution repeated the communist demands that the United States destiny President Nguyen Van Thieu's government in Saigon as American forces disengage from Vietnam.

The United States must withdraw, it said, and "actually respect the South Vietnamese people's right of self-determination, stop supporting the puppet administration, and suppress its oppressive and coercive machinery in order to pave the way for the formation of a broad administration of national concord that will have the duty to organize a really true and democratic general election in the south."

Previous Communist statements have made it clear that Communist and pro-Communist elements must dominate Hanoi's idea of a "national concord" administration, and thus control the kind of elections which are to be held.

UNIVERSITY OF HAWAII BRINGS PEKING OPERA TO WASHINGTON, D.C.

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. MATSUNAGA. Mr. Speaker, a unique and highly enjoyable experience is in store for residents of the Nation's Capital on April 22 when the University of Hawaii Theatre presents "Black Dragon Residence," a traditional Peking opera, during the American College Theatre Festival at the Kennedy Center.

Hailed by the Washington Post as one of the few original dramas in this year's College Theatre Festival, "Black Dragon Residence" was translated into English, choreographed and directed by Daniel S. P. Yang, talented associate professor of drama and theater at the University of Hawaii. Mr. Yang's group of student-actors are expected to stage a performance which will rival the professional Peking opera enjoyed by President and Mrs. Nixon during their recent visit to China.

Peking opera, the most popular form of drama in China, is relatively new, having achieved its particular form and conventions only about 100 years ago. Traditional Peking operas, such as "Black Dragon Residence," are based on the history and folklore of China, however, and some of their dramatic conventions date back to the Yuan Dynasty—1277–1368.

Among the outstanding characteristics of Peking opera are the elaborate, colorful costumes and makeup of the actors, and the almost totally bare stage. Peking opera also differs from traditional Western drama in that it is sung in high, shrill tones accompanied by Chinese music, which is usually unmelodic.

Due to the absence of stage properties, pantomime plays an important role in traditional Peking opera. Every gesture and movement of the actors is symbolic. For example, an actor carrying a whip is understood to be riding a horse. When he "dismounts," he discards the whip, sometimes handing it to another actor who plays the role of a servant.

The elaborate makeup worn by actors in traditional Peking opera is also symbolic. Actors in chalky white makeup are understood to portray wicked or evil characters, while those in red makeup represent characters who are good and loyal.

I am submitting for the CONGRESSIONAL RECORD an article from a recent edition of the Hawaii Tribune-Herald which describes "Black Dragon Residence." I hope that my colleagues will have an opportunity to enjoy this unique drama while the University of Hawaii Theatre company is here. It will be an experience to be gained without going to Peking.

The article follows:

[From the Hawaii Tribune-Herald, Feb. 18, 1972]

"BLACK DRAGON" FETE OF COLOR

Pageantry of color will confront those who attend the Peking opera "Black Dragon Residence" Saturday, 7:30 p.m., at Hilo High School.

For many, the boldly colored and costumed characters will resemble abstract paintings in motion. Colors, designs and lines on each actor's face, however, are highly significant. The actor's face is an open book. Colored facial patterns inform us of his nature and destiny.

The most virtuous color is red, which stands for courage, loyalty and justice. Blue indicates a stubborn, impulsive character. Shiny white implies health and youth, while chalky white symbolizes cunning and treachery. Black used on portions of the face may indicate courage, simplicity or crudeness.

This adherence to traditional makeup colors is one way in which Daniel S. P. Yang, director of the English-translated play, is preserving the Chinese theatrical conventions in his production of "Black Dragon Residence."

During the summer of 1970, Dr. Yang spent two months in Taiwan collecting more than 100 custumes and props for the opera. Thus costumes and property bear the mark of authenticity.

Chinese tradition will observed even when actors are donning makeup for their performance in the six scene drama.

The first actor to begin the makeup procedure will be the clown-scholar of "Black Dragon Residence." In the Eighth Century, a Chinese emperor once played the part of a clown. He was naturally given precedence over the other actors in applying makeup. Since then the clown has always been first to apply his white powder and eyeliner.

According to Dr. Yang, visiting professor of drama at the University of Hawaii, a cast of professional Chinese actors can get ready for their stage appearance in an hour and 15 minutes. His actors, however, lacking the ten years experience possessed by Chinese actors, will take more than three hours.

The actress portraying coquette Yen Hischiao will have one of the most time consuming makeup jobs.

Her ordeal begins with the winding of a long piece of tape around her head. The tape lifts the corners of her eyes. A white foundation cream is then patted over her entire face. Rouge and a black grease pencil are applied to exaggerate her cheekbones and eyes.

The intricate process of arranging her hair then begins. After her own hair has been skinned back into a net, more than 60 items are placed on her head. These include hair that has been soaked for more than three months in lacquer and then dried, as well as various pieces of brilliant jewelry necessary for the role.

"Black Dragon Residence," a University Theatre production, is the second program in the Hilo "Kaleidoscope II" series sponsored by the University of Hawaii College of Continuing Education and Community Service and the State Foundation on Culture and the Arts, in cooperation with the University of Hawaii at Hilo, Office of Continuing Education.

Tickets for the operas may be purchased at Hilo College Library, MJS Music Store and the House of Music.

BARGE CANAL NEEDS NO MORE STUDY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. YOUNG of Florida. Mr. Speaker, the latest attempt to resurrect the defunct Cross-Florida Barge Canal comes in the form of a request that the Congress appropriate funds for a new environmental study of this costly public works project. Such a study is unnecessary—the big ditch already has been studied to death—and would be a further waste of taxpayers' money on a project in which $53 million in public funds already have been squandered.

Since this study proposal is being presented to the Congress, I am taking this opportunity to review for our colleagues some of the reasons why the canal was halted, and why it must remain so. I offer, for their information, the following letter which I have sent to the chairman of the House and Senate Appropriations Committees:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., April 19, 1972.

DEAR MR. CHAIRMAN: A resolution from the Jacksonville, Florida, Port Authority has been sent to your Committee and various members of Congress requesting funds for an environmental study of the defunct Cross-Florida Barge Canal. While no specific amount was requested, estimates ranging from $300,000 to $500,000 have been mentioned.

Such a study, I believe, is without merit and would only be a further waste of taxpayers' money on a public works project that already is viewed by many as one of the worst boondoggles in our history. An estimated $53-million in federal funds already had been squandered on this pork-barrel project when President Nixon wisely chose, on January 19, 1971, to abandon the canal to prevent further damage to Florida's environment.

The request for yet another study is, I believe, a futile effort to revive an already dead project. The Cross-Florida Barge Canal literally has been studied to death, both in terms of the environmental impact and possible alternate routes.

Florida's Congressional delegation is divided on this issue; the people of Florida, however, are nearly unanimous in their support of the President's decision to halt the canal, and there is no justification for the taxpayers of America to pour more money into a project that, even if it had been completed, would not reduce the price of bread anywhere in the country.

A canal across the middle of Florida has been investigated on and off for 150 years, starting with Philip II of Spain, and repeatedly rejected on environmental and economic grounds. During the Depression, work was started on the canal to help provide jobs; in 1935, the U.S. Geological Survey reported that tremendous damage would result from the canal, and the project was stopped the following year when the Department of Commerce came in with an unfavorable report from potential shippers.

The Cross-Florida Barge Canal has never been sound economically; the benefit-cost ratio of 1.4 to 1 most recently given to the project relies heavily on a questionable "recreation" benefit estimated in the millions of dollars. Much of the so-called recreational benefits would be adversely affected by the environmental damage resulting from completion of the canal.

A great deal of money already has been spent on assessing the environmental impact of the barge canal. A new study would be reviewed by the President's Council on Environmental Quality—a group that already reported early last year, that the canal was causing severe damage and should be discontinued. On February 24, 1971, the U.S. Geological Survey said that the canal poses a serious threat to the aquifer which supplies much of Florida with its drinking water.

In addition, 126 Florida scientists joined in supporting the President's historic decision to halt permanently construction of the controversial canal, saying the big ditch would do irreparable damage to the state's environment.

These are just a few of the reasons why the Cross-Florida Barge Canal should remain dead, and if the Committee decides to consider an appropriation to fund yet another study, I would respectfully request the opportunity to testify on the matter.

With best wishes and personal regards, I am

Very truly yours,
C. W. BILL YOUNG,
Member of Congress.

ISRAEL INDEPENDENCE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BURTON. Mr. Speaker, for the past 24 years, the people of Israel have tenaciously and courageously gone about the task of nation building.

As Israel celebrates the 24th anniversary of independence, it seems appropriate to pay tribute to her and to her people who have not only persevered but made great strides forward in the face of hostility and repeated instances of aggression against her.

In remarks on the floor of the House on a similar occasion several years ago, I said of Israel and her people:

> They are a small and democratic nation with a long and tortured history of inequality, persecution and outright slaughter. After 20 centuries of homelessness they have returned with the sanction and blessing of the international community to the land where their history began and from which they have never been entirely severed. They have reclaimed the desert, built cities in the sand, and rehabilitated hundreds of thousands of their refugee brethren, many of the refugees from Arab countries.
>
> Time and again they have appealed to their neighbors to conclude with them an honorable and lasting peace, only to be rebuffed, attacked, and threatened with destruction.

Those remarks ring as true today as they did then. Yet, Israel strives on and celebrates once again the anniversary of Independence.

It is this strength of spirit and an unconquerable determination to persevere which have become national hallmarks.

I am delighted to be able to note on the floor of the House, the 24th anniversary of independence of the State of Israel and to extend to her and her people congratulations. I am equally happy to be able to participate on this Sunday in the public celebration of Israel's independence in San Francisco.

PIPE IMPORTS HIT

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GAYDOS. Mr. Speaker, we have reached the first-quarter mark of 1972 and still have no replacement for the ineffective voluntary restraint arrangement on imported steel which, thankfully, expired last December 31. What we have had is periodic announcements from one source or another that a new day is dawning. We do not know when. We do not know what it will bring. And, frankly, based on the track record of our past foreign trade negotiations, I am not brimming over with anticipated joy as to what lies in store for the domestic steel industry and its hundreds of thousands of employees.

A few days ago, Mr. Donald Cooper, business editor of the Daily News in McKeesport, Pa., reported on a joint union-management committee meeting held by employees of United States Steel Corp. The corporation's National Works in McKeesport is one of the biggest pipe producers in the Nation and there is no question the plant and its employees have been severely hurt by the volume of foreign imports. It has cost them orders and jobs.

For example, Howard L. Higgins, representing management on this productivity committee, and William Behare and William Soles, representing labor, noted that in 1970 a total 103,262 tons of casing were imported into the United States, valued at $19.2 billion. A year later, the amount of casings leaped to 146,587 tons valued at nearly $28 billion. The values are exclusive of freight and insurance costs which are not subject to American tariffs.

Mr. Higgins explained the 1971 imports ran an average monthly rate of 12,226 tons and had that tonnage been available to local steelworkers, it would equal an additional crew at each of the seamless mills at National Works.

Mr. Speaker, I would like to insert Mr. Cooper's news article into the RECORD for the attention of my colleagues. It is one more example of proof that we need meaningful controls on imports of steel products which threaten to strangle American mills and the millworker. I sincerely hope our State Department does not fail them this time.

The article follows:

PIPE IMPORTS HIT BY TUBE PLANT UNION, MANAGEMENT

(By Donald R. Cooper)

A joint union-management committee at U.S. Steel's National plant today charged publicly that pipe imports are hurting McKeesport's economy.

The committee said an additional crew could have been assigned to each of National's two seamless mills in 1971 if the tonnage of imported oil country casing had been produced here.

"The steel industry has problems but steel imports remain one of the most serious and continue to hurt the steel businesses," said Howard L. Higgins, William Behare and William Soles in the joint statement.

"Here at National, imports of oil country goods hit us hard and directly, and our people are affected every time a load of foreign pipe casing hits our shores."

Mr. Higgins is assistant general superintendent of National-Duquesne Works, chairman of management's productivity committee and cochairman of the productivity unit, along with Mr. Behare and Mr. Soles. Mr. Behare is chairman of United Steelworker Local 1408's productivity unit, and Mr. Soles is chairman of the similar section within USW Salaries Local 2316.

The plant committee was set up under the 1971 labor agreement to explore ways to improve productivity at the local level.

Activity in the global marketplace has shown that the domestic steel industry has not kept pace with the rising productivity trends of industry generally and foreign steelmakers particularly.

But, said the National plant committee, increased productivity is not the only problem that has been recognized.

Singled out as two equally important hurdles were a "need for increased sales of steel products in all categories and the mounting flow of imports into the United States."

"Japan alone exported to the U.S. 6,268,000 tons of steel products last year," the report states. That tonnage includes products outside the voluntary export controls imposed by Japan since 1969.

Japanese shipments are just one third of total steel imports.

The union-management team said such volume means only one thing—loss of steel orders and, thus, loss of jobs.

The joint chairmen said that in 1970 a total of 103,262 tons of casing were imported into the U.S., with a total value of $19,256,000. Last year, 146,587 tons of casing valued at $27,985,000 came in. The values are exclusive of freight and insurance costs which are not subject to American tariffs.

"The 1971 imports of seamless oil country casing ran at an average monthly rate of 12,226 tons," Mr. Higgins said. "This represents a 42 percent increase over 1970 imports.

"If these 12,226 tons were available to us, it would be equal to one additional crew on each of the two seamless mills at National."

The McKeesport plant is a major producer of seamless oil casing, used in the completion of oil and gas wells.

And what affects the National plant has an impact on the Duquesne operation since National's steel requirements are filled by Duquesne.

Japan and Canada continued in 1971 to be the principal source countries for casing. At least 90 percent of last year's imports reached markets in the Gulf-Southwestern States. Other countries exporting seamless pipe are the United Kingdom, West Germany and France.

The National plant productivity committee is studying many ways to increase output. It is looking at human, natural, capital, educational and research and development resources.

"There is a tremendous wealth of energy, skills, organizational talent and ingenuity of people which must be fully and effectively utilized if the plant and its people are going to realize productivity goals," said the committee. Attention is being called to service, quality, delivery and such items as good plant housekeeping.

The committee is meeting monthly and outlining long-range plans to attain objectives.

RISING MEAT PRICES: THE PLIGHT OF THE CONSUMER

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 19, 1972

Mr. GUDE. Mr. Speaker, recently, we have witnessed a swirling controversy regarding the cost of food, and in particular the cost of meat. With the crescendo of noise and recriminations between farmers, wholesalers, and retailers regarding who, if anyone, is to be blamed, I fear that the true victim of this situation is not being heard. I refer to the American consumer; to the person who, in the face of steadily mounting costs, sees his wage or salary increase measured by a more restrictive guideline.

The problem is indeed a serious one. The Consumer Price Index rose 0.5 percent in February, and three-fourths of the increase was a result of higher prices for food, particularly meats. During the 6 months preceding the wage-price freeze, the annual rate of increase in the Consumer Price Index was 4.1 percent. From November 1971 to February 1972—corresponding to phase II of the economic stabilization program—the rate of increase was 4.9 percent. More than half the acceleration between phase I and phase II is attributed to the sharp increase in food prices.

The impact of this trend in food prices on the consumer is made clear by the fact that last year Americans' personal outlays for food and beverages were estimated at $136.6 billion. By contrast, 1971 automobile expenditures totaled $46.2 billion; clothing and shoes, $57 billion; housing, $99.7 billion; and furniture and household equipment, $39.5 billion.

Over the past several months there has been an absolute rise in farm prices. Prices paid to the farmer for the market basket, which consists of standard, representative food items bought annually by an urban household, were 0.9 percent higher in February than in January. These increases are, of course, reflected in the final price the consumer pays. At the heart of the recent price increases are meat prices. Between November 1971 and February 1972 the farmer's price for beef, for example, increased 4.8 percent.

To what is this increase attributable? In the first place, consumer demand for meat, especially beef, has risen steadily. With rising incomes, Americans eat more and more beef. Between 1950 and 1970, the annual per capita consumption of beef has clearly doubled from 63 to 113 pounds. Similarly, the consumer's apparently growing desire for packaged, precooked, and other convenience foods tends to add to his total food bill. Increased demand adds to the inflationary fires. Superimposed on this increased demand for better quality meats is a somewhat reduced supply. In the fall of 1970, corn leaf blight descended on the cornfields. The blight destroyed 15 percent of the anticipated crop, shrinking the size of the harvest and sending corn prices from $1.20 a bushel to a higher of $1.59¼. According to Department of Agriculture economists that change in corn prices set off a chain reaction that has only recently affected the market. Corn represents the single largest source of feed grain—about 70 percent of the total—and when its price rises farmers tend to reduce the size of their hog inventories. When the reduced number of hogs reach the market, not only do pork prices climb, but the generally lower supply of meat pushes beet prices upward as well. In late 1970 and early 1971, the high price of feed corn encouraged farmers to cut back on hog production. Pork prices which began to inch up last summer began to soar late last year; reflecting the smaller number of hogs on farms. In January, the number of hogs slaughtered slid a huge 18 percent from a year earlier. The same sort of process occurred to the beef supply. According to the Department of Agriculture, cattle were kept in the pasture longer in early 1971 to avoid fattening with the higher priced corn. The result is fewer steers coming to market.

Thus, at the farm level we are experiencing a somewhat reduced supply and an increased demand. The outcome has been higher prices at the farm level for meats. However, while there has been an absolute increase in farm prices, the overall trend in the farmers' share of the retail food dollar has, since 1947, been a declining one. During the period 1947–49, the farm portion averaged 50 cents; during 1957–59 it fell to 40 cents. By 1964, the farm share had fallen to 37 cents. The figures for 1969, 1970, and 1971 are 41 cents, 39 cents, and 38 cents respectively. With respect to meats, the farmers' share of the steadily increasing price the consumer pays has also declined. While farm prices have increased, the differential between the farm price and the retail price has risen much faster.

Over the years the retail price has been increasing because of increases in costs for labor, packaging materials, transportation, corporate profits, capital costs, and advertising and business taxes. Labor costs for marketing domestic farm food products increased from $18.7 billion in 1960—42.3 percent of the marketing bill—to $32.0 billion in 1970—49.7 percent of the bill. Price increases for packing materials were relatively modest from 1960 to 1969, but increased substantially from 1969 to 1970. During the decade of the sixties, capital costs—depreciation, rent, interest—increased from $2.8 billion in 1960 to $4.9 billion in 1970; advertising costs increased from $1.9 billion, business taxes rose from $1.3 billion to $2.6 billion.

However, it is significant to note that despite rising costs, profits—before taxes—that corporations derived from marketing food were $4.0 billion in 1970 compared with $2.1 billion in 1960. As a percentage of total market costs, profits increases from 4.7 percent in 1960 to 5.8 percent in 1970. The differential between farm and retail prices increased at a greater rate than did farm prices alone, the farmers share of the consumers food dollar decreased and the middleman's increased.

The term "middleman" is a nebulous one. Detailed analysis of the cost of food requires some explanation of who are the middlemen. As meat, for example, is processed and readied for sale to the consumer it passes through several layers of middlemen. Truckers, railroads, auctioneers, processors, and others all intervene before the retailer receives the meat. To simplify the analysis I shall classify middlemen at two levels, wholesale and retail. Several layers of middlemen are involved between the farmer and the wholesaler; and each contributes to the wholesale value of the meat. The majority of middlemen fall into this category. Between the wholesaler and the retailer is the trucking or railroad company which transports the processed meat to the retailer.

A useful tool with which to examine the middleman's contribution to the food costs is the concept of price spreads. The farm-carcass spread—which represents the spread between the base price at farm level and the wholesale price—is the difference between prices paid to the farmers and the prices paid to meat processor. The carcass-retail spread is the difference between the processors' price and the price paid by housewives at the retail level. By similar explanation, the farm-retail spread is the differential between farm price and retail price. The greater this spread, the less is the farmers' share of the consumers' food dollar spent in retail stores.

USDA's Agriculture Marketing Service has noted that the margin between carcass—wholesale—price and retail price has for choice beef advanced 4.2 cents per pound from January to February. This was a record high 33.2 cents spread, as retail prices rose 4.3 cents. At the same time, the farm to carcass spread dropped eight-tenths of 1 cent. This resulted in the highest spread ever between farm and retail prices—at 40.8 cents per pound. Another way to look at this is that between January and February the farmers' price for a pound of beef rose nine-tenths of 1 cent, the carcass—wholesale—value of that pound of beef rose one-tenth of 1 cent. Yet, the retail price rose 4.3 cents per pound. a 3.9 percent increase. The wholesale price index for meats, a measure for wholesale prices, rose 5.3 points between January and February, but the Consumer Price Index for meats, which measures retail prices, rose 6.4 points.

Clearly, the largest boost in the cost of food and meats between January and February was at the retail level. I think it is significant to note that in the wake of a meeting with Secretary of the Treasury Connally most major retail food chains decided they could reduce their meat prices. There can be no doubt that over a period of years labor costs, transportation costs, capital costs, advertising costs, and business taxes have risen for the retail food chains. But these expenses generally represent long term costs. Among Americans there is a burgeoning skepticism of current, short term retail pricing policies, particularly in light of the significantly smaller price increases at the farm and wholesale levels.

Having outlined the nature of the problems at the farm level and the general trends in prices and profits at the wholesale and retail levels it is necessary to address ourselves to the issue of potential solutions. Many people have advocated increasing the amount of imported meat as a method of reducing domestic prices. This is, however, not a viable solution. The President, in accordance with his statutory authority, has suspended import quotas for 1972, as he did in 1971 and 1970. Except for voluntary restraint agreements with Australia and New Zealand, the American meat market is essentially an open one internationally. But the supply of meat available for import is a relatively fixed one. The United States is receiving virtually 100 percent of the meat exports of Canada, Panama, Costa Rica, Venezuela, and other eligible Central and South American meat exporting nations. The only possible expansion of import supply in sufficient quantity is from Australia and New Zealand. But relief from this quarter is limited also. The year 1971 was a bad year for Australian ranches and their supply of beef is reduced. Further, Australian beef will not go to slaughter until May or June and could not be expected to reach the American market for several months. In addition to those factors, the diversification campaign underway in Australia and New Zealand dictates that before an exporter can ship meat to the United States he must also ship a certain amount to markets outside the United States. The effect of this diversification marketing scheme would be to prevent a significant increase in exports to the United States, even if voluntary restraint agreements were not in effect. Thus, imports cannot be expected to have a major impact on domestic meat prices.

The solution must be found at the domestic level. I urge the creation of a Food Price Advisory Board as another arm of the Price Commission. This Board should be composed of leading experts in the field of agricultural economics and should have representatives from the farm, wholesale, and retail sectors. Additionally, the voice of the consumer, the person who frequently feels powerless to effect the trend of food prices, but who, nevertheless, bears the brunt of the burden, must be heard on the Advisory Board. It will be the purpose of the Board to monitor actual food prices and to study potential trends in those prices. Should the monitoring activities of the Board reveal significant price increases which do not respond to persuasive or other voluntary control methods I believe the Price Commission should take action immediately to institute commodity price controls by product group. Prices at the farm level should be determined by the forces of supply and demand, as dictated by the consumer. Above the farm level, the Price Commission should establish, through the Food Price Advisory Board, acceptable and realistic margins of profit for wholesalers and retailers. Prices should be allowed to fluctuate only to reflect increases in cost within the food industry and increasing costs allowed by the Price Commission and Pay Board in their sectors which impinge upon the food industry. However, it is important that this system of controls be structured so that it would not take on any aspects of rationing. If the President's Economic Stabilization Program is to be successful, stringent control of food prices, particularly meat prices, may be required.

THE WRONGS AND RIGHTS OF SPRING

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, at this point in the RECORD I include two articles which appeared in the April 20 morning papers. The first, from the Washington Post, is headlined, "Tear Gas Chases Students Off Rte. 1," and the second, from the New York Times, is headlined, "College Students Aid Slum Cleanup." The articles follow:

[From the Washington Post, Apr. 20, 1972]

TEAR GAS CHASES STUDENTS OFF RTE. 1

About 250 University of Maryland students blocked U.S. Rte. 1 on the College Park campus briefly last night before being dispersed by tear gas canisters launched by state police.

Earlier, crowds of students had pelted the Air Force ROTC armory and the main campus administration building with stones and set numerous trash fires. Some burning trash was thrown through broken windows of the armory and ignited fires inside, which were quickly extinguished.

Early today, university officials reported that there had been "three or four" arrests and that one Maryland State trooper had suffered a broken wrist when he was hit by a brick.

Last night's incidents marked the third day of demonstrations triggered by the escalated bombing of North Vietnam. It was the second day in a row that students had blocked Rte. 1, a heavily-used artery through the campus. The highway also was blocked during spring antiwar demonstrations in 1970 and '71.

About 700 students marched on the ROTC armory last night following a rock 'n' roll concert by Commander Cody and his Lost Planet Airmen and other groups at Ritchie Coliseum, which is near the armory on Rte. 1. Leaflets advertising the march were circulated during the concert, which was attended by about 2,000 students.

At one point, someone burned a U.S. flag and threw it into the armory.

The crowd then proceeded to the administration building and threw rocks at it. The students fled at the approach of a state police jeep equipped with a tear gas cannon but other students regrouped to gather on Rte. 1 and block traffic.

They dispersed when about 100 state troopers advanced behind a barrage of tear gas. Early today police were still chasing groups of students and firing tear gas in the Rte. 1 area.

Yesterday afternoon, Charles E. Bishop, chancellor of the University's College Park campus, urged a group of about 800 students who crowded around the administration building's steps not to disrupt traffic on Rte. 1. He declared that "the university neither owns nor controls Rte. 1" and that the state of Maryland, which does, intends to keep it open.

[From the New York Times, Apr. 20, 1972]

COLLEGE STUDENTS AID SLUM CLEANUP

BALTIMORE.—The Fairfield slum in south Baltimore is a long way and a lot different from sunny Florida beaches, but a small group of Arkansas college students spent their vacation to help clean it up.

Instead of languishing in the surf as many young people traditionally do during spring vacation, these students dug out collapsed septic tanks and tore down rotting outhouses in the heavily industrial section.

The students are members of the Baptist Student Union, which has sent workers in past vacations to Indian reservations, in the Southwest, to harvest peas with the migrant workers in Utah and Oregon, to pick cotton and chop sugar beets.

RESPOND TO PLEA

They came to Fairfield in response to a plea from the Fairfield Improvement Association that was passed along to them by a Baptist minister in Annapolis.

"Man, you should see the garbage here," one of the 33 students said.

"There's tons of it."

"What we're performing here is a symbolic gesture, acting out the basic Christian concern to make the world a better place," says Jesse Cowling, the Baptist minister at Southern State College in Magnolia, Ark., the project's leader.

"We're only scratching the surface here. We know it. But the action is more important than the accomplishment."

The students, black and white, paid their own bus fare to Baltimore and, where necessary, paid for materials used in repairs.

THE WAY THINGS USED TO BE

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. O'KONSKI. Mr. Speaker, few times in the history of this country has the average American citizen been so shockingly aware of the lack of quality in the goods and services that he purchases. Terms, such as "consumer affairs," "consumer power," and "consumer protection" are household-variety words. And, I believe that businessmen in this land can only express embarrassment with the fact that there is a need for terms and phrases, such as these. A man finds himself in a state of utter shock and hopeless dismay when he finds that a product, which he purchased with all-too-few dimes, is only a waste of those dimes. This situation can only be a moral, if not a legal disgrace to the manufacturer involved.

In the past years, I have seen many a letter from a constituent complaining about the quality, or lack of it, in the manufactured item purchased. However, recently, my dear friend, Prof. J. T. Salter, wrote to me, telling the story of a Hamilton watch, which he purchased in the early thirties. His letter reads:

In the early thirties, when I taught at the University of Wisconsin, in Madison, I bought a $60 Hamilton wrist watch, that I wore for more than thirty-five years, then it stopped and I could not get it started again. I took it to my most dependable watch repair man, and he examined it and told me, "this watch deserves a long, long rest."

So, I put it in my locked file, and thought no more about it. In 1968 I had to retire because of age. My wife and I had moved back to our college town, and one day I found the Hamilton again, so I took it to Mr. Roger Herrick, here in Oberlin. He sent it to the Hamilton Company in Lancaster, Pennsylvania, and now today, on the 22nd of February, I have what looks like and keeps time like, a new wrist watch. My bill was just $33.45. I think it is wonderful, and I say again, if you have a difficult problem that involves a watch, take it to Mr. Roger Herrick, of Herrick's Jewelry.

Or, if it is in the field of politics, ask the Honorable Alvin E. O'Konski to help you.

Sincerely,

J. T. SALTER.

As you see, Mr. Speaker, because of initial sound quality and because of fine skills possessed by the current labor force, the watch is, again, working. Might I suggest that this letter tells us about "the way things used to be." In good conscience, I must declare all efforts toward the advancement of progress. However, if progress dictates that the American public must waste hard-earned dollars, perhaps "the way things used to be" was best.

HEROIN MAINTENANCE? A LOOK AT REALITY SHOWS NO MIRACLE SOLUTIONS TO DRUG ADDICTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RANGEL. Mr. Speaker, some Americans are deceiving themselves into thinking that heroin maintenance—the free distribution of this deadly drug—will be the miraculous solution to the high crime rate in our Nation. They claim that it is better to keep the addict continually drugged than to deal with the fundamental problems of our society that make heroin addiction an acceptable means of escape for hundreds of thousands of our young people.

There is no cure-all for the illness which is sweeping the United States. Instead, we find ourselves faced with the very real possibility of being sidetracked in efforts to rehabilitate the addict.

Stewart Alsop recently wrote a hard-hitting article on the folly of instituting a heroin maintenance program in the United States at this time. I am pleased to share it with my colleagues:

TO SAVE OUR CITIES

(By Stewart Alsop)

WASHINGTON.—Sometimes it is sensible to test a theory against the realities. The theory that the way to break the heroin epidemic is to give addicts controlled doses of heroin was recently tested by this reporter against the realities of heroin addiction, as experienced by three addicts. The theory emerged badly shaken.

The three addicts had been recruited by Dr. Robert DuPont, the impressive young director of Washington's Narcotics Treatment Administration, for an interview in one of the NTA's methadone treatment centers. Asked why they had chosen to get methadone treatment, one of them, the oldest, a burly man with a beard said sadly: "A man gets to be too old and too feeble to hustle."

Hustling, a second addict explained, is "the hardest work there is." To get his four daily fixes, plus a "wake-up fix" for the next day, an addict must hustle—shoplifting, purse-snatching, pimping, pushing dope—upwards of twelve hours a day, 365 days a year. A picture emerged of a nightmare existence, relieved by an occasional blissful high, but always hours away from the horrors of withdrawal.

AMAZEMENT

Asked what they thought about the idea of maintaining addicts on heroin, the three addicts registered amazement, followed by amusement. "Give heroin to junkies for free?" said the man with the beard, incredulously. "Man, you must be crazy. A man's on heroin, he wants just one thing—more heroin." Then he suddently laughed a large, gurgling laugh.

The second addict joined in the laughter. "Man, you want to see the 12-year-olds lined up at the schools for their free shots?" The third addict, a sad-faced man in a black velvet cap, shook his head, and said seriously: "If a man can't make it on meth, that man's just not going to make it at all."

The theory that heroin maintenance is essential to control the heroin-crime epidemic is held by some wise and knowledgeable people, including the members of a blue-ribbon committee of the American Bar Association. The purpose would be to break the heroin black market, and at the same time free the addict of the desperate need to steal to support his habit. Addiction accounts for between 50 per cent and 80 per cent of the crimes that are making our cities unlivable.

This theory sounds plausible. But those who are in the day-to-day business of battling heroin addiction, like Dr. DuPont and his opposite number in New York, Dr. Robert Newman, are dubious for essentially the same reasons given by the three heroin addicts. A heroin addict is insatiable. Thus after the addict got his maintenance dose in a clinic, he'd be right back "on the hustle" looking for "one thing—more heroin" from the pushers.

"If you want to eliminate the pusher," says Newman, "you've got to compete with him. That means giving every addict all the heroin he wants. Are you really going to give a 14-year-old kid as much heroin as he wants? Of course not."

MAKING IT

Moreover, a lot of addicts can "make it on meth," and large numbers of them are doing just that, in both New York and Washington. Most of them are volunteers who desperately want to escape the nightmare world of the hustle. Very few addicts can escape that world through abstinence. For the vast majority, methadone is the only way out.

Methadone, both DuPont and Newman emphasize, is a dangerous addictive drug. But it differs from heroin in one vital way. After a certain dosage level is reached, the craving for heroin is blocked, and there is no craving for more methadone. Addicts on methadone sweat a lot, and some have trouble with constipation. But they can hold a job and live like normal human beings.

Both DuPont and Newman are passionately convinced that methadone treatment on a large enough scale, combined with maximum police pressure on the major drug traffickers, can control, and perhaps even end, the heroin-crime cycle. This is not theory. It is already beginning to be done, in both New York and Washington.

Police pressure is essential to keep the streets from being flooded with easy-to-get heroin. Within recent weeks the Washington police have arrested several major heroin dealers. As a result, heroin here has become scarcer and more expensive. As a further result, the number of people seeking methadone treatment at the NTA clinics has climbed from less than 150 to more than 200 a week. Since the Washington and New York methadone programs got under way recently, crime has dropped by 5 per cent in Washington, and the drug-related crimes of larcency and breaking and entering have also dropped in New York.

But so far only the surface has been scratched. There has been enough money only for surface scratching. In Washington, it costs about $2,000 per year to maintain one addict on methadone. Dr. DuPont is sure that the heroin-crime cycle in Washington could be just about broken within a year or two by enlisting two-thirds or more of Washington's 20,000 addicts in the methadone program.

But this would cost upwards of $30 million, and there is currently only around $6 million available. The NTA admission center may soon have to close its doors at least temporarily, for lack of money—already, the admission center often has to close early in the afternoon. If the admission center closes, that would mean sending 200 desperate human beings per day back into the criminal life of the hustle.

VOLUNTEERS

The situation is worse in New York. There are 5,000 addicts under methadone treatment there, and 8,000 on the waiting list. These desperate people must "make it on the street" for three to nine months. Dr. Newman believes that if adequate money and facilities were made available at least 50,000 addicts would volunteer for treatment, and maybe many more.

The conclusion seems unmistakable. Heroin maintenance is at best a last desperate resort, for hard-core addicts. The first thing to do is to test whether the heroin-crime cycle can be broken, and our cities saved, by a federally financed methadone-maintenance program for the nation's half million addicts. At $2,000 a head, the program might cost $1 billion—about the price of an aircraft carrier. Our cities are worth a lot more than that. But distributing a dangerous addictive drug, mostly in the black ghettos, is a touchy business politically, and it remains to be seen whether any major politician will have the guts to propose such a program, especially in an election year.

NO-FAULT INSURANCE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, I have received from the city council of the city of Cordova, Alaska, a resolution requesting that the State and Federal Government initiate legislation which would promote "no-fault" insurance. Because the dramatic growth of the economy of the Nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles this new concept of insurance very well could be the much-needed solution. I am, therefore, inserting into the record for my colleagues' attention a copy of this resolution:

CITY OF CORDOVA, ALASKA—RESOLUTION No. 72-5

Whereas, the American insurance industry has been a vital factor in the overall development of the basic concept of automobile liability insurance, and

Whereas, the dramatic growth of the economy of the nation has created an unprecedented demand for protection from serious financial loss in accidents arising from the expanding use of motor vehicles, and

Whereas, the present system of automobile liability insurance has created a dependency on the courts, a delay in the prompt settlement of claims and a possibility of serious financial hardships for those involved in automobile accidents, and

Whereas, a new concept of insurance has been advocated in some states which is known as "no-fault" or "first party" insurance which holds promise of clearing court calendars, speeding claims settlements and perhaps lowering premiums through more effective handling of insurance claims,

Now, therefore, be it resolved by the City Council of the City of Cordova, Alaska, that the State and Federal Government be requested to initiate legislation which would promote this new system of automobile insurance, and

Be it further resolved, that the State and Federal Government are also requested to investigate the current programs in effect in other States and to provide an interim report to the citizens of Alaska on the merits or demerits of these existing programs.

Passed and approved by the City Council of the City of Cordova, Alaska this 20th day of March 1972.

JAMES A. POOR, *Mayor.*
DONNA M. SHELBY,
City Clerk.

NEED FOR A COORDINATED EFFORT IN THE FIGHT AGAINST CRIME

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I had the privilege this morning of testifying before the City Council of Cleveland, Ohio, on governmental tooling up in that city for the handling of Federal crimefighting funds. The statement I read to the council is self-explanatory, and I enter it in the RECORD for the information of my colleagues here. I am submitting also an article by David G. Molyneaux that appeared on this subject in the April 18, 1972, issue of the Plain Dealer of Cleveland, Ohio. The insertions follow:

STATEMENT OF CONGRESSMAN JAMES V. STANTON BEFORE THE LEGISLATION AND PUBLIC SAFETY COMMITTEES OF THE CLEVELAND CITY COUNCIL, APRIL 20, 1972

Members of the City Council, I am pleased to have this opportunity to review with you my Emergency Crime Control Act, which has important implications for Cleveland. The legislation was introduced on November 16th. It has been assigned the number H.R. 11813 and referred to the House Judiciary Committee, one of whose members, Congressman Seiberling of Akron, is my principal cosponsor. More than 25 other Congressmen have since added their names to the bill, including Congressman Vanik of Cleveland and the large and highly effective Congressional Delegation from Chicago. The U.S. Conference of Mayors has endorsed the bill in principle and is helping to lobby for it. I was informed recently by Chairman Celler of the Judiciary Committee that the Emergency Crime Control Act has been jumped ahead of others for priority treatment, and that hearings will be scheduled soon.

I want to be candid with you. I am not now predicting passage of my legislation. Being legislators yourselves, you know that it would be folly for me to do so at this stage of the game. But I do want to say to you in all sincerity that I believe—for reasons I will list for you shortly—that whether or not the legislation is adopted in toto, the principles and philosophy it espouses are likely to be approved by Congress in one form or another, and the essence of the bill will be adopted as national policy. For that reason, I respectfully submit that it behooves this council—which has the responsibility for concurring or not concurring with certain federal programs affecting the city—to become familiar with the broad outlines of the legislation. Because the Nixon Administration has failed to make the streets safe for our citizens, Congress is taking the initiative on this issue. Momentum for reform is building up on Capitol Hill. I'm sure that this doesn't surprise you. You are closer to the situation in Cleveland than I and my colleagues are. You have seen the FBI statistics. There were 307 forcible rapes in Cleveland in 1970, and 428 in 1971—a 39.4% increase. There were 5,475 robberies in Cleveland in 1970, and 5,987 in 1971—a 9.4% increase. There were 1,909 aggravated assaults in Cleveland in 1970 and 2,004 in 1971—a 5% increase. There were 271 homicides in Cleveland in 1970 and 270 in 1971. Hardly an improvement!

The trend toward increasing crime in urban areas has, of course, been with us for some time. In an attempt to reverse this trend, President Johnson in 1968 proposed the Omnibus Crime Control and Safe Streets Act, setting up the U.S. Law Enforcement Assistance Administration (LEAA) of the Department of Justice. Mr. Johnson's bill was drastically altered in the legislative process. His plan was to have LEAA grant funds distributed directly to the cities on a project-by-project basis. That is, a police department would apply for help in, say, expanding its communications system, and a probation department would, say, come up with a proposal for improving its own program. Separate applications would be filed, and they would be considered separately and funded separately.

But the bill that emerged—with the support of then-Presidential candidate Richard Nixon—revised this plan. Under the legislation that now exists, most of the funds do not go directly to the cities. Instead, each of the 50 States gets a huge block grant from the Justice Department. And the cities now apply to the States—rather than to Washington—for funds for separate projects. The States, in turn, subdivided themselves into regions, adding a new bureaucratic layer to the processing of funds. So Cleveland found itself in a situation where funds went, first, from Washington to Columbus; second, from Columbus to NOACA, the seven county regional unit in Northeast Ohio; and, finally, from NOACA to the city.

Similar arrangements became common around the country. As a result, too much of the Federal Safe Streets money was diverted to rural areas with no great need for it, and a good part of the funds ticketed for the urban areas got stopped up in bureaucratic bottlenecks and to this day hasn't reached the cities. As I pointed out on the floor of Congress on November 16, a study by the U.S. Comptroller General showed that when fiscal year 1971 ended last June 30, 92.1% of the money appropriated for that year was still being held in the state capitals—laying there idle—and more than 50% of the money from the year before still had not been spent, either.

I would like to show you this scroll I obtained from officials in New York City. This is what the bureaucrats call a "flow chart". It shows all the different offices where applications have to be processed—in this case, more than 200—before the money appropriated by Congress to fight crime is actually put to work on the streets. As you can see, it is not money that flows. What does flow is paper, paper and more paper. And meanwhile, the crime rate keeps rising, and our people become more and more fearful of venturing outside of their homes. Decay is hastened in downtown Cleveland. Confidence in the ability of government to cope with problems is eroded. And, to make matters worse, the people don't know whom to blame—the LEAA in Washington, the administration in the state capital, the seven-county region or their own municipal authorities. There is no focus of responsibility.

As a member of this Council, I had to live with this problem—as you must do now. I resolved that I would try to do something about it when I got to Washington, and the result after months of research and studies is my Emergency Crime Control Act.

My bill proposes an entirely new strategy for fighting crime with federal assistance. It differs both with the original version of the Safe Streets Act proposed by President Johnson, and the final version that was backed by President Nixon. It is based on the revenue sharing concept.

The Act reduces control by the States of metropolitan crimefighting programs. One section of the bill requires the States to relay money directly and speedily to the metropolitan areas, acting as a mere conduit of federal funds. The sum of money each large urban area would get—automatically—would be a predictable sum, making it possible for the city to budget intelligently and effectively. Politics would be ruled out as a factor. The sum would be based on a formula taking into account the city's population, with weighting for its crime rate. A second section of the bill would have federal money going directly from Washington to the 56 largest cities in a three-year "Special Impact" program. From the two sections of the bill, Greater Cleveland would realize at least $36 million over a three-year period. All this would be within the existing financial authorization of the Federal Safe Streets program. No new money would be needed. Essentially, there would be a redistribution of money from rural areas, where there is little crime, to urban areas, where there is too much crime.

The key provision—the innovative part—of my bill, however, is its revenue sharing feature. The money would arrive in the urban areas not in a trickle, on a project-by-project basis, but rather quickly in a large lump sum—or, as the bureaucrats say, in the form of a block grant. Local authorities would have full control over how this money is spent. It would be budgeted as needed, according to needs perceived and priorities set by local officials, who know their communities best because they are closer to it. There would be no dictation from Washington, Columbus or a regional entity. The advantages that would accrue would be not only flexibility in the handling of the money, and focusing responsibility for it, but also slashing of red tape. There would be no need for separate applications for each project, and for interminable reviews at every level of government. *Money* would flow instead of paper. The funds intended by Congress to be spent on the streets would reach the streets without delay.

The Emergency Crime Control Act sets only two conditions for receipt of block grants by the high crime urban areas—and here we come to the heart of the bill. One requirement is that public officials representing all parts of the criminal justice system would have to join together to form a "Criminal Justice Coordinating Council". The second requirement is that this council would have to notify Columbus and Washington that it had come into existence, and that a comprehensive plan for spending the money is being filed. However, approval of the plan by outside authorities would not be required. The money would start flowing as soon as the Coordinating Council submits the plan, and as soon as the Council furnishes the funding authorities with its mailing address.

I believe that the need for a Coordinating Council is self-evident. The police departments are important in the fight against crime, but equally important are the courts and the correctional facilities. What good is it if the police arrest a suspect who, because of a clogged court docket, is then set free to await trial and, in the meantime, given opportunity to commit more crimes? What good is it if a juvenile is apprehended and sent to the Juvenile Detention Home but, because of conditions there, emerges a more dangerous person than when he entered? The simple fact is that the city, in the main, controls only the police force, but the county operates the courts and some of the correctional institutions. City taxpayers, in fact, are heavy users of county services, and city taxpayers are the principal financial supporters of the county government. They should get their money's worth. The county, after all, exists not for its own sake, but to serve city and suburban residents.

For all these reasons, it is important that crime-fighting funds be spent in a coordinated, balanced manner. In fact, I regard this as so important that my bill contains still another key provision. This section withholds all federal crimefighting money from high crime urban areas until a "Criminal Justice Coordinating Council" is organized. The bill makes no attempt to dictate who should sit on the Council as representatives of the city, county and suburbs. This is left to local discretion in each area. But not a single penny becomes available to the metropolitan area unless there is a Coordinating Council in existence to handle and spend the money.

Now, having given you a perspective on the broad outlines of my Emergency Crime Control Act, I would like to fit into it two other developments. And in this section of my presentation, I bring you the highest praise—not only from myself, but also from those in the know in Washington—for your two top public officials. One is Mayor Perk. The second is Governor Gilligan.

Governor Gilligan is in the process of scrapping Ohio's old system for distributing Safe Streets money. He, too, wants to get more money into the large cities. He is doing away with the regional entities such as NOACA for the purposes of the Safe Streets Act. He wants to deal directly with Cleveland. But he too is requiring a countywide Criminal Justice Coordinating Council before any money is released to the cities and counties in form of a block grant. I understand that Cleveland is in the process of setting up such a Council to take advantage of the Governor's offer, and that this is a matter now under consideration by you Members of the City Council. The Cleveland area could qualify for a block grant of $3.5 million under the Governor's plan. This is LEAA money assigned to the State for distribution as it sees fit.

I want, sincerely, to commend you councilmen and Mayor Perk, as well as the Governor, for the roles you are playing in putting together this important coordinating Council. At the same time, I would like to point out an important difference between my plan and the Governor's. While the Governor will continue to authorize spending funds in urban areas pending the creation of a Coordinating Council, the Emergency Crime Control Act, if and when enacted, would prohibit, as I have just pointed out, the spending of *any money at all* in the high crime urban areas until a Council comes into existence. This precondition is aimed at assuring that a Coordinating Council will indeed be organized.

As to Mayor Perk, he has, as you already know, gone to Washington and come back with a special $20 million grant for Cleveland from LEAA. This $20 million is to come out of a relatively small special fund that LEAA reserves for itself and which it does not pass on to the states for distribution. Naturally, as a citizen of Cleveland, I am tremendously pleased with the Mayor's success. If there has been some confusion over when Cleveland would get this money, over what strings might be attached and over what role the state and federal governments will pay in the process, this is not the fault of Mayor Perk. All reports reaching me are that the Mayor has made a highly favorable impression in Washington, and there is confidence in his ability to produce—but within, I might add, whatever constraints are placed upon him.

I think it is important at this point that we refrain from becoming euphoric about Cleveland's good fortune in connection with the $20 million. One reason is that the LEAA still has not published its guidelines for spending the money. If there is a hitch in this grant, we don't know it yet. A second reason is that the grant could get tangled up in the same red tape that has been plaguing the Safe Streets program for so long. If this is the case, it will be some time before the money is available for spending. A third reason is that the money apparently is going to the city alone, with the role of the county, if any, still unclear. It would be tragic if the lion's share of this money were to be devoted to police functions, without taking into account the needs of the entire criminal justice system and also, certain social programs, as in the area of juvenile delinquency, that might help prevent crime from occurring in the first place. A fourth drawback is that there is no apparent provision for spending any of the money in the suburbs, where many of our children and other relatives live and where the crime problem is becoming almost as serious as it is in the central city.

I submit to you, again respectfully, that these apparent defects in the $20 million grant to Cleveland would be cleared up if the grant were administered in accordance with a new system such as that prescribed in my Emergency Crime Control Act. Full local option on spending the money, under the auspices of a city-county-suburban entity—that is to say, a police-court-corrections entity—would improve the prospects of the money being spent effectively. To those who say there is insufficient expertise in this community, I would reply that there certainly is little expertise in Washington, also, or else the crime situation in Cleveland would have improved by now. I don't see how local officials could do worse than their counterparts in Washington, and perhaps they might even do better. I, for one, felt more competent to deal with crime in Cleveland when I was sitting with you in this Council than I now feel while viewing the situation from several hundred miles away in Washington.

Therefore, I have no tactical recommendations to make to you. I do not feel at all competent to judge who should be members of your crime coordinating council, or how that Council should allocate its financial resources—whether you should concentrate on an attempt to control narcotics, to strengthen the prosecutor's staff, to buy more police vehicles or whatever.

But I do have a suggestion in terms of your broad strategy. And that is that you proceed without delay to complete the establishment of your criminal justice coordinating council and assign to it the responsibility for handling *both* grants that apparently this community is getting—the $20 million grant from LEAA and the $3.5 million grant from Columbus. I suggest to you that the city ought to yield part of its sovereignty over the $20 million in the interest of a better, more balanced crimefighting program. If the LEAA, for some reason, makes it difficult for you to do that, I suggest that this City Council insist on it. Your message to LEAA ought to read something like this: "Thank you for the money. Now let us alone. Let us budget it in our own way."

I ought to mention, too, that once the coordinating council is in operation, the city will already have had the experience and be in a position to take advantage of the more generous Emergency Crime Control Act, should Congress enact that legislation or something like it. If you act now, you can get a headstart.

Now, I said to you at the beginning of this presentation that I am confident Congress will indeed act favorably on the substance of my bill. How can I be so confident of *that*, even though admittedly I can make no prediction that the bill itself will pass as presently drafted?

I say to you, my former colleagues, that I am confident because my Emergency Crime Control Act is based on an idea whose time apparently has come. That idea is the block grant concept—the theory that each locality knows best how to solve its own problems without supervision and braking from Washington. I would like to read to you, in this connection, a brief excerpt from a book written recently by a former Assistant Secretary of HEW, who is generally recognized as having one of the keenest analytical minds in Washington. Her name is Mrs. Alice M. Rivlin, and this is what she wrote:

"(There is) a new realism about the capacity of a central government to manage social action programs effectively. There was a time when those who believed in broader commitment to social action pinned their hopes on centralization . . . The last several years have seen a marked shift in the attitude of liberals toward the federal role . . . I, for one, once thought that the effectiveness of a program like Headstart . . . could be increased by tighter management from Washington . . . This view now seems to me naive and unrealistic. The country is too big and too diverse . . . Since the federal government is good at collecting and handing out money, but inept at administering service programs, then it might make sense to restrict its role in social action mainly to tax collection and check writing and leave the detailed administration of social action programs to smaller units. This view implies cutting out categorical grants-in-aid with detailed guidelines and expenditure controls . . . Lower levels of government would receive funds through revenue sharing or bloc grants for general purposes like education. The last two federal budgets, with their emphasis on . . . revenue sharing, appear to be moving the federal government in this direction."—"Systematic Thinking for Social Action," Alice M. Rivlin, Brookings Institution, Washington, D.C. 1970.

If my Emergency Crime Control Act, then, should make an original contribution to shaping public policy, it would do so insofar as it extends the block grant revenue-sharing concept to crimefighting programs. Those of you who have followed events in Congress know that a general revenue sharing bill is on its way toward enactment. And Transportation Secretary Volpe, in another development, has proposed a so called "Single Urban Fund" under which cities would get a lump sum of money and decide for themselves how much to spend on highways, how much on mass transit, and so forth. And, in a third recent development, the Senate has approved and sent to the House a bill called the Housing and Urban Development Amendments of 1972, under which cities would get a block grant for housing and related programs, spending the money as the cities themselves see fit, under a system that would allow the cities to make most of the major decisions on what to do with federal cash.

I am not one of those federal officials who fear that cities might mishandle monies that we Congressmen make available. Frankly, I would much rather see *you* have the responsibility than have to wear the jacket myself. I believe your decisions for Cleveland will be sounder than mine. I would like to concentrate instead on other problems more strictly in the domain of Congress and the federal government.

Washington, then, is moving toward a perception of the city and county as the most appropriate units to decide how, when and where to implement federal aid programs. Cleveland could get into the swing of things by acting now to set up a "Criminal Justice Coordinating Council." This would give you invaluable experience for the future that awaits you in your dealings with the federal government—no matter which Administration happens to be in power, or which issue happens to be under consideration.

Mr. Chairman, I have furnished each Committee member here with the text of my Emergency Crime Control Act and with excerpts from the Congressional Record concerning it. This is for your background information. Each of you also have a copy of this statement.

In addition, the Committee chairmen have been furnished with a copy of a letter I have received from Mayor Wes Uhlman of Seattle, Washington. Mayor Uhlman described to me a coordinating council organized in his area which preserves maximum sovereignty for both city and county. I offer this to you as merely one example of the kind of council you might want to consider over the long run.

I want to thank you, my former colleagues, for the privilege of appearing before you today. I would be happy now to answer any questions you might have.

JUDGE RAPS CITY HALL ON CRIME AID

(By David G. Molyneaux)

"Foot dragging" in the Cleveland mayor's office is depriving the citizens of Greater Cleveland of federal money for crime control, Cuyahoga County Common Pleas Chief Justice John V. Corrigan said yesterday.

Corrigan, who is chairman of the Ohio committee that decides how funds from the U.S. Safe Streets Act are to be distributed, pointed out that Cleveland must share the blame with the federal and state agencies for lack of progress.

The judge was commenting on a news article from Washington in which congressmen called the federal crime program a failure and a Plain Dealer editorial critical of how slow the federal money was moving into Cleveland to fight crime.

"Since August 1971," said Corrigan, "the county commissioners, local criminal justice system leaders and concerned citizens have attempted to negotiate an agreement with the city of Cleveland.

"But eight months of City Hall foot dragging and maneuvering by city officials during the Stokes and Perk administrations is depriving the citizens of Greater Cleveland of this needed crime control."

Corrigan is chairman of the Ohio Criminal Justice Supervisory Commission which is the policymaking body in Ohio for Safe Streets Act planning.

Recently a congressional committee report criticized the Safe Streets anticrime program because of slow-moving funds. Most of the criticism was on the federal and state levels.

At the same time, Ohio was said to be one of the few bright spots for its Ohio Plan calling for regional planning units in each of the largest urban counties in the state. The idea of giving the money to a planning unit was to eliminate red tape.

Cleveland-Cuyahoga County is the only major urban area in Ohio without a planning unit. And the reason, says Corrigan, is "foot dragging" by the city of Cleveland.

"It is hoped," he said, "that upcoming City Council hearings will help result in the final creation of the Cleveland-Cuyahoga County regional planning unit.

"Further delay threatens the block grant approach for the highest-crime metropolitan area in the state."

SAAB CLAIMS ITS SAFETY NEARS U.S. SPECIFICATIONS

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. GIAIMO. Mr. Speaker, several weeks ago, I had the pleasure of attending a news conference revealing a new energy-absorbing bumper produced by the Saab Corp. It was of particular interest because Saab-Scania of America, Inc., the importing and the selling agent of this Swedish company, is located in Orange, Conn., which I have the privilege of representing in the U.S. House of Representatives.

We witnessed a demonstration in which this new bumper on the Saab 99-E was driven into a concrete wall at 6 miles per hour with no resulting damage to the vehicle. The introduction of this new bumper on the Saab car exceeds the specifications devised by the Department of Transportation for next year's cars. It was also announced by the Allstate Insurance Co. that Saab was the first and only 1972 model car to qualify for a discount in insurance rates because of the implementation of this bumper system.

At this point, I wish to insert in the RECORD an article in which Mr. J. J. Upham, president of Saab-Scania of America, is interviewed in the Hearst Newspapers by auto editor Pat Sloyan relative to auto safety.

The article follows:

[From the Baltimore News American, Feb. 3, 1972]

NADER'S RAIDERS IMPRESSED—SAAB CLAIMS ITS SAFETY NEARS U.S. SPECIFICATIONS

(By Patrick J. Sloyan)

WASHINGTON.—The manufacturers of the Swedish Saab have broken auto industry silence on selling safety by contending that their model 99 offers motorists more protection against death and injury than American cars and most foreign competitors.

General Motors, Ford, Chrysler and American Motors have never claimed their cars to be safer than others—even if they were Sen. Abraham Ribicoff, D.-Conn., often has criticized automakers for keying competition to meaningless style changes rather than to safety advances.

Saab officials say their model 99 is "very close" to federal specifications for safety cars of the future now being developed by U.S. firms.

The claims were made by Jerry J. Upham, American president of Saab and his technical adviser, William Perry.

Impressed with Saab's presentation were members of consumer advocate Ralph Nader's public interest research group and the center for automotive safety.

While having some specific reservations, these Nader's raiders had praise for the safety design of the Saab 99 and efforts by the firm in the field of consumer relations: Nevertheless, they said Saab offered little in the way of scientific data to support the company's claims.

The statements by Saab marked the firm as the first to break ranks with U.S. and foreign firms which have steadfastly refused to emphasize safety in either advertisements or in press interviews.

SAAB officials said only Mercedes had safety design and performance similar or equal to the Saab 99, a $3,600 car. They noted that the Mercedes cost several thousand dollars more than the Saab.

"In my personal opinion, the 99 is the safest car around," Upham said. "I think it represents the best state of crashworthiness available today."

According to Upham, the Saab 99 passenger compartment is designed to afford protection in collision in line with specifications by the Transportation Department for the experimental safety vehicle (ESV).

"If you compare the specifications with the experimental car ours is very close," Upham said. However, he said Saab could not afford costly competition in the ESV program with GM, Ford, and scientific firms developing a safety car of the future.

Specifically, Upham said the Saab 99 passenger compartment was designed with "superstrong" steel to prevent intrusions by another car or the Saab engine in the event of a collision or a rollover.

Upham said tests on the Saab 99 by Cornell Aeronautical Research Laboratories showed there was no significant collapsing of the roof even if the car were subjected to 40,000 pounds of pressure.

He noted that the federal safety standard required less than five inches of collapse when the roof was subjected to only 3,495 pounds of pressure.

"They should have talked to us before they set the standard," Upham said.

The Federal standard is geared to a static test—adding pressure until the roof collapses. Upham said in Saab testing, the 99 was dropped on its roof, impacting at a speed of 14 miles an hour. He said there was only insignificant damage to the roof.

Engineer Perry said the firewall of the Saab was sloped, directing the engine and transmission downward in the event of a crash. In many cars, the engine often ends up in the lap of the motorists after a crash.

Perry said "careful management" of the heaviest gauge sheet metal found in any car permitted maximum energy absorption by the front end of the 99 in a crash, thus reducing the shock of impact on passengers.

Three latches keep the engine hood in place during a collision and a cowling design prevents it from entering the windshield, Perry said. He said the door and door latches worked readily after a 30 mile-an-hour crash into a rigid barrier—comparable to a 60 mile-an-hour collision of one car into a parked car.

Inside the car, Upham and Perry said, additional design reduced injury to knees impacting near and under the dashboard. They said the design met a proposed federal standard which was later dropped following protests from Detroit.

Carl Nash, 31, of Nader's public interest research group, was critical of the Saab safety belts. "For the price of the car they should have inertial reels on the belt so one can lean forward while driving."

The 99 has a three-point belt system—one connection locks into place both the lap and torso belt. Swedish studies have shown such a belt can prevent serious injury in collisions up to 60 miles an hour.

GM, for example, has opposed such belts, arguing that the passenger would "submarine" beneath the lap belt in a crash because of the lifting action of the torso belt under pressure.

According to Perry, such "submarining" is only a problem when the torso belt is improperly installed. He said most American cars are too weak structurally to retain the three-point belt connection in a crash.

PROBLEMS FACING HIGHER EDUCATION IN THE 1970'S

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BELL. Mr. Speaker, because of the many differing opinions on the state of higher education today, I am entering in the RECORD a report to the Honorable Robert Finch on "Selected Problems Facing Higher Education in the 1970's," which reflects the skilled insights of individuals in a unique position to observe the situation first hand.

The commentary of these educators also presents a calmer view of the turbulence higher education experienced in the sixties than many earlier publications on the subject.

Since the comments and recommendations of these gentlemen may lend assistance to the conduct and operation of our colleges and universities in the future, I believe a careful and thoughtful reading of the report by my colleagues would be both interesting and informative:

SELECTED PROBLEMS FACING HIGHER EDUCATION IN THE 1970'S

(A Report to the Honorable Robert H. Finch, Counselor to the President of the United States by Counselor's Consultants, State Universities and Colleges, 1970)

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FOREWORD

In the late 1960's higher education in America experienced its most serious time of trial. This period of ferment appeared to culminate in the spring of 1970 with the tragedies at Kent State and Jackson State universities. In the immediate months that followed, colleges and universities across the country faced with a new sense of urgency the very basic questions posed by that troubled period—questions which had in fact been perceived earlier and were already under debate and discussion. Included—and perhaps the most urgent—was the question of the real impact on the university and college of the eroding public confidence in higher education.

In much of the public mind, the campus had in many cases become synonymous with radical turmoil, intolerant confrontation, and unfettered permissiveness. For those of us in government involved with the concerns of higher education, it was important to hear first hand about these conditions from some of the educators directly involved, and to obtain their views and recommendations. In the summer of 1970, as Secretary of Health, Education, and Welfare—and later as Counsellor to the President—I selected and commissioned two groups of special consultants to study and report their findings on problems facing higher education.

One group was comprised of four presidents of private colleges and dealt with the particular problems and opportunities of our private institutions. The other group, from which this report emanates, consisted of four presidents and a chancellor of state colleges and universities. The findings and recommendations of both groups were reported in the fall of 1970.

This report, I believe, still provides some important insights into the current problems facing higher education in general and state colleges and universities in particular. Although it was written for the immediate benefit of officials within the Federal Government, the report deserves a wider readership. Consequently, with the assistance of the Department of Health, Education, and Welfare, I arranged to have this information published, with the expectation that its broader distribution will further stimulate the constructive changes now evolving on the campus.

ROBERT H. FINCH,
Counsellor to the President.

THE WHITE HOUSE, *December 1971.*

INTRODUCTION

Some of the problems most often cited as a basis for complaint, and at times as a basis for disruption, were seen by this group as false issues or problems already solved. They were, therefore, not selected for in-depth treatment, but are considered important to note:

Relevance. The familiar complaint of a few that much course work lacks "relevance" is at best greatly exaggerated. For the most part, although problems do exist, there is no lack of courses dealing with various aspects of contemporary social problems. The real problem may be an excess of course offerings, with the resultant confusion of overchoice.

Rededication to teaching. A preoccupation with research to the neglect of teaching has afflicted the "multiversities." A new awareness of the central importance of teaching promises a new level of commitment by faculty to their teaching and their students.

Using dollars prudently. In the past the competition of institutions, often reflecting competing aspirations, invited wasteful duplication of specialized professional and graduate programs. The rapid growth of statewide coordinating bodies has led to much improved planning, sharing of scarce resources, and clearer definitions of the role and mission of each institution in a state system pledged to economical use of higher education dollars.

Student commitment. Faculty and student alike, with few exceptions, now realize clearly that it is their freedom, their way of life, their safety, and their education which is threatened by disruption and disorders. And they are acting to preserve peace and order on their campuses.

Educational opportunities. We have successfully accommodated unprecedended numbers of students in our institutions, opening up educational opportunities to entire new groups of our citizens.

Faculty and student participation. Every survey made in recent years documents deeper faculty and student participation in the full range of the educational process.

Codes of conduct. Almost every campus now has an acceptable code of conduct, a statement of rights and responsibilities, and procedures for the control of violence and disruption.

The student product. When viewed from our ability to produce highly qualified specialists in large numbers in almost every field, our system is the envy of the world.

PART 1—RESTORING PUBLIC CONFIDENCE IN HIGHER EDUCATION

The restoration of public confidence in the work of our nation's colleges and universities in the number one item on the higher education agenda; upon this all else depends.

Because of the major contribution of higher education to the growth and development of the United States, their exists in our citizenry a great reservoir of long existing loyalty toward, pride in, and support for higher education.

Americans believe in opportunity for their young; they invest dollars and loyalty and confidence in their colleges and universities with a generosity and a conviction without parallel in the world. Today, as never before, that confidence has been shaken badly—not because the investment is unsound, not because the opportunity for a college education is no longer cherished, but because disruption and violence, magnified out of all proportion, in the past few years created doubts about whether we have the capacity and the courage to manage our colleges and universities; whether our houses are really "in order."

No one can deny that in the recent past we have witnessed disruption on the campus, that in many areas the once quiet campus became a place of harmful tension. In a relatively few institutions disruption occurred with distressing frequency, and in some, turbulence escalated to major violence against persons and property, destroyed the climate for learning, and raised justifiable doubts about the capacity of the institution to survive and to educate in the face of planned disruption of epidemic proportions.

Surely no one who believes in the life of learning and in a free society will deny that, while dissent is permissible, disruption and violence are, quite simply, intolerable.

But neither ought we to deny the reassuring evidence that in the great majority of our colleges and universities the house is now in order; that on virtually every campus, firm steps are being taken, or have been taken, to reassert that right to safety of person and property, to write the rules to deal firmly with disruption, and to develop safeguards against the assaults of a violent extremist fringe in our society.

As educators, we know this to be true. The evidence is all about us. But the evidence is obscured by the very nature of news and its handling by the media. An act of disruption on any of the over 2400 colleges and universities appears in newspapers (and if dramatic, on television) from coast to coast. The repeated impact of such news is to create the impression that all campuses in the nation have existed in constant tension and turmoil, and disruption and violence reached epidemic proportions everywhere.[1]

This is simply not true, nor was it true when campus turbulence was at its heights and the American people must understand that it is not true. Campus unrest must be placed in perspective:

The fact is that in an age of social turbulence and in times of national tension and crisis, the great majority of our colleges and universities are, and have always been, hard at work at the business of education.

The fact is that in the face of the Kent State tragedy and the Jackson State tragedy, most institutions dealt responsibly, skillfully, and effectively with a variety of explosive situations. We repeat: Failure makes for good news; success stories make no news, capture no headlines.

The fact is that most institutions, once realizing the nature of the threat, moved promptly, decisively, and energetically to impose new disciplinary rules, to strengthen the system of internal discipline, to clarify lines of authority, to open new lines of communication, to safeguard persons and property, and—although this is not generally realized—to penalize wrongdoers. Despite some conspicuous failures, the overall record is remarkably successful.

The fact is that our institutions have recovered from the shock of tactics of disruption and violence. We have learned from both our failures and successes and are now far along in translating the bitter lessons of the recent past into policies, programs, and procedures that promise to work.

It is for these reasons that we believe our fellow Americans have sufficient cause to renew and reaffirm their confidence in their colleges and universities. It is indeed tragic that the American people indict all of higher education for the failures of a few institutions. Doing this, in reality, mimics the worst traits of our hardest student critics; that is, to fault "the system" for any failure, real or imagined, by any institution anywhere.

Restoration of public confidence, then, does underlie everything else we do. Without the support of favorable public opinion, and resulting strong public support (through adequate budgets, needed legislation, donations and on-going participation) the existence and growth of our colleges and universities as we know them today will be in jeopardy.

This group believes that restoration of public confidence in higher education could well be listed as a national objective. The assistance of the President of the United States, his Counsellors and his Cabinet in stressing the positive aspects of higher education, and the importance of a healthy system of higher education to the continued growth of the country (and, therefore, an important national asset), can do much to bring about restoration of the confidence so sorely needed.

PART II—A NEW LOOK AT ACADEMIC GOVERANCE

Overview

The present problems of higher education call for changes in academic governance and management of institutions.

Some of these changes already have been applied by certain colleges and universities. In most cases where they have been applied, the results have been immediately beneficial.

To say that, as the President's Commission on Campus Unrest said, "higher education must pull itself together," is certainly stating the obvious. But, large segments of the public, as we have stated, seem to be unaware that many institutions already have pulled themselves together, already have made fundamental changes in their method of governing themselves, and in so doing have maintained the integrity of the academic process.

Much has been made of the Berkeley "invention" and the Columbia "adaptation," implying that these seminars for disruption were generally successful against all our institutions.

This misleads as well as oversimplifies. The patterns of disruption are not to be so neatly simplified, and the failures of some institutions to counter disruption and violence should not obscure the great accomplishments of many of our colleges and universities in mobilizing to successfully counter disruption. In our view this is the story that never has been told.

Much of our difficulty in present day governance and administration is clearly traceable to the diffusion of the decision-making process on campuses.

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[1] The obvious role the media could play in bringing the positive story of higher education to the public—and in placing negative news, when it occurs, in context—is overwhelming. This fact is treated further in Part III.

In an earlier and calmer day, faculty and student discipline cases were few and dealt with minor and largely academic offenses. The traditional campus "due process" involving peer judgment, large committees and panels, and a cumbersome, time-consuming approach to academic justice was in order and practical. Too, "due process" itself served an educational function. But when offenses are in some cases no longer minor, and in certain instances have occurred in large numbers in a short period of time, although the traditional campus "due process" is still fundamental, such diffused approaches are no longer effective. The concepts of the professional, trained hearing officer; shorter time-spans for decision-making; and final administrative accountability and authority must be applied.

The role and authority of the president of the institution, or the president or chancellor of the system, also must be clearly defined, and in some cases, redefined. Much academic literature has emphasized that, whatever the situation or problem, the faculty is actually, and should be, in control of the institution. Certainly this has been the academic ideal, and under any conditions, the faculty's role should be as large and influential as it can reasonably be made. But in time of campus crisis, the president must exercise emergency authority, even if it means short-circuiting, for the moment, normal consultative measures.

The college or university, whether public or private, is an institution created and supported by the society which surrounds it. It owes its allegiance and being to that society, ordinarily through a governing board. The executive officer of that governing board is held accountable by the board and by society for the operation and effectiveness of the institution he heads. Accordingly, the executive officer, whether president or chancellor, must have final administrative authority, and final accountability, in every area of academic governance. This is not to say that the professional quality of faculty, and the unique character of students do not necessitate much more constituency involvement in the broad decision-making process than in, say, a military organization or an industry. Nor does it say that the president should not be a leader in the true sense of the word and attempt by every means at his disposal to involve faculty and students as much as is reasonable and possible in mapping directions and planning priorities. But it does say that forces in being on campuses and in society today often make this difficult and, sometimes, impossible. In such cases, the president must clearly define his own role as being accountable to his board and through it to the society it represents. Also, in such cases the board must support and defend its executive officer even in the face of, and despite the temporary loss of, support of his internal constituencies. The president should not hold office at the whim of those he is expected to govern. The campus should not be organized on the model of the political state.

The role of students in academic governance has been widely discussed. Some educators have recommended that the influence and authority of students should be greatly increased. We agree that there are situations and problems where student advice and counsel is of great importance. Student judgment in helping to reform an out-of-date and stifling curriculum which does not face up to today's problems is often helpful, as is student input in evaluating teaching. But students cannot be the sole judges of curricular reform, nor of the evaluation of faculty. Nor should their input be in the form of final decisionmaking authority. We should listen to them more than we have listened to them in certain areas where their judgment can be helpful, but this does not mean necessarily that they should have voting power on governing boards, for example. Communication is the goal, not the share of authority. (*See More On The Role Of Students*, page 7).

All of those concerned with academic governance should make certain that the role of the institution in relation to a troubled of higher learning is not well understood by students, faculty, alumni, the public, and boards. The unique role of the institution of higher learning is not well understood today, and this confusion must be dispelled soon if irreparable damage is not to be done.

There are three historic principles that badly need to be reasserted and defended against those who would subvert our institutions.

First, the institution must not, as an institution, take a direct hand in political affairs. Neither the faculty nor the student body can speak for the institution on matters of political belief, which are necessarily within the domain of private belief and conviction. Those who subvert this principle in the name of a higher morality and with the strongest of convictions must understand that in the years ahead, in other circumstances, others will seize upon such precedent and commit "their university to political stands which they in turn oppose. Under no circumstances should we permit the politization of our universities. To do so will completely destroy the confidence of the American people in the colleges and universities they traditionally have cherished and supported, and will destroy academic freedom as we know and treasure it.

Second, we must distinguish clearly between the freedoms guaranteed by the First Amendment (the right of assembly, petition, and free speech)—which should be honored on the campus, of all places—and the obligation to preserve the classroom as a sanctuary for objective, dispassionate reasoning in the pursuit of truth. Bluntly, neither faculty members nor students, regardless of the depth of their convictions, should be permitted to use the classroom for propaganda, political persuasion, or mobilization of support for partisan ends. Here is an historic and well-understood distinction that has been badly blurred in a few of our institutions. It is a distinction that must be reasserted and honored as truth itself is honored.

Third, even though the rights of professors and students as private citizens must be fully and rigorously protected, they too have an obligation (which has not always been carefully carried out) of seeing to it that their role as private citizens and their role as members of an educational institution responsible to society are clearly separated. Where they are not, academic discipline is in order.

To honor these principles is not to weaken the university but rather to strengthen it. Nothing should obscure the distinctive role of our universities. That role is to prepare trained minds and to enrich the storehouse of learning so that individuals, in their dual role as citizens and vocationally trained people, work with and through the many institutions (political parties, government, corporations, voluntary agencies of all kinds) which do have the direct, day-to-day responsibility for both continuity and change. The detachment of the university from immediate partisan battles is essential if universities are to do best what only they can do: explore the frontiers of knowledge and prepare trained minds—all in an atmosphere that treasures truth and its commitment to a better society.

Much has been said, and most of it is already widely accepted in the academic community, about the establishment and proclamation of rules and behavior. The student or faculty member should understand what is expected of him at the outset of the academic year, and be held to the rules.

What we have been saying, in regard to goverance and administration, thus far, is this: There has been an attempt by many academicians and others in recent years to make the job of academic administrator in effect a political position in which the college president or dean is selected by his faculty and/or students, and holds his office at their pleasure. This trend must be halted and reversed. Although the president must be a leader as well as an executive, he should not hold his office at the whim of those he leads, nor should academic leadership be based on success in a continuing popularity contest. The responsibility of boards to support administrators who, in the courses of meeting current tensions, temporarily lose the support of their internal constituencies, is clear and must be recognized and accepted.

The second point that we are making is that most of these changes we have been discussing in relation to academic governance have been or are in the course of being considered and adopted by a wide range of institutions. Higher education must certainly "pull itself together." But the public, to repeat, must recognize, despite the inadequate service given it by the media in this respect, that many institutions have already done so, or are in the course of doing so. Where such reforms have been adopted, the results have been generally good. Many colleges and universities have been successful in reforming their own governance structure and, in the process, have been successful in solving some of the root problems of confronting the turbulence of society.

Structuring presidential authority and responsibility

Common criticisms of academe are those equally common to all contemporary institutions: bureaucratic inflexibility, fixed routines, sluggish procedures, slowness to respond to changing conditions, failure to enlist the best thinking of all who have a stake in the enterprise.

On one point only is there general agreement: The decision-making process must be responsible, efficient, and timely.

Decisions must be "responsible" in the sense that they take fairly into account all the relevant concerns and considerations. Decisions must be "efficient" in the sense that they ensure careful, prudent, economical use of dollars, manpower, and time. Decisions must be "timely" in the executive sense that "things must get done—and done promptly." A "good decision" that comes much too late simply is no longer a good decision.

In colleges and universities everywhere today, the call is for reforming and restructuring campus government. The proposed solutions generally embrace several significantly different approaches, to be discussed individually:

1. So-called "participatory democracy," as opposed to representative democracy.
2. Splitting the office of president into two or more new, more manageable jobs.
3. Strengthening the office of the presidency, along with clarifying the respective zones of power, authority, and influence of faculty, students, trustees, and administration.

1. So-called "Participatory Democracy" As An Alternative To Representative Democracy.

So-called "participatory democracy" is now actively promoted as the solution to campus unrest. In a sense it is the logic culmination of pressures that have given the faculty, and more recently, the students an ever greater role in campus government. More than that, "participatory democracy" is embraced by the "New Left" as the device by which a sense of community is restored and with it, presumably, a new basis for mutual faith and confidence and general progress.

No complex organization—and a college is an extremely complex organization—can involve everyone simultaneously in every decision. A campus run as a kind of permanent and continuing town meeting will embrace the worst in its pursuit of the best. It is simply not true that "democracy" requires that everyone vote on every issue which may affect him, however remotely. With everyone in the act, no one can be held accountable for anything.

It is no discredit to the students to affirm that they have a self-interest in tuition rates which is at odds with the larger "public interest" in long-range financial planning. It is no criticism of faculty to suggest that the allocation of resources as between the faculty interest and student interest is hardly a topic they are likely to approach with a self-conscious impartiality. It in no way discredits the many rightful concerns of faculty and students to remind them that their primary concern is with the teaching and learning process—that there are areas of professional and technical competence (land use, capital planning, buildings and grounds, financial management, etc.) in which they may simply lack competence or even interest.

In our judgment "participatory democracy" is a dangerous snare and a delusion. Far from solving our problems, it will compound them. At best the plea for "participatory democracy" is a fuzzy-minded cliche; at worst it is an invitation to a further blurring of accountability and to intensified frustration.

2. Splitting The Office of The President Into Several Positions.

A growing criticism is that the college presidency, as now defined, is becoming essentially "unmanageable." No one person, it is argued, commands the professional skill, competence, time, and energy to meet the increasingly heavy responsibilities that go with the job. The result is "presidential exhaustion," and the loss of valuable continuity as the presidency becomes a revolving door necessarily less attractive to competent leaders. The solution—it is argued—is to create two (or even three) positions to replace the one-man office of the president. Different divisions of authority and responsibility are advanced. For example, external affairs (fund-raising, publicity, public contacts, etc.) could be the domain of a "chancellor" in order to free the "president" to manage internal affairs. Alternative, academic affairs could be vested in one person, with financial management left to a colleague with co-equal authority.

We conclude that such proposals misread the nature of the university and the nature of the presidency. They would move us in the wrong direction. The day-to-day management of a university administration is a seamless web. The neat division of work into "external" and "internal" tasks quickly breaks down in practice. Nor can decisions on programs be separated from decisions on dollars. But most basic of all, the destruction of the office of the president has the fatal defect of blurring accountability. In administration, the law is absolute: in the last analysis the chief executive must be accountable for the integrity, the direction, and the fiscal solvency of the entire operation. This is what is expected of a president; this is what must be required of him. To blur responsibility for the work of an educational institution is to destroy accountability.

3. Strengthening The Office Of The President.

In our judgment, the central challenge is to strengthen the office of the president while at the same time identifying the respective zones of power and influences of faculty, students, and administration. In no other way can the principle of executive accountability be honored.

If the presidency is in danger of becoming unmanageable, it is because history has pushed us in this direction. At present the informal working system is at odds with the formal legal structure, as well as with the expectations that people have of the president. In law, the trustees (whether in a publicly supported or a private institution) have final, controlling authority along with undeniable responsibility. The president, by delegation from the trustees, is empowered with a broad range of authority and responsibility. The public expectations, whether of students, faculty, or the general public, reflect the same working definition of the office of the president. This is why the president is "Every Man's Hope and Target"—whether the issue be a controversial speaker, bad cafeteria food, parking, discipline, tuition increases, budget adjustment, or—in emergencies—a bomb threat or even a decision as to the closing of the university. This is why demonstrators move toward the administration building and why failure, real or imagined, anywhere in the college is placed at the doorstep of the president.

The difficulty is that over the years an excess of delegation by the president to student groups and to faculty has left the president with little control over many areas where he alone must be accountable. The task ahead is to redefine the system of government so that decisions are made with appropriate consultation at the appropriate level, with appropriate accountability. The president must govern as well as preside. The president must be a leader. He must continue to be acutely sensitive to the many concerns of his many constituencies. He must listen and learn as never before. But he must not be in the untenable position of defending decisions in which he had no part and, most of all, which he considers unsound.

In short, the position of president is vitally important—as leader, innovator, mediator, defender of the essential values. The job can be a magnet for the best men and women. But this can be accomplished only if there is a much clearer definition of who does what, along with much sharper division between the right to give and the right to decide.

In our judgment the first priority in moving toward more effective campus government is to strengthen substantially the office of the president. It should not be too difficult, for in the last analysis the objective is to make performance consonant with expectations—all in a framework where accountability is the watchword.

More on the Role of Students

There have been many analyses of this student generation and the motives and characteristics of today's young people. What we have has been described as a "youth culture," the like of which this nation has never seen. We are convinced that although this generation of young people has certain characteristics that are unique, it does not represent anything fundamentally new. The impatience of youth with the older generation is as old as the records of ancient Greece and Egypt. Campus turbulence dates back to the Middle Ages and before. We are not, therefore, dealing with anything wholly new or novel. On the other hand, while not wholly new, we do believe the perspective, idealism and commitment of this student generation to be of high level and worthy of recognition.

What *is* new in the situation has been the use, by a small minority of young people and others, of sophisticated techniques whereby force, agitation, and pressure are utilized to manipulate large numbers of people, in some cases against their will and better judgment.

For a time these techniques, applied on the campus, threw administrators, faculty, and students off balance. The campus, after all, traditionally has been a place for rational discourse; faculty people are persons who have entered a profession dedicated to such rationality. The use of irrational means to force decision-making is out of place on a campus, and it required some time for educators, unready for this kind of assault, to mobilize to meet it. There is much evidence, not only of the readiness of the campus to alter its procedures to meet this threat, but also of a new and healthy response by large numbers of students and faculty. The current trend in elections to student governments and faculty senates is increasing evidence of this development.

Recommendations recently made to the effect that demands of dissidents be yielded to in certain areas deserve careful and critical review.

Available data indicate that most students are not disaffected with higher education or higher educational institutions per se. Overeagerness to make changes in response to demands of extremists merely delays and warps the necessary and continuing reforms that all of us recognize are necessary in higher education and which are constantly taking place.

In like manner, assumption that the ROTC must be abandoned because some students have demanded it, is not borne out by student responses on other campuses where the issue has been widely considered. Institutions may wish to continue such programs which preserve civilian influence in the leadership of the armed forces. Furthermore, recommendations made recently that emphasize the necessity of negotiation with students engaged in using non-rational means of persuasion, or "waiting it out" rather than applying prompt responses, or seriously considering closing institutions at the behest of extremists who make this their goal—these certainly should be considered in the light of the experience of institutions that have taken other and more rigorous responses to extremist pressure, and have experienced telling success. Their experience has led, for example, to one major conclusion: College and university presidents should never negotiate in the face of any kind of intimidation or threat.

PART III—ADDITIONAL SUBJECTS WARRANTING COMMENT

The curriculum

During the years ahead it is essential that the curriculum of the American college continue to be vigorously examined and modified. Much good has come during recent years but there remains much to do. There still exist educational programs in our institutions whose operating procedures have not been honestly examined in recent years. This is not to suggest that everything that is or has been must be swept away; rather we must be willing seriously to examine the body of higher education and remove useless appendages, improve the programs that remain, and add items that meet the test of intellectual scrutiny and new scholarship. The community that is higher education must be up to this task or it will be done by others in a manner not in accord with educational objectives that are considered important.

The campus and the society

In spite of being the most talked about subject in America, there exists a widening chasm between the campus and the society it serves. We have already stated or implied reasons for this unfortunate relationship, but its repair is essential to the survival of the American university. Additional ways must be found to bridge the distance between the two, and we believe the prime responsibility is that of the college or university.

Ways must be found to involve the general citizenry in the affairs of the campus community; faculty and students must become involved in the affairs of the community. We must acknowledge our shortcomings, explain our unique nature, and keep the public informed of our contributions. The public must be reminded of the role it has assigned us, and of our honest successes in carrying out that role.

Organizing resources for higher education

While we could, and undoubtedly will, ask for more funds to support higher education, we believe that a serious consideration during the 70's will be the proper allocation of resources.

During recent years, efforts to accommodate virtually all proposed tasks have resulted in difficulties. Limited resources and increasing demands require careful ordering of priorities. We have certainly learned that no single institution can do all educational tasks; yet few of us have been willing to deny ourselves new programs. Too often faculty have operated only in the best interest of the discipline, and the student has been lost sight of in their quest for prestige and professional accomplishment. Higher education has neither the resources nor the ability to continue in this fashion.

If a general increase in student fees should occur, then it is imperative that equal consideration be given to increased funding of scholarship and loan programs to ensure that students are not prevented from attending college for financial reasons.

Preservation of constitutional guarantees to freedom of speech, press, and assembly

A college or university must be dedicated to the rule of reason, and, where possible, must avoid arbitrariness in its decisions. To do this requires patient dialogue, openness to varied ideas from many groups, and development of maximum consensus. The right of citizens to assemble peacefully and to petition for redress of grievances is a precious American heritage and should be denied by college authorities only when the educational function is disrupted or when such activity is accompanied by lawlessness. However, unfortunately, reasoned dissent rarely can prevail against unreasoned disruption or suppression. There is always the possibility that emergency measures may have to be taken by college authorities when physical damage to persons or property is clearly threatened.

Academic freedom and responsibility

The rights of college faculties and students to seek and speak the truth as they see it are precious rights but they carry with them attendant responsibilities. Faculty must recognize an obligation to be evaluated on the way in which they are carrying out their institutional responsibilities, and acknowledge that tenure rights may be removed if the responsibilities of academic freedom are not respected. Standards of performance by students, so long as they are realistic, must remain rigorous enough to justify the investment of time, interest, and money by both the student and the sustaining public, or the institution will perish.

The challenge of racial minorities

We agree that the challenge to higher education presented by ethnic minorities must be given special and continuing consideration. Racial harmony—in the nation and on the campus—can be realized only if a greater and appropriate racial awareness on campus is achieved throughout by means of attention to curricula, cultural activities, and indeed to the entire scope of campus life.

The media

Certainly in a free society the news media must be free to report events consistent with their impressions. While we must guard the media from censorship, we must also subject them to the same honest scrutiny we expect from them. It is our feeling that today, in too many instances, the media—radio, the press, and television, especially television—have expressed a distorted view of events occurring on American college campuses, the results of which are often inflammatory. The public has been misled into believing that what is "sensational" on one or more campuses in typical activity, behavior and attitude throughout institutions of higher learning. For the media to use the previous concept "freedom of expression" as a guise for limiting its focus to sensational reporting is as potentially damaging as a faculty member using academic freedom as a rostrum for personal political expression. We would ask that members of the media make special and obvious efforts to report realistic conditions on the college campuses as completely and accurately as possible (and there is much that is positive!) rather than concentrating on the bizarre and controversial out of context, as they have too often done.

Preservation of individuality

As institutions tend to become larger, and as more technology is introduced into the teaching-learning and student accounting systems, the individual can develop a feeling of isolation from the institution. Size alone is not necessarily a deterrent to having individuals identify with the institution, nor does smallness guarantee it. It is rather a matter of attitude and organization of the relationships of those constituting the college community.

College responsibility for the personal lives of its students

In an age of greater permissiveness and renewed emphasis upon civil rights and liberties in our society as a whole, the areas in which colleges can act *in loco parentis* are growing continually smaller, but many parents are not fully aware of this. Colleges must continually interpret not only to their students but also to the public the differences between acts of college students for which the students are legally and individually responsible, and those over which the college authorities should be expected to exert responsible control. Whether the continuing diminution of the *in loco parentis* concept should be halted is a problem requiring immediate attention.

Service functions of public institutions must be adequately supported

All public institutions of higher education recognize that the society which creates and sustains them is reasonable in expecting them to perform certain tasks. However, demands for instant action on programs of public concern must be met by sober consideration of the institution's financial ability to respond, and its commitment to serve effectively in the particular area, when balanced against competing demands.

The institution, once it has accepted an area of specialization or specific responsibility, must be prepared to give continuous accounting of the funds and personnel used, and to demonstrate the productivity of the program, if it is to be sustained. Too often, in a time of tight budgets, the college is expected to perform at a level which its resources clearly prevent. To maintain an adequate level of quality, sometimes quantity must be limited, despite the political problems involved.

PART IV—THE ROLE OF THE PRESIDENT OF THE UNITED STATES AND THE FEDERAL GOVERNMENT IN HIGHER EDUCATION

Even before the Scranton Commission Report, there developed an unfortunate division of opinion concerning how campus turbulence was best quelled. Some on the campus believed, and strongly argued, that only through the exercise of the full moral authority of the President of the United States could substantial peace be restored to the troubled campus. Others, including political leaders at all levels, vigorously argued exactly the reverse—that the solution to campus disruption and violence must be found on the campuses, through the exercise of leadership by presidents, administrative staffs, faculty, and students.

Clearly, the restoration of peace, civility, and a healthy atmosphere for learning must be a top priority on the national agenda. But it is as wrong to hold the President of the United States responsible for our salvation as it is to assert that the task can be accomplished solely by a bootstrap "get tough" policy by the college presidents on various campuses. In many ways, the campus is a mirror of today's general turbulence and national unrest, distorting and magnifying the current discontents. It is absurd to expect the campus to be an oasis of quiet and tranquility in times of great social stress and strain.

The exercise by the President of what the Scranton Reports calls "reconciling moral leadership" is obviously important in any area, but it is unfair and unrealistic to expect the President to carry this enormous burden alone. Indeed, the President's actions clearly show his concern for and his interest in education.

The obligation to exercise reconciling moral leadership rests even more heavily on all those who have a direct hand in the control and management of our colleges and universities. We look not only to college and university presidents but to faculty and student leaders, and to trustees. We look also to those who by their votes, their words, their speech or their silence have such a profound impact on the atmosphere of our institutions—the governors, the state legislators, the editors, the leaders at every level in our society.

It is in this spirit, and with this sense of the limitations as well as the responsibilities of the Presdent that we feel the President, and key departments of the Federal Government, can aid in solving campus problems in several ways, as follows:

1. By continuing, and perhaps expanding upon, the President's current practice of discussing frankly with the public, and informally on campuses, the serious issues and problems which confront him and the nation. Young people, and students in particular, appreciate frankness and candor in the confrontation of difficult problems. We feel his past efforts in this respect have been praiseworthy, and we urge him to continue.

2. By continuing, and expanding upon, the programs of several Federal Departments, notably the Departments of State, Defense, and Justice, in bringing together individuals able to discuss current issues and problems on campuses throughout the nation. However, we feel that the formal lecture-presentation, announced in advance, is less effective than more diverse approaches, such as the visitor-in-brief-residence, during which time classes and seminars could be visited and discussions held informally with students on their own ground.

3. By encouraging agencies of the Federal Government to reach the faculty members of our colleges and universities, particularly the younger faculty, in government programs designed to inform the campuses. Many student attitudes are molded by classroom discussions, and limited Federal staffs and funds could have a much larger effect if new ways and means were devised to inform faculty of policies and procedures, and through them, larger numbers of students.

4. By holding conferences of student leaders, and of faculty members in certain disciplines, in Washington and, where possible, regionally throughout the nation. Again, careful structuring of such conferences, so that informal discussion and give-and-take are emphasized, is important.

5. By the President, and all appropriate officers of the government, continuing to keep themselves informed about reforms in academic governance and about the way in which campus problems are being successfully met and solved. They can then be most helpful in filling the gap which the media have failed to fill: acquainting the public with the positive aspects of higher education and with the progress and reform that has taken place in the academic community, in an effort to help rebuild public confidence in our education structure. (See Part I)

6. By continuing efforts toward winning the support of the vast majority of our students who have faith in our national institutions, who have not "given up" on our

educational system, and who, in spite of having adopted some of the patterns of protest because it is fashionable, basically are willing to follow strong and effective leadership, as well as those who are convinced that the generation gap cannot be bridged. We are convinced that this student generation is highly moral, socially conscious, and eager to be constructive. Students must be told and shown that force and violence are not necessary to achieve worthy goals, nor are they a concomitant of the constitutionally protected right of dissent. Such tactics themselves can destroy the basic freedoms of this society.

7. By working with the governors of the fifty states to consider the various types of legislation that relate to colleges and universities—particularly in light of some of the repressive measures reportedly under consideration.

8. By recognizing that available evidence indicates that past campus turbulence has not destroyed the usefulness of contract research. We agree with the Department of Defense that colleges and universities have a unique contribution to make to the national interest in the area of research. We would urge the President, therefore, to support the contract research program to the extent it does not warp institutional structure or mission, and express his public support of the concept as being in the best interest of the nation.

9. By emphasizing and reiterating at every opportunity the enormous contributions that our colleges and universities make to the progress and well-being of our society. The President should continue to stress that our colleges and universities constitute a vital national resource, and that as a matter of public policy they must be preserved and strengthened—in the best interests of the nation as a whole.

A concluding note: Efforts of the Chief Executive to propose innovative legislation in support of higher education have been most helpful and are of great significance to the education community. We urge that these efforts be continued and extended. Such proposals can serve as a basis for an effective working relationship between the campus and the Federal Government.

ALTERNATIVE TO BUSING OF SCHOOLCHILDREN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DINGELL. Mr. Speaker, Mr. Patrick A. McDonald, a member of the Board of Education of the city of Detroit, Mich., has written me about a proposal he has made as an alternative to busing of schoolchildren. For the information of my colleagues, I ask unanimous consent that the text of Mr. McDonald's letter and the texts of three items he enclosed therewith appear at this point in the CONGRESSIONAL RECORD:

BOARD OF EDUCATION,
THE CITY OF DETROIT,
Detroit, Mich., April 12, 1972.

Hon. JOHN D. DINGELL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. DINGELL: The alternatives presently being presented in the so-called "Roth Case" are not workable solutions to our present social problems.

It is not simply a matter of either "to bus or not to bus." It is not enough to say that we do nothing. At the same time, the forced busing of possibly 400,000 school-age children is neither educationally sound nor feasible in our present climate.

In an attempt to be constructive, I am enclosing what I consider to be a viable alternative to busing. It attempts to get to the real cause of segregation, which is segregated residential housing patterns. It attempts to cure the problem on a permanent full-time basis as opposed to a temporary part-time busing basis.

I would request your indulgence in examining these materials and your support in the event you deem them to be worthy of further discussion. It is contemplated that these new homes would be constructed in *new towns* on vacant land surrounding Detroit.

I stand ready to meet with you and any members of your staff at your earliest convenience.

Sincerely,

PATRICK A. MCDONALD.

ALTERNATIVE TO FORCED BUSING

There are approximately one million public school students (K–12) in the Tri-County Area of Wayne, Oakland and Macomb Counties. The Metropolitan Plans before the Federal District Court attempt to achieve a racial mix of 75% white and 25% black students in each school. To do so, it would be necessary to bus between approximately 300,000 and 400,000 students from their neighborhoods.

The estimated cost of bussing each pupil is $130.00 per year as indicated on Attachment A. Thus, the total annual cost of bussing 320,000 students would be $41,600,000; in ten years the cost would be $416,000,000. We assume that the State can somehow pay for busing. It is clear that the Detroit School System with its $40,000,000 deficit cannot pay for the luxury of busing.

When the State pays, we all pay. However, the most frustrating problem arises from the fact that after ten years and $416,000,000 later we find that we have achieved no significant integration. The ultimate goal of forced busing is mixing. It is not designed to bring about meaningful integration. It is indifferent about encouraging a working relationship between the people who are being bused. Further, if we assume, as we must, that there is a limit to the amount of money that is available for education, then every dollar spent for busing reduces the amount available for teacher salaries, reduced class sizes, special education, curriculum improvement and other items which are directly related to pupil achievement.

Finally, forced bussing is an inappropriate remedy where the cause of segregation was not bussing, as in the South, but rather residential or voluntary segregation. If it is axiomatic that the punishment should fit the crime it is equally true that the remedy should be related to the offense. If $416,000,000 is available, its best use would be as an incentive to correct residential segregation.

With "bussing funds" the State should become a partner with the F.H.A. and young families; each with the goal of eliminating segregated residential patterns. Specifically, an eligible family would be permitted to purchase a three bedroom $20,000 home for 25% of its value, i.e., $5,000. The F.H.A. and Federal Government would provide an additional $5,000 and the State would pay the balance *in lieu of paying for bussing.*

Eligible families would be those families both black and white, who would contribute to the racial balance of both the neighborhood and the school in that neighborhood. The eligible families would have an average of three school aged children.

The eligible family would be required to pay 5% of the value, i.e., $1,000 and then pay the balance over 10 years. During this time the eligible family would required to actually occupy the home as their home. They would send their children to the neighborhood school.

Under this plan, the State could make available 41,600 residential units.

This would inevitably result in the meaningful integration of over 41,600 *families* not merely the mixing of students during school hours.

For those who are concerned about numbers—this Plan would affect over 200,000 people, all of whom would participate on a voluntary basis. Their own home would be the incentive to integrate.

PATRICK A. MCDONALD,
Member, Board of Education.

SCHEDULE A—COSTS OF TRANSPORTATION

The unit cost per pupil transported for a period of 180 days is computed on the basis of the number of buses required.

Inter-district bussing to and from a large central city is distinguishable from rural bussing in many respects. One important difference is the fact that the buses would be required to run in rush hour traffic. In view of this it is fair to assume that time and traffic will not permit two or more trips per day per bus. In rural areas frequently it is possible for a bus to pick up students at various locations, drive them to the school and return for a second run.

The seating capacity of the type school bus approved for purchase by the State of Michigan is sixty-six (66). Thus, it would be necessary to purchase 4,545 buses to transport 300,000 students. Each bus would cost approximately $10,000 for a total capital expenditure of $45,450,00. The cost of each bus would be depreciated over a seven year period. Thus, total annual depreciation would be $45,450,000/7=$6,492,857 or $1,428.57 per bus per year.

Drivers' salaries are estimated to be $16.00 per day for a total daily cost of $7,272.00; and an annual cost of $1,309,960. Each driver would receive $2,880.00 per school year, total daily cost of $4,545.00 and an annual cost of $818,100. Each bus aide would receive $1,800.00 per school year.

Based on an analysis of transportation data in this State it appears that total bussing costs are a function of bus depreciation plus driver salaries. These two items are equal to 63% of the total cost including gas, oil, repairs, tires, etc., as follows:

Driver Salary ($2,880.00) plus Annual Depreciation ($1,428.57)=$4,308.57=63% Total Bussing Cost Per Bus Year.

Thus, the other element is: $4,308.57/.63=$6,839.00−$4,308.57=$2,530.43 (Per Bus Per Year).

The following four elements make up the total cost per year per bus:

Depreciation	$1, 428. 57
Driver Salary	2, 880. 00
Bus Aide Salary	1, 800. 00
Other Operating Expenses	2, 530. 43
	8, 639. 00

To determine the per pupil cost we divide the total cost per bus per year by 66: $8,639.00/66=$130.89 per pupil.

On the basis of $130.00 per pupil, the total amount cost of bussing 320,000 students would be $41,600,000.00.

BUSSING, DESEGREGATION, INTEGRATION!

(By Patrick A. McDonald)

These are now familiar household words. They are bantered about freely in discussing issues that threaten to rip our country asunder. These terms, used mainly in educational matters, directly affect each and every person in the United States today. For nothing affects the household and the family more than does education.

Desegregation, as the term implies, is a negative concept. By that I mean that it is defined only in terms of numbers. It is concerned with the mixing of people of different races. For example, if we place five whites and five blacks in an office or a classroom we have instant desegregation. Now these people may not talk to each other or may use separate doors to come and go, but they are desegregated in terms of numbers. It is a quick approach, but it is a shallow approach. Unfortunately, for many, desegregation is the *ultimate* goal.

Integration, as distinguished from desegretion, considers the working relationship between the people involved. An integrated society is a society in which its members live and work together for their mutual benefit, each *choosing* to be with the other for his own sake and to achieve a common objective. The goal of integration is to improve the relationships between the races. In our former example it would mean that the ten people in that office or classroom are working for a common goal. They are working together in a day-to-day basis and race becomes irrelevant to that relationship.

Obviously, of the two concepts, nearly everyone would agree that integration is the ultimate goal towards which society should be working. Unfortunately, there is no such thing as *instant* integration. It takes planning and its takes cooperation. It is a voluntary concept, therefore, you cannot force it just as you cannot force one person to love another person. Those who would use force to achieve integration are similar to those who would use rape to begin a love relationship. The proponents of desegregation look to the mixing of races according to some racial ratios as an instant solution to the problem of segregation. Unfortunately, again governmental force is necessary to implement that instant "solution". However, the unreasonable or unnecessary use of force curtails a voluntary working relationship between people. In other words, people react negatively if they are being forced to do something. This is only one reason for objecting to governmental coercion.

For many, integration is not happening fast enough.

Some cannot understand why the government does not add a little water, shake well and pour out some instant integration. Madison Avenue says this can be done with just about everything else. However, with matters concerning the dignity of man and his relationship with others, the Madison Avenue marketing approach simply does not work. Integration does not come in an aerosol can; nor can it merely be heated and served. It is happening in Detroit because a spirit of open-mindedness and willingness has been characteristic of this community. Anything that retards that spirit is indeed counterproductive and unnecessary or unreasonable use of force retards true integration.

The final household word is "segregation". Segregation is not illegal in itself. However, it is illegal for a state or one of its governmental units to support segregation. This is called "de jure segregation." Examples of this kind of segregation were found in the 1954 Supreme Court decision outlawing "separate but equal schools". The Constitution and Laws of many Southern states prohibited white students from attending schools with black students. To implement these laws, white students were bussed to white schools and black students were bussed to black schools.

Government supported segregation was recently found in the City of Detroit in the socalled "Roth Case". The Court said that both the State of Michigan and the school district were responsible for this segregation. In the main, this kind of segregation was brought about by adherence to the neighborhood school concept. Unlike the Southern states, the typical Northern state, including Michigan, passed no laws approving segregation. To the contrary, many Northern states included in their Constitution anti-segregation requirements and passed laws to implement these constitutional provisions. For example, Article 8, Section 2 of the Michigan Constitution provides: "Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin". Section 355 of the State School Code provides that no separate school shall be kept for any person or persons on account of race or color. In Detroit, as in all Northern cities, schools are built to accommodate the people of a given neighborhood and to permit their children to walk to school when possible. This permits us greater community involvement and to avoid the cost of transporting large numbers of students. This cost saving permits the school system to spend most of its money on direct educational factors such as teachers.

Many neighborhoods in Detroit and in the Detroit Metropolitan area are segregated. Sometimes this residential segregation is called "de facto segregation". When schools are built in segregated neighborhoods, naturally they too become predominantly black or predominantly white schools. In Detroit the Federal Court found that in addition to the obligation to educate children the school board had the *affirmative duty* to avoid the effects of residential segregation. Failing to do this, they were guilty of unlawful or government segregation. Now the question before the Court is: What is the proper remedy?

A government with priorities different from ours has demonstrated the ability to solve social problems quickly. For example, in Communist China, the drug problem was eliminated quickly. It was eliminated by executing millions and millions of people. Historically, we find that the so-called "Catholic problems" or the "Jewish problem" was also solved in the same unimaginative, but quick way. Civil disturbances and massive protests are not found today in Hungary or Czechoslovakia. That problem was eliminated very quickly.

Our American priorities, however, are so structured that there is no social, economic, or political problem that justifies the mass execution, oppression or coercion of our people. The use of force should be avoided. Force should be used only when absolutely necessary and only to the extent necessary.

In addition to these general principles, our experience teaches us that so-called instant solutions to social problems have been categoric failures. Prohibition was an instant solution. Its only problem was that it was neither instant nor a solution.

Experience also teaches us that our many successes can be directly attributed to incentives. Incentives, rather than intimidation, work for us. Rewards, rather than punishments, account for the many successes we enjoy both individually and collectively as Americans. Our most valued resource is our children. Their education should have the highest priority. But unfortunately, the imagination that we apply daily in industry is often absent in education. The incentives we offer to encourage the development of our natural resources are not used to develop our greatest resource—our children. Instead of incentives, quick simplistic solutions have been proposed and quick solutions will be demanded.

The instant solution presently being proposed by busing advocates is basically the *warehousing of children*. From their warehouse, our children can be allocated and then distributed by busses. I am opposed to bussing students *merely for the sake of bussing them*. Force and coercion are essential parts of this plan which has as its ultimate, but shallow goal, the mixing of students.

Forced bussing should be distinguished from bussing as we currently find it in Detroit under the "Magnet School Plan". Over 2,000 elementary school students have elected to attend schools outside of their neighborhood under this current pilot project. The school board provides transportation for those students wishing it. The important difference, however, is that at the *end* of the bus ride there is an incentive. There is a valid, excellent educational reason for traveling from their neighborhood school. On the other hand those who advocate forced bussing provide no incentives. They offer merely the threat of punishment for violating their proposed laws. So, although I am unequivocally opposed to the concept of forced bussing, I am most enthusiastic about the use of incentives in the form of better and specialized education that we find in the current Magnet School Plan. Here the students take their busses willingly. *Busses are used to serve the students—the students are not used to serve bussing.*

There is a significant distinction between the way in which school systems in urban Northern areas and in Southern and rural areas operate their school systems. In Southern and rural areas, busses are necessary to get the children to school. Therefore, the bus became the natural instrument to accomplish segregation and it was logical to remedy the situation by using busses. In any event, the use of busses is an integral part of administering education in the South. In a recent Supreme Court case concerning Clarke County Georgia, the bussing plan ordered by the Court required annual transportation expenses of $11,000 *less* than the cost of transportation under the prior segregated system. This is in dramatic contrast with Detroit where busing has not been an integral part of the educational system. Here, we have subscribed to the neighborhood school concept. In Detroit, therefore, a new program of forced bussing would easily double the current $40,000,000 deficit.

No one has suggested that Southern segregation was merely caused by residential housing patterns. But, it is generally agreed that the principal cause of segregation in the North and in Detroit is segregated residential housing. Obviously then, one does not cure the problem by suggesting a remedy to a non-existent cause. If a family is homeless, you don't help them by demanding they take a bus ride. Therefore, I submit that bussing should not be used in Detroit to remedy a situation *not caused* by bussing. Let us get to the root of the problem.

Now, the State has proposed an interdistrict bussing plan, commonly referred to as a Metropolitan Plan. This would not result in a cost savings as it did in Clarke County Georgia. The contrary is true. There are approximately 1,000,000 public school students in Wayne, Oakland and Macomb Counties. In order to achieve the suggested racial mix of 75% white and 25% black students in each school it would be necessary to bus approximately 300,000 children from their neighborhoods. The estimated cost of bussing each pupil is $150.00 per year. Thus, the total annual cost of bussing alone would be Forty-five Million Dollars ($45,000,000.00). The ten year cost would be Four Hundred Fifty Million Dollars ($450,000,000.00). In addition, a new super bureaucracy would be created to administer this transportation network. It has somehow been assumed that the State can and will pay for this. It is clear that the Detroit school system, with its $40,000,000 deficit, cannot pay for the luxury of bussing. However, when the State pays, we as citizens pay. The most disturbing problem, however, arises from the fact that after ten years and $450,000,000 later, we find that no significant integration has been achieved, since the ultimate goal of forced bussing is desegregation or the mere mixing of races. Nor is the Metropolitan Bussing Plan designed to bring about *meaningful* integration. It is indifferent to encouraging a working relationship between the people who are involved in implementing the plan. Further, as there is a limit to the amount of money that is available for education, then every dollar spent for bussing reduces the amount available for teacher salaries, class sizes, special education, curriculum and improvement and other items which are directly related to pupil achievement.

If it is axiomatic that the punishment should fit the crime, it is equally true that the remedy should be related to the offense. What is the offense? The Court has stated it is our failure to provide the students in Detroit with equal educational opportunities. The estimated $45,000,000 in bussing funds surely could be used in much sounder and more imaginative ways. Less than five years ago the previous Superintendent of the Detroit schools estimated that for every $2,000,000 applied to teacher salaries, class sizes in each school in the City of Detroit could be reduced by one student. Let us assume that because of inflation the current figure is $3,000,000. With these bussing funds, then, we could reduce class sizes by almost one-half. There would be eighteen students for every teacher. This would provide a pupil-teacher ratio far better than any city in the United States.

And, if the offense is segregated residential patterns, than funds should be used to provide incentives for integrated neighborhoods. It is not difficult to see how this would work.

Imagine what might be done with bussing funds? For example, the State could become a partner with the F.H.A. and young families; each with the goal of eliminating segregated residential patterns. Specifically, an eligible family would be permitted to purchase a three bedroom $20,000 home for 25% of its value or $5,000. The F.H.A. would provide an additional $5,000 and the State would pay the balance in lieu of paying for bussing. Eligible families would be those families both black and white, who would contribute to the racial balance of both the neighborhood and the school in that neighborhood. The eligible families would have an average of three children. The eligible family would be required to pay 5% of the value, i.e., $1,000 and then pay the balance over 10 years. During this time the eligible family would be required to actually occupy the home as their home. They would send their children to the neighborhood school. Under this plan, the State could make available 45,000 residential units. This would inevitably result in the meaningful *integration* of 45,000 families, not merely the mixing of students during school hours. For those who are concerned about numbers this plan would affect 225,000 people, all of whom would participate on a voluntary basis. Ownership of their own home would be the incentive to integrate

I fear that in attempting to solve one social problem by instant non-thinking methods, we may create two others by losing precious freedoms and control of our children. George Orwell's regimented bureaucratic society pictured in his novel "1984" is now becoming a reality. It need not be if we use the same determination, imagination and incentives in this situation as Americans have used throughout the history of our country. We can succeed and solve this social dilemma. All citizens, including you and I, must be willing to unselfishly participate and act now. We cannot leave it to the next guy or to some super bureaucracy to solve.

NATIONAL STUDENT LOBBY CALLS FOR ACTION TO STOP WAR ESCALATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. DELLUMS. Mr. Speaker, today I joined with over 20 of my colleagues here in the Congress to endorse the May 4 moratorium protesting the administration's escalation of American adventurism in Southeast Asia.

One of the groups supporting and leading the moratorium activities is the National Student Lobby. Pete Coye, the assistant director of the lobby as well as a friend of mine from Berkeley, Calif., today spoke out on behalf of the lobby and the thousands of persons it represents.

I fully agree with the position of the National Student Lobby, and I believe Peter Coye's statement is an accurate reflection of the repulsion and indignation felt by young people all throughout this Nation in regards to the absurdities of the Nixon administration's war programs.

The National Student Lobby statement follows:

STATEMENT BY PETER COYE, ASSISTANT DIRECTOR OF THE NATIONAL STUDENT LOBBY

Within the last several days the Nixon Administration has escalated the war in Indochina to a frightening level. The bombing of Haiphong and Hanoi were the hysterical acts of the trapped and hopeless leadership of this country. The Nixon Administration is trapped by its commitment to a corrupt regime in South Vietnam and is hopeless in its blind vision of a military victory in North Vietnam.

The reason that President Nixon must proclaim that "all options are open" is that his options are slowly disappearing. As the South Vietnamese army collapses and Vietnamization fails Nixon must withdraw all U.S. military activity or escalate. His decision is clear.

Apparently, President Nixon has not learned the one lesson President Johnson left for his successor in 1968. That is, that a military victory in Vietnam is impossible. That lesson is that every day the war continues more young men died for a cause the American people do not support. And that lesson is that the will of the Vietnamese people is stronger than any number of B-52 bombers.

In the past eight years we have had both a Democratic and Republican Administration in the White House. Both said they were committed to peace and both have escalated the war in Vietnam. It is clear that the only way to end the war is to legislate an end to the war. Congress must take the responsibility of bringing home the Americans—both the prisoners and the troops. The legislation to accomplish these ends is now before Congress. It is the Gravel-Drinan bill to end the war. This is the most thorough and comprehensive peace legislation to be put before the House and Senate in many months. It speaks directly to the Air War in recognition of the changing character of the war in Vietnam under the Nixon Administration.

During the 60's and early 70's students in America engaged in a protracted struggle to change public opinion about the war. We spoke with our parents. We demonstrated in the streets. And we refused to fight in Vietnam by the thousands. Slowly, public opinion swung from support to opposition, from endorsement to denunciation of the U.S. military involvement in Vietnam. Today an overwhelming majority of American citizens want an immediate end to the war. Now, as students, we must affect a change in the U.S. *policy* toward Vietnam.

Once again, in 1972 students have begun to move. On Monday of this week 30 student body presidents were in Washington, D.C. to lobby in support of the Gravel bill. This is the only legislation which will end the Air War, bring our prisoners and troops home and end the entire U.S. military involvement in Indochina. Tomorrow, students across the country are going on strike and will gather in meetings to plan a peace strategy for this spring. Besides participating in demonstrations students will engage in building local pressure for the Gravel bill. Tomorrow, Ken Kay and an official delegation of students from Oberlin College in Ohio will be in Washington, D.C. to present their Congressmen with hundreds of anti-war letters from the students at that college.

This year there is a new dimension to our peace efforts. Not only do we have the backing of public opinion, but we also have the vote. The 8.6 million college and university students have the potential to pull the rug out from beneath at least 40 conservative Congressmen who refuse to answer our call for peace.

The *National Student Lobby* calls upon the students of America to come to Washington, D.C. and to participate in a massive lobby-on-Congress during the week of May 1st. We call upon students from every Congressional district, in every state to mount a pressure campaign which will force the U.S. Congress to respect the will and desires of the people in this country. We call upon students to make the war in Vietnam and peace in Vietnam *the* issue of the 1972 campaign.

The National Student Lobby will hold workshops for the students who come to Washington, will distribute voting records on Congressmen and Senators, and will arrange for a continuing pressure campaign until this legislation is passed.

Students took the lead in changing public opinion about the war, now students must take the lead in changing U.S. policy in Indochina. The focus of protest and activity has moved from a negative position to a positive response. The focus of pressure has changed from being *against* the President to being *for* the Gravel bill.

BURKE-HARTKE SACRIFICES U.S. AGRICULTURE

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRENZEL. Mr. Speaker, previously I have inserted into the RECORD strong and persuasive statements by large companies in Minnesota who have strong international interests denouncing the Burke-Hartke protectionist proposals. Another fine Minnesota Company, Cargill, Inc., has prepared an interesting statement which follows herewith.

Because this statement so sharply

points out that Burke-Hartke sells U.S. agriculture down the river, I commend it to the attention of all of my colleagues.

Another point well made in this paper is the fact that restrictions on direct foreign investments are restrictions on export trade itself. Without the ability to develop converting, processing, storage, marketing, et cetera facilities abroad, we will simply not be able to expand our agricultural exports.

Finally, it points out that the tax provisions of Burke-Hartke place foreign U.S. subsidiaries at a strong competitive disadvantage with foreign firms.

The real danger of Burke-Hartke lies in the fact that some of its restrictive features may find their way into other pieces of legislation, even though the principal bill itself is not passed. For instance, title III of the proposed minimum wage bill contains inhibiting restrictions which will have a disruptive effect on our export business.

The material follows:

BURKE-HARTKE: A LEGISLATIVE CHALLENGE TO AGRICULTURAL TRADE

PROBLEM

Economic developments over the past decade have brought about a very different trading world from the one which prevailed immediately after World War II, when most of the international trade and monetary institutions and policies were formulated. Europe has recovered from that war's devastations and has now organized into integrated trading entities. Japan's recovery has been even more dramatic, and the expansion of her exports—especially to the U.S.—has been very rapid in the past few years. Consequently, the U.S. now faces much more intense competition in international commerce.

At the same time, the pace of change has stepped up. Technological innovation occurs more rapidly, and technological advantages are continually being challenged. Moreover, as trade barriers come down and as levels of development in other nations rise, national markets are being replaced by international markets. Trade and foreign investments become increasingly important instruments of competition in such a world.

Unfortunately, international institutions have not kept pace with this change. For example, while it became increasingly obvious that the dollar was overvalued vis-a-vis other major currencies, exchange rate adjustments were prevented until a nearly crisis situation produced the policies announced by President Nixon on August 15, 1971. While there is now greater hope that these problems will be faced in their international dimensions, protectionist forces within the U.S. have increased their pressure for the U.S. to take unilateral, and shortsighted, action.

One such proposal is the "Foreign Trade and Investment Act of 1972," popularly called the Burke-Hartke bill after its sponsors, Congressman James Burke of Massachusetts and Senator Vance Hartke of Indiana. This bill would impose quotas across-the-board in an effort to reduce imports to the same percentage of domestic consumption as prevailed in 1965–69. It would also restrict transfers of capital and technology across national borders and would radically alter the U.S. tax-treatment of foreign earnings.

If these proposals were made law, serious damage to agriculture's foreign markets—which accounted for $7.8 billion of agricultural sales in fiscal 1971—would result. Quotas on U.S. imports would prompt retaliation against U.S. exports, with agricultural exports being a primary target. Restrictive tax and investment policies would frustrate efforts to develop larger foreign markets for agricultural commodities which the U.S. produces in surplus.

Consequently, the Burke-Hartke bill is not simply a proposal reflecting the interests and problems of the industrial sector of our economy. It is legislation which would affect the pocketbooks of U.S. farmers and those serving agriculture. By jeopardizing one of agriculture's most important and dynamically growing markets—our export market—it is farm legislation in the most fundamental sense. For this reason, Burke-Hartke deserves the careful attention of everyone in the agricultural community. What follows is an attempt to place that legislative proposal in a realistic context.

TRADE AND INVESTMENT POLICIES IN A CHANGING WORLD

Two major documents on the subject of the international trade and investment policy the United States should adopt in the 1970's have recently stirred debate in governmental and industry circles. One is the *Report of the President's Commission on International Trade and Investment Policy* (the Williams Commission report). The other is the "Foreign Trade and Investment Act of 1972" (the Burke-Hartke bill). These two documents are remarkable for the disparity in their views and conclusions. The Williams Commission report concludes on an expansive and outward-looking note:

"We believe that the United States continues to have a compelling interest in preserving and improving the multilateral trade and payments system. We believe the United States should continue to try to solve the current problems in ways which will strengthen the system. We should avoid dealing with our short-term problems in ways which make it more difficult to realize a long-term goal: a world economic community of free nations." [1]

In contrast, the Burke-Hartke proposal focuses on one very specific development in recent years and extrapolates from this an inward-looking and static policy perhaps best summarized in the bill's preamble:

"In recent years rapidly increasing imports, sometimes promoted by foreign government assistance or unregulated unfair trade practices, have all but eliminated certain domestic industries, and are threatening to destroy critical portions of the United States production base. It is the intent of Congress, in enacting this statute, to insure that this destruction does not occur.

"To this end, this statute should be interpreted to insure that the production of goods which have historically been produced in the United States is continued and maintained. To the extent that production of such goods has been transferred abroad, it is the intent of Congress that this production be encouraged to return to the United States. Moreover, as new products are developed and marketed in the United States this legislation should be administered such that a fair proportion of such production is maintained in the United States."

The problem posed succinctly by the contrast between these two documents is a fundamental one: what will be the future shape of the United States economy and the nature of its relationships with other sovereign nations.

The question is of universal interest, but the agricultural community—farmers and agri-business alike—is directly concerned. The United States has, and for the foreseeable future will continue to have, the capacity to increase farm output. This makes export markets for farm products basic to the health and livelihood of the agricultural community.

Consider the following facts:

The United States has doubled its agricultural exports in the past 15 years.

The U.S. now accounts for one-fifth of world agricultural trade.

The percentage of total U.S. agricultural acreage harvested for export has increased from 14% of total acreage harvested (47 million acres) in the 1950's to almost one of every four harvested acres (72 million acres) today.

In fiscal 1971, the U.S. exported $7.8 billion worth of agricultural products.

Thirty per cent of all farm cash receipts for all crops comes from exports.

Exports account for 70% of all cash receipts from rice, 60% of all cash receipts from wheat and soybeans and even 30% of cash receipts for corn.

The potential for increasing agricultural production in the future rests mainly with the opportunities for enlarging our agricultural exports.

The agricultural community, perhaps more than any other segment of American society, depends directly for a major share of its livelihood on export outlets. A prosperous agriculture requires an outward-looking trade policy.

Since this is the case, it is proper to ask: what would be the effect of passage of Burke-Hartke on the economic well-being of the agricultural community? To answer this question, one must look at the three major areas of economic policy affected by provisions of that bill. These areas are: (1) trade; (2) foreign direct investments; and (3) taxation of earnings of foreign assets owned or controlled by American concerns.

TRADE

The Burke-Hartke bill would make sweeping changes in the historical trade policy that has contributed so substantially to the expansion of all U.S. trade, including U.S. agricultural exports. It would impose (with a few minor exceptions) across-the-board quotas on all "categories" of imports, limiting the level of imports to the same proportion of total domestic consumption as in 1965–69. Future increases in imports could not exceed that proportion. It would also grant discretionary authority to a three-man "Foreign Trade and Investment Commission" (one member each for "public interests", "labor interests" and "industrial interests" but no representative for agricultural interests) to reduce quotas for any category upon a finding by the Commission that imports were "inhibiting the production of any manufactured product". Furthermore, it would authorize the negotiation of government-to-government agreements limiting imports, like agreements already limiting imports of textiles into the U.S. Finally, it would amend the Anti-Dumping and Countervailing Duty laws to make the imposition of import-reducing duties easier, and it would amend the "adjustment assistance" provisions for hard-hit industries, limiting governmental action to the imposition of quotas on imports.

The clear intention and result of these provisions would be to reduce the level of imports coming into the United States by many billions of dollars. Confronted with large cutbacks in their exports, these other nations would be forced to reduce their imports from the U.S. Otherwise, they would be plunged into severe balance-of-payments crises. The General Agreement on Tariffs and Trade (GATT) provides that compensation must be granted to any country whose exports are affected by increases in barriers to trade. While there are exceptions to this requirement (e.g., temporary imposition of quotas to relieve serious balance-of-payments problems), Burke-Hartke does not require any of the findings defined by the GATT in order to justify such an exception. Furthermore, the quota provisions of Burke-Hartke are not tied to balance-of-payments problems, nor are they designed to be temporary. And Burke-Hartke does not contemplate compensation, nor does it provide for any authority to compensate other countries. In these circumstances, there appears to be little doubt that our foreign trading partners would feel compelled to retaliate against U.S. exports, both to protect their own balance of payments and to respond to the substantial political pressures for retaliation which would be generated by such sweeping protectionist measures in the U.S.[2]

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[1] United States International Economic Policy in an Interdependent World, Report to the President submitted by the Commission on International Trade and Investment Policy, July, 1971, Washington, D.C., 17.

Past experience demonstrates that one of the primary targets for this kind of retaliation by our foreign trading partners would be agricultural exports. For example, Sicco Mansholt—the man most responsible for the Common Agricultural Policy (CAP) of the Common Market—proposed in 1969 a "consumption" tax of $60 per metric ton on oilseeds and $30 per metric tons on oil cake and meal. The primary target of this tax was U.S. soybean exports to the Community, and it would have greatly reduced those exports. While the proposal was shelved, it still remains a possibility, which could be quickly activated if the U.S. passed a measure so devastating to European exports as Burke-Hartke would be. Moreover, given the generally protectionist nature of the CAP and the Community's apparent goal of achieving agricultural self-sufficiency in grains production, other major U.S. agricultural exports would also be among the first targets of retaliation.

Obviously, self-sufficiency is an impossible goal for a country like Japan. But USDA studies, like the one authored by Joseph Barse, indicate that Japan could pursue a number of alternative food strategies with markedly different impacts on U.S. exports.[3] Legislated quotas on Japanese exports to the U.S. would tend to force Japan away from alternatives most favorable to U.S. grain and oilseed exports and toward strategies less dependent on U.S. supplies.

Very simply, then, Burke-Hartke sacrifices U.S. agricultural exports and U.S. agricultural interests in penetrating these foreign markets to the narrow interests of a few manufacturing industries. The agricultural community simply cannot afford to be made the scapegoat of such policies.

FOREIGN DIRECT INVESTMENTS

The Burke-Hartke bill authorizes the President to prevent any direct or indirect transfer of capital or technology abroad whenever he finds that such a transfer would produce a net decrease in U.S. employment. This poses two serious threats to the interests of the agricultural community in continued and expanding levels of agricultural exports. In the first place, these measures would close foreign nations off from U.S. capital and technology; they would also in many cases limit the freedom of action of foreign affiliates of U.S. companies, thus limiting and regulating the actions of firms in other countries. The foreign host nations undoubtedly would resent both this denial of capital and expertise and the intervention by the U.S. into affairs which those nations regard as provinces exclusively for their own regulatory decisions. As with the trade provisions, these foreign nations would be driven to retaliate against the U.S., with one of the prime targets being U.S. agricultural exports.

Secondly, significant foreign direct investments are needed to develop and hold export markets for U.S. agricultural commodities. As per capita income rises in other areas of the world, people will begin to demand more meat and quality protein in their diets. The U.S. has developed and continues to develop highly efficient means of converting feed grains and soybean meal into meat, milk and eggs. By aiding in the transfer and establishment of modern poultry, hog and livestock production technologies based upon efficient conversion of U.S. feedgrains and soybean meal in these foreign markets, demand for U.S. grains and oilseeds is generated. In other words, the transfer of technologies and capital abroad can help U.S. farmers to capitalize on the tremendous potential demand in these areas through greater export of grains and oilseeds.

The importance of this kind of market development and the potential magnitudes involved can be illustrated by a few simple facts:

It takes 8 pounds of feed to produce one pound of beef.

Four pounds to produce one pound of pork; and 2¼ pounds to produce one pound of broiler.

Japan has increased its consumption of meat, milk and eggs four-fold since the 1950's.

In the past decade, U.S. feedgrain exports to Japan increased in response to this demand from 250,000 metric tons in 1960 to approximately 5.8 million metric tons by 1969, better than a twenty-fold increase.

Yet, annual Japanese per capita meat consumption is only 10 per cent as large as ours—23 pounds per person compared to 242 pounds in the U.S.

Per capita consumption in Common Market countries is only 60 per cent of our own, while in the Soviet bloc nations it is less than 50 per cent of U.S. per capita consumption.

Data for less developed countries on the brink of substantial economic growth would follow a similar pattern.

U.S. grain and oilseed producers have a tremendous opportunity to capitalize on this potential, if allowed to do so. Currently, better than 50 million acres are withheld from production in the U.S. But to maximize these market potentialities, modern, efficient processing and meat-producing techniques will need to be available to these nations. Our past experience demonstrates the dynamic export growth possibilities offered by transfers of U.S. grain (and soybean)—livestock, broiler and hog technologies. To limit these transfers—as Burke-Hartke—would be terribly short-sighted.

We also need to remember that the U.S. has no monopoly on grain or oilseed production. Commercial wheat and feedgrain markets are extremely competitive internationally. Increasingly, U.S. soybeans are also facing competition from alterative protein, fats and oils sources. Moreover, as agricultural production becomes increasingly capital- and technology-intensive, countries willing to bear the costs could replace much of their import requirements with domestic production. We have seen this possibility arise with the EC's Common Agricultural Policy. U.S. agriculture will need all of its competitive tools if it is to meet these challenges and to capitalize on these opportunities.

TAXATION

The Burke-Hartke bill has several provisions in the area of tax policy which would seriously harm agricultural export interests. The bill would tax all earnings of foreign subsidiaries in the year earned, whether those earnings are repatriated to the U.S. parent companies or re-invested in the foreign country. It would also repeal the tax credit currently granted for taxes paid to foreign governments on earnings of foreign subsidiaries of U.S. companies. And the bill includes several other tax-law changes which would have the effect of discouraging foreign direct investment.

Each of these provisions would place foreign subsidiaries of U.S. companies at a serious competitive disadvantages vis-a-vis their foreign competitors. By discriminating against foreign direct investments, these changes would antagonize the governments in the foreign host nations. Several of these provisions may also violate tax treaties the U.S. has made with other nations.

Like many of the other provisions of Burke-Hartke, these tax-law changes appear to be premised on the belief that such foreign direct investments reduce job-creating investments in the U.S. This argument focuses primarily on investments in manufacturing facilities abroad. This is obviously a complex issue about which snap judgments should not be made. A number of studies of the domestic employment effects of investments in foreign manufacturing facilities have been undertaken. Preliminary indications from these studies suggest that the effects are at worst neutral and could well be positive—that is, that they generate U.S. jobs.

For the kinds of investments made to support agricultural exports, however, the case is much clearer. As the previous section noted, much of this investment goes into developing markets for more U.S. agricultural exports. This means more jobs for farmers, as well as more jobs for workers in the industries supplying farmers with inputs—machinery, chemicals, fuel and oils—and in the industries involved in the domestic handling of farm commodities for export—employment at country, subterminal and terminal elevators as well as jobs in the truck, rail and barge industries. Without the investments that would be discouraged by these tax-law changes, foreign markets would grow less rapidly—which means less of the employment described above, less vigor in the rural economy and smaller contributions from agriculture to the U.S. balance of payments. Moreover, if these investment opportunities are relinquished to companies in other nations, there arises the significant danger that these foreign markets will eventually be supplied, when finally developed, by non-U.S. exports.

The agricultural community cannot afford to be sanguine about these prospects. With intense competition in commercial agricultural trade, U.S. agriculture will need all of its competitive tools to exploit foreign markets and to utilize its vast productive potential.

SUMMARY

The Burke-Hartke bill nowhere mentions agriculture or agricultural trade directly. Moreover, the forces which have spurred this legislative effort by organized labor do not have their origins in agriculture or agricultural trade. Indeed, a publication put out by the AFL-CIO on trade policy acknowledges that agriculture has been one of the few strong areas of U.S. export performance over the past few decades.[4]

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[2] During conversations between American and European businessmen recently, *The New York Times* reported that the "Europeans apparently left no doubt that their governments would be forced to retaliate if protectionist quotas on imports, as envisaged in Burke-Hartke, were enacted." "U.S. Businessmen Assure Europe on Protectionism," *The New York Times*, (March 3, 1972), 1.

[3] Barse describes three alternative Japanese food strategies (an "Eastern," a "Pacific" and a "Western"), and he projects these alternatives through 1985. By that year, the production and import patterns for Japan diverge markedly, depending on the alternative pursued:

Strategy:

Eastern: production, 15.0 million metric tons; imports, 18.8 million metric tons.

Pacific: production 13.4 million metric tons; imports, 24.4 million metric tons.

Western: production, 9.8 million metric tons; imports, 50.2 million metric tons.

These alternative strategies not only yield widely differing Japanese grain import needs; they also entail different sourcing patterns, the Eastern strategy emphasizing Asian supplies, the Western involving greater U.S. supplies. Japan's Food Demand and 1985 Grain Import Prospects, Joseph R. Barse, USDA, ERS, Foreign Agricultural Economic Report No. 53 (June 1969), 71.

But this apparent immunity for agriculture from the measures contained in Burke-Hartke is dangerously deceptive. Because of its heavy dependence upon export markets, U.S. agriculture would be one of the groups most seriously injured by this blatantly "protectionist" bill. In many ways, the situation is a curious inversion of what happened during the Kennedy Round of tariff negotiations. In those negotiations, the agricultural community saw its export interests sacrificed to the interest in liberalizing the conditions for industrial trade. Now, agriculture is seeing its invaluable export outlets threatened by a misdirected reaction to developments in the area of industrial commerce.

Moreover's agriculture's access to foreign markets depends not only upon trade policies but also upon investment and taxation policies. Multinational companies engaged in the marketing of U.S. agricultural products abroad would fall under the same restrictions Burke-Hartke proposes for other kinds of multinational corporate activities. The result, if Burke-Hartke passed, would be that the agricultural community's marketing arm in these important foreign markets would be cut off.

This is not to say that some of the problems to which labor points are not real. A few industries within the U.S. have faced very sharp competition from imports. The pace of change and the intensity of competition have increased. In several cases, plants have had to be closed, and some workers have lost their jobs. This dislocation can impose severe burdens on the families, companies and communities faced with the difficult task of adjusting to changed economic conditions. Those problems need to be attacked and solved, and they deserve a high priority. Vastly improved means are needed to soften the impact of these dislocations. Better planning by companies, by industry and by society as a whole is needed to adapt our manpower skills to changing needs and to prevent future dislocations.

But these problems cannot be solved by shifting the burden forward onto companies and workers and farmers that have been successful in meeting these changing needs. Import quotas, restraints on capital and technology transfers and taxation policies discriminating against investments in developing markets abroad simply burden the companies and individuals in more progressive and dynamic industries. Farming and agricultural exports should not be taxed for their success, which is precisely what retaliation would mean. While facing up to the specific costs adjustment imposes on some industries and workers, members of the agricultural community need to insure that their long-term contributions to the well-being of our society and of people in other nations are not frustrated.

For these reasons, the agricultural community has a critical stake in what decisions are made with respect to any and all of the provisions contained in Burke-Hartke. Agriculture has a strong case to make for the advantages of export marketing and for the foreign investments which are made to increase that marketing. In this context, it is important to understand that the danger posed by Burke-Hartke has many and complex features. It is a threat to the agricultural community not only as a single package but also in the individual parcels made up by its separate provisions. Each of those provisions—the quota proposals, the investment restrictions and the taxation policies—would seriously impair the ability of the agricultural community to maintain and expand her export outlets. And, unlike many legislative proposals touching agricultural interests closely and which frequently find the agricultural community divided into conflicting groups, the threat posed by Burke-Hartke is one which promises harm to all segments of that community. It is a threat that the agricultural community can and must respond to with a single voice.

U.S. NATIONAL PARKS—AN ENDANGERED SPECIES

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, once again the national park season is upon us. The advent of this recreation season will provide both pleasure and problems for many of our citizens.

Our famous national reserves are seasonally being inundated by increasing numbers of people. This phenomenon is, on one hand, a tribute to our National Park Service which annally performs an excellent service to the Nation. But, on the other hand, this mass influx creates a devastating problem; namely, where can one put 50 million cars, so that the passengers inside them can enjoy their park visit without detracting from the natural surroundings?

This summer the Department of the Interior will conduct an experiment to "limit visitors" at three of our most historic national parks. This approach, if proven successful, may be implemented further in other parks in the future.

In an article which appeared in yesterday's Christian Science Monitor, David Holmstrom discusses several new theories for protecting our national parks from—and for—their visitors.

At this time, Mr. Speaker, I would like to submit Mr. Holstrom's article for the RECORD:

U.S. NATIONAL PARKS—AN ENDANGERED SPECIES

(By David Holmstrom)

YOSEMITE NATIONAL PARK, CALIF.—The U.S. National Park System, 100 years after its founding, is on the verge of being loved to a frazzle.

So many people are using and abusing unique parks such as Yosemite, Yellowstone, Lake Mead, and the Everglades that within the next decade visitors may:

Face a restriction on numbers that will require making reservations for visiting all parks.

Be forced to leave their cars at the park entrances and take alternate transport—bicycles, horses, even their own feet.

So that future generations will know how to get the most out of the parks without abusing them, park educational programs in schools may be as commonplace as basic reading courses.

Last year an understaffed, overworked National Park System—administering nearly 300 areas—staggered under the impact of 186 million visits as compared with 121 million in 1965. Yet the park system receives less than one-tenth of 1 percent of the national budget and has only 7,000 employees.

It struggles manfully to fulfill its purpose: to preserve unique natural settings and at the same time provide access to these settings for all the people, who literally "own" the parks.

That takes much care and much innovation.

A hint of the future was seen in March, when Secretary of the Interior Rogers C. B. Morton announced that "an experiment" to limit visitors will be conducted for the first time at three national parks. Specifically, the experiment will limit the number of backpackers going into the wilderness on foot.

A more comprehensive look at future parks policy was provided recently when more than 200 environmentalists, park officials, and citizens, gathered at Yosemite National Park under the auspices of the Conservation Foundation at a symposium.

Prompted by an invitation from the park service itself, the foundation had prepared five task-force reports dealing with the issues facing the parks. Task-force members spent five months visiting parks and formulating recommendations for action.

With Yosemite's breathtaking waterfalls and sheer canyon walls as backdrop, the discussions and meetings over the task-force reports resulted in general agreement that the unique features of parks must be preserved above all else, that citizens must be made aware of the uniqueness in order to enhance their encounters with parks and that the park systems must be expanded, particularly in urban areas.

RESEARCH STRESS

Several task forces wanted new emphasis on research to determine "the physical, ecological, and psychological carrying capacity" of every park. How many trails, roads, and other man-made influences can a park "absorb" and still retain its essence and uniqueness?

"When selecting a campsite becomes a matter of competition between several parties, the perception of wilderness vanishes," said the report.

Paradoxically, there's also a problem of nonuse:

In a discussion on "Who is not using the national parks and why? And what, if anything, should be done about it?" Doris Wilkerson, a sociology professor from Macalester College in Minnesota, said that studies indicate that national park users tend to be white suburbanites with better than a high-school education and an average or better income.

In effect, low-income groups, including many blacks, seldom use the parks because they are too costly, too far away, and in general these people have a different conception of recreation or no concept at all of using park facilities.

In addition, while there are no statistics on the availability of parks to inner-city residents, only 9 percent of public recreation areas are located in urban areas, while 91 percent are in nonurban areas.

One task-force report said: "The urban park, by and large, is still being planned and designed for what is perceived to be recreational preferences and aesthetic tastes of middle- and upper-middle-class users."

URBAN SITES SUGGESTED

One discussion group recommended that the National Park Service be given the responsibility of acquiring, planning, and developing a network of recreation areas within 50 miles of urban centers with more than 250,000 population. Other groups felt the park service should remain separate from federal agencies responsible for recreation in the sense of "play."

How to cope with the millions of automobiles that clog parks in the summer was a problem that was easily dealt with by a reports and groups: Ban them, along with hotel-type accommodations inside park areas.

"The objective," said one report, "would be to make it easy for the visitor to exchange his car for alternate, unmechanized means of transportation, which do not dilute the pleasure of discovering a [wilderness] experience for one's self."

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[4] Needed: A constructive foreign trade policy, a special study commissioned and published by the Industrial Union Department, AFL–CIO (October 1971), prepared by Stanley H. Ruttenberg & Associates, Washington, D.C., 33.

Bicycles, cross-country skis, horses, canoes, and feet were suggested.

LESS DRASTIC SOLUTIONS

Others, not as inclined toward such severe changes in national parks suggested use of shuttle buses, monorails, etc. One report suggested several public transportation demonstration projects to be tried at existing parks.

Allan Gussow, a New York artist, said his discussion group on the role of the park system in promoting culture and the arts felt that each park should inform the public about the "cultural diversity" that has influenced it.

Mr. Gussow said each park has a "cultural landscape" that is continually moving through the park, with origins perhaps in Indian life or shaped by a Spanish influence or perhaps by a historical event such as a battle.

An accurate depiction of the culture, or "what happened" at a park site should be offered to the public free of bias, he urged.

"We decide that parks themselves are a culture just like the Sioux Indians," Mr. Gussow told a general session of the symposium, "and that if Yosemite, for instance, should be excavated 100 years from now we wouldn't want just a monoculture to be unearthed but one with cultural diversity."

The distance the park service has to travel in helping the public experience a national park not just as "another place for collecting a decal," but to understand a park's ecological and cultural heritage, is illustrated in an extreme example from a 1971 four-day holiday weekend at Lake Mead.

PERCY SUTTON PAYS TRIBUTE TO ADAM CLAYTON POWELL

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BADILLO. Mr. Speaker, we all regret the recent passing of our esteemed colleague, Congressman Adam Clayton Powell, of New York. Mr. Powell served for many years as chairman of the House Committee on Education and Labor, and his record of service in this body is a most distinguished one.

I would, therefore, like to bring to the attention of my colleagues a proclamation by Manhattan Borough President Percy E. Sutton, declaring a day of memorial for Adam Clayton Powell on April 9, 1972, to be inserted in the RECORD at this point:

MANHATTAN BOROUGH PRESIDENT PERCY E. SUTTON DECLARES A DAY OF MEMORIAL FOR ADAM CLAYTON POWELL, SUNDAY, APRIL 9, 1972

The text of the Proclamation by Borough President Sutton follows:

Whereas: Congressman Adam Clayton Powell was a Giant at a time when Giants were few; and

Whereas: Congressman Adam Clayton Powell was a success when successes were few; and

Whereas: Congressman Adam Clayton Powell was an outspoken and courageous leader at City, State and National level for more than three decades; and

Whereas: Congressman Adam Clayton Powell, as Chairman of the House Education and Labor Committee, was personally responsible for bettering the living conditions of million of working people throughout America; and

Whereas: Congressman Adam Clayton Powell was personally responsible for lifting the level of education and literacy for millions of school children all across America; and

Whereas: Congressman Adam Clayton Powell preached the necessity of Black Power four decades ago and was, in his time, the single most effective and powerful voice of the movement for Black Liberation; and

Whereas: Congressman Adam Clayton Powell went in front doors at a time when others went in back doors; and

Whereas: Although Adam Clayton Powell belonged to the Nation and the World, the focus of his life was in the Borough of Manhattan of the city of New York; and

Whereas: Funeral Services for Congressman Adam Clayton Powell are scheduled for Sunday, April 9th, 1972 at the Abyssinian Baptist Church;

Now, therefore, I, Percy E. Sutton, President of the Borough of Manhattan, do hereby declare that Sunday, the 9th day of April, 1972 be observed as A Day of Memorial for Adam Clayton Powell in the Borough of Manhattan, and I hereby urge that all 1,600,000 residents of the Borough of Manhattan display the appropriate symbols for mourning upon the loss of this American giant, Adam Clayton Powell.

HELPING AMERICA'S MOST QUALIFIED VETERANS

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. CLANCY. Mr. Speaker, all of us recently have seen, met or talked with military veterans of the Vietnam war. Some of these men are bitter and dissatisfied. When compared to all of the veterans, they are few in number. Nevertheless, they are and should be a concern to us because we are obligated to them. They have served their country in these times of great stress.

What modern America is doing today for her veterans was most clearly defined this week in Cincinnati when Richard L. Roudebush, formerly one of our colleagues, now Assistant Deputy Administrator of Veterans' Affairs, spoke to the Federal Executive Board.

Mr. Roudebush not only described how most veterans are being helped, but he explained how those few disillusioned veterans can be helped. You will be interested to know that the Vietnam era veterans are the best educated veterans in American history. You will learn that they are among the best job-qualified applicants in the United States today.

We are indeed fortunate to have Mr. Roudebush serving in the capacity of Assistant Deputy Administrator for Veterans' Affairs. He has been active in veterans organizations for many years and is a former national commander of the Veterans of Foreign Wars. Mr. Roudebush has dedicated many years of his life to veterans and is truly a champion for their causes and an authority on their problems and accomplishments.

I urge my colleagues to read Mr. Roudebush's statement:

ADDRESS BY RICHARD L. ROUDEBUSH

I am glad for the opportunity to be in Cincinnati and to visit with this group of distinguished federal officials.

It is good, first of all, to be in this part of the country . . . in a state that is a neighbor to my own and in a city that is important to my home state of Indiana as well as to the entire Ohio Valley.

And it is good to be with those who think so much of their careers with the Federal Government and of their opportunity to provide service that they seek new outlets for their talents and abilities in organizations such as this.

I applaud the interest and the professional dedication that prompts you to get together in these monthly meetings and that results in your working with one another so that each agency knows what the others are doing and works to complement their activity as well as pursue its own tasks.

In this way the total federal effort here becomes *more* than the sum of its parts . . . measured agency by agency . . . and I am sure the community and its citizens gain much.

As you know, the Veterans Administration is one of the largest federal agencies. I am sure that you know this because . . . among other reasons . . . it would be in the nature of things for Mr. Gunter and his colleagues to have called it to your attention.

They are proud of what they are doing here . . . and rightfully proud, I might add. And they are proud of the stature of the agency for which they work.

VA is big in Cincinnati. The hospital here is a large one, important to the health of veterans in this area.

And, I point out, there are 166 other hospitals operated by the Veterans Administration across the country and in Puerto Rico. There are also regional offices in every state.

The reason VA is big is not that the nation's veterans and the government have decided on size arbitrarily. The reason VA is big is that the tasks we are called on to do are big . . . the number of people to be served is big . . . their problems are many and the programs of help we provide are numerous and complex.

The Veterans Administration, big as we are, numerous as our personnel are, widespread as our facilities are, can not do all the things that must be done for veterans.

Veterans and their families constitute some fifty per cent of our population so, of course, numerous agencies of government at all levels are serving them in one way or another . . . your agencies and many more.

This does not detract from the fact that veterans are special citizens and have their own agency. It merely means that no office or group of offices can meet all the needs of any segment of our population.

This is true even where the people in that segment are fewer and much less diverse than the great mass of the American populace who are veterans.

Since the title "veteran" has been earned by and is applied to all of the nearly twenty-nine million men and women now living who have served their country in uniform, it is clear that they *are* a diverse group . . . ranging from the men, now old, who answered the call to Cuba and the Philippines as youngsters coming home from Vietnam.

Let us look for a few minutes at some of the needs of the current new crop of veterans, the men who are just getting back.

Their needs are essentially the needs that have existed for veterans of all wars at a comparable time in their lives . . . and their problems are much the same.

There are, however, conditions that exist in our society today that have altered and exacerbated these needs and problems . . . conditions that are not the fault of the veterans themselves.

One great need that has always existed for veterans is the need for good medical care. Veterans always come home with wounds and illnesses that must be treated and the mending of minds and bodies has always been a major task as wars come to a close.

Another need is the need for training and education. Since the men who fight wars are always young, they always return in need of more preparation for the civilian life ahead.

Then there is the need for jobs . . . the need for purposeful and productive employment to not only put food on the table but to lead to satisfying and stable careers.

I said that today's veterans . . . at least many of them . . . face old problems that have taken on new dimensions because of certain conditions existing today . . . conditions of our society and our economy.

For instance, the plague of narcotics has reached our servicemen just as it has reached other young people in America. Thus, for some of our Vietnam veterans . . . fortunately not a large percentage . . . the need for medical care and rehabilitation means curing drug addiction.

Also, the need for increasing their level of schooling or training has added importance for today's young veterans because . . . unlike in most wars . . . service has not been universal among those of the age to serve. The men who stayed home have pushed ahead of their brothers in uniform in education and the establishment of careers and the veteran, in many cases, has extensive catching up to do.

This is true despite the fact that the Vietnam Era veteran has the highest educational level of any veteran in history.

But perhaps the greatest situation of concern for today's young veteran is in the field of employment, and it is this problem I'd like to discuss with you seriously for a few minutes.

Employment is another area in which the veteran has special problems through no fault of his own. Today's returning servicemen face an economy unlike that faced by either the veterans of World War II or the Korean Conflict . . . an economy tough and unyielding to many men needing work.

The fact that they are the most desirable veteran job prospects in history does not get them jobs and does not make the fact of their unemployment any more palatable.

The lack of jobs for veterans has been recognized by the President, as you know, and the result of this recognition has been a massive effort conducted in communities across the country to get men who need jobs in contact with those who can provide them.

The Jobs for Veterans program is more than just a wide-spread plan to establish contact, however.

It is an operation designed to reach the conscience of the nation and to activate its citizens into facing up to their obligations to the men who have recently shed their uniforms.

The Jobs for Veterans program is based on the moral premise that no citizen who serves the nation in its armed forces should lack the opportunity to be a full participant in its economic life.

It is also based on realities that have to do with the good of the nation and that call for effective action.

The reality that America needs the productivity of its newest veterans . . . today and in the future.

The reality that they have much to offer prospective employers and can be of great help to them from a dollar standpoint.

The reality that these men can not establish full contributing citizenship in their neighborhoods and communities if they have no jobs.

The reality that their potential as tomorrow's leaders will go unrealized if they can not start developing it today.

So, we are talking about much more than jobs when we speak of the Jobs for Veterans campaign. We are talking about careers, professional services, industrial skills, business success, public service, productivity, prosperity, raising families, paying taxes, leadership and citizenship.

We are talking, in short, about many things important to America in addition to simply putting men to work.

I would like at this time to salute Mr. James F. Oates, Jr., national chairman of Jobs for Veterans, and those who are working with him in this important effort. It is a privilege to be associated with them and it is gratifying to report that the campaign is showing success.

From across the nation there are reports of creative and original ways in which the committee and those units of government, private organizations and agencies, businesses and industries and concerned and dedicated citizens who work with the committee are attacking the veteran unemployment problem.

The effort is not limited to this country, incidentally. Late last month and early this month the committee, in cooperation with federal agencies, conducted job information fairs at a number of locations in Europe. The purpose was to acquaint servicemen with the job situation in the United States, to advise them on what employment and training help is available and to put them in contact with representatives of American business who were there.

The Veterans Administration is proud to have been one of the sponsors of these unique and extraordinary efforts.

I think what is important today is that all who are here leave this meeting determined to be a part of the Jobs for Veterans campaign, individually and on an agency basis . . . that you leave with no question of the need for your deep involvement and that you feel a commitment, as public servants, to *be* involved.

President Nixon made the official call for this commitment in December 1970 in announcing the Jobs for Veterans effort and the appointment of Mr. Oates.

The President said at that time, "I am calling upon American business, organized labor, veterans organizations and state and local governments to lend their support to a national effort—Jobs for Veterans—designed to provide maximum employment opportunities for veterans.

"Each veteran deserves the opportunity to find his place in our economic system. . ."

And then President Nixon said, "I expect the departments and agencies of the Executive Board to lead the way in this important effort and to support the program fully within their areas of responsibility."

I think that agencies of the Executive Branch *have* been participating and leading the way in this effort . . . but as long as the unemployment figures show that young men *with* military service are more likely to be out of work than men *without* service, as they still do, we are not doing enough.

And I think it would be good if each government official or employee who has any ability to affect employment within his organization or among those his organization works with would ask himself some questions on veteran employment:

Am I aware of and taking advantage of special hiring programs set up for returning veterans, programs that often qualify men who would otherwise be considered unqualified?

Do I press the need for hiring veterans among those my agency does business with?

Have I alerted these people with whom we do business to the possibilities of on-the-job training within their organizations . . . training programs veterans can enter under the G.I. Bill?

Have I taken the appropriate opportunity to discuss veteran employment with people at other levels of government and in other federal agencies with whom my agency works?

And do I remember this important subject myself when I am away from work and associating in non-business activity with those who may be able to help the Jobs for Veterans program?

What I am suggesting by these questions is that each of us has a need to *think* "Jobs for Veterans" as he goes about his daily activity. In this way our desire for the success of this program, our good intentions and our genuine interest in the well-being of the young men who have so recently served us will be most likely to lead to effective action.

Before I close I would like to remark on the opportunity that we as public employees have to not only serve the veterans I have been discussing . . . those who need jobs and those who have the need for other assistance . . . but to also help heal some of the wounds that have been opened within our society in recent years.

It is understandable, for instance, that men who come back from tough and dangerous combat and don't find prompt opportunities in civilian life might be disappointed, disillusioned . . . perhaps bitter.

To some, the fact that they have not found things the way they hoped they would be is a sign that the system they served and fought for does not work. It is an indication that the establishment is not interested in them for anything except onerous duty in uniform in a far off land.

This may not be fair to the so-called establishment, to the system and to those who work within it. It may not seem rational to those who know that our system—imperfect as it is—*does* work. It may seem like an over reaction to the great number of veterans who are having fewer problems and making better adjustments.

But, as I said, it is understandable when you consider the conditions some young veterans have been called on to face while other Americans have been living safely, prosperously and happily.

I think it is up to us to help show that our government is a responsive and generous government, that it can serve those who need its services, that the people who man its agencies not only care but have the heart and the will and the intelligence to do the things that can make a difference for a homecoming veteran.

If we could each take a man by the arm . . . figuratively, at least . . . and say:

"While it is impossible for me to know all you have been through and while it is not within my ability to understand fully your attitudes and your ambitions, I *do* understand something about what your countrymen and your government are willing to do to help you get started once again as a civilian. And I *do* understand the system well enough to assist you at this critical and puzzling time in your life. Come with me. . . ."

. . . If we could each do this we would help men who need help. We would help perform a healing function for a society torn by a long war. And we would do honor to the government and to the agencies for which we work.

Thank you for your kind attention.

NATIONAL LIBRARY WEEK, APRIL 16–22, 1972

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ESCH. Mr. Speaker, on the occasion of the 15th annual observance of National Library Week, April 16–22, I wish to share with my colleagues President Nixon's view of libraries as the nucleus of our public information system and vital centers for the preservation of the right to read, the right to learn, and the right to know. Accordingly, I include his statement, issued from the White House on April 12, in the RECORD at this point:

THE WHITE HOUSE,
Washington, D.C., April 12, 1972.

Libraries form the nucleus of our public information system. Their resources are among the most effective deterrents to poverty, ignorance and prejudice. Their services are basic to the education and general self-improvement of all our citizens.

It is especially appropriate that the 1972 observance of National Library Week coincides with International Book Year which joins the United States with other nations of the world in an endeavor that will directly benefit all peoples.

I urge all Americans to recognize and support our libraries as vital centers for the preservation of the right to read, the right to learn and the right to know; and I encourage close cooperation with people of other lands, who share our own deeply rooted conviction that libraries contribute greatly to a well-informed citizenry and to true and enduring national progress.

RICHARD NIXON.

At this time, I should also like to say that I am proud and pleased to know that the President's latest appointment to the National Commission on Libraries and Information Science is a citizen from my own State of Michigan, Harold C. Crotty, president of the Brotherhood of Maintenance of Way Employees. Chairman of the Commission is Dr. Frederick Burkhardt, president of the American Council of Learned Societies, and the executive director is Charles Stevens.

In establishing the Commission, Congress set forth a statement of policy affirming that library and information services adequate to meet the needs of the people of the United States are essential to achieve national goals and to utilize most effectively the Nation's educational resources and that the Federal Government will cooperate with State and local governments and public and private agencies in assuring optimum provision of such services. The Commission has the primary responsibility for developing or recommending overall plans for, and advising the appropriate governments and agencies on, that policy.

While meeting in Washington, D.C., in February, the Commission passed three specific resolutions dealing with library funding, priority in planning, and the need for financial support of information resources in Government programs.

One resolution stated that:

If, as is possible under various legal challenges to the (funding) system, the current method of funding public schools is changed, library funding must change, too. This referred to various state supreme court decisions, especially in California and Minnesota, which say that the "local property tax is not the proper base for public school funding."

Another resolution approved by the Commission states that they will give first priority in their planning effort to providing new and improved services that will be helpful to all libraries in the country and their users, at every level of society.

The Commission's third resolution calls upon Government agencies to recognize the need for appropriate documentation, bibliographical, and other information resources in Federal programs. It also states that provision for the financial support of these functions should be included in Executive orders and other implementing directives.

The three resolutions approved by the Commission read as follows:

RESOLUTIONS OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

I. Resolved, that the National Commission on Libraries and Information Science should give first priority in its planning effort to providing new and improved services that will be helpful to all libraries in the country and their users, at every level of society.

II. Resolved, that the need for appropriate documentation, bibliographical, and other information resources should be recognized in federal programs, and that provision for the financial support of these functions be included in executive orders and other implementing directives.

III. The National Commission on Libraries and Information Science believes that national equality of access to information is as important as equality in education.

The Commission has considered the implications of recent court decisions, in California and elsewhere, holding that the local property tax is not the proper base for public school funding.

The Commission believes that the same principle of equality in educational opportunity must be applied to the nation's public libraries and other publicly supported information facilities, whose resources and services are a vital part of the continuing educational process.

If, as is possible under various legal challenges to the system, the current method of funding public schools is changed, library funding must change, too. It would be unfair to have schools operating on a broad tax base, and libraries under a more restrictive one.

The Commission calls upon public libraries and publicly supported information facilities across America to watch these developments closely and to be sure that the target of national equality of access to information for all citizens is a priority, not an afterthought.

February 18, 1972.

LICENSES FOR THE OPERATION OF ATOMIC POWERPLANTS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. WOLFF. Mr. Speaker, just last week the House considered legislation that would permit the Atomic Energy Commission to grant temporary operating licenses to thermonuclear powerplants without requiring a detailed environmental impact study, as required by the National Environmental Policy Act.

I strongly opposed this measure and worked to defeat it, because I felt its passage would open the door to the weakening and ultimate destruction of NEPA, which the Congress intended to be a protective barrier against environmental abuses. As the following editorial so clearly points out, NEPA was designed to equate industrial progress with environmental sanity. If we sacrifice our environmental safety to the demands and whims of special interests, which this legislation would have us do, I fear that we will succeed not in solving our Nation's so-called energy crisis, but only in placing ourselves on the growing list of endangered species whose days are numbered on this earth. Even though the House did pass H.R. 13752, I nevertheless feel the following editorial which appeared in the April 12 Long Island Press contains an important thought for the future. I urge my colleagues to give careful consideration to its message:

SAFE AND SANE POWER SOURCES

People who want to see the nation meet its power needs—but not at the cost of more environmental pollution—are not getting enough help in Washington and Albany.

The White House wants Congress to give the Atomic Energy Commission authority to issue operating licenses to nuclear power plants, even without a detailed environmental impact statement, as required by law.

Congress should refuse to subvert the clear language of the National Environmental Policy Act of 1969. This was not a frivolous act drawn up by overzealous conservationists. It was watershed legislation designed to equate industrial progress with environmental sanity.

Instead of tinkering with a good law, the federal government should launch a crash research program into fusion and other potentially safe and sound energy sources. Surely, government and industry have the resources and knowledge to find safe alternatives for power systems that are environmentally dangerous.

More progress is being made in Albany than in Washington, but not enough.

Last year, Gov. Rockefeller wanted the Legislature to give the Public Service Commission exclusive authority to determine sites for new power plants. The lawmakers put that idea in the doghouse for a good reason: the PSC, as a watchdog for the public, has never had any bite and very little bark. As we said at the time, power policy is too broad a question to be left to the utilities and a friendly PSC.

Now the governor has a new plan. He would create a new five-member board headed by the PSC chairman, and including the commissioners of environmental conservation, commerce and health, plus a fifth member to be named by him.

This is more like it. Perhaps the panel should be enlarged, as suggested by Sen. Bernard C. Smith of Northport, chairman of the Senate Conservation Committee. He wants to include a consumer representative and a community planner so the board will represent a broad cross-section of the community, without official ties to Albany.

The goal in Washington and in state capitals must be the same: to attain a responsible power policy and implement it fairly. There is no question about the need to develop new power sources. There is also no question about the need to protect an already seriously polluted environment. With responsible leadership, we can find a mutually acceptable way out of the current dilemma.

SEVENTY-TWO DAYS AND STILL NO WORD

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KOCH. Mr. Speaker, I would like to call attention to the Nixon administration's blatant disregard of the desire of Congress and of the American people for reform of our inequitable tax system. Last September—7 months ago—the President promised Congress that he would submit a tax reform program in time for this Congress to act on it. In February, House Ways and Means Committee Chairman WILBUR MILLS wrote to President Nixon requesting such a tax reform program and indicating that it should be submitted by March 15 in order for Congress to take action this session. It has now been 72 days since this request has gone unanswered, and presumably ignored.

My constituents are writing to me daily, expressing their resentment over the inequities in the present tax system, which place the burden of raising tax revenues on the middle- and low-income taxpayer while allowing the wealthy to pay only minimal taxes. There are several excellent tax reform bills now pending before congressional committees, one of which (H.R. 13877) I have cosponsored. But legislative history has demonstrated that no real tax reform program will ever move successfully through Congress without Presidential leadership. The American people are becoming vocal in their outrage at the present tax system; the more they learn about tax loopholes for the rich, the more resentful they become. But the President is lying low, ignoring Congress' pleas for action, waiting for Congress and the American people to forget his September promise for action on this most important issue.

Not only would a real tax reform bill eliminate the loopholes and inequities which make the present system the vehicle of special privilege for the few, but it would also provide the revenues to meet the urgent priorities of housing, health, education, crime prevention, drug control, transportation, and pollution control as well as to close the budget deficit, reduce the property tax, and relieve the tax burden on State and local governments. Of all the matters pending before Congress, tax reform is certainly one of those with the greatest potential impact. It is up to the President, in conjunction with Congress, to initiate action on tax reform proposals, and I await his response, however belated, to Mr. MILLS' request, sent 72 days ago.

I recommend the following article to my colleagues and constituents:

THE INCOME TAX: HOW PROGRESSIVE?

(By Ralph Nader)

The time has come to expose the Great Myth of Progressive Taxation. Our federal income tax is supposed to tax each person according to his ability to pay—the more wealthy not only pay more taxes, they pay at a higher rate. And corporations are supposed to pay their fair share, too.

At least that's what we've been told.

But, in fact, things have changed greatly in the past ten years—and almost no one has noticed. Since 1960 corporate tax revenues have dropped from 35 percent of total federal revenues to less than 27 percent—a virtual "withering away" of the corporate tax burden.

Corporate tax revenues have slipped to third place as a moneymaker for the Treasury, behind both personal income taxes and payroll taxes. The recent increases in payroll taxes have combined to make our entire tax system fall heaviest on the lower-income citizens.

Obviously, something has gone wrong with the theory of taxing each citizen according to his ability to pay.

In fact, in 1970 there were 112 persons who made $200,000 or more but paid no income taxes at all to the federal government. Instead they took advantage of loopholes unavailable to the ordinary citizen.

In the same year Gulf Oil Co. reported a net income before taxes of $900 million. The corporate tax rate is supposed to be 48 percent but loopholes allow Gulf to pay only 1.2 percent in federal income taxes.

How does this happen? How do wealthy people and powerful corporations avoid their fair share? The answer is that our tax laws are riddled with special clauses benefiting primarily the rich and the powerful.

And each loophole for another taxpayer means either higher taxes for you—or fewer taxes and therefore less government services for your community. Joseph Pechman, a well-known economist from the Brookings Institution, estimates that income tax rates could be reduced by over one-third across the board if all of the loopholes were closed.

But closing loopholes is never as easy for reformers as creating them has been for the high-income few. Special provisions, drawn up by sharp corporate tax lawyers, and adopted by Congress and the Treasury Department, have turned the tax laws into a jungle.

Some of the most intricate sections were tailor-made for individuals who could pay lobbyists to see them through.

Many of these special interest bills originate in the Ways and Means Committee as so-called "members' bills." These are special tax laws often written for favored constituents, which the committee members approve in secret sessions.

Thus, a person or corporation seeking favorable tax treatment can often get his way just by reaching a single member of that powerful committee.

The complexity of the tax code does more than enable congressmen to slip in special gifts for their favorite constituents. It makes most taxpayers unable to figure out their own taxes. Tax attorneys and "tax preparation" companies in turn exploit befuddled taxpayers for hundreds of millions of dollars each year.

Despite their high profits, these tax preparers seem quite befuddled themselves. Last April, Wall Street Journal reporter Tom Herman went to five different tax counseling services with a friend who needed tax advice. Each of the companies came to a different conclusion—one assured him that he was due a $652 refund; another told him he owed the IRS $141.

Herman then went to the IRS to get its opinion on how much tax his friend owed. The IRS first told him that his friend would get a refund of $466. On more careful examination, however, the IRS agents admitted an error and said that IRS owed the taxpayer only $401—the seventh completely different estimate!

The evils of complex tax laws do not stop there, of course. Government officials and spokesmen for special interests use this complexity to mislead the public about the meaning of new tax laws and proposed changes.

For instance, the Revenue Act of 1971 raised the personal exemption to $750. Treasury Department general counsel Samuel Pierce publicly praised this action as being "of far greater benefit to the low or middle income person than it is to the rich individual." In fact, however, the opposite is true.

An increase or decrease in the personal exemption affects each taxpayer in proportion to his tax rate. Thus, an increase of $50 in the personal exemption will return only $7 to a taxpayer paying at a 14 percent rate. But it would bestow a $35 benefit on a high-income individual paying at a 70 percent rate.

The Nixon Administration apparently feels that the Revenue Act of 1971 did not shift enough of the tax burden to the small taxpayer. Treasury officials are now conceiving a way to soak him further—the so-called Value-Added Tax on consumers—in effect, a national sales tax.

The administration claims that this new tax will reduce property taxes. But the federal government would already have much of the money needed to achieve that end if it had not cut business taxes by $7.5 billion in last year's corporate Treasury raid.

Even without the value-added tax, our tax laws are so complicated that one corporate tax attorney described them as a "conspiracy in restraint of understanding." Sen. Russell Long of Louisiana, chairman of the Senate Finance Committee, wrote in April 1969: "It just makes no sense whatsoever to require ordinary taxpayers who must use the bulk of their income for living expenses—and thus cannot take advantage of the many tax preferences which are regularly exploited by their wealthier neighbor—to submit to the annual agony of computing their tax under a law complicated almost beyond belief by those very preferences."

What can you and other concerned citizens do about these problems?

(1) *Become informed on the general issues of tax policy.* For too many years the "experts" have presided over our tax laws. As a result, those wealthy enough to hire "experts" have controlled our tax system.

Several clearly-written books can help you understand how this happened. A few are: Philip M. Stern's "The Great Treasury Raid;" "Halfway to Tax Reform" by J. A. Ruskay and R. A. Osserman; and John F. Manley's "Politics of Finance."

(2) *Keep informed of current tax issues before Congress.* Newspapers and news magazines will often alert you to tax proposals under consideration—and to loopholes which are brewing. Also scan business and financial journals—such as the Wall Street Journal, Business Week, Forbes, or Fortune—at your public library.

In addition, the Tax Reform Research Group, a new group funded by Public Citizen, is preparing a monthly newsletter called "People and Taxes" which will soon be available for a $4 yearly subscription.

(3) *Form a local Tax Reform League.* Realizing that other people are taking advantage of the tax laws and that you and your friends are paying for it is only the first step. Concerned citizens must employ "People Power" to offset the campaign contributions and other techniques of the special interest lobbies.

4) *Write your congressman and Senators, and other officials, to tell them what you think about pending tax measures.* Letters have an impact even on politicians who are not sympathetic to tax reform.

(5) *Urge your congressman to be more informed and active on tax matters.* At present,

congressmen have tossed away their power on these matters through a procedure called the "closed rule" which prevents any amendments to tax bills brought to the floor of the House.

In effect, there are only 25 congressmen who are exercising any decision-making power with respect to tax laws—the 25 members of the Ways and Means Committee. The other 410 members of the House don't even have to vote. And on last year's tax bill only about 30 did!

(6) *Ask your congressman for his position on specific tax reform issues,* such as the percentage depletion allowance—a major oil and mining industry loophole—and an *effective* 10 percent minimum tax—which would ensure that wealthy taxpayers at least pay something in spite of the loopholes available to them.

Also, ask your congressman for his view of tax reform measures as they arise.

If you send a copy of his response to the Tax Reform Research Group—Suite 426, 733 15th Street N.W., Washington, D.C. 20005—attorneys there will be able to communicate this information to a broader audience.

(7) *Write to the chairmen of the two congressional tax committees*—Rep. Wilbur Mills, D.-Ark., of the House Ways and Means Committee and Sen. Russell Long, D.-La., of the Senate Finance Committee—and also to Treasury Secretary John B. Conally—on whether the tax laws should be simpler and fairer.

NAACP OFFICIAL TO RUN PENTAGON TASK FORCE ON DISCRIMINATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, on April 10, 1972, I reported to our colleagues the practice of deliberate discrimination among American troops in Europe. Citing reports from the Stars and Stripes, publication for the U.S. Armed Forces in Europe, I pointed out that the program designed to discriminate in favor of blacks as instituted by commander in chief Gen. Michael Davison was indeed resulting in "proper racial proportions" of blacks in key positions.

Tonight's evening paper carries a story that seems to indicate that this policy of reverse discrimination in favor of the blacks is becoming standard policy for all U.S. military personnel. Headlined "Pentagon Names Task Force on Discrimination," the article names as co-chairmen, Lt. Gen. Claire E. Hutchin, Jr., commander of the 1st Army, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People. The newsstory goes on to point out that the purpose of this task force is "to find ways to eliminate racial discrimination in the military judicial systems."

I insert the related news articles in the RECORD at this point:

[From the Evening Star, Apr. 19, 1972]

PENTAGON NAMES TASK FORCE ON DISCRIMINATION

The Pentagon has announced creation of a task force to find ways to eliminate racial discrimination in the military judicial system.

Secretary of Defense Melvin R. Laird signed a charter establishing the 13-member task force, which will visit military and naval installations in this country and abroad.

Named co-chairmen were Lt. Gen. Claire E. Hutchin Jr., commander of the 1st Army, and Nathaniel R. Jones, general counsel of the National Association for the Advancement of Colored People.

[From the Evening Star, Apr. 12, 1972]

THIS IS THE ARMY, MR. SOUL BROTHER

(By Glenn Dixon)

With about 150 hungry people still waiting in line, Ft. Belvoir's Consolidated Mess Hall No. 1 ran out of—believe it or not—"chittlins."

But that isn't quite as bad as it may sound.

There were still plenty of Bar-B-Q spare ribs, pigs feet, ham hocks and collard greens. There also was no shortage of southern fried chicken, potato salad, steamed rice, bean soup, black eye peas, steamed cabbage or corn-bread.

And there was plenty of free beer on tap.

"This," said one enlisted man as he carried a plate—piled high with food—to his seat, "is a soul food feast." And indeed it was, at 50 cents a head for military men and 60 cents a head for civilians.

A soul food banquet? Sure, but in the Army?

The strange departure from the typical Army bill of fare is part of the base's racial harmony program, explained former Capt. Kenneth F. Williams, 26, Fort Belvoir's civilian race relations officer.

Under the program, Williams said his office investigates complaints of discrimination made by enlisted men, holds rap sessions between whites and blacks to reduce racial tensions and helps plan and sponsor culture-based events like soul food night.

Once a month, Williams said, one of the base's two main mess halls is converted into a kind of family cafeteria with a special menu and theme. It is the only time during the month enlisted men can bring their families or girl friends and "take them out to dinner," Williams said.

Capt. Ronald E. Lofton, 26, chief mess officer for Consolidated Mess No. 1, said, "We've been having these special meals once a month for about six months now and everybody seems to like them.

"We've had Oriental night, Latin night, Sadie Hawkins night—which is really country and western—and tonight is our second soul night. If we include everybody, that way we can please everybody," Lofton said, moving in time to an Army band's rendition of "Shaft," the Academy Ward winning song by Isaac Hayes.

Around the large, low-ceillinged room, others were moving too. Although 60 percent of the approximately 900 people who filed into the Mess Hall were black; whites, chicanos and some orientals appeared to be enjoying the meal as much if not more.

The walls of the room were covered with posters calling for "Power to the People, Peace and Black Power" in strong reds, greens and yellows. Other posters of well-muscled black men and svelte black women, also hanging on the walls, were softly illuminated by the eerie dark light of ultraviolet lamps.

Each table was covered with a clean red tablecloth and illuminated by a small candle-lantern. Everybody seemed to enjoy the change of pace.

The only problem was the shortage of "chittlins," one of the most important soul food delicacies.

Joy Smith, a 19-year-old WAC (Women's Army Corps member) from Texas, said in a slight Southern accent as she reached for a forkful of potato salad, "It's good. It's really good but they just didn't keep enough soul-soul food for the soul-soul people.

"But," she said, "this is still the best meal I've had since I've been on the base."

At another table, four young soldiers talked, one smoking an after-dinner cigarette. Their plates, piled with rib and chicken bones, indicated the damage that had been done.

"The chittlins were fantastic," said Napolean Henderson, 20, from Birmingham. "Fantastic," he said shaking his head in agreement with himself, "just like back home."

Leroy Joe, 23, from New York and George Daniels, 20, also from Birmingham said, without question, that they agreed.

Albert Harris, 20, also from Birmingham, took off his glasses, wiped his face with a napkin and took a long drag off of his cigarette.

"It was really soul food," he said almost amazed. "And it was good."

"So good," he said with a contented sigh, "that I've been sitting here for the past 20 minutes trying to figure out how I'm going to get up."

[From the Stars and Stripes, Mar. 31, 1972]

DISCRIMINATION WORKS—TO LET MORE BLACKS IN KEY STAFF AND COMMAND JOBS, THE SYSTEM OBVIOUSLY HAD TO BE TAMPERED WITH

(By Ed Reavis)

HEIDELBERG, GERMANY. — Discrimination works.

The stated policy of USAREUR Commander-in-Chief Gen. Michael S. Davison—discriminating in favor of blacks—is paying off, according to the man Davidson put in charge of the program, Maj. Gen. Frederic E. Davison.

"We don't like the idea of setting goals or quotas," said Maj. Gen. Davison, "but we don't have the time or luxury to let this occur in an evolutionary manner."

The goal, says Davison, is to put minority members, blacks specifically, in key positions in proportion to their content in USAREUR.

"The decision was made here," Davison said, "to get more blacks in key staff and command positions. The question was how to get people out of a machine that is impartial."

Davison explained that since the Army's machine or machine-assisted system of making assignments is blind, USAREUR could expect no more than its normal share of the Army's black officers, despite the fact that USAREUR had been given priority by the Department of the Army.

Since only slightly over 3 per cent of the Army's officer corps is black and USAREUR was shooting for something like 10 per cent black officer strength in Europe, obviously the system had to be tampered with.

Seeking out black officers and getting them assigned to Europe is still in process, Davison said, because of the necessity for them to complete schooling and other overseas tours.

"We really won't see the impact of our efforts on blacks until these commanders are on the ground," Davison said.

Not only does USAREUR expect to increase its percentage of black officers, Davison said, "but we have tried to draw an assignment blueprint of Europe that would give optimal distribution to these positions. In Europe we would attempt to have in every battalion or equivalent-type unit at least one black battalion commander, executive officer or company commander. We also want black NCOs in some key spots in the battalion such as sergeant major or first sergeant."

Davison cited some figures to show the increase of black content: "As of July 1, 1971, we had the following statistics on officers: six colonels, 23 lieutenant colonels, no figure on majors and 103 captains. But more critical there were only three colonels in command positions, five lieutenant colonels in command of battalions or battalion equivalents and 39 captains in command of companies."

"Today we have," Davison continued, "two general officers in the command—and it's a sad thing to say that is 50 per cent of the Army's inventory of active-duty general officers—eight colonels, 66 lieutenant colonels, 107 majors, 141 captains and 102 lieutenants. In command slots we've got one general officer (an assistant division commander), four colonels, 18 lieutenant colonels (one is in an executive officer's slot), 16 majors—14 in executive officers' slots—and 41 captains commanding companies."

Davison then added that there were two colonels arriving in late July, one of whom is slated to command the Berlin brigade.

Davison went on to explain: "Right now we're running about 13 per cent plus in black enlisted men with a high concentration in the lower ranks; only about 4 per cent in the top grades of E9. That would be 23 black command sergeants-major and 127 E8s in first sergeants' slots."

Touching on the area of civilian employ, Davison said as of November 1971, there were 4,200 GC-appropriated fund employees of whom 200 were blacks. One month later that number jumped to 260.

In the nonappropriated fund area, 420 or 13 per cent of the employes were minority members. In December 1971 it rose to 16.2 per cent, Davison said.

"One point to be noted here is where we only had 19 people in the GS7 to GS11 category in November 1970, we had 30 in December 1971," Davison added.

"Our goal here is the same as with the officers and we are determined that we will meet our target but we will not do so at the cost of quality," Davison said.

In education, Davison said, there is now a drive under way to find more minority educators. And he predicted that next fall would see the number of black school principals boosted from two to five or six.

Five percent of the teachers in USARUER are minority members, Davison pointed out. "We want to reach 10 per cent by next fall," he said, "assuming that we can get the quality replacements."

Davison stressed that the examination for teaching positions will be centralized in USAREUR because of some charges of inequity under the old decentralized system.

"Last year in the States there was a split in responsibility between the Department of Defense and the Department of Army. We think that much of the effort fell between the cracks because of this split. This is now clearly a Department of Army effort," Davison said.

As far as administrators are concerned, Davison said that the goal is again to equate the 10 to 15 per cent minority content of the command.

Davison also said that progress in minority participation in civilian employment will be slower in coming due to the slower turnover.

The first effort of the Department of the Army in giving a fair chance to minority soldiers to get into the entire spectrum of higher skills was made in the military police field, Davison said.

"This resulted from the riots or disturbances at Camp Lejeune, Ft. Bragg and various other places. Investigators from the Pentagon found that almost without exception the real problem was that there was not sufficient black content among the MPs," Davison said.

"The point in getting more black content in the MPs," Davison continued, "is that it not only gives the black or minority soldier a chance to function in MP skill but to prevent the black soldier from getting the idea of a white police state."

At present, one of every six or 15 per cent of the MPs in USAREUR are black, Davison said. Eighteen per cent of the confinement specialists working on the stockades are black, relating to the higher rate of black content in the stockade.

Speaking on crime Davison said, "We know that our crime rate and the number of racial confrontations is down. We peaked in July."

On the subject of pretrial confinement—a particularly sore point with blacks who maintain they are confined unnecessarily—Davison said the figures for blacks declined from 140 (52 per cent of the total) in September to 109 (42 per cent) for February of this year.

Davison then addressed the matter of courtesy: "One of the allegations that has frequently been made and all too often substantiated is the matter of discourtesy of the support people, people in the exchange and finance offices, some civilians, some military. We have initiated a courtesy campaign to combat this.

On the matter of adult education Davison said, "We calculate an excess of 40,000 military men do not have a high school education. Our goal here is to get 25 per cent of those men, white and black, into one of our adult-training programs."

"We believe if a man is given a chance for upward mobility not only do we have a better soldier, but we are turning back to the community a better citizen, a man who will help strengthen the nation. Further, we are turning back to the country a man who doesn't feel that his tour of service was wasted," Davison said.

Speaking on long term plans, Davison said that plans are being initiated with the EES to establish training positions in the managerial area. At the moment there is only one black manager of an exchange and it's not a major store.

"We are also pushing for more supervisors and club-manager jobs," Davison said.

On the USAREUR equal opportunity program Davison spoke of the several sensitivity shows and workshops that are being performed in the command.

He also spoke of the difficulty of the equal opportunity officer's job: "One of the problems the equal opportunity officer is going to face is going in to his commanding officer and telling him that he (the officer) is way off base."

"Now, it takes a big man to accept that," Davison continued. "We have some commanding officers who are dedicated to doing what is right but are so convinced that their way is right that they are not always willing to listen. But they are becoming fewer."

"But, it's a two way street, Davison said. "We cannot fall into the trap of allowing two standards of conduct to exist under the guise of equal opportunity. This is one United States Army, Europe, and there has to be one set of standards and everybody has got to hack it under those standards."

USAREUR Leader Opens Drive To Exterminate Off-Post Bias

Heidelberg.—Gen. Michael S. Davison, USAREUR commander-in-chief, has opened a new drive to wipe out off-post discrimination in Army military communities.

In the latest Davison move, he has called on his commanders and community leaders to meet with the owners of German entertainment and business establishments permitting racial discrimination in a further effort to "lift any remaining bans on U.S. soldiers of minority races," a Heidelberg announcement said.

"The objective of this program is to insure that no member of this commmand is denied opportunities because of race or color," the commander-in-chief said. Preventive rather than correction actions are desired."

"It is my policy that racial discrimination under any guise will not be condoned," he said. "The use of 'members only' and other self-imposed devices by business owners to exclude directly or indirectly members of minority races are examples of discriminatory practices."

"These practices," Davison declared, "run counter to good morale and discipline and are totally inconsistent with USAREUR efforts to improve race relations."

Davison directed his commanders and community leaders to work closely with local German officials and business organizations.

The four-star commander pointed out that he has discussed this problem with German Defense Minister Helmut Schmidt and other officials of the Bonn government and also with a number of state minister-presidents. "They have assured me they stand ready to assist," he said.

Schmidt, in a letter to Davison earlier in March, asked Davison to inform him of cases where he had concrete evidence of discrimination.

Any cases documented will be presented during the next meeting of this U.S.-German joint working group on equal opportunity and human relations to be held later in the spring.

Davison told commanders that in places where discrimination is found they should seek an early meeting with the establishment's owner in coordination with city officials.

"The individual soldier must understand that in the past some gasthaus owners have suffered financial loss through repeated misconduct by soldiers," he said.

In this respect, he added, the rate of criminal misconduct has decreased significantly in the past seven months. "On our part, we must assure that this downward trend continues."

"The commander must also give assurance of his full support and assistance in return for the owner's cooperation," Davison said. At the same time he must stress the importance of proper conduct, German social customs, appearance and demeanor, and mutual cooperation to their soldiers, he added.

"Success depends on the full support by all members of this command," he concluded. "I desire that no stone be left unturned."

ENERGY, THE ENVIRONMENT, AND SOCIETY

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HANSEN of Idaho. Mr. Speaker, in a recent address, Dr. James R. Schlesinger, the distinguished Chairman of the Atomic Energy Commission, has a forthright and perceptive analysis of the public policy issues and alternatives that we face in planning for the Nation's future energy needs. In dealing with what he appropriately terms the "energy dilemma," Dr. Schlesinger reminds us that "the public has a right to choose" among the alternatives but the "haphazard choice, based on immediate emotion, is potentially crippling." Dr. Schlesinger has rendered a great service by placing these choices and their implications in perspective.

Mr. Speaker, in order to share this timely and thoughtful analysis of the "energy dilemma" with my colleagues in the House of Representatives, I include as a part of my remarks the text of Dr. Schlesinger's address to a meeting of the conference board in New York City on Wednesday of this week:

ENERGY, THE ENVIRONMENT, AND SOCIETY

(By Dr. James R. Schlesinger)

I am delighted to be here with you today, as you deliberate on the broad issues of energy and public policy—and I very much appreciate the invitation by the Conference Board to join with you in these deliberations. I believe I would normally be expected to offer some inspirational remarks on "You and the Atom" or the prospective glories of nuclear power. I trust that you will bear with me, however, if I spread my net far more broadly—and touch on the underlying issues of public policy and on the ability of our society to deal coherently with these issues in light of present discontents.

Later, I shall make a few remarks about nuclear power, but it must be remembered that nuclear generating facilities provide only one of several alternative instrumentalities for the production of electric power and that electric production intimately and subtly intersects with the broader issue of energy usage. Moreover, energy not only represents increasingly our basic economic resource, energy usage represens a principal issue with respect to the protection or degradation of the environment. Finally, because of this dualism, our society has shown increasing signs of ambivalence—some might say, schizophrenia—regarding energy usage. As a consequence, society has encountered difficulties in developing the shared values and the discipline to provide coherent policies on this subject. For this reason I should like to approach this subject indirectly by addressing some of the difficulties of the society in achieving orderly and intelligible discussion of these fundamental problems.

The American public has the privilege of determining goals and of selecting a mix of measures to achieve those goals. It can proscribe or constrain various means—if it appreciates that there must be a high measure of consistency between means and ends. In the energy area, a variety of proposals have recently been elaborated: among them—no strip mining, a moratorium on nuclear plants, limit offshore drilling, no port facilities for imported LNG, no Alaska pipeline. The rationale for each one is perhaps understandable. The total set would be, to say the least, difficult to achieve. Obviously this is the case, if one presupposes a continued flow of energy to supply industry and commerce, to say nothing of the array of domestic services that delight the American consumer. It becomes even more visionary, if one adds additional objectives such as limited dependence on foreign sources of energy supply, limited utilization of foreign exchange within the balance of payments constraint, and low-cost energy.

The point is simple: the public has a right to choose, but one may hope that choice would be explicit—after weighing the full consequences of particular decisions. Piecemeal policies inevitably result in the inadvertent shortchanging of higher policy objectives. Haphazard choice, based on immediate emotion, is potentially crippling; it is tolerable only if not carried too far.

While these points should be obvious, I mention them only because they do not seem to be obvious in today's climate. Much public discussion seems to reflect the premise that benefits are available without costs or risks. In energy matters, there seems to be an assumption that the interdiction of various energy sources can be abstracted from the continued flow of power to homes and to industry. These are false premises. Unlike manna from the heavens, public benefits do not descend on us adventitously or miraculously. There has to be better understanding of process—of the relationship between cause and effect. The clear implication is that the utilization of energy must be attacked in its entirety and in light of the true alternatives, not in terms of particular elements or sources.

I dwell on these matters, not because they require particular insight; but because they are true. I fear that much of our present difficulty reflects the failure to appreciate these home truths. There is question today whether our society possesses the internal discipline, consciously and calmly, to choose a coherent set of policies. A society like our own can function effectively over the long run only if there are shared values—and "consensus" today is a much derided term. There is a widespread and exaggerated skepticism, even hostility, directed toward those in authority, both public and private. There seems to be no dearth of volunteers who wish to "second them a message." Unless we are able to restore a degree of civility, forebearance, and responsibility in our public discourses and a search for common values, there will be either a breakdown in the implementation of policy or policies instituted by *force majeure* over a fragmented and disheartened public.

Some of our difficulties, but only some, reflect the transitional problems of absorbing environmentalism into the set of shared public values. By and large, the impact of the evironmental movement on the perception of policy issues by government agencies has been healthy. I feel it to have been particularly fruitful in the case of the Atomic Energy Commission, where the environmental implications are increasingly better balanced in relation to traditional, technical or engineering objectives.

Nonetheless, the movement has been too ready to sacrifice longer run strategic objectives for transitory tactical successes. Any set of militants—not necessarily representative of the entire movement—has been in a position to delay or block individual projects piecemeal. I am persuaded that the high road to environmental improvement does not lie along the route of litigation. The most effective route for environmentalists is to obtain responsiveness on the part of government agencies. Litigation should be a last resort, used only in matters of fundamental importance.

I trust that the environmental movement will not be seduced by the heady atmosphere of recent years. It has achieved some notable objectives, but will it now proceed to consolidate the gains that have been made and become a durable force within our society? I would hope that strategies will be formulated in terms of longer run objectives and systematic treatment of the entirety of a policy issue, rather than the pursuit of immediate tactical objectives in the manner of sea lawyers. All this will be necessary if we are adequately to resolve the difficult problem of reconciling the demand for energy utilization with the goal of protecting the environment—recognizing that energy utilization is a principal source of environmental degradation—and if we are to achieve shared national goals in the quest for coherent policies.

ENERGY UTILIZATION AND SOURCES

Let me turn now to a brief review of the overall energy balace and to the prospective trends regarding energy supply and demand in the years ahead. Americans have grown accustomed over the years to an abundance of energy resources, to the ability freely to select among competing fuels, and to the utilization of energy resources without stint. Now we are confronted by the declining availability of domestically produced fuels of the desired type—with all that that implies regarding dependence on external sources of supply. With the relative reduction of supply we can no longer enjoy the luxury of regarding fuels as competing. Rather we are faced with the necessity of husbanding our BTU's and of treating the available fuels as complementary resources—in developing conscious policies for achieving maximum returns from what is available. Thus we must shape our energy policies under a set of constraints, hitherto unimaginable.

I am sure that the general quantitative picture is familiar to most of you. In 1971 this nation consumed close to 70 quadrillion British thermal units. Included in this total are some 5.5 billion barrels of oil, 511 million tons of coal, and 22 trillion cubic feet of natural gas, supplemented by relatively small quantities of hydropower and uranium.

Looking out to 1980 and beyond there are a number of projections, such as the recent one by the National Petroleum Council (NPC). Such projections are, of course, useful in providing a general measure of the magnitude of the energy problem, but it should be noted that they are not constrained by major measures of conservation.

The NPC study projects the growth of energy consumption in the United States by some 50% to a total in 1980 in excess of 100 quadrillion BTU's. It is estimated that by 1980 nuclear energy will have expanded some forty fold over 1970 and will be approaching supply close to 10% of total energy consumption. Coal consumption will have increased to 800 million tons. Despite the attractiveness of natural gas as a fuel and potential demand on the order of 35 trillion cubic feet, it is estimated that limited availability of natural gas will not permit utilization above the present level. Hydropower will increase only slightly.

The most significant change would be in petroleum consumption, increasing from 14.7 million barrels a day in 1970 to 22.5 million barrels a day in 1980. Since it is anticipated that domestic production will be only on the order of 12 million barrels a day, almost half of our petroleum supply will come from foreign sources. Increasingly the sources of supply would be in the Middle East, where the bulk of reserves are located. On an annual basis U.S. consumption would increase from 5.4 billion barrels in 1970 to 8.3 billion barrels in 1980. The costs in terms of foreign exchange in 1980 would run between 12 and 15 billion dollars a year.

In a recent talk before the American Petroleum Institute Joseph Swidler of the New York State Public Service Commission suggested that the NPC estimates were in a number of respects too "optimistic." Briefly, he suggested that the projections for both coal and nuclear were much too high. He noted the relatively rapid shift from coal to oil by utilities in the eastern section of the country and the relatively slow progress being made in getting nuclear capacity into operation. As a result, the increased burden would presumably fall even more on oil-imported oil. Consequently, he projected oil demand of 28.3 mmbd as opposed to the NPC's 22.5 mmbd. This would imply that something approaching 60% of national oil requirements in 1980 would come from foreign sources and almost 40% of total energy needs. It would also imply imports of 6 billion barrels of oil a year (with a tanker arriving in a U.S. port every hour) and foreign exchange costs approaching $20 billion a year.

Such predictions are illuminating, if not conclusive. They have the usual deficiencies of projections in that they do not reveal sensitivities to possible changes in policy and changes in economic conditions. Nonetheless, they do indicate very roughly the size of the problem that we face.

I do not know how much attention many of you have lavished on our ailing friend, the U.S. balance of payments. I think it proper to suggest that the BOP is not in sufficiently robust condition, now or prospectively, to bear an additional $15 billion or so of outpayments for oil imports. In raw financial terms this nation can probably not afford so great a degree of dependence on imported energy resources.

If the raw financial considerations are not sufficiently persuasive, there are other disquieting questions. The national security implications of dependence of the American economy on resources subject to interdiction have been widely discussed over many years. Those considerations become increasingly pertinent in the years ahead. The closely allied international political implications of high dependence upon sources of supply, geographically restricted and politically volatile, is a matter on which you may care to reflect. Moreover, the environmental impact of this particular pattern of meeting energy demand has a number of highly unattractive features.

SOME DIRECTIONS FOR POLICY

The general pattern for meeting the nation's fuel needs that I have outlined is one toward which we could readily drift. This alternative strikes me as neither financially feasible nor substantively attractive. We would do well therefore to take major policy steps to avoid the dependence, penalties, and risks implicit in this pattern of energy usage.

I take it for granted that the American public will demand increasing numbers of BTU's. It also seems apparent that the altered availabilities of the several categories of fuels constrain our national choice and preclude that free selection among fuels we have known in the past. In particular, given the distribution of the world's petroleum reserves, 6% of the world's population cannot indefinitely consume 35% of the world's energy output including this resource category without becoming highly dependent on overseas sources of supply. That is not a matter of judgment; it is a matter of arithmetic.

Nuclear and coal are the energy sources in which our own resources permit for more extended usage in the foreseeable future without undue dependence on overseas supplies. They afford major possibilities for substitution. In its recent National Power Survey, the FPC estimates that by 1990 53% of thermoelectric generating capacity in this country will be nuclear. The AEC's breeder development is intended to increase by a factor of 60 or 70 the exploitation of the energy content in uranium. Assuming breeder technology develops as anticipated, and is exploited, the very tails left over from the AEC's gaseous diffusion operations would be sufficient to fuel reactors for upwards of a century. Whatever concerns have developed in some quarters regarding reactor safety, I think it fair to say that there is widespread agreement regarding the net environmental advantages from properly operated nuclear generating facilities in relation to fossil fuel facilities.

By contrast, in recent years coal has received diminished emphasis due to the environmental problems associated with some of our better located coal fields. Nonetheless, coal represents the predominant domestic source of hydrocarbons. Estimated reserves amount to 84 quintillion BTU's, of which approximately half is considered reasonable—a source that could last for a century or more. I believe it obvious therefore that we should devote the effort to develop coal gasification and other technologies, which would allow us better to exploit these resources without increasing the untoward environmental effects.

These fuels are best utilized at present in generating electricity. Broadly speaking, electricity is a superior energy form, which can be readily and flexibly employed. The exception at present is in mobile energy burners, and the AEC's efforts in battery development could bring a change in that respect within a decade. Over the years, electricity has increasingly been substituted for other types of energy usage and we should take care that debates over power plant siting do not forestall what is basically a desirable development.

I have spent little time on the current difficulties in putting electrical generating capacity on the line. Just as we need improved structures at the Federal level to grapple with our energy problems, so we need improved structures at the regional and state levels to provide advance planning and acceptable recommendations with respect to such issues as power plant siting. As you know, it takes 6–8 years from inception to operation for a modern power plant—a cycle far longer than the comparable swings in public opinion. The inability to get large plants licensed and operating has contributed to some of the anomalies we observe. For example, 20% of our natural gas is being used to generate electric power, when its highest use in all probability is in the home.

I do not know whether the problems I have discussed warrant in your judgment the term "energy crisis." To some observers the phrase is too melodramatic. A crisis, after all, comes only if it is unanticipated, and if appropriate policy adjustments are not made.

I think the phrase "energy dilemma" may be more descriptive. More precisely, there are a number of energy dilemmas. We face a congeries of problems far transcending the dramatic issue of fuel supply. There is, of course, the matter of power plant siting. Everyone wants the power; nobody wants the plants, and even less is there a desire for transmission lines. There is the matter of the efficiency of energy production and utilization, particularly as it impacts upon environmental quality. There is the matter of the appropriate combination of technologies to obtain higher efficiencies, and of government structures which will better contribute toward those ends. Each of these areas poses its own dilemmas. And in each of these areas the American society stands some risk of being impaled on the horns of those dilemmas.

In addition, I am inhibited in referring to an energy "crisis," because our national behavior clearly does not conform to such professions. On the one hand, some number of environmentalists seem to feel that the problem of demand expansion in relation to supply will yield to a combination of good will, absention from the use of electric toothbrushes, sumptuary laws, and continuous litigation leading to load shedding. These views do not seem to me to correspond closely to the inherent difficulties of the situation. Nonetheless, an essential element in the envisaged energy crisis is the presupposition that irrespective of policy objectives and constraints demand for energy grows more or less automatically. Challenging that presupposition is—or should be—the heart of the environmentalists' case—and in that respect they are right.

On the other hand, those who perceive a crisis or the possibility of a crisis are obligated to do more than to accept the growth of demand in the traditional manner. If we describe the increasing dependence on foreign fuels as a threat to the national security, to the balance of payments, or the steadfastness of our foreign policy, then we would seem obliged to consider measures more drastic for conserving on energy use. After all, if these are matters of fundamental importance to the national security, to international politics, and to foreign economic policy, then we can do somewhat better than automobiles that move at 10 miles to the gallon and badly insulated buildings that are simultaneously heated and cooled. We need to do better not only for these reasons, but for the time-honored motives of conservation in the Roosevelt-Pinchot tradition—as well as for the more recent concern regarding environmental protection.

STRATEGIC PETROLEUM RESERVE ALTERNATIVES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HOSMER. Mr. Speaker, in early February the Chief of Naval Operations, Adm. Elmo R. Zumwalt, told congressional committees that he foresaw an increasing economic vulnerability to the United States from our increasing dependence on petroleum imports. He cited official estimates that our oil and gas imports could increase to around 50 percent of our total needs by 1985 and reach a staggering $34 billion in dollar outflow annually.

The admiral reasoned that another power, possessing naval forces and other means to interrupt the flow of such a magnitude of energy supplies, would also possess a great potential for coercion of the United States. With considerable logic Zumwalt pointed out that an ability to protect the movement of petroleum through the sealanes would greatly reduce such a threat to U.S. vital interests. He spoke in terms of some 50 patrol frigates of a new class, designed to be cheaper and simpler, but yet more effective, than their destroyer escort predecessors.

However, in a speech in this Chamber on February 24 the gentleman from Wisconsin (Mr. ASPIN) disputed the military judgment of the Chief of Naval Operations and declared that protecting tankers bringing petroleum to the United States would be "an incredibly stupid waste of money." The gentleman's suggested alternative for coping with the threat is to "import as much oil as we could possibly use in a national emergency and store it underground in completely secure storage areas." He added that this could be facilitated by abolishing the oil import quota system and that "it would cost far less than the $7 million the import quota system costs every year."

Mr. Speaker, I believe that honest dissent is something that should be encouraged if we are aware of all the facts when we make the important judgments that are the daily tasks of this body. For that reason I believe that not only should the gentleman be heard, but that also the Navy probably should be heard in reply if it elects to do so at some appropriate time during its testimony to the committees of the Congress.

Meanwhile, however, for my own evaluation of the strategic threat and the optimum hardware and strategies needed to counter it, I am inclined to accept the views of the Chief of Naval Operations. This is because I am not persuaded by the gentleman from Wisconsin's speech that his suggestion is based on research in depth of various alternative answers to the petroleum supply question.

For example, the $7 billion "savings" he mentions is the aggregate of what some people think domestic petroleum prices would be reduced by if quotas were abolished and imports freely permitted. Not only is that a highly "iffy" estimate, but it is not a sum of money that could ever be identified and rerouted to help pay for storage facilities. In any event, the petroleum-producing countries are continually boosting the price of their product.

Moreover, the $7 billion amounts to a drop in the bucket in relation to what the actual costs would run out at for providing secure underground storage areas for huge amounts of petroleum. The gentleman's suggestion obviously was not made in the context of a 30-minute nuclear war and, although he did not specify for how long a national emergency period he would provide storage, a conventional war of attrition must be thought of in terms of years. Three years would be the very least minimum time even a most confirmed optimist could estimate.

Using the 1985 volume of imports, this would mean putting at least three times $34 billion worth of petroleum in secure underground storage, an investment of $102 billion for starters. Then, the cost of storage and handling facilities could run a little less than the $13.5 billion estimated cost of the tanker fleet needed to carry our 1985 active requirements, exclusive of that need to carry more oil for new and additional storage. This sum might come to around $10 billion.

From this more realistic perspective the economics of storing petroleum as an alternative to providing active protection for it while it is moving on the sea lanes starts to suffer. The investment required would be at least $112 billion, which, at an annual carrying charge of only 10 percent, would cost over $11 billion each year. By comparison, if the 50 patrol frigates the admiral spoke of cost as much as $20 million each, the total investment in them would amount to just $1 billion, which is less than 1 percent of the investment involved in the gentleman from Wisconsin's scheme.

Of course, with the horrendous problem we already face because of deficit in our balances of international payments it is a little difficult to contemplate. When we get to importing $34 billion worth of oil and liquid gas in 1985, I frankly do not know where that kind of foreign exchange is coming from. If, in addition to that you remove quotas and allow the other half of our requirements to be imported at a cost of another $34 billion annually and you have managed already to spend an additional $102 billion overseas for the stuff to put in the ground, then I think you have started to live in a dream world.

At least in the Los Angeles Times last Sunday, April 16, there were some real world statistics quoted about energy in general and petroleum in particular and they are the same figures which have been used and quoted by Admiral Zumwalt. The article goes further and describes other parts of the petroleum crisis involving the shortage of receiving and processing facilities. The quantities of oil imports cited are staggering and no suitable alternatives to oil appear to be available now.

In particular I noted that none of the authorities quoted in this article thought well enough of the idea of storage of strategic reserves even to mention it. Indeed, the daily consumption predicted appears to make such a move an impossibility. I quite agree. Even if we were able to transport and process all the oil we need, it appears economically and otherwise impractical in addition to that to provide storage for a vast strategic reserve.

All this brings me to this conclusion that Admiral Zumwalt's observation was, indeed, a valid one. Certainly his statements which I know about have been neither incredible nor stupid. His observations appear to be better grounded in fact than those of the gentleman from Wisconsin, whose conclusion that the Navy needs no escort ship possibly could be expanded to a conclusion that the Nation needs no Navy, either.

I believe this body can confidently join me in according the admiral's thoughts the careful consideration they deserve. The article referred to, written by Thomas O'Toole, a Washington Post staff writer, appears below:

U.S. ENERGY CRISIS: LIGHT DIMS AT END OF THE TUNNEL

(By Thomas O'Toole)

"I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives."

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that life that means color television, frostless freezers, self-cleaning ovens and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country might have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates, Americans will be left only with coal by the year 2,000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter that we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, onetime energy adviser to Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300 million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country's electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem: the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted because they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 per cent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cubic feet to 247 trillion cubic feet at the end of 1971.

There have been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scarce, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas, quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 per cent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that will pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five billion cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new super-tankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $37 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each, draw as much as 80 feet of water. This means the United States must construct three new deepwater terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come close to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquefied gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today," according to C. L. Woods, vice-president of Mobil Oil Corp., "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

"The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move into Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets it low-sulfur oil either by having Venezuelan oil " desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil it has had to pay almost double what it was paying two years ago and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 percent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil; locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

"Things could come to a slow grinding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

Such debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reached the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and as many again on the Eel River and Mad River in northern California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

IMPROVING ALASKAN HOUSING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

RESOLUTION CONCERNING IMPROVING ALASKAN HOUSING

Whereas housing in the rural areas of Alaska is substandard; and

Whereas Alaska has a unique and severe climate in which to construct housing; and

Whereas the environment differs considerably from that of most of the other forty-nine states; and

Whereas there are many State and Federal agencies involved in the building and expertise on construction in the Arctic environment; and

Whereas this information is not generally known or being used to the best advantage

Therefore be it resolved that the Rural Housing Committee of the Alaska Rural Development Council, requests the University of Alaska to provide through a graduate, or similar type project under the guidance of the Alaska Rural Development Council compilation of a pertinent bibliography of all technical information pertaining to rural housing and that this information be made available to individuals, communities and State and Federal agencies.

SENATOR GEORGE McGOVERN: FARM INCOME AND THE FUTURE OF THE FAMILY FARM

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. ABOUREZK. Mr. Speaker, from time to time I have brought to the attention of my colleagues articles by and about a man I greatly admire—Senator GEORGE McGOVERN. It has been my pleasure to do so, because I feel that he is one of the most exciting and honest men in American politics today. Rarely, however, do I find myself in such complete agreement with him as I do when he discusses farm issues. Senator McGOVERN has long been recognized as an outstanding scholar and leader on farm matters. It is with exceptional pleasure that I share with you today some of his thoughts on farm income and the preservation of the family farm:

SENATOR GEORGE McGOVERN: INCOME AND THE FUTURE OF THE FAMILY FARM

In the last analysis, agricultural prosperity will depend on a national administration firmly committed to that goal. The Secretary of Agriculture has the authority to set price supports at 90 per cent of parity. This authority should be used until a program is devised which would insure 100 per cent of parity. It should be noted that Congress can only provide the executive branch the tools with which to provide adequate farm income. Farm programs have by and large not failed because of a lack of these tools, but because administrations for the last 20 years have ignored the need to provide the farmer with a fair reward for his labor and investment.

The present farm law, while admittedly a bad law, contains several options which could and should be used at once to restore farm income to at least a level equal to other segments of our society. Under the terms of existing legislation, the Secretary of Agriculture has wide discretion in setting the price support level for various commodities. However, recent Secretaries of Agriculture—at the direction of their Presidents—have all tended to set these support rates at the minimum level provided by law. And with few exceptions, the prices the farmer receives for these commodities have followed the support level. But it should be emphasized that existing legislation does permit the Secretary to set price support levels for corn and feed grains, wheat and dairy products at 90 per cent of parity. This can and should be done at once. An administration honestly committed to the preservation of the family farm would reject the current philosophy that price supports should be set at what former Secretary Clifford Hardin defined as "disaster" levels.

An administration committed to the well being of the American farmer would put an end to the boom or bust cycles which characterize our agricultural economy. It would recognize the need for farm programs to be attractive not only in election years, but in other years as well.

An administration committed to the well being of agriculture could take other steps to improve farm income in such areas as: import quotas, international commodity agreements, interest rates, proper management of CCC stocks, Food for Peace, interest rates and adequate funding for REA, FmHA, ACP-REAP, SCS and others.

There is also genuine concern in rural America that large corporations are seeking to replace the family farm as the principle production unit. One large conglomerate, Tenneco, told its stockholders of plans to increase its agricultural operations with the announced intention of achieving vertical integration "from the seedling to the supermarket." Where vertical integration has occurred, as in the broiler industry, once independent family farm producers were placed in economic peonage.

Countless studies have conclusively shown that the efficiency of large corporate farm enterprise is no greater than the typical family farm. The intrusion of corporate agriculture poses a threat to all rural America. It has been determined that the demise of every seven family farms results in the death of one rural business enterprise. A corporate system of agriculture would result in exorbitant administered food prices to consumers.

The corporate invasion of American agriculture can be checked by the elimination of tax loopholes which give corporations and wealthy individuals unfair tax advantages, accompanied by a revision of the anti-trust laws to place specific limits on corporate agricultural involvement.

Currently, non-farmers who invest in agricultural operations may deduct an extremely high amount of their farm losses from their regular income. At the same time, non-farm interests under existing tax laws are permitted to change ordinary income into capital gains by investing in agriculture. In practice, investors write off their farm losses against their regular income while increasing their equity in the agricultural enterprise and later dispose of the investment, paying only a capital gains tax. These provisions are unfair to both farmers and the tax paying public.

Elimination of other loopholes in our federal tax laws would enable the federal government to assume at least a third of the cost of elementary and secondary education. This would reduce reliance on property taxes which are generally unfair but particularly inequitable to agricultural producers since their property taxes have increased 260 per cent in the last 20 years while their real income has been declining.

Other unique problems presented by corporate agriculture could be solved by enactment of the "Family Farm Act of 1972," which has been introduced in both the Senate and the House. This innovative and imaginative legislation has the strong support of the Nation's leading family farm organizations. This legislation would require that any business entity, with assets of more than $3 million or capital investment of $1 million or more in a non-farm business divest itself of any assets in, or controls over, agricultural production within five years. Farmer-owned cooperatives would be excluded.

It is important to note that this legislation applies to corporations that "directly or indirectly engage in farming." This provision would prohibit not only direct ownership by corporations but indirect domination as well. Indirect corporate domination is attained through contracts drawn with producers acting in an individual capacity. The contracting provision is of particular importance since corporations are increasingly using integrated or contractual arrangement to dominate agriculture. Such arrangements are now used for 95 percent of the Nation's broiler production and a disturbingly large portion of other commodities, including 20 per cent of cattle on feed.

NATIONAL LIBRARY WEEK: APRIL 16–22, 1972

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. FRASER. Mr. Speaker, National Library Week, April 16–22, is being observed this week in libraries throughout the country, with a variety of activities based on the dual themes: "You've Got a Right To Read" and "Reading Makes the World Go 'Round." As a member of the House Foreign Affairs Committee, I am pleased to learn that many State and local National Library Week programs this year will be based on the fact that 1972 has been designated "International Book Year" by UNESCO. An important goal of the UNESCO year is to achieve greater interest, peace and understanding through books and reading. In this same spirit, President Nixon in his National Library Week message this year likewise urges close cooperation with people of other lands who share our conviction that libraries contribute greatly to a well-informed citizenry and to true and enduring national progress.

In connection with the observance of International Book Year, I insert in the RECORD at this point the "Charter of the Book" which was issued by UNESCO. Article VII of this document states that—

LIBRARIES ARE NATIONAL RESOURCES FOR THE TRANSFER OF INFORMATION AND KNOWLEDGE FOR THE ENJOYMENT OF WISDOM AND BEAUTY

Libraries occupy a central position in the distribution of books. They are often the most effective means of getting printed matter to the reader. As a public service, they promote reading which, in turn, advances individual well-being, life-long education and economic and social progress. Library services should correspond to each nation's potentialities and needs. Not only in cities, but especially in the vast rural areas which frequently lack book supplies, each school and each community should posses at least one library with qualified staff and an adequate book budget. Libraries are also essential for higher education and scholarly requirements. The development of national library networks will enable readers everywhere to have access to book resources.

The text of the Charter of the Book follows:

CHARTER OF THE BOOK

PREAMBLE

Convinced that books remain essential tools for preserving and diffusing the world's storehouse of knowledge;

Believing that the role of books can be reinforced by the adoption of policies designed to encourage the widest possible use of the printed word;

Recalling that the Constitution of the United Nations Educational, Scientific and Cultural Organization calls for the promotion of "the free flow of ideas by word and image" as well as "international co-operation calculated to give the people of all countries access to the printed and published materials produced by any of them";

Recalling further that the General Conference of Unesco has affirmed that books "perform a fundamental function in the realization of Unesco's objectives, namely peace, development, the promotion of human rights and the campaign against racialism and colonialism";

Considering that the General Conference of Unesco has proclaimed 1972 International Book Year, with the theme "Books for All":

The International Community of Booksellers Associations.

The International Confederation of Societies of Authors and Composers.

The International Federation for Documentation.

The International Federation of Library Associations.

The International Federation of Translators.

The International PEN.

The International Publishers Association.

Adopt unanimously this Charter of the Book, and call upon all concerned to give effect to the principles here enunciated.

ARTICLE I

Everyone has the right to read

Society has an obligation to ensure that everyone has an opportunity to enjoy the benefit of reading. Since vast portions of the world's population are deprived of access to books by inability to read, governments have the responsibility of helping to obliterate the scourge of illiteracy. They should encourage provision of the printed materials needed to build and maintain the skill of reading. Bilateral and multilateral assistance should be made available, as required, to the book professions. The producers and distributors of books, for their part, have the obligation to ensure that the ideas and information thus conveyed continue to meet the changing needs of the reader and of society as a whole.

ARTICLE II

Books are essential to education

In an era of revolutionary changes in education and far-reaching programmes for expanded school enrollment, planning is required to ensure an adequate textbook component for the development of educational systems. The quality and content of educational books need constant improvement in all countries of the world. Regional production can assist national publishers in meeting requirements for textbooks as well as for general educational reading materials which are particularly needed in school libraries and literacy programmes.

ARTICLE III

Society has a special obligation to establish the conditions in which authors can exercise their creative role

The Universal Declaration of Human Rights states that "everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author". This protection should be also extended to translators, whose work opens the horizons of a book beyond linguistic frontiers, thus providing an essential link between authors and a wider public. All countries have the right to express their cultural individuality and in so doing preserve the diversity essential to civilization. Accordingly they should encourage authors in their creative role and should through translation provide wider access to the riches contained in the literature of other languages, including those of limited diffusion.

ARTICLE IV

A sound publishing industry is essential to national development

In a world in which there are sharp disparities in book production, with many countries lacking adequate reading materials, it is necessary to plan for the development of national publishing. This requires national initiative and, where necessary, international co-operation to help create the infrastructure needed. The development of publishing industries also entails integration with education and economic and social planning; the participation of professional organizations, extending in so far as possible across the entire book community through institutions such as national book development councils; and long-term, low interest financing on a national, bilateral or multilateral basis.

ARTICLE V

Book manufacturing facilities are necessary to the development of publishing

In their economic policies, governments should ensure that necessary supplies and equipment are available for the development of an infrastructure for book manufacture, including paper, printing and binding machinery. The maximum use of national resources, together with eased importation of these supplies and equipment, will promote the production of inexpensive and attractive reading materials. Urgent attention should also be given to the development of transcriptions of oral languages. Those concerned with the manufacture of books should maintain the highest practicable standards of production and design. Particular efforts should be made for the manufacture of books for the handicapped.

ARTICLE VI

Booksellers provide a fundamental service as a link between publishers and the reading public

In the forefront of efforts to promote the reading habit, booksellers have both cultural and educational responsibilities. They play a vital role in ensuring that an adequate and well-chosen range of books reaches the reading public. Special book post and air freight rates, payment facilities and other financial incentives aid them in carrying out this function.

ARTICLE VII

Libraries are national resources for the transfer of information and knowledge, for the enjoyment of wisdom and beauty

Libraries occupy a central position in the distribution of books. They are often the most effective means of getting printed matter to the reader. As a public service, they promote reading which, in turn, advances individual well-being, life-long education and economic and social progress. Library services should correspond to each nation's potentialities and needs. Not only in cities, but especially in the vast rural areas which frequently lack book supplies, each school and each community should possess at least one library with qualified staff and an adequate book budget. Libraries are also essential for higher education and scholarly requirements. The development of national library networks will enable readers everywhere to have access to book resources.

ARTICLE VIII

Documentation serves books by preserving and making available essential background material

Scientific, technical and other specialized books require adequate documentation services. Accordingly, such services should be developed, with the assistance of governments and all elements of the book community. In order that maximum information materials may be available at all times, measures should be taken to encourage the freest possible circulation across frontiers of these essential tools.

ARTICLE IX

The free flow of books between countries is an essential supplement to national supplies and promotes international understanding

To enable all to share in the world's creativity, the unhampered flow of books is vital. Obstacles such as tariffs and taxes can be eliminated through widespread application of Unesco agreements and other international recommendations and treaties. Licenses and foreign currency for the purchase of books and the raw materials for bookmaking should be accorded generally, and internal taxes and other restraints on trade in books reduced to a minimum.

ARTICLE X

Books serve international understanding and peaceful co-operation

"Since wars begin in the minds of men", the Unesco Constitution states, "it is in the minds of men that the defences of peace must be constructed". Books constitute one of the major defences of peace because of their enormous influence in creating an intellectual climate of friendship and mutual understanding. All those concerned have an obligation to ensure that the content of books promotes individual fulfilment, social and economic progress, international understanding and peace.

(Approved at Brussels, October 22, 1971, by the Support Committee for International Book Year.)

THE CLAIMSMANSHIP GAME

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, the Thursday, April 20 Wall Street Journal includes an excellent editorial entitled "The Claimsmanship Game." In its editorial, the Wall Street Journal endorses a series of proposals by Mr. Gordon Rule, who is one of the Navy's most respected senior procurement officers.

Mr. Rule suggests that the Department of Defense should independently assess each and every claim that is brought to the Pentagon. The claim should be evaluated and then accepted, rejected, or adjusted. In the past just the opposite has been true. There has been a great deal of jockeying and horsetrading between politicians, corporate executives, and senior Navy officers.

In the present claims system, the contracting officer has the right to make a negative finding on any claim. The system in reality works exactly the opposite way. Contracting officers seem to avoid making a final decision and instead, permit endless negotiation, proposals, and counter proposals, dragging out the claims process.

Instead of haggling, Mr. Rule suggests and I agree, that claims should be taken to the Armed Services Contract Control and Claims Board. It is an independent agency that operates very much like an administrative court. Claims should be decided in this body.

The Wall Street Journal editorial follows:

THE CLAIMSMANSHIP GAME

Former Deputy Defense Secretary David Packard last month issued a plaintive appeal for reform in the manner the Pentagon does business with defense contractors. He addressed himself to the way contractors buy into contracts and the way they are bailed out after they get into difficulties: "We are going to have to stop this problem of people playing games with each other. Games that will destroy us, if we do not bring them to a halt."

Sen. William Proxmire, chairman of the Joint Economic Committee of Congress, has been conducting hearings on the military procurement system, and the House Armed Services Committee this week has been examining specific contract controversies. One case examined at length by Sen. Proxmire's committee has been especially revealing and to the point, indicating a need for reform clearly exists.

It involves Avondale Shipyards, Inc., a division of the Ogden Corp., which a decade ago contracted with the Navy to build seven destroyer escorts for $81.1 million. Two years ago, Avondale put in a claim for another $158.3 million it said would be needed to complete the ships. A year ago, the Navy negotiated a tentative settlement of $73.5 million on this claim.

That should have ended it, except for a civilian claims review group under Gordon W. Rule, the Navy's civilian director of procurement control. The Avondale settlement was the first the Rule group refused to recommend in its three years of existence. It argued the claim lacked substantiation. Whereupon the Avondale-Ogden lobby campaigned to get the $73.5 million anyway. The Louisiana congressional delegation—a mighty group that includes the chairmen of the Senate Appropriations and Finance committees, the chairman of House Armed Services Committee, and the House Majority Leader—put the pressure on.

Mr. Rule publicly complained about this congressional interference, without success. First, the Navy Material Command peeled off $23.5 million to keep the ships abuilding while negotiations continued. Then, when Admiral I. C. Kidd took over the Command, the company announced it had stopped work on the ships and wouldn't proceed until it got more money. Mr. Rule pleaded with the admiral to resist, to hold Avondale to its contract. But the admiral finally said the Navy needed the ships, and peeled off another $25 million. Avondale went back to work. Mr. Rule, told his group was going to be "reorganized," resigned from it.

It would be useless now to criticize the personalities involved in this Avondale affair and hope that next time they would try harder to serve the public interest. Clearly, the system itself has to be changed, as Mr. Packard so strongly argued.

Sen. Proxmire thinks he sees a solution: Take procurement away from the Pentagon and create a separate civilian agency to handle the contracting and claims settlement for the military. Then, at least the service chiefs—who go caps in hand to Congress for weapons and manpower—will not be put in the position of having to say "no" to a member of Congress when asked to "expedite" a claims settlement.

It may yet come to that. But there should be less severe moves that could have the same effect. Mr. Rule, for example, suggests that instead of horsetrading on claims, the Pentagon should independently assess the worth of a claim, accept it, reduce it, or reject it. If the contractor is dissatisfied, he would have to go through an appeals process carrying the burden of proof. Throughout, Mr. Rule proposes treating these claims "as an adversary proceeding just like a case in court."

He would also invest those proceedings with the stature and dignity of litigation. "There should be a canon of ethics in the Bar Association," he says, "that should preclude lawyers running to Congress, calling up the Secretaries, doing a lot of things they wouldn't do for a case in court." He suggests a similar rule for the House and Senate, making it "improper for members of Congress as they are doing today to call constantly, to have meetings, call people up to the Hill, go down and sit with the Secretary, to talk about claims while they are being adjudicated.

These are reasonable proposals. Not that they would eliminate all the jockeying for advantage bound to take place where big contracts are at stake, but they would at least be a good start toward some reasonable rules for the claimsmanship game.

DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE ACT

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. STUCKEY. Mr. Speaker, H.R. 14483 which I introduced on April 19, 1972, establishes a no-fault system of automobile insurance for the District of Columbia. To further inform my colleagues and the public, I am submitting an updated fact sheet which will provide quick reference to the principal parts of the bill:

DISTRICT OF COLUMBIA NO-FAULT AUTOMOBILE INSURANCE ACT

Coverage: The Act requires each motor vehicle using the streets and highways of the District of Columbia and each motor vehicle registered in the District of Columbia wherever operated to have the following coverage:

Bodily injury: first party, no-fault coverage for the driver and passengers of all insured motor vehicles for accidents occurring in the District of Columbia, and for District-registered vehicles for accidents occurring anywhere in the United States or Canada, and for pedestrians injured by an insured motor vehicle in the District of Columbia. (Section 4(a))

The required first party coverage compensates the victims for accrued net loss including *all* medical and rehabilitation expenses, burial expenses, lost earnings up to $1,500 per month for up to 36 months, replacement services expenses of up to $600 a month, death benefits of up to $54,000, and survivors' replacement services benefits of up to $600 a month. Insurers are required to offer additional lost earnings protection on an optional basis. (Section 4(b))

These benefits are reduced only by the amount of benefits received from social security disability, medicare, and workmen's compensation. (Section 4(c))

No insurer writing individual and/or group health coverage in D.C. may offer or sell insurance to D.C. residents which provides benefits for medical expenses incurred as a result of a motor vehicle accident. (Section 4(d))

Residual bodily injury liability coverage (principally for injuries to motorists in out-of-state accidents where the D.C. motorist is at fault) is required in the amount of $25,000 per victim—the highest amount required under state financial responsibility laws. (Section 4(e)(1))

Property damage liability coverage in the amount of $10,000 is also required. This coverage will apply primarily to damage to vehicles in out-of-state accidents where the D.C. motorist is at fault. (Section 4(e)(2))

Damage to one's own vehicle: The Act adopts the Keeton-O'Connell "triple option" system in which the policy holder chooses one of the following three alternatives with respect to his vehicle: 1) first party "collision" insurance without regard to fault (this is the kind which is currently available); 2) a cheaper form of first-party collision insurance under which the motorist collects from his insurer only when he can establish that someone else was at fault; and 3) the full deductible option under which the motorist acts as self-insurer. (Section 5) The result of this is that in accidents involving only vehicle damage, all vehicle damage claims will be disposed of without the use of the courts.

Effects on tort actions: The Act sharply reduces the delay, expense, and strain on the courts associated with the fault system of processing auto accident claims. In all District of Columbia bodily injury accidents, actions in tort are permitted only to the extent that net economic loss exceeds policy limits. Actions for pain and suffering in these cases are limited to persons suffering certain forms of extreme injury. In vehicle damage accidents in the District of Columbia, the tort action is extinguished entirely. (Section 6)

With respect to bodily injury and vehicle damage accidents outside the District of Columbia involving a D.C. vehicle and an out-of-state vehicle, a D.C. insurer who pays first-party benefits to a D.C. insured is subrogated to the tort rights of that insured. (Section 6(b))

Payment of benefits: Benefits are payable as loss accrues and are over-due if claims are not paid within 30 days of submission to the insurer. Over-due claims bear interest at 1½% per month, and the insurer must pay the claimant's attorney fees. These incentives should bring about very prompt payment of meritorious claims. In cases involving claims which are not over-due, the claimant's attorney fees are shared between the insurer and the insured. In cases where the claimant perpetrates fraud, the insurer may be awarded attorney fees. (Section 7)

The hit and run problem: To deal with hit and run problems, and with the number of motorists who may operate uninsured vehicles in violation of the law, the Act establish an assigned claims plan under which injured persons are put in the same position which they would have been in had the motorist been properly insured under this Act. (Section 8)

Effect on premiums: Because first party no-fault coverage is less expensive than third party liability coverage, several states which have recently enacted no-fault bills (Massachusetts and Florida) have legislated a premium reduction. This Act follows that pattern by requiring an 18% reduction in the rate for bodily injury coverage. The Act also requires insurers to cooperate fully with Maryland and Virginia officials in the reduction of premiums in those states or portions thereof. (Section 9)

Required security: Since all vehicles driven in the District must have the required insurance coverage, the Act states that any policy of motor vehicle insurance purporting to provide bodily injury coverage while the insured motor vehicle is operated in the District will be deemed to provide the required benefits. (Section 10)

In addition, no insurer will be allowed to write motor vehicle insurance policies in the District unless the policies it writes elsewhere provide the coverage required by District law when the insured vehicles are operated in the District. (Section 10(b))

Eligibility and disqualifications: Insurers may not reject the application of a licensed driver, nor may policies be cancelled except for loss of driver's license, nonpayment of premiums, or fraud in the procurement of the policy. (Section 11)

TAXES

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HOGAN. Mr. Speaker, so often these days it seems that the humanity of the individual man is lost in the avalanche of statistics and antispetic reports which seek to present to us the condition of mankind. I fear we have all become so accustomed to thinking in terms of the family with 2.5 children driving 1.2 automobiles and owning 1.4 televisions in a nation of 200 million people that there is a tendency to forget that behind every such statistic there is a unique man or woman with unique attitudes, hopes, fears, and loves.

There is probably no statistical issue more difficult to humanize than taxes, but Philip McCombs of the Washington Post has succeeded in doing just that in two articles on taxation and education in Prince Georges County, Md., which I represent. He has brought alive a taxpayer and an educator. Neither man is everyman. Each man is one man, his own man. But in learning how each feels, we are reminded how all of us feel.

I insert the two articles in the RECORD at this time:

TWO VIEWS OF COUNTY'S PROPOSED EXPENDITURES

Behold the Taxpayer and the Teacher. Prince Georges County officials had their eyes on both as they prepared the fiscal 1973 budget proposal that was released yesterday.

The Prince Georges Taxpayer, also known as the Voter, pays the highest real estate tax rate in the Washington area.

The Prince Georges Teacher accounts for the largest single item in the county budget. The county's more than 8,000 teachers and administrators are scheduled to be paid $110.8 million in 1973—nearly 40 per cent of the total proposed budget of $280 million.

Prince Georges teachers are paid above the national average ($7,600 starting salary compared to the average of $7,061), but they are demanding more, as are teachers throughout the country. County government officials, wondering whether higher salaries mean better education and worrying about holding down the real estate tax rate, are stiffly resisting the teachers' demands.

John Gruber, president of the Prince Georges Teachers' Association, says he, too, is bothered by high taxes but that the dignity of the teaching profession and competitive raises nationally mandate another cost-of-living raise for Prince Georges teachers.

To understand how the Taxpayer and the Teacher see their situations in Prince George's, Washington Post Staff Writer Philip A. McCombs interviewed a representative of each group.

TAXPAYER: BETTER SCHOOLS FOR HIS MONEY

James E. Dawson, 39, 104 Julian Ct., Greenbelt, has a house with three bedrooms, two baths, two cars, a wife, three children, an insurance policy and an annual income of $11,500 to pay for it all.

His income is a little below Prince Georges County's 1970 average income of $12,450, the lowest average in the Washington area except for the District itself.

Dawson, a dark, intense, fast-moving man, also had a tax bill last year—for all taxes from federal to local—of about $1,922.

Of that, he said, figuring rapidly with a pencil on his overflowing sheaf of tax documents and personal income statistics, he paid about $720 to the county.

An education for his children is about the only substantial return Dawson figures he is getting from the county for his taxes.

"We pay $125 to Greenbelt," Dawson said. "We pay $9.75 a quarter for trash. If we go on a vacation or a weekend, we call (Greenbelt) police and they check our doors once a day. We get streets plowed and cleaned up (by Greenbelt). So we're not really affected by the county except for education . . . and the roads I travel on."

But since per-pupil school expenses in the county are $944 a year, Dawson figures he is ahead of the game. He is willing to pay more county taxes to raise teacher salaries—provided, he said, leaning forward and raising a finger in emphasis, "things are done efficiently."

Dawson, born and raised in the District and suburban Maryland, said he has watched the "courthouse crowd" that governs Prince Georges since he was a boy, and is convinced that the school system is somehow wasting a lot of money.

Waste is not something the Dawsons tolerate in their own lives.

"Some people have different values," said Jean Dawson, 38, his warmly humorous, rusty-haired wife of 13 years. "My husband and I were raised with very mediocre-income families. We weren't raised with expensive things and we don't need them."

A bucket of chicken purchased at a local carry-out is one of their luxuries. (The bucket was sitting on the dining-room table.) So was the $38 Dawson put out last summer so his family could use a local swimming pool.

They don't smoke or drink, and that helps.

"You don't have it, you don't spend it," said Dawson, a computer repairman whose many hours of overtime each week make the difference between having enough and not. "You tighten up."

It has been a life of tightening up and of struggle: bad grades for Dawson in high school, two years in electrical engineering at Montgomery Junior College, the draft, Korea, part-time work in 1969 as a Giant Food stock clerk at $2.83 an hour while getting through a computer school . . . and now, living on the edge still, no way to save any money.

"I really don't know how we do it," said Mrs. Dawson. "I see other people . . neighbors give things to the children, toys. You have to step to get over the toys (in neighbors' homes)."

The Dawsons have a budget book. Everything is noted down in it even a 15-cent expenditure for a birthday card. Every month, Dawson examines the book and tells his wife what they can't afford the next month.

They manage well. Their $24,500 home, bought six years ago, is neat and fully furnished. They bought it when Dawson was making $8,632 a year. Their old black-and-white TV drones downstairs during an interview. Coffee is served steaming in nice china. A little picture of Jesus graces the wall.

"We're very religious by the world's standards," said Dawson, who has taught Sunday school for 14 years. His wife sings in the choir at their Baptist church.

Last year, the Dawsons put out $535 in charitable contributions, most of it to the church. Internal Revenue didn't believe that. They were audited and passed.

The Dawsons laugh a lot as they talk. Mrs. Dawson noted to her husband that, "The computer field was wide open when you started (school), and closed the day you graduated." She laughed. Dawson chuckled and said, "I say I got the breaks . . . bein' white as opposed to bein' black." But then he frowned, the thought having made him serious again.

Dawson said he doesn't have a particular philosophy of education, but he has some definite ideas, one of which flies in the face of everything that the teachers in his county are fighting for:

"I look at it (the quality of teaching) from the business standpoint," he said. "A man should be paid for his performance . . . I don't feel experience itself makes (a teacher) better . . . Either you've got it or you don't."

He said, "We have teachers who are not quality teachers . . . They get tenure . . . We're not keeping tabs on the quality like a business would—well how good is this individual as a teacher?"

He said a teacher's "value to the children is hard to measure. I didn't realize the value (of my teachers) until I got out of high school."

Dawson said teachers in Prince Georges may be underpaid a little. He said he is willing to pay higher taxes to pay teachers more but only provided that:

Teachers are strictly rated by ability and paid on that basis without any experience increases. (The main thing the teachers are fighting for is to retain the scheduled experience increases in their current pay schedule.)

Classes are made smaller.

School construction costs are cut.

A "full, independent audit" of the school system's budget is made.

Told that the Teacher interviewed as "typical" by The Washington Post was paid $13,300 for 10 months' work, Dawson paused a long time, leaning back in his chair and linking his hands behind his head. "That's a good salary," he said.

Taking into consideration the Teacher's 10 years of experience and master's degree, Dawson said, he should be paid a little more, perhaps, but not the $18,000 for 12 months' work that the teacher said he thought would be fair.

"I'd like to be making 18 K also," said Dawson.

Mrs. Dawson said reflectively. "But does the low salary—I don't think it's low—does that drive him out of the teaching profession?" Answer: No. "So he's dedicated enough . . . that's good . . ."

The Dawsons said that they have been satisfied with the schooling their children receive. Their 12-year-old son James attends Greenbelt Junior High School, where the teacher interviewed teaches. Nancy, 8, and John, 5, are in third grade and kindergarten at Greenbelt-North End Elementary. A recent shortage of books in the junior high school has been their only complaint.

But even that, thinks Mrs. Dawson, "is not that much of a hardship on the kids . . . (and) our elementary is beautifully equipped."

The couple said it would be a struggle to send their children to college, but that they would help as much as they could—provided their children turned out to be "college material."

Otherwise, their children will simply have to go to work.

For now, the Dawsons are willing to pay the necessary costs of primary and secondary education. Said Dawson, "I expect things to cost more money, but I want no hanky-panky, and (I want) things done efficiently."

TEACHER: PROFESSIONAL STATUS, SALARY

George Strachan, 33, is a slow moving, sandy-haired man who has cultivated a serious demeanor in the decade that he has taught life and earth sciences—geology, soils, plants, animals—to Prince Georges County school children.

He said his schedule is rigorous:

From 8 a.m. to 3:30 p.m. on weekdays, Strachan (pronounced Strawn) teaches at Greenbelt Junior High School. After that, he grades papers, dreams up experiments, sponsors clubs, chaperones trips and dances and teaches adult school two nights a week.

Six classes of about 30 students each means that Strachan must gear himself up to confront 180 students each day.

He is mild-manner and slow in his movements before a class, patiently explaining things or walking about quietly during experiments, quizzes and study session. Occasionally, he cracks a joke and smiles.

Strachan said he works hard for his money and is tired when he gets home at night.

And, he said, he must scramble to get summertime jobs to make ends meet. Last year, that meant no summer vacation at all.

Strachan said he considers himself a professional man, like a doctor or lawyer. He has a master's degree in general science.

"I'm a highly trained professional person, I'm not a public servant," he said with an edge of pride in his voice.

Strachan said the $13,300 that Prince George's pays him for 10 months' teaching (about $1,000 over the teacher median for the county, according to the County Educators Association) is not enough—even when he adds to it $900 annual for night school work, $500 his wife earns substitute-teaching, and $1,400 he earns during the summer (total: $16,100).

Fair pay, he said, would be $18,000 a year from the school for 12 months' work.

When he started in the Prince George's schools in 1962 his pay was $4500 a year. Since then, he has earned his M.A.—qualifying him for more pay—and salaries throughout the system have gone up under pressure from the increasingly powerful County Educators Association.

Strachan has been lucky in many respects. Instead of having to spend nights and weekends studying for his master's degree, as most teachers do, he won a National Science Foundation grant that enabled him to spend a year earning his degree at the University of Northern Iowa. He also met his wife, Virginia, that year; she was a French and Spanish teacher.

"I don't want more than I'm entitled to," he said, but his responsibilities and training entitle him, he thinks, to parity with business and government, where salaries are still uniformly higher across the nation than in teaching.

Strachan led a reporter from Greenbelt Junior High on his daily 27-mile drive over country roads to his pleasant, 3-bedroom $26,000 home in a development in Anne Arundel County several miles south of Baltimore. Payments on the house come to $236 a month.

Strachan said he dislikes the daily drive, which he makes in his new sea-blue Chevelle Malibu 300 (monthly payments: $73), but that he couldn't afford a house in Prince Georges nor could he afford to pay rents that kept going up because of high taxes there.

The Strachan split-foyer colonial, where they have lived for a year, is neat and clean but sparsely furnished: Old chairs and sofa, a $29 coffee table, ancient TV, $20 sideboard, frayed rug, dining table and chairs bought on sale for $100.

In the bedroom, a ragged old bedspread on the double bed, a dresser bought for $15 at a rummage sale in Iowa, a red, heart-shaped candy boxtop pasted to the wall over the bed . . .

"A lot of people here are government workers and are in a higher income bracket," said Mrs. Strachan, "I have a lot of friends who give me things. These white drapes, I took 'em sight unseen, and I'm just tickled to death." The drapes, now in the Strachans' living room, would have gone to Goodwill had Mrs. Strachan not shown an interest in them, she said.

Strachan said he would like to convert his cold, uninsulated and unfinished basement recreation room into a comfortable living space and library but cannot afford to.

However, Strachan is happy in his work as a teacher and his wife has not had to take a steady job to make ends meet. They figured out what it would cost for her to work—in transportation, lost household work, new clothes and so on—and decided it wasn't worth it.

"I don't really feel like I'd have to work," said Mrs. Strachan. "If anything happened to George I'd be ready and willing to work, but not just for the sake of keeping up with the Joneses."

Her husband also feels that, "If there are young children, there should be someone here until they leave (for school) and someone here when they return." The Strachan children, Kevin, 10, and Gina, 5, are in the 5th grade and kindergarten in Anne Arundel schools.

Strachan said he loves teaching: "It's very exciting being part of the learning experience." He taught swim classes at the YMCA while growing up in Western Maryland, and has wanted to do nothing but teach ever since.

Pressed on whether he thinks more money will make him a better teacher—whether the taxpayers will be getting something substantial for their dollars—Strachan leaned back in his chair and sighed, much as the Taxpayer leaned back in his chair when told that the Teacher would like to be making $18,000.

"A brick mason can show you what he did," he mused. "A doctor can set a bone. A teacher may not know for years, and may never know, what effect he's had."

Nevertheless, he said, teacher pay must keep rising for at least three substantial reasons:

Teachers may get jobs elsewhere at higher pay if Prince Georges pay increase fall far behind national norms.

Moonlighting to make ends meet takes away from a teacher's effectiveness in the classroom. (Strachan used to moonlight five nights a week, always felt tired, and decided to stop it.)

Not having enough time or money to devote to further education (Strachan would like to begin his doctorate work), also ultimately robs students of intellectual resources.

Strachan argued strongly that experience makes for a better teacher and that yearly experience pay increases now provided for in Prince Georges should be maintained.

A Prince Georges teacher now, under the "index" system that the school board is trying to do away with, earns an additional 6 per cent of starting salary (now $7,600) with every year's work, with a maximum of 16 steps. He also earns more for added education.

Under the present system, Strachan can look forward to an assured $456 increase next year, and more if a cost-of-living pay raise is approved by the county.

"If you go to a doctor, you wouldn't want him taking out your appendix if he's only done a few operations," said Strachan. "It may appear at times to the public that all they need is someone to contain the kids in the classroom, but that's not education . . . We can get dogs to keep people in a room."

Financial pressures are building on George Strachan, largely because of the expectations that he has for himself and his family.

His son Kevin, for example, will soon need braces on his teeth and that may cost thousands.

Strachan failed a recent test for a promotion to a vice principalship because his courses in school administration were insufficient.

The promotion would have meant an additional $1,000 in pay, he said. Where, he wondered, will he get the needed time and money to take the needed courses?

And, as yet, no job has been lined up for this coming summer, even though he has been trying hard to get one for a long time.

"I may have to do labor, or anything" he said. He did not smile at the thought, he said, because it was too close to being a reality. When an extension was built on Greenbelt Jr. High one recent summer, many teachers gladly turned out to do physical labor at $3 an hour.

SOUTHERN RHODESIA DISCRIMINATED AGAINST BY DENMARK

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, it appears that discrimination against the South is not confined to this country. Denmark discriminates against Southern Rhodesia.

A recent news account from Denmark revealed that a Danish firm was fined $7,000 for exporting to the white Government of Southern Rhodesia while a report from South Africa disclosed that the Danish Government would grant $1.3 million in aid to the terrorist leaders of Northern Rhodesia—that Red minority controlled country now referred to as Zambia, which discriminates against people of Indian, Chinese, and European descent.

The related newsclippings follow:

[From the Washington Post, Apr. 21, 1972]

COMPANY FINED FOR RHODESIA SALES

AARHUS, DENMARK.—An Aarhus chemical firm and two of its directors were fined the equivalent of $7,000 today for illegal exports to Rhodesia in violation of U.N. trade embargoes.

It was the fourth Danish firm to be fined since the United Nations imposed trade sanctions against the white-ruled breakaway British colony.

[From To The Point (South African Fortnightly), Mar. 25, 1972]

DENMARK AND THE TERRORISTS

During a visit to the Zambian capital, Lusaka, Denmark's Foreign Minister Knud Anderson let his tongue run away with him—politically as well as financially. He left terrorist leaders rejoicing at the announcement that the Danish government would soon be providing them with no less than $15.6 million in aid. Within 48 hours of his departure, though, it appeared the figure should have been less than $2 million—which in terms of hard cash, would not go far in the arms markets of Prague or Peking. There had apparently been a misunderstanding about the designation "k" before the figure, which at first was taken to represent Zambian kwachas (worth about $1.3) but turned out to stand for Danish kroners. Still, terrorists organisations welcome every bit of aid. But Anderson's careless generosity will not do Denmark's credibility any good. No matter the explanation for the slip, there will remain a sense of let-down in the circles where Denmark is seeking popularity.

DISCRIMINATION

The 32-nation United Nations Human Rights Commission last week adopted a proposal to conduct a world-wide study of racial discrimination against people of African origin. Provided it is done in a scholarly manner and not aimed at any particular country, the study, which will take about three years to complete, will undoubtedly serve a useful purpose, for example, by flushing out countries, communities, organisations and groups whose righteous indignation at racial discrimination elsewhere is often a cloak to hide discrimination in their own backyard. Unfortunately the motion, approved by 19 votes, with nine countries abstaining, in itself reveals some discrimination. It refers merely to discrimination against "people of African origin" by which the sponsors meant black people. The commission could not have had in mind the Maghreb countries, Egypt, South Africa or East Africa where other people and races have been living for centuries who can also claim to be of "African origin" as much as anyone else. Africa may have been known as the Dark Continent, but for centuries it has also been the home of Berbers, Hamites, Carthaginians, Indians, Chinese and people of European descent.

The resolution would have been of greater value and picked up more support had it also included all other races. The fact is that in Africa there is also discrimination against people of Indian, Chinese and European descent, and not necessarily in white citadels such as Rhodesia or South Africa. In states such as Zambia, Kenya, and Tanzania (one of the sponsors of the resolution) there is marked discrimination against Indians (To The Point, January 15) as it is in Burma where in 1964, in one of the lesser known tragedies of modern times, 500,000 Indians were forced to flee the country. Pakistan is no happy place for Indians either. In Malaysia there is discrimination against the Chinese. Koreans are not happy in Japan and non-whites cannot settle in Australia, while in several African states, Liberia for example, no white man may acquire citizenship. In Morocco there is discrimination against Jews. In the process of Africanisation, East African states, such as Kenya and Tanzania, have discriminated against white people, many of whom never shared the views of London on how to conduct race relations in the African colonies.

By all means let us examine racial discrimination against human beings, but then all human beings should be included. The black people in Africa have undoubtedly suffered under racial discrimination and still do, but so have others, notably the Asians, and the UN which is said to represent all mankind, should be the last body to create the impression that one race in a particular area of the world should receive preferential treatment. Finally such investigations should not be confined to race alone. Ulster and the Sudan are extreme examples of what happens when discrimination on grounds of religion becomes rife. Research on discrimination against women is also a matter for the UN. This subject has been grossly neglected. No doubt the women of one Central African tribe, who have to return to their work in the field 24 hours after giving birth, while the husband gets into bed to receive congratulations and gifts, would agree.

NATIONAL LIBRARY WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. BEGICH. Mr. Speaker, the Governor of Alaska, William A. Egan, has set aside the week of April 16, 1972, as "Library Week in Alaska." The public library, with its many programs, is essential to our educational system and gives millions of Americans access to the great works as well as every major periodical. Today, in salute to our libraries, I submit the proclamation of the Governor of Alaska into the RECORD:

PROCLAMATION: NATIONAL LIBRARY WEEK

National Library Week is both the beginning and the climax of many year-round activities to encourage Americans to read more and to make reading opportunities more easily available to others.

The year, 1972, has been declared International Book Year with the special themes of "books for All" and "Books Bring People Together." In addition, the themes "Reading Makes the World Go 'Round" and "You've Got a Right To Read" have been selected for National Library Week.

Reccgnition is being paid to libraries and to the librarians who staff them: public, school, academic, State, and special. All are working together to make reading accessible and enjoyable for all Americans for continuing education and personal fulfillment.

Therefore, I, William A. Egan, Governor of Alaska, proclaim April 16–22, 1972, as Library Week in Alaska and call upon all Alaskans to join with their fellow Americans to participate in those programs which emphasize the importance of the printed word in this age of progress. Alaskans are further encouraged to visit their libraries and to become acquainted with opportunities they offer.

Dated this 10th day of April, 1972.

WILLIAM A. EGAN,
Governor.

——— ———,

Attest:

Lieutenant Governor.

OIL AND POLITICAL POWER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HAMILTON. Mr. Speaker, 31 months ago, an unknown, young army officer lead a coup in the small north Africa country of Libya. Since then, Col. Muammar al-Qaddafi has become increasingly well-known to foreign ministries around the world for his unique style of international role-playing and the use of his oil wealth for political advantage. This man, his policies, and his country are the subject of a perceptive article by Roderick Nordell which appeared in the April 19 Christian Science Monitor. I recommend this article to my colleagues:

LIBYA'S QADDAFI: EMERGING POWER BROKER

(By Roderick Nordell)

TRIPOLI, LIBYA.—Under the dedicated, dramatic—sometimes melodramatic—leadership of Col. Muammar al-Qaddafi, the North African desert's oil-rich Libyans are rising from the sands to be called the power brokers in this part of the world.

What is the most important thing for an international audience to know about Libya today?

When Colonel Qaddafi was asked this question—in two written copies as required—his reply was brief:

"Truth is what they should know, and truth is what they should see."

Part of the truth lies in Colonel Qaddafi himself, who is fascinating Arab-watchers with a smile and a zeal that seem handed down from the late Gamal Abdel Nasser, plus his own combination of unswerving purpose and unpredictable zigs and zags.

This is the young chief of state who reportedly suddenly had chairs removed from government offices to activate the bureaucrats, who was pictured picking olives to encourage the labor force, who has gone to visit disgruntled dock workers and aggrieved students.

"When the women protest, the poor devil stands before 400 screaming women," says an American executive in residence here. "He does a lot he doesn't have to do."

AUTHORITY IS UNQUESTIONED

The reason Colonel Qaddafi wouldn't have to do such things is that he has the power to do what he pleases. Sometimes he pleases to nationalize insurance companies or ban magazines with "ladies" on the covers.

But the American executive says that, despite ups and downs, he expects the general curve of business progress to continue here. He doesn't really know what is going to happen next, but he is sure of one thing—"my wife would be safe at midnight on any street in Tripoli."

Meanwhile, Colonel Qaddafi appears to prepare for holy war against Israel or any other enemy of the Arabs, devoutly citing Islam on the rectitude of his cause. Some observers are apprehensive, some are condescending. Whatever they think of his realism, no one seems to challenge his sincerity or incorruptibility in leading his people out of colonial darkness according to his lights.

"He won't talk to you and then go back to his council and say: 'Boy, I really snowed 'em today,' " says that American executive.

These are some gleanings in an effort toward the "truth" Colonel Qaddafi said was so important.

What is truth? The question asked by the Roman Pontius Pilate in ancient Palestine is no less difficult for a present-day outsider in one of the Arab lands where the Palestine issue underlies every answer.

Yet it was possible to put together personal impressions, foreign residents' observations, official information, and the words of Colonel Qaddafi himself during a recent week he extolled as a peak in Libya's post-colonial political development—the first meeting of the nation's "popular alliance," the Arab Socialist Union.

One conclusion was that the "truth" of a militantly Arab Libya must be looked for with a kind of double vision, somewhat like viewing the truth of the radical black-power movement in the United States.

According to such vision, for example, the talk of violent solutions represents the depth of urgent feelings but does not necessarily represent an immediate intention to resort to violence.

Nuances of such a view are more apparent to the insider than the outsider, who might be surprised to turn from what seems like a call-to-arms in a Qaddafi speech to an official government publication that says, "There is no risk to foreign investments in the country."

But it appears that to the Libyans, there is no contradiction here. Nor is there to Colonel Qaddafi when, during an unusual conference for the international press on April 1, he maintains his familiar militant stance on the Palestine issue, but then refuses to be trapped by a question imputing less militant attitudes to Syria and Egypt—Libya's fellows in the Confederation of Arab Republics so close to Colonel Qaddafi's heart.

PROBLEMS CONSIDERED DIFFERENT

"The federation is one thing, the problem of Palestine is another," he says, sitting calmly at a Formica table in a simple room at Azizia Barracks while birds sing furiously outside above the barbed-wire-topped walls.

And what about Italy, one of Libya's many former colonial rulers? After all, Colonel Qaddafi promptly deported almost 20,000 Italians after the bloodless revolution by which he and his Revolutionary Command Council came to power in 1969.

"We have a very good relationship with Italy," he says. And one is told by an American embassy man that, indeed, Italians are once again coming to live in Libya, though not the same ones that were thrown out.

One problem for Libya is to convey to the rest of the world what it has in its own enigmatic mind. No matter how safe Libya is for foreign investment, the new investor will not come unless he sees evidence to make him believe it is safe, says an American businessman in Tripoli.

Does Libya's nationalization of Britain's BP oil company mean that other companies will be nationalized? The BP case was so singular, says a local observer—and thought to be in retaliation for Britain's role or non-role in allowing three islands in the Persian Gulf to fall into non-Arab hands—that it says nothing about any possible nationalization of other firms.

Is it true that, after two rounds of stiff price increases, the oil companies have rolled back production and exploration to the point that Libya's extra revenue demands may have amounted to cutting off its nose to spite its face?

A complicated question, because Libya's oil contracts themselves limit production for conservation purposes and require a certain amount of continued exploration. Also, Libyan oil's selling points—high quality and closeness to Europe—lose some luster in the view of those who note that European refineries are mainly geared for a lower grade of crude and that plummeting ocean-freight rates have made remoter oil more competitive.

Another factor is the varying demand for oil in Europe depending, for example, on the severity of the weather. The Libyan prices have reached a "marginal" point of competitiveness, according to this view.

Yet now the price demands are not in themselves causing production significantly below what is allowed, according to an on-the-spot estimate. But a certain drive is seen to be missing from exploration that is undertaken by contract rather than risked through a spontaneous profit motive.

What if Libyan policies did result in companies leaving the oil in the ground? According to a foreign economist on the scene, this might be no worse and perhaps better than putting the money from the oil in banks, as the Libyans have been doing. The oil in the ground might appreciate more than the money in the long run.

As it is, the Libyans earned $2 billion from oil last year. Substantial losses are said to have followed a shift of some reserves from sterling to dollars—just before devaluation.

LIBYA'S WEALTH BRINGS POWER

But Libya has enough to contribute to various Arab causes elsewhere, to be a mark for groups seeking funds, and to be invoked as an influence in recent events, such as the Malta agreement and the expulsion of Israelis from Uganda. It was in the latter situation that the Times of London referred to the Libyans as "power brokers."

As for Malta, Colonel Qaddafi had been credited for a part in a reported British agreement not to use its Malta base to attack Arabs. And it was perhaps typical of him to reply as he did to a press-conference query on whether the agreement implied there was any likelihood that Britain would have used the base for such a purpose.

He said he thought the clause was superfluous, because the Arabs had nothing to fear from a base on Malta; it is within range of their own forces.

This cool Colonel Qaddafi—seemingly never on edge as he met the press in light suit, blue shirt, and striped tie—showed none of the signs of the high-strung personality sometimes attributed to him.

When he repeatedly speaks of undefined "lies" about his country, he may be referring in part to comments about himself personally, to rumors of breakdowns and sudden withdrawals, says a Tripoli resident here since before the Qaddafi group ousted elderly King Idris.

One needs one's double vision again in considering that the former King has been condemned to death in absentia—he is in next-door Egypt. No one seems to be making any effort to carry out the sentence.

Under King Idris, as an independent monarchy established two decades ago, Libya had a senate of appointed members for eight-year terms and a house of elected members for four-year terms. The effect is said to have been representation mainly for the privileged classes.

SMALL STEP TO AID PEOPLE?

Now Libya has taken what Middle East observers consider a small step toward potential representation of all the people. Some think it will fade quickly. Some are more hopeful.

Everything depends on how Colonel Qaddafi and the Revolutionary Command Council follow through on the commitment made with such fanfare during the first national congress of Libya's Arab Socialist Union held in late March and early April.

Not a little of Libya's wealth must have gone to bringing "third world" guests from many countries to be present as elected Libyans met with their leaders—not to wield any lawmaking power yet, but to engage in "dialogue."

For the first couple of days at least, apart from statements by well-wishing guests, the dialogue was virtually a monologue. And Colonel Qaddafi's ability to speak for hours, not to mention his audience's ability to listen for hours, called to mind the theory that the art of the nomad—whose life prevents the accumulation of visual arts—is verbal.

Colonel Qaddafi is of Bedouin stock, and he seems to assume that his audience reflects the opinion of scholar Philip Hitti that "no people in the world are so moved by the word, spoken or written, as the Arabs. Hardly any language seems capable of exercising over the minds of its users such irresistible influence as Arabic."

Colonel Qaddafi spoke, while French and English translations came through earphones, in Tripoli's Boy Scout Hall, where one occasionally saw a soldier with a machine gun looking almost as young as a Boy Scout, or a Muslin unobtrusively kneeling and praying in the corridors as the intermission crowd drank coffee or soft drinks instead of the beer or liquor Colonel Qaddafi has banned.

A local foreign observer noted that considerable controls had been placed on the election process bringing members from all over Libya to this first Arab Socialist Union meeting.

Colonel Qaddafi himself noted that a minority of candidates had been judged unacceptable. He explained there is need for an "opposition" in countries not yet liberated but there is no need for an opposition in a country liberated, as he said Libya now is for the first time in history.

What is needed instead is a means for the exchange of views between loyal citizens and their leaders. And this was what the union was for, he said.

A foreign resident adds that what also is needed is an "infrastructure" to provide channels for identifying and meeting the people's needs with more of Libya's economic wealth. The Arab Socialist Union might be a step in this direction and eventually toward some form of parliament.

Members of the union were enthusastic about its prospects. Two or three men-in-the-street took a wait-and-see attitude. When Colonel Qaddafi exhorted the people to be "revolutionary heroes" and work around the clock if necessary, one young Libyan said, "If I do, it won't be for Qaddafi, it will be for my mother and father and brother and sisters."

Meanwhile, the government is allocating increased funds to planning and developing a balaced economy with particular attention to improving labor skills. According to an American embassy report: "It is this combination of a program of diversification of the economy with large and growing financial resources that makes Libya an important potential market for technologically advanced services and equipment."

Only now is Libya's population reaching the 2½ million that were sustained along its coast in Roman times—without oil. Though much of the land is desert, it seems possible that Libya could bloom again for its people if the shadows of war do not close in.

LEADER TELLS OF NEEDS

This was part of the background as Colonel Qaddafi tirelessly sought to tell his truths during that recent week—to the members of the Arab Socialist Union, to the delegations from afar, to the press:

"There is a considerable number of women present here at this general national conference. This is striking evidence that this people has become free. In the past not even men had any word in the destiny of their country.

"We still need 2,000 mobile schools, to be moved from one valley to another and from one place to another. . . . We are in bad need for cultured citizens in all aspects. . . . But we need clean cultured citizens loyal to the Arab country and faithful to the Arab unity and believing in God. . . . I can't put faith in an atheist. . . .

"If we sever ourselves from our worthy and glorious history [Arab, Islamic, and pre-Islamic] and let the U.S.S.R. lead us or America become a replacement to our heritage, then we shall become valueless. If you rob me of these treasures . . . I shall not want any other life even if I am placed in towers constructed of gold . . . because the value of a human being is spiritual and moral—these are the most precious of God's gifts on earth. . . .

"Every one of you may feel that the Arab nation today is weak; the Arabs have been defeated by Israel and their land occupied. The world reached the moon, Venus, and Mars, and the Arabs couldn't do anything. This is a true statement existing now. But, let us not forget that the Arab nation, at one time, led the whole world. . . .

"We are not in need of fascism in our country, or of any other system from the East or West. However, we can give to the world and give in abundance. . . .

"We are slaves only to the bad. . . . How to create a free man—that is the difficult part. . . . The struggle with oneself is the greatest struggle."

ARTHUR GOLDBERG ON THE NIXON BUSING MORATORIUM

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. EDWARDS of California. Mr. Speaker, former Justice Arthur Goldberg has written an eloquent plea for opposition by the legal community to President Nixon's proposed Student Transportation Moratorium Act of 1972. In his article, which appears in this morning's New York Times, Justice Goldberg sets forth his opinion that the President's antibusing proposal is unconstitutional because it violates the separation of powers mandated by the Constitution. He then goes beyond legal analysis to argue the need for the bar to stand up and be counted against this cynical exploitation of population passion which threatens the integrity of the Federal courts.

All of us who are lawyers should consider carefully Mr. Justice Goldberg's contention that it is our professional duty to oppose Mr. Nixon's antibusing bill. All of us as lawmakers must consider carefully the moral and constitutional imperative for opposition to this ill-conceived, repugnant legislative proposal.

I urge my colleagues to read Mr. Goldberg's article:

[From the New York Times, Apr. 20, 1972]

TO THE BAR: SPEAK OUT

(By Arthur J. Goldberg)

WASHINGTON.—There is today before Congress and the American people a proposal by the President for a legislative moratorium on court decisions relating to busing of public school students. This proposal is embodied in the proposed Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972.

It is my considered opinion that the President's antibusing proposals are plainly unconstitutional because they violate the separation of powers mandated by the Constitution.

The Founders established the Federal judiciary as an independent and coequal branch of our Government. To safeguard their independence, Federal judges are given life tenure and unreducible pay. More important, the Founders entrusted the courts with the great and, at that time, unprecedented power of judicial review of legislative and executive actions. These are to be tested by the litmus of the supreme law—the Federal Constitution.

Our courts exercise the power of judicial review not merely as a matter of tradition but because it was intended that they should have that power; they are not usurpers but an integral part of the grand design to ensure the supremacy of the Constitution as Supreme Law to which all branches of Government—including executive and the legislative—are subject.

In light of the undeviating and unanimous line of decisions of the Supreme Court holding that state-imposed segregation in public schools is unconstitutional and that busing is a permissible tool of school desegregation, what needs to be said of President Nixon's proposal which would interfere with the courts' handling of school desegregation cases?

The Federal courts have done their duty in the school desegregation cases. What is the nation's duty? And what is the duty particularly of the organized bar with respect to the President's proposal for a legislative moratorium on busing?

To me, the answer is plain.

Defend the courts.

Defend their independence from the executive and legislative interference.

Defend the integrity of the judicial process and our constitutional commitment to the rule of law and not of men.

Defend the many courageous Federal judges, many from the South and, specifically, from the Fifth Circuit and its districts, who have properly invoked judicial authority to ban racial discrimination in the face of legislative default and executive defiance and, on occasion, widespread public misunderstanding and disapproval.

Lawyers are not defenders of the law if they leave the courts, and particularly our highest Court, defenseless against attempts to prevent them from performing their sworn constitutional duties. Courts cannot with propriety defend themselves; it is the specific obligation of the bar to come forward and provide a defense.

Whatever one's personal views are about the desirability of "forced" busing, and no one particularly likes the idea, I believe that no lawyer can differ with the concept that court decisions must be obeyed and enforced and not tampered with.

Enactment of the President's proposed Student Transportation Moratorium Act would be an unconstitutional interference with judicial power. The busing provisions in the Equal Educational Opportunities Act suffer the same constitutional infirmity.

Whether one agrees with me or not on the constitutional aspects of the matter, the pervasive note in the Administration's proposals is interference with the courts in the performance of their constitutional duties, and on this issue it is the plain duty of the bar to speak out in opposition.

The courts have done their duty in seeking to eliminate racial discrimination in public schools root and branch. Let the nation and the bar now do theirs.

A TRIP TO MARS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. HALPERN. Mr. Speaker, I recently came across a humorous sidelight to America's man-on-the-moon program. With American astronauts landing on the moon this week I wanted to bring to the attention of my colleagues an interesting article which appeared in Transworld International Airlines magazine, Inside story, entitled "The Far-Out Charter." It seems that Transworld International Airlines began offering advanced tickets sales for the first chartered flight to the moon.

With over 10,000 applications coming in, 31 New York seventh-graders decided to get dibs on the first flight to Mars. Miss Melerski's homeroom class at Southside Junior High in New York should be congratulated for their determination and resolve to make the trip. I am inserting four letters from these seventh graders, and would like to offer TWA my wholehearted support in providing such pioneering flight plans for our citizens:

Dear Transworld International Airlines:

We would like to find out how things are up there and besides I want to taste their water and breathe their air if they have any.

Scientists might even be able to improve our water. Now you can see were only trying to save the world from dying of pollution.

Yours truly,

The people that want to visit the red planet—Carol DeJac.

Dear Sir: How much would it cost for our class to go first class on the wings. I want to go because I just like Mars people and my long lost uncle went to Mars 15 year ago. I'm really a Mars person, but Mars sent me down here on secret business. I already know enough about earth, and have hoped to get back to the old country. We have 32 kids in our class, including our teacher who also came from Mars.

Yours Truly,

Daniel Highway.

To Whom It May Concern:

My class and I would like to take your first, first class trip to Mars. Seeing that the moon trip is overcrowded, I settled for Mars. We would like to order 35 seats. Spare no expense, because my Science Teacher, Miss Melerski is paying for the whole thing!

My three main reasons for going are (1) The people up on Mars may contribute to our toys for tots program. (2) I think I deserve a vacation. (3) I would like to spend a winter without the regular Christmas season.

Thank you for your time.

Yours truly,

Lucretia Adymy.

Dear Sir: I wish to have some information on the first flight going to Mars. Our class of 31 people would like first class seats. How much would they be?

We are looking some kind of life form. We will also collect rocks. How much tax is there on Mars rocks?

Thank you.

Teresa Herbert
and the rest of our class.

P.S.—We're not queer, just interested.

EARTH WEEK 1972

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. KEMP. Mr. Speaker, almost 140 years ago the French philosopher Alex de Tocqueville wrote about us—the American people. He called us "the most peculiar people in the world."

He wrote:

> You won't believe it when I tell you how they behave. In a local community in their country, a citizen may conceive of some need which is not being met. What does he do? He goes across the street and discusses it with his neighbor. Then what happens? A committee begins to function in behalf of that need, and you won't believe it, but it is true—all of this is done without reference to any bureaucrat. All this is done by the private citizen, on his own initiative.

There are those who say this might have worked, back in 1830—but that it will not work today—that things are too big, too complex—and besides, nobody cares anymore.

I disagree. People do care. Earth Day 1970 brought a new awareness of the environment to the people of our Nation, but it also marked a reawakening of the American spirit of self-help that would make our pioneering ancestors proud. These 2 short years have seen the unparalleled growth of citizens' efforts to preserve and restore our environment.

I am proud to say that the people of my district and New York State have shown outstanding leadership in their commitment to a better environment. As Governor Rockefeller states in his 1972 Earth Week proclamation:

> The people have made clear their support of the efforts to improve the environment, to undo the centuries of unthinking exploitation of our natural wealth.

To call attention to their efforts and to encourage the fullest participation in future efforts, Governor Rockefeller has proclaimed the week of April 17–23, 1972, as Earth Week, to celebrate our mutual accomplishments to date and to focus our attention on all that remains to be done for our environment.

I fully support the Governor's proclamation and I would like to take this opportunity to pay tribute to the many individuals and organizations who have worked so hard over these past years to improve the quality of our environment and to preserve our priceless natural resources for future generations.

At this time, Mr. Speaker, I include for the Record, Governor Rockefeller's 1972 Earth Week proclamation:

Proclamation

Two years have elapsed since the first Earth Day on April 22, 1970—two years during which the people of New York State have shown increasingly greater understanding of our essential dependency on the environment for the true joys of living and, indeed, for survival.

During this time, it has been widely recognized that the wise use of all resources is essential to minimize the adverse impact brought about by the state's growing population and expanding economy.

To help accomplish this, the Department of Environmental Conservation, New York State's pace-setting agency for meeting environmental concerns, is now engaged in preparing an environmental plan for New York. This legislatively mandated plan will help us provide for the management and protection of the quality of the environment and the natural resources of the state.

Continued public commitment is indispensable to the environment, for no program of government, no matter how farsighted, can succeed without the willing support of the people. And the people have made clear their support of the efforts to improve the environment, to undo the centuries of unthinking exploitation of our natural wealth.

To call attention to their efforts and to encourage the fullest possible participation in future efforts, we set aside one week a year to celebrate our mutual accomplishments to date and to focus our attention on all that remains to be done for our environment.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York do hereby proclaim the week of April 17–23, 1972, as Earth Week in New York State.

Given under my hand and the Privy Seal of the State at the Capitol in the City of Albany this fourth day of April in the year of our Lord one thousand nine hundred and seventy-two.

By the Governor:
(Signed) Nelson A. Rockfeller.
(Signed) Robert R. Douglass.
Secretary to the Governor.

ASPIN SCORES PROJECT SANGUINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. ASPIN. Mr. Speaker, on Monday the Navy issued what it called a final environmental impact statement on research, test, development, and evaluation for Project Sanquine.

Originally the Navy said it hoped to issue a final impact statement. However, after my intervention with the Council of Environmental Quality the Navy relented and decided to issue a final impact statement on only the research aspects of Project Sanguine.

Frankly, Mr. Speaker, I am both surprised and disappointed with the Navy's latest environmental impact statement on Project Sanguine. Out of 1,000 pages of text in the two-volume report, only nine pages are devoted to discussion about alternative locations and alternative systems to Project Sanguine.

The Navy even admits that it has not completed studies on the cost of the possible location of Project Sanguine in New York and Texas. But the Navy still insists that Wisconsin is the best location despite the fact its own studies are not completed. Apparently the Navy is still not seriously considering alternative locations of systems.

Naturally I have not yet had the opportunity to thoroughly study this huge document and comment upon it. However it should be clear that unless the Navy has answered all its critics including such Government agencies as the Corps of Engineers, and the Forest Service, I will pose further funding for the project.

There are more than environmental questions connected with Project Sanguine. A clear-cut case has never been made by the Navy that Project Sanguine is vital to our national security. Instead it appears that Project Sanguine will be a backup communication system and redundant with existing systems.

While it is true that Project Sanguine may allow the operation of our nuclear submarine at lower depths than at the moment, this consideration must be balanced by the potential environmental effects and the total cost of the system.

Unless the Navy can prove the absolute necessity of building Project Sanguine and that the project will entail no adverse environmental effects upon northern Wisconsin, I will continue to oppose additional funding for the project.

SCHOOL PROBLEMS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 20, 1972

Mr. RARICK. Mr. Speaker, I include the following newsclipping in the RECORD at this point:

[From the Washington Post, Apr. 20, 1972]

SCHOOL INCENTIVE PLAN A FAILURE, OEO FINDS

(By Lawrence W. Feinberg)

In some classrooms, students who did good work were given cereal and candy.

In others the reward was a dollar for each reading unit completed.

After a year of providing such incentives, plus bonuses for teachers, the Office of Economic Opportunity has reported that they failed to produce significant gains in reading and mathematics achievement.

About 1,200 low-income students—including whites, blacks, and Mexican-Americans—and 78 teachers participated in OEO's incentives experiment in Mesa, Ariz., and Stockton, Calif.

The students' scores on standardized tests, the agency said, were about the same as those of other low-income youngsters in regular classes. Progress made by both groups, it said, was "disappointing."

OEO said its experiment was the largest ever done to test whether material incentives would raise the achievement of poor children, compared with those in regular classes.

The underlying theory, based largely on experiments with rats and other animals, was that learning could be improved by giving concrete rewards for desired behavoir.

Cash and prizes, the reserachers suggested, might be more effective stimuli than good grades, which often are not valued by lower-class youngsters.

Last year OEO said the project would cost as much as $100,000. But recently, Charles Stalford, the project manager, said the actual cost has not yet been determined because the agency and the school districts have not agreed on what the final payments to teachers should be.

Neither OEO nor the two cities are continuing the programs this year, although spokesmen for both districts said some teachers are still using incentives—mostly time off from classwork, not gifts.

In late January, OEO reported that another experiment it ran last year, having business firms operate public school programs, also failed to produce overall achievement gains.

Payments in these "performance contracts," like the teacher bonuses in Mesa and Stockton, were based on student achievement as measured by standardized tests.

The report made public recently on the two teacher and student incentive programs was prepared for OEO by the Batelle Institute, a non-profit research organization in Columbus, Ohio.

It compared students who received incentives with an equal number who did not receive them in comparable schools in both Mesa and Stockton. The children were in grades 1 to 3 and 7 to 9.

In 19 of the comparisons there was no significant difference betwen the incentive and the regular class groups. In three cases, all in elementary grades, the groups getting incentives did slightly better; in two cases, both in junior highs, students in regular classes gained slightly more.

In a statement summarizing the results, OEO declared that "the addition of incentives to the regular classroom routine cannot be said to have had any effect on children's achievement. . . ."

The OEO experiment is part of a fairly widespread movement, generally called "accountability," that emphasizes making schools and teachers responsible for how much their students learn.

In Washington this was reflected last year in a plan by psychologist Kenneth H. Clark adopted by the D.C. school board. It called, among other things, for promoting teachers to higher-paying ranks, partly according to their students' performance. This was bitterly opposed by the teachers union, and was not carried out.

In both Mesa and Stockton the teachers' associations cooperated with the bonus plans. They also made the decisions to share part of the money with students.

For teachers the bonuses were computed according to formulas, which differed in the two cities. In Stockton a teacher could earn an extra $5 for each student who made a gain of at least eight months on a standard test in either English or math. Each additional month's gain was worth $2.20 for the teacher, with a maximum of $24.94 per student per subject.

Thus, an elementary teacher with 30 students could earn a maximum bonus of about $1,500 OEO officials said none of them came close.

In both cities, the incentives for students included not only prizes and cash, but also trips, free meals, and more time for recess.

Although overall test score gains did not occur, a poll of teachers, also reported by OEO, indicated that most felt that students who were offered incentives caused fewer discipline problems and developed a "better attitude" toward school.

HOUSE OF REPRESENTATIVES—*Monday, April 24, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

This is My commandment, that you love one another, as I have loved you.—John 15: 12.

O God, our Father, who art the source of light, the sustainer of life, and the support of every noble endeavor, we bow in Thy presence praying that Thy spirit may be born anew in all our hearts. Grant that in the midst of difficult days and demanding duties we may be sustained by Thy goodness and strengthened by Thy grace.

Lead us in all good works that there be no want anywhere and favor us with Thy presence that good will may live in the hearts of all our people and peace come into the life of our world.

And grant, our Father, a safe return for our astronauts, from a successful mission on the moon.

In the spirit of the Master of men we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolution of the House of the following titles:

On April 17, 1972:

H.R. 12749. An act to authorize appropriations for the saline water conversion program for fiscal year 1973.

On April 20, 1972:

H.J. Res. 1095. Joint resolution authorizing and requesting the President to proclaim April 1972 as "National Check Your Vehicle Emissions Month."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 12931. An act to provide for improving the economy and living conditions in rural America.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12931) entitled "An act to provide for improving the economy and living conditions in rural America," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. ALLEN, Mr. HUMPHREY, Mr. CHILES, Mr. MILLER, Mr. AIKEN, and Mr. CURTIS to be the conferees on the part of the Senate.

SECRETARIES WEEK

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, every year since 1952, the last full week of April has been set aside for the observance of Secretaries Week. Wednesday of that week is highlighted as Secretaries Day.

The National Secretaries Association, International, in cooperation with the U.S. Department of Commerce, originated Secretaries Week to bring recognition to all secretaries for the vital role they play in business, industry, education, government, and the professions. It also serves to remind secretaries of their responsibilities to their employers and to their profession.

In 1972, for the 21st consecutive year, Secretaries Week will be observed the last full week in April, April 23–29, with Secretaries Day on Wednesday, April 26.

The activities of Secretaries Week in the Nation's Capital started with attending church services at St. John's Episcopal Church, Lafayette Square, on Sunday, April 23, which was followed by a brunch at the Sheraton-Carlton Hotel. The 21st annual Secretaries Day dinner will be held at the Touchdown Club of Washington on Wednesday, April 26. The climax of the activities will be on Saturday, April 29, at the Kenwood Country Club with a luncheon and presentation of "Fashions for the Secretary" by Rose Williams.

It gives me great pleasure to pay tribute to our secretaries at this time.

NEGOTIATIONS WITH NORTH VIETNAM

(Mr. ZABLOCKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ZABLOCKI. Mr. Speaker, the announcement that Madam Binh is writing an open letter to U.S. Congressmen and Senators, urging that they use their constitutional rights to set a termination date for U.S. involvement in Vietnam, is not surprising.

Over the years, the North Vietnamese have demonstrated considerable skill and resourcefulness in using the mass media of the non-Communist world to promote their objectives.

Nevertheless, this latest gambit seems quite inconsistent with the actions of North Vietnam—both at the negotiating table and in the war-torn terrain of South Vietnam.

For nearly 4 years, North Vietnam has had an opportunity to negotiate conditions which would have made possible prompt withdrawal of U.S. forces from South Vietnam.

The record seems quite clear on this point: They have used the negotiating table as a propaganda platform in support of their drive to take over South Vietnam—not to negotiate an end to the war.

The recent invasion of South Vietnam by North Vietnamese forces also does not evidence any great desire to end the conflict—except through conquest of South Vietnam.

I support the ending of the war in Vietnam. I am in favor of a prompt withdrawal of all U.S. forces from that country. But these objectives will not be achieved by words alone. They must be backed by action in support of peace.

I hope that all of us will consider the actions of North Vietnam, as well as their words and written appeals, in judging whether they really seek peace.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON SECOND SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1972

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the second supplemental appropriation bill for fiscal year 1972.

Mr. BOW reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON JOINT RESOLUTION ON DOLLAR DEVALUATION APPROPRIATIONS

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on a House joint resolution on dollar devaluation appropriations.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EVERY MEANS MUST BE USED TO SAVE AMERICANS IN VIETNAM

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CARTER. Mr. Speaker, I have always opposed our being in Vietnam. It has never made commonsense. North Vietnam borders China, and our supply line to South Vietnam is 11,000 miles long. Our entrance into this war was the most disastrous blunder in military history.

However, Mr. Speaker, we have approximately 80,000 American men now in Vietnam. They are mostly supply troops; 542,000 American soldiers were in Vietnam in 1968. That number has been withdrawn to the present complement of approximately 80,000 men.

Taking advantage of the withdrawal of some 460,000 American fighting men, North Vietnam has attacked, using every combat division and regiment available. They are equipped with modern Russian tanks and combat material. The onslaught has been with great impetus. The South Vietnamese are wavering; 80,000 American lives are in danger. Instead of 500 prisoners of war, the United States could suffer the capture of 80,000 American soldiers.

I submit, Mr. Speaker, that every bomb should be dropped and every shell fired which will save an American life. Saturation bombing of military installations must be necessary. Haiphong and Hanoi cannot be exempted. Every means to save our sons from capture or death must be employed now. Their backs are to the sea. We are faced with a second Dunkirk, but without the ships to remove the men, or a nearby island on which to land them.

We cannot retreat, and we will never surrender. The threat to our men is immediate.

MADAM BINH ATTEMPTS TO MANIPULATE THE U.S. CONGRESS

(Mr. GUBSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, to understand the flagrant attempt by Madam Binh of the Vietcong to manipulate the U.S. Congress we ought to look back at the changing tactics of the Communists.

Originally the policy of the North Vietnamese invaders was a war of liberation, using local indigenous troops. U.S. assistance to South Vietnam made that a failure, so in 1968 they committed themselves to an all-out offensive at the time of Tet. This turned out to be a miserable failure, so they had to change their tactics again.

The new tactic was a public relations offensive, which reasoned that the American public was so tired of the war that public pressure in this country would force an end to our involvement. A steady stream of presidential candidates, Senators, and House Members went to Paris to become grist for the Communist propaganda mill. What they did and said was used for propaganda by the Communists.

Finally, a few weeks ago the peace conference sessions were temporarily terminated and the Communists had no stage upon which to present their dramatic propaganda. Since American public opinion has been more tolerant of administration policy as our troops were withdrawn, the Communists needed to do something to regain the propaganda initiative.

In desperation they have now "gone for broke," with an all-out invasion in the classic military sense. The military verdict is not in but without doubt the Communists have regained the psychological initiative.

The propaganda mill is grinding once again, and we have the disgraceful situation of Madam Binh treating the Congress like a monkey on the end of her string. Yank all you want, Madam Binh, but this Congressman will do what he thinks is right and not what you tell him to do.

MADAM BINH'S EFFORT TO TELL THE CONGRESS WHAT TO DO

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, a few years ago a Vietnamese lady by the name of Madam Nhu was trying to tell the Congress what to do. Now Madam Binh is.

I resisted Madam Nhu, who was a lot better looking than Madam Binh, I can say, and if she sends me a letter it is going to go in the waste basket.

I believe that if she wants to get on the right track that they ought to get back north of the DMZ, which was the understanding when Mr. Johnson went to the peace table, that they would stay up there and we would talk to them. Now they are crying a little bit because they violated it and they got hit and they do not like it.

So far as I am concerned, I think it is outrageous that this woman should try to tell the Congress of the United States what to do.

ANNUAL REPORT OF ADMINISTRATOR OF NATIONAL CREDIT UNION ADMINISTRATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

Pursuant to the provisions of Title I, Section 102, of the Federal Credit Union Act, as amended (12 U.S.C. 1752a(e)), enclosed is the Annual Report of the Administrator of the National Credit Union Administration for the calendar year 1971.

RICHARD NIXON.

THE WHITE HOUSE, *April 24, 1972.*

EXTENDING THE AUTHORITY CONFERRED BY EXPORT ADMINISTRATION ACT OF 1969

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency be discharged from further consideration of the Senate joint resolution (S.J. Res. 218) to extend the authority conferred by the Export Administration Act of 1969, and I ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ARENDS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas if he has cleared this with the ranking minority member of the committee, who I know is not here at this particular moment.

Mr. PATMAN. If the gentleman will yield, I will say to the distinguished gentleman it was cleared both with Mr. WIDNALL and with Mr. GERALD R. FORD, the minority leader.

I do not know of any objection. It is just an extension for 3 months as per the Senate joint resolution.

Mr. ARENDS. It is just a 3-month extension.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I am not aware of what this extends. Would the gentleman briefly explain what it proposes to do?

Mr. PATMAN. Yes, if the gentleman will yield.

Senate Joint Resolution 218 was passed to extend authority conferred in the Export Administration Act of 1969. It is important that it be extended for about at least 3 months, since it expires soon, so both parties will have an opportunity to act on it. During that time we will have the devaluation being discussed in a thorough fashion and we will have the President's trip to Moscow. It is important that we keep this alive during that period of time. I think the leaders of both Houses agree that that is true. It is just to extend it for a period of 3 months.

Mr. GROSS. The Export Control Act?

Mr. PATMAN. Yes, sir. The Senate passed it unanimously. The Senate does this first.

Mr. GROSS. What the other body does, unanimously or otherwise, is sometimes important and sometimes not so important. Sometimes we may be guided by what they do unanimously, and there are other times when I would not be guided by what they do.

Mr. PATMAN. I accept that.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES 218

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Export Administration Act of 1969, as amended (Public Law 92-37; 85 Stat. 89), is amended by striking out "May 1, 1972" and inserting "August 1, 1972".

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Georgia (Mr. STUCKEY.)

CONVEYING CERTAIN REAL PROPERTY TO THE NATIONAL FIREFIGHTING MUSEUM AND CENTER FOR FIRE PREVENTION, INC.

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 2895) to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill as follows:

H.R. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the District of Columbia (hereafter in this Act referred to as the "Commissioner") shall convey (in accordance with section 2 of this Act) to the National Firefighting Museum and Center for Fire Prevention, Incorated, a corporation organized under the District of Columbia Nonprofit Corporation Act, all right, title, and interest of the District of Columbia in and to the real property described in section 3 of this Act. For purposes of this Act, the term "corporation" means the corporation described in this section, and the term "real property" means the real property described in section 3 of this Act.

SEC. 2. (a) The Commissioner shall not make the conveyance provided for in the first section of this Act until the Corporation has provided reasonable assurances satisfactory to the Commissioner that

(1) adequate financial support will be available to the Corporation to restore and maintain the real property for the purposes set forth in clause (1) of subsection (b) of this section; and

(2) a sufficient amount of apparatus, equipment, and other artifacts relating to firefighting will be available to provide a suitable display on the real property.

(b) The conveyance provided for in the first section of this Act shall be made without the payment of monetary consideration by the Corporation. Such conveyance shall be made subject to the following:

(1) The Corporation shall use the real property (A) for the purposes of the Corporation stated in its articles of incorporation and bylaws as of February 28, 1969, and (B) for the purpose of maintaining and displaying such apparatus, equipment, or other artifacts relating to firefighting as may be loaned

or otherwise transferred to the Corporation by the District of Columbia or the United States or other sources acceptable to the Corporation for display on the real property.

(2) If the real property shall ever cease to be used for such purposes, all right, title, and interest in and to the real property shall, at the option of the Commissioner, revert to and become the property of the District of Columbia and the District of Columbia shall have the immediate right of entry thereon.

SEC. 3. The real property referred to in the first section of this Act is part of lot 840 in square 1200 and is more particularly described as follows:

Beginning for the same at a point on the south line of M Street, said point of beginning being 127.50 feet west of the west line of Wisconsin Avenue; and running thence east along the south line of M Street 38.38 feet to the centerline of the west wall of the premises 3208 M Street Northwest:

thence in a southerly direction along the centerline of said wall and a continuation thereof 90.0 feet;

thence in a westerly direction along a line parallel to the south line of M Street 38.88 feet, more or less, to a point 127.50 feet west of the west line of Wisconsin Avenue;

thence in a northerly direction 90.0 feet to the point of beginning: all as shown on a plat of survey recorded in the Office of the Surveyor of the District of Columbia in survey book 51, page 66.

SEC. 4. (a) Subject to the provisions of subsection (b) of this section, the real property and any personal property owned by the corporation which is located on the real property shall be exempt from taxation by the District of Columbia.

(b) The property described in subsection (a) of this section shall be exempt from taxation by the District of Columbia so long as it is owned by the corporation for the purposes described in section 2(b) (1) of this Act. The provisions of sections 2, 3, and 5 of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia", approved December 24, 1942 (D.C. Code, secs. 47-801b, 47-801c, and 47-801e), shall apply with respect to the corporation and the property made exempt from taxation by this section.

SEC. 5. The Act of September 1, 1959 (Public Law 86-216) is repealed.

With the following committee amendments:

Page 3, line 4, immediately after "purposes," insert "or if the corporation is unable prior to the expiration of the five year period immediately following the date of enactment of this act to obtain adequate financial support to restore such property and equipment for display,"

Page 3, line 10, strike out "part of lot 840 in square 1200" and insert in lieu thereof "part of Record Lot 47 in Square 1200".

Mr. GROSS. Mr. Speaker, before the question is put on agreeing to the committee amendments, I move to strike the necessary number of words.

Mr. Speaker, I think we ought to have a brief explanation of what these amendments purport to do.

Would the gentleman from Georgia give us a brief explanation as to what these amendments do?

Mr. STUCKEY. Mr. Speaker, first, let me say that there is no money involved in this bill, and to give to the membership a little background on what happened——

Mr. GROSS. On that subject, if the gentleman will pardon me for interrupting, is the gentleman assuring the House that there will be no demand upon the Federal Treasury for any funds whatsoever as a result of this legislation?

Mr. STUCKEY. That is correct.

Mr. GROSS. And, this represents the position of the House District Committee, is that correct?

Mr. STUCKEY. Yes; that is correct.

Mr. GROSS. Well, this will be one of the few times in history, and especially history of the present day, that something has been approved—if this bill is approved—in behalf of the District of Columbia that does not cost any money.

As of today, we are assured it will not cost a dollar in the future?

Mr. STUCKEY. That is correct. The only area that I see whereby this could cost the District any money——

Mr. GROSS. I am not talking about the District. I am talking about the Federal taxpayers of the country.

Mr. STUCKEY. The only way they could possibly do that would be if there was a tax exemption granted.

Mr. GROSS. A tax exemption grant?

Mr. STUCKEY. That is correct, because it would be a nonprofit organization.

Mr. GROSS. I see.

Does this amendment provide that this land revert? What does the amendment do?

Mr. STUCKEY. I think I can probably clarify this by giving the gentleman a little background information on the bill.

First, the building was deeded over to the Oldest Inhabitants of the District of Columbia and it was agreed upon at that time that they would also furnish certain matter that would go into the building if it was given to them. They never exercised their option and declined the use of this building.

The building is quite deteriorated now. The rodents and other undesirable elements have taken over the building. It is in a rather tragic condition now. It is one of the oldest buildings in the District. It is one of the historical buildings in the District.

The firemen want to take it over as a fire museum into which they would place their relics and historical matter. It is the opinion of the committee that that would serve a very useful purpose and it would clean up and beautify one of the oldest buildings in the District of Columbia which is now quite run down.

Mr. GROSS. And, they are proposing to raise the money to establish this museum; is that correct?

Mr. STUCKEY. That is correct.

Further, if they do not do it within 5 years, it will revert.

Mr. GROSS. The EDA—the Economic Development Administration a few weeks ago put up some $663,000 with which to build a Hockey Hall of Fame in Minnesota.

Is it anticipated that they are going to EDA to finance this project?

Mr. STUCKEY. I will say to the distinguished gentleman from Iowa that we were assured by the witnesses that the firemen themselves could raise the money with which to restore the building.

Second, they have most of the historical fire equipment ready and available and they have assured us that they can raise the money. If they do not, it does revert back.

Mr. GROSS. The property will revert to whom?

Mr. STUCKEY. To the District of Columbia.

Mr. GROSS. I thank the gentleman for his explanation.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. GUDE. Mr. Speaker, I rise in support of H.R. 2895, to provide for the conveyance of certain real property in the District of Columbia to the nonprofit corporation—the National Firefighting Museum and Center for Fire Prevention. This corporation is prepared to restore the historic Bank of Columbia building in Georgetown for use as a museum for the history of firefighting, housing firefighting apparatus, equipment and artifacts, and as an educational center as well.

The museum, for which no admission will be charged, will offer a unique opportunity to the metropolitan area's thousands of schoolchildren and visitors to view in a close setting—this building was for many years a firehouse for the District—the work of the neighborhood fireman in fighting fires and preventing them. This latter aspect—prevention of fires—will be a most important feature of the museum's educational programs, through materials geared to the urban child specifically.

In short, to enable this museum to be established in the Bank of Columbia building will afford the residents and visitors to the District a unique, enjoyable, and educational look at the history of firefighting and fire prevention.

Mr. STUCKEY. Mr. Speaker, the purpose of H.R. 2895, as amended and reported (H. Rept. 92-1004) by your committee, is to require the Commissioner of the District of Columbia to convey title to the historic Bank of Columbia Building, located at 3214 M Street, NW in Georgetown, to a nonprofit corporation known as the National Firefighting Museum and Center for Fire Prevention, Inc., at no cost to the corporation, with the stipulation that this organization shall restore and maintain the property as a museum dedicated to the history of firefighting. The corporation plans to use the museum also for the presentation of fire prevention information to an audience surrounded by these visual stimuli.

The structure which is the subject of this bill was originally erected in 1796 as the Bank of Columbia, George Washington being one of the directors, and was used for that purpose until 1807, when the Bureau of Indian Trade occupied the premises. The government of the City of Georgetown purchased the building as a city hall in 1845, and held it with only minor interruption until 1871, when Georgetown was absorbed into the District of Columbia. In 1883, the District of Columbia government remodeled the property into engine 5 of the District of Columbia Fire Department, and it remained in this use until 1940. After 1940, the property was used for various storage purposes, the last being as a garage for garbage trucks.

In 1957, the Association of Oldest Inhabitants of the District of Columbia petitioned the Congress to give this building to them for use as their headquarters, since the association's former meeting house had been displaced by the International Monetary Fund, for which the association had been paid $50,000.

In 1959, Congress enacted Public Law 86–216, which provided for the conveyance of this property to the Association of Oldest Inhabitants, for a consideration of 50 percent of its fair market value, and with a requirement that the building house the association's considerable collection of firefighting equipment which it owned as of January 1, 1956. This act also stipulated that this real property should revert to the District of Columbia whenever it might no longer be occupied by the association for its purposes.

The Association of Oldest Inhabitants has never exercised this right to purchase the property and in 1969 they disposed of a goodly portion of their collection of firefighting equipment, the possession of which had been specified as one of the stipulations for the purchase of the property.

Since 1959, therefore, this property has stood vacant and we are informed that it is in a highly deteriorated condition.

The historic old building is protected by its inclusion on the National Register of Historic Places, the Georgetown Act, and the Preservation Act of 1966, and is registered under Historic American Buildings Survey number DC–119.

PROVISIONS OF THE BILL

The principal provisions of H.R. 2895, as amended and reported, are as follows:

First. Section 1 directs the Commissioner of the District of Columbia to convey to the National Firefighting Museum and Center for Fire Prevention, Inc., all right and title to the real property described in section 3 of this bill, subject to the provisions in section 2 thereof.

Second. Section 2, subsection (a) states that the Commissioner shall not make this conveyance until the Corporation has provided reasonable assurances satisafctory to the Commissioner that adequate financial support will be available to the Corporation to restore and maintain the property for the stated purposes, and that a sufficient amount of apparatus and other artifacts relating to firefighting will be available to provide a suitable display on the property.

Subsection (b) of section 2 provides that the conveyance of title shall be made without the payment of any monetary consideration by the Corporation, and shall be made subject to the following conditions: First, the Corporation must use the property for the purposes stated in its articles of incorporation and bylaws, namely maintaining and displaying such apparatus, equipment, and other artifacts relating to firefighting as may be acquired by the Corporation for display on the property; and second, that if the property shall ever cease to be used for such purposes, or if the Corporation is unable within a 5-year period after the date of enactment to obtain adequate financial support to restore the property and the equipment for display, then all right and title to the property shall, at the option of the District of Columbia Commissioner, revert to the District of Columbia.

Third. Section 3 provides a detailed description of the property, which is designated as part of record lot 47 in square 1200 in the District of Columbia.

Fourth. Section 4 states that this real property, and any personal property owned by the Corporation which is located on this real property, shall be exempt from taxation by the District of Columbia so long as it is owned by the Corporation for the purposes described in this Act.

Fifth. Section 5 repeals the act of September 1, 1959 (Public Law 86–216), the act which had authorized the sale of this real property to the Association of Oldest Inhabitants of the District of Columbia.

NEED FOR LEGISLATION

Our committee is advised that the Association of Oldest Inhabitants of the District of Columbia no longer has any interest in purchasing this property, and in fact they have informed us that they support the enactment of H.R. 2895.

As long as Public Law 86–216 remains in effect, however, there is a complicated legal situation existing in regard to the District's ability to convey this property to anyone other than the Association of Oldest Inhabitants. Briefly, your committee has been advised that although Public Law 86–216 granted an equitable interest in the property to the Association of Oldest Inhabitants, the association cannot now perfect its title to the property because it has disposed of much of the firefighting equipment mentioned in that act. Further, since the Association of Oldest Inhabitants has never occupied the building, it cannot be said that they "no longer occupy" it, and hence the property cannot be held to revert to the District of Columbia by reason of that provision in Public Law 86–216. Hence, an equitable interest remains in the association which creates a sufficient cloud on the title to the property that the District could not now convey marketable title to the property to any other purchaser.

Thus, we are advised that a legal stalemate exists which can be resolved only by the repeal of Public Law 86–216, which the enactment of H.R. 2895 will accomplish, or by the District of Columbia bringing suit to quiet title on the property. As long as this stalemate persists, the property must continue to deteriorate.

PLANNED USE OF THE PROPERTY

The National Firefighting Museum and Center for Fire Prevention, Inc., which would acquire this property under the terms of this proposed legislation, is a nonprofit organization whose headquarters is presently located at 2007 R Street NW., and it was incorporated in the District of Columbia on February 28, 1969.

This corporation plans to restore this old building, rather than to demolish it as other purchasers would undoubtedly do, at a cost which they estimate at some $150,000, and to maintain it for the twofold purpose a museum of firefighting apparatus, equipment, and artifacts, and as a center for dissemination of educational material and data regarding fire prevention.

This institution, to which there will be no charge for admission, is planned to serve the people of the Washington metropolitan area, with its 300,000 elementary school children, and the many thousands of visitors from all parts of the United States and foreign countries who will come to Washington each year.

This property is idealy suited for a national firefighting museum. Since it is presently the property of the District of Columbia government, its transfer under the terms of this bill would not result in any expenditure on the part of the District of Columbia. Its present value is estimated at about $100,000, with or without the building, but the nonprofit corporation could not afford to pay this price for the property in addition to the very considerable expense which they must bear for its restoration and maintenance. Since the District of Columbia has no apparent use for the property, however, and in view of the fact that any other owner to whom the property might be transferred would undoubtedly demolish the fine old building with its rich background in history, this committee feels strongly that its conveyance to this Corporation under the terms of this bill is in the best interests of the public and the government of the Nation's capital.

Also, because this property belongs to the District, the tax-exempt status which this bill would grant to the organization will take no revenue from the District of Columbia which it is presently receiving.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 12931, TO IMPROVE THE ECONOMY AND LIVING CONDITIONS IN RURAL AMERICA

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. POAGE, PURCELL, FOLEY, JONES of Tennessee, BELCHER, TEAGUE of California, and KYL.

RIGHTS FOR THE BLIND AND OTHERWISE PHYSICALLY DISABLED

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 11032) to enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 11032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EQUAL ACCESS TO PUBLIC PLACES

SECTION 1. The blind and the otherwise physically disabled have the same right as the able bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places in the District of Columbia.

EQUAL ACCESS TO PUBLIC ACCOMMODATIONS AND CONVEYANCES

SEC. 2. (a) The blind and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation in the District of Columbia, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited in the District of Columbia, subject only to the conditions and limitations established by law or in accordance with law applicable alike to all persons.

(b) Every bind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places, accommodations, or conveyances listed in subsection (a), without being required to pay an extra charge for the guide dog; but any blind person so accompanied shall be liable for any damage done to the premises or facilities by such dog.

SAFETY STANDARDS FOR DRIVERS OF MOTOR VEHICLES

SEC. 3. The driver of a vehicle in the District of Columbia approaching a blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. A blind pedestrian in the District of Columbia not carrying such a cane or using a guide dog in any of the places, accommodations, or conveyances listed in sections 1 and 2 shall have all of the rights and privileges conferred by law on other persons, and the failure of such a blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

DISCRIMINATION IN EMPLOYMENT

SEC. 4. The blind and the otherwise physically disabled shall be employed by the government of the District of Columbia, the Board of Education of the District of Columbia, the Board of Vocational Education of the District of Columbia, the Board of Higher Education of the District of Columbia, and the Executive Officer of the District of Columbia courts, and in all other employment supported in whole or in part by appropriations for the District of Columbia, on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved.

EQUAL ACCESS TO HOUSING

SEC. 5. (a) Blind persons and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in the District of Columbia, subject to the conditions and limitations established by law or in accordance with law and applicable alike to all persons.

(b) Every blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations referred to in this section, without being required to pay an extra charge for the guide dog; but such blind person shall be liable for any damage done to the premises by such dog.

(c) Nothing in this section shall require any person renting, leasing, or providing real property for compensation in the District of Columbia to modify his property in any way or to provide a higher degree of care for a blind person or otherwise physically disabled person than for a person who is not physically disabled.

PENALTY

SEC. 6. Any person or the agent of any person in the District of Columbia who denies or interferes with admittance to or enjoyment of any of the places, accommodations, or conveyances listed in sections 1 and 2 or otherwise interferes with the rights of a blind or otherwise disabled person under sections 1 and 2 shall be guilty of a misdemeanor.

WHITE CANE SAFETY DAY

SEC. 7. Each year, the Commissioner of the District of Columbia shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation commenting upon the significance of the white cane, and calling upon the citizens of the District of Columbia to observe the provisions of this Act, to be aware of the presence of disabled persons in the community, to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement, and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

DEFINITION

SEC. 8. For purposes of this Act, the term "blind person" means, and the term "blind" refers to, a person who is totally blind, has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or who has loss of vision due wholly or in part to impairment of field vision or to other factors which affect the usefulness of vision to a like degree.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

EQUAL ACCESS TO PUBLIC PLACES

SECTION 1. The blind and the otherwise physically disabled have the same right as the able bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places in the District of Columbia.

EQUAL ACCESS TO PUBLIC ACCOMMODATIONS AND CONVEYANCES

SEC. 2. (a) The blind and the otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, or any other public conveyances or modes of transportation in the District of Columbia, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited in the District of Columbia, subject only to the conditions and limitations established by law or in accordance with law applicable alike to all persons.

(b) Every blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places, accommodations, or conveyances listed in subsection (a), without being required to pay an extra charge for the guide dog; but any blind person so accompanied shall be liable for any damage done to the premises or facilities by such dog.

SAFETY STANDARDS FOR DRIVERS OF MOTOR VEHICLES

SEC. 3. The driver of a vehicle in the District of Columbia approaching a blind pedestrian who is carrying a cane predominantly white or metallic in color (with or without a red tip) or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian. A blind pedestrian in the District of Columbia not carrying such a cane or using a guide dog in any of the places, accommodations, or conveyances listed in sections 1 and 2 shall have all of the rights and privileges conferred by law on other persons, and the failure of such a blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations, or conveyances shall not be held to constitute nor be evidence of contributory negligence.

DISCRIMINATION IN EMPLOYMENT

SEC. 4. The blind and the otherwise physically disabled shall be employed by—

(1) every individual, partnership, firm, association, or corporation, or the receiver, trustee, or successor thereof (exclusive of the Government of the United States or any agency thereof), doing business, and employing any individual for the purpose of such business, in the District of Columbia, and

(2) the government of the District of Columbia, the Board of Education of the District of Columbia, the Board of Vocational Education of the District of Columbia, the Board of Higher Education of the District of Columbia, and the Executive Office of the District of Columbia courts, and all other employers supported in whole or in part by appropriations for the District of Columbia,

on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved.

EQUAL ACCESS TO HOUSING

SEC. 5. (a) Blind persons and other physically disabled persons shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in the District of Columbia, subject to the conditions and limitations established by law or in accordance with law and applicable alike to all persons.

(b) Every blind person who has a guide dog, or who obtains a guide dog, shall be entitled to full and equal access to all housing accommodations referred to in this section, without being required to pay an extra charge for the guide dog; but such blind person shall be liable for any damage done to the premises by such dog.

(c) Nothing in this section shall require any person renting, leasing, or providing real property for compensation in the District of Columbia to modify his property in any way or to provide a higher degree of care for a blind person or otherwise physically disabled person than for a person who is not physically disabled.

PENALTY

SEC. 6. Any person or the agent of any person in the District of Columbia who denies or interferes with admittance to or enjoyment of any of the places, accommodations, or conveyances listed in sections 1 and 2 or otherwise interferes with the rights of a blind or otherwise disabled person under sections 1, 2, 4, and 5 shall be imprisoned for not longer than 90 days, or fined not more than $300, or both.

WHITE CANE SAFETY DAY

SEC. 7. Each year, the Commissioner of the District of Columbia shall take suitable public notice of October 15 as White Cane Safety Day. He shall issue a proclamation commenting upon the significance of the white cane, and calling upon the citizens of the District of Columbia to observe the provisions, to keep safe and functional for the disabled the streets, highways, sidewalks, walkways, public buildings, public facilities, other public places, places of public accommodation, amusement, and resort, and other places to which the public is invited, and to offer assistance to disabled persons upon appropriate occasions.

DEFINITION

SEC. 8. For purposes of this Act—

(1) The term "blind person" means, and the term "blind" refers to, a person who is totally blind, has impaired vision of not more than 20/200 visual acuity in the better eye and for whom vision cannot be improved to better than 20/200, or who has loss of vision due wholly or in part to impairment of field vision or to other factors whch affect the usefulness of vision to a like degree.

(2) The term "otherwise physically disabled" refers to an individual who has a medically determinable physical impairment (other than blindness) which interferes with his ability to move about, to assist himself, or to engage in an occupation.

The committee amendment was agreed to.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I wish to urge the support of my colleagues for the bill H.R. 11032, of which I am pleased to be the author, and which is designed as a "bill of rights" for the citizens of the District of Columbia who are blind or otherwise physically disabled.

This bill states that persons who are blind or otherwise physically handicapped shall have the same right as all other citizens to the full and free use of the streets, sidewalks, public buildings, and other public places in the District of Columbia, and also to full and equal accommodations and privileges of all common carriers, lodging places, and places of public accommodation, subject only to the conditions imposed by law alike to all persons. In order to facilitate the enjoyment of these rights, blind persons are provided the right to be accompanied by specially trained guide dogs in any such places, accommodations, or conveyances, without being obliged to pay any extra charge for the guide dog. However, a blind person shall be liable for any damages to premises or facilities caused by his guide dog.

The bill provides further that the driver of any motor vehicle in the District must take all necessary precautions to avoid injury to a blind pedestrian who is carrying an identifying cane or is using a guide dog, and shall be liable for any injury he may cause such a blind pedestrian in the absence of such precautions. Also, it is stated that the failure of any blind pedestrian to carry a white cane or to be accompanied by a guide dog shall not be held to constitute contributory negligence on his part.

Another very important provision of H.R. 11032 states that blind or otherwise physically disabled persons in the District shall be employed on the same terms and conditions as the able-bodied citizens, by the government of the District of Columbia, in any employment supported in whole or in part by funds appropriated for the District of Columbia, or by any individual or firm doing business in the District, excepting only the Federal Government. This assurance of employability must be extended to all disabled persons except in cases where the potential employer can show that the particular disability of an applicant prevents his performance of the duties involved in a particular position.

This bill also takes cognizance of the problems encountered by blind and otherwise handicapped persons in obtaining housing, by providing that such disabled persons shall be entitled to full access, as members of the general public, to all housing offered for sale or for lease in the District, on the same conditions as able-bodied persons. Again it provided that blind persons may utilize guide dogs in their housing accommodations, even though dogs and other pets may be forbidden in such premises, without extra charge for the use of the guide dogs, though they will be held responsible for any damage to premises caused by their dogs. This section provides also that no person renting property shall be required to modify the property or to provide a higher degree of care for a handicapped tenant than would otherwise be the case. In other words, the blind or otherwise disabled tenant is placed on the same footing as able-bodied occupants of the same premises.

These rights are made enforceable by the provision that any person who denies or interferes with the rights of the blind or otherwise disabled person spelled out in this legislation shall be imprisoned for a period not to exceed 90 days, fined not more than $300, or both.

The bill provides that the Commissioner of the District of Columbia shall proclaim October 15 of each year as White Cane Safety Day. On this occasion, all citizens of the District shall be called upon to observe especially the provisions of this legislation, to be particularly aware of the presence of handicapped persons in the community, and to offer assistance to such disabled persons on every appropriate occasion. This is consistent with the observance of October 15 as White Cane Safety Day on a national basis each year by proclamation of the President of the United States, as required by Public Law 88-628, enacted in 1964.

The term "blind person," for the purposes of this legislation, is defined as a person who is totally blind, or who has impaired vision not correctable to a greater acuity than 20/200 in the better eye, or who has loss of vision due to impairment of field vision or to other factors which decreases his useful vision to the same degree.

The term "otherwise physically disabled" is defined also, as referring to an individual who has a medically determinable physical impairment, other than blindness, which interferes with his ability to move about, to assist himself, or to engage in an occupation.

This proposed legislation, which is patterned closely after the model white cane law developed by the National Federation of the Blind, is offered in an attempt to secure for the sightless and other disabled people the same rights and privileges so casually accepted and so freely exercised by the sighted and physically sound citizens—no more, and no less. We must change or eliminate the artificial barriers of ignorance, prejudice, and discrimination, and the adverse public attitudes that prevent the blind and other handicapped from pursuing and achieving normal lives, even though they are capable of doing so through the development of modern techniques and devices.

I have sponsored this legislation because I believe it is wrong for a blind person, either with a guide dog or a white cane, to be refused admission to a restaurant or any other public place—or to be denied the use of public transportation—or to be turned down for a job by means of which he might obtain the dignity of earning his living, for the sole reason that he is blind—or not to be allowed to rent a place to live. And I am convinced that these evils can be corrected only through the medium of enforceable legal rights and obtainable legal remedies, such as this bill will provide.

It may surprise many of my colleagues to learn that blind people actually suffer discrimination in any form, for we do not like to believe that anyone could be so hardhearted or callous of feeling as to practice such discrimination. But I am told, by blind persons themselves, that the discriminations against them are not practiced by hardhearted or callous individuals, but by the compassionate, well intentioned person who sincerely believes that he is acting in the best interest of the blind themselves, for their protection and for their own good. In this belief, he often interferes with or denies the blind person's right to travel on public streets, or to visit and be served in places of public accommodation. This happens, I am told, simply because most sighted people have had few contacts with the blind, or none at all. Thus, they know little or nothing of the true capabilities of the blind, and judge these things by their own inadequacies when they close their eyes, having no knowledge of the fact that necessity teaches blind people many things that are not dreamed of by those who can see. This leads, of course, to the fallacy that those with sight are better able than the blind themselves to judge what is dangerous to the blind, and what the blind can and cannot do.

These handicapped and disabled people do not want preferred considerations and special guarantees; they want only the opportunity for equality of treatment with respect to the fundamental rights of all citizens—the freedom to travel independently on public streets and sidewalks, to enjoy equal access to public facilities and places of accommodation, and the other benefits which H.R. 11032 will assure them here in the Nation's Capitol; for upon all these rights depends the ultimate right of the blind or disabled to earn a livelihood, to support a family, and to pay taxes rather than to require welfare from the Government.

As for the ability of blind persons to make their own way in the world, given the opportunity, I am told that today there are blind persons employed successfully in many responsible jobs, including an actuary with the Social Security Administration; an information specialist with OEO; a graduate teaching fellow in library science at the University of Pittsburgh; a high school English teacher in a parochial school in Baltimore; an electrical engineer with a large radio company in Cedar Rapids, Iowa; a medical secretary at the Veterans' Administration here in Washington; a Russian language specialist at the National Security Agency; an attorney at the Federal Communications Commission; a computer programer for the Department of the Army; a personnel management expert with a large consulting firm in Chicago; and a VISTA Volunteer in Galveston, Tex. These are but a few of the examples which might be cited, of the work these people are capable of doing when they are given the opportunity. Yet countless numbers of blind people are denied access to jobs simply because of the pattern of ignorance which leads employers to believe that since the blind can see nothing; their training, intelligence, and ability are meaningless.

Mr. Speaker, equitable status for these disabled people can be attained only by enlightened, enforceable law. This bill will simply afford them the right to success or fail because of their personal abilities or the lack of them, and I earnestly solicit the support of this body for its enactment.

Mr. STUCKEY. Mr. Speaker, I yield to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Speaker, H.R. 11032 represents a commitment on the part of the District of Columbia to allow the blind and otherwise physically disabled to participate fully in the social and economic life of Washington. Specifically, this bill sets forth the rights of such people to first, equal access to public places, and the right of the blind to be accompanied therein by seeing-eye dogs; second, equal opportunity in employment supported through District of Columbia appropriations, and third equal access to housing. These are three areas where, in the past, blind people have found their way blocked, generally through the ignorance or senseless fears and doubts of others. This bill, then, will simply insure to the blind and otherwise disabled people who live, work, and travel in the District, that they may, indeed, pursue a normal and full life here.

It is my understanding that approximately 12 States have enacted legislation of this nature, including by home State of Maryland, just about 1 year ago. It is only proper then, that we in Congress, acting as the legislative body for the District of Columbia, give favorable consideration to this "model white cane law" and, in so doing, give simple, but unqualified recognition to the rights of the blind and physically disabled in Washington. We simply should not allow these people to be the victims of discrimination born of ignorance or fear, and I believe this bill will insure that this not be the case here in the District of Columbia.

At the time the clean bill was reported out of committee, an amendment to enable examination by a physician skilled in the disease of the eye or by an optometrist, whichever the individual might select, was brought to my attention by the American Optometric Association. I have checked with the committee staff, who felt this amendment might not be necessary. However, I am further checking with the corporation counsel of the District of Columbia. If they feel such an amendment would be of benefit, I shall urge its adoption by the Senate.

Mr. GROSS. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I have only one question to ask. Does the District of Columbia have a record and a reputation of discrimination against the blind and the disabled?

Mr. STUCKEY. I will say to the gentleman from Iowa, I think not only does the District of Columbia but I think most of the cities and most of the States do.

Mr. GROSS. Are you saying that most of the States and cities have established reputations for discrimination against the disabled?

Mr. STUCKEY. Yes, I think that is so. I think it is done quite unintentionally and without their knowledge. I think the point was well brought out by the gentleman from Virginia when he stated that in most instances such discrimination really came about from people who had compassion for these blind people.

Mr. GROSS. I am not going to admit that so far as the State of Iowa is concerned.

Mr. STUCKEY. Well, you may not admit it, but I think if you had the blind people of your State testify, they would testify to pretty much the same thing that the blind people from the District of Columbia did, as well as the national association, that there is this discrimination.

Mr. GROSS. This exists in the several States of the United States?

Mr. STUCKEY. Yes, sir, that was brought out in the testimony.

Mr. GROSS. Then why is this bill limited to the District of Columbia? Why are we not entertaining general legislation to take care of discrimination against the blind and the handicapped throughout the United States?

Mr. STUCKEY. It might be before some other committee, but I am sure the gentleman from Iowa knows that our jurisdiction is limited to the District of Columbia

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. BROYHILL of Virginia. In answer to the gentleman's question, the State of Iowa enacted a law similar to the one we are considering today back in 1967.

Mr. GROSS. That is fine. I could not help but wonder if the District had such a reputation in this great day of enlightenment and culture.

Mr. BROYHILL of Virginia. No; as I have already said, and the gentleman from Georgia has repeated it—this is to prevent well-meaning compassionate people from discriminating against the blind. This will encourage probably less discrimination, although we cannot prove it, less discrimination against the blind by employers and particularly the District of Columbia government. We do not have evidence of specific cases.

The gentleman knows that there is a tendency on the part of people in trying to be helpful to make things a little more difficult for the blind and the physically handicapped, but——

Mr. GROSS. I did not ask for specific cases. I am simply curious to know what prompts this legislation. It must be the fact that there is discrimination against the blind. I am talking about discrimination, regardless of race, creed or color; I am talking about discrimination, period.

Mr. BROYHILL of Virginia. If the gentleman will yield further, the National Federation of the Blind have been the ones who have been seeking this legislation for a long time. They feel that they are being discriminated against, and they feel that with this legislation they will have opportunities like everyone else has.

Mr. STUCKEY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. STUCKEY. The testimony that was brought out to all members of the subcommittee and the full committee was that this discrimination does exist, though hardly anyone would say that there is discrimination against the blind. But you ask the blind man, ask the Federation of the Blind, and I think they will tell you and show you that there is, and they will point out many specific instances which are in the record.

Mr. GROSS. All I was attempting to secure was some information about the necessity for the legislation limited as it is to the District of Columbia. I am not opposed to any legislation that will reasonably help the blind and disabled, the aged and infirm.

Mr. Speaker, I yield back the balance of my time.

Mr. STUCKEY. Mr. Speaker, the bill H.R. 11032, as amended and reported

(H. Rept. 92–1005) by our committee, is designed to serve as a bill of rights for those residents of the District of Columbia who are blind or otherwise physically disabled, and is based on the premise that these handicapped persons have, and should be allowed to exercise, the same rights as their nondisabled fellow citizens. This concept applies specifically in this proposed legislation to such basic precepts as the right to access to all public facilities and conveyances, the right to be protected by the law when walking on the public streets and sidewalks, the right to rent housing which is offered for lease to the public, and the right to be employed on a basis of equality.

The bill conforms closely in its provisions to the model white cane law, which has been developed by the National Federation of the Blind as a guide for State and other legislative bodies.

Today, many persons who are blind or who suffer other physical impairments can achieve normal lives, because techniques and devices have been developed, and methods and systems created, to minimize the handicapping circumstances of such disabilities, and particularly of blindness. Despite this fact, however, many blind persons encounter adverse public attitudes that bar their way, that equate blindness with helplessness, and that insist that blind persons are completely incompetent and dependent.

This problem involves such situations as a blind person with a guide dog, or with a cane, being refused admission to a restaurant or a theater or other public place which invites the general public to enter; a blind person being denied the use of public transportation or being struck down by a motor vehicle while crossing a street; a blind person being refused the privilege of renting a place to live; or a blind person being turned down for a job for which he is both trained and qualified, only because he is blind. Our committee is advised that these and other problems have occurred, and do occur, to the blind and otherwise physically handicapped citizens in the District of Columbia. The National Federation of the Blind has spearheaded a nationwide effort to achieve correction of this unconscionable situation, and the bill H.R. 11032 is patterned almost entirely after the model white cane law developed by this National Federation.

PROVISIONS OF THE BILL

The principal provisions of this bill are as follows:

1. EQUAL ACCESS TO PUBLIC PLACES

Section 1 provides that blind and otherwise physically disabled persons shall have the same right as the able bodied to the full and free use of the streets, sidewalks, and public buildings and facilities in the District of Columbia.

This provision asserts the right of blind and physically disabled persons to travel on the city's streets, and to enter into and use, just as do the physically fit, all public places and facilities, without needless restraints and unjustified restrictions. For example, refusal to admit a guide dog into a crowded public place would be an unreasonable denial. This provision also serves to put the general public on notice that the blind and disabled are to be expected in public places.

2. EQUAL ACCESS TO PUBLIC ACCOMMODATIONS AND CONVEYANCES

Section 2, subsection (a) of the bill provides that the blind and otherwise physically handicapped are entitled to full and equal accommodations and privileges of all common carriers, including all public conveyances or modes of transportation in the District and of all hotels, places of public accommodation or amusement, and other places to which the general public is invited in the District, subject only to the conditions and limitations established by law and application alike to all persons.

This provision asserts the right of such disabled persons to unrestricted use of all forms of public transportation, all manner of lodging accommodations and all public facilities and activities to which the public is invited. This also includes a notice to the general public that blind and disabled persons are to be expected in public places.

Subsection (b) provides that every blind person shall have the right to be accompanied by a guide dog, especially trained for the purpose, in any of the places listed in subsection (a) of this section, without being required to pay any extra charge for the guide dog. However, it is further specified that any blind person shall be liable for any damage done to any premises or facilities by a guide dog by which he is accompanied.

This provision requires that a guide dog be admitted wherever the blind master would be entitled to admission as a member of the public, but this unrestricted admissibility of a guide dog is coupled with a liability upon the dog's owner for any damage caused by the dog. The provision also prohibits any obvious and direct restraint upon such admissibility by prohibiting the imposition of an extra charge because of the presence of the guide dog.

3. SAFETY STANDARDS FOR DRIVERS OF MOTOR VEHICLES

Section 3 states that the driver of a motor vehicle in the District of Columbia, when approaching a blind pedestrian who is carrying a cane of color and design commonly associated with use by the blind, or using a guide dog, shall take all necessary precautions to avoid injury to such blind pedestrian; and any driver who fails to take such precautions shall be liable for any injury caused to the pedestrian. It is further provided that a blind pedestrian not carrying a distinctive cane or using a guide dog, in any of the places or accommodations listed in sections 1 and 2 of this bill, shall have all the rights conferred by law upon other persons, and the failure of such a blind pedestrian to carry such a cane or to use a guide dog in such places or accommodations shall not be held to constitute contributory negligence on his part.

This section establishes reasonable safety standards of conduct which must be followed by drivers of motor vehicles with reference to blind pedestrians. It is the opinion of our committee that the disabled have the same right to use the city's streets that other people do. However, when they exercise this right, they should be required to proceed with due care in the circumstances incident to their disability, and to move about in the streets as would any reasonable person. That is, it is incumbent upon the disabled to make greater use of their remaining senses; the blind must listen more carefully, the deaf look more closely, and the aged and lame allow more space and time. Having acted in a prudent manner, however, the disabled may not be held guilty of contributory negligence on the grounds of their disability, even in the case of a blind person not carrying a cane or being led by a guide dog.

4. DISCRIMINATION IN EMPLOYMENT

Section 4 provides that the blind and otherwise physically handicapped shall be employed on the same terms and conditions as the able bodied, unless it is shown that the particular disability prevents the performance of the work involved, by first, any individual or firm, exclusive of any agency of the United States government, doing business and employing persons in the District of Columbia; and second, the government of the District of Columbia, the District of Columbia Board of Education, the District of Columbia Board of Vocational Education, the District of Columbia Board of Higher Education, the Executive Officer of the District of Columbia courts, and all other employers supported in whole or in part by appropriations for the District of Columbia.

This section establishes the right of any blind or otherwise physically disabled person to the same consideration for employment as would be extended to any other person. Further, the burden of proving ability to perform the duties of any position will not rest upon the physically impaired applicant; rather, this burden of proof will be placed upon the potential employer, who will have to show that an applicant's particular disability prevents his performance of the work involved in the position for which he is applying.

5. EQUAL ACCESS TO HOUSING

Section 5, subsection (a) states that blind and otherwise physically handicapped persons shall be entitled to full and equal access to all housing accommodations offered for sale or lease in the District, as are other members of the general public.

Subsection (b) provides that any blind person with a guide dog shall be entitled to full and equal access to all such housing accommodations without being required to pay an extra charge for the dog. However, he shall be liable for any damage done to the premises by such dog.

Subsection (c) states that nothing in this section shall require any person renting or leasing property to modify his property in any way or to provide a higher degree of care for a person who is blind or otherwise physically disabled than for any other person not disabled.

This "open housing" section of the bill assures that a blind person or one who is otherwise physically disabled wishing to rent or lease living accommodations may not be discriminated against by reason of his disability. For example, a blind person who has a guide dog may not be refused tenancy because of the dog, even though dogs and other pets may not be usually allowed. Proper protection is afforded the owner of such a property, however, for any damage caused by such a guide dog.

6. PENALTY

Section 6 provides that any person who denies or interferes with admittance to or enjoyment of any of the places, accommodations, of conveyances listed in sections 1 and 2, or otherwise interferes with the rights of a blind or otherwise disabled person under sections 1, 2, 4, and 5 of this bill, shall be imprisoned for not longer than 90 days, or fined not more than $300, or both.

This section is the "teeth" in this proposed legislation. The maximum penalties provided are the same as exist in the District today for misdemeanors in general.

7. WHITE CANE SAFETY DAY

Section 7 states that the D.C. Commissioner shall take public notice of October 15 each year as White Cane Safety Day. He shall issue a proclamation commenting on the significance of the white cane, and call upon all citizens of the District to observe particularly the provisions of this act on that occasion.

On October 6, 1964, President Lyndon B. Johnson signed into law House Joint Resolution 753—Public Law 88-628—which requires that each year the President of the United States shall proclaim October 15 "White Cane Safety Day." This is a part of a campaign by the National Federation of the Blind to educate the general public in regard to the competencies and capabilities of trained and properly oriented blind people and the real nature of blindness. This section in this proposed legislation will achieve at the local level what the Federal law has established on the national level. In addition to its educational value, the annual issuance of this proclamation will constitute another form of public notice of the rights of the blind and disabled.

8. DEFINITION

Section 8 defines the terms "blind person" and "otherwise physically disabled" for the purposes of this act.

CONCLUSIONS

Blind persons, and persons with other physical impairments, have suffered from discriminatory practices in a wide range of experiences, varying from situations as petty as being denied the rental of a safety deposit box in a bank to matters as serious as the denial of protection of the law when becoming injured in a traffic accident.

Every such handicapped person who forsakes the haven of his abode to make his own way in the world meets people who prejudge his ability to live a normal, independent life; and the greatest need of the blind and otherwise physically disabled is the right to succeed or fail in an attempt to achieve such independence, by reason of their personal abilities or the lack thereof. Certainly a blind person should not be held back because other people believe that since he can see nothing he therefore can think and do nothing.

Each section of this proposed legislation is deliberately included to open for these people the doors of opportunity that have been closed for so many years, and to afford them a measure of justice and dignity to which the members of this committee believe they are entitled as are all human beings.

HEARING

A public hearing on this measure was held on March 15, at which time testimony in support of the legislation was offered by spokesmen for the National Federation of the Blind of the District of Columbia, the Center for Concerned Engineering, and the District of Columbia government. No opposition to the legislation was expressed.

COST

No cost to the government of the District of Columbia will accrue as a result of the enactment of this proposed legislation.

Mr. VANIK. Mr. Speaker, it is disappointing that legislation is needed to protect the rights of the blind and disabled in this country. But as I have stated before discrimination and exclusion are daily obstacles in the lives of these citizens.

The airlines, trains, and buslines of this country have maintained unpublicized regulations that have created chaos in the lives of handicapped travelers. I have illustrated case after case where airlines have taken individuals in wheelchairs off a plane because they somehow did not fulfill a technicality of the regulations.

The handicapped have had great difficulty in traveling but the most tragic and objectionable discrimination has been the neglectful exclusion of 4½ million children from an education. These children are denied their rights and left to lead a life of needless deprivation. Where can these children turn?

In the past year the courts of our land have handed down monumental decisions and a consent order that have given hope to these unprotected citizens. H.R. 11032 which we are debating today, for the first time establishes criminal penalties for anyone who interferes with the rights of a blind or disabled person.

This is a dramatic step in the fight to see equal treatment for the handicapped.

I support this legislation for the District of Columbia and hope that State legislatures and the Congress will follow the lead nationally.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. Are there any further bills to be called up by the committee?

Mr. STUCKEY. No, Mr. Speaker.

The SPEAKER. This concludes the call of the District Calendar.

GENERAL LEAVE

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that all Members may extend their remarks on the District of Columbia bills considered today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PUBLIC INCOME TRANSFER PROGRAMS

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I would like to call the attention of my colleagues to a report recently issued by the Subcommittee on Fiscal Policy of the Joint Economic Committee, of which I am chairman. This paper, entitled "Public Income Transfer Programs: The Incidence of Multiple Benefits and the Issues Raised by their Receipt," is a staff study released as part of the subcommittee's 2-year review of public welfare programs which impact on personal incomes. Our scope includes benefits in the form of social insurance, veterans' cash benefits, public assistance, food, health, and housing programs.

My colleagues will remember that one major purpose of this 2-year study is to focus on the problems of coordinating and integrating this large and complex set of programs. As the staff study shows, these programs involve massive expenditures. Almost $100 billion will be paid out in fiscal year 1972 under 26 major Federal programs and the largest non-Federal programs. Although 119 million people are helped by these programs, the number of unique beneficiaries is probably about 60 million.

Included in the above-mentioned programs are 10 Federal programs and the local general assistance programs which directly relate benefits and eligibility to need; that is, to the current cash incomes of recipients. When allowance is made for persons receiving benefits under more than one program, the actual number of individuals receiving these income-tested benefits is no more than 25 to 30 million persons. This latter figure is a better measure of the true size of the welfare rolls than simply the 14 million persons receiving public assistance. With a beneficiary caseload of this size, our concern must be the structure of existing and proposed programs under which they may benefit, and the ways in which these programs work together.

The staff study points out that a multiplicity of separate programs dealing largely with the same population is bound to result in inefficient duplications of administrative efforts and to result in an excess of red tape confronting the recipients. The programs covered by this report are administered by 11 Federal agencies and by countless State and local agencies in all of the States and territories. Each component in this complex array of administrative machinery is faced with an enormous task, and if an error is made or a fraudulent claim is accepted, the high degree of overlap among these programs raises the possibility that such mistakes may be transmitted into the records of several programs, thereby raising the cost of the original error.

The subcommittee recently conducted a hearing in New York City. State and local administrators there are trying to make sense out of the multitude of Federal and State laws and regulations governing welfare-type programs. The acting commissioner of the New York State Department of Social Services stated that these laws and regulations pertaining to welfare have outgrown a 48-inch bookshelf. I came away convinced that public assistance in medium and large cities today is virtually unadministrable, and the regulations are largely unenforceable. Further, the inequities and the incentive problems are severe. Our witnesses included four intake-eligibility workers who said that some of the AFDC recipients can have a higher total income—from earnings and AFDC—than the workers themselves earn. And the welfare recipients are covered by an elaborate medicaid program which spends $1,070 per year for the average AFDC family.

My conclusions are:

First, the complexity of program procedures makes them difficult to understand by recipient, caseworkers, and taxpayer alike;

Second, the Federal agencies have difficulties in monitoring the implementation of national policies at the local level;

Third, the variety of local opitions in the implementation of some programs result in the fact that national perspectives on cumulative impacts of benefits are not always borne out by local area analyses;

Fourth, because of the extreme variation in local program structures, it is not now possible to accurately and comprehensively assess the impact on individuals of a change in any one of these income transfer programs; and

Fifth, the Congress and the executive agencies must take off the blinders imposed by jurisdictional responsibilities and examine specific program changes in terms of the consequences for the existing complex of programs.

THE UNITED STATES-MEXICO BOUNDARY LEGISLATION

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, last week the United States and Mexico exchanged final ratifications of a treaty to resolve pending boundary differences and maintain the Rio Grande and Colorado River as the boundary between our two nations.

With this treaty our two great countries have resolved our last boundary dispute and established a mechanism for dealing with any future problems which may arise from the erratic wanderings of the rivers which form portions of the boundary between the United States and Mexico.

Major provisions of the treaty include:

First. Assignment of 1,606.19 acres of land to Mexico in exchange for 555.81 acres in connection with a longtime dispute over the Presidio-Ojinaga tracts.

Second. Transfer of the Horcon and Beaver Island tracts to Mexico in return for compensation to the United States of an equal amount of 481.68 acres of nearby land.

Third. Reestablishment of the boundary in the middle of the river. If there is more than one channel, the boundary will run in the middle of the widest channel. This will result in Mexico gaining more acreage and a larger number of islands than the United States. To offset this loss Mexico has agreed to transfer 252 acres of land in the Presidio Valley to the United States.

Fourth. Provisions of a procedure for future transfer of lands necessitated by shifting of river channels.

Fifth. Establishment of a permanent maritime boundary in the Gulf of Mexico and the Pacific Ocean to be drawn 12 miles from the coast.

The full text of the treaty is as follows:

TREATY TO RESOLVE PENDING BOUNDARY DIFFERENCES AND MAINTAIN THE RIO GRANDE AND COLORADO RIVER AS THE INTERNATIONAL BOUNDARY BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED MEXICAN STATES

The United States of America and the United Mexican States,

Animated by a spirit of close friendship and mutual respect and desiring to:

Resolve all pending boundary differences between two countries,

Restore to the Rio Grande its character of international boundary in the reaches where that character has been lost, and preserve for the Rio Grande and Colorado River the character of international boundaries ascribed to them by the boundary treaties in force.

Minimize changes in the channels of these rivers, and should these changes occur, attempt to resolve the problems arising therefrom and promptly and equitably,

Resolve problems relating to sovereignty over existing or future islands in the Rio Grande,

And finally, considering that it is in the interest of both countries to delimit clearly their maritime boundaries in the Gulf of Mexico and in the Pacific Ocean,

Have resolved to conclude this Treaty concerning their fluvial and maritime boundaries and for such purpose have named their plenipotentiaries:

The President of the United States of America, Robert H. McBride, Ambassador of the United States of America to Mexico, and

The President of the United Mexican States, Antonio Carrillo Flores, Secretary of Foreign Relations,

Who, having communicated to each other their respective full powers, found to be in good and due form, have agreed as follows:

ARTICLE

In order to resolve the pending boundary cases of the Presidio-Ojinaga Tracts, the Horcon Tract, Beaver Island, and islands, in which the territory of one of the Contracting States has been placed on the opposite bank of the Rio Grande, and to restore this river as the international boundary, the United States and Mexico have decided to modify the position of the Rio Grande in certain reaches, in accordance with the following terms:

A. To change the location of a section of the channel of the Rio Grande in the area of the Presidio-Ojinaga Tracts, so as to transfer from the north to the south side of the Rio Grande an area of 1606.19 acres (650 hectares). This relocation shall be effected so that the middle of the new channel follows the alignment shown on the map of the International Boundary and Water Commission, United States and Mexico (hereinafter referred to as the "Commission"), entitled Relocation of the Rio Grande in the Presidio-Ojinaga Tracts, attached to and forming a part of this Treaty.

B. To change the location of the channel of the Rio Grande upstream from and near Hidalgo-Reynosa, so as to transfer from the south to the north of the Rio Grande an area of 481.68 acres (194.93 hectares). This relocation shall be effected so that the middle of the rectified channel follows the alignment shown on the Commission's map entitled Relocation of the Rio Grande Upstream from Hidalgo-Reynosa, attached to and forming a part of this Treaty.

C. To change the location of the channel of the Rio Grande downstream from and near Presidio-Ojinaga, so as to transfer from the south to the north of the Rio Grande an area of 252 acres (101.98 hectares). This relocation shall be effected so that the middle of the rectified channel follows the alignment shown on the Commission's map entitled Relocation of the Rio Grande Downstream from Presidio-Ojinaga, attached to and forming a part of this Treaty.

D. Once this Treaty has come into force and the necessary legislation has been enacted for carrying it out, the two Governments shall determine, on the basis of a recommendation by the Commission, the period of time appropriate for each of them to carry out the following operations:

(1) The acquisition, in conformity with its laws, of the lands to be transferred to the other and of the rights of way for the new river channels;

(2) The orderly evacuation of the occupants of the lands referred to in paragraph D(1) of this Article.

E. The changes in location of the Rio Grande referred to in paragraphs A, B and C of this Article, shall be executed by the Commission as soon as practical in accordance with the engineering plans recommended by it and approved by the two Governments. The cost of these changes in location shall be equally divided between the two Governments, through an appropriate division of work recommended by the Commission in the same engineering plans.

F. On the date on which the two Governments approve the Commission's Minute confirming the completion of the relocations of the channel of the Rio Grande provided for in paragraphs A, B and C of this Article, the change of location of the international boundary shall be effected in each case and the middle of the new channels of the Rio Grande and of the present channels north of the Horcon Tract and north of Beaver Island shall become the international boundary; and consequently the following territorial adjustments shall take place:

(1) By reason of the rectification referred to in paragraph A of this Article, there shall pass from the north to the south of the Rio Grande within the territory of Mexico, 1606.19 acres (650 hectares) in the Presidio-Ojinaga Tracts.

(2) By reason of the rectification referred to in paragraph B of this Article, there shall pass from the south to the north of the Rio Grande 481.68 acres (194.93 hectares) to form a part of the territory of the United States. This transfer is in recognition of the fact that the Horcon Tract and Beaver Island, located south of the Rio Grande, comprising a total area of 481.68 acres (194.93 hectares)

now under the sovereignty of the United States shall pass to and become part of the territory of Mexico.

(3) By reason of the rectification referred to in paragraph C of this Article, there shall pass from the south to the north of the Rio Grande 252 acres (101.98 hectares) to form a part of the territory of the United States. This transfer is in recognition of the fact that, upon the adoption of the new boundary in accordance with Article II of this Treaty Mexico will receive a greater number and acreage of islands than the United States.

ARTICLE II

In order to resolve uncertainties relating to the sovereignty over islands and to restore to the Rio Grande its character as the international boundary in those locations where this character has been lost between the Gulf of Mexico and its intersection with the land boundary, the Contracting States agree that:

A. Except as provided in Articles I(F), III (B) and III(C) of this Treaty, from the date on which this Treasury enters into force, the international boundary between the United States and Mexico in the limitrophe sections of the Rio Grande and the Colorado River shall run along the middle of the channel occupied by normal flow and, where either of the rivers has two or more channels, along the middle of the channel which in normal flows has the greater or greatest average width over its length, and from that time forward, this international boundary shall determine the sovereignty over the lands on one side or the other of it, regardless of the previous sovereignty over these lands.

B. For the purposes of this Treaty, the Commission shall in each case determine the normal flows, which shall exclude flood flows, and the average widths, referred to in the preceding paragraph of this Article.

C. The Commission, on the basis of the surveys which it shall carry out as soon as practical, shall with appropriate precision delienate the international boundary on maps or aerial photographic mosaics of the Rio Grande and of the Colorado River. In the future, the Commission shall make surveys as frequently as it may consider justifiable, but in any event at intervals not greater than ten years, and shall record the position of the international boundary on appropriate maps. Each of the Governments shall bear half of the costs and other expenses determined by the Commission and approved by the two Governments for the surveys and maps relating to the boundaries.

ARTICLE III

In order to minimize problems brought about by future changes in the limitrophe channels of the Rio Grande and the Colorado River, the Contracting States agree that:

A. When the Rio Grande or the Colorado River moves laterally eroding one of its banks and depositing alluvium on the opposite bank, the international boundary shall continue to follow the middle of the channel occupied by normal flow or, where there are two or more channels, it shall follow the middle of the channel which in normal flow has the greatest average width over its length.

B. (1) When the Rio Grande or the Colorado River, through movements other than those described in paragraph A of this Article, separates from one Contracting State a tract of land, which might be composed of or include islands, of no more than 617.76 acres (250 hectares) and with an established population of no more than 100 inhabitants, the Contracting State from which the tract of land has been separated shall have the right to restore the river to its prior position and shall notify the other Contracting State, through the Commission, at the earliest possible date whether or not it proposes to restore the river to its prior position. Such restoration must be made at its own expense within a period of three years counted from the date on which the Commission acknowledges the separation; however, if such restoration should have been initiated but not completed within the period of three years, the Commission, with approval of both Governments, may extend it for one year. The boundary shall remain in its prior location during the periods herein provided for restoration of the river, notwithstanding the provisions of Article II(A) of this Treaty.

(2) If at the conclusion of the periods herein provided the river has not been restored to its prior position, the international boundary shall be fixed in accordance with the provisions of Article II(A) of this Treaty, and sovereignty over the separated tract of land shall, as of that date, pass to the Contracting State on whose side of the river the separated tract is then located. Should the Contracting State from whose territory the tract was separated notify the other Contracting State of its intention not to restore the river to its prior position, the international boundary shall be fixed in accordance with the provisions of Article II(A) of this Treaty, and sovereignty over the separated tract shall change as of the date on which notification is given through the Commission.

(3) When a tract of land passes from the sovereignty of one Contracting State to the other in accordance with paragraph B(2) of this Article, its area shall be ascertained and recorded by the Commission as a credit in favor of the Contracting State from which it was separated, for later compensation by an equal area in a natural separation of a tract of the other Contracting State which is not restored or in a future rectification recommended by the Commission and approved by the two Governments in the same river. The costs of such rectifications shall be divided equally between the Contracting States and, upon completion, the middle of the new channels shall become the international boundary and the Commission shall cancel the corresponding credit.

C. When the Rio Grande or the Colorado River, by movements other than those provided in paragraph A of this Article, separates from one Contracting State a tract of land, which might be composed of or include islands, having an area of more than 617.76 acres (250 hectares) or an established population of more than 100 inhabitants, the international boundary shall remain in its prior position and sovereignty over the separated tract of land shall not change, notwithstanding the provisions of Article II(A) of this Treaty. In such cases the Commission shall restore the river to its prior channel as soon as practical, equally dividing the costs between the Contracting States. As an alternative procedure the Commission, with the approval of the two Governments, may rectify the channel of the river in the same section in which the separation occurred, so as to transfer an equal area to the Contracting State from which the tract of land was separated. The costs of these rectifications shall be divided equally between the two Governments and, upon their completion, the middle of the new channels shall be the international boundary, as defined in Article II(A) of this Treaty.

D. The Commissioners shall exchange all information coming to their attention about possible or actual separation of lands as referred to in paragraphs B and C of this Article. The Commission shall promptly make the necessary surveys and investigations in all cases of separation and determine, in accordance with the provisions of paragraphs B and C of this Article, which type of separation has taken place.

E. Pending any changes in sovereignty brought about by the application of paragraphs B or C of this Article, each Contracting State shall extend to the nationals of the other such facilities for transit through its territory as may be necessary to permit the use and enjoyment of separated tracts as before the separation, including such exemption from customs duties and immigration procedures as may be necessary.

F. When in the limitrophe reaches of the Rio Grande and Colorado River, a part of the channel temporarily loses its character as the boundary by reason of the charges contemplated in paragraphs B and C of this Article, the international character of the use and consumption of those waters, in the order established under Article 3 of the Treaty of February 3, 1944, shall not be modified.

ARTICLE IV

In order to reduce to a minimum the shifting of the channels of the Rio Grande and the Colorado River in their limitrophe sections, and the problems that would be caused by the separation of tracts of land, the Contracting States agree that:

A. Each Contracting State, in the limitrophe sections of the Rio Grande and the Colorado River, may protect its bank against erosion and, where either of the rivers has more than one channel, may construct works in the channel or channels that are completely within its territory in order to preserve the character of the limitrophe channel provided, however, that in the judgment of the Commission the works that are to be executed under this paragraph do not adversely affect the other Contracting State through the deflection or obstruction of the normal flow of the river or of its flood flows.

B. (1) Both in the main channel of the river and on adjacent lands to a distance on either side of the international boundary recommended by the Commission and approved by the two Governments, each Contracting State shall prohibit the construction of works in its territory which, in the judgment of the Commission, may cause deflection or obstruction of the normal flow of the river or of its flood flows.

(2) If the Commission should determine that any of the works constructed by one of the two Contracting States in the channel of the river or within its territory causes such adverse effects on the territory of the other Contracting State, the Government of the Contracting State that constructed the works shall remove them or modify them and, by agreement of the Commission, shall repair or compensate for the damages sustained by the other Contracting State.

C. (1) The Commission shall recommend to the two Governments the execution of works it may consider advisable and practical for improvement and stabilization of the channels of the Rio Grande and of the Colorado River in its limitrophe sections, including among others the following measures: clearing, channel excavations, bank protection and rectifications. The Commission shall include in its recommendations an estimate of the costs of construction, operation and maintenance of the works, and a proposal for the division of the work and costs between the Contracting States.

(2) As soon as may be practical, after the two Governments approve the Commission's recommendations, each of the Contracting States shall execute, at its expense, its share of the construction, operation and maintenance referred to in paragraph C(1) of this Article.

ARTICLE V

The Contracting States agree to establish and recognize their maritime boundaries in the Gulf of Mexico and in the Pacific Ocean in accordance with the following provisions:

A. The international maritime boundary in the Gulf of Mexico shall begin at the center of the mouth of the Rio Grande, wherever it may be located; from there it shall run in a straight line to a fixed point at 25° 57′ 22.18″ North latitude, and 97°8′ 19.76″ West longitude, situated approximately 2,000 feet seaward from the coast; from this fixed point the maritime boundary shall continue seaward in a straight line the delineation of which represents a practical simplification of the line drawn in accordance with the principle of equidistance established in Articles 12 and 24 of the Geneva Convention on the Territorial Sea and the Contiguous Zone. This line shall extend into the Gulf of Mexico to a distance of 12 nautical miles from the baseline used for its delineation. The international maritime boundary in the Gulf of Mexico shall be recognized in accordance with the map entitled International Maritime Boundary in the Gulf of Mexico, which the Commission shall prepare in conformity with the foregoing description and which, once approved by the Governments, shall be annexed to and form a part of this Treaty.

B. The international maritime boundary in the Pacific Ocean shall begin at the westernmost point of the mainland boundary; from there it shall run seaward on a line the delineation of which represents a practical simplification, through a series of straight lines, of the line drawn in accordance with the principle of equidistance established in Articles 12 and 24 of the Geneva Convention on the Territorial Sea and the Contiguous Zone. This line shall extend seaward to a distance of 12 nautical miles from the baselines used for its delineation along the coast of the mainland and the islands of the Contracting States. The international maritime boundary in the Pacific Ocean shall be recognized in accordance with the map entitled International Maritime Boundary in the Pacific Ocean, which the Commission shall prepare in conformity with the foregoing description and which, once approved by the Governments, shall be annexed to and form a part of this Treaty.

C. These maritime boundaries, as they are shown in maps of the Commission entitled International Maritime Boundary in the Gulf of Mexico and International Maritime Boundary in the Pacific Ocean, shall be recognized as of the date on which this Treaty enters into force. They shall permanently represent the maritime boundaries between the two Contracting States; on the south side of these boundaries the United States shall not, and on the north side of them Mexico shall not, for any purpose claim or exercise sovereignty, sovereign rights or jurisdiction over the waters, air space, or seabed and subsoil. Once recognized, these new boundaries shall supersede the provisional maritime boundaries referred to in the Commission's Minute No. 229.

D. The establishment of these new maritime boundaries shall not affect or prejudice in any manner the positions of either of the Contracting States with respect to the extent of internal waters, of the territorial sea, or of sovereign rights or jurisdiction for any other purpose.

E. The Commission shall recommend the means of physically marking the maritime boundaries and of the division of work for construction and maintenance of the markers. When such recommendations have been approved by the two Governments the Commission shall construct and maintain the markers, the cost of which shall be equally divided between the Contracting States.

ARTICLE VI

A. The lands and improvements which, upon relocation of the international boundary under the provisions of Articles I, III and IV of this Treaty, are transferred from one Contracting State to the other, shall pass to the respective Contracting State in absolute ownership, free of any private titles or encumbrances of any kind; compensation to the owners of the lands to be transferred shall be the responsibility of the delivering Contracting State. No payments shall be made between the two Governments for value of the lands and improvements transferred from one Contracting State to the other as a result of the change of location of the international boundary.

B. The relocation of the international boundary and the transfer of portions of territory or any other provision of this Treaty shall not affect in any way:

(1) The legal status with respect to citizenship laws, of those persons who are present or former residents of the portions of territory transferred;

(2) The jurisdiction over legal proceedings, of either a civil or crimnal character, which are pending on the date on which the relocation is effected or which were decided prior to that date;

(3) The jurisdiction over acts or omissions occurring within or with respect to the said portions of territory prior to their transfer;

(4) The law or laws applicable to the acts or omissions referred to in paragraph B(3) of this Article.

C. (1) All materials, implements, equipment and repair parts intended for the construction, operation and maintenance of the works required to carry out the provisions of this Treaty shall be exempt from taxes relating to imports and exports. For this purpose, each Section of the Commission shall furnish verification certificates covering all materials, implements, equipment and repair parts intended for such works.

(2) The personnel employed either directly or indirectly on the construction, operation or maintenance of the works required to carry out the provisions of this Treaty shall be permitted to pass freely from one country to the other for the purpose of going to and from the place or location of the works, without any immigration restrictions, passports, or labor requirements. For this purpose, each Section of the Commission shall furnish adequate means of identification to the personnel employed by it on the aforesaid works.

ARTICLE VII

The boundary on international bridges which cross the Rio Grande or the Colorado River shall be shown by an appropriate monument exactly over the international boundary determined by this Treaty at the time of demarcation. When in the judgment of the Commission the variations of the international boundary should warrant that the monument on any bridge should be relocated, it shall so recommend to the two Governments and with their approval may proceed to the reinstallation. This monument shall denote the boundary for all the purposes of such bridge. Any rights other than those relating to the bridge itself shall be determined, in case later changes occur, in accordance with the provisions of this Treaty.

ARTICLE VIII

The following agreements shall be terminated as of the entry into force of this Treaty, without prejudice to any right, title or interest which has accrued thereunder except as otherwise provided in this Treaty with respect to such right, title or interest:

A. the Convention Touching the International Boundary Line, signed on November 12, 1884;

B. The Convention for the Elimination of Bancos in the Rio Grande, signed on March 20, 1905; and

C. to the extent that they are inconsistent with this Treaty:

(1) Article V of the Treaty of Guadalupe Hidalgo, signed on February 2, 1848;

(2) Article I of the Gadsden (Mesilla) Treaty, signed on December 30, 1853;

(3) Article IV of the Convention establishing the International Boundary Commission, signed March 1, 1889; and

(4) Article VI of the Convention on Rectification of the Rio Grande, signed February 1, 1933; and

D. any other agreement, or any part thereof, between the United States of America and the United Mexican States which is inconsistent with this Treaty, to the extent of that inconsistency.

ARTICLE IX

The present Treaty shall be ratified in accordance with the constitutional processes of each Contracting State and the instruments of ratification shall be exchanged in Washington, D.C. as soon as possible. It shall enter into force on the date of the exchange of ratifications.

Done at the City of Mexico, the twenty-third day of November, nineteen seventy, in the English and Spanish languages, each text being equally authentic.

Mr. Speaker, on March 9, the Department of State, by Executive Communication 1727, sent to the House draft legislation which is necessary to the implementation of our new treaty with Mexico. Today, I am pleased to introduce that legislation and to announce that the Inter-American Affairs Subcommittee of the Committee on Foreign Affairs will hold a hearing on this bill on Monday, May 1.

The text of the bill and an analysis follows:

H.R. 14573

A bill to facilitate compliance with the treaty between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Boundary Treaty Act of 1972."

TITLE I—AUTHORIZATION FOR CARRYING OUT TREATY PROVISIONS

SEC. 101. In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized:

(a) to conduct technical and other investigations relating to: the demarcation, mapping, monumentation, channel relocation, rectification, improvement and stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico; the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean; water resources; the sanitation and the prevention of pollution.

(b) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(1) for transfer to Mexico as provided in said treaty;

(2) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(3) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their flood flows.

(4) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the said Commissioner is necessitated by the project.

(c) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission has determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

SEC. 102. The United States Commissioner is authorized to enter into contracts with the owners of properties to be relocated whereby such owners undertake to perform, at the expense of the United States, any or all operations involved in said relocations; to construct, operate and maintain all works provided for in said treaty and/or Title I of this Act; and to turn over the operation and maintenance of any such works to any Federal agency, or any State, County, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

SEC. 103. Notwithstanding any other provision of law, the United States Commissioner in authorized to dispose of by warranty deed, or otherwise, any land acquired by the United States Commissioner on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the United States Commissioner, to adjoining land owners at such price as he considers fair and equitable, and, if not so disposed of, to turn said land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 104. When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the United States Commissioner's decision, approved by the Secretary of State, shall be final so far as the United States is concerned, and the United States Commissioner is authorized to construct or arrange for construction of such works as may be required to give effect to that decision.

SEC. 105. Land acquired or to be acquired by the United States of America in accordance with the provisions of said treaty, including the tract provided for in section 106, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of said State, without affecting the ownership of said land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by said State.

SEC. 106. Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the United States Commissioner, International Boundary and Water Commission, not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife is authorized to plan, establish, develop and administer said portion of the acquired lands as a part of the National Wildlife Refuge System.

SEC. 107. The Tariff Act of 1930 (46 Stat. 590) as amended, shall be further amended as follows:

(1) The heading of section 322 shall be amended to read: "International Traffic and Rescue Work; United States-Mexico Boundary Treaty of 1970";

(2) Paragraph (b) of section 322 shall be amended by striking the word "and" at the end of subparagraph (2); by striking the period at the end of subparagraph (3) and inserting "; and" in lieu thereof; and by adding a new subparagraph to read:

"(4) Personal property reasonably related to the use and enjoyment of a separated tract of land as described in article III of the Treaty To Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary between the United States of America and the United Mexican States signed on November 23, 1970."

SEC. 108. There is authorized to be appropriated to the Department of State for the use of the United States section of said Commission such sums as may be necessary to carry out the provisions of said treaty and title I of this Act.

TITLE II—PRESIDIO FLOOD CONTROL PROJECT

SEC. 201. The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

SEC. 202. If an agreement is concluded pursuant to Section 201, Title II of this Act, the United States Commissioner is authorized to construct, operate and maintain flood control works located in the United States having substantially the characteristics described in "Report on the Flood Control Project Rio Grande, Presidio Valley, Texas," prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of said Commission such sums as may be necessary to carry out the provisions of Title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under said treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

ANALYSIS OF BILL

The Boundary Treaty of 1970 imposes on the United States and Mexico numerous responsibilities and obligations. These relate principally to the settlement of all existing boundary disputes and uncertainties and the prevention of new ones. The maintenance of the Rio Grande and the Colorado River as the international boundary is an important element in the achievement of both objectives. The treaty also defines and provides for demarcation of maritime boundaries in the Pacific Ocean and the Gulf of Mexico. It entrusts execution of the responsibilities and obligations to the International Boundary and Water Commission, which has been exercising similar duties with respect to the boundary with Mexico since 1889. The Commission consists of a United States Section and a Mexican Section each headed by a Commissioner. The United States Commissioner would act for the United States in these matters under the policy direction of the Secretary of State.

Title I of the bill would provide the United States Commissioner with all the authority he is expected to need now and in the future to discharge the responsibilities and obligations assigned to the United States by the treaty. For this purpose he will have to conduct investigations, acquire lands and easements in lands, and construct, operate, maintain works. Sections 101 and 102 of the bill, which are based on Sections 1 and 2 of the American-Mexican Chamizal Convention Act of 1964 (78 Stat. 184), would authorize these and related functions; they are largely self-explanatory. Since, if the Commission should determine under Article IV(B)(2) of the Treaty that works constructed in the United States cause deflection or obstruction of a river flow, this Government must remove or modify them, and possibly repair or compensate for the damage, Section 101(c) of the bill would authorize the United States Commissioner to perform such work and make compensation to Mexico.

Section 103 reflects an exceptional circumstance resulting from the treaty, and is designed to mitigate the adverse effects of the operation of the treaty on certain individuals. Lands being transferred to Mexico under the terms of the treaty cannot be selected on the basis of convenience or exclusively domestic considerations. The new channel of the Rio Grande, relocated under Article I (C) of the treaty to place north of the river Mexican territory being ceded to the United States, will follow an alignment determined as much by Mexican as United States interest. The Department wishes, to the extent practical, to protect the individual United States landowners adversely affected by an arrangement which was in part to accommodate Mexico. The United States Commissioner can best do this by being able to make transfers, sales and exchanges of certain lands sympathetically and expeditiously "on the spot" to suit the needs of the owners involved and provide equitably for all without delay. For example, eleven pump sites are being eliminated from the river by its relocation. Where a United States farmer finds himself separated from the new river channel and his former pump sites by lands ceded by Mexico, he becomes understandbly concerned. The United States Commissioner would want to preserve an owner's riparian rights on the water course, and prevent another from acquiring the land and totally cutting him off from his source of irrigation water. Under Section 103 the United States Commissioner would be able to offer the intervening land to an adjacent owner at a price determined to be fair and equitable. Similar circumstances may well arise in the event of future acquisition of land from Mexico under the treaty, and the same provision would enable the Commissioner to protect other United States landowners. If adjoining land owners do not acquire the lands, the Commissioner would turn them over to the General Services Administration for disposal.

Section 104 relates to a complex procedure introduced by Article III of the treaty for the treatment of tracts of land shifted from one side of a boundary river to the other. Decisions must be made under the treaty, in accordance with varying circumstances, whether to restore the river to its prior channel or whether to allow a new channel to become the boundary, whether to undertake rectification of the river and, in the rectification process, what lands to exchange with Mexico. Section 104 would authorize the United States Commissioner, with the approval of the Secretary of State, to make these decisions for the United States and to construct whatever works are required.

Section 105 is designed to eliminate any confusion concerning the exercise of jurisdiction over lands which pass from Mexico to the United States under the provisions of the Treaty.

Section 106 would assign to the Fish and Wildlife Service of the Department of the Interior responsiblity for administering for the Federal Government that part of 481.68 acres being ceded to the United States by Mexico in the Lower Rio Grande Valley near Hidalgo, Texas, and not required in the relocation of the river at that point or for the maintenance of the project. The Department has learned that this tract would be especially useful as a wildlife refuge, and believes that this is the most beneficial use to which the tract could be put. The choice of tract was determined by flood control considerations, and it otherwise would probably have little value.

Section 107 is incorporated at the request of the Bureau of Customs. Since under Article III of the treaty tracts of land belonging to the nationals of one country might be on the opposite side of a boundary river for as long as four years, the treaty provides that those nationals would be extended such facilities for transit as may be necessary to permit them the use and enjoyment of separated tracts as before the separation, including exemption from customs duties and immigration procedures. Thus, for a period of as much as four years, Mexican nationals may be crossing to and from the United States and transiting United States territory to reach and return from tracts belonging to them on the north side of the Rio Grande or the east side of the Colorado River. The Bureau of Customs is of the opinion that legislation would be necessary to permit it to admit personal property belonging to them without entry or the payment of any duty or tax. The Bureau has therefore recommended the incorporation of Section 107 so that it can comply with the Treaty.

SEC. 108 authorizes the appropriation of such sums as may be necessary to implement the Treaty.

Title II would authorize an agreement with the Mexican Government for the construction of a joint flood control project for the protection of the lands in the United States and Mexico in the Presidio-Ojinaga Valley. Lands in the valley have experienced flood damage on the average of one year in three. A flood control project has been impractical, however, because of the territorial dispute in that valley. Now that the dispute over the location of the international boundary has been settled by the treaty, the river is being relocated in the valley to place north of the river channel all United States territory and to place south of the river all Mexican territory. Authorities of both countries agree that the least costly means of providing flood protection would be the addition of levees to the relocated channel at the time of its relocation, with the channel and areas between levees maintained clear of brush. The Department has therefore included Title II in the enabling legislation. SEC. 202 also authorizes the appropriation of such sums as may be necessary to construct, operate and maintain this flood control project.

OVERBURDENED AMERICAN TAXPAYER IS GOING TO GET SOCKED AGAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, this last weekend all of us received a copy of a canned press release which I understand was prepared by the National League of Cities so that we can inform our local news media of how much free Government money each State and local government within our area may receive under the general revenue-sharing bill.

Of course, everybody likes to give money away and everybody likes to receive it, and the press release was designed to enhance the Santa Claus image of Members of Congress, and to ingratiate us to our local government officials.

There was only one major omission in the canned press release from this taxpayer-supported lobbying group, and that is, it never mentioned how the money was to be raised. Of course, all of us know there is only one source and that is the already overburdened American taxpayer. He is going to get socked again.

I am sure all Members of Congress will remember when we voted for this 5-year appropriation under a closed rule, totaling approximately $30 billion, that we do not have the money and that we must raise this new money by either taxes or borrowing, and in the case of borrowing, we will pay the price not only in an untold amount of interest but in the additional fires of inflation.

This revenue-sharing proposal is unwise and should be defeated. I voted against it in committee as one of a bipartisan group of seven who opposed it.

The following is a copy of the canned press release which I understand was furnished all Members of Congress so they could announce this new-found money for States and local governments:

SAMPLE PRESS RELEASE

Congressman ——— today announced that legislation approved last week by the House of Representatives Committee on Ways and Means would provide (name of state) and its communities with $——— this year.

According to provisions of the State and Local Government Fiscal Assistance Act of 1972, (name of state)'s state government will receive $———, while $——— will go directly to local government units within (name of state).

The Act was approved April 17 by the House Committee on Ways and Means. It is expected that the entire House will vote on the bill in early May.

The committee's version of the bill authorizes a five-year program which appropriates a total of $5.3 billion to state and local governments during its first full year. During the first year, the committee's proposal allocates $1.8 billion to state governments on the basis of tax effort. A total of $3.5 billion is distributed to local government units according to need as determined by population, urbanized population and relative per capita income. The Act provides virtually every city, county, village, town and township in the country with fiscal assistance. The proposed legislation places no restrictions on state government spending, but requires that local units channel funds into law enforcement, transportation and environmental protection programs.

Congressman ——— announced the following allocations to communities within the ——— District.

OBLIGATION OF PUBLIC AGENCIES TO CONDUCT ACTIVITIES PUBLICLY

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOSS. Mr. Speaker, I rise today to speak on a subject which has demanded increasing attention in recent times—the obligations of a Government agency to conduct its activities publicly, so that those who are affected by its actions will know upon what considerations such actions were based. I am very troubled that the Securities and Exchange Commission is currently engaged in closed-door discussions with representatives of the industry the Commission was created to regulate, with the view to formulating rules and regulations affecting the millions of Americans who invest, directly or indirectly, in the stock market. For the past few months the Subcommittee on Commerce and Finance, which I have the privilege to chair, has been attempting to insure that these discussions be made public. So far we have been unsuccessful in this effort. A brief account of our actions may be in order.

On February 2 of this year the Securities and Exchange Commission announced its plans for a major restructuring of our Nation's securities markets. The Commission's goals were expressed in very broad terms, and it announced that it planned to create three industry advisory committees to assist it in the formulation of definitive rules and regulations.

Since that announcement, the Subcommitttee on Commerce and Finance has been attempting to discover how these industry advisory committees will function and whether their deliberations, conclusions, and recommendations will be made public.

Initially the Commission informed us that the work of the committees would be made public as required by prevailing rules concerning industry advisory committees, or beyond that, as deemed appropriate by the Commission.

When asked what the prevailing rules were, the Commission cited Executive Order No. 11007, which prescribes regulations for the formation and use of advisory committees. The Commission recognized that this order was directly applicable only to executive agencies and not to independent regulatory agencies, but stated its intention to adhere to the procedures set forth in that order.

Upon further questioning, however, the Commission has admitted that it does not intend to make public the deliberations, conclusions or recommendations of the industry advisory committees.

We asked whether the advisory committee meetings would be open to the public. We were informed that they would not.

We asked whether, since the meetings were to be nonpublic, verbatim transcripts of the meetings would be kept, as provided in Executive order 11007. We were informed that they would not.

The Executive Order would seem to provide that if the advisory committee meetings are to be nonpublic, and if verbatim transcripts are not to be kept, then as an absolute minimum detailed minutes of the meetings are to be maintained. We asked whether the Commission intended to comply with that provision. We were informed that while minutes would be taken and be made available to the Commission and its staff, they would not be made available to the public. Indeed, the Commission has recently convened the first meetings of these committees, and I am informed that there is no public information available as to what took place.

Mr. Speaker, we are truly living through an era of disillusionment for many people in this country. And, rightly or wrongly, Washington is the symbol of much of that disillusionment. There seems to be a feeling of frustration with Government, a feeling of complete futility in attempting to deal with the faceless organizations which make the decisions that influence the lives of so many Americans.

It seems to me that the actions of the Securities and Exchange Commission that I have described lend support to this feeling of futility. We must not allow these types of actions, since they eat at the very heart of our system of Government. Moreover, from the SEC's own point of view, I would think that it would not want to expose the members of the industry committees to the suggestion of improper influence of the type which has so recently been prevalent in the national news media.

For these reasons I am again requesting the Commission to make these discussions available to the public. I hope that they will agree. If they do not, then the Congress must act. The Subcommittee on Commerce and Finance has the duty of overseeing the activities of the SEC. If the agency persists in its determination not to make these discussions open to public scrutiny, it may be necessary, after each advisory committee meeting, to invite the industry representatives to appear, either voluntarily or involuntarily, before the subcommittee at open hearings and to testify under oath as to what has transpired at these meetings.

I would prefer that the SEC act on this matter itself. But if it will not, then the Congress must.

Thank you, Mr. Speaker.

THE CLOSING OF HAIPHONG HARBOR

(Mr. SCHMITZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHMITZ. Mr. Speaker, on Friday an article appeared in the Los Angeles Times referring to the fact that a U.S. naval ammunition ship has been loaded with aerial mines at the big American naval base at Subic Bay, in the Philippines, and is expected to join U.S. vessels off the coast of Vietnam.

Aerial mines are high explosive devices planted in the sea from planes, and could be used to seal off a harbor.

I commend the administration for its decision as to employing aerial mines.

It has been amazing to many of us that this has not been done before.

This seems to be a new sign that we are coming to our senses in Southeast Asia.

Speaking as a Marine Corps trained jet attack and helicopter pilot, now a lieutenant colonel in the U.S. Marine Corps Reserve, as well as being a Congressman, I urge the President to take not only the logical but the humane next step which would be to utilize the aerial mines which he is properly currently deploying, to mine Haiphong Harbor, thereby sealing it off.

This is a logical step since we have several types of planes which can plant air-deliverable mines, thereby bringing to an end the North Vietnamese capability to send heavy artillery, T-54 tanks and antiaircraft weaponry against our remaining troops in the south, the South Vietnamese troops defending their country, and our aircraft operating in the north. It is also humane since it would effectively cut off resupply efforts for the troops supporting the invasion of South Vietnam, thereby saving not only countless South Vietnamese and American lives but also the lives of the young North Vietnamese men who are impressed into the army to come south, to suffer malnutrition, to be chained into tanks, never to go back home, and finally to die.

As an alternative to sealing off the harbor with mines I might suggest that the most humane act of all could be to use one 500-pound bomb on the dredge which is necessary to keep the Haiphong Harbor open and operating without the dredge in operation, the harbor would silt up in a very short period of time. I understand that during World War II the Japanese operated at Haiphong and we stopped them from using it by sinking one ship in the channel.

It seems to be an easy harbor to close, and we have two alternatives for doing so.

I have already spoken out in favor of the President's resumption of the bombing of North Vietnam, and want to take this opportunity of joining with Governor Ronald Reagan of California and many other responsible citizens and national leaders who have deplored those who criticized the President's very necessary action.

NATIONAL STANDARDS NEEDED FOR DRINKING WATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, many of us who have been working for the past 2 years for national drinking water standards were heartened by the recent testimony of Robert W. Fri, Deputy Administrator of the Environmental Protection Agency, before the Senate Subcommittee on Environment. In the course of his statement, Mr. Fri gave EPA's endorsement for legislation which would have the Administrator of EPA set national drinking water standards for all health-related aspects of drinking water.

This endorsement of the principle of national standards may well remove the last impediment to House consideration of this legislation, which now rests in the Public Health and Environment Subcommittee of the House Committee on Interstate and Foreign Commerce. Our colleague from Florida (Mr. ROGERS), who is chairman of that subcommittee, took the leadership on the question of safe drinking water last May when his subcommittee held extensive hearings on H.R. 1093, sponsored by Chairman ROGERS and several members of his subcommittee, and H.R. 437, the Pure Drinking Water Act, which I introduced in this Congress.

During those hearings, Administrator Ruckleshaus, of the Environmental Protection Agency, stated that EPA could not support the legislation pending before the House Interstate and Foreign Commerce Committee. Mr. Ruckleshaus indicated that EPA would continue its study of problems relating to drinking water supplies and would consider the need for both administrative and legislative actions. We are now exceptionally pleased to see that EPA has indeed concluded that national standards are necessary to insure the safety of drinking water, and the way is clear for expeditious House consideration of legislation which would insure that the best available technology is used to protect against chemical, bacteriological, and viral pollution of drinking water.

I am very happy, Mr. Speaker, to be able to insert in the RECORD at this time the remarks of the Honorable Robert W. Fri, Deputy Administrator of the Environmental Protection Agency:

STATEMENT BY HON. ROBERT W. FRI

Mr. Chairman, I am pleased to have the opportunity of appearing before this Committee to testify on EPA's program for the protection of drinking water and to discuss Amendment 410 to S. 1478, the proposal relating to that program.

The Federal government's responsibility for protecting drinking water is centered in the Environmental Protection Agency, which inherited this authority from the Department of Health, Education, and Welfare in 1970. Historically, this program has been based on the Federal responsibility for preventing the spread of communicable diseases in interstate commerce, pursuant to the Public Health Service Act. Under this Act, EPA enforces regulations which preclude interstate carriers from utilizing water from sources which have not complied with certain required drinking water standards.

Regulations adopted under that authority are used to enforce standards for those systems which serve interstate carriers; presently, ths enforcement authority applies to 665 out of an estimated 30,000 public water supply systems serving both large cities and small towns and applies only as such water is used by interstate carriers.

Under that authority drinking water standards have been established. These U.S. Public Health Service Standards, last year revised in 1962, contain certain mandatory limits and recommended limits concerning physical characteristics and chemical and biological constituents affecting the quality of the water. Our regulations concerning drinking water also deal with requirements for effective control programs to limit the future risk potential of structural or operational defects of water supply systems.

Violations of the mandatory aspects of the Standards lead to prohibition of the use by interstate carriers of water drawn from that system pending the application of additional treatment or the development of an additional drinking water source. The Standards impose these mandatory limits on levels of coliform bacteria, arsenic, barium, cadmium, chromium, cyanide, lead, fluoride, selenium, and silver intake which can clearly affect the health of the user.

In addition, the Standards recommend limits on certain physical characteristics and chemical constituents of drinking water which are primarily of aesthetic concern in that they impart undesirable taste and odors to the water, cause discoloration of plumbing fixtures and the like.

Since the jurisdiction of our existing program is limited to those water supply systems serving interstate carriers, our enforcement covers only half of the 160 million people served by community water supply systems. We would point out, however, that most large cities and the States use the Standards in regulating the quality of their drinking water supplies. An extrapolation of the Community Water Supply Study, a field inspection and evaluation of 969 community water supply systems conducted by HEW in 1970, indicated that approximately 5.4 percent of the national population or 8 million people are served water that is potentially dangerous in that it fails to meet the mandatory standards set by the Federal government. These 8 million people receive unsafe water from an estimated 5,000 of the nation's community water supply systems surveyed in the Community Water Supply Study. In the majority of cases these deficient systems are smaller systems serving smaller communities. In relation to this, national health figures indicate that during the ten-year period from 1961 to 1970, there were at least 128 known outbreaks of diseases or poisoning attributed to drinking water.

While the Community Water Supply Study shows that most Americans are receiving drinking water that meets health standards, it also indicates that many of our Nation's water supply systems are subject to potential problems because individual water supply systems contain structural or operational defects; because they are manned by improperly trained personnel; and because many State and local control programs are inadequate. As a result of the inadequacies in State surveillance programs revealed by the 1970 Community Water Supply Study.

We are evaluating nine additional State control programs, we have also been reviewing the manpower and training needs required to administer public water supply programs at the State and local levels of government. We believe, as a result the Community Water Supply Study, that a lack of trained personnel is one of the greatest problems in insuring an adequate and safe water supply for the public. We have determined that the States employ about 300 engineers in water supply activities, which is about one-third the number which we believe is needed to support an effective program at the State level.

EPA is also conducting a research program to provide a better scientific base to assure safe and asthetically acceptable drinking water for public consumption. The research includes inquiry into such areas as identification and evaluation of disease producing and toxic agents that may appear in drinking water supplies, development and evaluation of water treatment processing, and development of simple and rapid methods of detection and quantification of bacteria, virus, chemicals, and toxic agents in water.

The Community Water Supply Study showed that poor operating and surveillance procedures and inadequate physical facilities, while more prevalent in smaller communities, exist in all types and sizes of water supply systems, in both large cities and small towns.

Our concern is to assure the application of adequate and up-to-date standards of quality for safe, healthful drinking water and that water supply systems are in fact reliable in delivering safe water supplies. This objective necessarily entails the use of trained and competent staffs for operating and maintaining the systems so as to deal with difficulties of the individual water system in an effective manner. We believe that this effort should and must be implemented at the State and local level.

Although our study and analysis is not yet completed, several deficiencies have clearly emerged in the over-all national approach to providing safe public drinking water supplies. First, the application of Federally enforceable standards is not broad enough to cover all community water supply systems. Second, State and local control programs, because of deficiencies in their planning, training, and enforcement activities are not providing adequate regulation of local water supply systems. Finally, from a reliability standpoint, many of the systems themselves are not capable of delivering drinking water of acceptable quality on a continuing basis because of their lack of adequate facilities, and sufficient numbers of trained personnel.

In view of these shortcomings, we have concluded that Federal legislation is needed to address certain aspects of the overall situation. As a result we are recommending to the Committee what we believe to be the essential ingredients for legislation to correct the problems of providing safe, reliable supplies of drinking water.

Such legislation should in our view contain the following element.

1. The Administrator should be authorized to set National drinking water standards, which would be addressed to all health related aspects of drinking water. These standards would limit the chemical, biological, radiological, or other health related contaminants that might appear in drinking water. The standards would also include requirements for the operation and maintenance of water supply systems insofar as necessary to assure achievement of the health related limits described above. We believe that the setting of such standards should be a Federal responsibility because standards needed to protect health do not vary with locality and the Federal Government can bring greater resources to assess the complex health and technical aspects involved.

2. The application of such standards should be clearly limited to drinking water supplied, and not to raw water sources. Extending the purview of standards beyond the goal of upgrading the quality of drinking water and supply systems would be a duplication of the provisions of the Federal Water Pollution Control Act, under which standards have already been established and would continue to be established relating to such raw water sources.

3. In addition to the National standards which relate to health aspects, we believe that EPA should develop and publish recommended limits relating to other constituents and characteristics which affect drinking water, such as taste, odor, and color. I would emphasize that these would be recommended limits as distinguished from the standards which specify mandatory limits. Such recommended limits are helpful as guidelines for States and localities to set out desirable characteristics for which they should strive for their public drinking water supplies even though a health risk is not involved.

4. The primary enforcement responsibility for drinking water standards, in our opinion, should lie with the States and localities. Federal authority to enforce the drinking water standards should come into play only if the States and local governments fail to act. Primary responsibility for assuring safe drinking water now rests with State and local government, and that is where we are convinced it should remain. The difficulties that we have identified with the National programs of drinking water do not stem from the present roles of respective levels of government but rather from inadequate coverage or enforceable Federal standards and from inadequate State and local programs. The solution of those problems would not, in our opinion, be effected by changing the roles of Federal or State governments in this area, but by assuring the enforcement of National standards and by strengthening State and local programs. In order for enforcement to be effective, a dual requirement should be included which would provide in cases where substantial adverse health risks are involved for immediate notification first, to State authorities and, through the States, to the Administrator and second, to the users of the water supply system. Such notice should include the extent and nature and possible health effects of such noncompliance with National standards and the remedial measures which will be taken to correct the problem. Additionally, in cases where the State or locality fails to take prompt remedial action, the Administrator should have authority to institute administrative orders as appropriate to regulate uses of the water supplies in question, prohibit new connections, regulate the sources of contamination or prohibit delivery of contaminated water.

5. Each water supply system authority should have to report regularly (at least annually) to the State agency regarding the quality of water delivered. The states should also have to report to the EPA annually regarding the quality of water delivered by each system in the State. Such a reporting system is important because it would provide continuing and pertinent information as to contaminant level and operation and maintenance procedures of the individual water supply.

6. States and localities should develop strong programs of surveillance, enforcement, technical assistance, training, and long-range planning. We see a Federal role in this regard directed toward the provision of research and technical assistance in those areas that are beyond the capabilities of the States.

7. Any drinking water legislation should clarify that the Administrator continue to be authorized to promote and conduct research into all aspects of water hygiene. We believe such research is necessary to provide the scientific data and methodology that will enable the Federal, State, and local entities involved in the supplying of drinking water to effectively perform their respective responsibilities.

Mr. Chairman, it appears that many of these elements, which we consider necessary in any Federal drinking water legislation, are provided in Amendment 410 to S. 1478. However, we have difficulty with the following aspects of this Amendment. First, we do not believe that program grants as suggested in Section 302(m) are necessary or desirable. They would serve to help erode State responsibility and make State agencies dependent on Federal standards, coupled with adequate monitoring requirements, will serve to stimulate improved local programs.

Second, we feel that the standards published pursuant to Section 302(a) of that Amendment should not apply to the "raw water source" or drinking water supply. In the same regard, the "National Water Hygiene Standards" of Section 302(b), which relate to various undesirable substances in "lakes, rivers, streams, bays, inlets, or other inland and coastal waters" are, in our view, an inappropriate requirement. These two provisions are duplicative of, and in possible conflict with, the provisions of the Federal Water Pollution Control Act and its Amendments now pending before the Congress. Under that Act, water quality standards have been established for various surface waters. Those standards specifically address water to be used as drinking water supply. Multiple inconsistent standards directed to the same end are not only unnecessary, they would in all likelihood thwart both the solution to the drinking water as well as the pollution problem.

We also have difficulty with Section 302(j) of Amendment 410 which would establish a "National Water Hygiene Advisory Council". We would prefer not to have such a body created by statute and feel that it would limit the administrative flexibility so necessary to properly perform our responsibilities.

I will now be happy to answer any questions that you might have.

REPRESENTATIVE CLARENCE LONG REVIEWS THE ECONOMIC STABILIZATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS), is recognized for 30 minutes.

Mr. REUSS. Mr. Speaker, our colleague, CLARENCE D. LONG, a nationally respected economist in his own right, has taken a close look at the operation of the economic stabilization program, and found it severely wanting in fairness and effectveness. Mr. Long presented some of his findings in testimony last Thursday before the Joint Economic Committee. I include his remarks at this point in the RECORD:

TESTIMONY OF REPRESENTATIVE CLARENCE D. LONG

Mr. Chairman, I am pleased to appear before the Joint Economic Committee to present my views and those of my constituents in Maryland's Second Congressional District on the results of the Economic Stabilization Program.

The Bureau of Labor Statistics reports that wages and prices are continuing to increase—and that service prices are increasing more rapidly than other prices. But my constituents to see that inflation continues and that the Economic Stabilization Program has not beat the high cost of living.

I recently polled my district on the effect of the stabilization program. A sample drawn from more than 5,000 responses shows that 96% have not experienced a halt to high costs; more than 84% said their income had not kept pace with rising costs; over 40% reported that local stores were not complying with the freeze; 41% said they had consulted price lists in stores; and 10% said they had complained of freeze violations, but only one in eleven of those who had complained said he had received a satisfactory response to his complaint. Overall, 44% said the impact of the President's program was bad, 40% reported no impact, 12% reported a good impact, and 4% did not answer the question.

In addition, more of my constituents complained about increases in food prices than about any other price increase. The next category about which complaints were received was medical costs, followed by property taxes, utilities, clothing expenses, car expenses, and rent.

Returned questionnaires have been accompanied by bitter complaints of higher food costs, price variations from store to store, difficulty in interpreting the ambiguous, long-winded Economic Stabilization Regulations; increasing Blue Cross-Blue Shield costs; and fruitless attempts to obtain assistance from the Baltimore District Office of the Internal Revenue Service. Here is what they told me:

1. Mr. L. "Using the price lists is a waste of time. If you complain to the store manager he has a glib cut-and-dried excuse, such as the wholesaler charges him more or his labor has gone up. The customer cannot win . . . I complained about a legitimate case of a violation . . . to the Internal Revenue Service . . . after being relayed to four different people and repeating my complaint to each of them, I was given another number to call. After dialing this number for half an hour I was told that he knew nothing of such matters. I got nowhere and finally gave up in disgust."

2. A Baltimore area resident reported a 9.2% rent increase. "When I complained to him that this was far in excess of the 2.5 to 3.5% maximum permissible under current rent regulations he said: "Pay or get out." When I reported the matter to the local Economic Stabilization Program Office, instead of taking punitive action against the landlord for openly violating the law, they suggested that I have a *talk* with him. If we are ever to control inflation we need regulations with *teeth* in them and administrators who will use every legal means to force compliance from people who have no respect for and completely disregard all principles of law and order."

3. Another constituent wrote: "The IRS suggested the solution (to our threatened rent increase) was to file a formal complaint. Recalling some action taken under the old OPA and the unpleasantness to all concerned that developed, up to this time I have resisted this action. An attorney from one of the large, reputable Baltimore law firms has been engaged. Evidently as qualified as he is, considerable difficulty is being experienced in interpreting the regulations. Generally speaking, it appears many of the regulations are subject to individual interpretation depending upon the side taken.

"Admittedly and perhaps morally the landlord is entitled to increased rental. Incidentally, after placing his interpretation upon Phase II regulations, a second proposal, later withdrawn, raised the rental almost 40%. There also have been threats of eviction if we did not comply with his interpretation . . . considerably different than our lawyer's interpretation."

After receiving these complaints, I decided to send a member of my staff to survey the Baltimore IRS office. He found the following shortcomings in enforcement of the program.

OPERATION OF THE DISTRICT STABILIZATION MANAGER, BALTIMORE DISTRICT OFFICE, INTERNAL REVENUE SERVICE

Based on interview with Mr. Gordon Stone, District Chief in charge of Stabilization, and Mr. Plitt, Acting Director, Baltimore District Office, IRS, with Representative of Congress Clarence D. Long.

Mr. Stone has 30 full time employees—of whom 8 are clerical. Although their office is exempt from the President's 5% cut in federal employees, the office staff has not been increased during Phase II, and they have not put in over-time, although they are authorized to work overtime. When needed, there are revenue agents, tax experts, and other specialized personnel whose services are available to conduct their surveys and investigations. It is difficult, however, to determine how frequently these people are used.

During Phase II, the Stabilization Office reports the following activity:

INQUIRIES, COMPLAINTS, APPEALS, AND SPOT CHECKS CONDUCTED NOV. 15, 1971–APR. 14, 1972

Activity	Wages	Prices	Rents	Total
Verbal inquiries	7, 166	9, 349	30, 773	47, 288
Written inquiries (interpretations, factual information requested)	709	454	881	2, 044
Written complants of violations	64	960	1, 594	2, 618
Number of appeals	18	3	6	27
Spot checks (to note posting of base prices, etc.)	1, 543	7, 040	853	9, 436

SHORTCOMINGS

1. The Baltimore IRS officials have no record of the number of notices of violation of the stabilization program they have sent out, nor do they know how many have been sent to rental management companies, to retail establishments, nor to any other activity subject to Economic Stabilization Program regulations!

2. An individual or organization has 48 hours in which to appeal a notice of violation. If the appeal is unsuccessful, the alleged violator can seek relief in the U.S. District Court. But the IRS Office does not know how many have sought this relief!

3. The Baltimore IRS Office has filed 14 suits in District Court, Baltimore against stabilization program violators. They consider this a good record because only 120 suits have been filed nationwide, they told my staff.

4. As a result of action by the Baltimore IRS office, only 1 refund has been granted—A total of 20c was refunded to a man who paid too much for Uncle George's Wild Bird Seed at a local drug Store!

5. The Baltimore IRS office was asked—(1) Is its staff capable of checking larger stores such as major food chains, etc. for violations? Answer: No, staff is not capable. (2) Were any spot checks made? Answer: No. (3) Are they auditing the major stores? Admission: since November 15, they had not completed a single unit of a single major store.

6. The only indication that the IRS could have of the level of compliance is from the number of violations that are turned up in the spot check procedure. However, under questioning they admitted that they could not tell how many violations appeared during their spot checks—therefore, they have no indication of the level of compliance.

7. Last week, on "Face the Nation," Mr. Jackson Grayson said that the Stabilization Program depends on voluntary compliance. We all know that any program that depends on voluntary compliance has to have a powerful deterrent to breaking the law. From all indications, this program has little if any deterrent effect. We found that if a store has been overcharging a customer since November 15 and is caught, they are merely told by IRS to roll back prices and to conform. If they conform, that's the end of it. The rub is that the consumer has suffered these higher prices since November 15 and nothing has happened to punish the violator. What kind of deterrent is this?

My staff assistant's report points out one of the gravest failures of this program—the failure to enforce it. Let me give you an example. Late last year Blue Cross-Blue Shield announced a 45% increase in premiums for federal government employees. Blue Cross did not receive approval of the Price Commission before announcing this increase. And the Price Commission did not look into the size of the increase until an investigation was suggested to Chairman Grayson at a House Committee hearing. Subsequently, Federal Insurance Administrator Bernstein told Price Commission Chairman Grayson on December 14th that "we (Federal Insurance Administration) must conclude that the proposed High Option Rate increase of 34.1% is unjustified . . . we estimate that no more than a 10 to 15% increase is justified." Yet the Price Commission finally settled on a 22% increase. And subsequently, without any prior approval by the Price Commission, Blue Cross cut some of the benefits federal employees received.

Another serious problem with the stabilization program is the large number of exemptions—raw agricultural products, certain insurance premiums, property taxes—and for all intents and purposes corporate salaries. When I learned that Henry Ford had been paid $689,000 in 1971—an increase of $189,000 over his 1970 income from the Ford Motor Company—and that some of the other company officials had received even more substantial increases—I examined the Pay Board's regulations for executive salaries. These regulations mean everything and nothing—they could be used to justify anything—upon careful reading no one could tell what restrictions accompany payment of executive compensation. Although I understand the Pay Board began an investigation of Mr. Ford's income on April 10th, who can be confident about the results?

In conclusion, Mr. Chairman, I want to say that if the administration is not prepared to make this stabilization program effective, embracing all prices, salaries, wages and rents, applying to the rich as well as the poor, and enforcing it with real teeth, it should be abandoned all together. As it operates now, the nice guys obey, the chiselers have a field day, and the consumer is becoming increasingly disillusioned.

Thank you.

MORE ON USO SCANDAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am releasing additional statements today by two former USO employees detailing kickbacks, inflated prices in USO concessions and one accusation that one USO employee made more than $2 million in Vietnam.

If these allegations are true, then the evidence is rapidly mounting that a gang of USO thieves cheated American GI's in Vietnam.

The statements I have releated today directly contradict claims by the USO that our GIs were not cheated.

USO president, Maj Gen. Francis L. Sampson USA—retired—said last Tuesday that:

> No serviceman was in any way damaged, defrauded or denied services he could expect from USO by the alleged activities.

According to the statements I am releasing today, GI's were overcharged and allegedly taken in by a fraudulent mail-order scheme.

One former USO employee Floyd Seller, who served as USO club director in Dian, allegedly received kickbacks from concession owners in his USO club. It is interesting to note, according to the testimony, that Mr. Seller also constantly bragged about making a fortune in Vietnam.

One USO assistant club director charges that "the GI's were being cheated blindly." Some items were overpriced by as much as 300 to 400 percent.

One of my informants has told me that Richard Alexander, a former director of Tan Son Nhut USO, probably made over $2 million in Vietnam.

An assistant club director was not permitted to examine invoices and inventories of an alleged illegal private concession run by Richard Alexander. In addition, a USO staffer who hoped to collect furniture for GI drug treatment halfway houses was barred access to USO's warehouse on three separate occasions by Brian Sweeney, a top USO official. Naturally, all USO professional staffers ordinarily are able to visit the warehouse.

At the moment, I am continuing my investigation in order to ascertain whether USO's top leadership has been aware of this apparent scandal. One of the principal unanswered questions is whether top USO officials are guilty of covering up some of this alleged criminal activity.

Naturally, I am turning over all the information I am disclosing today to the Department of Defense which is also conducting an investigation.

USO should serve our GI in a fair and equitable manner overseas and at home. The American people who contribute to the USO through the United Fund must be assured that their contributions are being wisely used.

USO has done a great deal of good for our servicemen overseas. But, as these statements indicate and as Secretary of Defense Laird has admitted, there has been alleged wrongdoing within the USO organization.

The testimony follows:

INTERVIEW

This interview was conducted with a professional U.S.O. staff member who served in Vietnam during 1970–1971. This individual came forward with this testimony involving a major scandal in U.S.O. The witness in question served in two of the major scandal areas and has intimate knowledge of the questionable activities within U.S.O.

B. What do we know about Brian Sweeney. You said that when you talked with the U.S.O. lawyers in New York . . .

K. Yes. I always . . . Brian and I always fought. We never got along at all. And, I don't know, it must be in my personnel file in New York. I never saw it in my personnel . . . I've looked at my personnel file in Saigon, there was nothing in it, but they must have the heavy stuff . . . they keep all the heavy stuff about everybody in New York. And evidently, there was some letter that had been written saying that I was saying nasty things about Brian Sweeney that weren't true . . . and I've always believed that he's a crook.

P. Why do you believe Brian Sweeney is a crook?

K. Oh, it's, well, it's just how he handles everything and how he handled different things with me . . . personal things. I was told from the first day in the country that he was a crook and that everybody knew it and a good one to speak about this would be ——— because she knew the situation and knew it very well and I got a lot of my information from her. But, then there was other things. For instance, when I would try to get into the U.S.O. warehouse to get just a broken down old sofa or anything for the halfway houses because that's where I was working for the drug program there and these guys didn't . . . you know, they had set up these halfway houses without any furniture or anything so I was trying to get some old, junky U.S.O. discarded furniture that they leave around in the warehouse . . . and I even got in writing from Mr. Shireman that I was given permission. Brian wouldn't let me in without seeing it in writing first. Anyone else could just come in and say, you know, hey, Brian I need something. But in my case, he made Mr. Shireman type out a memo saying I had authorization to get some of these things from the warehouse if U.S.O. didn't need them . . . and he never would let me in . . . and I asked for an inventory of the stuff we had. There was no inventory . . . he'd never kept an inventory.

B. No inventory of the equipment . . .

K. To my knowledge, there's never been any inventory at all. All the inventories are in Brian Sweeney's head and Mr. Shireman, of course, didn't know what was going on and he let Brian handle the whole thing.

P. You know this because you requested to see them? You asked to see the inventory and he told you they didn't exist.

K. Yes, I demanded. I said that I wanted to see the inventory list because I wanted to know what we have and what we don't have so that I can send stuff out to these drug centers around the country that need this stuff. You know, if we're not going to use it, why the hell not let them have it.

P. Now, as closely as you can remember, what was his precise reply? What exactly did he say? You know, when you asked him that . . . Did he say, no, we don't have any inventories?

K. Yes. He said, you know, well that he wasn't going to let me see them and then I checked with Mr. Shireman and I checked around with and Mr. Shireman and with everyone and nobody seems to know if there are any inventories or where they are.

P. But your request was that yes he had them, but you couldn't see them.

K. No. I got the distinct impression from him that there wasn't any inventories that there was some kind of a secret . . . that he was the only one who had access to them or something . . . meaning that there aren't any. I was so mad one day that I was going to go down there and demand to see invoices of different things . . . different property and inventories and everyone just shut me up and told me to mind my own business, including Mr. Shireman. And I was told by . . . later that there were not inventories . . . that he knew it for a fact . . . and I just knew it by osmosis and vibrations . . . and this sort of thing.

P. And normally a person in your position would have the right to see the invoices

K. Yes, any person in the organizations . . . it's not the invoices . . . but at least they should let me see the inventory because this was something I was doing for the U.S.O. in a joint venture with the military and there's no reason . . . and Mr. Shireman did put it in writing that I could go into the warehouse and check it out and see what was there so that I could, you know, use anything that was available because U.S.O. didn't need it . . . and Brian, every time there was three different appointments that I made with him and I had to drive downtown . . . it takes an hour to drive downtown in the heavy traffic and I was supposed to meet him for him to give me the key or for him to take me there himself and something . . . he'd always disappear into the sunset and Brian never left the keys and I never did get in.

P. I see and this was an inventory directly related to your work and activities in U.S.O.

K. Sure. I even got it in writing from Mr. Shireman and Brian wouldn't even dream about it unless Shireman wrote a memo to the effect that I could.

P. So you never did get into the warehouse.

K. No . . . just from the outside, but they wouldn't let me in. I got furious and I went over there. I was going to have the guards let me in and they wouldn't. Brian didn't give the keys to anyone.

P. What was his explanation for not showing up three times?

K. He never gave me an explanation. He never talked to me.

P. Do you know anybody who went into the warehouse and told you what he or she saw?

K. No. Brian . . . this was his own personal little domain and nobody interferred with it.

P. And, of course, the U.S.O. I'm sure had requirements that inventories and invoices be kept.

K. I assume they did but I would sure like to know where they are.

B. In the clubs that you worked in, were you ever required to make up an inventory?

K. No . . . and that's another thing that I always questioned but, if they sent us . . . and I remember one time they sent us an air conditioner from Saigon. Brian Sweeney sent it and there was no papers to go along with it . . . no invoices, no anything. He just like, he's like a little personal dictator that just ships all these expensive items like, you know, $500 air-conditioners that cost $500 apiece . . . maybe 11 of them. One day he'll put up a Stars and Stripes flight which was a World charter and we had the program with World so we used them to ship a lot of our stuff. He'd be shipping stuff up . . . vehicles he'd ship up because they couldn't drive because the highways weren't secure and I never saw any invoices or anything. And when he wanted something or another club needed something, he'd just call up and say, have it ready and he'd send up one of his boys and they'd pick it up and there was never any paperwork involved to my knowledge.

B. And everyone knew about this . . .

K. Sure, in fact we all joked about it and everybody from Golden Gate in Danang just laughed about it and everybody said, this is just Brian's little personal domain and there's nothing we can do about it. We couldn't prove it, you know. But we also knew that Mr. Shireman didn't have any idea of anything that was going on and he was afraid. I mean, he needed Brian because he simply couldn't handle what Brian was doing. That job, even if he was doing it legally, Mr. Shireman wouldn't know how to handle it.

* * * * *

B. We've talked about the mail order a little bit, but let's talk about it in more detail.

K. I don't know the details. All I know is that Alexander had some kind of a mail order business running there at Tan Son Nhut USO where, as the GIs came in and said. . . . I remember one item in particular because I had to answer the letter when Joe Doe would get back in the States. He would have gone home and we'd get a letter from him and he'd say, I ordered and paid $80 for . . . what do they call them? . . . some kind of arrows . . . foreign arrows things.

B. You mean the blowguns?

K. Blowgun. Well, not really blowguns, but a really fancy wild kind of that some tribesman in Australia some crazy thing. . . . I don't know how it ever was. . . . But it cost $80. The kind of arrows what ever it is on a blowgun. I don't know what you call it.

P. You mean it is one of these automatic long arrow things that the cross bow use?

K. Something like a cross bow. But I've seen them. I saw a couple of them but they are so . . . $80, if you can believe that.

P. The GIs bought them.

K. Yes. Those guys are crazy. They get into Saigon maybe if they come in on a 3 day R & R . . . they go crazy buying stuff and sending it home. And there was a lot of other stuff so what he had was this mail order thing and the GIs would order it by mail and they would pay . . . give the check to Dick Alexander. . . .

B. Personally to Dick Alexander?

K. I don't know . . . and then it was supposed to be sent directly to the GIs home address in the States. . . . Only nothing was ever sent because that's what I was told by my boss and that was one of the big scandals, I know.

B. Was there any mention that they got letters back?

K. Oh, yes. We were still getting letters back from GIs saying, where the hell is my blowgun or whatever it was.

B. Did you ever see any of these letters?

K. Yes. I had to answer a couple of them.

B. How many of them would you guess that you got during the time that you answered them?

K. I didn't see all. I ended up not answering them. Mrs. Qui took care of it after a while . . . but there were 3 or 4 of them and I didn't know what it was all about. I was supposed to answer these letters and then whoever was there said, "well, I'll take care of it."

P. But did you ask Alexander about it? Did you ask him how come they haven't been sent?

K. No. Alexander was gone. My boss was there and he said that it was a big fraudulent thing that Alexander had going on and we were going to have to write back all of these GIs and USO would have to cover it. USO would have to fork over this money.

B. Do you know if USO did refund this money?

K. I have no idea.

P. Why did they . . . why didn't somebody contact Alexander and ask him about it.

K. Why didn't somebody contact Alexander a long time ago about all of these things. He was in Hong Kong and the only answer that Mr. Shireman would give any of us when we brought these things up was that, "well, he's fired and it's too bad, but it's been taken care of. I've cleaned house."

B. Who would sign the concessionaire contracts normally for USO?

K. The only person who was authorized to do this was the USO executive in Vietnam, who was Mr. Shireman and before him, was Same Anderson.

B. Did you ever see a contract that was signed by someone else besides him?

K. Yes. While I was at Golden Gate USO in Danang, I saw a contract signed by Brian Sweeney and I believe it was for the Kim Chi, I think, I'm not sure but it was for some Vietnamese or Korean front type of . . . it was for a gift shop . . . and I wanted to throw them out and I thought that we could do it legally, that this contract was invalid because it was signed by Sweeney and not by Mr. Shireman.

B. Why did you want to throw them out?

K. Because I had suspicions they were pulling over a lot of stuff on us and, of course, I couldn't catch them at it, but, you know, if somebody else was there who was wise in the ways of black marketing, you know, like if my boss was there, he would have caught it right away. I was just suspicious about them and I wanted them out. I didn't like the way they were handling things.

B. You don't have any specific incident or any specific item . . . did you feel they were overcharging?

K. Everything they were overcharging on . . . everything. The GIs were being cheated blindly and I knew this. Things made by the Montanyard tribesmen in Vietnam which are, ordinarily you buy these things for next to nothing from these people, and they were selling them for . . . things that I wouldn't pay . . . like a little shirt, these Dashikis that were very big among the GIs made by the tribesmen and they were selling them for . . . I don't remember how much . . . but maybe $5 or $6 and they were not worth 50 cents.

B. Could you go out and buy them in the markets in Vietnam for 50 cents?

K. Sure . . . maybe you'd have to pay $1 because when you're an American, you pay more . . . but let's remember that it was Vietnamese who were doing the buying for the concession.

B. Why was USO allowing shirts to be sold for approximately $5 when you could buy them out in the streets for $1?

K. USO always did this. I remember once when a sergeant came in to show how he had been cheated on an I.D. bracelet he bought from us. He paid over $100 for it—it was supposed to be solid gold. When he was downtown he showed it to a Chinese merchant. The merchant laughed at him and said he had been cheated, that it wasn't solid gold and wasn't worth that much money. The sergeant let them cut it open and sure enough, it was brass or copper, some cheap metal. on the inside. He came in and showed us and asked for his money back. I raised hell when I first went down to Tan Son Nhut USO with one of Dick Alexander's . . . it wasn't even a concession . . . it was one of his business enterprises run by a man named Mr. Klein. Because I spent so much time in India, I know what the prices are in these things in India and in Thailand also . . . how much the Thai woodcarvings are and how much the brass ware and things from India . . . I know because I've gotten these things in India myself and I know that they had a markup of 300% to 400% on them that they were selling to the GIs . . . and I questioned this and it was the day before Alexander left when there was the big blowup and it was the first day that my boss was at Tan Son Phut USO and we were sitting around out on the patio and it was my boss and this Mr. Klein who was paid directly by Dick Alexander or from Tan Son Phut USO . . . they didn't sign concession agreements, they didn't have concessions.

B. Well, how did it work then?

K. That's what I'm getting at . . . Dick Alexander had all these things brought it by his illegal, devious means . . . Well, he had a little . . . it wasn't a concession . . . but like we had a little shopping arcade and there were five little shops outside in this little arcade . . . and they did heavy business there with the GIs. And, like one of them would be, was a gift shop where they had brass work from India and Vietnamese handicraft and another one would be a poster shop and another one was the barber shop and, you know . . .

B. These were not USO concessions?

K. No. There was no . . . how Aleander worked it was that first this Mr. Klein was the one that ran the gift shop for him and these guy were making $1,000 a month . . . Alexander was paying them a salary but they were making it on commission on how much business they did.

B. $1,000 a month?

K. Yes. I should have been so lucky. I should have been doing what they were doing. They were making a lot more money than I was.

B. These were Vietnamese or Americans?

K. These were American civilians. Men that just were friends of Dick that . . . I have no idea how they got to Vietnam originally or what they were doing there . . . and there were a lot of those types around. . . . American civilian men that were just hanging around making money but they were on. . . . Alexander would give these men a paycheck, you know, around $1,000 a month. To my knowledge, there were no written contracts. It was just an agreement between Dick Alexander, and say, let's use the example of Mr. Klein and he's the one that I'm most familiar with . . . and, so, you know, like this wasn't a regular concession that, you know, concessions have to be approved by MAC V . . . so, obviously, this didn't have to be approved by MAC V. Now, the question is how did all these goods come in to Vietnam . . . these Indian goods and Thai goods and other things. . . . Well, Dick Alexander made all his deals with Johnny Kahn or the marine pilots or however he did it. . . . I don't know . . . or with people at the docks or the Vietnam Regional Exchange . . . they were obviously making deals with somebody because there was no invoices, there was no, you know, paperwork, . . . when it clears Vietnamese customs . . . obviously, all of these things had come into Vietnam illegally . . . and they brought them in dirt cheap. The last day there, I blew the whole thing wide open. We were . . . and my boss knew . . . he understood exactly what they had been up to but he also knew that Alexander was leaving the next day and it was my boss's first day and, you know, like I was just figuring it out verbally in front of everyone because I was raising hell. I was showing my new boss around Tan Son Nhut USO. He had never been there before so we went into the gift shop. Then we went out with Mr. Klein who had been running it for Mr. Alexander and I started raising hell. I said, you know this is cheating the GI. I know what you pay for this junk in India and I know that, you know, even if you did pay customs on it you're still having a markup of 300% and USO is not here to cheat the GI's and that's what you're doing . . . and I said, I want to see the invoices on everything in there and I want to see a complete inventory and I had that right as an assistant director to demand that of him . . . and there was no invoices and there was no inventory.

B. Did he say, "I don't have an inventory"?

K. Yes. He said he didn't have it and he made all kinds of excuses and he'd say, well I don't have anything, you know, Dick takes care of it and then I'd ask Dick Alexander and he'd say, well I don't have anything. All I know is that about the second day he was still coming around for about a week after Dick Alexander left. I caught him one day he came in with another American civilian in a jeep and they wanted these two big conex where they use for storage, you know, these big metal conex and he went in there . . . he still had the key and I didn't think that he should have even had the key, but he did and went in there and he took out all kinds of papers and I ran upstairs and I can't remember if it was . . . who it was . . . maybe my boss wasn't one . . . I can't remember because if it was my boss, he would have stopped it. Maybe it was Dick Alexander and maybe nobody was there, but I tried to stop them from removing the papers from the premises.

B. Whose papers were they?

K. They were all boxed and they looked to me to be like . . . not really invoices . . . but hand receipts, receipts from business that they had done. They removed . . . to my knowledge . . . a whole lot of them. They removed what looked to me to be receipts of . . . a GI would come in and buy a $50 ring . . . and it would say, one ring, $50. Stacks and stacks of these receipts and I couldn't stop him. He removed them with my strong protest.

B. Now, these . . . all these shops around there . . . they were USO sanctioned or were they USO? What was the relationship between these shops and USO? Wasn't it kind of a constant issue on the part of USO?

K. Yes. You see, this is what I don't understand. My boss will have to explain it to you. He understands it. In my own eyes it would seem to me that either Sam or Dick they . . . all the USO clubs that they would have immediately wanted to know about their concession agreements that they had with these people. Now, when I . . . there is another interesting thing. Mr. Shireman, for a while, would not let the gift shop, after Klein left, it was turned over to the wife, second wife, a Vietnamese woman and her name . . . and she is the second wife of Pat Lam . . . the one who has . . . and an interesting thing is that my boss knew and he wanted to get rid of her and Mr. Shireman evidently talked to somebody in New York and they let her stay.

ADDITIONAL STATEMENT

K. I saw one bank statement of Alexander's that had tens of thousands of dollars in it. We (USO staff) often discussed his many bank accounts in banks all over the world, and I was told by my boss that he was sure Alexander made over $2 million; we were *all* sure of it.

FRIDAY, APRIL 14, 1972

M. This is my personal opinion but I think the whole operation in Vietnam with the exception of a very few good people was complete apathy. It seemed to me that everybody was out to make a buck.

B. Including Anderson?

M. I don't know because when I came to Saigon he left shortly for the U.S. and I know absolutely nothing about that but it was just an apathetic situation that seemed to be taking place over there you know. For instance, some of these concessionaires had absolutely absurd items to sell. Really cheap junk and they were way over priced and . . .

B. So were they cheating the GI?

M. Yes, you know like they could go to . . .

B. What would be an example of cheating the GI?

M. Well for instance like in Saigon they had a jewelry concessionaire and she had . . .

B. What was her name?

M. They called her Lulu. I don't know what her name was . . . She was a Chinese girl and her whole family lived with Sam Anderson.

B. She and her family lived with Sam Anderson? In the same house? Was she married?

M. Yes, she had a husband who had a band that played at the USO club every . . .

B. What was his name?

M. His name was Pat Lam.

B. Was he Vietnamese?

M. No, he was Chinese.

B. Pat Lam was Chinese?

M. Yes. He and his wife were Chinese but I thought and I said several times that his jewelry was way overpriced and can get it better and cheaper in the PX. But the concession was there when I left, it still hadn't been closed down.

B. Is it legal for the U.S.O. to sell stuff that PX was selling too?

M. I don't know, I really don't know.

B. But it was definitely overpriced?

M. Well I thought it was, it was just . . .

B. What stuff was it and how much did it cost?

M. For instance, like I don't remember how much it cost but I remember the princess ring you get in Bangkok you could get those in the PX there are reasonable.

B. How much?

M. Anywhere from $15 on and I remember pricing one in the Saigon PX was something like $35. They don't even cost that much in Bangkok. It was just . . .

B. And who benefits from this?

M. Well supposedly the club made money on these concessions. I don't know how much because when I got over there and I saw how things were run I refused to have any dealings whatsoever concerning money or purchasing or anything like that and I never bothered to learn what cut went back into the club.

B. Was it pretty much assumed by everyone in Vietnam that many of the U.S.O. personnel were crooked?

M. Oh, yea. Sure.

B. The majority?

M. No, I wouldn't say the majority. There were some very good people over there.

B. Who were the best known people who rumor had it were the most crooked?

M. Well, this Richard Alexander was the notorious crook and Brian Sweeney and Bob Rawson and then Bob Rawson and this guy named Paul . . .

B. Paul Hebling?

M. Yea, I think so. See, they were fired because they got caught stealing. It had something to do with invoices. You know, buying I don't know what it was because this took place after I left, but they were, you know, I don't know who caught them or sent them home or anything, but I know they were fired.

B. How about . . .

M. . . . and Floyd Sellers

B. Yes. I've never heard too much about Floyd Sellers.

M. Well, he was the guy out at Dian . . . that's all he talked about was making a fortune in Vietnam.

B. What did he make a fortune on?

M. He was supposedly in with the concessioneers.

B. How would that work, the concessioneer thing?

M. Paying him off.

B. Concessioneers would pay him off?

M. Yes.

B. Who told you that?

M. One of the concessioneers who worked down there.

B. What was his name?

M. His name was Dong Pae.

B. How do you spell that?

M. D-O-N-G P-A-E.

B. And what was his concession?

M. Well, he sold this Korean woodcarving.

B. And how much did he pay Sellers?

M. He never told me this . . . how much he had personally paid him off, but I just got from the jist of the conversation . . . you see, this guy was a Korean and he had no intentions of doing anything to jeopardize his position and this is the guy who got stuck with that $45,000.

B. But he told you that he was paying off Sellers?

M. He didn't tell me that he was personally. He said the concessioneers were.

B. Did you ever see anyone pay Sellers off?

M. No.

B. You don't have any idea how much . . . do you think all of them paid him off?

M. Well, I was talking to Floyd one time . . . and all he talked about was getting rich in Vietnam, getting rich in Vietnam.

B. He told you he was getting rich in Vietnam?

M. Yes.

B. How did he tell you he was getting rich in Vietnam?

M. He didn't say.

B. What did he mean by getting rich?

M. Well, I presume by various ways of making money over there. I don't know anything about business. I don't understand how a lot of this works.

B. Is Floyd Sellers still with U.S.O.?

M. I don't think so . . . and see he had a Chinese secretary working for him but the rumor was that she did a lot of operations down in Chinatown

B. Doing what?

M. Like selling U.S.O. food, you know, stuff like that.

B. This was food that U.S.O. intended to feed the GIs with?

M. Yes. Well, for instance like you could mark up for spoilage like you order 10 cases of hamburger meat and you call up the next day and say our refrigerator went out last night and its all spoiled. So you take that hamburger meat down to the market and sell it on the black market and they will give you 10 more cases.

B. I see. Now, did you ever hear him call up and say he had spoiled meat?

M. No.

B. Who told you that it worked this way? . . . or did you just figure this out?

M. Oh, just hearing people say different ways . . . now this girl up in Danang, Mary.

B. Where is she now?

M. She's in California some place, but she supposedly knew every way everyone could cheat over there and I would hear her just tell stories, that's all it was, how people made money over there.

B. Would she tell stories about how she made money?

M. No. I think she was a very honest person.

REV. JOHN D. BANKS GIVES HOUSE INVOCATION THURSDAY, APRIL 20, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want you to know that I speak for all of Quincy when I say that it was indeed an honor bestowed upon the citizens of that distinguished community when the House last week invited one of its most prominent religious leaders, Rev. John D. Banks, minister of Bethany Congregational Church, to give the invocation on Thursday, April 20. I assure you, Mr. Speaker, that the importance of the occasion was not lost upon us, as we are all aware of the limited opportunities available for guest chaplains in the course of the legislative year. What could have more meaning than to be reminded of the solemnity of one's duties by a religious leader of one's constituency who puts into words the concerns and hopes of the people back home.

I include at this time in the RECORD his prayer for his country and his Government. I am also happy to include an article written by a very highly respected news reporter for the Quincy Patriot Ledger, Mr. David Lynch, regarding Reverend Bank's remarks:

HOUSE LED IN PRAYER BY QUINCY MINISTER

WASHINGTON.—The Rev. John D. Banks, minister of Bethany Congregational Church, Quincy, Thursday led the House of Representatives in opening prayer.

House chaplain, The Rev. Edward Gardiner Latch usually delivers the opening prayer, but Rep. James A. Burke, (D-Milton), arranged for the Rev. Mr. Banks to appear as guest chaplain.

The prayer follows:

"Lord of creation, whose wisdom overrules the faltering judgment of your children: a new day summons us to labor within the framework you have given us. To the men and women who here engage in great decisions, grant your holy spirit in guidance and power. For their acceptance, in faith and trust, or the burgeoning concerns of their neighbors, we thank you. For their firm commitment to the right as you give them to see it, we thank you. Lift them above the dark sense of futility, for your economy there is neither majority nor minority, neither loser nor winners, but only degrees of integrity. Form and inform the minds of these representatives, and those they represent. Then my Grace, mercy and peace be the hallmarks of our national life, and your will be done. Amen.

FORMER OAS AMBASSADOR SOL M. LINOWITZ CRITICIZES NIXON LATIN AMERICAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on April 13 one of the United States most distinguished foreign policy practitioners, former Ambassador to the Organization of American States, Sol. M. Linowitz, delivered a forceful and eloquent speech to the National Women's Democratic Club on the shortcomings of current U.S. policy toward our hemisphere neighbors.

All those who believe, as I do, in the value of our inter-American system and the necessity of maintaining close and friendly relations with our neighbors should weigh Mr. Linowitz' well chosen words most carefully. They underline the need for the United States to abandon its current policy of minimal concern for our neighbors while there is still time for us to reestablish a strong and dynamic relationship.

I am therefore commending his remarks to the consideration of my colleagues:

THE ROAD TO REVOLUTION IN LATIN AMERICA

From the outset of his administration, President Nixon has stressed the importance of maintaining a "low profile" in Latin America. But what this kind of approach overlooks is that in Latin America our profile is there, whether we want it to be seen or not. The only question is whether our face is turned toward Latin America or away from it.

For the real fact is that in Latin America we are like a giant in a crowded room. We can't move without stepping on someone's toes; and if we don't move we may find ourselves standing on someone's toes. And to the Latin Americans it appears as though the so-called "mature partnership" the administration has in mind in its rhetoric about Latin America is one which avoids any responsibilities, undertakes no commitments, rejects any involvements.

The case of Chile in many respects presents a microcosm of the problems of our relationships in this hemisphere.

Let me first state the obvious: Our present problems with Chile are unfortunately the joint result of actions taken by both the Government of Chile and the Government of the United States. But as Americans we ought to be especially aware of our own contributions to the present difficulties and have some sense of how our actions and inactions have looked to the people of Chile and indeed throughout Latin America.

I do not propose to comment upon the allegations with respect to ITT and its efforts prior to the election of President Allende as the democratically elected Marxist President of Chile. But I would point out that when President Allende was inaugurated, the United States was conspicuous in its failure to send even the normal congratulatory telegram. Thereafter, the Administration in a number of ways made clear its displeasure at the appearance of a socialist regime in Chile. This attitude persisted despite the fact that Allende's government was clearly seeking to avoid a confrontation with the United States and was behaving with restraint in the international arena. As a matter of fact, Allende and his Ministers emphasized their desire to work within the Inter-American community and to participate actively in the OAS and in Latin America efforts to achieve a common market. President Allende stated that his country was prepared to have "the best—the very best" relations with the United States; and President Nixon stated in his 1971 foreign policy message to Congress that: "We are prepared to have the kind of relationship with the Chilean Government that it is prepared to have with us".

Yet as time went on, the Chileans came to feel that the United States looked upon their new Government as a challenge rather than an opportunity. In Inter-American councils, Chile and other Latin American countries expressed their dismay that the United States failed to extend the same respect and cordiality to the Government of Chile, duly selected by the people of that country through the democratic process, as it did toward governments in other Latin American countries which came into power by overthrow of existing governments.

Then came the nationalization of the Anaconda Kennecott and Cerro copper mines; the sudden cancellation of the visit by the carrier *Enterprise* to Santiago after it had been announced by Allende; the refusal of the Export-Import Bank, at the instigation of the Treasury Department, to guarantee Chilean loans to acquire three Boeing jets; Secretary John Connally's widely publicized observation about Latin America that: "The U.S. can afford to be tough with Latin America because we have no friends left there any more"; then President Allende's startling announcement of an excess profits figure of $774 million to be deducted from the as yet undetermined value of the nationalized copper mines. And while these things were happening, Latin America was hit by the impact of the President's August 15th 1971 Economic Game Plan.

To understand what this meant to Latin America, let me remind you that a central goal of the Alliance of Progress from the outset was the industrial development of the continent and the stimulation of exports. Consistently since its inception the United States had sought to encourage the growth of Latin American industry and the development of regional and common markets. A primary incentive was the promise that one day the United States might grant a trade preference to manufactured products from Latin America.

Early in 1969, in his only major speech on Latin America, President Nixon placed great emphasis on a proposal to work for such tariff preferences from the United States and other developing areas. Thereafter the OECD and Japan have adopted such preferences, while the United States remained at the starting line.

Last August 15, when he announced his new Economic Game Plan, the President had an extraordinary opportunity. Accepting the fact that a surtax on foreign imports from Japan, Europe and other developed areas might have been considered necessary, this would have been the moment for the President to state our clear recognition that our foreign economic problems do not arise from Latin America and the other developing areas and to reassert his firm intention to make effective a tariff preference for manufactured products from Latin America and other developing areas. Such a move would have demonstrated that the nation which had done so much to help bring the Alliance into being was still deeply aware of its responsibilities and commitments to Latin America and other less developed areas of the world.

But instead of a redemption of the promise Latin Americans found themselves confronted with an export surtax affecting 22 percent of their exports to the United States. And its effect reverberated throughout the continent.

Similarly, the inclusion in the President's program of a 10 percent cut in our already severely reduced foreign aid program had very profound implications for Latin Americans. Ironically, the day after the President's announcement—on the Tenth Anniversary of the Alliance for Progress—the President issued a statement reaffirming the United States commitment to "the noble principles" of the Alliance for Progress.

Not surprisingly the effect of the foreign aid cut in Latin America was to reinforce the widespread skepticism about the seriousness of our professed interest in their problems. And the sudden United States decision a few weeks later to announce at the Panama meeting of the Inter-American Economic and Social Council that the foreign aid cut would, after all, not be applied to Latin America hardly overcame the strong Latin American resentment which had already been built up.

Then, this past January 19, President Nixon took another step which aroused Latin America. He announced that the United States would not approve economic aid to nations that expropriate American property without reasonable compensation, and that the United States would also oppose granting of loans of those countries by such international agencies as the World Bank or the Inter-American Development Bank.

It was, of course, obvious that these statements were aimed particularly at Latin American countries such as Chile and predictably the reaction in Latin American reflected this recognition.

On its face, the new announcement sounded reasonable in that the United States has traditionally demanded that any property belonging to its citizens be reasonably compensated when that property is nationalized by foreign governments. However, there were three things fundamentally wrong with approaching the problem in this manner. First, it indicated that the United States would decide unilaterally what international law applies to the subject of expropriation, an area where the law is not entirely clear. Second, it left to the United States alone the standard of judgment as to what constitutes fair or reasonable compensation. Third, and perhaps most serious of all, the policy undermines the principle or multilateralism in interfering with decisions of the multilateral lending institutions such as the World Bank and the Inter-American Development Bank. As voting in those institutions is proportional to the amount of capital each nation has in the banks, this makes it relatively easy for the United States to exert great leverage against any new loans to governments it does not like.

Granted that the nationalization problem is a real one, are there other more acceptable ways to deal with it? I think so. One might be a special OAS tribunal or similar international tribunal to pass upon and determine expropriation claims. Another could could be, as has been proposed, a multilateral investment insurance agency to be set up under the World Bank auspices to cover such contingencies. Or the United States could set up a permanent joint mechanism with Latin America to adopt and enforce investment guidelines.

If instead of trying to deal with the situation cooperatively, we proceed unilaterally as we have, why should we be surprised at the increasing manifestations of virulent nationalism and anti-Americanism running up and down the continent? Why should we be surprised that at a meeting of the Foreign Ministers of Latin America not too long ago the United States was condemned for acting in a manner inconsistent with our professed principles?

Last year a brilliant young Columbian economist and friend of the United States wrote: "It is doubtful that any new inter-American initiative can be undertaken until after the Vietnam tragedy has come to an end." But I'm afraid we don't have time. Latin America's problems won't wait and its people won't wait. In one way or another—with or without the United States—Latin Americans will have to come to grips with their problem. This is going to require change and some of it—perhaps most of it—we will not like but we will simply have to learn to accept.

LAW, ORDER, AND JUSTICE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on April 15 in New York City an outrageous, barbaric event occurred which requires those who believe in justice to speak out in condemnation. I refer now to the brutal, physical assault made upon members of an organization known as Gay Activist Alliance, who while seeking to publicly voice their opposition to sections of a revue which satirized homosexuals in a demeaning way, were, according to eyewitnesses, unmercifully beaten to the ground. Because the charges leveled against those who allegedly participated in the beatings are the subject of a criminal complaint and ultimately should be tried in a court, I will not comment upon any individual by name. It is also important to note that the individuals who were assaulted have complained that a police officer who witnessed the attack upon them failed to intervene and protect them from being beaten because allegedly one of the attackers is a well-known city official. It is also alleged by the young men who were the subjects of the beatings that they have not received either the cooperation of the police or the district attorney having jurisdiction over the matter, in pursuing their complaint against the alleged attackers.

It has also been reported that since the original assault there was a subsequent attack made on one other young man who took pictures of the original incident and who may, in fact, be able to provide the evidence which would confirm the identity of the attackers. I am advised that at the time he was attacked, he was told by his attackers that they were seeking the film which, fortunately, he did not have in his possession.

This situation immediately calls to mind the scenario of the movie "Z." You will recall, Mr. Speaker, that in the movie based on an actual incident which took place in Greece just prior to the takeover of the government by the present military junta, there were beatings of dissidents, indeed, the death of the leader of the dissidents, which the government, because of the complicity of government officials, sought to cover up. It must be unacceptable for any government here in the United States on whatever level, city, State, or Federal, to permit such a a situation to take place in this country. The law is the law and no one, no matter in what position, is above the law. The mayor of the city of New York has called for a full investigation into the facts surrounding this case and I have joined in that request. I have also advised District Attorney Frank Hogan of my views on this incident of April 15, 1971. A copy of my letter to him is appended.

The rights of every minority to exist and enjoy the freedoms of this country, which the majority proudly proclaim as the right of every American, must be protected. By so doing, we, in fact, are protecting the rights of that very majority. There is not one of us, who at some time on some issue, does not find him or herself in a minority position. We must never, therefore, forget that when we defend the rights of others we are, in fact, defending our own. President John Kennedy summed it up when he said:

> The rights of every man are diminished when the rights of one man are threatened.

The climate for such assaults is fomented by the failure of law enforcement authorities to take appropriate action when incidents such as these occur. I would like to place in the RECORD correspondence which I had with the Appellate Division, Second Department of the State of New York, on a similiar occurrence which took place in July 1969. When the incident to which I have reference was brought to the attention of the court, it chose to do nothing although it had the power to intervene. In a sense there is a casual relationship between the incident of July 1969 and the more brutal happening of April 15. Those who violate the law and go unpunished will escalate their violence and that is what has happened in New York City. The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 8, 1969.

Hon. GEORGE J. BELDOCK,
Presiding Justice, Appellate Division of the Supreme Court, Second Department, Brooklyn, N.Y.

DEAR MR. JUSTICE BELDOCK: I was very distressed to read that a vigilante committee with the alleged assistance of the police department had been formed in the Borough of Queens and had undertaken to take the law into their own hands and harass homosexuals.

What particularly disturbs me is that it appears from the New York Times articles, copies of which I am enclosing, that an attorney was a leader and spokesman of this vigilante group. If that is the case, would those actions not be subject to attention by a disciplinary committee and would these reports require that an investigation be made by your office?

I would appreciate your advising me as to whether any such investigation is contemplated or has been initiated.

With all good wishes to you and with the thought that the newsletter which I send to my constituents may be of interest to you, I am enclosing a copy of the same.

Sincerely,

EDWARD I. KOCH.

SUPREME COURT OF THE STATE OF
NEW YORK, APPELLATE DIVISION,
SECOND DEPARTMENT,
Brooklyn, N.Y., July 15, 1969.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: I acknowledge receipt of your letter of July 8 and the enclosure with reference to the incident in Queens and the copy of the New York Times article. I also note your comments about the attorney.

This is a matter which I will submit to the Court when it convenes in the Fall.

Respectfully yours,

GEORGE J. BELDOCK.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 24, 1969.

Hon. GEORGE J. BELDOCK,
Presiding Justice, Appellate Division of the Supreme Court, Brooklyn. N.Y.

DEAR MR. JUSTICE BELDOCK: I very much appreciate and wish to acknowledge your letter of July 15.

Respectfully yours,

EDWARD I. KOCH.

SUPREME COURT APPELLATE DIVISION,
SECOND JUDICIAL DEPARTMENT,
Brooklyn, N.Y., September 11, 1969.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: Your letter of July 8, 1969, with respect to the vigilante committee formed in Queens County to harass homosexuals, was presented to the Court yesterday at Consultation. The court was of the opinion that it is not a matter in which we should intervene.

Sincerely,

GEORGE J. BELDOCK.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 24, 1972.

Hon. FRANK HOGAN,
District Attorney,
New York, N.Y.

DEAR FRANK: I am writing to you because there is great concern in my congressional district that the violence committed against Jim Owles, a member of the Gay Activist Alliance, and others at the Hilton Hotel on April 15, is not being given the attention by law enforcement authorities that it should receive. The concern voiced to me by constituents is that because the name of a high city official has been mentioned as being involved in the incident, the thoroughness of the investigation now being conducted by the Police Department and your office may be perfunctory and less than dedicated. I have told those who have raised this possibility with me that I have the highest regard for your dedication to justice and that you will not permit a slipshod investigation to occur and most importantly, you will not permit anyone, no matter how high his position may be, to receive special treatment.

What concerns me is to make certain that we do not see a re-enactment in New York City of the incident which took place in Greece and was dramatized in the movie, "Z", where high officials who engaged in illegal and violent acts were protected by law enforcement authorities. The thought that that could occur in New York City must be abhorrent to every citizen supportive of law, order and justice. But because people are concerned, I wanted to share their concern and mine with you.

I was told over the week-end that one of the witnesses to the incident was beaten and a demand made upon him by his attackers that he surrender the films allegedly made during the incident which might identify those who attacked Owles and others on April 15th.

I would very much appreciate your keeping me informed, subject to your rules and procedures in matters of this kind, on what measures your office is taking to investigate this matter.

Sincerely,

EDWARD I. KOCH.

INCREASED FUNDING FOR PROGRAMS AIDING THE MENTALLY RETARDED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing two bills to increase the fiscal year 1973 appropriations recommended by the President for the Developmental Disabilities Services and Facilities Construction Act—DDSA—and the hospital improvement program—HIP—two programs providing assistance to the mentally retarded and others with developmental disabilities.

H.R. 14577 increases funding for formula grants to the States under title I of DDSA in fiscal year 1973 from $21.7 million requested in the President's budget to $65 million. Funds under this act have been successfully used for community-based programs for the mentally retarded, enabling many people who would otherwise be institutionalized to live at home and often work in the community. The need for these community service programs is great, and yet the funds appropriated by Congress in the past 2 years under DDSA have fallen far short of the act's authorization. A total of $165 million was authorized for fiscal years 1971 and 1972, but only $32.9 million was appropriated. Another $130 million is authorized for fiscal year 1973, but the President has recommended that only $21.7 million be appropriated—the funding level for fiscal year 1972.

My second bill (H.R. 14576) increases the funding of the hospital improvement program by $8.5 million to bring the funding level to $13 million. In this case the President's recommendation of $4.5 million falls short of the $6.5 million appropriated for fiscal year 1972. HIP has been very successful in providing States with money to develop innovative programs in their institutions for the mentally retarded and residential alternatives to institutional care. With this money training has been given in institutions to some of the most severely retarded making them self-sufficient to the point of maintaining their own personal care. At this time when costs of institutional care are increasing rapidly, many States are barely able to keep up with the minimal needs of the retarded.

It is estimated that the States are now spending $1 to $1½ billion for the care of the retarded in institutions and an additional $500 million for community services to the retarded. It is appropriate and necessary that the Federal Government provide the extra money needed for training programs—programs that in the long run will reduce the expense of servicing and caring for the retarded. The cost of care for an incontinent patient is extraordinary. Far better that our money be spent for the initial training of a retardate enabling him to take care of his creature needs, than to abandon him to a lifetime of misery in the back wards of an institution.

The mentally retarded are innocent victims of fate. It is criminal that our society should compound this tragedy by failing to appropriate funds necessary to meet their needs and develop the potential they do have.

During the past several months a lot of attention has been given by the news media to the deplorable conditions in many of our State institutions for the mentally retarded. The conditions are a product of decades of neglect, as well as the immediate shortage of personnel to care for the day-to-day needs of the patients. Part of the desperation of an institution like Willowbrook in New York is the condition of the patients—a condition that cannot be changed over night but one that can be improved if we are willing to commit the money and patience required to train them.

By increasing the appropriations for DDSA and HIP, the Congress can help to change the character of the States' institutions for the mentally retarded. The conditions for those who must remain in the institutions can be improved and opportunities can be expanded for those who can return to the community.

For decades the needs and even the existence of the retarded have been pushed to the back of the consciousness of the American public; it is time that the mentally retarded be recognized as members of society deserving their full share of services and opportunities. Today many suits are being pressed in the courts for the retardates' rights to rightful care and equal education opportunities. The courts are providing an unparalleled leadership in recognizing these rights and demanding that the appropriate services be provided by States and communities. It is imperative that the Federal Government do its share in helping the States meet these new costs.

Mr. Speaker, the increased funding levels in my bills—$65 million for the formula grants under title I of DDSA and $13 million for HIP—are supported by the National Association of Retarded Children, Council for Exceptional Children, Epilepsy Foundation of America, National Association of Coordinators of State Programs for the Mentally Retarded, National Association of State Mental Health Coordinators, and United Cerebral Palsy Association.

Finally I would like to bring to the attention of our colleagues a survey made by the National Association of Coordinators of State Programs for the Mentally Retarded that demonstrates the critical needs of the States for DDSA funds. Almost all the States indicated they could use 3 to 10 times the amount presently available to them. The estimates follow:

ATTACHMENT B—PRELIMINARY ESTIMATES ON NEED FOR STATE FORMULA GRANT FUNDS UNDER TITLE I OF THE DEVELOPMENTAL DISABILITIES ACT (PUBLIC LAW 91-517)

State	Fiscal year 1972 allotment	Estimated need, fiscal year 1973 [1]
Alabama	$439, 030	([2])
Arizona	([3])	([3])
Arkansas	245, 977	$1, 500, 000
California	1, 387, 494	[4] 4, 100, 000
Colorado	183, 314	1, 450, 000
Connecticut	226, 680	([2])
Delaware	100, 000	1, 000, 000
District of Columbia	100, 000	5, 000, 000
Florida	617, 761	[5] 40, 450, 000
Idaho	100, 000	500, 000
Iowa	276, 547	3, 700, 000
Georgia	482, 220	[6] 5, 500, 000
Kansas	205, 408	2, 000, 000–3, 000, 000
Kentucky	406, 641	([2])
Louisiana	400, 911	12, 000, 000–15, 000, 000
Maine	114, 744	300, 000
Massachusetts	466, 622	2, 300, 000
Michigan	768, 122	[7] 1, 500, 000
Minnesota	359, 108	510, 000
Missouri	447, 609	1, 000, 000
Montana	100, 000	([2])
Nevada	100, 000	([2])
New Jersey	547, 134	[8] 1, 876, 000
New Mexico	103, 415	2, 500, 000
New York	1, 413, 340	17, 000, 000
North Carolina	594, 422	1, 000, 000
Ohio	937, 362	([2])
Oklahoma	272, 220	772, 220
Oregon	187, 154	1, 300, 000
Pennsylvania	1, 115, 313	30, 000, 000
Rhode Island	100, 000	1, 000, 000
South Dakota	100, 000	400, 000
Tennessee	458, 558	5, 000, 000
Texas	1, 067, 287	([9])
Vermont	100, 000	375, 000
Virginia	461, 271	1, 500, 000
Washington	263, 160	1, 000, 000
West Virginia	247, 591	([2])
Wisconsin	425, 408	1, 500, 000–3, 000, 000
Wyoming	100, 000	500, 000

[1] All estimates are based on the preliminary results of a survey of State DDSA officials conducted by the National Association of Coordinators of State programs for the Mentally Retarded, Inc.

[2] No specific estimate provided. In most instances, however, other descriptive information supplied in the questionnaire would tend to suggest a level of need comparable to States of similar size.

[3] Not participating in the developmental disabilities program.

[4] This estimate includes only the amount necessary to meet the immediate need for expansion of one aspect of State services—the network of 13 regional centers. The State estimates that approximately 100,000 retarded children and adults need services but are not presently receiving them. In order to provide such services the State's present budget would have to be supplemented by an estimated $180,000,000.

[5] Represents the latest estimates on the amount needed from all Federal sources to provide a full array of services to the mentally retarded alone.

[6] The State estimates that the total cost of providing needed community services to all mentally retarded citizens would be an additional $31,325,500 annually. It's worth noting that this figure does not include the cost involved in improving care in State institutions nor does it encompass the costs of providing services to other developmentally disabled (the cerebral palsied, the epileptic, etc.).

[7] Estimate based on service needs only; does not include amounts required for construction of facilities.

[8] This figure reflects only the total amount requested for service and construction projects in fiscal year 1971 (when the State's allotment totaled $304,000). A 1969 survey indicated that two-thirds of the over 70,000 retarded citizens in New Jersey were not receiving the diagnostic, treatment, educational, day training or vocational services they needed.

[9] No specific estimate provided; however, during both fiscal year 1971 and 1972 requests for funds have exceeded the amount of Federal dollars available by 2 to 3 times.

A MASSIVE BLOODBATH AND COMMUNIST CONQUEST OF SOUTHEAST ASIA RIDE ON OUTCOME OF HANOI-MOSCOW INVASION OF SOUTH VIETNAM

(Mr. FISHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FISHER. Mr. Speaker, our withdrawal from Vietnam is now nearing completion. Only 75,000, including less than 8,000 combat troops, remain—and the President has indicated further reductions will follow.

Therefore, any talk about our disengagement is moot. Any argument about getting out of Vietnam is academic. Leaning on such an issue and belaboring it now is like trying to beat daylight into a cellar with a club. For all intents and purposes we are already out, except for Air Force and naval units which are needed to protect American lives and prevent major enemy assaults, such as the recent invasion across the DMZ. Moreover, until the prisoner-of-war issue is resolved the continued presence of this capability to punish the enemy is considered to be essential.

Nor is this any time to talk about whether we should or should not be in Vietnam. Only the remnants of our forces remain there. Our original involvement was sanctioned by a solid vote of the Congress. Tragedy has stalked the course of our involvement, and mistakes in strategy have occurred. That is now a part of history.

But let us not dissipate our responsibilities as Americans by dwelling upon that subject now. We have passed that stage, and we are now using our air and sea power to meet a desperate and dangerous challenge unleashed by our mortal enemy—the same enemy which killed some 50,000 of our bravest and best; an enemy which today holds or has refused to account for 1,600 Americans and steadfastly refuses to allow neutrals to see them or inspect prisons where they are held.

TIME FOR APPRAISAL

It is now time to appraise the entire picture and assess the future. There are those who insist that what happens in South Vietnam now and in the future is none of our business. They prefer to ignore the fate of the remaining Americans whose lives could become seriously jeopardized. Are they aware that contingents of enemy forces are striking within 20 miles of Saigon? Or do they care? And they choose to ignore other inescapable contingencies implicit in the outcome of the Communist invasion.

This attitude of willy-nilly opposing the use of U.S. bombers and Naval power against the invaders' supply lines is an attitude shared by the Communist world. And it appears to be shared by several presidential candidates, and by some Members of Congress.

What do they seek? Would total surrender make them happy? Surely not.

VIETNAMIZATION SUCCEEDING BUT MORE TIME IS NEEDED

The simple fact is that in terms of history and in terms of humanity it is imperative, at a time when our troop withdrawal is drawing to a close, that we intensify our efforts to make certain the Vietnamization program works successfully. Let us shake off emotionalism and politics for a moment, engage in some statesmanship, and review the issues involved in the outcome of that war.

Let us talk about Vietnamization for a moment. Recognizing the consequences of Communist conquest in Southeast Asia, President Nixon in announcing our orderly withdrawal from South Vietnam wisely coupled it with a stepped-up Vietnamization program. That is, a plan to train and equip indigenous forces to defend their country against the aggressors. Strangely enough, the extremist element among our war protesters condemned our helping the ARVN's train and equip themselves. Why? Which side are they on, anyhow?

Significant progress in that goal has been achieved and demonstrated. More than a million men have been armed and trained. But more time is needed, particularly to better train and equip an effective South Vietnamese air force. That takes more time.

The enemy was aware of that fact and timed their invasion accordingly. In the meantime, U.S. bombers and naval support is necessary.

AS SOUTH VIETNAM GOES SO GOES ALL OF SOUTHEAST ASIA

Mr. Speaker, those who oppose our resistance to enemy supply lines should reexamine their thinking and consider the consequences of a Communist victory, which God forbid.

The Communists have made it crystal clear that once victory in the south is achieved, their next goal would be Thailand. Indeed they have already crossed that border several times, seeking a foothold. The world knows that both Moscow and Peking have made large investments in Hanoi's war. Right now the Soviets are pouring 200,000 tons of war supplies into Haiphong each month, representing 80 percent of requirements. Stakes are high for the Communist world and those stakes extend beyond the boundaries of South Vietnam.

If our bombers are grounded, as war protesters and political opportunists demand, that would presumably mean the dismantling of our Air Force presence in Thailand, which country—unassisted—could probably not survive. Along with that, Laos and Cambodia would fall—as eventually would Burma.

Then, if those countries are overrun, what about South Korea? We must assume, in such an eventuality, Communist pressures would draw a bead on Korea. We can anticipate American antiwar activists would then go into action, and I suppose some politicians would jump on their bandwagon. If they succeed—which they must not—the Indian Ocean would become a Soviet pond and the entire Pacific area would become seriously jeopardized. Many authorities believe this would bring world war III closer to reality in the years ahead.

EXPECTED BLOODBATH OF CATHOLICS AND OTHERS IN SOUTH VIETNAM

In the meantime, what would have happened to the people of conquered South Vietnam—should the invading Communists have their way? And who cares? I am speaking of what could happen if Vietnamization is not perfected and, if protesters have their way, bombers are grounded and our naval guns are silenced.

Clark Clifford, when he was Secretary of Defense, said such an eventuality would result in the biggest bloodbath in history. I heard him say it. This likelihood is buttressed by the fact that under the tyrant Ho Chi Minh some 50,000 dissidents in North Vietnam, mostly Catholics, were slaughtered, while vast numbers hurriedly escaped to the south before the border was closed.

How many would be killed? And who cares? The Senate Internal Security Subcommittee made and published an in-depth study of this subject, based largely upon the history of other Communist take-overs in Russia, China, North Vietnam, and elsewhere.

That committee cited Prof. P. J. Honey of London, who it said was "one of the foremost authorities on North Vietnam in the free world." He was quoted as predicting that:

> On the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure.

Also quoted by that study was Col. Tran Van Doc, a North Vietnamese officer who defected after 24 years in the Communist movement, who estimated the slaughter of up to 3 million.

Another authority cited was North Vietnamese Col. Le Xuan Chuyen, who defected after 21 years of membership in the Communist Party, and who should know whereof he speaks. He disclosed that 5 million people in South Vietnam are on the Communists' "blood debt" lists He believes that 10 to 15 percent of these would be killed; that another 50 percent would be imprisoned; and that the rest would have to undergo "thought reform."

Still another highly recognized authority was cited—if more is needed. That was Douglas Pike, author of "The Viet Cong," who recalled what happened at Hue after it was held briefly by the North Vietnamese. Bodies of 5,700 innocent victims—helpless men, women, and children—were dug up from shallow mass graves, all slaughtered, who, according to captured Communist documents, were considered "wicked tyrants," or "counter-revolutionaries," who owed "blood debts" to the people.

Here is Mr. Pike's estimate of the situation, assuming a decisive Communist victory:

> First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled. All political opposition, actual or potential, would be systematically eliminated . . . Hanoi versus Southern Catholics, the pattern would be the same: Eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of the blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond

this would come Communist justice meted out to the 'tyrants and lackeys' . . .

But little of this would be known abroad. The Communists in Vietnam would create a silence. The world would call it peace.

ARE GOOD-INTENTIONED PEOPLE BEING SUCKED IN AND USED?

Mr. Speaker, no doubt some good-intentioned people are being unwittingly used by those who really want the Communists to win the war. Others appear to be victims of emotionalism or sheer ignorance of what it is all about. Only a few days ago, for example, 300 mobsters demonstrated at nearby Maryland University, where they burned an American flag, condemned the ROTC on the campus, uttered anti-American epithets, and had to be quelled by the National Guard.

About the same time, 20 degenerates visited the Soviet embassy here, brazenly called on the Russians to "Avenge Hanoi and Haiphong" and "Send More Missiles To Shoot Down More U.S. Planes."

In San Francisco on yesterday a crowd gathered in Kezar Stadium in San Francisco to hear Mme. Nguyen Thi Binh, chief Hanoi delegate to the Paris peace talks, over a telephone hookup.

The press reported she "demanded that the Nixon Administration set an immediate date for withdrawal from Vietnam, stop all bombing, and stop supporting the Saigon Government."

To remove any doubt about the loyalty of the 30,000 who were present, a Vietcong flag and a peace banner were implanted atop the stadium's flagpole.

Across the country, at student protest gatherings on yesterday, the press reported—

> Vietcong flags, red banners representing anarchy, black balloons symbolizing bombs dropped in Vietnam and multicolored banners representing dozens of activist groups waved above the crowds in the larger demonstrations.

I have cited these incidents to illustrate the quality and the motivations of the participants. These people are not on our side. They are on the enemy's side.

Now these despicable characters were not protesting the draft. Nor were they seeking to escape service in Vietnam. They were protesting the U.S. interference with the current Communist invasion of South Vietnam. It is just that simple.

Some may scoff at the bloodbath dangers to which I have alluded. Unpleasant as it may be, facts are what they are. Under these dire circumstances, how important is it to us, to history, and to humanity, for our bombers and naval craft to interfere with the brutal and illegal invasion?

PEOPLE ARE NOT BEING FOOLED

Mr. Speaker, we can expect outbursts from the ignorant and the subversives. Under our Constitution, I suppose we must put up with their mouthings however distasteful that may be. But at the same time it is understandable that many Americans have been shocked that, in the moment of grave crisis, some people in high places have condemned the bombing of Haiphong—or any other bombing designed to interfere with the forward thrust of Communist invading forces. I am convinced these people have sadly misconstrued the will, the temper, and the mood of the vast majority of the American people. People are aware of the fact that there could have been no massive invasion of South Vietnam in the first place but for the presence of the erstwhile sanctuary port of Haiphong.

Indeed, it is also understandable that the mainstream of American public opinion cannot comprehend why so many of these critics rarely if ever utter a word of criticism for anything the enemy does. It is significant that it was only when interference with the enemy's invading march was registered—days after—that these critics first screamed "escalation!" Such sophistry. Such hyprocrisy. Considering the portents of the issue, these curious critics should hang their heads in shame.

COMMUNISTS UNDERSTAND BUT ONE LANGUAGE—FORCE

Surely it has come to pass by this time that these shallow-minded critics recognize that the only language the enemy understands or will heed is force. Surely they must admit that under present conditions further negotiations are useless and would be fruitless. Any person with a lick of sense would know that.

If these critics, who like Mme. Binh demand negotiations now, will listen to the voice of reason surely they will know that any meaningful negotiations in the future will be the result of the enemy being hurt and the likelihood they will be blasted again and again. Therein lies our only real hope for prompt release of American prisoners.

Let those Communist warmongers know they are in for more punishment, more than has already been unleashed, and the day of freedom for the POW's will have been advanced. As the situation now stands, the devastation that can be wrought by B-52's and other bombers and by sea-power constitute the only meaningful advantage and bargaining power we have left in the process to bring the war to an end and obtain a peaceful solution of the issues. Nothing short of that will suffice. Panty-waist treatment, favored by the critics, is exactly what the Communists want.

HANOI IS RISKING EVERYTHING

Mr. Speaker, there is every reason to believe the outcome of the war hinges on the outcome of the current invasion. The Communists have put all their eggs in one basket, risked everything on commitment of practically all their troops south of the DMZ. If they are thrown back, military experts doubt they will ever be able to regroup, recoup their losses, and again be a serious threat to the independence of South Vietnam.

Thus, much is involved in the outcome of the present invasion. The enemy is undoubtedly counting upon the disunity of Americans to help them slaughter civilians and achieve victory.

It is time for thoughtful Americans to assess this situation realistically. And it is high time for presidential candidates, whose pronouncements are heard loud and clear in Hanoi, to wake up to their responsibilities as Americans and as candidates for this high office. There is a time and a place for the practice of politics. This is not it.

It follows that in this time of grave peril, when we are playing for keeps, that all Americans close ranks, lay aside their own views about the war—whatever they may be, and give solid support to President Nixon. He is the only Commander in Chief we have. He operates under the majesty of the American flag—your flag and my flag. And, as I have said, the stakes are indeed high in the outcome of this struggle.

ECONOMIC NATIONALISM: THE REALITIES OF EXPROPRIATION

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in a world which is changing rapidly, in which old policies and traditions become obsolete daily, we need men of vision and courage who will not blanch at the prospect of adjusting to new realities.

We need such people in the public domain, and in the private sector.

In my work as a member of the Committee on Foreign Affairs and as chairman of the Subcommittee on Inter-American Affairs, I have had the good fortune to meet some of the people who possess such talents.

High among them has been Charles W. Robinson, president of Marcona Corp., who has an impressive record of accomplishment in initiating, developing, and managing successful and imaginative business enterprises in Latin America and in other parts of the world.

In a recent speech to the 35th Mid-American World Trade Conference in Chicago, Mr. Robinson outlined some of his thoughts about the need for a whole new set of relationships, on the governmental as well as on the private planes, between the United States and the developing countries of the world.

I have not always agreed with all of Mr. Robinson's views—but at all times, I have found them stimulating and deserving of most careful consideration.

Mr. Robinson's speech in Chicago has dealt thoughtfully and perceptively with many problems which occupy our attention in the Congress, and which sometimes weigh heavily on the structure of U.S. relations with other countries.

I would, therefore, like to commend his remarks to the consideration of my colleagues:

ECONOMIC NATIONALISM: THE REALITIES OF EXPROPRIATION (PARTNERS IN PROGRESS)

(By C. W. Robinson)

When I was first approached and asked to be your speaker today it was on the basis that I would discuss the art of survival in the developing world. I indicated that if there was a magic formula guaranteeing protection against political attack I am not privy to it. A wave is cresting over us all threatening the very existence of private enterprise and no one company can stand alone protected from this force. However, I do feel that there is much we can do to raise the odds for success acting through the U.S. Government, with the multinational corporate community and as individual investors. It is on this basis that I appear before you today.

MARCONA CORPORATION

I suppose it would be appropriate for me to first introduce myself—and confess my biases. As President of Marcona Corporation I am responsible for a global program involving the extraction and processing of mineral resources and the operation of a worldwide shipping operation. However, at one time I was the only employee and was personally responsible for establishing our first venture—an iron ore mining project in Peru. This has grown from an initial investment of $7 million to a total of almost $200 million today. That operation continues to grow as we are just completing a $30 million expansion and are now negotiating terms of a new agreement with the Peruvian government which will allow us to proceed with another $60 million addition.

Soon after we initiated operations in Peru we commenced development of our own bulk transport operation which in turn has led us into salt mining in Chile, a titanomagnetite operation in New Zealand, and involvement in a major iron ore operation in Western Australia.

We also have underway efforts to bring into production other mining ventures in India, Alaska, Greenland and Brazil.

We have had a full measure of crises in our various activities throughout the developing world; however, to date we have continued successful operations in all areas.

My corporate responsibilities today involve forward planning and overall direction of the enterprise; however, I still maintain direct contact with government leaders in countries in which we operate. This has given me a feeling for their ambitions and their goals, both legitimate and otherwise. From this experience I have gained a firm conviction that there are basic deficiencies in our relationships with the developing world—a conviction which I want to share with you today.

PROBLEM DEFINED

I am confident that where there is a will—combined with vision—there will be a way to navigate through the rocks and shoals which certainly lie ahead in the developing countries. However, this requires a clear understanding of our basic problems.

Latin America

My comments will be largely directed toward problems in our relations with Latin America because of the magnitude of our involvement. U.S. direct investment in this area totals almost $14.0 billion, or about 70% of U.S. investment in all of the developing world. However, even though I speak of Latin America it should be understood that the same basic problems exist—or will develop inevitably in Africa, Southeast Asia and other sectors of the developing world.

Gaposis

Some of you may recall an advertising campaign many years ago with each ad containing a photograph of a person with some item of clothing improperly secured by the use of buttons. There was always the question—"Are you suffering from gaposis?" This was accompanied by the suggestion that the affliction could be easily cured with a zipper.

Today we are suffering from a serious case of "gaposis" but unfortunately it will take more than a zipper to effect a cure. First, there has been a rapidly growing gap between our perception of the developing world and the reality of that world. This is reflected in our attitudes and in our government poliices which have become increasingly anachronistic and therefore counterproductive.

The second gap which we must deal with today is that which continues to widen between the economic level of the developed and the developing nations.

Since World War II accelerating technological growth has greatly extended our capacity to communicate and transport over great distances. The freer exchange of ideas—people and goods across national boundaries has stimulated an irreversible movement towards the interdependence of all peoples. Thus, it is not only the gap which has developed between our levels of development—but also a growing awareness of that gap. This is creating what appears to be almost insurmountable problems in our relationships with the developing world.

We are rapidly becoming one world family with all of the stresses which arise within any family group, especially where unequal opportunities exist.

U.S. relations with Latin America

Since the enunciation of the Monroe Doctrine 150 years ago we have viewed Latin America as our special preserve for both strategical and economic reasons. During this period our tactical plan has swung between actual intervention and a paternalistic benevolence. We have viewed with suspicion—if not alarm—European or Asian efforts to move in on the raw material sources and markets of this continent.

I suggest that there is no creditable strategy argument supporting a continuation of this policy today—and certainly Japan, Germany, China or any other country has as much right to investment in this area as does the U.S. If we are to avoid more Cubas or Chiles where U.S. investors dominated the economy, we must encourage the flow of investment into Latin America from other nations of the world. This calls for a new perception of our relationship with Latin America and a change in our basic policies.

ECONOMIC GAP

The widening gap between the social and economic standards in the U.S. and the developing world is a real and critical problem. It sounds simplistic to say that the gap can be eliminated by accelerating the development process in Latin America, by reducing our rate of growth, or by a combination of both. However, this forces us to face up to two basic realities.

First, it is simply unrealistic to think that we can raise the standard of living in the developing world to the U.S. level of consumption. The rate at which this would chew up earth resources and contaminate our environment goes beyond imagination.

If we are even to begin to resolve the psychological and political differences between the developed and developing worlds we must recognize the necessity for a drastic reduction in the rate at which we in the U.S. increase consumption of earth resources to satisfy our escalating demands.

Dr. Osborne, Director of the U.S. Bureau of Mines, predicts that by the year 2000 we will be consuming mineral resources at four times the current level. Without development of basic technology which could render domestic reserves economically exploitable we would have to increase the current level of mineral imports by seven times. This just isn't going to be—especially if we continue to count heavily on other Western Hemisphere sources. We must reverse our traditional concept of Latin America as our private storehouse of mineral and energy resources—as well as our market for finished products.

Continued accelerated consumption of earth resources is simply inconsistent with the limitations of a finite planet. Our world is on a collision course with disaster unless there are basic changes in social values and government policies, especially in the U.S. and other developed nations.

In summary—we must not continue to deceive ourselves, or others, by pretending that we are going to elminate the gap between developed and developing worlds. However, it is essential that we make every effort to narrow this gap through a reassessment and scaling down of our own development goals combined with positive support for accelerated development abroad. There is no alternative solution.

U.S. Emotionalism

We must recognize another problem in Latin American relations which stems from the emotionalism influencing our views of each other. We are quick to point out the volatility of the Latin temperament but do we appreciate the extent to which we respond emotionally to issues between us?

Let me give you an example—How many of you react with anger when you read about the Peruvians or Ecuadorians capturing another U.S. fishing boat? How many respond favorably to the suggestion frequently expressed in Congress, that we send a destroyer down to protect our boys? But I ask—have you ever studied this issue objectively? Do you know the nationality of the captains and crews of these boats? Do you understand the need to preserve the important but expendable reserve of marine life that exists in the Humboldt current which extends about 200 miles off the West Coast of South America? Are you aware of the U.S. law which provides compensation for fines but not for purchase of reasonably priced fishing licenses, the revenue from which is used to study and protect this marine resource?

I recognize that after a careful review of the facts you may not agree with my conclusion that our concern over the effect of a change in territorial limits on the surface of the seas has led us to an absurd and indefensible position on this fishing issue. However, I do suggest you defer any future emotional response until after you have carefully reviewed the facts.

As a further illustration of the element of emotionalism in our reaction to Latin America—several days ago Canada's Minister of External Affairs—Mitchell Sharp—stated that many U.S. multinational corporations were continuing to be imperialistic. He goes on to say—and I quote: "Canadians are determined that foreign corporations will serve Canadian interests, buttress Canadian priorities and respond to Canadian aspirations." This generated some concern in the U.S. but because of our association with Canada we know that we will find a way to reconcile any differences that might arise from application of this policy. But let's think for a moment—about the reaction which would have been prompted by this statement if made by a high government official of, say, Brazil. We would be in a state of panic and convinced that we faced dire—even though unclearly defined—perils.

The difference is in our ability to communicate. It was Francis Bacon who said—"it is by discourse that men associate." Somehow we have failed to establish a meaningful discourse with Latin America which has greatly limited our true association.

We are painfully aware of the iron and bamboo curtains and the limitation on discourse they impose—or perhaps I should say have imposed in the past—but somehow geographical proximity which inspired the myth of "Pan-Americanism," has concealed the existence of a cultural and language curtain which separates us from Latin America. We must make a positive effort to pierce this veil.

Growing Nationalism

Nationalism—a growing phenomenon in Latin America—again engenders emotional response in both developed and developing worlds. However, we shouldn't fear nationalism in itself. We have expended billions of dollars and thousands of American lives to create a sense of nationalism in South Vietnam. Furthermore, we will never see any real economic and social progress unless individuals do identify with national goals and aspirations—or gain a sense of nationalism. Somehow we must learn to reconcile our corporate policies and activities to the legitimate objectives of nationalism and accept it for what it is—an essential condition for development.

However, the growth of nationalism does bring an emotional and political sensitivity to what the host country often views as imperialism on the part of the foreign investor. To counter this we must find ways to depoliticize or denationalize our foreign investments. The mere presence of investors from nations other than the U.S. will go a long way to moderate this problem. The developing nation soon learns that all foreign investment behaves in substantially the same way.

The development of consortia for major investments formed with participants from two or more countries can at least reduce the risk of political attack based on the "invasion of sovereignty" argument. Perhaps the ultimate solution is the "World Corporation" without nationality—incorporated by and responsive to a truly international institution.

"Fade Out" Formula

One of the by-products of excessive nationalism is the pressure to limit the period of foreign control over an investment. The Andean Group formed as a regional economic bloc by the five Latin American countries of Chile, Bolivia, Peru, Ecuador and Columbia, has issued an investment code—which includes what is referred to as the "fade out" formula. After 10 to 15 years the foreign investor is expected to "fade away into the sunset" with local investors acquiring a controlling interest in the enterprise. It is ironical that this scheme was conceived in U.S. academic circles reflecting the view that every foreign investment contains an incipient cancer which must be removed at an early stage before it contaminates the country's socio-economic body.

This simply ignores the need for a continuing flow of capital, technology and managerial know-how which is vital to the success of any venture. Application of the "fade out" formula would discourage all but those investors interested in a quick profit who do not identify with the long range interest of the developing nation. I believe that sound and constructive overseas investments serves as "engines" for development not merely the "ignition spark."

Furthermore, capital is increasingly without nationality—only management tends to retain its overseas national ties. Through developing truly international management sensitive to and willing to harmonize with host country long range interests, I am convinced that this "fade out" principle will itself fade away over time.

The excesses of nationalism have posed a growing threat to foreign investment during the past few years with a rising hostility leading in some cases to expropriation. In almost all areas we have witnessed an unpredictable changing of the rules—increasing taxes and other burdens on corporate enterprise—both foreign and domestic. This is a problem which must be resolved if foreign investment is to continue contributing to the development process.

I am totally committed to the principle that we can and will resolve this problem. However, we must recognize that the ambient—or atmosphere within which we can influence the future of our individual investments is determined to a great extent by the behavior of our government and that of other investors in the same area. Accordingly, we must find ways to encourage the establishment of new government policies and actions of other investors which will enhance our chances of success in this important—in fact essential—effort.

U.S. GOVERNMENT POLICIES

Let's first consider the question of U.S. government policies.

Foreign assistance

Our foreign aid efforts in Latin America have suffered from the Marshall Plan syndrome. We have simply failed to distinguish between the requirements for *reconstruction* as opposed to *development*.

The Alliance for Progress was conceived in the early 60's in an atmosphere of political euphoria. This was a completely unrealistic scheme to satisfy the development goals of Latin America over a short period of time. We poured massive amounts of financial aid through government-to-government channels. This only assured preservation of the status quo in spite of certain development criteria we attempted to impose on the recipient nations. Real development—calls for change—both social and economic—and this is a painful process, naturally resisted by the established and controlling forces. The dramatized presentation generated wild unrealizable dreams on the part of the Latin American people. This effort has failed and they are now suffering from a painful hangover from their emotional binge. But where do we go from here?

I feel that there is a breath of fresh air coming into our foreign assistance philosophy which holds great promise for the future. In 1969 Congress passed foreign assistance legislation which recognized the difference between the objectives of military aid, large government-to-government loans for infrastructure and support of social development or the change process.

To deal with the latter, a new government corporation was established by Congressional action. It was designated the Inter-American Social Development Institute—later changed to the Inter-American Foundation. This is a relatively small scale program—with initial multi-year funding of $50 million to be employed through Latin American non-government institutions dedicated to social change. It is administered by a 7-man Board appointed by President Nixon, of which 4 are from outside of government. I am pleased to be serving as a member of this Board and terribly excited by the potential in this new approach. We do not dictate programs—but respond to Latin American needs—not as we see them but as they perceive them, and evidence this by their own initiatives.

There are many ripples on the sea, most of which soon disappear back into the surface; however, every now and then one appears whose time has come and it continues to build into a giant swell to crash eventually on a distant shore. I believe that this new approach is a ripple whose time is overdue and the Inter-American Foundation will lead us into a new concept of foreign assistance—not only in Latin America but throughout the developing world.

Credit diplomacy

Let's look at our "credit diplomacy" of the 1960's as reflected in the Hickenlooper Amendment. This was designed to prevent illegal expropriation of U.S. property—by threatening withdrawal of all financial aid unless there is prompt adequate and effective compensation. This is our 20th Century version of the British gunboat diplomacy of the past century.

No one can argue very effectively against the principle that you shouldn't continue to provide financial aid to governments who kick us in the teeth in clear violation of accepted international standards. However, in my opinion, the Hickenlooper Amendment fails in that:

It not only tells the President, but also the opposition how he is to play his poker hand.

It generates an international emotional issue strengthening political support for the government leaders who have taken the expropriation step, and who for that reason can't afford to succumb to U.S. pressure.

It provides support for big business with sufficient clout in Washington to induce the government to jeopardize our international relations on their behalf. (You can be certain that your Uncle Joe's hamburger stand on a street corner in Lima doesn't operate under this same umbrella.)

And finally, it encourages an inflexibility and intransigence on the part of the threatened company, further compounding the problem.

We must find ways to bring appropriate economic pressure on governments to encourage fair treatment for all U.S. investors—large or small. Perhaps this can be better accomplished through an international institution such as the World Bank. In any event, it calls for a flexible—nonpublicized and thus noninflammatory approach, which can be adapted to the special circumstances which surround each expropriation case.

Investment insurance

Another area of our foreign policy which I believe requires review and change relates to our overseas private investment insurance.

In the first place, insurance against expropriation of property does not cover the most common risk in the developing world—which is the creeping expropriation of profit. This reduces the value of the investment but leaves the ownership intact, thereby avoiding the messy problem of compensation; secondly, I question whether we have ever really established the true objectives of this program now administered by OPIC. Are we encouraging U.S. overseas investment in developing countries because we want to support their economic growth? If so, wouldn't it be logical to extend this insurance program to investors from other countries?

Are we interested in protecting existing U.S. investments? If so, I am convinced that U.S. interests now in Latin America are better protected by new investment from Japan, Europe and elsewhere than by additional U.S. investment. On this basis perhaps we should only make the insurance available to investors from other countries.

On the other hand, our true objective may be to preserve Latin America as a reserve of raw materials and as a market for the future of U.S. industry. If that is the case, I submit that we are acting out of harmony with our stated objectives and contrary to the interests of the developing world.

It is difficult for me to see any valid argument for this insurance program which tends to encourage inflexibility on the part of the insured company, greatly increasing the likelihood of expropriation, very possibly at the expense of the U.S. taxpayer.

Our present bilateral approach also results in escalating what is a company-to-government argument into a major international issue involving both governments. This could be avoided by establishing an insurance program on an international basis to be administered by the World Bank. In any event, with current U.S. copper company insurance claims in Chile alone exceeding present OPIC reserves, and the growing reluctance of Congress to vote increased funds for this kind of program, the problem may resolve itself. Events may conspire to provide an answer.

Preferential import treatment

On another issue—we have talked for years about our desire to support the advancement of export industries in Latin America. We have offered assurance that we will establish preferential import duties as an important step in this effort. However, our actions have never matched our rhetoric. We must fulfill this promise and also endeavor to gain similar treatment for Latin American products from the European Economic Community and Japan.

Underemployment crisis

Another emerging issue in our relations with the developing countries results from our failure to create more employment in the developing world through our foreign investments. The "marginal man"—or underemployed individual—continues to grow in numbers at an alarming rate, promising social stress and political instability in the years ahead.

The U.S. was developed in an atmosphere of labor scarcity—which encouraged the capital intensive approach. Unfortunately, we continue this same approach in our investments in the developing nations and thus fail to generate new jobs at anywhere near the rate required to avoid a major crisis. U.S. credit policies combined with import duty concessions and accelerated depreciation offered by the developing nations, induce investors to go the capital intensive route. We should take the lead in developing new formulas for overseas financing to accelerate the creation of jobs. We must also encourage the developing nations to follow a similar course in their efforts to stimulate new investment. This rapidly emerging problem could well prove to be the single key issue of the 70's.

Territorial limits

I have already mentioned the question of fishing rights, but this is only a part of the larger issue of international codes. If we were to be completely honest we would have to admit that historically these are designed to protect the strong against the weak. The fact that might begets right was clearly the case when Britannia ruled the waves. Territorial limits were established at 3 miles from the coast which was the distance that a round iron ball could be fired from a shore gun. Technological "might" now replaces military "might" as the controlling factor, at least in all subsurface considerations. This is evidenced by the U.S. claim to the continental shelf for exploitation of the subsoil oil resources which became imperative when offshore oil drilling capability had been developed to exploit these resources. In the case of the fishing boat controversy—we seem to be saying that the Peruvians and Ecuadorians must restrict their offshore claims to 12 miles because we have the technological capability to send large self-sustaining, electronically equipped fishing vessels to exploit the subsurface resources beyond this limit.

To improve our relations with the developing world we must find a way to preserve the essential freedom of passage over international waters—but still deal with the subsurface and subsoil resources in ways that fully protect the weak as well as the strong.

Department of Commerce study

I have reviewed with you a few examples of current U.S. policies toward developing nations which I am convinced must be changed to reflect the realities of our world today. I am pleased to learn that our new Secretary of Commerce—Chicago's own Pete Peterson—is studying the broad question of U.S. international economic policies with a view to bringing them into line with our rapidly changing world. I have great confidence in his capacity to effect the policy changes which are absolutely essential if the U.S. is to play its proper role in the international economy.

MULTINATIONAL BUSINESS ASSOCIATIONS

As individuals we can also influence our relations with the developing world through association with other companies. Multinational business leaders will become an increasingly important influence in U.S. international relations. Inevitably this will lead to the development of action oriented organizations through which international businessmen will join forces. The Pacific Basin Economic Council is an example of this trend as it brings together business leaders of the U.S., Canada, Japan, Australia and New Zealand to cooperate in the economic development of the entire Pacific area—including the West Coast of Latin America. There will be many other such organizations through which we can exercise a positive influence in our relations with the developing world.

INDIVIDUAL BUSINESS POLICIES

Now I come to what I consider the most important area for individual effort—the operation of one's own overseas business. You'll have to forgive me if this appears to be an overly personalized review—because I have been involved directly and would like to share this experience with you.

There are many international business executives who have convinced themselves that they are following proper management policies in the developing world. Frequently you will hear them say that it is true that 30 or 40 years ago U.S. companies took advantage of the host country with their activities subject to criticism as imperialistic; but we have come a long way since then and complaints today are really "beating a dead horse."

However, the world is changing at an accelerating rate and there is a danger in steering our course by looking at the path behind as we are very likely to miss the bend ahead. I feel that we must continually reassess our policies to insure that we stay in harmony with the world as it exists today.

Continued building

While I was initiating our operation in Peru 20 years ago—I saw a cartoon from the New Yorker—which has greatly influenced my thinking and our policies in Latin America ever since. There was a picture of two Arabs sitting on a desert rock looking at a petroleum refinery under construction on the horizon. One was asking the other—"Shall we take it over now or wait until it's finished." I decided that the answer was—let's wait until it's finished and concluded that our policy should be one of never finishing. Twenty years later I am more than ever convinced that this is an important key to survival in Latin America; however, I now recognize that this calls for a good deal more than a continuation of physical construction through reinvestment of earnings—as important as this is. It is more than just expanding the role of local employees in overall company management, or building community relations as a good corporate citizen.

Partner in progress

I refer to a building process which calls for sensitivity to the country's development needs and a positive effort as a true "Partner in Progress."

I would like to describe three specific examples of our efforts in Peru which illustrate what I mean by a partnership in progress. In doing this—let me assure you I am not seeking accolades for our charity. On the contrary, I confess to having been motivated by a high level of long range self-interest. Furthermore, there are other companies playing a similar role in their operations in Latin America. However, I am convinced that the future for all foreign enterprise would be considerably brighter if all would adopt this approach. It's in the hopes that I might gain a few converts that I discuss it with you here today.

IPFE

The first example deals with the problem of education. Over 10 years ago we concluded that the most important factor in development was the cultivation of the human resource through education and training.

However, it was clear that this wasn't just a matter of building more facilities, or providing more scholarships for study in the U.S. It called for a change in the public attitude towards education—which was then viewed as the exclusive responsibility of the state. For that reason education had become a political issue and as a result both the quantity and quality of education failed to meet even minimum requirements.

We concluded that what was needed was a new perception of responsibility for education on the part of the advantaged sectors of the Peruvian society. Accordingly, we encouraged a group of leading citizens to form a foundation known as the Instituto Peruano de Fomento Educative—the Peruvian Institute for Educational Development. We supplied the necessary funds for initiation of this effort and also arranged for continuing financial support from the U.S. government. This organization has grown every year with increasing involvement in the entire spectrum of Peruvian educational life including scholarship programs from the secondary school level through overseas graduate schools, in construction of educational facilities, in text book publishing, teacher training courses, and educational credit. The foundation functions today under a multimillion dollar budget with broad local support. It is one of the most important factors in the development of human resources outside of the government itself.

This is the father of private educational foundations in Latin America and is now being studied by interested citizens in other countries of Latin America as a model for similar development elsewhere.

This was not a public relations effort—as we carefully concealed from the public our identification with the project. It was a step taken as a "partner in progress" which we felt would produce a return down the road as Peru finds her true international identity.

Local sourcing

A second example relates to the development of local manufacturing capability. Until about 5 years ago we, like other foreign operations in Peru, resisted the pressures to buy locally produced supplies and equipment. We were geared up to use fully proven products from abroad and we were concerned with the quality and reliability problems involved with local manufacturers. However, we finally concluded that we had a responsibility for and—more than that—a real stake in the future of Peru which demanded accelerated economic development.

Having made the decision, we invited top representatives from 20 of the leading manufacturing companies in Peru to spend a weekend as guests at our mining center. We reviewed with them the list of over 50,000 items in our inventory broken down into product groups which were of interest to each company. These representatives returned to Lima to work on this challenge and soon had selected literally hundreds of products they would like to produce.

To assist them in this effort we organized a company task force made up of technicians, accountants, and quality control personnel, to spend full time with potential suppliers on this project. This program was highly successful and today we are operating with substantially higher dependence on local supplies—greatly reducing our inventory investment and overall costs. A large group of local manufacturers—which have expanded far beyond the initial 20 invitees—are producing new products and increased total volume supported not only by Marcona but by the other foreign and locally owned enterprises now taking advantage of this development.

It was not an easy battle and there were many failures along the road; however, the overall gain for local industry has been truly amazing. Needless to say, we have also generated a large new constituency sharing our interest in Marcona's survival. Again we have acted as a partner in real self-sustaining progress.

Customs administration

One final and most recent example of our partnership philosophy—the new military government in Peru brought significant changes in the administration of custom duties and in the personnel responsible for this program. Delays in clearing customs were stretching into weeks and months, seriously jeopardizing both operations and construction programs. The government explained that they simply couldn't overcome the growing backlog of paper work.

We had several alternatives for improving this situation but we finally decided to offer the government assistance in studying the problem and in developing a solution. We assigned a team of data processing specialists who in cooperation with government officials developed a computerized system with new forms and the necessary organizational changes. This system is now going into operation with important savings for Marcona—but also for Peru and for all other companies operating in that country.

I have reviewed these three examples of cooperation—to illustrate our philosophy of "partnership in progress." It is our hope that more foreign owned companies will share increasingly in this responsibility and opportunity.

SUMMARY

In conclusion, I sense that the rising tide of nationalism and anti-foreign capital attitude could be approaching its high watermark. If we will recognize the legitimate needs of the developing world and adjust our government and corporate sails to the violent and shifting winds of the developing world we will survive.

I do not predict peace and tranquillity—this is no place for the timid nor the weak. Certainly we must continue to adjust our relationships at an accelerating rate reflecting the realities of the world today. However, if we proceed with vision, foreign investment can become an even more dynamic and positive force in the absolutely essential development process.

"Without vision" said the Prophet Isaiah, "the people perish"—and I submit that the same fate awaits the foreign investor in the developing world. We must evidence more vision as "Partners in Progress" if we are to survive. This demands a sensitivity to trends, the imagination to project their consequences, the courage to proceed in the face of mounting risks, and the patience to support our convictions.

This is both our grave responsibility—and our hope for the future.

SOUTHEASTERN STATE COLLEGE TO PRESENT "OF MICE AND MEN"

(Mr. ALBERT (at the request of Mr. Boggs) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, on Friday, April 28, Southeastern State College of Durant, Okla., will present its production of John Steinbeck's classic drama, "Of Mice and Men," at Washington's Kennedy Center, as part of the American College Theater Festival. Southeastern comes to this prestigious festival after competing against the finest plays from Oklahoma, Texas, Louisiana, Arkansas, and New Mexico. This is a high artistic honor for Southeastern State College, and I know that all Oklahomans join me in congratulating the outstanding cast, Director Dave Cook and President Leon Hibbs. On behalf of our State, I am pleased to bring my colleagues' attention to the following resolution, which was recently adopted by the Oklahoma State Legislature:

A CONCURRENT RESOLUTION COMMENDING SOUTHEASTERN STATE COLLEGE, DR. LEON HIBBS, PRESIDENT, THE DRAMA DEPARTMENT AND THE DIRECTOR OF THE DRAMA DEPARTMENT, DAVID B. COOK

Whereas, the Southeastern State College Drama Department entered into competition, with many other colleges, in the American College Theater Festival produced by the Smithsonian Institution and the John F. Kennedy Foundation for the Performing Arts; and

Whereas, such competition was based on the artistic merits of production, and Southeastern State's presentation of John Steinbeck's "Of Mice and Men" was selected as the most outstanding production among the five participating colleges and universities in Oklahoma; and

Whereas, after winning recognition at Regional level, as judged by critics from New York and California, the production was nominated first in Regional competition; and

Whereas, in the face of competition with thirty other nominees from thirteen regions of the United States, the production by the Southeastern State Drama Department was again selected as among the leading ten to compete in the National Festival to be held in Washington, D.C., on April 28, 1972, where two performances will be scheduled, one at the John F. Kennedy Center for the Performing Arts and one in the Eisenhower Theater; and

Whereas, Southeastern State College is the smallest college with the least staff of any of the participants in the competition, such other participants being: University of Minnesota, Miami University, Hawaii University, Montana State University, Portland State University, United States International University at San Diego, California, Southern Methodist University, Southern Illinois University and University of North Carolina School of the Arts; and

Whereas, on April 16, 1972, the production "Of Mice and Men" will be performed at the Kirkpatrick Fine Arts Auditorium on the Oklahoma City University Campus, at which time the Governor will hold a reception for the cast and attending audience.

Now, therefore, be it resolved by the Senate of the 2nd session of the 33rd Oklahoma Legislature, the House of Representatives concurring therein:

Section 1. That the Southeastern State College and Dr. Leon Hibbs, President, the Drama Department and the Director of Drama, David B. Cook, have brought fame and recognition to the State of Oklahoma, by their excellence of performance and achievements.

Section 2. That distribution of copies of this Resolution shall be made as follows: one copy to Dr. Leon Hibbs, David B. Cook, the Honorable David Hall, Governor of Oklahoma, and the Honorable Carl Albert, Speaker of the U.S. House of Representatives; three copies to Frank Cassidy, Executive Producer, American College Theater Festival, John F. Kennedy Theater for the Performing Arts, 776 Jackson Place, Washington, D.C.; and one copy each to members of the cast and crew, consisting of: Charles Warthen, Frank Wade, John Waggoner, Paul King, Don Hill, Steve Tilford, Janie Freeman, Mike Dawson, Jay Ellis, Curt Boles, Bill Groom, Howard Starks, Norman Colvin, Fay Lockwood, Marty Cook, Lewis Chandler, Chuck Ladd, Janie Roberts, Eddie Cook, Andy Riddle, Karen Riggs, Vicki Moore, Frances Wade, Jane Ann Looney, Steve Schlesselman, Neal Standsfield, Terry McClelland and Ellen Monks.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CHARLES H. WILSON (at the request of Mr. BOGGS), for today, on account of official business.

Mr. RUNNELS (at the request of Mr. BOGGS), for Monday, April 24, through Thursday, April 27, on account of official business.

Mr. JONES of Tennessee (at the request of Mr. BOGGS), for today and the balance of the week, on account of official business.

Mr. KLUCZYNSKI (at the request of Mr. BOGGS), for Monday, April 24 and the balance of the week, on account of committee official business.

Mr. FLOWERS (at the request of Mr. BOGGS), for Monday, April 24 and the balance of the week, on account of official business.

Mr. FUQUA (at the request of Mr. BOGGS), for today, on account of official business.

Mr. ESHLEMAN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of medical reasons.

Mr. ROUSSELOT (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. HANNA (at the request of Mr. BOGGS), for Monday, April 24 and the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. FASCELL, for 60 minutes, on May 18 and to revise and extend his remarks and include extraneous matter on Cuban Independence Day.

The following Members (at the request of Mr. MCCOLLISTER), to revise and extend their remarks, and to include extraneous matter to:

Mr. ROBISON of New York, today, for 5 minutes.

(The following Members (at the request of Mr. DAVIS of South Carolina), to revise and extend their remarks, and to include extraneous matter:)

Mr. REUSS, today, for 30 minutes.

Mr. ASPIN, today, for 10 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mr. BURKE of Massachusetts, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GROSS to revise and extend his remarks on H.R. 2895.

Mr. PERKINS, in two instances, and to include extraneous material.

(The following Members (at the request of Mr. MCCOLLISTER) and to include extraneous matter:)

Mr. HASTINGS.

Mr. GUDE.

Mr. CEDERBERG.

Mr. SCHMITZ.

Mr. McKinney.

Mrs. Dwyer in four instances.

Mr. Derwinski in three instances.

Mr. Edwards of Alabama.

Mr. Bray in two instances.

Mr. McKevitt.

(The following Members (at the request of Mr. Davis of South Carolina) and to include extraneous matter:)

Mr. Aspin in 10 instances.

Mr. Vanik in two instances.

Mr. Rodino in two instances.

Mr. Badillo.

Mr. Eilberg in five instances.

Mr. Jones of Tennessee.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Hagan in three instances.

Mr. Baring.

Mr. Burton.

Mr. Teague of Texas in six instances.

Mr. Pucinski in 10 instances.

Mr. Rogers in five instances.

Mr. Hanna in three instances.

Mr. Bevill.

ADJOURNMENT

Mr. DAVIS of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 25, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1897. A communication from the President of the United States, transmitting notice of increases in tariffs on certain ceramic table and kitchen articles, pursuant to section 3151 (a)(2) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

1898. A letter from the Secretary of Health, Education, and Welfare, transmitting the fourth annual report on medicare, covering fiscal year 1970, pursuant to section 1875(b) of the Social Security Act, as amended (H. Doc. No. 92–284); to the Committee on Ways and Means and ordered to be printed.

1899. A letter from the treasurer, American Chemical Society, transmitting the annual report of the society for calendar year 1971, together with an audit report for the same period, pursuant to section 8 of Public Law 358, 75th Congress; to the Committee on the Judiciary.

1900. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes; to the Committee on Public Works.

1901. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq.; to the Committee on Public Works.

1902. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Revenue Act of 1956, as amended, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Committee on Appropriations. H.R. 14582. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes (Rept. No. 92–1015). Referred to the Committee of the Whole House on the State of the Union.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes (Rept. No. 92–1016). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL:

H.R. 14573. A bill to facilitate compliance with the Treaty Between the United States of America and the United Mexican States, signed November 23, 1970, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ABERNETHY:

H.R. 14574. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program; to the Committee on Agriculture.

By Mr. GUDE (for himself, Mrs. Mink, Mrs. Hicks of Massachusetts, Mrs. Grasso, Mrs. Abzug, Mrs. Chisholm, Mrs. Hansen of Washington, Mrs. Heckler of Massachusetts, Mrs. Green of Oregon, Mrs. Griffiths, Mrs. Dwyer, and Mrs. Sullivan):

H.R. 14575. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH:

H.R. 14576. A bill to make appropriations for the fiscal year ending June 30, 1973, for grants under section 303(a)(2) of the Public Health Service Act; to the Committee on Appropriations.

H.R. 14577. A bill to make appropriations for the fiscal year ending June 30, 1973, for grants under section 130 of the Developmental Disabilities Services and Facilities Construction Act; to the Committee on Appropriations.

By Mr. SCHWENGEL:

H.R. 14578. A bill to authorize the coinage of 50 cent pieces and $1 pieces in commemoration of the bicentennial of the American Revolution; to the Committee on Banking and Currency.

H.R. 14579. A bill to provide for a modification in the par value of the dollar, and for other purposes; to the Committee on Banking and Currency.

By Mr. SISK:

H.R. 14580. A bill to amend title II of the Social Security Act to eliminate the 3 months duration-of-relationship requirement which is presently applicable in certain cases involving suvivor benefits (where the insured individual's death was accidental or occurred in line of duty while he was a serviceman); to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 14582. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes.

By Mr. ASHBROOK:

H. Con. Res. 590. Concurrent resolution to request the President of the United States, through the U.S. Ambassador to the United Nations, to take steps to have placed on the agenda of the United Nations the issue of self-determination for the Baltic States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SISK presented a bill (H.R. 14581) for the relief of Yvonne L. Larsen and Scott Greene Larsen, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

216. By the SPEAKER: Petition of Leo A. Boller, Little Neck, N.Y., relative to declaring 1 minute of prayer for prisoners of war on Independence Day; to the Committee on the Judiciary.

217. Also, petition of Mrs. Edward L. Jacobi, Martinsburg, Mo., relative to crime; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE NUCLEAR POWER CRISIS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. CEDERBERG. Mr. Speaker, for several years now I have been working with the people of Midland, Mich., in my congressional district, to realize their goal of building a nuclear powerplant to furnish badly needed electrical energy to the central and northern Michigan area. I was pleased to join the majority of my colleagues on Monday of last week as we passed H.R. 13752, providing for the interim licensing of the operation of certain thermoelectric generating plants. The passage of this legislation indicates the seriousness with which my colleagues take the recent warnings we have received regarding the power shortage which threatens our country. It also gives hope to the citizens of communities like Midland who have been waiting literally years for the approval of their plans for providing additional electrical energy for their communities and their industries.

Mr. Speaker, this Nation's industrial community cannot tolerate much longer the delays which they are encountering in obtaining adequate power and resources to meet the demands which are placed on them by the American consumer. The Nation cannot tolerate much longer the continued spewing into the atmosphere of tons of waste from aged and inefficient power systems. Midland, as the home of the Dow Chemical Co. is a prime example of the critical point which we have reached.

The Dow Chemical Co., as all chemical companies, requires massive amounts of process steam in order to manufacture its products. Currently that steam, and a part of the power required to operate the plant, are produced by 10 fossil fuel fired boilers at the Dow complex. Because of the age of these facilities they must be upgraded in order to comply with current environmental standards. Even when the required modifications are complete the facilities will spew 66 tons of waste into the air each day—66 tons, Mr. Speaker—that is 2 pounds of pollutants for every man, woman, and child in Midland County.

Mr. Speaker, the technology to avoid this pollution level is available. Extensive hearings are being held to be certain that the nuclear-fueled operations will be safe. I welcome those efforts at insuring the safety of these units. I cannot, however, condone the endless delays, the frequently obstructive tactics, and the apparent disregard for the rights of the majority of the American people, which have characterized many of the hearings proceedings. If these people were genuinely interested in the cause of general safety they would cooperate with the authorities of the various Federal Government agencies instead of working to find ways to delay and confuse.

For, if genuine progress could be made, Midland and the United States would have not only one of the larger nuclear plants which have been planned, but the only one which has been planned to meet a dual purpose. The Midland plant, when it was first on the drawing boards over 5 years ago, was to be the first of its kind in the world: a power-producing facility which utilized waste heat in an efficient manner to produce high-grade process steam for manufacturing purposes.

The people of Midland and the country deserve action, Mr. Speaker, not only because it is the will of the people that this plant be built, but because the economic base of the area is threatened by the continued obstruction and delay. The Dow Chemical Co. is a vital, growing concern. Like all such facilities it must make business decisions daily which will affect its vitality, and that of its community for years to come. Unfortunately, the Midland area must suffer for the lack of adequate action on the nuclear issue. The Dow Chemical Co. is making decisions today, Mr. Speaker, and those decisions reflect today's circumstances.

I would like to bring to the attention of my colleagues an article describing the Dow-Midland situation which appeared in the Detroit News a short time ago. I believe that the article adequately states the crisis faced by the people of Midland and the Dow Chemical Co. The problem need not persist, Mr. Speaker. We here in the Congress must, as we began to do on Monday, take a hard look at the situation and move to resolve the problems surrounding the nuclear plant issue.

I highly recommend to my colleagues the following article—and ask that they reflect for a moment on the responsibility which we bear:

Fuel Crisis Hurts Dow: Some Operations Already Have Left Midland—Dow's Home for 75 Years

(By Vincent R. Courtenay)

Midland.—The home of Dow Chemical Co. for the past 75 years has been this small community in central Michigan. Although Dow still has a substantial investment here, it gradually has shifted many operations out of the state.

And unless the company is able to overcome serious problems of obtaining fuel for steam heat, the exodus will continue.

For most of those 75 years, the Dow industrial complex at Midland has been its largest.

But now more of Dow's products are being produced in Texas than Michigan. And Dow is building many of its new plants and equipment in states other than Michigan.

Dow Chemical is still a major force in the State, and will continue to be so even with the growing expansion elsewhere.

But it is interesting to ponder whether more of the company's new growth would have remained in Michigan had its fuel problems been solved.

A chemical company needs a tremendous amount of steam heat to operate the distilling plants that produce the chemicals. In the case of Dow, that steam heat is necessary in the manufacturing processes of more than 1,100 products.

But Michigan has an acute fuel—oil, gas, and coal—shortage. The fuels to fire Dow's steam boilers are available only at premium prices that render many processes non-competitive.

Dow had hoped to get out of this enegry bind through participation with Consumers Power Co. in construction of a huge nuclear electric plant.

But that joint venture is stymied by environmentalist groups.

The vast supply of steam that would be generated by the nuclear plant could supply Dow's entire network of chemical plants here.

It would completely take care of Dow's heating problems and enable the company to shut down all of its own power plants. Company officials say the steam would be economical enough for the Midland plants to remain competitive with chemical plants located in states where cheap natural fuel already is available.

The nuclear plant was scheduled for completion in 1974, but environmentalist groups have blocked the program so that a construction permit has not been issued yet.

The environmental opponents are concerned not only about the radiation effects of a nuclear plant but also about heating of the water in the Tittabawassee River.

Even without further hitches, the nuclear plant could not be ready to produce steam for at least another five years.

It seems certain that the future of Dow's operations in Michigan depend on the building of that nuclear power plant.

High company executives have stated that without the nuclear plant, the firm will not start any new chemical manufacturing processes in Michigan that require high heat energy. That encompasses a substantial portion of Dow's products—and many of these are still being made in Midland.

In the chemical industry, the wholesale price of chemicals generally has slumped for more than a decade, while total manufacturing costs—especially labor expenses—have soared.

To keep competitive, chemical companies must continually update manufacturing operations, building plants that will produce far greater quantities of chemicals with fewer workers.

Many of Dow's plants at Midland are becoming obsolete.

Some buildings date back to the turn of the century.

Dow must decide whether to rebuild those other Midland plants or replace them with new plants built on the Gulf Coast.

As with any industry, the primary responsibility of Dow's directors is to act in the best profit interests of the shareholders.

This year in Freeport, Tex., Dow will open a new plant to produce 1 billion pounds of styrene a year. Styrene is used in the production of such things as auto taillights, and other plastic products.

The Texas plant will result in the shutdown of five other Dow styrene plants.

It will operate with the same number of personnel required to run just one of the present plants, yet will produce more than three times the combined production of those five plants.

Styrene is still produced by Dow in Midland, and it isn't clear whether any Midland plants will be shut down as a result.

Dow's fuel shortage in Michigan plagued the company for a long time.

The production of magnesium—the lightweight metal used in making aluminum alloys—was switched from Midland to Texas during World War II.

Dow is America's only sizable producer of this metal and has virtually the entire domestic market.

To produce magnesium, salts are extracted from brine using a high concentration of electricity. In Texas, readily available natural gas is used to power the electric turbines at economical cost. Dow pumps ordinary seawater to its plants from the Gulf of Mexico.

If there were adequate electric turbine fuels in Michigan, all—or at least part—of the massive magnesium operation might still be located at Midland.

Dow also developed its process for making ethylene and propylene glycols in Michigan. These products are the basis of anti-freeze, which Dow sells in large quantity to the automotive industry.

Althought these products are sold primarily to the auto makers in Detroit, it is more economical for Dow to produce both in Texas and Louisiana and ship anti-freeze by rail to Michigan.

Both ethylene and propylene are petroleum derivities. Because petroleum is so expensive in Michigan, it is doubly advantageous to make such products on the Gulf Coast where raw materials for both production fuel and product base are abundant.

Dow executives don't like to talk about their problems and the necessity for shuffling operations to the south. They point out that when founder Herbert Dow converted an old butter tub mill to the company's first chemical distillery 75 years ago production economics in Midland were ideal.

At that time, there were both a great underground sea from which to draw brine and wooden chips to fire the distillery boilers from nearby lumbering operations.

Midland's underground salt water sea is still intact and has enough brine to take care of Dow's chemical needs for a century—if there is a way to heat it.

Instead of bailing out of Midland lock, stock and butter tub, Dow has established many new chemical operations there which do not depend on high levels of heat energy.

New plastics, agricultural chemicals and other products have been developed at Midland and are produced there.

Dow also maintains most of its research facilities at Midland and top decisions for Dow's operations all over the world are made there.

But about one-third of the sizable research and development budget Dow earmarks each year, is devoted not to producing new products, but to find better ways of making old products.

That means finding newer, cheaper ways of producing many chemicals Dow presently makes at Midland.

Whether or not these new processes will be applied to plants in Midland depends largely on whether the nuclear power plant gets built.

Dow's earnings last year were up about 18 percent over the previous year at $154.7 million, or $3.41 per share on net world sales of $2 billion.

In 1963, Dow set a profit increase target of 10 percent annually. According to Dow financial officials, the profit growth curve comes very close to that objective, with an anticipated profit increase of about 15 percent projected for 1972 and a similar increase expected in 1973.

MRS. IWALANI MOTTL OF HONOLULU CHOSEN AMERICA'S "COUNSELOR OF THE YEAR"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. MATSUNAGA. Mr. Speaker, Mrs. Iwalani Mottl, a counselor at the Palolo Elementary School in Honolulu, Hawaii, for the last 18 years, was recently selected to be "Counselor of the Year" by the American School Counselor Association.

Mrs. Mottl, affectionately called "Auntie" by students at Palolo Elementary School, was chosen for this honor in a nationwide competition which is based on outstanding achievement, service, certification, and background among elementary and secondary school counselors in all 50 States. Her selection reflects, I believe, her deep love for children and for her community. She has for years been an active member of many community service organizations including the Palolo Community Council—an organization of Palolo Valley residents dedicated to the improvement of their neighborhood.

By way of congratulating Mrs. Mottl, and with the thought that my colleagues will find Mrs. Mottl's story of interest, I am submitting for the RECORD a copy of a recent Honolulu Advertiser article about her selection as "Counselor of the Year":

PALOLO TEACHER JUDGED NATION'S BEST COUNSELOR

"Auntie" Iwalani Mottl, a counselor at Palolo Elementary School for the last 18 years, has been selected national counselor of the year by the American School Counselor Association.

This is the first year Hawaii has entered the national association's competition, which is based on outstanding achievement, service, certification, and background among elementary and secondary school counselors in all 50 States.

Mrs. Mottl, who received word of the selection last week, has been with the Department of Education 20 years, of which two were spent teaching.

"At Palolo, I've seen lots of kids come and go—lots of them," she said

"Some of the youngsters I remember from 15 and 20 years ago are now sending their own children to Palolo School. It's amazing how certain personality traits carry over into one's own children.

"That's one of the things I've enjoyed, being here as long as I have."

Mrs. Mottl was cited for her participation in a number of community and service organizations, especially in Palolo Valley. Among other things, she has been active in the Palolo Community Council.

She holds a bachelor's degree in education from the University of Hawaii and a master's degree in child welfare from the University of Chicago.

About three years ago she was the first recipient of the Frances Clarke Award for outstanding work in guidance, counseling, and personnel in Hawaii. The award was presented by the Hawaii Personnel and Guidance Association.

TRANSPORTATION FOR THE ELDERLY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. ROSENTHAL. Mr. Speaker, nowhere are the problems of American life magnified the way they are as by the plight of the elderly. It is difficult to decide in which area their outrageous burdens are most severe—in maintaining a decent income, obtaining adequate health care, securing safe and comfortable housing, or in satisfying their spiritual and social desires. None of these needs can be ignored and none is more important than another.

If one link in the chain of the life of the elderly is weak, then every facet of their lives suffers. Perhaps the necessity for adequate transportation illustrates this best. Unless the elderly have adequate transportation, many of their most pressing needs go unfulfilled. For example, unless senior citizens can easily and inexpensively travel to physicians, pharmacies, and hospitals, their health obviously will deteriorate. If reaching churches and synagogues, friends and relatives is not simple and safe, the inevitable result is the crushing isolation many of our 20 million elderly now endure.

The lack of adequate transportation for the elderly is receiving increasing recognition. The National Council on Aging reported:

> The frequency of transportation difficulties expressed as a major problem of elderly poor . . . appears, indeed, to be a major problem, since not only food but health and medical care, church attendance, cultural activities, recreation and social contacts depend on adequate transportation facilities.

The White House Conference on Aging labeled poor transportation a "vital concern" because "to the extent the aged are denied transportation services, they are denied participation in meaningful community life."

Mr. Speaker, I am committed to insuring that transportation for the elderly is accessable enough, safe enough, and economical enough to suit their particular needs. They are entitled to remain self-sufficient yet involved members of the community.

So that the elderly can easily benefit from our railroads and airlines, I have sponsored major legislation to allow the transportation companies to grant reduced or free fares to the elderly. These fare reductions would prove beneficial to all concerned—the elderly would be able to travel more due to lower fares and the airlines, buslines, and railroads would fill large numbers of now empty seats.

We know how tremendously successful the reduced-fare program for the elderly is on New York City's public transit system, and I feel the results would be as good or better if similar ideas were applied to rail and air transport. The use of subways and buses in New York City has increased by at least 30 percent and studies show a renewed involvement by the elderly in the affairs of New York. It is easier for them to receive vital services and visit relatives; many report planning their daily schedules around the reduced-fare time. I hope the lessons learned in New York City are applied on a national level.

It should be part of the Federal Government's task to encourage private, nonprofit organizations to provide transportation suited to the special needs of the elderly. Accordingly, I am sponsoring legislation authorizing grants and loans to such organizations anxious to make transportation available for those who have special difficulties.

To a large extent, however, the quality of transportation for our elderly is dependent on the quality of mass transportation systems in general. Unless our buses and subways are intelligently planned and sufficiently funded, none of our citizens will receive adequate transportation. With this in mind, I am sponsoring a bill to grant operating subsidies from the Federal Government to local transportation authorities and I hope that this bill will be reported favorably from the House Banking and Currency Committee. I have supported efforts to remove restrictions on the size of grants the Federal Government can make to any one State and have urged Secretary of Transportation Volpe to press for the use of highway trust funds for mass transit purposes. Along with 40 of my colleagues, I urged President Nixon to free the entire $900 million Congress made available for mass transit, a third of which has been spent.

Mr. Speaker, we must extend the freedom of mobility to the elderly and to all our citizens so they may enjoy all the rights and privileges to which they are entitled.

SECRETARIES WEEK, APRIL 23-29

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. HASTINGS. Mr. Speaker, this week marks the 21st annual observance of Secretaries Week and I should like to take this opportunity to offer a warm and well-deserved tribute to the secretaries all over the Nation.

They serve with efficiency, dedication, and superb skill, contributing in great abundance to the ordered operation of business, industry, government, and the professions.

The National Secretaries Association, the largest organization of its kind in the world, is sponsoring this special week. Its theme is "Better Secretaries Mean Better Business." Indeed they do.

I take special pleasure in joining with others throughout the country in offering this salute to secretaries. Their efforts have set a lofty standard which rightfully merits the recognition of everyone.

TENNESSEE FARMER WINS MIDSOUTH SOYBEAN EFFICIENCY AWARD

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. JONES of Tennessee. Mr. Speaker, recently Mr. James E. "Sonny" Fox and his wife Shirley were in Washington to accept the Midsouth Soybean Efficiency Award given by the National Soybean Crop Improvement Council.

Mr. Fox has a long list of farming awards and is no doubt one of the top farmers in the Nation. I am proud to have him and his family as my constituents.

As a tribute to Mr. Fox I am inserting a press release that tells the story of how he managed the winning crop:

TENNESSEE FARMER WINS MIDSOUTH SOYBEAN EFFICIENCY AWARD—PRODUCES 37 BUSHELS PER ACRE ON DOUBLE-CROPPED LAND

WASHINGTON, D.C.—A yield of 37 bushels of soybeans per acre in Tennessee doesn't often make headline news, even though this is some 11 bushels greater than the 1971 average yield in Tennessee.

However, when this kind of yield is averaged over 276 acres of double-cropped land, it becomes impressive. And it was good enough to help James E. Fox of Obion, Tenn., win the Midsouth Soybean Efficiency Award.

Fox is one of three regional winners to receive the soybean award. Midwest efficiency winner is John Reiser, Jr., of Ashland, Ill.; Russell Stevens of Hurlock, Md., is the Southeast regional winner.

Secretary of Agriculture Earle L. Butz met in Washington today with the three soybean farmers to discuss ways to bring soybean production more in line with domestic and foreign use and to fill the soybean supply-demand gap. The three efficiency winners also met with the congressmen from their states and USDA commodity officials.

The award, sponsored by the National Soybean Crop Improvement Council, is made to leading soybean growers who recognize the profit opportunities in soybeans and whose management practices earn them good net returns.

To Fox, efficient soybean production hinges on a well planned farm cropping system.

"Farming is like any other business; you have to have a realistic, scheduled work load to operate efficiently", Fox says. To spread out his work load, he plants soybeans, corn, wheat and sets aside 25 percent of his acreage.

Springtime is a busy season for Fox, who farms 610 acres with his father and a full-time worker. Corn planting begins in mid-April, which leads into soybean planting about the 15th of May. Wheat harvesting starts the first week in June. As soon as the combine makes a pass, the wheat ground is plowed, disked and planted to soybeans. Wheat harvesting, plowing, disking and soybean planting operations often take place in the same day.

In 1971, Fox planted 290 acres of soybeans, of which 276 were double-cropped. Two-thirds of the double-cropped beans were drilled with seven-inch row spacings, and one-third were planted with a conventional planter in 38-inch rows.

Fox's double-cropped soybeans returned a net income of $65.64 per acre. His production costs were as follows: seed, $5.00; fertilizer, $3.50; herbicides, $5.00; seedbed preparation and planting, $10.50; combining, $8.00; trucking, $1.50; labor, $4.00; real estate taxes, $1.25; and cash rent, $10.00, for a total of $48.75. His overall farm soybean yield averaged 36.9 bushels per acre and grossed more than $115.00 per acre, based on an overage price of $3.10 per bushel.

The Obion County farmer lists several production practices that helped him produce efficient, high-yielding soybeans.

Double-cropping provided Fox with high returns as a result of good yields and lower-than-average production costs.

"By double-cropping, I was able to divide my land rent and taxes between the wheat and soybean crops", he says.

Fox makes efficient use of his fertility program, too. On soybeans that follow soybeans, he applies 200 pounds of 0-20-20. If soybeans follow corn, he relies on the carryover corn fertilizer. Last year's corn crop received approximately 125 pounds nitrogen, 75 pounds phosphate and 75 pounds of potash.

Seedbed preparation is critical for double-cropped beans. Fox says, "I'm able to do a better job of planting if I moldboard plow the wheat stubble". He plows about 8 to 9 inches deep and then disks once.

Fox uses two completely different planting methods to get his beans in on time. One planting operation consists of a 12-foot roller harrow combined with a wheat drill. Fox uses a drill "because of the time element". He says, "It's an efficient, labor-saving operation that allows us to get our beans in while I'm still combining wheat".

When all the wheat is harvested, Fox starts planting with a 4-row planter in 38-inch rows. Fox uses 60 pounds of seed per acre in the conventional planter and 120 pounds in the drill.

The Mid-South Efficiency winner planted three varieties in 1971—York, Pickett and Hood. "By using three different maturing varieties I'm able to spread out harvesting", Fox says.

He used three herbicides to control specific weeds in problem areas on his farm. He incorporated 1½ pints of Treflan prior to planting to control Johnsongrass. In separate fields, he broadcast 1¼ pounds of Lorox and 1½ gallons of Dyanap just before the soybean plants emerged for cocklebur control.

Fox started harvesting October 1 and finished November 15. He says, "Wet weather slowed up harvesting, and I had to hire some custom combining".

Fox described his growing season as "excellent with plenty of moisture". He says, "The only exceptions were a 10-inch overnight rain in August and the wet harvest season". He estimated that soybean moisture at harvest averaged about 13 percent.

He sold most of his soybeans, but has saved enough seed for his 1972 crop. This spring, Fox plans to increase his soybean acreage to 425 acres. He says, "Soybeans were our number one cash income crop in 1971, so we're going to rent extra land and plant more soybeans".

Fox has been farming for 12 years. He is a member of the American Soybean Association, Tennessee Soybean Association, and the National Farmers' Organization. In addition, he is a director of the National Tractor Pullers' Association and Tennessee State Tractor Pullers' Association. He also is a member of the Obion County Conservation Club, the Glass-Mt. Moriah Community Club and the Glass Church of Christ.

In 1970, he received the "Outstanding Young Farmer" Award in Obion County. Fox and his wife, Shirley, have two children, Tim, 12; and LeEllen, 9.

CONGRESSMAN FLOWERS SUPPORTS EDUCATION

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEVILL. Mr. Speaker, it is with pleasure that I commend my colleague WALTER FLOWERS on his fine record in support of education as a Member of Congress, and I invite others to check that record:

April 23, 1969: H.R. 514, voted "yes" on bill extending programs for elementary and secondary education.

May 6, 1969: H.R. 5554, voted "yes" on special milk program for children.

July 21, 1969: H.R. 11651, voted "yes" on providing free or reduced-priced meals to needy children under National School Lunch Act.

Sept. 15, 1969: H.R. 13194, voted "yes" on increasing availability of student loans.

Oct. 6, 1969: H.R. 13304, voted "yes" on educational assistance for gifted and talented children.

H.R. 13310, voted "yes" on special programs for children with specific learning disabilities.

July 31, 1969: H.R. 13111, voted "yes" on Amendment adding over $894 million to Office of Education appropriations for FY 1970. Also voted "yes" on final passage.

Feb. 19, 1970: H.R. 15931, voted "yes" on passage of comprise appropriations bill (after Presidential veto of H.R. 13111 was sustained).

July 16, 1970: H.R. 16916, voted "yes" on Appropriations for Office of Education for fiscal year 1971.

Aug. 13, 1970: Voted to override President's veto of H.R. 16916.

July 23, 1970: H.R. 18515, voted "yes" on Labor-HEW appropriations bill for fiscal year 1971.

Aug. 3, 1970: H.R., voted "yes" for educational programs on environmental quality and ecology.

Aug. 12, 1970: H.R. 17570, voted "yes" on program of education and training in heart disease, cancer, strokes, etc.

April 7, 1971: H.R. 7016, voted "yes" on Office of Education Appropriations bill for fiscal year 1972.

July 27, 1971: H.R. 10061, voted "yes" on appropriations bill for Labor-HEW for FY 1972.

Nov. 4, 1971: H.R. 7248, voted "yes" on Higher Education Act Amendments.

May 20, 1971: H.R. 8190, voted "Yes" on 2nd Supplemental Appropriations bill—including funds for education for FY 1971.

Dec. 2, 1971: H.R. 11955, voted "yes" on Supplemental Appropriations Bill for FY 1972 including education funds.

RESULTS OF HON. JACK EDWARDS' ANNUAL QUESTIONNAIRE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, crime remains the No. 1 concern of citizens in the First District, according to the results of my 1972 legislative questionnaire. Following close behind was the school busing issue.

Asked to name three issues that should be given top congressional priority, a strong 68 percent of the approximately 12,000 responding to the questionnaire again this year chose crime.

All other topics trailed far behind. They were, in this order: Drug abuse, the economy, unemployment, the Vietnam war, pollution, taxes, the Communist threat, education, civil rights, poverty programs, space programs, foreign aid, aid to cities, and housing.

In addition to these subjects, others listed amnesty, concern for prisoners of war and those missing in action and those favoring a recomputation of military pay.

On the balance of the questioning, here are the results:

QUESTIONNAIRE

Would you favor allowing $1 of your income tax payment to be used as a donation to the political parties?

	Percent
Yes	19
No	81

In light of government efforts to clean up the environment, would you be willing to pay more for products if their manufacture and use could be made virtually pollution free?

	Percent
Yes	66
No	34

Would you favor federal programs to curb pollution even if it meant higher taxes?

	Percent
Yes	36
No	64

Would you favor extending the term of President to six years with a one-term limit?

	Percent
Yes	62
No	38

Do you feel that a national health insurance program is needed?

	Percent
Yes	43
No	57

Do you believe the federal government should be allowed to intervene in prolonged strikes which damage the public interest?

	Percent
Yes	88
No	12

Federal farm controls and supports should be:

A. Phased out within 5 years	61
B. Continued substantially as it is	33
C. Increased	6

Do you favor drug education courses in public schools?

	Percent
Yes	88
No	12

Do you feel that President Nixon's wage and price controls are working?

	Percent
Yes	39
No	61

Do you favor increasing the minimum wage to $2 per hour?

	Percent
Yes	42
No	58

Do you approve of the President's effort to end the war and assure the return of our prisoners of war?

	Percent
Yes	79
No	21

Do you believe the President has done all he can do in this regard?

	Percent
Yes	65
No	35

Those commenting further on the President's Vietnam withdrawal generally approved of his action. Many expressed great disgust that the United States got into a "no win" affair.

Mr. Speaker, each year I find the people of the First District of Alabama eager to express their views on the important issues facing our Nation. The replies to my annual questionnaire always serve to emphasize the duty of Government to be responsive to the needs of the people and serves to reaffirm my belief in the basic wisdom of the people to know what is right.

GIANT OIL COMPANY PAYS $7.5 MILLION IN FOREIGN TAXES—NO TAX TO U.S. GOVERNMENT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. VANIK. Mr. Speaker, in checking further 1971 corporate reports, it appears from an examination of the Standard Oil Co. of Ohio's annual report that this giant oil company, which did $1,393,798,000 worth of business last year, paid no U.S. corporate income taxes—but did pay $7.5 million in taxes to foreign governments.

It is true that the net income of this Cleveland, Ohio, based corporation declined between 1970 and 1971—nevertheless it made a profit of $54.6 million and paid out $36 million in cash dividends on common stock.

The corporate report lists the payment of $7,508,000 in foreign taxes—an increase of $3.3 million over 1970. The report includes several provisions for deferred U.S. taxes, but as a recent textbook on corporate financial reporting notes, "deferred taxes" is only a provision for that portion of postponed taxes which might have to be paid in the near future.

I doubt, Mr. Speaker, that Standard Oil of Ohio will make U.S. tax payments "in the near future," since, as the corporate report further notes:

> Accumulated unused tax losses of BP (British Petroleum) approximating $50 million . . . are available to be applied against future taxable income of BP through 1974.

From my study of the 1971 financial report of the Standard Oil Co. of Ohio, it appears unlikely that any corporate taxes will be paid to the U.S. Federal Treasury.

Mr. Speaker, this case is just another example of how the tax structure frees the corporate sector of support of the Federal Government and throws an ever-increasing burden on the average, small taxpayer.

ARTHUR SINGER LEAVING SBIC PROGRAM AFTER A JOB WELL DONE

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. REUSS. Mr. Speaker, Arthur Singer will be leaving his post as associate administrator for operations and investment of the U.S. Small Business Administration at the end of this week.

In that capacity, Art Singer has shepherded for more than 3 years now the Small Business Investment Company (SBIC) program set up by the Congress in 1958 to provide venture capital to small business.

As a member of the House Banking and Currency Committee, and one concerned with the viability of small business, I have followed the progress of the program closely over the years.

It is my observation that the SBIC approach has thrived in the past few years, and that much of the credit must go to Art Singer.

Under his leadership, the SBIC industry has attracted a greatly increased amount of private capital. He initiated a benchmark study of the program, which laid the groundwork for potential improvements in its operation.

In an imaginative move in an area where imagination is vitally needed, he got together five of the Nation's outstanding venture capitalists and conducted a seminar for new managers of minority enterprise small business investment companies—MESBIC's. He has urged that SBA be granted the authority to guarantee private lenders' loans to SBIC's—an approach which Congress adopted last December and one which promises to increase funding for SBICs and venture capital financing for small business.

Art Singer has proven himself a decisionmaker and a leader, an administrator who has brought excellent judgment to bear in a difficult sphere.

He has earned the confidence and respect of those of us in the Congress with whom he has worked, as well as venture capitalists around the country.

Now, Art will be leaving his post to return home to El Paso, Tex., and take up new responsibilities. I congratulate him for the outstanding job he has done for the Nation's small business concerns and wish him all the best in his future endeavors.

ANOTHER EXAMPLE OF QUEENS VILLAGE COMMUNITY SPIRIT

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. HALPERN. Mr. Speaker, I rise today to call the attention of my colleagues to one of the finest examples of community pride and spirit that I have ever witnessed in the course of my political career. Just as I had occasion to congratulate my Queens Village constituents last fall on their wonderful centenial celebration, so the village residents have outdone themselves this year by demonstrating that hard work and cooperation are, more so than ever, the distinguishing characteristics of this fine New York neighborhood.

The event to which I am referring, Mr. Speaker, is the second annual musical comedy production, to be staged and performed at Our Lady of Lourdes School auditorium this coming weekend by a highly talented and motivated group of residents from the Queens Village area.

Every Member of this legislative body is, I am sure, well aware of the divisiveness and lack of understanding which are threatening to strangle the very esprit de corps which has been a trademark of American society for so long. It is precisely for this reason that I call your attention to the praiseworthy efforts of this community-minded group of citizens who have managed to produce, after 4 months of hard work, a theatrical event even more impressive than last year's success.

Mr. Speaker, this season's show is entitled "Broadway Sends You Its Regards." All proceeds, after expenses, will go toward such worthy goals as improved educational and recreational opportunities for youth in the Queens Village community. I would ask leave to make special mention here of the production staff, cast, and crew members whose teamwork has resulted in yet another musical triumph:

"BROADWAY SENDS YOU ITS REGARDS"

Our Lady of Lourdes, Queens Village, April 28, 29 and 30, 1972. Moderator, Rev. James G. Cregan.

Directed by: Christine Greiner.

Musical Director: Lynn Gabriel.

Assistant Director: Jim McEntee.

Music: Jean Quinn, Dan Quinn and "The Generation Gap."

CAST

Veronica Averill
Lynn Bent
Bill Bieniek
Bonnie Breen
Debbie Breen
Beryle Brenes
Maureen Brodie
Eileen Coen
Dennis Cutrone
Anne Dailey
Fran D'Emilio
Marge Denisco
Marion Dessereau
Madeline Drew
Linda Glauner
Terry Goetz
Anne Greiner
Ben Gulino
Jeanette Hoogenboom
Walter Kasprzak
Susan Larmann
Ginny Lee
Debbie Lembo
Don Magnotta
Ann Marks
Michael Martucci
Mary McGovern
Don Meissner
Mary Mullen
Debbie Ostermann
Eileen Panos
Jane Pason
Lorraine Petrucci
John Pittari
Eileen Pianson
Linda Reantillo
Susan Reantillo
Mike Ross
Sam Rubino
Chrissy Russo
Don Schuellein
Steve Schuellein
Grace Sparacino
Joe Stenza
Juliann Stetina
Beth Thomas
Frank Tierney
Betty Titko
Deidre Wrynn
Joan Zavattaro

CREW

Mike Bieniek
Jerry Coss
Mary Ann Curcio
Phyllis DiCiurcio
Billy Hansen
Deanne Hoogenboom
Joe Lenihan
Harry Madara
Eileen Madden
Kathy Maher
Madeline Maher
Bill McCauley
Marion McCauley
Jimmy McLoone
Vivian Mehringer
Jane Metzger
Jim Mullen
Bob Schmidt
Claire Strauss
Mike Taylor
Cathy Tully
Margaret Vasquez

Mr. Speaker, I have my ticket for Friday night's performance of "Broadway Sends You Its Regards." I would encourage any and all of my colleagues who reside in the New York metropolitan area to join me in an evening which will prove, as well, that the vanishing species of community spirit is alive, well, and thriving in Queens Village, N.Y.

KNICKERBOCKER DRUM AND BUGLE CORPS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. PEYSER. Mr. Speaker, we in New York are very proud of the Knickerbocker Drum and Bugle Corps which has played to audiences throughout the United States and Canada. This 100-member corps designated as the city of New York's "teenage marching and musical ambassadors of good will" has just recently returned from its second triumphant international tour which once again has brought joy and entertainment to millions. For the interest of those Members of the House who are not familiar with this group, I want to quote from the Butler's Festival of Champions score sheet of August 9, 1971, which best describes the activities of this organization:

The drum and bugle corps is one of America's best known pageantry units. The corps has entertained in over a dozen states and in Canada and is well known throughout the Nation as New York City's Official Teenage Marching Ambassadors of Musical Goodwill.

The Knickerbockers have two performing groups including the New York Knickerbocker drum and bugle corps which is a highly rated class "A" unit open to experienced teenage drum corps and marching band veterans or the Knickerbocker Cadet drum and bugle corps which is the unit's training operation and which is open to boys and girls from the ages of ten to fifteen who have had no experience in the drum corps field.

The Knickerbockers provide all musical and marching training, all instruments and equipment, and all uniforms and travel free of charge to its member youngsters who now number over 200. An insurance fee and weekly dues are the only expenses the children have. Operational funds are raised by a variety of activities run for the youngsters by their own Parents and Booster Association and by the Knickerbocker Federal Savings and Loan Association who co-sponsor the corps.

I want to take this opportunity to once again publicly praise this outstanding group of young men and women and to especially praise their general manager, Mr. Harvey Berish, for his leadership.

RADIO FREE EUROPE

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. McKINNEY. Mr. Speaker, last week, I indicated I would seek increased funding for Radio Free Europe and Radio Liberty. I said at that time that I did not believe the radios to be "anachronisms of the cold war" but viable entities which command the respect of the peoples of Eastern Europe and the fear of those who rule.

Recently, the syndicated columnists Rowland Evans and Robert Novak addressed themselves to this issue and I'd like to share their timely comments with my colleagues at this point.

POLES AID DRIVE AGAINST RFE

(By Rowland Evans and Robert Novak)

The present drive to end vital U.S. government subsidies for Radio Free Europe (RFE) is being aided by a clandestine operation of the Polish Communist Party, according to a confidential report from a reliable informant inside Poland.

This informant reports that the now deposed regime of then party boss Wladyslaw Gomulka about two years ago became dissatisfied with the lack of action on RFE, the Munich-based station which beams broadcasts to Poland and other Eastern European Communist states. Consequently, it set up a secret group to "systematically instigate opposition toward RFE" with $3 million funneled into Poland's Washington embassy.

In charge of the operation, according to this report, is Ryszard Frelek, a member of the party secretariat. Besides stirring up opposition, it was charged with responsibility for supplying helpful information to American foes of RFE.

Serious American students of the Polish situation doubt that anything close to $3 million was appropriated for this purpose. However, the informant's past record is good enough to make the outlines of the story credible.

Actually, anti-RFE operations in Warsaw remained strictly secret until February when rumors began pouring out. "It is assumed that they were started by former Gomulka men who were removed from this project," the informant reports.

However, he adds that there is divided opinion deep inside the Polish United Workers' Party—the country's Communist party—about RFE. In party discussions, he says, it is noted RFE not only "creates many problems for the party leadership" but also provides some benefits.

Without RFE, almost all seem to agree, Soviet instructions would be more strict and also there would be a trend to fall in line with other Soviet republics," he adds.

A footnote: The informant reveals that party secretary Jerzy Lukaszewicz recently called in the heads of Poland's newspapers and radio stations to caution them not to go overboard in praising Sen. J. W. Fulbright's drive against RFE. "The mass media in Poland should use only information from the Polish press agency without *any* embellishment of their own," according to the informant.

EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED

HON. WALTER S. BARING

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BARING. Mr. Speaker, Mr. Harry L. Gilbert of Reno, Nev., a Reno High School student, has earned the first place award in the contest, "Ability Counts," sponsored by the President's Committee on Employment of the Handicapped.

With permission, Mr. Speaker, I ask that Mr. Gilbert's award-winning speech be placed in the CONGRESSIONAL RECORD as further encouragement to our handicapped in the United States so that they will know that their fellowman is concerned with the capabilities, potential and accomplishments of the handicapped.

The speech follows:

EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED

(By Harry L. Gilbert)

I have often heard it said that man fears what he does not understand. This idea is a broad one and can apply to a wide range of situations, but it seems to relate particularly well to the employment problems of the handicapped. Perhaps more than any other group in today's society, these people have had to struggle against public ignorance to dispel the instinctive fear they have encountered.

Mrs. Billy Qualey is one person who has been winning her struggle. Ever since she was stricken with polio at the age of eight, she has had to fight to overcome people's reactions to her handicap. Now, as a credit department employee at Montgomery Ward, she can speak from experience and is able to pinpoint the cause of the public's misunderstandings and fears. "People don't know enough," she says, "and this is because the information services just don't tell enough." [1] This remark sums up the situation neatly, for although a survey of local businessmen showed that most were familiar with the "Hire the Handicapped" advertisements that appear from time to time on radio and television and in print, only a few could recognize any of the details of those ads.[2] They knew that "It's good business to hire the handicapped," but that's about all they knew. And, of course, few of them had ever had much contact with a handicapped person. In view of this lack of knowledge, it cannot be very surprising that when many employers actually come face to face with a person who is handicapped, their reaction is one of subdued terror. They are unprepared for the strange experience, and they tend to withdraw in fear. Mrs. Qualey adds, "Everyone likes to say 'hire the handicapped,' but when it gets right down to doing something, people are leery of the whole thing."

Recently, however, this attitude has begun to change. Agencies helping the handicapped have expanded and formalized their public-relations departments and have increased their efforts to bridge the gap between employers and trained handicapped job-seekers.[3] Counselors from the agencies give programs to service clubs and other organizations, since members of these groups are often potential employers. Counselors also visit new industries in town to explain their programs and to survey the type of jobs that will be available for their clientele. Later they return to the employer with a specific client's records to set up an interview. As with any employment situation, though, the interview is still the most important step, because it allows the handicapped person to prove himself in front of the employer, thus placing the final responsibility for success or failure on the applicant himself.[4] The agencies report that the response to this program has been excellent. In the fiscal years 1969 and 1970 alone, the State Rehabilitation Division helped 933 disabled people to become productive members of our society.[5]

The methods of the rehabilitation agencies have brought impressive results, but to date their impact has been restricted because of the limited number of industries that the agencies work with. If these methods—dealing intensely with specifics rather than with generalities—were applied to the whole of society, the effects could be staggering. The way to help the community really know and understand its handicapped is to throw out the vague and ineffective advertising campaigns now in force and replace them with greatly expanded programs that would present the disabled in a new light. They need to be shown neither as an anonymous group of people who need help nor as statistics on a chart, but rather as real individuals—each with his own needs, troubles, desires, and fears—who just happen to be disabled. They need to be presented as actual people in personal interviews, in editorials, and in picture stories in publications all over the country, from the smallest local newspaper to the largest national magazine. If everyone had the chance to meet Mrs. Qualey and see her at work, moving confidently about in spite of her crutches, no one would wonder why "it's good business to hire the handicapped."

I cannot say that such a comprehensive national advertising campaign would solve all the problems of the disabled, nor even that it would lead to their being fully employed. Nothing is ever that simple. But I can say that what people know and understand they can accept; for as Emerson has written: "Knowledge is the antidote of fear." [6]

EARTH WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEGICH. Mr. Speaker, as a cosponsor of the Earth-Day resolution that passed this House, I take pleasure in calling attention to a recent proclamation by the Governor of Alaska, William A. Egan. He has set aside the third week in April as "Earth Week in Alaska."

Alaska faces the same environmental crisis faced by many other States, and her citizens realize their responsibility for a healthy environment. In many ways, Alaska represents America's future. Rich in many natural resources critical to the needs of our Nation, and also abundant in wildlife, forests, lakes, and rivers, Alaska must not make the mistakes of other States. It is our intent to prove it possible to tap the many wealths of our State such as oil, iron, copper, and zinc without the biproducts of pollution and ecological imbalance. Earth Week in Alaska symbolizes the awareness of this responsibilty, to ourselves and to the world, and promises cautious development through respect for our ecology.

The proclamation is as follows:

PROCLAMATION: EARTH WEEK

Fortunately, the state of Alaska is not faced with the critical environmental problems that some states have. Alaskans, however, recognize the need to promote a broader awareness and understanding of the need for environmental improvement.

As Alaska's population increases and new industries appear and expand, our State will be exposed to many of the problems now being experienced in other areas. In order to prepare for these events, our new State Department of Environmental Conservation is overseeing environmental management for Alaska.

Alaskans are very much aware of ecological problems. We read about them every day, and are sensitive that this beautiful State of ours is kept as free from this spoilage as possible.

Every Alaskan has a right to live in a healthy environment.

Therefore, I, William A. Egan, Governor of Alaska, proclaim the third week in April as Earth Week in Alaska and call upon all citizens of the State to a greater awareness of sound ecological principles; an appreciation of our clean air and water; respect for control of species populations through sensibly regulated hunting and fishing, and preservation of their natural habitat; and a dedication to the solving of environmental problems through wise development and use of natural resources.

Dated this fifth day of April, 1972.

MORE PROBLEMS IN NAVY SHIPBUILDING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. ASPIN. Mr. Speaker, I am releasing to the public today a recent General Accounting Office study that reveals that missiles that missed their targets too often and huge cost overruns are plaguing the Navy's program to modernize 20 missile carrying frigates.

According to the GAO, the missiles placed on the destroyers suffer from "a high percentage of failure."

Despite the expenditure of hundreds of millions of dollars the Navy's latest surface-to-air missile—the Standard—simply cannot do the job. Apparently the American people have been sold another weapon system that borders on being a dud.

According to the GAO, the Navy's program to modernize these 20 guided missile frigates has also fallen prey to cost overruns totalling more than $300 million.

Recently, the Committee on Armed Services has been conducting hearings on huge cost increases in new ship construction programs. Obviously the public is being victimized by giant Navy cost overruns in both the building and modernizing of ships. The GAO report indicates that—

> Data on missile firing from frigates modernized today indicate a high percentage of

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[1] Mrs. Billy Qualey, employee at Montgomery Ward, in an interview January, 1972.

[2] Surveys of 17 businesses, conducted at the Village Shopping Center and in downtown Reno, January, 1970.

[3] Mr. William Kelly of the State of Nevada Rehabilitation and Adjustment Center, and Mr. Virgil Wedge of the Washoe County Association for Retarded Children, in interviews, January, 1972.

[4] Mrs. Mary Morrison of the Reno Junior College of Business, interview January 1972.

[5] Ibid., Mr. Kelly, Footnote 3.

[6] Ralph Waldo Emerson, "Courage," *Society and Solitude* (Oxford, 1927), page 255.

> failure. One missile system, the Standard, has experienced a decrease in effectiveness over the last year against air craft. The rate of successful firing has dropped considerably below that achieved in the previous year.

The total cost overruns on this program amount to $307.8 million. In the last year alone, costs have increased by $154.4 million. A total of 80 percent of the $154.4 million cost overrun last year was due to increased cost at the Philadelphia Navy Yard and the need for more repairs on these ships than originally anticipated.

To be more specific, insufficient work load and declining morale have been responsible for a total of $67 million of cost overruns last year at the Philadelphia shipyard. Another amazing facet of this whole problem is that it now costs more to convert and modernize our warships than the original price tag of the vessels. Originally the DLG-6 class guided missile frigate costs the Navy $51 million. Today the current estimate for the modernization and conversion of each vessel has now climbed to $61.5 million.

As many of my colleagues may know today is the second day of hearings by the House Armed Services Committee which is investigating skyrocketing shipbuilding costs. It is my hope that under the leadership of the distinguished gentlemen from Louisiana and chairman of the committee, Mr. HÉBERT, the committee will expand its current investigation to scrutinize all costly shipbuilding programs, not just the unfolding disaster at Litton Industries in Pascagoula, Miss. The committee should carefully consider the appropriation of an additional $139.6 million in next year's budget for the continuation of the conversion program.

In addition to problems at Litton Industries and the huge cost overruns in this modernization program, there are several other shipbuilding programs that demand the attention of the House Armed Services Committee. In its meeting today, I had an opportunity to submit questions to Adm. I. C. Kidd, the Chief of Naval Materiel about claims on the DE-1052 class destroyers, questionable provisional payments on shipbuilding claims, and huge cost overruns that occur in our submarine programs.

The House Armed Services Committee has an excellent opportunity to carefully examine and study the spiralling costs and inefficiencies in the Navy's shipbuilding program. It is my hope that rather than hold just 2 days of hearings on these problems, that the committee will examine all shipbuilding programs and hopefully remove some of the excess fat that weighs down our defense establishment.

CAN MAN TURN HIS BACK ON SPACE?

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Edwin McDowell, an editorial writer for the Wall Street Journal has written an article entitled "Can Man Turn His Back on Space?" which appeared in the April 21 edition of the paper for whom he writes. It is a very provocative article which raises the question of the challenge of space and the unquestionable rewards for the nations who accept it. I commend Mr. McDowell and would hope that all in this body read his remarks:

CAN MAN TURN HIS BACK ON SPACE?

(By Edwin McDowell)

In Caruaru, Brazil recently, a father withdrew his eight-year-old son from school because the teacher insisted that man had landed on the moon.

Closer to home, shortly after the first moon walk, and against a backdrop of unprecedented TV coverage and millions of printed words, many Americans continued to express skepticism. Some thought it was a gigantic hoax, others were sure the lunar surface was really the Arizona desert, still others were certain it had all been an elaborate science fiction odyssey.

In short, not everyone believes that America's space accomplishments are real. What is more unsettling, even as Apollo 16 attempts to unravel the mystery of the moon's violent birth some four billion years ago, is that among Americans who believe that man has walked on the moon, there is widespread disagreement as to the value of space exploration.

On the day of liftoff for Apollo 16, Vice President Agnew assured the launch crew that Americans aren't bored with the space program, and he added that "you probably find more people enthusiastic about the space program than you've ever seen before."

But samplings and surveys have made it clear that a great many people are simply not enthusiastic about the space program. In fact, they have serious reservations about rushing to conquer the moon when Planet Earth is still so far from conquering discrimination, pollution, hunger and poverty.

This lack of enthusiasm is reflected in the sharply diminished space budget, in the cancellation of two Apollo moon landings, and in the fact that Apollo 16 is the penultimate moon flight scheduled for this entire decade.

THE CRITICS' CASE

The critics are many and their arguments are impressive. British historian Arnold Toynbee, for example, compared our first moon landing to the building of the pyramids or Louis XIV's palace at Versailles. "Sizing up man's achievements," he commented, "one would say how amazing, how strange, that this creature is so marvelous in his technology, but in morals and social behavior he has stayed practically stationary."

Philosopher Lewis Mumford complained: "It is not the outermost reaches of space, but the innermost recesses of the human soul that now demand our most intense exploration and cultivation."

And not long before his death, Bertrand Russell, although applauding the skill and courage of the moon flights, expressed grave reservations about their wisdom. According to him, the bustle and locomotion of space travel would probably do little to promote wisdom, thought or enlightenment. He felt that "men who take to a life of conquest tend to be men who are indifferent to the higher values of civilization."

"I should wish to see a little more wisdom in the conduct of affairs on earth," Lord Russell said, "before we extend our strident and deadly disputes to other parts. . . . It is for us to grow to the stature of the cosmos, not to degrade the cosmos to the level of our futile squabbles."

Each of these arguments has merit. So, too, perhaps, have the arguments that the American space program should place greater reliance on moon rovers, or that space exploration should become more of an international venture than the exclusively American and Russian domain that it has been so far.

Indeed, probably the only argument against space exploration that is patently absurd is the contention that the space program is the special province of the Silent Majority, and therefore is unrelated to the world of the intellectuals and the poor.

In a foreword to an important recent book ("Nine Lies About America," by Arnold Beichman), Tom Wolfe writes of "the phenomenon of the intellectuals' amazing hostility to NASA's success in reaching and exploring the moon."

Social critic Wolfe is particularly interested in Norman Mailer's criticisms of the space program as "tasteless" and of the NASA facilities in Houston as "odorless." "This seems like a piece of pointless crankiness," writes Mr. Wolfe, "until one realizes that 'odorless' is a code word for 'sterile.' In fact, his long and involved book on the first moon flight, 'Of a Fire on the Moon,' was nothing more than an announcement that the whole enterprise was sterile." What Mailer and other critics, home and abroad, were really saying, according to Mr. Wolfe, is that these nonintellectual Americans may have accomplished a feat—but the feat was worthless.

But if the arguments against space exploration are impressive, the arguments in favor appear to be even more so For our periodic thrusts aimed at solving the age-old mysteries of the cosmos are not just an expensive plaything of the Silent Majority, but a quest whose revelations probably will benefit all mankind.

The economic arguments themselves are impressive, although they can easily be overstated. (Remember the promises about how our tax dollars spent on foreign aid were going to repay us all ten-fold?) Nevertheless, the technological spin-offs from space exploration, some of them already apparent in communications, medicine and food, raise the definite prospect of directly improving mankind's material life on earth.

Furthermore, there is no assurance that the money spent on space exploration, if we were to cut or eliminate our space program, would automatically be diverted to education, housing or other social needs—at least not if the Silent Majority has the political clout and the grudging hostility to broadened social measures that we are repeatedly assured it does have.

Nevertheless, the economic arguments are distinctly secondary considerations, and not only because such promises frequently turn out to be as chimerical as the chain-letter system of piling up a fortune.

Arthur Schlesinger Jr. put it very well when, addressing himself to criticism that space exploration is wasteful, he said he could imagine similar criticism in Spain in the 1490s: "Why in hell are Ferdinand and Isabella giving all that money to that madman Columbus when they could build a good nunnery or a hostel or something?"

But even that analogy is imperfect. For Columbus discovered America by accident, whereas we know that the moon and Mars and Venus are out there in space waiting to be explored.

A more precise analogy would be if Britain or Portugal, during their glory days of exploration, knew there was a new world beyond the seas but decided it should remain undiscovered and unexplored until they solved their domestic problems. Fortunately for both countries, Elizabeth I and Prince Henry the Navigator had other ideas.

SCIENTIFIC REWARDS

This is not to suggest that the U.S. should ignore the costs of space exploration, and race frantically from one planet to another while America's own cities fester and die. Perhaps the temporary moratorium the administration has placed on space flights is advisable, even though each new moon mission is far more productive and scientifically rewarding than each of its predecessors. But abandonment of America's space venture, which some critics have been urging, would be disastrous.

Historian and philosopher Salvador de Madariaga has properly noted, "It is from men who act on nature, and do not merely suffer to be acted upon by her, that history flows." And Arthur Clarke, the noted space writer, observed: "A nation which concentrates on the present will have no future; in statesmanship, as in everyday life, wisdom lies in the right division of resources between today's demands and tomorrow's needs."

Moon exploration is only the beginning of the long stride across the ages of man. It is only one more waystation along man's eternal journey toward the new and unknown. It is a transcendent event, one that imperfect modern man should no more turn his back on than men of antiquity should have turned their backs on other villages or other lands.

It is an awesome, Promethean challenge, one that only a frightened, confused nation—a nation of people who have lost their way—would reject as an unworthy goal.

WHY ARE THE SOVIETS UNDERWRITING U.S. FOREIGN AID LOSSES?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. RARICK. Mr. Speaker, not only are the U.S. taxpayers being milked to fund the Export-Import Bank, IMF, World Bank, and other international cartels with funds to induce American investments in developing foreign countries, but under the Overseas Private Investment Corp., the U.S. taxpayers are also being used to guarantee payment for the losses suffered by American industry if their foreign operations are seized or nationalized by the government in power.

American losses could not have been more consistent if planned. OPIC has had to ask Congress for an additional $85 million appropriation to cover mounting claims, such as the $89.6 million claim filed by ITT for the loss of the telephone company it developed only to have it confiscated by Marxist President Allende of Chile.

In effect, Mr. Speaker, OPIC is broke—exactly how broke was not evident until today's paper carried a story indicating that:

> The Black Sea and Baltic Insurance Co., a subsidiary of Ingosstrakh, the USSR's state insurance agency, has underwritten a portion of a $26 million boost from $2.2 billion—in the amount of expropriation insurance written to protect United States investment in developing nations.

The Soviets play only with a stacked deck. If they do not hold all the aces, they do not play. The American people can but conjecture what advantage would be gained by the Communists if, for example, they carried the insurance for the loss by ITT in Chile. Not only would the Soviets, or their allies, gain control over the industry developed, but they would also have a powerful lever to use against the parent company in bargaining to "settle the claim" or it could just be that the Soviets recall what happened following nationalization of the U.S. copper mines in Chile—the Red Chinese got the copper.

I insert related news clippings following my remarks.

The news articles follow:

[From the Washington Post, Apr. 24, 1972]

Soviet Unit Aids United States on Surety Effort

The Overseas Private Investment Corp. announced yesterday that an arm of the Soviet Union government has participated in United States efforts to insure U.S. private investment overseas.

OPIC said that the Black Sea and Baltic Insurance Co., a subsidiary of Ingosstrakh, the USSR's state insurance agency, has underwritten a portion of a $26 million boost from $2.2 billion—in the amount of expropriation insurance written to protect U.S. investment in developing nations.

OPIC is a government corporation providing political risk insurance, investment loan guaranties and other assistance to U.S. private investors overseas.

[From the Washington Post, Apr. 13, 1972]

ITT Predicts Windfall in Chile Fiasco

The International Telephone and Telegraph Corp. has reassured its stockholders that ITT will collect $89.6 million from the U.S. government as an insurance claim for the telephone company taken from ITT by the Allende government of Chile.

But the U.S. insurance agency, the Overseas Private Investment Corp., said that no decision has been made on ITT's claim and cannot be made for at least another six months.

In its annual report, issued two weeks ago, ITT said the corporation would lose $70 million because of the Chilean property expropriated by the government there. But it assumes that $89,658,000 will be paid by OPIC, a government-backed agency which insures overseas investments against political risks such as revolution, insurrections and expropriations where the foreign government does not pay fair compensation for the U.S. property.

ITT noted that earnings from Chiltelco were down sharply in 1971, mainly because the government of Salvadore Allende had raised wages but refused to permit rate increases. The corporation predicted, therefore, that the "reinvested insurance proceeds of the Chilean divestment will more than replace the 1971 earnings."

The $89.6 million figure was listed under "current assets" as "receivable from OPIC." A spokesman at corporate headquarters in New York said this represents the company's estimate of "the minimum we could expect to recover" from the Chilean episode.

But the statements in the annual report are not meant to suggest that ITT has abandoned any effort to negotiate a settlement with the Chilean government, the ITT spokesman said. Chilean sources have claimed that ITT is not negotiating in good faith because it figured the government agency would pay its claim if there was no agreement, an accusation which ITT has denied.

Marshall T. Mays, general counsel for OPIC, declined to discuss the ITT claim, except to say, "There has not been any formal determination and there couldn't be until the year is up" from the date of the Chilean action. That means that officially OPIC could not grant ITT's claim before October of this year, according to the agency.

OPIC, Mays says, has not given any assurances to ITT about the status of its claim.

The ITT claim adds another element to the giant conglomerate's current problems with government, but it also complicates the status of OPIC, which depends on both company-paid premiums and congressional appropriations for its reserves.

This year, faced with mounting claims, OPIC has asked Congress for an additional $85 million appropriation.

[From the Washington Post, Mar. 18, 1972]

United States and Chile Clash Over Debt Payment

(By Lewis H. Diuguid)

Santiago.—The effort by Chile to renegotiate heavy foreign debts has brought it into direct conflict with the United States, a confrontation that both have professed a desire to avoid.

At immediate issue is the U.S. insistence, in negotiations in Paris, that Chile accept a "standby loan" from the International Monetary Fund as a precondition to stretching out debt repayment.

The United States has taken just the opposite stance in debt negotiations next door in Argentina.

Standby loans are politically controversial in debtor countries, since they involve an active IMF role in internal management of the economy in order to assure debt repayment.

President Salvador Allende, along with the Communists and Socialists who dominate his ruling coalition, has been among the most vociferous critics of the IMF, calling it a tool of imperialists.

But Allende called in the IMF to help prepare his case for presentation to the United States and European governments at the "Paris Club" negotiations. The 77-nation IMF seeks to facilitate trade by contributing, through timely loans, to the monetary stability of its members.

In past renegotiations, standby loans from the IMF were standard procedure, and so were subsequent denunciations from the debtor countries that policies imposed by the fund had compromised their sovereignty and stymied their development.

The United States, Britain and other creditor countries argued at the Paris talks now recessed, that a standby loan was required for Chile, even though the IMF itself did not recommend it. Chile was adamantly opposed.

The IMF has often sought means short of a standby loan to serve the needs of debt-ridden developing nations. It is clear that this policy is being put to a major test in Chile and in neighboring Argentina.

DIFFERING POLITICS

While the two debt cases are similar in economic terms, the politics of the governments are different. And so are U.S. policies toward the two nations.

The policies are believed to be formulated not in the State Department, but in the Treasury Department.

The United States has insisted on the need for the restrictive standby loan for leftist Chile, but in the case of the military dictatorship in Argentina, Washington has taken unusual steps to help it obtain IMF-blessed credits without the standby loan.

Both Chilean government and U.S. embassy officials agree that the difference in policy derives from the fact that Chile has nationalized massive holdings of U.S. copper companies without compensation.

When the Paris talks got underway last month, U.S. Assistant Secretary of the Treasury John R. Petty argued that the issue of compensation for the Anaconda and Kennecott copper holdings should be an integral part of the debt negotiations. The other creditor nations sought to avoid discussion of the copper situation.

About half of Chile's $3 billion foreign debt is to the United States. Chile is asking that $1 billion falling due in 1972–74 be rescheduled for payment over 10 years beginning in 1976. About 40 per cent of that money is owed to the United States.

Chile hopes to cooperate quietly with the IMF, while taking a strong public stand to it. Thus, Foreign Minister Clodomira Almeyda and Ambassador to the United States Orlando Letelier denied this week that a standby loan would be considered by Chile.

If the United States sticks by its position and Chile does also, it is considered probable that the talks will collapse; Chile will settle with the creditor nations accepting its terms, and payment on debts to the United States will be suspended indefinitely—or repudiated outright.

TRADE PROBLEMS

This, in turn, would foreclose public and private U.S. lines of credit to Chile and trade between the two nations would founder.

Letelier said he felt that if the United States rejected the Chilean proposal while other creditors accepted it, this would reflect a political rather than an economic decision.

Chile's reserves of foreign currency were more than $300 million when Allende was elected in late 1970. They are now barely sufficient to import necessities, let alone pay debts.

The principal cause of the crisis was the fall in the price of copper, the only substantial export, and a rise in volume and price of the principal import, foodstuffs.

With the announcement last November that the debt must be renegotiated, Allende suspended most payments. This resulted in suspension of short-term credits by U.S. lenders.

However, some European lenders have continued credits to Chile. The Soviet Union, through its bank branches in Western Europe, has extended $50 million in untied lending of convertible currency.

Argentine banks offered more than $20 million for meat imports, despite the nearly desperate Argentine foreign exchange crisis. This apparently was accomplished by backup lending through the Inter-American Development Bank, using largely U.S.-provided funds.

Argentina is seeking to obtain new loans totaling $1 billion abroad, instead of asking its creditors to accept renegotiated terms.

U.S. private lenders have made clear that before such loans could be floated, Argentina must obtain a credit from IMF. This loan would require a letter of intent on the part of Argentina, but the commitments would not be binding, nor would the terms be so demanding as those of the standby term. Most of all, it would be politically palatable.

The Nixon administration supported Argentina in this presentation to IMF, and came up with a complementary package of Export-Import Bank loans.

[From the Wall Street Journal, Dec. 15, 1971]

CHILE TO SELL RED CHINA 65,000 TONS OF COPPER

Chile's state-owned copper agency, Codelco, said a contract had been signed in Peking last week providing for the sale of 65,000 tons of Chilean copper to mainland China during the next four years, the Associated Press reported from Santiago.

Prices weren't disclosed but most international sales of copper follow the London metal market where copper sold yesterday for 47⅝ cents a pound. On that basis, the sale would have a current value of nearly $61.6 million.

While the sale is a major one, it doesn't as yet constitute a major Chinese inroad into the Chilean copper market. Figures on Chile's total copper production aren't currently available, but the two largest of its mines—Chuquicamata and El Teniente—have in recent years produced more than 300,000 tons annually.

Codelco said the Peking sale involves 38,000 tons of blister copper, 18,000 tons of electrolytic copper and 9,000 tons of large-bore copper wire.

[From the Christian Science Monitor, July 21, 1971]

UNITED STATES-CHILEAN RELATIONS HINGE ON COPPER-FIRM COMPENSATIONS

(By James Nelson Goodsell)

A long era of American involvement in Chile is about to end.

With passage of a constitutional amendment by the Chilean Congress July 11, the way was clear for the Marxist-oriented government of Salvador Allende Gossens fully to nationalize the country's vast copper industry, which had been largely in United States hands.

There was never any doubt that the Chilean Congress would approve the plan. Meeting in joint session, the legislators passed the measure unanimously, indicating just how popular the nationalizaton concept is.

The importance of the measure to Chile can be seen in the fact that copper is Chile's most important resource, and that the South American country earns 80 percent or more of its foreign exchange from the sale of copper.

POOR MANAGEMENT CHARGED

The big question remaining is just how much compensation will be given the foreign copper companies, including Kennecott, Anaconda, and Cerro. In a wide-ranging speech July 11 in Rancagua, Dr. Allende denounced the foreign firms, accusing them of "avarice for profits" and "poor management" in running the cooper mines.

This seemed to some commentators a firm hint that a confrontation between the Chilean Government and the foreign firms, perhaps eventually involving the United States Government, is in the offing.

"We will pay if it is fair," Dr. Allende told a gathering of miners. "We will not pay if it is not fair. We are going to stop money from leaving Chile and going to the great international copper empires. We are going to stop Chile from being a beggar nation."

Speaking in Rancagua, a city south of the capital of Santiago that sits at the base of the mountain holding El Teniente, the world's largest underground copper mine, the Chilean President said his accusations against the American firms are based on recent surveys by French and Soviet mining experts.

The studies, he said, show that the companies did not use efficient management techniques in operating the mines. He singled out Kennecott and Anaconda for making "fabulous sums" in Chile while allowing their mines to deteriorate. Kennecott operates Teniente, while Anaconda operates Chuquicamata, the world's largest open-pit copper mine. The Chilean President accused Anaconda of making quick profits in recent years at Chuquicamata and allowing equipment to "become obsolete."

The two mining firms have denied the accusations.

The compensation factor could well become a major factor in determining future United States policy toward Chile. The companies are covered by millions of dollars in expropriation insurance by the Overseas Private Investment Corporation, an agency of the United States Government. The exact amount is not clear.

Should the Allende government refuse to pay compensation or offer a figure the companies consider too low, they could claim insurance payments from the United States Government.

DEALS WORKED OUT

Complicating the picture of compensations is the Chileanization of the copper program hammered out by the former government of Eduardo Frei Montalva. Under this program, the government worked out individual deals with the separate firms, to buy into the firms at rates of 25 or 33 or 51 percent ownership. This brought additional investment into Chile in the past four years. Dr. Allende is already on record as saying he will honor those contracts, but they are only a portion of the total copper-investment picture in Chile.

The rest, involving 50 years or more of mining activity in Chile, is the large question mark. Some idea of Dr. Allende's approach, perhaps implied in his speech, should be clear by the end of the month. He has promised a full report to his nation by that time.

[From the Washington Post, Apr. 12, 1972]

UNITED STATES, SOVIETS SIGN ACCORD EXPANDING CULTURAL EXCHANGE

(By Murray Seeger)

MOSCOW.—The United States and the Soviet Union agreed today to extend and expand their 14-year-old agreement for cultural, scientific and educational exchanges.

The new accord provides for an increased number of scholars, technical experts and performing artists to be exchanged between the two nations during the 1972–73 period. The greatest expansion will be in scientific and technical areas, reflecting the current high interest here in improving the efficiency of the nation's economy.

U.S. Ambassador Jacob Beam and Soviet Deputy Foreign Minister Alexei Smirnov signd the new accord, which has been the subject of negotiations here since March 17.

[U.S. Secretary of Agriculture Earl Butz, who is in Moscow to discuss grain sales to the Soviet Union, was received by Soviet leader Leonid Brezhnev today, Tass news agency reported. The two men conferred in "an informal and businesslike atmosphere," Tass added.]

The new agreement also stipulates that each government can send one official traveling exhibit abroad similar to the Soviet arts show now appearing in Los Angeles and the American technology exhibit, which is currently in Moscow.

American negotiators said the cultural talks have been "businesslike" and not marked by the kind of political wrangling that has interrupted previous negotiations. They attributed part of the positive negotiation atmosphere to a Soviet concern not to mar the approaching summit talks between Soviet leaders and President Nixon next month.

After the signing ceremony, Smirnov, said the cultural agreements had "invariably proved to be beneficial for both sides" and have a "positive influence on the general status of relations between the states."

[In Washington, Secretary of State William P. Rogers said the accord would make "a useful contribution" toward increasing "contact and cooperation between our two peoples."]

U.S. officials noted the agreement is voluntary and simply sets out a plan for exchanges. Frequently, one side or the other has failed to deliver on half of an exchange automatically cancelling the other half.

In the scientific and technical areas, the agreement calls for 21 exchanges including five which were not carried out in the 1970–71 agreement. But the program also proposes for the first time an unlimited number of additional exchanges in 18 specific fields that could be negotiated individually in the next two years.

U.S. officials said they were unable to get written assurances from Soviet officials to reduce imbalances that have marred the cultural agreements. American artists in Russia often find they have been booked into small auditoriums and in remote cities while Russian artists are booked by commercial agents in the U.S. into the best and biggest halls for longer tours.

The biggest imbalance is in the tourist traffic which is also covered by the agreement. In 1971, an estimated 58,000 American tourists visited the Soviet Union while only 200 Russian tourists visited the United States.

[From the Washington Post, Apr. 15, 1972]

U.S. ROLE IN THIRD WORLD DEFENDED

(By Lewis H. Diuguid)

SANTIAGO.—Under Secretary of State John N. Irwin II defended the U.S. role in the development of the Third World today.

Irwin's speech seemed in response to yesterday's opening address to the U.N. Conference on Trade and Development (UNCTAD) by its host, Chilean President Salvador Allende, who severely critized American performance.

However, a member of the 20-man U.S. delegation headed by Irwin said that his remarks had not been altered as a result of Allende's speech.

"The United States has supported and contributed substantially to the process of development," Irwin said. It has joined with others in establishing the concept that the wealthier countries have a responsibility to help the poorer nations accelerate their economic and social progress."

Allende had said that the industrial countries, and implicitly the United States in particular, dominated the world economic order and manipulated it to improve their own well-being at the expense of the less-developed nations, which make up 96 of UNCTAD's 141 member nations.

M'NAMARA'S STATISTICS

World Bank President Robert S. McNamara also addressed the plenary session today, amply sustaining with statistics Allende's contention that the gap between rich nations and poor—and between rich and poor within many nations—is widening.

McNamara stressed that while developed countries had agreed at previous international meetings that their official development assistance should reach 0.7 percent of their gross national products by 1975, the figure for the United States actually has fallen from 0.5 precent in the early 1060's to 0.3 percent this year. It is expected to drop to 0.24 percent by 1975.

So large a role does the United States play in aid that the overall figure for the 16 industrial nations is expected to be half of the target in 1975—even though several European nations are increasing their aid substantially.

While McNamara noted that the gross national products of developing nations had increased in recent years, he rattled off figures to show that this means no progress for the majority poor in many countries.

INCOME DISTRIBUTION

Citing Brazil McNamara said its GNP had grown 2.5 per cent per capita annually over the last decade, while the share of the poorest 40 per cent of the people had declined from 10 to 8 per cent in the same period. The richest 5 per cent of the people increased their share of the wealth from 29 to 38 per cent.

Mexico, India and other countries show similar patterns, he said. Among measures he advocated to reverse the trend were fast, vigorous tax and land reforms.

"If developing countries themselves do not adopt the policies to deal with this problem, there is little that, international institutions and other external sources of aid can do to help the poorest 40 per cent of their peoples," he said.

Irwin, like McNamara and Allende, stressed that "Increased attention must be given to particular human needs and social goals" at this third UNCTAD. He said U.S. bilateral aid will be focused on "education, nutrition, increased agricultural production and, for countries who wish it, help in family planning."

President Nixon has promised that the United States will provide preferential tariff treatment for goods of the Third World, a step already taken by Japan and European countries.

"As all of you know only too well, the United States has not yet been able to put its own plan into effect. We very much regret our inability to do so," he said. Internal economic problems persist, creating an inauspicious atmosphere, he added. "We will recommend action by Congress as soon as the chances for success improve."

Other speakers today included former Japanese Foreign Minister Kiichi Aichi, French Finance Minister Valery Giscard d'Estaing and West German Finance Minister Karl Schiller.

REDUCTION OF MANPOWER IN U.S. COAST GUARD

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEGICH. Mr. Speaker, the U.S. Coast Guard has begun reducing its current manpower by 5 percent under orders of President Nixon. This cutback means the deactivation of 1,700 personnel and a vast amount of equipment. Yet, for many years Alaska has requested more Coast Guard vessels and men to more adequately patrol our vast coastlines and protect our fisheries.

I have received from the Alaska State Legislature a copy of a resolution passed by them relating to this reduction of manpower in the U.S. Coast Guard. The Alaska State Legislature vigorously protests the reduction of Coast Guard manpower and requests the President to direct the reassignment of some of the men and ships to be deactivated to Alaskan jurisdiction. I would like to take this opportunity to insert into the RECORD for my colleagues' attention a copy of this important resolution:

HOUSE JOINT RESOLUTION NO. 87

Relating to the reduction of manpower in the U.S. Coast Guard

Whereas, beginning this month, the United States Coast Guard will begin reducing its current manpower by five per cent under orders of President Nixon; and

Whereas this cutback in the Coast Guard's manpower means the deactivation of 1,700 officers and men along with ten cutters, three aircraft, two LORAN stations, and one ocean vessel station; and

Whereas continuously for many years Alaska has requested more Coast Guard vessels and men to more adequately patrol our vast coastlines, protect our fisheries from the blatant intrusion of foreign vessels, and perform more never-ending search and rescue operations; and

Whereas Alaskans have been told that additional craft and manpower requested could not be released from other duty stations and transferred to Alaska; and

Whereas Alaska is desperately in need of more fisheries surveillance and search and rescue operations, the present complement of Coast Guard equipment currently in Alaska being totally inadequate to ensure the sanctity of our waters and resources and protection of lives and property;

Be it resolved by the Alaska Legislature that it protests vigorously the reduction of Coast Guard manpower and the deactivation of enforcement ships when Alaska is in urgent need of additional Coast Guard patrol capabilities in Alaska; and be it

Further resolved that the President is urged to reassess his ordered cutback in the current manpower of the United States Coast Guard and to direct the immediate reassignment of some of the men and ships to be deactivated to the jurisdiction of the Seventeenth Coast Guard District.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary, Department of Transportation; Admiral Chester R. Bender, Commandant, United States Coast Guard; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED—A DOCUMENTARY HISTORY

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. PERKINS. Mr. Speaker, today, I place in the RECORD the final of the four installments of a documentary history of the Manpower Development and Training Act. This installment, contains excerpts from the committee reports, and floor debate of the 1968, 1969, and 1972 amendments to MDTA, and brings the development of the act itself up to date. There have been, of course, very significant manpower legislative developments which do not appear in this history, since they do not constitute a part of MDTA. I refer, to the efforts made in the 91st Congress to enact a Comprehensive Manpower and Employment Act, which was vetoed by the President in December 1970, and the more successful effort last year to enact and obtain presidential approval for, the Emergency Employment Act. Equally vital to the national manpower system, but also outside the scope of this history are the amendments and improvements to the Vocational Education Act which have been enacted over the past decade.

The fourth installment follows:

[90th Cong., 2d sess., House of Representatives, Rept. No. 1595]

AMENDING THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

June 27, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. PERKINS, from the Committee on Education and Labor, submitted the following report together with additional, minority, and individual views [to accompany H.R. 15045].

The Committee on Education and Labor, to whom was referred the bill (H.R. 15045) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert:

That the Manpower Development and Training Act of 1962 is amended as follows:

(1) Section 104(a) of the Act (labor mobility demonstration projects) is amended

by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(2) Section 105 of the Act (trainee placement assistance demonstration projects) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(3) Section 251 of the Act (PART D—CORRECTIONAL INSTITUTIONS) is amended by striking out "1969", and inserting in lieu thereof "1970";

(4) Section 304(d) of the Act is amended by striking out "1968" and "1969", and inserting respectively in lieu thereof "1969" and "1970";

(5) Section 310(a) and 310(b) of the Act are amended by striking out "1969" wherever it appears, and inserting in lieu thereof "1972".

SEC. 2. (a) Section 202(f) of the Manpower Development and Training Act of 1962 is amended by striking "(i)" and inserting in lieu thereof "(j)".

(b) The first sentence of section 231 of such Act is amended by striking "(i)" and inserting in lieu thereof "(j)".

SEC. 3. The Manpower Development and Training Act of 1962 is amended by inserting after section 308 the following new section:

"TRAINING AND RELATED TECHNICAL ASSISTANCE

"SEC. 309. The Secretary of Labor shall provide, directly or through grants or other arrangements, training and related technical assistance for specialized or other personnel which are needed in connection with the programs established under this Act or which otherwise pertain to the purposes of this Act. Upon request the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. Two per centum of the sums appropriated in any fiscal year for this Act shall be reserved to carry out the purposes of this section during such fiscal year."

SEC. 4. (a) Section 231 of the Manpower Development and Training Act of 1962 is amended by redesignating the existing provisions as subsection (a) and by adding a new subsection (b) as follows:

"(b) In making arrangements for institutional training financed in whole or in part with funds appropriated to carry out title I, and title II, parts A, B, C, and D, of this Act, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, priority shall be given to the use of skill centers established under the authority of this section."

(b) Section 301 of the Act is amended by redesignating the existing provisions as subsection (a) and by adding a new subsection (b) as follows:

"(b) In order to make maximum utilization of previous investments of Federal funds made under this Act and to avoid unnecessary waste and duplication, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall, under the authority of this section and through the Cooperative Area Manpower Planning System (CAMPS), allocate sufficient funds and numbers of institutional trainees to insure a level of skill center operation in each State equal to that which existed on June 30, 1967, or June 30, 1968, whichever is the greater. In no event shall the overall allotments for institutional training be less than 65 per centum of the funds appropriated by the Congress to carry out title II of this Act. No new skill centers shall be established in an area already served by a skill center as defined by the Secretaries of Labor and Health, Education, and Welfare, nor shall an existing center be discontinued or curtailed as long as this Act is in force unless it has previously been established by the Secretary of Labor and the Secretary of Health, Education, and Welfare that, (1) an existing center is no longer able to either provide or arrange for needed training, (2) training of a similar nature previously provided has been ineffective, or (3) there is no longer a need for training based on labor market analysis or other pertinent data."

SEC. 5. (a) Section 203(a) of the Manpower Development and Training Act of 1962 is amended by striking out "and the Virgin Islands" and inserting in lieu thereof ", the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands".

(b) The third sentence of section 231 of such Act is amended by inserting after "purposes of the Act" the following: ", and except that the State agency for the Trust Territory of the Pacific Islands may be paid up to 100 per centum of such costs".

(c) Section 308 of such Act is amended by striking out "and Guam" and inserting in lieu thereof "Guam, American Samoa and the Trust Territory of the Pacific Islands",

Amend the title so as to read:

A bill to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes.

HISTORY AND BACKGROUND

H.R. 15045 was introduced on February 1, 1968, in the form of a simple change in the expiration dates in the Manpower Development and Training Act (42 U.S.C. 2571–2620). This act first placed on the statute books in 1962 has been amended three times since, in 1963, 1965, and 1966. The tendency of each of these amendments has been to make the act and its administration more flexible and more responsive to shifting needs.

The overall intention of your committee in 1968 is the same as it has been in each of these other occasions in which MDTA has been amended. The words of your committee's report in 1966 (H. Rept. 2017, 89th Cong., second sess.) are still appropriate:

"At the time the act was passed, many thoughtful Americans looked upon the advent of automation and the other aspects of the new technology as bringing with them inevitable and far-reaching economic dislocation. The debate over automation and its effects was not couched in terms of whether or not the effects would be traumatic, but on how quickly we could recover from them.

"In 1966, there is still no question but that automation will continue to proceed apace, and that the techniques and structure of American industry will change even more in years to come than it has changed in years recently past.

"If the MDTA program is to remain a useful tool for coping with the changes that we can expect in the near future, if we are to use this device, with others, to alleviate and even escape the economic penalties which technological change customarily exacts, this act must continue to be altered as experience and changing problems dictate. An act which 4 years ago was primarily aimed at the problems of those who had experienced or were facing technological unemployment, is not necessarily, and not without alteration, useful to meet the problems of the disadvantaged and the hard-core unemployed or to deal with critical skill shortages. The 1966 amendments are not simply a weapon in the war against poverty—though they are a weapon in that war. They are not simply a safeguard against the effects of automation—though they are such a safeguard. They are not simply a remedy for industry's problem of growing skill shortages—though they are such a remedy. Rather, these amendments, like the original act and its subsequent amendments, are an attempt to build the foundations upon which a national manpower policy can, as someday it will, be built, so that the Nation's most valuable natural resource—the brains and muscles and ingenuity of its people—can be most effectively utilized in the context of a free economy."

COMMITTEE CONSIDERATION

The Select Subcommittee on Labor, chaired by Representative Holland, held 2 days of hearings on H.R. 15045. Testimony was taken from the Department of Labor and Health, Education, and Welfare; from Mr. Leo Beebe, executive vice president of the National Alliance of Businessmen; from Mr. Kenneth Young of the AFL–CIO; and from Mr. Jack Michie, director of the East Bay Skills Center in Oakland, Calif. On June 13 the subcommittee voted to report H.R. 15045, with amendments, to the full committee, and on June 20 the full committee, after making further amendments, ordered the bill reported to the House.

MAJOR PROVISIONS

Basically, H.R. 15045 extends the expiration dates contained in the present Act. The authority to conduct the basic training programs under this Act, which would now expire on June 30, 1969, is extended to June 30, 1972. Certain experimental and development programs are extended for shorter periods of time. Title II–D authorizing training for inmates of correctional institutions, which now expires on June 30, 1969, is extended for one year. The provisions of section 104 (labor mobility demonstration projects) and section 105 (trainee placement assistance demonstration projects), which expire June 30, 1968, are extended for two years. The net effect of these amendments are, in short, to extend the pilot programs until 1970, and the basic program until 1972.

Section 2 of the bill is a purely technical amendment, correcting an obvious typographical error contained in the 1966 amendments.

Section 3 calls for a 2-percent set-aside of funds appropriated in each fiscal year under the Act, for the purpose of providing training and related technical assistance toward the preparation of the specialized personnel who are needed to make MDTA a more effective program. Counselors, job development specialists, and program administrators are illustrative of the personnel this amendment is meant to help prepare, though this is not an exhaustive list. As manpower policy becomes broader in its application, and as manpower institutions, on State and local as well as the Federal level, become more significant tools of economic policy, the need for trained people with broad manpower expertise to man such institutions becomes crucial. In providing for this training, your committee does not intend that it shall be limited to the personnel needs of the Departments of Labor and HEW and the State agencies directly involved in administering this Act. Other public agencies, at the Federal and at the State and local levels (where the needs are especially acute), as well as private and nonprofit agencies, will have growing need for such manpower specialists. The authority contained in section 3 of this bill ought to be utilized to help train people for the entire spectrum of need. Although this amendment was not contained in the original bill, the Secretary of Labor advised the committee during the hearings that he had no objection to this amendment. Indeed, he suggested that he would welcome it.

Section 4 seeks to make it possible for skill centers to be used in a more flexible and satisfactory manner to carry out institutional training and related aspects of the program. The skill center has proven to be an excellent device in providing both basic education and skills training, without running afoul of the inflexibilities sometimes found in trying to mesh MDTA institutional training with the school year and other problems of the standard vocational education system. Testimony before the subcommittee indicated that among the unexpected dividends of the skill centers is that they sometimes provide an institution with which trainees—particularly disadvantaged trainees—can identify in the same way that the educationally advantaged can identify with the schools which are their gateways into the world of work. In some skill centers, representatives from other agencies—employment counselors, educational rehabilitation personnel, welfare and probation officers, and the like—find office space and an opportunity to bring their specific services to the trainees. The skill center in such a situation can become a nucleus for a broad-gage manpower center, serving a vital purpose of even wider proportions than those which MDTA by itself seeks to encompass.

The effectiveness of skill centers in the narrow terms of training and placement are also very impressive. In terms of placement rates and effectiveness in reaching the hardcore unemployed, all the data testifies to the value of the skill center, whether looked at purely as a training institution or from a broader frame of reference.

But the skill centers, too, have run afoul of certain inflexibilities in the act, or, to be more precise, in its administration. The major problem has been the perhaps exaggerated attention the Department has paid to the requirements of the act that there be a "reasonable expectation of employment in the occupation for which the person is to be trained" (sec. 202(f)). This provision was originally, and is still, intended by your committee to insure that MDTA does not fall into the trap of providing "busywork" training for obsolescent skills or for jobs for which there is no real demand. Your committee felt enough of this had been done in the name of job training in the past, and that to do more of it would be to perpetrate a fraud alike on the trainee and on the taxpayer.

To avoid this trap the Congress provided, and the Department of Labor has correctly insisted, that a determination be made that there is a "reasonable" expectation of employment for a trainee using the skills he acquires through MDTA. But the key word is "reasonable." The testimony we received from persons knowledgeable in the program tends to indicate that job surveys have become a stumbling block in the effective use of the skill centers. Excessive delay in making such surveys, inflexibility in making determinations, have contributed to periods of idleness in the use of skill center personnel. The frequently very highly qualified and capable instructors available to the skill centers ought to be utilized to the fullest, as should the sometimes superb equipment and physical plant which are found in these centers.

The committee is convinced that more administrative flexibility is needed in order to utilize the full potential of the MDTA skill centers. For example, arbitrary time limits established under the project method for initiating training programs make it impossible to enroll trainees after the program has begun. Thus, the "pipeline technique" cannot be employed and enrollments in skill centers have shown that oftentimes teachers and equipment are not used to full capacity. Much needed resources and personnel stand idle while the need for training, especially for the disadvantaged, continues.

In administering the program, your committee would urge that the Secretaries of Labor and HEW both should "give priority" as section 4 of the bill directs, to the use of skill centers. In making this statement of legislative intent, your committee does not mean to suggest that other training facilities should be neglected while trainees are waiting in line to get into crowded skill centers. Nor do we mean to suggest any diminution in the efforts of the two Departments to utilize the training facilities of the private sector. But the tests of "reasonable expectation of employment" and similar criteria should not be so managed as to result in letting dust gather on modern machine tools in skill centers, and losing the services of highly trained instructors while an overscrupulous effort to document the availability of jobs eats up all the leadtime during which those jobs remain available.

Section 4(b) of the bill directs that the two Departments in exercising their authority under section 231 should so direct the planning under CAMPS (cooperative area manpower planning system) that sufficient funds and sufficient training "slots" are allocated to skill centers so that such centers may be operated at a level equal to that achieved on June 30, 1967, or June 30, 1968, whichever, in a given State, is higher. It further directs, as a warning against either overconcentrating or underconcentrating resources on the skill centers, that no new centers be established or existing ones be discontinued or curtailed until the two Secretaries establish, in effect, that an existing center can no longer do the job, or has not been doing the job, or that the job doesn't need to be done any more. Any one of these conditions is sufficient, under this amendment, to authorize the discontinuance of an existing center. If, in the course of making such a determination, it becomes apparent that a new center under different auspices or with a different structure is needed, then such a new center can be established.

Finally, to insure sufficient funds for the skill centers and for other institutional training projects of particular merit, section 4(b) of the bill specifically allocates 65 percent of the funds appropriated for title II activities to institutional training. It is the intention of your committee that the bulk of any increase in institutional allotments which this amendment may eventually create should be utilized, wherever possible, and without excessively rigid rules, to achieve the basic thrust of this new subsection, which is to build upon the existing base provided by the skill centers without denying access to institutional training programs to those persons who do not live in areas served by skill centers.

The final amendment approved by your committee is in section 5 of the bill, which extends the MDTA program to American Samoa and the trust territories. The matching provisions of section 301 of the act are waived in their case. The Secretary of Labor is given authority to establish the amount of training allowances in both of these newly added areas as he now has with respect to Guam and the Virgin Islands, because of the inapplicability of the training allowance formula, attached as it is in the several States to unemployment compensation levels.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

* * * * *

TITLE I—MANPOWER REQUIREMENTS, DEVELOPMENT, AND UTILIZATION

* * * * *

LABOR MOBILITY DEMONSTRATION PROJECTS

SEC. 104. (a) During the period ending June 30, [1968] *1970*, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involuntarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed.

* * * * *

TRAINEE PLACEMENT ASSISTANCE DEMONSTRATION PROJECTS

SEC. 105. During the period ending June 30, [1968] *1970*, the Secretary of Labor shall develop and carry out experimental and demonstration projects to assist in the placement of persons seeking employment through a public employment office who have successfully completed or participated in a federally assisted or financed training, counseling, work training, or work experience program and who, after appropriate counseling, have been found by the Secretary to be qualified and suitable for the employment in question, but to whom employment is or may be denied for reasons other than ability to perform, including difficulty in securing bonds for indemnifying their employers against loss from the infidelity, dishonesty, or default of such persons. In carrying out these projects the Secretary may make payments to or contracts with employers or institutions authorized to indemnify employers against such losses. Of the funds appropriated for a fiscal year to carry out this Act, not more than $300,000 may be used for purposes of this section.

* * * * *

TITLE II—TRAINING AND SKILL DEVELOPMENT PROGRAMS

* * * * *

SELECTION OF TRAINEES

SEC. 202. (a) * * *

* * * * *

(f) Before selecting a person for training, other than the training under subsection [(1)] *(j)*, the Secretary shall determine that there is a reasonable expectation of employment in the occupation for which the person is to be trained. If such employment is not available in the area in which the person resides, the Secretary shall obtain reasonable assurance of such person's willingness to accept employment outside his area of residence.

* * * * *

TRAINING ALLOWANCES

SEC. 203. (a) The Secretary of Labor may, on behalf of the United States, enter into agreements with States under which the Secretary of Labor shall make payments to such States either in advance or by way of reimbursement for the purpose of enabling such States, as agents for the United States, to make payment of weekly training allowances to unemployed persons selected for training pursuant to the provisions of section 202 and undergoing such training in a program operated pursuant to the provisions of the Act. Such payments shall be made for a period not exceeding one hundred and four weeks, and the basic amount of any such payment in any week for persons undergoing training, including uncompensated employer-provided training, shall not exceed $10 more than the amount of the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available: *Provided*, That the basic amount of such payments may be increased by $5 a week for each dependent over two up to a maximum of four additional dependents: *Provided further*, That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of his total allowance, including payments for dependents, shall receive an allowance increased by the amount of such excess. With respect to Guam [and the Virgin Islands], *the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands* the Secretary shall by regulation determine the amount of the training allowance to be paid any eligible person training under this Act.

With respect to any week for which a person receives unemployment compensation under title XV of the Social Security Act or any other Federal or State unemployment compensation law which is less than the total training allowance, including payments for dependents, provided for by the preceding paragraph, a supplemental training allowance may be paid to a person eligible for a training allowance under this Act. The supplemental training allowance shall not exceed the difference between his unemployment compensation and the training allowance provided by the preceding paragraph.

For persons undergoing on-the-job training, the amount of any payment which would otherwise be made by the Secretary of Labor under this section shall be reduced by an amount which bears the same ratio to that payment as the number of compensated hours per week under the training program bears to forty hours.

The training allowance of a person engaged in training under section 204 or 231 shall not be reduced on account of employment (other than employment under an on-the-job training program under section 204) which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked (other than in employment under such an on-the-job training program) in excess of twenty hours per week.

* * * * *

PART B—DUTIES OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

GENERAL RESPONSIBILITIES

SEC. 231. (a) The Secretary of Health, Education, and Welfare shall, pursuant to the provisions of this title enter into agreements with States under which the appropriate State education agencies will undertake to provide training needed to equip persons referred to the Secretary of Health, Education, and Welfare by the Secretary of Labor pursuant to section 202, for the occupations specified in the referrals, except that with respect to education to be provided pursuant to referrals under subsection (b) or [(i)] *(j)* of section 202, the Secretary of Health, Education, and Welfare may make arrangements for the provision of the education to be provided under such subsection through other appropriate education agencies. Such State agencies shall provide for such training through public educational agencies or institutions or through arrangements with private educational or training institutions where such private institutions can provide equipment or services not available in public institutions, particularly for training in technical and subprofessional occupations, or where such institutions can, at comparable cost, (1) provide substantially equivalent training, or (2) make possible an expanded use of the individual referral method, or (3) aid in reducing more quickly unemployment or current and prospective manpower shortages. The State agency shall be paid not more than 90 per centum of the cost to the State of carrying out the agreement, unless the Secretary of Health, Education, and Welfare determines that payments in excess of 90 per centum are necessary because such payments with respect to private institutions or programs carried out in conjunction with programs or projects under section 102(6) are required to give full effect to the purposes of the Act, *and except that the State agency for the Trust Territory of the Pacific Islands may be paid up to 100 per centum of such costs*: *Provided*, That for the period ending June 30, 1966, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement. Non-Federal contributions may be in cash or kind, fairly evaluated, including but not limited to plant, equipment, and services. Such agreements shall contain such other provisions as will promote effective administration (including provision (1) for reports on the attendance and performance of trainees, (2) for immediate certification to the Secretary of Labor by the responsible training agency with respect to each person referred for training who does not have a satisfactory attendance record or is not making satisfactory progress in such training absent good cause, and (3) for continuous supervision of the training programs conducted under the agreement to insure the quality and adequacy of the training provided), protect the United States against loss, and assure that the functions and duties to be carried out by such State agency are performed in such fashion as will carry out the purposes of this title. The Secretary of Health, Education, and Welfare shall give preference to training and education provided through State vocational education agencies and other State education agencies. However, in any case in which he determines that it would permit persons to begin their training or education within a shorter period of time, or permit the needed training or education to be provided more economically, or more effectively, he may provide the needed training or education by agreement or contract made directly with public or private training or educational facilities or through such other arrangements as he deems necessary to give full effect to this Act.

(b) In making arrangements for institutional training financed in whole or in part with funds appropriated to carry out title I, and title II, parts A, B, C, and D of this Act, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, priority shall be given to the use of skill centers established under the authority of this section.

* * * * *

PART D—CORRECTIONAL INSTITUTIONS

SEC. 251. Without regard to any other provision of this title or section 301 of this Act, the Secretary of Labor shall, during the period ending June 30, [1969] *1970*, develop and carry out experimental and demonstration programs of training and education for persons in correctional institutions who are in need thereof to obtain employment upon release. Arrangements for such education and training shall be made by the Secretary of Health, Education, and Welfare after consultation with the appropriate area manpower development and training advisory committee. Programs under this part shall be conducted through agreements with officials of Federal, State, and local correctional institutions. To the fullest extent practicable, the Secretary of Labor shall utilize the available services of other Federal departments and agencies. Programs under this part may include vocational education; special job development and placement activities; prevocational, basic, and secondary education, and counseling, where appropriate; supportive and followup services and such other assistance as is deemed necessary.

* * * * *

TITLE III—MISCELLANEOUS

APPORTIONMENT OF BENEFITS

SEC. 301. *(a)* For the purpose of effecting an equitable apportionment of Federal expenditures among the States in carrying out the programs authorized under parts A and B of title II of this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall apportion 80 per centum of the funds available for such purposes in accordance with uniform standards and in arriving at such standards shall consider only the following factors: (1) the proportion which the labor force of a State bears to the total labor force of the United States, (2) the proportion which the unemployed in a State during the preceding calendar year bears to the total number of unemployed in the United States in the preceding calendar year, (3) the lack of appropriate full-time employment in the State, (4) the proportion which the insured unemployed within a State bears to the total number of insured employed in such State, and (5) the average weekly unemployment compensation benefits paid by the State. The remaining 20 per centum may be expended by the Secretary of Labor and the Secretary of Health, Education, and Welfare as they find necessary or appropriate to carry out the purposes of title II. The Secretary of Labor and the Secretary of Health, Education, and Welfare are authorized to make reapportionments from time to time where the total amounts apportioned under this section have not been fully obligated in a particular State, or where the State or appropriate agencies in the State have not entered into the necessary any other State is in need of additional agreements, and the Secretaries find that funds to carry out the programs authorized by this Act: *Provided*, That no funds apportioned with respect to a State in any fiscal year shall be reapportioned before the expiration of the sixth month of such fiscal year and only upon 30 days' prior notice to such State of the proposed reapportionment, except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.

(b) In order to make maximum utilization of previous investments of Federal funds made under this Act and to avoid unnecessary waste and duplication, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall under the authority of this section and through the Cooperative Area Manpower Planning System (CAMPS), allocate sufficient funds and numbers of institutional trainees to insure a level of skill center operation in each State equal to that which existed on June 30, 1967, or June 30, 1968, whichever is the greater. In no event shall the overall allotments for institutional training be less than 65 per centum of the funds appropriated by the Congress to carry out title II of this Act. No new skill centers shall be established in an area already served by a skill center as defined by the Secretaries of Labor and Health, Education, and Welfare, nor shall an existing center be discontinued or curtailed as long as this Act is in force unless it has previously been established by the Secretary of Labor and the Secretary of Health, Education, and Welfare that (1) an existing center is no longer able to either provide or arrange for needed training, (2) training of a similar nature previously provided has been ineffective, or (3) there is no longer a need for training based on labor market analysis or other pertinent data.

* * * * *

APPROPRIATIONS AUTHORIZED

SEC. 304. (a) For the purposes of carrying out title I, there are hereby authorized to be appropriated not in excess of $46,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

(b) For the purpose of carrying out parts A and B of title II, there are hereby authorized to be appropriated not in excess of $385,000,000 for the fiscal year ending June 30, 1966, and for each fiscal year thereafter such amounts as may be necessary.

(c) For the purpose of carrying out part C of title II, there are hereby authorized to be appropriated not in excess of $22,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.

(d) For the purpose of carrying out part D of title II, there are hereby authorized to be appropriated for the fiscal year ending June 30, [1968] *1969*, and for the fiscal year ending June 30, [1969] *1970*, such amounts as may be necessary.

(e) For the purpose of carrying out title III, there are hereby authorized to be appropriated not in excess of $1,000,000 for the fiscal year ending June 30, 1966, and for each year thereafter such amounts as may be necessary.

* * * * *

DEFINITION

SEC. 308. For the purposes of this Act, the term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, and [Guam] *Guam, American Samoa, and the Trust Territory of the Pacific Islands.*

Training and Related Technical Assistance

Sec. 309. The Secretary of Labor shall provide, directly or through grants or other arrangements, training and related technical assistance for specialized or other personnel which are needed in connection with the programs established under this Act or which otherwise pertain to the purposes of this Act. Upon request the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years. Two per centum of the sums appropriated in any fiscal year for this Act shall be reserved to carry out the purposes of this section during such fiscal year.

TERMINATION OF AUTHORITY

SEC. 310. (a) All authority conferred under title II of this Act shall terminate at the close of June 30, [1969] *1972*.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, [1969] *1972*.

ADDITIONAL VIEWS OF MR. HOLLAND, MR. GIBBONS, MR. HATHAWAY, AND MR. MEEDS

We support H.R. 15045. We support it, indeed, with enthusiasm and with deep feeling that the Manpower Development and Training Act has, in the 6 years of its operation, more than fulfilled the hopes of its original authors, among whom some of us are numbered. This program, which has achieved an ever-growing amount of bipartisan support among the Members of the Congress, and stanch backing in all segments of the economy, has served the Nation well and faithfully. Nearly half a million Americans have successfully completed institutional and on-the-job training courses under MDTA, and this does not take into account the thousands of others who have "failed to complete" such courses, not because they couldn't handle the training but because even incomplete training courses enabled them to find better jobs.

Since its original enactment in 1962, the Congress has seen fit on several occasions to amend the basic act. In every case, these amendments have been designed to make the program more flexible, to enable the Secretaries of Labor and HEW to more rapidly and meaningfully meet their responsibilities, to allow for more expeditious action to meet current manpower problems as well as to plan for long-range trends. This movement toward more flexibility, this trend away from rigidity in fund allocation and away from limiting the choice of tools available to those given these grave responsibilities, has not been accidental. We have deliberately, and as a matter of considered policy, sought to do just that. In making MDTA more flexible, the Congress has sought to achieve precisely what it sought to achieve in the 1967 amendments to title I of the Economic Opportunity Act, which is also characterized in its approach to manpower problems by the concept that what is needed is the development of a substantial arsenal of weapons, to be utilized as needed, in an integrated program, by those who have the operating responsibility to see that our national manpower resources are most advantageously developed.

Most of the provisions of this bill carry out that long-standing congressional policy. Section 4(b), which we believe to have been introduced and adopted with the best of intentions, turns that policy around, in our judgment, exactly 180 degrees. Section 4(b) of this bill will have the effect, we fear, of reducing the options available to manpower administrators in precisely the wrong way. We cannot disagree with the purpose of this amendment. We do disagree with its timing, its scope and its method of achieving the purpose.

Section 4(b)'s purpose, clearly, is to maximize the use of skill centers as a mode of offering institutional training. With this objective we wholly agree. We concur in every thing the committee report says about skill centers, and would, if necessary, add further praise of their achievements and their promise. On this point, there is no substantial disagreement. But in seeking to implement this policy the amendment freezes the number of skill centers—and we have no real knowledge at this point of what number of skill centers we are fixing, or which skill centers will be preserved, and which found not to be eligible, how many trainees we are affecting, or how much it will cost. The term "skill center" is variously defined. Merely calling a hastily thrown together congeries of courses a "skill center" doesn't necessarily make it one, even in the minds of the sponsors of this amendment, and certainly not in the eyes of those charged with the administration of this legislation.

The real damage done by this amendment, is in the sentence which appears casually in the midst of the subsection 4(b) and which is not tied, logically, to the skill center concept, arbitrarily fixing the institutional allocation at 65 percent of all funds appropriated under title II of the act. The precise level of the figure is one flaw, but its greatest flaw is that it is a rigid floor and may well become an equally rigid ceiling.

In order to fund an unknown number of skill centers, this bill allocates a very large sum of money, taking much of that money away from other institutional programs and eventually taking it away, too, from availability for the JOBS program, through which the resources and talents of the private sector are being harnessed to the manpower training and development problem.

One further, perhaps symbolic, perhaps real, flaw is to be found in the language of the amendment. In directing the two Secretaries to "allocate sufficient funds and numbers of institutional trainees to insure a level of skill center operation in each State equal to that which existed on June 30, 1967 or June 30, 1968, which ever is greater," the amendment turns MDTA into a program for the maintenance of institutions rather than a program for the training of people and the development of manpower resources. In enacting this language, we are explicitly committing ourselves to the maintenance of skill centers, *without adequate regard to the needs which may exist in a given community at a given time*. The trainees must be shuffled about to accommodate the needs of the centers, rather than the other day around. Further, we are directing the preservation of existing skill centers and impeding the creation of new ones, again without adequate regard for the needs of the unemployed or underemployed for whose benefit this act is supposed to operate. Section 4(b) of the bill before us turns MDTA into a program of guaranteed employment for the faculty and administrators of skill centers, at the cost of the very people the entire program is supposed to benefit.

We do not oppose 4(b) because it refers to skill centers. We would oppose it if it did the same thing for any one of the devices that have been created or utilized under MDTA. We would oppose it if it applied to standard vocational schools, to on-the-job training, to coupled projects, or to whatever. Its flaw is that it takes a very good part of the program and seeks to enshrine its operation at the cost of all the other good parts of the program. It is an unwieldly provision which may result, not in the misuse of appropriated funds, but—even worse—in their nonuse.

We hope that the House can be prevailed upon to amend or drop this section to H.R. 15045. If the House does so, we think it should be made clear at the time that we do so without in any way departing from the intention stated in the committee report and in subsection (a) that skill centers should be used in the maximum amount feasible consistent with the broad objectives of MDTA. Skill centers, their remarkable physical plants and their excellent staffs ought to be used to the fullest possible extent—remembering first, however, that the purpose of this act is to meet the needs of those who require training in order to find meaningful permanent employment in the real world.

MINORITY VIEWS ON H.R. 15045

We are not opposed to the bill reported by the committee. In fact, we strongly support all of its provisions, most of which would extend the life of significant portions of the Manpower Development and Training Act of 1962 (MDTA), several of which are shortly about to expire. Our criticism is directed not at what the bill contains but at what it fails to include.

Not only do all of us support the continued existence of the MDTA, but some of us take a great deal of pride not merely in having cooperated at its birth in 1962, but in having made significant contributions both to its original enactment and its subsequent development and improvement as well.

What we fear, and it is this at which our critique is aimed, is the serious impairment, even the possible elimination, of many of the training programs, both on the job and institutional, which have been established and successfully operated under MDTA. For that reason we believe that the committee bill ought to be amended to include provisions designed to prevent this impairment and possible elimination of training programs which have proved their value.

The damage to these programs has already begun and becomes progressively more serious. This development is the result of the adoption by the administration of new manpower approaches establishing programs which are relentlessly eliminating an increasing number of the successful types of manpower project, particularly in the OJT field, which had theretofore been set up under MDTA and many of which still exist although now threatened with extinction. These new approaches are best described in the administration's announcement of March 19, 1968, setting forth its manpower goals and funding for the fiscal year 1969.

The overall estimate is for total program funds under title II of MDTA of almost $354 million. Of this total, over $22 million will be reserved for training individuals in redevelopment areas under part C of title II and will not be apportioned among the States.

Pursuant to section 301 of the act, 80 percent of the remaining $331 million, amounting to $265 million, will be apportioned among the States, and 20 percent, amounting to $66 million, will be retained in an unapportioned account to be administered by the Secretaries of Labor and HEW. The $265 million to be apportioned among the States will be allocated as follows: $160 million to institutional training, $84 million to on-the-job training (OJT), and $21 million to part-time and other-than-skill training.

However, during the fiscal year 1968 the administration initiated two new manpower programs, the concentrated employment program (CEP) and the job opportunities in the business sector (JOBS) programs, both of which were to be and are being funded out of appropriations for title II of MDTA and the Economic Opportunity Act, and under the authority of these two statutes, without resorting to new legislation. These two programs are directed toward helping effectively what may accurately be called the innermost hard core of the "hard-core unemployed."

The March 19, 1968, announcement estimates that of the total needed to finance these two new programs, $99 million will come from MDTA title II appropriations, the larger part of which, approximately two-thirds, will be taken from funds to be apportioned among the States. Thus of the $84 million to be apportioned to the States for OJT purposes, $45.1 million will go into JOBS programs and $16.2 million into CEP activities, leaving only $22.7 million for the States to use for their ongoing and traditional OJT projects, a reduction of 73 percent.

It is painfully obvious that these ongoing and traditional types of OJT projects will be reduced to a mere shadow of their former status and that whatever autonomy that several States have hitherto enjoyed in promoting, developing, funding, monitoring, and otherwise serving training programs under title II of MDTA will virtually disappear or be seriously diminished.

However, we wish, with all the emphasis at our command, to make it perfectly plain that we do not oppose either the goals, the purposes, or the structure of both the CEP and JOBS programs. To the contrary, we wholeheartedly approve them. We think they are so important, and may prove to be so valuable in finding the beginning of a solution for the problem of the innermost hard core of the "hard-core unemployed," that they deserve a separate and specific legislative authority of their own.

At the very least, they should have separate, specific, and adequate funding of their own rather than being implemented by cannibalizing much of the finances essential to the continued survival of other manpower programs which are, at present, and have been, since the inception of MDTA, effective performing a somewhat different but equally desirable, even indispensable function. It is our view that none of the ongoing MDTA projects, established outside the CEP and JOBS programs, ought to be terminated unless it can be shown that such project is not complying with any applicable requirement of the Manpower Act, or is not being carried out effectively in a manner reasonably designed to effectuate the policies of that act, or that the need for such a project no longer exists, nor should such a project be curtailed except to an extent equivalent to the decrease in the magnitude of the need it was designed to meet.

We therefore shall offer on the floor, amendments, rejected in the committee, which are designed to assure the continued existence, at their previous levels, of these ongoing and traditional manpower programs. Simultaneously we pledge our support for any appropriate effort to secure for the CEP and JOBS programs the separate and additional funds needed to permit these two new programs to achieve the goals set for them by the administration. We firmly believe that the approach we have taken, will have the additional beneficial result of restoring to the States that autonomy under title II of the MDTA which Congress intended them to have, and of which they are being deprived by the manner in which the CEP and JOBS programs are being, and will continue to be, administered unless our amendments are adopted.

We are convinced that the cannibalizing approach and funding of CEP and JOBS as administered by the Secretary of Labor are contrary to the intent of Congress and go beyond the authority given him under title II of the MDTA. In this connection, and in support of this contention, it is extremely relevant to quote from the report of the Committee on Appropriations, recently committed to the Committee of the Whole House on the State of the Union:

> TITLE I—DEPARTMENT OF LABOR
>
> *Manpower Administration*
>
> MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES.—The bill includes $400 million, a reduction of $13,096,000 from the request, and an increase of $14,503,000 over the amount appropriated for 1968.
>
> The committee desires that the Department review its current policy of increasing the emphasis on the on-the-job training over institutional training. Evaluations made of the manpower development and training program have concluded that institutional training is a more effective way of reaching the disadvantaged. *The committee questions the arbitrary division of funds made by the Secretary of Labor in allotting money to the States. A review of the legislative history of the Manpower Development and Training Act leaves considerable doubt that the Secretary has the authority to carve the State apportionment up between institutional and on-the-job training. The committee feels that it would be more desirable, and more in keeping with the legislative history, if the States were given more of a voice in determining the division of available funds between the two.* (Emphasis added.)

Although we express no opinion on the comparative merits of OJT versus institutional training, we are in complete agreement with the Committee on Appropriations that the Secretary of Labor is depriving the States of the autonomy given them in title II, and that in doing so he is acting beyond the scope of the authority given him by that same title.

From its inception, the Manpower Development and Training Act has contained provisions which make clear the congressional intent that the States were expected to be active partners in the Federal manpower program. Section 301 of the act contains an allocation formula which provides a method of distributing financial resources available under MDTA to the States, Section 206 of the act encourages and authorizes the Secretary of Labor to enter into agreements with the States and to utilize the services of appropriate State agencies in carrying out his responsibilities.

In accordance with these sections, the States have entered into agreements with the Secretary of Labor to participate in the MDTA institutional training programs and some States in addition have put into effect arrangements involving the OJT institutional training programs. The MDTA institutional training programs are administered by the State employment security agencies with the State departments of education participating in the development and operation of institutional facilities.

During Federal fiscal year 1968, the Secretary had entered into OJT institutional program agreements with over 12 States and the combined activity of these States constituted more than half of the total Federal effort in this program area. It has been in this area that there have been serious program problems. The States have experienced delays in funding projects that have been accepted by employers and that have met the standards prescribed by the U.S. Department of Labor. The damage done by delay in funding is twofold; it has caused disenchantment of employers, and more importantly, it has meant a delay in reaching these individuals that the legislation sought to serve. As the fiscal year 1968 comes to a close, it is unlikely that all training projects developed within the funds that were apportioned and approved by Federal regional officials as meeting Federal standards and requirements will in fact be funded and that some of those which have been, will be able to survive. The uncertainties that prevailed in fiscal year 1968 are being projected into fiscal year 1969, as we have pointed out in describing the administration's manpower blueprint of March 19, 1968.

Equally important, however, as the announced change in apportionment, the U.S. Department of Labor has proposed for the OJT area a vital change in the arrangements between the States and the U.S. Department of Labor. The agreements between the States and the U.S. Department for MDTA programs provided that the States would assume the responsibility of promoting, developing, funding, monitoring, and other services associated with implementing the training programs, and the U.S. Department of Labor made funds available to the States for personnel to handle these important functions. The Department of Labor now proposes that in the OJT area the more important functions of promoting, developing, and funding be assumed by Federal personnel and that State agencies retain only the lesser responsibilities of monitoring and servicing projects. A proportion of the experienced State personnel, whose training has been financed by Federal funds, would be released from employment and, presumably new Federal employees would be secured to assume the duties now handled by State employees.

In order to assure the participation of State agencies in the MDTA programs that Congress intended, we propose that sections 301 and 206 of the Manpower Act be amended. The action of Federal officials during the past 2 years makes it obvious that amendments to both sections are needed in order to insure the orderly operation of the Federal Manpower Program within States having agreements with the Secretary of Labor, in line with the legislative intent of these two sections.

We suggest that section 301 be amended to insure that appropriated funds allocated to the States remain fully available to the States as long as the States have a backlog of unfunded Federal manpower programs that meet Federal criteria and standards. The amendment would narrow the Secretary's discretionary authority to some extent. At the same time, it would guarantee that appropriated, allocated manpower training funds made available to the States under Federal-States agreements were actually available when the States completed their part of the working agreement and were ready to utilize the funds. This proposed amendment to section 301 would have considerable force in giving the State agencies some assurance that the Federal Government would live up to its commitment.

Our proposed amendment to section 206 would require the Secretary to enter into agreement with States and State agencies requesting the right to become active working partners in the Federal manpower program. At present, under section 206, the making of agreements is completely discretionary with the Secretary, and he can, in fact, decide to ignore the request of a State to become a partner in the Federal manpower program. There is considerable concern that during fiscal year 1969, the Secretary will reduce the number of States with which the Department will negotiate such working partnership agreements.

The proposed amendment to section 206 would assure continued participation of the States in the Federal manpower program and would remove the possibility of changing operating methods between the Federal and State governments on short notice. Presumably, without such an amendment, changes planned for those States having an OJT agreement could be extended, without congressional approval, to existing agreements with the State employment security agencies that would involve the training programs in all 50 States. Such a development would mean that all MDTA training programs would become Federal operations and the provision for allocating funds to the States as now provided in the legislation would mean very little. The Federal officials could distribute the funds within the States without State participation to suit the objectives of Federal Government officials.

We sincerely hope that the House will approve the amendments we have proposed and that it will give serious consideration to providing additional adequate but separate funding for the CEP and JOBS programs.

WILLIAM H. AYRES.
ALBERT H. QUIE.
ALPHONZO BELL.
JOHN N. ERLENBORN.
JOHN DELLENBACK.
MARVIN L. ESCH.
EDWIN D. ESHLEMAN.
WILLIAM A. STEIGER.

INDIVIDUAL VIEWS OF MR. SCHERLE

I am not opposed to the professed purposes and objectives of the Manpower Development and Training Act of 1962, as amended nor to the provisions in the bill reported by the committee extending the life of several of the important provisions of the act.

Nevertheless, I voted against reporting the bill because I am convinced, on the basis of considerable evidence which has come to my attention, that these professed purposes and objectives are not being fulfilled. This failure is the direct consequence of the gross maladministration of the act by those executive departments and agencies of the Government which have the responsibility for carrying out the intent of Congress as expressed in the statute.

For many months I have been increasingly appalled by the shocking ineptitude, carelessness, waste, and inefficiency which characterize the operations of many of the programs established under the Manpower Development and Training Act programs which are financed almost entirely from Federal funds. In other words, they are paid for with huge sums of money taken out of the pockets of the hard-working and long-suffering American taxpayer. Despite these enormous expenditures of public funds, the degeneration in the activities and administration of our national manpower and policy programs has sunk to a level of waste, inefficiency, and self-seeking opportunism which is matched only by the similar conditions which have long prevailed in the implementation of the so-called war on poverty by the Office of Economic Opportunity, its retainers and satellites.

Earlier this year, I received evidence of a situation which had arisen in a federally financed manpower project in my own State of Iowa which was so disgraceful that I was forced to conclude that only a thorough public airing offered any hope of eliminating these cancerous growths on the body politic, or, at any rate, halting their further proliferation. It seems to me that if the American people, particularly that overburdened segment that shoulders virtually all of the Federal tax load, were given the essential facts about the operation of our manpower programs, without sentimentality and in their stark and naked reality, they would, as with a single voice, demand their complete reformation, or, if that were not possible, their total abolition.

With that consideration in mind, I requested the chairman of our Committee on Education and Labor, in a letter sent to him early last March, to have the committee, through its professional staff, make an official investigation of the situation in my home State, because of the serious questions concerning the improper disposition of Federal funds which were involved in the Iowa situation.

Thus in the face of this silent and impenetrable barrier to an effective examination of the functioning of our national manpower policy, I am left with no choice but to point out to the American public by means of these views, the incredible mess which has been made of many of the programs and projects established pursuant to that policy. The situation in Iowa to which I have referred is neither unique nor even exceptional—it is quite representative of a number of similar situations which exist in other parts of the Nation.

To be precise, I have unchallengeable information that $4,518 in MDTA funds were "funneled into the Iowa Department of Public Safety for an on-the-job training program that existed only on paper." This was the finding of the Iowa State auditor who investigated the matter. The investigation found that the department of public safety employees who were to be trained not only were fully employed but were far from "unemployable." One, for example, was a veteran of 19 years in the agency and several were supervisors. All were surprised to learn that they were recorded as having undergone 8 weeks of on-the-job training.

But let me be more specific. The MDTA program is supposedly designed primarily to assist private enterprises and government agencies in financing the recruiting and training of the economically and socially disadvantaged unemployed, often referred to as the hard-core unemployed. Here are some of the individual responses of public safety employees when they were told that they had been reported as having completed 8 weeks of "on-the-job" training:

Everett Nelson, a department investigator, said, "It's news to me."

"I don't even know what you're talking about," was the comment of Yvonne Victoria, a records section supervisor.

"There must be some mix-up," said Chief Radio Dispatcher Ralph Johnson.

"To the best of my knowledge, there was no such thing. Nobody's been looking over my shoulder. I usually sit with my back to the wall." This was the observation of Leonard Murray, a supervisor in the department's bureau of criminal investigation.

Interesting in the case of Harold Schurtz, who joined the department after a 27-year employment career with the Mason City (Iowa) Fire Department, a career from which he retired as chief of fire prevention. One of the OJT contract lists Mr. Schurtz among 10 persons who are described as "hard-to-place unemployed." Said Mr. Schurtz: "It's an insult. Ridiculous—I can't remember being unemployed since I was a kid in school."

Here we have a number of individuals, all employed, who are totally unaware that they are receiving or supposed to be receiving on-the-job training. I have been advised that failure to inform an employee that he is being trained constitutes a violation of a Federal Government regulation which reads as follows:

"The subcontractor shall furnish each trainee upon commencement of training with a copy of his training outline and time-schedule for his training occupation."

Twenty-three Iowa Public Safety Department employees are named in several claims for reimbursement as having undergone on-the-job training under MDTA on a 40-hour-per-week basis from December 5, 1967, to January 27, 1968. The manpower council thereupon paid the public safety department a total of $4,518 allegedly to offset the department's cost in training these employees. The claims were signed by Roger K. Scholes, former public safety department personnel officer. Payment authorizations were signed by John M. Ropes, director of the Iowa Manpower Development Council.

Mr. Ropes and Russell V. Kelso, Iowa State Director of the Federal Bureau of Apprenticeship and Training, in the U.S. Department of Labor, signed OJT contract pursuant to the provisions of the Manpower Development and Training Act. Mrs. Patricia Powers, a subordinate of Mr. Ropes, arranged the contracts with Mr. Scholes. Mrs. Powers is paid an annual salary of $9,900 as an OJT director with the manpower council.

In talking with public safety department employees and officials, it was learned that some department workers did attend a 2-day management dynamics seminar at the University of Iowa at Iowa City, but expenses for such attendance, totaling $1,099, were paid for out of OJT funds quite apart from the $4,518 paid to the public safety department as reimbursement for on-the-job training of department employees. A few said they also attended weekly or monthly lectures given by a university faculty member in Des Moines. It is not known if such attendance constituted part of the OJT program for public safety department employees, nor what the cost involved, if any, might have been.

Finally, and as a sort of appropriate climax consistent with the operation of this nonexistent training program, was the use of $153.12 of the training funds to pay the expenses for a going-away party for former Public Safety Director Gene Needles, whose term expired at the end of last April after the Iowa Senate had voted against his reappointment.

This is the unbelievable picture, bordering on the hilarious were it not so tragic for the taxpayer, revealed by just a single MDTA project in my home State. I might add that our State auditor has also found that about $300,000 of MDTA funds have been granted to 261 private firms and to 28 State and local agencies for manpower training programs. We are still awaiting a report on their nature and the results they have achieved.

I have dwelt at considerable length on the foregoing situation both because, occurring as it did in Iowa, it strikes close to home, and it is a startling illustration of conditions which are widespread in the implementation and administration of many of our manpower programs. I do not wish to burden this report with descriptions of similar conditions which prevail in MDTA projects in other States and cities. But the unbridgeable gap between promise and achievement exists everywhere including the newest wrinkles promulgated by the administration in the manpower field.

Last year, with the greatest fanfare, the administration launched a "crash" program to train 100,000 "hard-core" jobless unemployables by July 1, 1968—which is less than a few days away. To be operated by the U.S. Department of Labor under the authority of the existing manpower and antipoverty laws, the program was centered in 22 high density unemployment areas, chiefly ghettos and slums, with $102 million of MDTA and antipoverty funds to be spent to achieve the stated objective. This new program is known as the concentrated employment program (CEP).

Thus far, there have been few official statistics on what has actually been accomplished. In a May 1968 press release, the Manpower Administrator, Assistant Secretary of Labor Stanley Ruttenberg, claimed that 59,400 hard-core unemployed had been enrolled under CEP, and that 22,500 of them had been placed in jobs. Of the enrollees, 83 percent were Negro, 8 percent Mexican-American, and 3 percent Puerto Rican. But even on the basis of these unsubstantiated figures, the CEP operation is far from having succeeded in achieving its declared goal of training 100,000 hard-core unemployed by July 1, 1968, despite the implied claim of success on the part of Mr. Ruttenberg. To the contrary, there have been reliable local reports that CEP is floundering, that relatively few have been trained, and even fewer placed in jobs.

Among these reports are the following:

Birmingham, Ala.: Contracted for $3 million to place 1,400 individuals in jobs. As of December 7, 1967, almost halfway to the target date of July 1, 1968, six persons have been placed in jobs and only a few hundred were in training.

Phoenix, Ariz.: This is a $3.5 million program to provide training for 2,500 individuals. In January 1968, with less than 6 months to go to the target date, "265 had been helped, of which 38 are in jobs with private industry." There are indications, however, that although there hasn't been very much done toward helping the "hard-core unemployed," 143 new employees have been taken on to operate the program with salaries totaling over $830,000, all coming out of the $3.5 million grant.

Pittsburgh, Pa.: Under a $4 million contract 1,925 persons were to be trained and placed in jobs. As of November 2, 1967, almost 3 months after the program got underway, only 74 individuals had been directly placed in jobs.

New Orleans, La.: The CEP program with a $4.5 million budget and a goal of 5,000 placements, began on July 21, 1967. As of January 6, 1968, almost 6 months later, $714,076 had been spent with 817 persons placed in jobs at a cost of $874 each, and 316 "meaningful placements" registered at a cost per individual of $2,260. In an interview, a leading CEP official conceded that "the effort has not worked very well yet * * * and the 5,000 goal may be too big a bite for 1 year."

St. Louis, Mo.: The CEP contract was for $5 million to place 4,000 in jobs in the period of 1 year. As of January 10, 1968, only 600 had been placed. Among the reasons given for this sad performance by persons who were in a position to know but who preferred to remain unidentified were "too many fingers in the pie both nationally and locally * * * and bueaucratic jealousies between the Labor Department and OEO."

Los Angeles, Calif.: A contract for $8.6 million was signed by the Labor Department last year for a CEP program to place 2,000 in jobs in a year's time. By December 26, 1967, less than 50 had been so employed. County Supervisor Kenneth Hahn stated that among other drawbacks, $2 million of the $8.6 million went for administrative overhead, much of it going for 80 additional personnel.

It is these conditions in the administration and operation of our manpower programs which, as I have said, induced me to vote against favorably reporting the committee bill. I believe that an effective manpower program is attainable, but only if the conditions I have described are rigorously corrected, and sound administration stringently adhered to. In the face of the failure or refusal to act by the executive branch, only the Congress can insist that the necessary cleanup operation be performed. I feel that the consideration of the committee bill provides an excellent opportunity for Congress to take the necessary measures to rescue the manpower program from a failure just as resounding and as scandalous as that which has been the fate of much of the antipoverty program as it was administered by the Office of Economic Opportunity.

WILLIAM J. SCHERLE.

[House, Sept. 4, 1968]

AMENDING THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15045) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15045, with Mr. MACDONALD of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky [Mr. PERKINS] will be recognized for 30 minutes, and the gentleman from Ohio [Mr. AYRES] will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, H.R. 15045 is a bill to extend the Manpower Development and Training Act. This is the primary purpose of the amendments. We have other amendments, but the primary purpose is to extend the pilot programs until 1970 and the basic programs under this bill until 1972. All the main titles of the bill have always carried an open-ended authorization. We are presently spending about $395 million a year. For fiscal year 1969 we have in the House-passed appropriation bill (H.R. 18037) by the Committee on Appropriations the figure of $400 million which has also been agreed to by the Senate Appropriations Committee. This authorization bill is very necessary.

Mr. Chairman, H.R. 15045 extends provisions of the Manpower Development and Training Act of 1962. Its passage at this time is of critical importance to maintain program continuity and assure continued progress toward full employment.

The MDTA is the keystone of our current efforts to develop and utilize to the fullest extent possible the most valuable resource this Nation has—the ability and talents of each of its citizens. It was initially enacted in recognition of the fact that the productive potential of many individuals in this country was being tragically wasted, partly because we lacked a basic manpower policy and training programs for unemployed or underemployed workers to give them the skills they needed to obtain suitable jobs.

It is now well established that the MDTA is an effective instrument for achieving the purposes Congress originally intended:

Since passage of the act in 1962 more than 1.2 million training opportunities have been authorized. Of these, nearly 740,000 have been for institutional training, over 455,000 for on-the-job training, and 60,000 for part-time and other training.

As of June 1, 1968, over 725,000 persons had been enrolled in institutional training and 435,000 had completed their training. Approximately 285,000 persons had been enrolled in on-the-job training—OJB—and 155,000 had completed their training.

Seventy-six percent of those completing institutional training and 89 percent of those completing OJT were employed when last contacted. Of these placements, 78 percent of the trainees from institutional programs and 93 percent of the trainees from OJT were employed in training-related jobs.

Mr. Chairman, as I have indicated, the bill we are considering extends the authority to conduct these basic training programs to June 30, 1972, and makes minor amendments, which I have asked the able gentleman from Michigan (Mr. O'HARA) to explain later in detail. Uncertainty about the continued flow of funds has already led to a phasing down of manpower programs since at the present time there is no formal assurance that all training under title II will not have to be completed by December 30, 1969.

H.R. 15045 also extends the expiration dates of three pilot programs—training for inmates of correctional institutions, the labor mobility program, and the placement assistance program. The last two have already suffered a termination of their program authorization. All three have provided valuable lessons, but more information is needed before it can be determined whether they should be expanded or made a permanent part of the national manpower effort.

To prevent a greater and more serious break in the continuity of MDTA programs it is essential that we pass H.R. 15045 without delay and without additional amendments that might create unwarranted roadblocks in conference. The next Congress will undoubtedly want to consider in depth the total array of Federal manpower programs and develop from the current proliferation a cohesive national policy and comprehensive legislation. But our task this year is to insure that no backward steps are taken, and this can be done by immediate passage of H.R. 15045.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield to me at this point?

Mr. PERKINS. I am happy to yield to my distinguished friend from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, unfortunately, during the recess we lost one of the distinguished Members of this body, ELMER HOLLAND of Pennsylvania. I wish to take this time and opportunity on this first day back from the recess and during the consideration of this bill to give credit where in my opinion credit is not often given.

Mr. Chairman, ELMER HOLLAND was the real father of the Manpower Development and Training Act.

I remember that in January of 1961 when I was appointed to serve on his subcommittee, the first subject ELMER HOLLAND scheduled was work upon some kind of program in order to provide training to people to enable them to obtain jobs that were available.

Mr. Chairman, at that time I do not believe many people thought of this approach and of this act. He was the real father of this act. He pushed for its adoption and worked out the problems until he finally got it through both bodies of this Congress. It carries some amendments that some of us proposed, but basically it is his idea and a great deal of credit should be given to ELMER HOLLAND for his creative thinking and his hard work in originating and pushing through this legislation to final adoption.

Mr. PERKINS. Mr. Chairman, I wish to agree with the statement of the distinguished gentleman from Iowa with reference to the efforts which were made toward securing passage of this legislation by ELMER HOLLAND. In fact, the gentleman from Iowa beat me to the punch, for I intended to devote a portion of my remarks to the role ELMER HOLLAND has played as chairman of the Manpower and Automation hearings in 1961 and 1962, as sponsor of the original act in 1962 and as chairman of the subcommittee which was continuing responsibility for legislative oversight. I recall distinctly the last legislative conference that the late great and distinguished former Speaker of the House of Representatives, Mr. Rayburn attended in the fall of 1961.

ELMER HOLLAND was present, and the Speaker asked several questions there. One question which was most important concerned the priority of floor action between the Manpower Development Training Act and the Youth Conservation Corps bill. The then Secretary of Labor Arthur Goldberg, ELMER HOLLAND and I agreed that the Manpower Development Training Act should take precedence over the Youth Opportunities Act at this time.

Elmer Holland was diligent. He labored day and night, and his whole heart was in this program. He certainly commands the respect of this entire Congress and the Nation for his constructive work in the manpower field and in presenting this legislation before the Congress.

Upon the death of Congressman Elmer Holland, another great member of that subcommittee succeeded Congressman Holland as the chairman, Congressman John Brademas, of Indiana. I know that under the leadership of Congressman Brademas this legislation, the Manpower Development and Training Act, will continue to be expanded and directed to meet the needs of the unemployed.

Mr. Chairman, I know of no objection to these amendments. I understand we are going to complete only the general debate today.

Mr. Chairman, I yield back the balance of my time.

The Chairman. The gentleman from Kentucky has consumed 9 minutes.

The Chair recognizes the gentleman from Ohio (Mr. Ayres).

Mr. Ayres. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Kentucky, the chairman of our committee, has explained very adequately the purposes of the bill. I believe we all realize that if they are going to protect the pockets of the public in this country, people are going to have to learn to earn, and this is a vehicle for that purpose, so that people can learn to earn.

Mr. Chairman, we have many people, in fact they run into the hundreds of thousands in this country, who are physically and mentally able to perform the functions of a daily job, but who are not trained to do the jobs that are in short supply.

This program to date has worked very well. I know that if our late colleague, the gentleman from Pennsylvania, Mr. Holland, could be with us today he would feel very proud of his efforts in having spearheaded this program from its very beginning.

Mr. Chairman, for the information of the members of the Committee, we are just going to finish general debate today, and the bill will be read for amendment tomorrow. There will be several amendments offered which in my judgment will strengthen the bill, and I do want the Committee to know that there will be some amendments before the Committee tomorrow.

THE IMPORTANCE OF MDTA

Mr. Steiger of Wisconsin. Mr. Chairman, few acts in recent years have achieved the support from professionals and laymen alike which the Manpower Development and Training Act has now attracted. Conceived by the Congress, and supported since its inception on a bipartisan basis, MDTA has provided educational and job opportunities for those whom the formal school system failed to reach. The flexibility of MDTA has allowed its administrators to harness the energies of the public and private sectors to solve complex manpower problems which neither could solve alone. Its ability to change as the needs of the country change has resulted in a transition from meeting the challenges of national skill shortages and automation to the current emphasis upon the employment of the disadvantaged. Its innovations, whose impact has been felt far beyond the confines of MDTA programs themselves, include the skill centers, cooperative school work programs, the New Careers emphasis, and more sophisticated approaches to on-the-job training.

By concentrating upon the needs of the individual, the program has demonstrated that the application of imagination, time and patience by employer, teacher, and trainee can both result in the employment of so-called unemployables and the upgrading of workers whose talents are underutilized and too frequently unrecognized. I sometimes am concerned that the full social significance of this achievement is lost as we apply the cost benefit, cost utility, and other measures necessary to assure that our programs are operating efficiently and effectively. The difference between moving from unemployment to employment or from an unskilled to a semiskilled or skilled occupation cannot be assessed simply by subtracting pretraining from posttraining earnings.

At the same time the hearings of the Education and Labor Committee have brought to light problems in program implementation which the majority report and amendments I shall propose today are intended to correct. The skill center, an institution designed expressly to meet the needs of the hard-core unemployed, must be encouraged to develop further the valuable educational approaches and services in which they have pioneered.

It also seems clear from the testimony that States and localities now regard the manpower problems of the disadvantaged in many cases as a matter of high priority—in coming years they must be given a greater voice both in the design and implementation of MDTA programs.

The increasing number of programs dealing with the disadvantaged, and the recognition of the substantial human resources required to place these people successfully, suggest that we must raise considerably the level of expertise in our manpower programs.

Only by fully utilizing the available resources within the public and private sectors and within the Labor Department, Department of Health, Education, and Welfare, and related agencies shall we even begin to meet the full scope of the unemployment problem in our urban and rural poverty areas.

TRAINING AND RELATED TECHNICAL ASSISTANCE AMENDMENT

Manpower programs designed to reach the unemployed and underemployed in urban and rural poverty areas have demonstrated that not only more money but also better trained manpower personnel are needed, if such efforts are to succeed. It is not enough for the manpower specialist to sympathize with the plight of the poor in general; he must know how to diagnose the particular needs of the individuals he is assisting and what specific steps can be taken to meet those needs. In recent months business groups, Government agencies, nonprofit groups, and academicians have expressed concern over the insufficient number of qualified counselors, job development specialists, and program administrators available.

Section 3 of the Education and Labor Committee amendments to MDTA adds a new section 309, which provides for the reservation of 2 percent of the sums appropriated in any year for the entire act to be used by the Secretary of Labor to provide, directly or through grants or other arrangements, training and related technical assistance for specialized or other personnel needed in the administration of programs under the act. The new section further allows assignments of personnel to public or private agencies, institutions, and employers for this purpose, for not longer than 2 years.

Acceleration of manpower programs in disadvantaged areas has increased the demand for employment experts both inside and outside the Labor Department. Secretary Wirtz has said on several occasions that he would rather have a few good administrative and program staff than more millions of dollars. In hearings before the Select Subcommittee on Labor, Secretary Wirtz was asked if he would have any objection to the setting aside of 2 percent of the funds appropriated under MDTA for the training of persons to administer programs authorized by the act. He replied that such an emphasis would be entirely appropriate and all to the good. Manpower Administrator Ruttenberg also indicated that he would have no objection to such an amendment.

Several manpower task forces and consultants have also expressed support for additional training of manpower personnel. The Employment Service task force report stressed that the growing demands upon the Employment Service for comprehensive manpower services call for a more complex set of skills than previously required and that the problem of improving the quality of personnel working in the manpower system has therefore now become more acute. The proposed amendment to MDTA to increase the amount and scope of training and related assistance would implement the task force's recommendations for more employee self-development through inservice and outservice training and for a well-defined training program including the State and local as well as regional and national levels.

Greenleigh Associates earlier this year published a report entitled "Opening the Doors: Job Training Programs," in which they included numerous recommendations for improved staff training. Emphasizing that existing procedures for manpower staff training are wholly inadequate, they recommended establishment of a comprehensive manpower personnel program which would make inservice training available to administrators at the local, county, State, regional, and Federal levels. Such training would be designed to increase staff capability for program implementation, stimulate interchange of information about manpower problems and program techniques, and, last but not least, promote coordination among programs, agencies, and levels of government. This inservice training would include establishment of a National Manpower Institute and expanded utilization of colleges and universities for training State, county, and municipal government officials, as well as regular face-to-face briefings for operating personnel on the findings of research and experimental and demonstration projects and their implications for policy, program, and operations.

After extensive hearings in 1963 and 1964 the Senate Subcommittee on Employment and Manpower of the Committee on Labor and Public Welfare concluded that any long-range solution to the critical shortage of employment counselors would require an increase in the supply of professionally trained personnel. They suggested that one way to cope with this problem would be Federal financial support for more professional training for present employment service personnel and for attracting potentially qualified entrants to the employment counseling field. This year I am pleased to see that the Senate Committee on Labor and Public Welfare is supporting the 2-percent set-aside amendment which we have initiated.

Manpower experts have pointed out several other benefits which might be derived from a more effective training program. Prof. Irwin Berg of Louisiana State University, writing in the Employment Service Review, has underscored the current lack of a precise role for the employment counselor and the subsequent need for counselors to acquire greater skill and a better understanding of their function in the Employment Service. Such additional training is particularly important in the light of the greater emphasis upon counseling in the new concentrated employment program. Melvin Finn, of the Bureau of Employment Security, has suggested that a program intended essentially for personnel in State agencies under the age of 35 who had demonstrated executive potential might act as an incentive for highly competent young people to remain in the Employment Service and would serve as a vehicle to prepare them for positions with greater responsibility. He found that the State agencies' response to the limited program of this kind which the Labor Department sponsored was far greater than anticipated.

The findings of a number of studies dealing with the manpower needs of Federal, State, and local government also are virtually unanimous in stressing that expanded government training programs are long overdue. In "Governmental Manpower for Tomorrow's Cities" the Municipal Manpower Commission reported that not only does demand continue to outstrip supply for many groups and, especially for those which require specific training for local governmental careers, but the gap is growing fast. Prof. David Stanley of the Brookings Institution suggested that New York City should issue an executive order establishing training and development of professional, technical, and managerial personnel as official city policy, found an institute of urban and metropolitan affairs, and actively encourage organizations to conduct training on the problems confronted by particular agencies. The Committee for Economic Development has found that in most segments of the Federal Government, surprisingly little attention has been given to developing managerial manpower.

Recent evolution in the goals of MDTA and growth in the manpower responsibilities of the Federal Government necessitates not only implementation of these proposed training improvements but also adoption of a more comprehensive view of what training and related technical assistance entails. I would hope that the Labor Department will regard this amendment as an opportunity to move in two broad fronts. First, improvement in the quality of existing counselors, job development specialists, and program administrators; and second, attraction of newcomers into the manpower field.

As manpower policy becomes broader in its application, State and local governments and voluntary nonprofit and corporate agencies are experiencing a steadily increasing need for individuals with manpower expertise to man and staff their programs. In providing training the Committee on Education and Labor has emphasized in its report that it does not intend that training shall be limited to the personnel needs of the Department of Labor and the Department of Health, Education, and Welfare and the State agencies directly involved in administering this act. This amendment is intended to help train people for the entire spectrum of need.

The expanded training program will hopefully include both expansion of promising current training efforts and exploration of additional training possibilities. I would hope that the Labor Department could now expedite its current efforts to join with OEO in establishing regional manpower technical assistance and training centers and expand its program to assist JOBS contractors in training middle management and firstline supervisors in receiving, accepting, and retaining individuals from the hardcore unemployed. At the same time a number of other training possibilities might also be examined. Internship programs at the State and local level which involve the full gamut of manpower programs and closer liaison with the junior colleges might provide new recruiting and training possibilities. Special 1- or 2-year scholarship programs might be instituted which would allow indigenous leaders of CAPs or other neighborhood programs to receive academic training in manpower-related subjects.

At a more advanced level a national manpower institute could be created and the groundwork laid for a series of regional institutes. Rotation of personnel among Federal, State, local, and private agencies could be increased to the point where a cadre of personnel would be created with an areawide perspective on manpower problems. Special programs might be developed to upgrade the skills of these Employment Service personnel who have volunteered to work in urban and rural slum areas.

In coming years current manpower programs will expand to a size which will necessitate some type of decentralization. The quality of manpower personnel at the State and local level will then become a critical factor in the success or failure of the programs.

THE NEED FOR SKILL CENTERS

I hope that the skill centers will now be able to utilize more comprehensively their basic education and other resources in exploratory and prevocational simulated work experience to help the disadvantaged determine where their real interests and aptitudes lie and make preliminary preparations to pursue them. I can think of nothing more devastating to the disadvantaged trainee than for him to be hired, almost unseen, through a job program only to find that he has no aptitude for the job or that he lacks the basic education to operate in it, let alone compete for better jobs.

I am concerned by evidence presented to the Select Subcommittee on Labor which indicates how frequently subcontractors funded with OEO versatile funds delegated to the Department of Labor have established skill centers in the same communities as MDTA skill centers. In some cases such duplication of facilities may be necessary to reach different target populations within the ghetto, but it appears that in some cases identical training is being provided while vacant slots exist in MDTA skill centers. In Detroit, where I know that the MDTA skill center has done an outstanding job, the subcontractor for the Department of Labor is not only duplicating the physical plant, but is also asking to borrow the idle equipment from the MDTA skill center.

Such duplication of skill centers also entails considerable additional cost to the Government. At this moment there is about $20,000 worth of MDTA drafting equipment idle in the JFK Center in Philadelphia. The JFK Center was created with MDTA funds, and has placed 100 percent of its drafting students in employment at a cost per student instruction hour—including allowances—of $2.78; this also included the initial purchase of the new equipment. The private contractor program recently announced by the Department of Labor will cost the Government $6 per student instruction hour. With the MDTA equipment—now idle—already amortized, the skill center could have conducted the training for half the cost. Flexibility in manpower training programs must be maintained and CAP agencies should not be forced to work with intransigent, unsympathetic public institutions. At the same time the MDTA skill centers should not be bypassed without regard for their record of training.

This failure to develop the skill centers is particularly unfortunate, because the record of training is so good. The use of an open-ended curriculum approach to occupational preparation has proved an effective way of stimulating disadvantaged students who the public schools could not reach. New educational techniques combined with supportive services designed to help solve a whole gamut of human problems has enabled these trainees to gain the basic and vocational education without which they cannot become fully productive workers.

In view of the success of the skill centers, which are such a large part of the institutional MDT program, I am concerned about the extent to which institutional MDT activity has been curtailed both in fiscal year 1968 and fiscal year 1969. During fiscal year 1967 about 177,000 persons were enrolled in programs for which the Secretary of Health, Education, and Welfare is responsible, including 80,000 trainees in skill center operations. The most liberal estimate suggests that the total institutional training has dwindled to fewer than 60,000 individuals enrolled in all such programs. This serious reduction in the level of institutional training since 1966 is a result of the transfer of MDT resources to on-the-job training programs. I do not mean to suggest that all institutional training should be indiscriminately supported. It is sometimes said that 116 skill centers are in existence, but not all of them are providing the necessary combination of training and services to meet the needs of the disadvantaged. As the annual report of the Department of Health, Education, and Welfare, "Education and Training," points out, there are approximately 70 skill centers which meet MDT criteria. But the effective skill centers must be fully funded and their further development must be actively encouraged. To overcome the numerous and serious needs of the Nation's poor, a concerted effort must be made to increase the disadvantaged person's command of the fundamental process of communication—reading, writing, speaking, and listening—as well as alleviate his deficiencies in math. If the disadvantaged person is to become a vigorous and active participant in our society, and not merely a semiemployed, unskilled appendage to the worker force, we must bring to bear both the functions of the educational process, and employment opportunities and the paycheck. In our current healthy reaction against the "credentials trap," we must not fall into the equally dangerous assumption that all the urban and rural poor need is a job. Only the combination of training and employment will meet the scope of the problem. It is as unconscionable to place a man in a job for which he is not prepared as it is to train a man for a job which does not exist.

Mr. AYRES. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BRADEMAS. Mr. Chairman, I rise in support of this legislation.

But before I speak of it, I will follow the eloquent comments of the distinguished chairman of our committee, the gentleman from Kentucky [Mr. PERKINS], and our colleague from Iowa [Mr. SMITH], in saying a few more words about the sponsor of this bill, our late and beloved colleague, the Honorable ELMER HOLLAND of Pennsylvania. It is tragic, and at the same time, fitting that this bill should come before the House on the same day on which the House is officially advised of the death of our friend from Pennsylvania. As has already been said, if ever a Member of this House were the "father of a program" Elmer Holland was the father of MDTA. And I say this without in the slightest detracting from the contributions made to the act from the very beginning by other Members present here, including Members from the other side of the aisle. In particular, Mr. Chairman, I salute our talented and hard-working colleague from Michigan [Mr. O'HARA], who has made most significant contributions to the enactment of this milestone legislation.

Mr. Chairman, ELMER HOLLAND was among the first of the Members of this House to recognize not only the perils of the automation revolution, but its promise as well, and to consider the means to combat its hazards. He knew of the dangers because his district, like mine, was among those hard hit some years ago by the changing patterns of industrial organizations and the changing methods of production.

I might say that when in late 1963 the Studebaker plant was shut down and went out of automobile production in my home city of South Bend, Ind., the manpower development and training programs made possible by the legislation we are here considering today, played a crucial role in the comeback of the entire South Bend community.

Mr. Chairman, when in 1961 President Kennedy took office and the Committee on

Education and Labor entered upon a major reorganization of its own structure, ELMER HOLLAND was appointed as chairman of a Special Subcommittee on Unemployment and the Impact of Automation. He had already worked with some of his colleagues and with the incoming administration on the first draft of what was to become the Manpower Development and Training Act. Before the 87th Congress adjourned in 1962, MDTA was on the statute books, and the Secretaries of Labor and Health, Education, and Welfare were engaged in what has become one of their most important tasks—the development of manpower resources and the training and retraining of people for new jobs to meet the needs of our ever-growing, ever-changing technology and industry.

Four times in the 6 years since ELMER HOLLAND and the members of his subcommittee, refusing to rest on their laurels, refusing to consider a good job well done as long as there was room for improvement, have amended MDTA—sometimes to make very minor, even technical changes, sometimes to give the act and the program new emphasis, new focal points, new directions. Early this year, with the act approaching the terminal dates of its existing legislative authority, ELMER HOLLAND introduced a bill to extend that authority. Once again, with his full support, his subcommittee took the simple extension and made further changes—for the most part minor changes.

It would have been good if ELMER HOLLAND could have lived to see the fruition of his efforts today. It would have been good, I am sure, because I am convinced that this House will tomorrow give the kind of rousing bipartisan stamp of approval to the work done by ELMER HOLLAND and his colleagues that has come to be a trademark of this legislation.

Born in the midst of partisan controversy, MDTA has satisfied its early critics and gratified its early sponsors and has become an almost universally accepted part of the Nation's basic policy in dealing with the growing problem of matching work that must be done with the people that are available to do it.

Mr. Chairman, I am here today in the new role of chairman of the Select Subcommittee on Labor, which ELMER HOLLAND so long and so ably led. I am deeply grateful that with me are other members of that subcommittee—members who have worked long hours and long years with ELMER HOLLAND in the development of this legislation. The subcommittee will present to this House today a bill on the details of which there are some differences of opinion—this is not a bill we are asking the House to rubber stamp. But I do think I speak for all my colleagues on the subcommittee—Democrats and Republicans—when I say that there is little difference among us as to the basic value of MDTA, as to the need for extending it beyond its present expiration dates. and as to the debt we all owe—that millions of Americans who have better jobs and more salable skills because of MDTA owe—to our late colleague, the distinguished gentleman from Pennsylvania, ELMER J. HOLLAND.

The CHAIRMAN. Are there any further requests for time?

Mr. AYRES. Mr. Chairman, I have no further requests for time.

Mr. PERKINS. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Chairman, I would like to say one word of a personal nature before we get into the detailed consideration of this legislation. H.R. 15045 was introduced in this House by our colleague, the gentleman from Pennsylvania, Mr. HOLLAND. The Manpower Development and Training Act, which it seeks to extend and amend, can claim, as all major programs can claim, many original authors. But certainly preeminent among them was the gentleman from Pennsylvania.

The consideration of this bill today would have been, in a sense, the climax of ELMER HOLLAND'S career. He had decided, last winter, not to run for reelection, and a month ago, he had tendered his resignation as chairman of the subcommittee which has responsibility for this legislation. In being here with us today, he would have been able to see his major legislative accomplishment—the act which was, of all the bills he had cosponsored and led the fight for, his particular pride and joy—extended for another 3 years, amended in minor particulars, but reassured of a further period of growth and experimentation.

Death saw it differently. His voice will not be heard in support of this bill today, but his spirit and his determination that the age of automation would not be an age of massive economic dislocation—that progress need not be painful—that technology could be the servant, and not the master of men—will be very much alive as we turn to the consideration of H.R. 15046.

I will not ask that this bill be passed "as a memorial to ELMER HOLLAND." He would have been the first to respond to that kind of plea with a short, and probably not very elegant, word or two. No, Mr. Chairman, the passage of H.R. 15045 must rest on the merits of H.R. 15045. The fact that we are considering this bill, the fact that the House which he loved is turning on this, our first legislative day subsequent to his death—that alone is all the memorial that ELMER HOLLAND could have asked, or that we have the power to give him.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the chairman of our committee.

Mr. PERKINS. Mr. Chairman, I feel I would be derelict in my responsibility as chairman of the Committee on Education and Labor if I failed to point out that the distinguished gentleman from Michigan is one of the top experts on manpower legislation in this country. I believe the whole Chamber feels the same way. No individual has given more time to the study of the manpower field in his efforts to strengthen and coordinate the manpower programs than the gentleman from Michigan. His contributions, to my way of thinking, have been monumental. He deserves the praise of this Chamber and this country for his great contribution in this area.

Mr. O'HARA of Michigan. Mr. Chairman, I thank the chairman of our committee for his very kind words.

Mr. Chairman, H.R. 15045 is a bill to extend the life of the Manpower Development and Training Act of 1962, as amended, and to make further minor amendments to that act. I believe the House will be able to work its will on this legislation in a relatively short time, as we have been able to do in previous sessions when we have amended the act in other ways. This is one piece of legislation which has, almost since its inception, enjoyed the broadest conceivable kind and of bipartisan support in this House, as indeed, it has enjoyed in the Nation as a whole.

MDTA began, Mr. Chairman, as primarily a response to the problems posed to the economy by the technological revolution of our times. Automation, the development of new industrial processes, the abandonment of old techniques, brought with it the promise of increased productivity and a higher standard of living. But they also brought the threat of unemployment, of massive dislocation of workers from jobs at which they had spent a lifetime, from skills which would soon be no longer salable. I will not say that MDTA alone dispelled the threats which our technological revolution posed. I will not even say that that threat has been entirely avoided, or even that the major impact of the new technology has yet been felt. But it is safe to say that there are hundreds of thousands of American wage earners today who owe their jobs, their productivity, and their peace of mind to the retraining programs developed under this act.

In recent years the focus of the act has shifted moderately, to enable the institutions we have developed under MDTA to be brought to bear on the problem of hard-core unemployment. MDTA programs are by no means wholly unconcerned with the original intent of the act, nor, indeed, should they be in the foreseeable future, but, as is only proper, a major share of attention and a major share of MDTA resources are being utilized to develop new training opportunities and job opportunities for those who have historically found it the hardest to share in the high levels of employment which the economy as a whole has enjoyed in recent years.

H.R. 15045, as introduced by the gentleman from Pennsylvania [Mr. Holland], originally provided for a simple extension of the various expiring provisions of the act for various periods of time. A few programs such as a relocation assistance demonstration project, and a placement assistance demonstration project, authority for which expired on June 30 last, are extended for 2 years until June 30, 1970. An experimental and demonstration program involving skill training for inmates for correctional institutions, authority for which expires on June 30, 1969, was also extended until June 30, 1970.

The basic authority under the act which expires on June 30, 1969, was extended until June 30, 1972. To these provisions, no objection of which I am aware has been voiced in the hearings or in the correspondence members of the committee have received, and they remain in H.R. 15045 as section 1 of the reported bill. This section is the heart of the bill, really, and the urgency of the bill rests on them. If the States are to continue planning for their programs, if State employment security agencies are to continue forward planning to discover areas in which training is needed, this extension of the basic authority is essential.

In addition to extending the life of the MDTA program, the bill makes some minor amendments. In Section 2 are purely technical amendments correcting an inadvertent typographical error that crept into the 1966 amendments in the rush of final passage at the end of the 89th Congress. These errors have caused no problems, but in the cause of legislative neatness, they should be amended.

Section 3 provides for a setaside of 2 percent of the funds appropriated in each fiscal year under this act to enable the Secretary of Labor to provide training and related technical assistance for specialized and other personnel needed to administer the act and programs under it and related to it.

As manpower policy becomes more complex, there is developing a very great need, not only at the Federal, but also at the State and local level, for trained personnel to administer the program and to carry out activities related to it. There is full agreement in the committee as to the necessity of this training. Indeed, the amendment itself was offered by the minority members, and accepted unanimously. The Labor Department advises me it has no obections whatever to this amendment.

Section 5, if I may be allowed to skip the order of sections momentarily, is a simple amendment to extend the areas as in which MDTA programs may be carried out to include American Samoa and the trust territory; and to allow programs in the trust territory to be wholly federally financed. This amendment, offered in the committee by the gentlewoman from Hawaii, is also noncontroversial.

Section 4 of the reported bill is the closest we have come this year to reporting a controversial amendment, and here the controversy rests not on the intent, but on the mechanism of the section. Here, too, I believe there is strong bipartisan support for a corrective amendment which will be offered when the bill is opened for amendment under the 5-minute rule.

Section 4 seeks to correct an administrative problem that has arisen under the act with respect to the skill centers—institutions that are among the most valuable contributions of MDTA to the spectrum of manpower tools. These centers, which at their best—if a Member from Michigan may be allowed pardonable pride—like the Patrick McNamara Skill Center in Detroit, combine the best environment, the best equipment, and the best instructors with other supportive services, and, in their own fashion, provide many MDTA trainees with the kind of institutional point of reference which in many cases the ordinary schools and vocational institutions fail to offer. The skill centers have an excellent record in course completion, and placement, and are universally thought of as one of the real strengths of the institutional aspect of MDTA training.

Subsection 4(a) directs that, in providing institutional training, the Secretary of Labor should make maximum use and give priority to the use of skill centers. With this provision, there are no objections on this side of the aisle. This direction to the Secretary is to "give priority" to the use of such centers. It does not provide any ban on the use of other techniques where necessary, and sets no percentage or other criteria as to allocation of funds. That priority should be given to skills centers is a proposition with which no member of this committee is prepared to take issue. But the question of degree, the question of using a given skill center in a given situation, is a decision as to which the subsection still vests discretion in the Secretary of Labor and the Secretary of Health, Education, and Welfare.

It is certainly the intent of the committee that this discretion ought to be utilized in conformity with the clear intent of this section. Priority should be given to skill centers. But this principle need not paralyze the Secretaries in the use of other types of institutions and training situations.

Subsection 4(b) also seeks to meet the problems faced by skill centers, notably those problems which the centers run into because of the language in the original act requiring a "reasonable expectation of employment" before persons can be referred to training. The requirement has been met through employment opportunity surveys conducted by the State public employment services, and has sometimes resulted in the nonuse of skill center facilities and personnel while a survey was awaiting completion. According to testimony taken in the hearings, this administrative requirement has also resulted in the skill centers being asked to operate on the basis of individual budgets for each separate course—sometimes involving as many as 40 or more separate budgets annually. When, out of these 40 or more separate budgets, you are seeking to operate an institution with continuing costs, not always easily attributable to a given course, and to maintain a high-caliber staff on a year-round basis, things can get pretty sticky.

It is the committee's intention to make it crystal clear that skill centers can be funded on an annual basis. We will, I believe, revert to this point at a later stage in the discussion of the bill, but the committee's action, it should be understood, was directed primarily toward this objective.

Subsection 4(b) provides for the allocation to existing skill centers of funds and training "slots" sufficient to insure a level of skill center operation equal to that which existed on July 30, 1967, or June 30, 1968, whichever is greater; for a guarantee that no less than 65 percent of all title II funds will be allocated to institutional training; and for the meeting of certain criteria before existing skill centers can be closed down, or new ones created. As I have suggested earlier, we will discuss these sections of the legislation more thoroughly under the 5-minute rule.

Mr. Chairman, I have emphasized the bipartisan nature of this legislation, and on previous occasions, I have had the pleasant duty of pointing out to this House that MDTA and its amendments have been the product of continued bipartisan work on that duty again today. There may be disagreement on the contents of this bill before we complete its consideration, but as it was reported to the House, the bill expresses, in all of its provisions, a broad, constructive consensus which transcends party, region, and the differences between liberals and conservatives. The 1968 MDTA extension and amendments bill reflects an area of agreement which is particularly refreshing in a time of great controversy.

Mr. William D. Ford. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I am pleased to yield to the gentleman from Michigan.

Mr. William D. Ford. Mr. Chairman, at the present time we are in a situation where the rate of unemployment is relatively low and there is a clear and steady demand for more manpower. At the same time, there are concentrations of high unemployment in given areas. Those who are not employed under such circumstances present a serious problem to the Nation in its effort to increase the Nation's manpower supply and develop the human resources of the poor so that they may achieve—and the country may benefit from—their fullest possible economic and individual potential.

I have no doubt that we require new policies and approaches to locating and bringing the unemployed into the work force and increasing their potential as a valuable manpower resource. Studies have already shown us that skill and prevocational training and related services are sorely needed by the majority of those not now in the work force. Most of these people are not only poorly educated in terms of formal schooling but also lack any sort of special skill training either on or off the job. This is true in spite of the extensive and precedent-shattering efforts made by this administration to expand the quantity and improve the quality of such training and to make it more readily available to those who need it most.

Under these circumstances it is vital that we not take any more time than is absolutely necessary before we extend existing authority to continue the significant training programs which have their source in title II of the Manpower Development and Training Act.

The priorities of this program have been altered and modified over the past 6 years in order to achieve a sounder balance between attempting to meet the severe needs of the most desperately disadvantaged and providing the additional supportive or other services required by those who are more nearly job-ready. As the program has demonstrated its ability to respond quickly and flexibility to our increasing understanding of the nature of the problem of unemployment, and underemployment, it has won our respect and deserves our continued support. We can continue to consider further modification of the nature of the MDTA program after we take this important first step of preserving the essential continuity of its existence. It is in this spirit that your committee recommended enactment of H.R. 15045.

As an example of the success of this worthy program in my own State of Michigan and as a demonstration of its relevance to the more sophisticated needs of today's rapidly changing world of modern industry, let me just briefly cite the heartening experience of Ling-Temco-Vought's missile and space division in Michigan. The machine operator training program has provided 33 employees to the division, with only one graduate of the program failing to be placed with the company. These men were hard-core unemployed, people who often could not find work as common laborers, and who were apparently trapped in the vicious cycle with which we have all, by necessity, become increasingly familiar: that is, lack of skills coupled with lack of motivation combining to keep the kind of job wanted just beyond the reach of the individual; because he lacks skills he is not employed and he becomes discouraged, does not seek training, and ceases to look for work.

In this program, however, most of these problems were overcome by sympathetic and intelligent planning to meet the individual needs of people who had often surrendered hope to despair. It would be misleading to say that each of these persons has become a skilled employee; some were unable to adjust to the requirements of the job, to accept detailed directions and to understand concepts of productivity and self-motivation. These few were reluctantly let go.

But the overwhelming impression, as you examine these and other training efforts under MDTA, is of productivity, performance, and progress. The program is working well and we must extend and support it, while preserving our right, indeed our duty, to improve it wherever and whenever a compelling case is made that such action is necessary.

Mr. Gibbons. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I am glad to yield to the gentleman from Florida.

Mr. Gibbons. Mr. Chairman, I rise in support of H.R. 19045, to extend the expiring provisions of the Manpower Development and Training Act of 1962.

In the span of a few years, the Manpower Development and Training Act has blazed creative new trails in the critically important area of training thousands of disheartened and desperate jobless persons for satisfying and productive employment. That in itself is enough to justify immediate passage of the bill before us.

Beyond past accomplishments, MDTA funds support new programs that promise much for the future. Prominent among these is job opportunities in the business sector—JOBS—which seek to hire, train, and retain the hard-core unemployed. It does so by combining on-the-job training with other services, such as remedial education, medical services, and individual counseling on personal problems and proper work habits. JOBS involves an unprecedented partnership between Government and business under which private companies bear the normal training costs and the Government pays for the extra supportive services which have proved to be a necessary ingredient in any program designed to bring the most severely disadvantaged in our society into the competitive world of work. There are already favorable indications that the partnership will be unusually productive. One hundred thousand people are expected to be on the job and in training by the end of this year, or 6 months ahead of schedule.

JOBS and other innovative programs for manpower development, in itself a relatively new area of public policy, require talented, trained, and dedicated people to carry them out. In this connection I am particularly pleased to see that the committee bill provides for a 2-percent setaside of funds appropriated each year under the act for the purpose of providing training and technical assistance for the personnel who are needed in the planning, administration, and execution of complex manpower programs.

I do not think that the importance of the provision can be underestimated. For example, many of the people running JOBS programs—from top management to the immediate supervisor of individual trainees—have had little or no experience in coping with the special problems of the hard-core unemployed. Technical assistance which will help them sensitively carry out their mission can very well make the marginal difference between the success or failure of a soundly conceived program.

Federal and State staff, as well as private citizens involved in manpower programs, will be able to benefit greatly from training funded by this provision. As manpower programs have expanded, it has become increasingly obvious that there is a crying need for an expanded pool of trained and expert people to implement them at all levels of government. Moreover, as innovative programs are launched and as new and better training techniques are discovered, it becomes more and more apparent that professional staff need in-service training to keep up-to-date with the latest developments. Traditionally, for example, staff members have specialized in one function such as counseling. Today's concept of an effective manpower program, is one that is comprehensive in scope, uniting many formerly separate services. In order to administer such a program, staff members must have some measure of expertise in several different areas. The 2-percent setaside of funds for training and technical assistance will help insure that they have the opportunity to broaden their knowledge and capability to meet the challenges inherent in this critically important field.

H.R. 15045 provides for a continuing program of training for unemployed and underemployed workers, and also provides the wherewithal for developing and upgrading the staff to carry out this program.

Mr. Hathaway. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I am glad to yield to the gentleman from Maine.

Mr. Hathaway. Mr. Chairman, the great need for an effective national manpower policy has often been remarked upon in this Chamber—and this House has done much to build toward that goal; a goal, I must say, toward which we all aspire. Now, as has so frequently been the case in recent years, we are faced with opportunity to demonstrate, once again, whether we have achieved an adequate understanding of the elements of that policy.

We have before us today, H.R. 15045, to extend certain expiring provisions under the Manpower Development and Training Act. It is absolutely essential that this basic building block of our manpower program be preserved, so that it may continue to serve as an essential component of the national effort to utilize what your committee has referred to in the past as "the Nation's most valuable natural resource—the brains and muscles and ingenuity of its people."

In these circumstances I am confident that we can demonstrate our receptivity to the lessons of the recent past and our sensitivity to the needs of our fellow Americans by taking appropriate action right here and now—action which will show that we understand that the price of flexibility and responsiveness to the changing demands made upon the manpower program is not going to be paid by hasty and ill-advised dismantling of or tinkering with soundly constructed machinery.

I believe it is fair to say that the MDTA is one mechanism for social and economic progress which works now, has worked in the past, and will continue to perform up to expectations in the future.

Mr. Rhodes of Arizona. Mr. Chairman, the House Republican policy committee supports the extension of the Manpower Development and Training Act of 1962—MDTA. Properly amended and administered, this act can play an important role in the fight against unemployment and underemployment.

The Republican Members of Congress long have been interested in establishing a sound program that would solve this Nation's manpower problems by utilizing the ingenuity and vast resources of private enterprise to upgrade and develop the skills of our labor force. The Republican effort in this area began in 1961 with a study by the House Republican policy committee. Leading authorities in the fields of education and on-the-job training were asked to participate and their comments and recommendations were included in the report, "Operation Employment." This study became the basis for the Republican-proposed Manpower Development and Training Act of 1962, which was adopted in great part and enacted into law by the 87th Congress.

From its inception, the Manpower Development and Training Act has contained provisions that attempted to make clear the congressional intent that the States are to be partners in the Federal manpower program. Section 301 contains an allocation formula which provides a method of distributing funds to the States. Section 206 encourages and authorizes the Secretary of Labor to enter into agreements with the States and to utilize the services of the State agencies.

Unfortunately, this intent and these provisions have been downgraded and disregarded by the Johnson-Humphrey administration. As a result, the States have experienced delays in funding projects that have met the prescribed standards and have been accepted by employers. Completely in disregard of congressional intent, the Department of Labor has proposed that the promotion, development, and funding of on-the-job—OJT—projects be assumed by Federal personnel. The State agencies would retain only the lesser responsibilities of monitoring and servicing.

Furthermore, despite the proven value of on-the-job training, the Johnson-Humphrey administration is using MDTA funds to finance new programs under title I–B of the Economic Opportunity Act. The result has been the elimination of sound manpower projects in the on-the-job—OJT—training field.

In order to have an effective training program, States must be permitted to participate on an active partnership basis. Efforts to involve private enterprise must be increased. All funds appropriated for MDTA should be utilized for MDTA programs. Similarly, funds allocated to the States should be released to finance approved projects. Also, the Secretary of Labor should be required to enter into appropriate agreements with States and State agencies interested in becoming active working partners in the Federal manpower program.

Republican amendments rejected in committee that are designed to assure these results will be offered again during the floor consideration of this legislation. We urge their adoption.

The Manpower Development and Training Act can be the basis for a successful program in a field that has been marked by frustration and futility. Properly amended and administered, it can utilize the training resources of both private enterprise and institutions to provide meaningful training for jobs that are waiting to be filled.

Jobs and hope must be substituted for unfilled promises and despair. Under a Republican President, the Manpower Development and Training Act can become key legislation in the fight against unemployment and poverty.

Mr. Daniels. Mr. Chairman, I rise in support of H.R. 15045. The Manpower Development and Training Act has been one of the great success stories of the 1960's. We have spent a lot of money on MDTA since it was first enacted in 1962—over a billion dollars. But the investment has been a sound one.

As of March 1968, over 1.2 million training "slots" had been authorized—725,000 in institutional training, 435,000 in on-the-job training, and 60,000 in other types of MDTA activity.

Of those who have completed institutional training, 76 percent were employed when last contacted, and of the on-the-job trainees, 90 percent were still employed when last contacted. This is, I suggest, a very enviable record indeed. The hopelessness that sometimes overwhelms us all when we think of the tremendous problem of combating hard-core unemployment, if this Nation is to remain stable and if equality of opportunity is to be more than a pious slogan—this hopelessness, Mr. Chairman, finds a healthy antidote in the statistics about MDTA and its effectiveness as a weapon against hard-core unemployment, against technological unemployment, against skill shortages—against many of the economic problems which prevent us from finding a job for every willing worker, and a worker for every job that needs to be done.

I join with my chairman, the gentleman from Kentucky, and with my other colleagues and friends who have already taken this opportunity to pay tribute to the sponsor of this bill, and the father of MDTA—our late colleague, Elmer Holland, of Pennsylvania. But I agree, too, with the idea that has been expressed here that we can pay no better tribute to Elmer Holland than by turning to the work we have carried this far under his leadership, and further improving the Manpower Development and Training Act.

I will support H.R. 15045 because I believe it is a wise and prudent investment in an area in which the returns can be enormous. I will support it, too, because I also believe that the damage that could result if we failed to make that investment, if we turn back after having come so far and done so much, would be incalculable, but certainly enormous.

MDTA serves the needs of the hard-core unemployed. But it does more than that. It serves the needs of industry, it serves the needs of small employers whose requirements for skilled workers are utterly beyond their own ability to meet, and, above all, it serves the broad public interest.

Mrs. Mink. Mr. Chairman, in view of the outstanding success of the Manpower Development and Training Act of 1962, I am extremely proud to add my support to H.R. 15045, a bill which will extend the authority of this program through 1972. Of all the legislation adopted since 1961, I believe the MDTA reaches closest to the goal of training unemployed and underemployed men and women to become more useful and productive members of our society.

I cannot speak too highly for the success of this effort. Men and women who have been employed and who have accepted responsibilities in the belief that their employment would continue, have been suddenly displaced by changes in technology and for new and different demands for goods. Under the MDTA they have had an opportunity to use their basic skills to learn new occupations and to be returned to the ranks of the employed. Similarly, persons who have for one reason or another entered the labor market without perfected skills have benefitted from the training offered by this program to learn a trade and thereby have gained an opportunity for employment.

In short, the MDTA has offered the best hope for employment and economic self-sufficiency. It is truly an effective program.

I am pleased that H.R. 15045 will extend its authorization for training to American Samoa and the Trust Territory of the Pacific Islands. My visit to the trust territory last January substantiated the oft-told need for greater emphasis in job training to enable the people of these islands to compete for employment opportunities which are now offered to Americans who are brought in at considerable cost to the Federal budget. This job training will undoubtedly make available better jobs for Micronesians and help them to provide their families with something more than a subsistence income.

The authorization in H.R. 15045 to extend the training programs to public and private institutions should result in making training opportunities available to the physically handicapped as well as to men who are held in custodial institutions and who should be trained in preparation for their eventual return to society.

I join with the committee in urging greater and more flexible use of skill centers. It has been proven that the men who are trained in these skill centers are not only more quickly absorbed into the labor force, but adapt more readily to the training program itself than if placed in a strictly education-oriented institution.

I also support the provision in the bill which allows for a 2 percent set-aside of funds appropriated in each fiscal year under the act, for the purpose of providing training and related technical assistance toward the preparation of the specialized personnel who are needed to make MDTA a more effective program. Counselors, job development specialists, and program administrators are many of the persons who could be trained under this provision.

These changes to the basic law are needed improvements and therefore, I urge my colleagues to join me in supporting this legislation.

GENERAL LEAVE EXTENDED

Mr. PERKINS. Mr. Chairman, I ask unanimous consent that all Members who desire to do so may be permitted to extend their remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. PERKINS. Mr. Chairman, we have no further requests for time.

Mr. AYRES. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the substitute committee amendment be dispensed with. and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

[House, Sept. 5, 1968]

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: Beginning on page 4, line 19, strike everything through the end of page 5, line 16, and insert in lieu thereof the following:

"(b) Section 202 of the Act is further amended by adding at the end thereof the following new subsection:

"'(m) Nothing in this section shall prevent the funding of training in approved skill centers, on an annual basis.'"

Mr. STEIGER of Wisconsin. Mr. Chairman, I am proposing this amendment as a substitute for subsection 4(b) of the bill before us. This proposed substitute serves the same purpose as does subsection 4(b), and avoids some of the flaws which able and distinguished members of the committee see in the language of that section.

Section 4 of the bill seeks to overcome by legislation one major administrative problem which was discussed before the subcommittee, and which, I believe, the members of the full Committee on Education and Labor approach unanimity in seeking to correct.

During the several years that MDTA has been in operation, it has made a great many contributions to the array of institutional weapons we can utilize in our efforts to combat manpower problems. One of the major contributions has been the development of the skill center—an institution which provides a broad variety of skill training, specifically directed toward the needs of MDTA trainees, as distinguished from the more traditional clientele of the vocational education system. Skill centers, such as those in Detroit, Philadelphia, New York City, Atlanta, and in some 60 other areas, have been able to combine the talents and personnel of that vocational education system with the talent and abilities of other sectors in a "mix" which has produced excellent results with specific reference to the people MDTA is trying hardest to assist.

In the course of the hearings on this legislation—and, indeed, even before the hearings—it had become obvious that one major problem was affecting the efficient working and full utilization of these skill centers. In order to be utilized most efficiently, they must maintain a permanent operation, with the most economic use of space, of equipment and, above all, of staff. The ideal way to provide such use is to allow for annual funding, on a continuing, institutionwide basis, of such centers. But as the present law is interpreted, because of the requirement for a "reasonable expectation of employment" before a trainee can be referred to training, it is necessary for the Labor Department, through the State employment security agency, to conduct a survey before any course can be established in a skill center. These surveys take time, and there is, inevitably, a lag between the proposal that a course be set up and the certification of such a course as meeting an expected employment need. This means in theory, and very often in practice, an experienced and competent instructor's talents will be utilized for a period of 10 to 12 weeks, and that, before he is sure what will happen after that, a further survey must be conducted, and further delay incurred in setting up a new course.

In addition, the operation of a skill center on the basis of certifying each course separately, involves substantial extra bookkeeping, with a skill center, as one witness told the subcommittee, being required to operate on 40 or 50 separate and distinct budgets in the course of a given fiscal year.

Section 4 of the reported bill was an amendment, offered by me in the full committee, to give priority to skill centers, and to provide for mechanisms which, we all felt at the time, would insure such priority in a meaningful way.

After further consultation with members of the executive branch and with representatives of the vocational education profession, I am persuaded that it would be simpler and more effective to strike the second half of section 4; namely, section 4(b), the mechanisms by which I had hoped to insure priority for the skill centers, and to replace it with a simple provision that allowed directly for annualization of funding for skill centers. The substitute amendment which I have offered, is intended to allow such annualization, and to permit the operation of these valuable centers without removing the basic MDTA requirement that training be offered only where a reasonable expectation of employment exists. Such an expectation is essential. It would make no sense to run skill centers, however effective they might be, to train buggy whip makers and sarsaparilla bottlers. But it makes no sense, either, to allow job opening surveys to hold up training when there is a known demand for a given skill. I offer this amendment, not truly as a substitute for, but as a clarification and improvement of the original section 4(b).

Mr. O'HARA of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am happy to yield to the gentleman from Michigan.

Mr. O'HARA of Michigan. Mr. Chairman, I would like to point out that the other members of the committee share the gentleman's intention to make easier and more efficient the use of skill centers. I supported the gentleman's original amendment in the full committee, and if the substitute does the job the gentleman suggests I am of a mind to support it on this floor.

I would like to ask the gentleman a question about that.

Does the gentleman intend that the requirement, now found in other subsections of section 202 of the act, that trainees only be referred where a "reasonable expectation of employment" exists, should be suspended or modified where skill center training is involved?

Mr. STEIGER of Wisconsin. No, indeed. The reasonable expectation requirement is essential to MDTA, and, as I said before is left in full force by my substitute amendment. The thrust of this substitute amendment is to remove the procedural barrier which that language has posed to efforts to provide for annual funding. The Departments of Labor and Health, Education, and Welfare are, I understand, trying to eliminate the problems posed by the overly rigid application of the "reasonable expectation" language. This amendment, which preserves that basic requirement should enable them to surmount the technical obstacles which, they feel this language has so far offered to the annual funding of skill centers, and will unmistakeably indicate that the intent of the Congress is clearly that skill center funding is to be on an annual basis.

Mr. O'HARA of Michigan. Mr. Chairman, if the gentleman will yield further, I would like to say with that assurance I wish to commend the gentleman for having offered this substitute amendment. I think the substitute is better than the original. I supported the original, and I shall certainly support the substitute. The gentleman has made a constructive contribution to the operation of this program. I take pride again in the fact that this program is one in which Members on both sides, the majority and the minority, have had an opportunity to make such constructive contributions and are making them in this bill today.

I congratulate the gentleman for his having offered the amendment.

Mr. STEIGER of Wisconsin. I thank the gentleman for his support of the amendment and his kind words.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. GROSS. Since section 4(b) covers three paragraphs on pages 4 and 5, did I correctly understand that the gentleman's amendment would strike the language beginning on line 19 of page 4, through line 16 on page 5?

Mr. STEIGER of Wisconsin. Yes; the amendment would strike the language beginning on page 4, line 19, through to the end of line 16 on page 5, and would insert a new subsection (b).

Mr. GROSS. I thank the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STEIGER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOODELL

Mr. GOODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODELL: On

page 6, immediately following line 5, insert the following:

"Sec. 6. (a) Section 206(a) of the Man- is amended to read as follows:
power Development and Training Act of 1962

" 'Sec. 206. (a) To the fullest extent consistent with the effective administration of this Act and in order to achieve maximum coordination with all manpower training programs authorized by this and other Acts, the Secretary of Labor shall, in his discretion, enter into agreements to carry out the purposes of this part with each State so requesting, or with the appropriate agency of each State, pursuant to which the Secretary of Labor shall, for the purpose of carrying out his functions and duties under this Act, utilize the services of the appropriate State agency and, notwithstanding any other provision of law, shall make payments to such State or appropriate agency for expenses incurred for such purposes. Agreements with States or appropriate State agencies shall assign to them the promotion, development, funding, monitoring and other services associated with implementation of training programs under this title, and responsibility for utilization of funds apportioned to the States in accordance with section 301 of this Act. In States where such agreements are entered into between the Secretary and the State or its appropriate State agency, the Secretary shall not enter into additional agreements which duplicate in any way the functions of the State or its appropriate agency authorized by agreements under this section.'

"(b) Section 301 of the Manpower Development and Training Act of 1962 is amended by striking the period at the end of the second sentence thereof and inserting in lieu thereof the following: " '; *Provided further*, That funds apportioned to the States and made available to appropriate State Agencies in fiscal year 1969 through agreements entered into under section 206 of this Act shall remain fully available to the appropriate State agency until either the funds have been completely encumbered or the State agency backlog of programs that meet Federal criteria have been exhausted; *Provided, however*, That the provisions of the preceding proviso shall not be effective until there shall have been appropriated for fiscal year 1969 under the authorizations for this Act not less than $48,000,000 to carry out the program known as Job Opportunities in the business sector and not less than $31,800,000 to carry out the concentrated employment program.' "

Mr. Goodell. Mr. Chairman, this House has engaged in debate with reference to the problems in the manpower bill earlier this year, particularly in connection with the appropriation bill, to which the gentleman from Minnesota [Mr. Quie] and I offered amendments to try to correct some deficiencies that had developed in the manpower training legislation largely because of the transfer of funds from the on-the-job training program to the two new programs started in the Labor Department, known as job opportunities in the business sector and concentrated employment programs. Both of these programs were started under the general authority granted in the MDTA and the Economic Opportunity Act, without specific authorization or hearings by the committee of the Congress.

We are facing this year a total budget request of $354 million for the manpower program, under title II of the MDTA. Of that amount, the budget plans to take $99 million of title II funds to fund the JOBS program and the CEP program.

The amendments I have offered I have worked out with the majority. They are different from the amendments offered in the committee, and they are different from the amendments offered by the gentleman from Minnesota and me earlier this year on the floor of the House.

In effect they say to the Secretary of Labor, first, it was the intent of Congress, and still is, that these manpower programs to the maximum extent possible be administered through responsible existing State agencies, and where possible agreements must be entered into with such State agencies if they are responsible and prepared to administer the programs effectively in the discretion of the Secretary of Labor.

This language is very clear in my amendment. The discretion remains with the Secretary of Labor to determine whether the State is equipped to administer the program effectively, but it would carry out further the mandate of Congress that we wish in those States that have effective State labor departments to have these programs coordinated at the State level and that we have maximum involvement of the State agencies in administering the programs.

The discretion left to the Secretary in my amendment offered here today would permit the Secretary to turn down agreements with States where they were unwilling or unable to administer these programs effectively, where it would not be consistent with the objectives of the program to have a particular State administering the program.

The second part of my amendment goes to the heart of the question of the JOBS and CEP programs being funded out of regular manpower funds. Rather than request additional money for the new programs, to involve private enterprise in the solution of the hard-core employment problem, the Secretary of Labor sought funds and obtained them from the poverty program and from the manpower program and from other sources. This, in effect, depicted the regular on-the-job training program in many States, including New York, which found itself held up on programs that had been approved in substance and on their merits, but funds could not be obtained for them.

My amendment would prevent the transfer of funds that have been allocated to the States if the Congress has approrpriated not less than $48 million for the JOBS program and not less than $31.8 million for the CEP, the concentrated employment program. Those are the amounts for these two programs that have been allocated for JOBS and CEP, respectively, from the title II, MOTA budget request.

I believe these amendments are fair compromises of the various views expressed on both sides. I believe we share on both sides of the aisle a deep concern over the problems which have developed because of the pinching in the budget and in the appropriations.

Mr. McCormack. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I am delighted to yield to the distinguished Speaker.

Mr. McCormack. Do I correctly understand the amendment now offered by the gentleman leaves this in the discretion of the Secretary?

Mr. Goodell. That is correct. I would clarify by saying it leaves to the discretion of the Secretary the question of whether he enters into agreements with the States, whether the States are capable and willing to administer programs.

The second part does not leave it to the discretion of the Secretary. This is the one that says after the JOBS program and the CEP program have been funded at the level they request—and that means cash available and appropriated—then they cannot withdraw money allocated to the States which the States are planning on using for their own programs.

The Chairman. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. Goodell was allowed to proceed for 3 additional minutes.)

Mr. O'Hara of Michigan. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I yield to the gentleman from Michigan.

Mr. O'Hara of Michigan. Mr. Chairman, I have had an opportunity to work with the gentleman from New York on this program since its inception several years ago. I feel he is undoubtedly one of the most knowledgeable citizens in our country on this program, and certainly one who has contributed greatly to its success.

I have discussed with the gentleman, particularly these amendments. I would think that, under the amendments, as the gentleman has presented them, the proper emphasis would be contained in this legislation. Certainly the gentleman from New York has stated very cogently why he feels the State employment agency ought to be the operating agency in all cases where the State employment agency can do the job and wants to do it and is willing to do it. I would agree with him completely there.

Both of us recognize there may be some circumstances, such as these nationwide contracts with, for instance, the United Brotherhood of Carpenters & Joiners or the AFL–CIO Appalachian Council or the Labor International Union of Machine Tool Builders, where they cover a number of States and operate in a particular way, and other cases where a particular private agency might be the only one with the particular experience and association to do a very particular kind of job, where we want to be able to say to the Secretary in these cases, "Certainly, go ahead with your private arrangements."

I am in complete agreement with the gentleman from New York that for the ordinary, typical, traditional type of MDTA contract, the kind which has worked so well and the kind we want to promote, if the State employment service is willing and able and desirous of doing the job they ought to be given the opportunity to do that job.

Mr. Goodell. I thank the gentleman for his generous comments, and particularly appreciate our agreement as a matter of legislative history here on what our objective is and the way we want the programs administered under the circumstances when it is feasible to accomplish the objectives of the act through the State agencies.

I believe the gentleman will agree that where a State is responsible and where it has an organization of employees who are experienced in administering these types of programs they can do a great deal to coordinate the many training programs we have.

Unfortunately, today in New York we have a minimum of 14 and probably a maximum of 30 or 35 different training programs, many of them emanating from different legislative sources than the Manpower Development and Training Act. I believe the States can help us in beginning to coordinate those programs because many of them are also administered at the Senate level.

Mr. Bell. Mr. Chairman, will the gentleman yield?

Mr. Goodell. I yield to the gentleman from California.

Mr. Bell. Mr. Chairman, I rise in support of the amendments offered by my good friend and distinguished colleague from New York.

With few exceptions, programs administered by the States under the Manpower Development and Training Act have been extremely effective in meeting the needs of those whose training is not adequate for our increasingly technological society.

Operation of MDTA has since its inception been almost free of the kind of criticism frequently leveled against some of our other legislative efforts.

Possibly it is MDTA's very popularity—and consequently its relative assurance of continued funding support—that is responsible for its present role as a source of funds for new programs initiated by the executive branch.

Let me make very clear, Mr. Chairman, my complete agreement with the minority report statement of wholehearted approval of the innovative concepts in CEP and JOBS programs.

But regardless of the worth of these new endeavors, State-run MDTA programs of proven merit should not be subject to severe cutbacks for the others' benefit.

By the same token, I would not favor gutting a successful and on-going education program so that funds might be placed in another.

The point is, Mr. Chairman, that successful programs operating under MDTA—programs which have demonstrated their effectiveness—programs meeting community needs—should not die for lack of funds so that those funds may be channeled elsewhere under nonexistent legislative authority.

Back-door pilferage is not consistent with responsible legislating.

Traditional manpower programs should be assured of continued existence until such time as Congress decides that they are no longer necessary or useful.

Their fate should not depend solely on whether a new approach might be equally or more effective.

I therefore strongly urge my colleagues to support the amendments before us today.

Mr. O'HARA of Michigan. Mr. Chairman, I move to strike the last word.

I merely want to say, speaking for myself, that the amendments offered by the gentleman from New York, as they were read to the Committee, certainly do nothing to detract from the effectiveness of the program, and I believe, by putting emphasis on our desire to work through State employment services, they enhance the effectiveness of the legislation.

With respect to the second portion of the amendments—that is, the use of the MDTA allocated funds for the JOBS and CEP programs—I can certainly understand the gentleman's concern.

I understand him to say that in New York, for instance, very, very little is left for the regular MDTA-OJT programs after the CEP and NAB programs have been funded from the State's allocations. At the same time the gentleman from New York recognizes he does not want to hurt those programs, either. As I understand his amendment, it only goes into effect after the requisite funds for the CEP and JOBS programs have been appropriated.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. O'HARA of Michigan. I yield to the gentleman from New York.

Mr. GOODELL. That is correct. The gentleman will recall that on the appropriation bill, as I earlier stated, we debated this point back and forth at some length. The gentleman from Minnesota [Mr. QUIE] and I tried to clarify that we were not attempting to attack the concept of involving business in the CEP and JOBS programs, but we felt that we should protect the sanctity of the regular MDTA on-the-job program. The merit of adopting this amendment is that people will know exactly where they stand. If the appropriation process produces the money that has been requested for the JOBS and CEP programs, the State will get full funding for OJT. If not, then JOBS and CEP get their money and the rest will be allocated thereafter to the States. Even if Congress does not give all of the money necessary, as I think it should, we will avoid the situation we have had where the States thought that they would get a great deal more money and went through the process of approving applications and then found that the money was not available.

Mr. O'HARA of Michigan. I think that the amendment in its present form is certainly acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GOODELL].

The amendment was agreed to.

AMENDMENT BY MR. REID OF NEW YORK

Mr. REID of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REID of New York: On page 6, line 5, after "Samoa, and the Trust Territory of the Pacific Islands", insert the following new section:

"SEC. 6. Section 106 of the Manpower Development and Training Act of 1962 is amended to read as follows:

"'LABOR MARKET INFORMATION AND JOB MATCHING PROGRAM

"'SEC. 106. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

"'(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

"'(2) job opportunities and skill requirements;

"'(3) labor supply in various skills;

"'(4) occupational outlook and employment trends in various occupations; and

"'(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964, The Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

"'(b) The Secretary of Labor shall develop and publish on a regular basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local recruitment, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local, or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information.

"'(c) A report on the activities and achievements under this section shall be included in the report required under section 107.

"'(d) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (b) of this section.'"

Mr. REID of New York. Mr. Chairman, this amendment would fill a most serious gap in our efforts to train unemployed and underemployed persons and place them in jobs of permanence and substance. Simply stated, it would gather data on job availability and labor supply in particular skills and geographic areas and match them by a variety of programs, utilizing the techniques of electronic data processing.

Mr. Chairman, this provision would be a significant part of the MDTA's effort to train and employ people at a job level which is comparable to their ability. It is already a part of the MDTA bill reported out by the Senate Committee on Labor and Public Welfare.

Mr. Chairman, according to the Bureau of Labor Statistics there are now some 3 million unemployed Americans. However, the important figure is the underemployed and the Bureau of Labor Statistics data is limited to some 2.3 million who are "employed part time for economic reasons."

Mr. Chairman, clearly there are four or five times that number. It is conservatively estimated that there are between 10 and 11 million people who fall into this category, who are working in jobs below their level of skill and ability. This information gap only serves to highlight the fact that our training programs are often unrelated to the location, ability, and potential of those to be assisted.

In addition, it is becoming increasingly difficult for us to formulate meaningful programs and to encourage private enterprise participation without accurate knowledge about the persons available to be trained and employed. A nationwide job opportunity statistics program which will provide periodic and timely information on the site, extent, and type of job vacancies, combined with a program of research and analysis by the Department of Labor, would further the objectives of MDTA.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I shall be happy to yield to the gentleman from Kentucky.

Mr. PERKINS. Is this the identical language that is contained in the Senate bill?

Mr. REID of New York. It is the identical language.

Mr. PERKINS. Mr. Chairman, if the gentleman will yield further, insofar as I am concerned and I do not know the position of the gentleman from Michigan [Mr. O'HARA] on this particular amendment, I cannot see any objection to the amendment which would make it unacceptable to the committee.

Mr. REID of New York. I thank the chairman for his comments.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. REID of New York. I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Would this amendment involve any additional costs? Would it expand the program to the extent whereby it would call for any additional costs?

Mr. REID of New York. In response to the distinguished gentleman from Iowa, the amendment specifically provides that not less than 2 percent of the sums appropriated in any fiscal year to carry out titles I, II, and III of the act shall be available for this purpose. There would not be added funds. I would say that of the funds appropriated 2 percent could be utilized for collecting and disseminating data. The basic purpose would be to obtain data on skills needed and persons available to fill them. At the moment we do not have adequate information in this area.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further——

Mr. REID of New York. Certainly.

Mr. GROSS. While I have not had the opportunity to read the amendment, I did hear it read and I must say to the gentleman I am surprised that the Secretary of Labor is not presently doing the things that are proposed to be done under the terms of your amendment.

It is hard for me to believe that if this sort of information is necessary that we have to call upon the Secretary to act.

Mr. Reid of New York. I can well understand the point raised by the gentleman. I have long felt that the Department should do this, but the Secretary of Labor, Mr. Wirtz, and Under Secretary Reynolds, whom I talked to this morning, would like to have this authority and feel that it would be very helpful to any intelligent planning for private enterprise participation in future programs to have inventories of skills and needs and capabilities. However, the fact is that the Department has not been doing it, and I believe they should.

Mr. O'Hara of Michigan. Mr. Chairman, will the gentleman yield?

Mr. Reid of New York. I yield to the gentleman from Michigan.

Mr. O'Hara of Michigan. I would like to add, in response to the inquiry of the gentleman from Iowa, that the Department under the provisions of title I of this act has been acquiring certain information with respect to the categories listed in subsection 1 of the amendment offered by the gentleman from New York, but they do not have this in a systematic inventory form. They have on several occasions requested appropriations from the Congress for the purpose of establishing this sort of system that the gentleman from New York [Mr. Reid] envisions in this amendment. Those appropriations have not in the past been forthcoming, and I do not know if they will be now or not. I believe that would still remain the problem because, as the gentleman from Iowa clearly perceives, to do this on a thorough and large-scale basis would require considerable involvement of funds.

The amendment offered by the gentleman from New York authorizes the use of 2 percent of the sums appropriated under this act for this purpose.

I would want to inquire from the gentleman, if I could, does the gentleman envision—and I notice that the gentleman says here in his amendment, not less than 2 percent of the sums appropriated shall be available only for carrying out the provisions of subsection (b) of this section. Does the gentleman envision that no matter what the needs of the rest of the manpower program are, that they must use at least 2 percent of the funds appropriated under the MDTA authorization to do this job regardless of whether this shorts them in some other areas?

When I got to reading the amendment, I became worried about this.

Mr. Reid of New York. That is not my understanding. I believe it would be discretionary, but I would hope, and I believe it is the view of the gentleman from Michigan as well, that the Department would be given the authority, and that the Congress in its wisdom would provide such funds as might in the future be necessary. But I believe if we have these various programs without establishing systems for the collection and dissemination of data—or without funding such systems adequately—that we would not be maximizing the skills we have in this country, and we will not necessarily be training people for existing or future jobs.

The Chairman. The time of the gentleman from New York has expired.

(On request of Mr. O'Hara of Michigan, and by unanimous consent, Mr. Reid of New York was allowed to proceed for 2 additional minutes.)

Mr. O'Hara of Michigan. Mr. Chairman, will the gentleman yield?

Mr. Reid of New York. I yield to the gentleman from Michigan.

Mr. O'Hara of Michigan. Mr. Chairman, when I talked to the gentleman before he offered the amendment I expressed my agreement with the amendment, but since then I have become concerned about the last subsection, subsection (b). I wonder if the gentleman from New York would object to an amendment which would simply strike subsection (b) of his amendment so that it would simply say that this is one of the purposes for which funds appropriated under this act could be used?

This would leave the Secretary some discretion as to the level of funding for this operation.

Mr. Reid of New York. I would have no objection to that. But I would hope the gentleman would join with me in expressing the hope that there would be an understanding that certain funds would be utilized.

Mr. O'Hara of Michigan. I would certainly be happy to do this, but I do not want to put them in any situation where they have to do this at the expense of their primary duties.

Mr. Reid of New York. I understand that. I believe we ought to express the hope that they would find a way to do this.

Mr. O'Hara of Michigan. I thank the gentleman.

Mr. Bell. Mr. Chairman, will the gentleman yield?

Mr. Reid of New York. I yield to the gentleman from California.

Mr. Bell. I thank the gentleman for yielding.

Mr. Chairman, my understanding is that this amendment primarily clarifies the authority of the Secretary in this area. Is that correct?

Mr. Reid of New York. That is correct. That is because it is not systemized and it is not disseminated, so that the private employers as well as the public employers are not presently in a position to know what skills are needed or what training programs should be developed to match future job openings.

Mr. Bell. Mr. Chairman, I thank the gentleman, and I rise in support of this amendment. I wish to commend the gentleman from New York for bringing this amendment forward.

Mr. Gude. Mr. Chairman, will the gentleman yield?

Mr. Reid of New York. I yield to the gentleman.

Mr. Gude. Mr. Chairman, I think this is a very good amendment and I rise in support of the amendment and the bill now under consideration by the House, to extend the Manpower Development and Training Act of 1962, and in particular to express my support of the amendment offered by my distinguished colleague, the gentleman from New York [Mr. Reid.] This amendment would set up a labor market information and job matching program within the Department of Labor.

One of the many ways of combating poverty is to help the poor become productive members of society. Job training is one positive way; but obviously, training, by itself, is not always enough. We must also match people with jobs. I have long been aware that to do this, we must know what jobs need to be filled, to what extent, and where. The availability of such job vacancy information will certainly be a factor in bringing America's unemployed and underemployed into the ranks of fully productive citizens. I hope the amendment and this legislation are approved by the House.

Mr. Scheuer. Mr. Chairman, will the gentleman yield?

Mr. Reid of New York. I yield to the gentleman.

Mr. Scheuer. Mr. Chairman, I rise in enthusiastic support of the amendment offered by my distinguished colleague, the gentleman from New York.

Would the gentleman's amendment also include the design of a computer system of linking available jobs with individuals who are in the job market?

I would like to call to the attention of our colleague the testimony that the Secretary gave about such a computer system that is already in existence throughout all of Japan where there is a computer bank which links individuals who are looking for jobs with jobs demanding those skills.

Mr. Reid of New York. Mr. Chairman, in response to the gentleman, the answer would be in the affirmative.

The language in the amendment specifically states:

"In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information."

I would interpret that to mean a job computer banking system that would be broadly used and would be hooked up with various offices and which could provide very promptly the information to be disseminated throughout the country.

Mr. Scheuer. And it would link the jobseekers with the available jobs.

Mr. Reid of New York. Yes; and it is the linkage which, as the gentleman knows, is lacking in this important work.

Mr. Scheuer. I congratulate the gentleman on the very thorough work he has done and I wish to say I am very much in favor of this amendment.

Mr. Reid of New York. I thank the gentleman very much.

AMENDMENT OFFERED BY MR. O'HARA OF MICHIGAN TO THE AMENDMENT OFFERED BY MR. REID OF NEW YORK

Mr. O'Hara of Michigan. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York [Mr. Reid].

The Clerk read as follows:

"Amendment offered by Mr. O'Hara of Michigan to the amendment offered by Mr. Reid of New York: On page 3 of the amendment, strike out all of lines 21 through 24."

Mr. O'Hara of Michigan. Mr. Chairman, this simply strikes out the provision about the 2 percent.

It leaves this one of the functions for which funds are authorized under this act but sets aside no particular share of funds earmarked for this purpose.

This is the amendment that I discussed with the gentleman from New York, and we are in agreement that an effort should be made to institute and effectively operate such a system, but we do not want to set aside any particular sum. We want that to depend upon the other needs of the whole program and upon the amounts appropriated.

Mr. Reid of New York. Mr. Chairman, will the gentleman yield?

Mr. O'Hara of Michigan. I yield to the gentleman from New York.

Mr. Reid of New York. Mr. Chairman, that is a correct statement.

It is certainly our hope that nonetheless the work described in this amendment will go forward.

Mr. O'Hara of Michigan. Mr. Chairman, I ask that this amendment be agreed to and likewise that the amendment offered by the gentleman from New York be agreed to.

The Chairman. The question is on the amendment offered by the gentleman from Michigan [Mr. O'Hara] to the amendment offered by the gentleman from New York [Mr. Reid].

The amendment to the amendment was agreed to.

The Chairman. The question is on the amendment offered by the gentleman from New York [Mr. Reid], as amended.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. Steiger of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Steiger of Wisconsin: On page 6, immediately after line 5, insert the following:

"LIMITATION ON SECRETARY'S REAPPORTIONMENT OF FUNDS

"SEC. 6. The proviso to section 301 of the Manpower Development and Training Act of 1962 is amended by—

"(1) striking out the words 'sixth month' and inserting in lieu thereof the words 'ninth month';

"(2) striking out the words '30 days' and inserting in lieu thereof the words '15 days'; and

"(3) striking out the phrase 'except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year.'"

Mr. Steiger of Wisconsin. Mr. Chairman, this amendment is an amendment that is in the bill in the other body offered by the distinguished Senator from Vermont, Mr. Prouty.

The proviso to section 301 in the present law provides that MDTA funds apportioned to a particular State for a fiscal year may not be reapportioned by the Secretary of Labor until after the sixth month of such fiscal year. It further provides that funds may be reapportioned during the third quarter of the fiscal year after 30 days' notice has been given a State and during the fourth quarter without any prior notice to the State.

My amendment prohibits the Secretary of Labor from reapportioning a State's MDTA funds until after the 9th month of the fiscal year. It also requires that a State be given 15 days' prior notice if its funds are to be reapportioned.

Unfortunately there is often a freeze on approval of State programs during the early months of a fiscal year, while legislative deliberations are still taking place. This amendment will allow the States more time to develop programs and the Department of Labor more time to consider State applications, once the freeze is removed.

Mr. Perkins. Mr. Chairman, will the gentleman yield?

Mr. Steiger of Wisconsin. I am happy to yield to the gentleman from Kentucky.

Mr. Perkins. I would like to ask the distinguished gentleman from Wisconsin if this amendment, as I understand it, in no wise takes away from the Secretary the authority to reapportion funds but merely changes the time from the sixth month to the ninth month before the Secretary can reapportion them and reduces the required period of notice from 30 to 15 days?

Am I correct in that statement?

Mr. Steiger of Wisconsin. The gentleman from Kentucky is absolutely correct.

Mr. Perkins. With that understanding there is no objection to the amendment that I know of on this side.

Mr. Steiger of Wisconsin. Mr. Chairman, I yield back the remainder of my time.

The Chairman. The question is on the amendment offered by the gentleman from Wisconsin [Mr. Steiger].

The amendment was agreed to.

Mr. Quie. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, when the Economic Opportunity Act was extended last year an amendment was included whereby the General Accounting Office was directed to study the efficiency of program administration by the Office of Economic Opportunity and local public and private agencies and to determine the extent to which OEO activities achieved the objectives as set forth in the legislation. The legislation called for an evaluation of the effectiveness of the entire program as well as recommendations for additional legislation that GAO might deem advisable, with a final reporting deadline of December 1, 1968. The Office of Economic Opportunity presently allocates over $18 million for research, evaluation, and audit work. Yet, in spite of this great outlay of money, it was the thinking of the Congress that GAO, being the congressional instrument for the legislative oversight in checking the efficiency of governmental operations, should conduct an objective evaluation. This evaluation was considered advantageous in view of the substantial opposition to many of the programs operated by the Office of Economic Opportunity and their effectiveness in operating them.

Although the manpower of development and training programs have not been as expensive as the programs operated by the Office of Economic Opportunity, there has been a considerable amount of money expended. There has not been, however, the degree of opposition to MDTA and other vocational and manpower programs as there have been to the Office of Economic Opportunity's. In fact, throughout the history of MDTA there has been strong bipartisan support, from the inception of the bill through its extensions and here again today as agreement has been reached on all amendments that have been offered.

We have found in the past that there have been internal studies and evaluations of programs by the governmental agencies operating them, but this has not been done in MDTA. I have some reservations regarding agencies conducting their own studies and providing objective evaluations comparable to those in which GAO is involved. The GAO has indicated that it does not wish to be obligated to a statutory requirement for another compulsory study as they were with the Office of Economic Opportunity. I would like to see now that MDTA has operated for approximately 6 years, that the effectiveness and efficiency of this program be studied and that the GAO be involved in it. I would go even further to say that in the future the Congress itself ought to address itself to oversight matters in its own authorizing committees. We have not, however, reached that point.

I would like to ask the gentleman from Michigan—and I would gladly yield to him—if he agrees with me in these observations and what comments he might have on this matter.

Mr. O'Hara of Michigan. Mr. Chairman, I would like to get on the record that I agree completely with the gentleman from Minnesota. We have been underway in this program now for about 5 or 6 years. We know a number of programs have worked out very well. Others have not worked so well. But I feel as the gentleman from Minnesota feels, that there is a much greater need for definitive data in the evaluation of the several approaches that have been utilized in these MDTA programs that would offer some guidance to us as legislators in terms of the shaping of future legislation and in reshaping this legislation as needed.

I am optimistic that some steps have been taken in this regard that will be helpful. I like to think the Department has become more aware of the need for this sort of thing. I am also apprised of the fact that GAO has been getting involved somewhat in the Department's own evaluation of the program. I certainly hope they will continue, because I think their experience could be very useful here.

I am with the gentleman from Minnesota on this. I think the next thing we ought to undertake to do with MDTA is really to build into it some evaluation, and particularly I think we ought to exercise our own responsibilities in terms of getting some evaluation we think we can rely on and use to guide us in our future consideration of these programs. I think the gentleman is making a valuable contribution.

Mr. Quie. Mr. Chairman, I thank the gentleman.

I hope next year and in the years thereafter we will consider evaluation not only in MDTA but in other vocational and educational programs. In a number of programs I have already indicated my desire for better coordination by recommending a new Department of Education and Manpower, in order that our decisions may be made wisely in future Congresses. I think we need better studies by the Department and also by the GAO itself—which at present is the only independent agency responsible to the Congress.

The Chairman. The time of the gentleman from Minnesota has expired.

(On request of Mr. McCormack, and by unanimous consent, Mr. Quie was allowed to proceed for 2 additional minutes.)

Mr. Perkins. Mr. Chairman, will the gentleman yield?

Mr. Quie. I yield to the gentleman from Kentucky.

Mr. Perkins. Mr. Chairman, I merely want to state that I am wholeheartedly in agreement with the suggestion of the distinguished gentleman from Minnesota [Mr. Quie] and in agreement with the colloquy that took place between him and the gentleman from Michigan [Mr. O'Hara].

I certainly feel that in many areas the programs have not been properly evaluated. For instance, in the Office of Economic Opportunity we authorized an evaluation and study, and I have some information that some money has not been, in my judgment, wisely expended through contracts, on evaluating certain programs. But, be that as it may, there would be no way as I see it, to evaluate the MDTA programs by the General Accounting Office unless the Secretary of Labor participated.

The suggestion of the gentleman from Minnesota deserves consideration in the future, and I know that we will work toward that end to improve not only the MDTA and vocational education but also the quality of these programs.

Mr. Quie. Mr. Chairman, I thank the gentleman from Kentucky.

Mr. McCormack. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the adjournment that took place during August, one of the most respected Members of this body took the journey into the great beyond. I rise not to give a eulogy about him on this occasion, because eulogies will be given at a later date. I refer to our dear and valued friend, our late colleague from Pennsylvania, Elmer Holland. I was in Boston when I heard of his death. We knew he had been ill for some time, but his death apparently occurred with some unexpected suddenness. My purpose in making these few remarks on this occasion is to call attention to the fact that probably no Member of this body has contributed more toward the passage of manpower development and training legislation than did our dear friend, Elmer Holland. Other members of the committee also particiapted, and I commend them for their part.

I can remember when Elmer Holland was chairman some years ago—not so many years ago, but several years ago—of an ad hoc subcommittee to make a certain investigation and inquiry of the subcommittee emanated the first Manpower Development and Training Act. It was in the early 1960's.

The passage of this bill is a tribute to the memory of Elmer Holland. We all miss him. He performed his duties under great physical difficulties, even to the day we adjourned 5 weeks ago, being on the floor of the House and participating in the deliberations of this body. He always conducted himself not only in a gentlemanly manner but as a dedicated legislator.

My purpose in rising on this occasion is to let the Record contain the fact that Elmer Holland played a very important part, a leading part, in this legislation. In fact, he introduced the original bill, as I remember, in connection with the passage of the important legislation we are considering today.

I know all of my colleagues on both sides of the aisle will pause for a second or two on this occasion to pay tribute to our late friend and our late colleague, Elmer Holland.

Mr. Goodell. Mr. Chairman, will the gentleman yield?

Mr. McCormack. I am glad to yield to the gentleman from New York.

Mr. Goodell. I want to associate myself with the Speaker's comments.

I worked with Elmer Holland on that original legislation which he introduced first in 1961. We held long hearings. He was diligent and very much committed to the purpose of this act. It was a somewhat revolutionary or unusual approach in 1961. He was very constructive and cooperative in developing a bipartisan approach to the manpower program. It was because of his approach we were able, in 1962, to pass this legislation with a very major bipartisan imprint on it.

Certainly Elmer Holland deserves a great deal of credit for that.

More than that, it was always a privilege for me and I believe for his other colleagues who worked with him on the Committee on Education and Labor to be associated with him, working in the best interests not only of the laboring man and labor legislation but also our Nation.

I am proud to join the Speaker at this time.

Mr. McCormack. I appreciate very much the remarks of my friend. I know his remarks will be very consoling to Mrs. Holland.

Mr. Thompson of New Jersey. Mr. Chairman, I rise to endorse H.R. 15045, a bill to extend the Manpower Development and Training Act of 1962. I wish also to add my voice to the chorus of tribute to the late Elmer Holland, whose patient and skillful efforts in earlier Congresses were primarily responsible for the enactment of the MDTA legislation, and, more generally, for the development of a coherent and balanced national manpower policy.

H.R. 15045 extends programs which, in my judgment, must be characterized as success stories. Since its inception, the MDTA has created 1.2 million opportunities to train and educate the human victims of automation and of an ever more sophisticated technology. These opportunities have not been of the busy-work variety. They have rather been chances to train for the skilled jobs which our economy has created, jobs which provide their holders with a productive and satisfying occupation.

I will leave to other Members the explanation of the specific provisions of H.R. 15045. I wish to discuss one aspect of the MDTA, the very successful skills centers. My home city of Trenton was fortunate to receive quite recently almost $600,000 in MDTA funds for the Trenton Skills Center. This project is designed to provide education and training to unemployed workers in several occupational skills, including automobile repair, welding, key punch operation, electrical appliance service, and others. As this brief description indicates, the Trenton Skills Center is concentrating on preparing men and women for occupations where qualified workers are sorely needed. This undoubtedly accounts for the extremely commendable 89-percent placement rate of trainees who graduate from the Skills Center. In my opinion, the Trenton Skills Center has already contributed a great deal to the economy and the people of Trenton. I fervently hope that the skills centers programs can be continued and expanded.

Mr. Chairman, I am sure others have similar success stories from their States which would testify to the merit of the MDTA programs. The human and economic value of these programs is obvious. I would make one final comment, which may not be obvious. This Congress has properly undertaken a firm commitment to stop the crime which threatens all of our constituents. But I think we should constantly keep in mind that although effective aid to our law enforcement agencies is an essential part of that commitment, it is not the whole answer. As the report of the President's Commission on Law Enforcement and Administration of Justice concluded:

"The criminal justice system . . . was not designed to eliminate the conditions in which most crime breeds. It needs help. Warring on . . . unemployment is warring on crime."

H.R. 15045, like all measures intended to improve the opportunities of our citizens for a productive and dignified life, will be of long-range help in stopping the violence which we all detest.

Mr. Chairman, I strongly recommend enactment of this legislation.

Mr. Pickle. Mr. Chairman, I am happy to lend my support to the bill to extend the Manpower and Development Training Act of 1962.

The history of this program has been marked with significant progress, and as a former member of the Texas Employment Commission, I have some familiarity with the problems faced in this field. In the early days of this program. I am proud that I pushed the MDTA training program in Texas.

Manpower projects have traditionally been aimed to make employable those who, sadly enough, have not been able to get the kind of job they need to support themselves and families. It is a practical program: It talks dollars and cents to the little man who needs a job; it pays for itself in the form of increased tax revenues; and the bill before us now carries forward the requirement that there be a reasonably sound expectation that the type of training given will equip the person to get a decent job.

In my own district over the past year, we have seen concrete examples of the good flowing from manpower projects.

In February, a program was started in Austin to provide training to 20 hotel and restaurant cooks. Austin also was awarded a program to train 307 auto mechanics and auto parts countermen.

Another similar on-the-job-training project in Austin provides experience in auto repair for 196 people.

These programs have been good. The have proven themselves for a number of years, and I am hopeful that we may continue this effort.

I realize that there have been problems in planning the financing available to the Manpower Administration over the past year and a half. I hope this bill will, in some measure, clear the air so that the jobs to be made available in the future will bring an even greater success story.

The Chairman. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The Chairman. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Macdonald of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15045) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, pursuant to House Resolution 1271, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The Speaker. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The Speaker. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The Speaker. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. Hall. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The Speaker. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 315, nays 0, not voting 118, as follows:

[Roll No. 309]

YEAS—315

Abbitt, Abernethy, Adams, Addabbo, Albert, Anderson, Ill., Anderson, Tenn., Annunzio, Ashbrook, Aspinall, Ayres, Bates.

Battin, Belcher, Bell, Bennett, Bevill, Biester, Bingham, Blackburn, Blanton, Boggs, Bow, Brademas, Brasco.

Bray, Brinkley, Brock, Brooks, Broomfield, Brotzman, Brown, Mich., Broyhill, N.C., Broyhill, Va., Buchanan, Burke, Fla., Burke, Mass.

Burleson, Burton, Calif., Burton, Utah, Bush, Button, Byrne, Pa., Byrnes, Wis., Cahill, Carter, Casey, Cederberg, Chamberlain.

Clark, Clausen, Don H., Cleveland, Cohelan, Collier, Collins, Conable, Conte, Corbett, Cramer, Culver, Curtis, Daniels.

Davis, Ga., Davis, Wis., de la Garza, Dellenback, Dent, Devine, Dingell, Dole, Donohue, Dorn, Dowdy, Dulski, Duncan.

Dwyer, Edwards, Ala., Edwards, Calif., Edwards, La., Eilberg, Erlenborn, Esch, Eschleman, Everett, Farbstein, Fascell, Feighan.

Findley, Fino, Fisher, Flood, Foley, Ford, Gerald R., Ford, William D., Fountain, Fraser, Frelinghuysen, Fulton, Ga., Fuqua, Galifianakis, Garmatz.

Gathings, Gettys, Giaimo, Gibbons, Gilbert, Gonzalez, Goodell, Goodling, Green, Oreg., Griffin, Griffiths, Gross, Grover, Gude, Hagan, Haley, Hall, Halpern, Hamilton, Hammerschmidt.

Hanley, Hanna, Hansen, Idaho, Hardy, Harrison, Harsha, Harvey, Hathaway, Hawkins, Hechler, W. Va., Heckler, Mass., Helstoski.

Henderson, Hicks, Horton, Hosmer, Hull, Hungate, Hunt, Hutchinson, Irwin, Jarman, Joelson, Johnson, Calif.

Jonas, Jones, Ala., Jones, N.C., Karsten, Karth, Kastenmeier, Kazen, Kee Keith, Kelly, King, N.Y., Kirwan, Kluczynski, Kornegay, Kupferman.

Kuykendall, Kyros, Laird, Langen, Latta, Leggett, Lennon, Lipscomb, Lloyd, Long, Md., Lukens, McCarthy, McClure, McCulloch, McDonald, Mich.

McEwen, McFall, Macdonald, Mass., MacGregor, Madden, Mahon, Marsh, Mathias, Calif., Mayne, Meeds, Meskill, Michel, Miller, Ohio, Mills.

Minish, Minshall, Mize, Montgomery, Moorhead, Morgan, Mosher, Moss, Murphy, Ill., Murphy, N.Y., Myers, Natcher, Nedzi, Nelsen, Nichols.

O'Hara, Mich., O'Konski, Olsen, O'Neal, Ga., Ottinger, Passman, Patman, Patten, Pelly, Pepper, Perkins, Pettis.

Pickle, Pike, Podell, Poff, Pollock, Price, Ill., Price, Tex., Pryor, Pucinski, Purcell, Quie, Quillen, Railsback, Randall, Reid, Ill.

Reid, N.Y., Reinecke, Reuss, Rhodes, Ariz., Rhodes, Pa., Riegle, Rivers, Roberts, Robison, Rodino, Rogers, Colo., Rogers, Fla., Rooney, N.Y., Rooney, Pa., Rosenthal.

Rosterkowski, Roth, Roush, Roybal, Rumsfeld, Ryan, St. Onge, Sandman, Saylor, Schadeberg, Scheurer, Schneebeli, Schwengel, Scott, Selden.

Shipley, Shriver, Slack, Smith, Calif., Smith, Iowa, Smith, Okla., Springer, Staggers, Stanton, Steed, Steiger, Ariz., Steiger, Wis., Stratton, Taft, Talcott, Taylor, Tenzer.

Thompson, Ga., Thompson, N.J., Thomson, Wis., Tiernan, Tuck, Tunney, Udall, Ullman, Utt, Van Deerlin, Vander Jagt, Vanik, Vigorito, Waggonner, Waldie, Wampler, Watkins, Watson.

Watts, Whalen, Whalley, White, Whitener, Whitten, Widnall, Williams, Willis, Wilson, Bob, Wilson, Charles H., Winn, Wolff, Wright, Wyatt, Wylie, Wyman, Zablocki, Zion, Zwach.

NAYS—0

Adair, Andrews, Ala., Andrews, N. Dak., Arends, Ashley, Ashmore, Baring, Barrett, Berry, Betts, Blatnik, Boland, Bolling.

Bolton, Brown, Calif., Brown, Ohio, Cabell, Carey, Celler, Clancy, Clawson, Del., Colmer, Conyers, Corman, Cowger.

Cunningham, Daddario, Dawson, Delaney, Denney, Derwinski, Dickinson, Diggs, Dow, Downing, Eckhardt, Edmondson, Evans, Colo.

Evins, Tenn., Fallon, Flynt, Friedel, Fulton, Tenn., Gallagher, Gardner, Gray, Green, Pa., Gubser, Gurney, Halleck, Hansen, Wash., Hays.

Hébert, Herlong, Holifield, Howard, Ichord, Jacobs, Johnson, Pa., Jones, Mo., King, Calif., Kleppe, Kyl, Landrum.

Long, La., McClory, McCloskey, McDade, McMillan, Machen, Mailliard, Martin, Mathias, Md., Matsunaga, May, Miller, Calif., Mink.

Monagan, Moore, Morris, N. Mex., Morse, Mass., Morton, Nix, O'Hara, Ill., O'Neill, Mass., Philbin, Pirnie, Poage, Rarick, Rees, Reifel.

Resnick, Ronan, Roudebush, Ruppe, St Germain, Satterfield, Scherle, Schweiker, Sikes, Sisk, Skubitz, Smith, N.Y.

Snyder, Stafford, Stephens, Stubblefield, Stuckey, Sullivan, Teague, Calif., Teague, Tex., Walker, Wiggins, Wydler, Yates, Young.

So the bill was passed.

[90th Cong., 2d sess., House of Representatives, Rept. No. 1846]

SEASONALITY IN THE CONSTRUCTION INDUSTRY

August 2, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. Perkins, from the Committee on Education and Labor, submitted the following report [to accompany H.R. 15990].

The Committee on Education and Labor, to whom was referred the bill (H.R. 15990), to amend the Manpower Development and Training Act of 1962, as amended, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: (see text below.)

PURPOSE OF THE BILL

H.R. 15990 is a bill calling upon the Secretary of Labor, in cooperation with the Secretary of Commerce, and after consultation with architects, engineers, and management and labor in the construction industry, to conduct a study of seasonal unemployment in that industry, and to make such recommendations, affecting both the private and the public sector's construction activities, as will ease the serious problem which seasonality presents.

HEARINGS

H.R. 15990 was referred to the Select Subcommittee on Labor, chaired by the Honorable Elmer J. Holland. Public hearings were held in Washington on July 15, 16, and 17, during which witnesses representing the Labor Department, the General Services Administration, and both labor and management in the construction industry testified. Support for a study of the seasonality problem was expressed by both labor and management witnesses, notably by Mr. C. J. Haggerty, president of the building trades department of the AFL–CIO, and by Mr. William E. Naumann, testifying for the Associated General Contractors. No testimony in opposition to the study concept was offered to the committee.

BACKGROUND

Seasonality in the construction industry is the major cause of an unemployment rate nearly twice that of other industries in the United States. It is, in addition, a significant factor in the unemployment rate for the economy as a whole. This committee recommends passage of H.R. 15990 as the first step in a broad-scale attack on this burdensome, wasteful, and clearly unnecessary phenomenon.

It is clear from the testimony presented during the 3 days of committee hearings that seasonality extracts a heavy toll from the construction worker. The laborer, on the whole, works only slightly more than one-third of a normal work year. While more skilled workers, such as the bricklayers and operating engineers, enjoy longer periods of employment, they still fall far short of exercising their highly skilled trades for a full work year. Government witnesses indicated that 1,600 hours could be considered a normal, average, full-time year in construction. The committee wishes to point out that if this average could be extended only 200 hours, it would be equivalent to an addition of 333,000 highly skilled workmen in the construction work force.

Although the construction worker bears the major burden of the cost of seasonal unemployment, he does not bear it alone. The contractor is forced to maintain an expensive permanent establishment during long idle periods each year. The buyer not only foregoes income from his new property for a period equivalent to the seasonal shutdown, but also must absorb an unnecessary portion of the ever-rising cost of construction.

Government (ultimately the taxpayer) pays twice for seasonality. First, as the buyer of construction; second, by the additional cost levied on the unemployment compensation system at the State level and the tax losses which arise from the limitations imposed by seasonality on the income of construction workers and contractors. In this connection, one witness estimated that Federal income tax losses arising from such limitations on laborers alone (about one-fourth of the total construction work force) amounted to $25 million annually. He further pointed out that through the operation of the graduated tax system "a 7-percent increase in work hours would yield a 32-percent increase in Federal tax payments." It is the committee's opinion that any action taken by the Federal Government would be amply repaid in dollar terms.

The economics of year-round construction cannot be better summarized than by quoting from the testimony of Mr. C. F. Bone, a former president of the Canadian Constructors Association and chairman of Canada's All-Weather Construction Council, who appeared before the Select Subcommittee on Labor:

"The important factor to remember is that wintertime construction costs should be compared to those that will be experienced in the next summer, rather than the previous summer. Building cost indices have risen consistently each year over the past 35 years. The index in January is usually about 3 percent lower than in the following summer. This in itself indicates that it would be economical to spend quite large sums of money on wintertime construction, rather than postpone the work until spring."

Mr. Bone and other witnesses, speaking both for labor and management, were unanimous in pointing out that the cost of wintertime construction only added about 1 percent to the total cost of the contract. Thus, in considering a program to deseasonalize the construction industry we are talking about a 1-percent increase in cost on on-going projects compared to the possibility of a 3-percent increase in total cost levied by delaying the job to the next summer.

Aside from the obvious emonomic benefits of year-round construction, the technological feasibility of year-round work has been amply demonstrated.

The techniques of enclosure and heating can be used on building sites and small structures to carry on work during bad weather. We were surprised, however, to learn how much could be done in this regard. Again quoting from Mr. Bone:

"Enclosures are designed to fit the job and range in size from a small lean-to around a house, to huge structures such as the one used this past winter at a power project on the Nelson River in northern Manitoba. This shelter enclosed an area 580 feet by 120 feet to height of 140 feet. Within this enclosure, 750 men worked in their shirt sleeves constructing a generating station, while temperatures outside dropped to −40° F. or lower."

Apart from the Canadian experience, it was brought to the committee's attention that virtually all of the nations of Western Europe, as well as the Soviet Union, have active programs of all-weather construction. In spite of that, and in spite of the much-vaunted technological ability of the United States, this country has barely given a passing thought to meeting the problem.

The committee feels that the major obstacles to year-round construction are three. First, a lack of knowledge on the part of the industry of the techniques and cost factors that make all-weather construction both feasible and attractive. Second, a reluctance to change deeply embedded patterns of seasonality. Third, a division of responsibility for whatever additional costs must be absorbed.

In the case of the masonry industry, there has been a serious attempt on the part of participants in the industry to make a concerted attack on the problem of seasonal unemployment. The committee was impressed with the obvious enthusiasm of the joint Labor-Management All-Weather Committee for the Masonry Industry. We point out, however, that this is essentially a specialty group which cannot be expected to solve the problems of seasonality for the whole industry.

The committee feels that the Federal Government has a large stake in solving this vexing problem. In the first place, Government is a major purchaser in the construction field. Secondly, large fluctuations in unemployment rates present serious manpower policy problems and should be corrected if at all possible. Thirdly, the burden of seasonality on the unemployment compensation system should be eliminated. The Federal Government is in an excellent position to have an impact on the problem.

The executive branch apparently agrees. The testimony of Under Secretary of Labor, James J. Reynolds, indicated to your committee that steps were already underway in the executive branch to attack the problem of seasonality. *We applaud these efforts and want to emphasize that nothing in this bill should serve to delay any of the steps currently being contemplated.*

Nor should the fact that a study is underway serve in any manner to justify delay in adopting positive policies within the scope of Federal contracting authority. It has been proposed, for example, that the Federal Government require that all building construction on Federal projects or federally assisted projects, shall be contracted for in such a way as to assure the continual progression of work in accordance with the approved construction schedule, notwithstanding weather conditions. All requests for bids might, for example, require contractors to negotiate for continued performance with any subcontractor and to assign the responsibility for going forward with the project. It might further be required that provision be made in the general contract, and all subcontracts springing from it, for appropriate site protection together with allowances to cover such additional costs as may be necessary. *The committee knows of* *no barriers to contracting requirements of this kind, and this bill raises no such barriers.*

Your committee recommends the passage of H.R. 15990 as a necessary spur to effective and obviously needed action.

[House, Oct. 7, 1968]

AMENDING MANPOWER DEVELOPMENT AND TRAINING ACT RELATING TO SEASONAL UNEMPLOYMENT IN CONSTRUCTION INDUSTRY

Mr. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15990) to amend the Manpower Development and Training Act of 1962, as amended.

The Clerk read as follows:

H.R. 15990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Manpower Development and Training Act of 1962, as amended, is further amended, by adding, at the end thereof, a new title, as follows:

"TITLE IV

"SEASONAL UNEMPLOYMENT IN THE CONSTRUCTION INDUSTRY

"SEC. 401. (a) The Congress finds that seasonal unemployment represents a substantial portion of the unemployment in the construction industry; and a significant portion of all unemployment; that seasonal unemployment results in economic hardship for construction employees, employers, and for the consumers of construction services; that such unemployment constitutes unnecessary and wasteful misuse of the Nation's manpower resources; that stabilization of construction operations may be expected to have a correspondingly stabilizing effect on construction employment and costs; and that it is highly desirable from the standpoint of the economy as a whole, and manpower policy in particular that positive and expeditious action be taken by public authorities and private groups to regularize construction employment.

"(b) It is therefore, the purpose of this title to provide for the conduct of a study of seasonality in the construction industry, with special attention to its implications for national manpower policy.

"SEC. 402. The Secretary of Labor, in cooperation with the Secretary of Commerce, shall study, investigate, conduct research, and prepare a report containing his findings and recommendations concerning means to achieve stabilization of employment in the construction industry and the diminishment of seasonality of employment in such industry, with special attention to its implications for national manpower policy, and shall transmit such report to the President no later than December 31, 1969.

"SEC. 403. Matters which the Secretary of Labor, in cooperation with the Secretary of Commerce and after consultation with other officials of Federal agencies, and with engineers, architects and representatives of labor and management in the construction industry, shall consider, shall include, but not necessarily be limited to, the extent to which seasonal unemployment in the construction industry can be reduced without substantial increases in construction costs by means such as—

"(a) the application of modern techniques to reduce the influence of weather on construction activity;

"(b) the resolution of technical problems which have not been solved by existng research and development activities;

"(c) possible changes in contract procedures in allocation cycles; and

"(d) improved planning and scheduling of construction projects."

The SPEAKER. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill, H.R. 15990, to provide for a study of the problem of seasonality in the construction industry, is very clear in its purpose and very simple. It was supported by spokesmen for management, labor, and the Government; and it was approved unanimously by our committee.

Under its terms, the Secretary of Labor, in cooperation with the Secretary of Commerce and after consultation with other officials of Federal agencies and with engineers, architects, and other representatives of labor and the construction industry, shall consider the extent to which seasonal unemployment can be reduced without substantial increases in construction costs.

The report from such a study must be transmitted to the President no later than December 31, 1969.

The legislation does not authorize specific appropriations and it is intended that the cost of the study would come out of the usual funds available to the Secretary of Labor for administrative purposes. We expect the cost to be in the neighborhood of $300,000.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to associate myself with the remarks of the distinguished chairman of the committee and point out that this is an extremely important bill. The construction industry of this country is one of three key props of our economy. This study will try to determine how we can use this important segment of our economy in a much more effective way so as to spread out the work in order to avoid peaks and valleys.

I congratulate the gentleman from Kentucky for bringing this very, very significant legislation before the House today and urge its passage.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague from Illinois that the gentleman from Michigan (Mr. O'HARA) is the sponsor of this legislation. Also, the gentleman from Wisconsin (Mr. STEIGER) has been very much interested. I know of no opposition from anyone to the bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to indicate that as far as the minority on the committee is concerned the bill came out of the committee unanimously, as the gentleman from Kentucky, the chairman of the committee, indicated. Testimony was received from both the Building and Construction Trades Department, AFL–CIO, and from Mr. William E. Naumann speaking for the Associated General Contractors. In his testimony, Mr. Naumann did indicate that an amendment, which was thereafter adopted by the committee, was necessary to enable the Secretary of Commerce to cooperate with the Secretary of Labor in making this study, and to provide for consultation therein with the representatives of both labor and management in the construction industry. It is quite clear, as the testimony before the committee indicates, that there is a need for a study of seasonality in the construction industry. This is something which has long been overlooked. In obtaining this legislation we show that we believe this ought to be done and the bill ought to be supported.

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA of Michigan. Mr. Speaker, H.R. 15990 is a noncontroversial proposal for a study of one of the most bothersome phenomena confronting the construction industry. I refer to the problem of seasonal shutdowns and accompanying seasonal unemployment.

The bill calls simply for a study, to be conducted by the Secretary of Labor, in cooperation with the Secretary of Commerce, and with consultation involving construction industry management and labor, with architects and engineers, and other Federal agencies as appropriate. The study, which is to be completed by December 31, 1969, would examine ways and means of achieving greater stability of employment in the construction trades, the application of modern techniques to reduce the influence of weather on construction activity, and possible alterations in contracting procedures and construction planning. The recommendations of the study may well be applicable to both the public and the private sectors, and, if the study produces positive results, it is to be hoped that the lessons learned therefrom would be given very careful attention by the agencies of this Government which are involved in contracting for construction work.

From the materials presented in the hearings, Mr. Speaker, it is obvious that the construction worker and the contractor alike have a stake in this legislation. The average construction laborer, for example, works only a third of the normal work year. Other construction craftsmen enjoy longer periods of employment but they, too, often fall far short of a year's work in a 12-month period. The contractor, for his part, faces the problem of having his capital investment inactive over a significant part of the year, and he faces in some areas, serious problems in holding together a permanent work force.

I am delighted, Mr. Speaker, to be able to assure the House that this is one bill affecting the construction industry on which labor and management are generally in agreement.

Mr. William Naumann of the Associated General Contractors, testified before our subcommittee during the hearings on this legislation to the effect that his organization supports the purpose of H.R. 15990, with some amendments. One of his proposed amendments would be to have the Secretary of Labor and the Secretary of Commerce both involved in this study. This bill, as reported by the committee, does precisely that. He suggested that other departments of Government be involved, as appropriate, and that it would be useful for management and labor in the construction industry to be consulted. The bill provides for that Mr. Naumann finally stated that in his opinion, the original March 31, 1969 deadline was unrealistic" and that "the deadline should allow at least a year following its enactment." The amended and reported bill sets a new deadline at December 31, 1969.

Seasonality in the construction trades is a very serious problem, Mr. Speaker. As I have said above, it affects the employer and the employee alike, and in many ways it raises the costs of construction to the ultimate consumer, of whom the U.S. Government is one of the most significant. There is already underway within the executive branch consideration of an executive order which would explore the possibilities of scheduling Government construction contracting to offset seasonal patterns of shutdowns and layoffs. Though the consideration of an Executive order toward the same objective, they are certainly not incompatible. The committee, in reporting the bill, emphasized that:

"Nothing in the bill should serve to delay any of the steps currently being contemplated. Nor should the fact that a study is underway serve in any manner to justify delay in adopting positive policies within the scope of Federal contracting authority."

I would like to reemphasize that thought today, on behalf of the committee.

H.R. 15990, Mr. Speaker, should gain the unanimous approval of the House. I urge that the House suspend the rules and pass this bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Ayres).

Mr. AYRES. Mr. Speaker, I rise in support of the legislation.

I wish to commend those members of the subcommittee that handled this bill for the manner in which they dealt with it. I hope that the chairman and myself will be able to improve on it in the next session.

Mr. PERKINS. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky that the House suspend the rules and the bill, H.R. 15990, as amended.

The question was taken.

Mr. STEIGER of Wisconsin. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 0, not voting 166, as follows:

[Roll No. 370]

YEAS—265

Abernethy, Adams, Addabbo, Albert, Anderson, Ill., Anderson, Tenn., Andrews, N. Dak., Annunzio, Arends.

Ashbrook, Ayres, Baring, Barrett, Battin, Bennett, Betts, Biester, Bingham, Blatnik.

Boland, Bolton, Bow, Brademas, Brasco, Bray, Brinkley, Brotzman, Broyhill, N.C., Burke, Mass.

Burleson, Burton, Calif., Burton, Utah, Bush, Byrne, Pa., Byrnes, Wis., Cahill, Carter, Casey, Cederberg.

Chamberlain, Clancy, Clawson, Del, Cohelan, Collier, Collins, Colmer, Conable, Conte, Corbett, Cramer, Culver, Davis, Ga., Davis, Wis., Dawson, de la Garza, Delaney.

Dellenback, Derwinski, Devine, Dingell, Dole, Donohue, Dorn, Dow, Dowdy, Downing, Dulski, Duncan.

Eckhardt, Edmondson, Erlenborn, Esch, Eshleman, Fallon, Farbstein, Feighan, Findley, Fino, Flynt, Foley.

Ford, Gerald R., Ford, William D., Fountain, Fraser, Friedel, Fulton, Pa., Garmatz, Gathings, Gettys, Gibbons, Gilbert.

Gonzalez, Goodling, Gray, Green, Oreg., Griffin, Griffiths, Grover, Gubser, Gude, Hagan, Hall, Halpern.

Hamilton, Hammerschmidt, Hanley, Hansen, Wash., Harrison, Harsha, Hathaway, Hawkins, Hays, Hechler, W. Va., Hicks.

Horton, Hosmer, Howard, Hunt, Hutchinson, Ichord, Jarman, Joelson, Johnson, Calif., Johnson, Pa., Jonas, Jones, N.C.

Kazen, Kee, Keith, Kelly, King, N.Y., Kirwan, Kluczynski, Kuykendall, Kyl, Kyros, Langen, Latta.

Lipscomb, Lloyd, Long, Md., McClory, McCloskey, McCulloch, McDale, McDonald, Mich., McEwen, McFall, MacGregor.

Machen, Madden, Mahon, Mailliard, Marsh, Mathias, Md., Matsunaga, May, Mayne, Meeds, Meskill, Miller, Calif., Miller, Ohio.

Minish, Mize, Monagan, Montgomery, Moore, Moorhead, Morgan, Morse, Mass., Morton, Murphy, Ill., Myers, Natcher, Nedzi, O'Hara, Mich., O'Konski, O'Neal, Ga., Ottinger, Passman, Patten.

Pelly, Perkins, Pettis, Philbin, Pike, Pirnie, Podell, Poff, Price, Ill., Price, Tex., Pryor, Pucinski.

Quie, Randall, Rarick, Rees, Reid, Ill., Reid, N.Y., Reinecke, Reuss, Rhodes, Ariz., Rhodes, Pa., Riegle, Rivers, Rogers, Fla.

Ronan, Rooney, N.Y., Rooney, Pa., Rosenthal, Rostenkowski, Roth, Roush, Rumsfeld, St Germain, Saylor, Schadeberg.

Scherle, Schneebeli, Schwengel, Shriver, Skubitz, Slack, Smith, Iowa, Springer, Stanton, Steed, Steiger, Ariz., Steiger Wis.

Stephens, Stubblefield, Taft, Talcott, Teague, Calif., Thompson, Ga., Thompson, N.J., Thomson, Wis., Tiernan, Tuck, Udall, Ullman.

Van Deerlin, Vanik, Waggonner, Wampler, Watkins, Watts, Whalen, Whalley, White, Whitten, Widnall.

Williams, Pa., Wilson, Bob, Winn, Wolff, Wright, Wyatt, Wydler, Wylie, Wyman, Young, Zablocki, Zion.

NAYS—0

NOT VOTING—166

Abbitt, Adair, Andrews, Ala., Ashley, Ashmore, Aspinall, Bates, Belcher, Bell, Berry, Bevill, Blackburn, Blanton, Boggs, Bollings, Brock.

Brooks, Broomfield, Brown, Calif., Brown, Mich., Brown, Ohio, Broyhill, Va., Buchanan, Burke, Fla., Button, Cabell, Carey, Celler, Clark, Clausen, Don H., Cleveland, Conyers, Corman, Cowger.

Cunningham, Curtis, Daddario, Daniels, Denney, Dent, Dickinson, Diggs, Dwyer, Edwards, Ala., Edwards, Calif., Edwards, La.

Eilberg, Evans, Colo., Everett, Evins, Tenn., Fascell, Fisher, Flood, Frelinghuysen, Fulton, Tenn., Fuqua, Galifianakis, Gallagher.

Gardner, Giaimo, Green, Pa., Gross, Gurney, Haley, Halleck, Hanna, Hansen, Idaho, Hardy, Harvey, Hébert, Heckler, Mass.

Helstoski, Henderson, Herlong, Holifield, Hull, Hungate, Irwin, Jacobs, Jones, Ala., Jones, Mo., Karsten, Karth, Kastenmeier.

King, Calif., Kleppe, Kornegay, Kupferman, Laird, Landrum, Leggett, Long, La., Lukens, McCarthy, McClure, McMillan.

Macdonald, Mass., Martin, Mathias, Calif., Michel, Mills, Mink, Minshall, Morris, N. Mex., Mosher, Moss, Murphy, N.Y., Nelsen.

Nichols, Nix, O'Hara, Ill., Olsen, O'Neill, Mass., Patman, Pepper, Pickle, Poage, Pollock, Purcell, Quillen.

Railsback, Reifel, Resnick, Roberts, Robison, Rodino, Rogers, Colo., Roudebush, Roybal, Ruppe, Ryan, St. Onge, Sandman, Satterfield.

Scheuer, Schweiker, Scott, Selden, Shipley, Sikes, Sisk, Smith, Calif., Smith, N.Y., Smith, Okla., Snyder, Stafford, Staggers.

Stratton, Stuckey, Sullivan, Taylor, Teague, Tex., Tenzer, Tunney, Utt, Vander Jagt, Vigorito, Waldie, Walker, Watson, Whitener, Wiggins, Willis, Wilson, Charles H., Yates, Zwach.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

AMENDMENTS TO THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1968

The Committee on Labor and Public Welfare, to which was referred the bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended, having considered and amended the same, reports favorably thereon and recommends that the bill do pass.

BACKGROUND

S. 2938 was introduced on February 7, 1968, at the request of the administration. Its basic purpose is to extend expiring provisions of the Manpower Development and Training Act of 1962, as amended (MDTA). The committee has added amendments which will contribute to the effective operation of the program.

In the 6 years since its initial passage the MDTA has proved to be a broad-gaged and versatile instrument for meeting the ever-changing challenges inherent in any program designed to develop and utilize to the fullest extent possible the Nation's human resources. Amendments to the basic act in 1963, 1965, and 1966 have contributed substantially to the effectiveness of the manpower program by making it less rigid in its administration and permitting a creative balance between institutional and on-the-job (OJT) training.

Since passage of the act in 1962 more than 1.2 million training opportunities have been authorized. Of these, nearly 740,000 have been for institutional training, over 455,000 for on-the-job training, and 60,000 for part-time and other training.

As of June 1, 1968, over 725,000 persons had enrolled in institutional training programs and 435,000 had completed their training. Approximately 285,000 persons had been enrolled in on-the-job (OJT) training and 155,000 had completed their training; 76 percent of those completing institutional training and 89 percent of hose completing OJT were employed when last contracted. Of these placements, 78 percent of the trainees from institutional programs and 93 percent from OJT were employed in training-related jobs.

Statistics alone do not fully reveal the dynamic evolution of the national manpower policy in this relatively short span of time. As MDTA programs have developed, there have been major shifts to meet new or previously unnoticed demands.

Growing awareness of the staggering difficulties facing our most disadvantaged citizens has led to increased focus on their complex training needs. It has become apparent that many in this group need a wide range of services effectively coordinated in the areas in which they live and work. The concentrated employment program (CEP) was established to organize—from several sources—the particular combination of programs needed to reach out to, motivate, provide orientation and job opportunities for the hard-core unemployed in specially selected areas of urban and rural poverty. The realization that Government alone cannot successfully overcome a national problem of such huge dimensions has led to the creation of the new job opportunities in the business sector (JOBS) program, which puts the hard-core to work in private industry. Employers are reimbursed by the Government for the extra costs of necessary training and supportive services at levels substantially in excess of those provided under other OJT projects.

As manpower programs expanded the need emerged for greatly improved planning and coordinating mechanisms at each level of operation. In 1967 a number of Federal departments and agencies, in cooperation with the Manpower Administration in the Department of Labor, established the cooperative area manpower planning system (CAMPS), through which Federal, State, and local authorities representing most manpower program components and interests, jointly plan and implement comprehensive community and statewide manpower programs.

In summary, the committee believes that the MDTA has provided a sound base from which to move forward in this critically important policy field. The amendments the committee recommends this year will insure that there will be no break in the progressive development of programs committed to the goal of providing for each American citizen the opportunity for productive employment.

Certain areas in which program improvement is desirable have been brought to the attention of the committee in its hearings and oversight activities, and the most important of these are discussed in the following sections.

EVALUATION AND COORDINATION

The committee anticipates detailed evaluations of MDTA effectiveness and impact before the next extension of the program. The committee expects the Secretary to furnish improved analytical studies. Such studies shall include an evaluation of the effectiveness and impact of MDTA and the various Federal manpower programs, and analysis of comparative and other data on all major work and training programs authorized by MDTA and other Federal laws. The committee is particularly interested in studies that follow up the trainees for several years after they have completed training, and in comparisons in appropriate cases with control groups.

The committee directs the Secretary to arrange for obtaining the opinions of participants about the strengths and weaknesses of programs and, where practicable, to make use of data and information available from other public agencies.

The committee is particularly concerned by testimony that demonstrated the vast array of Federal manpower programs do not result in any comprehensive manpower policy. Instead, individual acts were written, considered, and amended in rapid succession to meet current crises, real or imagined, with little attention to their interrelations. At the local level there is no single agency or combination of easily accessible institutions where those seeking help can find it. Administrators have been too impatient to await the results of new and existing programs and, consequently, have not allowed time for restructuring them. As a result there has been a tendency to devise instant gimmicks to solve the problems and proliferation of competing programs and agencies.

The committee hopes it will receive in the next Congress a proposal for a comprehensive manpower act to overcome the deficiencies cited above.

The committee feels that, in addition to improved evaluation of manpower programs by the executive branch, the Congress itself needs independent judgments on these matters. In this regard, the committee urges the General Accounting Office to continue and broaden its evaluation of manpower programs already begun in connection with its investigation of the antipoverty program authorized last year in the economic opportunity amendments. The committee feels that the GAO should broaden its activities in this area of program evaluation, as opposed to its traditional auditing emphasis, in order to give the Congress independent reviews of the performance of the executive agencies. This is especially important in the area of manpower programs, which a number of different agencies are involved and where it has proved difficult to develop objective data comparing different programs.

SKILL CENTERS

The committee received considerable testimony that MDTA skill centers are particularly effective in training disadvantaged men and women. An MDTA skill center is a centralized facility for grouping many occupational training programs and supportive services, consequently facilitating a highly individualized schedule for each trainee. A skill center may provide training for 20 different occupations in one facility.

The committee heard convincing testimony that many of these [effective and efficient] skill centers are operating at considerably less than full capacity and are hamstrung by administrative regulations.

Skill centers are presently funded on a project by project basis which results in idle capacity that cannot be shifted rapidly to meet local needs. For example, if there is no project funded for welders for the last 3 months of a year, the welding capacity stands idle. Moreover, there have been sharp peaks and valleys in the enrollment of trainees in skill centers and this has impeded planned and efficient operation.

The committee directs the Department of Labor and the Department of Health, Education, and Welfare to work on revisions of the funding arrangements of skill centers. The committee expects that some skill centers will be funded on an annual basis rather than a project basis to determine whether this method of funding will promote ease of administration, guarantee the persons most in need of training are served, and assure proper accountability of Federal funds. If, during the year, a new and different occupational training need occurred, it would be developed and funded with the provisions that the new project stand its share of the additional cost on a prorated basis.

Moreover, the committee expects some skill centers will be used for a long-range pilot study of skill center operations. These pilot studies should include a comprehensive look at such items as enrollment levels, linkages with the CEP and JOBS program, and characteristics of trainees and results of training.

In particular, the committee is concerned that there is no plan or rationale for linking the operations of the skill centers with the new CEP and JOBS programs. These programs are being administered in large part as though skill centers do not exist. Yet, the committee sought specifically to deal with this problem of linkages between programs in the Economic Opportunity Amendments of 1967. Under those amendments, prime sponsors of work and training programs under part B, title I, of the Economic Opportunity Act were to establish comprehensive work and training programs which would provide a complete sequence of all needed services to program participants. The services which prime sponsor could provide included almost every conceivable type of manpower training and employment function, as spelled out in section 123(a) of that act.

The committee expected that this requirement of comprehensive planning together with the provision in one legislation measure of complete legislative authority to conduct all aspects of job training and employment programs would strengthen and encourage the administratively established CEP mechanism. In particular, the committee intended that title I–B prime sponsors and CEP sponsors would have the authority to conduct or otherwise arrange for the conduct of skill training programs and other supportive programs, many of which were already functioning at the local level under the authority of the Manpower Development and Training Act.

The committee fully expected that title I–B program sponsors would be able to use funds provided under the Economic Opportunity Act to arrange for or purchase such training or other services from MDTA programs, with the joint concurrence of the Secretary of Labor, the Secretary of HEW, and the Director of the Office of Economic Opportunity. For example, it was clearly envisaged that a CEP sponsor could use title I–B funds for institutional training activities by subcontracting with an institutional training operator, such as a skills center, to provide those services to CEP participants. The Committee has since learned that the executive branch has not permitted that kind of flexible purchase of services to go forward and the committee expects in the future that any inhibiting budgetary or other regulations preventing this will be eliminated.

CONCENTRATED EMPLOYMENT PROGRAM (CEP)

The committee was deeply disturbed by the testimony and its investigations concerning the concentrated employment program. The CEP is essentially an administrative mechanism for combining under one local funding source programs under all Federal manpower programs in a concentrated effort to provide employment for the hard-core in urban and rural slums. In theory, CEP would provide an unbroken sequence of services from outreach to counseling after job placement.

The objective of CEP is to get people in jobs. Secretary Wirtz stated that CEP's goal was to place between 100,000 and 150,000 people in jobs through 50 CEP's in fiscal year 1968. In fact, by May 31, 1968, only 21,000 people were placed in jobs; 9,700 dropped out of the CEP program, and 18,000 people were placed in training programs. The Secretary of Labor testified that the results of CEP programs "have fallen short, in most areas, of our expectations." He promised an improved performance in fiscal year 1969.

Some of the problems with the initial CEP's are noted below:

(1) The prime sponsor must make very clear the role of each subcontractor and assure coordination of component activities. Prime contractors must provide firm and effective administration through unambiguous lines of authority and communication.

(2) New CEP's should plan to have the OJT, job development and job placement components operational on or before intake begins to avoid backlogs and forced suspensions of enrollee movement through the CEP cycle. In cities with both CEP and JOBS programs, it is expected that these components can be provided through JOBS.

(3) New careers, OJT, and job development have been the components most difficult to develop successfully. Greatly intensified efforts must be made to dispel employer resistance and apathy toward training the disadvantaged.

(4) A heavy preponderance of female enrollees in some projects has been caused by the use of large numbers of female outreach workers who don't reach the male potential enrollees. Projects are being urged to emphasize aggressive outreach and recruitment of males, using male outreach workers wherever possible. According to the most recent report the proportion of females is 50 percent.

(5) Inservice training of local CEP staff must be an integral, continuous activity of each project. The lack of sufficient numbers of persons to operate CEP who are knowledgeable in modern methods and approches to today's manpower problems makes this training mandatory.

(6) Inadequate data systems in some projects preclude generation of operating information needed for effective project management and assessment. A comprehensive records and reporting system for installation in all CEP's should be developed.

Since this program is even now just getting underway it is essential that broad scale evaluation comparable to that undertaken in the first year be continued in order to assess program strengths and weaknesses. Any new program of this complexity requires such assessment if it's to be brought rapidly to it's fullest potential.

COOPERATIVE AREA MANPOWER PLANNING SYSTEMS

The cooperative area manpower planning system (CAMPS) is a voluntary interagency effort on the part of eight Federal agencies for the joint development and implementation of manpower and related programs. Under this cooperative agreement, overall coordinated plans of operation for the upcoming program year are developed by each agency for the provision of services for which it is administratively responsible. No agency participating in CAMPS has relinquished administrative control of the program it is authorized to operate; rather, these agencies endeavor to utilize program resources in an efficient manner compatible with statutory provisions.

Under CAMPS, manpower coordinating committees have been established at the area, State and regional levels. Members of the State manpower coordinating committees include representatives of all manpower agencies, the Governor's office, as well as representation from labor, management, and the general public. The primary responsibility of the State and local manpower coordinating committees is the development and implementation of areawide comprehensive plans.

The committee believes that CAMPS system is a promising vehicle for coordinating the plethora of different and largely uncoordinated Federal manpower programs, and for finding a solution to an appropriate Federal-State relationship. Consequently, the committee has included an amendment that will give the States the ability to approve 20 percent of the MDTA funds without further Federal approval, provided the Secretary has approved a State CAMPS plan or similar State plan program.

The early experience under CAMPS is promising. State and local commitment to the concept has been surprising, but is threatened by several developments. First, CAMPS has been given little authority, no money, and no staff. It is in danger of becoming an after-the-fact information gathering system. Second, many State and local officials view the Labor Department's funding of the concentrated employment program and the JOBS program outside of the CAMPS approved plan as a breach of faith, and an indication that CAMPS is not to be taken seriously. In short, if the CAMPS program fails, it appears at this time that the fault will be Federal. The committee expects that the Labor Department will move to correct its shortcomings in this regard.

In order to do this he will need approval of pending budget requests to provide staff for CAMPS committees.

JOBS PROGRAM

The committee heard considerable conflicting testimony about the job opportunities in business sector program. The program is built around three basic principles:

To engage private industry fully in the problems of the hard-core unemployed.

To pay with Government funds the extra costs of training the disadvantaged for steady employment.

To simplify Government paperwork and make all Government services easily and readily available to the employer.

The administration's goal is to provide jobs for 100,000 hard-core unemployed persons by December 1969.

It is too early to evaluate the JOBS programs. The committee is convinced, however, that in the long run the success of the JOBS program will depend in large part on the acceptance of these disadvantaged workers by their supervisors and fellow workers. It does no good for the president of the company to support the JOBS program if his personnel officers and foremen are not sympathetic and effective in dealing with the new employees. Similarly, it does little good for a corporation president to pledge to take disadvantaged workers if the company does not have the experience or training competence to deal with them. Consequently, the committee urges the Labor Department and the National Alliance for Businessmen to provide sufficient technical assistance to private companies to insure on all aspects of program operation that the disadvantaged workers receive adequate training, counseling and supportive help, and that they remain on the job and can look forward to upward mobility in their careers. In the past, some MDTA, on-the-job training has directed workers into menial dead end jobs.

The committee trusts that the JOBS program will improve the performance of Federal on-the-job training programs in serving disadvantaged workers. In the past on-the-job training programs have neglected disadvantaged workers and when they were included, the supportive services have been inadequate to meet their needs. The JOBS program, which derived in major part from amendments last year to the Economic Opportunity Act, was conceived in part to overcome these problems. Moreover, the committee is also pleased to note that the number of disadvantaged workers in the regular MDTA on-the-job training program has now risen to 50 percent—a substantial expansion since the last extension act.

While the committee approves of the general approach taken in the JOBS program, and indeed gave legislative mandate to this program in section 123(a)(8) of the Economic Opportunity Act last year, it does feel that the program has been mounted in a most hurried manner. The committee has been unable to obtain any thorough evaluations of the so-called test program, upon which the JOBS program was modeled, and it appears that this major new effort was mounted without any real evaluation of what was to be its pilot effort. The committee feels that where Federal programs so deeply involve the use of resources in the private sector, very careful groundwork should be laid in order to avoid constant redesign of the program after it is underway, in a manner which discourages private sector participation. One particular problem which has come to light is that many companies are apparently now willing to hire and train the hard-core unemployed without any Federal reimbursements, and it may be that Federal funds are an unnecessary inducement in many cases. The committee hopes that the Department will develop procedures to assure that Federal reimbursements are not offered unnecessarily and will not be used by business simply because they are available.

TABLE 1.—ENROLLMENTS OF DISADVANTAGED[1] PERSONS IN THE MDTA PROGRAM, FISCAL YEAR 1967 AND FISCAL YEAR 1968 (THROUGH MAR. 31, 1968)

	Percent disadvantaged enrollees[1]		
Period	Total MDTA program	Institutional training	On-the-job training
Cumulative, fiscal year 1967 and fiscal year 1968	56	66	43
Fiscal year 1967	54	64	41
1st quarter	52	63	42
2d quarter	54	64	38
3d quarter	55	64	39
4th quarter	57	66	43
Fiscal year 1968	59	68	48
1st quarter	58	67	47
2d quarter	58	68	47
3d quarter	61	67	50

[1] Defined as persons having 2 or more of the following characteristics: nonwhite, less than 12 grades of education, unemployed at least 15 weeks, under 22 or 45 years of age and over, handicapped, or a public assistance recipient.

ALLOCATION OF FUNDS BETWEEN ON-THE-JOB TRAINING AND INSTITUTIONAL TRAINING

This committee has heard recommendations that would severely limit administrative discretion by amending the MDTA to fix the allocation of funds between OJT and institutional training and to set rigid levels for funding skill centers. On the basis of the record of achievements over the last 6 years, we emphatically reject any such amendments. It cannot be maintained, nor does experience imply, that one pattern of training, or one kind of setting for training, should be relied upon exclusively. Our society is complex, our institutional mechanisms are varied, the needs and desires of our citizens vary. Flexibility, not rigidity, should therefore be built into our manpower development activities.

The skill center is an effective institutional design for delivering services for certain occupational objectives to those it reaches. But it cannot reach all persons. The questions of whether available funds should be applied to a centralized operation such as a skill center or should be used for smaller, more widely dispersed projects should not be written into the statute, but should be resolved by administrative judgments on the basis of such factors as the nature of the occupations for which training is to be provided and the density, the geographic spread, the characteristics and mobility of the population be served by the program.

COMMITTEE CONSIDERATION

The Subcommittee on Employment, Manpower, and Poverty held hearings on S. 2938 and other manpower legislation. Testimony was taken from the 54 witnesses including manpower experts and representatives of the poor people's campaign. This testimony was conducted in 12 days.

MAJOR PROVISIONS OF S. 2938

A. Extension of authority

The committee bill extends the expiration dates of basic training programs and of certain experimental and development programs. The authority to conduct the basic manpower training programs (institutional and on the job) under title II of the MDTA, which is due to expire on June 30, 1969, is extended to June 30, 1972. Title II–D, authorizing training for inmates of correctional institutions, which is now due to expire on June 30, 1969, is extended until June 30, 1970. The provisions of section 104 (labor mobility demonstration projects) and section 105 (trainee placement assistance demonstration projects), which are now due to expire June 30, 1968, are also extended to June 30, 1970.

The committee wishes to emphasize the urgent need for these extensions at the earliest possible date. Uncertainty about the continued flow of funds has already led to a phasing down of manpower programs. States are now in the process of developing their CAMPS plans and need assurance of suitable program and funding authority.

At the present time, these plans cannot be developed with any assurance that all training under title II of the act begun in that year won't have to be completed by December 20, 1969. Programs based on that limitation cannot go as far as is needed or as far as they should go to meet the needs of employers and individuals. Many skill centers schedule training for disadvantaged persons over an 18-month period to include basic and remedial education as well as skill training. Such scheduling is now having to be curtailed because individuals who are just starting now will not be able to complete their training by December 30, 1969. The present termination dates under title II of the act have already begun to affect the job opportunities in the business sector (JOBS) program for involving private industry in a major effort to train disadvantaged persons. We are advised that in most cases cooperating employers expect a full 2 years will be required to properly complete the training of most individuals, and that to offer these employers contracts for 6 to 8 months less than they consider necessary might be seriously damaging to the program.

Already two programs—the labor mobility and the placement assistance programs—have suffered, as of June 30, 1968, a termination of their program authorization. Both these programs have provided valuable lessons from pilot activities, and further experimentation is needed to develop the basis for consideration of permanent legislation.

The committee views with concern the seriously adverse consequences which will flow increasingly from further delay in enacting these extensions of authority under the act.

Regarding title II, institutional and on-the-job training, the act now permits disbursement of funds which were obligated before June 30, 1969, to continue to be made through December 30, 1969.

B. Labor market information

In considering urgent issues affecting the Nation's manpower, this committee has been disturbed by the lack of specific information on a wide variety of manpower problems and by the failure of labor market information to keep pace with growing needs for data to guide legislation and shape public policy. The lack of adequate information also constitutes a serious handicap to sound decisions in the job market by workers, employers, and public authorities.

The growth in size and complexity of the American economy, and the rapidity with which changes have taken place in the structure and technology of economic activity, make it essential that we have available detailed and comprehensive information on the character, magnitude, and dynamics of employment and unemployment, and on the factors which influence them. Increasing social ferment, a rise in expectations of the poor and disadvantaged, and the acceptance by Americans generally of the public responsibility for ending poverty, assuring full employment, and achieving social justice, have heightened the urgency of need for labor market information as a basis for public action.

The committee finds the following to be the minimum requirements for a labor market information system that will provide the factual basis for decisionmaking by public and private users.

(1) *Information on "the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services."*—The persistence of poverty in the face of continuing high employment. The growth has underscored the critical lack of information on the number, location and needs of the undereducated, underskilled, and underemployed. The services needed by these people are varied and require an intensive and individualized approach based on detailed knowledge of the condition of the people and of the methods by which their problems can be resolved. The data required for effective policy and program utilization must necessarily extend beyond the purely economic facts and include the knowledge which can be contributed by a variety of disciplines including the psychological and sociological. A comprehensive labor market information system would serve to identify the size and nature of the problems of disadvantaged individuals and, by providing regular and timely data, serve as a basis for (*a*) measuring the effectiveness of public action and (*b*) detecting changes in the composition of the universe of need.

(2) *Information on "job opportunities and skill requirements."*—Testimony by a broad spectrum of Government policymakers, economists, and employment service officials has documented the need for data on current demand for labor and the skills required to fill that demand. There is at present a serious deficiency in information opportunities which can be used for purposes of placement, training, and program. The policy and operational uses of a system of job opportunities information which is provided for under section 106(b) are described in section (b) below.

(3) *Information on "labor supply in various skills."*—Our information on labor demand, as expressed in employment statistics and staffing patterns, has traditionally outpaced our knowledge of labor supply. However, policy and program decisions by business and Government administrators require equally comprehensive information on the extent and characteristics of available workers. It is the considered view of the committee that information on the working-age population, and their actual and potential skills and training needs, should be developed on an area, State, and regional basis. A profile of the labor supply—actual and potential—is a necessary element of consideration in decisions on location or expansion of industry facilities. On the broader basis, information on the available labor supply should give direction and emphasis to manpower and industrial development policies.

A profile of area labor supply should also enable the promotion of employment opportunities appropriate to the skills of disadvantaged workers, and of programs for upgrading their skills and providing for job advancement.

(4) *Information on "occupational outlook and employment trends in various occupations."*—Occupational outlook information has many important uses in guidance and counseling, as a basis for career decisions by individuals and for planning of facilities and programs to meet occupational needs. In order to achieve maximum effectiveness, the present occupational outlook activity must be extended and strengthened and utilized in the broadest framework of labor market services. The committee strongly endorses the integration of a strengthened occupational outlook service into a comprehensive labor market information service.

(5) *Information, "in cooperation and consultation with the Secretary of commerce [on] economic and business development and location trends."*—Differential growth and locational shifts in economic activity have resulted in underutilization of human and economic resources. Better labor market information is needed (*a*) by businessmen, to enable them to meet efficiently the manpower needs of relocation or expansion, (*b*) by public authorities, to estimate and plan policy and program needs and develop remedial programs, and (*c*) by workers to rationalize their job search and extend their awareness of job opportunities.

The committee feels that the information developed by the Department of Commerce on business trends and economic developments, and by the Department of Labor on labor supply and skill characteristics must be fused to carry out effectively economic and manpower policies.

The legislation outlines the framework for a comprehensive labor market information system. The committee offers the following elaboration to underscore some key elements needed to assure maximum usefulness of that system in meeting challenges posed by growth and change.

Timeliness of data.—The usefulness of labor market information is greatly impaired by delay in availability. No effort should be spared to obtain speedy publication of labor market data. We also strongly recommend the acceleration of processing and publication of administrative data, such as those developed from social security records, and labor market data collected in the census of population.

Dissemination.—Information which is not made available to potential users, or not presented in a form which can be readily understood, analyzed, or interpreted, defeats the purpose of its collection. The committee feels that a strong and continuing effort should be made to disseminate labor market information widely and to present it in forms which are most useful to potential consumers.

Utilization and implementation of information.—The committee considers that this legislation implicitly provides for establishment of such arrangements as may be needed to mesh the development of labor market information with policy and program needs, and the use of research findings for recommending changes and innovations in programs and policies. The labor market information system should also provide the basis for feedback on the effectiveness of policies and programs and innovative measures to capitalize on the results of research.

Local data.—The committee strongly recommends the desegregation of labor market and related data to meet area, State and regional needs. The heterogeneity of labor markets and the varieties of economic structures and situations in the United States limit the usefulness of national data by specific geographic entities below the national level. Such data are needed for local planning (for example, of training facilities and systems) for remedial programs supported by the State or National Government for those localities not sharing in the general progress and for the orientation of varieties of manpower, welfare and other services.

Uses and users of labor market information.—The committee has noted the importance of effective dissemination and utilization of labor market information. In this connection, special attempts should be made to identify current and potential users and to present the information in ways to achieve greater effectiveness. This will require attention to the needs of (1) individual participants (workers and employers); (2) placement services; (3) training and educational institutions; and (4) policy and planning bodies.

Job opportunities information and job matching program

We have been impressed by the overwhelming consensus declaring the need for regular and timely statistical information on the number, location, and type of job opportunities. The lack of such data, it has been repeatedly noted, is one of the most conspicuous gaps in our knowledge of job market conditions, and the void in information on this vital aspect of employment dynamics contrasts sharply with most other developed nations, where data on unfilled vacancies are collected and published regularly.

The basic uses for such data are clear: Operationally, in a variety of ways, to direct emphasis on placement, guidance, and training programs having the general objective of matching workers with jobs; analytically, as guide to development of economic policy, to show the locus and extent of inflationary pressures on the job market, and to serve as a basis for detecting actual or incipient labor shortages, to provide information to workers, employers, and public bodies on the comparative job situation in different areas and types of jobs, and to shed light on the dynamics of employment not now apparent from the net and average statistics on employment and labor force status.

As a result of a number of experimental and pilot studies conducted over the past few years by the Department of Labor and other organizations, we are convinced that technical problems have been largely overcome and that it is feasible to collect reasonably accurate and useful job opportunities information on a regular and extensive basis. We are convinced in this connection that more information rather than less will help to resolve questions involving the operation of the job market which have important implications for economic and manpower policy.

The committee bill provides for the establishment by the Department of Labor of a nationwide job opportunity statistics program which will provide periodic and timely information on the locus, extent and type of job vacancies; and a program of research and analysis by the Department and through grants and contracts of such uses of the data grants and contracts of such uses of the data shall further the objectives of the MDTA. This job vacancy information is, in particular, to be made available to job placement and related agencies for use in a job matching program.

In this regard, the committee bill provides for the establishment of job matching programs, designed to match the qualifications of unemployed, underemployed, and low-income persons with job vacancies on a National, State, or local basis. The committee feels that a high priority must be assigned to attempting to bridge the gap between available persons and available jobs, and that more expensive and sophisticated job training and development efforts should be a sequel to that primary effort.

The matching of workers with jobs has become increasingly complex even as the importance of this function has grown. A number of developments in technology and technique have demonstrated potentials for large-scale expansion and elaboration of referral, placement, and other manpower services with improvement of efficiencies in speed, effectiveness, and cost.

In order to enhance the employability of workers by reference of their job needs and skills with the greatest number of job opportunities, to reduce the threat of labor shortages and consequent inflationary pressures by the widest exposure of employer needs among available workers, and generally to improve the functioning of the job market, the provision of manpower services and the availability and utility of current and comprehensive job market information, it is necessary that the application of modern techniques and facilities be accelerated and expanded. In furthering this objective, legislative mandate has been given the Secretary, which in essence directs him to explore and develop the potential advantages from use of electronic data processing and telecommunications systems for storage, retrieval, and communication of job and worker information, and to exploit these advantages where demonstrated to the maximum extent feasible through expanded use of such devices and systems.

C. Training and related technical assistance

Despite the rapid expansion of manpower programs, surprisingly little has been done to develop or train capable staffs at any level of government.

The committee bill provides for a 2-percent set-aside of funds appropriated each year under titles I, II and III of the act, for the purpose of providing training and technical assistance for the personnel who are needed in the planning, administration, and execution of complex manpower programs. It provides legislative authority for the continuation and expansion of current Department of Labor efforts to develop the full capability of its own staff, other staff of programs for which the Department of Labor has responsibility, as well as other persons working in the expanding and changing manpower field.

The specific training an individual received would be related to his particular training needs and job responsibilities and would have the overall objective of improving his technical performance and functioning within the manpower program. Various appropriate patterns and methods of training could be used. Among other approaches could be the establishment of a National Manpower Institute such as that recommended by the National Manpower Advisory Committee, if it were determined that such an Institute would be a feasible instrument for implementing the purpose of the amendment.

Similarly, various patterns and methods of technical assistance in the planning initiation and operation of manpower programs could be provided through the special assignment of personnel to public or private agencies, institutions, or employers. The particular kind of assistance would depend on the specific needs of the program to be aided and could include guidance in the development of the training techniques and management skills necessary to the efficency of manpower programs at all levels of operation.

D. Inclusion of American Samoa and the Trust Territories

The committee bill extends the MDTA program to American Samoa and to the Trust Territories. Because of the fiscal limitation on the Government of the Trust Territories, the matching provisions of section 301 of the act are waived in their case. The Secretary of Labor is authorized to establish the amount of training allowances in both these added areas, as he now may with respect to Guam and the Virgin Islands, because of the inapplicability of the training allowance formula attached as it is in the several States to unemployment compensation levels.

E. Consideration of OJT applications

The committee bill amends section 204(a) to state the intention of this committee that all applications for on-the-job training shall receive consideration by the Secretary of Labor. The Department of Labor has indicated no objection to this amendment. The Department has, however, discouraged applications for OJT when there were no unobligated moneys with which to fund new projects, and the committee anticipates that this administrative practice could continue to be followed to avoid unnecessary paperwork for the applicant and for the Department of Labor.

F. Limitation on Secretary's reapportionment of funds

The authority for reapportionment of title II funds has been changed to provide that upon 15 days' notice to a State, there may be a reapportionment of funds after the ninth month of a fiscal year. The committee heard testimony that the previous policy of reapportionment after 6 months did not give some States an adequate opportunity to obligate their State allotments. Most of this reapportionment came about in connection with the sudden establishment of the JOBS program, which was achieved in major part by the use of already allocated OJT funds. The committee feels that the withdrawing from the States of promised OJT funds well after the fiscal year had begun was most improper, and believes that the JOBS program, which as we already said was mounted in a most hurried fashion, could have been implemented in a manner which took better account of the commitments of the Department and the justified expectations of the State agencies and the private employers whose OJT contracts were fully developed but never concluded because of the reallocations. As the Department should know, nothing is more apt to discourage private employers who would like to become involved in Federal programs than this kind of changing of the rules in midstream.

G. State administration of MDTA funds

The committee bill provides that, within certain criteria, a State agency may approve project applications which conform to a State plan approved at the Federal level. The purpose of this amendment is to respond to the information before this committee that there have been some delays in funding training projects, which resulted in unfortunate and sometime costly loss of instructors and facilities, plus delay in enrolling trainees.

It is anticipated that with this new authority a State agency may achieve more continuity of programing institutional training. Therefore, to give a State agency an opportunity to deal with genuine time pressures, it is authorized to approve projects in an amount not to exceed 20 percent of the title II funds apportioned to such State. The projects approved by a State agency shall conform to criteria established at the Federal level for institutional training. A State agency should avoid approving a project which has a high cost due to purchase of equipment, minor remodeling of a facility and the like, but shall forward such projects to the Federal representatives for review and approval.

In the light of this increase in program responsibility for State agencies made in the committee bill, the committee feels that the Department of Labor should be most restrained in otherwise cutting back on State responsibilities under the MDTA program. It has come to our attention that the Department has decided to terminate all promotional and development work by State agencies with regard to OJT contracts. In part this decision was made in order to carry out on a State basis the reorganization made in the Federal Government ending the connection between apprenticeship programs and OJT programs, and the committee supports that reorganization. In addition, it was thought that the scaling down of OJT funds, in the light of the establishment of the JOBS and NAB programs, justified the termination of this State activity in that less such contract promotional and development work would be needed. But at the same time, the committee understands that the Department is seeking to add several hundred employees to the Manpower Administration, some of whom will be field personnel who will be charged with, among other things, the promotion and development of these OJT contracts.

The committee feels that the Manpower Administration, and especially the Bureau of Work and Training Programs, is already carrying a very heavy work load in the face of substantial personnel shortages. Hence, the committee expects that where a State agency previously charged with OJT contract development and promotional work has performed in a satisfactory manner and is no longer charged also with supervision of apprenticeship programs, the Department should continue to permit that State agency to perform OJT contract promotion and development functions. That kind of State agency role is contemplated in the new section 301(b), which would allow the State agency to develop and implement such contracts, where consistent with State CAMPS or other plan approved by the Secretary, without project by project approval by the Department of Labor.

H. Study of seasonality of employment in the construction industry

The committee bill establishes a Federal Construction Advisory Council which will study in depth the problem of seasonality of employment in the construction industry and make recommendations to the President by August 1, 1969, and to Congress by October 1, 1969, on ways to achieve the stabilization of employment in that industry.

The construction industry, which represents one-fifth of total unemployment, is particularly susceptible to seasonal unemployment. For a large group of workers, this means the economic hardship of uncertain, fluctuating annual incomes. For the industry, it means needless extra costs. For the Nation, it means unnecessary waste of manpower resources.

Seasonal variations in employment in construction are historically a matter of adjustment to the rigors of winter and the inconvenience of precipitation in other seasons—but they are more than this. They represent the residue of habitual practices common to the industry in days before modern methods of coping with problems of weather were developed. They also reflect a lag in the application of known methods by many of the industry's small firms (which comprise the vast bulk of the industry). Finally, they mirror the failure to resolve technical problems resulting from the small-scale research and development activities of the industry.

The Council will consider these and other issues in the course of its investigation into this critical employment problem. It will also consider ways by which Federal departments and agencies responsible for expenditures of construction funds can contribute to the reduction of seasonal unemployment through improved planning and scheduling of construction, better contract procedures and allocation cycles, and other appropriate actions. The committee believes that the findings and recommendations resulting from such an extensive investigation will be a significant forward step toward the solution of one of the Nation's most pressing employment problems.

Minimum MDTA apportionment

The committee bill includes a provision that no State shall be apportioned less than $750,000. Under the existing allocation formula some small States have not received sufficient money to mount even a minimum MDTA training program. This floor on apportionments should insure that each State can participate in the program to a significant extent.

The committee is aware that the executive branch has under active consideration action on this subject, which would utilize powers presently available to the President, including especially those relating to construction contracts, to help overcome the adverse employment effects of seasonality in the construction industry. The committee would hope that enactment of this amendment would not defer early action by the President. The committee's view, the broad study which the amendment authorizes, would complement and supplement any executive action looking toward solution of this problem.

[Senate, Oct. 7, 1968]

Extension of the Manpower Development and Training Act

Mr. Mansfield. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1425, S. 2938.

The Presiding Officer. The bill will be stated by title.

The Legislative Clerk. A bill (S. 2938) to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended.

Mr. Mondale. Mr. President, the basic purpose of S. 2938, as reported by the committee, is to extend the successful and popular Manpower Development and Training Act for 3 years. The committee has added minor and, I believe, noncontroversial amendments that will contribute to the effective operation of the program.

In the 6 years since its initial passage, the MDTA has proved to be a broadgaged and versatile instrument for meeting the ever-changing challenges inherent in any program designed to develop and utilize to the fullest extent possible the Nation's human resources. Amendments to the basic act in 1963, 1965, and 1966 have contributed substantially to the effectiveness of the manpower program by making it less rigid in its administration, and permitting a good balance between institutional and on-the-job training—OJT.

Just as the Employment Act of 1946 committed the Nation to seek full employment by influencing the demand for labor, the Manpower Development and Training Act of 1962 launched an active manpower policy which would seek to affect the supply of labor. A concern for manpower requirements at all levels, the effects of technological change on job content and displacement, manpower shortages and surpluses, upgrading the employed and employing the unemloyed were all involved in the passage of the act. Investment in human capital through programs like MDTA has now been recognized as a vital factor in economic growth and as a primary weapon against poverty.

Since passage of the act in 1962 more than 1.2 million training opportunities have been authorized. Of these, nearly 740,000 have been for institutional training, over 455,000 for on-the-job training and 60,000 for part-time and other training.

Seventy-six percent of those completing institutional training and 89 percent of those completing OJT were employed when last contacted. Of these placements, 78 percent of the trainees from institutional programs and 93 percent from OJT were employed in training-related jobs.

As MDTA programs have been developed, there have been major shifts to meet new or previously unnoticed demands. An increasing emphasis has been placed on training disadvantaged persons. By the third quarter of 1968, 61 percent of those trained were classified as disadvantaged.

But this is just one of MDTA's objectives. As the combined result of original intent and subsequent experience, MDTA has come to have six main purposes: First, facilitating employment of the unemployed; second, reducing poverty; third, lessening inflationary pressures; fourth, meeting labor shortages; fifth, upgrading the labor force; and, sixth, revamping traditional institutions.

Mr. President, the Subcommittee on Employment, Manpower, and Poverty held 12 days of testimony on S. 2938 and related bills and heard from 54 witnesses including most of the Nation's leading manpower experts and many representatives from private industry. The committee is convinced after hearing this testimony that MDTA is making good progress toward meeting its objectives.

The committee wishes to emphasize the urgent need for these extensions at the earliest possible date. Uncertainty about the continued flow of funds has already led to a phasing down of some manpower programs and will lead to difficulty in recruiting teachers. States are now in the process of developing their plans under the cooperative area manpower planning system and need assurance of suitable program and funding authority.

But, even more important, the present termination dates under title II of the act have already begun to affect the job opportunities in the business sector—JOBS—program for involving private undustry in a major effort to train disadvantaged persons. This program has received 165,000 jobs pledges from businessmen or 65 percent over their objective of 100,000 pledges. Under this program employers are reimbursed by the Government for the extra costs of necessary training and supportive services at levels substantially in excess of those provided under other on-the-job training projects.

While it is too early to gage the success of this JOBS program, I am advised that in most cases cooperating private employers expect a full 2 years will be required to properly complete the training of these hard-core unemployed individuals. Consequently, to offer these private employers contracts for 6 to 8 months less than they consider necessary might be seriously damaging this JOBS program. Mr. President, I believe the private employers and the National Aliance for Businessmen led by Henry Ford who entered into this program in good faith should not have their efforts impeded by the uncertainty that stems from the lack for a Federal authorization bill.

Mr. President, this extenion bill is a limited bill and does not attempt a basic overhaul of our numerous manpower programs. In its report the committee stressed that it is particularly concerned by testimony which demonstrated the vast array of Federal manpower programs do not result in any comprehensive manpower policy. Instead, individual acts were written, considered, and amended in rapid succession to meet current crises, real or imagined, with little attention to their interrelations. At the local level there is no single agency or combination of easily accessible institutions where those seeking help can find it. Administrators have been too impatient to await the results of new and existing programs and, consequently, have not allowed time for restructuring them. As a result there has been a tendency to devise instant gimmicks to solve the problems and a distressing proliferation of competing programs and agencies.

The committee hopes it will receive in the next Congress a proposal for a comprehensive manpower act to overcome the problems cited above. The bill should authorize manpower services structured along functional rather than program lines so as to lend themselves to tailoring according to community and individual need. We need to integrate the numerous categorical manpower programs now in legislation and provide more flexibility to meet local needs.

Since MDTA research often receives so little attention, let me highlight and praise some of its extraordinary achievements. MDTA research indicated the need for more realistic training allowance and for basic education as a prerequisite for skill training for disadvantaged workers. A research project showed the effectiveness of prerelease training in reducing the appalling cycle of recidivism in our prisons. MDTA research also highlighted the plight of selective service rejectees and found ways of opening apprenticeships to minority youth. Yet on research to identify and solve manpower problems we spend less than $4 million—only one-half of 1 percent of the MDTA budget. The Senate would have difficulty identifying a higher return on investment within the entire Federal budget. The time has come to put more money in research.

Mr. President, I would like to mention some of the amendments the committee has added. Despite the rapid expansion of manpower programs, surprisingly little has been done to develop or train capable staff at any level of public service. The committee bill provides for a 2-percent set-aside of funds appropriated each year for the purpose of providing training and technical assistance for the personnel who are needed in the planning, administration, and execution of complex manpower programs.

In considering urgent issues affecting the Nation's manpower, the committee has been disturbed by the lack of specific information on a wide variety of manpower problems and by the failure of labor market information to keep pace with growing needs for data to guide legislation and shape public policy. The lack of adequate information also constitutes a serious handicap to sound decisions in the job market by workers, employers, and public authorities.

The committee was impressed by the overwhelming consensus declaring the need for regular and timely statistical information on the number, location, and type of job opportunities. The lack of such data, it has been repeatedly noted, is one of the most conspicuous gaps in our knowledge of job market conditions, and the void in information on this vital aspect of employment dynamics contrasts sharply with most other developed nations, where data on unfilled vacancies are collected and published regularly.

Consequently, the committee recommends appropriations to develop a labor market information and job matching program.

The committee bill also authorizes an in-depth study of the tremendous problems of seasonality of employment in the construction industry and make recommendations to the President and to Congress on ways to achieve the stabilization of employment in that industry.

The construction industry, which represents one-fifth of total unemployment, is particularly susceptible to seasonal unemployment. For a large group of workers, this means the economic hardship of uncertain, fluctuating annual incomes. For the industry, it means needless extra costs. For the Nation, it means unnecessary waste of manpower resources.

Mr. President, since we are nearing the end of the session we are faced with the unusual situation where there is not sufficient time for a conference with the other body. Consequently, I am proposing, for Senator Clark, a bloc of amendments to the committee bill that will, I hope, make the Senate bill acceptable to the other body. I shall ask unanimous consent that these amendments be printed.

The major change in the committee bill is the revision in the study of the seasonal unemployment in the construction industry to make it a joint study by the Secretary of Labor and the Secretary of Commerce. The revision also excludes from the study Federal procurement practices that will be covered by a forthcoming Executive order.

Mr. President, the members of the committee agreed reluctantly to make these changes in the committee bill and to refrain from offering other amendments in order to get an acceptable MDTA bill this session. Senator Clark, for example, would have preferred to offer a large-scale public and private job creation amendment that would meet the major domestic problems of our time—the lack of employment opportunities for about 5 million disadvantaged Americans who live in our city slums and rural communities.

I know that my Republican committee colleagues also had important amendments which they wanted to offer.

Mr. PROUTY. Mr. President, I am a cosponsor of S. 2938. Its basic provisions are substantially the same as those in S. 2695, which was cosponsored by the distinguished chairman of our Subcommittee on Employment, Manpower, and Poverty when I introduced it last fall.

Our hearings reveal that changes necessary to improve the administration of MDTA and the results it is designed to achieve can be divided into two categories. The first of these involves areas where legislative action is necessary. The second involves problems revealed by our hearings which can be rectified by changes or modifications in administrative policies by the Department of Labor but where no legislative action is contemplated at the present time.

I proposed several amendments which were adopted by our Committee which would reassert the rights of States in their relationship with the Federal Government's administration of MDTA programs and which would at least diminish their impact of inadequate funding procedures for small States and States with large rural populations.

Mr. President, I shall now discuss amendments of mine contained in the pending bill which were adopted by our full Committee on Labor and Public Welfare. I do this for the dual purpose of explaining them to my colleagues and creating legislative history. I shall then make some general comment concerning the restrictions placed upon the Senate's consideration of this proposed legislation.

Four of my amendments constitute a package, which complement each other and which are, together, designed to rectify abuses of administrative discretion by the Department of Labor and to improve the efficiency of the Federal-State relationship in implementing training programs under MDTA.

One of these amendments requires the Federal Government to accept and consider all applications for on-the-job training programs. During the last 2 years, the Department of Labor has at various times instructed its representatives in Vermont and other States that they could not accept OJT training applications, even though the particular State's allocation of funds had not been obligated. I can reach no conclusion other than that the purpose of these instructions was to insure that money would be available for transfer into a national pool to fund programs in our largest urban areas when such action became possible under the law. I realize the funds are urgently needed for programs in our largest cities, but this practice for obtaining additional moneys for this purpose is clearly contrary to the intent of Congress and obviously discriminates primarily against smaller States and States with large rural populations.

Although the action required by this amendment could be instituted by an administrative policy decision, Labor Department officials refused to give me a commitment that such change would be made and, in fact, indicated that it probably would not be made unless my amendment was adopted.

Our committee report states.

"The Department . . . has discouraged applications for OJT when there were no unobligated moneys with which to fund new projects, and the Committee anticipates that this administrative practice could continue to be followed to avoid unnecessary paper work for the applicant and for the Department of Labor."

It is easily discernible, however, that there is a tremendous difference between discouraging applications where there are no unobligated moneys and refusing to accept applications under any circumstances. As the Secretary does have a certain amount of funds reserved for his discretionary use, and as he will continue to create a national pool of unobligated title II money, there are very few situations where he should exercise the arbitrary authority of refusing to accept and consider an application.

This amendment in no way infringes upon the Secretary's discretion to approve or reject OJT applications. It will result in making a record of applications to operate such programs, however, thus presenting some criteria for Congress to use in determining whether small States and rural areas have been arbitrarily discriminated against.

The second amendment in this group prohibits the Secretary of Labor from reapportioning MDTA funds allocated to a State until after the ninth month of the fiscal year in which they are appropriated, and requires that a State be given 15 days' notice of funds to be reallocated during the fourth quarter of a fiscal year.

The primary purpose of this provision is to provide the States with an adequate opportunity to obligate their State allotments and to prevent the Department of Labor from excessive haste in arbitrarily transferring these funds to other commitments.

This has, unfortunately, been done under the present law which permits reapportionment, after 6 months, with 30 days' notice during the third quarter of the fiscal year and no notice during the fourth quarter.

An identical amendment was offered in the other body by the distinguished gentleman from Wisconsin [Mr. STEIGER] and is contained in the MDTA bill passed by the House.

The third amendment in this package provides that no State shall be allocated less than $750,000 for MDTA training programs, regardless of the amount of money which would otherwise be apportioned under the formula contained in section 301 of MDTA.

I initially proposed a floor of $1 million for each State when this matter was considered by our committee, but agreed to the lesser amount in the interests of obtaining committee unanimity. It should be noted, however, that representatives of the Department of Labor advised our committee staff that the $1 million floor would not cause any substantial problems or significant reductions in funds to other States.

As stated in the committee report, many small and rural States have received insufficient funds to mount effective MDTA training programs throughout their States, and the floor provided by this amendment is intended to guarantee that every State can participate to a significant extent in these programs.

My final amendment relating to the Federal-State relationship under MDTA provides that a State may approve funds for particular projects without subsequent Federal approval with respect to 20 percent of the money allocated to a State under section 301 of MDTA. In addition, it provides that funding applications for specific projects from the remaining 80 percent of a State's allocation shall be automatically approved unless disapproved by the Federal Government within 30 days of their receipt.

The present practice is for a State CAMPS organization to submit a general plan at the beginning of each fiscal year showing how it intends to spend MDTA funds in relation to OJT and institutional training job slots. Once this general CAMPS plan is approved, it is then necessary for the State CAMPS to submit each proposed training program for specific project and funding approval.

One of the major complaints concerning institutional training is that a group of prospective trainees qualified for a particular course will be available but that, because of inordinate delays in obtaining Federal approval once the specific program is submitted for funding, these qualified trainees either take other jobs, move away or otherwise become unavailable. It then becomes necessary to select and recruit new trainees for this particular program when Federal approval is obtained.

In addition, our committee hearings show that these delays have at times resulted in the loss of facilities and experienced instructors.

It is my belief that this provision will expedite the approval and implementation of sound training programs. Certain fears have been expressed to me to the effect that the Department of Labor can circumvent the intent of this amendment by engaging in the practice of almost automatically disapproving funding applications nearing the 30 days' deadline and requiring their resubmission in order to continue giving the Federal Board of Review as much time to analyze these proposals as they have taken in the past. I do not think this will occur. I expect the Department of Labor to make every effort to process funding applications under this section in complete good faith and to refrain from disapproving an application unless there is some serious or substantial defect in the program under consideration.

Other reasons for this amendment and guidelines for its administration appear in the committee report. As I agree with them, I shall not repeat them here.

Mr. President, I emphasize the fact that in the form of these four amendments in the bill before the Senate represents modifications of my original proposals and that, as adopted by our committee, they were approved by representatives of the Department of Labor.

Mr. President, another amendment of mine adopted by the committee involves comparability of MDTA training allowances.

This amendment amends section 203 of MDTA to provide that the training allowance for all youths shall be at the same rate, eliminating the differences in existing law between the training allowances for various young people.

The purpose is to equalize payment of training allowances to all MDTA trainees 17 and over so that they will receive the same allowances as other MDTA trainees. The present law does not permit certain young trainees to receive more than $20 per week training allowance.

This compares to MDTA training allowances ranging from approximately $30 to $60 per week for other MDTA trainees, depending upon the State in which they live.

I offered this amendment to the poverty bill last year, and it was contained in the poverty legislation which passed the Senate. The House conferees favored it on the merits, but raised the point of order that it should be attached to MDTA rather than poverty legislation. It was deleted from the poverty bill agreed upon by the conference committee, and I have now incorporated it in an appropriate MDTA bill.

Mr. President, the enactment of this proposal into law is long overdue, although the Department of Labor is strongly opposed to it.

In these days when we hear so much concerning the poverty level of income and proposals for guaranteed annual incomes, one would not suppose there to be much Government support for maintaining weekly incomes at or below $20. Yet the initial reaction of representatives of the Department of Labor at our committee's adoption of this amendment was one of dissatisfaction, based on their consideration of statistics rather than the well-being of individuals. The reason—if required to pay these trainees a more adequate subsistence allowance, the Department of Labor's record would not be able to reflect such a large number of trainees.

Mr. President, my last amendment which was adopted by our Committee establishes a Federal Construction Advisory Council to study, investigate, and conduct research on seasonality of employment in the construction industry. Under my amendment, the Council would be required to submit a report to the President and the Congress containing findings and recommendations concerning means to achieve stabilization of employment and diminishment of seasonality of employment in the construction industry, with special attention to its implications for national manpower policy.

I am pleased to report, Mr. President, that when I offered this amendment, the distinguished chairman of our subcommittee, the senior Senator from Pennsylvania [Mr. Clark], the distinguished chairman of our Labor Subcommittee, the senior Senator from Texas [Mr. Yarborough] and Senators Williams of New Jersey, Javits, Dominick, Murphy, and Fannin requested that their names be added as cosponsors.

Under the language in the reported bill, this Council would be composed of the Secretaries of Labor, Commerce, Interior, Health, Education, and Welfare, Housing and Urban Development, and Transportation. The Secretary of Labor shall be the Chairman and the membership of the Council shall include the Administrator of GSA, the Director of the Bureau of the Budget, and representatives of labor and management in the construction industry and representatives of the architectural and engineering professions to be appointed by the President.

A bill calling for a similar study—H.R. 15990—was introduced in the other body by the gentleman from Michigan [Mr. O'Hara], and favorably reported to the House on August 2. Under the O'Hara bill, the study of seasonality in the construction industry would be conducted by the Secretary of Labor. In addition, it was far less specific as to the matters which should be conducted during the course of the study.

Our staffs have worked out a compromise which I believe is satisfactory and which should be accepted by both the House and the Senate. This compromise provision is set forth in one of the amendments which the floor manager, the Senator from Minnesota, has just offered to the bill reported by our committee. Under it, this study will be conducted jointly by the Secretaries of Labor and Commerce and a report will be submitted to the Congress as well as to the President.

Mr. Goodell. Mr. President, when this legislation was considered in the House, I offered two amendments that were accepted by the managers of the bill and passed unanimously. Those amendments provided two things:

First. A reinforcement of our intent that the Secretary of Labor shall wherever possible administer the manpower training programs through State agencies equipped to do the job. It is our intent that the Secretary negotiate agreements with the States assigning State agencies the responsibility for promotion, development, funding, monitoring, and other services associated with implementation and utilization of funds apportioned to the States in accordance with section 301 of the act;

Second. That funds apportioned to the State agencies through agreements under section 206 shall remain available to the State agencies providing Congress appropriates not less than $48 million for the JOBS program and not less than $31.8 million for the CEP program.

I am withholding these amendments in this body on the assurance that an intensified effort will be made to carry out the intent of the amendments in the House of Representatives. I believe the record is clear in both the House debate and in the Senate that we want these objectives achieved, and the Secretary of Labor is on notice to do all that he can to bring them about. If he does not, Congress will be forced to act more specifically in the future.

Mr. Javits. Mr. President, as do other Senators, I think the distinguished Senator from Pennsylvania [Mr. Clark], who is chairman of the Committee on Employment, Manpower, and Poverty has given gifted and important attention to the work which we hope will result in the passage of the bill today.

I and others have withheld amendments which we felt were important to the bill because we thought in the interest of the broad objective of manpower training and of dealing with the hardcore lack or employment and manpower in the slums, it was even more important to get the law extended. We stayed our hands, as the distinguished Senator from New Jersey has done.

Mr. Prouty. Mr. President, on behalf of the distinguished Senator from California [Mr. Murphy] and the distinguished Senator from New York [Mr. Javits] and myself, I send to the desk an amendment and ask that it be stated. This is actually the Senator from California's amendment.

The Presiding Officer. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. Prouty. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The Presiding Officer. Without objection, it is so ordered, and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

At the end of the bill add the following new section:

"Sec. 12. The Manpower Development and Training Act of 1962 is amended by adding at the end thereof the following new title:

" 'TITLE IV—SUPPLEMENTARY STATE PROGRAMS

" 'STATEMENT OF PURPOSE

" 'Sec. 401. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment.

" 'AUTHORIZATION FOR GRANTS

" 'Sec. 402. The Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized to grant to any State which meets the requirements of section 403 an amount, for fiscal years 1969 and 1970, not to exceed 75 per centum of the cost of the supplemental efforts and activities undertaken by a State pursuant to the provisions of this title.

" 'APPLICATIONS AND CONDITIONS

" 'Sec. 403. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

" '(b) No grant may be made under the provisions of this title unless the Secretary finds that—

" '(1) after consultation with said State, the effectiveness of Federal manpower and related programs seeking to move disadvantaged persons into productive employment within such State can be facilitated or improved by additional State efforts and activities; and

" '(2) such application (A) describes how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with such State's cooperative area manpower planning system plan, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title, and (D) provides assurances that the State will pay the non-Federal share of the cost of such efforts and activities under this title.

" 'RULES AND REGULATIONS

" 'Sec. 404. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

" 'AUTHORIZATION OF APPROPRIATIONS

" 'Sec. 405. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.' "

Mr. Prouty. Mr. President, the Senator from California [Mr. Murphy] is unable to be present in the Chamber today and, therefore, I am submitting this amendment for him and the other cosponsor, the senior Senator from New York.

Under this amendment, a State may receive a matching Federal grant to fund employment and training programs designed to coordinate and improve the effectiveness of Federal manpower programs. It will result in permitting States to make additional efforts in training our hardcore disadvantaged and unskilled citizens for productive and meaningful jobs.

Mr. President, it is my understanding that the Senator from California has discussed this amendment with the chairman of our committee, and that the Senator from Pennsylvania was prepared to accept this amendment as modified.

Mr. President, I have a prepared statement which the Senator from California had in tended to deliver when this amendment was considered by the Senate, explaining why it is needed to give the States greater flexibility in manpower and related areas. I ask unanimous consent that this statement, together with attachments, be printed in the Record at the conclusion of my remarks.

In view of the foregoing, I hope that my friend from Minnesota, the floor manager of this bill, will accept this amendment.

There being no objection, the statement and attachments were ordered to be printed in the Record, as follows:

"STATEMENT OF SENATOR GEORGE MURPHY, REPUBLICAN, OF CALIFORNIA, IN SUPPORT OF AMENDMENT ADDING SUPPLEMENTARY STATE PROGRAM TO MDTA

"Mr. Murphy. Mr. President, I call up my amendment No. 884, and ask that it be read.

"This amendment adds a new Title IV, Supplementary State Program, to the Manpower Development and Training Act of 1962 as amended. The purpose of the amendment is to provide states with needed flexibility and freedom in manpower and related areas so that existing imbalances and gaps in present programs may be filled in order to improve, coordinate, and make more efficient and effective manpower programs.

"Mr. President, manpower experts, Congressional committees and various advisory councils and commissions have pointed out the waste, duplication and inefficiency that exist in the manpower area. There seems to be general agreement on the need for greater coordination and on the realization that there is a need to 'make sense' out of federal manpower policy. Although the need for coordination is recognized by everyone, 'coordination' seems much like the saying regarding the weather: everyone talks about it, but no one does anything about it. Various efforts have been made to coordinate the programs, but with little or no success. In fact, the suggestions on coordination have proliferated almost as much as the programs themselves. The Washington Evening Star, in an editorial last month, states 'The federal government cries out for a rigorous organizational analysis of existing programs that have grown like topsy. As anyone who labors in federal vineyards can attest, it is extraordinarily difficult to get anything accomplished because of fouled communications lines and encrusted bureaucracy.' "

"Mr. President, the problems resulting from the proliferation of programs and the multiplicity of funding are not centered at the federal level. To the contrary, they seem to be multiplied at the local level. Dr. Garth L. Mangum, Co-Director of the Center for Manpower Policy Studies, the George Washington University, described the bewildering situation facing local officials. I quote: 'for instance, funds for outreach can be sought from nine program sources, adult basic education from ten (in addition to general education sources), prevocation and skill training from ten, and work experience from five. On-the-job training can be subsidized from five programs and supportive services can be funded from nine sources. Income maintenance is also available to participants under nine programs. The eligibility rules, application procedures, allocation formulas, expiration dates and contracting arrangements vary as widely as the funding sources.

"Dr. Sar Levitan, also from the Center of Manpower Policy Studies, describes the effect of this program proliferation and multiplicity of funding on the intended beneficiaries of the programs as follows: 'the fragmentation of federally-supported training programs assumes crucial significance when the impact upon clientele is considered. Largely haphazard circumstances determine now whether a youth is assigned to a job corps, neighborhood youth corps, or a manpower development training course. The rationale program would require establishment of coordinated criteria which would help decide to which program a youth be assigned, how he is to advance from one training program to another, and the compensation he is to receive under each. Similar confusion prevails in the training of adults.'

"Even worse, Mr. President, is the lack of coordination between the training programs and available jobs. The McCone Commission in discussing this aspect states 'Finally, there is an apparent lack of coordination between many of the training programs and the job opportunities. All too often a youth in the south central area goes through training, acquires the necessary skill to fill a job only to find that no job awaits him. The results are disastrous. ("Train for What?" he says to his friends.)'

"Mr. President, the State of California has attempted to put together the various manpower programs in a logical, coordinated manner. In California a package of bipartisan measures designed to deal with the problems of the disadvantaged in an imaginative manner has been introduced and passed by the California Legislature and signed into law by Governor Reagan. I want to emphasize the bipartisan nature of this effort. Some have remarked that cooperation by the two political parties in California in this an election year was anything short of a 'miracle'. Personally, I attribute this meeting of the minds to the realization of the importance of the problems confronting California and the Country and a determination by the State Legislature and Executive branches to shape programs to match the dimension of the problems. The State rightly has placed the problems of the people before politics of the parties. The effort is strongly supported by Governor Reagan and Lt. Governor Finch, and it is also strongly endorsed by the Democratic speaker of the California Assembly, Jesse Unruh, as well as the Minority Leader in the Assembly, Robert Monagan.

"One of the bills, Assembly Bill 1463, which was introduced by Speaker Unruh, creates a new State Department of Human Resources and Development to coordinate the programs aimed at the disadvantaged in the State. The State hopes to provide the hardcore unemployed with "an unbroken sequence of services from intake through placement in a job and periodic follow-up and evaluations" so that we will know exactly what is being done and what progress is being made. The intent of my amendment is to break the barriers of bureaucracy that tie up the getting of needed services to our people. Presently, as I just outlined, we force people into existing programs. California hopes to make the focus the individual and tailor programs to fit the individual for employment rather than force an individual into a program. In other words, California hopes to personalize the programs so they serve the needs of the individuals rather than force the individual to conform to the program. To do this, a new civil servant, a "job agent," would be created and assigned the task of securing the necessary training needed by his disadvantaged unemployed client in order to make him employable. To accomplish this, California needs a little flexibility in the use of highly categorical federal aid funds. The utter ridiculousness of federal restrictions and red tape was illustrated by Mr. Jack Mickie, Director of the East Bay Skill Center in Oakland. Mr. Mickie told our Committee that if federal restrictions and red tape were removed and greater flexibility were given to the center they could train "30 percent more trainees with the same amount of money and do a better job, if they will just let us do it."

"Yet, in attempting to enact these creative State programs, the categorical nature of the federal programs, the restrictions and regulations of federal laws and the lack of cooperation by some federal officials have presented serious obstacles to this creative State effort. It certainly is a blow to healthy federal-state relations and a sorry day indeed when a state government is prevented from embarking on a new course because it is straitjacketed by federal rules and regulations.

"On July 15, in a Senate Floor statement, I outlined in detail the difficulties that California has faced in trying to move ahead with its programs. I am pleased that since then there are indications that the federal government has decided to cooperate more. I hope this cooperative spirit continues.

"Mr. President, we hear a great deal of criticism regarding the states. I realize that all the criticism is not without justification. Yet, I also know that all the brain power in this country is not centralized in Washington. This nation is too vast, its problems so different that instant canned solutions cannot be packaged in Washington to adequately deal with all the problems of each state. So, Mr. President, if we want to see our federal system work, and if we want to have the states assume their rightful and responsible place as envisioned by our forefathers, then we must allow creative states, who are willing to face up to their responsibilities, to do so.

"California has attempted to coordinate its manpower programs. I contend such an effort should be applauded and encouraged. My amendment would give a federal green light to this and other constructive state efforts. I urge the Senate to adopt my amendment and thus give California and other states encouragement and Congressional approval to get on with the important business of tackling and solving tough domestic problems facing us as a Nation. I urge the adoption of my amendment. I ask unanimous consent that selected statements and correspondence be printed in full at this point in the RECORD."

Mr. MONDALE. Mr. President, I thank the Senator from Vermont. The distinguished chairman of the Committee on Employment, Manpower, and Poverty could not be here today, but he endorses the proposal as one which will encourage State initiative and help meet local experience and needs.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. JAVITS. Mr. President, on behalf of my colleague, Mr. GOODELL, and myself, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

"On page 9, line 22, insert at the end thereof the following:

" 'SEC. 8 Section 231 of the Manpower Development and Training Act of 1962 is amended by renumbering the existing provisions (a) and by adding new subsection (b) as follows:

" '(b) In making arrangements for institutional training financed in whole or in part with funds appropriated to carry out title I, and title II, parts A, B, C, and D of this Act including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, priority shall be given to the use of skills centers as established under the authority of this section'."

Mr. JAVITS. Mr. President, all the amendment does is to give priority in respect to expenditures under the Manpower Development and Training Act to skills centers, of which there are about 100 in the United States. These centers seek to bring under one roof the many skills and forms of education which are taught under the manpower development and training program.

It will be noted by Members that the report discusses that question and points out the desirability of utilizing the centers which exist, as well as new centers which may be organized.

This section for the first time defines the definition and role of the skill center. It also expresses the intention of Congress, as included both in the House and Senate committee reports, that the skill center is an institution which is of major importance in meeting the goals of MDTA. At the same time the amendment maintains the flexibility of the bill by avoiding the stipulation of a particular level of skill center operation. Under this amendment, it would be our intention that full use be made of existing skill centers before duplicate facilities be established to perform similar functions.

This concept is most promising for the manpower development and training program. The amendment which I have sent to the desk is one proposed in the other body by Representative STEIGER of Wisconsin and passed unanimously in the other body. We understand that it will be entirely acceptable to be included in the bill.

Mr. MONDALE. Mr. President, we have no objection to the amendment. It is a good amendment. It expresses the viewpoint of the committee in support of skill centers.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments as amended.

The committee amendments, as amended, were agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2938) was ordered to be engrossed for a third reading, was read the third time, and passed.

(See text of Public Law 90-636, below.)

[House, Oct. 10, 1968]

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. PERKINS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2938) to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. STEIGER of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—will the gentleman from Kentucky, the chairman of the Committee on Education and Labor, and the gentleman from Michigan, a member of the Select Subcommittee on Labor, explain the provisions of this bill as it passed the Senate as compared to the bill passed by the House?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, let me say to the distinguished gentleman from Wisconsin, who has worked so diligently to see these amendments become law, that this bill, for the most part incorporates two bills that each passed this House unanimously. They are H.R. 15990, on seasonality in the construction trade, and H.R. 15045, extending and amending MDTA. We are all acquainted with the good work of the Manpower Development Training Act on which we are now expending about $400 million annually. If I recall correctly, there is $400 million in the appropriation bill and in the conference report that passed this Chamber a few days ago. The money by and large for the programs is allocated to the States and training programs are worked up by the State employment offices and the State education people.

Over the 6 years since we have enacted this program, a half million adults and youths have completed training under this program and thousands more have benefited from it. It is a good program.

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object, the Senate version of this bill omits an amendment I sponsored providing for the annualization of skill centers, which this body passed last month. At that time members on both sides of the aisle expressed their support for the skill center as an institution well-suited to deal with the problems of the hard-core unemployed and their intention that skill center operations should be placed on an annual, rather than a project-by-project, basis. I rise to indicate my willingness that this amendment be dropped. Since the Labor Department has now firmly and irrevocably pledged itself to develop procedures which can and will provide for the funding of all future skill center operations on an annual basis.

Mr. Speaker, I am happy at this time to yield to the gentleman from Michigan [Mr. O'HARA].

Mr. O'HARA of Michigan. Mr. Speaker, I thank the gentleman. As he points out the amendment offered by the gentleman to the original House bill does not appear in the bill before us today. I thought when the gentleman offered his amendment it was a good one. I supported that amendment and I support the idea behind it.

I might say to the House that the gentleman from Wisconsin has so forcefully presented this matter that he has convinced the Department of Labor that he is right, and they have now indicated, in a letter to the chairman of the subcommittee the gentleman from Indiana [Mr. BRADEMAS], that they will undertake to develop ways and means of operating the program in the manner provided for in the amendment offered by the gentleman. They feel they have administrative authority to enable them to do this.

Therefore, the gentleman is quite correct. His amendment will be unnecessary if they will carry through with their intent.

Mr. Speaker, at this point I ask unanimous consent to insert in the RECORD a copy of the letter from Hon. Stanley H. Ruttenberg, Assistant Secretary and Manpower Administrator of the U.S. Department of Labor, addressed to Hon. JOHN BRADEMAS, chairman of the Select Subcommittee on Labor of this House.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

"U.S. DEPARTMENT OF LABOR,
"Washington, D.C., October 2, 1968.

"Hon. JOHN BRADEMAS,
"Chairman, Select Subcommittee on Labor, Committee on Education and Labor, House of Representatives, Washington, D.C.

"DEAR CONGRESSMAN BRADEMAS: I am writing to express the strong interest of the Department of Labor in developing more effective funding procedures for skill centers. We are very much aware that the nature of these centers may necessitate a refinement of funding and administrative procedures to facilitate planning for the entire year by skill center directors and local Employment Service offices.

"To explore this matter further, pilot programs are being undertaken in three established skill centers in varied geographic locations: in Syracuse, New York, annual funding has been approved for fiscal year 1969, in Forth Worth, Texas, and in Philadelphia, Pennsylvania, such arrangements are in process and should be completed shortly. Plans for these pilot programs provide for elimination of individual training project funding, for maintenance of a predetermined specified trainee capacity at the center, and for the greatst possible use of the skill center as a link between programs. From the experience gained in these three, quite different, centers, a model for funding as well as trainee flow will be developed and applied to all skill centers to insure their effective operation on a year-round basis.

"We shall be glad to keep you informed of our progress and our findings.

"Sincerely,
"STANLEY H. RUTTENBERG,
"Assistant Secretary and Manpower Administrator."

Mr. STEIGER of Wisconsin. Mr. Speaker, further reserving the right to object—and I appreciate very much the kind words of the gentleman from Michigan—my amendment sought to overcome by legislation a major administrative obstacle which has hampered the further development of skill centers. Effective utilization of skill centers too often has been seriously curtailed by project-by-project funding. I was pleased to see that the Senate report of the Education and Welfare Committee also pointed out that such funding "results in idle capacity that cannot be shifted rapidly to meet local needs." Planning these programs on the basis of a longer time period is an important benefit to be derived from annualization.

To sum up, it is my understanding that the administrative agreement reached now with the Labor Department provides every possible assurance that the problem of annualization will not arise again.

Mr. O'HARA of Michigan. Mr. Speaker, if the gentleman will yield further, I wish to express my agreement with that statement. I think that is a clear statement of the conversation I had with and the view Chairman BRADEMAS has been given by the Department of Labor.

Mr. STEIGER of Wisconsin. Mr. Speaker, the bill as it passed the Senate is a good bill. I have, with the gentleman from Kentucky and the gentleman from Michigan, worked on this bill for a long time. It does basically adopt the position of the House.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I appreciate the gentleman from Kentucky, the chairman of the full committee, and the gentleman from Michigan, the manager of the bill providing information in advance about their intent.

I simply want to clarify two points before we accept these Senate amendments to the House-passed legislation.

As I understand it, the meat of the bill, in addition to continuing the present program, is in section 12, which sets up a new program of grants to the States for supplementary comprehensive manpower programs on a matching basis, provided that the State programs can only receive grants where their operation will facilitate the Federal related programs, and that includes the guidelines for the disadvantaged and their rehabilitation, and not be inconsistent with the State's cooperative manpower system.

Mr. PERKINS. The gentleman is correct. These supplemental programs will be funded on a 75–25 basis.

Mr. HALL. I appreciate the gentleman's confirmation. In line with the information supplied, I understand sections 6 and 7 of the House-passed bill were left out, and are therefore not now under consideration; is that correct?

Mr. PERKINS. That is correct.

Mr. STEIGER of Wisconsin. If I may respond to the gentleman from Missouri, that is correct. Those were the amendments offered by the gentleman from New York [Mr. GOODELL] prior to his being appointed to the Senate. If the gentleman from Missouri would examine page 29912 of the RECORD for October 7, he would find there a discussion by the now Senator from New York [Mr. GOODELL] on this provision.

Mr. HALL. I appreciate the gentleman yielding.

Mr. STEIGER of Wisconsin. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. PERKINS]?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

[Public Law 90–636, 90th Cong. S. 2938, Oct. 24, 1968]

An act to extend expiring provisions under the Manpower Development and Training Act of 1962, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962 is amended as follows:

(1) Section 104(a) of the Act (LABOR MOBILITY DEMONSTRATION PROJECTS) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(2) Section 105 of the Act (TRAINEE PLACEMENT ASSISTANCE DEMONSTRATION PROJECTS) is amended by striking out "1968" in the first sentence of such section, and inserting in lieu thereof "1970";

(3) Section 251 of the Act (PART D—CORRECTIONAL INSTITUTIONS) is amended by striking out "1969" in the first sentence of such section, and inserting in lieu thereof "1970";

(4) Section 304(d) of the Act is amended by striking out "1968" and "1969", and inserting respectively in lieu thereof "1969" and "1970";

(5) Sections 310(a) and 310(b) of the Act are amended by striking out "1969" wherever it appears, and inserting in lieu thereof "1972".

SEC. 2. Section 106 of the Manpower Development and Training Act of 1962 is amended to read as follows:

"LABOR MARKET INFORMATION AND JOB MATCHING PROGRAM

"SEC. 106. (a) The Secretary of Labor shall develop a comprehensive system of labor market information on a national, State, local, or other appropriate basis, including but not limited to information regarding—

"(1) the nature and extent of impediments to the maximum development of individual employment potential including the number and characteristics of all persons requiring manpower services;

"(2) job opportunities and skill requirements;

"(3) labor supply in various skills;

"(4) occupational outlook and employment trends in various occupations; and

"(5) in cooperation and after consultation with the Secretary of Commerce, economic and business development and location trends.

Information collected under this subsection shall be developed and made available in a timely fashion in order to meet in a comprehensive manner the needs of public and private users, including the need for such information in recruitment, counseling, education, training, placement, job development, and other appropriate activities under this Act and under the Economic Opportunity Act of 1964, the Social Security Act, the Public Works and Economic Development Act of 1965, the Wagner-Peyser Act, the Vocational Education Act of 1963, the Vocational Rehabilitation Act, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant Federal statutes.

"(b) The Secretary of Labor shall develop and publish on a regular basis information on available job opportunities throughout the United States on a National, State, local, or other appropriate basis for use in public and private job placement and related activities and in connection with job matching programs conducted pursuant to this subsection. The Secretary is directed to develop and establish a program for matching the qualifications of unemployed, underemployed, and low-income persons with employer requirements and job opportunities on a National, State, local, or other appropriate basis. Such programs shall be designed to provide a quick and direct means of communication among local requirement, job training and placement agencies and organizations, and between such agencies and organizations on a National, State, local, or other appropriate basis, with a view to the referral and placement of such persons in jobs. In the development of such a program, the Secretary shall make maximum possible use of electronic data processing and telecommunication systems for the storage, retrieval, and communication of job and worker information.

"(c) A report on the activities and achievements under this section shall be included in the report required under section 107.

"(d) Not less than 2 per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for carrying out the provisions of subsection (b) of this section."

SEC. 3. (a) Section 202(f) of the Manpower Development and Training Act of 1962 is amended by striking "(i)" and inserting in lieu thereof "(j)".

(b) The first sentence of section 231 of such Act is amended by striking "(i)" and inserting in lieu thereof "(j)"

SEC. 4. Section 203(c) of the Manpower Development and Training Act of 1962 is amended by striking out the words "at a rate not in excess of $20 a week" and by inserting in lieu thereof the following: "at a rate which shall not exceed the average weekly gross unemployment compensation payment (including allowances for dependents) for a week of total unemployment in the State making such payments during the most recent four-calendar-quarter period for which such data are available".

SEC. 5. (a) Section 203(a) of the Manpower Development and Training Act of 1962 is amended by striking out "and the Virgin Islands" and inserting in lieu thereof ", the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands".

(b) The third sentence of section 231 of such Act is amended by inserting after "purposes of the Act" the following: ", and except that the State agency for the Trust Territory of the Pacific Islands may be paid up to 100 per centum of such costs".

(c) Section 308 of such Act is amended by striking out "and Guam" and inserting in lieu thereof "Guam, American Samoa, and the Trust Territory of the Pacific Islands".

SEC. 6. Section 204(a) of the Manpower Development and Training Act of 1962 is amended by inserting before the period at the end thereof a colon and the following: "*Provided,* That the Secretary shall not refuse to receive for consideration any application from an applicant who desires to conduct a training program under this part".

SEC. 7. Section 231 of the Manpower Development and Training Act of 1962 is amended by renumbering the existing provisions (a) and by adding new subsection (b) as follows:

"(b) In making arrangements for institutional training financed in whole or in part with funds appropriated to carry out title I, and title II, parts A, B, C, and D of this Act, including but not limited to basic education, employability and communications skills, prevocational training, vocational and technical programs, and supplementary or related instruction for on-the-job training whether conducted at the job site or elsewhere, priority shall be given to the use of skills centers as established under the authority of this section."

SEC. 8. The first sentence of section 301 of the Manpower Development and Training Act of 1962 is amended by adding before the period a comma and the following: "but in no event shall any State be apportioned less than $750,000; except that for the Virgin Islands, Guam, and American Samoa, such amount shall be $100,000 each".

SEC. 9. Section 301 of the Manpower Development and Training Act of 1962 is amended (1) by striking out "sixth month" in the proviso therein and inserting in lieu thereof "ninth month", (2) by striking out "30 days" in such proviso and by inserting in lieu thereof "15 days", and (3) by striking out in such proviso ", except that the requirement for prior notice shall not apply with respect to any reapportionment made during the last quarter of the fiscal year".

SEC. 10. Section 301 of the Manpower Development and Training Act of 1962 is further amended by inserting "(a)", immediately after "SEC. 301." and by adding the following new subsection at the end thereof:

"(b) Where the Secretaries of Labor and Health, Education, and Welfare have approved a plan submitted by a State council with whom they have an agreement under this Act, which plan may be submitted under a comprehensive area manpower planning system or under such other planning requirements as the Secretaries may specify, such State agency shall have authority to approve (1) project applications for an amount not to exceed 20 per centum of the funds apportioned to such State under the first sentence of section 301(a) without further project approval by the Federal Government; and (2) all other project applications which conform to such State plan, unless either of the Secretaries disapprove such project applications within 30 days following receipt of such applications."

SEC. 11. The Manpower Development and Training Act of 1962 is amended by inserting after section 308 the following new section:

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 309. (a) In carrying out the responsibilities under this Act, the Secretary of Labor and the Secretary of Health, Education, and Welfare shall provide, directly or through grants, contracts, or other arrangements, training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this Act or which otherwise pertains to the purposes of this Act. Upon request, the Secretary may make special assignments of personnel to public or private agencies, institutions, or employers to carry out the purposes of this section; but no such special assignments shall be for a period of more than two years.

"(b) Two per centum of the sums appropriated in any fiscal year to carry out titles I, II, and III of this Act shall be available only for training and assistance authorized by this section."

SEC. 12. The Manpower Development and Training Act of 1962 is further amended by adding at the end thereof a new title as follows:

"TITLE IV—SEASONAL UNEMPLOYMENT IN THE CONSTRUCTION INDUSTRY

"SEC. 401. (a) The Congress finds that seasonal unemployment represents a substantial portion of the unemployment in the construction industry, and a significant portion of all unemployment, that seasonal unemployment results in economic hardship for construction employees, employers, and for the consumers of construction services; that such unemployment constitutes unnecessary and wasteful misuse of the Nation's manpower resources; that stabilization of construction operations may be expected to have a correspondingly stabilizing effect on construction employment and costs; and that it is highly desirable from the standpoint of the economy as a whole, and manpower policy in particular that positive and expeditious action be taken by public authorities and private groups to regularize construction unemployment.

"(b) It is therefore the purpose of this title to provide for the conduct of a study of seasonality in the construction industry, with special attention to its implications for national manpower policy.

"SEC. 402. The Secretary of Labor and the Secretary of Commerce, jointly, shall study, investigate, conduct research, and prepare a report containing their findings and recommendations concerning means to achieve stabilization of employment in the construction industry and the diminishment of seasonality of employment in such industry, with special attention to its implications for national manpower policy, and shall transmit such report to the President and to the Congress no later than December 31, 1969.

"SEC. 403. Matters which the Secretary of Labor and the Secretary of Commerce, after consultation with other appropriate officials of Federal agencies, including, but not necessarily limited to, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, with other appropriate officials of Federal agencies, including, but not necessarily limited to, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, architects, and representatives of labor and management in the construction industry, shall consider, shall include, but not necessarily be limited to, the extent to which seasonal unemployed in the construction industry can be reduced without substantial increases in construction costs by means such as—

"(a) the application of modern techniques to reduce the influence of weather on construction activity;

"(b) the resolution of technical problems which have not been solved by existing research and development activities;

"(c) possible changes in contract procedures in allocation cycles; and

"(d) improved planning and scheduling of construction projects."

Sec. 13. The Manpower Development and Training Act of 1962 is amended by adding at the end thereof the following new title:

"TITLE V—SUPPLEMENTARY STATE PROGRAMS

"STATEMENT OF PURPOSE

"Sec. 501. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment.

"AUTHORIZATION FOR GRANTS

"Sec. 502. The Secretary of Labor (hereinafter in this title referred to as the Secretary) is authorized to grant to any State which meets the requirements of section 403 an amount, for fiscal years 1969 and 1970, not to exceed 75 per centum of the cost of the supplemental efforts and activities undertaken by a State pursuant to the provisions of this title.

"APPLICATIONS AND CONDITIONS

"Sec. 503. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

"(b) No grant may be made under the provisions of this title unless the Secretary finds that—

"(1) after consultation with said State, the effectiveness of Federal manpower and related programs seeking to move disadvantaged persons into productive employment within such State can be facilitated or improved by additional State efforts and activities; and

"(2) such application (A) describes how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with such State's cooperative area manpower planning system plan, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title, and (D) provides assurances that the State will pay the non-Federal share of the cost of such efforts and activities under this title.

"RULES AND REGULATIONS

"Sec. 504. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 505. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

Approved October 24, 1968.

[House, Mar. 4, 1969]

AMEND SECTION 301 OF THE MANPOWER DEVELOPMENT AND TRAINING ACT

Mr. Daniels of New Jersey. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 497) to amend section 301 of the Manpower Development and Training Act of 1962, as amended.

The Clerk read the title of the bill.

The Speaker. Is there objection to the request of the gentleman from New Jersey?

Mr. Steiger of Wisconsin. Mr. Speaker, reserving the right to object——

The Speaker. Is the gentleman from Wisconsin a member of the committee?

Mr. Steiger of Wisconsin. I am.

The Speaker. The gentleman from Wisconsin reserves the right to object.

Mr. Steiger of Wisconsin. Mr. Speaker, though I have reserved the right to object, and I shall not object, I have done so in order to give the gentleman from New Jersey time to explain this very brief bill.

Mr. Daniels of New Jersey. I shall be pleased to do so.

Mr. Speaker, H.R. 497 is essentially a technical amendment to the Manpower Development and Training Act of 1962.

Last year, an amendment to the law included provisions bringing American Samoa and the Trust Territory of the Pacific Islands under the act on the same basis as Guam and the Virgin Islands. When the Senate took up similar legislation, another amendment to the act was adopted setting a funding floor of $750,000 for each State, with a provision setting a $100,000 floor for these four territories.

However, the Senate, in offering this amendment, made a drafting error which had the literal effect of giving the Trust Territory of the Pacific Islands the same floor as the rest of the States—$750,000 instead of the $100,000 that was intended.

It was clearly not the desire of the committee that any one of these areas, some of which are quite sparsely populated, should have funds reserved for it in amounts beyond those which are available for other territories similarly situated.

This bill was reported by the full Committee on Education and Labor unanimously with complete bipartisan approval.

I urge all my colleagues to support H.R. 497.

I might further say that this bill was approved favorably, unanimously, by the House Education and Labor Committee, and it has bipartisan support.

Mr. Gross. Mr. Speaker, will the gentleman yield?

Mr. Steiger of Wisconsin. I yield to the gentleman from Iowa.

Mr. Gross. Mr. Speaker, I suggest that the gentleman from New Jersey ask that the House consider the bill in the House as in the Committee of the Whole, so that some of us may have an opportunity to speak on this bill or matters pertaining to job training.

Mr. Daniels of New Jersey. Mr. Speaker, as I explained, this is a very simple bill. I am surprised the gentleman from Iowa is raising any objection, because this is an economy move, which will save $650,000.

Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Speaker. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. Gross. Mr. Speaker, I thank the gentleman.

The Speaker. The clerk will read the bill.

The Speaker. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and read the third time, and passed.

A motion to reconsider was laid on the table.

[Senate, Mar. 7, 1969]

AMENDMENT OF SECTION 301 OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

Mr. Mansfield. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 497. This request has been cleared by the joint leadership.

The Vice President laid before the Senate H.R. 497, to amend section 301 of the Manpower Development and Training Act of 1962, as amended, which was read twice by its title.

Mr. Mansfield. Mr. President, I ask unanimous consent that the Senate proceed to its immediate consideration.

The Vice President. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. Mansfield. Mr. President, it is my understanding that this measure merely brings about a correction of some technicalities connected with this matter, and that it is noncontroversial.

Mr. Javits. Mr. President, will the Senator yield?

Mr. Mansfield. I yield.

Mr. Javits. Mr. President, would the Senator have inserted in the Record an explanation of the bill?

Mr. Mansfield. Yes, indeed.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the House report, explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

"REPORT

"BACKGROUND

"On September 5, 1968, the House passed, by unanimous vote, H.R. 15045, a bill to amend the Manpower Development and Training Act of 1962, as amended.

On October 7, 1968, the Senate passed S. 2938, a bill to amend the Manpower Development and Training Act, which was subsequently concurred in by unanimous consent by the House on October 10, 1968. This bill also included American Samoa and the Trust Territory in the definition of "State" for the purposes of the act, with specific exceptions to take into account the peculiar fiscal limitations of the government of the Trust Territory.

"Another amendment included in S. 2938 placed a floor on the money to be made available to each State under title II of the Manpower Development and Training Act in the amount of $750,000. This amendment specifically exempted Guam. American Samoa, and the Virgin Islands from this floor, setting instead a floor of $100,000 for each of these territories. Because the floor-setting amendment failed to list the trust territory with the other areas entitled to $100,000 minimum annual funding, the language of the act, if read literally would now seem to require that the trust territory be allocated a minimum of $750,000, while Guam, American Samoa, and the Virgin Islands are only assured of $100,000.

"It was the original intention of the proponents of each of these amendments that the four areas in question should be treated similarly. It was most certainly not the intention of the committee last year that any of these areas, some of which are quite sparsely populated, should have funds reserved in amounts beyond those which are available for other territories similarly situated.

"H.R. 497 received bipartisan support and was unanimously ordered reported by the full Committee on Education and Labor."

Mr. Prouty. Mr. President, there is no reason why the bill to amend the Manpower Development and Training Act of 1962 now before us, H.R. 497, should not be passed immediately.

This bill is identical to one which I introduced on January 16 on behalf of myself and the junior Senator from Minnesota, S. 279.

The MDTA legislation which we passed last fall contained an amendment of mine which provided a floor of $750,000 in MDTA funds for each of the States and a floor of $100,-

000 for Guam, the Virgin Islands, and American Samoa. Inadvertently the Trust Territories of the Pacific Islands were omitted from this latter group. As a result, there is authority in the legislation passed last October to provide $750,000 for the Trust Territories of the Pacific Islands. The bill now before us merely corrects this technical mistake by placing the Trust Territories in the group where they should have been originally with a floor of $100,000.

H.R. 497, therefore, merely carries out what we intended to do last year. In these circumstances, there is no necessity for it to be referred to or considered by our Committee on Labor and Public Welfare, and I urge its immediate passage.

The VICE PRESIDENT. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 497) was ordered to a third reading, read the third time, and passed.

[Public Law 91-4, 91st Cong., H.R. 497, Mar. 19, 1969]

An act to amend section 301 of the Manpower Development and Training Act of 1962, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manpower Development and Training Act of 1962, as amended, is further amended, by striking from the first sentence of section 301 of said Act the words, "the Virgin Islands, Guam, and American Samoa", and inserting in lieu thereof the words, "the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands."

SEC. 2. The amendment made by the first section shall be effective as of October 24, 1968.

Approved March 19, 1969.

MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION

The Committee on Education and Labor, to whom was referred the bill (H.R. 11570) to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The full committee ordered H.R. 11570 reported on November 30, 1971, by voice vote with no opposition.

PURPOSE OF THE BILL

The purpose of the bill is to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II for 1 year.

MDTA expires in June 1972 and new authorizing legislation is needed so the Appropriations Committee can consider the request for fiscal year 1973's funding as part of its regular proceeding on the Labor-HEW appropriations bill. Without new authorization, Congress will not be able to handle requests for funding for the MDTA institutional or on-the-job training programs. These programs, including the jobs program, are currently funded at about $750 million, and as of September 1971 had almost 150,000 enrollees.

Unless we enact new authorizing legislation immediately, such successful programs as opportunities industrialization centers, skills centers, and institutional and on-the-job training programs will have to be funded by continuing resolution. Under a continuing resolution, manpower programs may be funded at current levels or the budget figure, whichever is less. Congress would not have flexibility to respond to changing economic conditions.

There is another and just as pressing need to act on MDTA extension quickly. Section 310(b) of the act provides that no funds can be disbursed after December 30, 1972. The practical effect of this provision is that no training agreement extending beyond next December can be signed, and the whole program will grind to a halt because realistic commitments cannot be made. This December 1972 limitation will have a real impact on the program by next January, when it will no longer be possible to sign agreements lasting even 1 full year.

BACKGROUND

In 1962, the Manpower Development and Training Act was passed. At that time its primary focus and concern was the head of household with considerable work experience who was unemployed due to automation or other technological advances.

With subsequent amendments in 1963, 1965, 1966, and 1968, the legislation's emphasis changed. The next step was an attack on youth unemployment and then to other groups facing disadvantages in competing for existing jobs.

As a combined result of the original intent and subsequent experience, MDTA has come to have six identifiable objectives:

(1) Facilitating employment of the unemployed;

(2) Reducing poverty;

(3) Lessening inflationary pressures;

(4) Meeting labor shortages;

(5) Upgrading the labor force;

(6) Revamping traditional institutions.

ACCOMPLISHMENTS OF MDTA

TABLE F4.—ENROLLMENTS, COMPLETIONS, AND POSTTRAINING EMPLOYMENT FOR INSTITUTIONAL AND ON-THE-JOB TRAINING PROGRAMS UNDER THE MDTA, FISCAL YEARS 1963-70

[In thousands]

Item	Total	Fiscal years— 1970	1969	1968	1967	1966	1965	1964	[1] 1963
TOTAL									
Enrollments	1,451.4	221.0	220.0	241.0	265.0	235.8	156.9	77.6	34.1
Completions	987.2	147.0	160.0	164.2	192.6	155.7	96.3	51.3	20.1
Posttraining employment	773.4	115.3	124.0	127.5	153.7	124.0	73.4	39.4	16.1
INSTITUTIONAL TRAINING									
Enrollments	978.4	130.0	135.0	140.0	150.0	177.5	145.3	68.6	32.0
Completions	654.7	85.0	95.0	91.0	109.0	117.7	88.8	46.0	19.2
Posttraining employment	484.3	62.0	71.0	64.5	90.0	89.8	66.9	31.8	15.3
ON-THE-JOB TRAINING									
Enrollments	473.0	91.0	85.0	101.0	115.0	58.3	11.6	9.0	2.1
Completions	335.5	6.20	65.0	73.2	83.6	38.0	7.5	5.3	.9
Posttraining employment	289.1	53.3	53.0	63.0	73.7	34.2	6.5	4.6	.8

[1] Program became operational August 1962.

Note: Completions do not include dropouts, Posttraining employment includes persons employed at the time of the last followup. (There are 2 followups, with the 2d occurring 6 months after completion of training.)

Manpower legislation which has been amended eight times in the last 10 years can use a new legislative charter. In order to do this the Select Subcommittee on Labor has already held 10 days of hearings. Many witnesses have yet to be heard, and it would be unrealistic to think that Congress could effect a proper transition from MDTA to a new comprehensive manpower program without the required 1-year extension. We must extend the Manpower Development and Training Act, and then we can give the comprehensive manpower legislation the consideration it deserves. The extension of MDTA is not intended to diminish the need for prompt consideration and development of comprehensive manpower legislation by the committee. This extension is merely an interim action to allow the committee sufficient time in which to conduct adequate hearings and to attempt to develop legislation responsive to the Nation's manpower needs.

ESTIMATE OF COSTS

In accordance with clause 7 of rule 13, the committee estimates based upon current program levels under existing authorizations that $695 million would be incurred in carrying out H.R. 11570 in fiscal year 1973. There would be no cost in later years as the bill is simply a 1-year extension of title II of the Manpower Development and Training Act.

SECTION-BY-SECTION ANALYSIS

The bill amends the Manpower Development and Training Act of 1962 to extend for 1 year the authority to carry on programs under title II thereof. The existing authority will expire at the end of this fiscal year.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 310 OF THE MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962

TERMINATION OF AUTHORITY

SEC. 310. (a) All authority conferred under title II of this act shall terminate at the close of June 30, [1972] *1973*.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination: *Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, [1972] *1973*.

MANPOWER DEVELOPMENT AND TRAINING ACT EXTENSION

Mr. DANIELS of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11570) to amend the Manpower Development and Training Act of 1962 by postponing the expiration of title II thereof for 1 year.

The Clerk read as follows:

"H.R. 11570

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times it appears and inserting in lieu thereof "1973"."

The Speaker pro tempore. Is a second demanded?

Mr. Esch. Mr. Speaker, I demand a second.

The Speaker pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The Speaker pro tempore. The gentleman from New Jersey (Mr. Daniels) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. Esch) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. Daniels).

Mr. Daniels of New Jersey. Mr. Speaker, this bill will was unanimously approved by the Education and Labor Committee. It provides for a 1-year extension of the Manpower Development and Training Act.

We were unsuccessful in our efforts to enact comprehensive manpower legislation in the last Congress. We are trying again this year, but it would be unrealistic to think that the Education and Labor Committee could report a bill—and much less that the Congress could enact one—before the upcoming expiration of the Manpower Development and Training Act. We must deal with this crisis immediately so that we can deal with the comprehensive manpower legislation properly.

The MDTA expires this June and new authorizing legislation is needed so that the Appropriations Committee can consider the request for next year's funding as part of its regular proceedings on the Labor-HEW appropriations bill.

Programs under the MDTA, including the jobs program, are currently funded at about $750 million, and as of September had almost 150,000 enrollees. Unless we enact new authorizing legislation quickly, authorization for these programs will expire next June.

There is another and just as pressing need to act on MDTA extension quickly. Section 310(b) of the act provides that no funds can be disbursed after December 30, 1972. The practical effect of this provision is that no training agreement extending beyond next December can be signed and the whole program will grind to a halt because realistic commitments cannot be made. This December limitation will start to have a real impact on the program by next January when it will no longer be possible to sign agreements lasting even 1 full year.

Mr. Speaker, we need comprehensive manpower reform legislation, and I have publicly committed myself to doing all in my power to get such legislation reported out of the subcommittee and the full committee at the earliest possible date.

But we want sound and constructive legislation and one cannot write a bill properly while a crisis grows with each additional day of deliberation. Let us take care of the crisis. Let us extend the MDTA. And then we can give the comprehensive manpower legislation the consideration that it deserves.

Mr. Perkins. Mr. Speaker, will the gentleman yield?

Mr. Daniels of New Jersey. I am happy to yield to the distinguished gentleman from Kentucky, the chairman of the full committee.

Mr. Perkins. Mr. Speaker, first let me compliment the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. Daniels) for bringing this bill to the floor for our consideration.

Mr. Speaker, H.R. 11570 is a bill to extend for 1 year title II of the Manpower Training and Development Act of 1962.

This extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year. This extension does not diminish the need for prompt consideration of the comprehensive legislation, but is an interim action to allow the committee sufficient time to hold adequate hearings to properly develop legislation responsive to the Nation's manpower needs.

I urge the Members to adopt this needed legislation.

The Speaker. The Chair recognizes the gentleman from Michigan (Mr. Esch).

(Mr. Esch asked and was given permission to revise and extend his remarks.)

Mr. Esch. Mr. Speaker, I rise in support of H.R. 11570, which I cosponsored with the Senator from New Jersey (Mr. Daniels), and urge my colleagues to pass this 1-year extension of the Manpower Development and Training Act of 1962.

At the present time there are nearly 150,000 enrollees being trained with various skills under nearly 15,000 projects in local communities across the Nation. Unless H.R. 11570 is passed, these programs will disappear. The Department of Labor estimates that the number of training opportunities to be funded under title II of MDTA in fiscal year 1973 will be 308,500. During these difficult times for the unemployed and underemployed, we must not allow our single most successful manpower training program to end.

There is legislation pending designed to coordinate our national manpower efforts and resources, and which provides for continuation of the vital training programs conducted under title II of MDTA. While 11 days of hearings on this current legislation have been held by the Select Subcommittee on Labor, it will require additional time to permit all interested parties to testify and to develop legislation responsive to the Nation's manpower needs. MDTA programs are generally funded for periods of 40 to 50 weeks and some are funded up to 104 weeks. As the expiration date for title II, June 30, 1972, approaches, funds cannot be obligated for programs extending beyond that date. As a result, ongoing programs lose momentum and in some cases are being phased out. A 1-year extension of title II would permit ongoing MDTA programs to continue during the pendency of comprehensive manpower legislation and allow an uninterrupted delivery of vital training services on the local level.

Numerous witnesses appearing before the Select Subcommittee on Labor during hearings on comprehensive manpower legislation indicated the need to extend ongoing MDTA programs while current legislation is pending.

Dr. Garth L. Mangum, a noted manpower expert, strongly advocated some form of extension of MDTA while the current comprehensive bill is pending. Dr. Mangum indicated that local MDTA programs are grinding to a halt and losing momentum. He stated:

"The failure to extend (MDTA) without something replacing it in the form of some of the bills you are talking about would be that the most effective, and I say that without qualification, the single most effective program of all the programs we have had in the manpower field would simply disappear."

Malcolm Lovell, Assistant Secretary of Labor for Manpower, also urged the extension of MDTA. He testified that:

"In view . . . of the scheduled expiration of MDTA authority on June 30, 1972, it will be necessary to extend the life of that law, as is provided in H.R. 11570. . . ."

Ray Torquanto, director of manpower training programs for the Commonwealth of Pennsylvania, appeared before the subcommittee solely to urge extension of the MDTA and "to bring to everyone's attention the problems of administering this fiscal year's funding appropriation without an extension, because of the way the act must be administered."

The American Vocational Association, through its Executive Director Lowell Burkett and a panel of four State vocational educational administrators, also urged extension of MDTA. One member of the panel very eloquently expressed the problem:

"I believe the Congress should continue MDTA through extension of the present Act until such time as a lasting decision (concerning pending legislation) can be made. With the expiration of MDTA scheduled for July 1, 1972 it is imperative that some action be taken. In case of new legislation, provisions for orderly transition should be included. *As the July 1 date approaches, more of our instructors will be leaving. These people represent an investment of time and money, and we are reluctant to see our program personnel ranks depleted because of the uncertainty of the future.*" (emphasis added)

The projected funding of title II is based upon current year operation levels and includes realistic compensation for known variations. The $693.1 million projection represents substantially the same funding level as fiscal year 1972, as indicated in the following table:

MDTA

[In millions of dollars]

	Fiscal year 1972 (appropriation)	Fiscal year 1973 (projection)
Title II	677.5	693.1
Private sector on job training	260.5	260.5
Institutional	324.852	336.452
Special targeting	52.0	52.0
Camps	11.290	15.390
Manpower administration salary and expense	28.8	28.8

Note: The cost difference for institutional training reflects only changes in allowances levels—no changes are anticipated in program levels. The $750,000,000 figure is the "MTS" appropriations figure ($748.8) which also includes: Public sector OJT (PSC-MDTA title I), 35.4. Program support (MDTA titles I and III), 42.5, made up of: T.A. & T., 15.9, LMI, 6.815, R.D. & E., 19,768. Computerized job placement (title I)—22.3.

As noted above, the only programmatic increase in funding is institutional training, and that increase is only for changes in training allowances and not in program levels. The training allowance formula under MDTA is linked to State unemployment insurance benefit payments. Section 203(a) of MDTA states that training allowance payments to States for trainees "shall not exceed $10 more than the amount of the average weekly unemployment compensation payment. . . ." Thus, as State payments to trainees increase, due to changes in State law, the training allowance paid by the Federal Government under MDTA is automatically increased.

The small increase reflected in the fiscal year 1973 projection for CAMPS is a result of two things. First, several programs which had been funded for less than 1 year were annualized, proportionately increasing their funds commensurate with the extension of their duration. Second, CAMPS has picked up the costs of youth coordinator positions previously funded by the President's Committee on Youth Opportunities.

The unemployed and underemployed workers of this country need training opportunities to acquire necessary skills. The chairman of our subcommittee (Mr. Daniels) has moved with diligence and dispatch to conduct extensive hearings on the total area of manpower training, but it is obvious that we will not finish that task this year. While comprehensive legislation is being developed to coordinate our total approach to manpower needs and human resources, we must not allow our one successful ongoing program to expire. I urge my colleagues to support H.R. 11570 and vote for extending MDTA for 1 year.

I yield to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

Mr. Speaker, I rise in support of this legislation, H.R. 11570. In the committee report the section which is most important for us in extending this program are the sentences found on page 3 of the committee report:

"The extension of MDTA is not intended to diminish the need for prompt consideration and development of comprehensive manpower legislation by the committee. This extension is merely an interim action to allow the committee sufficient time in which to conduct adequate hearings and to attempt to develop legislation responsive to the Nation's manpower needs."

There is no question, Mr. Speaker, as Dr. Garth L. Mangum, one of the Nation's most recognized manpower experts has stated in a letter that the MDTA is the foundation of U.S. manpower policy, and he concluded by saying—

"It remains to be seen whether the authors of comprehensive manpower legislation can build even a better superstructure."

I think it is important that we allow this most fundamental and perhaps most successful of our manpower programs to be extended in order both to give the MDTA programs a full chance to continue and the Congress the time necessary to develop the kind of comprehensive manpower legislation which, in my judgment, is so important. I urge adoption of H.R. 11570.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. ESCH. Mr. Speaker, I have no further requests for time.

Mr. DANIELS of New Jersey. Mr. Speaker, I have no further requests for time, but before I yield back the balance of my time, I do wish publicly to reiterate once again that I propose as the chairman of the Select Subcommittee on Labor to proceed with all due speed to conduct further hearings on manpower legislation and to endeavor to the utmost of my ability to mark up the bill at the earliest possible moment.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. DANIELS) that the House suspend the rules and pass the bill, H.R. 11570.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MANPOWER DEVELOPMENT AND TRAINING ACT AMENDMENT OF 1972

The Committee on Labor and Public Welfare, having had under consideration legislation to amend the Manpower Development and Training Act of 1962, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF LEGISLATION

S. 3054 deletes the existing provision in the Manpower Development and Training Act of 1962 which prohibits the further disbursement of funds under that act after December 30, 1972—6 months after the act's expiration date of June 30, 1972.

That provision has the following effect: Although contracts may be entered into until June 30 of this year under the Manpower Development and Training Act (or under the authority of a continuing resolution if authorization legislation were not enacted by that date), no such contract may make commitments which could give rise to the disbursement of any funds beyond December 30 of this year.

It has been the normal practice for MDTA contracts to make commitments for 1 year. However, since the beginning of this year, the Labor Department has only been able to enter into contracts involving short-term commitments so that no disbursement of funds could take place after December 30. Contracts, including renewals of existing programs, can therefore only extend for a few months, and the result is that many program sponsors lack the assurance needed that the programs funded can complete the full year.

The legislation accompanying this report would correct that situation and enable MDTA contracts to continue to make commitments extending over the period of a full year. In other words, contacts could fund programs for 1 full year, in accord with past practice.

The provision which the accompanying bill would repeal, prohibiting disbursement of funds beyond a date 6 months after the act's expiration date, was contained in the original Manpower Development and Training Act; and in subsequent MDTA extension acts the specified year has simply been changed whenever the specified year in the expiration date was changed.

The committee finds that the 6-month disbursement limitation serves no useful purpose and is an impediment to effective program planning. The restriction is an unusual provision. This committee is aware of no comparable restriction in similar legislation. In fact, in the case of those work and training programs which are funded under title I of the Economic Opportunity Act, the only limitation is that imposed in the annual appropriations acts providing that such contracts may extend for no more than 24 months.

ACTION ON COMPREHENSIVE MANPOWER LEGISLATION PLANNED SOON

It should be noted that the Employment and Manpower Act of 1970 would have consolidated the provisions of the Manpower Development and Training Act and the work and training provisions of the Economic Opportunity Act. That legislation would also have increased State and local control over manpower programs and would have provided considerable flexibility in the planning and implementation of manpower programs. That bill was vetoed in December of 1970. That legislation, if enacted into law, would have taken effect 1½ years prior to the expiration date of the Manpower Development and Training Act.

While the veto message set forth several differences of substance with the Congress on the manpower legislation, the major disagreement between the President and the Congress related to the public service employment title of the bill. Many of these differences were resolved when on July 12, 1971, the President signed into law the Emergency Employment Act of 1971 (Public Law 92–54), providing for public service employment programs during periods of high unemployment. The legislation had been introduced on January 25, 1971, by Senator Nelson and 31 other Senators of both parties, and the administration gave its support to the legislation while the bill was in conference in June.

In March of 1971 the administration submitted new legislation calling for a special revenue sharing program for manpower. In a hearing on May 6, 1971, the Secretary of Labor was asked to have his department supply information to the Congress analyzing how the allocation of funds under the automatic distribution formula contained in the administration proposal would differ from the current pattern of distributing funds under the manpower programs that would be consolidated into the new legislation. (The committee had received information from manpower experts that drastic shifts in the pattern of distributing the funds could be expected to result.)

Tables containing allocation data were submitted to the committee by the Department of Labor on September 15, 1971. (Printed in "Reform of Federally Funded Manpower Training Programs: Background Material," Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare, December 1971, pp. 339–365.) Questions concerning the allocation of funds still remain to be explored.

The committee looks forward to the Department's testimony in hearings and to further cooperation and assistance in analyzing the complex fund allocation problems as well as other aspects of the various manpower proposals which will be before it.

Hearings on manpower legislation are scheduled for March of this year. It is the committee's expectation that its work on comprehensive manpower legislation will be completed well in advance of the June 30 expiration date of the Manpower Development and Training Act. The comprehensive manpower legislation before the committee will include the necessary authority to continue the kinds of manpower training currently authorized by the Manpower Development and Training Act and will contain reasonable phase-in and planning provisions to avoid abrupt changes in on-going programs.

Programs under the Manpower Development and Training Act are currently funded at about $750 million and such programs have almost 150,000 enrollees. This legislation would enable contracts to be entered into assuring the continuation of such programs as skill centers, opportunities industrialization centers, and institutional and on-the-job training programs through 1973. The committee believes that, while technical in nature, it is urgently required that this legislation be enacted as soon as possible.

ESTIMATE OF COSTS

S. 3054 has no effect upon the costs incurred in carrying out the Manpower Development and Training Act. The bill makes no change in the authorization but simply makes a technical change in the law to allow disbursements to extend over the same period of 1 year as in the past.

TABULATION OF VOTES

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in committee on a motion by Mr. Javits to report S. 3054 favorably without amendment:

Yeas—17:

Mr. Williams, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hughes, Mr. Stevenson, Mr. Javits, Mr. Dominick, Mr. Schweiker Mr. Packwood, Mr. Taft, Mr. Bell, and Mr. Stafford.

Nays—0.

SECTIONAL ANALYSIS

The bill amends section 310(b) of the Manpower Development and Training Act of 1962 to delete the provision that no disbursement of funds under title II (training and skill development programs) of the act may be made after December 30, 1972.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962, AS AMENDED

TERMINATION OF AUTHORITY

SEC. 310. (a) All authority conferred under title II of this act shall terminate at the close of June 30, 1972.

(b) Notwithstanding the foregoing, the termination of title II shall not affect the disbursement of funds under, or the carrying out of, any contract, commitment or other obligation entered into prior to the date of such termination [*Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this act after December 30, 1972].

MANPOWER DEVELOPMENT AND TRAINING ACT AMENDMENT OF 1972

Mr. EAGLETON. Mr. President, on behalf of the majority leader, who is temporarily absent, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 578, S. 3054.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 3054) to amend the Manpower Development and Training Act of 1962.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. EAGLETON. Mr. President, it is my understanding that S. 3054 has been cleared on both sides of the aisle.

Mr. JAVITS. Mr. President, as a principal sponsor, with Senator NELSON, of S. 3054, and ranking minority member of the Committee on Labor and Public Welfare, I urge that the bill be passed.

The bill would delete a restriction contained in subsection (b) of section 310 of the Manpower Development and Training Act of 1962.

Without this deletion, the Secretary of Labor would be unable to renew or enter into contracts for the continuation of any programs under the act requiring the disbursement of funds beyond December 30, 1972.

The Manpower Development and Training Act of 1962 is one of our principal authorities at the present time for job training, upgrading, and work experience programs for economically disadvantaged, unemployed, and underemployed persons. It is currently funded at $750,000,000 for this fiscal year and provides benefits to hundreds of thousands enrollees.

Under its authority such crucial programs as the JOBS program—Jobs in the Private Sector; the Neighborhood Youth Corps summer—in-school and out-of-school programs, and other activities, including programs conducted by the States, have been conducted over the years.

The act itself will expire this June 30, 1972.

It is expected that the Senate Committee on Labor and Public Welfare and the Education and Labor Committee in the House and the conferees will act prior to that time with respect to a substantial reform of these programs and similar programs conducted under title I of the Economic Opportunity Act.

The administration's Manpower Revenue Sharing Act—and a number of other comprehensive proposals will be considered in that regard; each would repeal the Manpower Development and Training Act and the Economic Opportunity Act authorities.

But in the meantime the Secretary of Labor, in administering the existing programs, is subject to the provision set forth in subsection (b) of section 310, which prohibits disbursement of funds beyond this calendar year.

Mr. President, the effectiveness of existing programs has stemmed in large part from the fact that the Secretary could enter into grants and contracts extending over at least a year's duration, thus providing security to those engaged in the program and, in many cases, insuring the involvement of the private sector.

Without deletion of this section, the Secretary could enter into contracts up until the date of the act's expiration, June 30, but the contract or grant itself could only authorize activities through December 30—for a 6-month period, thus effectively undermining the program through fiscal year 1973.

Mr. President, this bill has the full support of the minority members of the committee and of the administration. In the latter connection I ask unanimous consent that here be printed in the RECORD at this point a copy of a letter to me dated January 26, 1972, from Malcolm R. Lovell, Jr., Assistant Secretary of Labor for Manpower, which emphasizes the need for immediate action along these lines to permit continuity of programing pending enactment of a permanent new manpower program.

Mr. President, for these reasons I urge that the bill be passed so that these vital programs may continue while we act to provide a new legislative base for job and training programs which are so vital to our efforts to combat poverty and to give meaning to efforts of our people to support themselves.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

"U.S. DEPARTMENT OF LABOR,
"OFFICE OF THE ASSISTANT
SECRETARY FOR MANPOWER,
"*Washington, D.C.*

"Hon. JACOB K. JAVITS,
"*U.S. Senate,*
"*Washington, D.C.*

"DEAR SENATOR JAVITS: As you are aware, it is very important for the manpower training program and our unemployed citizens, that quick action be taken providing continuity of MDTA training programs. Title II of the MDTA expires June 30, 1972. Section 310(b) stipulates that no funds may be disbursed after December 30, 1972. In order to permit time to close out and complete payment for training services, we cannot approve new projects which extend beyond October 30, 1972. This means that we cannot now, with FY 1972 funds already appropriated, establish training of more than a few months duration. Each week that passes further limits our capability to fund meaningful training programs.

"In light of the pending Manpower Revenue Sharing Act and related manpower legislation which would replace the expiring MDTA, the House passed last session, a bill extending the expiring provisions for one year. The bill, S. 3054, introduced by you and Senator Nelson would delete the proviso in Section 310(b) terminating disbursements next December 30, but would not permit new projects after June 30, 1972. Enactment of this bill or the one passed by the House would provide the immediate legislative action needed to permit continuity of programing pending enactment of a permanent new manpower program. As you know, the President has proposed July 1, 1973, as the effective date for manpower revenue sharing. The House bill would authorize continuation of existing programs to that date without need of additional interim legislation.

"Sincerely,
"MALCOLM R. LOVELL, Jr.,
"*Assistant Secretary for Manpower.*"

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

"S. 3054

"An act to amend the Manpower Development and Training Act of 1962

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out the colon and the following: "*Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972."

"SEC. 2. That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred."

AMENDING MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962; APPOINTMENT OF CONFEREES

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3054) to amend the Manpower Development and Training Act of 1962, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the Senate bill as follows:

"S. 3054

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out the colon and the following: "*Provided*, That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972".

"SEC. 2. That all real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purposes for two years beyond the end of the fiscal year in which such transfer occurred."

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

"Mr. PERKINS moves to strike out all after the enacting clause of S. 3054 and substitute in lieu thereof the provisions of H.R. 11570, as passed as follows:

"That section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out "1972" both times is appears and inserting in lieu thereof "1973"."

The motion was agreed to.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 11570) was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to S. 3054 and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DANIELS of New Jersey, MEEDS, QUIE, and ESCH.

AMENDMENT OF MANPOWER DEVELOPMENT AND TRAINING ACT OF 1962—CONFERENCE REPORT

Mr. STEVENSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3054) to amend the Manpower Development and Training Act of 1962. I ask unanimous consent for the present consideration of the report.

The Presiding Officer (Mr. Robert C. Byrd). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

"Conference Report (S. Rept. No. 92–725)

"The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: That (a) section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is amended by striking out '1972' the first time it appears in such section and inserting in lieu thereof '1973'.

"(b) Section 310 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2620) is further amended by striking out the colon and the following: '*Provided,* That no disbursement of funds shall be made pursuant to the authority conferred under title II of this Act after December 30, 1972'.

"Sec. 2. All real property of the United States which was transferred to the United States Postal Service and was, prior to such transfer, treated as Federal property for purposes of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), shall continue to be treated as Federal property for such purpose for two years beyond the end of the fiscal year in which such transfer occurred.

"And the House agree to the same.

"Gaylord Nelson,
"Edward M. Kennedy,
"Walter F. Mondale,
"Alan Cranston,
"Harold E. Hughes,
"Adlai Stevenson,
"Jennings Randolph,
"Bob Taft, Jr.,
"J. Javits,
"Richard Schweiker,
"Peter H. Dominick,
"J. Glenn Beall, Jr.,

"*Managers on the Part of the Senate.*

"Carl D. Perkins,
"Dominick V. Daniels,
"Lloyd Meeds,
"Albert H. Quie,
"Marvin L. Esch,

"*Managers on the Part of the House.*"

Mr. Stevenson. Mr. President, the conference agreement on S. 3054 simply extends the Manpower Development and Training Act for 1 year—until June 30, 1973. In addition, the prohibition in existing law which provides that funds to carry out contracts entered into prior to such expiration date may not be disbursed later than 6 months after such termination date is deleted by the conference agreement.

The conference agreement also provides that for purposes of Public Law 874, 81st Congress, relating to assistance for schools in federally impacted areas, Federal property transferred to the U.S. Postal Service shall continue to be treated as Federal property for 2 years.

Mr. President, this bill has the unanimous and bipartisan support of all conferees from both the Senate and the House.

It is urgently needed so that on-going programs will not be interrupted. I urge its adoption at this time.

Mr. Javits. Mr. President, if the Senator will yield, I think the agreement of the conferees was unanimous, and the extension is certainly needed. I hope the Senate will agree to it.

I was the principal sponsor with Senator Nelson, of S. 3054, the Senate provision. In light of the unlikelihood of getting a new reformed manpower system in place this year, this extension is very desirable. I urge, however, that we press for reform at the earliest opportunity and I introduced yesterday S. 3421, the Community Manpower Training and Employment Act to that end.

The Manpower Development and Training Act of 1962 is one of our principal authorities for job training, upgrading and work experience programs for economically disadvantaged, unemployed and underemployed persons at the present time, benefits to hundreds of thousands of enrollees.

Under its authority such crucial programs as the JOBS program—jobs in the private sector; the Neighborhood Youth Corps summer in-school and out-of-school programs, and other activities, including programs conducted by the States, have been conducted over the years.

It is important that these programs be continued while reform is considered.

The conference report also includes the Senate provision granting a 2-year grace period to school districts which have been receiving Public Law 874 impact aid payments on the basis of workers employed on property which has been transferred to the Postal Service. This is necessary because the change of the Post Office Department to a public corporation affects the eligibility of postal properties under the impact aid programs. Thus some 700 affected school districts are provided a needed phaseout period after Federal activity has ceased.

The Presiding Officer. The question is on agreeing to the conference report.

The report was agreed to.

Mr. Stevenson. Mr. President, I ask unanimous consent that the joint explanatory statement of the committee of conference be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

"Joint Explanatory Statement of the Committee of Conference

"The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the House to the Senate bill (S. 3054) to amend the Manpower Development and Training Act of 1962 submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

"The points in disagreement and the conference resolution of them are as follows:

"1. The House-passed amendment would extend the authority conferred under title II of the Manpower Development and Training Act for one year beyond the existing law's expiration date of June 30, 1972, by inserting in lieu thereof the termination date of June 30, 1973.

"The Senate-passed bill does not contain the above provision.

"The Senate recedes.

"2. The House-passed amendment would extend for one year the existing law's provision that no funds to carry out obligations entered into prior to the termination date may be disbursed later than December 30, 1972—six months after the termination date.

"The Senate-passed bill would delete this six months limitation altogether.

"The House recedes.

"3. The Senate-passed bill also contains the following provision, providing that for purposes of Public Law 874, relating to assistance for schools in federally impacted areas, Federal property transferred to the United States Postal Service shall continue to be treated as Federal property for two years.

"The House passed H.R. 11809 on December 6, 1971, containing the same language as section 2 of the Senate-passed S. 3054.

"The House recedes."

Mr. Stevenson. Mr. President, I ask unanimous consent that the requirement that the conference report be printed as a Senate report be waived, inasmuch as under the rules of the House of Representatives it has been printed as a report of the House.

The Presiding Officer. Without objection, it is so ordered.

Conference Report on S. 3054, Amending Manpower Development and Training Act of 1962

Mr. Daniels of New Jersey. Mr. Speaker, I call up the conference report on the bill (S. 3054) to amend the Manpower Development and Training Act of 1962, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The Speaker. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

Mr. Daniels of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with inasmuch as it has been printed in the Record and has been available since March 29, 1972.

The Speaker. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. Perkins. Mr. Speaker, first let me compliment the gentleman from New Jersey (Mr. Daniels), the distinguished chairman of the Select Labor Subcommittee whose work and leadership have brought this conference report to the floor for our consideration.

Mr. Speaker, S. 3054 extends for 1 year title II of the Manpower Development and Training Act of 1962, and authorizes a grace period of 2 years within which school districts which lost Federal property when the U.S. Postal Service was created could continue to receive impact assistance while phasing out of that program.

The MDTA extension is necessary to allow the Department of Labor to continue to fund such ongoing programs as opportunities industrialization centers, on the job training and institutional training programs, and area skill centers. These programs are currently serving 150,000 enrollees and are funded at $750 million.

Last year the Congress adopted a comprehensive manpower bill that restructured the character of manpower delivery systems. Unfortunately that bill did not become law and we are facing a further reevaluation of the entire manpower program. In order to carry out the necessary comprehensive review of all of these programs we must extend the existing law for at least 1 year.

An amendment was added by the other body to S. 3054 which had the effect of extending for 2 years—one of which is the current fiscal year—the practice of counting postal employees for the purpose of determining entitlement for funds under the Federal impact aid program. This legislation was necessitated by the conversion of the Post Office Department to the Postal Corporation. Identical legislation has also passed the House under suspension of the rules.

Under the present impact aid program school districts having Federal property which is transferred to other ownership during a school year continue to receive their impact aid payments for that school year and for 1 additional year after the transfer has occurred.

When the U.S. Postal Service was created earlier this year and the General Services Administration transferred the post offices under its jurisdiction to this new corporation, over 700 school districts unexpectedly lost property which the Office of Education had considered Federal property for purposes of the impact aid law. And then the general counsel of the Department of Health, Education, and Welfare compounded the problem by ruling that these particular transfers of Federal property could not qualify for the normal grace period because of a quirk in the definition of Federal property contained in Public Law 81-874.

The simple purpose of this bill is to correct the inequity caused by this opinion and to make these districts eligible for the same kind of grace period as all other impact aid districts. This period will allow them to finish this year with the impact money which they have already budgeted and to continue 1 more year while they make plans to lessen their reliance on impact aid or to eliminate their participation altogether.

Mr. Speaker, I urge the adoption of the conference report on S. 3054.

Mr. DANIELS of New Jersey. Mr. Speaker, atuhorization for title II of the Manpower Development and Training Act expires on June 30, 1972. The act also provides that no expenditures for that title can be made after December 30, 1972.

The House bill provided for a 1-year extension of the authorization under title II and also provided that no expenditures pursuant to this new authorization could be made after December 30, 1973.

The Senate bill did not provide for an extension of the authorization under title II of the MDTA. In addition, it deleted altogether the termination date for authority to expend funds.

The conference report provides for another year's authorization for the Manpower Development and Training Act, because it is unrealistic to expect that we can enact new comprehensive manpower legislation before June 30, 1972.

Since its original enactment, the MDTA has contained a proviso limiting expenditures to a period ending 6 months after the end of the authorization. This is a very unusual provision, which was put into the original MDTA because it was a new and untried program. After 10 years of operation, this special proviso probably serves no useful purpose, and the House receded on the Senate provision that deletes it altogether.

The Senate bill also contained a provision to continue treating property of the U.S. Postal Service as though it were Federal property for purposes of the impact aid program. An identical provision was contained in H.R. 11809, which was favorably reported from the Education and Labor Committee and passed the House under suspension of the rules on December 6, 1971.

The House conferees accepted this provision.

I urge all my colleagues to support the conference report.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

APPRENTICESHIP WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEGICH. Mr. Speaker, rarely has any group gone as unsaluted and unmentioned as the young group of men who are studying to inherit the load of progress. The trade apprentice trains for a number of years so that he might become a master of his trade, whether it be carpenter, electrician, ironworker, or one of the many other trades. As the highly skilled worker of the future, the apprentice represents the builder of America's future.

I rise today to call attention to this group of young Americans and to salute them and the trade unions and contractors' associations that have developed the apprenticeship training programs across the Nation. I would also like to submit into the RECORD a proclamation by William Egan, the Governor of Alaska, setting aside the week of April 16, 1972, as "Apprenticeship Week in Alaska":

PROCLAMATION: APPRENTICESHIP WEEK IN ALASKA

Progress in Alaska depends upon the strength of its construction industry and the skills of the hands of workers who can build a better Alaska.

Whether a new project in our State be the erection of a new home, school, or office building; or the challenge of a mammoth project such as the trans-Alaska pipeline; Alaska's construction industry is vital to the future of our great State.

It is desirable to employ as many Alaskans as possible in the construction trades—as carpenters, electricians, iron workers, painters, plasterers and cement masons, plumbers and pipefitters, sheet metal workers, and others.

Through the joint, cooperative endavors of Alaska's trade unions and contractors' associations, apprenticeship training programs are creating highly skilled resident workers from the talents that lie in Alaska's youth.

In addition to learning the skills of a worthwhile trade, apprentices are gaining the attributes of good citizenship and responsibility—building their character as they build their job skills.

Alaska's trade unions and contractors' associations have dedicated their apprentice training programs to fashion a highly skilled, resident work force of Alaskan citizens.

Therefore, I, William A. Egan, Governor of Alaska, proclaim the week of April 16–22, 1972, as "Apprenticeship Week in Alaska" and urge all citizens to honor those trade unions, contractors, and employers who have worked together for the success of our apprenticeship programs; and to recognize our Alaskan young people who will play such an important role in building Alaska.

Dated this 6th day of April, 1972.

WILLIAM A. EGAN,
Governor.

HON. F. BRADFORD MORSE

HON. HAROLD R. COLLIER

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 18, 1972

Mr. COLLIER. Mr. Speaker, as the able and distinguished gentleman from Massachusetts (Mr. MORSE) departs from this great body, I want to add my good wishes to those that have been offered by our colleagues on both sides of the aisle.

F. BRADFORD MORSE has been a familiar figure in the Nation's Capital since 1953, having come to Washington after having served his country with honor and distinction during World War II, and practicing and teaching law in his native State. Five years as an employee on the Senate side were followed by 2 years with the Veterans' Administration.

Evidently "BRAD" missed the challenges of life on the Hill, but when he returned it was to the other side of the Capitol. His first election to the House of Representatives occurred in 1960 and he has been reelected five times. This is quite an accomplishment when we consider the fact that Massachusetts is very much a two-party State.

While serving in the branch of Congress that represents the people, BRADFORD MORSE has made the best use of his great talents as a lawyer and educator. His constituents have had a well-qualified and experienced champion to look after their interests in Washington. He has not, however, been content to remain a mere parochial servant. As a member of the important Committee on Foreign Affairs, MORSE has been a stanch defender of America's interests throughout the world.

Mr. Speaker, as our colleague of many years retires from this Chamber, where so much history has been made, my best wishes for his future health and happiness accompany him.

SENATOR McGOVERN IN THE SOUTH BRONX

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BADILLO. Mr. Speaker, Senator GEORGE MCGOVERN fulfilled a long-standing commitment last Friday when he returned to the South Bronx. During the 2 hours he spent meeting with people, discussing housing and drug rehabilitation programs, and getting an exchange of views on his own policies and programs, Senator MCGOVERN demonstrated an awareness of and sensitivity to the urban crisis that greatly impressed all of those who came in contact with him.

I am convinced that GEORGE MCGOVERN offers the best hope for the kind of activism and leadership that is required if the cycle of despair and blight that afflicts our cities is to be halted.

And for those who may be skeptical of Senator MCGOVERN's appeal in the black and Puerto Rican communities, I commend to their attention the following column by Jose Torres, as it appeared in last Saturday's New York Post:

CAMPAIGNING IN NO-MAN'S LAND

(By Jose Torres)

The three politicians walked through South Bronx as if they were walking on Fifth Av. I don't know if they were really aware that Simpson St., is now probably the toughest street in town.

Nevertheless, they walked and they smiled at the crowd which followed them and they shook hands. There were a few Secret Service men who were obviously worried, but Presidential aspirant Senator George McGovern seemed confident. And so were Rep. Badillo (D-N.Y.) and Bronx Borough President Abrams.

"Do you know who that man is?" someone asked a Puerto Rican woman who shook hands with the three politicians. "Of course," she said with a broad smile. "Herman Badillo."

"No, I'm talking about the big man there."

"Are you deaf?" screamed the woman. "Herman Badillo."

"Who are you going to vote for in the Presidential elections?"

"Herman Badillo. Who else?"

Even the many reporters who followed McGovern seemed shocked by the sight of a building abandoned by its landlord, in which human beings still live. As faces began to appear at open windows to look down at the crowd walking through garbage in the building, TV cameras focused on the scene of decay. It was a sad view.

McGovern, wearing a gray suit with red and blue stripes, walked slowly, shaking his head in disgust with what he saw. He seemed to be walking through a No-Man's Land. And the people who forced smiles as they looked down from their windows were the forgotten people—those who have lost confidence in the politicians' promises.

But somehow, the Puerto Ricans who came to see who the man was walking with Herman Badillo, were instantly impressed.

"This Macover reminds me of Kennedy," said a young man who shook hands with the South Dakota Senator. "McGovern," another Puerto Rican corrected.

As the three politicians entered their car, many of the Puerto Ricans who had assembled near them, began to applaud. The politicians smiled back.

Then, they went to SERA, a bilingual drug center on Hoe Av., where McGovern was met by ex-drug addicts and drug addicts who are under treatment. As the three politicians toured the well-kept building, someone handed a button to the Presidential aspirant. The letters D.M.Z. were conspicuously in the center of the button.

"It's ironic," said McGovern to the large crowd at the center, "that while billions of dollars are being spent on that tragic war in Vietnam and with the expansion of it with the bombing of the DMZ area, the government doesn't have adequate monies to help those helping in this DMZ (Drug Mending Zone) program."

The Senator went on to say that while there are 2,000 young veterans walking the New York Streets who had become junkies in the mud of Vietnam, there are no funds to help them in the jungle of our own streets. "It is a shame," McGovern said, "that the government could find them when it wanted them to kill and die in Vietnam and now they ignore them when they come back addicted to hard drugs."

The drug center, which helps about 400 of the 300,000 addicts of this city, cannot expand its program because of lack of funds. "We work over 15 hours a day," explained Frank Marrero, an official of the center.

One thing makes the Puerto Rican people in the Bronx quite proud: Senator McGovern's most important political kickoff since becoming a serious prospect and potential winner as a Democratic candidate for the Presidency of this unhappy country, was held in the South Bronx, in a Puerto Rican neighborhood. That's something that was noticed by some of the most sophisticated Puerto Ricans who came out to see McGovern.

Although I was a little worried about the possibility of confrontation with some members of the more than 50 gangs in that section of the Bronx, two gang leaders on the scene seemed to be happy to have Badillo walking there in the company of a possible U.S. President.

"Nothing has been done for our people here," said one of them, "but I know the limitations of Badillo. And I also know where the power resides. Now this McGovern is here looking at this place, he *knows* how this place looks, he didn't get it from some puppet working for him, he came himself. That's what we need. We need people like him to come over and not only see, but *feel* our tragic situation. I'm for that."

Surprisingly, McGovern had come to one of the worst poverty pockets in this country and not one heckler was in sight. Not one man protested his presence here.

"Bobby Kennedy couldn't have been better received," said an older Puerto Rican from Simpson St. "In fact, I think that he's the only candidate who resembles Bobby. I'll pray for his victory, and I'll vote for him."

STATEMENT BY CONGRESSMAN SEYMOUR HALPERN, PET TURTLES SPREAD SAMONELLA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. HALPERN. Mr. Speaker, the disease known as salmonella is a major health hazard among children and senior citizens in the United States. In an effort to stem the tide of this disease and to reduce the estimated 300,000 cases which occur each year, I introduced H.R. 12303. The Salmonella Prevention Act of 1972.

The act would impose needed controls on the interstate shipment of disease-carrying pet turtles and impose uniform Federal regulations on the sale of turtles throughout the country. Many States have begun to set their own health standards in regard to the sale of pet turtles, but we need a national approach to this problem.

I was quite pleased to read a fine article in Trial magazine about the spread of salmonella. The American Trial Lawyers Association should be commended for their efforts to acquaint the public with the dangers of salmonella. Mr. Speaker, I urge my colleagues to read this article, which I will now insert into the RECORD:

PET TURTLES SPREAD SALMONELLA

Reporting in the January 1972, issue of the AMA's *Archives of Environmental Health*, a team from the Washington State Department of Health and the Division of Epidemiology of Seattle-King County Health Department highlights again the danger of pet turtles as an important source of human salemonella infection.

Salmonella disease in man is contracted by the ingestion of material contaminated with salmonella bacteria. The disease is of variable severity. Usually, it manifests itself in 12–48 hours after introduction of the organisms into the human gastrointestinal tract by nausea, vomiting, abdominal cramps, diarrhea and fever. The symptoms most often last only a day or so, with complete recovery thereafter. But in some persons the illness becomes protracted and severe, resembling an attack of cholera. And in a few patients there results a long, disabling and even fatal illness. Many individuals have no symptoms but remain carriers of the salmonella bacteria and spread infection to others, particularly if they are food handlers and dispensers.

Turtle-associated salmonella, infections in humans in the United States were first reported in 1963, and since then outbreaks of human salmonellosis from imported as well as domestic turtles have been found in Michigan, Minnesota, Washington, Oregon, Rhode Island, Massachuchetts, North Carolina, Georgia, Ohio, Pennsylvania and Connecticut. Also, investigators in several states have discovered that a relatively high percentage of turtles and the water in which they are kept in wholesale and retail stores are contaminated with salmonellae and, therefore, a source of human infection.

This is particularly true for turtles handled as pets at home or in school by children whose sanitary habits are generally conducive to the spread of contamination to the intestinal tract, by, for instance, the frequent putting of fingers into their mouths.

In the present study of 21 cases of salmonellosis reported in the state of Washington, the most probable source of infection was traced to turtles in 20 and to a chameleon in one. Of the 103 family members investigated, including the index cases, 48 were ill or had stool specimens testing positive for salmonellae.

In addition, salmonellae and related organisms were found in an appreciable number of turtle-tank water samples obtained at wholesale and retail outlets in the state.

Since millions of turtles are sold each year in the United States as household pets, and since salmonellae and other potentially infecting organisms have been isolated from approximately 50% of retail store aquariums, a large reservoir of such infection exists in this single source. Thus, infecting organisms are being introduced by this means into a sizable number of homes in the United States annually. Also, compounding the problem of spread of salmonella from turtles to humans is the frequent access in the household of dogs and cats to the turtle bowl—thereby increasing the possible reservoirs of infection.

Control measures that need universal adoption to ensure that turtles marketed in the United States and free of salmonella infection advocated by the Washington State team include: (1) the hatching of turtles in a sanitary environment; (2) the feeding to breeding turtles of only food products known to be free of salmonella; (3) the interstate shipping of only those turtles which have been examined bacteriologically and found to be salmonellae-free: (4) the shipping of turtles only to wholesale and retail stores that maintain salmonellae-free storage and display facilities: and (5) the selling to wholesalers, retailers and private customers only turtle foods shown to be salmonellae-free.

An essential part of an effective program to prevent transmission of salmonellae from turtles to humans necessitates the maintenance of salmonellae-free storage and display facilities by wholesalers and retailers. This requires that wholesalers and retailers of turtles put new shipments of the reptiles into disinfected water tanks or other containers that do not hold turtles from prior shipments.

In addition, all precautions must be employed to see that the tanks or other containers and their filtering equipment, heaters, etc. are adequately cleaned and disinfected prior to use and that the turtles are fed only salmonellae-free food.

Practical enforcement of such measures, however, probably would need the passage of restrictive state and federal regulations and such may soon become necessary to reduce the potentially serious health hazard of turtles to humans.

GRAFFITI ERADICATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. EILBERG. Mr. Speaker, the problem of graffiti is one that has faced man almost since the time he began building walls.

Graffiti has been discovered on the walls of Pompeii by archeologists excavating the ruins of that ancient city.

Reporters covering the President's trip to China discovered graffiti on the Great Wall.

Graffiti has often been the source of American folk humor, but now it has become a blight which contributes only to ugliness.

In my city of Philadelphia a campaign will begin today to remove the existing graffiti all over the city as well as stopping the further defacing of property.

All segments of the community: the city government, public and private schools, civic organizations of all types, and private companies and businessmen have joined in this effort.

At this time, and with the unanimous consent of my colleagues, I enter a description of this plan into the Record:

Campaign Against Graffiti

The City today launched a grass roots campaign against graffiti which will involve all the segments of the community. The campaign is aimed at removing graffiti as well as stopping further defacing of property through community and family action, peer pressure and persuasion.

City Representative and Director of Commerce Harry R. Belinger said the campaign will begin Monday, April 24, in conjunction with the city's annual Clean Up, Paint Up, Fix Up Week Parade, which traditionally opens spring cleaning activities in Philadelphia.

"The campaign is one of persuasion as well as cleanup," Belinger said. "We realize that it takes these young defacers only minutes to mar a surface which will take weeks to clean up. We hope they will stop and consider the damage which graffiti does to our city's image as well as the appearance and viability of their own neighborhoods."

Belinger said that he has met with officials of both school systems, representatives of the paint industry, ministers and clergy, as well as various civic and community groups to urge their support of this program.

The City's 3200 Clean Blocks involving 400,000 Philadelphians will participate in the anti-graffiti campaign by working in their own neighborhoods to remove graffiti from wooden surfaces by painting over it.

Both the public and parochial school systems will observe Monday, April 24 as "Anti-Graffiti Day," and hold classroom discussions on the problem and explore solutions to it. During the week, through their various student councils, they will also participate in school clean-ups and in some instances in neighborhood clean-ups.

The senior high school students in both systems have submitted "Anti-Graffiti Posters" in a contest sponsored by the City to determine a slogan for the campaign which will be publicized and reproduced on posters for display throughout the city later this summer.

Belinger added that 260 Home and School Councils of the public school system have pledged their support to the program and members will urge their own children as well as the students in their schools to participate in anti-graffiti clean-ups in the schools and in their communities.

He added that schools that have bad graffiti problems are being urged to grow ivy on the school walls since this is a great deterrent to graffiti writing because it makes it impossible to place graffiti over the ivy and it will also cover any graffiti on the walls.

The three largest local paint retailers—M. A. Bruder and Sons, Inc., Pinnaren and Haley, Inc., and Dutch Paints—are solidly behind the program—Belinger said.

"These paint retailers have agreed to give a 10 percent discount to neighborhood and clean block groups, and schools groups who purchase paint next week to cover over graffiti," he said.

Belinger added that these civic minded businessmen have even gone a step further by asking all their store managers to put spray cans out of reach in their paint stores and to exercise judgment in selling these cans to responsible young people.

The stores will display empty spray paint cans mounted on masonite with epoxy cement that cannot be removed. Purchases of regular paint cans can be made at the counter, however.

"It is a known fact," Belinger declared, "that most spray cans used in graffiti-writing are normally stolen and not bought. This action by these paint retailers will make it extremely difficult for youngsters to get their hands on spray cans."

He added that it would be very helpful if all local businessmen who sell spray paint cans would follow the actions of these paint retailers because it would be a positive step in helping curb graffiti.

He also appealed to all local business and food store chains that sell "Magic Markers" to remove these items from prominent display in their stores and have them purchased only at the counter at check-out time. Magic markers, he noted, are another source of graffiti-writing.

Belinger added that the three local paint retailers have also provided $100 each for prize money in the "Anti-Graffiti" poster contest held in the public and parochial school systems.

The Archdiocese of Philadelphia, the Baptist Ministers Conference of Philadelphia and the Greater Philadelphia Council of Churches have also given their support to the campaign. They will announce from church pulpits on Sunday the campaign and ask for their respective congregations' cooperation.

The Television and Radio Advertising Council has agreed to air anti-graffiti messages on the City's 20 radio stations supporting the City campaign and urging community cooperation in helping stem the tide of graffiti writing.

Belinger stated that a meeting with labor leaders will be held at the Bellevue-Stratford Hotel on Thursday, April 27, at noon, to gain their help in this campaign and to obtain their ideas on stopping graffiti-writing. SEPTA and the Greater Philadelphia Chamber of Commerce have indicated they will actively support the program, he added.

He said, "This is just the beginning of an all-out year-round effort to stop this distasteful practice of inane writing on walls, buildings and wooden surfaces throughout Philadelphia. We welcome everyone's ideas, support and cooperation in this effort."

EQUAL HOUSING OPPORTUNITY WEEK IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEGICH. Mr. Speaker, I rise today to call attention to a proclamation by William A. Egan, Governor of Alaska, dated April 10, 1972. It designates the week of April 23, 1972, as Equal Housing Opportunity Week in Alaska. I believe that this proclamation demonstrates that it is the sense of Alaskans that all people are entitled to the same housing advantages regardless of race, religion, or color.

I would like to take this opportunity to salute the people of Alaska and their Governor for expressing this ideal, and submit a copy of this proclamation into the Record for the attention of my colleagues:

Proclamation of Equal Housing Opportunity

In recognition of the rights of all the people to equal housing advantages, the Congress of the United States passed the Fair Housing Law four years ago. There is a need from time to time to remind our people of this statute.

The United States Department of Housing and Urban Development has adopted regulatory procedures and a master plan for equal housing opportunity. The Fair Housing Law guarantees every citizen equal housing opportunities through the Department of Housing and Urban Development's effective administration of the conciliation procedure, through the United States Attorney General's office, and by individual suit in the courts.

Agreements often call for a change in the system of developer or apartment owner so that housing discrimination does not recur. The conciliation agreements, therefore, have a ripple effect that reach far beyond the original cause.

Therefore, I, William A. Eagan, Governor of Alaska, proclaim the week of April 23–29, 1972, as Equal Housing Opportunity Week in Alaska and call upon all citizens of the State to become acquainted with the procedures of the noble ideal expressed in this statute and to dedicate themselves anew to carrying out the spirit as well as the letter of the law.

Dated this 10th day of April, 1972.

THE UNITED NATIONS—A GOOD PLACE TO CUT

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. COLLIER. Mr. Speaker, whenever it is suggested that Federal expenditures be reduced, the spenders ask, "Where would you cut?" As my time is limited, I will not list all the places where reductions ought to be made, but will concentrate on just one.

In 1971, before Free China was expelled from the United Nations, the United States had 7.5 percent of the total population of the membership of the organization and 7.6 percent of the total area. Net assessments for that year totaled $163,728,655, of which $56,332,170, or 34.4 percent, was paid by the United States.

In 1972, with Communist China occupying the seat that Free China held for more than a quarter of a century, the United States will have 5.9 percent of the total population and 7.1 percent of the total area. We will still pay 31.5 percent of the net assessments.

The United States has also been the chief bankroller for the various subsidiaries of the United Nations Organization, as the following table shows:

Agency	Total 1970	United States 1970	United States percent
Relief and Works Agency for Palestine refugees	$36,672,928	$22,750,000	62.0
Development program	244,965,083	115,086,782	47.0
Children's Fund	33,815,939	13,245,380	39.2
Food and agriculture Organization	29,937,201	11,722,692	39.2
Educational, Scientific, and Cultural Organization	35,764,395	12,747,443	35.6
World Health Organization	64,723,300	21,680,810	33.5
International Labor Organization	25,234,194	5,424,463	21.5
Total	471,113,040	202,657,570	43.0

Note: Contributions from nonmembers have been excluded.

While I am as anxious as anyone else to help feed the hungry, heal the sick, house the homeless, educate the illiterate, and elevate the living standards of those who are less fortunate than we, I feel that it is high time that other nations began increasing their payments so the financial pressure on the American taxpayer can be eased. If the programs are meritorious, as some of them undoubtedly are, all the nations that are members of the United Nations organization should be not only willing, but eager, to pay according to their ability. On the other hand, if some of them continue to shirk their responsibilities, we ought to discontinue our contributions and limit our help to our existing foreign aid programs. Many of the activities carried out by the various instrumentalities of the United Nations could be taken care of more efficiently and less expensively by various religious and charitable organizations.

Mr. Speaker, this is just one of the places where we ought to make substantial cuts in spending. Perhaps, if we made some reductions in our contributions, some of the other nations might be shamed into increasing theirs.

LABOR POSES PROBLEM FOR REDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. DERWINSKI. Mr. Speaker, since we are quite obviously preoccupied with many questions relative to our domestic economy, it is often felt that the problems which beset us are major headaches which are not found elsewhere.

An article by Dumitru Danielopol, the distinguished international correspondent of the Copley Press, which appeared in the San Diego, Calif., Union of April 9, analyzes complications within the domestic economy of the Soviet Union. A study of this editorial would, at least, have us appreciate the virtues of our system and the progress that we are making in contrast to the continued inefficiency of any Communist government.

The article follows:

LABOR POSES PROBLEMS FOR REDS

(By Dumitru Danielopol)

Western reports on Leonid Brezhnev's speech to the Soviet Trade Union Congress centered on his foreign policy views.

This was only natural in light of President Nixon's coming May visit to Moscow and rumors that Brezhnev may go to Peking in June.

But the Soviet chairman spoke for 90 minutes and his speech ranged over the full sweep of Russian affairs.

Its domesic sections provides a startling insight into Russia's labor troubles. A chronic manpower shortage dogs the Kremlin, accentuated by alcoholism, slackness, absenteeism, foot dragging, job hopping, etc.

Brezhnev did not mince words. He was almost evangelistic as he berated the labor leaders and demanded that they raise production and efficiency and enforce discipline.

"Wages everywhere must be earned," the chairman said. ". . . do not shirk to observe the strictest discipline during work."

Without referring to the appalling problem of alcholism in Russia, he denounced the way workers use their leisure.

"Often this time is frittered away pointlessly and sometimes it directly harms the person himself, those around him and . . . the interests of society," he said. "Free time is not time free from responsibility to society."

His attempt to make the trade unions responsible for the failure of the workers, however, is ludicruous. In the first place Soviet labor unions have no power.

Their members are not elected by the workers to represent their interest. They are part and parcel of the Communist apparatus.

Brezhnev, like his predecessors, faces a blank wall—the innate ineffectiveness of the Communist system, its top-heavy bureaucracy, its central planning, low standard of living, boredom and mediocrity.

Rather than suggest remedies, Brezhnev can only exhort his listeners, trying to whip up enthusiasm among the workers for empty "moral incentives" and by full-blown, demagogic rhetoric.

He talks of the "true Socialist worker" as an idealist who is "an uncompromising enemy of any petit bourgeosis attitude—any vestige of the past. . . ."

"People throughout the world judge our working class on the basis of what a working man is capable of doing under socialism, thereby judging the capabilities of the Socialist system," he said.

If that's true, Brezhnev can't be very optimistic.

POLICE AWARDS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. GUDE. Mr. Speaker, we are seeing dramatic decreases in District of Columbia crime—decreases which the President, the Police Chief, District of Columbia policemen, and those of us in Congress who worked on the District of Columbia crime bill can all be pleased about.

There has been some pessimism, however. Some have suggested that the decline really just represents a pushing of crime from the city to the suburbs.

But the most recent annual report of Montgomery County Police Superintendent K. W. Watkins gives reason to hope that this pessimism is unfounded.

The report shows that while the population of the county rose 3.9 percent, part I serious crimes in 1971 were 3.3 percent above their total in 1970. In other words, the rate of serious crime per unit of population does not seem to have increased. If my figuring is correct, it appears to have dropped from 3,690 per 100,000 population 1970 to 3,667 per 100,000 population in 1971.

The county police department's rate of solving crimes was 21 percent, an increase over the 18 percent of 1970.

In this effort by the Montgomery County Police Department to hold the line and, then, decrease crime, public support is important. Morale and spirit—and, I think, the statistics on crime—are improved when organizations recognize policemen for their work. In this regard, I submit from Superintendent Watkins' annual report a list of awards made by private groups to policemen during 1971:

AWARDS

POLICEMAN OF THE YEAR (KNIGHTS OF COLUMBUS)

Detective Corporal Harold H. Fremeau was presented the Knights of Columbus' Medal of Merit in recognition of his selection as Montgomery County Policeman of the Year for 1970.

The 11-year police veteran was cited for "outstanding service protecting the lives and property of the citizens of Montgomery County" by John E. Staskus, Deputy Director, District 11 of the Knights of Columbus.

Corporal Fremeau, 34, jointed the police force as a patrolman in 1960, was transferred to the Detective Section in 1967, as Private First Class, and promoted to Corporal in 1968, and assigned to work on narcotics violations.

The Knights of Columbus citation recognized his "initiative and perseverance . . . when he carried out investigations of numerous narcotic cases that ultimately led to apprehension and indictment of offenders . . .

"For his excellent performance of duty wherein he displayed to a high degree the traits of initiative, devotion to duty, and investigative skill, it is our privilege on behalf of a grateful citizenry to award the Columbian Medal to Corporal Fremeau as the Montgomery County Policeman of the Year," the citation concluded.

BETHESDA KIWANIS CLUB AWARDS

Again this year the Bethesda Kiwanis Club held an awards luncheon for Montgomery County police officers for outstanding achievements during the year. The officers were selected from the four police districts and the following officers received awards:

Pvt. David R. Barnes, Pvt. Jerry Brandt, Pfc James Buchanan, Pvt. Louis Ciamillo, Pfc John DeVries, Jr., Pfc Robert Easter, Pvt. James Fetrow, Pvt. James R. Fitzgibbon, Jr., Pfc Bernard J. Gillespie, Pfc Albert Guglielmini, Pvt. Harry W. Hamilton.

Cpl. Robert C. K. Howell, Cpl. Paul G. Hrapchak, Pfc George Kiliany, Pfc Charles E. Lake, Pvt. John T. Mayhew, Cpl. John L. Mey, Cpl. Michael H. Miller, Pfc Phillip Preece, Sgt. Robert B. Renfrew, Pfc Richard Stone, Pfc David Triggs.

These awards are based on outstanding police conduct, including investigatory police-community relations, and acts of bravery.

SILVER SPRING LIONS CLUB

This year the Silver Spring Lions Club held a dinner meeting honoring 11 officers from this department with awards for outstanding achievements. The following officers were selected:

Pvt. David Barnes, Pvt. Louis Ciamillo, Pvt. James Fitzgibbon, Pfc Ingrid Gibson, Pfc Albert Guglielmini, Pfc Georgia Kiliany.

Pfc Charles Lake, Cpl. John Mey, Cpl. Michael Miller, Pvt. John Shigo, Pfc David Triggs.

SILVER SPRING KIWANIS CLUB

Sergeant John Baker was honored by the Silver Spring Kiwanis Club on June 29, 1971, and was presented a silver platter for his outstanding devotion to duty. Engraved on the platter was, "The Silver Spring Kiwanis proudly presents to John W. Baker, Policeman of the Year Award."

WHEATON KIWANIS CLUB

The Kiwanis Club of Wheaton honored Pfc Arthur Sonntag, school coordinator from the Wheaton-Glenmont police district, as Police Officer of the Year (1970). Pfc Sonntag was presented with a plaque at a dinner meeting for his professional attitude, his high interest, and his demeanor which are reflected in all his endeavors.

AMERICAN LEGION AWARDS

During 1971, the Johnson-Hood-Graham Post No. 151 of the American Legion selected the following officers and presented them with certificates honoring them as "Policeman of the Month":

January: Pfc George Hanville, Pvt. Louis Colantoni.

February: Sgt. Robert B. Renfrew, Pfc Richard K. Stone.

March: Pvt. Michael J. Day, Pvt. Kennth E. Hames, Pfc Rodney T. Ingels, Pvt. William Leek, Cpl. Forrest Pifer, Pvt. Richard Winkler.

April: Pfc Volly K. Stafford, Pvt. William Kalagher.

May: Sgt. John Baker.

June: Pvt. Michael Jones.

July: Pvt. William Campbell, Pvt. Michael Dennis, Pfc Steven Hargrove, Pvt. Victor Mills, Cpl. John Schlotter, Pvt. Lawrence Tressler.

August: Pvt. Francis Young.

September: Pfc Robert B. Easter, Pvt. Jerry E. Brandt.

October: Pvt. Peter Knight.

November: No awards made.

December: Pfc Kenneth E. Hames.

Special American Legion Department of Maryland Awards were made to Pfc Charles Lake and Pfc Volly Stafford at the American Legion convention at Ocean City.

The awards are based on letters received from citizens complimenting the officers for "courtesy, compassion, and consideration" displayed toward their fellow men.

BAY OF PIGS AND VIETNAM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. MICHEL. Mr. Speaker, an editorial appearing in the April 21, 1972, edition of the Peoria Journal Star entitled "Bay of Pigs and Vietnam" sets forth some interesting points regarding those two campaigns which apparently have gone unnoticed by some of our colleagues in the House as well as most of the several candidates for the Democratic presidential nomination.

I insert the editorial in the RECORD at this point:

BAY OF PIGS AND VIETNAM

(By C. L. Dancey)

This week was the anniversary of the ill-fated "Bay of Pigs" fiasco. when we dumped 1350 Cuban exiles on the beach and abandoned them there, at the mercy of Fidel Castro's militia.

It was an incident about which much more is known today than was—and from which we seemed to have learned all the wrong lessons.

We know now that the operation was master-minded by a bunch of civilian experts in everything from politics to Latin American affairs—while the professional military were only casually consulted and their advice ignored at the highest level . . . and not employed at all at the critical levels of supervision and management.

At the time it was attempted, Castro's militia was green as grass. His air force was a few jet trainers. There were no Russians aboard.

Soon after, there were thousands of Russians, the biggest Latin army in the hemisphere, MIG fighters, bombers, fast boats, missiles—and even eventually an attempt to stack long range, nuclear war-head rockets there.

Why? Because the invasion attempt was made?

No. It is pretty clear today that the Cuban military boom, with the Russians eagerly taking a hand was inspired because we failed, and especially because that failure came in a faltering of the will at the last minute when the President and his civilian advisers cancelled air cover for the effort without even consulting the military people.

This left the handful of carelessly armed bombing planes of the Cuban invaders and their supply and landing ships at the mercy of the little jet trainer air force Fidel had . . . and left the invaders stranded on the beach without support, and even without full equipment, much less ammunition flow and supplies.

Shortly thereafter, in fact, President Kennedy moved General Maxwell Taylor from the joint chiefs into the White House with him.

That act tells us pretty plainly Kennedy's own reaction and judgment as to where the "Bay of Pigs" plan went wrong—and it answers all the "whiz kids" who had so eagerly tried since to pass the buck off onto the military they were, in fact, superseding.

And it is no longer a secret that it was this apparent flinching and faltering on the eve of the Bay of Pigs adventure that not only doomed it for sure, but convinced the Russians that they could make a "giant step" in the form of a direct off-shore nuclear threat to the United States—and we would "chicken out" in the crunch.

So they tried it.

Kennedy fooled them. He stood up and quarantined even the Soviet Navy, and when we didn't flinch, the Russians were the ones to fall back.

But that most dangerous thermonuclear confrontation in the whole history of the "atomic age" came about as the price of failure and the appearance of moral weakness.

Failure is deadly dangerous.

The appearance that in the crunch, we will tolerate anything, is deadly dangerous.

Such were the real causes of World War II because they fed Hitler's assurance that he could get away with anything and take the wildest risks.

Such were the bases for the eager exploitation and adventurism of the Soviet Union each time they have made a powerful maneuver—under Stalin, under Khrushchev, and, sad to say, with Breshnev and Kosygin, as well.

U.S. capability—in physical power and power of will—have proven to be the key, every time, to reasonable approaches and sobriety in the Kremlin.

Whatever the theoretical possibilities. these have been the practical realities . . . and the real security of hundreds of millions of Americans and others rests upon it.

Nothing has been more important to the future of this earth than that President Nixon should not flinch and fall back in Vietnam when Hanoi busted the "understanding" wide open by launching its home army in an all-out invasion against South Vietnam.

The "deal" was that we would cease the continuous bombing offensive against the North so long as they did not escalate their forces in South Vietnam. The invasion was a challenge in more ways than one, reaching far beyond Hanoi and Saigon.

Would we close our eyes, forget the "deal," and not expect them to keep their part of the bargain?

It is now the temper of the United States that "anything goes" and we will shrink back and pretend anything rather than meet such a challenge?

This is what Moscow wanted to know before the Nixon visit.

Should they be reasonable or unreasonable? And would any deal made be one we would keep but that we would never hold them to?

The answer that was given had to be given, if anyone cares to build international reciprocity and thereby a hope of genuine peace in the future.

MAJ. GEN. I. G. BROWN ADDRESSES TEXAS NATIONAL GUARD ASSOCIATION

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. FISHER. Mr. Speaker, on April 8 Maj. Gen. I. G. Brown, Director of the Air National Guard, delivered an excellent address to the annual conference of the National Guard Association of Texas, which was held at San Antonio.

In order to make those remarks readily available for all who are interested in our national defense, and particularly in our National Guard and Reserves, I am having it inserted in the RECORD. The address follows:

SALUTATION

(By Maj. Gen. I. G. Brown)

Last year I discussed the possible implications of the total force concept—more modern equipment, wholesale changes in roles and missions, close scrutiny of all of our operations by the active forces, and continued restraints on funding while undertaking a larger and more important role in the total defense effort.

I am sure both Army and Air National Guardsmen will attest to the fact that this is what has occurred the past year. And since the total force concept has been in effect, I will give you the bureau's version of what it has done, is doing, and possibly can do to and for the Army and Air National Guard programs.

To be very candid, I'm not sure that we all see the total force concept in the same light. We believe the intent of the total force concept is to modernize, strengthen and utilize the National Guard and Reserve forces to the highest levels possible. This is a result of reductions in the active services and because Guard and Reserve forces can be sustained at lower activity rates and at lower cost levels than can full time forces.

To both the Army and Air Guard, it has very definitely placed more emphasis on modernizing our equipment: aided us in implementing a program we have sought for years, increased technician manning strengths, and spotlighted the necessity of making our units more responsive and combat ready, because of our structure, our management procedures are unique. This has opened the door to many problems peculiar to Guard and Reserve programs upon which the active forces are conducting a penetrating analysis. One primary example is the increased attention higher levels are giving to our retention and recruiting problems, which are much more complicated and involved than in the regular forces.

The penetrating analysis has made us appear less professional, less responsive to active force requirements, more rigid than flexible in our adaptibility to change, and in many cases, far from combat ready.

This attitude has developed for several reasons.

Many active force leaders feel the total force concept implies that all Army and Air Force regulations, policies, directives and manuals should apply to the Guard as it does to the active force. We agree to the extent that our resources and time permit, but if we apply all of these to the Guard, our units would cost the same as an active unit, so why have a Guard?

It is true, however, that if we are expected to be immediately ready for combat deployment, with modern, integrated equipment, we have to have the essential resources to fulfill this requirement. If the total force concept means we are to have identically trained, manned, equipped units as the active force, then every incentive—bonuses, pay and allowances, educational opportunities and so on—should apply likewise to both forces.

As long as we have 2 days drill per month and 15 days annual training, and a full time force of only 20 percent or less on continuous duty, we can not be expected to be as responsive or combat ready as a fully manned and equipped active force. We can meet any combat readiness or response capability the services demand of us, but to do this in the more sophisticated weapons systems we are acquiring, we need additional resources, and operable effective equipment, and we all recognize it is a little more difficult to train Army Guard troops because of the different organizational levels which have to fit into the overall structure, and because of the missions involved and the difficulty of training large masses of people in the accessible environment needed, but, the Army as well as Air Guard, has proven that active force requirements can be met when adequate resources are supplied.

Somewhere along the line those responsible for the total defense posture of our Nation are going to have to come to grips with the problem of reconciling the pure definition of total force concept with its practical application, the differences now existing must be reconciled.

On the air side, the 33 conversions we completed in calendar year 1971 were the most difficult challenges we faced, many units did not receive adequate leadtime notices—many received aircraft, most of which were Vietnam aircraft and, because of combat, required extensive work, and aerospace-ground-equipment (age) was very slow in coming in. Transitioning into new systems is never simple and requires intensive training of our specialists for the new systems. Facilities often were inadequate to appropriately support the new aircraft, and resources were difficult to acquire to alleviate this problem.

The Army Guard was converting to the G/H series TOE and this caused problems in many areas. Any reorganization, change of equiping or manning tables or conversion are bound to cause consternation among the troops. But the Army did get some overseas training time in and tested round out training with Active Army units.

The Army aircraft inventory just about surpassed the air side last year and much of the new equipment is first line, including Huey helicopters, the sophisticated flying cranes, and factory-new OH-58 Scout helicopters.

As many of you are vividly aware, the Air National Guard has, during the past year, again proved to be an essential and dynamic element in the military force of the United States. Demands are continuously being made upon our units in virtually all fields of endeavor. The response of these demands has been most notable and we may all take pride in our achievements. "Responsiveness" and "total commitment" are terms that we feel best describe the Air National Guard's acceptance of its responsibilities.

As of 1 May 1972, we will have started the sixth year of operation of air refueling support for European based tactical fighters. General Didear's 136th Air Refueling Wing, one of the initial participants in this mission, has provided absolutely superior service to USAFE and the National Guard.

Both Army and Air programs became deeply involved in retention and recruiting and minority recruitment. It was an eventful year and one of transition, marked with ups and downs all along the way.

That was last year—and I see no change ahead except maybe even closer scrutiny by our active force partners.

The future of the total force concept!

Well, gentlemen, one way or another—it has to work. Secretary Laird told Congress recently, "we can not have adequate U.S. forces that are 1.4 million below 1968 active duty peaks, unless we put comparable emphasis on strengthening, training and equipping a fully manned National Guard and Reserve under the total force concept." He also said in his 1972 budget message to Congress, "we mean to have National Guard and Reserves manned, equipped and trained to mesh, on quick notice with our Active Forces." He added that "over the past decade, we have had too much talk and too little action in making these (Guard and Reserve) units combat ready."

Neither the American public—nor its political leaders—are in any mood to fund an active force large and strong enough to meet our national security needs, and there is grave reservation about the Guard forces, too. But we believe that the Guard and Reserve Forces are going to be a vital—and large part—of the defense forces during the current decade. Whether it is accomplished the way we think it should be largely rests in our own hands.

We have to revive professionalism and participation to have dedicated, enthused, flexible, innovative and far-sighted leadership. We have to have understanding, firm but tolerent leadership. We cannot forget for 1 minute that all individuals deserve respect and dignified treatment. We must have leaders who listen to their men and who sincerely attempt to reconcile grievances and complaints. We absolutely must have leadership that demands the best from all his personnel and who within his power gives his men the same in return.

Though our technician forces represent the firm, steady hand of guard stewardship on a full time basis, it must be recognized that nontechnicians represent 80 to 95% of our total force. With dispirited, unproductive and unchallenged nontechnicians, our units can only suffer the consequences, which in the current total force concept definitely means the death of the unit.

The best interests of both technicians and nontechnicians are of utmost importance to us in the bureau and the DOD. as are the best interests of the entire Guard program. When we issue a regulation that uniforms are to be worn by technicians or that haircuts are to conform to active force standards, it doesn't necessarily mean that we are in complete agreement with these decisions. These are the only decisions we can make or the decisions which, in our opinion, are in the best interests of the National Guard as a whole.

To show you how uncertain things are, four years ago we worked on a congressional bill for full technician retirement credit. We had assumed the bill was dead and would have to be reinitiated. All of a sudden—two weeks ago—to the surprise of of everyone—it was passed nearly unanimously out of the Senate Post Office and Service Committee to be presented to the Senate. I can't even predict the fate of the bill but at least we're a step ahead of where we were.

I'm going to wrap up this discussion with you by briefly addressing three topics that we feel must be looked at as one—these are retention—recruiting—and public attitude toward the Guard. I say this because the public attitude plays a most important role in retention and recruiting. If Guard service is a nasty word in the public mind—if the public maintains little interest or no respect for military or National Guard programs—we are going to be unsuccessful in both retention and recruiting which will be the death of the Guard. To succeed in either area, we must first direct or complete efforts toward public, employer, and family support of the National Guard.

We have several things going for bus but only Guardsmen themselves can disseminate these points to those outside the Guard.

The very vital role of the Guard in today's defense structure must be stressed and the total force concept must be explained. We must close the communications gap between the military and civilian communities and we must create an era of understanding, both in and outside the National Guard.

Business and political leaders and families can understand the importance of the national guard when it is explained to them—and when they are convinced the guard is and will be combat ready and responsive in event of any emergency requiring additions to the active forces. But, conversely, our commanders must understand the plight of the employer who has a small staff and is forced to relinquish the use of some of his vital employees for extra guard duty.

As both the army and air guard become more federal mission oriented, as we must under the total force concept, we find some state and federal leaders less enthusiastic about the national guard. This attitude is likely to increase as civil disturbances wane and the national guard image as a protector of life and property fades from lack of use.

The only antidote for this dilemma is an informative, widespread and consistent public information program which highlights the important national defense role of the national guard—the economic value of guard expenditures in your area—the increased skills and training the guard furnishes the civilian community—and last, but certainly not the least important, the community action role of the guard. Every community action project we undertake wins friends and supporters for our program. And, I am firmly convinced that we not only win supporters for the national guard through our nation-wide "operation patriotism" program, but additionally we help unite Americans to go forward as a united peoples toward attainment of a better world for all. We are facing a difficult period in the national guard. We must sustain a more combat ready, responsive posture, in a zero draft environment, and in a climate where public understanding and support for the military is at an extremely low point. The active forces are constantly analyzing our management of resources and conduct of our overall program in view of the emphasis on our federal mission. We can expect only minimum essential increases in funding despite the increased requirements placed upon us and the added workloads of obtaining more sophisticated weapons systems.

Again, under these conditions we must increase retention and recruitment; we must produce effective minority recruitment programs; we must maintain the morale of our men and women and conduct an extensive community information and community action program. I must congratulate you outstanding guardsmen of Texas for being one of the leaders of the nation in fulfulling all of these vitally necessary requirements. Failure in any of these areas will jeopardize the existence of the units involved.

It's a challenging picture I've painted but that's just the way it is, I'm optimistic that our army and air guard commanders are capable of meeting this challenge.

Thank you for allowing me to participate in your conference.

PRICE CONTROL "ENFORCEMENT"

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mrs. ABZUG. Mr. Speaker, this morning's New York Times carried an article detailing one individual's frustrations with trying to get the Internal Revenue Service to investigate a price increase complaint. The amount involved was small, but the principle is not.

Few enough people even realize when they are being charged prices which violate price controls; to have such a lack of assistance for those who do realize it and complain about it is inexcusable.

I include the article at this point:

COMPLAINT ABOUT PRICES—HOLD ON—HAVE FAITH

(By Philip Shabecoff)

WASHINGTON, April 23.—As of last week, about 80,000 complaints of possible violations of wage, price and rent controls had been lodged with the Internal Revenue Service since Phase Two began last November. This is a journal of what happened—or rather did not happen—to one of those complaints.

Feb. 13. Went to Alexandria, Va., and parked car in underground garage. When paying, seemed to recall that price just recently was 30 cents for first hour instead of the 50 cents now being charged. Asked attendant for base price list. Attendant grinned, scratched his head and said he was new there and did not know what it was all about.

Feb. 14—Looked up the number of the local Internal Revenue Service office in the District of Columbia telephone book, and after about a dozen rings it was answered by a man who said "taxpayer service." Asked if this was where one reported price violation. Voice answered yes, and asked what "complaint was about?" Recited grievance and was told to "hold on."

A few minutes later a female voice came on the line and asked, "What is your complaint?"

Repeated suspicions and then was told, "Okay. Hold on."

Female voice returned shortly and asked if the parking lot attendant had been asked for the price list. Replied in the affirmative.

"Okay. Hold on."

A few minutes later still another voice was heard at the end of the line. "This increase—did it involve a rented apartment?"

In calm voice replied that no, the complaint was about a parking lot and that two other I.R.S. officials had already been told about it.

"Okay. Hold on."

The female voice returned and asked for home address and said that revenue service would report on disposition of the complaint.

Feb. 16—Receive letter from I.R.S. saying complaint had been received and was being investigated.

Feb. 28: Hearing nothing further, called I.R.S. again and asked what had been done about complaint.

"Yours is not the only complaint, you know," said a female voice with a hint of asperity in it. "We get over 1,000 calls a day. These things take time."

Apologetically asked if an answer was still to be expected.

"Have a little faith in the I.R.S.," said the female voice. "We will get in touch with you to tell you the results of our investigation."

March 13: Faith in I.R.S. still alive but decided to reinforce faith with another call. Phone rang a dozen times and then voice answered, "The lines are busy; hold on please."

Four minutes and 20 seconds later a woman picked up the phone, listened to recitation of complaint and query on what had been done about it.

"Did you write your complaint in a letter?"

Informed that, no, the complaint had been made by telephone, the revenue service official said, "Oh, well that's at a different office downstairs. I can't transfer you but I'll give you the number."

Phone at other end of new number rang 25 times with no answer. Redialed original I.R.S. number.

"The lines are busy, hold on please."

When still another answered, took precaution of asking her name. It was Mrs. Smith.

Mrs. Smith was sympathetic after listening to short, unhappy history of violation complaint. She carefully explained regulations involved and suggested that maybe it was not a violation anyway.

Agreed that maybe it was not a violation but that possibly it was and added it would be nice to know, one way or the other.

"Hold on," said Mrs. Smith.

Five minutes later Mrs. Smith was on again. "I checked with your investigators and they didn't have anything on your complaint. I asked our technical staff to look into it. We'll be in touch with you."

March 20—"The lines are busy, hold on please." After minute or so reached Mrs. Smith who said that she could not find any trace of complaint. "Where did you say you made the complaint? Where did you say the alleged violation took place, Baltimore? Oh. Alexandria. Let me check our other offices.

March 27—Mrs. Smith phoned office. "Sorry, we can find no record of your complaint. I suggest you submit it in form of letter." Thought about resubmitting complaint in form of letter.

April 7—Again thought about resubmitting complaint in form of letter.

April 21—Decided against resubmitting complaint in form of letter.

HARD LABOR BUILT THIS NATION

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. GAYDOS. Mr. Speaker, it is a fact that every economic and social change which has occurred in this country can be traced to the labor of its working men and women. Those who work with their hands, as well as those who work with their head, are responsible for this Nation attaining the highest standard of living of any which ever graced the face of the earth.

On Sunday, April 9, I had the honor and privilege of sharing in a public tribute to 108 men who toiled in the steel mills of Clairton, Pa., for a combined total of 3,605 years and 8 months. Their accumulated labor represents a total of more than 7 million man-hours. It represents the conversion of muscle and minutes into a serviceable product, vital to the national economy. It represents steel for autos, bridges, and buildings; steel for the defense of America and steel for the development of underprivileged countries throughout the world.

Mr. Speaker, the men honored that evening were members of Local 1557, USWA, who were retired during 1971. It has become the custom of the local to recognize the achievements of their members and I believe Mr. Daniel Hannan, president of Local 1557, and those who planned and participated in this tribute are to be commended for acknowledging the contribution these men made to all Americans and people everywhere.

It is with pride I insert the names of the honorees and their years of service into the RECORD for the benefit of my colleagues:

James E. Abraham, Jr., 19 years; Michael J. Anthony, 31 years, 2 months; George N. Baich, 27 years, 9 months; Albert G. Barone, 38 years; Ernest G. Barone, 36 years; Amerigo Bartolini, 30 years, 9 months; James Belland, 37 years, 8 months; Stephen Berchok, 34 years, 8 months; August J. Bertise, 20 years; Charles E. Biddle, 23 years.

Chester Boal, 29 years; Elmer Bowers, 35 years; Clyde A. Boyd, 47 years, 8 months; John E. Bricker, 30 years; John W. Bronkowski, 34 years, 7 months; Samuel Brown, 31 years; Edward O. Caton, 42 years, 9 months; Joseph M. Chasko, 35 years; Frank Cheplic, 33 years; Henry L. Christian, 19 years; Edwin S. Christy, 34 years, 1 month; Roosevelt Claybrook, 40 years, 8 months; Paul V. Conn, 17 years, 6 months.

Donald C. Crawford, 34 years; 6 months; Carl Dearfield, 44 years; John Driver, 22 years, 6 months; Elmer P. Eckert, 30 years; Louis M. Evans, 47 years; John R. Flynn, 26 years; Fred E. Foster, 15 years; Herman Frantz, 34 years, 3 months; Russell O. Fraser, 44 years, 5 months; James J. Gantz, 23 years; Ivy Garland, 31 years; Elio Ginanni, 34 years, 6 months; Joseph J. Grossi, 24 years; William Higgins, 30 years.

Nelson Hilliard, 19 years, 6 months; Henry R. Hood, 31 years; Charles Hopkins, 32 years; John M. Hrezo, 48 years; Albert Jackson, Jr., 23 years, 6 months; Daniel Kadar, 46 years; Lawrence M. Kaltenbaugh, 44 years; John Kelly, 21 years; George B. Kemple, 42 years; Alexander Kozieniak, 15 years; John J. Laptosky, 15 years; Charles LeMon, 28 years, 9 months; Robert E. Lewis, 35 years, 3 months; Matthew Little, 28 years, 2 months.

Edmund Lloyd, 20 years, 4 months; Patricio Loera, 39 years; Donald R. Luker, 37 years, 10 months; Michael Luksick, 42 years, 5 months; James V. Lundy, 45 years; Joseph F. McAtee, 42 years; Samuel McDonald, 45 years; Louis Maddox, 29 years; William Marovich, 38 years, 8 months; Thomas Maxey, 24 years, 11 months; Joseph J. Mayzel, 44 years, 3 months; Jacques Moragne, 43 years; Vincent J. Nardone, 35 years, 4 months; Roy W. Nordine, 42 years; James W. Patterson, Jr., 45 years; Kermit Payne, 44 years, 9 months.

Carl W. Penn, 35 years, 2 months; Russell W. Pfluger, 34 years, 9 months; Leonard D. Pickering, 35 years; Michael J. Popp, 30 years; John T. Price, 17 years, 10 months; Alfonso Rawls, 33 years, 8 months; Argyle Robinson, 45 years, 7 months; John Roman, 35 years; Joseph Ruzich, 28 years, 6 months; William V. Sacco, 40 years, 9 months; John F. Schultz, 44 years; John Shamber, 32 years; Hugh J. Shaw, 25 years, 7 months; Benjamin P. Simmons, 28 years, 7 months; Albert Smith, 43 years; Everett Smith, 23 years, 5 months.

James R. Smith, 41 years, 11 months; Alexander P. Stirbis, Jr., 35 years, 4 months; Joseph P. Stofka, Jr., 38 years; Clarence R. Sumney, 27 years; Stanley Sydoriak, 25 years, 10 months; Curtis Tate, 28 years, 7 months; James B. Thomas, 34 years, 3 months; Michael Trbovich, 44 years, 6 months; John A. Tucci, 32 years; Charles A. Uchrinscko (Urinsco), 29 years; Francis J. Volpe, 29 years; Arthur F. Waldbaum, 47 years, 6 months; Eugene C. Walsh, 29 years, 3 months; John R. Walton, 43 years, 10 months.

John W. Webb, 41 years, 8 months; James Weightman, 45 years; Thomas H. Weightman, 29 years; James E. Williamson, 25 years; Thomas A. Wise, 39 years; Francis B. Wolf, 43 years; Adam Wood, 46 years; Stephen P. Woytko, 48 years; William Yesensky, 25 years; Steve N. Zonca, 41 years; and Samuel J. Gotto, deceased, 31 years.

REPORT OF THE COMMISSION ON POPULATION GROWTH IS DISAPPOINTING

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. HOGAN. Mr. Speaker, opponents of abortion have been deeply shocked and dismayed by the recommendations of the Report of the Commission on Population Growth and the American Future. Despite President Nixon's public opposition to abortion as an acceptable form of birth control, the Commission recommended the denial of life to unborn babies as a method of limiting the population growth of the Nation.

A group of students sharing my horror at the prospect of casually engaging in a practice akin to murder for the stated purpose of "controlling the population" was also horrified at the Commission's report. The students have written President Nixon expressing their dismay. Mr. Speaker, I now request permission to insert their letter into the RECORD.

STUDENT UNION,
UNIVERSITY OF MARYLAND,
College Park, Md., April 3, 1972.

HON. RICHARD M. NIXON,
President of the United States, The White House, Washington, D.C.

DEAR MR. PRESIDENT: On April 3, 1971 you said in part: ". . . I consider abortion an unacceptable form of population control . . . For, surely, the unborn have rights, also, recognized in law, recognized even in the principles expounded by the United Nations."

And, now a year later, as we students of the middle-Atlantic area gather in conference to help protect human life, it seems especially appropriate to urge that you reject the recommendation contained in part II of the Report of the Commission on Population Growth and the American Future that calls for the liberalization of state laws to provide abortion services supported by public funds.

We support your stated position and encourage its continuation. We ask that you not only reject the commission's report, but that you direct the Secretary of Health, Education and Welfare to insure his research agencies do not use public funds for abortion research in contravention of public law.

Specifically, the Center for Population Research, National Institute of Child Health and Human Development, National Institutes of Health is reported to be exploring the use of microwaves and ultrasound in performing abortions. Section 1008 of Public Law 91–572 prohibits use of Federal funds whose expenditure it authorizes for any such purpose.

Finally, we are confident you will recognize our concern and accept our support of your stand against abortion. We ask that you deliver a telling blow against anti-life factions throughout this country by further courageous action.

Sincerely,

CHRISTOPHER J. KOLB,
Chairman.
MARK VACCARO,
Vice-President, Public Relations.
MONICA S. THEIS,
Vice-President, Research.
RUTH HARDESTY,
Secretary.

FARLEY: NIXON CAN BE BEATEN

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BURTON. Mr. Speaker, the Scranton Pennsylvania Times on February 14, this year, printed an interview with James A. Farley under the title: "Farley: Nixon Can Be Beaten."

I thought my colleagues would be interested in the views of one who has played such an important role in the Democratic Party over the years. As a former National Chairman of the Democratic Party, he has drawn on a wealth of experience and though our views on the McGovern Commission, and other matters differ, his observations are of interest and give a perspective to a now almost historic era in Democratic Party politics.

The full text of the article follows:

[From the Scranton Times, Feb. 14, 1972]

FARLEY: NIXON CAN BE BEATEN

(By John Mosedale)

NEW YORK.—James A. Farley, who's been right in his day, thinks President Nixon can be defeated in his re-election bid.

The 83-year-old former Democratic national chairman and so-called "Kingmaker" of the Roosevelt administration, sees the nation's unsettled economic state as the President's vulnerable point. But he warns against any split in the Democratic party, such as the one following the Chicago Convention debacle of 1968.

His credentials are burnished by one of history's astonishing political prophecies. He confounded observers in 1936 by correctly predicting that Alfred M. Landon, the Republican presidential candidate, would carry only two states.

A framed copy of that prediction, written for newspaper reporters, hangs at the entrance to the Madison Ave. offices where Farley serves as board chairman of the Coca-Cola Export Corp.

NEVER MISSED

He says he has never missed calling, the result of a presidential election.

"In my judgment," says Farley, speaking carefully as befits a man who believes "the only thing a politician has to offer is his word."

"The President is going to be on the defensive, defending his campaign promise to balance the budget. He's wound up with three large budget deficits the Democratic leaders won't let him forget. There's not any doubt that there is a sort of unrest nationally.

"We've been through a depression, although a lot of people wouldn't refer to it that way. Along with the high cost of living there's been an increase in all kinds of taxes. Here in New York, the sales tax is 7 per cent. Some citizens moved to Florida to live on pensions or Social Security. Some don't have enough income to carry on due to the increased cost of living.

"Take the West Coast, with Lockheed and Boeing difficulties affecting thousands in California and Washington. Now people out of work and trying to support a family are not overly concerned about China. Unless we have a relapse in Vietnam, it looks as though we're on the way out. Otherwise, that's not a matter of concern—it's the cost of living that affects them."

He sits, tall as an Irish oak, behind a cluttered desk. The voice, like his handshake, is still firm. A crowded public life is reflected in office wall photographs of presidents—he has been on "speaking terms with seven"—and Popes—he has known five. There are other eminents, "the big and little fellows," he calls them.

He mentions "a substantial state official" who told him "in preparation of the 1971 budget, there was an expected 10 per cent tax revenue. Fact of the matter is that 2 per cent is what they collected. And that's what causes a lot of states and cities to be in trouble. Now they're seeking help from the federal government, but the federal government's in the same kind of fix."

Friendly to Sens. Muskie, Humphrey, and Jackson, he won't make his preference known now.

NIXON'LL LOSE IF . . .

All of this means "Nixon can be defeated and will be defeated." But Farley sounds a caveat: "If the Democrats come out of the convention without serious differences. A repetition of Chicago would be tragic, but there's no reason why there should be. All the candidates have a chance to make their positions known."

He expresses little sympathy with those who reject the will of the party "if they don't have their own way." (Early in his relationship with Franklin D. Roosevelt, he refused to follow Roosevelt's lead in supporting a maverick for state officer. "I stuck with the organization choice because I was a party man, strongly opposed to rebels.")

Similarly, he takes a dim view of the reforms initiated by the McGovern Commission, aimed at assuring an open convention. "As one who played a vital role in the Democratic party for years, I don't feel the reforms could add anything to the final result. Many think they're necessary, but I don't happen to be one of them."

Should President Nixon be re-elected, Farley does not see his effectiveness limited by the 22nd Amendment, barring presidents from serving more than two terms. It is a matter close to heart. In one of the most celebrated splits in political history, Farley broke with Roosevelt over the third-term issue in 1940. Today, he believes that FDR served his last years "not in good physical shape. I feel certain that affected his decisions."

In spite of the bitterness of the break, Farley regards FDR as the most impressive president he has known, although "the greatest man and the one who had the most influence on me was Pope Pius XII."

Farley believes that he himself would have been history's first Catholic president if nominated. Celebrated as "Genial Jim," a man who could connect thousands of names and faces from coast to coast, he served eight years as Roosevelt postmaster general. "I was by far the best-known of the cabinet, including (Secretary of State Cordell) Hull, and I say to you very humbly, that I am one of the few men who is legendary in his own lifetime."

The presidency could seem hardly more exalted than Farley's Horatio Alger success story in politics and business. He was born in the Hudson River community of Grassy Point, N.Y., his father died when he was a boy.

He started his business career as a bookkeeper and headed his own contracting firm when he was still a young man. He was named Democratic committeeman at 20; two years later, the largely Protestant and Republican residents of Stony Point elected him as the first Catholic town clerk.

WAY TO WASHINGTON

Farley became Democratic chairman of Rockland County, hitching his wagon to the Alfred M. Smith star. Four years later, he was elected to the state Assembly. FDR won his first gubernatorial term with a 24,000-vote margin. The next time out, with Farley serving as state chairman, the margin was 725,000 votes and the road for both men pointed to Washington.

Circumstances for young people entering politics are totally different today, but Farley would remind them to "work hard and always tell the truth."

"May I say to you, very humbly that I never lied to anyone in my life. Across the country, you can never find anyone I lied to. My mother said, 'Jimmy, always tell the truth. It saves a lot of embarrassment, because you don't have to remember what you said.' That's as true now as it was a thousand years ago."

A believer that if you can't say something nice about someone, don't say it, Farley tends to pass over Republican presidents in silence. But he thinks President Kennedy "was destined to be a great president, if he hadn't been stricken down."

"I tie Johnson with Truman. I always felt that Truman would go down in history as one of our great presidents, included in any list of our six greatest. And I'm absolutely convinced that when historians of another day write in proper perspective about the Johnson administration, he will go down as a great president who, by his determination, brought about more beneficial legislation in civil rights than any other. Roosevelt had a lot of effect on the economy, but not on civil rights."

Although it surprised him, Farley believes that Johnson's decision to step down was wise. "The problems and pressures of another year in office might have affected his health."

A widower, father of three children and a grandfather of 10, Farley is undismayed by the future. "I've always been optimistic and I'm optimistic now. We're having our problems, but they won't be permanent. Every generation of Americans has faced problems, and every generation has handled them better than the generation before."

A token of that optimism, almost hidden by photographs of the mighty, stands on a side desk. It is a small watercolor of a pastoral idyll: A Catholic church, a small schoolhouse "and out there to the left is where I played baseball as a boy. That was the model for the stamp when baseball celebrated its 75th anniversary. They took the cross off the top of the church so non-Catholics wouldn't be offended." The memory clearly amuses him.

SUMS HIM UP

Amid all the memorablia, however, there is a constant. It is a battered card Farley carries in his wallet. He says he has quoted from it frequently on the banquet circuit.

It's attributed to "Andrew Oliver, Boston, Eighteenth Century," but you feel that it sums up Jim Farley.

"Politics is the most hazardous of all professions. There is no other in which a man can hope to do so much good to his fellow creatures—and neither is there any in which, by a mere loss of nerve, he may do as widespread harm.

"There is not another is which he may so easily lose his own soul, nor is there another in which a positive and strict veracity is so difficult. But danger is the inseparable companion of honor.

"With all its temptations and degradations that beset man, politics is still the noblest career any man can choose."

HADASSAH: A GLOWING HISTORY AND A BRIGHT FUTURE

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. HALPERN. Mr. Speaker, Hadassah—the Hebrew form of the name of the heroine of the Book of Esther—has been a significant factor in American Jewish life for six decades, through years of war and rumors of war. Beginning in 1912 with only 12 women, it has since become the largest Jewish women's organization in the world. Its membership today includes some 325,000 in 1,378 chapters in every State and in Puerto Rico.

Its initial objectives—as the Women's Zionist Organization of America—were the improving of health conditions in Palestine through the operation of a visiting nurse service and the encouragement of Jewish and Zionist education in the United States. Today Hadassah helps interpret Israel to the American people, provides basic Jewish education for American Jews, sponsors the largest Zionist youth organization in the United States—Hashachar—and operates Zionist youth camps in this country. In Israel, Hadassah supports a nationwide medical and public health system, including child-welfare and vocational-educational programs; provides maintenance and education for young newcomers through Youth Aliyah; and participates in the Jewish national fund land purchase and reclamation.

To a remarkable extent, Hadassah represents the fulfillment of a dream—the vision of Henrietta Szold, born in Baltimore in 1860. Her life-story is among the most inspiring in the annals of Jewish history. Daughter of a learned and zealous rabbi, she achieved fame in her own right by her literary and editorial achievements and by zeal for the Zionist cause. After founding Hadassah in 1912, she continued to give wise, patient, and energetic leadership.

She once said:

> I see no sense in any movement which is not built up slowly.

During World War I, Hadassah sent a medical unit to Palestine, which opened hospitals and dispensaries in the major centers. Later, its medical and health activities were widely extended. The Youth Aliyah—immigration—movement was organized under the auspices of the Jewish agency. Today a vast network of curative, diagnostic, and research activities are maintained. The Hebrew University—Hadassah Medical School, the only medical school in Israel, opened in 1949. The Hadassah-Hebrew University Medical Center was dedicated in 1960. The Henrietta Szold School of Nursing was opened in 1918 at the end of the war.

Throughout the years, Hadassah has helped more than 100,000 children to take their responsible places in the Israeli community, including many rescued from Germany during the Second World War. Kfar Szold, a settlement of young German graduates of Youth Aliyah, was established in her honor.

In a troubled world, Hadassah has been a beacon of good-will and compassion, manifesting, as a legacy from its founder that wisdom which, enlightened by conscience and energized to suffering, is the hope of the world. May the women of Hadassah by sensitivity continue in years to come to fulfill the words of the Prophet Zachariah:

> Thus speaketh the Lord of Hosts, saying, Execute true judgment, and show mercy and compassion every man to his brother.

Just a few days ago I had the pleasure of reading in Newsday a most interesting article written by Rhoda Amon which tells of how Hadassah's strength and dedication continues after 60 years.

I am sure my colleagues in the House will find this article most fascinating and for their pleasure and information, I include the Newsday article in today's RECORD:

[From Newsday, March 29, 1972]

HADASSAH IS 60—AND CHANGING

(By Rhoda Amon)

Hadassah, conceived 60 years ago by convention-flouting, knicker-wearing, social pioneer Henrietta Szold, and matured in purse-proud mink, now wears sweaters and blue jeans.

The Zionist women's organization, founded to perpetuate Jewish culture in America and to aid the people of Palestine (now Israel), is the nation's largest women's group. Its membership of 325,000 raised $21,000,000 last year to support Hadassah medical and educational programs in Israel. Less publicized, and, so far, less effective, has been Hadassah's American Affairs Action program aimed at educational problems and poverty in the U.S.

But despite its formidable dedication and undeniable good works, Hadassah, like the much maligned Jewish mother, has suffered from image trouble: the stereotype of the bejeweled, carefully coiffed, canasta-playing club woman—although Hadassah leaders say this was never really true. Anyway, they say, Hadassah is changing.

Most of the new members (5,000 joined last year) are young marrieds such as Bonnie Behar, who conducts Hadassah study meetings in dungarees, talking about such things as the Black Panthers in the U.S. and Israel. Mrs. Behar, 28, founded a Hadassah chapter soon after she and her psychologist husband became "the second Jewish couple" to move into Old Wethersfield on the Connecticut River.

"If anyone had told me five years ago—or even three years ago—that I'd be heading a Hadassah, oh wow," says Mrs. Behar, whose younger brother is a Yoga priest in Greenwich Village.

Although she's a third generation Hadassah member (her mother, Irene Ruza, is president of the Queens New York region), young Mrs. Behar says her Hadassah style is different than her mother's. "I'd retch before I could go to a luncheon in a hat and gloves," she says.

She shares the impatience of the intensely serious young for members of an older generation whom she considers frivolous. "My mother can put up with people I can't stand for two minutes," she says, "people who don't know about anything except what they're wearing."

Her mother takes a more tolerant view. Mrs. Ruza says she suspects that the image of the "Hadassah lady in a mink stole" is a figment of "our own tribal self-depreciation."

Besides, she adds, the chic Hadassah woman at a donor's luncheon is "not just going for a meal. She's contributing to Hadassah's Youth Aliyah, for instance, which rescued 135,000 children from Nazi Germany, and to vocational training and education and hospitals and medical care for children whom she will never see."

At a luncheon and fashion show given by the Suffolk County region of Hadassah, Judith Epstein, former national president, delivers a fiery speech, no less impassioned after more than 50 years on the circuit, imploring the 225 suburban housewives to keep Israel alive and make Jewish life in this country more glorious.

Later, the 76-year-old great-grandmother reflects on her beginnings as an avid Zionist just out of Hunter College in 1916: "Some of our group were immigrants or the children of immigrants who remembered the terrible pogroms in Russia and Poland. We dreamed of a Jewish homeland but didn't expect to see it in our lifetime. At that time it was sort of queer to be a Zionist," she recalls, as a silvery made-in-Israel gown is modeled by a young Hadassah housewife.

She describes the typical Hadassah woman today as "family-oriented, not likely to go into a career or become involved with women's lib. At these luncheons, the conversations are likely to be about the cost of food," she says.

Of Hadassah's efforts to reclaim the restless young who turned their back on Jewish family traditions, she says, "We tell them, 'Why go to India to find what you are seeking? We will give it to you right here.' "

Many young Hadassah women say they joined because of family connections. Their mothers belong. Grandmothers, too. Some were turned off during college days but came back after they married. "They become almost anti-Jewish until they have children, then they become devout," says one young member. Some go so far as to "keep kosher," although their mothers do not. "Confidentially, my mother-in-law belongs and I thought it would be a good idea if I joined," says a recent bride.

But Randy Weisbad, 19, a Hadassh daughter who came to the luncheon to baby-sit, says she isn't sure what Hadassah really is, or, for that matter, what Judaism is. "Most young Jews don't know what Jewish is, except it is not being Christian," she says. "I went to the temple school but they didn't teach us anything about being Jewish, just stupid things like how many Jews fought in the Revolutionary War. What I want to hear," she says, "is that Jewish is beautiful."

Marjorie Shukow, 23, a graduate art student at C. W. Post, says she is beginning to feel more positive about Hadassah: "The older I get the more positive I feel."

A trip to Israel, she says, helped her understand "where all that energy is going."

Marjorie's mother, Blanche Shukow, president of Suffolk's 2,000 member Hadassah, says, "I always knew that when I grew up I'd be a member. My mother was an officer and it seemed like a prestigious thing to be."

Blanche's mother, Goldie Warshay, joined Hadassah in 1930 after she moved from Brooklyn to Huntington. "I wanted to meet Jewish people," she says.

The late Fannie Zornberg, before she died in her 90th year, had led her grandchildren to Hadassah by awarding them life memberships (a $150 donation).

"My mother-in-law always said she wanted to give us something we wouldn't exchange for size, fit or color," explains Mrs. Doris Zornberg, who runs a Garden City bridal shop.

But her middle daughter, Ellen, a 23-year old sportswear buyer, says her gift of Hadassah didn't mean much initially: "I always thought of Hadassah as an older ladies' group, something my aunts belonged to." What changed her thinking she says, was the formation of an "under-30" group composed mostly of Zornberg granddaughters and friends, and named for Fannie Zornberg. It took a bit of pushing for the name, Mrs. Zornberg confesses, because Hadassah prefers to give its groups symbolic Hebrew names such as *Chai*, meaning "life."

"I'm happy to be part of a young people's group," Ellen says, "we have a social function. . . ."

"That's not true," interrupts her younger sister Ann, 17, who spent last summer with an American teenage group "building roads" in Israel. "You have to become involved in Israel to see that it (Hadassah) is real. . . ."

"I think you're wrong," replies Ellen.

Susan Zornberg Lummis, 27, interrupts both her sisters to tell of her own return to Judaism as a way of life, after growing up in Garden City, a WASP-oriented community.

"We felt so isolated," Mrs. Lummis says. "I just wanted to run away from Judaism. But now I see it as a good communal way of life." Hadassah, she says, has brought her closer to her family.

Her husband, William (Bud) Lummis, born and raised a Catholic, sometimes gets so carried away at Hadassah functions, he stands up and "pledges. But if we give $10, that's a lot," Mrs. Lummis says.

In recent years, Hadassah has made tentative moves to diversify the energy formerly concentrated on aiding Isreal. Hadassah's American Affairs program, which seeks to educate members on current American issues ("We don't take a stand on busing, for instance, but we want to know the pros and cons"), was expanded three years ago into an American Action program.

Nassau County's 14,000 Hadassah members are encouraged to tutor in schools, aid in the poverty program (particularly in teaching nutrition) and donate blood, according to Miriam Driesman, an avid Zionist since age 8 when she joined the "Young Judea" movement, now combined with Junior Hadassah and called Hashachar or "The Dawn."

"We're not just fund-raisers, we're also concerned with being informed American citizens," says the region's president. Nassau Hadassah is holding a public affairs institute Monday at Molloy Catholic College.

Although some volunteer projects have faded, many members, such as Betty Ann Friedman, a Nassau Hadassah vice president, have remained deeply involved. Mrs. Friedman serves on the board of Mobilized Community Resources, and on the Economic Opportunity Commission's community information committee. "It's like dropping a pebble in the pond, the circles spread and spread," she says.

However, Hadassah volunteers sometimes find their local community improvement efforts somewhat more frustrating than raising money to dredge Haifa Bay or build the Hadassah-Hebrew University Medical Center.

"We got all enthused about the city's 'paint-a-park' program,". reports Carol Weir, president of the Jackson Heights Adina (friend) group. "The city was going to give us paint to fix up Traverse Park," she recalls, but the paint didn't arrive until winter when enthusiasm had waned.

Adina is one of a number of young women's groups split from the mother chapter in the last few years in the effort to recruit young people. "Our girls don't go to Hadassah luncheons," she said. ". . . we go out with the children and sell balloons, things like that."

Cathie Sabot, 25, says her Dimona group in Kew Gardens, mostly "liberated young housewives," gets together twice a week, not always for Hadassah business: "We shop together, talk, play with each other's children, and one group is dieting together."

In Suffolk's Wilshire Greens development, young housewives formed the Kings Park Hadassah this year. At one of the first spring programs, according to president Marion Levy, a landscaping expert will advise the new homeowners. What does that have to do with Hadassah?

"We'll tie it in with the Jewish National Fund reforesting—planting trees in Israel," Mrs. Levy explains.

There is always the tie-in. Although Hadassah holds members to its original Zionist goal ("a model utopian state based on Jewish law") and to their annual quota for Israel ("It's an inner compulsion; we couldn't live with ourselves if we didn't"), Zionist leaders smile on a number of variations that keep members happy and attached.

"But I will never get used to dungarees at Hadassah meetings," confesses Judith Epstein, adjusting her mink hat on snowy-white hair.

MOSCOW CONFERENCE: BRIEFING FOR THE PRESIDENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. RARICK. Mr. Speaker, at an early date President Nixon plans to visit Moscow for conferences with high leaders of the slave empire known as the U.S.S.R. In preparation for it, he will be briefed by those guiding the formulation of U.S. foreign policies, which include members of the Council on Foreign Relations of New York—CFR.

In his book on the Invisible Government—Western Islands Press, 1962—Dan Smoot summarizes the history of the Council on Foreign Relations and states that its ultimate aim is the same as the ultimate aim of international communism: To create a one-world socialist system and make the United States an official part of it. This means the dismantling of the U.S. Constitution, which the President of the United States is bound by oath to "preserve, protect and defend"—article II, section 7. Richard M. Nixon was listed in the Smoot book as a nonresident member of the CFR.

Dan Smoot has written a briefing for the President in preparation for the coming Moscow visit emphasizing that whenever we negotiate with Communists any kind of agreement concerning national security we invite disaster.

In order that our colleagues may have the benefit of Dan Smoot's briefing, which differs from the President's anticipated briefing, I include it as part of these remarks along with related news clippings:

THE DAN SMOOT REPORT—A BRIEFING FOR THE PRESIDENT

Alluding to the unbroken series of wrong decisions which our government had made in dealings with Soviet officials, James Forrestal (Secretary of the Navy and later the first U.S. Secretary of Defense) said: "Consistency never has been a mark of stupidity. If the diplomats who have mishandled our relations with Russia were merely stupid, they would occasionally make a mistake in our favor."

That was in 1945. It would be as difficult now as then to find a "mistake in our favor" that any U.S. President has made in dealing with the Soviets since Roosevelt first embraced them in 1933. President Nixon's consistency—in breaking his specific promises to American voters, in order to make deals that benefit the Communist slave empire—threatens to be more disastrous than that of any previous President.

Before Mr. Nixon went to Communist China, he was briefed on the thoughts of Chairman Mao, so that the Communist dictators would be pleased with him. Presumably, before his trip to Moscow in May, he will be briefed on what to say and how to act in order to please the Communist dictators of Russia. As a gesture, but without any hope that it will be seen in the White House (or heeded if seen), I want to present another kind of briefing—a briefing that ought to make a President of the United States blush and apologize for ever having considered a trip to visit the Kremlin.

Fifty-five years ago—March 15, 1917—a revolution in Russia forced the Czar to abdicate. He was taken into protective custody; and Alexander Kerensky formed a Provisional Government. Bolshevik leaders were in exile at the time: Lenin in Switzerland, Stalin in Siberia, Trotsky in the United States. But they returned and, on November 7, 1917, bolsheviks overthrew the Kerensky Government. A small group of political gangsters, they established themselves in power with a prolonged orgy of human butchery.

Such a system of "government," initiated in a bloodbath that horrified the civilized world, and founded on economic and political dogmas that could bring only poverty and slavery, should have been doomed to early failure in the enlightened Twentieth Century. Yet, 55 years later, Communist tyranny, extending over one-fourth of the land area of the earth, controls more than one-third of the world's population. Does this prove that there is something genuinely dynamic in the economic and political dogmas of Communism? No! Communism has survived and spread because it has been rescued, at every major crisis in its history, by the non-Communist nation which it has always openly designated as its primary enemy—the United States of America.

In June of 1918—after having silenced opponents—the Soviet regime of Lenin and Trotsky tried to establish diplomatic relations with the United States. American recognition would strengthen the Soviet regime economically and give it respectability, both at home and abroad. Our government rejected the bolsheviks' numerous overtures for diplomatic recognition. On October 27, 1919, Robert Lansing (then Woodrow Wilson's Secretary of State) explained to Congress why. He said:

"The purpose of the bolsheviks is to subvert the existing principles of government and society the world over . . . They have built up a political machine which, by the concentration of power in the hands of a few and the ruthlessness of its methods, suggests the Asiatic despotism of the early Czars."

In 1920, Bainbridge Colby (who had replaced Lansing as Wilson's Secretary of State) explained, in even stronger terms, our nonrecognition policy. Yet, in 1920, the Wilson Administration did lift its ban on commercial relations with the Soviet Union.

The bolshevik seizure of power in Russia (accompanied not only by mass murders, but also by a repudiation of all debts and confiscation of private property) precipitated a great famine and civil war. By 1921, approximately 14 million people in Russia had been killed. Nothing could have saved the Soviet regime but outside help, and the United States Government provided it.

During the Harding Administration (1921–1923), the American Relief Administration (under the direction of Herbert Hoover) distributed more than $63 million worth of food inside Russia. The Soviet regime took credit, of course, for the relief thus given the starving population—the result being that American aid not only saved the Soviets economically, but politically, making their survival possible.

In 1924, the death of Lenin set off a power struggle between Trotsky and Stalin. In 1928, Stalin triumphed, and instituted a "new socialist offensive."

Stalin launched the first five-year plan for rapid industrialization. Because of the commercial agreements made by the Wilson Administration in 1920, the Soviets were able to get machinery and technical assistance from the United States. Russian engineers came to the United States for training in American factories and universities, while American engineers helped build basic industries in the Soviet Union.

Stalin's crash program of industrialization produced, however, another great famine, and disorder bordering on civil war. Farmers, resisting the confiscation of their land for collectivization, were killed or sent to slave labor camps in Siberia. Ten million, 300 thousand persons were "liquidated" in the Ukraine; 4,500,000 in Byelorussia; 422,000 in the Caucasus. Western businessmen having learned that it was impossible to do business with Communists, the limited sources of credit that the Soviets had previously had in Western nations began to dry up. Worst of all—from Stalin's viewpoint—was the danger of war with Russia's ancient enemy, Japan.

Only one thing could save the Soviet tyranny at this juncture: diplomatic recognition by the United States Government. Though warned by Hoover holdovers in the State Department that American recognition of the Soviet regime would fasten slavery on the Russian people and preserve Communism as a threat to world peace, Franklin D. Roosevelt granted diplomatic recognition in November of 1933.

Hope of successful rebellion was temporarily crushed inside the Soviet Union; commercial credit again became available in Western nations for the Soviets; and, Japan was mollified. The Japanese Minister for Foreign Affairs said:

"If those two countries [*the U.S. and U.S.S.R.*] continue in favorable relations for years to come, they will teach a lesson to the world that capitalism and communism can agree. And if that is realized, it will be unnecessary for Japan to fear communism."

Following American recognition of the Soviets, Stalin liquidated millions of his enemies, or suspected enemies, in bloody purges that lasted until the eve of World War II. Meanwhile, the Roosevelt Administration built an unbroken record of giving the Soviets everything they wanted, asking nothing in return: permitting them to ignore their old $628 million debt to us; to persecute and murder American nationals in Russia; to harass our Embassy officials; to set up their espionage, sabotage, and subversive networks in America, despite their treaty promise not to do so.

When World War II began, Stalin joined Hitler as an ally. While propagandists in the United States were filling Americans with fear and hatred of the Nazis, relatively little was said about their partners, the Communists, who were playing jackals to the Nazi beasts of prey. In the rape of Poland, for example, the Nazis annexed 72,866 square miles of Polish territory in the west; the Communist annexed 77,620 square miles of eastern Poland. The Communists also annexed Lithuania, Latvi, and Estonia, and parts of Finland, Romania, and Czecho-Slovakia.

On June 22, 1941, Hitler abruptly turned on his Communist ally. Stalin's purges of the Thirties had liquidated so many military officers that the cumbersome, poorly equipped Soviet forces were without adequate command. Nothing could have saved the Soviets from utter destruction except massive outside aid; and the American Government gave it.

Senator Robert A. Taft and former President Herbert Hoover, among others, warned that Communism posed a grave danger to the United States—and urged Roosevelt to stay out of the war and let Hitler and Stalin, two of the bloodiest tyrants in history, destroy each other. To no avail: massive American "lend-lease" aid started flowing to the Soviets almost six months before Pearl Harbor.

When war came to us, it came from the Pacific. Yet, Roosevelt starved our operations in the Pacific, where an enemy actually threatened our homeland, giving first priority to aiding the Soviets in Europe.

During World War II, the Soviets received $11 billion worth of supplies and equipment from us under the lend-lease program. Without our aid, the Soviet armies would have been immobile and helpless before the onslaught of the Germans. During the last two years of lend-lease, we gave the Soviets mountainous quantities of materials for the building of industries after the war: entire industrial plants, oil refineries, railroad rolling stock, merchant ships, aircraft, trucks, tractors, machine tools.

Though the Soviets refused to help us in the Pacific theater—even to the extent of breaking diplomatic relations with Japan—we made no protest when they entered the war against Japan only six days before the surrender. Soviet Siberian armies, equipped and supplied by America, occupied Manchuria and Korea, stripping them of more than a billion dollars' worth of war booty, setting up Communist puppet governments before withdrawing.

Armed, in part, with weapons and supplies that the Soviets had taken from the

Japanese in Manchuria, or had obtained from the United States, the Communists began the conquest of Mainland China.

At the close of the war, we gave the Soviets and their Communist puppet governments billions of dollars (through the United Nations Relief and Rehabilitation Administration), thus financing the Communist conquest of a tier of European states from the Baltic to the Adriatic. By needlessly permitting the Soviets to occupy Germany and Czecho-Slovakia, we enabled them to kidnap scores of German scientists (who provided the scientific and technological knowledge for postwar development in Russia) and to loot from those nations industrial plants and equipment. Our postwar aid to European nations along the Iron Curtain funneled more industrial goods into the Soviet Union; and Soviet agents in the United States obtained our atomic-energy secrets.

All of this permitted the Soviets to be credited as a major nuclear power within a few years after World War II, whereas her socialist economy, unaided, could not have provided the bare necessities of life.

In 1953, Joseph Stalin died. This was another dangerous interval for the Soviets. The most monstrous dictatorship in history was suddenly without a dictator. Very soon, the Communist slave empire started to blow apart at the seams. In June of 1953, three months after Stalin died, there was rebellion in East Germany. This defiance of Soviet tyranny was so electrifying to the people enslaved by Communism that its reverberations spread all the way to Siberia, inspiring an attempted rebellion in Vorkuta, where 250,000 slave laborers mined coal to fuel Soviet industries.

Again, our government helped save the Soviets at a critical moment. Afraid that the turmoil in East Germany might aggravate the delicate situation in Berlin and precipitate war, the Eisenhower State Department maneuvered to help keep the anti-Communist movement in Germany divided and leaderless, until Soviet tanks and machine-guns suppressed the uprising. Then, Eisenhower gave the Soviets American food to placate the people of East Germany. When the East German rebellion died, the rebellion in Vorkuta died also; and the flame of hope was extinguished behind the Iron Curtain.

Three years later (1956), the people of Poland and Hungary revolted. Once again, the Soviet slave empire was about to disintegrate; and, again, the U.S. Government helped save it. The most serious revolt was in Hungary. The Eisenhower State Department exerted pressure to prevent Hungarian freedom-fighters from getting Spanish aid through West Germany.

Two years later, the Eisenhower Administration performed another great service for the Soviet Union by agreeing to a moratorium on nuclear testing in the atmosphere.

During a series of nuclear tests in 1958, Soviet scientists observed that X-rays, spewed out by a nuclear blast, are absorbed by the atmosphere; but, when emitted above the atmosphere, X-rays travel with the speed of light for thousands of miles carrying enormous energy. The Soviets stopped their tests and started experiments to utilize the X-ray phenomenon for development of an anti-missile weapon. In order to halt our nuclear research meanwhile, they launched a worldwide propaganda campaign for a moratorium on nuclear testing.

On October 31, 1958, representatives from the U.S. and the U.S.S.R. met at Geneva for the first "test-ban talks." They agreed to suspend all testing of nuclear weapons while the talks continued. Eisenhower kept the agreement, permitting no American nuclear testing during the remainder of his Administration. Kennedy continued the ban.

The Soviets violated the moratorium, to the extent necessary for experiments to develop an X-ray missile killer. By late summer 1961, they were ready to set off nuclear explosions in and above the atmosphere to test the weapon on which they had been working. Abruptly announcing that the moratorium was ended, they conducted testing until they had enough information to proceed with an anti-missile weapon. Then, to keep us from research testing of a similar nature, the leaders of the Soviet Union demanded more talks to end nuclear testing.

Complying with Soviet wishes, President John F. Kennedy continued to prohibit American nuclear testing, though he acknowledged (March 2, 1962) that Soviet developments had put the Free World in grave danger; that the United States "cannot make similar strides without testing in the atmosphere as well as underground"; and, that "in many areas of nuclear weapons research we have reached the point where our progress is stifled without experiments in every environment."

Despite objections by top military men and leading scientists, our government signed a test-ban treaty with the Soviets in July of 1963. The Senate ratified it two months later.

Unless we violate or repudiate that treaty, we cannot develop effective defense against missiles—a defense with which the Soviets are already credited. The Soviets, of course, were violating the test-ban treaty while it was being negotiated; and they have violated it frequently and with impunity ever since.

"Liberals" have acclaimed the test-ban treaty of 1963 a great triumph of diplomacy. President Johnson used it as a steppingstone toward several other treaties with the Soviets—the most dangerous of which was the Outer Space Treaty of 1967. By signing that treaty, we promised not to use space for military purposes—knowing full well that military use of space could become vital to the survival of our nation; knowing full well that the Soviets will use space as they please, contemptuous of their treaty pledges and contemptuous of us for placing our trust in them. In fact, the Soviets have been violating the Outer Space Treaty ever since it was written.

Uniformly, our agreements and treaties with the Soviets have always ended in disadvantage for us, great advantage for them.

To Communists, the give-and-take of negotiations means that Communists take and the other side gives. If they want an agreement to bind the other side, Communists may promise something in return; but they never keep a promise that requires them to do something they do not want to do or to refrain from doing something they want done.

Consequently, whenever we negotiate with Communists any kind of agreement having anything to do with our national security, we invite disaster. We limit our activities in order to comply with the terms of the agreement, but the Communists do not.

This is the grim prospect that faces our nation as President Nixon prepares for his Moscow trip, expressing confidence that he will get concrete results in talking with the Soviets about strategic-arms limitation and other forms of disarmament.

[From the Manchester Union Leader, Apr. 20, 1972]

U.S.S.R. BUILDS NORTH VIET AIR FORCE

While President and Mrs. Nixon polish up their wardrobes in order to make a good impression in the Soviet Union, the Soviet Communists are concerning themselves with much more practical matters, such as speeding up their aid to Communist North Vietnam.

Of course, if you drag out the war long enough, you give your enemy a chance to build up his defenses and his strength. So what is happening in North Vietnam is what any intelligent person could have anticipated.

North Vietnam, with the aid of the USSR, is going to develop an air force with which they can bomb Saigon and make our own air power in support of South Vietnam of no avail.

The incredible thing is that this Soviet buildup of the North Vietnamese air force has been permitted to go on without any protest from the United States. As Mr. Khrushchev said a long time ago of the United States, "When you spit in their face, they call it dew."

President Nixon will now go to Moscow to talk about peace and the Soviet dictators will say behind their hands to each other, "What a fool this man is, coming over here and being nice to us while we are getting ready to cut the United States' throat in Vietnam."

And they will be right.

WILLIAM LOEB, *Publisher.*

[From the Manchester Union Leader, Apr. 20, 1972]

SOVIET BUILDS UP NORTH VIET AIR POWER

(By Paul Scott)

WASHINGTON.—The arrival in North Vietnam of a large Soviet military delegation of bomber and defense experts is being closely watched by the Joint Chiefs of Staff here and by the U. S. military commands in Saigon and Pearl Harbor.

The Russian delegation is headed by Air Marshal Pavel Batitsky, a Deputy Defense Minister and Commander of Soviet Air Defense Forces. His surprise appearance in Hanoi with the Air Force delegation is viewed here to be of major military significance for two reasons.

Marshal Batitsky is the Soviet's number one expert on the use of the new SU-7, medium range Russian attack bomber. The appearance of Marshal Batitsky's delegation follows the arrival of more than 20 of the SU-7's in North Vietnam.

For several months, American intelligence authorities have been gathering information showing that the Russians had completely modernized the North Vietnamese Air Force and that Moscow is responsible for the increased aggressiveness of its pilots.

This aggressiveness of the North Vietnamese Air Force already has shown up in the air over Laos. Soviet-made MIG-21s have been attacking U. S. aircraft bombing Communist bases and supply routes in Northern Laos. Unsuccessful attempts also have been made by the North Vietnamese pilots against high-flying American B-52 bombers.

Even more disturbing are reports that the 200-aircraft North Vietnamese air force is planning a series of sneak attacks against U.S. military installations. Most likely targets are the Big B-52 bomber bases in Thailand and the four American Navy aircraft carriers now operating off the coast of Vietnam in or near the Gulf of Tonkin.

With the arrival of the SU-7s in North Vietnam, Hanoi now has the capability to carry out such sneak attacks for the first time. From bases in North Vietnam, the SU-7, have sufficient range to strike targets anywhere in South Vietnam, Laos, Thailand, or in the waters of Vietnam.

The tremendous speed of the SU-7s make these Soviet jet bombers more than a match for most of the aircraft now being used to defend the Navy's carriers operating in the Vietnam waters.

The sinking of an American Aircraft carrier, carrying anywhere from 75 to 125 aircraft and several thousand personnel, is known to be one of Hanoi's top military objectives.

In recent weeks, North Korean crews trained in SU-7s in that country have arrived in North Vietnam via Communist China. The voices of the North Korean pilots have been picked up by American listening stations which monitor plane to ground voice transmissions in North Vietnam.

This means that the North Korean pilots are now flying both SU-7s and MIG-21s. The MIG fighters would be used to fly protection for any bomber strikes against American carriers or B-52 bases in Thailand.

The voices of the Chinese and Soviet pilots flying in military aircraft over North Vietnam have been picked up in recent weeks by U.S. monitoring stations. The Soviet pilots are training North Vietnamese in the operations of the SU-7s and the MIG-21s. The mission of the Chinese Communist pilots in North Vietnam is still a mystery.

The Soviet buildup of the North Vietnamese airforce, which the U.S. has permitted to go on without even a diplomatic protest, is only part of the increasing military aid the Kremlin is sending to Hanoi.

More than 200 Iron Curtain vessels, carrying everything from SAM, ground to air missiles to Soviet tanks and rockets, have unloaded at North Vietnam ports since January 1. Included in the deliveries are a number of FROG missile launchers, capable of firing ground-to-ground rockets nearly 60 miles. The rockets are being installed along the North Vietnamese coast and in fire bases just above the Demilitarized Zone, separating North from South Vietnam.

In addition to the 140mm rockets which are being positiond in the DMZ, the Russians have delivered the longer-ranged 200mm rockets. These rockets will permit the North Vietnamese to outgun the South Vietnamese and American forces still remaining in South Vietnam.

The 200mm rockets can out shoot the U.S. 175mm "Big Tom" field guns. As a consequence, American and South Korean forces are being compelled to erect strong defenses capable of withstanding rocket bombardments.

The build-up of military supplies in North Vietnam clearly indicates that the Russians are backing Hanoi's plans to try to have an impact on the coming Presidential campaign and election by launching a series of military offensives in South Vietnam, Laos, and Cambodia during the summer and fall months.

KEYNOTE ADDRESS OF JOHN ARTHUR THOMAS AT NEWARK'S CRISPUS ATTUCKS-MARTIN LUTHER KING MEMORIAL PARADE—1972

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. RODINO. Mr. Speaker, on April 9 it was my great privilege to participate in the city of Newark's annual parade to honor the memories of two great black Americans—Crispus Attucks and the Reverend Martin Luther King. Both gave their lives for our country, Crispus Attucks on the field of battle to win independence for America and Martin Luther King in a peaceful campaign to win equity, dignity, and respect for black Americans. It is a source of pride to me that Newark each year sets aside a day to pay tribute to them.

This year the parade was fortunate to have as its keynote speaker Mr. John Arthur Thomas, founder of the Crispus Attucks Society. Mr. Thomas delivered an eloquent, memorable address which truly conveyed the purpose and spirit of the occasion as one when black Americans can let their dreams "throughout the length and breadth of this land be the beacon of light that rids this Nation of hypocrisy, racism, and disunity." Mr. Thomas' address is one that offers inspiration to all who seek to further the ideals of equality, justice, and unity in America, and I insert it in the RECORD.

The address follows:

KEYNOTE ADDRESS BY JOHN ARTHUR THOMAS, FOUNDER, CRISPUS ATTUCKS SOCIETY AND CRISPUS ATTUCKS PARADE COMMITTEE

Our own Mayor Kenneth Gibson, visiting Black municipal chief executives from across our nation, members of the Newark City Council, visiting dignitaries representing various levels of government and multiracial organizations from near and far, welcome guests who have filled the stands here at City Hall and most important of all any Black Brothers and Sisters of every age and category. I feel good! I feel good because the 7th Annual Attucks-King Memorial Parade is a living reality and Black people within the sound of my voice and throughout this nation know that "they are somebody."

As is my custom, whenever I am asked to participate in celebrations of this kind, I would like to pause to inject some of the poetic music of our late and lamented Black Poet Laureate, Langston Hughes. So apropos for the auspicious occasion is an often-neglected expression of Hughes' entitled "Dreams." It reads thus:

DREAMS

Hold fast to dreams
For if dreams die
Life is a broken-winged bird
That cannot fly.
Hold fast to dreams
For when dreams go
Life is a barren field
Frozen with snow.

—LANGSTON HUGHES.

Unfortunately, in this era of change, conflict, confusion, chaos and cajolement, men and women and children seemed to have lost sight of the significance of dreams and dreamers. So frequently, the "rhetoric of the day" espouses how nonsensical it is to consume one's time in the process of imaginative reflection, or to exchange ideas with those purported to have fanciful visions of the future. To this I say, learn what constitutes the ingredients of a dream or what it entails to be truly classified as a dreamer. Summarily, the ingredients of a dream are:

A desire to chance the status quo
A vision for the future
A high level goal or objective
An introduction to a plan of action
A notion that affects people
An element of doubt or fear and a
Need for God's assistances

Likewise, the dreamer must desire to be an agent of change, he must think on a high level, he must understand his introductory role, he must anticipate possible failure, but above all he must seek heavenly assistance.

At this point, some of you in the audience may say "what does all of this talk about dreams and dreamers have to do with the Attucks—King Parade, with music being the soul of freedom, or with Black leadership in general? Well, I *know* I have the answer to these inquiries. First, our early Black martyr, Crispus Attucks—whom we honor today—was a dreamer. Often at night and perhaps frequently in the daytime, as he embattled the shackles of slavery on the Framingham, Massachusetts farm of his owner, he dreamed of one day being a free man. History tells us that once having achieved the objective of escaping to freedom, Attucks had reveries of sailing the seven seas.

Finally, his dream of leading men to action became a reality although it was inadvertently stymied at the Boston Massacre.

Few people in the universe can honestly deny that our modern martyr Dr. Martin Luther King, Jr. possessed all of the qualifications of a man of vision. He sought the Almighty in all of his laudable undertakings. He often spoke of anticipated failure possibilities. He constantly elucidated high level goals and objectives and as we all know, he was brutally taken from us because he was America's most significant agent of change. We all know that Dr. King "had a dream!"

But Brothers and Sisters, dreams as an end in themselves are ony a conglomerate of fanciful visions. Dreams without implementation or dreamers, without supportive action, are doomed to failure. As is often deleted in textbooks of American history, the true meaning of the dedicated theme of today's parade "Music—The Soul of Freedom" remains a mystery to a multitude of Americans—Black and White. Slaves who dreamed of freedom used work songs, spirituals and songs of joy to develop a network of communications that provided underground railroad schedules, hiding places for travelling escapees, warning systems and general information to keep Black people informed of the plans and actions of slave owners. Take such well known hymns as:

"We Shall Meet Beyond the River
Where He Leads Me I Will Follow
Wade in the Water (children)
No Room In the Inn
Throw Out the Lifeline and We will Meet
Him In the Sweet By and By"

These and many other songs had more than one meaning to our Brothers and Sisters of the past. However, what is significant to note is that the Blacks knew how to keep a secret. One of the hurdles of present day Blacks in America is that they must tell everything they know. No wonder we are the most researched and studied group in this country! We provide the researcher all he needs to know without a struggle. We make it easy for friend and foe alike to know our plans almost before they leave the drawing board. Perhaps, we need to start singing some new songs which will tell us one thing and tell our enemies another. Perhaps, we should write songs that can show us the routes of the present day underground railroad to true freedom and equality. Perhaps, also, we must re-learn the significance of communicating with a plan, rather than communicating to impress.

Another important factor related to songs of freedom and my final point of the after-Black Leadership—is Trust. Our Brothers and Sisters of the past could never have achieved their objectives without trusting one another. The future development of Black leadership in America must be built upon a super-structure of trust and humility. I add the component of humility because a source of conflict in Black leadership has been the failure of leaders of one Black group to humble their position to others for the sake of Black Solidarity.

However, the ingredients of trust and humility will still produce fruitless leadership without the component of respectability. Not only followers respecting leaders but leaders respecting the philosophy, plans, actions and dreams of other leaders. No one Black leader has insight to dictate policies and procedures for all Black Americans—in past, now or in the future!

Finally, in summary let me reiterate the lines of Hughes:

Hold fast to dreams
For when dreams go
Life is a barren field
Frozen with snow.

Let not the dreams of this day end in frozen waste. Let not the dreams of this day fade into the darkness of planned decentralization of Black Americans. Let not the dreams of this day lead Black children astray.

Rather, let the dreams of Black Americans throughout the length and breadth of this land be the beacon of light that rids this nation of hypocrisy, racism and disunity. Then posterity will say the true light of America was in the "Souls of Black Folk."

WORLD AIRWAYS HAILS BREAKTHROUGH IN AUSTRALIAN AIR CHARTER

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. MILLER of California. Mr. Speaker, the largest supplemental air carrier in the Nation, World Airways, headquartered at the International Airport at Oakland, is one of the pioneers in the field of charter air transportation and its contributions to it have been great.

Mr. Edward J. Daly, chairman of the board, has recently issued a press release pertaining to an understanding reached with the Australian Minister for Civil Aviation in connection with low charter transportation to the great continent of Australia.

I include Mr. Daly's statement as part of these remarks:

WORLD AIRWAYS HAILS BREAKTHROUGH IN AUSTRALIAN AIR CHARTERS

OAKLAND.—Edward J. Daly, Chairman of the Board and Chief Executive Officer of World Airways, today welcomed last Friday's announcement by the Australian government that charter flights on World Airways from the United States to Australia can begin in 1973.

Daly said that the announcement by Australia's Minister for Civil Aviation, Senator Robert Cotton, clearly indicates a growing awareness in Australia of the need for low-cost charter transportation between that country and America, and a realization of the advantages such charters will bring to the Australian economy.

"Under this new authority," Daly said, "World will operate 21 roundtrip charters carrying some 3,500 members of medical, dental and legal associations. The value to Australian tourism of this program should exceed $2 million."

Daly, who heads the world's largest charter airline also commented warmly on the far-sighted and positive attitudes and efforts of Australian government officials, tourism leaders and members of the press whose actions have now led to the initiation of a new era of cooperation and tourism growth between Australia and America.

"While we are extremely appreciative of the award of 21 charter trips," Daly went on, "in all honesty it should be regarded as only symbolic of what can be done. I sincerely hope that next month's bilateral charter meetings between our two governments can effect a still more liberalized attitude that will permit an increasing number of American citizens to visit a wonderful land they have read about and seen countless pictures of, but hitherto been unable to afford to visit.

"As Senator Cotton has so ably stated," he continued, "the Australian government is well aware of the need to stimulate the general growth of Pacific air travel and the consequent benefits of this to Qantas and the other scheduled airlines."

World's Chairman also called attention to the potential parallel between U.S.-Australian charters and the U.S.-European charter market as described by U.S. Civil Aeronautics Board Chairman, Secor D. Browne. In a recent London address, Browne pointed out that newly available, low-cost air charter services have made possible a new era of mass tourism whose far-reaching economic, cultural and educational benefits are now widely recognized and enjoyed.

Daly expressed his opinion that a similar situation between America and Australia can provide a substantial and immediate enhancement of tourism between the two nations. He suggested that Senator Cotton and other Australian officials may have had the trans-Atlantic situation in mind in granting World permission to become the first American charter airline to fly Inclusive Tour Charters to Australia.

Daly again turned to Secor Browne's London remarks wherein Browne stated that "low cost charter availability is taking on the character of a right which governments are increasingly being expected to protect and promote."

In company with senior World Airways officials, Daly last year conducted an extensive survey trip to Australia, New Zealand, Japan and Southeast Asia. World Airways' President, General Howell M. Estes, Jr., is presently concluding a current re-survey trip which has involved visits with government and travel industry officials in Australia.

ROSENTHAL AND ADDABBO SEEK QUEENS AGING OFFICE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. ROSENTHAL. Mr. Speaker, my distinguished colleague and good friend from the seventh district of New York (Mr. ADDABBO) and I today call upon Mayor Lindsay to open a branch of New York City's Office for the Aging in the Queens. There are already three such branches in Manhattan and one each in the Bronx and Brooklyn.

Queens has the second largest elderly population in the city—247,286, according to the 1970 census figures—and showed the largest elderly percentage increase of all boroughs in the past decade—42 percent.

Senior citizens of Queens County continue to visit our offices requesting information regarding their rights and assistance in fighting bureaucratic entanglements. Based on the success of other branch offices of the Office for the Aging, we feel a Queens branch would effectively serve as an advocacy and coordinating agency for the elderly.

The New York Office for the Aging administers the reduced fare for the elderly program, which entitles senior citizens to ride subway trains and buses for half the usual cost. The office coordinates public and voluntary programs for elderly people in addition to serving as an information center.

Mr. ADDABBO and I feel that the Office for the Aging, with its few vested interests, could be uniquely responsive to the plight of Queens' senior citizens.

We are inserting in the RECORD at this point our letter to Mayor Lindsay.

APRIL 24, 1972.

Hon. JOHN V. LINDSAY,
Mayor of New York City, City Hall,
New York, N.Y.

DEAR MAYOR LINDSAY: No matter how rewarding the lives of our elderly should be, all too often senior citizens spend their "golden years" in a fight for survival. We know you share our commitment to making the lives of the elderly comfortable, healthy and productive. The problems of the elderly are overwhelming; our response must be strong, swift and directed at correcting the conditions the elderly perceive as most oppressive.

Your stand on this issue has been made clear through the establishment of the New York City Office for the Aging. You and the personnel of the Office for the Aging are to be commended for its fine work, especially as an information center and advocate for the city's elderly.

Yet, the senior citizens of Queens County continue to visit and write our offices requesting information regarding their rights and assistance in fighting bureaucratic entanglements. They find their problems dealing with government agencies almost as severe as the hardships they suffer due to completely inadequate income, unsatisfactory health care and insufficient housing and transportation. The elderly in Manhattan have three branch offices of the Office for the Aging to turn to for help, and Brooklyn and the Bronx each have one. The elderly in Queens do not have a single Office for the Aging which will act on their behalf.

This is particularly distressing since Queens has the second largest elderly population in the City (247,286) and has the most dramatic growth in elderly population (42% in the decade 1960–1970).

A branch office of the Office for the Aging, with a relatively small volume of administrative responsibility, could effectively serve as an advocacy and coordinating agency for the elderly in Queens. Such an office, with few vested interests of its own, could be uniquely responsive to the plight of Queens' senior citizens.

It is our firmest conviction that a Queens branch of the Office for the Aging is vital to ensuring that the lives of the elderly are changed from a fight for survival to a time of freedom from anxiety and abuse.

Sincerely,
JOSEPH P. ADDABBO,
BENJAMIN S. ROSENTHAL,
Members of Congress.

TAIWAN CAN AND WILL HOLD OUT ALONE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. SCHMITZ. Mr. Speaker, in their wild scramble to make friends with the mass murderers who rule mainland China, our Government and the United Nations have not hesitated to offer the Republic of China as a sacrifice to gain favor in Peking. But all that I saw and heard on my visit to Taiwan during the Easter recess of Congress convinced me that these people can and will hold out alone—and prove to the world that freedom works.

The leaders of Free China know the menace of communism more intimately than we ever did, and far better than we know it in these times when so few care to think and talk about it. Chiang Kai-shek and Mao Tse-tung have been locked in combat for the future of their country since before I was born, more than 40 years ago. Though now geographically divided by the Formosa Straits, they still represent a fundamental and continuing conflict in their land whose final outcome will not only determine China's destiny, but will have an enormous impact on the history of the world for generations to come. Far too many Americans have forgotten the tens of thousands of soldiers from mainland China—more than 95 percent of those taken prisoner in the Korean war—who resisted all pressures to return to their homes, demanding to go to Taiwan instead. In Taiwan, I saw films of 14,000 of these men arriving. Their first thought was not for their own personal security, attained after so much suffering and risk, but for the liberation of their homeland.

In Taiwan, to write and speak intellectually against communism is to demonstrate academic respectability—the exact opposite of the situation unfortunately prevailing in most of our colleges and universities. Membership of the Asian People's anti-Communist League in Taipei reads like a Who's Who of Government and Education in Free China. On the basis of my own anticommunist writings, I was honored as an academician of the China Academy and invited to submit research papers periodically. These people simply cannot understand why we have become so blind to this enormous danger that threatens us all—how we could ignore the solidly established facts about what communism really is.

During my 3 days in Taiwan, I conferred with the Vice President of the Republic of China, C. K. Yen, who is second only to Chiang in their Government, and also with the Chief of Staff of their armed forces, the Minister of Economic Affairs, the Minister of Information, the Deputy Foreign Minister, and the Deputy Minister of Education. I spoke at one large meeting, appeared on Chinese television several times, and had an opportunity to observe the ordinary people, who seemed prosperous, happy, and hard working. The overall impression was one of much greater strength even than I had expected. Red China by itself is not, I am convinced, going to be able to conquer Taiwan and its people. Only with U.N. help might they manage it.

Contrary to what might have been expected, I found no overt anti-Americanism, despite Taiwan's recognition that our new China policy has betrayed their cause, but rather a firm resolve never to let us or anybody else surrender them to communism, and to show by their amazing economic successes that free men can still and always vastly outproduce slaves. For example, last year Taiwan, with its 15 million people, did $4.1 billion worth of foreign trade, while the comparable figure for the Red-ruled mainland, with 750 million people, was $4.2 billion. Taiwan's trade this year is projected at a value of $4.8 billion, which should clearly surpass the mainland. Taiwan produces more bicycles—one of the chief means of transport for Chinese—than the whole of the mainland. Chinese on Taiwan consume 216 kilowatt-hours of electricity per person per year, compared to just 13 per person on the mainland. The largest newspaper in Taiwan has more than double the circulation of the largest newspaper on the mainland.

The appeasers in our Government may think that having done all they could to sell out free China, they can forget about it. But the free Chinese will not go away quietly. I do not believe they will go away at all, but remain to remind us by their very presence that even American lack of honor cannot destroy all hope for China.

TELEPHONE PRIVACY—XVI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating a "Dear Colleague" letter on the telephone privacy bill (H.R. 13267), which has already been cosponsored by 28 Members.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 14th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

ATTORNEY AT LAW,
Wadsworth, Ohio, April 4, 1972.

Re: H.R. 13267
Representative LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ASPIN: Having failed miserably to get anyone in the Ohio legislature to sponsor a bill exactly like your Telephone Privacy Act (this some seven years ago), I now read of your current efforts in our local newspaper.

More power to you!

If you need help to enact this bill, please count on me.

I am sending a copy of this letter to my Congressman, Charles Mosher, with a request that he lend his efforts to the successful adoption of your most needed of laws.

Very truly yours,

——— ———.

LEE'S SUMMIT, MO., *April 6, 1972.*
Hon. LES ASPIN,
HOUSE OFFICE BUILDING,
Washington, D.C.

DEAR MR. ASPIN: Thank you for introducing H.R. 13267, the Telephone Privacy Act.

Truly the commercial abuse of the telephone is on the increase and is infuriating to me. Many telephone soliciters have little regard for time of day or night when calling.

I have written my views to my Congressman, Mr. Randall, and I hope that he and others will support your bill.

Yours very truly,

——— ———.

ALEXANDRIA, VA., *April 6, 1972.*

DEAR REP. ASPIN: I just read in the paper that you had introduced a bill to stop unsolicited commercial phone calls. I've never written a Congressman before—but I feel very strongly that unsolicited commercial calls are an invasion of privacy and are a great nuisance. The main offenders seem to be the land resort companies—some of the same companies calling back again and again. You have to answer the phone as it could be an important call, but many's the time I've had to pick up a baby from the tub or leave a cooking dish to be burned on the stove or rush in from outdoors, etc., only to find it's a commercial come-on. I'm really furious and aggravated about these interruptions. So more power to you and good luck on the bill. I'm one of the so-called "silent majority" so when I finally say something in a letter, it's an indication of how much I resent being bombarded at home by these advertising gimmicks.

Sincerely,

——— ———.

LAUREL, MD., *April 5, 1972.*

DEAR MR. ASPIN: In the evening addition of today's Evening Star, I saw reference to your pending bill prohibiting unsolicited telephone calls.

I wholeheartedly support this measure. My telephone is for my convenience, not some promoter's.

Please continue in this fight against ever increasing invasions of privacy.

Sincerely,

——— ———.

IMPROVING ALASKAN HOUSING

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. BEGICH. Mr. Speaker, the housing in rural areas of Alaska is substandard partially because Alaska has a unique and severe climate in which to construct housing. There does exist, however, much research and expertise on construction in the Arctic environment, but unfortunately this information is not generally known or being used to the best advantage.

It is for this reason that the Alaska Rural Development Council passed a resolution requesting the University of Alaska to provide for compilation of a pertinent bibliography of technical information pertaining to rural housing to be made available to relevant individuals and organizations. I commend this resolution and am inserting into the RECORD a copy of it for my colleagues attention.

The resolution follows:

RESOLUTION CONCERNING IMPROVING ALASKAN HOUSING

Whereas housing in the rural areas of Alaska is substandard; and

Whereas Alaska has a unique and severe climate in which to contract housing; and

Whereas the environment differs considerably from that of most of the other forty-nine states; and

Whereas there are many State and Federal agencies involved in the building and financing of houses and Alaska; and

Whereas there exists much research and expertise on construction in the Arctic environment; and

Whereas this information is not generally known or being used to the best advantage

Therefore be it resolved that the Rural Housing Committee of the Alaska Rural Development Council, requests the University of Alaska to provide through a graduate, or similar type project under the guidance of the Alaska Development Council compilation of a pertinent bibliography of all technical information pertaining to rural housing and that this information be made available to individuals, communities and State and Federal agencies.

March 15, 1972.

BEFUDDLED THINKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. DERWINSKI. Mr. Speaker, unfortunately, much of the criticism of the President's decision to respond to the North Vietnamese invasion of South Vietnam by bombing military targets in the North has been motivated by the political complications that are inherent in a presidential election year.

The Tri-City Advertiser, an independent publication serving south suburban Chicagoland, very properly comments on the obvious political reaction of Democratic Party spokesmen in an editorial in the April 19 issue:

BEFUDDLED THINKING

Of significance at this time is a statement printed in the press and attributed to the Chairman of the Democratic Party, just a day or so ago.

Monotonous repetition of news is not desirable to readers and we repeat the statement at the risk of displeasing some of you.

Yet the political situation has come to such a stage of rampant conjecture, irresponsible statements flavored with hatred and apparent desire to bring forth all that is bad for the country in a vain desire to gain prestige for personal ambition, that we feel obliged to bring it before you.

Chairman O'Brien was reported as saying that the Democratic Party is in a mess. The debt from the 1968 campaign reportedly stands at some $9 million. The profusion of candidates seeking office lends no harmony to the campaign and the chairman is reported as warning the candidates to quit slamming each other, criticizing everything, and get down to the serious business of telling the people what they intend to do about the problems. So far none has.

The usual topic for ending the war is the loss of lives of our boys, naturally to be lamented by all of us. Yet that is war and we all know it.

Let those who complain of our losses of men in Viet Nam take a look at the loss of lives in another area—Traffic Accidents—where thousands of lives were lost in the year just past. That is a major area of disaster, as we all know, and absolutely unmentioned by the political candidates.

One reaches the conclusion that these men are seeking solely to flare the headlines for personal advantage without regard to the simple, ordinary rules of uprightness and fair dealing.

We venture to proclaim our opinion that most of them have a stupid evaluation of the inherent intelligence possessed by Mr. American Citizen which means that such citizens know the difference between being smart-alecks and being smart.

From where we view the situation we would venture the opinion that President Nixon must be befuddled at the antics of those who seek to discredit him for his actions in not stopping a war he never started.

Almost everyone of us knows that.

THE CRUMBLING PROBLEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 24, 1972

Mr. TEAGUE of Texas. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to include an editorial which appeared in a recent issue of the Dallas Times Herald concerning the deterioration of our space program. The article concerns itself with the future of one of the most successful Government programs of modern times and I commend its reading to all in this body.

THE CRUMBLING PROBLEM

The "peeling" problem on the surface of the lunar lander of Apollo 16 was adjudged to be a matter of small importance. But the space program itself has a crumbling problem. And that is of grave importance, not only to the national space effort but to the nation's progress here on earth.

The U.S. space program's difficulties have progressed beyond the point at which funds and manpower began peeling away, as the applause from Congress and the public turned to skepticism and calls for economy. Today there is a danger that the most successful government program of modern times may be allowed to collapse.

Unlike most government programs, the space program's problems stem not from repeated failure but from brilliant success. It has been not only the most outstandingly effective government mobilization of money, brains and industry, but it has succeeded in making that which seemed impossible a few years ago look like simple routine today.

Back in 1957 when Sputnik stunned and shamed Americans, we responded with a crash program to catch up with the Russians in space and beat them to the moon. In the process of doing that, this country forged to the forefront of nearly every field of future-oriented technology.

Though the focus was on space travel, from the beginning the spinoff of products, processes and techniques began to have almost immediate effects on our lives here on earth. Everyday applications of the products of space research are myriad, from the pyroceramic materials in our coffeepots, to the Teflon coatings on our power tools, to the monitoring equipment used in heart wards in our hospitals to the fuel cells that offer hope of pollution-free earth transportation.

But Americans soon came to take space miracles for granted. And by the time Neil Armstrong set foot on the moon, there were already cries that the money spent on space ought to be devoted to welfare, urban problems and other earth-bound ailments of our society. Even as an American landed on the lunar landscape, the gigantic effort that put him there began to crumble away, its funds cut, its technical team broken up and scattered.

The present mission is the next-to-last moon mission. After that, all of the space administration's hopes have been placed on one project, the space shuttle. Other, more ambitious experiments have had to be scrapped for lack of funds. The lone survivor, the shuttle, would allow more economical space travel because it is a reusable vehicle to launch spacecraft. Even that project, upon which the hopes for the survival of the space program ride, is under attack by liberal Senators who want to divert the money into social welfare programs that are signal failures.

It is a curious example of false economy. The money that would be allotted to the preservation of the space program is a drop in the bucket compared to the tens of billions that this country spends on social welfare. Yet the technology that the space program promises offers the best opportunity we have for improving the lives of all mankind—the poor as well as the rich.

At a time when the nation is desperately seeking more and better new jobs, we are allowing thousands of existing jobs in the challenging aerospace career fields to wither away.

The aerospace industry offers more than space spectaculars today and progress for tomorrow, it also provides a large share of the employment in this country and particularly in this area. According to the Texas Employment Commission, 48,300 Dallas workers are employed in aerospace or related industries. From production lines to research laboratories, Dallas is deeply involved in the development of ideas and equipment that are pushing back the frontiers of man's knowledge.

Those frontiers will be pushed back by those who have the will. It only remains for us to decide whether we will take part and reap the benefits or allow others to take over the innovative lead while our economy stagnates.

THE LATE HONORABLE ADAM CLAYTON POWELL, JR.

HON. CARL D. PERKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 12, 1972

Mr. PERKINS. Mr. Speaker, along with other Members of this House, I was genuinely saddened by the death of Adam Clayton Powell, Jr., my colleague on the Committee on Education and Labor for two decades, and my predecessor as its chairman.

No one who knew him over that period, as I did, can be unmoved by the travail and the tragedy that marked his last years.

Here was a man of great brilliance, great dedication, and with which to give to his fellow Americans, black as well as white.

From the onset of my acquaintenance with him in 1949, I was struck by the man's passion to see justice done for all of his fellow citizens. He hated discrimination in all its forms—not only for what it did to his own people, but because it cheapened and degraded his country.

I have always suspected that his flamboyance and his showmanship were really screens around a sensitive man, baffles to turn aside the stones that always fly at the head of a man bent on destroying unearned privilege, easy custom, and injustice sanctioned by usage and time.

I well remember his first big effort in Congress for the enactment of fair employment practices legislation. I remember his work in its behalf, and was pleased to help him get his first FEPC bill out of subcommittee. That was in 1949.

When he became chairman of the committee in 1960, he presided over the initiation of an impressive list of new laws and programs that have wrought great changes in American life. Just to name a few of them: The Manpower Development and Training Act, the Economic Opportunity Act, the Juvenile Delinquency Prevention and Control Act, the Vocational Education Act, and those landmark measures, the Elementary and Secondary Education Act, and the Higher Education Act.

If others reaped more fame and glory from the great civil rights movement of the 1960's, their success was due in no small measure to the foundations he helped lay in the 1930's and 1940's and 1950's.

In essence, those civil rights leaders of the 1960's were simply saying the same things Adam Powell had been saying all through the years. The difference was that the time had come for the Nation to listen.

In this little statement of recollection of Adam Powell, I can only say that my long association with him was a pleasant one. I worked with him to the best of my ability to help him to be a successful chairman—and that he was. For all of his flamboyance he was not a jealous man, and never begrudged another member of the committee a share of the credit when credit was due.

He is gone from this House now. The controversies of the past have lost their urgency and their passion.

Those who had differences with him here and elsewhere may now join with his friends in bearing honest witness of his life as each of us knew it, and let history be the judge.

Adam Clayton Powell, Jr., would not care two hoots about that verdict. But, in the judgment of history, I believe he will not come off badly at all.

SENATE—*Tuesday, April 25, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, grant to Thy servants here strength of character, vigor of mind, and soundness of judgment to match the high demands of our day. In the competition of programs at home and the collision of forces abroad, keep us united in dedication to freedom for all men everywhere. Give to each the courage of his convictions without arrogance and the will to fight for them without ill will for any man.

Guide us, O Father, through the work of this day. Give us grace to find our highest satisfaction in a steadfast purpose to do Thy will.

In Thy holy name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 25, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of April 20, 1972, the following reports of committees were submitted:

By Mr. HARTKE, from the Committee on Commerce, with amendments:

H.R. 11417. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes (Rept. No. 92–756).

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with amendments:

S. 2219. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration (Rept. No. 92–757).

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, April 20, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 20, 1972, the President had approved and signed the act (S. 3153) to amend the act of January 8, 1971 (Public Law 91–660; 84 Stat. 1967), an act to provide for the establishment of the Gulf Islands National Seashore, in the States of Florida and Mississippi, for the recognition of certain historic values at Fort San Carlos, Fort Redoubt, Fort Barrancas, and Fort Pickens in Florida, and Fort Massachusetts in Mississippi, and for other purposes.

REPORT OF ADMINISTRATOR OF THE NATIONAL CREDIT UNION ADMINISTRATION—A MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

Pursuant to the provisions of Title I, Section 102, of the Federal Credit Union Act, as amended (12 U.S.C. 1752a(e)), enclosed is the Annual Report of the Administrator of the National Credit Union Administration for the calendar year 1971.

RICHARD NIXON.
THE WHITE HOUSE, *April 24, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 218) to extend the authority conferred by the Export Administration Act of 1969.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. PURCELL, Mr. FOLEY, Mr. JONES of Tennessee, Mr. BELCHER, Mr. TEAGUE of California, and Mr. KYL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Abbitt, Mr. McMillan, Mr. Jones of North Carolina, Mr. Wampler, and Mr. Mizell were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 8817) to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. Allen).

HOUSE BILL REFERRED

The bill (H.R. 14070) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, was read twice by its title and referred to the Committee on Aeronautical and Space Sciences.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow, Wednesday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was revised to provide for the Senate to recess until Thursday, April 27, at 9:30 a.m.)

SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2013, Calendar No. 699.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2013, to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out "$12,500" and inserting in lieu thereof "$20,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–730), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF BILL

This bill is identical to S. 3343 which the Committee on Veterans' Affairs has previously reported to the Senate (Rept. No. 92–720). The committee recommends favorable action on S. 3343.

SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 690, S. 3343.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3343, to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 802 of title 38, United States Code, is amended by striking out $12,500" and inserting in lieu thereof $20,000".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–720), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

EXPLANATION OF BILL

This bill would increase the maximum amount of a grant payable by the Administrator of the Veterans' Administration to provide specially adapted housing for disabled veterans. Under present law, a severely disabled veteran is entitled to a grant of not more than 50 percent of the cost of a home and necessary land up to a maximum of $12,500. This bill would amend section 802 of title 38, United States Code, by increasing the maximum grant authority to $20,000.

Veterans eligible for housing assistance grants are principally service-connected quadraplegics, paraplegics, and others who require the use of a wheelchair. Their condition requires ramps, special bathroom equipment, extra large rooms, exercising facilities, and other devices which are essential for many of them to live comfortably outside a hospital.

When the law was first enacted in 1948 by Public Law 80–702 which provided for grants of up to $10,000 for "wheelchair homes," the average cost of constructing a new single family residence was $7,850. While housing construction costs have risen steadily since then, the maximum amount of the grant has been increased just once and then only to $12,500 (Public Law 91–22). The average cost of a "wheelchair home," including necessary land, was $35,991 in fiscal year 1971. The average cost for fiscal year 1972 (as of January 31, 1972) has already increased to $38,213. The committee believes the need for additional grant authority is thus readily apparent.

All major veterans organizations have submitted their views to the committee, and they are unanimous in recommending that the proposed grant increase is necessitated by increased construction costs.

During the 24 years of the program's existence, 11,452 veterans have been aided at an expense of $113.5 million. In fiscal year 1971, 666 grants were made. A total of 354 grants have been made as of January 31, 1972, with an estimated total of 700 for this fiscal year. Approximately 725 grants are projected for fiscal year 1972.

COST

First full fiscal year costs occasioned by this bill are estimated at $5.5 million. The Veterans' Administration estimates a 5-year cost of approximately $26 million based upon an average of 700 grants per annum at an additional outlay of $7,500 per grant. The committee has examined the cost estimate provided by the Veterans' Administration and finds no basis to question its authenticity and therefore adopts it as its own.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, beginning with New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, beginning with New Reports, will be stated.

DEPARTMENT OF DEFENSE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Defense.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Air Force, in the Army, and in the Navy, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I have no request for further time.

Mr. GRIFFIN. Mr. President, seeing the distinguished Senator from Alaska (Mr. Gravel) on the floor, and having read certain reports in the newspapers this morning, I should like to direct an inquiry to him in the hope that he might answer it.

I wonder whether it is true, as the newspapers report, that the Senator from Alaska intends, when he gets the floor, to read into the Congressional Record Government documents which are classified secret.

Mr. GRAVEL. Mr. President, my intention is to ask unanimous consent to place the documents in the Record, I think they are relevant to what is going on in Indochina today.

I came into possession of these documents some time ago and have been studying them diligently.

When I was 23 years old, I was a top-secret officer. I feel that my judgment has improved since then. I have evaluated the documents carefully, and I feel they contain no military information or other information that would jeopardize the safety of this country. But I feel that the documents do have a great deal of information about the political decisionmaking process that took place in 1969, and from that time until today.

I, like many other citizens, am concerned over what is happening today in Vietnam and, for that reason, I feel it is important to give my colleagues this political information, which casts a new light on the activities that are taking place in Vietnam today.

So I feel it is my constitutional obligation as a U.S. Senator, and in line with the oath of office I took to uphold the Constitution of the United States from internal and external threats, that I point out the domestic threat in the policy that is being implemented today. It is very important to fulfill my constitutional function to inform the people of my constituency and to inform my colleagues, to ask to have this matter placed in the Record so that everyone can read it and make his own judgment on the information.

Mr. GRIFFIN. I take it, then, that the Senator's answer to my question, as to whether he intends to read Government documents classified as secret, is yes.

Mr. GRAVEL. I think my colleague misunderstands my statement. My statement was that I would ask unanimous consent to insert it into the Record. I would be surprised and deeply chagrinned if someone objected to that unanimous-consent request, because that would mean that person would like to deny information to his colleagues or to the American people, information I feel is vital at this point in our history.

Mr. GRIFFIN. I thank the Senator from Alaska for his response.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Michigan will state it.

Mr. GRIFFIN. Notwithstanding the consent order previously entered into, which allocates 15 minutes of time to the distinguished Senator from Alaska (Mr. Gravel), would a motion be in order under the rules to have the Senate go into a closed session

The ACTING PRESIDENT pro tempore. A motion to go into closed session would be in order at any time.

Mr. GRIFFIN. Would it be in order, even if the distinguished Senator from Alaska had the floor and was in the process of reading documents into the Record?

The ACTING PRESIDENT pro tempore. Under the precedents of the Senate, even though a Senator has been allotted time, he could be taken from the floor long enough for such a motion to be made.

Mr. GRIFFIN. Mr. President, of course I do not know what these various documents involve. However, I think it would be very unfortunate if the Senator from Alaska should seek to take it upon himself solely to be the judge of the classification or declassification of highly sensitive papers. If he does seek by unanimous consent to have such classified material printed in the Record, I want him to know that I will be constrained to object. Furthermore, if he should proceed to use his 15 minutes for the purpose of reading the material on the floor, I believe I owe an obligation to the Senate at such a time to seek recognition for the purpose of moving that the Senate go into a closed session so that the whole Senate will be apprised of what the Senator from Alaska is doing.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Alaska for not to exceed 15 minutes.

CERTAIN CLASSIFIED VIETNAM DOCUMENTS

Mr. GRAVEL. Mr. President, to clarify the remarks of the distinguished Senator from Michigan, he would move that the Senate go into closed session and not executive session.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. GRAVEL. Mr. President, I have in my possession documents that I think are vital to the safety and well-being of this democracy. I ask unanimous consent that those documents be printed at this place in the Record.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. GRIFFIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The Senator may not have the material printed in the Record.

Mr. GRAVEL. Mr. President, as I understand the rules, I cannot move to have these documents printed in the Record. Under the rules the only way that I can proceed to get them in the Record is to proceed to read them and entertain objection. Prior to that time, I would like, if my colleague would accommodate me with this courtesy, to at least have my speech printed in the Record so that I might then have a colloquy with him.

Mr. GRIFFIN. Mr. President, may I have the assurance of the Senator from Alaska that the speech does not contain material that is classified.

Mr. GRAVEL. Mr. President, the speech has four quotations from the material. That is all there is. There is no document contained in the speech or in my introductory remarks. And I think that we have had some experience with my introductory remarks in the past.

Mr. GRIFFIN. Mr. President, the Senator does quote from the classified information in his remarks; is that correct?

Mr. GRAVEL. Yes, that is correct. Mr. President, I ask unanimous consent that I may have my remarks printed at this point in the Record.

Mr. GRIFFIN. Mr. President, I object.

Mr. GRAVEL. Mr. President, I think it is clear at this point that the Republican minority in the Senate does not want to see this information made available to the American public and to the Senate. I have had a copy of it made available to the Senators on the floor and will pass it to any Senator who comes to the floor. I also have had one delivered to the Presiding Officer.

The initial documents cover the policy activities involved. Other Senators have received copies of the study.

It is most unfortunate that this most deliberative body in the world is party to covering up and hiding information that has been hidden by the executive. I say unfortunate because this information should have been made known to the American people at its very inception. What it shows is that the Chief Executive of this country, upon entering office, wanted to equip himself with the information necessary. He had this information in hand, and then he implemented his policy.

Mr. President, there are two facets to the information. One involves the bombing. There were two views in the administration relevant to the bombing. One was that the bombing was not effective. That was the opinion of the Central Intelligence Agency, an agency that has an excellent track record. The other was that the bombing was possibly effective. That was the view of advisers who have a very poor track record.

The other part of this information shows that the Vietnamization that this administration wanted to accomplish was initiated in May or April.

The information shows categorically that everyone advising the President at that time advised him that the policy would not work. So, after receiving all of this advice, the President went ahead and implemented his policy, against the advice of the agencies and contrary to the facts available to him.

Based upon this, one can only come to the conclusion that the President of the United States had only one concern—and that concern was foremost—to save face. Today we are locked in a war that has been reescalated. We are killing thousands and hundreds of thousands of people only to save face, the political face of one individual.

Mr. President, I do not mean to overdramatize the situation. However, this is reminiscent of monarchs of the past who, at their own personal whim, would cause the death of thousands and hundreds of thousands of people. That is exactly what is happening in this country today.

I know of no other way to bring this country to its senses than to give the information that I have here. My opinions are the opinions of one individual. I think that we are interested in getting the opinions of all American people. And that opinion can only be an enlightened one if they have the facts. That is all I am attempting to do.

The facts are impressive. With the information given to the President in 1969, it is categorically demonstrable that Richard Nixon, by his activity of the last 5 months, has forced the offensive that has now taken place.

Mr. President, I will proceed to read my formal speech.

Mr. President, 4 years ago the President told the American people that he had a plan to end the war in Vietnam. We now know that he never had a plan to end the war. Instead, he adopted a policy that would indefinitely maintain the American military presence in Vietnam but at a lower level of visibility. And the result is now clear for all to see, with the war waging at a level as intense and as destructive as any time before.

Now I can conclusively demonstrate to my colleagues in the Senate and to the American people that the President was advised in 1969 that the policy we now employ had not worked in the past and was unlikely to succeed in the future.

As President-elect, Richard Nixon directed a series of questions to the national security agencies of the executive branch—the State Department, the CIA, the Defense Department. These sets of questions were called National Security Study Memoranda. They were intended to form the basis for his subsequent decisions on a range of foreign policy issues. I would have today inserted in to the public RECORD some of the questions and answers contained in NSSM 1, which covered the situation in Southeast Asia. The portions to have been placed in the RECORD would have focused specifically on the bombing. However, there was objection by the Republican whip of the Senate.

Comparing the entire NSSM 1 to the President's actual policy decisions, we realize that at no time after taking office did Richard Nixon seriously consider getting out of Vietnam or of negotiating with the North Vietnamese for an end to the war. Instead, he ignored NSSM 1's evaluation and persisted in the fundamental policy of his predecessors—propping up our client regime in Saigon.

The responses to sections of NSSM 1, which I have studied but not yet inserted in the RECORD, show that his advisors had concluded that the Thieu regime could not survive without an indefinite American military presence in South Vietnam.

It is now apparent that Richard Nixon developed a policy of reconstituting the war to maintain this required presence, while at the same time pacifying the American people with his rhetoric of "winding down" the war. This reconstitution of our presence required Richard Nixon to invade Cambodia and Laos, to escalate the bombing on all fronts and to initiate a greatly increased naval presence, the consequences of which are difficult to determine.

In adopting this policy, he adopted a new way of describing how the war was going. Instead of talking about battles won and lost, or soldiers lost on the two sides—the infamous "body counts" and "kill ratio" of the Johnson administration—he adopted as a yardstick the number of Americans withdrawn from South Vietnam and the number killed each week. So long as the withdrawal continued, and the casualties declined, he could claim that his policy was succeeding. The logic of this appeared to be acceptable to the American public.

What Richard Nixon did not point out was that success in withdrawing troops or in reducing American casualties was not the same as success on the battlefield. In fact, he was able to take these steps only because the Vietcong and North Vietnamese reduced the level of their attacks, preferring to bide their time while American troops withdrew, before resuming the attack.

The answers which the agencies provided to NSSM 1, together with what we now know about Mr. Nixon's policy, show that this policy was not constructed on the basis of the best evaluations of the military situation at the time. It was, in my judgment, developed solely to avoid the appearance of defeat for Richard Nixon.

The President has been trying until now to save the South Vietnamese by continuous, widespread bombing. We now know that the interdiction bombing has failed. In spite of the heaviest bombing campaign in history, conducted during the last year upon Laos and the Ho Chi Minh Trail, the Communist side has been able to launch a massive new offensive. And it was only by the reescalation of the American presence, bringing with it the heaviest aerial bombardment of the war, that the South Vietnamese have thus far been able to avoid a quick defeat.

This could have been foreseen. Mr. Nixon was aware from prior studies that bombing of the supply trails had not succeeded in crippling the enemy's war effort, and he was counseled by his advisers in NSSM 1 that it would not succeed in the future.

As with the material contained in the Pentagon Papers, had the American people been privy to this information at the time, I doubt that they would have supported the adoption of such a policy. It was only through the use of secrecy and through deceptive rhetoric that the American public was led to accept this "winding down" policy, thinking it would lead to an end to the war.

Recent events pose an enormous threat to world peace and to our very survival. In order that the Senate and the American people can know as much as possible about the true situation in Vietnam, and can participate in the crucial decisions this country must now make, I have today attempted to place in the record of the Senate the answers he received dealing with the effectiveness of bombing.

The Defense Department in its answer to NSSM 1 advised him that, although bombing could reduce the quantity of supplies reaching the south, enough would still get through to carry on the war:

> The external supply requirements of VC/NVA forces in South Vietnam are so small relative to enemy logistic capacity that it is unlikely any air interdiction campaign can reduce it below the required levels . . . the enemy can continue to push sufficient supplies through Laos to South Vietnam in spite of relatively heavy losses inflicted by air attacks.

The State Department agreed:

> Our interdiction efforts in Laos do not appear to have weakened in any major way. Communist capabilities to wage an aggressive and protracted campaign in South Vietnam as well as to support military operations against RLG (Royal Laotian Government) forces in Laos itself.

And the Central Intelligence Agency observed:

> . . . almost four years of air war in North Vietnam have shown—as did the Korean War—that, although air strikes will destroy transport facilities, equipment and supplies, they cannot successfully interdict the flow of supplies . . .

We also know from the Pentagon Papers that studies conducted by the Johnson administration both prior to, and during, the bombing of North Vietnam, showed that this too would not work. It would not force the North Vietnamese to halt their support for their allies in the South, and it could not choke off supplies flowing in from the Soviet Union and China, destined for South Vietnam.

President Nixon was given the same advice, and he too has now ignored it—at the greatest peril for the survival of all mankind.

The Central Intelligence Agency in responding to NSSM 1 told the President that 3 years of daily bombing had totally failed to achieve its objective:

> The major effects of the bombing of North Vietnam were extensive damage to the transport network, widespread economic disruption, greatly increased manpower requirements, and the problems of maintaining the morale of the people in the face of personal hardships and deprivation. Hanoi was able to cope effectively with each of these strains, so that the air war did not seriously affect the flow of men and supplies to Communist forces in Laos and South Vietnam. Nor did it significantly erode North Vietnam's military defense capability or Hanoi's determination to persist in the war.

The Defense Department advised the President:

> . . . it is generally agreed that the bombing did not significantly raise the cost of the war to North Vietnam.

In fact, the Defense Department reported that, because of increased aid from Russia and China, "North Vietnam is better off today, 1969 than it was in 1965."

The State Department ominously concluded, in light of the President's recently escalated bombing—that:

> There is little reason to believe new bombing will accomplish what previous bombings failed to do, unless it is conducted with much greater intensity and readiness to defy criticism and risk of escalation.

The President is now trying to halt the flow of supplies by bombing Haiphong, and there have even been suggestions that the port might be mined or blockaded, which could lead to a confrontation with other nations such as the U.S.S.R. But he was advised that closing the port of Haiphong would not prevent North Vietnam from continuing the war.

First, as the State Department notes, there are at least 14 other ports that could be used to bring supplies into the country. Second, the CIA points out that "all of the war-essential imports could be brought into North Vietnam over rail lines or roads from China in the event that imports by sea were successfully denied." And the CIA did not believe that ground transportation from China could be halted by interdiction bombing. The Defense Department, too, saw enormous difficulties standing in the way of any attempt to seal off North Vietnam from its allies.

I can only conclude that Richard Nixon is today pursuing a reckless, futile, and immoral policy which he knows will not work, but which is intended solely to enable him to save face.

He is doing this at great risk to world peace. His escalation of the war in Indochina could lead this Nation into a nuclear confrontation, if the Soviet Union moves to back up North Vietnam in the face of our bombing and naval bombardment. As in Cuba 10 years ago, we could be eyeball to eyeball with the other great nuclear power, only now in an area of the world where we lack the geographic advantage of a decade ago and where active hostilities are underway.

All Americans must now move to repudiate this policy and this war. The Congress, in particular, must act now to end all American involvement in the Indochina conflict.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time in accordance with the previous order there will be a period of not to exceed 30 minutes for the transaction of routine morning business with speeches by Senators limited to 3 minutes.

The Senator from Virginia is recognized.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Foreign Relations Authorization Act of 1972, which is S. 3526, will be before the Senate for consideration this week. Section 503 of that bill proposes to repeal action taken by Congress last year.

On page 30 of the Foreign Relations Authorization Act of 1972, lines 12 through 16, the section number being 503, would repeal action taken by Congress last year and signed into law by the President on November 17, 1971.

Section 503 of the Foreign Relations Authorization Act, if approved in the form submitted by the Committee on Foreign Relations, again would make the United States dependent on Communist Russia for a strategic war material.

A year ago, in a measure which was subsequently signed by the President and which is now law, Congress took the view that it is not logical to appropriate huge sums of money for national defense and simultaneously to be dependent on Russia for a strategic war material; namely, chrome. So last year Congress enacted legislation which would exempt from the embargo on Rhodesia the importation of this strategic material, chrome.

Rhodesia has two-thirds of the world's chrome supply and without having access to that chrome the United States then became dependent on Communist Russia.

I regret that the Committee on Foreign Relations is attempting to undo what Congress did and the law the President signed last November 17.

At the appropriate time I shall present an amendment to the Foreign Relations Authorization Act of 1972 to eliminate from its provisions lines 12 through 16 on page 30, the section number being 503.

CERTAIN CLASSIFIED VIETNAM DOCUMENTS

Mr. GRIFFIN. Mr. President, I regret that the distinguished Senator from Alaska does not seem to be in the Chamber at the moment.

I want to make it clear that my action in earlier objecting to the Senator's request was taken in order to preserve and protect the integrity of the Senate as an institution. I am not familiar with the contents of the classified document or documents to which reference has been made.

However, I do know this: If a Senator believes certain classified information ought to be made available to the Senate or to the public, it would seem to make sense for the Senate as a whole to consider the question. My action was designed to enable that course to be taken. If the Senator from Alaska really wants to proceed, then it would seem to be most appropriate to give the Members of this body an opportunity first to hear the Senator's justification for making public this classified material. I believe that would be the wise and proper way to proceed.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATIONS, 1972, FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 92–72)

A communication from the President of the United States transmitting proposed supplemental appropriations for fiscal year 1972 in the amount of $82,700,000 in budget authority for the Department of Health, Education, and Welfare (with accompanying papers); to the Committee on Appropriations.

PROPOSED APPROPRIATION TO PAY CLAIMS AND JUDGMENTS RENDERED AGAINST THE UNITED STATES (S. DOC. NO. 92–71)

A communication from the President of the United States transmitting an appropriation request of $5,508,032 to pay claims and judgments rendered against the United States (with accompanying papers); to the Committee on Appropriations.

PROPOSED SUPPLEMENTAL APPROPRIATION, 1972, FOR THE DEPARTMENT OF THE INTERIOR, SOUTHWESTERN POWER ADMINISTRATION (S. DOC. NO. 92–70)

A communication from the President of the United States transmitting a proposed supplemental appropriation for the fiscal year 1972 in the amount of $500,000 for the Department of the Interior, Southwestern Power Administration (with an accompanying paper); to the Committee on Appropriations.

REPORT ON INCREASES IN CERTAIN TARIFFS

A communication from the President of the United States, reporting, pursuant to law, on increases in certain tariffs; to the Committee on Finance.

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment, for the quarter ended March 31, 1972; to the Committee on Armed Services.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting a report entitled "Assessment of Operations and Management of Opportunities Industrialization Centers," Department of Labor, Department of Health, Education, and Welfare, Office of Economic Opportunity, dated April 20, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENTS TO THE RULES OF CRIMINAL PROCEDURE FOR THE U.S. DISTRICT COURTS

A letter from the Chief Justice of the United States, transmitting, pursuant to law, proposed amendments to the Rules of Appellate Procedure, adopted by the Supreme Court (with accompanying papers); to the Committee on the Judiciary.

PROPOSED AMENDMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods (with accompanying papers); to the Committee on Labor and Public Welfare.

PROPOSED HIGHWAY SAFETY ACT OF 1972

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Highway Safety Act of 1966, title 23, United States Code, section 401 et seq. (with accompanying papers); to the Committee on Public Works.

PROPROSED FEDERAL-AID HIGHWAY AND MASS TRANSPORTATION ACT OF 1972

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the construction of certain highways and public mass transportation facilities in accordance with title 23 of the United States Code, to establish an urban transportation program, and for other purposes (with accompanying papers); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the Senate of the State of Hawaii; to the Committee on Banking, Housing and Urban Affairs:

"S. RES. No. 115

"Resolution requesting the U.S. Department of Housing and Urban Development (HUD), in cooperation with Hawaii's congressional delegation, to provide additional funds under the Federal lease program for low and moderate income housing

"Whereas, the construction of many housing projects which caters to one economic segment of the community, especially for families of low income, will result in the concentration of families with similar health, social and other problems in a particular geographical area, thereby creating additional socio-economic problems; and

"Whereas, the Hawaii Housing Authority has under lease approximately five hundred fifty units in the State and one of the problems with the leasing program is an insufficient number of units available for lease at a price low enough to make the program feasible; and

"Whereas, the federal leasing program is an excellent program since it endeavors to scatter families of limited means throughout the community, control such rental units in some buildings to not more than 10% and thus make available more units for less rent; now, therefore

"Be it resolved by the Senate of the Sixth Legislature, State of Hawaii, Regular Session of 1972, that the U.S. Department of Housing and Urban Development (HUD), in cooperation with Hawaii's congressional delegation, be and is hereby requested to provide additional funds under the federal lease program for low and moderate income housing; and

"Be it further resolved that the Hawaii Housing Authority continue to study and encourage the lease concept among those in the private sector of our community who are interested in providing low and moderate lease rental units in cooperation with the Hawaii Housing Authority; and

"Be it further resolved that duly certified copies of this Resolution be transmitted to the President of the U.S. Senate; the Speaker of the U.S. House of Representatives; the Congressional delegation from the State of Hawaii; and the Director of the Hawaii Authority."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 10—RELATIVE TO THE IMPROVEMENT OF SAFETY STANDARDS FOR TOYS

"Whereas, Injuries to children in excess of 700,000 incidents per year have resulted from defectively designed or defectively manufactured toys; and

"Whereas, The protection of children from the harmful effects of dangerous toys requires vigilance in discovering dangerous conditions and strict enforcement of health and safety laws relating to toys; and

"Whereas, Self-regulation by the toy industry has not proved to be an effective deterrent to the introduction of dangerous toys into the market for eventual use by small children; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes Congress to review existing legislation on child protection and toy safety to determine whether further protection is needed; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the Food and Drug Administration of the United States Department of Health, Education, and Welfare, and the Federal Trade Commission, to vigorously enforce existing laws and regulations relating to child protection and toy safety; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Food and Drug Administration of the United States Department of Health, Education and Welfare, and to the Federal Trade Commission."

A concurrent resolution of the General Assembly of the State of Indiana; to the Committee on Finance:

"A CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO REVIEW THE REGULATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

"Whereas, the Congress of the United States by amendment to the Social Security Act (402a), effective July 1, 1969, as a work incentive, provided for an income disregard in the amount of the first $30, plus ⅓ of the remainder, for employed members of families with dependent children in arriving at the amount of income available to meet the needs as established by the States; and

"Whereas, the Department of Health, Education, and Welfare by Regulation 233.20, published in the Federal Register, Vol. 34, No. 19, January 29, 1969, in Section 7, provides that "the applicable amounts of earned income to be disregarded will be deducted from the gross amount of 'earned income,' and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need in the amount of the assistance payment."; and

"Whereas, This regulation permits families to have large earned income and continue to receive Assistance to Dependent Children, plus having the medical needs of the family met from public funds; and

"Whereas, It is felt that while the provision for initially disregarding the first $30, plus ⅓ of earned income, provides for work related expense and child care nonetheless continuing such income disregard can be counter productive toward reducing welfare costs and thus serves as a start-up work incentive for recipients of Assistance to Dependent Children: Therefore, be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

"Section 1. The Indiana General Assembly hereby respectfully memoralizes the Congress of the United States to review the regulation of the Department of Health, Education, and Welfare in accordance with the amendment to the Social Security Act to determine if this regulation exceeds the intent of Congress.

"Section 2. Copies of this resolution shall be sent to the Speaker of the House of Representatives, the President of the Senate and each member of the Indiana delegation to the Congress of the United States."

A resolution adopted by the city of Pacific, King County, Wash., praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A resolution adopted by the American Legion, Natchitoches, La., in opposition to the proposition of amnesty to draft evaders and deserters from the Armed Forces; to the Committee on Foreign Relations.

The petition of the Fort Wadsworth Committee, Little Neck, N.Y., requesting a proclamation declaring 1 minute of prayer at 11 a.m., July 4, 1972, for the "Independence" of our Prisoners of War; to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Commerce, without amendment:

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels (Rept. No. 92–758), together with minority views.

By Mr. STEVENSON, from the Committee on the District of Columbia, with amendments:

S. 2208. A bill to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes (Rept. No. 92–759).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Jarold A. Kieffer, of Minnesota, to be an Assistant Administrator of the Agency for International Development;

Curtis W. Tarr, of Virginia, to be Under Secretary of State for Coordinating Security Assistance Programs;

Joseph S. Farland, of West Virginia to be Ambassador Extraordinary and Plenipotentiary to Iran; and

Martin J. Hillenbrand, of Illinois, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Federal Republic of Germany.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS (for himself and Mr. MAGNUSON):

S. 3527. A bill to amend the Fair Packaging and Labeling Act to require additional information on the labels of cosmetics, and for other purposes. Referred to the Committee on Commerce.

By Mr. STEVENSON:

S. 3528. A bill to amend title 18, United States Code, to protect the people of the United States against the lawless and irresponsible use of handguns, and to assist in the prevention and solution of crime by establishing a national registration of handguns and minimum licensing standards for the possession of handguns, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself, Mr. PERCY, Mr. ROTH, Mr. BROCK, Mr. GURNEY, Mr. MUSKIE, Mr. CHILES, Mr. HUMPHREY, and Mr. HART):

S. 3529. A bill to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. BEALL:

S. 3530. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated. Referred to the Committee on the District of Columbia.

By Mr. ALLOTT (for himself and Mr. DOMINICK):

S. 3531. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 Winter Olympic Games. Referred to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON (for himself and Mr. MONTOYA):

S. 3532. A bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex. Referred to the Committee on Interior and Insular Affairs.

By Mr. GAMBRELL:

S. 3533. A bill to impose a moratorium on involuntary student transportation until a uniform plan of racial desegregation shall have been implemented throughout the country. Referred to the Committee on the Judiciary.

By Mr. GRIFFIN:

S. 3534. A bill to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS (for himself and Mr. MAGNUSON):

S. 3527. A bill to amend the Fair Packaging and Labeling Act to require additional information on the labels of cosmetics, and for other purposes. Referred to the Committee on Commerce.

COSMETIC ACT OF 1972

Mr. MOSS. Mr. President, a fine basic statement of the "Consumer's Right to Know" is in the declaration of policy of the Fair Packaging and Labeling Act. Section 2 of that act states:

> Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information . . .

The legislation then goes on to establish certain requirements and prohibitions. Among the requirements is the identity of the commodity, the name and place of business of the manufacturer, the quantity of the contents, as well as such additional regulations as Secretary of Health, Education, and Welfare may prescribe with respect to food, drugs, devices, or cosmetics.

Furthermore, these additional regulations are specifically designed to prevent deception of consumers and facilitate value comparisons. The Secretary may promulgate additional regulations to require that the label declare, in the case of commodities consisting of two or more ingredients, the common names of each ingredient.

Thus there already is sufficient authority under the Fair Packaging and Labeling Act to require ingredient labeling. But with regard to cosmetics, I believe that more is necessary. Thus I introduce for myself and for the distinguished chairman of the Senate Commerce Committee, Senator MAGNUSON, the Cosmetic Act of 1972.

Legislation designed to accomplish the same objectives has already been introduced in the House by Congressman FRANK EVANS of Colorado.

The Cosmetic Act of 1972 establishes a new title II to the Fair Packaging and Labeling Act. This title, headed "special additional requirements relating to cosmetics," sets out the following requirements: First, registration of manufacturers of cosmetics—each manufacturer of any cosmetic is to register with the Secretary of Health, Education, and Welfare. As a part of registration, the manufacturer would file a statement with the Secretary including the name and address of the manufacturer, the address of each plant in which each cosmetic is manufactured, the name of each cosmetic manufactured, and the formula of each cosmetic—including the name and quantity of each component of each cosmetic—a copy of the label and labeling of each cosmetic, and the list of uses of each cosmetic manufactured. In return for this information, the Secretary would grant a registration number, without which a manufacturer would be prohibited from producing cosmetics.

Second, testing and other requirements—each manufacturer and importer of cosmetics would be required to certify the results of certain tests which are designed to evaluate a cosmetic's toxicity, sensitizing capacity, contamination, carcinogenicity, mutagenicity, and teratogenicity.

Third, additional labeling requirements—after submitting the above information, the manufacturer would be required to label cosmetics with the following information: the name of each ingredient in the cosmetic, a list of the uses of the cosmetic together with directions for use, the date after which the cosmetic should not be used because any preservative or antibacterial agent in the cosmetic would no longer be effective, and the registration number assigned to the manufacturer by the Secretary.

Some may ask why this legislation is necessary, particularly in view of a recent regulation announced by the Food and Drug Administration. The Food and Drug Administration's regulation calls for too little. Let us look closely at the Food and Drug Administration proposal. It proposes a voluntary registration of cosmetic makers and packers and the voluntary filing with FDA of product formulations. The proposal also permits manufacturers to identify trade secrets or other privileged and confidential information which would not be disclosed to the public. Let us look at what the FDA regulations do not require. They do not call for mandatory registration of cosmetic makers. They do not call for mandatory filing with the FDA of formulations. They do not call for mandatory public disclosure of ingredients. They do not call for mandatory directions for use. And they do not call for mandatory dating of preservatives or antibacterial agents.

According to the FDA's Federal Register insert, the Commissioner believes that—

> Promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as a result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the Act, additional steps will be taken to promulgate mandatory regulations.

I am pleased to note that statement, for it means that the Commissioner truly believes the public should be well informed.

But since the public may not become well informed through the regulations, I believe that enactment of the Cosmetic Act is necessary. The provision of information directly to consumers is a most modest requirement. One manufacturer, Avon Products Inc., has already embarked upon a program of public disclosure of formulations. As a minimum, I should think that the rest of the cosmetic industry could follow suit. To Avon Products, my heartiest congratulations for its foresight.

An additional note is necessary considering the transfer of authority for the Fair Packaging and Labeling Act envisioned in the Consumer Safety Act, S. 3419, recently reported by the Senate Commerce Committee. Under section 204 of S. 3419, the cosmetic chapter—chapter VI—of the Food, Drug, and Cosmetic Act is repealed and cosmetics are classified as "consumer products." Additionally administration of the Fair Packaging and Labeling Act would also rest in the Consumer Safety Agency. Thus all regulation of cosmetics would be handled by the Consumer Safety Agency although, for the purposes of introduction, the Cosmetic Act grants these powers to the Secretary of Health, Education, and Welfare.

Cosmetics are used every day by nearly all of the American people. But the industry has been virtually unregulated to date. Consumers spend billions of dollars a year on cosmetics, even more than they spend for prescription drugs. But regulation has been woefully inadequate. A brief listing of the scope of cosmetic products could indicate why adequate labeling, testing, and regulation is most necessary. Cosmetic products include baby products, bath preparations, eye make-up preparations, fragrances, hair preparations, make-up preparations, manicuring preparations, oral hygiene products, personal products, shaving preparations, skin care preparations, and suntan and sunscreen preparations.

The list is virtually endless; the cost to the public is significant, and the hazards are many and sometimes grave. In closing, I would like to comment briefly on the press conference conducted by the President's Adviser on Consumer Affairs, Virginia Knauer, on April 10, 1972, at which time the Food and Drug Administration's voluntary regulations were announced. In effect, Mrs. Knauer has encouraged retailers to act on behalf of the consumer. This is a sound suggestion. She has enlisted the support of the Mass Retailing Institute, the National Association of Chain Drug Stores, Osco Drug, and Giant Foods in requiring of cosmetic manufacturers appropriate labeling for the consumer. Presence of this major ally is most heartening. Now that the consumer has an ally in the retailer, let us hope that the cosmetic industry, too, will become an ally in providing the necessary information so that consumers can make informed choices in the marketplace. Avon Products has announced that it will be the consumer's ally, let us see if the rest of the industry can join in.

Mr. President, I ask unanimous consent that following my remarks, the text of the Cosmetic Act of 1972 be printed in the RECORD, together with several statements issued at Mrs. Knauer's press conference and the text of the voluntary regulations proposed by the Food and Drug Administration.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

S. 3527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cosmetics Act of 1972".

SEC. 2. The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows:

(1) by inserting title "TITLE I—FAIR PACKAGING AND LABELING" immediately above the heading of section 2;

(2) by striking out "section 3" in section 4(a) and inserting in lieu thereof "section 102";

(3) by striking out "section 6" in section 4(a) and inserting in lieu thereof "section 301";

(4) by striking out "section 3" in section 4(b) and inserting in lieu thereof "section 102";

(5) by striking out "section 4" and "section 2" in section 5(b) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 5(c) and inserting in lieu thereof "section 103";

(7) by redesignating sections 2 through 5 as sections 101 through 104, respectively; and

(8) by inserting immediately after section 104, as redesignated by clause (7), a new title as follows:

"TITLE II—SPECIAL ADDITIONAL REQUIREMENTS RELATING TO COSMETICS

"REGISTRATION OF MANUFACTURERS OF COSMETICS

"SEC. 201. (a) Each manufacturer of any cosmetic shall register with the Secretary. Each person who is engaged as a manufacturer on the effective date of the Cosmetics Act of 1972 shall register not later than the close of the thirtieth day following its effective date. Each person who becomes a manufacturer after the effective date of the Cosmetics Act of 1972 shall register prior to the date upon which such person sells or offers for sale any cosmetic. Upon registration, each manufacturer shall be assigned a registration number by the Secretary.

"(b) As a part of registration, each person described in subsection (a) shall file a statement with the Secretary in such form and detail as the Secretary shall prescribe and it shall include—

"(1) the name and address of the manufacturer and of any other person whose name will appear on the label or labeling of any cosmetic manufactured by such manufacturer, and the address of each plant in which such cosmetic is manufactured;

"(2) the name of each cosmetic manufactured by such manufacturer, and the formula of each such cosmetic which shall include the name and quantity of each component of each such cosmetic;

"(3) a copy of the label and labeling of each cosmetic manufactured by such manufacturer; and

"(4) a list of the uses of each cosmetic manufactured by such manaufacturer which are represented on the label or labeling of each such cosmetic and any other reasonably foreseeable uses of each such cosmetic.

"(c) If, at any time, the information contained in a statement filed by a manufacturer under subsection (b) is not accurate and up to date, such manufacturer shall file with the Secretary, within thirty days after such statement is no longer accurate and up to date, such amendment or amendments as may be necessary to make the information contained in such statement accurate and up to date.

"TESTING AND OTHER REQUIREMENTS

"SEC. 202. (a) Except as provided in subsection (b), it shall be unlawful for any person engaged in the manufacture or importation of any cosmetic to import or manufacture for sale or distribution or cause to be distributed in commerce any cosmetic unless—

"(1) such person, either himself or by contract, conducts tests to determine the effects of such cosmetic with respect to the conditions described in subsection (c);

"(2) such person submits to the Secretary an accurate and complete description of each test conducted concerning such cosmetic and the results of each such test;

"(3) such person submits to the Secretary an accurate and complete description of the process used to manufacture and package such cosmetic;

"(4) such person submits to the Secretary a list of each health claim made on the label or labeling of such cosmetic or made in any advertising concerning such cosmetic, and an accurate and complete description of each test conducted and any other data compiled by such manufacturer in support of such claim; and

"(5) the Secretary determines that such cosmetic is safe, when used as directed on its label or labeling, for any use represented on its label or labeling or for any other reasonable foreseeable misuse, and that any health claim made with respect to such cosmetic on its label or labeling or in any advertising is accurate.

"(6) the cosmetic is substantially identical to the cosmetic tested and determined to be safe.

"(b) With respect to any cosmetic which has been sold to consumers in the United States before the effective date of the Cosmetics Act of 1972, such cosmetic may continue to be sold by the manufacturer on and after the effective date of the Cosmetics Act of 1972 and before the Secretary makes any determination pursuant to paragraph (5) of subsection (a), if such manufacturer complies with the provisions of paragraph (1) through (4) of subsection (a) of this section within 365 days after the effective date of the Cosmetics Act of 1972.

"(c) In order to make a determination pursuant to paragraph (5) of subsection (a), the Secretary must receive from the manufacturer of any cosmetic information concerning each cosmetic manufactured by such manufacturer with respect to—

"(1) systemic toxicity,

"(2) primary irritancy,

"(3) allergenic sensitizing capacity,

"(4) microbiological contamination,

"(5) photosensitizing capacity,

"(6) eye irritation,

"(7) animal feeding,

"(8) inhalation,

"(9) skin absorption,

"(10) carcinogenicity,

"(11) mutagenicity,

"(12) teratogenicity, and

"(13) stability of preservative systems,

and the information described in paragraphs (3) and (4) of subsection (a). The Secretary may, in response to a written request from such manufacturer, waive the testing requirement for any of the above items with respect to such cosmetic if he determines that any such test is not relevant to the making of a determination for such cosmetic pursuant to paragraph (5) of subsection (a). The Secretary may require any type and number of tests for any of the above items, and for any other items, which he deems necessary in order to make a determination pursuant to paragraph (5) of subsection (a) concerning such cosmetic.

"(d) The Secretary shall make a determination pursuant to paragraph (5) of subsection (a), within one hundred and twenty days after he has received all of the information concerning such cosmetic from any manufacturer as required to be submitted to him under this section. The Secretary may, prior to the one hundred and twentieth day, by written notice to the manufacturer, extend such one-hundred-and-twenty-day period for up to sixty additional days as the Secretary deems necessary to enable him to study and investigate such information.

"(e) Any information received by the Secretary regarding the tests, referred to in the first sentence of subsection (c), conducted in connection with any cosmetic by or for the manufacturer of such cosmetic shall be available to any person upon request to the manufacturer.

"ADDITIONAL LABEL AND LABELING REQUIREMENTS

"SEC. 203. (a) It shall be unlawful for any person engaged in the manufacture of any cosmetic to distribute, sell, or offer for sale in commerce such cosmetic unless the label of such cosmetic includes the following information:

"(1) the name of each ingredient of such cosmetic, except that perfumes and colorings may be designated as perfumes and colorings, and except that reasonable variations shall be permitted for small packages which shall be established by regulations prescribed by the Secretary;

"(2) a list of the use or uses of such cosmetic together with directions for each such use;

"(3) the date after which such cosmetic should not be used because any preservative or antibacterial agent which is an ingredient of such cosmetic will no longer be effective; and

"(4) the registration number assigned to the manufacturer of such cosmetic by the Secretary.

"(b) The labeling requirement prescribed under subsection (a) shall be in addition to any requirements required under title I of this Act and under any other provision of law.

"DEFINITIONS

"SEC. 203. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'cosmetic' means any article included in the definition of such term under section 201 (i) of the Federal Food, Drug, and Cosmetic Act."

SEC. 3. (a) Section 6 of the Fair Packaging and Labeling Act is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, or 202 of this Act".

(b) Section 7 of such Act is amended—

(1) by striking out "but the provisions of section 303 of that Act (21 U.S.C. 333) shall have no application to any violation of section 3 of this Act," and

(2) by striking out "sections 4 and 5" in subsection (c) and inserting in lieu thereof "sections 103, 104, 201, 202, and 203". (c) Section 8 of such Act is amended by striking out "section 5(d)" and inserting in lieu thereof "section 104(d)".

(d) Section 12 of such Act is amended—

(1) by striking out "section 4" and inserting in lieu thereof "section 103"; and

(2) by adding at the end thereof a new sentence as follows:

"It is further declared to be the express intent of Congress to supersede any and all laws of the State or political subdivisions thereof insofar as they may now or hereafter provide for labeling requirements for any cosmetic which are less stringent than or require information different from the requirements of this Act or regulations promulgated pursuant thereto."

(e) Such Act is further amended by inserting "TITLE III—GENERAL PROVISIONS" above the heading of section 6, and by redesignating sections 6 through 13 as sections 301 through 308, respectively.

SEC. 4. (a) Subsection (a) of section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a) is amended to read as follows:

"(a) Any person who violates a provision of section 301 shall be imprisoned for not more than five years or fined not more than $50,000, or both."

(b) The last sentence of section 706(a) of such Act is amended by striking out "other than a hair dye (as defined in the last sentence of section 601(a))".

(c) Subsection (i) of section 201 of such Act is amended by striking out "except that such term shall not include soap."

SEC. 5. This Act shall become effective on the first day of the second calendar month following the date of enactment.

REMARKS BY VIRGINIA H. KNAUER, SPECIAL ASSISTANT TO THE PRESIDENT FOR CONSUMER AFFAIRS

Ladies and gentlemen, those of you who cover my office and the FDA understand the many consumer issues we are involved with. One week it is automobile repair, the next week orange juice labeling, the next bacon packaging and others.

I thought it might be best to begin what I hope will be a series of progress reports on a number of these problem areas. The subject I wish to discuss today concerns cosmetics.

Overall, Americans buy approximately $4 billion worth of cosmetics annually. Most of these transactions are satisfactory from the consumer's viewpoint. Masking a wrinkle, or highlighting a positive feature can have a great effect on a person's morale and ego, let me assure you.

Nonetheless, a significant number of Americans, particularly those with allergies or sensitive skin, have had unpleasant reactions from using some cosmetics. With rare exception, these individuals have no way of knowing what is in the cosmetic before it is purchased and thus no way of avoiding ingredients that may cause allergic reactions. Similarly, their physicians don't know what's in the product either, so they can't tell patients who are allergic to an ingredient what products to avoid.

Industry officials have estimated that over 30 million Americans may exhibit allergic reactions. The National Commission on Product Safety cites figures to show that cosmetics injure over 60,000 persons annually so as to restrict activity for one day or to require medical attention.

While statistics serve a useful purpose, by themselves they do not reveal the experience of pain and suffering undergone by some Americans. My letters tell me that, and I have brought a few of these letters with me to share with you so that you may better understand the experience undergone by those individuals suffering allergic or sensitizing reactions from cosmetic ingredients.

Too many women found that their witchcraft instead of enhancing beauty, had the opposite effect; instead of beguiling the beholder, the makeup abuses the user. We intend to see that the beauty game has more winners and fewer losers. We intend to take the witch out of witchcraft.

We are announcing today a series of steps, both private and governmental, which add up to a major breakthrough for consumers in the field of cosmetics.

As you have seen from FDA's statement, it has announced publication of new regulations calling for voluntary registration of cosmetic manufacturers and packagers and for the voluntary filing with FDA of product ingredients and formulations. I want to call to your attention the fact that the FDA regulations require that the need for confidentiality must be proven. This will sharply limit traditional secrecy surrounding product formulations. Moreover participating companies will be requested to provide poison control centers and licensed physicians with all the information needed for the treatment of patients suspected of being adversely affected by the products. Thus, if a person has an allergic reaction to a particular cosmetic, and that cosmetic manufacturer is following the recommended procedure, he or she can obtain prompt expert advice on how to treat the problem.

Registration of product ingredients and formulations will also be very helpful to speed the physician's evaluation of the patient's needs. For instance, if FDA becomes aware that a cosmetic ingredient, such as hexachlorophene, has possible harmful side effects it would know from that listing what cosmetics contained that ingredient. While taking appropriate action on the product, it could also alert physicians as to what side effects to look for, and how to treat them.

In addition, FDA has announced it will consider fully the issue of mandatory labelling for sensitizing cosmetic ingredients. As you know, and as the Report of the National Commission on Product Safety makes explicit, there is doubt as to the authority of FDA to impose such a requirement. Nevertheless, the issue is one that warrants close examination, and I applaud FDA's action in taking a new look at this question.

Now I would like to share with you some of my efforts. I have been concerned about the adverse reactions caused by some cosmetics since I first came into office as the President's Consumer Advisor. In fact, over a year ago, I urged the cosmetic manufacturers to agree to register their product formulations with FDA.

In addition to encouraging the cosmetic industry to take voluntary action, I have solicited the support of several retail associations, not only in the field of cosmetics, but in other consumer areas as well. As I have stated on several occasions, I believe the retailer is the consumer's purchasing agent; as such, he should be the consumer's advocate.

I am pleased to tell you we have with us today several retailers who have taken this message to heart.

In response to my request, members of the Mass Retailing Institute, and the National Association of Chain Drug Stores will be asking their cosmetic suppliers to provide shoppers, on request, with information regarding cosmetic ingredients. As you know, Avon Products has already agreed to do this.

In addition, both Osco Drug and Giant Foods have initiated their own programs to obtain cosmetic information for the consumer.

Details of their specific action programs are contained in the information presented to you. Mr. Kurt Barnard, Executive Vice President of the MRI, has been unavoidably detained, and I will have his statement for you. Mr. Richard Cline, President of Osco Drugs, and Esther Peterson, Consumer Advisor to the President of Giant Foods, are here to answer any of your questions.

This actions of the retailers represented here today are significant in and of themselves. But, their importance will be magnified as their competitors undertake similar programs. Thus, consumers will have a major ally assisting them to obtain more cosmetic ingredient information. Similarly, manufacturers will have a powerful economic incentive to furnish more information. If they don't, they risk not only the loss of consumer confidence but a loss of patronage from the Nation's retailers.

The members of the cosmetics industry have shown commendable initiative in filing the petitions which form the basis of FDA's new regulations, and I welcome their cooperation.

The FDA proposals call for voluntary action. We have no way of knowing how many industry members will participate, though we certainly expect that most elements in the industry will cooperate to the fullest.

The significance of FDA's action and the constructive response of the cosmetics industry should not be under-estimated. After years of inconclusive discussion between industry and former FDA commissioners regarding cosmetic safety and labeling. Dr. Edwards has put to the test the questions of industry support for voluntary consumer protection. Government and public attention will focus on industry reaction to FDA's call for cooperative action on behalf of the consumer.

Simultaneously, consumers and retailers are making known their desire for more cosmetic ingredient information. This adds a powerful economic incentive for the cosmetics industry to respond. I have every reason to believe that the combination of government interest and public pressure will stimulate the competitive instincts of the industry and produce real gains for the American consumer.

CARBON RECEIVED BY VIRGINIA KNAUER OF LETTER TO MANUFACTURER

JANUARY 8, 1972.

DEAR SIRS: About a week and a half ago I purchased a can of [your feminine hygiene spray product] at the drug store. Previously, I had used [other products]; this was my first experience with your product.

Friday night, January 1st, I used it for the first time. To make a long story short, I almost ended up in the emergency ward, and only pride prevented me from going there immediately, I got such a reaction from [your feminine hygiene spray product] that for two and a half days I was almost out of my mind.

The reaction consisted of gross swelling of the tissues, itching, burning and a lot of pain. My neighbor who has had experience with alergies suggested I begin taking antihistamine immediately, which I did, and that helped to lessen the symptoms, but they persisted until Monday evening at which time it was lessened enough to allow me to do my housework. I am an executive secretary and work on Monday was sheer Hell.

I am, and will continue to be, so angry with your company, that frankly, I hope the product is removed from the market. When I mentioned this to one of the other girls in the office, she said that her experience with the product was not as severe, but was similar.

I am under the impression that the problem lies in the carrier you use to make the aerosol work, but then I am not a chemist, obviously. All I know is that if I am capable of receiving such a terrible reaction to this product, and I have not suffered similar reactions from the other products I mentioned, then the fault lies solely in [your feminine hygiene spray product].

It will be apparent by now that I am extremely upset; this experience completely ruined my week and (being New Year's incidently) and suffered greatly because of it. I also suffered humiliation as I had to cancel plans and make excuses for myself.

Yours truly,

——— ———.

MICHIGAN.

AUGUST 5, 1971.

Mrs. VIRGINIA KNAUER,
Director, Office of Consumer Affairs, Executive Office of the President, Washington, D.C.

DEAR MADAM: I'm writing to you in regard to ——— aerosol underarm deodorant—not the anti-perspirant.

I ran into a problem under my arms after I had used this product and my Doctor told me to check the can for the ingredients. When I did, I found nothing listed.

I thought all ingredients had to be listed on every product sold. I checked several of their other items and they also do not list a thing.

Could you find what ingredients are in this aerosol underarm deodorant and please let me know. I am not using it now, but had purchased two cans of their special. I do not want to discard it if it is not harmful. I could give it to someone else, even though I cannot use it.

I would appreciate it if you would let me know what this product consists of and also instruct that Company to show what their products are made of.

Thank you for your consideration and assistance.

——— ———.

AKRON, OHIO.

JULY 6, 1971.

Mrs. VIRGINIA KNAUER,
Special Assistant to the President for Consumer Affairs, Executive Office of the President, Washington, D.C.

DEAR MRS. KNAUER: I am writing to you about an incident that happened a few days ago. I will give you the details briefly.

Wednesday night, June 30, to be exact, I started to use a cosmetic called ——— Lotion.

Two days later small red blisters occurred where I had been using the lotion. I discontinued use of the lotion and put a medication on instead. The blisters began healing and I resolved that the lotion was causing the trouble. I may note that there was no statement declaring that certain skins may be sensitive to the product.

I then wrote a complaint to (the manufacturer) and I hope to receive a reply. I am enclosing a copy of the complaint for your reference.

I am asking if you could refer this letter to the Federal Food & Drug Administration and advise me on any further action that should be taken.

I am a thirteen-year old girl and just beginning to use cosmetics. This episode causes me to put distrust on the entire cosmetic industry. I hope you have a solution to my problem.

Thank you very much,

——— ———.

BURLINGTON, N.J.

COPY RECEIVED BY VIRGINIA KNAUER OF LETTER TO MANUFACTURER

FEBRUARY 4, 1972.

GENTLEMEN: A week ago I wrote you regarding a problem I had with your ——— mascara.

In the letter, I stated that my eyes became red and inflamed from use of your ———. Even after removing the make-up the eyes remained inflamed and painful. The medical department at my place of employment sent me home in fear of an infection and would not allow me to return to work until I had a doctor's release saying I had no contagious infection. I actually had no choice but to see an eye doctor. The doctor informed me there were mascara fibers in my eyes and under the lids of the eyes.

Your product's package states "hypo-allergenic" and nothing else. I did not expect to have such a problem. I returned the make-up to the store and my money was refunded. The store, in turn, returned the product to you for inspection.

Enclosed is a copy of the doctor bill and a copy of the release allowing me to return to work. The situation wasn't serious and I am thankful for that, but it was a lot of trouble and costly to me.

I am submitting this statement to you for reimbursement to me. I have checked the legal points with an attorney and I was informed you are most certainly legally responsible.

I am awaiting your reply and restitution for this incident.

Sincerely,

——— ———.

SANTA ROSA, CALIF.

JANUARY 22, 1972.

Mrs. KNAUER,
Office of Consumer Affairs, Office of the President, Washington, D.C.

DEAR MRS. KNAUER: I am sure you will route this to the proper office, but I wanted to apprise you of a situation which I feel is a consumer affairs item.

I recently purchased two sticks of ——— eye shadow, one green and one blue, at my neighborhood drug store. I used each one only a few times, and each time a very strong burning sensation occurred on my eyelids. I tried using each one several times to be sure this was being caused by the eye shadow, and there is no doubt about it.

I returned them to [my drug store] and without any question, was given a replacement with another brand which is satisfactory.

However, I feel very strongly that there is some toxic ingredient in the ——— eye shadow which should be investigated and corrected so that this cannot happen again. I asked the sales girl to let her product representative know about this, and I trust she will.

In the meantime, I feel it is important enough to let you know that this kind of product is on the market.

Thank you for whatever you can do about this.

Very truly yours,

——— ———.

TARZANA, CALIF.

AUGUST 1, 1971.

Mrs. VIRGINIA KNAUER,
Special Assistant to the President for Consumer Affairs, Washington, D.C.

DEAR MRS. KNAUER: The [women's group] of Miami, Florida, wishes to petition you to use the influence of your office to require cosmetic firms to label the ingredients of all their products.

1. Women have as much right to know precisely what they are putting on their skins as they do in what they are putting into their stomachs. The skin does absorb chemicals and can be damaged, impairing the individual's health.

2. Most people have allergies to one thing of another. If cosmetic ingredients are labeled and a bad reaction does develop in some women users, the product containing these ingredients can be avoided in the future. Furthermore, long, expensive tests by a dematologist might be avoided.

3. Hair coloring is very widely used in this country. An allergic reaction to the hair cosmetics can be severe and dangerous. The only way a woman can determine if she is allergic to a particular product is to buy a regular sized package and then to test for allergy as prescribed in the accompanying literature. If she finds she is allergic, she has already lost the entire sale price.

4. Since all hair coloring producers advise to pre-test for allergy, it is only sensible and economically equitable for hair coloring manufacturers to sell "allergy sample" kits at all cosmetic counters handling their products, at a small fraction of the sale price of their full-sized product. Thus, women could always test for safety, economically.

If cosmetic companies refuse to list the ingredients in their products, they are relying on mumbo-jumbo and deceit in trying to foist on women, products of little or no value, products that they tacitly admit, that though costing more than a competitor's products, contain nothing different.

If the industry is based on fraud and deceit, there is no common sense reason to support it. If the cosmetic industry has something of value to offer, they will have no fear of listing their ingredients on the labels of their products.

The idea must finally sink in that it is the consumer that should be protected—not the profits of the cosmetic industry.

Sincerely,

——— ———.

MIAMI, FLORIDA.

OFFICE OF CONSUMER AFFAIRS,
Washington, D.C., March 10, 1972.

Mr. ROBERT J. BOLGER,
Executive Vice President, National Association of Chain Drug Stores, Inc., Arlington, Va.

DEAR MR. BOLGER: Recently a key FDA official was quoted in the trade press to the effect that a "means must be found to lead consumers susceptible to allergies to cosmetic products which do not have ingredients which produce allergic reactions." Industry officials have estimated that over 30 million Americans may exhibit allergic reactions and figures developed by the National Commission on Product Safety suggest many thousands of adverse reactions to cosmetic products each year.

There is no requirement for cosmetic ingredient labeling under existing law and even where allergists have pinpointed a cosmetic component as responsible for a particular reaction, the consumer-patient has hitherto been in no position to ascertain whether the particular component was or was not present in a cosmetic purchased over the counter in your members' stores.

Recently one cosmetic company took voluntary steps to alleviate this situation. The Avon Company has announced a policy whereby Avon will tell any customer the ingredients of any cosmetic formula, on request.

The purpose of this letter is to inquire as to whether the members of your Association, as the consumers' "purchasing agents," have given thought to asking their cosmetic suppliers whether they might also be willing to supply ingredient information on request as the Avon Company has done. Perhaps an initial survey of suppliers might specifically mention the "hypoallergic cosmetics" (which are advertised and promoted to consumers for their low or non-allergic reactions potential) as likely candidates for ingredient disclosure on request.

Would you advise me on the willingness of your members to inquire of their suppliers regarding the possibility of cosmetic ingredient disclosure on request. If one or more of their suppliers show a willingness to follow the Avon policy, perhaps your members might then devise a convenient means of obtaining this information for customers in need of this assistance.

I will be extremely interested in your reply.

Sincerely,

Virginia H. Knauer,
Special Assistant to the President for Consumer Affairs.

Statement From Kurt Barnard, Executive Vice President of Mass Retailing Institute Headquartered in New York City

Mass Retailing Institute has promised full cooperation with Mrs. Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs, in communicating to all its members the problem of adverse allergic reactions caused in some individuals by some ingredients of some cosmetic products whose users had no way of knowing, at the time of purchase, what ingredients the products contained.

It will develop and suggest to its members a mechanism they can employ to solicit from their cosmetics suppliers information concerning cosmetic ingredients, and to have such information available to shoppers on request.

Under consideration is an ingredient information request form to be submitted to manufacturers together with an order, and a binder in the store, available to shoppers on request, containing the ingredient lists supplied by cooperating manufacturers.

MRI also will write to the principal suppliers of cosmetics to its members suggesting they consider adopting the same kind of ingredient disclosure on the packaging of their products as is used on packaged food products and, indeed, on a number of cosmetic items.

MRI represents chains operating over 10,000 discount department stores and leased departments. In 1971 the industry sold $30 billion worth of merchandise to some 42 million families in the fifty States.

MRI is happy to cooperate with Mrs. Knauer in this effort. We feel that what is good for the consumer is good for the discount department store industry.

Press Release of Osco Drug, Inc.

Osco Drug, Inc., a subsidiary of Jewel Companies, Inc., today announced a policy of ingredient disclosure for toiletries and cosmetics items.

The announcement, made by Richard G. Cline, President of Osco, at a Washington Press Conference of the President's Office of Consumer Affairs, states:

"We share the concern expressed by Mrs. Knauer and Mr. Edwards for those millions of people in the United States who may be allergic to substances used in cosmetic and toiletry preparations commonly sold in drug stores. Unfortunately, in the purchase of cosmetic and toiletry products, these people have no practical method for determining product ingredients and are thus helpless in avoiding products to which they react.

"To solve this industry problem manufacturers and retailers need to take voluntary action to make information available at the point of sale that will make it possible for customers with known allergies to avoid substances harmful to them.

"Two steps have been taken by Osco Drug to initiate corrective action. First, we have written each of our cosmetic and toiletry suppliers recommending that ingredient labeling or inserts be initiated for each of their products and as an immediate response that they send Osco a list of ingredients for each of their products sold in our stores, so that we can make this information available to our customers. Second, we have directed that statements of ingredients be included on all Osco label cosmetic and toiletry products. Since the package changeover for Osco label products will not be completed for some time, we are sending each of our stores ingredient lists for these products, in order that this information may be made available to customers upon request. Ingredient information on 25 Osco private label items will be available in our stores this week.

"Further, as you know, Osco is a subsidiary of Jewel Companies, Inc., a diversified family of retailers operating over 1,000 stores in 20 states and in-home shopping businesses coast to coast. The presidents of each of the Jewel Companies have authorized me to tell you that they are initiating similar action as follows:

" 'Turn*Style, which operates self-service department stores, is also writing its vendors asking voluntary ingredient disclosure action and will also make ingredient disclosures for all of its private label products.

" 'Jewel Food Stores, Eisner Food Stores, Star Markets, Buttreys, and White Hen Pantries, Jewel Companies' operating food markets, are also requesting information from their suppliers for in-store customer reference.

" 'Finally, the Direct Marketing Division, operating 2,000 in-home shopping businesses in 42 states and serving about one million homes every two weeks, is today introducing a new hypo-allergenic line of cosmetic products to be sold throughout their areas of operation. Ingredient information will be made available for each of these products as well as for all other cosmetic and toiletry products currently in their line.'

"This action on the part of all Jewel Companies is in keeping with other Jewel consumer information programs responding to 'Consumer's Right to Know,' such as prescription drug price posting, cost-per-measure pricing, open dating, nutrition labeling and meat labeling."

Osco Drug, Inc.,
Franklin Park, Ill., April 7, 1972.

Dear ———: In response to a concern expressed by Mrs. Virginia Knauer, Special Assistant to President Nixon for Consumer Affairs, I am writing you about a serious problem you and I can do much to alleviate.

As you know, millions of people in the United States are allergic to substances used in cosmetics and toiletry preparations commonly sold in drugstores. Unfortunately, in the purchase of cosmetic and toiletry products, many persons have no practical method of determining product ingredients, and thus they are helpless in avoiding products to which they react. Manufacturers and retailers need to take voluntary action to make available, at the point of sale, information that will enable customers with known allergies to avoid substances harmful to them.

We, at Osco, have no fixed ideas about the form in which ingredient information should be provided for any particular product. In the spirit of voluntary action which can best serve customer needs and those of the industry, we do, however, recommend strongly that the industry subscribe to a guiding principle of maximum disclosure of product information in a form consistent with the customer's need and right to know.

So that you will know fully the action Osco Drug is taking, I wish to advise you that I have directed a change in our private label packaging so that ingredient statements will be included on all Osco label cosmetic and toiletry products. Since that package changeover will not be completed for some time, we are sending to each of our stores ingredient lists for these products, and we will make these available to customers on request.

Ingredient disclosure will also be one element Osco will use in the evaluation of your new products and in re-evaluating existing products as those come up for review. Our buyers and full staff are ready to work with you to develop ways that will make this information available and that are appropriate for your products.

What action should you take? Clearly, you are the most appropriate one to decide that for your products. Several alternatives and priorities are obvious:

1. Make information available on the product label and its package, wherever possible.
2. Make information available in a package insert where package or product labeling is impractical.
3. Make information available to retailers, who can then provide it to sales personnel in stores so that they can answer customer inquiries.
4. Include cautionary use statements wherever appropriate.

Any package or label changes you undertake will, of course, require time to work their way through distribution channels. Thus, as an immediate response, I ask you to send me a list of ingredients for each of your products so that I can make this information available in each of our stores. If your decision should be not to supply us with this information, we would like to know your reasons for choosing not to do so.

This letter is going to key executives of each Osco cosmetic and toiletry supplier. Frankly, I know each of you shares our concern for customer health. There may be valid reasons that have made ingredient disclosure difficult in the past; however, as our customers' purchasing agents, we ask you to respond positively.

We all are aware of pending regulations which might be both less appropriate and more difficult than any voluntary action we can take. Thus, I trust you will take this opportunity to seize the initiative and assure our mutual customers of your sincere concern for their well being.

Sincerely,

Richard G. Cline.

Text of April 10 Announcement to Sales Personnel From Direct Marketing Division, Jewel Companies, Inc., Explaining Cosmetic and Toiletry Ingredient Disclosure Policy

We think our customers have the right to know what touches their skin. The DMD of Jewel will become one of the very first companies in the United States to provide customers with a printed list of ingredients for cosmetics. Beginning Wednesday, April 12, a list of ingredients will be inserted in each customer order of Jewel Natural Charm cosmetics. We will go even a step further than listing ingredients; we will also list the 60 most common allergens found in cosmetics which are not used in our Natural Charm hypo-allergenic cosmetic line. So that our people can answer questions asked by customers, we will immediately provide every one of our sales people with a comprehensive list of ingredients used in any product which comes in repeated contact with the skin, including dishwashing liquids, shampoos, bar soaps, hair sprays, etc. We will also change all packaging in these categories to show ingredients or make available to the customer a statement of ingredients. These packaging changes should be completed by the end of 1972.

This is a voluntary action on Jewel's part because we feel strongly that our customers have the right to know what they are buying and what is coming in contact with their skin. This decision and action on our part further emphasizes the basic "customers first" philosophy of our business.

Osco Drug, Inc. operates 185 drug stores in the following States:

Arkansas, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, North Dakota, South Dakota, Washington, Wisconsin.

NEWS RELEASE OF GIANT FOOD, INC.

Giant Food Inc. announced today it will list the amount of each active ingredient on the labels of its private brand over-the-counter drugs and health and beauty aids. Last year, the company began a similar program on its private label foods.

Esther Peterson, Consumer Advisor to the Giant Food President Joseph B. Danzansky, said the program is designed to give consumers, especially those with allergy problems, the point-of-purchase information they need to make informed buying decisions.

In addition to allergy problems, the labeling program is expected to be helpful to people whose health could be adversely affected by certain common ingredients, such as sugar and salt. Although these and similar substances may not be active ingredients, they will be listed on the label because they could have an adverse affect on health.

Morris H. Bortnick, Giant's Vice President of Professional Services, observed that the cost of providing this information will be negligible, based on experience with Giant's nutritional labeling project and other labeling programs.

The 26 products that will be labeled under the new program are as follows:

Giant Brand Gelatin Capsules.
Giant Brand Expirin (aspirin substitute).
Giant Brand Adult Suppositories.
Giant Brand Nose Drops.
Giant Brand Bath Oil.
Giant Brand Cream Rinse.
Giant Brand Shampoo.
Giant Brand Mouthwash (4 different formulations).
Giant Brand Shave Cream.
Giant Brand Antiperspirant Deodorant.
Giant Brand Children's Aspirin.
Giant Brand Baby Shampoo.
Giant Brand Buffered Aspirin.
Giant Brand Extra Strength Tablets (analgesic).
Giant Brand Alox Gel (antacid).
Giant Brand Cold Capsules.
Giant Brand Rest All Nite (cough suppressant).
Giant Brand Extra Strength Cough Mixture.
Giant Brand Witch Hazel.
Giant Brand Hand Lotion.
Giant Brand Protein Shampoo.
Giant Brand Dandruff Shampoo.
Giant Brand Baby Oil.

GIANT FOOD, INC.,
PROFESSIONAL SERVICES DIVISION,
Washington, D.C., April 5, 1972.

DEAR ———: We are currently reviewing all of our private label Health and Beauty Aid items with respect to labeling disclosure information.

Kindly forward to me as soon as possible the complete quantitative formulation of the following items with respect to both active and inactive ingredients, fillers, excipients, preservatives, or any other additives used.

Product List:

Thank you for your cooperation.

Very truly yours,
MORRIS H. BORTNICK.

COSMETIC PRESS CONFERENCE STATEMENT

(By Charles C. Edwards, M.D.)

Cosmetics brighten the lives of millions of Americans. They are important products in today's society.

But cosmetics, unlike drugs and food—which FDA also regulates—are not essential to human welfare. They do not enjoy a benefit-to-risk consideration as do drugs. In a word, cosmetics must be *safe*.

One year ago, the FDA went to the industry and requested a series of voluntary actions to help provide consumers assurance of cosmetic safety. We asked the industry to face three specific issues:

1. The need for FDA to know what companies are involved in cosmetic manufacturing or packaging;
2. The need for FDA to know what ingredients and how much are in various products;
3. The need for FDA to know at least as much as industry about consumer complaints of averse reactions from use of cosmetic products.

The actions being announced today are industry's very positive reaction to the first two points. I commend the cosmetic industry—and especially the leadership of its Trade Association—for their foresight and their cooperation.

But the proof of this voluntary program will come only with full participation by manufacturers and packagers.

Past experience shows clearly that voluntary regulation works best where pressures in effect force compliance. The consumer-customer can be the major single source for such pressure. So, it seems to me that the responsibility for success or failure in this voluntary program depends in equal measure upon the cooperation of industry and the active interest of consumers.

The alternatives are continuation of today's unacceptable status quo or new legislative attention from the Congress.

In order for FDA to make meaningful decisions from ingredient lists we must also have full information on consumer experience associated with the use of cosmetics.

At this time, the FDA receives only a very small fraction of the total number of cases of adverse reactions. The feedback simply must be greater and the industry can help by opening their complaint files to us. I do not see any workable alternative if we are going to establish a valid base for preventive actions.

We understand that a further industry petition providing for the voluntary submission to FDA of consumer complaints and comments now is ready. The proposal meets the third of FDA's suggestions for a voluntary program. I urge that the proposal be presented to us promptly so that full implementation of the registration and reporting system can be carried forward with minimum delay.

The voluntary program at this time does not include a commitment by industry to ingredient labeling. At the same time, the FDA clearly recognizes that such labeling could prevent consumer deception and facilitate value comparisons.

FDA consideration, therefore, is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act for labeling at least the "sensitizing" ingredients.

Overall, this is a promising and unprecedented program. It has major potential for increasing protection to the American consumer through a combined effort involving reasonable regulation and a responsible industry. In addition to the intrinsic value of the effort, it offers a major precedent for similar activities involving other important segments of regulated industries. The FDA will lend the program its full support.

Thank you.

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Rockville, Md.

The Food and Drug Administration today announced regulations calling for the voluntary registration of cosmetic makers and packers and for the voluntary filing with FDA of product formulations.

The regulations are based on two proposals offered by the Cosmetic, Toiletry and Fragrance Association (CTFA). Both proposals were published last August 26 in the FEDERAL REGISTER for public comment prior to final FDA consideration.

Under the final regulations published today foreign and domestic manufacturers and packers of cosmetic products and raw materials will be asked to provide the FDA with formulations, brand names, product categories and amount of ingredients for their products. Trade secrets or other privileged and confidential information must be identified as such and must be accompanied by a statement justifying exemption from public disclosure under the "Freedom of Information Act."

Participating companies will be requested to provide poison control centers and licensed physicians with all information as needed for the treatment of patients suspected of being adversely affected by the products.

Some public comment received by FDA urged label declarations of ingredients on cosmetics, Charles C. Edwards, M.D., Commissioner of Food and Drugs, said he recognizes that regulations requiring ingredient disclosure on the labels of such products would help prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. FDA consideration, however, is being given to publishing a separate proposal under the Federal Fair Packaging and Labeling Act, for labeling of "sensitizing" cosmetic ingredients.

FDA will make available special forms to the cosmetic industry for filing the various information called for in today's proposal. Those desiring registration forms may contact the Division of Colors and Cosmetics Technology, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or any FDA District Office.

Exempted from the regulation are beauty shops cosmetologists, retailers, pharmacists and others who may compound cosmetic products at a single location and administer, dispense or distribute them at retail from that location.

COSMETIC PRODUCTS—FDA regulations for voluntary registration of cosmetic product establishments and voluntary filing of cosmetic product ingredient statements; effective 30 days after notice is published in the Federal Register that the necessary forms are available.

[TITLE 21—FOOD AND DRUGS, CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; SUBCHAPTER D—COSMETICS]

COSMETIC PRODUCTS

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

In the matter of issuing regulations establishing a procedure for (1) the voluntary registration of cosmetic product establishments and (2) the voluntary filing of cosmetic product ingredient statements:

A notice regarding these regulations which were based on two petitions filed by the Cosmetic, Toiletry, and Fragrance Association, Inc., (CTFA), 1625 Eye Street N.W., Washington, D.C. 20006, was published in the Federal Register of August 26, 1971 (36 F.R. 16934). In the same notice the Commissioner of Food and Drugs proposed a parenthetical statement which, if the regulations were adopted, would be inserted to identify certain cosmetic products that are also regarded as drugs by the Food and Drug Administration. Interested persons were invited to submit comments on the proposal within a 30-day period which ended September 25, 1971. Twenty-two comments were received.

With regard to the promulgation of these regulations in general, a member of Congress urged that the registration and filing of ingredient statements by producers of cosmetics be mandatory, that foreign producers of cosmetics be subject to the regulations, and that ingredient labeling of cosmetic products be required. Two other comments challenged the legality of establishing voluntary regulations under section 701(a) of the Federal Food, Drug, and Cosmetic Act and urged that the regulations issued be mandatory. These two comments included legal arguments to support claims that it is extra legal to provide that data submitted voluntarily by firms filing cosmetic product ingredient statements be kept confidential by FDA; that authority now exists to require mandatory registration of cosmetic product establishments, filing of cosmetic ingredient statements, labeling declaration of ingredients on cosmetic products, and label declaration of any registration number issued by the Commissioner; and that authority now exists to provide that any cosmetic product that did not have an FDA-issued registration number on the label would be deemed to be misbranded.

The Commissioner has considered these comments and concludes that under section 701(a) of the act he is authorized to accept the voluntary registration of cosmetic product establishments and the voluntary filing of cosmetic product ingredient statements and cosmetic raw material composition statements as set forth in the regulations established below. He also agrees that foreign producers should be included in this voluntary registration. He concludes however that promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as a result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the act, additional steps will be taken to promulgate mandatory regulations. The Commissioner further concludes that mandatory ingredient labeling goes beyond the scope of the proposal and cannot be implemented by these regulations.

Comments recommending label declarations of ingredients for cosmetic products are considered by the Commissioner to be meritorious. The Commissioner recognizes that regulations requiring cosmetic product ingredient disclosure on the labels of such products will prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. Consideration is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act, § 5(c)(3), 15 U.S.C. 1454 (c)(3), for labeling of sensitizing ingredients.

A dermatologist commented that the proposed regulations were a step in the right direction but that they did not go far enough, particularly in the provision for providing coded samples to physicians treating persons suffering from allergic reaction. He urged establishment of a "Register" that would list all ingredients of all cosmetic products used in the United States and would be made available to every practicing dermatologist. The Commissioner concludes that a "Register" of cosmetic ingredients goes beyond the scope of the proposal and cannot be implemented by these regulations. The Commissioner considers that promulgation of labeling requirements for cosmetic ingredients will substantially satisfy the need of dermatologists for this type of data.

One comment from a professor at a school of medcine urged that feminine hygiene deodorants be considered drugs as are feminine douche products. This request was also included in the comment submitted by the member of Congress. Twelve of those commenting opposed the Commissioner's proposed parenthetical statement. These comments have been fully considered.

The Commissioner concludes that the parenthetical statement is not a necessary element of this voluntary regulation. In lieu of this statement, the proposed regulations have been changed to indicate that a cosmetic product which is also a drug is subject to the drug requirements of the Federal Food, Drug, and Cosmetic Act.

In his proposed parenthetical statement, the Commissioner cited cosmetic product categories which are also regarded as drugs because of their intended use. He would like to point out that the failure to cite feminine hygiene deodorants as an example should not be construed to indicate that such products may not also be considered drugs under appropriate circumstances.

One comment concerned the possible theft of ingredient information and urged that funds commensurate with the value of the formulations submitted to FDA be set aside to reimburse the owner of a stolen cosmetic formulation. The Commissioner concludes that creation of a special fund goes beyond the scope of the proposal and cannot be implemented by these regulations.

A public interest group objected to the all-inclusive scope of the petitioner's proposed provisions concerning confidentiality of statements submitted pursuant to Part 172. The Commissioner concludes that these objections are valid, and the regulations have been changed so that such provisions are consistent with the mandate of section (3)(e)(4) of the Administrative Procedures Act (5 U.S.C. 552(b)(4)).

Fourteen associations or firms that are either involved in or closely allied to the cosmetic product industry favored the regulations proposed by the petitioner. However, some of these suggested amendatory language that would clarify and improve the procedure for obtaining compositional information regarding proprietary ingredients used in finished cosmetics.

Accordingly, on the basis of the comments received and the Commissioner's conclusions, the proposed regulations are being promulgated with the following changes:

1. For clarity, the titles of Parts 170 and 172 have been changed and new definitions are added to §§ 171.1 and 172.1.

2. Changes have been made throughout Parts 170 and 172 in order to include foreign cosmetic producers in these voluntary registration procedures.

3. A sentence has been added to § 172.1(b) to point out that a cosmetic product which is also a drug is subject to the drug provisions of the act.

4. Clarifying changes have been made in § 172.5(a)(1) and (2), (b)(5), (d)(2) and (3), and (e), and a new subdivision has been added to paragraph (d)(1).

5. A new § 172.6 *Information requested about cosmetic raw material* has been added, and proposed §§ 172.6–172.9 have been redesignated as §§ 172.7–172.10.

6. To further implement new § 172.6, appropriate amendments have been made in §§ 172.2, 172.3, 172.4, 172.7, and 172.9.

7. The section heading of § 172.8 has been changed and the section is revised to clarify the procedure for acknowledging the receipt of statements, advising persons filing incomplete statements, and issuing statement numbers to persons filing complete statements.

8. Section 172.9 is revised to clarify the conditions under which trade secrets, and other privileged and confidential commercial information will be held in confidence consistent with the provisions of section 3(e)(4) of the Administrative Procedures Act as amended.

9. A new paragraph (b) has been added to § 172.10 to explain how the Food and Drug Administration Cosmetic Raw Material Composition Statement Number may be used.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 602, 701(a), 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That 21 CFR Chapter I be editorially amended by redesignating the present Subchapters D and E as Subchapters E and F, respectively, and that a new Subchapter D—Cosmetics be established consisting at this time of two new Parts 170 and 172, as follows:

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

Sec.
170.1 Definitions.
170.2 Who should register.
170.3 Time for registration.
170.4 How and where to register.
170.5 Information requested.
170.6 Amendments to registration.
170.7 Notification of registrant; cosmetic products establishment registration number.
170.8 Inspection of registrations.
170.9 Misbranding by reference to registration number.
170.51 Exemptions.

AUTHORITY: The provisions of this Part 170 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 170.1 Definitions.

(a) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(b) "Establishment" means a place of business where cosmetic products are manufactured or packaged.

(c) The term "manufacture" of a cosmetic product means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(d) The term "packaging" of a cosmetic product means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) The term "all business trading names used by the establishment" means any name which is used on a cosmetic product label and owed by the cosmetic product manufacturer or packer, but is different from the principal name under which the cosmetic product manufacturer or packer is registered.

(f) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(g) The definitions and interpretations contained in sections 201 and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 170.2 Who should register

The owner or operator of a cosmetic product establishment which is not exempt under § 170.51 and engages in the manufacture or packaging of a cosmetic product is requested to register for each such establishment, whether or not the product enters interstate commerce. This request extends to any foreign cosmetic product establishment whose products are exported for sale in any State as defined in section 201(a)(1) of the act. No registration fee is required.

§ 170.3 Time for registration

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register his establishment within 30 days after the operation begins.

§ 170.4 How and where to register

FD Form 2511 ("Registration of Cosmetic Product Establishment") is obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office.

The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.5 Information requested

FD Form 2511 requests information on the name and address of the cosmetic product establishment, including post office zip code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacturer, packer, and/or distributor). The information requested should be given separately for each establishment as defined in § 170.1(b).

§ 170.6 Amendments to registration

Within 30 days after a change in any of the information contained on a submitted FD Form 2511, a new FD Form 2511 should be submitted to amend the registration. This amendment is also necessary when a registration is to be cancelled because an establishment has changed its name and no longer conducts business under the original name.

§ 170.7 Notification of registrant; cosmetic product establishment registration number

The Commissioner of Food and Drugs will provide the registrant with a validated copy of FD Form 2511 as evidence of registration.

This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with these regulations.

§ 170.8 Inspection of registrations

A copy of the FD Form 2511 filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.9 Misbranding by reference to registration or to registration number

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its product by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 170.51 Exemptions

The following classes of persons are not requested to register in accordance with this Part 170 because the Commissioner has found that such registration is not justified:

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and who do not sell these products.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of cosmetic products in the usual course of business.

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

Sec.
172.1 Definitions.
172.2 Who should file.
172.3 Times for filing.
172.4 How and where to file.
172.5 Information requested about cosmetic products.
172.6 Information requested about cosmetic raw materials.
172.7 Amendments to statement.
172.8 Notification of person submitting cosmetic product ingredient statement cosmetic raw material composition statement.
172.9 Confidentiality of statements.
172.10 Misbranding by reference to filing or to statement number.

AUTHORITY: The provisions of this Part 172 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 172.1 Definitions

(a) The term "commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(b) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed. Any cosmetic product which is also a drug or device or component thereof is also subject to the requirements of Chapter V of the act.

(c) The term "flavor" means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance" means any natural or synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The term "proprietary ingredient" whose name, composition, or manufacturing process is protected from competition by secrecy, patent, or copyright.

(g) The term "chemical description" means a concise definition of the chemical composition using standard chemical nomenclature so that the chemical structure or structures of the components of the ingredient would be clear to a practicing chemist. When the composition cannot be described chemically, the substance shall be described in terms of its source and processing.

(h) The term "cosmetic raw material" means any ingredient, including an ingredient that is a mixture, which is used in the manufacture of a cosmetic product for commercial distribution and is supplied to a cosmetic product manufacturer, packer, or distributor by a cosmetic raw material manufacturer or supplier.

(i) The definitions and interpretations contained in sections 201, 601, and 602 of the act shall be applicable to such terms when used in the regulations in this part.

§ 172.2 Who should file

(a) Either the manufacturer, packer, or distributor of a cosmetic product is requested to file FD Form 2512 ("Cosmetic Product Ingredient Statement") whether or not the cosmetic product enters interstate commerce. This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product exported for sale in any State as defined in section 201(a)(1) of the act. No filing fee is required.

(b) It is requested that FD Form 2513 ("Cosmetic Raw Material Composition Statement") be filed by either the manufacturer or supplier of a cosmetic raw material that is a proprietary ingredient or whose precise composition is not known to the cosmetic manufacturer, packer, or distributor receiving the ingredient whether or not the raw material enters into interstate commerce. This request extends to any foreign manufacturer or supplier of a cosmetic raw material that is exported for such use in any State as defined in section 201(a)(1) of the act. No filing fee is required.

§ 172.3 Times for filing

(a) Within 180 days after forms are made available to the industry, FD Form 2512 should be filed for each cosmetic product being commercially distributed as of the effective date of this regulation. FD Form 2512 should be filed within 60 days after the beginning of commercial distribution of any product not covered within the 180-day period.

(b) FD Form 2513 should be filed, pursuant to § 172.2(b), by a cosmetic raw material manufacturer or supplier for each cosmetic raw material.

§ 172.4 How and where to file

FD Form 2512 and FD Form 2513 and FD Form 2514 ("Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, according to the instructions provided with the forms.

§ 172.5 Information requested about cosmetic products

(a) FD Form 2512 requests information on:

(1) The name and address, including post office ZIP code, of the person, manufacturer, packer, or distributor) designated on the label of the product.

(2) The name and address, including post office ZIP code, of the manufacturer or packer of the product if different from the person designated on the label of the product, when the manufacturer or packer submits the information requested under this paragraph.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing FD Form 2512 should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have the form signed by an authorized individual.

(3) Provide poison control centers with ingredient information and/or adequate diagnostic and therapeutic procedures to permit rapid evaluation and treatment of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide ingredient information (and, when requested, ingredient samples) to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated.

(5) Request that an FD Form 2513 be filed pursuant to § 172.6(b) by the manufacturer or supplier of any proprietary ingredient (in-

cluding mixtures) or of any other cosmetic raw material which is used as an ingredient and has not as yet been assigned a cosmetic raw material composition statement number.

(c) One or more of the following cosmetic product categories should be cited to indicate the product's intended use.

(1) *Baby products:*
(i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.
(2) *Bath preparations:*
(i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.
(3) *Eye make-up preparations:*
(i) Eyebrow pencil.
(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye make-up remover.
(vi) Mascara.
(vii) Other eye make-up preparations.
(4) *Fragrance preparations:*
(i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding aftershave talc).
(iv) Sachets.
(v) Other fragrance preparations.
(5) *Hair preparations (noncoloring):*
(i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming aids.
(viii) Wave sets.
(ix) Other hair preparations.
(6) *Hair coloring preparations:*
(i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(iii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.
(7) *Make-up preparations (not eye):*
(i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Make-up bases.
(vii) Rouges.
(viii) Make-up fixatives.
(ix) Other make-up preparations.
(8) *Manicuring preparations:*
(i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail extenders.
(v) Nail polish and enamel.
(vi) Nail polish and enamel removers.
(vii) Other manicuring preparations.
(9) *Oral hygiene products:*
(i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.
(10) *Personal cleanliness:*
(i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.
(11) *Shaving preparations:*
(i) Aftershave lotions.
(ii) Beard softeners.
(iii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.
(12) *Skin care preparations (creams, lotions, powder, and sprays):*
(i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste marks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Wrinkle smoothing (removers).
(xii) Other skin care preparations.
(13) *Suntan and sunscreen preparations:*
(i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preparations.

(d) Ingredients in the product should be indicated as follows:

(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) should be accompanied by a letter designating the percentage of the ingredient added, as follows:

(i) The letter A represents over 50 percent.
(ii) The letter B represents over 25 percent to 50 percent.
(iii) The letter C represents over 10 per cent to 25 percent.
(iv) The letter D represents over 5 percent to 10 percent.
(v) The letter E represents over 1 percent to 5 percent.
(vi) The letter F represents over 0.1 percent to 1 percent.
(vii) The letter G represents 0.1 percent or less.
(viii) The letter H represents 0 percent. (The letter H is to be used only to indicate that a particular color additive is absent in certain shades of a product as described in the instructions in FD Form 2512).

(2) An ingredient, including an ingredient that is a mixture, should be listed by its common or usual name, if it has one; or by its chemical name (except proprietary ingredients); or by its trade-name and the name of manufacturer or supplier. If such ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," Food Chemicals, Codex," "CTFA Standards—Specifications," etc.) list only the common, usual or chemical name found in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(3) When the manufacturer or supplier of a fragrance and/or flow refuses to disclose ingredient data, the fragrance and/or flavor should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier of each proprietary mixture that is included.

(e) A separate FD Form 2512 should be filed for each different formulation of a cosmetic product. However, except for the hair coloring preparations listed in paragraph (c)(6, of this section for which a statement for each shade of such product is required, a single FD Form 2512 may be filed for two or more shades of a cosmetic product where only the amounts of the color additive ingredient used are varied or in the case of flavors and fragrances where only the amounts of the flavors and fragrances used are varied.

§ 172.6 Information requested about cosmetic raw materials

(a) FD Form 2513 requests information on:

(1) The name and address, including post office ZIP code, of the manufacturer or supplier of the cosmetic raw material.

(2) The trade name or names of the cosmetic raw material.

(3) The identity of the ingredient in a cosmetic raw material or of the ingredients if the cosmetic raw material is a mixture.

(b) The person filing FD Form 3251 should:

(1) Provide the information requested in paragraph (a) of this section for each cosmetic raw material which is to be an ingredient in a cosmetic product offered for commercial distribution, whenever it is a proprietary ingredient (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) or an ingredient whose precise composition is not known to the cosmetic product manufacturer, packer, or distributor using it.

(2) Have it signed by an authorized individual.

(c) Information on the composition of cosmetic raw material should be shown as follows:

(1) A cosmetic material or an ingredient in a cosmetic raw material, including mixtures, should be listed by its common or usual name, if it has one; or its chemical name; or its chemical description. If the information is not available, list the trade name and supplier and request the manufacturer or supplier to file an FD Form 2513. If such cosmetic raw material or ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(2) A cosmetic raw material that is a prepared mixture of ingredients should have each ingredient listed in descending order of predominance by weight (except that fragrance and/or flavor refuses to disclose ingredient data) with a letter designating the percentage of the ingredient added as described under § 172.5(d)(1).

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor used in a cosmetic raw material should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier.

(4) Ingredients in a prepared mixture of color additives, with or without diluents, that are used as cosmetic raw materials should be listed as described in subparagraphs (1) and (2) of this paragraph, using the approved name of the color additive and/or diluent as listed in Part 8 of this chapter.

(d) The information requested should be given separately for each cosmetic raw material.

§ 172.7 Amendments to statement

(a) Changes in the information requested under § 172.5(a)(3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended FD Form 2512 within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended FD Form 2512 within a year after such changes. Notice of discontinuance of commercial distribution of a cosmetic product should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

(b) Changes in the information requested under § 172.6(a)(2) and (3) on the name or ingredients of a cosmetic raw material should be submitted by filing an amended FD Form 2513 on or before the time the cosmetic raw material is supplied to a cosmetic product manufacturer, packer, or distributor for use in a product for commercial distribution. The manufacturer, packer, or distributor should also be informed about any change in the name of a cosmetic raw material so he can send an amended FD Form 2512 as requested in paragraph (a) of this section. Other changes should be indicated by filing an amended FD Form 2513 within a year after these changes are made. Notice of discontinuance of commercial distribution of a cosmetic raw material should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 172.8 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement

When FD Forms 2512 and 2513 are received, the Commissioner of Food and Drugs will either assign a permanent cosmetic statement munber or an FDA reference number in those cases where a permanent number cannot be assigned. Receipt of the forms will be acknowledged by sending the individual signing the statement an appropriate notice bearing either the FDA reference number or the permanent cosmetic statement number. If the person submitting FD Form 2512 has not complied with § 172.5(b)(1) and (2) or the person submitting FD Form 2513 has not complied with § 172.6(b), he will be notified as to the manner in which his statement is incomplete.

§ 172.9 Confidentiality of statements

(a) Each item of information contained in, attached to, or included with FD Forms 2512, 2513, 2514, and amendments thereto and constituting a trade secret or other privileged and confidential commercial information exempt from disclosure to the public must be clearly marked as confidential. Each item of information so marked must be accompanied by a statement setting forth adequate grounds to justify its confidentiality. If the Food and Drug Administration concludes that an item so marked is not exempt from disclosure to the public, the person submitting the information will be informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Data and information otherwise exempt from public disclosure may be revealed in administrative or court enforcement proceedings where the data or information are relevant. Any such use will be in a manner that reduces public disclosure to the minimum necessary under the circumstances.

(c) Data and information otherwise exempt from public disclosure may be disclosed to consultants, advisory committees, and other persons who are special government employees. Such persons are thereafter subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee.

§ 172.10 Misbranding by reference to filing or to statement number

(a) The filing of an FD Form 2512 or 2513 or assignment of a number of the statement does not in any way denote approval by the Food and Drug Administration of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading, except as set forth in paragraph (b) of this section.

(b) The manufacturer or supplier of a cosmetic raw material that has been assigned a Food and Drug Administration Cosmetic Raw Material Composition Statement Number (FDA CRMCS No.) pursuant to § 172.8 may use this number without violating the misbranding provision of this section under the following conditions:

(1) the FDA CRMCS No. is placed on the label of the container which is used to ship or transport the cosmetic raw material to a manufacturing establishment if the principal display panel of the label also contains the following disclaimer: "The FDA Cosmetic Raw Material Composition Statement Number is assigned for raw material identification purposes only and does not in any way denote approval of the firm or the raw material by the Food and Drug Administration." The disclaimer phrase shall be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual.

(2) The FDA CRMCS No. is used in cosmetic raw material trade literature, catalogue citations, and correspondence if the disclaimer specified in subparagraph (1) of this paragraph is made on the same page that the FDA CRMCS No. appears.

Effective date. Part 170 shall become effective 30 days after notice that FD Form 2511 is available on a date to be announced during April 1972 and that FD Forms 2512, 2513, and 2514 will be available on a date to be announced in May 1972. In the meantime, those desiring any of these forms may submit requests to the Food and Drug Administration as set forth in §§ 170.4 and 172.14 (21 CFR 170.4 and 172.4).

(Secs. 601, 602, 701(a), 704, 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374)

Dated: March 31, 1972.

By Mr. STEVENSON:

S. 3528. A bill to amend title 18 United States Code, to protect the people of the United States against the lawless and irresponsible use of handguns, and to assist in the prevention and solution of crime by establishing a national registration of handguns and minimum licensing standards for the possession of handguns, and for other purposes. Referred to the Committte on the Judiciary.

FEDERAL HANDGUN REGISTRATION AND LICENSING ACT OF 1972

Mr. STEVENSON. Mr. President, I am today introducing a bill designed to reduce handgun violence in the United States, the Federal Handgun Licensing and Registration Act of 1972.

In 1968, 81 percent of Americans expressed their belief, according to the Harris Poll, that "law and order have broken down." This concern of Americans was not and is not false or illusory. Crime, which constitutes a threat to the rule of law as well as to individual citizens, is a real and growing affliction of America. And with the increasing mobility and anonymity of our society, it is increasingly a national problem.

Last September then Attorney General Mitchell, before a national conference of law-enforcement officials claimed credit for the administration in the war on crime. With the accession of his party to the White House, he said, "a nation suddenly found that it had leadership in the war on crime." The result, in his words, is that "fear is being swept from the streets of some—though not all—American cities."

And in his state of the Union address, the President began to stake out his position in this election year, by saying that:

> The Nation has made significant progress in these first years of the seventies. . . . The rate of increase in crime has been slowed.

Now to be sure there is some disagreement about the reliability of crime statistics, but certainly by any measure those statistics each year become more, not less, disquieting. They are more disquieting this year despite the unprecedented efforts of the Justice Department and even the President to varnish the statistics of the FBI with self-congratulatory rhetoric.

The facts are these:

In 1969, total crime went up by 12 percent; violent crimes—murder, rape, robbery, and assault—were up 11 percent.

In 1970, total crimes rose 11.3 percent; violent crimes rose 12 percent.

In 1969, 1970, and 1971, almost 5 million more crimes were committed than in 1966, 1967, and 1968.

Figures for 1971 show "serious" crime up 6 percent over 1970. Violent crimes continued an even more inexorable statistical climb—they were up by 9 percent in 1971 over 1970.

Acting Attorney General Kleindienst said in a press release on March 30, 1972, that the number of crimes in 1971 had decreased in 53 of the 156 major cities with populations of over 100,000. For the same period in 1970, said Mr. Kleindienst, 22 cities recorded a reduction in serious offenses. What Mr. Kleindienst failed to mention is that the 1971 statistics show that crime increased in 103 of 156 major cities, and that figures also show an 11 percent increase in crime in 1971 in suburban areas, and a 10 percent increase in rural areas.

Upon what slender thread, then, can the former Attorney General, the Acting Attorney General, and the President boast success in the war on crime?

The slender thread, it seems, is that the national rate of increase in crime has slowed. Thus, crime increased in 1970 by 11.3 percent—less than the 12 percent increase in 1969 and the rates of the previous 3 years. And the figure in 1971 is only 6 percent as compared to the 11.3 percent rise for the previous year. The comparable figures for violent crime are a 9 percent rise in 1971 and a 12 percent rise in 1970.

Less partisan observers than the former Attorney General, the Acting Attorney General, and the President will find these facts cold comfort.

The fact is that the number of crimes is increasing—under the present administration as under the past ones.

It is not my intention to join in this partisan numbers game. I seek only to point out that for Presidents and Attorneys General to deplore crime is not to deter it. That takes action, not White House rhetoric and juggled FBI statistics. Crime is still largely a matter for action by local law enforcement agencies aided by national resources diverted selectively to the most pressing needs, and to areas of high crime rates, namely, our cities. But support for local law enforcement agencies is still sadly neglected in our national priorities.

Crime, especially violent crime, though it may be of national concern and receive national attention, is essentially a local problem.

And yet there are ways in which a President can exert his leadership and certain ways in which the Federal Government can act. The President, for example, can bring to bear the moral power of his high office and his example to create a "reverence for the law"—a phrase which I borrow from Abraham Lincoln.

And there is an elementary, easy step toward reducing crime and violence which Congress and the President can take, and which the United States alone of all the advanced nations on earth has not taken. We have not controlled the possession of handguns.

The fear of crime in America is first and foremost a fear of violence. And violence in America is, first and foremost, violence by gun; violence against citizens and violence against policemen in the performance of their duty.

It is time to stem that violence.

The dimensions of the problem are well known and staggering:

Total casualties from civilian gunfire in our century exceed our military casualties in all our wars, from the Revolution through Vietnam.

Each year more than 20,000 citizens are killed and 200,000 are maimed or injured by guns.

The Nation has become an arsenal—from private ownership of guns estimated from 50 to 200 million.

Between 1964 and 1970 armed robberies increased 198 percent, and in 1971 armed robbery increased another 16 percent over 1970. Sixty-three percent of the armed robberies were committed with guns, 65 percent of all murders were committed with guns.

And the villain in this grisly pagent of crime and death is the handgun: the pistol—too easily obtained, too easily concealed, too easily used to coerce, maim, and kill.

Nationally, the crime gun is the handgun. Though only 27 percent of the Nation's firearms are handguns, they account for most firearm assaults. In 1970, for example, 80 percent of homicides involving firearms were committed with handguns.

In the words of the Eisenhower Violence Commission staff:

> The handgun is the dominant firearm used in homicide. When firearms are involved in an assault and robbery . . . the handgun is almost invariably the weapon.

Police and law enforcement officials are rightly alarmed about the spread of handgun violence. The policeman in the line of duty is a prime target for the pistol-wielding offender.

In the decade 1961 through 1970, 633 policemen were murdered in the Nation—most of them with handguns. Last year 125 policemen were murdered, 96 percent of them with firearms and an incredible 74 percent of them with handguns. And in the first 3 months of this year, 27 more law officers have been slain. The median age of the murdered officers is 30 years. They are struck down in the prime of life.

Once again, the response of the national administration to this violence is more rhetoric than action.

In the face of growing violence against policemen, this administration has proposed not to get at the root of the problem by saving the policemen, but to pay their widows. The administration has proposed, not to act against the plague of handguns, but to provide $50,000 to the families of slain policemen. I proposed that in my 1970 campaign—but it is not enough to pay the widows. The administration still has given us no proposal to reduce the traffic in handguns; to stem the bloodshed from handgun violence; to save the lives of law enforcement officers. And all the indications are that it will not.

It is time for Congress to act.

I am, therefore, introducing in the Senate a bill to control the continuing spread of handgun violence.

The provisions of the bill are clear and simple:

The bill applies to handguns only—the chief instrument of violence and crime in America.

The bill requires every handgun to be registered and every person owning a handgun to obtain a Federal license. The bill would in no way interfere with State law and regulations concerning gun licensing and ownership. It applies to working pistols only—not antiques or replicas.

The program would be administered by the Secretary of the Treasury. Those who have a collection of handguns would pay only one registration fee, and registration and license fees would be minimal. And, though the bill requires that sportsmen and target shooters obtain a license, it does not threaten their ownership of pistols.

The bill requires that a handgun owner be at least 18 years of age; that he be free of alcoholism, drug addiction, or mental disease.

It requires that a licensee be free of any criminal conviction carrying more than 1 year's imprisonment; that he not be a fugitive from justice, that he be of good moral character, and that he be qualified to own a gun under all applicable Federal, State, and local laws.

To apply for a license, the individual would fill out a simple application form, sign a statement to the effect that he may lawfully posses handguns and handgun ammunition under the laws of the United States and of the State and political subdivision of his residence, and submit a set of his fingerprints and a photograph.

There is no provision in the bill to ban or confiscate handguns, although there is provided a means whereby anyone lawfully in possession of a handgun who voluntarily relinquishes that handgun may be compensated to the extent of its fair market value.

The Secretary of the Treasury would prescribe reasonable regulations as to the safety and suitability of handguns which may be registered. By such provisions all "junk" guns or "Saturday night specials" would be banned.

The bill sets up penalties for violators: imprisonment not to exceed 5 years; a fine of $5,000; or both.

This bill is a workable and practical answer to the plague of handgun violence. It recognizes the legitimate uses for handguns, but it also recognizes that you do not shoot ducks with a snub-nosed .38.

To those who believe the slogan that criminals—not handguns—commit crimes, this can be said. Criminals cause crimes—and handguns are the principal instruments of the death and injury they cause. Other instruments of possible injury which have legitimate uses—cars, even dogs—are licensed. There is no instrument more sinister than the lethal, concealable pistol. If a gun is not used in a crime, the chance of death is five times less. Any policeman knows that a suspect who must rely upon a knife, a bottle, or his fists is not so bold and so dangerous as one armed with a gun.

There are those who point out that gun control laws in the past have been less than effective. They are right. Our present gun laws are a patchwork of 20,000 laws—some ancient, some unenforced or unenforceable, all too narrow and too inconsistent to be nationally effective. But this is an argument for, not against, effective national laws.

The evidence is strong that in cities—such as Boston and New York—where gun control is strict, the use of guns in homicides is less:

More than 40 percent less than the national average in New York.

Thirty percent less in Boston.

And the evidence is clear that in regions where guns are most numerous—the South and the West—violent crimes involving guns are at their worst.

As it stands now, no State or locality can effectively control the ownership of handguns. Chicago, for example, has a strict ordinance providing for the registration of handguns. But all an individual prohibited from ownership need do to obtain a handgun is step beyond the city's jurisdiction. This bill would require a Federal license before the individual could acquire a handgun anywhere in the Nation—and that license would not be issued if the individual was not entitled to own a handgun under the laws of his State and locality. It is remarkable that local controls have been effective at all, considering the ease with which they are evaded. This bill, if enacted, would for the first time make it possible for State and local authorities to control effectively the ownership of handguns. And the Federal Government would itself be acting to keep handguns out of the hands of those most likely to misuse them.

I ask unanimous consent that at the conclusion of my remarks and following the text of the bill, an article in The Nation by Mr. Frank Zimring be placed in the RECORD. Mr. Zimring was director of research for the Eisenhower National Report on Firearms and Violence in American Life. The article takes a critical look at the gamut of approaches to gun control legislation. Neither he nor I believe that any approach chosen will be a panacea for crime and violence. But Mr. Zimring does recognize the need for national legislation when he writes:

> We do not know how effective any law can be with so many guns in circulation and so much pressure to keep them there, but if gun control will be an experiment in the 1970's, the blood that flows from the mounting toll of homicide suggests that it will be a necessary experiment for a civilized nation.

Law-abiding gun owners, like myself, ought to accept gladly the minor inconveniences of handgun licensing and registration—in order to control the spread of criminal violence in America.

This bill is a compromise between the extremes of those who propose to outlaw all handguns and those on the other hand who resist any effort to control the possession and ownership of any guns. It will be said, as it always is, that only the law abiding will register their guns. But that is the point of the bill. Those unable or unwilling to register will be subject to prosecution. They can be disarmed. My bill will please neither extreme. By the same token it ought to offer some common point, a compromise if you will, to all who want to do something to stem the rising tide of violence. As it is now, we face a standoff. The alternative to this bill may be nothing—and more senseless, needless bloodshed.

The bill recognizes that many crimes are committed in moments of passion, and that violence is made possible by the easy accessibility of handguns. It offers law enforcement authorities a chance to trace handguns used in the commission of crimes to the offenders. It offers a means of cutting back on the accidental injuries, as well as crime, caused by the easy accessbility to handguns, especially unsafe and unsuitable handguns. State and localities would be able for the first time to adopt effective handgun controls.

The public dialog is divided between the extremes: Between charges of permissiveness on the one hand and of repression on the other; between rhetoric which breeds fear and rhetoric which breeds passivity; between those who believe we are a soft society and those who believe we are a sick society.

None of them, it seems to me, is right. I am not ready to admit that we are, and must be, in urban America, a guntoting society—some vestige of an imaginary wild west past glorified in the movies and on television screens.

I am not ready to admit either that we are a sick society which nurtures violence; that we are more violent or bloodthirsty than other men in other lands. The evidence does not prove that we are innately violent; but it is clear that we have failed to keep guns away from violent men.

It is time to find some common ground.

It is time now to correct the ancient failure.

It is time to stop the bloodshed that handguns bring.

It is time to erase, as far as we are able, the fear that handguns spread.

It is time to protect the lives—of citizens, of policemen—that handguns endanger.

In doing so, we will not damage any liberty which free and lawful men enjoy.

We will, instead, honor the intention of those whose purpose when they founded our Nation, was "to form a more perfect union; to establish justice; to ensure domestic tranquility."

Mr. President. I ask unanimous consent that the text of this bill be printed in the RECORD at this point, to be followed by the article by Mr. Zimring which I mentioned earlier.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Handgun Registration and Licensing Act of 1972".

TITLE I—FINDINGS AND DECLARATIONS

SEC. 101. The Congress hereby finds and declares—

(a) That handguns are the principle instruments of violent crime in the United States and are concealable weapons designed for the primary purpose of killing and maiming human beings; and

(b) That such legitimate purposes for handgun ownership as exist will not be impeded by a national system of handgun registration and handgun owner licensing; and

(c) That the crimes of violence and the accidental injury caused by handguns threaten the peace and domestic tranquility of the citizens of the United States and the security and general welfare of this Nation and its people.

TITLE II—REGISTRATION

SEC. 201. Title 18, United States Code, is amended by inserting after Chapter 44 the following new chapter:

CHAPTER 44A

SEC. 931. Definitions.

As used in this Chapter and in Sec. 923 A of Chapter 44—

(1) The term "handgun" means any weapon designed, redesigned, made, or remade to be fired while held in one hand; having a barrel less than 10 inches in length; and designed, redesigned, made, or remade to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore.

(2) The term "Secretary" means the Secretary of the Treasury.

(3) The terms "licensed dealer", "licensed importer", and "licensed manufacturer" mean any such dealer, importer, or manufacturer licensed under the provisions of Chapter 44, Title 18, United States Code.

(4) The term "transfer" includes all sales, gifts, bequests, loans, and other acts which are intended to shift the possession of a handgun from the transferor to another person.

(5) The term "person" encompasses all individuals, corporations, companies, associations, firms, partnerships, clubs, societies, joint stock companies, and estates.

SEC. 932. Registration.

(a) It is unlawful for a person knowingly to possess a handgun not registered in accordance with the provisions of this section. This subsection shall not apply with respect to—

(1) a handgun held by a licensed dealer for purposes of sale;

(2) a handgun possessed by a person on the effective date of this Act and continuously by such person thereafter for a period not to exceed 60 days.

(b) No person shall transfer a handgun to another person unless the transferee displays a license issued pursuant to Title III of this Act and temporary evidence of registration of the handgun to be transferred, as provided in subparagraph (d) of this Section.

(c) Registration of a handgun shall be in the form prescribed by the Secretary, and the form shall include at least the following:

(1) the name, address, and social security or taxpayer identification number of the applicant;

(2) the number of the license issued to the applicant pursuant to Title III of this Act;

(3) the name of the manufacturer, the caliber or gauge, the model and the type, and the serial number of the handgun; and

(4) the date, the place, and the name and address of the person from whom the handgun was obtained, the number of such person's Certificate of Registration of such handgun if any, and, if such person is a licensed dealer, his license number.

(d) The original handgun registration form shall be filed with the Secretary in such place as the Secretary by regulation may provide. A duplicate copy shall be retained by the registrant as temporary evidence of registration. The Secretary after receipt of a duly filed completed registration form shall send to the registrant a numbered registration certificate identifying such person as the registered owner of such handgun.

(e) A handgun registration form shall be accompanied by payment of a $5 registration fee for the first handgun to be registered by each registrant and a $1 registration fee for every additional handgun to be registered by the same registrant, except that a registrant having a collection of handguns, as the Secretary by regulation may provide, need pay only one registration fee for the entire collection. The payment of the accompanying registration fee or fees does not apply to handguns possessed and to be registered by (A) the United States or any department or agency thereof, or (B) any State, political subdivision, or law enforcement agency thereof.

(f) Every registered owner shall notify the Secretary of any change in his or her name or address within 30 days of the date upon which such a change occurs, and shall state in such notification 1) the number of the registration certificate(s) issued pursuant to Subsection 932(d) of this Section, and 2) the number of the license issued to the registered owner pursuant to Title III of this Act. Every registered owner shall exhibit his registration certificate upon demand of a law enforcement officer.

SEC. 933. SALES OF HANDGUNS AND AMMUNITION

(a) A registrant transferring a handgun shall, within 5 days of the transfer, return to the Secretary his registration certificate, noting on it the name and residence address of the transferee, and the date of transfer.

(b) Any person acquiring a handgun required to be registered by this chapter shall require the transferor to display a registration certificate and shall note the number of the certificate on his application for registration.

(c) A licensed dealer shall not take or receive a handgun by way of pledge or pawn without also taking and retaining during the term of such pledge or pawn the registration certificate. If such pledge or pawn is not redeemed, the dealer shall return the registration certificate to the Secretary and register the handgun in his own name.

(d) The executor or administrator of an estate containing a registered handgun shall promptly notify the Secretary of the death of the registered owner, shall return the certificate of registration of the deceased registered owner to the Secretary, and shall register the handgun in the name of the estate. The executor or administrator of an estate containing an unregistered handgun shall promptly surrender such handgun to the Secretary or his designee without compensation and without penalty for any prior failure to record.

(e) Any person possessing a handgun shall within 10 days notify the Secretary in a manner to be prescribed by the Secretary of the loss, theft, or destruction of the handgun, and of any recovery occurring subsequent to the date of notification.

(f) No person shall sell ammunition of a caliber other than .22 rimfire to a person for use in a handgun required to be registered without requiring the purchaser to exhibit a license meeting the requirements of title III of this Act and a certificate of registration or temporary evidence of registration of a handgun which uses such ammunition.

Sec. 934. Penalties.

(a) Whoever violates a provision of section 932 or section 933 shall be punished by imprisonment not to exceed 5 years, or by a fine not to exceed $5,000, or both.

(b) Whoever knowingly falsifies any information required to be filed with the Secretary pursuant to this chapter, or forges or alters any certificate of registration or temporary evidence of registration, shall be punished by imprisonment not to exceed 5 years or a fine not to exceed $10,000, or both.

Sec. 935. Exceptions.

(a) Any person who is under the age of eighteen, who because of alcoholism, drug addiction, or a mental disease or defect cannot be relied upon to possess or use handguns safely or responsibly, who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, who is a fugitive from justice, who is not of good moral character, or who is not qualified under all applicable Federal, State, and local laws, shall be ineligible to register a handgun pursuant to this chapter. Any purported registration by any of the above-described persons shall be null and void.

(b) The provisions of this chapter shall not apply with respect to the importation, manufacture, sale, purchase, transfer, receipt, transportation, or possession of a handgun which the Secretary determines is unserviceable, not restorable to firing condition, and intended for use as a curio, museum piece, or collector's item.

Sec. 936. Surrender of Handguns to Government Officials.

(a) Any person lawfully in possession of a handgun under the provisions of this Act who voluntarily relinquishes such handgun to the Secretary or to any State or municipal official designated by the Secretary, may receive as compensation the fair market value of the relinquished handgun as determined by the Secretary. The Secretary shall enter into agreements to make payments to State and local governments and agencies whose officials make payments to persons relinquishing handguns pursuant to this section.

(b) There is authorized to be appropriated such sums as may be necessary for the purpose of carrying out the provisions of this section.

Sec. 937. Rules and Regulations; Periods of Amnesty.

(a) The Secretary shall not register any handguns which he determines to be unsafe or unsuitable, and shall adopt rules and regulations banning the use and possession of such unsafe or unsuitable handguns.

(b) The Secretary may prescribe such other rules and regulations as he deems reasonably necessary to carry out the provisions of this chapter, including reasonable requirements for the marketing of handguns that do not have serial numbers, and may declare periods of amnesty for the registration and surrender of handguns.

Sec. 102. Section 922 of title 18, United States Code, is amended by adding at the end thereof the following subsection:

(n) It shall be unlawful for any person to import, manufacture, sell, buy, transfer, receive, possess, or transport any handgun which is determined unsafe or unsuitable pursuant to the standards for handguns to be established by the Secretary pursuant to section 937(a) of chapter 44A, United States Code.

TITLE III—LICENSING

Sec. 301. Section 921 of chapter 44, United States Code, is amended by adding at the end thereof the following subsection:

"(c) The definitions of subsection (a) of this section shall not apply to section 923A of this chapter except as provided in section 931 of chapter 44A, title 18, United States Code."

Sec. 302. Chapter 44 of title 18, United States Code, is amended by inserting after section 923 the following new section:

Sec. 923A. Federal Handgun License—

(a) It shall be unlawful for any person to transfer any handgun or ammunition of a caliber other than .22 rimfire for use in any handgun to any person except a licensed importer, licensed manufacturer, or licensed dealer unless the transferee exhibits a valid Federal handgun license issued in accordance with subsections (b) and (c) of this section.

(b) The Secretary or his designee shall issue a Federal handgun license to a person upon presentation of:

(1) a completed handgun license application, such application to be in a form to be prescribed by the Secretary and including the applicant's name, current address, date and place of birth, and signature;

(2) a statement signed by the applicant in a form to be prescribed by the Secretary, that he may lawfully possess handguns and ammunition under the laws of the United States and of the State and political subdivision of his residence;

(3) a complete set of such person's fingerprints, and a photograph reasonably identifying the person.

(c) Federal handgun licenses shall be issued in such form as the Secretary may prescribe, and shall be valid for a period not to exceed three years. A Federal handgun license may be renewed upon the expiration of the initial license period, and periodically thereafter, for periods to be prescribed by the Secretary but not to exceed three years. The Sercetary shall prescribe the application requirements and form of such Federal handgun license renewals.

(d) The Secretary shall receive from each applicant a fee of $5 upon an original Federal handgun license application and a fee of $5 upon a Federal handgun license renewal application.

(e) Unless otherwise prohibited by this chapter or by the laws of any State, possession, or political subdivision thereof, a licensed dealer may ship a handgun or handgun ammunition of a caliber other than .22 rimfire to a person only if the dealer confirms that the purchaser has been issued a valid federal handgun license or a federal dealer's license, and notes the number of such handgun or dealer's license in the records required to be kept by Section 923(g) of Chapter 44, Title 18, United States Code.

(f) It shall be unlawful for any person to possess a handgun or handgun ammunition of a caliber other than .22 rimfire unless he holds a valid federal handgun license.

(g) No license shall be issued to any person who has not reached the age of eighteen; who because of alcoholism, drug addiction, or a mental disease or defect cannot be relied upon to possess or use handguns safely and responsibly; who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year; who is a fugitive from justice; who is not of good moral character; or who is not qualified under all applicable federal, state, and local laws.

(h) Denials by the Secretary of Federal handgun licenses or Federal handgun license renewals shall not be subject to the provisions of Chapter 5, Title 5, United States Code, but actions of the Secretary shall be reviewable de novo pursuant to Chapter 5, Title 7, United States Code, in an action instituted by any person, State, or political subdivision adversely affected.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Disclosure of Information.

Information contained on any individual handgun registration form, certificate of handgun registration, federal handgun license application, federal handgun license, federal handgun license renewal application, or federal handgun license renewal form shall not be disclosed except to the National Crime Information Center established by the Federal Bureau of Investigation, and to law enforcement officers requiring such information in pursuant of their official duties.

Sec. 402. Assistance to the Secretary.

When requested by the Secretary, Federal departments and agencies shall assist the Secretary in the administration of this Act.

Sec. 403. Separability.

If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 404. Effect on State Law.

No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provisions operate to the exclusion of the law of a State possession or political subdivision thereof, on the same subject matter, or to relieve any person of any obligation imposed by any law of any State, possession, or political subdivision thereof.

Sec. 405. Effective Date.

The provisions of this Act shall become effective 90 days after the date of its enactment.

[From the Nation, Apr. 10, 1972]

GETTING SERIOUS ABOUT GUNS

(By Franklin E. Zimring)

Gun control is a subject considerably more complex than dinner party conversations or speeches at police chiefs' conventions might indicate. And two aspects of the usual gun control argument cast doubt on the quality of data and the depth of insight on both sides of this loudly polar conflict. First, despite the diversity of gun control strategies, people are either firmly "for" or determinedly "against" gun laws in general, but are largely uninterested in the specifics of any particular law. Second, on both sides of the debate the hypothesis of conspiracy is advanced to explain why the position supported has not achieved national dominance. Advocates of gun laws talk of the highly organized National Rifle Association (NRA) and its palatial eight-story headquarters in Washington, D.C., as if this one corporate shell were thwarting gun laws with vast popular support. By contrast, NRA members complain, perhaps a bit defensively, of an "anti-gun faction" or "anti-gun cabal," in cahoots with the Americans for Democratic Action and financed by federal money during the later years of the Johnson administration.

In this embittered atmosphere the arguments have changed little over the years, and the debate has proceeded in almost a factual vacuum. Proponents of laws that would register guns point out that last year there were only three gun murders in Tokyo, which implies, presumbaly that registration would produce similar benefits in Detroit. NRA people vacillate between arguing that guns have little to do with the problem of violence in the United States and warning that the problem is so serious that no control could possibly have any effect.

There is, in fact, an important relationship between guns, particularly handguns, and violence in the United States. At the same time, it is far from easy to pass and administer laws that promise to have a salutary effect on gun violence. To defend this conclusion, no doubt unsatisfying to gun "lovers" and gun "banners" alike, I propose to discuss the relationship between guns and violence, the purpose and limits of different types of control laws, and a few of the things that must be learned before we can find sensible solutions to our gun problems.

What exactly is the "gun problem"? Advocates of control start by pointing out that more than one-third of all robberies, one-quarter of all serious assaults, and 65 per cent of all homicides are committed with firearms. Their opponents reply that the vast majority of the country's 100 million guns are not involved in violence, that what we really have is a crime problem, not a gun problem. (Guns don't kill people, people kill people.) In a trite sense this reply is to the point: firearms would not contribute to the seriousness of our crime problem if we had no crime. But guns are not just another weapon used in crime. Serious assault with a gun is five times as likely to cause death as a similar attack with a knife, the next most dangerous weapon. And gun robberies are four times as likely to result in the death of a victim as are other kinds of robbery.

It is difficult to understand this lethal relationship without referring to the motivational background of the typical homicide. Obviously, if most of the 16,000 killings in this country last year were the result of single-minded attempts to kill at any cost, the presence or absence of a gun would make little difference, because a number of other potentially lethal weapons are available, and attackers would merely shift to these. But most killings are the result of disputes between people acquainted with each other, where spontaneous violence is generated and the weapon is used to win a fight or wreak vengeance or injury, whether or not this means that death will result. About two-thirds of all gunshot killings in Chicago involve only one wound, and there is a great deal of similarity between attacks that kill and serious assaults that do not: fatal attacks involve the same kinds of people in the same kinds of situations, and take place during the same days and hours. Our violence problem might be thought of as a national lottery involving 250,000 victims a year, of which 16,000 are selected by chance to die. There are exceptions to this pattern—cold-blooded assassinations that are beyond any weapons control—but the great majority of homicides and the bulk of the recent increase in homicide, are precisely the kind of killings that can be substantially reduced by getting guns out of the hands of potential attackers.

So far I have been discussing guns as a general category, making no distinctions among handguns, rifles and shotguns. In a sense that is appropriate, because a rifle or a shotgun, if used in an attack, is at least as dangerous as a handgun; but even a cursory study of statistics on firearms and violence suggests that the handgun is a special problem that merits a special set of solutions. The handgun—small, easy to conceal, unimportant in hunting—accounts for about one-quarter of the privately owned firearms in the country, but is involved in three-fourths of all gun killings. In the big cities, handguns account for more than 80 per cent of gun killings and virtually all gun robberies.

If crime statistics suggest that the handgun is a special kind of weapon in this country, statistics on gun ownership confirm this impression. Eight years ago a national sample of people with some shooting experience was asked what were good reasons for owning long guns and handguns. Ninety-five per cent mentioned hunting as a good reason for owning a long gun; only 16 per cent mentioned hunting with a handgun. But 71 per cent of the shooters mentioned self-defense as a good reason for owning a handgun. This figure strikes close to the central irony of the handgun problem in the cities. As fear of crime and racial violence increases, handgun sales triple; as the number of loaded guns increases, the use of firearms in crime increases; as gun use increases, the death rate from violent crime increases; when this happens, citizen fear of crime increases still more.

The self-defense aspect of this "vicious circle" deserves further attention. Even though the great majority of handguns are kept for household self-defense, it is absolutely clear that the handgun in your house is more likely to kill you or a member of your family than to save your life. In Detroit more people died in one year from handgun accidents alone than were killed by home-invading robbers or burglars in four and a half years. And it is rare indeed that a household handgun actually stops the burglar who tries to elude you or the robber who counts on surprise and a weapon of his own. So the gun that will not save your life, more than ninety-nine times out of a hundred, will not save your color television either. The discovery that self-defense handguns are a poor investment, dismal though the news may be to the fearful urban dweller, does yield one promising conclusion: giving up your gun makes sense, even if nobody else gives up his gun. But if unilateral disarmament is rational, why don't people just give up their guns voluntarily? And why do handguns continue to proliferate in the cities?

To some extent, the vicious circle of urban guns is the result of misinformation about the risk of accidental death and the usefulness of guns in defense of the home. But it is foolish to think that millions of American families keep handguns merely because they have not read the statistics, or to suppose that shipping them the latest gun control article will change their minds. The risk of accidental or homicidal death from a gun in your home—though far greater than the chance that the gun will save life—is nevertheless small. In the great majority of gun-owning homes, the only real use of the gun is to make its owner feel less uneasy about the possibility that a hostile stranger will invade his home. This feeling of well-being is a statistical illusion, but an emotional reality. People will fight the statistics that show otherwise because, if their guns do not give them any real measure of protection, they have no other way to deal with their fears. In addition, everything that makes the handgun a special problem in America also makes it hard to understand that the handgun is not effective against the home-invading criminal. How can something so deadly be so ineffective? Trying to persuade someone that the gun in his house is not really protecting him is like trying to persuade a nervous friend that flying in a jet plane—7 miles above ground and going 600 miles an hour—is really safer than driving the family car to Florida.

There is one other point about the gun use in this country that must be understood before it is possible to discuss sensibly the effects that various gun laws might have. There seems to be a strong relationship between the general level of handgun ownership for self-defense and the extent to which guns are used in offensive violence. That is what makes the vicious circle vicious. Evidence on this point comes from two sources. First, those parts of the country with the highest levels of gun ownership also have the highest percentage of offensive violence with guns. Second, as self-defense ownership increased in the 1960s, so did the extent to which guns were employed in robberies and other criminal attacks. The most striking data on this trend come from Detroit, where racial disorders in 1966 and 1967 set off a wave of gun purchases. Accidental gun deaths tripled from 1966 to 1967, criminal gun attacks increased twice as fast as did all other types of attack, and criminal gun killings increased ten times as fast as killings by all other means in the four-year period from 1965 to 1968.

But just because the problems are real does not mean that solutions will come easily. Indeed, the extent of the gun problem in this country should be a warning that to reduce gun violence will be a difficult and expensive task. We already have thousands of gun laws in this country to match the thousands of gun killings, and why should gun laws decrease the rate of criminal killings when criminals, by definition, do not obey laws? These sober reminders from the local rifle association should be a guide in reviewing a number of different types of gun control strategies that have been discussed in recent years. How are these various laws supposed to work? What evidence do we have that they will? How much will they cost?

Stiffer penalties for gun violence. It is not true that the National Rifle Association opposes all laws intended to reduce gun violence. In fact, the members of that organization have been the most vocal supporters of laws that would increase and make mandatory prison sentences for committing crimes with guns. Such laws do not make it harder for potential criminals, or anybody else, to obtain guns. But the law is supposed to reduce gun crime by making it so much more costly than crime without a gun that potential criminals will either commit the crime without a gun or not commit the crime.

In order to reduce the number of gun crimes, such laws would have to deter persons who would not be deterred by the already stiff penalties for gun crimes. Can the threat of extra punishment work? There is very little hard evidence on this question, but there is also no reason to believe, out of hand, that such marginal deterrence is impossible. Perhaps the robber could be deterred from using a gun if the punishment for gun robbery were three times as great as for nongun robbery. But there are problems.

First, do we want to make the punishment for gun robbery so high that the extra punishment risked if the robber kills his victim seems relatively small? Second, it may be that the only way to make the distinction important is to reduce the punishment for nongun robbery. Third, punishment for robbery is already quite severe, at least on the books. How much more potential deterrence do we have left in the system?

The issue of extra deterrence is more complicated when the crime of gun assault, that is, an actual shooting, is discussed, because he who attacks with a gun is already risking the maximum punishment of the law if his victim dies. How much extra deterrence can come from making lesser penalties for nonfatal attack mandatory? Proponents of this approach suggest that while the penalties for crime look severe at present, in reality light punishments are often given. Granting the truth of this observation leads, however, to the further question of whether the same pressures might not eat away at mandatory penalties for gun crime. One is left feeling that there may indeed be some hope of reducing gun crime, particularly gun robbery, by increasing the gap between the penalty for that crime and other crimes. At the same time, it is difficult to believe that such a program will have a major effect on the rate of gun killings.

Prohibiting high-risk groups from owning guns. Another approach endorsed by the NRA is to forbid certain high-risk groups from owning guns. The groups usually covered include those with serious criminal records, the very young, alcoholics and drug addicts. Forty-six states and the federal government have some type of high-risk ownership prohibition on their books. Many of these laws do not go so far as to make a person *prove* his eligibility to own a gun; the ownership ban is supposed to be effective because the ineligible person will be subject to criminal penalties if he is caught possessing a gun. That is some improvement over just passing stiffer penalties for gun crime, because the law attempts to separate the potential criminal from his gun before he commits a crime with it. And if such laws could reduce the number of guns owned by people subject to the prohibition, they would indeed reduce gun violence. But trying to separate out a small group of "bad guys" (who can't have guns) from a large group of "good guys" (who will continue to own millions of them) is neither an easy nor a very effective project. It is not easy, since if the purchaser doesn't have to prove he is not in the prohibited class, the law is still trying to use the threat of future punishment as a substitute for a system whereby it is physically more difficult for high-risk groups to obtain guns. It is not effective, since most homicides are committed by "good guys," that is, persons who would qualify for ownership under any prohibition that operated on only a small part of the population.

Permissive licensing. About half the jurisdictions that forbid ownership of guns by high-risk groups try to enforce this ban by requiring that people must have licenses to buy guns. That is thought to be an advantage over a simple ban on ownership because a person must prove that he is eligible to own a gun before he can get a license. Such a system no longer depends solely on the prudence of the people barred from ownership precisely because we do not think they are good risks. But such a system is also precisely where gun enthusiasts draw the line and start opposing controls because licensing imposes costs on all gun owners. Would licensing work, assuming that the opponents could be outvoted? Like ownership prohibitions, it would not prevent the majority of gun killings, which are committed by persons who qualify for ownership. But would it at least keep guns from high-risk groups? The problem with permissive licensing is that it leaves some 30 million handguns in circulation. Half of all the handguns in the country are acquired secondhand, and more than half of these are purchased from private parties, who may not ask to see licenses. Then there is the fact that there are 30 million handguns available to steal. It is, in short, extraordinarily difficult to let the good guys have all the guns they want and at the same time keep the bad guys unarmed. And it does not appear that states with permissive licensing systems made much of a dent in gun violence during all the years when the federal government failed to control interstate traffic in most firearms. With stronger federal aid, we know that the potential of such law is still limited, but we do not know how limited.

Registration. This procedure records that a particular gun is the property of a particular licensed owner. Gun registration thus requires that the owner provide information about the guns he owns in addition to the information about himself that is required to obtain a license. For reasons that I find obscure, registration is one of the most feared of all types of gun control proposals, and the one that gun owners find hardest to understand. In part, the fear is based on anxiety about "Big Brother" keeping information about details of personal life, and in part on the belief that registration is some kind of subversive plot to lower the country's ability to resist invasion by a foreign power. But the center of the debate is about the purpose of registration: if criminals, who, it is to be remembered, don't obey the law, do not register their guns, how can registration possibly reduce gun crime? The answer is that registration is designed only as a support to any system that seeks to allow some people to own guns but not others. If such a system is to prove workable, then some method must be found to keep guns where they are permitted by making each legitimate gun owner responsible for each gun he owns. After all, some of the "good guys" would otherwise pass on guns through the secondhand market to "bad guys" and thus frustrate permissive licensing systems. If registration helped to keep the good guys good, it could help prevent gun violence, even if not a single criminal were polite enough to register his gun.

There is also a theory that gun registration will deter the qualified owner from misusing his gun, since it can be traced to him, but nobody is quite sure how much prevention this technique will achieve. All in all, it is difficult to estimate how much extra prevention a licensing system will obtain by requiring registration, but it seems perverse not to require registration of some kind in any system that seeks to prevent gun violence by barring certain groups from gun ownership.

Cutting down on the handgun. The most extreme solution that has been proposed in the gun control debate is the substantial reduction of the number of handguns owned by civilians. This proposal reacts to the frustrations of distinguishing the good guys from the bad guys by suggesting that nobody should be permitted to own a handgun unless he has a special need for it. Since the only people who can show that a handgun is less likely to kill them than save their lives are small shopkeepers, security guards and police, this approach would make nine out of ten handguns illegal. An interesting variation of this theme is Rep. Abner Mikva's plan to ban the manufacture and transfer of all handguns and wait patiently for the civilian supply to dry up. Another variation is the proposed ban on producing cheap .22 caliber handguns, "Saturday night specials." Gun owners, who have always feared that gun control groups were secretly planning to confiscate weapons, felt vindicated when this proposal emerged in the late 1960's. They doubt that such a plan will work because, first, "when guns are criminal, only criminals will have guns," and, second, if handguns are illegal, criminals will switch to other kinds of guns, which will not reduce gun crime but will result in moves toward confiscating all kinds of civilian firearms.

Both of these arguments have some appeal, but both ignore important facts about the relationship between guns and violence in the United States. It is, after all, the case that the use of guns in crime tends to rise and fall with the general level of gun ownership. Thus, substantially reducing the number of handguns will substantially reduce the amount of handgun violence, even though some criminals will undoubtedly continue to use handguns. Second, it is harder than one might suspect for the handgun robber or attacker to switch to the long gun. For that reason the average handgun is nine times as likely to kill as the average long gun, and states which try to restrict handguns find that their major problem then becomes not the long gun but the illegal handgun.

The real problem with the case for restricting the handgun is the question of whether any law can reduce the number of such guns in circulation enough to make a dent in gun violence, and, if so, how long it will take and at what cost. We could, by law, stop the manufacture of handguns next year, but studies show that some of the guns we made last year would still be killing people in the 21st century. Under the best of conditions, collecting the vast arsenal of civilian handguns would be neither an easy nor swift task. And gun control is necessary right now precisely because we do not live under the best of conditions—the very crime rate that makes gun control most necessary also makes gun control extremely difficult to achieve. How many citizens will turn in their guns when the clock strikes twelve? How long will it take to get the guns off the streets, where they do the most harm? Do we really want to leave urban households fearfully defenseless? Is it desirable to add yet another victimless and unenforceable crime (possession of a handgun) to the depressingly large list of such crimes that we have already accumulated?

I have belabored the various gun control options in the hope that such a discussion can help to inform some basic questions. How far do we want to go in controlling guns? Should controls be federal, state or local? These will be the pressing questions of the 1970s, and the time is ripe for setting out at least some tentative answers. The reader may have noticed that the more a particular gun control strategy hurts, the more likely it is to achieve substantial reduction in gun violence. Stiffer penalties for gun violence hurt only gun criminals and don't achieve much. Permissive licensing and registration are more inconvenient for gun owners, but not all that much more. The problem is that they may not be a sufficient curb on the handgun epidemic in the cities. Laws that attempt to cut down on the number of handguns would cut down on gun violence if they really made a dent in our handgun population, but they would also leave millions of American homes with no defense against crime stronger than fingernail biting. Of course, abolition of the handgun is rational, in the sense that it would make life safer in the homes that give up their guns; but I have yet to convince my next-door neighbor that my definition of safety, as distinct from a sense of security, should necessarily be his. And even if those of us in the cities must impose gun control on ourselves, should we demand this as a nationwide solution to the problem?

Perhaps the stickiest problem in the gun control debate is what role the federal government should play. The four-member violence commission minority suggested that "each state should be permitted to determine for itself . . . the system which best meets its needs," a deferential bow to the federal system that seems attractive. The only problem is that such a system might not work. Before the federal government passed a ban on interstate shipment of weapons, states like New York and Massachusetts, which tried to reduce their handgun populations, found that the great majority of the guns used in crime came from out of state. Even with the new federal controls, New York City is living through a handgun epidemic of considerable proportions.

It may be that states and cities will not be free to decide their own gun control policies until the federal government establishes at least a system of permissive licensing and registration to cut down on the interstate "leakage" of guns. It also may be that even that system would not be enough—that a national handgun policy is necessary if any of our states is to make any real progress in the gun problem. We do not know the answer to this question. We do not even know where those New York handguns are coming from. The sad fact is that it is not just the NRA that is holding up progress in gun control. Some of our finest, most liberal big-city legislators passed a law in 1968 and have not bothered to find out how it is working or why it is not. They just call for more laws. It's almost enough to make a man join the NRA.

Almost, but not quite. Any gun control policy, even attempts to cut down drastically on the number of handguns on a nationwide basis, will be something of an experiment in the coming years. We do not know how effective any law can be with so many guns in circulation and so much pressure to keep them there, but if gun control will be an experiment in the 1970s, the blood that flows from the mounting toll of homicide suggests that it will be a necessary experiment for a civilized nation.

By Mr. BEALL:

S. 3530. A bill to provide for the conveyance of certain real property in the District of Columbia to the National Firefighting Museum and Center for Fire Prevention, Incorporated. Referred to the Committee on the District of Columbia.

Mr. BEALL. Mr. President, the threat of fire looms over our Nation today, laying waste to thousands of lives and billions of dollars in property each year. In the next 12 hours, this menace will damage or destroy over 1,000 homes, 100 factories, 100 stores, 12 hospitals, 10 schools, and nine churches. I believe it is time for us to intensify this war against death and destruction.

Clearly, the best way to fight a fire is to prevent it in the first place. Two hundred and thirty-seven years ago, Benjamin Franklin, in an article on fire prevention, coined the phrase:

> An ounce of prevention is worth a pound of cure.

That saying is still true today. But in spite of the active efforts of insurance companies, civic associations, and fire departments to educate the public to the dangers of fire and the commonsense methods of prevention, the complacent citizen largely ignores the warnings—until it is too late.

Mr. President, I propose today that we establish a National Museum of Firefighting and Center for Fire Prevention in the Nation's Capital. It would be designed to portray, in enjoyable and memorable fashion, the steps every family can take to thwart fire. A variety of programs could be offered, aimed particularly at children. Elementary school visits would be encouraged, as well as post-visit curricular activity, to maximize the impact of the Center upon impressionable young minds. Children and adults both would learn that the fireman is a valuable friend, not a target for abuse. Special emphasis could be given to projects to teach children about the dangers of playing with matches.

Then perhaps we would not see an average of 10 children a month burn to death.

The legislation I introduced today provides that a venerated District building, now decaying in disuse, would become the home of this combination historic shrine and modern educational facility. The structure named in the bill, at 3210 M Street NW., was originally erected in 1796 as the Bank of Columbia, with George Washington as a director. In 1807, the Bureau of Indian Trade occupied the premises, where it remained until the city of Georgetown bought the property in 1845 for use as the City Hall.

In 1871, the building came under the control of the District of Columbia government when Georgetown was absorbed by the District. In 1883, the location was remodeled into a firehouse, where it remained until 1940. Since then, the property has been used—or misused—for various storage purposes, the last being a garage for garbage trucks. Now it lies vacant, a refuge for trash, alcoholics, and wayward pigeons.

Thus, the establishment of such a museum would have a dual purpose. It would restore one of the District's last 18th century buildings to a condition befitting a historic landmark, while at the same time providing a modern facility to remind us, young and old, resident and visitor, of the magnificent history of firefighting and the ways all Americans can prevent the disaster of fire. Costs for restoration and maintenance of the Center are currently estimated at $562,100, of which all are expected to be met by contributions. Compared with the expected $5.25 billion in fire losses during the same period, the National Museum of Firefighting and Center for Fire Prevention is indeed a necessary and worthwhile investment.

By Mr. ALLOTT (for himself and Mr. Dominick):

S. 3531. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games. Referred to the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, on behalf of the junior Senator from Colorado (Mr. Dominick) and myself, I am introducing a bill to authorize Federal participation in the construction of outdoor sport facilities to be used in conjunction with the 1976 winter Olympics. Since the mid-1960's when the Interior Committee created the land and water conservation fund, strides have been made toward providing greater outdoor recreation facilities for our citizens. We need to create still a greater awareness of outdoor recreational activities—of the benefits which accrue from competitive sports—and the Olympic games can contribute to that awareness.

Denver has been designated as the host city for the 1976 winter Olympic games. The Colorado State government and the city of Denver are devoting substantial resources to the staging of the Olympic games and are seeking equitable Federal participation in this effort. Thus, the entire Colorado congressional delegation is today introducing legislation which will authorize that Federal participation in this outdoor recreational event.

I note, and wish to call attention to the fact that the authorization amount in this bill is blank. This somewhat unusual form is utilized purposely for two reasons: First, there are many contingencies that, at the moment, exist and which if they materialize could substantially lessen the amount of Federal participation needed and second, to preclude any prejudgment of need and to highlight our wish that after full hearings on this subject the respective Interior Committees of the House and Senate will insert an amount which is to represent proper Federal participation.

Mr. DOMINICK. Mr. President, Senator Allott and I are well aware that the bill which we are introducing at this time is in a most unusual form, in that no dollar amounts are stipulated. It is however, a most important bill, dealing as it does with the winter Olympics of 1976, the 200th year of this country's independence and the 100th year of our State's admission to the Union. The winter Olympics have been awarded to Denver, Colo., by the International Olympic Site Selection Committee and will be the focus of sports activities for all Americans during that period.

The bill is being introduced in this form to avoid any prejudgment as to the proper Federal share and in order to afford the committee, after full hearings, a maximum opportunity to evaluate the financial needs to support this most important international event.

By Mr. GAMBRELL:

S. 3533. A bill to impose a moratorium on involuntary student transportation until a uniform plan of racial desegregation shall have been implemented throughout the country. Referred to the Committee on the Judiciary.

Mr. GAMBRELL. Mr. President, I am introducing a bill today which is identical to S. 3435, except that references to the Secretary of Health, Education, and Welfare have been changed to refer instead to the Attorney General of the United States.

I hope that this bill will serve as a substitute for the busing moratorium which President Nixon proposed last month. I described this bill in testimony before the Education Subcommittee of the Committee on Labor and Public Welfare on March 29, and on that same day, the statement which I presented to the Education Subcommittee was reprinted in the Record on pages 10960–10963.

This bill follows substantially the same plan as an amendment I offered during the busing debate on the higher education bill. It prohibits the use of forced school busing in some parts of the country when no steps toward desegregation have been taken in most of the country's school systems. A description of the amendment which I offered to the higher education bill can be found on pages 6002 to 6005 in the Record of February 29.

Mr. President, I ask unanimous consent that the bill I am introducing today be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Desegregation and Student Transportation Moratorium Act of 1972".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that:

(1) The provision of equal educational opportunity to all students of a local educational agency requires racial desegregation.

(2) School desegregation should be required equally and uniformly in every section of the United States.

(3) For the purpose of desegregation, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students.

(4) In many cases these reorganizations, with attendant increases in student transportation, have caused substantial hardship to the children thereby affected, have impinged on the educational process in which they are involved, and have required increases in student transportation often in excess of that necessary to accomplish desegregation.

(5) At the same time that extensive transportation of school children and other extreme and disruptive remedies are being required in some local educational agencies for the purpose of desegregation, many local educational agencies throughout the country have not undertaken any effective efforts to desegregate.

(6) This inequity in the application and enforcement of desegregation remedies obstructs the nationally accepted goal of equal educational opportunities without regard to race, color, or national origin.

(7) The Congress is presently considering legislation to achieve the goal of equal educational opportunity for all citizens.

(8) A moratorium on the involuntary transportation of school children will permit an orderly legislative settlement of the question of providing equal educational opportunity on a uniform basis throughout the country.

(b) It is, therefore, the purpose of this Act to impose a moratorium on the effectiveness of Federal court orders that require local educational agencies to transport students, and on the involuntary implementation of certain desegregation plans under title VI of the Civil Rights Act of 1964 until racial desegregation is uniformly applied and enforced or until such earlier date as there shall be adopted a uniform plan to provide equal educational opportunities throughout the country.

SEC. 3. (a) Notwithstanding any other law or provision of law, the effectiveness of any order of a court of the United States and the implementation of any desegregation plan submitted by a local educational agency to a department or agency of the United States pursuant to title VI of the Civil Rights Act of 1964, to the extent such order or such plan requires for any period subsequent to December 31, 1970, directly or indirectly, a local educational agency to transport students in order to overcome racial imbalance or to carry out a plan of racial desegregation, shall be postponed until plans providing for the racial desegregation of schools as providing for the racial desegregation of schools as provided in subsection (b) of this section, or reports of the absence of racial discrimination as described in subsection (b) of this section, shall have been adopted uniformly throughout the United States by the appropriate local educational agencies thereof.

(b) Plans providing for the racial desegregation of schools shall provide for the elimination of—

(1) any deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(2) the assignment by an educational agency of a student to a school, other than the one closest to his place of residence within the school district in which he resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(3) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty, or staff;

(4) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency;

(5) language barriers that impede equal participation by the students of a local educational agency in its instructional programs;

(6) the provision of inferior schools among communities in accordance with racial predominance;

(7) any unequal allocation of school facilities and resources among communities within a local educational agency in accordance with racial predominance, except for the purpose of equalizing educational facilities; and

(8) prohibitions against volitional student transfers from schools in which a majority of the students are of their race, color, or national origin to schools in which a minority of the students are of their race, color, or national origin.

(c) (1) A plan or report shall not be deemed to have been adopted for the purpose of subsection (a) of this section until such plan or report, approved by the appropriate local educational agency after public hearing, has been submitted by an appropriate official of such agency to the Attorney General of the United States, and the Attorney General has not interposed an objection within sixty days after such submission. The Attorney General shall interpose an objection to any report which he finds to be inaccurate in any substantial respect and shall object to any plan which he finds to be substantially deficient in the elimination of racial discrimination as described in subsection (b) of this section: *Provided,* That any such plan or report, whether or not submitted to the Attorney General, shall be deemed to have been adopted for the purpose of this section if the Federal district court having jurisdiction of such agency shall have approved the substance of such plan or the truth of such report, and has found such plan or report to be in accordance with the Constitution of the United States.

(2) Plans shall not be deemed to have been uniformly adopted throughout the United States for the purpose of subsection (a) of this section until—

(A) such plans have been adopted in school systems containing not less than 75 per centum of the school population in public school systems which have total minority student population greater than 10 per centum, or

(B) such plans are in effect in not less than seventy-five of the one hundred most populous school systems in the United States (1) which have total minority student population greater than 10 per centum or (2) which had a greater percentage of minority students in 1971 attending schools in which minority students were in the majority than in 1968, and such plans are in effect in 75 per centum of the States of the United States having a minority public school student population greater than 10 per centum.

(d) Nothing in this Act shall prohibit an educational agency from proposing, adopting, requiring, or implementing any desegregation plan, otherwise lawful, that exceeds the limitations specified in subsection (a) of this section, nor shall any court of the United States or department or agency of the Federal Government be prohibited from approving implementation of a plan that exceeds the limitations specified in subsection (a) of this section if the plan is voluntarily proposed by the appropriate educational agency.

(e) A local educational agency shall be deemed to transport a student if it pays any part of the cost of such student's transportation, or otherwise provides such transportation.

By Mr. GRIFFIN:

S. 3534. A bill to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia. Referred to the Committee on Foreign Relations.

VIETNAMESE ORPHAN ACT

Mr. GRIFFIN. Mr. President, I send to the desk a bill entitled the Vietnamese Orphan Act to facilitate the adoption by U.S. citizens of Vietnamese children who have been orphaned or abandoned as a result of the war in Southeast Asia.

About 12,000 children are in South Vietnamese orphanages. But the AID agency estimates that as many as 700,000 children are abandoned or orphaned in South Vietnam. One of the great tragedies of the war in Southeast Asia is that these innocent children have inherited such a legacy of misery.

The South Vietnamese Government is trying to do what it can for these children. But the task is awesome, and the South Vietnamese simply do not have the resources to do the job alone.

Various private organizations in the United States and South Vietnam are struggling to help in the effort to care for these vulnerable children. But such organizations find that they cannot adequately cope with the problem in the absence of outside help.

Here in this country there is deep concern about the plight of these young victims of war. Many American families stand ready to adopt one or more Vietnamese war orphans.

Unfortunately, in most cases the costs of arranging such an adoption are prohibitive. In addition, there are discouraging bureaucratic obstacles which complicate the process of uniting children and foster parents.

It is unthinkable that we should allow financial impediments and bureaucratic tangles to stand between helpless children and those generous Americans who are willing and anxious to provide shelter and love.

The bill I am introducing is intended to clear away such obstacles.

It would authorize the President of the United States to provide financial help to those public or private nonprofit international welfare organizations and institutions which assist in furnishing legal and technical services to prospective foster parents.

It would provide health care for orphaned or abandoned children during the period prior to their adoption and transportation to the United States.

It would authorize the President to provide space-available transportation on military aircraft, or aircraft chartered by the military, to transport adopted children to the United States.

In addition, it would authorize the

President, acting with the South Vietnamese Government, to assist in meeting other health, housing, and educational needs of Vietnamese orphans.

It has been said that a nation can be judged by how it cares for the weakest and most vulnerable of its own citizens. I would add that a nation should also be judged by its concern for all people, regardless of nationality.

Time and again during the past 200 years, Americans have demonstrated a commitment to help those less fortunate. It is an American tradition.

This Vietnamese Orphan Act which I introduce today is in keeping with that American tradition. I urge the Senate to give this legislation prompt and favorable consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3534.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Vietnamese Orphan Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) Congress finds that—

(1) the tragedy of countless Vietnamese children, orphaned or abandoned as a result of the war in Southeast Asia, will remain even after a cessation of hostilities; and

(2) there are many couples in the United States eager to adopt such orphaned or abandoned children and provide them with homes.

(b) It is therefore the purpose of this Act to facilitate the adoption of orphaned or abandoned Vietnamese children by United States citizens.

INTERNATIONAL ASSISTANCE PROGRAM

SEC. 3. The President or his designee shall be authorized to provide to public or private nonprofit international welfare agencies, organizations, and institutions (existing on the date of enactment of this Act), grants to assist such agencies, organizations, and institutions in furnishing (1) legal and technical services relating to the adoption of orphaned or abandoned Vietnamese children by United States citizens, and (2) health care for such orphaned or abandoned children during a period prior to the adoption of such children and their arrival in the United States.

SOUTH VIETNAMESE PASSPORT RESTRICTIONS

SEC. 4. The President or his designee shall enter into negotiations with the Government of the Republic of South Vietnam for the purpose of eliminating Vietnamese passport restrictions for children adopted by United States citizens.

ASSISTANCE FOR CARE OF VIETNAMESE ORPHANS

SEC. 5. (a) The President or his designee, with the consent of the Government of the Republic of South Vietnam, shall be authorized to provide grants to any public or private non-profit agency, organization, or institution within the Republic of South Vietnam (existing on the date of enactment of this Act), to assist such agency, organization, or institution in meeting the expenses of providing housing, health care, and educational services directly to orphaned or abandoned Vietnamese children.

(b) The amount of grants made under subsection (a) shall not exceed the costs to such agency, organization, or institution which are attributable to the care of such orphaned or abandoned children.

TRANSPORTATION

SEC. 6. Notwithstanding any other provision of law, the President or his designee shall be authorized to provide transportation on military aircraft or chartered aircraft used by the military on a space-available basis, to transport Vietnamese children who have been adopted by United States citizens from South Vietnam to the United States.

TERMS AND CONDITIONS

SEC. 7. The President shall establish such terms and conditions as he deems necessary in making grants under this Act.

COMPLIANCE WITH STATE LAW

SEC. 8. Any United States citizen and spouse adopting an orphaned or abandoned Vietnamese child shall comply with section 101 (b) (1) (F) of the Immigration and Nationality Act relating to the preadoption requirements of the child's proposed State of residence and of all State laws applicable.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 950

At the request of Mr. DOMINICK, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 950, a bill to amend the Gun Control Act of 1968 relating to the importation into the United States of sporting rifles and sporting shotguns.

S. 2983

At the request of Mr. BEALL, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 2983, a bill for the establishment of a national cemetery in the State of Maryland.

S. 3141

At the request of Mr. METCALF (for Mr. MUSKIE) the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3141, the Intergovernmental Personnel Act Amendments of 1972.

S. 3181

At the request of Mr. CHURCH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3181, a bill to provide for the establishment of an Office for the Aging in the Executive Office of the President, for the fulfillment of the purposes of the Older Americans Act, for enlarging the scope of that act, and for other purposes.

S. 3329

Mr. BEALL. Mr. President, I ask unanimous consent that at the next printing of the bill S. 3329, which would establish a National Institute of Health Care Delivery, that the following Senators be added as additional cosponsors: DOMINICK, HOLLINGS, PASTORE, and STEVENS.

In addition, Mr. President, I am particularly pleased with the reception that this proposal is receiving. Only recently the American Association of Universities and Colleges indicated their support for this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3383

At the request of Mr. THURMOND, the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from New York (Mr. JAVITS), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 3383, a bill to encourage the use of recycled oil.

S. 3416

At the request of Mr. THURMOND, the Senator from Wyoming (Mr. HANSEN), the Senator from North Dakota (Mr. YOUNG), the Senator from Utah (Mr. BENNETT), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from Kentucky (Mr. COOPER), the Senator from Illinois (Mr. STEVENSON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Oregon (Mr. PACKWOOD), the Senator from Tennessee (Mr. BROCK), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nevada (Mr. CANNON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 3416, a bill to amend titles 10 and 37, United States Code, to authorize members of the Armed Forces who are in a missing status to accumulate leave without limitation, and for other purposes.

S. 3514

At the request of Mr. PROXMIRE, the Senator from Illinois (Mr. PERCY), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Minnesota (Mr. MONDALE), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 3514, the Menominee Restoration Act.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 66

At the request of Mr. PEARSON, the Senator from Iowa (Mr. MILLER) was added as a cosponsor of Senate Concurrent Resolution 66, expressing the sense of Congress that the United States should negotiate for the use of foreign currencies to pay Peace Corps expenses to countries where these currencies are held.

SENATE RESOLUTION 296—SUBMISSION OF A RESOLUTION TO DESIGNATE THE OLD SENATE OFFICE BUILDING AS THE RICHARD BREVARD RUSSELL OFFICE BUILDING

Mr. ROBERT C. BYRD. Mr. President, I submit a resolution to designate the Old Senate Office Building as the Richard Brevard Russell Office Building and I ask unanimous consent that the resolution be referred to the Committee on Rules and Administration.

The PRESIDING OFFICER (Mr. SPONG). The resolution will be received and appropriately referred; and, without objection, the resolution will be referred to the Committee on Rules and Administration.

The resolution reads as follows:

S. Res. 296

Resolved, That insofar as concerns the Senate, the Senate Office Building constructed under authority of the Act of April 28, 1904 (33 Stat. 452, 481), is hereby designated, and shall be known, as the "Richard Brevard Russell Office Building".

Sec. 2. Any rule, regulation, document, or record of the Senate, in which reference is made to the building referred to in the first section of this resolution, shall be held and considered to be a reference to such building by the name designated for such building by the first section of this resolution.

Sec. 3. The Committee on Rules and Administration is hereby authorized and directed to place an appropriate marker or inscription at a suitable location or locations within the old Senate Office Building to commemorate and designate such building as provided herein. Expenses incurred in connection therewith shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of said Committee.

ADDITIONAL COSPONSOR OF A RESOLUTION, SENATE RESOLUTION 294

Mr. GOLDWATER. Mr. President, I ask unanimous consent that at its next printing the name of the Senator from Maryland (Mr. Beall) be added as a cosponsor of Senate Resolution 294, to condemn the invasion of South Vietnam by North Vietnam and to support the Government of the United States in its effort to provide an honorable peace in South Vietnam.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, when the resolution was initially introduced, the junior Senator from Maryland had asked to be among the first cosponsors, and I am sure his name appeared on the draft which I handed in at the desk. Inadvertently, it does not appear on the first print of the resolution. Therefore, I wish to make it known that the distinguished Senator from Maryland (Mr. Beall) is rightly one of the original signers of this resolution.

Again, Mr. President, I wish to mention that any Senator who wants to come forward to condemn Hanoi has an opportunity to do so by sponsoring or supporting this resolution.

FEDERAL HIGHWAY ACT OF 1956—AMENDMENT

AMENDMENT NO. 1156

(Ordered to be printed and referred to the Committee on Public Works.)

Mr. CURTIS (for himself and Mr. Hruska) submitted an amendment intended to be proposed by them jointly to the bill (S. 3037) to amend the Federal Aid Highway Act of 1956, as amended.

FAIR CREDIT BILLING ACT—AMENDMENTS

AMENDMENT NO. 1155

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (S. 652) to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

AMENDMENTS NOS. 1157, 1158, AND 1159

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY. Mr. President, I am today submitting three amendments to S. 652, the Fair Credit Billing Act, which I feel would strengthen the legislation.

Amendment No. 1158 would explicitly provide in the text of the bill that States would be allowed to have laws which afford greater protection to consumers than S. 652.

I strongly believe that we must make clear that the States can continue to play a major role in the area of consumer protection.

Page 17 of the committee report makes the following observation with regard to section 169 of S. 652:

> This section states that nothing in chapter 4 (credit billing) annuls, alters, affects, or exempts a creditor from complying with State law unless a State law is inconsistent with the Federal law, and then only to the extent of the inconsistency. A similar provision applies to the disclosure provisions of truth in lending and under existing interpretations, the Federal Reserve Board has held that a State law is not inconsistent with Federal law if it provides a greater degree of consumer protection.

The enactment of my amendment would make unequivocably clear and explicit what the committee report states is the intent of the Congress. The enactment of my amendment would provide for more expediency in the administration of this law and avoid the dangers of either future changes in interpretations by the Federal Reserve Board or extended or unnecessary litigation if perhaps a Federal or State court subverted congressional intent in this area. Alfred Song, chairman of the California State Senate Judiciary Committee and author of the State fair credit law has requested that this be explicitly nailed down in S. 652. I am certain that other State legislatures would also desire to see the Federal preemption provision clarified in the text of the bill.

Amendment No. 1157 prohibits retail merchants from billing customers for unmailed or unsent merchandise. I believe that it is only fair that the billing period begin either when the merchandise is sent or when it is mailed to the customer. In testimony before the Subcommittee on Financial Institutions, Betty Furness, chairman of the New York State Consumer Protection Board, summed up very succinctly the reasons why I feel that this amendment should be enacted by the Senate. She urged:

> Consumers not be billed for merchandise before it is received. This abuse applies particularly to transactions involving home furnishings. Furniture and carpeting is promised in 2 weeks or 6 weeks. It often tends to arrive in about that many months, but, with many stores, preceeded by bills and accumulated finance charges. By the time a family finds they have the wrong coffee table, or a bed in one size and a mattress in another, they long since have a past due bill which is growing like topsy and possibly even a dunning letter from our Mr. Abrams the computer. Surely a buyer should have merchandise in hand for inspection and approval before he is billed. The idea of paying before delivery is so impertinent it boggles the mind. But it is not only an idea, it is a practice, and one I think should be stopped.

Mr. President, to me this amendment seems imminently logical and equitable, and I hope that it is enacted by the Senate.

Amendment No. 1159 would prohibit a minimum credit charge. This charge subjects the poor to far higher percentage charges than the more affluent. Most minimum finance charges on small deferred balances result in finance charges which are much higher than legal interest rates. Since it is usually the poor who must defer payment on small balances, a minimum finance charge becomes a discriminatory burden on low-income customers. For example, a minimum finance charge of 50 cents on a $10 balance is equivalent to a charge of 5 percent a month or 60 percent a year.

William Willier of the National Consumer Law Center in Massachusetts made the following statement in the hearings on this legislation:

> The truth in lending law does not require disclosure of an annual percentage rate where the finance charge is within certain minimum limits.

However, he continued by stating that—

> Clearly there should be no finance charge, minimum or otherwise, where there is no use of credit or no outstanding balance.

Again, with regard to the amendment, I feel that it makes no sense to continue to allow what is in actual operation a discriminatory tax upon low-income customers.

I conclude by pointing out that the chairman of the Federal Trade Commission testified in favor of the enactment of amendments which I will offer with regard to the prohibition against minimum finance charges and against finance charges on undelivered merchandise. In connection with the question of Federal preemption, John Sparkman, the committee chairman, has stated in the committee report that he—

> Would not want to see any legislation adopted which would take away from the consumers any of the protection given to them by State law.

I share his concern and I believe that my amendment would insure that this does not happen.

Mr. President, I ask unanimous consent that the three amendments I have submitted be printed at this point in my remarks.

There being no objection, the amendments were ordered to be printed in the Record, as follows:

Amendments No. 1157

On page 11, at the bottom of the page, add the following:

"170. Prohibition of billing for undelivered goods or services.

On page 19, line 7, strike out the quotation marks.

On page 19, between lines 7 and 8, insert the following:

"§ 170. Prohibition of billing for undelivered goods or services.

"No creditor who operates an open end consumer credit plan shall bill an obligor (1) for any goods which have not been mailed or otherwise sent to the obligor, or (2) for any services which have not been provided to the obligor. Nothing in this section prohibits the billing for goods or services which are to be provided in more than one installment if the first installment was received by the obligor or has been mailed or otherwise sent to the obligor prior to the date on which the bill is mailed or otherwise sent."

AMENDMENT No. 1158

On page 19, line 7, immediately after the period, insert the following new sentence: "No such law is inconsistent with any provision of this chapter if (1) the protection afforded to consumers by such law is greater than that provided by this chapter, and (2) compliance with such law does not constitute a violation of any provision of this chapter.

Any credit card issuer may rely upon any rule or regulation of the Board determining such inconsistency."

AMENDMENTS No. 1159

On page 11, at the bottom of the page, add the following:

"170. Prohibition of minimum finance charge.

On page 19, line 7, strike out the quotation marks.

On page 19, between lines 7 and 8, insert the following:

"§ 170. Prohibition of minimum finance charge

"No creditor who operates an open end consumer credit plan may impose a minimum finance charge."

AMENDMENTS NOS. 1160 AND 1161

(Ordered to be printed and to lie on the table.)

Mr. PROXMIRE. Mr. President, I submit two amendments to S. 652, the so-called Fair Credit Billing Act.

The first amendment would prohibit retroactive finance charges on revolving charge accounts where the consumer is charged interest on money he has already repaid. The most common method for assessing retroactive finance charges is the so-called previous balance billing system. Under this system, consumers are generally given 30 days to pay their outstanding balance before they are assessed a finance charge. However, if they make a partial payment, they are charged interest against the original or previous balance in their account rather than the remaining balance.

For example, if a consumer has a balance of $100 in his revolving charge account and makes a partial payment of $90, he is charged interest against the original balance of $100 rather than the remaining balance of $10. He thus pays 10 times the amount of interest he otherwise would have paid if the creditor charged against the closing balance.

Many creditors charge against the closing balance because they feel it is fairer to consumers. These include large retailers such as J. C. Penney, most oil companies, and many bank credit card plans. However, a substantial number of creditors still use the previous balance system.

The amendment would prohibit the previous balance system as well as other systems which impose retroactive finance charges. It would not prohibit the so-called average daily balance billing system where the consumer is charged for credit on a daily basis provided the creditor does not retroactively levy a finance charge prior to the time when payment is due to avoid a finance charge. Abolition of the previous balance is strongly supported by the FTC and consumer protection groups. In addition, the Chairman of the Federal Reserve Board, Arthur Burns, has written that the abolition of the previous balance system is "sound and reasonable."

The second amendment would restrict the so-called holder-in-due-course doctrine on credit card transactions. Under the holder-in-due-course doctrine, a consumer is required to pay a bank or other credit card issuer for shoddy merchandise purchased with a credit card even though the consumer may have a legitimate claim or defense against the merchant which honored the card. The amendment would permit the consumer to withhold payment for shoddy merchandise subject to the following conditions:

First, he made a good faith effort to recover from the merchant;

Second, the amount of the transaction exceeded $50;

Third, the transaction took place in the State in which the credit card issuer maintained a place of business;

Fourth, the amount of the claim or defense does not exceed the amount of credit originally extended if notification is made later than 3 months.

The amendment in no way permits a consumer to avoid payment for legitimate debts. If a consumer withholds payment from a bank for shoddy merchandise, the bank would still have the option of suing to compel payment. However, under the amendment, the consumer would be permitted to raise as a defense the fact that the merchandise was defective. The consumer could escape payment only if a court decided he had a legitimate defense.

The four conditions listed above are intended to overcome industry objections to an outright repeal of the holder-in-due-course doctrine on credit card transactions. These conditions insure that the development of bank credit card plans would not be impeded.

Banks and other credit card issuers should not be insulated from legitimate consumer defenses and claims which the antiquated holder-in-due-course doctrine makes possible. Merchants who honor credit cards must be admitted into the credit card plans by the card-issuing bank. In so doing, the bank confers an implied stamp of legitimacy on the merchant which consumers rely upon when they use their card. Moreover, banks already have the legal power to charge a disputed item back to a merchant. Therefore, any losses would be transferred from the consumer to the merchant who sold the shoddy merchandise.

At the present time, 32 States have restricted the holder-in-due-course doctrine on installment sales transactions. But unlike installment sales transactions, which are confined to a specific location, bank credit card plans are essentially national in scope. Two bank credit card plans account for over 95 percent of the bank credit card business and the cards issued under these plans are accepted in all 50 States. Thus Federal legislation is required to protect consumers.

A modified repeal of the holder-in-due-course doctrine on credit card transactions is strongly supported by the Federal Trade Commission and by consumer groups. Many leading bank attorneys also acknowledge the need for a modified restriction on the holder-in-due-course doctrine along the lines of my amendment.

SUPPLEMENTAL APPROPRIATIONS, 1972—AMENDMENT—NOTICE OF MOTION TO SUSPEND THE RULE

AMENDMENT NO. 1162

Mr. STEVENS submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, the following amendment, namely:

Page 7, line 21, before the period insert a colon and the following:

Provided, That there shall be advanced to each regional association the sum of $1,000,000 in fiscal year 1972 which shall be used solely for organization of the regional corporations and village corporations within each region and to identify land for such corporations pursuant to the Act of December 18, 1971; that such advance shall be credited against the first moneys due to such corporations under this Act and shall first be used to repay any loans advanced to such corporations by any financial organization after December 14, 1971; and that no funds may be advanced by any regional association to any village corporation unless the village for which such corporation was organized is determined by the Bureau of the Census to have had 25 or more Native residents living within such village according to the 1970 census.

Mr. STEVENS submitted the amendment (No. 1162) intended to be proposed by him to the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, which was ordered to be printed and to lie on the table.

CAREER PROGRAM FOR AIR TRAFFIC CONTROLLERS—AMENDMENT

AMENDMENT NO. 1163

(Ordered to be printed and referred to the Committee on Post Office and Civil Service.)

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (H.R. 8083) to amend title 5, United States Code, to provide a career program for, and greater flexibility in management of, air traffic controllers, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 364

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished senior Senator from Washington (Mr. MAGNUson), I ask unanimous consent that the Senator from South Carolina (Mr. Hollings) be added as a cosponsor of amendment No. 364, intended to be proposed to S. 1684, a bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes.

Amendment No. 364 is a proposal to establish a Federal power research and development program and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 800 AND 801

At the request of Mr. Eagleton, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of amendments Nos. 800 and 801, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

AMENDMENT NO. 838

At the request of Mr. Percy, the Senator from Tennessee (Mr. Baker) and the Senator from Oregon (Mr. Hatfield) were added as consponsors of amendment No. 838, intended to be proposed to H.R. 1, a bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 895

Mr. PEARSON. Mr. President, I ask unanimous consent that the Senator from Nevada (Mr. Cannon) be added as a cosponsor of amendment No. 895, intended to be proposed to H.R. 1, the Social Security Amendments of 1972.

Amendment No. 895 would provide persons 65 or older a phased annual tax credit of up to $300 for property taxes or rent paid on their residence.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 998

At the request of Mr. Church, the Senator from Massachusetts (Mr. Brooke) was added as a cosponsor of amendment No. 998, intended to be proposed to the bill (H.R. 1), to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 999

At the request of Mr. Church, the Senator from Massachusetts (Mr. Brooke), the Senator from New Jersey (Mr. Case), the Senator from West Virginia (Mr. Randolph), the Senator from Oregon (Mr. Packwood), and the Senator from Wisconsin (Mr. Nelson) were added as cosponsors of amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENTS NOS. 1122 AND 1123

At the request of Mr. Tunney, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of amendment No. 1122, intended to be proposed to Senate Concurrent Resolution 33, and of amendment No. 1123, intended to be proposed to House Concurrent Resolution 471.

AMENDMENTS NOS. 1030 THROUGH 1040

At the request of Mr. Tunney, the Senator from Alaska (Mr. Gravel) was added as a cosponsor of amendments Nos. 1030 through 1040, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICES OF HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. MOSS. Mr. President, on behalf of the distinguished senior Senator from Nevada (Mr. Bible), I ask unanimous consent that two statements prepared by him in connection with the scheduling of hearings be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENTS BY SENATOR BIBLE

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 A.M. on May 9, in room 3110, New Senate Office Building, on the following bills:

S. 2441, to authorize the Secretary of the Interior to conduct a study to determine the best and most feasible means of protecting and preserving the Great Dismal Swamp and the Dismal Swamp Canal, in North Carolina and Virginia.

S. 2806, to authorize appropriations for additional costs of land acquisitions for the National Park System.

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10:00 A.M. on May 11, in room 3110, New Senate Office Building, on the following bill:

S. 2411, to establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes.

ANNOUNCEMENT OF HEARING BY SUBCOMMITTEE ON PUBLIC LANDS

Mr. MOSS. Mr. President, I ask unanimous consent that a statement prepared by the distinguished Senator from Washington (Mr. Jackson) in connection with measures to designate certain lands as wilderness be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

I would like to announce that the Public Lands Subcommittee of the Senate Interior and Insular Affairs Committee has scheduled an open hearing for May 5, Friday, on S. 2453 and other measures to designate certain lands as wilderness.

S. 2453 would designate 14 additional areas to the Wilderness Preservation System. The areas involved are located on national wildlife refuges, national parks and national forests. The areas to be designated are: (1) Farallon National Wildlife Refuge, California; (2) Chamisso National Wildlife Refuge, Alaska; (3) National Key Deer Refuge, (4) Great White Heron National Wildlife Refuge and (5) Key West National Wildlife Refuge, Florida; (6) Simeonof National Wildlife Refuge, Alaska; (7) Izembek National Wildlife Refuge and (8) Aleutian Islands National Wildlife Refuge, Alaska; (9) Breton National Wildlife Refuge, Louisiana; (10) Isle Royale National Park, Michigan; (11) Sequoia and (12) Kings Canyon National Parks, California; (13) North Cascades National Park, Washington; and (14) Shenandoah National Park, Virginia.

Other measures to be considered are: S. 1198, Indian Peaks Wilderness, Colorado; S. 1441, Flat Tops Wilderness, Colorado; S. 3119 and H.R. 736 (House passed bill), the Cedar Keys National Wildlife Refuge, Florida. S. 3120, the National Key Deer Refuge, Great White Heron National Wildlife Refuge, and the Key West National Wildlife Refuge, Florida: S. 2539, Isle Royale National Park, Michigan; and S. 2158, the Shenandoah National Park, Virginia.

These areas are comprised of a total of 1,869,725 acres of land.

The hearing will begin at 10 a.m. in Room 3110 of the New Senate Office Building.

Persons desiring to testify or to submit written statements for the record should notify the Committee staff as soon as possible.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON INDIAN AFFAIRS

Mr. MOSS. Mr. President, on behalf of the distinguished Senator from Washington (Mr. Jackson), I ask unanimous consent that a statement prepared by him relating to certain Indian bills be printed at this point in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR JACKSON

I wish to announce to the members of the Senate and the public that the Subcommittee on Indian Affairs has scheduled an open hearing for May 24 on the following bills:

S. 2422, providing for the acquisition of a village site for the Payson Community of Yavapai Apache Indians on certain lands which are to be eliminated for such purpose from the Tonto National Forest;

S. 2478, providing for the disposition of funds to pay a judgment in favor of the Shoshone-Baunock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326-I.

The Subcommittee will also receive additional testimony on S. 2284, a bill providing for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claim Commission dockets Nos. 22-E and 22-F, from the tribal group. A previous hearing was held by the Subcommittee on this bill on March 29, 1972.

The hearings will begin at 10:00 a.m. in Room 3110 New Senate Office Building.

ANNOUNCEMENT OF CHANGE IN SCHEDULE OF HEARINGS ON S. 448, TO PROVIDE THAT APPROPRIATION REQUESTS OF CERTAIN REGULATORY AGENCIES BE TRANSMITTED DIRECTLY TO CONGRESS

Mr. METCALF. Mr. President, the chairman of the Senate Subcommittee on Intergovernmental Relations, the Senator from Maine (Mr. MUSKIE), has asked me to announce that hearings on S. 448 have been rescheduled for May 16 and 17. Those scheduled for April 18 and 19 were cancelled.

Hearings on May 16 and 17 will be held in room 3302 of the New Senate Office Building, beginning at 10 a.m. Any Member of Congress or other person wishing to testify should notify Mrs. Lucinda Dennis, chief clerk of the subcommittee. She can be reached at 225-4718.

NOTICE OF HEARINGS ON FEDERAL FORM POLLUTION

Mr. McINTYRE. Mr. President, in a floor statement last September, I expressed concern for the plight of the small businessmen of this country, burdened as they are with the paperwork imposed upon them by the Federal Government.

Today, I am pleased to announce that the Subcommittee on Government Regulations, which I have the privilege of chairing, will be holding hearings on the challenge of reducing Federal "form pollution."

Initially, this Subcommittee of the Select Small Business Committee will focus on the tax forms required of small business by the Internal Revenue Service.

During the hearings, we hope to determine: whether the forms are too complex; whether reporting frequency places an undue burden on the small businessman; and whether Federal, State, and local tax forms can be made more comparable.

Hearings will be held in Chicago on May 2, in Boston May 4, and in Concord, N.H., on May 5. Subsequent hearings will be held in Washington, D.C., in June.

Anyone interested in testifying, or in providing or suggesting witnesses may notify the Subcommittee on Government Regulations in room 424, telephone 225-5175.

ANNOUNCEMENT OF HEARINGS BY DISTRICT COMMITTEE ON NOMINATIONS TO DISTRICT OF COLUMBIA SUPERIOR COURT

Mr. EAGLETON. Mr. President, I wish to announce that a public hearing will be held on Friday morning, May 19, at 9:30 a.m., in room 6226, New Senate Office Building, on the nominations of the following persons to be associate judges of the Superior Court of the District of Columbia: Luke C. Moore, Donald S. Smith, Joseph M. Hannon, Robert H. Campbell, John R. Hess, Samuel B. Block, and Margaret A. Haywood. Persons wishing to present testimony before the committee should contact Mr. Robert Harris, staff director, District of Columbia Committee, room 6222, New Senate Office Building.

ADDITIONAL STATEMENTS

HOW DO CANDIDATES STAND ON TREASON?

Mr. GOLDWATER. Mr. President, as we meet here today, the invasion of South Vietnam continues unabated and liberal criticism of America's great Republican President continues unchecked.

At a time, Mr. President, when the Democrats in this Chamber refuse us permission to vote on a resolution which would condemn the enemy and support the United States, the Nation is being treated to the most selfish brand of politics I have ever seen indulged in, in this country.

Mr. President, we actually have a situation here where some Senators regard aggression and war being conducted by the enemy as something to be ignored while a response by America and her allies becomes something to denounce and deplore.

Mr. President, I believe it is time for us in the Senate of the United States to acknowledge that the one man who has done more than any person in the world to end the war in Vietnam is President Richard M. Nixon. And I believe it is time, Mr. President, to acknowledge that never has an American President had so little help in his attempt to bring about peace from the opposition party as President Nixon is today receiving from the Democrats.

There is nothing new about the technique being used today. In Hitler's time it was called the big lie. The procedure was to repeat a falsehood so often and so loud that the truth became obscured and the majority of the people accepted the falsehood as fact. Thus, today, we find a whole covey of doves, most of them Democrats and many of them candidates for their party's nomination for President, seeking to convince the American people that President Nixon is engaged in escalating the war and attempting to widen its consequences. Nothing is said about his determined action in withdrawing over a half million troops; in reducing American casualties almost to the vanishing point; in developing a program of Vietnamization which is succeeding far better than the President's critics would have you think; in presenting the most reasonable, far-reaching peace proposals ever advanced at the Paris peace talks by any President, Democrat or Republican.

For all this, Mr. President, Richard Nixon has received nothing but condemnation from Democrats who hope to succeed him, even though only a few short years ago they were busy supporting the war and approving its escalation under Lyndon Johnson.

But today, these so-called concerned lawmakers remain mute when the North Vietnamese Communists push the most massive invasion ever seen in Southeast Asia. When the Soviet-equipped Hanoi divisions violated the demilitarized zone and tore up the Geneva Accords and the 1968 understanding, the McGoverns, the Fulbrights, the Kennedys, the Muskies, and the Humphreys had nothing to say. It was not until American planes responded by bombing the north in an effort to prevent the over-running of South Vietnam and a Dunkirk-type forced evacuation of all the American troops left in Vietnam did they raise their voices.

Senator MCGOVERN was quoted as saying:

> I felt a sense of horror upon hearing of the resumption of our bombing of the North Vietnamese.

But I do not remember the Senator from South Dakota expressing any horror or even annoyance with the North Vietnamese when they went all-out for escalation of the war with 12 fully-equipped and fully-trained Communist divisions.

Mr. President, I sometimes believe that the President's critics are so desperately committed to the prediction that Vietnamization will fail and that the Communists will be victorious that they actually hope this will be the case.

In this connection, one of the most disgraceful scenes ever to occur in the Nation's Capital took place at 11:40 a.m. on April 19, when 20 American radicals appeared at the Soviet Embassy and made a formal request that the Russian Government increase its military aid to North Vietnam. A statement issued by the group, which called itself the People's Committee for an NFL victory said:

> We encourage you—the Soviets—to continue and increase your aid.

Members of the committee carried signs saying.:

> Avenge Hanoi and Haiphong and Send More Missiles to Shoot Down More U.S. Planes.

Mr. President, I should like to hear from the Democrats who refuse to permit the Senate to vote on a resolution supporting the United States, an opinion on this open attempt to increase support for the forces which are shooting American men and slaughtering our allies in Vietnam. I wonder, for example, if Senator McGovern feels "a sense of horror" when he reads about Americans agitating in the streets for more equipment to kill American fighting men. I say that this is something that a man who aspires to be Commander in Chief of the U.S. Armed Forces can definitely be horrified over. I do not know what others might think, Mr. President, but I believe the people who went to the Soviet Embassy and urged them to send missiles to shoot down U.S. planes are openly guilty of treason. I certainly hope the Justice Department will look into the activities of this radical group, which included at least one Washington attorney.

Mr. President, I actually begin to question whether the President's loud and unfair critics actually want this long and frustrating war to come to an end; or whether some of them would like to see it drag on through November so that President Nixon might be forced to pay at the polls for his determined and courageous efforts to correct the mistakes of his Democrat predecessors.

I realize this is a drastic thing to suggest, but I submit, Mr. President, it is no more reprehensible than to blame a President who has withdrawn a half million troops from a war started by other people with attempts at escalation. Anyone who seriously believes President Nixon is trying to enlarge and prolong the war in Vietnam has got to believe further that Mr. Nixon is the world's worst politician. I certainly assure you that the latter is not the case. President Nixon responded to the Communist invasion of Southeast Vietnam in the only way he could and in the only way that will ever bring about an end to this war and the release of American prisoners in that war.

Mr. President, once again, I want to say that I find it very strange indeed that we cannot get out of the Democrats, permission to vote on a simple resolution condemning aggression and supporting the Government which we all serve.

In fact, if we do not take some action of this kind very soon, the Senate of the United States will look for all the world as though it were taking orders directly from Mrs. Nguyen Thi Binh, chief Vietcong delegate to the Paris peace talks. I know that Mrs. Binh's letter to Members of Congress, urging us to repudiate President Nixon looks ridiculous and arrogant from our standpoint, but I also know that it received worldwide publicity. I say her letter should be rebuffed formally by the adoption of my resolution.

MATCHING REQUIREMENT FOR LEAA PROGRAMS

Mr. SPONG. Mr. President, nationwide support for legislation to delay for 1 year the so-called hard match requirement, under which States must put up a certain amount of cash in order to fully participate in LEAA programs, continues to grow. Many cities are coming to recognize that they will suffer as a result of their States failing or being unable to come up with sufficient money to take full advantage of available Federal grants.

They are the innocent pawns in this problem between the States and the Federal Government. Even if cities wish to make up the shortages in their States' contribution, they are not permitted to do so under present law.

Mr. President, as an indication of the support for relaxation of the new hard-match requirement, I ask unanimous consent that a section from the legislative program adopted by the National League of Cities at its recent meeting in Hawaii be printed in the Record at the conclusion of my remarks. This section, which deals with the Safe Streets Act, specifically endorses congressional action to remove the requirement for a cash match before it takes effect in July 1972.

In addition, I ask unanimous consent that there be printed in the Record a letter from Dean Warren E. Weaver, of the Medical College of Virginia, Virginia Commonwealth University, also endorsing this legislation.

There being no objection, the items were ordered to be printed in the Record, as follows:

7.006 The Omnibus Crime Control and Safe Streets Acts of 1968 and 1970

A. The Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice, should set minimum levels of planning funds to be distributed to local governments with greatest need.

B. A major purpose of the Amendments of 1970 to the "Safe Streets Act" was to insure real and meaningful participation by local governments in state-wide planning. In many states, this has not happened. The federal government and LEAA should take steps to remedy this situation by creating appropriate guidelines for states and local governments, by refusing to accept plans from states using only "paper participation," and by refusing to grant state block funds for planning or action in all cases where states have not met their obligations in this area.

C. LEAA, most states and most local governments agree that the discretionary part of the "Safe Streets Act" has not been successful. In its place, the federal government should institute a program of direct block grants to cities. At least fifty percent of the appropriated funds under the Act should be directed for this program.

D. The experience of the "Safe Streets Act" thus far has been one of many layers of bureaucracy duplicating each other's tasks. As many as twelve reviews of each proposal have been common. To alleviate this situation, LEAA should encourage states to make block grants to those cities which operate large numbers of projects under this Act.

E. The Metropolitan Criminal Justice Centers (MCJC) project currently being considered by LEAA is, in its general outlines, consistent with the needs for direct block grants from LEAA to cities. However, if this program is to be successful, local staff capacities provided to MCJCs should take their direction from general local government, and the city selection criteria should be such that LEAA is willing to fund cities of great need, even where the city and its county have difficult relationships.

F. The "Safe Streets Act" is a particularly complicated piece of legislation, and it has a complicated legislative history and intergovernmental structure through which funds and information should flow. For a variety of reasons, both funds and information actually reaching local government have been grimly inadequate in far too many cases. Guidelines, policy regulations and all other pertinent information on all parts of the Act must be issued on time and directly to cities with greatest need. To participate successfully in this important Act, cities must understand the guidelines under which their states operate.

G. Since its inception, LEAA has been enshrouded by a cloud of secrecy and suspicion which has prevented essential information from reaching local governments, despite the fact that seventy-five percent of the action funds can only be granted to local governments. Whatever organizational structure it chooses to operate under, LEAA must establish direct lines of communication to cities with greatest need.

H. The current budgetary crisis in the Nation's cities and states requires that the Congress remove the requirement for cash match from the legislation before it takes effect, that the Congress reduce the overall matching requirement for both cities and states to below ten percent and that under the state "buy-in" provision, if a state declines to buy into the LEAA program for its local governments, the block allocation for that state shall become available to that state's local governments in the form of local block grants.

I. LEAA has a surplus of unfunded proposals, while it has never sought its full appropriation. At the local level there has been a severe shortage of cash under the Act, caused by the procedures of many levels of bureaucracy. To combat all of these facts, LEAA should seek its full appropriation in Congress.

J. Many cities and counties continue to face major problems in working through largely rural multi-county regions in their states. That being the case, cities and counties should not be arbitrarily placed in multi-county regions by their states, without their express written permission. States should, when requested, deal directly with such cities and counties.

K. The Congress should amend the Safe Streets Act to remove the "variable pass through" provision (Section 303, paragraph 2) and continue the 75% pass through to local general government, recognizing that local governments have already over-burdened tax resources.

L. LEAA should refrain from making the block grant program a categorical grant program, and should, through guidelines and review of state plans, similarly discourage states from moving in this direction.

Virginia Commonwealth University, Medical College of Virginia,

April 18, 1972.

Hon. William B. Spong, Jr.,
New Senate Office Building,
Washington, D.C.

Dear Senator Spong: I read with interest your remarks published in the March 28 Congressional Record in regard to the matching requirement on the LEAA grants. Your action in this regard is very much appreciated and we wish you every success in your efforts. When I first heard of this requirement in regard to the methadone grant for which our school sought funds, it seems difficult to comprehend, especially in light of the stated national effort in this area.

I am also taking the liberty of sending you a brochure "Pharmacy Education Responds to Changing Health Care Needs". From time to time I have written your office giving you information about our program. Our school is referred to in this brochure in the sections on institutional practice, drug information, drug abuse programs, and community practice. A great part, if not all, of our efforts in this direction have been supported by federal funds received under the Health Manpower Education Legislation. We thank you for your past expressions of interest and trust you will feel free to call on us if you should have any questions in regard to pharmacy education or our school.

With kindest greetings, I am,

Sincerely yours,

WARREN E. WEAVER,
Dean.

PENSIONS: A CRUEL MIRAGE FOR MANY

Mr. PERCY. Mr. President, a growing number of my constituents are expressing their concern over serious shortcomings in our private pension plan system. Major complaints center around the lack of vesting rights and portability in pension plans.

Mr. President, I feel strongly that industry has an obligation to make private pensions far more secure and more portable than they are at the present time. Stories abound telling of individuals who worked for a company for many years, only to find out upon retirement that pension benefits upon which they had counted—and upon which they must rely for a decent retirement income—are unavailable.

On April 2, the Chicago Tribune published an excellent article by Fred J. Cook on the subject of pensions. Mr. President, I ask unanimous consent that it be printed in the RECORD:

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENSIONS: A CRUEL MIRAGE FOR MANY

(By Fred J. Cook)

Joseph Origlio, short, stocky, his English larded with a heavy accent, spent more than 40 years pursuing the American dream, and the failure of that dream has now driven him to seek refuge across the ocean in his native Italy.

His story symbolizes the fate that has overtaken countless American workers who have faced old age and retirement confident that they would be well protected by pension plans in which they had participated most of their working lives—only to find that their promised pensions were a mirage.

More than 30 million working men and women, about half the American labor force, now belong to private pension plans that have accumulated an enormous $135 billion in assets, roughly twice the amount of mutual-fund holdings and one of the largest reservoirs of unregulated wealth in the American economy.

Probably in no other phase of American life has fine print resulted in such widespread tragedy, and it is hardly any exaggeration to say, in paraphrase of Winston Churchill, that never has so much done so little for so few.

SUBCOMMITTEE STUDIES PLANS

A subcommittee of the Senate's Labor and Public Welfare Committee, under the chairmanship of Sen. Harrison A. Williams Jr. [D., N.J.], has been engaged for nearly two years in an intensive study of American pension plans, preliminary to the introduction of remedial legislation.

Studies made by the committee's staff show the dimensions of the problem. One analysis of 51 pension plans covering 6.9 million workers found that since 1850, only 4 per cent received "any kind of normal, early, or deferred" benefits. Another study of 36 better-structured plans covering 2.9 million workers concluded only 8 per cent received normal, anticipated benefits.

Such figures indicate that 92 to 96 per cent of those 34 million "covered" American workers are not getting their retirement benefits [tho it must be added that of those who forfeited their benefits, 85 per cent in one study and 80 per cent in the other had five years service or less].

It has become common in negotiating labor contracts to accept a lower hourly wage increase in return for better fringe benefits, especially pension protection. But the files of Williams' subcommittee and the public testimony it has taken are filled with pathetic stories of workers who had relied on the pension promise as a bedrock guarantee, then found that it was as evanescent as the proverbial pot of gold at the end of the rainbow.

Individual stories illuminate the virtually infinite ways a pension can be lost and the many booby traps that exist in pension-plan fine print. This is the way it happened to Joseph Origlio.

Origlio was born in Messina, Sicily, in 1904. His wife comes from Palermo. In 1929 they emigrated to the United States, seeking the better life. Origlio was a skilled craftsman, a maker of fine shoes, and he worked steadily for shoe factories in New York City. He was a charter member and one of the founders of the United Shoe Workers of America. For 23 years he piled up pension credits, and he and his wife, who worked part of this time in dress factories in Brooklyn, began to make plans for their retirement.

PURCHASED ACRE OF LAND

They purchased an acre of land on the outskirts of Lakewood, N.J., had a cellar dug and a foundation put in and roofed over. Then, on weekends, they worked to finish a basement apartment in which they could live. They expected to raise their retirement home above these basement quarters, finishing off the interior themselves.

But automation hit the shoe industry in 1959 and changed the life of Joseph Origlio. Along with many others, he was thrown out of work, and he was then 55, an age that made it almost impossible for him to catch on with a new employer in a labor-glutted market. For three years and 10 months—those 10 months were vital, as it turned out—Origlio was unemployed. Then the business agent of Local 60 of the United Shoe Workers found a job for him with the Evans Shoe Company in New York. During the jobless years, Origlio had found it impossible to keep up his union dues. Once he was working again, he offered to pay the back dues, but he was told that all he need pay was a $15 reinstatement fee. Reassured, he worked from 1963 to 1970 and continued making retirement plans.

A one-and-a-half story house was framed in above the basement apartment in Lakewood, and Origlio, his wife and friends finished off the interior. New furniture was purchased, and by 1970 the Origlios were ready for retirement. They knew they could not live on their monthly Social Security payment of around $300; Origlio had a heart ailment, and medication was expensive. But, they thought, they did not have to worry. With the pension and Social Security, they would be all right.

Then the pension vanished. The fine print in the union-administered pension plan called for 25 years of continuous service. Origlio had had only 23 when automation did him in. The pension plan, it was true, permitted a break if the worker was unemployed—but only for three years, and Origlio had been out of work those extra 10 months. As a result, he forfeited everything.

An investigator for Williams' committee went to Lakewood to interview Origlio and his wife.

THEY WERE DEVOTED

"They were a devoted couple; he wouldn't even think of leaving her for one day to come to Washington to testify. Besides, they had worked out a plan. Living costs are much lower in Italy. If they went there, they would still have their Social Security payments, they would rent their retirement home for a good price and the combined incomes would let them live comfortably. They had their passage to Italy already booked—and they sailed," the investigator reported.

Joseph Origlio and his wife are still in Italy, and it seems unlikely they will ever return to America, the land of their youthful dreams.

Such individual tragedies happen—thousands of American workers are in situations far worse than Joseph Origlio's—because there is no regulator legislation worthy of the name and because the chaotic pension-plan system, as it now exists, puts a premium on sharp practice.

The only legislation was passed by Congress in 1959 in the Welfare and Pension Fund Disclosure Act. This act required merely that pension plans be registered with the Department of Labor, as 34,000 now are; but it established no rules and no checks on the operations of such plans, no provisions for the insurance and safety of the funds, no guarantee for the protection of workers.

The result has been wide-spread chicanery. Williams' committee has carefully refrained from hurling sensational accusations, taking the attitude that it is merely hunting for the facts. But some of the facts it has uncovered are devastating.

In a report issued in November, committee investigators cited typical examples:

A joint union-employer pension plan in the transportation industry "has some $800,000 in loans outstanding for which there is no collateral;" a large data-processing manufacturing company has invested pension funds "in unsecured loans to the extent of $41,171,580."

A major mining company since 1952 has been operating a pension plan that has $33.3 million in assets, but $107 million in pension liabilities; a major Southern utility company, after 26 years of pension-plan operation, has accumulated $66 million in fund assets, but is liable for $135.5 million in benefits.

A couple of transit companies have hit upon a scheme under which each has used $2 million in pension-fund moneys to underwrite its own mortgages or real-estate investments.

A Midwest cable corporation has in the last five years charged off to "administrative costs" more than 33 per cent of the amount it has paid out in benefits. A Midwest utility company has reduced its pension-plan contributions by $20,000 annually since 1962 as the result of "actuarial gains" made because workers who left the company and the plan retained no "invested interest" in their pension contributions.

CRUX OF FINAGLING

This last angle is the crux of much pension-plan finagling. As many plans are operated—and it doesn't make much difference whether they are run by management or a union or by a joint union-management board—the self-serving interpretation of fine-print regulations can cost workers the protection they believed they had earned during years of service.

The more pensions sacrificed in this fashion, the more money is left for fund managements to play with and the less the employer has to contribute to keep the fund solvent.

The technical terms are important. One is "vesting," the other "portability." Vesting means that a worker who has labored for a single company for years, participating in its pension plan, is guaranteed the benefits he has accumulated and the right to begin drawing them when he reaches retirement age.

Many plans have no provisions for vesting. If one company is merged into another, if there is an economy cutback and a worker loses his job, he has to move for health or family reasons, he loses all. Even plans that have so-called vesting privileges often hedge them with so many restrictions that they become worthless.

A plan may provide, for instance, that a worker has a vested right to a pension when he has worked 15 years and is 55 years old; if he has worked 20 years but is only 45 when his job is terminated, he gets nothing.

"Portability" assumes great importance in an increasingly mobile industrial society. It is highly unusual in today's economy for a person to work all his life for one company. In such fields as aerospace and electronics, mergers take place, contracts fluctuate, work opportunities change, and workers have to go where the jobs are.

Portability, then, is the means by which the pension rights a worker has accumulated can be credited to him when he changes jobs; as it is now, he generally loses everything.

CHAOS REIGNS TODAY

The result of the chaos that reigns today is that the pension the American worker has been taught to consider a hard-and-fast guarantee all too often becomes a phantom. The guarantee is hedged with a forest of "ifs" that were described to the House subcommittee on labor by Thomas R. Donahue, assistant secretary of labor.

"In all too many cases the pension promise shrinks to this," Donahue said. "If you remain in good health and stay with the same company until you are 65 years old, and if the company is still in business, and if your department has not been abolished, and if you haven't been laid off for too long a period, and if there is enough money in the fund, and if that money has been prudently managed, you will get a pension."

When the Studebaker Corporation closed its automobile plant in South Bend, Ind., in 1963, thousands of workers were jobless. Studebaker's pension plan had been in operation only since 1950, and it had not begun to accumulate sufficient assets to cover all the rosy promises written into union contracts.

Repercussions from this disaster have been largely responsible for stimulating congressional interest in pension-plan reform.

Lester Fox, a former vice president of Studebaker Local No. 5, United Automobile Workers, and a member of the union's bargaining committee, described what happened when Studebaker closed down in December, 1963.

The pension fund amounted to $24-million, and $21-million was required to purchase annuities for workers who had retired or who qualified for a pension, men 60 years old with 10 years' service. This left more than 4,000 workers to divide up the remaining $2.3-million.

Fox himself had 20 years' service with Studebaker and had just turned 40. If he had been younger, he would have received nothing: as it was, he got a lump-sum settlement of $350. Such payments, he testified, ranged from a low of $197 to a high of $1,757, paltry sums for older workers who found the job market virtually closed to them.

Tho the Studebaker case represents an extreme, the anguish and misery it demonstrated in such final form is common among workers who find themselves suddenly cut adrift. Much of this distress is caused by the lack of vesting and portability rights.

SOME SENSITIVE CORPORATIONS

Not all great corporations have been insensitive to the problems of long-time employes. The Senate subcommittee was especially impressed by the Bank of America's broad system of interlocking plans designed to protect its workers.

In addition to a medical-dental health plan, a liberal sickness-benefit plan, and a disability plan, Bank of America has a two-part program to protect its workers in those "golden years" of retirement.

First is a family-estate plan, established by the bank thru a profit-sharing program. Employes become eligible to participate after three years of service and begin to acquire vested rights after they have been in the program for two years. They obtain a 100 per cent vested right after 15 years of profit-sharing.

In addition, Bank of America has a regular retirement plan, which provides for full normal retirement benefits at age 65 if the worker has been in the plan for 10 years. The plan also contains a vesting provision, hedged with an age limitation, but a low one.

Bank of America gives a worker a full vested right to his pension after he has been in the plan for 15 years and has reached the age of 40.

There are, of course, some classes of workers who have no trouble collecting promised pensions. Members of the armed services, policemen, and firemen are assured of pensions, usually after 20 years of service, because they are protected by governmental guarantees.

Similarly secure are the inhabitants of the executive suites of big business. Special provisions are made for them.

Summing up his committee's findings, Williams said: "It is inevitable that there will be critics who will characterize these hearings and the unfortunate witnesses as 'horror stories' or 'sympathy cases.' These are critics who find no fault with our private pensions and who continue to assure us that time will cure the defects. If what comes from the personal accounts and misfortunes of these witnesses is sorrow, then let us not only be compensate, but also resolve to find the ways to better the life of those who have yet to retire."

Williams and his aides feel that there is no justification for failures to produce on apparent promises, and no reason to couch pension-plan provisions in intricate and legalistic language.

SYSTEM CELEBRATES ANNIVERSARY

After all, the private pension system in America will celebrate its 100th anniversary in 1975. True, its major growth began during World War II, when wages were frozen and labor contracts were sweetened by provisions for pension systems.

Pension-plan experience thus extends over several decades, even if one takes World War II as a starting point, and the labor subcommittee thinks the kind of injustices it has uncovered should no longer exist.

In July, subcommittee aides sat down with the secretary of labor, James Hodgson, and detailed for him the mass confusion, lack of understanding, and personal tragedy and disillusionment they had found. Perhaps as a result, Hodgson issued a directive calling for revisions in pension-plan contracts.

The secretary demanded that contracts spell out in clear and simple English the rights and obligations of workers—just what they can expect to receive and exactly how they can lose out. It was an important first step.

In a recent speech before the American Bankers Association in New York, Williams said, "The problems have been identified, and the need for reform—real reform—is urgent. American workers from all occupations and places in our country demand reform . . . The challenge of reform today must become the accomplished reform of tomorrow."

After 30 Years, All Mrs. Kwek Got Was Sympathy

Typical of what happens to many workers who lose their pensions is the case of Mrs. Iris Kwek, who went to work for the Anaconda American Brass Company in Detroit when she was 18 and stayed for 30 years.

An intelligent, attractive woman, Mrs. Kwek had attended college at night and in 1970 received a bachelor's degree in home economics from Wayne State University. She could probably have obtained a position that would pay more than she was earning at Anaconda, but she felt secure in her job—and there was that promised pension.

If she continued to work for the company until she was 65, she could count on a pension of $100 a week, and she calculated that, with her husband's smaller pension from the city of Detroit and their Social Security payments they could live well.

There was reason for her attitude. Anaconda, she testified, at Senate hearings, had billed its pension program as "our second pay check." Anaconda's pension brochure, exhibited at the hearings, shows a young-looking retired couple smiling happily as they examine a travel folder with the words "Italy" and "France" emblazoned on the cover.

Iris Kwek will never sample such joys on Anaconda's retirement plan. In 1971 some half-billion dollars worth of Anaconda properties were expropriated by Chile; company earnings were affected, and a sweeping economy program was instituted.

One of the savings devised to help succor mighty Anaconda was the elimination of Iris Kwek. She was informed that she was being discharged at the end of August. Since she was not protected by any vesting provisions, she was to lose 30 years of accumulated pension rights.

Mrs. Kwek explained that Anaconda had given hourly employes vested rights; its Canadian employees had vested rights. But salaried workers like herself did not.

After Mrs. Kwek learned of her fate, she wrote Sen. Williams, and committee investigators began looking into the case, both with her and with Anaconda. This led to what Sen. Jacob Javits [R., N.Y.] called "a little comic opera bit." Mrs. Kwek explained:

"For two months they literally ignored me, altho I continued to go to work every day and do my work. Many of the employes who were being severed were taking tremendous time off. But one afternoon they called me into the office, and the plant manager said, 'Mrs. Kwek, something has come up.' I said, 'Oh, would you like me to price or do something for you?' He said, 'No. We found a job, and we shall be able to retain you.' I was amazed—after two months of literally ignoring me—he said, 'Yes. Would you consider taking a job?' I said, 'Certainly.' "

The manager explained it might not be quite as good a job; Mrs. Kwek didn't care, she wanted it. This conversation took place on a Friday—just one hour after a subcommittee staff member had questioned Anaconda officials in New York.

In Detroit, Mrs. Kwek was told to come back the following week to learn the details. She went home relieved, and, she testified "The whole weekend I was thinking that things were going to work out fine. I had a good night's sleep for the first time in a month, really."

She also came to a quick decision. She had been scheduled to testify in the pension inquiry; but now, with Anaconda treating her so well, she felt she could not. "How could you testify against the company you were working for?" she asked.

She went back to work Monday, but her boss was tied up in a meeting. On Tuesday she saw him, and this is the way she described what happened:

". . . I went up to his office. And he looked up at me as if to say, what did I want? I asked him if he had come to any conclusions on this job, what it would entail. He said, 'Oh, the whole thing has fallen thru.' He made me feel as if the whole thing had just been some sort of a hoax."

In subsequent testimony, Anaconda officials confirmed Iris Kwek's story. Unfortunately, they said, the company had had to economize; there were no provisions in the pension plan to justify giving Mrs. Kwek any vested rights for her 30 years of service. They were really sorry, they told the senators, but there had been just nothing they could do for her.

ADDRESS BY SENATOR GRIFFIN BEFORE AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE

Mr. BOGGS. Mr. President, it was my great privilege recently to hear the remarks on the subject of Israel by the distinguished Senator from Michigan (Mr. Griffin).

Senator Griffin spoke before the American-Israel Public Affairs Committee last Wednesday. His remarks were so appropriate and so thoughtful that I believe Senators might wish to read them.

I ask unanimous consent that excerpts from Senator Griffin's address be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Excerpts From Remarks by Senator Robert P. Griffin Before the American-Israel Public Affairs Committee, April 19, 1972, Washington, D.C.

Thank you, Mr. Kane, Ambassador Rabin, Cy Kenen, my colleagues in the Congress, ladies and gentlemen:

It is a high personal privilege to be with you as your organization observes the 24th birthday of the State of Israel; and as you honor one of the great Ambassadors in the diplomatic corps of the world.

Within the month, Israel will be 24 years old. As we look back over that quarter-century, we see a *world* racked by wars and conflicts, interspersed with brief periods of calm and peace.

Here in America we talk about prospects for a generation of peace.

But Israel's only memory is a generation of *war*. And, even when there is an absence of open warfare in the Middle East, there have been constant threats and incidents of violence.

As Patrick Henry expressed it in 1775: "The gentlemen may cry: 'peace, peace,' but there is no peace."

Yet, I believe there is reason today to view the outlook for peace with some guarded hopefulness. There *is some* good news amid all the bad news which seems to be flooding the papers.

It is bad news, of course, that there still is no treaty of peace in the Mid-East nor even direct negotiations required to produce such a treaty. These continues to be strict restrictions placed on Jews in some countries who want to emigrate to Israel.

But there are also some reasons for hope and optimism.

There has been some loosening—some slight relaxations of those restrictions—as a result of world public opinion pressure.

The cease-fire in the Middle East which this Administration helped to initiate, does continue in effect. Notwithstanding the occasional skirmishes and the bombastic oratory that surfaces from time to time, there seems to be an awareness throughout the world that a major new war in the Middle East could be disastrous for the world.

The prospects for peace are enhanced. I suspect that the word of the U.S. is credible—that we have a President who says what he means—and who means what he says. That is important to the prospects for peace—not only in Indo-China but in the Middle East as well.

Near the end of his State of the Union message three months ago, President Nixon said: "In the final analysis, America is great *not* because it is strong, *not* because it is rich, but because it is good.

There *was* a time when a statement *like that* would have been regarded as obvious. It's the kind of remark you expect to hear at Fourth of July ceremonies.

Today, unfortunately the climate in our country seems to be different. Today, such a modest remark could even be regarded under the heading of hot controversy. Today we live in an era when it is almost more common to hear those who denounce our country, its history, its traditions, its principles, its achievements, its dreams and its people.

I suggest Israel is *also great*—not because it is strong (which it is), not because it has taken a barren wasteland and turned it into unparalleled prosperity (which it has), but because it is good.

The Words of Emma Lazurus at the base of the Statue of Liberty, in New York, could as well be displayed at the Lod Airport in Tel Aviv:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me.
I lift my lamp beside the golden door!

Today the world has another and relatively young land of hope for millions of the world's immigrants—and that new land, of course, is Israel.

In the face of many obstacles and discouragements, increasing numbers of Jews are applying to leave Russia—and reluctantly the Soviet Government has been granting more and more visas.

Indeed, 13,000 were granted in 1971—that was a record year.

Earlier this year, President Nixon urged freedom of emigration for Soviet Jews. This is precisely what is provided for by Article 13 of the United Nations Declaration of Human Rights.

The President will have many things to discuss on his forthcoming trip to the Soviet Union—and one that he should include is the matter of the oppression of Soviet Jews.

This is and must be an issue of bona fide concern to the American people—not only because of our close ties to Israel—the many family ties with Jews in Russia—but also because of the strong traditions—the strong interest of this country in freedom including freedom to emigrate.

Accordingly, I will recommend strongly that President Nixon take up this matter during his talks at the highest level with the Soviet Government in the near future.

But the burden of America's aid for the Jews of Eastern Europe and the Soviet Union is not the President's alone.

There are other things that we in Congress can do. For example, we can pass the $85 million State Department bill to help Soviet Jews.

I believe the fight to preserve the voice of Radio Free Europe and of Radio Liberty is another example. Some cities say these broadcasts are relics of the Cold War. Opponents say the usefulness of these radio stations has passed.

In my view, their function is not a question of war—cold or hot. It is a question of *freedom*.

The Soviets have *not* been able to suppress the circulation of typewritten newspapers that circulate now. And the Soviets cannot effectively prevent the people behind the Iron Curtain from learning the truth by listening to radio broadcasts that reach across national borders.

In the face of the facts as they are, there should be no doubt about the need for radio stations that carry the truth behind the Iron Curtain.

Israel has demonstrated to the world its ability to stand on its own feet, muster its own defense, and progress by its own genius. In a sense, it stands as a prime example of the application of the Nixon doctrine—under which the United States does not seek to fight the wars of others, but does extend the hand of aid and friendship to those who are prepared to fight for their own freedom.

The United States can be proud that we have played a major role in stabilizing the situation in the Middle East in many ways. Since 1969, there has been an impressive flow of American economic and military assistance to Israel.

Indeed, during the period since 1969, we will have provided Israel with more economic and military aid than in the entire period between 1948 and 1969. So President Nixon has kept his word; he has *kept* all commitments he made in 1968.

And President Nixon has been working in diplomatic channels to encourage negotiations that would bring the peace and security that is needed.

Beyond extending military aid and friendship in the interest of peace, as we continue to do, there are other things that the United States *can* do to promote acceptance of the reality of Israel.

Among these, my good friend, Gerry Ford, who is here today, has proposed that we move the American Embassy from Tel Aviv to Jerusalem since Jerusalem *is* designated by Israel as the actual capital of the nation.

At the present time, some of the smaller nations have their embassies in Jerusalem, while others are represented in Tel Aviv.

Such a move would have a dramatic impact on the community of nations which share our concern for Israel and the Middle East.

THE INVASION OF SOUTH VIETNAM BY NORTH VIETNAM

Mr. ALLEN. Mr. President, from time to time I make radio reports to the people of Alabama on issues confronting Congress and the Nation. Since I feel that the remarks I made in my radio report of April 24, 1972, have a bearing on the issue of the Vietnam war, I ask unanimous consent that the text of such remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Present U.S. Bombing Could Speed Complete Withdrawal of Our Troops

Following the President's go-ahead on bombing North Vietnam, the U.S. Senate last week devoted more than five hours of heated and sometimes bitter partisan debate over his decision.

My purpose in taking part in this important debate was to give an element of bipartisan support of the President's policies in directing our air force and navy to support the South Vietnamese in resisting the Communist invaders.

Instead of acrimonious debate which divides the Nation and undermines the President's leadership, I feel that the Senate and the country as a whole should close ranks behind the President and support him.

It seems strange to me that some Americans could be so critical of the United States giving help to the victim while those same critics blind themselves to the blatant aggression of the North Vietnamese invaders.

In complete defiance of an agreement made in 1968 which led to the end of our bombing North Vietnam, Hanoi decided to attempt by means of a brutal, all-out military effort what had been denied them for the past 10 years, and that is the communization of South Vietnam.

But where is the condemnation of this aggression? Where are the voices to condemn

Hanoi for sending 12 of its 13 first line combat divisions—equipped with Russian supplied tanks and heavy artillery—against South Vietnam? Where is the sympathy for the 150,000 new civilian war refugees who fled from the attacking North Vietnamese? And I think it's highly significant that these 150,000 refugees fled southward rather than northward, and that is a definite commentary on who the people are for in South Vietnam. Where are the denunciations of Hanoi and the Vietcong for the random rocketing of civilian populated areas?

Those who attack the President's decision to use air and sea power to dull the Communist drive and who accuse him of being a war-monger, conveniently ignore the fact that American ground forces in South Vietnam have been reduced from more than half a million men just three years ago to some 70,000 men today. And too little attention has been paid to the safety of these 70,000 men who would be seriously threatened if the Communist advance is not stopped. None of the critics have suggested just how the President could withdraw our forces in an emergency evacuation without it becoming another Dunkirk. For my part, as long as a single American soldier is endangered, the President must give him protection.

Those who condemn the United States for limited bombing of selected military targets need to be reminded that North Vietnam would not be bombed if it had not first attacked South Vietnam.

There is a simple way for Hanoi to get the United States to stop striking the supply areas in retaliation for the Northern attacks on South Vietnam, and that is to abandon its dream of taking over the South by force.

On January 25 of this year President Nixon made public secret negotiations in which he proposed that the question of who would rule South Vietnam be decided by a free election in which the National Liberation Front could participate not only in the election itself, but also in a special commission which would establish the ground rules for the election. But Hanoi, knowing better than most how little support the NLF actually has in South Vietnam, refused to negotiate. Instead the North concentrated its efforts on preparing and launching its massive invasion of the South.

Under the circumstances, I am convinced that our efforts to help South Vietnam at the present time are justified. As our bombing helps slow down and stop the communist drive it also offers a golden opportunity not only to continue the orderly withdrawal of American troops from South Vietnam but also to speed up their withdrawal. Once all our troops and the prisoners of war and the missing in action are out of Southeast Asia or properly accounted for, we can mark an end to this tragic involvement and devote our energies to a solution of the many problems that confront us here on the home front. No one will be happier than I when that day arrives.

NEED FOR REDEDICATION TO U.S. ACCOMPLISHMENTS IN SPACE

Mr. GOLDWATER. Mr. President, last week man stepped once again on the moon, thanks to the brilliance, the dedicated work, and the courage of the men of NASA, but how many millions of Americans said, "Ho hum, we have done it again." Some time this week these men will splash down in the Pacific again, thanks to courage, dedication, and brilliance; but again millions of Americans will say, "Ho hum, we did it again."

We hear too much of this talk in Congress at a time when we should be rededicating our abilities and our energies to seeing to it that the United States remains preeminent in space as well as in all technologies. Because of the attitude of many Members of Congress, we have now been slipping in some areas of technology. I hope we will not repeat that foolishness in the area of space.

Mr. Edwin McDowell, of the Wall Street Journal, has put all of the argument for space in understandable language, and it should be read by Members of Congress and, beyond that, by all Americans. It would be difficult to imagine where this world would be today had the great predecessors of the spaceman been denied activity; let us not start that denial.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Can Man Turn His Back on Space?

(By Edwin McDowell)

In Caruaru, Brazil, a father withdrew his eight-year-old son from school because the teacher insisted that man had landed on the moon.

Closer to home, shortly after the first moon walk, and against a backdrop of unprecedented TV coverage and millions of printed words, many Americans continued to express skepticism. Some thought it was a gigantic hoax, others were sure the lunar surface was really the Arizona desert, still others were certain it had all been an elaborate science fiction odyssey.

In short, not everyone believes that America's space accomplishments are real. What is more unsettling, even as Apollo 16 attempts to unravel the mystery of the moon's violent birth some four billion years ago, is that among Americans who believe that man has walked on the moon, there is widespread disagreement as to the value of space exploration.

On the day of liftoff for Apollo 16, Vice President Agnew assured the launch crew that Americans aren't bored with the space program, and he added that "you probably find more people enthusiastic about the space program than you've ever seen before."

But samplings and surveys have made it clear that a great many people are simply not enthusiastic about the space program. In fact, they have serious reservations about rushing to conquer the moon when Planet Earth is still so far from conquering discrimination, pollution, hunger and poverty.

This lack of enthusiasm is reflected in the sharply diminished space budget, in the cancelation of two Apollo moon landings, and in the fact that Apollo 16 is the penultimate moon flight scheduled for this entire decade.

The Critic's Case

The critics are many and their arguments are impressive. British historian Arnold Toynbee, for example, compared our first moon landing to the building of the pyramids or Louis XIV's palace at Versailles. "Sizing up man's achievements," he commented, "one would say, how amazing, how strange, that this creature is so marvelous in his technology, but in morals and social behavior he has stayed practically stationary."

Philosopher Lewis Mumford complained: "It is not the outermost reaches of space, but the innermost recesses of the human soul that now demand our most intense exploration and cultivation."

And not long before his death, Bertrand Russell, although applauding the skill and courage of the moon flights, expressed grave reservations about their wisdom. According to him, the bustle and locomotion of space travel would probably do little to promote wisdom, thought or enlightenment. He felt that "men who take to a life of conquest tend to be men who are indifferent to the higher values of civilization."

"I should wish to see a little more wisdom in the conduct of affairs on earth," Lord Russell said, "before we extend our strident and deadly disputes to other parts. . . . It is for us to grow to the stature of the cosmos, not to degrade the cosmos to the level of our futile squabbles."

Each of these arguments has merit. So, too, perhaps, have the arguments that the American space program should place greater reliance on moon rovers, or that space exploration should become more of an international venture than the exclusively American and Russian domain that it has been so far.

Indeed, probably the only argument against space exploration that is patently absurd is the contention that the space program is the special province of the Silent Majority, and therefore is unrelated to the world of the intellectuals and the poor.

In a foreword to an important recent book ("Nine Lies About America," by Arnold Beichman), Tom Wolfe writes of "the phenomenon of the intellectuals' amazing hostility to NASA's success in reaching and exploring the moon."

Social critic Wolfe is particularly interested in Norman Mailer's criticisms of the space program as "tasteless" and of the NASA facilities in Houston as "odorless." "This seems like a piece of pointless crankiness," writes Mr. Wolfe, "until one realizes that 'odorless' is a code word for 'sterile.' In fact, his long and involved book on the first moon flight, 'Of a Fire on the Moon,' was nothing more than an announcement that the whole enterprise was sterile." What Mailer and other critics, home and abroad, were really saying, according to Mr. Wolfe, is that these nonintellectual Americans may have accomplished a feat—but the feat was worthless.

But if the arguments against space exploration are impressive, the arguments in favor appear to be even more so. For our periodic thrusts aimed at solving the age-old mysteries of the cosmos are not just an expensive plaything of the Silent Majority, but a quest whose revelations probably will benefit all mankind.

The economic arguments themselves are impressive, although they can easily be overstated. (Remember the promises about how our tax dollars spent on foreign aid were going to repay us all ten-fold?) Nevertheless, the technological spin-offs from space exploration, some of them already apparent in communications, medicine and food, raise the definite prospect of directly improving mankind's material life on earth.

Furthermore, there is no assurance that the money spent on space exploration, if we were to cut or eliminate our space program, would automatically be diverted to education, housing or other social needs—at least not if the Silent Majority has the political clout and the grudging hostility to broadened social measures that we are repeatedly assured it does have.

Nevertheless, the economic arguments are distinctly secondary considerations, and not only because such promises frequently turn out to be as chimerical as the chain-letter system of piling up a fortune.

Arthur Schlesinger, Jr. put it very well when, addressing himself to criticism that space exploration is wasteful, he said he could imagine similar criticism in Spain in the 1490s: "Why in hell are Ferdinand and Isabella giving all that money to that madman Columbus when they could build a good nunnery or a hostel or something?"

But even that analogy is imperfect. For Columbus discovered America by accident, whereas we know that the moon and Mars and Venus are out there in space waiting to be explored.

A more precise analogy would be if Britain or Portugal, during their glory days of exploration, knew there was a new world beyond the seas but decided it should remain undiscovered and unexplored until they solved their domestic problems. Fortunately for both countries, Elizabeth I and Prince Henry the Navigator had other ideas.

SCIENTIFIC REWARDS

This is not to suggest that the U.S. should ignore the costs of space exploration, and race frantically from one planet to another while America's own cities fester and die. Perhaps the temporary moratorium the administration has placed on space flights is advisable, even though each new moon mission is far more productive and scientifically rewarding than each of its preedcessors. But abandonment of America's space venture, which some critics have been urging, would be disastrous.

Historian and philosopher Salvador de Madariaga has properly noted, "It is from men who act on nature, and do not merely suffer to be acted upon by her, that history flows." And Arthur Clarke, the noted space writer, observed: "A nation which concentrates on the present will have no future; in statesmanship, as in everyday life, wisdom lies in the right division of resources between today's demands and tomorrow's needs."

Moon exploration is only the beginning or the long stride across the ages of man. It is only one more waystation along man's eternal journey toward the new and unknown. It is a transcendent event, one that imperfect modern man should no more turn his back on than men of antiquity should have turned their backs on other villages or other lands.

It is an awesome, Promethean challenge, one that only a frightened, confused nation—a nation of people who have lost their way—would reject as an unworthy goal.

TRANSPORTATION LABOR DISPUTES

Mr. PACKWOOD. Mr. President, for several months the Committee on Labor and Public Welfare has been holding hearings on emergency labor disputes in the transportation industry. Hearings have now been completed and I am hopeful that we can get a bill to the floor in the next several weeks.

As we progress here in the Senate, however, a number of interested parties have been concerned that no action will be taken in the House. Although the House Interstate and Foreign Commerce Committee held extensive hearings on similar legislation, a recent decision in the Transportation and Aeronautics Subcommittee, tabling strike legislation for this session of Congress, would seem to indicate that no further steps will be taken in that body to approve vitally needed new measures to protect the public from the effects of crippling transportation labor disputes.

The distinguished Senator from Arizona (Mr. Goldwater) has focused on this decision in the House Commerce Subcommittee in a recent column written for the Los Angeles Times. It is relevant to a matter we will soon be considering here in the Senate. I ask unanimous consent that it be printed in the Record, along with an article from the March 27 issue of the Washington Daily News on the same subject.

There being no objection, the items were ordered to be printed in the Record, as follows:

Article by Senator Barry Goldwater

Very few people read or even saw the story this column is being written about. And of those who did I would venture to say the irony and importance was lost on almost all of them.

The story appeared on page A-3 of the March 2nd, 1972 edition of *The Washington Post* under a modest headline which said: "House Unit Kills Antistrike Bill." The story was a dispatch from the United Press International and said that a House Commerce subcommittee had on March 1st, killed for this session of Congress legislation aimed at preventing railroad and airline strikes.

The vote in the subcommittee was close with six Democrats overriding the efforts of four Republicans on a bill designed to ease the impact of transportation strikes on the national economy and to impose mandatory settlements if necessary.

What makes this story important is that it is representative of a relationship which exists today and has existed for many years past between important union objectives and Democrat congressmen. After the vote, Republican Congressman James Harvey of Michigan, who sponsored the bill said it was intended to reconcile President Nixon's proposal for permanent strike settlings legislation with organized labors opposition to compulsory arbitration. It would, Harvey explained, have allowed selective strikes in the railroad industry but provided that parties in a major dispute would be required to submit proposed contract settlements. After that, one of the proposals would be selected by an arbitrator and opposed unchanged.

Harvey described the committee's actions this way: "This was a very political vote in a political year."

Compared with the sensational charges being made about Republican officials and the ITT the Antistrike story was next to nothing. But when the story is combined with the official reports of campaign contributions for the members of that House Subcommittee a different light is shed. It seems that the six subcommittee members who voted to kill the legislation needed so importantly by the nation have received campaign contributions from the United Transportation Union (UTU) within the past few weeks. For example, campaign committees for Congressman Brock Adams received $1,000 on January 12th and $1,000 on January 17th. Records show that four others, Congressman Dingell, Democrat, Michigan; Podell, Democrat, New York; Helstoski, Democrat, New Jersey; and Metcalf, Democrat, Illinois, received campaign contributions of $500 each while Congressman Murphy, Democrat of New York received $1,000. All these contributions were made on the same day, January 31, 1972. They bring the 1971–1972 UTU campaign contribution to Congressman Podell to $2,000; to Congressman Metcalf $1,000; and to Congressman Murphy $1,500.

During the 1970 campaign UTU's political education league spent $328,850. There is every indication that it will surpass the total this year. Among contributions already made in the last two months are $3,000 to the Democratic Congressional Dinner Committee, $1,000 to the Yarborough for Senate Committee in Texas, and $1,000 to Senator Mondale's campaign in Minnesota. The UTU also gave a $1,000 to the Mondale campaign committee last year. And it just so happens that Senator Mondale serves on the powerful Senate Labor and Public Works Committee which is also discussing permanent strike legislations for the transportation industry.

It seems that the labor unions through the simple method of setting up politcal education leagues can contribute funds to their hearts content to candidates for Congress. Corporations are denied this privilege as they should be under the Federal Corrupt Practices Act.

Pro-Labor Reps Voted That Way

Six Democratic House members received campaign contributions from the United Transportation Union's political education fund shortly before they voted to kill administration-backed legislation aimed at preventing railroad and airline strikes.

The six congressmen are members of a House Commerce subcommittee which voted down the bill 6 to 5 on March 2. The measure, sponsored by Rep. James Harvey, R-Mich., would have eased the impact of transportation strikes and imposed eventual mandatory settlements if necessary.

The funds, channeled through the UTU's Transportation Political Education Fund, went to Reps. Brock Adams, Wash.; John Dingell, Mich.; Bertram Podell, N.Y.; Henry Helstoski, N.J.; Ralph Metcalfe, Ill.; and John Murphy, N.Y.

Records of the House clerk, where political donations must be filed, showed that Rep. Adams received two $1,000 contributions from the union political fund, one on Jan. 12 and one Jan. 17.

Reps. Podell, Helstoski, Metcalfe, and Dingell received $500 contributions from the political fund and Rep. Murphy received $1,000 on Jan. 31, records show.

Rep. Podell received $1,500 from the UTU political fund, Rep. Murphy was given $1,000 and Rep. Metcalfe, $500 last year, the records reveal.

POLITICAL VOTE

At the time of the vote on his legislation Rep. Harvey charged that "this was a very political vote in a very political year."

And Commerce Committee Chairman Harley Staggers, D-W. Va., said that for all practical purposes the vote had killed any chances for permanent strike legislation in his committee this year.

Rep. Harvey's measure was intended to reconcile President Nixon's proposal for permanent strike settling legislation with organized labor's opposition to compulsory arbitration.

The UTU's Political Education Fund contributed some $69,000 to state and congressional candidates during 1971, apparently as advance money for their 1972 campaigns, the House records reveal.

Among those who received donations was Sen. Walter Mondale, D-Minn., a member of the Labor and Public Welfare Committee, which oversees anti-strike legislation. Sen. Mondale got $1,000.

Sen. Vance Hartke, D-Ind., chairman of the Senate Commerce Committee's Surface Transportation subcommittee, also received $1,000 in 1971, apparently to help him pay off a campaign debt left over from the 1970 elections.

NAVY'S REPLY TO GENERAL ACCOUNTING OFFICE REPORT ON NUCLEAR CARRIERS

Mr. THURMOND. Mr. President, a recent study by the General Accounting Office on the cost of the Navy's nuclear aircraft carriers has resulted in some misleading interpretations by the press and some Members of Congress.

When learning of alleged cost growths, I am as anxious as anyone to determine if the Congress has been misled. For that very reason I requested that the Navy answer some of the charges being leveled reference the cost problems of the new nuclear carriers.

It was reassuring to me when the Navy Department advised yesterday that the

GAO report did not identify any costs which had not been forecast, identified and justified to Congress in the appropriate budget categories.

Mr. President, I ask unanimous consent that the Navy's reply to these charges be printed in the RECORD.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

COMMENT

The Government Accounting Office (GAO) report is similar to one of February 1970. Both discuss the cost of major spare reactor components and Navy and Atomic Energy Commission (AEC) development and other costs of the Nimitz reactor propulsion plant as well as ship construction cost. No costs appear that have not been planned for, identified and justified to Congress in the appropriate budget categories.

The fact is that most of the $833.3 million referred to in the press release as an "increase," does not represent an "overrun," has not "occurred during the past year alone," and was not "uncovered" by the GAO. Nor does the GAO report identify these funds in that manner. The $833.3 million referred to was identified to the GAO by the Navy and can be broken down as follows:

1. $108 million for spare nuclear propulsion plant components for all Nimitz Class carriers authorized and appropriated by Congress as a separate line item in the Shipbuilding and Conversion, Navy (SCN) account in Fiscal Years 1969, 1970, and 1971.
2. $80 million of Navy Research and Development funds appropriated by Congress in the Fiscal Years 1965 through 1971 as the Navy's share of the development effort during that period on the propulsion plant for the Nimitz Class carriers.
3. $275.6 million Atomic Energy Commission funds appropriated in the Fiscal Years 1965 through 1971 for development of the Nimitz Class carrier nuclear propulsion plant.
4. $116.7 million increased estimate of the cost of the Nimitz which was reported to Congress by the Navy 5 years ago prior to award of the ship construction contract.
5. $101.8 million increased estimate of ship-builder escalation (due to inflationary forces) for both ships expected to accrue over the 8 year period of the shipbuilding contract reported to Congress by the Navy in January 1971.
6. $68.7 million increased cost estimated for both ships due to changes in ship design and expected cost growth in government furnished material and shipbuilder costs identified to Congress by the Navy in January 1971.
7. $82.5 million of estimated cost growth for government furnished material and increased shipbuilder costs identified to Congress by the Navy in the June 30, 1971, Selected Acquisition Report.

As shown by the tabulation above, these costs have been identified to the Congress by the Navy over the last eight years. Of the total, $253 million represents growth in the estimated cost to build the Nimitz and Dwight D. Eisenhower subsequent to the estimate of $1,063 million made five years ago when the initial ship construction contract was placed. Most of this increase is attributable to the general inflation of the economy. This $253 million estimated cost growth averages about 3 percent per year over the eight year span of the shipbuilding contract and results in the current estimate for ship construction cost of $1,316 million.

In accordance with the standard budget categories approved by Congress, development and other costs specifically attributable to the Nimitz Class carrier nuclear propulsion plant tabulated above are separate from procurement costs and are not included in ship construction cost estimates or budgets. However, they have been planned for, identified and justified to Congress in the appropriate budget categories.

Since 1967 there have been a number of iterations of the estimated cost of a third follow ship as well as the required long lead time funding based on a variety of premises. In general, the differences in the estimated costs are due to different escalation factors arising from different production periods involved, the market conditions, provisions for technological change and updating, and experience gained on the CVAN–68/69 construction.

Today, the buildup of the detailed cost estimates for a third Nimitz class ship delivering in September 1980 total $951.0 million—about $600.0 million for the ship construction contract and about $351.0 million for the Government Furnished Material. Of the total, $299.0 million is needed in Fiscal Year 1973 for procurement of long lead time material to permit an orderly construction of the ship leading to delivery in September 1980 at the least cost alternative now available.

This estimated end cost of $951.0 million for the 3rd Nimitz class carrier delivering in 1980 compares to an estimated end cost of $665.0 million for the CVAN–69 which will deliver over 5 years earlier in June 1975. Broadly speaking, the cost difference of $286.0 million is mainly due to escalation—$206.0 million (about 5% per year for 5 years). Market conditions mainly reflecting the disruption of ship construction sequencing and the vendor production lines as well as state of the art changes account for about $70.0 million. The $10.0 million balance represents the reservation to cover military characteristics changes necessary to respond to new threats.

This $951.0 million figure represents our best projection of acquisition costs expected through delivery of CVN–70 in September 1980.

The total end costs for CVAN–68, 69, and CVN–70 are $627.7 million, $664.5 million and $951 million respectively.

The nuclear-powered carrier is not merely a landing field at sea but a total weapons system. The Nimitz Class carriers are the strongest and least vulnerable naval surface warships that can be constructed. They are designed to carry out their mission in the face of intense enemy opposition. The fact that carriers may be damaged by enemy attacks does not reduce the need for air power at sea. Without it we cannot conduct overseas military operations or in time of conflict even continue world trade for which this nation so depends.

The F–14 is intended for use on all of our modern carriers, not just these two.

The Soviet Union has no attack carriers for very good reasons.

When, after World War II, the Soviet Union began to develop and to construct a modern Navy, it was a strong continental power making first attempts to spread its military strength into the surrounding seas. The Soviet Navy was ineffective and virtually non-existent in terms of capable high-seas fighting units, and it had no recent experience nor tradition of operations in distant waters.

The Soviets, the predominant land power, have recognized the maritime position of the United States and our dependence upon free use of the seas to maintain economic and military contacts with friends and allies around the world. As the new Soviet Navy began to appear, its first units were those best suited for interdiction of the sea lanes.

Recent new classes of ships indicate that the Soviets are now thinking beyond this basic interdiction mission. For the first time in their history they are supporting an overseas foreign policy with deployed naval forces. They are maintaining naval forces for extended periods in Cuban waters, off the west coast of Africa, in the Indian Ocean, and they maintain a large naval force in the Mediterranean.

By the early 1950s, when they began to build their modern Navy, the Soviets were far behind the United States in carrier technology as well as in industrial capability. Recently, they built two medium sized modern helicopter carriers. As they gain experience with these, and as they continue expanding their naval power, they may well build aircraft carriers to extend the areas in which they can project their national power.

Until then any fighters the Soviets may have cannot be taken to sea. In time of war, the Soviet surface navy will be compelled to operate only where their land-based fighters can provide them some protection from our carrier airpower.

The Navy considers the President's request for advance procurement funds for the CVN–70 in the Fiscal Year 1973 budget to be the highest priority item in the Navy's general purpose budget.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. DOMINICK. Mr. President, in order to keep Senators who are not members of the Education Subcommittee objectively advised of both the merits of President Nixon's Equal Educational Opportunities Act of 1972 and the maneuvering generated by such legislation, I wish to bring to their attention a letter I received from the Secretary of Health, Education, and Welfare Elliott Richardson. In his letter, Secretary Richardson effectively pierces generalizations implicit in alternative legislation, Senate Joint Resolution 220, introduced in the form of a $2.5 billion supplemental appropriation for the Office of Education for fiscal year 1972.

Secretary Richardson's letter summarizes his testimony of March 24 when he explained to the Education Subcommittee why a simple increase in ESEA, title I, part C funds failed to address itself to problems which President Nixon's bill would remedy. The letter points out how the age-old American remedy of simply more money is once again insensitive to the real problem presented.

Mr. President, I urge Senators to read and consider Secretary Richardson's most concise presentation of the issue. I ask unanimous consent that his letter to me of April 13, 1972, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., April 13, 1972.

Hon. PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: In response to your inquiry, I would like to outline my reasons for opposing the resolution introduced March 28, 1972, in the Senate to provide additional funds for Title I of the ESEA in fiscal 1972.

Senator Pell contends that his bill authorizing supplementary funding of Title I would more effectively provide equal educational opportunity for the Nation's children than the President's proposal. In designing the EEO program, a careful study of the applicability determined that this legislation is not suitable for the purposes of the Equal Educational Opportunity Act of 1972.

Title I does not specifically encourage the President's stated goal of desegregation, nor does it give priority in the allocation of funds to districts implementing court-ordered or voluntary desegregation plans. Because of this limitation, the incentive-to-desegregate features incorporated in the EEOA would not be possible under Title I. One of the principal advantages of our proposal is that it would provide a single, integrated program through which school districts could address both their desegregation and their compensatory education problems at one time and in a mutually supporting fashion.

Another factor is that Title I is a formula grant program which does not require that any additional available funds be concentrated on the schools with the greatest relative need. This focus can best be assured, we believe, by using the project grant approach. Project grant review within the Office of Education of the compensatory education proposals is important since our data indicates the critical need for careful project design and management if the chances of successful compensatory education are to be maximized.

As you know, the Congress enacted in 1970 a new Part C of Title I, ESEA which is designed to target additional money in those school districts which have the highest concentrations of children from low-income families. However, Part C is designed so that funds to carry it out cannot exceed 15% of the excess Title I appropriation over $1,396,000,000 in any given year. Thus we could not reach $900 million in new concentrated compensatory education money under Part C alone unless the total Title I appropriation exceeded $7 billion.

A further restriction is that a district may not receive Part C funds unless at least 20% of the students in the local education agency are eligible, or if there are 5000 such students, at least 5% are eligible. Under the Equal Educational Opportunities Act, districts with individual schools enrolling at least 30% of their students from poor families would be eligible for assistance even if the total enrollment in the district was less than 20% from poor families. It should also be noted that under Part C the total amount an LEA can receive for concentrations of low-income students cannot exceed 40% of the basic Title I grant.

It is my hope that the Congress will approve the Equal Educational Opportunities Act of 1972 (S. 3395, H.R. 13915) as the best possible way to provide a better education for our children.

Sincerely,

Elliot Richardson,
Secretary.

STUDENTS AND AGING

Mr. CHURCH. Mr. President, it is always enlightening to trade ideas with the young people of the United States. They provide a fresh viewpoint and sometimes force their elders to question their own ideas on vital issues of the day.

A week or so ago, I visited Kansas State University to talk to youth about old age. My major point, in addressing a convocation of students, was that many people in our society tend to shut out all thoughts of growing old until they find that old age is upon them. Simon de Beauvoir—as I said in the speech—feels so strongly about this tendency that she calls old age a "forbidden subject." As she wrote in a recent magazine article:

> Until the moment it is upon us, old age is something that affects only other people. So it is understandable that society should manage to prevent us from seeing our own kind, our fellow men, when we look at the old.

Certainly, much evidence supports Ms. de Beauvoir's opinion. Older people in many nations, not only the United States, are expected to live on cruelly inadequate income; many live in lonely isolation; many feel that the world has no place for them.

At Kansas State University, however, I was pleased to find a lively student interest in issues related to aging. I have had similar experiences elsewhere, I believe that this is a healthy sign of changing attitudes toward aging.

Later in the day, at a meeting of the Kansas State Citizens Council on Aging, I described some of the day-to-day realities confronted by the Congress in efforts to make the most of the momentum generated by the White House Conference on Aging late last year.

Undoubtedly, there is a long way to go. But, with the active interest of younger Americans as well as older Americans, we can hope to make the 1970's a productive and memorable decade for today's elderly and for all those yet to come.

I ask unanimous consent that both speeches be printed in the Record.

There being no objection, the speeches were ordered to be printed in the Record, as follows:

More Talk on a Forbidden Subject

You may wonder—at least that was the intention—what my "forbidden" subject is today.

I won't hold you in suspense very long.

It is *not* the revelation of a secret State Department plot to abduct Henry Kissinger.

It is not even the latest secret memorandum from I.T. & T.

Instead, I have cribbed from Simone de Beauvoir.

An article she did for the *New York Times Sunday Magazine* a few weeks ago was called "Frank Talk on A Forbidden Subject".

Ms. de Beauvoir—who still has pertinent things to say about what has now become known as Women's Lib—was talking in that article about aging.

She herself is, as she describes it, "on the threshold of old age".

And she wishes to expose what she calls a "conspiracy of silence" which enables our society to treat the elderly as outcasts.

Her arguments are timely, and I think that they have direct meaning for all the people of this Nation, whether they are old, becoming old, or are still chronologically young.

Furthermore, the de Beauvoir article brings other issues to mind—issues which, I think, raise serious questions about the ways in which governments and people interract upon each other.

First, however, what leads Ms. de Beauvoir to believe that our society condemns the elderly to poverty and neglect?

Her major themes are expressed, I believe, in these excerpts:

". . . (our) society appears to think that they (the elderly) belong to an entirely different species, for if all that is needed to feel that one has done one's duty by them is to grant them a wretched pittance, then they have neither the same needs nor the same feelings as other men.

"Economists and legislators endorse this convenient fallacy when they deplore the burden that the 'non-active' lay upon the shoulders of the 'active' population, just as though the latter were not potential non-actives and as though they were not insuring their own future by seeing to it that the aged are taken care of."

The elderly, she goes on to point out in her article:

"are required to be a standing example of all the virtues. Above all, they are called upon to display serenity; the world asserts that they possess it, and this assertion allows the world to ignore their unhappiness.".

Later, as further evidence of our callousness, she quotes an anthropologist who said:

"In a changing world, where machines have a very short run of life, men must not be used too long. Everyone over 55 should be scrapped."

Simone de Beauvoir's outraged protest over dehumanized old age is similiar to the denunciations I have heard time and time again from witnesses who appear before the U.S. Senate Special Committee on Aging.

These witnesses see nothing less than a basic failure in our civilization when the last third of life becomes a wasted wretched time span between advanced middle-age and death.

And in striking that theme, we identify a failure of our civilization.

That failure is simply the blindness that varied segments of our population display toward other segments.

What we cannot see, we cannot understand.

What we cannot understand we either forget or denounce.

At the moment, most Americans who have not yet reached retirement age are willing to forget the elderly.

They have not yet begun to denounce them openly, except for a disturbing and perhaps growing tendency to complain about increases in Social Security taxes. As the de Beauvoir article put it, the actives are growing restive over the cost of carrying the non-actives.

I mentioned the Senate Committee on Aging.

Over the last 18 months or so, the Committee has attempted to pull together as many facts as possible about aging and aged Americans: their problems, their aspirations, their growing voice in the Nation, and their anger.

Our immediate goal was the White House Conference on Aging held late last year.

We wanted to summarize the many issues to which we had given a great deal of attention. We issued more than a dozen reports dealing with a variety of subjects, including shortcomings in public policy related to mental health and the elderly, alternatives to nursing home care, transportation deficiencies, and the lack of employment opportunities for older workers—to name a few.

Our reports, together with the White House Conference, have forced us to do more stock-taking than usual, and that is one reason why—I suppose—it is good to have White House Conferences.

What did we find? It's tempting to recite the brutal facts about poverty among our elders.

But let's begin with a few questions: why are people retired in the first place?

Is this decision guided by free choice?

Do workers feel a need for rest after decades on the job?

Or do they accept retirement only because it is forced upon them?

If judged solely in terms of economic consequences, retirement has to be regarded as a disaster.

Retirees, on the average, have less than half the income of those still in the labor force.

And, at the very time the money grows sparse, old age imposes new drains upon their incomes.

Approximately 30 percent of retirement income goes for shelter. There are even reports of older homeowners who pay almost 50 percent of their incomes for property taxes alone.

Medicare became law in 1965, and it was and is a blessing. The nightmare that frightened the vast majority of older Americans—a complete wipeout of all their savings and assets because of a catastrophic illness—has become part of the past. But Medicare fails to cover such costs as out-of-hospital prescription drugs, many kinds of therapy, and truly useful nursing home care.

In addition, the administrators of Medicare, attempting to cut costs, are also cutting the program in ways Congress never anticipated. For example, there is what is called retroactive denial. After weeks or months of treatment, a patient may be told that his claim will not be honored. The bill must be paid by the patient.

Furthermore, in terms of dollars actually paid out, older Americans now bear almost the same level of out-of-pocket expenditures for health care as they did before Medicare. We on the Committee on Aging were dismayed when we got word of this just a few days ago; we hope that the program can be broadened to provide better coverage rather than being constricted still more.

When we put it all together, we find that approximately 80 percent of a typical retiree's income is spent on housing, food, transportation and medical care. There's not much to begin with. There's not much left over when bare essentials are paid for. We are talking about 20 million older Americans who are age 65 and over. One out of every four subsist below the statistical poverty level.

For minority groups, it's one out of every two. And millions more live in near poverty, which means that their incomes are no more than 25 percent higher than the official poverty line. These are the facts of life that will not change until we raise retirement income to realistic levels.

For these reasons, I am opposed to the Administration's willingness to settle for a 5 percent increase in Social Security.

The cost of living has gone up by almost that amount since the last Social Security increase. What we should do is take the step that we know is possible and actuarily sound: We should raise benefits by at least 20 percent to boost the elderly ahead of the cost-of-living, and then adopt automatic adjustments to cope with inflation in the future.

In addition, we should help those whose incomes—even with a 20 percent increase—still fall below the poverty line. They should receive an income supplement to raise them out of poverty, and that supplement should be paid out of general revenues through the Social Security Administration, rather than through the State welfare agencies.

We are making a push in the Senate to take the two actions I have just mentioned. I now have 32 cosponsors on amendments which will soon reach the Senate Floor. I think we have a good chance for at least partial success. But even complete success would leave us a long way from resolving the retirement income crisis in this Nation. More than subsistence is needed. A livable income in retirement for every elderly citizen should be our national goal.

At the same time, we ought to realize that man does not live by income alone. He must have a sense of purpose—about which I will say more later. He also has a need for services, which is likely to change as he becomes older.

Perhaps many in this auditorium have grandparents who recently entered retirement.

Chances are that they are in robust health and that they have a wide range of interests for which, at last, there is now time to pursue. But they are now in their 60s. What will happen in their 70s, 80s, or 90s, and even beyond? There are now 7,000 centenarians in this Nation. The fact is that our elderly are getting older.

People in their 60s and early 70s are among the "young elderly." The "old elderly" are increasing by leaps and bounds.

Take New York City, for example. Just about 1 million people there are now 65 years old or older; and I might add that 50 per cent of this group—a predominately white group—is living in poverty.

Perhaps an even more startling statistic is that 35 percent are over 75 years old. As they become older, as spouses die, and as their resources and vigor dwindle, they may find that they need just a little help: perhaps an apartment which provides meal service in a common dining room; perhaps a home health aide to visit a few times a week for essential chores; perhaps a "mini-bus" with flexible routing patterns for visits to a physician or to the supermarket; perhaps a neighborhood center to meet other people, young and old.

These services are not merely amenities. They are becoming necessities. But the Committee on Aging is told, again and again, that not one city in the United States has a really good service network.

And, because we have failed to provide services that help people retain their independence—or to develop new patterns of self-direction—an appalling number of them are placed in institutions. And when they enter institutions, many expect never to leave. Too often, they feel that there is nothing waiting for them outside of the institution.

Too often, they are right.

Great as the need for services is now, think of what it will be as the number of our "old elderly" increases. By the turn of the century—that's only 28 years from now, when many in this room will not yet be 50 years of age—nearly two out of three older Americans, about 20 million in all, will be over the age of 75.

With community services, they can be independent or semi-independent. Without such services, many will live out their last years of life in institutions; many will live in cruel isolation; and many others will ask with increasing anger: what good is a few dollars more in retirement income if we lack help from those who will some day stand in need of such help themselves?

We've talked about income. We've talked about services. What about the sense of purpose to which I earlier referred?

Here, it seems to me, is perhaps the heart of the question. When people retire, they become—as economists say—"non-productive." Think about that for a moment.

A Nation cannot live without productivity, that is true. But it is also true that a Nation cannot flourish if those of its population who are old feel that they are superfluous or even expendable.

And a Nation cannot be healthy in spirit or in outlook if its young people—many of whom now question the roles they are called upon to assume during their productive years—see, further down the road, a bitter and empty finale.

We need not abide by present patterns that call for a third of life in preparation, a third of life at work, and a third of life in enforced idleness.

A career need not begin only after degrees have been accumulated.

A career, once started, should be interrupted, from time to time, by new learning or by sabbaticals for thinking things out. And neither should a lifetime be limited to only one career. A man or woman in the late 50s, 60s and beyond, should have the freedom to choose, let's say, to enter into service of others as a teacher, social worker, environmentalist, or whatever if that new role has meaning and challenge.

And these second careers should be obtainable on a reduced number of hours during the work week, when reduced hours make sense.

Offering work in new packages may help change the fundamental attitudes with which people regard old age today. Attitudes will change, too, as people come to realize that the so-called "forbidden subject" is not as fearful after examination as it is when we simply turn off our thinking.

Indeed, positive attitudes toward old age in the United States are not only possible but inevitable. Already, the elderly themselves are declaring their rights. Perhaps you've seen photographs of old men and women, wearing "Senior Power" buttons and carrying placards protesting rent increases or other heavy blows to their economic security.

Perhaps it appears that they are acting only as another special interest group, but something more is involved. They are preserving their self-respect. They do not accept the idea that they can be forgotten or dismissed just because they are old.

Increasingly in the future, the elderly will demand to be heard and understood.

Young people, too—it seems to me—will make similar demands *for the elderly* as part of their overall quest for a society which has meaning for all.

The study of nursing homes done by a Ralph Nader Task Force of college-age students is a recent manifestation of growing student interest in this subject.

As one who is associated with government, I am concerned about the unhealthy unwillingness, in Congress and elsewhere, to face up to the fact that the problems related to aging in this country will increase markedly within the very near future, unless major changes are made in retirement income policy and the development of service networks for elderly Americans.

I am disturbed, too, by the fact that many Americans regard old age as too depressing or too remote for thoughtful discussion and innovative action.

But, as I have tried to indicate today, the facts for the future are clear.

As our population of older Americans grows, as the percentage of those above 75 years of age continues to grow even more rapidly, we must make major adjustments if we are to head off a compounding of today's problems and—as is so often the case—today's despair.

Can government—and the people served by government—accomplish all this? Sometimes, when we read of corruption or empire-building in programs meant to serve the poor or afflicted, we have good reason to wonder.

Sometimes, when we see really worthwhile programs cut back or cut out entirely by budget-makers who don't even know what the programs are for, we have good reason to ask whether a predominantly middle-class, middle-aged bureaucracy will ever understand or care.

Sometimes, when we hear the idealogical debates between self-styled liberals and conservatives, we may come to feel that blindness to the need of others is contagious, and that rhetoric is the carrier.

I won't be glib with you today. There are no guarantees that we will become a compassionate society or even a just society.

But we must keep prodding ourselves along.

And we *are* questioning ourselves in the United States today, even when those questions hurt.

We are questioning a foolish, futile war; even though we have yet to extricate ourselves from its grizzly embrace.

We are questioning an inequitable tax system which exempts the wealthy and soaks the average working man.

We are asking questions about the very air we breathe, the water we use, and the products that once we accepted so uncritically.

Will we find the right answers to our questions?

As I said before, there are no guarantees. But our treatment of the elderly will help to tell us whether we are sound or sick as a Nation. If we remain indifferent toward the last years of life, we shall lack genuine respect for life itself.

Our failures of the past, however, need not be repeated in the future.

Perhaps, instead of being blind to injustice, we are merely wearing blinders.

And perhaps—just perhaps—we are even now commencing to take the blinders off.

MOMENTUM ON AGING?

Perhaps I should begin by saying that I have long wanted to meet the people of the K.C.C.A. on their own home grounds to thank them for putting such special emphasis upon consumer needs of older Americans.

You see, for the last few years I have served as Chairman of the Subcommittee on Consumer Interests of the Elderly for the Senate Committee on Aging. I've kept that position even though, for the last year, I have also served as Chairman of the full Committee.

And so for a long time I have admired the unique and effective working relations that the K.C.C.A. maintains with the Consumer United Program. And I was especially pleased to learn of the recognition given to your program at the White House Conference on Aging. To Dr. Morse and to those who work so well with him, my heartiest congratulations.

Having mentioned the Senate Committee on Aging, I should say a few words about its mission and activities. The Committee was established almost 11 years ago when it became very clear that jurisdiction over legislation affecting older Americans was spread out over too many Senate Committees. Something was needed to put the picture into perspective; something was needed to maintain a day-to-day concern about *all* issues of concern to the elderly.

And so the Committee was established, and its membership now stands at 20: nine Republicans and eleven Democrats. I might add, however, that a visitor to any one of our hearings would have difficulty in determining who is a Republican and who is a Democrat. When it comes to aging, partisanship is at a minimum in our deliberations.

You should know, too, that the Committee does not receive bills or report them to the Senate Floor. We are a fact-finding group; we issue reports; we make recommendations; and we try to follow-up on those recommendations.

In 1972, of course, the major follow-up need is to make certain that the best proposals made at the White House Conference are implemented. For we are faced with a challenge, and we should understand its full magnitude and meaning.

That challenge, very briefly stated, calls for the 1970's to become a period of triumph rather than one of despair for older Americans.

If Congress and the people of this Nation successfully translate the White House Conference recommendations into action, we will at last be on the road to triumph over chronic problems now afflicting the elderly of this Nation.

If, however, we fumble and fritter away our opportunity, then the elderly will continue to face disappointment and despair.

And who can deny that they already have suffered too much delay? Quite bluntly, older Americans of today have already waited too long for too little.

For these reasons, Senators of both parties have joined in a bipartisan push for early action on new and pending legislation.

We are not seeking billions and billions of dollars, reaching beyond the realm of the feasible.

For example, we could completely abolish poverty among the elderly in this country for what it costs us to run the war in Southeast Asia for just 3 months.

We could put out-of-hospital prescription drugs under Medicare for what we now spend for a single nuclear aircraft carrier.

We could establish a comprehensive manpower program for older workers for the cost of one Polaris submarine.

Elderly Americans are not blind to the present patterns in public spending or the distorted and dehumanized priorities they represent.

They see a Nation which boasts a gross national product of more than one trillion dollars, but the same Nation allows nearly 5 million older Americans to subsist below the poverty line.

That statistical measure of poverty, of course, is only a crude indicator of what is really happening. Many older people make up in pride what they lack in income and they simply do not feel poor. But I think it is inexcusable when the numbers of older persons living in statistical poverty increases by 200,000 in two years, as has occurred in this Nation.

The elderly see the poor among themselves.

They also see a Nation where the median family income is almost $10,000, but where nearly one-fourth of all aged couples have incomes below $3,000.

They see a Nation in which $70 million is requested for military aid for Spain, but in which only $30 million is appropriated to enable elderly Americans to live independently.

But, despite all the discouragements of the past, today's elderly can also see new hope on the horizon.

Through the voices raised at the White House Conference on Aging, all Americans have heard a stirring declaration for action.

The Conferees have called for actions that are already receiving attention in Congress. In fact, during the conference late last November, the Senate passed a national hot meals program for the elderly. And that bill has since been accepted by the House. In addition, the Congress acted immediately after the Conference to raise funding levels for the Older Americans Act from $45 million dollars to $100 million dollars.

The bipartisan spirit I mentioned before is very much in evidence; and this evenhanded approach is, in my opinion, yielding important results.

Early in 1971, for example, the Administration was under fire for its policies on aging.

It proposed a reduction in the Older Americans Act budget at just the time when increases were badly needed.

It was willing to scuttle several promising nutrition programs for the elderly.

Its critics said that the White House Conference was being stacked politically to keep conferees from grappling with the real issues.

And, finally, the Administration had done precious little to seek Social Security increases. The 5 percent increase approved in the House was put in without any White House blessing or encouragement.

Members of Congress from both parties protested all of these shortcomings.

We won more funding for the Older Americans Act.

We not only continued the nutrition program; we have passed the bill I mentioned before—a bill to broaden the previous effort and to keep it going.

We kept up our pressure for an issues-oriented White House Conference, and we had a large degree of success there.

As for increased Social Security benefits and other Social Security reforms, some of us in Congress wonder why the Administration is now willing to settle only for a 5 percent increase. By the time 5 percent more is added to the monthly checks of Social Security recipients, it will have been wiped out by cost-of-living increases.

Personally, I favor a 20 percent increase, and I now have 32 cosponsors on my amendment for that purpose. I might add that this increase would not endanger the actuarial soundness of the Social Security Trust Fund, nor would it result in a major increase in Social Security payroll tax.

A more adequate retirement income is, of course, the number one need of older Americans.

But I have other goals, not only for Social Security, but in other key areas.

Here briefly, is my program for immediate and long-range action:

One: Social Security should be used to lift all of the elderly out of poverty. I have worked for some months to build support for a bill I have introduced to accomplish just that. It would provide a supplementary payment for those whose Social Security is below the statistical poverty level. That supplement would not be administered through the Welfare office; it would be mailed in the same envelope, along with the monthly Social Security check.

Two: Important as realistic income strategy is, we must not overlook the need for improvements in Medicare.

Earlier today I referred to new statistics indicating that older Americans are now spending almost as many dollars on health care as they were before Medicare began. Then, the per capita, out-of-pocket health expenditures for the elderly were $234. In 1971, those costs had again reached $225.

I think you realize that my purpose is not to attack Medicare. It was a blessing when it was first established. It still is a blessing for many millions who use it every year.

But we would be blind or uncaring if we refuse to face the fact that Medicare is riddled by weaknesses and threatened by an ominous rise in overall health costs. Over the past year, such costs have risen by an even five percent.

Another part of the problem lies in administrative decisions which raise the cost of Medicare to participants while reducing the number and quality of services. Another premium rise, for example, is due in July for Part B medical services. Length of coverage is also being reduced, and initial costs are going up.

Probably the worst cutback in services under Medicare has occurred in so-called extended care benefits. Cutbacks have been so severe that this benefit has become almost non-existent.

As everyone knows, one of the biggest deficiencies in Medicare is that it does not cover certain out-of-hospital prescription drugs. And I must add that I am disappointed by the Administration's failure to ask for such reform.

After all, the President's own study group recommended three years ago that this action be taken. Similar findings were announced by other study groups even before this Administration took office. But the President apparently thinks that still more study is needed. He had nothing at all to say in his recent Message on Aging.

More fundamentally, however, Medicare is in difficulty largely because of costly defects in the present health care delivery system. One of those defects is the failure of Medicare to provide genuine incentives for the development and growth of home health care. Here in Kansas, you are familiar with such difficulties. Your pioneer program provided many lessons that should have been heeded elsewhere. But instead, your excellent program was permitted to die. The same pattern exists elsewhere. Just yesterday, the Committee on Aging published a report which announced that the number of home care delivery programs in the United States has actually declined since Medicare began.

Until this and other shortcomings in our health industry are dealt with, I am afraid that any program calling for national compulsory health insurance will encounter difficulties similar to those that are hurting Medicare.

Three: Another area for early action during this session would be the establishment of a strong Federal agency for the elderly. The Older Americans Act of 1965 has never lived up to the hopes Congress had for it. We wanted a true focal point on aging in the Federal system. Instead, we were given an agency, the Administration on Aging, which deteriorated under one reorganization after another. It is now weak and submerged within the Department of Health, Education, and Welfare.

Recently, I introduced a bill which would carry out the recommendations of the Committee on Aging and the White House Conference for establishment of a new, strong, and coordinated apparatus to serve as a cornerstone for a coherent and comprehensive Federal approach on aging. My bill would set up an independent office on aging at the White House level. It would continue, but strengthen, the present Administration on Aging and give it more authority to deal with State agencies. And it would establish a new position: Assistant Secretary for Aging, within the Department of Health, Education, and Welfare.

Four: Congress should act promptly to enhance employment and service opportunities for aging Americans.

With unemployment at emergency levels, mature workers are finding out that they are among the first to be fired, but the last to be hired. Many are jobless because their skills have been outdistanced by technology. For these reasons I urge the Administration to reassess its opposition to a bill—supported by Committee on Aging members—to provide the training, counseling, and other supportive services that would enable them to move back onto the payrolls in more productive work.

Another area meriting early attention is the broadening of service opportunities for older persons. Several pilot programs have amply demonstrated that there are thousands of older Americans who are ready and able to serve in their communities. We need no more proof that these programs will work. What is needed now is a genuine national commitment to build upon the solid achievements of these projects. Here again, the Committee on Aging has a bill. Here again, we would welcome Administration support.

Five: The Committee on Aging has estimated that 6 million older Americans live in unsuitable housing. Think of that for a moment: nearly one in three persons of age 65 and over live in unsuitable quarters. Thus little real inroads in dealing with this problem. But a big push is in the making: our Subcommittee on Housing is preparing a comprehensive program and is looking into the impact of the property tax as well.

My own personal contribution to this effort is a bill which would make home repair services available for elderly homeowners who would otherwise have difficulty paying for even modest renovations. Skills of older persons would be utilized. The old idea of neighbors helping neighbors is a good one, and it should be encouraged.

Thus far, I have mentioned just a few areas in which immediate action should be taken. But the development and implementation of a national policy on aging would be incomplete without also establishing long-range goals and direction.

To me, one of the most important objectives is the development of service networks *for* the elderly and—as far as possible—*by* the elderly.

The Senate Committee on Aging will work with senior citizen organizations, educators, and others in the development of an effective system for the delivery of social and health services. The necessity for co-ordinating social and health services is now widely talked about, but it is still rarely practiced. But the much-sought goal—to assist aged persons to live independently, instead of being institutionalized—will not really be resolved until that principle is widely applied.

Another key concern is to find ways to involve the elderly more in programs meant to serve them. They must have a role, a voice, and an input in the decision making process. One possibility is that our national policy should encourage the development of what might be called "Community Councils of Older Americans".

Elderly council members could work with governmental and private agencies to make programs more responsive to the special needs of the elderly.

Eventually, as in the case of the council of elders in Boston, these units could incorporate and become contracting agents for such programs.

Establishment of these community councils can also enable the elderly, more and more, to manage the programs which are now meant to serve them. There are many experts and professionals in the field of aging. But there is really no expert like the elderly person who has lived and experienced the very problems we are attempting to resolve.

NEED FOR EARLY AND BIPARTISAN ACTION

Now 1972, it seems to me, can be a year in which we break away from false, fixed notions about aged and aging Americans. It can be a year in which we take advantage of the momentum of the White House Conference to make certain that its goals are implemented.

For this reason, I hope that the President will speak out again on aging. His recent Message, I am afraid, fell far short of the challenge provided by the White House Conference. It fell far short of several key bills being advanced in Congress by Democrats and Republicans. Mr. Nixon hinted in his message that he will probably have more to say about the needs of older Americans; it is essential that he does so, if we are to maintain the momentum that Dr. Flemming and others have done so much to develop.

Today there are more than 20 million Americans who are 65 or older, about one out of every 10 Americans. The elderly's combined numbers are nearly equivalent to the total population in 20 of our States.

Equally important, each year 1.4 million Americans have their 65th birthday. And by the year 2000, approximately 45 million citizens will have become members of this age group.

Today our Nation has a unique opportunity to make advancing age a time of fulfillment, instead of neglect. Perhaps even more significant, there is already broad agreement on the course of action our Nation should take now and in the future. In many respects, the report of the White House Conference is a ringing reaffirmation of recommendations advanced by the Committee on Aging and its advisory councils.

With this broad base for support, our Nation can begin to develop, for the first time in its history, a worthy, workable national policy for the elderly American.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970—OMISSION OF TECHNICAL AMENDMENT

Mr. BAKER. Mr. President, on April 12, 1972, the Senate passed S. 1819, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Senate, in its consideration of the bill, adopted a floor amendment that I had prepared and which was cosponsored by the Senator from Tennessee (Mr. BROCK), the manager of the bill, and the Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Intergovernmental Relations, which had considered the bill and reported it favorably, with amendments.

One purpose of the floor amendment was to amend section 101(3) of the Uniform Act, which defines the term "State agency," to include within that definition "a State" acting as a State and not through one of its agencies.

Unfortunately, as the result of a technical drafting error, an extremely significant part of the current language of section 101(3), language in the statute as now written, was omitted. The matter can be simply resolved by the Committee on Public Works of the House, whose staff has been alerted to the technical error. But I do want to make this formal statement on the matter, lest there be any question in anyone's mind that the Senate intended to make this omission. It most emphatically did not.

As passed by the Senate on April 12, subsection (e)(1) of S. 1819 would amend section 101(3) of Public Law 91-646 to read as follows:

> (3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

Subsection (e)(1) of S. 1819 should have been written so as to amend section 101(3) of Public Law 91-646 to read as follows:

> (3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

The omission of the words "and any department, agency, or instrumentality of a State or of a political subdivision of a State" from the language of subsection (e)(1) of S. 1819 as passed was an unintended, technical error which will, I am sure, be corrected in the other body. If, for some unimaginable reason, the error were not corrected, I would adamantly oppose the enactment of the bill.

A BUDDING DEFENSE ANALYST LOOKS AT ULMS

Mr. PROXMIRE. Mr. President, one of the most important items in this year's defense budget is the Navy's request of $977 million for crash development of a new ULMS submarine system. On Monday, April 10, I placed in the RECORD a detailed report on ULMS, which I had prepared together with 11 other Senators and Congressmen. That report recommended approval of $330 million for development of a 4,500-mile ULMS-1 missile system, but urged that funding for a new submarine system be held to $50 million, pending better evidence as to the future course of Soviet submarine expansion.

One of the readers of that report was John Viola, a junior at W. T. Clarke High School, in Lynbrook, N.Y., who gave me his reaction in a recent letter to my office. It is a remarkably thoughtful and perceptive letter which deserves scrutiny by a broad audience. Mr. President, I ask unanimous consent that Mr. Viola's letter, together with my response, be printed in the Record at this point.

There being no objection, the correspondence was ordered to be printed in the Record, as follows:

Lynbrook, N.Y.,
April 16, 1971.

Hon. William Proxmire,
Senate Office Building,
Washington, D.C.

Sir: Please accept my congratulations on the fantastic report you presented in Congress on Monday, April 10. I heard of it in the New York Times and was able to locate it in the Congressional Record. The reason why I found your report on the ULMS so good was that I had been studying that problem previously because I have introduced a bill on that problem in the Model Congress, W. T. Clarke HS (I am a junior in high school). I was very pleased to see that many of your conclusions were similiar to some of my conclusions, before I read your report. I was especially impressed by the wealth of figures and (most important) cost estimates.

For my bill in the Model Congress, I will propose (it starts April 28) that the government authorize funds for the construction of five Fleet Ballistic Missile submarines of the Benjamin Franklin class (with any necessary improvements), and an option of five more according to the discretion of the President. They would be equipped with the C–4 (ULMS 1) missile system when and if it is ready, otherwise the C–3 Poseidon system would be used. It is also stated clearly in this bill that any SALT agreements would be binding on this program (they would be anyway, but this makes it "perfectly clear").

This, however, represents the third draft of my bill. At first I had decided on 30 new submarines with no new missile system. Then, after reading a relatively small article about your report in the Times, I changed that to 30 submarines and a new missile system. However, after reading your full length report I realized that the number of warheads that will be sea-based would be much more than I figured since I thought that MIRV had only three separate warheads, not 10. Also, I saw that I had underestimated the cost of operations and missiles—I had figured that the total cost would be about 175,000,000 dollars per ship including everything. Strangely, I thought of the ASW threat as being larger than you explained it. However that was due to the fact that I didn't know too much (nobody does, unfortunately) about the degree of development of Soviet ASW weapons—I mistakenly envisioned an infallible Sidewinder-type infrared underwater missile that could destroy any submarine in range.

Fortunately, your report dispelled that fear . . . for now. Thus, I realized that 30 submarines would be too expensive and that the submarines we have now could survive in sufficient quantity for a second-strike capability without having to increase their numbers up to 71. Thus, I decided on a different number of submarines—10, in such an arrangement as to respond to the Soviet threat as or if it expands. As I stated, five more submarines would be added to the fleet unless the Soviets agreed to a 42–41 USSR-US parity (incidently, that 42nd Yankee class submarine could possibly be only a replacement for one already built that is defective or had extensive fire damage, thus it is conceivable that the USSR would settle for exact parity, with only their H and G class submarines for any type of superiority). Should the Soviets decide to escalate their sea-based forces, then the President could instantly exercise his option for five more submarines.

Most important, however, is the fact that the Soviet Union would clearly see that if they wanted superiority, they would have to build an additional ten ships and thus unequivocally show the US that they definitely intend to try for superiority in sea-based forces or that they rely so heavily on sea-based forces that they will not place any restrictions on them until they have a substantial number of submarines. In any event, the dangerous uncertainty over what the enemy is up to should be eliminated by such a plan as I will propose. Actually, it is really several months or a year or two too early for such a plan to be really effective, but I am limited by the fact that the Model Congress only takes place on April 28, 29, 30 so I can not wait.

I do feel that you should look into such a plan since the cost of ULMS is prohibitive and this plan could possibly put an end to the Arms Race.

As you stated, three conditions work against achieving parity:

1. different historical starting points.
2. lack of knowledge of the other's intentions.
3. momentum of programs once begun.

However, such a plan as I stated could overcome all three. No. 1 could be overcome because of the rapidity of the Soviet submarine construction program. We are quickly approaching the point where the number of modern submarines will be approximately equal. The problem is number three, the momentum of the Soviet construction program. I feel that this can only be slowed down NOW. If we show the Soviets that we are ready and starting to build submarines again at the same time when they could achieve a parity with us they will realize that the whole arms race in the sea will depend solely on themselves. Unless they want clear superiority in numbers of sea-based missiles, they will realize that our flexible plan WILL match their every move. . . every expensive move . . . unless this arms race is ended. It is risky and expensive for the US, but isn't that what the arms race is? . . . risky and expensive. Thus, we will also find out No. 2—the intentions of the Soviets . . . whether they are willing to expand with the knowledge of the costs and threats involved.

Remember Mr. Proxmire, we are quickly approaching that unique time when the USSR, if consciously slowed down, could pull to a halt along side, equal to the U.S. We simply can not wait until 1976 or else we will have to race the Russians again. However, by publicly undergoing a very moderate arms expansion, that is publicly announced to be directly dependent upon the Soviet's actions, I feel that we will have the best possible chance of ending the arms race in sea-based nuclear forces. What do you think?

I am very interested and very concerned about the world arms race and military-political picture. However, I am severely limited because I can not find sufficient detailed information especially about prices and costs of all types of weapons. I do have *Janes Weapons Systems, All the World's Aircraft,* and *Fighting Ships* as well as several other books and I sometimes am able to read *Aviation Week and Space Technology.* However, it still is far from enough to decide and analyze the many problems that I see. Could you help me in this respect? Could you please tell me where I may obtain detailed (non-secret of course) information on American and foreign arms? I am sure that you often read detailed reports which then get thrown into the trash can. I would gladly reimburse you for the postage if you would send them to me. Any help would be appreciated by me.

Thank you very, very much. Keep up the good work.

Yours truly,

John Viola.

Congress of the United States,
Joint Economic Committee,
Washington, D.C., April 24, 1972.

John Viola,
Lynbrook, N.Y.

Dear John: Thanks very much for your recent letter on ULMS. I am deeply impressed by your own detailed knowledge of this program. I find it quite remarkable that a young man who has not yet finished high school should be so well informed about what are really quite complex and highly technical issues.

I think you have come to grips well with the key point in the whole ULMS debate—the need for a United States position sufficiently strong to protect our national security, yet sufficiently restrained to avoid plunging the world into a new sea-based arms race. The answer, I agree, is not crash development of ULMS at this time, but a flexible program the implementation of which would hinge in large part on the future course of the Soviet submarine buildup. If that buildup continues beyond the 42 boats now deployed and under construction, United States construction of 5 to 10 upgraded Polaris class submarines might, as you suggest, be the best action we could take.

I share your concern about the dearth of in-depth public analyses of new weapon system programs. You already seem to have some of the best public sources available. You might look also at *The Military Balance* and *The Strategic Survey,* two volumes published annually by the Institute for Strategic Studies in London. In addition, I've sent under separate cover some hearings on the acquisition of weapon systems by the Joint Economic Committee in which you might be interested. The Armed Services and Appropriation Committees of the House and Senate might also be willing to send you copies of their own hearings if you requested them.

Best of luck with your bill next weekend. Incidentally, I've taken the liberty of putting a copy of your letter in the Congressional Record, so that others will be able to read it. I hope we in Congress can come to grips with the ULMS issue as well as you have in our own upcoming debates.

Sincerely,

William Proxmire, *Chairman.*

ADDRESS BY MRS. HENRY STEWART JONES, CHAIRMAN OF THE DAR NATIONAL DEFENSE COMMITTEE

Mr. THURMOND. Mr. President, it was my privilege last week to attend a session of the Daughters of the American Revolution during their National Defense Night in Constitution Hall.

One of the highlights of this occasion was an address delivered by Mrs. Henry Stewart Jones, chairman of the society's national defense committee.

Mrs. Jones told the large audience that a major issue with the American people should be the strength of this Nation upon which our freedom depends.

She said:

> The American tragedy, is that our defenses are scarcely being discussed. It is not fashionable today to admit we have enemies. Love and peace are the slogans we hear so much. But Communist Russia has never deviated from its announced goal of world domination. . . .

Mrs. Jones' remarks are so timely and so appropriate to the world climate today that I feel Senators would benefit from her speech. I therefore ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LAND THAT WE LOVE

(By Mrs. Henry Stewart Jones)

It is my privilege to bring greetings to you all on this occasion of our annual National Defense night. In particular, we wish to extend warmest greetings to those members of Congress who have honored us by their presence here tonight. Special greetings are also extended to our own members who are attending their first DAR Congress. No member can leave these halls without being proud that no DAR has ever conceded that patriotism is old-fashioned.

Our motto is "Home and Country." It has been said that next to love of God, love of Country is one of mankind's noblest emotions. Thus, we make no apologies for the fact that we cannot support any form of world government under the United Nations or under Atlantic Union. We believe that a nation must remain sovereign and solvent, if it is also to remain free.

We oppose socialism, Marxism, communism, or any other "ism" which threatens our free institutions. The only "ism" we support is Americanism. We want to keep America—American, and a bastion of freedom.

The DAR is not a political organization. We think of ourselves as a great service organization dedicated to the preservation of the moral and spiritual and constitutional values on which our freedoms are based. We know that the DAR is often accused of looking backward because we honor the Founding Fathers and the great tradition established by them for us. But we know that we must also look forward if freedom is to endure. Freedom is the one commodity which cannot be passed down from generation to generation like a precious heirloom. It is the very nature of government to encroach on the freedoms of its people. Thus, each generation must earn freedom, if it is to deserve it.

However, freedom can be threatened from without as well as within. We look to our Government to provide a strong military posture capable of defending us against all enemies and of deterring any would-be aggressor. Certainly, the first duty of any government is "to provide for the common defense." Without a strong military capability, freedom is in continuing jeopardy. It is, therefore, difficult to understand the thinking of those who make the military a prime target and who represent every request for an increase in the Defense budget as robbing the poor, the hungry and the jobless.

It is an unpleasant fact of life that this Nation's investment in the urgent business of national defense has been declining almost as rapidly as its expenditures for health, education and welfare have been increasing. But what will these last expenditures avail us, if we cannot also defend ourselves? This nation cannot stand another no-win war.

But, what are we doing to maintain our once overwhelming strategic superiority? We have done nothing to replace our aging B–52 bombers. One can read in the Congressional Record that we have not added a single new missile or submarine or strategic bomber since the Strategic Arms Limitation Talks (SALT) began in 1958.

Meanwhile, the Soviet Union has pursued a crash program aimed at achieving decisive superiority in both conventional and strategic weapons. Military experts tell us that the Soviet Union is achieving a first strike capability which could be used to blackmail the United States. They warn that even if we take drastic action now to build up our dwindling strength, we still have a period of perilous times ahead.

In a world in which only the strong can survive, America is in danger of becoming a second-rate military power, if it has not already reached that unhappy state. This—and not busing—should be a major campaign issue in this election year. It is America's tragedy that it is not even being discussed.

But however important a strong military posture may be, there is something more to national defense. Character is the heart and core of national defense. To be free, a people must first have the will to be free.

Essential to the preservation of freedom is an informed and patriotic citizenry, willing to exercise individual responsibility. Education is the foundation stone upon which we must build for the future as we have built in the past. Thus, it is no accident that the DAR has its Junior American Citizens programs; has fostered the National Society, Children of the American Revolution. Long before the word "underprivileged" became a household word, the DAR built two schools for underprivileged children in the Appalachian region. We not only support and maintain these schools, but we also have an educational program designed to assist aliens seeking American citizenship.

And why do we do all this? Because education is the cornerstone on which we must build if the ideals of the Republic are to survive. Either we teach our children to love our Country and to understand it—or we risk losing it, and the risk grows greater with each passing day.

In these testing times when men's souls are troubled, when new theories and false slogans beset us from every side, we should not break from our moorings. Instead we should realize that some things are fundamental and, thus, eternal. No one who truly understands the moral and spiritual and constitutional values upon which our freedoms are based will ever seek to overthrow these values. The more we know about America, the more we will love and defend her against all enemies.

It is not fashionable today to admit we have enemies. Negotiation and appeasement are the order of the day. "Love" and "peace" are the slogans which surround us. Nevertheless, ever since communism reared its head, and began to infiltrate our institutions, it has remained a continuing threat to freedom. Communist Russia has never deviated from its announced goal of world dominion. It has developed a military strength at least comparable to our own, if not superior in some areas. But, instead of acknowledging this growing threat to our own survival and that of the free world, there is an increasing number of Americans who describe communism as a scare word used only by right-wing extremists. Thus, while this Nation ostensibly fights to contain communism in Southeast Asia, communists are allowed to flourish on the campuses of the Nation and thereby offer a threat from within to all we hold most dear.

Recently, an article in *The Washington Post* made the following statement regarding campus communism:

"It is easy to recall a period just half a dozen years back when campus revolutionaries felt a need to disguise both themselves and their movements. Last year, however, few eyebrows were raised over the mere presence of communists on campus. The vast majority of student revoluntionary movements, far from being suppressed, now rate administrative sanction and faculty advisors. Most are allowed propaganda tables in the main buildings to push sales and hustle recruits. Faculty Marxists, a rarity half a dozen years ago, are now commonplace." Now this is not a quote from some conservative journal. It is from *The Washington Post.*

Moreover, this casual comment would appear to suggest that we need not fear communism anymore—but therein lies our danger. Note that the professors are referred to as Marxists, rather than communists. But Marxism is today's euphemism for communism. It does not make it any less dangerous to our free institutions.

We can be thankful for the basic soundness of our young people and that most of them escape the toils of the campus revolutionaries. However, there is one revolution from which there will be no escape, if and when it becomes the law of the land. I refer to the Equal Rights Amendment.

Women can and do complain with some justice that they are discriminated against in many fields of competitive endeavor. However, if new opportunities for women must be opened up at the price of wiping out existing legal protections at Federal and State level, then they will have a pyrrhic victory, indeed.

Through legislation already on the books, Congress has already moved to abolish discriminations against women, insofar as they can be corrected at the Federal level. Obsolete State laws affecting women could easily be repealed upon demand, leaving the basic structure of our society intact. To resort to a constitutional amendment to accomplish what can be done within the framework of existing legislative authority may have consequences not yet foreseen, risks social upheaval, and makes as much sense as using an atomic bomb to exterminate a few mice.

If and when women find themselves "liberated" by constitutional amendment from the protection of marriage laws which place primary responsibility for family support on husbands and fathers; when they find themselves "liberated" into sweeping the streets and parks, as women are required to do in the Soviet Union; and when they find that military service, including combat duty, is as compulsory for women as for men, then they will know that their birthright has been traded for a mess of pottage.

The good Lord made us male and female, and no constitutional amendment can change that. At least the French have the sense to say, "Vive la difference." However, in this Country the tide of public opinion appears to be running in favor of an equal rights amendment without thought for the future or the radical changes that will be wrought in our social structure, and weaken the fabric of the Republic in the process.

The fabric of the Republic already is being weakened in another way—by continuing inflation. Our rotting dollars are slowly but surely undermining our form of Government. Wage and price controls have been imposed on a presumably free people without even the excuse of a large-scale war. Such controls merely attack the symptoms of inflation and invite further controls which can only diminish freedom—and expand the bureaucracy.

Secretary of the Treasury Connally has told Europe, if not the American people, that the United States is broke. Faced with such a disaster, private individuals or families would not only cut spending but go back to work. This may be the prospect ahead of us all anyway.

The American people have not understood that Government deficits are not the sole cause of inflation. Productivity, or the lack of it, is a basic key to dollar value. As one economist explains:

"As workers produce less per dollar of wages received, prices go up and vice versa."

It is the work ethic which brought great prosperity to the American people and constituted the moral underpinning of the United States dollar. But it is precisely the work ethic which is being undermined in America today.

By itself, Government cannot cure inflation or unemployment. Deficit spending cannot go on forever, but there is another side to the coin. As *Life* Magazine reminds us, "The hard fact is that everyone is going to have to work harder for more modest (but real) income increases than we have been used to in the past. A less hectic, more frugal and more productive style of economic life is inevitable if American products are to become competitive in world markets again and the dollar is once more to become a dependable measurement."

This is our Country. It is the land that we love. Our Government is no stronger than the people behind it. Moreover, our Government does not owe us a living; it never did. Its chief duty under the Constitution is to "provide for the common defense." But we, the people, have a responsibility, too. We must respect our Flag, preserve the Constitution which has thus far secured our freedom, restore the Nation to fiscal sanity, and be prepared at all times to defend America from all enemies. With God's help, we can.

MARYLAND BICENTENNIAL DAY IN HARFORD COUNTY

Mr. BEALL. Mr. President, on April 4, 1972, I rose to pay tribute to the citizens of Harford County, Md., for their commemoration of Maryland Bicentennial Commission Day. At the conclusion of my remarks, I asked that the addresses by Judge Wilson K. Barnes, chairman of the Maryland Bicentennial Commission, the Honorable Fred Baldwin, member of the Board of County Commissioners of Harford County, and Mr. Allan H. Constance, coordinator for the host committee at the ceremony, be included in the RECORD. Although the remarks were then inserted, the CONGRESSONAL RECORD of that day failed to credit Judge Barnes and Mr. Constance for their fine speeches. Therefore, I ask unanimous consent that, because of the importance of the RECORD to historians, these remarks be reprinted in the RECORD, as corrected.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF ALLAN H. CONSTANCE

Greetings to our Honored Guests, Judge Wilson K. Barnes, Chairman and Members of The Maryland Bicentennial Commission for the Commemoration of The American Revolution and to Friends of Harford County.

I am sure that I could find no better words, with which to open this program, than the ones used 72 years ago, when this monument was dedicated. On that occasion, the Honorable Samuel W. Bradford opened his remarks thusly:

"We have met upon sacred soil, whereon we have this day erected a memorial dedicated to the imperishable virtues of human liberty. Upon yonder spot, now wrapped in the stillness of peaceful nature, there once stood men who gave to the World their most solemn pledge that Government by man without the consent of the governed should perish."

It seems very fitting, that in these days of a so called revolution, that we should take the time to honor the past and to reflect on those events which lead to the establishment of this great nation. Perhaps, as we examine the past, we will find a better understanding of our heritage and reach the basis for an even greater growth in our appreciation of those standards that came from our Colonial Forefathers.

REMARKS OF JUDGE WILSON K. BARNES

The Harford Committee, provided for by the Maryland Provincial Convention, first met in 1774 as a Mass Meeting Committee. However, faced with events that were arousing the Colonists, this group felt that they should be more truly representative. With this in mind, they called for an election and set forth the ratio of elected representatives to be "ten in each hundred". They established the "hundred areas" and set up polling places.

The newly elected Committmen met on February 22nd, 1775 and organized in a strictly parliamentary manner and adopted rules of procedure. On the following day they met and made a provision for a collection to be taken for the poor of Boston and also for the purchase of arms and ammunition. They then adjourned, apparently to await word of the reaction from the British Parliament to the Resolves of the First Continental Congress.

When word of the rejection of the Resolves came from England, the Harford Committee was called to meet and on March 22, 1775 they passed and signed the Proclamation that has come to be known as the Bush Declaration of Independence and it reads:

"We, The Committee of Harford County, have most seriously and maturely considered the Resolves and association of the Continental Congress and the Resolves of the Provincial Convention, do most heartily approve of the same, and as we esteem ourselves in a more particular manner, intrusted by our Constituents to see them carried into execution, we do most solemnly pledge ourselves by every tie held sacred among mankind to perform the same at the risque of our lives and fortunes."

As we reflect on the words of the Bush Declaration, it seems apparent that the principles set forth in this document, became the very cornerstones upon which this Nation was built. It is also very significant that it was the act of "a duly elected body of men" who had in their hearts a sense of deep responsibility to those they were elected to represent. All this stands to the Glory of the Bush Declaration and to those who put their signatures, thereto.

It is with a feeling of high honor that we can be a part of this celebration that calls attention to this the 197th Anniversary of of the signing of the Bush Declaration of Independence at Harford Town on March 22nd, 1775.

THE WORKINGMAN'S BILL OF RIGHTS

Mr. GAMBRELL. Mr. President, last Thursday, April 20, 1972, I proposed and published a bill of rights for the American workingman.

The workingman's bill of rights expresses in commonsense terms the rights of American working people who have supported and defended the American system. The bill of rights demands respect for their labor, and respect for the things they believe in, such as patriotism, equal opportunity, equal taxation, law and order, and the right to be heard. The workingman's rights are expressed in terms of the responsibilities of citizenship, rather than in terms of the privileges.

This statement of the rights of workingmen and women has been formulated from my experiences, and from listening to disappointed and frustrated citizens on my "listening tours" throughout Georgia and in other parts of the country.

In publishing this statement of the workingman's rights, I am seeking to focus attention on average Americans and their concerns. By their support of the American system, they have earned the right to receive special attention from those who serve them.

During the upcoming senatorial campaign in Georgia, I expect to talk about the workingman's rights and to propose specific solutions for the problems that concern them most. I will challenge other candidates in this campaign to join me in giving American working people the recognition they deserve.

Hopefully, this discussion will develop a positive program for the solution of many of the problems which have been troubling our country. The themes which run through the workingman's bill of rights are "All-American." They are themes upon which American working people from all sections can agree. They are themes upon which this great Nation was built, and upon which we can rebuild for the future.

I have sent copies of the workingman's bill of rights to each of the major candidates for the Democratic nomination for the Office of President of the United States, urging them to support this proposal as a means of recognition and national commitment to American working people. If this Nation is to survive, and in fact if any of these candidates are to be elected, it will only be through the support and efforts of the American workingman.

I ask unanimous consent that the American workingman's bill of rights be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

THE WORKING MAN'S BILL OF RIGHTS

The American system should guarantee to the working man who supports it the following rights:

THE RIGHT TO HAVE A VOICE IN RUNNING THE SYSTEM

American working people should not be excluded from managing the system. They have the right to speak out and be heard. The working man of this country supports and defends the system and is entitled to control it, because institutions which exist under the system are the servants of the people. Remedies for the concerns of the working man should be convenient and prompt, and reforms of the system should be easy.

THE RIGHT TO BE FREE OF ABUSE AND NEGLECT BY THOSE IN POWER

Persons entrusted with power have special responsibilities to the working people. They must protect working people, as well as leave them alone. Bureaucrats should avoid treating working people as statistics to be manipulated for political purposes. They should handle the people's business with clean hands. Those who are arrogant or insensitive to the people they serve should be quickly removed from office.

THE RIGHT TO HAVE OTHERS SHARE IN SUPPORTING THE SYSTEM

Neither tax dodging nor draft dodging should be permitted. People with accumulated wealth should not be favored and exempted, while the working man and his earnings are heavily burdened with supporting the system. Every citizen has an obligation to serve in the defense of the country and to pay his fair share in taxes.

THE RIGHT TO LIVE AND WORK IN DIGNITY

The American working man should be respected for supporting himself, his family and his government through honest labor. His personal worth as a contributing citizen should be recognized and his security both now and in future years should not be degraded by economic mismanagement.

THE RIGHT TO EQUAL OPPORTUNITY

The American working man is entitled to share in the prosperity produced by a fair economic system. A productive economy will be the result of free enterprise and freedom of choice by the working man. Access to opportunities in education, employment and business should be available on an equal basis without arbitrary interference by monopolies, unfair economic controls or discrimination.

THE RIGHT TO HAVE LAW AND ORDER

Law and order must be preserved. This is the foundation upon which the freedoms and opportunities of the working man are based. The system should provide for one standard of justice to be applied without regard to class, race, or station in life among those who support the system. Laws and the officers who enforce them are entitled to respect, and legal technicalities should not be permitted to cripple effective law enforcement.

THE RIGHT TO BE PROTECTED IN RELIGIOUS AND MORAL VALUES

Personal and family morality should be protected against permissiveness and disrespect. Every American community is sustained by the religious and moral values of its people. Religious worship should not only be tolerated, but should be respected and upheld.

THE RIGHT TO BE RESPECTED FOR THEIR PATRIOTISM

Honor should be the reward of working people who have tried to do their patriotic duty. They are committed to a strong national defense system and are prepared to stand up for America. They have every reason to be proud of themselves and their country, and should not be ridiculed for their patriotism or made scapegoats for mismanagement by higher-ups.

THE RIGHT TO BE FREE OF FREE LOADING

The earnings of working people should not be squandered through subsidies, give-aways, extravagance and waste. The American working man is compassionate, but his generosity should not be taken for granted by those capable of supporting themselves. Charity should not be extended to free-loaders . . . at home or abroad.

THE RIGHT TO BE FREE OF BRAINWASHING BY THE NATIONAL PRESS

The press should not scorn or ignore the concerns of the working people and should see that the working man's voice is heard. Freedom of the press, air waves, and mail service obligates the media to serve the working people and not cater to special interest groups and power structures. The press is obligated to publish the truth, the American working man deos not need to be spoon fed by self-styled "experts" who feed him only what they want him to know.

THE VICE PRESIDENT'S VIETNAM SPEECH

Mr. THURMOND. Mr. President, I wish to make note of a recent address by Vice President AGNEW concerning the controversy surrounding the President's conduct of the Vietnam war. His speech, given recently to the American Society of Newspaper Editors, presents a clear statement of facts refuting the recent charges in politically oriented statements by opposition candidates.

Mr. AGNEW pointed out that there have been repeated attempts by certain national figures, who at one time were the strongest proponents of the war, to weaken the President's position and thus weaken their own Nation's bargaining power. These irresponsible attempts to label the war "President Nixon's war," he said, are an unfortunate example of attempts of some politicians to cleanse themselves for their own political advantage at the expense of the country.

Mr. President, as the Vice President demonstrates and as the record shows, President Nixon has always been a consistent critic of the gradual escalation war of which he is accused. He recognized early the fault of the policies previously pursued by Presidents Kennedy and Johnson, which resulted in a virtual stalemate in the war. President Nixon's efforts, on the other hand, have resulted in the return of more than four-fifths of our troops committed to Vietnam action.

Vice President AGNEW further explained how the extreme efforts of certain of the President's political critics are serving the interests of Communist dictators, who applaud every word spoken out against the President's policies. In addition, his remarks provided an excellent insight into the real issues of the Vietnam war and the effects of our recent efforts there.

Mr. President, I ask unanimous consent that the address by the Vice President of the United States to the American Society of Newspaper Editors on April 21, 1972, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

Under calmer circumstances, I would have been inclined to use this opportunity to discuss the disproportionate impact on the American people of that relatively small and increasingly monolithic segment of the communications media that enjoys frequent nationwide exposure. But there are more serious matters before you as newsmen and before us as a people.

The war that has divided and drained us, emotionally, physically, economically and spiritually, is back in the headlines.

So, the time has come for Americans once again to reflect upon how our involvement in this conflict began—and how we want it to end.

Eleven years ago, in the January cold, John F. Kennedy told the world:

"We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

Vietnam became the testing ground for that pledge. For seven years, American involvement in the war escalated. From a military advisory group of a few hundred in Vietnam when President Eisenhower left office, the United States commitment had escalated to 16,000 American combat advisers when John F. Kennedy was brutally murdered in Dallas. Under President Johnson, the buildup accelerated. Hundreds of thousands of American troops poured into Southeast Asia first to assist and ultimately to share major combat responsibility with the South Vietnamese troops fighting for national survival.

In the heady days of the New Frontier, Vietnam was seen as a testing ground for the new tactics of "counter-insurgency," and the new strategy of "flexible response." Even in the closing days of the Great Society, when the war was a matter of bitter controversy, my predecessor, Hubert Humphrey, was heard to rhapsodize that Vietnam was "our great adventure."

Though a consistent critic of the war policy of gradual escalation, President Nixon supported the United States commitment to South Vietnam. With the war driving an ever-deeper wedge between us as a people, the President pledged in 1968 that he would end American involvement in that war, in a manner consistent with America's commitment. On taking office, he began, within weeks to implement the policy which has come to be called Vietnamization. Under it, as American troops were withdrawn from the field of battle, they were replaced by the South Vietnamese units newly trained and equipped by the United States. For three years, the policy has continued; and the policy has worked.

In three years, American battle death averages have been cut from upwards of 300 a week to less than ten. Nearly half a million American troops—the greater proportion of our combat troops there—have been brought home.

At the same time, the President has made every effort to negotiate a settlement with Hanoi, including proposals advised by the Democratic war critics. Twelve times his personal emissary has flown to Paris to conduct secret negotiations. One year ago, the President offered the enemy a full withdrawal of American troops from South Vietnam in exchange for a cease-fire and our prisoners of war. But the North Vietnamese insisted on a full political settlement, and in the hope that the secret negotiations still might succeed, the President remained silent while many in the Congress savaged him for not doing what he already had done.

In the face of this record of conciliation at the conference table, the charge that Richard Nixon desires a military victory more than he desires peace is a transparent lie.

Yet, accusations tantamount to that are being leveled against the President—leveled, ironically, by men who played a central role in pushing America into an ever deepening involvement in Vietnam, and who for three years now have sought to frustrate and obstruct the President's policy every step of the agonizing way out of this war in Vietnam.

In your own profession, there is the New York Times, an early and ardent advocate of getting America into Vietnam, doing public penance by regularly scourging the President who is getting us out.

There is Mr. J. William Fulbright, who steered the Tonkin Gulf Resolution through the Senate with huge success—only two dissenting votes. His support was critical to the establishment of the premise under which hundreds of thousands of American boys were sent into the jungles of Southeast Asia to resist the armies of Ho Chi Minh. Now, hear his revisionist assessment of Uncle Ho:

"Ho Chi Minh," writes Mr. Fulbright, "was a life-long admirer of the American Revolution. As a young man in 1919, he went to the Versailles Peace Conference to appeal for self-determination for his country in accordance with President Wilson's principles. . . . In 1945, Ho Chi Minh started his declaration of independence for Vietnam with words taken from our own, 'All men are created equal.' Ho was an authentic Vietnamese patriot revered by his countrymen."

That reverential tribute by Fulbright was paid to a man who murdered his rivals in 1945 to consolidate his control over the nationalist movement; who was directly responsible for the slaughter of hundreds of thousands of Vietnamese in the wake of his victory over the French; whose persecutions drove 900,000 refugees, mainly Catholics, southward during the 300-day freedom of movement period following the 1954 Accords to escape his ruthless regime. Ho Chi Minh was as much a Vietnamese patriot as Hitler was a German patriot.

And now hear some of our would-be Presidents.

First, the former "front-runner," Senator Muskie. Six years ago, he stated:

"We believe that containment of expansionist Communism regrettably involves direct confrontation from time to time. . . . and that to retreat from it is to undermine the prospects for peace and stability."

There will be no "peace and stability" if the United States fails to respond to the challenge of the North Vietnamese naked invasion of the South. Yet, today, Mr. Muskie charges that the President's actions to resist that aggression "undermines America's sense of decency."

"A corrupt dictatorship in Saigon is not worth the loss of one more human life," intones Mr. Muskie. What Mr. Muskie ignores is that the fate of 17 million people is also at stake here. What Mr. Muskie neglects to mention is that he himself was present at the election of President Thieu in 1967—and Mr. Muskie termed that election, "an inspiring experience." The only reason Senator Muskie is appalled in 1972 by what "inspired" him in 1967 is that Senator Muskie is desperately scrambling about for some moral justification for the 180-degree reversal in his position and his recommended abandonment of 17,000,000 people to a Communist future.

Six years ago, Senator McGovern supported a defense appropriation with the statement:

"My vote reflects my *conviction* that we must protect the men we have sent into battle no matter how we might question the policy that sent them to that battlefield."

Senator McGovern's convictions seem subject to seasonal adjustment. For when the President employed American air and sea power to stem the invasion that directly threatens 85,000 remaining American support troops, Senator McGovern suffered an acute attack of political rhetoric. He charged that: "the President has descended to a new level of barbarism and foolhardiness." (Imagine what the Washington Post would have said about me, had I called a Democratic President a barbarian and a fool!)

Six years ago, Senator Edward Kennedy called our commitment to the self-determination of the South Vietnamese people "fundamental and sound." Today, he denounces the President for seeking an honorable avenue out of a war his own brother supported with 16,000 military advisors—and charges the President with precipitating "this incredible new bloodbath," and "whipping the Nation into a new war frenzy." "How much longer," says Senator Kennedy, "will we contribute to a bloodbath for the sake of avoiding a highly speculative bloodbath of the future?"

Less than five years ago, Vice President Hubert Humphrey—he of the "great adventure," was beating the war drums for the American people. Hear this:

"Today, the threat to world peace is militant, aggressive Asian Communism with its headquarters in Peking, China. The aggression of the North Vietnamese is but the most current and immediate action of that militant Asian Communism. If it should succeed in its goal of conquest of South Vietnam, it would add to the strength of Communism in Asia and Europe and it would stimulate an appetite for more aggression and conquests. It would represent a defeat—not only for America but for freedom everywhere."

Today, Mr. Humphrey decries the President's actions to defend freedom in South Vietnam against the very same "militant aggressive Asian Communism" that so concerned him five years ago. He knows perfectly well that this latest massive invasion of South Vietnam is a blatant violation of the Geneva Agreement of 1954 and the bombing halt understanding of 1968.

Senator Kennedy, when he bewails a "bloodbath" in South Vietnam, knows very well that the reason men are dying by the hundreds in South Vietnam today is overt Communist aggression from the North. And he knows that, were the United States to pull out precipitously in the face of this enemy escalation of the war, the real bloodbath in South Vietnam would only be beginning.

Senator Muskie, when he recommends that we go back to the Conference Table, knows very well that we have been there for three years and that the President's most recent and most generous peace offer to date was answered with an enemy buildup and an enemy invasion. The enemy does not want a negotiated peace—he seeks a military victory. And what he wants of the United States in Paris is that we betray our ally and give Hanoi the victory at the Conference Table that it has been unable to win at the ballot box, on the battlefield, or in the hearts of the people of South Vietnam.

Senator Humphrey wants the President to take the matter to the Security Council where the Government which supports the negotiating demands of the enemy—which supplied the tanks, artillery and armor for this invasion—enjoys a well-flexed veto power. This would not only be an exercise in futility, but would fuel the propaganda machine of North Vietnam.

I would suggest that the timing of the attacks by these Senators and the selectiveness of their moral indignation should not go unnoticed. When the enemy invasion broke upon the Northern provinces, when the South Vietnamese were pulling back from their forward fire bases in the wake of the greatest artillery barrage of the war, when rocket and mortar rounds were callously lobbed into the cities—you did not hear these outraged condemnations of heating up the war. There were no Senate resolutions condemning Hanoi for its ambitious military escapade—or even raising questions concerning the role of certain outside powers in supporting the escalation. No, these acts were greeted with silence. The war critics were silent as church mice.

The outrage only became audible when the South Vietnamese held, when American air and naval power were employed to help smash the sneak attacks. Then came the cries of "bloodshed." Then it was that Senator McGovern summoned up all his righteous indignation and called the President of the embattled Republic of South Vietnam a "despicable creature."

You will never hear Senator McGovern use such language in referring to Ho Chi Minh, or to the men of the Hanoi Politburo who reescalated the war. No, the Senator's vitriol is kept in reserve for use against those who resist aggression—not those who perpetrate it.

Let me say simply that as an American I am appalled at the conduct of American leaders who keep their peace while a Communist invasion takes place and then rise up and slander an American President for taking the necessary military action—action consistent with a firm, bipartisan commitment antedating his term of office—to halt that aggression.

Recognize this. Some of these people now expressing outrage at the allied response to the enemy invasion have flatly predicted the failure of the President's Vietnam policies. They have staked their credibility—and some of them their political future—on the outcome of this struggle.

If there is a collapse in Saigon, if there is a Communist takeover—then they will have been proven right. They can then denounce the President for having foolishly resisted the inevitable. They can then congratulate themselves for having bailed out at the right moment. They can then make the President pay the political price for having tried to see this war through.

But what if the enemy offensive is blunted, and finally defeated? What if Vietnamization proves a success? Then the President of the United States will be credited by history for his courage, tenacity and toughness—for having surmounted all the obstacles they strung in his path. Then what do the history books say about Senators Humphrey, Muskie, McGovern and Kennedy?

But this Communist offensive, as vicious and tragic as it has been, has served one salutary purpose. It has stripped away all the pretentious nonsense about this being simply a civil war between Saigon and the Viet Cong. Further it has rebutted the pervasive slander that the South Vietnamese will not fight in their own defense. What a libel that has been upon these courageous people.

Today, South Vietnamese are fighting and dying for their country. In this decade-long war, over 150,000 South Vietnamese soldiers have given their lives in their nation's defense. In terms of our population that would amount to almost two million war dead. In the face of this, we still hear the libel: They won't fight in their own defense. It was the South Vietnamese alone who stood fast during those first weeks of the offensive when weather prevented U.S. airpower from being brought fully to bear. Even now, the South Vietnamese are flying more than one-third of the air strikes in South Vietnam.

Why did Hanoi launch its invasion now? Not because Vietnamization was failing—but because it was succeeding. The North Vietnamese had come to recognize that time is no longer their ally in this war; that Saigon's Government and Army grow stronger, not weaker, by the month; that the hope of conquest and reunification under Hanoi's regime recedes with each month.

And so General Giap has made his desperate throw of the dice.

Twelve of North Vietnam's 13 regular divisions are now fighting outside their country's borders—across the DMZ, in Cambodia and Laos, in the Central Highlands and elsewhere. They are lavishly equipped with modern Russian weaponry for this all out attempt to undermine President Nixon's Vietnamization program.

And so the war now stands naked as it is and has been—a war of carefully planned aggression to carry out the master strategy of Ho Chi Minh.

The current offensive is aimed as much at demoralizing the American people in the United States as the South Vietnamese army in the field.

General Giap, the North Vietnamese commander, recognized the psychological aspects of the war when he said that either public opinion in a democracy will insist upon an end to the "useless bloodshed" or its legislature will ask for a final date by which the war must end. He predicted that national unity would erode and that political leaders would fall over each other in their efforts to disassociate themselves from the war into which they led their nation. In the end, said Giap, the democratic nation would be forced to accept any humiliating settlement it could get, even if it meant abandoning the people of South Vietnam.

That is why I find the comments of Senators McGovern, Humphrey, Muskie and Kennedy so reprehensible. They know what the terms of this war are. They know that President Nixon's response to the North Vietnamese invasion is no wild escalation of the war.

When one remembers that in 1968 the United States was bombing all over North Vietnam and had some half-million troops in the south, Senator Muskie's wild charge that the President "has escalated the war in Vietnam beyond any dimensions that we have known" is preposterous on its face.

President Nixon has consistently stated that he will do everything he must to protect American forces remaining in South Vietnam, assure no interruption of the withdrawal schedule, and provide South Vietnam with the chance to defend itself against an invader equipped by outside powers with the most sophisticated offensive weaponry. This is no new policy, nor is it at all inconsistent with the President's plan to end American involvement in the Vietnamese war.

As the President said on November 3, 1969:

"If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with that situation."

From the beginning, it has been clear that our decision to stop bombing in the North was contingent, among other things, upon the North's not infiltrating the South across the DMZ. That was the understanding President Johnson had in October, 1968. That was the understanding to which the President has held. But when it became clear that the North Vietnamese had no intention of holding up their end of the bargain, we had no choice but to respond. To fail to respond would signal to the North Vietnamese a failure in our will and would end any possibility for successful negotiations.

The record clearly shows that the Nixon Administration has gone more than halfway in the negotiations to achieve peace in Indochina. On May 31, 1971, at one of the secret meetings between Dr. Henry Kissinger and the North Vietnamese in Paris, the United States offered specifically to agree to a deadline for the withdrawal of all American forces in exchange for the release of all prisoners of war and a cease-fire. On August 16th, at another secret meeting, we went further. We offered the complete withdrawal of all United States and allied forces within nine months after an agreement on an over-all settlement.

On October 11, 1971, the United States made another offer to the North Vietnamese, essentially the same offer the President announced in his January 25th televised address to the Nation. According to this plan, within six months of an agreement, the United States would withdraw all forces from South Vietnam, there would be a mutual exchange of prisoners of war, there would be a cease-fire throughout Indochina, and there would be new elections in South Vietnam, with procedures guaranteeing equal and fair participation for the National Liberation Front.

All of these moves have been turned down. Hanoi did not even bother to respond to our last offer—the October 11th offer—until President Nixon made it public on January 25th. This certainly does not reflect a desire to allow the South Vietnamese people to determine their own future, free of outside pressure from either North Vietnamese or Americans. It indicates just the opposite. So does the invasion of South Vietnam three weeks ago.

If ever there was a time when an American President needed the support of all Americans, it is now. North Vietnam's invasion makes clear how desperate the enemy has become. If we hold firm, we may be able to complete our withdrawal and finally get our prisoners back—and we may be able to do so with the liberty and future of the South Vietnamese people intact.

I can think of no better way to close than to quote the eloquent words of Mr. Smith Hempstone of the Washington Star (who, I might add, is not a great fan of mine).

"Nobody in his right mind wants this (or any other) war to continue But there are worse things than war, things like enslavement and betrayal and self-deception and cowardice. So the lines are drawn and the battle is joined. The distinction between aggressors and defenders is clear.

"Peace is very much to be desired, but not at any price. Not the false peace of the Neville Chamberlains and the George McGoverns which contains within it the seeds of later and greater conflicts. Not the peace which is a euphemism for surrender."

"Indeed, one could do worse than to recall the words of Lord John Russell, uttered 119 years ago: 'If peace cannot be maintained with honor, it is no longer peace.' That still holds true today."

EQUALIZATION OF RETIREMENT PAY FOR NATIONAL GUARD TECHNICIANS

Mr. GAMBRELL. Mr. President, I wish to announce my support for S. 855 which is proposed to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement. We all understand the difficulties in trying to retire on a fixed income in these days of high taxes and inflation. This is especially true when that income is based on a discriminatory formula.

At present, National Guard civilian technicians are given retirement benefits computed on a formula which gives them only a 55-percent credit for each year of service prior to 1969. S. 855 corrects this discriminatory feature and recognizes the past service credit of these technicians in full.

These technicians who are required to be members of the National Guard often perform essentially civilian functions. Yet they are required as a part of their employment duties to respond where needed to civil disturbances with the National Guard. This kind of service and commitment should not continue to be frustrated by discriminatory retirement formulas.

I trust that when this matter comes before the Senate and is considered, it will be passed and will result in a satisfactory settlement of this problem.

TRIBUTE TO RUTH RIBICOFF

Mr. PERCY. Mr. President, I was saddened to learn recently of the death of Ruth Ribicoff, the wife of our distinguished colleague from Connecticut, Senator ABE RIBICOFF. Mrs. Ribicoff was a gentle, capable woman who had served faithfully at the side of her husband throughout his long, distinguished career.

When the Ribicoffs began their married life together, the senior Senator from Connecticut was a law student at my own University of Chicago; at that time Ruth worked in a doctor's office to help defray expenses. From those early days of marriage until her death, she was always prepared to follow her husband wherever his career took them and she preferred to remain in the background to let her husband have the full recognition which was due him.

Ruth Ribicoff was able to move graciously from home to home and from one status to another with her husband, while at the same time retaining her sense of privacy and her individualism. She was active in many civic and philanthropic organizations in her own right. I know that she was one of the most widely respected and well-liked and devoted members of the Senate wives group engaging actively in its American Red Cross activities. She also was devoted to the work of Junior Village here in Washington. Working on a one-to-one basis with a young child there who had never spoken, she had the joy of finally hearing him utter his first words. This is typical of her many unsung efforts to touch the lives of others and in some way help them.

We are familiar with the distinguished and almost unbelievably broad ranging career of ABE RIBICOFF in all three branches of government. He has served the State of Connecticut at every level of government, as municipal judge, member of the Connecticut House of Representatives, U.S. Congressman, Governor of his State, Secretary of Health, Education, and Welfare in the administration of President John F. Kennedy, and now as Senator.

All of us in this Chamber are keenly aware of the importance to our careers of having a devoted wife who is willing to make the sacrifices that public life invariably entails.

An understanding wife is one of the greatest assets of a successful public servant. She often must be father and mother to the children because of the absences necessitated by the demands of politics. She also must be her husband's friend, counselor, confidante, and chief political booster. Relatively few public men rise above the capabilities of their spouses. It is a testament to Ruth Ribicoff, therefore, that her husband has achieved all that he has during his public career.

I know that the people of Connecticut share the sense of loss in Ruth Ribicoff's passing. I know that Senators and their wives will miss her gracious presence here in Washington. My wife Loraine joins me in extending our deep sympathy to Senator RIBICOFF and his devoted family.

Mr. President, I ask unanimous consent that several newspaper articles about Ruth Ribicoff be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 13, 1972]

RUTH SIEGEL RIBICOFF, WIFE OF CONNECTICUT SENATOR

Ruth Siegel Ribicoff, wife of Sen. Abraham A. Ribicoff (D-Conn.), died at the Washington Hospital Center yesterday after a long illness. She was 64.

Mrs. Ribicoff had suffered from heart disease for many years. Recently she had entered the Mayo Clinic in Rochester, Minn., for tests.

Born in Hartford, Mrs. Ribicoff and the senator had been married for 41 years. They lived at Watergate West after making their home for many years in Georgetown.

She first came here with her husband when he was elected to the House of Representatives in 1949. He subsequently served as governor of Connecticut and then was Secretary of Health, Education and Welfare.

In Washington, Mrs. Ribicoff belonged to the Senate Red Cross Ladies. She also did much volunteer work with organizations helping needy children.

A close friend of many years, Mrs. David L. Bazelon, said yesterday that Mrs. Ribicoff was greatly concerned about the welfare of children.

"This country hasn't yet defined a child. We are not committed to children. We neglect them," she quoted Mrs. Ribicoff as saying.

Besides her husband, Mrs. Ribicoff is survived by a son, Peter, of New York City; a daughter, Jane Bishop, of New Rochelle, N.Y., and four grandchildren.

[From the Hartford Courant, Apr. 13, 1972]

MRS. RUTH S. RIBICOFF

The State will best remember the wife of its senior Senator, Mrs. Ruth S. Ribicoff, as its gracious and lovely first lady who contributed beauty, charm and wit to formal state affairs when her husband was Governor. But she was far more than the adornment to the dais that the public saw on the public occasions to which her duties called her.

Long before her husband emerged as a political figure she had been an active, public-spirited worker in cultural, religious and philanthropic projects and she maintained her interests while her husband was in office here and when she accompanied him to Washington. She proudly shared with her husband that fulfillment of "the American dream" of which he spoke so movingly on his inauguration as Governor, the proof that anyone, regardless of ethnic or religious background, could attain high office. She had reason for pride in his accomplishments in a career in the shaping of which she played no small part.

Even though in recent years Connecticut saw her only on week ends and vacations, she will be sadly missed. To her husband and family we extend our deepest sympathy in the knowledge that it will be shared by all the people of her native city and the state of Connecticut.

[From the Hartford Times, April 13, 1972]

RUTH SEIGEL RIBICOFF

Ruth Ribicoff was, in a very real sense, one of Connecticut's beloved public servants.

From the early days when she found a job as a nurse in Chicago to marry Abe Ribicoff and be with him at the University of Chicago Law School, she accepted cheerfully the role of helpmeet to an active man in a demanding life.

She was the state's first lady during her husband's term as Governor.

She has spent the last decade sharing his life in Washington, setting aside the personal relaxations most wives and mothers and grandmothers crave. She has been a gracious hostess to countless Connecticut visitors.

And in addition to the burdens incumbent on the wife of a popular elected official, she found time to serve in her own right, over the years, many humane organizations in Hartford and throughout the state.

Her death this week is a loss many of the state's citizens will feel personally. The state shares with Senator Ribicoff the grief of her loss, and the joy in recalling how fully she gave of herself over the many years of public life, to the enrichment of so many.

DEVELOPMENT OF MOLYBDENUM AT CASTLE PEAK, IDAHO

Mr. McGEE. Mr. President, in too many instances the history of the development of our natural resources has been one which does not measure environmental values with the economic benefits of such development.

Such is the case in efforts to develop molybdenum deposits at the base of Castle Peak in Idaho—a rugged, largely undeveloped, and beautiful country.

As was pointed out in an article by David Braaten in the Washington Sunday Star of April 23, "the ecologists are particularly incensed that the despoilment of the environment will be perpetrated for low-grade yield of a mineral that the United States has an oversupply of."

Apparently mineral interests are bent on developing a questionable source of molybdenum which is not in demand in this country at the risk of devastating a very unique and scenic area Utah. Such development seems implausible in light of the facts.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HIGH NOON IN THE SHADOW OF CASTLE PEAK

(By David Braaten)

It involves some of the last "High Noon" country left in the West, and the basic question is as stark and dramatic as the confrontation between Gary Cooper and the villain on that dusty, sun-baked main street.

Should Congress let a private corporation dig a strip mine across a scenic National Forest peak and dump tons of slag into the unspoiled alpine valley below?

To ask the question is to answer it—almost.

The trouble is that, unlike the black-hatted bad guys in the movies, the mining company has the law firmly on its side. To save the scenic mountain, Congress must somehow get around the 100-year-old mining laws that permit mineral exploitation—including strip mining—of public land by anyone who has staked out a valid claim.

The scenery at the heart of the current controversy is Castle Peak in the White Cloud Mountains of central Idaho, northwest of Sun Valley.

It is rugged, beautiful country, largely undeveloped, a land of cattle ranches and isolated, one-horse towns, with a backdrop of snow-capped mountains. Its crystal-clear lakes and streams, its crags and forests offer a variety of targets for fisherman and hunter.

What threatens this idyll is the discovery that the rock base of Castle Peak contains molybdenum, a mineral used in the processing of steel.

The ore is low-grade. Even the claimholder, American Smelting and Refining Co., concedes this. Opponents of ASARCO's strip-mine plans contend that there is only two-tenths of one percent molybdenum in the rock—that is, four pounds of molybdenum in every ton of rock gouged out, crushed and washed. The other 1,996 pounds would be dumped on the nearest available land.

In addition, an on-site ore processing mill and a large "tailings" pond for wastes would be placed next to the strip mine. The strip mine itself would peel off an area about two miles long and three-quarters of a mile wide, to a depth of 350 feet. The waste from the operation would obliterate Little Boulder Creek and much of its forested valley below the mine.

In testimony last week before a Senate Interior subcommittee considering a recreation-area bill, an ASARCO spokesman, Keith Whiting, agreed with Sen. Frank Church, D-Idaho, that it would be impossible to put the area back in its original shape after the mining was finished, but insisted that the operation can—and will—be conducted to minimize its impact on the environment.

"It will not be unsightly," he said. And he told the senators that ASARCO will even sell or give the land back to the public when it's through.

"It is our intention to negotiate an arrangement with the government whereby they (the ASARCO claims) will revert to federal ownership upon completion of mining operation," said Whiting.

Church commented that, without wishing to belittle the magnanimity of ASARCO's offer, "it's like offering to return a woman to her husband after you've raped her."

The proposed Sawtooth National Recreation Area would encompass some 750,000 acres, mostly National Forest land, in south central Idaho, reserving about 200,000 acres for a wilderness area. The House has already passed a bill, and the Senate subcommittee is trying to determine the proper degree of federal control needed to preserve the area.

Castle Peak is only one of the scenic mountains, and ASARCO's claims are only a fraction of the thousands that have been filed in the area covered by the bills. But it is clearly the easiest to dramatize, and there apparently are no Idahoans who do not have vehement opinions on the subject.

The proposed recreation area is a hot political issue, and is credited with the election of Cecil D. Andrus, who favors the plan, as Idaho's first Democratic governor in decades. It is considered risky for an office-seeker to appear to be "in bed with the mining interests," as the phrase goes out West, and the politician who vociferously champions the preservation of the Sawtooths' primitive grandeur is on the side of the angels, or at least the voters.

Thus one of the most eloquent of the dozen Idahoans who testified at the Senate hearing was a young doctor and attorney named Glen Wegner, who extolled the beauty of the mountains and disclosed that he had traveled 6,800 miles around the state since the first of the year, sampling public opinion. He criticized Rep. James A. McClure, R-Idaho, as not being dedicated enough in his devotion to conservation.

It turned out, of course, that Wegner is running against McClure for the Republican nomination to replace retiring Sen. Len Jordan.

Other witnesses were not without a tinge of self-interest. A summer cabin owner wanted to make sure he and his fellow property owners would be allowed to stay put. A rancher wanted to be allowed to develop his property right up to the very day Uncle Sam buys a scenic easement from him. Others had no objection to cashing in on the tourist boom that seems inevitable, but wanted the right of "reserve condemnation"—selling their property to the government if the scenic easements lower the value of the land.

But the big problem to be resolved is the mining rights—whether to withdraw the land forever from mineral exploitation, or to declare a five-year moratorium while the matter is studied once more.

And the companion problem is, assuming that the government does decide to ban mining in the area, how or whether claim-holders are to be compensated.

The environmentalists shed no tears for the minning interests, and see no reason they should be paid for the loss of profits they might have made by developing public land. In the Castle Peak hassle, the ecologists are particularly incensed that the despoilment of the environment will be perpetrated for low-grade yield of mineral that the United States has an oversupply of.

"We export half of the molybdenum we produce," said Dave Van de Mark of the Sierra Club. "It is incredible that we may literally export portions of the White Clouds, when its one-of-a-kind beauty and open space values are desperately needed at home.

But ASARCO and constitutional lawyers point out that mining claims on public land are sanctioned by law. Indeed, by simply marketing each corner of a claim with "a Prince Albert can on a stick" (as Sen. Alan Bible, D-Nev., put it), the miner acquires a property right that cannot be taken from him without due process of law. The fact that prospecting is no longer done by grizzled, romantic old coots leading burros, but by big corporations using helicopters and bulldozers, does not diminish the legality of mining claims.

The 1872 mining law, like the Homestead Act a decade earlier, was designed to encourage exploration and development of what seemed at the time to be limitless natural resources in the West. Environmentalists challenge the usefulness of such a law today, when the country's supply of unspoiled wilderness is shrinking inexorably.

As reluctant and uncertain as any Gary Cooper sheriff, Congress must now figure out the fair, judicious, satisfying "right" solution before the end of the reel. Far from having it go it alone, deserted by everyone, Congress has, instead, to choose one of the many eminently reasonable, hopelessly conflicting pieces of advice it has been offered. Coop had it easy.

STAR-TRIBUNE APPEALS TO PATRIOTS

Mr. PROXMIRE. Mr. President, those of us who believe that a strong defense is our best insurance policy also believe that waste does not buy strength.

This Nation cannot be No. 1 by throwing away money.

A case for that point of view is made in an editorial in the Star-Tribune of Casper, Wyo. This excellent editorial, "The Pentagon Spenders," of April 12 discusses disclosures before the Joint Economic Committee of a Navy order to spend $400 million extra before the end of the fiscal year. It also discusses the method by which shipbuilders make fantastic claims for higher payments. This editorial ends with these two pertinent paragraphs:

> Claims for large settlements should be turned over to a civilian board, which would be free of any conflict of interest and hopefully, dedicated to saving tax dollars.
>
> Revelations of fast spending merely to use up appropriated funds may disillusion some patriots who believe bigger and bigger defense budgets are vital to the defense of this country. The Navy could inspire more patriotic support if it made every dollar count.

Mr. President, I ask unanimous consent that the Star-Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PENTAGON SPENDERS

The shocking waste of millions of dollars down the defense drain has been exposed by Senator William Proxmire, D-Wis., chairman of the Senate's Joint Economic Committee.

Anyone reading the transcript of a recent hearing before the committee will be struck by what the senator calls "the incredible way tax dollars are wasted by the Pentagon."

The story of the hearing, printed in full in the Congressional Record of March 30, was called to this newspaper's attention by Senator Proxmire, who terms it "about as devastating an indictment of service waste as I have ever heard" during his 15 years in the U.S. Senate.

The Pentagon spending issue came to a head with the disclosure that Admiral Zumwalt had issued a memo urging the Navy to rush spending, to spend all the money that is available, before the end of Fiscal 1972. Otherwise, said the admiral, any "shortfall" in current spending "could be translated into program loss under the fiscal '73 outlay ceiling."

In other words, noted Proxmire, "spend to the hilt this year so we can have more funds to spend next year."

Admiral Kidd enlarged on the spending theme by saying, "we do not want to be put in a position of disadvantage later on by someone being able to say, well, you asked for the money but you did not spend it, so we are going to take it away or cut your budget next year."

Apparently this spend and spend policy has been going on for years, and the Navy brass accepts it as routine.

Senator Charles Percy of Illinois, another member of the Senate committee, recalled that when he served in the Navy 29 years ago as a procurement officer, during World War II, the goal was to spend money by June 30 of that year.

"I never wasted more money faster in my life than I did then, and I have been working hard ever since to make it up to the U.S. Government," he commented.

"I am shocked to see the same spending incentive system going on," Percy added, calling it a "built-in disincentive for efficiency."

To which Admiral Kidd responded: "When you are faced with a proposition of losing funds which you fought hard to get and justify, by George, the incentive is high to get them committed."

One of the top priority means of spending money faster was settling contractors' claims against the Navy in a hurry.

The claims problem perturbed Proxmire and his committee when the dollar volume of claims neared the $1 billion mark for the first time in history. In 1969, the Navy "settled" a claim with the Todd Shipyards for $96.5 million, representing about 90 per cent of the face value of the original claim. The committee called the General Accounting Office (GAO) to investigate. It found the claim had not been adequately substantiated and that the contractor was unable to prove any specific actions by the Navy which caused the increased costs.

Probing deeper, Proxmire found many big claims from defense contractors were settled simply by cutting the amounts to 37 per cent, without requiring detailed proof and auditing.

When Gordon Rule, former head of the Contract Claims Control Group, rejected the multi-million dollar Avondale Claim, he was eased out of the job last fall. "I resigned, rather than waiting to be kicked out," he told Proxmire. The Navy reorganized the commission, putting a government lawyer in charge.

"The pattern of shipbuilders," noted Proxmire, "is for the contractor to incur large cost overruns and submit voluminous claims to recoup his potential losses. The Navy gets bogged down for months or years trying to figure how much, if anything, it owes. The contractor fails to keep records which would substantiate the claim. He makes an issue with Defense and Congressional officials over the delay . . . until the Navy eventually caves in, releases the money."

Proxmire offers a simple but effective solution: do not pay unsubstantiated claims.

Controversial claims should go to the courts as an adversary proceeding, it was suggested. Instances were cited where the contractors held ships as "hostage," until the claims were settled. The Navy was in a hurry to take possession of the ships. Naturally the claim settlements were rushed. This amounts to "extortion," said Proxmire.

A GAO study showed the average return to Navy contractors was 50 per cent on invested capital. The Electric Boat Division of General Dynamics, for example, made $28 million on a little over $52 million investment.

"Why does the Navy allow such high profits?" asks Senator Proxmire. "I think 15 or 20 per cent would be quite modest."

In the Polaris Poseidon overhaul and conversion, it appeared that the Navy spent $65 million more at Electric Boat than at Newport News for the same amount of work. The admiral had a rather lame explanation. He said Electric Boat had just reorganized, and replaced certain key people who were apparently involved in "weak material controls."

We may disagree with Senator Proxmire on some other issues, but certainly can appreciate his bulldog tenacity in uncovering this shocking waste of taxpayer funds.

The hearing shows that the military-industrial complex is not playing the game straight, that the Pentagon is wasting the taxpayers' dollars, that we are getting less defense for the dollars we spend.

It's a sad commentary on the morality of the times, when other businessmen are being urged to show restraint in the President's program to curb inflation. Perhaps the Navy needs a "Task Force" to save taxpayers' funds, even if all of the appropriated money isn't spent by the end of any fiscal year.

Claims for large settlements should be turned over to a civilian board, which would be free of any conflict of interest and hopefully, dedicated to saving tax dollars.

Revelations of fast spending merely to use up appropriated funds may disillusion some patriots who believe bigger and bigger defense budgets are vital to the defense of this country. The Navy could inspire more patriotic support if it made every dollar count.

USE OF MARYLAND'S HELICOPTER SYSTEM IN HEALTH CARE

Mr. BEALL. Mr. President, I have been vitally interested in the emergency health care and services in America. My State of Maryland leads the country in this area with its sophisticated trauma center at the University of Maryland and the State's helicopter system.

The State is well on its way to becoming a model for the entire Nation. I am convinced that the technology that has been demonstrated in Vietnam can be utilized here at home to save lives.

The Baltimore Sun on April 11, in an article by Mr. Jon Franklin, focused on yet another use of these helicopters; namely, transporting critically ill newborns from hospitals throughout the State into intensive care nurseries in Baltimore.

In addition, a recent article in the News Leader of Laurel, Md., written by Martha Nudel, describes the helicopter role with respect to the accident victim.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CRITICALLY ILL NEWBORNS FLOWN HERE FROM OUTLYING HOSPITALS

(By Jon Franklin)

Critically ill newborns from outlying hospitals are routinely air-evacuated into Baltimore intensive care nurseries by a newly developed helicopter ambulance system.

University Hospital and City Hospitals form the hub of the new statewide infant evaluation system. The system is patterned after a helicopter ambulance scheme already proven effective in rushing critically injured accident victims to the sophisticated shock and trauma center at University Hospital. The evacuation plan was tested late last year and went into full operation in mid-January. It uses State Police helicopters backed up by airborne Army medical units stationed at Fort Meade.

Dr. Herman Risemberg, a chief architect

of the system, is a Johns Hopkins University professor and director of the City Hospitals intensive care nursery. More than half of the infants are flown to his service, with the remainder going to University Hospital.

INDIVIDUAL BASIS

Dr. Ronald Gutberlet, who heads the infant care unit at University, said he has flown in infants on an individual basis since the shock trauma evacuation system began operating more than two years ago.

According to Dr. Risemberg at City Hospitals, all hospitals in the state where infants are likely to be born are now tied in to the evacuation system.

Since the pilot program began, a City Hospitals spokesman said, about 85 infants have been flown into Baltimore. Depending on space availability, roughly four out of every seven evacuated infants go to City Hospitals.

Most of the rest go to University, with a few babies being transferred on to Johns Hopkins Hospital for specialized treatment. Most of the evacuations involve premature infants. They have a variety of critical problems, including heart defects and deformities of the respiratory tract. But Dr. Risemberg said most of them are victims of hyaline membrane disease.

LUNG DEFORMITY

That is a lung deformity, peculiar to premature babies, that took the life of John F. Kennedy's newborn son in 1963. In the years since, researchers have made significant progress in the treatment of that and other newborn afflictions. But the treatments tend to be difficult, and to require complex equipment and a specially trained staff.

Those assets are not usually available at local hospitals outside the metropolitan area. In the past, babies could be brought to Baltimore only if they could live through the long ambulance ride. But now none are more than one hour's helicopter flight away.

In the months before the evacuation system went into full operation, Dr. Risemberg and Dr. Gutberlet visited Maryland hospitals to make sure doctors knew how to get quick helicopter service.

The hospitals were given confidential telephone numbers that bypass the City Hospitals switchboard and ring directly in the intensive care nursery. Doctors at the two hospitals are always available to accompany the helicopter to the outlying hospital if conditions warrant.

USUALLY BY CREW

But the transport can usually be handled by the helicopter crew. Since the shock and trauma unit began operating, the crews have gained considerable experience in first aid to accident victims.

Before the infant evacuation service began they attended additional training sessions at City Hospitals to study the special problems posed by sick newborns.

They learned, for instance, to operate the small life support systems used to transport critically ill infants. The units, about the size of orange crates, keep the baby warm and supplied with oxygen. Those life support systems, called isolettes, were furnished by the state Department of Health and Mental Hygiene.

First 15 Minutes of Copter Flight Crucial to Life

(By Martha Nudel)

The 15 minutes immediately following a serious accident are the most crucial to the continuation of life. Maryland State Police know that, so two years ago they bought and offered for state rescue operations the first medical evacuation helicopter.

They have three in operation 24 hours a day now. Nothing can equal their service. Nothing can save a life as quickly.

One helicopter sits on its landing pad at the police barracks in Forestville, waiting for a call primarily from the two Maryland counties surrounding Washington, D.C.—Montgomery and Prince Georges. It also serves the Western shore around Charles County and makes calls to the lower end of the Eastern shore, according to Maryland Police Cpl. Charles T. Snow.

The second ship covers the five-county area around Baltimore along with the northeast corner of the Eastern Shore. The third helicopter is used for back-up operations—saved for the long distance calls that come in when the other two helicopters are busy elsewhere.

Flown exclusively by Maryland state troopers and equipped with oxygen, a burn kit and a first aid kit, the Forestville-stationed helicopter can make it to Laurel Shopping Center in eight minutes when flying at its top speed of 150 MPH. It takes another eight minutes for the helicopter to get the victim to trauma center at the University of Maryland Hospital in Baltimore, where the evacuation helicopter takes all patients.

But it's the first eight minutes that are crucial. Once the victim is inside the helicopter, the first-aid troopers most likely can sustain life until the hospital staff takes over.

Sponsored through federal funds funneled to the state by the Highway Safety Act of 1966, the medical evacuation helicopter can be summoned to the scene of a serious accident either by an individual or a city's rescue squad. The helicopters also transport the seriously ill who need immediate medical attention.

"We'd rather be called before someone decides it's absolutely necessary," noted Cpl. Snow, "rather than come too late and then realize we should have been called."

But the medical evacuation helicopter doesn't just land at the Laurel Shopping Center. In fact they can, and do, land any place with about 50 square feet of cleared land.

The trauma center in the University of Maryland hospital was chosen because it has a staff available at all hours of the day. It is a study center for the staff about the seriously injured and the most common causes for their death. Few, if any, hospitals in Maryland have the facilities and staff on hand that the trauma center provides almost daily for the Maryland evacuation helicopters.

Each of the troopers assigned to the helicopters get 60 hours of training at the University of Maryland in emergency first aid and some in-hospital training. The helicopters are manned by a pilot and a first-aid man at all times.

Two members of the Laurel Volunteer Rescue Squad are also troopers with the Maryland State Police and happen to be assigned to the medical evacuation helicopters. Millard Bell, with the LVRS for about three years and Gary Bockelman, having joined the squad this year, work exclusively on the helicopters because of their special training in aviation.

During peak traffic hours, the helicopters often cruise on routine traffic control routes, looking for trouble spots to report to their headquarters and for accidents that need their aid.

TIME TO HEED IKE

Mr. PROXMIRE. Mr. President, one of the famous admonitions of modern American history came from President Eisenhower, the statesman-general who knew the dangers inherent in the "military-industrial complex."

The Christian Science Monitor in an editorial on April 19 reminded its readers of Ike's warning, citing military spending.

The Monitor says of President Eisenhower's admonition:

> The wisdom of his warning, has never been clearer than in current hearings by Congress into the $83.4 billion defense budget.
>
> At a time when the civilian needs in health, education, housing and other social needs are so pressing, President Eisenhower's warning appears more timely than ever. Those conscientious congressmen who are conducting the current inquiries so intently serve their fellow citizens well in their pursuit.

Mr. President, I ask unanimous consent that the Monitor's editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Money and the Military

One of the acts for which former President Eisenhower may be most remembered is his warning against "the military-industrial complex." The wisdom of his warning has never been clearer than in the current hearings by Congress into the $83.4 billion defense budget.

Economics and politics both play a part in the revelations of waste in the armed forces. First there is the rising public concern over taxes and inflation. Then there is the all-too-willing exploitation of that concern by Democratic presidential candidates. But whatever the motive, the public airing of extravagance in the name of military defense is a healthy, if unpleasant, exercise.

The Democratic Armed Service Committee chairmen of both houses of Congress—Sen. John Stennis of Mississippi and Rep. Edward F. Hébert of Louisiana, both strong Pentagon supporters—are having to burrow into the intricacies of contract practices that escalate military costs by hundreds of millions of dollars. And Senator Proxmire's subcommittee on priorities and economy in government has found instances of overcost claims being settled even after a review group declaration that they were unsubstantiated.

In the case of the Grumman Corporation, contractor for a $5 billion program to build 313 F–14 fighter jet planes, the company told the Senate armed services subcommittee it needs $545 million more to complete the job. Under the pressures being brought on the Pentagon, the Navy is insisting that Grumman should build them within its present contract—but the public is left to wonder how it would have reacted outside of the congressional limelight.

Likewise Litton Industries, whose huge new automated shipyard is now 19 months behind schedule in building five assault ships, is asking a huge increase in its original billion-dollar contract. Fortunately, some congressmen, such as the bipartisan Members of Congress for Peace Through Law, are resisting such claims. There is talk of rejecting the $600 million budget request for seven new destroyers to be built by Litton.

Meanwhile the tax-weary American public is faced with a built-in budget deficit of $25.5 billion, and warnings from such economically (and politically) astute congressmen as Wilbur Mills, chairman of the House Ways and Means Committee, that a tax rise may be necessary next year.

At a time when the civilian needs in health, education, housing and other social needs are so pressing, President Eisenhower's warning appears more timely than ever. Those conscientious congressmen who are conducting the current inquiries so intently serve their fellow citizens well in their pursuit.

THE GENOCIDE CONVENTION IS WHAT IT SAYS IT IS

Mr. PROXMIRE. Mr. President, opponents of the Genocide Convention have raised many objections to American ratification of this treaty. They have attempted to obscure the convention behind a cloud of rhetoric. They have tried to defeat the treaty by claiming that it is something it is not.

The Genocide Convention is an attempt to prevent the recurrence of the mass murders that occurred in Nazi Germany before and during World War II. It defines the crime of genocide in language that is consistent with the language used in defining Federal and State crimes. It provides safeguards for American citizens that are consistent with the safeguards guaranteed them by the Constitution. The convention provides that a person accused of genocide is to be tried in his home country. All these points are confirmed by S. 3182, which I am cosponsoring and which would implement the Genocide Convention within the United States.

In concluding its favorable report on the Genocide Convention the Foreign Relations Committee said:

> We find no substantial merit in the arguments against the convention. Indeed, there is a note of fear behind most arguments—as if genocide were rampant in the United States and this Nation could not afford to have its actions examined by international organs—as if our Supreme Court would lose its collective mind and make of the treaty something it is not—as if we as a people don't trust ourselves and our society. The rhetoric of the opponents . . . has obscured what a modest step the convention represents.

The Genocide Convention is what it says it is, not what some of the opponents of it would have us believe. Senators should read the treaty and the excellent report by the Foreign Relations Committee to see what the treaty proposes to do.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

HIP TO THE NEED FOR ENVIRONMENTAL ACTION

Mr. PERCY. Mr. President, I wish to express my high esteem for a group of concerned housewives in Urbana, Ill., who, through their hard work, dedication, and diligence, seek a universally desired goal—a clean environment.

The Government's course appears to be reasonably well defined in trying to attain this objective and we have already taken positive steps. A primary example of this was the recent approval of the Federal water pollution control amendments (S. 2770), legislation which I cosponsored. That bill declares it a national policy to halt waste discharge into our national waterway system by 1985.

The task is so monumental, however, that it cannot be dealt with effectively by the Congress alone. We need private citizen groups to inform the general public of the severity of the problem; we need private citizen groups to stimulate and focus community attention on the need for action; we need private citizen groups to cooperate with and coordinate various segments of the community to initiate this needed action.

HIPS—Housewives Involved in Pollution Solutions—is such as organization. This Urbana-based, entirely volunteer group, has committed itself to the alleviation of problems caused by ecological destruction. Through its committee system, HIPS deals with priority environmental problems. The organization maintains a legislative information committee, but is not content to seek environmental protection legislation and sit back awaiting passage. HIPS has sought immediate relief through affirmative action. It runs the recycling collection centers around the Urbana area and is planning to open three more. It publishes a monthly newsletter, of which I am an avid reader, which summarizes and highlights model community efforts to protect the environment. It conducts workshops and seminars which not only publicize ecological problems but also stimulate citizen involvement. All this from a wholly volunteer organization.

In these days of alienation and apathy, such dedication is an inspiration to us all. We can and will prevail against ecological decay if we allow ourselves to become as committed as these housewives from Urbana. I am hopeful that similar groups will spring up throughout Illinois and the Nation.

Mr. President, I ask unanimous consent that excerpts from the March edition of the HIPS newsletter be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

HIPS BULLETIN

ENVIRONMENTAL CALENDAR

March 21—O. L. Daniels, Bitterroot National Forest, speaks at 180 Bevier Hall.

March 21–22—Register at Parkland College for environmental courses.

March 21—Statewide primary election—Go to the polls and vote.

March 23—HIPS General Meeting, Unitarian Church, Urbana. 7:30 PM. Bring cup.

March 26—Campus Bike Path Tour.

April 4—County Board of Supervisors election—Again, go and vote!

April 13—HIPS Executive Board Meeting. 7:30 PM at Virginia Locke's.

April 15–16—Bicycle inspection.

April 16–22—Earth Week.

April 16—Bike parade.

April 17—"Bicycle Maintenance and Repair"—program at Champaign Library.

April 18—"Bicycle Legislation and Bicycle Safety"—program at Campaign Library.

April 23—Century Run.

NOISE POLLUTION

(By Dr. John O'Neil)

Ginney Locke introduced Dr. John O'Neil, Professor of Speech and Hearing and Director of the Speech and Hearing Clinic, University of Illinois. Dr. O'Neill is a psychoacoustician and was appointed to the University Task Force on Noise Pollution. He spoke on Noise Pollution: Urbana, State, Federal legislation, and what noise is all about.

One obvious result of our technology is exposure to noise. It cannot be seen and its effects are not fully known, and therefore not considered. Noise, defined as unwanted sound, can cause hearing loss and interference with sleep. In a broad sense, noise might be considered a health problem if health is defined as a state of physical, mental, and emotional well-being. However, Dr. O'Neil feels too many "scare" statements have been made about the negative effects of noise. The data on noise making people tense, irritable are not conclusive.

Noise can be annoying. Individual tolerances vary and a specific noise level may be annoying in one situation but not in another. For example, a very loud noise in a movie does not usually seem to annoy viewers. Appliance noises may be troublesome but appliances can be manufactured to be less noisy. However, the cost would increase and the appliance would generate more heat. Houses can be built to reduce noise but this too costs money. Research indicates that people adapt very well to noise levels. This was supported by a HIPS member; when she first came to the U.S. she felt it was a noisy country but she adapted to the increased noise level.

To demonstrate the measurement of sound, Dr. O'Neil played a tape of "white noise" (a random mixture of many frequencies and heard as a hissing noise) at different intensities and measured them with a sound level meter. A reading taken during HIPS' business meeting was 52 decibels (db).

Dr. O'Neil described the work of the Task Force. It considered a whole range of viewpoints including the extreme positions, *i.e.*, no noise vs. lots of noise. It looked at results of research done in the U.S. and Europe, and evaluated existing laws. The proposed Ill. law is the first in the Nation of this type. There are 3 city ordinances in Ill.: Chicago, Peoria, and Urbana. One of of the major problems is enforcement of the law or ordinance. Setting the standard, or noise limit, is not difficult; the problem is what to do when the limit is exceeded.

Dr. O'Neil listed some commandments of environmental legislation: 1) Any regulation should be based on scientific fact—nothing else. 2) All rules must be documented. 3) All effort must be made to avoid severe standards, i.e., standards must be realistic (or there will be no enforcement).

In the proposed Illinois law, regulations on noise levels are based in part on land use classification. Land usage is defined by a code which states that land is classified by the major function of what is on the land. There are 3 categories: 1. Industrial-manufacturing, 2. Commercial-business, and 3. Residential-institutional. There are also categories for undeveloped land and a nondegradation clause which prevents the noise level on the land from being increased if the general level is lower than the standard. The regulations limit the noise levels emitted to the 3 land-use categories. Types 1, 2, and 3 can emit certain levels to nearby types 1, 2, and 3 and may not go beyond the specified levels. The Task Force used data to help determine realistic levels. The proposed levels are similar to Chicago's. Regulations are also based on noise limits from the source rather than at the ear. Single event measures are used as opposed to measurement over time. The Task Force is working on moving vehicle noise but there are problems, *e.g.*, tire noise.

After the first year the state law has a provision whereby noise regulations can be changed depending upon the first year's results, complaints received, etc.

The EPA has established a statewide division of noise pollution which is to measure noise it receives complaints about. It would purchase measurement equipment and train people to use it. Illinois mayors do not want the EPA to have the power of enforcement. But if the mayors have enforcement power the law/ordinance will probably not be enforced.

The Chicago ordinance has set different maximum db levels for the 3 land use categories, *e.g.*, residential-institutional—61 db. This limit applies to stationary, daytime noise as measured at the property line. Dr. O'Neil pointed out that these limits have not been enforced in Chicago. The ordinance also makes provisions for traffic and city noise but does not cover construction noise.

The Urbana ordinance is based on Chicago's ordinance. Dr. O'Neil feels Urbana should have "listened to Urbana" and then determined noise limits that are best for it, rather than just using an existing ordinance. Chicago is a large city, unlike Urbana, and Urbana needs *less* noise. The Urbana ordinance should have been developed specifically for Urbana.

In contrast to Chicago, the Urbana ordinance and the proposed state law incorporate night-time standards (night is specified by time) which are generally lower than daytime levels.

The Urbana ordinance has not apparently been printed yet for public distribution. Not all of the necessary measurement equipment has been purchased. G. Locke proposed that University audiology students get experience by volunteering their talents to take sound level readings when the equipment becomes available.

Noise in Urbana will not cease, but the city may be quieter. There are 3 large hospitals, 2 of them on major traffic arteries which is an undesirable situation. The noise level in school rooms, *e.g.*, cafeterias, shop classes, is very high in some instances. The ordinance should help.

On the Federal level, noisy factories are theoretically covered by laws: The Walsh-Healy and the 1970 Occupational Safety and Health Act. In the proposed Federal legislation of transportation noise, the noise level of a vehicle is evaluated at the manufacture, or, for a used vehicle, at the dealer. However, if the vehicle is found to be in violation, it could be due to either a manufacturing defect or because the owner made the vehicle run louder. Determining responsibility may pose problems.

Several questions were raised by HIPS members. 1. What can be done about a neighbor mowing his lawn early in the morning? Dr. O'Neil suggested for periodic, short term noises it may be best to charge a nuisance violation rather than trying to get the EPA to come take a noise level measurement. 2. Are "ear defenders" available through Army surplus? These devices are similar to ear muffs but contain a liquid seal to keep out noise. Apparently they are no longer available. Dr. O'Neil suggested ear plugs which are good if properly fitted.

Dr. O'Neil informed us that there will be noise pollution hearings at different cities throughout Illinois. He suggested we go to the hearings and encouraged HIPS to support legislation on noise pollution. While the laws and ordinances may not go as far as we like, at least they're a beginning.

At the conclusion of Dr. O'Neil's talk, the meeting was adjourned.

SPECIAL ANNOUNCEMENT—CONCERNED ABOUT CLEAR-CUTTING AND TIMBER LANDS

O. L. Daniels, supervisor of the Bitterroot National Forest in Idaho, will discuss "Forest Management on the Bitterroot" on March 21st, at 180 Bevier Hall at 2:00 PM and again at 8:00 PM. The timber cutting on the Bitterroot has been a recent source of controversy between conservation groups and the Forest Service. The University of Illinois Department of Forestry is sponsoring Mr. Daniel's appearance, and they made a special effort to contact HIPS personally about attending these talks. Robert A Young, Forester, commended HIPS for "doing a fine job of promoting environmental concerns in our community." For background material, check out the article entitled "The Crisis of Our National Forests" in the December, 1971 issue of *Reader's Digest*.

NEWSNOTES—A SUMMARY OF CURRENT ENVIRONMENTAL NEWS

Mr. Sterling R. Kennedy has developed and is testing a device which turns industrial and residential sewage discharges into drinkable water.

MIT's Systems Dynamics Group has released a report as a part of their "Project on the Predicament of Mankind" which deals with crisis of diminishing natural resources.

Most U of I campus area stores do not carry non-phosphate detergents.

Gov. Ogilvie earmarked an advance of $226 million for construction of sewage treatment facilities to help in meeting the 1972 federal pollution control deadlines. $165 million of this is an anticipation of federal funds which Sen. Stevenson says has not been released by the Nixon Administration.

Gov. Ogilvie's budget suggests $600,000 for the IPCB to meet their court reporting costs and has decreased the amount allocated for water projects from last year. The entire allocation for EPA in the new budget is up from $8.49 million to $9.57 million.

Milton Cline of IIT has developed and is hoping to test a nonphosphate detergent which also does not contain any dangerous caustic substances.

Tests at the ESSO Research and Engineering Co. show that how you drive affects how your car pollutes the air.

The U.S. Supreme Court has been asked to assume jurisdiction in 3 cases involving pollution suits that affect 30 states in hopes of expediting the solutions.

The U.S. Agriculture Department believes the organically grown food may not be as economically and nutritionally sound as many people believe.

The U.S. Census Bureau reports fertility rates for poor women is dropping and narrowing the rate between poor and rich women.

Earth Week will not be coordinated on a national level this year according to leaders from 19 national environmental and educational organizations who met with Sen. Gaylord Nelson (D-Wisc.) recently.

The Limits of Growth, a new book prepared at MIT warns of the disaster faced by humanity until it halts the current rates of growth.

200,000 chickens have been confiscated in Maine because they are contaminated with poly-chlorinated biphenyls (PCBS), an industrial chemical.

The EPA has proposed a gradual mandatory reduction of lead in gasoline.

Bonnie Slocum of Carbondale reports that Japanese daisy, known here as a painted daisy has a deterrent effect on bugs. The plant, when ground up can be made into a harmless and effective insect spray.

State Rep. Webber Borchers has announced that he will join with central Illinois mayors who plan to fight the powers of the IPCB.

Oakley Dam fight—The City of Decatur which has joined with others in favor of Oakley Dam has requested the court suit be moved to Illinois. In Oreana, the Friends Valley Association has been formed to fight the proposed dam.

Feature Stories: Land Use Planning in Illinois.

Editorials: Urbana Incinerator Ordinance; Scenic Rivers Legislation; Nuclear-fuel electric power plants; Kickapoo Reservoir.

Pollution Free Car Engines (*Life*, Vol. 12, #8).

MESSAGE FROM THE PRESIDENT

February and March frequently find all of us plunged into the depths of lethargy and disinterest. If you find your get-up-and-go lagging, do not fear. With the first crocus of Spring, it will return. It had better, because there is much work ahead for all of us. HIPS is losing some vigorous and dedicated members—next September will see a decimation in our ranks that really scares me. But at the same time, new people are joining us all the time, and we must incorporate them rapidly into a working organization. Our telephone survey is moving right along and we'll soon be able to identify those who want to get involved. The information gained from the survey should prove very useful in picking out those people who have talents, experience, or just plain guts to give HIPS.

As a result of the mention in Rodal's *Env. Action Bulletin* about the McDonald study, over 130 requests have come to us from all over the country. It has proven an obvious point. People ARE genuinely concerned about wasteful packaging. We want to brainstorm soon on some ideas for attacking the corporate entity. Anyone who would particularly like to work on this project, please call me (367–1066) and we'll arrange a meeting soon. This could really be fun! The study was mentioned on Canadian radio.

We hear good things about HIPS all the time, and the day doesn't go by when some sort of compliment comes in over the telephone or through the mailbox. But we hardly sit on our laurels now—Earth Week-1972 lies ahead and an election year always offers the possibility of new priorities and decisions. Use your vote wisely. Acquaint yourself with each candidate's qualifications and give serious attention to his (or hers) environmental platform. Register to vote: A recent informal survey showed me an appalling number of HIPS members who were not registered. For shame! Make a special effort to attend the March general meeting—we've planned no fancy program—and hope to make time for socializing and getting better acquainted with each other. We'll be talking about plans for Earth Week and beyond. Be there!

ECO-WORKSHOP REPORT

(By Nan Ehrlich)

Some 40 people from 11 Illinois Counties spent Tuesday, February 29th in the Urbana Civic Center exchanging ideas and experiences related to environmental action at the local level. The morning session included a brief summary of HIPS history (Barbara Anderson), and a panel discussion on recycling (Sally Kraska), legislation (Laurel Prussing), and bikeways (Virginia Locke). The panel discussion ran slightly over the allotted 70 minutes. The group then toured the Twin City Recycling and Reclamation Center before returning to the Civic Center for the fantastic and well received eco-lunch. The menu and recipes appear elsewhere.

The afternoon session was a Show and Tell by our guests, which was very interesting and generated much discussion. There was also a brief review of the possibilities of HIPS lobbying as a group. The idea of united lobbying was warmly received although some of the already formed groups are not in a position to lobby, for various reasons. Establishment of a travel fund was also discussed. Further information available from Nan Ehrlich, 1508 Dawson Drive, Champaign, Ill. 61820. The participants engaged in a good deal of personal interaction on various subjects. Our guests were serious and attentive. Although affiliation would appear to be inappropriate at this time, there was no doubt that all of the groups and individuals could work together in various ways very well.

The Committee for the Eco-Workshop included Kathy Henry, Joan McTeer, Kit Foster, Sandy Batzli, John Hilsdorf, Kay Huddleston, Pat Dremuk, Pat Hosier, Barbara Anderson, and myself. Barbara foised the title of Coordinator onto me but luckily the committee coordinated itself which was a real pleasure. The members of the committee in particular Kathy Henry, went off and got other HIPS members to help and contribute in various ways with the lunch and as a result of initiative, cooperation, and cheerful willingness to work we had a successful day.

SOLID WASTE DISPOSAL

Since the last newsletter, I received a two-and-a-half-page letter from ASTRO (America's Sound Transportation Review Organization) giving comprehensive answers to the several questions I had posed. On the questions other than rate discrimination, Mr. Richard Briggs, executive director of ASTRO suggested that I look at the Surface Transportation Act, S. 2362 sponsored by Sen.

Hartke and H.R. 11207 sponsored by Rep. Adams and Senate Bills 1731 and 1730 dealing with freight cars. I have written for more detailed information on those bills.

On rate discrimination he replied: "The question of rates is more complex. The railroad industry does not believe it is discriminating against scrap metal by charging higher rates for it than for iron ore. Basically, the rate charged is related to the cost of shipping a particular item, and the cost of shipping iron ore is far less than the cost of shipping scrap iron.

Iron ore is moved largely in train-load lots, from one origin to one destination, with trains moving on a shuttle basis between mine and plant. This means that yard and switching functions can be largely eliminated, and, it also means that an extremely high utilization factor can be attained . . .

Scrap metal, however, cannot be moved in unit train operations because individual scrap yards do not usually generate more than a few car loads a week. This means that the cars must be picked up at a scrap yard, moved to a freight yard where they can be assembled into trains, and then put in another freight yard at the destination where the cars containing scrap are separated from other cars and finally moved to the steel plants. This process of assembly and disassembling trains is quite expensive and the expense must, of necessity, be reflected in rates.

Additionally, there is one other cost factor contributing to the higher rates charged scrap metals, and this is that scrap is much harder on a railroad car than is ore. Most scrap is loaded onto cars by means of magnets. Generally, rather than placing the scrap in the car before releasing the magnetic hold, the crane operators release the magnetic hold on scrap from a height of several feet above the car. The result of this is that cars devoted to scrap movements quickly become damaged, are in frequent need of repair, and must be replaced far more rapidly than cars used in hauling ore.

He continued to express his concern over environmental problems. As I am already familiar with railroad problems in general, I feel that this adequately represents their viewpoint and concerns. Therefore, I am studying the possibility of supporting legislation designed to improve railroads as an environmentally sound form of transportation. In exchange, I would hope that ASTRO and other railroad organizations might look more favorably on the problems of moving recycled and recyclable materials.

LEAD GLAZES ON FOOD CONTACT SURFACES

These recommendations and observations concern glazes intended for food contact surfaces:

1. Glazes consist of ingredients, often including lead, which melt together and become a glass at high temperatures.

2. Unless the glaze is properly formulated, handled, applied and fired, it can be dangerous both to the potter and to his customer.

3. No element, alone or in combinations, imparts all of the desirable properties to a glaze that lead does.

4. Although ceramic materials are very durable, glazes are not completely insoluble. Acids will extract ingredients from the glaze, including lead, if it is present. The amount of lead that may be extracted from any given glaze varies with the *chemical composition.* Other factors which have a direct bearing on the lead solubility are:

The ratio of ingredients.
Thickness of glaze application.
Time and temperature of firing.
The condition of the kiln atmosphere.

5. It will be evident from the text that glazes for use on food contact surfaces should not be combined. Blending of different glazes will disturb the "balance of ingredients," and retesting would be necessary before use.

6. It is often implied that removal of lead will make the glaze non-toxic. However, lead-free glazes may contain other potentially toxic heavy metals; and testing should be done to determine solubility for these as well.

7. Copper should not be added, either as a stain or mill addition, to any lead glaze intended for food contact surfaces. Regardless of how it is added, copper will increase the lead release of the glaze.

8. Raw lead compounds should not be used to make glazes for food service utensils. Only "low solubility" frits should be used because they are much safer.

9. Glazes must be retested if any changes are made in formulation, handling, application, or firing.

10. Persons formulating glazes for tableware should obtain and read the "ILZRO Manual, Lead Glazes for Dinnerware."

11. When ware is produced on a routine basis for food service, "screen testing" of production items should be done frequently.

12. Kilns should be operated under hoods vented to the atmosphere.

13. Scrupulously hygienic procedures should be observed in the ceramic workshop—no smoking, eating, or drinking. Every care should be exercised to avoid any possible transfer of toxic materials from hands and clothing to the mouth.

RADIOACTIVE ASHES IN THE KANSAS SALT CELLAR

That's the title of a three and a half page article by John Lear in the Feb. 19, 1972 issue of the *Saturday Review.* Lear recounts the adventures of the AEC in attempting to find a place to bury forever the radioactive waste of the over twenty atomic furnaces presently in operation in the United States. There is general agreement that salt beds are a suitable final resting place. The problem arose when the AEC conducted inadequate studies and then announced summarily that it was going to fill an abandoned salt mine under the town of Lyons and a thousand acres of excellent agricultural land with radioactive waste. A geology professor, William Hambleton, mulled over the announcement for 3 weeks, and then put his dissent into a letter and sent it off to the Governor. A little over a year later the AEC backed off, primarily because further information revealed that there appeared to be water somewhere in the salt, and that is very bad news for storing atomic waste. The article is very readable and informative. A companion article is in the Perspective Section, 1A, page 24, of the Sunday Mar. 12, 1972 Chicago Tribune.

Letters for individual action—Take pen in hand now and write!!!

Truth in Food Labeling Act—Bill #H.R. 8670—intro. by Cong. Benjamin S. Rosenthal of New York. Would require all ingredients in a food product to be listed. Would assist those with allergies, etc., to shop more carefully.

Bicycle Transportation Act of 1971. HR 9369—Koch of New York; S. 2440—Cranston, Tunney, California.

Would make Federal Highway Trust Funds available for development of bike lanes, trails, shelters, park facilities, and traffic control.

Trans-Alaska Oil Pipeline—Write to representatives and the President urging them to hold public hearings on the forthcoming TAPS environmental impact statement.

Scenic Rivers bill—(state legislature) The Scenic Rivers Bill provides that no agency, or political subdivision of this state shall undertake, sponsor, authorize, cooperate or participate in any of the following: (a) construction of impoundments which would have a direct and adverse effect on the scenic values. (b) diversion, straightening, riprapping or other substantial modification of the waterway. (c) mineral activity unless conducted in a manner that minimizes surface disturbance, sedimentation and pollution and visual impairment. The bill also has rules preventing the construction of roads, railroads or utilities.

Please take a minute right now to contact your representatives by letter or phone and urge his support for these bills.

WHAT DOES AGING MEAN?

Mr. PERCY. Mr. President, I am fortunate in having as one of my constituents a woman who is a nationally known expert on the subject of aging and human development. I am referring to Mrs. Bernice Neugarten, who is a professor and chairman of the University of Chicago's Committee on Human Development.

In an article printed in Psychology Today, Mrs. Neugarten put down her thoughts, based upon extensive research, on the subject of aging. Her views differ in some respects from my own observations, and they differ as well from some of the findings of the Senate Special Committee on Aging, of which I am a member.

I nonetheless agree with Mrs. Neugarten in many respects, and, in any case, I feel it is most important that we listen to different views—particularly those of experts in this field. As Mrs. Neugarten points out, our stereotypes about the young, the middle-aged, and the old influence our behavior in subtle ways. These stereotypes "affect our perceptions of appropriate and inappropriate behavior in ourselves and in other persons. They make it difficult to improve relationships among persons of various ages." At a time when the term "generation gap" has become a cliché, it is important for us to think more carefully about what growing old means for us as individuals, so that we can understand and better cope with this process.

In her article entitled "Grow Old Along With Me! The Best is Yet To Be," Mrs. Neugarten goes into her reasons for disagreeing with over-simplified views on aging and makes some uniquely interesting observations.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Grow Old Along With Me! The Best Is Yet To Be

Most of us have a half-conscious and irrational fear that one day we will find ourselves old, as if suddenly we will fall off a cliff, and that what we will be then has little to do with what we are now. Recent research has shown, however, that nothing could be farther from the truth.

It would be a gross over-simplification, of course, to say that no changes occur in personality as people move from middle age through old age, just as it would be a distortion to say that life-styles always remain consistent. But within broad limits—and with no overwhelming biological accidents—the pattern of aging is predictable for the individual if we know his personality in middle age and how he has dealt with earlier life events.

ARC

Several years' research that I and other investigators have done at the University of Chicago has led us to conclude that aging should be seen as one part of the continuous life cycle. It is shaped by the individual's past—his childhood, adolescence and adulthood. Like earlier periods in life, aging brings new situations and new problems. It calls for new adaptations.

Middle age and old age are eventful periods, and grandparenthood, retirement, widowhood, illness, and the recognition of approaching death can be as dramatic as anything that happens earlier. In adapting to the biological changes that are going on inside and to the social changes that are going on outside, the aging person draws upon what he has been as well as what he is. How else shall we account for the fact that one person copes well, another poorly, with the succession of late-life events?

Nevertheless, most people see aging as alien to the self and tend to deny or repress the associated feelings of distaste and anxiety. We have an irrational fear of aging and, as a result, we maintain a psychological distance between ourselves and older persons.

This irrational fear has its basis in our stereotypical thinking about age groups. Stereotypes about the young, the middle-aged and the old influence our behavior in subtle ways. They affect our perceptions of appropriate and inappropriate behavior in ourselves and in other persons. They constrain our attitudes and our actions. They make it difficult to improve relationships among persons of various ages.

ANIMUS

While the stereotyping of any age group is full of pitfalls, we are just now beginning to realize that stereotypes about aging and the aged create a particularly complex set of problems. In addition to making us fear aging, the stereotypes lead to a divisiveness in society at large that has been called ageism—that is, negative or hostile attitudes between age groups that lead to socially destructive competition. So long as we believe that old persons are poor, isolated, sick and unhappy (or, to the contrary, powerful, rigid and reactionary), we find the prospect of old age particularly unattractive. We can then separate ourselves comfortably from older persons and relegate them to inferior status.

Conflict between generations probably is a universal theme in history, but the intensity of the conflict and the focus of the hostility obviously fluctuate according to historical, social and economic factors. Some social scientists are alarmed that generational conflicts are increasing in the 1970s. Although the generation gap has been described mainly as a gap between the young and everybody else, it is entirely possible that conflicts will also appear in the other direction—that is, between the old and everybody else.

Anger toward the old may be on the rise. One of every 10 Americans is now 65 or older, and an industrialized society whose citizens live increasingly longer becomes in many ways a gerontocratic society. Older persons occupy an increasing proportion of power positions in judicial, legislative, economic and professional areas, and the young and the middle-aged often resent them. Older persons themselves are learning the politics of confrontation. The appeal to Senior Power and the recent growth of national organizations that act as advocates for older persons suggest that the conflict is being joined by those who might otherwise be its victims.

Stereotypes of the aged are difficult to dispel, largely because research on aging is a recent development in both the biological and the social sciences and research findings reach the public at a snail's pace. Many widely held but inaccurate images, inadvertently repeated through the mass media, come from social workers who serve the poor, the lonely and the isolated, and from physicians and psychiatrists who see the physically ill and the mentally ill. Thus we base many of our current stereotypes on a picture of the needy rather than on a picture of the typical older person.

Studies of large and representative samples of older persons are now appearing, however, and they go far toward exploding some of our outmoded images. For example, old persons do not become isolated and neglected by their families, although both generations prefer separate households. Old persons are not dumped into mental hospitals by cruel or indifferent children. They are not necessarily lonely or desolate if they live alone. Few of them ever show overt signs of mental deterioration or senility, and only a small proportion ever become mentally ill. For those who do, psychological and psychiatric treatment is by no means futile.

Retirement and widowhood do not lead to mental illness, nor does social isolation. Retirement is not necessarily bad: some men and women want to keep on working, but more and more choose to retire earlier and earlier. Increasing proportions of the population evidently value leisure more than they value work. Nor do retired persons sicken physically from idleness and feelings of worthlessness. Three fourths of the persons questioned in a recent national sample reported that they were satisfied or very satisfied with their lives since retirement. This is in line with earlier surveys. Most persons over 65 think of themselves as being in good health and they act accordingly, no matter what their physicians think.

CUT-OFF

The belief that 65 is a useful marker of old age is another stereotype. It was historical accident that set 65 as the age of eligibility for Social-Security payments. The decision reflected the economic situation and the manpower needs of the country in the 1930s. Age 65 otherwise has no reality as a turning point in the life of the individual. Because people are beginning to retire at earlier ages, perhaps we should call 60 or 55 the beginning of old age. Or, on the other hand, because 65-year-olds are generally more youthful today than their fathers were, and because longevity is increasing, perhaps we should use 75 as the marker. (The 1970 U.S. census shows that in the last 10 years the number of persons aged 75 and over increased three times as fast as the number of those aged 65 to 74.)

But the most insidious stereotype of all, in many ways, puts the old (or, for that matter, the young or the middle-aged) into a distinct category or a distinct group. There is, in truth, no such thing as "the" young, or "the" old. People *do* differ; they also become increasingly different over time, as each person accumulates an idiosyncratic set of experiences and becomes committed to a unique set of people, things, interests and activities. One has only to recall, for instance, the range of differences among the members of one's high-school graduating class and then to see these persons at a class reunion 25 years later. They are much more varied as 40-year-olds than they were as 18-year-olds. In a society as complex as ours, with increasing social permissiveness for people to follow their own bents, a good case can be made that—despite the counterpressures that create conformity—increased differentiation occurs over the life cycle.

To put the same point another way, calendar age or chronological age is a poor basis for grouping people who have attained biological maturity. Study after study of the happiness, intelligence, personality or health of adults has shown that age is a poor index of the differences between people.

PROBE

Older persons are not a homogeneous group, then, no matter from what perspective we look at them. This fact has become particularly clear to our group at Chicago in carrying out a long line of studies of middle age and aging over the past 15 years: studies of personality, of adaptational patterns, of career lines, of age-norms, of attitudes and values across social-class and generational lines. The number of men and women who have participated now totals more than 2,000. We based each study in the series upon a relatively large sample of normal persons; none was a volunteer and all were living in one or another metropolitan community in the Midwest.

One study that illustrates the point about heterogeneity focused on persons aged 70 to 79. We were pursuing these questions: Would retired persons who stayed actively engaged in various family and community activities be happier than those who were relatively inactive? How would longstanding personality differences affect these relationships? To find out, we gathered various psychological test data and conducted home interviews repeatedly over a seven-year period. We made systematic assessments in three areas: personality, degree of satisfaction with life, and extent of social-role activity.

In the area of personality, we assessed each person on 45 dimensions. Then, by appropriate statistical methods, we derived four major personality types, which we called integrated, defended, passive-dependent, and disintegrated.

POINTS

Our life-satisfaction measure involved five components. We rated an individual high to the extent that he 1) took pleasure from the round of activities that constituted his everyday life—the person who enjoyed sitting at home watching television could rate as high as the one who enjoyed his job; 2) regarded his life as meaningful and accepted responsibility for what his life had been; 3) felt he had succeeded in achieving his major goals; 4) held a positive self-image; and 5) maintained optimistic attitudes and moods.

For role-activity, we rated both the extent and the intensity of activity (that is, the amount of time and energy invested and the emotional significance attached) in each of 11 social roles: parent, spouse, grandparent, kin-group member, worker, homemaker, citizen, friend, neighbor, club-and-association member, and church member. For example, with regard to the role of spouse, we rated a man low if he lived with his wife but shared few activities with her other than perfunctory routines such as eating his meals in her presence. A man who planned and carried out most of his day's activities in the company of his wife rated high. We summed the ratings in the 11 roles to obtain a role-activity score.

We also asked about an individual's activities in each role area when he had been age 60, then systematically assessed the differences that had developed as time passed. For this group as a whole, activity levels had decreased and members showed levels of social interaction that were lower than they were when they were 60. Yet the more dramatic finding was the great range of differences in terms of present activity patterns and life-styles. Using our various sets of data for each person, we found eight major patterns among the four major personality types that follow:

1. Integrated. The majority of these 70-year-olds remained integrated personalities—well-functioning persons with complex inner lives, intact cognitive abilities and competent egos. They accepted and maintained a comfortable degree of control over their impulses; they were flexible and open to new stimuli, mellow and mature. All were high in life satisfaction. At the same time, they differed among themselves with regard to role activity and therefore showed different patterns of aging.

One pattern we called the *reorganizers,* competent people who were engaged in a wide variety of activities. They were the optimum agers in some respects—at least in the American culture, which places a high value on continuing to be active. These persons substituted new activities for lost ones; when they retired from work, they gave time to community affairs or to the church or to other associations. They reorganized their patterns of activity. One such person was a retired schoolteacher who, at 75, was selling life insurance and making more money than ever. He held elective office in an association of retirees, attended concerts and the theater with his wife, and visited regularly with friends.

Another group of complex and well-integrated personalities we called the *focused* because they had become selective in their activities, devoting energy to the few roles that were important to them. One was an emeritus university professor who, at 75, was still teaching, but only those courses she wanted to teach. She had withdrawn from organizations that she felt were needlessly time-consuming; she felt free to accept or decline invitations at will. It was a relief to have her husband at home now, because he did things around the house that she had had to do earlier, but otherwise, he played a very secondary role in her life. She seldom saw her children and liked it that way. She was glad to be free of responsibility, and to invest all her energies in her work.

A third pattern we called the *disengaged*. These were also well-integrated personalities with high life satisfaction, but with low activity; they had moved away voluntarily from role commitments, not in response to external losses or physical deficits, but because of preference. These were self-directed, though not shallow, persons. They were interested in the world, but they were not imbedded in networks of social interaction. They had high feelings of self-regard, just as the first two groups did, but they had chosen the "rocking-chair" approach to old age—a calm, withdrawn, but contented pattern. One was a retired man who had dropped his club memberships, seldom saw his former work colleagues or friends, and welcomed the opportunity to lead relaxed life at home, visiting with his children and grandchildren, gardening a little, and occasionally helping his wife around the house.

2. Defended. In the next major personality category were men and women whom we called "armored" or "defended." These were the striving, ambitious, and achievement-oriented persons who drove themselves hard. They had high defenses against anxiety and needed to maintain tight control over impulse life. This personality group provided two patterns of aging.

The *holding-on* pattern included the persons who said, "So long as you keep busy, you'll get along all right," or "I'll work until I drop." This group had medium to high life satisfaction because they managed to maintain relatively high levels of activity. One such woman had been an office worker all her life, had never married, and regarded herself as strong and tough. She said that when she was younger she was much too busy to feel lonely; now that she was retired, she kept busy as the historian and recording secretary for the local DAR. She had arteriosclerosis and had suffered a heart attack five years earlier, but she said that she did not let her illness get her down: "You can't slow down just because you happen to have some physical limitations."

The other group of defended personalities we called the *constructed*. These persons were busy defending themselves against aging; preoccupied with losses and deficits, they constructed their social interactions and shut out new experiences, fending off what they seemed to regard as imminent collapse. Given their personalities, their approach to the world worked fairly well, and they had medium or even high levels of satisfaction and contentment. Mr. B, for example, had worked out elaborate rituals for maintaining his health. He talked of little else. He and his wife spent hours shopping for just the right foods, and they made vegetable juices fresh every day. He took long drives into the country each week to bring back pure spring water. He was not much different now, he said, from when he was younger. All his life he had been cautious about himself, and even as a young man he "always thought twice before making any rash decisions."

3. Passive Dependent. Among members of the passive-dependent group, there were also two patterns of aging.

The *succorance-seeking* were those persons with strong dependency needs who sought responsiveness from others. They showed medium levels of activity, for the most part, and medium satisfaction with life; they did fairly well so long as each had at least one or two other persons to lean on. One woman, for example, looked back to the time when her husband was alive because he always took such good care of her. Now she was diabetic and felt particularly helpless. But she said she counted on her son, who lived in the same city and visited her every day. He took her shopping on Saturdays, paid all her bills and saw to it that she took her medicine.

There were a small number of the *apathetic*, those in whom passivity was the most striking personality feature. They had few activities and very little interaction with others; they showed little interest in the world about them. Life was hard, they said, and there was never much that could be done about it, was there? One, for instance, was a woman who limited her activities entirely to meeting her physical needs and caring for her two cats. She seldom interacted even with her brother and sister-in-law, who lived on the floor above her, because, as she said, "They are old and sick, too, and don't go anywhere."

4. Disintegrated. Finally, there were a few whom we called the disintegrated or *disorganized*, persons who showed gross defects in psychological functions and deterioration in thought processes. They managed to maintain themselves in the community, either because of protective families or because of the forbearance of the people around them. Mr. G, for instance, was a paranoid, isolated man who lived in a run-down section of the city. He did a little janitorial work around the building in exchange for a room in the basement.

OTHERS

These eight patterns do not exhaust the variations we found in this group of 70-year-olds, and the group itself did not include the full range. There are, of course, some persons in their 70s who are too ill to be interviewed, a small number who live in hospitals and homes for the aged, and a few who have moved to leisure communities in the South and Southwest.

But it is the variation rather than the similarity among 70-year-olds that is impressive. And the diversity is likely to become even greater in the future. At present, there is an over-representation of the foreign-born, the poorly educated and the poor among those who are 65 and over. In future decades, with better health, more education and more financial resources, older men and women will have greater freedom to choose life-styles that suit them.

Another point is equally important. The individuals we studied in such great detail over seven years seemed to show relatively consistent patterns of coping and adjustment. Although we had no systematic data gathered when these persons were young or middle-aged, we knew a great deal about their life histories and we had information from family members. The general picture was one of personality continuities over time.

BRIDGE

Looked at realistically, then, and with the stereotypes dispelled, aging is not a leveler of individual differences. For most people it brings no sudden and drastic transformation of personality. This being so, aging will not separate the individual's present from his future self. Just as every person changes as he grows up, he will continue to change as he grows old. But aging will not destroy the continuities between what he has been, what he is, and what he will be, Recognition of this fact should lessen the fear of growing old. At the social level, the knowledge that our stereotypes are ill-founded should make older persons seem less distant and less alien, and should help to bridge the psychological barriers between people of different ages.

MILWAUKEE JOURNAL FINGERS FALSE PHILOSOPHY

Mr. PROXMIRE. Mr. President, the Milwaukee Journal editorialized in April 1 about the Navy's proposal to spend $400 million more than necessary in this fiscal year just to be in a position to get more next year.

The Journal summed it up tellingly in this paragraph:

> No matter what the rationale to justify such a procedure, it is wasteful. It assumes that all procurement decisions anticipated when the annual budget was drawn up are correct, that there is no possibility of saving a dime. Such a philosophy is nonsense.

Mr. President, I ask unanimous consent that the Journal's editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FULL SPEED AHEAD ON SPENDING

Sen. Proxmire has caught the Navy with its plans down on material weapons procurement. The senator turned up a directive from the chief of naval operations ordering various service elements to "spend" lest Congress not provide as much money in next year's budget.

No matter what the rationale to justify such a procedure, it is wasteful. It assumes that all procurement decisions anticipated when the annual budget was drawn up are correct, that there is no possibility of saving a dime. Such a philosophy is nonsense.

The shame of such thinking is not limited to the Navy. Spending to the limit of the appropriation is age old standard operating procedure for large bureaucracies, both public and private. A lot of taxes could be saved and profits made if such attitudes could be overcome. In the nature of bureaucracies, there is not much of a chance.

ADAPTING TO THE UNDESIRABLE WITHOUT BEING AWARE OF IT

Mr. PACKWOOD. Mr. President, the human animal seems to be miraculously able psychologically, and in some cases physically, to adapt to its environment—a trait which may have some beneficial short-run value, but a trait which may in the long run prove to be one of the specie's greatest frailties. A slow moving but steady wave of change is not so disruptive and attention getting as the large swift one, hence it is often accepted and adapted to without much awareness or thought.

Couple this with another human trait—of perceptions and concerns concentrating much more strongly on the immediate future and immediate self and associates, versus long-range future and broader segments of society—and you have compounded the situation which leads to complacency, limited perception and ready adaptation to the major forces moving about us.

We are all aware that it takes a crisis of considerable magnitude to rile sufficient concern to bring about needed and adequate changes. We will not deal with strike situations until the country has been brought to its knees by a strike; we will not enforce air pollution regulations until a severe and specific air pollution incident occurs where the health of people is seriously and dramatically impaired or life is terminated. We will not curtail auto traffic until the congestion results in a physical stoppage where no one can move. At the rate we are going, we will not adequately deal with most of our environmental problems until a crisis underscores the necessity for strong action. But at that point, we will have lost the opportunity for choice among the array of remedial options which we may have once had had we acted sooner, and more importantly, much damage will have occurred which is irreversible and too late to correct despite our state of awakenness to reality. Again, prevention is so much better than cure.

In this day where the major forces of influence about us are moving at exponential rates, we are conspicuously trying to cope with and remedy problems by applying solutions at arithmetic rates. As a result, we find the problem continues to intensify at a rate faster than the solution which comes along behind it, and on balance, the problem seems to worsen despite arresting efforts. Again, we have been too late with too little.

We are in an age where real solutions will often have to be so strong as to appear tainted by radicalism or they will be meaningless. We need some bold initiatives. We are at a time when we must stop passively and submissively accommodating every pressure and "demand" which comes our way just because we are told that this is what's coming and we had better find a way to cope with it. We must begin to identify the quality of environment we feel is acceptable and desirable, and then influence and direct and constrain the various forces and demands about us in such a way as to assure achievement and sustenance of the precious quality of environment standards which we have identified.

It is so much easier to talk strongly, as I am doing here, than to act strongly. But if we don't all do our part to rapidly heighten our perceptions of the nature and magnitude of the major forces at play in the world around us, and take full charge of their direction, our destiny will almost assuredly be much less pleasant than it could be.

Mr. President, at this point I ask unanimous consent that a recent article from the Washington Post by Coleman McCarthy be printed in the Record. Mr. McCarthy expresses, better than I have and in much greater detail, the dilemma we face in our lack of perception and in our apathy to deal with the gentle but persistently forceful wave which threatens to overwhelm us without our being aware of what is really happening.

There being no objection, the article was ordered to be printed in the Record, as follows:

Earth Week and Small Losses—Pollution Is Bad, Adapting to It Is Worse

(By Coleman McCarthy)

New movements breed new words. Two years ago during Earth Week, it was ecology. This year it is ecocide. Defined, ecocide means that unless a firm brake is applied soon on how we are feverishly abusing our resources, the earth is a runaway planet doomed shortly to collapse. Yet, as much as we may be an endangered species, it is hard to imagine a total wipe-out. Every disaster, no matter how heavy the downpour of tragedy, always has a few survivors who get to a dry ground of safety. Instead of worrying about deadlines for extinction, thought needs to be given to a danger even closer and even more fearsome: adaptation. The greatest horror is not that we are killing the land and possibly ourselves, but that we calmly adapt to it.

Because adaptation to pollution is made in small fits, we see each giving-in as only a minor loss, not a big one. If pollution came in killer doses, we say, then we'd fight back; but why sweat the small stuff? Adaptation is easier.

For example, a city park is taken over for a new highway, so the neighborhood people adapt and use another park a mile away. A stream through that park has been contaminated by the town's power plant, so the people are told to fish upstream, 30 miles away. They go upstream but a chemical factory blackens the air there with smoke, so breathing is bad. They are told to go across the state line 100 miles away, where there are tough clean air laws. They go, but a new airport for jumbo jets is going up, so the noise will prevent sleeping at night. In desperation, they decide to go 2,000 miles away, to buy some land in the remote hills of the north country. When they arrive, the air, earth and water are clean all right, but the spread of land they bought has a new neighbor: the Defense Department, building ABM silos.

Each loss along the way was only a small one, penny ante stakes, but in the end, the adapting citizens found their fortune—their environment—taken away. The statistics of pollution show that we've been adapting well; much of America lives comfortably with the following:

50 per cent of the nation's drinking water has been discharged only a few hours before from some industrial or municipal sewer. In the last 10 years, 128 known outbreaks of diseases or poisoning have been caused by contaminated drinking water.

Pesticides killed 6 million fish in one recent year.

Strip mining may soon claim 71,000 square miles of American land, an area the size of Pennsylvania and West Virginia combined.

In one Washington inner city neighborhood, 25 per cent of the children tested under six showed high levels of lead in the blood. The source is now seen to be not only paint; which the children eat, but breathed air made foul by car exhaust containing lead.

By 1976, we will have the disposal problem of 58 billion non-returnable bottles and cans.

40 million pounds of dog dung are deposited annually on streets by dogs in New York City.

That most people become good sheep and adapt to these horrors may be a tribute to human flexibility; but isn't something subtracted from the sum of the person's individuality and emotions? A clear equation is created: adapt to the subhuman and you may become subhuman too. No one reverts to become King Kong overnight, but the chance for some loss in humanity is present. Dr. Rene Rubos, a sensitive scientist who does not believe that mere survival is enough, has written: "It is not man the ecological crisis threatens to destroy but the quality of human life, the attributes that make human life different from animal life. Wild animals can survive and even multiply in city zoos, but at the cost of losing the physical and behavioral splendor they possess in their natural habit. Similarly, human beings can almost certainly survive and multiply in the polluted cage of technological civilization, but we may sacrifice much of our humanness in adapting to such conditions." (Life Magazine, July 4, 1970.)

Like pollution, adaptation comes in many forms. Much of it results from laziness—better to yield than fight—but much also is caused by other reasons. The inner city poor, who must suffer pollution at its most fetid, often have no choice except adaptation to their conditions. Jerome Kretchmer, head of the New York City Environmental Protection Administration, tells about a ghetto mother who was seen "air mailing" her garbage. This maneuver means she put her refuse into bags and hurls them from her tenement window into the vacant lot below. When asked why she air mailed, Kretchmer told the Senate Subcommittee on the Environment: she "said she used to carry her garbage down the four flights, but she grew afraid of running the gauntlet of addicts roaming the hallways of her building, and afraid of a rat attacking her child while she was doing so. In other words, as offensive as 'air mailing' is, it had a sound internal logic according to the conditions under which she was forced to live."

Politically, crime in the streets is much safer to condemn from the rostrum than filth in the streets. Concerning the ghetto poor, however, a few politicians are breaking away from saying that filth—car exhaust, for example—may be victimizing people in deadly ways. Hopeful talk is being heard about banning cars from parts of cities. James P. Alexander, Washington's director of the Department of Environmental Services, said recently before the Senate: "In city after city across the country, traffic moving through the clogging inner city streets builds up pockets of air pollution that pose an invisible threat to health. In Washington alone, there are now identified 10 intersection areas where carbon monoxide counts exceed 35 parts per million much of the day. That does not sound like much. But look at it from the point of view of an inner city resident. No air conditioner. No humidifier. Windows open. Children with sickle cell anemia and needing all the oxygen they can breathe 24 hours a day. This affects health . . .

"What must a city do? In this department, we are shortly going to be seeking some rerouting of traffic, possibly some closing of areas to motor vehicles. We know that this will excite resistance from a number of the community sectors. But the step must be taken . . . if we are to move meaningfully forward against the effects of air pollution . . . Automobiles account for 98 per cent of the carbon monoxide emitted into Washington's air. While other pollutants cause serious problems, the adverse physiological effects of carbon monoxide warrant special attention . . . If we are really to protect our people, we soon must consider establishment of massive fringe parking areas, inexpensive shuttle bus service downtown and banning of privately operated cars in large central city areas."

A second form of adaptation is the kind found not among those trapped in the slums but among those comfortable in the suburbs. Not only can they escape or block out the worst assaults of pollution but they believe the mild assaults they do feel are only temporary. In the debate to get lead out of gasoline, for example, many accept the argument that we must be reasonable and face "the economic realities," not just the environmental ones. Thus, people like Kretchmer and Alexander who talk about banning cars (Kretchmer: "I don't think you need a car in New York at all") sound like wildmen compared to those calling for "reason." After all, if lead comes out of gas, it will cost more and you won't get good mileage. Yet, the Kretchmers persist. He asks: "Is it important that people get good mileage? Is that greater economy than children whose brains get addled?"

A third cause for widespread adaptation is that many citizens are not even aware a problem exists. Jerome Kretchmer teaches a class at the New School in New York. When he came to the subject of garbage, "I took them out to the landfill and there was nothing so overwhelming as standing there a couple of hours and watching 650-ton barges loaded with New York City's refuse being unloaded at the rate of 14,000 tons a day and watch it get carried out a mile, two miles, to the landfill site and see it get dumped and watch these wagons come back . . . You have the feeling it is never ending, you have the sense you are never going to get rid of it and that no systems are being designed to create less of it. We are up against it on both sides. I testified here (before the Senate Subcommittee on the Environment) about how much waste was being created and I felt when I left that we had made very little impact on the people that make the waste, the manufacturers, the bottlers, packagers, all the usefuless products that get sold in our society."

"Very little impact" is right. Not only is the one-way container industry intent on keeping on with the throwaway system, but many of its members lead an organization called Keep America Beautiful. Its message? Don't litter. Thus, they tell the lone consumer not be messy around the neighborhood, as if putting a can in the litter basket really gets rid of it. Sen. Gaylord Nelson points out that instead of the 25.6 billion non-returnable cans and bottles we had to try to dispose of in 1958, we will be inundated by the disposal problem of 58.1 billion non-returnables in 1976. "We must view with bitter irony the possibility that the pyramid for our affluent and productive age may prove to be a massive pile of indestructible bottles, cans and plastic containers paid for by the collective sweat of the public brow." Paid for in money, too. A current article in the excellent monthly "Environment" says that beverages in returnable bottles are actually about 30 per cent cheaper than in cans or throwaways.

Is there any hope, is there anyone who isn't adapting to pollutions? Surprisingly, large numbers of lone citizens, groups, even whole communities, are part of the new environmental resistance. City officials in Oberlin, Ohio, for example, passed a stiff law in January making it illegal to sell, offer for sale, or even possess non-returnable cans or bottles. Industry Week magazine reports officials as saying "a significant dent" in their solid waste problem has been made. Six weeks ago, in rural Adam County, Pennsylvania, a citizens group convinced HUD to stop a developer from mistreating the land. In eastern Kentucky and Tennessee, two citizens' groups are campaigning to stop strip mining, the first time the voice of impoverished mountain people has been heard on this outrage.

If by Earth Week next year, or the years after, groups like these multiply, and the philosophy of non-adaptation spreads, then possibly the ecocidal deadlines will be wrong. The small losses will be truly seen—and rejected—as big ones.

THE LOAN GUARANTEE TO LOCKHEED AIRCRAFT CORP.

Mr. PROXMIRE. Mr. President, Wednesday, April 12, Elmer Staats, Comptroller General of the United States, testified before the Senate Banking, Housing and Urban Affairs Committee that the Secretary of the Treasury has denied the General Accounting Office access to the books and records of the Emergency Loan Guarantee Board in connection with the Government loan guarantee given to the Lockheed Aircraft Corp.

On the basis of the testimony of the Comptroller General, I asked the chairman of the committee, Senator John Sparkman, to hold further hearings on this matter and to invite Secretary Connally to testify in these hearings.

Senator Sparkman has authorized me to go ahead with such hearings and to preside over them in his absence. I have therefore invited Secretary Connally to respond to the very serious charges made by the Comptroller General.

Last year the Senate, by a bare one-vote margin, passed the Emergency Loan Guarantee Act in order to bail out the Lockheed Corp. from its financial difficulties with a $250 million loan guarantee.

Under the act, the Emergency Loan Guarantee Board was created to administer the loan. The Board is composed of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. The Secretary of the Treasury is designated as Chairman of the Board.

The act sets out limitations and conditions for the extension of a loan guarantee requiring the Board to make specific determinations of entitlement.

The act also directs the General Accounting Office to make detailed audits of the books of any borrower under the act and to report the results to the Board and to Congress. Of course, the act was set up for the benefit of Lockheed, and the only loan approved under it is to that company.

In order to carry out its responsibilities, the GAO needs to have access to the books and records of the Emergency Loan Guarantee Board as well as of Lockheed.

The law giving GAO access to the books and records of the Emergency Loan Guarantee Board as well as all other Government agencies and boards is clear and well known. GAO's right of access has existed since passage of the Budget and Accounting Act of 1921 and has been expanded and reinforced by the Legislative Reorganization Act of 1946 and the Accounting and Auditing Act of 1950.

It has not been necessary to renew GAO's right of access each time a new agency or board is created. Numerous Government boards have been established in recent years and all of them have submitted their books and records to inspection by GAO.

According to the Comptroller General, Mr. Connally is in clear violation of the law when he denies GAO access to the records of the Emergency Loan Guarantee Board.

I asked the Comptroller General about the Lockheed loan in the hearings on April 12. It was pointed out that under the Budget and Accounting Act of 1921, "all departments" are directed to "furnish to the Comptroller General such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may, from time to time, require of them." It should be emphasized that this act imposes a duty on the heads of all Government agencies, as well as the GAO. The question I raised with the Comptroller General was whether he had been able to meet his statutory responsibilities under the Lockheed bail-out act and the Budgeting and Accounting Act.

The following exchange then took place between the Comptroller General, Mr. Staats, and myself:

Mr. Staats. I have previously testified before the Congress that we have had good cooperation from the contractor, Lockheed Corporation. But for reasons which are not at all clear to us, the Board has refused us access to any records of the Board.

Senator Proxmire. What Board is that?

Mr. Staats. I am referring here to the Emergency Loan Guarantee Board, which is chaired by the Secretary of the Treasury, also the Chairman of the Federal Reserve Board, and the Chairman of the Securities and Exchange Commission. It is staffed by the Treasury Department.

I have had two exchanges of letters with the Secretary. The most recent was March 30th. But in both cases, the Secretary has turned us down. In my initial letter on this to the Treasury, dated September 21, 1971—this was occasioned by the informal refusal on the part of the staff of the Board to make available any of the records of the Board.

The refusal which I received from the Treasury Department dated December 9th indicated they were turning us down on the basis that the law did not specifically give us this authority.

Senator Proxmire. Isn't the Secretary of the Treasury in flat contradiction of the law, as I read it? I just read it to you. It seems to me it is very clear, very explicit.

Mr. Staats. Mr. Chairman, I reminded the Secretary in a further letter, then, replying to his letter, that we did not think they had given adequate consideration to the basic statutory authorities of our office, namely, the Budget and Accounting Act of 1921 and the 1950 Act.

And it would indeed, then, have been unnecessary for the Congress to repeat that authority, and it does not repeat that authority in successive pieces of legislation. So I asked him to take a look at it, as a personal matter, to be sure that they had given full consideration to our basic authority.

Under date of March 30, 1972, I have a further letter in which he says, "On the basis of my review of the matter, I continue to believe that the conclusion reached by the Board at its November, 1971 meeting as set forth in my letter to you of December 9th, 1971, was correct and that it was not the intent of Congress that the decisions of the Board be reviewed by the General Accounting Office. In reaching that conclusion, the Board and its staff gave careful attention to the provisions of the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946, and the Accounting and Auditing Act of 1950."

Senator Proxmire. Let me just interrupt to say, Mr. Staats, that I can't understand that letter from Mr. Connally, that it was not the intent of the Congress.

I was involved, as you know, very deeply in this, and it was certainly my intent—it is true that it was not discussed in any kind of colloquy on the floor, but I know of nobody who wouldn't have expected that the General Accounting Office would do what it was required to do under the law with respect to all of these matters.

Mr. Staats. Mr. Chairman, it would not have been necessary for the Congress to discuss it. The same practice is followed on many other pieces of legislation.

I personally think it is a clear violation of the law, and I am very much concerned about it.

Senator Proxmire. Let me say that I have known you for some time, Mr. Staats, and as you may know, I have been somewhat disturbed at your mildness. I felt that you have been very gentle, and that is a marvelous quality, but I felt maybe it would be better if you were a little tougher.

This is the first time I have ever heard you take a position saying that anybody was in violation of the law, and I am most impressed by the fact that it comes from you.

Mr. Staats. Mr. Chairman, the Congress in the past, when it has wanted to make exceptions to our basic statute, has done so explicitly. I can cite you—I have a list here of this type.

For example, the expenses allowance at present, the expense for the White House Office, the CIA, emergency or extraordinary expenses of the Department of Defense, emergencies in the diplomatic service in the Department of State, Offshore Procurement by the Agency for International Development, the Comptroller of the Currency, the Federal Reserve System.

Now, this has been a specific, positive action on the part of the Congress when they wished to take exception to our basic statutory power.

Let me cite you another one which involves the Treasury Department. In the Gold Reserve Act of 1931, they authorized establishment in the Treasury of a stabilization fund for the purpose of stabilizing the exchange value of the dollar, to be operated under the exclusive of the Secretary of the Treasury, with the approval of the President, whose decision shall be final and not subject to review by any other officer of the United States.

Now, that clearly excluded our office. But only in 1970, the Congress, by law amended that Act to provide for authority to our office to review the administrative expenses of the Fund.

Now, I cite this as a case involving the Treasury Department where Congress, in the one instance, denied our office access to records, and now have modified that in some respects.

I do not know why the Secretary of the Treasury has taken this view, particularly against the history of the fact that there have been many other agencies——

Senator Proxmire. What could he be trying to hide, here? Why wouldn't he be willing to disclose this unless it is something that would be adverse to Lockheed, something adverse to the fight that he waged so hard to win, and led the fight, of course, for, very successfully?

Mr. Staats. Mr. Chairman, I have known the Secretary for many years, having worked with him when I was in the Bureau of the Budget, and he was in the Defense Department. I cannot under any conceivable line of reasoning understand why he has taken this position.

I am most disturbed by the allegation that the Secretary of the Treasury has flatly refused to comply with what the Comptroller General has determined is the law in this case. If the Comptroller General is right, such arrogant defiance of the law by a high Government official goes to the heart of our system. It unsettles the people's already shaky confidence in the Government.

Why should a taxpayer, for example, make his books and records available for auditing by the Internal Revenue Service when the Secretary of the Treasury would not make the books and records of a government board available for auditing by GAO?

Unfortunately, the statues giving GAO access to books and records of Government agencies lack teeth. There appears to be no way to enforce this right. There is no penalty under the existing law for violations of it.

I asked the Comptroller General in the same hearings whether GAO had any recourse against the Secretary of the Treasury for refusing to comply with the statutes regarding access to books and records of Government agencies. Mr. Staats replied that there was no recourse.

In his own words:

> We have no recourse, unless this Congress is willing to either take us out or make it clear that we are responsible. I do not want to be responsible for auditing an agency where I am denied the records, and then still carry that responsibility to the Congress.

Of course, we have only heard one side of the question so far. I am thus reserving final judgment until Secretary Connally has an opportunity to explain his position. In view of the seriousness of the charges that have been made, I am confident that he will personally want to take advantage of this opportunity.

The Comptroller General, after all, is a highly respected and distinguished public official. He does not make such accusations lightly, and I do not believe they are to be taken lightly by anyone.

Mr. President, I ask unanimous consent to insert in the Record, Public Law 92–70, "The Emergency Loan Guarantee Act," and the series of correspondence between the Comptroller General and the Secretary of the Treasury.

Regardless of the legal arguments involved, I cannot understand why Mr. Connally is concealing the records on the Lockheed bailout loan. What he is trying to hide? If he has complied with the law, why is he afraid to let the GAO examine the records on the Lockheed loan? His refusal to open the books certainly does not inspire public confidence in the soundness of the Lockheed loan.

There being no objection, the material was ordered to be printed in the Record, as follows:

[Public Law 92–70, 92d Cong., H.R. 8432,
Aug. 9, 1971]

An act to authorize emergency loan guarantees to major business enterprises

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Emergency Loan Guarantee Act".

ESTABLISHMENT OF THE BOARD

Sec. 2. There is created an Emergency Loan Guarantee Board (referred to in this Act as the "Board") composed of the Secretary of the Treasury, as Chairman, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Securities and Exchange Commission. Decisions of the Board shall be made by majority vote.

AUTHORITY

Sec. 3. The Board, on such terms and conditions as it deems appropriate, may guarantee, or make commitments to guarantee, lenders against loss of principal or interest on loans that meet the requirements of this Act.

LIMITATIONS AND CONDITIONS

Sec. 4. (a) A guarantee of a loan may be made under this Act only if—

(1) the Board finds that (A) the loan is needed to enable the borrower to continue to furnish goods or services and failure to meet this need would adversely and seriously affect the economy of or employment in the Nation or any region thereof, (B) credit is not otherwise available to the borrower under reasonable terms or conditions, and (C) the prospective earning power of the borrower, together with the character and value of the security pledged, furnish reasonable assurance that it will be able to repay the loan within the time fixed, and afford reasonable protection to the United States; and

(2) the lender certifies that it would not make the loan without such guarantee.

(b) Loans guaranteed under this Act shall be payable in not more than five years, but may be renewable for not more than an additional three years.

(c)(1) Loans guaranteed under this Act shall bear interest payable to the lending institutions at rates determined by the Board taking into account the reduction in risk afforded by the loan guarantee and rates charged by lending institutions on otherwise comparable loans.

(2) The Board shall prescribe and collect a guarantee fee in connection with each loan guaranteed under this Act. Such fee shall reflect the Government's administrative expense in making the guarantee and the risk assumed by the Government and shall not be less than an amount which, when added to the amount of interest payable to the lender of such loan, produces a total charge appropriate for loan agreements of comparable risk and maturity if supplied by the normal capital markets.

SECURITY OF LOAN GUARANTEE

Sec. 5. In negotiating a loan guarantee under this Act, the Board shall make every effort to arrange that the payment of the principal of and interest on any plan guaranteed shall be secured by sufficient property of the enterprise to collateralize fully the amount of the loan guarantee.

REQUIREMENTS APPLICABLE TO LOAN GUARANTEES

Sec. 6. (a) A guarantee agreement made under this Act with respect to an enterprise shall require that while there is any principal or interest remaining unpaid on a guaranteed loan to that enterprise the enterprise may not—

(1) declare a dividend on its common stock; or

(2) make any payment on its other indebtedness to a lender whose loan has been guaranteed under this Act.

The Board may waive either or both of the requirements set forth in this subsection, as specified in the guarantee agreement covering a loan to any particular enterprise, if it determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee.

(b) If the Board determines that the inability of an enterprise to obtain credit without a guarantee under this Act is the result of a failure on the part of management to exercise reasonable business prudence in the conduct of the affairs of the enterprise, the Board shall require before guaranteeing any loan to the enterprise that the enterprise make such management changes as the Board deems necessary to give the enterprise a sound managerial base.

(c) A guarantee of a loan to any enterprise shall not be made under this Act unless—

(1) The Board has received an audited financial statement of the enterprise; and

(2) the enterprise permits the Board to have the same access to its books and other documents as the Board would have under section 7 in the event the loan is guaranteed.

(d) No payment shall be made or become due under a guarantee entered into under this Act unless the lender has exhausted any remedies which it may have under the guarantee agreement.

(e) (1) Prior to making any guarantee under this Act, the Board shall satisfy itself that the underlying loan agreement on which the guarantee is sought contains all the affirmative and negative covenants and other protective provisions which are usual and customary in loan agreements of a similar kind, including previous loan agreements between the lender and the borrower, and that it cannot be amended, or any provisions waived, without the Board's prior consent.

(2) On each occasion when the borrower seeks an advance under the loan agreement, the guarantee authorized by this Act shall be in force as to the funds advanced only if—

(A) the lender gives the Board at least ten days' notice in writing of its intent to provide the borrower with funds pursuant to the loan agreement;

(B) the lender certifies to the Board before an advance is made that, as of the date of the notice provided for in subparagraph (A), the borrower is not in default under the loan agreement: *Provided*, That if a default has occurred the lender shall report the facts and circumstances relating thereto to the Board and the Board may expressly and in writing waive such default in any case where it determines that such waiver is not inconsistent with the reasonable protection of the interests of the United States under the guarantee; and

(C) the borrower provides the Board with a plan setting forth the expenditures for which the advance will be used and the period during which the expenditures will be made, and, upon the expiration of such periods, reports to the Board any instances in which amounts advanced have not been expended in accordance with the plan.

(f) (1) A guarantee agreement made under this Act shall contain a requirement that as between the Board and the lender, the Board shall have a priority with respect to, and to the extent of, the lender's interest in any collateral securing the loan and any earlier outstanding loans. The Board shall take all steps necessary to assure such priority against any other persons.

(2) As used in paragraph (1) of this subsection, the term "collateral" includes all assests pledged under loan agreements and, if appropriate in the opinion of the Board, all sums of the borrower on deposit with the lender and subject to offset under section 68 of the Bankruptcy Act.

INSPECTION OF DOCUMENTS; AUTHORITY TO DISAPPROVE CERTAIN TRANSACTIONS

SEC. 7. (a) The Board is authorized to inspect and copy all accounts, books, records, memoranda, correspondence, and other documents of any enterprise which has received financial assistance under this Act concerning any matter which may bear upon (1) the ability of such enterprise to repay the loan within the time fixed therefor; (2) the interests of the United States in the property of such enterprise; and (3) the assurance that there is reasonable protection to the United States. The Board is authorized to disapprove any transaction of such enterprise involving the disposition of its assets which may affect the repayment of a loan that has been guaranteed pursuant to the provisions of this Act.

(b) The General Accounting Office shall make a detailed audit of all accounts, books, records, and transactions of any borrower with respect to which an application for a loan guarantee is made under this Act. The General Accounting Office shall report the results of such audit to the Board and to the Congress.

MAXIMUM OBLIGATION

SEC. 8. The maximum obligation of the Board under all oustanding loans guaranteed by it shall not exceed at any time $250,000,000.

EMERGENCY LOAN GUARANTEE FUND

SEC. 9. (a) There is established in the Treasury an emergency loan guarantee fund to be administered by the Board. The fund shall be used for the payment of the expenses of the Board and for the purpose of fulfilling the Board's obligations under this Act. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof.

(b) The Board shall prescribe and collect a guarantee fee in connection with each loan guaranteed by it under this Act. Sums realized from such fees shall be deposited in the emergency loan guarantee fund.

(c) Payments required to be made as a consequence of any guarantee by the Board shall be made from the emergency loan guarantee fund. In the event that moneys in the fund are insufficient to make such payments, in order to discharge its responsibilities, the Board is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions as may be prescribed by the Board with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes and obligations.

FEDERAL RESERVE BANKS AS FISCAL AGENTS

SEC. 10. Any Federal Reserve bank which is requested to do so shall act as fiscal agent for the Board. Each such fiscal agent shall be reimbursed by the Board for all expenses and losses incurred by it in acting as agent on behalf of the Board.

PROTECTION OF GOVERNMENT'S INTEREST

SEC. 11. (a) The Attorney General shall take such action as may be appropriate to enforce any right accruing to the United States or any officer or agency thereof as a result of the issuance of guarantees under this Act. Any sums recovered pursuant to this section shall be paid into the emergency loan guarantee fund.

(b) The Board shall be entitled to recover from the borrower, or any other person liable therefor, the amount of any payments made pursuant to any guarantee agreement entered into under this Act, and upon making any such payment, the Board shall be subrogated to all the rights of the recipient thereof.

REPORTS

SEC. 12. The Board shall submit to the Congress annually a full report of its operations under this Act. In addition, the Board shall submit to the Congress a special report not later than June 30, 1973, which shall include a full report of the Board's operations together with its recommendations with respect to the need to continue the guarantee program beyond the termination date specified in section 13. If the Board recommends that the program should be continued beyond such termination date, it shall state its recommendations with respect to the appropriate board, agency, or corporation which should administer the program.

TERMINATION

SEC. 13. The authority of the Board to enter into any guarantee or to make any commitment to guarantee under this Act terminates on December 31, 1973. Such termination does not affect the carrying out of any contract guarantee, commitment, or other obligation entered into pursuant to this Act prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this Act.

Approved August 9, 1971.

SECRETARY OF THE TREASURY,
Washington, D.C., Mar. 30, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office Building,
Washington, D.C.

DEAR ELMER: Since receipt of your letter of February 10, 1972, regarding the authority of the General Accounting Office to review the activities of the Emergency Loan Guarantee Board, I have reviewed the entire matter again.

As you know, representatives of your Office have examined and verified the accounts of the Emergency Loan Guarantee Board. On the basis of my review of the matter, however, I continue to believe that the conclusion reached by the Board at its November 1971 meeting, as set forth in my letter to you of December 9, 1971, was correct, and that it was not the intent of Congress that the decisions of the Board be reviewed by the General Accounting Office. In reaching that conclusion, the Board and its staff gave careful attention to the provisions of the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946, and the Accounting and Auditing Act of 1950.

Sincerely,

JOHN M. CONNALLY.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., February 10, 1972.

Hon. JOHN B. CONNALLY,
Secretary of the Treasury,
Washington, D.C.

DEAR JOHN: On December 9 you wrote me that records of the Emergency Loan Guarantee Board, which has guaranteed a loan to the Lockheed Corporation, would not be available to the General Accounting Office in carrying out its audit and review responsibilities. Your letter indicates that there is nothing in the Emergency Loan Guarantee Act, or its legislative history, which provides for a GAO review of the Board's activities and suggest that Congress might need to pass additional legislation to make it clear that GAO has this authority.

I am afraid that your staff has overlooked the basic authority of GAO as set forth in the Budget and Accounting Act of 1921 to audit the activities of the Government agencies. Also included in the Act is the right of access to the records of the agencies. In short, there would have been no reason for the Congress to repeat this authority in connection with the Emergency Loan Guarantee Act. I wonder if you would not want to take a personal look at the situation.

Best wishes.

Sincerely,

ELMER B. STAATS.

SECRETARY OF THE TREASURY,
Washington, D.C., Dec. 9, 1971.
Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office Building, Washington, D.C.

DEAR MR. STAATS: This is in further response to your September 21, 1971 letter to me as Chairman of the Emergency Loan Guarantee Board requesting that records of the Board be made available to the General Accounting Office for its review. In your letter you indicate your authority to review decisions of the Board and its records is found in the Budget and Accounting Act of 1921, the Legislative Reorganization Act of 1946 and the Accounting and Auditing Act of 1950.

The Board wishes to cooperate as fully as possible with the General Accounting Office. After carefully considering your request, however, the Board concluded at its meeting on November 17 that it was not the intent of Congress that the General Accounting Office review its decisions. The Board's belief is based on its understanding of what was intended to be accomplished by the Emergency Loan Guarantee Act. If Congress intends for the General Accounting Office to review the decisions of the Emergency Loan Guarantee Board, we believe amendatory legislation should be enacted making it clear that the GAO has this authority.

Congressional review of loan guarantee matters is carefully spelled out in the Guarantee Act: the GAO is directed to audit the borrower and report its findings to the Board and to the Congress; and the Board is directed to make a "full report" of its operations to the Congress. We find nothing in the Guarantee Act or its legislative history which suggests an intent that competing reports of the Board's operations were to be made to the Congress or that the Board's decisions were to be reviewed by the General Accounting Office.

The Board as constituted by the Congress is uniquely well qualified to make the determinations called for by the Guarantee Act, including the critical finding of whether failure to guarantee a loan would have an adverse effect on the economy.

We would be happy to discuss this matter further with you if you wish. Questions concerning the basis for the Board's decision also may be directed to Samuel R. Pierce, Jr., General Counsel of the Treasury, and Executive Director to the Board.

Finally, I have taken the liberty of furnishing a copy of your September 21, 1971 letter to me together with a copy of this response to the Honorable John Sparkman, Chairman of the Senate Committee on Banking, Housing and Urban Affairs and the Honorable Wright Patman, Chairman of the House Banking and Currency Committee.

Sincerely,
JOHN B. CONNALLY.

COMPTROLLER GENERAL,
OF THE UNITED STATES,
Washington, D.C., September 21, 1971.
Hon. JOHN B. CONNALLY, Jr.,
Chairman, Emergency Loan Guarantee Board, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware the Emergency Loan Guarantee Act, Public Law 92–70, requires the General Accounting Office to make a detailed audit of any borrower with respect to which a loan guarantee is made.

In this connection, a meeting to initiate our review was held on September 16, 1971, between representatives of our Office and Mr. Tim Greene, Secretary of the Emergency Loan Guarantee Board.

The discussion centered on three areas; decisions of the Board in approving, executing, and administering any guaranteed loans; the provisions of the guaranteed loan agreements established between the Board and the borrower; and the audit of the borrower. Mr. Greene had some question concerning our authority and responsibility for review of Board decisions.

As you know the authority and responsibility of the GAO for making audits and investigations of Government agencies are stated in a number of laws including the Budget and Accounting Act, 1921; the Legislative Reorganization Act, 1946; and the Accounting and Auditing Act of 1950. For example, Section 312 of the Budget and Accounting Act requires the Comptroller General to examine all matters relating to the receipt, disbursement or application of public funds and report to the Congress the results of such examinations. Section 313 of the same Act states that all departments and establishments shall furnish information as may be required of them by the Comptroller General. It further provides that the Comptroller General shall have access to any books, documents, papers or records of such departments or establishments. Section 2 of this Act defines department or establishment to include boards such as the Emergency Loan Guarantee Board.

In view of the fact that Lockheed has already received a substantial amount of the guaranteed loan and is likely to receive additional amounts in the **near future**, we are anxious to begin our work as soon as possible. We would appreciate advice as to when the records of the Board can be made available for review.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

MEANY-PROXMIRE CLASH OVER WHO KILLED INFLATION CONTROL

Mr. PROXMIRE. Mr. President, on Thursday, April 20, the Joint Economic Committee had one of the liveliest and most interesting hearings we have had in a long time. Our principal witness was George Meany, the president of the AFL–CIO. The hearing was vintage Meany, which means about as straightforward a comment on economic policy as one can get.

I ask unanimous consent that the transcript of the hearing be printed in the RECORD.

There being no objection, the transcript was orderd to be printed in the RECORD, as follows:

REVIEW OF PHASE II OF THE NEW ECONOMIC PROGRAM

The Committee met, pursuant to notice, at 10:00 o'clock a.m., in Room G–308, New Senate Office Building, Senator William Proxmire (Chairman of the Committee) presiding.

Present: Senators Proxmire (presiding), Fulbright, Javits, Percy, and Representatives Conable and Brown.

Also present: John R. Stark, Executive Director; Loughlin F. Mc Hugh, Senior Economist; Lucy A. Falcone, Jerry J. Jasinowski, John R. Karlik, Richard F. Kaufman, Courtenay M. Slater, Economists; Walter B. Laessig, Minority; George D. Krumbhaar, Minority Counsel; and Leslie J. Barr, Minority.

Chairman PROXMIRE. The Committee will come to order.

Mr. Meany, you drove a hard bargain before you agreed to serve on the Pay Board. First you insisted that it be tripartite. Many disagreed with you on that and thought a tripartite board would bog down in delay, would invite division and disagreement, and when it would stumble along would only be able to do so by caving into pressure.

It looks like this is exactly what happened to the Board. So those who disagreed with you may have been right. At any rate the Board did delay. It did deadlock. And in my view it did cave in under pressure.

But the tripartite feature was not the Administration's idea or Congress' idea. It was your idea. And when you walked off the Board, you killed it. You strangled your own baby.

You also drove another bargain. You insisted that there would be no interference—some might call it coordination—between the Cost of Living Council and the Board.

You insisted that the Board, not the Cost of Living Council, not Secretary Connally, not the Administration but the Board, should determine wage policy without interference or veto. You won that battle.

It is true that this victory has been at least partially sabotaged by Cost of Living determination of some policies such as low income exemption. But the Pay Board sovereignty was again your baby. And as long as you were on the Board it had a fighting chance. Now you have left the Board, and this Senator wouldn't give a nickle for the continuing independence of the Pay Board. Here is a second offspring you have done in.

When you walked off the Board you said you didn't want to be mere window dressing. But while you were on it your will seemed to prevail on some immensely impressive settlements—coal wages were allowed a 12 percent increase; railroads even more. There were other settlements which seemed inflationary. Frankly, I opposed them, but you seemed to be winning.

Sure you lost some battles, some tough battles, but you seemed to be winning the war. And I don't see how you could possibly have called the overall determinations by the Pay Board just a facade. The results were: 1. Some enormous breakthroughs for immediate wage gains for labor; 2. some serious setbacks for any effective anti-inflation program.

Now this is all over. You are on the outside. You must carry on your fight for a better break for the working man from the outside.

You are a mighty powerful man. Some say you are the second most powerful man in the country. I would only question why they say second.

I am looking forward to this hearing this morning to see if something better can't come out of this action of yours. You are as devoted as any American to the economic health of this country. You know as well as anyone that inflation can spell disaster for the millions of working men you represent. You have the power to get results, and, as I am sure you recognize, when you walked off that Pay Board you did not walk out on your responsibility to your country.

I stress this point because I am now going to go on to say that, after listening to the Administration witnesses, I am not only persuaded that inflation is not being controlled, but that in addition labor may be right in thinking the program will result in serious discrimination against them.

The control of wages has not been very good. Some unions have gotten extraordinarily large settlements approved. The Pay Board estimates of average increases contain so many loopholes that they are hard to interpret. But if the statistics Judge Boldt presented yesterday are even anywhere near correct, wages are being controlled more effectively than prices.

In part this is being done through delay. Some of the Pay Board's most difficult cases are still pending. If decisions can be put off long enough, this will certainly help keep down the average wage increase, but it would be hard to imagine a more unjust way of achieving this objective.

The Price Commission by contrast seems

to move with promptness in approving price increases. The statistics presented by Chairman Grayson indicating that 40 percent of the first 129 firms to file complete quarterly reports appeared to have profit margins exceeding the guidelines, certainly suggest that prices have gone up more than they should. I have little hope that Mr. Grayson's fine plans for price roll-backs will come to much. The sheer effort involved in reading and evaluating the reports of 3,000 companies will in itself prevent uniform application of the profit rule.

So I can understand why you think the program will turn out to be systematically discriminatory against labor. Corporate profits represent only about ten percent of total national income, while wages and salaries represent 75 percent. So a little extra profit may not have a really major impact on prices. But the equity issue involved is very serious. The very notion that excess profits are resulting from this program infuriates the public. They feel they just cannot cooperate. A program which the public sees as unfair cannot help but fail.

My view is that the thing to do with this shambles of a control program is to get rid of it. Limit the controls to the areas of monopoly power and the few areas of supply shortage. Make these limited controls effective while they last. Then get rid of them, too, replacing them with voluntary guidelines. I know my position on this differs from that of the AFL–CIO, and I hope we can later get into some discussion of that.

Mr. Meany, the Administration officials we have had testify have made light of the importance of labor participation on the Pay Board. Furthermore, they have flatly denied some of the accusations you and other labor leaders have made. Now it is your turn.

Before you begin, let me say that I appreciate receiving your statement before the close of business yesterday. You are close to winning on that score. I had a little colloquoy with Mr. Brown. He wondered if I would tell George Meany this morning that he was late in his statement. You were late. You violated the Reorganization Act, which requires 48 hours in advance. You were later than the Committee instructed. You did a whale of a lot better than anybody except Mr. Gullander, the head of the National Association of Manufacturers.

We are delighted to have had your statement in advance.

STATEMENT OF GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. MEANY. Thank you very much. Before proceeding with my statement——

Chairman PROXMIRE. Before you do that, just one other point. Again, I am embarrassed to tell you. You are certainly our principal witness and our most important witness in this hearing. We have followed a policy and I know you want to be treated equally with everybody else. We put a timer up here and limit everybody to 15 minutes. The buzzer goes off at 13 minutes and you have two minutes left. Then we will get into the questioning period.

There will be other Senators here and I know you want as much time for give and take as we can have.

Mr. MEANY. Am I permitted to comment?

Chairman PROXMIRE. Yes, without restrictions on your time.

Mr. MEANY. You speak of the battles we won and the victories we won in this whole business. Frankly, I don't want to win any more battles, if we won battles with the Administration on this question.

We started back in February 1966 and we said publicly, in a public statement unanimously adopted by your Executive Council, which received wide publicity, that it was not our decision as to whether or not controls should be used to combat inflation. This was the decision that would have to be made by the President of the United States.

However, if he made that decision, we would cooperate, providing, and I want to stress this, that the controls were fair and equitable, and that they were put out in all segments of the economy that had any impact on the question of inflation.

We repeated that again later that year and then in 1967 and in 1968 and in 1970 and again in 1971 we issued that same statement, word for word, that we were ready to surrender some of our freedom in order to make a contribution to fight this battle of inflation.

You say that 70 percent of the workers' wages have an impact on prices and only 10 percent of profits.

Well, I can say to you that we are the first victims of inflation. If you talk to the housewives of America today, and we have a way of talking to them—we have some material which shows what they are up against on the basis of a survey we made—we certainly want to bring prices down. If we brought prices down, it is quite obvious that the pressure for higher wages would be to some extent lessened. When you look at the problem of the housewife with her bills going up and up and up—I happened to talk to the wife of a Republican Congressman that I have known for many years, and she was almost in tears just a few nights ago. She has a large family. I happened to meet her at a social occasion. She said that she shops for her large family, I think once a week, and she keeps a record. Six months ago she was paying $155 for her week's supply for her children, which she buys in the super market. Now it is about $198.

I want to say this, that she can afford to pay that, I am quite sure. I know her husband and I know what his background is. In fact, he is a very good friend of mine, despite the fact that he is a Republican Congressman.

She was really indignant about it. This applies to all the housewives of America. Whether they can afford it or not, they don't like to get robbed in the store. So we are the victims.

You talk about the people who get the profits, and so on and so forth. They are the victims, too, but not to the extent that we are, just because of our numbers. So we start out, Senator, by saying that we want to see prices controlled.

What was the attitude of the NAM? What was the attitude of big business? No controls at all. Controls are undemocratic.

What did the President of the United States say? The President of the United States said controls will not work. They will not work because they are never equitable "and I am completely and unalterably opposed to price controls." This is what Mr. Nixon said.

However, when he became President, we were told that there was going to be a fight on inflation, and with a great deal of fanfare and a great deal of rhetoric from Arthur Burns we were told that the inflation was going to be licked. This was February 1959.

I have in my record, and I put this in the record the other day, a letter from Mr. Nixon to me personally in which he said, "We are going to control prices. We are going to bring prices down. And we are going to do it without asking the worker to pay for this control by the loss of his job. In other words, we are going to do it without causing additional unemployment."

What was the system? Monetary fiscal control, squeeze down, cool down the hot economy. This was Arthur Burns' theory, to cool it down. I have known him for years and he sincerely believed this would happen. This was the beginning of Phase I, February 1969, the start of Phase I, not August 15, 1971.

What happened? Well, they did slow business down a little and they promptly caused unemployment.

Of course, we kept getting a series of statements from the representatives of the Executive Branch of the Government. They have a way of seeing blue birds flying around every time a statement comes out. They ignore the things that they feel might not be favorable.

But Mr. Walker, the Assistant Secretary of the Treasury, in July 1969, just a few months after the Phase I inflationary fight started, pointed to the rapidly rising rate of unemployment and he said, "This proves that President Nixon's plan is working."

Well, he evidently hadn't consulted because President Nixon's plan was to control inflation and not cause more unemployment. So what was the result? More unemployment. And what happened to the inflation? Up, up, up. It was 4.5 percent in February 1969. A year later it was well over 6 percent. It is well over 6 percent today.

What happened to the interest rates? Gentlemen, don't interest rates have something to do with prices? Don't interest rates have something to do with what the consumer pays? Don't what the middleman gets for his profit have something to do with the price? Don't profits have something to do with price? Don't dividends that are paid on investment capital have some impact on prices? Or is the only thing that has an impact on prices the workers' wages?

We don't believe that. But we kept hearing that the plan is working, the economic plan is working.

However, I began to have my doubts because just about a year after the plan went into effect Arthur Burns started to make some speeches. He didn't talk about his plan. He didn't say, "Well, it may work a little better." He didn't even mention the plan. He started to say, "Labor is the problem. Labor is the problem." He came out with some new ideas. Congress didn't adopt them. One of his new ideas was to enact compulsory legislation, to compel workers to work for wages laid down by the government, to work for the private employer at a wage set by government fiat.

He had another idea. The minimum wage law was in the way because, you see, in our unemployment figures we get an overall figure but then there are a lot of broken down figures about how it affects the blacks, how it affects the ghettoes, how it affects rural areas, how it affects teenagers, and so forth. The teenage rate is always high and always will be high because the teenagers are added to the labor force when they are out of work. They are not working. They have never worked before.

They come into the labor force and until they get a job they are listed as unemployed. Sometimes their rate is as high as 22 percent. But Arthur had a brilliant idea. The minimum wage law should be amended so that the teenagers can be hired at something below the minimum wage. The fact that this may put the teenager's father out of work never occurred to Arthur, but I suppose if it did his answer would be, "Well, the father can always go on welfare."

It is very simple. Tie it all together.

Speaking of Welfare, this is one place where we have made great, great progress. We have added almost 5 million people to welfare during the last three years. So this is great. The ratio between those who work and those who depend and put their hands out for their sustenance from those who work is changing all the time. The number of people that we call the working poor is increasing all the time.

So when you look at this picture you have to look at the general picture. As late as last July Secretary Connally said, "There will be no change in the President's economic plan." And then they went up on a Friday afternoon to the eagle's nest up here in Maryland and they had a conference.

They didn't even bother to bring the Secretary of Labor. He is not one of the egg heads. But they had Arthur and George Shultz, and they had big John Connally there. They sat for several hours. All of a sudden the plan changed and they notified the Members of the Cabinet to be at the White House at four o'clock Sunday afternoon, the 15th of August. Then the President came out on the 15th of August.

He didn't apologize for the miserable failure of the economic game plan number one. He didn't even mention it. Of course, this is something he has borrowed from the communists. They have a technique. They never defend, they never mention. You can't get a communist to talk about Czechoslovakia in August 1968. You can't get him to talk about Hungary back in 1956. No, they don't talk about those things. They talk about what is wrong with you, not what is wrong with them.

So the President's education has progressed, I think.

So not a single word about the failure, not a word. And then on the night of August 15 we have the flip-flop. The fellow who was against controls completely came out for controls. And we had a freeze. But we had something more than a freeze. We had $3 billion for industry—$3 billion. A little gift to industry. After all, we can't have all poor people, you have to have some people getting along. So $3 billion for industry in the form of an investment tax credit.

This was on top of $4 billion that he had given industry just a month previous by the accelerated write-off of their investments. So they had about $7- or $8 billion given to them that night. It was a great night for industry.

And lo and behold the NAM and the Chamber of Commerce were for controls. It was great.

It is like the fellow who is preaching against dictatorships to his friend, and he says to him, "Dictatorships are wrong." He finally convinces him that they are wrong, and then he says, "However, unless you can get one of your own they are wrong."

Here was the NAM and the Chamber, and they had controls. But one of their own was at the helm. Everything was fine, but not a word from the President of the United States.

I remember one of his speeches back in September 1968 when he spoke about the right of the public to know, the right of the public; the President must let the public know what is going on. He must not only explain what he is going to do, but he must explain what he has done and why he has done it.

But not a single word about Phase I.

Chairman PROXMIRE. I would like to interrupt to say that the Chair has put himself into a very difficult dilemma. Let me tell you why.

Mr. MEANY. You started this, Bill.

Chairman PROXMIRE. You bet your life I started it.

Mr. MEANY. I haven't even gotten into the meat of this thing at all.

Chairman PROXMIRE. Yesterday I provoked Judge Boldt and he wanted time.

Mr. MEANY. I am surprised that you provoked Judge Boldt. I didn't think that was possible.

Chairman PROXMIRE. At any rate, I gave Judge Boldt time. He took about a minute and a half before we ran time on him. As I said, we have run time on every witness—Mr. Stein, Mr. Grayson, Mr. Boldt. I want to begin that time but I told you I wouldn't as long as you are responding to my question.

Mr. MEANY. Did you start with every witness the way you started on me?

Chairman PROXMIRE. Even tougher. Let me say I am glad I started this because your response, while your statement is a fine statement, is a great deal better, much better. Nat Goldfinger may have had something to do with your statement. I am sure he agrees.

Let me just say that I think we better start with the time now.

Mr. MEANY. You can start time anytime.

Chairman PROXMIRE. Congressman Brown will be very mad if we don't treat you the same as we did Judge Boldt.

Bring out the clocks. Start the time.

Mr. MEANY. I hope this time limit won't cut off your questioning when I get through.

So we get to the point of August 15. We have a freeze. We have contracts. Then the job of carrying out the freeze is given to the Cost of Living Council. There is no public representation on the Cost of Living Council. This is all government. Actually, it was run by a fellow by the name of Webber. Within 12 hours he interpreted the freeze in a great many respects. He said this means that even if you have a contract which calls for a deferred wage increase in the freeze, that wage increase cannot be paid because the President has spoken.

Of course, I immediately said this reminded me of Peron. Peron used to raise the wages from the balcony. The President makes economic decisions affecting everybody. He makes them over the tube. Then he said another thing, and this was an official ruling. Not only can you not get your deferred wage increase, but you are violating the law if you negotiate with your employer to try to get that increase after the freeze is over.

In other words, you couldn't say to the employer after the freeze is over, "You owe each man here $30 and we want to talk to you about it." He would say, "No, I can't do that. I will go to jail. Mr. Webber said so."

So here we had some real dictatorship facing us.

Well, we did the best we could under the freeze. Then they talked about setting up a tripartite system. We talked about the tripartite system. You know the reason we talked about it? Because of our experience, Senator. I spent over five years on the War Labor Board and we had a tripartite setup. We had no government. We had no government interference whatsoever, not to the slightest degree, at least for the first three years.

We came up with the little steel formula, which was limiting on wages. We didn't like it, but we accepted it. We went along because we had something to say when the decision was made. So when they appointed the so-called neutral members—Judge Boldt, Neal Jacoby, Weber—he was neutral? He was the axe man for John Connally on the night of October 21, 1971, and on the morning of October 22 he was a neutral member of the Pay Board. That is Weber. And they had Kermit Gordon, a conservative economist.

Well, Mr. Jacoby has been for the past 13 years a director of Occidental Petroleum Company. He is still a director, and he is supposed to be neutral. Cabels was for many years an executive of Inland Steel Company, a former vice president of the National Association of Manufacturers. He, too, is a neutral member.

Then we have Judge Boldt, who is on the Federal payroll. He is not neutral. He is government. The Judge can be very profound. He is a delightful person. I like him personally very much. He can be very profound and he and I had a little discussion about these contracts.

Incidentally, the contracts were validated by Congress. You know that. You are quite familiar with that. Congress validated them. And Congress validated our deferred wage increase.

I was talking about the validity of the contract. I was talking about the power of the President to stand up in a rostrum and negate contracts, nullify contracts. I am not a lawyer, but I have read the Constitution and I think I have an advantage over some lawyers because I get closer to earth with people.

I am a plumber by trade and I think plumbers are much more important than lawyers. I said to Judge Boldt, "What about the validity of contracts? What about the sanctity of contracts?" He said, "Mr. Meany, I agree with you on the sanctity of contracts. I think it is tremendously important to uphold the sanctity. But there is a vital principle here." I said, "What is the vital principle?" He said, "We have got to go along with the President."

Then if you got to go along with the President, then I want to say that Congress is ignoring that principle every day of the week. They don't go along with the President. But this was the Judge's approach, that we had to go along with the President.

No one in this Administration has defended these appointments. No one in this Administration from Connally right down the line has defended these appointments or even mentioned these appointments. Despite that, in November we said we will go on this board. We will try to make it work. In other words, we have said we wanted this. We will try to make it work, despite the fact that the dice are loaded. We will see what we can do.

Well, we had some experience and we found out that we were making no impact at all. There was no input from us. The last decision wasn't near as bad as people might have though it was on the question of figures. But the last decision was an insult to the labor members of that Board because they came into the room and the decision had already been processed after a caucus between the business and the so-called public members. The caucuses were a regular thing. In fact, one day we sat over in the old State Department building from 9:30 in the morning to attend a conference which was never held. We were supposed to have a meeting at 11. From 9:30 in the morning until 4:30 in the afternoon there was a caucus held between the so-called public members and the business members.

They even went out to lunch together and left us sitting there. They finally walked in at 4:30 in the afternoon.

Actually, I think the New York Times described the labor member's presence there as degrading. The last decision was worked through the legal department and presented in its final form. It was laid on the table and the Chairman said, "Gentlemen, no use wasting any time. We have ten votes for this decision." This was sort of the crowning insult to our people there.

When we say, Senator, that we go along with a tripartite setup, let me point out that we are now going along with a tripartite setup. The same people who are members of our Council, who voted unanimously to take AFL–CIO people off the Pay Board, are still sitting on a tripartite board which was established by the President of the United States last March. That is the Construction Industry Stabilization Committee. They are still working. So here are the people who have voted to cut us off the board, who said, "Off" and they themselves are still on.

What is the difference? The difference is that they have a tripartite board. They have public members and they have no interference. I will tell you how cute this Administration is. They have not interfered with the construction board because it is working, and it is working because it is tripartite in nature and it has the cooperation of all the members of that board, including the labor members. They not only have their cooperation in reaching a decision, but they have cooperation in carrying them out. They are carrying out those decisions and they are bringing down what has been admitted to be high wage settlements in the past in the building trades.

I will show you how cute this Administration is. This Construction Industry Commission is officially, according to the President's order, under the Pay Board. It is under the Pay Board, under the Pay Board's rules and regulations. But the Pay Board has never touched the Commission.

I will tell you why. Because the labor members of this Commission have informed the Pay Board, and the public members of this Commission have informed the Pay Board, and the industry members of this Commission have informed the Pay Board, "If you touch us, we quit."

So we walked off the Pay Board and the decision was made by the unanimous vote of our Council on the 22nd of March. Included in that unanimous vote were seven members of the construction industry group that are now sitting and have been sitting since last March on the Construction Industry Council set up by the President.

On the 23rd of March the labor members of the Construction Industry Council issued this statement: That they will continue to serve on the Commission only so long as the Construction Industry Stabilization Commission continues to maintain effectively its separate and autonomous position free from the supervision or control of the Pay Board.

This is a rather odd situation. Officially they are under the control of the Pay Board, but the Pay Board doesn't touch them. It doesn't overlook anything they do. Why? Why did we get off? And why did we stay? Why are we staying on that board?

If our Council made a decision on the Construction Industry Council they would have walked off. If we make a decision tomorrow, they walk. We have no intention of making such a decision.

As far as the Pay Board and the future of the Pay Board, when we walked off the reaction of the Administration was somewhat hysterical. Mr. Ziegler said, "This is sabotage." And the President said something about we were trying to torpedo the Pay Board.

We weren't trying to torpedo the Pay Board. We were trying to live with ourselves. We were trying to live with our membership. We refused to be a facade. We refused to be party to a deception of our own members, that we were having something to do with the decisions when we were having nothing to do with the decisions.

Then Mr. Gray from the Department of Justice compared me to the robber barons of the 19th Century. If the Senate confirms him, he will get to know some robber barons of the 20th Century over there.

So as far as we are concerned we want this to work. And let me say this, Senator: It can't work any worse for us with us off the Board because actually we might just as well have been off the Board from the start. We had no hand in the decisions. We were unable to get that Board, Senator, to go along with the will of Congress. The legislation that extended the Economic Stabilization Act gave the Administration some instructions, specially about low paid workers, about people below the poverty level.

Well, people below the poverty level are still controlled. Do you know that the Price Commission has decontrolled 85 percent of the retail establishments in this country? I don't mean 35 percent of the business. I mean 85 percent of the number of establishments. They don't represent 85 percent of the business. And they have said to them, "No control."

We have said to the Price Commission, and we have said to the Pay Board, "If you are going to remove controls from an establishment as to its prices, surely you should remove controls in the establishment as to the wages it pays workers because these are low-paid workers."

No. The Pay Board, itself, refused to accept the $1.90 limit that was placed by the Commission, the Price Commission, so the Price Commission, after asking the Pay Board advice, put it on anyway.

I say when they did this they were thwarting the will of Congress, because your official poverty figure, you know, is well above the $1.90 an hour. It is far above $1.90 an hour.

As far as us trying to sabotage, we are not trying to sabotage it. We want prices controlled. I say to you very frankly the Administration has no intention of changing its approach on price control. Do you know why? The President said he will not create a new bureaucracy. Well, if he is not going to create a new bureaucracy, he is not going to control prices because the people who put these prices on, let me tell you, have no fear of the Internal Revenue Service. I might have some fear, my members might have some fear, but business in this country has no fear of the Internal Revenue Service. They have handled them for many years. I think they have a feeling of contempt for the Internal Revenue Service, based on past experience. They are not going to be scared.

We have all sorts of documents here. I am quite sure I will never be able to read this statement and we can put it into the record. We have documents that we want to put in the record.

The documents are an analysis of the Price Commission formula for a price boost, and then an AFL–CIO comparative price survey made in 13 states and 20 communities. We will submit that for the record.

These show a seven percent increase, a 34 percent increase, a 33 percent increase, a 20 percent increase—these are surveys made by our people in stores. We name the stores, we give you the location of the stores, we tell you what the cost of a pound of beef liver is. We tell you what the cost of a pound of carrots is. Here is a pound of carrots that went up 67 percent. Coca Cola went up 10 percent. Thin spaghetti went up 96 percent. Carnation Milk up 33 percent. American processed cheese—you can do something about this, I am sure—went up 11 percent.

Chairman Proxmire. I went over that last night and I think you have an excellent documentation.

Mr. Meany, isn't this what the whole thing really comes down to—and I want to thank you for a very stimulating and interesting and forceful response—that when the big settlements with powerful unions are negotiated, the Board approves even though the settlements are far more than the guidelines? The 80 percent or more of Americans who are not organized find that their employers are the Administration enforcement agents because they will fight to keep the prices down, because that is the way they operate, to keep costs down—

Mr. Meany. Those 80 percent are your responsibility, Senator, not mine. They are not organized. They have no spokesman and they must look to Congress to help them.

Chairman Proxmire. The Administration has said that you only represent a small fraction of workers and many of those you do represent disagree with you. How about that charge?

Mr. Meany. If there is any of them that disagree they keep it to themselves because we can't find any disagreement. In fact, we get a lot of mail which criticizes me because I am not militant enough; I ought to picket the White House or do something like that.

Chairman Proxmire. They should have been here this morning.

Mr. Meany. The AFL–CIO is the largest organization of private citizens in this country. They say we represent 20 percent. Maybe it is 22 percent, 22 percent of the workers. Who are on the work force? The President of General Motors is not the work force to begin with. The President of the United States is considered on the work force. Everybody is on the work force. Household labor, domestic labor, people in business for themselves, executives of all types. How many of them can be organized, I don't know. But we organize those we think we can help. Who speaks for the 60 million people who are not organized?

Well, I don't know. But I have an idea that while we don't represent them, we speak for them. It is like asking the Consumers Union and the consumer organizations to say who they speak for. You say to them they only speak for their members? I don't know any housewives that belong to these organizations. 90 percent of the housewives don't belong to any consumer outfit at all. But I would assume that the consumer organizations, like the Consumers Union, do speak for the housewives. We speak for this other labor.

After all, in the final analysis what do we want out of this economy? Do we want to change this system? After all, if you get any foreign news, and I am sure Senator Fulbright does, you will find out that I am a capitalist stooge. Pravda pays a lot of attention to me. I am a capitalist stooge. Well, I suppose I am in a sense because I believe in the capitalist system.

I believe in profits. I believe in management's right to manage. I believe in the return for invested capital because otherwise we can't expand. This is the life blood of capitalism. But what do I disagree with? I disagree with the share of the wealth that is produced that the worker gets. I have the old fashioned idea that this dynamic economy that we like to boast about, and it is the best with all its faults, has been based through our entire history on the amount of purchasing power in the hands of the great mass of the people.

Our job is to try to get that purchasing power in the hands of the great mass of the people.

Look at our 14.5 million members. When their wives come home and complain, and I know they complain about prices going up—and some of the prices are unbelievable—where does that worker go? He is organized. Well, he goes to his organization. How does he compensate for this increase in his living expenses? By looking to his employer and saying, "I need more money." It is as simple as that.

If you kept the cost of living down, I say to you quite frankly you would have wage settlements as they come up. But a system which has every employer in this country as an enforcer delighted to be an enforcer—do you know they finally cracked down on a chain store yesterday? The government finally cracked down on a chain store in Baltimore. In fact, they fined them $2500. Not for raising prices but for raising wages illegally.

The meat cutters union, they fined them $2500. They fined the meat cutters affected so much out of their day's pay. So in that way the corporation will get its $2500 back quite quickly.

You talk about the longshore case. The longshore case took $17 million out of the pockets of 15,000 housewives at the rate of $15 a week. That was a signed contract. It was signed on the basis of an increase in productivity that was without parallel in that industry or perhaps any other industry. There was a dispute between the two groups as to the percentage. The union said it went up 180 percent in ten years. The company said it went up 150 percent. Well, somewhere in between that. It went up 33 percent since the last contract was signed. They wanted to get something for it.

The employer was willing to pay them something for it. They were willing to give them something for the money that they saved. They brought down the cost of tonnage. They brought down the amount of time involved and all of these things. What was the result? The Pay Board took $17 million away from them.

I ask you, Senator, and I have asked this in a lot of places—and I haven't yet received an answer, what does the return of that $17 million out of the pockets of the workers and into the treasury of the employer do to bring down prices?

We would have felt better if they said to the employer, "Pass it on to the consumer." But they didn't say that. Or if they even said, "Give it to the Little Sisters of the Poor" we might have felt better. We felt pretty bad to take $17 million out of the pockets of these workers that they felt they had earned, that the employer conceded they earned, take it out of their pocket by Executive fiat and give it to the employer. What did that do to fight prices?

Chairman Proxmire. Mr. Meany, let me get back to the issue we are trying to get to this morning. I agree with most of what you have said. I agree that the AFL–CIO does serve the interests of the American people and well, over the years before you were in office and since you have been in office. There is no other organization that has fought as hard for decent opportunities for the American worker, and those associated, organized or unorganized.

But under these circumstances how in the world does your withdrawal from the Pay Board really serve the best interests of the American public?

Mr. Meany. It is not going to interfere with the Pay Board. The Pay Board is functioning.

Chairman Proxmire. It would function better if we had on the Board a group that represented such a broad interest as you spoke about.

Mr. Meany. I don't think so. They wouldn't be functioning under a facade of deceit. They are functioning for what they are a government board.

Chairman Proxmire. Doesn't your resignation give the Administration a scapegoat?

Mr. Meany. Senator, we were the scapegoat from the start. As I told you before, when Arthur Burns' ivory tower collapsed, he went out and made anti-labor speeches, that we had to be controlled.

Chairman Proxmire. Consider the dilemma you have put the Congress and the country in. What are you going to do about it?

Mr. Meany. I will tell you what you should do about it.

Chairman Proxmire. Let me finish, Mr. Meany.

Mr. Meany. It sounds like a meeting of the Foreign Relations Committee.

Chairman Proxmire. That is the best compliment I have had today, although it sounds to me more like a meeting of the AFL–CIO Executive Council.

Mr. Meany. No. Our meetings are more like prayer meetings.

Chairman Proxmire. I just pray to have a chance to get a question in.

Mr. Meany. We look at the White House and pray for the country.

Chairman Proxmire. Many people don't think that compulsory arbitration is a very likely possibility. We have been able to stop it and kill it year after year. But now we are in a dilemma. We are in a real dilemma. I think many people consider, and I consider, too, that the whole anti-inflation program may have been blown out of the waters.

Yesterday, it was indicated that the prices are going up and are now over the six percent rate. Your walk-off from the Pay Board really played into the hands of those who want compulsory arbitration.

Mr. Meany. I don't think we have to play into their hands. If they want compulsory arbitration, they don't need encouragement from me. You say what can you do. Let the Pay Board alone. The Pay Board is doing its job. It is keeping wages down. Let it alone. It is not going to change. But take care of Mr. Grayson. Let us get some price control because if you are going to control inflation you have to control prices and you are not controlling prices.

So your job is quite obvious. It is right in front of you. Let the Pay Board alone. They will continue their 5.5 percent and after a while we will get used to it. But what about prices? The price control situation as it is presented to the American people is an absolute fraud. You are not controlling prices. We had 200,000 people on OPA. You know, Mr. Nixon was one of those 200,000. He worked for the price control. He worked under Leon Henderson's department in World War II, so he knows what it is all about.

He has said publicly time and again, "I will not create a new bureaucracy." I say to you and I say to him, too, if you don't create a new bureaucracy, you are not going to control prices. It is just as simple as that.

And if you talk about compulsory arbitration, if you mean that as a threat to labor, well, we have been threatened with that time and time again. But let me tell you something. If you inflict compulsory arbitration, if you compel American workers by law to work for the private profit of another individual, you have then taken a long, long step in the direction of destroying our American system.

And let me tell you if I was an employer I would be opposed to compulsory arbitration because history shows that every time you control workers you go a little further down the line. Hitler controlled workers, but then he controlled employers. The Soviet Union controls workers and they destroyed the union.

Chairman Proxmire. I am one of only three Senators who voted against the longshoreman bill—Harris, Weicker of Connecticut, and myself. I will never vote for anything that has any implications of compulsory arbitration.

Mr. Meany. That bill was an insult to American labor. The President signed it as a warning. He didn't need to sign it. The strike was over. He signed it in the land of the free—he signed it in Peking

Chairman Proxmire. Mr. Meany, I have been on this committee many years, and this is the most stimulating colloquoy I have been engaged in but it is also the most frustrating. I have never gone so long trying to ask a question without being able to ask one.

Mr. Meany. I thought I answered your questions.

Chairman Proxmire. I didn't say you didn't answer them, but I didn't get to ask them. I yield to Congressman Conable.

Representative Conable. Sometimes it isn't necessary to ask questions.

You have referred to plumbers and lawyers. I suspect I can think of one plumber who couldn't have become a more passionate advocate if he had all the legal training in the world.

Mr. Meany. When I think of plumbers and lawyers, I think of the large cities. You can have 7 million people in a large city without lawyers, but you couldn't have them without plumbers.

Representative Conable. Let me ask about this chart you have. It seems to refer mostly to food price increases. Do you feel we should have control of food prices?

Mr. Meany. Absolutely.

Representative Conable. Do you see any problem—

Mr. Meany. Leaving food prices out is nonsensical.

Representative Conable. Would you impose those before the farmers plant their crops this year or afterwards?

Mr. Meany. That, of course, is something the Administration would have to figure. I am not going to get into details about the farmers planting. I would like to see controls imposed as soon as possible on food prices. Of course, when they imposed the freeze on wages they didn't give us a chance to do any planning of any kind. It was just bang, we were out.

Representative Conable. There was some retroactivity later.

Mr. Meany. We got that from Congress, thanks to Senator Proxmire and a few more of our friends, including Senator Taft, believe it or not, Senator John Tower, those great liberals. We thank them, too.

Representative Conable. Do you see any problem of supplies? The allegation has been made that if we control food prices there will be rationing very shortly because the farmers simply won't come forward. They will hold off until they get the price they want.

Mr. Meany. You are making my point. When you start control, you can't stop. Rationing is a possibility. We had rationing during World War II. We lived through it.

Representative Conable. I thought you were advocating controls.

Mr. Meany. I am advocating controls across the board. I am advocating what I advocated in February of 1966, controls across the board if the President decides they are necessary. They should be equitable and they should call for equal sacrifice on all segments of our society. That is what I am advocating right this minute.

Representative Conable. Then you are willing to accept the implications of food price controls if that means rationing?

Mr. Meany. You bet your life I am, yes, sir. At least it would be some attempt to bring equity into this picture.

Representative Conable. You don't see any problem of public support if people walk up to counters that are empty in this time when many people don't feel there is a sufficient national crisis to involve total controls?

Mr. Meany. My people feel that there is sufficient reason to control food prices and all prices that we have to pay. It is just as simple as that. Our wages are controlled.

Representative Conable. Are they advocating the result or the process if they are asking for food prices?

Mr. Meany. They are advocating equity.

Representative Conable. Even if that means scarcity?

Mr. Meany. Possibly. We don't predict what it would mean. We are advocating equity. If it happens to mean scarcity, so be it. We have a President, we have a Congress, to take care of those things.

Representative Conable. You are not suggesting that the President and Congress go out and grow food if it is not economic for the farmer to do it?

Mr. Meany. I don't know. The President and the Congress have stopped farmers from growing food. They might encourage them to grow food. I don't know. You are just begging the whole question.

Representative Conable. No, I am not. I am asking how we achieve stabilization of food prices without running the real risk of scarcity.

Mr. Meany. I will depend on the Congress and the President for that. All I want is some equity. After all, the Agricultural Secretary says we eat too much meat anyway. He may be right.

Representative Conable. It is your position, apparently, that the tripartite board did not give adequate influence to labor, or that labor had no influence on the board as it was constituted?

Mr. Meany. The second statement is a proper one. We had no influence.

Representative Conable. How do you explain the large initial pay increases that were approved far beyond the 5.5 percent?

Mr. Meany. Because they were committed to approve them all. They didn't approve them all. They did not approve them to their full amount that was required. As I say, we had this commitment from the government to start and they didn't keep it. They kept part of it.

Representative Conable. A commitment from the government? From whom?

Mr. Meany. Mr. Weber.

Representative Conable. That all pay increases would be approved?

Mr. Meany. On the night of November 8th, when they came down with their first policy after were outvoted, we had a discussion and he said, "We will take care of aerospace, we will take care of the steel contract, we will take care of the coal miners, we will take care of the railroads, we will take care of the UTU, United Transport Workers Union, the West Coast longshoremen and East Coast." They made that commitment. They didn't keep it but they kept part of it.

Representative Conable. The West Coast longshoremen's strike was not resolved.

Mr. Meany. No, but the wage thing had been resolved two months before the President made his August 15th speech and we were quite familiar with that.

Representative Conable. Then you felt it was the White House's job to tell the Pay Board what they should do on those and that you felt you had a commitment from the White House in that respect, is that right?

Mr. Meany. Yes.

Representative Conable. Do you feel there is inadequate White House influence over the Pay Board?

Mr. Meany. No. I think we had double proof. You see, they made the promise and then the White House changed its mind so they changed their mind. There is no question about that. This was done with everybody present. This was done in the open. You can question anybody who was there on the night of November 8th.

Representative Conable. You maintain that the early large settlements, then, were not the result of labor's influence?

Mr. Meany. No. They were a gift from the Great White Father.

Representative Conable. And do you expect that kind of gift to continue with labor largely off the Board?

Mr. Meany. It would depend on circumstances. Yes, that is possible the way this thing is run. You know, this is a government of change. Things can change quite rapidly.

Representative Conable. But you are willing to put yourself in a position of accepting grace there rather than continuing to try to influence?

Mr. Meany. We can appear before the Board as advocates of our contracts just the same as we appeared before, but we have dropped the pretense that we have anything to do with the decisions. The problem is not the Pay Board. The Pay Board is going on its way, I am quite sure. While they may use some of the flexibility that they have here and there, the big question is prices. You have wage control. There is no problem in this country, you have wage control. That is what you want and you have it. That is what the President wanted and he has it. We don't argue with that. You are going to continue to have it. It is going to be very, very effectively policed. Now we want price control. That is what we want.

Representative Conable. If you could design a system, then, that would be fair at this point, it would involve not any real change on the pay side, except perhaps that you would like to feel that you have some influence there, but on the price side you would like to have a complete setup adequate to control prices in every four corners, wherever they are moving up?

Mr. Meany. Right.

Representative Conable. That is what your primary advocacy would be at this point.

Mr. Meany. That is our primary problem right now. We are not worried about the Pay Board.

Representative Conable. You are still interested in an excess profits tax despite the economists have opposed that?

Mr. Meany. Yes. Of course, this may affect the GNP, and I will really go—Well, I will really weep if the GNP goes down. This is really awful.

You know, profits are hitting record heights. Somehow or other the old trickle down theory isn't working. Maybe it will work after a while, but profits are hitting record heights and we are getting squeezed at the check-out counter in the super market.

Representative Conable. You want control of price, then, and primarily food, or at least that is the area of great concern.

Mr. Meany. I would like to see price control, period.

Representative Conable. You would like to see profits controlled.

Mr. Meany. I didn't say anything about controlling profits.

Representative Conable. That is what an excess profits tax is.

Mr. Meany. Do you mean to get them to bear more of the share? Yes. I would like to see the people getting these profits put a little more into the common till, into the Federal treasury.

Representative Conable. What about interest?

Mr. Meany. Personally, I would like to see a Federal ceiling on interest. Of course, I am not a financial expert, but I can't see any reason under the sun why any interest rates anywhere at any time should be over six percent.

Representative Conable. Is there any other element that you would like to have controlled besides these, to make what you consider to be a fair structure?

Mr. Meany. You have interest rates, you have rents. Most rents have been decontrolled. I don't know what the Price Commission reason is, but they seem to decontrol more than they control. But I don't think under the present setup you are going to control prices. You have to have more machinery. You have to have more people. It is as simple as that. I don't know the number of retail establishments in this country but they must run into the hundreds of thousands. I don't think anyone can argue that the only thing that goes into the prices we pay is wages.

In 1959, getting to the housing industry, everybody was upset by high wages in construction. In 1959, 33 percent of the purchase price paid for homes in America, and this covered the entire country—this was the National Association of Homebuilders, which is a private organization, it has nothing to do with unions—33 percent of the cost that the buyer paid for his home represented on-site labor.

Ten years later, in 1969, when he purchased the home, 18 percent of it represented on-site labor. So the on-site labor cost to the purchaser was cut in half. That didn't mean that the home cost less. The home cost a lot more. The breakdown showed that land costs went up. It showed that lumber costs doubled. It showed that the closing costs doubled.

Perhaps the biggest thing is the cost of hiring the money went up, the cost of financing went up. I think you will find out that this is repeated in many, many areas where, while labor contributes to higher prices, and there is no question about that, it does not play a major role of higher prices in many industries. I don't know what has happened to lumber. I see where the lumber people say that they like the way the controls are working, but my indication is that the price of lumber has doubled in the last 18 months.

Representative Conable. My time is up, Mr. Meany.

Chairman Proxmire. Senator Fulbright.

Senator Fulbright. Mr. Meany, the news from my state is that lumber is almost unavailable for small manufactures at any price. And we are a big producer of lumber.

Mr. Meany, in your statement, you say: It is our considered judgment that this so-called anti-inflation program is both ineffective and unfair. The average consumer and worker, particularly those at the lower rungs of the economic ladder, are bearing the brunt of this mess. The Administration has proved it is incompetent in these areas. It is up to the Congress to restore the confidence of the American people in the American economy.

I cite that merely to lay a groundwork, together with your statement that while you believe prices cannot be controlled without a full fledged government organization, comparable, we will say, to the OPA, which had 200,000, in view of the complexities of the present situation probably requiring more, and you also stated the President is against that.

I have seen very little evidence that there is much prospect of it being enacted without the President's strong support. You mention that the President has great power and that he has overridden, I believe you said, some of the agreements, the Price Board, and so on.

I have a feeling he has done the same thing with the Constitution in a different field.

I wanted to suggest to you that maybe in view of that there might be some other thing that the Congress might do, or if there isn't another approach.

I don't profess to be at all an expert in the details of your area—I am not on that committee and I wouldn't want to engage you in a controversy or even a discussion because you have already given an ample demonstration of your ability—but there is another element that strikes me, that maybe in view of these circumstances we can try to identify the principle cause of our problems.

I think what we have been talking about most is the remedy, that is, trying to deal with a mess, as you call it—and I agree with that, from what I read I certainly agree. I didn't read it for the purpose of disagreeing. I think it is exactly the way you describe it. I would like to suggest another approach. I read a recent statement in the Congressional Record:

"The most positive steps the President could take to strengthen our economy would be to end immediately and completely American involvement in the war in Indochina, cut back military spending on dollar draining military bases in Europe and elsewhere, and instead of letting the so-called peace dividend be consumed by the Pentagon use the funds for such purposes as to provide jobs, repair our decaying cities, build low and middle income housing, make mass transit facilities available, deal effectively with drug and pollution problems, and assure our 25.5 million poor people of a guaranteed annual income. But instead of ending the war once and for all and reducing military expenditures, the President and some of his advisors are busy developing the point that our economic problems are the result of winding down of the war rather than the war itself. George Romney, for example, said recently that if we have peace we are going to have unemployment."

What would be your comment on that? Do you not agree that that is a fundamental cause?

Mr. Meany. The idea that if we suddenly have peace that all of this money we are now spending for defense would be used for all of these things that you mention I don't buy at all.

Senator Fulbright. Why not?

Mr. Meany. Because it just wouldn't be done. We would have the economy boys getting the word we can't spend this money. When I say it wouldn't be done, it is on the record. It is nice to say wouldn't it be wonderful if we could take all of this money and put it in housing. I say yes, it would be wonderful. But it would also be wonderfully surprising to me if that ever happened.

If Congress were to say, "Well, we are going to do all these things if we have the money" that doesn't happen. We have had a lot of social projects that I think we got the money for. What did we get from the White House? We got a veto on a lot of things, things to help the elderly, child care, things that would help education.

We had a stellar performance on the TV tube a short time ago. I listened and said, "Goody, goody, that is great. We are going back. We are going to put in some more money and raise quality education."

When I read the bill he sent over I found there wasn't a nickle in it for additional education. I have no great confidence that this money would be spent the way you say it would be spent.

Senator Fulbright. The reason he gives for the vetoes is the enormous deficit in our budget. He has used that on a number of occasions. Of course, the principal reason is there is the expenditure of these vast amounts in foreign expenditures.

Don't you think there is just as much an opportunity for the Congress to use good judgment in the use of that money as there is to impose a full fledged price control involving 200,000 or 300,000 people, especially over the opposition of the President? Then you would do nothing about either the cause or the cure. That is what it comes down to, if I understand you correctly.

Mr. Meany. Of course, I have my own opinion about our defense efforts and our foreign stuff.

I hear a lot of criticism. I have yet to have anyone explain how. People say, "Let's get out now." How do we get out?

Senator Fulbright. This has been going on, this war, for nearly ten years. You will recall what the President said in the election, that he had a plan to finish it. That is nearly four years ago.

Mr. Meany. He had a plan to bring down American involvement and I am not going to say he didn't bring down American involvement. We had 535,000 people there and he has brought that down to 80,000. We lost 14,000 dead in the last year of Lyndon Johnson. He sure has cut that down. I am not going to put myself in the position of making the decisions in that field, which are primarily his under the Constitution. I am inclined to think he is making decisions that he has to make.

Senator Fulbright. I wasn't really asking you that. Would you or would you not agree that this is not just the war in Vietnam. That is estimated by various people at from $7 to $9 billion, itself.

In the overall, they are asking for $83 billion for military affairs. There is a very substantial increase overall, outside of Vietnam. I was not trying to argue about the ongoing question of the wisdom of the war. Under present conditions you have described most effectively and in a most colorful manner the mess, as you call it in your statement—and I don't quarrel with that word—that we find ourselves in. What I am trying to say is in view of that mess and the seriousness of it, and the interest of your people and all people in this country to re-establish not only a more stable economy, with, as you said, a more equitable distribution of what we have, but also to cure some obvious and serious maladjustments outside of that, such as the conditions in the cities, mass transit, housing, et cetera. What comes first? It is a question of priority.

I am not speaking of what Lyndon Johnson did or John Kennedy——

Mr. Meany. On the question of priority, I will leave that to the President and the Congress. If you are saying wouldn't it be wonderful if we had the money we are shooting overseas to use here domestically, I agree, I think it would be great.

Senator Fulbright. It is not only the money, as such, which is a major part of it, but the direction of our efforts, the attention of the President and the Congress today.

Today, much of the attention of the President and the Congress is given to these other items. The question you are concerned with, and I think rightly so, has a very short shrift. Many items come down low in priorities. You know that at least 60 to 70 percent of the President's attention is devoted to these other matters and he can only give passing attention to the problems we are discussing here this morning.

The question of priorities is not just for Congress. After all, you are one of the most powerful men, as the Chairman said, in this country. I agree with him. In many respects more powerful than any individual member of Congress or anyone else that has to do with this area. You can't just shove it off and say that is Congress' duty. Congress can't do it without the support of you and many other people like you—although I can't think of another one like you.

You have obviously the greatest amount of influence in the political scene.

Mr. Meany. If you keep that up, I won't be able to get my hat back on my head again.

Senator Fulbright. I am trying to suggest to you that your influence at getting at this is great. You say it would be wonderful. I would like to see you use your influence to bring it about. We don't know whether the Congress would distribute the money in a more equitable way. I think they would, given an opportunity.

Mr. Meany. You say I am powerful, but I am certainly not too well informed. I get really confused about what our foreign policy is, and I say this very seriously. I have talked to Henry Kissinger, whom I have known for a good many years, and he leaves me completely puzzled at times.

For instance, I still don't know how we got into Pakistan on the side of the murderers. I always like to think when we get into foreign problems we are on the right side. I can't get any explanation from Henry on that. I can't get any explanation that would make sense to anybody, really. I can't.

You are now talking about the whole foreign question. Frankly, I had never thought of this in terms that you put it in this morning, of a term of priorities. I thought we would be able to do both.

Senator Fulbright. So did Lyndon Johnson. That is why we are in the condition we are. Now we are looking for the cure and we are having a great deal of difficulty.

Mr. Meany. Well, I want to be very frank. I felt that we were on our way out. I felt that until perhaps a month or so ago. It looked like he was reducing the number, that he had a schedule. Knowing him I was quite sure he was going to hit the tube one of these days and reduce it down. By the 7th of November I think we would have been down to zero. I don't think there was any question about his intentions. But now I am not so sure.

Senator Fulbright. Neither am I. My time is up. I hope you will give this some thought.

Chairman Proxmire. Congressman Brown.

Representative Brown. President Meany, I have been pleased to hear your comments and I want you to know that I agree with you about the plumbers and the lawyers, and maybe even about the economists. But I am not sure whether I agree with you or not about what we ought to be doing in this circumstance.

As I understand it, you were originally for controls in the economy to resolve this problem.

Mr. Meany. I don't think that is a proper statement.

Representative Brown. Didn't you urge on the Congress——

Mr. Meany. No, we did not urge controls. We said time and time again if the President of the United States decides that controls are necessary, we will cooperate. I think there is a big difference than saying we were for controls.

Representative Brown. As I understand, the Congress gave the President the authority——

Mr. Meany. It gave him that a couple of years back.

Representative Brown. And the President acted on that authority. Then you state on page eight of your testimony, "We urge the Congress to tighten the substantive provisions of the Act but not to extend the Act's authority beyond the original termination date of April 30, 1972."

Mr. Meany. That is right.

Representative Brown. That would seem to be a position against controls.

Mr. Meany. No. What we were saying was you gave the President the power to use these controls and he didn't use them. He said he wasn't going to use them. Then on August 15 he suddenly decided to use them and we didn't like the way he used them. So what we said to Congress was when you extend the controls, extend them only to April 30, 1972, so you can take another look as to how he is using additional extension.

Representative Brown. Congress didn't do that. They extended them to April 1973. As I understand from what you told Mr. Conable in his questioning, now what you would like to do is set up this $4 billion bureaucracy between now and April 30, 1973, to control things more tightly, food and other things.

Mr. Meany. I have not advocated the setting up of a bureaucracy. I say very simply from my experience you will not control prices unless you set up the bureaucracy.

Representative Brown. I thought you told Mr. Conable that you want food prices——

Mr. Meany. I want everything controlled that my people have to pay for, yes.

Representative Brown. So you do want set up——

Mr. Meany. I want it in the interest of equity. I will tell you, there is another alternative. Take off controls altogether. We will buy that, too. We will get along.

Representative Brown. Which would you prefer? I am confused about that.

Mr. Meany. Either one will do. We would like to see prices come down, so give us full controls and we will go along.

Representative Brown. If we get the food price controls——

Mr. Meany. You would have no argument about wages, then.

Representative Brown. —and if we have shortages, would you favor rationing?

Mr. Meany. If that was necessary, sir, whatever is necessary to give us equity. We don't have equity in this situation.

Representative Brown. Let's talk a little bit about the equity. I am concerned about some figures I read and I don't understand this part either. If I understand, in current dollars, hourly earnings for nonfarm production workers in Phase II have gone up 9.1 percent. At the same time, the Consumer's Price Index on all items went up 4.9 percent. That is just Phase II. If you take the whole of Phase I and II together the figures on earnings in constant dollars, spendable weekly earnings in constant dollars for nonfarm production workers is 5.9 percent, whereas the Consumer's Price Index on all items with that tremendous bulge in the food item figure is 3.3 percent.

In terms of those figures what would equity be?

Mr. MEANY. In terms of those figures?

Representative BROWN. Yes. The spendable weekly earnings in constant dollars, August 1971 through February 1972, is 5.9 percent. They have gone up 5.9 percent. The Consumer's Price Index on all items during that same period has gone up 3.5 percent. I don't understand what equity would be on the basis of those figures.

Mr. MEANY. Into the earnings figure, of course, goes your increase in productivity. In other words, you are not going to compare the earnings directly with the prices. In the earnings figure you have to allow for increased productivity.

Representative BROWN. What dollar figure would you compare in terms of wage increases?

Mr. MEANY. Our figure that we presented to the Pay Board I think was 5.5, or something like that.

Representative BROWN. And that is made up of what?

Mr. MEANY. It is made up of the cost of living that is normal. After all, there is a normal cost of living increase. We have never been without it for many years. Plus an offset for productivity.

Representative BROWN. If you use current dollars the same figure escalates on wage rates because it becomes 8.8 percent.

Mr. MEANY. How do you figure that out?

Representative BROWN. The figure I have for nonfarm production workers, spendable weekly income in current dollars, has increased 8.8 percent since August 1971.

Mr. MEANY. Of course, in there was these retroactive increases, and so on.

Representative BROWN. You made, I thought, a very eloquent presentation. I was pleased to hear it because I think it represents a balanced view about the needs of our economy with reference to profits. The profits figures that Mr. Gullander presented to us yesterday, NAM, admittedly, I assume, were biased in his interest as you are in yours, but that is the way the system works. They would indicate that as a percentage of GNP corporate profits last year were 4.4 percent. Back in the '30s they were 3.2.

Mr. MEANY. Why as a percentage of GNP?

Representative BROWN. I thought it would be a fair comparison——

Mr. MEANY. Why not what they made the year before? What is wrong with comparing what they made the year before? This business of the numbers game you can play any way you want. I have seen figures come out of the White House just a short time ago which showed that the annual take-home pay of workers was going to increase by 16 percent in a year. They just took one month. It is something like the show we saw yesterday, where the crime rate in Washington has gone down.

Representative BROWN. Let's take '65 to '71 as a reasonable period. Is that all right?

Mr. MEANY. I don't know whether it is all right. What are you using?

Representative BROWN. The difference between corporate profits between '65 and '71 was a two percent rise. The Gross National Product in that period of time went up 53 percent. During that period of time the compensation to employees in this country went up 63 percent. What are the figures that are desirable? In '71 and '72 we had the lowest percentage of profit return in this country that we have had since 1938.

Mr. MEANY. On the basis of whose figures?

Representative BROWN. On the basis of Federal figures that are presented each year.

Mr. MEANY. I read the Wall Street Journal and I read the figures.

Here is Mr. Joseph Slevin. He is not connected with labor. He is supposed to be a financial writer with the Washington Post. He says, "It now looks as if U.S. corporations will chalk up their first $100 billion year in history." The 100 large corporations went up 76 percent last year.

Representative BROWN. 76 percent compared to the year before.

Mr. MEANY. Yes.

Representative BROWN. The year before was the lowest year since 1938.

Mr. MEANY. The lowest year on what basis?

Representative BROWN. On the basis of the percentage of the GNP.

Mr. MEANY. That don't mean anything to me at all, the GNP percentage. Listen, the GNP has gone up to record heights. We have 5 million people out of work. Welfare roles are going up. Food prices are going up. Rents are going up. And the GNP is going up. Goody, goody for the GNP. But that isn't doing anything for my people.

Representative BROWN. Let me tell you what has happened in terms of percentages.

Mr. MEANY. I will tell you what has happened to my people.

Representative BROWN. May I ask a question, please, Mr. Meany? I have a limited amount of time. In terms of the percentage of return out of our economy of wages for individual employees, in 1930 it was 52 percent, in 1950 it was 54, in 1960 it was 50 percent of the GNP, and in 1971 it is 61 percent. That seems to me to be a reasonable growth of the return that labor receives. I don't know how we can compare these figures to get on some kind of an equal basis. What is the comparison?

Mr. MEANY. You can't compare them unless you get into the question of what we can do with our money.

Representative BROWN. The figures I gave you were in terms of constant dollars.

Mr. MEANY. Do you mean pre-Connally dollars?

Representative BROWN. Constant dollars, based on the growth between August and February, 5.9 percent.

Mr. MEANY. What does that mean at the super market counter?

Representative BROWN. That is the increase in real earnings.

Mr. MEANY. What does that mean?

Representative BROWN. The 5.9 percent increase compares to a 3.3 percent increase in the Consumer's Price Index for all items.

Mr. MEANY. All items? What about all these price increases that we have that we can give you affidavits on, we have the people and so forth, from all over the country? This is the present day problem.

Representative BROWN. I am sorry I don't have a chance to answer that question because my time is up.

Senator JAVITS. I must apologize to the chairman and to Mr. Meany for my absence this morning, but I was attending another committee meeting during this time.

Mr. Chairman, I find that the conflict on the basic facts is so sharp that I think it is my duty as a member of the committee to do my utmost to resolve the bigger question. If, in fact, the points implied by Mr. Gullander and other witnesses that the rate of profit in the American industrial scheme is a reasonable one compared to the rate of wage and salary increases, that places a totally different question before us.

As I understand it, Mr. Meany, it is a fact that you are challenging this wage-price new economic policy on the ground that it is biased in favor of management and capital. Is that correct?

Mr. MEANY. Yes.

Senator JAVITS. Therefore, the fact of these figures becomes the all important question.

Mr. MEANY. What our people have to pay in order to live is important.

Senator JAVITS. There is no question about that.

Mr. MEANY. You bring in figures, corporation figures and profits. You get into an area that I am sure the housewives have difficulty understanding. You get fast write-offs and all this sort of thing, and cash flow and everything else.

Where does it all come in, I don't know. You see, we are very practical. Maybe we are a little bit stupid, but we still insist on saying we pay our prices to the landlord and to the supermarket and to the people who collect interest. We have millions of people who are now paying 7.5 and 8.5 percent interest on their homes, which is something that it took a lot of doing to bring about, but Arthur Burns managed to bring it about.

Senator JAVITS. Mr. Meany, in saying "you", I assume you mean the editorial you. I haven't done anything yet. I am trying to point out to you what is the point of difference. The point of difference is that it is a fact that profits are out of hand and wages are being controlled in such a way as to disadvantage the worker and the housewife.

Your answer to that, I gather, is yes. I heard it very clearly.

Mr. MEANY. Let me try to simplify it.

Senator JAVITS. I have it very simple, Mr. Meany. These minutes run against both of us, so give me a chance to get to my basic point. The point I would like to ask you is this: Isn't it right for us, in trying to come to some judgment about this, to look at both sides of the ledger. In other words, neither side is absolute.

The figures on compensation increases should be as important to us and rank equally with the figures on what you charge to be runaway profits. I would like to know that basic principle.

Mr. MEANY. The basic principle is quite simple. You are controlling wages very effectively. While that is somewhat distasteful, we have said time and time again we will accept that. We accept it now. But we always made a proviso: We would accept it provided there was equal sacrifice throughout the rest of the economy, that all forms of income would be controlled and regulated.

It is quite obvious that other things go into the final price the consumer pays outside of wages. So we are saying as a matter of equity that all forms of income should be controlled. It is just as simple as that. If that includes profits, includes managerial salaries, if it means a reduction for some corporate executive who is getting $800,000 a year, that is too bad.

But as a matter of equity and fair play, just common fair play—well, you say the President has said that the creation of a bureaucracy to control prices is unthinkable. Well, that may be all right, but he has millions of people who are controlling wages and think that they are performing a patriotic service. Every employer in America is an enforcer of the President's wage policy. And still with all that, Senator, we say we will buy that.

Let the Pay Board go on. But we say for God's sake, give us the rest of the deal. Give us the side where we are being hurt. Control the prices. That is what we are saying. What goes into prices? Don't interest rates go into prices? Don't mortgage rates go into prices? Do rents go into prices? Do profits go into prices? Do dividends go into prices? Of course they do. All those things go into prices.

So we say simply even though the President thinks it is unthinkable, you should try to control prices.

Senator JAVITS. I think I understand you very well, Mr. Meany. I was trying to get the point from you if you believe or you said that wages and salaries were under strict control and couldn't be any stricter, but prices are not. So you want the controls on prices as on wages. You say the latter control already exists.

We have two questions to decide: One, are the controls as tight on prices as they are on wages and salaries and; two, is there a major disproportion being created between the two. Is that it?

Mr. MEANY. Yes, sir.

Senator JAVITS. Thank you so much.

Chairman PROXMIRE. Both you and Leonard Woodcock gave some specific reasons for leaving the Pay Board. Some of them I thought were persuasive. I questioned both Dr. Stein and Judge Boldt on these points. They flatly denied some of your accusations.

I want to give you the chance to reply. Judge Boldt, in the first place, denied that there was any interference with Pay Board operations by the Cost of Living Council.

Mr. MEANY. I don't think the Judge would know. We spent three weeks with that fellow and he never answered a single question. This man has absolutely no experience in labor-management fields. He had one labor-management case where he made a decision and he was reversed by the Supreme Court. For three weeks, Senator, we spoke to him as the Chairman and he looked at us blankly and Arnie Weber answered.

Chairman PROXMIRE. Mr. Meany, as I say, I was the only Senator to vote against him in committee. I opposed him on the floor and got one vote, my own, against him. He was confirmed.

You haven't answered the question. My question is can you detail the instances where the Pay Board was influenced or overruled by the Cost of Living Council?

Mr. MEANY. On the night of November 8, we had a commitment from Mr. Weber who represented the Administration. Mr. Weber, had been an employee of the Executive Branch of the Government since Mr. Nixon became President. He was with the Labor Department. He went over to the White House as an Assistant to George Schultz. He went to the Cost of Living Council when it was created. He was the man who made the decisions. He was the man who made the pronouncements and so on and so forth.

On the night of October 21, he was still the Executive Secretary of the Cost of Living Council, which is an exclusive government operation.

On the morning of the 22nd of October, he was the impartial, neutral member of the Pay Board.

Chairman PROXMIRE. Let me ask you another specific question. Boldt insisted it was the Pay Board that decided the question of defining low wage workers, contrary to the widespread impression that it was the Cost of Living Council?

Mr. MEANY. No, sir. When that question came to the Pay Board, the Pay Board said $1.90 an hour was too low. They sent it back to the Cost of Living Council and the Cost of Living Council in a couple of days came out with its decision, $1.90. The Judge should look that up in the record.

Chairman PROXMIRE. The Judge referred to the demeanor and actions of the public members on the Board and he said that he and other public members of the Board have never prejudged a case before the Board. That statement was flatly contradicted by your testimony about the dock workers settlement. How do you account for that contradiction?

Mr. MEANY. I don't know. I have some witnesses if you want. I have one sitting right here who attended every session. I didn't attend all the sessions. I had other things to do and I was ill for a while. Mr. Goldfinger was there.

Chairman PROXMIRE. Let me ask you another one.

Mr. MEANY. For instance, they brought in the dock workers settlement. It was not brought in for discussion. It had been through the legal department and was in its final legal form and they said, "Here it is and we don't want to waste your time. We will let you know now we have 10 votes."

Chairman PROXMIRE. I asked Judge Boldt whether the White House had leaned on the Pay Board in any respect with regard to the decisions. I asked him whether Peter Flanigan at any time intervened and used his influence, which is very great, with members of the Pay Board.

Judge Boldt said absolutely not, under no circumstances.

Mr. MEANY. I contend that the Judge wouldn't know. All that had to happen was somebody talked to Arnie Weber, most likely John Connally. My guess would be Connally. It was quite obvious that Arnie Weber was making the decisions and Arnie Weber represented the White House. He came out of the White House. That is where he lived. I am sure he wouldn't enlighten the Judge on things like that. I don't think he would disturb the old fellow.

Chairman PROXMIRE. You make the point in your statement that the law authorizing Phase II has many defects. I think that is correct. Even so, as you point out, the Administration has not even complied with the spirit of the law.

You mentioned the decision on low wage workers as one example of the failure to comply with the law. Aren't there some others? For example, the Price Commission certainly has not held hearings on specific cases which I feel the law requires. It was my amendment. I put it in. I know what my intent was. I prevailed. We fought in the committee and lost but we won on the Floor. It was held in conference. They haven't held one single hearing. They have hearings as to whether they ought to have rent or food control but no hearing on a specific increase, which is what we had in mind.

Mr. MEANY. They approved them in bulk.

Chairman PROXMIRE. They approved them all by Grayson and he has never been overruled once by members of the Board and has never held a hearing on one increase.

Mr. MEANY. Looking at the makeup of the Price Commission, in fairness, shouldn't there be someone there representing consumers? The whole Commission has a corporate background.

Chairman PROXMIRE. Let me ask you about that question. You knew, didn't you, when you went on the Board, who the other members of the Board would be?

Mr. MEANY. Yes.

Chairman PROXMIRE. Why did you go on? You knew who these fellows were.

Mr. MEANY. We went on—we had a meeting among ourselves and we went on. We said, "Well, we have to see if we can try to make this go." We made a statement to that effect, that we were going on to try to see if we could make it work. We thought possibly we could make it work.

I think if they had let us alone, we might have made it work.

Chairman PROXMIRE. Mr. Meany, this has been, as I said, one of the best hearings I have been in, but I don't think we have gotten to the kind of specific and constructive suggestions that I think you may have in mind.

Mr. MEANY. There is the suggestion I gave to Senator Javits. Wages are controlled, for God's sake, control prices. That is what I am saying.

Chairman PROXMIRE. How?

Mr. MEANY. That is up to you and the President. That is up to you and the President. The President says it is unthinkable. I think the Congress might have a right to say to the President, "You better think about it in the interest of fairness and justice and decency and fair play to the American people."

Chairman PROXMIRE. Let me ask you this: Would you go back to precisely the kind of system we had in World War II?

Mr. MEANY. If that was what was needed, yes. At least, it was fair.

Chairman PROXMIRE. What is your judgment now? Is it needed or not?

Mr. MEANY. I don't know. You see, all through this I have insisted that the President make the decision, and he on the 15th of August, made this decision. I didn't make it.

Chairman PROXMIRE. Let's get to the area where you and I sharply divide. I have argued that controls should be confined to the big unions and the big business. I say that because the overwhelming majority of our economy is in a competitive situation where the Mom and Pop store couldn't raise prices if they wanted to, but big businesses do. Steel does. One big company does and within 24 hours every big steel company follows suit.

Mr. MEANY. Don't you think we might have some thoughts on that?

Chairman PROXMIRE. That is why I asked you the question. What are they?

Mr. MEANY. Nobody from the Executive Branch asked us on the 15th of August. We weren't consulted on that. You weren't consulted. The Secretary of Labor wasn't consulted.

Chairman PROXMIRE. Now you have a chance to say what your position would be on that. What do you think?

Mr. MEANY. Do you mean if they are going to use that system? I would be delighted to talk to representatives of Congress or the Executive Branch and put whatever thoughts we had into that question. But I certainly am not going to give you my ideas in a vacuum. Are they ready to do this? Is the Executive Branch ready to make a change?

Chairman PROXMIRE. Let me tell you they certainly won't be willing to make a change. I know there is no question they don't agree with you on many things.

Mr. MEANY. Why don't they sit down and talk with me? If I don't agree with a person, I like to talk to them. They don't talk to me and they don't talk to you, either.

Chairman PROXMIRE. This is a congressional committee. We are Members of Congress. We have some voice in these policies. We want to hear you.

Mr. MEANY. We testified when you extended the Act last fall. One of the things we advised was don't give them this blank check. You didn't take that advice. You followed your own inclination.

Chairman PROXMIRE. I took the advice. I voted against the whole bill.

Mr. MEANY. We said don't give them a blank check. Give them an extension until April 30 so they will have to come in and let you know what they are doing. But you gave them an extension to 1973.

Chairman PROXMIRE. I voted against the extension but it was a lonely fight and I lost.

Congressman Conable.

Representative CONABLE. Have the inhibitions on you before this committee prevented you from expressing anything you would further like to express? Is there anything that you would like to say that we haven't let you say?

Chairman PROXMIRE. He is the one witness we will ever have before this committee that wouldn't be bashful.

Mr. MEANY. I gabbed so much I didn't have a chance to read my statement.

Representative CONABLE. I thought you might want a little bit of free time.

Chairman PROXMIRE. Before I yield to Congressman Brown, let me announce that there have been some perfectly enormous increases in salaries between 1970 and 1971. James Kerr, from $120,000 to $214,000; Paul Fontaine, of Bendix, $121,000 to $280,000; Fred Borsch, of General Electric, from $320,000 to $485,000. These are annual salaries.

This may or may not involve any violation of the law because, of course, it is from '70 to '71 and the whole year was involved. We are asking and we are getting Mr. Tim McNamara, Director of the Economic

Analysis, and Mr. Whortney of the Office of Compensation, to come before the committee tomorrow to discuss these with us.

If Mr. Brown would permit on my time, and I don't think I have used all my time, I would like any observations you may have on this, Mr. Meany. It was under the jurisdiction of the Pay Board but I understand it was delegated to a separate Executive Committee, the Committee on Executive Pay.

Mr. Meany. These large salaries are not disturbing. I don't think they have any great effect. Even a fellow who gets $700,000 a year, if you were to cut him down to $500,000, you would save $250,000, and if you applied that to the price of the product that his company made it might make a difference of a half cent.

In the automobile business, it might reduce the automobile price a half dollar, I don't know.

Chairman Proxmire. That is the first time I have been surprised at a response from you.

Mr. Meany. I haven't finished.

I think, however, that another phase of it is that every worker in this country knows he is under control. Then when he looks at these big fellows, and then looks not only at their salary but the stock options that they have and so on and so forth, and you get the impression more and more that it is not a government for all the people. It is only a government that takes care of certain of the people. It is sort of an insult to the individual.

But as far as the practical effect on prices it would be very, very small.

I heard this morning that the Gallagher Report takes the average of the large corporations of America and said $346,000 is the average pay.

Chairman Proxmire. This year around the country the chairman of boards got increases of 12.5 percent to an average of $346,000; presidents got increases of 17.6 percent, to $288,000; vice presidents got increases of 13.3 percent to $242,000.

This is not my description, but the Gallagher Service. They say Hungry Hal Geneen for the second year in a row was the highest paid executive earning $812,000. Of this total, $430,000 represented incentive payments.

Mr. Meany. I am at a disadvantage in discussing this because I sat on two commissions, two governmental commissions, having to do with executive salaries, salaries of Cabinet officers, salaries of Congressmen, of the Speaker of the House, and so forth, and I recommended very large increases for them.

Chairman Proxmire. A recommendation by your organization was that you get a salary increase from $70,000 to $90,000. I don't recall whether you accepted that or not.

Mr. Meany. I didn't get it. I had to stick with the Pay Board rules. I didn't get the increase. I got an increase of $4,000, I think.

Chairman Proxmire. That was within the guidelines.

Mr. Meany. Yes. Actually, you see, they weren't increasing my salary. They were increasing the salary of the position. Wait a minute. When President Nixon came into the White House, they didn't increase his salary. They didn't increase President Nixon's salary. But they increased the position and they increased it 100 percent, if I remember.

Chairman Proxmire. You may be right, but try to tell that to the guy who gets out of work at Allis Chalmers in Milwaukee and earns not $90,000 but $9,000.

Mr. Meany. Well, of course, he would assume that after they increased his salary I would most likely get elected, and he is right.

Representative Brown. I don't suppose you heard from any of those guys at Allis Chalmers, did you?

Mr. Meany. No. They are worried about their own salary. I think I get paid too much, anyway.

Representative Brown. I think Members of Congress get paid too much but I am glad to know who was responsible for their increase.

Mr. Meany. That is true. I was on two of those commissions. I even recommended higher wages than they gave.

Representative Brown. You did?

Mr. Meany. Yes.

Representative Brown. What did you recommend?

Mr. Meany. $50,000, something like that. If it was up to me, you fellows would be getting more money right now.

Representative Conable. It wasn't because there was a pattern set, is it?

Mr. Meany. We were looking at outside executive salaries and trying to make a comparison.

Representative Brown. Let's get back to some more salary or wage increases. What about the dock workers' wage increases? I don't think you discussed that this morning, although I think you have covered almost everything else. As I recall, that was a settlement for 22 percent.

Mr. Meany. Twenty percent, of which five and some fraction were fringe benefits.

Representative Brown. Is it your contention that fringe benefits don't count?

Mr. Meany. What do you mean don't count?

Representative Brown. Are you suggesting——

Mr. Meany. I am not suggesting anything. You are talking.

Representative Brown. Whenever I get the opportunity.

Mr. Meany. I was trying to break down the 20 percent. You said 20 percent. It was 20.8.

Representative Brown. The 20.8 percent increase was knocked down to 14.9. At that time you left the Pay Board.

Mr. Meany. That is right.

Representative Brown. Was it over that issue? Were you unhappy with the 14.9?

Mr. Meany. If we had been consulted, if we felt that we had a hand in reaching that decision, if we felt that our ideas on this were being considered by the Pay Board, I think we might have stayed. This was the decision that they sent through the legal department and laid it on the table and said, "Gentlemen, don't waste time, we have 10 votes." In other words, our further participation would have been degrading.

Representative Brown. May I ask the question, had you stayed to vote, how would you have voted?

Mr. Meany. We would have voted for the full increase because they had the full increase coming to them on the question of productivity. If you look in the record of the extension of the legislation, the Pay Board was instructed to take into consideration questions of productivity. Here the employers came in with 150 percent, admitted 150 percent, increase in productivity in 10 years, 33 percent in the last year or so. They came in and they are giving the worker a portion of that, not giving it all to them, but a portion.

On that basis, and on the basis of the congressional intent, they were entitled to all of that.

Representative Brown. Is it your contention that the productivity increase ought to all go to the wage earner?

Mr. Meany. No, by no means.

Representative Brown. How should it be divided?

Mr. Meany. I think you should try to give some to the consumer.

Representative Brown. By what method?

Mr. Meany. That is up to the corporation. But the wage earner only has one place to get his share and that is at the collective bargaining table.

Representative Brown. What was the productivity increase where there was a 21 percent wage increase to take care of? How much was the productivity increase?

Mr. Meany. The union claimed 180 percent in the last 10 years and the industry people said it was only a 150 percent increase in productivity.

Representative Brown. The 21 percent was to cover the 10-year period?

Mr. Meany. No, the last five-year period.

Representative Brown. What was the comparable figure for a five-year period?

Mr. Meany. About 78 percent, I think. It was what they call a catch-up, which is not uncommon in collective bargaining.

Representative Brown. That is what I wanted to get to. Is the only place where a catch-up is appropriate in wage rates or is it appropriate in prices?

Mr. Meany. The only place where we need it is at the collective bargaining table, and that is in wage rates. You know, industry has consistently refused to allow us to talk prices. They won't let us talk prices at the bargaining table.

Representative Brown. Is there any appropriateness in catch-up in prices?

Mr. Meany. Of course there is.

Representative Brown. So you would accept some catch-up?

Mr. Meany. No question about it. But we don't get any chance to have anything to say about it. Industry has consistently said that prices are their business, not ours.

Representative Brown. Let me ask a question——

Mr. Meany. I can remember when the auto workers went so far some 10 years ago of saying that they would bargain on the basis of a price reduction for automobiles and take less wages for it. They got an absolute——

Representative Brown. What was that caused by, foreign imports?

Mr. Meany. No. This was with GM.

Representative Brown. Can I ask you about an area that bothers me about controls? If we get into very strict wage and price controls with this bureaucracy that would have to enforce that, the Leon Henderson-OPA version, would it be your contention that people should be frozen into their jobs and not be able to move from one job to another?

Mr. Meany. Of course not.

Representative Brown. Then if a man found another job, the only way he was going to get more money was to move from one job to another——

Mr. Meany. That is what he would do. I would hope that this would still be America. You know what I mean.

Representative Brown. Then we would develop labor shortages in certain areas where the job rate was lower.

Mr. Meany. You are really looking for the dark side of the picture.

Representative Brown. I am trying to look at the realistic side of what controls mean. As I recall, the AFL-CIO was one of the leaders after World War II in saying, "Let's take off controls so we can get meat into the marketplace because we are tired of not being able to buy it as a result of shortages, and we are willing to pay the price." Is that fair?

Mr. Meany. That is what we said then, yes, that is right. That is true.

Representative Brown. Now the position has kind of changed and what we really need here is controls because——

Mr. Meany. Everything we say here is based on the idea that the President of the United States made the decision we wanted controls. We didn't make that decision. He made it.

Representative Brown. I thought you were recommending controls——

Mr. Meany. No, we were not. I answered that before, Mr. Brown, that we at no time recommended controls. We said always if the President of the United States feels that the inflation picture calls for controls, and we said that when Lyndon Johnson was President, and we said it three or four times, we said it every year that Mr. Nixon was President—if the President decides, we will cooperate, provided the controls are across the board and call for equal sacrifice by all segments of our society. That is the simple position we took.

Representative Brown. You would rather argue about their position than your position?

Mr. Meany. What do you mean?

Representative Brown. You would rather them to take the step.

Mr. Meany. It was my theory that the only one who could call for this was the President.

Representative Brown. But you are not now calling for stringent controls? I am still confused about that.

Mr. Meany. I am saying we want stringent controls on prices unless you want to drop the whole business. We say we will take what we have in the wage picture if you control prices. We think you should control prices. You are not controlling prices now. Or we say if you want to drop the whole business and let the forces in the free market take place, we will buy that, too.

Representative Brown. Either total control or no control?

Mr. Meany. That is right.

Chairman Proxmire. Senator Javits.

Senator Javits. Mr. Meany, if you would bear with me, I would like to ask one question, but I would like to lay a basis for it. I would like to ask you about the AFL–CIO's attitude toward what I believe is an impending productivity drive.

As a basis for the question, I would like to read to you a statement from a Washington Post editorial which reads as follows: "We found the most striking evidence of frustration, anger, rebellion and disenchantment which affects such basic questions as productivity, pride in craft, the ability to remain competitive, and a willingness to accept the goals and standards set by both unions and the companies."

That is one statement.

The other is one made a year ago by Frank Polara, Assistant Research Director of your Federation.

"Motivation is an abstract concept that has very little relevance, very little pertinence, very little meaning to the industrial worker in the industrial world today."

Has the AFL–CIO developed an attitude toward an increase in productivity? Does it believe we ought to have some major effort to increase productivity? What are its concrete suggestions?

Mr. Meany. Very simple. We have never stood in the way of increased productivity. We are for it but we want to get a share of the fruits.

Senator Javits. Does the Federation have any proposals or plan which could help us as we dig into this? You will remember we authorized the Productivity Council by statute.

Mr. Meany. And all we got from the Productivity Council was rhetoric. We were told productivity should be reflected in all elements, including wages. But we found out that that wasn't so.

Senator Javits. Mr. Meany——

Mr. Meany. I can't divorce the Productivity Commission from the Pay Board, the Price Control Board, the Cost of Living Council. They are all run right into the White House and are run by the White House. You can't give me one policy on one and tell me that it is raining over here but the sun is out over here. I don't buy that.

Senator Javits. Could we ask your help in getting the AFL–CIO recommendations as to what this Productivity Council ought to do? Would you be good enough to give us that? We can get it later and put it in the record, if it is agreeable with you.

Mr. Meany. Let me think about that. I have resigned from the Productivity Council and I would feel a little silly telling them what they ought to do.

Senator Javits. You would be telling us, not them.

Mr. Meany. Maybe the Productivity Council should be reorganized so it would reflect the thinking of the people who really produced, the people at the work bench.

Senator Javits. You are telling us, not them, and at my request. I would greatly appreciate it if that could be done. I am deeply interested. I think it would be helpful to get labor's viewpoint. Thank you.

Mr. Meany. All right.

Chairman Proxmire. Thank you, Mr. Meany, for not only an excellent presentation but an entertaining and enjoyable morning.

FDA'S RESPONSE TO INSANITARY CONDITIONS IN THE FOOD MANUFACTURING INDUSTRY

Mr. MOSS. Mr. President, I deeply regret that we cannot reproduce photographs in the Congressional Record. For if we could, I should like to place in the Record a series of nine color photographs included in a GAO report entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry."

We are aware that 100 percent sanitary conditions are difficult to achieve. For this reason, the Food and Drug Administration has established a series of "filth tolerances." In effect, these are guidelines for FDA inspectors. Food commodities containing more than the listed tolerance of contamination are deemed adulterated and removed from the market. Many will claim that the levels are too tolerant. I am not a food engineer, and thus cannot make an objective judgment as to whether these levels are excessive. According to the FDA these are levels for unavoidable defects in food and present no health hazard.

Actually, I am skeptical as to whether the presence of 150 insect fragments per subdivision of 225 grams or 250 insect fragments in any one subdivision of 225 grams of chocolate is an unavoidable or natural defect. Nor do I know whether an average of four rodent hairs per subdivision of 225 grams or eight rodent hairs of any one subdivision of 225 grams is a natural or unavoidable defect in chocolate. And I don't know whether 15 percent of asparagus spears infested with six attached asparagus beetle eggs or egg sacks is excessive. I don't know whether two spinach worms of 5-millimeter length present in 12 No. 2 cans of spinach is excessive. But I do know that the Food and Drug Administration is required to provide assurance that food products shipped across State borders be processed under sanitary conditions and are safe, pure, and wholesome to eat.

From the GAO study, I do know that sanitary conditions in the food industry in the United States are deteriorating. I do know that the FDA is unaware of how extensive these insanitary conditions are and cannot provide assurance of consumer protection required by law. And I do know that a serious problem of insanitary conditions exists in the food manufacturing industry and actions must be taken to alleviate these conditions.

I propose a solution to this problem: The enactment of S. 3419, the Consumer Safety Act of 1972, reported by the Committee on Commerce on March 24, 1972. The purpose of S. 3419 is to create a new, independent agency which has undiluted responsibility for preventing consumers from being exposed to unsafe foods, drugs, and other consumer products and to consolidate within the agency various consumer product safety activities now being handled by a number of different Government entities. In order to accomplish this purpose, the bill creates an independent consumer safety agency and transfers to that agency the present food, drug, and product safety activities of the Secretary of Health, Education, and Welfare as well as other Federal agencies.

The GAO report is a chronicle of adultered foods prepared, packed, and marketed under insanitary conditions. The myopia of the food and drug inspection program parallels the myopia of the Food and Drug Administration in fulfilling its single overall objective—consumer protection. According to the GAO study, based upon a random of 97 food manufacturing plants located in six FDA districts including 21 States the following results can be reported—23.7 percent of the establishments inspected had significant insanitary conditions—those conditions having potential for causing product adulteration or having already caused product adulteration—16.5 percent had insanitary conditions—posing a less serious potential for product adulteration.

Twenty-eight and nine-tenths percent had minor insanitary conditions—conditions which would not reasonably be considered as having a potential for adulterating the product—and 30.9 percent were in compliance.

Just listen to some of the major insanitary conditions observed during the inspections—rodent excretion and urine, cockroach and other insect infestation, nonedible materials found in, on, or around raw materials, finished products, and processing equipment, improper use of pesticides in close proximity to food-processing areas, use of insanitary equipment, and dirty and poorly maintained areas over and around food-processing locations.

But, even more shocking, FDA admitted that the conditions would be representative of conditions across the country, except that conditions in three districts would be even worse.

Inadequate financing, insufficient manpower, overburdened staffs, inadequate authority—these are but poor excuses for the performance of the Food and Drug Administration in this critical area of sanitary inspections. If Congress were asked to provide wherewithal for FDA to do the job necessary to protect the American people, I am confident that we would respond in every possible way.

In closing, I should like to read, in its entirety, a recent article which came over the Associated Press wire from Washington, D.C.:

> Whenever President Nixon attends an official dinner in the nation's capital, Arnold K. Clark is in the kitchen to protect the President's health.
>
> Clark, 42, is Washington's field service chief of the Bureau of Food and Drugs and part

of his job is checking everything from sauce to silverware at a Presidential banquet.

Clark says:

My job includes making sure that the proper sanitary methods are adopted to assure the protection of the President's health. And my men and I—there are usually four or five of us—are extremely cautious in this regard. And we have available techniques and equipment for analyzing food on the spot for any sort of contaminant.

Passage of the Consumer Safety Act will be an important step toward placing an Arnold Clark in each of our household kitchens.

Mr. President, I ask unanimous consent that the GAO report entitled "Dimensions of Insanitary Conditions in the Food Manufacturing Industry" be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C.

To the President of the Senate and the Speaker of the House of Representatives

This is our report on dimensions of insanitary conditions in the food manufacturing industry. Administration of activities discussed in this report is the responsibility of the Food and Drug Administration, Department of Health, Education, and Welfare.

Our review was made pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget, and to the Secretary of Health, Education, and Welfare.

ELMER B. STAATS,
Comptroller General of the United States.

DIMENSIONS OF UNSANITARY CONDITIONS IN THE FOOD MANUFACTURING INDUSTRY

(Report to the Congress by the Comptroller General of the United States, April 18, 1972)

DIGEST

Why the revenue was made

The Food and Drug Administration (FDA) is required, by law, to provide assurance that food products shipped across State borders—which includes most of the foods purchased by the American people—are processed under sanitary conditions and are safe, pure, and wholesome to eat.

The General Accounting Office (GAO) wanted to know whether FDA was able to provide this assurance.

FDA describes the food industry in the United States as comprising some 60,000 establishments whose output results in about $110 *billion* in purchases by consumers each year.

FDA's inventory of establishments subject to inspection includes about 32,000 food manufacturing and processing plants. FDA inspects such plants to determine whether their products meet requirements of the Food, Drug, and Cosmetic Act (FD&C Act). FDA's inventory includes also about 28,000 establishments of other types, such as storage facilities and repacking and relabeling plants. It excludes restaurants, retail stores, and meat and poultry slaughtering and processing plants.

To assess sanitary conditions in the food manufacturing industry, GAO requested FDA to inspect 97 food manufacturing and processing plants selected at random from about 4,550 food manufacturing and processing plants in six FDA districts including 21 States. (See pp. 19 and 20.)

GAO auditors accompanied FDA inspectors on their inspections of 95 of the plants.

The 97 plants had annual sales of about $443 million. They manufactured or processed bakery products, candy, fish, flour, carbonated beverages, cheese, ice cream, fruits, vegetables, popcorn, chips, sugar, jams and jellies, macaroni, pizzas, spices, etc.

This report has two basic purposes: (1) to show the dimensions of insanitary conditions in the food manufacturing industry and (2) to suggest ways to improve the FDA's management of the program which is intended to ensure compliance by the industry with standards of sanitation required by the FD&C Act. Conditions believed to exist in the industry have been projected through the use of statistical sampling techniques. Therefore it would not be equitable to single out by name the 97 plants visited from the 4,550 plants which formed the basis for the statistical projection. Accordingly the plants have not been identified in the report.

NOTE. Footnotes at end of each chapter.

FINDINGS AND CONCLUSIONS

Overall findings

During the past 3 years, FDA inspections have indicated that sanitary conditions in the food industry in the United States are deteriorating. FDA did not know how extensive these insanitary conditions were and therefore could not provide the assurance of consumer protection required by the law.

A serious problem of insanitary conditions exists in the food manufacturing industry. Several actions must be taken by FDA to alleviate these conditions.

Existing conditions

Of the 97 plants included in the sample, 39, or about 40 percent, were operating under insanitary conditions. Of these, 23, or about 24 percent, were operating under serious insanitary conditions having potential for causing, or having already caused, product contamination.

Photographs of conditions at some plants, taken during FDA-GAO inspections, and detailed descriptions of some of the inspection results, will be found in chapter 2.

On the basis of the sample, GAO estimated that 1,800, or about 40 percent of the 4,550 plants were operating under insanitary conditions, including 1,000, or about 24 percent, operating under serious insanitary conditions.

FDA officials advised GAO that conditions at plants located in the 21 States would, in their opinion, be representative of conditions at plants nationwide.

Inspection manpower

FDA has not had the money or manpower to identify promptly all the food plants operating under insanitary conditions. During the last 3 years, FDA has sharply reduced its sanitary inspection coverage of food plants in an attempt to cope with more critical problems, such as microbiological contamination and drug hazards.

FDA has a management improvement program under way to develop a system for improving the effectiveness of its field operations. (See p. 31.)

Although it has a responsibility under the FD&C Act, FDA generally does not inspect restaurants and other retail food stores but relies instead on State and local officials for this regulation. (See p. 25.)

According to officials of the Department of Health, Education, and Welfare (HEW), the President, HEW, and FDA have recognized the need to increase and improve the inspection capability of FDA to make an effective impact upon present insanitary conditions of the food manufacturing industry.

Enforcement

In several instances of insanitary conditions found during plant inspections, GAO noted a need for more timely and aggressive enforcement action by FDA. In 14 of 111 enforcement actions reviewed, or 13 percent, the action to correct the problem was inadequate for a variety of reasons. (See p. 35.)

Although judgment is involved in selecting the appropriate actions in each case, criteria or guidelines are needed to assist the FDA districts in making these decisions, particularly for repeated violators.

Causes of conditions

Although responsibility for sanitation rests with the food manufacturers, GAO believes that factors contributing to the poor sanitation conditions in the industry are (1) FDA's limitation in resources to make inspections and (2) lack of timely and aggressive enforcement actions by FDA when poor sanitation conditions are found.

During fiscal year 1972 FDA plans to inspect about 9,400 food establishments and has 210 inspectors to do the job. The planned number of inspections clearly is inadequate to detect all insanitary establishments.

FDA's inventory of food manufacturers for planning inspections and measuring the scope of its plant inspection responsibility was not complete or accurate. For six FDA districts, 22 percent of the plants listed were out of business, 8 percent were misclassified as food manufacturers, and 6 percent were not an FDA inspection responsibility.

FDA officials told GAO that there are food plants in existence which may not be on its inventory because, in the absence of plant registration requirements FDA does not have an effective means of identifying all food plants subject to the FD&C Act. (See p. 19.)

More effective use of consumer complaints, an accurate inventory of food plants subject to inspection, and data indicating the effectiveness of inspections and regulatory actions could contribute to improving sanitary conditions of the food manufacturing industry.

FDA should (1) notify violators officially of sanitation standards violated, (2) request a prompt reply, and (3) monitor cases to promote corrective action. Without these actions, plants may continue to disregard sanitation standards, making reinspections necessary to determine whether corrective actions have been taken. (See p. 40.)

Providing in the law for civil penalties (fines) for violations of the FD&C Act would allow FDA more flexibility in enforcing sanitation standards. (See p. 40.)

Consumer complaints

FDA is devising a computerized system to record consumer complaints to identify industry and product problem areas. The output of the system, in GAO's opinion, should be used also to monitor the disposition of such complaints.

Insanitary products that had reached the consumers might have gone undetected by FDA for some time had not the consumer complained.

RECOMMENDATIONS OR SUGGESTIONS

GAO recommends that the Secretary, HEW, direct FDA, to:

Periodically select and inspect a representative number of food plants to assess industrywide conditions and report its assessments to the Congress.

Periodically evaluate the accuracy of the inventory of food plants to be inspected so that FDA will know the scope of its responsibilities and resources needed for sanitation inspections. FDA should provide this data to the Congress for the same reason.

Establish milestones for implementing its management improvement program for using statistical techniques to identify problem areas, allocate resources, and measure the effectiveness of its regulatory actions.

Monitor the implementation of the improvement program and advise appropriate congressional committees periodically on the progress being made in, as well as the various levels of resources needed for, implementing the program; and develop an interim plan of action, pending the completion of this program, for consideration by the Congress.

Establish criteria for the districts to use in determining (1) when more aggressive action should be taken against plants that violate good manufacturing practice regulations and (2) what type of action should be taken.

Take a stronger enforcement posture against those plants that show continuing flagrant disregard of the FD&C Act.

Issue written notices in all cases of plants not complying with the FD&C Act and request written responses on actions taken or planned to correct the violations and to ensure continued compliance.

Obtain feedback on the disposition of all cases referred to State or other regulatory bodies for corrective action.

Implement a uniform system for recording consumer complaints to monitor the disposition of complaints at the local level and to provide headquarters' officials with a means of identifying industry and product problems affecting more than one district.

AGENCY ACTIONS AND UNRESOLVED ISSUES

GAO submitted a draft of this report to the Secretary HEW, for comment. The views of FDA and HEW were discussed with GAO and included in the report. HEW concurred in GAO's recommendations and advised that a number of corrective actions had been or would be taken. (See pp. 17, 22, 32, 40, and 44.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

In the light of the insanitary conditions shown to exist in the food manufacturing industry, the Congress should, upon receipt of a more accurate inventory of food plants under FDA's jurisdiction and an interim plan of action, consider the adequacy of FDA's inspectional coverage of food plants with the resources available under its current appropriation.

The Congress should also be aware that FDA relies almost entirely on State and local governments for inspectional coverage of some 500,000 restaurants and retail food stores that receive or ship products interstate. Inspections of these establishments by FDA to the extent necessary to judge whether such reliance is justified, would require the use of inspection resources.

To attain additional flexibility for enforcing the FD&C Act, the Congress should consider amending the law to provide for civil penalties when food sanitation standards are violated.

Chapter 1. Introduction

The programs of the Food and Drug Administration are directed at a single overall objective—consumer protection. FDA's mission is to ensure that food is safe, pure, and wholesome; drugs and therapeutic devices are safe, effective, and properly labeled; and all products are packaged and presented honestly to the public.

The General Accounting Office, to assess the sanitary conditions of the food manufacturing industry, randomly selected 97 food manufacturing plants in six FDA districts including 21 States and requested FDA to inspect these plants accompanied by GAO personnel. (See app. I.)

This report has two basic purposes: (1) to show the dimensions of insanitary conditions in the food manufacturing industry and (2) to suggest ways to improve the FDA's management of the program which is intended to ensure compliance by the industry with standards of sanitation required by the FD&C Act. Conditions believed to exist in the industry have been projected through the use of statistical sampling techniques. Therefore it would not be equitable to single out by name the 97 plants visited from the 4,550 plants which formed the basis for the statistical projection. Accordingly the plants have not been identified in the report.

The Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301), gives FDA regulatory authority over foods that are received or shipped in interstate commerce. Under the FD&C Act, a food is considered adulterated, and therefore prohibited from interstate commerce, if, among other things, it is:

Composed, in whole or in part, of any filthy, putrid, or decomposed substance or otherwise unfit for food.

Prepared, packed, or held under insanitary conditions, whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health.

Filth includes contaminants, such as rodent urine and excreta, insects, or other objectionable materials, which would not knowingly be eaten. The FD&C Act does not authorize any tolerance for filth or decomposition in foods.

The Secretary of Health, Education, and Welfare issued regulations (21 CFR 128, April 26, 1969) for determining whether food has been prepared, packed, or held under sanitary conditions. Some examples of good manufacturing practices cited in the regulations are:

The design, construction, and use of equipment to preclude the adulteration of food with lubricants, fuel, metal fragments, contaminated water, or any other contaminants.

Effective measures taken to exclude pests from the processing areas and to protect against contamination of foods in or on the premises by animals, birds, and vermin (including, but not limited to, rodents and insects).

FDA describes the food industry in the United States as comprising some 60,000 establishments whose output results in about $110 *billion* in purchases by consumers each year.

FDA's inventory of establishments subject to inspection includes about 32,000 food manufacturing and processing plants. FDA inspects such plants to determine whether their products meet requirements of the FD&C Act. FDA's inventory (which excludes restaurants, retail stores, and meat and poultry slaughtering and processing plants) includes also about 28,000 establishments of other types, such as storage facilities, and repacking and relabeling plants.

For fiscal year 1972, FDA will devote 210 man-years to making about 9,400 inspections of food establishments to determine whether food products are in compliance with the FD&C Act. Meat and poultry plants are under the jurisdiction of the Department of Agriculture.

When adulterated products or insanitary plant conditions that may cause adulteration are found, FDA can initiate one or more of the following legal actions through the Department of Justice.

Prosecute an individual who violates provisions of the FD&C Act.

Enjoin a plant or individual to perform or not perform some act.

Seize any food that is adulterated or misbranded when introduced into, or while in, interstate commerce.

During fiscal year 1970, FDA initiated 33 prosecutions, 23 injunctions, and 267 seizures. For minor infractions, FDA can issue to the violator a written notice or warning to correct the conditions.

Although recall is not specifically provided for under the FD&C Act, FDA permits firms to voluntarily recall products alleged to be in violation of the FD&C Act. During fiscal year 1970, 355 voluntary recalls were instituted. Also it is FDA policy to issue letters on adverse findings to top management of firms when significant insanitary conditions are found. This action does not preclude the use of other legal remedies. Appendix II contains additional comments concerning FDA enforcement alternatives.

FDA is administered by a Commissioner, under the direction of the Assistant Secretary for Health and Scientific Affairs, HEW. Policies and procedures are established and the day-to-day operations are carried out by 17 district offices[1] located throughout the United States. FDA's appropriation for fiscal year 1972 was about $99.7 million.

We have issued several reports[2] to the Congress on the results of sanitation inspections by the Department of Agriculture at meat and poultry plants. This is our first report on FDA's activities in the sanitation area and the first of several reviews wherein the adequacy of resources and legislative authority will be considered in assessing FDA's ability to accomplish its mission.

Chapter 2. Assessment of Sanitary Conditions in Food Manufacturing Industry

We estimate that 1,800, or 40 percent, of the food manufacturing plants in 21 States were operating under insanitary conditions and that serious potential or actual food adulteration existed in 1,000 of the plants.

During the past 3 years, FDA inspections of food plants have indicated that sanitary conditions in the food industry are worsening. Because FDA selects plants to be inspected primarily on the basis of the inspection history of the plants, its inspections often were limited to the same plants. Therefore it did not know the magnitude, nationwide, of insanitary conditions in food manufacturing plants. We undertook this review in 1971 to make such a determination.

We randomly selected 97 food manufacturing plants located in six FDA districts including 21 States, and we requested FDA to inspect these plants while accompanied by GAO personnel. The 97 food manufacturing plants were selected at random from an adjusted FDA inventory of about 4,550 plants in the six districts. The inventory had been adjusted by us for plants not in operation and for other improper classifications as discussed in chapter 3 of this report. In our opinion, the FDA inspectors did a thorough job and were properly equipped. The FDA inspectors subsequently discussed the results of the inspections with plant management. The results of the inspections were classified by FDA, at our request, on the basis of the following criteria:

Significant insanitary conditions—These conditions are serious in terms of either having potential for causing product adulteration or having already caused product adulteration.

Insanitary conditions—These conditions pose a less serious potential for product adulteration.

Minor insanitary conditions—These conditions would not reasonably be considered as having a potential for adulterating the product.

In compliance—This term is self-explanatory.

The results of the inspections are as follows:

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[1] The district offices are administered by 10 FDA regional offices. In December 1971 district offices were established in Puerto Rico and New Jersey, bringing the total to 19.

[2] "Enforcement of Sanitary, Facility, and Moisture Requirements at Federally Inspected Poultry Plants" (B–163450, Sept. 10, 1969); "Weak Enforcement of Federal Sanitation Standards at Meat Plants by the Consumer and Marketing Service" (B–163450, June 24, 1970); "Consumer and Marketing Service's Enforcement of Federal Sanitation Standards at Poultry Plants Continues to be Weak" (B–163450, Nov. 16, 1971).

	Number	Percent
Significant insanitary conditions	23	23.7
Insanitary conditions	16	16.5
Minor insanitary conditions	28	28.9
In compliance	30	30.9
Total	97	100.0

The 97 selected plants, having annual sales of about $443 million, manufactured or processed bakery products, candy, fish, flour, carbonated beverages, cheese, ice cream, fruits, juices and vegetables, popcorn, chips, sugar, jams and jellies, macaroni, pizzas, spices, etc. The results of the inspections are classified by types of plants in appendix III.

Because the plants inspected were selected randomly, we believe that the conditions found would be representative of the conditions that existed in the food manufacturing plants in the six districts, Inasmuch as about 4,550 food manufacturing plants were operating in these districts at the time of our review, we estimate, at a 95-percent confidence level, that 1,800 [1] plants were operating under insanitary conditions with a potential for adulterating food products and that serious potential or actual adulteration existed at 1,000 [2] of the plants.

Some of the major insanitary conditions observed during the inspections were:

Rodent excreta and urine, cockroach and other insect infestation, and nonedible materials found in, on, or around raw materials, finished products, and processing equipment.

Improper use of pesticides in close proximity to food-processing areas.

Use of insanitary equipment.

Dirty and poorly maintained areas over and around food-processing locations.

FDA officials advised us that the conditions of plants located in the six districts would be representative of all but three of the 17 districts, nationwide, and that the conditions in the three districts would be worse.

EXAMPLES OF INSANITARY CONDITIONS

The types and extent of insanitary conditions varied among the plants inspected. The determination as to whether a plant should be classified as having significant insanitary conditions was a matter of FDA's judgment under the criteria shown on page 10. Set forth below is a description of the significant insanitary conditions found at two plants and the insanitary conditions found at a third plant. Photographs of conditions at five plants, taken during FDA-GAO inspections, are at the end of this chapter.

Plant A is a candy manufacturer that has annual sales of about $3 million and ships its product to all 50 states.

As a result of a consumer complaint of glass in the candy, a partial inspection was made by FDA at this plant 6 months before the FDA-GAO inspection. Because the inspection revealed no serious adverse conditions, the plant was classified as being in compliance. It also had been classified as in compliance on an FDA inspection made 2 months earlier.

Findings of joint FDA-GAO inspection

The more significant insanitary conditions found were:

1. Rodent- and insect-adulterated raw materials.
2. Live insects on in-process raw materials.
3. Numerous roaches in storage and manufacturing areas.
4. Build-up of residue on equipment showing few signs of recent cleaning.
5. Moldy raw material.
6. Building in poor repair with numerous holes, cracks, peeling paint, etc.

Rodent hairs and insect fragments were found subsequently by FDA inspectors in two lots of candy after they were shipped in interstate commerce.

Corrective actions planned or taken

1. The firm destroyed 574 pounds of rodent- and insect-adulterated raw materials and finished goods and 25,000 pounds of moldy chocolate. FDA stated that it would have seized the chocolate if the firm had not agreed to destroy it.
2. The firm recalled certain lots, comprising 7,100 boxes, of candy that the FDA sample analysis showed to contain rodent hair and insect fragments. The recall was published in the national FDA monthly recall list and was publicized on the national wire services, radio, and television and in several newspapers.
3. The firm shut down all operations for about 3 weeks to correct the significant problems identified during the inspection.
4. The firm was cited and charged with shipping an adulterated product in interstate commerce and with adulterating raw materials which had been received in interstate commerce. In view of the wide publicity generated by the recall and the actions the firm was taking to correct the insanitary conditions, however, FDA advised us that they did not plan to pursue prosecution.

Plant B is a bean cannery that has annual sales of about $3 million and ships about 70 percent of its product interstate.

FDA inspected this plant in April 1968 and found it to be in compliance. FDA files contained a report of a State inspection made 10 months before the FDA-GAO inspection which showed the plant to be in compliance. The State inspection was a follow-up to one it had made 3 months earlier which noted several adverse conditions.

Findings of joint FDA-GAO inspection

Some of the more objectionable insanitary conditions noted were:

1. Rodent-infested raw materials.
2. Moldy raw materials.
3. Numerous live roaches and flies in the manufacturing area.
4. Beans spilled on a floor area subject to foot traffic were scooped up and placed back in line for canning.
5. Can-washing equipment, through which open cans were passing, was inoperative and contained live roaches.
6. Building had numerous holes and cracks and was generally not rodent or insect proof.

Corrective actions planned or taken

1. About 5,800 pounds of rodent- and mold-contaminated beans were destroyed.
2. FDA sent a postinspection letter (see definition in app. II, p. 49) to the firm 14 days later and reinspected the plant 30 days after the inspection.
3. The firm was cited as a result of the inspection and charged with adulterating an interstate product and manufacturing under conditions whereby materials received in interstate commerce might become adulterated.
4. A hearing was held by FDA and no further regulatory action was taken because reinspection revealed improvement in plant conditions and a change in ownership of the firm.

Plant C is a fish cannery that has annual sales of about $3 million and ships about 30 percent of its product interstate.

The plant was inspected by FDA in November 1969 and was classified as being in compliance. FDA again inspected the plant in April 1970, and several insanitary conditions were noted.

Findings of joint FDA-GAO inspection

Insanitary conditions observed during the inspection included:

1. Fish being butchered on water-soaked wooden planks that were badly scarred and had a musty odor.
2. Ice-shaving room with flaking and peeling paint, and ice shavings containing dirt particles in contact with butchered fish.
3. Fish stored directly on the floor in an area where employees walked.
4. A push broom was used to sweep off the surface of the butchering table and then was placed on the floor.
5. Openings under warehouse doors that could allow rodent entry. A dead mouse was noted in a bait box adjacent to the doors.

Corrective action planned or taken

1. The insanitary conditions noted were discussed with plant management, which promised corrective action.
2. The plant was scheduled for reinspection.

CONCLUSION

We believe that a serious problem of insanitary conditions exists in the food manufacturing industry, warranting continuous assessment and attention by FDA.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

For Congress and HEW to give adequate consideration to the resource needs of FDA, it is necessary to have a current assessment of industrywide sanitary conditions in food plants. Therefore we recommend that the Secretary of HEW direct the Commissioner, FDA, to periodically select and inspect a representative number of food plants to assess industrywide conditions and report its assessments to the Congress.

HEW concurred in our recommendation.

The photographs which follow were taken by FDA inspectors of conditions found during FDA-GAO inspections at five plants.

CHAPTER 3. INVENTORY OF FOOD ESTABLISHMENTS

FDA needs to determine the scope of its plant inspection responsibility to improve its basis for planning inspections of food plants. The major input used by FDA to plan its inspectional coverage of food plants is the establishment inventory—a document which lists food plants subject to regulation by FDA.

FDA requires each district to maintain a detailed inventory of plants subject to the FD&C Act. The plants are classified as manufacturing (processing), warehousing, repacking, etc. Plants that sell products directly to the consumer, such as restaurants and retail stores, although subject to the FD&C Act are generally not included in the inventory [1] as FDA relies on State and local officials to regulate this sector of the food industry. The inventory includes such data as types of products produced, annual sales volume, and results of inspections. Both the headquarters and the districts use the inventory to schedule inspections of food plants.

The inventory of food manufacturers in the six districts included in our review was not complete or accurate. About 22 percent of the plants were out of business, 8 percent were misclassified as food manufacturers, and 6 percent were not an FDA inspection responsibility. FDA officials have advised us that there are food plants in existence which may not be included on the inventory because, in the absence of plant registration requirements, FDA does not have an effective means of identifying all food plants subject to the FD&C Act.

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[1] Plus or minus 512 plants.

[2] Plus or minus 402 plants.

[1] The 97 food manufacturing plants in our sample included six retail bakeries and one seafood store that received but did not ship products interstate.

To randomly select 97 food plants for our assessment of sanitation in the food manufacturing industry, we had to consider a sample size of almost twice that number. A summary of the inaccuracies found in the sample and the estimated impact on the total food manufacturing plant inventory of the six districts is shown below.

	Number of plants in sample	Projected conditions in inventory of 6 districts	Percent of totals
Firms in original sample which could not be used:			
Out of business	52	2,099	22
Not an FDA responsibility	17	556	6
Misclassified as food manufacturer	13	764	8
Total	82	[1] 3,419	
Plants inspected	97	4,567	47
Total	179	7,986	
Seasonal plants not in operation		[2] 1,158	12
Manufacturers of food for nonhuman consumption		[3] 551	5
Total inventory of food manufacturing plants in 6 districts		[3] 9,695	100

[1] Based on a 95-percent confidence level, plus or minus 585 plants.

[2] Based on a 95-percent confidence level, plus or minus 411 plants.

[3] Figures according to FDA inventory.

The inventory data indicating the dollar volume of sales of the plants in our sample was not current. Not having a reliable measure of the size of the food plants in the inventory could result in the selection of plants for which the dollar volume of sales was not representative. FDA has no legal authority to obtain this information and must rely on data volunteered by the firms or their inspectors' best estimates.

An FDA study to evaluate the feasibility of using a sample to determine the quality of a specific product, nationwide, showed that the current inventory could not be used effectively in selecting the population to be sampled. Supplemental information had to be obtained by the districts, and even this data was not always accurate.

FDA has informed the responsible subcommittee of the House and Senate Committee on Appropriation during the first session of the Ninety-second Congress that FDA resources would enable it to inspect the 60,000 or more food establishments in its inventory on the average of once every 5 to 7 years. The unreliability of the inventory listing of food plants limits the accuracy and value of the computation of the average inspection period—every 5 to 7 years—to be used in assessing FDA's resource needs by the Congress and HEW.

CURRENT EFFORTS TO IMPROVE INVENTORY

FDA has historically maintained a file of food establishments from which it has scheduled its inspectional activities. The need for an up-to-date inventory was recognized by FDA as early as 1959. FDA has advised us that, since that time, they have made several attempts to improve the inventory. At the time of our review, however, it was still inaccurate.

FDA has contracted with a private credit organization to obtain data on establishments whose products may be subject to FDA regulatory authority. The data will be reconciled with current FDA inventory records. FDA estimates that a complete and accurate inventory should be available by January 1973 and plans to contract periodically to update the inventory.

In addition, legislative proposals, such as House bill 12478, have been introduced which, if enacted, would require food establishments distributing their products in interstate commerce to register with the Federal Government and to provide information on their locations, the products produced, etc. Such a requirement could provide FDA with a current and accurate inventory of food establishments.

FDA officials advised us that, in their opinion, such legislation was essential to their ultimately having a completely satisfactory and meaningful inventory. We agree.

CONCLUSION

FDA needs a complete and accurate inventory to (1) know which plants it is responsible for inspecting, particularly those which may not have been included in the inventory, (2) better plan its selection of plants to be inspected, and (3) provide appropriate congressional committees with meaningful statistics to relate to the need for resources to carry out the FDA mission. We believe that, even if the current efforts to improve the inventory are fully implemented, FDA periodically should verify the accuracy of the inventory. FDA could use the same selection of plants for such verification that would be required to implement our recommendation that FDA periodically assess overall sanitation in the food manufacturing industry. (See p. 17.)

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to periodically evaluate the accuracy of the inventory so that FDA will know the scope of its responsibilities and resource requirements for sanitation inspections. FDA should provide this data to the Congress so that it may have meaningful information for assessing FDA's resource needs.

HEW concurred in our recommendation and advised us that FDA had already taken steps to improve the scope and accuracy of their inventory. HEW stated that FDA had contracted with a private credit organization to exchange their inventories of firms on a quarterly basis and that this regular and timely consideration of firm births and deaths should provide much more current and dependable information than was available in the past. In addition, FDA has improved its own system of recording inventory information received directly from its field offices by regular monthly updating of that information. HEW stated that it was important, however, to point out that neither by in-house effort nor by contract would the inventory be as complete, or as fully valid, as desired until and unless there was a legislative requirement that all food firms register their establishments and products with the FDA.

Chapter 4. Inspection Resources

FDA has advised several congressional committees that its inspectional resources are inadequate to inspect food establishments, on the average, more than once every 5 to 7 years.[1] This average does not include the inspecting of restaurants and retail food stores, for which FDA has an inspectional responsibility. In addition, the Congress was advised that there was no accurate measure of the impact that increased inspectional effort would have on reducing the sanitation problem.

We noted that management programs undertaken by FDA to optimize the effectiveness of its resources were long-term programs and would not have an early impact on correcting the insanitary conditions revealed in our review.

INSPECTION COVERAGE

FDA schedules its inspection coverage of food establishments through a priority system which gives greater attention to establishments considered to pose significant danger to health. For example, plants with potential problems related to bacteria and their toxins (microbiological contamination) are monitored more closely than plants classified in the lower priority categories.

Because of resource limitations, FDA has sharply reduced its sanitation inspection coverage of food establishments during the past 3 years. The decision to reduce inspection coverage was not based on a determination that traditional sanitation work was not important but, rather, on a determination that inspectional resources were needed to cope with more critical problems, such as microbiological contamination and drug hazards.

The following analysis of inspection coverage of food establishments by priority category shows that FDA had not inspected 32,723, or 58 percent, of the food establishments in its inventory during the 3-year period ended June 30, 1971.

Priority category	Number of establishments		Percent not inspected
	Total	Not inspected	
Microbiological contamination	13,143	5,773	44
Other food health problems [1]	4,723	2,561	54
Sanitation	37,045	23,399	63
Economic [2]	1,458	990	68
Total [3]	56,369	32,723	58

[1] Establishments having potential problems with pesticides, food additives, etc.

[2] Refers to food standards and weight and labeling requirements.

[3] These statistics were obtained from FDA. See ch. 3 for comments on the need to improve the accuracy of the inventory.

The analysis does not include about 500,000 restaurants and retail food stores, which are an FDA responsibility under the FD&C Act if they receive or ship products in interstate commerce. FDA ordinarily does not inventory or plan any inspection coverage of these types of establishments but, instead, relies on State and local officials to regulate this sector of the food industry. As noted in chapter 3, our sample did include six retail bakeries and one seafood store which received but did not ship products interstate. The seven plants had annual sales of about $488,000. The joint FDA–GAO inspections showed that the six bakeries had significant insanitary conditions and the seafood store had minor insanitary conditions.

Concerning the plants covered by the FDA–GAO inspections, we found that 70 percent of the 23 plants with significant insanitary conditions and 44 percent of the 16 plants with insanitary conditions either had not been inspected for 2 years or more or had never been inspected by FDA, as shown below.

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[1] This rate is based upon FDA's current inspection resources and an inventory of about 60,000 food establishments, which is inaccurate as discussed in ch. 3.

	Never inspected	Not inspected for 2 years or more	Subtotal	Inspected within last 2 years	Total	Percent not inspected within last 2 years
Plants with significant insanitary conditions	8	8	16	7	23	70
Plants with insanitary conditions		7	7	9	16	44
Total	8	15	23	16	39	95

The annual sales of the 23 plants not in**spected for over 2 years or not previously inspected show that the 23 plants include large, as well as small, plants.**

Annual Sales (millions):	*Number of plants*
$3 to $5	6
$1 to $2.99	2
$0.1 to $0.99	9
Under $0.1	6
Total	23

STATE AGREEMENTS

To help fill the inspectional void, FDA instituted a policy in 1968 whereby the States were to provide the necessary surveillance over certain food establishments, such as bakeries, food warehouses, etc., depending upon the States' capabilities and willingness to assume the responsibility. State governments have had the authority to inspect all food establishments within their respective States, but there has been a wide variation in the extent of their authority, capability resources, and program emphasis.

An FDA reassessment of this policy in April 1971 showed that the policy was based on assumptions that were incorrect or, at best, inpractical. As a result, in June 1971 the program was revised to provide a work-sharing relationship whereby neither party would relinquish any of its statutory responsibility. The degree of work sharing depends upon the priorities, work loads, resources, and capabilities of each party.

FDA reports that it currently has formal work-sharing agreements with 26 States covering certain specified segments of the food industry. These agreements are designed to ensure that duplicative inspectional coverage is avoided and a better coordination of parallel programs is achieved. Under the revised policy the agreements are being restructured to increase the benefits of work sharing, which includes savings in time and manpower due to increased efficiency, elimination of duplication, and improved application of available compliance tools. In some cases gaps in coverage have been identified and appropriate adjustments made.

When announcing the revised program, however, the Commissioner indicated that all the State and Federal resources available would be inadequate to meet the growing responsibilities for monitoring food-related activities.

PLANNED INSPECTION COVERAGE

Unforeseen problems have reduced planned inspectional coverage in the past, and such problems could affect planned inspectional coverage in the future. FDA estimates that the recent problem of identifying botulin in canned soup will reduce fiscal year 1972 food establishment inspections by 2,300. Inspections of many food plants were actually suspended for this reason during fiscal year 1972 because inspectors were needed to locate and remove botulin-contaminated products from the market. A comparable situation arose in fiscal year 1971 when the problems of mercury in tuna fish and microbiological contamination of drugs resulted in an estimated reduction of 2,800 food and drug inspections.

FDA plans to inspect about 9,400 food establishments in fiscal year 1972. The planned number of inspections is clearly inadequate to detect all insanitary establishments, considering (1) our estimate that 1,800 food manufacturing plants in the six FDA districts reviewed had insanitary conditions (2) the fact that the location of these plants is unknown, and (3) FDA's opinion that conditions at plants located in the six districts would be representative of conditions at plants, nationwide.

FDA's planned inspection coverage in fiscal year 1972 is based on the utilization of 210 inspector man-years to inspect domestic food establishments. We estimate that, even if FDA were to allocate all its available inspector man-years for this purpose—including those currently devoted to drugs, product safety, and imports—FDA would be able to inspect food establishments in its inventory only once every 1.7 years.

FDA AND HEW ASSESSMENT OF ADEQUACY OF INSPECTION COVERAGE

FDA district officials have stated that sanitary conditions have worsened in recent years, and it was the consensus of officials in the six districts covered by our review that present resources and frequency of inspections are inadequate to cope with the problem.

The districts had different opinions on what constituted adequate inspection frequency. One district believed that all plants should be inspected once every 2 years; three believed that an annual inspection was the desired goal for plants with potential sanitation problems and that some of the plants should be inspected more or less frequently, depending on the conditions found; and another believed that semiannual inspections were desirable. One district believed that plants should be inspected more frequently but did not specify a time interval.

According to district officials, sanitary conditions usually worsen whenever plants are not inspected for 2 or 3 years and their experience indicates that insanitation is a continuing problem which tends to creep back into plants unless positive pressure is maintained on the industry.

In September 1971 the FDA Commissioner advised the Chairman, Subcommittee on Public Health and Environment, House Committee on Interstate and Foreign Commerce, that, to improve its food inspection capability, FDA needed, among other things, to undertake regular and more frequent inspections and to have the extra capability to react promptly to unforeseen crises. During this testimony and earlier testimony provided in August 1971, the Commissioner indicated that he would furnish the Subcommittee with information about FDA resource needs for its food activities.

In November 1971 the Secretary, HEW, forwarded to the Subcommittee a hypothetical level of increased inspection coverage which would require 3,403 additional employees and cost about $94.7 million above FDA's fiscal year 1971 food program. The increased program, among other things, would provide for annual inspection by FDA of 40,000 food establishments and for the analysis of 85,000 products collected from retail shelves. The program also would provide for 1,549 inspectors, which is about a sevenfold increase over the man-years planned for inspection of food establishments in fiscal year 1972.

The Secretary advised the Subcommittee Chairman that the proposal did not represent an FDA, HEW, or Administraion commitment to seek appropriations for, or to fund, this program at the indicated levels, primarily because there was no accurate measure of the extent to which the risk of contamination could be reduced if the projected increase in the level of inspections were implemented. HEW officials advised us that the need to dramatically increase the resources available to FDA to make an effective impact upon the insanitary conditions of the food manufacturing industry had been recognized by the President, HEW, and FDA.

FDA EFFORTS TO MEASURE AND IMPROVE EFFECTIVENESS OF OPERATIONS

Our review showed that FDA had been aware of its need fo data to justify additional staff and for planning and controlling its operations since at least 1959. A consultant's study of FDA's field operations at that time showed that there was a need to:

Establish objectives for levels of compliance by industries and by geographic areas to enable FDA to achieve more uniform protection for consumers throughout the nation.

Determine the frequency of inspections necessary to achieve compliance objectives.

In 1966 FDA contracted with another consulting firm for a detailed review of FDA operations. The principal objective of the study was to develop an improved management system for continuous planning control and evaluation of FDA's field operations.

Following is a summary of the major recommendations of the study concluded in 1968, which were directed at problems recognized as early as 1959 that continued to exist at the conclusion of our review.

1. Develop effective product-sampling plans to maximize the chance that all manufacturers are adequately sampled.

2. Develop a list of observable conditions (key indicators) during inspections to

a. find out which observable conditions are the best predictors of product condition,

b. use for estimating the probability of product defect of an industry, and

c. use for classifying an establishment in terms of its tendency toward producing defective products.

3. Measure the effect of FDA actions on consumer protection through the "measure-act-measure" concept. This program is an attempt to assess the impact that alternative FDA actions have on improving industry conditions such as making plant inspections, issuing warning letters, or sponsoring industry training workshops.

These recommendations have been included in an overall FDA management improvement program called Project IDEA, which also considers other means of improving the effectiveness of field operations.

Our review of this management improvement program indicates that it will involve substantial data gathering, refinements, revisions, frequent evaluations, and, more importantly, a long period for full implementation. An FDA official advised us that a plan for full implementation of this program had not yet been developed and confirmed our view that implementation would be a long-term project.

As of December 1971, one food product had been sampled and analyzed; key indicators had been developed for two products and another was in process; and two studies were under way and a third was completed, to measure alternative acts in three segments of the food industry, i.e., the effectiveness of using citations, postinspection letters, and industry training workshops at candy plants, dry-storage warehouses, and grain elevators.

CONCLUSIONS

FDA's inspectional resources are inadequate to promptly identify all establishments operating under insanitary conditions, and FDA does not know what impact an increased inspectional effort would have on reducing the sanitation problem.

FDA is attempting to maximize the use of State resources, but this program is not likely to have an immediate impact on the insanitary conditions shown in this report.

FDA does have a management improvement program under way to develop a system to (1) identify with more confidence food establishments that require intensified regulatory efforts and those that require only spot checks, (2) identify and focus on key indicators of product quality in various types of establishments, and (3) measure the effectiveness of using specific regulatory actions. We believe that precise resource requirements cannot be established by FDA until such a management system is implemented.

In view of the insanitary conditions that exist in the food manufacturing industry, we believe that the studies by FDA that are under way should be completed as soon as possible. Additional resources would be necessary to achieve significant improvement in sanitation more promptly.

RECOMMENDATIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to:

Establish milestones for implementing its management improvement program and for using statistical techniques to identify problem areas, allocate resources, and measure the effectiveness of its regulatory actions.

Monitor the implementation of this program and periodically advise appropriate congressional committees on the progress being made in, as well as the various levels of resources needed for, implementing the program and develop an interim plan of action, pending the completion of this program, for consideration by the Congress.

HEW concurred in our recommendations and advised us that it planned to undertake an interim plan of action which would have impact upon the insanitary conditions of the food manufacturing industry. HEW stated that this plan was reflected in the Budget of the United States for fiscal year 1973 which proposed a major increase in dollar and manpower resources for FDA to expand its food inspection program.

MATTERS FOR CONSIDERATION BY THE CONGRESS

In light of the insanitary conditions that exist in the food manufacturing industry, the Congress, upon receipt of a more accurate inventory of food plants under FDA's jurisdiction and the interim plan of action, should consider the adequacy of FDA's inspectional coverage of food manufacturing plants, with the resources available under its current appropriation.

The Congress should also be aware that FDA relies almost entirely on State and local governments for inspectional coverage of some 500,000 restaurants and retail food stores that receive or ship products interstate. Inspections of these establishments by FDA to the extent necessary to judge whether such reliance is justified would require the use of inspection resources.

CHAPTER 5. FOLLOW-UP ACTIONS

FDA follow-up actions to food plant inspections should be improved to ensure that insanitary conditions are promptly corrected. Our review showed a need for more timely and aggressive enforcement actions by FDA to effect corrections of insanitary conditions without the use of scarce resources to reinspect plants in an attempt to correct insanitary conditions.

Under section 402(a)(4) of the FD&C Act a food is deemed to be adulterated if it is prepared, packed, or held under insanitary conditions where it may have become contaminated with filth or may have been rendered injurious to health

When adulterated products or insanitary plant conditions which may cause adulteration are found, FDA, depending upon the seriousness of the conditions, can schedule the plants for reinspection; can issue the plants postinspection letters (either warnings or adverse findings letters); or can initiate regulatory actions to seize the products, enjoin the plants to perform or not perform some acts, or cite and prosecute the responsible persons.

The criminal penalties for convicted violators are not more than 1 year in prison or $1,000 fine or both for the first offense and not more than 3 years or $10,000 or both for second and subsequent convictions for each separate charge.

In some cases, violative plants are referred to State and local officials for corrective action. The follow-up action taken by FDA depends on the seriousness of the insanitary condition, the availability of resources, and the likelihood of voluntary corrective action.

To review FDA follow-up actions, we randomly selected 72 plants that had been inspected by FDA during the period July through December 1970 and had been classified as being out of compliance with the FD&C Act. We selected also 39 plants which had insanitary conditions noted during inspections performed as part of our review.

In our opinion, enforcement actions were inadequate in 14, about 13 percent, of the 111 plants inspected, for one or more of the following reasons.

1. Five plants that historically had shown a disregard for compliance with the FD&C Act were continually reinspected rather than subjected to more aggressive enforcement action, such as product seizure or citation of responsible individuals with the intent to prosecute.

2. Six plants were not issued postinspection letters, and, in the remaining eight cases where letters were issued, replies were not requested in seven cases because FDA policy did not require it.

3. Four problem plants were not promptly reinspected. Scheduled reinspections were from 5 to 14 months overdue.

4. Four plants were referred to State officials for follow-up action, and FDA was unaware of the corrective action taken by the plants or States. At the time of our review, 6 to 16 months after the FDA inspections, the States had not reinspected three of these plants. The fourth plant was not reinspected for 9 months.

5. Three plants were processing potentially adulterated products, and no action was taken to prevent shipment of the product in interstate commerce.

Examples of inadequate enforcement measures for two plants are described below:

Plant D is a macaroni and noodle manufacturing plant that has annual sales of about $600,000 and ships about 30 percent of its product in interstate commerce.

As summarized below, FDA made eight inspections of this plant during the 46-month period ended October 1971. Seven inspections revealed insect activity, one of which resulted in the plant's voluntarily destroying 14,352 pounds of insect-infested spaghetti. The other inspection revealed minor rodent activity.

Date, conditions found, and follow-up action

December 1967: Limited insect activity in regrind sifter and drying equipment. Reinspect in August 1968.

August 1968: Insect activity throughout plant and in much of the equipment. Limited rodent evidence found. Firm voluntarily destroyed 14,352 pounds of insect-infested spaghetti. Careless use of insecticide. Factory samples showed rodent and insect filth although a sample of the product that was shipped interstate was not contaminated. Reinspect in December 1968.

January 1969: A number of improvements made. No insect activity. Minor rodent evidence which may have been there since the previous inspection. Reinspect in August 1969.

September 1969: Limited insect activity in the flour-handling equipment. In adequate design and cleaning of equipment. Several small paint chips found in flour tanks. Samples collected for salmonella were negative. Residues of insecticides were found in egg noodle sample. Reinspect in April 1970. Postinspection letter issued and reply received.

April 1970: Active insect population in static material throughout plant equipment (dryers). No product or raw material contamination could be established during the inspection. However, residues of insecticides and fragments of insects and a rodent hair were found in a sample of the product shipped interstate. Reinspect in September 1970.

July 1970: Some limited live and dead insect activity in the plant. No pesticide residues were found in sample. Reinspect in June 1971.

May 1971: Regrind sifter contained live adult beetles and larvae which could enter the direct flow of flour to the mixing machines. Factory sample contaminated. A sample of the product shipped interstate was not contaminated. Reinspect in September 1971.

October 1971: Insect activity found in equipment. A sample of the product shipped interstate contained bettle and rodent hair fragments. Reinspect in May 1972.

All but one of the eight inspections revealed some degree of insect activity. The May 1971 inspection disclosed live adult beetles and larvae in the manufacturing equipment which could directly contaminate raw materials, and an analysis of a sample collected at the plant showed contamination. FDA officials advised us that regulatory action was not taken against this firm because evidence of contamination was not found in the sample collected after shipment in interstate commerce.

The most recent inspection of this plant in October 1971 again showed insect activity in processing equipment, which could cause contamination. A sample collected after shipment in interstate commerce showed beetle fragments and rodent hair fragments. Another sample collected in November 1971 as a follow-up to a consumer complaint alleging live insects in several products disclosed numerous dark-colored specks that may have been insects or other foreign materials. A laboratory analysis showed that some sort of contamination was occurring during the manufacturing process.

An FDA official advised us that, in his opinion, this plant had been a borderline case and that inspectional evidence obtained had not been strong enough to sustain regulatory action under section 402(a)(4) of the FD&C Act, i.e., processing food under insanitary conditions whereby it may have been contaminated with filth. He further stated that regulatory action would have been taken had the samples collected after shipment shown contamination that could be related to the inspectional findings.

Headquarters' officials advised us that there were no specific criteria setting forth the conditions under which more aggressive regulatory action should be taken and that a need existed for such criteria. In our opinion, when a plant has repeatedly violated the sanitation standards of the good manufacturing practices regulation, FDA should use one of the more aggressive enforcement alternatives available to it rather than continue to reinspect the plant.

Plant E is a manufacturer of food specialty items that has annual sales of about $700,000.

An August 1970 inspection showed swollen cans of chili paste and pickled peppers, live moths and other insects in products, and mold on the outside and inside of a 100-pound bag of rice. The plant planned to return the swollen cans to its suppliers, destroyed four lots of insect-infested products, and returned the moldy rice to the supplier who destroyed it.

FDA did not send a postinspection letter reporting these insanitary conditions to top management for corrective action. Without such a letter and a reply from the firm, FDA had no knowledge of whether the firm had corrected its insect problem or had returned or destroyed the swollen cans. A reinspection scheduled for May 1971 had not been made as of January 1972. FDA officials advised us that the scheduled reinspection was not made due to the low priority assigned to this case.

FDA headquarters' officials have advised us that, by not issuing postinspection letters and receiving written response, FDA does not have any feedback on the effectiveness of its plant inspections without making reinspections.

CONCLUSIONS

FDA has several enforcement alternatives available when violations of sanitation standards are found during plant inspections. Although judgment is involved in selecting the appropriate actions in each case, criteria or guidelines should be established to assist the districts in making these decisions.

We believe that FDA should notify violators officially of sanitation standards violated, request a prompt reply, and monitor the case to ensure prompt corrective action. Without such actions, it is necessary to make reinspections to determine whether corrective actions have been taken and, in some instances, failure to take action may contribute to a plant's continued disregard of sanitation standards.

We believe that more aggressive regulatory action should be instituted when the reinspection of a plant historically shows a disregard for the sanitation standards of the good manufacturing practices regulation. Enforcement alternatives provided under law include criminal penalties, injunctions, and letters of warning. In our opinion, the difference between the rather severe consequence of criminal penalties or injunctions, which FDA states that it is reluctant to initiate, and the relatively inconsequential letter of warning indicates that intermediate enforcement powers may be desirable to provide an effective means to obtain timely corrective action.

For instance, providing in the law for civil penalties (fines) for violations of the FD&C Act, in our opinion, would allow FDA more flexibility in enforcing sanitation standards.

RECOMMENDATIONS TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to:

Establish criteria for the districts to use in determining when more aggressive action should be taken against plants that violate good manufacturing practice regulations and the type of action to be taken.

Take a stronger enforcement posture against those plants that show historical and flagrant disregard of the FD&C Act.

Issue written notices in all cases of plants' not complying with the FD&C Act and request written responses on actions taken or planned to correct the violations and to ensure continued compliance.

Obtain feedback on the disposition of all cases referred to State or other regulatory bodies for corrective action.

HEW concurred in our recommendations and advised us that criteria to determine when more aggressive action was to be used against violators of sanitation standards of the good manufacturing practices regulation were under development by FDA.

HEW advised us that FDA must continue to balance carefully the cost-to-benefit ratio in the expenditure of its resources to attain the greatest improvement in industry conditions. A decision on the part of FDA to pursue a course of action through the courts does not automatically end its involvement in that case. The costs to FDA in supporting actions of the Department of Justice frequently far exceed those necessary to follow some alternative course of action and, therefore, become an important factor in their decisionmaking process.

HEW advised us that FDA was reluctant to initiate legal actions when unsatisfactory plant conditions were not corroborated by examination of the plant's finished products. HEW stated that this reluctance was due not only to the cost consideration but also to FDA's interpretation of the results of judicial actions in this area. Also, HEW said that, because such insanitary plant conditions could not be ignored, reinspection had been used to promote voluntary correction by industry management. HEW said that, with respect to our recommendation for a stronger enforcement posture, it was reviewing its policies in this regard.

MATTERS FOR CONSIDERATION BY THE CONGRESS

To attain additional flexibility for enforcing the FD&C Act, the Congress should consider amending the law to provide for civil penalties when food sanitation standards are violated.

Chapter 6. Consumer Complaints

FDA district offices need a uniform system for recording the receipt and disposition of consumer complaints. The system should provide a means of monitoring corrective actions taken on a local basis and should provide for the collection of data to allow headquarters' officials to identify industry and product problems affecting more than one district.

Several district offices have reported an increase in recent years in both the number of consumer complaints and in the number of insanitary plants and adulterated products identified during inspections made as a result of complaints. Our review showed that insanitary products were reaching the consumer and would have gone undetected by FDA for some time had not the consumer complained. This situation is illustrated below.

After receipt of three consumer complaints, including the alleged presence of foreign material in the firm's candy and illness after eating the candy, FDA inspected the plant in April 1971 and found rodent-contaminated nuts. Laboratory analysis of candy samples collected during the inspection revealed rodent hairs, urine, and metal fragments. About 30,000 pounds of nuts and 37,000 pounds of candy were destroyed as a result of this inspection. The plant was previously inspected in November 1969 and was scheduled for reinspection in November 1970. Due to higher priority work, however, the scheduled reinspection was not accomplished, and it was not until after the receipt of the three complaints in December 1970 and February and March 1971 that the plant was reinspected.

Five of the six districts had no formal system for recording the receipt and disposition of consumer complaints and did not maintain summary records of consumer complaints. As a result, there was no record of the volume of consumer complaints received by districts or of whether the complaints had been investigated. This situation is particularly distressing considering the fact that the overall mission of FDA is consumer protection.

Also procedures varied among districts as to whether complaints warranted follow-ups. In one district, if the reviewing official considered the complaint unwarranted, it was ignored and no record of its receipt was made.

In another district some consumer complaints referred by FDA to a local county agency for action were not monitored to ensure adequate disposition of the complaints. County officials advised us that they had no record of receiving these complaints. We found that there was no control to monitor the disposition of complaints deferred for follow-up during future inspections.

An FDA survey in August 1971 showed that consumer complaints were handled differently from district to district and that only three of 17 districts were using a system whereby consumer complaint information was retrievable. As a result, summary information relating to the number, nature, and frequency of consumer complaints on a particular firm or product was not available to FDA.

FDA is devising a computerized system which will record consumer complaint data to identify industry and product problem areas. The output of the system, in our opinion, should be used also to monitor the disposition of complaints.

RECOMMENDATION TO THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

We recommend that the Secretary, HEW, direct the Commissioner, FDA, to implement a uniform system for recording consumer complaints, which should be used to monitor the disposition of complaints at the local level and to provide headquarter's officials with a means of identifying industry and product problems affecting more than one district.

HEW concurred in our recommendation and advised us that FDA was developing a uniform system for monitoring the disposition of complaints and for providing industry and product problem trends on a national basis.

Chapter 7.—Scope of Review

We accompanied FDA inspectors on the inspection of 95 of 97 randomly selected food manufacturing plants subject to the regulatory authority of FDA. The inspections were made in six FDA districts, which included 21 States, during the period May through August 1971.

We reviewed records and interviewed agency officials at FDA headquarters and at six district offices—Boston, Dallas, Kansas City, Los Angeles, New Orleans, and Seattle. Pertinent policies, procedures and practices were examined, as were the laws and regulations governing food sanitation practices.

We also reviewed independent consultant studies of FDA field activities and contacted a number of State agencies reponsible for food inspection activities.

Appendix II

Enforcement Alternatives Available to the Food and Drug Administration

CRIMINAL PENALTIES

Section 301 of the FD&C Act sets forth those actions which are prohibited under the law. Section 303 provides that any person who violates a provision of section 301 be imprisoned for not more than 1 year or fined not more than $1,000, or both. For second and subsequent convictions, the imprisonment and fine are increased to no more than 3 years or $10,000, or both.

The penalties have not been revised since the FD&C Act was passed in 1938. To keep pace with changes in the value of the dollar, FDA submitted a legislative proposal to HEW for fiscal year 1972 that would increase the fine to $5,000 for first violations and $25,000 for second violations.

Citation

Section 305 of the FD&C Act provides that, before any violation of the FD&C Act is reported for institution of a criminal proceeding, the person against whom such proceeding is contemplated be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding. To comply with this provision a Notice of Hearing, often referred to as a citation, is mailed to the alleged violator(s) and a date for response designated.

INJUNCTION

Section 302 of the FD&C Act provides for injunction against violations of Section 301. An injunction enjoins the firm or individual from performing or not performing some act.

SEIZURE

Section 304 of the FD&C Act provides that seizure proceeds may be initiated against any food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce.

POSTINSPECTION LETTERS

Warning letter

Section 306 of the FD&C Act, under the caption "Report of Minor Violations" states that:

"Nothing in this Act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this Act whenever he believes that the public interest will be adequately served by a suitable written notice or warning."

Adverse findings letter

In 1968 FDA headquarters instructed its district offices to furnish a report to a firm whenever significant adverse conditions were observed during an inspection, regardless of whether regulatory action was contemplated. The letter is not considered to be a section 306 warning letter, and a firm generally is not asked for a reply.

Recall

A recall is described as voluntary action by a firm to remove from the market those products that present a threat to the safety or well-being of the consumer. Although such action is not provided for in the FD&C Act, FDA policy statements indicate that, over the years, recalls have been the most effective method of removing from the marketplace all units of products found to be in violation of section 301 of the FD&C Act.

APPENDIX III

ANALYSIS OF 97 FOOD PLANTS INSPECTED BY FDA-GAO

Description of products [1]	Total plants	Out of compliance: Significant insanitary conditions	Out of compliance: Insanitary conditions	Out of compliance: Minor insanitary conditions	In compliance
Bakery products	23	10	2	5	6
Carbonated beverages and waters	17	1	3	4	9
Fish and fish products	11	2	3	6	
Cheese, ice cream, eggs, and related products	11	3	2	3	3
Specialty items and prepared foods—chips, popcorn, cheese pizzas, prepared sandwiches, tortillas, and taco shells	8		2	5	1
Candy, sugar, molasses, and honey	6	1	1	1	3
Processed vegetables, potatoes, beans, pickles, vegetable salads	5	1	1		3
Food extracts, flavors, sauces, spices, teas, and dressings	6	1	1	1	3
Flour, macaroni, and noodle products	5	2	1	1	1
Canned fruits and juices	3	1		1	1
Jams, jellies, nuts, and nut products	2	1		1	
Total	97	23	16	28	30
Approximate annual sales [2] (total in millions)	443	43	43	91	266

[1] Each plant manufactures at least 1 of the indicated products.

[2] Annual dollar volume of sales of plants inspected ranged from $1,500 to $85,000,000.

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE RESPONSIBLE FOR ADMINISTRATION OF ACTIVITIES DISCUSSED IN THIS REPORT

	Tenure of office: From—	Tenure of office: To—
Secretary of Health, Education, and Welfare:		
Elliot L. Richardson	June 1970	Present.
Robert H. Finch	January 1969	June 1970.
Wilbur J. Cohen	March 1968	January 1969.
John W. Gardner	August 1965	March 1968.
Assistant Secretary (Health and Scientific Affairs):[1]		
Merlin K. Duval, Jr	July 1971	Present.
Rober O. Egeberg	July 1969	July 1971.
Philip R. Lee	November 1965	February 1969.
Commissioner, Food and Drug Administration:		
Charles C. Edwards	February 1970	Present.
Herbert L. Ley, Jr	July 1968	December 1969.
James L. Goddard	January 1966	June 1968.

[1] In March 1968, the Assistant Secretary was given direct authority over the Public Health Service and the Food and Drug Administration and the functions of the two organizations were realined.

THE CASE FOR NONCONTROL OF FARM PRODUCT PRICES

Mr. DOMINICK. Mr. President, recently Mr. Lloyd Sommerville, the very able president of the Colorado Farm Bureau and a long time friend of mine, appeared before the Price Commission to present the case for noncontrolling the prices of farm products.

In his sincere and ably organized presentation he pointed out that today consumers spend less than 16 percent of their disposable income on food compared to 23 percent only 20 years ago; that farm meat prices vary according to supply and demand and are now at approximately the same level as they were in other heavy demand years; that "farm food" price controls did not work in World War II or Korea and simply provided the leverage for black markets and improper distribution; and that "farm food" prices should not be considered as any part of the reasons for inflation.

Mr. President, the blame for inflation was placed by his testimony exactly where it should be—namely on dubious fiscal and monetary policies for the past decade and the irresponsibility of Congress in its apparent determination to outdo anyone in deficit financing. I ask unanimous consent that his testimony be placed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO THE PRICE COMMISSION

(Presented by Lloyd Sommerville, president, Colorado Farm Bureau and member, AFBF, executive committee)

We appreciate the opportunity to present Farm Bureau's views with respect to food prices.

Farm Bureau is a general farm organization with more than 2 million member families who belong to more than 2,800 county units in 49 states and Puerto Rico.

We recognize that food prices—particularly meat prices—are a matter of concern to the government and the general public because food is a sizeable item in the average consumer's budget. It should, however, be recognized that consumers are getting their food today for a smaller percentage of their take-home pay than at any previous time in history.

Twenty years ago consumers spent 23 percent of their disposable income for food. This year, it is estimated that less than 16 percent of disposable income will be spent for food although the quality of the average diet and the amount of service included with purchased food have increased substantially in the past 20 years.

The public should realize that farm prices tend to move up and down in cycles in contrast to some other prices and wages which seem to move only in an upward direction. Much of the increase in food prices in recent years has been due to increased marketing costs. Farm prices of food products are up only 6 percent from twenty years ago; wholesale food prices are up 20 percent; and retail food prices are up 43 percent. Farmers receive only 38 cents of each dollar consumers spend for farm-produced food in comparison with 49 cents twenty years ago.

We believe it would be a serious mistake from the standpoint of consumers and the government, as well as food producers, to extend the coverage of the price control program in an effort to hold down food prices. Our view is based on our knowledge of the food industry and our recollection of what happened when the government attempted to control meat prices during World War II and the Korean War.

We would like to stress the following points:

(1) Livestock and meat prices are not excessive when viewed from a perspective which takes account of past prices, increased costs, and the cyclical nature of the livestock industry.

Current hog prices reflect a reduction in production which has resulted from the distress-level prices of late 1970 and early 1971. The low prices of that period reflected the overproduction which had been stimulated by relatively higher prices in the late 1960s. The farm price of hogs increased from $16.90 per cwt. in March, 1971, to $23.30 in March, 1972, but this is not unusual. Under similar conditions the price of hogs increased from

$16.40 per cwt. in March, 1965, to $24.00 in March, 1966.

The average price of choice steers sold out of first hands for slaughter at Omaha in February, 1972, was $36.38 per cwt. By way of comparison, the comparable figure for February, 1952—twenty years earlier—was $33.65. Prices of choice steers have declined in recent weeks. The average price of choice steers sold out of first hands for slaughter at Omaha in the week ended March 23, 1972, was $34.68 per cwt., or $1.70 per cwt. less than the February average.

Farmers, including livestock producers, have been confronted with steadily increasing costs in recent years. The index of prices farmers pay—including wages, interest, and taxes—rose from 318 (1910–14=100) in March, 1965, to 386 in March, 1970, and 423 in March, 1972.

Retail meat prices include substantial marketing costs which have been increasing in recent years. Unit labor costs in the marketing of farm-food products rose from an index of 100 in 1960 to 109 in 1965 and 142 in 1970. The farm-to-retail price spread of the market basket of farm foods increased $126, or 20.3 percent, from 1965 to 1970. Few have complained about the increases in wages, at each stage of processing and distribution, which have increased the retail cost of meat.

(2) Experience during World War II and the Korean period clearly shows that controls don't work in the livestock and meat industry. The inevitable effects of attempting to control meat prices will be less production, black markets, and distorted distribution patterns.

Price controls thwart increases in production which can normally be expected to correct, in a relatively short time, any temporary shortage of meat that may develop. The ease with which unscrupulous operators can go into the meat packing business is well known. Such action leads to black markets which distort distribution and deprive consumers of the protection provided by federal and state meat inspection.

(3) Price controls on meat would not serve the interests of consumers. The current demand for meat reflects increased consumer purchasing power plus individual preferences rather than an actual shortage of production. Beef supplies per capita are twice as large as 20 years ago. Red meat consumption this year is expected to average close to the 192 pounds consumed in 1971. Large supplies of poultry, eggs, and dairy products are also available. Price controls on meat would do nothing to reduce demand and would adversely affect future supplies.

(4) More supplies are on the way. The number of cattle and calves on feed in 39 feeding states in January, 1972, was over 8 percent higher than a year earlier. While the March, 1972, Pig Crop Report indicates that farmers in 10 Corn Belt states intend to reduce hog production 7 percent during the March-May farrowing season, the current level of hog prices and the large 1971 corn crop can be expected to bring an early turnaround in production plans.

(5) Food prices are not the cause of inflation. The inflationary pressures which stimulated the President's August, 1971, decision to—among other things—invoke price controls are primarily the result of excessive deficit spending on the part of the federal government and expansion of the money supply of the Federal Reserve Board.

The announcement of controls may have a helpful psychological effect, and there may be instances in which wage and price controls could dampen inflationary pressures—particularly in those industries which have excessive market power—i.e., where (1) prices are administered and (2) wage levels are determined by government-sanctioned monopoly groups.

Agriculture, on the other hand, is a highly competitive industry. Farmers and ranchers do not have excessive market power.

In your efforts to hold the line on prices, the members of this Commission face a most difficult—if not impossible—task as long as the fiscal and monetary policies of our federal government remain clearly inflationary.

Because the American Farm Bureau Federation seeks to act responsibly in dealing with important policy matters of this kind, our Board of Directors has made line-by-line recommendations to the Appropriations Committees of both the House of Representatives and the Senate for reductions in appropriations for fiscal 1973. These recommendations call for reductions of $21,937 million in new spending authority and $14,908 million in expenditures.

We are shocked and distressed at the apparent lack of responsibility on the part of both the Executive Branch of government and the Congress with respect to deficit financing.

We sense that part of the fiscal irresponsibility now being demonstrated by the Congress is traceable to a belief on the part of many members that they can avoid the political consequences of inflation by placing responsibility for price increases on the wage and price control activities of this Commission and the Pay Board.

We call attention to this attitude because we do not intend to permit he Congress and the Executive Branch of the government to go unchallenged in their efforts to slip, slide, and duck on the issue of what causes inflation.

While we appreciate the sincerity of the members of this Commission, it is our opinion that, in the long run, all prices—including food prices and the prices of farm production items—will move inexorably upward unless and until the federal government returns to responsible fiscal and monetary policies.

In summary, current meat prices are not excessive when viewed from historical perspective or in terms of consumer income and producer costs. Meat production and meat prices move in cycles which are self-adjusting. Controls would disrupt the operation of these cycles and lead to black markets. It would, therefore, be a serious mistake for the government to attempt to extend controls to raw agricultural products.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, S. 3507, which the clerk will please read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the unfinished business is not expected to take too long today, and in view of the additional fact that as of this moment there is no other business cleared for action today, I ask unanimous consent that the Pastore rule with respect to germaneness be lifted for not to exceed 15 minutes and that the distinguished Senator from Vermont (Mr. AIKEN) be now recognized for not to exceed 15 minutes to speak out of order, while Senators who are interested in the unfinished business are coming to the floor from the committee meetings in which they are officially occupied.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered, and the Senator from Vermont is recognized for 15 minutes.

FULL CIRCLE IN VIETNAM

Mr. AIKEN. Mr. President, we have now come full circle in Vietnam.

It was in February 1965 that the then Secretary of Defense, Robert McNamara, telephoned me and other Senators to say that President Johnson was dispatching additional marines to Danang to protect the lives of the 20,000 Americans already in the area.

In April of 1972, 7 years later, Secretary of Defense Laird came before the Foreign Relations Committee to tell us that President Nixon had authorized the bombing of Hanoi and Haiphong to protect the lives of the 85,000 or so American troops still left in Vietnam out of the 543,000 who were there in the spring of 1969.

The telephone call I received in February of 1965 was a private call.

President Johnson did not use the protection of American lives as the primary reason for his action.

Instead, he cited the aggression of North Vietnamese armies against South Vietnam, and proceeded in the following months to export to that country all the paraphernalia needed for a full-scale, European-type war.

When Secretary Laird came before us the other day, he quite correctly said that the North Vietnamese had launched a full-scale, European-type invasion on South Vietnam.

However, the United States is not now assuming responsibility for throwing back that invasion; the United States is withdrawing, using its air power to cover what some may characterize a planned Dunkirk.

No nation, interested above all in maintaining the credibility of its armed forces as the major instrument for keeping the peace in the world, would ever set out knowingly on an adventure that had the result of creating in an avowed enemy a modern military capability that he otherwise would never have had.

It may be madness, but it happened.

It happened because men in power in this country made grievous mistakes, which, once made, could not be corrected in any short time or by any easy means.

How does a great nation, like ours, correct the mistakes of its leaders?

Does it confess its sins to all the world?

Does it ask forgiveness?

Individuals can do that, and who among us can conceive of a life where the possibility of forgiveness did not exist?

But nations cannot or will not ask forgiveness.

The mechanism for forgiveness that works in nations is what we call turning over a new leaf, or changing our course or policy.

President Nixon came to the White House on the promise that he would turn over a new leaf in foreign policy.

I feel he has done that.

I further feel that the South Vietnamese will win the battle in which they are now engaged.

And, if perchance, I am right, a lot of the President's critics are going to look rather foolish.

I spoke out very early against the fallacy of exporting a European-type war to Vietnam.

But I never went along with those who persist in seeing greater legitimacy and morality in North Vietnam than in South Vietnam.

I said as early as October of 1966 that:

> The size of the U.S. commitment (in Viet-Nam) already clearly is suffocating any serious possibility of self-determination in South Viet Nam for the simple reason that the whole defense of that country is now totally dependent on the U.S. armed presence.

It is this situation that President Nixon has corrected.

He has restored legitimacy to the Government of South Vietnam.

This was the only honorable course the President could take.

That Government, South Vietnam, responded by arming its own citizenry, over 1 million strong, the one act that makes a mockery out of all charges that the government in Saigon is somehow not now legitimate.

If now the South Vietnamese choose to fight for their homes and land at a terrible cost in blood, this should be no cause for moral outrage here.

I sometimes wonder if some of the President's critics have really learned anything at all from this tragedy, for they still speak as though it were the moral duty of the United States to reengineer Vietnamese society, if not by massive intervention, as some insist, then by total withdrawal and total renunciation of U.S. responsibility, as others advocate.

We entered Vietnam with the idea that our arimes and our bureaucracies could create there a model, freedom-loving society.

Some seem to think now that all that stands in the way of achieving that noble purpose is the removal of the U.S. presence, which they now see as the very source of malignancy.

What gives real impetus to this hysteria now is the spectacle of bombs dropping on Hanoi and Haiphong, on a country that may have acquired modern military might, thanks to our example, but has not acquired the other essential elements of modern society.

And there are those who insist that these bombs are falling on us here in the United States, just as surely as on the people of Vietnam.

I opposed the bombing of North Vietnam from 1966–68 and I do not advocate bombing now.

It did not work to end the war then. It will not be the crucial factor in ending the war now.

The President will make a very serious mistake if he fails to understand that a great many Americans feel this way, too.

The ambiguities of the use of airpower in North Vietnam demand of our leaders the most careful kind of humility.

I hope that the President will reflect, too, on the fact that many of his most excited critics today will be his most necessary supporters tomorrow when we will have to bind up the wounds of this unjustified war.

Vietnam will not go away.

We are going to have responsibilities in that part of the world for possibly the rest of this century.

Those responsibilities will cost money.

Any President will have to have understanding and support from among the many who today are pretending, even though they know better, that Vietnam can be made to just go away.

If the South Vietnamese win this battle, or at least escape with their armies and government intact—as I hope and believe they will—the great danger will be that others will see in the present use of our naval and airpower a pattern for future strategic policy.

That is why I urge the President to understand that many loyal citizens feel that those bombs that are falling on North Vietnam are falling on us, too.

I have consistently supported President Nixon's actions in Vietnam since he took office.

Indeed great progress has been made in extricating us from our dilemma during the past 3 years.

But I have differed at times not only with his decisions but with the words he has used to justify those decisions.

I did so at the time of the Cambodian incursion, an action I was willing to accept as a temporary and localized expedient, but which was presented to the American people in terms that added to the flames of dissent here at home.

Words like "defeat" and "victory" do not enhance the prospects for an early peace.

I likewise differed with the President over the Mansfield and Cooper-Church amendments, which merely gave congressional expression to his avowed intention to withdraw our military forces from Vietnam and avoid creating a military presence in Cambodia.

In my political judgment the President did himself unnecessary harm trying to defeat those amendments.

On the other hand, I have always opposed efforts to legislate here in the Congress a specific date for ending our involvement in Vietnam, even if tied to the release of our prisoners.

It is not just that such legislation in the field of foreign policy is of dubious legality.

I am not about to be a party to a vote of no confidence in the President of the United States regardless of his party affiliation and such specific legislation brooks no other interpretation.

Nor would I undertake to discredit my own country, a country whose benefits to the world exceed the mistakes it has made a hundredfold.

The most important judgment passed on President Nixon's policies will be passed by the American people next November 7.

I trust that circumstances prevailing then will insure his reelection.

If the South Vietnamese must have this kind of support; if there is, in fact, some connection between the bombing and the safety of our own forces, the President must nonetheless accept the fact that this kind of use of airpower is profoundly distasteful to a great many Americans.

If it has to be used to correct past mistakes, so be it, but if it ever comes to be thought of as a chosen means of expressing American foreign policy interests, then no President can hope to hold public esteem for long.

We have indeed come full circle in Vietnam.

We entered on the wings of an illusion, the illusion that we could reengineer Vietnamese society with the use of our Armed Forces.

We must not leave on the wings of an equally false illusion, namely that all that prevents peace and harmony in that country is a malignant U.S. presence.

I do not see this as a time for moral outrage, but rather a time for humility and rededication.

We have made it a matter of national honor to help those who, very legitimately, have decided to fight and die for their land, their homes and their beliefs.

At the same time we are finally withdrawing from our own misguided intervention.

We have no other course than the one the President is following.

We have already withdrawn 86 percent of our military personnel from that unfortunate country in the past 3 years.

Our air strength in Vietnam today is about one-third of what it was when President Nixon took office.

And until the all out resumption of the war by the North Vietnamese, reinforced by modern invasion weapons of war from Russia and vocal encouragement from other countries, it appeared that our withdrawal from Vietnam could have been virtually completed by midsummer.

I still believe that if the North Vietnamese do not get too much encouragement to intensify and prolong the war, our withdrawal may be completed at an early date and our attention can then be focused on the problems of reconstruction and healing the wounds caused by this ill-conceived war.

Mr. President, I yield the floor.

NATIONAL COASTAL ZONE MANAGEMENT ACT OF 1972

The Senate continued with the consideration of the bill (S. 3507) to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. What is the pleasure of the Senate?

Mr. HOLLINGS. Mr. President, I ask that the Senate proceed with the consideration of S. 3507.

The ACTING PRESIDENT pro tempore. That bill has been laid before the Senate, and is the pending business.

Mr. EAGLETON. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. EAGLETON. If at a later time, prior to offering my amendment, I should desire to move that this bill be referred to the Committee on Public Works, would I have the right to make such a motion, if I do not do so at this particular time?

The ACTING PRESIDENT pro tempore. Such a motion may be made at any time prior to the vote on the bill.

Mr. EAGLETON. I thank the Chair.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that two members of my staff, Mary Jo Manning and John Hussey, be granted the privilege of the floor during the consideration of this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, it is with a great deal of pleasure that the Committee on Commerce recommends unanimously the approval of S. 3507, the National Coastal Zone Management Act of 1972. This bill will provide the Federal assistance necessary to help States and local governments plan and operate coastal zone management programs. The aim is to allow the wise and orderly development and growth within this critical area so as to protect the vital waters of our coastlines and Great Lakes.

This bill has been before the Senate for 2 years, first introduced by Senator WARREN G. MAGNUSON of Washington. I might say that it was the wisdom and leadership of the distinguished chairman of the Committee on Commerce which gave impetus to the creation of this concept. During the 89th Congress, there was created the National Commission on Marine Science, Engineering, and Resources. This blue ribbon panel of experts—often described as the Stratton Commission—produced the landmark report known as "Our Nation and the Sea." Part of this overall report was the section on "Management of the Coastal Zone."

Senator MAGNUSON introduced the bill, S. 2802, which incorporated the recommendations of the Commission. Subsequently, the Committee on Commerce has conducted 11 days of hearings over the space of 2 years on the various coastal zone proposals. The Subcommittee on Oceans and Atmosphere, which I am privileged to chair, has compiled a remarkable record of testimony in favor of coastal zone management. And last September, the committee ordered its bill, S. 582, reported to the floor. However, during the last year, many Members of the Senate as well as the administration have become convinced that the United States needs a broad-based policy of land use management. There were some who felt that certain provisions within S. 582 were in conflict with the proposed land use policy legislation now pending before the Committee on Interior and Insular Affairs. Additionally, it was felt that many municipalities in coastal States have done an outstanding job of area management, and that S. 582 did not give them the opportunity to participate fully in management programs. Finally, there was concern about conflicts between existing Federal, State, and local matters within the coastal zone. Was too much authority being exercised by the Secretary of Commerce without the opportunity for full hearings and mediation for all parties involved?

Mr. President, these were substantial concerns, and the Committee on Commerce recognized that S. 582 did contain several shortcomings as a result of developments which altered some of the circumstances under which the bill was drawn.

Therefore, on March 14, at my request, S. 582 was recommitted to the Committee on Commerce. For the past month, we have worked over the entire bill in order to accommodate it to present needs and circumstances. This, in brief, is what we have done:

First. The committee has created a bill which will dovetail with the proposed land use legislation. Our definition of the geographic boundaries of the coastal zone itself has been tightened.

Second. We have attempted to make full provision for cooperation and coordination between States, local governments, areawide agencies, and interstate agencies. All of these factions must work together in both the planning and the managing phase of the program. Additionally, States can delegate to local governments some or all of the responsibility under this act.

Third. Finally, we have created a National Coastal Resources Board to handle disputes within the management program area. The board can coordinate programs of various Federal agencies. It can mediate differences between any Federal agency and a coastal State at the development stage of a program. And finally, the board can provide a forum for appeals by any areawide planning entity or unit of local government from any decision or action of the Secretary or the management agency of the State or local area.

Having done this, Mr. President, the Committee on Commerce, on April 11, unanimously ordered that an original bill be reported to the floor. This bill is S. 3507, which is before the Senate today.

So what is the program we propose? Essentially, it is this: A means to avoid crisis in the coastal areas of our Nation. We know the States have the will to avoid this crisis of growth and the subsequent despoilation of our valuable coastal waters. But at present, neither the States nor the local government have the financial means to tackle this difficult job. S. 3507 solves this problem by providing Federal grants-in-aid to create and operate management programs within the coastal zone.

The bill I propose today is aimed at saving the waters of our coasts and the land whose use has a direct, significant, and adverse impact upon that water. We all know that the coastal water and our delicate estuaries are the breeding grounds of life in the sea. Yet we use the land of the coastal zone with little or no concern for how this use will affect the water. For the most part, everyone is complaining about the situation, but few are doing anything about it. S. 3507 does something about it. In other words, we are talking about providing orderly, sound growth in a narrow strip of land and water of our coastal States, Great Lakes, States, and our territories. The management program authority may extend inland only so far as to allow control over the use of that land which, as I have said, directly affects the water. So it can be seen that we do not envision huge blocks of inland territory being carved into management program areas. The coastal zone bill would extend coverage basically to beaches, salt marshes, sounds, harbors, bays, and lagoons, and the adjacent lands—but not territory so large as to encroach upon land use management. The waters of this zone, again, are our primary target of concern. In disputed cases, these waters are those which contain a measurable tidal influence.

In the United States today, we are facing a population explosion—and it is being felt with the most impact in the coastal States and in coastal municipalities. The rate of increase for costal areas is more rapid than for inland areas, and this press of population has led to extensive degradation of our estuaries and marshlands. From 1922 through 1954, more than 25 percent of the salt marshes of this country were destroyed by fill, dikes, drainage, or by construction of walls. From 1954 to 1964, the destruction has continued at an even more rapid pace. Approximately 10 percent has been lost to development.

We know that the land area available for expanding populations will not change. There are only 88,600 miles of shoreline on our Atlantic, Pacific, and Arctic coastlines, and another 11,000 miles along the Great Lakes. Already, 53 percent of our population live within 50 miles of the coast. The overwhelming testimony was that by the year 2000, it may well be 80 percent, or 225 million citizens.

I referred earlier to the Stratton Commission. That group's report, "Our Nation and the Sea," calls the coast the most valuable geographic feature of the United States—the most biologically productive region of all. America looks to the coastlines not only for recreation, but for resources as well. The report makes an urgent plea for adequate management of the coastal zone now, before it is too late.

We hope we have created, in S. 3507, an answer to this plea for help. We know that the mechanism this bill envisions may not be perfect, but nothing is perfect. It may not solve every problem—but few Government solutions can handle everything. It may not make everybody happy—because there are a lot of folks who do not care about the result of rapid development. All they want is a profit. This kind of thinking can no longer be tolerated in America—if America wants any kind of a decent environment for its citizens in the decade ahead. The coastal zone bill will help us build and preserve that kind of America—a place where those of us who support this measure today can take some pride in the years ahead. I urge all my colleagues to join in voting for the bill, for good government, for progressive government, and for protection of our most vital resources in S. 3507.

Mr. President, I ask unanimous consent that the names of the cosponsors of the pending bill be shown in the RECORD here.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

LIST OF COSPONSORS

Senator Ernest F. Hollings.
Senator Warren G. Magnuson.
Senator Lloyd Bentsen.
Senator Clifford P. Case.
Senator Marlow W. Cook.
Senator Sam J. Ervin.
Senator David Gambrell.
Senator Edward J. Gurney.
Senator Philip A. Hart.
Senator Vance Hartke.
Senator Hubert H. Humphrey.
Senator Daniel Inouye.
Senator B. Everett Jordan.
Senator Gale W. McGee.
Senator George McGovern.
Senator Thomas J. McIntyre.
Senator Joseph M. Montoya.
Senator Bob Packwood.
Senator John O. Pastore.
Senator Abraham Ribicoff.
Senator William B. Spong.
Senator Ted Stevens.
Senator Harrison A. Williams.
Senator Alan Cranston.
Senator John V. Tunney.
Senator J. Glenn Beall.

Mr. HOLLINGS. Mr. President, I yield to the distinguished ranking minority member of the committee, the Senator from Alaska (Mr. STEVENS).

Senator STEVENS has been of invaluable help. He starts with a primary interest in the matter, because the coastline of Alaska comprises practically half the coastline of the United States, and he obviously has a firsthand knowledge as well. He joined me in all these hearings of the Commerce Subcommittee on Oceans and Atmosphere. He is a member of the Committee on Interior and Insular Affairs. He has served in the Department of the Interior, in the executive branch of Government. He has worked with me in trying to reconcile differences and concerns not only with the administration, but also with the Committee on Interior and Insular Affairs, the Committee on Public Works, and other public concerns.

I am glad to yield to Senator STEVENS.

Mr. STEVENS. Mr. President, as a member of the Committee on Commerce and as the ranking minority member of the Subcommittee on Oceans and Atmosphere of that committee, I would like to commend my distinguished friend and colleague from South Carolina (Mr. HOLLINGS), the chairman of our subcommittee, for his leadership on this legislation. Over the past two Congresses he has conducted many days of hearings and worked through many executive sessions to see this bill become a reality. With successful conideration here today and with the action that appears imminent in the House, I feel confident that we will soon have a law to provide the necessary Federal leadership in this area.

Yet, even though we have been without a congressionally mandated program, the needs of our coastal zones have not been unnoticed. The 1969 Report of the Commission on Marine Science, Engineering, and Resources, entitled "Our National and the Sea"—the so-called "Stratton Commission Report"—discussed at length the special values of our coastal areas and the need for a proper program of coastal zone management:

In that report is the following comment:

> Rapidly intensifying use of coastal areas already has outrun the capabilities of local governments to plan their orderly development and to resolve conflicts. The division of responsibilities among the several levels of government is unclear, and the knowledge and procedures for formulating sound decisions are lacking.
>
> The key to more effective use of our coastland is the introduction of a management system permitting conscious and informed choices among development alternatives, providing for proper planning, and encouraging recognition of the long-term importance of maintaining the quality of this productive region in order to ensure both its enjoyment and the sound utilization of its resources. The benefits and the problems of achieving rational management are apparent. The present Federal, State, and local machinery is inadequate. Something must be done.

It was in response to this void in adequate machinery that the Committee on Commerce began, during the 91st Congress, to consider legislation which would help to protect and manage our biologically productive and commercially invaluable coastal areas. I am pleased to recognize the contributions of the present administration in this area, and note that much of the bill we consider here today is patterned after the bill, S. 3183, introduced at the request of the administration during the 91st Congress. This administration proposal was developed as a result of the National Estuarine Study by the Department of the Interior, performed pursuant to Public Law 90–454, also reported by the Committee on Commerce.

Despite the administration's prior recommendations in this area, however, I should note, in fairness, that it does not support separate legislation for the coastal zone such as that contained in the bill, S. 3507. However, this does not reflect any change in the administration's position over the need for effective programs. Rather, it has chosen a broader approach with its proposal for a national land use policy as contained in the bill, S. 992. In this connection, on May 5, 1971, the Honorable Russell Train, Chairman of the Council on Environmental Quality—and former Under Secretary of the Interior—appeared before the subcommittee and stated in part the following:

> Since the development of the coastal zone legislation the administration has moved forward to consider the broader realm of land use generally, including the coastal zone. And the legislation which the President submitted to the Congress on the 8th of February as part of his environmental message calls for a new, very innovative national land use policy which includes and embraces the coastal zone as part of a broader approach to what the administration sees as a very high priority national need; namely, more effective land use as it affects environmental quality all across the country, both in the coastal zone and within the interior portions of the United States.

Notwithstanding this valid observation concerning the needs of the interior portions of our country, the needs of our coastal zones are such that to delay passage of the National Coastal Zone Management Act of 1972 to await enactment of a more inclusive bill would be unwise at best. It is in the coastal zone that the need for effective control has been most clearly demonstrated. It is in the coastal zone that one can readily recognize the resource of our lands is limited, that it is facing a host of competing demands, that development has been disorderly and in many cases tragic, and that unless management programs are developed, the demands of burgeoning populations and sprawling urban systems will completely choke them off. It is of more than passing interest to me to note that the State of Alaska lays claim to a coastline which is equal to more than half of that boasted by what we call the "Lower 48", and that the passage of such legislation at this point in our development is of the utmost importance.

The need for Federal financial assistance, as well as Federal requirements for cooperation at all levels and the establishment of criteria for the development of adequate management plans, has been demonstrated by the relative inability of most States and localities to proceed without it. As stated by Mr. John Asplund, chairman of the Greater Anchorage Area Borough, Anchorage, Alaska, when he appeared before the subcommittee on May 6, 1971, on behalf of the National Association of Counties:

> We at the county level know that we have made many mistakes and allowed economic and other factors to override the requirements for more logical coastal management. But, the State and Federal Governments must also assume part of the blame for not taking a greater interest in coastline reservation, for not providing the necessary broad guidance, and for not providing either financial or technical support. The time, we believe, has come to correct these past failures and take a positive approach toward coastline management and preservation.

I, too, join the distinguished chairman of the committee, the Senator from South Carolina (Mr. HOLLINGS) in believing that the time has come. S. 3507 moves toward this goal by providing the financial assistance necessary for the development and implementation of coastal zone management programs. It furnishes to States and localities the guidance and criteria necessary for them to manage these areas wisely. It is my hope that the Congress will recognize the adequacy of its response and the need which it promises to fulfill, and grant it favorable consideration.

Mr. President, at an appropriate time, I should like to discuss with the chairman of the subcommittee an amendment which would insure that where there are no statewide programs and plans consistent with this act, if a local political subdivision of a State with areawide powers does have a workable plan, the Secretary of Commerce will be able to cooperate with that areawide government. But I leave it to the Senator from South Carolina to determine when it would be an appropriate time to discuss this amendment which I have suggested.

I thank the chairman and will assist in any way I can in connection with this matter.

Mr. HOLLINGS. Is that the amendment relative to the matter of the Secretary's having the authority to go ahead should a particular area of a State itself default in actually promulgating a plan authorizing the Secretary to work with the local government or political subdivision and approve one submitted by it—is that the amendment?

Mr. STEVENS. Yes; that is the intent of the amendment. I have provided the chairman of the subcommittee with a copy of it. It would add a subsection "i"—let me check first, to make sure.

Mr. HOLLINGS. Could we not go on later with that amendment, if the distinguished Senator will permit it, as the Senator from Virginia has concern and the Senator from Missouri also has concern about active consideration at this time of this particular bill. I think perhaps we should go into their concerns first, and then when we began to call up amendments—we are not in a rush here this morning—we can call it up.

Mr. STEVENS. I will be happy to cooperate in every way I can. I just wanted to call the attention of the chairman to the fact that I hope we can consider the concept which would give the local political subdivision with areawide powers, the power to proceed with plans already made if the State has no plan.

Mr. SPONG. Mr. President, the objective of the proposed National Coastal Zone Management Act is to achieve a partnership between man and nature in which man's varied needs are in harmony with nature's processes and resources.

Specifically, the bill now pending would encourage the States to develop programs to protect their coastal resources by authorizing Federal assistance for the preparation and implementation of management programs. At the outset of my remarks, I would emphasize the assertion in the committee report on this measure that—

> There is no attempt to diminish state authority through federal preemption. The intent of this legislation is to enhance state authority by encouraging and assisting the states to assume planning and regulatory powers over their coastal zone.

Mr. President, that is as it should be—although the success of coastal zone management programs will be dependent on the cooperation of Federal, State, regional, and local agencies. I wish to commend the distinguished chairman of our Subcommittee on Oceans and Atmosphere for initiating the effort to have the bill recommitted.

Reconsideration of the measure resulted in two definite improvements. First, the inland scope of the coastal zone has been changed so as to limit the legislation to the area of greatest environmental concern. Second, the measure now requires broader participation of local governments, interstate, and regional groups in the preparation and operation of management programs.

A review of the testimony clearly demonstrates the need for this legislation. Much more than esthetics is involved in the protection and preservation of our coastal and estuarine waters and marshlands. The many varied types of natural vegetation which are found in the coastal zone provide a constant food source for fish and fowl alike.

It is estimated that three-quarters of our commerical seafoods—fish, claims, oysters, shrimp, crabs, and lobsters—are nurtured in our coastal areas. In addition, these waters and shorelands provide shelter and food for birds and wildlife, and act as a buffer against storms and other natural disasters.

It is in our own economic interest to protect these areas from the ever-increasing pressures of development and misuse. It has been estimated that in the period 1922 through 1954 more than one-fourth of the country's salt marshes were destroyed by filling, diking, or other forms of development. From 1954 to 1964 an additional 10 percent of the remaining salt marshes between Maine and Delaware was destroyed.

In Chesapeake Bay, an area of immediate concern to me, shoreline erosion caused by development has directly affected waterborne commerce, farmers, and fishermen. Deposits of silt have reduced water depths 2.5 feet over a 32-square-mile area at the north end of the bay. Roughly one-half of the oyster grounds in the upper bay have been destroyed or shifted downstream by sedimentation.

In order to encourage the coastal States to protect shorelands and estuarine waters, the bill authorizes the Secretary to make grants of up to two-thirds of the cost of developing management programs. The measure provides that management programs must specify the boundaries of the coastal zone, identify the permissible land and water uses within the zone so as to preclude uses having an adverse impact, and specify how control will be exerted over land and water uses within the coastal zone.

When a management program has been developed and approved, the bill authorizes grants of two-thirds of the cost of administering the program.

Finally, the bill authorizes grants of up to 50 percent of the cost of acquisition, development, and operation of estuarine sanctuaries. These provisions contemplate the creation of field laboratories for the collection of data and the study of natural processes occurring in estuaries. Such research should be of material assistance in establishing a rational basis for the intelligent management of coastal and estuarine zones.

Mr. President, I would be remiss if I failed to thank the committee, and especially the distinguished Senator from South Carolina (Mr. HOLLINGS) for accepting the suggestion I offered during the committee's consideration of the bill to require State certification of activities requiring a Federal license or permit.

This provision parallels a requirement in the Federal Water Pollution Control Act that applicants needing a Federal license or permit must obtain a certificate from the State water pollution control agency that there is reasonable assurance that the activity in question will not violate applicable water quality standards. It seems entirely reasonable to have a comparable provision in this legislation to guard against development that is inconsistent with a coastal zone management program.

It has been a pleasure to have been actively involved in the development of this bill. Its enactment would serve to protect and restore the vast resources of the coastal zone, an objective that is deserving of the highest national priority.

Mr. President, I again commend the Senator from South Carolina (Mr. HOLLINGS) not only for working initially on this bill, but also for having it recommitted and for bringing it back to the floor today in which I consider to be a much better form than when the bill was initially introduced.

Mr. BOGGS. Mr. President, I wish to express my support for S. 3507, the National Coastal Zone Management Act of 1972. This legislation provides significant benefits for every coastal State. It offers these States an opportunity to develop a legal framework "to preserve, protect, develop, and, where possible, to restore the resources of the Nation's coastal zone for this and succeeding generations."

The Committee on Public Works, on which I have the honor to serve, authorized a study of pollution in the estuarine areas at the time the committee reported the Clean Water Restoration Act of 1966. The Department of the Interior conducted an exhaustive 3-year examination of this question. In 1969 it submitted its three-volume report, "The National Estuarine Pollution Study," together with proposed legislation.

It was my honor in the 91st Congress to introduce S. 3183, which was the recommended legislation that grew out of that study. S. 3183 was originally referred to the Committee on Public Works. In an effort to give the Committee on Commerce the opportunity to consider the Interior Department's proposal in concert with the other important coastal zone proposals, we recommended that S. 3183 be re-referred to the Committee on Commerce.

S. 3183 contained important features to enable the coastal States to give greater attention to the management of their coastal and estuarine zones.

S. 3183 sought to accomplish two goals. First, it declared that there is a national interest in the effective management and protection of the coastal and estuarine zones. The bill set out a "national policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and implementation of comprehensive management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment."

Second, the bill sets up a system of matching grants to assist State agencies in achieving more effective management of the coastal and estuarine zone. The legislation authorizes development and operating grants for coastal zone management programs. This would have fostered rational and effective management of our precious coastal and estuarine zone area, encouraging State permit authority in the estuarine areas and conformity between local zoning and the State management plan.

While no Senate action was taken during the 91st Congress on this legislation, the distinguished Senator from South Carolina (Mr. HOLLINGS), last year introduced new legislation incorporating many of the provisions of S. 3183, as well as other coastal zone bills before his subcommittee. The new legislation was S. 582.

I was pleased and honored to cosponsor that bill, which also contained many provisions similar to the legislation considered today. As a sponsor of S. 3183, I would like to discuss these differences, which are actually quite minor in view of the significance of the overall legislation.

This new legislation offers several changes from S. 3183, which I introduced in the 91st Congress. First, it raises the Federal contribution to 66⅔ percent in the form of a grant, instead of the 50 percent in S. 3183. And the new bill sets no dollar limit on grants, other than a maximum grant of 10 percent of the funds appropriated to any one State.

New features of this legislation, of course, are the creation of the National Coastal Resources Board, to be headed by the Vice President, and authority to purchase estuarine sanctuaries as national field laboratories.

Also, this bill requires review of any Federal permit that would be undertaken in an area covered by an approved coastal zone management plan so that the permit will be carried out "in a manner consistent with the State's approved management program."

In its declaration of policy, this legislation seeks "to preserve, protect, develop, and where possible to restore the resources of the Nation's coastal zone for this and succeeding generations." May I point out that such a goal has largely been achieved in my own State. I am proud of that accomplishment.

In an effort to meet this challenge of our coastal zones' needs, Gov. Russell W. Peterson and the Delaware Legislature wrote legislation that established strict controls over development along the coastal zone of the entire State. This was the Delaware Coastal Zone Act of 1971. This law has been hailed by many conservation groups as among the most significant steps toward environmental excellence ever taken by a State.

Largely as a result of this legislation, Governor Peterson of Delaware was recently honored as 1971 conservationist of the year by the National Wildlife Federation. This distinguished award was made to the Governor for his "outstanding contributions to the wise use and management of the Nation's natural resources."

This great honor is one that Governor Peterson richly deserved, for he has demonstrated tremendous knowledge and understanding of the environmental challenge our Nation faces.

The Saturday Review magazine recently carried an extensive interview on this subject with Governor Peterson. I think the interview is a most interesting one and very timely, particularly in view of the Senate's consideration of this legislation today. Therefore, Mr. President, I ask unanimous consent that the text of the interview, "Showdown on Delaware Bay," be printed at the conclusion of my remarks.

Mr. President, I wish to close my remarks by reiterating my support for S. 3507. It is important legislation. It is legislation that is necessary if our Nation is to utilize our coastal and estuarine areas in the best possible manner.

There being no objection, the text of the interview was ordered to be printed in the RECORD, as follows:

SHOWDOWN ON DELAWARE BAY

(An interview with Gov. Russell W. Peterson by Sally Lindsay)

A drama is unfolding in Delaware that on one level involves a straightforward conflict over land and water use but on another reflects the current debate over national priorities. At stake is the future of Delaware Bay and the state's coastal areas. Heightening the conflict is the arrival of the era of supertankers and an accident of geography.

Delaware, the country's second smallest state, is best known as the home of the Du Pont family and as a favored location for business incorporation—some 70,000 United States companies are chartered there. Furthermore, Delaware has a priceless natural asset that has made the state the object of not entirely welcome notice: its bay.

Delaware Bay is one of three spots along the entire United States Atlantic Coast with water deep enough to accommodate supertankers of 250,000 to 350,000 dead-weight tons. Now going into service, these vessels have drafts of sixty-five to eighty-five feet. The other deepwater sites are Long Island Sound off Montauk, New York, and Machiasport, Maine. Deep water plus open land and ready access to the major population centers of the Middle Atlantic States have combined to make the lower Delaware Bay region irresistible to entrepreneurs relying on the use of supertankers.

The state thus attracted nationwide attention when its Republican Governor, Russell W. Peterson, signed the Delaware Coastal Zone Act of 1971 that barred heavy manufacturing industry from locating in a two-mile-wide strip along the state's 115-mile coastline. The first state law of its kind, it specifically banned oil refineries, petrochemical complexes, and basic steel and paper mills. In addition, the act prohibited the construction in the bay of marine terminals for the transshipment of liquid and solid bulk materials. Welcomed under a permit system, however, were such "nonpolluting" enterprises as automobile assembly plants, and garment, jewelry, and leather-goods factories.

"The coastal areas of Delaware are the most critical areas for the future of the state in terms of the quality of life," the act proclaims. "It is therefore the declared public policy of the state of Delaware to control the location, extent, and type of industrial development in Delaware's coastal areas. In so doing, the state can better protect the natural environment of its bay and coastal areas and safeguard their use primarily for recreation and tourism."

The law's immediate effect was to block several hundred million dollars worth of planned projects.

Shortly after Peterson took office in January 1969, Shell Oil Company, which began buying coastal property in 1961 and today owns a 5,800-acre site near Smyrna at the head of the bay, announced long-deferred plans to build a $200-million refinery on its land, with an associate petrochemical plant to follow. At present, Shell has eight refineries in the United States, but none on the East Coast, one of its major markets.

The Delaware Bay Transportation Company, a consortium of thirteen of the nation's leading oil companies, Shell among them, proposed in 1970 the construction of a freestanding 3,200-foot-long dock six-and-a-half miles out in the bay to berth supertankers bringing crude oil to the region. Two forty-eight-inch pipelines would run the crude oil to the shore. There, on 1,800 acres of coastal land that the consortium bought in 1958 near the mouth of the bay, it would build a storage tank farm from which onshore pipelines would feed the petroleum to existing refineries.

A Texas-based company specializing in the transportation of solid bulk materials, Zapata Norness, Inc., had another proposal for a transfer facility in the bay: a 300-acre terminal where millions of tons of domestic coal headed for world markets would be stored in fifty-five to sixty-five-foot piles for transshipment from self-unloading barges to giant deep-draft carriers. The Zapata project included subsequent plans to expand the terminal to 500 acres and to add the handling of iron ore for export.

Concern about the impact of these large-scale proposals on the undeveloped lower-bay area caused Peterson to "blow the whistle." By executive order, he slapped a one-year moratorium on all construction along the river and bay and appointed a task force to develop a master plan for the future use of the state's coastal areas. The provisions of the 1971 Coastal Zone Act essentially embody the recommendations made by the Governor's task force.

The basic question raised in Delaware was this: Should a natural asset be exploited simply because it's there?

Delaware's bay frontage, where Shell and the oil consortium hoped to build, is today a stretch of tidal wetlands, salt marshes, woodlands, and shallow estuaries, dotted with wildlife preserves. The state's oceanfront contains a succession of state parks and beaches cut by an inlet leading to small protected coastal bays. The wetlands provide food for fish and birds. The beaches, parks, and bays provide recreation for Delawareans and tourists. Both shore lines are endangered by the threat of oil spills from existing heavy water traffic.

Delaware already has one of the largest oil refineries in America, the 140,000-barrel-per-day Getty facility, situated about three miles north of the Chesapeake and Delaware Canal. Six additional refineries line the Delaware River near Marcus Hook, Pennsylvania, just over the Delaware state border; four are in Pennsylvania, two across the river in New Jersey. About 70 per cent of all the oil coming to the East Coast moves through Delaware Bay and Delaware River. About 175 tankers of up to 50,000-ton capacity ply the river each month to make direct oil-refinery deliveries.

Delaware already has a steel mill near Marcus Hook. The prospect of supplies of coal, iron ore, and petroleum concentrated along a single stretch of the bay area would, it was feared, inevitably lead to the development of additional steel mills and other heavy industry in the area, introducing unacceptable quantities of pollutants into the air and water.

During the six weeks the coastal zone bill was debated before becoming law last June 28, it was vigorously fought by an impressive lineup: the Delaware Chamber of Commerce; the state Building and Construction Trades Council; Shell; Getty (also a member of the oil consortium); the eleven other consortium oil companies; Zapata Norness; and the United States departments of Commerce and Treasury. Arguments against the bill invoked the importance of economic growth, the need to fill the projected energy requirements of the East Coast, the promise of jobs and tax revenues, and the ubiquitous "national interest."

"All of us . . . are caught at a critical point in time," said a Shell vice president at a hearing before committees of the Delaware legislature. "On the one hand, we have the crisis of the environment. And that is a very real thing. On the other hand, we have a growing energy crisis. That, too, is very real. These two crises have the potential for meeting on a collision course. It is my belief that such a collision does not have to occur."

The crux of Shell's argument was that industries should not be banned by class, but rather each industrial proposal should be considered on its individual merits. Shell asserted it could build a clean refinery that would not endanger the environment. To prove its point, the company invited members of the task force and the legislative committees considering the bill to visit two of its existing refineries: the Norco installation near New Orleans, nominated in 1971 for a Louisiana Wildlife Federation conservation award, and the Anacortes facility on Fidalgo Island, Washington, in Puget Sound.

Austin Heller, a task-force member and secretary of the Delaware Department of Natural Resources and Environmental Control, visited those refineries. "They were quite well maintained," he says, "but were not pollution-free by any means." The technology to build a pollution-free refinery, he states, "is not yet here."

Borrowing "a little federal muscle," Zapata Norness enlisted support from the Commerce and Treasury departments to fight the ban on its proposed offshore terminal. "Unless the United States is able to receive these [oceangoing] bulk carriers, our ability to compete will be seriously damaged," wrote a Treasury Department assistant secretary in a letter to the Delaware House of Representatives urging defeat of the zoning bill.

"It is important that a terminal be built . . . to retain United States control and flexibility, promote U.S. flagshipping, and to maintain for U.S. industry the capability to ship and receive goods at the lowest possible cost," wrote the Commerce Department's assistant secretary for maritime affairs in another letter asking rejection of the bill.

Supporting the bill were conservationists, environmentalists, and concerned Delawareans. "It's our coastline," proclaimed a mailing piece issued by a citizens' group. "Coastal zoning will save it for us and our children."

In the middle of the different merits of the debate stood the Governor, pledged to promote the state's economic well-being but equally determined to keep the bay and adjoining areas free from the proposed industrial complex.

Despite his stand, Peterson is not anti-industry, as some have charged. In fact, he comes from industry, having spent twenty-seven years at the Du Pont company as a research chemist and division manager before a mounting interest in community affairs, specifically prison reform, led him into politics. But he does believe that certain industries belong in certain areas. "We can and must be selective," he says.

Passage of the Delaware Coastal Zone Act ended the first chapter in the debate over the future of the bay. But no one considers the issue closed. At the request of the Delaware legislature, the Governor has appointed a twelve-man committee to study oil transport in the bay and river and recommend ways to decrease the danger of spills. The committee will work with the United States Department of Commerce, which is making a feasibility study of offshore transfer terminals in sea water outside state limits. Many officials in the state government expect that efforts will be made to challenge the zoning law in court or amend it to remove the ban on offshore islands. In the meantime, Peterson has initiated a move on the county level to back-zone Shell's property from its present category of heavy industry, fought for in a bitter struggle when the land was first optioned twelve years ago, to its original category of farming and general use. And a bill patterned on the Delaware act has been introduced in the New Jersey Assembly to bar heavy industry and offshore transfer facilities from the Jersey side of the bay and lower Delaware River.

Always eager to talk about the zoning act he fathered and the environmental questions it raises, Governor Peterson recently agreed to an interview in his office on the second floor of Legislative Hall in Dover, the state capital.

Sally Lindsay: I believe you have the distinction if being the only Governor in the United States who has a Ph.D. in chemistry. Have you used your science background in your job as Governor? Governor Russell W. Peterson: Yes, I've found it useful in talking about energy, about atomic energy, about fossil-fuel plants, and about the biology of the bay and the wetlands. But, more importantly, scientific training is a discipline where you look for the facts, put up certain propositions, and then test them to see if they make sense. You get trained in how to go about solving problems. And I'm convinced the longer I'm Governor, that exactly the same approach is needed in this office. It's really what applies in management in many fields. Most of my career in the Du Pont company, the last ten years anyway, was in management, and I think the background and experience were helpful. There are some other areas—being acquainted with the political forces at work, for example—that my background didn't provide. So I got clobbered a few times.

Do you think that in the future some form of scientific training might become a prerequisite for high elective office? I think that what's primarily needed is a good general education. I would not recommend that everybody running for office get a Ph.D. in chemistry. But I certainly think that anyone who is going to be a leader in the community ought to have an appreciation of the many scientific and technological factors that are involved. I don't want to be disrespectful to lawyers but I think we have a disproportionate number of them in Congress and in Governors' offices around the country. Their training is very valuable in their area, but other areas are equally important. I think a well-rounded education would be best for someone who wants a job like mine.

Your statement in connection with the Delaware coastal zoning bill that "jobs are important but so is the quality of our environment" has been widely quoted. Was the real issue, as you saw it, jobs versus environmental protection? No. It wasn't a question of either jobs or maintaining our natural environment. It was a question of whether to use the same piece of land for recreation and tourisms or for one of the most rapid industrial explosions anyplace in the world. The nub of the argument was whether we should make blanket rules outlawing certain industries, like refineries, in certain areas, or whether the decision on zoning should be based on guidelines and the merits of the individual case. We say that you cannot have heavy industry in certain areas; you cannot have certain installations along the coastline. They are incompatible with other valuable uses of the land. All you need to do is drive north from Wilmington to Philadelphia up around the Marcus Hook [Pennsylvania] area, and you see a collection of storage tanks, pipes, towers, and waste-treatment lagoons. Even if you assume that this section is completely free from pollution, the question arises: "Is this compatible with the kind of environment we've built in Delaware, the kind of recreational open country we have here?" And obviously the answer is no. We have a unique setup here, a relatvely unspoiled countryside. It's an asset to millions of people, not just Delawareans. In fact, tens of thousands of people from Washington and Baltimore and Philadelphia come here every year to use it, enjoy the hunting, the fishing, the swimming, the boating, the sunbathing close to the ocean. It's a tremendous asset. I therefore look upon Delaware as having a responsibility to the region—to hang on to what we have here.

At the time you made the decision to promote that bill did you consider that a political risk was involved? Oh, absolutely. Most of the reaction that I got in this office for the first few months was against me. From the state Chamber of Commerce and the oil companies directly, law firms that represent the oil companies, farmers who had sold land to the oil companies and who hoped to profit from the increased value of the land they still have, developers. They went right through to the very end fighting. It took the general public months before they began to tune in on the significance of this. Then I got more and more support for the bill. But my training and background are not such that I would weigh things on the basis of the number of votes that I thought a decision would bring.

How were you able to withstand the combined pressure of all those highly organized interest groups when the bill was under discussion? We were just persistent. Fortunately, we had a majority of the votes in both houses. They did a lot of talking and a lot of arguing about it. After the bill got through the House, we had a major problem in the Senate. There was a whole bunch of attempts to amend it. But each amendment was voted down, some of the critical ones by just one vote. The bill finally went through with a few votes to spare. But the pressure will be on for a long time to come. For many, many years. One of the people in the oil companes has been quoted as saying, "We will be around here a lot longer than Peterson will." [Delaware Governors are limited to two four-year terms.]

Former Secretary of Commerce Maurice H. Stans is reported to have said, "You are interfering with the prosperity and security of America." How did he become involved, and what was your response to that statement of his? I don't remember his using precisely those words. He did ask about my loyalty to our region and to our country. He stressed that we needed to have energy in America, we needed to have petroleum coming in, we needed to have a good merchant marine. And therefore we needed ports that could take the big, new, deep-draft vessels. I told him yes, I agreed that some of those things were important. But it was equally important to have some of the open environment we have in Delaware. That was vital to the people. And we ought to put that on the scales along with these other factors to decide which was going to get priority.

Were you able to get him to change his mind when you met with him in Washington? No. When I first went to see him, he wanted to convince me to drop the entire idea of excluding refineries, basic steel mills, and basic pulp mills. I made it clear that the whole objective was to be sure we didn't have those enterprises in this area. That was the whole purpose of the bill. When I left he said, "Let me ask one thing of you; don't exclude the offshore [coal and iron ore] unloading stations." I told him that I would think about it. And I did. And I decided that we ought to exclude those things, too.

Can you imagine a time within the next four years when you might change your mind about offshore oil terminals and a pipeline running to refineries on the coast? Right now I can't. But I'm willing to listen. We have a committee studying how we can move oil that goes up our bay and river more safely. The practice now is for large and medium-sized vessels to come a few miles into the mouth of the bay to get into some deep water and away from the rough seas. They then partially unload onto barges. When the tanker's draft is small enough, the lightened tanker and the barges move up the bay and river to the refineries. That's a hazardous operation. Any day we might have a major oil spill and we're worried about it. I'm sure the committee will consider such things as an offshore unloading station with a pipeline. They also will consider what, in my opinion, might be a reasonable solution—that is, to have a boom [a floating ring] around the area so that until the transfer onto barges is completed the entire procedure is enclosed. Then if a spill occurs, it can be cleaned up before the vessels move out. And traffic might be restricted only to barges moving up the bay and river. They move under the control of a tug and can be manipulated and handled much more safely. That's just one of several possibilities that could avoid a pipeline running up the river and bay.

How would you propose that the country meet its energy demands as projected for the next decade? I think moving to nuclear plants is the way to do it. Nuclear power plants will be the most economical ones and, in my opinion, the ones that will contribute the least pollution—less pollution, at least, than using fuel oil.

The problem of getting rid of the radioactive waste products has not been solved yet, has it? The magnitude of that problem, in my opinion, is less than the problem of the sulfur dioxide and sulfur trioxide that is coming out of the stacks now in our present fossil-fueled power plants. Much of the radioactive waste can be reprocessed and some of the material reused. I believe that putting nuclear plants off the coast, as the Public Service Commission of New Jersey is now investigating, has a lot of merit. Thermal pollution is one of the key problems. A lot of heat is generated in a nuclear plant and a lot of water is needed to cool it. If you go out several miles off the coast where there is a tremendous quantity of water moving back and forth, thermal pollution should be an insignificant problem. Then all you need to run to the shore is an electric cable.

Does the state of Delaware at the moment have any control over reckless development of its coastal area for the purposes of tourism and recreation? Do you have any way of seeing that your coast doesn't become a solid line of motels and hot-dog stands? We certainly don't want that to happen. Local zoning has the responsibility for that. So far they've done a pretty good job in Delaware compared to some of the other states. The local Chambers of Commerce are very, very diligent in setting up their own guidelines to be sure they don't ruin a good thing. But we have no state authority to stop somebody from putting up a hot-dog stand where it shouldn't be.

In your opinion, is there some cutoff point in population growth and industrial development of any kind beyond which Delaware should not go? I don't have any quantitative target but I have a qualitative concern. It is that we should not endeavor to win some record for building up the population of Delaware. I think that much of what makes our state attractive is dependent upon our not having too many people living here. I think it's important that we provide jobs and opportunities for our own growing population. However, we're not living in a little world all by ourselves. If we have attractive opportunities here people from outside are going to want to move to Delaware, as they have been doing. But I think it would be dead wrong to have some objective of getting the maximum number of industrial establishments here in order to build up our population.

Would you go as far as the Governor of Oregon who said, "I'd like to have you visit, but please don't come to stay"? I wouldn't go quite that far, no.

Oil refineries and steel and paper mills have to go somewhere. Where would you put them? Well, let's talk about oil refineries. I think that existing refineries could markedly increase their capacity. I had the assignment at Du Pont of increasing the capacity of major plants. It's done repeatedly. People say, we can't increase any more than we've already done. Then someone says do it, and it gets done. We have already allocated a certain amount of space to the operation of refineries, and the challenge ought to be to use that space much more effectively instead of messing up some other land around our country. We need to give high priority to some of the other aspects of living, such as enjoying the beaches and the hunting and the fishing and the open spaces. If we give enough priority to those aspects of life, you can bet we'll find alternate solutions to these other problems. I think it's very important that all over America—all over the world, for that matter—people start drawing lines around choice pieces of real estate and say, look, this is off limits for certain kinds of operations.

If the new industrial plants that will be needed are forced to locate in places where it's uneconomic to operate, everything will cost more. Do you think the public is ready and willing to pay more for such things as electric power? I think absolutely that the public is willing and able to pay more to gain this recreational opportunity.

Do you see a way to reconcile growth and environmental protection? Yes. I think population growth in the world—in America—is one of the major problems that leads to fouling up our environment. I believe that a reasonable control over the population is in order. That's why I've been a strong proponent of Planned Parenthood. The tremendous explosion of population in any one area is bound to cause problems with the environment. Take this Delaware coastal zone. If a hundred times more people came to enjoy the hunting, the fishing, the swimming, and the boating here, it would not be a very attractive spot.

How long do you think as highly attractive a piece of real estate as Delaware can protect itself against the persistent incursions of industry? Well, look what's happened in New York City. Central Park is still there. You have a tremendous pressure for building space. Higher and higher office buildings go up all around the park, but still there's a hunk of land right there in the center of the city that people have decided to hang on to.

Do you anticipate a time when the United States might have a national policy concerning land use and energy growth? That's a possibility. We already have a national policy on the interstate arteries of transportation, the highways, the airways, and the waterways. I hope, though, that we don't get to the point where the federal government starts dictating where private enterprise can and should be located in a state or a county. But there can be some legitimate arguments in favor of federal government involvement in this area.

What, in your opinion, can the average citizen who has no political clout do to protect the environment in this country? If you have enough citizens who are determined to protect the environment, and we do have, they can organize so that they do have political clout. One thing that has been driven home to me in the three years I've been Governor is that our democratic process does work. When people really get exercised about something, their representatives respond. If a substantial number of people believe in cleaning up our environment, and if they work at it, they will be heard.

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, pending the arrival of the distinguished Senator from Alaska in the Chamber in connection with his amendment, I wish to insert in the RECORD a few comments relative to the concerns that were expressed by members of other jurisdictional committees, specifically the Committee on Banking, Housing, and Urban Affairs, the Committee on Public Works, and the Committee on Interior and Insular Affairs.

With respect to matters of municipalities and regional development, the overall approach of this particular bill is conformance with the land use bill submitted by the administration and sponsored by the distinguished Senator from Washington (Mr. JACKSON). We have tried our very best to dovetail, should the land use bill be enacted by this Congress, so that the coastal zone bill would be hand in glove with it.

Additionally, with respect to the urban spiral in housing, we have not tried to preempt the committee having jurisdiction in that regard. As a former member of the Committee on Banking, Housing, and Urban Affairs I assure my colleagues that this bill would give appropriate recognition to our housing and community development needs, as well as the needs of our coastal zones.

I believe the legislative history of the measure clearly indicates we intend that the Coastal Zone Act be administered in a way to reflect the concerns of HUD and other public agencies which have planning and development missions.

The statutory language indicates that the bill aims to protect our critical coastal marine areas, and would restrict its jurisdiction inland. The report accompanying the bill specifically states that the coastal zone—Extends inland only to the extent necessary to allow the management program to control shorelands whose use have a direct and significant impact upon the coastal water.

In any event, I would anticipate that the officials carrying out this act would work cooperatively with other officials of Federal, State, and local governments in expanding social opportunities and in enhancing the quality of life.

The fact is that the bill was encompassed in S. 582. Pending the hearing last year, and also reported with approval by the Committee on Commerce, it stayed on the calendar for some time. It was felt that the definition of "coastal zone" went too far inland.

We thought we had reconciled the concern with the 7-mile limitation. I had to agree this went into too many things. It was a matter of interest to the Committee on Banking, Housing, and Urban Affairs. I had a discussion with the distinguished chairman, the Senator from Alabama (Mr. SPARKMAN) on the point. The bill is designed not to have any conflict there.

The cities themselves approved, in a general sense, the particular measure in the original hearings. The mayor of the city of Newport Beach, Calif., came forward and said it was not permissive for participation and did not encompass in its approach the use of local governments. So we went back through the bill and included in every respect the terminology "local government" so that wherever possible there be no misunderstanding.

On page 9, section 305, subsection (g) it is now stated:

> (g) With the approval of the Secretary the coastal State may allocate to a local government, . . .

On page 11, under subsection 306:

> "(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

Again we included the reference to local governments.

On page 12, section 306, subsection (d), at about line 20, it is stated:

> (d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), . . .

So, in fact, as stated—and this would later become law—the city government can be the entity designated by the Governor himself as the coastal zone management agency.

In addition to that, Mr. President, we provided certain flexibility in the bill with respect to whether or not it could be a State group, a local group, or some already established group, to act as the coastal authority. We had testimony with respect to the State of New York that the New York Port Authority was probably the best agency within the State of New York; it had complete authority with respect to coastal zone problems, development, pollution, the Corps of Engineers, water quality, navigation, and almost everything else; and it could be that it would be the State-designated agency.

Mr. President, at this time I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the distinguished Senator from South Carolina for yielding.

At this point I send to the desk an amendment on behalf of the Senator from Massachusetts (Mr. KENNEDY), for himself, the Senator from Wisconsin (Mr. NELSON), the Senator from New Hampshire (Mr. McINTYRE) the Senator from New Jersey (Mr. WILLIAMS), the Senator from South Carolina (Mr. HOLLINGS) and myself.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

> On page 26, after line 19, insert the following:
>
> SEC. 316. (c) The Administrator of the National Oceanic and Atomspheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be imparted by the proposed drilling, as well as alternatives to such drilling in meeting the Nation's energy needs. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.
>
> There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. PELL. Mr. President, this amendment authorizes a study by the National Academy of Sciences as to the risks of offshore oil drilling on the outer Continental Shelf.

The Administrator of NOAA, after consultation with the Secretary of the Interior, would be authorized to make arrangements with the National Academy for the study with a due date back for a report of July 1, 1973.

The cost is $500,000; and it does not call for a moratorium, it calls for a study.

Mr. HOLLINGS. Mr. President, I heard the distinguished Senator from Massachusetts at one time urge that the National Oceanic and Atmospheric Administration conduct a study. This is a NOAA bill. I understand the Senator has consulted with other Senators and they agree that NOAA should arrange with the National Academy of Sciences for this study.

Mr. PELL. This would be the thinking of those who press the amendment; yes.

Mr. HOLLINGS. I say to the Senator from Rhode Island I would like to go along with the amendment. I think we would, if given a little time for Senators who are members of the Committee on Interior and Insular Affairs to consider it. I think some of the Senator's cosponsors are members, but I have just been informed that members have not considered it specifically. If the Senator will complete his remarks I believe I can more intelligently comment, and if need be, we can request a quorum and see if the matter can be worked out.

Mr. PELL. Absolutely. I realize that the committee did not take any action on this matter earlier, since it had closed the hearings on the bill, but I share, and so do the other cosponsors, the concern of the Senator from Massachusetts (Mr. KENNEDY) that an independent study of the potential risks of offshore oil drilling on the Atlantic Continental Shelf should be available to the Congress.

The National Academy of Sciences is a prestigious and competent organization which will enable the Congress to consider the proposals for offshore oil drilling with full knowledge of the potential risks involved.

The study would take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling, as well as alternatives to such drilling.

The magnitude of the possible effects of offshore oil drilling cannot be underestimated. For that reason, it is essential that we have the results of independent analyses of the potential impact of such drilling before it is begun.

While a few of us here would also like to see a moratorium, this is not what we are pressing for at this time. We are pressing the idea of this study, and we hope that our friends on the Committee on Interior and Insular Affairs may also accept this idea as perhaps a middle ground for the moment.

I would ask unanimous consent that the statement by Senator KENNEDY, and correspondence from east coast Governors and knowledgeable scientists, be included in the RECORD at this time. Senator KENNEDY originally introduced this amendment in December and the revised version is being introduced today to correspond to the bill S. 3507 reported by the Commerce Committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KENNEDY

I am introducing an amendment to the Coastal Zone Management bill S. 3507 reported by the Commerce Committee to provide for a year-long study by the National Academy of Sciences of the environmental risks, the risks to fishing and the risks to recreational areas of offshore oil drilling on the Atlantic outer continental shelf. The $500,000 study also would explore alternatives to offshore oil drilling in meeting the nation's energy needs.

Mr. President, this is an amendment similar to the one I introduced in December 1971, to the earlier version of this same measure.

The amendment would authorize the Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior, to finance a detailed National Academy of Sciences study of this subject.

In this way, the Congress and the nation could be sure that any action taken by the government with regard to offshore drilling in the Atlantic will follow an independent analysis of the possible risks from such a venture.

Currently, the Secretary of the Interior has indicated that internal studies of environmental and other risks related to offshore drilling are underway within the Department. And he notes that public hearings on the matter will be held.

However, it seems clear that a fully independent study by competent scientists will further the public knowledge on this matter.

In that regard, let me repeat the statement of the U.S. representative at a recent United Nations conference. His opening words were: "Subsea mineral exploitation inevitably carries the potential to create hazards to other uses of the sea and to damage other marine resources."

The extent of that risk should be fully evaluated before the nation even considers the possibility of extending the dangers of oil drilling to the Atlantic Continental Shelf, adjacent to the heavily populated eastern seaboard of this country.

The potential dangers not only to the beaches of Atlantic coast states but to the rich fishing grounds off our New England shores requires the utmost caution in any endeavor of this nature.

We already have seen the horror of a Santa Barbara oil blowout. We cannot afford a similar catastrophe off Boston or New York or Charleston.

For that reason, I believe an independent inquiry by the National Academy, which previously has indicated its competence and willingness to undertake such a study, is essential. In addition, I would note that while Secretary of Interior Morton has not requested funds for such a study he stated at a Congressional briefing that he personally would favor such an inquiry.

In addition, I would note that correspondence from several East Coast Governors as well as from prestigious university and scientific institutes, indicates virtually unanimous support for such a study.

(I ask unanimous consent to attach at the conclusion of my remarks correspondence on this matter).

The need for an independent evaluation which would be available to the Congress, to the NOAA administrator and to the Secretary of the Interior is made even more evident by our recent experience with solely governmental studies.

Too often, competent and relevant studies which could help the Congress to draft intelligent public policies have been withheld because the conclusions conflict with the official Administration posture.

We have seen that occur with regard to studies on the SST. We have seen it occur with the U.S. Geological Survey and Council of Environmental Quality comments on the Amchitka underground nuclear test. And we have seen it occur most recently in another area when the Labor Department buried a scathing indictment of its Rural Manpower Service.

Even when the most capable government scientists and professional employees are involved in a study, the Congress cannot be assured that it will benefit because the conclusions of those investigations may never see the light of day.

When this becomes a matter of routine, then we must obtain independent analyses which will provide us with the necessary data for rational decision-making.

For these reasons, I believe the Congress must acquire sufficient information upon which to judge Interior Department assertions concerning both the need for and the danger of Atlantic Coast offshore drilling.

Therefore, I am offering this amendment and urge its adoption.

COLLEGE OF CHARLESTON,
GRICE MARINE BIOLOGICAL LABORATORY,
Charleston, S.C., February 10, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: This is in reference to your letter of January 14, 1972, concerning the leasing of oil-drilling rights on the Atlantic continental shelf. I applaud your concern for the welfare of the marine environment and hope that similar interest will be generated among other members of Congress.

The varied habitats of the continental shelf support large populations of commercially important organisms. Large numbers of Americans are dependent upon these organisms either directly or indirectly for their subsistence. Any drastic upset, such as an oil spill, of the delicate balances and interdependencies of this marine ecosystem would endanger the biological productivity of an extensive area and could possibly wreak havoc on coastal property. Due to the nature of the currents, the results of an oil spill in the western Atlantic would be shared by many nations. Ocean pollution in any form is a world-wide problem.

I feel that offshore drilling is potentially dangerous to the marine environment. We should have learned from the Santa Barbara and tanker disasters that we must find ways to protect the marine environment. Protection, not compensation for damage done, should be the policy. Alternate sources of oil with fewer dangers of environmental degradation are available and should be utilized, even if more expensive. One may put a monetary value on a single year's shrimp harvest, but no one can do more than estimate the dollar value of the entire western Atlantic marine environment. I urge caution and restraint in any offshore oil leasing. The good of the nation, and indeed that of all nations, must not be sacrificed for the gain of a few.

Once again, I applaud your concern, and I hope that I shall be able to commend your actions on this and similar problems in the future.

Yours very turly,
WILLIAM D. ANDERSON, Jr.,
Associate Professor.

STATE OF MARYLAND,
EXECUTIVE DEPARTMENT,
Annapolis, Md., December 14, 1971.
The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of November 22, 1971 expressing your concern about the possibility of offshore oil drilling in the Atlantic Ocean.

On that same date, I addressed a letter to Secretary of the Interior, Rogers C. B. Morton, in response to the telegram you mentioned. I advised Secretary Morton that the State of Maryland is vitally concerned about the plans for the outer continental shelf and informed him that I would be glad to meet at a mutually convenient time for the purpose of exchanging information leading to an appropriate course of action.

When I meet with the Secretary, I will try to impress upon him the need for competent and independent environmental studies as you suggest.

Sincerely,
MARVIN MANDEL, *Governor.*

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.
Hon. EDWARD M. KENNEDY,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you very much for your letter of November 22 calling my attention to the need for further studies relating to environmental protection associated with exploration for oil off the Atlantic Continental Shelf.

I am attaching a copy of my letter to the Secretary of the Interior responding to his telegram of November 4 informing me of his Department's plans regarding off-shore oil drilling in the Atlantic and inviting me to attend a meeting to discuss this subject. You will note that I recognize both our needs for additional proven oil reserves and for the need to protect our environment while exploring for these reserves. North Carolina's ocean-oriented coastal tourist industry and our commercial fishing industry could hardly afford the massive damage that might be associated with poorly-planned oil exploration.

Accordingly, I am pleased to join you in urging that the National Academy of Sciences and the Environmental Protection Agency carry out independent studies of off-shore oil drilling, with particular emphasis on the specific conditions that pertain off the Atlantic coast of the United States. I can readily see that oil exploration in an environment characterized by frequent storms and common high energy waves will be much different from that undertaken in the Gulf of Mexico.

The need for environmental protection measures during oil exploration was recognized in a bill considered by our legislature last spring and which I backed. Unfortunately, this bill was not passed. Please rest assured that if such studies are carried out, North Carolina will participate in them to the maximum extent that she is able.

May I express my thanks for your concern for our State's environment.

Cordially,
ROBERT W. SCOTT.

STATE OF NORTH CAROLINA,
GOVERNOR'S OFFICE,
Raleigh, N.C., December 16, 1971.
The Honorable ROGERS C. B. MORTON,
Secretary of Interior,
Washington, D.C.

DEAR MR. MORTON: I appreciate your telegram of November 4 concerning your proposal for a meeting of Governors of East Coast states for the purpose of discussing the sale of leases for oil exploration off the east coast of the United States.

Please be advised that I would be most happy to attend a meeting to discuss this important subject. My mind is open concerning the matter of exploration for oil off the Atlantic Continental Shelf. I realize, on the one hand, our nation's tremendous needs for proven energy reserves and, on the other hand, I understand fully the potential environmental damage that can result from uncontrolled and careless exploration and exploitation.

North Carolina will most certainly want to be represented at any meeting where a discussion of oil exploration off the Atlantic Continental Shelf is held. I urge that the subject matter of such a meeting be expanded to include the development of plans for adequate measures to protect environmental quality during such exploration and during any subsequent commercial exploitation of reserves.

Cordially,
ROBERT W. SCOTT.

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, Del., December 22, 1971.
The Honorable EDWARD M. KENNEDY,
U.S. Senator,
United States Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I appreciate receiving a letter of November 22 expressing your concern about offshore oil drilling in the Atlantic. We are especially sensitive to any activity along the eastern seaboard which might seriously impair the quality of the ocean environment.

I have appointed Austin N. Heller, Secretary for the Department of Natural Resources and Environmental Control as a representative to the Department of the Interior in matters concerning offshore oil drilling in the Atlantic. Thereby, I shall be kept apprised of any study to be undertaken and any decision to be reached with respect to offshore oil drilling in the Atlantic.

We in Delaware, have taken a special precaution to protect our coastal zone. Earlier this year we passed a landmark piece of legislation, H. R. 300. I am attaching a copy for your information. Prior to the passage of this act, I had convened a task force on marine and coastal affairs headed by Dr. James M. Wakelin, Jr., a renowned oceanographer. A preliminary report dealing with the coastal zone and its management has been completed. I have also attached a copy of that report for your guidance. We expect to issue sometime in 1972, a more detailed report from that study group. I shall be pleased to forward a copy of that report to you.

We have taken another step in our State to protect the offshore that lies within our jurisdiction. In 1972, we passed a regulation dealing with oil and mineral exploration. I believe you will find this comprehensive document of interest to you. I have also attached a copy of this regulation for you.

I share your concern for adequate environmental studies before a permit is issued for offshore oil drilling in the Atlantic. I am convinced that such studies will, in fact, be carried out. We shall keep an ever mindful eye on this very important issue.

Sincerely,

Russell W. Peterson, *Governor*.

State of New Jersey,
Department of Environmental Protection,
Trenton, N.J., December 28, 1971.
Hon. Edward M. Kennedy,
U.S. Senator, U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Governor Cahill has noted and referred to our attention your letter of November 22 concerning the tentative plans of the Department of Interior to permit off-shore oil drilling along the Atlantic Seaboard.

For many years the State Geologist has been advising oil companies and others interested in exploring for oil as to State regulations, probable areas for exploration and general geological conditions. The evidence so far accumulated strongly suggests that oil will not be found within the territorial three mile limit of New Jersey.

Some states are claiming jurisdiction beyond the three mile limit and New Jersey is in agreement with other maritime states that if any state is granted off-shore jurisdiction beyond the three mile limit New Jersey wishes to be given equal rights.

Comparison of conditions off the New Jersey coast within or beyond the three mile limit to conditions resulting in the Santa Barbara oil spill area are based on a lack of knowledge concerning the off-shore geology. Off the New Jersey coast, faults and related geologic structure found off the California coast do not occur. A far greater danger to New Jersey beaches are oil spills from the super takers. The volume of oil from a single tanker accident will considerably exceed any potential spill from an off-shore drilling platform.

New Jersey has statutory powers to control or even prohibit off-shore drilling sufficient to protect our beaches. In particular, we also have authority to force a clean up of an oil spill whether from a tanker or off-shore drilling.

At the present time we feel that it would be premature to take a position on off-shore drilling until we have had adequate time to conduct our own investigations and evaluated the many governmental and independent studies that I am sure will be undertaken before the granting of oil leases is permitted by the Secretary of Interior. This Department would favor as much investigation by any agency to factually and unemotionally determine the environmental risks entailed by off-shore drilling.

Very truly yours,

Charles M. Pike, *Director*.

Commonwealth of Pennsylvania,
Office of the Governor,
Harrisburg, Pa., December 9, 1971.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Ted: Appreciate your recent letter regarding the request of the Department of the Interior for my comments on their tentative plans to permit off-shore oil drilling in the Atlantic.

I share the same concerns you do and feel that the present program of the Department of the Interior may have to be extended considerably in order to protect the environment.

Your suggestion for independent studies of the hazards of off-shore drilling is a sound one which will receive my support.

Sincerely,

Milton J. Shapp, *Governor*.

Skidaway Institute of Oceanography,
University System of Georgia,
Savannah, Ga., February 2, 1972.
Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: The following is in answer to your letter of January 14, 1972, requesting comment on the potential environmental hazard of *offshore drilling in the Atlantic*.

As a matter of background, it should be pointed out that the entire cost of Georgia and parts of South Carolina and Florida are characterized by extensive salt marshes. These are protected from the ocean by barrier islands. An average tidal amplitude of 7 ft. causes approximately 20 percent of the volume within the marshes to flush with each tidal cycle. Back and forth sloshing causes the remaining 80 percent of the water to move back and forth resulting in considerable dispersion of floating debris. Marshes are the spawning grounds of major offshore fisheries and are, or can be made, major producers of shell fish and shrimp. These fisheries depend, to a great extent, on the invertebrate fauna of the marshes for food. Significant quantities of organic matter produced within marshes is added annually to continental shelf areas and helps maintain fisheries there. In addition, since much of the South Carolina and Georgia coastlines are low lying, the marshes impose a physical barrier to wave action from the open sea and help buffer the effects of hurricanes and storms which may otherwise cause more extensive coastal flooding.

We are, unfortunately, not in a position to say what the effect of a major oil spill would be on the coastal marsh system. Based on data of British scientists, it is unlikely that there would be a major effect on the marsh grass per se, unless the oil were heavily concentrated and came ashore as a block. In most regions this type of a spill is visible and the effects have serious aesthetic and monetary consequences directly related to the spoilage of beaches, anchorages, etc.

Most of the Georgia coastline is not scrutinized daily and major spills might go unnoticed for some time. The effect of oil on marine life is not clear, and the data contradictory. Mass mortalities of shell fish were demonstrated in the W. Falmouth, Ma., spill but not in the Canta Barbara blowout. In the latter, the most serious visible mortality was to sea birds. The W. Falmouth area is more directly comparable to the Georgia coastline than Santa Barbara since the coastal waters are shallow, not exceeding 200 ft. until 80 miles offshore. The chances of oil mixing vertically to the bottom in these areas is greater than in the deeper waters off California and thus a more direct effect on wildlife on the continental shelf might be expected.

Once oil reaches the marshes one can expect that major mortalities would occur to shellfish and shrimp and that most of the smaller invertebrate fauna of the marshes would be eliminated. The effect of a single injection of oil to this environment would be greatly amplified because tidal action in semi-restricted waters would distribute the oil over a much larger area than would occur on an open shoreline. If the spill reached shore on an above average high tide (spring tides), it would remain intact until comparable high tides occurred many months later. Additionally, I can conceive of no way that oil could be dispersed or collected once it reached the marsh. Unquestionably, it would have to be intercepted offshore before it reached this environment. The time it would take for the environment to recover after a spill would be variable depending on the tidal and wind conditions at the time of occurrence. We are not in a position to estimate what this time might be. It is an area of badly needed research.

We feel strongly that your recommendation that the Academy of Science initiate studies preceding oil leasing action is a solid one. Yet, at this point in time, I doubt that the group could do more than guess, as I have above, on the environmental impact of a major oil disaster.

Sincerely,

David Menzel, *Director*.

Commonwealth of Virginia,
Virginia Institute of Marine Science,
Wachapreague, Va., January 20, 1972.
Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Sir: I received your letter of January 14 regarding environmental risks attendant to offshore oil drilling in the Atlantic. Needless to say, the past performance of the oil industry has given good reason for expecting catastrophic problems to the local environment. This obviously should not be. An oil well, working properly, without fire, spills, blowouts, etc., should cause relatively little damage to the environment. I am inclined to think that good tough legislation, with teeth, could force the oil companies to use techniques that would prevent problems. If a company knew that a fine would be assessed for every square acre of oil pollution per day, plus the cost of clean up, I believe they would take special pains to prevent spills and blowouts. The oil companies should realize their responsibilities to maintain a clean environment. The costs of failure should be so great that no short-cut methods could be considered.

Provided proper legislation and safeguards are in force, I would rather see oil wells off our Atlantic coast instead of an oil line across Alaska.

I am in favor of a two year moratorium on establishment of marine sanctuaries. This is well worthwhile. I wonder if perhaps a study on conservation of fossil fuels might be just as important. It is unfortunate that a tax could not be imposed that would increase with increased use of oil; for instance, a tax of 7¢ per gallon for the first 1000 gallons and double with each succeeding 1000 gallon unit.

Thank you for your letter. I hope this information is of some value.

Sincerely,

Michael Castagna,
Scientist in Charge.

Environmental Defense Fund,
East Setauket, N.Y., January 21, 1972.
Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Thank you for your letter of January 14th in which you discussed the Interior Department's plans to lease oil drilling rights along the Atlantic coastline.

Although the Environmental Defense Fund

is not yet involved in legal action to oppose such exploitation of offshore oil resources, we are certainly not in favor of the plan. With the almost daily news items announcing oil spills, beach contamination, and wildlife mortality due to floating oil, we believe that much improvement in the technology for producing and transporting petroleum products is necessary before the Atlantic shoreline should be exposed to the considerable risks inherent in offshore oil drilling.

I believe the Natural Resources Defense Council in New York City is very much concerned with the offshore oil drilling problem, and I suggest that you might wish to contact them as well as our own organization in this connection.

We certainly are in favor of the efforts you are making to protect the Atlantic shoreline ecosystem from the threat of oil contamination, and will greatly appreciate being kept informed of future developments in which you are involved.

With many thanks for your interest,

Very sincerely,

DENNIS PULESTON,
Chairman, Board of Trustees.

AMERICAN LITTORAL SOCIETY,
Highlands, N.J., February 29, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: We are happy to submit comments on Atlantic Coast offshore drilling as requested in your letter of January 14 to John Storr, who has asked me to answer in his stead.

Our organization is not convinced that American companies can extract oil from offshore without routine oil spills and periodic drastic spills and blowouts. Nor are we convinced that companies care to conform to federal laws for offshore drilling (see the storm choke fiasco in the Gulf).

We are concerned because east coast marine resources are much more fragile and more susceptible to spills than the west coast resources. The east coast is a thin ribbon of marsh and estuary, dotted with inlets. Oil on rocks and beaches causes nowhere near the environmental damage that oil in the Chesapeake or Pamlico Sound would cause. See Blumer's work at Woods Hole, where a marsh two years after a spill has not recovered its productivity.

We are not convinced that "national defense" demands the exploitation of east coast continental shelf oil deposits now. The big push for deepwater ports and deep draft tankers in Maine, New Jersey, and Maryland/Virginia is also backed by the national defense argument. I don't think it makes sense.

Sincerely,

D. W. BENNETT,
Conservation Director.

STATE OF MAINE,
DEPARTMENT OF SEA AND
SHORE FISHERIES,
Augusta, Maine, February 4, 1972.
The Honorable EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for the opportunity to discuss the proposed leasing of oil drilling rights on the Atlantic Coast. As you may know, we have had some rather disastrous oil spills in Maine in fairly recent years; and with the oil handling facilities at South Portland and at Searsport in Penobscot Bay, the coastal waters are almost chronically subject to spills of varying magnitudes.

We have worked cooperatively in evaluating results of these spills with EPA, FDA, Maine institutions and agencies, and WHOI. Results of some of this research point up very clearly the disastrous effects of oil spills even though they are listed as small or less than moderate.

On the basis of periodic surveys of Long Cove, Searsport, following the March 1971 oil spill, it has been determined that approximately 5,400 bushels of clams had died from the oil contamination by November 2, 1971. Mortalities are still in progress. The surviving population, as of November 2, was estimated to be 17,732 bushels—down from a pre-spill standing crop of more than 23,000 bushels. Oil-associated mortalities represent 23 percent of the March population.

Six percent of the oil-contaminated clams collected from this area on July 7 and August 3, 1971, for histopathological examination contained gonadal tumors. All sampling stations on the west side of the cove were positive in both months. On the east side only the most northerly station was positive, and then only in August.

Tumor incidence decreased from 27 percent near the source of the contamination at the head of the cove to zero at the most distant station on the northern end of Sears Island.

Although affected clams at the same stations declined from 17 percent in August, the extent of the area affected has increased. Since clam mortality has been progressive, it can be assumed that some clams with tumors at the time of the July sampling may have died before August collections were made, and that the rate of tumor development may also have declined in those areas which were affected initially.

A preliminary report on a third histopathological sample collected in January 1972 indicates that tumors are now developing in other soft parts of the clam. With oil residues in the sediments of Long Cove, the probability of any reproduction surviving in the area becomes increasingly unlikely. If the cover becomes suitable for clam survival at some future time, it will require at least five additional years to produce a commercial crop. Therefore, the monetary loss becomes an annual loss rather than a single short-term occurrence.

Direct monetary loss to fishermen at current prices has been $43,000. Using the average CF of 3.4 for mixed processed and wholesale products, the loss becomes nearly $150,000. The fact that for public health reasons the surviving population cannot be used for self-cleansing, the producer loss for the entire population becomes $185,000; and the primary wholesale or value-added loss brings the total to $625,000.

It is of interest that the Searsport spill was reported by the Coast Guard to be "less than moderate and not more than 1½ barrels." Obviously it was a much greater spill than that. This lack of competence in estimating spills is a serious handicap in the evaluation of the effects.

The November 1963 loss of from 20,000 to 25,000 barrels of crude in a daylight grounding of a tanker at the entrance of Casco Bay, Maine, resulted in some forty miles of shoreline being grossly contaminated, including five lobster pounds that were loaded nearly to capacity with lobsters. At the time, we estimated it would cost between $4 and $7 million to clean effectively the area contaminated. This sum, of course, was not spent, and the residues of the oil are still visible in at least one of the lobster pounds.

In view of the obvious short-term benefits of oil and the need for intelligent research into alternative sources of energy, it would be most disastrous to destroy a potential of marine, food and drug, and aquacultural development.

Sincerely yours,

ROBERT L. DOW,
Marine Research Director.

INSTITUTE OF OCEANOGRAPHY AND
MARINE BIOLOGY,
Oyster Bay, N.Y., February 19, 1972.
Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: This Institute is *opposed* to off-shore drilling on the Atlantic seaboard.

Very truly yours,

WALTER E. TOLLES, Ph.D., *Director.*

TOWN OF SWAMPSCOTT,
OFFICE OF THE BOARD OF SELECTMEN,
Swampscott, Mass., February 10, 1972.
Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Swampscott Board of Selectmen, at its meeting held February 3, 1972, voted unanimously to respectfully request you to vigorously oppose any legislation that would permit the drilling of oil off the New England Coast.

Very truly yours,

——— ———,
——— ———,
——— ———,
Board of Selectmen.

TOWN OF ROCKPORT,
BOARD OF SELECTMEN,
Rockport, Mass., March 13, 1972.
The Honorable EDWARD M. KENNEDY,
Senate Chamber,
Washington, D.C.

DEAR SENATOR KENNEDY: The Rockport Board of Selectmen voted unanimously in favor of being recorded as opposed to any legislation that would permit drilling for oil off the New England coast. Your support would be appreciated.

Very truly yours,

NICOLA A. BARLETTA,
Chairman, Board of Selectmen.

CITY OF SALEM, MASSACHUSETTS,
OFFICE OF THE CITY CLERK,
Salem, Mass., March 3, 1972.
Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SIR: At a regular meeting of the Salem City Council held in the Council Chamber on Thursday, February 24, 1972, it was voted to oppose any legislation that would permit the drilling for oil off the New England Coast.

This action was approved by Mayor Samuel E. Zoll on March 2nd.

Very truly yours,

AUGUSTINE J. TOOMEY,
City Clerk.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask that the aisles be cleared and that staff members not talking with Senators take seats, so that we may have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. PELL. Mr. President, I ask unanimous consent that I be permitted to modify the amendment I have offered to the Senate in two regards: First, to delete the phrase "as well as alternatives to such drilling in meeting the Nation's energy needs," which appears in section (c), the penultimate paragraph.

The PRESIDING OFFICER. The Senator has the right to modify his amendment without unanimous consent.

Mr. PELL. I thank the Chair. I so modify the amendment, and in addition I modify it by adding the phrase "after consultation with the Secretary of the Interior and with the Administrator of the Environmental Protection Agency."

I hope that with these modifications, this amendment, offered in behalf of a group of Senators including, incidentally, the Senator from Delaware (Mr. BOGGS), who has asked that his name be added as a cosponsor——

The PRESIDING OFFICER. If the Senator will send his modifications to the desk, the amendment will be so modified.

The amendment, as modified, is as follows:

> On page 26, after line 19, insert the following:
>
> SEC. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.
>
> (d) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. PELL. I hope the amendment as so modified will be acceptable to the manager of the bill and to my fellow Senators.

Mr. BOGGS. Mr. President, will the Senator yield briefly?

Mr. PELL. I yield to the Senator from Delaware.

Mr. BOGGS. As the Senator has so kindly pointed out, I have asked to be listed as a cosponsor of the amendment, and I have a brief statement at this time in support of the amendment.

Mr. President, I wish to support the amendment offered in behalf of the distinguished Senator from Massachusetts (Mr. KENNEDY). I would point out that it follows very closely the lines of S. 2892, which I introduced on November 22, 1971. That bill is cosponsored by Senators ROTH, BEALL, BROOKE, BUCKLEY, CASE, MUSKIE, and PELL.

S. 2892 authorized a detailed environmental study by three agencies, each with great expertise in matters relating to offshore oil drilling and its potential environmental effects.

The agencies involved would be the Interior Department, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency. I believe such a three-agency study would be effective and utilize the best resources of the Federal Government.

In addition, my bill would also declare a moratorium on oceanic mineral exploration for the period of the study, which is up to 2 years, as well as for a period of 1 year after submission of the study to the Congress. Such an extra 1-year moratorium would assure the public sufficient time to evaluate the study and seek possible legislative changes, if such might be necessary.

While Senator KENNEDY's amendment is somewhat different from my bill, the intent of the two provisions appears to me to be identical.

Thus, I wish to express my support for the Senator's amendment and express my belief that it is needed to protect our valuable coastal areas.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. STEVENS. Mr. President, I am not going to belabor this issue, but it does seem to me that the impact of the amendment is to add to the total framework of the laws that we have already passed for environmental protection.

We passed a National Environmental Protection Act, and we set up an elaborate procedure—and Alaskans know just how elaborate that procedure is—for anyone who wants to propose to develop the energy resources of this country.

As I understand, the amendment says "which might be impaired by the proposed drilling."

I do not know that anyone has proposed to drill. To my knowledge, no portion of American industry has to date said, "We want to drill here on the Eastern Shore." But I think the time has come when some people had better start looking at their hole card. They have said we cannot build our Alaska pipeline; they have said they cannot drill on the Louisiana offshore lands; and now we have an independent study of the Atlantic Outer Continental Shelf, which is not even covered by this bill. This bill covers the territorial seas; it does not cover the Outer Continental Shelf. But this says someone has proposed that they ought to examine the feasibility of the Outer Continental Shelf of the Atlantic Coast to determine whether there is any energy there.

I can understand the fears that have come about as a result of the accidents off of California, and the fears of the people in Louisiana; but somewhere they have got to make up their minds that we have to find energy, American energy to meet American needs. This seems to me to be going in the wrong direction, because it adds to the functions of the Administrator of the EPA, it adds to the Council on Environmental Quality, it adds to the National Oceanic and Atmospheric Administration, and it adds to the existing duties of the Secretary of the Interior, and presumes every one of them are prejudiced. I cannot buy that at all. I cannot buy that they are prejudiced.

If there is some way, I say respectfully to the Senator from Rhode Island, that we can incorporate this into the framework of the National Academy of Sciences so that they can conduct an investigation of the total potential of the Outer Continental Shelf in the Atlantic, and not just look at the hazards attendant to the drilling, I will not object. I think they ought to be looking into the total concept of the Outer Continental Shelf. This is a negative thing, as far as I can see. I say that most respectfully to the Senator from Rhode Island.

Mr. PELL. Mr. President, if the Senator will yield there, I thought it was the wish of the Senator from Alaska and those who share his views that we delete the phrase in the amendment "as well as alternatives to such drilling in meeting the Nation's energy needs," because the original amendment which I offered did just what the Senator has suggested. It was wider in scope, however, I thought it was disagreeable to him. If he would prefer that we widen it, I would withdraw my modification.

Mr. STEVENS. I thank the Senator for his suggestion. However, that is not my point. It was suggested, I believe, by members of the Interior and Insular Affairs Committee. I understand what they are saying, because if we get into those alternatives, this study is not going to be conducted solely off the Atlantic coast but also off the Pacific coast, off the gulf coast, and everywhere else.

I am saying that if a Senator wants the National Academy of Sciences to undertake the investigation of the environment, including the environmental problems related to the concept of offshore drilling on the Outer Continental Shelf, I should think the National Academy of Sciences also ought to be in the position of telling us if there is any way to mitigate the hazards that might come about, and if there is any way to drill safely in the Atlantic Outer Continental Shelf. Why should we adopt an amendment which presumes that it could not be done without creating a hazard to the Atlantic Outer Continental Shelf?

I know that there are problems in connection with drilling offshore. Every time I travel home, I fly over platforms in the Cook Inlet. Those platforms are pumping oil to be sent to the industrial establishment of this country, basically. If we pump oil from our Cook Inlet, which is full of salmon, and we have taken the attendant risks of energy production for the good of the Nation, then I think the people on the Atlantic coast have to look at this, also. Where is the oil going to come from? They have to look at it from the positive point of view of whether we can get oil out of the Atlantic Outer Continental Shelf safely. Are there methods by which we can extract it without creating unwarranted hazards to the people on the Atlantic coast?

This assumes that someone should make a full investigation of the environmental hazards attendant to this study. What about the positive side? Does the Senator not think that the National Academy of Sciences could say what could be done to overcome the hazards?

Mr. PELL. If the Senator from Alaska would like to modify the amendment by inserting that phrase, it would be acceptable, or he may prefer the amendment as originally submitted.

Last Friday, in Boston, I had the honor of addressing a thousand people interested in the marine and fishing industry, fishery resources, from all over the country. Those on the Atlantic coast had very real worries about the impact of offshore oil drilling, and it was brought up time and again in the course of the discussion.

The amendment simply proposes a study by an independent group. Such a study could do a great deal to help settle the fears in the minds of many people in my part of the country.

Mr. STEVENS. I appreciate that concern. My State is the richest State in terms of fishery resources. We have the constant problem in terms of difficulties in developing other resources at the same time we examine the energy resources off shore.

The courts have said that this Nation cannot develop the Louisiana offshore leases at this time. The California development is stalled. At the present time we have been stalled in the development of Alaska's oil and gas resources. Yet, we have declining energy resources throughout the interior of the United States.

Naturally, anyone in the position of looking at this energy deficit—which is not just creeping but which is overcoming us almost at the speed of a rocket—is looking at the Atlantic Outer Continental Shelf and saying, "Is it possible that there are oil and gas resources that could be recovered without undue risk to the United States?" If the Senator wants to study it from the positive point of view, in terms of whether or not oil and gas resources are there and can be recovered safely, I am in agreement.

Mr. PELL. I assure the Senator from Alaska that we, too, have needs for power in the Northeast. We find ourselves crucified by the oil import quota system now, which prevents us from purchasing inexpensive foreign fuel oil. We have a stake in trying to get cheap power. We have the most expensive power in the country because of the crucifixion of our part of the country on the cross of oil import quotas.

I hope that, just as the Senator from Alaska wanted a study concerning his area, the Senator from Alaska could agree, as a matter of comity, that this study be made for our part of the country.

Mr. STEVENS. I assure the Senator that I do not have any objection if he wants to have a study made. I think the National Academy of Sciences should be directed also to include in its study recommendations as to how to overcome such hazards, if they find there are any.

Mr. PELL. Such a modification of the amendment would be acceptable to the proponents of the amendment, if the Senator would care to offer it.

Mr. STEVENS. I suggest to the Senator from Rhode Island that he add to the end of the first sentence the words "and shall include recommendations to eliminate such environmental hazards, if any." That would meet my objection.

Mr. PELL. That modification would be acceptable to us, if the Senator would care to offer it.

Mr. STEVENS. I offer such a modification.

Mr. PELL. I can modify the amendment, and I modify it accordingly.

The PRESIDING OFFICER. The Senator has the right to modify the amendment.

Mr. STEVENS. I send the modification to the desk.

I say to the Senator from Rhode Island that, as far as the import quota is concerned, we are most aware of the concern of the east coast about the import quotas and their effect on the east coast.

I point out to the Senator from Rhode Island that if we could proceed with our Alaska pipeline and add 3 million barrels a day to the supply of American oil reaching American markets, it would automatically displace 3 million barrels a day that presently are going into the markets on the west coast and in the Midwest, and under the present import system there would be an additional supply of oil so far as the east coast is concerned. But I am becoming most concerned that the people who look at each segment of the country, whether it be Louisiana, California, or the Atlantic Outer Continental Shelf, just look at their own backyard and say, "Do not drill here, but give us some energy and give it to us quickly." We have an energy shortage, while at the same time we try to develop the oil shale reserves of Colorado and Wyoming, and we cannot do it due to environmental concerns. We cannot even build a pipeline across the State of Alaska.

We have been waiting for 2 years.

I think it is time that we started questioning the addition of more environmental barriers to the decisionmaking process of where the oil and gas supplies for our country are going to come from.

I am not going to oppose the amendment, and I appreciate his courtesy in modifying it to meet my objection. I say to the Senator from Rhode Island, respectfully, that even without this amendment, the Administrator of the Environmental Protection Agency would have studied offshore drilling. The Council on Environmental Quality would have studied offshore drilling. The Secretary of Interior would have had to have an environmental impact hearing, a total hearing—and the thousand people to whom the Senator referred could express their views. But someone would have to make a decision on a proposed project. There is no proposed project at the present time, and the National Academy of Sciences is going to be investigating the potential without anyone being willing to commit himself and say, "If we are going to do it, this is the way we want to do it."

I thank the Senator from Rhode Island for his courtesy.

The PRESIDING OFFICER. Does the Senator from Rhode Island desire the modification of the amendment stated?

Mr. PELL. Yes. I ask that my amendment be modified in line with the suggestion of the Senator from Alaska.

The amendment, as further modified, reads as follows:

> On page 26, after line 19, insert the following:
>
> SEC. 316. (c) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.
>
> There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this section, but the sums appropriated may not exceed $500,000.

Mr. HOLLINGS. Mr. President, I would support the amendment as modified.

While the matter of the study by the National Academy of Sciences is a new approach, the matter of study generally, relative to oil exploration on the Continental Shelf, is not new. This subject came up with respect to sanctuaries and oil pollution in the National Water Quality Control Act which is in conference. We are talking about a half-million-dollar study. The Committee on Interior and Insular Affairs expended $400,000 to $500,000 in doing that. It made its own study and held its own hearings at that particular time. The Secretary of the Interior reported in the press that he had no intention to grant any lease rights within the next 2-year period pending his study and intimating at that time a private study. Whatever the results would be, they would be submitted to Congress, particularly to the Senate by the Committee on Interior and Insular Affairs. If the study by the National Academy of Sciences arranged by the National Oceanic and Atmospheric Administration of the Department of Commerce in conjunction with the Interior Department and the Environmental Protection Agency would be of help, I would support it. It would certainly give more support and more credibility to the ultimate proposals on this all-important score and, therefore, I would go along with the amendment, with those comments.

Mr. MOSS. Mr. President, will the Senator from South Carolina yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would be pleased to support the amendment. When the Senator from Rhode Island (Mr. PELL) was discussing the original wording it was necessary, I thought, to point out that the line included therein, which called upon the study to suggest alternatives to such drilling in meeting the necessary energy needs, was duplicative of work already being done in the National Fuels and Energy Study being conducted by the Committee on Interior and Insular Affairs pursuant to Senate Resolution 45. Moreover, since the State coastal zone management programs relate only to the territorial sea, we should, therefore, be very careful of a study which extends beyond the territorial sea to encompass the Continental Shelf. I agree that the amendment, as modified, and the additional language which has since been added, merely asks for recommendations as to how to preserve the environmental quality of the coastal zone and the nearby ocean areas. I have no objection to that. Everyone else seems to be in the act studying the environment, so it would be fine to have this study made by the National Academy of Sciences.

Mr. HOLLINGS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. May I ask the distinguished manager of the bill whether it is his intention to ask for the yeas and nays on final passage of the bill?

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays just on final passage.

The yeas and nays were ordered.

Mr. BOGGS. Mr. President, the bill, S. 3507, represents the fruits of a cooperative effort involving the Commerce and Public Works Committees. I think the members of the committees and the respective staffs are to be complimented for working together in bringing this matter to the Senate.

Upon giving S. 3507 its final review, the Committee on Public Works has recommended three very short, but important, amendments to keep the coastal zone bill in harmony with other pollution control legislation which had its origin in the Public Works Committee. These amendments have been discussed with the staff of the Commerce Committee and Senator HOLLINGS and it is my understanding they are acceptable.

I think it is appropriate to give a brief description of each of these amendments and their purpose.

As stated in S. 3507 the purpose of the coastal zone management plan is primarily to regulate land and water uses in the interests of environmental quality. Pursuant to the Federal Water Pollution Control Act, the States, working together with the Federal Government, develop and implement programs necessary to achieve water quality objectives. In order to avoid confusion it is necessary to define water uses in the context of S. 3507 so that the program which will be developed by the Secretary of Commerce and State agencies will in no way conflict or overlap with the program administered by the Environmental Protection Agency in concert with State governments. The amendment proposed would define "water use" to make it clear that the coastal zone management bill in no way alters the requirements established pursuant to the Federal Water Pollution Control Act but rather that such requirements are incorporated into the coastal zone program. The scope of the Federal Water Pollution Control Act and the Coastal Zone Management Act are therefore defined and made compatible and complementary.

Another amendment is also necessary to make clear the relationship of the Coastal Zone Management Act and other environmental protection acts, specifically the Federal Water Pollution Control Act and the Clean Air Act. It is essential to avoid ambiguity on the question whether the Coastal Zone Management Act can, in any way, be interpreted as superseding or otherwise affecting requirements established pursuant to the Federal air and water pollution control acts.

In both the Clean Air Act and the Federal Water Pollution Control Act authority is granted for effluent and emission controls and land use regulations necessary to control air and water pollution. These measures must be adhered to and enforced. Taken together, the amendments that we offer would achieve this result.

The bill, S. 3507, would establish a Federal Board to assist in coordinating the activities of various agencies of the Federal Government in meeting the objectives of coastal zone management. Perhaps through oversight the Administrator of the Environmental Protection Agency is not made a member of that Board. The third amendment, which I offer for the Public Works Committee, would add statutory membership for the Administrator of the Environmental Protection Agency.

In our judgment, it is absolutely essential that the Administrator of the Environmental Protection Agency, the primary official for environmental quality in the executive branch, be included in any activity dealing with environmental quality, especially environmental quality relating to land and water use. Among other things, this addition would make meaningful the preservation of authority under the Clean Air Act and the Federal Water Pollution Control Act as proposed in the other amendments. At the same time it would result in close coordination in implementing the objectives of pollution control and the objectives of the Coastal Zone Management Act.

Mr. President, I send the three technical amendments to the desk and ask that their reading be dispensed with.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered; and the amendments will be printed in the RECORD at this point.

The texts of the three amendments are as follows:

On page 24 between lines 17 and 18 insert the following new subsection:

"(e) Notwithstanding any other provision of this Act nothing in this Act shall in any way affect any requirement (1) establisned by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program.

On page 17 between lines 22 and 23 insert the following new paragraph:

"(10) The Administrator of the Environmental Protection Agency.

On page 7 between lines 6 and 7 insert the following new subsection:

"(h) 'water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except as such standards or criteria or regulations shall be incorporated in any program as provided by Sec. 314(e).

Mr. BOGGS. Mr. President, I understand that these amendments will be accepted by the distinguished floor manager of the bill.

Mr. HOLLINGS. Mr. President, substantially, the three amendments include on the one hand the Administrator of the Environmental Protection Agency on the National Coastal Resources Board, and then spells out that, notwithstanding any other provision of the act, the provisions of the Water Pollution Control Act or the Clean Air Act shall govern. We are not trying in this particular measure to set any standards. As the third amendment says, we are not trying to spell out any criteria or regulations as encompassed in this one act. In fact, we have tried to protect the Federal Water Pollution Control Act as we have it now in conference. It is a tenuous thing to try to touch on coastal zones and on the matter of water use and then say in the development of coastal zones that they not be given any consideration. We think water use should be considered, among other things, and we do not think we should try, and do not try, to preempt in any manner or means the provisions of either the Federal Water Pollution Control Act or the Clean Air Act which we are supporting in conference with the House. Therefore, I would be glad to accept the amendments.

Mr. BAKER. I would like to have the understanding of the floor manager of the bill as to the intent of these amendments because this is the only opportunity we will have to make any legislative history and elaborate upon congressional intent.

I wonder whether the Senator from South Carolina would agree with me that the amendment which provides, and I quote in part:

"Such requirement shall be incorporated in any program developed pursuant to this Act and shall be the water pollution control and air pollution control requirements applicable to such program" means "the" water pollution and air pollution control requirements, including State and local requirements pursuant to the Federal Clean Air and Water Acts to the exclusion of any other requirements? What I am saying is that the word "the" as used in "and shall be the water pollution control and air pollution control requirements," the word "the" for our purposes of emphasis, would be underscored to mean exclusive of any other pollution control program; is that not correct?

Mr. HOLLINGS. That is my understanding. That is perfectly clear. That is the intent of the bill.

Mr. BAKER. I thank the manager of the bill. That is a helpful addition to the legislative history. I am happy to support the amendments as offered by the distinguished Senator from Delaware (Mr. BOGGS).

Mr. STEVENS. Mr. President, I want to make certain I understand correctly the answer of the Senator from South Carolina to the Senator from Tennessee (Mr. BAKER).

Do I understand correctly that the effect of the amendments offered on behalf of the Public Works Committee will be such that the State and local government which presents a plan to the Secretary pursuant to our Coastal Zone Management Act would refer to the standards of criteria and regulations that are in effect at that time under the Federal Water Pollution Control Act or the Clean Air Act? Is that the understanding of the Senator from Tennessee?

Mr. HOLLINGS. Including any other amendments made to the substance of the legislation, the Water Pollution Control Act or the Clean Air Act. In other words, this is not a pollution control or clean air control measure. This is a coastal zone management bill. I think—if we could conceive of both measures, in the development of the coastal zones regulations for air and water pollution—that they are both concerns of both measures. But where they could be, I cannot imagine in this bill there could be a conflict with the substance of the Water Pollution Control or Air Pollution Control Acts. They would govern, and some programs approved by the Governor and amended, amended from time to time by the Governors and the Department of Commerce for coastal zone management have got to conform to the Water Pollution Control and the Clean Air Acts.

Mr. STEVENS. Mr. President, I understand the comment of my good friend, the Senator from South Carolina. In the event a State or local government intends to increase these standards—and we have testimony that some desire to do this—and they present a plan which is more stringent than the controls and criteria contained in either of these two acts, then I am assuming that we are providing in the amendment that it must be at least equivalent to the criteria established in the two acts. Is that correct?

Mr. HOLLINGS. The basic Water Pollution Control Act permits that as of now.

Mr. BAKER. Mr. President, if the Senator from South Carolina would yield, the Senator from Alaska made reference to my previous comment.

Mr. HOLLINGS. I yield to the distinguished Senator from Tennessee.

Mr. BAKER. Mr. President, I think that the amendment from which I read in part does provide that the effect would be to include any future amendments to the Federal Water Pollution Control Act or the Clean Air Act.

As a matter of fact, I will read the first clause from subsection (e) of the third amendment:

> Notwithstanding any other provision of this Act, nothing in this Act shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended. . . .

I think clearly this language is intended to include any future amendment, including S. 2770, the 1972 amendments to the Federal Water Pollution Control Act, which is now in conference. I think, from my vantage point and from my understanding of it, the answer to the question put by the Senator from Alaska as to whether a local jurisdiction, State, or local agency might require standards in excess of those spelled out in the act, is yes; it is clearly provided for under the Federal Water Pollution Control Act and the Federal Clean Air Act. The amendment would provide that such more stringent standards or requirements would be made a part of the coastal zone management program.

So, not independently, nor by reason of this amendment, but by reason of authority already in the Federal water and air pollution acts, local authorities could require standards in excess of Federal criteria.

The important thrust of these amendments, as I understand them, and as I understand the Senator from South Carolina to express his sense of that understanding, is to make sure that regulatory requirements under the air and water acts are the ones included in the coastal zone program under this act and not some other separately established requirement.

Mr. HOLLINGS. The Senator is correct.

Mr. STEVENS. Mr. President, I understand the Senator from Tennessee. However, I want to make certain that the Water Control and Clean Air Act requirements contained in this plan may exceed the requirements set out under the two Federal laws.

Mr. BAKER. Mr. President, my answer is yes, that authority is in both of those acts. This does not change it but incorporates it into this coastal zone program.

Mr. HOLLINGS. So long as it does not increase the authority of the Federal Government.

Mr. STEVENS. I thank the Senator.

Mr. BAKER. Mr. President, I serve on three committees of the Congress which have important jurisdiction over areas of environmental quality; the Committee on Public Works, the Committee on Commerce, and the Joint Committee on Atomic Energy. As a result of my experience in these committees I have a growing concern with the lack of coherence and integration of the environmental quality laws and the regulations. It is my belief that we are rapidly approaching the time when we must look at the environmental protection laws Congress has enacted in their totality, and perhaps integrate all of the laws and regulations that presently exist into a more coherent body of procedural and substantive law.

In the interim Congress should not act to further confuse the scope of environmental laws and regulations, especially by enacting mandates to different agencies of the Government to perform the same or parallel activities.

The bill S. 3507, coastal zone management, without the amendments recommended by Senator BOGGS, would have this effect. In the Federal Water Pollution Control Act, especially as it would be amended by S. 2770, the Congress has enacted an elaborate scheme for the control of water pollution and the achievement of water quality. Good government dictates that this must be the vehicle for the regulation of water quality. We should not enact additional statutes directing other agencies of Federal and State governments to perform overlapping and possibly conflicting tasks through an elaborate scheme of their own.

In addition to causing confusion and waste, such action would operate at great disadvantage to those who seek to comply with the law. In addition to increasing procedural costs, such action would create a climate of uncertainty which ultimately leads to poor performance. The public expects more from its government.

I therefore support these amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc of the Senator from Delaware.

The amendments were agreed to.

Mr. BOGGS. Mr. President, I send to the desk an amendment and ask that it be reported.

The PRESIDING OFFICER. The amendment will be reported.

The assistant legislative clerk proceeded to state the amendment.

Mr. BOGGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

> On page 24, after line 17, add a new subsection (e):
>
> "(e)(1) That Congress finds that consideration is being given to the construction beyond the territorial sea off the coast of the United States of ship docking, electric generating, and other facilities. Since adjacent coastal States might be adversely affected by pollution from such facilities, it is hereby established as Federal policy to require approval of any States which may be so affected before any such facilities are constructed.
>
> (2) Notwithstanding any other provision of this Act, no Federal department or agency shall construct, or license, or lease, or approve in any way the construction of any facility of any kind beyond the territorial sea off the coast of the United States until (1) such department or agency has filed with the Administrator of the Environmental Protection Agency, a complete report with respect to the proposed facility; (2) the Administrator has forwarded such report to the Governor of each adjacent coastal State which might be adversely affected by pollution from such facility; and (3) each such Governor has filed an approval of such proposal with the Administrator. Any Governor who does not, within ninety (90) days after receiving a report pursuant to this subsection, file an approval or disapproval of the proposal in such report shall be considered for the purpose of this subsection to have approved such proposal."

Mr. BOGGS. Mr. President, I am offering an amendment that will assure our coastal States a meaningful role in the location and design of any offshore oil transfer station that might be constructed to serve the so-called "supertankers."

The amendment would add a new subsection (e) on page 24 of the bill. The new subsection would be at the end of section 314, "Interagency Coordination and Cooperation."

A number of Federal, State, and other studies are currently underway to evaluate the need and potential sites for one or more major bulk cargo transfer stations. Such stations will be needed if the United States is to receive the economies of scale offered by supertankers, whether transporting oil or other bulk commodities.

Present harbors, I am told, cannot handle such vessels because the channels simply cannot be dredged to a sufficient depth. The solution may involve offshore terminals, where the supertankers could pump their cargo into storage tanks. From those tanks the oil could be piped ashore in underwater pipelines, or transferred to barges or smaller tankers.

The Maritime Administration, through a contract with Soros Associates, is in the process of evaluating the feasibility of such offshore terminals, as well as possible sites for such terminals. This study, I understand, is to be made public in a month or two.

At the same time, the Army Corps of Engineers is undertaking, under Senate resolution, similar studies, one of which covers the coast from Maine to Virginia.

In any case, it is expected that the Federal studies may recommend sites outside the 3-mile territorial limit of the United States. Such sites, of course, would place these facilities in the contiguous zone, or in international waters on the Continental Shelf. If that were so, of course, the facility would be outside the jurisdiction of the neighboring States.

Yet, the coastal zones of these neighboring States could be severely and adversely affected by pollution that might come from such an offshore facility.

While such a pollution discharge would be subject to the cleanup provisions of the existing Federal Water Pollution Control Act, this might be insufficient protection for the coastal States. Rather than protecting a State and its coastal zone subsequent to a discharge, I believe it is important that the affected States play a meaningful role in the plan to construct such a facility.

And such a facility will be of mammoth proportions. It will, of course, cover many acres of the ocean. It may permanently affect tidal currents and the quality of fisheries within the coastal zone of the State.

The amendment I am offering today would require that any Federal agency constructing, leasing, or issuing a permit for the construction of such facilities must obtain the concurrence of the Governor or Governors of the States that would be potentially affected by such a facility.

The amendment would require the Administrator of the Environmental Protection Agency to study such facilities and report on such facilities to any State that is potentially affected adversely.

For example, a State would be affected adversely if such a facility might discharge pollutants that enter the waters of the State. Or the State might be affected adversely if the facility could be seen from the coastal area or the waters of the State and damage recreational values.

In either case, the Governor must affirmatively concur in the construction of the facility within 90 days of the EPA report to him. The Governor may report adversely. If he does, the facility could not be built, licensed, leased, or permitted. If the Governor did not report back within 90 days, it would assumed that he concurred in the facility.

Mr. President, I hope that the distinguished chairman, the floor manager of the bill, might consider accepting the amendment.

Mr. HOLLINGS. Mr. President, in response to the thrust of the particular amendment and the leadership on this point given by the distinguished Senator from Delaware, I would personally think this is a good amendment.

Mr. President, you can read it and see that, but I meet myself coming around the corner. We started out this morning with last minute concerns by my colleagues that we might infringe on an area of jurisdiction of the Committee on Public Works. I assured everyone in my discussion that we were trying to finally and once and for all establish a coastal zone management program to give financial assistance to the States in the development of these programs, and that is all this bill pertains to; that we were restricting it, in other words, to the territorial sea.

The amendment of our distinguished friend from Delaware goes beyond the territorial sea and goes into what we agreed on and compromised on awhile ago. It goes beyond any territorial sea to construction of any facility on the ocean floor, into what we call a contiguous zone from the 3-mile limit to the 12-mile limit.

This amendment provides the Governor would have a veto over such matters. I do not think the Senate wants to go that far. The amendment comes without public hearing and full consideration, which we have not had the benefit of.

While I had discussed earlier this morning with the distinguished Presiding Officer that the Committee on Public Works have a chance to hear this matter, I believe the Committee on Interior and Insular Affairs and the Committee on Commerce should have an opportunity to go into the matter before it is ruled on.

Therefore, Mr. President, I would have to oppose the amendment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. MOSS. Mr. President, I would point out that the Committee on Interior and Insular Affairs is very deeply concerned with this matter and is making a study of it now. In fact, this very afternoon, starting at 2 p.m., we are having public hearings dealing with deepwater harbors and tankers. The matter is therefore in process.

Therefore, I hope very much the Senator from Delaware will not press his amendment but permit us to go through the legislative process and report a bill to the floor dealing with this matter, based on hearings, at which time he well might wish to modify or suggest amendments. It would be germane at that time, rather than now, as this bill attempts to deal with the Territorial Sea, not the Outer Continental Shelf.

Mr. BOGGS. Mr. President, will the chairman yield further?

Mr. HOLLINGS. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I appreciate the very kind and generous remarks of the distinguished chairman of the subcommittee and the manager of the bill, and also the remarks of the distinguished Senator from Utah (Mr. Moss), who is chairman of the hearings just referred to. I am happy that these hearings and studies are continuing. I believe and hope they will shed full light on this important subject so that the Senate can give the fullest consideration in light of these hearings and further studies.

Mr. President, with the chairman's permission, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment. The amendment is withdrawn.

Mr. BOGGS. Mr. President, I thank the distinguished chairman, the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Utah (Mr. Moss).

Mr. MOSS. If the Senator from Delaware is available, we would like to ask him to come and participate in the hearings.

Mr. BOGGS. I thank the Senator.

Mr. HOLLINGS. Mr. President, to complete the record on this particular score, when I talked in terms of jurisdiction, I talk not in terms of exclusivity in that any one committee was concerned with the problems of offshore development and related ocean pollution. The Commerce Committee also is deeply concerned. The fact is that yesterday the Maritime Administrator, before the Committee on Appropriations, in trying to pursue the administration's ship construction measures and develop a maritime policy, was talking about construction of supertankers. When we originally talked about the bill, it was 30 ships a year for 10 years, some 300 vessels. Now, rather than 40,000 and 50,000 tonners we are going to 200,000 and 400,000 tonners and rather than 30 ships a year for 10 years we will have 60 or 70 supertankers, and where are they going to dock when they have in excess of an 80-foot draft? They could not come in on the east coast or the Gulf of Mexico. So we in the Commerce Committee and Appropriations Committee were talking about what the Senator from Idaho is discussing, the development of offshore landing facilities.

The Senator from Alaska has been pointing out this morning that we will need such development for nuclear powerplant siting, for offshore loading, both coal and oil, and other supertankers. Of course, the FAA is considering this approach in the development of offshore airports.

Mr. President. I am ready to vote.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS. Mr. President, I have an amendment at the desk. First, I wish to note what the Senator has said.

Coming from a State which hopes to be filling some of these supertankers to send American oil to foreign markets, we want to make certain that the desires of the Senator from Delaware are fulfilled, and that there is absolute safety in any one of these terminals offshore. We would be the first to lose if someone made a mistake and did not require absolute safety in those facilities. I assure the Senator I will work with him to make certain the role of the State in supervising this construction and eliminating any hazards or esthetic barriers to the development that will be needed is taken care of.

Mr. BOGGS. Mr. President, I especially thank my good friend, the Senator from Alaska. I know and value his interest in these matters and I appreciate the remarks that he just made. It is reassuring to the people of our State and to all concerned.

While I am on my feet I take this opportunity to compliment my good friend, the distinguished chairman of the subcommittee and the manager of the bill, (Mr. HOLLINGS) the Senator from Alaska (Mr. STEVENS), and other members of the committee for the fine job they have done in the past several months in studying and bringing forth this legislation. They have done a fine job and they and the fine members of the staff are to be congratulated.

Mr. STEVENS. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 10 between lines 6 and 7 and on page 15, between lines 12 and 13, insert the following:

(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title, provided that if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

Mr. STEVENS. Mr. President, I did not make the usual request to stop the reading of the amendment, because it is short and addresses a point that was raised by the chairman of the largest political subdivision of my State, which is the Greater Anchorage Borough, which completed a plan that would set up this program. The State has not done so.

In an area such as ours, with a coastline equal to more than half of that of the continental United States, it will take time, and this will assure the political subdivision of my State, which prepared such a plan, that they could receive financial assistance from the Secretary until the State completes its plan. I have discussed this matter with the distinguished chairman of the committee and he has stated he will be able to accept the amendment so that the Greater Anchorage Borough plan may proceed under this act.

Mr. HOLLINGS. Mr. President, I join with the Senator from Alaska on this amendment. The committee is glad to accept this particular amedment because it strengthens the bill and fills the gap pointed out by the Senator from Alaska, where we just do not want to move forward with development, and we do not want to tie our hands so that progress cannot be made, particularly for an important State like Alaska, which has the biggest coastal area and is more directly concerned than any of the several States.

So I move the adoption of the amendment.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. HOLLINGS. Mr. President, I think there is only one remaining amendment, by my distinguished colleague from the State of Virginia (Mr. SPONG), who has been very active on the Subcommittee on oceans and atmosphere and has worked on the coastal zone issue. We visited the Virginia Marine Sciences Center and got many of our ideas firsthand there, not only for the need, but the proper approach for the Federal Government to employ and profit from the experience to date in his native State.

I think we have one more amendment that he will offer, and after that we will be prepared to vote on final passage.

Mr. SPONG. Mr. President, I thank the distinguished Senator from South Carolina.

Shortly before the Commerce Committee voted to report this bill, it occurred to me that the measure might have a prejudicial effect upon the matter of United States against Maine, et al. The United States in this case is seeking a determination of rights in all the lands and natural resources of the bed of the Atlantic Ocean more than three geographical miles from the coastline. The Federal action, against the 13 Atlantic coastal States, is in the nature of a suit to quiet title.

I have requested the views of Virginia Attorney General Andrew P. Miller on this matter, and have received three suggested amendments from him which I intend to offer. I hope the distinguished Senator from South Carolina will find it possible to accept the amendments, the sole purpose of which is to assure that the bill will have no prejudicial effect upon the litigation.

I might say to the Senate and to the Senator from South Carolina that the staffs of the Commerce Committee and of the Committee on Interior and Insular Affairs reviewed these amendments.

The PRESIDING OFFICER. Does the Senator wish to send his amendments to the desk?

Mr. SPONG. I send the amendments to the desk.

The PRESIDING OFFICER. The clerk will please read the amendments of the Senator from Virginia.

The assistant legislative clerk read the amendments, as follows:

On page 5, line 14, insert the following: strike "United States territorial seas," and insert the following: "legally recognized territorial seas of the respective coastal states, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953."

On page 23, line 20, insert the following: a comma after "resources" and insert the following: "submerged lands"

On page 23, line 17, insert the following: strike "section" and insert the following: "Act"

The PRESIDING OFFICER. Does the Senator from Virginia desire to have the amendments considered en bloc?

Mr. SPONG. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. HOLLINGS. Mr. President, I support the amendments. We have been trying to reconcile the amendments so that we would not interfere with any legal contention of any of the several States at the present time involved in court procedures. At the same time we wanted to make certain that Federal jurisdiction was unimpaired beyond the 3-mile limit in the territorial sea. If we do not go beyond that, I think these amendments take care of it.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. Mr. President, I wish to express my support for the amendment offered by the distinguished Senator from Virginia (Mr. SPONG). This amendment will insure that this legislation in no way prejudices the present consideration by the courts of a case involving State rights over the seabed. I believe this amendment is important, and I commend the Senator for this amendment.

Mr. SPONG. I thank the Senator from Delaware.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. MOSS. I simply wish to say that the amendment offered by the Senator from Virginia is very acceptable from the viewpoint of the Interior and Insular Affairs Committee in relation to the National Fuels and Energy Study which our committee has undertaken. This makes clear that this bill focuses on the territorial sea or the area that is within State jurisdiction, and preserves the Federal jurisdiction beyond, which is not to be considered or disturbed by the bill at this time. If we want to do something about that later, we will have another bill and another opportunity.

I am, therefore, very happy to support the amendment offered by the Senator from Virginia.

Mr. SPONG. Mr. President, I am very pleased that the Senator from Utah has made this expression. Members of the Interior and Insular Affairs and the Public Works Committees, the Senator from Delaware and the Senator from South Carolina, have agreed to accept the amendment.

The PRESIDING OFFICER. The question is on adopting, en bloc, the amendments of the Senator from Virginia.

The amendments were agreed to en bloc.

Mr. HOLLINGS. Mr. President, if there are no other amendments to be offered, I have one final amendment to offer, which I send to the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

On page 2, line 6, insert the following: Strike the word "National" and insert "Magnuson."

Mr. HOLLINGS. Mr. President, on line 2, page 6, we entitle the bill the "National Coastal Zone Management Act of 1972." The intent of this amendment, of course, is to call it the "Magnuson Coastal Zone Management Act of 1972." All of our colleagues have been personally indebted to the contributions made by many Senators, including the Senator from Delaware, in the coastal zone management bill some 3 years ago, on which we had hearings. The Senator from Alaska has given outstanding leadership to this particular measure. The senior Senator from New Hampshire (Mr. COTTON) has been very helpful. But in going over the record of the past 12 years, the reason this bill, as controversial as it is in nature, has gone through the floor so smoothly this morning has been due to the leadership of the distinguished Senator from Washington (Mr. MAGNUSON). Some 12 years ago he started in this particular field. It was under his leadership, in the mid-1960's, that he introduced legislation instituting the Commission on Marine Sciences, Engineering, and Resources, resulting in the Stratton Commission report. It was under his leadership that the temporary Oceanographic Subcommittee was established and the Oceans and Atmosphere Subcommittee was instituted as a standing subcommittee under his Committee on Commerce, and through the past 2½ years now, we have had hearings and different discussions with respect to moving forward in this particular field. It was the Senator from Washington who gave us the leadership, spreading oil on troubled waters, and we finally got a bill. I wish to mention his role as chairman of the Subcommittee on Health Appropriations, which encompassed hearing some 427 witnesses. I do not see how an individual chairman can listen that long and not abolish the whole Department, but he has given leadership there.

He had an executive session this morning. He had other witnesses scheduled. Rather than try to be here, after he had worked out this language, he went forward with those witnesses.

I think this body would like to recognize his leadership in this field, and I hope my colleagues will join in supporting the amendment.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. BOGGS. I hasten to join in this amendment. I am privileged to serve on the Appropriations Subcommittee the Senator referred to, under the leadership of the Senator from Washington (Mr. MAGNUSON). I think the Senator's remarks have been most appropriate. I wish to join in those comments.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. STEVENS. I, too, join the chairman of the subcommittee on this amendment. Those of us who know our neighbor to the south, the Senator from Washington, well realize how the chairmen of the subcommittee and the full Commerce Committee worked. An article I recently read said, "What Maggie wants, Maggie gets." "Maggie" has been a big help in this area. He has pursued for many, many years his great interest in our State. He was once referred to as the Senator from Alaska, as the senior Members of this body will recall, because we had no Senator, then, and he took care of the territory of Alaska as well as the State of Washington, and has done it well. Thus I think it is fitting testimony that the subcommittee chairman has made this suggestion.

Mr. HOLLINGS. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina (Mr. HOLLINGS).

The amendment was agreed to.

Mr. TUNNEY. Mr. President, I am pleased to both cosponsor and vote for the passage of S. 3507, the National Coastal Zone Management Act of 1972.

The ocean front is the single most valuable natural resource in California. The bulk of the State's population is concentrated within a few miles of the sea, and its impact upon the people's way of life is great. But the California coastline is shrinking rapidly as demand for its values increases and as public access to attractive frontage decreases. Undeveloped shoreline, including bays, estuaries, and salt water marshes, can no longer be regarded as ordinary real estate subject to residential or commercial-industrial development.

In California, coastal and seaward areas must be protected for present and future generations. The ecologically rich kelp forests, for example, which grow from 100 to 1,000 feet off shore must be protected. Kelp was once prevalent along the entire California coast, but sewage, pesticides, industrial wastes and thermal pollution have greatly reduced this forest to a mere 18 square miles. For scientific, economic and ecological reasons, as well as scenic and recreational considerations, this remarkable oxygen producing plant must be allowed to make a comeback.

Only prompt and bold action can protect the quality of one of the world's most spectacular shorelines from further deterioration.

S. 3507 is an important first step in that it encourages and assists the various States in preparing and implementing management programs to preserve, protect, develop, and restore the resources of the coastal zone of the United States. This bill authorizes Federal grants-in-aid of up to 66⅔ percent to coastal States to develop coastal zone management programs. In addition S. 3507 authorizes grants to help coastal States implement these management programs, once approved by the Secretary of Commerce, and States would be aided for up to 50 percent of the costs in the acquisition and operation of estuarine sanctuaries.

In fiscal year 1973 the bill authorizes $12 million for management program development grants, not to exceed $50 million for administrative grants and $6 million for estuarine sanctuaries grants.

Dr. Joel Hedgpeth of Oregon State University makes the following very tragic comment with regard to the acquisition and preservation of estuarine sanctuaries in California.

> In southern California, for example, there is nothing left. In northern California, Tomales Bay, which might not fit some definitions, is an ideal candidate because of the 10 years of study that has been carried out there and the circumstances that one entire shore (almost) is within control of the Point Reyes National Seashore. There are some interesting lagoons in northern California, just north of Eureka.

Clearly we are already too late. We must act quickly to begin to save what is left of our coastline and to attempt to restore past despoliation.

Recently the Institute of Governmental Studies at the University of California at Berkeley published a book entitled "California's Disappearing Coast: A Legislative Challenge" by Gilbert E. Bailey and Paul S. Thayer.

The book summarizes the condition of California's coastline as follows:

> Today—a quarter of the 1,000 mile coastline—from the Mexican border to Santa Barbara—is already largely occupied by cities, suburbs, industries, military bases, power plants, sewage discharge pipes, tract homes and high-rise blockades of buildings interposed between the coast and the people. From Monterey to coastal areas north of San Francisco the story is much the same. Beaches are posted because of contamination and fish catches are seized because of mercury and DDT poisoning.
>
> Some reaches of the coast, from Morro Bay north to Monterey and Marin County to the Oregon border, are still relatively untouched. . . .
>
> But much of this is private ranchland, and at the moment there is absolutely no assurance it will escape the fate of other private ranchland that, for example, could be found in the Santa Clara Valley 25 years ago.

The authors conclude by saying that—

> There is no coordinated public regulation of this priceless stretch of land and sea.

For the past several years the California Legislature has been wrestling with the problem of enacting an effective piece of legislation to preserve and protect the California coastline.

The report quotes California Assembly Speaker Bob Moretti as saying that the best planning available would be worthless without money to finance the agencies involved, but more importantly, to purchase coastal land for public use.

S. 3507—if implemented in a tough manner and if adequate funds are appropriated—could assist California to extricate itself from its coastal quagmire.

It is my hope that Federal legislation such as S. 3507 with its hope of Federal financial assistance will act as a catalyst and encourage the California Legislature to come up with effective legislation to deal with the "disappearing California coastline."

Mr. TOWER. Mr. President, I am very pleased today to join in supporting S. 3507, of which I am a cosponsor. The passage of this bill will bring to fruition many years of work by a great many people. After several years of study, Senator HOLLINGS last year introduced S. 582 as a comprehensive proposal to deal with the problems manifest in the coastal zone. About that same time, I introduced S. 638, dealing with the same subject. I have been concerned for some time with the unique problems of pollution and land use in the coastal zone and believe that we will now be able to begin to work to correct them. This new bill, S. 3507, takes into consideration the best aspects of S. 582 and S. 638, along with some ideas that were developed by the Subcommittee on Oceans and Atmosphere in the hearings that they held. I wish at this time to congratulate the members and the staff of that subcommittee, both past and present, for their fine work on this bill and the outstanding cooperation that has been shown to me and my staff as we were working with them.

Mr. President, the heart of this bill will be the encouragement of the coastal States to survey the needs and problems of their coastal zones and assistance to them in establishing comprehensive programs for dealing with those recognized needs and problems. In my State of Texas, nearly 40 percent of all our citizens live in the area 50 miles from the Gulf of Mexico.

In addition, a great deal of our industrial and commercial activity takes place in the same area. In the Nation as a whole, an even greater percentage of activity takes place in the coastal zone. The situation everywhere is becoming more acute. Pollution and land use problems are proliferating as the coastal zone becomes more congested. This bill is an attempt by the Government to assist the States in correcting pollution, and planning for the best use of limited land and water resources.

The emphasis in this bill is on cooperation with the States, not coercion by the Federal Government. During the hearings on this subject, there was detected an acute awareness by the States of the problems of the coastal zone. Indeed, Texas has in many respects led the way toward categorizing the different uses of land in the coastal zone and in pinpointing likely problem areas. I believe that it is safe to say that we in Texas will probably lead the way in devising and carrying out our coastal zone plan. What the States have needed for so long are the resources to act to resolve the evident problems of their coastal zones. We are today providing that assistance. Under the terms of the bill, up to 66 2/3 percent of the cost of devising and then carrying out the plans will be borne by the Federal Government. The major responsibility for drawing up the plans, marshaling the necessary personnel, and then carrying out the plans would fall to the State governments. This is a somewhat unique approach by the Federal Government in relying on the States to solve this problem rather than simply federalizing the area and creating a new bureaucracy to deal with it. I believe that the States will prove that they can handle this program and will make it work.

Mr. President, I look forward to early enactment of this bill to aid the coastal States and in so doing to aid the entire Nation. We in the Congress have located a real need for action and have acted upon that need. The unique problems of coastal pollution and the varied competing land uses will undoubtedly be faced up to by the State governments and the local governments—the units that are best prepared by their locale to deal with them. I know that all of us involved in this effort will keep in close contact with the developments in the coastal zone and stand ready to make adjustments and provide more assistance if that seems necessary. I urge the Senate to give this bill its overwhelming support.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. EAGLETON). The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Montana (Mr. MANSFIELD), and the Senator from Massachusetts (Mr. KENNEDY) are absent on official business.

I further announce that, if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), and the Senator from Kansas (Mr. DOLE) are necessarily absent.

The Senator from Oregon (Mr. HATFIELD) is absent because of death in his family.

The Senator from Maryland (Mr. MATHIAS) and the Senator from Delaware (Mr. ROTH) are absent on official business.

The Senator from Pennsylvania (Mr. SCOTT) is absent by leave of the Senate on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from New York (Mr. JAVITS) are detained on official business.

If present and voting, the Senator from Tennessee (Mr. BROCK) the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), and the Senator from Delaware (Mr. ROTH) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 155 Leg.]

YEAS—68

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cranston
Curtis
Dominick
Eagleton
Ellender
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hollings
Hruska
Inouye
Jordan, Idaho
Long
Magnuson
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—0

NOT VOTING—32

Bayh
Bellmon
Brock
Brooke
Chiles
Cotton
Dole
Eastland
Goldwater
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Jackson
Javits
Jordan, N.C.
Kennedy
Mansfield
Mathias
McClellan
McGee
McGovern
Mundt
Muskie
Pastore
Roth
Scott
Sparkman
Stennis
Williams

So the bill (S. 3507) was passed, as follows:

S. 3507

An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering, and Resources, and for other purposes", approved June 17, 1966 (80 Stat. 203), as amended (33 U.S.C. 1101–1124), is further amended by adding at the end thereof the following new title:

"TITLE III—MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'Magnuson Coastal Zone Management Act of 1972'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds that—

"(a) There is a national interest in the effective management, beneficial use, protection, and development of the coastal zone;

"(b) The coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation;

"(c) The increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion;

"(d) The coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations;

"(e) Important ecological, cultural, historic, and esthetic values in the coastal zone which are essential to the well-being of all citizens are being irretrievably damaged or lost;

"(f) Special natural and scenic characteristics are being damaged by ill-planned development that threatens these values;

"(g) In light of competing demands and the urgent need to protect and to give high priority to natural systems in our coastal zone, present coastal State and local institutional arrangements for planning and regulating land and water uses in such areas are inadequate; and

"(h) The key to more effective use of the land and water resources of the coastal zone is to encourage the coastal States to exercise their full authority over the lands and waters in the coastal zone by assisting the coastal States, in cooperation with Federal and local governments and other vitally affected interests, in developing land and water use programs for the coastal zone, including unified policies, criteria, standards, methods, and processes for dealing with land and water use decisions of more than local significance.

"DECLARATION OF POLICY

"SEC. 303. The Congress finds and declares that it is the national policy:

"(a) To preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations; (b) To encourage and assist the States to exercise effectively their responsibilities in the coastal zone through the preparation and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and esthetic values as well as to needs for economic development. (c) For all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with State and local governments and regional agencies in effectuating the purposes of this Act. And, (d) to encourage the participation of the public, of Federal, coastal State, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various coastal State and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action, particularly regarding environmental problems.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Coastal zone' means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone terminates, in Great Lakes waters, at the international boundary between the United States and Canada and, in other areas, extends seaward to the outer limit of the legally recognized territorial seas of the respective coastal States, but shall not extend beyond the limits of State jurisdiction as established by the Submerged Lands Act of May 22, 1953, and the Outer Continental Shelf Act of 1953. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers or agents.

"(b) 'Coastal waters' means (1) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (2) in other areas, those waters, adjacent to the shorelines, which contain a measurable tidal influence, including, but not limited to, sounds, bays, lagoons, bayous, pounds, and estuaries.

"(c) 'Coastal State' means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of this title, the term includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(d) 'Estuary' means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage. The term includes estuary-type areas of the Great Lakes.

"(e) 'Estuarine sanctuary' means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

"(f) 'Secretary' means the Secretary of Commerce.

"(g) 'Management program' means a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the coastal State in accordance with the provisions of this title, setting forth objectives, policies, and standards to guide public and private uses of lands and waters in the coastal zone so as to minimize direct, significant, and adverse impact on the coastal waters, and governmental structure capable of implementing such a program.

"(h) 'Water use' means activities which are conducted in or on the water; but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except such standards, criteria or regulations shall be incorporated in any program as provided by section 314(e).

"MANAGEMENT PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone.

"(b) Such management program shall include:

"(1) an identification of the boundaries of the coastal zone of the portions of the coastal State subject to the management program;

"(2) a definition of what shall constitute permissible land and water uses within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters;

"(3) an inventory and designation of areas of particular concern within the coastal zone;

"(4) an identification of the means by which the coastal State proposes to exert control over land and water uses, within the coastal zone so as to prevent such uses which have a direct, significant, and adverse impact on the coastal waters: including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions;

"(5) broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority;

"(6) a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of areawide, coastal States, and regional agencies in the management process.

"(c) The grants shall not exceed 66⅔ per centum of the costs of the program in any one year and no State shall be eligible to receive more than three annual grants pursuant to this section. Federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this section, the coastal State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of this title. After making the initial annual grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the coastal State is satisfactorily developing such management program.

"(d) Upon completion of the development of the State's management program, the coastal State shall submit such program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such planned program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(e) Grants under this section shall be allotted to the coastal States based on rules and regulations promulgated by the Secretary: *Provided, however,* That no management program development grant under this section shall be made in excess of 10 per centum nor less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

"(f) Grants or portions thereof not obligated by a coastal State during the fiscal year for which they were first authorized to be obligated by the coastal State, or during the fiscal year immediately following, shall revert to the Secretary, and shall be added by him to the funds available for grants under this section.

"(g) With the approval of the Secretary the coastal State may allocate to a local government, to an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"(h) The authority to make grants under this section shall expire five years from the date of enactment of this title.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided,* That if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 66⅔ per centum of the costs of administering the coastal State's management program, if he approves such program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the coastal States with approved programs based on rules and regulations promulgated by the Secretary which shall take into account the extent and nature of the shoreline and area covered by the plan, population of the area, and other relevant factors: *Provided, however*, That no annual administrative grant under this section shall be made in excess of 10 per centum, nor less than 10 per centum of the total amount appropriated to carry out the purposes of this section.

"(c) Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find:

"(1) The coastal State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, which shall be in accordance with the objectives of this Act, after notice, and with the opportunity of full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title.

"(2) The coastal State has:

"(A) coordinated with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the coastal State's management program is submitted to the Secretary, which plans have been developed by a local government, an interstate agency, or an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966; and

"(B) established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

"(3) The coastal State has held public hearings in the development of the management program.

"(4) The management program and any changes thereto have been reviewed and approved by the Governor.

"(5) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

"(6) The coastal State is organized to implement the management program required under paragraph (1) of this subsection.

"(7) The coastal State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

"(d) Prior to granting approval of the management program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments, interstate agencies, or areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966), has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

"(1) to administer land and water use regulations, control development in order to ensure compliance with the management program, and to resolve conflicts among competing uses; and

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

"(e) Prior to granting approval, the Secretary shall also find that the program provides:

"(1) for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

"(A) Coastal State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

"(B) Direct coastal State land and water use planning and regulations; or

"(C) Coastal State administrative review for consistency with the management program of all development plans, projects, or land and water use regulations, including exceptions and variances thereto, proposed by any coastal State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

"(2) for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

"(f) With the approval of the Secretary, a coastal State may allocate to a local government, to an interstate agency, or an areawide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 a portion of the grant under this section for the purpose of carrying out the provisions of this section: *Provided*, That such allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of such coastal State's approved management program.

"(g) The coastal State shall be authorized to amend the management program. The modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the program must be approved by the Secretary before additional administrative grants are made to the coastal State under the program as amended.

"(h) At the discretion of the coastal State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the coastal State adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable.

"(i) The Secretary is authorized to make management program development or administrative grants to a political subdivision of a State with areawide powers, if the Secretary finds that the State has not developed a management program required by section 306 of this title: *Provided*, That if the State completes such a program the authority of this subsection shall terminate with regard to any political subdivision of such State.

"PUBLIC HEARINGS

"SEC. 307. All public hearings by nonfederal entities required under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available to the public for study at least thirty days in advance of the actual hearing or hearings.

"RULES AND REGULATIONS

"SEC. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after notice and opportunity for full participation by relevant Federal agencies, coastal State agencies, local governments, regional organizations, port authorities, and other interested parties, both public and private, such rules and regulations as may be necessary to carry out the provisions of this title.

"REVIEW PERFORMANCE

"SEC. 309. (a) The Secretary shall conduct a continuing review of the management programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary, and (2) the coastal State has been given notice of proposed termination and withdrawal and given an opportunity to present evidence of adherence or justification for altering its program.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"NATIONAL COASTAL RESOURCES BOARD

"SEC. 311. (a) There is hereby established, in the Executive Office of the President, the National Coastal Resources Board (hereinafter called the 'Board') which shall be composed of—

"(1) The Vice President, who shall be Chairman of the Board.

"(2) The Secretary of State.

"(3) The Secretary of the Navy.

"(4) The Secretary of the Interior.

"(5) The Secretary of Commerce.

"(6) The Chairman of the Atomic Energy Commission.

"(7) The Director of the National Science Foundation.

"(8) The Secretary of Health, Education, and Welfare.

"(9) The Secretary of Transportation.

"(10) The Administrator of the Environmental Protection Agency.

"Executive appointments

"(b) The President may name to the Board such other officers and officials as he deems advisable.

"Alternate Presiding Officer Over Board Meetings

"(c) The President shall from time to time designate one of the members of the Board to preside over meetings of the Board during the absence, disability, or unavailability of the Chairman.

"Alternates for Service on the Board

"(d) Each member of the Board, except those designated pursuant to subsection (b) of this section, may designate any officer of his department or agency appointed with the advice and consent of the Senate to serve on the Board as his alternate in his unavoidable absence.

"Personnel; Civilian Executive Secretary

"(e) The Board may employ a staff to be headed by a civilian executive secretary who shall be appointed by the President and shall receive compensation at a rate established by the President at not to exceed that of level II of the Federal Executive Salary Schedule. The executive secretary, subject to the direction of the Board, is authorized to appoint and fix the compensation of such personnel, including not more than seven persons who may be appointed without regard to civil service laws or chapter 51 and subchapter III of chapter 53 of title 5 and compensated at not to exceed the highest rate of grade 18 of the General Schedule as may be necessary to perform such duties as may be prescribed by the President.

"(f) The Board shall meet regularly at such times as the Chairman may direct and shall have the following duties:

"(1) to provide for the effective coordination between programs of the Federal agencies within the coastal zone;

"(2) in the case of serious disagreement between any Federal agency and a coastal State in the development of the program, the Board shall seek to mediate the differences; and

"(3) to provide a forum for appeals by an aggrieved areawide planning entity or unit of local government from any decision or action of the Secretary or areawide planning entity.

"ADVISORY COMMITTEE

"SEC. 312. (a) The Secretary is authorized to establish a Coastal Zone Management Advisory Committee (hereafter referred to 'the Committee') to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal zone. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct.

"(b) Members of the committee who are not regular full-time employees of the United States, while serving on the business of the committee, including traveltime, may receive compensation at rates not exceeding $100 per diem; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"ESTUARINE SANCTUARIES

"SEC. 313. (a) The Secretary, in accordance with rules and regulations promulgated by him, is authorized to make available to a coastal State grants up to 50 per centum of the costs of acquisition, development, and operation of estuarine sanctuaries for the purpose of creating natural field laboratories to gather data and make studies of the natural and human processes occurring within and directly affecting the estuarines of the coastal zone. The Federal share of the cost for each such sanctuary shall not exceed $2,000,000. No Federal funds received pursuant to section 306, shall be used for the purpose of this section.

"INTERAGENCY COORDINATION AND COOPERATION

"SEC. 314. (a) The Secretary shall not approve the management program submitted by a coastal State pursuant to section 306 unless the views of Federal agencies principally affected by such program have been adequately considered. In case of serious disagreement between any Federal agency and a coastal State in the development of the program the Secretary, in cooperation with the National Coastal Resources Board, shall seek to mediate the differences.

"(b) (1) All Federal agencies conducting or supporting activities in the coastal zone shall administer their programs consistent with approved coastal State management programs except in cases of overriding national interest as determined by the President. Procedures provided for in regulations issued pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and title IV of the Intergovernmental Cooperation Act of 1968 shall be applied in determining whether Federal projects and activities are consistent with approved management programs.

"(2) Federal agencies shall not undertake any development project in the coastal zone of a coastal State which, in the opinion of the coastal State, is inconsistent with the management program of the coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State and affected local governments, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) After the final approval by the Secretary of a coastal State's management program any applicant for a Federal license or permit to conduct any activity in the coastal and estuarine zone subject to such license or permit, shall provide in the application of the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State's approved management program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's approved management program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) Coastal State and local governments submitting applications for Federal assistance under other Federal programs affecting the coastal zone shall indicate the views of the appropriate coastal State or local agency as to the relationship of such activities to the approved management program for the coastal zone. Such applications shall be submitted and coordinated in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968 (82 Stat. 1098). Federal agencies shall not approve proposed projects that are inconsistent with a coastal State's management program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(d) Nothing in this Act shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources, submerged lands and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; not to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"SEC. 315. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than November 1 of each year a report on the administration of this title for the preceding fiscal year. The report shall include but not be restricted to (1) an identification of the coastal State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the coastal States participating in the provisions of this title and a description of the status of each coastal State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any coastal State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development projects which the Secretary has reviewed under section 314 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of outstanding problems arising in the administration of this title in order of priority; and (8) such other information as may be appropriate.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 316. (a) There are authorized to be appropriated—

"(1) the sum of $12,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for the fiscal year 1974 through 1977 for grants under section 305, to remain available until expended;

"(2) such sums, not to exceed $50,000,000, as may be necessary for the fiscal year ending June 30, 1973, and such sums as may be necessary for each succeeding fiscal year thereafter for grants under section 306 to remain available until expended; and

"(3) such sums, not to exceed $6,000,000 for the fiscal year ending June 30, 1973, as may be necessary for grants under section 313.

"(b) There are also authorized to be appropriated to the Secretary such sums, not to exceed $1,500,000 annually, as may be necessary for administrative expenses incident to the administration of this title.

"(c) (1) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce, after consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall enter into appropriate arrangements with the National Academy of Sciences to undertake a full investigation of the environmental hazards attendant on offshore oil drilling on the Atlantic Outer Continental Shelf. Such study should take into consideration the recreational, marine resources, ecological, esthetic, and research values which might be impaired by the proposed drilling and shall include recommendations to eliminate such environmental hazards, if any. A report shall be made to the Congress, to the Administrator, and to the Secretary by July 1, 1973.

"(2) There are authorized to be appropriated for the fiscal year in which this Act is enacted and for the next fiscal year thereafter such sums as may be necessary to carry out this subsection, but the sums appropriated may not exceed $500,000."

Mr. HOLLINGS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3507, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. EAGLETON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report on the Administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1971, through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *April 25, 1972.*

AMENDMENT OF THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 725. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That section 303(d) of the Rail Passenger Service Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately before the period at the end of the second sentence the following: ", except that no such officer shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code".

SEC. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended by inserting the following after the second sentence: "Insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service."

SEC. 3. Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by inserting at the end thereof a new subsection as follows:

"(f) The Corporation shall be subject to the provisions of section 552 of title 5, United States Code."

SEC. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended by redesignating subsections (a) and (b) as subsections (b) and (c), respectively, and by inserting a new subsection (a) as follows:

"(a) (1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fifteenth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad.".

SEC. 5. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is further amended by inserting at the end thereof a new subsection as follows:

"(d) The Corporation shall prepare and transmit to the Congress and to the President on or before November 1, 1972, a comprehensive report on the potential for transportation of mail and express on intercity passenger trains. The report shall identify the total volume of mail and express moving between points along routes over which intercity rail passenger service was being provided during April 1971; the breakdown of such volume by class within each category; the breakdown of such volume by the mode of transportation carrying it; and the breakdown of revenues accruing to each carrier from such transportation. The report shall estimate the potential volume and revenue which could be derived from transportation of mail and express on intercity trains operated for the purpose of providing modern, efficient intercity transportation of passengers between points along routes over which intercity rail passenger service was being provided during April 1971, including consideration of utilization of containers, use of modern en-route sorting methods, and provision of express service by which the shipper must deliver the shipment to, and the receiver must pick up the shipment from, rail passenger stations. The Secretary, the Postmaster General, the Commission, and all carriers and forwarders of mail and express are hereby required to extend full cooperation to the Corporation in furnishing information for preparation of the report. The report shall include recommendations for such legislation as the Corporation determines is necessary or desirable to facilitate an increase in its transportation of mail and express."

SEC. 6. Section 402(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(a)) is amended by inserting the words "within ninety days after application by the Corporation," after "Interstate Commerce Commission shall," and before "if" in the second sentence.

SEC. 7. (a) Section 405(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(a)) is amended to read as follows:

"(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees, including employees of terminal companies, affected by a discontinuance of intercity rail passenger service whether occurring before, on, or after January 1, 1975. A 'discontinuance of intercity rail passenger service' shall include any discontinuance of service performed by railroad under any facility or service agreement under sections 305 and 402 of this Act or pursuant to any modification or termination thereof or an assumption of operations by the Corporation."

(b) Section 405(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(b)) is amended by inserting the following words after the words "affected employees" in the last sentence thereof: ", including affected terminal employees,".

(c) Section 405(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(c)) is amended to read as follows:

"(c) Upon commencement of operations in the basic system, the substantive requirements of subsections (a) and (b) of this section shall apply to the Corporation and its employees in order to insure the maintenance of the protective arrangements specified in such subsections, except that nothing in this subsection shall be construed to impose upon the Corporation any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad. The Secretary of Labor shall certify that affected employees of the Corporation have been provided fair and equitable protection as required by this section within one hundred and eighty days after assumption of operations by the Corporation."

SEC. 8. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is further amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practicable, any railroad employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act, on terms similar to those available on such date to such railroad employee under such policy or agreement. However, the Corporation may apply to all railroad employees eligible to receive free or reduced-rate transportation under such policies or agreements, a single systemwide schedule of terms determined by the Corporation to reflect terms applicable to the majority of such employees under those policies or agreements in effect on April 30, 1971. The Corporation shall be reimbursed by the railroads by way of payment or offset for such costs as may be incurred in providing transportation services to railroad employees under any policy or agreement referred to in the first sentence of this subsection, including the costs of implementing and administering this section. Within ninety days after the enactment of this sentence, each railroad shall enter into an agreement with the Corporation for the payment of such expenses. If the Corporation and a railroad are unable to agree as to the amount of any payment owed by the railroad under this subsection, the matter shall be referred to the Commission for decision. The Commission, upon investigation; shall decide the issue within ninety days following the date of referral, and its decision shall be binding on both parties. If any railroad company which operates intercity passenger service not under contract with the Corporation notifies the Corporation and railroads which have entered into the agreement specified above that it will accept the terms of the systemwide schedule of terms and the compensation specified in the agreements, such railroad company shall be reimbursed for services to railroad employees in accordance with the agreements. As used in this subsection, the term 'railroad employee' means (1) an active full-time employee, including any such employee during a period of furlough or while on leave of absence, of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.".

SEC. 9. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended to read as follows:

"SEC. 601. FEDERAL GRANTS.

"(a) There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000 and in subsequent fiscal years a total of $270,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock; and

"(8) other corporate purposes."

"(b) There is authorized to be appropriated to the Secretary $2,000,000 annually, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and—

"(1) Montreal, Canada;

"(2) Vancouver, Canada; and

"(3) Nuevo Laredo, Mexico.

For the purposes of section 404(b) of this Act, international rail passenger services provided under this subsection shall be deemed to be included within the basic system.".

SEC. 10. (a) Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended to read as follows:

"SEC. 602. GUARANTEE OF LOANS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the upgrading of roadbeds and the purchase by the Corporation or an agency of new rolling stock, rehabilitation of existing rolling stock, reservation systems, switch and signal systems, and other capital equipment and facilities necessary for the improvement of rail passenger service. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(c) Any guarantee made by the Secretary under this section shall not be terminated, canceled or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section may not exceed $250,000,000. The Secretary shall prescribe and collect a reasonable annual guaranty fee.

"(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

"(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (e) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations as acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States."

(b) Section 602 (b), (c), (d), (e), and (f) of the Rail Passenger Service Act of 1970, as amended by subsection (a) of this section shall also apply to guarantees made by the Secretary prior to the enactment of this Act. The amendment of section 602(a) shall not affect the legality of guarantees made by the Secretary prior to the enactment of this Act, but such guarantees shall continue in effect until discharged by payment of the loan guaranteed, together with interest, after such date.

Sec. 11. Section 805 of the Rail Passenger Service Act of 1970 (45 U.S.C. 644) is amended—

(a) by inserting "AND CERTAIN RAILROADS" immediately before the period at the end of the section heading; and

(b) by redesignating paragraph (B) of subsection (2) as "(C)" and inserting a new paragraph (B) to read as follows:

"(B) To the extent the Comptroller General deems necessary in connection with audits as he may make of the financial transactions of the Corporation pursuant to paragraph (A) of this subsection, his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any railroad with which the Corporation has entered into a contract for the performance of intercity rail passenger service, pertaining to such railroad's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such railroad shall remain in the possession and custody of the railroad.".

Sec. 12. The amendments made by this Act shall be effective upon enactment.

Mr. ROBERT C. BYRD. Mr. President, there will be no action on this bill today. Therefore, I yield the floor to the distinguished senior Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. I thank the able acting majority leader.

VIETNAM—MISUNDERSTOOD UNDERSTANDINGS

Mr. SYMINGTON. Mr. President, in testimony before the Senate Foreign Relations Committee on April 17 and 18, the Secretaries of State and Defense placed great emphasis on what they characterized as violations by the North Vietnamese of "understandings" which had been arrived at in discussions between representatives of the United States and North Vietnam in Paris in September and October 1968. It was in these discussions that the groundwork was laid for the total cessation of U.S. bombing of North Vietnam, as announced by the previous administration on October 31, 1968, and the subsequent expansion of the Paris talks to include representatives of the Saigon government and the National Liberation Front.

Since October 1968 there has been continuing public controversy concerning the nature and particulars of these "understandings." Both the United States and North Vietnam have charged the other with not having lived up to whatever was agreed or "understood" in the course of the September–October 1968 talks in Paris; and both sides have now placed their own selected and fragmentary versions of those talks before the public.

The most recent instance of this was the release by the North Vietnamese delegation in Paris on April 20 of a document describing the 1968 negotiations and containing selected quotations from the "minutes" of the 1968 discussions and the effect of this North Vietnamese action has been to complicate further the question of determining what was or was not said or "understood" in 1968.

Because both sides have now made an issue of the 1968 discussions, and because this issue is central to the current actions being taken by the United States, as well as to the prospect for possible future negotiations, it is clear that the full record of these talks should now be made available to the public.

During his testimony before the Foreign Relations Committee on April 18, Secretary of Defense Laird expressed the view that the "minutes" of the 1968 discussions should be available to anyone to read. He added that the committee had already been given the minutes by the executive branch: While we are convinced the latter statement was made in good faith, it was nevertheless erroneous.

Given Secretary Laird's view that both the committee and the public should have the record of the meetings, we are hopeful that steps can now be taken to promptly make public the full record of the 1968 talks.

Toward that end, we have spoken to both Secretary Laird and Secretary Rogers, and have written to them urging that the minutes of the 1968 discussions be transmitted to the committee; also that they may be promptly declassified. In addition, I have asked the Secretary of State to declassify the transcripts of background briefings which were held by high executive branch officials on the evening of October 31, 1968.

These meetings with the press were obviously held to explain to the public, via the news media, the basis on which the United States agreed to stop its bombing of North Vietnam and on which the North Vietnamese agreed to expanded peace talks. As such, they provide an invaluable insight into the content of U.S. policy at the time.

At present, the Committee on Foreign Relations has copies of the two backgrounders in question, both of which, however, bear a "confidential" security classification. It is impossible to justify any such classification, in view of the fact the documents in question are a record of conversations between public officials no longer in office and members of the press representing the public. This situation should be corrected at the same time the minutes are released. In this way, the public will be able to gain a full understanding of what its representatives thought was being "understood" in October 1968.

In calling upon the executive branch to take these actions, we are not prejudging any of the issues involved, or implying any criticism of the manner in which the 1968 discussions were handled, or the manner in which they are now being interpreted. Rather, we are pursuing the fundamental right of the Congress to know the facts, so that they in turn can participate in an informed manner in the formulation of policies which profoundly affect the security and welfare of this Nation.

Mr. President, I note that I was to give this statement tomorrow. It is my understanding, from the distinguished acting majority leader, that there may not be a session tomorrow and, therefore, I have made my statement today.

Mr. ROBERT C. BYRD. The distinguished Senator from Missouri is correct. There is a very good likelihood that there will not be a session tomorrow, and we should know within the next few minutes whether there will be one.

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled joint resolution:

S.J. Res. 218. A joint resolution to extend the authority conferred by the Export Administration Act of 1969.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. ALLEN).

ORDER FOR CONSIDERATION OF TRUTH IN LENDING ACT AMENDMENTS OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon disposition of the pending business, H.R. 11417, the Senate proceed to the consideration of Calendar Order No. 718, S. 652, to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, having cleared this request with Senators on both sides of the aisle, and having discussed it with the distinguished assistant Republican leader, that time on the bill, S. 652, be limited to 2 hours, to be equally divided between the able manager of the bill, the Senator from Wisconsin (Mr. PROXMIRE), and the distinguished Senator from Utah (Mr. BENNETT); that time on any amendment be limited to 1 hour to be equally divided between the proponent of the amendment and the manager of the bill, with the exception of the following amendments:

An amendment by the Senator from Utah (Mr. Moss) on which there would be 2 hours, and two amendments by the Senator from Wisconsin (Mr. PROXMIRE), on each of which there would be 2 hours, the time to be equally divided in those cases as aforementioned; and that time on any amendment to an amendment, debatable motion or appeal, be limited to 30 minutes, to be equally divided between the mover of such and the distinguished manager of the bill, unless the manager of the bill is in favor of any of the foregoing amendments, motions, or appeals, in which case, time in opposition thereto be under the control of the distinguished assistant Republican leader of his designee.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I want to indicate that I have had an opportunity to discuss this matter with the distinguished Senator from Utah (Mr. BENNETT) and with the distinguished Senator from Texas (Mr. TOWER). The Senator from Texas wanted to check it but he has, as I understand it, no objection; so that I know of no objection from this side of the aisle.

Mr. ROBERT C. BYRD. I thank the distinguished assistant Republican leader.

The PRESIDING OFFICER (Mr. SPONG). Is there objection to the unanimous request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The unanimous-consent agreements entered today read as follows:

S. 2219

Ordered, That, effective on Thursday, April 27, 1972, it be in order during the period for recognition of the leaders for the Senator from West Virginia (Mr. Robert C. Byrd) to move to proceed to the consideration of S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 6 minutes, to be equally divided and controlled, respectively, by the Senator from West Virginia (Mr. Robert C. Byrd) and the Senator from Michigan (Mr. Griffin).

Ordered, That, effective on Thursday April 27, 1972, immediately upon the disposition of the bill H.R. 11417, the Senate proceed to the consideration of S. 652, to amend the Truth in Lending Act, with debate on any amendment (except an amendment by the Senator from Utah (Mr. Moss) and two amendments by the Senator from Wisconsin (Mr. Proxmire), to be limited to 2 hours each) shall be limited to one hour and on any amendment to an amendment, debatable motion, or appeal, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Wisconsin (Mr. Proxmire): *Provided*, That, in the event the Senator from Wisconsin is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the assistant minority leader or some Senator designated by him.

Ordered further, That, on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Wisconsin (Mr. Proxmire) and the Senator from Utah (Mr. Bennett):

ORDER FOR CONSIDERATION OF VETERANS' ADMINISTRATION HEALTH MANPOWER TRAINING ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Thursday next, April 27, 1972, it be in order during the time allotted to the assistant majority leader under the standing order to call up Calendar No. 726, S. 2219, a bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to provide certain assistance in the establishment of new public nonprofit medical, health professions, and allied health schools and the expansion and improvement of health manpower training programs in Veterans' Administration facilities and in existing educational institutions affiliated with the Veterans' Administration; and that time thereon be limited, not to exceed 6 minutes, to be equally divided between the assistant majority leader and the assistant Republican leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. ON THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, in view of the foregoing agreements, I now ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF PENDING BILL

Mr. ROBERT C. BYRD. Mr. President, it is understood, in my conversations with various Senators, that the so-called Amtrak bill, which is the pending business, will not require a great deal of time. The effort was made to secure a unanimous-consent agreement in regards thereto, but it was felt that the measure could be disposed of in rather short order and without any unanimous agreement thereon.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Thursday next, following the recognition of the two assistant leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will, hopefully, be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 9:30 A.M., THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess, rather than adjournment, until the hour of 9:30 a.m. on Thursday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS GRAVEL AND BROCK ON THURSDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of the two assistant leaders on Thursday next, the distinguished Senator from Alaska (Mr. GRAVEL) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Tennessee (Mr. BROCK) for not to exceed 15 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Thursday is as follows:

The Senate will convene on Thursday at 9:30 a.m. After the two assistant leaders have been recognized under the standing order, Senators GRAVEL and BROCK will be recognized, each for not to exceed 15 minutes and in that order. There will be no morning business transacted, except perhaps later in the day. Following Mr. BROCK, the Chair will lay before the Senate the unfinished business, H.R. 11417, the so-called Amtrak measure. I would imagine that there will be a rollcall vote or rollcall votes thereon, and I have already indicated that it is not anticipated that a great deal of time is expected to be taken on that measure.

Following the disposition of the Amtrak bill, the Chair will then lay before the Senate a bill dealing with truth-in-billing practices. A time agreement has been entered thereon. It is anticipated that several amendments will be offered, and that that bill will require the rest of the day, with several rollcall votes on amendments and final passage. If the bill is not completed on Thursday, it will spill over into Friday, and it would then be completed on Friday. But I would hope that action would be completed on the truth-in-billing practices bill on Thursday. Moreover, a bill dealing with gold devaluation is expected to be reported by the Appropriations Committee on Thursday afternoon, and possibly that bill can be handled late Thursday or on Friday. It is not expected to take long.

It is anticipated that once these measures have been disposed of, the Senate would then be ready to proceed with the consideration of the USIA-State authorization bill on Friday.

So, in summation, there will be rollcall votes on Thursday. There could be rollcall votes on Friday in the event that the truth-in-lending practices bill is not disposed of on Thursday.

RECESS TO 9:30 A.M., THURSDAY, APRIL 27, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9:30 a.m. on Thursday.

The motion was agreed to; and at 1:20 p.m., the Senate took a recess until Thursday, April 27, 1972, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1972:

FEDERAL POWER COMMISSION

Pinkney Calvin Walker, of Missouri, to be a member of the Federal Power Commission for the term of 5 years expiring June 22, 1977. (Reappointment.)

U.S. DISTRICT COURTS

Charles W. Joiner, of Michigan, to be a U.S. district judge for the eastern district of Michigan, vice Talbot Smith, retired.

DEPARTMENT OF JUSTICE

Everett R. Langford, or Oregon, to be U.S. marshal for the district of Oregon for the term of 4 years, vice Farley E. Morgan, deceased.

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Fred M. Dean, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of lieutenant general, under the provisions of section 8066, title 10, United States Code:

Maj. Gen. William F. Pitts, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

IN THE ARMY

The Army National Guard of the United States officer named herein for appointment as a Reserve commissioned officer of the Army, under provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Evan Albert Turnage, SSAN [redacted] Adjutant General's Corps.

In the Army

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3370:

ARMY PROMOTION LIST

To be colonel

Anson, James J., [redacted].
Butler, Oliver J., Jr., [redacted].
Demos, Angelo P., [redacted].
Holton, Franklyn W., [redacted].
Hyman, Peter D., [redacted].
Jones, Robert W., [redacted].
Juarez, Angelo D., [redacted].
Kuhns, Craig S., [redacted].

Launius, Charles L., xxx-xx-xxxx.
Lewis, Benjamin E., xxx-xx-xxxx.
Miller, Paul R. M., xxx-xx-xxxx.
Pascone, Donato, xxx-xx-xxxx.
Raskin, Max, xxx-xx-xxxx.
Shelton, Kenneth J., xxx-xx-xxxx.
Sikes, Lloyd J., xxx-xx-xxxx.
Tidwell, W. D., Jr., xxx-xx-xxxx.
Willis, Marvin F., xxx-xx-xxxx.

CHAPLAIN

To be colonel

Walsh, Martin E., xxx-xx-xxxx.

MEDICAL CORPS

To be colonel

Benway, Robert E., xxx-xx-xxxx.
McMaster, John D., xxx-xx-xxxx.
Moore, Conrad D., xxx-xx-xxxx.
Nolen, Harold W., Jr., xxx-xx-xxxx.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3366 and 3367:

ARMY PROMOTION LIST

To be lieutenant colonel

Bates, Jimmy F., xxx-xx-xxxx.
Benham, Fred G., III., xxx-xx-xxxx.
Bentley, Thomas N., xxx-xx-xxxx.
Bewick, Robert D., Jr., xxx-xx-xxxx.
Bond, James D., xxx-xx-xxxx.
Boutilier, Richard, xxx-xx-xxxx.
Brown, David G., xxx-xx-xxxx.
Broyles, Daniel L., xxx-xx-xxxx.
Brumbaugh, G. M., Jr., xxx-xx-xxxx.
Campbell, Bert L., xxx-xx-xxxx.
Caprio, Daniel W., xxx-xx-xxxx.
Caster, James G., xxx-xx-xxxx.
Chandler, James G., xxx-xx-xxxx.
Cherry, Stanley, xxx-xx-xxxx.
Clement, Ralph H., xxx-xx-xxxx.
Clesh, Carl F., xxx-xx-xxxx.
Cody, Grady R., xxx-xx-xxxx.
Collins, Robert O., xxx-xx-xxxx.
Connolly, Thomas F., xxx-xx-xxxx.
Conyard, Frank L., Jr., xxx-xx-xxxx.
Cooper, Johnny H., xxx-xx-xxxx.
Cornforth, Harold, xxx-xx-xxxx.
Cotton, Fred A., xxx-xx-xxxx.
Creaser, Kenneth S., xxx-xx-xxxx.
Crosby, Joseph K., xxx-xx-xxxx.
Dehm, Jack R., xxx-xx-xxxx.
Diego, John R., Jr., xxx-xx-xxxx.
Douglas, James R., xxx-xx-xxxx.
Dudas, Joseph F., xxx-xx-xxxx.
Duller, Louis J., xxx-xx-xxxx.
Duncan, William P., xxx-xx-xxxx.
Edwards, Cleveland, xxx-xx-xxxx.
Elliott, George E., xxx-xx-xxxx.
Esker, Maurice F., xxx-xx-xxxx.
Farley, Andrew N., xxx-xx-xxxx.
Ferko, Joseph G., Jr., xxx-xx-xxxx.
Fiduccia, James R., xxx-xx-xxxx.
Fields, Louis G., Jr., xxx-xx-xxxx.
Fish, Donald C., xxx-xx-xxxx.
Fisher, Gordon L., xxx-xx-xxxx.
Fitzmaurice, John J., xxx-xx-xxxx.
Fredrick, Robert C., xxx-xx-xxxx.
Frierson, M. R., Jr., xxx-xx-xxxx.
Gairaud, Louis M., xxx-xx-xxxx.
Galloway, Leo H., xxx-xx-xxxx.
Geagan, Thomas F., xxx-xx-xxxx.
Gillespie, John A., xxx-xx-xxxx.
Gough, Elmer W., xxx-xx-xxxx.
Gray, Martin S., xxx-xx-xxxx.
Grgich, Rudolph M., xxx-xx-xxxx.
Hallczuk, Stephen, xxx-xx-xxxx.
Hansen, Richard N., xxx-xx-xxxx.
Hanson, Harold A., xxx-xx-xxxx.
Hart, Jack M., xxx-xx-xxxx.
Hay, Keith G., xxx-xx-xxxx.
Henderson, John P., xxx-xx-xxxx.
Heusel, Clinton W., xxx-xx-xxxx.
Hickey, Joseph A., Jr., xxx-xx-xxxx.
Hill, James C., xxx-xx-xxxx.
Hill, Walter L., xxx-xx-xxxx.
Hinson, Donald L., xxx-xx-xxxx.
Holiwell, Gene A., xxx-xx-xxxx.
Holman, Carson E. R., xxx-xx-xxxx.
Honea, Arthur A., xxx-xx-xxxx.
Hraha, Francis M., xxx-xx-xxxx.
Hurst, Keith L., xxx-xx-xxxx.
Hyatt, Thomas P., xxx-xx-xxxx.
Ingram, George E., xxx-xx-xxxx.
James, Harry H., xxx-xx-xxxx.
Jamieson, George J., xxx-xx-xxxx.
Jenkins, Jerry A., xxx-xx-xxxx.
Johnson, James, Jr., xxx-xx-xxxx.
Kaplan, Seymour, xxx-xx-xxxx.
Karpinski, Stanley, xxx-xx-xxxx.
Kelly, Harold E., xxx-xx-xxxx.
Kempf, Ralph E., xxx-xx-xxxx.
Kennard, Russell L., xxx-xx-xxxx.
Kitchen, Granville, xxx-xx-xxxx.
Klasen, Karl L., xxx-xx-xxxx.
Kline, Walter J., xxx-xx-xxxx.
Lamar, Melzar G., xxx-xx-xxxx.
Lawrimore, B. S., xxx-xx-xxxx.
Leedom, Harvey S., xxx-xx-xxxx.
Leonardi, Thomas J., xxx-xx-xxxx.
Lewis, Bobby J., xxx-xx-xxxx.
Liprie, Sam F., xxx-xx-xxxx.
Livingstone, E. A. Jr., xxx-xx-xxxx.
Loftis, Lloyd E., xxx-xx-xxxx.
Logan, Edwin G., xxx-xx-xxxx.
Loucks, Charles S., xxx-xx-xxxx.
Lovington, Albert E., xxx-xx-xxxx.
Lowry, Andy L., xxx-xx-xxxx.
Lundquist, Carl W., xxx-xx-xxxx.
Lusk, Robert E., xxx-xx-xxxx.
Luttrell, Floyd, xxx-xx-xxxx.
Lynch, Harold L., xxx-xx-xxxx.
Lyons, John F., xxx-xx-xxxx.
Magruder, Warren A., xxx-xx-xxxx.
Mahoney, Joseph F., xxx-xx-xxxx.
Manza, August G., xxx-xx-xxxx.
Marzul, Julius V., xxx-xx-xxxx.
Matuszewski, M. J. Jr., xxx-xx-xxxx.
McGlade, Richard L., xxx-xx-xxxx.
McNeil, Norman H., xxx-xx-xxxx.
Moore, William J., xxx-xx-xxxx.
Moorhead, Davis T., xxx-xx-xxxx.
Moos, Stanley G., xxx-xx-xxxx.
Morton, Richard B., xxx-xx-xxxx.
Moss, Francis E., xxx-xx-xxxx.
Neilson, Ronald W., xxx-xx-xxxx.
Nelson, Jack E., xxx-xx-xxxx.
Nettles, A. A. Jr., xxx-xx-xxxx.
O'Doherty, Constant, xxx-xx-xxxx.
Palewicz, Richard A., xxx-xx-xxxx.
Paoletti, Karl P., xxx-xx-xxxx.
Peters, Richard H., xxx-xx-xxxx.
Priszner, Floyd I., xxx-xx-xxxx.
Pritchett, Daniel M., xxx-xx-xxxx.
Pumphrey, Norman D., xxx-xx-xxxx.
Renard, Richard S., xxx-xx-xxxx.
Renfroe, E. M. Jr., xxx-xx-xxxx.
Reynolds, Jack N., xxx-xx-xxxx.
Richey, Stephen O., xxx-xx-xxxx.
Ricottilli, John Jr., xxx-xx-xxxx.
Robb, James F., xxx-xx-xxxx.
Robertson, C. E., xxx-xx-xxxx.
Robinson, Gordon A., xxx-xx-xxxx.
Schulz, M. A. Jr., xxx-xx-xxxx.
Schwab, Delbert P., xxx-xx-xxxx.
Shaw, Victor H. Jr., xxx-xx-xxxx.
Shoemaker, Lyle R., xxx-xx-xxxx.
Singer, Donald R. Jr., xxx-xx-xxxx.
Skrivanos, George C., xxx-xx-xxxx.
Stadler, Norman E., xxx-xx-xxxx.
Stagg, Paul W., xxx-xx-xxxx.
Stanley, Dean P., xxx-xx-xxxx.
Stanley, Robert L., xxx-xx-xxxx.
Stein, Albert E., xxx-xx-xxxx.
Stevenson, Davis, xxx-xx-xxxx.
Stitz, James R., xxx-xx-xxxx.
Stout, Robert C. Jr., xxx-xx-xxxx.
Strong, Stephen C., xxx-xx-xxxx.
Sullivan, Daniel F., xxx-xx-xxxx.
Swenson, Robert B., xxx-xx-xxxx.
Thompson, Robert D., xxx-xx-xxxx.
Van Meter, Delmar B., xxx-xx-xxxx.
Vernon, Raymond T., xxx-xx-xxxx.
Verrone, Joseph J., xxx-xx-xxxx.
Vore, Robert S., xxx-xx-xxxx.
Wacks, Donald D., xxx-xx-xxxx.
Walker, Richard D., xxx-xx-xxxx.
Webster, Richard J., xxx-xx-xxxx.
Wendorf, Melvin J., xxx-xx-xxxx.
Wheless, James H., xxx-xx-xxxx.
Whetsel, Homer R., xxx-xx-xxxx.
Wilkie, Dennis A., xxx-xx-xxxx.
Williams, Robert M., xxx-xx-xxxx.
Word, Arthur B., xxx-xx-xxxx.
Young, Robert A., xxx-xx-xxxx.
Zerbe, Stanley V., xxx-xx-xxxx.

WOMEN'S ARMY CORPS

To be lieutenant colonel

Miller, Deloris M., xxx-xx-xxxx.

ARMY NURSE CORPS

To be lieutenant colonel

Benton, Ida M., xxx-xx-xxxx.
Brennan, Lauretta M., xxx-xx-xxxx.
Brigley, C. M., xxx-xx-xxxx.
Caswell, Ardis M., xxx-xx-xxxx.
Catalano, Joanne M., xxx-xx-xxxx.
Chin, Lily J., xxx-xx-xxxx.
Coggin, Laura J., xxx-xx-xxxx.
Fitzpatrick, M. I., xxx-xx-xxxx.
Gillespie, Joyce E., xxx-xx-xxxx.
Glimore, Bertie M., xxx-xx-xxxx.
Hanosn, Alma M., xxx-xx-xxxx.
Hickman, Joan J., xxx-xx-xxxx.
Huggins, Mary B., xxx-xx-xxxx.
Jackson, Nancy A., xxx-xx-xxxx.
Jackson, Nina K., xxx-xx-xxxx.
Jones, Janet L., xxx-xx-xxxx.
Jones, Olga M. B., xxx-xx-xxxx.
Kaiser, Russell, xxx-xx-xxxx.
Lashomb, Mary C., xxx-xx-xxxx.
Latham, Gladys S., xxx-xx-xxxx.
Lunde, Ruth M., xxx-xx-xxxx.
Marsino, Edward J., xxx-xx-xxxx.
McComb, Mary S., xxx-xx-xxxx.
Melvin, Doris O., xxx-xx-xxxx.
Metz, Martha L., xxx-xx-xxxx.
O'Dell, Shirley J., xxx-xx-xxxx.
Parsons, Jamet L., xxx-xx-xxxx.
Phillips, Norma E., xxx-xx-xxxx.
Rice, Mary R., xxx-xx-xxxx.
Robertson, Thelma K., xxx-xx-xxxx.
Rowe, Betty J., xxx-xx-xxxx.
Sosnicki, Marie T., xxx-xx-xxxx.
Tanizawa, Milton T., xxx-xx-xxxx.
Tinney, Margaret B., xxx-xx-xxxx.
Tollefsrud, V. E., xxx-xx-xxxx.
Watson, Jean K., xxx-xx-xxxx.
Watson, Randall J., xxx-xx-xxxx.
Wham, Richard D., xxx-xx-xxxx.

DENTAL CORPS

To be lieutenant colonel

Blanch, Garth M., xxx-xx-xxxx.
Bolinger, G. F. Jr., xxx-xx-xxxx.
Davidson, Anthony C., xxx-xx-xxxx.
Flohr, Victor R., xxx-xx-xxxx.
Goldsby, Joel W., III., xxx-xx-xxxx.
Hall, William P., xxx-xx-xxxx.
Herrold, Jon A., xxx-xx-xxxx.
Jones, Melvin T., xxx-xx-xxxx.
Ledwich, Edward M., xxx-xx-xxxx.
Lee, Chester W., xxx-xx-xxxx.
McClanahan, R. L., xxx-xx-xxxx.
Purdy, Edmund C., xxx-xx-xxxx.
Robison, Ray E., xxx-xx-xxxx.
Rushford, C. B., Jr., xxx-xx-xxxx.
Schooler, Charles C., xxx-xx-xxxx.
Tucker, Kenneth M., xxx-xx-xxxx.
Van Wart, William H., xxx-xx-xxxx.
Yearwood, Lionel L., xxx-xx-xxxx.

MEDICAL CORPS

To be lieutenant colonel

Anderson, Paul W., xxx-xx-xxxx.
Day, Floyd D., xxx-xx-xxxx.
Evans, Carvel H., xxx-xx-xxxx.
Herron, Paul W., xxx-xx-xxxx.
Janas, John J., Jr., xxx-xx-xxxx.
Lehman, David P., xxx-xx-xxxx.
Littman, John E., xxx-xx-xxxx.
Marsh, Frank G., xxx-xx-xxxx.
Sternhagen, C. J., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Ackerman, Edlouis H., xxx-xx-xxxx.
Appelhanz, Isadore, xxx-xx-xxxx.
Bailey, Glenn E., xxx-xx-xxxx.
Bakke, Arnold E., xxx-xx-xxxx.
Battaglia, John, xxx-xx-xxxx.
Berman Millard L., xxx-xx-xxxx.
Bertke, Eldridge M., xxx-xx-xxxx.

Billeaudeaux, Huber, [redacted].
Bordelon, Tyrus A., [redacted].
Burns, Edward J., [redacted].
Carroll, Donald C., [redacted].
Carroll, Oscar L., [redacted].
Coleman, Gordon C., [redacted].
Curtiss, Vernon T., [redacted].
Davenport, Stanley, [redacted].
Deyo, Richard B., [redacted].
Dominguez, Robert, [redacted].
Estep, Ralph D., [redacted].
Farrier, Maurice H., [redacted].
Fletcher, Ronald D., [redacted].
Fodero, Severio D., [redacted].
Fransen, F. C., [redacted].
Frees, Donald E., [redacted].
Gijon-Robles, Rafae, [redacted].
Gill, Harry E., [redacted].
Glosser, Earl A., [redacted].
Hamilton, James E., [redacted].
Hanrahan, Martin L., [redacted].
Hernandez, Donald J., [redacted].
Highland, Henry A., [redacted].
Hill, Edwin B., [redacted].
Horn, Richard R., [redacted].
Horton, Jack V., [redacted].
Kavanagh, John P., [redacted].
Keller, Edward R., [redacted].
Kenney, Edward M., [redacted].
Kramer, Sherman F., [redacted].
Luce, Richard C., [redacted].
McGinnis, Thomas L., [redacted].
Meier, Gene B., [redacted].
Mevigis, Harry J., [redacted].
Meyers, Louis V., [redacted].
Mills, Robert D., [redacted].
Nowak, Maryan L., [redacted].
Opengart, Arnold, [redacted].
Pappas, Louis P., [redacted].
Pennington, J. A., Jr., [redacted].
Price, Irving S., [redacted].
Prouty, Richard W., [redacted].
Renfro, Robert F, [redacted].
Rosenthal, Nathan R., [redacted].
Ross, Clifford C., Jr., [redacted].
Rubin, Seldon L., [redacted].
Sica, Joseph V., [redacted].
Stadler, Louis E., [redacted].
Stillings, R. W., [redacted].
Tofal, Karl J., [redacted].
Tracey, Donald J., [redacted].
Yoshimori, James S., [redacted].
Zallen, Harold, [redacted].

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Abbot, William Y., Jr., [redacted].
Abdon, Roy E., Jr., [redacted].
Childs, Theodore F., [redacted].
Maud, Donald L., [redacted].
Redwine, Bette, [redacted].
Robertson, John E., [redacted].
Schippers, Ronald L., [redacted].
Wearne, Richard W., [redacted].

VETERINARY CORPS

To be lieutenant colonel

Conrad, Robert D., [redacted].
Lyons, Richard D., [redacted].
Mock, James F., [redacted].
Shimp, Frank H., [redacted].

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3370 and 3390:

ARMY PROMOTION LIST

To be colonel

Barfnecht, James F., [redacted].
Bishop, Virgil M., [redacted].
Blackwell, Guy W., [redacted].
Booth, Raymond M., [redacted].
Byington, Glenn L., [redacted].
Card, Kenneth B., [redacted].
Cundiff, Robert W., [redacted].
Dukes, Byron L., [redacted].
Fulford, Ed T., [redacted].
Hawkins, Warren G., [redacted].
Injasoulian, George P., [redacted].
James, Lavaun M., [redacted].
Johnson, John L., Jr., [redacted].
Jones, James H., [redacted].
Lebel, Joseph F., [redacted].
McBride, James F., [redacted].
Monson, Thomas E., [redacted].
Morris, Marion H., [redacted].
Myers, James M. Jr., [redacted].
Rapp, Edgar F. Jr., [redacted].
Roberts, James L., [redacted].
Robertson, Cohen E., [redacted].
Sajevic, Peter J., [redacted].
Samuels, Karl M., [redacted].
Wade, Martin P., [redacted].
Westlake, Edward W., [redacted].

MEDICAL CORPS

To be colonel

Mashburn, James D., [redacted].

The following-named Army National Guard officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., section 3366, 3367, and 3390:

ARMY PROMOTION LIST

To be lieutenant colonel

Alford, James B., [redacted].
Andersh, LaVerne, [redacted].
Backel, Stanley [redacted].
Bailey, James G., [redacted].
Ballard, Theorode R., [redacted].
Ballington, Lewis C., [redacted].
Barry, James, [redacted].
Bartsch, Joseph F., [redacted].
Beccia, Louis A., [redacted].
Bennett, Wilmer L., Jr., [redacted].
Bittick, John N., [redacted].
Bivens, James J., Jr., [redacted].
Bonnet, Harry M., [redacted].
Bourgeois, Charles A., Jr., [redacted].
Bowman, Ronald, [redacted].
Briscoe, Carl E., [redacted].
Brousse, Valsin L., III, [redacted].
Bullard, Dan, III, [redacted].
Carranza, Jesus, Jr., [redacted].
Chonko, Andrew J., [redacted].
Chun, Wah S., [redacted].
Compton, Henry A., [redacted].
Conzonire, Pascal P., [redacted].
Cordero, Cesar N., [redacted].
Crain, Harold A., [redacted].
Cugno, Arthur F., [redacted].
Culkin, John, Jr., [redacted].
Cusick, Alfred A., [redacted].
Daguio, Rosario N., [redacted].
Dansby, Billy D., [redacted].
Deller, Austin F., [redacted].
Eriksen, Donald P., [redacted].
Fisher, John S., III, [redacted].
Flick, Ople F., [redacted].
Frandsen, Melvin V., [redacted].
Fryslie, Harold A., [redacted].
Godwin, Billy R., [redacted].
Grace, Leonard C., [redacted].
Green, Donald R., [redacted].
Headley, Boyd G., Jr., [redacted].
Humphrey, Melvin G., [redacted].
Hurley, Joseph P., [redacted].
Hyams, Harry T., III, [redacted].
Jackson, William A., [redacted].
Jantz, August C., [redacted].
Johnson, Van, [redacted].
Jones, Donald L., [redacted].
Karrh, Tobe C., [redacted].
Kennedy, George F., [redacted].
Killian, Charles W., [redacted].
Kotch, Joseph R., [redacted].
Kreegar, William E., [redacted].
Kubena, Robert A., [redacted].
La Combe, Arlen E.. [redacted].
Lamar, Lee Y., [redacted].
Larson, Harold L., [redacted].
Lathram, John R., Jr. [redacted].
Le Doux, William J., [redacted].
Lehmann, Robert W., [redacted].
Machina, Francis A., [redacted].
Marholz, Duane J., [redacted].
Martin, Clyde A., Jr., [redacted].
Mason, Charles F., [redacted].
Maverick, Joseph L., [redacted].
May, Jack R., [redacted].
McGlaughlin, Charles C., [redacted].
McMullan, John J., [redacted].
McPherson, Hubert L., [redacted].
Meilstrup, Jack M., [redacted].
Melendez-Perez, Wilfredo, [redacted].
Minor, John T. III, [redacted].
Morrer, John M., [redacted].
Moss, Richard A., [redacted].
Myers, Oliver W., [redacted].
Norman, Harold E., [redacted].
Peace, John C., [redacted].
Pecka, Walter, [redacted].
Phillips, William R., [redacted].
Prouty, William F., [redacted].
Ritchey, Benjamin E., [redacted].
Robinette, Joe A., [redacted].
Rosselle, William P., [redacted].
Ruhl, Joseph C., [redacted].
Shaw, Rollin R., [redacted].
Shuler, Ashton A., Jr., [redacted].
Smith, Duane R., [redacted].
Stemple, Virgil A., [redacted].
Stepens, Edward C., [redacted].
Taylor, Harold N., [redacted].
Thomason, Dempsey L., [redacted].
Tosi, Peter D., Jr., [redacted].
Townsend, Percy N., [redacted].
Trout, Jack, [redacted].
Vath, Alvin R., [redacted].
Walker, Johnny R., [redacted].
Walton, Bruce R., [redacted].
Watson, William R., [redacted].
Williams, Robert O., [redacted].
Yonker, John A., [redacted].

CHAPLAIN

To be lieutenant colonel

Lennon, Robert T., [redacted].
Perry, Frank C., [redacted].
Russell, Paul E., [redacted].

ARMY NURSE CORPS

To be lieutenant colonel

Davis, Louis W., [redacted].
Flebbe, Esther R., [redacted].
McEllistrim, Irene H., [redacted].
Walker, Beverly H., [redacted].

DENTAL CORPS

To be lieutenant colonel

Crockett, Herbert A., [redacted].
Montgomery, Charles J., [redacted].

MEDICAL CORPS

To be lieutenant colonel

Callis, James T., [redacted].
Chosy, Louis W., [redacted].
Moorefield, Charles, [redacted].

MEDICAL SERVICE CORPS

To be lieutenant colonel

Anderson, John W. III, [redacted].
Blomquist, Calvin B., [redacted].
Campbell, Joseph G., [redacted].
Flaherty, William G., [redacted].
Gordon, Stephen M., [redacted].
Gregory, Richard J., [redacted].
Guerriero, Francis L., [redacted].
Holzwarth, Frederic, [redacted].
Jensen, James R., [redacted].
Marasek, Harry J., [redacted].
McCarthy, Gerard A., [redacted].
Newman, Harrell G., [redacted].
Southerland, Clercy, [redacted].

The following-named officer for appointment in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Littleton, Leonidas R. Jr., [redacted].

IN THE NAVY

The following-named Reserve officers of the U.S. Navy for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Alexander, Angelo C.
Austin, James A.
Bartlett, Richard J.
Beary, Franklin D.
Edmondson, Henry T., Jr.
Emory, Emerson
Gould, John C.

Haschka, August J., Jr.
Helsper, James T.
Keith, Robert E.
Love, Robert W., Jr.
Lyman, Frank L.
Mann, Morris B.
Matson, James E.
Mertz, George H.
Miller, Joseph H.
Mitchell, Robert E., Jr.
Owen, John A., Jr.
Pernokas, Louis N.
Rizack, Martin A.
Sandler, Harold
Shilling, Charles U.
Shugoll, Gerald I.
Solgaard, Albert L.
Summitt, Robert L.
Toll, Giles D.
Vanlith, Paul
Wallach, Stanley
Woeliner, Richard C.
Woodson, Riley D.
Wright, Harry T., Jr.

SUPPLY CORPS

Adams, Billy J.
Alexion, John C.
Allston, Frank J., Jr.
Armstrong, Clifford M.
Balint, William S., Jr.
Becker, William C.
Bellan, John A., Jr.
Bresee, Miles H., Jr.
Burris, Thomas E.
Cannan, Harry E.
Cross, Harry J.
Curriden, Charles D.
Fox, Cecil C.
Hankins, Paul W.
Hawkins, Frederick C., Jr.
Howard, Lowell B.
Jackson, Alexander, III
Kane, John B.
Kuhn, George W.
Lazo, Leo M.
Musselman, James J.
Roemer, Ernest A., Jr.
Roettger, Norman C., Jr.
Simpson, Robert D.
Stierer, Richard T.
Vidger, Leonard P.
Wallin, William R.
Whitacre, Robert G.

CHAPLAIN CORPS

Albers, Arthur L.
Kokoszka, William J.
Lyons, Pitser M., Jr.
McManus, Harold L.
Opsal, Bernt C.
Payne, Jack S.
Schultz, Melvin R.
Siegel, Reuben
Smith, Louis C.

CIVIL ENGINEER CORPS

Akel, Majed A.
Blackmon, Warren R.
Bobkoff, Kenneth B.
Brown, Peter R.
Cassidy, Earle M.
Dunlap, Roy L.
Hernandez, John W., Jr.
Kirtland, John A.
Parker, John V.
Stetson, John B.
Torgersen, Torwald H.

JUDGE ADVOCATE GENERAL'S CORPS

Bowling, John M.
Dempsey, Thomas J
Jacobsen, Douglas A.
Ledbetter, Jack W.
McGovern, Walter T.
Bradshaw, Donald R.
Gaudio, John J.
Landry, Robert W.
Looby, John A., Jr.

DENTAL CORPS

Camp, Sumter D. L.
Cook, David N.
Dietrich, John E.
Gentile, Joseph R.
Miller, Francis E.
Nauman, Clarence O.
Richardson, Emmett W., Jr.
Terpinas, Thomas M.
Vaughn, William J. H.
Cerine, Ferdinand C.
Dages, Robert W.
Donohoo, Stanley F.
Hayden, Jess, Jr.
Moore, Bobby C.
Perrodin, John A.
Seigel, Sigmund L.
Tribbey, Emery G.

MEDICAL SERVICE CORPS

McGuire, Frederick L.
Young, Paul R.

NURSE CORPS

Carmody, Cathleen E.

The following-named Reserve officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Carpenter, Howard F., Jr.
Cronau, Leslie H., Jr.
Dukes, William E.
Guiliemont, John G.
Hammer, Richard W.
King, Phillip E.
Sawyer, Norman M.
Skelly, John P.
Titus, Bruce M.
Weinstein, Sheridan, L.
Connor, Lawrence S.
Ross, Henry I.
Freeman, William T.
Hagan, Donald J.
Herwig, Karl R.
Lieberman, Allan D.
Schmid, William H.
Subin, David K.
Wanger, William H.

SUPPLY CORPS

Adams, Richard G.
Battelle, Richard L.
Blackford, James D.
Blackwelder, John N.
Bonnell, Lawrence D.
Bost, William P.
Bowne, Charles J., Jr.
Bridge, Robert L.
Brown, Thomas G.
Campbell, Carroll J.
Campbell, George E.
Chakeres, James G.
Chastain, Joseph H.
Graeff, Paul A.
Haggard, Howard F.
Hallett, John J.
Hummel, John H.
Jebbia, Joseph D., Jr.
Johnson, Richard A.
Laymon, Kenneth L.
Mahoney, Neil P.
Manelski, Joseph A.
Mathews, Robert L.
McAdoo, Kenneth E.
McKeehan, Robert D.
McKnight, Richard F.
McMillian, John W.
Meyer, Jack A.
Nelson, William H.
Norton, Burnett W.
Onan, Thomas M.
Palmer, John D.
Penn, Frederick M.
Robinson, Ronald D.
Shaw, Harold M., Jr.
Slifer, Charles A., Jr.
Soens, Robert P.
Soulant, Kenneth A.
Spitler, Guy D., Jr.
Sutherland, Peter J.
Taylor, Norman H.
Urban, Robert
Warren, David G.
Wendie, Dean R.
Wyant, Frederick E.

CHAPLAIN CORPS

Adams, Edgar G.
Allen, Donald R., Jr.
Anderson, Sherwood W.
Bigler, Robert L.
Cook, Bobby W.
Edward, Ted E.
Glaser, William C.
Green, John R.
Hampton, William R.
Hanson, John R.
Heine, William H.
Hill, James D.
Houser, Harry A.
Jessen, Arne K.
Jones, James B., Jr.
Jones, Robert E.
Mathison, Milo A.
Miller, Walter J.
Palma, Anthony D.
Thomas, Davis A.
Thompson, Alfred C.
Tyer, Charles L.
Witcher, Robert C.

CIVIL ENGINEER CORPS

Almy, Thomas B.
Baldwin, Leonard B., Jr.
Bibbes, Peter G.
Billistone, Donald L.
Field, Richard H.
Gallaugher, James R.
Gomez, Rodrigo J.
Harwell, Thomas W.
Higgs, Gerry E.
Holland, Donald K.
Jardine, Douglas M.
Kohler, Arthur D., Jr.
Mattox, Thomas B.
Meylan, Charles L.
Miele, Joel A.
Purdum, Robert L.
Rosser, Paul C.
Seigel, Leonard M.
Stumpf, Edmund P.
Weisgerber, George R.
York, Ronald F.

JUDGE ADVOCATE GENERAL'S CORPS

Brinson, Zeb C.
Chilton, Ralph H.
Clay, Lyell B.
Dowling, Donald H.
Edington, Robert S.
Fauss, Edward, Jr.
McShane, John L.
Murphy, Joseph P.
Murray, Charles F.
Parker, Carl A.
Place, James S.
Stutz, Sidney A.
Watson, William H.
Weeby, Edward H.
West, James B.
Wood, Thomas D.

DENTAL CORPS

Bosko, John J.
Brown, Richard G.
Damiano, Maurice A.
Flynn, Dennis D.
Geller, Jacob
Gross, Robert D.
Hardison, Samuel H.
Laczynski, Stanley J.
Leblanc, Patrick H.
Leichtfuss, Frederick H.
Leonard, Lloyd F.
Martin, Paul W., Jr.
Petraitis, Benedict J.
Reeves, George W.
Render, Thomas P.
Schwartz, Stanley M.
Teynor, Ralph J.
Vitale, Joseph S.
Westergren, Richard C.

MEDICAL SERVICE CORPS

Boyle, Robert E.
Hackley, Robert H.
Jones, Bradford R.
Landers, Judson W., Jr.

NURSE CORPS

Monroe, Mary J. E.
Taylor, Patricia L.

The following-name women Reserve Officers for permanent promotion to the grade of captain in the Supply Corps of the Navy, subject to qualification therefor as provided by law:

Batchelder, Norma M.
Joslyn, Doris E.
Whitfield, Ruth O.

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Aaronson, Alvin D., [redacted].
Ablett, Kenneth L., [redacted].
Abreu, Ralph C., [redacted].
Acker, Lewis F., Jr., [redacted].
Acker, William P., [redacted].
Adamo, Joseph, [redacted].
Adams, Charles E., [redacted].
Adams, Christopher S., Jr., [redacted].
Adams, Reginald W., Jr., [redacted].
Adams, William R., [redacted].
Addy, Gordon W., [redacted].
Adnet, Jacques J. P., [redacted].
Agre, Oscar W., Jr., [redacted].
Aharonian, Aharon, [redacted].
Aikman, James H., [redacted].
Akers, George S., [redacted].
Albright, John R., [redacted].
Albritton, Britt L., Jr., [redacted].
Albritton, James P., [redacted].
Alcorn, Troy G., [redacted].
Alderson, John L., [redacted].
Aldrich, Theodore B., [redacted].
Aldridge, Billie G., [redacted].
Alexander, Robert M., [redacted].
Alexander, Robert W., [redacted].
Alford, Uriel B., Jr., [redacted].
Allen, Bart D., [redacted].
Allen, John H., [redacted].
Allen, Robert K., [redacted].
Allgood, Douglas W., [redacted].
Allison, James M., [redacted].
Allred, Perry L., Jr., [redacted].
Altman, William M., [redacted].
Amodt, Paul W., [redacted].
Amundson, Floyd A., [redacted].
Anderson, Arden A., [redacted].
Anderson, Donald T., [redacted].
Anderson, George B., [redacted].
Anderson, James S., [redacted].
Anderson, Melvin H., Jr., [redacted].
Anderson, Raymond D., [redacted].
Anderson, Raymond E., [redacted].
Anderson, Robert L., [redacted].
Anderson, Robert D., [redacted].
Anderson, Russell J., [redacted].
Anderton, Frank R., Jr., [redacted].
Andrews, Robert W., [redacted].
Andrews, Stuart M., [redacted].
Ardisana, Bernard, [redacted].
Ashe, Mary E., [redacted].
Atherton, Thomas L., [redacted].
Atkinson, Harold C., [redacted].
Atkinson, Richard L., [redacted].
Atwell, Alfred L., [redacted].
Augsburger, John C., Jr., [redacted].
Austin, Joseph C., [redacted].
Axtell, Robert C., [redacted].
Babcock, William J., [redacted].
Bac, John A., [redacted].
Badenhop, John C., [redacted].
Baggett, William D., [redacted].
Bailey, Benjamin H., Jr., [redacted].
Bailey, Hugh D., Jr., [redacted].
Baily, Carl G., [redacted].
Baines, Carl G., [redacted].
Baines, James R., [redacted].
Baker, Merton W., [redacted].
Baker, Morley W., Jr., [redacted].
Bakken, Robert W., [redacted].
Balcer, Raymond L., [redacted].
Baldner, John L., [redacted].
Ball, Duwayne E., [redacted].
Banaszak, Merle E., [redacted].
Bandow, Donald E., [redacted].

Barber, Richard W., [redacted].
Barbour, Ralph E., [redacted].
Barlow, Merrill, [redacted].
Barner, Almer L., Jr., [redacted].
Barnes, Fred D., [redacted].
Barnes, Jere L., [redacted].
Barnett, Earl S., III, [redacted].
Barnhill, Robert J., [redacted].
Barr, James L., [redacted].
Barry, Robert P., [redacted].
Bartlett, Jack R., [redacted].
Barton, Donald W., [redacted].
Bastedo, William G., [redacted].
Bauer, William J., [redacted].
Bauman, Wendall C., [redacted].
Baumann, John F., [redacted].
Baumwell, Karl R., [redacted].
Bearden, Jimmy L., [redacted].
Beaudoin, David K., [redacted].
Beaver, Charles R., [redacted].
Beavers, Shirley D., [redacted].
Becker, Richard B., [redacted].
Beigbeder, Frank R., [redacted].
Belknap, Frederick D., [redacted].
Bell, J. Fredric, [redacted].
Bell, William, [redacted].
Bena, Ronald A., [redacted].
Benjamin, George D., [redacted].
Benvenuti, John R. D., [redacted].
Benz, Robert A., [redacted].
Benziger, Alfred S., [redacted].
Berg, Raymond A., [redacted].
Berkman, William W., [redacted].
Berlette, John A., [redacted].
Bernier, Francis W., [redacted].
Berns, Robert J., [redacted].
Berry, William C., [redacted].
Bertram, George O., [redacted].
Beveridge, George G., [redacted].
Beverly, Boyce D., [redacted].
Beverly, Chester A., Jr., [redacted].
Biasi, Charles C., [redacted].
Bibo, John J., [redacted].
Bierman, Donald J., [redacted].
Bigoness, Ronald A., [redacted].
Binder, Ralph V., [redacted].
Bingham, William P., [redacted].
Biondo, Samuel A., [redacted].
Bird, Ronald A., [redacted].
Birge, Thomas W. C., [redacted].
Blackman, Lawrence H., [redacted].
Blais, David E., [redacted].
Blakey, James T., [redacted].
Blanchard, Dale H., [redacted].
Blankenship, James R., [redacted].
Blankfield, William ., Jr., [redacted].
Blann, Dale L., [redacted].
Blanton, Charles C., [redacted].
Blomgren, Jack P., [redacted].
Bloom, Richard E., [redacted].
Boaz, Rodney E., [redacted].
Boaz, Wilson J., [redacted].
Bodkin, Joe E., [redacted].
Boettcher, Hulbert L., [redacted].
Bollinger, William H., [redacted].
Bond, Robert M., [redacted].
Boone, Daniel, [redacted].
Borchik, Albert S., Jr., [redacted].
Borland, Robert L., [redacted].
Bortle, Donald E., [redacted].
Bosler, Robert J., [redacted].
Boswell, Samuel E., [redacted].
Bothwell, Robert S., [redacted].
Boulineau, Robert M., [redacted].
Bounds, Jesse C., Jr., [redacted].
Bowles, Billy F., [redacted].
Bowles, Lamar D., [redacted].
Boyd, Warren J., [redacted].
Boyne, Walter J., [redacted].
Bradley, Roland G., [redacted].
Bradshaw, Buddy M., [redacted].
Bradshaw, Mack L., [redacted].
Branch, Alva G., [redacted].
Brandon, Clifford E., [redacted].
Braue, George C., [redacted].
Bravenec, Joseph S., Jr., [redacted].
Breazeale, Malcolm H., [redacted].
Breckenridge, Lacy W., [redacted].
Breitling, Patrick J., [redacted].
Brenner, Douglas D., [redacted].
Brenner, Edwin W., [redacted].
Breton, George E., [redacted].
Brett, Walter R., [redacted].
Brevig, Berdell P., [redacted].
Brewer, Richard D., [redacted].
Brickel, James R., [redacted].
Brink, Dale W., [redacted].
Bristol, George S., [redacted].
Broadwater, Theodore D., [redacted].
Brockmann, Robert F., [redacted].
Brolin, James F., [redacted].
Brooks, Oscar T., Jr., [redacted].
Brooks, Ralph L., [redacted].
Brots, Frederick J., [redacted].
Brown, Bruce K., [redacted].
Brown, Buddy L., [redacted].
Brown, Harry L., [redacted].
Brown, John C., Jr., [redacted].
Brown, John C., [redacted].
Brown, Ralph E., [redacted].
Browning, George M., Jr., [redacted].
Broz, Alfons L., [redacted].
Bruenner, William, [redacted].
Brunzell, Bryan W., [redacted].
Bryan, Austin R., [redacted].
Bryan, Ronald E., [redacted].
Bryant, Lucius G., Jr., [redacted].
Buchanan, James N., [redacted].
Budde, Ralph C., [redacted].
Buehler, Paul W., [redacted].
Buhrow, Robert E., [redacted].
Bulger, Joseph A., Jr., [redacted].
Bullard, Nathaniel G., [redacted].
Bullers, Joseph W., Jr., [redacted].
Bullock, Robert M., Jr., [redacted].
Burch, Robert M., [redacted].
Burdan, John W., Jr., [redacted].
Burdette, Franklin D., [redacted].
Burkard, Richard K., [redacted].
Burke, Kelly H., Jr., [redacted].
Burkholder, William R., [redacted].
Burkland, John S., [redacted].
Burney, George D., [redacted].
Burns, Dale L., [redacted].
Burns, Donald R., [redacted].
Burns, Joe H., [redacted].
Burns, Roland J., [redacted].
Burroughs, Lorenzo W., [redacted].
Burrows, Keith M., [redacted].
Burrus, Edward P., Jr., [redacted].
Bustin, Richard J., [redacted].
Butler, Clinton C., [redacted].
Butler, Robert A., [redacted].
Buttelmann, Henry, [redacted].
Buzan, Robert E., [redacted].
Byrd, Lee B., [redacted].
Byrne, Ronald E., Jr., [redacted].
Cadou, John E., [redacted].
Caldwell, Walter F., [redacted].
Cale, Charles T., [redacted].
Calhoun, Caryl W., [redacted].
Calhoun, John W., [redacted].
Callaway, Arthur W., [redacted].
Calloway, Vern D., Jr., [redacted].
Calvert, Wallis R., [redacted].
Cameron, Lyle W., [redacted].
Cameron, Theodore D., [redacted].
Campbell, Louis D., [redacted].
Campbell, Richard H., [redacted].
Campbell, William E., [redacted].
Campello, Robert, Jr., [redacted].
Campfield, William, Jr., [redacted].
Cantrell, Wayne E., [redacted].
Carey, Gerald J., Jr., [redacted].
Carey, Robert L., [redacted].
Carley, Curtis N., [redacted].
Carlone, Robert A., [redacted].
Carlson, Eric W., [redacted].
Carmichael, Douglas W., [redacted].
Carmichael, John C., [redacted].
Carpenter, Gordon L., [redacted].
Carpenter, James O., [redacted].
Carpenter, John A., [redacted].
Carr, George L., [redacted].
Carr, James L., [redacted].
Carson, John C. III, [redacted].
Carter, Joel K., Jr., [redacted].
Carter, Paul D., [redacted].
Carter, Robert A., [redacted].
Casbeer, Arthur M., [redacted].
Case, Robert O., [redacted].
Case, Ted K., [redacted].
Cash, James H., [redacted].
Casity, Archie, [redacted].
Casmus, Mark A., [redacted].
Castaldo, Thomas H., [redacted].
Castleman, Floyd D., [redacted].
Caviness, Kenneth L., [redacted].
Cawley, Terance E., [redacted].
Chaffee, Leon H., [redacted].
Chamberlain, Robert M., [redacted].
Chamberlin, Alton E., [redacted].
Chapman, Kenneth L., [redacted].
Chapman, Vinna B., [redacted].
Chavis, Wilton R., [redacted].
Cheatham, Daniel W., Jr., [redacted].
Cherry, Fred V., [redacted].
Chervenak, John P., [redacted].
Ching, Herbert H. Q., [redacted].
Ching, Kim W., [redacted].
Chisum, Silver C., [redacted].
Christensen, Dale C., [redacted].
Christian, Joseph S., [redacted].
Christians, Dale K., [redacted].
Christofferson, Richard J., [redacted].
Churchill, Louis L., [redacted].
Cillo, Anthony R., [redacted].
Cirrito, Joseph F., [redacted].
Clark, Billy V., [redacted].
Clark, Darrel A., [redacted].
Clark, Norman J., [redacted].
Clausen, George G., [redacted].
Clay, Ted N., [redacted].
Clement, William J., [redacted].
Cling, Dean E., [redacted].
Clothier, Norman F., [redacted].
Clouser, Robert E., [redacted].
Cloutier, Louis J., [redacted].
Clutter, William L., [redacted].
Cubb, Truman E., [redacted].
Coburn, Harry L., [redacted].
Cochran, Gomer W., [redacted].
Cochran, John R., [redacted].
Coffin, Grange S., Jr., [redacted].
Coffman, Carl K., [redacted].
Cole, Ardis M., [redacted].
Coleman, Paul R., [redacted].
Coleman, William M., [redacted].
Collins, Kenneth S., [redacted].
Collins, Ralph W., [redacted].
Collins, Richard D., [redacted].
Collins, Richard O., [redacted].
Comeau, Paul T., [redacted].
Compton, Harold C., [redacted].
Comstock, Thomas W. III, [redacted].
Comte, Carlton P., [redacted].
Conner, Doral G., [redacted].
Conover, John C., [redacted].
Conway, Julius, Jr., [redacted].
Cook, Douglas J., [redacted].
Cook, Jack A., [redacted].
Cook, Jack W., [redacted].
Cook, James B., [redacted].
Cook, Jetty B., [redacted].
Cook, Oliver J., Jr., [redacted].
Cook, Peyton E., [redacted].
Cooke, Robert G., [redacted].
Coon, Richard D., [redacted].
Cooney, James P., [redacted].
Cooper, Byrum W., [redacted].
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Corya, Richard L., [redacted].
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Cosner, Wendell E., [redacted].
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Coverdale, Robert F., [redacted].
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Cummings, Duane R., [redacted].
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Cutlip, Harry S., [redacted].
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Day, William E., [redacted].
Deal, William A., [redacted].
Dearborn, James W., [redacted].
Deavers, Glenn W., [redacted].
Declairmont, Ralph G., [redacted].
Defrancesco, Keith E., [redacted].
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Deluca, Jerry J., [redacted].
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Dennison, Jack E., [redacted].
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Edge, Robert E., [redacted].
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Fix, Oliver W., [redacted].
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Follis, Elmer K., Jr., [redacted].
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Ford, William, [redacted].
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Foster, Joseph J., III [redacted].
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Franklin, Frederick C., [redacted].
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Garrison, Lawrence D., [redacted].
Gast, Philip C., [redacted].
Gaylord, Frank E., [redacted].
Geehan, Elmer R., [redacted].
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George, Ralph U., [redacted].
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Godwin, Ira S., [redacted].
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Graubard, Peter A., [redacted].
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Gunter, Virginia L., [redacted].
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Guttersen, Laird, [redacted].
Guyton, Sidney L., [redacted].
Guzman, Santiago, Jr., [redacted].
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Hall, Titus C., [redacted].
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Hill, Rex A., [redacted].
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Ignarski, John G., [redacted].
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Ivers, James H., [redacted].
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Lagrou, Alfred J., Jr., [redacted].
Lake, Knox C., [redacted].
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Lamb, Chester C., Jr., [redacted].
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Landers, James L., [redacted].
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Larimer, Walker A., [redacted].
Lasalle, Valerian, [redacted].
Lasswell, Wray C., [redacted].
Latham, Edward G., Jr., [redacted].
Latina, Robert J., [redacted].
Lawrence, Byron M., [redacted].
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Lewis, Katherine P., [redacted].
Lewis, Russell S. [redacted].
Lewis, William H., [redacted].
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Light, James E., Jr., [redacted].
Lindeman, William E., [redacted].
Lindsay, James R., [redacted].
Lines, Lycurgus E., Jr., [redacted].
Lines, Robert J., [redacted].
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Lippincott John A. [redacted].
Little, Ian R., [redacted].
Little, Norman R., [redacted].
Littlepage, Thomas M., [redacted].
Lockamy, Vance M., Jr., [redacted].
Lockstrom, Donald E., [redacted].
Lockwood, William D., [redacted].
Long, Richmond N., [redacted].
Long, Thomas C., Jr., [redacted].
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Lowe, Dewey K. K., [redacted].
Lowery, John M., [redacted].
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Lubin, Michael D., [redacted].
Luckenbach, Guenther E. [redacted].
Luckett, William T., Jr., [redacted].
Ludlam, Douglas G., Jr., [redacted].
Luhn, Harold J., [redacted].
Luna, Carter P., [redacted].
Lundin, Fred A., [redacted].
Lunsford, Herbert L., [redacted].
Lusby, William A. Jr., [redacted].
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Lutz, Richard C., [redacted].
Lynn, Isabella T., [redacted].
Lyons, Lewis M., [redacted].
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Orzen, Morton D., [redacted].
Osburn, Douglas C., Jr., [redacted].
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Overly, Norris M., [redacted].
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Oxford, Richard J., [redacted].
Ozmore, Charles E., [redacted].
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Pahre, Elmer G., [redacted].
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Peterson, Alden C., [redacted].
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Petty, Edward A., [redacted].
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Pierce, Charles D., [redacted].
Pike, Ray, III, [redacted].
Pilipovich, Darrell, [redacted].
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Plucinsky, Paul J., [redacted].
Plummer, William R., [redacted].
Poad, William J., [redacted].
Pobst, Wallace J., [redacted].
Pogue, William R., [redacted].
Polhemus, Robert A., [redacted].
Portanova, Thomas D., [redacted].
Portasik, John P., [redacted].
Post, Charles A., [redacted].
Potter, John W., [redacted].
Powell, Alton W., [redacted].
Power, Robert D., [redacted].
Powers, Aaron A., Jr., [redacted].
Powers, William R., [redacted].
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Price, Edwin L., [redacted].
Price, George E., Jr., [redacted].
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Prina, Zeff C., [redacted].
Proctor, David P., Jr., [redacted].
Prueher, Roi F., Jr., [redacted].
Puffenbarger, Edward S., [redacted].
Pugh, Ray O., [redacted].
Pulse, Paul F., II, [redacted].
Purcell, Edward J., III, [redacted].
Putnam, James O., [redacted].
Pyles, Harley B., [redacted].
Quinn, James L., Jr., [redacted].
Quinn, James L., [redacted].
Raabe, Eugene C., [redacted].
Rademacher, Harol W., [redacted].
Rago, John W., [redacted].
Rainey, June I., [redacted].
Rains, William E., [redacted].
Raiti, Joseph V., [redacted].
Ralph, John E., [redacted].
Ramer, William E., [redacted].
Randerson, John T., [redacted].
Rasmussen, Jimmie M., [redacted].
Ratliff, Forrest R., [redacted].
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Ray, Gerald D., [redacted].
Ray, Samuel L., Jr., [redacted].
Raymer, John P., Jr., [redacted].
Raymond, Vincent J., Jr., [redacted].
Read, Charles H. W., [redacted].
Record, Robert G., Jr., [redacted].
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Redmann, Louis J., [redacted].
Redwine, Kyle C., [redacted].
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Reed, Leon R., [redacted].
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Rule, George L., Jr., [redacted].
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Ryan, Richard R., [redacted].
Sabin, Robert C., [redacted].
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Tollerud, Gordon D., [redacted].
Tolsma, Charles S., [redacted].
Tumaino, Vincent J., Jr., [redacted].
Tomlinson, Frank J., [redacted].
Toms, Leon K., [redacted].
Townsend, William R., [redacted].
Toyama, Stanley I., [redacted].
Trabucco, Jack C., [redacted].
Trant, Collie D., [redacted].
Travis, Harrell K., [redacted].
Trayer, George T., [redacted].
Tresemer, Gary L., [redacted].
Trochta, Joseph F., [redacted].
Truitt, William F., [redacted].
Tsouprake, Peter, [redacted].
Tucker, Leon R., [redacted].
Turek, Richard J., [redacted].
Turner, David W., [redacted].
Tuttle, Dunald L., [redacted].
Uhl, Charles W., [redacted].
Underwood, John D., [redacted].
Ungvary, Stephen J., Jr., [redacted].
Urich, Reily E., [redacted].
Vaeth, Sylvester L., [redacted].
Vallejo, Adam C., [redacted].
Vanaman, Albert V., Jr., [redacted].
Vance, Alonzo A., Jr., [redacted].
Vandenberg, Duane E., [redacted].
Vandergriff, Burley O. II, [redacted].
Vanwagener, Benjamin W., [redacted].
Varble, Thomas A., [redacted].
Vasiliadis, Charles C., [redacted].
Vaslef, Nicholas P., [redacted].
Veghte, James H., [redacted].
Villotti, James S., [redacted].
Vincent, Maurice G., [redacted].
Vining, Robert W., [redacted].
Viscarra, Raymond M., [redacted].
Vise, Bernard, [redacted].
Vito, Carmine A., [redacted].
Vizzini, John F., [redacted].
Vogel, Paul E., [redacted].
Voils, Cecil C., [redacted].
Vollmer, Iver C., [redacted].
Volz, William M., [redacted].
Wachtel, Jack P., [redacted].
Waddell, Ralph D., Jr., [redacted].
Wade, William L., [redacted].
Wagner, John L., [redacted].
Wainwright, Ewell D., Jr., [redacted].
Waldren, Emmett S., Jr., [redacted].
Walker, Charles G., [redacted].
Walker, Melvin K., [redacted].
Walker, William O., [redacted].
Wallace, Edward C., [redacted].
Waller, Robert E., [redacted].
Walsh, Daniel O., [redacted].
Walsh, Richard A. III, [redacted].
Walter, Harold J., [redacted].
Walter, Thomas A., [redacted].
Walters, Robert O., [redacted].
Walthall, Eugene, Jr., [redacted].
Walton, John W., [redacted].
Ward, George M., [redacted].
Ward, Harrison M., Jr., [redacted].
Wareing, Richard B., [redacted].
Warren, James C., [redacted].
Watkins, William T., [redacted].
Watson, Jake G., [redacted].
Watson, Norman F., [redacted].
Watson, William J., [redacted].
Watson, William T., [redacted].
Waugh, James G., [redacted].
Way, James H., [redacted].
Weaver, Donald E., [redacted].
Webb, James D., [redacted].
Webber, Leon B., [redacted].
Weber, James W., [redacted].
Weed, Gordon H., [redacted].
Weigle, Raymond V., [redacted].
Welch, Jasper A., Jr., [redacted].
Welch, Jerry L., [redacted].
Welkom, Jerome G., [redacted].
Wells, Patrick G., [redacted].
Welsh, Leland M., [redacted].
Wentzler, Herman L., [redacted].
West, Henry M., [redacted].
Westbrook, Donald E., [redacted].
Westbrook, James W., [redacted].
Westcott, Richard D., [redacted].
Westfall, Jack D., [redacted].
Weston, Harold E., [redacted].
Wheeler, James M., [redacted].
Whitaker, Benjamin M., [redacted].
Whitaker, Robert M., [redacted].
White, Lincoln L., [redacted].
Whitehead, Cliff M., [redacted].
Whitener, James A., [redacted].
Whitford, Lawrence W., Jr., [redacted].
Whitney, Gerald G., [redacted].
Whittenberg, James E., [redacted].
Whittier, Lebaron, [redacted].
Wichmann, Dewitt J., [redacted].
Wicker, Arthur R., [redacted].
Wickstrom, Thomas L., [redacted].
Widney, James H., [redacted].
Wiese, William A., [redacted].
Wight, Robert C., Jr., [redacted].
Wilkerson, William D., [redacted].
Wilkins, Ramon C., [redacted].
Willer, Phillip M., [redacted].

Williams, Billy J., [redacted].
Williams, David R., [redacted].
Williams, Doyle C., [redacted].
Williams, Edwin L., Jr., [redacted].
Williams, Floyd C., [redacted].
Williams, George C., [redacted].
Williams, Larry D., [redacted].
Williams, Nels N., Jr., [redacted].
Williams, Nolan P., [redacted].
Williams, Thomas P., [redacted].
Williamson, Donald N., [redacted].
Williamson, Harry W., Jr., [redacted].
Williamson, Richard E., [redacted].
Willig, Eugene J., [redacted].
Willis, Howard G., [redacted].
Wilson, Gnel R., [redacted].
Wilson, James R., [redacted].
Wilson, Robert D., [redacted].
Wilson, Robert W., [redacted].
Wilson, Thomas H., [redacted].
Wilson, William J., [redacted].
Winchell, Gerald J., [redacted].
Winchester, Ruger W., [redacted].
Winger, Robert F. C., [redacted].
Wingerson, Richard C., [redacted].
Winne, Clinton H., Jr., [redacted].
Winter, Norman M., [redacted].
Wise, Lucien D., [redacted].
Wittenberg, Carl P., [redacted].
Wittevrongel, Donald M., [redacted].
Wood, Ansel L., [redacted].
Wood, John T., [redacted].
Woodard, James W., [redacted].
Woodcock, Herbert A., Jr., [redacted].
Woods, Jerry K., [redacted].
Woodward, David, [redacted].
Woodward, James W., Jr., [redacted].
Woodward, Robert D., [redacted].
Worman, Wallace D., [redacted].
Wortman, Joseph B., [redacted].
Wortman, William B., [redacted].
Wrentmore, John W., [redacted].
Wright, Gary G., [redacted].
Wright, George R., [redacted].
Wright, John C., [redacted].
Wright, Monte D., [redacted].
Wright, Richard C. B., [redacted].
Wuerz, Albert H., Jr., [redacted].
Wylam, John F., [redacted].
Yanchek, William, [redacted].
Yankle, Daniel R., [redacted].
Yates, James E., [redacted].
Yates, Ralph A., [redacted].
Yeager, Ronald E., [redacted].
Yon, Kenneth W., [redacted].
York, Charles A., [redacted].
Yost, William R., [redacted].
Young, David D., [redacted].
Young, Durward D., Jr., [redacted].
Young, Edward D., [redacted].
Young, Frank R. III, [redacted].
Young, Sam P., Jr., [redacted].
Youree, Charles D., Jr., [redacted].
Yow, Frank L., Jr., [redacted].
Yuen, Donald J., [redacted].
Zaring, Harlan G., [redacted].
Zehring, Robert A., [redacted].
Zeigen, Robert S., [redacted].
Zetena, Maurice F., [redacted].
Zevin, Sandy A., [redacted].
Ziluca, Paul G., [redacted].
Zimmerman, Donald R., [redacted].
Zimowski, Francis L., [redacted].
Zinkan, Gerald W., [redacted].
Ziskovsky, Robert W., [redacted].

CHAPLAINS

Barstad, Stuart E., [redacted].
Bell, Roscoe E., [redacted].
Burkey, Wayne L., [redacted].
Calkins, Raymond J., [redacted].
Carr, Richard, [redacted].
Davis, Jefferson E., Jr., [redacted].
Demott, James M., [redacted].
Dymmel, Elmer J., [redacted].
Guetz, Charles T., [redacted].
Griffin, James H., [redacted].
Heide, Edwin G., [redacted].
Houseman, Harry E., [redacted].
Huhn, Donald W., [redacted].
Keeney, Charles D., [redacted].
Kupelke, William F., Jr., [redacted].
Krause, Theodore C., [redacted].
Lang, Neunert F., [redacted].
McGowan, John J., [redacted].
Milbrath, Earl W., [redacted].
Mullin, Hugh J., [redacted].
O'Leary, Cornelius P., [redacted].
Parker, Archie R., Jr., [redacted].
Patterson, Allen J., [redacted].
Reider, Charles W., [redacted].
Rickards, James P., [redacted].
Rodell, Jeremiah J., [redacted].
Ross, Chester W., [redacted].
Roy, Chester W., [redacted].
Schroder, Peter C., Jr., [redacted].
Shannon, Robert J., [redacted].
Sheppard, Henry S., G., [redacted].
Spencer, Henry L., [redacted].
Strausser, Charles W., [redacted].
Stuller, Joseph F., [redacted].
Tagg, Lawrence V., [redacted].
Viise, Michael G., [redacted].
Williams, Thomas M., Jr., [redacted].
Wilson, James F., Jr., [redacted].

DENTAL CORPS

Andrus, Clair W., [redacted].
Basse, Adolph F., [redacted].
Birmingham, Frederick D., [redacted].
Browning, James D., [redacted].
Burke, Casper H., [redacted].
Christen, Arden G., [redacted].
Ciampa, John B., Jr., [redacted].
Clark, William J., [redacted].
Clement, Robert J., [redacted].
Daugherty, George I., II, [redacted].
Fenex, Guy W., [redacted].
Furman, Terence H., [redacted].
Greer, George T., [redacted].
Hastings, Jack G., [redacted].
Heupel, Edwin M., [redacted].
Hull, Caleb A., [redacted].
Hungerman, Paul J., [redacted].
Jividen, Glenn J., [redacted].
Juffre, Ruch R., [redacted].
Jones, James P., [redacted].
Kiser, George C., [redacted].
Klinger, Roger E., [redacted].
Kuebker, William A., [redacted].
Leslie, James C., [redacted].
Marano, Phillip D., [redacted].
McFee, Conrad E., [redacted].
Mulligan, Patrick J., [redacted].
Newman, Robert M., [redacted].
Parkel, Charles O., Jr., [redacted].
Phillips, Homer L., [redacted].
Podlin, Bernard F., [redacted].
Roche, William C., [redacted].
Smith, William R., [redacted].
Solinski, Robert T., [redacted].
Strunk, Robert R., [redacted].
Wade, William M., Jr., [redacted].
Wellner, Charles R., [redacted].
Willarson, Kenney L., [redacted].

MEDICAL CORPS

Axline, John W., [redacted].
Barrett, John W., [redacted].
Beckman, Charles H., [redacted].
Beers, Kenneth N., [redacted].
Bradley, Edwin M., [redacted].
Cargill, Louis H., [redacted].
Coltman, Charles A., Jr., [redacted].
Culpepper, Burford W., [redacted].
Dann, Theodore A., [redacted].
Dewitt, Harvey J., [redacted].
Duppelt, Frederic F., [redacted].
Dunnihoo, Dale R., [redacted].
Edmunds, Frank E., Jr., [redacted].
Enders, Lawrence J., [redacted].
Farmer, Rubert A., [redacted].
Fidone, George S., [redacted].
Foster, Richard S., [redacted].
Foster, William L., [redacted].
Hagood, Clyde D., Jr., [redacted].
Halki, John J., [redacted].
Hanson, Paull R., [redacted].
Hoch, John R., [redacted].
Johnson, Leonard W., Jr., [redacted].
King, Dana G., Jr., [redacted].
Kitching, Gilbert E., [redacted].
Klebanoff, Gerald, [redacted].
Klugman, Yale L., [redacted].
Lancaster, Malcolm C., [redacted].
Lawson, William J., [redacted].
Ledbetter, Edgar O., [redacted].
Macleod, Gordon C., [redacted].
Martin, Neil D., [redacted].
McIndoe, Darrell W., [redacted].
McPhaul, John J., Jr., [redacted].
Nyborg, Lester P., [redacted].
Phillippi, Paul J., [redacted].
Portelli, Felix R., [redacted].
Schneider, Robert A., [redacted].
Seidel, Donald R., [redacted].
Smith, Robert R., [redacted].
Stanford, William, [redacted].
Thompson, Alfred L., Jr., [redacted].
Whitaker, Harry A., Jr., [redacted].
Woodhead, David M., [redacted].

NURSE CORPS

Alena, Virginia M., [redacted].
Armstrong, Elsie M., [redacted].
Bagley, Irene C., [redacted].
Bakken, Elvira C., [redacted].
Burner, Olive Y., [redacted].
Byrnes, Mary J., [redacted].
Citro, Marian L., [redacted].
Cochran, Gladys I., [redacted].
Cole, Mary L., [redacted].
Edmonds, Ruth E., [redacted].
Epperson, Crystal N., [redacted].
Frost, Nelda V., [redacted].
Gibbens, Patsy L., [redacted].
Gillette, Winnifred E., [redacted].
Goetz, Elizabeth M., [redacted].
Graham, Sarah N., [redacted].
Henrici, Patricia L., [redacted].
Jackson, Elender E., [redacted].
Jones, Daphana J., [redacted].
Jordan, Sara G., [redacted].
Kapel, Lillian T., [redacted].
Lydon, Phyllis L., [redacted].
Moon, Belle D., [redacted].
Parrish, Lillian H., [redacted].
Pickett, Natalie A., [redacted].
Pipas, Nancy A., [redacted].
Pulliam, Ann M., [redacted].
Schuelke, Mary J., [redacted].
Seymour, Joanne, [redacted].
Snavley, Joyce M., [redacted].
Sofferis, Irene L., [redacted].
Sones, Betty J., [redacted].
Stapleton, Rita A., [redacted].
Steffel, Marilyn L., [redacted].
Stone, Ethel, [redacted].
Thomas, Georgia M., [redacted].
Veitch, Janet, [redacted].
Vino, Jane M., [redacted].
Warner, Mary C., [redacted].

MEDICAL SERVICE CORPS

Architect, Louis H., [redacted].
Culbertson, James B., [redacted].
Hadley, Neil B., [redacted].
Holmgrain, Floyd H., Jr., [redacted].
Kaye, George A., [redacted].
McPhee, Jack C., [redacted].
Neubrand, William G., [redacted].
Thomas, Horace D., [redacted].
Trimble, Ralph A., Jr., [redacted].
Trustison, Donald F., [redacted].
Urquia, Alfred P., [redacted].
Wagner, Donald B., [redacted].
Winstead, Maurice G., [redacted].

VETERINARY CORPS

Heidelbaugh, Norman D., [redacted].
Homme, Paul J., [redacted].
McCully, Robert M., [redacted].
Menning, Edward L., [redacted].
Persing, Ronald L., Jr., [redacted].
Pope, Robert E. [redacted].
Robinson, Farrel R., [redacted].
Shuman, Donald G., [redacted].
Smith, Richard E., [redacted].
William, Joe T., [redacted].

BIOMEDICAL SCIENCES CORPS

Andersen, Harold R., [redacted].
Buckeridge, Francis A., [redacted].
Dominguez, Abel M., [redacted].
McDonough, John P., [redacted].
Mixson, Marion H. Jr., [redacted].
Nicholas, Nicholas C., [redacted].

Robertson, William J., [redacted].
Stuckman, Lorraine E., [redacted].
Trager, Leonard W. Jr., [redacted].
Wilson, Myrl E., [redacted].

LINE OF THE AIR FORCE

Second lieutenant to first lieutenant

Abbey, Robert D., [redacted].
Abbott James R., [redacted].
Abbott, Richard L., [redacted].
Adams, Richard B., [redacted].
Adkins, Alfred L., [redacted].
Aldrich, Charles L., [redacted].
Alexander, Michael D., [redacted].
Alexander, Robert D., [redacted].
Alexander, William L., [redacted].
Alford, James A., [redacted].
Allen, Edward H., [redacted].
Allen, John C., [redacted].
Allen, Robert W. Jr., [redacted].
Allen, Thomas L., [redacted].
Almond, Edward E. Jr., [redacted].
Altiere, Michael P., [redacted].
Ambrose, David E. III, [redacted].
Ambrose, Ralph T. Jr., [redacted].
Andersen, Albert E. Jr., [redacted].
Andersen, David B., [redacted].
Anderson, Glen M., [redacted].
Anderson, James E. [redacted].
Anderson, James M., [redacted].
Anderson, Terrance M., [redacted].
Anderson, Timothy L., [redacted].
Andreski, Thaddeus J., [redacted].
Andrews, John M., [redacted].
Andrus, Burton C. III, [redacted].
Ansell, Lee V., [redacted].
Aramanda, Michael G., [redacted].
Ard, Billy C., [redacted].
Armbrust, John S., [redacted].
Armstrong, Bill L., [redacted].
Armstrong, Leonard D., [redacted].
Arn, Robert M., [redacted].
Arneson, Paul S., [redacted].
Arnold, James L., [redacted].
Astle, David L., [redacted].
Atkinson, Robert M., [redacted].
Atlee, William K., Jr., [redacted].
Austin, James R., [redacted].
Baer, Howard S., [redacted].
Bailey, Bryson R., Jr., [redacted].
Bailey, Maxwell C., [redacted].
Bailey, Roger W., [redacted].
Baker, Hab III, [redacted].
Balander, Charles D., [redacted].
Baldwin, Charles C., [redacted].
Ball, Gerald D., [redacted].
Ballard, Buddie C., [redacted].
Balven, Terry L., [redacted].
Banbury, John C. II, [redacted].
Barnett, Steven D., [redacted].
Barron, Patrick I., [redacted].
Basha, Leroy C., [redacted].
Bassi, Richard A., [redacted].
Bastian, Walter M. III, [redacted].
Batt, Kenneth R., Jr., [redacted].
Bauer, David L., [redacted].
Baughn, Donald T., [redacted].
Baumgardner, Thomas R., [redacted].
Baxter, Robert B., [redacted].
Bear, Jonathan R., [redacted].
Beauchamp, Jack R., [redacted].
Beavers, Jessie K., [redacted].
Becker, Michael L., [redacted].
Belden, Richard P., Jr., [redacted].
Bell, Edwin M., Jr., [redacted].
Bell, Robert G., [redacted].
Bench, Patrick S., [redacted].
Bendjebar, Ralph H., [redacted].
Bennett, Robert W., [redacted].
Bennett, Robert W., [redacted].
Benton, Richard D., [redacted].
Berg, Walter R., [redacted].
Berndt, William L., [redacted].
Berry, Carlis G., Jr., [redacted].
Bigler, John M., [redacted].
Bitner, Charles B., [redacted].
Bitterman, Thomas L., [redacted].
Black, Larry M., [redacted].
Black, Thomas J., III, [redacted].
Blackburn, Richard S., [redacted].
Blay, Barry G., [redacted].
Blonshine, Brandon P., [redacted].
Boesche, Gerald V., [redacted].
Bogusch, Roy J., [redacted].
Bohlen, James W., [redacted].
Bolalek, Philip J., [redacted].
Boland, Thomas R., [redacted].
Bolme, Gerald O., [redacted].
Bolton, Claude M., Jr., [redacted].
Bond, Ronald L., [redacted].
Bone, Gary M., [redacted].
Bonelli, George W., [redacted].
Bonitz, William A., [redacted].
Boon, Thomas S., [redacted].
Booth, Richard T., [redacted].
Bose, Clarence M., [redacted].
Bottomly, Roc, [redacted].
Bower, Jeffrey H., [redacted].
Bowles, Robert J., [redacted].
Bowman, David W., [redacted].
Boyd, Frank L. Jr., [redacted].
Boyd, Norris D., Jr., [redacted].
Boyer, Charles A., [redacted].
Boyer, John P., [redacted].
Brackin, William W., [redacted].
Bradley, Donald M., Jr., [redacted].
Brady, Terrence J., [redacted].
Bras, Victor D., [redacted].
Brasch, Randolph R., [redacted].
Braswell, Joseph E., [redacted].
Brau, James E., [redacted].
Breshears, George C., [redacted].
Brewer, Dwight C., [redacted].
Brick, Jon C., [redacted].
Brieschke, Larry R., [redacted].
Broadstreet, Ralph E., [redacted].
Brothers, Kenneth G., [redacted].
Brown, Gerald E., [redacted].
Brown, Herbert R., III [redacted].
Brown, James T., [redacted].
Brown, Ronald K., [redacted].
Brown, Russell A., [redacted].
Bruce, Karl N., [redacted].
Brummitt, John D., [redacted].
Bryan, Cephas W., [redacted].
Buchanan, Edwin C., [redacted].
Buckingham, William A., Jr., [redacted].
Buckner, John H., Jr., [redacted].
Bunton, Clark J., [redacted].
Burmeister, Michael D., [redacted].
Burns, John J., Jr., [redacted].
Burrill, Michael J., [redacted].
Busching, Richard K., [redacted].
Bushey, Harry M., Jr., [redacted].
Bussian, Donald J., [redacted].
Bustle, Daniel G., [redacted].
Butt, Edward L., [redacted].
Byington, Kent L., [redacted].
Cabaniss, Ronald E., [redacted].
Cain, Donald D., [redacted].
Callen, Ronald C., [redacted].
Cameron, George C., [redacted].
Camm, John A., Jr., [redacted].
Camp, Gene P., [redacted].
Campbell, Donald G., [redacted].
Campbell, James C., [redacted].
Campbell, Jeffrey S., [redacted].
Campbell, Michael D., [redacted].
Cappelmann, Claude M., Jr., [redacted].
Carestio, Robert M., [redacted].
Cargill, Lance R., [redacted].
Carl, Douglas M., [redacted].
Carlson, Alan S., [redacted].
Carlson, Randall D., [redacted].
Carney, Robert J., [redacted].
Carper, William B., [redacted].
Carr, Philip L., [redacted].
Carrier, Michael H., [redacted].
Carter, Stephen P., [redacted].
Carter, William A., [redacted].
Caruthers, Timothy D., [redacted].
Case, Thomas R., [redacted].
Cavato, Marty J., [redacted].
Censullo, Francis X, [redacted].
Certain, Robert G., [redacted].
Chabot, Gary A., [redacted].
Champagne, John A., [redacted].
Chandler, Frederick R., Jr., [redacted].
Chaplin, Joseph M., Jr., [redacted].
Chapman, Frank W., [redacted].
Chapman, John F., [redacted].
Chase, James A., [redacted].
Cheney, Brian A., [redacted].
Cherry, Clyde S., Jr., [redacted].
Chevalier, Jimmy E., [redacted].
Chipman, Michael A., [redacted].
Chisholm, Robert H., [redacted].
Christopherson, James E., [redacted].
Cinibulk, Robert, Jr., [redacted].
Clark, Donald A., [redacted].
Clark, Dwight E., [redacted].
Clark, Ernest S., [redacted].
Clark, Larry D., [redacted].
Clark, Nathan B., [redacted].
Cline, Barry P., [redacted].
Collier, Thomas W., Jr., [redacted].
Collins, Richard C., [redacted].
Colvin, Dennis P., [redacted].
Colvin, Felix N., Jr., [redacted].
Combs, Carol A., [redacted].
Combs, Gary D., [redacted].
Confer, James A., [redacted].
Constantine, Steven, [redacted].
Cook, Danied B., Jr., [redacted].
Cook, David C., [redacted].
Cook, Michael J., [redacted].
Coppinger, Roy W., [redacted].
Corbett, Charles E., Jr., [redacted].
Corbett, Philip J., [redacted].
Corbitt, James M., [redacted].
Cornella, Robert P., [redacted].
Cort, Richard A. C., [redacted].
Countryman, Frank W., Jr., [redacted].
Countryman, Tommie G., [redacted].
Courington, Timothy H., [redacted].
Courter, Robert J., Jr., [redacted].
Cox, James F., Jr., [redacted].
Crawley, Alfred L., [redacted].
Creech, Robert M., Jr., [redacted].
Creighton, Barry F., [redacted].
Crenshaw, Kent R., [redacted].
Crittenden, Burr L., Jr., [redacted].
Croft, Frank C., [redacted].
Crouch, Edwin M., [redacted].
Crowder, Earl S., [redacted].
Crowder, George E., Jr., [redacted].
Crudele, Michael, [redacted].
Cruger, Frederick, [redacted].
Crutchfield, Clifton D., Jr., [redacted].
Culpepper, Donald W., [redacted].
Cummings, James B., [redacted].
Curetmendez, Juan A., [redacted].
Curry, William S., [redacted].
Curtis, Christopher L., [redacted].
Curtis, Robert A., [redacted].
Cyr, Henry L., Jr., [redacted].
Daeke, Lynn E., [redacted].
Daguiar, Roger F., [redacted].
Dailey, Garrett C., [redacted].
Dalecky, William J., [redacted].
Dallager, John R., [redacted].
Daley, Robert P. II, [redacted].
Daniel, David S., [redacted].
Danielson, David C., [redacted].
Daves, George L., [redacted].
Davidson, John A. II, [redacted].
Davis, Arthur P., [redacted].
Davis, Daniel R., [redacted].
Davis, Jack W., [redacted].
Davis, Jimmie R., [redacted].
Davis, Jon M., [redacted].
Davis, Robert C., [redacted].
Dawson, Donald E., [redacted].
Day, Thomas E., [redacted].
Dayley, George W., [redacted].
Dean, James W., [redacted].
Deaustin, Bradley J., [redacted].
Deaver, Maurice A., Jr., [redacted].
Defilippi, George, Jr., [redacted].
DeGroot, Douglas A., [redacted].
Delcavo, Anthony, [redacted].
Delvecchio, Philip, Jr., [redacted].
Demmert, Paul F., [redacted].
Demott, Dale A., [redacted].
Denault, Richard K., [redacted].
Denney, William A., [redacted].
Deroos, Richard J., [redacted].
Dessert, Donald M., Jr., [redacted].
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Pohlman, Randolph A., [redacted].
Polnisch, Arthur B., Jr., [redacted].
Pomeroy, Don A., III, [redacted].
Pool, William F., [redacted].
Posner, Jeffrey M., [redacted].
Potter, Diana D., [redacted].
Powell, David L., [redacted].
Powell, Ralph E., Jr., [redacted].
Powell, William M., [redacted].
Praser, Donald E., [redacted].
Prenger, Larry B., [redacted].
Priddy, Nathern B., [redacted].
Propeck, Timothy J., [redacted].
Puryear, Armistead D., [redacted].
Quinn, Francis J., Jr., [redacted].
Racey, Frederick W., [redacted].
Raguskus, Andrew G., [redacted].
Rainbolt, Harold E., [redacted].
Rakestraw, Don W., [redacted].
Ranaudo, Richard J., [redacted].
Ransdell, Stephen J., [redacted].
Rather, Stephen H., [redacted].
Ratliff, Sharon J., [redacted].
Ray, David L., [redacted].
Raymond, Victor P., [redacted].
Reddy, John A., [redacted].
Redigan, John P., [redacted].
Reece, Roger P., [redacted].
Reed, Roy L. Jr., [redacted].
Reid, Kendrick E., II, [redacted].
Reinoso, Jorge E., [redacted].
Reiter, Berwyn A., [redacted].
Reynolds, Thomas J., II, [redacted].
Rhodes, Tracy, [redacted].
Richards, John A., [redacted].
Richards, Stevan B., [redacted].
Richardson, James F., Jr., [redacted].
Ricks, James V., [redacted].
Riess, Jack A., Jr., [redacted].
Rifenburg, Gerard L., [redacted].
Rightmyer, Charles W., Jr., [redacted].
Riley, John E., Jr., [redacted].
Rispoli, James A., [redacted].
Ritchey, Joseph L., [redacted].
Rittenmeyer, Kenneth A., [redacted].
Rivers, Richard F., [redacted].
Roberts, Earl E., III, [redacted].
Roberts, Gary A., [redacted].
Roberts, Gilbert B., [redacted].
Roberts, Lance W., [redacted].
Robinson, James N., [redacted].
Robinson, King S., [redacted].
Rodgers, Richard R., [redacted].
Rodriguez Torres, Cristobal, [redacted].
Roggio, Robert F., [redacted].
Roloson, Diane E., [redacted].
Rusander, Glenn M., [redacted].
Rose, Michael T., [redacted].
Rosen, Stanley G., [redacted].
Ross, William D., II, [redacted].
Rossbach, Dennis R., [redacted].
Rouse, David L., [redacted].
Roux, Armand R., Jr., [redacted].
Rudolph, Gregory W., [redacted].
Rue, Robert C., [redacted].
Ruffenach, Gayle A., [redacted].
Rush, Arthur L., [redacted].
Russell, Robert A., [redacted].
Ruth, Robert L., [redacted].
Ruth, Robert F., [redacted].
Ryan, John H., [redacted].
Ryan, Patrick W., [redacted].
Sakai, Jack T., [redacted].
Salas, Jesus T., [redacted].
Salmon, Thomas J., [redacted].
Sammonds, Ronald F., Jr., [redacted].
Sample, William A., Jr., [redacted].
Samuel, Thomas H., [redacted].
Sanderson, John R., [redacted].
Santillo, Vincent J., II [redacted].
Savage, Bryan J., [redacted].
Savage, James W., Jr., [redacted].
Schafer, David J., [redacted].
Schaff, Gary C., [redacted].
Schaffer, Harold A., [redacted].
Schaible, Brian W., [redacted].
Schaller, Robert N., [redacted].
Schankel, Richard E., [redacted].
Schilling, David A., [redacted].
Schlabs, Glenn H., [redacted].
Schmeer, Franklin C., [redacted].
Schockemoehl, John A., [redacted].
Schott, Douglas W., [redacted].
Schott, Marvin A., [redacted].
Schreck, Ronald L., [redacted].
Schroeder, Douglas R., [redacted].
Schutt, Robert C., Jr., [redacted].
Schutz, Pierre M., [redacted].
Schwalier, Terryl J., [redacted].
Schwall, Arthur W., Jr., [redacted].
Schwartz, Thomas R., [redacted].
Schwartzel, Gerard D., [redacted].
Schwarze, Frederick C., Jr., [redacted].
Schween, Robert E., [redacted].
Scobey, David L., [redacted].
Scott, James J., [redacted].
Scott, Val L., [redacted].
Scritchfield, Michael J., [redacted].
Seiler, James R., Jr., [redacted].
Seltzer, Stanley R., [redacted].
Sezna, Edward W., [redacted].
Sharp, Harold W., [redacted].
Shaw, Brewster H., Jr., [redacted].
Sherman, John L., [redacted].
Shinoskie, John J., [redacted].
Shortridge, Dennis L., Jr., [redacted].
Shuckstes, David V., [redacted].
Shumway, Thomas R., [redacted].
Sicilio, Lee, [redacted].
Simms, Ernest H., [redacted].
Simons, James R., [redacted].
Simonson, Joseph W., [redacted].
Simpson, Arthur T., [redacted].
Simpson, Robert L., Jr., [redacted].
Sipes, James R., [redacted].
Sisson, Patrick L., [redacted].
Skelton, Ronald J., [redacted].
Skinner, Ernest M., [redacted].
Skorupa, John A., [redacted].
Smiley, Jeffrey L., [redacted].
Smith, Bruce R., [redacted].
Smith, Gene C., [redacted].
Smith, Hugh E., [redacted].
Smith, Joel A., [redacted].
Smith, Kenneth M., [redacted].
Smith, Larry J., [redacted].
Smith, Michael R., [redacted].
Smith, Niles E., [redacted].
Snapp, Elbridge L., III, [redacted].
Snead, Joseph K., [redacted].
Snyder, Jeffrey L., [redacted].
Solomon, Tommy D., [redacted].
Sonnenberg, Scott B., [redacted].
Sopato, Frank, [redacted].
Soteropoulos, Steve M., [redacted].
Sotkovsky, Russell A., [redacted].
Speace, Lyle M., Jr., [redacted].
Spears, Daniel I., Jr., [redacted].
Spencer, David C., [redacted].
Spiegel, Robert S., [redacted].
Spooner, Richard E., [redacted].
Spradling, William O., Jr., [redacted].
Spruill, Stephen E., [redacted].
Stake, Terry L., [redacted].
Stamp, Dannie L., [redacted].
Stanicar, David, [redacted].
Stanley, Ronald E., [redacted].
Starnes, Robert L., [redacted].
Stavely, Johnny A., [redacted].
Stearns, Michael L., [redacted].
Stellmon, Lawrence E., [redacted].
Stensvad, Bruce J., [redacted].
Stephenson, Blair Y., [redacted].
Stephenson, James F., [redacted].
Stephenson, Thomas J., [redacted].
Stevenson, Kenneth E., Jr., [redacted].
Stewart, Fredric G., [redacted].
Stewart, Jay M., [redacted].
Stewart, Kirk D., [redacted].
Stewart, William G., [redacted].
Steyer, Terrance F., [redacted].
Stickel, John L., [redacted].
Stimer, Richard R., Jr., [redacted].
Stober, Mell J., [redacted].
Storey, James, [redacted].
Stowe, Stephen D., [redacted].
Streater, Donald A., [redacted].
Stricklen, Raymond, [redacted].
Stringer, George T., [redacted].
Stubbs, Mary P., [redacted].
Sturm, Steven R., [redacted].
Suarez, George L., [redacted].
Sullivan, Ronald J., [redacted].
Sullivan, William G., [redacted].

Summers, Wilson, IV, [redacted].
Sunde, Robert J., Jr., [redacted].
Sutter, Robert J., [redacted].
Sutton, William G., [redacted].
Swanson, Richard E., [redacted].
Sweet, David E., [redacted].
Symonds, Thomas E., II, [redacted].
Sypert, Richard L., [redacted].
Taggart, David A., [redacted].
Talladay, Keith R., [redacted].
Tambone, Victor J., [redacted].
Tapp, James B., Jr., [redacted].
Tarascio, John R., [redacted].
Taraska, Joseph M., Jr., [redacted].
Tausch, Hans J., Jr., [redacted].
Taylor, Gregory F., [redacted].
Taylor, James M., [redacted].
Taylor, James R., [redacted].
Telizyn, James G., [redacted].
Terhune, James A., [redacted].
Tetlow, Lewis J., III, [redacted].
Thieke, Christopher D., [redacted].
Thiessen, Michael R., [redacted].
Thode, Paul T., [redacted].
Thomas, Roy E., [redacted].
Thompson, James R., [redacted].
Thompson, Steven A., [redacted].
Thompson, William C., III, [redacted].
Thrash, Charles M., [redacted].
Thrasher, Milton H., [redacted].
Tibbetts, Daniel M., [redacted].
Tice, Larry G., [redacted].
Timko, Lawrence J., [redacted].
Tippett, Floyd S., Jr., [redacted].
Tobolski, Jeffrey J., [redacted].
Toews, Robert H., [redacted].
Toops, Thomas A., [redacted].
Topper, Dennis R., [redacted].
Toth, Robert S., [redacted].
Travers, Samuel S., Jr., [redacted].
Travis, Tyson T., [redacted].
Treadway, William G., [redacted].
Trenton, Jefferson E., [redacted].
Trithart, Ronald K., [redacted].
Troy, Robert W., [redacted].
Troyer, David M., [redacted].
Trunzo, Samuel E [redacted].
Tsetsi, Steven M., [redacted].
Tsoucalas, Gregory A., [redacted].
Tucker, Bartow C., [redacted].
Turco, John A., [redacted].
Turk, Charles F., [redacted].
Turnbull, Duane E., [redacted].
Turner, David C., [redacted].
Tuttle, William T., [redacted].
Tyre, Larry W., [redacted].
Tyree, Robert E., [redacted].
Ulich, William L., [redacted].
Underwood, Dennis D., [redacted].
Upton, Craig P., [redacted].
Utter, Harry W., [redacted].
Vanderhorst, Daniel R., [redacted].
Vandoren, Alan S., [redacted].
Vanduyn, Larry D., [redacted].
Vankeuren, Gerald M., Jr., [redacted].
Vanmeter, Robert M., [redacted].
Vanschoyck, Nicholas R., [redacted].
Vanzelfden, Eugene A., Jr., [redacted].
Vejcik, Steve, Jr., [redacted].
Velez, Manuel A., [redacted].
Viscasillas, Rafael A., [redacted].
Vogi, Donald A., [redacted].
Vollmer, Charles D., [redacted].
Vonflotom, Charles S., [redacted].
Vonkaenel, Larry E., [redacted].
Voss, Michael, [redacted].
Vreeland, Allan D., [redacted].
Wade, Richard G., [redacted].
Wadleigh, Stuart A., [redacted].
Wagner, David J., [redacted].
Wagner, Hans E., [redacted].
Waldron, Matthew B., [redacted].
Waldrop, James M., [redacted].
Walinski, Carl O., [redacted].
Walker, Robert A., [redacted].
Wallace, Arthur M., [redacted].
Wallace, Howard R., Jr., [redacted].
Waller, William C., Jr., [redacted].
Walls, Donald W., [redacted].
Walters, David C., [redacted].
Walti, James R., [redacted].
Waltman, John C., [redacted].
Walton, Larry K., [redacted].
Walts, Gregory L., [redacted].
Walztoni, Dennis R., [redacted].
Warburton, John D., [redacted].
Ward, Malcolm R., [redacted].
Ward, Milton R., [redacted].
Warner, Charles H., [redacted].
Warner, George R., [redacted].
Warner, John J., [redacted].
Warren, Wayne W., [redacted].
Watkins, Warren S., [redacted].
Wax, Charles J., [redacted].
Weaver, Dennis R., [redacted].
Weber, Warren E., [redacted].
Weeks, William A., [redacted].
Weidl, George F., III, [redacted].
Weinert, Charles L., [redacted].
Weir, Ted R., [redacted].
Weise, Edward W., [redacted].
Weisman, Michael C., [redacted].
Weiss, Howard S., [redacted].
Wenrick, Steven C., [redacted].
Westemeier, Edward P., [redacted].
Westgate, Robert A., [redacted].
Wetterer, Michael T., [redacted].
Weyermuller, Arthur P., [redacted].
Whalen, Eugene R., [redacted].
Whitcomb, Darrel D., [redacted].
White, David L., [redacted].
White, Richard H., [redacted].
White, Roy M., [redacted].
White, Samuel S., Jr., [redacted].
White, Thomas S. C., [redacted].
Whiteford, Frederick G., Jr., [redacted].
Whitman, Walter J., [redacted].
Whitson, William F., [redacted].
Whittenburg, William M., [redacted].
Wieringa, Ross W., [redacted].
Wigton, Norman P., [redacted].
Wildung, Kenneth L., [redacted].
Wiley, Jerold W., [redacted].
Wilkins, Richard G., [redacted].
Willett, Thomas E., [redacted].
Willey, Scott A., [redacted].
Williams, David E., [redacted].
Williams, James E., [redacted].
Williams, Paul E., [redacted].
Williams, Roosevelt L., [redacted].
Willingham, Frank M., Jr., [redacted].
Willke, Ronald S., [redacted].
Wilson, Bascombe J., [redacted].
Wilson, Ralph W., [redacted].
Wilson, Zelmer C., Jr., [redacted].
Winkler, William J., Jr., [redacted].
Winter, Doris K., [redacted].
Winters, David W., [redacted].
Wise, Jeffrey L., [redacted].
Wiseburn, Lawrence P., [redacted].
Wittish, Richard W., [redacted].
Wittwer, Leon A., [redacted].
Wohltman, John W., Jr., [redacted].
Wolchina, Kenneth G., [redacted].
Wood, Frank R., [redacted].
Wood, George W., [redacted].
Wood, John J., [redacted].
Wood, Rodney W., [redacted].
Wood, Wendall E., [redacted].
Worthy, Robert H., [redacted].
Wright, Kenneth L., [redacted].
Wylie, Jackie L., [redacted].
Yost, Robert D., [redacted].
Young, Alvin L., [redacted].
Young, Freddy R., [redacted].
Young, John H., [redacted].
Young, Walter W., Jr., [redacted].
Youngblood, Francis G., Jr., [redacted].
Younghanse, John M., [redacted].
Zartner, Donald C., [redacted].
Zauner, Frank G., [redacted].
Zier, George S., [redacted].
Zimmerman, Bradford P., [redacted].
Zimmerman, Donald A., [redacted].
Zuelsdorf, Gary A., [redacted].

NURSE CORPS

Daffin, Clyde E., [redacted].
Frey, Thomas D., [redacted].

MEDICAL SERVICE CORPS

Baker, David J., [redacted].
Baldwin, George A., III, [redacted].
Beezley, Michael J., [redacted].
Best, Gordon W., [redacted].
Calderon, Daniel A., [redacted].
Carlton, Paul K., Jr., [redacted].
Clemmensen, Charles E., [redacted].
Daft, Rodger H., [redacted].
DeMarco, Frank J., III, [redacted].
Draper, Richard P., [redacted].
Dunkle, Jeffrey H., [redacted].
Escueta, Franklin T., [redacted].
Farrell, Paul W., II, [redacted].
Hallett, John W., Jr., [redacted].
Hinman, Craig G., [redacted].
Jaeger, Warren P., [redacted].
Jones, Edward R., [redacted].
Karahalis, George G., [redacted].
Kronberg, Gregory M., [redacted].
Labash, John D., [redacted].
Laws, Harry F., II, [redacted].
Lobritz, Richard W., [redacted].
Love, Tommy L., [redacted].
Lyons, Michael W., [redacted].
Maraz, Ronald N., [redacted].
Martin, Michael E., [redacted].
Mays, Denton L., [redacted].
Michie, Donald T., [redacted].
Sanders, Jimmy D., [redacted].
Snyder, Allen T., [redacted].
Wade, Billy K., [redacted].
Wigle, Richard L., [redacted].

BIOMEDICAL SCIENCES CORPS

Brown, Phillip G., [redacted].
Brown, Ray D., [redacted].
Burr, John G., [redacted].
Buth, Jonathan A., [redacted].
Charpentier, Diane M., [redacted].
Christensen, William D., [redacted].
Costello, Richard J., [redacted].
Craig, Gerald H., [redacted].
Curry, Charles L., [redacted].
Greene, John R., Jr., [redacted].
Hull, Warren R., [redacted].
Hundley, Kenneth E., [redacted].
Jackson, Jerry W., [redacted].
Kreig, Richard E., Jr., [redacted].
Leone, Charles H., [redacted].
McElwey, David W., [redacted].
McNutt, Gary R., [redacted].
New, Jerry T., [redacted].
Palermo, William J., [redacted].
Ray, William C., [redacted].
Santos, Jose, [redacted].
Schiller, Ronald L., [redacted].
Sherman, Robert E., [redacted].
Shingler, Larry H., [redacted].
Sutay, Robert J., [redacted].
Valder, Stephen M., [redacted].
Vanek, Kenneth N., [redacted].
Weisenfels, Charles W., III, [redacted].
Woessner, William M., [redacted].
Wolcott, John H., [redacted].

The following cadets, U.S. Air Force Academy, for appointment in the Regular Air Force in the grade of second lieutenant, effective upon their graduation, under the provisions of section 8284 and 9353, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force.

Adamson, Douglas Edward, [redacted].
Adriance, Gary Russell, [redacted].
Ahern, Bruce Douglas, [redacted].
Albin, Timothy Steven, [redacted].
Alderman, Stephen David, [redacted].
Allen, Ralph Edward, [redacted].
Allison, John Edmond, [redacted].
Amelung, Martin Donald, [redacted].
Anderson, Eric Alvin, [redacted].
Anderson, Gregory James, [redacted].
Anderson, Robert Haralson, Jr., [redacted].
Anderson, Steven Edward, [redacted].
Andrews, Keith Pennington, [redacted].
Archey, Kenneth John, [redacted].
Arizmendi, Thomas George, [redacted].
Arnold, Gregory Lang, [redacted].
Artim, Richard Alleyne, [redacted].
Asbury, Clinton Jess III, [redacted].
Ash, George Walter, [redacted].
Augenstein, Paul Manfred, [redacted].
Baird, Gary Keith, [redacted].
Baird, Richard Ralph, [redacted].
Baker, William Bentley, [redacted].

Balentine, Howard William, [redacted].
Bandi, Raymond Louis, [redacted].
Bangert, Berthold Theodore, [redacted].
Banks, Robert John, [redacted].
Barksdale, Barry Wilton, [redacted].
Barr, James Rockne, [redacted].
Barr, Richard Edwin, Jr., [redacted].
Barris, Bernard Charles, [redacted].
Barry, Craig Lee, [redacted].
Barry, Stephen James, [redacted].
Bartol, Thomas John, [redacted].
Barton, Raymond Oscar III, [redacted].
Bass, Paul, Jr., [redacted].
Bays, Kent Jackson, [redacted].
Beck, William Clifton II, [redacted].
Bell, Robert Arthur, Jr., [redacted].
Belliston, David Bruce, [redacted].
Bench, Terence Riddick, [redacted].
Benfield, Gerald Ryan, [redacted].
Bentson, Kirk Douglas, [redacted].
Bentz, Curtis Lee, [redacted].
Berendt, Steven Elmore, [redacted].
Berg, Robert Gunnar, [redacted].
Berlin, Frank Brett, [redacted].
Bethards, Daniel Eugene, [redacted].
Bilak, Mark John, [redacted].
Binn, Brian Andrew, [redacted].
Bishop, Edward Charles, [redacted].
Bishop, Stephen Gregory, [redacted].
Black, Steven Brian, [redacted].
Blank, Gary Francis, [redacted].
Blase, George Robert, [redacted].
Blue, David Vernon, [redacted].
Bobrowski, Paul Michael, [redacted].
Bohannon, Frank Bilbrey, [redacted].
Bolding, William Allen, [redacted].
Boley, Nicholas Dale, [redacted].
Bolt, Russell Todd, [redacted].
Borenstein, Richard Douglas, [redacted].
Borysewicz, Michael David, [redacted].
Bowman, David Mark, [redacted].
Bowman, Gary Dean, [redacted].
Boyer, Franklin Hiles, Jr., [redacted].
Brandon, Howard Bruce, [redacted].
Brandon, William Harold, Jr., [redacted].
Brannick, Michael Rex, [redacted].
Bream, Brian Bruce, [redacted].
Brees, Ernest Maytum, [redacted].
Brennan, Kevin Barry, [redacted].
Brichta, Robert Frank, [redacted].
Bridges, Donald Edward, [redacted].
Briggs, Hugh Clark, [redacted].
Briggs, Lewis Warren, [redacted].
Brower, Douglas Roy, [redacted].
Brown, Charles Duane, [redacted].
Brown, Michael Francis, [redacted].
Brown, Ralph Benjamin, Jr., [redacted].
Brown, Robert Wright, [redacted].
Brown, Thomas Evans, [redacted].
Brumlik, Thomas Arthur, [redacted].
Bryan, James Lewis, Jr., [redacted].
Buchanan, John Wayne, [redacted].
Buchanan, Walter Evans Lee, [redacted].
Bukala, Christopher, [redacted].
Buley, Stephan Linn, [redacted].
Bull, David Richard, [redacted].
Burg, Jerome William, [redacted].
Burke, Patrick Joseph, Jr., [redacted].
Burton, David Harold, Jr., [redacted].
Buschmann, Richard Warren, [redacted].
Bush, John Lincoln, [redacted].
Buss, William David, [redacted].
Buttino, Louis, Jr., [redacted].
Calcutt, Harry McInnes, Jr., [redacted].
Caltagirone, Andrew, [redacted].
Camalick, John Joseph, [redacted].
Camann, Stephen Paul, [redacted].
Cameron, Jeffrey Allan, [redacted].
Cannistraci, Biagio Edmund, [redacted].
Cantwell, Francis Xavier, [redacted].
Carey, Bernard Patrick, III, [redacted].
Carlson, Robert Rogers, [redacted].
Carrigan, Thomas Edward, [redacted].
Carroll, Oscar Franklin, Jr., [redacted].
Carson, Richard Todd, [redacted].
Carter, Dale Kennedy, [redacted].
Casdorph, Thomas Randall, [redacted].
Cauthen, Frank Cecil, [redacted].
Cerha, James Paul, [redacted].
Chamberlin, Kurt Thorp, [redacted].
Chambless, William Franklin, [redacted].
Champa, David Anthony, [redacted].
Chapman, Robert Marion, Jr., [redacted].
Chatman, Robert William, [redacted].
Chayer, Linwood Nelson, [redacted].
Cheeseman, Daniel Francis, [redacted].
Chiabotti, Stephen Darcey, [redacted].
Choi, Myung Ju, [redacted].
Cignatta, John Vianney, [redacted].
Clark, Steven Paul, [redacted].
Clarke, Stanley Nelson, [redacted].
Clauson, Vaughn Stephen, [redacted].
Clegg, Charles Stephen, [redacted].
Coker, Stanley Gail, [redacted].
Colenda, Frank Brinn, [redacted].
Collins, Harold Michael, [redacted].
Colwell, William Stanley, [redacted].
Compton, Arthur Ortlund, [redacted].
Conklin, Jeffrey Charles, [redacted].
Connell, Joseph Robert, [redacted].
Conner, Albert Gary, [redacted].
Cook, Robert Walter, [redacted].
Cooper, Larry Heinz, [redacted].
Copenhafer, Robert Charles, [redacted].
Corgill, James N., III, [redacted].
Cosby, Mark Richard, [redacted].
Cottingham, William Oliver, [redacted].
Coyle, Neal Daniels, [redacted].
Crain, Lawrence Allan, [redacted].
Crane, Randall Lee, [redacted].
Crawford, Thomas Maurice, III, [redacted]
[redacted]
Crumm, William L., [redacted].
Dailey, Robin Nordine, [redacted].
Damberg, Philip Carl, [redacted].
Davidson, Jack Velz, Jr., [redacted].
Dawson, George B., [redacted].
Deehan, Paul Gavin, [redacted].
DeFilippo, Peter Marino, [redacted].
Dehmer, Robert Louis, [redacted].
Demel, Steven Michael, [redacted].
Dennen, Richard Teal, [redacted].
Dennis, Russell, Jr., [redacted].
Descoteaux, Louis Leon, [redacted].
Devore, Jeffrey Stewart, [redacted].
Dierker, Robert Richard, [redacted].
Dieterich, William [redacted].
Dietrich, Robert Wyatt, [redacted].
Diewald, Michael George, [redacted].
Dileo, John, [redacted].
Dixon, James Patrick, [redacted].
Dize, Wayne Edward, [redacted].
Doerr, Robert Douglass, [redacted].
Donley, James Warren, Jr., [redacted].
Donohue, Robert Francis, Jr., [redacted].
Doyle, Francis Andrew, [redacted].
Doyle, John Edward, III, [redacted].
Drennan, Jerry Michael, [redacted].
Duke, John Morgan, [redacted].
Dunn, Michael Marshall, [redacted].
Dupre, Felix, [redacted].
Dyer, Emerson Lee, Jr., [redacted].
Eaton, Brian Jeffry, [redacted].
Eckard, David Michael, [redacted].
Eldredge, Bradley Burnett, [redacted].
Elliott, Wilburt James, [redacted].
Ely, Curtis D., [redacted].
Emerick, Roger Charles, [redacted].
Emerson, Daryl Leroy, [redacted].
Emhoff, Timothy Allen, [redacted].
Emmer, William James, [redacted].
Engebreison, Kenneth Alan, [redacted].
Ervin, Merl Dee, [redacted].
Erwin, Douglas Lee, [redacted].
Ewing, Mark Stephan, [redacted].
Faucher, William Octave, [redacted].
Feddern, Henry Robert, [redacted].
Feeley, Robert Michael, [redacted].
Ferraioli, Richard Anthony, [redacted].
Finlayson, Mark Logan, [redacted].
Finnegan, James Francis, [redacted].
Fiscus, Thomas Joseph, [redacted].
Fitzhugh, Norman Randall, [redacted].
Forker, Douglas Bruce, [redacted].
Formanek, Rudolph Harold, [redacted].
Foster, Carl Douglas, [redacted].
Fouldis, William Bernard, [redacted].
Fox, Leonard Dean, [redacted].
Franklin, Stephen Gregory, [redacted].
Fravel, Neil Haislip, [redacted].
Freckleton, Grover C., [redacted].
Froehlich, Laurence Eugene, [redacted].
Frost, Joseph Lincoln, [redacted].
Fukey, Michael Francis, [redacted].
Furda, Joseph Michael, [redacted].
Fuss, John Ross, [redacted].
Gaede, Gary Lee, [redacted].
Gardes, Paul Smith, [redacted].
Gardner, Herbert Ashley, Jr., [redacted].
Garvey, Patrick Kilbourn, [redacted].
Gaudino, James Lawrence, [redacted].
Gawelek, John Carl, [redacted].
Geddes, Miechel Carl, [redacted].
Gelinger, Joseph James, [redacted].
Gessner, Andrew, [redacted].
Ghelber, Craig Stewart, [redacted].
Gideon, William Glenn, [redacted].
Gigax, Milton Edward, [redacted].
Gilfeather, Charles Andrew, [redacted].
Gilliland, Daniel John, [redacted].
Gillmore, Donald Warren, [redacted].
Glushko, William Andrew, [redacted].
Gocke, Robert Jaul, Jr., [redacted].
Gollehon, Ronald Duane, [redacted].
Gonyea, Paul Alfred, [redacted].
Goodman, Douglas Roy, [redacted].
Gormley, James Herbert, Jr., [redacted].
Gracey, David Stratford, [redacted].
Gradle, Robert Paul, [redacted].
Graf, Edward, Jr., [redacted].
Graham, John Sareth, [redacted].
Graham, Randall Joseph, [redacted].
Grant, Gary Haskell, [redacted].
Grappo, Gary Anthony, [redacted].
Grebb, Michael David, [redacted].
Greene, Dennis Vincent, [redacted].
Greene, James Everett, [redacted].
Greenlaw, John Thomas, Jr., [redacted].
Greer, Charles Ralph, Jr., [redacted].
Grenier, Gary Eugene, [redacted].
Griffith, Edward Merriam, [redacted].
Griffith, John Lindsey, [redacted].
Gunther, Gary Lee, [redacted].
Haaf, Leslie John, Jr., [redacted].
Haan, William Douglas, [redacted].
Haas, Darryl Owen, [redacted].
Hall, John Charles, [redacted].
Hall, Truman Delno, [redacted].
Hall, William Austin, [redacted].
Hamel, Michael Anthony, [redacted].
Hamilton, William Lloyd, [redacted].
Hampson, Robert Jay, [redacted].
Haney, Reed Park, [redacted].
Hansen, Warren Allen, [redacted].
Hanson, Jon Donald, [redacted].
Happ, Henry Joseph III, [redacted].
Harburg, Fred Daniel, [redacted].
Hardman, Charles Michael, [redacted].
Hargrave, Robert Lee, Jr., [redacted].
Harlan, James William, [redacted].
Harley, John Thomas, III, [redacted].
Harrington, Charles Cyrus, [redacted].
Harrington, Charles Kent, [redacted].
Harris, John Gregory, [redacted].
Harrison, Booker, [redacted].
Harry, Peter Joseph, [redacted].
Harvey, Bernard Eugene, [redacted].
Harwell, Roger Benson, [redacted].
Hausold, Glenn Baron, [redacted].
Hebert, Michael Lawrence, [redacted].
Helgeson, Larry Alan, [redacted].
Helmen, Jerry Lee, [redacted].
Hemphill, William Alfred, III, [redacted].
Henderson, Clyde Ray, [redacted].
Henderson, David Curtis, [redacted].
Henderson, Douglas Michael, [redacted].
Henderson, Lewis Sewal, III, [redacted].
Hendrick, Blake Michael, [redacted].
Hendrickson, Roy George, II, [redacted].
Henry, James Richard, [redacted].
Herklotz, Alan George, [redacted].
Herrick, Gordon James, [redacted].
Herrmann, James Andrew, [redacted].
Hesterberg, Raymond Chester, [redacted].
Hill, Douglas Herbert, [redacted].
Hill, Jeffrey Richard, [redacted].
Hillegass, William Grimes, [redacted].
Hindelang, Robert David, [redacted].
Holm, Peter Frederick, [redacted].
Holmaas, James Thomas, [redacted].
Holod, Dale Thomas, [redacted].
Houker, Gary Lee, [redacted].
Horne, Joe Thompson, [redacted].

Horton, Charles Lay, [redacted].
Hosea, Bruce James, [redacted].
Hoskins, Hark David, [redacted].
Hoyle, Stephen Carey, [redacted].
Hudson, Philip Ray, [redacted].
Huester, Bruce William, [redacted].
Huff, Lawrence David, [redacted].
Hummel, James Allan, [redacted].
Humphries, John Gilbert, [redacted].
Hunter, Alan Dale, [redacted].
Hutchinson, John William, Jr., [redacted].
Ianacone, Eric Michael, [redacted].
Isert, Gregory John, [redacted].
Issenmann, James Howard, [redacted].
Jackson, Richard William, [redacted].
Jackson, Steven Ray, [redacted].
Jacobs, Larry Harris, [redacted].
Jaeger, James Allen, [redacted].
Janssen, Frank Arthur, [redacted].
Janulis, James Frank, [redacted].
Jarecki, John Thaddeus, Jr., [redacted].
Jayne, Harry Martin, [redacted].
Jensen, Harold Milton, Jr., [redacted].
Johnson, Charles Leon, II, [redacted].
Johnson, Curtis Dean, [redacted].
Johnson, Douglas Marvin, [redacted].
Johnson, Duane Christian, [redacted].
Johnson, Edwin Leron, [redacted].
Johnson, James Louis, [redacted].
Johnson, Robert Eugene, [redacted].
Jones, Allan Marshall, III, [redacted].
Jones, Anthony Charles, [redacted].
Jones, Donny Ray, [redacted].
Jones, Gregory Lee, [redacted].
Jones, Kenneth Allan, [redacted].
Jones, Peter Lawrence, [redacted].
Jones, Raymond John, [redacted].
Kampf, Alexey, [redacted].
Kancilia, John Robert, [redacted].
Kapaska, David Lyle, [redacted].
Karstensen, Dudley William, [redacted].
Kasson, William Joseph, [redacted].
Keeler, William Harry, Jr., [redacted].
Keller, Frederick Elwood, [redacted].
Kellerman, William Charles, [redacted].
Kent, Dale Robin, [redacted].
Kent, Donald Alan, [redacted].
Kerber, David Walter, [redacted].
Kimmel, James Winant, [redacted].
King, Calvin Jones, Jr., [redacted].
King, Robert Allen, [redacted].
Kinzer, David Arnold, [redacted].
Kirchner, Michael Joseph, [redacted].
Kirsch, John Phillip, [redacted].
Kitchen, Robert Henry, Jr., [redacted].
Kito, Gary Walter, [redacted].
Klein, David John, [redacted].
Klepko, Harry, Jr., [redacted].
Knowlton, Paul Bruce, [redacted].
Knutson, Clark Jon, [redacted].
Kolesar, Charles Martin, [redacted].
Koskella, Richard Theodore, [redacted].
Krapf, Richard Wynne, [redacted].
Krasovec, George Lee, [redacted].
Krauth, Lee Ernest, [redacted].
Kroehl, Bruce Frederick, [redacted].
Kronemeyer, Douglas Keith, [redacted].
Kuno, Mark Edward, [redacted].
LaFountaine, Edward Lewis, [redacted].
Lafreniere, Robert Andrew, [redacted].
Lakin, Charles Edward, III, [redacted].
Lamoe, Steven Kenneth, [redacted].
Landsberger, Brian Jerome, [redacted].
Lattin, Daniel Edward, [redacted].
Lecato, Harvey, [redacted].
Leddy, Michael Kevin, [redacted].
Lee, Alan Scott, [redacted].
Leech, William Herbert, Jr., [redacted].
Legun, Thomas Anthony, [redacted].
Leitch, Alan Jeffrey, [redacted].
Lewis, Sanford Charles, [redacted].
Livingston, James Lee, [redacted].
Lohmeyer, Paul Daniel, [redacted].
Long, Bobbie Jonas, [redacted].
Loomis, Michael Gerard, [redacted].
Looney, Donald Charles, [redacted].
Looney, William Rubert, III, [redacted].
Lopert, Clifton Brandt, [redacted].
Lorenger, James Wesley, [redacted].
Lovell, William Albert, [redacted].
Lundberg, David John, [redacted].
Lynch, Michael Kent, [redacted].
Macali, Gregory James, [redacted].
Machacek, Steven Roger, [redacted].
Macniven, Donald Bruce, [redacted].
Maddock, Thomas Robert, [redacted].
Makovic, William Thomas, II, [redacted].
Mancuso, Thomas Joseph, [redacted].
Manke, Robert Paige, [redacted].
Manos, Joseph Emmanuel, [redacted].
Marchel, Douglas Kenneth, [redacted].
Markowski, Gary James, [redacted].
Marks, Robert Scott, [redacted].
Marshall, Charles Price, Jr., [redacted].
Marshall, Darryl Lynn, [redacted].
Marshall, Edward Roy, [redacted].
Marshall, Gregory Edward, [redacted].
Marston, Robert Edward, [redacted].
Martin, Jerome Vernon, [redacted].
Martin, William Craig, [redacted].
Mason, Henry Monroe, [redacted].
Mason, Michael Floyd, [redacted].
Masters, Scott Ellsworth, [redacted].
Mastin, David Lane, [redacted].
Mayer, Mark Vance, [redacted].
Mayfield, William King, [redacted].
Maynard, Richard Maxwell, [redacted].
McCarthy, Mark Steven, [redacted].
McCarthy, Peter Michael, [redacted].
McClure, Gary Knox, [redacted].
McCormack, Charles Roy, [redacted].
McCotter, Frederick III, [redacted].
McDonald, John Roddy, [redacted].
McDonald, Michael, [redacted].
McDonald, Thomas Louis, [redacted].
McElroy, Bruce Bradley, [redacted].
McGarry, Brian James, [redacted].
McGarvey, William J., [redacted].
McIlwain, Merrell Stratton, [redacted].
McLaughlin, David Calvin, [redacted].
McLoughlin, William Joseph, [redacted].
McMullen, William Harold, [redacted].
McNabb, Michael Andrew, [redacted].
McNeff, Jules Gerald, [redacted].
McNerney, Michael Thomas, [redacted].
McPherson, Galen Eugene, [redacted].
Mead, Thomas Umberson, [redacted].
Melton, Ronald Wayne, [redacted].
Menssen, Douglas Paul, [redacted].
Mercier, Daniel Edmond, [redacted].
Meredith, Keith Sarrono, [redacted].
Metz, Karl Walter, [redacted].
Meyer, John Charles, Jr., [redacted].
Meyer, Mark Paul, [redacted].
Migyanko, John Mindek, [redacted].
Miller, Bruce Wayne, [redacted].
Miller, Edward Calvin, [redacted].
Miller, Donald Calvin, [redacted].
Miller, Edward Louis, [redacted].
Miller, Roger Steven, [redacted].
Miller, Thomas Bennett, [redacted].
Mills, Glenn David Jr., [redacted].
Minnigerode, Stephen Charles, 4 [redacted].
Mitchell, William Leslie, [redacted].
Mocko, John Walter, [redacted].
Monaghan, Jeffrey Craig, [redacted].
Moun, Patrick Steven, [redacted].
Moure, David Robert, [redacted].
Moore, William Judson, [redacted].
Moorman, Marshall Johnson, [redacted].
Moran, Terrence John, [redacted].
Morgan, Chester Harvey 2d, [redacted].
Morgan, Kevin Harley, [redacted].
Morgenstern, Richard Keith, [redacted].
Morrison, David James, [redacted].
Mueller, Dale Harold, [redacted].
Mulder, Daniel Martin, [redacted].
Mullen, Harry Benton III, [redacted].
Murkey, Dennis Alfred, [redacted].
Murphy, Michael Lee, [redacted].
Musson, Michael Lee, [redacted].
Myers, Charles Steven, [redacted].
Narzinski, Daniel Paul, [redacted].
Nash, Roger Brian, [redacted].
Neal, Thomas Wayne, [redacted].
Nedergaard, Robert Eric, [redacted].
Neibert, Daniel Austin, [redacted].
Nelson, Michael Vincent, [redacted].
Nelson, Porter Emil, [redacted].
Nestico, John Joseph, [redacted].
Neuland, Michael Edward, [redacted].
Newill, David Brooks, [redacted].
Nicholson, Michael Edward, [redacted].
Nield, George Cooke IV, [redacted].
Nielsen, Paul Douglas, [redacted].
Nielsen, Steven R., [redacted].
Niemann, Bruce Lee, [redacted].
Nieml, Gary Gene, [redacted].
North, Phillip Thiele, [redacted].
Norton, Jeffery James, [redacted].
Oday, Terence Lyons, [redacted].
Oiness, Mark Addison, [redacted].
Ojala, James Victor, [redacted].
Olson, Arthur Sigfred, Jr., [redacted].
O'Neill, Stephen Thomas, [redacted].
Ordzie, Edmund Anthony, [redacted].
Oriordan, Thomas Allan, [redacted].
Orr, Horace Anthony, [redacted].
Pacini, Philip Michael, [redacted].
Painter, Edward Harold, [redacted].
Pandolfo, Alexander William, [redacted].
Parker, Allan Canfield, [redacted].
Parker, Alonzo Carlton III, [redacted].
Parker, Hugh Ashton, [redacted].
Parks, Donald Leroy, [redacted].
Parks, Reginald Darnell, [redacted].
Parmentier, Richard Dean, [redacted].
Parmet, Allen Jeffrey, [redacted].
Parsons, Roger Stanley, [redacted].
Pate, John Raabe, [redacted].
Patterson, Wayne Robert, [redacted].
Patty, Kevin Bruce, [redacted].
Payton, Gary Dean, [redacted].
Peak, John Carroll, [redacted].
Peckham, Brian Howard, [redacted].
Pennington, Clarence Richard, [redacted].
Peppers, Donald Alan, [redacted].
Perry, Frederick Sean, [redacted].
Peterson, David Alan, [redacted].
Peterson, James Edward, [redacted].
Peterson, Michael Raymond, [redacted].
Peterson, Stephen Milton, [redacted].
Petkewicz, Robert Joseph, [redacted].
Pflueger, Daniel Wayne, [redacted].
Pitzler, Michael Robert, [redacted].
Plummer, James Watson, [redacted].
Polishak, Michael Francis, [redacted].
Pollard, George Dale, [redacted].
Polve, James Craig, [redacted].
Porter, James Howard, [redacted].
Porter, William Gerald, [redacted].
Powels, James Eric, [redacted].
Prahler, David Scott, [redacted].
Pranke, Keith Bolling, [redacted].
Probst, Kevin Forbes, [redacted].
Pruett, Peter Burke, [redacted].
Puels, Carl Heinz, Jr., [redacted].
Puissegur, Bryce Frank, [redacted].
Pulis, Frank David, [redacted].
Putnam, James Timothy, [redacted].
Quinn, Edward Joseph, Jr., [redacted].
Quinton, Ronald Ray, [redacted].
Rademacher, Frederick William, [redacted]
Raines, Robert Morgan, [redacted].
Rakitis, Robert Edmund, [redacted].
Randolph, Stephen Trent, [redacted].
Ransford, Edmond Leroy, [redacted].
Rasmussen, Bruce Aaron, [redacted].
Rathert, William Allen, [redacted].
Ray, Richard Raymond, [redacted].
Reay, James Daniel, [redacted].
Reed, James Emmet, [redacted].
Reguli, Dennis Craig, [redacted].
Reilman, Robert Frederick, Jr., [redacted]
Reynolds, Larry Wayne, [redacted].
Rhaney, Mahlon Clifton, Jr., [redacted].
Rice, Robert Alan, [redacted].
Richards, Ronald Edward, [redacted].
Richardson, Charles Weldon, [redacted].
Rifenberg, Ronald Ramsey, [redacted].
Riggs, Gregory Edward, [redacted].
Riley, Kenneth James, [redacted].
Riolo, Andrew Manuel, [redacted].
Roach, Richard Lynn, [redacted].
Robertson, James Calder, II, [redacted].
Robinson, Garald K., [redacted].
Robinson, Paul Howard, [redacted].
Rochelle, Thomas Wendell, [redacted].
Rodefer, Karl Douglas, [redacted].
Rodgers, Lee Patrick, [redacted].

Roe, John Patrick, [redacted].
Romett, Joseph Lewis, [redacted].
Romito, Michael Arthur, [redacted].
Rooney, Patrick George B., [redacted].
Rosebush, Kenneth Earl, Jr. [redacted].
Ross, Joseph Dean, Jr., [redacted].
Ross, Leslie Joseph, [redacted].
Ross, Robert Bruce, [redacted].
Rubacha, Christian Michael, [redacted].
Rucker, Raymond Ivon, Jr., [redacted].
Rugh, Kenneth Scott, [redacted].
Sabo, Richard Emory, [redacted].
Sanders, Marcus Renn, [redacted].
Sarsfield, Harvey Franklin, [redacted].
Savage, Richard Andrew, [redacted].
Sbach, Dennis Martin, [redacted].
Scace, Daniel Roy, [redacted].
Schafer, Klaus Otto, [redacted].
Schank, Roland Arnold, [redacted].
Scheid, Warren William, [redacted].
Schenk, Thomas Allen, [redacted].
Schiessler, Terry Lynn, [redacted].
Schimmer, Michael Christophe, [redacted].
Schmidt, Paul Maynard, [redacted].
Schmidt, Randall Mark, [redacted].
Schnick, Robert Henry, [redacted].
Schoen, Robert John, [redacted].
Schulte, Lawrence Joseph, [redacted].
Schunemann, Paul Fredrick, [redacted].
Searles, Edward Lawrence, III, [redacted].
Sellers, Alfred Otis, [redacted].
Sexton, Donald Lee, [redacted].
Sexton, Ken William, [redacted].
Shafer, John Bradford, [redacted].
Sharp, Philip Craig, [redacted].
Sharrar, Larry Logan, [redacted].
Shearer, Martin Stephen, [redacted].
Sherman, Douglas Richard, [redacted].
Shields, Van Winder, [redacted].
Short, Richard Louis, [redacted].
Shrum, Leslie William, [redacted].
Siebers, Daniel Richard, [redacted].
Sills, Jeffery Kent, [redacted].
Simmons, James Lawrence, [redacted].
Simmons, Timothy Eugene, [redacted].
Simpson, Charles Newton, [redacted].
Sirmons, Richard Wendell, [redacted].
Sisson, Glynn Edmond, Jr., [redacted].
Skotte, Daniel Mark, [redacted].
Slade, John Benjamin, Jr. [redacted].
Slawinski, Terry Lee, [redacted].
Smail, James William, [redacted].
Smiles, Archie Campbell, Jr., [redacted].
Smiley, William Burroughs, [redacted].
Smith, Barry Howard, [redacted].
Smith, Gregg Alan, [redacted].
Smith, Gregory Doyle, [redacted].
Smith, Jack Wheten, [redacted].
Smith William Henry, [redacted].
Smolka, James William, [redacted].
Snyder, Donovan Clarence, [redacted].
Sokolowsky, Melvin Jay, [redacted].
Solana, Richard Peter, [redacted].
Solheim, Larry Ross, [redacted].
Sorensen, Robert George, [redacted].
Sorlie, Victor Allen, [redacted].
Sotak, Michael Victor, [redacted].
Spillers, Robert Iden, [redacted].
Spindle, William Hollis [redacted].
Stachelski, Duwayne David, [redacted].
Stall, Floyd Milton, Jr., [redacted].
Stanberry, Carl William, [redacted].
Starkovich, Thomas Anthony, [redacted].
Stclair, Sumner Lloyd, Jr., [redacted].
Steel, Maxwell Wensel, III, [redacted]..
Stefaniak, James, [redacted].
Stephens, Scott David, [redacted].
Stern, Gary William [redacted].
Stettler, James Andrew, [redacted].
Stetzler, Ray Samuel, Jr., [redacted].
Stevens, Anthony K., [redacted].
Stewart, Timothy Bruce, [redacted].
Stites, Thomas Steven, [redacted].
Stoddard, Gregory Vine, [redacted].
Stuehrmann, Kenneth Charles, [redacted].
Stone, James Robert, [redacted].
Stone, Kenneth Allen, [redacted].
Stone, Robert Dale Jr. [redacted].
Stone, Thomas James, [redacted].
Storer, Richard William, III, [redacted].
Stover, David Robson, [redacted].
Stringer, William Frank, [redacted].
Stubben, Mark Alan, [redacted].
Stubbs, David Charles, [redacted].
Stucker, Pat Barrow, [redacted].
Sturman, John Scott, [redacted].
Suhar, John Charles [redacted].
Sullivan, Thomas Michael, Jr., [redacted].
Sutton, Peter Ulric, [redacted].
Swettman, William Paul, Jr., [redacted].
Tanner, Glen, Richard, [redacted].
Tate, Ben Rayburn, 3d, [redacted].
Taylor, Earl Vern, [redacted].
Taylor, John Ernest, [redacted].
Teel, Scott Carlton, [redacted].
Terbeek, Douglas George, [redacted].
Tharp, David Carl, [redacted].
Thomas, David William, [redacted].
Thomasson, Samuel Maxie, III, [redacted].
Thompson, Theodore Earl, [redacted].
Threlkeld, Gary Thomas, [redacted].
Thurman, John Alvin, [redacted].
Thurston, Leo Keith, Jr., [redacted].
Tillman, Steven Wilton, [redacted].
Timmons, Bruce Edward, [redacted].
Tindall, Robert Scott, [redacted].
Tompkins, James William, [redacted].
Townsley, Justin Leroy, Jr., [redacted].
Tumino, David, [redacted].
Tyler, Roger Frank, [redacted].
Tyrrell, John Terry, [redacted].
Ullrich, Rainer Charles, [redacted].
Underwood, Thomas Jeffrey, [redacted].
Upshaw, Dale Joseph, [redacted].
Vaaler, John Lee, [redacted].
Vanbastelaar, Joost, [redacted].
Vandame, Richard August Jr., [redacted].
Vanderweg, Marvin Dale, [redacted].
Vanorne, Ronald William Jr., [redacted].
Veenstra, Robert James, [redacted].
Velotas, William Michael, [redacted].
Venteicher, Gerald Joseph, [redacted].
Verzola, Michael William, [redacted].
Vetterlein, Jon Martin, [redacted].
Vician, Daniel John, [redacted].
Vinal, William Spencer, [redacted].
Vinson, Thomas Frederick, [redacted].
Vogel, Peter Carey, [redacted].
Voorhees, Brian Reed, [redacted].
Voorhees, Peter Vernon, [redacted].
Wagasky, George III, [redacted].
Wagie, David Arnold, [redacted].
Waitte, Edward Joseph, [redacted].
Walker, William Harman IV, [redacted].
Walker, William Thomas, [redacted].
Wallace, Ronald Edward, [redacted].
Waller, Robert Liston, [redacted].
Walsh, William Francis, [redacted].
Wanamaker, Wilbur, Jr., [redacted].
Ward, Morris Ardell, Jr., [redacted].
Wargo, George Peter, [redacted].
Watkins, John Richard, [redacted].
Weaver, Scott Lee, [redacted].
Webb, Thomas Paul, Jr., [redacted].
Webb, Thomas Philip, [redacted].
Weeker, Scott Alexander, [redacted].
Weese, David Franklin, [redacted].
Weiss, Michael Saul, [redacted].
Wessler, James Donald, [redacted].
Weston, Craig Pickering, [redacted].
Weydert, James Charles, [redacted].
Wheeler, Dean Forrest, Jr., [redacted].
White, Clifford Keaton, Jr., [redacted].
White, John William, Jr., [redacted].
Whitlock, Timothy Scott, [redacted].
Whitney, David John, [redacted].
Wickham, Johnston Howard, [redacted].
Wilhite, Ross Linn, [redacted].
Wilker, John Stephen, [redacted].
Wilkin, Danny Eugene, [redacted].
Wilkinson, David Earl, [redacted].
Williams, Mark Andrew, [redacted].
Williams, Rickie John, [redacted].
Willson, Raymond Arthur, Jr., [redacted].
Winborn, Erik Lewis, [redacted].
Windnagel, Thomas Don, [redacted].
Winn, Richard Earl, [redacted].
Winter, Charlie Conrad, [redacted].
Winterberger, Gary Allen, [redacted].
Witters, Richard Craig, [redacted].
Woessner, James Keil, [redacted].
Wojdyla, Richard Allen, [redacted].
Woodmansee, Robert Harry, [redacted].
Wunneburger, Richard Lee, [redacted].
Yates, Cale Benton, III, [redacted].
Yates, Farris Franklin, [redacted].
Youngquist, Charles Dean, [redacted].
Youngquist, Robert Allen, [redacted].
Zekoski, Joseph, [redacted].
Zeuty, Edward James, Jr., [redacted].
Zickrick, Karl Frederick, [redacted].

The following cadets, U.S. military academy, for appointment in the Regular Air Force, in the grade of second lieutenant, effective upon their graduation, under the provisions of sections 541 and 8284, title 10, United States Code. Date of rank to be determined by the Secretary of the Air Force:

Augustenborg, Jay Mark, [redacted].
Augustyniak, Edward F., Jr., [redacted].
Clark, Bruce Cameron, [redacted].
Fischer, Mark James, [redacted].
Gabig, Jerome Sylvester, Jr., [redacted].
Gates, Glenn Aaron, [redacted].
Gillon, Stephen John, [redacted].
Hart, Gordon Lamar, Jr., [redacted].
Hatton, Craig Thomas, [redacted].
Hershenow, William John III, [redacted].
Hickox, Dan Whitney, Jr., [redacted].
Hinds, Ernest III, [redacted].
Hoke, Franklin Emerson, Jr., [redacted].
Lien, Richard Arthur, [redacted].
McElhare, Michael Nelson, [redacted].
Miller, Robert Louis, Jr., [redacted].
Mitchell, Gerry Wayne, [redacted].
Potter, Gary Wayne, [redacted].
Rauk, Robert James, [redacted].
oRllings, Raymond S., Jr., [redacted].
Russell, William Bradley, [redacted].
Shaklee, Charles Ward, [redacted].
Smith, Earl Paul II, [redacted].
Staudenmeier, William J., Jr., [redacted].
Westphal, James Lawrence, [redacted].
Wilson, Howard Charles, [redacted].
Woodside, Rogert Elgin, [redacted].

The following officers for promotion in the Air Force Reserve, under the provisions of section 8376, title 10, United States Code, and Public Law 92–129.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Aikin, John B., [redacted].
Ballantyne, Wayne L., [redacted].
Blackwell, Kenneth G., [redacted].
Broyles, Robert E., [redacted].
Burke, Lawrence E., [redacted].
Cecala, Russell A., [redacted].
Ciliberti, Frank J., [redacted].
Cirillo, Eugene E., [redacted].
Clements, George W., [redacted].
Coffey, William H., [redacted].
Conable, Willis B., [redacted].
Cook, Bruce W., [redacted].
Culver, David M., [redacted].
Dawson, James D., [redacted].
Dudney, Fred S., Jr., [redacted].
Fassler, Michael J., [redacted].
Freeland, Jimmie L., [redacted].
Heanue, Festus E., Jr., [redacted].
Hennig, Lorain F., [redacted].
Irwin, Melvin L., [redacted].
Jackson, Alton L., [redacted].
Jergensen, Harley G., [redacted].
Kenison, Llewellyn, [redacted].
King, Billy R., [redacted].
Klingaman, Jerome W., [redacted].
Landrum, Everett L., [redacted].
Linley, Kerry L., [redacted].
Lynam, Edmond D., [redacted].
Malinowski, John S., [redacted].
Malone, Thomas E., [redacted].
Marconi, Robert D., [redacted].
Naramore, Leonard N., [redacted].
O'Neill, Stephen E., [redacted].
Pifer, Joseph C., [redacted].
Pirie, James D., [redacted].
Pixley, William L., [redacted].

Ruscetta, Niocla A., [redacted].
Tablas, Frank, Jr., [redacted].
Tuchterman, Denis W., [redacted].
Warden, Beryle E., Jr., [redacted].
Wise, Eugene E., Jr., [redacted].
Witt, Marquis G., [redacted].
Wolford, William F., [redacted].

NURSE CORPS

O'Brien, Clare E., [redacted].

VETERINARY CORPS

Hemphill, Frazier E., [redacted].
Otter, Jason I., [redacted].

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with a view to designation as medical officers, under the provisions of section 8067, title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force:

Kozub, Robert E., [redacted].
Roberts, Perry T., [redacted].

The following persons for appointment in the Reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with effective dates to be determined by the Secretary of the Air Force:

LINE OF THE AIR FORCE

To be colonel

Schupp, Franklin J., [redacted].

To be lieutenant colonel

Edwards, James W., [redacted].
Orr, Robert H., [redacted].
Whitmore, Harold E., [redacted].
Williams, Max W., [redacted].

The following officer for appointment in the Reserve of the Air Force (line of the Air Force), in the grade of colonel, under the provisions of sections 593 and 8351, title 10, United States Code, and Public Law 92–129.

Hastie, Doyle W., [redacted].

The following officers for appointment in the Reserve of the Air Force (line of the Air Force) in the grade of colonel, under the provisions of sections 593, 8351, and 8392, title 10, United States Code, and Public Law 92–129.

Day, Paul R., [redacted].
Frymire, Richard L., Jr., [redacted].

The following Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, from sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Holmes, Capers A., [redacted].
Tucker, Albert S. J., Jr., [redacted].

To be lieutenant colonel

Daley, Robert F., [redacted].
Hess, Marvin J., [redacted].
Powers, Harold M., [redacted].
Tatsios, Theodore G., [redacted].

To be major

Bache, Ronald H., [redacted].
Gough, Richard M., [redacted].

CONFIRMATIONS

Executive nominations confirmed by the Senate April 25, 1972:

DEPARTMENT OF DEFENSE

John W. Warner, of Virginia, to be Secretary of the Navy.

Frank P. Sanders, of Maryland, to be Under Secretary of the Navy.

Robert D. Nesen, of California, to be an Assistant Secretary of the Navy.

U.S. ARMY

The following-named officers to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Hugh McClellan Exton, 224–52–2891, Army of the United States (major general, U.S. Army).

Lt. Gen. James Benjamin Lampert, 224–52–8480, Army of the United States (major general, U.S. Army).

U.S. NAVY

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

John D. Chase
David M. Rubel
Robert S. Salzer
Paul E. Pugh
John "L" Butts, Jr.
William M. Pugh II
Ward S. Miller
Roger E. Spreen
James Ferris
John H. Dick
William H. Livingston
Howard E. Greer
Jon L. Boyes
Donald C. Davis
Donald V. Cox
Herbert S. Ainsworth
Earl P. Yates
Donald D. Engen
Oliver H. Perry, Jr.
Edwin K. Snyder
Herbert F. Matthews, Jr.
Dean L. Axene
Patrick "J" Hannifin
James W. Nance
Rembrandt C. Robinson
Worth H. Bagley
Clarence M. Hart
Lewis A. Hopkins

MEDICAL CORPS

William C. Turville

SUPPLY CORPS

Charles Becker

CHAPLAIN CORPS

Richard G. Hutcheson, Jr.

DENTAL CORPS

Anthony K. Kaires

In the Air Force

The nominations beginning Richard E. Buckley, to be lieutenant colonel, and ending Theresa C. Carfagno, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

In the Army

The nominations beginning Charles W. Boohar, Jr., to be captain, and ending Lawrence E. Vaupel, to be second lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 10, 1972.

In the Navy

The nominations beginning Andrew R. Adams, to be ensign, and ending Johanna H. Gorman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972;

The nominations beginning Richard D. Adams, to be commander, and ending Richard J. Zimmerman, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972; and

The nominations beginning Douglas W. Barron, to be commander, and ending Gerald F. Sullivan, to be commander, which nominations were received by the Senate and appeared in the Congressional Record on Apr. 4, 1972.

HOUSE OF REPRESENTATIVES—*Tuesday, April 25, 1972*

The House met at 12 o'clock noon.

The Reverend Monsignor Joseph B. Coyne, pastor, Church of the Little Flower, Bethesda, Md., offered the following prayer:

Almighty God, Creator and Legislator, pour forth Your blessings upon the Members of this distinguished assembly.

The membership of this House has been invested by its peers with the privilege and duty of legislating for them. Grant them, great God, omniscient and omnipotent, the discernment they need to be equal to the challenge of their office. Grant them a keen sense of justice and equity; of selflessness and generosity; of compassion and understanding. Help them, by Your grace, to be all that men expect them to be for so many have placed their trust in them. Keep them always men of eminent moral stature in whom the Nation takes pride.

Thus, they will fulfill their mission and mandate, distinguish themselves and add luster to this Nation of free men under God. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

TRIBUTE TO MSGR. JOSEPH B. COYNE

Mr. GUDE. Mr. Speaker, Msgr. Joseph B. Coyne, who gave the opening prayer today, is the pastor of Little Flower Church in Bethesda, Md., and an inspiration and spiritual aid to all of us who are members of the parish.

He became pastor of Little Flower last June, but has long been a familiar and beloved figure in the archdiocese of Washington.

Born in Baltimore in 1919, he attended Loyola High School and College and St. Mary's University there.

He was secretary and administrative assistant to the late Bishop John M. McNamara, auxiliary bishop of Washington.

He founded St. Andrew the Apostle Parish in Silver Spring, Md., and was the first pastor there.

Monsignor Coyne has been a key figure in the arrangements for the annual benefits for the Lt. Joseph P. Kennedy Institute here, a school for the mentally retarded.

I am proud that he is pastor of Little Flower and I am proud that he could be with us today.

DESERVED HONOR TO TEXAS FAMILY

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAZEN. Mr. Speaker, I am pleased to call the attention of the House to a family in the Fairview community of Wilson County, Tex., that has been selected the Texas FHA Farm Family of 1971. Out of a field of 20 nominees, this top State honor went to Mr. and Mrs. Charles H. Freeman and their two daughters and two sons.

I report briefly on the Freeman family's achievement because it portrays the effectiveness of the Farmers Home Administration program which many of us have supported for years. In 1958, though the Freemans had very limited resources, they negotiated their first Farmers Home Administration loan. Wise use of their credit and diligent work by the family enabled the Freemans to operate a 500-acre farm, 124 acres owned and the rest rented.

Their major crop has been peanuts, raised by irrigation, and their efforts have raised their yield considerably above 100 bushels per acre. They have also raised beef cattle.

Mr. and Mrs. Freeman have been active community leaders, as have their children, both at home and at college.

The honor that has come to them is clearly earned. Their friends and neighbors will honor them at a dinner in Floresville, Tex., on April 28. The main speaker is to be James V. Smith, our former colleague who is now national FHA Administrator. I hope to attend that event, but I want my fellow Members to share with me gratitude for the Freeman family for their splendid achievements. In these days when the family farm is disappearing in many regions, it is good to see that there are still people like the Freemans helping to produce the food and fiber for our Nation.

GROSS NATIONAL PRODUCT AND CONSUMER PRICE REPORTS ARE FAVORABLE

(Mr. CONABLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONABLE. Mr. Speaker, preliminary data on the economy's progress during the first quarter leaves no doubt that we are embarked on a strong and vigorous expansion. Total gross national product—GNP—soared more than $30 billion, at a seasonally adjusted annual rate. This advance of almost 12 percent far exceeds the 7 6-percent increase during the previous quarter. While the real growth of the economy at 5.3 percent was somewhat below that in the fourth quarter of 1971, it is still a healthy increase and well above the trend rate of growth over the last 5 years.

All sectors participated in the advance. Business expenditures on durable equipment rose 7 percent and purchases by all levels of government rose almost as much. The consumer sector showed unusual strength as residential construction spending soared 10 percent. Consumer spending on durable goods also rose substantially. As further evidence of strengthening consumer demand, the savings rate dropped to 7.4 percent.

Developments on the price front are admittedly difficult to appraise, but I note with considerable hope that the March seasonally adjusted Consumer Price Index did not rise at all for the first time in over 5 years. Key food prices leveled off or declined.

These are preliminary figures and are subject to revisions. However, this initial data is quite encouraging—that we are in the midst of a strong and sustainable expansion with increasing stability of price levels.

PERSONAL ANNOUNCEMENT

Mr. SCHMITZ. Mr. Speaker, I regret that I was unable to be on the House floor on April 20 to be recorded on rollcall No. 119, the vote on H.R. 14070, to authorize appropriations for the National Aeronautics and Space Administration, including the funding for the space shuttle program. Had I been present I would have voted "yea."

Mr. Speaker, I ask unanimous consent that the listing of my name under the pairs under the "until further notice" section be stricken, to reflect this fact.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR FIRE RESEARCH AND SAFETY ACT AND STANDARD REFERENCE DATA ACT

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 930 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 930

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 930 provides an open rule with 1 hour of general debate for the consideration of H.R. 13034 authorizing appropriations for the Fire Research and Safety Act and the Standard Reference Data Act. In addition to authorizing appropriations to carry out the purposes of those acts, the bill amends the Organic Act of the Bureau of Standards.

The National Commission on Fire Prevention and Control, recently appointed by the President, was established by the Fire Research and Safety Act to make a study and investigation of the causes of fire and to make recommendations thereon. None of the funds authorized by H.R. 13034 are to be used by the Commission.

The standard reference data system within the Department of Commerce, which is administered by the Bureau of Standards, collects, compiles, evaluates, publishes, and disseminates information to be made available to scientists, engineers, and the general public.

The authorization is a continuing one with no specific amounts set forth. The funds requested for the purposes of the Fire and Research Safety Act for fiscal year 1973 are $4,928,000. Funds requested for the Standard Reference Data Act for fiscal year 1973 are $2,795,000.

The Organic Act is amended to provide that statutory authorizations for appropriations for the Bureau be on a multiple-year basis or without fiscal year limitation. This would enable the Bureau to conduct its research and development activities more effectively.

Mr. Speaker, I urge the adoption of the rule in order that the bill may be considered.

Mr. LATTA. Mr. Speaker, the purposes of H.R. 13034 are to provide a continuing authorization of such funds as are necessary to carry out the Fire Research and Safety Act of 1968, and the Standard Reference Data Act and to amend the Organic Act of the National Bureau of Standards.

The most significant change in the Organic Act of the National Bureau of Standards is the addition of a new section 18, which provides that appropriations for the Bureau may be on a multiple year basis or be without fiscal year limitation.

With regard to the cost, the bill authorizes such sums as may be necessary in fiscal year 1973 and succeeding years. While this authorization is open ended, in the past, appropriations have not been excessive. Funding for the Fire Research and Safety Act of 1968 was $1,030,000 in fiscal year 1971 and $1,310,000 in fiscal year 1972. The request for fiscal 1973 is $4,928,000. Funding for the Standard Reference Data Act was $2,400,000 in fiscal year 1971, and $2,265,000 in fiscal year 1972. The request for fiscal year 1973 is $2,795,000.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. GROVER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 120]

Abourezk
Abzug
Ashley
Badillo
Baring
Barrett
Belcher
Biaggi
Biester
Bingham
Blanton
Blatnik
Boland
Brasco
Byrne, Pa.
Caffery
Camp
Carey, N.Y.
Carney
Celler
Chisholm
Clark
Clay
Conyers
Coughlin
Culver
Curlin
Dent
Diggs
Dow
Dowdy
Dulski
Dwyer
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Fisher
Flowers
Foley
Ford, William D.
Fountain
Fraser
Fulton
Galifianakis
Gallagher
Gaydos
Giaimo
Goldwater
Goodling
Gray
Green, Pa.
Griffin
Griffiths
Hagan
Hall
Hanna
Hansen, Wash.
Hawkins
Hébert
Heinz
Ichord
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kee
Kluczynski
Kuykendall
Long, La.
Lujan
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
Madden
Miller, Calif.
Mills, Ark.
Moorhead
Morgan
Morse
Murphy, N.Y.
Nix
Patman
Peyser
Pirnie
Preyer, N.C.
Pryor, Ark.
Rees
Riegle
Rooney, Pa.
Rosenthal
Rostenkowski
Runnels
Ryan
Scheuer
Slack
Staggers
Steed
Stephens
Stokes
Stubblefield
Taylor
Teague, Calif.
Ullman
Vander Jagt
Vigorito
Waggonner
Ware
Williams
Winn
Wright
Yatron
Young, Tex.
Zion

The SPEAKER. On this rollcall 318 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AUTHORIZING APPROPRIATIONS FOR FIRE RESEARCH AND SAFETY ACT AND STANDARD REFERENCE DATA ACT

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

The SPEAKER. The question is on the motion offered by the gentleman from Georgia (Mr. Davis) that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 13034.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, with Mr. Hanley in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. Davis) will be recognized for 30 minutes, and the gentleman from California (Mr. Bell) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Committee on Science and Astronautics has taken testimony on H.R. 13034 and strongly urges its passage. This bill authorizes funds for fiscal year 1973 and subsequent years for the National Bureau of Standards to carry out the Fire Research and Safety Act of 1968, the Standard Reference Data Act and to make amendments to the Organic Act of the Bureau to improve their administrative practices.

In the past, for both the Fire Research and Safety Act and the Standard Reference Data Act, authorizations have been approved every 2 years. This year we combined those two authorizations in one bill because of the relatively small amount of money involved in each program. The sums actually programed in prior years by the Bureau of Standards have been approximately $1 million for fire research and about $2.5 million for the standard reference data work. However, for fiscal year 1973 the requested amount for fire research and safety has been increased to $4.928 million. In view of the relatively small amount of money planned to be used, the Bureau has repeatedly requested that the committee approve a continuing authorization for these two measures. The bill before you contains language authorizing "such sums as may be necessary for succeeding fiscal years." These two acts are the only activities of the Bureau of Standards that require authorizations. The great majority of their funds require no specific authorization and their budget requests go directly to the Appropriations Committee. If this bill is passed, the effect is that the Bureau of Standards will go directly to the Appropriations Committee for essentially all of their funds thereby simplifying their procedures. We believe that this procedure is beneficial for the Government and will add flexibility to the operation of the Bureau. Since the Science and Astronautics Committee has legislative jurisdiction over the Bureau and will be requiring status and progress reports periodically, the Congress can keep close surveillance over its operation. Also, we can always reverse this procedure if the situation warrants.

The need for fire and fire related safety research is highlighted by the statistics that are presented to us. It is estimated that fire kills more than 12,000 American citizens each year, many hundreds of thousands are injured and fire damages and property loss exceeds $2 billion each year. It has been estimated that the indirect cost of fire losses is 2.6 times the direct loss, or approximately $5.2 billion indirect loss. The total of the indirect plus direct loss is in excess of $7.2 billion per year and is increasing.

The funds authorized by this bill will enable the National Bureau of Standards to conduct research in areas not now being adequately carried out by any private or governmental agency. Further, the funds will enable the central purpose of the 1968 act to be realized, namely, the establishment of a focal point upon which research efforts at fire control and prevention can be centered, and of a coordinated national program for such activity.

The fire research work to be carried out by the Bureau includes the following:

First. Investigations of fires as to their causes, frequency of occurrence, and severity of losses;

Second. Research into causes and nature of fires, and the development of improved methods and techniques for fire prevention and control;

Third. Public education on fire hazards and safety;

Fourth. Fire information reference service;

Fifth. Education and training programs for professional firefighters; and

Sixth. Demonstration projects.

We believe that the country needs more effective measures of protection against the hazards of fire and that the additional responsibility for fire research and other factors contained in the Fire Research and Safety Act should provide the necessary assistance to our firefighting organizations to reduce the hazards of fire and, therefore, the deaths, personal injury, and property damage resulting therefrom.

The enactment of this bill will make Federal resources available for support of increased private, public, and governmental efforts in fire research and safety. Present research efforts are carried out by fire equipment and building materials industries, trade associations, commercial laboratories, nonprofit organizations, universities, insurance companies, and Government agencies. The major proportion of this research, however, is either product oriented or mission oriented. Inadequate attention is being given to basic research. Instead, great reliance is placed on empirical fire testing methods. For example, there is evidence that present fire codes and inspection requirements introduce an inflexibility in building design and construction. Under the authorization of this bill, the Bureau plans to develop better evaluation techniques for new building materials, for new types of building design, and for new types of firefighting equipment. These techniques will stimulate industry to new innovations in these areas from a fire-resistance viewpoint because the evaluation methods will be more reliable.

The Standard Reference Data Act—approved July 11, 1968—declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. Under the terms of the act, the Secretary of Commerce is assigned the primary responsibility in the Government for providing for the collection, compilation, critical evaluation, publication and dissemination of standard reference data. The National Bureau of Standards is further delegated the responsibility for carrying out this act. The activities supported by this authorization include many projects which improve the Nation's capability to respond rapidily to the need for reducing air pollution, improving energy sources and distribution, developing new products, and strengthening technology and science in the United States. These benefits are derived through having good data readily available as needed to solve the technical problems associated with these areas of national need.

In addition to providing reliable reference data for use by the entire scientific and technical community, the program serves another important function. Through the critical evaluation process, the generation of data in the laboratory is strongly influenced; standards of measurement are upgraded, and the reporting of results in the scientific literature is improved. This serves to increase the effectiveness of the national investment in scientific research. At a time of severe restrictions on science funding, this increase in effectiveness from the standard reference data program may be equal in importance to the benefits derived from the availability of the data.

H.R. 13034 also provides for a continuing authorization of such sums as may be required by the Bureau for their work; that is to go directly to the Appropriations Committee for funds to cover the work being performed under the Standard Reference Data Act. This is the same procedure as outlined above for the Fire Research and Safety Act.

Additionally, Mr. Chairman, there are a number of amendments to the Organic Act of the Bureau that are desirable to clarify functions that have been overtaken by time. The committee has considered these amendments and considers them essential to improved administrative practices in the Bureau of Standards.

AMENDMENTS TO THE ORGANIC ACT

The proposed amendments to the Organic Act would permit the following improvements in the fiscal and administrative practices of the Bureau for more effective conduct of its research and development activities:

First. Appropriation of funds to remain available beyond 1 fiscal year.

A new section would be added to the Organic Act of the Bureau of Standards providing statutory authorization for appropriations to be without fiscal year limitation.

Most research and development appropriations for other agencies are provided as "no-year" funds, available until expended. Their justification is found in the uncertainties inherent in research programs, the high incidence of unpredictable factors that compel readjustment of program activity, and the need for flexibility to permit prompt response to changed circumstances. Final determination of the availability of funds usable on a multiple year basis would be contained in the appropriation bill for the agency.

Second. Clarification of authority to engage in teaching and training activities in areas of special NBS competence.

This amendment modifies paragraph 19 of section 2 of the Organic Act to clarify the authority of the National Bureau of Standards to engage in teaching and training activities in areas of special NBS competence. In particular, it would enable Bureau scientific and technical personnel under certain circumstances to teach at educational institutions of higher learning as part of their official duties.

Third. Clarification of authority to perform services for international organizations and governments of friendly countries and their institutions.

This proposed revision of section 3 of the Organic Act would clarify the authority of NBS to perform its services for international organizations of which the United States is a member and for friendly countries and their institutions. At present, NBS has specific authority to exercise its functions only for the Federal Government, State and local governments, and for institutions and firms within the United States.

Fourth. Increase monetary limitation relating to construction and improvement of NBS buildings and facilities from $40,000 to $75,000.

This limitation has become burdensome over the past several years because of increased construction costs. Extensive construction authorization in excess of this amount still must be sought in the normal budget process.

Fifth. Clarification of authority to provide care, maintenance, and protection of the buildings and property of NBS.

This amendment clarifies existing law which limits the Secretary of Commerce in his responsibility for "the care, maintenance, and protection of the buildings occupied by the Bureau of Standards of the Department of Commerce in the District of Columbia."

The Bureau is no longer located in the District of Columbia but in Gaithersburg, Md., and it also operates facilities in Colorado.

Mr. Chairman, that concludes by presentation. I will be pleased to answer any questions that you may have.

Mr. BELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 13034, a bill to authorize appropriations for the Fire Research and Safety Act and the Standard Reference Data Act.

I would also like to praise my distinguished colleague from Georgia on his remarks and on his exhaustive efforts as chairman of the Subcommittee on Science, Research, and Development.

This legislation was unanimously reported by the Science and Astronautics Committee.

It is my firm belief that the Fire Research and Safety Act represents a vehicle by which it is possible to greatly reduce the loss of human life and the destruction of property resulting from fire.

It is estimated that each year 12,000 American citizens perish and over $2 billion of property is damaged or destroyed due to fire.

The funds approved by the committee will enable the National Bureau of Standards to initiate fire research in areas not currently being carried out by private organizations or governmental agencies.

Presently, the vast majority of fire research is either product or mission oriented.

Not enough attention has been directed to basic research in the area of fire prevention.

It is the design of this bill to remedy this inadequacy.

The standard reference data program is one of the National Bureau of Standard's most refined projects.

Specifically, this program is one that makes critically evaluated reference data available to the scientists, engineers, and the general public.

The acceleration of scientific technology in the past decade together with the anticipated achievements in the future highlights the need for the continuation of this program.

The standard reference data system functions and will continue to function to keep this voluminous output manageable.

Mr. Chairman, I impress upon my colleague's the vital services provided by both of these programs and ask that they give their full support to the bill before us.

Mr. Chairman, I have no further requests for time.

Mr. DAVIS of Georgia. Mr. Chairman, I wish to thank my colleague from California for his generous remarks and thank him for his great cooperation.

Mr. Chairman, I do not know of any amendments to the bill and I do not know of any opposition to the bill.

Mr. GROSS. Mr. Chairman, would the gentleman from Georgia yield?

Mr. DAVIS of Georgia. I shall be happy to yield to the gentleman from Iowa.

Mr. GROSS. With reference to—what is it called? The data——

Mr. DAVIS of Georgia. Standard reference data.

Mr. GROSS. Yes; standard reference data.

Is any revision or use of that designed to promote the metric system?

Mr. DAVIS of Georgia. It has no reference whatsoever to that system.

I might say to my colleague from Iowa that we do have a metric system bill in the mill this year which I strongly support and I hope that he will in his wisdom find a way to support it himself.

Mr. GROSS. I will say to my friend from Georgia that he may strongly support it, but I am just as strongly opposed to the imposition upon this country of the metric system at this time because of the Nation's financial difficulties and the enormous costs involved.

I just want to be sure that there is no money for the promotion of the metric system in this bill.

Mr. DAVIS of Georgia. There is absolutely none.

I would say to my good friend that when you come right down to it, we are truly on a metric system now, when the only way you can define an inch is that it is 25.4 millimeters long. I do not think the expense is going to be as great as my good friend might think it would be.

Mr. GROSS. I would not want to even have to think about measuring a fish that I might have caught in terms of whatever that was you came up with under that system. If that is the way it operates you would soon be resorting to the googol.

Mr. DAVIS of Georgia. I suggest to my friend from Iowa that whatever the length of the fish is, it would still be that length under the metric system. However, it would also depend upon the viewpoint of the fisherman who caught the fish.

Mr. GROSS. I want to be sure the game warden agrees it is the legal length under your system.

Mr. DAVIS of Georgia. Whatever length you apply to it, it is still that length, but you cannot count on the fisherman at all times as to his estimation of its length.

Mr. GROSS. I thank the gentleman from Georgia.

Mr. HOGAN. Mr. Chairman, I rise in support of H.R. 13034. My district is fortunate in having an educational facility devoted solely to the training and facilities of fire officers and firefighters. I refer to the Fire Service Extension Department of the College of Engineering at the University of Maryland. This is the one school in Eastern United States which offers a bachelor of science degree in fire protection engineering.

There has been, and continues to be, close liaison between the university and my office. We jointly recognize the need for more training, more research and more funds devoted to firefighting and to the prevention of fires.

I therefore support the appropriation of more funds and the goals proposed by H.R. 13034. We have long needed a single agency, the National Bureau of Standards, to be fully responsible for carrying out the provisions of title I of the Fire Research and Safety Act.

In my district the services and facilities of firefighters, both professional and volunteer, cost approximately $12 million per year. At this rate the annual cost for the Nation would be $4 to $5 billion. The number of professional firefighters in the United States is approximately 150,000; the number of volunteers approximately 2 million. Certainly those who expend this amount of money and those who train this number of people need technical guidance at the Federal level.

Whereas our local police work closely with the FBI and State police forces, the firefighters have been neglected. Only recently has it been recognized that there should be a national research, educational and statistical coordination agency. The State fire marshals are for the most part still principally law enforcement and fire prevention agencies with small staffs. I therefore applaud the purpose of H.R. 13034 which gives recognition to the national need.

Today the insurance industry, the Underwriters Laboratories, and Government activities such as NASA, do research as best serves their purposes. No one agency really can serve the public unless it is the NBS which can and should coordinate the research now being done and undertake that research which no one now does. It can adopt for firefighting the lessons learned by the moon shots. It can research the fire-resistant qualities of building materials. It can improve the design and use of fire-economics of fire-fighting equipment which is expensive; for example, $80,000 to $100,000 for an aerial truck; $35,000 to $60,000 for a pumper; $185,000 to $250,000 for the average firehouse.

Firefighting training needs technical guidance. For example, just last week Department of Labor representatives came into my office and announced the establishment of a job training corps for the underprivileged. It is expected to spend somewhere in the neighborhood of $2 million a year in training 300 youths. One of the half dozen areas in which training would be given is fire and police services. The question is immediately raised as to who would be responsible for the technical elements of the fire program. Would it be local, State, or national groups? Hopefully, such a training institution could look to NBS for technical guidance.

Within the past month at the request of the Fire Service Extension Department of the University of Maryland and the Maryland State Fireman's Association, we were able to help obtain space and facilities for Maryland's first in a series of regional fire training centers. These regional training centers will expand the University of Maryland's services to fire, rescue, and ambulance personnel throughout the State. The University of Mayland has a 35-year history in fire protection. However, for most firefighters in the State, attendance at the university would have often meant leaving the home station without adequate emergency service. Regional training is a logical extension of the university's services. However, progress in research and training at the Federal level is equally as important as programs at the local level. I trust improved guidance and performance will be obtained by the passage of H.R. 13034.

Mr. McKEVITT. Mr. Chairman, I rise in support of H.R. 13034 which would implement the Fire Research and Safety Act of 1968.

While the measure carries other provisions including authorization of funds for the Standard Reference Data Act and to make administrative improvements for the National Bureau of Standards, implementation of the Fire Research and Safety Act is the most significant part of the measure, at least in my opinion.

It is estimated that fire kills 12,500 Americans a year, leaves many, many more injured, and results in property damage and loss of almost $3 billion a year. Add to this estimates that the indirect costs of fire losses could be more than $5 billion a year and we have ample reason for implementation of the Fire Research and Safety Act.

The proposed authorization and subsequent appropriation will permit the National Bureau of Standards to implement title I of the act. This will mean a centering of fire control and prevention efforts. In short, a coordinated national program of research into the problem. As the committee noted, the program should lead to better design techniques in structures and equipment, improved firefighting procedures, improved fire codes and a reduction of the losses from fire.

Title II of the program created the National Commission on Fire Prevention and Control although no funds authorized in this bill may be used by the Commission. The Commission was recently appointed by the President and in the view of some experts will be able to make a major contribution. One of these experts is Myrle K. Wise, chief of the Denver Fire Department. Chief Wise said this in a recent letter to me:

> The National Commission on Fire Prevention and Control has the opportunity to achieve far-reaching goals in contributing to the security of the lives, possessions and happiness of the American people.
>
> Determination of a program which will eventually serve to reduce the mounting loss of life and property.
>
> Provide a means of research and development so as to incorporate the latest methods and materials.
>
> Provide a system for the dissemination of technical data and research publications for the use of fire departments throughout the country.
>
> Make readily available a current data manual on all hazardous materials.
>
> Collect pertinent data to resolve the rising trend in arson crimes and to curb the disturbing and dangerous increase in false alarm rates.
>
> Implement legislation which will accomplish the urgent needs of the fire service on a national level and provide the funding necessary to carry out these programs.
>
> The rising death toll, 12,500 per year, and the nearly three billion in property damage denotes the urgency of the times for measures which will reverse the trend and provide the citizens of this country with some measure of relief from the hazards of fire.

Mr. Chairman, we owe it to the American people to fully implement the Fire Research and Safety Act and to see that necessary funds are provided to bring about greater protection against death, injury, and damage to property resulting from fire.

Mr. VAN DEERLIN. Mr. Chairman, I am happy to add my support to H.R. 13034, the proposed Fire Research and Safety Act. This legislation has enormous potential for improving our defenses against the ravages of fire, through funding of research and other fire prevention activities by the National Bureau of Standards.

I rise at this point so that the record

will show the concern that exists in many quarters over our failure thus far to standardize the threads and couplings used in fire hoses.

A major conflagration at best is an unpleasant affair; when firefighting equipment cannot be used because it will not fit together, the results can be tragic.

Robert Ely, a veteran official of the San Diego Fire Department, has labored tirelessly for standardization of this gear, even to the point of designing a special power thread cutting machine that permits homogenizing of threads without removing couplings from the hose.

But Bob Ely, who has also served for the past 13 years as chairman of the committee on standardization of the International Association of Fire Chiefs, cannot achieve this necessary uniformity of equipment by himself.

Unfortunately, when he has turned to government agencies for help, he has usually been told that while his goals are laudable, there is not enough money on hand to achieve them.

H.R. 13034 should make a difference, in this regard.

I am encouraged by the estimate of the Committee on Science and Astronautics that $4.9 million should be made available for the fire research and safety program, under the Bureau of Standards, over each of the next 5 years.

Chief Ely's power tools for standardizing firehose threads can be reproduced—but at a cost, of course. Already these machines have been successfully employed in California, Alaska, Washington and by the U.S. Forest Service. Could not the funds which H.R. 13034 authorizes be used to help facilitate the distribution of these tools wherever they are needed in the United States?

At this point, Mr. Chairman, I include the text of a recent letter by Mr. Ely to President Nixon, summarizing the need for standardization.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS, INC.,
Washington, D.C., September 10, 1971.

RICHARD M. NIXON,
President of the United States,
Washington, D.C.

DEAR MR. PRESIDENT: As chairman of a committee having national scope, we wish to inform you and others charged with the welfare, safety and protection of our country that a serious, dangerous and costly condition exists in the fire defense of our country. We refer to the use of so many non-standard fire hose coupling screw threads.

With the advent of the nuclear age we are going through a time of peril for our country and have become much more dependent upon our neighbor, another city or another state or states in order to survive. In the event of any nuclear attack on this country, there will be much confusion and many problems. Why should we compound our problems by having our fire fighting equipment with non-standard screw threads that will not fit our neighbors nor our neighbors fit ours?

When we read fire service history we find that during the bombing of England their fire fighting operations were impaired considerably because of non-standard fire hose couplings, also during the heavy bombings of Stuttgart, Germany, many adjacent cities were called for aid and they found to their dismay that their fire equipment was of no value due to non-standard fire hose couplings.

Much work has gone into this standardization program. Standard threads for all sizes of fire hose couplings have been adopted in the U.S. and some states have passed laws requiring these standards. However, this is not enough as there are many cities, military installations, state operated facilities, as well as private installations that do not conform to the National standards. Even our great production city of Detroit has non-standard fire hose threads. Also Washington, D.C. does not have National standard fire hose screw threads on their 1½ inch fire hose.

For over 98 years the International Association of Fire Chiefs have adopted resolutions (see attached latest resolutions) recommending that all fire hose threads should be standard. Resolutions and recommendations have not been enough to get the job done. It is evident that proper legislation and financial help will be necessary to help get all fire hose threads standardized in the United States.

We urge your active support and leadership in this very important standardization program and ask that you take the necessary steps to aid and assist the fire service to standardize all fire hose coupling screw threads nationwide.

Sincerely,

ROBERT ELY,
Chairman, International Association of Fire Chiefs Committee on Standardizations of Fire Hose Screw Threads.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

A bill to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years to carry out the purposes of the Fire Research and Safety Act of 1968 (Public Law 90-259; 82 Stat. 34).

SEC. 2. There are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290-290f; 82 Stat. 339).

SEC. 3. (a) The Act entitled "An Act to establish the National Bureau of Standards", approved March 3, 1901 (31 Stat. 1449), as amended, is further amended by adding the following section:

"SEC. 18. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations."

(b) Such Act is further amended by striking the period at the end of paragraph (19) of section 2, by inserting a comma in lieu thereof and by adding the following: "and including the use of National Bureau of Standards scientific or technical personnel for part-time or intermittent teaching and training activities at educational institutions of higher learning as part of and incidental to their official duties and without additional compensation other than that provided by law."

(c) Such Act is further amended by revising the first sentence of section 3 to read as follows: "The Bureau is authorized to exercise its functions for the Government of the United States and for international organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: *Provided,* That the exercise of these functions for international organization, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State in respect to foreign entities."

(d) Such Act is further amended by deleting in section 14 the figure "$40,000" and substituting in lieu thereof the figure "$75,000".

(e) Such Act is further amended by revising section 15(b) to read as follows:

"(b) The care, maintenance, protection, repair, and alteration of Bureau buildings and other plant facilities, equipment, and property."

(f) That portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) which relates to the National Bureau of Standards is hereby repealed.

Mr. DAVIS of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 3, line 9, delete the word "organization," and insert in lieu thereof the word "organizations."

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HANLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, pursuant to House Resolution 930, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks with respect to the bill H.R. 13034 just passed by the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

FOURTH ANNUAL REPORT ON THE ADMINISTRATION OF THE NATURAL GAS PIPELINE SAFETY ACT OF 1968—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Congress of the United States:

I herewith transmit the Fourth Annual Report on the Administration of the Natural Gas Pipeline Safety Act of 1968. This report has been prepared in accordance with Section 14 of the Act, and covers the period of January 1, 1971, through December 31, 1971.

Richard Nixon.

The White House, *April 25, 1972.*

AUTHORIZING APPROPRIATIONS TO THE NATIONAL SCIENCE FOUNDATION

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 929 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 929

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Astronautics, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Ohio (Mr. Latta), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 929 provides an open rule with 1 hour of general debate for consideration of H.R. 14108 authorizing appropriations to the National Science Foundation.

The authorization for the Foundation for fiscal year 1973 is in the amount of $673.8 million. In addition, $7 million are authorized in foreign currencies which the Treasury Department determines to be in excess of the normal requirements of the United States.

A line item budget was approved by the legislative committee rather than a lump sum authorization. There are 13 categories included in this line item budget. However, it is provided that 10 percent of the allotment for a category may transferred to another. No higher percentage than that may be transferred without notice to the House and Senate committees followed by a waiting period of 30 legislative days or prior approval of the committees.

The legislation is similar to that of previous years.

Mr. Speaker, I urge the adoption of the rule.

Mr. LATTA. Mr. Speaker, the purpose of H.R. 14108 is to authorize funds for the National Science Foundation for fiscal year 1973. The bill authorizes $673,800,000, plus $7,000,000 for expenses incurred outside the United States, to be financed from foreign currencies which are determined to be in excess of the normal requirements of the United States. The $673,800,000 is broken down as follows:

Scientific research project support, $270,600,000;

National and special research programs, $106,900,000;

National research centers, $42,300,000.

Computing activities in education and research, $19,500,000;

Science information activities, $9,500,000;

International cooperative scientific activities $4,700,000;

Research applied to national needs, $80,000,000;

Intergovernmental science program, $1,200,000;

Institutional improvement for science, $18,000,000;

Graduate student support, $20,000,000;

Science education improvement, $71,800,000;

Planning and policy studies, $2,500,000; and

Program development and management, $26,800,000.

In addition, the bill provides that the National Science Foundation shall not transfer more than 10 percent of the funds alloted for one of the thirteen categories to another category unless notice is given to the appropriate House and Senate committees followed by a waiting period of 30 legislative days or the committees have approved the transfer prior to the expiration of the 30-day period.

Section 7 provides that colleges and universities may deny or withdraw financial assistance from participants in acts which cause substantial disruption to such institutions. This section is identical to provisions included in NSF authorizations for the last 3 years.

Section 8 amends the National Science Foundation Act of 1950 to reemphasize support of science education programs at all levels.

The National Science Foundation request was for $646,000,000 plus $7,000,000 in excess foreign currency. The Committee on Science and Astronautics increased this by $27,800,000 for a total of $673,800,000 plus $7,000,000 in excess foreign currencies.

The only departmental letter in the committee report is from the National Science Foundation supporting the original request. There are no minority views in the report. The committee reported the bill unanimously by a voice vote.

Chairman Miller has requested a 1 hour, open rule.

Mr. Speaker, I have no further requests for time and yield back the balance of my time.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DAVIS of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14108, with Mr. Hanley in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Georgia (Mr. Davis) will be recognized for 30 minutes, and the gentleman from California (Mr. Bell) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Georgia (Mr. Davis).

Mr. DAVIS of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill (H.R. 14108) authorizes $673,800,000 for the National Science Foundation in fiscal year 1973, plus $7 million in excess foreign currencies. The bill before us today is a clean bill which reflects a number of changes made by the Committee on Science and Astronautics to the administration request.

H.R. 14108 includes a net increase in funds of $27.8 million over the NSF request. I should like to point out that even with this increase, the total of the authorization is only $21.3 million above the NSF authorization for fiscal year 1972, or an increase of about 3 percent.

The committee held 9 days of open hearings on this authorization, including three sessions with non-Government witnesses. We had the benefit, therefore, not only of testimony from the NSF officials but some of the best judgments and opinions from the academic community and other related groups.

After two markup sessions in subcommittee, the full committee approved the bill under consideration today by a unanimous vote. In our opinion, H.R. 14108, even with the increases made by the committee, provides only the minimum resources necessary for our Nation to maintain adequate progress in scientific research and science education.

As I have noted, there were a number of changes made in the NSF request. In particular, there were increases totaling $36.5 million made in certain programs, and reductions totaling $8.7 million in other programs. I shall go into more detail later concerning the specific actions which were taken, but, first, I should like to briefly describe the overall objectives of the National Science Foundation activities which will be supported by this authorization. I should also like to point out that the committee has approved a line item budget rather than the lump sum authorization which was requested. This line item budget, which consists of 13 categories, reflects the changes in priorities made by the Committee on Science and Astronautics.

The largest single budget category is that of "Scientific research project support." Programs under this category provide support for a large part of the basic research activity conducted by individual scientists and groups of scientists in this country. The $270,600,000 approved for this category will enable the continuation of research into the fundamental processes and phenomena which can eventually yield the answers to the important scientific, technological, and environmental questions facing us today. This research permits the discovery of those natural laws which undergird advanced technology, and ultimately provide for our Nation's security and economic well-being.

In fiscal year 1973, the "Scientific research project support" category incorporates the program for "Specialized scientific research equipment and facilities." This was formerly a separate budget category and represents about $12 million of fiscal year 1973 funds.

The "National and special research programs" category totals $106.9 million. These major research efforts include such activities as the international biological program, the global atmospheric research program, the international decade of ocean exploration, and U.S. research activities in both the Arctic and Antarctic. There are two new programs within this category in fiscal year 1973 which are designed to increase the effectiveness with which research and development results are incorporated into our Nation's economic activities. These two programs which have committee approval are the experimental R. & D. incentives program and the national R. & D. assessment program. Together their budgets total $22.3 million.

Funding for the National Research Centers has been approved at a total of $42.3 million. These five research centers carry out the kinds of scientific research requiring a concentrated effort and specialized facilities and staffing. The centers are the National Astronomy and Ionosphere Center, the Kitt Peak National Observatory, the Cerro Tololo Inter-American Observatory, the National Radio Astronomy Observatory, and the National Center for Atmospheric Research.

Funds approved for "Computing activities in education and research" total $19.5 million. The objectives of programs in this budget category are to develop basic knowledge in computer sciences, develop new uses of the computer in the educational process, and find new ways of utilizing computers in scientific research.

The sum of $9.5 million is authorized for the category "Science information activities." The objective of these activities is to develop and improve technical information systems which serve the scientific and technological disciplines, and at the same time insure that not only are these information systems as responsive as possible to the Nation's needs, but that unnecessary duplication does not occur.

Authorized funds for international cooperative scientific activities total $4.7 million. I should point out that it is the policy of the United States to encourage international cooperation in fields of science, and this particular NSF program is one of the major ways by which this policy is implemented. It also helps hold down the cost of certain types of scientific activities by making possible global cooperation on scientific problems which are common to many nations.

The category "Research applied to national needs" is authorized at a level of $80 million and is designed to support problem-oriented research important to the Nation. The major emphases in fiscal year 1973 will be on three problems: Energy research, municipal systems research, and regional environmental systems research.

The intergovernmental science program authorization of $1.2 million is designed to assist State and local governments in utilizing science and technology in their programs and services. This program was initiated in fiscal year 1969, and has already had an impact in 27 States, the District of Columbia, and Puerto Rico.

The committee authorized $18 million for the category "Institutional improvement for science." Our Nation can be assured of quality science education and academic research only if our colleges and universities themselves are strong and viable organizations. Programs in this category will help provide the necessary funds for institutional administrators to assure strong institutional support for science programs.

Graduate student support totaling $20 million is authorized to provide our Nation with the necessary flow of highly talented individuals into scientific research and teaching. These programs set a national standard for scientific excellence in graduate education of which all of us can be proud.

The authorization of $71.8 million for science education improvement will improve the effectiveness of science education at all levels of the educational process. The wide variety of useful and innovative NSF science education programs help assure not only a quality education for the specialist, but adequate training in the scientific method for the nonscientist as well.

The program development and management authorization of $26.8 million pays the expenses of administering all of the NSF scientific reasearch and education programs. The fact that this represents only about 4 percent of the total NSF budget illustrates, I believe, the overall efficiency of the NSF management effort.

A separate section of the bill authorizes $7 million for the special foreign currency program. This program utilizes excess foreign currencies to support scientific research and scientific and technological information activities in the six countries where excess foreign currencies are available.

I should now like to briefly describe how the bill before us today, H.R. 14108, differs from the administration bill which was considered by the committee, H.R. 12753. The bill which we are now considering contains a line item budget consisting of 13 budget categories, which represent the major program categories within the total National Science Foundation effort. This line item budget is similar in form to that contained in the fiscal year 1972 authorization act, Public Law 92-86. There is authority for NSF to transfer up to 10 percent of a category into or out of that category, and other transfers can be made after congressional notification. A difference is that 30 legislative, rather than 30 calendar, days must pass before such transfers in excess of 10 percent of a category can be made without approval of the authorizing committees of the House and Senate.

I should like to describe in more detail the budget actions taken by the committee. As I mentioned earlier, the net increase above the NSF request was $27.8 million.

BUDGET INCREASES

Four line item categories were increased by commitee action.

The category intergovernmental science programs, was increased by $200,000, to a total of $1.2 million. This will permit State and local governments not only to make better use of the potentials of science and technology, but to help assure proper transfer of research results into specific practical applications related to local needs.

Institutional improvement for science was increased by $11 million for a total of $18 million for fiscal year 1973. Even with this increase, funding for this important program, which helps assure the viability of our institutions that provide advanced education in the sciences, is still much below its earlier obligation levels. For example, in 1968, NSF obligated more than $83 million in this category.

"Graduate student support" was increased by $10.8 million, for a total of $20 million. The committee has noted that total NSF support for graduate students has declined over recent years, in spite of the fact that increased research funding has made many more graduate assistantships available. We hope the increase of $6.8 million in fiscal year 1973 for predoctoral fellowships will assure that this trend of declining support for graduate students is reversed.

Included under "Graduate student support" is $4 million for postdoctoral fellowships. This will support and retrain young scientists in fields directly related to national goals in science and technology.

I should also like to point out that the committee recommends that the NSF utilize $9.5 million of impounded funds to establish a new "Graduate designated traineeship program," which would support students in fields of great national interest, such as the environmental sciences.

There is an increase of $13 million for "Science education improvement." There were eight specific science education programs which were increased by a total of $14.5 million, and one program was reduced by $1.5 million. Let me say a word about these programs.

The "Undergraduate student originated projects" were increased by $1.5 million, to a total of $3.5 million. This program challenges our talented undergraduates to apply science and technology in innovative ways to important problems.

The "Technician/technologist education projects" are recommended at a $3 million level, including a $1.5 million increase. In the committee report we point out the important role which 2-year colleges should play in implementing this particular increase.

"Proposed experimental projects" to encourage initiatives in science education were cut in half by committee action, reducing it to a level of $1.5 million. Although its objectives are laudable, the committee feels it should be implemented at a lower initial level.

An increase of $3 million for "Secondary schoolteacher projects" will permit continued improvement of the quality of science faculty at the secondary school level. This increase brings the total for these projects to $16.1 million.

The "Science faculty fellowships and research participation program" was restored to a level of $2.1 million, in order to help assure continued improvement of the science faculty in undergraduate and 2-year institutions.

The "Undergraduate scientific instructional equipment projects," which provide instructional and laboratory equipment, were increased $1.6 million to a level of $4 million. These projects require a 1-to-1 matching from non-Federal sources.

Four-year "College and university projects" have been increased $2 million to a total of $4 million. You may recall this program in previous years under the title "College science improvement program." It has played a vital role in revitalizing science education at our undergraduate colleges.

The program of "High school student projects," known previously as the "Student science training program," was increased by $1.4 million, for a total of $3.4 million. This activity helps assure that the most talented potential scientists in our secondary schools are identified and challenged to utilize their abilities.

The "Undergraduate student projects" were increased $1.4 million for a total of $5.4 million. This was previously known as the "Undergraduate research participation program," and has been very successful in stimulating curriculum changes in undergraduate colleges.

In order to hold the net increase for NSF to a minimum, the committee reluctantly made reductions in certain programs. Funds for "Scientific research project support" were reduced by $4 million. Because NSF has stated that no funds are needed to fund research projects transferred from other agencies in fiscal year 1973, the reduced total of $270.6 million should be adequate for scientific research projects.

There is a reduction of $2.2 million in the "National and special research programs." The request for $22 million for the "National R. & D. assessment program" was reduced to $20 million, and the "R. & D. incentives program" was reduced from $2.5 million to $2.3 million. The funds approved should permit both of these new programs to be instituted without serious difficulties.

The bill, H.R. 14108, also includes certain changes not related to the fiscal year 1973 budget totals. Section 8 of the bill amends the NSF Basic Act to insure that the Foundation maintains adequate support of science education at all levels.

Section 2 of this bill puts appropriate floors under institutional improvement, graduate student support, and science education improvement. It also establishes maximum levels for the programs of institutional grants for research management improvement and experimental projects to insure initiatives in science education.

Mr. Chairman, the remainder of the bill, H.R. 14108, is similar to the administration bill, H.R. 12753, as well as to the NSF authorization for fiscal year 1972, Public Law 92–86.

Mr. Chairman, I believe the bill before us today deserves the strong support of every Member of the House. A strong base of science and technology is important to this country in all of its activities, ranging from military defense to pollution abatement, and from economic growth to intellectual achievement.

The National Science Foundation is increasingly responsible for maintaining the health of our scientific research and our science education activities. This bill has received the unanimous, bipartisan endorsement of the members of the Committee on Science and Astronautics. I urge each and every one of my distinguished colleagues to support H.R. 14108.

Mr. GROSS. Mr. Chairman, would my friend from Georgia yield?

Mr. DAVIS of Georgia. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I am having a little difficulty in reconciling the figures. With the $7 million in foreign currency, this is a $680 million authorization; is that correct? $673,800,000 plus $7 million?

Mr. DAVIS of Georgia. Yes, that is true; $7 million is authorized to be expended in foreign currency.

Mr. GROSS. Yes. So it makes an authorization of $680 million?

Mr. DAVIS of Georgia. That is correct.

Mr. GROSS. What was the actual appropriation for fiscal year 1972?

Mr. DAVIS of Georgia. It was $622 million.

Mr. GROSS. $622 million.

Mr. DAVIS of Georgia. That is correct.

Mr. GROSS. Apparently the actual appropriation—or was it the authorization—for 1971 was $494 million? Is that correct?

Mr. DAVIS of Georgia. No.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman from California.

Mr. BELL. Mr. Chairman, I believe the request last year was $622 million, and the House appropriation was $585 million. I believe that was the House appropriation last year.

Mr. GROSS. Then the appropriation was above the request?

Mr. DAVIS of Georgia. I would like to comment a little on that. There was what has come to be known as the Mansfield amendment to a recent Armed Forces Authorization Act, which said the Department of Defense could not engage in any scientific research unless it could be demonstrated the scientific research was closely related to the defense of our country. Following that, a number of agencies—not just DOD, but others also—decided they might have a difficult time justifying their request for scientific research before the committees of the House and the Senate. So it turned out to be a sort of domino effect, and a number of agencies relegated their pure scientific research to the National Science Foundation. The result was that last year the National Science Foundation was one of the few parts of our Government that found it had as much money to spend as the Bureau of the Budget asked for. The DOD had less, and so did many of the other agencies. But the National Science Foundation had the same as it asked for, and the reason is what I have just related to the gentleman.

Mr. GROSS. Then do I understand that this authorization is a minimum of $186 million above the 1971 fiscal year figures?

Mr. DAVIS of Georgia. The appropriation for fiscal year 1971 was $511 million plus $2 million excess foreign currencies, making a total of $513 million. The rest of it is a matter of mathematics. I think the gentleman had reference to the NSF obligation level, which was $494 million.

Mr. GROSS. Is there any money in this bill for promotion of the metric system?

Mr. DAVIS of Georgia. No. I will have to confess I wish there were, but there is not. There may be, Mr. Chairman, a little bit for a book that was put out in support of the metric system. I do hope the gentleman will reexamine his thoughts with respect to the metric system.

Mr. GROSS. The gentleman from Georgia is a great pleader, but I am afraid he is some distance away from converting the gentleman presently addressing the gentleman from Georgia in the matter of the metric system.

Mr. DAVIS of Georgia. I should hope with the passage of time that we may have a change of heart.

Mr. GROSS. Well, I may become mellower with age, and "never" is a long time, but I am afraid that in the foreseeable future I will not be convinced by the gentleman with respect to changing the system of measurement of weights in this country.

Mr. DAVIS of Georgia. All I can say is if a person owns a piece of land with a sycamore tree some distance from a creek, he will still own the piece of land between the sycamore tree and the creek. He may adopt another name for the distance, but the sycamore tree will still be the same distance from the creek. But I will still entertain the hope my friend from Iowa will change his thoughts on this.

Mr. BELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in favor of H.R. 14108.

I wish to join with my distinguished colleague from Georgia in expressing my enthusiastic support for the programs of the National Science Foundation.

The $673.8 million unanimously approved by the Science and Astronautics Committee for this bill represents an increase of only 4 percent above last year's NSF authorization.

This is a well-balanced and fiscally restrained level which is consistent with President Nixon's affirmed desire to harness "the discoveries of science in the service of man."

One of the most important items in the bill, in my opinion, is the program designated research applied to national needs, commonly referred to as RANN.

The RANN program was conceived with the idea of establishing a means to alleviate this Nation's more pressing societal problems by developing solutions that are both conceptually sound and capable of implementation in the-not-too-distant future.

As a consequence, RANN has embarked upon a program designed to attack the problems of energy depletion, environmental deterioration, disaster and natural hazard control and the decline in effectiveness of municipal systems and services.

There are also a number of new and unique programs included in NSF's budget for this year.

Two of these include the experimental R. & D. incentives program and the national R. & D. assessment program.

The incentives program is aimed at encouraging increased investment in R. & D. by the civilian sector and in improving the application of R. & D. results.

The assessment program will involve the intensive study and assessment of the manner in which science and technology contribute to national objectives including economic growth, job creation, and improvement in the general quality of life.

These programs are, of course, in addition to the major activities traditionally pursued by the National Science Foundation.

In particular, under the major program category of scientific research project support, the Foundation provides support for individual scientists and groups of scientists in examining fundamental life processes, natural laws, and phenomena.

This work will insure a strong base of confidence in fundamental research in addition to providing new knowledge ultimately applicable to our national needs and purposes.

Finally, I would like to address some of the budget changes the committee made in the program categories of institutional improvement for science, graduate student support, and science education improvement.

All three of these programs were granted nominal increases by the committee as a means of improving the nature of education in the sciences.

Clearly, improvement in the educational system on a broad scope requires the selective application of Federal funds.

I think that none of us can deny that this Nation needs a strong and vigorous scientific and technological base to help insure the welfare of its citizens.

I believe that the NSF program represents an aggressive response to the need to develop the scientific and intellectual talent of our youth and young scientists.

Mr. Chairman, this year's budget provides an optimum approach in addressing both basic and problem oriented research with a careful balance struck between the efforts in the two areas.

USF is fully committed to insuring the continued strength and vitality of this Nation's scientific capability.

The program we bring to the floor today reflects that commitment.

It is for this reason that I request my distinguished colleagues to join with me in supporting H.R. 14108.

Mr. GROSS. Mr. Chairman, will the gentleman from California yield?

Mr. BELL. I yield to the gentleman from Iowa.

Mr. GROSS. I note on page 3 of the bill there is $5,000 for official consultation. What happens in the spending of $5,000 for official consultation? Could the gentleman enlighten the House?

Mr. BELL. I am not sure which line the gentleman speaks of.

Mr. GROSS. It is about line 15 on page 3 of the bill.

Mr. BELL. I do not have that before me.

Mr. GROSS. This is H.R. 14108.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would say to the gentleman from Iowa that is standard language that all the agencies use. It is for entertainment.

Mr. GROSS. For entertainment?

Mr. DAVIS of Georgia. Basically that is true. All the agencies use that language.

The gentleman has put his finger on a delicate nerve, and the name of the nerve is entertainment.

Mr. GROSS. If the gentleman will yield further, is this what the gentleman from New York (Mr. ROONEY) calls the tools of the trade?

Mr. DAVIS of Georgia. I have not heard him use that expression, but I would guess that the gentleman from Iowa is correct.

Mr. GROSS. Would the gentleman think $5,000 was enough for all these scientists to finance their official consultations?

Mr. DAVIS of Georgia. Well, if they would purchase the products in my home district, it would cost less than that, although the products might be without benefit of some revenue stamps. But I would say it is standard for the agencies.

Mr. GROSS. And something like this would be used to promote the metric system, would it?

Mr. DAVIS of Georgia. Well, I would hope so; but that is not the purpose.

Mr. GROSS. Going to a more serious aspect of the bill, this is considerably above last year and I still do not have the figures and the report does not clearly define the actual appropriation for 1971.

Mr. BELL. It is $18 million more than the 1972 proposal, if I may interrupt the gentleman.

Mr. GROSS. It seems to me you could not have found some way to reduce this bill by $18 million, rather than increase it and further compound the serious financial situation that exists in this country due to failure to balance the budget. On the contrary, we are facing a $38 billion to $40 billion deficit at the end of June of this year? You could not find any way to reduce it. Is that correct?

Mr. BELL. I am certainly sympathetic to the gentleman's concepts of the economy. I have many times supported the gentleman's views, but in this situation I think the need for education in this country still has to be maintained. There was a feeling in the committee that this should not be reduced in the interest of retaining the Nation's scientific and technological education at the highest level.

Mr. DAVIS of Georgia. I simply would like to associate myself with the remarks of my colleague from California to say, yes, we could have economized here; we could wipe out the whole National Science Foundation budget. But we would be pennywise and pound foolish if we did so. We have some competitors on this planet such as the Common Market and Japan and we need to go forward with scientific education. The NSF programs go all the way through our high schools, and we have to depend on them. This is the wisest way we can spend money.

Mr. BELL. I think you must bear in mind that the United States has been the leader technologically in the world and is fighting for its lead position now. It has in the past developed that lead position through its achievements in the field of science and technology. If we give this lead away to Japan and to other nations, we will just be that much further behind. We must remember that they have nearly caught up with us due primarily because of their ability to copy us and our methods of technology. Unless we keep on top of the game, they will get ahead of us, because they will start moving ahead in the world of technological knowledge and further advance themselves in industry at our expense.

Mr. GROSS. If the gentleman will yield further, I have every sympathy for unemployed Ph. D.'s, but I am also becoming more and more sympathetic to the taxpayers of this country who are going to be confronted with the proposition of staving off a real financial debacle. I do not know whether the lot of the scientists is going to be better than it was in 1932 when that fateful day comes but I am sure there will be a lot of them unemployed. It just seems to me in all of these bills there ought to be a contribution toward economy and a balancing of the Federal budget.

Mr. BELL. I certainly agree with the gentleman. In this particular area, though, is one in which I think the gentleman must agree that if we are going to stay ahead we must keep business and industry up to an optimum rate. The best chance we have of doing it is through greater technological and scientific education. In turn, of course, the resultant development helps pay some of our taxes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BELL. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. MOSHER).

Mr. MOSHER. Mr. Chairman, I join all of the Science Committee in enthusiastic support of the fiscal year 1973 authorization bill for NSF as presented here today.

At the time of last year's authorization, I emphasized that the final NSF budget reported by the committee had been significantly amended from that originally requested by the Foundation.

The bulk of last year's changes were directed toward either restoring or increasing the funds for NSF programs relating to institutional support for science and to science education support.

Basically, our amendments last year were designed to place greater emphasis on science education by improving school science programs and permitting them to be tailored to the requirements of the individual school system. We wanted to encourage a thrust in NSF work toward the development of innovative approaches to science education training and course curriculum development.

I continue to feel that these same NSF program categories—in particular, institutional improvement for science, graduate student support, and science education improvement—remain inadequately funded. All three of these important areas have received severe budget reductions within the past 2 years with the result being that much important work has been dropped.

I therefore strongly endorse the actions of the committee again this year, to increase support for these three categories.

The work of NSF under the institutional improvement for science program is directed toward upgrading college and university level science programs. This funding is also used for university grants in support of various types of research efforts.

This program category, as it provides a flexible source of funds for use by colleges and universities, has systematically been cut back by NSF over the past several years. At the same time, when our Nation's colleges and universities are facing severe financial difficulties, the committee feels that funding for this activity should be significantly increased.

I personally feel it very important for the universities to be able to continue supporting important research projects in spite of temporary lapses in outside funding. Similarly, it is also essential for a university to be able to obtain adequate backup funding from time to time as financial commitments from State and local governments are delayed. Thus, this program is of major importance as it is designed to assure greater continuity in the more significant basic science research projects being undertaken by the academic community.

The second budget category to which the committee reallocated funding was the NSF graduate student support program. The primary objective of this effort is to provide a reasonable and continuous flow of highly talented, well educated individuals into science career fields. This support is aimed particularly at the qualitative rather than the quantitative aspects of scientific training. This work therefore plays a very positive role in insuring that an adequate number of highly trained students will be available to work in science fields of national interest and importance.

A final program category to which funds were reallocated is science education improvement. Seven of the eight activities carried out under this program received a nominal increase.

NSF work within this program is directed to supporting science improvement at the high school and undergraduate levels and underwriting both student and teacher projects. These funds also support the training of technicians and technologists. The need for these technically trained people in our society has greatly increased in recent years and this NSF program will do much to fill that void.

Basically, this year's budget for NSF as amended by the committee is an attempt to insure that education in the sciences is best adjusted to contemporary and foreseeable needs. We think that the NSF program is an excellent one as it addresses the full educational process—from improving the manner in which knowledge is conveyed to emphasizing the people actually a part of the system.

In accomplishing this, the program seeks to develop within the individual school, college, or university its own internal capability for self-rejuvenation in science education. In this manner, much greater leverage is created in the application of our funds with an ever increasing number of students and teachers able to benefit.

Mr. Chairman, I have very strong feelings about the need to continue support for basic scientific research and development. The work now being pursued within NSF is fundamental to advancing our society and preserving its success.

In order to maintain our national strength, we must have an adequate and effective NSF program. I feel that this bill is a major step in that direction and I strongly urge that my colleagues provide it their full support.

Mr. DAVIS of Georgia. Mr. Chairman, I would like to make one point in response to some of the questions that were raised by my friend, the gentleman from Iowa (Mr. GROSS) and that is this.

Back when I was in college the economists used to point out that there were four ingredients necessary to a viable economy. One was labor, one was land and all the things that come from land such as the agricultural products, the trees and the exploitation of mineral resources; another was education, and another was capital.

Those are the four classic things that were thought to form the basis of a viable economy.

However, it seems to me that in the last 2 years we have come in this country to realize that there is a fifth component, and that is technology, the know-how to turn man-hours into more useful products with less expenditures of manpower, and use more ingenuity in the manufacture of useful things and in furnishing services.

Now, this year it seems to me that we have come to the realization that there is a sixth component and that is the quality of the product.

I think we are all aware of the fact that the manner to insure a better quality of life is going to depend not only upon the first four components that I mentioned, but also on the use of technology, because we must be assured of the technology to preserve and improve the quality of life.

So, I would say that this is a wise investment. It is an investment that ought to be made.

Therefore, Mr. Chairman, I hope and urge all members of the Committee of the Whole House on the State of the Union to agree with me that this bill ought to be supported.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I yield to my friend from Ohio.

Mr. DEVINE. Just as a point of information for the record, how much does this bill authorize in violation of the budget—how much in excess of the budget?

Mr. DAVIS of Georgia. Now, I would say to my very good friend, the gentleman from Ohio, that the budget is not a law. I, rather, would like to quarrel with the word "violates."

I would say that Congress makes its own law. The Office of Management and Budget does not make the rules or the law.

Mr. DEVINE. I do not like the word "busting" the budget. However, is this in excess of the budget?

Mr. DAVIS of Georgia. The budget is an undeveloped idea which the House disagreed with—at least our committee did—and we think they should have allocated $27 million more than they did.

A lot of this is for institutional support, the support of our colleges and universities that provide scientific and technological education to our young people.

Mr. DEVINE. But it exceeds the budget by approximately $27 million?

Mr. DAVIS of Georgia. That is right.

Another large part of the budget is for a program called RANN which stands for Research Applied to National Needs.

There is a big increase over last year's budget in that regard. I would say two things, institutional grants and science education are the two places where the major portion of that $27 million was added.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Georgia. I am glad to yield to my colleague from Indiana.

Mr. JACOBS. I was intrigued with the concept of "violating" the budget.

Is it not a fact that the House has further violated the President's budget during the current fiscal year by reducing it overall by several millions of dollars?

Mr. DAVIS of Georgia. I believe that is true.

Mr. JACOBS. I thank the gentleman.

Mr. DAVIS of Georgia. Mr. Chairman, I ask unanimous consent that the remarks of the gentleman from California (Mr. Miller), the chairman of the Committee on Science and Astronautics, be printed in the Record at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MILLER of California. Mr. Chairman, the bill before us, which the gentleman from Georgia has so well explained, is an annual authorization required by law to authorize appropriations for the National Science Foundation for fiscal 1973.

Since the substance of the bill has been outlined by the chairman of the Subcommittee on Science, Research and Development and is described in great detail in the committee report, I will confine my comments to several particular areas of which, I think, the House should be aware.

First, it is difficult really to over emphasize the importance of the work of the National Science Foundation.

This is the only agency in the Government of the United States whose chief function is to see that basic research in science and education in this country are maintained in a state of continuing health. No other agency has this mission.

While many of the mission-oriented agencies do support a measure of basic research, that research is naturally allied to specific problems and its transfer into other areas is often cumbersome or accidental.

Today, and during the past year or so, a great clamor is being heard—particularly here in Congress—to go all out on applied research.

I do not for a moment downgrade the importance of applied research. Without it, we as a government body will not be able to achieve the goals which the times demand.

But let us not kid ourselves. We are not going to get very far, either, if we slight basic research and science education, or if we make our support of them so inconsistent and undependable that they cannot flourish.

All the applied research in the world is not going to do the job if we do not acquire new fundamental knowledge and obtain new insights into ultimate scientific truth.

There is scarcely a major problem facing the Nation today which does not require the application of new or developing science and technology.

The tools with which we have been forced to work up to now are not good enough. And without adequate effort in the field of basic research we simply will be unable to produce the new tools we need.

This is true, I believe, in every category, whether that category is described in terms of a program or in terms of a scientific discipline.

It is just as true, also, in such fields as political and social science as it is in the so-called hard sciences or the life sciences.

If we do not keep up in fundamental science—and there are some indications that we have been slipping in the past several years—our position, domestically and internationally, will be extremely vulnerable.

In fact, there are some who would go further and who would argue that we are already in serious trouble.

A second point which I wish to emphasize is the critical need for maintaining a high state of excellence in science education throughout a broad range of educational institutions.

Most of us are aware of the difficult financial plight of virtually every college and university in the country—whether it be the Ivy League, the great State universities, the smaller liberal arts college, or the junior and community college.

The problem is not confined merely to private schools. While they may be hurting most, their being hurt is having an equally deleterious effect on the State-supported schools, especially the State colleges.

As the cost of education rises and private schools are forced to increase charges, fewer and fewer young people—except the affluent who can afford it or the poor who get it free—can handle such costs.

Hence more and more are depending on State institutions, which, in spite of certain limited access to tax revenues, are finding it very difficult to cope.

Among the undesirable side effects of this situation is the fact that many State universities are drastically limiting the number of out-of-State students they will accept while raising their academic requirements as a means of holding down in-State enrollments.

Clearly, if this continues, an unhealthy inbreeding will result.

Incidentally, do not be misled by recent press stories concerning changing rates of application increase. Statistics on this are complex, and, in any case, have little to do with academic finances.

It is partly for reasons such as these that our committee has restored the cuts in support of science education which have been made in the Foundation's programs over the past several years.

We are making that effort again in this bill, including the institutional support program which has been practically orphaned in recent years.

Some of my colleagues will recall that in the past I have been particularly interested in the so-called institutional grants system of support for science education.

Such support differs from the research grant or the graduate student grant or the summer science institute or the various education measures where stipends are paid directly to students.

The institutional grant goes directly to the institution to be used, within the general limits of fostering science education, as the institution sees fit.

It has the great advantage of flexibility; and often the application of a few dollars in areas which are apparent to educational administrations but which may not be discernible to us or to the Government bureaucracy, can make an enormous difference in the successful functioning of that college or university.

Mr. Chairman, I urge the passage of this bill as reported.

Mr. DAVIS of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. Cabell).

Mr. CABELL. Mr. Chairman, I thank the gentleman for yielding, and I rise in very strong support of the bill H.R. 14108. I would like to say that the chairman of the full committee, the gentleman from California (Mr. Miller), the chairman of the subcommittee, the gentleman from Georgia (Mr. Davis), and the members of their committees, have certainly worked diligently and most responsibly to bring a bill before this House that can be entirely and completely justified in its purpose and in the allocations that are made to the National Science Foundation.

I think this is one of the most important measures we have with reference to maintaining our position in the field of technology, of science education, and taking it down to the grass roots where it is needed to maintain the interest on the part of the secondary schools as well as all our institutions of higher learning. This will pay dividends to us in the years to come.

Mr. Chairman, this bill will permit the National Science Foundation to continue effective support of American science and technology. The committee has carefully reviewed the budget request for fiscal year 1973 and while the changes made and incorporated in the authorization bill are not major, they do contribute, I believe, to a more balanced program.

The committee gave particular attention to the need to keep the Foundation's program well balanced with respect to basic and applied research. The Members of this body recall that in 1968 the Congress amended NSF's Organic Act to permit the Foundation to engage in the support of some applied research in addition to basic research which had been supported all along. That new authority was not intended to detract from the NSF's primary role as a supporter of research and education in the basic sciences. The committee, therefore, both last year and this year, took particular pains to review the relative emphasis on these types of research.

In entering into projects of applied research, NSF uses certain ground rules. Applied research projects must be oriented toward the solution of significant national problems where the agency can make a contribution through the application of science and technology. Furthermore, such projects should be uniquely suited to solution by means of the traditional pattern of NSF-university collaboration, and they must either fall outside the responsibility of existing agencies, or span the area of responsibility of several agencies.

The largest portion of the Foundation's applied research is found in the program of research applied to national needs, or RANN, for short. The RANN program now uses 12 percent of NSF's total budget and when other, but smaller applied research projects are included and the basic research work within RANN is excluded, the volume of applied research supported by the Foundation amounts to about 15 to 18 percent, depending on which of the borderline cases are included. This is a high percentage and is already beyond the expectations of the Congress in passing the 1968 amendments.

In conformity with the desire clearly to delineate the intent of the Congress with regard to the major activities of NSF, the bill includes a line item breakdown of the authorization. The line item type of authorization for the NSF was introduced last year for the first time. The main reason for the use of this form of authorization is to discourage the transfer of funds between major program categories.

I believe that the program presented to the Congress and the subsequent changes made in that program by the Congress should essentially be followed. The procedure for congressional notification in cases where transfers become necessary serves to preserve the flexibility needed in the Foundation's program.

Another important aspect of NSF's program is the education program. I want particularly to call attention to the significant role which NSF plays in supporting science education at the smaller educational institutions.

The committee heard testimony confirming the increasing trend toward a broadening of the spectrum of scientific and technical education in the smaller colleges, and in the 2-year junior colleges. These institutions are experiencing an increased demand for educational opportunities in fields which require training in science and technology. With these needs in mind, the committee has made a number of increases in the program categories for undergraduate education.

The undergraduate student originated projects program, for which $2 million was requested, has been increased by $1.5 million, to $3.5 million.

The technician/technologist education projects program, for which $1.5 million was requested, has been increased by $1.5 million, to $3 million.

The science faculty fellowships and research participation program, which was not funded in the budget proposal, has been restored and funding in the amount of $2.1 million has been authorized.

The undergraduate scientific instructional equipment projects program, for which $2.4 million was requested, has been increased by $1.4 million, to $4 million.

The program of 4-year college and university projects, known in former years as the college science improvement program, for which $2 million was requested, is being doubled to $4 million.

The undergraduate students projects program, for which $4 million was requested, is being increased by $1.4 million, to $5.4 million.

These actions, Mr. Chairman, will, on a modest scale, strengthen the science education efforts of the country's undergraduate colleges from which the scientists, engineers, and technicians of the future must come.

Mr. Chairman, I support the National Science Foundation authorization bill before the committee. I believe it will provide the National Science Foundation with the funds that it must have to carry forward the useful and well-managed program of support of American science.

Mr. DAVIS of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. Chairman, I thank the chairman not only for yielding me this time but to express my appreciation for the tremendous job he has done on this bill.

Mr. Chairman, a number of members of the Science Committee are pointing out the extra effort which the committee has made in the last several years to maintain a reasonable and appropriate level for the support of science education.

This is the third year in a row, to my knowledge, that our committee has endeavored to get across to the Foundation that it should maintain support for science education at a level commensurate with its past efforts. Therefore, I would like to direct particular attention to the committee's action in boosting funds for science education in various categories by about $33 million, while reducing authorization for certain other programs by approximately $7 million.

Last year the committee took similar action without going above the administration's total NSF budget. We were supported in this by the Appropriations Committees of both Houses. Nonetheless, the Office of Management and Budget froze most of the education increase and did not permit the obligation of these funds for fiscal 1972—although they are presumably to be released for this purpose in fiscal 1973.

Mr. Chairman, I would like to call attention to the comments in the committee report entitled "Executive Impoundment of Appropriated Funds," which appears on page 97.

As that brief commentary states, we are well aware that it is not always feasible that all moneys appropriated by the Congress be obligated precisely as requested or precisely on time. On the other hand, it is becoming increasingly clear that some authorities in either OMB or in the Foundation, or in both, are opposed to the maintenance of the Foundation's traditional role in support of science education.

The reasons given have been, first, that the employment market does not warrant previous levels of support, and, second, that the increased funding of project research can be considered a substitute for previous programs of graduate fellowships and traineeships. The preponderance of other testimony appears to be to the contrary.

Mr. Chairman, I do not wish to go into the substantive arguments on the merits of this facet of the Foundation's programs. The record is extensive on this score and others have made or will make appropriate observations. But I do think that the Foundation would be well advised to heed what the committee has been trying to say these last several years. I am breaching no confidence in pointing out that the committee seriously considered this year three separate methods for requiring the equal percentage obligation of funds in all line-item categories. We decided to hold up on any such procedure until we see how this year's funds are handled. Next year could be another story.

Mr. DAVIS of Georgia. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I rise in support of this legislation. I think the gentleman from Georgia (Mr. DAVIS) and the members of his subcommittee have done an outstanding job in presenting this legislation.

I also would like to commend the gentleman from Georgia (Mr. DAVIS) for the eloquent remarks he made a few moments ago concerning the need for consideration of the quality of American life in addition to the other factors which he summarized as being necessary for a viable economy.

In one of the four points he mentioned the exploitation of our resources. Our natural resources have been exploited too much to the disadvantage of people living in areas which are being ripped apart to feed the demands of production, power, and energy. This is why I am very pleased that the gentleman's committee has devoted so much attention to the RANN program—research applied to national needs—which I believe is one of the most promising aspects of the developing programs of the National Science Foundation.

Finally, I wish to indicate that our committee and, indeed, this Congress, has great confidence in the leadership of the National Science Foundation under Dr. H. Guyford Stever, who is doing such an outstanding job as the Director of the National Science Foundation.

Mr. DAVIS of Georgia. Mr. Chairman, I wish to thank the gentleman from West Virginia (Mr. HECHLER) for his generous remarks, and to express agreement with the thought he expressed. He has done a fine job in the Committee on Science and Astronautics and in the House of Representatives in leading the fight to preserve and improve the natural environment. In particular, he has recognized the value of science and technology in this regard, and I commend his foresight.

Mr. HECHLER of West Virginia. I thank the gentleman.

Mr. VANIK. Mr. Chairman, I would like to state my support for H.R. 14108, and commend the National Science Foundation for its continuing research into many of the frontiers of science. The work of the NSF contributes greatly to the seemingly endless technological advancements of the United States.

However, Mr. Chairman, I see one field in which the authorization for NSF is inadequate. This is the field of energy research and technology.

The importance of energy to this country is obvious to all of us. To quote a widely used phrase, electricity has become the life-blood of the Nation. We all take advantage of our energy resources for a multitude of purposes, from making toast to heating our homes. The national demand for electricity is doubling approximately every 10 years. Total annual expenditures for energy amounted to 9½ percent of the GNP in 1970 and the energy industry accounts for about 20 percent of the country's capital investments. Energy is unquestionably a crucial factor in the growth of the Nation.

But our energy resources are not endless, though our uses seem to be infinite. Frequent power failures and brownouts today give us an indication of the scope of the problem we will face in the near future. Current energy resources are strained and will become insufficient in just a few years. Present forms of energy also pose a constant pollution threat. New nuclear energy facilities endanger our environment and, in the case of a nuclear accident, human lives as well. Also, our mineral reserves needed for nuclear energy can be eventually exhausted. The only solution to the threat of inadequate energy is new energy sources.

Developing new, safe, economical energy sources will require new directions in research and funding. Adequate energy supplies for future energy needs depends on the pursuit of creative endeavors in this field. However, Mr. Chairman, the current NSF authorization appears to provide less than 5 percent of the Foundation's fiscal year 1973 funds for research into energy. Further, only a fraction of this 5 percent will actually be used for research into new energy sources. Probably less than $10 million out of a total NSF budget of $680 million is to be used to develop future energy sources.

This lack of funds is certainly not due to scientific ignorance of possible energy sources. Scientists today are aware of numerous potential, but undeveloped energy sources. The Government is now aware of 43 potentially pragmatic sources. Many of these sources are more powerful, more economical, cleaner, and safer than our energy of today. NSF is seeking some authorization of funds for research into future sources of energy, such as solar energy and geothermal energy. These are some of the possibilities—but there are others. Research and development of such new sources of energy is crucial to the continued growth of our country. I urge NSF to increase their efforts for such new energy research.

There is another reason why NSF must be encouraged to expand its research into future energy sources. The electric utilities industry has been negligent in its own efforts toward research and development of energy sources. The junior Senator from Montana (Mr. Metcalf) has pointedly and repeatedly illustrated the inadequacy of the utilities' work in R. & D. The Senator has made speeches in the Senate which have included Federal Power Commission statistics for the past 2 years listing the utilities industry's costs of advertising and promotion and costs of research and development. A look at the figures is shocking. Here we are, rapidly approaching an unprecedented crisis in our energy sources, and our utilities are spending seven times as much on advertising and promotion as they are on research and development. This is even more ludicrous when one realizes that many of our major utilities are virtual monopolies with no conceivable need to expend large amounts of money on advertising and promotion.

In 1970, major electric utilities spent, according to their own annual reports, close to $400 million on advertising and promotion, but only $46 million on R. & D. Over 25 percent of the country's major utilities spent absolutely nothing on research and development. Not one company contributed as much as 1 percent of its operating revenue to R. & D. Moreover, much of the research and development expenditures goes toward existing energy techniques, not new energy sources. And yet this is in despite of the fact that research and development costs are fully recoverable. R. & D. is included in the operating costs, which are passed on to the customer. With an energy crisis looming closer every year, how can we tolerate such a ridiculous order of priorities in the utilities industry?

The energy crisis must be resolved as soon as possible. If the utilities continue to refuse to exercise their responsibility for research into future energy sources, the burden will fall on NSF. NSF currently does not have the capacity to handle the awesome task of meeting the coming energy crisis. The utilities possess the economic resources to not only meet, but also defeat the energy shortage facing us. We do not need the utilities advertising or promoting awareness of the energy crisis, we need efforts to solve it. Mr. Chairman, I hope that the National Science Foundation will assume a larger share of the job of finding feasible new energy sources. The problem of our energy depletion is too urgent to wait for individuals or companies—the public sector must face and resolve the issue now.

In conclusion, I would like to enter in the Record at this point an editorial of April 21, 1972, from the Cleveland Plain Dealer, which describes the seriousness of the energy crisis—particularly if we continue to rely on our present fuel sources:

The Coming Energy Crunch

Treasury Secretary John B. Connally and Vice Adm. Hyman G. Rickover had strikingly different views about the U.S. energy shortage in testimony before the House Committee on Interior and Insular Affairs the other day.

"Our oil and other hydrocarbon resources are not scarce," said Connally. "We have vast resources of hydrocarbons. We need not fear running out of these resources physically."

Rickover, though, said he thought the nation was consuming its finite resources at a dangerously rapid rate.

"While it took 600 millennia to create the earth's deposits of fossil fuels, we are using them up in a time span measured by decades," he said. "The fossil fuel age may well prove to have been one of the briefest epochs in man's long history on earth."

It would be pleasant to be able to share Connally's vision of bounty. But we think Rickover's view is the more realistic one.

The United States does have abundant coal reserves—enough to last 800 years in some estimates. But of course 800 years is a mere snap of the fingers in the time span Rickover speaks of.

Reserves of gas and oil are considerably less abundant. The nation is down to a 13-year supply of gas (counting the gas in Alaska that awaits development of a pipeline to bring it to market) and a seven- or eight-year supply of oil.

Meanwhile, consumption of gas, oil and coal continues to increase exponentially, at an ever-rising rate.

Gas & Oil Journal anticipates that more oil will be consumed throughout the world in the decade of the 1970s than was consumed in the 110 years after Col. Drake drilled the first Pennsylvania wildcat well in 1859.

Rickover has some suggestions for conserving the limited energy supply that we are sure America will be hearing more about in the future, unpleasant though they may be. Among them:

Tax policies to discourage big families and thus curb the growth in population.

Higher taxes on bigger automobiles, to discourage their use to conserve fuel.

Tax and rate policies that would discourage promotional efforts by utilities.

Progressive rates for power users, so that unit charges rise as consumption increases. Again the idea would be to conserve power and to force improved efficiency in its use.

It is not a happy prospect. But we do not see how it can be avoided for long.

Mr. HANNA. Mr. Chairman, other Members, including the distinguished chairman of the Committee on Science and Astronautics, Mr. Miller of California, have called attention to the importance of basic research.

I would like to lend my voice to the theories which they have put forward and reemphasize the fact that virtually every socially useful bit of technology used in modern civilization has sprung from efforts made in the field of basic, or fundamental, research.

This kind of research normally is done simply because the researcher is curious to find out new information in a given field or to prove out some theory which he may hold with regard to it. A review of the history of science and technology discloses that on occasions acquired fundamental knowledge does evolve in reverse—that is to say, applied scientists or people working in development areas may stumble on something that is important and useful without knowing exactly how it works. From this they manage to deduce the basic scientific knowledge or truth with a more complete understanding of what is involved. But this is a rare occasion.

Most of the time, while the basic researcher is not pointing his research toward a specific goal, such as developing a new fuel or a new gear or a new fabric, the result of his work becomes the basis on which applied scientists who are working toward such goals must depend.

I might illustrate this with very brief mention of only three fields which the Science Foundation is supporting.

First, for example, there is molecular biology. Such research is being done so that investigators will learn how living cells are put together and how they interact and operate. But from their efforts, may come considerably advanced understanding of human ailments and thus new and more effective methods of medical treatment.

A second example is in the field of materials research and the transformation of energy. Here the immediate objective is simply to acquire new knowledge about discovery of new materials and how they react under different conditions, including what goes on in the chemical or mechanical reactions which transfer the energy contained in such materials from one form to another. But it is research such as this which may provide us with information to cope with what is becoming a rapidly increasing crisis in the existence of all developed countries. That is, the need for additional and new forms of energy. As many Members know, our old reliable sources, fossil fuels, cannot be relied upon much longer, and there is much difficulty still with the application of nuclear fuels.

A third area of support is that of astronomy, including beginning work on the so-called very large array—VLA—system of radio telescope activity. One might wonder what could come out of efforts to learn more about the nature and origin of the universe which would have any useful application. But I would point out, in this connection, that this is precisely the way radar developed—and I do not think that anyone questions the value or utility of this remarkable applied system of what is essentially a principle of electronic echo-ranging first devised to probe the upper reaches of the earth's atmosphere and beyond.

Mr. Chairman, I support the passage of this bill.

Mr. CONTE. Mr. Chairman, I wish to express my support for H.R. 14108 and to urge my colleagues to vote for its enactment. I am particularly appreciative of the experimental research and development incentives and the research and development assessment programs which have been proposed by the National Science Foundation.

In my own district and throughout the Commonwealth of Massachusetts, we desperately need an acceleration of economic growth and a consequent increase in employment opportunities. We must look for and take advantage of every opportunity to achieve these goals.

The National Science Foundation has supplied the initiative for the academic community to become involved in the search for solutions. Because in my district we have both the economic problems and a large academic community, I welcome these initiatives.

I am convinced that the academic community will be responsive. The University of Massachusetts at Amherst has already responded to the NSF initiatives. Officials of the university have supplied me with a proposal for a productivity institute that demonstrates the understanding and sensitivity that exists at the university for the job to be done, and the capability and willingness of academic people to get it done.

In any discussion of the faltering economic condition, we hear about foreign competition, balance of trade, and inflation. Certainly these issues are important, but there is one issue that is equally important, the issue of productivity.

In discussing productivity, we must realize that we are not talking only about machines and hardware. We are talking about people, the organization of people, and the motivation and satisfaction of people that could lead to a more productive job.

The productivity institute proposed by the University of Massachusetts recognizes these factors. The institute would include, in good balance, major imports of business management and human factors as well as engineering. It recognizes that man, machine, and management comprise the productivity system. The key feature of the proposal is its attention to a balanced emphasis on research and development in the man-machine-management system, on education, on applications in partnership with industry, and on public information.

I would like to explain how this worthy proposal relates to the NSF programs in terms of purpose and support. The productivity institute itself would house, be the focus of, and manage projects specific to the purposes of the research and development incentives program. Thus, it would be funded by the incentives program. The research and development program would consist of specific projects of concern to national productivity and would be supported largely by Federal agencies or by matching Federal and non-Federal funds. Several such projects, to be tackled during the first year, are listed in the proposal.

The education part of the program would be supported largely by the State, as is the case with other educational programs at the university.

The applications programs, which would be concerned with specific and immediate problems of industrial productivity, would be supported mainly by cooperating industry.

The public information program could be handled perhaps as an overhead item, part of the cost of doing business.

I find the proposal exciting. I am proud of the fact that the University of Massachusetts has responded to the need and has demonstrated a willingness and a capability to enter this field of applied research and development.

If this kind of interplay between Federal and State government, universities and industries can be achieved—and can be made effective in terms of our productivity problems—the new programs proposed by the National Science Foundation certainly deserve our support.

Mr. McCORMACK. Mr. Chairman, I rise in support of H.R. 14108, which would authorize appropriations to the National Science Foundation for fiscal year 1973. The funds for the NSF have increased significantly over the past few years, and this is as it should be. The NSF programs are extremely important to the well being of our Nation. We can maintain our position of leadership in world affairs only if we have a strong scientific and technological base.

The National Science Foundation has wide responsibilities for promoting the progress of science in this country. In addition to its well known responsibilities for supporting scientific research and education in the sciences, it is also directed to provide scholarships and graduate fellowships; to foster the exchange of scientific information both within the United States and abroad; to support the development and use of computer and other scientific methods and technologies; to evaluate the status and needs of the various sciences and the support which is available to them from both the public and the private sectors; and maintain a current register of scientific and technical personnel.

The National Science Foundation, with these broad responsibilities, has undergone substantial evolution since it was established in 1950. We have seen, for example, a significant problem-oriented research effort result from the 1968 amendments which authorized applied research. The NSF instituted a program of interdisciplinary research related to problems of our society, and this has in turn evolved into the program research applied to national needs. As has been pointed out already, this bill contains an authorization of $80 million for the RANN program.

Mr. Chairman, I am pleased that one of the most important problem areas within the RANN program is that of energy research and technology. Under its advanced technology applications program the NSF is emphasizing studies of energy resources, transmission and conversion technologies, and overall energy systems. It is devoting a substantial effort to research on the environmental impact of energy production and use.

I feel that I cannot overemphasize the importance of energy research and development to our Nation. In 1970, for example, we found that about 10 percent of our gross national product was devoted to expenditures for energy. These expenditures are expected to increase to 12½ percent by the year 2000.

It is clear that in order to bring online the necessary electrical generating facilities and transmission lines, and to assure adequate energy for all needed activities, we shall have to rely on the fruits of research and development programs which are now just getting underway, or still on the drawing boards. Conventional fuel shortages, traditional conversion methods, and the present state-of-the-art overhead transmission lines cannot meet the technological and environmental requirements of the future. New energy forms as well as new conversion and transmission techniques must be studied and implemented.

Mr. Chairman, I have had the privilege of chairing the task force on energy of the Subcommittee on Science, Research, and Development during this Congress. Our studies have carefully scrutinized those research and development needs which I have just described. We on the task force have found that the energy research and technology program of the National Science Foundation has been one of the most fruitful in this country. The money spent through its grants and contracts will be repaid many times over through tangible contributions to the solution of our energy crisis.

In emphasizing the importance of the

research activities of the National Science Foundation, I should not like to overlook its equally important science education responsibilities. The statutory requirement for NSF to provide scholarships and graduate fellowships has been implemented so that we find our country at the forefront in training talented scientists and engineers. In its actions, the committee has recognized the importance of these activities, and increased funds for graduate fellowships by $6.8 million and restored a postdoctoral fellowship program at the level of $4 million for fiscal year 1973.

The committee has also recognized the importance of our 4-year colleges in producing outstanding undergraduates with a strong science background. I am aware of the success of 4-year colleges in this regard because of the excellent examples which I have observed in my own congressional district. The addition of $2 million for 4-year college and university projects, $1.6 million for undergraduate scientific instructional equipment and $1.4 million for undergraduate student projects were made with my strong personal support.

Mr. Chairman, I spoke earlier of how the National Science Foundation programs have evolved during its short history in order to accommodate the new realities of our scientific and technological environment. An example of the need for such evolution has come to the forefront this year during our committee deliberations. Many of us in this Chamber are aware of the rapidly increasing role which community or 2-year colleges play in our system of higher education. In spite of this, we have noted that only about $1 million of the budget which NSF requested was expected to be obligated for community colleges. We felt that this was inadequate, and that the level of support for community colleges should be more in line with their potential role in science education.

Consequently, two programs have been significantly increased with community colleges specifically in mind. These are the technician/technologist education projects which prepare students for work in many technical fields, and the science faculty fellowships and research participation program which permits capable science faculty members to participate in advanced education and research activities which increase their effectiveness as teachers and scientists. It is my expectation, and that of my colleagues on the committee that the increases which total $3.6 million for these two programs will serve as a catalyst for helping our community colleges play effective roles in the technical education of our citizens.

Mr. Chairman, these few examples demonstrate, I believe, the importance of the total National Science Foundation program. I strongly support the bill, H.R. 14108, and call on my colleagues to do likewise.

Mr. DAVIS of Georgia. Mr. Chairman, I have no further requests for time.

Mr. BELL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1973, for the following categories:

(1) Scientific Research Project Support, $270,600,000.

(2) National and Special Research Programs, $106,900,000.

(3) National Research Centers, $42,300,000.

(4) Computing Activities in Education and Research, $19,500,000.

(5) Science Information Activities, $9,500,000.

(6) International Cooperative Scientific Activities, $4,700,000.

(7) Research Applied to National Needs, $80,000,000.

(8) Intergovernmental Science Program, $1,200,000.

(9) Institutional Improvement for Science, $18,000,000.

(10) Graduate Student Support, $20,000,000.

(11) Science Education Improvement, $71,800,000.

(12) Planning and Policy Studies, $2,500,000.

(13) Program Development and Management, $26,800,000.

SEC. 2. Notwithstanding any other provision of this or any other Act—

(a) not less than the amount stipulated for the purpose of "Institutional Improvement for Science" in category (9) of section 1 shall be available for that purpose, and of such amount not more than $4,000,000 shall be available for institutional grants for research management improvement;

(b) not less than the amount stipulated for the purpose of "Graduate Student Support" in category (10) of section 1 shall be available for that purpose, and of such amount not less than $16,000,000 shall be available for graduate fellowships and not less than $4,000,000 for postdoctoral fellowships;

(c) not less than the amount stipulated for the purpose of "Science Education Improvement" in category (11) of section 1 shall be available for that purpose, and of such amount not more than $1,500,000 shall be available for experimental projects to encourage initiatives in science education.

SEC. 3. Appropriations made pursuant to authority provided in sections 1 and 5 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

SEC. 4. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

SEC. 5. In addition to such sums as are authorized by section 1, not to exceed $7,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1973, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 6. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(A) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 7. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years, any further payment to, or for the direct benefit of, such individual under way any of the programs specified in subsection (c).

(c) The programs referred to in subsection (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act, or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue, or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice, and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

SEC. 8. Section 3(a)(1) of the National Science Foundation Act of 1950 is amended—

(1) by inserting ", including educational programs at all levels," after "scientific research potential"; and

(2) by striking out "scientific activities" and inserting in lieu thereof "scientific and educational activities".

SEC. 9. This Act may be cited as the "National Science Foundation Authorization Act of 1973".

Mr. BELL (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike out the penultimate word.

Mr. Chairman, I rise to ask a question concerning information to be found on page 20 of the report under the title of "Social Psychology" wherein it is stated that a study was made of the Watts riot and evidently the report came to the conclusion that racism in Los Angeles was labeled symbolic because it was formal and subtle.

Mr. Chairman, I guess my education has been somewhat neglected for I do not know what to make of that kind of a description of what the study produced. I wonder if someone on the committee can tell me what labeling something symbolic means, and then its relation to informality and subtlety?

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am happy to yield to the gentleman.

Mr. DAVIS of Georgia. I would like to make an agreement with the gentleman from Iowa. I would like for him to define the word "penultimate" and then I will try to define "symbolic."

Mr. GROSS. I am told that that means next to the last. Now, will the gentleman answer my question?

Mr. DAVIS of Georgia. Does the gentleman believe that is what it means?

Mr. GROSS. Yes; I take it for granted that that is what it means. In fact, the dictionary indicates it.

Mr. DAVIS of Georgia. You did not say that at the outset.

But I will say in seriousness, the word "symbolic" simply means this. It is like an assassination. You do not assassinate a man because you hate him or because of anything that he has done. It is because of something you are trying to express.

I might say that the last 5, 6, or 7 years have been an age of assassinations. We had an assassination of John F. Kennedy, the President. We had an assassination of Robert F. Kennedy, a Senator. Then Malcolm X and George Lincoln Rockwell. We had an assassination in Mississippi of Medgar Evers. We had an assassination on the sidewalks of Montgomery. I would say that all of those are symbolic. There was no personal animus there.

If you have a family fight between a husband and wife and they wind up in court, that is not symbolic—that is personal. But if you have something that is purely trying to establish some sort of emotional state, then that is symbolic.

Mr. GROSS. There was nothing informal about those acts of assassination was there?

Mr. DAVIS of Georgia. This says it was informal. It is pointing out something about it was informal. They were not dressed in tuxedos.

Mr. GROSS. Is formality always associated with a tuxedo or white tie and tails?

Mr. DAVIS of Georgia. I would say, some of the invitations that Members of Congress get, and I include the gentleman from Iowa, usually say either formal or informal.

Mr. GROSS. Well, the gentleman from Iowa does not own the equipment that goes with the formality the gentleman from Georgia is talking about. I assure him of that.

But let me ask—in view of all the studies that have been made—did the National Science Foundation have to go into a study of the Watts riots? That has been studied and restudied and studied some more.

Then I note a little farther down on the same page that studies are being made for a "program that will enable political scientists to conduct research on political behavior using larger amounts of data, frequently derived from direct observations, than has been traditional in this field. The subject matter is probably the most complex of all the social sciences."

I believe we can agree on one thing—that political science as displayed and demonstrated, call it what you will, in the House of Representatives and perhaps the other body, might be referred to as complex, complicated, and subtle—but I doubt it.

I wonder what all of these expenditures for such purposes are leading to and why they have to be duplicated and rediscovered.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. GROSS (at the request of Mr. DAVIS of Georgia) was granted permission to proceed for 3 additional minutes.)

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield further?

Mr. GROSS. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would say, first, that I, myself, majored in political science in college, and I would be the last to agree that politics is a science. I do not believe it is. I think that is a misnomer.

Mr. GROSS. What is it?

Mr. DAVIS of Georgia. Politics?

Mr. GROSS. Yes.

Mr. DAVIS of Georgia. It is an art. It is a pragmatic pursuit. You do the best you can and hope for the best. That is all I can say.

Mr. GROSS. You pursue it as hard as you can, and then hope for the best and fear the worst?

Mr. DAVIS of Georgia. That is correct. I would have to agree with the gentleman. But I would like to say this about the study of behavior as respects the Watts riots, of all the riots, and crime in general. Crime is one of the most expensive things that can beset a community. I spent 25 years in a courtroom before I came to this Chamber, and I would say that in some of those years I was really worried for fear the county would go broke on account of jury pay, jail maintenance, the prison system, and all those things. So I cannot think of a better area to devote a little money than to try to discover the causes of crime.

I cannot think of a better area. I admit that it is not a science, but I will say that it is one of the most expensive things our taxpayers are burdened with, that is, crime.

Mr. GROSS. We are spending millions on crime studies in other bills. Does the gentleman have any idea what such a study under this bill will cost?

Mr. DAVIS of Georgia. I do not know, but I would say it should have been studied, Mr. Chairman.

Mr. GROSS. Or how much is going to be spent on the study of political science?

Mr. DAVIS of Georgia. No, I do not think anything will be spent on political science.

Mr. GROSS. The report says you are going to make a study of it. I wondered if you had any idea how much would be spent for that purpose.

Mr. DAVIS of Georgia. I would answer that, Mr. Chairman, with respect to social science. But when we come down to political science I would have to join with my colleague and say I really do not think there is such a thing.

Mr. BELL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. BELL. I point out that $1.5 million would be spent on political science, so-called.

Mr. GROSS. And that has been studied since the beginning of time, has it not?

Mr. BELL. I suppose it has been studied before.

Mr. DAVIS of Georgia. If the gentleman would yield with respect to that figure, I think that applies to social science, not to political science. There was $24.6 in the budget request and the committee cut it back to $24.2.

Mr. GROSS. That is $24 million you are talking about?

Mr. DAVIS of Georgia. Yes.

Mr. GROSS. For social science?

Mr. DAVIS of Georgia. Yes.

Mr. GROSS. Do you believe that will make any change for the better in the socialistic welfare program?

Mr. DAVIS of Georgia. It may. I have only this to say: It is better to light a candle than it is to curse the darkness.

Mr. DEVINE. Mr. Chairman, I move to strike the antepenultimate word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. DEVINE. Mr. Chairman, if the gentleman from Georgia or the gentleman from California would yield for a point of information, I would direct their attention to page 89 of the report under that section entitled "Committee Actions." The last sentence in the first paragraph states:

> The NSF request was $27 million or 4.4 percent over the fiscal year 1972 appropriation.

Then the next paragraph states:

> After careful review of this budget, the Committee recommends a number of changes, including a net increase in funds of $27.8 million over the NSF request.

The question is whether or not the $27 million requested by NSF in the 1972 appropriation is exceeded on top of that by another $27.8 million.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. I would say apparently they had to be together, because the total, as you will notice on page 89 of the committee action, the bottom of the fourth paragraph, the total authorization approved by the committee is $54.8 million, which is twice $27 or 8.9 percent above the fiscal year 1972 appropriation.

Mr. DEVINE. You would say the amount that it exceeds or violates the budget still remains at $27 million, or would it be $54.8 million?

Mr. DAVIS of Georgia. It would be $27 million.

Mr. DEVINE. I thank the gentleman.

Mr. DAVIS of Georgia. I believe the gentleman might like me to explain a little further.

Mr. DEVINE. I yield to the gentleman.

Mr. DAVIS of Georgia. I would like to say there were some funds which were impounded by the administration which were appropriated last year which were not expended.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 14108, the authorization for fiscal year 1973 for the National Science Foundation.

The National Science Foundation is charged with maintaining the health and vitality of science in this country, and developments in the last few years have tended to magnify its importance.

Many of the other mission agencies of the Government, in particular the Department of Defense, have cut back their support of research—notably, basic research. The National Science Foundation, more than ever before, is the agency to which the research community must look for support.

The importance of research has been emphasized by a number of recent developments. The adverse balance of payments is, at least in part, due to the increased competition which American high-technology products are meeting abroad. To stay competitive, the knowledge base on which this form of technology is founded must continue to expand through a strong program of research.

The energy crisis, which a few years ago was only a small dot on horizon, has become a full-blown storm commanding wide public attention. A significant part of the solution to that crisis must come from new energy sources and new conversion processes which, in turn, must be derived from research.

These and other developments strongly suggest that the Nation's research enterprise must be strong and must continue to grow. The bill before us today will contribute to that aim. It would authorize new obligational authority for the National Science Foundation in the amount of $673.8 million, an amount which together with reimbursements and the expected release of $21.7 million impounded from the budget of the current fiscal year, will make the Foundation's budget $695.7 million.

The fact that some of the funds authorized and appropriated by the Congress for the current fiscal year were not released for use by the NSF is unfortunate. It is particularly unfortunate that almost all of the funds impounded were for the support of education and educational institutions. The science education activities which the Foundation supports are no less important than the research projects, the research facilities, and the national research programs which the Foundation supports.

These science education programs have two major objectives. One objective is the training of future scientists and engineers. The other objective is to bring to the nonscience student an understanding of the role played by science and technology in his own life and in the life of modern society.

I have here a letter from the dean of the graduate school and research at Kent State University in the redrawn congressional district I hope to represent next year, and he points out how in the last 2 years, at a time when institutions such as Kent State and Akron University were really beginning to fulfill the promises of earlier commitments, much of the programmatical support of the NSF has been curtailed, and it has occurred ostensibly as a result of inflation, the reduction in the job market for doctoral level scientists, and the recognition that Federal science projects could not continue to expand at a rate exceeding that of the rest of the economy without the shift of major funds from departments such as Defense. This has been particularly noticeable in the psychology department and the chemistry department in Kent State University, departments whose development has been drastically curtailed as the result of NSF cutbacks.

Gentlemen, this is a very modest, and in some ways an inadequate budget, if we are going to move ahead and allow the universities to continue to keep pace with the developing needs of our society.

Last year, the Science and Astronautics Committee made a point of singling out the science education program of the NSF. Its importance was stressed in the committee's report. The report which emerged from the Labor and Public Welfare Committee of the other body similarly stressed the value of the science education program. The intent of the Congress was thus clear.

This year, I hope that the intent of Congress as expressed in the authorization bill and in the committee report will be followed and that the NSF will be permitted to go forward with a strong, well-balanced program of support of science education.

I should like to call attention to a few of the components of this program which in my view deserve special attention.

The program of graduate student support should, in my view, be continued at the level of former years. The committee shares this view, and accordingly the bill contains an authorization for this program in the amount of $20 million. Of this total $16 million is for graduate fellowships, which will assure that assistance is available for the Nation's young graduate students showing the highest promise of becoming outstanding scientists.

The same letter I referred to earlier, from the dean of the Graduate School and Research at Kent State University points out the vital importance of expanding our graduate student program. All we are doing in this authorization is maintaining it at the existing level. Again this underscores the fact that this is a modest program—probably too modest.

The remaining $4 million would be devoted to a program of postdoctoral fellowships which I believe is of particular importance in insuring that some of the best young Ph. D.'s in the country can continue their advanced studies for the next 2 or 3 years.

The release of the impounded funds, which I referred to earlier, will be used to resume the program of traineeships, but with a new focus. Unlike the earlier traineeship program, which permitted the individual university to allocate the funds to graduate students in any discipline they might choose, the new program would permit the recipient institutions to select specified fields of study in which a clear national need exists for highly trained scientific manpower.

This bill provides the NSF with a well-balanced program of support for American science. I am happy to join the chairman of the Subcommittee on Science, Research, and Development, the gentleman from Georgia (Mr. DAVIS) and the chairman of the full Committee on Science and Astronautics, the gentleman from California (Mr. MILLER) in urging its approval.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. RARICK: Page 2, line 15, insert a new subsection:
>
> "(a) not less than the amount stipulated for the purpose of 'Scientific Research Project Support' in category (1) of section 1 shall be available for that purpose, and of such amount not more than $10,000,000 shall be available for research to determine the relationship of heredity (genetics), to educational achievement and intelligence and the application of such findings to the improvement of educational practices."
>
> The remaining subsections of section 2 shall be renumbered subsections (b), (c), and (d) accordingly.

Mr. RARICK. Mr. Chairman, with billions of taxpayer's dollars being invested in busing of schoolchildren, the development of an equal employment bureaucracy, urban renewal, model cities, and a myriad of social experiments all based on what experience is proving to be the fallacious assumption that an improvement or change in environment will somehow mysteriously raise the level of intelligence and initiative, there is an imperative need for research to inquire into and determine the relation of heredity to educational achievement and intelligence for the improvement of educational practices and to develop solutions to educational problems based on facts and scientifically derived truths.

For example, last month a reassessment was made of the 1966 Coleman report which had been compiled at Johns Hopkins University. Daniel Moynihan, a social scientist and former aide to President Nixon, participated in the new analysis and reportedly had this to say: "It still came out about the same way" confirming Coleman's principal finding that nonschool factors, particularly family background, are much more important in determining educational achievement than anything connected to the school—and this included equipment, class size, or teacher preparation.

The theory of social justice that holds intelligence can be suppressed because of social injustices is not sufficiently tested as a scientific basis on which to develop research and the future course of our country. The commonly advanced notion that social injustices have been the primary cause of poverty and inequality, without any consideration of genetic differences in human capacity, is unfair and unjust to all concerned. To attempt to solve our problems without using available evidence of statistics gained by experience is irresponsibility.

If every social injustice on earth were removed tomorrow, there would still be many people who would remain relatively poor and there would still be widespread differences in intelligence, initiative, and status. Since conflicting views exist in the academic community regarding the relative importance of genetics and environment in the level of educational achievement and intelligence, I feel that scientific studies of the genetic aspects of our Nation's human potential and human quality problems would be meaningful and should be undertaken in the interest of objectivity.

The roles of both heredity and environment in determining the level of academic achievement and intelligence have been prejudged by society because of emotional bias and without sufficient scientific evidence.

My amendment merely points out the existence of a crying need to seek facts upon which to base honest solutions and calls for research to determine the relation of heredity to educational achievement and intelligence and the application of the findings toward improving educational practices.

The search for truth regardless of where it may lead should be the basis for all scientific studies. This basic study is imperative if we are to find the answers to our problems.

I urge adoption of my amendment.

Mr. JACOBS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, ho and hum.

I yield back the balance of my time.

Mr. DAVIS of Georgia. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason why I feel opposed to the amendment is simply that it is questionable, in my opinion, if a scientific study like this could well be made. But I would like to note in passing it does not change the amount authorized in the bill whatsoever. It simply undertakes to earmark certain funds. I would say it undertakes to fulfill a function which just as well could be initiated by the National Science Foundation itself. We do not tell them exactly how to spend the money we appropriate for their individual programs. They are allowed, as they should be, a good bit of discretion in the exact area in which they devote funds. I do not think the Congress of the United States ought to enter into the area of telling the National Science Foundation exactly which projects to follow. They have the authority to do this now. This does not change the amount of money they would receive, and I simply think it is an amendment that is not necessary and is not a proper legislative function.

Mr. RARICK. Will the gentleman yield?

Mr. DAVIS of Georgia. I yield to the gentleman.

Mr. RARICK. Will the gentleman agree that a scientific study into genetics and heredity and their relationship to behavior and intelligence is of the utmost importance to the American people?

Mr. DAVIS of Georgia. I do not have any reason to disagree with that if I understood the gentleman correctly, but I say to my good friend from Louisiana we would have welcomed your testimony before our subcommittee. I wish you had come before us. This comes a little suddenly. I did not get an advance copy of the amendment. I do not think there is any reason why the National Science Foundation could not go into it if they want to without this amendment. If the gentleman would wish, Mr. Chairman, I would be happy to write a letter to the Director of the National Science Foundation expressing the view that he give the matter consideration.

Mr. RARICK. I appreciate the gentleman's kind offer. I think, of course, offering this amendment today, regardless of which way the vote goes, may have the same effect of notifying the people in the scientific fields that there are those of us who believe, as apparently the chairman of the committee does, that it is a worthy scientific endeavor. There has been no definitive scientific study made in this all-important field. Certainly we should study the root causes of the problems rather than merely the effects that are plaguing our country.

Mr. DAVIS of Georgia. I am not sure, Mr. Chairman, that there have not been some studies in this field. I really am honest in saying that I am not sure about this.

I would say that in the event the amendment which has been offered by the gentleman from Louisiana should fail, we would invite the gentleman to come before our subcommittee where he could express his views with the greatest freedom.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the Committee, I am, certainly, in no way interested in thwarting our ability to address ourselves to the many critical questions that must be researched and investigated in this country and throughout the world.

I certainly am in no way an opponent of intellectual pursuits and academic freedom.

I would only suggest to my colleagues in general—and, specifically to the author of the amendment—that there are too many life and death questions before us which must be investigated and dealt with before we entertain a proposal to spend a ridiculous amount of money researching in an area where the author of this amendment has so clearly underscored his real motivation.

We have before us life and death questions with respect to our environment: whether human life will survive on the face of this earth 20 years from now. We face grave issues of international and domestic importance which are of such magnitude that we must spend as many dollars as we can in order to arrive at expeditious and intelligent solutions.

But, there is no question in my own mind and, I hope, certainly no question in the minds, of any of my colleagues that the overriding reason for this amendment is racist in its origin, motivation, and mentality.

Mr. Chairman, if we are going to spend billions of dollars, let us spend trying to save human life instead of attempting to continue to perpetuate racism and fan the flames of fear, hatred, and divisions in this country.

Mr. Chairman, if we are really interested in intellectual pursuit, technological advancement, and research in order to deal with the myriad of truly serious questions and conditions which exist in this country and in the world, let us not be trapped into supporting this amendment. We have too many pressing problems now pending before us to waste millions of dollars in order to allow some people to conduct a campaign of racial antagonism and to promote a mentality of racism in the country. Let the record show that our efforts here were directed at addressing the serious human questions of our times. I urge all of my colleagues to vote down this amendment.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Indiana.

Mr. JACOBS. I commend the gentleman for his statement and say for the record that his statement is obviously entirely extemporaneous and one of the most eloquent statements of the priorities of our country that I have ever heard.

Mr. DELLUMS. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The question was taken; and on a division (demanded by Mr. RARICK) there were—ayes 1, noes 35.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the chair, Mr. HANLEY, Chairman of the Committee of the

Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 929, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. JACOBS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 329, nays 16, not voting 88, as follows:

[Roll No. 121]

YEAS—329

Abbitt
Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Aspinall
Badillo
Baker
Baring
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Blatnik
Boggs
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Giaimo
Gibbons
Gonzalez
Grasso
Green, Oreg.
Griffin
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
Koch
Kyl
Kyros
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Morse
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Springer
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Waggonner
Waldie
Wampler
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Zablocki
Zion
Zwach

NAYS—16

Abernethy
Archer
Ashbrook
Clancy
Crane
Devine
Flynt
Gross
Grover
King
Landgrebe
Lennon
Montgomery
Rarick
Schmitz
Snyder

NOT VOTING—88

Abzug
Alexander
Ashley
Barrett
Biester
Bingham
Blackburn
Blanton
Boland
Brasco
Byrne, Pa.
Carey, N.Y.
Carney
Chisholm
Clark
Coughlin
Culver
Dent
Dowdy
Dulski
Dwyer
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fisher
Flowers
Foley
Fountain
Galifianakis
Gallagher
Gaydos
Gettys
Goldwater
Goodling
Gray
Green, Pa.
Griffiths
Hagan
Hall
Hanna
Hawkins
Heinz
Hungate
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kee
Kluczynski
Kuykendall
Long, La.
Lujan
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
Madden
Miller, Calif.
Mills, Ark.
Moorhead
Morgan
Nix
Patman
Peyser
Preyer, N.C.
Pryor, Ark.
Rees
Rooney, Pa.
Rostenkowski
Runnels
Scheuer
Slack
Staggers
Steed
Stephens
Stokes
Stubblefield
Taylor
Vander Jagt
Vigorito
Ware
Williams
Winn
Wright
Yatron
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dent with Mr. Biester.

Mr. Staggers with Mr. Kuykendall.

Mr. Yatron with Mr. Heinz.

Mr. Alexander with Mr. Jones of Tennessee.

Mr. Ashley with Mr. Kee.

Mr. Barrett with Mr. Eshleman.

Mr. Byrne of Pennsylvania with Mr. Ware.

Mr. Green of Pennsylvania with Mr. Coughlin.

Mr. Nix with Mr. Dowdy.

Mr. Eilberg with Mr. Johnson of Pennsylvania.

Mr. Boland with Mr. Patman.

Mr. Brasco with Mr. McEwen.

Mr. Macdonald of Massachusetts with Mr. McDonald of Michigan.

Mr. Moorhead with Mr. Goodling.

Mr. Rostenkowski with Mr. Winn.

Mr. Rooney of Pennsylvania with Mrs. Dwyer.

Mr. Flowers with Mr. Blackburn.

Mr. Gaydos with Mr. Williams.

Mr. Hagan with Mr. Gallagher.

Mr. Carey of New York with Mr. Peyser.

Mr. Dulski with Mr. Esch.

Mr. Gettys with Mr. Hall.

Mr. Miller of California with Mr. Goldwater.

Mr. Kluczynski with Mr. Vander Jagt.

Mr. Taylor with Mr. Galifianakis.

Mr. Stokes with Mr. Carney.

Mr. Hawkins with Mr. Bingham.

Mr. Hanna with Mrs. Abzug.

Mr. Vigorito with Mrs. Chisholm.

Mr. Preyer of North Carolina with Mr. Steed.

Mr. Evans of Colorado with Mr. Lujan.

Mr. Fountain with Mr. Scheuer.

Mr. Gray with Mr. Erlenborn.

Mrs. Griffiths with Mr. Slack.

Mr. Morgan with Mr. Stephens.

Mr. Runnels with Mr. Wright.

Mr. Rees with Mr. Long of Louisiana.

Mr. Clark with Mr. McMillan.

Mr. Madden with Mr. Mills of Arkansas.

Mr. Blanton with Mr. Culver.

Mr. Jones of Alabama with Mr. Fisher.

Mr. Foley with Mr. Hungate.

Mr. Stubblefield with Mr. Young of Texas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAVIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERSONAL EXPLANATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute.)

Mr. DERWINSKI. Mr. Speaker, in the introduction of House Resolution 939 last Thursday, a typographical error inadvertently listed the gentleman from North Carolina, Mr. JAMES T. BROYHILL, as a cosponsor instead of Mr. JOEL T. BROYHILL of Virginia. Therefore, I make this statement to correct the RECORD.

THE LATE DR. FRANK L. BOYDEN

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, many times

I have taken the floor to inform this body of significant events from my home State of Massachusetts which have nationwide impact. I have never had sadder news to impart, however, than I have today.

Dr. Frank L. Boyden, the legendary headmaster of Deerfield Academy for 66 years, is dead. Frank Learoyd Boyden was much more than just the longtime headmaster at one small private preparatory school. He was the undisputed leader in his field; the headmaster of headmasters; the man whose name sprang immediately to mind when one thought of excellent preparatory schools and the great contribution they have made to this Nation.

Dr. Boyden died shortly after 1 o'clock this morning in his home on the Deerfield Academy campus where he had spent the vast majority of his 92 years.

Mr. Speaker, there is not enough time here today to mention all the milestones of Dr. Boyden's life, to catalog all the honors he has received. One indication alone of the stature of this man is the more than 2 dozen honorary degrees he has received.

But all the honors, all the acclaim, do not give an accurate picture of how this great educator has touched the lives of so many thousands of men in this country. A product of a one-room schoolhouse education, Frank Boyden went on to Amherst College and, shortly after graduation, took over the direction of a 14-pupil academy at Deerfield. Throughout his remarkable career, he built that small school into one of the greatest preparatory schools in the country. His graduates have distinguished themselves in this Chamber, in other high seats of government, in the arts and in the professions.

They are, in truth, the legacy left by Frank L. Boyden. Their accomplishments make up the greatest tribute anyone could pay to this great and good man—the only tribute he was interested in.

I was privileged to count Dr. Boyden as one of my closest and most valued friends. When I first ran for the Congress in 1958, my success was due, in no small measure, to the fact he served as cochairman of my campaign. When the time came for my son to go to secondary school, it was Deerfield Academy that I turned to. His graduation from the academy was one of the proudest days of my life.

It is tempting at this time, to say that Dr. Boyden's death marks the end of an era. And as far as headmasters are concerned, perhaps it does. But he leaves behind a school anchored in the rock of his persistence and dedication. It is not the end of an era for Deerfield Academy, for Dr. Boyden's influence will not be that easily or shortly diminished.

To his wife Helen Childs Boyden, an outstanding teacher and an invaluable helpmate to her husband in the building of the academy, to the rest of their family, and to all the friends of Deerfield Academy around the world, I extend my deepest sympathies.

I will conclude, Mr. Speaker, by reading only one of the many tributes to this great man. This one was presented by the President of the United States on May 10, 1967:

PRESIDENTIAL CITATION

> The President of the United States of America awards this commendation to Frank Learoyd Boyden for distinguished service to the Nation. As headmaster of Deerfield Academy, he has enriched the minds, guided the spirits, and uplifted the aspirations of several generations of young Americans. Through his achievements, his kindly wisdom and his commitment to human welfare, he has encouraged standards of excellence which have enabled America's independent schools to become a continuing source of vitality in American education and quality in American life.

Mr. KEITH. Mr. Speaker, with the death of Frank Boyden, America's private secondary schools have lost their most distinguished symbol; western Massachusetts has lost a living legend; Deerfield Academy's thousands of graduates and associates have lost a friend—a close one. And so have I.

In his 66 years as headmaster, Frank Boyden brought to Deerfield dozens of buildings, thousands of students, and millions of dollars. Far more importantly, however, he gave his unique spirit to the place, and it is that spirit that has made Deerfield the outstanding institution that it is.

It was a spirit of helpfulness. No visitor to the Deerfield campus could lose his way for long without being asked, "Can I help you?" by any number of Deerfield students. Frank Boyden taught them never to be too busy to help someone. It was a philosophy he practiced as well as preached.

It was a spirit of encouragement. Deerfield students were always made to feel they could reach the full limits of their capacities. They were never cajoled or threatened into performing: Mr. Boyden let them know what he thought they could realistically attain, and most of them reached it.

It was a spirit of friendship. Certainly his score of honorary degrees entitled him to be called "doctor," but by his own choice he was universally known as "Mister" Boyden. For years his "office" was a desk in the main hall, where anyone could stop and talk with him, ask his advice and receive his encouragement. He knew every student by his first name, and was never known to forget one of his more than 5,000 graduates.

He loved many things. First, of course, came his wife, Helen, who served as teacher, mother, and grand dame to generations of Deerfield boys. He loved Deerfield itself, the Berkshires looming in the distance, the historic green valley in which it lies. He loved athletics, and boys, and helping them learn.

He loved horses, and for many years used a horse and buggy to make his rounds of the campus. On his 50th anniversary as headmaster the alumni presented him with a new horse and buggy—as far as is known, the first ever to grace the ballroom of New York's Waldorf-Astoria. He made good use of it.

Politics, too, was a passion of his, and it meant a great deal to Massachusetts officeseekers to have Frank Boyden in their corner. For if you had Frank Boyden, you had a legion of supporters—not just Deerfield graduates, but thousands of others who were touched by Frank Boyden and his school.

Frank Boyden was, without question, the dean of American headmasters. Once, when Deerfield was in serious financial trouble, the headmasters of Exeter, Andover, and Taft school helped raise $1.5 million for this rival school. In later years Frank Boyden more than returned the favor, helping many schools with advice on fundraising and educational matters. He had an entree into the homes and hearts of leaders in every field; his judgment was often asked, and accepted.

To list Frank Boyden's honorary degrees, trusteeships, articles, and honorary mentions would be an exhaustive undertaking. It would also be an inappropriate one; he was not that kind of man. He was recently awarded the Distinguished American Award by the National Football Foundation and Hall of Fame—and that, no doubt, pleased him as much as anything else.

For he was, in the finest sense of the term, a simple man. He had no complicated educational theories. His own philosophy of education he put once:

> I believe in boys. I believe in keeping them busy, and in the highest standards of scholarship. I believe in a very normal life. It generally seeps in.

For me, for my brothers and friends who attended Deerfield, and for the thousands of others who lives were so deeply affected by the advice and example of Frank Boyden, it did indeed "seep in."

He was a modest man, an unassuming man who took the greatest pride in his academy and the accomplishments of its graduates. When he retired 5 years ago, after 66 years as headmaster, one of those chosen to find his successor summed his problem up in these words.

"He throws a long shadow," the committee member said, "We'll find a replacement, but we'll never find anyone who can take his place."

Mr. CLEVELAND. Mr. Speaker, I appreciate Congressman CONTE taking thoughtful leadership and calling our attention to the death this morning of Frank L. Boyden, the beloved headmaster of Deerfield Academy. On October 10, 1967, several of us joined in paying tribute to Dr. Boyden on the occasion of his retirement as headmaster. It is now our sad and difficult task to find the words to pay appropriate tribute to this remarkable man on the day of his death.

Under the leadership of Frank Boyden, Deerfield Academy grew from a struggling institution, of only 14 students in 1902 to one of the foremost preparatory schools in the Nation with a student body of over 500, a fine endowment, and a beautiful and historic campus.

One of Frank Boyden's many significant contributions in the field of education was preparing others to become educational leaders. A truly extraordinary number of his students and faculty have become leaders of educational institutions.

It has been my great good fortune to enjoy a particularly long and warm association with Frank Boyden. During the midthirties I was one of his boys. I recall vividly the advice and encouragement he so generously offered. As a U.S. Representative who earnestly tries to keep in touch with his constituents, I have always thought that Dr. Boyden's relationship with his students was an inspiring example. His "office" was located right out in the open, in the main hallway where every student passed several times during the day on his way to and from classes. Frank Boyden really kept in touch with his students.

During the summer, the Boydens would come to my home town of New London, N.H., so fortunately I was able to keep in touch with them over the years. The advice, encouragement and inspiration which I received from Frank and, of course, his wife Helen, thus continued. I was also able to see perhaps more clearly than some others the impression they made on those who never even attended the great institution which they created.

My early interest in public service and political activity was encouraged by Dr. Boyden's belief that his students should interest themselves in public affairs. He practiced what he preached.

Attempting to find words as I joined others here on the floor of the House to pay tribute to Frank Boyden in October 1967, I observed that he worked to inspire us to always do better and to be better. Thanks to him, countless people have followed that creed and our country is the better for it. This is truly the best and most enduring tribute to the memory of this man.

The sorrow and sadness which I feel at this time is leavened by the certain knowledge that Frank Boyden and what he has done lives on in the hearts and minds of the thousands of people who have been inspired by his words and deeds.

To his beloved wife, Helen, truly a part of the Boyden legend and tradition, and their children, I express my sympathy, my great respect, and my deep thanks for the inspiration which Frank Boyden of Deerfield Academy has provided for me and so many others.

GENERAL LEAVE

Mr. CONTE. Mr. Speaker, I ask unanimous consent that all my colleagues have 5 legislative days to insert their remarks on Dr. Frank Boyden in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PROGRESSIVE LABOR PARTY TO HOLD DEMONSTRATION ON U.S. CAPITOL GROUNDS ON APRIL 29, 1972—A CAUSE FOR CONCERN

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, on Saturday, April 29, 1972, the Progressive Labor Party, a violence-prone Marxist-Leninist group, will stage a "May Day Fight for Socialism" demonstration on the U.S. Capitol Grounds for the ostensible purpose of petitioning for a "30-hour work-week with 40 hours pay" and an end to the Vietnam war. The real objective, of course, will be the promotion of PLP's particular brand of communism.

In am sure everyone remembers last spring when the Nation's Capital was disrupted by waves of militant protesters. The demonstrations were widely advertised as peaceful but violence erupted in a manner to shock the Nation. Over 13,000 arrests of unruly demonstrators were made and the total cost figures for the demonstrations amount to over $7 million. It was indeed a tribute to law enforcement that under these chaotic circumstances the Government was not disrupted and the city was not paralyzed as the protesters vowed they would do.

Mr. Speaker, you will recall that as early as April 6 last year, on the floor of the House, I called attention to the Communist leadership in the antiwar coalitions sponsoring the protest demonstrations in Washington last spring. I gave ample advance warning of the chaos that these groups planned for the Nation's Capital. However, the mass news media largely chose to ignore the information I provided and, in my opinion, failed to act responsibly in its predemonstration reporting. The public was not adequately informed. Crowds, Mr. Speaker, constitute a problem under such conditions and many individuals sincerely interested in peace would surely not have participated in the demonstrations last year if they were aware that the demonstrations were primarily a Communist-led operation.

As chairman of the House Committee on Internal Security, I consider it my responsibility to once again alert my colleagues and the American public to the current demonstration being planned by the Progressive Labor Party on April 29. In applying for a demonstration permit, Wallace Conner, the Progressive Labor Party representative, indicated that a minimum of 2,000 persons will participate in the April 29 demonstration. The Progressive Labor Party has given a great deal of publicity to this demonstration and participants have been lined up in major cities throughout the country. Among the activities planned by the Progressive Labor Party is a march around the Capitol Building prior to gathering at a rally site on the east front Capitol Plaza to voice demands for a wage boost for the "working class" and an end to the Vietnam war. Although the authorities have informed the Progressive Labor Party that a march around the Capitol Building will not be permitted, it is not known at this stage whether the Progressive Labor Party will accept this ruling.

Many of our citizens are well aware of the objectives of the Communist Party in this country, but few have any knowledge about the nature of the Progressive Labor Party. The willingness and readiness of the Progressive Labor Party to engage in violence to accomplish its goals was brought out during an intensive investigation of this organization by the Committee on Internal Security.

Committee investigation disclosed that the Progressive Labor Party was formed by dissident elements of the Communist Party, U.S.A., led by former CPUSA leaders Milton Rosen and Mortimer Scheer, both of whom were expelled from the CPUSA in December 1961 for following the Chinese Communist Party line. The Progressive Labor Party over the years has been active in exploiting and aggravating racial discord in this country.

For those desiring further information concerning the aims and activities of the Progressive Labor Party, copies of the committee's 1971 hearings on this organization are available from the committee and the Government Printing Office.

I pointed out in the committee's 1971 annual report that our investigation of the Progressive Labor Party proved beyond doubt that the Progressive Labor Party is a tightly organized Marxist-Leninist group which once had strong leanings toward the Communist philosophy of Mao Tse-tung but now accuses China as having sold out to the "revisionists" in the world Communist movement. The Progressive Labor Party may no longer be acting on the direct orders of Peking, but you may be certain that its goals remain the same—the destruction of our system of free enterprise.

The Progressive Labor Party has been highly effective in penetrating the New Left movement in this country through the Worker-Student Alliance faction of the Students for a Democratic Society. This has, of course, given the Progressive Labor Party considerable influence among young people, particularly college youths.

As a Marxist-Leninist group, the Progressive Labor Party believes that the working class in this country will form the base of a revolution here. It is therefore understandable why it concentrates on issues of prime interest to the working class, such as its current demand for a 30-hour work week for 40 hours pay. This is the old communist tactic of "issue exploitation" in an effort to achieve an aura of respectability. Historically, the Communists have never been genuinely interested in the welfare of the working class but rather seek to seize upon working class issues in an effort to further Communist objectives.

There is every reason to believe, insofar as the leadership of the forthcoming Progressive Labor Party demonstration is concerned, that the antiwar protest angle is being used primarily as a "gimmick" designed to draw in well-meaning persons and the more naive antiwar protestors. While I have no intention of issuing a blanket denouncement of all those who will participate in this forthcoming demonstration, I do feel it is important that we sharply differentiate between the motives of those who would manifest their feelings in an orderly manner and those who would attempt to seize on this opportunity as a means of expressing their vengeance, hatred, and animosity toward our society and would take advantage of this demonstration to bring about violence in the Nation's Capital.

The coordinators of the April 29 demonstration are activists Michael Golash, Deidre Golash, and Wallace Conner. It is important to note that Michael Golash is a longtime Progressive Labor Party member. He played a leading role in the massive and violent demonstrations at Columbia University in April 1968. In the space of 5 days, militant vanguard of some 200 revolutionary students physically seized control of five major Columbia University buildings.

Although for obvious reasons Progressive Labor Party leaders do not speak of the use of violence during the forthcoming demonstration on April 29, one thing is fairly certain—violence will be employed by the Progressive Labor Party if its leaders feel violence will serve their purpose.

Although I do not believe that large crowds will participate in this demonstration as it is doubtful that the smoother operating Communist Party, U.S.A. and Trotskyite Communists will extend themselves in cooperating, I do feel that the demonstration is fraught with risk. The fact that the Progressive Labor Party has in the past exhibited a propensity toward violence should not be dismissed as insignificant. As a result of the committee's investigation, I am exceedingly concerned that the concept of violence has become an integral part of the philosophy of the Progressive Labor Party. Although I recognize the right of peaceful assembly, when a Communist group like the Progressive Labor Party is in a position to use such an assembly for its nefarious cause then reasonable restraint must be the order of the day. The U.S. Capitol Police and the Metropolitan Police must be prepared and must be constantly watchful of events on April 29. Additionally, the citizens of the community and the Nation must be alerted to the efforts of this Communist organization to recruit young people into its membership for participation in its growing defiant protests against law and order.

A widespread underestimation of the menace which the Progressive Labor Party present to the internal security of the United States is just the impression the Progressive Labor Party desires to present. The ability of this organization to seize upon items of discontent and to fan the sparks of civil disobedience into actual strife presents a serious cause for concern.

AIR SERVICE TO SMALL CITIES

(Mr. ZWACH asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. ZWACH. Mr. Speaker, earlier this month, Mr. James Vance of Worthington, Minn., appeared before the Aviation Subcommittee of the Senate Committee on Commerce. Mr. Vance is published of the Worthington Daily Globe and also serves as president of the Local Airline Service Action Committee.

Mr. Vance very concisely describes the problems of living in areas which are considerable distance from any metropolitan airport and suggests some reasonable remedies. I would like to include at this point his testimony before the committee relative to providing air service to small cities:

AIR SERVICE TO SMALL CITIES

(By James Vance)

Gentlemen: I am James Vance of Worthington, Minnesota. My principal occupation is publisher of the *Daily Globe*. Today I appear in my capacity as President of the Local Airline Service Action Committee, an informal group representing small and medium-size cities across the country concerned with the adequacy of their air service. LASAC was formed in 1964 to oppose the erosion of airline service to smaller communities.

Scheduled air service to small cities has deteriorated for years. Your Committee can do two things:

1. Set policies suggesting appropriate action for federal agencies under present law.
2. Initiate changes in the law.

If firm directions come out of your hearings, long-needed remedies can fast begin to work.

I am here on behalf of the Local Airline Service Action Committee (LASAC), speaking for small and medium-sized cities whose economic life depends on linkage by air with the jet mainstream. Large cities are equally affected; they live by the flow of commerce from the smaller.

Since 1964, NASAC witnesses have come to protest against the deterioration of air service. Today, it is not enough to keep the present airline points on the map. We are concerned also with communities now without service and urgently in need of it.

There has been no systematic approach or any long-term plan or policy. Decisions on air service—whether to give it, downgrade it, or remove it—have been made point-by-point with too little regard for the needs of a region or of the nation.

Your Committee can cut through this confusion by insisting on a system plan that will identify the points to be served. This can be done under existing law without added cost.

First, let me say that today's problems are due to no failure of Congress. Congress gave status to the local service airlines in the 1940s as a new class of carriers for the express purpose of creating short-haul networks feeding into the long-haul routes of the trunklines.

The certificate of each local airline says in plain words:

"It is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees . . ."

Since the 1950s, the locals have drifted far from this role. The trouble started when their old DC-3s no longer could serve economically. In 1957, Congress granted loan guaranty to retire these World War II planes. But instead of developing new aircraft for their assigned job, the locals bought jets unsuited for short hops and light traffic, and too big for many of the airports.

To help pay for the jets, the Civil Aeronautics Board gave the locals long routes to compete with the trunks to the injury of the latter without much help to the locals. To reduce losses and subsidies, the locals tried to shed their low-traffic points, abetted by CAB's use-it-or-lose-it policy and by the FAA-CAB idea of single-airports for adjacent cities.

These policies were abandoned after LASAC protests were backed by concerned members of Congress. Then the local airlines found a new way to pull out of their losing points, with CAB's blessing, by letting commuter air carriers substitute. Some 80 pairs of certificated points now are thus served. These market pairs involve 100 cities.

Where the local airline takes a strong hand in helping the substitute make good, as in the case of the Allegheny commuters, the more frequent flights by lightplanes can be better accepted than infrequent trips by jetliners. But, the smaller planes, as stated in past LASAC testimony, are a downgrading of service. The commuter lines are unstable. There have been many failures. Now the National Transportation Safety Board is so concerned over their safety as to have ordered a major investigation nation-wide.

No more substitutions should be forced on American Communities until something is done to assure safety and competence. Of 520-odd certificated airline points in the United States, about half depend on local airlines and are not served by trunklines. I urge that your Committe call a halt to deletions and transfers.

It is time to declare that scheduled air transportation is an economic necessity. Every ten years, the U.S. Census shows that population is declining in hundreds of counties, especially in the Midwestern heartland, and gaining in big cities.

Scheduled flight is a means of checking this flow. City after city has held its own or moved ahead through air service that attracts employment-creating industry. Each family that is displaced from a small city, and goes on relief in a big one, will cost the taxpayers upwards of $2,500 a year in direct welfare and larger sums in public services—schools, police, sanitation, and housing—that must be provided.

Keep a family employed in smaller communities and the saving is immense. The adverse economic impact on the nation and the large cities can outweigh the cost of keeping a city on the airline map. It is short-sighted to judge scheduled air service merely on airline and subsidy balance sheets without giving weight to human needs.

When national policy is stated in these terms, the next step is to decide where air service is most essential. This is a matter of system planning. The Airport and Airway Development Act provides $15 million a year for planning, to be matched by a third as much in State and local money. Such grants are to be used for master plans for airports and also for State-wide aviation system plans.

In the State plans, it can be decided what cities most need air service, including points now served and some that are not. This is quite within the scope of the law but it is not being done. The planners should consider such factors as accessibility to existing airline fields and the adequacy of ground transport. With rail passenger trains gone and bus service reduced, many communities are isolated. Aviation is the best answer in many cases.

In my own State of Minnesota, we not only want to be sure that no present airline points are discontinued but we have blank spots where cities unserved are in need of linkage with the larger centers. For these needs to be officially recognized, we need a State system plan that will fit into broader plans for the region and for the whole nation.

There is a National Airport System Plan being developed by the Federal Aviation Administration which will list airports and projects eligible for funds. CAB should make a list of cities that require scheduled air service and give each a Certificate of Essentiality. Those now served thus will have a secure future and those without service will be in line to get it.

There is unused authority for the Civil Aeronautics Board to work with the States to this end. Section 204(b) of the Federal Aviation Act reads as follows:

"The Board is empowered to confer with or to hold public hearings with any State aeronautical agency, or other State agency, in connection with any matter arising under this Act within its jurisdiction, and to avail itself of the cooperation, services, records, and facilities of such State agencies as fully as may be practicable in the administration and enforcement of this Act."

While CAB often has dealt with the States informally, the close cooperation that the law allows has not been effectively used. In view of the trend of federal policy to place more responsibility with the States, the way is open.

Another step that can be taken now is for the Department of Transportation to aid in providing transportation for small cities as well as large. Other Departments that deal with urban areas also can help on the premise that halting the flow of people out of the smaller cities will help check an unhealthy growth of the larger cities.

Still another step is for the Civil Aeronautics Board to decide the question of a higher weight limit for air taxi aircraft and thus settle uncertainties that make it hard to plan.

At this point, I have completed the first part of my statement, on what can be done under existing law. All the foregoing can be set in motion if your Committee so directs after these hearings. To summarize:

A. A firm policy can be set, to recognize the overriding necessity for air service to small communities for reasons affecting the nation's economy.

B. System plans can be made by States and regions, to decide which cities most need scheduled air service.

C. The Civil Aeronautics Board can hold formal hearings with the States to give such cities ratings of essentiality in a national plan.

D. Department of Transportation and other agencies can figure transportation projects for small cities as well as large.

E. The question of air taxi weight can be decided.

If these steps are taken immediately, sound plans will be ready, to make the most of any changes in the law that may follow. Action must not wait for laws to pass. The time to begin is now. Indecision has continued too long.

When it is determined which cities are to be served, there comes the question of who serves them. Since the local airlines are certificated to meet the needs of their regions, all possible effort should be made to get them to do the job.

Where this is not feasible, there should be quick procedures for commuter air carriers to take over. But the locals should continue to have back-up responsibility on the route segments for which they are certificated.

Great areas of the country may be involved. Commuter line substitutions thus far are mainly in the East, within the systems of Allegheny and Northeast Airlines. Elsewhere, airline pilots have resisted substitutions that would reduce their flight time. But there are many low-traffic points where the cost of enplaning passengers is high.

The fare structure of scheduled air transportation also affects air service use at smaller communities. Generally speaking, the cost of living is lower in the smaller communities. But, air transportation costs more per mile for short distances than for long distances. The airlines rate is based on a $16.00 terminal charge plus a rate per mile. The rate per mile decreases as the mileage increases. Consequently, the terminal charge forces the short-distance traveler to pay more per mile than the long-distance passenger. I pay a higher rate per mile to travel from Worthington to the Twin Cities than a Twin Cities-Los Angeles passenger pays. Attention to this matter is required.

New legislation which the Committee is considering is needed for two reasons: to insure responsible performance by commuter air carriers and to give them incentives to take the responsibility. The Pearson Bill (S. 796) goes in that direction.

The bill would also authorize a limit on the size of aircraft used by the limited class, a regulation which the Civil Aeronautics Board is not authorized to apply to the certificated airlines under existing law.

I would like to see this measure spell out more in detail just how CAB is to set up this class of carriers. The old system of proving public convenience and necessity by detailed procedures is too long and costly. On the other hand, some minimum qualifications are needed. Congress should not leave this altogether to Board discretion.

The wisdom and foresight of the Board, in view of the record we have outlined, leaves much to be desired. I am not impressed with the CAB Chairman's proposal to offer a few experimental contracts by competitive bids in a three-year experiment. Broader solutions are needed now. Such bidding nearly bankrupted the pioneer airlines in the 1930s. There is no incentive to bid on losing points with no tenure.

For a commuterline to succeed, it must have some route protection against cutthroat competition and must have subsidy for the loser points. Whether the subsidy should be paid directly or channeled through the local airlines is a question.

It seems to me that the issues are too complex and opinions too divided for us to expect adequate legislation at this session of Congress. But I hope your Committee will set guidelines that will point the way to action as early as possible next year.

Guidelines are needed also for development of new aircraft. There never has been a DC–3 replacement. Some more economical and efficient aircraft types are needed: (1) a replacement for the Convairs and the Fairchild F–27s in the 60-seat range; and (2) a commuter plane in the 25-seat range.

I hope your committee will stress the urgency of federal aid in developing prototypes for such service. The commuter plane is especially important to smaller cities that cannot be served economically by larger craft.

As commuter air carriers and air taxis are held to the old arbitrary maximum of 12,500 pounds gross takeoff weight, they are limited to planes of some 18 passengers. With these, it is difficult to break even or to give good service.

The CAB examiner's finding that the limit should be raised to a maximum of 30 passengers or 7,500 pounds payload is under review by the Board. This should be settled. We can then develop new aircraft useful for local airlines as well as for commuter lines.

How can development be encouraged and speeded? Federal aid for prototypes would be inexpensive as compared with larger craft and is an investment that can bring great returns. Proposals have been made also for loan guaranty of financial aid for commuter air carriers to purchase such craft and put them into the service of America's smaller cities.

Summarizing again, new legislation and appropriations are needed for:

A. Creation of a class of air carriers to fly aircraft of limited capacity.

B. Aid in the development and financing of new and more efficient aircraft, especially in the local and commuter classes of some 60 and 26 passengers, respectively.

Meanwhile, I urge that your Committee demand immediate action on the steps that can be taken under present law.

IMPROVEMENT OF POTOMAC RIVER WATER

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, one of the most repulsive sights for boatmen and those who stroll the banks of the Potomac is about at an end. That is the sight of masses of human waste that has been allowed to flow, untreated, directly into the river.

This should be generally eliminated by the opening of a new pumping station under the Theodore Roosevelt bridge and the closing of the Georgetown gap in the sewer system. A contract for the latter has now been signed. Under it, the gap which permitted raw sewage to flow into the Potomac will be closed by the end of July, according to the District Government.

This will be accomplished by temporary piping that will be suspended under the Whitehurst Freeway. By the end of 1973, under the same contract, a permanent closing of the "gap" will be in place, underground.

Also this summer, alum will be used at the Blue Plains treatment plant that serves the District, and Maryland and Virginia suburbs. The alum will settle solids in the water more rapidly, permitting them to be carted off for use as fertilizer rather than dumped into the river.

These steps are good ones and should result in a visible improvement in the river.

It will still be badly polluted, however, and we must make sure that the long-range improvements that have been started at Blue Plains are continued. These are threatened because the Federal matching funds are included in the clean water legislation now tied up in conference.

If we are not to be able to complete work on the legislation, we should nevertheless make sure we somehow finance the Blue Plains work. I have just introduced a back-up bill that would permit the District to borrow the amount expected, eventually, as a Federal matching grant. This would prevent an interruption in the Blue Plains work—and would help guarantee that we, in our work to clean up the Nation's waterways, are not embarrassed by pollution in our own backyard.

I hope my colleagues will consider carefully my proposal—and any other proposal that may be made—for keeping the important Blue Plains work going.

THE TRAGEDY OF EXTENDING THE WEST FRONT

(Mr. STRATTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STRATTON. Mr. Speaker, in view of the action of the Senate a couple of weeks ago in including in the legislative appropriation bill a provision requiring that no construction work can begin on the controversial extension of the west front without specific authorization by Congress, it is quite possible that this House will soon be called on to vote on whether the House will or will not go along with the Senate provision on this point when the conference committee on this bill makes a report to the House.

To assist Members in making a decision on this issue, to give them a little better idea of just what serious damage will be done to the Capitol as we know it now, I believe an article which appeared in the Washington Post this morning will be most instructive, and I urge my colleagues to read it, if they have not already done so.

Under leave to extend my remarks, Mr. Speaker, I include the article in question, written by Charles C. McLaughlin, a student of the works of Frederick Law Olmstead, Sr., who was the designer and creator of the famous Olmstead terrace which now graces the west front and which would be totally destroyed by the proposed extension, with very disastrous results. The article follows:

[From the Washington Post, Apr. 25, 1972]

CAPITOL EXTENSION PLAN—WHY DESTROY A NATIONAL MASTERPIECE?

(By Charles C. McLaughlin)

The dream of extending the central portion of the United States Capitol another 44 feet towards the Mall is nearly 100 years old. Thomas U. Walter, architect of the present dome and the wings for the Senate and House; proposed such a marble addition in 1874. What is new about the present plan is that it will destroy the present terrace, completed in 1890, which Frederick Law Olmstead first proposed in 1874.

The Olmstead terrace is the third attempt to solve an aesthetic problem of which few tourists or members of Congress are aware. The west front of the U.S. Capitol juts out over the crest of Capitol Hill so that it presents a four story facade towards the Mall. This is not only unclassical, but it does not match the three story facade of the east side of the building because this subbasement level is visible above the ground. To hide this embarrassing subbasement, Charles Bulfinch heaped a great earth embankment or berm all around it, leaving a courtyard inside to allow light and air to the subbasement windows. Walter continued this embankment around the subbasements of his House and Senate wings, which were built in 1867.

Frederick Law Olmstead was commissioned landscape architect of the Capitol grounds in 1874. He suggested that the unkempt earth embankments should be removed and replaced by a 50 foot windowless stone platform that would add an effect of stability, endurance, and repose to the Capitol by giving it a handsome foundation. Behind these blank walls there are now 137 rooms lighted with windows facing an interior courtyard and skylights built into the walkways above.

The Senate Committee on Buildings and Grounds suggested that the walls facing the Mall should be pierced with windows. But Olmstead testified that the windows would ruin the effect he had intended. It would be like punching holes in a dam. The solidity of the blank walls and terrace, he said, is to counteract any sense one might have that the Capitol, perched over the edge of the hill, was about to slide down it. He provided only seven archways in the center section between the two great stairways. Six of these, against the advice of Olmstead, have been made into tall windows.

The Commission on the Extension of the Capitol seems to have forgotten the reason why Walter Bulfinch and Olmstead insisted on windowless platforms to enhance the monumental effect of the west side of the Capitol. The commission's plan is to embellish the terrace with 36 tall square windows to give the occupants of four private dining rooms, two restaurants, and some hideaway offices a sweeping view down the Mall towards the Washington Monument. It is hard to see these windows in the model of the extended Capitol which is on display in Statuary Hall. But they will glitter in the western sun and, lighted up at night, will make the west front of the U.S. Capitol look like a five story wedding cake, nearly twice the height as the east front.

Another feature of the Commission's plan, which might easily escape notice, is the service road which will be cut across the west lawn. It will allow large trucks and service vehicles to pass under the middle section of the terrace to stop at truck docks placed under the stairways. The former Architect of the Capitol, J. George Stewart, was unable to persuade Congress to build underground truck facilities below the east plaza when the east front was extended and therefore added them to his west front scheme. Close scrutiny of the plan for the roadway level of the terrace discloses that there are 9,052 square feet of "unassigned public space" between the truck docks. This appears to be intended as a large, all-weather bus terminal for the seven million or more tourists who visit the building every year.

This cannot be hidden by bushes and trees and will spoil the carefully planned effect of monumental dignity Olmstead's landscaping and great terrace has achieved.

An unexpected dividend from my Olmstead research has been the discovery of Montgomery Meig's letters discussing the Walter plan to extend the west front of the Capitol in 1875. In these, written to Olmstead and Senator Justin Morrill, the former engineer in charge of the construction of Walter's dome and the new Senate and House wings, argued that it would be "an error to extend the central portions of the old building, thus hiding the further wing in oblique views and spending money to diminish the apparent magnitude and grandeur of this noble building."

Applying his argument to the present extension plans, one realizes that the projection of the central facade 44 feet to the west would cut the building in half when seen from the side because the extended center section would block a view of the further half of the Capitol. One would miss the Senate when viewing the Capitol from the House side and vice versa. Olmstead, who had to accommodate the provisionally accepted Walter plan into his terrace design, admitted to Meigs that "as to the west portico, I thought that a reduction from the assumed projection of 40 feet beyond the line of the present wall would be better than any addition to it." When shown one of the Meigs letters, even Walter acknowledged that the author had made "many well-studied points."

Looking at the model of the extended Capitol it is hard to realize that the Capitol is situated at the top of a steep slop. The fact that one views the real building from below means that any projection of the building will be emphasized far more than if it were placed on a flat surface. The building already presents a massive appearance on the edge of Capitol Hill. A projection of its center would accentuate the central portico and diminish the importance of the dome. The extended central facade with the proposed peaked rather than present flat, pediment would obscure much of the lower part of the dome in a close view. To see as much of the dome as one now does, one would have to back down to the foot of the hill.

The earlier proposal to expand the Capitol building was abandoned when the Library of Congress was built in 1897. The various House and Senate office buildings and the Supreme Cuort Building diminished the demand for space in the Capitol building itself. In the past 20 years, however, the east front extension was built—a marble reproduction of the original sandstone facade. The extension of the west front proposed by Stewart has so far been averted not only for reasons of economy, but also to preserve the original Bulfinch west front facade. Now there is also an increasing awareness of the genius of Olmstead, who gave the Capitol a setting which is a happy blend of formal and informal landscape. The awareness, coming as it does in Olmstead's sesquicentennial year, must culminate in saving his terraces.

There are other ways of solving the practical problems of what to do with seven-million tourists, where to place truck docks, and how to meet the demand for office space. There is no reason to destroy a national architectural masterpiece for a questionable expediency.

VOTING RECORD OF LAWRENCE J. HOGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 30 minutes.

Mr. HOGAN. Mr. Speaker, to insure the fullest possible public access to the votes I have cast in Congress I now request permission to insert in the RECORD the following complete compilation of my voting record in the first session of the 92d Congress:

VOTING RECORD OF LAWRENCE J. HOGAN, 92D CONGRESS, FIRST SESSION

[Passed (P) or Defeated (D) by House of Representatives]

AGRICULTURE

Voted:

For a bill to permit American wine producers to display their products at international trade fairs. (P)

For the continuation of the International Coffee Agreement Act of 1968. (P)

For a three-year extension of the Sugar Act of 1948 to retain the long-term price stabilization effect of the Sugar Act and the long-term protection it has afforded to American sugar producing areas. (P)

For cooperative agreements between the Agriculture Secretary and states and localities to aid law enforcement in National Forests, with provisions for federal reimbursement for expenditures by states and localities in connection with such law enforcement activities. (P)

For broadening and expanding the powers of the Secretary of Agriculture to cooperate with countries in the Western Hemisphere to prevent or retard communicable diseases of animals, where the Secretary deems such action necessary to protect the livestock, poultry, and related industries of the United States. (P)

For the modernization and consolidation of existing Farm Credit law to meet current and future rural credit needs and to provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives. (P)

For continuation of the International Coffee Agreement Act of 1968 until September 30, 1973. (P)

Agriculture appropriations for fiscal year 1972

For a limitation of $20,000 per crop per farm on farm subsidies except on sugar and wool. (P)

For an amendment to forbid funding of any stream channelization project administered under the Secretary of Agriculture, unless the project was in the construction stage before July 1, 1971. (D)

Against an amendment to forbid food stamps to households needing assistance because any member of the household is on strike. (D)

After a Senate-House Conference to resolve differences between the two versions of the bill, voted against the $13.3 billion Agriculture Appropriations bill because it appropriated $1.17 billion more than the budget request and because it did not contain a $20,000 limit on most farm subsidy payments. (P)

Grain Reserve bill

For a substitute amendment to the Grain Reserve bill to provide for the storage of grain reserves only in producer-owned facilities rather than in both producer-owned and commercial storage facilities. (D)

For an amendment to strike from the wheat and feed grains loan-rate amendment the provision for a 25 percent increase in loan levels. (D)

For an amendment which would have required the release price of grain reserves to be set at 100 percent of the commodity's parity price instead of at 120 percent of the past five-year average market price. (D)

Against an amendment which would have allowed the Agriculture Secretary to store the grain reserves in the homes of "hungry Americans" unable to afford sufficient food to maintain their good health. (D)

Against the establishment of a reserve supply of up to 300 million bushels of wheat and 25 million tons of feed grains. (P)

CIVIL RIGHTS

Voted:

For a $600,000 increase to $4 million in the appropriations for the U.S. Commission on Civil Rights. (P)

Against a substitute amendment providing court enforcement powers in lieu of "cease and desist" authority for the Equal Employment Opportunity Commission. (P) On final passage, voted for this substitute measure when it was clear that the "cease and desist" measure had failed. (P)

For an amendment to the joint resolution proposing an equal rights amendment to the Constitution clarifying that the rights referred to in the resolution were those of people, including both citizens and non-citizens. (D)

For an amendment to the equal rights amendment to retain Congressional authority to exempt women from the draft and retain laws characterized as "reasonably promoting the health and safety of the people." (D) On final passage, voted for the joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women. (P)

For a motion to discharge the Committee on the Judiciary from further consideration of the resolution to amend the Constitution with regard to prayer in public buildings. (P)

For the resolution proposing an amendment to the Constitution with respect to the offering of prayer in public buildings. (D)

For equality of treatment for married women federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally. (P)

CRIME, DRUG ABUSE, LAW ENFORCEMENT

Voted:

For an amendment to the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities. (P)

For an increase on the limit on dues for U.S. membership in the International Criminal Police Organization. (P)

For establishment of an independent Institute for Continuing Studies of Juvenile Justice. (D)

For the temporary assignment of a U.S. Magistrate from one judicial district to another. (P)

Against a motion to kill a bill which proposed establishing by law the canine corps in the D.C. police department. (D) After defeat of this motion the bill passed by a voice vote.

For payment of the cost of medical, surgical, hospital, or related health care services for D.C. policemen, firemen, U.S. Park Police, the Executive Protective Services, and the U.S. Secret Service, retired for total disability incurred in the line of duty. (P)

For a treatment and rehabilitation program in the Veterans Administration for servicemen and veterans suffering from drug abuse or drug dependency. (P)

ECONOMICS AND ECONOMIC DEVELOPMENT

Voted:

Against an increase in the national debt ceiling from $395 billion to $430 billion. (P) This vote was cast in protest of excessive government spending.

For additional financing for rural telephone service by setting up a Rural Telephone Bank with initial government financing, but with the object that it would eventually be privately controlled. (P)

Against an amendment to the National Debt Ceiling bill to disallow the sale of $10 billion in government bonds at interest rates higher than the old 4¼% ceiling. (D)

For the continuation of various small business programs through fiscal year 1972 and to increase the ceiling on SBA business loans from $2.2 billion to $3.1 billion. (P)

For a $5.5 billion authorization bill which included $2 billion for a proposed public works acceleration program as well as funds for the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act. (P)

For a 90% federal loan guarantee from banks to major businesses in financial trouble instead of a 100% guarantee. (D)

Against federal emergency loan guarantees for financially distressed major businesses. (P)

Against the bill to extend the life of the Export-Import Bank, to exclude the bank's receipts and disbursements from the U.S. budget and to increase the ceiling on the bank's loans, guarantees and export insurance. This vote was a protest against acceptance of a Senate provision to water down a prohibition against bank financing to nations which support nations with which we are in armed conflict. (P)

For temporary insurance for the members' accounts of certain Federal Credit Unions. (D)

For extension of the duration of copyright protection in certain cases. (P)

For extension of the authority of the Secretary of Housing and Urban Development to set the maximum interest rates for government-backed mortgages through June 30, 1972. (P)

For an amendment to require that wage and salary increases negotiated before the wage-price freeze began August 15, 1971, be paid retroactively if price, tax budgetary or productivity increases had been made to accommodate the pay increases. (P)

Against an amendment which would have required that all information submitted in compliance with the implementation of wage-price controls be a matter of public record with the exception of trade secrets and processes. (D)

For an amendment which would have allowed Presidential authority to review pension and retirement plans which the Phase II authority bill would otherwise exempt from controls. (D)

For extension through April 30, 1973, of the President's authority to implement Phase II of his economic stabilization plan of controls on prices, wages and interest rates. (P)

EDUCATION

Voted:

Education appropriations

Against an amendment to the Education appropriations bill which would have added $728.6 million to the appropriation for 26 separate educational programs. (D)

For the bill making appropriations for the Office of Education and related agencies for fiscal year 1972, including an anti-busing provision. (P)

For tabling a motion to agree to the Senate amendments which proposed spending $816 million more than the House had previously voted for the Office of Education appropriations bill. (P)

For a $5.146 billion appropriations bill for the Office of Education and related agencies for fiscal year 1972. (P)

Anti-busing amendments

Against an amendment to the Education appropriations bill which sought to strike out anti-busing provisions included in the bill. (D)

For a motion to bring to the House floor a resolution directing the Secretary of Health, Education, and Welfare to furnish the House with a list of public school systems which will be receiving federal funds and which will be engaging in busing school children to achieve racial balance. (P).

For adoption of the resolution requesting the HEW Secretary to furnish information on busing to the members of the House of Representatives. (P)

Against a bill to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of racial isolation in elementary and secondary schools. (D) The objection to this bill is that it would have authorized federal aid part of which would be used to pay for busing.

For postponement of any U.S. District Court order to force busing to achieve racial balance until such time as the Supreme Court has had an opportunity to act on any appeal. (P)

For the Ashbrook amendment to the Higher Education bill prohibiting the use of funds for busing of students or teachers to overcome racial imbalance, or for the purchase of equipment for such transportation. (P)

For an amendment to the Ashbrook amendment adding language that forbids any officer or employee of HEW or the Office of Education, or any other Federal agency, to force States to expend States or local funds for purposes for which Federal funds cannot be expended, particularly busing. (P)

Against an amendment to the Ashbrook amendment that would exclude local education agencies who are carrying out a plan of racial desegregation of its schools pursuant to the order of a court of competent jurisdiction. (D)

Against an amendment to the Higher Education bill to direct the Commissioner of Education to make a full and complete report on the needs incident to carrying out plans for the elimination of racial segregation in elementary and secondary schools to be completed on or before July 1, 1972. (D)

For the Emergency School Aid Act as a new title to the Higher Education bill, including the Ashbrook anti-busing amendment and providing a definition of neighborhood schools. (P)

Higher education bill

Against an amendment to the Higher Education Act to revise the distribution of educational opportunity grants. (D)

Against an amendment to the Higher Education bill which sought to strike out Title VII—general institutional aid to institutions of higher education. (D)

For an amendment to the Higher Education bill to place the requirement that each State maintain its effort in higher education on the individual institutions. (P)

For an amendment to the Higher Education bill that would terminate funds to any institution or class of institutions, after a final determination that the institution is in violation of the U.S. Constitution. (D)

For an amendment to the Higher Education bill to strike out Title IX—interns for political leadership. (P)

For an amendment to the Higher Education bill to exclude all-male or all-female undergraduate schools from the "prohibition of sex discrimination" language in the bill (P).

Against extending the benefits of land-grant colleges to the Colleges of the Virgin Islands and the University of Guam. (P)

Against restoring Title XIV to the Higher Education bill to establish the National Institute of Education. (P)

For an amendment to the Higher Education bill to strike out Title XV—establishing a program of Ethnic Heritage Studies. (P)

For a comprehensive study before implementation of any new Federal youth camp standards. (P)

For amending the Higher Education Act of 1965 and other acts dealing with higher education to incorporate the various anti-busing amendments included in the previous section. (P)

For a one-year extension of the student loan and scholarship provisions of Titles VII and VIII of the Public Health Service Act. (P)

For increased manpower for the health professions. (P)

For training more nurses. (P)

Against an amendment to the Military Health Personnel bill that sought to strike out language providing that the Uniformed Services University of Health Sciences be located within 25 miles of the District of Columbia. (D)

For the establishment of a Uniformed Services University of the Health Sciences. (P)

For VA assistance in the establishment of new state medical schools, for the improvement of existing medical schools affiliated with the Veterans Administration, and for the development of cooperative arrangements between the VA and higher education and medical institutions. (P)

For the transfer of $150 million to provide for additional funds for free and reduced cost lunch programs for poor children. (P)

For a joint resolution to assure that every needy school child will receive a free or reduced price lunch as required by the National School Lunch Act. (P)

ENVIRONMENT/POLLUTION CONTROL/CONSERVATION

Voted:

For a national environmental data system to serve as a national clearinghouse for information on environmental subjects. (P)

For a crimial penalty for shooting at certain birds, fish, and other animals from or by aircraft. (P)

For a $2.35 billion Interior appropriations bill for fiscal year 1972. (P)

For a resolution to establish a Joint Committee on the Environment in the Congress. (P)

For controls on the dumping of wastes in the oceans, coastal and other waters and for establishment of a marine sanctuaries program. (P)

Against an amendment to the pesticide bill to strike the stipulation that the Environmental Protection Agency not consider "lack of essentiality" a criterion for denying registration of any pesticides. (D)

Against an amendment to allow judicial review of EPA's pesticide actions for "any person adversely affected" rather than "any party at interest." (D)

Against an amendment which would deny reimbursement of funds to producers for pesticides removed from the market, unless the producer can show that the pesticides' harmful effects could not have been anticipated. (D)

For amending the Federal Insecticide, Fungicide and Rodenticide Act to provide more comprehensive regulation and control over the manufacture, distribution and use of pesticides. (P)

Against the creation of a Marine Mammals Commission and requiring a permit for the killing of sea mammals either for commercial purposes or for sport. (D)

Alaska Native claims settlement bill

Against an amendment to the Alaska Natives Land Claims Act to provide comprehensive land planning for Alaska in addition to settlement for the Alaska Natives. (D)

For the settlement of the land claims of the Alaska Natives. (P)

After a Senate-House Conference to resolve differences between two versions of the bill, voted for the settlement of certain land claims of Alaskan natives by granting them full title to 40 million acres of land, $463.5 million over a ten-year period and $500 million from mineral revenues. (P)

Against establishment of a select committee of the House to conduct an investigation of all aspects of the energy resources of the United States. (D)

FOREIGN AFFAIRS

Voted:

Against the authorization of a $5 million U. S. contribution to pay claims for damages to Micronesian Islands inhabitants arising out of World War II hostilities, establishment of a Micronesian Claims Commission, and authorization of the payment of noncombat Micronesian claims for the period prior to July 1, 1951. (P)

For a motion to table a resolution requesting the President to furnish the text of the Vietnam Papers, contents of which had been leaked to the press. (P)

For the authorization of $3,444 million in foreign aid for fiscal year 1972, and $3.494 million for fiscal year 1973. (P)

For an amendment which sought to cut the Peace Corps authorization by $27 million. (D)

For a resolution calling for the humane treatment and release of U.S. prisoners of war held by the North Vietnamese and its allies in Southeast Asia. (P)

For a Senate amendment to the Military Procurement authorization to remove the U. S. embargo on the importation of chrome ore from Rhodesia. (P)

For authorization of $36 million for fiscal year 1972 and $38.5 million for fiscal year 1973 operations of Radio Free Europe and Radio Liberty. (P)

For the sale of certain U.S.-flag passenger vessels to foreign purchasers. (P)

For loans of 16 naval vessels to Spain, Turkey, Greece, Italy and South Korea. (P)

Against an amendment to include in the foreign operations appropriations $50 million, in additional appropriations for the U.S. contribution to the U. N. development program for underdeveloped countries. (D)

For a $3 billion appropriations bill for fiscal year 1972 for foreign operations including funds for the Agency for International Development, Peace Corps and foreign economic and military assistance. (P)

For continuing appropriations for foreign operations through February 22, 1972, or until the regular fiscal 1972 apropriations for foreign operations is enacted into law. (P)

For tabling the motion to instruct House conferees on the foreign aid bill to agree to the Mansfield amendment to the foreign assistance bill which would have required complete U. S. withdrawal from Indochina, contingent upon the release of prisoners of war within six months after enactment of the bill. (P)

GOVERNMENT EMPLOYEES

For equality of treatment for married women federal employees with respect to preference eligible employment benefits, cost-of-living allowances in foreign areas, and regulations concerning marital status generally. (P)

Against an amendment to the Government Blue-Collar Wage Board bill to exclude employees paid by nonappropriated funds. (D) After defeat of this amendment, the House passed on a voice vote the bill to reorganize the pay schedules with pay increases for prevailing wage rate federal employees.

For the resolution disapproving the alternate pay plan for pay adjustments for federal employees under statutory pay systems. (D)

For the bill to provide maximum entrance and retention ages, training, and early retirement for air traffic controllers. (P)

GOVERNMENT OPERATIONS

Voted:

For a two-year extension of the period within which the President may transmit to Congress reorganization plans under the Reorganization Act of 1949 concerning the executive branch of the federal government. (P)

For the $4.067 million Appropriations bill for the State, Justice, and Commerce Departments for fiscal year 1972. (P)

For the $18.3 billion Appropriations bill for the Department of Housing and Urban Development, NASA, and the Veterans' Administration for fiscal year 1972. (P)

For the $8.156 million Transportation Appropriations bill for fiscal year 1972. (P)

For an amendment to the HUD, Space, Science, VA Appropriations which would strike out $3 million for counseling services for the Federal Housing Administration. (D) After defeat of this amendment, the $18.1 billion appropriations bill passed on a voice vote.

For the $2.7 billion Transportation Appropriations bill for fiscal year 1972. (P)

For an amendment to the Atomic Energy Commission Authorization bill to cut out $3.5 million for a demonstration atomic waste repository project in Kansas. (D) After defeat of this amendment, the House passed the AEC Authorization on a voice vote.

For a resolution giving authority for agencies whose appropriations bills had not yet passed to continue spending at previous year's levels. (P)

For the establishment of a National Advisory Committee on the Oceans and Atmosphere. (P)

For the Supplemental Appropriations bill for fiscal year 1971 which provided $6.9 billion for various agencies. (P)

Against a resolution which disapproved of Presidential Reorganization Plan No. 1, which proposed a new agency called ACTION to include VISTA and various other volunteer programs. (D)

For the $622 million National Science Foundation authorization bill for fiscal year 1972. (P)

For the $3.4 billion National Aeronautics and Space Administration authorization bill for fiscal year 1972. (P)

For the $450 million Legislative Appropriations bill for fiscal year 1972. (P)

For the $4.5 billion Treasury-Postal Service Appropriations bill for fiscal year 1972. (P)

For a resolution making further continuing appropriations for fiscal year 1972. (P)

For an amendment to limit the consumer protection agency intervention in agency and court proceedings to an advisory status. (D)

Against an amendment that sought to extend the authority of the consumer protection agency to participation in informal proceedings and in adjudication seeking primarily to impose a fine or penalty. (D)

For the establishment of an Office of Consumer Affairs in the Executive Office of the President and a Consumer Protection Agency in order to secure within the Federal Government effective protection and representation of the interests of consumers. (P)

For further continuing appropriations for departments and agencies whose regular fiscal 1972 appropriations have not yet been enacted into law. (P)

For a $786 million supplemental appropriations for several departments and agencies for fiscal year 1972. (P)

For an additional $2 million appropriation for the Transportation Department's international aeronautical exposition at Dulles Airport in 1972. (D)

Against the continuation of assistance for schools in federally impacted areas by providing that federal property transferred to the Postal Service in these areas will remain federal property for two years. (P)

For a $3.4 billion supplemental appropriations bill for various departments and agencies for fiscal year 1972. (P)

Supersonic transport

Against an anti-SST amendment to the resolution making further continuing appropriations for the fiscal year 1971. (P) After adoption of the anti-SST amendment, the resolution was passed on a voice vote.

For an amendment to the Supplemental Appropriations bill to revive funding for the SST by using $85.3 million for SST prototype construction rather than for SST termination. (P) After adoption of the amendment, the House passed the Supplemental Appropriations bill on a voice vote.

Against a Senate amendment to the Transportation Appropriations bill to pay $58.5 million to various aircraft companies to cover termination costs on the SST project. (P)

HEALTH WELFARE SAFETY

Voted:

For a one-year extension of the student loan and scholarship provisions of Titles VII and VIII of the Public Health Service Act. (P)

Against the modified closed rule for consideration of H.R. 1, the Welfare Reform/Social Security bill, to open the bill to more amendments than the modified closed rule permitted. (P)

For a motion to strike out Title IV, the Family Assistance Plan, from the omnibus Welfare Reform/Social Security bill. The Family Assistance Plan, in my opinion, represented additional Federal expenditures for welfare recipients without adequate reform provisions to correct existing abuses. (The motion to strike was the only vote allowed under the modified closed rule under which the bill came to the floor.) (D)

For the omnibus Welfare Reform/Social Security bill, including Title IV, after the motion to strike it was defeated. (P)

For increased manpower for the health professions. (P)

For training more nurses. (P)

For a motion to kill the bill permitting more states to allow 102-inch wide instead of 96-inch wide buses to use the Interstate Highway System within their borders. (D) After defeat of this motion, the bill passed by a voice vote.

For a resolution expressing the sense of Congress that certain Public Health Service facilities remain open and within the Public Health Service. (P)

For promoting the safety of ports, harbors, waterfront areas, and navigable waters of the United States. (P)

Against an amendment to the Military Health Personnel bill that sought to strike out language providing that the Uniformed Services University of Health Sciences be located within 25 miles of the District of Columbia. (D)

For the establishment of a Uniformed Services University of the Health Sciences. (P)

For strengthening the National Cancer Institute and the National Institutes of Health in order to conquer cancer as soon as possible. (P)

Labor-HEW appropriations

Against an amendment to the Labor-HEW Appropriations bill adding an additional $200 million to the bill for health and hospital programs. (D)

Against an amendment to the Labor-HEW Appropriations bill adding $82.4 million for vocational rehabilitation programs, in addition to other money in the bill for the purpose. (P)

Against an amendment to the Labor-HEW Appropriations bill adding $64 million for child welfare services, in addition to the amounts already in the bill for this purpose. (D)

For the $20.5 billion Labor-HEW Appropriations bill for fiscal year 1972. (P)

Against the $20.8 billion labor-HEW Appropriations bill after the addition of Senate amendments increasing the appropriation over the House version. (P)

Economic Opportunity Act amendments

Against an amendment to the Economic Opportunity Act amendments to reduce the population requirement from 100,000 to 10,000 to qualify as a prime sponsor for benefits under the comprehensive child development provisions. (P)

For an amendment which sought to coordinate child development programs with other federal day care programs by reducing the level under which a family of four would be entitled to free day care service from $6,960 to $4,320. (D)

Against an amendment establishing as a new title to the bill, the Comprehensive Child Development Act. (P) I opposed this particular child development program because the provisions of this bill would have created an unworkable administrative and fiscal monstrosity.

Against an amendment to strike the automatic 4 percent set-aside for Puerto Rico of OEO funds for Head Start, local initiative, and other programs and place Puerto Rico and the trust territories in the same position as the States. (P)

For an amendment to strike Title X, the Legal Services Corporation. (D) I opposed the provisions creating this corporation because by allowing it to operate free from Congressional or Executive control, it might finance adversary proceedings against Government at all levels.

For a motion to kill the Economic Opportunity Act amendments as amended with the new title, the Comprehensive Child Development Act. (P)

For the Economic Opportunity Act amendments including a Comprehensive Child Care title whose provisions are in accord with provisions originally included in the Welfare Reform/Social Security bill. (P)

Against the Economic Opportunity amendments as amended by the Senate to authorize the establishment of a comprehensive child development program and to establish a private, nonprofit legal services corporation. (P) This bill was later vetoed by the President.

Black lung disease

For extending black lung benefits to orphans whose fathers die of pneumoconiosis. (D) Because this vote was taken under suspension of the rules and the bill failed to pass by a 2/3 majority, it had to be reconsidered under regular House procedure allowing the bill to be amended.

For reduction of the social security disability payments for miners eligible for and receiving black lung benefits so that their social security benefits would be figured on a comparable basis with accident victims receiving compensation under state law instead of on a more favorable basis. (D)

Against deletion of provisions extending federal participation in the black lung program for additional years until January 1, 1975. (D)

For extension of black lung benefits to orphans of miners who die of pneumoconiosis (black lung disease). (P)

LABOR AND UNEMPLOYMENT

Voted:

For a 10 percent increase in railroad retirement annuities. (P)

For a resolution to end temporarily the railway signalmen's strike with a temporary prohibition of strikes and lockouts in regard to this dispute and providing for an interim 13.5% pay increase for the signalmen. (P)

For an amendment which proposed a manpower revenue sharing program as a substitute for the authorization of funds for public service jobs for the unemployed without revenue sharing. (D)

Against an authorization of $4.9 billion for fiscal year 1971–75 for federal funds for public service jobs at the state and local level in an effort to provide more employment. (P)

For an authorization of $2.5 billion reduced from $4.9 billion during a Senate-House Conference) to provide public service jobs at the state and local level. (P)

Against an amendment proposing that the formula for distributing funds under the Emergency Employment Act should be based solely on the proportion unemployment in each state bears to unemployment in the whole United States. (D)

Against an amendment proposing that no funds in the Emergency Employment Appropriations be used to pay any applicant state or local government or its officers or employees for administering the program or reviewing the application for funds. (D)

For a $1 billion appropriations for the Labor Department to put into effect a plan for federally subsidized public service jobs at the state and local level. (P)

For a supplemental appropriation for the Department of Labor for fiscal year 1972. (P)

For extension of emergency unemployment compensation for an additional 13 weeks. (P)

METROPOLITAN WASHINGTON AFFAIRS

Voted:

Against a motion to kill a bill which proposed establishing by law the canine corps in the D.C. police department. (D) After defeat of this motion, the bill passed by a voice vote.

For a bill which would have authorized holders of D.C. liquor store licenses to sell their licenses back to the D.C. Government. (D)

For an amendment to the Supplemental Appropriations bill to restore to the bill $34.2 million in subway funds for the District of Columbia. (D)

For payment of the cost of medical, surgical, hospital, or related health care services for D.C. policemen, firemen, U.S. Park Police, the Executive Protection Service, and the U.S. Secret Service, retired for total disability incurred in the line of duty. (P)

Against a two-year extension of existing authority for the erection of a memorial in the District of Columbia to Mary McLeod Bethune. During the debate it was alleged that Mary McLeod Bethune had been a Communist. (P)

For authorization of $130 million in grants and federally guaranteed loans to finance hospital construction in the District of Columbia. (D).

For an additional $2 million appropriation for the Transportation Department's international aeronautical exposition at Dulles Airport in 1972. (D)

D.C. revenue bill

Against an amendment to the D.C. Revenue bill that sought to reduce the Federal payment to the District of Columbia by $44 million. (D)

Against an amendment to the D.C. Revenue bill that sought to reduce the Federal payment to the District of Columbia by $25 million. (D)

Against an amendment that sought to provide coverage for area truck drivers under the D.C. Minimum Wage Act, and to provide overtime pay for work over 40 hours a week or provide ICC certification. (D)

For the bill to provide additional revenue for the District of Columbia for fiscal year 1972 and 1973. (P)

D.C. appropriations bill

For an amendment to the D.C. Appropriations bill to appropriate $72 million for the District of Columbia's share of costs during fiscal year 1971 and 1972 for continued construction of the METRO. (P)

Against an amendment which would have halted subway funding until METRO complies with provisions of the National Environmental Policy Act of 1969. (D)

After a Senate-House Conference to resolve differences between the two versions of the bill, voted for a $932.5 million District of Columbia appropriations measure for fiscal year 1972. (P)

MILITARY AND SECURITY

Voted:

For a $508 million authorization for maritime programs, including ship construction subsidies for fiscal year 1972. (P)

For an increased authorization of $570,000, instead of $450,000, for the expenses of the House Internal Security Committee. (P)

Against a motion that the Internal Security Committee authorization be recommitted to the House Administration Committee with instructions that hearings be held on the necessity of the $570,000 authorization. (D)

For a $570,000 authorization for the House Committee on Internal Security. (P)

Against an amendment to limit ABM funding to that necessary to complete work at the Grand Forks and Malmstrom bases during the SALT negotiations and to cut $51 million in SAFEGUARD funds. (D)

Against an amendment to cut $370.2 million for development of the B-1 manned bomber. (D)

Against a reduction of $507 million in proposed research and development funds, in effect a cutback to fiscal 1971 funding level plus a five percent allowance for inflation. (D)

Against a reduction of proposed 1972 research and development funds in the Military Procurement Authorization to the fiscal 1971 appropriation level. (D)

For the $2.4 billion military construction authorization bill for fiscal year 1972. (P)

For the $21 billion Military Procurement Authorization for weapons research and procurement for fiscal year 1972. (P)

For the military construction appropriations bill for fiscal year 1972. (P)

Against an amendment to strike out $801,600,000 for procurement of F-14 airplanes from the Defense Appropriations bill. (D)

Against an amendment that sought to limit funding for any additional active duty personnel (over the number provided in the Defense Appropriations bill) that the President may deem necessary over a 60-day period. (D)

Against an amendment that would limit total net expenditures to 95 percent of the funds budgeted for the Department of Defense, resulting in a cut of $3.8 billion. (D)

Against an amendment that sought to reduce total Defense Appropriations to the fiscal year 1971 level, a reduction of $1.5 billion. (D)

For the $70 billion Defense Appropriations bill for fiscal year 1972. (P)

For a motion to permit the Subversive Activities Control Board to assume the function of holding hearings to determine what organizations should be considered as subversive. (P)

For an amendment that the repeal of the detention camp provisions of the Internal Security Act should not be construed to affect the powers of the President under the Constitution or other laws of the United States, provided that no U.S. citizen shall be apprehended or detained for the prevention of espionage or sabotage solely on account of race, color, or ancestry. (D) I felt that total repeal of this title of the Internal Security Act without this explanatory amendment would provide legal restrictions on Presidential power in case of a national emergency.

Against an amendment that no U.S. citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress. (P)

For repeal of Title II of the Internal Security Act, which authorized detention camps in case of an internal security emergency where the government might detain persons whom there would be reasonable grounds to believe would engage in sabotage or espionage. (P)

Selective service amendments

Against elimination of the two-year extension of the President's draft induction authority as of June 30, 1971. (D) Although I feel we should strive for a volunteer armed services, I believe the President should be able to rely on the availability of the draft in his efforts to wind down U.S. involvement in Southeast Asia.

Against an amendment to extend the President's draft authority for only one year, instead of two years. (D)

Against an amendment to have conscientious objectors serve in public service for two years instead of three years and against language in the draft bill that called for automatic induction of conscientious objectors who serve unsatisfactorily in public service. (D)

Against an amendment to end involuntary assignment to Southeast Asia after December 31, 1971, and involuntary extension of service in Southeast Asia of those inducted before that date. (D)

Against an amendment which sought to prohibit the use of draftees in any war except for declared wars or in case a declared war is imminent. (D)

Against an 18-month extension of the draft instead of a 24-month extension. (D)

For extension of the draft for two years, for authorization of the military active duty strengths for fiscal year 1972, and for an increase in military pay. (P)

For tabling a Senate amendment to the draft bill which proposed establishing as U.S. policy the withdrawal of all U.S. military forces from Indochina subject to the release of all U.S. prisoners of war. (P)

After a Senate-House Conference to resolve differences between the two versions of the bill, voted for amending the Selective Service Act, providing military pay increases and extending the draft. (This bill contained a provision that a withdrawal from Vietnam should be completed as soon as possible, but set no specific deadline.) (P)

Vietnam withdrawal amendments

Against an amendment that funds authorized by the Military Procurement Authorization could not be used to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over Vietnam, Cambodia or Laos, after December 31, 1971. (D)

Against the Nedzi-Whalen amendment that funds could not be used to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over Vietnam, Laos, or Cambodia after December 31, 1971, but with certain clarifications and modifications including a provision that it not be construed to limit the use of funds for purposes which may be necessary to ensure the return of prisoners of war. (D)

Against an amendment proposing that no funds be expended after June 1, 1972, to support the deployment or maintenance of U.S. military operations in or over Indochina after June 1, 1972, if the North Vietnamese have released our prisoners at least 60 days before that date. (D)

For tabling a Senate amendment to the draft bill which proposed establishing as U.S. policy the withdrawal of all U.S. military forces from Indochina subject to the release of all U.S. prisoners of war. (P)

For a motion to instruct the House conferees on the Military Procurement Authorization not to agree to any Senate amendment that is not germane to the House bill—namely the Mansfield amendment to terminate hostilities in Indochina. (D)

Against an amendment to withhold funds for the Defense Department after November 15, 1971. (D) After defeating this amendment, the House passed a continuing resolution to continue funding until the regular appropriations bills are passed. (P)

Against an amendment to halt funding for any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos or Cambodia after June 30, 1972; and for an orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American POW's and an accounting of all Americans missing in action. (D)

PUBLIC WORKS

Voted:

For deletion of a provision of the Public Works and Economic Development Act which proposed a $2 billion authorization for constructing basic public works in areas of substantial or persistent underemployment. (D)

For the $5.5 billion public works authorization for projects including the $2 billion for constructing basic public works and for regional economic development programs including Appalachian regional programs, after the prior vote to delete the $2 million provision had failed. (P)

For extension of the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act which contained a $4 billion authorization over several years for public works (reduced by a Senate-House Conference from the original $5.5 billion in the House bill), for economic development and for Appalachian regional development. (P)

Against an amendment prohibiting the use of funds appropriated in the Public Works-AEC Appropriations bill for nuclear testing on or in the vicinity of Amchitka, Alaska, in the Aleutian Islands. (D)

For an amendment to delete $100,000 from the Public Works-AEC Appropriations proposed for further study of the Dickey-Lincoln public power project in Maine. (P)

For the $4.5 million Public Works-AEC Appropriations for fiscal year 1972. (P)

TAX LEGISLATION

Voted:

For the bill relating to the income tax treatment of just compensation received from the United States with respect to property taken under the act of Congress which established the Redwood National Park. (D)

For the Revenue Act of 1971 to reduce individual income taxes to provide a job development investment credit and to reduce certain excise taxes. (P) Under the rule by which this bill came to the floor of the House only an up-or-down vote was allowed. The bill was not allowed to be amended as is customary with complex tax measures.

VETERANS LEGISLATION

Voted:

For a treatment and rehabilitation program in the Veterans Administration for servicemen and veterans suffering from drug abuse or drug dependency. (P)

For a Survivor Benefit Plan for members of the armed services. (P)

For liberalization of the provisions relating to payment of veterans disability and death pensions. (P)

For liberalization of the provisions relating to payment of veterans dependency and indemnity compensation. (P)

For VA assistance in the establishment of new state medical schools, for the improvement of existing medical schools affiliated with the Veterans Administration, and for the development of cooperative arrangements between the VA and higher education and medical institutions. (P)

MISCELLANEOUS

Voted:

For Representative Gerald Ford of Michigan as Speaker of the House. (D)

For an amendment to eliminate from the Rules of the House a 31-day rule by which, if the House Rules Committee held a bill that long without reporting it out for a vote, the Speaker could have the bill brought to the floor for a vote. (P)

Against cutting off debate and amendments on the resolution establishing the rules of the House for the 92nd Congress because of a proposal to strip the Republican minority of the right to one-third of certain committee staff jobs, which right the Minority had gained as a part of the Legislative Reorganization Act of 1970. (D)

Against a motion to table presentation of an amendment to keep the Republican minority staff rights on committees. (P)

Against adoption of the House Rules for the 92nd Congress in protest of the provision stripping the Republicans of minority committee staffing rights. (P)

For a resolution electing Democratic members and chairmen of the various House Committees. (P)

For partial compliance with a court order in regard to making available House documents, many concerning the former House Un-American Activities Committee. (P)

For the resolution proposing an amendment to the U.S. Constitution to lower the voting age to 18 for all elections, state and local as well as federal. (P)

For liberalization of the naturalization laws to permit naturalization of aliens over the age of 50 with at least 20 years of U.S. residence, even if they cannot demonstrate and understanding of the English language. (P)

For authorizing the U.S. Postal Service to receive a $2 fee for execution of an application for a passport. (P)

For a resolution expressing the best wishes of the House on the occasion of the 87th birthday of Harry S Truman. (P)

For additional foreign travel for the Education and Labor Committee. (D)

For certain foreign travel by House Post Office and Civil Service Committee Members and staff. (P)

For extension of the provisions relating to government procurement of commodities produced by the blind to commodities produced by other severely handicapped individuals. (P)

Against a motion to adjourn on June 17, 1971. (D)

For certain foreign travel for the Education and Labor Committee, less extensive than that requested in a previous resolution that was defeated by the House. (P)

For bringing into effect an international agreement in regard to inventors' certificates used in some countries instead of patents. (P)

For an increase in the fiscal year 1971 authorization for the American Revolution Bicentennial Commission from $373,000 to $670,000. (P)

For delegating to the House Administration Committee the authority to adjust the amount of allowances to Congressmen from the contingent fund for such things as clerk-hire, postage, travel to and from home district, district office rental, telephone and telegraph expenses, etc. (P)

Against a motion to adjourn on November 1, 1971. (D)

Against a motion to adjourn on November 2, 1971. (D)

For a resolution providing that conference reports may be considered by the House on the same day they are reported for the remainder of the 1971 session of Congress. Under the rules of the House, conference reports must be filed three days before consideration. (P)

AMERICAN PEOPLE WANT ACTION ON PRESIDENT NIXON'S ANTI-BUSING PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 5 minutes.

Mr. DERWINSKI. Mr. Speaker, how long it is going to take the Democrat-controlled Congress to understand that the American people want action on President Nixon's antibusing proposal.

Almost one month has passed since the President went before the Nation and set the record straight, and still nothing is happening. The President rightly placed the blame for the busing turmoil squarely where it belongs, in the hands of misguided social planners and the courts. Yet, one begins to get the impression that too many Congressmen are in agreement with the social planners and those judges who continue to ignore the overwhelming majority of American parents who, as the President said—

> Have been left in confusion, anger, fear and turmoil and do not want their children bused to unsafe neighborhoods miles away from their homes—just to meet some social planner's concept of what is considered to be the correct racial balance.

The President acted in the interest of the people—all of the people—not just the ones who can afford to send their children to private school, like the leading Democrat liberals and presidential aspirants. The President knows that millions of Americans worked hard, sacrified and "have invested their life's savings in a home, in a neighborhood they chose because it had good schools. They do not want their children bused across the city to an inferior school." The President knows that the homeowners are the ones who will have to make even greater sacrifices if they want to educate their children in an environment which the parents have chosen. Moreover, the President knows that Americans do not want to see their children being used in dubious social experiments.

Knowing all this, the President has recommended the strongest measures possible. He knew that the ultra-liberal Democrats would never allow a constitutional amendment to pass the Senate. Moreover, the President knew that even if it were possible to overcome Senate Democratic opposition, the amendment process itself would take an additional 2 to 5 years. That is why he said, "We need action now."

Mr. Speaker, the President has recommended to the Congress two bills: the first, the Student Transportation Moratorium Act of 1972 and the second, the Equal Educational Opportunity Act of 1972. If Congress is to act in the interest of the people it should process bills such as these without further delay.

The first bill would put a stop to the dubious decisions of the judges who are intent upon disregarding the majority of American citiens. This bill is aimed at stopping the disruption of lives, while Congress considers less divisive and more realistic solutions to this problem.

The second bill is aimed at providing equal education for all students. But more than that, the second bill provides the Congress with a way out of their present dilemma of finding ways for the Federal Government to finance education in urban areas. If the ultra-liberal Democrats are truly committed to helping big cities, why do they continue to fight the President?

That the President should be drawing the fire of ultra-liberal Democrats and the ultra-liberals in the news media is understandable; they have been out of touch with the people for years. But that the President should be coming under the attack of conservatives, is surprising. Some conservatives have said that the President did not take the strongest measure available to him. They argue that what is needed is nothing less than a constitutional amendment. As desirable as this might be it is a fact that a constitutional amendment would be too time consuming to attempt now. It would be well for us to remember that the President is not opposed to such an amendment. He has said that eventually a constitutional amendment might be necessary. The point is that he wants action now "not 2, 3, or 5 years from now."

Others have said that the legislation he proposed was too weak. This criticism is totally invalid. If the busing bill were enacted now the busing moratorium would immediately save some 50 communities in dozens of cities from the upheaval of busing. However, with each day of delay Federal irresponsible judges are taking advantage of inaction and ordering new busing while they have the chance. The recent decision in Detroit is a perfect example of this kind of judicial contempt for the public will. The President's moratorium would stop all new busing, which means that city-suburban busing decisions, like the one made in Richmond, would not be forced upon the people.

Finally, there are those who are saying that this legislation does nothing for those who are presently being bused because of an earlier court decision. This is not true. First, the bill has a self-destruct clause in which says that all busing will end after a 5-year period. Second, all desegration orders terminate in 10 years from the date of passage. Third, school district lines cannot be ignored or altered unless it is proven that they were drawn for segregation purposes. Fourth, the bill stipulates that racial balance is not required and affirms and establishes that pupils be assigned to schools closest to their homes. In addition, the bill has a reopening clause which clearly gives a community the right to reopen any earlier decision and to have any case reconsidered in the light of the new legislation.

It should be emphasized that the Nixon administration's Justice Department would obviously recognize and respect the intent of Congress and the strong views of the President and cooperate with school boards and school administrators who wish to reopen earlier decisions in the interest of better education for their pupils.

In his message to Congress the President noted that if Congress had not abandoned its responsibility in this field the courts would not have abused their powers. Hence the President said—

> The time has come for the Congress—to provide guidance.

If Americans are still frustrated and confused by this problem the blame now rests with the majority party in the Congress. In my opinion the people should continue to voice their opinions on the busing issue to their Congressman who, prior to the adjournment of this Congress, should act and put the interest of education above that of social experimentation.

Mr. Speaker, the solution to the problem of providing proper educational opportunities for all students will not be solved by an emphasis on those questions which arouse emotional responses. It is obvious that court edicts on busing have increased racial tensions and have not contributed to educational improvements. The practical alternative to continued court orders and the resulting controversy is prompt congressional action on the President's proposals.

IN SUPPORT OF A NATIONAL NO-FAULT AUTOMOBILE INSURANCE SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I wish to address this body today as a principal sponsor of legislation. But more fully, more correctly, I speak on behalf of an idea, a concept, a hope, a belief. It is to those things I wish to direct my remarks. As is the case for every Member of this Congress, I represent hundreds of thousands of constituents. Their concerns are, of necessity and wish, my concerns. When an individual is troubled enough to write me, I become aware of that trouble. When we get a pattern of such calls and letters we begin wondering if a national problem exists—one that transcends individuals concerns. Then newspaper and magazine articles dealing with the subject become popular and are read very closely. Along about this time individuals, associates, and organizations are invited to, and do make their individual voices heard, through reports, analyses, position papers, and studies. And a Federal lawmaker asks himself a preliminary but also ultimate question, "Is this a problem area wisely and properly a subject for beneficial Federal legislation?"

Mr. Speaker, my sponsorship of no-fault insurance legislation is both a symbolic and, I believe, fitting response to that question. I say it is a fitting response because of the compelling weight of 24 separate reports in the Department of Transportation study on automobile insurance. Their overwhelming thrust is that we are presently saddled with a system that is not doing the job it should. There is very widespread agreement with the statement of Secretary Volpe that "the present system needs change badly and needs it now." Certainly a large segment of my constituency is aware that the present situation is inadequate. Many of them have personally borne the heavy burdens of its inefficiencies and inequities.

Too many are paying too much for too little protection. And many suffer financial loss or disaster when compensation from an accident is inadequate or long delayed or both. This segment of dissatisfied motorists and accident victims is large and growing larger. It is oftentimes vocal, and it is becoming increasingly aware that there can be a better system of providing for automobile insurance. These people deserve a better break.

When States, via financial obligation laws, encourage, induce, or require the purchase of automobile liability insurance, it is not unreasonable to say that they take on an obligation to see that consumers receive good value for their money. Nor is it inaccurate to say that in most cases the obligation has not been met.

If my colleagues were to study the above-mentioned Department of Transportation reports, they would see described an auto insurance system that is increasingly unworkable and unacceptable. These reports catalog the deficiencies on inefficient and overly expensive systems. We, as national systems analysts, should not allow the present arrangement to continue. As elected national officials concerned about the well-being and future of that Nation, we cannot allow it to continue.

I spoke of an idea, a concept, a hope, a belief. What I mean is this: I know it is within the capability of this Congress to take the proposals represented in H.R. 5220 and to fashion a scheme of automobile insurance which will equitably fulfill the Nation's needs. I believe that now is a fitting time for all who have a stake in the present to accept and welcome the likely arrival of a new and needed system of automobile insurance. The vested interests which have succeeded in blocking no-fault proposals in the past will, I suspect, find their ability to do so increasingly weakened as good hard supportive data and proposals of increasing merit are advanced.

Let me describe some of the elements which I feel such a comprehensive no-fault insurance program should or could contain. The number of automobile accidents occurring annually is very large—on the order of 20 million accidents, or roughly one of every five motor vehicles. In most accidents only minimal damage occurs and traditional liability or financial responsibility is readily ascertainable. For many others, fault determination proceedings are disfunctional—insurer goes against insurer when in the long run both insurers and their consumers would be better off sparing the blood of battle. This is not to say we should abolish the tort system when serious disability or disfigurement result. A comprehensive scheme of merit would need to draw an equitable line between the bulk of cases where administrative or quasi-judicial, no-fault payment determinations should be made and those where a negligence action is the most reasonable remedy.

Payment of medical expenses of those cases handled under no-fault procedures should be prompt or periodic, and the added burden of duplicate payments should be resolved. Conceivably pain, suffering, and inconvenience awards should be regularized, perhaps as a percentage of medical expenses in all but the most serious cases. Property loss and medical injury claims should ideally be handled by the same procedures.

The person with a bad driving-citation record should be made to pay for his driving violations with higher premiums. And the drinking driver, who exacts incredibly high costs in lives, injuries, and property damage, could be dealt with far more effectively as a subject of a comprehensive national automobile insurance scheme than as a participant in any State program. Most particularly these individuals should be made to bear the costs of their conduct in increased premiums.

Another necessary element of a comprehensive scheme would be those measures which could induce lower costs for automobile repairs. I believe that a financial incentive could be incorporated into the package to remedy auto repair practices which are presently a national scandal. Provisions affecting both initial crashworthiness and repair expenses could be included.

An elimination of the present prohibition against group policies in many States deserves its place in the comprehensive scheme. These State measures which impinge on the public welfare should no longer be accepted. Effective title registration, with its potential for greatly limiting the market for stolen automobiles, deserves to be included, and moderately high property damage deductibles could form part of the general package, in order to add another financial inducement for cautious driving.

Many or most of these individual elements, which I have roughly sketched here, have already been proposed at one time or another. These elements of a comprehensive scheme could be combined into a whole of great and lasting value. Indeed, those proposals which would be difficult to enact on their own may stand a much better chance as part of a comprehensive scheme. The end result is one well worth the efforts necessary to achieve it.

Effective implementation of a comprehensive automobile insurance scheme would require Federal administration or Federal standards. This Federal presence is needed for several reasons. The very rationale of a comprehensive scheme is that its benefits be broadly available; if the scheme is to be of value let its advantages be widely distributed. For national insurers, the benefits of uniform standards rather than diverse schemes—say a dozen or more in the 50 States—should be apparent. Finally, the greatest hope for true and lasting reform lies here at the Federal level in a comprehensive scheme for automobile insurance.

VOCATIONAL REHABILITATION ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, the House recently expressed a proper concern for the disabled and handicapped when it passed the Vocational Rehabilitation Act of 1972 by an unanimous vote. This legislation, which I cosponsored, will enable millions of disabled Americans to lead happier, more productive lives and enjoy a greater sense of dignity and self-worth.

In Buffalo, the Niagara Frontier Vocational Rehabilitation Center has achieved an impressive record with its programs to rehabilitate our handicapped by preparing them for work and helping them to get jobs, and the legislation which received such enthusiastic support by our colleagues is essential in helping rehabilitation centers throughout the country meet the current and future needs for service to handicapped and disabled individuals.

It is my hope that the Senate will soon see fit to act on this measure and that it will likewise receive the unanimous endorsement of that body.

Dr. Edward Newman, Commissioner of the Rehabilitation Services Administration in Washington, recently spoke before the Rehabilitation Association of Western New York emphasizing the need to enhance the public-private partnership so that handicapped persons may return to their rightful place as participating members of their families and communities. I believe his remarks would be of interest to our colleagues in the House and Senate, and I include them at this point:

REMARKS BY EDWARD NEWMAN, COMMISSIONER, RSA

When social service professionals get together these days, most of the discussion is about the welfare crisis, and what can be done about it. For welfare is indeed in a state of crisis, growing more urgent and threatening every day not only to those who must administer the programs, but to those elected officials who are responsible for the health and vitality of the State and the local community.

While this problem is uppermost in the minds of every thoughtful citizen and every responsible public official, we must not lose sight of the fact that, during these past four decades of the decline and perhaps imminent fall of public welfare, there has been another human resource program under public auspices whose record of achievement has been on the ascendant.

It has served people whose incomes were at or near the poverty-level, and whose problems were complicated by physical or mental disability. It has consistently grown in numbers of people served as well as numbers restored to productive work, and furthermore, its cost benefits are easily accountable and visible.

I speak, of course, of the public program of vocational rehabilitation, and I submit to you that this program has a great deal to offer as a model and guide to those who are framing the new welfare structure.

Basic to the success of the rehabilitation program are the rehabilitation facilities and workshops which were operating in this country long before the Public Welfare Program. The rehabilitation facility movement began when one of the first rehabilitation centers was established in Cleveland in 1889. Your own Niagara Frontier Vocational Rehabilitation Center in Buffalo, (directed by the very able president elect of the Rehabilitation Association) is a direct descendant of this program. One of the highest priorities of the rehabilitation program is to continue making use of the private and public resources to help people leave the welfare rolls, by preparing them for work and helping them get jobs.

Today, the national mood demands that the greatest emphasis in public programs be placed on dependency reduction, and the deinstitutionalization of people. In striving to meet both of these goals, rehabilitation facilities and workshops will play a crucial role, since they form the very basis of our approach to the *new* rehabilitation service system. This system is unique among public programs, because it relies essentially on the resources in the local community—medical, educational, vocational, and the private, voluntary rehabilitation facilities.

By design, not chance, the rehabilitation program over the years has carefully cultivated these community resources through the establishment of facilities, through leadership, and through program development. Last year, for example, one-third of all the basic program funds appropriated for rehabilitation were spent in establishing or purchasing services from rehabilitation facilities.

The key to this delivery system is "interdependence"—the joint planning and the programs provided by the public and private, voluntary sectors. Our mutual goals—the reduction of dependency, and de-institutionalization—can be accomplished only through the enhancement of this public-private partnership.

As advocates for the disabled, we are concerned about comprehensive services to handicapped people, and the removal of obstacles—whether they be legal, bureaucratic, attitudinal or whatever. As many of you know from your work with the State program, at various times to various people, vocational rehabilitation has been classified as a health problem, an educational problem, a social services problem or a manpower problem. The confusion arises because vocational rehabilitation is all of these: a system addressed to the total needs of the handicapped person. The labels are not important, as long as the integrity of the delivery system remains. The fragmented needs of individuals—educational, medical, psychological, social services, job placement and follow-up, are put together again as components of the total VR system.

For example, we need only to look at the Niagara Frontier Vocational Center. Comprehensive services are provided, beginning with a careful evaluation and assessment, leading to a sequence of services, and finally to independent living or vocational employment. The array of services includes: counseling, evaluation, adjustment, training in occupational skills, job try-out, placement, physical therapy and remedial education.

Service integration takes place through coordination with the Employment Service, the Buffalo Board of Education, the New York Office of Vocational Rehabilitation, Goodwill Industries, the Community Rehabilitation Center, the Workshop for the Mentally Retarded, the Welfare Office, and the Commission for the Visually Handicapped. The State VR agency purchases services from this fine facility, and has provided special funds to train handicapped persons in job skills, as well as technical assistance to exchange ideas and to improve service. Johnny Evanko, the area coordinator, has the reputation of working very effectively with the private sector. A relationship with the University is established through Dr. Jacques, the Director of the rehabilitation counseling program at the State University here in Buffalo.

But you know all this. I did not come from Washington to tell you what is already widely recognized—that the Niagara Center is an outstanding example of a rehabilitation facility which serves as a keystone of an integrated service delivery system.

I cite it as an example of what we are moving toward as we develop a national model for integrated service delivery for every State.

I cite it also as a success story of the vocational rehabilitation program at a time when program planners for public programs are looking for success stories in a generally disheartening scenario.

Many people are growing more impatient with needy and dependent people who do not appear to want to help themselves. Many more are impatient with the programs we have developed so far to help dependent people to restore their independence and dignity.

In 1954, when the U.S. Congress passed legislation which substantially broadened the scope of the rehabilitation program, authorizing a series of sweeping changes and reforms, President Eisenhower said, "This law is especially noteworthy in two respects. In the first place, it emphasizes to all the world the great value which we in America place upon the dignity and worth of each individual human being. Second, it is a humanitarian investment of great importance, yet it saves substantial sums of money for both Federal and State governments."

That statement, true in 1954, remains equally true today. Last year, approximately three-quarters of a billion dollars was added to the Nation's economy as a result of the rehabilitation program, which restored a record 291,272 disabled people to productive activity. Our studies showed that these people earned an estimated $770 million more than the year before they entered the process. Projected as lifetime earnings, these figures exceed 9 billion dollars in increased earnings—just for those rehabilitated in 1971, and of course taxpayers will share substantially in these earnings, as increased taxes paid by the rehabilitants—and the reduction in tax-supported payments for their maintenance.

I am sure my friend Frank Zweig will agree that statistics are only one view of the program's benefits to society. We do not support this program because it pays us back for every dollar put into it. We support it because it is right—right in the context of American society, right in the context of human concern for our fellow citizens, and right in the context of contributing to our nation's strength and well-being.

One measure of an enlightened, democratic society is the degree of public concern displayed for the well-being of its citizens.

In the Seventies, we look forward to increasing the number of rehabilitations annually. This year, we expect to reach 300,000. But even at this pace, we are not keeping abreast of the rising numbers of newly-handicapped. Like other actuarial statistics, it is a factor of our growing population, the hazards of our own way of life—especially the highways—and the toll taken by birth defects and disease.

We anticipate growing demands on a program which has always been dynamic rather than static, and which has always "reached out" rather than "sat tight." While we seek to remain responsive to the financial, manpower, and technological demands of a growing client population, we also must see to it that every measure is taken to intensify the effectiveness of our program—to make it deeper as well as broader.

We must press vigorously for more accessible public buildings, business establishments, and places of employment through the removal of architectural barriers—including public transportation which often is the last obstacle between the disabled person and a job.

We must continue our campaign to make employers aware that instead of hiring the disabled as a duty, they will be employing trained people with special skills.

We must encourage the establishment of rehabilitation facilities which meet the needs of disabled people and of their employers.

We must require better standards of performance and accreditation of programs to insure quality services.

We must do far more than we have done

to take the program to those who can benefit from it, but who—for whatever reason—are not receiving essential services.

We must continue our own internal program analysis and self-study to develop a better system of delivery of services to disabled people, in the interests of efficiency and productiveness.

And we must become far more active as advocates for the handicapped—knocking at the doors of legislators and congressmen, local government officials, and the general public, to win their support and to tell them the rehabilitation story.

For in the final analysis, the growth and effectiveness of the rehabilitation program in the community and in the neighborhood—as it reaches out to your neighbor, your friend, or perhaps someone in your own family—is directly related to the support given to the program by community people. In establishing a matching program for funding the State-federal partnership, Congress saw to it that the States could set their own benchmarks, by virtue of their own willingness to participate financially. The character and vigor, the concern and the scope of each State's program is determined, ultimately, in the community, and in the State Capitol by a Legislature and a Governor who set the State's contribution, and by elected officials in Washington who establish the limits of the Federal share.

I am well aware of the administrative and financial difficulties which impede optimum growth of the New York State program, as indeed they do in many States in the nation whose rehabilitation closures and rates lag far behind their proportionate populations and affluence.

There are some bright spots in the New York picture, especially here in Western New York where Buffalo is the center for many progressive approaches to unmet needs. Buffalo's rehabilitation rate has been significantly ahead of the State average, and the area has moved decisively into the area of providing services to minority groups, the disadvantaged, and the rural disabled. Outreach efforts in model cities programs in the area, and for rural populations, find counselors in such settings as social service agencies and county hospitals—even using an answering service to make sure no calls for help or information are missed.

The Niagara Center, with one of the few training services grants in the nation and the only one in the State outside of Metropolitan New York, has been one of the major reasons for such commendable activity in the State.

Last year, on the occasion of the 50th anniversary of the State-federal program of vocational rehabilitation, President Nixon paid tribute to the rehabilitated citizens who have made this program a success. He said, "I salute the courageous handicapped people who are the true heroes in these victories over tremendous adversity."

In a few years, we will mark the 200th anniversary of American independence, and of our founding as a new nation and a new society. In 1976, I earnestly hope that we can point to the rehabilitation program as evidence that America has kept faith with its principles, and that after two centuries we are still committed to seeking for every American his fullest opportunity for rewarding work, for dignity, and for independence.

THE ADMINISTRATION PROMOTES COVERUP OF RED CHINA ILLEGAL DRUG TRAFFIC SUPPLY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, recently I commented before this body on the nature of a serious paradox with which the Congress and the American people have been confronted. The paradox centers around the administration's well-publicized efforts to stop the flow of narcotic drugs in this country, but its ambiguous and contradictory stand on the role that Communist China has played, and I believe continues to play, in the illicit international trafficking of these drugs.

In my previous remarks on March 29 I pointed out that for nearly 20 years—roughly from 1949 to 1967—there appeared to be no doubt in the applicable agencies of our Government that Peking was deeply involved in the drug trade—that it grew poppies for cultivation—that it refined them for opium—that it processed the opium into heroin, and it illegally disseminated both to markets throughout the world. The profits derived from the trade, variously estimated to range from a half billion to 800 million annually, went to help finance communism's four horsemen—guerrilla warfare, subversion, espionage, and propaganda. The U.S. Government did not deny Red China's activities toward this end, and through its Bureau of Narcotics, reported on them in an official capacity before the United Nations and elsewhere.

PROPAGANDA CAMPAIGN AT WHITE HOUSE

But since 1969 that has all changed. The present administration's position on the matter is ambiguous and contradictory. On the one hand some of its spokesmen maintain that no evidence of Peking's involvement in the drug trade can be found while others indicate that it can. Other administration spokesmen now insist Mao's regime was never involved—which is to say that all previous evidence offered by past administration's was just so much nonsense. In my remarks on March 29, 1972, I included the White House memo on the subject which was pure propaganda.

To focus on this serious contradiction for a moment, Mr. Speaker, let me quote the words of John E. Ingersoll, Director of the U.S. Bureau of Narcotics and Dangerous Drugs—BNDD—commenting in December of this past year:

> Speculation concerning Chinese Communist activity in world narcotics traffic has caused concern periodically since 1949. On the basis of evidence available to us today we do not consider Mainland China to be a significant source of illicit opiates. We will not discount such information, however, because of the enormity of China's involvement with drugs in the past and the presence in the Yunnan province of China's tribal elements with a history of opium production and traffic.

Now comparing Mr. Ingersoll's position with that of the White House memo of February 15, 1972, which I entered in my remarks of March 29, clearly illustrates the contradiction to which I refer, for the memo addresses itself to what Mr. Ingersoll describes as "the enormity of China's involvement with drugs in the past" as so much propaganda.

Mr. Speaker, I have emphasized this point again not just because of the deliberate confusion the White House has created but also because I believe there is a parallel to be drawn between this kind of information and the kind of information we were getting prior to the Cuban missle crisis in 1962. You will recall that voices were raised here in both Houses by a handful of Congressmen, who in spite of administration statements to the contrary, kept maintaining that the Soviets were bringing nuclear missles into Cuba. Then, as now, the administration word was—we have no reliable intelligence on the matter to indicate that the rumors are anything more than anti-Communist propaganda. In 1962 it was propaganda coming from anti-Castro Cubans. Today, according to the White House memo, its propaganda put out by supporters of the Republic of China against de facto or de jure recognition of Peking. Fortunately, in 1962 our U2s were over-flying Cuba and the photographs they took could not be kissed off as an anti-Communist aberration. Unfortunately, today we are no longer over-flying mainland China, so we do not know if they are growing poppies or pumpkins.

In 1962, as today, the few Congressmen who spoke out got most of their information from unofficial sources, and by that I mean from ordinary people who saw things and reported them, or from newsmen who knew how to birddog a story and refused to accept the official line in the face of accumulating evidence. Today I would like to add two such pieces of evidence to the record. The first comes from a man formerly associated with the International Red Cross who has spent many years in Southeast Asia and particularly in the so-called Golden Triangle area of northern Thailand, Laos, and Burma.

He says:

> On the Chinese side of the North Vietnam, Laos, and Burma borders there is an interwoven network of military posts on a full operational basis, conducting the military, political and propaganda war against Southeast Asian countries. From this network of advanced bases intelligence operations and transportation points extend all through Southeast Asia. Corruption and bribery are an essential part of everyday life there and assures full protection for China's activities. They have a built-in network of collaborators in the vast Chinese communities all through Southeast Asia. The richer the merchant, the more powerful the politician—the easier it is to buy him. There is a saying in Bangkok, "the Chinese could smuggle their wall through Bangkok, and no one would know it." Intelligence and narcotic officials in SEA agree that narcotics trade on a large scale is strictly a Chinese affair. Officials in Bangkok maintain that Chinese narcotics traffic is tightly interwoven with their military and weapons activities.

This statement by an informant who has asked that his name be kept confidential, illustrates to some degree the intricate web that Peking has spun and controls throughout the area. The official U.S. position in this regard, however, as described by Mr. Ingersoll is that insurgent groups, operating in the golden triangle do in part control opium production and trade and do use the proceeds "for funds, arms, and other supplies needed for support purposes."

But how is it that the man who has lived on the scene for so long knows that the Red Chinese run the show and Mr. Ingersoll does not?

Next from a noted British journalist comes this confidential note written in November:

> The headman for almost all narcotics transported out of Yunnan to the ports is known as Prince Jimmy Yang, Director of the Ringcorn Hotel in Chiang Mai in Northeast Thailand. His partner is a General Lee, an off and on General in the Latoian Army, but commanding a guerrilla force of close to 800 men operating on both sides of the Chinese border. This army transports the stuff from Yunnan to Chiang Mai via Ben Hoisoi. Yang and Lee bought the entire 1970 harvest from Yunnan from the Chinese Communist Government. A friend of mine in Ben Hoisoi saw the opium and heroin stocks brought in. The operation has the full protection and assistance of General Ouan Rathikoun, Commander in Chief of the Lao Armed forces.

I might add, Mr. Speaker, that our BNDD does admit Rathikoun's part in the drug traffic, but says he has now retired, which I suppose makes everything all right again. That is until we come to an official report written last year by the Public Security Bureau of the Thai Government, titled—"Data on the Production and Sale of Narcotics by the Chinese Communists." I will quote several significant points before I insert the full report in the Record. Under the heading of Smuggling Routes, I quote: Narcotics produced in the Yunnan border area is purchased by the Chinese Communists in Yunnan for processing, unquote.

Under the heading of Masters Behind the Sources, I quote: Most poppy farmers are tribal people, living in the mountainous areas of Yunnan, Burma, Thailand, and Laos. They are controlled by the Red Chinese narcotics sponsoring agencies. And finally under the heading of Narcotics Seized, and I quote: In September 1971 Singapore police seized 1,000 kilos of raw opium, known as Yunnan opium, which had been buried by a seaside resort.

Mr. Speaker, the full text of the Thai Government report follows:

Data on the Production and Sale of Narcotics by the Chinese Communists

Source of these data: The following data are provided by the Public Security Bureau of the Thai Government.

Cultivation areas: Poppies can be grown only in uplands. The largest poppy plantation in the Far East is in the border area between Burma and Yunnan province of China, the second largest plantation is in the border area between Burma and Laos and the third largest plantation is in the border area between Thailand and Burma.

Annual output: (1) The Yunnan-Burma border area produces about 2,000 tons of opium a year. (2) The Burma-Laos border area produces 750–1,000 tons a year. (3) The Thailand-Burma border area yields 200–300 tons a year.

Sales price: The price at the place of origin is U.S. $40–50 per kilo. After shipping to secret markets in Indochina, the price increases to U.S. $80–100.

Smuggling routes:

(1) Land routes: Opium produced in the Thailand-Burma border area is smuggled into Thailand's Chiang Mai, Bangkok and other places in southern Thailand for distribution to Malaysia and Singapore. Narcotics produced in the Burma-Laos border area is smuggled into Vientiane through Pathet Lao-controlled regions. Narcotics produced in the Yunnan-Burma border area is purchased by the Chinese Communists in Yunnan for processing.

(2) Air routes: Red Chinese agents smuggle the narcotics by air to Vientiane, Saigon, Hongkong, Singapore and other Southeast Asian cities. Narcotics are bought by British and American gangs of smugglers for redistribution.

Masters behind the scenes: Most poppy farmers are tribal people living in the mountainous areas of Yunnan, Burma, Thailand and Laos. They are controlled by the Red Chinese narcotic-sponsoring agencies.

Narcotics seized: The Thai government seized three tons of opium from smugglers in 1970 and about one ton in the first seven months of 1971. Thai and South Vietnamese police have confiscated 291 kilos of opium and 120 kilos of heroin in joint operations so far this year. In September, 1971, Singapore police seized 1,000 kilos of raw opium (known as Yunnan opium) which had been buried near a seaside resort. It was believed these drugs were smuggled into Singapore from Thailand.

Difficulties involved: There are three reasons why it is difficult to prevent the smuggling of narcotics: (1) Poppies are grown in mountain areas which are difficult to reach. (2) Poppy farms are protected by armed bandits. (3) Because poppy farms are located in border areas, action against them involves political problems.

Mr. Speaker, to shift the scene a bit but not the subject, Interdoc is a highly regarded European political information center, headquartered at the Hague. As many of my colleagues know, Interdoc's output on East-West developments is well documented and totally objective. In a recent publication Interdoc reviewed a book by a German author, Dr. F. W. Schlomann, titled—"The Maoists, Peking's Efforts in Western Europe." The reviewer says in part:

> Schlomann's account of the role of Peking's embassies in the West is absorbing, as is that of trade missions, press agencies and the like. In fact, this is the first book to my knowledge to give an outline of the organization and pattern on Communist China's silent approach to the West. . . Attention is paid to the political—not the gastronomical—role of the Chinese restaurants and the organization in which the Communist restaurateurs are often the leading men. Nor has the writer avoided the embarrasing subject of the export of narcotics from China. It is sad to reveal that Chinese Communist propaganda in the West seems to be financed largely from the proceeds of opium and other narcotic sales.

The review is inserted at this point:

Review of the Book "The Maoists, Peking's Efforts in Western Europe" as It Appeared in "East-West Contacts" the Publication of Interdoc

DIE MAOISTEN, PEKINGS FILIALEN IN WESTEUROPA

(By Dr. F. W. Schlomann, 300 pages, ed. Societats-Verlag, Frankfurt am Main)

Chinese Communism is concentrating more and more on Western Europe. Schlomann has tried to recognize the scope of this slow and hidden penetration. He has discovered groups, people and organizations working under the guidance of Peking and Tirana. He cites also frustrated idealists suffering from some kind of political yellow fever after having been bitten by the Mao bug.

Schlomann's account of the role of Peking Embassies in the West is absorbing, as is that of trade missions, press agencies and the like.

In fact this is the first book to my knowledge, to give an outline of the organizational pattern of Communist China's silent approach to the West.

The book gives a good deal of data, distinguishing cautiously between "it is rumored" and "it is". Attention is paid to the political—not the gastronomical—role of the Chinese restaurants and the organization in which the communist restaurateurs are often the leading men.

Nor has the writer avoided the embarrassing subject of the export of narcotics from China. It is sad to read that communist propaganda in the West seems to be financed largely from the proceeds of opium and other narcotic sales.

Especially interesting and important is the information on the many pro-Chinese splinter-parties in Western Europe, their struggle for life and, incidently, their ferocious fight to obtain recognition from Peking or Tirana.

Interesting and important though the book may be, it falls short on one very important aspect, viz. Chinese communist industrial and technological espionage. I can hardly conceive that Dr. Schlomann should have forgotten this and I entertain the hope that one day he will apply himself to this much refined practice of "brain-sucking".

Yes, it is sad to read it, and equally sad to relate that the director of Japanese intelligence when accompanying Emperor Hirohito on his world trip last year, was quoted in Paris as saying:

> We have said for years that Mainland China is exporting illegal narcotics to Japan.

But the greatest sadness of all, Mr. Speaker is, as I have shown in my remarks last month and today, there are sources in a host of countries around the world—official and unofficial—who recognize Peking's part in the narcotics trade, but despite a vast expenditure of funds and much said about the seriousness of the problem, our Government does not. Why not? Are all others wrong and the administration right? Is the evidence I have presented on these two occasions spun out of moonbeams or poppy-seeds?

I began these remarks talking about the administration's deliberate contradictions and ambiguity. I pointed out an example of the contradiction, now I would like to close with an example of the ambiguity. On November 16, 1971, the Washington Post ran an Associated Press story by Jean Heller and Mark Brown. The headline was, "Spying, Drug Traffic Linked to Chinese Illegally in the U.S.," and the lead paragraph states:

> As many as 4,200 aliens from Communist China sneak into the U.S. every year, according to secret Justice Department records, which say some of the aliens are on espionage missions and others are involved in narcotics traffic.

I would like to enter the article in the Record Mr. Speaker, at the conclusion of my remarks, but the point is that from it we can see that the Justice Department, the FBI, and the Immigration and Naturalization Service, all seem to be aware of a serious problem which is drug connected and emanates from Red China, while others in the administration say they are looking for proof of same, or that it does not really exist.

I do not see how it is possible to take the pieces of information I have presented here and not begin to fit them into some kind of pattern that reveals the outline of a well-established plan and policy, total in its concept and determined in its use of narcotics as a weapon against us. If the administration refuses to take the word of Chou En-lai on the subject, I do not. I will continue to seek out evidence of Peking's involvement in this most despicable of all trades—not just because I support the Republic of China, which I do—not just because I see communism wherever it sits as a threat to man, which I do, and not just because I wish to embarass the administration, but because in a manner so grave the public has the right to know. And toward that end I will do everything in my power to see that the public does know. Mr. Speaker, I will have more to say on this crucial subject at a later date.

Mr. Speaker, just as in the field of our critical needs of national defense this administration has fostered a false sense of security and promoted an attitude of appeasement in our country, it has created its own credibility gap in dealing with Communist China. Since it is committed to telling the American public that we can now do business with these mass murderers and work for peace, it is committed to rewriting the hard facts of Red China's inglorious and criminal participation in the international illicit drug traffic. The American people must be forewarned of this propaganda drive by the White House revisionists and I will continue to tell this story, fully aware that it will be vindicated eventually since it is correct.

The article from the Washington Post follows:

SPYING, DRUG TRAFFIC LINKED TO CHINESE ILLEGALLY IN UNITED STATES

(By Jean Heller and Mark Brown)

As many as 4,200 aliens from Communist China sneak into the United States every year, according to secret Justice Department intelligence reports which say some of the aliens are on espionage missions, and others are involved in narcotics traffic.

Only one in 10 of these illegal aliens is caught and deported, the reports say. Among those identified by the government, many have been traced to the Hong Kong Seaman's Union, an organization said by the FBI to be engaged in espionage. Other Chinese aliens taken into custody have been carrying narcotics shipments destined for U.S. contacts.

According to a source in the Immigration and Naturalization Service, the mainland Chinese have been coming for about five years, entering this country by jumping ship in U.S. ports or by way of smuggling operations in the United States and Canada.

Just last week, according to the confidential reports, INS smashed a ring engaged in smuggling Chinese sailors from Vancouver, British Columbia, into the United States at Bellingham and Blaine, Wash., at $1,000 a head.

The operation was broken up after the U.S. Border Patrol caught one group of the aliens as they crossed the border on foot a mile east of Blaine. A second group made it to the New York metropolitan area. Three of them were arrested last Wednesday in Newark, and told authorities they made their first contact with the smugglers in Hong Kong.

Earlier this year, U.S. and Canadian authorities shut down a large Chinese smuggling ring operating between Montreal and New York City. However, the intelligence reports say there is evidence that the Montreal operation has reopened, and that another ring is operating out of Windsor, Ontario, smuggling mainland Chinese through Detroit.

According to IRS sources, as many as 2,500 mainland Chinese are smuggled into the United States each year. Another 1,700 jump foreign-flag vessels in U.S. ports. The intelligence reports said 5,640 entered that way between 1965 and 1970.

Chinese seamen among the flood of illegal aliens have been traced by the FBI to the Hong Kong Seaman's Union. An FBI intelligence report described the union this way:

"HKSU has voiced vehement opposition to United States military action in Vietnam and dissuades seamen from serving abroad ships carrying strategic materials to Vietnam. Conversely, the HKSU encourages seamen to sail on ships bound for North Vietnam. HKSU has approved a policy of placing Communist seamen on Western ships for the purpose of sabotage or capture in the event of future hostilities.

The FBI report said that Chinese ship-jumpers in the United States had arrived in vessels flying Liberian, Norwegian, British, Panamanian, Dutch, Israeli, Swedish and Danish flags.

The report contains an informer's allegation that a New York Chinese association believed to be a contact point for smuggled aliens used a deserting crewman to help carry out the murder of two members of a rival organization.

One of the victims was shot at the door of a restaurant in New York's Chinatown. The other one drowned. His body was found on Manhattan Beach in Brooklyn.

Smugglers bringing aliens into the country charge from $100 to $1,000 per person, authorities say.

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TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 10 minutes.

Mr. DUNCAN. Mr. Speaker, the time has come to set the record straight on tax reform.

Every election year we usually hear a great deal of irresponsible talk about the inequities of our tax system. This year is no exception, potential candidates for President, and others, are again making their false promises to the people.

It has often been said that what a man does, speaks louder than what he says he will do. This is so true when the person has a record of talk and little action.

History will show that those who have talked the loudest about tax reform in the past always put their promises on the shelf after the elections were over. They always did this in favor of give-away and high-priced legislation, which must be paid for by the taxpayer, for whose concern they show some interest in today. It is almost a joke to believe that Senators MUSKIE, HUMPHREY and some others have any compassionate interest in the taxpayers other than for political purposes.

If 200 wealthy people in the United States do not pay taxes because of our present laws, whose fault is it that the laws are on the book today? Who is to blame for not having changed or repealed these so-called loopholes? Let us look at the record.

An elementary schoolchild knows that before a Member of the House of Representatives, or the Senate, can vote for or against tax reform legislation, it must first be cleared by the Ways and Means Committee in the House, and the Committee on Finance in the Senate. Of course, the President cannot approve or veto tax reform legislation until it is passed by both Houses of the Congress.

It is diversionary to blame the President of the United States, regardless of his political party, with the failure to pass meaningful tax reform legislation. To blame the President is an insult to the intelligence of the American people.

The record shows that the majority party has for a long number of years controlled the tax writing committees in the House and the Senate. If Senators HUMPHREY, MUSKIE, KENNEDY, and all the rest wanted tax reform in the past, they could have had it. If they want tax reform this year, there is still time. Their party controls the machinery. They wrote the present laws of which they now complain. Their leadership schedules committee hearings in both tax-writing bodies.

I am a member of the minority on the Ways and Means Committee. If those who talk the loudest are really serious, I say to them, that the time to act is now. One of the Nation's major airlines has a well-known advertisement which goes like this, "We're ready when you are."

THE EMERGENCY EMPLOYMENT ACT: THE NEED FOR A REALISTIC EXPANSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. GONZALEZ, is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, it has become increasingly clear that the unemployment rate has been at a critical level for the past several months. And as things are going, there does not seem to be much real hope for improvement. If anything can be expected, it is that the situation can only become worse if ignored.

In 1971, the Emergency Employment Act established a program which attempted to provide a solution to this problem by establishing Federal employment for the unemployed.

During this year, this program received $1 billion with which to work; and, 150,000 persons were employed through it in 50 States and several territories in the following areas: public works and transportation, education, law enforcement, health and hospital, parks and recreation, social services, environmental quality, fire protection, and a few other fields.

In view of our need, 150,000 employment opportunities does not seem to be affecting the unemployment rate very much, since even a conservative estimate places our new employment need at almost 20 million jobs. Moreover, this unemployment crisis eventually affects 72 million Americans.

When the President signed the Emergency Employment Act into law, he understood the grave need to provide some kind of aid to the 5.9 percent of the people of this country who are presently unemployed. This act, however, can only be seen as a beginning and additional efforts are necessary.

For this reason, I am introducing this

week with Congressman Hawkins and 60 other cosponsors, a bill that would take up the work begun by the Emergency Employment Act and increase its effectiveness. Senator Cranston, together with several other senators, have already introduced a similar bill in the Senate side of the House.

This bill would provide funds for more than 1.5 million jobs for unemployed and underemployed Americans in the first full year of operation. It would authorize $3 billion this fiscal year, $7 billion in fiscal 1973, and $10 billion in succeeding fiscal years for a continuing program of public service employment. In areas of especially high unemployment it would authorize funds for a new special employment and economic development program for economic development coordinated with public service employment to help these areas become more economically self-sufficient. And broadly representative public service councils would be created to assist local governmental units.

Recognizing the seriousness of this situation, as you may know, I have been involved in submitting legislation to create the necessary jobs. I introduced such a bill earlier this year intended to increase Accelerated Public Works assistance to high unemployment 'special impact' areas by $195 million for a total of $475 million in fiscal year 1973. Thus, it is that in addition to today's "public service" employment bill, I also have supported and continue to support "public works" programs which would provide jobs in such areas as the construction of hospitals, libraries, and dams. Either—and preferably both types of approaches—is necessary to help deal with the problem. The President seems to have a particular repugnance regarding public works programs, which I feel he must reexamine. But, in any event, at the very least this present bill will begin to deal with this crisis on a more realistic level.

The importance of working to help the American people in this area cannot be emphasized enough; therefore, I can hope and urge the Committee of Education and Labor to schedule hearings soon on this bill to expand the Emergency Employment Act.

ELDERLY TAX CREDITS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. Rosenthal) is recognized for 30 minutes.

Mr. ROSENTHAL. Mr. Speaker, I am introducing today legislation to assist the elderly in maintaining the homes of their choice. One thrust of my bill is to provide the elderly renters and homeowners with the financial means to withstand the burden imposed on them by rising property taxes. The other aim of the bill is to help the elderly absorb the cost of home improvements and repairs. Both steps are necessary to insure that our senior citizens can choose the option of an independent living situation.

I have spoken many times about the economic hardships facing the elderly. For the most part, they live on fixed incomes and employment opportunities are extremely limited. These conditions, combined with runaway inflation in the cost of food, medical care, and housing, strains the ability of the elderly merely to survive. Individuals over 65 have a higher poverty rate than any other group in the population—recent estimates show that between one-third to one-half of them live in unacceptable conditions.

In the past few years a new card has been added to the almost stacked deck against the elderly: the skyrocketing property tax. Maintaining the home of their choice is a prime concern of the elderly, yet this regressive and unfair tax is making this increasingly impossible. Used mainly to finance education—from which the elderly derive the least direct benefit—the property tax hits hardest at the poor and those on fixed incomes.

The inequity of the property tax is inevitable since it does not take account of a person's ability to pay. The sole criterion is the assessed valuation of property a person owns. Thus, if an elderly homeowner's land is worth the same as that of a rising young executive, both pay the same amount despite the fact that the elderly person's income is much smaller. I, therefore, feel it is grossly unfair that property taxes take a much larger percentage of the senior citizens' income.

Accordingly, my bill gives each person over 65, whose annual income is under $6,500, a Federal income tax credit of up to $300 for State and local property taxes. For those elderly who rent, the bill provides a tax credit equal to 25 percent of the annual rent paid, up to $300. In the case of the elderly who pay no income tax, they would be entitled to cash payments from the U.S. Treasury of up to $300 a year on the amount of property tax or rent paid. In those cases where the State or locality allows exemptions, this bill would allow for additional deductions if the State or local exemption does not cover the total property tax payment.

Yet property tax is not the only obstacle the elderly face in living in a safe and comfortable environment. The cost of home repairs and improvements, as anyone who has ever needed a plumber, a carpenter, or an electrician well knows, is rising at a rate that defies belief. To enable the elderly to keep up with these increases, my bill would grant tax credits of up to $350 for home repairs or improvements to those earning under $6,500. Such action is necessary for the elderly to maintain a decent place to live.

Growing old in our society, however rewarding it should be, is often a trying and tragic time. This is only made more difficult when the elderly are forced to move to new, often inferior, surroundings because they can no longer afford to live in the homes they worked all their lives to own. The human cost of such suffering is often severe. Neighborhood friends are often lost and homes that contain cherished memories cannot be replaced. The anxiety caused by the high cost of maintaining a good home is another cost that cannot be calculated.

We must make certain the elderly can live in the kind of homes they want. These are the principal features of my bill:

First. Allow income tax credits of up to $300 for State and local property taxes for homeowners 65 years of age and up who are earning under $6,500, and a like amount for tenants who pay rent.

Second. Allow income tax credits of up to $300 for home repair and improvement costs incurred by those in the above age and income group.

Third. Allow cash payments to those 65 years of age and up who pay no Federal income tax but still pay property tax or rent.

Fourth. Allow Federal tax credits even if there are State or local exemptions or credits if such credits do not exceed property tax paid.

The text of the bill follows:

H.R. 14610

A bill to allow a credit of not more than $300 against Federal income tax for State and local real property taxes (or an equivalent portion of rent) and for home repair and improvement expenses paid by individuals who have attained age 65 with respect to their residences

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 42 as 43, and by inserting after section 41 the following new section:

"Sec. 42. Residential real property taxes (or equivalent rent) and home repair and improvement expenses paid by individuals who have attained age 65.

"(a) General Rule.—In the case of an individual who has attained the age of 65 before the close of the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to the sum of—

"(1) the amount of real property taxes paid by him during the taxable year which were imposed by a State or political subdivision thereof on property owned and used by him as hs principal residence, or the amount of rent constituting real property taxes, as defined in subsection (c)(6), plus

"(2) the amount paid by him during the taxable year for the repair or improvement of his principal residence (whether or not such residence is owned by the taxpayer).

If the amount allowed as a credit under this section exceeds the tax imposed by this chapter (reduced by the credits allowable under sections 33, 35, 37, 38, 40, and 41) such individual shall be paid from the United States Treasury an amount equal to such excess.

"(b) Limitations.—

"(1) In general.—The total tax credit and payment from the Treasury under subsection (a) for any taxable year shall not exceed $300 ($150, in the case of a married individual filing a separate return).

"(2) Adjusted gross income over $6,500.—The credit otherwise allowable under subsection (a) for any taxable year (determined after the application of paragraph (1)) shall be reduced by an amount equal to the amount by which the taxpayer's adjusted gross income for the taxable year exceeds $6,500 ($3,250, in the case of a married individual filing a separate return).

"(3) Joint ownership.—In the case of property owned and used by two or more individuals (other than a husband and wife) as their principal residence, the limitations provided by paragraphs (1) and (2) shall, under regulations prescribed by the Secretary or his delegate, be applied as if such individuals were a single individual.

"(c) Special Rules.—

"(1) Husband and wife.—In the case of a

husband and wife who file a single return jointly under section 6013, the age requirement contained in subsection (a) shall be treated as satisfied if either spouse has attained the age of 65 before the close of the taxable year.

"(2) PROPERTY USED IN PART AS PRINCIPAL RESIDENCE.—In the case of a property, only a portion of which is used by the taxpayer as his principal residence, there shall be taken into account, for purposes of subsection (a), so much of the real property taxes paid by him on such property as is determined, under regulations prescribed by the Secretary or his delegate, to be attributable to the portion of such property so used by him. For purposes of this paragraph, in the case of a principal residence located on a farm, so much of the land comprising such farm as does not exceed 40 acres shall be treated as part of such residence.

"(3) Real property tax on cooperative housing.—For purposes of subsection (a)(1), an individual who is a tenant-stockholder in a cooperative housing corporation (as defined in section 216(b))—

"(A) shall be treated as owning the house or apartment which he is entitled to occupy by reason of his ownership of stock in such corporation, and

"(B) shall be treated as having paid real property taxes during the taxable year equal to the portion of the deduction allowable to him under section 216(a) which represents such taxes paid or incurred by such corporation.

"(4) Real property tax in case of change of principal residence.—If during a taxable year a taxpayer changes his principal residence, subsection (a)(1) shall apply only to that portion of the real property taxes or rent paid by him with respect to each such principal residence as is properly allocable to the period during which it is used by him as his principal residence.

"(5) Real property tax in case of sale or purchase of principal residence.—If during a taxable year a taxpayer sells or purchases property used by him as his principal residence, subsection (a)(1) shall apply only to the portion of the real property taxes with respect to such property as is treated as imposed on him under section 164(d), and, for purposes of subsection (a)(1), the taxpayer shall be treated as having paid such taxes as are treated as paid by him under such section.

"(6) Rent constituting real property taxes.—For purposes of this section, the term 'rent constituting real property taxes' means an amount equal to 25 percent of the rent paid during a taxable year by a taxpayer for the right to occupy his principal residence during that year, exclusive of any charges for utilities, services, furnishings, or appliances furnished by the landlord as a part of the rental agreement.

"(D) ADJUSTMENT FOR REFUNDS

"(1) IN GENERAL.—The amount of real property taxes paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) INTEREST.—In the case of an underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of real property taxes which caused such underpayment.

"(e) DEDUCTION NOT AFFECTED.—The credit allowed by subsection (a) shall not affect the deduction under section 164 for State and local real property taxes.

"(f) CREDIT NOT AFFECTED BY STATE OR LOCAL REDUCTIONS.—No reduction, under State or local law, in the amount of real property taxes required to be paid in the case of individuals who have attained the age of 65 shall affect the allowance of a credit under this section with respect to the reduced amount of such taxes paid by the taxpayer."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 42. Residential real property taxes (or equivalent rent) and home repair and improvement expenses paid by individuals who have attained age 65.

"SEC. 43. Overpayments of tax."

(c) The amendments made by subsections (a) and (b) shall apply to taxable years beginning after the date of the enactment of this Act.

CANADA AGREES TO EXPORT MORE OIL TO THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, one of the principle arguments used by the Interior Department and the oil companies in favor of the trans-Alaska pipeline is that it could be built 2 to 3 years earlier than a trans-Canadian oil pipeline and would thus bring the needed oil to market sooner.

Recently, I urged the Interior Department to ask the Canadian Government if it would be willing to increase its exports of oil to the United States during the consideration and construction of a trans-Canadian oil pipeline. Today, I would like to include in the RECORD some comments by Canada's Energy Minister Donald S. Macdonald, who announced in the Canadian Parliament on April 9 that he had informed various American officials, including Secretary of the Interior Rogers C. B. Morton and Secretary of State William Rogers, that Canada would be willing to supply additional quantities of oil to the United States during consideration and construction of a trans-Canadian pipeline. Mr. Macdonald states in part that—

> I made it clear that Canada was prepared to supply additional quantities of oil to the United States not only for a 2 year period, but a longer period.

This revelation is extremely significant and, on the basis of logic, it should eliminate the Alaskan pipeline proposal from serious consideration. From virtually all of the evaluations, we know that a trans-Canadian oil pipeline, built alongside a trans-Canadian gas pipeline which will be built in any event, is both environmentally and economically superior to a trans-Alaska pipeline. We are now told by the Canadian Government that the U.S. energy picture will not even be hurt temporarily by a 2- to 3-year delay in building a Canadian pipeline, since Canada will make up the difference in increased exports of oil. In fact, such an arrangement would be advantageous to the United States since, during construction of a Canadian pipeline, we would be getting the same amount of oil that we would be getting from a trans-Alaska pipeline without depleting our own supplies of oil.

In short, Mr. Macdonald's offer, on behalf of the Canadian Government, eliminates the last intelligible argument for the Alaska pipeline route; namely, that it would get the Alaskan oil to market more quickly than would a Canadian pipeline.

As you know, Mr. Speaker, the Interior Department recently issued its long-awaited environmental impact statement on the proposed 780-mile Alaska pipeline. The impact statement concluded that a trans-Canadian pipeline—from Alaska's North Slope to Chicago—would cause less environmental damage in five of six major areas than would a trans-Alaska route. The impact statement also concluded that a trans-Canadian and a trans-Alaskan route would be economically "equally efficient," although Interior admitted that it did not consider certain economies that would result from building parallel gas and oil pipelines across Canada. The trans-Canadian gas pipeline is expected to be built to transport the large quantities of Alaskan gas to Midwest markets regardless of which oil pipeline is built.

The Canadian Government has repeatedly expressed its opposition to a trans-Alaska pipeline because of the danger possible tanker spills would pose to its west coast. The Canadians have consistently favored a Canadian oil pipeline for both environmental and economic reasons.

I believe that the Canadian offer to supply the United States with more oil during consideration and construction of a trans-Canadian oil pipeline is so significant that the Interior Department should agree to revise its impact statement to include consideration of this offer. Such a revision would be strong evidence of good faith on the part of the Interior Department.

The following is the text of an exchange on the floor of the Canadian House of Commons between Member of Parliament David Anderson and Energy Minister Donald S. Macdonald on April 9:

Q. Mr. David Anderson (Esquimalt-Saanich). In the light of American concern over their supply of oil during the two year period required to evaluate alternative transportation routes to the trans-Alaska pipeline system may I ask the Minister whether he has made clear to his United States counterparts Canada's willingness to make oil available to the United States during this period so that a proper evaluation of a route might be undertaken free of short term security consideration?

A. The Honorable Donald S. Macdonald (Minister of Energy, Mines and Resources): Both in my discussions with Secretary Morton and other officials of the United States Administration in Washington and recently with Secretary Rogers last week, I made it clear that Canada was prepared to supply additional quantities of oil to the United States not only for a two year period but a longer period and that this would be facilitated by their lifting of their quota system.

HEARING ON ADMINISTRATIVE CONFERENCE ACT AMENDMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, subcommittee No. 3 of the Committee on the Judiciary announces that a public hearing has been scheduled for Thursday, May 4, 1972, at 10 a.m., in room 2226, Rayburn House Office Building on H.R. 13644, H.R. 13906 and H.R. 13987, bills to amend the Administrative Conference Act.

H.R. 13644 was introduced by Mr. CELLER, chairman of the Committee on the Judiciary, at the request of the Administrative Conference of the United States. Mr. RAILSBACK introduced identical H.R. 13987 and Messrs. ERLENBORN and BROWN of Ohio cosponsored identical H.R. 13906. The subcommittee expects to hear Hon. Roger C. Cramton, Chairman of the Administrative Conference, in support of the legislation which, among other things, would remove the appropriations ceiling applicable to the Conference.

TO CONTROL THE PRODUCTION AND DISTRIBUTION OF BARBITURATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of New York. Mr. Speaker, I introduce for appropriate reference an amendment to the comprehensive Drug Abuse Prevention and Control Act of 1970. As a supporter of this legislation I looked upon its passage with high hopes. My city, New York, as any one who reads the papers knows, is the narcotic capital of the world. There are as many addicts, as much narcotics and as many dangerous drugs in New York City as in the rest of the cities and localities of the United States combined. However, as in any legislation that is passed in this body, there are compromises and agreements made by many parties in order to get needed legislation on the books.

This was true of the 1970 drug law.

The original comprehensive drug legislation was introduced in the U.S. Senate on April 9, 1969. That legislation included in its provisions production quotas over the major legitimate pharmaceutical drugs of abuse in the United States, the amphetamines and the barbiturates. In succeeding months the administration introduced their own version of this legislation but without such controls. In an unusual display of unanimity the administration worked closely with the Senate committee that held legislative hearings and reported and floor managed this legislation in the Senate. One of the compromises that came about as a result of the desire of everyone to get this legislation passed into law was the all-important question of production quotas over the stimulants and depressants which everyone knew were being overproduced by the billions and were being diverted into the criminal traffic. Unlike heroin, cocaine, marihuana, LSD, however, these drugs are produced by large and powerful companies in the United States who have lobbied for years against the inclusion of these drugs under any type of governmental control.

For example, these companies held up the passage of the 1965 drug amendments for years because of their intensive lobbying campaigns in both Houses of Congress. With this history in mind, Attorney General John Mitchell sent a representative, the then deputy chief counsel of the Bureau of Narcotics and Dangerous Drugs, to the Senate subcommittee charged with shepherding the drug bill through the Senate. He reasoned that if amphetamines and barbiturates were put under production quotas in the version of the bill sent to the floor, the bill would meet such strong opposition from the drug lobby, that its chances for quick passage or even final passage, would be put in jeopardy.

Reluctantly the Attorney General's representative asked the bill's manager, the late Senator Dodd of Connecticut, to remove production controls over amphetamines and barbiturates in any bill that was ultimately reported. The Dodd bill which contained such production quotas was based on 10 years of investigation which showed a burgeoning abuse of the amphetamines and barbiturates. While both the administration and the Senate committee agreed that production quotas were desirable and necessary to protect the health of our citizens, Senator Dodd agreed to drop his insistence on the inclusion of these drugs under a quota system but only on the assurance from the representative of the Attorney General that these drugs would be administratively moved from schedule III of the 1970 act which does not call for production quotas to schedule II which does call for such quotas, within 6 to 12 months subsequent to the signing of the legislation into law by President Nixon.

This has not happened.

The bureaucratic process is slow and as anticipated, at the beginning the lobbies are powerful.

Many Members of both Houses have commented on the need for such quotas on these two widely abused drug types. Hearings have been held by House committees and as a result of pressure from both Houses such quotas were finally totally called for in November of 1971.

For some reason, however, the administration has not kept its promise with regard to the barbiturates. Yet these drugs are widely overproduced, widely diverted to the criminal traffic, widely abused by the young and old alike, and probably account for more deaths than the opiates, the stimulants and the hallucinogens combined.

They account for 25 percent of all deaths due to acute poisoning in the United States every year.

They killed over 3,000 Americans in 1971 compared to 1,700 who died from heroin and the opiates.

They have caused tens of thousands of auto accidents, aggressive crimes, pointless brutalities, murders, accidental deaths, and suicides since 1960.

Like the opiates, they are addictive, causing a physical dependence that is physiologically and mentally worse in the opinion of most physicians than heroin and morphine addiction.

Unlike the opiates, which cause a condition of drowsiness and languor, the barbiturates can cause a condition of hysteria and giddiness—that is why they are called "goof balls"—they make people "goofy"—and in the advanced stages, they cause aggressiveness and psychosis, a self-induced insanity.

Let me describe just one segment of the testimony of the chief of police of Los Angeles who described a bizzare case illustrative of the new "craze" among our youth for "goof balls".

He told of how a 17-year-old Los Angeles boy who had been on barbiturates for 4 months decided on the spur of the moment to hold up a taxi driver. During the robbery in which he was helped by two friends, he held a knife pressed to the stomach of the cabbie, and after getting the man's money, plunged the knife into him. The cabbie succeeded in getting out of his car, and ran down the street yelling for help, clutching his stomach. The boy pursued him and stabbed him in the back 12 more times; the man died several hours later.

Now this boy had never committed an offense; he had been working for 15 months; his neighbors described him as a quiet, even-tempered person before he took to using barbiturates. And the police psychiatrist said that the use of barbiturates had completely changed his personality, turning a peaceful, law-abiding young man into a savage, ruthless killer.

And this was not an isolated case.

A brief résumé of several narcotic squad reports from the Los Angeles Police Department revealed a picture of what these drugs were doing to tens of thousands of that city's youth. The ages in these cases range from 12 to 17:

> Female, age 15, tenth grade, high school, Los Angeles. Subject came to the attention of the Police when she was found unconscious in a vacant lot on Normandie Boulevard near the Harbor area. Officers were summonded to the scene by witnesses who had seen two boys and a girl drag the subject and another girl from an automobile and leave them in the vacant lot. Subject was taken to the Harbor General Hospital where she was treated for ingestion of four capsules of Seconal. Officers apprehended the two boys, one age 17, the other age 15, and one girl age 15, referred to above, near the scene.
>
> 75 Seconal capsules and four Benzedrines were found in the car. Subject stated she obtained her first drugs (Seconal) at a Halloween dance. The day before her arrest, she obtained two 'red devils' (Seconal) from a girl at school. That same day she obtained seven more from a boy for $1.00 (on credit). She paid back the two to the girl at school. She then received seven more from another school friend. That night, she took four while baby sitting and went to sleep. The following morning after being taken home by her mother, she was too groggy to go to school so she "ditched" school. She took four more capsules during the day. She had no memory of being in a car with boys or being taken to a vacant lot. She stated she was unaware of the danger of the drugs and took them out of curiosity and because of tensions with the family.
>
> The second female, age 15, tenth grade, high school, Los Angeles. Subject was found unconscious by the police in a vacant lot on Normandie Boulevard near the Harbor area with the girl referred to above. Subject stated she had been taking "red devils" at parties for about a year and one half. Subject states that, on the previous day, she had purchased three 'red devils' and two benzedrines from a 15 year old boy at school. On the morning of her arrest, she purchased five

dollars worth of "red devils" (34 Seconal capsules). She consumed five Seconal capsules and two benezedrine tablets prior to losing consciousness. She was taken to the Harbor General Hospital in "critical" condition. Subject stated she started using drugs because "everyone else was doing it" and she wanted to see what they were like.

Tragedies such as this are happening in American cities every minute of every hour, right now, today. But the real tragedy is that the cases I have just cited are not of today—they happened 10 years ago. This testimony, and thousands of pages like it, was given to the Congress that long ago.

And here we are—still looking for "proof" that these drugs are over produced—despite the fact that President Nixon told the AMA in 1971 that of the 5 billion barbiturates produced in 1971—half of them were diverted into the criminal traffic. The same ratio we heard from President Kennedy in 1962.

And here we are—still trying to determine if abuse of these drugs causes crime despite the fact that leaders in the Congress said in 1964 that these pills were increasingly causing some of the most vicious, cold-blooded, cruel crimes in history.

And here we are—still trying to convince the American Medical Association that these drugs are over prescribed and that physicians are a major cause of diversions—despite the fact that a 10-year study of arrests for criminal barbiturate diversion proved that 80 percent of those arrested were physicians and pharmacists.

I am not questioning today the reasons these drugs have not been put under strict production quotas as originally promised, although I do find it strange that the major producer of these drugs has had its lobbyists stalking the Halls of Congress and at least one of its corporate officers, in positions of influence in the administration.

Whatever the reasons are, I think it is time we quit playing games with these deadly capsules, and powers.

There is no need to prove that they are dangerous, that they are addicting, that they have caused criminal behavior, that they are overproduced, and that they are turning large numbers of American youth into stumbling zombies.

My amendment is designed to put an immediate stop to this. The rescheduling of barbiturates would bring about four major regulatory controls which I am convinced would solve the problem. It would:

First. Subject all transfers of barbiturates, all transactions, except to a patient, to the system of triplicate order forms which has traditionally been applied to narcotics.

Second. Require special permits for their import or export.

Third. Put a blanket prohibition on the refilling of barbiturate prescriptions.

Fourth. Establish annual barbiturate production quotas for the entire country.

Mr. Speaker, the travesty of goof ball abuse has gone on for too long. We do not need more justification than we already have for the immediate reduction of the production of these drugs in America today and additional controls over their distribution.

My amendment is a simple one.

It would achieve the goal of guaranteeing that these legitimate drugs will only be used legitimately and that the thousands of American children—"goof ball" addicts and multiple drug users alike—will have removed from them their supply of this dangerous substance.

The bill follows:

H.R. 14600

A bill to amend the Controlled Substances Act to transfer barbiturates from Schedule III to Schedule II of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the schedules of controlled substances set out in section 202(c) of the Controlled Substances Act are amended—

(1) by inserting at the end of Schedule II the following:

"(d) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid."; and

(2) by striking out subparagraph (1) of paragraph (b) of Schedule III and by redesignating subparagraphs (2), (3), (4), (5), (6), (7), (8), (9), and (10) of such paragraph as subparagraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively.

PUBLIC SERVANT—OR MASTER?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HENDERSON) is recognized for 5 minutes.

Mr. HENDERSON. Mr. Speaker, as one who has a well-established interest in trying to protect Government employees from being forced to pay union dues to hold public jobs, I was most interested in a recent article in Barron's for April 17 entitled "Public Servant—or Master?"

Certainly associations of public employees can and do play a vital role. The newly created Postal Service affords an unparalleled opportunity to see whether the idea of collective bargaining by public employees almost on as broad a basis as is commonly done in the private sector is a practicable workable relationship.

But I took the position there that we cannot and should not agree to make the union shop a negotiable issue and that we must protect the public employee's right to join or refrain from joining a union.

The same principle should be applicable to all public employees, and I commend the following article to all of my colleagues for their consideration:

PUBLIC SERVANT—OR MASTER?: CONGRESS IS WEIGHING BILLS TO PROMOTE UNIONIZED GOVERNMENT

(By Shirley Scheibla)

WASHINGTON.—For the first time since passage of the National Labor Relations Act (Wagner Act) in 1935, Congress is considering measures dealing with unions of government employes. Hearings, underway for four days in March, resumed last week; they are expected to run into June.

At issue is whether the federal government should pre-empt the regulation of labor relations for state, county and municipal governments and authorize compulsory unionism and strikes. Subcommittee Chairman Frank Thompson, Jr., (D., N.J.) says the hearings are the opening gun in a battle which may continue well beyond the current session of Congress. Although they have been virtually ignored by the media, their outcome could have a more profound effect on society than the National Labor Relations Act. It could even be a giant step toward a U.S. labor government.

HIRING HALL

Measures now being weighed by the subcommittee would authorize not only the union shop, but also the hiring hall. Under the former, an employe would have to join the union after being hired, and it would be his exclusive bargaining representative. Under the latter, the government would have to obtain new employes from the recognized union.

Perhaps the most explosive proposal before the subcommittee is the one to legalize strikes by employes of state and local governments. Though against the law now, such strikes are on the rise. According to Rep. Sam Steiger (R., Ariz.), public employes last year struck 412 times, at a cost of two million mandays of work. The figures compare with 42 work stoppages back in 1965.

The problem is whether the U.S. needs more rigid enforcement of the bans against such work stoppages, or whether, as the sponsors of all three bills contend, public and private employes should enjoy the same prerogatives. This raises the question of whether those who perform the vital services of government should be allowed to withhold them as a bargaining device. Moreover, since strikes are an economic weapon, should they not be limited to private industry which functions for profit, and where employers, unlike governments, can resort to countermeasures like lockouts?

Rep. Thompson told Barron's that, of the three bills under consideration by his subcommittee, H.R. 7684 is the most likely to pass. Besides voiding state and local strike bans for government workers, it would override right-to-work statutes in the 19 states which bar compulsory unionism. It would affect such vital employes as policemen, firemen, hospital workers, teachers and sanitation workers. It also would make all terms and conditions of employment subject to collective bargaining, thus giving unions enormous power over the conduct of government.

DUES CHECK-OFF

Moreover, it would entrench that power by mandating the check-off of union dues from government payrolls upon employe authorization. Further, it would create a National Public Employe Relations Commission, with powers exceeding those of the National Labor Relations Board. For instance, there would be no court appeal from the decisions of the Commission involving issues of representation, although it would allow certification of an exclusive representative of workers without election by secret ballot. It also would permit the Commission to grant immunity from prosecution, except for perjury, thus making it possible for an embezzler of union funds to escape punishment by first testifying at the Commission.

HR 7684 was introduced by Rep. William L. Clay (D., Mo.), former business representative of the City Employes Union in St. Louis and former education coordinator of the Steamfitters Local No. 562 in St. Louis. According to James Marshall, president of the Assembly of Government Employes, the bill was written by the American Federation of State, County and Municipal Employes (AFSCME), Jerry Wurf, AFSCME president, lead-off witness when the hearings opened on March 8, heartily endorsed the Clay bill, but asked for a new provision to make the agency shop mandatory. This would mean that employes would pay union dues as a condition of employment without actually having to become union members.

HR 12532, introduced by Rep. Thompson, would extend coverage of the National Labor Relations Act to state, county and municipal employes. "I don't consider public employes different from private employes. My personal view is that my bill is the best of the three," he told Barron's, "since the National Labor Relations Board already is in operation." But he quickly added that he introduced his bill only as "a discussion point," and that observers who say that opening up the Labor Relations Act could be like opening a can of worms may be right.

That leaves the third bill, HR 9324, introduced by Rep. Augustus Hawkins (D., Calif.), which applies to teachers only. According to Subcommittee Chairman Thompson, it lacks enough support to be reported out.

BITTER FIGHT

Once private industry realizes the potential impact on it of the Clay bill, Congress is likely to have a bigger fight on its hands than those involving the Taft-Hartley and Landrum-Griffin amendments to the National Labor Relations Act.

According to Kurt L. Hanslowe, member of the Cornell University faculty and former assistant counsel for the United Auto Workers: "The union shop in public employment has the potential of becoming a neat mutual back-scratching mechanism, whereby public employe representatives and politicians each reinforce the others' interest and domain, with the public employe and the individual citizen left to look on, while his employment conditions, his tax rate and public policies generally are decided by entrenched and mutually supportive government officials and collective bargaining representatives over whom the public has diminishing control."

The ramifications of strengthening unionism in state and local governments are mind-boggling. Back in 1935, when Congress considered the issue, 2.7 million persons were employed by state and local governments. Now the total exceeds 10 million, against three million for the federal government; AFSCME President Wurf reports that today six out of every 10 jobs created are in state and local government. He says such employment will rise to 14.1 million by 1980.

CONCEPT UNACCEPTABLE

Basic to the whole controversy is the degree to which collective bargaining is appropriate for public employes. Some conservative Congressional staff experts maintain that it should be limited to a narrow area—issues not spelled out in law. Otherwise, they maintain, the government will be delegating its sovereignty. But Mr. Wurf testified before the Thompson Subcommittee: "When you strip it down, the concept of sovereignty means only one thing as far as labor relations are concerned: that is that the boss will call the shots. That concept is unacceptable to the employes of government."

What is subject to collective bargaining varies greatly by states and localities. Hence, according to one union leader, AGE President Marshall, it is a mistake to attempt to define this by federal statute.

According to the Labor-Management Foundation, a non-partisan research organization, "The constitutionality of Congress imposing collective bargaining upon the states is highly questionable. But if it is imposed, there should be certain limits mentioned." Once a union establishes collective bargaining, of course, its next step is to seek exclusive representation of workers, which the Clay bill authorizes.

SPOILS SYSTEM

Reed Larson is executive vice president of the National Right to Work Committee, which led the drive to enact right-to-work statutes in 19 states. He says the pending bills would introduce a modern version of the spoils system to state and local governments. After a union obtains exclusive representation, Mr. Larson explains, it then complains about "free riders" who obtain the benefits of union bargaining without paying dues.

After obtaining exclusive representation, the next step by the union is to ask for an agency shop, requiring payment of union dues by non-joiners. Obviously this is hard to differentiate from the compulsory membership of the union shop. All three bills before the subcommittee would authorize both. (The federal government has effectively safeguarded by executive order the right of its employes to refrain from paying for unwanted union representation.)

While the stated aim of the hearings is to establish labor peace, enforced unionism for government workers already has been the major cause of several strikes and court cases. According to Mr. Larson, demands by the United Federation of Teachers (AFL–CIO) for an agency shop in the 1968 New York City school strike received no attention in the press until after the teachers went back to work. Says Mr. Larson, "Several weeks later, The New York Times said, 'The Board of Education believes that the strike was called more to enforce that demand than for any other reason.' "

LIFEBLOOD OF THE UNION

Mr. Wurf's union called the strike of sanitation workers in Memphis during which Martin Luther King was killed. Newspaper and TV accounts gave the impression that the chief issue was racial discrimination. Yet last month, Mr. Wurf said it was the check-off of union dues, under which they are deducted from pay checks. He testified: "The most important and serious strikes in our union have centered around non-economic issues. In Memphis, it was dues check-off. Our members, most of whom are black, understand that dues check-off is the lifeblood of the union, which they consider the best mechanism of hope for a better work-a-day life." Mr. Wurf told the subcommittee that his union, which is growing at the rate of one thousand new members a week, now has 525,000 members.

Michigan is the only state in which the agency shop is widespread. Now it is being challenged in three court cases backed by the National Right to Work Legal Defense Foundation. In one, about 500 Detroit teachers are fighting a threatened dismissal for refusal to pay dues to the Detroit Federation of Teachers, an affiliate of the American Federation of Teachers. (They objected to the use of their money for political activities.) Detroit has an unusual agreement in its union contract which stipulates that no one shall be fired for non-payment of dues so long as that individual is challenging the compulsion in court. About 280 additional Detroit teachers have brought legal actions in other cases.

Another Foundation-backed case in Michigan involved Mrs. Margaret Maki, a public school teacher for 30 years. When she learned that the Association asked that she not be given a raise and that it was spending her compulsory contributions, in part, for political activities, she stopped her payments. She was fired for that reason although she would have retired in three months.

The third case involves Carol Appelgate, a public school teacher for 18 years, who is covered by tenure, designed to prevent capricious discharge for matters unrelated to conduct or competence. She was fired because she refused to pay dues, under an agency shop, to the Grand Blanc Education, an NEA affiliate. When the Thompson Subcommittee refused her request to appear at the hearings, Rep. Steiger took her to the witness table with him when he testified and asked that her written statement, be incorporated in the record.

CIVIL RIGHTS

Another opponent of Michigan's agency shop, James Nixon, also accompanies the Congressman and filed a statement. Mr. Nixon has been a city employe in Detroit for over 19 years. For 12 years he was a voluntary member of the AFSCME. But he objects to a city agreement with the union which requires him to pay dues no matter how well the union serves him. He said that, as a black worker, he is particularly conscious of individual civil rights, one of which should be to work for his government without being forced to join a union.

According to Mr. Nixon, thousands of city employes protested that the agency shop contract violated their freedom of choice, and several of them went to court and obtained a temporary injunction against such compulsion. The court order came on the day hundreds of city employes had received dismissal notices solely because they refused to pay compulsory union dues.

Says Reed Larson: "Ironically, the one-million-member National Education Association union and its ideological counterpart, the 200,000-member American Federation of Teachers (AFL–CIO), have pushed hardest for enactment of state tenure laws. Yet now they propose national politics of compulsory union that would irrevocably wipe out that protection. Which poses a root question: Are NEA and AFT union bosses more interested in the welfare of the teachers they allegedly represent—or in perpetuating and expanding their power through the vehicle of compulsory unionism?"

Mr. Larson says his committee will file an amicus curiae brief in a case pending before the Wisconsin Employes Relations Board in which NEA has charged a school board with an illegal practice for negotiating with an unrecognized representative of teachers.

Besides compulsory unionism, another fundamental issue involved in the hearings is the wisdom of legalizing strikes of state and local government employes. NEA argues that Congress might as well end the prohibitions, since they have not served their purpose. Mr. Wurf contends the right to strike is inherent in collective bargaining.

All three bills, according to the Labor-Management Foundation, assume that forcing unwilling public workers into unions will lessen disputes. But the U.S. Chamber of Commerce points out that the more organized workers are, the more they strike. The Foundation adds, "Apparently, the sponsors of the bills believe . . . that the public would suffer fewer legal strikes than they do illegal strikes. This double-talk philosophy is as illogical as it sounds."

James Marshall, aforementioned president of the 600,000-member Assembly of Government Employes, says the Clay bill would encourage patronage, jeopardize the merit system and take the public out of running the government. He says his union never has had a strike and maintains the Clay bill "would open up more avenues for public strikes because it says all laws and rules are out the window subject to control of a federal commission." He told Barron's: "I happen to represent a hell of a lot of people. But I'm also a citizen and I want the government services due a citizen."

PRISON REFORM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, prison reform to deal with deplorable conditions in our city, State, and Federal prisons should have a high priority for every legislature. Unfortunately, since the prison riots of the last 2 years, however, very little has been done. I have been working with an ad hoc task force here in the House on prison legislation and I would like to bring to the attention of our colleagues correspondence which I have had with the commissioner of corrections of the city of New York on one particular aspect of prison reform, namely, family visitation. The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 7, 1972.
Hon. BENJAMIN J. MALCOLM,
Commissioner of Corrections,
New York, N.Y.

DEAR BEN: I have formed a Congressional Task Force on Correction Reform of twelve members of Congress who are interested in providing some leadership in the House in the field of prison reform. One problem of concern to the Task Force is that of homosexual assaults in the prisons. On Thursday, February 3d, I introduced a bill to permit conjugal furloughs in the federal prison system. The concept of conjugal furloughs is, of course, not new but in my examination of the existing federal law I found that, except for family visitations outside the prison permitted adolescents on a regular basis, there is no provision permitting outside visits by adult prisoners to their families except for special emergency situations.

Entitled, the Family Visitation Act of 1972, this bill is intended to deal with part of the homosexuality problem in our prisons by making normal sexual relationships possible through family visitations. However, in discussing this problem with Norman Carlson, Director of the Bureau of Prisons, I was informed that the current thinking is that sexual assaults in prisons are not primarily related to sexual deprivation, although that is a significant factor, but rather to other factors, not necessarily related to sex.

I have read the report entitled, "Report on Sexual Assaults in the Philadelphia Prison System and Sheriff's Vans" issued as the result of an investigation conducted jointly by the Philadelphia District Attorney's Office and the Police Department in 1968. You are probably familiar with the report; if you have not read it, may I suggest that it is worthwhile reading. The investigators of that prison system estimate that in the twenty-six month period under study two thousand sexual assaults occurred.

They documented 156 such cases by interviews of prisoners and of those special cases only 96 had been reported by inmates to prison authorities and of that number only 64 were reflected in prison records. The report states that the comparatively low number of cases reported by inmates is the result of the following: "first, many guards discourage complaints by evincing an attitude that they do not wish to be bothered . . . secondly, inmates have little faith in the ability of the guards to protect them from retaliation should they complain . . . thirdly, inmates who complain are themselves subjected to a form of punishment . . . and finally, sometimes very little comes of a complaint."

The report also indicates that the detention facilities are more apt to have problems of this nature than are the sentenced correctional facilities because the detainees will have a larger number of aggressive individuals collected in one place. And furthermore, there are more work, educational and recreational programs available to sentenced prisoners than those held in detention. I would assume without knowing the facts that the Philadelphia prison system is hardly exceptional and that a similar situation, if an investigation were made, would be found in our city jails and detention facilities.

It is interesting to note that over half of the Philadelphia prisoners are detainees. Because of the court backlogs, the average daily detentioner population of the Philadelphia Prison system has nearly doubled in the last decade. A similar situation exists in New York.

You will recall that in February 1970 I distributed a questionnaire in the Tombs, after making an inspection of the facility with former Commissioner of Corrections, George McGrath. The questionnaire revealed rather shocking facts, e.g., that many prisoners were sleeping three or four in a cell, one on the floor, without even a mattress. What I believe your Department should do, if you haven't already, is conduct in the Tombs, and ultimately in every detention and correctional facility maintained by the City, a survey, including questionnaires and personal interviews, to ascertain the facts pertaining to sexual assaults taking place in the prisons. With this statistical information you would better be able to take the measures necessary to protect those confined from such assaults.

The recommendations made in the Philadelphia Report were the following:

1. Increased guard supervision
2. Structural improvements in the facilities
3. Additional programs for inmates, such as:

a. The opportunity to receive conjugal visits from lawful husbands or wives;

b. The opportunity to work voluntarily within the prison at wages comparable to wages paid for similar work in the community;

c. Intensive and frequent group therapy sessions;

d. Adequate counselling and social work services by a staff of at least 40 qualified social workers or counsellors;

e. Social responsibility seminars on such subjects as narcotics addiction, alcoholism, marriage and the family, how to find and retain jobs, civic responsibilities and others;

f. Training in music, painting, drama, film-making and other forms of emotional expression;

g. Handicrafts such as woodworking, ceramics, leatherworking, models;

h. Recreation programs staffed by qualified athletic coaches and instructors;

i. Adequate library services including the privilege of borrowing books to read during confinement in cells or dormitories.

I know, Ben, that you have every desire to meet the difficult problems of running underfunded, understaffed and overcrowded prison facilities. The way I believe you can best meet your responsibility is to focus public attention on the problems because only if the public is concerned will their duly elected representatives appropriate the necessary monies so needed to deal with many of these problems.

Now, if in fact these problems don't exist in New York City correctional institutions as they evidently existed and may continue to exist in Philadelphia, then indeed New York City is unique. You, George McGrath and I were responsible for introducing the methadone program in the Tombs in July of 1970. The three of us were responsible for introducing college courses operated by John Jay College, including coeducational classes at Rikers Island in 1971. We were responsible for making certain that every adolescent under the age of 18 required by law to receive an education, is now getting such education at the Rikers Island correctional facility, again in 1971.

I would like to assist you now in dealing with one of the most traumatic experiences that any prisoner can possibly confront, to wit, sexual assault upon him or her. We ought to find out what the facts actually are. I would very much appreciate hearing from you at your earliest convenience.

Sincerely,

EDWARD I. KOCH.

OFFICE OF THE COMMISSIONER
OF CORRECTION,
New York, N.Y., April 19, 1972.
Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: In response to your letter concerning sexual assaults in our institutions please be advised of the following:

In order to determine the extent of the problem we did an indepth survey and found a preponderance of these assaults occurred among our adolescent population. As a result of this onesided problem, we requested Dr. Kaufman, Director of Psychiatry for the Prison Health Services to evaluate this problem from a psychiatric point of view. I am enclosing a copy of his report for your information.

As you well know we are continually improving our operation to relate to all problems in our institutions. In the Mental Health area, staff has been tripled and new approaches used to deal with such problems as sexual assaults, i.e. Mental Health Aides, Suicide Prevention Aides and intensive therapy. Our Bill for weekend furloughs has passed the State Senate and we expect it to pass the Assembly. This will permit sentenced inmates to go home on 72 hour passes. We will open during the course of 1972 a new facility to house 1080 adolescents and to provide better programs for them. Our Educational, Library and Counseling services are also being improved, not only to attack the problem of sexual assaults but the entire problem of rehabilitation.

I trust that this information will be of some help to the task force. Your continued concern is greatly appreciated.

Sincerely,

BENJAMIN J. MALCOLM,
Commissioner.

PRISON HEALTH SERVICES,
New York, N.Y., March 10, 1972.

To: Director of Operations, Department of Correction.

From: Edward Kaufman, M.D., Director of Psychiatry, PHS.

Subject: Sexual assaults on inmates.

1. This is in reference to your memo dated February 29, 1972, subject as above.

2. The problems you pose in your memo are complex, and the psychiatric literature is replete with books and other publications on the subject; divergent views are not infrequently found among psychiatrists dealing with this problem. Thus, simple solutions are not easily formulated.

3. Listed below are some widely accepted views regarding homosexual behavior by persons who are not basically homosexual in orientation, particularly among adolescents:

a. Adolescence is the period during which the sexual drive is strongest.

b. The adolescent may be perceived as half boy, half man. Developmentally he has emerged from a latency period during which he interacted mostly with other males, and during which there was some confusion regarding sexual identity. Most individuals experience some homosexual feelings during early adolescence but this is generally resolved in the course of normal socialization. (The Kinsey Study on "Sexual Behavior of the Male" found that over 40% of males in the U.S. had at one time in their lives had a homosexual contact to the point of orgasm.) Incarceration interrupts the course of this aspect of the socialization process.

c. Incarceration not only exacerbates sexual frustration, it also minimizes any areas for submission of the sexual drive.

d. There is a higher incidence of homosexual behavior in uni-sex institutions (military, colleges, boarding school, etc.) than there is in institutions with both sexes. (Studies of animal sex behavior reveal that when no female of the species is present, the male will attempt to have sex with another male usually the most passive). Actually, the incidence of homosexual assaults (and consensual homosexual acts) is probably higher than the official statistics of any prison system. If the figures in your memo imply an increase in the incidence of this phenomenon, it really means that better observation and reporting are being done, or that more inmates are reporting it, rather than that there has actually been an increase in this type of behavior.

e. Adolescents in correctional institutions tend to manifest poor impulse control; they are likely to act upon impulses rather than suppress them, without much concern for the consequences.

f. In the prison culture, the homosexual aggressor who plays a male role does not perceive himself as a homosexual and does not experience the peer pressure or derision which he himself may apply to the "punks".

g. At times, a homosexual assault in prison may represent an act of defiance against the prison authority (and thus against society) in which the inmate obtains gratification from "getting away with it". In the case of a black homosexual rape against a white, it may represent a drive to abuse another as the black feels himself to have been abused.

4. The above statements do not attempt to explain any particular homosexual act. They are phenomena which are frequently present in the commission of such behavior. The psychodynamics operative in any specific incident of homosexual assault can only be arrived at by an in-depth study of the incident and the individuals involved.

5. As stated above, solutions to this problem are difficult to accomplish because we are dealing with the basic nature of man. Some strategies which might result in a lessening of the problem, but which may not be immediately feasible, are:

a. A lessening of overcrowding (as you suggest in your memo) and more adequate supervision. This implies a speedup of court procedures and the recruitment of more Correction Officers. Realistic bail and ROR by the courts would also contribute toward reducing the census; these approaches should be applied extensively to victimless crimes or offenses relating more to morality than crimes (such as prostitution or narcotics usage).

b. Training of Correction Officers designed at increasing their awareness of the problem and all its ramifications.

c. Closed circuit TV in housing areas.

d. Weekend passes and/or furloughs for carefully screened inmates. I realize that this may require legislative action.

e. Conjugal visits (at Rikers Island) for carefully screened inmates.

f. Single cell occupancy for all inmates except those revealing signs of mental depression.

g. Eliminate "dead spaces" that cannot be seen, in all housing areas where they exist.

h. Eliminate as many cell areas as possible and convert into open dormitories or wards.

i. Have an experienced, skilled superior officer in the receiving room assign housing to newly admitted inmates so that the overtly aggressive and the weak and passive inmate are housed apart. A simple rating scale might be developed to assist in this type of screening for housing.

j. In so far as is possible, attempts should be made to unitize larger housing areas and to develop these units along therapeutic community lines. In this type of unit, the inmate-residents would act as censors of homosexual assaults and would agree that the violator be moved from their unit to a housing area with greater security. This kind of peer pressure produces a higher degree of conformity than fear of official, institutional disciplinary action.

6. I trust this information has been of help to you. Please feel free to call me if you would like to discuss any of my comments in greater detail.

EDWARD KAUFMAN, M.D.,
Director of Psychiatry, Prison Health Services, Health Services Administration.

STOPPING AUTO THEFTS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, surprising as it may seem, it is possible for any car thief to obtain through the mail a legitimate license plate and registration document for a stolen car without ever having to show proof of ownership. I am today introducing legislation to prevent this.

My legislation amends title 18 of the United States Code to prohibit the mailing of any motor vehicle license tag or registration document unless such a license tag or registration document was issued pursuant to a written application in which the name, address, and State of residence of the owner of the motor vehicle as well as proof of ownership has been certified. And it makes it unlawful for any individual to mail an application containing false information for the issuance of any motor vehicle license tag or registration document.

One example all too well demonstrates the need for this legislation. On December 6, 1971, New York State Senator Albert Lewis telephoned Andalusia, Ala., and ordered license plates for a 1968 white, two-door Mercury Cougar. He then sent a telegram to the probate judge in Andalusia setting forth the make of the car, its year, its identification number, and his return address as Albert Lewis, general delivery, general post office, 33d Street and Eighth Avenue, New York City. And he telegraphed $30 to cover the cost of the plates and mailing charges. The vehicle for which he applied for license plates and registration documents was that day on the nationwide stolen car alarm from Massachusetts.

Yet the following day—December 7—a set of legitimate license plates were mailed to him from the Alabama Probate Court with a registration made out in his name, route 1, Andalusia, Ala.

What State Senator Lewis did, any car thief, scofflaw, or uninsured motorist can do. The implications of this are staggering. According to nationally syndicated columnist Jack Anderson, a single probate judge in Alabama handles 30 to 35 out-of-State registrations a day. That is over 10,000 a year. And that is just one judge.

It is estimated that the impact of this procedure on thwarting the recovery of stolen cars is substantial. Last year, there were 96,621 reported auto thefts in New York City. Only 26,211 of these cars were recovered. No one knows how many of the remaining 70,410 automobiles are being driven around New York or elsewhere with legitimate Alabama license plates on them.

But the results of this unfettered policy go far further than the question of stolen cars. This practice not only allows car thieves to obtain bona fide registration documents, thus making their apprehension and the recovery of stolen cars more difficult, but it also means that the vehicle can escape annual safety inspection, and thus be in defective or hazardous condition. It means that non-Alabama residents can obtain a registration without the necessity of obtaining automobile liability insurance. It provides a method by which sales tax laws can be evaded; it is a drain upon the revenue of the applicant's State of residence. It provides the opportunity to avoid tickets for traffic parking violations.

Although present New York State law does require an out-of-State car to be reregistered within 30 days, this law is virtually impossible to enforce, for law enforcement officials must prove the physical presence of the car in New York continuously for 30 days in order to prosecute for an alleged violation.

Clearly, Federal legislation is needed to meet this problem.

As a former assistant district attorney and a member of the House Judiciary Committee, I know full well that this legislation will not wipe out automobile thefts. But it will make it a lot tougher for the criminal to get away with stealing a car. And that is a start.

TRADE PERSPECTIVES FOR INDUSTRY, AGRICULTURE, AND LABOR

(Mr. BETTS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BETTS. Mr. Speaker, much has been written and spoken on our trade problem. Usually some particular aspect of the problem is discussed or argued.

Recently I received a paper that is not noted for its brevity but for its more comprehensive coverage of the subject. It was prepared by O. R. Strackbein of the Nationwide Committee on Import-Export Policy.

Mr. Strackbein goes into all principal aspects of our trade policy, linking it with our experience with the agricultural program since the midthirties, the postdepression legislative action which extended controls over many sectors of our economy, and the rise of ever sharper competition from abroad as a result of the wide diffusion of our industrial technology to the other industrial countries.

Mr. Speaker, I shall not undertake to brief Mr. Strackbein's paper but present it in full at this point in the RECORD with the hope that it will be read by all Members for a more comprehensive view of our trade problem and its bearing on our economic progress in the future.

The article follows:

TRADE PERSPECTIVES FOR INDUSTRY, AGRICULTURE, AND LABOR

(By O. R. Strackbein, president, the Nationwide Committee on Import-Export Policy, March 3, 1972)

I

When our national farm policy, under pressure of extremely low farm prices, in the 1930's veered from *laissez faire* to governmental interference, a torrent of discussion and even acrimonious debate raged throughout the country.

The Agricultural Adjustment Act of 1933, the principal legislative instrumentality of the shift, was declared unconstitutional by the Supreme Court. It was reenacted in modified form in 1935. The basic principle of the legislation rested on the parity price concept.

Since agricultural prices had declined much more sharply than the price of manufactured goods, i.e., goods the farmers themselves bought, the farmers' weak competitive position was regarded as entitled to remedial support. The bargaining position of the farmer was relatively weak because he could not cut back his output temporarily simply by laying off workers and then resuming production as supply was no longer excessive, as industry was able to do. Moreover, weather conditions, over which he had no control, sometimes had more influence over crop size than any planning the farmer might undertake. Beyond these difficulties which reduce their competitive footing, farmers are scattered far and wide over the countryside, thus making joint or cooperative action, such as is necessary for control of supply, relatively difficult.

Under the new farm program certain crops, regarded as basic, were accordingly made eligible for governmental payments under the new legislation if the prices were found in comparison with a base period, to be below the level of parity with the prices of the articles farmers buy. If the price of wheat on the market, for example, was 80 cents per bushel while the price of the goods the farmer purchased was $1.00, the government would pay the farmer the difference, or 20 cents per bushel.

In order to avoid such an increase in planting as would cause the market price to fall still lower, thus requiring the government to pay more, the Agricultural Adjustment Act provided for removal of surpluses from the market, and other legislation provided for acreage control and retirement of land from cultivation in return for other payments. Provision was also made for the imposition of import quotas if imports interfered materially with any program.

The legislation represented overt interference with free enterprise and set aside the competition that supposedly nurtures the free market. The action was justified in the name of the national economic emergency.

A few years later wages were also removed from the free play of market forces by statutory action establishing obligatory collective bargaining and minimum wages. These controls have become a permanent part of our regulatory processes.

Relative price declines 1929–32

Whereas the wholesale prices of all commodities including farm products declined from an index of 95.3 in 1929 to 64.8, where 1926 prices equal 100, the index of farm prices dropped from 104.9 to 48.2. The decline for all commodities was 30.5 percentage points while on farm products the drop was 56.7 percentage points. The index on metal and metal products fell only 20.3 points, or from 100.5 to 80.2. Building materials fell 24.0 points, chemicals and allied products, 20.1 points, fuel and lighting, 12.7 points, house furnishings, 19.2 points, and miscellaneous items 18.2 points.

Agricultural machinery and equipment declined only 13.8 percentage points. Electricity rose by 10.2 points. Motor vehicles fell 12.9 points, plumbing and heating 28.2 points, lumber by 35.3 points. None fell as sharply as agricultural products.

The following Table presents the 1929–32 wholesale price declines for various products:

WHOLESALE PRICE DECLINES, FARM AND OTHER PRODUCTS 1929–32

[1926=100]

Product	1929	1932	In percentage points	In percent
Farm products (all)	104.9	48.2	56.7	54
Grains	97.4	39.4	58.0	59
Livestock and poultry	106.1	48.2	57.9	54
Other products:				
Leather	113.2	65.1	48.1	42
Shoes	106.3	86.1	20.2	19
Clothing	90.0	63.0	27.0	30
Fuels and lighting materials	83.0	70.3	12.7	15
Anthracite	90.1	88.4	1.7	1
Electricity	94.5	104.7	+10.2	+10
Petroleum products	71.3	45.4	25.9	36
Agricultural machinery and equipment	98.7	84.9	13.8	13
Motor vehicles	100.0	87.1	12.9	12
Brick and tile	94.3	77.3	17.0	18
Cement	89.0	74.3	14.7	16
Lumber	93.8	58.5	35.3	37
Chem icals	99.7	88.8	10.9	10
Furniture	95.0	75.0	20.0	21
Auto tires and tubes	54.5	41.1	13.4	24

Source: Statistical Abstract of the United States, 1951, table 325, p. 280.

The relatively sharp decline in agricultural prices from 1929 to 1934 as visible in the Table, confirms the weak competitive position of farms compared with industrial producers at that time. Historically agrarian producers are in normal times relatively weak in bargaining power face to face with industry.

Reversal of the downtrend

If next we compare the increase in wholesale farm prices from 1932 to 1939 with the increase in wholesale prices of nonfarm products, we will be able to observe the effects of the farm program toward bridging the gap between farm and other prices.

INCREASE IN WHOLESALE PRICES, 1932–39

[1926=100]

Product	1932	1939	Percent increase
All commodities	64.8	77.1	19
Farm products	48.2	65.3	35
Grains	39.4	58.6	48
Livestock and poultry	48.2	72.2	49
Other farm products	51.4	62.6	21
Other products:			
Shoes	86.1	102.6	19
Clothing	63.0	82.0	30
Cotton goods	54.0	67.2	24
Anthracite	88.4	75.8	−14
Electricity	104.7	78.6	−24
Agricultural implements and equipment	84.9	93.4	10
Motor vehicles	87.1	93.4	7
Brick and tile	77.3	91.4	18
Cement	74.3	91.3	22
Lumber	58.5	93.2	59
Chemicals	88.8	84.7	−4
Fertilizer materials	63.7	67.9	6

Source: Statistical Abstract of the United States, 1951, table 325, p. 280.

From 1932 to 1939 farm prices reversed themselves. The wholesale price of farm products had increased 35% by 1939 while the price of all commodities had increased only 19%. Moreover, the 19% included the price of farm products. Therefore it seems safe to say that farm prices rose twice as much from 1932 to 1939 as nonfarm prices.

Nevertheless on the 1926 base of 100, the index of farm prices had not yet overtaken the index for all commodities, including farm products. The farm price index had risen to 65.3 compared with 77.1 for all commodities from 1926. By 1941 the gap had been narrowed considerably, the farm price index standing at 82.4 and that for all commodities at 87.3.

Elimination of the price differential

By 1950 the farm price index had gone ahead, standing at 170.4 compared with 161.5 for all commodities on the 1926 base.

At this point we move to a different base line, namely 1947–49 as 100. On that base the farm price index had risen to 106.7 by 1950 while that of all commodities, including farm products stood at 81.8. This seeming discrepancy compared with the preceding base merely meant that farm prices rose since 1947–49 while the price of other products fell between that base and 1956.

From 1950 on farm prices moderated, in fact receding to 97.2 in 1960 and ending at 111.0 in 1970. The all-commodity wholesale price index, which had fallen to 81.8 in 1950 on the 1947–49 base, began a fairly steady upward course, reaching 94.9 in 1960 and 110.4 in 1970, or nearly the same level as the index for farm products which, as we have just seen, stood at 111.0 in 1970.

Of course, there were wide individual variations in the prices of both farm and industrial products. Grains moved from 121.3 in 1950 down to 98.8 in 1970 on the 1947–49 base. Livestock moved from 110.2 to 116.7 in the same period. Live poultry dropped from a high of 185.7 in 1950 to 99.6 in 1970. Fluid milk went from 76.5 to 115.3 while eggs fell from 134.5 to 126.8.

Among the industrial products there were also considerable variations. Cotton products between 1950 and 1970 dropped from 109.5 to 105.6 in 1970. Manmade fiber products also went down, from 135.8 to 102.1. Apparel, on the other hand, moved in the opposite direction, going from 90.5 in 1950 to 111.0 in 1970. Footwear, went from 70.2 to 113.0 while leather moved from 98.9 to 107.7.

Petroleum products moved from 85.1 to 101.1 in the 20 years, industrial chemicals, from 84.0 to 100.9, prepared paint from 71.2 to 112.4. Agricultural chemicals and chemical products fell slightly from 89.4 to 88.4. Tires and tubes, rose from 79.5 to 109.0, lumber, from 86.6 to 113.7, agricultural machinery, from 65.2 to 113.0. Household furniture moved from 75.6 to 111.6, concrete products, from 78.2 to 112.2, motor vehicles from 77.9 to 107.4.

WHOLESALE PRICES ON FARM AND OTHER PRODUCTS, 1950–70

[1947–49=100]

Product	1950	1970	Percent increase
All commodities	81.8	110.4	35
Farm products	106.7	111.0	4
Grains	121.3	98.8	−19
Livestock	110.2	116.7	6
Live poultry	185.7	99.6	−46
Fluid milk	76.5	115.3	51
Eggs	134.5	126.8	−6
Other products:			
Cotton products	109.5	105.6	−4
Manmade fiber products	135.8	102.1	−25
Apparel	90.3	110.0	22
Footwear	70.2	113.0	61
Electric power (1960)	101.2	104.8	4
Petroleum products	85.1	101.1	18
Industrial chemicals	89.4	88.4	−1
Tires and tubes	79.5	109.0	37
Lumber	86.6	113.7	31
Agricultural machinery	65.2	113.0	73
Household furniture	75.6	111.6	48
Motor vehicles	77.9	107.4	38

Source: Statistical Abstract of United States 1971, table 531, p. 335.

Farm income

As might be expected, farm *income* declined sharply during the Great Depression. Gross farm income stood at $13.8 billion in 1929 and dropped to $6.4 billion in 1932. Thereafter a slow increase was recorded, the 1939 income having reached $9.7 billion or $10.5 billion including government payments, still short of the 1929 level. By 1945 the total receipts had reached $24.5 billion including government payments of $700 million. (Stat. Abst., U.S. 1947, Table 669, p. 609).

The income continued upward, reaching $32.1 billion (gross) in 1950, $38.0 billion in 1960 and $56.1 billion in 1970. (Stat. Abst., 1971, Table 944, p. 581).

Trends in number of farms, farm size, farm population, etc.

Number of farms

Either as a result of the farm program or as a concomitant, the number of farms declined steadily. In 1930 the number was 6.54 million. By 1950 the number was 5.64 million; by 1960 it had fallen to 3.96 million and to 2.92 million in 1970 or distinctly less than half the number in 1930. (Ibid., 1971, Table 924, p. 573).

Farm size

Meantime farm size increased, moving upward from 151 acres per farm in 1930 to 389 acres in 1970, or well over twice the earlier size. (Ibid.)

This trend was, of course, greatly stimulated by the cost of farm machinery and equipment, outlays for fertilizer, pesticides, herbicides, etc., all of which were a part of farm technology but represented heavy overhead, thus calling for larger acreage to absorb it.

Farm population

During the same period, 1930–70, farm population shrank even more sharply than the size of farms increased. In 1930 farm population was 30.5 million or 24.9% of the population. By 1970 this number was 9.7 million, or 4.8% of the population, representing a shrinkage of more than ⅔. (Ibid, Table 922 p. 572).

Farm labor

In 1932 the number of farm workers was 11.06 million, This was followed by a gradual decline, the number reaching 10.74 million in 1939, and 9.84 million in 1945. (Ibid, 1947, Table 212, p. 198). In 1950 the number was 9.92 million, and by 1960 the number had declined to 7.06 million and in 1970 to 4.52 million (Ibid. 1971, Table 367, p. 232).

In twenty years over 5 million workers lost their moorings. Yet the persistent cry of critics of our weak competitive position in the world is for greater efficiency! No thought is given to the consequences of such efficiency to employment such as accompanied increased agricultural efficiency.

Government payments

Payments made by the Government to farmers began at $131 million in 1933, rose to $807 million in 1939, dropped to $769 in 1945, and on to $267 million in 1950. They continued relatively low until 1960, but reached $2.4 billion in 1965, and $3.7 billion in 1970. (Ibid., 1947, Table 670, p. 610; 1951, Table 681, p. 580, and 1971, Table 944, p. 580).

Acreage harvested

It was to be expected that the total acreage harvested would have declined as acreage control and withdrawal of acreage under the soil Conservation Act progressed.

In 1930 cropland harvested was 359 million acres. By 1940 the acreage harvested had declined to 321 million. This was followed by an upward movement. The 1950 acreage was 345 million acres, but by 1955 the downward trend resumed. In that year the acreage was 340 million, followed by 324 million in 1960. By 1965 the acreage had fallen below 300 million, or to 298 million in that year. Preliminary statistics set the total at 297 million acres for 1970.

During the forty-year period of 1930–1970 the acreage decline was in the magnitude of 17%. Volume of production by contrast had increased several fold, as detailed immediately below.

Farm productivity

Meantime our population grew by 80 million or 65%.

Crop yields per acre since 1930, however increased more steeply, especially since World War II.

The yield of *corn* per acre was 24.1 bu. per acre in 1931. It had increased to 31.0 bu. in 1941 and reached 37.0 bu. in 1946. By 1960 the yield had increased to 54.7 bu. and 1970 it had gone to 71.7 bu., after having reached 83.9 bu. in 1969. A blight infestation reduced the average yield in 1970. In any event, a three-fold increase in yield per acre represented a high reward for the farmer's effort.

Wheat virtually doubled its yield during the same period, moving from 16.3 bu. per acre in 1931 to 31.1 bu. in 1970. It moved up 5 bu. during the 1960–70 decade.

Soybeans, now a leading farm crop, were in their infancy in the first half of the 1930–40 decade. Average yield per acre during 1931–35 was 15.4 bu. per acre. In 1941 the yield had risen to 18.0 bu. It moved upward to 23.5 bu. in 1960 and to 26.8 bu. in 1970. The increase in output per acre was a little less than 75%.

Irish potatoes also enjoyed a doubling in the yield per acre, moving from 110.1 bu. in 1931 to 131.2 in 1941. In 1960 the yield had risen to 185 bu. and in 1970 to 228 bu.

Cotton yielded 211.5 lbs. per acre in 1931, rose to only 231.9 lbs. in 1941, on to 284.0 lbs. in 1948 and up to 446 lbs. in 1960. The 1970 yield was 441 lbs., although 527 lbs. had been reached in 1965. Output per acre had more than doubled.

Tobacco enjoyed a yield of 808 lbs. per acre in the 1931–35 period. This had risen to 966 lbs. in 1941 while the 1950 yield moved up to 1277 lbs. In 1960 a further gain up to 1,703 lbs. was achieved, while by 1970 the yield had moved to 2,120 lbs. or 2½ fold that of 1931–35.

Rice in 1931 yielded 2,079 lbs. per acre but dropped to 1,903 lbs. in 1941. In 1950 the yield had risen to 2,362 lbs. By 1960 an additional 1,000 lbs. per acre had been reached at 3,423 lbs., and in 1970 yet another 1,000 lbs. had been added, at 4,566 lbs. per acre. The yield had more than doubled since 1931.

(For yields per acre see Stat. Abst. 1947, Table 703, pp. 638–641; Ibid, 1951, Table 710, pp 604–607, and 1971 Table 965, pp. 592–2).

MAN-HOUR PER UNIT OF PRODUCTION—OUTPUT OF FARM LABOR

Crop	1935–39	1945–49	1955–59	1965–69
Corn: man-hours per 100 bushels	108	53	20	7
Wheat: man-hours per 100 bushels	67	34	17	11
Potatoes: man-hours per short ton	20	12	6	4
Cotton: man-hours per bale	209	146	74	30
Tobacco: man-hours per 100 pounds	47	39	31	25
Milk cows: man-hours per hundredweight of milk	3.4	2.6	1.7	.9
Cattle other than dairy: man-hours per hundredweight of beef	4.2	4.0	3.2	2.1
Hogs: man-hours per hundredweight	3.2	3.0	2.4	1.4
Chickens (egg production): man-hours per 100 eggs	1.7	1.5	.9	.4
Chickens (broilers): man-hours per hundredweight	8.5	5.1	1.3	.5
Turkeys: man-hours per hundredweight	23.7	13.1	4.4	1.9

Source: (Stat. Abst., 1971, table 954 p. 587).

This table shows the increased productivity per farm worker, but the table begins with the 1935–39 period and ends with the 1965–69 period. Thus is lost the increase that took place before 1935 and after 1969. Nevertheless the reduction in man-hours required per unit of production is exceptionally sharp in some instances, such as in corn production and in the production of chickens (broilers) and turkeys.

The next table shows by index numbers, where 1947–49 equals 100, the output per man-hour on farms from 1930–1970:

FARM OUTPUT PER MAN-HOUR—INDEX WHERE 1947–49=100

	1930	1940	1950	1960	1965	1970
Total farm products	53	67	112	206	290	357
All livestock and products	76	80	107	159	257	337
All crops	50	67	114	220	267	317

Note: Statistical Abstract 1961, table 885, p. 644 and 1971; table 953, p. 586. For the years 1965 and 1970 it was necessary to convert the 1967 base of 100 to the 1947–59 base.

From the preceding table we see that the output per man-hour moved up sharply decade after decade from 1930 to 1970. Productivity per man-hour in All Farm Products increased 6.7-fold from 1930–1970; it increased 4.4-fold for All Livestock and Products, and 6.3-fold for All Crops.

The slowest increase was in the first decade (1930–40 during which the first category (All Farm Products) increased only 26%, the second (Livestock) only 5% and the third (All Crops) only 34%.

In the second decade (1940–50) the first category increased 67%, the second 34% and the third 70%. In the third decade (1950–60) the increase was sharper, increasing by 84% in the first category, 48% in the second and 93% in the third. In the most recent decade (1960–70) the increase in productivity continued at a high level. The first category rose 73%, the second (Livestock) 112% and the third, less sharply at 44%.

This record of performance vastly outdistanced that of American industry.

Unfortunately available statistics do not permit a complete comparison of productivity in the manufacturing industries with that recorded in agriculture. With respect to manufacturing as a whole the statistics do not go backward beyond 1950.

The following table shows the increase in productivity in manufacturing industry from 1950–70 in terms of index numbers with 1967 as the base.

Output per man-hour in manufacturing—Index of productivity

Manufacturing (1967=100)

Year:	
1950	64.4
1955	73.7
1960	79.9
1965	98.3
1970	108.1

(Stat. Abst., 1971, Table 350, p. 224.)

Compared with the increase in farm productivity per man-hour the progress in manufacturing industry was pedestrian. Since 1950 farm output per man-hour tripled while its counterpart in manufacturing fell distinctly short of doubling.

We have scattered statistics on the man-hour output by some industries from 1935 to 1969, measured by the 1947 base. In a few instances we have the productivity from 1950 to 1969, where the base of 100 is 1967. The table follows:

OUTPUT PER MAN-HOUR—SELECTED INDUSTRIES

Industry	1935	1939	1950	1955	1960	1969
Steel:						
1947=100	62.9	79.3	111.9	129.4	136.7	
1967=100			78.3		82.3	104.8
Petroleum refining:						
1967=100			39.4		68.4	111.7
Flour:						
1947=100	99.5	109.5	100.0	127.1		
1967=100			54.7		78.0	109.3
Paper:						
1947=100	95.5	109.2	118.9	137.5		
1967=100			56.4		74.7	109.5
Tobacco products:						
1947=100	69.4	80.0	119.3	126.2		
1967=100			59.6		82.2	103.6
Man-made fibers:						
1947=100	31.8	46.9	151.6	224.8		
1967=100					71.8	110.9
Cement:						
1947=100	72.6	89.7	116.0	150.7		
1967=100			47.3		71.5	109.4
Hosiery:						
1947=100		87.0	115.4	126.0		
1967=100			40.1		58.6	105.9
Confectionary:						
1947=100	79.2	89.4	102.5	127.0		
1967=100			51.2		78.3	97.8

Source: (Stat. Abst., 1961, table 292, p. 218; Ibid. 1971, table 351, p. 224.)

II

Results and effects of the farm program

Benefits

Measured by the increase in productivity (1) by the acre and (2) by the output per man-hour, the Farm Program exceeded all expectations. It has been hailed as a "miracle" of production. No single factor can be credited with the phenomenal rise in productivity or the increase in total farm output on lesser total acreage. Unquestionably price incentive and the removal of the harassing uncertainty that was the woe of individualistic farming, which is to say, setting of a guaranteed price at or near the parity level, represented a strong motivation.

The imposition of import quotas to prevent the break in prices that increasing imports, attracted by higher price levels would have generated, represented the removal of another negative factor. *Contrary to the theory that import quotas and a guaranteed market at a good price lead to complacence. indolence and inefficiency, the agricultural community of this country proved the opposite.*

Production control, though never perfect, nevertheless reduced one of the other principal curses of unplanned acreage planting and harvesting. Centralized planning under the aegis of the Department of Agriculture brought into farming and made possible the type of control that is much more easily exercised in manufacturing because of the concentration of production in plants and factories where thousands of operatives and management work together.

Yet, without the increased use of fertilizer, pesticides and herbicides, the development of improved strains of crops, soil conservation plus intensive mechanization, the amazing increased productivity that crowned the Program would not have been achieved. It was therefore the combination of contributory elements, energetically pursued, that brought the results that were actually achieved.

Side Effects on Trade

Interference with the free flow of trade was considered an unfortunate but necessary effort to prevent the Program's undermining from abroad. As an example, before the importation of cheese was strictly limited, the higher market price assured by the dairy program attracted heavy imports of cheese with the unhappy result of surplus accumulation of domestic cheese in our warehouses and the consequent drain on the Treasury which paid the farmer the guaranteed price for his production. Imports of raw cotton, wheat and wheat flour, other dairy products, peanuts and a few other items were also held to a minimal level as a means of avoiding surplus accumulation and the loss to the Treasury that would thus result when the surplus could not be disposed of.

In the case of cotton a very embarrassing competitive boomerang developed in time. Domestic mills paid the higher American price while foreign countries could buy our cotton at world prices. Since these were some 25%-30% below the American price, foreign textile mills began invading our market with textiles that enjoyed this added competitive advantage. Legislation to make good the differential from which the domestic mills suffered, was passed, with the Treasury paying out to the cotton mills the make-up that eliminated the foreign competitive advantage from this source.

Exports of farm products represented an important means of removing surplus crops which continued to accumulate despite acreage control. While output per acre was climbing rapidly, the lower production costs did not lead to higher consumption beyond population increase because of the inelasticity of the demand for most farm products. Withdrawal of land from cultivation also did not assure an "ever normal granary" because a high yield might undo the acreage cutback. Surpluses continued to embarrass the Government—not so much the farmer since he was assured of his income in any event.

Since exports were sold at world prices and since these were usually below the domestic level of supported prices, our exports became a source of the cost of the Program. Payments to farmers covered their total production of the crops subject to price support, and the higher the export volume and the lower the world price compared with the domestic support price, the higher the cost to the Treasury.

Thus while the Government stimulated exports in many instances, depending on its degree of success, it increased its own outpayments from the Treasury.

The highly restrictive import quotas, such as those relating to raw cotton, wheat, wheat flour, peanuts, dairy products, naturally discouraged the growth of imports. Yet this fact did not, to repeat, lead to a lag in productivity. Quite the contrary. Many of our other agricultural imports were, of course, free of duty since they did not compete with domestic production, such as coffee (the principal item), bananas, tea, cacao-beans, crude rubber.

Our imports of agricultural products have declined sharply over the years in terms of percentage of total imports. In the 1932–36 period 50.9% of our total imports were agricultural. A high point of 1937 when 53.1% of all imports were of that origin. A decline in the proportion set in after World War II. The percentage was 46 during the 1942–46 period. By 1952–56 this had declined to 39%; by 1957–61, to 28%; by 1962–66, to 22% and in 1969–70 to the low level of 14%.

This does not mean that total agricultural imports declined but that other imports, particularly of manufactured goods, grew very much more. Our agricultural imports were $3.37 billion in the 1947–51 period, and $5.48 billion in 1970. This slow growth was not attributable wholly to our import quotas, because our imports of duty-free items did no better. The consumption of food products is limited by the population. Coffee imports, duty-free, increased only 7% in pounds from 1950–70. Tea imports increased 21% or one per cent per year.

Exports of Agricultural products also lagged in relation to aother exports. During the 1932–36 period they were 36.4% of our total exports, compared with the 50.9% for imports, already mentioned. During the War period (1942–46) exports dropped to 19% of total exports. During 1947–51 the level was 28%, a quite considerable increase; but that level has not again been recaptured. By 1960 the share was down to 26%. There followed a rapid slide which in both 1969 and 1970 reached the level of 16% and 17% respectively. Again, this decline did not mean that there was no growth in these exports but simply that they lagged far behind the growth in our other exports, particularly that of machinery and aircraft. Indeed the exports of these two items alone in 1971 were 2½ times as high as total agricultural exports. (Stat. Abs., 1947, Table 697, p. 632; Ibid, 1971, Table 959, p. 589; Survey of Current Business, Dec. 1971).

Exports of agricultural products would have been on an even lower level had they not been boosted by certain governmental programs through subsidy or outright gifts. These were principally Public Law 480 exports and those that moved under A.I.D. (Act for International Development), Food for Peace, etc. Such exports were at the level of $835 million in 1955; $1.28 billion in 1960; $1.59 billion in 1965 and $1.01 billion in 1970. Beyond that, certain so-called "commercial" shipments of wheat, cotton, etc., were made at world prices where our Government made up the difference in the form of a subsidy.

In 1970, for example, such "commercial" exports, i.e., supported by export payments, totaled $1.17 billion, over and above "Exports under Governmentally-financed programs", which in 1970 were $1.01 billion, as just noted. Between the two classifications 32.3% of our agricultural exports, or $2.18 billion, moved in 1970. (Foreign Agricultural Trade of the United States, Monthly of the Economic Research Service, U.S. Dept. of Agri., April 1971, Table 2, p. 8.).

It has been the uninterrupted practice of the Department of Commerce to treat these agricultural exports as true exports and using them in striking a trade balance each month, each quarter and year. *The resulting trade surplus has been used improperly as evidence of the competitive prowess of this country.* Had our "give-away" programs been in the magnitude of $5 or $10 billion our competitive position in the world could, of course, have been made to appear in an even more favorable light; but such a showing would not have reflected a stronger competitive position for us.

Import Quotas and Prices

It seems safe to say that but for the import restrictions in the form of import quotas during these many years, based principally on Section 22 of the Agricultural Act of 1935, our wheat, cotton, dairy, beet sugar and farmers of other crops would have ruined by the unimpeded competition from other countries. The object of the quotas was not to raise the prices of these crops (that was done by legislation) but to prevent their falling again to disastrously low levels.

Indeed the prices of the commodities that were placed under import quota protection, with one exception, lagged behind the general price level in 1970. *The record of the price trend in these instances overwhelmingly contradicts the popular impression that import quotas lift prices to the consumers above the level of the prices of products that are not under import restriction,* and that the sole purpose of quotas is to raise prices.

The quota protection unquestionably released the energy of farmers to increase output per acre under a guaranteed price, with the assurance that they would not be deprived of the fruits of their efforts by imports which had *the unearned competitive advantage* that comes from the very low wages paid abroad.

Unfortunate Fall-Out of the Agricultural Program

One of the side effects of the great surge in agricultural efficiency was the displacement of farm workers as well as farmers themselves. Also, stream pollution by hydrogenous and phosphate materials used as fertilizers has aroused the fear of ecologists. The decline in the number of farm workers, noted earlier, was precipitate and massive. Greater efficiency, meaning higher output per man-hour, can indeed only be achieved in any meaningful degree by heavy displacement of workers, either in agriculture, industry or mining. From 1955 to 1970 employment in agriculture declined 48%. (Stat. Abs. 1971, Table 349, p. 223).

These evicted workers, over 5 million from 1950 to 1970, in great numbers crowded into our cities and added to the intractable urban problems of the last decade, including the crowding in the ghettoes.

Inelasticity of Demand for Farm Products

Much of the product of farms and grasslands caters to human necessities, particularly in the form of food. The great preponderance of acres is devoted to crops that directly or indirectly go to fill the human stomach. Examples of leading acreage crops are corn (57 million acres of the 1970 300 million-acre total), wheat (44 million acres 1970), hay (63.2 million acres); and soybeans (42 million acres). Other acres of less impressive magnitude were barley (9 million acres), fruits and nuts (4.4 million), vegetables for sale (3.3 million), potatoes (1.4 million), beans (1.4 million), rice (1.8 million), peanuts (1.4 million), sugar (2 million). Cotton and tobacco acreage (nonfood items) is small comparatively (11.1 million and 899 thousand acres respectively). Cotton products in general, contrasted to food, enjoy a relatively elastic demand. The amount the consumer may spend on clothing is not limited as is the consumption of food.

Some of the crops mentioned only serve as human food indirectly, as the corn fed to cattle, hogs and poultry, hay for cattle and dairy cows. Some serve nonfood purposes but these are of a smaller magnitude.

It should be recalled that the total potential demand for food products is limited by the number of stomachs to be filled. The demand for these products is therefore quite *inelastic*, even with respect to the luxuries such as Russian caviar. Therefore a lower price will not greatly increase the demand. Whether wheat is a dollar or two dollars per bushel does not shrink or distend the human stomach. Consumption remains quite stable. Per capita wheat consumption has fallen in this country, but for other reasons than price, which today is moderate, i.e., 33% below the 1951–55 price despite the highly restrictive import quota.

Because lower prices do not stimulate demand in this field overproduction quickly threatens a surplus in farm products.

Many products of *industry* are of a different character. If a product is useful, a pleasure to possess, caters to comfort or convenience or to personal social prestige, it may be consumed in multiple units, depending on its price. Milady may have a dozen pairs of shoes when only one pair is needed to avoid going barefooted. A household may have a number of radio and TV sets. If the price is high in relation to consumer income, sales of such products will be limited accordingly. As the price is reduced because of lowered production cost and competition, more consumer pocketbooks are opened. The demand, in other words, is *elastic*. It expands as the price declines but shrinks when the price rises. There are, of course, different degrees of elasticity.

The great objective of American industry the past half century and more has been to find products, principally nonessentials, that cater to consumer desires, and then to bring down the cost of production through increased productivity. If the mass pocketbook could be tapped a bonanza awaited the patent-holders. Examples were the automobile, radio, television, telephones, household appliances, certain chemical products, finery and style goods, etc. It is precisely because such products are nonessential to human subsistence that the demand for them is elastic. The price then becomes important. If this is lowered more people with lower incomes can buy. The purchase of nonessentials can be postponed or curtailed depending on the conditions of the consumer's income, his outlook for employment, etc. For this reason an economy that caters to production of nonessential goods, is quite sensitive to psychological factors, such as the uncertainty caused by rising imports.

The more units that our industries could produce the more could be sold because mass production meant lower costs. Such was the basis for our "growth industries", electronics, chemicals, etc. There was little danger then of a surplus—*the exact opposite of the farmers' dilemma*. When the latter produce beyond the stomach capacity of the country they quickly accumulate a surplus that must be exported or stored by the Government. However, those who produce nonessential goods also face excess inventories from time to time but for different reasons, such as consumer hesitancy for a variety of reasons to buy what they do not really need.

While the farm program was a phenomenal success as a provider of human necessities, the price exacted was also high. The striking success in raising productivity levels meant self-displacement by the farmers. *Agricultural efficiency is not a royal road to an everexpanding market. Not at all!* The market responds only marginally. A substitute, such as oleomargarine for butter, which makes an acceptable article, distinctly cheaper, by not expanding the human stomach, simply displaces butter in the family budget. What one product gains in human consumption the other loses. Growth then depends principally on population growth.

This difference between products that enjoy an elastic demand and those that do not has far-reaching production-policy implications. The farm workers who are displaced by machinery stay displaced. If they are to be re-employed they must go elsewhere. This fact, though highly significant. has not been adequately assessed.

Implications for Our Trade Policy

The unique American productive system became possible because of our rejection of the British colonial purpose of maintaining the colonies as agrarian producers of raw materials and as a market for manufactured goods. No agrarian economy can hope to achieve living standards such as are made possible by pointing industry toward the production of nonessential goods. We opened this route to new dimensions before the turn of the last century. We had glimpsed the possibilities of technology in the field of production and prepared the ground legislatively by restraints of monopoly (Sherman Anti-Trust Act 1890, followed later by other anti-monopoly measures). If production of scale was possible because of technological progress it would be of little avail to embark on mass production if monopoly could prevent the passing of savings on costs to the ultimate consumer. (It is doubtful that recognition of this sequence was the basis for anti-monopolistic sentiment. The latter probably arose more from the producers who were squeezed by monopoly power held by their competitors than from public concern.)

When we adopted our Constitution someone had undoubtedly read Adam Smith's *Wealth of Nations*, and in keeping with his philosophy wrote into the Constitution a provision that prohibited the laying of tariffs on goods moving in interstate commerce. This prohibition laid the foundation for a *national* market in time—precisely what was needed if mass production was to become economically no less than technologically viable when the time for it arrived much later.

As we moved to the status of an independent nation and undertook to develop an industrial base, so sadly and visibly lacking during the War of 1812, we adopted an external tariff. This was necessary to give us a start as an industrial nation.

Yet none of these combined favorable elements would have carried us to a new level, away from the European system, if the role of consumer purchasing power had not been perceived subsequently as an indispensable partner of mass production.

We did indeed embark on a course that in time left behind our inherited attitude toward wages, an attitude that outside this country (except Canada) has persisted. British economists (Ricardo and others) looked upon wages as a necessary evil and held that they should be held at a level that would least burden cost of production. This philosophy, of course, suited the factory owners. They had not perceived employee compensation as the principal component of the market for goods. This vision was left to their American cousins who came up with the interdependence between mass-production and mass-consumption and built an industrial empire on it, as exemplified by the automobile industry.

Elasticity of demand for nonessential goods that would bring moderate or great satisfaction to the consumer, if he was paid enough as a worker (an objective of organized labor) to buy more goods as the cost was brought down to his income level: that was the twin force that carried us to the pinacle of industrial development, i.e., lower costs (representing increased productivity) met by rising income (higher wages) in the hands of the consumers.

This scaling of the heights obviously could not have been accomplished through agriculture alone, as already indicated. The demand was not sufficiently elastic for farm products. It was through *industrial* development that we moved far afield from our sister industrial nations. Had these other nations perceived as clearly as our unsung industrial economists (some of them academic) the dependence of production on a mass market they might have accompanied us on the upward escalator from the outset; and we could have had free trade among the nations as among our States. Instead they were skeptical and clung to the old attitude toward wages and thus cramped their market outlet. They stayed far behind us both in productivity and in wage levels until very recent times; and they are still behind in point of wages. Thus was laid the groundwork for the competitive discomfiture of this country during the past decade by the sudden technological catch-up activity of our foreign competitors.

After this country's final demonstration in World War II of what our industrial strength meant, the other capitalistic countries fell in line in pursuit of technological progress. Before long they came indeed to appreciate the need for a more massive market than their current territorial and population limits permitted; and they formed trading blocs (E.E.C. and E.F.T.A. in Europe) to broaden their market. They might have accomplished an interim enlargement of their still small markets by taking a more generous view of wages.

Fifty million Frenchmen could offer a very handsome market if their wages were doubled as their productivity moved upward in a like curve, and likewise the British, the German and the Japanese. The chicken-or-egg sequence, however, presents a stumbling block in all such instances. *Which comes first, the higher output with its lower cost, or higher wages with their higher purchasing power?* The puzzle can only be broken by the entrepreneur who takes the risk of committing his capital on the basis of confidence. The consumer cannot take the lead toward higher consumption because the price of the goods has not been brought down far enough to attract lower layers of income, and he is not the one who reduces the cost. If he stretches his credit too far he is soon cut off.

Therefore the first step in progress devolves on the enterpriser who must take the lead by increasing his output to gain lower costs, in the fervent hope that the consumers will fall into line when he is able to lay before them the goods they would like to buy if the price should come within their reach. If he is economically wise he will at the same time increase wages to assure higher purchasing power. He can do this because of the increased productivity of the workers using machines. Such was the story of Henry Ford, and he begot followers. It was he who introduced the $5 per day wage in appreciation of what makes a market.

This forward position taken by one who can sense and anticipate popular demand, who is also a bold risk-taker, indeed represents the entrepreneur's principal function in the capitalistic system. The failures, numerous as they are, are soon forgotten. If the investment climate appears favorable venture capital will soon again lead forth. That, at its best, has been the American experience of the twentieth century until the decade of 1960. The vision of a vast national market has been the supreme motivation toward cost-reduction by the managerial forces, and this course, *prodded by labor pressure, seeking the enlargement of consumer purchasing power through higher wages,* not always in keeping with higher productivity, has by and large, been the balancing factor between the two sides of the mass-production, mass-consumption equation.

Mention should perhaps be made of farmer cooperatives as an exception to the usual form of capital formation and entrepreneurial activity in this country; but the cooperatives have been confined principally to the production and marketing of food or other agricultural products, and their success has not invalidated the observations made here about the development and production of nonessential goods.

Lesson from agriculture, industry, and labor

The treatment of all products as if the demand for them were the same or subject to the same influences represents an abysmal error. During the past few decades economists have repeatedly but erroneously equated import competition and the upsets it may produce with both domestic competition and with the disruption that may be caused by invention and development of new products on the domestic scene.

No effort has been made by them to take into account the economic effects of a differential in (1) demand elasticity, (2) divergent competitive levels or (3) the time needed for adjustment. Yet, as we have seen, these differences may be far-reaching and may produce unfortunate consequences in policy decisions if they are not understood, or are ignored.

It is one thing when the automobile replaces the horse and buggy. It is critically different in its consequences when the invention of the harvester combine and the tractor displaces farm workers. Again it is different when development of the television set reduced radio listening and motion-picture attendance.

Those replaced by the harvester combine, the tractor, the cottonpicking machines, etc., *remain displaced because the lower costs brought about by the introduction of the machines does not mean greater consumption of the product, such as wheat, as it would if the demand for the product were elastic.* Inelasticity of demand locks the door, so to speak, to expanding employment within the immediate field of its displacement. When the cost and the price of the automobile were brought down by mass production and met at the potential-consumer end by people who earned enough money to buy the lower-priced car we had a new industry and it soon employed many more workers than the displaced industry had employed. The new industry was protected by patents and had adequate time to demonstrate its acceptability, usefulness, and economy to the interested consumers, unchallenged by imports enjoying the advantage of yet lower costs. It needed to import competition to prod it in the first place and indeed there was none at that time to disrupt or halt its progress.

This is not to say that the demand for all nonagricultural products is elastic and that therefore consumption will increase handsomely as prices are reduced. There are many exceptions. There are products for which the demand depends not on the product itself but on outside developments. Fuels, steel, construction materials are examples. They are not bought for themselves.

One exception was impressed on us by the recent experience with coal mining. The industry was faced early in the 1950's with extinction by competition from diesel oil, imported residual fuel oil, and natural gas. With great effort the coal industry mechanized itself over a period of 15 years. It achieved a new competitive position, even to the extent of shipping large tonnages to Japan and Italy. Recently, to be sure, the price of coal has risen beyond the general price level, the rise having been aggravated by the high export tonnage, but the effect of maximated productivity for years was to keep the price low while the price of other products rose.

The process of salvation through higher productivity unfortunately displaced from ⅔ to ¾ of our coal miners—over 300 thousand—and gave us the distress of Appalachia. The lower price of coal achieved before other factors raised the level, did not, however, lead to enough additional coal consumption to rehire the displaced miners, much less additional workers. The number of coal miners has declined from 480,000 to about 125,000. The reason for this negative result lay in the relative inelasticity of the demand for coal, totally different from the demand for automobiles.

As in the achievement of greater agricultural efficiency, coal mining also paid another efficiency penalty. A part of the increase in productivity came from the spread of strip-mining that has lately so greatly aroused the ecologists.

Foreign vs. domestic competition

Different as are the effects of cost-reduction among domestic products subject to a different character of demand (in point of elasticity), the effect is not as great as is experienced from import competition such as many industries face today. The disruptive effects of adjustment to domestic competition are often spread over years. The automobile did not replace the horse overnight. It needed a generation or two of time.

On the domestic scene, moreover, there may be no wage differential, or if one exists, as that between the North and the South which motivated the shift of our textile industry, it is not as wide as the differentials separating our wages from those paid by some of our principal foreign competitors. Also, the shift of the cotton textile industry to the South spanned over fifty years of time. Even so the distress in New England was acute. The rise of sharp import competition since World War II has been precipitate by comparison, coming up overnight, so to speak. There was little time for adjustment.

In the past it was often said with some proximity to the truth that our higher wages were offset by our higher productivity compared with that of our foreign competitors. Today the wide diffusion of our technology no longer sustains such a contention. Foreign wages have indeed risen sharply and in many instances proportionately more than our wages, but a 10% increase on our base is equal to a 100% increase in what were the wage levels of some of our leading competitors. Also, in the past we levied a tariff that averaged in the magnitude of 50% ad valorem on imports, whereas today it averages less than 10% on dutiable items, imports of which represent about 65% of total imports.

The importance of the wage differential between the domestic and foreign levels, hand in hand with relative productivity, cannot be ignored without courting false conclusions. In this country employee compensation represents approximately 80% of corporate costs of output. (See Stat. Abs. 1971. Table 493, p. 310). To be properly treated as a cost element labor outlay must be traced from the first steps of production, to this agricultural, extractive or whatever, and then taken through all the steps of processing, refinement, purification or fabrication, all involving their share of employment; picking up transportation charges, insurance, financing and the appropriate share of interest, plus warehousing, on the way, all of which also call for paid employment, and finally assembling (if it is involved) and finishing.

We have been badly albeit unwittingly misled by the practice of the Bureau of the Census in its definition of industry. What it calls the "automobile industry," for example, incorporates hardly more than one-fifth of the productive activity performed before reaching Detroit, from the iron ore mines to the steel mills, to the coal pits, and all else involved in producing components for an automobile, to the point of making it ready for delivery to the customer. According to the census reports labor costs are only some 15–20% of the value of the automobiles shipped. The error lies in regarding the operation of the four or five companies that merely *assemble* the final product in Detroit and elsewhere as the "automobile industry." Actually the share of all employee compensation measured against the final f.o.b. Detroit price, we may be sure, is over 75% when all the pre-Detroit operations are taken into account.

The nomenclature of the Census Bureau is a cardinal-error because it conceals the extremely crucial part played by employee compensation (particularly wages) in the capacity of the market to consume agricultural, mineral and industrial output. Nothing measures the market, actual or potential, more accurately than the number of workers employed and the actual or potential level of their compensation. To minimize this, even unintentionally, as is accomplished by the Census Bureau, inhibits the perception of the relation between wages and the market, and understanding its meaning.

Odd consequences of current import competition

Import competition such as has developed during the past decade for American industry has the power to convert the cost-reduction accomplished by industries dedicated to the production of nonessential consumer goods (perhaps over 90% of the total) into the sterile job-generating condition characteristic of producers of essential goods when the cost of the latter is reduced. Like these, the cost-reductions effected by the producers of nonessential goods when they are faced with virtually unimpeded low-cost import competition, result in nearly zero increase in consumption of the American-made product in response to the lower prices, if not actual reduction. New jobs are not generated; they are lost, and the displaced workers are not rehired.

The radio and television workers in producing plants who were dismissed in order to reduce costs remained laid off when improved production methods made it possible for fewer hands to do the work of more, or when segments of the industry moved abroad. The domestic industry does not then achieve larger sales because imports meet the increased demand with yet lower prices. This sterility has resulted from the persistence of a wide wage-gap and the enhanced productivity of foreign industry, whether it be native or American-owned or whether it utilizes foreign patents or works American patents under license. The effect is the same.

The increased employment that would have greeted our household electronic goods industry, as the prices were lowered in response to improved technology in the absence of lethal import competition, took place in other countries. So far as increased employment in the home market was concerned the product, instead of being radio or television receiving sets, or recorders or record players, might as well have been wheat or corn, so far as job-generation was concerned.

So long as foreign producers can challenge our manufacturers or venture capital and virtually pre-empt the mass market or broader mass market they seek through radical innovations, the outlook for expanded employment from these sources will be dim indeed.

Where else then is expanded employment to arise? Certainly not from increasing agricultural exports! Farm employment is already down to 2.86 million (1970). The only hope lies in the shift to the "service" industries, unless other measures are taken. A heavy movement toward service employment has been underway over several decades. (More on that later).

If our inventive genius and our productive and managerial energies are to be sterilized so far as their capacity to increase employment is concerned, we will be back to a pedestrian economy, and the zero-growth advocates can be happy.

For a time in recent years we were able to increase our exports precisely because the trek overseas by our private direct investors in foreign plants and subsidiaries after 1955 or thereabouts pulled with it much American machinery, equipment and materials in the form of exports. These investments snowballed. The great surplus in machinery and aircraft export that developed in a decade incidentally thoroughly concealed the gaping deficit that was developing in our trade in nearly all other *manufactured products.* Our 1971 exports of machinery, aircraft and automotive products were 46% of our total exports and over twice as high as our exports of all other manufactured goods, *and the deficit of several billion dollars in our trade in these other products was lost to sight.* Beyond that the statistical practices of the Department of Commerce had the effect of making our merchandise trade balance look better by some $5–$6 billion annually than it actually was in terms of competitive trade.

The export of machinery and modern equipment incidentally helped greatly in building the foreign competitive capacity. The foreign demand generated by our foreign investments, however, was neither self-perpetrating nor permanently wedded to American sources. Now after a decade or more even our machinery manufacturers are being hard pressed by imports of foreign-made machinery.

This means that the high hopes reposed in the increasing export of "high technology" goods as an escape hatch are also being dashed. Machinery and high-technology goods are no more immune to import competition than are other goods. The source of the foreign competitive advantage in the other goods applies as surely to high-technology goods. We have no technological skills superior to those of our competitors. Our producers in the early years of this century merely had higher motivation than their foreign counterparts.

The labor legislation that followed the new farm laws in the 30's was as clear a setting aside of the laissez-faire philosophy or free enterprise as was the farm-price and production-control legislation.

Child labor was outlawed as representing unfair competition. Minimum wages were set for two purposes: to increase labor income and to prevent "cut-throat competition" from "ruthless" employers from undermining the "fair" employers—provided, of course, that the outlawed producers operated in this and not a foreign country.

For some reason foreign wages, though even then far below ours, were not regarded as so much of a menace to our "fair" employers as were the low wages of some employers in this country.

We even encouraged the foreign producers to enter our market by launching a far-reaching tariff-cutting program, thus instituting increasing degrees of laissez-faire in this sector while squeezing it out in nearly all else.

Apparently we loved agriculture more than we loved industry, since we threw import quotas around the most important crops, forgetting or not knowing that industrial employment is much greater and that agricultural employment was destined to shrink greatly under the farm program for reasons that are now chillingly clear.

One prime result of the labor legislation was virtually to take domestic wages out of competition, as was indeed the intent. In other words, approximately 80% of the cost of production was put out of reach of the manufacturers as a competitive defense. This meant highly inflexible costs except those that could be achieved through labor displacement or greater efficiency, which is the same thing.

Thus was American industry left with only one weapon of any consequence, and this was a weapon that at one time did indeed lead to greater employment, as we have seen. Now, however, the scene has so greatly changed that it is no weapon at all other than one of self-destruction, since imports now hold the position of the "sweatshop operators" and unfair employers in this country against whom we legislated so vigorously and with such great popular support as evidenced by the heavy legislative majorities by which the measures carried. The policy even today is to open the door still wider to the foreign producers who are free to exploit our market to their benefit and thus prevent our labor from benefitting from the legislation that was designed to bring us full employment at wages high enough to buy our increasing output.

Foreign entrepreneurs now have the same strong motivation to invade our mass market as our own entrepreneurs harbored when the market was still theirs to develop and supply. The American mass market acts as a magnet and fuels the same tireless efforts abroad aimed at its conquest as its earlier promise fanned the flames of industrial empire-building in this country during the first half of this century.

The invasion cannot be halted and the scene cannot be restored to its earlier attraction for the American entrepreneur unless the unearned competitive advantage held by foreign industries is appropriately moderated, tamed and contained. No more than Henry Ford needed a prod from import competition to create a market for his product does the present-day industrialist depend on a spur from foreign competition to do his best. In contradiction of this view it is necessary only to note that he is active and doing quite well overseas. *The same one who is flourishing overseas because of his motivation from that source cannot be called lazy and will become no less active at home if his incentive is returned to him. If the home market re-offers him the incentive it gave him in the past he will reassert his former vigor.* The American entrepreneur or industrialist has not thrown up the sponge. If he had done so he would not have invested $80 billion in foreign enterprise where the grass is greener. We may also reflect that if Henry Ford had faced the investment climate by American producers today in the face of imports, his enterprise would never have been promoted or, having been promoted, would have withered on the vine, or moved abroad.

Negative employment

Meantime the workers who are not employed by industry in this country because of heavy import competition remain among the unemployed or displace others who are still employed. During the decade of 1960–70 four industries that experienced growing import competition, namely, steel, textiles and apparel, leather footwear, and stone, clay and glass, recorded a lag of 427,000 workers behind the growth of employment in all manufacturing industries. If the supplying industries such as coal, cotton, leather, etc. were taken into account the lag was at least double, or some 850,000 workers.

In other words, it is a deceptive practice to measure the effect of imports on employment by simply calculating the number of workers who would have been required to produce the increase in imports. Those who are not hired because of import competition suffer from the dampening of venture capital and the failure of investment to increase as it would in the absence of the strong import-pressure.

Conclusion and remedy

We may let imports share equitably in our market and permit them to grow as our market expands, but we should not sterilize our entrepreneurs by rendering barren their efforts to build a mass market for good, useful and acceptable products.

Since we cannot reach foreign producers to place on them the same restraints, controls and burdens that we have placed on American industry with the effect of rendering it competitively virtually helpless except through the displacement of workers by greater output per man-hour, a course now all but rendered sterile for reasons already elaborated, we face the choice of stagnation or limiting imports in an equitable manner.

The shift of employment from physical production in plants, in mines and on the farms, to the service industries does not invalidate or devalue the function of venture capital. Movement back to an agrarian economy would not, economically speaking, be possible without pulling down the house that American industry built, on the heads of us all. The importers, packagers, transporters, wholesalers, retailers, bankers, insurers, real estate operators, teachers, doctors, lawyers, cannot, by taking in the wash from each other, sustain the industrial system built in this country since 1900. There are still 20 million industrial and mine workers in this country and some 3 million farm workers. They produce over 95% of all the goods that over 200 million of us consume. It is their productivity and not imports that moved us toward the high employment that has been our goal. Imports in many instances have become counterproductive in this respect. It is our productivity in physical goods that we look to for support and sustenance of our tax base, to which in turn, we look as the source of progress in our general welfare.

If we learn from the perceptions, visions, processes and practical application of principles that marked our productive course during the past seventy or eighty years and brought us to world industrial leadership, we will shape our trade policy accordingly.

We will then re-create a climate that will reopen to capital investment at home the opportunities to which it was accustomed until recently; and rising employment will respond even as workers are displaced by more productive machinery. It will be unnecessary to halt foreign investment if we but limit imports from whatever source to a defined share of our market.

Withdrawing from imports the unearned competitive advantage conferred on them by the diffusion of our technology and the failure of our competitors to adopt a wage policy which would soon expand their home market, would return to our industries the climate in which they made their way to the forefront in industrial development and in the standard of living of the American people.

MANDATORY RETIREMENT FOR MEMBERS OF CONGRESS

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, today I am introducing a bill that would prohibit any Member of Congress from taking office after his 65th year. If adopted, it would mean that eventually no Member of the House would be over 67 years of age and no Member of the Senate would be over 71 years of age.

The amendment would, however, permit any older Member of Congress to complete the term of office he or she held at the time the amendment is ratified.

Finally, the amendment would require all Federal judges, including Justices of the Supreme Court, to retire before the end of their 70th year of age, but would allow them to continue to function in an advisory capacity.

It is no coincidence that practically every business corporation in the United States has adopted compulsory retirement for its officers and employees. The retirement age usually is 65 years.

It is not that boards of directors have concluded that all older executives are inefficient or lacking in judgment. Many employees, in fact, continue their vital powers through their 70's and into their 80's. What business has found is that, without mandatory retirement of older employees, it is extremely difficult for a business to attract and hold the able younger men needed to keep the business vigorous and progressive. In short, compulsory retirement is an important way of insuring a continuous flow of life-giving "new blood" to a business organization.

I remember very well when in the late 1950's, the company for which I worked, one of the largest in the country, adopted a mandatory retirement plan. The chief executive officer of the company was then in his 80's. The effect of the mandatory retirement plan was to retire some 1,200 of the company's executives within a single year. When all of them had retired, a committee of the board of directors called on the octogenarian head of the company for the ostensible purpose of "making a report on the retirement plan." When they had completed their report, the chief executive with a twinkle in his eye said, "Well, I suppose what you really came to tell me was that the plan applies to me too." The committee admitted they had that in mind. The chief executive, who was still a man of exceptional vigor and acumen, promptly announced his retirement.

I submit that Congress is now in a position similar to that top executive. The Congress has established a retirement age for those in Government civil service. Through social security legislation, the Congress has encouraged the movement by business to retire people in their 65th year. Hardly a week passes but what some senior citizen says to me, "When are they going to make Members of Congress retire like everyone else?" Gentlemen, I think these people have a point.

Some of you may say, "but do not older people have a right to be represented in Congress?" Mr. Speaker, each Member of Congress represents all the people in his district. His age has nothing to do with it. The fact is that most older people with whom I have discussed this subject think that if Members of Congress had to retire like everyone else, the Members would appreciate even more the problems of retirees and prospective retirees.

In the past, several distinguished Members of the House and Senate have faced up to this fact and have introduced bills that would require Members of Congress to retire at a certain age—the maximum age limit varying in different bills between the ages of 60 and 70 years.

The Honorable JOHN J. WILLIAMS, the former senior Senator from Delaware comes most readily to mind. In the final days of the 91st Congress, the Senator proposed a bill similar to the one I am introducing, requiring a compulsory retirement age. It was one of the Senator's final acts before he himself retired. His retirement, I might add, was self-imposed.

I respect Senator Williams for living according to his convictions. And I urge Congress to consider the basic argument in support of his proposal. He believed, as I do, that a compulsory retirement age would make Congress a more efficient, active body that would be more responsive to the increasingly difficult demands that are placed upon it.

Never before, it seems to me, has this argument had as much weight.

Each year as the median age of this country decreases, as we become younger as a Nation, the difference in median ages between the people and their representatives becomes greater. Currently, the median age in this country is about 27 years while the overall median age of Members in Congress is almost twice that—or 52 years.

In my year and 4 months in office, I have discovered how difficult and physically taxing a job in Congress can be. The hours are long; the pressures are great; the problems are complicated.

This is a job for a mature young man or woman, but not for the aged. And yet those in the most powerful positions in Congress tend to be the oldest as well. In the last session, for example, the median age of chairmen of the House standing committees was 68—an age at which most men have left their jobs and have been in retirement for 3 years.

A compulsory age for retirement in Congress would be a significant step toward making our Government more responsive to current needs and overcoming the crisis of confidence that now exists among a great number of our people, young and old alike.

The same basic considerations that indicate the desirability of mandatory retirement for Members of Congress do likewise for members of the Judiciary. Many States, including my own State of Ohio, require judges to retire when they reach their 70th year. We should apply the same rule to the Federal judiciary.

A copy of my proposed amendment follows:

H.J. RES. 1177

Joint resolution proposing an amendment to the Constitution of the United States to provide for mandatory retirement of Members of Congress after the age of sixty-five.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution.

"ARTICLE —

"SECTION 1. No person shall be a Member of Congress who at the time of taking office shall have attained the age of 66 years.

SEC. 2. This article shall not affect the eligibility of any Member of Congress to complete the term of office which he or she occupied at the time of ratification of this article.

SEC. 3. No justice of the Supreme Court or judge or magistrate in any lower court of the United States shall continue in such office after he or she shall have attained the age of 71 years."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ESCH (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business as member of Committee on Science and Astronautics.

Mr. FOUNTAIN (at the request of Mr. MCFALL), for today and the balance of the week, on account of official business.

Mr. HAGAN (at the request of Mr. MCFALL), for today and the balance of the week, on account of official business.

Mr. MACDONALD of Massachusetts (at the request of Mr. CASEY of Texas), until May 6, on account of illness.

Mr. WINN (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business as member of Committee on Science and Astronautics.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHMITZ) to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 30 minutes, today.

Mr. DERWINSKI, for 5 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. ASHBROOK, for 15 minutes, today.

Mr. DUNCAN, for 10 minutes, today.

(The following Members (at the request of Mr. LINK) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez for 10 minutes today.

Mr. Rosenthal for 30 minutes today.

Mr. Aspin for 10 minutes today.

Mr. Kastenmeier for 5 minutes today.

Mr. Murphy of New York for 5 minutes today.

Mr. Henderson for 5 minutes today.

Mrs. Abzug for 60 minutes on May 2.

Mr. Ryan for 60 minutes on May 3 and May 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Rooney of New York to revise and extend his remarks and to include an address by Honorable Abba Eban, Foreign Minister of State of Israel.

Mr. McCormack and to include extraneous matter.

(The following Members (at the request of Mr. Schmitz) and to include extraneous material:)

Mr. Whalen.

Mr. Scherle in 10 instances.

Mr. Mills of Maryland.

Mr. Fish.

Mr. Esch.

Mr. Riegle in two instances.

Mr. Pelly in two instances.

Mr. Schmitz in two instances.

Mr. Halpern in three instances.

Mr. Sandman.

Mr. Shoup in two instances.

Mr. Veysey.

Mr. Zwach.

Mr. Wyman in two instances.

Mr. Frenzel.

Mr. McCloskey.

Mr. Hunt.

Mr. Grover.

Mr. Kemp in two instances.

Mr. Ashbrook in two instances.

Mr. Derwinski.

Mr. Bray in two instances.

Mr. Railsback in two instances.

(The following Members (at the request of Mr. Link) and to include extraneous matter:)

Mrs. Abzug in 10 instances.

Mr. Montgomery.

Mr. Begich in eight instances.

Mr. Miller of California in five instances.

Mr. Long of Maryland in two instances.

Mr. Badillo in five instances.

Mr. Roy.

Mr. Harrington in three instances.

Mr. Diggs in six instances.

Mr. Bingham in two instances.

Mr. Rosenthal in five instances.

Mr. Vanik in two instances.

Mr. Rangel in three instances.

Mr. Alexander in five instances.

Mr. James V. Stanton in two instances.

Mr. Edwards of California in three instances.

Mr. Evins of Tennessee in three instances.

Mr. Hamilton.

Mr. Haley in two instances.

Mr. Anderson of California in two instances.

Mr. Zablocki in three instances.

Mr. Rooney of New York.

Mrs. Hicks of Massachusetts.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 218. Joint resolution to amend the authority conferred by the Export Administration Act of 1949.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 26, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1903. A letter from the Chief Justice of the United States, transmitting proposed amendments to the Rules of Criminal Procedure for the U.S. District Courts and to the Federal Rules of Appellate Procedure, adopted by the Supreme Court pursuant to 18 U.S.C. 3771 and 3772, together with the report of the Judicial Conference of the United States submitted to the Court pursuant to 28 U.S.C. 331 (H. Doc. No. 92–285); to the Committee on the Judiciary and ordered to be printed.

1904. A letter from the Director of Civil Defense, Department of the Army, transmitting a report on property acquisitions of emergency supplies and equipment covering the quarter ended March 31, 1972, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. H.R. 4383. A bill to authorize the Office of Management and Budget to establish a system governing the creation and operation of advisory committees throughout the Federal Government which are created to advise officers and agencies of the Federal Government; with amendments (Rept. No. 92–1017). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California:

H.R. 14583. A bill making appropriations for the Bureau of Customs for fiscal year ending June 30, 1973; to the Committee on Appropriations.

By Mr. BADILLO (for himself, Mr. Harrington, and Mr. Pepper):

H.R. 14584. A bill to assure opportunities for employment to unemployed and underemployed persons, to assist States and local communities in providing needed public services, to provide job training and guidance when necessary, and for other purposes; to the Committee on Education and Labor.

By Mr. CELLER:

H.R. 14585. A bill to amend the Immigration and Nationality Act to provide for the expeditious naturalization of certain former alien employees of the United States who have been admitted to the United States for permanent residence; to the Committee on the Judiciary.

By Mr. DELANEY:

H.R. 14586. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. Anderson of California, Mr. William D. Ford, and Mr. Moss):

H.R. 14587. A bill to prohibit the leasing or rental of public lands of the United States except on condition that free public access thereto be provided; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN (for himself and Mr. Shoup):

H.R. 14588. A bill to amend section 120 of title 23, United States Code, to provide that the Federal share payable for Interstate System projects shall be 100 percent, and for other purposes; to the Committee on Public Works.

By Mr. du PONT:

H.R. 14589. A bill to amend section 610 of title 18, United States Code, to clarify the prohibition against political contributions or expenditures by national banks, corporations, or labor organizations; to the Committee on House Administration.

H.R. 14590. A bill to amend the Internal Revenue Code of 1954 to provide that no deduction shall be allowable for certain amounts expended for advertising in a national political convention program; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 14591. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mrs. GREEN of Oregon (for herself and Mr. Wyatt):

H.R. 14592. A bill to provide congressional due process in questions of war powers as required by the Constitution of the United States; to the Committee on Armed Services.

By Mr. HAMMERSCHMIDT:

H.R. 14593. A bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs; to the Committee on Public Works.

By Mr. HANSEN of Idaho:

H.R. 14594. A bill to improve the quality of child development programs by attracting and training personnel for those programs; to the Committee on Education and Labor.

By Mr. HOGAN:

H.R. 14595. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for educational expenses; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 14596. A bill to provide for the establishment of a national cemetery in or near

Yaphank, N.Y.; to the Committee on Veterans' Affairs.

By Mr. McKEVITT (for himself, Mr. ASPINALL, Mr. BROTZMAN, and Mr. EVANS of Colorado):

H.R. 14597. A bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER:

H.R. 14598. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between small employers and other employers; to the Committee on Education and Labor.

By Mr. MONAGAN:

H.R. 14599. A bill to extend to all unmarried individuals the full tax benefit of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. MURPHY of New York:

H.R. 14600. A bill to amend the Controlled Substances Act to transfer barbiturates from schedule III to schedule II of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEILL:

H.R. 14601. A bill to amend the Social Security Act to include drugs requiring a physician's prescription among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

By Mr. PELLY:

H.R. 14602. A bill to amend section 607(k) (8) of the Merchant Marine Act, 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. PEPPER:

H.R. 14603. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 14604. A bill to exempt citizens of the United States who are 65 years of age or older from paying entrance or admission fees for certain recreational areas; to the Committee on Interior and Insular Affairs.

H.R. 14605. A bill to amend the Internal Revenue Code of 1954 to permit any married individual or head of a household who is not covered by an employers pension plan to establish a qualified pension plan for himself in the same manner as if he were a self-employed individual earning $13,000 per year (reduced by the amount of his earnings from self-employment); to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. ALEXANDER, Mr. BRASCO, Mr. BURTON, Mr. COLLINS of Illinois, Mr. CORMAN, Mr. DENHOLM, Mr. DONOHUE, Mr. Dow, Mr. EILBERG, Mr. FASCELL, Mr. HALPERN, Mr. HANSEN of Idaho, Mr. HARRINGTON, and Mrs. HICKS of Massachusetts):

H.R. 14606. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. PRYOR of Arkansas (for himself, Mr. ANDERSON of Tennessee, Mr. BEVILL, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. DELLUMS, Mr. DERWINSKI, Mr. DRINAN, Mr. FISH, Mr. FREY, Mr. GALLAGHER, M. HECHLER of West Virginia, Mr. PREYER of North Carolina, Mr. THOMSON of Wisconsin, Mr. VEYSEY, and Mr. VIGORITO):

H.R. 14607. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. PRYOR of Arkansas (for himself, Mr. HUNGATE, Mr. MELCHER, Mr. MITCHELL, Mr. MORSE, Mr. PODELL, Mr. ROSENTHAL, Mr. RYAN, Mr. SARBANES, Mr. SYMINGTON, Mr. TIERNAN, Mr. CHARLES H. WILSON, Mr. WINN, and Mr. WOLFF):

H.R. 14608. A bill to provide for the establishment of an Older Workers Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. RARICK:

H.R. 14609. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ROSENTHAL:

H.R. 14610. A bill to allow a credit of not more than $300 against Federal income tax for State and local real property taxes (or an equivalent portion of rent) and for home repair and improvement expenses paid by individuals who have attained age 65 with respect to their residences; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 14611. A bill to amend title 18, United States Code, to prohibit the mailing of certain motor vehicle license tags, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Iowa:

H.R. 14612. A bill to amend section 715 of title 32 of the United States Code to provide that claims for damage or injury caused by members of the Army or Air National Guard shall be allowed under such section notwithstanding the availability of remedies against the States for such damage or injury; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona (for himself and Mr. RHODES):

H.R. 14613. A bill to amend the Taylor Grazing Act to increase the amount of certain revenue returned to the State; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE of Texas (by request):

H.R. 14614. A bill to protect the public interest in the field of professional team spectator sports; to provide for financial stability among professional sports franchises; to protect the interests of professional athletes; to improve the relationship between professional and amateur sports; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VANIK:

H.R. 14615. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CASEY of Texas:

H.J. Res. 1175. Joint resolution to authorize and request the President to issue a proclamation designating July 20 as "National Moon Walk Day"; to the Committee on the Judiciary.

By Mr. MONAGAN:

H.J. Res.) 1176. Joint resolution to establish a permanent Commission on United States Participation in the United Nations; to the Committee on Foreign Affairs.

By Mr. SEIBERLING:

H.J. Res. 1177. Joint resolution proposing an amendment to the Constitution of the United States to provide for mandatory retirement of Members of Congress after the age of 65; to the Committee on the Judiciary.

By Mr. WHALEN:

H.J. Res. 1178. Joint resolution proposing an amendment to the Constitution of the United States relating to the nomination of individuals for election to the offices of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mrs. ANDREWS of Alabama:

H. Con. Res. 591. Concurrent resolution to urge each American family to plant a vegetable garden; to the Committee on Agriculture.

By Mr. DAVIS of South Carolina:

H. Res. 942. Resolution expressing the sense of the House that the full amount appropriated for fiscal year 1972 for the Farmers Home Administration's farm operating loan program and waste facility grant program authorized by the Consolidated Farmers Home Administration Act of 1961, be released and made available by the Administration to carry out the objectives of these programs; to the Committee on Appropriations.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

377. By the SPEAKER: Memorial of the Legislature of the State of Kansas, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

378. Also, memorial of the Legislature of the State of Rhode Island and Providence Plantations, ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROTZMAN:

H.R. 14616. A bill for the relief of Edson K. Hartzell; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 14617. A bill for the relief of Lester H. Kroll; to the Committee on the Judiciary.

By Mr. HOWARD:

H. Res. 943. Resolution to refer the bill (H.R. 3462) entitled "A bill for the relief of Seaview Electric Company" to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause I of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

218. By the SPEAKER: Petition of the 23d Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to Micronesian claims arising as a result of World War II; to the Committee on Foreign Affairs.

219. Also, petition of Gov. Patrick Lucey and 31 members of the Wisconsin legislature, Madison, Wis., relative to the war in Southeast Asia; to the Committee on Foreign Affairs.

220. Also, petition of Lily B. Sullivan, Los Angeles, Calif., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

EARTH WEEK, 1972

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. SCHWEIKER. Mr. President, last week I released a statement concerning the importance of Earth Week, 1972. I ask unanimous consent that the statement be reprinted at this point in the RECORD for the benefit of Members of Congress and other interested citizens.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SCHWEIKER

We pause once again this year to review the progress we have made in fighting the battle against environmental pollution. The week of April 17th–23rd has been designated as Earth Week.

Earth Week symbolizes a new awareness of our conservation needs. This year, as last conservation groups across the nation will participate in a national effort to review our priorities in fighting pollution.

A great deal remains to be done. I think it is important, however, to exercise a bit of hindsight, and take a look at what we have done in the last couple of years. First, in 1970 Congress passed the Clean Air Act, which established stiff new controls over air pollution. The Environmental Protection Agency is required to establish national air quality standards, and individual states must set emission standards for existing sources of air pollution in order to achieve the national standards.

In late 1971, the Senate passed the 1971 Amendments to the Federal Water Pollution Control Act. This legislation passed the Senate November 2nd by a unanimous vote of 86 to 0, with my strong support. The general policy of the legislation is to end the discharge of pollutants into our waterways by 1985. Significantly, the bill includes a major change in philosophy, moving from the previous reliance on water quality standards to a new system of effluent limits. In other words, instead of relying on water quality standards under which pollution is permitted until it is excessive, we have moved to new effluent limits which put a tight reign on discharges at the source.

The House of Representatives has passed similar legislation, and I am certainly hopeful that a strong, forward-looking law will result after the differences have been ironed out.

In the area of radiation protection and nuclear power plants, the United States Supreme Court recently decided a case involving a nuclear power plant in Minnesota. The Supreme Court said that the state cannot set pollution standards on nuclear power plants located in the respective state which are more strict than the federal standards. Last June, I introduced a bill, S. 2050, which would permit individual states to set their own pollution standards on nuclear power plants, as long as the state's standards are more strict than the federal standards. I believe it is appropriate to permit states to make strict determinations as to how to best protect the health and safety of its citizens. The Minnesota case graphically points out the need for my bill. It seems to me that this legislation is now needed more than ever, and I am very hopeful that the Senate will act on it soon.

There is still much to be done. We need federal legislation to control the use of pesticides, to regulate noise pollution, to control toxic substances, and to regulate nationally the environmental effects of strip mining. Congress has made a great deal of progress with the Clean Air Act and the Water Pollution Control Act. Now we must turn our attention to environmental havoc caused by the proliferation of pesticides, noise, toxic substances and irresponsible strip mining.

I am proud to say that my State of Pennsylvania has been a national leader in developing effective legislation to control pollution. The Pennsylvania Clean Streams Law, Strip Mine Law, and new All-Surface Mining Law are examples of the leadership consistently given by conservationists in the Commonwealth.

In summary, we are beginning in many ways to meet the goal of a cleaner environment. We must, however, realize that it is vital for all elements in our society to unite if we are to improve our environment. Congress has established a national policy for air pollution, and soon we will have new water pollution legislation. We are working on other areas. However, it is clear that the passage of laws is not enough to do the job. It is the duty and responsibility of every citizen to join with us in achieving the goal of a clean environment. Earth Week symbolizes that goal.

THE PROBLEMS OF SOLID WASTE DISPOSAL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. FRENZEL. Mr. Speaker, in the New York Times of Saturday, April 22, an article by Mr. John E. Carroll, president of American Hoist & Derrick Co. of St. Paul, called the country's, and the Congress', attention to the problems of solid waste disposal.

Mr. Carroll presented in the article a seven-point legislative program for congressional consideration. Some of us may not agree with the program in total. Some of us may have alternate solutions. Nevertheless, Mr. Carroll has done us all a service by pointing out the problems of solid waste disposal and presenting for consideration a thoughtful series of programs that will, in his opinion, begin to bring solid waste under control.

I commend Mr. Carroll's article, which follows, to my colleagues:

DOWN IN THE DUMPS

(By John E. Carroll)

ST. PAUL, MINN.—We rapidly approaching the point where our cities are running out of dump space. New York, for example, will have exhausted its dumps by 1975, it is estimated.

So, all too often, we are told we must cut the present average of five pounds of waste per person per day. But even if we could—unlikely in a nation of planned obsolescence and convenience products—it would only dent the more than a third of a billion tons of the annual garbage output. We are told recycling will help us dispose of the waste and make a profit, too. But the advanced recycling technology required is a long way off. Or not yet economically feasible.

Today's real solid-waste problem is the logistics of disposal. What to do with our garbage is the heart of the concern—particularly at this time, Earth Week, 1972.

Not so long ago no one thought much about where to put man's discards. Unlimited space seemed at hand. As dump space grew scarcer, we learned to process garbage, either by incineration to reduce volume before dumping, or by compaction at the landfill to cram in as much as possible.

Volume reduction's importance grew with the need for economical transport to areas further away from our urbanized society.

The 1970 Census reveals that three of every four of today's 230 million Americans live in one hundred urban centers. Ten of these centers are considered "super cities"—metropolitan areas with 25 per cent of the country's population.

For example, New York City's population is officially pegged at approximately eight million. But the "super city" houses more than sixteen million. The result is an unequal population distribution. Seventy per cent of us live on just 3 per cent of the land.

While America averages only 57.4 people per square mile, it's like drowning in a pool averaging a foot of water. Montanans average less than five people per square mile, while New York State averaged 380.3 people.

While these facts pinpoint the reason for the waste problem, they also hint at its solution, if we discard the blinders of provincialism. Why not take garbage from where there are many people and little land and railhaul it—the least expensive transportation—to where there is much land and few people?

It's easy. Just compress the garbage to its smallest possible volume and make it not only easy to handle but unobjectionable in terms of odors, vermin, or flammability. The technology is available.

Technologically, then, the logistics problem is resolvable. But that is only the first step in solving our disposal problem. Far more difficult is the recognition that solid waste disposal is a national, not a local, problem.

New York City, again, is an example of this. Although the "super city" has the nation's largest waste disposal problem, a plan to organize a three-state disposal authority—involving New Jersey and Connecticut—was all but abandoned recently. The only thing agreed upon: no one wanted someone elses' garbage.

I advocate that Congress and the Administration recognize the need for national action, and implement it with a seven-point legislative program:

1. To build public awareness of the problem's national scope.

2. To offer inducements for construction and operation of nonpolluting processing plants. Local governments could receive Federal subsidies, private contractors tax credits.

3. To empower the Environmental Protection Agency to identify appropriate waste depositories nationally and to supersede restrictive state laws as are found in Delaware, Maine and Rhode Island. Despoiled lands under Federal control should be the initial such landfills, while necessary legislation concerning state and private lands is created.

4. To pay such areas under state and private control a tonnage fee, based on location and distance from the waste source.

5. To accelerate beautification of America with such landfills through tax credits and subsidies, reclaiming them for parks and recreation sites.

6. To give, by executive order through the

Interstate Commerce Commission, rate relief to long-distance rail haulage of property processed wastes.

7. To accelerate recycling research by infusion of greater funds into selected, realistic programs.

At first blush, some may object to the seemingly high cost of such a national program. But the present $4.5-billion annual price tag to handle America's 365 million tons of waste is not cheap; we can expect to be spending $8 billion or more by 1980.

Inevitably the Federal Government will become involved in solid waste disposal. Why not now, when vigorous leadership and actions can meet current challenges and guarantee that future waste will not create far greater national problems?

TIMBER PRACTICES IN MONTANA

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. METCALF. Mr. President, conservation, forestry and natural resource management have been among my major preoccupations all of the years of my service in Congress. My deepening concern for our land management practices, particularly timber harvesting, led to my request for several studies, including the report by the University of Montana on the Bitter Root National Forest.

Last year, I introduced S. 1734, the Forest Lands Restoration and Protection Act, at the request of the Sierra Club, which aimed the bill at providing for comprehensive management of the Nation's forest lands through the application of sound forest practices. Senator HATFIELD introduced S. 350, the American Forestry Act.

The Subcommittee on Public Lands held field hearings on these bills in Atlanta, Portland, and Syracuse. In addition, the subcommittee conducted hearings to review clear-cutting practices on national timberlands to determine if guidelines on harvesting practices are needed. Testimony in all of these hearings disclosed many complex problems of long standing that embrace both the technical and social aspects of forestry and the environment. During this time, I have conferred with many leaders in the resource field to seek advice on how best to change some of the most questionable practices in a way that would enhance the harvest of our renewable natural resources with every regard for our environment.

I have concluded that the best approach to solve our problems is not through S. 1734 as written, but through modification based upon testimony by public and agency witnesses and its evaluation by members of the appropriate committees. As part of that effort Senator HATFIELD's staff and mine are considering new language reflecting our common concerns, and actions to be taken to increase funds available for forestry this year. This massive task confronting us all must be a cooperative effort that will draw on the talents of national, State, and private interests.

Most of our efforts to identify problems have been focused on the national forests. However, this does not mean that problems do not exist elsewhere. Recently, I have been very pleased with Forest Service decisions that will restore multiple-use management and quality management practices in national forests. Region 1, including the States of Montana, Idaho, and parts of Washington, has undertaken massive replanning designed to restore multiple-use management to the forests. This effort is being undertaken with full public participation. Time is needed to develop common understanding and purposes.

I have been asked many questions concerning timber practices in Montana. Recently, John Lee of the Intermountain Network, interviewed me about these practices and the related economic concerns. I ask unanimous consent to have a transcript of the interview printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TIMBER PRACTICES IN MONTANA

This is John Lee in Helena. The problem with timber production in Montana has gotten to the critical point not only in Montana, but in the northwest as a whole. Environmentalists, ecologists, timber workers, politiicans, lumber dealers, builders all have had an opinion on the subject.

Fear of losing jobs, concern with what will happen to the forests today without proper controls, procedures for the cutting of timber—it's all broken to the critical stage in the past few years and is getting more so with the passage of time.

Montana Senator Lee Metcalf last year introduced a bill, hopefully to solve some of these problems. I recently interviewed Senator Metcalf regarding the northwest Montana timber problems so that the problem might be more easily understood.

Q. Senator, the Forest Service is decreasing the allowable cut in the forests and this of course will mean fewer jobs, now that being the case, why the decrease?

Senator METCALF. Well, more timber was being cut than was being grown. The forest products industry has to operate on a sustained yield basis, into the next century and beyond, in order to provide the sustained employment we want in western Montana.

Q. How much were they actually overcutting?

Senator METCALF. The Forest Service tells me that in Region One, which includes Montana and parts of Idaho and Washington, the cut was reduced to 1.6 billion board feet, instead of the 2.1 billion board feet it estimated earlier. That's a reduction of allowable cut of ½ billion board feet. They think that the cut may still be too high.

Q. How about in other states, Oregon, Washington, Idaho, etc?

Senator METCALF. The Utah Forest Service Research Laboratory reviewed six national forests in western states and last fall reported that the land base used to calculate the allowable cut should be reduced by an average of 22 per cent. In addition, that agency recommended that another 13 per cent should not be cut until new methods of logging are developed or until it becomes economically feasible to harvest. So Region One is about the same as the rest of the six national forests.

Q. Well now, won't people be losing jobs as a result of this cutback?

Senator METCALF. Yes, perhaps some people will. But more will remain in the forests, and the forests will remain for future development and exploitation. I am committed to legislation to provide other types of jobs for people who are displaced. Further, I am attempting to develop what new employment can be established in the natural resource field in Montana.

Now if we intensify forest management on good timber growing sites we can increase our cuts later on. If we don't practice sustained yield, we will have jobs now but none later. This is what happened in the Great Lakes states and in the South in the late 1800's and early 1900's. The timber supply was depleted and the areas lost their forest industry. This must not happen in Montana.

I am committed to a program of forestry development and forestry operations forever. Men who are in the forests now and their sons who want to work in the forests in the future will have an opportunity to do so if we have the proper kind of forest management today.

Q. Senator, I know there is much timber that is ready to cut but it hasn't been put up for sale as yet now why hasn't it?

Senator METCALF. That is correct. I am glad you talk about this problem because this is a most important and significant one. The Forest Service is not permitted to hire enough of the people needed to prepare sales. President Nixon ordered the Forest Service to reduce the number of its employees by more than one thousand by June. That means less Forest Service employees who could prepare the sales and do the ecological surveys that are necessary. In these days it's just not good enough to go and put some blue paint or red flags on trees. It's necessary to find out what kind of damage will result and you need scientists to do it. When President Nixon cut the budget and reduced Forest Service programs by 5 per cent it meant that a lot of Forest Service sales that could be put up are not even going to be prepared. Of course another reason is that we have to have all of these people in the protection of soils, water, wildlife, recreation and asthetics. We could have more sales today if we had sufficient money and manpower to make the necessary surveys.

Q. I read that you put in a bill to put a stop to the practice of clearcutting. What are your thoughts on clearcutting?

Senator METCALF. I did not put in a bill to stop clearcutting. I read that editorial too. It was an out-of-state paper that said I sponsored a bill imposing a moratorium on clearcutting. Actually, another Senator had introduced that legislation.

I do not oppose clearcutting. There are situations—depending on the species, of course, and the terrain—where clearcutting is good, solid forestry management. Good forestry has not always been practiced in many parts of the West including as you know my own native Bitter Root country. A Subcommittee of the Interior Committee headed by Chairman Frank Church has just reported on the subject of clearcutting. Of course anyone who would like to read that report can obtain it from my office in Washington.

Q. Senator are you trying to lock up the forests by putting them into the wilderness system?

Senator METCALF. I don't remember how many years ago, but a long time ago, the wilderness bill was passed which blanketed all the primitive areas into the wilderness system.

I sponsored a bill, in addition to the act creating the wilderness system, that would designate the Lincoln Back Country in Montana as a wilderness. It has already been approved by the Senate and the Forest Service. Timber from the Lincoln Back Country is not marketable; the soil is very fragile and the area is easily accessible for recreation. It belongs in the wilderness system, according to the great majority of Montanans who have talked and written to me about it.

Now, this is the only addition to the wilderness system I have proposed in Montana. Its passage (and I hope it will pass this session of Congress) would not have any impact on the allowable cut in Region One.

Q. How about the Absaroka-Beartooth primitive area?

Senator Metcalf. I took a helicopter trip over some of the area that has been reviewed by the Forest Service which, along with local citizens groups, suggested it be included in the wilderness system. This area is now being studied for wilderness, but there is no bill pending.

Hearings have been scheduled by the Forest Service to hear from the people in Montana as to their sentiment for the classification of the area. I hope that anyone who is interested either in the creation of an Absaroka-Beartooth wilderness, or who is opposed to it, whether from the point of view of minerals or timber, will participate in these hearings.

Q. What about the roadless areas that are proposed for wilderness?

Senator Metcalf. Again, I understand that the Forest Service is conducting some public hearings on roadless areas in Montana. In this case, as in the Absaroka-Beartooth, I will be guided by the wishes of the majority of the people of Montana.

Q. Senator, the bill you introduced, the Forest Lands Restoration and Protection Act of 1971, is being opposed by the forestry industry. Are you committed to the bill without change?

Senator Metcalf. No, as a lawyer, I feel that a bill as introduced is rather like a pleading. It gets you before the Committee and then there are hearings and so forth. No, I am not committed to any bill without change. When I opened the field hearings, I suggested that any legislative proposal is subject to extensive review and alteration before it becomes a law. That's what hearings are for. So I told the people in Atlanta that "we're here today to listen to your views of these bills and your suggestions as to how they may be improved." The people in Atlanta, especially in the Southern pines area, presented many objections that I feel were valid and probably warrant some change in Senator Hatfield's legislation and my own bill.

I introduced S. 1734 on behalf of the Sierra Club because I felt the Sierra Club's point of view merited and warranted public attention and because I wanted to focus public debate on those issues. I am not committed to any particular provision. There are many things in any piece of legislation that are brought up (and that's what hearings are for) to help people say this is how it affects me. Certainly, S. 1734 which I introduced by request will be changed and modified if it has any adverse effects on the people of Montana.

Q. One of the most talked about provisions of S. 1734 is the regulation of the small timberland owner. Senator, what is your stand on this?

Senator Metcalf. Yes, that provision was put in the bill to regulate private timberlands. It wasn't for small timberland operators, but for large industrial timberland owners, especially in the eastern part of the United States. Do you know that in the State of Maine, for example, six large corporations such as Georgia Pacific, and Weyerhauser own a greater percentage of the state than the national forests own in Montana? Private timber ownership has the same impact on that state as the national forests have in Montana. Something has to be done to regulate and control their cutting of timber and their management policies. But nobody anticipated that this bill would be interpreted to say that somebody in Montana that had a timber plot or 160 acres of timber would come under the management program. Since that question has been raised, of course, we'll change these provisions of the bill so that it will be clear that they will not affect small operators, such as a man who has a wood lot on his ranch.

Q. Senator Metcalf, our time is up. I thank you very much for taking time out of your busy schedule to talk about your views regarding the Northwest-Montana timber problem.

MARIHUANA RESEARCH AT BATTELLE-NORTHWEST

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. McCORMACK. Mr. Speaker, within the past decade serious questions and problems, both legal and social, have been raised by conflicting reports on the effects of smoking marihuana. This confusion over the true and long-term effects has become a source of considerable concern to both the medical profession and the general public.

As the drug has been examined in its various natural and synthetic forms, it has become obvious that these perplexing questions, which seemed simple at first, are highly complex in that marihuana is not a single, simple substance of uniform type. It is composed of varying mixtures of different parts of the plant, Cannabis sativa, with psychoactive properties ranging from virtually nonexistent .to decidedly hallucinogenic in its stronger forms and at higher doses. Unfortunately, much of the public discussion ignores this very basic and important fact. Most of our American experience has been limited to the widespread, relatively infrequent use of a sometimes weak form of marihuana. Early research dealing with this drug has been inevitably faulted by the fact that it is difficult to be certain just how potent the material is and how potent it is at certain dose levels. Although the principal active agent in the plant is thought to be Delta-9-tetrahydrocannabinol, much remains to be learned about the chemistry of marihuana and its related substances.

The form in which the drug is consumed may also make a difference in the consequences of use. It is conceivable that when smoked, marihuana affects the body differently than when the drug is orally consumed. Whether the drug is absorbed through the lungs or through the digestive tract may also make a significant difference in its eventual effects.

While much is known about the acute and obvious effects of marihuana use, much less is known about the implications of long-term chronic use. Marihuana has been administered to humans for extended periods in only a few experimental studies. At most, the periods of administration have been limited to a few weeks. In addition, early studies of both acute and chronic use have provided no information on the exact quality, potency, and amounts of marihuana involved, and so it is difficult to compare earlier findings with those of late.

The President's National Commission on Marihuana and Drug Abuse recently reported, after extensive research, hearings, and fact-finding missions, that marihuana is not physically or psychologically addictive. However, these conclusions may be open to challenge, especially since one medical study has also presented evidence that marihuana may cause brain damage.

In an attempt to resolve many of these still pending questions and problems that I have just summarized, the National Institute of Mental Health has recently awarded to Battelle-Northwest Laboratories of Richland, Wash., the funding for an initial 2 years of a proposed 5-year study on the long-term effects of marihuana use.

As I mentioned, such studies have been complicated in the past by the lack of a controlled quality of marihuana or its purified constituents, and by the uncertainties inherent in long-term studies with humans using illicit drugs.

This reliability has been changed by the recent synthesis of purified constituents of marihuana and the standardization of the marihuana made available to the researchers by the National Institute of Mental Health. The marihuana is a standardized, U.S. Government-grown leaf produced by the Government on a plantation in Mississippi.

In the Battelle-Northwest study, beagle dogs will be exposed to smoking levels of marihuana that will simulate conditions for humans that are heavy smokers, moderate smokers, or sporadic social users of the drug. Under the direction of Dr. Maurice Sullivan, assisted by Dr. Don Kalkwarf, Mr. Don Willard, and Mr. Earl Martin, this study will consist of a team effort using skills in pharmacology, psychology, chemistry, physics, and veterinary medicine.

As Dr. Sullivan has stated:

> These first years of the program will be used to establish that dogs will smoke marihunana under careful controlled dietary and living conditions. Once that capability is demonstrated, a larger study can be expected to follow that will determine if marihuana can cause changes in behavior or performance. It will also be used to determine tissue or organ changes that are indicative of harmful effects.

The second phase will also try to determine the effects of "active principles" that have only recently been identified in marihuana smoke.

Dr. Sullivan said:

> Although marihuana has been used by man for almost 5000 years, few drugs with such usage are still so poorly understood. According to 1971 report to Congress by the Secretary of the Department of Health, Education, and Welfare, little marihuana research met high standards of scientific reliability before 1967.

Dr. Sullivan and his associates hope to use the purified principal ingredients in experiments that will demonstrate their effects after extended use as well as to show the effects that occur when these substances are burned and inhaled by smoking.

The dogs being used in the experiments are a specila1 parasite-free strain of beagles that have been developed over several generations by Battelle-Northwest. The colony is kept in air conditioned and heated isolation quarters, and they are given regular physicals.

Their average life span in the colony is 13 years.

Even though there are inherent difficulties in translating testing results from animals to humans, beagle dogs were selected because more is known about their physiology than most animals. Beagles have been used as standard laboratory animals in the United States for years.

The need to know precisely how and to what degree the human body is affected by marihuana has never been greater than it is today, when the controversy is raging from the churches to the Halls of Congress. May I say that I am particularly proud to have been a research scientist at Battelle-Northwest Laboratories during the years prior to my election to Congress. The research capabilities at the Pacific-Northwest laboratory are outstanding. In the first few months of this study, a large degree of success has already been achieved, enough so as to receive a commendation by the National Commission on Marihuana and Drug Abuse. I feel confident that the continuation of this study will contribute significantly toward resolving the serious questions and problems that surround marihuana.

THE AMERICAN YOUTH SYMPHONY AND CHORUS

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. SCHWEIKER. Mr. President, when it comes to acting as good will ambassadors for the United States, the American Youth Symphony and Chorus is second to none. Under the able leadership of Dr. Donald W. McCathren, of Pittsburgh, this group of fine young musicians has toured Europe for the past 7 years and has furthered "peace and understanding—through the performance of music."

As one who believes that America's youth is one of our most important resources, I am proud of the American Youth Symphony and Chorus and of its contributions to international understanding. I am sure this pride is shared by all Americans.

So that we might all better appreciate the background and outstanding accomplishments of the AYSC, I ask unanimous consent that a summary of the American Youth Symphony and Chorus be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

ABOUT THE AMERICAN YOUTH SYMPHONY AND CHORUS

The American Youth Symphony was founded in 1964 as the School Orchestra of America. The orchestra was completely reorganized by Dr. Donald E. McCathren in 1967 and received its present name at that time. Prof. James Paterson became Associate Conductor of the American Youth Symphony & Chorus in 1967. The American Youth Symphony Chorus made its first tour with the orchestra in 1969.

The American Youth Symphony & Chorus is dedicated to the development of American youth and the furtherance of peace and understanding throughout the world through the performance of music. A nonprofit organization incorporated under the laws of Pennsylvania, the orchestra and chorus have received the highest praise for their musical achievements, for their contributions to peace in the world, for their accomplishments in motivating young people to a serious high purpose in life, and for their portrayal of a realistic picture of America and the American way of life.

In order to better accomplish the goals of the American Youth Symphony & Chorus, several other musical organizations have been founded and are under the sponsorship of the American Youth Symphony & Chorus. Among these are the American Youth Symphony of Winds & Chorus and the American Youth Symphonic Band & Chorus. These organizations have toured Europe and the Mediterranean countries. A "Music Camp at Sea" cruise to the Grand Bahama Islands each summer features the talents of younger students as members of the Junior American Youth Symphonic Band, Orchestra & Chorus. The American Youth Studio Band will be making its third appearance during the Mediterranean-Black Sea good will concert tour this summer. An outstanding picture of America and American youth is portrayed each summer by all of these organizations.

The American Youth Symphony & Chorus has received much recognition both at home and abroad. Among the most recent honors received are three George Washington Medals of Honor by the Freedoms Foundation at Valley Forge for outstanding accomplishments in helping to achieve a better understanding of the American Way of Life. Numerous gold medals have been received in Europe for excellence in musical performance. Various patriotic organizations throughout America have paid tribute to the accomplishments of the American Youth Symphony & Chorus and its conductor, Dr. Donald E. McCathren, with a wide variety of awards and citations.

Many businesses, foundations, school systems, fraternal organizations, clubs, civic groups, churches, and individuals have made contributions to assist deserving students to have the experience of representing our nation as members of the American Youth Symphony & Chorus, or one of the related organizations. It is the hope of the AYSC officials that financial assistance can be obtained to further expand this program and to permit every qualified student, regardless of his financial means, to be able to have the experience of participating in this great adventure in world peace through music.

H.R. 14583—TO HALT THE ILLEGAL ENTRY OF DRUGS INTO THE UNITED STATES

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ANDERSON of California. Mr. Speaker, the Bureau of Customs has the responsibility to inspect all international traffic and combat the smuggling of narcotics into the United States.

In order to halt the flow of illegal drugs into this country, the Bureau of Customs must be adequately staffed and equipped to meet the challenge of the resourceful, versatile, and often well-equipped smuggler.

Overall, the effectiveness of the Bureau in curbing the smugglers has increased. For instance, during 1971, Customs made 10,687 narcotic drug seizures, worth about $328 million when sold on the streets. These seizures included 1,109 pounds of heroin, as compared with 347 pounds during 1970.

While the number of narcotic seizures has increased, their effectiveness has been hampered by manpower restrictions. According to Edwin Rains, Acting Commissioner of Customs:

> Customs currently has the capability to inspect thoroughly less than 2 percent of the vehicles entering the United States at our border ports.

For example, Mr. Speaker, at the border station of San Ysidro, Calif., an average of well over 18,000 vehicles enter California each day. With their current manpower level, each Customs official with the responsibility for the detection of the entry of illegal drugs into the United States, must inspect 24 vehicles per hour.

In effect, each man inspects each entering vehicle for 2½ minutes.

It is little wonder that less than 2 percent of the vehicles entering the United States are thoroughly inspected.

Mr. Speaker, every facet of the narcotic problem must be attacked. We must halt the flow of drugs from the poppy fields to the pusher on the street.

In order to effectively curb the importation of drugs in our country, we must increase the manpower of the customs officials at our ports of entry.

Today, I am introducing a bill which would increase the Bureau of Customs personnel from 12,063 to 15,079. Thus, personnel at each port of entry would be increased by 25 percent.

While the administration has recommended the elimination of 139 positions in the customs services, I feel that the opposite course should be followed as recommended by Commissioner Rains.

Mr. Speaker, at this point, I include in the RECORD, first, Commissioner Rains' recommendations to halt the drug traffic; and, second, data regarding the entry of vessels, aircraft and automobiles into the United States, and the customs personnel at each port of entry on the west coast:

THE DEPARTMENT
OF THE TREASURY,
BUREAU OF CUSTOMS,
Washington, D.C., April 18, 1972.

Hon. GLENN M. ANDERSON,
House of Representatives,
Washington, D.C.

DEAR MR. ANDERSON: We are pleased to give you the information which you requested in your letter of February 16, 1972.

The number of vessels, aircraft and vehicles entering the United States at various West Coast ports of entry during 1970 and 1971 are shown in pages 1–4 of the attachment lists the Customs staffing at each of these ports of entry during 1970 and 1971.

We are also pleased to offer our recommendations for halting the flow of illegal drugs into the United States. The effective interdiction of narcotics and dangerous drugs being smuggled into this country requires a modern and sophisticated Customs Service which is adequately staffed and equipped to cope with the resourceful, versatile and often well-equipped smuggler. We have seen much progress toward these goals in the past two years. Our inspectional and investigative manpower have been increased substantially and our equipment has been modernized. The resulting increase in our enforcement effectiveness has been gratifying. During calender year 1971, Customs made 10,687 narcotic drug seizures, worth about $328 million on the streets. These seizures included 1,109 pounds of heroin, as compared with 347 pounds during 1970.

New programs being developed and implemented by the Bureau of Customs include:

(1) The switch to a modified screening/inspection system, which was tested at various airports and found to be more effective than previous methods.

(2) A planned increase in our fleet of aircraft and boats for patrolling and surveillance of borders. Our research and development personnel are working to significantly increase the effectiveness of these aircraft and boats by equipping them with special sensor or detection systems for air-to-air radar or night surveillance of suspect aircraft and vessels which operate in total darkness.

(3) Increased use of dogs to detect narcotics. Use of dogs for this purpose has developed into an integral part of our enforcement activities, especially the screening of mail and cargo.

(4) Increased use of X-ray machines and development of additional equipment to examine mail for contraband.

(5) Increased mutual assistance and cooperation with other countries. This includes training and advisory programs to increase the capabilities of foreign Customs organizations to suppress illicit drug traffic which may be transiting their countries en route to the United States.

New programs planned, but not yet ready for implementation because of manpower restrictions include:

(1) A proposed mobile blitz force would carry out intensive secondary examination of all arriving traffic for a limited time, and then it would move to another port. Similar blitzes were tried on a limited scale and proved to have strong deterrent potential.

(2) An increase in the normal percentage of secondary examinations on both the Mexican and Canadian borders. Manpower restrictions have forced Customs officers to pass many suspects without giving them a secondary examination. Customs currently has the capability to inspect thoroughly less than 2 percent of the vehicles entering the United States at our border ports. We seek to increase our secondary inspection capability to 5 percent.

(3) An increase in the force of trained Customs patrol officers for seaports, airports, and land borders.

The narcotics problem is complex. A continual attack must be made at every link in the supply chain from the poppy fields to our borders and to the pushers in our streets. We believe that the development and implementation of these programs will provide Customs with the trained manpower, scientific equipment and expertise to enable us to carry out our mission to deter smuggling without decreasing our revenue collecting capability.

Thank you for your interest in this vital matter.

Sincerely yours,

EDWIN F. RAINS,
Acting Commissioner of Customs.

VESSELS ENTERING DIRECT BY PORT—WEST COAST

	Fiscal year—	
	1970	1971 [1]
California:		
San Diego	908	969
Los Angeles	1,645	1,585
Port San Luis		1
Long Beach	989	1,070
El Segundo	19	28
Ventura	1	
Port Hueneme	32	24
Eureka	81	76
Monterey		3
San Francisco	425	331
Stockton	56	42
Oakland	255	244
Richmond	109	90
Alameda	96	75
Crockett	6	2
Sacramento	49	66
Martinez	37	31
Redwood City	16	27
Selby	6	1
San Joaquin River	43	39
San Pablo Bay	24	32
Carquinez Strait	41	84
Suisun Bay	1	13
Oregon:		
Astoria	210	208
Newport	2	
Coos Bay	209	236
Portland	333	495
Washington:		
Longview	230	284
Vancouver	91	78
Kalama	10	18
Seattle	2,498	2,667
Tacoma	569	702
Aberdeen	169	149
Blaine	7	16
Bellingham	506	526
Everett	322	540
Port Angeles	301	359
Port Townsend	257	417
Anacortes	123	86
Friday Harbor	322	518
South-Bend-Raymond	26	23
Olympia	60	43
Neah Bay	20	2

AIRCRAFT ARRIVING IN CALIFORNIA

	Fiscal year 1970	Fiscal year 1971
Los Angeles International Airport	11,811	12,419
Los Angeles, other	98	32
Norton AFB	1,627	1,642
San Francisco Airport	10,350	9,603
Oakland Airport	730	537
Travis AFB	7,691	6,021
San Diego	4,060	4,286
Calexico	5,863	6,513

VEHICLES ARRIVING IN CALIFORNIA

	Fiscal year 1970	Fiscal year 1971
Andrade	204,393	209,123
Calexico	2,811,298	3,003,345
San Ysidro	6,166,178	6,794,186
Tecate	295,586	279,423

PORT—PERSONNEL

San Diego	27 (6)	52 (19)
San Ysidro	173 (146)	146 (130)
Andrade	5 (5)	8 (8)
Calexico	72 (63)	71 (61)
Tecate	11 (10)	10 (9)
Los Angeles	487 (259)	565 (254)
San Francisco	509 (248)	572 (276)
Eureka	3 (3)	5 (5)
Portland	62 (28)	76 (31)
Astoria	1 (1)	1 (1)
Coos Bay	1 (1)	2 (2)
Longview	10 (8)	9 (7)
Newport	1 (1)	1 (1)
Seattle	169 (107)	175 (102)
Aberdeen	1 (1)	1 (1)
Anacortes	3 (3)	3 (3)
Bellingham	2 (2)	2 (2)
Blaine	56 (37)	60 (40)
Everett	1 (1)	1 (1)
Friday Harbor	5 (5)	5 (5)
Port Angeles	6 (6)	6 (6)
Port Townsend	1 (1)	2 (2)
Tacoma	15 (8)	13 (8)

[1] Fiscal year 1971 includes sky marshals in total.

Note: Numbers in parentheses are inspectors, agents, etc., who are responsible for the detection of the entry of illegal drugs into the United States.

HUBERT F. LEE, DECATUR, GA., NAMES MAN OF THE SOUTH

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. TALMADGE. Mr. President, each year, Dixie Business magazine edited and published by Hubert F. Lee of Decatur, Ga., names a "Man of the South." The award for 1971 went to Robert Jemison, Jr., an outstanding Birmingham, Ala., businessman, real estate developer, and civic leader.

I join Mr. Jemison's many friends and associates throughout the South and the Nation in congratulating him on this high honor.

I ask unanimous consent that the article from Dixie Business magazines about the award and a profile of Mr. Jemison's splendid career be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROBERT JEMISON, JR., MAN OF THE SOUTH FOR 1971

(By Hubert F. Lee)

Robert Jemison, Jr., who helped build much of Birmingham during its first hundred years, was honored March 8 at the Birmingham Rotary Club as the 26th "Man of the South."

He was six years old, in 1884, when his father moved from Tuscaloosa to Birmingham, in beautiful Jones Valley.

Birmingham was a village of 4,000 and Bob the first grade in Powell School—the only grade school there.

Birmingham was incorporated December 19, 1871.

It had been a corn and cotton field crossed by two newly built railroads.

Now, celebrating a year-long Centennial, Birmingham is the Youngest of World's Great Cities, thanks to men like Robert Jemison, Jr., and his father.

Mr. Jemison received a standing Ovation as he accepted the "Man of the South" award from Hubert F. Lee.

I was introduced by Roy H. Hickman, who will be installed as President of Rotary International at the Convention in Houston, June 11–15, 1972.

To my right sat Frank E. Spain, a past President of R.I. I was guest of Mr. Spain at Rotary the day after Dr. Frank P. Sanford received the 1958 Award as "Man of the South."

Mark Hodo, President of City Federal S&Loan Association and our Associate Editor, who nominted Mr. Jemison in 1950, was on the raised dais as was John S. Jemison, Jr., a nephew, President of Jemison Investment Company.

Mr. Jemison is the fifth member of the prestigious Birmingham Rotary Club to be named "Man of the South" since Thomas W. Martin was honored in 1946.

The five:

Thomas W. Martin, 1946.
Donald Comer, Sr., 1947.
Dr. Frank P. Samford, 1958.
J. Craig Smith, 1970.
Robert Jemison, Jr., 1971.

History and destiny have given them all something in common with Bob Jemison and his great father.

Mr. Jemison, Sr., became president of the East Lake Land Company in 1886 and he and his associates persuaded Trustees of Howard College to move from Marion to Birmingham.

Howard College was renamed Samford University in honor of Dr. Frank P. Samford.

Dr. Samford was voted the Greatest Birmingham Business leader in a poll conducted by Birmingham Magazine. The top ten list included Robert Jemison, Jr. and Frank E. Spain.

Mr. Jemison's father also in 1886 was elected President of the Birmingham Union Street Railway. He consolidated 9 street railways, three electric light companies and a gas company into the formidable Birmingham Railroad, Light and Power Company . . . which became the Birmingham Electric and later merged with the Alabama Power Company, headed by Thomas W. Martin, the first "Man of the South" in 1946.

The Alabama Power Company was founded in Gadsden in 1906 by Capt. Wm. P. Lay, his son Earl Lay, and his lawyer Col. O. H. Hood with a capital of $5,000.00.

Mr. Jemison, Jr. and Capt. Lay in March 1911 were two of the 100 speakers who addressed the Southern Commercial Congress . . . forerunner of the U.S. C. of C.

Bob Jemison had some of the speakers as his guest at the formal birthday of Fairfield, Alabama, on March 10, 1911.

Teddy Roosevelt addressed a crowd of 500 that day from a Model T Ford.

J. Craig Smith, the "Man of the South" for 1970, and Chairman of Avondale Mills, is a nephew of Donald Comer, "Man of the South" for 1947.

JEMISON BUILDS FAIRFIELD

In 1901, two years before Bob Jemison founded the Jemison Real Estate and Insurance Company, with Hugh Morrow and W. H. Kolb, with $5,000.00 capital, a big event took place on Wall Street that was destined to make Bob the greatest City Builder in modern times.

U.S. Steel Corporation was formed February 25, 1901 by Elbert H. Gary, Charles M. Schwab, Andrew Carnegie, J. P. Morgan.

The giant merger took in T.C.I. then headed by Col. Alfred M. Shook.

Judge Elbert H. Gary, in 1909, called in Robert Jemison, Jr., to talk about a model industrial town for TCI employes.

Bob's enthusiasm and vision matched that of Judge Gary and Geo. G. Crawford.

Holman Head, new Executive Vice President, attended Rotary when Mr. Jemison received the "Man of the South" Award.

The feature speaker was W. P. Gullander, dynamic President of the National Association of Manufacturers, who said I'm far less worried about students on the campus than I am about the Faculty, because the students become 30 years of age, and suddenly, as adults, they're worried about kids on campuses. The faculty are the revolutionaries.

Donald Comer, Jr. was there. Donald is a Vice President of NAM of the Southern Division. He was present also when I gave J. Craig Smith the Man of the South Award for 1970 in Sylacauga.

Frank Steinbruegge, of Atlanta, NAM Vice President and Division Manager, of course was there.

Gullander held an "On Stage Press Conference," a meet the press affair with veteran Business News Editor Irving Beiman, Birmingham News; Duard LeGrand, Jimmy Mill's successor as Editor of the Birmingham Post-Herald; Hugh M. Smith, VP–GM of WBMG, Davenport Smith, keen News Director, WBRC; Everett Holle, WAPI–TV and O. B. Copeland of the Progressive Farmer and the "Magazine of the Century" Southern Living, tossing the questions.

The Birmingham Chamber of Commerce's magazine, edited by Donald A. Brown, took a poll of readers to pick the 10 Greatest Men of Birmingham Business.

Out of 98 nominees 11 were picked by 503 official ballots.

The 11 were featured in Birmingham with brief sketches by Louis Harper.

Here is the sketch on Mr. Jemison:

ROBERT JEMISON, JR.

In 1903 Robert Jemison, Jr. left the hardware business he owned in Birmingham and dived valorously into the real estate field where he probably has developed more property, both residential and business, than anyone else in the South.

Jemison is a graduate of the University of Alabama and of the University of the South at Sewanee, Tennessee. He was born in Tuscaloosa of a family long prominent in the state, his father having been president of the Birmingham Railway Light and Power Company.

Robert Jemison Jr. developed Fairfield to accommodate people of Ensley and Fairfield Steel and Iron Works. The town was originally named Corey after the president of the company but was changed to Fairfield when a new man came in. Jemison built hotels, office buildings and residential areas.

When Jemison opened up the Mountain Terrace fine residence section of Birmingham, it was with much fanfare and speeches by Senator Oscar Underwood and General Rufus N. Rhodes, publisher of *The Birmingham News*. There was a band and refreshments with many stylish ladies present. Then began the building of the homes which, even now, are an intimate part of the South Highlands Landscape.

This was only a brief interlude in Jemison's career. His companies developed other entire residential communities such as Central Park, Bush Hills, Ensley Highlands, Forest Park, Glenwood and Mountain Brook Estates along with other of more recent vintage.

Commercial and multiple dwelling units such as Mountain Brook Village, Redmont Gardens Apartments, along with Elmwood Cemetery, were developed by Jemison. Altamont Road and Cherokee Road areas were sponsored by his company.

His companies either sponsored or participated in the acquiring of land and the construction of such projects as the Empire Building, Tutwiler Hotel, Stallings Building, Jemison-Seibels Building, Ridgley Apartments and others. Sites for the county courthouse, The Birmingham Country Club in Shades Valley, Ramsay High Schol, WAPI–TV, WBRC–TV and The Club on the crest of Red Mountain were negotiated by Jemison.

He is listed in Who's Who in America, was president of the Birmingham Chamber of Commerce in 1906 and president of the National Association of Real Estate Boards in 1926.

He married the former Virginia Earle Walker in 1901 and she died in 1953. Their children are Mrs. Virginia Goodall, William and Robert II. He is an active member of the Episcopal Church of the Advent.

JEMISONS LEADERS OF THE SOUTH

The Jemisons have always been leaders in Georgia and Alabama.

Two years after Alabama became a state, William Jemison in 1821 moved his family, slaves, cattle, mules and horses, etc. from Georgia to Pickens County, near Carrollton, Alabama, where his vast acreage became famous as the Garden Plantation. He was the first in Alabama to provide Brick Cabins for his Negro quarters.

Mr. Jemison's great uncle, Confederate Senator Robert Jemison, Jr., was in partnership with the founder of Birmingham, Colonel James L. Powell.

A hand bill in Mr. Jemison's office dated January, 1859 advertises Jemison, Picklin, Powell & Co.'s Post Coaches.

After a hot competition battle, the coach line owned by Mr. Ficklin and Senator Jemison merged.

When his Post Coaches gave way to the Iron Engines, Senator Jemison, Jr. served from 1863 to 1869 as President of the railroad serving the area between Chattanooga and Meridian, Miss.

William H. Jemison, Bob Jemison's grand father and a brother of Senator Jemison, graduated from Princeton in 1839, the year he married Elizabeth Patrick and raised nine children.

In 1861 he raised a company and became its captain.

After the war he resumed planting.

He was professor of agriculture at Auburn College for a year and for several years was quartermaster at the University of Alabama.

Robert Jemison, Sr., Bob's father was born at Tuscaloosa on Sept. 12, 1853.

He graduated from the first Law Class at the U. of Alabama in 1874.

He was in the hardware business for 19 years before moving to Birmingham in 1884.

He became president of the Birmingham Union Railway and the East Lake Land Company in 1886.

He merged nine street railways, three electric light companies and one gas company into the Birmingham Railway, Light and Power Company. He served as president until 1907 but continued as a director of its executive committee.

He was connected with the First National Bank from 1895.

He was an organizer of the Berney National Bank, which merged with the First National.

He was a director of the Woodward Iron Company and of the Southern Railway.

He married Miss Eugenia R. Sorsby, of Tuscaloosa in 1876.

They were the parents of nine children; Robert, Jr.; Annie, Mrs. H. A. Woodward; John S. Jemison; Elizabeth P., Mrs. Lewis Coleman Morris; Sorsby; Elbert Sevire; and Richard Wilmer.

William W. Jemison, Mr. Jemison's son, is Executive Vice President of the Jemison Realty Company who is able to carry on the business and the Jemison talent for business and civic leadership.

The United Daughters of the Confederacy has proposed Mr. Jemison's great-aunt, Mrs. Helen Jemison Plane for enshrinement in the Georgia Hall of Fame in the State Capitol as Mrs. Plane was the one who first proposed carving the Confederate Memorial on Stone Mountain.

Mrs. Plane was the first President of the Atlanta Chapter, UDC, July 18, 1895.

In the Spring 1956 issue of Dixie Business, I told in my Editor's Whirligig column about Mrs. Plane's dream for a memorial on Stone Mountain.

"Mrs. Helen Jemison Plane, grand aunt of Robert Jemison, Jr., on January 19, 1924 was carried amid cheers of thousands to the high rostrum on Stone Mountain where she gave the signal for the unveiling of the head of Lee, first of the carvings to be started by sculptor Gutzon Borglum.

"Mrs. Plane had said, 'When the idea of carving a memorial first presented itself to me, I was so excited I could not sleep at night.' She visited the Venables in 1914, who agreed with her plans.

"On March 20, 1916 Stone Mountain was dedicated as a memorial but World War I halted work, which was not resumed until 1923. Work stopped in 1925 when Borglum clashed with the directors. I talked with Borglum later and he felt he should have had the say so on his work and the directors should have confined their work to raising funds for him to use as he thought necessary."

JEMISON HISTORICAL LIBRARY

Mr. Jemison's office is a Library of History. On the walls are pictures of pioneer leaders of Birmingham and men who inspired him. There are books and brochures and old clippings. There are medals and awards and citations.

I have thrilled for years on my visits to see Birmingham's history come alive from talks with the man who put the Magic in the Magic City.

Pictures of Judge Gary, J. Frank Rushton, George Gordon Crawford, a president of the University of the South, etc.

Pictures of his family over the years, of his old friends who in their day made local and national news.

I came to his Birmingham as a Boy Scout in 1918 on a 650-mile hike selling War Stamps so for years since each time Mr. Jemison showed me his treasure of history and talked about great men and events. I was an eager listener.

In 1953, I presented Mr. Jemison an award which read:

"Dixie Business Magazine Distinguished Service Award Presented to Robert Jemison, Jr., Developer, Realtor, Civil Leader, Dreamer who has given himself unselfishly during a Half Century to the Development of Birmingham."

Now he has another, "Man of the South."

"REALTOR OF THE CENTURY"

Robert Jemison, Jr. was presented an appreciation plaque as Dean of Real Estate "Realtor of the Century by the Birmingham Board of Realtors, January 14, 1972. Realtor John D. Chichester said ". . . privilege . . . to honor a past President of National Association of Real Estate Boards. A man who has contributed more to development of Birmingham District than anyone and a man held high in the esteem of fellow citizens, loved and respected by all . . ."

Wallace Boothby presented the plaque.

CHRONOLOGICAL DATES—ROBERT JEMISON, JR.

1878: February 28, in Tuscaloosa, Ala. in home built by his father.

1885: Moved to Birmingham, entered 1st grade Powell School.

1894: Entered School of Prof. Joel C. Dubose.

1895: Entered Sophomore Class, U. of Ala.

1897: Entered U. of the South (Sewanee). Class of 1899.

1899: Started in business with Prowell Hardwell Co., Birmingham, as clerk, $30.00 month. Jan. 1899 to January 1903.

1901: November 12th, Virginia Earle Walker. The most event in his life. (A happy life together, Nov. 12, 1901–July 16, 1953.)

1903: January 1st, organized Jemison Realty Company. $5,000 capital. First office, one room in Woodward Bldg. Robert Jemison, Jr., President; Hugh Morrow, Vice-President; W. H. Kolb, Sec'y & Treasurer.

1904: Appointed agent to sale of Ensley Highlands, by Robert Terrell, Owner.

1904: Appointed Agent for, and supervised development of, Earle placed for Judge Samuel Greene & Family.

1905: Organized Central Park Land Co. and developed 350 acre Central Park (then largest sub-division).

1905: Purchased 120 acres, of which Mt. Terrace is part—also residences of A. H. Woodward, John L. Kaul, etc.

1905: Organized, developed and served as President, Redmont Land Co. 150 acres.

Mountain Brook Estates (Mountain Brook Village-Old Mill-Tutwiler Home.) (200 acres.)

Mountain Brook Land Co. (Cherokee Rd.-27 miles Bridle Trails.) (2,000 acres.)

1906: Vice Chmn., Birmingham Parks Com.

1906: President, Chamber of Commerce.

1907: June 30, completion and opening of Mountain Terrace, with Senator Oscar W. Underwood; Rufas N. Rhodes and other speakers.

1907: President, Alumni Association, University of Alabama.

1909: Organized and developed industrial Town of Fairfield (formerly Corey) at request of Judge E. H. Gary, Chmn., U.S. Steel, and W. P. H. Harding, Pres., First Nat'l Bank of Birmingham and others

1909: Organized and became President, First Bank of Corey (Fairfield).

1910: Fairfield booming.

1910: Agent, developer of Bush Hills, for heirs of T. G. Bush.

1910: Purchased, with W. M. Leary, the Avondale Land Co. and made plans to develop Forest Park.

1910: Organized, developed, leased and managed Chamber of Commerce Bldg., ten stories, now Stallings Bldge.

1910: Organized, planned development, leasing and management of Empire Bldg. 16 stories.

1910: Director First National Bank of Birmingham (1910–1934).

1911: March 10, Theodore Roosevelt spoke from a Model T touring car to 500 in Fairfield as the guest of Robert Jemison, Jr.

1911: March 8, Robert Jemison, Jr., Teddy Roosevelt, Woodrow Wilson, President William H. Taft, W. P. Lay, Gadsden, Ala., (Founder, Alabama Power), John Temple Graves, Sr., George Westinghouse were among 100 leaders to address Southern Commercial Congress in Atlanta (3 days).

1912: Organized, promoted, developed and leased Tutwiler Hotel. Geo. Gordon Crawford, Pres. T. C. I., President, Robert Jemison, Jr., V. P. Chairman of Building Committee.

1912: Appointed by Maj. E. M. Tutwiler as Agent for planning, building, renting, managing Ridgely Apartments.

1912: Dec. 1 Contract let to Wells Bros. & Co. for building Tutwiler Hotel and Ridgely Apartments.

1914: June 15. Tutwiler Hotel opened United Hotels lessees.

1914: Sept. Ridgely Apartments opened.

1915: President, in charge development of Elmwood Cemetery Corporation.

1916: Appointed agent for leasing, managing Saks Bldg.—later Newberry Bldg., owned by heirs Wm. S. Mudd.

1916: First President, Birmingham Chapter, American Red Cross.

1916: President, Birmingham Country Club.

1917: Member, U.S. Chamber of Commerce. (Co-founder and first editor of Nation's Business was G. Gosvenor Dawe, former Secretary, Montgomery Commercial Club.)

1917: Became Asst. Manager, Housing Div., Emergency Fleet Corporation, U.S. Shipping Board, Washington.

1918: Sold Forest Park properties to Birmingham Realty Company.

1920: Organized, President, Jemison-Seibels Investment Co. owner office bldg. Third Ave. & 21st St., N.

1920: Organized & V.P. Jemison-Seibels, Inc. (Insurance).

1922: President of Father's Association—Hill School, Pottstown, Pa.

1924: Member Board of Trustees, and Bd. of Regents, U. of the South, Sewanee.

1925: Member Board Trustees, U. of the South, Sewanee (1925–1927).

1926: President, National Association of Real Estate Boards.

1926: Member, Board of Trustees, Alabama Hospitals (1926–1946). (The Third Robert Jemison on This Board).

1927: Chmm, United Appeal (Com. Chest.)

1927: President and builder of addition of Office Bldg, 3d Ave-21st. N.

1927: Member, Board of Regents, U. of the South—Sewanee (1927–1932).

1930: Agent in charge building Porter Bldg. 3rd Ave. & 20th St. N.

1930: Organized and served as Vice-President, and Chairman—Building Committee, Mountain Brook Country Club. (Geo. G. Crawford, Pres.)

1930: Fairfield Land Co. dissolved by Directors, after distribution of Dividends and adoption of Resolution by W. H. Kettig, commending Robert Jemison, Jr. as President for success of the Company thru difficulties and trials, and finally, payment of principal and interest to all who held stock.

1932: Member of President Hoover's Conference on City Planning, Wash. D.C.

1934: First Director of F.H.A. of Alabama (1934 to 1938) Federal Housing Administration.

1941: Elected Honorary Associate, Alabama Chapter, The American Institute of Architects.

1950: Elected Senior Warden Emeritus, Episcopal Church of the Advent.

1950: Named to the South's "Hall of Fame for the Living," the honor group limited to 200 Living Leaders from which the "Man of the South" is named each year.

1950: Dedication of Jemison Park. (Mountain Brook Parkway By City of Mountain Brook.)

On April 23, Mayor Chas. F. Zukoski, at dedication said Mr. Jemison's work in developing many of the residential sections of Jefferson County had made this area "one of the most beautiful in the nation."

1953: Distinguished Service Award by Dixie Business Magazine, for half Century developing Birmingham.

1956: Gold Plaque presented by the Birmingham Chamber of Commrce, commemorating election as President—50th anniversary.

1960: Award presented by Birmingham Real Estate Board in grateful recognition for interest in the Board and City of Birmingham.

1971: Dedication of Jemison Hall—Episcopal Church of the Advent.

1971: Named "Man of the South" by the Editors of Dixie Business.

1972: January 14, Presented appreciation plaque annual meeting of Birmingham Board of Realtors as "Dean of Real Estate" "and Realtor of the Century." Tribute by Realtor John D. Chichester. Plaque presented by Wallace Boothby.

1972: March 8, presented the "Man of the South" Award at the Birmingham Rotary Club by Hubert F. Lee, founder of the "Flowers for the Living," honor group.

JEMISON REALTY CO., INC.,
Birmingham, Ala., January 4, 1972.

Mr. HUBERT F. LEE,
Editor, Dixie Business Magazine,
Decatur, Ga.

DEAR HUBERT: I am naturally very much surprised, as well as grateful, for your tribute in naming me "Man of the South" for 1971. While it is an honor which I do not deserve, I, nevertheless, deeply appreciate your tribute and your friendship through many years. I find much satisfaction in sharing this honor with my best friend, for many years, Donald Comer, who you named as "Man of the South", for the year 1947.

At my ripe age of Ninety-four I, naturally, appreciate the honor which you conferred on me, although it is, perhaps, undeserved. I deeply appreciate your friendship through many years and I hope to again have the pleasure of a visit from you in Birmingham—the City that I love, having seen it grow from a Village of four thousand in '84 when my Father moved from Tuscaloosa to Birmingham.

At the age of six I entered the First Grade in the Powell School, then the only Public School in Birmingham. I am very proud of Birmingham—Youngest of the World's Great Cities. We have tried to live up to our famous quotation from Daniel Webster—

OUR CREED

"Let us develop the resources of our land Call forth its powers. build up its Institutions, promote all its great interests and see whether we also, in our day and generation, may not perform something worthy to be remembered."

Your surprise tribute is indeed a real inspiration to me and in my ripe old age of Ninety-four I am deeply grateful for your friendship.

Sincerely,

ROBERT JEMISON, Jr.

A SALUTE TO "BUCK" RAMSEY

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. GROVER. Mr. Speaker, it is with pride and pleasure that I submit for the RECORD, for my colleagues and all Americans, the biography of a fine man, a dedicated educator and talented athlete, but more important, an understanding and compassionate human who gives meaning to the words "my friend," my favorite teacher, "Buck" Ramsey:

WALTER M. RAMSEY

"Buck" Ramsey is a native of Winthrop, Massachusetts. He was graduated from Winthrop High School in June, 1924 During his four years at Winthrop High School he played on the varsity baseball team each spring and was captain of the team in his senior year.

He enrolled at the University of New Hampshire in the Fall of 1924. While attending college at New Hampshire he played on the varsity soccer and ice hockey teams. However, his first love and major emphasis was baseball. He was elected captain of the Freshman baseball team. The next three years he was a regular on the varsity baseball team. During "Buck's" three years on the varsity he played every inning of every game. He was elected captain in his Junior year. His batting average for his varsity career was .312 and he committed only 6 errors in 3 years at his position at shortstop.

"Buck" was accorded his highest honor for his efforts in baseball for New Hampshire in 1949. At that time, "Buck" Ramsey was named to the All New Hampshire Baseball Team.

"Buck" played with many other baseball teams during his youth. Among his proudest moments in baseball, were those spent as a regular for his home town team, The Winthrop Baseball Club.

As a result of his excellent play at New Hampshire and with The Winthrop Baseball Club, "Buck" tried out for and made it into organized professional baseball when he joined the Manchester Blue Sox.

His continued growth and prowess caught the attention of the Boston Braves. It was this period, the Spring of 1929, while striving to win a position with The Boston Braves that a serious problem developed in his throwing arm. The Boston manager, Rogers Hornsby, was impressed with "Buck's inventory of baseball skills, but, a young shortstop with a troubled throwing arm was not a sound investment. All hopes for a professional baseball career were ended.

Following this disappointment "Buck" went to Boston to register with Reed's Teacher's Agency, a prominent teacher's Agency, a prominent teacher's placement service in the East. The Headmaster of St. Paul's School for Boys in Garden City, New York was also visiting the agency that day in search of new faculty members for St. Paul's for the Fall, 1929 semester. The two men were introduced to each other and as a result of this chance meeting "Buck" acquired his first teaching position.

His career in teaching began that Fall of 1929. He taught physical education, but did not coach any athletic teams at St. Paul's.

While teaching at St. Paul's "Buck" learned of the opening of the H.P.E.R. Directorship at the Babylon Schools created by George Tiffany's move from Director at Babylon to his new position as Director of H.P.E.R. at the Northport Schools. Buck was successful in obtaining the position of Director of H.P.E.R. at the Babylon Schools. His work at Babylon began in the Fall of 1930. At Babylon, "Buck" taught all the boys' physical education classes, grades 3–12, was assistant varsity football coach, head coach in baseball and basketball, taught an algebra class and was assigned a senior home room. "Buck" worked in the Babylon Schools from 1930 to 1937. During that period he was a regular player with the Babylon White Sox, a prominent town baseball team of that era. "Buck" vividly recalls playing against many outstanding baseball players from the Islip Town Team, such as Jack Warhop, the ex-New York Yankee, Reverend "Doc" Daley, Eddy and Jimmy King and Bill Hunt.

In the Fall of 1937 "Buck" left the teaching profession to relocate near his home town, Winthrop, Massachusetts. For the next three years "Buck" worked as a field representative for Warner Brothers Films and as an insurance investigator with the Royal Indemnity Insurance Company in Boston. While working with the latter "Buck" was contacted by an old friend on Long Island, Burt Dorland.

Dorland informed "Buck" of the H.P.E.R. Directorship opening in the Islip Schools. This opening occurred when Islip's H.P.E.R. Director was recalled to active duty in the U.S. Army as a result of world tensions. The late Earl B. Robinson, Islip's Supervising Principal, hired "Buck".

During his career in the Islip Schools, "Buck" served as Director of H.P.E.R. and Atheltics for 27 years. Taught 4th, 5th and 6th grade boys and girls physical education as well as all boys physical education classes grades 7–12. In addition to his teaching assignments and responsibilities as Director of his department he also coached soccer, basketball, baseball, track and field and tennis. When time allowed between varsity seasons and sometimes during the seasons, he conducted intramurals and extra-curricular competition in volleyball, tennis and badminton with many local schools.

"Buck" has found it difficult to pin-point any particular phase of his career in Islip as the most significant. He has thoroughly enjoyed the entire experience. However, he has often confided that when gasoline rationing created the "Railroad League" during World War II, a certain camaraderie developed between competing players, coaches and fans that can only be understood and appreciated by those that actually participated in this very unique league which included teams from Patchogue to Amityville. The teams travelled exclusively on the Long Island Railroad. There were many long walks to and from railroad stations at both ends of the trip, and many of these walks were made more memorable as a result of rain and snow storms. In spite of the hardships, the competition was spirited and many of the standing room only events of that day are still fondly recalled by the those that attended.

During his career he has been a member and professional service award winner of the New York State Association of Health, Physical Education and Recreation (Suffolk Zone) as well as a member of the New York State Teachers Association, the Islip Teachers Association, the Islip Fire Department as member of the Hook and Ladder Company Number 1 for 17 years, ex-president of League B–1, Suffolk County Committee member of the Suffolk Track and Field Committee for several years and Soccer Chairman for Section 8 which included Nassau and Suffolk Counties.

DISCLOSURE AND CONTROL OF INDUSTRIAL CORPORATION STOCK

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. METCALF. Mr. President, in February, I asked the Securities and Exchange Commission to identify the 30 top stockholders in each of the largest corporations in this country. The SEC responded that it did not have this information, except in the case of some transportation companies which are required by the Interstate Commerce Commission to report the top 30 stockholders, and provide the SEC a copy of that ICC form.

The SEC countered my suggestion that it obtain information from the companies with the proposal that I make the inquiries myself, which I did of the top nine.

Responses of all but one of the corporations to my March 11 letter have now arrived, and I wish to share these responses with the Senate.

Mobil, Chrysler, Ford, and General Electric supplied the requested information.

Standard Oil of New Jersey, Texaco, General Motors, and IBM did not.

The ninth company—ITT—has not responded. My letter to ITT may have been shredded. I will send another.

Mr. President, the responses I have received from the four companies can be summarized as follows:

The 30 top stockholders in Chrysler hold 41 percent of its common stock. Banks which are among Chrysler's 30 top stockholders and the New York Stock Exchange hold 39 percent of Chrysler's total stock.

I should point out here that the New York Stock Exchange is not usually identified as such in ownership reports. "Cede & Co.," listed in ownership reports, identifies the Stock Clearing Corporation, which is a wholly owned subsidiary of the New York Stock Exchange.

Ford's top 30 stockholders hold 35 percent of the total common stock, with banks and the New York Stock Exchange accounting for 33 percent of the total.

General Electric's top 30 stockholders hold 21 percent of the total stock, with banks and the New York Stock Exchange holding 19.6 percent of the total.

Mobil's top 30 stockholders hold 28 percent of the stock, with banks and the New York Stock Exchange holding 26 percent of the company's total common stock.

It is pertinent to point out here that, according to studies by the House Banking and Currency Committee, most of the stock held by banks is voted by the banks.

Various authorities have stated that effective control of a large corporation can be exercised through as little as 10 percent of its stock. Persons who wish to inform themselves on this matter will find of interest "Bank Stock Ownership and Control," dated December 29, 1966, and "Control of Commercial Banks and Interlocks Among Financial Institutions," dated July 31, 1967. They are both staff reports for the Subcommittee on Domestic Finance of the House Committee on Banking and Currency, and have been printed as subcommittee prints.

Concentration of ownership is probably greater than the percentages above indicate. If one saw the names of additional stockholders, beyond the top 30, he would probably see that a bank among the top 30 holds additional stock, under different "street" names or "nominees."

Also, the "top 30" may actually be only the top 20 or so because of the use of various street names by the same bank. For example:

General Electric included among its top 30 stockholders Barnett & Co., Eddy & Co., and Salkeld & Co., all of which are street names for Bankers Trust.

Chrysler listed Kane & Co., Cudd & Co., and Egger & Co., all of which are street names for Chase Manhattan.

Ford listed Gerlach & Co., Stuart & Co., Thomas & Co., and King & Co., all of which are street name for First National City Bank.

Mobil listed Carson & Co., Kelly & Co., Reing & Co., and Shaw & Co., all of which are nominees—street names—for Morgan Guaranty Trust.

I would point out here that the Nominee List issued by the American Society of Corporate Secretaries—and published as Part II of the June 24, 1971, CONGRESSIONAL RECORD—is a most useful reference in determining the identities of stockholders who use "nominees" or "street names," those phantom creations of the corporate state which apparently have no offices, no officers, no telephone.

Mr. President, I want to extend my thanks and congratulations to the four companies which voluntarily disclosed their top stockholders.

I was somewhat surprised to learn of the sharply contrasting disclosure policies of major industrial corporations. The contrasting policies exist even within individual industrial categories, such as automobiles and oil. It seems to me that what is good for Ford and Chrysler ought to be good for General Motors; that what is good for Mobil ought to be good for Texaco and Standard Oil of New Jersey.

If stockholders, customers, and public officials are to work for change within the system they have to know who controls the votes. We know so much about the constituencies of New Hampshire, Florida, and Wisconsin. But we know so little about the constituencies of the corporate States whose decisions have much greater political, economic, environmental, and social consequence.

The data I have received so far shows an extraordinary concentration of power in the financial community. It extends horizontally as well as vertically. Sigler & Co., which is actually Manufacturers Hanover Trust, was listed as a principal stockholder by all four corporations which disclosed ownership.

The enforcement of law and order in the executive suite requires disclosure of the basic facts on ownership and control. I would remind members of the Senate Judiciary Committee that a vehicle for obtaining that information still awaits its attention. It is Senate Resolution 113, which would establish a Special Committee To Investigate Economic and Financial Concentration.

Mr. President, I ask unanimous consent to have printed in the RECORD my correspondence with the SEC, the named corporations, and a staff summary.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 1972.

Hon. WILLIAM J. CASEY,
Chairman, Securities and Exchange Commission, North Capitol Street, Washington, D.C.

DEAR MR. CHAIRMAN: I shall appreciate receiving copies of the reported thirty top stockholders, for the most recent year available, for each of the companies on the attached list.

Thank you.

Very truly yours,

LEE METCALF.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., March 1, 1972.

Hon. LEE METCALF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR METCALF: This is with reference to your letter of February 1, 1972. You will recall my assistant, Mr. Whitman, has talked with Mr. Reinemer, of your staff, about your request for information and has advised that the information you sought is not required to be filed with the Commission. In accordance with Mr. Reinemer's request, we enclose copies of the pertinent portions of annual reports filed with the Interstate Commerce Commission by Burlington Northern, Inc., The Greyhound Corporation, and Union Pacific Railroad Company which reports have also been filed with this Commission.

Please let me know if you have further questions with respect to this matter.

Sincerely

WILLIAM J. CASEY,
Chairman.

(NOTE.—The following letter sent to Chief Executives of the following corporations: General Motors Corporation; Standard Oil Company of New Jersey; Ford Motor Company; General Electric Company; International Business Machines Corporation; Mobil Oil Corporation; Chrysler Corporation; International Telephone & Telegraph Corporation; and Texaco Incorporated.)

MARCH 11, 1972.

DEAR SIR: I shall appreciate receiving a list of the 30 top stockholders in your company, and the amount of common stock each holds. In addition, I would like to know the total number of voting shares of common stock.

If your records do not conveniently identify the actual owner of the stock, the street name will suffice.

Very truly yours,

LEE METCALF,
U.S. Senator.

TEXACO, INC.,
New York, N.Y., March 28, 1972.

Hon. LEE METCALF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR METCALF: This refers to your letter of March 11, 1972 addressed to Mr. Augustus C. Long in which you request certain information regarding our Company's stockholders. For your information, Mr. Augustus C. Long is no longer Chief Executive Officer of our Company. He retired as such on December 31, 1971 and is now Chairman of the Executive Committee of the Board of Directors; Mr. Maurice F. Granville is Chairman of the Board of Directors and Chief Executive Officer.

We must advise that we consider our stockholders' names and stockholdings to be privileged and confidential information to be divulged only upon a showing of proper purpose in accordance with applicable provisions of the law. No such purpose is indicated by your letter, and we must therefore respectfully decline your request.

In case it may be of assistance to you, we can advise that as of February 1, 1972, our Company had outstanding 274,285,268 shares of common stock, which shares were held by 299,021 owners of record. No one stockholder owned as much as 1.5% of the outstanding shares.

Very sincerely yours,

WILFORD R. YOUNG,
Senior Vice President, and General Counsel.

INTERNATIONAL BUSINESS MACHINES CORPORATION,
Armonk, N.Y., March 23, 1972.

Hon. LEE METCALF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR METCALF: Thank you for your letter of March 11th requesting information concerning our company's stockholder records.

We can answer one of your requests—the total number of voting shares of our common stock is approximately 115,665,000.

In addition you asked for a list of the 30 top stockholders of our company. We consider information on individual stock holdings to be confidential, and that we have a fiduciary responsibility to our stockholders to protect this confidentiality. For example, the By-laws of our corporation restrict the availability of this type of information even to our own stockholders. One of the restrictions referred to in our By-laws and contained in the New York State statutes is that the stockholder must show a purpose in requesting such information which is in the interests of the business of the corporation.

In view of this, if you are willing to provide us with the purpose for which you are requesting this stockholder information, we will certainly give your request further consideration.

I hope you will understand the position I feel we must take on this matter.

Sincerely yours,

J. H. GRADY,
Secretary.

GENERAL MOTORS CORP.,
Detroit, Mich., April 12, 1972.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Mr. Gerstenberg, who currently is out of the country on a business trip, has asked me to thank you for your letter of March 11 requesting information about the common stock and stockholders of General Motors Corporation.

As of December 31, 1971, the corporation had issued 287,604,280 shares of common stock. Since there were 1,379,100 shares in our treasury, the number of shares outstanding on that date was 286,225,180. This information appears on pages 30 and 31 of the attached 1971 annual report for General Motors Corporation.

You also requested a list of the top 30 stockholders in the corporation along with the amount of common stock held by each. It is our policy not to disclose specific information concerning individual stockholders, as such individuals or organizations may regard their holdings as a matter that is private to them. However, some generalized data regarding the owners of the corporation appears on page 26 of the annual report. This may be helpful to you. I am sure you will find much other useful information in the annual report.

Also attached is a copy of a booklet, General Motors Policies and Progress, which I believe will be of interest to you.

Thank you for your interest in General Motors.

Sincerely,

ROBERT F. MAGILL,
Vice President.

STANDARD OIL CO.
OF NEW JERSEY,
New York, N.Y., March 30, 1972.

Senator LEE METCALF,
U.S. Senate,
Committee on Government Operations,
Washington, D.C.

DEAR SENATOR METCALF: In replying to your letter of March 11th, I must tell you that it has been the long standing practice of our management not to disclose holdings of individual shareholders to persons outside the Company, for reasons which I hope you will understand. We regard the relationship between the Company and the shareholder as a private one, somewhat like that between a bank and its depositors and, in the absence of some legal requirement, would not wish to be guilty of disclosing a shareholder's private affairs for the purposes of third parties. Normally, of course, third party inquiries arise out of marital difficulties, creditors' claims, or just plain curiosity of say a relative or a newspaper columnist. I fully appreciate that your inquiry must have a substantial purpose in the public interest. Unfortunately, we have been unable to establish any satisfactory dividing line between "good" inquiries and "bad" inquiries and this has forced us to decline to make any voluntary disclosure.

I can tell you that the 30 largest shareholders of this corporation all happen to be intermediary holders, for the most part the nominees of banks who, as you know, hold in their custody shares for a variety of investors—individuals, estates, mutual funds, etc.—and for purposes of convenience frequently lump such holdings into one or more nominee accounts. Thus, the nominee accounts has title to, but not beneficial ownership of, the shares and the real owners are not disclosed to the Company.

Our largest shareholder account happens to be the Trustee of our Thrift Fund, holding shares beneficially owned by many thousands of employees of this Company and its affiliates. This account currently holds 6.3 million shares, or something less than 3% of the 224,227,367 shares outstanding as of December 31, 1971. The range among the 30 largest shareholders is from this largest account down to a nominee which holds slightly over one-half million shares, or less than 2/10 of 1%. To reiterate, there is no account among the 30 largest, with the exception of the Trustee, which appears to us to be anything other than an intermediary nominee holder for a bank or broker.

I regret that the problems touched upon prevent me from giving you all of the exact information you requested. I trust that the information which I have provided will be of use to you.

Sincerely yours,

M. M. BRISCO,
President.

GENERAL ELECTRIC CO.,
New York, N.Y., April 3, 1972.

Senator LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: In answer to your request of March 11 to Mr. Borch, we enclose a listing of the thirty largest share owners of record. You will appreciate that most of these are nominee accounts for banks, funds and other institutions.

As you know, the American Society of Corporate Secretaries prints a nominee list which shows some of the institutions for which the nominees hold shares. We would have no information as to who the beneficial owners are of the shares held in nominee accounts.

Very truly yours,

GREGORY M. SHEEHAN,
Manager, Investor Relations.

GENERAL ELECTRIC CO. SHAREOWNER ACCOUNTS

Number of shares at December 18, 1971

Tepe & Co.[1]	4,993,507
Kane & Co	3,727,580
Cede & Co.[2]	2,822,602
Cudd & Co	2,752,552
Atwell & Co	2,309,912
Sigler & Co	2,101,643
King & Co	1,416,402
Barnett & Co	1,321,360
Merrill Lynch	1,026,041
Anderson & Co	970,813
Stuart & Co	950,186
Don & Co	930,065
Eddy & Co	848,035
Bird & Co	819,074
Don & Co	801,200
Bost & Co	792,979
Emp & Co	759,210
Mac & Co	750,162
Saxon & Co	738,904
Steere & Co	673,155
How & Co	672,526
Brown Brothers Harriman	662,174
Hare & Co	650,109
Salkeld & Co	643,970
Trussal & Co	642,533
Perc & Co	642,000
Way & Co	629,116
Cuyler & Co	621,100
A. A. Welsh & Co	616,289
Olen & Co	606,980
Credit Suisse	602,553

[1] 4,815,394 shares held for account of the Trustees of General Electric Savings and Security Trust.

[2] Deposits in Central Certificate Service by participating institutions. As reported by Stock Clearing Corporation, this represents holdings of 188 participants.

MOBIL OIL CORP.,
New York, N.Y., March 17, 1972.

Hon. LEE METCALF,
United States Senate,
Washington, D.C.

DEAR SENATOR METCALF: In response to your letter of March 11, 1972 addressed to Rawleigh Warner, Jr., Chief Executive Officer, Mobil Oil Corporation, I'm pleased to enclose a list of the 30 largest stockholders of Mobil Oil Corporation. This is the list as of February 7, 1972, the most recent date for which that information is now available. The first name listed in each case is the record owner. In those cases where the record owner is known to us to be a "nominee", we have also listed immediately under the record owner's name the name of the principal or fiduciary.

In response to the other question in your letter, the number of voting securities of the Corporation outstanding was 101,567,404 shares as of February 11, 1972, all of one class and each having one vote.

Very truly yours,

GEORGE A. BIRRELL,
General Counsel & Secretary.

Thirty largest stockholders as of February 7, 1972

Registration:	*Number of shares*
Pitt & Co., Bankers Trust Co., New York, N.Y	5,281,301
Kane and Co., Chase Manhattan Bank, N.A., New York, N.Y	2,661,000
Cudd & Co., Chase Manhattan Bank, N.A., New York, N.Y	2,607,491
Cede and Co., Stock Clearing Corp. New York, N.Y	2,348,306
Mobil Oil Corporation, New York, N.Y.	1,480,077
Carson & Co., Morgan Guaranty Trust Co., New York, N.Y	1,183,497
Nabank and Co., National Bank of Tulsa, Tulsa, Okla	1,034,098
Trussal & Co., National Bank of Detroit, Detroit, Mich	914,465
Pace & Co., Mellon Natl. Bk. & Tr. Co., Pittsburgh, Pa	877,544
Sigler & Co., Manufacturers Hanover Trust Co., New York, N.Y	827,311
Brad & Co., First Natl. City Bank, New York, N.Y	798,683
Northern Natural Gas Co., c/o J. C. Plourde, 2223 Dodge Street, Omaha, Nebraska	733,000
Kelly and Co., Morgan Guaranty Tr. Co. of N.Y., New York, N.Y	673,399
Anderson and Co., The Fidelity Bank, Philadelphia, Pa	662,259
Reing and Co., Morgan Guaranty Trust Co. of N.Y., New York, N.Y.	633,606
Cross & Co., First Pennsylvania Banking & Tr. Co., Philadelphia, Pa.	625,312
Steere & Co., Girard Trust Bank, Philadelphia, Pa	619,487
Batrus & Co., Bankers Trust Co., New York, N.Y	520,592
Emp & Co., Harris Trust & Sav. Bank, Chicago, Ill	507,525
Atwell & Co., United States Tr. Co. of N.Y., New York, N.Y	473,189
Shaw & Co., Morgan Guaranty Tr. Co. of N.Y., New York, N.Y	464,044
King and Co., First Nat. City Bank, New York, N.Y	434,624
Dean & Davis, Wilmington Tr. Co., Wilmington, Delaware	433,400
Saxon & Co., Provident Nat'l. Bank, Philadelphia, Pa	424,763
The Sealy & Smith Foundation for the John Sealy Hospital, 200 University Blvd., Galveston, Texas	400,000
Jenkins & Co., Chemical Bank, New York, N.Y	393,591
The Equitable Life Assurance Society of the U.S., 1285 Avenue of the Americas, New York, N.Y	377,100
Barnett & Co., Bankers Trust Co., New York, N.Y	372,720
Heil & Co., United States Tr. Co. of N.Y., New York, N.Y	359,859
Perc & Co., Northwestern Natl. Bk. of Minneapolis, Minneapolis, Minn.	344,300

FORD MOTOR CO.,
Dearborn, Mich, March 28, 1972.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: Mr. Ford has asked me to reply to your letter of March 11 requesting a list of the top 30 holders of Common Stock of the Company and the number of shares held by each.

For reasons that I am sure you will understand, it is our policy to keep information about our stockholders confidential, except as public disclosure may be required by law or regulation. Under Delaware law, the list of stockholders is available for inspection by a stockholder, but only subject to the protective provisions of the statute. In this instance, however, in view of your request, we have prepared and are enclosing the list you sought.

January 31, 1972, the record date for our first quarter dividend, was the date used to compile the data. On that date there were 75,101,218 shares of Ford Motor Company Common Stock outstanding.

Very truly yours,

SIDNEY KELLY, *Secretary.*

30 TOP SHAREHOLDERS—COMMON STOCK

Shares Held as of Jan. 31, 1972

Orth & Co.,[1] P.O. Box. 1319, Detroit, Michigan	9, 142, 166
Cudd & Co., % The Chase Manhattan Bank, P.O. Box 1508 Church Street Station, New York, New York	1, 944, 002
Cede & Co.,[2] % Stock Clearing Corp., Box 20 Bowling Green Station, New York, New York	1, 236, 656
William & Co., % The Bank of New York, Bank Window Church Street Station, New York, New York	1, 194, 749
Merrill Lynch Pierce Fenner & Smith, Inc., 70 Pine Street, New York, New York	928, 863
Emp & Co., % Trust Dept. Harris Trust & Savings Bank, 115 West Monroe Street, Chicago, Illinois	805, 615
Bark & Co., % State Street Bank & Trust Co., P.O. Box 5006, Boston, Massachusetts	802, 200
Barnett & Co., % Bankers Trust Co., Box 704, Church Street Station, New York, New York	740, 300
Kane & Co., c/o The Chase Manhattan Bank, P. O. Box 1508 Church Street Station, New York, New York	701, 454
Gerlach & Co., c/o First National City Bank, 20 Exchange Place, New York, New York	673, 726
Stuart & Co., c/o First National City Bank, 20 Exchange Place, New York, New York	670, 220
Carson & Co., c/o Morgan Guaranty Trust Co. P. O. Box 491 Church Street Station, New York, New York	654, 586
Reing & Co., c/o Morgan Guaranty Trust Co., P. O. Box 491 Church Street Station, New York, New York	630, 320
Pace & Co., c/o Mellon National Bank and Trust Co., P. O. Box 926, Pittsburgh, Pennsylvania	579, 791
Touchstone & Co., c/o State Street Bank & Trust Co., Investment Co. Dept., P. O. Box 351, Boston, Massachusetts	557, 500
Perc & Co., c/o Trust Dept. Safekeeping Div., Northwestern National Bank of Minneapolis, Minneapolis, Minnesota	551, 200
Thomas & Co., c/o First National City Bank, 20 Exchange Place, New York, New York	482, 500
Trude & Co., c/o Continental Bank, Trust Securities Div. Lock Box 835, Chicago, Illinois	452, 640
Ford Motor Company[3]	443, 789
Carothers & Clark, % Bank of Delaware, Box 1910, Wilmington, Delaware	402, 100
Sigler & Co., % Manufacturers Hanover Trust Co., New York, New York	386, 956
Finat & Co., % First National Bank of Chicago, 38 S. Dearborn Street, Chicago, Illinois	378, 967
R. J. Thomas & Company, % Republic National Bank of Dallas, P.O. Box 2716, Dallas, Texas	354, 806
King & Co., % First National City Bank, 20 Exchange Place, New York, New York	334, 242
Var & Co., % 1st National Bank, Att Trust Dept., Minneapolis, Minnesota	320, 000
Harvard & Co., % The New England Trust Co. of Boston, Boston, Massachusetts	297, 188
The Aetna Casualty and Surety Company, % Securities Section Cashier's Dept., 151 Farmington Ave., Hartford, Connecticut	294, 500
Myers & Co., % Custodian Services Dept., State Street Bank & Trust Co., P.O. Box 5006, Boston, Massachusetts	294, 400
Dean & Davis, % Wilmington Trust Co., Wilmington, Delaware	285, 300
Olen & Co., % Trust Dept. First National Bank of Chicago, Chicago, Illinois	283, 520

[1] This is the nominee for the Company's Savings and Stock Investment Plan for Salaried Employees. All these shares are held in trust for the benefit of participating employees.

[2] This is a stock clearing corporation established by the New York Stock Exchange.

[3] Treasury shares; cannot be voted.

CHRYSLER CORP.,
April 5, 1972.

Hon. LEE METCALF,
U.S. Senate, Committee on Government Operations, Washington, D.C.

DEAR SENATOR METCALF: Per your request to our President, Mr. John J. Riccardo, I enclose a list showing the thirty top stockholders of Chrysler Corporation as of February 25, 1972, the record date for our Annual Meeting, and the number of shares of common stock each holds. As of that date, there were outstanding a total of 51,128,876 shares of Chrysler Corporation common stock.

Yours very truly,

PAUL A. HEINEN,
Associate General Counsel and Secretary.

LIST OF STOCKHOLDERS AND NUMBER OF SHARES HELD

Cede & Co., Box 20 Bowling Green Station, New York, New York	6, 179, 144
National Bank of Detroit as Trustee exg. w/Chrysler Corp. dtd 5/18/56 Trust Dept. Natl. Bank Detroit, P. O. Box 222 Detroit, Michigan	5, 044, 884
Kane & Co., c/o Chase Manhattan Bank, P. O. Box 1508, New York, New York	1, 269, 433
Merrill Lynch Pierce Fenner & Smith, 70 Pine Street, New York, New York	1, 120, 927
Pitt & Co., c/o Bankers Trust Co., Box 2444 Chruch St. Station, New York, New York	808, 016
Harwood & Co., c/o State St. Bank & Trust Co., P. O. Box 5006, Boston, Massachusetts	679, 300
Cudd & Co., c/o The Chase Manhattan Bank, P. O. Box 1508, New York, New York	509, 543
Perc & Co., c/o Northwestern National Bank of Minneapolis, 7th & Marquette Ave., Minneapolis, Minnesota	500, 000
Chine & Co., c/o State St. Bank & Trust Co., P. O. Box 351 G.P.O., Boston, Massachusetts	363, 900
Gerlach & Co., c/o First National City Bank, 20 Exchange Place, New York, New York	337, 663
Credit Suisse, 8 Paradeplatz, Zurich, Switzerland	318, 443
Loeb Rhodes & Co., 42 Wall Street, New York, New York	312, 888
The Comptroller of the State of New York ITF the Common Retirement Fund, Atten.: Dir. of Retirement Accts., Gov. Alfred E. Smith Ofc. Bldg., Albany, New York	265, 000
Societe de Banque Suisse Basle, Switzerland	258, 782
Egger & Co., c/o The Chase Manhattan Bank, P.O. Box 1508, New York, New York	257, 976
Hare & Co., c/o Bank of New York a/c 32803, P.O. Box 1364, New York, New York	250,174
Sigler & Co., c/o Manufacturers Hanover Trust Co., 350 Park Ave., New York, New York	217, 162
Brown Bros. Harriman & Co., 59 Wall St., New York, New York	216, 159
Montreal Trust Co., Trustee of the Thrift-Stock Ownership Savings, Program for Salaried Employees, of Chrysler Corporation Ltd., 15 King Street, West, Toronto Ontario, Canada	205, 910
Gunther & Co., 15 Nassau Steet, New York, New York	204, 517
Chetco, 35 Congress St., Boston, Massachusetts	
Don & Co., P.O. Box 248, Kansas City, Missouri	200, 000
Douglass & Co., P.O. Box 2010 Church St. Station, New York, New York	200, 000
Weston & Co., c/o First National Bank of Boston, Boston, Massachusetts	200, 000
Union Bank of Switzerland, Zurich, Switzerland	178, 303
Bansco & Co., 44 Kings Street, West, Toronto Ontario, Canada	168, 274
Hurley & Co., c/o First National City Bank, 20 Exchange Pl., New York, New York	167, 533
Hemfar & Co., c/o Bankers Trust Co., P.O. Box 2444 Church St. Station, New York, New York	152, 300
O'Neill & Co., Mutual Funds Dept. A., P.O. Box 11028, New York, New York	150, 000
First National Bank of Denver as ttee u-agr-o-tr wf founders, P.O. Box 5828 attn: Trust Dept	147, 773

COMMON STOCK HOLDINGS BY BANKS AND NEW YORK STOCK EXCHANGE IN CHRYSLER, FORD, MOBIL AND GENERAL ELECTRIC

TOTAL NUMBER OF SHARES OF COMMON STOCK

Chrysler	51, 128, 876
Ford	75, 101, 218
Mobil	101, 567, 404
General Electric	182, 122, 815

NUMBER OF SHARES HELD BY TOP 30 STOCKHOLDERS

With percentage of total

Chrysler (41%)	21, 084, 004
Ford (35%)	26, 824, 256
Mobil (28%)	29, 466, 543
General Electric (21%)	38, 494, 732

NUMBER OF SHARES HELD BY BANKS INCLUDED AMONG TOP 30 AND NEW YORK STOCK EXCHANGE

With percentage of total

Chrysler (39%)	19, 943, 059
Ford (33%)	25, 157, 084
Mobil (26%)	26, 486, 366
General Electric (19.6%)	35, 936, 452

NUMBER OF SHARES HELD BY THE NEW YORK STOCK EXCHANGE THROUGH ITS WHOLLY OWNED SUBSIDIARY, STOCK CLEARING CORPORATION, WHICH USES THE NOMINEE "CEDE & CO."

Chrysler	6, 179, 144
Ford	1, 236, 656
Mobil	2, 348, 306
General Electric	2, 882, 602

NUMBER OF SHARES HELD BY BANKS LISTED IN TOP 30 (NOMINEE OR STREET NAMES USED BY BANKS ARE LISTED AS THEY APPEAR ON EACH COMPANY REPORT):

Chase Manhattan

Chrysler:	
Kane & Co	1, 269, 433
Cudd & Co	509, 543
Egger & Co	257, 976
Total	2, 036, 952
Ford:	
Cudd & Co	1, 944, 002
Kane & Co	701, 454
Total	2, 645, 456

Mobil:	
Kane & Co	2,661,000
Cudd & Co	2,607,491
Total	5,268,491
General Electric:	
Kane & Co	3,727,580
Cudd & Co	2,752,552
Total	6,480,132
Bankers Trust	
Chrysler:	
Pitt & Co	808,016
Hemfar & Co	156,300
Total	960,316
Ford: Barnett & Co	740,300
Mobil:	
Pitt & Co	5,281,301
Batrus & Co	520,592
Barnett & Co	372,720
Total	6,174,613
General Electric:	
Barnett & Co	1,321,360
Eddy & Co	848,035
Salkeld & Co	643,970
Total	2,813,365
First National City Bank	
Chrysler:	
Gerlach & Co	337,663
Hurley & Co	167,533
Total	1,279,225
Ford:	
Gerlach & Co	673,726
Stuart & Co	670,220
Thomas & Co	482,500
King & Co	334,242
Total	2,160,688
Mobil:	
Brad & Co	798,683
King & Co	434,624
Total	1,233,307
General Electric:	
King & Co	1,416,402
Stuart & Co	950,186
Total	2,366,588
Manufacturers Hanover Trust	
Chrysler: Sigler & Co	217,162
Ford: Sigler & Co	386,956
Mobil: Sigler & Co	827,311
General Electric:	
Sigler & Co	2,101,643
Bird & Co	819,074
Total	2,920,717
Bank of New York	
Chrysler:	
Hare & Co	250,174
O'Neill & Co	150,000
Total	400,174
Ford: Williams & Co	1,194,729
General Electric:	
Hare & Co	650,109
Way & Co	629,116
Total	1,279,225
Morgan Guaranty Trust Co.	
Chrysler:	
Douglass & Co	200,000
Ford:	
Carson & Co	654,586
Reing & Co	630,320
Total	1,284,906
Mobil:	
Carson & Co	1,183,497
Kelly & Co	673,399
Reing & Co	633,606
Shaw & Co	464,044
Total	2,954,546
General Electric:	
Tepe & Co	4,993,507
United States Trust Co. of New York	
Mobil:	
Atwell & Co	473,189
	359,859
Total	833,048
General Electric:	
Atwell & Co	2,309,912
Chemical Bank	
Mobil:	
Jenkins & Co	393,591
Northwestern National Bank of Minneapolis	
Chrysler:	
Perc & Co	500,000
Ford:	
Perc & Co	551,200
Mobil:	
Perc & Co	344,300
General Electric:	
Perc & Co	642,000
Total	2,217,497
First National Bank (Minneapolis)	
Ford:	
Var & Co	320,000
State Street Bank & Trust	
Chrysler:	
Harwood & Co	675,300
Chine & Co	363,900
Total	1,043,200
Ford:	
Bark & Co	802,200
Touchstone & Co	557,500
Myers & Co	294,400
Total	1,654,100
First National Bank of Boston	
Chrysler:	
Don & Co	200,000
Weston & Co	200,000
Total	400,000
General Electric:	
Don & Co	801,200
Boston Safe Deposit and Trust Co.	
General Electric:	
Boston & Co	792,979
New England Trust of Boston	
Ford:	
Harvard & Co	297,188
National Shawmut Bank of Boston	
Chrysler:	
Chetco	200,000
Mellon National Bank & Trust	
Ford:	
Pace & Co.	579,791
Mobil:	
Pace & Co.	887,544
General Electric:	
Mac & Co	750,162
Total	1,937,500
Girard Trust Bank (Philadelphia)	
Mobil:	
Steere & Co	619,487
General Electric:	
Steere & Co	673,155
The Fidelity Bank (Philadelphia)	
Mobil:	
Anderson & Co	662,259
General Electric:	
Anderson & Co	970,813
Provident National Bank (Philadelphia)	
Mobil:	
Saxon & Co	424,763
General Electric:	
Saxon & Co	738,904
American Bank & Trust of Pennsylvania	
General Electric:	
Cuyler & Co	621,100
First Pennsylvania Banking & Trust Co.	
Mobil:	
Cross & Co	625,312
Harris Trust and Savings Bank (Chicago)	
Ford:	
Emp & Co	805,615
Mobil:	
Emp & Co	507,525
General Electric:	
Emp & Co	759,210
First National Bank of Chicago	
Ford:	
Finat & Co	378,967
Olen & Co	283,520
Total	662,487
General Electric:	
Olen & Co	606,980
Northern Trust Co. (Chicago)	
General Electric:	
How & Co	672,526
Continental Bank (Chicago)	
Ford:	
Trude & Co	452,640
Wilmington Trust	
Mobil:	
Dean & Davis	433,400
Ford:	
Dean & Davis	285,300
Bank of Delaware	
Ford:	
Carothers & Clark	402,100
National Bank of Detroit	
Chrysler	5,044,884
Mobil:	
Trussal & Co.	914,465
General Electric:	
Trussel & Co.	642,533
Manufacturers Bank of Detroit	
Ford:	
Orth & Co.	9,142,166
Cleveland Trust	
General Electric:	
A. A. Welsh & Co.	616,289
National Bank of Tulsa	
Mobil:	
Nabank & Co	1,034,098
Republic National Bank of Dallas	
Ford:	
R. J. Thomas & Co.	354,806
First National Bank of Denver	
Chrysler	147,773
Credit Suisse	
Chrysler	318,443
General Electric	602,553
Societe de Banque Suisse	
Chrysler	258,782
Union Bank of Switzerland	
Chrysler	178,303
Swiss Bank Corporation	
Chrysler:	
Gunther & Co.	204,517
Montreal Trust Co.	
Chrysler	205,910
Bank of Nova Scotia	
Chrysler:	
Bansco & Co.	168,274

SENIOR CITIZENS AND MEDICARE

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. SHOUP. Mr. Speaker, certainly the medicare program which was enacted by the Congress in 1966, by Public Law 89-97, has been one of the most beneficial programs to the people of this Nation, and I might say that for a program which covers most of our senior citizens, individuals over 65, and affects every form of health care provided through professional physicians and our Nation's hospitals, it has been quite successful.

However, it has not been without real and serious problems, many of which are still of great concern to the elderly of this Nation.

For one thing, the system as designed has resulted in very poor communication between the aged person, the doctors, the hospitals, and the Social Security Administration. It is difficult for our senior citizens to understand the myriad of regulations which they are required to comply with in seeking and securing medical attention, especially admission to health facilities. The system provides for deductibles which are required to be paid before the program takes over, both for treatment by physicians and for inpatient hospital care. As an example, the current deductible for inpatient hospital care is $60. Thus, when a person is admitted to the hospital, the hospital must ascertain whether the patient has previously paid for care in that amount and, if not, require payment or arrangement for payment on behalf of the patient.

The plain fact is that more than half of the patients covered by social security have been admitted, treated, and discharged before it is possible to establish the status of the deductible. This is not only a difficult problem to explain to the aged, but it involves a highly expensive administrative operation to determine whether such deductible has been paid.

Certainly, some better system must be worked out. It has been suggested that changing the system to provide for a deductible for each admission to the hospital, plus possibly a small copayment for each day of hospitalization or a complete system of coinsurance would much better serve both the Government and the medicare patient. The patient would know exactly what his obligation is and similarly the hospital would be able to handle the admissions without the serious time-consuming efforts of checking out the deductibles with the intermediary and/or with the Social Security Administration. In addition, I am informed that such a change would save millions of dollars in administrative costs.

Another area of serious concern to our senior citizens is the so-called supplemental medical program or "Part B" benefits. This covers medical expenses outside of a health facility. Here again deductibles are required and must be ascertained in almost every instance before the benefits can be determined. Further, for this program, the aged people of the Nation are required to pay a monthly premium, which will reach $5.80 on July 1. This is very confusing to the medicare patients and seems completely unwarranted.

There is no good reason why this benefit should not be covered under the basic medicare program so that it could be prepaid during the working years of the individual to the same extent as the "Part A" or hospital benefits. The combining of "Parts A and B" of the medicare program would be a great benefit to all of the elderly and would eliminate the tremendous administrative problems that now exist in the Part B segment of the program. It would also eliminate the payment of a separate premium which is a real burden on our elderly. At the present time, medicare covers less than 45 percent of the average senior citizens health bill. It may be of course that some contribution to the social security fund from general revenues would be justified to provide this benefit.

I hear constantly too of the difficulties in the current program in attempting to secure care subsequent to acute care in a hospital. The medicare program provides for admissions to extended care facilities, for rehabilitation services, and for home health services. However, the regulations apparently are so limiting in their application as to deny these benefits in a great number of cases. It is my understanding that many hospitals who were enthusiastic about the extended care facilities designed to provide an ambulatory type care, and thus reduce substantially the cost of institutional care have become so discouraged with the substantial retroactive denial of payments for patients moved into those facilities, that they are converting such beds to acute care, thus eliminating the possibility of very substantial savings to the program. While it is realized that care must be taken to assure that patients moved into the extended care facility still require institutional care and are not retained in such facilities when they could be at home, still the records are full of cases of denial of payment where it would seem highly improbable that the patients could be cared for at home. And the doctors, recognizing their duty to the patient, consequently must keep the patient in the acute care facility in many such instances to assure complete recovery. Frankly, I think this whole area of extended care needs revising. I am convinced that this mode of care presents a real possibility of providing the type of care needed at great savings to the program. I further feel that the program could be advanced and extended by eliminating the 3-day requirement of inpatient hospital care now required to be eligible for care an in extended care facility or for home health care.

I am also concerned that the medicare program is not available to many of our elderly and I would think that we have reached the time when the act should be extended to all persons over 65 irrespective of whether they have earned eligibility under the Social Security Administration. I would also feel that the program should be extended to cover prescription drugs at least on a limited basis. It is my understanding that in many cases of the chronically ill senior citizens their prescription drug costs will run as high as $500 or $1,000 per year. Such costs place too great a burden on the limited income of so many of our aged.

Mr. Speaker, H.R. 1, the Social Security Amendments Act of 1971, which has passed the House and is now pending with the Senate Finance Committee would accomplish some of my suggestions. I would hope that the Senate committee will consider further amendments along the lines which I have suggested and that, if they do, that such amendments would be accepted by the House in conference on the bill.

Included in H.R. 1, is a provision, section 232, which would allow the States to set a lower level of reimbursement for services provided poor citizens than the level of reimbursement provided under the medicare formula. This provision if allowed to pass could not help but set up a double standard of medical care and result in a reduction in the care to the poor. I understand the Senate Finance Committee has voted to delete this provision. Let us all hope that the Senate will uphold the committee in that decision and that the House will agree in conference to delete this undesirable and backward provision.

There is a much needed investigation of the procedure we used for approval of payments of medicare claims under the medicare program. Qualified doctors and hospitals are certifying the necessity of treatment administered, only to have some unknown person with unknown qualifications in the field of health care arbitrarily deny partial or full payment. Doctors and hospitals have extended desperately needed health care in good faith and in compliance with published medicare standards. Irresponsible action on the part of the bureaucracy approaches the criminal when denying payment of many claims. It is the elderly ill who are penalized to destitution in many cases.

I am including 14 specific cases of quite apparent travesties against the elderly ill. Names, dates, and places have been omitted for obvious reasons:

EXAMPLES OF RETROACTIVE DENIAL OF PAYMENTS UNDER MEDICARE PROGRAM

1. Medicare eligible hospitalized 130 days with diagnosis of brain syndrome and dehydration. Intermediary disallowed 107 days as being of supportive nature.

2. Medicare eligible hospitalized 38 days for senile depression. Intermediary disallowed 25 days as being of supportive nature.

3. 71 year old female Medicare beneficiary admitted with refractured hip. Two surgical procedures were performed and patient was hospitalized 52 days. Intermediary disallowed 22 days on ground that services could have been performed with reasonable safety in a setting other than a hospital. Amount of disallowance: $1553.60.

4. 70 year old Medicare eligible hospitalized 35 days for treatment of peptic ulcer. Intermediary disallowed 18 days as excessive for the reported diagnosis.

5. Medicare beneficiary hospitalized 27 days for treatment of fracture of left humerus and chronic uremia. Intermediary disallowed 15 days on grounds that service could have been performed with reasonable safety in a setting other than a hospital. Amount disallowed: $982.50.

6. 72 year old Medicare eligible hospitalized 153 days for treatment of cerebral hemorrhage with right hemiplegia. Intermediary disallowed 75 days as being supportive in nature and patient who lived alone was discharged to self care.

7. Medicare eligible hospitalized for more than 60 days for treatment of cerebral hemorrhage. Intermediary disallowed care after 23 days for following reason: With no intention of minimizing the beneficiary's condition, the patient's records do not substantiate the fact that the patient received covered care after the date shown. The type of care this patient received is that which provides for safety, maintains a good level of

personal hygiene and nutrition, guarantees adherence to a schedule or prescribed medications, and provides assistance with walking when this is within the patient's capability. It also includes care of indwelling catheters, protective observation, preparation of special diets and carrying out of routine local applications, treatments, and procedures which the doctor may order.

8. 73 year old Medicare eligible hospitalized 40 days for treatment of brain concussion. Intermediary allowed Medicare coverage for only the first 17 days on ground that services provided during remainder of stay could have been performed with reasonable safety in a setting other than a hospital.

9. 79 year old Medicare eligible hospitalized 11 days for treatment of congestive heart failure *after attempt to treat patient at home failed*. Patient had further illness and died four months later. Intermediary disallowed claim entirely on ground that the services provided could have been performed with reasonable safety in a setting other than a hospital. Amount $763.25. Son of deceased patient is appealing the disallowance.

10. 73 year old Medicare eligible hospitalized 51 days for repair ventral hernia and treatment of cervical disc disease, pernicious anemia and arthritis of right shoulder. Intermediary disallowed 22 days of the care as "supportive and of non-covered nature."

11. 67 year old Medicare eligible hospitalized 18 days following a stroke. Intermediary disallowed 12 days of care on ground that services could have been performed with reasonable safety in a setting other than a hospital.

12. 65 year old Medicare eligible hospitalized for removal of a plate, screws and pin from right hip. Total stay in hospital was 25 days. Intermediary disallowed 10 days as "supportive services not covered."

13. 80 year old Medicare eligible hospitalized for total of 53 days for open reduction and internal fixation of fracture of left emur and for treatment of arteriosclerotic cardiovascular and cerebrovascular disease. Intermediary disallowed 17 days of care on grounds that services could have been performed with reasonable safety in a setting other than a hospital.

14. 73 year old Medicare eligible with carcinoma of prostate was admitted with hematuria and treated for 30 days. Entire stay was disallowed by intermediary as not covered on grounds that services could have been performed with reasonable safety in a setting other than a hospital. Amount $2319.02.

SENATOR MUSKIE'S PROPOSALS TO IMPROVE AMERICAN LIFE AND GOVERNMENT

HON. THOMAS F. EAGLETON

OF MISSOURI

IN THE SENATE OF THE UNITED STATES

Tuesday, April 25, 1972

Mr. EAGLETON. Mr. President, during the last year the Senator from Maine (Mr. MUSKIE) has offered a series of specific, detailed proposals to improve American life and government. These proposals cover a broad range of public interests, but emphasize major reform in the Federal approach to job security, economic stability, tax fairness, health care, education, undue concentration of corporate power, and Government secrecy.

I ask unanimous consent that an outline of these proposals and a summary of Senator MUSKIE's activities during the first session of the 92d Congress be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OUTLINE OF MUSKIE PROPOSALS

A PLAN FOR PEACE

Muskie has repeatedly urged an end to the Vietnam War and criticized Vietnamization and resumption of American bombing of the North. He has a straightforward plan for peace.

First, we must set a date when every soldier, sailor and airman will be withdrawn from Vietnam, and stop all bombing and other American military activity, dependent only on an agreement for the return of our prisoners and the safety of our troops as they leave.

Second, we must urge the government in Saigon to move toward a political accommodation with all the elements of their society. Without such an accommodation, the war will not end.

MUSKIE ON ECONOMIC ISSUES

Senator Muskie understands how inflation and unemployment have hurt the average family. He has also spoken out against structural problems in our economic system: the unfairness of our tax laws, the concentrated economic power of huge corporations, the burdensome local property tax system. He has proposed major new programs in each of these areas.

A five-point job security program. First, the federal government should assure every eligible unemployed worker full access to a training program with a job at the end of training. Second, we must make certain that jobs will be available by stepping up public service expenditures. Third, the federal government should establish special aid programs for areas of chronic high unemployment. Fourth, the federal government should develop incentives to bring new industry into depressed areas. Fifth, the federal government should act as an employer of last resort, not only in times of crisis, but during prosperity as well.

A National Fair Share Tax Reform Program. The goal of this comprehensive tax reform program is to provide greater equity in the distribution of the tax burden. It will close $14 billion in federal income, estate and gift tax loopholes. Specifically:

1. Income tax laws would be amended to: eliminate the alternative tax on first $50,000 of capital gains; reduce mineral depletion allowances by 20%; repeal of ANR; repeal of DISC and other special treatment of foreign items; repeal the investment credit; restrict the use of certain deductions.

2. Estate and gift taxes would be unified in a single structure, and the exemption for a unified transfer tax be lowered to $25,000. Gains in property transferred at death should be realized. Generation-skipping transfers should be taxed.

Comprehensive Anti-Trust Program. As part of the attack on the increasing concentration of power in a few hands, Senator Muskie proposed legislation which would curtail the expansion of corporations with sales in excess of $250 million. These companies would be prohibited from acquiring any other corporation without first spinning off assets that are substantially equivalent in value to those which are being acquired.

Local Property Tax Reform. The Muskie proposal would require states: to collect and publish data comparing property assessment and market value; to establish a fair and easy procedure for taxpayers to appeal their property tax bills; to bring the market value assessment ratio within a taxing jurisdiction within a 10 percent range of the average 5-year ratio.

Military Spending Economics. Senator Muskie has proposed an immediate saving of over $11.5 billion in the proposed FY 1973 defense budget by making the following cuts: $445 million for the B-1 bomber; $1.5 billion for ABM; $500 million for land-based MIRV; $229 million for a new nuclear carrier; $400 million for a new air warning system; $900 million for the F-15; $734 million for the F-14; $800 million to begin procuring ULMS; $2 billion for the six redundant military commands (CINCPAC, CINCEUR, etc.); and $4 billion for the war in Vietnam.

OTHER IMPORTANT ISSUES

Housing Security System. This program provides one billion Federal dollars in housing assistance payments to citizens over 65 with limited means. This one billion dollars would be divided among the states in proportion to the number of people over 65 years old living in that state.

Quality Education Guarantee Program. By providing $7.2 billion in additional federal funds to state and local governments on a per pupil formula, the pressure for high property taxes will be relieved.

Family Farm Protection. To curb the spreading control of the nation's farms by major corporations and other absentee interests, Senator Muskie proposed a moratorium on new farm purchases by big business as an initial step. It would last throughout a full-scale investigation by the Federal Trade Commission of the corporate takeover in agriculture. For the second step, he proposed legislation to prevent corporations from using their farm investments as tax shelters.

Ninety Day Food Price Freeze. As part of his program to fight inflation, Senator Muskie proposed a ninety-day freeze on food price increases by grocery chains and middlemen. He also has proposed an investigation of the cause of rising prices should be conducted and a long-range policy to maintain reasonable food prices instituted.

Medical Bill of Rights. Senator Muskie has developed a five-point program to implement the goal that all Americans are entitled to care within their means; care within their reach; care within their needs. Specifically:

1. National Health Insurance. This system will provide quality health care to every American.

2. Health Maintenance Organizations. With federal support, HMO's should be developed as the basic unit of health delivery. The Muskie plan provides incentives for location and health teams in areas which are now underserved.

3. Health Manpower Legislation. Increased funds are provided for the construction of schools to train medical professionals, provide training grants, and channel medical professionals into areas of practice where there is a present shortage.

4. Health Care for the Elderly. Among the health goals Muskie seeks for the elderly are elimination of the Nixon Administration's cutbacks in Medicare and Medicaid, elimination of the Part B premium under Medicare, and the inclusion under Medicare of the costs of eyeglasses, dentures, hearing aids, and all perscription drugs. Muskie is also concerned with developing alternatives to institutional care for the elderly in need of medical care.

5. Plan to Cut Prescription Drug Prices. The present 17-year patent monopoly which pharmaceutical companies have on basic prescription drugs should be reduced to three years. After that period, any other qualified company could obtain a license in exchange for a reasonable royalty.

Open Government. This Muskie program calls for five initial reforms within regulatory agencies: (1) No regulatory official should meet with interested parties or their agents unless the meeting is public and a public record is issued; (2) Communications to regulatory agencies should be available to the public; (3) Phone calls to regulatory officials from anyone outside the agency should be noted and described on the public record; (4) Every regulatory agency should issue a monthly digest and index of all public records; (5) closed files should be reviewed every three to six months to remove and reveal data which does not warrant continued confidentiality.

MUSKIE ACTIVITIES DURING THE FIRST SESSION OF THE 92D CONGRESS

OMNIBUS WATER POLLUTION BILL

As chairman of the Senate Subcommittee on Air and Water Pollution of the Senate Public Works Committee, Senator Muskie on October 26 reported to the Senate the strongest and most comprehensive water pollution control bill in America's history. On November 2, 1971, this bill, S. 2770, passed the Senate by a unanimous vote of 86 to 0. It authorizes that $20 billion be expended for the national water pollution control effort and sets as a policy objective the complete elimination of discharges of pollutants into the nation's waters by 1985. The bill fundamentally changes the enforcement mechanism of the federal water pollution control program from standards controlling the quality of water to limits on what can be discharged into the nation's waterways. Under the bill, enforcement of discharge or effluent limits is used to maintain water quality standards. The purpose of the Muskie bill is to restore and to maintain the natural chemical, physical, and biological purity of the nation's waters. It represents the logical culmination of Muskie's efforts to control water pollution during the past eight years.

During the past two years Senator Muskie's Subcommittee held 33 days of public hearings, heard 171 witnesses, and received 470 statements on this bill. In all, there were 6,400 pages of testimony. During a five month period, Senator Muskie's Subcommittee and the Public Works Committee held 45 executive sessions to draft the bill.

This is the bill which the Administration has suddenly attacked as being too expensive and far-reaching. It is now pending in the House. Legislation which is in many ways similar to the Muskie bill has been ordered reported by the House Committee on Public Works.

REVENUE SHARING LEGISLATION

On May 5, 1971, Senator Muskie introduced a general revenue sharing bill, S. 1770, which would provide $6 billion in general financial assistance to hard-pressed cities and States. Muskie's bill apportions financial assistance to States, cities and counties in relation to their needs, a unique feature, as well as on the basis of population and tax effort. Muskie's bill would lessen the burden of crushing local property taxes.

Muskie's Subcommittee on Intergovernmental Relations of the Senate Government Operations Committee held hearings for three days in June and one day in August on this bill. Thirty-five witnesses testified and 24 written statements were received. The witnesses included the mayors of 10 of our largest cities and four governors.

Muskie also testified on behalf of his bill before the House Ways and Means Committee and its chairman, Representative Wilbur Mills, on June 9th, 1971. Muskie argued that prompt enactment of general revenue sharing was essential to keep our cities afloat and to restore some balance in the distribution of federal revenue.

In 1969, Muskie had introduced one of the first revenue sharing bills. Developed in conjunction with the Advisory Commission on Intergovernmental Relations, it distributed funds on the basis of tax efforts and population. The 1971 Muskie revenue sharing bill modified the first by basing the distribution of funds upon local need as well as tax effect and population. This "need factor" would channel funds into poor rural and urban areas. The Muskie bill also contained two other innovations. One was a provision allowing the Federal government to collect state income tax as a service to the States. The other provision provided a financial incentive for States to use a state income tax rather than a sales or property tax. All these new features were incorporated in the revenue sharing proposal announced by Chairman Mills on November 30, 1971.

ARMS CONTROL HEARINGS

As a member of the Foreign Relation Committee, Senator Muskie at the opening of the 92 Congress was named Chairman of the Arms Control, International Law and Organization Subcommittee. His Subcommittee has held hearings during 1971 on the arms control implication of the current defense budget and on the prospects for a comprehensive nuclear test ban treaty.

In announcing the hearings on arms control on June 15, 1971, Muskie stated that the purpose of the hearings which were held on June 16, 17 and July 13 and 14 was to "try to add another perspective to the debate over the defense budget: whether a particular weapons system, because of its effects on the arms race and prospects for future arms control agreements, will increase or decrease our security." Muskie argued that "buying more arms does not necessarily lead to more security, and that the control of arms can provide us with a more stable peace and more security than the best weapons money can buy."

The hearings on arms control budget implications were focused on the need for continuing and modernizing the American nuclear triad of bombers, land-based missiles and sea-based missiles as well as the strategic and cost impact of the ABM and MIRV weapons systems. Fourteen experts testified, including, Admiral Moorer, Chairman of the Joint Chiefs, Dr. Carl Kayson, Director of the Institute for Advanced Study at Princeton University, Dr. John Foster, Jr., Director of Defense Research and Engineering of the Department of Defense, Paul Warnke, former Assistant Secretary of Defense, and Dr. Herbert York, former Science Adviser to President Eisenhower.

The hearings on a comprehensive nuclear test ban were held on July 22 and 23. At the opening of these hearings Muskie said: "Among all the difficult problems that face our civilization, none has the urgency of the nuclear dilemma—for the consequences of a failure to control the arms race, to prevent the spread of nuclear weapons, to prevent a nuclear war—are too painful even to contemplate." Muskie's Subcommittee heard from such experts as Philip Farley, Acting Director of the Arms Control and Disarmament Agency, and Carl Walske, Assistant to the Secretary of Defense for Atomic Energy. At the direction of Muskie, a staff Subcommittee report was issued on November 1, 1971 analysing the barriers to negotiating a Comprehensive Test Ban. At that time, Muskie called upon the President to reevaluate his position on the onsite inspection question and to move for immediate negotiations of a Comprehensive Test Ban.

FOREIGN AID

On Friday, October 29, 1971, the Senate voted to defeat the Foreign Aid authorization for Fiscal Year 1972. During the next week the Senate Foreign Relations Committee met to consider ways to reshape the aid program. On November 3 in a major speech, Senator Muskie outlined an interim proposal to provide essential foreign assistance until a new program could be devised. He recommended that economic development assistance and humanitarian relief be continued as proposed, but that military assistance be authorized only on a country-by-country basis. On a long-term basis, Muskie urged a separation of the military and economic assistance programs and a channelling of aid through multilateral institutions.

NATO TROOPS WITHDRAWALS

In May of this year Senator Mansfield offered an amendment to the draft bill that would unilaterally withdraw 150,000 men from NATO's forces. In a detailed Senate speech on May 18, 1971, Muskie expressed his opposition to the amendment. While strongly endorsing phased withdrawal of American troops after adequate consultation with our allies, the Senator objected to such a large, unilateral withdrawal which would undermine the negotiations for mutual withdrawals of Soviet and Allied troops, the West German effort to achieve rapprochement with Eastern Europe, and the effectiveness of NATO. However, Muskie urged the Administration to increase the pressure for negotiated troop withdrawals.

SERVICEMEN'S BENEFITS

On October 26, 1971, Senator Muskie introduced a bill creating a Charter of Economic Opportunity for Vietnam era servicemen and women which would entitle them to receive, at government expense during duty hours, a high school diploma, refresher courses for college, training for a civilian job, and coordinated assistance in securing a job after discharge.

In his introductory statement, Muskie noted that only 26% of all Vietnam-era veterans eligible for educational benefits are taking advantage of the opportunity, and that the unemployment rate for Vietnam veterans is 80% higher than the intolerably high national unemployment rate. To overcome the shortcomings of present veterans' programs which provided assistance too late to be helpful, Muskie's bill provides government assistance for servicemen *from the day* active duty begins. This is an entirely new approach for providing servicemen's benefits. The bill also totally reorganizes job training for servicemen.

LEGISLATION TO COMBAT DRUG ABUSE

Senator Muskie was a coauthor, of the comprehensive drug abuse legislation that passed the Senate unanimously, 92–0 on December 2, 1971.

This legislation, which was reported unanimously by the Committee on Government Operations and the Committee on Labor and Public Welfare, embodied the principal provisions of S. 2217, a bill introduced on June 30 by Senator Muskie with Senators Hughes, Javits and Williams. On May 25 Senator Muskie had introduced the first Senate bill to create a White House level office to coordinate the entire Federal anti-drug effort. Three weeks after the Muskie bill was introduced, the President also offered a bill to create a White House drug abuse office.

In July, Senator Muskie and Senator Ribicoff co-chaired joint hearings of Muskie's Subcommittee on Intergovernmental Relations and Ribicoff's Subcommittee on Executive Reorganization and Government Research on the various drug bills.

After those hearings, Muskie, Ribicoff, Hughes, Javits, Percy and Gurney coauthored the legislation that passed the Senate. The compromise bill incorporated the most significant features of the Hughes-Muskie-Javits bill, including:

A provision requiring the development of a national strategy to combat drug abuse, consisting of a complete analysis of the present drug abuse problem, a detailed comprehensive Federal plan for combating it, and an evaluation of programs carried out to date.

A provision giving the White House Office on Drug Abuse significant authority for the policy for all Federal drug abuse law enforcement and international control programs.

A provision creating a National Institute of Drug Abuse within the Department of Health, Education and Welfare to administer major drug treatment and preventions programs.

A provision creating two new grant programs for drug treatment, providing $1.5 billion for drug abuse treatment programs over the next five years.

A provision requiring the Veterans Administration to furnish treatment and rehabilitation services for drug abuse without regard to the type of discharge a veteran has received.

None of these provisions were included in the bill sent to Congress by the President.

In addition, Senator Muskie introduced on May 25, 1971, the International Drug Control Act, S. 1945, a Bill to set up a two-pronged attack on international drug trafficking. First, the bill would provide support for a greater international police effort against illegal narcotics. Second, the bill would provide a broad economic development program of crop substitution to bring illicit opium production under control.

SOCIAL SECURITY TAX REFORM

On October 5, 1971, Senator Muskie introduced a bill that would make the Social Security Payroll tax progressive. If enacted, it would reduce payroll taxes for 63 million American families and be one of the most significant tax reform measures of the century.

The goal of the bill is to provide greater equity in the payroll tax system, which presently is the second greatest source of federal revenue and which has eliminated most of the income tax reductions provided low and middle income Americans in 1964 and 1969. In his introductory statement, Senator Muskie said:

The effective rate of the payroll tax declines as a worker's earnings rise above the ceiling on the wage base. The school teacher earning $7,000 a year pays 5.2 per cent of her earnings in payroll tax. The engineer earning $25,000 pays about 1.6 per cent of his entire earnings, and the business executive earning $100,000 pays about .4 of one per cent. While each of those workers becomes eligible for the same social security benefits, they simply cannot afford to pay the same amount for those benefits.

The bill would eliminate the present $7,800 ceiling on wages subject to the payroll tax and provide for exemptions for dependents and a low income allowance as is presently allowed for income tax purposes. The bill would also allow the reduction of planned increases in the payroll tax rate.

These changes would bring major and fundamental improvements to the payroll tax. Persons at or below the poverty level would be sheltered from payroll taxes altogether. And the relief would extend well into the middle- and upper middle-income ranges. Every family of four with earnings of $14,500 or less would pay less taxes. Every married couple with earnings of $12,250 or less would pay less taxes. At every income level up to $25,000, more people would save on their taxes than would pay increased taxes.

Within the area to which it is addressed, the bill would accomplish broad-scale improvement of the payroll tax. It would shift the burden of that tax from the low-income and the middle-income worker to those with greater ability to pay. It would make today's payroll tax fairer and sounder. And it would facilitate future increases in social security benefits by making it possible to increase payroll taxes without imposing unacceptable burdens upon low- and middle-income families. No longer would a decent income for the elderly depend on an indecent increase in the tax burden of the working man.

PUBLIC DISCLOSURE ACT

To open the government more to the people, Muskie introduced on December 6 the Truth-In-Government Act of 1971. This bill, S. 2965, would create an independent, seven-member Disclosure Board to supervise the government's classification system and to determine what executive documents can be released to Congress, the press, and the public. The Board would investigate cases of misclassification and declassify documents when classification is no longer necessary.

A major responsibility of the Board will be to provide Congress the documents it needs. As Senator Muskie stated in his introductory statement, Congress needs such documents "to make reasoned choices about appropriations, new legislation, and required oversight. Without this information, our system of checks and balances breaks down."

The decisions of the Board can be modified by the President if he invokes executive privilege, but both the Board's and the President's decisions can be appealed to the Courts.

Muskie first recommended an independent review board of this type on June 20 in response to the Nixon Administration of the tempts to prevent the publication of the Pentagon Papers.

Muskie's bill also liberalizes the provisions of the Freedom of Information Act, granting the public easier access to government information. It would:

Provide attorney's fees for those who successfully force an agency to release improperly withheld documents.

Allow courts to judge the reasonableness of a claimed exemption by an agency under the Freedom of Information Act.

HEALTH CARE

On June 4, 1971 Muskie introduced major health manpower legislation. This legislation, accepted as amendments to the Health Manpower Act of 1971 in the Senate, increased funds for building new medical schools and for training of interns and residents. It will increase the number of doctors in medical fields where there are now shortages.

Muskie is Chairman of the Subcommittee on the Health of the Elderly of the Senate Committee on Aging. This year, the Subcommittee held hearings in three cities, including Los Angeles, California. The hearings revealed the hardship many aged people suffer because of federal cut backs in Medicare and state cut backs in Medicaid.

The Subcommittee documented for the first time the substantial financial barriers elderly Americans face in trying to obtain adequate health care. As Muskie revealed at the Los Angeles hearings on May 10, 1971:

Our elderly require greater health care than any other age group. Americans over 65 are twice as likely to have one or more chronic conditions than younger persons. They are in hospitals more frequently for longer stays caused by more serious illnesses. In 1970, the average stay in a hospital for an older American was 13 days.

Those who suffer most from illness—our elderly—can least afford to pay for health care. Persons 65 and over comprise about 10 percent of our population, but they account for nearly 20 percent of all persons in poverty. Over half of all persons 65 and older who live alone have annual incomes below $2,000.

And yet, the cost of health care for the elderly—despite Medicare and Medicaid—is rising:

In fiscal year 1970, the average health bill for a person 65 or older was $791, six times that of a youth, and three times that of people between 19 and 64 years old.

Medicare covers 43 percent of the total health care cost of the aged, leaving uncovered an amount larger than the total health bill for the average younger person.

Despite the valuable protection that Medicare and Medicaid affords, the older person must still pay annually $226 out-of-pocket for health care. This is more than double the out-of-pocket payments for those under 65.

Thus the elderly—with less than half the income of those under 65—themselves, pay twice as much for health services.

The Subcommittee also explored proposals to bring health care to the elderly, such as home health care teams, new rehabilitation centers, special clinics for the elderly, and transportation for those presently unable to reach a doctor.

AID TO INNER CITIES

An amendment offered by Senator Muskie to the Disaster Relief Act of 1971, which will provide massive federal assistance to areas of chronic unemployment such as ghettoes, was accepted by the Senate Public Works Committee and incorporated into the final bill which passed the Senate on August 5.

Muskie's amendment also changed the bill so that aid to economic disaster areas is not limited only to "major labor areas." This definition frequently masked ghetto unemployment due to the prosperity of the surrounding suburbs. The Muskie amendment allows "areas, communities, and neighborhoods" of high unemployment to become eligible for federal aid.

REHNQUIST OPPOSITION

Muskie voted against Nixon Supreme Court nominee William H. Rehnquist. He had also voted against Clement Haynsworth and G. Harrold Carswell. Speaking in the Senate, on December 3, 1971, Muskie said:

"I am not satisfied that as a Supreme Court Justice William Rehnquist would consider himself a guardian of the Bill of Rights, that he would be a bulwark against abuse or overreaching by the Executive and Legislative branches, or that he would resist encroachments on the liberties guaranteed to all of us by the Constitution."

Muskie told the Senate that he felt a Senator had a responsibility to vote against a nominee when he believed that the "shift in the direction and the thrust of the Court's opinions" represented by the President's nomination "would not be in the best interests of the country." This was a major address reflecting Muskie's views on the role of the Supreme Court in America.

SENATOR GRIFFIN ARGUES FOR A CANADIAN PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASPIN. Mr. Speaker, a Canadian oil and gas pipeline route, from the North Slope of Alaska to Chicago is gaining support rapidly. Today, I would like to include in the RECORD an excellent letter written by the Senate assistant minority leader, Senator ROBERT GRIFFIN, of Michigan.

The Senator, in his letter to Interior Secretary Rogers Morton, argues forcefully for new hearings on the trans-Alaska pipeline and its alternatives. Senator GRIFFIN also points out that a trans-Canadian pipeline route would have both environmental and economic advantages over a trans-Alaska pipeline.

Senator GRIFFIN's excellent letter follows:

U.S. SENATE,
Washington, D.C., April 20, 1972.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior, Interior Building, Washington, D.C.

DEAR MR. SECRETARY: Important environmental and economic factors have been brought to light which raise some serious questions about the proposed Alaska pipeline project. There are indications that an alternate proposal, a trans-Canada pipeline to the American Midwest, would avoid some of the environmental hazards of the Alaskan route—and it could help to maximize the economic benefits of the Prudhoe Bay oil discovery.

As you know, Michigan and other parts of the Midwest suffer from a severe natural gas shortage. In addition, oil prices in the Midwest are higher—and oil shortages are more serious—than on the West Coast. The trans-Canada pipeline could assure that more natural gas, as well as oil, would be available to alleviate serious shortages in the Midwest.

From six environmental viewpoints, cited in the Department's March 20 Environmental Impact Statement, it appears that a trans-Canada pipeline may be preferable to the Alaskan pipeline-tanker route. Only two of the environmental points cited in the report favor the Alaskan route.

The environmental stakes are high. The proposed Alaskan route would transverse an extremely active earthquake zone, and, as the report notes, a "perfect no-spill performance would be unlikely during the life of the pipeline."

Earthquake risks of the trans-Canada route are much lower. In addition, a trans-Canada pipeline would avoid the recurring problem of oil spills at sea and continuous, routine discharge by tankers.

There are other important factors to be taken into account. One consideration, as the report indicates, is that an "Alaska-Canada *gas* pipeline system is almost certain to be established if the Prudhoe Bay oil is extracted and transported." Obviously, the report adds, "less environmental cost would result from a single transport corridor than from two separate corridors."

If a trans-Canada *gas* pipeline is almost certain, I believe it would make sense for both economic and environmental reasons to use the same right-of-way for a dual pipeline system. Obviously, such a joint U.S.-Canadian venture could be of mutual benefit to both countries.

The only public hearings to date on the proposed pipeline were held by the Department over a year ago. They are clearly inadequate. Since then the Canadian alternative has become more attractive, several changes have been proposed in the Alaska pipeline, and some detailed data have been presented for the first time on the environmental impact of the pipeline.

During a recent Senate committee hearing, you indicated that if "substantially new elements" were introduced, additional public hearings could be required. The factors outlined above are indeed new and and important elements, and they merit detailed public examination and comment.

I strongly urge that public hearings on the proposed pipeline project be reopened as soon as possible so that these factors may be given thorough consideration.

With best wishes, I am

Sincerely,

ROBERT P. GRIFFIN,
U.S. Senator.

FRANK STROUD WINS GRATITUDE AND ADMIRATION OF HIS COMMUNITY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to acquaint my colleagues with Mr. Frank Stroud, of Mocksville, N.C.

Mr. Stroud is well-known already in his hometown as a man with a strong desire to serve others and with a great talent to perform that service. Most of that service is channeled through his activities in the Mocksville Lions Club, one of the most active chapters in the Nation.

It is generally agreed that a major reason for this high level of activity is the driving force of Frank Stroud, whose tireless efforts in various charitable fundraising campaigns have won him the admiration and the gratitude of thousands of people in his community.

An article listing many of Mr. Stroud's services recently appeared in the Davie County, N.C., Enterprise, and I believe my colleagues would be interested in reading about this gentleman who has done so much for his fellow man and who could serve as an inspiration to us all.

The article follows:

MOCKSVILLE LIONS CLUB HONORS
C. FRANK STROUD, JR.

Lion C. Frank Stroud, Jr., was honored at the Ladies Night banquet of the Mocksville Lions Club Thursday, February 3, at the Rotary Hut.

Lion Stroud presented a check for $800 to Lion President Bill Merrell as his personal solicitation part of the $1,427.45 raised by the local club for the White Cane Drive. This brought his personal solicitation total to $4,101. He has also raised $221 for the club in calendar sales. Lion Pete Dwiggins, chairman of the White Cane Drive for the local club, presented Stroud with an engraved plaque, on behalf of his fellow members.

Dwiggins read the following from the District Governor's newsletter: "If you want to see a great Lions club in action, visit the Mocksville Lions Club some time. As the man said, 'there just ain't many things in Lionism that this club is not tops in and breaking records quicker than you can whistle Dixie.' One of the many reasons that this club is a 'Fireball' is naturally the Lion everyone immediately thinks of when someone mentions Mocksville Lions. This great Lion is Frank Stroud. This 'young man' has set out again this year to be tops in the state in collecting funds for White Cane. Sometime when you have had about 35 hours solid sleep, arise and try to follow this Lion around while he works for White Cane. This Lion has turned in $800 by his lonesome so far this year for White Cane. However, this is just another of banner years for this Lion in work for White Cane. So, if you get the chance, congratulate this Lion, but be prepared to learn a thing-or-two if you don't know how to work for White Cane. Lion Frank, we are quite confident that you will be the top Lion in the State in White Cane this year. Carry on, Lion Frank."

Dwiggins also said: "Now I want to tell you a few more things about Lion Frank. He joined the Mocksville Lions Club on charter night, December 10, 1954. Since that time he has missed only 3 meetings. He made up these meetings for a perfect attendance record of 17 years, 1 month, 3 days. During these years, he has attended 11 Zone and Cabinet meetings, 7 Mid-Winter conferences and 10 State conventions. Since the beginning of our annual Broom Sale he has sold 63 dozen brooms. Since 1954 he has secured 91 Eye Wills. Since 1960, the year began keeping accurate records, he has raised $4,101 for White Cane. Truly a remarkable record for one Lion. On behalf of hundreds of people you have helped through White Cane and on behalf of the Mocksville Lions Club, I present you this plaque as a visible token of appreciation of your fellow Lions."

Henry Howell had charge of the program and presented Rev. Austin Hamilton who gave an interesting after-dinner speech on a humorous vein.

Door prizes were won by Mrs. Dale Brown, Mrs. Gilmer Hartley, Mrs. Robert Hendricks, Mrs. Jim Andrews, Mrs. Bill Shoaf, Mrs. Bob Lund, Mrs. J. A. Foster, Mrs. Carl Eaton, Mrs. Austin Hamilton and Mrs. Clyde Hendricks.

WHITE HOUSE PROPAGANDA ON RED CHINA'S DRUG TRAFFICKING

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASHBROOK. Mr. Speaker, most Americans agree that the drug problem is one of the most urgent and difficult challenges to face us in this era. Domestically, the administration has announced that it will make it a number one priority item on its agenda. We have a right to ask if everything is being done that is within the power of the administration to fight this problem, particularly the hard drug, heroin, aspects of the dilemma. I think not. In fact, I believe there is a conscious effort to cover up Red China's nefarious part in the international illicit drug traffic. The Nixon administration is engaging in managed news to cover up the Communists' complicity in hard drug traffic.

One of the unfortunate aspects of governmental policy is that sometimes the policy is so politically important that the facts are altered to fit the program. This is often done in announcing economic policies, poverty programs, or defense commitments. It is clear that the Nixon administration wants to work for peace. It makes peace more palatable if you downplay the actual intentions of an enemy or diminish its actual military threat to us. This fits peace policies better. If you want to cozy up to Red China, there is more public receptivity if you say that Red China has stopped its old ways. It no longer exterminates 20 or 30 million people and it no longer traffics in hard drugs. The facts show otherwise, particularly in the latter category.

The involvement of Yunnan Province in Red China's illicit drug traffic comes as no surprise to anyone familiar with the work of Harry Anslinger, former Commissioner of the Bureau of Narcotics—renamed Bureau of Narcotics and Dangerous Drugs—BNDD—in 1968. Extensive statements by Mr. Anslinger on this issue were inserted in the CONGRESSIONAL RECORD by my distinguished colleague, Representative JOHN SCHMITZ, on August 4, 1971, beginning on page E8886 of part 2 of the RECORD.

As the U.S. representative to the United Nation's Commission on Narcotic Drugs, Mr. Anslinger had many occasions to warn the free nations of Red China's illicit narcotics trade. Here are several excerpts from his remarks before the U.N. Commission, in April 1955, concerning the now familiar Yunnan Province:

"At the end of 1953 a group of smugglers, including an official of the Bank of Canton, smuggled 23 pounds of heroin and morphine from Yunnan to Chiengrai to Bangkok and thence to another transhipment point. . . .

"Despite the efforts of the Burmese Government to control the illicit traffic in narcotics, hundreds of tons of cleaned and packaged opium in 1-kilogram units are brought into Burma each year from Yunnan Province. . . .

"The hub of the traffic on the Yunnan side of the border is Tengyueh. Along the border are found trucks, military vehicles, carts, mules and pack trains used for the transporting of opium. . . ."

Mr. Speaker, the White House circulated a memo to House Republicans which was an obvious effort to play down the Red drug traffic. The memo gives four basic points:

1. The government of the People's Republic of China (PRC) has for years officially forbidden the private production, consumption, and distribution of opium or its derivatives. There is no reliable evidence that the PRC has either engaged in or sanctioned the illicit export of opium or its derivatives to the Free World nor are there any indications of PRC control over the opium trade of Southeast Asia and adjacent markets.

2. In the latter connection, British authorities in Hong Kong have consistently denied the existence of illicit drug traffic from Mainland China. They have, however, identified other sources in Southeast Asia for opium and its derivatives which have entered Hong Kong by sea.

3. Stringent controls over opium poppy production and use were adopted at the 21st session of the State Administrative Council of the PRC on February 24, 1950. Basically the statute prohibited the private importation, processing, and sale of opium and other narcotics. However, government-controlled production continues and is reflected in the small quantities of raw opium and poppy husks which are legally exported from time to time. The tight political control exercised by the government over its citizens has probably made the enforcement of these laws quite effective in most areas of the country.

4. Though control over production and trade in the southern border areas of the PRC, particularly Yunnan Province, has been more difficult, there is no confirmed evidence that the PRC is illicitly exporting opium or its derivatives across its borders. Despite occasional reports indicating cross-border movement of opiates between China and Southeast Asia the relatively rigid governmental controls in effect in Mainland China would seem to preclude any significant illicit cross-border movements.

Mr. Speaker, this is nothing short of sheer propaganda. From time to time, I will place in the RECORD information which refutes this whitewash of the Red Chinese participation in the drug problem.

A VIETNAM PERSPECTIVE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. KEMP. Mr. Speaker, these are difficult times for all of us who have the responsibility of making decisions that affect not only the lives of current generations of Americans but, indeed, affect the lives of Americans for generations to come.

To the end that more citizens may have an understanding of the issues with which we are wrestling and in the recognition that debate will enhance the process by which these decisions are made, I want to suggest to my colleagues and to others concerned about the recent invasion of South Vietnam that they consider the outstanding article by the very able writer, Nick Thimmesch, for the Los Angeles Times:

U.S. NAVAL, AIR POWER NEEDED TO BEAT NORTH VIETS

(By Nick Thimmesch)

This was the week to cry alarm or "I-told-you-so" for the people who either oppose or don't want President Nixon's Vietnamization plan to work. They stung the President's men. Beyond that, however, the key people involved in Vietnamization are trying to subdue anger with what they consider North Vietnamese recklessness and Soviet irresponsibility.

The Nixon Administration feels it has rationally handled the Viet Nam impasse with its troop-withdrawal program, wind-down of the ground war and continued, extensive aerial protection. The Administration is dismayed by the Soviet-backed assault.

When 30,000 North Vietnamese rolled over the DMZ in Soviet tanks and trucks, trailing heavy artillery, and with sophisticated SAM-2 missile launchers in support, it wasn't quite a "blitz," as some described it, but it was naked invasion.

The sad sight of thousands of South Vietnamese civilians fleeing their homes in Quang Tri Province was reminiscent of World War II evacuations, but the "blitz" comparison must end there. Nazi Generals Erwin Rommel and Karl von Rundstedt's huge armies sprinted hundreds of miles in the week it took the North Vietnamese to make 20 miles.

By the time the doomsavers have their day, American sea and air power and South Vietnamese reinforcements will have stopped the Communist invasion force. Twoscore American airmen will have been killed or lost; thousands of South Vietnamese soldiers and civilians will have been killed and even more North Vietnamese, who have lost 700,000 soldiers in the war and seem willing to offer even more cannon fodder.

If the Soviets, by beefing up North Vietnamese firepower with more weaponry, feel they are punishing Mr. Nixon for his trip to Peking, what a cold, cynical action that is. If the North Vietnamese think they can intimidate the Administration into a complete rejection of South Viet Nam's President Thieu by pulling off a battlefield spectacular, they had better pause for a second thought.

The Administration is resolute. Defense Secretary Melvin Laird slept one night at the Pentagon, but told associates the early reports on the invasion would make it sound worse than it was. President Nixon and Dr. Henry Kissinger were concerned but kept cool. Meanwhile, the Soviet Union's top Washington correspondent wrote from here that our city is "in a state of fever."

This is rubbish, and so is the incredible Viet Cong statement from Paris that there are no North Vietnamese troops in this fight. The notion that the invasion is a dramatic bid for the "hearts and minds" of the South Vietnamese is even more rubbish. "First come the Communists and then come the bombs," an old Vietnamese woman said, as she fled her home.

The reaction of the President's opponents is fascinating. Sen. George McGovern creates a straw man by saying the American people aren't prepared to put "1.5 million or two million fresh American troops into this war at this time with no indication that that will do any more than temporarily check this invasion." The fact is, Mr. Nixon never suggested any such thing and, indeed, the several thousand combat-ready U.S. troops in the northern part of South Viet Nam have not fired a shot.

In his strong criticism, New York *Times* columnist Tom Wicker writes about "the Americans" and "their vast air power" as though he isn't one of us. Whatever we do, right or wrong, in Viet Nam, it is "our" show, and we are Americans.

The Washington *Post* righteously editorializes on the subject without mentioning the huge Soviet role or even admitting that it is an "invasion," and foolishly wonders whether Mr. Nixon's "options" include "reintroduction of a half-million troops or a nuclear strike on Hanoi."

The most that can be said at this point is that American air and sea power are needed to make Vietnamization work; the North Vietnamese will swap blood baths for temporary propaganda gains every time; the Soviets didn't mind this modest confrontation with American power; no responsible presidential aspirant can say he wouldn't provide military support for the South Vietnamese as long as we are there, and the Communist invasion will likely be repulsed in a few weeks. In terms of military onslaughts, it is small. The Battle of the Bulge in World War II was at least 20 times as big and was over in six weeks.

FAITH PRIOR'S STATEMENT ON THE TRUTH IN SAVINGS ACT

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ROY. Mr. Speaker, on May 12, 1971, I introduced H.R. 8365, the Truth in Savings Act. It could perhaps be more appropriately termed the Consumer Savings Act. This legislation now has 27 cosponsors in the House of Representatives.

Dr. Richard L. D. Morse, of Kansas State University, was of invaluable assistance in developing the Truth in Savings Act which would provide savers with clear information to guide them in their investment decisions.

We are not alone in our efforts. The following remarks were made by Mrs. Faith Prior, extension family economist at the University of Vermont, in testimony before the Senate Banking Committee of the Vermont Legislature. Mrs. Prior is quite knowledgeable about the concept of full disclosure and has worked with the proposed legislation in her capacity as chairman of the American Bankers Association Consumer Advisory Council.

Mrs. Prior has also worked with Dr. Morse in refining the concept of a full disclosure bill for savers in her State. Her statement is an excellent endorsement of consumer savings legislation, and I recommend it to this House:

STATEMENT OF FAITH PRIOR

As chairman of the American Bankers Association Consumer Advisory Council, I have been privileged to see the development of this legislation from the beginning, and to work with the industry in clarifying the bill popularly tagged "Truth in Savings." I might say right at the beginning that perhaps the major industry objection was to that title, which derived, of course, from the parallel "Truth in Lending" Act; however, no one who was involved with the legislation was wedded to calling it "Truth in Savings", and it was readily agreed that the title "Consumer Savings Act" was perfectly acceptable to every one. As ABA's marketing chief said, "It's not very sexy, but perhaps it is less accusative."

I feel free to report to you that the industry, the Federal Reserve Board, the FDIC all support the concept that full enough information should be supplied to every depositor so that he can 1) make an informed choice among institutions competing for his savings, and 2) verify his earnings in interest. I cannot conceive of any disagreement on this point.

Which brings us to the questions of which information should be supplied, and by what means.

The original developer of this full disclosure bill for savers is Dr. Richard Morse, a Family Economist at Kansas State University; Dr. Morse is a member of the ABA Consumer Advisory Council, was intimately involved in working out the details of the federal Truth in Lending Act, and is recognized as one of the leading authorities on interest rate application in this country. One of Dr. Morse's graduate students, in the course of gathering data for a master's thesis, found that variety in *computation*, using identical interest *rates* in savings accounts can produce as much as 171% difference in interest paid. In a sample of seven institutions in a single town, a low-to-high difference of 60% was found. (For discussion of the data in more detail, I refer you to the *Congressional Record* of May 12, 1971 (Sen. Hartke re S-1848), and to the magazine *Changing Times*, February 1971, "Maybe We Need Truth in Savings Too."

Not only do a high variety of systems exist for applying a given rate, but it is difficult—and even impossible in some cases—to obtain from the savings institution the facts that are needed to compute earnings under different methods. Pieces of the information are given in many advertisements, but it cannot be obtained in full directly from many banks.

Professionally, I am very much concerned with encouraging consumers to make informed and responsible choices; I assume the economy will be healthier if consumers act in this way. But they cannot operate at maximum unless they can obtain the necessary information. Whether or not they all use it is not of immediate concern; its availability is the important consideration.

These are the pieces of information which are considered necessary, and which bill S-157 directs savings institutions to make available to savers:

(1) the nominal annual rate. (Regulation Q calls it the rate at simple interest.) It is the periodic rate multiplied by the number of periods there are in a year. If the applied rate is quarterly, you would multiply it by four to obtain the annual rate, etc.

(2) the time period which the principal amount must remain in order to earn interest. (Liquidity is of great importance to savers, and they may wish to balance off availability of their funds against the effect on earnings.)

(3) the number of time periods in a year in which interest is compounded. (Daily, quarter, annually?)

(4) the dates interest will be paid. (What does it mean to "compound daily and credit quarterly?" Dr. Morse's experience and correspondence shows that there is all kinds of variation in how that is interpreted. Should there not be agreement on what terms mean within the industry?)

(5) it might be desirable to know the effective annual rate, that is, the annual yield rate. (e.g. because of compounding, $100 at 5% will yield not 5% but closer to 5.13%.)

(6) any other conditions, such as grace periods or penalty days which reduce or increase the balances to which rates are applied.

(7) any other charges or restrictions on the activity of the account, (for example, a charge for more than four withdrawals a month.)

The customer should be given this information before he opens an account. Hopefully, when this information is routinely available, we will be able to teach people to ask for the information and shop for the best place to deposit their money. They also need to be told when the nominal rate changes. I don't think legislation should get all hung up in the exact methods by which the customer is informed. The passbook could carry informative text on the inside cover; if the rate changed, the savings institution could use the same method insurance companies use and say "enclosed is a new insert for your passbook." Right now most passbooks don't offer very much information of real value to the individual. Using the 1099 form annually to include this information would probably be a bare minimum—but it would be an improvement over the present unstandardized methods. Definition of method and disclosure of terms are the only goals of this bill; it does not set rates or other terms.

I have yet to talk with a banker who expressed any objection to the concept of providing the consumer with adequate information; I think we have come quite a long way from the industry's predictions of doom when they saw themselves threatened with Truth in Lending. However, it is scarcely realistic to expect this industry—or any other—to initiate or even welcome enthusiastically any change which requires the exercise of discipline and thought necessary when standards have to be arrived at and made acceptable to many. Nor is it likely that the regulatory agencies—the Federal Reserve Board or the FDIC—will initiate any addition to their regulatory powers unless and until legislation hands them the job.

As you know, there is in the Congress essentially identical legislation introduced by Senator Hartke (S-1848) and Congressman Roy (HR 8365) in their respective houses. It is evident to me that legislation should be on the federal level, but I think we have here another parallel with the Truth in Lending situation: legislation in the states is the pressure that makes federal legislation move. As you recall, Vermont was ahead of Washington in passing a Truth in Lending bill. State Truth in Savings—Consumer Savings, if you prefer—has undergone joint work between legislators and bankers in certain states, but so far as I am aware, Vermont is the only state with an actual piece of legislation submitted and being heard in committee.

This is not earth-shaking legislation. This is the unglamorous result of careful behind-the-scenes work by legislators and specialists who are concerned about helping prudent people exercise the right to be prudent. I think it would be useful.

OEO HELPS PEOPLE HELP THEMSELVES IN ARKANSAS

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ALEXANDER. Mr. Speaker, recently there came across my desk letters and reports which reminded me anew of the varied role which the programs under the Office of Economic Opportunity have played in the First District of Arkansas, and across the Nation.

I say "reminded me anew," because all too often in the press of handling today's crisis, we pay too little tribute to the successes of the programs established in the past to deal with ongoing needs. True, OEO has had a mixed bag of experience. It has taken some deserved criticism, because of the bad judgment and management decisions made by a limited number of officials. And, because of a failure to properly publicize its successes, its image in the minds of some people is less than desirable.

The catalog of OEO's faults is well documented. At this time, I would like to provide some information on some of its virtues. On some of the ways OEO helps people help themselves in Arkansas.

At this point, it will be well to note that while the projects I will mention have been operated by OEO local community action groups, some of the funding has been provided through such departments as Labor and such agencies as the National Institutes of Health and the Office of Education. These agencies and departments are to be commended, I believe, for cooperating in efforts to improve the quality of the lives of our people.

In looking over the information which I have gathered regarding programs which are operated under the community action agencies, I find that—

Most are directly aimed at improving the community, cooperative spirit, and the economic status of local citizens.

Headstart programs are benefiting the preschoolers and the postschoolers alike. The youngsters get some familiarity with the world of education in the programs. And, the low-income Headstart employees are given the opportunity to improve their educational status through the acquisition of high school equivalency certificates, and sometimes, college credits which can be applied toward a degree.

Self-help programs are aiding participants to improve their economic position and self-reliance. Among the programs operating in the First Congressional District are cooperative buying programs; livestock and vegetable producing projects for home use and sale; crafts producing programs generating new sources of family income, and a project providing product assembly services for an industry. Some of these efforts have already become self-supporting. And, plans are being formulated for the establishment of a small woodworking industry.

Vocational and technical training programs are aiding the disadvantaged to become self-sufficient members of their communities.

Child day-care centers, senior citizens programs, summer camps for youth, and projects to combat drug and alcohol abuse are becoming a part of the community action efforts to improve the quality of life for local residents.

There are also general services and neighborhood service center programs which actively work to encourage the disadvantaged to participate in the workings of their local community.

A major need—health care for the medically indigent and medically isolated—is partially being met by an innovative cooperative medical program which finds local medical practitioners cooperating with community action agencies.

I think that it is important to look generally at the areas of life which have been affected by the programs have been operated by community action agencies in the First Congressional District of Arkansas. They have been aimed at some vital points—educational improvement to brighten the future of the young and the not so young; income development and improvement; and health care for those in need.

In the future I will continue to work for programs that help people to help themselves. In so doing, I hope that we can do a better job of telling others of the success that many people who have participated in the programs have experienced.

UNITED STATES ERRS IN SUPPORTING DICTATORSHIP IN GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to share with my colleagues a letter, written by Mr. Peter G. Sokaris, which appeared in the Knickerbocker-News Union-Star last April 5. The letter, which appeared on the 151st anniversary of the founding of the modern Greek state, further emphasized that our immoral, unwise, and shameful support of the current Greek Fascist Government should be ended forthwith. It should be read by every Member of Congress.

The letter follows:

UNITED STATES ERRS IN SUPPORTING DICTATORSHIP IN GREECE

ALBANY, *April 5, 1972.*

To the EDITOR: It is only fitting on this 151st anniversary of the founding of the modern Greek state that Americans of Greek descent once again raise their voices in protest against the Nixon administration's continuing support for the Papadopoulos dictatorship in Athens.

We cannot remain silent while cruelty is visited upon the people of Greece. They are arrested without warrant and shut away in detention cells, prisons and concentration camps. They are maltreated, tortured and driven into exile. And they are told that they are not worthy of human rights or representative government.

We want this tragedy to stop. We plead for an end to American support for the fascist colonels. And we appeal to all Americans to join with us now in making the Greek question a major foreign policy issue in the 1972 election campaign.

Our task is to encourage our presidential candidates to take an unequivocal position in favor of withdrawing American support for the junta so that the democratic forces within Greece can move to restore constitutional government and hold free elections without fear of the American military establishment. It is only through our own actions and the actions of our political leaders that we can demonstrate that Americans are still the leading supporters of responsible democratic government in the world.

PETER G. SOKARIS,
Secretary, Americans for Democracy in Greece.

PROFFITT NAMED JAYCEE "OUTSTANDING EDUCATOR"

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MIZELL. Mr. Speaker, the recognition of excellence in any endeavor is always a pleasant task for me, and I am especially happy to advise my colleagues that Mr. Donald Jerry Proffitt, of Thomasville, N.C., has been named 1972's Outstanding Young Educator by the Thomasville Junior Chamber of Commerce.

No vocation is more important to our society than the teaching profession, and to be singled out for excellence in that most difficult profession is high praise indeed.

I know my colleagues join me in saluting Mr. Proffitt for this outstanding achievement. For their benefit, I am including in the RECORD an article announcing the award, which appeared in the Thomasville, N.C., Times, recently:

PROFFITT NAMED JAYCEE "OUTSTANDING EDUCATOR"

(By Bill Maynard)

"The art of communication is the most important skill a person can possess, to be able to say something and to be understood. Since the beginning of time the greatest problem facing mankind has been his inability to communicate, and that inability today has created a communication gap as wide as the Grand Canyon."

Those words addressed to the Thomasville Jaycees Thursday night by E. S. Allgood, principal of Thomasville Senior High, were especially appropriate.

The Jaycees awarded the 1972 Outstanding Young Educator Award Thursday night to Donald Jerry Proffitt, one of those exceptional persons who possess that rare art of communication.

Proffitt was named by an anonymous committee of Thomasville citizens consisting of a minister, a city official, and a former school teacher.

Proffitt, who accepted the award at the Jaycee banquet at the Women's Club "in the name of all the other teachers in Thomasville," teaches drama, debating, and cultural arts at Senior High, and helps coordinate courses in cultural enrichment throughout the school system.

He currently is working on a wide range of projects within the schools, including a drama production in cooperation with the N.C. School of the Arts in Winston Salem.

"He's a deserving person," declared Carl Hargraves, principal of Church Street School, who nominated Proffitt for the Jaycee honor. "Though he is only with us part of the time, I've had a chance to observe his teaching ability, his dedication, and his hard work," said Hargraves.

In short Proffitt is the type of educator who can and does bridge the communication gap between people of all ages.

"Students must be respected as individuals entitled to opinions," says Proffitt. "When a student is gravely in error, it is more useful to direct his thinking and research to discover his own error than to point it out to him publicly. I encourage free discussion in class."

The irony is that Proffitt came to Thomasville in 1968 not as an English or cultural arts teacher, but as a math teacher.

He taught math at Main Street Junior High for a year before moving to English and drama at Church Street School. From there he went to Senior High in drama and debating.

He is presently the Coordinator of Cultural Arts, teaching at Senior High and working with other cultural arts classes in other schools.

A native of High Point, he worked in business for two years after graduation from High Point College in 1966 with a Bachelor of Arts in English, and a minor in speech and drama.

When he entered the field of education, he dedicated himself completely.

An excellent speaker, he carried the case for better education to civic clubs with television tapes and speeches.

He worked actively in the local unit of the N. C. Association of Educators to coordinate and carry out lobbying programs for education in Raleigh during the last General Assembly.

He is an active member of St. Christopher's Episcopal Church and serves as chief lay Reader and Junior Warden.

He is married to the former Sally Pruitt, the winner of last year's OYE award and an equally dedicated educator.

His work doesn't stop with the end of the school year.

Last summer he was director of the local youth coffeehouse, "Shalom."

In his keynote speech Allgood accurately described the educator's task and challenge in the modern world.

"The young today are searching for a place in society," said Allgood. "We who are here tonight would be doing a great service if we each find a youngster and help him find that place.

"To the winner of this award I say, 'I thank you for what you're doing for this community and for this whole world. And most of all I thank you for what you're doing for my children.' "

EXTERMINATION OF ARMENIA BY THE TURKISH GOVERNMENT

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mrs. GRASSO. Mr. Speaker, the voice of the aggrieved and the saddened rose in mounting crescendo this weekend as programs throughout the Nation, and in my beloved city of New Britain, protested the extermination of Armenia by the Turkish Government. In their adopted homeland, Americans of Armenian descent—many of them refugees—joined in a cry for justice that has been ignored for generations.

Their protest traces the sporadic pillage and destruction of Armenia under the Sultan, the planned extermination of Armenia in 1915 by the Turkish Government, and the denial of law and morality in an attempt to eliminate permanently the question of reestablishing Armenian political sovereignty.

Because of valor and dedication through the years, the people of Armenia deserve the restitution of their proud nation. The price in life and terror of the genocide has been too long overlooked. The pleas of the aggrieved can no longer go unheard.

INDIANAPOLIS BANKRUPTCY CASES

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. WHALEN. Mr. Speaker, the Journal Herald, a daily newspaper published in Dayton, Ohio, which is within my congressional district, has completed publication of a lengthy series of articles concerning alleged irregularities in bankruptcy cases handled in Indianapolis Federal courts.

The 16-month investigation conducted by reporters, Keith McKnight and Andrew Alexander, represents enterprise journalism of the best sort. The enormous amount of time involved reflects great credit on the editorial leadership of the Journal Herald because it clearly indicates the dedication that newspaper has to the public good.

In a period when the press has been subjected to more than its usual share of brickbats, this kind of reportorial diligence serves to remind all of us of the importance of a free, unfettered, vigilant press.

The information contained in the series of articles is highly unusual, Mr. Speaker, and relates to the Federal judiciary. For these reasons, I am inserting at this point in the Record the main articles published:

[From the Dayton (Ohio) Journal Herald, Apr. 10, 1972]

Bankruptcy Rewards Judge's Friends

(Editor's Note.—This is the first of a series of stories resulting from a 16-month investigation by The Journal Herald into alleged irregularities in bankruptcy cases handled in Indianapolis federal courts. Today's report consists of three cases handled by Chief Judge William E. Steckler.)

(By Keith McKnight and Andrew Alexander)

Nearly 18 years ago, U.S. District Judge William E. Steckler appointed his former law partner to reorganize the finances of a nationally known trucking firm.

That company is now financially destroyed.

In the course of this reorganization, a number of questions have been raised about the propriety of some of the actions in Steckler's court.

The company hasn't had a truck on the road since 1962, although it continues to be "reorganized" in the bankruptcy court at Indianapolis.

On May 5, 1954, the firm—the Hancock Trucking Co.—asked Judge Steckler's court to name a trustee to straighten out its finances and in the meantime protect it from creditors.

Such a process—which is supposed to be temporary and rehabilitative in nature—is known as "bankruptcy reorganization" and clearly, Hancock was a candidate.

It owed about $3 million and couldn't pay.

But since it had assets of about $2 million and annual gross receipts of approximately $11 million, the company apparently thought it could be saved with a little help from the court.

Judge Steckler agreed to the move.

He appointed as trustee Sheldon A. Key, a good friend and former law partner.

To help Key with the legal work, Steckler approved the appointment of Sigmund J. Beck from the Indianapolis law firm of Bamberger & Feibleman. Mark H. Kroll, president of Wilmark Insurance Agency of Cincinnati, then formally offered to help the court and the company.

Kroll's proposal would allow him to run the trucking firm under a management contract. He would buy $400,000 worth of Hancock and indemnify the trustee against losses for a fee of $100 a month—or $1,000 a month if a profit were shown.

Beck told The Journal Herald that such arrangements are normal in bankruptcy reorganizations because if reorganization is to be accomplished there must be new management and the court-appointed trustee seldom has the necessary expertise.

R. Stanley Lawton, attorney for two of Hancock's creditors, agreed that outside expertise is often required in such situations, but he says in the Hancock case the trustee was giving the company to Kroll. He complained to the court.

According to Lawton, a management company is the employe of the trustee and the trustee retains the right to intervene or make any changes he wants in the management operations.

"One of the things I was screaming about here was that the trustee was expressly abandoning those rights," he said.

Hancock's attorney, the late Albert P. Ward, who originally sought the help of the court, filed a similar objection.

Noting what he termed "the obvious absurd compensatory consideration of $100 a month," Ward told Steckler: "It will be extremely difficult for a court of equity to assume or believe that Wilmark (Kroll) is a philanthropist."

Judge Steckler approved the contract.

Four years later, in 1957, Judge Steckler approved a reorganization plan recommended by Beck and Key whereby the trucking company would be sold to Kroll.

During the next four years, although Steckler's court retained jurisdiction, it was Kroll's company and it continued its slide into debt.

Kenneth L. Oskins, Hancock's personnel director, recalls it this way:

"Several months prior to the actual closing of the doors, there was a period of time where all of the equipment was repossessed . . . Everything was being done to keep them from doing it, except giving them money.

"In other words, they were hiding equipment—we were hiding tractors and trailers and this type of thing.

"Finally," Oskins continues, "everybody just threw up their hands and said. " 'Well, hell, we're fighting a losing battle anyway.' "

Another petition for reorganization was filed by creditors and again Hancock Trucking Co. was taken to Judge Steckler's court where he again appointed the same officers—Key as trustee and Beck as attorney.

But this time there was virtually nothing left to reorganize.

The firm's only significant remaining asset was its operating rights.

And even those rights—license to ship freight along certain routes as authorized by the Interstate Commerce Commission on a first-come basis when public need is shown—had been leased to another trucking company, the Hennis Freight Lines.

Since that time in 1962, a large portion of those proceeds has gone to pay continuing attorney fees.

According to a tally by the Indianapolis Star, in the case that is not yet completed, attorneys have been paid more than $600,000. Most of the creditors have yet to receive anything.

Among those creditors is the State of Ohio which has made at least 23 assessments against the firm for highway use taxes totaling more than $200,000.

As for the Cincinnati insurance man, criminal charges were never brought against him in Indiana although trustee Key alleged in court proceedings that Kroll had transferred title of virtually all Hancock's assets to other Kroll companies.

Four years later, Kroll was convicted in Miami of a $9.5-million Florida land swindle.

A year later he was convicted of financially destroying an auto insurance company in Chicago. He is now in a Federal prison.

Sheldon A. Key, Judge Steckler's one-time law partner, remained as paid trustee of the ruined trucking firm until his death last Aug. 31.

W. Rudolph Steckler, the judge's son, was named in Key's will as attorney to handle Key's estate.

Under other provisions, Key requested that if he and his wife were deceased, Judge Steckler and his wife would become guardians for Key's daughter.

If the Keys and their daughter were deceased, Judge Steckler and his wife were to have received $5,000.

After the will was made public in 1971, Judge Steckler disqualified himself from the 18-year-old case.

"A judge should not act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, rank, position or influence of any party or other person."

Guidelines for Judges

The most widely accepted measuring sticks for the conduct of judges are the Canons of Judicial Ethics—a strict code adopted by the American Bar Assn. (ABA) in 1924.

These standards were formulated by a committee appointed by U.S. Supreme Court Justice William Howard Taft, who served as chairman.

Although they are not legally enforceable, the canons are well-known and embraced by American jurists.

When adopting them, the ABA suggested the 26 articles "as a proper guide and reminder for judges, and as indicating what the people have a right to expect from them."

Repeatedly, the canons decry wrongdoing or any action that conveys the suspicion of wrongdoing to the public.

Specifically, there are canons cautioning against "Impropriety or the appearance of impropriety" on the part of judges; against judicial appointment of friends or relatives; calling for the appointment of impartial administrators in bankruptcy cases; and pointing out the necessity for judges to remain unswayed by public or political pressure.

In three prominent, controversial, federal bankruptcy cases in Indianapolis, the application of these canons comes into question.

Chief U.S. District Judge William E. Steckler presided over all three cases, which are outlined in today's Journal Herald.

Judge Steckler refused to be interviewed about the cases, in which he appointed friends and former business associates to well-paying positions in these bankruptcy matters.

The judge also would not discuss a case in which he reportedly bowed to public clamor in making a ruling in a bankruptcy controversy in which he appointed the former governor of Indiana to a trusteeship.

How JH Got Involved in Probe

In December, 1970, The Journal Herald began a probe of an alleged "Bankruptcy Ring" in Indianapolis.

The investigation was prompted by charges of:

(1) George Manuel—a Dayton man who was, at the time, facing a 30-count mail fraud indictment in an Indianapolis federal court, stemming from his involvement with a multimillion-dollar business in that state.

(2) Sherman H. Skolnick—a flamboyant Chicago court reformer who had gained na-

tional recognition for his role in forcing two Illinois Supreme Court justices from the bench.

And, early in the investigation, a state judge seemed to address himself to the same situation. Marion County Circuit Court Judge John L. Niblack wrote to U.S. Chief Justice Warren Burger complaining that the federal courts in Indianapolis were transferring civil cases to their own jurisdiction.

Manuel charged that a select group of Indiana lawyers and politicians, operating under the protective shroud of federal courts at Indianapolis, were railroading businesses into bankruptcy court, and there plundering them.

Manuel's business, a property management firm for the American National and Republic National Trusts, collapsed after the trusts were forced into bankruptcy reorganization proceedings in 1968.

The president of the trusts, Harry R. Fawcett, of Kokomo, Ind., vigorously fought the bankruptcy, but lost, and was later indicted and convicted on 5 of 30 counts along with Manuel.

Fawcett and Manuel claimed that the indictment was part of a political conspiracy to discredit their charges about what they called "The Bankruptcy Ring."

Then, Skolnick petitioned the court to enter the bankruptcy case as a "friend of the court," citing that the officers appointed to reorganize the trusts were close friends of Sen. Birch E. Bayh, Jr.

The judge in the case—himself a Bayh-sponsored nominee—later denied Skolnick's petition saying it was "scurrilous and defamatory," that Skolnick did not comply with court rules in filing the petition, and that Skolnick was defending the interests of Fawcett and Manuel only.

Judge Niblack wrote: "our local federal courts consistently maintain they are overworked and yet they continually order transfers of civil cases to their own jurisdiction. . . .

"The Federal Courts would not be so busy if they would stop usurping the State Court's duties," he said, and added that he intended to urge federal legislation "to cut out some of this foolishness."

Judge Niblack further told Justice Burger: "In the last five or six years 99 percent of all receiverships and insolvencies have gone to the Federal Court, a new trend, adding greatly to their work there."

Case II: Scandal Mushrooms From Copter Crash

Another Indianapolis bankruptcy court controversy began in 1965 when a helicopter crash killed a prominent Indiana securities promoter, Michael Dobich.

His death triggered a scandal which precipitated:

The bankruptcy of his company, the Dobich Securities Corp. . . . because he had apparently sold more than $2 million worth of stock he didn't have or didn't deliver.

The destruction of the promising political career of the Democratic Indiana Secretary of State, John D. Bottorff . . . because it was revealed that as soon as he was elected he began a "re-election campaign" fund by soliciting contributions from securities dealers over whom he held licensing power.

A widespread panic among many Indiana securities investors . . . because they wondered if they had actually invested in something or if they were left holding empty bags.

On July 14, 1965, U.S. District Court Judge William E. Steckler received a petition for the bankruptcy of the Dobich Securities Corp.

The same day, Judge Steckler appointed Donald W. Buttrey as receiver.

Buttrey is Judge Steckler's former law clerk.

Buttrey is also a member of the Indianapolis law firm of McHale, Cook & Welch—a law firm which the judge's son, W. Rudolph Steckler, joined a year later.

In his book, "My Indiana," Irving Leibowitz—former managing editor and columnist for the now-defunct Indianapolis Times—says:

"McHale has long been associated in business and politics with Frank McKinney (chairman of the board of the American Fletcher National Bank). It was McHale who persuaded President Truman to pick McKinney as national chairman of the Democratic party. Both McHale and McKinney handled bankruptcies handed out in the federal court of Judge William E. Steckler, who was sponsored politically by McHale."

McHale told The Journal Herald that the income of his law firm from bankruptcy matters is "very minor—any law firm or any newspaper people in Indianapolis will tell you that."

In the Dobich bankruptcy, Judge Steckler's former law clerk, Buttrey, was assisted in the case by a court-appointed Republican.

He was William E. Jenner—former two-term U.S. senator from Indiana who has since practiced law in Indianapolis.

Unlike the Hancock Trucking case recounted above, the Dobich bankruptcy was not a reorganization procedure.

It was a bankruptcy liquidation, and therefore Buttrey was appointed receiver—and eventually trustee—to help the court sell what remained of company assets and divide the proceeds among the company's creditors.

The action, filed in mid-1965, is still pending in Steckler's court.

Buttrey says his appointment in the case poses no ethical questions because Judge Steckler is "my former employer—that's all."

He adds: "I think you will find that federal judges, by and large, try to rely on former law clerks because they are the one group of people that the judge can be independent with . . .

"He needs some guy to do the job. And here's a guy to whom the judge has no obligation at any time . . . If there has been a favor done, the judge has done him (the former clerk) a favor . . .

"He's not a former law partner," Buttrey said. "He's not a member of any political party that got him his job. There are none of those things present."

However, Buttrey's position as receiver did not go unchallenged.

As Dobich trustee, he sued the big brokerage firm of Merrill Lynch, Pierce, Fenner & Smith, for $533,000, claiming the firm failed to halt heavy trading by Dobich when they knew he was insolvent.

In the ensuing court battle, the Merrill Lynch attorneys objected to trying a case before a judge who was the former employer of the plaintiff, and a judge whose son was an associate of the plaintiff's law firm.

The Merrill Lynch attorneys also pointed out that Judge Steckler's present law clerk was Frank Cook, the son of David Cook of the same McHale, Cook & Welch law firm. And Cook previously worked on the Dobich case while employed by that law firm.

These facts were brought out, according to news accounts from that time, at a hearing Sept. 28, 1967—more than two years after the bankruptcy was filed.

Judge Steckler then removed himself from the case, but only with regard to the immediate suit. He maintained jurisdiction over the Dobich bankruptcy.

The Journal Herald could find no explanation in court files as to why the judge disqualified himself in a suit which arose from the Dobich bankruptcy, but did not disqualify himself from the bankruptcy itself.

The clerk's office in Indianapolis says that if a transcript of that hearing was prepared it can't be found.

Judge Steckler has refused to be questioned on this or any other matter by The Journal Herald.

The only light on the judge's position comes from his former law clerk, Buttrey, who says he sees nothing improper.

Buttrey says he was a litigant in the suit and when defense attorneys questioned the impartiality of the judge, the judged acted "conservatively" and disqualified himself.

But so far as the bankruptcy matter is concerned, Buttrey says he is simply an officer of the court, serving the court, and as such is "not in an adverse position with anyone," and therefore his relationship with the judge "makes no difference."

"Trustees, receivers, masters, referees, guardians and other persons appointed by a judge to aid in the administration of justice should have the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him for personal or partisan advantage. He should not permit his appointments to be controlled by others than himself. He should also avoid nepotism and undue favoritism in his appointments.

"While not hesitating to fix or approve just amounts, he should be most scrupulous in granting or approving compensation for the services or charges of such appointees to avoid excessive allowances, whether or not expected to or complained of. He cannot rid himself of this responsibility by the consent of counsel."—Canon 12, Canons of Judicial Ethics.

Case III: A Booming Trust Combine Goes Bust and Familiar Names Enter Picture

Judge William E. Steckler presided over yet another bankruptcy court controversy, this time involving a combine known throughout Indiana as "the Cook Brothers' trusts."

Those trusts were the largest enterprise to grow out of the Indiana real estate investment trust craze which mushroomed in the early 1960s.

The multiplicity of trusts and related corporations were founded by three Kokomo attorneys, Floyd F. Cook, his brother Beryl E., and Donald J. Bolinger.

At one time the combined assets were listed at near $42 million.

The trusts invested in a wide variety of properties ranging from an orange grove in Florida to a hotel and casino in Las Vegas.

But when Dobich died, provoking a securities scandal and scare, the once-booming sale of Cook Brothers' shares halted and the trusts were suddenly in a bad financial pinch.

The problem was getting enough cash from the tight money market of 1966 to pay on the mortgages until the properties began paying for themselves.

About that time, three other familiar names became involved with the fate of the faltering trusts:

Sigmund J. Beck of Bamberger & Feibleman, who was the attorney in the long reorganization of Hancock Trucking Co.;

Matthew E. Welsh, former governor of the state (who is again a candidate for that office) and a continuing political force in Indiana Democratic circles; and

John D. Bottorff, the Indiana secretary of state who was caught in the securities controversey and was nearing the end of his political career.

The two cooks and Bolinger were forced out of office on orders of Secretary of State Bottorff on Aug. 17, 1966, and Welsh and Beck took over as trustees.

Less than two months later, Welsh and the well-known bankruptcy specialist Beck said times were just too tough to save the trusts and the only thing they could do was petition the bankruptcy court for reorganization.

Although the court is normally closed on Saturday, the bankruptcy petition was filed on a Saturday afternoon, Oct. 8, 1966. That same day, Judge Steckler apparently drew the bankruptcy case, accepted the petition, set a hearing on the matter, held the hearing and appointed the American Fletcher National Bank as trustee.

The petitions are file stamped with that date although the clerk's office reports never being open on Saturdays.

The Sunday edition of the Indianapolis Star described the event as "a five-hour, quietly arranged hearing."

In the first five months of the Cook bankruptcy, fees for the trustee (the bank), its attorneys and accountants totaled $122,539.

A precise accounting of total fees allowed in the case since that time could not be determined by The Journal Herald from court records.

Although the bankruptcy law says attorneys representing a trustee in reorganization must be "disinterested," Judge Steckler subsequently named Welsh and Beck as the trustee's attorneys.

The Securities and Exchange Commission (SEC) entered the case and asked the court to remove Welsh and Beck.

But that move was unsuccessful and the SEC couldn't appeal the decision because federal law forbids that agency from appealing in such matters.

Judge Steckler's reasoning for the decision is excluded from a transcript of that hearing which was held Feb. 3, 1967.

An Indianapolis Star account the next day, however, said:

"Judge Steckler, after hearing testimony from former Gov. Matthew E. Welsh and two other state officials and attorney Sigmund J. Beck, decided Welsh and Beck should continue handling the legal work for the trustee . . .

"In denying the petition of the SEC asking that the firms be removed because of their alleged 'vested interest' as the former trustees of the trusts, Steckler said he had received many letters requesting he take such action because of the 'personal reputations' of Welsh and Beck."

Judge Steckler refused to be questioned about his decision in the matter.

"A judge should not be swayed by partisan demands, public clamor or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism." Canon 14, Canons of Judicial Ethics.

[From the Dayton (Ohio) Journal Herald, Apr. 11, 1972]

I Had No Idea It Was Bankrupt

(Editor's Note.—This is the second in a series of stories resulting from an investigation by The Journal Herald into alleged irregularities in bankruptcy cases in Indianapolis federal courts. Today's report examines how shareholders seeking to retrieve their money from two multi-million-dollar trusts discovered they had unwittingly authorized the trusts' bankruptcy.)

(By Keith McKnight and Andrew Alexander)

Four of six Indiana investors who were used to force two multimillion-dollar trusts into bankruptcy court at Indianapolis say they never knowingly authorized the action.

Some of the petitioners say they haven't even heard of one of the attorneys who claimed to be representing them.

That attorney, Alan I. Klineman, has since become the court-appointed counsel in the case and he estimates that nearly 10 percent of his law firm's income results from those proceedings.

He says he can't recall whether he is still representing the petitioners who apparently unwittingly authorized the case.

The matter involves the bankruptcy reorganization of the American National Trust and the Republic National Trust—separate trusts managed by the same officers.

Both trusts grew out of a craze that swept Indiana in the early 1960s, prompting thousands of investors to pour millions of dollars into the promises of real estate investment trusts.

Real estate investment trusts pool the money of investors to purchase real estate. The purpose is to realize profits—sometimes sizable ones—from rent payments, leases, etc.

Unfortunately, many of the salesmen—who were paid commissions on trust shares they sold—often promised in sales pitches and advertising high interest rates of as much as 8 percent and promised investors they could get their money back any time they wanted it. These claims later became central in a legal battle.

Some trusts didn't turn out as advertised though, and when the word got around many investors wanted their money back. But there wasn't any money to give back because it had been used to buy or construct rent-producing properties which were not yet producing sufficient income.

Apartment developments, for instance, are not constructed one day and made income-producing the next. But this didn't matter to the investors who were irate because their investments weren't paying off.

And so there was widespread discontent among investors in many trusts and this included the American National and Republic National trusts.

With all that furor as a backdrop, on Feb. 13, 1968, Indianapolis attorneys Hugh A. Thornburg and Alan I. Klineman—in the name of three shareholders—asked the U.S. District Court at Indianapolis to approve the involuntary bankruptcy reorganization against the American National Trust.

Thirteen days later, the same two attorneys filed similar petitions asking the same action against the Republic National Trust—in the name of three shareholders of that trust.

The deposed president of the trusts—Harry R. Fawcett of Kokomo, Ind.—has assailed Thornburg and Klineman in actions alleging that the two were instrumental in a conspiracy to seize and plunder the trusts through bankruptcy actions.

He has claimed in court that Thornburg solicited permission for the action from shareholders who, he said, were tricked into believing they were signing papers to get thei money back and did not intend to authorize a bankruptcy action.

Charles H. Van Bronckhorst—even though he is outspokenly contemptuous and critical of Fawcett—agrees on this point and insists Fawcett is telling the truth.

Van Bronckhorst, an Indianapolis shareholder in the trust, claims attorney Thornburg came to his home in late 1967 and asked him to sign a paper which was to help him and members of a shareholders' committee Van Bronckhorst represented to get their money back from the trusts.

Van Bronckhorst says he read the paper, found it was an authorization for Thornburg to throw the trusts into bankruptcy and ordered Thornburg out of his house. As proof for the meeting, Van Bronckhorst offers three witnesses, each of whom has provided sworn affidavits.

When offered the opportunity by The Journal Herald to comment, Thornburg said: "I'm not going to comment on any pending litigation. You've called the wrong number. That's all there is to it . . . I'm not going to talk about it . . . this conversation is over. You do whatever you want to do. Goodby."

The petitioners for the bankruptcy action were more cooperative.

Robert E. McKillip, one of the six petitioners, is a farmer from a prominent family near Wabash, Ind. He told The Journal Herald that he asked a Wabash attorney—Robert R. McCallen—to "see what he could do" to get back the $2,130 he had invested in the Republic National Trust.

He said he made no deals with McCallen, but one day McCallen came to his farm with an attorney from Indianapolis. McKillip isn't sure who it was, but he thought it might have been Thornburg.

And although he couldn't recall what was discussed, he said he never knowingly signed anything to throw the trusts into a bankruptcy court.

McKilip says flatly that Hugh A. Thornburg has never been his attorney and he doesn't understand why his name was used to put the trust into bankruptcy.

Another petitioner is Ruth Quinn Meyers, an Indianapolis woman who invested $7,410 in shares of the American National Trust in behalf of her granddaughter.

Mrs. Meyers' name was used as a creditor—as were all the other names—in petitioning for the reorganization.

In a sworn affidavit, she states:

"To the best of my knowledge, I have signed no papers, whatsover, nor affidavits, alleging that I was a secured or unsecured creditor of the American National Trust."

In the same affidavit, she recalls that she was contacted while at the Rancho Siesta Motel in Ukiah, Calif., by Maurice Petit, her attorney in Indianapolis, who asked her to send him a telegram or letter "and dictated what I should say." She said she complied.

She further swears: "In brief, he asked me to give him authority to do what was needed to be done for me, in the case of American National Trust, to get my money back."

Maurice Petit, her attorney, is Thornburg's law partner.

A third petitioner is Roy M. Dean, a retired farmer near Wabash, who invested $2,000 in Republic National Trust.

He recalls that he first became involved in the legal morass sometime after he was approached at a Democratic Party picnic by McCallen, the Wabash attorney.

He said that after their conversation about the trust, he authorized McCallen to "sue the trust to get my money back."

In an affidavit, for The Journal Herald, Dean states:

"Some time after I gave him permission to use my name to sue the trust to get my money back, Mr. McCallen called me from the office of Indianapolis attorney Hugh Thornburg, saying he (McCallen) was working with Mr. Thornburg in the matter."

Dean swore in the affidavit that to the best of his knowledge, he had never met Thornburg.

And Dean swore that he didn't know his name had been used to throw the trust into bankruptcy court.

In fact, he swore that "when I gave McCallen permission to sue the trust to get my money back, in my heart, it was my understanding that the Republic National Trust had already been placed in bankruptcy proceedings by the government."

He couldn't recall how he came to believe that.

A fourth petitioner is James D. McKillip, brother of Robert and also one of the petitioners who supposedly sanctioned the involuntary bankruptcy reorganization of Republic National Trust.

He was asked if it was ever his understanding that his name was going to be used to file the bankruptcy action.

"No," he answered. "Oh, no. No. No. We just was wantin' to get our money back. Oh, no. No. I had no idea it was bankrupt."

He said that to the best of his knowledge, he had never met Thornburg, although he had talked to him once on the phone.

As for Alan I. Klineman, McKillip said he'd never heard of him. McKillip summed up his position this way:

"I'm just letting the lawyer handle it all the way. I'm just an innocent, dumb farmer that put a little money in that trust."

There are two other petitioners. Repeated attempts to locate the fifth petitioner, Frank V. Bezi, failed. The sixth, John Richards, also of Wabash, is dead.

Both McKillips and Dean—who authorized McCallen to sue the trusts to get their money back—have yet to receive any compensation since the controversial signing nearly four years ago. Attorney McCallen has charged the three nothing, although they claim he is their attorney in the matter.

McCallen told The Journal Herald he knew Thornburg and he (McCallen) had sought Thornburg "as to what was the best way to proceed."

But when McCallen was asked whether the petitioners were aware of what was going on and if they had authorized such transactions, the conversation was quickly terminated.

"I would suggest at this time that you talk to Mr. Thornburg," McCallen said. "It's been nice talking to you. I'd suggest you contact Mr. Thornburg. Thank you very much."

Alan I. Klineman—who, along with Thornburg, initiated the proceedings and who, along with Thornburg, has since served as attorney for the court-appointed trustee for the trusts—was not surprised the petitioners didn't know him.

"I never saw the people," he said. "It was all through Hugh Thornburg."

But he says that's not unusual.

According to Klineman, the legal profession, like the medical profession, has become highly specialized.

He likened the petitioners to patients and says that a patient doesn't go to a doctor and tell him to operate and do this or that, but rather instructs the doctor to do whatever is necessary to cure him.

So Klineman says when the Wabash people asked McCallen to do what he could to get their money back, that authorization would include bankruptcy proceedings, if necessary.

"We got written consent from each of the petitioners," Klineman said, "or from their representatives."

Meanwhile, the original clients have received none of their money back.

On Nov. 21, 1968, Klineman and Thornburg filed a petition to withdraw as attorneys for the original McCallen clients. This came nine months after the two attorneys petitioned to put the trusts in bankruptcy and were subsequently named counsel to the trustee.

The petition said Klineman and Thornburg "believe it is in the best interest of the orderly administration of this estate that they withdraw as attorneys for certificate holders and allow said certificate holders to obtain representation on an individual basis or through the committee which has been formed . . ."

There is nothing on the court docket to indicate whether the petition was approved or not, Klineman isn't sure either. "It's so vague. I just barely remember it."

But he is proceeding as if it had been granted.

The original shareholders are even more befuddled.

They're not sure if they have an attorney—either their original attorney or the ones to whom he referred the matter. But at least it is apparent that they no longer have the attorneys they once had . . . which are the attorneys they didn't know they had.

As for the attorney they thought they had, they apparently never had him at all because he turned the matter over to the attorneys they didn't know they had.

But it doesn't matter.

You can't successfully sue a trust to get your money back when it's in the protective custody of a bankruptcy court.

And that's where the attorneys put it.

[From the Dayton (Ohio) Journal Herald, Apr. 12, 1972]

BAYH'S FUND SOURCES CLOUDY

(By Keith McKnight and Andrew Alexander)

Sen. Birch E. Bayh Jr. has failed to disclose the source of about $150,000 which helped pay for his narrow Indiana re-election victory in 1968.

And what records do exist of contributions have several seeming contradictions.

Robert J. Keefe, the senator's top aide, said last summer the funds were unreported because Bayh's office didn't know where to file them.

He explained the money came in after the campaign and the law does not provide for reporting post-campaign contributions.

Last August, Bayh's office agreed to make the list of contributions available to The Journal Herald, but after five requests, has failed to do so.

The significance of where the money came from is underscored by charges of two former Indiana real estate trust officials, who claim the multimillion dollar businesses were illegally forced into bankruptcy proceedings and milked to help finance Bayh's campaign.

Bayh vehemently denies the charges and assails the credibility of the two trust officials, who are each appealing their conviction on five counts of mail fraud last year in connection with their management of the two Indiana trusts—the American National and Republic National.

They are Harry R. Fawcett of Kokomo, Ind., and ousted president of the trusts, and George Manuel of 41 Cedarlawn Drive, Dayton, the former property manager and ex-officio financial adviser for the trusts.

Both Fawcett and Manuel claim their mail fraud convictions were politically inspired to discredit their long-standing charges about what they call "The Bankruptcy Ring."

But regardless of the mail fraud case, these facts are clear:

—In February of the 1968 campaign year, the two trusts were forced into an involuntary bankruptcy reorganization.

—John I. Bradshaw Jr.—who headed a fund-raising effort for Bayh's re-election that year—was appointed by Federal District Court Judge James E. Noland (himself a Bayh-sponsored nominee) to be in charge of the reorganization.

—Since that time nearly four years ago, there has been no credit audit of the trusts' finances and Bradshaw still controls the business.

Bradshaw says: "We haven't wanted to burden the estate with a certified audit." He estimates such an audit would cost about $30,000 and he sees no need for one.

But regardless of whether trust money has been diverted to Bayh's coffers, a continuing question that has followed Birch Bayh in recent years is the source of his financial strength.

He estimates his 1968 re-election cost about $800,000.

When that campaign was over, it was no secret his camp was in debt and the Indiana Democratic Party was in bad financial shape.

Less than three years later, Bayh was a serious contender for the 1972 Democratic presidential nomination with a big staff and a big bankroll.

(In October, 1971, Bayh withdrew his unannounced candidacy, citing his need to be with his wife, Marvella, who had undergone an operation for a malignancy.)

Bayh told a nationwide television audience last May via "Face the Nation" on CBS that ". . . as far as my personal finances, I've made them public; and when I ran for the Senate, the law requires and I didn't hesitate a moment to make all contributions available. I wish we could amend the law of the land so that all public officials, not just senators, but judges and members of the executive branch, had full and complete disclosures . . ."

Attempts to verify the senator's remarks, however, led the searcher on a merry chase.

For example, in Washington a check was made with the Secretary of the U.S. Senate for contributions to Bayh in the 1968 campaign.

A form, which each newly elected senator is to fill out, says: "I hereby certify that the following is a correct and itemized account of each contribution received by me or by any person for me with my knowledge or consent from any source . . ."

Under contributions, Bayh listed the word "none."

Under expenditures, Bayh said he spent $3,000 for a filing fee—nothing more.

Otherwise, he noted that the money was handled by his committees and their reports would be filed in accordance with Indiana law.

A clerk in the office was asked if such reports are typical of other senators' "full and complete disclosures."

Some reports are very thin, she said, while others are quite extensive.

She pointed to an overflowing mound of manila envelopes on top of the file caginets.

"Those are Sen. Buckley's," she said.

In Indianapolis, inquiry was made at the Indiana Secretary of State's office for records of contributions to Bayh's 1968 campaign committees.

They didn't have the records either.

Those records would be filed in the senator's home county in Terre Haute, they said.

In Terre Haute, it took a worker in the Clerk's Office of the Vigo County Circuit Court about 15 minutes to find Birch Bayh's records from the 1968 campaign.

The records consisted of two pieces of paper—the first was an affidavit signed by Birch Bayh, the second was a copy.

The affidavit says:

"Comes now Birch Bayh, a candidate for United States Senate who for the purpose of complying with the laws of the State of Indiana does make the following statement:

"That he personally received no sums and expended $3,000.00 on June 19, 1968 for the purpose of filing his candidacy with the Indiana Democratic State Committee at its convention.

"That the above statement is true, full and correct.

"Further affiant sayeth not."

The woman was asked for a copy of the statement. She hesitated, consulted with a superior, then refused to make the copy.

She explained some public records may be copied and other public records may not be copied.

This one, she said, may not be copied.

Back in Washington, Robert J. Keefe, Bayh's top aide, was asked if the campaign committee reports were ever filed, and if so, where could they be found.

Keefe said contributions from the Indiana Democratic Campaign Committee were filed by the treasurer of the committee at the Board of Elections at Indianapolis.

Those sums are not listed with Bayh's committees, Keefe said.

Otherwise, all contributions to the Senator Bayh for Senator Committee and the Citizens for Bayh Committee were filed by the chairman of those committees at the courthouse in the chairman's hometown.

Keefe—a resident of Alexandria, Va., for a number of years—said he served as chairman of both committees and his hometown is Huntington Ind.

And so, he was asked if the combined totals of contributions to those three committees would represent a full complete disclosure of the source of all the money for Bayh's election.

No.

Keefe said approximately $150,000 was contributed after the election for debts accrued in the campaign, and although Bayh's office had the records of those contributions, he didn't know where to file them because the law made no provision for the filing of post-campaign donations.

Keefe, who resigned last October as Bayh's top aide, said most of that $150,000 was collected through dinners and cocktail parties, but those records would be made available to The Journal Herald.

In Indianapolis, a financial report filed by the Indiana Democratic Campaign Committee listed a total of $50,000 which that committee donated to Bayh's re-election campaign.

The contributions are listed in two $25,000 items—the first of which was made Aug. 20, 1968, the second made Sept. 10, 1968.

A check in Huntington, Ind., showed that despite Keefe's report that the Indiana Democratic Campaign Committee's contributions were not included in Bayh's lists of contributors, the Bayh for Senator Committee contribution list shows it received $80,000 from the Democratic Campaign Committee.

This figure exceeds the amount the state party claims it sent to Bayh by $30,000.

In another apparent contradiction, the Senator Bayh for Senator Committee reported receiving $50,000 from the state committee Aug. 5, 1968.

But the state party listed its first Bayh contribution at $25,000 and said it was paid Aug. 20— not Aug. 5.

In another discrepancy, the Citizens for Bayh Committee report listed total contributions at $15,450.72 and total disbursements at $15,428.72.

Yet the Senator Bayh for Senator Committee report listed four contributions from the first committee totaling $27,200, or almost $12,000 more than that committee ever received in total contributions.

The Senator Bayh for Senator Committee listed total contributions at $558,151.61 and total disbursements at $556,186.92.

Included in these total contributions are almost $50,000 from county campaign committees; $80,000 from the Indiana Democratic Campaign Committee; the $27,200 in transfers from Bayh's other campaign committee; and almost $100,000 from various other funds and committees. None can be traced to specific contributors.

Senator Bayh was reminded by The Journal Herald of his statement on "Face the Nation" in which he said he "didn't hesitate a moment" to make all his contributions available.

He was asked if it wasn't a bit misleading to say: "It's all there. It's a matter of public record."

"Well it is," Bayh answered. "It was filed in the county clerk's office in Huntington County, wasn't it?"

As for personal contributions, Bayh said he never accepts any, and his policy on that is meticulous—even including checks that are made out in his name.

He conceded, however, that: "The law now has got a lot of loopholes in it that ought to be plugged . . . but the letter of the law says 'personal contributions.' "

Bayh was asked about the post-campaign contributions which have not been filed and which Keefe estimated at about $150,000.

Bayh turned to his administrative assistant, Keefe:

"Bob, is it possible to get that information? Do you have it stuck away here or upstairs or back home some place? Get that information and let them have it."

Robert Keefe again said he would.

A short while after Senator Bayh announced he would not seek the presidency, Robert J. Keefe resigned from his staff and the records of the post-campaign contributions were temporarily misplaced.

The Journal Herald was assured again in early November that the records of post-campaign contributions would be made available within 10 days.

In late December, following another request, Bayh's press secretary said the records were still being "retyped."

Meanwhile, the charges are still unanswered that some of the money for Birch Bayh's 1968 re-election originated from the 1968 bankruptcy proceedings against the two Indiana real estate investment trusts.

WHO'S WHO

Birch E. Bayh Jr.—Indiana's junior senator who unseated incumbent Republican Sen. Homer Capehart in 1962, was re-elected in 1968, and soon gained national recognition as a champion of judicial reform by leading the successful fights against confirmation in the Haynsworth-Carswell Supreme Court nominations.

John I. Bradshaw Jr.—Indianapolis attorney in the well-known law firm of McHale, Cook & Welch; long-time friend and fund-raiser for Senator Bayh; and court-appointed trustee for the American National and Republican National trusts.

Harry R. Fawcett—Kokomo, Ind. farmer-businessman who became president of American National and Republic National trusts in January, 1967 and remained in that position until the trusts were forced into bankruptcy in February, 1968.

Robert J. Keefe—Sen. Bayh's administrative assistant who acted as his campaign manager in 1968 but resigned late last year after the senator withdrew from the Presidential race.

George Manuel—A Dayton "money finder" who formerly served as property manager for American National and Republic National Trusts until the bankruptcy court took over.

James E. Noland—Former Democratic congressman, U.S. district court judge at Indianapolis who received the bankruptcy case of American National and Republic National trusts. He was co-sponsored for the judgeship by Sens. Bayh and Vance Hartke.

THE ACCUSERS: SOME CALL THEM CROOKS

(By Keith McKnight and Andrew Alexander)

The important thing to remember about George and Harry is that they are not ordinary people.

There are those who will tell you they're both crooks.

There are those who will tell you they're both crazy.

It isn't difficult to see Harry R. Fawcett as a modern-day Don Quixote, tilting at windmills he sees as the enemy.

Nor is it difficult to imagine George Manuel as a Sancho Panza, somewhat of an enigma, who plays along with the fury—perhaps knowing better—but never forsaking the quest.

Yet the truth of it is the targets are real, and the wrongs—if sometimes exaggerated—do exist.

Among those they have accused in court actions of wrongdoing include Indiana Sens. Birch E. Bayh Jr. and R. Vance Hartke, former Indiana Gov. Matthew E. Welsh, Chief Judge William E. Steckler and Judge James E. Noland of the Southern Federal District Court of Indiana, a battery of prominent Indiana attorneys and the American Fletcher National Bank of Indianapolis.

George and Harry think big.

They also take great risks, lose a good bit of the time and keep right on trying.

The hate attorneys, hardly ever drink, and were convicted on five counts of mail fraud a year ago last February.

Other than that, they don't have a whole lot in common.

George Manuel, 47, is from Dayton.

He speculates in real estate and flies all over the world trying to put together multi-millon dollar loans.

He has a Western Union Teletype machine in his house so he won't miss any money-making messages, and at one time had his Fleetwood Cadillac equipped with a mobile telephone so he could always keep in touch.

But all in all, George Manuel says he made more money as a plumber.

Besides that, he doesn't look like a financier.

Or to use the words of one of his detractors: "When he's just sitting there doing nothing, George Manual looks like he's stealing something."

Harry R. Fawcett, 67, is from Kokomo, Ind.

With the exception of a few business ventures, he has been a farmer most of his life.

He is opinionated, strong-willed, and stubborn.

He dislikes hippies, Democrats, and faint-hearted Americans.

If you're not for him, you're against him.

He apparently did well in running a ready-mix concrete business, but in January, 1967—when he became president-trustee of the American National and Republic National real estate investment trusts—perhaps he went too far.

"I found everything a mess," he says, "even belatedly discovering that the certified audit was 'incorrect.'

"I soon found out that while I had the ability to manage the physical assets of the trusts and did bring about a marked improvement in the properties and their income, I was completely out of my depth when it came to coping with the horde of legal sharks that were constantly attacking the trusts hoping to gain control of the better than $10 million worth of assets and bleed them for legal fees."

But if it was the matter of playing king of a $10 million mountain, Harry didn't stay there very long.

He was shoved off a year and a month later, and ever since then he has been bitter about it and making noise about it.

And George has joined him in the noise-making.

"I'm not trying to tell you I'm any Moses," George says, "But compared to those 'honorable men' I was a babe in the woods."

They are alluding to "The Bankruptcy Ring" and they write it that way—in capital letters.

They say "The Ring" includes a group of attorneys in Indianapolis who seek out foundering businesses, find their weaknesses, and then force them into federal bankruptcy court where the company assets are plundered through fees to the court-appointed trustee, fees to the court-appointed attorneys for the trustee, and fees for all other court-appointed helpers.

All this is going on, they say, with the full knowledge and cooperation of the two U.S. senators from Indiana, many of the other big names of the Democratic party, and the federal judiciary.

Both George and Harry claim the reason they were indicted on 30 counts of mail fraud—and eventually convicted on five of those counts—was due to pressure applied from the powers that be to make them shut up.

Their antagonists have repeatedly pointed out that George and Harry are convicted felons, and therefore their charges cannot be taken seriously.

But the truth is that regardless of their convictions, George and Harry were making charges about "The Brankruptcy Ring" long before they were indicted.

They continued to make those charges after they were indicted and they haven't changed their story since they were convicted.

George admits that he has done things he ought not have done.

And Harry says he may have made serious errors in judgment.

But they say that regardless of any wrongs they may have committed, their convictions are being used to absolve others of even greater wrongs.

George and Harry say all they want is a full investigation, for—after all—they have nothing left to hide.

[From the Dayton (Ohio) Journal Herald, Apr. 13, 1972]

BAYH'S FRIENDS CONTROL BANKRUPTCY

(By Keith McKnight and Andrew Alexander)

In 1968, Birch E. Bayh Jr. faced a difficult and expensive Indiana campaign to retain his U.S. Senate seat. That same year, two investment trusts were forced into bankruptcy court in Indianapolis and Bayh fundraisers were placed in charge of the assets.

The trusts are still in that court, and there has been no certified audit of the books.

The judge in charge of the case is a former Democratic congressman and Bayh-sponsored judicial nominee.

The court appointed receiver and trustee was chairman of a Bayh fund-raising committee even before Bayh announced he would seek re-election.

The court-appointed property manager for all trust properties also was a Bayh fundraiser, and was known to an Indianapolis reporter covering the election as Bayh's "financial campaign manager."

An attorney who was employed by the trusts until they were forced into bankruptcy court was a former Bayh speech writer.

And in the first allowance for trustee and attorney fees, the judge exceeded the recommendations of the Securities and Exchange Commission by $20,500.

In the view of the deposed trust president (Harry R. Fawcett of Kokomo, Ind.) and the deposed trust property manager (George Manuel of Dayton), the swarm of Bayh's friends was too overwhelming to be coincidence.

It was not their first bitter experience with friends of the senator.

Less than a year before, they entered into a deal to buy bank stock from a man most Hoosier politicians (except Bayh) often referred to as Bayh's "political godfather."

In that deal, the "godfather" got $50,000.

The trusts got nothing but $50,000 deeper in financial trouble.

Soon after control of the American National and Republic National trusts was taken from them by the court, Fawcett and Manuel began to allege that Bayh was the source of a politician conspiracy to help finance his campaign by seizing and plundering the trusts through bankruptcy reorganization proceedings.

And they still maintain their mail fraud indictment and conviction on five of 30 counts was a threat made good by the authorities because Mandel and Fawcett wouldn't keep quiet about what they call "The Bankruptcy Ring."

"I think it's a hell of a note when a member of the United States Senate can be blackballed (sic) by a couple of guys who have been convicted . . . by a federal jury," Bayh said.

"We sort of have to adhere to the old manure pile philosophy that the more you stir it, the more it smells.

"If you've got something that someone's trying to gnaw on you about that is so discredited—which this thing is, frankly, so discredited—if I come out and deny it, it's sort of like Shakespeare saying 'Thou protesteth too much.'

"But I am damn mad about it," the senator said, "and I figure they got what they deserved and I didn't have anything to do with it."

But whether or not Bayh had anything to do with it, the criminal charges against Fawcett and Manuel grew directly from the bankruptcy proceedings and some of the criminal evidence came from documents gathered from Manuel by direction of the bankruptcy court.

Those bankruptcy proceedings were and are being controlled by Bayh's political friends.

So whether or not Bayh used the bankruptcy vehicle—in an $800,000 campaign which he says ended with a deficit—the vehicle existed and his friends had the keys to it.

Among the Bayh supporters involved in the bankruptcy is Donald L. Fasig.

He is an Indianapolis attorney and a friend of Bayh.

Fasig says that in Bayh's first campaign for the Senate in 1962. "I was his speechwriter and coach . . . and I'm proud of it."

Bayh, however, says:

"Fasig helped with my elocution and I'm grateful for that because I think he was helpful."

Other than that, the senator says, Fasig had "no direct association" with him since 1962.

In that 1962 campaign, Mrs. Judith M. Barger—who seven years later married George Manuel of Dayton—worked as a "Bayh Belle" and served as co-chairman of the Bayh campaign in Madison County.

But unlike Fasig, she is no longer proud of her electioneering.

For in 1967, after dropping out of Indiana politics and becoming a bookkeeper for the trusts, it was on her urging that Fawcett hired her friend Fasig for some legal advice.

She claims that in the first month Fasig worked for the trusts, he approached her privately and asked her to keep him informed on the trust' financial status so he could "control" a bankruptcy if it were imminent.

Mrs. Barger charged this in an affidavit dated Oct. 16, 1968, and filed in lawsuits growing out of the controversy. She swore that Fasig continued to inquire about trust finances, finally telling her flatly "that the bankruptcy was inevitable and he wanted to see that it was handled in a 'friendly' manner."

She also swore that Fasig became aware of some confidential financial data of the trusts after Donald Becker (a man Fasig describes as an Army buddy since 1954) was hired for some trust accounting chores at Fasig's request.

She swore that in January, 1968, she learned that Indianapolis attorney Alan I. Klineman was planning a bankruptcy action against the trusts, and had in his possession trust financial data "which could only have been obtained through confidential sources of the trusts."

She swore that Fasig had subsequently told her, in the presence of three witnesses, "that he had told Mr. Klineman specifically not to do anything damaging to Mr. Manuel or myself, when Mr. Fasig had 'given Mr. Klineman the information for the bankruptcy.' "

Fasig calls the affidavit "scrambled—certainly."

The Journal Herald asked Mr. Fasig what, if anything, Becker had told him about the trust financial secrets. He said: "I merely recommended him. I don't know that he ever told me anything I couldn't have found out myself."

A few minutes later, referring to the trusts' financial troubles, he said: "Naturally we talked about it. We were working on it."

As for conversations with Mrs. Barger on giving information to Klineman and on controlling the bankruptcy, Fasig said they may very well have taken place, but he doesn't remember them and she certainly must have

Fasig says it was known in legal circles that Klineman was representing certificate holders of the trusts who wanted to put the trust into bankruptcy.

"It was obvious to me as a lawyer," he said, "that they were sitting pigeons to be put into bankruptcy."

He said the trusts were already in bad financial shape when Fawcett and Manuel gained control and they simply were unable to save them.

When they lost the trusts, he said, they lost their personal fortunes along with them. He said he could understand why they simply refused to let the blame fall at their own feet and why they had to have someone else to blame.

He said when he saw the trusts' financial picture, he advised both Fawcett and Manuel to take the trusts into bankruptcy voluntarily or they would be taken there involuntarily, but they wouldn't listen.

"When I predicted what would happen—and it did happen—they thought I did it to them," he said. "In fact, I didn't do it to them. I couldn't do it to them."

Fasig at first said he never discussed the trusts with Sen. Bayh. "Birch and I never talked about the bankruptcy," he said. "I don't think I ever talked to Birch about that."

Later, he said he may have talked to Bayh about the trusts, but it would have been only on the basis of a question from Bayh, like: "How's business?"

The judge in the case is James E. Noland, who had been active in Democratic politics from the outset of his career.

At 28, the same year he graduated from Indiana University law school and joined the Indiana bar, he was elected to Congress.

Although his career in the House of Representatives was short—he lost two years later in the 1950 elections—he has continued in various political positions.

In 1966, after seven years as both Indiana state election commissioner and secretary of the Democratic State Central Committee, Noland was appointed U.S. District Court Judge at Indianapolis.

According to Bayh, Noland was the one man he and Sen. R. Vance Hartke could agree on, and there was no opposition.

Two years later, when Bayh was facing a re-election campaign, the involuntary bankruptcy reorganization of the two multimillion dollar trusts was placed in Judge Noland's court.

Six days after acquiring the matter, Judge Noland appointed John I. Bradshaw Jr. as receiver of all assets of the two trusts.

Bradshaw is a very close friend and supporter of Sen. Bayh.

He is an Indianapolis attorney in the law firm of McHale, Cook & Welch, which includes W. Rudolph Steckler, son of the federal district court Chief Judge William E. Steckler, Noland's colleague.

Judge Steckler drew the first case (American National Trust) but transferred it to Noland after Noland "drew" the second case (Republic National Trust).

Another Bayh backer, Frank M. McHale of McHale, Cook & Welch, is a long-time force in Indiana Democratic politics and a former Democratic National Committeeman.

The month after Judge Noland appointed Bradshaw receiver of the trusts, both Bradshaw and McHale were central figures at a kickoff luncheon to raise funds for Sen. Bayh's still unannounced re-election campaign.

According to news accounts:

"McHale said Bayh's victory is needed to strengthen the chances of the entire ticket this November. He described Bayh as a candidate 'with staying power' and one who can advance to further heights if re-elected."

In the same article, Bradshaw was identified as "chairman of the fund-raising committee" to collect $25,000 for Bayh's campaign.

Another Bayh friend and worker was Thomas A. Moynahan.

He also got a chunk of the reorganization duties for the trusts.

Bradshaw had been receiver for seven days when he petitioned Judge Noland's court to appoint T. A. Moynahan Properties Inc., as property manager for all trust properties.

Judge Noland approved.

Moynahan was apparently one of Bayh's early boosters. According to the news accounts of the kickoff luncheon, Moynahan was among a dozen "other Democrats named to the committee to assist Bayh's campaign . . ."

A reporter covering the campaign for the Indianapolis Star identified Moynahan as "financial campaign manager."

Moynahan denies playing that role.

But regardless of titles, Bradshaw and Moynahan were known to other Indiana politicians as Bayh fund-raisers, both are listed as contributors to his campaign, and both were among sponsors of a $100-a-couple, fund-raising event to erase the campaign debt more than a year after the race was won.

Since mid-1968, Bradshaw has been formally appointed by Judge Noland as "trustee in reorganization" and since that time has been virtually a full-time employe of the trusts at trust expense with fees set by Judge Noland.

The same arrangement applies to Alan I. Klineman—the attorney who petitioned the court for the reorganization on behalf of shareholders he didn't know. He then was appointed attorney for the receiver and then was appointed attorney for the trustee.

Later he dropped his representation of the shareholders he originally was representing.

A January, 1970 decision by the 7th Circuit Court of Appeals referred to fees Judge Noland had allowed the trustee and his attorneys.

The Securities and Exchange Commission had recommended an allowance of $15,000 for Bradshaw, but Judge Noland awarded him $24,000.

Similarly, the SEC had recommended the attorneys for the trustee get $20,000, but the judge allowed $31,500.

The higher court said: "The generous allowance of fees by the Court is shown by the fact that the allowance made by the Court exceeded the SEC recommendations by the sum of $20,500. The District Court should and undoubtedly will take into consideration the generous amounts of the allowances heretofore made, at the time when the Court fixes the amounts of the final fees."

Bradshaw estimated in September of last year that the reorganization probably will take another year.

Judge Noland refused to be interviewed.

In the election year, 1968, Mrs. Judith M. Barger was no longer in politics, no longer a "Bayh-Belle."

She was a divorcee with four children, living in a 10-room home on N. Meridan Street—a house that was owned by the trusts and in the shadow of the trusts' prized possession, a 20-story luxury apartment building called Summit House.

Her association with the trusts had been ended since the bankruptcy began in mid-February, and the new management had since asked her to get out of the house at 3825 N. Meridian.

She claims she was evicted to make way for Bayh's campaign workers, who would use the facilities of both the house and the half-occupied high-rise.

According to Bradshaw and Moynahan, that is nonsense.

Moynahan—the court-appointed property manager for the trusts—says Mrs. Barger was not paying rent and refused to pay after being asked to do so. As a result she was evicted for nonpayment.

Moynahan says Mrs. Barger never paid rent on the house.

However, Mrs. Barger (now Mrs. Manuel) has given The Journal Herald two canceled checks which are specified on their faces as rent payments on the house for the months of March, April and May of 1968.

The checks, dated April 1, 1968 (for $250), and May 13 (for $125) are stamped on the reverse as received by Moynahan Properties Inc.

Mrs. Barger was evicted in May, 1968, and the man who moved into the house—and according to Bradshaw, doubled the payments—was Robert J. Keefe, administrative assistant to Sen. Birch E. Bayh Jr.

Keefe, who served Bayh as campaign manager, lived there throughout the campaign. After Keefe's wife and children returned to Washington that September, Bradshaw says a group of campaign workers moved in with Keefe and shared the premises.

Sen. Bayh says the bankruptcy of American National and Republic National trusts had nothing to do with his reelection campaign.

But his financial supporters did have control over those trusts since before the campaign, there have been no certified audits to prove the trust investors' money is where it should be, the sources of a sizable portion of the senator's campaign funds are still unaccounted for, and there are discrepancies in the official reports of campaign income.

[From the Dayton (Ohio) Journal Herald, Apr. 14, 1972]

CRITIC OFFERED DEAL TO "FORGET" BAYH

(By Keith McKnight and Andrew Alexander)

In 1970 when Birch E. Bayh Jr. was fanning the fires of controversy around Supreme Court nominee G. Harold Carswell, the senator's top aide was in Chicago trying to muzzle rumors of a potential judicial scandal in Bayh's home territory.

It involved talk about the senator's ties with an alleged "bankruptcy ring" operating in the federal courts at Indianapolis.

Sherman H. Skolnick—head of a Chicago group called the Citizens Committee to Clean Up the Courts—had begun poking around the edges of the story.

So Robert J. Keefe, Bayh's administrative assistant, offered Skolnick damaging information he could use against Judge Carswell, if he would forget about the "bankruptcy ring" in Indiana.

Skolnick says in a court petition that all this took place in an April, 1970, meeting at the Little Corporal Restaurant in downtown Chicago.

Keefe disputes Skolnick's account.

Keefe says there was a meeting in the Little Corporal Restaurant, but it was not in April; it was in February.

Keefe says he met with Skolnick and two other members of his committee to find out about accusations which had connected Bayh with the Indianapolis bankruptcy matters.

He says the timing is crucial, because in February, Bayh was just beginning to look at the Carswell nomination.

"We had nothing to deal on," Keefe claims.

Skolnick claims a "deal" was offered, but Keefe says: "There is no truth in that!"

Skolnick, however, brought along a witness.

The witness, who has up to now remained anonymous, was Charles Nicodemus, the political editor of the Chicago Daily News.

Nicodemus was introduced to Keefe only as an "associate," Skolnick says. Nicodemus supports Skolnick's account this way:

"While in effect to any sophisticate it's obvious what was being said, nonetheless, Keefe didn't say flat out: 'Look, you drop that and I'll give you stuff on Carswell.'

"What he said was: 'Bayh isn't guilty of any improper involvement in this, and since he isn't, you could more profitably spend your time not on Bayh, but going after someone like Carswell, and if you are interested in going after Carswell—putting your time in on that—I'd be happy to provide you with information that would help you do it.'"

Nicodemus further explained:

". . . it clearly had all the elements of a proposed deal.

"I merely want to emphasize for the purposes of accuracy, that it wasn't explicity couched in simple, blatant, quid pro quo terms.

"It was a little bit more subtle than that," he said, "but that was the clear intent."

The Chicago meeting, it appears, was the result of a long chain of events which began in Dayton on Oct. 8, 1969, at 41 Cedarlawn Drive.

That's the home of George Manuel, the former property manager for two Indiana investment trusts Bayh's political friends have been reorganizing in bankruptcy court at Indianapolis since Bayh's re-election in 1968.

Manuel and the deposed trust president (Harry R. Fawcett of Kokomo, Ind.) almost immediately began attacking the handling of the matter. Manuel charged in court suits that the trusts were not insolvent, but were forced into bankruptcy under which the court was allowing them to be milked for political interests—principally Bayh's.

But on Oct. 8, 1969, when Manuel read a news article about Bayh attacking the judicial ethics of Supreme Court nominee Clement F. Haynsworth Jr., he got angry.

Because Manuel conducts much of his "money finding" business by wire, he has in his basement a Telex—a machine which sends and receives messages in a worldwide Western Union communications network.

Manuel made use of it that day by hammering out a message to Louisiana Sen. Russell B. Long—a man he figured was a political enemy of Bayh.

The message said:

"We have actual information regarding Senator Birch Bayh of Indiana which will place in doubt his ability to question the integrity of the proposed Supreme Court justice or any other nominee for appointment. We have facts which may be verified in Indianapolis, Indiana, by us and other interested and informed parties. You or any authorized representative of your office may contact us by telephone, Telex or letter if you are interested."

The Telex was signed by Mr. and Mrs. George Manuel.

Identical messages also were sent to a few other senators.

There was an immediate response.

According to Mrs. Manuel, she received a call from a Joseph M. Rees who claimed to be Sen. Long's administrative assistant.

Rees asked her to mail all the information she had about Bayh to Rees' Washington home to avoid intercepting at the Senate Office Building.

She says Rees called a second time acknowledging receipt of the information and cautioning her not to discuss the matter with anyone else.

But on Oct. 16, when she called Long's office to talk to Rees, she discovered Rees wasn't Long's administrative assistant. He was an aide to Sen. Bayh.

And if the fight wasn't on before, it sure was then.

Furious at being "snookered" by the United States Senate, Manuel called the White House.

There he was put in contact with Clark R. Mollenhoff, then special counsel to the President.

And much to Manuel's surprise and delight, Mollenhoff asked the Manuels to come to the White House and explain their story in detail.

As a result of that meeting, Manuel was put in contact with members of the Senate Ethics Committee including Sens. John C. Stennis of Mississippi (chairman), Wallace F. Bennett of Utah (vice chairman) and John J. Williams of Delaware, known as "the conscience of the Senate."

But the end result was the same: Nothing.

A brief inquiry revealed that the Telex message had not been intercepted, but was turned over to Bayh's office by Sen. Long's office.

Such actions, Manuel learned, are not considered unethical when a fellow member of the Senate is under fire.

It is called "senatorial courtesy."

As for Joseph M. Rees, he admits he called Mrs. Manuel, admits he asked her to send the material to his home address, and admits he shouldn't have done it.

He admits it was all a little devious, but he denies that he posed as Sen. Long's administrative assistant.

"I just said that 'This is Joe Rees and I'm calling you about the telegram you sent to Sen. Long,'" Rees recalls.

Bayh reviewed the situation this way:

"When I found out about it, I suggested that kind of antics is the kind of 'big brotherism' that I don't condone.

"But it did take place. I don't apologize for it. I would not have that happen again," the senator said, "and I don't think it will."

Rees recalls "I was chewed on rather heavily by the senator.

But he insists nobody else had a part in his actions, that he was a young man who had been on the senator's staff for only nine months, and "I was trying to protect my boss (the senator)—I thought I was doing right."

And so how did this young, relatively new, inexperienced staff member come into possession of the Telex message?

Robert E. Hunter, Sen. Long's administrative assistant, sent it to him, Rees says.

Rees was asked why Sen. Long's administrative assistant would send it to him rather than to Sen. Bayh's administrative assistant.

"Well, I know him," he said. "I know Bob."

However, when Hunter was asked why he sent the Telex to Joseph Rees, he said:

'I don't even know Mr. Rees. If we got it . . . it would automatically go to the senator. I assume that's what happened. I don't even know Mr. Rees."

Willard Edwards, Washington correspondent for the Chicago Tribune interviewed Rees in late October, 1969, and recalls being warned that Manuel was in some kind of trouble and soon would be indicted. Less than a week later, the warning came true.

Edwards didn't ask how a Bayh aide would have information about an upcoming criminal indictment.

"I thought . . . it was an attempt to cover it up or get me not to write the story," Edwards said.

Meanwhile, Harry R. Fawcett, the former trust president, continued to flail away at the lawyers, judges and politicians, in his wide-ranging charges which are frequently laced with such terms as: thief, crook, racketeer and parasite.

As far back as April, 1968, Fawcett was attacking the propriety of the proceedings, claiming the trusts were being railroaded.

And on July 19, 1969, he signed a notarized statement which said "the bankruptcy racketeers in Indianapolis federal courts have persecuted me, have threatened my life, and have threatened to have me indicted if I don't shut up."

That was long before Manuel fired off the Telex message to the Senate, and long before he protested the results to the White House.

On Oct. 31, 1969, Fawcett, Manuel and a third man were indicted on 30 counts of mail fraud.

At their arraignment on Nov. 24, before Chief Judge William E. Steckler in Federal Court at Indianapolis, Manuel and Fawcett claim to have seen either a copy or the original of the Telex message Manuel had sent to Sen. Long and which had been forwarded to Sen. Bayh.

They said it was in the hands of Robert B. Keene, the assistant U.S. district attorney. They said they were furious that this private communication had ended up in the hands of the prosecution in a criminal case.

But despite a vigorous courtroom pursuit by Manuel, the assistant district attorney would neither confirm nor deny that he had the message.

More recently, Keene told The Journal Herald that, as best he could recall, he had not had the telegram or a copy of it.

He was asked why he didn't say so at the time and prevent all the ensuing controversy.

"Well, frankly, I don't prefer to discuss it with you right now," Kenne said.

But even as these courtroom battles still were brewing in Indianapolis, Manuel had kept in touch with Mollenhoff at the White House, and Mollenhoff had steered him to Sherman H. Skolnick in Chicago.

Skolnick—a polio victim who does battle with judges and lawyers from his wheelchair—has had considerable success in his crusade against judicial corruption.

He was instrumental in dethroning the chief justice and an associate justice of the Illinois Supreme Court in 1969. When Fawcett and Manuel outlined their charges against the Indianapolis courts in that same year, Skolnick took an immediate interest.

Sen. Bayh—who strongly denies any knowledge of, or involvement with, a bankruptcy conspiracy in Indianapolis—says he is the victim of a conspiracy, not Fawcett and Manuel.

"I don't like being smeared," the senator said, "and it was obvious to me what they were trying to do . . .

"Information leads us to believe very strongly that somebody down at the White House sent this Manuel character all over the country, and stimulated telegrams from Mrs. Manuel to certain key members of the Senate Judiciary Committee.

"This just doesn't happen accidentially, you know."

And according to Bayh, "it became more vigorous at the time—not by coincidence—of the Haynsworth battle."

That theory, advanced by the senator in an interview last September, was not a new stand.

On Dec. 19, 1969, soon after his first phone conversation with Skolnick, Bayh's chief aide (Keefe) presented the theory in a letter to Skolnick.

Keefe wrote:

"There is no evidence that I can present to prove a political hatchet job is being done on my boss, Senator Bayh.

"Circumstances would make any prudent man be concerned that such is the case, however. Clark Mollenhoff, deputy counsel to the President, on several occasions suggested that it wasn't Judge Haynsworth who should be investigated, but Birch Bayh. At that time during the Haynsworth nomination, several reporters made inquiries of our office concerning allegations of impropriety concerning the trust. The source of the "rumors" that these reporters were checking out was invariably Mr. Mollenhoff or one of his associates."

Also enclosed in the letter to Skolnick was a copy of the 30-count mail fraud indictment against Manuel and Fawcett, a copy of a letter Mrs. Manuel had written to Life magazine in an attempt to spur an investigation, and information about a forgery conviction against Manuel which Keefe said he obtained through the U.S. attorney's office at Indianapolis.

Keefe closed the letter saying: "I hope to have the chance to meet you personally in the future."

In a few months he did. And Skolnick says it was to offer a deal to get Sen. Bayh off a hook.

BANK STOCK DEAL COST TRUSTS $50,000

(By Keith McKnight and Andrew Alexander)

Harry R. Fawcett and George Manuel, former officials of the American National and Republic National trusts, have been in various disputes with Sen. Birch Bayh and his friends.

The first of these dates to the year before the trusts were forced into bankruptcy.

In that year, 1967, Fawcett, of Kokomo, Ind., and Manuel, of Dayton, attempted to acquire controlling interest in the State Bank of Whiting, Ind., as an investment for American National Trust.

The man they were dealing through was Indianapolis industrialist Miklos Sperling—a man widely regarded as Birch Bayh's "political godfather."

Fawcett claims Sperling approached him and offered to sell the bank stock he and a few other persons held.

According to Fawcett, Sperling asked for a $50,000 deposit on the deal which would be refunded if Sperling couldn't get a $1.1-million loan for the trust which it needed to complete the purchase.

But Fawcett says that when he asked Sperling for a written agreement, "Miklos went into one of his finger-punching, hand-waving, listen-to-me acts," saying he was rich, he didn't need Fawcett's measly $50,000 his word was good and the money would be refunded if Sperling couldn't get the loan for the trust.

So Fawcett—who says he had a tough time scraping the $50,000 together—gave Sperling a check for $15,000 for which Sperling signed a receipt on his "Merz Engineering Co." stationery, noting on the receipt that the amount was for a deposit.

A short while later, Fawcett says, he supplied the remaining $35,000 to Sperling as agreed.

But Sperling didn't get the loan for the trust, the deal fell through, and Sperling's group kept the $50,000, saying it was not a refundable "deposit," but rather was non-refundable "earnest money."

What Sperling's attorney claims is that the original contract for the bank stock purchase is an uncomplicated two-paragraph, typewritten note on a plain sheet of paper with the signatures of Harry R. Fawcett and Miklos Sperling at the bottom.

Fawcett has sworn in an affidavit for The Journal Herald that he never signed the document.

The alleged contract is dated five days after Sperling signed the receipt for the $15,000 check and refers to only one check: "Earnest money check, non-refundable, in the sum of $50,000. . . ."

Obviously the truth is a long way from being known in the matter, but the fact remains that less than a year before it was forced into bankruptcy court, the American National Trust paid $50,000 to Bayh's "political godfather" and got nothing in return.

Furthermore, since that time, the Sperling group has filed a claim against the trust for an additional $111,175, alleging that the subsequent sale of the bank stock failed to yield as much as it would have if the original deal had gone through.

And the man in charge of defending the trusts against the claim of the senator's "political godfarther" is the senator's fund-raising friend, John I. Bradshaw Jr.

In December, 1970, when Chicago-based court reformer Sherman H. Skolnick filed a suit in Indianapolis Federal Court raising questions about whether the $50,000 was funneled into Bayh's campaign coffers, Bradshaw obtained an affidavit from Sperling's lawyer which stated that none of the money went to Sperling or Bayh.

The lawyer who swore to this was Jerome S. Morris of Chicago, one of the stockholders in the group.

Morris then was facing charges in a federal court suit in Chicago which alleged that he, his lending firm (The Virginia Corporation), and 10 other persons forced a suburban savings and loan association into bankruptcy by defaulting on fraudulently procured loans.

The Federal Savings and Loan Insurance

Corp.—an arm of the government which insures deposits in savings associations—brought the suit, seeking to recover $14 million the FSLIC was forced to repay depositors.

The jury ruled against Morris, and judgments totaling $150,000 were entered against him and the others. He has appealed.

Earlier in 1970, Morris was dropped from a federal criminal indictment growing out of the same case when his attorney became ill.

His two co-defendants were convicted and received prison terms.

Miklos Sperling, Bayh's flamboyant contributor who kept popping up where favors and finances stirred controversy in the senator's career, died last Nov. 17 in his Miami Beach apartment before a Journal Herald interview could be arranged.

Sperling, whose interests remain a bit of a mystery, seemed to be frequently near—but not a part of—the notorious Teamsters Union Pension Fund.

An example is the Hunting Creek controversy.

That began in 1964 when real estate developers sought federal approval to fill in a portion of the Potomac River adjacent to a tract in Virginia half way between Washington and Mount Vernon, for construction of high-rise apartments.

But protests from "preserve the Potomac" factions aroused the attention of three congressmen who announced staunch opposition to the project.

In addition to that, the Department of Interior formally advised the Army Corps of Engineers against approval of the landfill permit.

Three years later, unexpectedly, the Dept. of Interior changed its mind and voided its objections to the permit—a permit which, for no discernible reason, had not been withdrawn.

Six months later—after considerable heat from the three congressmen—the Interior Dept. again reversed itself to its earlier reversal which had reversed its earlier reversal, and then promptly reversed that reversal.

That all meant that again the Interior Dept. had no objection to the landfill.

Subsequent House subcommittee hearings on the matter revealed that the man putting pressure on the Interior Department had been Indiana Sen. Birch E. Bayh Jr., who had called personally. In addition, Sen. Henry M. Jackson, chairman of the Senate Interior Committee—which appropriates the Interior Dept's money—called to inquire about the status of the permit. Jackson said he was calling on behalf of Bayh.

Interior Undersecretary David Black told the subcommittee that the only member of Congress who indicated he was in favor of it was Sen. Birch Bayh."

Joseph Sax, who gave a detailed account of the incident in the February, 1971, issue of Esquire magazine, said inquiries to Bayh's office were answered by the senator's assistant, Robert J. Keefe.

"According to Keefe," the article says, "the senator first became acquainted with the Hunting Creek controversy in the late spring of 1967.

"Bayh was in Indianapolis, and an acquaintance by the name of Mike Sperling asked him to look into the Hunting Creek matter as a courtesy to a friend of Sperling's.

"The friend of Sperling's was none other than John Schwartz of Columbus, O. . ."

Schwartz, also now deceased, was a mysterious link between the Teamsters Union Pension Fund and Omar Bakeries, which was acquired by the Teamsters fund.

Schwartz was also the man, representing Omar and the Teamsters, who accepted Sperling's monthly check for $1,500 for rent on one of the bakery facilities in Indianapolis.

Sax's article claims Schwartz also testified at an Army Corps of Engineers hearing in the controversy, that "'I own an important part of the land under question here,'" yet the developer of the land (Howard P. Hoffman Associates of New York City) claimed that nobody outside his family owned an interest in his corporation and he alone owned the contract to purchase the land from the Teamsters Union Pension Fund.

Bayh and Keefe both confirmed for The Journal Herald that their involvement in the controversy had been at the request of Sperling on behalf of his friend Schwartz.

However, the Indianapolis Star reported Sperling as saying just the opposite—he denied asking Bayh to intervene in Schwartz behalf.

There are other Bayh-Sperling controversies, too—though not quite as involved as the Hunting Creek apartments.

Bayh hadn't been in the Senate a year before the Indianapolis News reported that Robert V. Hinshaw, a purchasing agent for Sperling's Merz Engineering Co., was also on Bayh's payroll at $2,500 a year.

Keefe again was there to explain.

He was reported as saying Hinshaw had indeed been "doing a little moonlighting for us" and that Bayh believed there was no conflict with Hinshaw's private employment.

Sperling agreed.

Hinshaw moved on to become head of the Small Business Administration in Indiana and held that position until last summer.

Then there was a Miami hotel bill controversy.

In an article published in April, 1970, syndicated Washington columnist Jack Anderson reported that in every year since his election to the Senate, Bayh and his family had enjoyed a free winter vacation in one of the best Miami hotels.

According to Anderson, a $13-million mortgage on the hotel was held by the Teamsters Union Pension Fund and the senator's personal bills were picked up by Miklos Sperling.

Bayh, who did not dispute the facts of the article, said he knew nothing of the Teamsters interest in the hotel.

[From the Dayton (Ohio) Journal Herald, Apr. 15, 1972]

HARTKE INFLUENCE BID CLAIMED

(By Keith McKnight and Andrew Alexander)

An office for Indiana Sen. R. Vance Hartke was equipped with furniture by a Dayton man, who says he did it in an attempt to buy his way off the witness stand in an Indianapolis federal court.

The Dayton man—George Manuel of 41 Cedarlawn Drive—says in a suit filed in Washington, D.C.—that the furniture was only part of the payment he made in response to an influence-peddling deal offered by Hartke's chief aide.

The presiding judge in Indianapolis—James E. Noland—was the Democratic appointee agreed upon for the federal judgeship two years earlier by Hartke and his fellow senator Birch E. Bayh, Jr.

The man who says he moved the furniture into Hartke's office at Manuel's request has sworn in an affidavit provided for The Journal Herald that the move took place, and that the man who unlocked the office and told him where to place the furniture identified himself as Jack LeRoy.

Jacques H. LeRoy is Hartke's administrative assistant and the man from whom Manuel says he received the offer.

Repeated attempts by The Journal Herald to interview the senator have been rejected by his office.

LeRoy says he doesn't want to talk about it either.

Judge Noland says he will let the record speak for itself.

This incident arose from the controversial American National and Republic National trusts—two Indiana real estate investment groups forced into an Indianapolis bankruptcy court in February, 1968.

Manuel served as the trust's property manager through a company he called Keystone Management.

But when the trusts went to court, the company was wiped out and Manuel was on the hot seat in the court even bfeore petitions for the bankruptcy were approved by the court.

According to Manuel, he was compelled to testify in hearings held at intervals over a period of months.

Judith M. Barger, a divorcee who had served as office manager of Manuel's Keystone Management Company (and later married Manuel) claims LeRoy (whom she once had dated) contacted her during a recess of the hearings.

She says in an affidavit filed in the resulting suit that he observed that Manuel was "certainly getting 'the business'," and offered Sen. Hartke's influence—for a price—in getting Manuel off the stand.

Mrs. Barger relayed the message to Manuel and Manuel accepted the terms, they swear.

Manuel claims in his suit that he delivered all the "pro quid" for the arrangement but when everything was ready and an attorney was about to make the call to Judge Noland, the attorney added an item to the deal—$1,000 in cash—and because Manuel didn't have the money, the deal fell through.

Subsequently, Manuel not only reported making such a deal, he flew to Washington and filed suit in federal court against Hartke and LeRoy for return of the alleged "pro quid."

The "pro quid" as outlined by Manuel in the suit was (1) $750 in cash for Hartke's expenses: (2) "the complete control and use of Mr. Manuel's Fleetwood Cadillac with a mobile phone;" and (3) office furniture and equipment for Hartke's new Indianapolis office in the Essex House which the General Services Administration said it could not equip for 30 to 90 days.

Manuel said LeRoy also expressed an interest in the Summit House—a high-rise luxury apartment building in Indianapolis which was the trusts' prized possession.

He claimed LeRoy wanted him to do what he could "to facilitate the transfer on a court-approved sale of the Summit House to Miklos Sperling."

Sperling, who died last November, was a well-known Indianapolis industrialist-millionaire who contributed heavily to Democratic coffers, including Hartke's, and was widely regarded as Sen. Bayh's "political godfather."

According to Manuel's suit, LeRoy withdrew the fourth request when Manuel explained that he no longer held any power over trust business.

As for the furnishings for Hartke's office, Manuel listed: "three formica-covered desks, three leather office chairs, one leather office lounge, two small tables, three desk lites, three desk pads, one Underwood electric typewriter, one Victor ten-key calculator."

An Indianapolis man who Manuel claimed to have instructed to move the furniture was questioned at length by The Journal Herald.

Following the interview, the man, Charles J. Bowman, swore in an affidavit that Manuel asked him—in May or June of 1968—to move "certain desks, chairs, and other office equipment from Keystone Management to the offices of Sen. Hartke located in the Essex House.

He said he was accompanied by his 18-year-old daughter, the process took about an hour and a half, and a man who identified himself as LeRoy was there to meet him.

Manuel's suit goes on to say that once the cash, Cadillac and furniture were delivered, LeRoy called Mrs. Barger and told her and Manuel to see Indianapolis attorney James L. Tuohy, who would call the judge and carry out the arrangements of the deal.

But Manuel says that when he and Mrs. Barger met with Tuohy, the attorney wanted another $1,000, saying he didn't work for nothing—even for Sen. Hartke.

Manuel says he objected to the additional $1,000 which he didn't have—and called LeRoy to protest and was ever after unable to contact either LeRoy or Hartke.

Manuel says the hearings then continued "and the adverse fact that Mr. Manuel had been indicted for three counts of forgery a number of years back in Montgomery County, Ohio, was fully developed, but no record of the somewhat favorable disposition of the case was allowed to go into the record."

(Manuel pleaded no contest to the offenses, was placed on probation on condition he repay all the money he allegedly obtained improperly.)

The suit continues:

"This unfavorable news received a good play in the Indianapolis newspapers and an almost immediate telephone call from Senator Hartke's office requested the removal of Mr. Manuel's office furniture from Senator Hartke's Essex House office, and Mr. Manuel was told where he could pick up his Fleetwood Cadillac.

"No mention was made of returning the $750 cash," Manuel added.

Manuel says the car was left in the Essex House garage.

Tuohy scoffs at the charge that he was part of the alleged deal, and denies requesting $1,000 from Manuel or Mrs. Barger although he admits meeting them both and says Judge Noland is a personal friend.

He said the two were trying to retain him as counsel in the bankruptcy matter and because they already were adequately represented by attorney James E. Dowling, he (Tuohy) refused to get involved.

Tuohy, after Manuel had filed his suit in Washington, appeared as one of three attorneys for Sen. Hartke in a rather crucial case.

That case involved Hartke's attempt to block a state election recount of votes cast in his 1970 re-election over Richard L. Roudebush, Indiana Republican congressman.

Hartke won by only 4,383 votes out of the 1,737,797 votes cast.

Attorneys for Roudebush asked for and got a state court order for a recount. But Hartke's attorneys filed a petition in U.S. District Court. Judge E. Hugh Dillin, an appointee sponsored by Hartke in 1961, issued a restraining order across the orders of the state courts.

A three-judge panel was convened and Dillin was joined by Chief Judge William E. Steckler (a Democrat) and Circuit Court Judge John P. Stevens (Republican).

Steckler and Dillin found the state recount unconstitutional, saying the courts had no right to intervene in something which was clearly the business of the U.S. Senate.

Judge Stevens dissented, saying the restraining order was improvident, Hartke's complaint should be dismissed, and there was no information to indicate "the Indiana judiciary is not perfectly capable of handling Indiana litigation without assistance or interference from a federal court."

Judge Stevens wrote:

"Regardless of whether or not we agree with the Indiana trial court's construction of Indiana law. . . we still must decide whether a federal court should enjoin a recount of votes cast for the office of United States senator pursuant to state election laws. No federal court has ever done so before."

Tuohy served as co-counsel for Hartke, along with John J. Dillon, former democratic Indiana attorney general.

In February, 1972, the Supreme Court, by a 5–2 decision, overturned the Steckler-Dillin decision, saying a recount would not interfere with the Senate's right to judge its members.

Justice Potter Stewart, announcing the decision, said "it would be no more than speculation to assume that the Indiana recount procedure would impair such an independent evaluation by the Senate."

Justices William O. Douglas and William J. Brennan Jr. dissented.

Sen. Hartke has been involved in several other controversies in which it has been alleged he misuses his influence as a senator.

In 1969 it was learned that Hartke received a contribution of about $30,000 from Spiegel Inc. of Chicago—one of the largest mail-order businesses in the nation—to help his first re-election campaign in 1964.

After being re-elected, Hartke quit the District of Columbia Affairs Committee and requested and was named to the Senate's Postal Committee.

There he became Democratic champion of the battle to hold down third-class postal rates—a cause dear to the heart and pocketbook of the Spiegel mail-order house, Hartke's $30,000 benefactor.

When the information was unearthed late in 1969, the Indianapolis Star reported: "Hartke declared he was 'thunderstruck' at learning his name was connected with the Spiegel contributions."

However, his former administrative assistant, Mace Broide, who was campaign manager for the 1954 race, recalled that Spiegel probably did contribute—although he didn't know how much—to finance a committee operated in the District of Columbia for Hartke, according to the Star report.

Shortly before the Spiegel contribution was reported, Maryland's former Democratic senator, Daniel B. Brewster, was indicted (December, 1969) along with Spiegel Inc. and a Spiegel lobbyist, Cyrus T. Anderson, on bribery charges.

According to the indictment, Spiegel attempted to buy Brewster's vote with $24,500 funneled through a dummy District of Columbia committee, called "the D.C. Committee for Maryland Education."

The indictment still is pending in the federal court at Washington.

Neil Sheehan, New York Times reporter, reported in March, 1970, that Hartke was a suspect in a federal investigation.

"The inquiry into Hartke," Sheehan wrote, "is part of a general investigation that the Justice Dept. is conducting into the clandestine channeling of corporate funds to senators and representatives through dummy District of Columbia campaign committees . . .

"The entire structure of such committees usually consists of simply a bank account in the committee's name and a member of the legislator's staff who manages the account. Campaign finance laws do not require that the existence of such committees be publicly declared."

Sheehan reported that "in the opinion of some attorneys familiar with the Federal Corrupt Practices Act, the $30,000 contribution was illegal because the money was corporate funds paid with company checks. The law forbids corporations to make 'a contribution or expenditure in connection with any election to any political office' on the federal level."

He then noted, however, that authorities couldn't seek an indictment against Hartke on such charges or on bribery charges because the five-year statute of limitations had run out.

According to the Indianapolis Star, when the matter first arose in December, 1969, both Broide and his successor, LeRoy, said they didn't know how much money Spiegel gave Hartke.

Broide sent their reporter to LeRoy, and LeRoy sent the reporter back to Broide who then said he had no records of the District of Columbia "Citizens for Hartke" committee, the Star reported.

There was another incident involving the Senator.

In April, 1969, Dan Thomasson of the Scripps-Howard newspapers, reported.

"During the last few days of the Johnson Administration, then-Interior Secretary Stewart L. Udall quietly granted a big oil import allocation to a newly formed company headed by a man who is a close friend and political ally of Sen. Vance Hartke . . . and against whom the Small Business Administration says it has a $196,000 judgment on two defaulted SBA loans.

"The Nixon Administration is now reviewing Udall's last-minute action, which includes a 95,000-barrels-a-day allocation of residual fuel oil imports to Guardian Oil Refinery Corporation of Kokomo, Ind.

"Its president is Claude O. Turner, a one-time Democrat primary candidate for mayor of Hartke's hometown of Evansville."

The report also claimed that another Interior official besides Udall approved the deal: then-oil import administrator Elmer L. Hoehn, an Indiana oilman and formerly the Democratic chairman for Indiana's 8th District, which includes Evansville.

Later that year, the Indianapolis Star revealed that Mace Broide had taken out a $2,500 loan from the Union Bank & Trust Co. in Kokomo, while working as Hartke's administrative assistant.

The president of the bank, Robert A. Morrow Sr., was one of the prime movers in the oil allocation bid, and after leaving his position with Hartke, Broide acquired 300 shares of the Guardian company.

The Star also published a hand-written note purported to be from Broide to the Kokomo bank president which the paper said was enclosed with a bill the bank had sent for the unpaid $2,500 loan.

In part, the note says:

"Pls renew this. Or is there some way it can be paid off? . . .

"Most of this is Vance's, you know."

The obvious questions raised by these transactions remain unanswered.

In a third incident:

Last summer, the Federal Communications Commission—while holding license renewal hearings for Indianapolis radio station WIFE—was told that a $4,000 debt for Hartke's 1964 campaign advertisements was written off by the station in 1965.

Furthermore, three former news staff members and a former news director of the station testified that the station's management had handed down an order during the campaign to make favorable mention of Hartke on each hourly newscast of the 24-hour station.

Also submitted as evidence in the hearing was a letter from the former news director of the station to an FCC official.

According to the letter, Don W. Burden (chairman of Star Stations Inc. of Omaha, Neb., which owns WIFE and four other stations) entered into an agreement with Hartke, whereby Hartke would use his influence to help the stations out of FCC difficulties in exchange for free advertising and "publicity on each newscast."

The letter further said that when Hartke's administrative assistant and campaign manager (Mace Broide) was allowed to sign the advertising contracts, Burden "blew his stack" and said " 'the papers cannot be signed by anyone connected with the Hartke campaign' "

According to the letter, other papers then were drawn up and another man was chosen to sign "so it could not be traced to Hartke personally."

Burden said the former news director was lying.

Hartke has yet to respond.

The FCC has not yet announced its decision.

There are other instances of influence and money which seem to have merged on the controversial path of Indiana's senior senator, but that all means little to George Manuel of Dayton.

Manuel—the malcontent of the bankruptcy court who sued the senator and his aide because, he claims, they failed to peddle the influence he had paid for—lost another round in the courts.

This time the federal district court dismissed his suit in Washington because he failed to file the required follow-up papers.

But Manuel points out that the suit was

dismissed "without prejudice," which means he can file it again, and he says he will.

After all, he says, a deal is a deal and he wants his $750 back.

[From the Dayton (Ohio) Journal Herald, Apr. 17, 1972]

COURT IRREGULARITIES BLOCKED APPEAL

(By Keith McKnight and Andrew Alexander)

Lies, misfeasance, nonfeasance and malfeasance appear to have been strewn in the path of a Dayton attorney who tangled in 1968 with an Indianapolis bankruptcy court in an attempt to appeal one of its decisions.

The attorney—the late Emanuel Nadlin—ran into the following situation in his attempt to appeal a decision of the federal district court:

The attorney for Nadlin's opposition also was a U.S. Commissioner of that federal court.

The judge's court reporter failed to produce a transcript until long after the appeal deadline had passed.

But in the meantime, a new court reporter signed an affidavit for the commissioner saying Nadlin had not ordered a transcript . . . although one had been ordered from the original court reporter on the case.

The deputy clerk of courts—who had been dealing with Nadlin for more than two months—signed an affidavit for the commissioner attesting falsely on the day of the appeal deadline that Nadlin had not contacted him about the appeal until just a few days before that deadline.

The commissioner combined the misleading affidavit from the new court reporter and the false affidavit from the clerk into a motion seeking to deny an extension of time for the appeal.

The extension of time had been sought by Nadlin after the clerk called and implored him to request the extension so the clerk could have more time to gather together the many papers which were in a self-admitted shambles in his office.

Finally, the judge not only denied the extension, he threw the appeal of his decision out of court, the latter an action he could not legally take.

The case involves the two controversial, multimillion dollar American National and Republic National trusts which were forced into a bankruptcy reorganization in February, 1968.

They since have been managed without a certified audit through the bankruptcy court by political friends of Sen. Birch E. Bayh.

Harry R. Fawcett of Kokomo, Ind., was former president of the trusts and George Manuel of Dayton was former property manager.

But although Fawcett and Manuel were encouraging and financing the appeal, it was Mrs. Neva M. Shanklin, an elderly widow from West Lafayette, Ind., who in name and in fact filed the court action to halt the bankruptcy reorganization.

She had invested more than $30,000 of her savings in the trusts and she didn't want any of it diminished by bankruptcy court entanglements.

The issue presented in her case seems clear, although it went all the way to the U.S. Supreme Court without having been decided.

Mrs. Shanklin claimed that the six shareholders whose names were used to throw the trusts into bankruptcy court were falsely represented as creditors of the trusts.

They were not creditors, she said. They were simply shareholders who had invested money.

And, she added, since bankruptcy laws specifically forbid shareholders from taking such actions, the bankruptcy was invalid, the bankruptcy was invalid, improper, should be halted and should not have been permitted in the first place.

But Indianapolis attorney Alan I. Klineman—who petitioned for the action on behalf of shareholders he had never met—later claimed that his clients were an exception.

He said he had the right to claim creditor status for his clients because they had been tricked by false promises of stock salesmen when they originally invested. Therefore, he contended, under these special circumstances, their investments should be regarded as trust debts.

Klineman cites a single decision in Oklahoma where defrauded shareholders were afforded creditor status. It is unclear whether the Oklahoma case involved shareholders whose claims of "fraud" had been decided in court before the shareholders were considered creditors.

Mrs. Shanklin's position was supported by several federal court cases, including a longstanding, lengthy decision by the U.S. Supreme Court which said trust shareholders are not creditors.

The showdown on the two arguments was to be April 26, 1968, before Judge James E. Noland. But the showdown never came.

Klineman then was apparently representing two interests in the matter:

In February, he had forced the trusts into the involuntary action by his representation of the six petitioners (who have since claimed that they didn't know they were being used in the action).

But on the day the court was to hear arguments on approval of the bankruptcy petitions, Klineman failed to file an appearance for the six, according to the transcript.

Instead, he was representing John I. Bradshaw Jr., the court appointed receiver who had been in control of the trusts since Klineman forced them into court.

Klineman then was appointed by the court as official attorney to the receiver. He is now attorney for the trustee.

Mrs. Shanklin's strongest argument was not presented in court because on the night before the hearing Fawcett's two fellow trust officers decided they didn't want to fight the involuntary bankruptcy action any longer.

One of the two—Frank L. Gregory—later was indicted for mail fraud along with Fawcett and Manuel, but he ended up as a witness for the prosecution against his fellow defendants.

The other trust officer, well-known and longtime Butler University basketball coach Paul D. "Tony" Hinkle—retreated from his position and has since pleaded ignorance, saying he really didn't understand what was happening.

The next morning, when the decision was announced in court, Judge Noland said: "It would seem that the proceedings may have changed from an involuntary petition to really a voluntary one."

Mrs. Shanklin's Indianapolis attorney—James E. Dowling— then decided his client's position was "moot."

Dowling still claims he had no case after that point, but he says the judge, for some reason, never ruled on the motions and as a lawyer he didn't insist because he saw no need to close a door which had been left open.

Later that year, Mrs. Shankin—through Fawcett and Manuel—sought the help of Dayton attorney Emanuel Nadlin, who died in 1971. Nadlin said Mrs. Shanklin's position was not moot and he attempted to take advantage of the open door.

Nadlin renewed the plea made by Dowling but not ruled on by Judge Noland. But the judge struck the pleadings "in toto," saying Nadlin's position "is without standing" and called the allegations "redundant and immaterial." He said the "issues raised have been previously determined by the court without objection or appeal having been timely filed."

At that point, Nadlin had a decision which he could appeal to a higher court.

But it wasn't easy.

For in an unusual judicial move—which Nadlin charged in a brief the court had performed "unlawfully"—Judge Noland reached beyond the bounds of his authority and dismissed the appeal which was being made on one of his own decisions.

The ruling resulted from a request from Nadlin for an extension of the appeal deadline. Nadlin said he made the request on behalf of the clerk, who claimed he couldn't get the court papers in time.

But the extension was opposed by U.S. Commissioner James M. Klineman, who wasn't acting in his capacity as commissioner. At that point, he was an attorney from the law firm of Klineman, Rose & Wolf on behalf of John I. Bradshaw Jr., who had become the trustee in reorganization.

Commissioner James Klineman is the brother and law partner of Alan I. Klineman.

James Klineman submitted to the court a list of reasons why Nadlin should get no more time for his appeal.

He said Nadlin hadn't ordered transcripts of the proceedings not already on file, nor had he indicated what parts of the transcripts he intended to include, nor had he told Trustee Bradshaw what issues he intended to present.

Furthermore, Klineman said Nadlin had failed to take the necessary action to enable the clerk to assemble the record in the allotted time, and he failed to show cause why the time should be extended.

However, of the two affidavits Klineman supplied the court to support his position, one was misleading and deceptive, if not totally irrelevant, and the other was a false statement under oath.

The first affidavit is signed by Bill Hogan, Judge Noland's court reporter. He swore that neither Mrs. Shanklin nor Nadlin had contacted him to prepare transcripts.

Since Hogan had entered the case in December, 1968, and the hearing was held April 26 of that year, this affidavit seems to have no relevance.

Nadlin later pointed out that the only question raised on behalf of Mrs. Shanklin was whether or not the petitions were valid.

And that question, he said, could be answered by a very simple ruling, and did not necessitate the preparing of any transcript.

Nadlin also said, in filings before the court, that Hogan had nothing to do with any proceedings in the matter until Dec. 2, 1968, long after the approval of the petitions, and therefore any transcripts he could supply would be "patently of no value."

However, Nadlin said a transcript of the April 26 hearing had been ordered—with the thought it might be of some help to the higher court—"though unnecessary, absolutely" to the appeal.

And he said it was ordered from the proper person, Mrs. Dorothy Rau, not Bill Hogan, because Mrs. Rau was the official court reporter at that hearing.

But Nadlin didn't receive the transcript until more than three months after the March 7, 1969, appeal deadline.

Nadlin, in briefs supporting the second attempt to appeal, reported that Fawcett ordered the transcript from Mrs. Rau on Feb. 6, and four days later "at her request and on her estimate prepaid her $25."

But Nadlin says that when Mrs. Rau overshot her four-day estimate for preparation of the transcript of the half-day hearing, she could not be reached after "at least three station-to-station calls and six person-to-person calls."

When contacted by The Journal Herald, Mrs. Rau said she didn't know the transcript was for an appeal.

If it had been for an appeal, she said, the proper procedure would have been for the original copy to be sent to the clerk's office in Indianapolis rather than to Nadlin's law office in Dayton, as Fawcett requested.

She said it was probably a case of Fawcett and Nadlin "not going through proper channels."

Mrs. Rau could not recall whether Hogan called her to see if any transcript had been ordered when he signed the March 7 affidavit.

"He may have called me at that time and asked me," she said, "because that was true at the time. He (Fawcett) had not ordered the transcript as of March 7."

She said Fawcett didn't give her any money until the middle or latter part of March.

However, a canceled check signed by Fawcett, payable to Mrs. Rau for $25, is dated Feb. 10, 1969.

It was not deposited in Mrs. Rau's account until March 31, 1969.

The false affidavit was the second one submitted by James Klineman. It was from Arthur J. Beck—then the chief deputy clerk, now the clerk.

In his March 7, 1969, affidavit, Beck swears that before March 4, 1969, he had not been contacted by Mrs. Shanklin or Nadlin to assemble the transcripts.

That affidavit appears in the appeal record 13 pages after a letter on that subject addressed to Beck from Nadlin.

The letter on Nadlin's stationery is dated Jan. 13, 1969, and confirms a conversation between the two that day regarding assembling the appeal record. The letter is date-stamped as received by the clerk's office on Jan. 14.

In other words, Beck was denying what his own records showed to be true.

The contradicting entries were shown to Beck by The Journal Herald. Beck responded:

"Well, the attorney prepared that (the affidavit). I believe it was James Klineman. Have you talked to him about it?"

Beck was asked that since he swore that the affidavit was true when information in his records showed it was not true, was it possible that he was tricked or confused.

He denied both.

"I wasn't confused about signing it," he said. "That was all handled in the transcript that went to Chicago . . . I see nothing wrong with that . . . the court up there didn't find anything wrong with it.

He was asked if the clerk's stamp could be a forgery on the letter, or whether the letter could have been falsified.

That, he said, was not possible.

He was asked if, in signing the affidavit, he had not, in fact, committed perjury.

"No," he said, "I see no conflict."

The Journal Herald has obtained a recording of a March 12, 1969, phone conversation between Beck and Nadlin in which Nadlin is pressing Beck to send the appeal to the appeals court in Chicago.

Beck says he must wait for some ruling from the judge (Noland).

Here is a portion of that conversation:

Nadlin. "Well, the entry says it's extended to the 15th to get it into Chicago."

Beck. "That's right. That's right."

Nadlin. "Which means that as far as I'm concerned, it can go the way it is."

Beck. "It'll either go or it won't go, one or the other, and I'll know tomorrow."

Nadlin. "Well, I'm telling you, man to man, that there is a lot that I haven't put on paper, that you and I both know about . . ."

Beck. "Yeah."

Nadlin. ". . . that I don't want to have to put on paper, Mr. Beck."

Beck. "Well, I don't know what that could be."

Nadlin. "Well, the fact that I pointed out as early as December that those docket sheets were not in order, and the work could not be done by appellant's counsel. The fact that we communicated on Jan. 13th. In your affidavit you say I haven't done anything about this . . ."

Beck. "Well, I want, ah . . ."

Nadlin. "Now you know that's not so."

Beck. "No, that's not so. Yes, I know."

Court Records a Mess

(By Keith McKnight and Andrew Alexander)

When Dayton attorney Emanuel Nadlin began his battle for Mrs. Neva Shanklin, one of the first things he apparently learned was that the records of the case in the Clerk of Courts office in Indianapolis were in a shambles.

According to allegations in a subsequent appeal, Nadlin said when he began studying records of the case he found that much information necessary for the appeal was missing, incorrect, omitted or out of chronological order in the massive files.

In the second appeal, Nadlin alleges he recalls offering his help in getting the first appeal record assembled, and conversing with both deputy clerks Sam Connor and Arthur J. Beck about the mess.

And he contends that on March 4, 1969, Beck—who was in charge of sending the record to the appeals court—phoned him (Nadlin) in Dayton and asked him to petition the court for a 50-day extension because Beck was snowed under with work and could not meet the deadline.

Nadlin says he prepared an unsigned court order for an extension to April 29, 1969, ready for the judge's signature, along with a petition for the order stating that the reason for the extension was the clerk, who said he needed more time.

Three days later, the same clerk signed an affidavit supporting a motion to deny more time.

Nadlin also contends he didn't receive notification until March 12, that his deadline had been extended only to March 15, rather than April 29—despite the clerk's assurances to the contrary.

He says he then sent Harry Fawcett to the clerk's office to insist upon the transcript, to ask assistance in getting it from Mrs. Dorothy Rau, the court reporter.

Fawcett reports that Beck had a 30-minute conference in Judge Noland's chambers. Connor later emerged and said they had "no control" over Mrs. Rau, and only after Fawcett's insistence did the clerk's office get Mrs. Rau on the phone.

According to Fawcett, Mrs. Rau then raised her cost estimate by $45, which Fawcett paid by cashier's check and certified mail.

That incident took place on March 13, 1969, according to Nadlin, who noted during his second appeal in an April 13, 1969, motion: "but as of this writing the transcript is still not delivered to Mr. Fawcett or to me."

Fawcett has a return mail receipt signed by Mrs. Rau, and a customer's copy of the check he sent her.

In the same motion, Nadlin remarked that during the March 13, 1969 incident, the deputy clerks and "whoever was in Judge Noland's chambers" were "fully aware of the problems with Mrs. Rau" on that day—the day before the appeal was dismissed.

Nadlin's brief also recalls a phone conversation with Beck in which "he acknowledged that what I sent up he could have gotten done with everything else and out in any 24-hour period but was waiting to see if the appeal would be dismissed."

The obvious reference is that the clerk knew that the judge was considering dismissing an appeal of his own actions.

Recordings of that conversation have also been obtained by The Journal Herald substantiating the accuracy of Nadlin's recollection.

James Klineman, who sought to deny the extension of time, was asked about the misleading and false affidavits he used in support of his motion to deny the extension of time for the appeal.

"That became moot," he said, "because the 7th Circuit did not allow the appeal, so really, all that became moot.

"I mean the 7th Circuit heard the case and they had whatever records Mr. Nadlin wanted to send up . . . "

"Judge Noland denied it, which technically he couldn't do, but the 7th Circuit said 'No, we'll go ahead and hear the appeal.' It didn't in any way affect Mr. Nadlin. He got his full time in court."

That was after he started the whole process over again, for a second time, and fought it through successfully.

But the Circuit Court didn't say "yes," the petitioners were legitimate creditors, or "no" they were not.

The Court said: "Any such objection should have been presented at the April 26th hearing at which Shanklin was present, or at the June 28th hearing at which the petitions were finally approved."

An appeal which went to the U.S. Supreme Court to call up the facts in the matter—a petition for a writ of certiorari—also was denied.

Alan I. Klineman—brother of the former commissioner and the man who started the entire action—explained Mrs. Shanklin's failure thusly "She slept on her rights."

She wasn't fast enough.

She lost.

But out of all the chaos there still remain several unexplained irregularities:

James M. Klineman, the commissioner, used a deceptive affidavit and a false affidavit to halt the appeal.

Mrs. Dorothy D, Rau, the judge's ex-reporter, failed to produce a short hearing transcript until after the appeal deadline had passed.

Arthur J. Beck, the deputy clerk of courts, gave information on the appeal that conflicted with other documentation and held the appeal back from the higher court, saying he was waiting for a ruling from the judge.

James E. Noland, the judge, ventured beyond the bounds of his authority and dismissed the appeal which was being made on one of his own decisions.

And when all of this was finally called to the attention of the higher court, it was ignored.

Conspiracy: "In criminal law. A combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act, or some act which is innocent act in itself, but becomes unlawful when done by the concerted action of the conspirators, or for the purpose of using criminal or unlawful means to the commission of an act not in itself unlawful."—Black's Law Dictionary

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[From the (Dayton, Ohio) Journal Herald, Apr. 18, 1972]

Loans by Ohio Bank Funded Alleged Fraud

(By Keith McKnight and Andrew Alexander)

A Lorain, Ohio, bank president, who is next in line to head the Ohio Bankers Assn., was a prominent figure through substantial loans in what an Indianapolis grand jury branded as an elaborate plot to defraud real estate trust investors.

The banker was not named as a defendant, but two of the three men who were indicted had entered into agreements with the banker. The agreements—according to the indictment—were important parts of the "scheme and artifice to defraud," with which the three were charged.

The banker is James H. Herbert, president of the Lorain National Bank and vice president of the state bankers group which is scheduled to accept him as president June 30.

Prison terms were handed down last year to three of the trust officials accused of using the mail to defraud, but the government has not pursued the role of the banker.

Herbert's bank was one of a number of points through which funds of the American National and Republic National trusts were shuffled in what the government claimed was a highly complex shell game to divert trust funds.

The 30-count indictment included charges that Herbert authorized personal loans to two of the indicted trust officials using trust funds as security.

This was done by transferring $200,000 of the trusts' money to Herbert's bank. Herbert then accepted the certificates of deposit, which belonged to the trusts, as security on loans to Harry R. Fawcett of Kokomo, president of the trusts, and George Manuel of Dayton, who managed the trusts' properties.

Banking sources have confirmed for The Journal Herald that loans under those circumstances are contrary to normal banking practices.

The only visible authority for making the loans was a form authorizing Fawcett and Manuel to use the trust funds as collateral. Fawcett was the person signing the form. In other words, he authorized himself to use trust funds for his own loans, and the bank went along.

The government claimed that in a variety of maneuverings, Fawcett and Manuel pocketed several thousand dollars.

Fawcett and Manuel claim the charges were twisted, false and confused.

Furthermore, they claim the indictment was the result of a political conspiracy to discredit them after they refused to keep quiet about a so-called "bankruptcy ring" which they said had forced the trusts into federal bankruptcy court where the assets could be plundered.

They were tried and convicted on five of the 30 counts in the indictment and one of the early witnesses for the prosecution was the banker. James H. Herbert.

Both Herbert's involvement and a number of other situations were brought to light by the month-long trial.

For example:

The prosecution refused to confirm or deny it held a Telex message that would link Sen. Birch E. Bayh Jr. to the indictment, but Fawcett and Manuel claimed they saw it and in trying to get the government to admit it had it, they waived their right to be represented by counsel.

Two "original" sets of books were introduced into evidence.

Fawcett and Manuel, defending themselves, repeatedly demanded an immediate trial, but it was 15 months before the case went to court and during the interim, the government "discovered" 124 pieces of new evidence to use against them.

Records confiscated from Manuel on the order of the bankruptcy court in civil proceedings in 1968 were later handed over to the government and used as evidence against him in his 1971 criminal trial . . . and some of those records, which Manuel sought for his own defense, were apparently hidden from him by the government.

A former attorney for the trust became a witness for the prosecution despite objections that his testimony violated the attorney-client relationship.

A former president of the trusts—then serving a 65-year sentence at Leavenworth Federal Prison for securities violations—became a witness for the prosecution and is now a free man.

The third defendant in the case—shocked at the end of the trial with a year-and-a-day prison sentence after he had pleaded guilty and testified for the government—said he had been double-crossed by the government and threatened to "expose a lot of folks," but later had "nothing to tell" when his sentence was reduced to 90 days.

Fawcett and Manuel were sentenced to serve three years in prison. Both men are appealing, have asked for a new trial and have asked that the convictions be dismissed.

But after nearly a year, the judge has yet to rule on the motion for reduction of sentence.

More than three months before the indictment was returned on Oct. 31, 1969, Fawcett had claimed in a notarized statement that he had received anonymous threats that he would be indicted if he didn't stop making charges about the "bankruptcy ring."

Manuel had also made charges about Bayh's involvement in the "ring" and he knew a Telex message assailing Bayh which he had sent to Louisiana Sen. Russell Long had ended up in Bayh's office.

So, Manuel says, after he saw the message in the hands of the prosecution at his preliminary hearing, he later pursued the matter, seeking a disclosure of possession, at a March 23, 1970, hearing before Chief Judge William E. Steckler, but the prosecution would only respond that neither he nor Fawcett was represented by counsel.

Finally, Fawcett and Manuel signed waivers and Manuel said: "Your Honor, may I ask Mr. Keene (the prosecutor) again, since I have waived counsel and now represent myself in the matter; did he have the Telex on Nov. 24th in this courtroom? This is the fifth time I have asked the question, sir."

But the question was never answered.

The prosecution insisted the request be made in a formal motion of discovery and Fawcett and Manuel complied.

Then the prosecution said the message, if it existed, didn't fall within the scope of data the government was required to disclose.

The new judge, Robert A. Grant, agreed—so it was never disclosed.

Grant, chief judge of Indiana's northern district, had been called, in the meantime, to replace Judge Steckler, who withdrew from the case after repeated charges by Fawcett against the Indianapolis judiciary.

And ultimately, Grant decided he couldn't allow the waivers of counsel to stand, and so, only two weeks before the trial began, Marshall J. Seidman, Indiana University Law School professor, was named to advise Fawcett and Manuel in presenting their case.

However, Seidman promptly said he could advise one man, but not both, because their cases were possibly incompatible.

Finally, in the week before the trial, M. Dale Palmer, Danville, Ind., attorney, was chosen as Manuel's counsel and Fawcett's affairs were left to Seidman.

Manuel held fast to his right to defend himself throughout the trial, but Fawcett gave up half way through—saying he offended Judge Grant every time he opened his mouth—and Fawcett's entire case fell into Seidman's lap.

At the conclusion of the trial, both Seidman and Palmer professed bewilderment with the case—Palmer telling the judge he didn't really understand what Manuel was accused of doing.

The judge himself stated it was his most difficult case in 14 years on the bench.

Herbert, the Lorain banker, was one of a number of prosecution witnesses who had financial dealings with Fawcett and Manuel before the trusts were forced into bankruptcy.

According to Manuel, the trusts bought, as an investment, a partially constructed apartment project in Kettering called Chateaux L'Aiglon at 210 W. Dorothy Lane.

Manuel said Herbert was anxious to "unload" the mortgage on the project because he had advanced most of the bank's construction loan, but the project was still far from complete.

Manuel boasts of engineering a good deal for the trusts including a valuable piece of vacant land at Turner Road and Philadelphia Drive thrown in to the purchase.

The government, however, charged that through various trust dealings with Herbert's bank, Fawcett and Manuel used trust money as security for personal loans.

As evidence, the government displayed two certificates of deposit purchased by Republic National Trust from the Lorain bank for a total of $200,000.

According to the government, the certificates were accepted—in agreements drawn up by the bank and signed by Fawcett—as security for personal loans to Fawcett and/or Manuel.

Fawcett and Manuel were found guilty on the count, which charged that the loan agreement with the bank was part of the 'scheme and artifice to defraud."

Neither Herbert nor his bank was charged with any wrongdoing.

According to the same count of the indictment, even before the trust certificates of deposit were used for personal collateral, Herbert authorized a $125,000 bank loan to Fawcett and Manuel with no security at all.

The indictment charges that Fawcett and Manuel obtained the unsecured loan from the Lorain bank "by submitting to the said James H. Herbert a promissory demand note signed by the defendants Harry R. Fawcett and George Manuel and to which the defendant George Manuel would and did forge the name 'Meyer Goldberg' as coobligor."

Meyer Goldberg—a Cincinnati speculator and head of a one-man corporation he calls "Industrial Investments"—has been associated with Manuel for several years in numerous unsuccessful multimillion-dollar deals.

Long before the trial, Manuel admitted signing Goldberg's name to the note, but said Goldberg knew about it and did not object.

Manuel said if he had seriously attempted forgery he would have made an effort to duplicate Goldberg's signature, which is characterized by large scrawls.

Instead, he said he signed the note in his normal handwriting.

Furthermore, Manuel told the jury that on several occasions Goldberg had authorized him—and sometimes ordered him—to sign documents in his behalf using his (Goldberg's) name.

According to Manuel, Goldberg's eyesight was so poor he sometimes couldn't see where to sign his name.

"He was like a father to me," Manuel told the jury. "I even trimmed his toenails."

However, Goldberg testified as a witness for the prosecution saying he didn't know about the note and hadn't authorized Manuel to sign his name to it.

It is not clear whether Herbert called Goldberg to make sure he had signed the note before authorizing the $125,000 loan.

Herbert would not comment.

Goldberg couldn't be reached.

It is known, however, that in a deal predating Manuel's involvement with American National and Republic National trusts, Goldberg authorized Manuel to offer a $3 million loan to a massive Indiana real estate investment combine in an effort to acquire control of the operation.

In that case, Manuel signed Goldberg's name to a commitment spelled out on Goldberg's Industrial Investments stationery.

Floyd F. Cook, an attorney and chief officer of those trusts, says Goldberg called him to assure him the $3 million was available and that Manuel was authorized to do what he was doing.

Cook says the man who said he was Goldberg, not only confirmed Manuel's position, but also responded to a request to confirm the same by telegram.

In a deposition dated March 5, 1971, Goldberg testified he did not sign the commitment, knew nothing about it, and did not authorize Manuel to make the deal.

Goldberg and Herbert were but two in a

long parade of witnesses for the prosecution of Fawcett and Manuel.

The first was Seymore M. Bagal.

Bagal, an Indianapolis attorney, had served as counsel for the trusts since their inception in the early '60s, and Manuel claimed him as a personal attorney during a period prior to the bankruptcy.

Bagal had quit his law firm, been indicted and acquitted of charges of violating federal securities regulations in connection with the trusts, and has since set up another law office.

But when he appeared as a witness for the prosecution, court-appointed counsel for both Manuel and Fawcett immediately objected saying any such testimony would be a violation of the attorney-client privilege.

In fact, Palmer, Manuel's counsel, filed a written motion on behalf of both defendants to suppress not only the information of Bagal, but of 12 other attorneys who had been involved in the trust business and the personal affairs of the two.

Palmer said any and all information coming into the hands of the attorneys was confidential and subject to the attorney-client privilege.

He said the attorneys were obliged to protect their clients and cited Canon 4 of the Code of Professional Responsibility which says the same thing.

But Judge Grant overruled the objections and the testimony of Bagal was permitted.

There were other witnesses for the prosecution.

One was Calvin R. Mummert, the man who was president-trustee of the trusts before Fawcett took over the job.

The prosecution had brought him in from Leavenworth Federal Prison where he was serving a 65-year term for securities fraud.

Judge Steckler—subject of accusations of Fawcett and Manuel—had sentenced Mummert in November under the provisions of a federal law that allows a maximum sentence, then a resentencing after an "evaluation" during the period in prison.

The resentencing was yet to be held before Judge Steckler when Mummert testified against Fawcett and Manuel.

Mummert's attorney, Don A. Tabbert, said the government applied no pressure and offered no promises—"except the fact that he was asked if he wanted voluntarily to give a statement to the government . . . which he did. He said, 'I will.' And the government said to him in my presence that 'We will tell Judge Steckler you have been cooperative.' Period. Which they did in open court."

At his hearing, held in June, Mummert's sentence was reduced to 10 years, suspended, and he was set free.

But in February, when he testified against Fawcett and Manuel, he wept.

Another witness was a woman who had served as a trust bookkeeper who made no secret of her contempt for both defendants and testified to various facts extracted from what was introduced as the "original set" of trust books.

Manuel soon proved, however, that the "original set" of trust books as introduced by the government was not the "original set" of trust books at all, and before the case went to the jury the government introduced another "original set" of trust books.

The two "original sets" were never explained to the court or the jury.

The third trustee of the trusts, Frank L. Gregory, was also the third defendant. He was the former publisher of the Kokomo Morning Times, a newspaper that had gone into bankruptcy.

He had been jointly indicted with Fawcett and Manuel for his alleged part in concocting an elaborate scheme to divert trust funds, part of which were to go into his faltering newspaper.

And he was the trustee who in April, 1968, made an eleventh-hour change of position rather than do battle to keep the trusts out of bankruptcy court.

He says he convinced his fellow trustee—Paul D. "Tony" Hinkle, Butler University basketball coach—to cast the tie-breaking vote.

Fawcett and Manuel had claimed in legal actions that Gregory was sought in a squeeze by the bankruptcy lawyers and had made a deal: amnesty for him in exchange for cooperation with them.

Gregory denied he made any deal and later pointed to his indictment as proof that he got no amnesty.

And Fawcett and Manuel said it came as no surprise to them when Gregory—after 15 months of claiming his innocence—made another eleventh-hour decision.

Just as the trial was to begin, Gregory announced he had decided to change his plea to guilty on three of the 30 counts.

The government then dropped the remaining 27.

And then, when Gregory testified as a witness for the prosecution, Fawcett and Manuel again registered no surprise.

They said it was again a case of Gregory making a deal to save his own hide, although he had again denied it—this time in open court.

On Feb. 27, 1971, when the jury returned its verdict, Fawcett and Manuel were found guilty on five counts, but not guilty on 14 counts included the three counts to which Gregory had pleaded guilty in the alleged three-man scheme.

Judge Grant, on April 30, listened to various defense pleas for leniency and the prosecution's pleas for substantial fines and prison terms for Fawcett and Manuel.

As for Frank L. Gregory, however, the prosecution recommended a substantial fine, but offered no suggestion about prison, saying the the prosecution was "neither for nor against an executed sentence."

That wasn't unexpected either, by Manuel and Fawcett.

But a number of people were surprised by the judge's verdict and the furor that followed.

Judge Grant said he could not agree that prison terms would have no rehabilitative value for the men.

Then he sentenced Fawcett and Manuel to serve concurrent terms of three years on each of the five counts.

And then, terming Frank L. Gregory "the most culpable of all" he sentenced him to a year and a day concurrently on each of the three counts.

Gregory, visibly shaken, asked for—and was allowed—time to get his affairs in order before he was taken to prison.

Two days later, Gregory announced, for publication, that: "I was given the understanding by the government that by entering the plea of guilty and by cooperating with and testifying for them, that I would receive a suspended sentence."

Gregory said he had been tricked by the government and he wanted a new trial and this time he would plead innocent to all the charges.

This was said despite the fact that he had sworn in open court—on the day he changed his plea—that he had made no deal with the government and had received no assurances from the government.

Gregory said it wasn't a "deal," but there was an "understanding."

But although the judge would not tolerate another trial, he made no comment on the question of misrepresentation in his court.

Then the judge ordered the sentence of the man he had termed "most culpable of all" suspended except for 90 days.

The decision contained no reasoning for the change.

After Judge Grant handed down his first sentence, Gregory was frustrated, furious and anxious to talk.

In an interview with The Journal Herald, he said:

"You see, I'm the one who instigated the bankruptcy . . . I blew the whistle on the whole cotton pickin' thing . . . and I convinced Hinkle to go along with me.

". . . I never had contact with the government until just a few days before our trial began—really.

". . . If they go dragging me out to the big door, I'm going to expose a lot of folks.

". . . There's some politics working on both sides which I have some inside on. But you know how it is, when you get in there, you know. You've got to be careful as hell.

". . . Let me tell you something," he said. "Harry Fawcett's a wild man, as you well know, but he is not without some facts."

But after the sentence was suspended by Judge Grant, Frank L. Gregory—although still not satisfied—changed his comments.

In an interview with the same reporter, Gregory said:

"I'd like to help you, but I really don't know of anything I could tell you."

[From the Dayton (Ohio) Journal Herald, Apr. 19, 1972]

EXTORTION BID LAID TO INDIANA EX-GOVERNOR

(By Keith McKnight and Andrew Alexander)

Former Indiana Gov. Matthew E. Welsh was part of a plot to extort $100,000 from the executives of that state's once-largest real estate investment combine, those ex-officials have charged.

Polygraph (lie detector) tests have been passed by two of those executives.

The Journal Herald recently arranged for the tests by two polygraph examiners who concluded the men were telling the truth.

A third trust official declined to be tested saying it was best to "let sleeping dogs lie."

Welsh, in an interview, said he would "absolutely not" undergo such a test.

He is again seeking the Democratic nomination for the governorship this year, and is generally conceded to be a sure bet in the race this fall.

The three former officials—Kokomo, Ind., attorneys Floyd F. Cook, Beryl E. Cook and Donald J. Bolinger—claimed through a suit filed in 1969 that the $100,000 would have been to buy "political protection" from the Indiana secretary of state's office, which in 1966 was threatening action against their financially troubled business trust empire.

Because they didn't comply with the alleged extortion attempt, the officers claim, they were forced out as heads of the trusts—after a complex set of negotiations—by Democratic Secretary of State John D. Bottorff.

The trusts then were taken over by former governor Welsh and prominent Indiana bankruptcy attorney Sigmund J. Beck who, in less than two months, placed the trusts in bankruptcy court and became attorneys for the proceeding.

Floyd Cook and Donald Bolinger were tested by a Dayton polygraph testing firm operated by two Dayton policemen.

Beryl Cook declined to participate.

"I'll stand on the record," Welsh says. "I'm tired of the innuendo and allegations of these crooks. So far as accommodating them (with a lie detector test), absolutely not. I wouldnt do anything to lend any credence to anything they say."

Beck, who attended the meeting where it is alleged the extortion attempt was made, says he would testify that he has no knowledge of any such conversation.

However, "I don't have any reason to say that I would or wouldn't" take a lie detector test, he said.

Bottorff, the former secretary of state, says forcing the three out of office was one of the better moves of his administration.

"I just said: 'Look, Floyd. Resign", You know . . . we could have sought criminal prosecution."

Bottorff said he couldn't recall all the specific charges, but, "in my judgment, they would not have resigned if they did not feel like we did have the authority and the information to get them to resign."

Three years after their resignations, Cook, Cook, and Bolinger—originators of the business empire known throughout the state as the "Cook Brothers' Trusts"—were indicted for mail and securities fraud in connection with the trust operations.

They claimed the indictments were politically inspired and denied perpetrating any fraud, saying they lost their own fortunes trying to save the trusts.

The three were allowed to plead guilty to violation of a securities regulation, which was a misdemeaner.

The federal judge in the case, Cale J. Holder, fined them $10,000 each, saying they had no knowledge of the regulation and there was no intent to violate it.

When the trusts ran into financial trouble in 1966, assets of the group were listed in excess of $41 million.

But despite their extensive holdings, that year had brought a "tight money" market and with $23 million in debts, the trusts were desperately looking for interim financing until newly acquired properties began to produce income.

And it was at that point that the troubles of the trusts broke into the open.

According to a suit filed in Indianapolis federal court by nine shareholders of the trusts, Secretary of State Bottorff, in early July, 1966, met with the Cooks in Kokomo and threatened legal action against the trusts if the Cook trustees didn't resign and allow him to appoint their successors.

Bottorff then was told by Floyd Cook, the suit says, that "if he had any legal grounds he should act as an officer and file, instead of using his office to blackmail the trustees."

The suit was dismissed, but information for it was supplied by the Cooks and Bolinger, who still claim it is accurate and since have taken the polygraph tests.

The suit alleges:

(1) Ten or 15 days after the session with Bottorff, Floyd Cook received a call from "a friend," Bernard A. Major, who told Cook to phone an Indianapolis number for an important message concerning the trusts.

(2) Cook called the number and Indiana University law school professor Daniel J. Baum answered, saying he was in the office of former governor Welsh, and that "the governor had just seen Bottorff and that unless something was done about the trusts, that Bottorff was going to the attorney general, and that they (Welsh and his associates) could help . . ."

(3) Welsh then came on the phone and asked for a meeting with the Cooks and Bolinger at his Indianapolis law firm—Bingham, Summers, Welsh and Spilman—on Saturday, July 30.

(4) The three went to the meeting and were told by Welsh that Bottorff had authorized him to tell them that unless they resigned, Bottorff would take action through the state attorney general, thus making it impossible for the trust to get any refinancing.

(5) Baum then told the trustee: "'If you will pay us $100,000 we can talk to the Secretary of State and stop all further action.'"

(6) "The aforesaid solicitation of a bribe shocked the trustee to which they responded, 'Why so much money?' at which time defendant Welsh said, 'It takes a lot of money for a political campaign.'"

Baum, now a professor at York University in Ontario, denies making the $100,000 proposition, but shies away from a flat statement about taking a lie detector test.

He says: "Am I willing to do something to vouch for the truth of what I've said? Yes. But am I willing to lend credence to what I consider to be foolish claims? The answer is no.

"The end for me has been written. That's all there is to it."

The history of how the Cook Brothers' Trusts fell prey to the bankruptcy court is a confusing and complex story spanning a period from mid-July to mid-October, 1966.

That history contains a myriad of characters with a wide and varying range of interests in the fate of the trusts.

It is significant because those who appeared to be eager to wrest control from the Cooks, later benefited from the bankruptcy action against their business.

The story as told by the Cooks differs sharply from the stories of those who took the trusts away from them.

First of all, there is the matter of how Welsh and Beck and Baum became involved in the first place.

Baum (the law professor) claims Major (the "friend" of the Cooks) headed another real estate investment trust (Founders Trust) and wanted to merge it with the troubled Cook Trusts and take control of the resulting combine.

According to Baum, Major consulted him about the proposed merger. Baum saw the idea was too big for him to handle, so he took the proposal to Welsh and Beck.

He explained his choice this way:

"I went to Matt Welsh and really kind of laid the thing out to him, partly because he was aware of the role of state government and also because he had done work in the corporate area.

"Also, I went to Sig Beck because he is 'Mr. Bankruptcy Specialist' in Indiana and I said: 'Look, gentlemen, here are the problems. What do you think ought to be done?'"

Welsh recalls that at that point "a meeting was arranged with the Cooks at which they told us what their understanding of what their financial problem was. And the . . . following day they resigned."

On reflection, however, Welsh says he isn't sure whether they actually signed resignations, and conflicting testimony in the bankruptcy court does not clarify the point.

The Cooks and Bolinger say they discussed resigning in favor of anyone who could obtain the necessary funds to keep the trusts solvent and out of bankruptcy court, but took no such action until Aug. 17.

However, according to testimony by Secretary of State Bottorff, it was announced at a meeting in his office on Aug. 1 that the Cooks and Bolinger had resigned.

And Bottorff further testified that he also was asked at that meeting if Welsh and Beck would be acceptable as successor trustees, and he gave his approval.

Welsh, Beck, Bottorff and Baum all say they attended that meeting, but can't recall who proposed Welsh and Beck as trustees.

Bottorff testified that he called the Aug. 1 meeting with the Cooks and Bolinger "specifically to find out where we were going from there," after his office had concluded from an investigation that the Cooks and Bolinger should resign.

Also attending that meeting were Bernard A. Major, Sidney G. Stromberg, and William F. Hendren—the trustees of Founders Trust—who since had learned their merger proposal would not be accepted by state officials.

Bottorff, however, told The Journal Herald he didn't know why Major, Stromberg and Hendren came to the meeting.

"They all invited themselves to my office," he said. "I didn't invite them."

Seventeen days later the Cooks and Bolinger had resigned, but within that period had continued to fight to maintain control of the trusts.

During that time they received a $3-million loan commitment which, they said, would have saved the trusts.

But they claim Welsh told them he doubted Bottorff would accept the arrangement.

So, they say, they put their own trust shares in escrow to guarantee payment of a $30,000 retainer fee for Welsh and Beck, who were to use their influence with Bottorff to buy more time for the trusts so the terms of the $3-million loan could be worked out.

Welsh and Beck confirm they asked for a $30,000 retainer and the stock was deposited in escrow, but they claim to have had misgivings about going back to the Secretary of State's office.

In fact, Beck testified:

"It was our view that we had no business going over there; we had a substantial amount of time in on this matter, with actually no representation. What we were doing there we were unable to fathom ourselves. And, frankly, our feeling was that there was no point to going any further unless we knew that we were going to be representing somebody in the future, and that we were going to have a fee paid."

Welsh contends that after reading the loan commitment he and Beck felt it was "just a desperate ruse by the Cooks."

Subsequently, he said, he and Beck did learn "that our suspicions were accurate. The whole thing was a forgery. It was not a valid loan commitment."

That $3-million loan was offered by Meyer Goldberg's Cincinnati-based Industrial Investments Corp.

George Manuel of Dayton said he was acting as Goldberg's agent and signed Goldberg's name to that commitment.

He did this, he says, upon Goldberg's instructions.

Yet in a deposition taken for Welsh last year, Goldberg testified he had no knowledge of the 1966 loan—written on his own stationery—until nearly four years after it was offered.

Contrary to that testimony, The Journal Herald has obtained recordings of conversations in which Goldberg admitted authorizing the $3-million loan.

In addition, Floyd Cook has given The Journal Herald a copy of a telegram he says he received from Goldberg in 1966.

The telegram says Manuel is authorized to act as the agent for Goldberg's company in the deal.

Nonetheless, the Cooks and Bolinger say they didn't have enough time to work out the details of the loan before Bottorff's deadline was imposed.

But they say that when they resigned in favor of Welsh and Beck, there was an explicit understanding that their successors would do everything possible to keep the trusts out of bankruptcy court.

"Oh, that's a pure fabrication," Welsh said, "a pure fabrication."

Welsh explained that he and Beck took over as successor trustees "knowing full well" that bankruptcy reorganization was imminent.

"We signed no contracts, we made no commitments, did nothing but just tell everybody 'Sit tight, we're going into bankruptcy as soon as we can get the facts together,'" Welsh said.

Beck's recollection differs:

"Our view was that we had gone into it and we had promised people that we would attempt to keep it out of court if there was any way possible."

Baum, who introduced the matter to Welsh and Beck, also contradicts the former governor's story.

"The idea was," he said, "to try to keep the thing out of the courts if we could, so that a good management team could come in, under state supervision, and do the job that ought to be done without incurring the legal fees or administrative fees that would be connected with . . . an involuntary bankruptcy proceeding."

But regardless of the original idea, the

Cook Brothers' Trusts were placed in bankruptcy reorganization proceedings 52 days after the successor trustees were named.

During that period and after, those who originally sought to wrest control from the Cooks and Bolinger—namely, Welsh, Beck, Baum, Stromberg, Hendren and Major—benefitted from the downfall of the trusts.

Soon after Welsh and Beck became the trustees, a company called Keystone Management, Inc., was formed and became the management firm for all the Cook properties.

The officers of that company were Stromberg, Hendren and Major—the three Founders Trust officials who had tried to take over the Cook Trusts in the merger and, according to Bottorff's account, had "invited themselves" to Bottorff's Aug. 1 meeting.

A fourth officer of that company was Stuart I. Stern, a man Indianapolis real estate developer Leo A. Lippman has termed his "Man Friday."

In the previous year (1965) Lippman had sold the Cook Trusts' biggest asset—a hotel and casino in the Las Vegas "Strip"—for $10 million, on which he laid claim to a $1.1 million finder's fee.

In the same transaction, Lippman was allowed to appoint shareholders for 20 percent of the hotel's stock, and two of the five he named were Stern (his "Man Friday") and Major (the Cooks' "friend").

As for Welsh and Beck, once the bankruptcy court took over, they were appointed attorneys for the court-appointed trustee.

They were allowed to keep those jobs despite objections by lawyers for the Securities and Exchange Commission.

The SEC lawyers claimed Welsh and Beck were not "disinterested" attorneys as required in such matters by bankruptcy law.

Chief Judge William E. Steckler overruled the SEC objections, however, and Welsh and Beck stayed on.

The court appointed as "special counsel" to fight the SEC's position Prof. Daniel J. Baum, who originally took the Founders Trust merger proposal to Welsh and Beck and said:

" 'Look gentlemen, here are the problems. What do you think ought to be done?' "

GETTING CAUGHT A "CRIME"

John Bottorff became a casualty of Hoosier politics not so much because of what he did but because he was caught doing it.

In 1964, when Bottorff took office as Indiana secretary of state, he was looked on as a rising young star in Democratic politics.

At the end of his term in 1966, Bottorff said he chose not to run again, and today he is a Ford dealer in Seymour, Ind.

His administration had been sullied by a grand jury probe into his "re-election campaign fund" which he had started promptly after his 1964 election—apparently before he even took office.

Those he collected "contributions" from included several intra-state securities dealers whose livelihoods were subject to the regulations of his office.

Insiders to statehouse politics knew that such "re-election funds" were by no means a new or partisan practice in Indiana.

Other secretaries of state had done the same thing.

But Bottorff's "fund" became a controversy because the public didn't know about it before, and found out about it through an investigation of a securities swindle carried out under Bottorff's jurisdiction.

"Candidates for secretary of state in Indiana had historically, prior to this, accepted campaign contributions from people who were in this business of selling securities," Bottorff told The Journal Herald.

"You know, if you don't get people who are interested in the office—and very few people were interested in the office of secretary of state—if you don't get those people making contributions, you don't have any contributions."

One of those contributors was Floyd F. Cook, a trustee of the Kokomo-based "Cook Brothers' Trusts."

According to Cook, Bottorff called on him Nov. 4, 1964—the day after the election—and asked for a $1,500 donation for his just-completed campaign.

Cook says he gave him a check for $750 and Bottorff was back a week later asking for money for his next campaign, and Cook refused to give any more.

"It has been a practice here in Indiana," Cook says.

When someone is in a position to hurt you or help you and he makes a solicitation, you usually respond to it."

The $750 check is significant, Cook claims, because it resulted in some hard feelings between the Cook trustees and the secretary of state.

For in the following year, 1965, Indiana securities promoter Michael Dobich was killed in a helicopter crash and left behind a bankrupt company which had sold nearly $3 million in securities that were never delivered.

So great was the following furor, that Indianapolis attorney Frank M. McHale—perhaps the most powerful Democrat in the state—termed the Dobich affair "the greatest fraud that has been perpetrated on the investment public in Indiana in 40 years," according to a news account at that time.

Then, Bottorff's "fund" was uncovered and a grand jury was called to investigate.

Cook says he soon was visited by Bottorff's assistant who requested and received the canceled $750 check—but not before Cook made a copy of it.

And when Cook was subpoenaed to testify for the grand jury, he claims, Bottorff asked him to say the $750 was a loan, which Cook refused to do.

No indictment concerning Bottorff's "fund" ever was returned by the grand jury.

Leroy New, the deputy prosecutor who headed the probe, said Indiana had no law forbidding such "campaign contributions" and he knows of no such laws which since have been enacted.

Nonetheless, the stigma of the "securities scandal" was firmly attached to Bottorff's administration and his political fate was sealed.

All of this was history when, in the closing months of his two-year term, Bottorff determined that the Cook trustees should resign as officers of their trusts.

VARIOUS ROLES: WELSH AND BECK DENY ANY IMPROPRIETY, BUT STORIES MARKED BY INCONSISTENCIES

When Matthew E. Welsh and Sigmund J. Beck became attorneys for the bankruptcy proceedings they initiated against the Cook Brothers' Trusts, the Securities and Exchange Commission objected.

The SEC said the two men simply had worn too many hats to be considered "disinterested"—an explicit requirement under federal banktruptcy law.

Beck and Welsh had represented the trusts in the Secretary of State's office during the last-ditch effort by Floyd F. Cook, Beryl E. Cook and Donald J. Bolinger to keep control of their financial empire.

Yet for all their work, Welsh and Beck—representing two of Indiana's wealthiest law firms—charged no fees.

Both men deny they were involved in any impropriety in the various roles they played in the takeover of the trusts.

But their stories are replete with inconsistencies.

Floyd Cook and Bolinger say that when Welsh and Beck took over as successor trustees, assurances were given that everything would be done to keep the trusts out of bankruptcy.

Beck says such assurances were made.

Welsh says they were not.

Both Welsh and Beck claim they were "disinterested" at all times because they acted as if they were court-appointed trustees.

However, Beck told The Journal Herald that he and Welsh agreed, when they took control of the trusts, to study the finances and "if it was possible to run the company, we would . . . and we would attempt to keep it out of court."

Yet in a hearing held Feb. 3, 1967, Beck testified that "we were acting as interim trustees and did not intend to stay on as officers and trustees thereafter."

Welsh's recollection was that they were "disinterested" because they knew from the outset they were going to put the trusts into bankruptcy.

"When the SEC objected," Welsh said, "our response was that we, from the time we took over, had operated the properties as though we were court-appointed trustees, knowing full well that this (the bankruptcy action) was what was going to have to happen . . ."

Because Welsh and Beck were first attorneys for the trusts, and later became trustees, there is a question of whether they would have been paying themselves for their own advice with trust money.

Chief Judge William E. Steckler, in the same Feb. 3 hearing, raised a question along these lines and Beck answered: "Gov. Welsh and I had discussed that matter, and we had assumed that what we would have to do was to work out an attorney's fee, and at that time particularly, to put it up to a group of creditors and shareholders . . .

"We were looking a ourselves as interim trustees; we looked at it on the basis of saying 'All right, if this refinancing can come out and we can work out a plan, we will depend upon ourselves to present what a reasonable fee would be.' If there are any questions about it—this is one of the things that we have problems with ourself on as to how it was going to be approved; we never did come to any real decision on it because we never got to that point . . ."

Contrary to Beck's testimony, Welsh told The Journal Herald: "We knew almost immediately after we took over as successor trustees that we were headed directly for the bankruptcy court, and . . . we just regarded ourselves as officers of the court. We'd never any though of charging the attorney's fees or trustee's fees."

[From the Dayton (Ohio) Journal Herald, Apr. 20, 1972]

WELSH CONFERRED WITH CRIME FIGURES

(By Keith McKnight and Andrew Alexander)

(EDITOR'S NOTE.—This is the tenth in a series of stories resulting from a 16-month Journal Herald probe of bankruptcies handled in Indianapolis federal courts. Today's report examines how a Las Vegas hotel and casino was sold three times to the same corporation for prices $4.8 million apart.)

Former Gov. Matthew E. Welsh of Indiana dealt through reputed organized crime figures while working out details of a $5-million reduction in the resale price of a gambling spot on the famed Las Vegas "strip."

The property was the Aladdin Hotel and Casino, once the largest asset of the "Cook Brothers' Trusts"—a grant Indiana real estate investment combine.

At the time, Welsh, who again is seeking the governorship, and Indianapolis bankruptcy lawyer Sigmund J. Beck were attorneys for the American Fletcher National Bank, which had been appointed trustee to reorganize the trusts under court-supervised bankruptcy proceedings.

But when the trusts were taken into bankruptcy court in 1966, the corporation that had purchased the Aladdin less than a year before stopped payments, saying it couldn't afford the $10.25 million deal.

Welsh, Beck and two of the Indianapolis bank's vice presidents—Albert A. Savill and Meredith Nicholson—flew to Las Vegas to appraise the situation.

According to court testimony, they were in Las Vegas for only a half day.

In separate interviews, neither Beck, Welsh nor Savill would accept responsibility for arranging the Las Vegas meetings, and they all claimed to have had virtually no knowledge of the backgrounds of the men they met there.

The fourth man, Nicholson, who apparently played a lesser role in the proceedings, has since retired and could not be reached.

While in Las Vegas, the Indianapolis men met with a number of people who had various ties to organized crime. The first of several meetings which took place Dec. 4, 1966, was arranged with these two men:

Kirk Kerkorian—a Last Vegas speculator who held land upon which Caesar's Palace was built, and who since has acquired controlling interest in Metro-Goldwyn-Mayer Studios and has had dealings with crime figures such as Moe Dalitz, former Cleveland Syndicate boss, and Sam Cohen and Morris Lansburgh, Miami-based hotelmen now under federal indictments in Las Vegas along with top mobster Meyer Lansky.

Jerome "Jerry" Zarowitz—a longtime Las Vegas gambling figure. He is presently under indictment for violation of interstate betting laws and has a record of arrests on federal gambling charges.

Zarowitz, who used to be credit manager of Caesar's Palace, gained notoriety in the late 1940s when he was convicted on a federal charge of conspiring to fix football games for gambling purposes. He served 20 months in prison.

Information has been given to The Journal Herald that the meeting was set up at the request of Savill by Edward J. DeBartolo—a Youngstown man who owns the lion's share of Ohio's race tracks and has built many of the state's largest shopping centers, including the Dayton Mall and the Upper Valley Mall in Springfield, both of which display his name.

Savill—who arranged financing for DeBartolo on a large Indiana shopping center project—said DeBartolo could have been the man who arranged the meeting with Kerkorian and Zarowitz, but he can't recall.

Savill also told The Journal Herald he does not know Zarowitz and can't recall meeting him in Las Vegas. However, in court testimony in January of 1967, Savill vividly recalled meeting with Zarowitz and testified concerning Zarowitz's Las Vegas gambling interests.

After th- Kerkorian-Zarowitz meeting, the Indianapolis group consulted with Clifford A. Jones—who at that time was under indictment along with Senate majority secretary Bobby Baker in a celebrated influence-peddling case in Washington.

Jones—known in gambling circles as "Big Juice"—is a former lieutenant governor of Nevada, an international gambling casino operator, and reputed to be a close associate of Lansky, the widely accepted boss of organized crime in America.

Although Baker has long since gone to prison, Jones' case is yet to be tried.

As a result of the meeting with Jones, the Indianapolis group met with E. Parry Thomas, a Las Vegas bank executive who has had a continuing financial interest in Nevada gambling operations.

At that time, Thomas also was the treasurer and a director of the Parvin-Dohrmann Co.—a Los Angeles-based corporation which was listed on the American Stock Exchange and which has been linked to a variety of underworld figures.

After the meeting with Thomas, the Indianapolis group went to the Aladdin Hotel and met with the man who earlier in the day had greeted them at the airport and ushered them to their first meeting: Harvey L. Silbert.

Silbert was the Beverly Hills attorney for—and an officer of—Milton Prell's "Prell Hotel Corp." a corporation set up by Prell for the sole purpose of entering into the $10.25 million contract to purchase the hotel and casino from the Cook Trusts in December, 1965.

At the same time Silbert served as counsel for Parvin-Dohrmann, of which he was a vice president and a fellow director, along with E. Parry Thomas, the banker.

In December of 1966, as Silbert met with the Indianapolis bankruptcy administrators, he reportedly described the hotel's status as near the "hopeless stage."

Welsh, Beck and Savill contend they didn't know U.S. organized crime investigators have maintained an active interest in Silbert for a number of years.

He is presently chairman of the board and a major stockholder in the Riviera Hotel and Casino in Las Vegas. President of the Riviera is Edward Torres, also a large stockholder and who is considered by Justice Dept. agents to be a significant contributor to organized crime.

Later in December—based largely upon their Las Vegas trip and Prell's claim that his corporation was losing money—the bankruptcy group met Prell in Indianapolis and agreed to slash the sale price of the Aladdin by nearly $5 million.

The agreement was entered into without any apparent attempt by the bankruptcy court or the trustee to obtain an appraisal of the value of the property.

Neither did they make any apparent search for competitive offers on the property before releasing Prell's corporation from its $10.25 million obligation.

Nor did the trustee—the largest bank in Indiana—have Prell's books audited to verify his claim that he was losing money.

Chief Judge William E. Steckler did not challenge the procedures.

The agreement was that Prell—who seemed to be confident of getting several millions in loans—was to pay the entire $5.45 million discounted price to the trusts within a year.

But again, the deal fell through.

Despite his record of success in running the Sahara, and what appeared to be good prospects for a loan, Prell could get no financial help, and three months before the year-long option expired, Prell suffered a stroke which left him an invalid, unable to communicate.

Nonetheless, Prell's corporation—chiefly through the efforts of Silbert—negotiated yet another agreement with the approval of the court, again for $5.45 million.

That time they did get an appraisal.

It was made by Las Vegas appraiser Elmo C. Bruner who set the worth of the property at about $6 million.

Bruner told The Journal Herald he was given only a few weeks to do the appraisal, and added it was not enough time to produce a complete evaluation of the property's worth.

Bruner said he was contacted by Jerome Mack—a partner with Thomas in heading the Bank of Las Vegas—who asked if Bruner would do the appraisal. It is not clear how the Bank of Las Vegas became involved since it had no overt relationship with the sale.

Bruner said he was contacted by the Indianapolis bankruptcy people not before, but after, he was contacted by Mack. And he says it was Mack, not the bankruptcy trustee (AFNB) who instructed him to start work on the appraisal.

And Bruner recalls he protested to Mack that a few weeks was hardly enough time to do a proper job. But, Bruner said, he dropped other appraisal work and did the job for Mack anyway.

Why?

Bruner said he had a large staff and was familiar with appraising Las Vegas hotels and casinos.

He also said that at the time "I had been doing quite a bit of work for the bank."

Asked repeatedly by The Journal Herald if Mack or anyone else hinted what they wanted the property to be worth, or if he felt under pressure for loss of business to the bank if his appraisal was too high, Bruner would not answer directly.

"There is pressure on me from every source, in this case and in all other cases," he said. "There's always somebody trying to get me to rig something to their advantage, and I am just not interested."

But later, when asked again if he had felt any pressure, Bruner said he couldn't recall, then added: "If I got on the witness stand I'd sure tell the truth."

The Bank of Las Vegas, at that time, was closely tied to the financial interests of Parvin-Dohrmann.

On April 12, 1968, Judge Steckler, "being duly advised in the premises," ordered the agreement approved for the second reselling of the Aladdin to Prell.

Ten days later, the stockholders of Prell Hotel Corp. met and voted to merge with Parvin-Dohrmann.

Then, on Sept. 26, 1968, after the stock trade was finalized, Milton Prell, by this time paralyzed, was told by the new management he had two weeks to get out of the Aladdin.

Prell got out and left behind a hotel and casino which, by Las Vegas standards, was successful in its first year.

Structurally, the Aladdin has some shortcomings.

Unlike many other major Las Vegas gambling and entertainment spots, the Aladdin had no high-rise structure to accommodate convention crowds, and according to Prell, it needed a variety of other improvements and alterations.

But when it opened in April of 1966, it was the first new spot on the "strip" for many years and all those interviewed agreed the volume of customers was "fantastic." The same consensus is found in testimony on the sale.

Yet when its unaudited financial statement was put together in November, 1966, Prell's lawyer (Silbert) said losses—not including depreciation or interest—totaled a half-million dollars.

A Justice Dept. strike force last year began a grand jury probe into "skimming" operations in various Las Vegas casinos.

The Aladdin has not been publicly linked with skimming, but it is nevertheless unclear where the Aladdin's money went.

According to Silbert, the volume was "forced" through Prell's promotional efforts, and he said he expected business to decline unless the facilities were improved.

Both Silbert and Prell insisted the original sale price of the Aladdin ($10.5 million) was grossly inflated, but it was purchased at that price because of the unusually good terms of the agreement which not only included no down payment, but a $250,000 cash advance for working capital.

They told the bankruptcy court and its trustee that the Prell Corp. would not agree to pay much more than $5 million for the hotel, because it was actually worth no more than that even though they had agreed to pay $10.25 million for it.

Welsh, Beck and Savill supported Prell's position.

Their recollection of the circumstances vary considerably, but they agreed they were the victims of circumstance.

They say they inherited the trusteeship of a financial nightmare and did the best they could with what they had to work with.

They say the $10.25 million sale was only a paper transaction which didn't represent true value.

And since Prell had no down payment at stake, he chose to consider the arrangement "a long-term lease."

If he had made money, they say, he would have continued to pay the trusts, but since he was losing money, he stopped payments.

Sigmund Beck summed up the trustee's position in the Aladdin dispute this way:

"I think the final reaction was: 'We're gonna take whatever they're gonna give us because they'll screw us anyway.'"

Welsh, Beck and Savill were asked by The Journal Herald about the appraisal which was not made until after the Aladdin sale price was reduced.

Welsh said the price was determined from the work of the appraiser "who made a very extensive investigation."

Beck said "I'm sure that before we reduced the price we had the appraisal," but later retreated from that position saying maybe they didn't have the appraisal because the one-year option was to be a cash sale.

Savill said "I'm sure that our collective opinion was that we did not (need an appraisal) because the facts were pretty obvious."

Asked why Prell's books were accepted without an audit. Welsh said: "These books were not fiction. These books were kept with the Internal Revenue Service over their shoulder every minute. There's no question about the accuracy of their records. Anybody who tells you that is misleading you."

Beck said: "Hell, I'm not reasonably certain they were correct. My reaction to that is: How are you ever going to determine whether a gambling outfit is correct?"

Savill said: "I assume—and this is purely an assumption—I assume that Tillett (William J. Tillett, another official of American Fletcher National Bank) through his administration of the situation would have verified—to the best of his ability—the figures."

Welsh, Beck and Savill were asked separately if anyone advertised for bids or tried to get someone to bid against Prell?

Welsh said: "No, not formal advertising for bids. But it was certainly a well-known distressed property in bankruptcy for sale. Anybody who wanted to come forward, ah—this was not a secret."

Beck said: "We didn't have title to the property. We only had a second mortgage . . . not only was there a first mortgage ahead of us, but all these lien claims were ahead of us . . . if we foreclosed, we weren't gonna be able to do a damn thing . . . who else would go in there and bid on the first mortgage? I mean we would have lost the entire package."

Savill said: "I never heard of that (bids) before. I never heard of advertising on a piece of property for bids unless it's a forced sale . . . The only way you do is the way we did it, I would think, and that was to contact the people in Las Vegas, as we did, to see what, if anything, we could gather as to what interest there would be in the event it was for sale."

But whether or not there was anything for sale and whether or not the word got around to all those who might have been interested in whatever it was, somebody besides Prell did try to buy the Aladdin.

The offer was made by MK Investment Corp., a four-man group headed by Las Vegas hotel owner Edward J. Doumani.

No mention of the offer could be found in the Indianapolis court's docket of the case, although The Journal Herald was able to obtain a copy of the document from a private source.

The offer is dated Jan. 30, 1968, shortly after the Prell group—which failed to exercise its one year option at the reduced $5.45 million price—submitted yet another offer to the court.

And since it was the Doumani group's first attempt to buy the Aladdin, to show that they were serious, they say they sent a check for $100,000 to the court. No mention of the $100,000 check could be found in the court's docket.

The Doumani group's offer contained terms favorable to those proposed by the Prell group. The Doumani offer included a down payment and a more-rapid schedule for paying off the purchase price.

And so, the Prell group submitted an "amended" offer to the court.

Doumani and Sam Kovacevich Jr., an Illinois businessman and one of the four MK Investment principals, said they were eager to negotiate with the trustee and the court to top the "amended" Prell offer. However, they say, they were never given sufficient opportunity.

Judge Steckler continued to look favorably on the overtures of the Prell group—despite two previous failures—and the Doumani group's $100,000 was returned.

Doumani claims the trustee "indicated to the court at one step of the way that our offer was there, but he didn't think we would be able to perform."

Doumani says he even appealed to the governor of Nevada to tell the Indianapolis court that his group was financially stable.

The governor—Paul Laxalt, now a Carson City attorney—told The Journal Herald he couldn't recall whether or not he wrote or telephoned the court, but "If they requested it of me I certainly would have done it, because they are very reputable people."

An official of the First National Bank of Nevada, which was listed as a financial reference on the Doumani offer, also confirmed that the Doumani group was quite capable of performing on the proposed deal.

John Ax, a Linton, Ind., attorney who served as co-counsel for the Doumani group and represented it in dealings with the Indianapolis court, said he was "terribly put out" when the agreement again went to Prell.

"We had the door slammed in our face," he said.

Kovacevich, who also negotiated with the court, takes the same position as Ax.

Kovacevich said he presented the Doumani offer to Steckler in his chambers and recalls "he seemed to favor the competitive atmosphere . . . he seemed to be very receptive."

Consequently, Kovacevich said, his group was "quite taken by surprise" when Prell again got the nod.

He said he received a letter from Judge Steckler and talked to him as well and "he was really at a loss for words . . . he said he felt very badly about the whole thing and so on and so forth and that this was what he had to do."

Kovacevich had his own ideas about why Judge Steckler did "what he had to do."

"When you're dealing with Parvin-Dohrmann," he said, "this thing, I mean, let's face it: It was wired right down the line."

BANK AVOIDS QUESTIONS ON ALADDIN CASINO SALE

(By Keith McKnight and Andrew Alexander)

In April, 1970, a group of congressmen received an anonymous letter from an attorney who claimed Supreme Court Justice William O. Douglas was involved in a cut-rate acquisition of the Aladdin Hotel and Casino through an Indianapolis bankruptcy proceeding.

The letter alleged that all during the proceedings, between 1966 and 1968, "it was strongly rumored that a Supreme Court justice was representing the Parvin-Dohrmann Co. and that they would acquire the hotel on their own terms, regardless of its value; and this turned out to be the facts."

During the proceedings, Douglas was the president of the Albert Parvin Foundation, which held a large amount of stock in Parvin-Dohrmann.

With a Douglas impeachment attempt pending before a House committee, Washington attorney Benton L. Becker was retained by Congressman Joe D. Waggonner Jr., a Louisiana Democrat, to check out the allegations in the letter.

Becker—a former criminal trial lawyer for the Justice Dept.—was on the three-man team that conducted the grand jury probe of former New York Congressman Adam Clayton Powell.

Becker said Rep. Waggonner retained him to assist a bipartisan group of congressmen in an independent investigation of Douglas' activities.

Becker told The Journal Herald that in September of 1970 he phoned William J. Tillett, a trust officer with the American Fletcher National Bank in Indianapolis, and requested an interview to discuss the Aladdin transaction.

He said Tillett, who had helped handle the matter for the bank, was receptive and they set up a meeting at the bank the following week.

He said when he arrived in Indianapolis he called Tillett to confirm their meeting, which was to be held two days later. He said Tillett told him the meeting was still set, but suggested Becker might need some identification.

So, Becker says, he phoned House GOP leader Gerald R. Ford at his home in Washington and Ford mailed—special delivery—a letter of introduction which arrived the next day.

Becker says he spent the day before the interview trying to research the Aladdin transaction from court records, but found the files were "a total mess" and turned to Chief Judge William E. Steckler for information. He said the judge was cooperative and showed him his personal "diary" on the matter.

Becker said the following morning he went to the bank for his meeting with Tillett.

He recalls he was "ushered into a large conference room" where Tillett, several of the bank's lawyers, and former Gov. Matthew E. Welsh were seated.

Becker says he showed them the letter from Ford and the group seemed cooperative.

But when he began asking questions about the Aladdin, he says, "the total atmosphere changed."

He said he was told that neither Tillett nor anyone else at the bank would answer any questions on the matter.

Becker says he left the bank and went to Steckler's chambers and explained what had happened.

He says Steckler seemed upset and phoned Tillett—in Becker's presence—and asked why he would not talk.

After a short conversation, Becker says, Steckler hung up and said the bank was standing firm in its refusal to talk.

Then, Becker claims, Steckler told him if he would draw up an order directing the bank officials to talk, he (Steckler) would sign it. Becker said he declined. He noted he was not a litigant in the Aladdin case.

Steckler refused to be interviewed by The Journal Herald and a similar position has been taken by the bank.

Early this year Tillett, who identified himself as the administrative officer chiefly assigned to the Aladdin sale, told The Journal Herald by phone he was eager to talk about the transaction.

"I'd be happy to talk to you about it," he said. "We think we did a very good job in this reorganization and I think I can convince you, if you come over, that this was a very good sale."

Tillett said, however, the interview would have to be cleared by James D. Keckley, head of the trust department.

Keckley said he would have to discuss the matter with other bank officials.

In an apparent contradiction of Tillett's evaluation of the deal as a success, Keckley said:

"It is a problem, there's no question. The people who did participate in this thing—and I'm not the one to say that they should or should not have—but anyway . . . it, it, it failed. And I suppose someone is always looking for an answer or someone to blame. . ."

The following day Keckley told The Journal Herald the interview would not be permitted.

He said he had talked to Welsh—the bank's counsel in the matter who had been interviewed on the subject by The Journal Herald a week earlier—and Welsh advised against the interview of Tillett or anyone at the bank.

"To discuss a trust account would just not be within the professional ethics of a professional trustee," Keckley said.

"For us to participate in it (the interview) would not be of interest to the certificate holders unless there is something that they are going to recover as a result of this.

I talked to Matt Welsh about this and he didn't see how this could serve that purpose," Keckley said.

[From the Dayton (Ohio) Journal Herald, Apr. 21, 1972]

FIRM WITH CRIME TIES LINKED TO CASINO DEAL

(By Keith McKnight and Andrew Alexander)

The Parvin-Dohrmann Company, notorious for its underworld ties, pulled the strings of what many Las Vegas "insiders" believe was a carefully planned conspiracy to take control of the Aladdin Hotel and Casino in 1968.

Milton Prell—a well known casino operator who came out of retirement to buy the Aladdin in 1965—did a booming business in his first year, but surprisingly reported an operating loss.

Within three years Parvin-Dohrmann took control of the Aladdin, and Prell, who in 1967 suffered a debilitating stroke, was told he had two weeks to get out of the hotel.

Some of the insiders suggest that Prell was used as a pawn by Parvin-Dohrmann, whose two top executives were also stockholders in Prell's privately controlled corporation.

And Harvey L. Silbert, a Beverly Hills attorney who was counsel and business adviser for the Aladdin, simultaneously was serving as counsel for Parvin-Dohrmann, of which he was also a vice president, director, and stockholder.

Silbert was a prime mover in negotiating a $5-million reduction in the price Prell owed for the 1965 purchase of the Aladdin.

The Indiana real estate investment trusts from which Prell bought the hotel, since had gone into bankruptcy proceedings in an Indianapolis federal court.

A Justice Dept. strike force looking into the matter failed to follow through on plans to call a federal grand jury in Indianapolis last August.

Since then, the same strike force has moved to Las Vegas and began a grand jury probe of "skimming" operations in other casino in that city.

Regardless of whether the Justice Dept. intends to continue its probe of the Aladdin deal, a 16-month investigation by The Journal Herald shows that an Indiana federal judge, the state's largest bank, a prominent Indianapolis attorney, and a former Hoosier governor—wittingly or not—provided the vehicle for the Aladdin takeover

The facts are:

(1) Prell bought the hotel and casino in 1965 from Indiana's largest real estate investment conglomerate (The Cook Brothers' Trusts) for $10.25 million.

(2) Less than a year later former Indiana governor Matthew E. Welsh and bankruptcy attorney Sigmund J. Beck gained control of the financially troubled trusts and put them in bankruptcy reorganization proceedings under the control of Chief Judge William E. Steckler.

(3) Then Prell—despite a booming business—halted payments on the Aladdin, saying he was losing money and that he had paid twice what the hotel was worth because of the unusually good purchase terms.

(4) Then Judge Steckler—apparently taking at face value the word of Prell and his associates—allowed the 1965 Aladdin sale price to be cut nearly in half, from $10.25 million to $5.45 million, without insisting on an appraisal, an audit of Prell's books, or a public effort to get competitive bids.

(5) A year later, when the deal fell through, Judge Steckler again—despite at least one other offer—allowed the Prell group a second chance to buy the Aladdin under another contract at the reduced price.

(6) Ten days after Steckler approved the third agreement with the Prell group, that private corporation met and voted to merge with the Parvin-Dohrmann company in a highly profitable stock swap.

Those who profited were not the 12,000 shareholders who had invested in the Cook Brothers' Trusts.

Instead, the profit-makers were:

(1) Friends and relatives of Indiana real estate man Leo A. Lippman—the "finder" who set up the sale of the hotel and casino in 1965.

(2) Prell's attorney, Harvey L. Silbert, who at the same time was vice president, a director and stockholder of the Parvin-Dohrmann Company.

(3) E. Parry Thomas, a Las Vegas bank owner and treasurer-director of Parvin-Dohrmann who apparently helped squeeze the Prell group by refusing loans which helped pave way for the merger.

(4) Albert B. Parvin, president of the Parvin-Dohrmann Company, and Harry A. Goldman, chairman of the board of Parvin Dohrmann Company—both of whom were among the small number of stockholders in the Prell Hotel Corporation.

Construction of the King's Crown Tally-Ho (later renamed the Aladdin) was completed in 1963 but it was not a success, primarily because it lacked a casino.

Later that year, the Cook Trusts purchased the hotel for $3.75 million and assumed nearly $1 million in payments for the land and furnishings. They constructed a $2 million casino.

According to the Cook trustees—Kokomo, Ind. attorneys Floyd F. Cook, Beryl E. Cook, and Donald J. Bolinger—they wanted to act only as landlords of the property while somebody else managed the business.

They leased the hotel to a management group which included actress Shirley MacLaine.

But the group failed to pay any rent to the trusts and operated at a loss, according to the Securities and Exchange Commission.

So, in 1965, feeling they were not a part of what they called the "in group" in that city and feeling they were being shut out by those who controlled the finances, the Cook trustees were anxious to get their money out of town.

Floyd Cook later recalled the demise of what used to be dubbed "the Cook Empire" and blamed it on the hotel and casino.

"What got us into trouble," he said, "was that we built that casino out in Las Vegas and we couldn't borrow money from any legitimate sources."

Then came Leo A. Lippman, the Indianapolis real estate man.

Lippman says the Cook trustees tried to sell the property to him, he didn't want it, but agreed to try to find someone who did.

In Las Vegas, he says, he found Prell, a retired casino operator who was tired of retirement and willing to go back into the business—on his own terms.

The deal went this way:

Prell would take the Cook Trusts' $7-million investment for $10 million on a $75,000-a-month payment plan with no money down.

For this, Lippman was to be paid an unusually large $1.1 million "finder's fee."

That was the deal Lippman made with the Cooks.

At the same time, Lippman also made a deal with the newly formed Prell Corporation whereby he would advance $250,000 through the Cook Trusts for working capital to get the hotel and casino operation on its feet.

In return, Lippman was granted the right to designate any five persons he chose to buy a total of 20 percent of the privately held Prell Hotel Corporation stock.

He designated his sister (Harriet Z. Hilton), his daughter, (Joyce Zickler), his personal attorney and close friend (Granvil I. Specks), a business associate (Stuart I. Stern), and the man he says brought the Cooks to him (Bernard A. Major).

At the time, December, 1965, the Cook trustees were already in hot financial water, but by the middle of 1966 the water was boiling as Democratic Indiana Secretary of State John D. Bottorff began pressing for their resignations.

According to Floyd Cook, amid the continuing turmoil he received a call from "a friend"—Bernard A. Major—who suggested he call a number in Indianapolis for an important message about the trusts.

As reported Wednesday by The Journal Herald, Cook claimed in subsequent lawsuits that he called that number and talked to former Gov. Welsh who arranged a meeting on Aug. 1, 1966.

Cook says the Welsh group attempted at that meeting to extort $100,000 from the trustees to relieve the pressure from the Secretary of State.

Lie detector tests arranged by The Journal Herald were successfully passed by Cook and Bolinger. Separate polygraph examiners concluded the men were being truthful about the alleged extortion bid.

Welsh told The Journal Herald he was unwilling to take a similar test. He is widely considered to be the leading contender in the race to be Indiana's next governor.

Welsh is not willing to take a similar test.

Following their meeting with Welsh, the Cook trustees made several abortive efforts to keep control of the trusts by getting a loan for refinancing.

At meetings in the Secretary of State's office where the attempts for refinancing were aired, those in attendance included Bernard A. Major and William F. Hendren—soon to become associates in another of Lippman's business interests.

But despite their attempts to hold on, the secretary of state forced Cook, Cook, and Bolinger out of office on Aug. 17, 1966, in what the Indianapolis Star at that time termed "an unprecedented move."

They were replaced by trustees including the Democratic former governor, Welsh, and the Indianapolis bankruptcy lawyer, Beck.

Then, Welsh and Beck hired a newly formed Lippman group—which included Stern, Major, and Lippman's son-in-law Leo Zickler—to manage the Cook Trust properties.

Then—according to testimony by Beck—he and Welsh, the new Cook trustees, asked Stern and Lippman to go to Las Vegas and "negotiate" with Prell for a "possible" reduction on the original $10.25-million sale price of a hotel and casino Prell since had renamed "the Aladdin."

In other words, Stern was sent to Las Vegas to see if a company in which he owned stock, the Prell Hotel Corporation, would like to pay less for its only asset.

And Lippman, who had chosen Stern and other friends and relatives to be Prell stockholders—went along to help.

Lippman, who told The Journal Herald he wasn't sent to Las Vegas until the matter was in bankruptcy court, claimed he could see no conflict of interest in his dealings.

Welsh and Beck were officials of the trust for 52 days before they put the trusts in bankruptcy reorganization proceedings in Steckler's court.

All in one busy Saturday, the bankruptcy petitions were filed, a five-hour hearing was held, the petitions were approved, and Judge Steckler appointed American Fletcher National Bank—the largest of Indiana's banks—to be the trustee in reorganization.

Subsequently, Steckler allowed Welsh and Beck to become attorneys for the bank (as trustee) apparently seeing no violation of bankruptcy law which specifically requires such officers to be "disinterested."

But despite a motion for the removal of Welsh and Beck filed by the Securities and Exchange Commission—which has no power to appeal—Steckler persisted in allowing Welsh and Beck to continue their involvement in the matter.

Meanwhile, back at the casino, Milton Prell's business was booming, but in a surprising announcement that coincided with the bankruptcy, Prell said he could no longer make payments to the trusts because he was losing money.

Then Welsh, Beck, and two officials of the bank—Albert A. Savill, senior vice president in charge of the mortgage department, and Meredith Nicholson, senior vice president in charge of the trust department—flew to Las Vegas to size up the situation.

According to alter testimony in Steckler's court, Savill said two of the few persons they met with in their brief trip were Harvey L. Silbert and E. Parry Thomas.

Welsh, Beck and Savill say they didn't know it, but Silbert, in addition to being Prell's attorney, was also vice president and a director of the Parvin-Dohrmann Company.

Welsh, Back and Savill also say they didn't know that Thomas, aside from being chairman of the board of one of the largest Las Vegas banks, was the treasurer-director of Parvin-Dohrmann.

Others they consulted, but also claimed to know little about, included:

—Jerome "Jerry" Zarowitz—a long-time Las Vegas gambling figure who in the late 1940s served 20 months in prison for conspiring to fix professional football games for gambling purposes. He is presently under federal indictment, charged with violating interstate betting laws.

—Kirk Kerkorian—a nine-figure millionaire, now the controlling stockholder in Metro-Goldwyn-Mayer Studios, and connected in business deals with numerous organized crime figures.

Clifford A. "Big Juice" Jones—a former Nevada lieutenant governor reputed to be an associate of mobster Meyer Lansky, and a co-defendant with U.S. Senate majority secretary Robert G. "Bobby" Baker.

Apparently based upon information from that trip, and subsequent conversations with Prell, the trustee of Cook Trusts (the bank) entered into an agreement with Prell to cut the sale price of the Aladdin nearly in half, to $5.45 million.

Then, following two hearings by the bankruptcy court in January, 1967, Judge Steckler approved a one-year option for Prell to buy the Aladdin at the reduced price.

This was done without:

(1) an appraisal of the Aladdin property;

(2) an audit of the Prell Corporation's books;

(3) any considerable public search for other bidders.

The position of the court-appointed trustee for the Cook Trusts (the bank), as presented in the hearings, was that Prell had a good reputation as a casino operator, but had agreed to pay too much in the original purchase agreement, he was losing money, and the operation would collapse if he did not get some financial backing.

And, according to the position of the trustee, if the sale price was cut, Prell stood a good chance of getting loans to make needed improvements in the Aladdin, and, therefore, the Cook Trusts would get something, rather than nothing, for their investment.

Savill, the vice president of American Fletcher National Bank, told the court he had talked to E. Parry Thomas, the Parvin-Dohrmann treasurer-director shortly before the hearing and "he (Thomas) thought if the court approved this modification agreement (the $5-million reduction), that Mr. Prell would attain his refinancing and would be able to exercise the option . . ."

Silbert—Prell's attorney and a Parvin-Dohrmann vice president and director—testified that at that time Prell was negotiating refinancing with Thomas' bank and he (Silbert) saw an "excellent chance" to get a loan from the Teamsters Union pension fund.

And if that didn't work, Silbert theorized that there were other alternatives for getting more money.

Welsh and Beck appeared to rely heavily on the expertise of Savill, who presented the major portion of the trustee's position in the matter.

But Savill relied heavily upon the expertise of the Parvin-Dohrmann officials—namely Silbert and Thomas.

In fact, he told the court at one point: "I am not—let's face it, I'm not an expert on Las Vegas hotels."

Nevertheless, at another point in the hearing, Savill contrasted the Aladdin with another hotel and casino, the Thunderbird.

Later, when asked by an SEC attorney where he had acquired his knowledge, Savill answered:

"Well I've got to be honest. My source is Mr. Harvey Silbert, the owner of the Riviera, right across the street from the Thunderbird.

"But I'm sure he wouldn't give me information that wasn't so," he said.

However, despite any assurances or high hopes, Prell never got a loan from E. Parry Thomas or the Teamsters or anybody else.

And in September, 1967, a few months before the option was to expire, Prell suffered a stroke that left him paralyzed and unable to communicate.

Prell was then effectively out of the picture.

And the one-year option ran out.

But despite the fact the Prell group had failed in two previous attempts to buy the hotel, Silbert returned to the court and asked for and obtained another agreement.

But before that agreement was finalized, Beck, the bankruptcy specialist, resigned from the case.

"I blew my stack," he recalled. "Somewhere during the period of time I had gotten into a cross-fire with the judge and with the trustee . . . I was asked not to interfere in the negotiations with the hotel . . . I resigned just about that time and had nothing further to do with it."

The dispute erupted, Beck said, because he insisted the trustee leave a clause in the contract which would have required the Prell group to inform the trustee if they were going to sell the Aladdin to another buyer.

Beck characterized the clause as a safeguard, saying that if such a sale were imminent, the trustee would have had the option to purchase 25 percent of the operation.

But he said Judge Steckler, Savill, and Nicholson insisted upon eliminating that option.

"I can't answer what the reasons were," Beck said, "But . . . it's a damn shame, because, as I recall, they lost about a million bucks on that deal."

Neither Welsh nor Savill recalled any such flareup or loss.

This time (1968), unlike the last time (1967), there was at least another bidder who claims to have matched the offer of the Prell group and was willing to haggle over the price.

But there was no haggling, for the offer made by the Prell group was the offer accepted by the court, and the other would-be buyers—claiming not to know why—were turned away.

This time, unlike the last, there was an appraisal.

The appraisal complemented the court's decision and the Aladdin was sold again for $5.45 million.

That order was signed by Judge Steckler on April 18, 1968.

On April 22, 1968, a meeting of the Prell Hotel Corporation was called, and those attending voted to merge with the Parvin-Dohrmann Company in a stock-swapping arrangement.

Albert B. Parvin, president of the Parvin-Dohrmann Company, got 1,496 more shares in his company for the eight shares he held in Prell's company.

Harry A. Goldman, chairman of the board of Parvin-Dohrmann Company, got 3,740 more shares in his company for the 20 shares he held in Prell's company.

Harriet Z. Hilton, Lippman's sister, got 2,431 Parvin-Dohrmann shares for the 13 shares she held in Prell's company.

Granvil I. Specks, Lippman's attorney and friend got 1,870 Parvin-Dohrmann shares for the 10 shares he held in Prell's company.

And Grant I. Stern, whom Lippman had referred to as his "Man Friday," got 2,805 Parvin-Dohrmann shares for the 15 shares he held in Prell's company.

And Milton Prell was paid 14,960 shares of Parvin-Dohrmann stock and told to get out of the hotel within two weeks.

At the time the stock trade was finalized, Parvin-Dohrmann shares were valued at $23 on the American Stock Exchange.

A few months later—in keeping with the curious roller-coaster history of that company—the stock more than quadrupled in value.

Albert Parvin and Harry Goldman, the president and chairman of the board, sold their controlling interest in the company in January, 1969, and Parvin-Dohrmann since has been renamed "Recrion Corporation."

The new president of Recrion was Norris Goldman—son of Harry Goldman and son-in-law of Harvey Silbert. Norris Goldman headed the company for only a short while.

He was found dead in the bedroom of his Beverly Hills home last Aug. 23. The Los Angeles County coroner said the cause of death was a gunshot wound to the head, and ruled it a suicide.

As for the Aladdin, it too since has added to its bizarre history.

Last February, Recrion announced that the Aladdin had been sold for $16.5 million—more than three times the amount it sold for in Judge Steckler's bankruptcy court three years earlier.

The buyer defaulted, however, and in October, the same hotel-casino, which first was sold for $10.25 million, once again was sold at its old $5-million price.

As for Leo Lippman himself, the picture isn't very clear.

Back in 1966, court records show that Lippman agreed to reduce his $1.1-million "finder's fee" claim to $75,000 if the court would knock $5 million off the sale price of the Aladdin—a sale he was instrumental in setting up.

But Lippman says the American Fletcher National Bank—where he is a big depositer—asked him to reduce his finder's fee and he did.

"They (the bank) wanted to do the best job they could," Lippman recalled, "because the position was put to me that there were some 20-odd thousand shareholders, or something like that. And it would be a bad thing for me to collect a fee on the basis of their losing money."

And he didn't care that his $1.1 million fee was whittled down to $75,000?

"Well, so what?" he said. "What the hell would I do with the money? I'd have to pay tax on it in the 90-percent bracket. So what was I giving up?"

SERIES TRIPS FRAUD CHARGE BY CRUSADER

INDIANAPOLIS.—Alleging fraud, perjury and obstruction of justice, Chicago court crusader Sherman H. Skolnick yesterday requested "friend of the court" status in the controversial American National and Republic National trust bankruptcy case.

The action included some of the affidavits and other documents revealed in the current series of Journal Herald articles which resulted from a 16-month investigation.

In his motion, Skolnick said the bankruptcy reorganization case was "a fraud upon this court from its inception" which was "unlawfully solicited and instigated."

Skolnick further urged the court to recommend the indictment of Arthur J. Beck, U.S. Clerk of Courts, "for perjury and obstruction of justice."

Beck, then the deputy clerk, swore falsely in an affidavit dated March 7, 1969, that Dayton attorney Emanuel Nadlin had first conferred with him only three days before that date regarding an appeal Nadlin was making in the bankruptcy case.

The affidavit was used in support of a move to deny an extension of time on the appeal deadline—an extension Nadlin claimed Beck requested him to make.

James E. Noland, the judge in the matter, not only denied the extension of the deadline as requested, but stepped beyond the bounds of his authority and dismissed the appeal—an appeal of his own decision.

The episode was detailed in Monday's Journal Herald along with reproductions of Beck's affidavit and a letter from Nadlin to Beck which was stamped as received by the clerk's office nearly two months before the time Beck swore he first conferred with Nadlin.

Nadlin, who died last year, appealed the bankruptcy case because the trusts were forced into the court in the name of six shareholders whose attorneys claimed they were creditors of the trusts.

Since bankruptcy law does not allow stock or shares in a company as a debt against it, Nadlin claimed the bankruptcy action should not have been permitted by the judge.

The Journal Herald investigation later revealed that four of the shareholders who could be located did not knowingly authorize a bankruptcy action and some claimed they didn't even know the attorneys who claimed to be representing them.

Sholnick—a polio victim who battles courtroom corruption from his wheelchair—filed the action, called a press conference, and with three newsmen in tow, pressed Judge Noland, for a promise that he would allow another judge to rule on the motion.

In December, 1970, Skolnick requested "friend of the court" status, attacking Noland's handling of the case and Noland dismissed the motion saying Skolnick had not followed proper procedures.

Yesterday, when Skolnick met with Noland, he reiterated a request in his motion that three judges in Indianapolis exclude themselves from ruling on the motion.

The judges are Noland, S. Hugh Dillin, and Chief Judge William E. Steckler, all Democrats and all mentioned in The Journal Herald's series.

The fourth judge, Cale J. Holder, is a Republican.

"Do I have your assurance you will not enter upon the premises?" Skolnick asked the judge.

"Your pleading," the judge answered, "will be duly considered by the court."

Skolnick said: "The last time I asked you to disqualify yourself, you didn't."

Judge Noland replied: "Your pleading will be duly considered by this court. I have no further argument to make with you Mr. Skolnick. This conversation is at an end."

Skolnick later visited the U.S. Attorney's office and pressed for the indictment of Beck.

John E. Hirschman, an assistant attorney, assured Skolnick that the government would "call them exactly the way they are—with no strings."

Skolnick then confronted Beck, criticizing his office for having records which were a shambles.

Beck said the records had been put in order.

Skolnick then turned to the false affidavit and the letter from Nadlin, both of which were in the appeal record which finally made its way to the appellate court, where Noland's previous order was upheld.

Beck would not directly answer Skolnick's questioning as to whether he considered the affidavit perjured.

Beck told Skolnick, as he had earlier told The Journal Herald, that he saw "no conflict."

Arthur F. Beck, a Columbus, Ind., attorney amid the confrontation and repeatedly advised his father to answer no further questions while reporters were present.

PROGRESS REPORTED ON FATAL CALF DISEASE IN BITTERROOT

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. SHOUP. Mr. Speaker, during this time of concern over beef prices I think it timely to point out to my urban colleagues that beef steaks are not created in the supermarket, but are the result of breeding, calving, and rearing of mature animals.

Without the dedicated work of veterinary medicine both quality and quantity of beef would be questionable. I am most proud of the pioneer work being done in this field by Dr. Jack Ward of Hamilton, Mont.

I insert the following newsstory of his work in the RECORD:

PROGRESS REPORTED ON FATAL CALF DISEASE IN BITTERROOT

(By Jim Crane)

Calf losses on some ranches in the Bitterroot and Flathead valleys are running very high this spring. Reports of similar problems are coming in from such widespread areas as Chouteau County and the Twin Bridges area.

Post-mortem examinations of animals from western Montana indicate that many of the calves are dying of a malady known as "weak-calf syndrome" or "Ward's disease." Hamilton veterinarian Jack Ward has been concerned with the mysterious calf killer since 1963.

The 1969 calving season was particularly marred by aborted and weak calves. For many ranchers, 1972 is a repeat performance.

But 1972 may be the turning point for ranchers in whose herds the disease is endemic.

Recently Dr. Richard Ushijima, a virologist and assistant professor of microbiology at the University of Montana, succeeded in isolating a virus from tissues of diseased animals. Cyril Jannke, a graduate assistant of Dr. Ushijima, has been able to show the presence of a similar virus in tissues of all diseased animals tested, including a 10-hour-old calf and some aborted fetuses.

A trial vaccine has been prepared by Dr. Ward, but its effectiveness won't be known for several weeks. It has been found that transfusing a pint of blood from an animal that has recovered from the disease is effective in saving about 70 per cent of the weakened calves.

Blood from animals with no previous contact with the disease does not protect the calves, Dr. Ward has found. Dr. Earl Pruyn, a Missoula veteranian, has reported success with whole blood taken from an "old milk cow."

A serum made from blood of recovered animals has been found to be effective on newborn calves when administered in doses of 35 milliters (CC's) subcutaneously and 35 milliliters intraperitoneally.

In older animals, about 100 milliliters of serum is more desirable. These animals are out in the fields and may be excessively dehydrated with good evidence of secondary infections.

Good success has been obtained from the serum therapy accompanied with administration of electrolyte solution and antibiotics. Cortisone and epinephrine also were effective when combined with the serum treatment.

The diseased animals can be recognized by listlessness and loss of desire to nurse, inability to stand, tenderness and swelling of the hocks, "bristly" hair, reddening of the nose and occasional peeling skin on the nose, droopy ears, scouring and, often, a decrease in the number of white blood cells.

A few of the characteristics may be seen in fetuses, aborted within a month of term.

When the mother cow is ill, she often loses interest in her calf. The disease can afflict cows, resulting in aborted calves or infected newborn calves. In addition, calves from two weeks to two months old have been found to develop the disease.

If left untreated, most of the diseased animals die within 12 hours. Secondary infections often are the cause of death, Severe dehydration occurs.

It was a year ago when Dr. Ward interested Dr. Ushijima in the disease. After reviewing records, talking with ranchers and observing several autopsies, Ushijima concluded that a virus was the likely cause.

Studies still are being made to assure that the recently isolated virus actually is the causative agent.

Dr. S. E. "Gene" Taylor, a Stevensville veterinarian who has been involved in studying the disease since 1969, has found similar disease patterns in sheep. Tom Januszewski, a graduate assistant in microbiology, has isolated a virus from sheep which resembles the cattle virus. The relationship between the two is being studied further.

The incubation period of the disease is two to three weeks. Animals may harbor and shed the disease organism for many months. Apparently the agent is contracted orally and is shed in the urine and possibly in the feces and saliva.

Recovery by adult animals results in solid immunity. If the cow is infected during pregnancy, all future calves from the cow will be born free of the disease. Although the calves may contract the disease after birth, most are protected by antibodies in the cow's colostrum.

Drs. Ward and Ushijima are deeply concerned that further studies of the disease may be hindered by lack of research funds. The early studies were made possible by money from the Ravalli County Research Fund.

A SUPPLEMENTAL APPROPRIATION FOR THE DEVELOPMENTALLY DISABLED

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. BINGHAM. Mr. Speaker, when the House considers the second supplemental appropriations bill, H.R. 14582, I shall offer an amendment which would increase by $8.3 million the fiscal year 1972 appropriation under the Developmental Disabilities Services Act (DDSA), the major source of authorized but unappropriated Federal funds to aid the mentally retarded.

Under DDSA, States receive funds to provide vital daily services for the developmentally disabled—including victims of cerebral palsy and epilepsy, as well as the retarded—to train some State school patients to live reasonably normal lives outside institutions, and to construct new facilities. DDSA has been touted by the Congress and the Executive as a crash program to ease what President Nixon called "the cruel bane of retardation." It received an authorized funding level of $105 million for fiscal year 1972. Last July, during floor debate on the appropriations bill, the House voted to increase the Appropriation Committee's recommended level of $16.2 million to $30 million. Unfortunately, in conference that figure was reduced to $21.7 million.

The amount I am proposing be added in the supplemental appropriation, $8.3 million, represents the difference between what the House appropriated for the program and what was actually appropriated after the conferees cut back the House figure. Thus, by adopting my amendment, the House would be reasserting its unswerving commitment to aiding the developmentally disabled, but would be appropriating no more than it originally approved last summer. While the proposed increase is modest, it represents urgently needed money for many States. Although some might argue that we should wait until the fiscal year 1973 appropriation to restore funds for the program, we may well not reach a final decision on that funding for many months. In the meantime, this additional $8.3 million would provide critical assistance to several States with "ready-to-go" projects to improve intolerably brutal institutional conditions.

Mr. Speaker, we are in the midst of a crisis in care for the developmentally disabled. Vivid news reports of desperate living conditions at Willowbrook State School for the Retarded in New York, and "Willowbrooks" through the Nation, have focused the attention of many Americans on the problem of how to provide good care at these institutions. Increasing the appropriation for the Developmental Disabilities Services Act would help some institutions follow through on positive programs they are prepared to implement.

Further, the need for supplemental aid is discussed in a series of letters I have received from directors of State mental health agencies from various States, including: Illinois, Kansas, Louisiana, New Jersey, New York, and Oregon. I am enclosing below the text of those letters for the Members' information. In addition, last March 6, I placed in the RECORD more detailed information on the serious funding problems in this area. See pages 6990–6993.

I hope that the Members will join in the debate and support my amendment.

The letters follow:

GOVERNOR'S OFFICE OF
HUMAN RESOURCES,
Chicago, Ill., April 13, 1972.

Re: Developmental Disabilities Services and Facilities Construction Program

Hon. JONATHAN B. BINGHAM,
U.S. Congressman,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: Thank you very much for your recent letter regarding your intended support for increased reimbursement under the Developmental Disabilities Act. We in Illinois are certainly encouraged by your action.

While a detailed analysis of state needs is underway, a preliminary analysis of grant requests under the program indicates that we have received grant applications totaling $1,996,163 for FY '71 funds that overall totaled $477,111. While this is not a definitive answer to your question, it does indicate the overall level of need for increased funding under the Developmental Disabilities program.

More specific and detailed information will be forthcoming, but I thought the above would be of interest to you at this point in time.

Yours very truly,

ARLEN S. GOULD,
Executive Secretary, Developmental Disabilities Advisory Council.

STATE DEPARTMENT OF
SOCIAL WELFARE,
Topeka, Kans., April 4, 1972.

Hon. JONATHAN BINGHAM,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. BINGHAM: Thank you for your letter of March 27 describing your intent to increase the Developmental Disabilities funds to the level authorized by Congress.

In your letter you asked for information that would describe the crisis nature of care for the mentally retarded as well as programs that would be able to be funded if there were available monies. As I have earlier reported to Mr. Bob Gettings, Executive Director of the National Association of Coordinators of State Programs for the Mentally Retarded, I would estimate that the state of Kansas could very conservatively expend two to three million dollars on grants for service expansion and service improvement for the developmentally disabled. (We are currently receiving $205,408.) The state could very adequately expend this money within our current status of planning. We have severely curtailed applications for developmental disabilities funds as well as the amounts to be made available to these grantees because of the limit on federal monies being made available. Anything that you can do or any efforts that you can initiate to have appropriations meet the congressional intent would be appreciated.

Thank you for your interest in this very major problem facing the states.

Sincerely,

DENNIS E. POPP,
Coordinator, Developmental Disabilities Services.

STATE DEPARTMENT OF HOSPITALS,
DIVISION OF MENTAL RETARDATION,
Baton Rouge, La., April 10, 1972.

Hon. JONATHAN B. BINGHAM,
23d District, New York,
Bronx, New York

DEAR CONGRESSMAN BINGHAM: Your interest in the Developmental Disabilities Bill I appreciate very much. I hope the following information will be helpful in your struggle to increase the appropriation.

In Louisiana we have a well developed baseline of services for the mentally retarded. Crisis circumstances develop because of our inability to expand the existing services to meet the total needs of our citizens.

We have eight residential facilities providing care for approximately 3900 individuals. Our studies indicate that we need at least 1500 more residential beds to take care of the needs of the individuals who cannot be adequately cared for in any other fashion except in a residential facility. Our master plan calls for the development of our existing schools to meet this expanding need at approximately $10,000 a bed construction cost. Our projected capital outlay cost to meet this need would be approximately $15,000,000.

In day care community centered services, we currently are serving approximately 1400 people. Our projection estimates that we should increase this number by at least 10,000. At present construction costs, we spend approximately $2,224 per person in day care center construction. Consequently, to fully serve the projected 10,000 new trainees, our construction cost would be approximately $22,000,000.

Operational cost in residential care in Louisiana averages $4,900 per individual. An additional 1500 residents would increase our present operational budget of approximately $20,000,000 by $7,350,000.

The cost of day care in Louisiana amounts to approximately $2,000 per student per year. An increase of 10,000 participants in this program would elevate our operational cost by $20,000,000.

We could not, of course, handle such a massive expansion in any one year. However, graduated over a five year period, we could successfully absorb such growth if the funds were available.

High on our priority is the need for a comprehensive multidisciplinary diagnostic, evaluation, and training center. Our HEW region is the only region in the United States that does not operate a university affiliated facility designed to achieve the diagnostic, evaluation, and training services mentioned above. At this time, however, LSU Medical School is ready to launch such a program.

Authorization for the development of such a service has been approved by the LSU Board of Trustees; consultant planning services have been retained; an architect has been employed; the building site is already available. Consequently, if federal funds were available at this time, the construction of this facility could begin immediately. Planning estimates are that the construction cost would amount to $5,278,000. It is also estimated that the annual operational cost of the facility would be $1,445,000.

The above mentioned circumstances and

program needs constitute my idea of our crisis needs in Louisiana. Additional services, such as communiity centered group homes, sheltered workshops, parent counseling and training programs, home health aides, special recreation programs, half-way homes, follow-up and follow-along services, will provide needed support programs to round out our comprehensive service.

It is difficult to place an accurate cost figure on the total package. However, we do have, besides the diagnostic and evaluation center at LSU Medical School, at least another million dollars worth of construction and program activity which could be activated immediately if funds were available.

It is my opinion that besides the residential and day care service needs described above, we can meaningfully utilize a minimum of one half million dollars per year of federal funds in developing and improving the supportive services that were also alluded to in the preceding paragraphs.

I hope this information will be helpful. If you think I can provide other assistance, please do not hesitate to request it.

Sincerely yours,

OTTO P. ESTES,
Commissioner, Division of Mental Retardation.

STATE OF NEW JERSEY,
DEVELOPMENTAL DISABILITIES COUNCIL,
Trenton, N.J., April 3, 1972.

Hon. JONATHAN B. BINGHAM,
Congressman, 23d District, New York, Bronx, New York

DEAR REPRESENTATIVE BINGHAM: Thank you for your letter of March 27, 1972. I am delighted to learn of your intent to offer an amendment increasing monies available to the states under P.L. 91-517. As you indicate, present appropriations for fiscal year 1972 equal only about one-fifth of the amount authorized by the Congress. Obviously, to have the Act fully funded would provide immeasurable benefit to all of the states, including New Jersey, and to the many mentally retarded, cerebral palsied and epileptic citizens and their families. Even without full funding, any supplemental increase in appropriations over and above the present level would provide proportionate assistance in meeting dire needs. Therefore, may I take this opportunity to congratulate you on your efforts in this regard. I will, of course, be happy to be of any assistance I can to you.

New Jersey is only now in the process of receiving applications for fiscal year 1972 Developmental Disabilities funds and, consequently, I cannot give you a concise indication as to the exact funding level of projects "ready to go" at the present time. However, for fiscal 1971, applications for D.D.S.A. monies within New Jersey totaled nearly $2 million, just about evenly divided between service and construction programs. When one considers the facts that potential applicants were very much aware of the very limited nature of available 1971 funds (just slightly over $300,000) and that the Act itself was new at the time applications were solicited (meaning that many projects were almost but not quite ready to go and, thus, did not apply), one can assume that the level of funds that could be used if available for fiscal year 1972 should be somewhere in the neighborhood of $3 million, for New Jersey alone. Further, these figures reflect only the need of the private sector and local government within the State.

Latest available estimates from State agencies regarding construction of facilities fundable under D.D.S.A. guidelines are well in excess of $100 million. Thus, it is obvious that even New Jersey's share of a fully funded D.D.S.A. program would be significantly insufficient to meet the total need. It is even more obvious how far short of meeting that need is the current level of funding.

I hope that this information will be useful to you and that you will not hesitate to let me know if there is anything else I can provide for you. I look forward to hearing of the results of your efforts.

Best wishes.

Sincerely yours,

CATHERINE ROWAN,
Executive Director.

STATE OF NEW YORK, DEPARTMENT OF MENTAL HYGIENE, DIVISION OF MENTAL RETARDATION AND CHILDREN'S SERVICES,
Albany, N.Y., April 3, 1972.

Hon. JONATHAN B. BINGHAM,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BINGHAM: Thank you for the opportunity to assist you in support of additional funding for the Developmental Disabilities Services and Facilities Construction Program.

I have attached a copy of the document which the Department of Mental Hygiene issued on February 8 on the current status of our mental retardation programs. This presents a fairly up-to-date picture of the crisis situation for the mentally retarded in New York State and this, together, with the media coverage of both Willowbrook and Letchworth should give you a complete summary of the problem.

As you probably know, New York State has a Developmental Disabilities Act allotment of $1.4 million for 1972. We received 105 applications requesting an estimated $10.4 Million. These applications are now before the New York State Advisory Council for consideration.

The Council will be able to approve only about twenty-five of the 105 applications, leaving 80 disapproved totalling about $9 million. Of course, some of the 80 applications would not be approved by the Council because of low priority target groups or for technical and quality reasons. However, assuming an outright disapproval rate of 25 percent, we would still have 60 applications which could be seriously considered for funding for an additional $6.75 Million.

We estimate that the total number of developmentally disabled in New York State is about 750,000. Our current 1972 allocation of $1.4 Million doesn't even give us an average of $2 to spend on each developmentally disabled citizen.

All of us here in the Department of Mental Hygiene appreciate your efforts in the House to provide much-needed assistance to the developmentally disabled in New York State and throughout the country. We feel that the intent of the Developmental Disabilities Act to provide a coordinated system of services to the developmentally disabled is extremely vital and hope that the level of funding can be increased to reflect the importance of the Act.

Please contact me if I can give you further information or assistance.

Very truly yours,

DONALD L. HANSON,
Director, Bureau of Developmental Disabilities Services.

MENTAL HEALTH DIVISION,
DEPARTMENT OF HUMAN RESOURCES,
Salem, Oreg., March 30, 1972.

Hon. JONATHAN B. BINGHAM,
Representative, 23d District, New York, 133 Cannon House Office Building, Washington, D.C.

DEAR REPRESENTATIVE BINGHAM: It is with a great deal of enthusiasm that we respond to your March 27 letter requesting information about Developmental Disabilities (Public Law 91-517) Programs in Oregon.

The enclosed information should give you sufficient indication as to the need for additional funds for programs and services. Here in Oregon during 1971-72, we have been able to provide programs for over 1,600 developmentally disabled individuals through fourteen (14) service projects. But as indicated below, we have not even "touched the surface" in adequately providing the kinds of services needed for each disabled individual.

In 1971, forty-nine (49) applications were received, totaling approximately $1,569,873. Of the 49, only 14 were able to receive funding because of the limited allocation in Oregon. Enclosed is a list of the 49 projects submitting "Letters of Intent", plus a list of the 14 projects actually funded. I am also enclosing a total budgetary report of expenditures from Fiscal Year 1971-72, including the amount available to fund new projects during 1972-73.

It is hoped that the enclosed information can be of some benefit in your attempt to increase Developmental Disabilities Services funding through the Supplemental Appropriations Act for 1972.

If we can be of further assistance please feel free to contact us.

Cordially yours,

ROBERT SHOOK,
Coordinator, Community Mental Retardation Services.

SURVEYING THE YOUNG VOTER

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. SANDMAN. Mr. Speaker, a highly valuable peek into the thinking of young Americans today is provided in the results of my recent Young Voter Opinion Survey.

In mid-March, I posed 10 questions to nearly 2,500 young men and women in my congressional district between the ages of 18 and 20. They are the newly enfranchised citizens.

So far, though returns are still coming in daily, 667 questionnaires have been returned to me. I am told that this is one of the largest polls of this age group on national issues since the 25th amendment was ratified.

To me at least, the results are most reassuring. For example, the tabulations show that 88 percent oppose forced busing: 86 percent say 18- to 21-year-olds should be legally treated as adults; 76 percent favor voluntary prayer in public schools; 72 percent would be willing to pay more for products and utilities that are virtually pollution-free; 66 percent oppose Federal deficit spending; 61 percent think foreign aid should be drastically reduced; 60 percent feel the President's recent China trip was worthwhile; and 50 percent say the United Nations is not "an effective peacekeeping organization."

I thought it was interesting that the highest degree of uncertainty was on the issue of the President's trip to China: 22 percent said they are not certain the trip was worthwhile.

The complete tabulation of results follow:

1972 YOUNG VOTER OPINION SURVEY—TABULATION OF RESULTS

[Conducted by U.S. Representative Charles W. Sandman, Jr., 2d District: Atlantic, Cape May, Cumberland, and Salem Counties, N.J.]

[In percent]

	Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	6	88	6
2. Now that they have the right to vote should 18- to 20-year-olds be legally treated as adults for the purposes of contracts, law enforcement etc.?	86	5	9
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	76	17	7
4. Should the Federal Government be allowed to spend more than it takes from taxation?	17	66	17
5. Do you feel the United Nations is an effective peace-keeping organization?	30	50	20
6. Would you be willing to pay more for products and utilities if they were virtually pollution-free?	72	16	12
7. Do you feel President Nixon's recent China trip was worthwhile?	60	18	22
8. Do you think foreign aid should be drastically reduced?	61	23	16
9. To express your views, have you ever written to:			
(a) Your mayor or other local official?	12	88	----------
(b) Your county freeholders?	8	92	----------
(c) Your State senator or assemblyman?	20	80	----------
(d) Your Congressman or Senator?	24	76	----------

10. If you have formed an opinion already, how would you rate the performance of:	Great	Good	Poor	NA[1]
(a) President Nixon?	12	56	6	6
(b) Vice President Agnew?	8	32	47	13
(c) U.S. Senator Williams?	6	46	12	36
(d) U.S. Senator Case?	8	46	14	32
(e) Congressman Sandman?	17	53	11	19

[1] Na—No opinion given.

MYSTERIOUS MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. TEAGUE of Texas. Mr. Speaker, as Astronauts Young, Duke, and Mattingly have explored the moon during this past week, I believe all America and the world have shared their excitement and exalted in their achievements. As we near the end of the Apollo program with our astronauts safely on their way home, the words of the editorial of the New York Times of April 24 have a special significance. Many of the mysteries of the moon have been unlocked, yet to be replaced with other more significant questions. Certainly as this provocative editorial points out, we need to find the means to make not only near space, but also the moon more permanent use. The editorial follows:

MYSTERIOUS MOON

Even before astronauts Young and Duke blasted off the moon last night, scientific analysis of some results of their mission had already begun. It will take many months and even years before the full harvest of Apollo 16's scientific contribution is in. But even now there is much material for scientists to analyze. It is information made available by the superb television pictures received here on earth, by the verbal descriptions of the astronauts and by the data radioed back to this planet from the various automatic sensors placed on the lunar surface.

A preliminary conclusion must be that in some important ways the moon is now even more mysterious, even harder to understand, than it was before Apollo 16 took off. The additional knowledge of lunar conditions available from last weekend's exploration indicates that the reality of the moon's origin and history is even more complex than previous theories had assumed.

Most NASA geologists, for example, were given rude shocks by the reports Young and Duke sent back of the kinds of rocks they were finding on their excursions. The geologists had expected many of these rocks to be crystalline in character and billions of years old, reflecting what was anticipated to be the long, undisturbed history of the Descartes region's terrain. But instead, Young and Duke reported finding mainly rocks of the breccia type, in effect aggregates of preexisting rocks, aggregates whose heterogeneous mineral composition testified they had been through major convulsions and were much changed from their original state. Why was the dominant view of the NASA geologists wrong and what are the implications of this error?

Even stranger and more provocative are the Orion crew's measurements of the local magnetism in the area they explored. Young and Duke reported the highest measurements of magnetism ever recorded on the moon, thus further challenging the many theories based on the assumption the moon has virtually no magnetic field. Most unexpected, Young and Duke found evidence of opposite magnetic polarities at different points in the area they traversed. This raises the possibility that on the moon, as on earth, adjoining areas solidified in different geological periods, recording different polarities of lunar magnetism that existed in successive epochs. If confirmed, this variation of magnetic polarity in different lunar rocks could become another powerful tool for probing that mysterious planet's history.

All the present evidence, in short, is that Apollo 16 is returning very rich scientific dividends. And the new mysteries last weekend's explorers uncovered only add to the fascination and importance of the study of the moon through manned and unmanned rockets sent there in the years and decades ahead.

Nobody who watched those two happy and efficient explorers, astronauts Young and Duke, at work on the lunar surface can doubt that the moon offers huge scope for men in the future. When will some far-sighted statesman take the initiative of calling the nations of the world together to begin planning the vast cooperative long-term lunar exploration and settlement project that the Apollo successes to date have shown is needed?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

RULING GREEK JUNTA IMPLICATED IN ITALIAN TERRORIST ACTIVITY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to commend to the attention of my colleagues an article which appeared in the Washington Post on April 5. The article reveals that the present fascist government of Greece, about which I have commented many times, has been found to be exporting their brand of political oppression to neighbor nations. This is especially interesting, because the present administration, by way of justification and excuse, has in the past contended that one of the reasons our country could support fascism in Greece was that it was a contained political culture—that the leaders of the oppressive regime were content to tyrannize just the Greek people and would not attempt to cause international political havoc by exporting their politics of depotism.

Now, however, the knowledge that the Greek Government appears to be disrupting the political stability of other European nations places that administration argument under some doubt. The fact that Italy is our NATO ally makes the situation even more serious.

The article follows:

RULING GREEK JUNTA IMPLICATED IN ITALIAN TERRORIST ACTIVITY

(By Claire Sterling)

ROME, April 4.—There is increasing evidence that the ruling military junta in Greece has been helping to finance and train an underground fascist-terrorist network operating in Italy for about four years.

Rumors circulating for some time to this effect gained substance last week when three Italian fascists were indicted for a series of bombings which had previously been blamed on left-wing anarchists here.

At least one of the three had been in close touch with the Greek junta since April, 1968, when he organized a visit of 51 Italian fascists to Athens at the junta's expense.

Since his arrest, a good deal of incriminating evidence has come to light about regular visits to Italy by junta emissaries, consignments of money and the organization of a training camp somewhere in Greece for Italian "Black Revolutionaries."

The disclosure that the Greek colonels have been meddling in Italian affairs might have shocked Italians more were they not reeling from so many other shocks already, including the mysterious death of Milan's millionaire publisher, Giangiacocm Feltrinelli, and discoveries by police, indicating that the country is honeycombed with heavily armed rightist and leftist guerrilla groups.

CONFUSION PREVAILS

The fact that in one instance both fascists and anarchists are presently in jail for the same bombing—the one that killed 16 people in a Milan bank in December, 1969—has inevitably added to the prevailing confusion here during Italy's tense campaign for next month's parliamentary elections.

Italians have been passionately divided about the guilt or innocence of the anarchist railway worker, Pietro Valpreda, who was arrested for the Milan bombing, on the frail testimony of a single witness, now dead. Valpreda is still being held in prison even after the indictment of the three fascists for the Milan bombing.

Rather cryptically, the fascists are accused only of "promoting, financing and organizing" the Milan bombing. It remains to be seen whether the anarchist Valpreda will be charged with carrying out their orders.

Either way, there is little doubt that the three arrested fascists were up to their necks in a plot to generate the kind of fear and disorder which might open the way for a right-wing dictatorship.

SECRET MEETING

Tape-recorded telephone conversations prove that they decided on a nationwide wave of terrorism at a secret meeting in Padua in April, 1969. Since that meeting, there have been nearly 250 bombings up and down the Italian peninsula, about half of which are thought to have been of fascist origin.

The specific part played by these three was pinned down by an intrepid magistrate who insisted on looking into the matter long after it was presumed closed. He discovered the supplier from whom one of the three had bought 50 timers of the kind used to set off the Milan bank bomb.

All three men—Pino Rauti, Giovanni Ventura and Franco Freda—were already in jail when this last charge was laid against them. Ventura and Freda had been arrested for bombing the Milan fair and railroad station in April, 1969 and for several train bombings the following August.

Rauti, evidently a much higher-ranking leader in the movement, was imprisoned last December for trying to reconstitute Mussolini's Fascist Party, which is outlawed in Italy whereas the neo-fascist Italian Social Movement (MSI) is not.

The three men are not common thugs. They might indeed be called uncommon thugs in that each, in his way, has intellectual pretensions.

Rauti, a former editor of the right-wing Rome daily Il Tempo, once wrote a widely circulated book called "Red Hands on the Armed Forces."

Ventura and Freda own bookshops, in Treviso and Padua respectively, and the latter in the particular prides himself on being an ideologue not just for his anti-Semitic theories but for having invented something he calls "Nazi-Maoism."

It is impossible to say how far these indictments may cut into what was expected to be a large neo-fascist party vote in the coming May 7 elections. But the dent is bound to be sizeable.

Freda was expelled from the party 10 years ago for "ideological indiscipline."

LAW AND ORDER PARTY

"His position on the Jewish problem left us no option," a spokesman for the party's Padua branch says.

Rauti, however, is not only a member of the party's national executive but a candidate in these elections.

A candidate like him could hardly improve the "new" image, carefully drawn and expensively publicized, of the neo-fascist party as "the" party of law and order.

Party strategists had considered this image indispensable because Italy for all its rolling political and economic ailments, is clearly not ready for fascism.

The temptation to swing right is undoubtedly strong, among many workers as well as in the middle class and aristocracy. The country is now in the second year of its worst economic recession since the war, with unemployment well over a million, industrial production still falling and net investment down by 18.4 per cent in the last year.

In addition, a 10-year experiment in moderately progressive government by a center-left coalition has ended in ignominious collapse. And militant leftists have been doing their best to bear out the rightists' argument that without the far right the country is ungovernable.

FASCISM UNLIKELY

Nevertheless, as the influential La Stampa of Turin observed, Italy in 1972 does not have the depressed social structure of Spain in 1936 or Greece in 1967.

Nobody would seriously compare its political and economic pressures today to the strains prevailing after World War I, which led to Mussolini's march on Rome. Most commentators believe that the great mass of present-day Italian voters would be repelled by open violence.

Such interest as they are taking now in the neo-fascist party would seem in good part to be the result of a desire to believe that the party isn't as bad as it seems.

So far as the elections are concerned, the identification of political convicts like Rauti, Ventura and Freda with the neo-fascist party has been a godsend to the Christian Democrats in particular.

CHRISTIAN DEMOCRATS

A month ago, they were expecting the party to double its vote, mostly at their expense, and come back to parliament with 50 deputies.

Now that the uglier side of the neo-fascist party has been exposed to public view, there is something like euphoria in Christian Democratic circles.

At the very least, they say, they should win back much of the electoral ground they lost to the neofascists in last June's administrative elections.

At best, since they are busily remaking their own image as a rightward-looking party of law and order, they might even hope to win it all back and possibly even more.

CROATIAN REPRESSION

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ZABLOCKI. Mr. Speaker, constituents in my district of Croatian ancestry have called to my attention the current repression in Croatia perpetrated by the Government of Yugoslavia since early this year. This distressing development is the result of events in Croatia over the last few months in support of cultural, economic, and political equality of the Croatian Republic in Yugoslavia.

The scholarship and reputable Croatian Academy of America issued a statement on January 29, 1972 at the annual general assembly of the academy in New York City condemning this repression of the Croatian people.

At this point, I wish to insert the academy's statement calling it to the attention of my colleagues:

CROATIAN ACADEMY CONDEMNS TERROR IN CROATIA

The Croatian Academy of America is deeply distressed by the developments which have been taking place in Croatia in the last few months, and especially since December 1971. According to reports of foreign correspondents and accounts in the government controlled press of Yugoslavia, it is possible to establish the following facts:

The drastic measures carried out by the President of Yugoslavia, with the support of the military and the police, were aimed at the destruction of the liberalizing forces in the government of the Socialist Republic of Croatia which were acting within the framework of the Yugoslav constitution as it has recently been amended to insure greater freedom to individuals and to the Croatian nation as a whole. Following these political changes, the destruction of the cultural life of the Croatian people has been ordered.

Under the guise of a struggle against Croatian "nationalism", "separatism", "class enemies", "rotten liberalism", and "counter-revolutionary forces", the full force of the totalitarian state has been unleashed once again to crush the aspirations and the rights of the Republic of Croatia and its people by repression reminiscent of the post-war Stalinist period in East Central Europe.

The federal government in Belgrade and the new government of the Socialist Republic of Croatia are seeking to achieve these objectives by illegal and violent means, a fact which is clearly illustrated by the following instances:

The government has accused the Croatian University in Zagreb with its extensions in Rijeka, Zadar, and Split, and its students and professors, of "counter-revolutionary" activities. The president of the University is facing dismissal; the student pro-rector has been imprisoned together with a number of professors and several hundred students. Many of those imprisoned have been beaten and abused by the police.

Matica Hrvatska, the venerable Croatian cultural institution dating back 130 years, has been placed under police control, and most of its local branches have been dissolved. Several of Matica's periodical publications, notably the Hrvatski Tjednik, have been suppressed. Most of the members of Matica's board have been imprisoned and are facing trial on trumped-up charges of treason. Similarly, numerous other Croatian intellectual and student publications have been banned, such as Hrvatsko Sveuciliste, Hrvatski Gospodarski List, TLO, Istarski Mozaik, Praxis, and others. The directors of Skolska Knjiga, the publishing house for Croatian school textbooks, have been removed, and textbooks in Croatian history and culture have actually been burned.

Editors and writers of a number of mass circulation publications have been ousted by the police in total disregard of legal procedures. Among these are the editor-in-chief of the principal Croatian mass-circulation weekly, Vjesnik U Srijedu, and several of its editorial writers, along with many of the writers and editors of the principal Zagreb daily, Vjesnik.

Hundreds of other individuals, including writers, economists, educators, and journalists, have been purged and/or arrested. This purge constitutes, in all probability, the most systematic attack on the intellectual elite of the Croatian people in history.

All of this has been done by brutal police methods and in total disregard of the legal obligations undertaken by Yugoslavia as a signatory of the Charter of the United Nations, in violation of its Constitution which guarantees national and civil rights, and in blatant disrespect of the basic human freedoms of thought, opinion and expression, and peaceful assembly and association, as proclaimed in the Universal Declaration of Human Rights.

History, however, teaches that political questions cannot be permanently solved by oppression, terror, and suppression of basic human rights. On the contrary, such methods lead to further conflict and are censured by world opinion.

The Croatian people, like all other nations, have an inalienable right to national self-determination and statehood, recognized by the present Yugoslav Constitution, but denied the Croatian people in actuality. Police terror and repression will only strengthen the resistance of the Croatian people and their firm resolve to achieve their legitimate national sovereignty.

The Croatian Academy of America feels impelled to speak out on the tragic developments in Croatia. We do so not only as an association of Americans of Croatian descent, but also as members of the academic community who protest against the crass suppression of the cultural life, the national self-determination, and the human rights of the Croatian people.

We, therefore, call on the academic community and public to protest the persecution and arrest of hundreds of Croatian professors and students and demand their immediate release. We also appeal to our American academic colleagues to help us in our demand for the restoration of constitutional liberties and individual and national rights in Croatia.

ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASPIN. Mr. Speaker, those of my colleagues who are concerned with the trans-Alaska pipeline issue may find the following editorial, which appeared in the New York Times on April 21, of interest. The editorial follows:

ALASKA PIPELINE

Probably the most documented case, as far as the environment is concerned, ever made against the proposed Trans-Alaska oil pipeline is contained in the Interior Department's six-volume Environmental Impact Statement. Yet an accompanying three-volume analysis of its economic and security aspects makes it clear that the department thinks the project should be built as soon as possible on the ground that the national economy needs the oil and the national security demands it.

That is a drastic conclusion—and one that surely ought not to be left solely to the Secretary to accept or reject as he sees fit. It is a decision that should be made with the participation of the President's top economic, military and environmental advisers. Congressional consideration would not be far-fetched, considering the priorities to be weighed here. And economic, environmental and security experts with differing value judgments should have a chance to be heard in the weighing process.

On the danger that earthquakes might rupture the pipeline, the statement observes that "it is almost a certainty that one or more large-magnitude earthquakes will occur in the vicinity of . . . the proposed route during the lifetime of the pipeline" and that "large ground displacement accompanying such an earthquake could damage—even rupture—the proposed pipeline."

The statement considers the prospect of a "no spill" performance by the system as "unlikely," in spite of all the efforts to assure leak-proof conveyance of the oil. And it is grimly specific in discussing some of the probable consequences to marine, bird and other wildlife.

At best, the report seems to regard the location of an Arctic oil pipeline as a choice of evils. For maximum protection of marine life and seabirds, and for avoiding the earthquake hazard an alternative route through Canada's Mackenzie River valley would be preferable. For minimum disruption to the land, the Alaskan route would be better. But "it is evident that no single oil delivery system would be free of environmental effects or of potential threats." While the authors decline to make a choice, they state that "less environmental costs would result from a single transport corridor than from two separate corridors"—a significant reference to the proposal that the Trans-Canada route accommodate both natural gas and oil in parallel pipes.

It is something of a jolt to turn from detail of this nature in the first six volumes to the analysis of the last three. These do not even argue that the Trans-Alaska line would be economically preferable to the Trans-Canadian, finding the two "equally efficient" in this respect. What the security arguments get down to is that North Slope oil is needed "as soon as possible so as to lessen our dependence on potentially insecure foreign sources of petroleum." The Prudhoe Bay-Valdez pipeline promises to do that much sooner than a Canadian alternative, for which there are still no engineering plans and hardly even a start on the international negotiations that will be required.

The security argument raises three questions—all of which should be fully explored before Mr. Morton makes his decision. If security dictates the choice of one of these routes over the other, why is the Defense Department firmly and explicitly neutral on the subject? Why is there even a possibility, which the report concedes there is, that some of the oil may go to Japan? Premier Sato appeared to think it more than a possibility when he told reporters in January that his country will "of course be purchasing oil in the event that the pipelines are completely laid."

And, finally, what is wrong with the suggestion of Representative Aspin of Wisconsin that if the United States can't afford to wait until a Canadian pipeline is built, it might make up the deficit by lowering the present import quota on Canadian oil? The line that presently carries oil from Edmondton to Chicago, he argues, could accommodate 300,000 more barrels a day, which the Canadians would be only too glad to deliver.

Providing cogent environmental reasons for turning down the Alaskan pipeline, the department's argument for the project focuses wholly on the national need. And on that score its report fails utterly to make a convincing case.

ELDERLY FACE HOUSING CRISIS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

Tuesday, April 25, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. ROSENTHAL. Mr. Speaker, all Americans in urban areas are the victims of a housing crisis. Older Americans, however, are the worst victims—they spend a disproportionately high portion of their incomes on rent; they all too often live in old and unsafe buildings; and they are tragically "left behind" to contend with crime-ridden neighborhoods.

The problems of all city dwellers are magnified for the urban elderly. In New York City, as in other urban areas, low income, chronic illness, social isolation, and lack of employment opportunities are often superimposed on the inability of the elderly to obtain decent housing.

Dollars-and-cents figures depict how difficult it is for senior citizens to maintain a decent home. The Census Bureau reported that half of the elderly in New York City were spending 35 percent or more of their income for rent. These figures become even more significant in view of the fact that half of the households headed by persons 65 and over have yearly incomes of less than $3,000, while one-third have incomes of $2,000 per year or less. This means that the elderly must make impossible and cruel choices among the various necessities of life: Food, medical care, and housing. No citizen of this country should be faced with choices like that.

Unfortunately, these facts are as commonplace as they are tragic. They reveal, at best an unforgivable ignorance of the elderly's condition and, more than likely, a harsh and conscious disregard for their welfare.

As the White House Conference on Aging put it:

> The basic question remains. Does the older person have a range of housing from among which to choose that is within his ability to pay?

Decent, safe, and reasonably-priced housing is a basic right—not a privilege—of elderly citizens. Indispensable to a securing of this right is the need to make those 65 and over, financially secure.

Accordingly, I am a sponsor of legislation calling for Federal rent supplements to social security beneficiaries whenever they must pay over 25 percent of their income for housing. A measure like this offers tremendous assistance to the elderly in their fight for suitable housing. Not only do the elderly compete with landlords, but they also compete for apartments with younger people who can more easily afford higher rents. We need to "unfix" the too easily accepted notion of fixed income for the elderly if they are to have decent homes. Providing rent supplements will be a giant step in that direction.

This legislation is made all the more urgent by recent events in New York City. At a time when senior citizens should expect reduced rents, the elderly in New York City may be hit by at least a 7½-percent increase with some increases soaring as high as 22 percent.

On July 1, 1972, exemptions from rent increases expire for some senior citizens. If there were Federal legislation guaranteeing rent supplements to the elderly, we could be assured the elderly would not bear increased burdens due to their rent increases. Unless quick action is taken, however, many of them will be in the most severe financial crisis of their lives.

Accordingly, I have written to leaders of the New York State Legislature requesting they arrange some solution to this threat to the survival of senior citizens in New York City. I hope that a package can be developed that will relieve the elderly of the anxiety and hardship that these rent increases pose for them.

Mr. Speaker, reasonable rents for the elderly is a matter of utmost concern. I am aware that the Federal Government is making headway in providing housing for the elderly, but much more needs to be accomplished. So much more, in fact, that I will resist listing promising proposals and tentative efforts. thus avoiding raising expectations that may eventually only prove frustrated. We must take firm and swift action to insure that every older American can afford a decent, comfortable, safe place to live.

A copy of my letter to New York Assembly Speaker Perry B. Duryea and New York State Senate Majority Leader Earl W. Brydges, follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 21, 1972.

DEAR SIR: Senior citizens in New York City are facing another obstacle in their fight to survive. Their rent increase exemptions are set to expire on June 30. If this protection is not renewed, the elderly can expect their rent to go up at least 7½% and perhaps as much as 22%. I strongly urge you to support legislation continuing rent exemptions for the elderly.

No doubt you are familiar with the harsh burdens the City's one million senior citizens face in what are supposed to be their "golden years". One fourth of them live in poverty, and half do not even have "moderate" incomes, according to the U.S. Bureau of Labor Statistics. In dollars and cents terms, the average monthly Social Security benefits (which are the major source of income for most older Americans) are only $186 for retired couples and a bare $120 for single people.

Sixty per cent of the senior renter households have incomes of $3,000 or less per year, and two-thirds of the elderly in New York City already pay over one quarter of their incomes for rent. It would be cruel and insupportable to ask these people to absorb rent increases of up to 22%.

From the various bills before the State Legislature to allow rent exemptions for the elderly, I hope you will be able to develop and support one that will (a) extend the maximum assistance to the elderly renters, (b) enable landlords to gain a fair enough return so they are not forced to abandon buildings, and (c) avoid serious damage to the tax revenues of New York City by forcing it to assume the entire burden of protecting the elderly from rent increases.

Higher rents would be another roadblock to the secure and comfortable life we owe our senior citizens. I sincerely hope that you give this matter the highest priority.

My kind regards.

Sincerely yours,
BENJAMIN S. ROSENTHAL,
Member of Congress.

CORRECTING ETHNIC HISTORY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. RANGEL. Mr. Speaker, one victim of the melting pot theory in the United States has been a sense of rapport with one's ethnic heritage. Fortunately, the past few years have witnessed a resurgence of concern about the contributions made to our country by various ethnic and racial groups. The failure of teachers and historians to openly recognize these contributions has, I believe, resulted in an incomplete and misleading picture of how America has developed and grown. There is a richness in the diversity of our Nation, a richness which can be more fully understood and savored with an awareness of ethnic history.

The February issue of the Crisis, the publication of the NAACP, carried an eloquent article by the Honorable Paul O'Dwyer, a New York City attorney, former member of the New York City Council and founder of the Irish Institute of New York, on this problem. I commend his article to my colleagues in Congress.

CORRECTING ETHNIC HISTORY

(By Paul O'Dwyer)

Negro Americans have not been the sole victims of neglect in the history popularly taught in the nation's elementary and secondary schools. The contributions to American history of other ethnic groups—Jews, the Irish, Italians, Germans, Scandinavians and even Indians, among them—have also long been overlooked by the writers of history textbooks. Their prejudices and attitudes, reflected in the volumes they authored, distorted history, denied recognition to minorities and impoverished the real history of our national heritage.

Among the first of the ethnic groups to take effective organized action to end this deliberate misrepresentation by omission were the Irish Americans who met in the City of Boston on January 20, 1897, and founded the American Irish Historical Society for the avowed purpose of revising American history so as:

"To give plain recital of facts, to correct errors, to supply omissions, to allay passion, to shame prejudice and to labor for right and truth."

and

"To endeavor to correct erroneous, distorted and false views of the history and to substitute therefor true history based on the documentary evidence and the best and most reasonable tradition."

To their eternal credit be it said these indignant Irishmen did not seek to confine their activities to ensure recognition only for their own ethnic group, but went on to express their commitment to the philosophy of Adams and Paine and Otis, setting forth in clear and unmistakable language that they committed themselves:

"To promote and further Human Freedom which has no concern for any man's race, color or creed, measuring him only by his conduct, effort and achievement."

Emerging from an atmosphere of ethnic and religious prejudice, discrimination and harassment, the Irish Americans of that period were still generally regarded as second-class citizens. They set about remedying this condition by uncovering and publicizing the contributions their people had made, and were making, to the development of this country. One of the first projects in this endeavor was the publication of a biography of Hercules Mulligan, an Irish American who served as a top secret agent for General George Washington at the time of the British occupation of New York City during the Revolutionary War.* To Irish Americans, Mulligan has become what Crispus Attucks is to Negro Americans.

The exploits of this Revolutionary War hero remained unnoticed until the historian. Michael O'Brien, dug up the evidence and pulled the record together in a volume marked by copious reference to original material. On November 24, 1970, a bronze plaque commemorating the contributions of Mulligan was unveiled at the 140 Water Street site of his home in lower Manhattan, New York City.

The text of the plaque follows:

"During the Revolutionary War this site was the home of Hercules Mulligan with whom Alexander Hamilton lived while attending Queens College, now Columbia. The most fashionable tailor of his day Mulligan costumed British officers to glean information valuable to General George Washington for whom he was a secret agent. Despised by compatriots for consorting with the British, Mulligan silently persevered until November 25, 1783, when General Washington led his victorious Continental Army into New York and breakfasted here with Mulligan and his family."

The Irish reminded us, in 1897, as many justifiably remind us today, that citizens were still being measured not by their "conduct, effort and achievement," but on their "race, color or creed." The time has now come to correct many other errors in the recorded annals of our past.

Conduct and achievement must be judged against obstacles and handicaps which hate, prejudice and discrimination have placed in the path of so large a segment of our citizenry. There can be no dispute as to the extent of these handicaps. When the Constitution was approved, human slavery existed in all of the 13 states and ever present was an ominous atmosphere of hysteria and fear, suspicion and hatred against the unknown, against dissenters, against Catholics, slaves, Negroes and Indians, and even Quakers. Thirty years before we declared "certain truths to be self-evident," we burned eleven black men at the stake where the New York City Municipal Building now stands, on a groundless charge of conspiring to revolt. A white teacher was unfortunate enough to know Latin and, therefore, suspected of being a priest, was condemned as a papish co-conspirator and he, too, forfeited his life on the scaffold.

Earlier in the century, Lord Conburry, Governor of the Colony, prosecuted Donegal-born Francis Makemie, a founder of the Presbyterian Church in the colonies, for preaching a "pernicious doctrine." Up to and during the War of Independence a Jesuit frequently came to say Mass at a small German congregation on Wall Street. To avoid prosecution he came in disguise and traveled under an assumed name. The house of worship was burned down during the war and the first flag of the Sons of Liberty bore the inscription "No Popery."

In such an atmosphere, accomplishment by a slave would seem to be significant enough to warrant attention. Many such exist, but one must dig deep into original sources to discover them. Through the efforts of the American Irish Historical Society and later the Irish Institute of New York, the discovery of forgotten Irishmen led to the equally significant discovery of some amazing performances by the slave population.

When Limerick-born Philip Embury started the first Methodist Community in America in 1766 on William Street in New York City, a slave named Peter Williams converted to Christianity and became the church sexton. After the Revolution when the man who asserted ownership of him sought to sell Williams, members of the church paid $40.00 for the slave sexton. Existing laws in New York did not prohibit this or any other church or their members from owning slaves. Ultimately, Williams accumulated enough money from outside earnings (which was permitted during the slave regime) to purchase his freedom for himself. He soon acquired standing as a successful merchant and became one of the founders of the African Methodist Episcopal Zion Church.

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* The Irish struggle continues in Ulster where Mulligan was born. There his kinsmen are losing their lives for the very same rights for which he fought—the right of a citizen to employment without regard to his religious affiliation or to be housed and to share the fruits of that land with his neighbors, regardless of his ethnic background—rights still denied the Catholic minority in that colony by the same forces which Mulligan resisted two centuries ago.

On Evacuation Day, another interested spectator, Pierre Toussant, watched General Washington on his way to the home of Hercules Mulligan on Queen Street. From the vantage point of his fancy tailor shop. Mulligan was able to accomplish great things. For Toussant, still a slave, to acquire a trade or profession was no less an achievement. He became the most renowned hair stylist of New York and as such he met, knew and was admired by the Mulligans, the Hamiltons, and the Schuylers and many others. In the course of the years, he was to become the most influential philanthropist of his time, bringing comfort to the distressed while he taught slaves how to plan their lives towards ultimate freedom. A plaque in his memory adorns St. Peter's Church on Barclay Street.

It may come as a surprise to many who today lunch at Fraunces to realize that they are paying tribute to Samuel Fraunces, a Haitian Negro, whose tavern in his time served George Washington and many other heroes of the Revolution. His tavern is one of the oldest and most cherished landmarks in New York, among the most famous in the nation, and one of the few historic places in downtown Manhattan to escape the destructive bulldozer.

Accomplishments! How are they to be measured? Are only the accomplishments of those born to the advantages of education, prestige and family background to receive the exclusive attention of the historian in the fulfillment of his mission to record truth? Should morality require the historian to bring pride to each segment of our pluralistic society, by setting forth the contribution of each as it shall appear so that each may claim his inheritance as he is called upon to protect and enforce the rights of others? Certain truths, said our founders, were self-evident and in these days of internal turmoil and external conflict, we might look again to our forebears for advice, inspiration and guidance. The passage which immediately comes to mind seems most apropos:

"Mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce them to absolute despotism, it is their right, it is their duty to throw off such government and to provide new guards for their future security."

It was as if the authors of the Declaration of Independence were looking ahead two centuries to warn us that continued injustice will move even the most patient to discard his encumbering shackles.

FLINT'S BATTLING VIKINGS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. RIEGLE. Mr. Speaker, on Saturday, March 25, a standing room only crowd held its breath as the Flint Northern High School Vikings beat the Pontiac Central High School Chiefs to capture the Michigan Class A Basketball Championship title for the second year in a row. This coming Sunday, April 30, a banquet will be held in Flint to honor this outstanding basketball team—so I wanted to take time today to pay tribute to these outstanding athletes and this great school.

The victory over the Pontiac Chiefs at Michigan State's Jenison Field House was Flint Northern's 33d consecutive win and it captured for Northern their seventh State title—the most for any class A school in Michigan history. Their record this season was remarkable: 25 wins, no losses. They scored 1,904 points this season while only allowing their opponents to score 1,403.

The Vikings captured the State's class A championship under the outstanding leadership of head coach, Bill Frieder. Coach Frieder, who was picked by the Detroit News as Coach of the Year, has had a fantastic 2-year varsity coaching record. Ably assisted by Assistant Coaches Grover Kirkland and Dave Jacobs, by Trainer John Prater and Equipment Manager Scott Soth, Coach Frieder has led the Vikings to a 47 and 2 win/loss record.

Many members of the varsity team achieved impressive individual honors. Wayman Britt, the Viking's captain, was voted all-State guard by every sporting poll in Michigan. Piling up a new school record for 150 assists, he also made all-valley in the class A division. Terry Furlow, all-valley and voted all-State forward by the Detroit Free Press, tied teammate Dennis Johnson to set a new school record for 330 rebounds. Johnson, also an all-valley player, was chosen by the Associated Press as all-State center. Joel Ragland, also an all-valley forward, made an impressive record by completing 48 percent of his field goal attempts. These young men are typical of their entire outstanding basketball team:

Wayman Britt, guard; Terry Furlow, forward; Dennis Johnson, center; Ricardo Jones, guard; Joel Ragland, forward; Ray Bridges, forward; Glenn Key, guard; Matt Rivette, guard; Mike Yambrick, center; Asive Thompson, forward; Mike Sanders, guard; Dennis Howell, forward; Robert Root, forward; Roosevelt Taylor, guard; John Ragland, guard; Michael Williams, forward; and Michael Opdyke, manager.

As their Congressman from Flint, I am very proud to have this championship team as my constituents. They are a credit to themselves, to their families, their coaching staff, their school, and their entire community who has backed them all the way. I know that all my colleagues here in this Chamber will join with me to congratulate these fine young men and wish them well in the future.

LIFE ARTICLE OPEN TO REFUTATION

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ZWACH. Mr. Speaker, last week's Life magazine cover feature and lead story was titled "Sky High Meat Prices" which detailed the problems a family with a $14,000 income had in supplying sufficient meat for their family—after meeting the payments on their swimming pool, keeping up their two cars, and other aspects of their good life.

This story was so open to refutation that I was planning to take the floor and discuss it.

However, Bill McGarry, editor of the Appleton Press, in our Minnesota Sixth Congressional District, did such a good job that, with your permission, I insert it in the RECORD where it will come to the attention of my colleagues and the thousands of other people who read this publication.

I particularly commend Editor McGarry's closing statement:

> Everybody wants to live like a king, but we don't expect to do it on the broken backs of farmers.

The item follows:

LIFE ARTICLE OPEN TO REFUTATION

Do you read Life magazine? An article in last week's issue really drove me up a wall. It was the cover story and was titled "Sky-High Meat Prices." As the object of their affection, and concern, Life used Scottsdale, Ariz., family of six, annual income about $14,000 (a helluva lot more than almost all the farmers I know). They, the man and wife, are all worked up because about 15 per cent of the $14,000 goes for groceries, $165 a month. They spend $13.26 a week on meat. Payment on their swimming pool comes to just under $13 a week but you could almost wring the tears out of the story because they can't afford to eat steak. According to the story they have dental payments of $84 a month. Straight teeth are important I suppose but hardly in the same league with healthy kids. Maybe if the family bought more and better food their dental bills would be less. Oh yes, the Greens have two station wagons, apparently paid for and last year he got a $1,000 raise, two-thirds of what he spends for groceries. The trouble with him, and millions of other Americans is that their sense of values are all mixed up. Everybody wants to live like a king, you know—two cars and swimming pool, but we don't expect to do it on the broken backs (financially speaking) of farmers or other segments of the economy. Green is a school teacher, boy with fuzzy thinking like he displayed in that article I'm glad he's in Scottsdale and not Appleton.

CAMDEN POLICE FORCE COMMENDED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HUNT. Mr. Speaker, the notion in recent years that rising crime rates, like inflation, must simply be tolerated for lack of a remedy is fortunately a myth. There is a growing list of examples across the country that an alert and efficient police force, with the support of the community, can stem the rising tide of crime quite effectively. Such an example is found in Camden, N.J., which is the largest city in the First Congressional District that I am privileged to represent.

A Camden Courier-Post editorial recently commended the Camden City police force for its effectiveness and, in particular, I would cite Detective Captain Donald McGlensey for his outstanding leadership as the head of the department's detective bureau. The Courier-Post editorial follows:

[From the Camden Courier-Post, Apr. 7, 1972]

POLICE STOPPING THE BANDITS

In these days of ever more prevalent crime, it is heartening to note that, in one respect, Camden has been made eminently safer by the local police force.

Over the last 18 months, they have demonstrated that the city is not an auspicious place for bank robbers to ply their trade.

During that time, according to Detective Captain Donald McGlensey, Camden banks have been held up seven times. All persons involved—15 of them—have been arrested, and all the money taken—$84,569—has been returned, according to McGlensey.

That we think, is evidence of fine police work. We encourage the Camden police force to stay right with it.

NATIONAL PRESS CLUB HONORS THE HONORABLE ABBA EBAN, OF ISRAEL

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ROONEY of New York. Mr. Speaker, on Friday last I was honored and pleased to be a guest at a National Press Club luncheon for His Excellency, the Honorable Abba Eban, Foreign Minister of Israel. I have known the urbane and cultured Foreign Minister of Israel as long as the State of Israel has been in existence and I must confess that I am an unrelenting fan of them both. Mr. Speaker, Israel has been an independent nation for a little less than a quarter of a century. These have not been easy years; no, indeed. They have been years filled with bloodshed, aggression, and anxiety, but never despair. Against what appeared to be insurmountable odds she has prospered and brought to the Near East a measure of stability that leads us to hope that soon peace will be the way of life in that troubled area. While the situation there is far from resolved, there is now, as Foreign Minister Eban so ably put it, a "relative lack of imminent explosion." Being concerned about the welfare and security of Israel, I asked for and received a briefing from Secretary of State William P. Rogers after the National Press Club luncheon. I was assured by the Secretary that relations between the United States and Israel "were never more cordial or on a more cooperative basis than they are now." I am sure that my colleagues will find this statement, as I do, very heartwarming.

Mr. Speaker, I include at this point the proceedings of the National Press Club luncheon for His Excellency, the Honorable Abba Eban:

GUEST LIST AT LUNCHEON IN HONOR OF HIS EXCELLENCY, THE HONORABLE ABBA EBAN, FOREIGN MINISTER OF ISRAEL

GUESTS OF HONOR

His Excellency, the Honorable Abba Eban, Foreign Minister of Israel

His Excellency, Yitzhak Rabin, Ambassador of Israel to the United States

Honorable John J. Rooney, U.S. House of Representatives

Mr. Alfred L. Atherton, Deputy Assistant Secretary of State for Near Eastern Affairs

Honorable Avner Idan, Deputy Chief of Mission.

Mr. Ephraim Evron, Deputy Director General Ministry/Foreign Affairs

Mr. Zvi Brosh, Minister of Information, Embassy of Israel.

Mr. Shaul Ben-Haim, Press Counselor, Embassy of Israel

Mr. Amos Eiran, Labor Counselor, Embassy of Israel

Mr. Eyton Ben-Zur, Political Secretary to the Foreign Minister

Mr. Isaiah L. Kenen, Executive Vice Chairman American/Israel Public Affairs

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Mr. Claude Mahoney, Speakers Committee

PROCEEDINGS

Mr. ROGERS. Ladies and gentlemen, fellow members of the National Press Club, I am Warren Rogers, president of the club, and it's my pleasure and honor to welcome you once more to a National Press Club luncheon.

Again, we have an outstanding speaker for you, as you all already know, because we have been sold out almost from the time we announced this luncheon.

I am informed by the embassy that a full transcript of the text and the questions and answers will be available at the Israeli Embassy sometime after 7:00 p.m.

At the head table today, on my right, the Deputy Director General of the Ministry of Foreign Affairs, Mr. Ephraim Evron.

(Applause.)

On my left, Congressman from New York, the Honorable John J. Rooney.

(Applause.)

On my right, the Deputy Chief of Mission, the Honorable Avner Idan.

(Applause.)

On my left, the Minister of Information at the Embassy of Israel, Mr. Zvi Brosh.

(Applause.)

On my right, Deputy Assistant Secretary of State for Near Eastern Affairs, Alfred Atherton.

(Applause.)

On my left, Counselor at the Embassy of Israel, Mr. Amos Eiran.

(Applause.)

On my right, Press Counselor of the Embassy of Israel, Mr. Shaul Ben-Haim.

(Applause.)

On my left, Political Secretary of His Excellency Abba Eban, Mr. Eyton Ben-Zur.

(Applause.)

My speaker's chairman tells me I blew it by mixing up cards, because protocol requires that I should have introduced first the Ambassador of Israel, His Excellency, Mr. Yitzhak Rabin.

(Applause.)

On my left, the Executive Vice Chairman of the American Israeli Public Affairs Committee, editor of the Near East Report, a distinguished and highly respected long-time member of the National Press Club, Mr. Isaiah Kenen.

(Applause.)

On my right, founder and past president of the Washington Chapter of the American Friends of the Hebrew University, and another long-time and distinguished member of this club, Mr. David Garrison Berger.

(Applause.)

I have known the speaker today for many, many years, and as a reporter and as a friend, I have met with him in many and different places and times.

One of the times I remember most was 1967. He was the last person I saw before I got a plane and left the Middle East after five weeks doing a piece for Look Magazine during which I visited about 11 countries. I talked to five heads of state.

And on my first, I think it was in 1967, I saw the Minister and caught the plane and came home, and on the basis of those interviews, I assured the editors of Look Magazine there would be no war.

(Laughter.)

They laid the piece out for 22 pages, and after a nervous period, I wound up with three pages explaining how the situation was now that the war had ended.

(Laughter.)

And so in view of my record, I am going to call one of our other members to do the introduction.

(Laughter.)

He is now the chief of the Washington Bureau, Minneapolis Tribune, and he has a great problem facing him, because he has been appointed associate editor of his paper to report there in June. His problem is, either Moscow or move, so struggling with his dilemma, whether to hire a U-Drive-It truck and take his goods to Minneapolis, or whether to break out his passport again to go to Moscow, is a very dear friend of mine, an excellent member of this club, Mr. Charles W. Bailey II.

(Applause.)

Mr. BAILEY. Thank you, Warren. I can assure you that I will manage to get to both places.

Mr. President, Mr. Minister, Mr. Ambassador, members and guests, our guests, our speaker today has eaten so many National Press Club lunches in his long career, that he should by rights be an ex officio member of our menu committee. And if he were on that committee, I am sure that at least the language of its reports, if not the quality of the food, would be markedly improved.

Our records disclose that today's speaker has addressed four previous luncheons in this room. In the spirit of studied impartiality, which Chairman Herling teaches, I shall not compare that score with those of other leading figures of the Middle East. But it is perhaps proper to note that with his appearance today, our speaker achieves at least statistical parity with the late Chancellor Adenauer and the late Prime Minister Nehru of India.

Speaking of prime ministers—there are whispers abroad—to say nothing of the Bronx and Brooklyn—that our speaker may himself change portfolios—that he may be in line to become Prime Minister of his country. Certainly something is going on when this habitually impeccable diplomat arranges to be photographed in an open-necked shirt while standing in an army slit trench in the desert.

(Laughter.)

Indeed, Mr. Minister, one might almost say that you were Tie-less in Gaza.

(Applause.)

If our speaker does rise to the top, there won't be any problem over neckties. When his boss, Mrs. Meir, was here in 1969, she was given the traditional club tie, and Pat Heffernan, who was then president, asked her to keep it for "the next male Prime Minister of Israel."

So if you get there, Mr. Minister, look in the desk drawer.

(Laughter.)

I should warn you, however, that when Mrs. Meir accepted the gift, she said, "It will be with me for many years."

(Laughter.)

I need not rehearse at length, for this audience, our speaker's credentials. He was born in South Africa 57 years ago. He took his degree at Cambridge University in England, taught there, and then served as a liaison officer with the Allied Headquarters in World War II.

After the war, he joined the Jewish Agency. He was Israel's first representative to the United Nations, and in 1950, he became also the Israeli Ambassador to the United States.

He returned home in 1959 to enter politics—as if he hadn't always been in politics. He was elected to the Knesset and served in several cabinet posts before being named Foreign Minister in January, 1966.

I am advised by unimpeachable sources that our speaker is a brilliant linguist. In fact, my sources tell me he has acquired such proficiency in each of the six languages that he speaks that the natives find it difficult to follow his prose. This brings to mind the story about the little lady who listened to one of his speeches, and that at the end she burst into applause, and she said to her neighbor, "Isn't he wonderful? Such a speaker! What did he say?"

Seriously, we here rarely have any trouble in knowing—and remembering—what our speaker has said. Some of his almost Churchillian phrases have become classics, such as his description on one occasion of his country's policy as being one of "tenacious solitude." And a great many Americans will always recall our speaker for his role in those tumultuous days in June of 1967, when his words were as effective a weapon for his country on the diplomatic front as were the tanks and planes of his countrymen in the Sinai and on the Golan Heights.

Indeed, it can be argued that if our speaker had not talked so persuasively—and so long—at the UN, the war might have ended before General Rabin's men had time to capture the Heights.

(Laughter.)

Ladies and gentlemen, is is my privilege to present our speaker for the day: the Foreign Minister of Israel, Mr. Abba Eban.

(Applause.)

Foreign Minister EBAN. Mr. Rogers, Mr. Bailey, members and guests of the National Press Club, everything that has happened since I set foot in this building today has been good for my morale. I have been told that I am approaching the record for the greatest number of appearances at the National Press Club. Now, a high rate of survival is a useful quality in political life.

What would our ancestor, Daniel, have said if he had come safely out of the lions' den five times?

(Laughter.)

Surely his conviction of being protected by miracles would have been reinforced. He would probably have run for office and would have probably carried every precinct in Babylon.

The only qualification concerning morale was the reference to others who have equaled my number of appearances here. If my memory serves me right, all the other people who have spoken as many times as I have are now dead.

(Laughter.)

I prefer, therefore, to reflect on what my neighbor to the right told me, that the last time you had as many people here as to fill both the gallery and the stage, was when Ingrid Bergman came.

(Laughter.)

I have decided not to be jealous. It wouldn't do me any good, and I fully recognize that she has assets which I have no hope of ever possessing.

(Laughter.)

I commiserate with Mr. Rogers on his experience in 1967. You don't have to become a prophet by coming to Israel. Most of those who indulged in that craft got into serious trouble.

Let me, therefore, decide to speak very briefly to you because the accumulation of questions arises minute by minute, and I can't bear to wait to find out what I am going to say in reply to them.

(Laughter.)

But in order to conform with convention, I would simply like to outline some reflections as a background for your interrogation.

I left Israel on the 4th day of the 25th year of our independence. That statistic itself is a reflection of the nation's stability and progress. Israel is no longer the weakest, or the youngest, or the poorest state in the international community. It stands somewhere in the middle of the ladder, and not at the bottom of it.

When we recall the sense of danger and vulnerability and impermanence which was associated with our first unforgettable years, to have reached this degree of stability is in itself a reflection on the nation's inherent qualities.

I believe that the mood in Israel today has a special meaning in the context of recent events, especially since 1967. Our policy since then has had elements both of tenacity and of flexibility.

We have tried to be tenacious as we must be in the defense of our security, and in our insistence on a solid peace based upon secure and recognized boundaries, different from the fragile and vulnerable armistice lines of the past.

We have tried, however, to maintain flexibility in our readiness to go on all the issues outstanding between ourselves and our neighbors.

It is easy to ask why this policy has not had the desired effect of bringing about a peaceful settlement here.

The central answer is this: Out of nationalism, the demand for a transition to peace is a heavy demand to make. It involves the renunciation of all the slogans and concepts and ideas and ranges of the past. It does have an element of innovation and perhaps of risk. Is it not natural for men first to exhaust the easier alternatives? For nations to attempt to get their objectives without so heavy a price, thus for five years our neighbors have put their faith in a variety of options which I hope they will now reconsider in the light of five years of experience.

There is the option of war.

Surely this has no attraction for them, in the light of the universal conviction that it would bring them no greater success than in 1967.

Another option is the hope that Israel would collapse under the weight of its burdens. I do not deny that regional hostility and tension do have dislocating effects on many aspects of the national life, but we are not paralyzed or obsessed by the regional tension.

Somehow, and this was the encouraging reflection of our anniversary celebration, Israel has proved itself able, in spite of regional tension, to go on with its work and to maintain the process of growth which is the essence of the Israeli adventure. Without a mistake of constant creativity, I believe that the fabric and the mood of our community would decline. We have grown amidst the surrounding encirclement and siege. We are more numerous than we were. A quarter of a million Jews more than on the 5th of June, 1967. The export earning, the national product, all the other indications of economic and social growth indicate also a permanent dynamism.

From our international relations, despite very hard pressures, we have managed to draw the assets necessary for maintaining our physical strength, our economic viability, our status as a trading unit, and a large place within the network of international relations.

Therefore, the hope that Israel will collapse by the maintenance of the present situation deserves to be examined in the light of experience. Experience shows that men and nations sometimes behave wisely, once they have exhausted all the other alternatives.

A third option, and this, I think, is the crux of the position today, has been the hope of an external solution. Our neighbors have hoped quite intelligibly from the viewpoint of their own inherent logic, that they might get what they want, namely a restoration of territory, without paying what is for them an exacting price, peace and negotiation, including territorial negotiation.

And thus, their minds and hearts have moved over these five years across all the possibilities of a solution to be manufactured and brought together, imported and imposed from outside. The candidates for imposing the external solution have changed. Special sessions of the General Assembly, meetings of the Security Council, the activities and efforts of Ambassador Jarring, consultations between the four powers, meetings between two of the powers, the hope that one of the powers might achieve the non-negotiated settlement, in one case through intimidation and pressure, in the other case through friendly inducement.

These have been their hopes.

They were legitimate hopes, but it is equally legitimate for us to invite Arab leaders to ask themselves why it is that none of these hopes have been fulfilled in the past five years, how it is that all these options have been examined and tried without any movement, without any thaw in the frozen situation, and if for five years these remedies have proved ineffective, why should they believe that they will be effective in the future.

Therefore, if war, or Israel's collapse by attrition, or externally imposed solutions have been proved ineffective, is not the time right for them to consider that negotiation is the only viable solution. By negotiation, I don't mean the exchange of political propaganda, ideas in public, but the recent exchange of pragmatic proposals for the evolution of a peaceful, regional order.

Everything that happened in 1971, in other parts of the world, gives support to the view that negotiation is itself a dynamic factor that has its effect on substantive positions that brings about agreements that were inconceivable before the negotiation was begun.

When countries overcome their complexes and taboos about meeting each other, what ensues has much more than procedural significance. This was the lesson of the historic Peking meeting. This was the lesson of the agreements that have been reached in Europe at the point at which all the elements and all governments concerned were willing to meet each other in free and unimpeded dialogue. Wherever there has been negotiation, situations have changed. Never has any international situation changed in the absence of negotiation.

I therefore assert Israel's continued and permanent availability for any negotiation that would lead to a peace settlement or to substantive progress towards it. It was in conformity with this idea that we gave our consent to certain concepts that the United States examined with us for approaching a solution of the crises with Egypt through a special agreement, for opening the Suez Canal, disengaging the forces of the parties, stabilizing the cease-fire, and thereby giving stimulation and acceleration to the further pursuit of peace.

We have found in recent months especially a sense of growing harmony with our friends and especially, above all, with the United States. There have been four elements in the United States' position which are constantly resolved between us, which I think have contributed to the relative stability, the relative lack of imminent explosion, that categorizes the Middle East atmosphere today.

First of all, the cease-fire, which was very largely a productive American diplomatic mission; secondly, the maintenance of a balance of power, in the absence of which there is no assurance for avoiding conflict in areas of tension; third, a principle of nonimposition. This is nothing but the acknowledgement of sovereignty as the index of the responsibilities of governments to seek their own solutions. Nobody can help Israel and the Arab states reach a settlement which they will not discuss and resolve themselves; and, fourthly, as I have said, the availability of good offices, for what would be a substantive step, leading, I think, to an uninterrupted momentum towards agreement.

There have been other stragetic developments in the area. We find the Soviet Union formalizing its relation with Arab states in treaties, maintaining its intensive rearmament programs, developing a dynamic policy of increased presence and authority, in many oceans of the world. We do not get the impression, however, that the policy of the United States is one of withdrawing those balancing elements of influence which prevent the imbalance from becoming too grave.

All I will say is that Israel will continue to guide its policy in accordance with seven principles. First is fidelity to the cease-fire. The second is an urgent and constant effort to maintain a balance of power. Third is constant availability for negotiations. Fourth is the aspiration and the insistence on creating a new Middle Eastern structure based on secure, recognized, and agreed boundaries which are not the same as the old and vulnerable armistice lines to which there cannot be any return, for our exploration is not to go back to vulnerability and insecurity, to correct and not to restore the situations out of which the flames of war erupted.

Another of our principles is to see Israel as a Jewish society. That is to say, the consolation, the refuge, the sanctuary of the Jewish people, for which Israel appears as the last and brilliant hope in history. We desire to take our people back to its roots, back to its identity, back to its inheritance, back to itself. Not only back to all of these, but forward to a new celebration of vitality and resilience.

And finally, there is the principle of an open Middle East. Our aspirations is a Middle Eastern community of states. We look upon the European example, to see how countries and nations can overcome the moods and the attitudes which have led to constant war, in order to reach a high degree of cooperation and integration.

Across opened boundaries in free cooperation, a Middle Eastern community of sovereign states can arise, and if you say that this is a Utopian thought, was it not Utopian when immediately after the Second World War, the concept of a European community was put forward.

Thus we have a series of clear objectives.

I will not try to anticipate your questions by analyzing their implications more specifically.

I will say only that the mood in Israel in its 25th year is not exuberant or unrealistic. The mood is tranquil and steady. We are not blind to our dangers. We are confident of an inherent capacity to surmount them. There is an accumulated experience in the past 24 years. It is very difficult to invoke any danger in the past, any danger today, without finding its parallel at some point in the past 24 years.

I can only express the hope—and this is not a prediction. I will not follow Mr. Warren Rogers in his somewhat audacious experiment with futurology. I express, therefore, the hope, certainly, that peace will have come to the Middle East very long before my eighth appearance in the National Press Club.

(Applause.)

Mr. Rogers. Thank you, Mr. Minister. I might say in my own defense that my practice of futurology was based on impeccable sources.

(Laughter.)

Thank you, God, for the editors who killed it before it got into print, too.

Mr. Minister, you know, we would like to start you off easy in our questioning, so the first question is, just exactly what happened during your hour and a half with Secretary of State Rogers? Tell us all.

Foreign Minister Eban. I don't think I would be doing any service by telling you all, because what press men must never do is to allow facts to inhibit imagination.

(Laughter.)

I am sure if you don't know what went on, what you write will be even more interesting than what went on.

But I will say this, in all seriousness: I came away with a sense of satisfaction about the clarity of American policy. I feel that the essential principles—I feel this even more strongly than before, and I hadn't any doubt about it before—but our people do need reassurance, but I felt coming away that the main guiding principles of American policy are precisely those outlined in President Nixon's statement on February the 3rd, and Secretary Rogers' report to the Congress on the 3rd of March, namely, a strong interest in maintaining the cease fire, a definite and substantive tangible dedication to the maintenance of the balance of power, the avoidance of imbalances, and what is perhaps very relevant in these days, a strong dedication to the principle of non-imposition.

I believe that these principles, in the form that they are recorded in those documents, continue to inspire American policy, and that there is a general feeling that the application of these and similar principles to the Middle Eastern situation in the past few months has had in general salutary and stabilizing effects, and the situation, although not ideal, is certainly far less explosive and fragile than it was two years ago, or even six years ago when I first met the Secretary of State.

Mr. Rogers. A follow-up question, Mr. Minister. Have you discerned a shift in the United States State Department position, vis-a-vis the permanence of the USSR presence in the Middle East?

Foreign Minister Eban. Well, to discern a shift, I would have to know of the previous appraisal. I think all realistic governments must take the Soviet presence for the reality that it is. It is not simply a static fact, but if we examine the pattern of Soviet presence today with what existed a year or two ago, we find that there is a constant attempt to expand, not only presence, but position and influence. The Egyptian-Soviet treaty, and Iraqi-Soviet treaty, increased naval activity in the Indian Ocean and the Mediterranean, are all symptoms of this policy. Now, we see this is a fact. I don't see any way of telling them just to go away. So the problem is this: If that is a fact, what can be done to create balancing facts in order that these areas shall not fall under the domination of a new and dynamic power and thus bring about greater danger of conflict.

I think that the principles that I have mentioned are the answers to this, namely, to maintain the cease fire, to see that counter-measures are taken to strengthen elements such as Israel, the weakening of which would certainly disturb the international equilibrium, and most international observers in our region and beyond have seen in recent months, as I said, greater evidence, that it is not true to think that the United States is liquidating its positions in the area.

There have been measures and declarations, and actual creation of facts which indicate that, although the Soviet Union is a power in the Mediterranean and beyond, it is not the only power there. I therefore don't believe that you can get them to go away. I think you can create an equilibrium, and this, I think, is the main challenge of history to the United States in the Middle East.

Mr. Rogers. Mr. Minister, a three-part related question: Does your government expect President Nixon on his visit to Moscow, to take up the question of the emancipation of Soviet Jews to Israel?

Number two, what topics would you like to have President Nixon discuss in Moscow?

Number three, do you feel any concern about any possible U.S.-Soviet agreements on the Middle East that might be reached during that visit? Would Israel accept them?

Foreign Minister Eban. The first two questions have the flattering but inaccurate implication that I have some influence on the agenda on the summit conference.

Now, although I said that Israel is no longer the smallest or the weakest or the poorest of states, we are not yet full members of the summit club.

The first question relates to the situation of Soviet Jews in Israel. I really have no way of knowing whether this matter will be taken up. I don't know whether it will be taken up or not. I do say, however, that the greater degree of freedom for Jews to emigrate should not obscure the fact that the situation is not satisfactory. There are very rigid limitations which are periodically enforced.

About the American position, I can only refer to the past and say that there have been statements of American humanitarian concern for these problems. These have been appreciated. I think that they are useful, because undoubtedly one of the factors operating on Soviet policy will be the degree to which it judges the world opinion. International opinion is strong and vigorous on this point, so I will only say in the past that we have had the feeling of support by the United States, as many other governments, for the international opinion in favor of a liberal policy on this matter.

What topics would I like discussed?

I really have no belief that it is essential for the Middle East to have its destiny solved outside itself. I believe the type of conference by which the Middle East problem will be solved is a conference of Israel and the Middle Eastern states themselves. There is no doubt, however, in our mind, that the Soviet Union is likely to raise this problem. And if I must say what Israel's hope is of the United States, it is that it continues to maintain tenacious fidelity to those principles which I have referred to, which have proved effective in the past, which I think if they are maintained during this encounter and beyond, will contribute to a greater realism, more duration in the Middle East, in the Arab world, and eventually to substantive negotiation.

Do I feel any concern about a possible United States-Soviet agreement on the Middle East?

I can only express my confidence that the principle of nonimposition, which I have quoted as an element in the United States' position, I think that that is an answer to this question. I hope that the Soviet Union will come to realize that you cannot create a settlement by the traditional methods. We are not living in an age when the Middle East is an international protectorate. It is an area of independence and of sovereignty.

At any rate, I don't believe that there is any chance whatever of imposing on Israel policy that is outside its consent that does not conform with its views of what its security should be, where its boundaries should be, and what agreements it should reach.

I think that the history of Israel in the past 24 years indicates that we are not good candidates for exploited or imposed solutions. This isn't a matter for argument between us and the United States, which has enunciated on its own the principle of nonimposition. There is still room, however, for the Soviet Union to understand that peace depends upon the responsibility, initiative, inventiveness, imagination, and readiness for honorable compromise of the states of the Middle East themselves.

Mr. Rogers. Two related questions: Do you have any concern that the advocacy of major

U.S. defense cuts in the Congress may have some adverse effect on your position in the Middle East?

Number two, would it shake your faith in the credibility of the United States if the United States were to pull all Americans out of Vietnam, after having armed and trained the South Vietnamese to shoulder the war burden?

Foreign Minister EBAN. I feel like a man who has been courteously invited to walk barefoot across a minefield.

Now, on the first matter, I think in addition to Israel's problems, if I were to become involved in the problem of the United States defense budget, you would be entitled to regard me as completely out of my head.

I think that there is a feeling in the Middle East based upon declarations and actions, that there is not a policy of United States withdrawal or liquidation of positions in the Mediterranean. We have watched certain declarations and certain facts which do not give us this impression. And therefore, although certainly we are concerned by the degree of increased Soviet influence, we do not have the feeling that this is completely unilateral and that the unilateral process will allow the Middle East to be dominated by the influence of one single power.

As regards Vietnam, it was our national feeling, as it was the feeling of many other countries, that there was a strong hope for the de-escalation and therefore the eventual liquidation of this conflict. This was the policy of the United States, as enunciated, and it looked as though things were moving in that direction. And therefore, a decision from the north to create and intensify escalation is not only a regional event, it is a grave international event. I wouldn't like to draw any deductions from it specifically about the Middle East.

I don't believe in the doctrine of analogy. I believe that nearly all international conflicts have their own particularity. The Middle Eastern conflict is not similar to any other. From the viewpoint of the American-Israeli dialogue, I would like to point out some of the characteristics. There is no doubt in Israel's case about its willingness and capacity to make the full contribution of its own responsibility and its own sacrifice to its own preservation. We do not ask anybody anywhere to risk its manpower in our defense.

Therefore, this is the major element which differentiates us from any other conflict in the world. All that we ask of those concerned with Israel's security and with Middle Eastern equilibrium and international peace is to make available a reasonable amount of hardware in order to enable Israel, by its own independence, responsibility and sacrifice, to defend itself by its own means and with its own blood. That is a very crucial element in our position. And because we have resolution of that capacity, there does not exist in the Middle East the same danger of international involvement and entanglement and complication that exists in places in the world where states do not have that capacity, or in some cases that resolve.

I think, therefore, when we look at these conflicts, you should look at the things which divide them and separate them. There is not, in my opinion, any valid analogy, from your point of view or from our point of view, between these two situations.

But as members of the international community, we hoped that the de-escalation and diminution of conflict would proceed, and they are obviously concerned by the motives which have led the North Vietnamese to decide in favor of a policy of escalation.

Mr. ROGERS. I think this question is an exercise in futility, Mr. Minister, but I will ask it, anyway.

According to the questioner, he has a reliable source that tells him that there are elements of the U.S. Army in West Germany which are secretly committed to the defense of Israel, and he wants you to tell us if there is such a plan to transport these American troops in case of war.

Foreign Minister EBAN. Well, I think I have given the retrospective answer to that question, and I think this illustrates that fiction is more spectacular than fact. I fully agree with the chairman's analysis. Let us never get away from this central fact: Israel shoulders the full burden of sacrifice for its own defense. It simply asks that its hands should not be emptied. Therefore, it is, I think, the least exacting of partners, the least exacting of all partners, in the defense of a common universal interest.

Mr. ROGERS. A series of questions pertaining to the Golan Heights, Sinai, the west bank and so on.

What is its real purpose in establishing settlements there, and how do you reconcile this with a Geneva convention prohibiting transfers of populations in occupied territories?

Foreign Minister EBAN. The letter and the spirit and the tradition of international law does not prevent the establishment of positions or the head of the peace settlement, insofar as they are necessary for the measurements of security. Now, Israel's position is that the old armistice lines do not commit its future. This is correct juridically, because the Arab states insisted on the premise that the armistice lines may not be construed as territorial boundaries. Here I quote from the relevant article of the 1949 agreements.

Secondly, we believe that the task of statesmanship is to prevent wars and not to leave the way open for their renewal.

Could anything be more absurd than to reconstruct those explosive vulnerable situations which contribute to instability and eventually to war.

If you ask yourselves what is the inherent explosive necessity of the previous armistice lines, you come back again and again to some of these examples. Syrian forces on the Heights with the Israelis in the valley. That is an inherent war-like situation. And Syrian forces in the valley and Israeli military forces on the Heights is an inherently peaceful situation. That has been proved empirically.

Similarly, such positions as that which enabled one of Israel's lines—and I am not putting it in a ridiculous form—shape one of Israel's lines as a supply route, as a possibility by which one options of war and peace converge, as indication to blockade, as a key to the development of the Negev is Israel's outlet to two-thirds of the world. It is quite clear that if anybody else is able to put his hand on that place, that somebody else will determine peace or war, will determine Israel's development or Israel's strangulation. And that is why for Israel the continuation of its control of Sharmel Sheik with all the conditions of territorial continuity necessary for it, is obviously such an obvious element in the peace effort that it would be astonishing to hear it questioned at all.

Therefore, there are places where experience proves the necessity of change, and we have no attitude of apology about the statement that the peace boundaries must be different from the armistice lines, in the degree that security and the avoidance of war makes those differences necessary.

We have never said, and we do not say, that our security requires, even in conditions of peace, the maintenance of the cease fire lines, and all the territories behind them. We do not have this arbitrary approach. There is a very large element of territorial compromise in our position.

But in the negotiations, we would state and defend those positions where we are convinced that there has to be substantial change, not for the sake of change itself, but because our objective is Israel's security and the avoidance of wars. Since I mentioned earlier certain other international examples, let me point out that the new structure of security in Europe, for example, isn't based on restoring the situations that caused a nightmare for mankind. Nobody comes back and says, "Let's put the Polish corridor where it was before, and the vulnerable Polish boundary where it was before," and have hundreds of thousands of Sudetens back in Germany, into Czechoslovakia, to blow it up from inside. Those who built the peace structure in Europe said, "Let us find out what were the causes, what were the points of explosiveness, and let us correct them, let us not repeat them or reconstruct them."

Therefore, when we say that a good peace must include a negotiation, and an agreement on secure boundaries, we are saying nothing that is outside the norms, the precedents, or the traditions of international life.

Mr. ROGERS. Mr. Minister, the questioner says that there are news reports that the Jews in the Golan Heights have asked that the State of Israel incorporate the Golan Heights permanently as part of Israel. Is this under active consideration?

Foreign Minister EBAN. I don't have any consideration of juridical changes with respect to the territories concerned. There are certain territories about which we will be very tenacious when the peace conference comes. But we have maintained the juridical separation, because we want to keep open the principle of negotiation, and one of the elements in our position has been to say, and to say this with sincerity, that all questions can be discussed in the negotiation, but negotiation doesn't mean that we will give up everything in favor of the other side.

We will definitely reach a determination about what are those objectives that our negotiators must achieve if the peace settlement is to be viable. There is no opinion in our cabinet, for example, in favor of the idea that you will have a peace settlement by returning to the 4th of June boundaries. The number of votes for that in our council is exactly nil. But we are prepared to discuss, examine, and negotiate the necessary changes.

Mr. ROGERS. What is the mood of the Arab population on the west bank? Is there any chance it can become a part of Hussein's kingdom, and what is wrong with King Hussein's plan for the west bank?

Foreign Minister EBAN. The central mood of the Arab population on the west bank referred to in the question is, I think, a mood of the realistic understanding that they have always been the victims of every war, and, therefore, the idea of a fourth or a fifth war in the Middle East does not attract the mature and sober elements in that population.

Secondly, there is a new experience of active coexistence. There is movement of men and of commerce across the open bridges and the open boundaries. It has been proved that Israelis and Arabs can live together on the level of their common human concerns. This, of course, does not solve the basic problem of their civic and political definition within a peace settlement. But it is a great investment in the possibility of future harmony, and it makes the idea of a Middle Eastern community much less Utopian and fantastic than it might otherwise seem.

We have made the following analysis of the statement made by King Hussein. Our objection related to his assumption that the problem of peace between Israel and Jordan could be evaded. We think it cannot be sidetracked or transcended, that it must come first, because only when there is a peace settlement between Israel and Jordan will there be clarity about what the respective areas of jurisdiction are, because as I have said, there cannot be a return to the 4th of June, 1967, lines.

But we don't have any objection to the federal principle, or any other constitutional principle, in a neighboring state.

To be more specific, once the peace is concluded, and the boundary is determined, then if in the area under his jurisdiction under that agreement King Hussein wants to follow a different policy in the relationship between the Palestinian Arab community and the central Jordanian authority than before in favor of a more autonomous or federative concept, less centralized, that is not an Israeli decision. It isn't a matter in which we would intervene. But what did certainly invite our legitimate objection was his assumption that there isn't such a thing—I am speaking of that speech—the assumption that there isn't a negotiation with Israel. He already knows what his territories will be, that they are to include the whole of the territory that he had before, and Jerusalem, the territory that he didn't have before. I often ask myself, what is the point of winning a war if by losing it, you expand as much as he would expand it under this conception.

So we did say, well, now, wait a minute, before you start moving the furniture about in your rooms, find out which of the rooms are yours, and which are not. But once that is decided in the negotiation, as I have said, then Israel is not called upon, I think, to make these Arab decisions about what the relations between various parts of the population outside Israel shall be. Most of my colleagues and I do envisage, of course, in a peace settlement, although there would have to be some substantiation, there would be many, many thousands of Arabs outside Israel's boundaries, but the relationship of those with the other parts of the Arab community, I think, is an Arab and not an Israeli decision.

Mr. ROGERS. Mr. Minister, you spoke a moment ago of Israel's request for hardware for its defenses.

Can we assume that Israel does not seek and does not need offensive weapons, such as medium to long-range aircraft?

Foreign Minister EBAN. I would very much like to know what is an offensive or a defensive weapon. Offense and defense is not a quality of weapon. It is a quality of the policy for which it is applied.

For example, in 1967, Israel's resistance was regarded universally by world opinion as a defensive action, because we were threatened in our security, in our integrity, in our maritime access, in the most vital interests that a nation can possess. But to say that there was something tactically defensive about all our moves would be a very remarkable way of describing the operation in 1967. In order to defend yourselves, you have to meet your adversary, you have to meet him wherever it is strategically and tactically necessary to meet him, but that does not make your battle offensive.

Nobody has ever said that because in the Second World War the Allied forces went deep into the territory of their adversary, nobody says that the western democracies were the aggressors. They were strategically defensive. They were tactically defensive and offensive, as military logic required.

And therefore, if the question is, are we going to give the Phantoms back, the answer is no.

(Applause and laughter.)

Mr. ROGERS. President Chaushesko of Rumania has been mentioned as a possible mediator in the Middle East. Golda Meir is visiting Rumania, and the questioner wants to know, can Chaushesko succeed where Joe Sisco failed?

(Laughter.)

Foreign Minister EBAN. Well, President Chaushesko has not yet succeeded, and I don't think that Joe Sisco has yet failed.

The question asks, and I have been asked this many times, whether there is an effort at mediation. I would much prefer to allow Rumanian policy to be decided in Rumanian terms, and they have never used that phrase or that expression. What they have said is that they use their position of mutual relationship and confidence both in Cairo and in Jerusalem to try to clarify the policy of each of those governments to the other, and to give what they think is an intimate and accurate impression of what each government feels.

I agree with the idea that this is a contribution, this is a contribution to peace, because much of the conflict, not all of it, but much of it rests sometimes on a misunderstanding of what the policy of the adversary is.

Therefore, when any disinterested government says that it will do its best to clarify its positions, and to give a lucid and actual account of our policy, then we encourage them to do this. When some of the African heads of state use their good offices in a similar way, we encourage them to do it. That does not mean to say that the user of good offices himself becomes a party, or himself makes proposals and submits texts, but that he examines and explores the position of the parties in an attempt to find common ground.

That is the way the Rumanian government has described its role in the past. About what will be discussed in the Bucharest meeting, I have no knowledge at all, and I am certain we will be in a higher state of knowledge after the meeting than before.

Therefore, I don't want to say anything which will be regarded in any sense as a prediction about what will be discussed.

Mr. ROGERS. Mr. Minister, we thank you once more for giving us a lucid and informative——

(Applause.)

And on behalf of the Press Club, I would like to give you now our certificate of appreciation, and the coveted National Press Club necktie to go with the rest of your collection, and one more question.

Mr. Minister, will you accept a mission for us. Upon your return, will you see to it that you will have Mrs. Meir make good on her promises to us to cook for the members of the Press Club gelfilte fish?

Foreign Minister EBAN. Before I answer that question, may I express gratitude for receiving this tie. This is the tie that I should avoid wearing when I next go down to the Suez Canal.

With reference to my Prime Minister, I can give you full assurance all the recipes are under active consideration.

(Applause.)

(Whereupon, at 1:55 p.m., the meeting was adjourned.)

CONGRESSMAN CRANE CALLS FOR AN END TO CONSERVATIVE DESPAIR

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. DERWINSKI. Mr. Speaker, our colleague from Illinois (Mr. CRANE) has frequently demonstrated his talents as an articulate spokesman for the principles of conservatism and his message is one that deserves listening to by Republican and Democrats alike.

Recently, Mr. CRANE addressed the Republican Women's Club in his own district, the 13th District of Illinois, and I would like to include his remarks in the RECORD for the benefit of my colleagues.

The address follows:

LET US HAVE DONE WITH DESPAIRING!

(By Hon. PHILIP M. CRANE)

"Perseverance, dear my lord
Keeps honor bright: to have done is to hang
Quite out of fashion, like a rusty mail
In monumental mockery."

The words are from the pen of William Shakespeare and assigned to the immortal hero Ulysses in the play "Troilus and Cressida."

Yet they are apt words for conservatives today to ponder. Certain regrettable misfortunes and the chaos of our time have conspired to drive many of our number from the political arena; to cripple the effectiveness of those who remain; and generally to reduce us all to a moping silence born, in equal parts, of disgust and despair.

As conservatives we are in sad danger of finding our honor dulled past polishing again. We must get hold of ourselves quickly—"put it together" in the current vernacular—or traditional values may be "quite out of fashion" before we know it. In a socialist state, conservative philosophy as we think of it today will, indeed, "hang . . . like a rusty mail in monumental mockery."

What prompts me to paint such a somber picture? Several things, unfortunately.

I have, for instance, observed a recent trend on the part of conservative stalwarts to give up the fight. There is a prevailing attitude that the system is no longer responsive; that things have gone so far amiss—by which it is generally meant so far down the road to central control or socialism—that nothing can be done; that Washington has a death grip on the country and the liberals have a death grip on Washington. And this trend to retreat and despair grows more pronounced every day. If it were not so serious, it would almost be as amusing as an incident that occurred with my daughter, Rebekah, when she was five years old. At the dinner table one evening we were discussing God's omnipotence and omniscience. Rebekah challenged both because "I broke my sunglasses and prayed to God to fix them and He didn't do it."

One finds evidence of this attitude in the exodus of conservative leaders and workers from political endeavors, with such parting comments as, "I'm tired," or "It's over—it's just no use anymore," or "The people aren't listening—they just don't believe in traditional values anymore."

One finds it in the increasing reluctance of conservative money to back conservative causes. Financing is ever harder to come by for young conservatives seeking public office on the state and local level; for public and private efforts to compete with the liberals at their own game of influencing the direction of legislation through the molding of public opinion; indeed, for almost any kind of conservative effort you want to name.

One finds it in the diminishing army of conservative volunteers—admittedly weary from past battles—who will no longer gird their loins for one more encounter. Old race horses never cease to tremble with anticipation at the starting line. Too many conservatives have, by contrast, taken to behaving like balky mules when asked to have a go at it one more time.

And one finds it in the exodus of elected conservatives from public office. Of the 21 Members who have already announced their retirement this year from the House of Representatives and do not plan to run for any other office, fully 60 per cent of them are stalwart conservatives and most of the rest are moderates.

There are not more than two full-fledged liberals among the lot. Most are powerful, senior Members, and one-fourth are the Chairmen or ranking minority members of such key committees as Rules, Ways and Means and Judiciary. They cannot be expected to serve forever, of course. Indeed, many are years past the age when they should be asked to serve out of duty. But they leave posts which will be taken up by liberals years away from retirement, unless the people vote them out. Without workers in the vineyard and money to finance their efforts, the chances of defeating senior liberals in the Congress grow increasingly remote.

In short, at a time when the average American is dissatisfied and increasingly aware that the social heresies of the last forty years are not the answers to America's problems, the keepers of the true faith are giving up the struggle. And the conservative leaders of the past do not pass the torch of freedom to new generations but rather, by embracing the heresies themselves, threaten to extinguish the last flickering embers while the people search for light.

Americans may not yet be sure, but they are ripe for convincing, that profligate deficit spending by the Federal Government breeds more problems—and graver ones—than its defenders can attempt to cure. The bread of "prosperity and progress" made with the old yeast of statism and collectivism collapses into unemployment and inflation. In a single generation we have been able to experience the sweet promises of Liberalism souring on the tongue.

The American people are ripe, too, for remembering some basic truths: you do not raise men up by their pocket books alone; no amount of money, spread equally among our citizens, will for long remain equally spread in a free society; free men have no right to happiness, only the right to pursue happiness; you cannot buy equality; you cannot feed the true hunger of this world with bread; you cannot heal the worst blindness of our time with medical skill; cancer research will not cure cancer of the soul; material solutions to pollution of the environment will not touch pollution of the mind; "liberation" is false if its only fruit is license; liberty imposes more responsibility than any form of servitude; license is not freedom but bondage; and, love does not come out of the barrel of a gun.

There is a desperate need for us to reconsecrate ourselves to the basic principles upon which the Founding Fathers structured this Republic. It was intended that power would flow from the governed. It was never intended that Washington should order our lives—the government in Washington is merely a mechanism by which the people may endeavor to order their own lives. When bureaucracy enslaves, the servant has become the master.

Ours was a unique concept in the history of government. It was the first time in the history of civilization that a government was created consonant with God's law. "Thou shalt have no other gods before me," states the first commandment. Every government prior to our own did violence to this commandment, for they all assumed powers and prerogatives which we reserved exclusively unto the Divinity. Even the British system of government rested upon the premise that man was created to serve the state. The Declaratory Act, passed by the Parliament in 1766, insisted that Parliament had the right to regulate the lives of British citizens "in all cases whatsoever." Every despotism, from the days of the Pharaohs down through Hitler, Stalin, or Mao Tse Tung, has operated under this proposition. It repudiates the first commandment and the doctrine of unalienable rights set forth in the Declaration of Independence.

The Founding Fathers viewed government as a servant not a savior whose function was to provide cradle-to-the-grave security by taking from the "haves" and giving to the "have-nots" or forcing a secular salvation upon the people according to the dictates of the conscience of some philosopher king in Washington. Its principal function was to prevent trespass by the one, the few, or the many. As Jefferson explained, the end of government is to make men secure in the possession of their unalienable rights to life, liberty, and the *pursuit* of happiness.

To achieve this purpose we must maximize free choice. We rejected the pagan notion that any one of us is endowed by his Creator with the right to play God with the lives of the rest of us. And properly so.

The Founding Fathers believed in God. They believed, further, that man was created in God's image. As no man can describe God's image, it is blasphemous to force men into mortal conceptions of that image. Men must be kept free to develop their creative potential to its fullest for the glorification of God. This is, perhaps, the ultimate liberal heresy. The liberal profanes God by attempting to regiment men's lives to achieve his parochial vision of the New Jerusalem.

The Founding Fathers knew, too, that "representation without taxation" could have as baleful an influence upon the quality of life and liberty as "taxation without representation." This is not to say that the poor or propertyless should have no say in their government. But a free society cannot endure if those who have nothing at stake can use government to plunder those who do.

The Constitution wisely provides that there be a separation of powers in the Federal Government. The judicial branch shall not legislate, or the executive branch interpret, or the legislative branch execute its own laws.

These are elemental principles but they are more and more abused by every branch. By imposing forced busing to achieve racial "balance" in schools in the face of express Congressional intent opposing such busing and in defiance of the Constitutional mandate to treat all citizens equally, the Courts have undeniably legislated. On the other hand, Congress, in appropriating funds has abdicated its responsibility in recent years by putting spending limits on the Executive which are below the amounts appropriated by the Congress. This, in effect, forces the President to decide where spending cuts should be made, a responsibility which belongs to the Congress, not the Executive. Then there are the legislators who advocate passage of legislation which will take effect in the future unless Congress specifically vetoes it. The Executive may reorganize, unless Congress vetoes the Reorganization plan. Salary increases automatically take effect unless Congress vetoes them. And some are advocating pilot programs for welfare reform, with the programs to take effect all over the country at a specified future date unless vetoed by Congress. This violates the separation of powers, when Congress must exercise a veto—which is an executive function—in order to prevent legislation, rather than taking affirmative action to enact legislation.

On another point, in a Federal structure the several states comprise an equally important entity with the central government in the balanced equation of power and it is as destructive of human rights and freedom for the central government to grow too strong as for the states to dominate or grasp at excessive sovereignty. In many of our programs today—in welfare, in legal aid, in child care, in job training—we are discovering that the elimination of local option, local input, local control has plunged the programs into a morass from which the Federal bureaucracy is unable to extricate them.

Yet another of these principles relates to the separation of church and state. We have fallen into the trap of extending that principle to justify government ignoring or even denying the existence of God. And we have interpreted the Constitutional guarantee of "freedom of religion" as if it were synonymous with "freedom from religion." How else do we explain the Supreme Court decision prohibiting prayer in our public schools? The sad fact is that there was no need for the Court's decision in the first place, and had it never been rendered the present demand for an amendment to restore the right to pray would have been avoided.

Our Supreme Court justices ignored, in the process, the profound truths enunciated by George Washington in his Farewell Address when he said:

"Of all the dispositions and habits, which lead to political prosperity, Religion and morality are indispensable supports.—In vain would that man claim the tribute of Patriotism, who should labour to subvert these great Pillars of human happiness, these firmest props of the duties of Men and Citizens.—The mere Politician, equally with the pious man, ought to respect and to cherish them.—A volume could not trace all their connections with private and public felicity—Let it simply be asked where is the curity for property, for reputation, for life, if the sense of religious obligation *desert* the oath, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition, that morality can be maintained without religion.—Whatever may be conceded to the influence of refined education on minds of peculiar structure—reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

I realize that these are not the "in" things for Congressmen to be talking about today. But I sincerely believe that these observations contain vital truths cast aside recklessly and thoughtlessly. In the turmoil and the insecurity so apparent in our society today, we would appear to be reaping the whirlwind for having sown the wind. Our rosy future is fast turning to "clockwork orange," with all that implies in terms of sex, violence and social disintegration.

We have many hard decisions facing us that will mold the course of human history, and they are not far down the pike. We must decide how we stand on the issues of "test-tube babies," the sanctity of life for the unborn and the ill and aged, the future of the institutions of marriage and family. I am totally convinced that the liberal politicians who control Congress today will not make the decisions that the American people would really want if they could see where those decisions will lead them.

We have portents already. A child development bill has been passed, vetoed, and is now being pushed again in a form that will do more damage to the home as an institution than anything most of us could have conceived possible even five years ago. Its defenders have argued that it is necessary, to give women equality and get families off welfare; but its express purpose goes far beyond that scope and it is, once again, only the foot in the door whereby we will set in motion the undoing of home and family life as surely as they have been undone in the Soviet Union or Red China.

The Population Control Commission has recently recommended vastly liberalized abortion laws; ready and practical access to contraceptive information, procedures and supplies for all people, including minors; and development of public health-financing mechanisms to pay for voluntary sterilization, abortion, prenatal, delivery and postpartum services, and medical treatment of infertility.

Not only is this the most outrageous kind of socialistic manipulation, but, to suggest public financing of both abortion and the treatment of infertility is an absurd contradiction in purpose. What will the next step be? Are we to be required to have a permission card from the state in order to have children? Will there be a legal limitation on the number of children any family may have? Or perhaps the social planners will content themselves with the proposal contained in pending Senate legislation to abolish or reduce on a graduated scale the tax deductions allowed for families with more than two children.

Yes, the social manipulators are eager to meddle in our lives with legislative surgery when it is necessary to do so in order to increase the power of the state over the individual. But when, in their natural course, events work to the liberals' advantage they are satisfied to leave well-enough alone. In an area where every day's delay is crucial—on the question of a national policy regarding experimentation with "test-tube babies"—nothing—absolutely nothing—is being done. Though the liberals would not say so, this Orwellian experiment apparently does not bother them. Admittedly, it is in the same vein with universal child care, uncontrolled abortion and euthanasia. On the conservative side, most of us simply prefer to hide our heads and hope the scientists don't succeed, again taking the easy way out.

What we seem unwilling to grasp, or to accept, is that we have entered an era when the battle is no longeer so much for the control of territory or economic advantage as it is for men's minds. And it is no longer fought with arms alone. It is being waged, relentlessly and often unobserved, with the weapons that belong to the powers of evil—ideologies and slogans designed to wean men away from eternal truth through the easy answers, the half-truths, the beckoning utopias that in reality spell eternal destruction.

It is a war, not for the physically brave, but the spiritually brave. It is, in short, a battle in which we must depend upon God; we cannot win it alone.

Let me hasten to add that, however different the circumstances and the methods, however unfamiliar the face of the enemy, it is not the first time in history that men have faced such a challenge. And if we respond well, we will not have been the first to do so.

There are ample historical precedents for the challenge that confronts conservatives today and the odds we face—precedents fairly shouting at us, of victory in the face of odds that should have spelled certain defeat.

What were the odds that George Washington faced with his frozen, starving men at Valley Forge? The fact of his ultimate victory has been rationalized in many ways by "hindsight" historians, but to the men at Valley Forge that winter, surely nothing seemed more beyond reach than victory for the colonial cause against the King's army.

What were the odds that England faced at Dunkirk in 1940? Looking back, we think the Allied victory inevitable in World War II, but at that hour perhaps only the faith and resolve of a stalwart leader kept England from going under. On that day Winston Churchill said:

"We shall not flag or fail. We shall go on to the end. We shall fight in France, we shall fight on the seas and oceans, we shall fight with growing confidence and growing strength in the air, we shall defend our island, whatever the cost may be, we shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets, we shall fight in the hills, we shall never surrender."

And England, thank God, fought on!

With what peril was the cause of Union fraught when the once United States tore asunder pitting brother against brother? Millions of Americans supported Lincoln, when he said,

"Let us have faith that right makes might and in that faith let us to the end dare to do our duty as we understand it."

And thus our nation survived to face this present hour.

Oft quoted is Edmund Burke's remark that "The only thing necessary for the triumph of evil is for good men to do nothing." But history is full of those great turning points marked by the determination of good men, great and small, one and many, not to sit by and do nothing. It is the stuff of heroes—Francis of Assisi over-powering the debauchery of his youth; Joan of Arc, a mere child, bolstering the sagging will of a despairing people and an irresolute monarch; and a humble carpenter's son altering more profoundly than all the armies of history the course of civilization.

It is the stuff of quieter struggles fought and won—by anti-Communists in Brazil in 1954; by the Indonesians who delivered themselves from almost certain Communist takeover; by the Rhodesians who have ridden out a vengeful world opinion and sanctions to maintain their sovereignty.

All, with Horace, have lived by the maxim, "Never despair." The story is told of the boxer, Jim Corbett, that the secret to his success in becoming a world champion was contained in the four word philosophy: "Fight one more round." As Corbett explained it, when his arms were so tired they felt pulled down by lead weights, he would nevertheless resolve to himself to "fight one more round." When his body hurt so badly that to be knocked out seemed almost merciful, he nevertheless resolved to "fight one more round." When his legs dragged from exhaustion and his heart beat as though it must burst, he nevertheless resolved to "fight one more round." In short, Corbett simply refused to quit!

Our opponents are not supermen. As Knute Rockne observed, they put their trousers on each morning as we do. They, too, suffer pangs of self-doubt. They, too, weary from the fight. They, too, succumb to the fears born to fatigue.

"One man with courage," redoubtable Andrew Jackson said, "makes a majority."

As in all ages, the doom-criers among conservatives today have it within their power to fulfill their own prophecy. For when the people who *must* act *refuse* to act because "Nothing can be done—the cause is lost" then nothing will be done and surely it follows that the cause *is* lost.

On the heels of the 1964 election, when I was teaching history at Bradley University, a conservative student came to me after class one day with a troubled look. "Dr. Crane," he said, "I believe in your principles and ideals, but let's face it—the United States is finished and western civilization is doomed. We are inevitably moving toward some form of socialism, so why fight it? Why shouldn't we simply eat, drink and be merry?" I could sympathize with him, for, as I confessed, at one time in my own collegiate career I had asked myself the same question. "But," I suggested to him, "let us suppose that you and I cling to our values and tomorrow we win two converts apiece to our view. Let us suppose, further, that we enjoin them to win, in turn, two converts apiece the following day, and so on. Before long, a majority would believe as we do. Can you then tell me that the United States would be finished and western civilization doomed?"

"I never thought of it that way," the young man replied.

Several years ago the noted University of Chicago professor, Richard Weaver, authored the superb book *Ideas Have Consequences*. As I explained to my young student, ideas do, indeed, have consequences, and his outlook had been clouded by acceptance of a wrong idea: the doctrine of dialectical materialism. In fact, Karl Marx's theory of inevitability is one of the rankest superstitions he ever advanced. It is unsupportable historically, yet implicitly—if not explicitly—accepted by millions throughout the world. Acceptance of this superstition, as I explained to my young student, had as surely removed him from the fight to preserve free institutions as had he been placed against a wall and had his brains blown out with a thirty calibre machine gun.

It is not true that nothing can be done about the situation conservatives face today. Much can be done and must be done.

There are sound and capable young conservatives eager to seek public office. But they must have resources and campaign workers. The despairing are of no help to them.

There are resolute men willing and able to help put the conservative movement back on the offensive again with techniques and politically operative programs that can be just as effective as have been the efforts that gave the liberals and socialists the political momentum they maintain today. But they must have cooperation and they must be heard with as much political sophistication as the "liberal plotters" have been by their mentors over the past generation.

There are elder statesmen who are still making the good fight. But they must be given the respect and support they deserve and not be "put down" because of age alone. By the same token, we must retain our critical judgment and be prepared to acknowledge the fact that some of our erstwhile conservative leaders have embraced the heresies.

Beyond this, we must rise above the dispostion to exclusivity and never forget that there is much wisdom in the maxim, "To err is human, to forgive divine." Many liberals are working and thinking their way out of their intellectual straight-jackets. They should not be taunted, but forgiven and encouraged. There is none of us too old to learn. Still others, looking through a glass darkly, have voted against us in the past while generally maintaining a community of interest with our traditional values of love for God, personal responsibility, respect for law and order, and a wholesome commitment to preservation of the institutions of marriage and family. They should be extended the hand of fellowship. More than that, they should be earnestly wooed.

"Where liberty dwells," Benjamin Franklin said, "there is my country." The same must be true when it comes to placing our faith in men. To paraphrase Franklin, let us pledge that "Who proclaims liberty is my friend."

Most encouraging of all, there are armies of young people—many of whom espouse the conservative viewpoint already and deserve to be given leadership and opportunity; but many, many more who espouse no philosophy and simply search for the truth that lies in the traditional values we conservatives hold dear but have failed of late to defend and articulate in a forthright way.

Therefore, it is incumbent upon every conservative to persevere. To do less is to commit Peter's sin: denying our faith in God. Ultimate despair is the one unpardonable sin. I am convinced that most of us, as conservatives, believe in a personal God who can and does intervene in history. Despair for the future of traditional values indicates a loss of faith in the power of God. We make of ourselves "foolish men" on the road to Emmaus.

I will be the first to admit that conservatives did not make use of the opportunities we had in the 1940's, the 1950's, yes, even the 1960's; and we still are not always dealing wisely with our problems. As a result we are, indeed, already a long way down the primrose path to socialism. There are some things we simply cannot change and some things that it will take many years to change. For example, to terminate abruptly many of the present Federal subsidy programs could fatally disrupt the economy.

But the fact that we seem already past the point of no return in some respects is no justification for quitting. To those who think "it's all washed up," I would only say, "Try living in any Communist dictatorship of your choice for just one month." Then you will see how very much we have left to defend—and to work with—in this country. Live for thirty days in a state where you have no freedom of movement; no privacy, even in your own home; no freedom of worship; no freedom of speech or association; no opportunity or hope of changing your job or improving your lot in life.

My father greatly feared that FDR had destroyed the Republic. I recall a discussion in his library on the eve of World War II. "I fear in your lifetimes," he told my brothers and me, "that you may be confronted with a very cruel alternative. You either compromise your principles to stay alive in the hope that over time you can reform the system from within; or you decide that you can no longer live with the tyranny and you fight it. If you make the latter decision," he continued, "you may very well end up at some point standing before a firing squad. Just remember, if you do, that we believe there is something much grander that lies beyond this life, and that that is the moment of *your* ultimate victory, not theirs." Then his mortality showed as he added: "But, boys, if you make that latter decision, just make sure you get twelve of them before they get you."

None of us wants such alternatives for himself, his children, or his children's children. They represent the worst of all possible worlds. But once we have faced up to them, we realize that there is still a long way to go, that we still have many more options available to us, and that even the worst is something we can face without fear.

Dante said, "The hottest places in hell are reserved for those who, in a period of moral crisis, maintain their neutrality." If the hottest places are reserved for those who maintain their neutrality, next to them must be a place for those who refuse to fight because they have given in to despair.'

By serious and energetic endeavor, conservatives in this country can still preserve the home and family, the sanctity of marriage, the freedom to worship as we choose, the right to choose our own vocation, associate with whom we will, praise or criticize as suits our fancy, and the opportunity to improve our lot in life. We can retain for ourselves the right of free government—the right to vote. We can even restore the power to influence the course of government through that vote: the most significant of the things that have begun to erode away in this generation.

It is, perhaps, easiest to give up the struggle when times are "easy," as they are now, in a material sense. I would recall to you the words of Francis Bacon—"Prosperity is the blessing of the Old Testament; adversity is the blessing of the New."

To champion the conservative cause today is to wade neck-deep into adversity. The defense of truth has never been easy.

And so I say, let us have an end of despairing. "Even desperate, we cannot despair," says the modern equivalent of Job in Archibald MacLeish's poetic play, "J.B."

With that old patriot, Samuel Adams, "Let us contemplate our forefathers and posterity and resolve to maintain the rights bequeathed to us from the former, for the sake of the latter. The necessity of the times, more than ever, calls for our utmost circumspection, deliberation, fortitude and perserverance."

I personally stand ready to work with anyone, anyplace, anytime, who is willing to give himself to this effort.

Let us have done with despairing! Let us, with faith in God, set our hands with greater vigor to the restoration of reason and the pursuit of honor in the public policies of this our great land. Let us join with another great American, during an hour of trial, who refused to mock our honored dead, and instead resolved "that this government, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth."

SMALL BUSINESS ADMINISTRATION LENDING PROGRAM OUTSTANDING IN ILLINOIS

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. RAILSBACK. Mr. Speaker, the progress of the Small Business Administration lending program in Illinois has been outstanding. In fiscal year 1968, 145 loans for $6,245,000 were granted in the State. By fiscal year 1971, that number had increased to 735 loans for $47,302,819, and the number of loans this year is running 26 percent ahead of last year's pace.

This progress is the impressive result of a massive public information program by the Small Business Administration, alerting Illinois citizens to the availability of financial help to small businesses. Yet, despite their best efforts, there are still many individuals—particularly in smaller towns and rural areas—who are unaware of the agency's programs. This results in many individuals not being able to take advantage of SBA programs which would benefit their business and their community.

In an effort to better serve the people of Illinois, the Small Business Administration will conduct a series of seminars throughout the State. The first series will be on the lease guarantee program, which is a new type of credit assistance provided by the SBA to help small businesses obtain leases in choice business locations. A lease guarantee is an insurance policy which is issued to a businessman, guaranteeing to the landlord that the rent payments will be made.

The schedule for these seminars is:

Bloomington, April 26.

Waukegan, May 1.

Danville, May 11.

La Salle, May 16.

For additional information on this program and/or for registration forms for the above seminars, Lewis F. Matuszewich, Deputy Regional Director of the Small Business Administration, Chicago—312—353—4521—or Warren Keith, Branch Manager, the Small Business Administration, Springfield, Ill.—217—525—4232—can be contacted.

The second series of seminars will be held on the surety bond program. Any small business which is required to have a bid, performance or payment bond in order to obtain a contract may contact the Small Business Administration for reinsurance of the surety bond if he is unable to obtain it independently. These bonds can be obtained for contracts in the construction industry, or for repair, maintenance, service, supply and janitorial work. The seminars on this SBA program are planned for the following cities:

Joliet, May 22.

Champaign, June 9.

Belleville, September 11.

Decatur, September 19.

Arrangements for these seminars are also being made jointly by Warren Keith, the Branch Manager of the Small Business Administration at Springfield, Ill.—217—525-4232—and Lewis F. Matuszewich, the Deputy Regional Director of SBA in Chicago—312—353—4521.

I have talked about these seminars with Robert Dwyer, the Regional Director for the Small Business Administration program in Illinois. I have indicated to him my hope that additional seminars on other Small Business Administration programs will be provided at other locations in the State—for the benefit of the small businessman, the agency, and, most importantly, the people of Illinois.

AMERICAN PEOPLE WANT, NEED, AND DESERVE INCOME TAX REFORM

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. EVINS of Tennessee. Mr. Speaker, throughout the country there is a groundswell of public opinion calling for reform of our Federal income tax structure to eliminate loopholes that permit many big business corporations and millionaires to legally evade billions of dollars in taxes annually.

Research by a highly respected private research organization, Brookings Institution in Washington, indicates that taxable income would increase by $166 billion if these loopholes were eliminated, according to recent testimony given to the Joint Economic Committee.

Another witness at these hearings, Philip M. Stern, author of a book concerning these tax loopholes—"The Great Treasury Raid"—testified that all tax rates could be reduced 43 percent without any loss of Federal revenue if $77.3 billion lost through tax loopholes listed in the Brookings study was added to Federal income.

In the face of this and other evidence and the grassroots demand for tax reform, I was astonished at the recent statement by Secretary of Treasury John Connally that there were no tax loopholes. He should know better.

Furthermore the Washington Star on yesterday in a front page article reported that administration spokesmen have prepared an elaborate presentation replete with slides, graphs, and charts to support Connally's position against tax reform.

When the Nation's 12th largest corporation—United States Steel—with a net income of more than $154 million can evade all Federal taxes through loopholes and pay no Federal income taxes—as it did in 1971—then something is wrong with our tax laws.

When big foundations with huge private interests can evade taxes, obviously something is wrong. Congress has closed some of these foundation loopholes, but not enough.

When many of the Nation's giant oil companies—Gulf, Texaco, Mobil, Shell, Atlantic, Conoco, Union, Marathon, Tenneco, Sinclair, Tidewater, Pure, and Richfield—can evade Federal income taxes entirely or pay less than 6 percent—as they did in 1969—then it is obvious to any reasonable person that tax loopholes exist and that tax reform is urgently needed.

Researchers report that in 1969 the Nation's 26 largest oil companies with net incomes totaling more than $8 billion paid less than 8-percent aggregate in Federal income taxes. No wonder the budget remains unbalanced.

Because of the great interest of my colleagues and the American people in tax reform, I place articles from the Washington Star and Knoxville News-Sentinel on this subject in the RECORD herewith.

The articles follow:

[From the Washington Star, Apr. 24, 1972]

NIXON'S SLIDE SHOW: NO NEED FOR TAX REFORM?

(By Eileen Shanahan)

The Nixon administration has prepared a slide-show aimed at making its case that the tax laws are reasonably fair as they stand now and that tax reform is unnecessary and undesirable.

The presentation was given its debut Thursday before a small group of tax lawyers by Frederick W. Hickman, deputy assistant secretary of the Treasury for tax policy, under whose direction the show was prepared.

Hickman is scheduled to make the same presentation soon to the Association of the Bar of the city of New York, and he and others are expected to give it frequently in the months ahead if it seems to be accomplishing its purpose.

The purpose is to counter the growing cry for tax reform that has been aroused by Democratic politicians, especially candidates for the presidential nomination, and by the feeling of most middle-income individuals that the federal income taxes they pay are too burdensome, while those of the rich and of business are too light.

The administration's case against tax reform, as presented in Hickman's slides, rests mainly on two assertions—and some figures to back them up.

The first is that what are generally considered the "loopholes" in the individual income tax do not really add up to very many billions of dollars of income that is escaping tax.

The second is that corporations are already taxed quite heavily, compared to individuals.

Hickman's lecture totals up all the various preferential provisions that are in the income tax law now—provisions that leave some income completely untaxed and provisions that create deductions from taxable income.

He finds that the preferences that run into the tens of billions are generally items that those who advocate tax reform do not consider to be "loopholes."

These are preferences such as the nontaxable status of Social Security payments or the deductions permitted homeowners for their mortgage interest and property taxes.

Nontaxable "transfer payments," a category that includes Social Security, unemployment compensation and welfare payments, totaled $55.1 billion in 1970, and the tax deductions granted homeowners totaled $28.7 billion.

By contrast, Hickman said, "all the tax loopholes that everybody is talking about"—interest on municipal bonds, which is nontaxable, the depletion allowance that is taken by individuals with income from oil and gas wells and other mining operations, the tax advantages of stock options and special interest deductions—added up to only $4.9 billion.

Hickman's presentation listed separately the portion of capital gains that is not taxed, usually half of capital gains, which totaled $26 billion.

Making a related point that most tax preferences do not go to the rich, Hickman presented a slide that showed untaxed income by income bracket.

BREAKS FOR LOWER BRACKETS

His figures showed that $100.4 billion, or more than half the total of individual income subject to tax preferences—$193.6 billion—went to individuals and families with incomes of $20,000 a year or less. The tax preferences in the compilation included not only "transfer payments" and "homeowner preferences" but also all other itemized deductions and the standard deduction and low income allowance.

Above the $20,000 income line, the tax preferences were distributed as follows, according to Hickman's figures: For taxpayers in the $20–25,000 income bracket, $17.1 billion; in the $25–$50,000 bracket, $24 billion; in the $50–$100,000 bracket, $7.5 billion; in the $100–$500,000 bracket, $8.8 billion; and in the $500,000-plus bracket, $5 billion.

Turning to the corporate income tax, Hickman's slides showed that while the corporate tax rate is supposed to be 48 percent, the various special treatments in the tax law reduce that—in terms of percentage of total corporate income actually paid out in taxes—to 38.2 percent.

This rate "is a heck of a lot higher than the effective rate on individuals," which is under 11 percent, he told the meeting of the Federal Bar Association and Bureau of National Affairs, which he was addressing.

MATTER OF $10 BILLION

In addition, he said, if all the tax-law provisions that reduce the corporate effective tax rate to 38.2 percent were repealed, that would raise no more than $10 billion. Even this calculation fails to take into account the depressing effect on the economy—and on corporate profits and tax collections—that such tax-law changes would probably bring, he said.

"There's just no way the corporate income tax could be the tax that carried the main burden" of financing the federal government, he said. That is because total corporate income is small compared to individual incomes.

Hickman conceded that his calculations of corporate tax preferential did not include the provisions for extra deductions that corporations get through the system of accelerated depreciation of their equipment. He made the argument—which is bitterly disputed by tax reformers—that accelerated depreciation is not a tax preference because it merely postpones payment of taxes and does not eliminate it. Reform advocates say the tax is never really paid.

Hickman's slide show also contained some recently updated figures—for 1969, in most cases—that showed that the over-all tax burden borne by Americans was lower than that borne in any other industrialized country except Japan, which has no military expenses.

[From the Knoxville News-Sentinel, Apr. 23, 1972]

REFORM MAJOR ISSUE IN CAMPAIGN: CONGRESS MAY ACT TO CLOSE MANY TAX "LOOPHOLES"

(By Robert Dietsch)

WASHINGTON, April 22.—Although tax reform has emerged as a major issue in this year's presidential campaign, there is no guarantee that Congress next year will close many of the so called tax "loopholes" being assailed by Democratic candidates

These Democrats, in their presidential primary campaigns, are urging a number of tax reforms they contend would bring more equity into the Federal tax system.

The Democrats argue the loopholes permit businesses and wealthy individuals to escape too much tax. The Congressional Joint Economic Committee estimates loopholes cost the U.S. Treasury $36 billion a year.

REASONS REFORMS FAIL

Liberals in Congress have been advocating such tax reforms for years. They've had little success for a number of reasons:

1. They are a minority in Congress. The Democratic power centers in Congress generally have been opposed to the kind of reforms being advocated by the Democratic presidential hopefuls.

2. Many of the tax exemptions, deductions and benefits labeled as loopholes are vigorously defended by their advocates and beneficiaries as serving worthwhile social or economic purposes.

3. Closing loopholes could disrupt some industries, which contend the results would be higher prices or fewer jobs.

Most of the reforms proposed by the Democratic candidates would force businesses and wealthy individuals to pay more income taxes by depriving them of deductions, exemptions, credits and other tax benefits now included in the Internal Revenue code.

The most comprehensive tax reform bill in history, which was passed by Congress in 1969, did close an estimated $6.9 billion in tax "loopholes."

THE YEAR 1969 BILL COSTLY TO UNITED STATES

But the measure was enacted only after it was "sweetened" by tax reductions totaling $9.2 billion. These reductions benefited both low- and high-income taxpayers. But the net result was that the Treasury lost about $2.3 billion in annual revenues.

The Democrats say their reform proposals would raise revenues and thus avert the need to raise tax rates to pay for expanding domestic programs and to trim Federal budget deficits.

The tax reforms proposed by liberal Democrats are loaded with controversy.

HAS BROAD MEASURE

The major bill, a broad-gauge measure designed to close $16 billion in "loopholes," was introduced March 21 by Sen. Gaylord Nelson (D-Wis.). It is cosponsored by three Democratic presidential candidates, Sen. Edmund S. Muskie (Maine); George S. McGovern (S.D.) and Hubert H. Humphrey (Minn.). McGovern and Muskie also have separate reform bills of their own.

Gov. George C. Wallace of Alabama, another Democratic presidential hopeful, has talked up tax reform in his campaigns.

And 11 liberal Democrats in the House have proposed a tax reform bill to yield $7.25 billion more in tax revenues. They also have threatened to oppose further increases in the Federal debt ceiling this June unless the Nixon Administration supports some loophole-closing plan.

These are the major loopholes attacked by the Democrats:

INVESTMENT CREDIT

A 1971 tax law restored to business the right to a 7 percent tax credit for new investment in plant and machinery. The measure, urged by the Nixon Administration and approved by the Democratic Congress, was designed to stimulate business investment and thus pep up the sagging economy—the loophole costs $2 billion a year.

The Democrats contend it isn't needed and gives business too much a tax break.

DEPRECIATION ALLOWANCE

Business for many years has been given tax credits for depreciation costs connected with plant and equipment. In 1970, again at the Administration's request, the Democratic Congress approved a more generous depreciation tax credit that costs the Treasury an estimated $3 billion a year. The rationale again was that more business investment was needed to boost the economy.

Again, the Democrats argue the more generous depreciation credits are too biased toward business and aren't needed as an economic stimulus.

DEPLETION ALLOWANCE

This has been a longtime target of tax reformers. The oil depletion loophole permits oil operators to take major tax deductions for depleting their assets. Oil operators have a number of other tax credits, and thus most pay relatively little of their taxable income in Federal income tax.

After a sharp battle, the oil depletion allowance was cut in 1969 from 27.5 percent to 22 percent. A proposal to cut the allowance to 20 percent was defeated in the Senate, 52 to 38. The Nelson bill would trim the allowance to 15 percent, thus yielding about 400 million in revenue.

In addition, the Nelson bill would change drastically the way in which oil operators deduct intangible drilling costs. The senator and his cosponsors say this reform would yield $750 million in revenue the first year and more thereafter.

CAPITAL GAINS TAX

This loophole also has been under attack for years. Under it, long-term capital gains are taxed at lower rates. In fiscal 1971, the loophole cost the Treasury $7 billion, the largest tax loss associated with any tax credit.

This provision of tax law permits individuals and businesses who hold their capital assets (mostly securities) for six months or more to pay lower-than-ordinary tax rates on any profits. The tax on long-term capital gains is one-half of the rate for ordinary income, up to a maximum of 25 percent on gains up to $50,000. On gains over $50,000, the 25 percent maximum doesn't apply; merely the one-half figure on ordinary income tax rates.

VARIOUS PROPOSALS

Some reformers propose to tax all capital gains at ordinary rates.

Others attack the way capital gains are taxed at transfer to heirs after death. Under present law such capital gains are not taxed as such, but usually are subject to hefty inheritance taxes.

If a man leaves stock to his widow or children, for example, they can calculate its value from the time they received it, not at the time the stock was bought. Thus if a man paid $100,000 for stock when he bought it and it is worth $1 million when he dies, his widow—should she sell it—would pay tax on any capital gain over $1 million, not $100,000.

But inheritance taxes cut deeply into large bequests left by the wealthy which include otherwise untaxed capital gains. In general, these death taxes begin on estates of over $60,000, or $120,000 if half of the estate is left to a surviving spouse.

Federal inheritance tax rates range from 3 per cent to 77 per cent and tax property on its "fair market value" at death. That is, if the stock which a man leaves to his wife is worth $1 million at his death, inheritance taxes must be paid on the $1 million value, not the original cost which may have been much lower.

ESTATE TAXES

McGovern has suggested a drastic change in the inheritance tax areas. He would set a ceiling on the amount of gift and inheritance capital an individual could receive "and then place a 100 per cent tax on all gifts and inheritances above that amount."

Below the ceiling, a progressive tax might be applied with a certain amount excluded from all taxation. He has suggested a possible inheritance ceiling of $500,000.

McGovern also has said that "most Americans subscribe to a fundamental belief of our Founding Fathers that we should be allowed to keep a fair proportion of what we earn but should not be allowed to inherit great wealth."

TAX-EXEMPT BONDS

Another loophole under long-time criticism is the one which exempts interest from state and municipal bonds from Federal income tax. This cost $3.55 billion in fiscal 1971. A few very wealthy individuals still escape all Federal income tax because they have all their money in these tax-exempt securities.

This loophole was enacted originally to assure a better market for the sale of state and municipal bonds, some of which are not considered as safe as other types of securities. They attract buyers because of the tax exemption.

The House bill would take away the tax exemption but give direct Federal subsidies to states and cities that issue bonds. This would save an estimated $100 million a year.

Muskie has said he favors such a reform.

MINIMUM INCOME TAX

In 1969, Congress enacted a "minimum income tax" provision which some advocates expected would force all wealthy individuals to pay some income tax. However, loopholes in the minimum income tax remain, and thus in 1970 about 112 very wealthy individuals still paid no Federal income tax. The Nelson bill and House bills would tighten the "minimum tax" provision to yield up to $3 billion a year.

The Nelson bill also would replace the present $750 personal income tax exemption with a straight $150 credit against an individual's income tax. Sponsors think this change would increase revenues by $1.9 billion a year and primarily benefit families with incomes below $10,500 a year.

Wallace has criticized tax losses through charitable deductions, which some reformers consider another major loophole. Millions of Americans of course, deduct charitable contributions from their gross incomes for tax purposes, but Wallace and the other reformers think the law permits excessively high charitable deductions to be taken by wealthy individuals and even corporations.

The charitable deduction loophole cost the Treasury $3.55 billion in fiscal 1971.

Tax loopholes, or tax credits or tax subsidies, take many forms. They are nothing new in the Federal tax system, but they have been growing in number and size. Stanley S. Surrey, assistant Treasury secretary during the Kennedy and Johnson Administration, told a congressional committee recently:

"Some loopholes were adopted to assist particular industries, business activities or financial transactions. Others were adopted to encourage non-business activities considered to be socially useful such as contributions to charity."

Two other "socially useful loopholes" are those which permit homeowners to claim tax deductions for mortgage interest payments and real estate taxes. These are rarely criticized since they promote home ownership. Yet the former costs the Treasury $2.8 billion a year and the latter costs $2.9 billion a year.

CONGRESSMAN LES ASPIN'S OMBUDSMAN PROPOSAL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. REUSS. Mr. Speaker, recently our colleague from Wisconsin, Congressman LES ASPIN, introduced legislation in the House that would set up an ombudsman—a peoples' advocate—in each of the country's 435 congressional districts. This is a practical, well thought-out proposal which deserves the most serious consideration by the House. There is no question that the average citizen is becoming increasingly alienated and frustrated by the huge and distant Government bureaucracies. Mr. ASPIN's proposal could do much to counter this ominous trend.

On March 29, the Louisville Courier-Journal ran a thoughtful editorial on Congressman ASPIN's proposal.

EVERY CITIZEN OUGHT TO HAVE AN "OMBUDSMAN"

The word "ombudsman" has come into the language rather slowly from its origin in Sweden as the name of an official who hears the little man's complaint against established authority. But if Congressman Aspin of Wisconsin is successful, every congressional district may one day have its own.

Mr. Aspin has proposed letting each U.S. Representative appoint a member of his staff as the ombudsman for all the citizens of his district. He also would set up an ombudsman's school in Washington, so the mists and gusts of the federal climate would come clear to these officials before they undertook their duties on behalf of the people.

Naturally, many congresmen will say that they already plead their constituents' cases in the chambers of government. And most do a good job of it, without partiality or partisanship. A great many also maintain "district" offices at home; this tends to break down for some people the uncomfortable feeling that one incurs an obligation when asking a political figure for help. However, the congressman's staff, whether in Washington or in a district office, has had haphazard training in government. Mr. Aspin's ombudsman would be preferable because of his special training, and because he would be required to make an annual public accounting of what he's done.

HIGH "SOLUTION" RATE

The Wisconsin congressman argues that the plan would be "a giant step forward in making the distant, complex and often frustrating government bureaucracies more human and more responsive to the needs of individual citizens." Mr. Aspins' own experience in having an ombudsman travel through his district resulted in a 65 per cent "solution" rate for the 1,500 cases presented last year to Social Security, military, housing, veterans' or consumer protection authorities in Washington.

The bill for the ombudsman center, Mr. Aspin, asserts, would be only $3 million a year. Individual salaries would come out of the appointing congressman's office allowance, up to a maximum of $15,000 a year. As a check on purely political operation of the ombudsman office, the national training center also would have a voice in whether or not to renew an ombudsman's contract, and would judge his efficiency largely on the basis of his anual, public report of cases handled. The congressman would retain the right to hire or to fire the ombudsman.

What's most attractive in the plan is that it would get across to the public the fact that each citizen is entitled to get help from his congressman in jousts with the faceless bureaucracy. Moreover, the Aspin plan would ensure professional training for the ombudsman, something not always achieved within congressional staff operations.

The House Administration Committee has received this proposal in a bill, H.R. 13742. Representative Wayne L. Hays of Ohio is chairman of the committee. Wouldn't it be interesting if the people who have the most to gain—the citizens of each congressional district—could, by a letter-writing campaign, persuade congresssmen to schedule hearings on H.R. 13742, report it favorably to the whole House and bring it to early enactment?

"HAVE" NATIONS SCORED ON AID TO "HAVE-NOTS"

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HAMILTON. Mr. Speaker, correspondent David Francis of the Christian Science Monitor has written a pair of articles on the current crisis in the economics of development.

His articles were based on the proceedings of the International Development Conference, which met in Washington, D.C., last week. The mood of the conference, and of development economists in general, is characterized by this statement of economist Robert Theobal:

> We need to recognize immediately that the validity of present theories of development has been irrevocably disproved. We must rethink our models from the beginning.

Mr. Francis traces possible alternative models in his articles of April 22 and 24, 1972, which follow:

"HAVE" NATIONS SCORED ON AID TO "HAVE-NOTS"

(By David R. Francis)

WASHINGTON.—A note of despair has slipped into the voices of those seeking rapid development of the world's poor countries.

"The developing countries are passing through a very dark and ugly mood," warned Mahbub Ul Haq, a senior economic adviser at the World Bank.

The development of the past decade is seen by Chief S. O. Adebo, executive director of the U.N. Institute of Training and Research, as a "comparative failure."

Prospects for sharply increased foreign assistance are seen to be slim.

"I am quite pessimistic about the short-run prospects for global development cooperation," says James P. Grant, president of the Overseas Development Council, "I expect the nadir is some way off in terms of the U.S. approach to developing countries."

CONFERENCE SPEAKERS

Sen. Edward M. Kennedy (D) of Massachusetts charged that the United States is in "shocking default" of its responsibility to help poor countries that are seeking to advance the well-being of their people.

All four were speakers at the international development conference here, a conference billed as "a serious examination of today's development crisis and the increasing gap between rich and poor."

Dr. Ul Haq's talk caused a considerable stir. The Pakistani economist is regarded as one of the chief architects of the rapid development in his own country through capitalistic techniques. Yet he said, Pakistan—and Nigeria—have turned into "development disasters."

Furthermore, he was forecasting and apparently advocating a "new strategy embodying a direct attack on mass poverty, a genuine turn toward socialism and a far greater degree of self-reliance."

Such a shift, he noted, would mean "a major change in the political balance of power within these societies and drastic economic and social reforms." Dr. Ul Haq wondered whether the developing nations could accomplish such reform without violent revolutions.

UNUSUAL ABOUT-FACE

His turn in views was drastic. It was as if Henry Ford II had advised all car owners to abandon their machines for the subways. Nevertheless, Dr. Ul Haq still finds himself considered conservative by many of the intelligentsia of the poor countries.

His pessimism is prompted by what he calls meager achievements of the first two decades of development.

"When you rip aside the confusing figures on growth rates," he said, "you find that for about two-thirds of humanity the increase in per capita income has been less than one dollar a year for the last 20 years."

Miserable as such a gain may seem, it was often worse for the poorest 40 percent of the population. Some of them get even less than they did 20 years ago.

Dr. Ul Haq figures the developing countries have themselves to blame for much of the situation.

Dazzled by the high living standards of the developed countries, they decided to go after high growth rates in gross national product regardless of how that growth was distributed. They generally adopted "mixed economy" styles of development, hoping to combine the best features of capitalism and socialism. They turned to the developed countries for assistance.

These decisions proved disastrous, Dr. Ul Haq maintained.

The chase of Western living standards was "illusory at best," he said. Per capita income disparity between rich and poor nations has continued to widen. The average per capita income of the developed world is $2,400, compared with $180 in the developing countries. The gap is expected to widen by another $1,100 by 1980.

As an indication of how hopeless he feels the gap is, Dr. Ul Haq noted that the increase in the per capita GNP of the United States in one year equals the increase that India may be able to manage in about 100 years.

"The developing countries have no choice but to turn inward, much the same way as Communist China did 23 years ago, and to adopt a different style of life, seeking a consumption pattern more consistent with their own poverty—pots and pans and bicycles and simple consumption habits, . . ." he said.

REVOLUTIONARY SHIFT BROACHED

The Pakistani spoke of "a redefinition of economic and social objectives which is of truly staggering proportions." He suggested "a liquidation of the privileged groups and vested interests . . . a redistribution of political and economic power which may only be achieved through revolutions rather than through an evolutionary change."

Dr. Ul Haq rejected the theory that the stimulation of high growth rates would result in the trickling down of wealth to the masses.

Rather, he advocated a direct attack on mass poverty. The focus of development efforts should shift to the poorest 40 or 50 percent in society. National production targets should be aimed at the basic minimum needs of these poor and not be governed so largely by market demand. Otherwise, production will go to the well-to-do and not the poor.

Development should be aimed at the progressive reduction and eventual elimination of malnutrition, disease, illiteracy, squalor, unemployment, and inequalities, he said.

EMPLOYMENT STRESSED

Employment should be treated as a primary, not a secondary, objective of development since it is the most powerful means of redistributing incomes in a poor society. Capital should be spread thinly over a wide segment of the economy, rather than concentrated in a small modern sector, even at the risk of lowering the average productivity of labor and lowering the future rate of growth.

Dr. Ul Haq further charged that the choice of a mixed economy had merely resulted in combining weak economic incentives with bureaucratic socialism.

Speaking of the record of foreign assistance, he said, "It is beginning to convince me, as it has convinced many of my liberal colleagues, that the developing world would have been better off without such assistance."

He figures the developed countries would have to step up aid to at least four or five times the present level of $7 billion a year to prompt meaningful change in the poor nations. He sees neither the will nor imagination to offer such assistance in the rich countries.

"STRINGS" DEPLORED

What aid there is comes with so many project conditions, tying of aid to purchases in the donor country, foreign consultants and technology, and irritating debt problems that it saps the initiative and freedom of action of the developing countries, he held.

Instead, he urged the developing countries to organize their "poor power" to bring major concessions from the rich nations and to arrange for a genuine transfer of resources to the poor countries.

"Since the rich nations are going to shrink in the next few decades to less than 10 percent of the total world population with over 70 percent of world income, the poor will be numerous enough and annoyed enough to organize such an effort."

To achieve the transfer of income, Dr. Ul Haq suggested the developing countries might start by serving notice that they cannot pay their present foreign debt to the rich countries—$60 billion.

They could exploit the current concern about depletion of nonrenewable resources by agitating for a 10 percent tax on consumers of these metals. This would raise $30 billion over this decade for a common international development fund.

They could demand 80 percent of the proceeds from exploitation of the commonly held resources of mankind, like oceans and space. This would follow the pattern of world population.

THEORIES OF NATIONS' DEVELOPMENT CHALLENGED

(By David R. Francis)

WASHINGTON.—The experts are giving the economics of development an overhaul.

"We need to recognize immediately that the validity of present theories of development has been irrevocably disproved," Robert Theobal, consulting economist and author, told the International Development Conference here this week.

"We must rethink our models from the beginning."

Robert Shaw of the Overseas Development Council has written a paper entitled "Rethinking Economic Development."

On April 14 Robert S. McNamara, World Bank president, said: "The state of development in most of the developing world is unacceptable—and growing more so."

Last week, in a speech here, Dr. John A. Hannah, administrator of the U.S. Government's Agency for International Development, noted that development assistance now has "second-generation problems."

MALNUTRITION A FACTOR

What's happened is that although foreign aid has helped the poor nations of the world to grow during the past decade at a rate that is rapid by historic standards, the growth has been insufficient to make much progress against some problems. And it has aggravated other problems.

For instance, two-thirds of the children in the developing world who manage to escape the high risk of early mortality will live on, restricted in their mental and physical growth by malnutrition. In this "third world" there are 100 million more adult illiterates than there were 20 years ago.

Education and employment are scarce. Squalor and stagnation are common.

Further, the growth has been uneven both among the poor nations and within them. The poorest countries with the largest total population, such as India, are growing the slowest.

And within many poor nations, a privileged minority have prospered while the poor have made little progress, if any.

Recently the Club of Rome study, based on a computerized model of the global system in which man lives, has raised the question of the feasibility of major growth for the world's poor. Are there sufficient resources in the world for Western standards-of-living for all?

The growing frustration within the poor nations was reflected at the International Development Conference here. Some economists see mainland China as the model for development. They see a need for dramatic social change, possibly through violent revolution, and an authoritarian-type socialism directing resources and jobs to the masses of poor in a developing country.

Others, however, see the possibility for dramatic change and development within a framework of relative economic and political freedom.

Mr. Shaw and his boss, James P. Grant, are two of these. They reckon that the science of development economics has progressed far enough in the past decade that there is a way out of the explosive situation where the gap between the rich and poor countries grows dramatically each year.

The rich countries, they figure, must express more self-interest mixed with generosity through more aid and a reduction in the barriers to exports from the developing world. These steps are seen as essential.

SUCCESS STORIES CITED

Even more important, however, the poor countries must adopt the development techniques that have proved most successful in the past decade in advancing the welfare of those living in poor countries. Mr. Grant usually cites South Korea, Taiwan, Hong Kong, and Singapore as success stories. He also mentions Communist China and possibly North Korea with their different political and economic systems.

Communist China, he notes, appears to have combined full employment, at least in the rural areas, falling birthrates, and expanded social services with increasing national output.

This success, combined with Peking's legitimation on the world scene, "means that the attractiveness of the Maoist model to many in the developing countries will not be limited just to acupuncture and 'barefoot doctors' disseminating birth-control information," Mr. Grant said.

UNEMPLOYMENT REDUCED

But the four small East Asian countries on the other side of the ideological barrier have also achieved rapid growth, drastically reduced unemployment, improved income distribution, and dramatically reduced birthrates.

In effect, Mr. Grant is saying that communism or socialism is not essential to development success.

Taiwan enjoyed a 10 percent growth rate in the 1960's. Its birthrate dropped from 46 per thousand in 1952 to 32 in 1963 when a vigorous family-planning-program was introduced. It has dropped even faster since.

Unemployment declined from 10 percent in 1963 to 4 percent in 1968. Industrial jobs grew at a 10 percent annual rate from 1963 to 1969.

The ratio of income controlled by the top 20 percent of income recipients to the bottom 20 percent moved from 15 to 1 in 1950 to 5 to 1 by 1965. Life expectancy is a high 68. Infant mortality is the same as in the U.S., about 19 per 1,000 births.

EQUIPMENT VERSUS MANPOWER

Taiwan partially accomplished this, Mr. Grant says, by making the price of capital more realistic as compared with labor. Many poor countries, he argues, should cease subsidizing plants and equipment by devaluing their exchange rates and raising interest rates. This will promote savings, especially among farmers and small-scale entrepreneurs. It will encourage the use of abundant labor rather than scarce expensive equipment.

Further, most poor countries should extend less protection to their import-substituting industries. This will create more competition and encourage them to make the best use of available labor.

In addition, more equitable distribution of income should be encouraged through tax structures and by holding down wage increases in industry and government, Mr. Grant continued.

BOOST TO GROWTH SEEN

The development economist reckons that encouragement of labor-intensive industry and agriculture both improves income distribution and speeds growth. The poor are likely to spend more of their income on non-luxury goods. The rich tend to buy luxury items that are relatively capital-intensive in nature or imported.

In other words, the production of a car takes relatively less local labor than the production of bicycles, shirts, or food.

Mr. Grant also urges strong land reform, since two-thirds of the people of the poor countries live in rural areas. In Taiwan, he points out, land holdings have been limited to a maximum of seven acres. This has stimulated highly labor-intensive and productive farming—supported by an effective credit-extension system.

Curiously, the attempt to apply economic justice through land reform and jobs for everyone provides the greatest success as measured by growth, income distribution, lower birthrates, and better health care and education.

IN TRIBUTE TO FRANK MEYER

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASHBROOK. Mr. Speaker, it was my good fortune over the past 15 years to know and be close to the late Frank Meyer. When Frank died earlier this month at his home in Woodstock, N.Y., a void was created which cannot be filled.

In the contemporary political world there are very few who clearly enunciate a philosophic point of view. Most use principles as a part of a crass grasp for power and shift with the winds. Frank Meyer, while not a politician, spoke in political arena. He articulated the conservative philosophy as a vital advocacy of freedom. To him, conservatism was the philosophy of freedom and he did not compromise.

I probably have spent several hundred hours on the telephone with Frank Meyer over the years. The phone was his method of keeping in touch, of counseling, or reprimanding. I have been in scores of meetings with Frank Meyer. No meeting with Frank Meyer was ever a placid event. Issues were discussed, often heatedly, because to Frank that was what everything was all about—issues and in particular, taking the right position on issues. He was an advocate and an antagonist. He never hesitated to take up either role as the case might be.

I have lost more than a personal friend. The Nation has lost an intellectual giant at a time when there are very few of them on the scene or on the horizon. This small tribute cannot possibly attest to the true worth or greatness of Frank Meyer. The void which is left more adequately tells of his loss. At this point I include two articles on Frank Meyer by his close friends and colleagues, William F. Buckley and Gary Willis:

[From the Washington (D.C.) Evening Star, Apr. 17, 1972]

IN TRIBUTE TO FRANK MEYER, FREEDOM THEORIST

(By William F. Buckley, Jr.)

I pause in tribute to Frank S. Meyer, who died last week of lung cancer in Woodstock, N.Y., at age 62. He was probably the principal living American theorist of freedom. His widow has received kind letters from President Nixon and Vice President Agnew. He was my friend and colleague.

Frank Meyer (if one can tell tales out of school) was the editor one used to tease at National Review (there is one such in every editorial staff). He was the house theologian, who looked darkly at any trace of heresy on the horizon, and was trained to spot the signs of it days and weeks before the lesser meteorologists felt there was any reason at all to cease romping about the maypole, come inside, and take cover.

It was all very aggravating, especially for those who believe that a little creative heresy is good for the system.

I recall the tail of a letter I received from Whittaker Chambers late in 1958, after the disastrous showing of the Republican party in the congressional elections:

"I am picking away (Chambers wrote) at another piece on the Republicans. If the Republican Party cannot get some grip of the actual world we live in and from it generalize and actively promote a program that means something to masses of people—why somebody else will. There will be nothing to argue. The voters will simply vote Republicans into singularity. The Republican Party will become like one to those dark little shops, which apparently never sell anything. If, for any reason, you go in, you find, at the back, an old man, fingering for his own pleasure some odd-ments of cloth (weave and design of 1850). Nobody wants to buy them, which is fine because the old man is not really interested in selling. He just likes to hold and to feel. As your eyes become accustomed to the dim kerosene light, you are only slightly surprised to see that the old man is Frank Meyer."

But through it all, the joshing of Meyer's colleagues—most of it amiable, some of it spiked—the old man held his ground, and by the time he died, the general feeling toward him in the conservative community lay somewhere between admiration and reverence.

There was a period when he and Brent Bozell struggled over a matter of orthodoxy for weeks and months over the telephone (Meyer did business only over the telephone). We were seated at an editorial conference one day when an annoucement came in that there was an emergency telephone call for Bozell from Meyer. Willmoore Kendall, sitting at the end of the table, explained that an emergency telephone call between Meyer and Bozell was defined as one which interrupted their regular telephone call.

Meyer, who had been an active Communist, recognized that the necessity to oppose communism is not merely a strategic necessity but a spiritual imperative. His conversion was complete. The sentence I liked most in Meyer's writing is one in which he most accurately defined his own role in the contemporary picture. "What I have been attempting to do," he said in his essay, Why Freedom? "is to help articulate in theoretical and practical terms, the instinctive consensus of the contemporary American conservative movement—a movement which is inspired by no ideological construct, but by devotion to the fundamental understanding of the men and women who made Western civilization and the American republic."

Although generally recognized as the father of the "fusionist" movement in American conservatism, that is to say the movement which seeks to bring together into symbiotic harmony the classical laissez-faire of the 19th century liberal and the reverence for tradition of Edmund Burke, Meyer insisted that the fusion was already there, amply felt by the founding fathers, and defended empirically by conservatives during the past 150 years.

His books—In Defense of Freedom, The Moulding of a Communist, The Conservative Mainstream—survive him, and his impact on the American conservative is indelible.

[From the Washington Post, Apr. 16, 1972]

FRANK MEYER'S LEGACY

(By Garry Wills)

One encounters few real teachers in one's lifetime—and most of those do not do their teaching in a classroom. To meet one of my own favorite teachers, I had to go, 15 years ago, to a lonely mountaintop—which fits almost ridiculously the picture of youth questing for a guru.

But the man on that breathtaking Catskill peak was no Eastern ascetic—*boy* was he *not*. Whatever that term may convey, on whatever level, he was its antithesis. He sat on top of that mountain like its very active volcano-opening, spouting opinion, debate, reminiscence and unfinished projects.

An extraordinary number of people wound their way up to that remote home above to Shapp and Muskie, but you can give your heart and your vote to Hubert Humphrey," says a card passed out by the Humphrey campaign.

Furthermore, the Democratic organization has competing concerns April 25. Peter Camiel, Philadelphia city Democratic chairman, may be the state's most enthusiastic Muskie man. But he also has to defeat insurgent candidates for party committeeman, state legislator and congressman to maintain power. Shapp's attention in Pittsburgh is distracted by a battle for county Democratic chairman vital to his interests.

Humphrey's labor backers have no such divided attention. With little public surge here for either candidate, this vital primary (which may . . . Woodstock, N.Y. (the place after which the rock festival was wrongly named). Some wanted accounts of the radical Thirties, when the inhabitant, Frank Meyer, was a Communist organizer at Oxford and the University of Chicago, a friend of New York bohemians, artists and ideologues.

More people, however, sought him out as a speaker, writer and editor who had a great effect on the resurgence of National Review-style politics in the Fifties. Though Frank wrote widely, he made his real impact as a person, remote yet gregarious, irascible yet affectionate, opinionated yet infinitely likeable. He always wanted people around him, wine and talk flowing, incessant sharp arguments that never ruptured friendship. He was a champion of right-wing orthodoxy whose friendships were heretically all-inclusive. Some of my warmest memories are of trying to out-ham him, shouting Shakespeare's lines back and forth through play after play, as I became a king in his kingly company.

When young right-wing activities flagged, during the Fifties, people agreed it was because Frank had not come—he was younger than students, staying up later, drinking more, shouting louder, giving "lively debate" (that polite dead term) its rare real sense—debate that does not kill and divide, but unites even in difference, and throws oft sparks of light instead of conflagration. He had a whole constellation of the disappearing virtues—those of friendly hard argument, odd tolerant prejudice, and the non-harmful egotism that excites others, not merely oneself, a genuine ambition for the careers of all kinds of people.

That is why I call him a teacher. The teacher's work does not stand alone, but is subsumed (often untraceably) into his pupils. Frank wrote two books of his own; but his greater gift was for stimulating, inspiring, encouraging and helping others. My own first book was written on a small grant he obtained for me; and I am but one of many he sought out, and helped, and argued with, and never forgot.

There is no way of measuring that kind of intense, if indirect influence—but I'll let you in on a kind of open secret of the literary world. Some of the energy now showing itself in the liberal New York Times Book Review section is derived from the back section of the "conservative" National Review. Frank edited that section for a decade and a half, with a strikingly unideological interest in young writers for their own sake. He filled the magazine with bright young voices, like those of the novelists Robert Phelps, Joan Didion and D. Keith Mano. John Leonard, the new young editor of the Times review, is himself a National Review alumnus, and any one issue of his journal is liable to contain—as Frank's pages did—the literate judgments of Guy Davenport, Hugh Kenner, Theodore Sturgeon, Arlene Croce or Francis Russell. And Frank knew the review-page advantages of an Anglophile long before The New York Review of Books was born.

Though we all live inevitably toward our death, Frank had also moved very consciously all his life toward a faith that would account for man's weird vitality of spirit to challenge that death. In one brief half-day two weeks ago, those two journeys converged for him. Lucid in the afternoon, as he prayed aloud through cancer-ravaged lungs, he was baptized—and then the tensest of vibrant men relaxed. Six hours later he was dead; and three hours after, it was Easter.

CRISIS IN OUR PRIVATE SCHOOLS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. VANIK. Mr. Speaker, although the public schools constitute the backbone of our educational system, the private and parochial schools of America have played a vital role in providing an alternate choice which has served to improve the American educational systems. In many communities the private and parochial schools offer accommodation in school systems of quality and low cost per capita to all who apply. This kind of competitive endeavor in education serves to make the public school system more effective and more productive. However, the present financial crisis confronting private and parochial schools threatens to annihilate these systems and threatens to impose greater financial strains on the public schools and the general taxpayer.

Presently, there are 5.2 million pupils in the private and parochial schools. But in 1970, there were 1.4 million fewer students in parochial and private elementary and secondary schools than in 1963. During this same period, the public school enrollment increased by nearly 6 million students. Our financially overburdened public schools would have spent approximately $1.2 billion less in fiscal 1971 if private and parochial school enrollments had simply remained constant at their 1963 level instead of declining. The savings in public school expenditures would have been substantially greater if private and parochial schools had been able to absorb a proportionate share of the pupil growth during this period.

The private and parochial school systems are now approaching the point of "financial collapse" if they do not receive some form of assistance in the very near future.

These private and parochial schools have provided an excellent education for millions and millions of young Americans in our history. These academic systems have provided a "quality alternative" which must not disappear from the American scene.

The public school systems in this country are already overburdened. There is no room to expand and accommodate these 5.2 million children. The property tax has already been stretched to its breaking point. We have no alternative but maintain these private and parochial schools so as to avoid a massive 5.2 million pupil burden on the public schools.

For years the parents of students in parochial and private schools have paid their property taxes—and their State taxes—and their Federal taxes—but have received no aid to educate their children. This situation has placed an unfair burden on the shoulders of parents of children in the private and parochial schools, taxation for education without education.

For the most part, support for these schools does not rest with the people of wealth, but on the working families who have paid taxes to sustain public schools and who have paid tuitions to nonpublic schools, because they have seen in them the kind of institutions best suited for their children's needs.

If we allow these schools to vanish, the public schools will be the hardest hit by the tide of transfers from nonpublic classrooms. This disaster would be soon followed by rising school taxes and a severe depreciation in the quality of education in our public schools. This massive influx of students will develop "assembly-line teaching" which is already developing in our school systems.

In the Greater Cleveland area there are presently 103,103 Catholic children in parochial schools—4,340 Jewish and Protestant children in parochial schools and 3,218 children in private schools. These schools are finding it impossible to raise their teachers salaries which are already $600 below public school salaries.

Also, the 10 Cleveland area diocesan high schools are running a $500,000 deficit from last year, even with increased tuition. At the same time, the 22 other Catholic high schools are also running a deficit. The parochial elementary schools are having an equally difficult time making ends meet. Fifty percent of these schools are running deficits. The private and parochial school systems of our community face cutbacks and closing.

In order to save our private and parochial schools, I am introducing legislation that will provide a tax credit to the taxpayer for tuition paid to a private nonprofit elementary or secondary. The credit provided by this legislation would be equal to one-half of the tuition paid up to an overall limit of $400 per dependent. This credit will be gradually reduced for taxpayers in the higher income brackets.

This straightforward and needed approach improves the equity of the situation and provides the needed financial relief within the framework of administrative simplicity. My bill will strengthen our entire elementary and secondary educational systems, both public and private. This legislation will provide direct tax relief to those with dependents in private or parochial schools. It will provide indirect tax relief to those taxpayers with children in public schools who would face increased tax burdens in educating an additional 5.2 million students.

Recent court decisions threaten the "Ohio" plan for private educational support, notwithstanding the fact that considerable support for Ohio's increased taxes was developed on the promise that considerable support would be given to sustain these vital alternative educational systems.

This tax credit approach can overcome constitutional barriers. The tax credit is provided to parents of children and not the schools. This tax proposal will give parents of nonpublic school children a credit for part of their tuition costs.

There are more than 18,600 elementary and secondary nonpublic schools in this country, many of which are soon to run out of "chalk and erasers"—we cannot allow these school systems to die.

KERNERSVILLE, N.C., HONORS PHARMACIST

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MIZELL. Mr. Speaker, it is my pleasure to announce to my colleagues in the House that Mr. John Marshall "Johnny" Pinnix III has been named Young Man of the Year by the Kernersville, N.C., Junior Chamber of Commerce.

This outstanding honor could not have been bestowed on a more deserving recipient. Mr. Pinnix comes from a family that has been in public service for the past 50 years, and he is already making a significant contribution to the life of his community, although he is a very young man.

I know my colleagues join me in congratulating Mr. Pinnix for this great achievement, and I am including in the RECORD for their information an article from the Winston-Salem, N.C., Twin City Sentinel, giving more details of the award and the many services Mr. Pinnix performed in earning it.

The article follows:

YOUNG MAN OF YEAR NAMED: KERNERSVILLE HONORS PHARMACIST

(By Bill East)

KERNERSVILLE.—A 26-year-old pharmacist whose family has made a tradition of public service for 50 years was named last night as Kernersville's young man of the year for 1971.

The honor came as a surprise to John Marshall (Johnny) Pinnix III, who was attending the Distinguished Service Award dinner of the Jaycees as a member of the organization.

"I didn't expect it," he told friends after the dinner at Paddison Memorial Library ended. "But I am very, very glad to get it and I am overwhelmed at the honor."

Pinnix was cited for a variety of accomplishments in Kernersville, but it is his role in the town government that is occupying a large part of his time.

His grandfather, John M. (Neighbor) Pinnix, served as an alderman from 1922 until 1961. His father, J. M. Pinnix Jr., then ran for aldermen and was elected. He was reelected in 1963, 1965 and 1969.

When Pinnix resigned in February, 1970, because of ill health, his son, Johnny, was elected by the Board of Aldermen to fill out the 14 months remaining in his term.

At 24, he became one of the youngest, if not the youngest, alderman in the 100-year history of the incorporated town of Kernersville.

Last year, he ran for reelection and proved to be a formidable vote-getter. He subsequently was chosen mayor pro tem by the Board of Aldermen—the town's second-ranking elected official.

He was graduated from East Forsyth High School in 1964 and from the Pharmacy School of the University of North Carolina in Chapel Hill in 1969.

He then joined the family drug store which has been "on the square" at Main and Mountain streets in Kernersville for more than 65 years.

The Jaycees cited Pinnix for a leading role in the bicentennial celebration here last spring. He worked on several phases of the observance, including the burying of a time capsule in the front yard of the library.

He also was cited for his activities with the Jaycees, of which he is a director. He is a member of Main Street United Methodist Church.

He is serving this year as vice president of the Kernersville Chamber of Commerce and has been instrumental in helping develop some of its major programs.

He served as chairman of the underprivileged children's Christmas party for the Jaycees. He has been a group chairman in the United Fund organization and has been active in other fund-raising projects here.

Ken Drewery, president of the Jaycees, said that Pinnix was chosen by a committee from outside Kernersville which means that his record of service impressed people who did not know him personally.

Pinnix said that he has a philosophy of service which revolves around the theory that "there are too many do-nothing Americans."

He continued:

"Everybody needs to do something to help themselves and their communities but most of them just want to 'leave it to George.' I look on this job as an alderman as an opportunity."

Pinnix once confided to a reporter that he always had nursed an ambition to serve on the Board of Aldermen.

He recalled that "the first time I realized what the Board of Aldermen was . . . I watched my grandfather walk from the drug store to the little house in Harmon Park where the board used to meet. I was 10 or 11 at the time."

Pinnix' wife Charlene was at his side last night as he received the award. They met while they were bowling and were married in 1967. They live in Harmon Park.

PANAMA CANAL: STRATEGIC WATERWAY OF THE UNITED STATES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. RARICK. Mr. Speaker, in the current campaign for nomination for President many subjects have been discussed by various candidates but these aspirants have failed to deal with two of the most vital issues now facing the Nation: The question of continued U.S. control over the Canal Zone and the major modernization of the existing Panama Canal.

In many addresses in the Congress over a period of years, my able, scholarly, and most distinguished colleague from Pennsylvania (Mr. FLOOD) has dealt with these subjects in comprehensive and incisive manner. He has often expressed the view that the two crucial canal issues are sovereignty and the major modernization of existing facilities; and that all other issues, however important, are irrelevant and only serve to delay and confuse.

At present, there are pending in the House a number of resolutions on Panama Canal sovereignty that were strongly supported by their sponsors on September 22–23, 1971 in hearings before the House Subcommittee on Inter-American Affairs. In both House and Senate there are pending identical measures for the major modernization of the Panama Canal according to what is known as the Terminal Lake-Third Locks Plan; S. 734 by Senator THURMOND, H.R. 712 by Congressman FLOOD, and my bill H.R. 1518.

In addition to the strategic value of the Panama Canal and its indispensable protective frame of the Canal Zone, the taxpayers of our country from 1904 through June 30, 1971, have made a total investment in the Canal enterprise, including its defense, of $5,695,745,000. In current treaty negotiations with Panama, these vital assets have been placed in jeopardy but candidates for high office have remained silent.

Sensing the News, issued by the Southern States Industrial Council, recently published a timely discussion of the canal question, which I quote as part of my remarks.

The news item follows:

STRATEGIC WATERWAY

A subject that deserves careful consideration by candidates for high office is U.S. policy with respect to the Panama Canal. There is danger that the United States will be deprived of rights, investments and national security if the American people aren't alert to the dangers inherent in current negotiations for a new canal treaty.

The Panama Canal question doesn't receive a high priority in terms of public attention. But the canal is vital to the United States and its friends. More than 70 per cent of trans-Isthmian traffic each year originates in United States ports. The canal is one of the world's most strategic waterways.

The danger is that the U.S. State Department will agree to a new canal treaty entailing renunciation of U.S. sovereignty rights over the Canal Zone. Discussions with the chronically unstable Panamanian government began in June, 1971.

Few Americans pay any heed to the canal questions. Fortunately, the nation has a vigilant congressional watchdog in U.S. Rep. Daniel J. Flood (D-Pa.) The people of the United States owe him a debt of gratitude. For years, he has kept close tab on all aspects of the canal question. He has reported regularly on State Department elements that seem so eager to abandon U.S. sovereign rights.

It should be borne in mind that the building of the Panama Canal was the greatest construction project in history. Under the 1903 treaty by which the United States gained full sovereignty rights in perpetuity, the U.S. paid an idemnity to Panama and all privately owned property in the Zone was purchased by the U.S. from individual owners. It was the most costly territorial acquisition in the history of the United States. The total U.S. investment since 1903 is more than $7 billion.

The canal has been a permanent economic blessing to Panama. Nearly one-third of the country's gross national product is attributable to the canal and U.S. military bases. Forty-five per cent of Panama's foreign exchange earnings are derived from direct payments from the canal and its military bases. Existence of the canal makes possible Panama's relatively high per capita income in Latin America. Before the U.S. built the canal, the Isthmus was notorious as the pest hole of the world and a land of endemic revolution.

Panamanian governments, under pressure from nationalist extremists, have demanded more and more money from Uncle Sam. At the same time, they demand that the U.S. relinquish sovereignty over the Canal Zone. The current proposal for a new Sea Level Canal plays right into the hands of the extremists. Construction of such a canal would require work outside the existing Canal Zone. This, in turn, means a new canal treaty would be necessary.

The common sense approach to heavier canal traffic is for the U.S. to modify the existing canal, as has been proposed on numerous occasions. The so-called Third Locks Project, a modification plan, would be carried out within the Canal Zone. A new treaty would not be required. It goes without saying, of course, that any canal construction would be wholly borne by U.S. taxpayers, though the increased traffic would vastly benefit the people and government of Panama.

The U.S. has good and sufficient reasons for refusing to yield sovereign rights. History shows that Panamanian governments have little capacity to resist extremist pressure groups. In recent times, anti-U.S. extremists have had close ties with the communist regime in Cuba.

Soviet naval ventures in Caribbean and South American waters in recent years make clear that the USSR aims at dominating sea lanes on both flanks of the Panama Canal. The Soviet Navy already operates out of Cuban ports. Within a short time, it is likely to be using Chilean ports on the west coast of South America. The ultimate Soviet strategic objective surely is control of the Panama Canal. If the canal passed into the hands of Panama, it soon would be in the grip of the Soviet Union. As one study group concluded in 1971, the issue "is not United States control versus Panamanian but United States control versus Soviet control." That's the threat. It is why the U.S. Congress and people must be alert and oppose any diminishment of the U.S. position in the Panama Canal Zone.

ECOLOGY CHAMP AT 11 YEARS OLD

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HALPERN. Mr. Speaker, this morning I read a most interesting article in the New York Times which told of an 11-year-old fourth grader from the Bronx who has become the "ecology champion" of his school.

Little Zef Nicaj came to the United States 2 years ago from Yugoslavia. This week, Zef gave the students of Public School 577 and the community in which he lives a glimpse of just how serious he takes his citizenship.

In an effort to clean up the community in which he lives Zef and his classmates began collecting aluminum soft drink and beer cans so that their community would be cleaner and more beautiful. The entire school collected more than 200,000 cans but Zef—one of 1,800 pupils has brought in more than 2,000 cans.

Zef says that the Reynolds Aluminum Co. is paying one-half cent for each can brought in so that the community may use the money for emergency funds for clothing, eye glasses, and other things.

I think C. Gerald Fraser's article points out what an enterprising community can do to preserve their environment as well as what private industry can do to promote ecological balance. I believe all are to be heartily congratulated.

At this time I would like to insert into the RECORD the article written by Mr. Fraser as it appeared in the April 20 edition of the New York Times:

ECOLOGICAL CHAMPION, 11, CITED FOR CAMPAIGN AT BRONX SCHOOL

(By C. Gerald Fraser)

Earth Week is being observed at Public School 577 in the Bronx, and Tuesday school officials trotted out one of their ecological champions—Zef Nicaj, an 11-year-old fourth grader who came to the United States two years ago from Yugoslavia.

Zef and his schoolmates in the district, Number 112, have collected 200,000 aluminum soft drink and beer cans in their current drive. Zef—one of 1,800 pupils—in the school at 2111 Crotona Avenue—brought in more than 2,000 cans himself.

The program is more than just collecting scrap, Michael Belknap, director of the Council on Environment of New York City, told some 20 adults in the school library yesterday. He said it combined classroom activities with the reclamation and recycling of the cans.

Alan Finkelstein, the principal of P.S. 577, said that "without much impetus on prizes" the children had collected the thousands of cans and learned the why's and wherefors of ecology."

The aluminum can collection, according to literature prepared by the school, was used in teaching and reinforcing skills in classification, charting and graphing.

The Reynolds Aluminum Company, is paying about a half-cent a can, or 10 cents a pound, for the recycled can. Ray Wiggins, special assistant to the community superintendent, said the money might be used for emergency funds for clothing, eyeglasses and "other things that benefit the individual child."

Another possible use might be, he said, awards for special achievement. He also suggested that the children could make a gift, of say a globe, to the school.

A company has contributed "stop tops" that may be used to cover the pull top cans after the tops have been pulled off. Reynolds is also contributing games—such as one won by Zef Nicaj—and at the end of the collection period, the youngster with the highest number of cans will receive a bicycle.

The district-wide recycling program grew out of a one-day recycling program last October in Crotona Park, which was sponsored by the council.

STATEMENT ON GOVERNMENT OF GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. EDWARDS of California. Mr. Speaker, the Subcommittee on Europe and the Near East of the House Committee on Foreign Affairs has again been conducting hearings into the deplorable conditions in Greece and our support of that fascist government. It is not possible for all of us to attend closely to all of the testimony that has been given during these hearings. I believe, however, that the testimony of Orestis Vidalis, formerly brigadier general, chief of staff C Corps of the Greek Army should be read by all Members who believe themselves to be defenders of freedom and democracy.

The statement follows:

STATEMENT BY ORESTIS VIDALIS

BIOGRAPHICAL SKETCH

Graduated from Greek Military Academy in March, 1937, with the rank of Second Lieutenant of Artillery.

Participated in World War II as First Lieutenant Battery Commander.

In November, 1942, he escaped from occupied Greece and joined the Greek Forces in Middle East.

He fought against the Communists during the Greek Guerrilla War as a Major commanding an Artillery Battalion.

He commanded Artillery units at all levels from Battalion through the Divisional Artillery as a Colonel.

He served in staff positions with:

(a) The Hellenic Army General Staff (Lieutenant Colonel).

(b) The Standing Group NATO (Lieutenant Colonel and Colonel) (1954–1957, Wash., D.C.)

(c) The Hellenic National Defense General Staff (Colonel).

(d) As Chief of Staff of "C" Army Corps (Brigadier General).

He graduated from all Greek Military Service and Staff Colleges and also served as an instructor at the three Senior Service Schools of Artillery, Army War College, National Defense College.

He graduated from the U.S. Artillery School (Ft. Sill, Oklahoma in 1950) and the Command and General Staff College (Ft. Leavenworth, Kansas in 1953).

While serving in the Standing Group NATO, he attended Postgraduate studies and received his Master's Degree in Political Science from Georgetown University (June 1957).

In addition to his Greek Decorations which include the Hellenic Medal of Valor (Greece's highest combat military decoration) he holds British (MBE) French and a Libyan Decorations.

He was a Brigadier General and Chief of Staff of the "C" Army Corps, one of the major units which supported the King in December, 1967.

He returned to the United States on November 1, 1968.

STATEMENT

Mr. Chairman and members of the subcommittees. I welcome this opportunity to appear before your two subcommittees to discuss the impact on the present situation in Greece of the plan to homeport sixth fleet ships at Athens. In 1953, a bilateral facilities agreement was signed between Greece and the United States. This agreement provides the legal framework for U.S. military presence in Greece. This agreement was a natural outgrowth of Greece's entry into NATO early in 1952. Both of these major national commitments were made by elected governments and were supported by the overwhelming majority of the Greek people. Today homeporting arrangements, which call for a minor administrative adjustment, compared with the extent of the commitments made in 1952 and 1953, raise serious questions both in Greece and in this country. At any time in the past, a request for facilities pertaining to dependents of U.S. personnel would have been accepted by the Greek people wholeheartedly and would have been considered as a very small token of their friendship and cooperation with a great friend and ally. Today the people in Greece are unhappy. The hearings you are currently conducting demonstrate that in this country, too, there is a realization that relations between the U.S. and Greece are not what they were in 1952. My presence here today is characteristic of the profound changes which have occurred in the last few years.

I have accepted your invitation to testify before your committees considering this my responsibility both to Greece and to this country. As you know, I was born, raised and fought in Greece and for Greece. I am proud to be Greek. In the past, I have had the chance to live, work and study in the U.S.A. Through this association, I have learned to respect your country as the leader of the Free World. In trying times, it was your great country and the ideals it represents that became my main source of encouragement. Today I owe your country the hospitality which my family and I enjoy and the personal freedom we have regained since October, 1968. These feelings lead me today to discuss with you the complex situation in Greece.

In Greece today we have two problems: The problem of Greece and the problem of NATO. At the top of our national priorities is the restoration of democracy in Greece. Strategic and military considerations cannot, of course, be overlooked, but they cannot override the National issue of our times which is to restore and maintain once and for all the democratic process. NATO, on the other hand, facing the situation in purely strategic terms, has failed so far to emphasize, or to even consider in realistic terms, the need of assisting in the restoration of freedom to the people of Greece, without, of course, jeopardizing the strategic interests of the West. The central issue at this time appears to be a growing conflict between the interests of Greece and the interests of NATO in Greece. This is an unnecessary and potentially dangerous situation. It is in this context that I am concerned both as a Greek and as a Western man. I am concerned because I see dark clouds gathering over Greece and its relationship with the West if the current situation is allowed to continue indefinitely.

As I am testifying before you, I shall endeavor to present facts and my interpretations of these facts, with as much objectivity as my personal opposition to the regime in Greece allows. I hope you realize, though, that this opposition is an expression of free choice I have made between accepting the offers of the regime for a high government position and refusing to compromise with my principles and the ethics of a soldier in a free modern Western society.

The Greek national issue

The dictatorship in Greece repeats constantly the slogan that "the past is dead, Greece will never return to the 20th of April 1967". This is a statement with which all Greeks agree, but with one fundamental difference. This difference emerges when one asks "What is the past?" The Junta considers as the "past" the situation prevailing on April 20, 1967, or just a few years preceding that date. An observer with wider perspective considers as the "past" the entire 20th century and particularly the decades that followed World War I.

What is this "past", then, of which I, and other concerned people speak? It is the intervention of the military in politics, or the misuse of the military for political objectives, which has occurred 22 times between 1909 and 1967. This has resulted in several dictatorships with the sad result being "The condemnation of the people of Greece to political irresponsibility". The great national challenge throughout this century has been to create conditions of political stability through responsible democracy, which would make the Greek people the "only sovereign authority for the destiny of the nation". This still remains the great issue of our times.

The members of the Junta and their supporters are deceiving themselves, the Greek nation and the world, if they think, notwithstanding the best of intentions, that they can solve a problem which many generations of Greeks have not been able or permitted to solve. The Junta cannot solve this problem today simply because they do not believe in the sovereignty of the people. The regime considers that the Hellenic and Western ideals are crumbling all over the world and therefore this heritage is too great a burden to bear. Perpetuation of the regime is for them a natural desire to throw off this burden and escape to the tempting, yet fatal simplicity of regressive totalitarian primitivism. The Junta members brand the people of Greece as too "immature" to deserve democracy. But this only betrays ironically—the Junta's own immaturity not that of the Greek people. This is our tragedy, immature rulers are governing a mature people in the midst of a changing international environment, while the destiny of our nation is at stake.

The world is going through a treacherous transitional period. Only strong, cohesive nations are likely to survive this process. The greater the internal cohesiveness, the stronger and better understood the national objectives, the greater is the chance of our survival. Greece, for the past five years, has lost its internal cohesiveness and has had its national objectives blurred. This has been the result of the use of force. Force is only a temporary expedient. It can achieve some short range goals, but it can and will destroy the long range objective of internal development of the society. The U.S. State Department has expressed this well in a letter addressed to members of the Congress in August, 1969: ". . . We see an autocratic government denying basic civil liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe, depends upon the free play of democratic forces . . ."[1] For five years, Greeks, from within and without Greece, have been trying to convey to our friends this simple but tragic truth.

With all the previous testimony on the short range issues in Greece, I thought it more appropriate for me to concentrate on the long term issues involved. Before addressing the specific issue at hand, I believe it worthwhile that I discuss certain key topics that have a definite impact on the evaluation of the long term issues. I will, therefore, address myself to the following topics:

(a) The Greek and other dictatorships.

(b) The military and their dilemma.

(c) The regime has already passed the peak of their form and they know it.

(d) The Soviet Union will eventually benefit from the continuation of the regime.

(e) Current U.S. policy and the resultant attitude in Greece.

Greek and other dictatorships

Military intervention in Greek politics has been compared with that of military intervention in Latin American Republics or with military dictatorships in third world nations. These comparisons have tended to emphasize the obvious analogies and disregard the basic differences. First, let us look at the comparison between Modern Greece and certain Latin American Republics. Far from serving as primarily "internal security forces", which has been the case with military forces in most Latin American nations since their independence, the Greek Armed Forces in the 19th and 20th centuries have had to fight a series of hard and bloody wars. In the course of these conflicts with external aggressors the country acquired the territorial basis and integrated population indispensable for her transformation into a viable modern state. The tremendous expense of national energy and blood in the half-century between 1897 to 1950 in order to achieve decolonization from the Ottoman Empire and to fight two World Wars—combining monumental struggles against both fascism and communism—can only be understood as a modern epic. In constant struggle the Greek nation and people have forged its substance and spirit. And it was all Greeks who did the fighting as citizen soldiers. Only the state of Israel is really validly analogous to Greece—a nation in arms for decades on end. Almost every able-bodied Greek in this period has "worn the Khaki", and given the structure of the Greek forces, the majority of the Greek body politic actually participated in some form of military operations.

Now let us turn to the comparison between the present Greek regime and all the recent military dictatorships in the non-West. Military interventions in developing nations are partially the result of a theory which posits that practically all new countries have to experience a benevolent dictatorship. This, in accordance with the theory's proponents, is required since the masses are not politically "matured" and they need to be guided by a technocratic league of leaders; non-communist, of course. Greece, however, is neither a new country, nor a developing country. As for military intervention, it has been used 22 times throughout the 20th century, and it has failed in each case to create conditions which would not sow the seeds for the "next intervention". Developing countries, especially in Africa, have been experiencing this sort of government early in their national existence. Their attitudes are passive since "military government" is yet untried. Their past was colonial authoritarianism, their present is domestic authoritarianism, which is at least a step forward. They have not yet experienced the benefits of freedom and popular responsibility. Therefore, they cannot readily com-

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Footnotes at end of article.

pare their present type of government with democracy.

In Greece, the population factor is indeed entirely different. The Greeks are conscious of their heritage. They have a very high literacy rate and socioeconomically they are now classified with the developed nations. It was in Greece where democracy was first born. Greeks want to preserve in their minds and in their hearts the image and the challenge of Democracy. This is the major contribution of Greece to the Western civilization and the Greek people are fully aware of it. The Greeks, as much as anybody, have experimented with all types of governments. They know better than anybody else that Communism is an inhuman type of dictatorship. They also know that fascist dictatorship has a way of destroying individual initiative, free competition and political maturity. They are now aware that forceful military intervention for the solution of the political problems has not solved but merely postponed and often aggravated the political issues. Today's dictatorship in Greece enjoys the mass disapproval of all political parties (right, center and left). Previous dictatorships have been supported, at least, by some major political leaders, by an important segment of the population and by the entire military establishment. The present regime, on the contrary, has united the Greek people solidly against it.

The Greek military and their dilemma

The Officer Corps of the Greek forces has naturally occupied a special position in the great collective effort for modern national self-assertion. Military leaders of this century, sharing in leadership and sacrifice during the monumental national effort, achieved an astounding cultural identity and attained some of the highest traditional vitrues of a warrior dedicated to the nation. Qualities such as austerity, humbleness, simplicity, self-sacrifice, a pervading sense of the sacred, were to a great extent present in their lives. These virtues were, in the past, obvious even during the political intervention of the military in Greece. A typical example is an episode during 1909 at the time of the first major intervention of the military in politics. The Secretary of War of the revolutionary government set up by the "Military League" prepared a decree for the promotion of Colonel Zorbas (the leader of the league) and certain other officers. This action offended the Officers Corps, who refused to accept personal benefits. A group of junior officers went to the Government Printing Plant, destroyed the plates that were made for printing the decree, forced cancellation of the decree and the promotions and forced the newly-appointed Secretary to resign. Factionalism, which has been characteristic in the Armed Forces in the interwar period, subsidies after World War II, leaving behind it the social and political wreckage of several actual or attempted dictatorships. After World War II and its aftermath, it became evident that Greece, after the gathering of most Greeks into one consolidated national state, was ready to launch herself into the new era of social and economic development of a modern and Western state. Disillusioned with military intervention in politics and convinced that responsible democracy was the best method of government for the country of Greece, the post-World War II Officer Corps started adopting the doctrine of a soldier-officer who is exclusively concerned with the efficient operations and development of the country's defenses. National defense presents particularly complicated problems in Greece, in view of the scarcity of resources and the abundance and immediacy of hostile threats. Defense requirements of the nation against potential external aggression are thus acute, dictating dedication of the Armed Forces to the task alone.

Participation of Greek officers in the Middle East operations in close cooperation with the British Armed Forces and their selective training in the U.S.A after World War II has contributed in creating a belief among those officers exposed to the Western "soldier-officer" pattern that it is their national duty to refrain from politics. The experience of exceptional progress in Greece during the period between 1950 and 1967, which is the longest period in modern Greek history uninterrupted by military intervention, has persuaded these officers that the free interplay of democratic forces is the best modern way for political stability and long term progress of our country. Unfortunately, post-war Greek governments did not show adequate wisdom and foresight to promote and encourage this trend. The training of officers did not emphasize this badly needed philosophical orientation. Unfortunately, also, the leadership of the Greek Armed Forces in the 1950's and 1960's disregarded several warnings of impending repetition of past bad practices of officers' intervention in politics. As a direct result of this relative lack of prudence, and probably because 17 years of political non-intervention had created atmosphere of trust and confidence in the new Officers Corps, a marginal group of officers, remnants of earlier conspiracies and with special nostalgic ties with certain Fascist experiments of the late 1930's, after subversive preparation for more than a decade, were able to seize power in the course of an exceptionally sharp bout of democratic politics and establish the current dictatorship on April 21, 1967.

Despite their image the present regime is not an "Army-backed" regime. The Armed Forces: the Army, the Navy and Air Force are the main victims of this present anachronistic return to past practices. This is the first time in Greek history that a dictatorship has so sharply divided the Armed Forces, and this division has become very clear and, perhaps, very healthy in perspective. There are those in power, always a marginal minority, who still believe that the *"only healthy organism in the state today is the Army"* and that *"people are an instrument of the State."* There is the great "silent" majority within the Armed Forces, who believe that the policy of the military intervention has definitely failed in Greece and that a new era should begin which will make the people responsible and the Armed Forces the "Servant of the Nation." The conscience of the soldier-officer is emerging as a requirement for National rebirth. This conscience of a soldier-officer is reappearing in the Army, Navy and Air Force of today, especially among the junior officers who look forward to the year ahead. It is totally unrealistic, morally unjustified and historically unfounded to consider that the junior and senior Greek officer on active duty today will continue supporting a regime only because he has been treated with some material benefits. Junior and Senior officers of excellent record have sacrificed their careers and their material comforts to demonstrate their opposition to the present anachronism. The number of Junior and Senior officers forced to premature retirement has been between 2 and 3 times greater than the normal officer retirement rate. I have more than sufficient evidence, which, of course, will be disclosed to the Greek people, when Greece will be free again, that there exist still today, despite a purge that has reached the dimension of National suicide, excellent officers of all ranks who believe in the traditional concept of "service and honor." These officers are now aware of the fate of dictatorial experiments all over the world, from Trujillo and Batista to Yahya Khan and compare them to the political stability, continuity and progress in countries where the military has abstained from interfering in politics as in Belgium, Holland, Denmark, Norway, Sweden, to mention countries of similar size with Greece. They also cannot help but recall the attitude of great soldiers like General Eisenhower or General de Gaulle who have dedicated themselves to the service of their countries as long as this was the demonstrated decision of the people.

Through my association with distinguished members of your Armed Forces, I am convinced that they share my belief that this great nation could never have survived and grown to its current state without the national doctrine of its officer corps never becoming involved in politics as an officer. The role of your officer corps has always been to support the duly elected government of the people—regardless of which party was in office. Any other attitude would have led to constant turmoil within the United States, which would have resulted to a mere survival, perhaps, but definitely not to a position of greatness and world leadership. The contrast with South America is revealing.

Our regular officers whose patriotism and unselfish devotion to duty nobody can deny realize now, after five years of rule by a regime allegedly supported by the Armed Forces, that their only "reward" is the feeling that the uniform of an officer, once a hallmark of distinction and pride and prestige has now become, in the eyes of the people of Greece, an object of embarrassment and scorn.

The Junta, of course, is aware of these trends. They deeply distrust the Armed Services and they use unmilitary means of control in an attempt to maintain the status quo of silent toleration of the present anachronism. With their unending brainwashing effort they attempt also to create a climate of fear especially among the younger officers by hinting that if elections take place or when King Constantine resumes his responsibilities, no one would survive the "ensuing new purge". Greek officers on active duty today find themselves in a tragic dilemma. On the one hand they observe the military cooperation between the U.S. and NATO and the present regime, and therefore they feel that the material National defense requirements are somehow met. On the other hand, they realize that our National defnese is in jeopardy, since the unsuccessful experiment of the military intervention has failed to gain the support of the people of Greece and a continuously widening gap separates the people of Greece from the Armed Forces. Prevailing at this time in the minds and hearts of many officers is the realization that a government which does not dare to seek the approval of the people cannot meet national emergencies. Such a government is a liability for our National defense. This "dilemma" makes the Officers Corps very unhappy.

Whenever the U.S. or NATO attitude reemphasizes the military cooperation with the regime, as in the case of the sixth fleet homeport facilities proposal, the dilemma in the minds and hearts of the officers becomes more acute.

The regime has passed the peak of their form and they know it

Revolutions throughout history have aimed at overthrowing despots who, using outmoded and obsolete institutions, have prevented innovative evolution of the society and the responsible freedom of the people. Revolutions have been the doing of minorities of visionaries who could grasp the requirements of their times and could gradually transform their vision into new institutions accepted and supported by the people at large. Revolutions have been guided by ideologies which could motivate the people.

The regime—"the revolution"—in Greece did not overthrow any despot; it did not create new and better institutions and it is void of any ideology. The only institution they have created is the police state. The regime is an anachronistic repetition of old discarded practices. Its interference in the political life of the country has been regressive rather than progressive. The regime, after five years in power cannot rely on the people. They are forced to rely on a fanatic minority placed in key positions within the Armed Forces and on external support. The regime denies, of course, its unpopularity. But it does not dare to prove the opposite by free elections. The people keep silent. The silence of the people is frightening. Silent opposition to an oppressive regime gradually builds the foundations for a violent revolution.

The silence prevailing today in Greece has been broken lately. In March 1971 during the 150th anniversary of modern Greece, 133 prominent Greeks issued a statement to the effect that Greece stands for a free and responsible people. Among the sponsors were men of sciences, government, literature and Army officers who have distinguished themselves in the battlefield and who have refrained from involvement in politics. Later, during the visit of Vice President Agnew in Greece, close to 90% of Greece's parliamentarians expressed their unequivocal position against the regime. Most recently, more than a thousand Greeks, from all walks of life, defied Martial law and signed a petition requesting the release of political prisoners.

And only three weeks ago on March 25, 167 former members of Parliament of the two biggest political parties—which polled together 85% of the vote in the last elections, held in 1964—signed a political manifesto. In this they accuse the regime of handling in an irresponsible manner our National issues, as this was demonstrated during "the dramatic developments in Cyprus and all their unpredictable, as yet, consequences". In this manifesto they also accused the regime for "lack of respect to all institutions". They view the recent attempt against the Crowned Democracy as "solely designed to create the circumstances required to facilitate the perpetuation of the present arbitrary regime". The former members of the Parliament offered to back jointly any government that would lead the nation to democracy.

There are certain significant points in connection with this emerging vocal trend.

a. The individuals involved represent all political philosophies.

b. They come from all parts of the country.

c. They come from all walks of life.

This geographical, social and political distribution shows to any objective observer that behind this expression of vocal disappointment is the frustration of a population anxious for the future of the country and deeply hurt because they have been deceived by individuals belonging to an institution which they trusted, the Armed Forces. The overwhelming majority in Greece is united for the first time in our history. This unity is an expression of a definite opposition to the regime and to all those who support it.

There is an argument among some who support the regime: that silence is not enough to demonstrate opposition. They maintain that if the Greeks were really against the regime they would show that in a more vocal manner. Those who present this reasoning forget certain key issues:

a. The Greek people have suffered a bloody civil war inspired by Communism and nurtured on the fertile ground that was cultivated by the previous (Metaxas) dictatorship. They are trying to avoid another confrontation. Most leaders opposing the regime have, so far, been reluctant in encouraging the use of violence, hoping for a bloodless, political solution.

b. The man in the street felt all along that there was little he could accomplish violently against a police state, becoming more and more entrenched every day and enjoying demonstrable American support.

c. Those of our friends who use the argument "the problem is of the Greeks to solve" are in reality asking the Greek people to proceed with violence, since all other outlets are closed. To proceed with this notion would be tragic.

d. Violence, if it ever occurs, will be of earthquake dimensions and will destroy the foundations of everything existing in Greece today. The agony is that violence might simultaneously destroy the freedom of the Greek people forever.

The regime after five years in power is at an impasse. They had anticipated that with "law and order", "peace and quiet" slogans and with a massive brainwashing in Greece, they could some day bend the Greeks and elicit signs of approval for the intentions and actions of the "revolution". Then they could proceed with their electoral coup—i.e., rigged elections—It has not worked. The silenced Greeks are now persuaded that they have been deceived. They feel they continue to be humiliated and insulted. The Greek people refuse to approve this regime which can exist only by force.

The dictatorship is fully aware of this and is running scared. As a result, they maintain Martial law in the large urban centers. They are mistrustful of the youth and they police the great centers of learning. They are afraid of the influence of distinguished Greeks, so they keep them jailed, while they subject others to relentless surveillance. They fear their isolation from the European and Atlantic Community and they spasmodically attempt to divert public opinion by "spectacular" foreign policy undertakings such as "federation with Turkey", untimely emphasis on relations with African countries, disastrous conflict with a great national leader, Archbishop Makarios on Cyprus, etc. They fear the Armed Forces and mistrust them. It took four years for the dictatorship to find trusted officers and replace the commanding officers and other key personnel of the units protecting the regime in the Athens area. They mistrust themselves and, as a result, the dictator has gradually assumed the positions of Regent, Prime Minister, Minister of Defense and Minister of State. Above all, they are afraid of the Greek people, and, as a result, they keep postponing the implementation even of their own constitution and any discussion regarding free and honest elections.

The current adventure is not a political crisis; it is a national emergency. As long as this emergency continues, the problems will multiply, patience will dissipate, anger will be inflamed by humiliation and dangers will grow while our national power will continue to dwindle. The epilogue of this emergency will be the most critical chapter.

C. M. Woodhouse, a conservative member of British Parliament is a leading authority on Greece. As a colonel of the British Army he fought with the Greek guerrillas against the Germans. He recently completed an extensive tour, concentrating on small towns and villages and avoiding Athens and his old friends. His conclusions are very revealing: "The Colonels probably have a long time to try. . . My impression is nevertheless that they have already passed the peak of their form and they know it. It seems to me certain that they will fail to transform the Greek people, but they will take a long time failing". "Meanwhile, the Greeks exist in a state of 'stenochoria'. Their mood is boredom, frustrations, hopelessness and fear; not universal, of course, but far more widespread appears on the surface".[2]

In this state of affairs any demonstration of military cooperation of the U.S. and NATO with the regime results in increasing the hopelessness of the Greeks and in perpetuating the regime in power.

The Soviet Union will benefit

Russian minds will never forget that Napoleon and Hitler have in two great invasions cut into the heart of Russia. The Soviet establishment of a line of satellite buffer states between the U.S.S.R. and Europe has been, according to Soviet strategists, a defensive imperative, and an expression of their land strategy. Soviet incursions in countries such as East Germany, Hungary and Czechoslovakia have demonstrated that the Soviets believe they cannot afford to risk destruction of their land buffer zone. Liberal movements, if tolerated, can create chain reaction repercussions against the entire Communist empire. However, it would also seem that the Soviets are aware that in this day and age this kind of defensive strategy cannot service their long term national objectives. The technological revolution in weaponry has rendered land protection insufficient. In this nuclear age, a purely offensive military strategy has become obsolete. As a result, they have adopted the strategy of "peaceful coexistence" in order to transfer their offensive in non-military areas. They know that as long as they remain alert and flexible, they can capitalize on the mistakes of the West.

For the first time in their history they have implemented an expansionist maritime strategy. Obviously in the Mediterranean they are no longer directly defending the land frontier of the Russian empire. They are merely extending Soviet influence and assuring themselves the means of pressure which the Soviet Union should bring to bear to modify the present equilibrium to their advantage. Huge continuing military and economic aid to the Arab countries and a 50 war-ship fleet in the Mediterranean is the Soviet investment in this area so far. The threat to the Western world by these moves is obvious.

It is clear that Soviet influence cannot be expected to retreat from the Mediterranean. "The Russians are going forward at a tremendous rate with their naval construction both conventional and nuclear" and "at the present rate of Soviet construction, they would have over 70 (ballistic missile nuclear submarines) by the time the U.S. could build and have operational their No. 42".[3] This naval build up is a reality that will influence events in the Mediterranean for a long time to come.

The Soviets are masters in patience. They will capitalize in Greece given a low risk opportunity. Loss of Greece would seriously jeopardize the American and NATO position not only in the Mediterranean but in the entire European continent. In such a case, Turkey would be completely isolated and eventually lost. Italy, alone and unstable, could not, probably, survive the Soviet pressures applied through a strong Italian Communist Party. Yugoslavia could not be expected to remain indefinitely independent of Moscow, especially after the passing of Tito. Greece is, therefore, the key to the balance of the Mediterranean area. The question is, however, whether under the present conditions in Greece, Western presence in the Eastern Mediterranean can be safeguarded in the foreseeable as well as the distant future

In a conversation last year with a distinguished American, I advanced the view that the dictatorship, the Greek people, the NATO alliance and the U.S. are all at an impasse in Greece. It is only the Soviet Union that retains flexibility in action and objectives. I added that "for the first time in our history the Soviet Union is able to exert so deep an influence on the developments in Greece without using, initially at least, the internal communist apparatus." To the Soviet the Greek dictatorship is an unexpected gift. A

Footnotes at end of article.

Western-oriented Greece, democratic and economically healthy is a liability to the Soviet strategists. It is preferable for Moscow to see Greece governed by a dictatorship since this offers both short and long advantages. Initally the Soviet attitude towards the dictatorship was friendly verging on cordiality. Their immediate aim was not to pry the dictatorship away from the West. The risks would be too great. Soviet friendliness was used as an instrument by the dictatorship to blackmail and to pressure the West into accepting military cooperation with it. Thus the Soviets have lent a hand in the perpetuation of dictatorship in Greece. This objective having been achieved, the Soviet Union is now ready to harvest the long term benefits of the prolongation of the dictatorship. This was the substance of my discussion last year.

A most recent book published in England this year, entitled "Inside the Colonels' Greece", whose anonymous author is a Greek intellectual, now living in Greece, discusses this subject with foresight and depth. I selected to quote from this book since this quotation reflects the opinion of a responsible Greek thinker now living in Greece and with which I totally agree from a strategic point of view:

"Since Greece belongs to a zone in which, for the time being, Moscow must not meddle, it is infinitely preferable from its point of view to see it governed by a reactionary dictatorship. Besides the immediate advantages which this offers to the Eastern bloc's anti-American propaganda, the prolongation of the regime has other long-term benefits.

"In the first place the Greek people are becoming gradually estranged from the West. . . .

"Secondly, the structures and leadership of a liberal democracy are slowly being destroyed. Little by little, moderate solutions will be discredited, and with them the views of those who advance them. There will be an increasing polarization between a fascist minority on the one hand and a discontented and anti-American majority on the other. Thirdly, the armed forces are becoming both less efficient and the object of widespread loathing. And finally, the economy is steadily deteriorating, and will acquire an increasingly pronounced neocolonialist character, thanks to the junta's policy of indebtedness to international financial circles.

"The developments could lead, one day, to a revolutionary situation which might be exploited by the Kremlin . . ."

". . . The essential thing, for the Soviet Union, is that the dictatorship not be overthrown too early, and above all that it be not overthrown by Western-oriented elements not controlled by it. A re-establishment of liberal democracy, that would stop the present disintegration and even partially satisfy popular aspirations, is not at all desirable from Moscow's point of view; only the prolongation of the junta's regime can create a situation where the Soviet Union might possibly gain by its overthrow."[4]

The request for Sixth Fleet homeport facilities has perhaps persuaded the Soviet Union that there is no reason any longer to disguise their real intentions and as a result, both the Soviet Union and Satellite countries have started publicly expressing a position against both the U.S. and the dictatorship. This, of course, will not lead to any immediate action, but one can suspect that from now on their hostile attitude will accelerate. Whether this will be translated into an all-out offensive policy it is too early yet to judge. One point should be made clear, however. When the Soviet Union abandoned the Greek Communists in their post-war efforts to seize control of the country in the 1940's, the Soviets had no naval presence in the Mediterranean. Today they are in that area, do not intend to withdraw from it and they will not risk another failure in any undertaking in the Greek area.

CURRENT U.S. POLICY AND THE RESULTANT ATTITUDE IN GREECE

The obvious question at this time is the following: Since the Armed Forces are not enthusiastic supporters of the regime, since the mood of the people reflects boredom, frustration and hopelessness, since the long term strategic interests of the west are being threatened, what are the factors that contribute to the maintenance of this regime in power? All factors are negative in nature in the sense that they are not positive direct achievements of the regime, but derive from circumstances outside the will of the dictatorship. They include such external factors as the situation in the Middle East, the misinterpretation of the impact of the Soviet penetration in the Mediterranean, the preoccupation of the West with global strategy, the emphasis on other more urgent and pressing problems, coexistence with dictatorships for years and the like. Internal added factors for the regime's survival are to be found in the "good economy" and the "orderliness" which appears to prevail in Greece today. But "law and order" by force can also be found in communist societies. Greeks, as do all Western societies, resent this type of "law and order". The so-called economic "miracle" is used extensively in their propaganda efforts, but the regime does not believe in this miracle, since the dictator was able to remove from his job the very man who should get credit for this "miracle". C. M. Woodhouse commented, on February 13, 1972, regarding the economic situation as follows: "There is an undoubted sense of growing prosperity, and the improvement since 15 or 20 years ago is impressive. But it has been only marginally effected by the revolution of 21 April 1967. The government is building on the foundation laid by its predecessors, particularly Karamanlis. No one can say for sure that the progress would have been either greater or less under any other government."[5] The Deputy Assistant Secretary of State commented as follows when he testified before this committee last year: "Certainly the policies followed by the government of Greece contribute to economic progress. But economic progress is not a factor of a year or two. The foundations have been laid in years before."[6] These foundations have been laid by democratic governments since 1950. The present dictatorship is harvesting the fruits but in the same time it is creating circumstances that raise serious questions relative to the duration of an interrupted economic growth. Some of the adverse developments since 1967 are: (a) The relations with the European Common Market have in fact been frozen. (b) The short-term borrowing—equivalent to mortgaging future resources of the nation for short-term expenditures of dubious economic value—can potentially lead to a major balance of payment crisis.

(c) The shattered confidence of the Greek consumer—demonstrated by higher than normal liquidity—can translate itself into rapidly raising inflationary pressures.

The most important element, however, supporting the regime is a fallacy. The fallacy of the Greek people who expect everything from the United States and the fallacy of the United States to expect everything from an oppressed people. In the last five years this fallacy has taken the form of a "vicious circle", which has controlled the destiny of Greece. The people inside Greece believe the West and particularly the United States not only tolerates but supports the regime. The world outside Greece took the lack of apparent resistance as evidence of popular support.

The U.S. policy towards Greece was outlined by many spokesmen. Ambassador Tasca in his recent testimony before this committee restated this policy as follows: "The dual objectives we pursue in Greece—the preservation of the immediate security interests of our two countries and the return to representative government upon which our security interests depend over the long run—obviously present a delicate problem in dealings with the present Geek regime".[7] These two objectives are reflected through two schools of thought existing in this country. There are those who are interested primarily in maintaining Greece under non-communist control, at any price, and there are those who are concerned because they believe the price for this control is too high. The first group, a minority, is satisfied with the present; the second, the overwhelming majority, is worrying about the future. This separation of approach extends to the two Branches of government of this country. The Legislative Branch is more concerned with the return to representative government even at the slight expense of some short term inconvenience in Greece for American security interests. The Executive Branch appears to be more concerned with the immediate security interests at the expense of the political objective of restoring representative government in Greece. Under the pattern followed so far, the actions of the two Branches of government are self-defeating and neither the in Greece for American security interests. of the United States—let alone the Greek people—are served.

It is indeed time for drastic changes. Expressions of American "disappointment" have ceased to bring about results in Greece. Results can be brought about by actions aimed at implementing both objectives of U.S. policy, the political as well as the military. Demonstrated action has tilted so far in the direction of narrow and immediate security objectives. Undoubtedly diplomatic and secret activities aiming at the return of democracy have taken place and continue today. But, they have not been successful so far, and the "impasse" continues to control the setting. American actions regarding security interests and the manner in which they are being expressed are reinforcing the feeling that this country continues to satisfy its own narrow security requirements at the expense of the long range interests of Greece whose stability and progress depend on "free play of democratic forces".

One should not forget that the Greek people have rejected the interference of the Soviet Union in Greece on two grounds: First, because communist totalitarianism would lead the Greek Society into complete stagnation and second, because a communist government would be an obedient servant of the Soviet Union, disregarding the interests of Greece. If the Greek right wing dictatorship is going to be perceived as an instrument or servant of American interests at the expense of the evolution of the Greek society into a modern Western type community, and at the expense of the long term interests of Greece, then it is obvious that the difference between the United States and the Soviet Union becomes obscure in the hearts and minds of the Greek people, and I cannot help but predict severe dislocations in the future relations between our two countries.

A change in U.S. attitude alone is not sufficient, since it will eliminate only one part in the vicious cycle previously described. As the U.S. attitude publicly changes in the direction of tangible support for the restoration of democracy, there is a need for all Greeks to understand that the problem of Greece will not be solved by our friends alone. It is our duty and our National responsibility to do everything in our power, to determine our readiness and our determination to restore representative government in Greece. Freedom cannot be given to us by others. We will earn it.

I think I have, so far, answered the specific question under consideration today, indirectly. But I will answer directly. If this country continues to speak in terms of a "dilemma" but continues to act unhesitatingly serving only its immediate military interests, the homeport facility will serve to perpetuate the dictatorship; it will be another major visible trouble area in the relationship of the two countries, and the future becomes dark, indeed. If on the other hand, this country coordinates the activities of all branches of the government with a determination to reach results in both political and security objectives, then further military cooperation, a part of which is the port facilities, will be considered in Greece as a natural continuation of a relationship established long ago, in the framework of an Alliance which is consistent with its charter and its ideals.

After five years, I suggest it is time, if it is not already too late, for all our friends to think of Greece in light of the truth, as this was expressed by the State Department in 1969: "We see an automatic government denying basic civil liberties to the citizens of Greece. We think such an internal order does not coincide with the best interests of Greece, whose stability in the long run, we believe, depends upon the free play of democratic forces." [8]

I hope the foresight of all branches of your government, together with the realization that the tactics used so far have failed to solve both the problem of Greece and the problems of NATO in Greece, will lead to a reexamination of the entire set of objectives, strategies and programs required to lead the present impasse to a satisfactory conclusion.

The President of Yale University recently stated: "It is always tempting for a person or a nation to pretend that a problem which seems insoluble does not exist. . . . The more truly unavoidable a problem is, however, the more important it is to acknowledge it. Frank exposure, comment and public discussion are more reassuring than the pretense of false gladness which in fact saps credibility." [9] The problem does exist and the initiative of your two committees for frank exposure and public discussion cannot but assist in exploring and adopting new courses of action. I hope I have constructively contributed to your efforts.

In concluding, I refuse to become pessimistic about the future of Greece and its friendship with this country. With this feeling I will end my testimony referring to General Eisenhower's advice: "Granted that storm signals are up, I believe nevertheless that we as a people have the good sense to place patriotism and human understanding above the arrogance of personal prejudice—and that we can and will solve peacefully the problems that beset us." [10]

Thank you very much.

ORESTIS VIDALIS.

FOOTNOTES

[1] Answer of the State Department to a letter signed by 51 Members of the Congress, dated August 5, 1969. Congressional Record, vol. 115, pt. 17, p. 23393.

[2] A Sense of Fear in Greece" by C. M. Woodhouse. The Observer, London, February 20, 1972.

[3] Interview with Defense Secretary Laird, *U.S. News and World Report*, March 27, 1972, page 42.

[4] "Inside the Colonels' Greece", by "Athenian". Chatto and Windus—London 1972, pp. 172–173.

[5] "What Greeks think about Greece" by C. M. Woodhouse. "The Observer", London, February 13, 1972.

[6] Hearings before the Subcommittee of Europe of the Committee on Foreign Affairs, House of Representatives—July 12, 14, 19, 21, August 3, September 9 and 15, 1971; page 34.

[7] Hearings before the Subcommittee of Europe of the Committee on Foreign Affairs, House of Representatives. July 12, 14, 19, 21, August 3, September 9 and 15, 1971, page 304.

[8] See footnote 1 on page 3.

[9] "On our National Purpose" by Kingman Brewster, Jr. Foreign Affairs, April 1972, p. 400, 401.

[10] "We must avoid the perils of Extremism" by Dwight D. Eisenhower. Reader's Digest, April 1969.

ARUNDEL SOLDIER KILLED IN VIETNAM

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. LONG of Maryland. Mr. Speaker, a fine young man from Maryland, Sfc. Charles J. Britt, was recently killed in Vietnam. I would like to commend his courage and to honor his memory by including the following article in the RECORD:

ARUNDEL SOLDIER KILLED IN VIETNAM

Graveside services with military honors are scheduled tomorrow for Army Sgt. 1C Charles J. Britt, of Ferndale, who was killed in action in Vietnam March 30.

The Defense Department has not released details on the death of the Anne Arundel county soldier, who was killed while serving as an air rifle-platoon adviser with the Republic of South Vietnam's 17th Air Cavalry in the Central Highlands.

Sergeant Britt was called "Ledge" by his fellow soldiers—short for "The Living Legend," because of his bravery.

SECOND TOUR

He was killed two days before air rifle-platoon advisers were to be phased out of the war.

Sergeant Britt was serving his second tour of duty in Vietnam. Jack Tishue, Jr., also of Ferndale, who grew up with Sergeant Britt said his friend had volunteered to extend his duty in Vietnam by six months recently and was to receive another assignment there.

He also was scheduled to come home this month for a 30-day leave.

In his first tour in Vietnam, from 1966 to 1968, Sergeant Britt served with an elite unit called The Hawkeyes, made up of small teams from the 4th Infantry Division that conducted long-range reconaissance patrols.

The patrols included "hunter-killer" missions, that engaged in battles with small units of North Vietnamese troops and disrupted the enemy's communications.

Sergeant Britt was described as a serious young man who knew most of what there was to know about weapons.

Sergeant Britt was born in Baltimore but grew up in Anne Arundel county. After graduating from Glen Burnie High School in 1962, he enlisted in the Army.

After training at Fort Gordon, Ga., Sergeant Britt received Advanced Infantry Training at Fort Riley, Kans. He then served in Germany as an armored personnel carrier driver. He left the Army in June, 1965, but only for a month.

Sergeant Britt returned to Ferndale. "He stayed around for a week or so," Mr. Tishue recalled, "then hitchhiked to California and enlisted again in San Francisco."

The soldier was sent to Fort Lewis, Wash., and from there to Fort Benning, Ga., where he attended Ranger and Pathfinder schools. In 1966, he was sent to Vietnam. He was assigned to the 4th Infantry Division, where he volunteered for long-range reconaissance patrols and was named a team leader.

Sergeant Britt returned to the United States in 1968 and served as an instructor in the Ranger School at Fort Benning. After reenlisting again, he attended the Airborne School and the Noncommissioned Officer Academy. He later took missile training at Fort Bliss, Texas, and was sent to Fort Kobbe, Panama, as a missile instructor.

About this time last year, Mr. Tishue said, Sergeant Britt volunteered for his second tour of Vietnam.

Sergeant Britt will be buried at 10:30 A.M. Tuesday in Baltimore National Cemetery. He will be buried with his father, Joseph Britt, who served as a lieutenant in the Army before World War I, and died in 1948.

STATEMENT IN SUPPORT OF HONORING A WOMAN ON THE $2 BILL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HALPERN. Mr. Speaker, only in recent years have we begun to understand the extent to which women have been discriminated against in our society—in educational opportunities, in employment, in our laws, and in the subtle attitudes and expectations which govern our cultural behavior. Despite all the progress of the last half century, it is clear that we are quite a long way from anything like equality of opportunity.

At work, women are still paid less for doing the same jobs as men, and they are still heavily concentrated in the lower paid, lower skilled occupations. Twenty percent of workingwomen with 4 or more years of college today are in clerical or retail sales positions, and this represents a tragic waste of talent.

Discrimination against women is well documented in employment and income statistics. For example, men fill 99 percent of the supergrade GS–16, GS–17, and GS–18 positions in the Federal Government, which is supposed to be taking the lead in ending discrimination. The highest unemployment in the Nation, 37.7 percent, is among girls 16 to 21. In 1958, women earned 63 percent of the median income earned by men. By 1969, this figure had dropped to 58.2 percent. Today, the average income for male college graduates is $13,320. For women, the income figure is only $7,930.

Sex discrimination in education is one of the most serious injustices borne by women. Discrimination in admissions and in the awarding of financial aid make it far more difficult for women to obtain higher education, and the same holds true for technical and vocational programs. In the fall of 1968, only 18 percent of the men entering public 4-year colleges had received high school grade averages of B-plus or better, but 41 percent of the freshmen women had obtained such grades. One State university actually had an admissions brochure stating that:

> Admissions of women on the freshmen level will be restricted to those who are especially well qualified.

Only 6 percent of our law students and 8 percent of our medical students are women although, according to the Office of Education, statistics show that women tend to do better on admission tests.

Women are discriminated against in our laws, especially those concerning marriage and family, property rights, and working conditions. In at least eight States women cannot contract or sign leases until they are 21, although men can do so at 18. California and four other States require a married woman to obtain a court order before establishing an independent business. Eleven States place special restrictions on the right of a married woman to contract. In three States, a married woman cannot become a guarantor or surety, and 26 States have laws or regulations which completely bar adult women from certain occupations or professions. For example, in nine States women are prohibited from mixing, selling, or dispensing alcoholic beverages.

These are but a few examples of the way our society discriminates against half its citizens, and it is a sorry catalog indeed. I believe we owe a debt of gratitude to the women's rights movement for arousing the Nation's conscience and leading the way toward bringing women to their rightful position of equality in every aspect of our national life—legal, economic, and social.

It is for this reason that I have introduced legislation which would honor the women's rights movement, a movement which has been gathering momentum for over a century, by placing a woman's picture on the $2 bill. Up to the present time, our currency has honored only men in this way. But women have contributed just as much as men to our development as a nation, and their contributions are at least as worthy of public honor. I therefore propose that Susan B. Anthony, one of the greatest leaders of the women's rights movement, appear on the $2 bill, and urge the strong support of all my colleagues for this measure.

BUTZ REAPS FARMERS' PRAISE

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MICHEL. Mr. Speaker, those of us who applauded the President's selection of Dr. Earl L. Butz as Secretary of Agriculture felt sure that Dr. Butz would do what the Secretary of Agriculture is supposed to do, and that is to stand up and fight for the farmers in a vigorous and outspoken manner. Some of our democratic colleagues in the other body made a determined effort to block his confirmation by trying to depict him as some kind of monster dedicated to the destruction of the family farm but his performance thus far in office has clearly proved how phony their arguments really were.

An article by Mr. Richard Orr, farm editor of the Chicago Tribune in the April 24, 1972, edition discusses the effectiveness of Dr. Butz' administration of his office and also points out how popular he has become with farmers all over the country.

I include the article in the RECORD at this point:

BUTZ REAPS FARMERS' PRAISE

(By Richard Orr)

Republicans, in their bid for the farm vote, have fielded a star quarterback they confidently expect will run the ball across the goal line next November. He is Dr. Earl L. Butz, who in four short months as secretary of agriculture has been saying and doing things which have delighted farmers, confounded political critics, and focused national attention on agriculture.

After the lackluster performance of his immediate predecessor, Dr. Clifford M. Hardin, almost anyone could have been expected to enhance the office. But Butz is wowing them in the rural areas, as the saying goes, as a tireless, vigorous, forthright spokesman for the farmer.

When the new secretary took office last December, G.O.P. leaders were in near panic at signs of an incipient farm revolt over low prices and what farmers considered administration neglect of the rural economy. Now a heartened G.O.P. National Committee happily calls Butz's overnight popularity "as refreshing as a spring rain after planting."

HE CREDITS DEMOCRATS

Ironically, Butz himself credits Democratic critics with helping elevate him to national prominence thru publicity surrounding their bitter fight against his confirmation. Farmers weren't at all sure what to expect when they heard Butz, a Purdue University agricultural economist, attacked by leading Democrats as a tool of big business and a spokesman for the wealthy farmer rather than the family farmer.

Within minutes after taking office Butz began to dispel such charges in his first official utterance: "The price of corn is too low." Next day he directed his department to buy corn to raise prices.

Since then, he has changed the feed grain and wheat programs to give farmers more money to cut surpluses by not planting crops, won release of an additional $109 million in rural electrification loans and $55 million for the rural environmental assistance program, got another $200 million for the food stamp program, and boosted rice allotments by 11 per cent.

SUBSIDIES WILL RISE

Direct farm subsidies this year will go up by about $1 billion to a record $4.3 billion, and farm income will soar by as much as $2 billion to all-time highs in both total net returns and in net per farm. Still, Butz continues to emphasize that farmers earn only three-fourths the income of nonfarmers and declares, "I won't be satisfied until the income of farmers is at least on par with city people."

LUCRETIA STOICA: GUARDIAN ANGEL OF GREATER CLEVELAND'S ETHNIC COMMUNITY

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. JAMES V. STANTON. Mr. Speaker, I am extremely proud to join the Nationalities Services Center of Cleveland, Ohio, in paying tribute to Miss Lucretia Stoica upon the occasion of her 25th year of service to this fine organization. Miss Stoica will be formally honored at a dinner given by the center on May 7 at St. Mary's Rumanian Orthodox Church in Cleveland.

Recently Miss Stoica was characterized as the "guardian angel" of the ethnic community in Greater Cleveland, and a look at her record shows that she is deserving of no less a title. From May 7, 1947, when she first joined the staff of the Nationalities Services Center, she has served as a caseworker and immigration consultant, deputy director of the organization and, finally, since 1963, as executive director of the Nationalities Services Center.

Miss Stoica received her formal education in Rumania, attaining a master of arts degree from the University King Ferdinand in 1945. As a supplement to her work at the center, the ways in which she has applied this knowledge in service to the public are innumerable. She has written broadcasts for Radio Free Europe and the Voice of America, served as legal adviser for the State Department in preparing material for the Genocide Convention of the United Nations, and was one of the Ohio delegates to the 1971 White House Conference on Aging. Miss Stoica also holds memberships in a variety of social, educational, and community organizations.

While it is an easy matter to list the impressive credentials of Lucretia Stoica, it is much more difficult to put into words the many, many acts of kindness she has performed which have helped individuals in need. Perhaps the greatest tribute we can pay to Lucretia Stoica is to recognize that she has eased the burdens and given comfort to people facing a difficult and uncertain time in their life. For this selfless dedication she has the eternal gratitude of our community.

ALASKA STATE LEGISLATURE RESOLUTION—AIRLINE SERVICE BETWEEN FAIRBANKS AND JUNEAU

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. BEGICH. Mr. Speaker, the Civil Aeronautics Board has established new operating orders which affect service to many areas of Alaska. These new orders, which took effect on February 7, 1972, have affected seriously flight service between Fairbanks and the State capital in Juneau. It is now required that Alaska Airlines must make at least two intermediate stops between Fairbanks and Juneau, two of the three most populated areas in the State. This action seriously limits service as the only other carrier serving these areas has only an average of three flights per week during a large part of the year.

As the State capital, Juneau requires direct service to the many areas of Alaska, particularly the heavy population area of Fairbanks. Recently the Alaska State Legislature passed a resolution calling for restoration of greater direct service between these two cities. In support of their demands I submit this resolution into the RECORD for the attention of the House, in the hope that greater balance between direct and local flights might be sought:

HOUSE JOINT RESOLUTION NO. 112, RELATING TO AIRLINE SERVICE BETWEEN FAIRBANKS AND JUNEAU

Be it resolved by the Legislature of the State of Alaska:

Whereas the newly decreed operating order of the Civil Aeronautics Board affecting service in many areas of Alaska went into effect on February 7; and

Whereas it has been learned that the Civil Aeronautics Board has placed a restriction on Alaska Airlines to the effect that no one may fly from Juneau to Fairbanks or Fairbanks to Juneau on any Alaska flight that does not make at least two intermediate stops; and

Whereas this restriction imposes an intolerable burden on Alaskans wishing to travel between these two population centers of Alaska; and

Whereas the resulting inconvenience to the traveling public is doubly aggravated because the other carrier with operating rights between Fairbanks and Juneau only has three flights a week each way during a large portion of the year; and

Whereas Juneau, being the State capital, has a compelling need for direct and frequent flights to all areas of Alaska;

Be it resolved by the Alaska Legislature that the Civil Aeronautics Board is urgently requested to remove, at once, the restriction prohibiting passengers from traveling between Juneau and Fairbanks on Alaska flights that do not have two intermediate stops.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Secor D. Browne, Chairman, Civil Aeronautics Board; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

GEORGE ROMNEY'S SPEECH TO RIPON SOCIETY

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ESCH. Mr. Speaker, I am sure that the Members of this body are aware of the real contribution made by George Romney as Secretary of Housing and Urban Development. Secretary Romney was honored on Saturday evening by the Ripon Society as Republican of the Year at the Sheraton Cadillac Hotel in Detroit, Mich. The Secretary's address was a thought-provoking message which I am sure would be of interest to those of us who are concerned with revitalizing our political process and with insuring a thoughtful discussion of public policy alternatives. Secretary Romney expressed his concern that there are no citizen organizations today who perform the vital function of developing alternative solutions to the pressing problems facing our Nation today. The lack of an independent analysis on major public issues provides an easy access for those who would rather demagogue an issue than debate it. If our citizens are not adequate informed on issues then they cannot make rational political decisions. I found the Secretary's remarks challenging and I commend them to my colleagues:

REMARKS BY GEORGE ROMNEY

Candor compels me to recognize that the honor you do me tonight was made possible by the courageous statesmanship of President Nixon whose policy decisions to promote equal opportunity in housing have not been adequately recognized for their landmark, historic character.

The President's historic contribution is found in his reconciliation of two inalienable rights of every American—equal opportunity and freedom of choice. It was his policy decision that made possible the actions for which you honor me.

The other reality which has made this honor possible, is the sensitivity and insight of your Society to the crucial character of the problem of racial polarization to the future of our nation. You are distinguished by your continued concern, when much of the leadership traditionally committed in this area, is backing off under current social and political conditions.

It is a high honor to be selected Republican of the Year by the Ripon Society. Having known many of your leaders and members and their desire to search out the answers to public problems, I have long respected your work and your findings. Knowing of your dedication to improving the political and governmental processes of the nation, I want to share with you my analysis of a vital deficiency in our free society. I am encouraged to do this not only by your dedication to searching study of our political processes, but also by a statement made a few days ago by Missouri Governor Warren Hearnes. At a recent meeting of metropolitan area leaders in St. Louis he observed that it was his experience after eight years as Governor that achieving fundamental reform depends upon a crisis.

This is also my experience. In today's fast changing world, can America endure if necessary reforms always require a crisis?

In my opinion that is too great a risk to take. Why are we so dependent on reform through crisis?

I have concluded it is because the central issues that confront the nation are not adequately addressed by the major political parties or government at all levels, to inform the public and thus prepare it to support solutions to incipient challenges that will threaten the nation's future.

What the nation needs to improve our political parties and governmental action is a national "Coalition of Concerned Citizens" who will devote themselves to identifying and defining the central "life and death" issues facing the nation, the established pertinent facts, and the major *alternative* solutions available to resolve them. No such nationally accepted effort exists today. Many had hoped Common Cause would fill this role.

We say that an enlightened electorate is the foundation of free government—and it is.

But the inherent nature of our political system and party processes, as presently constituted, make an in-depth, in-time, objective consideration of issues virtually impossible.

The great political economist, Henry C. Simons, wrote:

"Democracy is basically a process of government by free intelligent discussion.

"It implies an elaborate structure of political institutions, . . . including parties. It implies an inclusive electorate . . . It also implies at best, a continuing process of relevant discussion and inquiry among . . . truth-seekers."

But this is what our political system and party procedures are failing to provide—a continuing means of rational and relevant discussion among those who are first and foremost seekers after truth.

This is no slur on the character and integrity of candidates and parties. Almost all are well-intentioned. Almost all want to do what is best for their country.

But a political party, by very definition, is a body of citizens whose objective is to gain control of government through supporting particular candidates. Their goal is political power. Normally they operate within the limits of responsible and honorable behavior. Yet their essential purpose and function is to win elections, and this makes them power-seeking organizations and individuals—not primarily truth-seeking organizations and indivduals.

Because their legitimate and proper role is to seek power, our parties and candidates tend to gravitate toward safe and inoffensive policy positions. They tend to be general rather than specific in their proposals. They avoid identification with crisis-producing issues in their controversial, but opinion forming, stage.

They seek to follow opinion rather than shape it.

As Walter Lippmann wrote:

"What Churchill did in the thirties before Munich was exceptional: the general rule is that a democratic politician had better not be right too soon. Very often the penalty is political death. It is much safer to keep in step with the parade of opinion than to try to keep up with the swifter movement of events."

Lippmann went on to say,

"In government offices which are sensitive to the vehemence and passion of mass sentiment public men have no sure tenure. They are in effect perpetual office seekers, always on trial for their political lives, always required to court their restless constituents. . . . Democratic politicians rarely feel they can afford the luxury of telling the whole truth to the people. . . . It is safer to be wrong before it has become fashionable to be right."

This tendency to play it safe in order to win is not all bad. It pulls parties and candidates toward the middle of the spectrum, where most of the voters usually are, avoiding the dangerous extremes. It keeps too wide a gap from opening between the people and their leaders. It contributes to political stability.

In fact, this tendency to avoid controversial issues is an iron necessity of our political system. The political process can only deal with deeply controversial issues when a process of mature reflection in the general electorate has produced the possibility of a majority consensus which can then be catalyzed by one or other of the major parties.

But this necessity to avoid controversial and divisive issues also discourages meaningful and objective discussion of the issues. Rarely, if ever, does a political campaign enlighten the electorate in any fundamental sense. And this is certainly proving true in the present presidential campaign. The most memorable phrases of past campaigns are emotional slogans with very little substance—phrases like "You never had it so good," "Let's get this country moving again," and "In your heart, you know he's right."

The selection of our presidential candidates in the national political convention has little to do with issues. It has more to do with image, political, strength, personality, appeal, and "electability."

This doesn't mean that able, thoughtful candidates are not selected. Often they are. Both the Republican and Democratic Parties nominated able, thoughtful candidates in 1968. But it does mean that issues take a back seat.

This is a major reason why party platforms are paid so little heed and are regarded by so many voters as a trap for the unwary. As someone said years ago, "A party platform is like a streetcar platform—not to stand on, but to get in on."

Most serious of all, the neglect of issues is a chief reason why the people of this country, after a campaign is over, are so often unprepared for the difficult decisions and hard tasks that lie ahead . . . unprepared, because they have not had the benefit of the objective, deep discussion which would have given them necessary understanding of the issues.

Yet the processes of a free society depend directly on public support for the reform needed to prevent a crisis. Of course, at times, public support develops before those concerned about winning elections respond with action. But, too frequently, well-organized minorities or special interest groups are more feared at the polls than the unorganized public majority and political candidates refuse to engage the vital issues.

On the other hand, minority coalitions of concerned citizens have been known to give expression to public opinion and overcome the opposition of coalitions of special interests. When this occurs, political leadership is freed to deal with crucial issues before events reach a crisis stage. But too often, the fear of special interests prevails, issues are not discussed, public opinion is not prepared to support needed reforms, and the long delay of necessary reforms turns public opinion, which could have been constructive and supportive, into uninformed anger and frustration.

Political reporter and author David Broder has noted,

"The level of frustration in the country is terribly high—dangerously high. . . . There is a clear danger that the frustrations will find expression in a political 'solution' that sacrifices democratic freedoms for a degree of relief from the almost unbearable tensions and strains of today's metropolitan centers."

Churchill in the thirties, and Lincoln in his "House Divided" speech, pointed out how unlikely it is that a democratic nation will deal effectively with its difficulties before they reach the point of crisis.

We tend to push our problems behind the door until the crisis is upon us. We tend to fight yesterday's battles until tomorrow's storm bursts around us. Too often we fail to act in time. And when reform finally does come, the pendulum too often swings too far and it comes in an excessive form.

But we are going to continue to have government crisis until we develop a method to enlighten the general public. A democratic nation can only do those things that have the consent and support of a majority of its citizens.

And we are not going to get that consent essential to meeting our generation's awesome agenda of major problems unless we can develop a means of communicating the truth to the general public.

We have become so accustomed to believing that issues can be ignored, and that candidates can be marketed like soap or hosiery, that we are in danger of misunderstanding the alienation of important parts of the electorate that is gaining greater momentum every day.

Today's general public is not stupid. We have the most educated, sophisticated public in human history. Our mass education policies extending into college, the communication revolution of radio and television, the widespread availability of inexpensive books—have created an intelligent general audience able to participate in the formation of public policies—if we would only give them a chance.

But they are tired of slogans, they are tired of "bamboozle;" tired of easy, glib promises and over-simplification of problems they instinctively know are complex.

They have developed a suspicion about, and a skepticism toward the established political parties and leaders because they have not been treated like serious adults able to face the bad news and make the necessary sacrifices.

From time immorial, political leaders have used the "scapegoat" approach to winning power. Such political leaders have identified "enemies of the people," such as, for example, the Jews of Nazi Germany, the Eastern bankers in the Populist era at the turn of the century, the capitalist exploiters of the working class of the Marxist mythology, the military-industrial complex of more recent days, or the current attack on the big interests and the rich who pay no taxes.

The convenient thing about the "scapegoat" approach is that no one has to do any hard thinking, and no hard choices have to be made—no sacrifices of the present in order to win the future have to be asked. All "we" have to do is throw "them" out of power—and all will be well.

Samuel Lubell, the noted election analyst, has recently pointed to the "iceberg" phenomenon. He wrote, "All of the more critical issues—the war, inflation, jobs, drug addiction, pollution, school busing—share a common iceberg quality. The tip of visible agitation is usually some current development. But the voters are more concerned with the larger part of the iceberg—*the shape of the future*—sunk beneath the waterline of TV exposure and headlines."

Lubell went on to say, "Although it is not generally appreciated, this year's election has become much more than a match between Democrats and Republicans. It is also a psychological contest of both parties, the candidates and the whole party system against a deeply troubled electorate."

David Broder's stimulating book, *The Party's Over*, draws attention to the 1950 report of the American Political Science Association, "Toward a More Responsible Two-Party System." The Report stated, "With growing public cynicism and continuing proof of the ineffectiveness of the two-party system, the nation may eventually witness the disintegration of the two major parties."

Broder comments, "That has not yet happened, but we are appreciably closer to that danger that we were twenty years ago. Popular dissatisfaction with the two-party system is manifested in many ways: by the decline in voting; by the rise in the number of voters who refuse to identify themselves with either party; by the increase in ticket splitting, a device for denying either party responsibility for government; and by the increased use of third parties, or ad hoc political coalitions to pressure for change."

The APSA report made another crucial point, "the incapacity of the two parties for consistent action based on meaningful programs may rally support for extremist parties, poles apart, each fanatically bent on imposing on the country its particular panacea." That may be, indeed, the vacuum toward which we are sinking.

But if we are to strengthen our two major political parties, and in strengthing them restore responsibility and ability to act to our political and governmental institutions we must fill in a gap in our nation's institutions—that gap is the absence of a citizen process above partisanship to determine the basic issues, relevant facts, and solutions that should be the focus of public debate to avoid a coming crisis.

Our present situation is perilous. Any human community must have a "high degree of agreement on the values and goals the society cherishes." It must have some common criteria for discovering what is the truth—for truth and reason are all that can be appealed to as authority in a free society.

Human communities around the world are facing a crisis of authority. Two approaches to resolving this crisis are under way. One, the totalarian way, is to try to crush dissent by government coercion and government indoctrination—to have government prescribe what is to be allowed to pass for truth. But all of human history testifies to the undying resistance of the human spirit to such tyranny of the mind and heart.

The other way, the way of the free society—is that of open inquiry, broad public discussion, and periodically the critical appeal by elections to the consent of the governed.

We are beginning to see how difficult is the task of the free society, and how vulnerable it is to enemies within and without.

Our society is being tested by the ancient question, "What is truth?" Because of the technological revolution and knowledge explosion in basic and applied science, because we are replacing "old truth" with "new truth" in the natural sciences and other fields of knowledge, we are in danger of losing our sense that the truth can be discovered, that reason based on available facts can develop answers more reliable than mere opinion, that it is possible to choose between the better and the worse.

The sense of truth—the reality of truth is further imperiled by the necessary partisan processes of a free society. When even the statements of a President are considered suspect and viewed in a partisan context, it is no wonder people begin to ask themselves, "Then who can you believe?"

We are tending to answer that question today, by believing only those who agree with our prejudices, who feed our weaknesses, who reinforce our false stereotypes, who confirm our distorted picture of reality.

It is against this background of the desperate need of the nation for a new method of determining the truth about our nation's prospects—determining the truth about the really crucial life and death issues that must be faced—determining the truth about the facts that cannot be challenged but must be responded to—determining the truth about the major alternative answers that offer a realistic chance to meet these "life and death" issues—it is against this background of a desperate need for "truth-seekers" that I suggest the need to create a national "Coalition of Concerned Citizens."

This national "Coalition of Concerned Citizens" should be distinguished by a moral, scientific, objective passion for the truth—for the facts and the patterns of reality they convey—regardless of how disagreeable the implication may be for any present aspect of our national life.

If it is true, as I believe, that this nation—to survive and to continue its mission of broadening the fruits of freedom here at home and abroad—must solve some basic problems that we have been unable to face in our normal political and governmental processes—then I believe there would be a groundswell of response of men and women in all walks of life who would be willing to join hands together in the pursuit of truth.

Such a truth-seeking national movement would not undermine or endanger our political parties and government institutions. Instead, it would provide an atmosphere of broad public discussion on the central issues, not now adequately addressed, that would encourage and permit the political parties and their candidates to address themselves to issues that would then be within range of political solutions because of an enlightened, informed public.

The leaders in both parties should welcome such a development. They are as anxious as any of us to deal with the real agenda of unmet issues. But as intelligent, responsible leaders they must recognize the limits of what is politically possible at any moment. It would be the mission of this movement of truth-seekers to make possible political initiatives by both political parties in the electoral campaigns, and through their representatives in government at local, State, and national levels that are now not realistically possible until there is a crisis.

There is perhaps a parallel to this proposed concept in the distinction between basic and applied research. Basic research seeks to find out the intrinsic nature of things, the constraints and the potentials that are inherent in the structure of the universe. Applied research takes the findings of basic research and discovers many alternatives, often competing roads, to the solution of many human problems.

In a similar way, I envision that a national "Coalition of Concerned Citizens" could devote itself to identifying and defining the key underlying problems facing our society—problems whose resolution is essential to the prosperity and well-being of all our citizens and the survival of our free institutions.

I believe that it should seek to develop a consensus on the facts relevant to these central problems, and that they should develop and communicate a realistic statement of the main alternative approaches to solving these central "life and death" issues.

It would not be its duty to select among these alternatives, or to become the advocates of one or another of the proposed basic answers, except in cases of near consensus. That would be the appropriate function of the political parties and the political leadership who would then have the task of winning the consent of the governed to the particular alternative they have selected.

I am discussing this idea because I am convinced that no group in the nation is playing this indispensable role. I believe the suggestion is realistic because it has proved effective at the local level and the state level.

Furthermore, a new generation of Americans has arrived on the scene who may be ready to face the hard questions—if we will give them a chance. It is *their* future that is endangered. It is time we share with *them* the real dilemmas and the real sacrifices we will all have to make—if we and they are going to win our future.

I truly believe that in the life of nations, as well as men, there comes a time when "the truth shall make us free." It is privilege to live and lead in such a stormy period. It is our duty to help turn America's attention from the fascination of the pursuit of power to the necessity for the pursuit of truth.

DEDICATION OF GEORGIA-PACIFIC PLANT IN MISSISSIPPI

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MONTGOMERY. Mr. Speaker, last month, Georgia-Pacific dedicated its newest plant which is located in Taylorsville, Miss. I am very pleased to have this important addition to our tate's economy locate in my congressional district. I would like to share with my colleagues the remarks given by Mississippi Gov. William L. Waller at the time of the dedication. The Governor's remarks are as follows:

GOV. BILL WALLER'S SPEECH

Mr. Eaton, Mr. Meadows, distinguished platform guests, ladies and gentlemen. . . . It gives me a great deal of pleasure to be here today . . . to assist you in dedicating this new integrated forest products manufacturing plant being completed by Georgia Pacific.

I am proud to say that Georgia Pacific is not a newcomer to Mississippi . . . in 1965, Georgia Pacific took a giant step into Mississippi when they purchased 200,000 acres of prime Mississippi timberlands, and built plywood plants in Louisville and Gloster . . . a high speed saw mill at Columbia and Bay Springs . . . a chemical resin plant at Louisville and now this complex of plants at Taylorsville . . . all of which represents a total investment of thirty million dollars in new and expanded wood products manufacturing operations which have helped create more than 1800 permanent jobs for Mississippians . . . and now we are here today to dedicate one of the most modern integrated forest products manufacturing facilities . . . which represents a total investment of $18 million in the Taylorsville area alone . . . I think I can speak for the people of Mississippi, Mr. Meadows . . . when I say we are extremely happy to have a corporate citizen like Georgia Pacific. . . .

Many people in our state do not realize the growth that has taken place in the timber based manufacturing industry—this industry now accounts for 28 percent of all manufacturing employment in our state—which adds up to over 26% of all manufacturing payrolls in the state . . . in 1968, 64,280 full-time jobs were provided by timber based economic activities . . . this makes the timber industry one of the real dollar producers in Mississippi . . . 56% of all the total land area in our state is commercial forest land . . . 75% of this is owned by non-industrial private owners . . . Mississippi continues to lead the nation with 4,786 tree farms with over 4 million acres in the tree farm program sponsored by the Mississippi foresty association.

Those of us who are interested in protecting the clean air and environment of Mississippi can welcome this new plant with an extra measure of pride . . . this manufacturing complex is one of the best examples of clean integrated manufacturing in the timber business today . . . at this new plant you will see no saw dust and wood chips being burned . . . because this plant uses all the tree . . . the plywood plant takes the first of the log . . . then what is left is transferred to the stud mill for 2 x 4's and the saw dust and scraps go to the particle board plant to be made into yet another building product . . .

We are proud of new industries like Georgia Pacific that are taking advantage of the natural advantages that Mississippi offers.

Today much of Mississippi's industry is an extension of agriculture. Two of every three industrial workers are engaged in processing raw materials from farm and forests—and if we are to grow, we must develop manufacturing that utilizes our abundant land resources . . . this new industry offers a real opportunity for our tree farmers. We are told the income from 12 million acres of understocked forestlands could be more than doubled.

I am extremely pleased to see plants such as this . . . producing markets for our growing number of tree farmers . . . this is a perfect combination of agriculture and industry. We welcome you and look forward to the opportunities for economic growth that plants like this offer the people of Mississippi.

UNIFORM RELOCATION ASSISTANCE ACT

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. JAMES V. STANTON. Mr. Speaker, recently the U.S. Senate approved a bill to amend the Uniform Relocation Assistance Act of 1970, and because this legislation is of great interest to some of my constituents, I insert the text of the Senate bill in the RECORD.

The bill follows:

S. 1819

An act to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 207 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1898) is amended by striking out "in the case of any real property acquisition or displacement occurring prior to July 1, 1972," and by inserting before the period at the end of such section, "required by section 210".

(b) Section 211(a) of such Act is amended by striking out "215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972" and inserting in lieu thereof "and 215".

(c) Section 221(b) of such Act is amended by striking out "1972" wherever it appears and inserting in lieu thereof "1973, or the end of the thirty-day period which begins on the last day of the first regular session of the State legislature commencing after July 1, 1972, whichever is earlier" and by adding at the end of such subsection (b) the following: "Notwithstanding the foregoing provisions of this subsection, section 210(3) shall be completely applicable to all States after July 1, 1972".

(d) Title II of such Act is amended by adding at the end thereof the following new section:

"INTERIM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION EXPENSES

"SEC. 222. (a) At any time during the period from July 1, 1972, through June 30, 1973, during which section 210 (other than paragraph (3) of such section) or section 305 is not completely applicable to a State, the head of a Federal agency authorized to provide Federal assistance to a State agency of that State under any grant, contract, or agreement of the kind referred to in such sections, shall take all steps necessary to insure that the payments, assistance, and services to displaced persons, and expenses to property owners authorized by such sections shall be provided.

"(b) On and after July 1, 1973, or such earlier date that a State is able, under its laws, to comply with sections 210 and 305, the head of a Federal agency shall (1) not approve any grant to, or contract or agreement with, any State agency, of the kind referred to in such sections, unless such State agency satisfies the head of the Federal agency that the State is taking appropriate measures to pay to the United States an amount equal to the payments made by the Federal agency in carrying out subsection (a) of this section that the State would have paid if it had been in full compliance with such sections after July 1, 1972, or (2) after giving the State agency a reasonable period of time to seek funds to pay the United States such amount deduct sums totaling such amount from Federal assistance available under such grant, contract, or that agency, over a period and in a manner that shall not substantially and adversely affect the program or project so assisted.".

(e)(1) Section 101(3) of such Act is amended to read as follows:

"(3) The term 'State agency' means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, a State, and any department agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States."

(2) Title II of such Act, as amended by

subsection (d) of this section, is amended by adding at the end thereof the following new section:

"ASSISTANCE TO PROGRAMS AND PROJECTS UNDERTAKEN DIRECTLY BY PERSONS

"SEC. 223. (a) Nothwithstanding any other provision of law, whenever the acquisition of real property for a program or project, to be undertaken by a person furnished Federal financial assistance by a Federal agency pursuant to a grant, contract, or agreement, will result in the forced displacement of any person on or after the effective date of this Act, the head of the Federal agency furnishing such financial assistance shall provide—

"(1) fair and reasonable relocation payments and assistance to or for such displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title:

"(2) relocation assistance programs offering the services described in section 205 to or for such displaced persons; and

"(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings to such displaced persons in accordance with section 205(c)(3).

"(b) With respect to any person displaced under this section after the effective date of this Act but prior to the effective date of this section, the head of the Federal agency administering the program that resulted in such displacement shall take all reasonable and necessary steps to assure that such displaced person is made aware of his entitlements under this section and that the payments, services, and other benefits due such person under this section are provided."

At this point I also insert in the RECORD the text of the original act approved in 1970.

The act follows:

[Public Law 91-646, 91st Congress, S. 1, Jan. 2, 1971]

An act to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

TITLE I—GENERAL PROVISIONS

SEC. 101. As used in this Act—

(1) The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve banks and branches thereof.

(2) The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(3) The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

(4) The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

(5) The term "person" means any individual, partnership, corporation, or association.

(6) The term "displaced person" means any person who, on or after the effective date of this Act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a Federal agency, or with Federal financial assistance; and solely for the purposes of sections 202 (a) and (b) and 205 of this title, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(7) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(A) for the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(B) for the sale of services to the public;

(C) by a nonprofit organization; or

(D) solely for the purposes of section 202 (a) of this title, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(8) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(9) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

EFFECT UPON PROPERTY ACQUISITION

SEC. 102. (a) The provisions of section 301 of title III of this Act create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in this Act shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of value or of damage not in existence immediately prior to the date of enactment of this Act.

TITLE II—UNIFORM RELOCATION ASSISTANCE

DECLARATION OF POLICY

SEC. 201. The purpose of this title is to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

MOVING AND RELATED EXPENSES

SEC. 202. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this Act, the head of such agency shall make a payment to any displaced person, upon proper application as approved by such agency head, for—

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the head of the agency; and

(3) actual reasonable expenses in searching for a replacement business or farm.

(b) Any displaced person eligible for payments under subsection (a) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section may receive a moving expense allowance, determined according to a schedule established by the head of the Federal agency, not to exceed $300; and a dislocation allowance of $200.

(c) Any displaced person eligible for payments under subsection (a) of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection (a) of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall be not less than $2,500 nor more than $10,000. In the case of a business no payment shall be made under this subsection unless the head of the Federal agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the head of such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

REPLACEMENT HOUSING FOR HOMEOWNER

SEC. 203. (a)(1) In addition to payments otherwise authorized by this title, the head of the Federal agency shall make an additional payment not in excess of $15,000 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(A) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Federal agency, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be made in accordance with standards established by the head of the Federal agency making the additional payment.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Federal agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(2) The additional payment authorized by this subsection shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives from the Federal agency final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) The head of any Federal agency may, upon application by a mortgage, insure any mortgage (including advances during construction) on a comparable replacement dwelling executed by a displaced person assisted under this section, which mortgage is eligible for insurance under any Federal law administered by such agency notwithstanding any requirements under such law relating to age, physical condition, or other personal characteristics of eligible mortgagors, and may make commitments for the insurance of such mortgage prior to the date of execution of the mortgage.

REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS

SEC. 204. In addition to amounts otherwise authorized by this title, the head of the Federal agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 203 which dwelling was actually and lawfully occupied by such displaced person for not less than ninety days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either—

(1) the amount necessary to enable such displaced person to lease or rent for a period not to exceed four years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000, or

(2) the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 203 (a) (1) (C) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment.

RELOCATION ASSISTANCE ADVISORY SERVICES

SEC. 205. (a) Whenever the acquisition of real property for a program or project undertaken by a Federal agency in any State will result in the displacement of any person on or after the effective date of this section, the head of such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services described in subsection (c) of this section. If such agency head determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under such program.

(b) Federal agencies administering programs which may be of assistance to displaced persons covered by this Act shall cooperate to the maximum extent feasible with the Federal or State agency causing the displacement to assure that such displaced persons receive the maximum assistance available to them.

(c) Each relocation assistance advisory program required by subsection (a) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to—

(1) determine the need, if any, of displaced persons, for relocation assistance;

(2) provide current and continuing information on the availability, prices, and rentals, of comparable decent, safe, and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) assure that, within a reasonable period of time, prior to displacement there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such Federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that the head of that Federal agency may prescribe by regulation situations when such assurances may be waived;

(4) assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(d) The heads of Federal agencies shall coordinate relocation activities with project work, and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of relocation assistance programs.

HOUSING REPLACEMENT BY FEDERAL AGENCY AS LAST RESORT

SEC. 206. (a) If a Federal project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the Federal agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

(b) No person shall be required to move from his dwelling on or after the effective date of this title, on account of any Federal project, unless the Federal agency head is satisfied that replacement housing, in accordance with section 205(c)(3), is available to such person.

STATE REQUIRED TO FURNISH REAL PROPERTY INCIDENT TO FEDERAL ASSISTANCE (LOCAL COOPERATION)

SEC. 207. Whenever real property is acquired by a State agency and furnished as a required contribution incident to a Federal program or project, the Federal agency having authority over the program or project may not accept such property unless such State agency has made all payments and provided all assistance and assurances, as are required of a State agency by sections 210 and 305 of this Act. Such State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, such Federal agency shall pay 100 per centum of the first $25,000 of the cost of providing such payments and assistance.

STATE ACTING AS AGENT FOR FEDERAL PROGRAM

SEC. 208. Whenever real property is acquired by a State agency at the request of a Federal agency for a Federal program or project, such acquisition shall, for the purposes of this Act, be deemed an acquisition by the Federal agency having authority over such program or project.

PUBLIC WORKS PROGRAMS AND PROJECTS OF THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 209. Whenever real property is acquired by the government of the District of Columbia or the Washington Metropolitan Area Transit Authority for a program or project which is not subject to sections 210 and 211 of this title, and such acquisitions will result in the displacement of any person on or after the effective date of this Act, the Commissioner of the District of Columbia or the Washington Metropolitan Area Transit Authority, as the case may be, shall make all relocation payments and provide all assistance required of a Federal agency by this Act. Whenever real property is acquired for such a program or project on or after such effective date, such Commissioner or Authority, as the case may be, shall make all payments and meet all requirements prescribed for a Federal agency by title III of this Act.

REQUIREMENTS FOR RELOCATION PAYMENTS AND ASSISTANCE OF FEDERALLY ASSISTED PREGRAM; ASSURANCES OF AVAILABILITY OF HOUSING

SEC. 210. Notwithstanding any other law, the head of a Federal agency shall not approve any grant to, or contract or agreement with, a State agency, under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under sections 202, 203, and 204 of this title;

(2) relocation assistance programs offering the services described in section 205 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, decent, safe, and sanitary replacement dwellings will be available to displaced persons in accordance with section 205(c)(3).

FEDERAL SHARE OF COSTS

SEC. 211. (a) The cost to a State agency of providing payments and assistance pursuant to sections 206, 210, 215, and 305, shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency, and such State agency shall be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs, except that, notwithstanding any other law in the case where the Federal financial assistance is by grant or contribution the Federal agency shall pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person under sections 206, 210, 215, and 305, on account of any acquisition or displacement occurring prior to July 1, 1972, and in any case where such Federal financial assistance is by loan, the Federal agency shall loan such State agency the full amount of the first $25,000 of such cost.

(b) No payment or assistance under section 210 or 305 shall be required or included as a program or project cost under this section, if the displaced person receives a payment required by the State law of eminent domain which is determined by such Federal agency head to have substantially the same purpose and effect as such payment under this section, and to be part of the cost of the program or project for which Federal financial assistance is available.

(c) Any grant to, or contract or agreement with, a State agency executed before the effective date of this title, under which Federal financial assistance is available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of this Act, shall be amended to include the cost of providing payments and services under sections 210 and 305. If the head of a Federal agency determines that it is necessary for the expeditious completion of a program or project he may advance to the State agency the Federal share of the cost of any payments or assistance by such State agency pursuant to sections 206, 210, 215, and 305.

ADMINISTRATION—RELOCATION ASSISTANCE IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

SEC. 212. In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 206, 210, and 215 of this title, a State agency may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this title through any Federal or State governmental agency or instrumentality having an established organization for conducting relocation assistance programs. Such State agency shall, in carrying out the relocation assistance activities described in section 206, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration or conduct of similar housing assistance activities.

REGULATIONS AND PROCEDURES

SEC. 213. (a) In order to promote uniform and effective administration of relocation assistance and land acquisition of State or local housing agencies, or other agencies having programs or projects by Federal agencies or programs or projects by State agencies receiving Federal financial assistance, the heads of Federal agencies shall consult together on the establishment of regulations and procedures for the implementation of such programs.

(b) The head of each Federal agency is authorized to establish such regulations and procedures as he may determine to be necessary to assure—

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this title shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the head of the Federal agency having authority over the applicable program or project, or in the case of a program or project receiving Federal financial assistance, by the head of the State agency.

(c) The head of each Federal agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as he deems necessary or appropriate to carry out this Act.

ANNUAL REPORT

SEC. 214. The head of each Federal agency shall prepare and submit an annual report to the President on the activities of such agency with respect to the programs and policies established or authorized by this Act, and the President shall submit such reports to the Congress not later than January 15 of each year, beginning January 15, 1972, and ending January 15, 1975, together with his comments or recommendations. Such reports shall give special attention to: (1) the effectiveness of the provisions of this Act assuring the availability of comparable replacement housing, which is decent, safe, and sanitary, for displaced homeowners and tenants; (2) actions taken by the agency to achieve the objectives of the policies of Congress, declared in this Act, to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by, or having real property taken for, Federal or federally assisted programs; (3) the views of the Federal agency head on the progress made to achieve such objectives in the various programs conducted or administered by such agency, and among the Federal agencies; (4) any indicated effects of such programs and policies on the public; and (5) any recommendations he may have for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws and regulations.

PLANNING AND OTHER PRELIMINARY EXPENSES FOR ADDITIONAL HOUSING

SEC. 215. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or Federal financially assisted project, the head of the Federal agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80 per centum of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analyses of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal agency. All other loans shall be without interest. Such Federal agency head shall require repayment of loans made under this section, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal share of the sum repaid shall be credited to the account from which such loan was made, unless the Secretary of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the Treasury and credited to miscellaneous receipts.

PAYMENTS NOT TO BE CONSIDERED AS INCOME

SEC. 216. No payment received under this title shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

DISPLACEMENT BY CODE ENFORCEMENT, REHABILITATION, AND DEMOLITION PROGRAMS RECEIVING FEDERAL ASSISTANCE

SEC. 217. A person who moves or discontinues his business, or moves other personal property, or moves from his dwelling on or after the effective date of this Act, as a direct result of any project or program which receives Federal financial assistance under title I of the Housing Act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall, for the purposes of this title, be deemed to have been displaced as the result of the acquisition of real property.

TRANSFERS OF SURPLUS PROPERTY

SEC. 218. The Administrator of General Services is authorized to transfer to a State agency for the purpose of providing replacement housing required by this title, any real property surplus to the needs of the United States within the meaning of the Federal Property and Administrative Services Act of 1949, as amended. Such transfer shall be subject to such terms and conditions as the Administrator determines necessary to protect the interests of the United States and may be made without monetary consideration, except that such State agency shall pay to the United States all amounts received by such agency from any sale, lease, or other disposition of such property for such housing.

DISPLACEMENT BY A SPECIFIC PROGRAM

SEC. 219. Notwithstanding any other provision of this title, a person—

(1) who moves or discontinues his business, moves other personal property, or moves from his dwelling on or after January 1, 1969, and before the 90th day after the date of enactment of this Act as the result of the contemplated demolition of structures or the construction of improvements on real property acquired, in whole or in part, by a Federal agency within the area in New York, New York, bounded by Lexington and Third Avenues and 31st and 32d Streets; and

(2) who has lived on, or conducted a business on, such real property for at least one year prior to the date of enactment of this Act;

may be considered a displaced person for purposes of sections 202 (a) and (b), 204, and 205 of this title, by the head of the agency acquiring the real property if—

(A) the head of the agency determines that such person has suffered undue hardship as the result of displacement from the real property; and

(B) the Federal Government acquired and held such property for at least five years prior to the date of enactment of this Act.

REPEALS

SEC. 220. (a) The following laws and parts of laws are hereby repealed:

(1) The Act entitled "An Act to authorize the Secretary of the Interior to reimburse owners of lands required for development under his jurisdiction for their moving expenses, and for other purposes," approved May 29, 1958 (43 U.S.C. 1231–1234).

(2) Paragraph 14 of section 203(b) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473).

(3) Section 2680 of title 10, United States Code.

(4) Section 7(b) of the Urban Mass Transportation Act of 1965 (49 U.S.C. 1606(b)).

(5) Section 114 of the Housing Act of 1949 (42 U.S.C. 1465).

(6) Paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8).

(7) Section 2 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes", approved October 6, 1964 (78 Stat. 1004; Public Law 88–629; D.C. Code 5–729).

(8) Section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074).

(9) Sections 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307).

(10) Chaper 5 of title 23, United States Code.

(11) Sections 32 and 33 of the Federal-Aid Highway Act of 1968 (Public Law 90–495).

(b) Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Acts or portions thereof under subsection (a) of this section.

EFFECTIVE DATE

SEC. 221. (a) Except as provided in subsections (b) and (c) of this section, this Act and the amendments made by this Act shall take effect on the date of its enactment.

(b) Until July 1, 1972, sections 210 and 305 shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections. After July 1, 1972, such sections shall be completely applicable to all States.

(c) The repeals made by paragraphs (4), (5), (6), (8), (9), (10), (11), and (12) of section 220(a) of this title and section 306 of title III shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

TITLE III—UNIFORM REAL PROPERTY ACQUISITION POLICY

UNIFORM POLICY ON REAL PROPERTY ACQUISITION PRACTICES

SEC. 301. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the many Federal programs, and to promote public confidence in Federal land acquisition practices, heads of Federal agencies shall, to the greatest extent practicable, be guided by the following policies:

(1) The head of a Federal agency shall make every reasonable effort to acquire expeditiously real property by negotiation.

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity to accompany the appraiser during his inspection of the property.

(3) Before the initiation of negotiations for real property, the head of the Federal agency concerned shall establish an amount which he believes to be just compensation therefor and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the agency's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. The head of the Federal agency concerned shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount he established as just compensation. Where appropriate the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.

(4) No owner shall be required to surrender possession of real property before the head of the Federal agency concerned pays the agreed purchase price, or deposits with the court in accordance with section 1 of the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of such property, or the amount of the award of compensation in the condemnation proceeding for such property.

(5) The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by title II will be available), or to move his business or farm operation, without at least ninety days' written notice from the head of the Federal agency concerned, of the date by which such move is required.

(6) If the head of a Federal agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the Government on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

(7) In no event shall the head of a Federal agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the head of the Federal agency concerned shall institute formal condemnation proceedings. No Federal agency head shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

(9) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the head of the Federal agency concerned shall offer to acquire the entire property.

BUILDERS, STRUCTURES, AND IMPROVEMENTS

SEC. 302. (a) Notwithstanding any other provision of law, if the head of Federal agency acquires any interest in real property in any State, he shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property so acquired and which he requires to be removed from such real property or which he determines will be adversely affected by the use to which such real property will be put.

(b) (1) For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired by subsection (a) of this section, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or improvement at the expiration of his term, and the fair market value which such building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of such building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the tenant therefor.

(2) Payment under this subsection shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release to the United States all his right, title, and interest in and to such improvements. Nothing in this subsection shall be construed to deprive the tenant of any rights to reject payment under this subsection and to obtain payment for such property interests in accordance with applicable law, other than this subsection.

EXPENSES INCIDENTAL TO TRANSFER OF TITLE TO UNITED STATES

SEC. 303. The head of a Federal agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States, or the effective date of possession of such real property by the United States, whichever is the earlier.

LITIGATION EXPENSES

SEC. 304. (a) The Federal court having jurisdiction of a proceeding instituted by a Federal agency to acquire real property by condemnation shall award the owner of any right, or title to, or interest in, such real property sums as will in the opinion of the court reimburse such owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the condemnation proceedings, if—

(1) the final judgment is that the Federal agency cannot acquire the real property by condemnation; or

(2) the proceeding is abandoned by the United States.

(b) Any award made pursuant to subsection (a) of this section shall be paid by the head of the Federal agency for whose benefit the condemnation proceedings was instituted.

(c) The court rendering a judgment for the plaintiff in a proceeding brought under section 1346(a)(2) or 1491 of title 28, United States Code, awarding compensation for the taking of property by a Federal agency, or the Attorney General effecting a settlement of any such proceeding, shall determine and award or allow to such plaintiff, as a part of such judgment or settlement, such sum as will in the opinion of the court or the Attorney General reimburse such plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of such proceeding.

REQUIREMENTS FOR UNIFORM LAND ACQUISITION POLICIES; PAYMENTS OF EXPENSES INCIDENTAL TO TRANSFER OF REAL PROPERTY TO STATE; PAYMENT OF LITIGATION EXPENSES IN CERTAIN CASES

SEC. 305. Notwithstanding any other law, the head of a Federal agency shall not approve any program or project or any grant to, or contract or agreement with, a State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of this title, unless he receives satisfactory assurances from such State agency that—

(1) in acquiring real property it will be guided, to the greatest extent practicable under State law, by the land acquisition policies in section 301 and the provisions of section 302, and

(2) property owners will be paid or reimbursed for necessary expenses as specified in sections 303 and 304.

REPEALS

SEC. 306. Sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073), section 35(a) of the Federal-Aid Highway Act of 1968 (23 U.S.C. 141) and section 301 of the Land Acquisition Policy Act of 1960 (33 U.S.C. 596) are hereby repealed. Any rights or liabilities now existing under prior Acts or portions thereof shall not be affected by the repeal of such prior Act or portions thereof under this section.

Approved January 2, 1971.

LEGISLATIVE HISTORY

House Report No. 91–1656 (Comm. on Public Works.

Senate Report No. 91–488 (Comm. on Government Operations).

Congressional Record:

Vol. 115 (1969): Oct. 23, 27 considered and passed Senate.

Vol. 116 (1970): Dec. 7, considered and passed House, amended.

Dec. 17, Senate agreed to House amendments with amendments.

Dec. 18, House concurred in Senate amendments.

SEWAGE POLLUTES AREA WELL WATER

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASPIN. Mr. Speaker, when the Water Pollution Control Act Amendment reached the floor recently, I proposed an amendment that would have treated the pollution of groundwaters the same as the pollution of navigable waters. Because the oil industry, and others opposed this amendment—which would have protected valuable drinking waters—it was defeated on the floor of the House.

On Tuesday, April 18, the Janesville Gazette, one of the excellent daily newspapers in my district, ran an article entitled "Sewage Pollutes Area Well Water." Those of my colleagues concerned with the vital problem of groundwater pollution will be interested in this well-written and informative article.

The article follows:

SEWAGE POLLUTES AREA WELL WATER

(By Dean Showers)

A preliminary draft on pollution in the Rock Valley Region says the entire reach of the Rock River Valley from Lake Koshkonong to Janesville suffers well water pollution due to inadequate septic tanks.

The report also says 80 per cent of the wells in western Beloit Township are polluted by septic tanks due to tight soils, small lots or direct septic tank seepage into bedrock.

The preliminary report takes a comprehensive inventory of pollution sources in the three-county region, comprised of Rock County in Wisconsin and Boone and Winnebago counties in Illinois.

The report was prepared by the Rock Valley Metropolitan Council and during this Earth Week, the report is in the hands of local officials for comment before a final draft is prepared for the federal government.

The report says all of the region's industries but the Chrysler Corporation plant in Belvidere are connected to municipal sewerage systems, and it says these industries produce a waste water flow of 25 million gallons per day.

It says this produces a pollution load equal to the wastes of 600,000 persons, but it also says 85 percent of this waster load is handled by sewerage systems. The rest flows into area surface waters.

THERMAL POLLUTION

Thermal pollution is contributed, says the report, mainly by the region's electric generating stations which have a total generating capacity of 508,000 kilowatts, requiring cooling water at the rate of 700 cubic feet per second.

"These plants are the major sources of thermal pollution to the Rock River in the region, with minor contributions from other industrial and air conditioning systems," the report says.

Describing pollution from septic tanks, the report says 20 per cent of the region's population use septic systems instead of public sewerage.

How do these septic systems pollute the region's waters?

A septic tank is a kind of holding tank, which holds household sewage while biological degradation of the solids takes place.

The effluent from a septic tank then drains into a leaching field where the soil filters the effluent, completing the treatment process.

However, if the soil is not sufficiently permeable, or if the water table is high, the tank will overflow, or partially treated sewage will seep through the soils into the water table.

If there is only a little soil between the tank and bedrock below, a septic tank can cause severe ground water pollution, such as in western Beloit Township, or around Lake Koshkonong.

SEPTIC TANK RULES

Septic tank use is regulated in Rock County by a sanitary code, a subdivision regulation and the shoreland zoning ordinance. In Boone County, such regulations are being formulated and they are scheduled also for Winnebago County, according to the RVMC report.

The report also lists what it calls the status of industrial waste discharges which do not enter municipal sewerage systems and it lists what it calls the improvement needs of each industrial discharge.

These are shown below:

Edgerton Sand and Gravel Co.—Suspended solids in wash water should be prevented from entering the Rock River.

Green Giant, Belvidere—Spray irrigation and ridge and furrow system are used satisfactorily for waste water disposal.

Chrysler Corporation—Industrial treatment plus aerated lagoons are producing good effluent but occasional surges of high biochemical oxygen demand cause problems.

Midwest Plating Co.—Heavy metal wastes and acids are hauled out of the region. The operation needs better inplant control of its wastes.

Armstrong Chemical Company—Only part of the waste water from this plant is connected to Janesville system. All of the waste water should be discharged to the municipal system, or properly treated prior to discharge.

Wisconsin Power and Light-Rock River Plant—Thermal discharges.

Wisconsin Power and Light-Blackhawk Plant—Thermal discharges.

Fairbanks, Morse & Company—Occasional oil wastes discharged to storm drains. Actions are being taken to correct this situation.

Beloit Box Board Co.—Some waste water with high suspended solids (fibrous materials) is being discharged to the Rock River. Actions are being taken to control these discharges.

Sonoco Products-Rockton—The effluent from waste paper processing operation is very poor. Modification of the existing system is needed since the Rockton municipal plant cannot handle this waste water.

Warner Electric Co.—Oil recovery and domestic waste treatment are provided. Better operation is needed.

Murman Co., Rockford—Aerated and anaerobic lagoons are the present form of treatment. Effluent is of very poor quality requiring additional treatment faciilties.

Commonwealth Edison—Sabrooke Plant. Thermal discharges.

Dean Milk-Capron—No data.

Eden Fruit Co.—Treatment is by aerated lagoon, which also accepts effluent of Poplar Grove's Imhoff Tank. Effluent is unsatisfactory with high BOD and suspended solids.

National Foundries—Suspended solids are settled and effluent is periodically discharged to surface waters. Current plans are to provide water recycling with no discharges.

ACTIVITIES ON IVY LEAGUE CAMPUSES

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. MICHEL. Mr. Speaker, as the parent of two boys now at Yale and with another boy to enter this fall, I have been able to keep in close touch with activities on Ivy League campuses. I must confess that it becomes more than a little bit annoying to observe the administrators of some of these colleges constantly catering to the whims and fancies of a small but vocal minority of students on the Ivy League campuses.

Two examples of what I mean can be found in an editorial from the April 24, 1972, edition of the Chicago Tribune which refers to a joint statement about current developments in the Vietnam war signed by the presidents of the eight Ivy League schools and also an article from the May 5, 1972, edition of the National Review Bulletin discussing the problems of portfolio managers for these institutions.

I include both articles in the RECORD at this point:

"NONE OF US CAN SPEAK"—BUT . . .

The presidents of the eight Ivy League universities and of Massachusetts Institute of Technology have issued a joint statement about current developments in the war in Viet Nam. They know their own motives better than we do, and we do not presume to say what was their primary reason for this flier into controversy. Before they get to the presidential suite, university administrators usually have acquired habits of reticence on controversial topics outside the wide scope of their official responsibility. It is conceivable that the nine presidents spoke as they did more to placate campus characters intent on protesting President Nixon's policies than to satisfy any inner imperative.

If the presidents' motive was an expedient one, the results of their action are likely to be disappointing. Hotheads willing to disrupt university schedules are looking for occasions to make trouble, not for occasions to calm down and be satisfied with their president's politicking

In the long run at least, for the nine presidents to issue a statement of any kind on the war is more significant than what this particular statement said. The conduct of the foreign affairs of the United States is not vested in the presidents of Ivy League or other universities. Nor is the role of pronouncing, on behalf of their universities, on domestic issues. The impropriety of the recent presidential statement was partially conceded by its opening words: "Altho none of us can speak for his institution." So why speak jointly and officially? University presidents do better to express their personal views with disclaimers stating that their jobs are mentioned, if at all, only for purposes of identification.

One part of this recent Ivy League statement was relevant to the presidents' duties—the last sentence, which read, "We do not condone coercive action by individuals or groups seeking to impose their particular convictions or concerns on others." There has been too much coercive action on United States campuses, condoned to too great an extent by university administrators. The public can welcome that last sentence even if it must regret the preceding sentences as impertinent, and thus contrary to the best interests of the universities involved.

BUSINESS

Yale University is the latest of a series of big money institutions to stake out high moral ground for the operation of its $500-million investment portfolio. It used to be that portfolio managers had to grapple with a comparatively simple objective: as high a return as possible with maximum safety.

A simple objective that is very difficult in execution, and now made more difficult by the constraints that have been enunciated in colleges all over the country. Yale, for example, has decided that its trustees have a "moral minimum" responsibility, in approving investment policy, to try to "prevent or correct social injury."

It's all very well in theory. One wonders, though, how "morality" begins to infiltrate investment policy. A succession of nicely-nicely university types has been beating the drum on the issue lately, but there are times when political rather than moral overtones seem to burst through the percussion.

When they talk morality and investments, the theorists are making a political pitch to their prime constituents, the students. Students, of course, see nothing morally outrageous in the fact that tuition charges alone don't begin to cover the cost of educating them. It is a kind of free-loading, but *tant pis* for those old crocks who loved a university enough to leave it some money. That money picks up the tab, but what the hell, it probably came from some kind of rip-off: banking, insurance, or just plain entrepreneurial sweat.

One can also wonder about the morality of the students—bookburners and vandals—who rampaged through the Harvard Center for International Affairs the other day, and why investment policies have to be tailored to temper the prejudices of the activists. If you don't give the kid what he wants, he'll lie down on the dining room floor and kick his heels. Nobody wants that kind of scene.

The fact of the matter is that the students who are making the most noise about investment policy don't know what they're talking about. A couple of samples cited by Burton G. Malkiel and Richard E. Quandt in the *Harvard Business Review* illustrate that point.

A group of student proposals presented to the Harvard administration, for example, recommended that the university "invest in companies that have clearly progressive managements and socially useful products or services. Examples would be Xerox . . ."

"Conversely," Malkiel and Quandt reported, "Princeton University was requested to sell its shares in companies doing business in South Africa and thus allegedly supporting apartheid and racism. Included in the list of designated companies was Xerox, which does business in South Africa, as well as in most other parts of the world."

So, what is a portfolio manager to do? Is Xerox a "socially responsible" corporation in the Harvard mold, or—as seen through some Princeton eyes—an "immoral investment"?

The reduction to absurdity goes on. If you are going to make a "moral"—really a political—judgment that dealing with South Africa is a form of oppression, where does the contamination stop? Every electric utility buys miles and miles of wire every year. Suppose some of the copper in the wire was mined in South Africa. Does that mean Long Island Lighting or Philadelphia Electric has to be purged from the portfolio?

What about the banks? Many own International Bank for Reconstruction and Development bonds. The International Bank, whose main job is to help underdeveloped countries reach economic takeoff—surely a laudably liberal purpose—lends money directly to South Africa. Does that mean you have to sell Chase Manhattan?

Malkiel and Quandt seem to have gone a lot deeper into the problem than most trustees have. The real question is not whether an investment is "moral," but the kind of muscle institutional investors ought to apply once they have made an investment in a company.

Some mutual funds, for instance, are using their holdings to go after managements that are clearly voting themselves overly generous salaries and bonuses. That kind of activism benefits all stockholders, including the universities, and leaves a cleaner taste in the mouth than all the "morality" rhetoric.

ILLEGAL ALIENS — CONVENIENT SCAPEGOATS FOR PRESENT ECONOMIC ILLS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. BADILLO. Mr. Speaker, during this period of bankrupt economic policies and soaring unemployment, persistent efforts are being made to find the causes, real or imagined, for our present fiscal difficulties. All too frequently ill-informed crusaders point accusing fingers at one group or institution as the root cause of these problems. One of the seemingly most popular groups to serve as the scapegoat for our current economic ills are the illegal aliens.

Poorly paid, attempting to eke out an existence at hardly a marginal level, virtually living an underground experience out of fear of exposure and greatly exploited, these men and women have come to this country to seek some degree of economic security and stability for their families and themselves. They have become the victims of distorted and unproven claims and, as the momentum increases to ferret out and deport these hapless individuals, they are being humiliated and degraded. Particularly singled out in this campaign against illegal aliens are the Spanish speaking and, as I have commented in the past, the term "illegal alien" simply serves as a code word for Mexican Americans in the Southwest and other Latin Americans on the east coast.

Unfounded and irresponsible charges are made that these persons are swelling the welfare rolls, are destroying our balance of payments by sending money to their families back home and are taking jobs away from low-income citizens. Recently a well-written and perceptive article refuting these ill-conceived attacks appeared in the Nation. Written by a Columbia University School of Journalism student—Clay Steinman—this piece describes the manner in which the illegal aliens are being forced into the position of scapegoats for a number of current economic and social problems, especially unemployment and welfare increases, and how the half-truths and inneundos are being perpetuated by the press.

Because of the ramifications of this issue on our country's Spanish-speaking community and our relations with our Latin American neighbors I believe it is vital that these unsubstantiated claims and discriminatory attitudes be exposed. I commend Mr. Steinman's article to our colleagues' attention and urge that it receive careful consideration.

The article follows:

ILLEGAL ALIENS: SCAPEGOATS OF UNEMPLOYMENT

(By Clay Steinman)

Mr. Steinman is a student in the School of Journalism at Columbia University, who recently served a brief apprenticeship at The Nation. This is his first published work.

As the unemployment toll continues to rise, with no ceiling in sight, it becomes more and more apparent that Mr. Nixon's economic policy is not working as its proponents had hoped. Scapegoats have been sought to distract the minds of American workers from the spreading suspicion that the nation's economic problems may not be as readily solved as the President had said.

Ira Gollobin, legal counsel of the American Committee for Protection of Foreign Born, recently characterized the situation astutely: "If you can't solve the problem the real ways, you have to try the phony ones." The latest phony solution has trotted out a familiar scapegoat—the foreigners are the villains—in this case the illegal aliens, a group of people all too easily stepped upon and dismissed from public concern.

Most of the major newspapers and news magazines have been giving occasional space to complaints against the illegal aliens. It has been said that they have taken jobs away from American citizens, that they have burdened the public treasury by languishing on the welfare rolls while others work hard and pay taxes to support them. Those pressing the issue have been trying to describe in simple terms a situation that is not so easily defined. Because illegal aliens tend to shy away from authority, living an almost underground existence, there can be no accurate data about them. Claims as to their effect on the country are most difficult to document.

Acting on this issue in concert with a segment of the press—notably the New York Daily News, The Washington Post and The Christian Science Monitor—has been Rep. Peter Rodino (D., N.J.), chairman of the House Judiciary Committee's subcommittee on immigration. The subcommittee concluded hearings on March 24; it will review them now that Congress has reconvened, and will then consider an Administration-backed bill—HR 2328—dealing with immigration. Two sections of the bill, 26 and 28, would considerably affect the plight of the illegal alien in the country and could possibly erode the civil liberties of everyone. Under Section 26, employers who knowingly hire an illegal alien—or fail to inquire into an employee's immigration status—would be subject to a fine of up to $1,000 and/or one year of imprisonment for each violation. Section 28 would similarly penalize any alien who illegally takes a job in the country. Either or both provisions could lead to a requirement that every person desiring work carry identification proving legal residence and the right to work.

The controversy is complex. Those involved include Mexicans who cross the border illegally, seamen who jump ship, immigrants who enter the country legally as visitors or students and stay beyond the limit of their visas. All have certain things in common with one another and with American immigrants throughout history; looking for a better life in this country, many have left their families behind, hoping to bring them later. They send back money when they can and they struggle to survive and make new lives for themselves in what they have been told will be a relatively promised land.

The problem with this problem is that no one knows exactly how big it is. As with most issues, partisans produce figures that support their views. Almost every published report on the subject contains new figures which dispute those previously announced. On May 5, 1971, the commissioner of the Immigration and Naturalization Service, Raymond F. Farrell, told the Rodino subcommittee that "last year [presumably fiscal year 1970] we located more than 343,000 aliens who had entered the United States illegally, and 97 per cent of these would be Mexican nationals within the Southwest region."

Paul Montgomery gave in the October 17th *New York Times* what seems to be a reliable figure for fiscal 1971: 420,176 apprehended illegal aliens. Montgomery also said, with no documentation, that in addition "hundreds of thousands and more find it easy to get away." According to his figures, some 320,000, or roughly 80 per cent, of those caught were Mexicans. Neither he nor anyone else whom I have encountered has tried to explain the drop in percentage of Mexicans from Farrell's figure of 97 per cent. Montgomery did not directly identify the source of his statistics, but it seems that he got them from the Immigration and Naturalization Service.

However, the number of illegal aliens caught in any one or two years tells little about the dimensions of the problem. How many were not caught? How many illegal aliens are there in the country? The AFL–CIO American Federation of Government Employees' National Council of Immigration and Naturalization Service Employees told the *Los Angeles Times* in October that at that time between 1.5 and 2 million aliens were illegally in the country. The union also claimed that these aliens cost Americans $5 billion a year in wages. Moreover, the union said, illegal aliens annually send $500,000 back home, "hurting the nation's balance of payments." Those are, of course, estimates.

The introduction to a two-part series on the issue in *The Christian Science Monitor,* published in November, described the situation as follows: "Some 2.5 million aliens are residing illegally in the United States. Many hold jobs of the sort sorely needed by low-income citizens. They pay little or no taxes on their income and ship millions of dollars 'back home' each year." In one of the articles in the series, the *Monitor's* Jo Ann Levine converted the 420,176 quoted by *The New York Times* into an "estimated 500,000." The usually careful *Monitor* was, in the case of these two stories, loose with minor facts. For example, 120,000 immigrants are admitted legally each year from Latin America, not 100,000 as Levine reported. The "2.5 million" figure was attributed to no one. Other charges were ascribed to the union of immigration employees with no critical analysis or statements to counteract the undocumented union propaganda. Even the otherwise careful Montgomery at times uncritically echoed the union's reckless charges. He went so far as to say, offering no evidence, that the "influx of aliens has had clearly deleterious effects on the economy and balance of payments, the labor market, immigration policy and social services such as welfare."

And the *Times* in February printed, with no competing analysis, the charges of the otherwise liberal New York City Councilman Andrew Stein (D., Man.) that "illegal aliens on welfare in New York City may be costing up to $100 million a year in relief grants."

The most sensational and distorted press coverage of the issue, however, came from the New York *Daily News* and *The Washington Post.* The *News* has frequently run and often featured articles quoting the scare stories of disgruntled union officials or their Congressional allies. The stories offer dramatic revelations of illegal aliens on welfare, illegal aliens taking jobs from able-bodied Americans, illegal aliens crowded together in the city. In an editorial of March 2, "Better Late than Never," the *News* said:

> Since last September 30, Rep. Peter Rodino (D., N.J.) has been promising to bring his House Judiciary subcommittee on immigration to New York City for hearings on the subject of aliens slithering illegally into the United States and taking jobs at sub-standard pay. . . .
>
> Better late than never; and we trust the subcommittee will dig determinedly. This is a most serious business, and some remedy is needed more urgently by the day.

The Washington Post is supposed to know better. While their reporter, Stephens Isaacs, used no racial slurs and even commiserated at times with the plight of the illegal alien, his article, "Aliens Flood N.Y. Rolls Posing as Puerto Ricans," on page 1 of the October 19th issue, can easily be read as promoting fear, racism and ethnocentricity. It began:

> Up to one million New Yorkers may not be New Yorkers at all.
>
> They may be aliens from such places as the Dominican Republic, Haiti, Ecuador and Venezuela who have stolen into the United States, masquerading as Puerto Ricans, and now pass as American citizens.

Isaacs said, with no documentation: "Their numbers could help to explain the housing shortage in New York. The high unemployment rate among Puerto Ricans is an obvious result, as is the constant swelling of the city's caseload (1,206,973 as of the latest count)."

The invasion sounds pretty scary, even worth investigation, until you look at the charges one by one, examine the situation without hysteria, and then study the legislation that has been proposed to alleviate what is alleged to be a grave situation.

First, the nature of the problem in the Southwest. From 1951 until the mid-1960s, Mexicans who wanted to work as stoop laborers in that part of the country were admitted legally under the "bracero" program, which Congress eventually halted in response to what appear to be valid charges that the Mexicans were greatly exploited. Critics of the bracero policy also claimed that Mexicans were often used as strikebreakers to frustrate the union organizers of American migrant workers.

When the program ended, the growers found themselves without a legal source of cheap labor, though they continued to hire aliens. Reporters on the subject have quoted growers as believing Mexicans to be more efficient and more willing to accept poor working conditions than are the Mexican-Americans who support families in inflation-ridden America. The Mexicans are also less likely to demand better wages, hours or conditions, since their employers can call the border patrol and have them thrown out of the country at any time.

Some Congressmen, notably Robert Price (R., Tex.), have advocated a return to the bracero program. Yet indications are that the re-creation of that exploitive situation will not provide jobs for American nationals or stop illegal immigration in that area. The problem has its roots both in the living conditions in Mexico and the economic base of the involved portion of the agricultural industry. Mexicans smuggle themselves across the border and pay up to $300 to find work because they cannot support themselves at home. Mexican-Americans won't take the jobs because, by their standards and needs, the pay is much too low. Halting the Mexican immigration by laws such as the one the Rodino committee will consider would not provide employment for Americans who quite properly refuse to work in menial, back-breaking jobs for wages that doom them to poverty.

Food prices, high as they are, would soar much higher if the agricultural workers received decent wages. A doubling of the wage rate in oranges, for example, might put some marginal growers out of business. They can't pay fair wages and maintain their profits without pricing themselves out of the diet of the already rebellious American consumer. That is not an argument for inadequate wages; it just shows how dependent part of the American economic system is on exploited labor. Far from being a drag on the economy, the Mexicans who enter the country illegally—and others like them—help support our relatively high standard of living.

Despite this effect, California instituted in February a miniature version of the pending federal legislation on illegal aliens. In that state it is now illegal to hire knowingly an illegal alien, when such employment has "an adverse effect on lawful resident workers." The law, passed despite objections from the growers, provides fines of $200 to $500 for each offense. (Recently the law was declared unconstitutional by a lower court but the issue has not been finally resolved.)

The November 20th New York Times quoted unidentified Chicano organizations as denouncing the California law as "legalized racism" that will add "new hardships and horrors" to what they described as existing discrimination against that state's Mexican-Americans. Others have objected to the law on the ground that employers will be reluctant to hire any Mexican-Americans for fear they might be illegal aliens. The law is so new that no data are available on its effect upon the economy or the immigration situation in California. But, according to the Times, the growers who protested its enactment explained that American workers will not accept the jobs they offer as stoop laborers. It is extremely doubtful that the law will have much effect, except perhaps to make life rougher for the Chicanos.

If 80 per cent of the aliens caught last year were Mexicans, how large is the problem in the rest of the nation. As with the Mexicans, there is no telling how many illegal aliens there are elsewhere in the country. Undeniably there are some, and almost all of them have entered the United States in one of three ways:

First, since the imposition of immigration quotas on this hemisphere in 1966, a number of Latin Americans have used either real or forged visitor or student visas to enter the country. Once here, they have simply remained. Many keep their names on waiting lists in their home countries for regular immigration status. If that is received, they leave the United States and return legally. Some of them get married and/or have children here, hoping thus to speed the day when they will receive permission to live in this country permanently.

In his October 17th *New York Times* article, Montgomery analyzed immigration statistics to determine how many fall into this category. As he described it: "In 1965 [the last year when there was no immigration quota for Latin America] in the Western

Hemisphere excluding Mexico and Canada, the State Department issued 205,358 nonimmigrant visas. The comparable figure for 1970 was 488,914. It is probable that illegal aliens account for most if not all of that increase."

A second group of Latin Americans arrives via Puerto Rico. They get real or forged visitors' visas to Puerto Rico, procure a forged Puerto Rican birth certificate, and then hop the first plane out for the States. Since Americans are for the most part unable to tell one Latin American from another, these illegal aliens easily pass for Puerto Ricans and stay in the country.

The final group crosses the Canadian border or jumps ship in an American harbor. Without citing a specific source, Montgomery said that "estimates run as high as 100,000 at any one time" of Canadians working illegally in America. He also claimed that "the border crossers also include aliens being smuggled into the United States, and seamen who have jumped ship in Canada." The New York *Daily News* of October 11 quoted unidentified immigration officials as saying that between 2,000 and 3,000 Greeks enter the United States illegally each year by jumping ship.

Again, no one really knows how many illegal aliens there are in each category. What is known is that much has been written about the damage done the country by the presence of these illegal aliens. Yet a little study shows that the charges against them are ludicrous and ignore the way of life of most illegal aliens. Here, with comment, are the most common allegations:

They hold jobs of the sort sorely needed by low-income citizens. This is the argument that distracts attention from rising unemployment. The Mexican illegal aliens take underpaid jobs in the Southwest that native Americans reportedly won't take. As for the other illegal aliens, anyone who reads the want ads or looks into restaurant windows knows that, even though there is high unemployment in the nation, menial jobs at low wages are abundant. Openings exist for maids and waitresses and dishwashers and floor sweepers. Most unemployed people will not take these jobs, preferring to stay on unemployment until the insurance runs out or until they can find jobs either at their level of competence or that pay reasonably well. Illegal aliens, fearful of being turned in and desperate for money, will take menial work at substandard wages. Perforce, they will accept a work week that Americans turn down.

They pay little or no taxes on their income. Again, that is improbable. Most illegal aliens are in jobs where their taxes are withheld by their employers.

They ship millions of dollars "back home" each year. While one may assume that illegal aliens do send money home, as immigrants have always done, it is unlikely that enough of them could afford to send home sums that would add up to "millions."

They are swelling the welfare rolls. Susannah Gross spends much of her time as a district assistant in Rep. William F. Ryan's New York City office. (Ryan, a member of the Rodino committee, has opposed the anti-alien legislation.) She said: "These people have a fear of anything official. They are afraid they'll be turned in." Even though illegal aliens are entitled by law to receive welfare, she added, they rarely do so. Most of them hope eventually to become permanent residents, and according to the immigration laws they automatically become ineligible for that status if they have ever received money from the government. Said Gollobin, "They shun authority like the plague.'

Gross opposed the suggested legislation because, she said, the "penalties currently available are sufficient," and the cost of enforcing such legislation would be "questionable" in terms of time and money. She also explained that, as reports from California already indicate, if employers knew they could be penalized for hiring illegal aliens, "there is some basis to believe that some employers would discriminate against foreign-looking or foreign-sounding employees." The opening of Social Security files to determine whether or not a person is an illegal alian would be "frightening," she said.

In addition to these objections, Gollobin said he was distressed by the prospect that every American might be forced to carry a card proving legal eligibility for employment. "The card is part of the effort for national surveillance. Even if they use Social Security cards, that would mean everyone would have to register with the government, everyone would have to have a number."

The issue of illegal aliens is important because it is intimately associated with the major crises now facing the country. With few exceptions, illegal aliens come to America because life for them is so hostile in their native lands—a condition arising in no small part from the imperialist relationship of the United States with much of the world. As long as there are "haves" in the world, the "have nots" will fight for their just share of the wealth. Immigration is only one reflection of that impulse.

Whatever the dimensions of the problem, it is not so serious nationally that it merits the time and attention it has been getting. Sections 26 and 28 of HR 2328 should be defeated, but, more important, they should not have been put there in the first place. Efforts to cloud ill-defined problems with misleading rhetoric only draw energy away from the need to overhaul the basis of the country's economic policies at home and abroad.

THE SOCIAL COSTS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HALPERN. Mr. Speaker, Anthony Wolff, former environmental editor of American Heritage magazine has written a revealing article about the environment and industry which was published in this month's issue of Harper's magazine.

The article documents, in some detail, the social costs we are all paying for the use of electricity. Mr. Wolff points to a recent 500-page study released this month by the Council on Economic Priorities which has carefully examined several investor-owned power companies across the country who represent 30 percent of the total privately owned generating capacity in the United States.

Mr. Wolff reports that electric power is expensive, dirty, and scarce. Just like Karl Kapp did in 1950 when he wrote about the social costs of private enterprise, Mr. Wolff suggests that the price of technological advancement is sometimes greater in cost than what meets the eye.

I think Mr. Wolff has shed new light on the problem of industrial pollution and his article reports new facts and figures which I believe will be helpful to know if we are going to seriously tackle the problem of pollution.

I include this article in the RECORD:

THE PRICE OF POWER

(By Anthony Wolff)

A LESSON IN POISONOUS ADDITION

Electricity is paradoxical stuff: an invisible mover, power without substance. It responds silently to the flick of a switch; it is seemingly clean and cool, plentiful and cheap. But behind all the switches, at its source, electricity is none of these.

Electric power is expensive. It is the most capital-intensive of all industries, requiring a four-dollar investment to generate one dollar in sales. The nation's 212 major privately owned power companies represent one-eighth of all capital investment in the United States. Electric power is dirty: generating it produces wastes that poison the nation's air and degrade its water. And it is scarce. Blackouts, brownouts, and other symptoms suggest the virtual impossibility of appeasing an appetite that feeds on growth and grows on feeding.

More and bigger power plants are part of the solution to the power crisis—and part of the problem in the environmental crisis. The opposing factors in this conflict are the subject of a 500-page study released this month by the nonprofit Council on Economic Priorities, an independent, New York-based research organization. The Council's previous studies of the impact of corporate behavior on American society—including reports on the paper industry and defense contractors—have been recognized for objectivity and accuracy.

For its year-long electric power study, the Council focused on fifteen investor-owned power companies across the country, including the six largest. Together, the fifteen represent 30 percent of the total privately owned generating capacity in the U.S. At the heart of the study is a detailed analysis of each of the companies' plants producing more than 100 megawatts—131 power plants in all. By measuring the actual environmental protection efforts of each plant against the highest feasible standards of pollution control, the Council was able to assess the performance, good and bad, of each plant and company. Highlights of the Council's report follow.

Air pollution is the major insult to the environment from electric power porduction. Most of the pollution results from the burning of coal, which is used to generate half of all U.S. electric power.

The burning of coal, oil, and natural gas to produce electric power accounts for approximately 20 per cent (5.5 million tons per year) of the particulates, or soot; 20 per cent (4 million tons) of the nitrogen oxides; and 50 per cent (17 million tons) of the sulfur oxides polluting the air we breathe. These are three of the five most serious air pollutants certified by the U.S. Environmental Protection Agency, and all three have been convincingly indicated as threats to human health and longevity. In addition, sulfur oxides attack vegetation, and combine with water vapor into sulfuric acid to corrode a wide range of materials from nylon to limestone. Nitrogen dioxide is best known as a key ingredient of photochemical smog.

For each of these pollutants, some degree of control is within the state-of-the-art. The technology for reducing soot emissions by more than 98 per cent has been available for at least ten years. The same goes for as much as 80 per cent of nitrogen oxides from oil or gas combustion. Sulfur-dioxide control is still experimental, but meanwhile low-sulfur fuels are usually available.

Even so, the CEP study casts serious doubts on the industry's antipollution efforts. Only forty-five of the 125 fossil-fuel (oil, coal, and gas) plants in the study—including just 14 per cent of coal burners—measured up to particulate state-of-the-art standards. All others ranged from relatively "clean" to absolutely "dirty." While some companies averaged better than others, not one of the fifteen companies is up to the state-of-the-art air standard at all locations. Examples:

The American Electric Power Company, the biggest investor-owned electric-power producer in the country and the second biggest polluter in the study, burns coal—over 25 million tons per year—in all seventeen of its major plants. Not one of them, including two started upon since 1970, achieves state-of-the-art particulate control.

The worst single polluter among the plants in the study is Harllee Branch, in Putnam County, Georgia, the largest plant (1,746 megawatts) of the vast Southern Company. At full tilt, the plant exhales up to 58,000 pounds of soot every hour. With the second largest generating capacity of any company in the study, Southern is the biggest polluter.

On the other hand, the cleanest large companies in the study—Southern California Edison and Pacific Gas and Electric—operate mostly in California, which has the nation's strictest air-pollution regulations. Two plants partially owned by SoCalEd outside the state's jurisdiction, part of the infamous Four Corners project in the Southwestern desert, do not observe the same standards.

Two other notably clean companies—Houston Lighting and Power, and Oklahoma Gas and Electric—take advantage of local natural gas, which produces virtually no soot or sulfur dioxide. But neither company has made a real effort to control invisible nitrogen oxides.

Many companies that have achieved a substantial reduction of emissions by converting from coal to cleaner oil have forgone other pollution controls. In New York City, for instance, two-thirds of Consolidated Edison's oil-burning capacity has no emission controls at all and adds up to two tons of soot per hour to the urban air.

Thermal pollution results from the diversion of large quantities of water through power plants to absorb waste heat and carry it back to the waterway, where it raises the ambient temperature. The well-documented ill effects of even small temperature changes on aquatic life in experimental situations argue strongly for caution. In general, however, the industry has pointed to the lack of data from actual field experience to justify continued unrestricted dumping of waste heat.

A single 1,000-megawatt fossil-fuel plant operating at today's maximum thermal efficiency wastes at least 60 per cent of its heat. This heat could raise the temperature of 30 million gallons of water per hour—the total low flow of many sizable rivers—by 15° F. Nuclear plans have a maximum thermal efficiency of only 33 per cent, and require 50 per cent more cooling water per unit of electricity.

Overall, the electric power industry currently uses 10 per cent of the nation's total fresh water runoff for cooling, and accounts for 80 per cent of the heat added to the nation's waterways by all industry.

A variety of cooling systems are available to return the heated water to its source at ambient temperature, or recirculate it in a closed system. Oklahoma Gas and Electric has used nonpolluting closed-circuit cooling since 1924. Nevertheless, of the 131 plants in the Council's study, only twenty-five had complete, year-round control of thermal waste. Two more had part-time control.

Nuclear pollution—the escape of radioactivity to the environment from the primary cooling system of a nuclear reactor—is not yet a major threat. A few years ago, nuclear power was touted as an imminent alternative to fossil-fuel combustion. But the advent of nuclear power on any large scale has been stalled by public protest, cost factors, and technological delays. Of the 131 plants in the Council's study, which included several large companies dedicated to nuclear power, only six were nuclear. As of the end of 1971, only about 2 per cent of U.S electric power was generated in nuclear plants—but this figure is expected to exceed 50 per cent by 1990.

Permissible levels of "routine" radioactive emissions from nuclear power plants, set by the Atomic Energy Commission, have long been challenged by scientists and others. Meanwhile, technical advances have made it possible to reduce radioactive emissions to virtually zero, and in July 1971 the AEC proposed to tighten its standards to less than 1 per cent of the existing ones. This proposal is still is the hearing stage. Meantime, of the four nuclear plants in the study for which radioactive emission data were available, not one can meet the proposed AEC standard.

The cost of environmental virtue—of making power production as clean as possible—varies from plant to plant and from company to company, according to size, present state of grace, and other factors. Examples:

Oklahoma Gas and Electric, a small gas-burning company and already the cleanest in the study for its size, could buy state-of-the-art control for $3.8- to $5.1 million.

Houston Lighting and Power would have to spend from $44- to $78 million—mostly for thermal controls—to reach state-of-the-art in its nine plants.

The Southern Company's seventeen coal-burning plants would face a cleanup bill of from $216- to $370 million—considerably more than the $82 million already committed by the company for the period of 1971–73.

The total fifteen-company investment is estimated to be $1.2- to $2.2 billion. Overwhelming though this might seem in absolute terms, the Council calculates that *the cost to the consumer for state-of-the-art control of all air and thermal pollution would add at most 10 per cent to monthly electric bills.* This compares favorably with the $80 the Public Health Service estimates is the annual average cost imposed on a family of four by air pollution from electric power production.

To assess the industry's commitment to cleaning up its own pollution, the Council offers a simple index—a comparison between outlay for research and development and its budget for advertising.

In 1970, the 212 privately owned electric power companies spent $46 million on all research and development, only a part of which involved the design of better emission controls and cleaner generating technology. The overall R&D figure represents approximately 0.23 per cent of gross revenues, "a remarkably small percentage by most industry standards," according to the President's Office of Science and Technology.

At the same time, the industry spent almost twice as much—$88.7 million—directly on advertising to stimulate acceptance and use of electric power. In addition, some part of $306.3 million spent on sales should be charged to promotion. To be sure, this pattern is changing. American Electric Power, for example, stopped all consumer advertising in 1971. Four other companies in the study have done the same, or switched to energy-conservation campaigns. But of the five abstaining companies, three plan to return to normal advertising practices as soon as possible. Says Baltimore Gas and Electric's chairman of the board and president, C. E. Utermohle, Jr.: "We feel advertising is a fundamental part of any business and intend to resume as soon as reserves are built up."

JIM FARLEY NEARS 84

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ROONEY of New York. Mr. Speaker, I am pleased to be able to tell my colleagues that our friend, the Honorable James A. Farley, is reported to be in satisfactory condition and improving in St. Clare's Hospital in New York. Jim was hospitalized Friday after having suffered a heart attack. I am sure that all my colleagues join me in wishing Jim a speedy recovery. Up until the time of his attack, Jim was still leading the full, active life that he has always led. In fact, a recent article by Joseph Kaye, published in the Kansas City Star of April 12, 1972, taking note of Jim's approaching 84th birthday, goes into his life in detail and I would like to share it with my colleagues. Under the permission heretofore unanimously granted me, I include the article at this point:

[From the Kansas City Star, Apr. 12, 1972]

JIM FARLEY ON THE GO AT 83

(By Joseph Kaye)

NEW YORK.—James A. (Jim) Farley, the famous politician of the Roosevelt era, will be 84 May 30. Does he sit before a symbolic fireside dreaming about the past? Not at all. He sits in an office on the 18th floor of a Madison Avenue building officiating as the board chairman of the Coca-Cola Export Company, a post he has held for more than 30 years.

Farley's office is unique. It has probably more photographs on its walls than any chamber in the country. There is not a foot of space on its walls that is not covered by pictures of political celebrities in and out of this country and of kings and queens and lesser officials of states of the world. Affectionately autographed portraits and snapshots of 7 American presidents are there and opposite his desk is the largest portrait of them all of Franklin D. Roosevelt whom he served as postmaster general and whom he helped win his 1932 and 1936 campaigns. (He was also national Democratic Committee chairman during that time.)

Though he has been out of political office for many years Farley is one of the men most in demand as a dinner and luncheon speaker—he attends about 200 a year it is estimated most of them in the interests of foreign trade promotion.

Farley goes to his office every day at 9 a.m. and he comes in on Saturdays "to catch up on my phone calls" he says. He lives at the Waldorf Hotel and walks to work (six blocks). Farley has been the super Coca-Cola salesman for international export and has made global contacts to promote business.

He can come up with some interesting statistics: India, Japan and Taiwan are the biggest customers for his product. Before the Communist take-over in China that country too was big in sales.

Asked if he thought China again would be a consumer of U.S. goods Farley observed that this was a difficult question to answer now which probably reflects the views of other businessmen he has met.

He lives alone in the residential section of the Waldorf, the Tower. His wife, Elizabeth, died 17 years ago. He has three children, two daughters and a son, James Jr., who is president of the Central State Bank in New York. Every Sunday, Farley said, the grandchildren phone him. All ten? Yes, all ten, he said, and those who for some reason miss the call, telephone the next day.

Reminiscing about some of his experiences, Farley recalled having met Andrei Gromyko, the Soviet Union foreign minister, in San Francisco, at the founding the United Nations. "He must be a smart fellow to have remained where he is," Farley commented.

"Whenever we meet," Farley said 'He always greets me with 'How are you, Farley?' " This is an unusually intimate greeting for the stern-faced Russian.

Farley has traveled all over the world and is happy to know that people recognize him everywhere.

"I was in India several years ago," he recalled, "and I was recognized in a restaurant by visitors from New Jersey, who asked for my autograph."

With all his manifold experiences, Jim Farley has reached certain conclusions regarding what is best for man in this complex world.

"Well," he remarked, "I don't like to philosophize, but I think there should be these fundamentals for us. First, one must be honest and tell the truth, although it is no credit to anyone to be honest, for if you're not, there must be something wrong with you. I get annoyed when I hear someone say, 'He is honest.' You've got to be honest.

"Second, one must be loyal, loyal to your family, to your country, to people, to your church." Did he mean loyal in that order? No, he replied. Loyal in any order.

MARTYR'S DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. DERWINSKI. Mr. Speaker, the people of many nations throughout the world pause from time to time to observe special days. These observances may be the anniversaries of the days they obtained their freedom or the days on which their constitutions took effect, or they may be the birthdays of their national heroes.

While it is often a day of rejoicing and thanksgiving, an anniversary is sometimes an occasion for mourning. Such a day is April 25, which the Armenian people observe Martyr's Day. This sad anniversary recalls the period when an attempt was made to exterminate the entire population of Armenia. In 1915, Turkey, which had allied itself with Germany and Austria-Hungary during the First World War, was anxious to prevent the Armenians from aiding Russia, which was allied with Great Britain and France.

The majority of the inhabitants of Armenia were driven into the Iranian Desert, where hundreds of thousands of them died from starvation, exhaustion, and sunstroke. Over a million others died before the war ended, hundreds of thousands were deported, and other thousands fled for their lives. Many Armenians made the long journey to America, where they and their descendants have made important contributions to their adopted country.

When the czarist government collapsed, the Armenian people declared their independence of both Turkey and Russia and fought to establish an independent government of their own. Eventually, the military power of the Soviets overwhelmed them, and today Soviet-Armenia is one of the captives of communism while the land area in Turkey, which was historically Armenian territory, is almost barren of Armenian residents.

Mr. Speaker, throughout history many peoples have lost their lives because of man's inhumanity to man, but it is all but impossible to completely destroy an entire nation. One of the oldest peoples in the world, the Armenians have survived many centuries of subjugation, persecution, and genocide. Let us hope and pray that their indomitable spirit will prevail and that they will eventually regain their independence.

INCREDIBLE DEAL

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ZABLOCKI. Mr. Speaker, an editorial in the April 14 edition of the Milwaukee Sentinel discusses Secretary of Agriculture Earl L. Butz's recent trip to Moscow to negotiate the U.S. sale of feed grains and soybeans to the Russians.

The editorial raises serious questions about the proposed sales agreement and has evoked grave concern and even displeasure from citizens in my district.

In order not to create a "credibility gap" on this matter, I urge the President or the Secretary of Agriculture to spell out the details of the proposed grain sale agreement.

The editorial follows:

INCREDIBLE DEAL

North Vietnam's invasion of South Vietnam would not have been possible without Russian supplied tanks and other equipment.

It defies reason, therefore, that the United States, at the same time it is trying to help the South Vietnamese people keep from being overrun by the Communists, would be trying to help the Soviet Union.

Yet this is precisely what is happening. Secretary of Agriculture Earl L. Butz and a six man marketing team have been in Moscow working on a deal to supply the Russians with US feed grains and soybeans.

Butz, who topped off his visit with a 90 minute meeting with Communist Party Chief Leonid Brenzhnev, sees prospects of sales of up to $200 million a year in feed grains and soybeans. If this were a cash deal, as previous Soviet grain purchases were, it might be tolerable enough to overlook Russia's support of Hanoi.

But apparently the Russians are interested in buying only on extended credit terms. That the US would give the Russians such a favorable deal—and Butz indicates that we are about to do just that—while the Russians are, through the North Vietnamese, escalating the killing in Indochina is nothing short of madness.

The Russians need the grain because their economic system is chronically incapable of providing enough food to sustain their own people, let alone help fend off starvation in other areas such as Bangladesh. And speaking of Bangladesh, not so incidentally, the Kremlin assumed, through its military backing of India, the obligation to support the peoples in that depressed area. You can be sure, however, that it will be Uncle Sam who will be stuck with the job of feeding those masses—at the same time he is giving generous credit terms to the masters in the Kremlin so they can feed their own people.

Of course, the large sales of feed grains and soybeans to the Russians will be of immediate benefit to American farmers, which may in turn benefit President Nixon's reelection chances. It might even help produce an agreement of some sort in the Strategic Arms Limitation Talks which, with suitable fanfare, could be unveiled during Mr. Nixon's historic visit to Russia starting on May 22.

Anyone who is profiting from this grain deal with the Russians should have to explain to the 12 Americans killed in the war last week—not to mention the more than 45,670 others who died in battle previously—how it makes sense to aid those who supplied the enemy with the weapons that did the killing.

TELEPHONE PRIVACY—XVII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating a "Dear Colleague" letter on the telephone privacy bill (H.R. 13267), which has already been cosponsored by 28 Members.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individuals or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 15th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

Dayton, Ohio,
April 22, 1972.

Representative Les Aspin,
U.S. Congress,
Washington, D.C.

Dear Sir: I strongly endorse your efforts to require the telephone company to include asterisks next to names of people who do not want telephone solicitations. I suggest that the footnotes say:

"Absolutely nothing bought from telephone solicitations."

Attached are copies of complaints I have made along this line. Note the response.

With some publicity I am sure that you will gain the support of almost everyone. Best of luck with your bill!

Sincerely,

——— ———.

Austin, Tex.,
April 11, 1972.

Representative Les Aspen,
House Office Building,
Washington, D.C.

Dear Representative Aspin: It was with great interest that I read in a recent issue of the Christian Science Monitor of your bill to control telephone soliciting, I don't know how much publicity it has received as I never saw it mentioned in our local paper—I can only hope that it has received nation-wide attention.

Telephone soliciting has become a real problem here in Austin and it was only a few weeks ago that I became disturbed enough about it to see if anything could be done to curb it. My first inquiry was to the phone company, where I was told that nothing could be done at this time except for us to get an unlisted number. This did not appeal to my family, but we may be forced to resort to it yet! The woman at the telephone company suggested I make an inquiry to the Better Business Bureau, which I did—needless to say, they are also powerless to do anything. They suggested people contact members of the City Council to see if local ordinances could control this problem but we have not proceeded with that as yet. This may be a future approach if your bill becomes buried in committee!!

Everyone I know has become completely fed up with these nuisance calls and invasions of privacy and please know we support your bill 100%. The majority of calls come from companies selling land. Something must be done to stop these intrusions and we thank you so very much for your efforts—I am writing our local Congressman, Jake Pickle, urging him to support this legislation.

Sincerely yours,

——— ———.

Racine, Wis.,
April 10, 1972.

Representative Les Aspin,
Racine, Wis.

Dear Mr. Aspin: I am writing in regard to your proposed "Telephone Privacy Act." As a service representative for the Telephone Co., I receive numerous complaints from our subscribers about the solicitous calls you seek to control. Therefore, I agree that something needs to be done. But, I believe that a large majority of our customers do not wish to be bothered with these calls, so rather than providing lists of these people or marking them in the phone book, would it not be better to ban telephone soliciting altogether? Many of the people doing this type of work do not know the names of the people they are contacting; they are apparently just given a block of numbers to call. Companies who practice this would undoubtedly be upset at the loss of this cheap form of advertising, but if your bill is passed in its present form I am sure a large part of their potential market will disappear anyway. As time passes and more and more people were added to this list, those not on it would probably receive solicitous calls more frequently than ever. Also, the book work involved for the telephone company would be immense and, of course, cost money. I hope you will consider a more comprehensive solution to this problem than the current proposal.

Sincerely,

——— ———.

Seattle, Wash.,
April 8, 1972.

The Honorable Les Aspin,
House Office Building,
Washington, D.C.

Dear Mr. Aspin: I was pleased to learn of your sponsorship of a bill that would prohibit unsolicited commercial telephone calls to those persons who inform the telephone company they do not wish them. I have written my Representative, Mr. Pelly, telling him of my interest and urging him to support this legislation.

I believe that such regulation would in no way interfere with businesses which use telephone salesmen or solicitors, since only those people who are willing to listen to such calls are prospective customers anyway. I can hang a "No peddlers or solicitors" sign on my door, with great effectiveness. I can also refuse to talk to a telephone solicitor, but only *after* my privacy has been invaded.

In our area, Pacific Northwest Bell, will, after persistent demand, grudgingly agree to strike a customer's name from the "reverse directory" used by solicitors. However, the company keeps this little-known "out" a secret from the public, contending that the only remedy for unwanted calls is an expensive unlisted number.

Very sincerely,

——— ———.

Houston, Tex.,
April 10, 1972.

Hon. Bill Archer,
U.S. Congress,
Washington, D.C.

Honorable Sir: I am very much in favor of Representative Les Aspin's bill proposing that a "No Solicitors" sign be placed on home telephones. I do not, on the other hand, approve of his exemption of non-profit groups, political candidates, poll takers, and debt collecting agencies from the "No Solicitors" prohibition. These groups constitute the most frequent and most repetitive disturbers of people's homes. Regardless of the "good" these agencies do, the raucous ringing of the telephone for their causes is as disturbing and as undesirable as others.

I do approve and recommend that, in addition, a requirement be added to the bill requiring the telephone company to provide all telephones with a cut-off that prevents the telephone from ringing at all, and which will give to dialers a "Do-Not-Disturb" tone. The telephone should be for the convenience of the householder, not for outsiders and for the telephone company.

Yours truly,

——— ———.

Houston, Tex.,
April 11, 1972.

Representative Les Aspin,
House of Representatives,
Washington, D.C.

Dear Mr. Aspin: The Houston Post had an article in Sunday's paper about your crusade against unwanted telephone solicitation. *Please* don't be persuaded by anyone that this is not worth your time. As far as I'm concerned (and lots of people agree with me) you could run for president and maybe even get elected on this issue!

I don't like the idea of an unlisted phone number but I certainly am not paying to have a phone in my house so I can listen to sales pitches ad infinitum.

Ths is definitely an invasion of privacy. Good luck and more power to you.

Sincerely,

——— ———.

PETER FLANIGAN GAINS SPOTLIGHT AS TOP ENERGY SPOKESMAN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. HARRINGTON. Mr. Speaker, it is with a great deal of concern that I read a recent article in the Oil Daily concerning White House aide Peter Flanigan's assumption of the role of top energy spokesman for the Nixon administration.

As the recent House hearings on the subject indicate, the energy crisis could rapidly become the Nation's No. 1 domestic problem. It is an incredibly complex problem, both from the viewpoint of providing adequate energy to run our industrial economy, and from the viewpoint of protecting our environment.

At the present time, responsibility for determining energy policies rests in a number of Federal departments and agencies. Each of these agencies is responsible both to Congress and the people. As the recent ITT case makes clear, Peter Flanigan is responsible to no one but the President, and cannot be held accountable for his actions even to the Congress, except under a severe set of limitations and restrictions.

In addition, Mr. Flanigan is a self-admitted conduit to the Nixon administration for big business interests. To entrust a man with these credentials with responsibility for shaping the Nation's entire energy policy, is an affront both to environmental interests in this country, to consumer interests, and, as the article points out, to some Cabinet officers presently responsible for energy policy.

The article, which I commend to the attention of my fellow Members, was reported in the April 11, 1972 edition of the Oil Daily:

Peter Flanigan Gains Spotlight As Top Energy Spokesman

(By Jim Collins)

Washington.—Peter Flanigan, President Nixon's top business and international trade advisor, has now emerged as the "strong man" of the Nixon administration on energy—in fact, as well as by reputation.

Flanigan, who is now chairman of the White House Domestic Council on Energy, is preparing to make a new, complete investigation—internally, within the federal government—of the nation's energy situation and outlook.

The answers that he comes up with—after other Cabinet agencies provide him with the facts and opinions he is seeking—will probably form the basis for another energy program by President Nixon, prospectively in 1973, for implementation by Congress and the administration—if Nixon is reelected.

Flanigan's role as "top dog" on energy in the administration was nailed down at the last oil policy committee meeting in mid-March.

At that time, the only Cabinet member present was Interior Secretary Morton (accompanied to the meeting by his top aides in the Interior Department), who went to the meeting hoping to redraw the jurisdictional lines on energy coordination within the administration.

Morton, who went to that meeting believing other Cabinet members would be present, and where "decisions" would be made on the issue of liquid imports for domestic SNG gasification, expressed some irritation at the fact he was the ony Cabinet member there.

However, his main pitch was that the Interior Department, traditionally, had been the Cabinet agency that has been most intimately involved with resource development in the U.S. and it should be the coordinator now of energy issues within the government.

Flanigan's stand-in at the meeting (James B. Loken, an assistant to Flanigan) made it clear, however, that Flanigan was the coordinator of energy policy—and that he intended to be an activist in that post.

Flanigan, it is understood, is now planning to circulate requests to every Cabinet head, whose agency has an interest in energy, seeking not just their opinions and recommendations—but facts, as well, on the energy situation.

Flanigan, apparently, intends to do a government counter job to the National Petroleum Council's "energy outlook" study, which already has spawned volumes of facts and opinions by oil executives, in task-force reports to the Interior Department.

Thus, Flanigan will want to know each agency's views—and the facts they have—on supply and demand, domestic potentials for development of all types of energy, possible incentive programs to stimulate development (including tax incentives), security storage (for oil), and many other facets of the energy picture.

The prime agencies involved will be Interior, Defense, State, Commerce and the Office of Emergency Preparedness.

Just how long Flanigan intends to take in gathering facts within the government is not known—but the agencies will be expected to respond promptly and fully.

Indications are that Flanigan wants to have ready, for President Nixon, solid programs that he can support—perhaps during the campaigning next fall (and for inclusion in the Republican platform for the campaign), and for implementation, as required, in legislative recommendations to Congress early in 1973.

Flanigan, it is believed, is tired of criticism that the administration is "doing nothing, just wringing its hands" over the emerging energy crisis in the United States—and wants to get moving with programs that will alleviate the shortage of natural gas, and prospective rising shortages of domestic oil, which can only be filled with ever-increasing imports.

In the oil-gas area, Flanigan is believed to be looking at the next 10 to 20 years—the period when the crunch on oil and gas will hit the nation hardest, before other forms of energy, or synthetic fuels, can be developed, in quantity.

The long-range outlook—for nuclear power, "synthetic" fuels from shale and coal, and other more exotic forms of potential energy—will not be ignored, however. But, these will have longer-run implications for the nation, as compared with the pressing immediate problems involving gas and oil.

Secretary Morton could become the strong man on energy policy and coordination—but only if President Nixon should decide to delegate to him such authority, by executive order, or if Congress should enact Nixon's program for making the Interior Department an enlarged "department of natural resources" under a reorganization plan which has been on file on the hill for more than a year, but on which only one brief hearing was held by the Senate Interior Committee.

There is little chance this bill can pass this year, although Nixon has been pressing, in recent weeks, for action on this and other reorganization plans.

The President has also made it clear to GOP hill leaders that he intends to call Congress back into session this fall—if it adjourns sine die early after the nomination conventions and if the Democrats have not made more progress on the President's legislative program.

It is possible heavy pressure by Nixon might spur action on his DNR proposal, as well as other legislative programs now moldering on the hill—but it is not likely.

Thus, Flanagan is expected to remain the top man on energy policy within the White House, and, as an overseer of Cabinet department activities and policies in the energy field, at least for the rest of 1972.

ORION ON THE MOON

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 25, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Apollo 16 is on its long way home after having added not only knowledge of the lunar surface, but added skill in mastering the difficulties of space. Only one lunar mission remains and all have been conducted with determination while being well balanced with a consciousness of safe operation. The New York Times editorial of April 22 discusses the fine line between overconservatism and high risk. This editorial aptly points out that the leadership and organization of Apollo has been well done. As the last flight—Apollo 17—approaches in December of this year, the experience of the current Apollo 16 and the previous flights will undoubtedly help the leadership of Apollo continue in this same outstanding mode of operation. The editorial follows:

ORION ON THE MOON

For the fifth time in all history men are working on the moon this weekend. The superb television pictures sent back by the crew of Orion, astronauts Young and Duke, were sharper and clearer than any previous televised views of the lunar surface. And the austere, craterpocked, rock-strewn landscape of the Descartes area seen yesterday was also different in quality from the earlier vistas of other lunar regions visited by Orion's predecessors.

Even a layman could see that this first visit to the lunar highlands had brought men to a significantly different region of the moon than any explored previously. Most important, yesterday's initial activity outside the lunar module provided every reason for expecting major scientific gains from this expedition despite the unfortunate accident that ruined the important heat probe experiment.

The worth of the extensive back-up facilities created by NASA was dramatically demonstrated in the tension-filled hours Thursday when the world held its breath while Project Apollo officials debated whether to abort the mission in the wake of indications of trouble in the engine control system of the command module. Hundreds of scientists and technicians in Texas and California, working feverishly under great time pressure, determined that the indicated malfunction was of no importance and could be disregarded. Had the project been less well prepared for emergencies, the decision might have been made not to land on the moon and the vast cost and effort of Apollo 16 rendered valueless.

The safety of the astronauts must be and is the first priority on the Apollo flights. Yet Thursday's dilemma and its solution were particularly useful in reminding all concerned that there are two kinds of errors that can be made in situations of this type. The possibility on which most attention, understandably, has been focused is that of an Apollo expedition's directors deciding to continue the journey in the face of a danger that brings disaster. Against that is the alternate risk of being overly cautious and aborting a mission unnecessarily, at huge financial and scientific loss. It is a delicate dilemma, and it is a tribute to the Project Apollo leadership and organization that to date these voyages have foundered on neither rock.

HOUSE OF REPRESENTATIVES—*Wednesday, April 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Lift up your heads, O ye gates; and be ye lifted up ye everlasting doors; and the King of Glory shall come in.—Psalms 24: 7.

Help us, we pray Thee, to lift up our heads and to open wide the doors of our hearts that the King whose glory is ever about us may come in and live in us, that we may render unto Thee a faithful service and give to our fellow men the best that is within us.

By Thy Spirit may we take up the work of this day with good hearts and generous minds, that Thy purposes may be fulfilled in us and in all men; for Thine is the kingdom and the power and the glory forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2013. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans;

S. 3343. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; and

S. 3507. An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes.

FREEDOM DIMINISHED AT THE WHITE HOUSE

(Mr. DOW asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DOW. Mr. Speaker, last week another evidence of the oppressive atmosphere created by the present administration to discourage freedom of expression, came to light in a shameful episode at the White House. The innocent victim was a constituent of my district.

This was Mrs. Avrom Romm, wife of the editor of the Middletown, N.Y. Times-Herald-Record. Attending the conference of the American Society of Newspaper Editors, Mr. and Mrs. Romm were invited to a White House reception. Mrs. Romm was intercepted by a White House Secret Service officer and advised not to speak in the reception line to the President about anything controversial. Mrs. Romm had earlier indicated to wives of several Cabinet members that she would like to mention her views to the President.

While under no obligation to do so, the Romms left the White House, feeling that their welcome had been diminished if not retracted and that they had undergone a rather chilling experience. They have received only a verbal apology from the White House.

Mr. and Mrs. Romm are stable people. I am sure they can survive this experience. But the real question, Mr. Speaker, is: How often is this kind of suffocating pressure put upon other American citizens who come to the White House to exchange a word with their President in this supposedly free society?

LEAVE OF ABSENCE

Mr. CONTE. Mr. Speaker, I ask unanimous consent for leave of absence on tomorrow to attend the funeral of my dear friend, Dr. Frank Boyden, at Deerfield, Mass.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DIRECTING THE PRESIDENT AND THE SECRETARY OF DEFENSE TO FURNISH TO THE HOUSE OF REPRESENTATIVES FULL AND COMPLETE INFORMATION CONCERNING CERTAIN SPECIFIC MILITARY ACTIVITIES OF THE UNITED STATES IN SOUTHEAST ASIA

Mr. HÉBERT. Mr. Speaker, I call up a privileged resolution, House Resolution 918, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 918

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

(1) (a) The number of United States military personnel in South Vietnam at the present time;

(b) The number of these individuals who are combat personnel;

(2) (a) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of March 1972;

(b) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of April 1972;

(c) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of March 1972;

(d) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of April 1972;

(3) (a) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of March 1972;

(b) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of April 1972;

(c) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of March 1972;

(d) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of April 1972;

(5) (a) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(b) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships, and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(c) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(d) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(6) List separately the number of United States military personnel (if any) killed, wounded or reported missing in action during (a) the first ten days of March 1972 and (b) the first ten days of April 1972, specifying how many in each such category were killed, wounded or reported missing in action in or over South Vietnam and how many in each such category were killed, wounded or reported missing in action in or over North Vietnam;

(7) Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States air, naval, and ground support and participation and, if so, what date;

(8) Whether there has been any bombing or shelling carried on by the United States in or over Laos or Cambodia since January 1, 1972, and, if so, the number of sorties flown by United States military airplanes, for bombing purposes, in or over Laos or Cambodia since that date, the tonnage of bombs and shells fired or dropped by the United States into or over Laos or Cambodia since that date, and the cost of all bombing and shelling carried on by the United States in or over Laos or Cambodia since that date, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(9) Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States to Southeast Asia, including the islands of the South Pacific Ocean, since March 15, 1972 (relative to the thirty-day period immediately preceding that date), and, if so, the nature and extent of the increase in each such category; and

(10) What actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92-156, approved November 17, 1971.

The SPEAKER. The gentleman from Louisiana (Mr. HÉBERT) is recognized for 1 hour.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Abourezk
Anderson, Ill.
Ashley
Badillo
Blanton
Blatnik
Byrne, Pa.
Carney
Celler
Chamberlain
Chisholm
Clark
Clay
Davis, S.C.
Dent
Diggs
Dingell
Dowdy
Edwards, La.
Esch
Eshleman
Flowers
Fountain
Galifianakis
Gallagher
Gaydos
Gray
Hagan
Hall
Hanna
Hastings
Hawkins
Heinz
Jarman
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
Kluczynski
Kuykendall
Kyl
Long, La.
Lujan
Macdonald, Mass.
Madden
Mayne
Miller, Calif.
Moorhead
Morse
Nix
O'Hara
Patman
Poage
Pryor, Ark.
Rees
Reid
Rooney, Pa.
Runnels
Sandman
Sisk
Springer
Staggers
Stanton, James V.
Steed
Stokes
Stubblefield
Teague, Tex.
Thompson, N.J.
Vander Jagt
Winn
Young, Tex.

The SPEAKER. On this rollcall 361 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DIRECTING THE PRESIDENT AND THE SECRETARY OF DEFENSE TO FURNISH TO THE HOUSE OF REPRESENTATIVES FULL AND COMPLETE INFORMATION CONCERNING CERTAIN SPECIFIC MILITARY ACTIVITIES OF THE UNITED STATES IN SOUTHEAST ASIA

Mr. HÉBERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Armed Services, to which was referred the resolution—House Resolution 918—directing the President and the Secretary of Defense to furnish the House of Representatives, within 10 days after the adoption of the resolution "full and complete information" concerning the specifics of various military operations in Southeast Asia, having considered the same, reports unfavorably thereon without amendment and recommends that the resolution be not agreed to.

The Committee on Armed Services met on April 18, 1972, to consider the resolution, House Resolution 918, and after full and complete hearings on the subject matter of the resolution, a quorum being present, ordered it adversely reported by a rollcall vote of 32 to 4.

The Department of Defense, reflecting the views of the executive branch, also recommends against favorable action on the resolution since such action "would, in the judgment of the Department of Defense, be incompatible with the public interest to provide the information in the manner directed by the resolution."

Mr. Speaker, the Committee on Armed Services spent an entire day in acting on the subject matter of the resolution sponsored by the gentlewoman from New York.

The committee began its hearings in open session at 10 a.m. on April 18 and finally, after a number of interruptions, including a break for lunch, concluded its hearings in executive session at 5:17 p.m.

As I have previously indicated, 34 members were present to vote on the resolution, with 30 members voting against it and only four voting to support it.

It is, therefore, evident that the overwhelming majority of members on the Committee on Armed Services see no reason to support the resolution. Many of the questions in the resolution involve information of a highly sensitive nature. Frankly, despite the fact that the Department responded specifically, in executive session, to each of the questions contained in the resolution, I see precious little purpose in having most of this statistical data available to the Congress since its availability will in no way, in my judgment, change any policy action which may confront the Congress.

Nonetheless, this information, contained in the committee files, is now, under the rules of the House of Representatives, available to any Member of the House for his examination, subject, of course, to the rules established by the committee which preclude the release or public use of such information without the consent of the committee.

The committee is mindful that it, along with other committees of the Congress, has received this information and will continue to receive similar information responsive to the legislative purposes sought by the resolution.

Therefore, the Committee on Armed Services believes that under existing rules and procedures of this body, every Member has adequate access to the type of information sought by this resolution.

I, therefore, have no hesitation in joining with the vast majority of the members of my committee in urging the House to support the committee's action.

Now, as an example of the thoroughness in which this matter was gone into by the Committee on Armed Services, I am sure that Members will agree that the House Committee on Armed Services has jealously and zealously protected its own integrity and discharged its responsibility on every occasion. Not only were all the questions answered in executive and public session, but also I hold in my hand the printed record of that hearing which is available at the moment to anybody who desires to read it. This is the testimony taken, exclusive only of the sensitive classified data which the Department refuses to make public, and justly so.

Here was an entire day spent by the committee. This entire document was printed at high cost to the taxpayers, serving no real, useful purpose. The committee's time was taken up at a moment when we are trying our best, doing our level best, to bring before this House the defense procurement bill. We are interrupted by such actions as these.

Only this morning the committee was thoroughly briefed on the present status of the situation in Southeast Asia and Vietnam. The Members were allowed to ask any questions they desired to ask at the briefing.

We have attempted to bring everything into the open as far as possible that would be useful to the Congress in making its decisions.

We have been just as mindful of not tipping our hand, if you will, or giving the game plan to the enemy.

Only recently in a paper in California there appeared information concerning the sailing of a U.S. naval vessel headed for Vietnam, telling the date it was sailing and what it was carrying. You know what would happen. The potential was there to follow that ship through its course. Certainly if the enemy were able to bomb it they could bomb that vessel on the sea.

This is giving information to the enemy ahead of time by irresponsible media.

I believe everybody will agree—and I hope they do—that the House Armed Services Committee chairman has tried in every way he can to be fair and impartial in discussing legislation on this floor. Not one time since I became chairman of this committee have I cut anybody off on free and open debate on a bill before the body.

I must say in all candor, not without threat or intimidation by me, I will not be as tolerant in the future relating to resolutions of this nature. It would be perfectly possible that a privileged resolution of this type could be introduced every day, and our committee would be tied up every day. If any similar resolution is introduced in the future, I am going to move to table it immediately, because there is no use in standing up and making repetitious speeches where we can anticipate what is going to be said by the same individuals who make the same statements. No minds are changed by it. This is only a tantalizing and irritating method of holding up the work of a committee that has to report to the House. We are not only holding up our committee by this type of action, but the Committee on Appropriations cannot act because they cannot act until they get the authorization bill.

Mr. FINDLEY. Will the gentleman yield?

Mr. HÉBERT. Yes. I yield to the gentleman from Illinois.

Mr. FINDLEY. Mr. Speaker, I want to thank the gentleman for permitting this 1-hour discussion. I think it is very helpful.

Also I would like to ask a question or two.

Let us assume this resolution passes. Is it the chairman's interpretation of the resolution that the President and the Secretary of Defense would be required to furnish this information on request by any individual Member of the Congress.

Mr. HÉBERT. The information is available to any Member of the Congress at this time. Every question raised in the resolution has been answered, and any Member of this body can come to the Committee on Armed Services room and read the entire text of the sessions held by the committee both in open and closed sessions. The unclassified portion of that session is printed here already, and there is very little that is classified now.

However, I must warn that the rules will prevail. No information taken from the classified data can be published without violating the rules of the House.

Mr. FINDLEY. If the gentleman will yield further, what I was trying to get at is that this resolution would not, as I understand it, require that the President and the Secretary of Defense supply this information upon the request of an individual Member of Congress. It is a directive to the President and the Secretary of Defense to supply the information to the institutions of the House of Representatives; namely, to the Speaker of the House, for transmittal as he sees fit. Am I correct on that point?

Mr. HÉBERT. The decision as to what to give to an individual Member of Congress is determined by the executive branch of the Government and not by the committee. Nor is it controlled by the individual Member. This resolution is directed to giving the Congress the information which is here printed for them to see. Every question is answered. If an individual Member of this body is not satisfied, having read the complete hearings, the complete text, and if he still wants to look at the executive sessions, then he is privileged to do so, provided he does so under the rules of the House.

Mr. FINDLEY. May I ask a further question?

Mr. HÉBERT. Yes.

Mr. FINDLEY. If this resolution is enacted, is it your interpretation that the information supplied to the Congress by the executive branch would have to be in unclassified form?

Mr. HÉBERT. No, it would not have to be in unclassified form, because the power of classification lies within the executive branch in this particular department, but all questions are answered. That is what I am trying to say here. It is all in this document that is available to everybody.

Mr. LATTA. Will the gentleman yield?

Mr. HÉBERT. Yes. I yield to the gentleman.

Mr. LATTA. I want to thank the chairman for yielding. Not being a member of the Armed Services Committee, I wish to say I have not had the opportunity to read the report of the committee, but I would like to pose this question: During your hearing on this resolution, did the question ever cross your mind as to why a Member of Congress would pose these questions to our Government and not pose similar questions to North Vietnam?

Can anyone in the Chamber dispute the fact that it is North Vietnam which is invading South Vietnam and not vice versa; that North Vietnam switched from guerrilla warfare to large scale conventional warfare and invaded South Vietnam in strength on March, 30 1972; that there are 13 regular North Vietnamese Army and two Vietcong divisions operating outside North Vietnam at this very moment with the takeover of South Vietnam as their objective; that the United States will have 69,000 troops in South Vietnam on May 1, 1972—down from 543,000 when President Nixon assumed office—which must be protected from these invading troops from the North; that the North Vietnamese are conducting major conventional warfare—with Soviet-made tanks, armored vehicles, anti-aircraft guns, surface-to-air missiles, Soviet-made aircraft, et cetera—in South Vietnam in three separate sections of the country—Quang Tri, Kontum, and Bing Long Provinces; that the North Vietnamese have killed or wounded thousands of innocent civilians, including children, by their heavy mortar and artillery attacks on population centers in South Vietnam and have caused an estimated quarter million South Vietnamese to flee their homes since this invasion began? With all of this going on in South Vietnam, Mr. Speaker, how can a Member of this Chamber ask our Government to publicize sensitive information which could only be used for the benefit of the enemy and against the best interests of our remaining troops. Item (9) of this resolution seeks to ascertain "Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States, to Southeast Asia, including the islands of the South Pacific Ocean, since March 15, 1972—relative to the 30-day period immediately preceding that date—and, if so, the nature and extent of the increase in each such category." Now wouldn't the enemy love to have that information and wouldn't it work to the disadvantage of our American troops? Why doesn't the sponsor of this resolution or one of its supporters, ask this question of the North Vietnamese? It would be a futile gesture and everyone in this chamber knows that but are we so naive as to believe that the American people—and especially the mothers and fathers of our servicemen still in South Vietnam—want us to give this information to the enemy. I think not.

Members of this Congress should be asking when the enemy is going to halt its invasion and return to the north so we can continue with our troop withdrawal program. The invasion should be condemned—not the measures being taken by our Government to protect American troops.

Did the chairman's committee wonder why this question was not being raised instead of the pending resolution?

Mr. HÉBERT. If I understand the gentleman correctly, we were not privy to what the North Vietnamese are going to do as they are privy to what we plan to do or what the South Vietnamese plan to do.

Mr. LATTA. Mr. Speaker, if the gentleman will yield further, I want to say that what he says is absolutely true.

However, it seems to me as an American that we ought to be asking these questions of the enemy not of our own Government.

It seems to me that certain people keep asking questions of the wrong government.

Mr. HÉBERT. This information is available as of this morning and I would ask the gentleman to look at it.

Mr. LATTA. I shall be happy to look at it.

Mr. HÉBERT. The latest information on Vietnam is available as of this morning.

Mr. Speaker, the Committee on Armed Services is trying to do a responsible job and to discharge its duty. The chairman of the committee has insisted all the time that the Members be recognized, and any time that I have control of the time, I shall be glad to give every Member an opportunity, within the limits of that time, to speak.

Mr. LATTA. As I understand it, this information will be available to Members today. So, I may point out that the North Vietnamese now have 13 regular North Vietnamese divisions and the Vietcong has two divisions and all of these, with the exception of one, are invading South Vietnam?

Mr. HÉBERT. It is my understanding that only one regular North Vietnamese division remains in North Vietnam. The rest are invading South Vietnam.

Mr. LATTA. Are they also invading Laos?

Mr. HÉBERT. I cannot speak to that.

Mr. LATTA. I thank the gentleman and I commend him for his statement.

Mr. HÉBERT. However, the invasion is going on and the invasion is continuing by the North Vietnamese. The North Vietnamese regulars are in South Vietnam killing civilians by the hundreds every day, as well as the troops that they shoot at in battle. They have invaded South Vietnam.

Mr. Speaker, I now yield 10 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Speaker, this administration is carrying out massive B-52 and jet strikes in North Vietnam. Many of these strikes are carried out at night in the most densely populated areas in Indochina. These attacks constitute dramatic proof that the administration is committed to a full-scale, long-term U.S. air war in Indochina instead of terminating all military operations there and negotiating a full withdrawal in return for the release of our prisoners of war as required under section 601 of the Military Procurement Act of 1971.

Mr. Speaker, I am not sure that you would agree with me that such high-level saturation bombings of heavily populated areas must kill and maim thousands of civilians.

Nor do I know if you will concur that these bombings serve no useful military end, as we have learned from previous experience. We have known this before, but, certainly, based upon the reports of the last few days in the newspapers with reference to National Security Study Memorandum No. 1, we know for certain that massive bombing has failed to hamper the enemy. It only leads to the capture of more of our airmen, prolongs the captivity of those already interned and endangers the physical safety of both. Far from protecting our ground troops in the southern part of Vietnam, the bombings increase the danger to them.

I do not know if you will agree with me that in the light of the repeal of the Gulf of Tonkin resolution, the bombing of North Vietnam by the Nixon administration is without constitutional sanction or authority and ignores the exclusive power of Congress to declare war.

Finally, I do not know if you accept my belief that these bombings—and the air war in general—represent an inexcusable and totalitarian indifference to the desire of the American people to withdraw from Indochina if our prisoners can be released.

But I think we can agree on one basic point: the American people have the right to know what administration officials are doing in their name.

There is no principle more basic to our democracy than the separation of powers between the executive, legislative and judicial branches. The concept of democracy demands that the Congress and the people have access to information on which policy is made. If Congress and the public are kept in the dark about matters of high policy, how can they participate in democratic decision-making?

The fact that there is some information available in the back rooms of the Armed Services Committee does not satisfy the American peoples' right to know.

I think this kind of secrecy in government is the kind of thing that can destroy the basic concept of democracy.

The Vietnam war itself is one of the most dramatic examples of what can occur when this democratic process breaks down. The vast majority of the American people agree that our original involvement in Vietnam was a tragic error. The Pentagon papers make it clear that top officials in the executive branch unilaterally plunged this country into Vietnam by hiding the facts of our intervention from the rest of the country. Had Congress and the people been informed about the real nature of the regimes we supported in Vietnam, the facts of the Gulf of Tonkin incident, we might well have avoided the Vietnam quagmire.

Of all the executive deceptions about the war over the last decade, however, none has been more blatant than this administration's management of information about its air war.

Since taking office, the Nixon administration has dropped over 3.2 millions of tons of bombs on Indochina, bombing more than any government has done in the history of warfare.

It has doubled the bombing of Laos.

It has initiated full-scale air war in Cambodia.

It had bombed North Vietnam on 328 admitted occasions even before the recent counter-offensive began in South Vietnam.

It has spent over $10 million on this bombing.

Hundreds of airmen who were alive and well when this administration took office are now listed as captured or missing in action.

The air war under President Nixon has destroyed hundreds, if not thousands, of villages, killed and wounded tens of thousands of civilians, and altered the land of Indochina itself. Rather than winding down the war, the administration has substituted highly sophisticated automated war for the ground warfare of the Johnson years.

The "NSSM-1" study, which was commissioned by Henry Kissinger when Mr. Nixon took office in 1969 and published in yesterday's Washington Post, indicates that this kind of raiding and bombing has failed to reduce the flow of supplies to North Vietnamese and Vietcong troops operating in South Vietnam. According to the report, the Secretary of Defense and the CIA find that enemy needs in South Vietnam—10 to 15 trucks of supplies per day—are so small and his supply of war material so large that the enemy can replace his losses easily, increase his traffic flows slightly, and get through as much supplies to South Vietnam as he wants to in spite of the bombing.

This latest revelation of the confusion and doubt within our councils of war makes our need to know even more crucial. We are the Representatives of the people, and the people want their country to withdraw from Indochina.

We and our constituents must be informed as to what is being done in our name. Despite the massive dimensions of President Nixon's air war, however, few of us in Congress and even fewer of the general public have received more than the scantiest of information about it from official sources. On the contrary, the administration has made strenuous efforts to keep the facts about the bombing hidden from the American public so as to diminish its effect on domestic opinion.

Some of the means it has used to manage news about the air war include the following:

First. It has prohibited newsmen from going out on bombing raids or being flown to the front outside of South Vietnam. Until recent months, the vast majority of U.S. air sorties, and some of the bloodiest fighting, has taken place outside of South Vietnam. Newsmen, however, are prohibited from going out on bombing raids in these countries or from flying to the front when U.S. supported Asian armies retake bombed-out villages. The DOD has an expressed policy of not announcing specific missions over North Vietnam, even long after they take place. Since the North Vietnamese obviously know where these missions are flown and where the bombs are dropped, it is difficult to imagine any legitimate reason for keeping them a secret.

As a result, the war has been largely taken off the front pages and TV screens, thereby deluding many Americans into thinking it has been "winding down." This prevention of newsmen from observing the war does not appear to be for fear that they would violate military security. Reporters had always been allowed into the air and to the front in South Vietnam under President Johnson. Rather, it is an attempt to muffle domestic dissent by making the war invisible. A recent New York Times story revealed that this policy is not only continuing, but being extended, and that the Nixon administration is even now attempting to limit access of reporters to the war in South Vietnam.

Second. It has classified much important information, most of which is already known to our adversaries. Such crucial issues as the amount of bombing going on outside of South Vietnam in any given month, the incidence of use of anti-personnel and incendiary weapons, the real cost of the air war, the locations and circumstances surrounding our aircraft and pilot losses in the skies over Indochina, and a host of other air war information such as that requested in this resolution has been kept secret by the administration.

This is not information which would help our adversaries. They know what kind of weapons are being used against them, when attacks are escalated, how and where they shoot down our pilots. The only people to whom this information is "classified" are the American people. This policy, too, continues until this very moment. An April 12 New York Times dispatch revealed that the administration had extended its classification policy to shield all details of the bombing of North Vietnam, even the few that had been revealed under President Johnson.

Third. It has deliberately created a false image of a sterile and antiseptic air war, conducted solely against military targets. Time and again, administration officials proclaim before Congress, the American people, and the world that they do not bomb civilian targets in Indochina. They refuse to reveal any estimates of the civilian casualties caused by our bombing, although the Pentagon Papers reveal that such estimates are available—as when Robert McNamara estimated that the bombing was causing 1,000 civilian casualties a week in North Vietnam.

An authoritative study of the air war by the Center for International Studies of Cornell University noted that:

> In a strategic bombing campaign, strategic targets are located near predominately civilian areas.

The claim that the recent saturation bombings of the Haiphong area, a region inhabited by over 300,000 people, were carried out only against military targets cannot be true.

Such management of information about the air war is antithetical to the principles upon which this country was founded.

Accordingly, I have introduced this resolution of inquiry seeking some of the information we need to have in order to properly represent our constituents. I hope the House will in turn submit it to the executive branch for public reply.

The questions in this resolution are simple and straightforward. They do not seek information that could be of value to our adversaries. They do not reveal future plans that could endanger our pilots.

Indeed, the answer to these questions to which the public is entitled constitute the barest minimum of knowledge about the air war. They deal primarily with the physical dimensions of our bombing and shelling and the general areas in which they are being carried out. Far more important questions—such as the incidence of use of antipersonnel and incendiary weapons, the numbers of villages, schools and hospitals we have bombed, the estimated numbers of civilians who have been killed and wounded by the bombing and shelling—could and should be asked. But I have decided to begin with the rather basic and elemental questions contained in this resolution.

Mr. Dennis Doolin, representing the Department of Defense at last week's hearings on this resolution, testified that to give the cost of the bombings would threaten our national security and endanger our troops; even this statement was difficult to get from him, as his basic position was that he could not even tell an open hearing why the DOD opposed being asked to reply to the questions in the resolution.

Mr. Doolin, as well as a number of members of the Armed Services Committee, made the suggestion that "data concerning specific sortied statistics by country, rates against specific target areas or other detailed data about our airmen who are facing these strong air defense units" would be of assistance to the North Vietnamese. For one thing, it is difficult to imagine that the North Vietnamese do not know where the bombs are falling. Second, and more important, this resolution does not ask for any such information. All it requests is numbers:

The number of sorties flown over North and South Vietnam in two 10-day periods;

The number of tons of bombs dropped in each category;

The number of American dollars expended on this new adventure;

The number of Americans killed, wounded, or reported missing in action during the same two 10-days periods.

The only two exceptions to this are requests seven and 10—the first of these asks for the target date for total South Vietnamese independence of American military support; the second asks for a recital of actions taken by the Nixon administration to comply with the mandate of section 601 of Public Law 92–156, the Military Procurement Act of 1971, which makes it "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam."

The Defense Department's statement that responding to the questions posed in this resolution of inquiry would "be incompatible with the public interest" constitutes a most cavalier brushoff of the the Congress. The fact of the matter is that, as the National Security Study Memorandum 1 indicates, the Thieu regime in South Vietnam cannot remain in power without continued American military support, including massive bombing raids, and it will take between 8 and 13 years to complete "pacification" of South Vietnam. I think that the responses to the questions in this resolution would indicate that the administration has decided to ignore section 601 of Public Law 92–156 and the will of the American people by continuing our role in Indochina in an effort to save the Thieu dictatorship. That is why the Department of Defense does not want to reply to these questions.

Let us put aside partisan judgments today and take this one small step to reverse this trend, this beginning step toward the freedom of information of which this country has been so justly proud in the past.

If we cannot agree that this bombing is wrong, and I think we should, let us at least agree that the secrecy surrounding it is wrong.

Let us at least agree that we have a right to know.

Let us at least agree that the responses to the questions in this resolution would indicate whether this administration is carrying out the mandate of the Congress.

There is no information sought here which could in any way be beneficial to our adversaries.

The purpose of a resolution of inquiry is to provide an opportunity for Members of Congress to have access to the information sought in a meaningful way. The responses to the questions propounded by this resolution cannot be made in the back room. That sort of procedure does violence to the purpose and the history of the resolution of inquiry.

Under the rules and the precedents of this House, we have a right to ask the executive branch of the Government to provide us with information necessary for the performance of our duties and the representation of our constituents.

When the executive branch transmits such information to the Speaker in response to such a resolution, the Speaker "lays it before the House," customarily by reading it.

The procedure suggested by the chairman of the Armed Services Committee (Mr. HÉBERT) comes nowhere near being an effective "laying before the House." We will not be able to take notes on the transcript, or even quote it from memory. We will not be able to have the assistance of experts or of our own staff members in evaluating it. I suppose that, as was the case with the Pentagon Papers, we will get the the information in a useful manner as newspaper readers before we get it in such a manner as Members of Congress.

I do not believe that the limited access which we will have to this information satisfies either the language of this resolution or the right, guaranteed us under the rules, to make effective use of it.

I urge my colleagues here today to begin acting as a responsible body and to restore and preserve our constitutional right to secure the information we need in order to represent our constituents.

Mr. Speaker, I insert the text of the hearings on this resolution at this point in the RECORD. If you look at Mr. Doolin's testimony during the executive session held in the afternoon, you will see the word "deleted" several dozen times; these deletions, while they do not give the public the information it should have, speak eloquently of the policies of the Nixon administration with respect to the people's right to know:

FULL COMMITTEE HEARING AND CONSIDERATION OF H. RES. 918, A RESOLUTION OF INQUIRY CONCERNING THE BOMBING IN VIETNAM BY THE U.S. GOVERNMENT

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., Tuesday, April 18, 1972.

The Committee met, pursuant to adjournment, at 10:07 a.m., in room 2118, Rayburn House Office Building, the Honorable F. Edward Hébert, chairman, presiding.

The CHAIRMAN. The committee will be in order.

Members of the committee, we are meeting this morning on a resolution introduced by the gentle lady from New York, Mrs. Abzug, H. Res. 918. You have the resolutions asking for certain information, and Mrs. Abzug is here to testify.

We will put the resolution in the record at this point.

(H. Res. 918 reads as follows:)

RESOLUTION

Resolved, That the President and the Secretary of Defense be, and they are hereby, directed to furnish the House of Representatives, within ten days after the adoption of this resolution, with full and complete information on the following—

(1) (a) The number of United States military personnel in South Vietnam at the present time;

(b) The number of these individuals who are combat personnel;

(2) (a) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of March 1972;

(b) The number of sorties flown by United States military airplanes, for bombing purposes, in and over North Vietnam during the first ten days of April 1972;

(c) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of March 1972;

(d) The number of sorties flown by United States military airplanes, for bombing purposes, in and over South Vietnam during the first ten days of April 1972;

(3) (a) Tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of March 1972;

(b) The tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the first ten days of April 1972;

(c) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of March 1972;

(b) The tonnage of bombs and shells fired or dropped into South Vietnam by the United States during the first ten days of April 1972;

(5) (a) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(b) The cost of all bombing and shelling carried on by the United States in or over North Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(c) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of March 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(d) The cost of all bombing and shelling carried on by the United States in or over South Vietnam during the first ten days of April 1972, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(6) List separately the number of United States military personnel (if any) killed, wounded or reported missing in action during (a) the first ten days of March 1972 and (b) the first ten days of April 1972, specifying how many in each such category were killed, wounded or reported missing in action in or over South Vietnam and how many in each such category were killed, wounded or reported missing in action in or over North Vietnam;

(7) Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States air, naval, and ground support and participation and, if so, what date;

(8) Whether there has been any bombing or shelling carried on by the United States in or over Laos or Cambodia since January 1, 1972, and, if so, the number of sorties flown by United States military airplanes, for bombing purposes, in or over Laos or Cambodia since that date, the tonnage of bombs and shells fired or dropped by the United States into or over Laos or Cambodia since that date, and the cost of all bombing and shelling carried on by the United States in or over Laos or Cambodia since that date, including the costs of bombs and shells, ships and airplanes employed in the transportation and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling;

(9) Whether there has been an increase in the movement of military airplanes, military ships, other military equipment, military supplies, or military personnel of the United States to Southeast Asia, including the islands of the South Pacific Ocean, since March 15, 1972 (relative to the thirty-day period immediately preceding that date), and, if so, the nature and extent of the increase in each such category; and

(10) What actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92–156, approved November 17, 1971.

The CHAIRMAN. Under the rules of the committee, in accordance with the procedure, we usually recognize a member of the committee who desires to testify on a bill first. However, Mr. Harrington has asked to testify but has waived his request in deference to the fact that Mrs. Abzug has introduced the bill.

So, Mrs. Abzug, will you come around?

You have appeared before the committee before, you will be allowed to present your statement without interruption after which the members will ask questions as they desire.

Mrs. ABZUG. Mr. Chairman, I was awaiting distribution of my statement to the committee, Mr. Chairman. Do you want me to proceed?

The CHAIRMAN. Go ahead, please.

STATEMENT OF HON. BELLA S. ABZUG, A REPRESENTATIVE FROM NEW YORK

Mrs. ABZUG. Mr. Chairman, members of the committee, I want to thank you for having me appear before you on H. Res. 918 which is a resolution of inquirying concerning the bombing in Vietnam by the United States Government.

Four days ago, the Nixon administration carried out massive B–52 and jetstrikes against Haiphong and Hanoi. Hitting late at night in the most densely populated areas in Indochina, these sneak attacks constitute the most dramatic proof yet that the Nixon administration is entirely committed to a fullscale and longterm U.S. air war in Indochina instead of negotiating a full withdrawal in return for the release of our captured pilots.

I do not know if you will agree with me that such highlevel saturation bombings of heavily populated areas must necessarily have killed and maimed thousands of civilians.

Nor do I know if you will concur that these bombings serve no useful military end as we have learned from previous experience; that they lead to the capture of more of our airmen, the prolongation of the captivity of those already interned and endanger their physical safety, and that far from protecting our ground troops in the southern part of Vietnam, the bombing of Hanoi and Haiphong will increase danger to them.

And finally, I do not know if you accept my belief that these bombings—and the war in general—represent a totalitarian indifference to the clear desire of the American people to wtihdraw from Indochina if our captured pilots can be released; that by continuing these acts of indiscriminate aerial slaughter the Nixon administration will irrevocably split this country apart in the months to come.

But I am certain that we can agree on one basic point; the American people have a right to know what administration officials are doing in their name.

There is no principle more basic to our democracy than the separation of powers between the Executive, legislative, and judicial branches, undergirded by a fully enlightened electorate with the right to select leaders who will represent their desires. Yet this concept of democracy absolutely demands that all branches of our society have access to the information on which policy is made. If Congress and the publc are kept in the dark about matters of high policy, how can they participate in democratic decisionmaking?

One of the most dramatic examples of the horrors that can occur when this democratic process breaks down is the Vietnam war itself. The vast majority of the American people and their Congressional representatives are now agreed that our original involvement in Vietnam was a tragic error. The Pentagon Papers make it unmistakably clear, however, that our involvement in Vietnam did not arise out of the acts of Congress or the American people.

It was, rather, top officials of the Executive branch who unilaterally plunged this country into Vietnam by systematically hiding the real facts of our intervention from the rest of the country.

Can anyone doubt that had Congress and the people been informed about the real nature of the regimes we supported in Vietnam, the facts of the Gulf of Tonkin incident, the popular appeal of our adversaries there, that we might well have avoided the Vietnam quagmire?

Of all the Executive deception about the war over over the last decade, however, none has been more catastrophic in its consequences than the Nixon administration's blatant management of information about its air war.

Since taking office, the Nixon administration has dropped over 3.2 millions tons of bombs on Indochina, bombing more than any government has done in the history of warfare; it has doubled the bombing of Laos; it has initiated a fullscale air war in Cambodia; it has already bombed North Vietnam on 328 admitted occasions before the recent counteroffensive began in South Vietnam; it has spent well over $10 billion on this bombing; well over 300 airmen who are alive and well when the administration took office are now listed as captured or missing in action.

The evidence is overwhelming that this air war under President Nixon has destroyed hundreds if not thousands of villages, killed and wounded tens of thousands of other civilians, underground, or into refugee camps, and that it has altered the very land of Indochina itself. (See appendixes).* There can be no doubt that far from winding down the war, the administration has simply substituted highly sophisticated automated war for the ground warfare of the Johnson years.

Despite the massive dimensions of President Nixon's air war, however, few of us in Congress and even fewer of the general public have received more than the scantiest of information about it from official sources.

On the contrary. The Nixon administration has made strenuous efforts to keep the facts about the bombing hidden from the American public so as to diminish its effect on domestic opinion.

Some of the means it has used to manage news about the air war include the following:

1. It has prohibited newsmen from going out on bombing raids or being flown to the front outside of South Vietnam. Until recent months, the vast majority of U.S. air sorties, and some of the bloodiest fighting, has taken place outside of South Vietnam. Newsmen, however, are prohibited from going out on bombing raids in these countries, or from flying to the front when U.S.-supported Asian armies retake bombed-out villages.

As a result, the war has been largely taken off the front pages and TV screens, thereby deluding many Americans into thinking it has been "winding down".

This prevention of newsmen from observing the war does not appear to be for fear that they would violate military security. Reporters had always been allowed into the air and to the front in South Vietnam under President Johnson.

Rather, it is clearly an attempt to muffle domestic dissent by waging an invisible war. And a recent New York Times story revealed that this policy is notably continuing, but being extended; that the Nixon administration is even now attempting to limit access of reporters to the war in South Vietnam.

2. It has classified much important information, most of which is already known to our adversaries, out of public reach. Such crucial issues as the amount of bombing going on outside of South Vietnam in any given month, the incidence of use of antipersonnel and incendiary weapons, the real cost of the air war, the locations and circumstances surrounding our aircraft and pilot losses in the skies over Indochina, and a host of other air war information such as that requested in my resolution of inquiry has been kept secret by the administration.

Once again, this is not information which would help our adversaries. They know what kind of weapons are being used against them, when attacks are escalated, how and where they shoot down our pilots. The only people to whom this information is "classified" are the American people. This policy, too, continues until this very moment. On April 12 the New York Times dispatch revealed that the administration had extended its "classification" policy to any details of the bombing of North Vietnam, even the few that had been revealed under President Johnson.

3. It has deliberately created a false image of a sterile and antiseptic air war conducted solely against military targets—time and again administration officials tirelessly proclaim before Congress, the American people and the world, that they do not bomb civilian targets in Indochina, that the only targets hit are military.

They refuse to reveal any estimates of the civilian casualties bombing causes, although the Pentagon Papers reveal that such estimates are available—as when Robert McNamara estimated that the bombing was causing 1,000 civilian casualties a week in North Vietnam. They create such Orwellian terms as "protective reaction strikes", implying that loosing hundreds of tons of bombs on the rural society of North Vietnam is somehow defensive in nature.

Even the massive Christmas 1971 bombings, involving several hundreds aircraft striking at North Vietnam for five days in succession, were classified as just one of these protective reaction strikes, termed a "limited duration protective reaction strike".

An authoritative study of the air war by the Center for International Studies of Cornell University noted that "in a strategic bombing campaign, strategic targets are located near predominantly civilian areas". For the administration to claim, as it has, that the recent saturation bombings of the Haiphong area, a region inhabited by over 300,000 people, were carried out only against military targets is more than just a half-truth. It is part of a conscious and Orwellian pattern of thought control about the air war which once again continues until the present moment.

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*Not received at time of printing.

I believe it is clear that such management of information about the air war is antithetical to the principles upon which this country was founded: that such information control is not only unworthy of a great democracy, but presents a clear and present danger to it; that unless the American people and we in Congress can receive far more information than we are now getting about the air war, it will lead not only to even greater physical destruction of Indochina, but to an increasing trend to the destruction of democracy here at home as we now know it.

Accordingly, I am today submitting to this committee a number of questions about the air war which I hope will in turn submit to the executive branch for public answer.

These questions are simple and straightforward. They do not ask for information that could be of value to our adversaries. They do not reveal future plans that could endanger our pilots.

Indeed, these questions in and of themselves are but a minimal beginning to fuller public understanding of the air war. They deal primarily with the physical dimensions of our bombing and shelling and the areas in which they are being carried out. Far more important questions—such as the incidence of use of antipersonnel and incendiary weapons, the numbers of villages, schools, and hospitals we have bombed, the estimated numbers of civilians who have been killed and wounded by the bombing and shelling—could and should be asked. But I have decided to begin with the rather basic and elemental questions appended to this statement.

I hope that you will assist me in attempting to get answers to these questions, not only for the sake of the people of Indochina, but for the sake of the continuation of democracy in this land.

Every word of every chapter of every book on totalitarianism that has ever been written stresses that totalitarian control begins with the management of information. It is my belief that the present secrecy concerning the Nixon administration's air war in Indochina is the most dramatic example of growing domestic authoritarianism in the history of this Republic.

Let us put aside partisan judgments today and take this one small step to reverse this trend, this beginning step toward the freedom of information of which this country has been so justly proud.

Let us realize that if history may well pass a harsh judgment of those of us who have supported indiscriminate aerial slaughter in Indochina, it will surely have no forgiveness for those who would not even fully inform the American people about it.

If we cannot agree that this bombing is wrong, let us at least all agree that the secrecy surrounding it is wrong.

This is the least we owe our country.

The CHAIRMAN. Thank you very much.

Mrs. ABZUG. I would like to suggest, Mr. Chairman, in the consideration of this resolution which was submitted on April 11th, that the committee consider bringing it up to date by amending sections of it to include a new 2(e), the tonnage of bombs and shells fired or dropped into North Vietnam by the United States during the second ten days of April 1972, and that a new 5(e), which would add the cost of all bombing and shelling carried on by the United States in or over North Vietnam during the second day of April 1972, including the cost of bombs and shells, ships, and airplanes, employed in the transportation in dropping and firing of such bombs and shells, maintenance of such ships and airplanes, salaries of United States military personnel involved in operating and maintaining such ships and airplanes, and all other expenses attributable to such bombing and shelling in section 6, section 11, add second ten days of April 1972.

If the committee is to act on this I think in view of the events that occurred since the filing of this resolution 918 that the information that this committee should act upon should be brought up to date.

The CHAIRMAN. We will consider that when we consider the resolution. Will you pass your proposed amendment to Mr. Slatinshek? The committee will consider it when we take action on the resolution. Mr. Arends?

Mr. ARENDS. No questions.

The CHAIRMAN. Mr. Price.

Mr. PRICE. No questions.

The CHAIRMAN. Mr. Bray?

Mr. Bennett.

Mr. BENNETT. No questions.

The CHAIRMAN. Mr. Pike.

Mr. PIKE. No questions.

The CHAIRMAN. Mr. King?

Mr. KING. No questions.

The CHAIRMAN. Mr. Dickinson?

Mr. DICKINSON. No questions.

The CHAIRMAN. Mr. Spence?

Mr. SPENCE. No questions.

The CHAIRMAN. Mr. Powell?

Mr. POWELL. No questions.

The CHAIRMAN. Mr. Nichols.

Mr. Brinkley, Mr. Monohan, Mr. Daniel, Mr. Montgomery, Mr. Harrington.

Mr. HARRINGTON. I wonder if you would state whether the efforts, with the gentleman behind you, with Mr. Doolin—on the question of getting information from the Department of Defense prior to introducing this resolution?

Mrs. ABZUG. No, there wasn't enough time. I frankly was quite shocked at the continuing and accelerating bombing that was taking place and brought this resolution on immediately when the House returned from its recess, and as is sometimes the practice after a resolution is filed, there is some effort made to offer information, but no one has been offered and I have not had the time, frankly, in order to expedite the information for the use of the resolution of inquiry I felt that it was within the province of this committee to secure that information.

Mr. HARRINGTON. Are you familiar with Mr. Doolin's response to your request before the committee this morning?

Mrs. ABZUG. No, I am not.

Mr. HARRINGTON. If I could, I would like to read it for both your benefit and for the benefit of the committee. This is addressed to our chairman, Mr. Hébert, dated April 14th, and it isn't Mr. Doolin, it is Mr. Buzhardt's, the language is so remarkably similar, I was in error.

"DEAR MR. CHAIRMAN. Reference is made to your request for the views of the Department of Defense with respect to H. Res. 918 which would direct the President and the Secretary of Defense to furnish the House of Representatives full and complete information concerning the specifics of various military operations in Southeast Asia.

"In view of the fact that the Armed Forces of the Republic of Vietnam are now actively engaged, with United States assistance, in repelling an armed attack in force across the Demilitarized Zone, it would in the judgment of the Department of Defense be incompatible with the public interest to provide the information in the manner directed by the resolution.

"We will, of course, continue to provide briefings to your Committee in order to keep them current on all military operations including the matters which are the subject of H. Res. 918.

"The office of Management and Budget advises that there is no objection to the presentation of this report for the consideration of the Committee.

"Sincerely,

"(signed) J. FRED BUZHARDT."

That, I think, speaks for itself, but I thought it would be helpful for you to know this.

Mrs. ABZUG. Thank you, Mr. Harrington.

Mr. HARRINGTON. It is very similar to the treatment received by Congressman Aspin and myself to date, attempting to get similar information.

The CHAIRMAN. Mr. Aspin.

Mr. ASPIN. No questions.

The CHAIRMAN. Dr. Hall.

Mr. HALL. Mr. Chairman, I have no questions.

The CHAIRMAN. Mr. White.

Mr. WHITE. Thank you, Mr. Chairman, I have no questions.

The CHAIRMAN. Mr. Ichord.

Mr. ICHORD. No questions.

The CHAIRMAN. Mr. Hunt.

Mr. HUNT. No questions.

The CHAIRMAN. Mr. Runnels.

Mr. RUNNELS. Mr. Chairman, I would like to ask what the provisions of section 61 of Public Law 92–156 are, that you are requesting in this bill?

Mrs. ABZUG. The provisions provided under the Military Procurement Act that the President should set a date negotiated withdrawal of our troops solely upon release of our—contingent solely upon the release of our prisoners.

I submit that that was the policy of the Congress of the United States. It was a law which was signed by the President and I see no evidence that the President has in any way carried out the law as provided under section 601, and as a matter of fact, my comments on that have been the subject of another motion, previous to this time.

If you want me to read it to you it provides——

Mr. RUNNELS. No, I think you have answered the question, and I appreciate it.

The CHAIRMAN. Mr. Gubser?

Mr. GUBSER. No questions.

The CHAIRMAN. Mr. Whitehurst?

Mr. WHITEHURST. No questions.

The CHAIRMAN. Mr. Fisher. Mr. Young. Mr. Clancy.

Mr. FISHER. No questions.

Mr. YOUNG. No questions.

Mr. CLANCY. No questions.

The CHAIRMAN. Thank you.

Mrs. Abzug, thank you very much for your appearance this morning.

Mrs. ABZUG. Thank you, Mr. Chairman. I would like to ask unanimous consent to submit some accompanying material to my statement.

The CHAIRMAN. You may. Without objection you may submit it at this point in the record.

Mrs. ABZUG. Thank you, sir.

(The material had not been received at the time hearing went to press.)

The CHAIRMAN. Mr. Harrington, you asked to be recognized as a witness.

Mr. Harrington, you may proceed as a witness.

STATEMENT OF HON. MICHAEL HARRINGTON, A REPRESENTATIVE FROM MASSACHUSETTS

Mr. HARRINGTON. Thank you, Mr. Chairman.

Mr. Chairman, thank you for the chance to testify this morning. I come without a prepared statement, simply because I decided at the last moment that as futile as it may be, that it was worth at least attempting to do something that I think this committee particularly but the Congress itself has been remiss in doing.

Let me, if I can review my concern, and make some observations which I feel at least momentarily based on my limited service on this committee I have a right to make.

From the last public pronouncement of the President on January 25th, which I thought in its candor was both desirable and healthy in outlining the efforts at secret negotiations, and the failure of those negotiations, I become increasingly concerned that we were committed in Indochina in general to a long, indefinite, and very costly commitment.

The dimensions of this commitment the American public were not aware of. The dimensions of which the Congress, to its own discredit, were not aware of. And I become concerned enough to begin to try to reflect on what might be done given the limitations of both my own presence in the Congress, but more importantly the inordinately broad subject matter, to broaden the awareness.

I say it because I think whether it be by design or it be by an effort in the usual political sense to create optimism where none should exist, or to take credit where perhaps there should be an effort made at more balance, there had been an effort to encourage the brief that with a diminution of our force level from approximately 555,000 in the Johnson administration, which the spokesmen are always careful to point out, to approximately 69,000 by May 1st, that somehow our effort in Vietnam was going to come to an end, and the public was encouraged to believe that Vietnamization at least measured that way was successful.

It seemed to me, with the knowledge that I had, that came from both this committee and in general, the existence of five air bases in Thailand, with the presence of anywhere from two to four carriers off the coast of South Vietnam and North Vietnam, that that was not necessarily in keeping with the dimensions of our involvement, and that efforts ought to be made if this is the course we are embarking on, to get both the Congress and the people of this country to face the consequences of this policy.

Accordingly, in the course of the hearings that we have had to date, I asked both Secretary Froehlke and General Westmoreland what portion of the total Army budget, including that which we have before us and in general the total overall request for fiscal 1973 was to be committed to South Vietnam.

Neither at the time professed to know, but agreed to provide it for the record—which they did, classified as usual "secret".

The Navy has given me in classified fashion the patently absurd figure of about 253 million dollars of incremental cost which they attribute to the cost of their presence in Southeast Asia for the next calendar year.

I have not yet received a response from the Air Force.

In keeping with this I wrote to Secretary Laird, I would say approximately six weeks ago, and in general ask general information about the magnitude of the bombing, the costs of it, where it was going, and received a letter which I believe Congressman Aspin had received prior to mine and which others have received since that time, which cited an inability to be precise and in general a reference to the sensitivity of the material being such that it could only be given perhaps to this committee in a secret session or a closed session.

I therefore reluctantly, because I did not think it was responsively answered, ask the chairman of this committee to call for a closed session at which Mr. Doolin or others might be present to provide us with the information.

A reasonably lengthy period of time expired from that request, and while I was traveling in Southeast Asia—which is another story I hope to relate to this committee and to the Congress at some point in the future—a letter was received from the chairman of the committee, and from the Department of Defense indicating that both in terms of my traveling in Asia to the areas affected, and in addition the material that was sent me by the Department of Defense at the request of the chairman, I should be in general satisfied they had been responsive.

I obviously am not. I don't think that sending me testimony from the Secretary of the Air Force, Mr. Seamans, which was given in this committee, and other material which was mimeographed with pencil markings on it is responsive to certain specific questions.

I say these things not because they are new to you people, and perhaps new to those who follow the Congress, but I say them only because I think they have to be said again and again. If the policy we pursue makes any sense, then I don't know why those who defend it with vigor don't open up the closed doors of this committee, don't make an effort as was suggested during the course of one of those briefings that is supposed to be so substantial which in my opinion are not—and I am referring specifically to the Admiral Moorer briefing last week—don't make an effort to take their case as they profess they want to behind the closed doors of this committee to the American people.

If they are made to understand the costs which are so far, I think, concealed to a degree, and if they are made to understand the dimensions of the risks that are involved, and in general the stakes that I think we have committed ourselves to, not only in Vietnam, but in Laos, in Cambodia, and more interestingly in Thailand, then I think perhaps there will be a degree of vindication on the part of what is the obvious majority view of this committee. But I can't help but feel—and I say this not because I occupy a very, very minority point of view on the committee but because I share, I hope, an institutional concern where an increasing lack of identity on the part of this Congress, that perhaps the other requisite equipment that should come with service in the committee is a bucket of whitewash and a brush.

I say it because I think that we are regularly too responsive and I cite this as a particular example, to what the Department of Defense wants done. They know it. And they use it that way. And that we legitimatize perhaps not only to the disadvantage of those who share the Department of Defense view, but certainly from the point of view of the broad public which is not aware of this day-to-day nature of our committee, actions which I think just in the course of adversary procedings deserve more substantial treatment than they are given.

I don't expect that this morning I am going to change the way of life. I don't expect this morning that all of you all of a sudden are going to agree with me on the committee on perhaps in the House, but I would suggest we have a broad obligation and one that I don't think we do a very good job meeting day to day to inform people. That we have a broad obligation, also, to be independent of the executive branch and not refer by mail and not refer other requests to the Department of Defense for response. But to have that healthy adversary nature of the proceedings which might lead to enlightenment on the part of the Congress if they want that enlightenment, and more importantly awareness on the part of the public.

I am not here this morning contending for the point of view that what Bella Abzug is suggesting is all that is needed or that is correct or that I endorse her language in every respect. I just suggest it is endemic to what is wrong with the institution we are a part of and I suggest further that this committee reflect that to a greater degree than it should.

And again, if the committee majority wishes to endorse what was said to the committee and what I can sense its general feeling is about what we should be doing in this area, then let's adopt the suggestion Mr. Lennon made last week of opening up this process to broad public exposure and not join with each other behind closed doors regularly in railing against the Senate, in railing against the people in the media, and the peace forces that somehow are blamed for the disruptions that occur in the country.

I think it would be healthy from every respect and I think it might frankly bring the Congress and bring this committee to the point where we can make a substantial contribution and not be a pale carbon copy of what DOD wish to have the American people believe is an endorsement of their point of view.

Mr. Doolin is here this morning and I assume—or Mr. Buzhardt, I am not sure—and can speak for himself.

But I hope whether you agree with my position, or whether you agree with the position of the committee as stated by some of its spokesmen, we can have more substantiality attached to what goes on.

This war has been very costly. The dimensions of it have been spelled out. My concern is only that we contribute in misleading the American people, that somehow we are getting out when the opposite is the case, and I think we have that obligation that exists independent of the executive branch to inform them as fully as we can of the nature, the scope, and the cost of this involvement.

It is for this reason that I join with Mrs. Abzug in asking this committee to give more than pro forma consideration to the request and to force the executive department to do something more than ritualistically invoke national security for the reason for not giving this information. I think the time has long passed where stamping something confidential, will suffice on the part of the Congress and the people of this country, to keep them from knowing what their business is. Thank you.

The CHAIRMAN. Thank you, Mr. Harrington, for your observations and your criticism of the committee.

Each man is a keeper of his own conscience, of course.

Mr. HARRINGTON. I am aware of that, Mr. Chairman.

The CHAIRMAN. I am sure while we may disagree in philosophy, and may disagree in objectives, those who agree in the democratic form of government do believe in the rule of the majority.

Mr. HARRINGTON. I never disputed it, and I appreciate your administration of it with the fairness that characterized my service on the committee, and that has never been the subect, I hope, of any implied or direct criticism I made of the function of this committee.

The CHAIRMAN. This committee is run by the rules of the majority. Any time the majority changes its views the Chair will change his position with the rule of the majority. I may say, too, this is no way personal or anything, but you seem very uncomfortable on the committee. Remember you came on this committee as a supplicant, pleading, crying, begging to get on it. And any day you don't like the way the committee is run, or it makes you uncomfortable here, you have the same privilege of leaving the committee.

Mr. HARRINGTON. I appreciate the directness of the message, Mr. Chairman. I didn't realize it was going to be a——

The CHAIRMAN. I think you have been on the committee long enough to know I am direct.

Mr. HARRINGTON. I informed or propagandized in general on this subject. I don't know I would characterize my discomfort as being personal but more perhaps institutional as to what I think the committee does not do. I have really never had a quarrel with the formal extension of equality to me, and have never been in doubt at all as to the outcome of most of the situations we find ourselves in would be either. I enjoyed the experience. It has been interesting to me, representing that section, the Eastern liberal fringe of the body politic, and I think it has been very healthy for me to be exposed to other points of view, and I expect to have at least through the rest of this year an enjoyable tenure on the committee and hope to return to it.

The CHAIRMAN. Well, of course, as I say, this committee, as you have heard us say so many times, is a nonpartisan committee and ruled by the majority, and if there is any criticism, I am not going to get out of the kitchen. I can stand the heat.

Mr. HARRINGTON. You demonstrated that, Mr. Chairman. I won't get out of the kitchen.

The CHAIRMAN. Every member of this committee is treated as any other member, whether they agree with the position of the chairman or not. I follow the rules here.

Mr. HARRINGTON. I am only puzzled because in private conversation and in general you made it clear you do. My criticism, I hope, is not construed to be directed to that facet of the committee. I made it clear we operate in my opinion as an extension of the Department of Defense. That is very subjective and perhaps unpopular. But I think to a degree, in terms of at least my observations, something that I have a substantial point of view.

The CHAIRMAN. Again the Chair is constrained to respond. That seems to be the hew and cry of those who have nothing else to say without foundation or documentation. As the gentleman knows right now, we are sitting in a very critical situation as related to the Department of Defense. I don't think the interest we have demonstrated in the condition of the Litton contract in particular, in the shipbuilding contract, indicates we are rubberstamping the Department of Defense. I don't think the 8 months' conduct of the My Lai investigation was a stamping of the Department of Defense. I don't think that the double amount of money which this committee gave the troops was a position of the administration. It was contrary to the position of the administration, and before you got here to the Congress, you were probably still in college at the time, this committee gave the Polaris submarine to America.

Without this committee against the opposition of those in the Pentagon, you would have had no Polaris submarine.

The Investigations Committee of this committee made a name for itself long before those on the other side of the Hill even knew the word "waste" what it meant, or knew where the capital was. So the whole history of this committee is not one—it is one of understanding and partnership.

But as I say, this is a matter that you address yourself to the whole committee, I don't take it as being addressed to the chairman. But if the majority think like you think, maybe you will sit in this chair.

Mr. Pike.

Mr. PIKE. Thank you, Mr. Chairman. I have no questions, but I would like to make a couple of comments.

First of all, I think personally that the presence of Mr. Harrington on this committee has been a great blessing to this committee. He has brought——

Mr. HARRINGTON. I wouldn't want to submit that to vote, Mr. Pike.

Mr. PIKE. I wouldn't want to submit it to a vote either, Mr. Harrington, but I submitted so many kinds of votes on this committee, that I have lost, that it wouldn't come as any shock to me to play it either way.

I would simply like to say that the general comments which you have made regarding secrecy in the Pentagon and "closed doors" in the committee, are items with which I agree with you completely. I think we are far too secretive. I think we are just painfully defensive. And I think that the business of using the phrase "national defense" as an adequate justification to keep from the American people about 90 percent of what we do keep from them, is a great mistake.

After the generalizations, however, we have before us a resolution, and it is a specific resolution, and I am probably going to vote for it, but I am concerned about this resolution because I think that first of all, while it would be perfectly feasible for the Pentagon, the Department of Defense, to answer parts 1, 2, and 3, thereof—for some reason there is no part 4—when you get down to part 5, I think that the answers would be, first "impossible to deliver", and second, "would not give an accurate statement of what apparently we are trying to get at."

We are talking about, in part 5, the cost of all bombing and shelling. I happen to agree that there is no reason whatsoever that the Pentagon couldn't provide number of sorties, and the tonnage of bombs and the tonnage of shells.

But if we try to say that the cost of the bombing and shelling includes, quote, "the costs of bombs and shells, ships, and airplanes, employed in the transportation, and dropping or firing of such bombs and shells, maintenance of such ships and airplanes, salaries * * *", et cetera, and all other expenses attributable to such bombing and shelling, I think we are not being fair to the Pentagon.

I don't think that you can say that the cost of bombing and shelling includes in each case the cost of not only the ship that fired the shells, but also the ship that transported the shells to the ship that fired the shells.

We are getting into a situation here where if we would do it this way it is going to cost a million dollars to fire each shell. I just don't think that happens to be the case. I think, as I said, I am going to vote for this resolution, but I think that as to this part of it, first it would be just impossible. What it would mean is that you would have to know when you dropped a shell, the name of every ship which had transported that shell up to the time that it was fired.

You would have to keep books on every ship that touched the shell. You would have to do all kinds of things in trying to compute these figures that I think would be impossible to do, and second, when you got all done, I think you would have an inaccurate, rather than an accurate picture of what you are trying to accomplish here.

I would be happy to hear your comments.

Mr. HARRINGTON. No, I fully concur with you. I appreciate your initial comments, Mr. Pike, but I would like to get into the substance of what you just said. I think it is very important. My concern is not as I said, indicating I was endorsing everything Mrs. Abzug was seeking. It is a general feeling we have not even begun to get the general dimensions with all the constraints that you feel and I feel should be imposed in attempting to arrive at them, to the point where we, in the Congress, and where more importantly those who send us here, can fully appreciate the dimensions of this activity.

And I think concurrent with that, there has been an effort on the part of the administration in the repeated use of media to suggest somehow the absence of an American ground presence is also concurrent with the absence of any American costs of a substantial nature.

And I think that the important part of this is not necessarily whether each of the sections bear proper attention or could be responded to fairly, but that overall we have an obligation on us and on the Department of Defense to be far more candid and more obviously open than we have been in outlining the dimensions of the overall cost.

Mr. PIKE. I would agree with you, but I think the end result ought to be to get an accurate cost figure rather than as I read this language an inaccurate cost figure.

The CHAIRMAN. Mr. King.

Mr. KING. No questions.

The CHAIRMAN. Mr. Brinkley.

Mr. BRINKLEY. Yes, sir. I have a question.

Mr. Harrington, I appreciate the statement which you made, certainly it ought to give all of us room for reflection, and of course you know the views of many of us which are fairly counter to yours in many respects.

But I would like to ask one question. You say we should proceed in an adversary manner with the executive branch.

Mr. HARRINGTON. I don't mean that in a partisan sense. Have you finished the question? I will try to respond to it.

Mr. BRINKLEY. I was going to ask you about that.

This committee, and the executive branch, I do not believe, should proceed in an adversary manner. I think we have the same good goals, and I think it is our opportunity not only to question those witnesses who might reflect a particular point of view, but other witnesses, which we try to do, I believe, in the procurement hearings—and in the classic legal sense I don't believe we proceed in an adversary manner.

Mr. HARRINGTON. If I could I would like to respond briefly to that. I perhaps could have chosen a different word, but let me use the analogy if I could of sports. It seems to me if there is a vigorous degree of opposition on the other side, and I say other side in an institutional rather than a partisan sense, that both partners, are both parties to the arrangements, are strentghened rather than having one so preponderant and the other is never able to prevail and never able to really make a meaningful effort at prevailing. I am not suggesting that everything we do, and I don't want to have it construed as Republican versus Democrat or this committee versus the Congress or the executive, I just that it is healthy in the form of government we have to have as much strength accrue independent of what the executive branch can provide for us as possible. And I don't blame the executive branch. If I were there I would be doing exactly the same thing. I blame us when it comes to failure frankly to not equip ourselves properly to be independent of the executive branch for information.

I don't mean this committee either. I think there is a broader culpability. We should do much more to have independent sources of information either individually or institutionally than we do. That is the adversary proceeding I am talking about rather than a legalistic one. One that might end up making us a better prepared able branch of government, not one rooted in the past, but I don't see that really happening.

Mr. BRINKLEY. I thank the gentleman.

The CHAIRMAN. Mr. Montgomery.

Mr. MONTGOMERY. Mr. Chairman, I just have a brief comment. The year and a half I have had the privilege of sitting next to the gentleman that is a witness today, and probably know him as well as anyone on the committee, as some members have said you all certainly talk a lot together, I might say the gentleman does more talking and I do more listening. I don't agree with most of his philosophy, but I have enjoyed serving with him on the committee.

Mr. HARRINGTON. Thank you, Mr. Montgomery. I hope that that guilt by association doesn't impair your effectiveness here or elsewhere.

(Laughter.)

The CHAIRMAN. Mr. Harrington, do you have any questions to ask yourself or your conscience?

(Laughter.)

The CHAIRMAN. You are next on the list.

Mr. HARRINGTON. Those have all been asked.

The CHAIRMAN. Mr. Aspin.

Mr. ASPIN. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Gubser.

Mr. GUBSER. I have a question, Mr. Chairman.

Mr. Harrington, have you read the report issued by a subcommittee of this committee having to do with the Aerospace Corporation?

Mr. HARRINGTON. Not by that description, Mr. Gubser, I haven't.

Mr. GUBSER. Have you read the report issued by a subcommittee of this committee on the Sheridan-Shillelagh weapons system?

Mr. HARRINGTON. Parts of it, Mr. Gubser; to my memory that would be over a year ago.

Mr. GUBSER. Have you read the report issued by a subcommittee concerning the main battle tank?

Mr. HARRINGTON. No.

Mr. GUBSER. Have you read the report by the Marine Corps—on the Marine Corps generator procurement?

Mr. HARRINGTON. I suppose we can go down the list.

Mr. GUBSER. I intend to. Have you read the report on the M-16 rifle procurement?

Mr. HARRINGTON. Yes, some time ago.

Mr. GUBSER. Have you read the report on the light observation helicopter procurement?

Mr. HARRINGTON. Again, some time ago, last year.

Mr. GUBSER. Have you read the report on the My Lai incident?

Mr. HARRINGTON. Yes.

Mr. GUBSER. I think you will agree with me, particularly if you read these reports, that every one of them places this committee in a distinct adversary position with the Department of Defense.

Now, some people, I am sure, not the gentleman currently in the witness stand, but some people make a profession out of presenting a puristic image of themselves by besmirching the image of those around them, and I am sure that doesn't apply to the gentleman in the witness stand.

Mr. HARRINGTON. I hope it doesn't Mr. Gubser.

Mr. GUBSER. But I would respectfully suggest before this gentleman comes before the committee and says all the rest of us are intellectual prostitutes for the Department of Defense, he ought to read the reports put out by this committee.

Mr. HARRINGTON. I read the book directed to the recent remarks directed to me. Those come to mind, the innuendos used rather indiscriminately by yourself.

Mr. GUBSER. If the shoe fits, I hope you wear it with comfort.

Mr. HARRINGTON. That was a shoe directed toward you.

The CHAIRMAN. Mr. Whitehurst, Mr. Nedzi.

Mr. NEDZI. Thank you, Mr. Chairman.

Mr Chairman, I would just like to take this opportunity to concur in the remarks made by Mr. Pike with respect to Mr. Harrington's service. And as I read this resolution, I think it is regrettable that such a resolution even has to be introduced. I don't see anything in it that shouldn't be available routinely to every Member of Congress, indeed to the press. And when the Department of Defense witness takes the stand, I would like to have him respond just as to what part of this resolution should not be disclosed to either Members of Congress or members of the press. I have no further questions.

The CHAIRMAN. Thank you very much, Mr. Harrington. We appreciate your remarks and advice and consent and counsel.

The next witness, Mr. Slatinshek.

Mr. SLATINSHEK. The next witness represents the Department of Defense, Mr. Dennis J. Doolin, Deputy Assistant Secretary for East Asia and Pacific Affairs, Department of Defense.

Mr. Doolin, would you come forward?

STATEMENT OF HON. DENNIS J. DOOLIN, DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR EAST ASIA AND PACIFIC AFFAIRS

Mr. DOOLIN. Mr. Chairman, members of the committee, Mr. Harrington has already read into the record the letter from our general counsel, Mr. Buzhardt. I would like to give the original copy to Mr. Slatinshek for the chairman.

Mr. Chairman, if it meets with your approval, I would like to address items 7 and 10 in Mrs. Abzug's resolution, and then read into the record some correspondence that I have had both with yourself and with Mr. Harrington on the subject of available information.

The CHAIRMAN. Proceed.

Mr. DOOLIN. Thank you.

Section 7 of the resolution under consideration, requests the information, "Whether there is a target date for the achievement by the Army of the Republic of Vietnam of complete military independence of United States Air, Naval and ground support and participation, and if so what date?"

Mr. Chairman, one of our major goals in Indochina has been the transfer of military responsibility to the Republic of Vietnam, in a way that provides the South Vietnamese with a realistic capability to defend itself from aggression.

Our activity in Indochina has been and will continue to be in consonance with that goal.

To achieve our goal, the Vietnamization program was planned in three phases. Phase 1, assumption by the South Vietnamese of the ground combat role against the Vietcong and North Vietnamese forces.

Phase 2, the development by South Vietnam of those capabilities, air, naval, artillery, logistics and other support necessary to maintain security.

Major progress was made last year notably including the turnover of in-country naval operations and a very substantial portion of the in-country air combat responsibilities.

Phase 3, reduction of American presence to a military advisory mission, with whatever small security forces are needed to protect this mission, and then further reductions as South Vietnam becomes capable of handling the threat with no U.S. military presence required.

We are closer now to meeting these goals than at any time in the past, as evidenced by our major reduction in the U.S. force levels. Specifically, phase 1 of Vietnamization is completed, with only a small U.S. ground combat force remaining in a security role to protect U.S. forces as phase 2 progresses.

Phase 2 is progressing ahead of schedule as the Vietnamese themselves work hard to complete the complex training required before they can fully assume an effective support role.

Phase 3 has begun with the reorganization of our corps and field force headquarters to assistance commands and with the reductions contemplated in our military headquarters in Saigon.

In sum, the major part of our Vietnamization program has been accomplished and we are ahead of schedule on the tasks that remain.

Turning now, if I may, to item 10 in the resolution under consideration, and I think that this will also, Mr. Chairman, be responsive to Mr. Runnell's question directed to Mrs. Abzug, namely, what actions, if any, have been taken to comply with the provisions of section 601 of Public Law 92-156, approved November 17, 1971.

The following actions have been taken.

With regard to withdrawal, on 31 May, 1971, at one of the secret negotiating meetings in Paris, the administration offered "A total U.S. withdrawal in return for a prisoner exchange and an Indochina cease fire."

On 16 August, 1971, the administration tabled a new 8 point proposal offering "To withdraw all U.S. and allied forces within 9 months of the date of an agreement."

"We suggested a terminal date of August 1, 1972, provided an agreement was signed by November 1, 1971."

On 25 January, 1972, the President publicly offered a new 8 point peace proposal which provided and I quote the President, "That within 6 months of an agreement, there shall be a complete withdrawal of all U.S. and allied forces from South Vietnam and exchange of all prisoners throughout Indochina."

On 9 February, 1972, in his report to the Congress, the President stated that "The U.S. and the other countries allied with the Republic of Vietnam offer a fixed date of 6 months for total withdrawal either as part of an overall agreement or an agreement on military issues alone."

With regard to negotiation for a cease fire, on 7 October, 1970, the President presented a five point peace plan that included "An internationally supervised cease-fire in-place throughout Indochina, governed by principles which would make it acceptable and credible to both sides."

On 25 February, 1971, in his report to the Congress, the President stated and I quote, "We will not be content until all conflict is stilled. This sentiment was the driving force behind our proposal for a cease fire. It is still at the core of our policy."

On 31 May, 1971, at one of the secret negotiating meetings in Paris the administration "Offered a total U.S. withdrawal in return for a prisoner exchange and an Indochina cease fire."

On 25 January, 1972, as I indicated earlier, the President publically offered a new 8 point peace proposal which provided for "a cease fire throughout Indochina."

On 9 February, 1972, in his report to the Congress, the President again stated that "We remain willing, as proposed secretly last May, to settle only the military issues and leave the political issues to be resolved separately. Under this approach we would withdraw all U.S. and Allied Forces within six months in exchange for an Indochina-wide cease fire and the release of all prisoners."

With regard to negotiations for withdrawal and the release of prisoners of war, I have already covered this in some detail. This administration has demonstrated periodically its intent to withdraw its forces from the Republic of Vietnam. This intent has been made unmistakably clear, highly visible, and openly evident, thus demonstrating on the basis of deeds the credibility of the United States policy.

Specifically, since the period of peak authorized strength in July 1969, or 549,500 men, U.S. force reductions now stand at over 450,000 and are continuing. As of 1 May, 1972 when we are down to a new ceiling of 69,000 we will have effected an 87.5 percent reduction in the U.S. forces and the President has stated that another announcement will be made regarding the further withdrawal of U.S. forces before May 1.

If I may now, Mr. Chairman, turn to the question of availability of information: On the 15th of March, I received further correspondence from Mr. Harrington. I responded to Mr. Harrington on the 30th of March, which I hope the Congressman will allow was not in my view an unreasonable length of time. And I would like to say, Mr. Harrington, that we do give full consideration to your requests and we are trying to provide you with the best information that we can in an open manner.

If I may, I would like to read my letter to Mr. Harrington of 30 March.

Dear Mr. Harrington: Secretary Laird has asked me to reply to your letter of March 15, 1972, concerning the public release of statistics on the bombing in Southeast Asia.

We share your objective of providing the public with "full information" on the air war in Southeast Asia so long as the public release of this information is not detrimental to the safety and security of our Armed Forces and is not of value to the enemy. You may not be fully aware of the numerous reports that have been made by the Department of Defense on the scope of U.S. air activities.

These include periodically-released testimony we have provided to Congress, public press conferences, and television appearances by the Secretary of Defense Laird. Secretary of the Air Force Seamans and other government officials have also discussed air operations in Southeast Asia. For example, on March 2, 1972, Secretary of the Air Force Robert C. Seamans, Jr., in his presentation to the House Armed Services Committee, discussed in detail the declining role of U.S. air assets and activities in Southeast Asia. I would like to invite your attention to the discussion and accompanying charts on pages 3 through 6 of Secretary Seamans' attached statement[1] (enclosure 1). This testimony updates statistics provided to the press and the public by Secretary Seamans at a 16 December 1971 Pentagon news conference (enclosure 2).

"In addition to such comprehensive statements, the following specific information is regularly and routinely released to world news media and through them to the public:

"1. The number of attack sorties flown in South Vietnam, where enemy air defenses are minimal, are announced daily in Saigon (enclosures 3 and 4) and are also available in a regular monthly format for all types of missions (enclosure 5).

"2. Air operations in Laos and Cambodia are announced daily in Saigon, although specific numbers of sorties are not given (enclosures 3 and 4). These sortie statistics are classified to prevent the enemy from discerning trends, tactics, and capabilities which U.S. commanders feel could endanger the American crewmen flying those Laos and Cambodia missions, where enemy air defenses are stronger.

"3. Protective reaction strikes in North Vietnam are announced in Saigon (enclosures 3 and 4). Numbers of escort aircraft flying with unarmed reconnaissance aircraft in this high-threat environment are classified and never have been announced. The mission of these escort aircraft is to deter enemy action against the unarmed reconnaissance aircraft which help us guard against enemy buildups and surprises and to protect the U.S. airmen in the event they are fired upon. The U.S. Command does not intend to provide useful information to the enemy on exactly how this protection is afforded.

"4. Munitions expenditures in Southeast Asia are regularly and routinely available to the media on a monthly basis (enclosure 6).

"Announcements of aircraft losses and crew losses are also regularly made in Saigon. MACV announces, when it is safe to do so, all aircraft downed by hostile action (enclosures 3 and 4). In order not to jeopardize rescue operations, such announcements are withheld until the search and rescue has been completed. Throughout the war U.S. news correspondents have voluntarily adhered to this reporting ground rule. Additionally, a weekly summary of aircraft losses in Southeast Asia is announced each Friday in Saigon (enclosure 4). This summary is also available to media representatives in Washington. The status of crew members associated with these losses is announced in Saigon when it is safe to do so (enclosures 3 and 4) and, by name in Washington after next-of-kin have been notified (enclosure 9). A weekly casualty summary released each Thursday in Saigon and in Washington covers losses reported to the Department of Defense during the previous weekly reporting period (enclosures 8 and 9). Cumulative statistics on personnel missing and captured are also available in a monthly format (enclosure 5A).

You are, of course, aware that the North Vietnamese have deployed an extensive and sophisticated air defense network to protect their forces and infiltration operations located outside of North Vietnam. The Department of Defense feels it is essential to protect data concerning specific sortie statistics by country, raids against specific target areas or other detailed data about our airmen who are facing these strong air defense units. U.S. commanders feel that such information would fill gaps in the enemy's intelligence collection efforts and confirm some data which he may already have obtained but which remains still unverifiable. These confirmations could be used by the enemy to increase the danger to our airmen because such data would provide more refined planning data for enemy air defense commanders.

"I hope that this letter has indicated to you that our Department does make a considerable amount of unclassified information available to the Congress and to the public on the air war in Southeast Asia. Also, I hope that we have provided you with a satisfactory explanation as to why we believe the release of additional data on the bombing in Southeast Asia would be useful to the enemy and detrimental to the safety of our forces. Sincerely, (Signed) Dennis J. Doolin, Deputy Assistant Secretary."

That is the end of the letter. I sent a copy of this letter, together with a cover letter to you, Mr. Chairman, the same day, which I would also like to read into the record.

"Dear Mr. Chairman: Congressman Michael J. Harrington has informed us that he has written to you asking that a classified briefing on United States air activities in Southeast Asia be requested from the Department of Defense during an executive session of the Armed Services Committee (Tab A).

"On this date, I have responded to Congressman Harrington's letter with a detailed accounting of the data on the air war that are regularly and routinely released to world news media and through them to the public. Also, I have provided him with additional rationale as to the necessity of keeping these data classified in order to preclude any possibility of compromising the security and safety of our forces and to preclude assisting the enemy in devising his counter-actions (Tab B).

"There are other aspects to consider in not releasing additional data on air activities in Southeast Asia. Generally, we cannot provide information on the air activities of other countries since we do not have the permission of those governments to do so. Furthermore, certain statistics on our air activities are misleading. A significant number of sorties, flown in support of operations over North Vietnam, have not involved overflight of the North Vietnamese land mass. For example, many of the CAP sorties are flown offshore over the Gulf of Tonkin as are a considerable number of A-4 refueling missions. We are taking steps to assure that future information retrievals will allow discrimination of all flights which actually overfly the North Vietnamese land mass.

"We understand that Mr. Harrington is currently in Southeast Asia and possibly his visit to that area will obviate the need for a briefing. Sincerely, Dennis J. Doolin."

Mr. SLATINSHEK. Mr. Doolin, at this point in the record there were several enclosures attached to the letter that you sent to the chariman.

Mr. DOOLIN. Yes, sir.

Mr. SLATINSHEK. Could you provide these to the reporter for inclusion in the record at this point?

Mr. DOOLIN. I will.

(The following information was received for the record:)

Hon. F. EDWARD HÉBERT,
Chairman of the House Armed Services Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Congressman Michael J. Harrington has informed us that he has written to you asking that a classified briefing on United States air activities in Southeast Asia be requested from the Department of Defense during an executive session of the Armed Services Committee (TAB A).

On this date, I have responded to Congressman Harrington's letter with a detailed accounting of the data on the air war that are regularly and routinely released to world news media and through them to the public. Also, I have provided him with additional rationale as to the necessity of keeping these data classified in order to preclude any possibility of compromising the security and safety of our forces and to preclude assisting the enemy in devising his counter-actions (TAB B).

There are other aspects to consider in not releasing additional data on air activities in Southeast Asia. Generally, we can not provide information on the air activities of other countries since we do not have the permission of these governments to do so. Furthermore, certain statistics on our air activities are misleading. A significant number of sorties, flown in support of operations over North Vietnam, have not involved overflight of the North Vietnamese land mass. For example, many of the CAP sorties are flown offshore, over the Gulf of Tonkin, as are a considerable number of A-4 refueling missions. We are taking steps to assure that future information retrievals will allow discrimination of all flights which actually overfly the North Vietnamese land mass.

We understand that Mr. Harrington is currently in Southeast Asia and possibly his visit to that area will obviate the need for a briefing.

Sincerely,
(signed) DENNIS J. DOOLIN.

Attachments:
1. TAB A—Ltr from Mr. Harrington
2. TAB B—Ltr to Mr. Harrington, w/enclosures

TAB A

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
March 15, 1972.

Hon. F. EDWARD HÉBERT,
Chairman, House Armed Services Committee, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I have become concerned at the refusal of the Defense Department to release statistics on past bombing activities by our armed forces in Indochina. On February 29th I wrote to Secretary Laird asking that he release biweekly bombing totals broken down according to country—Laos, Cambodia, North Vietnam, and South Vietnam. In return, I received a letter from Deputy Assistant Secretary Doolin declining to make the figures public, on grounds of national security. Secretary Doolin did not explain the reason for his invocation of the security argument, but he did say that the Defense Department would be willing to discuss the matter in an executive session of the Armed Services Committee.

Therefore, I am writing to ask that you invite the Defense Department to a session of the Armed Services Committee to review with us the pattern of bombing activities in Southeast Asia.

I wish to stress that I made this request to you only because there is no other way for me to receive any information on the subject. Secretary Seamans had offered to provide me with a briefing on the matter and General Bray of his staff and made an appointment with me for that purpose. But on the day before he was to come, General Bray phoned to say he could not discuss the subject of my letter to Secretary Laird and Secretary Doolin's letter explicitly says, as you see, "that it could only appropriately be discussed in an executive session of the Committee . . . should the chairman so desire." I do not understand the reason for this unduly restrictive decision, but I have no choice but to abide by it at present.

I wish to stress that at no time have I requested any information about prospective bombing activities, for I fully concur that to divulge such information could violate security considerations. But I am most eager that the Committee have the opportunity to discuss this subject with responsible Defense Department officials, since it represents by far the most important military activity in which we are currently engaged.

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[1] See subsequent pages for statement.

Yours sincerely,

Michael J. Harrington.

Enclosures.

Mr. Chairman: For your information, I enclose this list which illustrates the kind of information I am seeking, although, of course, it is not exclusive and related matters might also be relevant.

INFORMATION REQUESTED ON THE WAR IN INDOCHINA

(*All data by month and year, 1965–1971*)

1. Fighter-bomber attack sorties rate, broken down by theater.[1]
   (a) United States (broken down by service).
   (b) VNAF.
   (c) Royal Lao Air Force.
   (d) Royal Thai Air Force.
   (e) other 3rd nation (indicate by country).
2. B–52 sortie rates.
3. Gunship sortie rates (by type of gunship):
   (a) United States.
   (b) VNAF.
   (c) other 3rd nation (indicate by country).
4. Reconnaissance sortie rates:
   (a) United States.
   (b) VNAF.
   (c) other 3rd nation (indicate by country).
5. Helicopter sortie rates:
   (a) Attack.
   (b) Nonhostile.
6. Tonnage of aerial munitions:
   (a) Total S.E. Asia.
      (1) United States.
      (2) VNAF.
      (3) Royal Lao Air Force.
      (4) Royal Thai Air Force.
      (5) Other 3rd nation (indicated by country).
   (b) Broken down by category (e.g. high explosive, antipersonnel, fragmentation, napalm, white phosphorus, straffing), other, (specify):
   (c) Broken down by delivery vehicle (e.g., fighter-bomber, B–52, gunship, helicopter).

TAB B

March 30, 1972.

Hon. Michael J. Harrington,
House of Representatives,
Washington, D.C.

Dear Mr. Harrington: Secretary Laird has asked me to reply to your letter of March 15, 1972, concerning the public release of statistics on the bombing in Southeast Asia.

We share your objective of providing the public with full information on the air war in Southeast Asia so long as the public release of this information is not detrimental to the safety and security of our armed forces and is not of value to the enemy. You may not be fully aware of the numerous reports that have been made by the Department of Defense on the scope of U.S. air activities. These include periodically-released testimony we have provided to Congress, public press conferences, and television appearances by Secretary of Defense Laird. Secretary of the Air Force Seamans and other government officials have also discussed air operations in Southeast Asia. For example, on 2 March 1972, Secretary of the Air Force, Robert C. Seamans, Jr., in his presentation to the House Armed Services Committee, discussed in detail the declining role of U.S. air assets and activities in Southeast Asia. I would like to invite your attention to the discussion and accompanying charts on pages 3 through 6 of Secretary Seamans' attached statement (enclosure 1). This testimony updates statistics provided to the press and the public by Secretary Seamans at a 16 December 1971, Pentagon news conference (enclosure 2).

In addition to such comprehensive statements, the following specific information is regularly and routinely released to world news media and through them to the public:

1. The number of attack sorties flown in South Vietnam, where enemy air defenses are minimal, are announced daily in Saigon (enclosures 3 and 4) and are also available in a regular monthly format for all types of missions. (enclosure 5).

2. Air operations in Laos and Cambodia are announced daily in Saigon, although specific numbers of sorties are not given (enclosures 3 and 4). These sortie statistics are classified to prevent the enemy from discerning trends, tactics, and capabilities which U.S. commanders feel could endanger the American crewmen flying those Laos and Cambodia missions, where air defenses are stronger.

3. Protective reaction strikes in North Vietnam are announced in Saigon (enclosures 3 and 4). Numbers of escort aircraft flying with unarmed reconnaissance aircraft in this high-threat environment are classified and never have been announced. The mission of these escort aircraft is to deter enemy action against the unarmed reconnaissance aircraft which help us guard against enemy buildups and surprises and to protect the U.S. airmen in the event they are fired upon. The U.S. Command does not intend to provide useful information to the enemy on exactly how this protection is afforded.

4. Munitions expenditures in Southeast Asia are regularly and routinely available to the media on a monthly basis (enclosure 6).

Announcements of aircraft losses and crew losses are also regularly made in Saigon. MACV announces, when it is safe to do so, all aircraft downed by hostile action (enclosures 3 and 4). In order not to jeopardize rescue operations, such announcements are withheld until the search and rescue has been completed. Throughout the war U.S. news correspondents have voluntarily adhered to this reporting ground rule. Additionally, a weekly summary of aircraft losses in Southeast Asia is announced each Friday in Saigon (enclosure 4). This summary is also available to media representatives in Washington. The status of crewmembers associated with these lossees is announced in Saigon when it is safe to do so (enclosures 3 and 4) and, by name in Washington after next-of-kin have been notified (enclosure 9). A weekly casualty summary released each Thursday in Saigon and in Washington covers losses reported to the Department of Defense during the previous weekly reporting period (enclosures 8 and 9). Cumulative statistics on personnel missing and captured are also available in a monthly format (enclosure 5A).

You are, of course, aware that the North Vietnamese have deployed an extensive and sophisticated air defense network to protect their forces and infiltration operations located outside of North Vietnam. The Department of Defense feels it is essential to protect data concerning specific sortie statistics by country, rates against specific target areas or other detailed data about our airmen who are facing these strong air defense units. U.S. commanders feel that such information would fill gaps in the enemy's intelligence collection efforts and confirm some data which he may already have obtained but which remains still unverifiable. These confirmations could be used by the enemy to increase the danger to our airmen because such data would provide more refined planning data for enemy air defense commanders.

I hope that this letter has indicated to you that our Department does make a considerable amount of unclassified information available to the Congress and to the public on the air war in Southeast Asia. Also, I hope that we have provided you with a satisfactory explanation as to why we believe the release of additional data on the bombing in Southeast Asia would be useful to the enemy and detrimental to the safety of our forces.

Sincerely,

(Signed) **Dennis J. Doolin,**
Deputy Assistant Secretary.

Attachments

Department of the Air Force Presentation to the House Armed Services Committee

AIR FORCE AUTHORIZATION REQUEST, FY 1973

Statement of Honorable Robert C. Seamans, Jr., Secretary of the Air Force, March 2, 1972

(Note.—Charts referred to are not printed in the Record.)

Mr. Chairman and members of the committee: I am pleased to have this opportunity to meet with you again. In the course of three years as Secretary of the Air Force, this is my fourth appearance to testify concerning the Air Force Budget.

During the last three years, President Nixon has taken a number of important peace initiatives. He has announced withdrawal of nearly 90% of the American forces that were in Vietnam when he took office. Through the on-going Strategic Arms Limitation Talks, we hope to achieve an effective agreement that will improve the security of both nations. With our NATO allies we are hoping to pursue negotiations on Mutual and Balanced Force Reductions between NATO and the Warsaw Pact.

But as we move further in our negotiations, we must continue to maintain adequate defenses as a necessary foundation for peace. In structuring our military forces we are implementing the Nixon Doctrine, which calls for a more balanced partnership with our allies. And we are following a Strategy of Realistic Deterrence—one which involves a continuing evaluation of the military threat together with the Total Force capabilities of the United States *and* its allies. Under this strategy we have helped our friends in Asia strengthen their forces and take over more of their own defense. And in Europe, our NATO allies have agreed to increase their defense efforts.

With respect to our own Air Force, we have gained considerable strength in the past year. In the strategic area, the first wing of Minuteman III missiles became operational, and our FB–111 force was fully deployed. In the tactical area, we completed our F–111A and E force and deployed an F–111E wing to England in support of NATO. Almost two-thirds of the A–7 force was deployed, and our new AC–130 gunships went into service in Southeast Asia. And in the airlift area, the C–5 force was doubled in size, with 41 aircraft now in operational airlift units.

We have adopted policies designed to achieve more effective use of our people and equipment. We are improving our personnel management and human relations programs. We are also providing more modern equipment and better manning for our Guard and Reserve units. And most important we are emphasizing the need for steady, step-by-step modernization that should provide more ready and stable defense, at less cost, than stop-and-go defense programs geared to emergency situations.

In my statement today, I will briefly cover the Air Force role in Vietnamization and then focus on four critical areas of resource management: (1) organization and personnel policy, (2) weapons procurement, (3) research and development, and (4) installations and logistics.

In Vietnam we believe that we are successfully meeting the first test of the Nixon Doctrine. We have moved steadily toward full South Vietnamese responsibility for their own defense. For example, last December, I participated in a ceremony which turned over Phu Cat, one of our most modern air bases, to the South Vietnamese Air Force, thus reducing the number of U.S. Air Force bases in South Vietnam from a high of 10 in 1968 to the present level of four.

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[1] Theaters: South Vietnam (including DMZ and DMZ separately); North Vietnam; Laos (Ho Chi Minh Trail region only); Laos (all except Trail—usually called Northern Laos); Cambodia.

During that latest trip, I concluded that the South Vietnamese have made a great deal of progress. The growth of their Air Force can be seen from Chart I. In the past year they activated 12 new squadrons—meeting or exceeding every operational ready date. They now have over 40 squadrons with more than 1,000 aircraft and 2,500 pilots. As they improve their capabilities, they are assuming more of the combat role. Since November 1 they have been flying about 90% of the attack sorties in South Vietnam and nearly 70% of the sorties in Cambodia and South Vietnam taken together. And during FY 1973 they should reach a strength of over 50 squadrons and more than 50,000 airmen.

And as the Vietnamese Air Force has increased, the number of U.S. attack aircraft in Southeast Asia has steadily declined. The drop in U.S. attack aircraft and sorties flown can be seen from Charts II, III, and IV.

U.S. attack sorties in South Vietnam also were reduced in 1971 and 35% in all of Southeast Asia, and the latter includes a drop of 17% in B-52 sorties. The reduction in air munitions delivered by all allied forces in Southeast Asia is shown by Chart V.

At the same time our interdiction efforts have increased in effectiveness. This is due partly to the use of gunships with rapid firing cannon and advanced optical and electronic sensors. We now have 18 of our AC-130 gunships in operation. Our laser-guided bombs are also making an important contribution to the interdiction effort. And our ground sensors and aircraft control systems are playing an important role.

Chart VI shows the effect that interdiction is having on the flow of supplies along the Ho Chi Minh Trail. In the last year, we estimate that only about 9,500 tons got through of the 68,000 tons that entered the trail. Of course, this does not mean that enemy troops are completely out of supplies. In fact, we believe that they have been conserving supplies for possible offensives this year. But there were no major attacks in all of 1971, and our interdiction efforts must have been an important factor in bringing that situation about.

Before leaving the subject of Vietnam, I again want to express the Air Force's concern for our prisoners of war and men missing in action. We will continue to assist the families here at home in every possible way, and we will see to it that the men will not be at a disadvantage when they resume their careers. These men deserve and will receive all possible help and consideration when they return.

Except for this brief review of progress in Vietnamization, I will leave the subject of military operations and force structure to General Ryan and subsequent witnesses, and will focus on the four critical areas of Air Force management that I mentioned earlier. How well we manage these four areas will largely determine whether we can continue to provide adequate security with the resources available. The broad tasks before us can be summarized as follows:

Improve our *organization and personnel policies*. We must tighten up our organizational structure and individual assignments so that our mission can be accomplished with minimum manpower. And we must improve our Service living conditions and human relations techniques so that our personnel will be able to carry out their assignments in the best possible manner.

Manage our *weapons procurement programs* in such a way that necessary weapon systems are available to meet our security needs and that these weapons are properly tested and provided at minimum cost.

Provide *research and development programs* that will make available an adequate range of new capabilities that can be selected, if necessary, in order to maintain our security in future years. Research and development should be a steady, step-by-step process, managed in a way that will make best use of available resources.

Implement *installations and logistics* policies that will permit us to support our operating Air Forces in the most efficient manner possible.

In carrying out each of these tasks we are stressing improved management of resources. Emphasis on economy is increasingly important at this time in view of budget trends. The Air Force FY 73 budget of $24.4 billion is actually about $900 million lower than the FY 72 budget when the effects of increased pay and price inflation are taken into account. The following table shows that our funding reached a peak in FY 68, but has fallen back well below the pre-war FY 64 level when corrected for past inflation.

TABLE I.—AIR FORCE BUDGET

[Dollars in billions]

	Fiscal year—				
	1964	1968	1971	1972	1973
Current dollars	$20.0	$25.0	$23.2	$23.8	[1] $24.4
Constant fiscal year 1973 dollars	30.8	33.9	26.5	25.3	24.4

[1] Includes $0.4 billion for estimated fiscal year 1973 pay increases carried in DOD totals not distributed to Air Force appropriations.

The authorization requested for FY 73 are shown in Table II, along with those approved for FY 71 and 72.

TABLE II.—AIR FORCE AUTHORIZATIONS

[Millions of dollars]

	Fiscal year—		
	Actual 1971	Estimate 1972	Request 1973
Aircraft procurement	$3,589.5	$3,196.5	$2,612.7
Missile procurement	1,492.1	1,683.7	1,772.3
R.D.T. & E	2,827.2	2,960.4	3,193.2
Total	7,908.8	7,840.6	7,578.2

I would now like to discuss each of the four critical management areas that I mentioned earlier.

I. Organization and Personnel Policy

With respect to organization and personnel policy, I want to outline our progress in streamlining our headquarters and discuss our need for adequate grade authorizations; then touch upon our Personnel Plan as a management tool and our related recruiting efforts; next cover some of our important human relations efforts; and lastly mention the increasing role of our Air Reserve and Guard forces. In each of these areas our primary goal is to further increase the effectiveness of our people.

Headquarters organization

Throughout the Air Force we have already completed or are now completing the broad Air Force initiatives undertaken in late 1970 to streamline our headquarters management structure. This effort entailed fundamental restructuring of each of our principal command and management echelons. Our intermediate headquarters are being realigned to emphasize their operational mission, eliminating support staff functions wherever possible. While some degree of centralization at Major Command headquarters will result, the projected net savings should be approximately 1,800 manpower spaces. Our overall headquarters streamlining actions will produce dollar savings well in excess of the $5.6 million directed by the Congress last year.

Table III shows that even with reduced personnel strength, personnel costs are increasing. The pay raises to achieve comparability with the private sector have greatly increased the cost of personnel during the past few years. As a result, our projected military end strength for FY 73 is 21% below the 1968 level, but the estimated cost is 28% higher.

TABLE III

MILITARY PERSONNEL STRENGTHS AND COSTS

	Fiscal year—				
	1964	1968	1971	1972	1973
End strengths (thousands)	856	905	755	730	717
Cost (millions of current dollars)	$4,423	$5,687	$6,524	$7,028	$7,251

CIVILIAN PERSONNEL STRENGTHS AND COSTS

	Fiscal year—				
	1964	1968	1971	1972	1973
End strengths (thousands)	338	356	313	302	299
Cost (millions of current dollars)	$2,256	$2,667	$3,299	$3,514	$3,409

We are requesting authorization for a FY 73 end strength of 717,210 military personnel.

Officer grade authorizations

In addition to the numerical strength of our forces we must maintain the high experience levels, technical competence, and military expertise of our Air Force people. To do this we need to obtain new grade legislation. The Grade Limitation Act of 1954 provided lower authorizations for the Air Force than for the other Services, reflecting the fact that the Air Force was a younger Service with lower experience levels. Congress has recognized the growing needs of the Air Force through the years by providing grade relief, which will expire this year. Without new legislation, during FY 73 we will have no promotions to Major, Lt. Colonel, or Colonel, and we would also have to demote, retire early, or involuntarily separate some 3,000 field grade officers whom we need.

Increases in the percentage of field grade officers during the 25 year history of the Air Force are directly related to greater responsibilities, more sophisticated weapon systems and difficult logistical support functions, and a need to provide promotion opportunity comparable to that of the other Services. In view of the importance of national security tasks and decisions in terms of national resources expended, it is clear that we need highly qualified and experienced people to fulfill these responsibilities.

TABLE IV.—AIR FORCE GENERAL AND FIELD GRADE OFFICERS

End fiscal year	Total officers	Percent of total Air Force personnel	Percent of officer strength			
			General	Colonel	Lieutenant colonel	Major
1947	42,745	14.0	0.5	3.7	6.4	13.2
1953	130,769	13.4	.3	3.3	6.4	15.9
1963	133,763	15.4	.3	4.0	11.0	17.9
1968	139,600	15.4	0.3	4.8	12.1	21.5
1971	125,726	16.66	.3	5.0	12.3	19.9
1972	121,462	16.63	.3	5.2	12.5	19.4

Our total field grade officer needs stem not only from the technological changes that have occurred in our mission, but from the requirement to provide unified direction of the Services through joint staffs, both in the Pentagon and in the field. And the Air Force provides officers for many responsible positions in international organizations, especially NATO which did not exist in 1947. At the present time we have a total of about 5,500 officers assigned to other than Air Force activities, with approximately 4,400 of them being field grade personnel. This represents over 10% of the total Air Force field grade authorizations.

I have attempted to characterize an Air Force that has matured significantly since the original Officer Grade Legislation was passed. We have taken great care in the preparation of the requested new grade authorizations. The latter are based on our need for management skills and experience necessary to carry out the Air Force mission as well as providing our people with reasonable and predictable career opportunities.

The Air Force personnel plan

The need for responsive personnel management takes on ever-increasing importance as we move further toward a zero-draft environment. In this connection the Air Force has developed a comprehensive long-range plan as its principal management tool. Our Personnel Plan, developed with the extensive use of computer analysis and simulation over the past four years, includes both qualitative and quantitative objectives for each element of the force—officer, airman, civilian and reserve. This document constitutes a breakthrough in our personnel management and gives us a basis for evaluating the effects of strength and policy changes on the total force long-range goals.

Our personnel managers can use this new management tool to help determine Air Force needs and assist the individual to more accurately plan his career. We are convinced that this capability, which General Ryan will discuss further, constitutes one of the most important steps toward achieving a truly all-volunteer force.

Recruitment and retention

To successfully implement our planning, however, we must make the Air Force more attractive and thus improve our recruitment and retention. Among our important goals are better family housing and expansion of in-service education.

The provision of adequate housing for our families is a prime factor in attaining all-volunteer military forces. Unfortunately, families of approximately 70,000 lower grade personnel are not eligible for military housing under current rules. These young airmen are now getting married and having families at an earlier age than in the past. A large percentage of these families are unable to find adequate homes in local communities. In addition, we have a shortage of over 40,000 family housing units for eligible personnel. These combined shortages have a marked adverse effect on progress toward all-volunteer military forces.

In the last six years, we have programmed only 11,310 new housing units. However, we are most pleased that Congress has set aside 3,450 units of Public Law 236 housing for our lower grade airmen. We also have 3,168 new family housing units in our FY 73 housing program which I will discuss later in the Installations and Logistics section of my statement.

Next I would like to mention our education and training programs, which provide key incentives for service in the Air Force. Many thousands of our men and women have taken advantage of a wide range of off-duty educational programs to complete the requirements for high school or higher educational levels. Moreover, our formal military training provides about 90% of our Air Force people with a skill which has direct civilian utility. For example, we are emphasizing the development of various para-medical capabilities to complement the unique skill of our doctors, and we hope that these skills also will prove valuable to the civilian community. To provide the individual airman with the full advantage of his training, we are seeking further affiliation of our technical schools with regional college and university accrediting associations.

In our recruiting efforts, we also hope to bring more women into the Air Force. We have already made considerable progress, having more than doubled the number of Air Force women in the last five years, and we anticipate additional increases. The rank, responsibility, and assignment opportunities for women in non-combatant roles will be commensurate with that of our male personnel. Toward this objective we have opened the AFROTC program to women, and now have more than 900 women enrolled.

Human relations programs

Ultimately, proper treatment of each individual is the critical factor in both retention of good people and achieving effective job performance. We are trying to improve all facets of our human relations programs. Here are some of the things we are doing.

First, we are broadening communications within our Air Force units. We now have a Social Actions office at base and major command levels, and at Headquarters USAF. The Social Actions officer is directly responsible to the wing commander, who chairs a Human Relations Council. Some commanders have telephone Hotlines to enable their men to get immediate responses to problems. In addition, Junior Officer, Non-Commissioned Officer, and Airmen Councils are becoming increasingly active with respect to many social action programs.

One of our most crucial goals is to achieve racial harmony. To reach this goal, we are relying heavily on effective leadership at all levels, backed up by strong education programs. But we know that we have more to do.

Racial incidents have increased, and surveys indicate that some of our Air Force people believe racial discrimination is a serious problem in the Air Force. Young minority group members are becoming increasingly intolerant of what they perceive as racial injustice. We have established Air Force standards for command which emphasize the critical importance of sentive leadership in improving race relations. And the performance of our commanders and supervisors will be judged, in part, on how effectively they promote equal opportunity for all of their people. This includes not only recognizing such problems, but heading them off whenever possible.

An important part of our race relations program is the commissioning of additional black officers. At the present time our black officer strength is still less than 2% of our total officer force. Our objective is to increase the number of black officers in both our active and Reserve forces. To help achieve this goal, we added three AFROTC detachments last year at predominantly black colleges, and we will add another this year, making a total of eight. Still, we need an across-the-board increase in the number of black and other minority group officers from our commissioning programs: the Air Force Academy, Air Force ROTC, Officer Training School, the Airman Commissioning Program, and the Bootstrap Commissioning Program. And we are emphasizing recruitment and individual personal contacts in minority groups.

Another human problem we share with our civilian society is drug abuse. The Air Force measured worldwide drug abuse rate is only about one-half of 1% as indicated by urinalysis testing for narcotics, barbituates and amphetamines. We, nevertheless, recognize that any drug usage constitutes a serious matter. Therefore, we have taken a number of steps in accordance with Department of Defense and other Administration efforts to deal with this social problem confronting our nation.

Drug abuse committees have been established and drug abuse personnel at all levels are active in prevention and education programs. A five-phase rehabilitation program has recently been developed with a one-year follow-on support phase subsequent to successful completion of the initial treatment and rehabilitation training.

Our human relations efforts are part of a long-term, continuing program to face our problems in a responsible manner. We recognize that a better Air Force must rely upon people who understand and respect each other—certainly all of our people have a key role to play in building a better Air Force.

Relationship with the civilian sector

The Air Force, along with other agencies in the Department of Defense, recognizes that a responsibility exists not only to perform our assigned military missions, but to contribute whenever we can to domestic improvement. This is a most exciting area and much could be included in my statement in this regard if the time permitted.

The Air Force is a large community with one half of 1% of the total U.S. population. We have within the Air Force all the aspirations and concerns of the country: the need to improve training, education, health service, housing and to reduce air and water pollution. As a result, much of what we learn from our military programs is also useful in the civilian sector. Some domestic benefits result from exchange of information with other departments of government, some through our people as they leave military life, and other exchanges result from specific projects for which we may be reimbursed.

Our Domestic Action Programs also contribute to a better society. In these we stress summer youth employment and recreation, as well as providing additional training for underskilled workers.

Most of these programs directly benefit our equal opportunity goals. Over 80% of the youths participating in our summer activities are from disadvantaged homes and our educational and vocational training is geared to improving minority skills in adjacent communities.

We believe that our nation is stronger for these domestic contributions.

Air Reserve and National Guard

As my final item in the area of organization and personnel policy I want to emphasize the increasingly important role of our Air Guard and Reserve forces. The Personnel Plan which I discussed earlier integrates planning for these components with that for our active units under the Total Force Concept.

Our objective is to improve manning for Reserve and Guard components in order for these units to be able to respond immediately and effectively. While our officer personnel strength is encouraging at this time, we must continue to particularly stress the recruitment of highly qualified enlisted personnel. We are now counseling all personnel, prior to their leaving the active forces, concerning their opportunities in the Air Force Reserve and National Guard.

We feel that we are making significant progress concerning both recruiting and equipment modernization. In FY 73, the Air Force Reserve will reach a strength level of 53 units, including 13 MAC C–141 and one C–9 associate squadrons. We will activate three new Reserve units and convert 7 of our flying units to more modern aircraft. This will make a total of 73% of our units converted since the beginning of FY 71.

With respect to the Air National Guard, in FY 73 we will convert 10 additional units to more modern aircraft, making 60% of our Guard units that will have been converted during fiscal years 71 through 73. These steps will better enable the Guard and Reserve components to serve as the primary source of any future rapid augmentation of the active forces, a key objective of the new strategy now being implemented.

II. Weapons Procurement

The Air Force is structuring its procurement and R&D efforts in a way that will provide steady modernization of its forces over the long run. Since we cannot be certain in advance about either exact military requirements or the feasibility of particular development programs, we must maintain flexibility in our planning. We are striving to achieve this sort of flexibility through prototype programs that will provide options that can be picked up in the future, if necessary.

Table V shows the full range of our programs from development prototypes through deployments that have already received necessary funding and will be completed this year. We believe we have a reasonable effort on both strategic and general purpose forces, as well as a suitable flow of new developments and deployments of the various types of systems.

TABLE V.—SUMMARY OF MAJOR WEAPON SYSTEM PROGRAMS

Advanced prototype programs	In development: Delivery systems	In development: Sensing and control	In production, weapons	Recently deployed or undergoing deployment: Delivery systems	Recently deployed or undergoing deployment: Sensing	Recently deployed or undergoing deployment: Weapons
Strategic	B-1	Airborne command post	SRAM	MM III FB-111	Satellite	
AWACS	SCAD (decoy)					
General purpose:						
Light weight fighter	F-15		Maverick	Gunships		Laser guided and electro-optical guided bombs.
STOL transport	A-X			F-111 A-7 C-5		

Aircraft procurement

We are asking for a total buy of 251 aircraft, of which only 73 are for the U.S. Air Force (we are buying one small trainer for Laos, 57 F–5Es for South Vietnam, and 120 helicopters for the U.S. Army as replacements for those turned over to the Vietnamese Air Force). These 73 aircraft for the U.S. Air Force include limited numbers of the F–15 and AWACs, which I will discuss in conjunction with our R&D programs. I will now review the status of the following procurement programs: the F–111, C–5, F–5E International Fighter, and the Advanced Airborne Command Post. Table VI outlines the minor aircraft programs.

TABLE VI.—AIRCRAFT PROCUREMENT

[Dollar amounts in millions]

	Fiscal year— 1971: Number	1971: Amount	1972: Number	1972: Amount	1973: Number	1973: Amount
A–7D	88	240.3	97	209.5		
F–111A/D/E/F	12	596.8	12	481.3	12	160.3
F–5E		8.8	21	70.4	57	92.7
F–15					30	421.6
C–5		544.4		299.1		207.6
AWACS					3	309.9
Advance airborne command post			4	113.8	2	103.8
Other tactical aircraft	155	177.6	60	218.1		
Miscellaneous Sp aircraft	69	74.5	11	53.1	27	.573
Helicopters	300	71.8			120	35.9
Modifications		538.0		563.7		465.6
Spares/parts		494.4		397.9		504.1
Support		842.9		789.6		237.7
Total (TOA)	624	3,589.5	205[1]	3,196.5	251	2,612.7
Aircraft for allies/U.S. Army	475		24		178	
Aircraft for USAF	149		181		73	

[1] Includes fiscal year 1972 supplemental.

F/FB–111

Despite past problems with the F–111, our rapidly accumulating operational experience is proving this aircraft to be a very important addition to our force. We now have over 145,000 flight hours on the aircraft and are quite satisfied with the capabilities being demonstrated by our operational units. All F–111Es have been delivered, and the F–111E wing at Upper Heyford, England is now operationally ready and supporting our NATO commitment. All of the F–111As and FB–111s have been delivered and are combat ready. The special structural cold proof load test program has been completed for all deployed F–111s and has been integrated into the remainder of the production program.

The F–111F is the last of the series. The 12 aircraft which were added to the contract in November 1971 will be delivered by December 1973. The FY 73 budget request includes $160.3 million for 12 additional F–111Fs and $5 million to complete Category I and II flight tests.

I would like to add that the Government of Australia announced in December that they will accept delivery in 1973 of the 24 F–111Cs built for them.

Last year I addressed the difficulties in developing the Mark II avionics system for the F–111D. Seven F–111Ds with the Mark II have now been delivered to operational units at Cannon AFB, New Mexico. We have relaxed specifications for some of the less critical back-up modes of operation, but flight tests show that its present performance provides a greatly improved capability for tactical missions. Our problem is to keep the procurement cost of this system from increasing still further, and to improve reliability in order to reduce maintenance costs.

The Mark II has a better capability for detecting small tactical targets, is effective against moving targets, and reduces navigation error by one-half. Also the advanced cockpit display simplifies crew tasks.

The C–5 heavy logistics transport

We have doubled the C–5 operational force during the past year with 42 aircraft now operating on trans-Atlantic and trans-Pacific missions. Additionally, six are allocated for initial training of aircrews, and six are in test status. With the C–5 we have the capability to airlift a mechanized or armored division overseas with virtually all of its heavy equipment in a ready-to-go condition. The C–5s, C–141s and the Civil Reserve Air Fleet provide us with the ability to rapidly deploy a balanced force to any portion of the globe.

Last year we executed a new contractual arrangement with Lockheed under which they accepted a $200 million fixed loss. This agreement eliminated litigation then outstanding between Lockheed and the Government and provided a workable basis for management of the C–5 contract by the Air Force.

Remaining problems are chiefly related to the static strength and fatigue life of the aircraft. The possibility of installing a new wing to increase static strength was rejected because of the cost involved. Alternatives such as special flight management, including reduced load factors and payloads; design changes; and incorporating a Lift Distribution Control System are being examined as means of extending the operational life of the C–5.

As a result of the C–5's structural problems, we have established a review team to conduct an in-depth assessment of the entire airplane structure. This effort should require one year to complete, but it should provide us with a clearer indication of the structural life expectancy of the aircraft, identify the most cost effective approach to future modification efforts and indicate operational procedures to conserve the life of the aircraft.

In view of these structural problems, as well as the reduced airlift requirements for Southeast Asia, we are not operating the C–5 at initially programmed rates. However, the C–5 is capable of meeting its primary purpose which is wartime strategic airlift. And the peacetime use of these aircraft will be suitable to maintain combat readiness, while conserving their operational life.

We are requesting $207.6 million in FY 73 to cover prior year unfunded deficiencies. It is our intention to buy out the program with this amount.

F–5E, international fighter

The F–5E International Fighter is designed to support the aims of the Nixon Doctrine in assisting our allies to shoulder more of their own defense. The F–5E will be used initially to improve the capabilities of South Vietnam as part of the Vietnamization program. We are expediting procurement of this aircraft to provide an early air defense capability for the South Vietnamese.

The International Fighter is of simple design and will be easy to maintain. It is an outgrowth of the older twin jet Northrop F–5. Its primary role will be to provide an air superiority capability for our allies but it will have a secondary role of ground support.

We are requesting $92.7 million for procurement of 57 aircraft plus an additional $7.9 million for spares, and $17.7 million for development.

Advanced airborne command post

Our FY 73 budget request also includes funds for procurement of a new Advanced Airborne Command Post to be used by the National Military Command System and Strategic Air Command. The present EC–135s do not have the growth potential to accommodate improved communications and data processing equipment, and the needed battle staff. General Ryan will discuss this subject in more detail.

The FY 72 supplemental request includes $113.8 million for four 747 aircraft, plus $6 million for R&D. One of these aircraft will be used as a test bed, and the other three will be equipped initially with the EC–135 communication and command and control package and will be deployed in 1973. This is an interim measure to improve the National Military Command System capabilities.

We are asking $103.8 million in FY 73 for the procurement of two advanced aircraft, and $26 million for research and development. Our R&D efforts will be directed primarily toward initiation of designs for the command and control equipment and airframe modification. The total program includes seven aircraft which will be fully deployed during 1975.

In a related program we must develop a facility to test Electromagnetic Pulse (EMP) effects on aircraft systems. These are effects which could result from a nuclear explosion. The FY 72 Supplemental contains $9 million for the facilities and for determining EMP hardness design criteria. There is an additional $10.5 million in the FY 73 R&D budget request. This capability will enable us to test the Airborne Command Post and other strategic systems to insure that they could function properly in a nuclear environment.

Missile procurement

Our missile procurement request is summarized in Table VII. Minuteman III is our largest missile procurement program. With the Mark 12 multiple reentry system, a single Minuteman III missile could attack more than one target, with a major improvement in penetration capability. This strengthens our deterrence by complicating enemy defenses and insuring our chances of having a credible retaliatory capability in the event of an attack against our strategic forces. Over half of our ICBMs will be Minuteman IIIs by the mid–1970s, with the remaining being improved Minuteman IIs and a small number of Titan IIs.

TABLE VII.—MISSILE PROCUREMENT

[In millions of dollars]

	Fiscal year		
	1971	1972	1973
Minuteman III procurement	$497.8	$471.1	$419.3
MM force modernization	84.8	270.0	273.6
Shrike	9.7	12.1	10.8
Maverick	3.1	77.9	61.2
Sram	112.9	222.0	202.5
Sparrow			19.5
Sidewinder			14.3
Target drones	11.0	7.5	7.7
Modifications	100.7	53.8	43.9
Spares and parts	47.7	43.6	46.7
Other support	624.4	525.7	672.8
Total (TOA)	1,492.1	1,683.7	1,772.3

The first wing of Minuteman III missiles was turned over to the Strategic Air Command last December, some seven weeks ahead of schedule, and with a projected savings to the Air Force of about $4 million.

We are requesting $419.3 million for Minuteman III procurement and we are also asking $173.6 million to continue the Minuteman force modernization program. This includes modifying the Minuteman I silos to accommodate Minuteman II and III missiles and improving the prelaunch survivability of the entire Minuteman force.

Turning to nuclear missiles for our strategic aircraft, we are programing the Short Range Attack Missile (SRAM) for the B–52 and FB–111. And, if we decide to deploy the B–1, it will also use the SRAM. This air-to-ground missile is designed to suppress enemy defenses as well as attack primary targets. It is a small high-velocity missile capable of a low trajectory and will be difficult to defend against.

The final scheduled launch in the SRAM development test program was accomplished last July. Some 38 firings were completed during these tests and all specifications were met or exceeded. We expect to have a SRAM capability on some of our B–52s and FB–111s this calendar year.

In the tactical area, we have completed Category II testing of the Maverick air-to-ground non-nuclear missile. This weapon is designed for use on the A–7D and F–4 and will be compatible with the A–X. It has television homing guidance and the warhead will be capable of penetrating heavy armor and triple reinforced concrete. It will be effective against hard targets such as tanks and field fortifications and can also be used effectively against SAMs, radars, and mobile missiles.

Category II testing was completed in September and we achieved hits on nearly all of the firings, with an average error of only a few feet. We have now begun the first phase of Category III tests, which will run until May of 1972.

We will also conduct joint tests with the Army to further validate the Maverick performance under various operational conditions before exercising Option B production in October of 1972. The FY 73 budget includes $61.2 million for missile procurement and $4.9 million for initial spares.

III. Research and Development

Our research and development programs insure that we will have sufficient options to meet the threats which may arise in the future. The Air Force R&D budget request of $3.2 billion in FY 73 is about 35% less in purchasing power than the Air Force FY 64 R&D budget, just prior to the Vietnam war.

In order to meet our requirements within this budget squeeze, we are improving our R&D management. Perhaps most important, we are on guard against "gold plating." We cannot afford to spend large sums of money on design features that are "nice," but not absolutely essential to better combat performance. Then we are insisting on early hardware demonstrations with improved testing and evaluation. And we are making tough decisions, trading off performance, cost, and schedules as necessary to make available the best possible weapons alternatives for the resources expended.

In carrying out these policies, we have given primary responsibility to our program directors, who have direct access to the top leadership of the Air Force. In addition, we are giving particular emphasis to increased involvement of our Laboratories in all phases of the R&D process.

Table VIII shows our FY 73 RDT&E request along with a breakout of major programs and a comparison of the same data for the previous two years.

TABLE VIII.—RESEARCH AND DEVELOPMENT

[In millions of dollars, funds in parentheses show funding for major systems]

	Fiscal year—		
	1971	1972	1973
Aircraft	$767.1	$1,197.3	$1,327.1
B–1	(75.0)	(370.3)	(444.5)
F–15	(349.5)	(419.9)	(454.5)
A–X	(27.9)	(47.0)	(48.1)
Advanced prototypes		(17.8)	[1] (92.0)
Missiles	691.5	418.1	387.4
Minuteman	(270.2)	(181.6)	(154.7)
Astronautics	429.7	341.1	345.7
Ordnance and combat vehicles	89.2	92.5	+100.6
Other equipment	374.6	419.4	502.0
AWACS	(87.0)	(139.3)	(160.0)
Defense suppression	(14.0)	(16.1)	(11,0)
Military sciences	141.9	142.7	146.3
Management and support	333.2	349.3	384.1
Total (TOA)	2,827.2	[2] 2,960.4	3,193.2

[1] Includes $46,000,000 for lightweight fighter and $46,000,000 for medium STOL transport.

[2] Includes fiscal year 1972 supplemental.

R&D expenditures in the missile field continue to show a decrease. This is primarily due to progress in the Minuteman program. Our primary efforts here involve work on a remote retargeting capability for Minuteman III, continued development of the silo modifications to insure prelaunch survivability, and a new instrumentation package to get a more precise measurement of Minuteman III guidance system performance. These programs are adequate for making necessary ICBM improvements in the next few years. We must, however, insure that our technology will remain strong enough to provide long-term improvements which may be needed in the 1980s.

With respect to aircraft development, we are continuing four major programs: the B–1, the F–15, the A–X, and the AWACS. And we have initiated advanced prototype development of a Lightweight Fighter and a medium STOL transport.

The B–1 strategic bomber

The deterrence of strategic war depends on convincing any would-be attacker that effective retaliation would be certain. The United States continues to deter aggression by maintaining three different types of retaliatory forces: land-based missiles, sea-based missiles, and long range bombers. An enemy might be able to develop ways of neutralizing one or even two of these forces, but it is extremely unlikely that he could find methods of negating all three at the same time.

We are proceeding with the development of the B–1 to be certain that we can maintain the bomber portion of our deterrent capability in the 1980s.

The B-52 was designed in the late 1940s and built in the 1950s and early 60s. While we have continually upgraded the B-52, we will not be able to maintain the mission capability of the aircraft indefinitely. To date, we have spent about $2.7 billion dollars on B-52 modifications. And even if we were to spend larger sums for beefing up the B-52 structure and retrofitting it with more efficient engines, its ability to survive an enemy attack and penetrate the air defenses expected during the 1980s would be questionable.

Of course, the FB-111 is also an important element of our bomber force, but it cannot fulfill the strategic bomber mission by itself. Against typical target systems it would take six times as many FB-111's as B-1's and require six times the tanker support. And due to its relatively small size, there is little growth potential for penetration aids in the FB-111.

As you know, North American Rockwell was selected as the prime contractor for the B-1. And, General Electric won the engine contract. Each is working under a cost plus incentive fee contract in the development phase.

Although the B-1 contracts have been in effect for less than two years, we are encouraged by the progress we have made to date. The Preliminary Design Review, the first major milestone, was completed on schedule last July. The Mockup Review, considered the second milestone, was completed on schedule in October. Also, over 10,000 wind tunnel test hours for design validation have been completed. And we are well along with engine tests necessary for preliminary flight rating. Present B-1 contracts call for design and fabrication of three development aircraft plus 27 flight rated engines.

In September the Request for Proposal for the B-1 avionics contract was released. We plan to make maximum use of existing components and proven technology. Newly developed components will be used only where needed to meet the basic requirement.

Our FY 73 request of $444.5 million for the B-1 program will help us complete Design Validation and Critical Design Review. These steps, coupled with the completion of engine inlet wind tunnel tests, will enable us to make full release of engineering drawings and specifications. Also, we expect to have the first aircraft in final assembly during FY 73.

Our goal for first flight of the B-1 is April 1974. We will then test the system for a full year before making the production decision. If we decide to go ahead with production, an initial operational capability could be reached in the late 1970s.

F-15 air-to-air fighter

The F-15 is being developed to provide all weather air-to-air combat capability during the post-1975 time frame. McDonnell Douglas was awarded the prime contract for the F-15 and Pratt and Whitney won the engine contract. Hughes was selected to build the attack radar system after a fly-off competition.

We have made careful studies to weigh the relative performance and cost trade-offs. For example, a simplified structural design was selected and we deleted those avionics requirements which did not specifically contribute to the aircraft's air-to-air capability. Also, the AIM-82 missile was cancelled in favor of a much simpler advanced Sidewinder. All of these adjustments were made to achieve the desired degree of capability within the limits of technology and acceptable costs.

We are using cost plus incentive fee contracts for the development portion of the program and a fixed price with successive targets for the production phase. This program was the first to implement the demonstration milestone concept in system acquisition, and we are pleased at the progress we have achieved to date.

The first four milestones have been met on time or ahead of schedule: Preliminary Design Review in 1970 and the last three—the Radar Contractor Selection, the Critical Design Review of engine and airframe, and the Avionics Equipment Development Review—during the past year. Also, approximately 95% of the contracts for components and subsystems development have been released.

As part of the F-15 structural integrity program, McDonnell Douglas has completed 16,000 hours of fatigue tests of a stabilizer, which is the rotating elevator back of the tail. These tests would amount to four operational lifetimes of the production article. This was followed by static testing of the same stabilator to 200 percent of design load without failure. In November, however, after 4,000 hours of fatigue testing, we experienced a failure in the outboard wing section of the wing subsystem test article. We identified the cause and took corrective measures which enabled us to complete the fatigue tests to the full four lifetimes of the test article. The same article is now undergoing static tests. Component testing confirms that the failure was due to a peculiar test overload condition which resulted in repeated buckling of the shear webbs. We have increased the thickness of the shear webb and corrected the test loading condition.

The purpose of these thorough-going structural tests early in the program is to identify weaknesses in the design and to make corrections before extensive retrofitting is required. The first flight is scheduled for mid-1972.

Pratt and Whitney has conducted over 3,000 hours of engine running time, completing the Preliminary Flight Rating Tests. The engineering radar model is currently being fabricated to final pre-production configuration. Following initial integration and flight testing in a WB-66, the avionics will be further validated in an F-15 test aircraft.

With respect to the cost of engine development programs, increases have resulted from the Navy's decision not to exercise its initial production option and follow-on requirements for the F-14B engine. This decision increased the Air Force F-15 RDT&E costs by $26.3 million in order to absorb overhead and tooling costs that would have been charged to the Navy. Our FY 73 budget request includes $20.6 million of this increase with the remainder to be included in FY 74 funds. We estimate that the total increase in the engine program cost to the Air Force, including procurement, will be somewhat over $500 million due to the Navy's decision.

Our FY 73 budget request includes $454.5 million for the F-15 development program plus $421.6 million for procurement of the first 30 production aircraft. The ultimate cost for our planned buy is expected to be about $10½ million per aircraft.

In FY 73 we will acquire actual flight test experience on the Category I test aircraft. After seven months of testing, we expect to be ready for a production decision in February 1973. And if a go-ahead is given we could have an initial operational capability for the first squadron in the mid-1970s.

A-X close air support aircraft

Development work on two competitive prototype close air support aircraft is progressing toward our goal of first flight in June. Fairchild Industries and Northrop Corporation were chosen to develop two prototype aircraft each under fixed price contracts. We hope to begin a competitive fly-off in October of this year. During these tests the Air Force plans to fly about 120 hours on each of the two competitive systems. After complete evaluation of the performance characteristics of the aircraft and a detailed review and appraisal of each contractor's development and production proposals and cost estimates, we will decide which prototype is the best and whether to initiate the full scale development program.

Our objective is to develop an aircraft that will be: (1) optimized to perform close air support with high survivability; (2) relatively inexpensive; and (3) easy to maintain in an austere environment. To minimize development and procurement costs, we are using current technology and available equipment wherever possible.

The design specifications call for the A-X to provide improved close-in support under low ceilings and poor visibility conditions—where our present higher performance aircraft are less effective. The A-X will also be designed with a 1,000 foot take-off capability and will be able to loiter in the battle area for long periods of time when necessary.

For high survivability, this aircraft will have redundant systems, self sealing fuel tanks which contain foam to suppress fire or explosions and armor plating for the cockpit and other critical areas. To insure maintainability and low operating costs, we are emphasizing simplicity throughout the entire system.

The FY 73 request of $48.1 million will be used to complete the fly-off competition and, if the decision is made to go ahead, to initiate full-scale development and production in early 1973. We could then have an initial operating capability in the mid-1970s.

AWACS

In the air defense area, our most important program is the Airborne Warning and Control System (AWACS). Our present ground based systems are vulnerable to enemy missile attack, and they have a limited capability to detect low altitude bomber penetrations. Also, they are costly to operate.

The AWACS will be relatively invulnerable to enemy attacks, and it will be able to remain airborne on station from seven to nine hours, at 1,000 miles from its operating base. It will have a radar look-down capability for detecting low altitude penetrations.

The AWACS will also provide an improved command and control capability for our tactical forces.

Boeing Company was selected as the prime contractor for AWACS. The development phase is under a cost plus incentive contract while production will be on a fixed price basis. Boeing will use the commercial 707 as the basic airframe. For the radars, Hughes and Westinghouse are participating in a competitive prototype development program.

Two 707s have been modified as testbed aircraft and the prototype radars are presently being tested in ground facilities. In late March, we will begin extensive competitive radar flight testing. Based on these test results, the Air Force will select the winning radar which will be used in the second phase of the program when the total system will be developed.

Most of the $160.0 million R&D funds requested for FY 73 will be used to complete the prototype flight test programs. After that we will decide whether to proceed with full design and engineering development. The $309.9 million in the FY 73 procurement budget will be used to buy three test aircraft and AWACS peculiar operational and maintenance support equipment required for the test phase. These aircraft and support equipment would eventualy enter the operational inventory. Our current goal is to achieve an initial operational capability in the mid-1970s.

Advanced prototypes

In other areas, we are pursuing advanced prototype work, as encouraged by former Secretary Packard. We believe that selected prototype projects are warranted to obtain better information on costs and operational suitability before beginning new weapon development and procurement programs. This will help assure that we have an adequate base of demonstrated technology and a sufficient number of alternative approaches for meeting requirements.

The Air Force is proceeding with two aircraft projects. These prototypes will be "bare bones" models, without the subsystem necessary for a fully operational system.

Congress has approved $12 million for FY 72 development work on demonstration prototypes for the Lightweight Fighter and the Medium STOL Transport, and the FY 72 Supplemental includes an additional $5.8 million. In FY 73 we are requesting $92 million to continue these two projects.

In the Lightweight Fighter prototype our objective is to achieve extremely high maneuverability and good control. It will incorporate design ideas which we were unable to use in past development programs due to high technical risk.

Our goal in Advanced STOL Transport prototypes is to provide data on the cost and design features associated with short field performance in an aircraft with an operational weight of around 150,000 pounds, about the same as the C–130.

The expanded use of prototype development will help in selecting and managing the technology used in weapon systems. What we are trying to do is put ourselves into a position where we have data to make sounder decisions. Prototyping will provide demonstrated technology options from which we can select programs to go into engineering development.

Aeronautics

In addition to aeronautical research going on in our present Air Force facilities, we are working closely with NASA and DOD in the joint planning for a new National Test Facilities Program. In 1967, a study was initiated to identify, on a national basis, aeronautical test facilities which will satisfy requirements for new technology in the 1980–2000 time period. The Office of the Secretary of Defense advised the Congress on January 7 of this year that the Air Force will undertake detailed planning and preliminary design of an Aeropropulsion Systems Test Facility and a High Reynolds Number Transonic Tunnel at the Arnold Engineering Development Center, Tennessee. These projects, with other essential R&D facilities to be provided by NASA, will give the nation the means to obtain sound technological support for future systems.

Astronautics

We are requesting $345.7 million for our space R&D programs.

In the field of early warning satellite, the system has progressed during the last year. The sensor fields of these satellites will encompass almost half the surface of the earth. These systems are for the purpose of detecting ICBM and SLBM launches and to report atmospheric nuclear explosions.

We are continuing our development of satellites for the Defense Communications System. The initial space system has been operational for several years. In November we deployed the first two satellites of a follow-on system, however, both satellites malfunctioned. We have been successful in returning one of these satellites to limited operational status and have turned it over to the Defense Communications Agency which is the operational user. We will continue our efforts to determine the causes of these malfunctions, in order to get both satellites into full operation if possible, and to effect design corrections in subsequent satellites.

A need exists to provide improved worldwide navigation support for all our forces. We have completed studies which indicate that a satellite system can be developed which meets the needs of all users. This system can provide accurate position and velocity data to users located anywhere in the world. In addition, it will minimize the complexity of user equipment.

The concept we are pursuing is based upon having four satellites in view of any user continuously any place in the world. To confirm the study results and better understand the technological problems and costs involved, we are undertaking a demonstration program through a ground-based simulation of the concept. We are also developing and flight testing some of the more critical components of the system. If these steps prove successful, we would consider further development.

In addition to the space systems I described above, the Air Force has an active program to develop the technology required for future space systems. Advancements are being made in space guidance, communications, power supplies and propulsion. The more critical subsystem developments are space tested prior to being committed to a system.

This technology program, we believe, will permit us to reduce the technical uncertainties associated with future space system development and enable us to have the necessary building blocks in hand when the decision is made to go ahead with new programs.

In the future we would like more flexibility and eventually lower costs in our space programs. The high cost of space operations, however, still prevents us from developing a space capability in all the areas where we think satellites could enhance our national defense. Therefore, we are very interested in the Space Transportation System concept now being developed by NASA. We are working closely with NASA to assure that the configuration of the Space Transportation System will also satisfy DOD needs.

IV. Installations and logistics

Now let me comment on our efforts to improve Air Force logistics operations and military construction. Last year I mentioned the development of an Advanced Logistics System to streamline the management of Air Force wholesale logistics. This system will result in a considerable savings in manpower and dollars and will be operational on schedule in 1973.

In another area, we are concerned with the increasing costs of supporting our weapon systems over their entire life cycle. Not only have these costs increased due to the age of many of our aircraft, but the per flying hour cost of supporting new weapons continues to rise. Because of this we are involved in a concerted effort to improve the reliability and maintainability of both new and existing systems. During development and production of new systems we are placing more emphasis on system reliability and its impact on O&M costs. For example, in the A–X program we are requiring mandatory use of life cycle cost formulas as an aid to making design decisions and as a factor in source selection.

On older systems, our revised world-wide maintenance data collection system gives us detailed information on each specific system. We can then focus our efforts to reduce operating costs on the high cost systems first. For example, recent investment in modifications to improve reliability show us we can gain a return many times over within a few years.

Military construction

In 1973 we will begin to realize the benefits of our long-range depot modernization program. For FY 72, the Congress approved $52.5 million for military construction and $22.1 million for equipment as the first phase of this program. These funds are providing for the replacement of outdated or inefficient maintenance and distribution tools and facilities. This year we are requesting $41 million under military construction and $25.8 million for procurement of equipment to continue this effort. This will allow us to improve quality and worker productivity. Our objective is to insure that our depots maintain the capability to provide responsive and economical support for our latest weapon systems.

The FY 1973 Military Construction Program will also help us improve career incentives by providing a better living and working environment for our people. We know that the provision of adequate, modern structures can make a very substantial contribution to the retention of our personnel. Therefore, we are requesting $98 million in FY 73 for bachelor housing, dependent schools, medical construction, and related community facilities.

With respect to family housing, the 200-unit industrialized housing demonstration project at George AFB, which I described to you last year, has been successfully completed. Our airmen who occupy this housing are well satisfied. Moreover, the entire project was accepted, without deficiency, in October of last year and was completed within the original cost estimate.

In the FY 1972 construction program, we have 12 family housing projects totaling 3,600 units. Of these, 2,900 units at nine locations will be industrially manufactured and relocatable.

The FY 73 program includes 3,168 units at 11 locations and the large majority of these also will employ the industrialized concept. The civilian construction industry has shown increasing interest in this approach, and we hope that our experience will be of direct benefit in helping to solve domestic housing problems.

V. Conclusion

We believe the Air Force has made significant progress during the last year. I have discussed four major management areas: organization and personnel policy, weapons procurement, research and development, and installations and logistics.

We are improving our organization and planning to provide more effective use of manpower and better career opportunities. We are also stressing policies and programs which will make professional careers in the Air Force more appealing through such incentives as better housing and expanded educational opportunities. Most important, we are emphasizing the need for improvement in human relations, including the need to provide equal opportunity.

With respect to procurement, we are pursuing programs which will achieve incremental modernization of our forces at what we believe to be the least possible cost. And when evaluating the need for new weapon systems, we are making careful assessments of our own capabilities and those of our allies and are ruling out capabilities that are not essential to performance of assigned missions.

In our research and development programs, we are providing as much hardware competition and evaluation as feasible so that a determination of operational suitability can be made before making a full development and production commitment. We are also expanding our use of the prototype technique to give us sound technological options, as well as analyses of cost and operational data, prior to initiating new development programs.

In order to hold down our operational support costs, we are streamlining our logistics system to provide responsive support and reduce expensive inventories of spares and supplies.

These steps should help us to meet our primary objective of providing essential and ready forces at the minimum possible expenditure of our nation's resources.

In conclusion, I believe that the request we have presented to you is the lowest which can get the job done. It represents a balanced effort to meet the present and future challenge to our national security.

News Briefing, Secretary of the Air Force Seamans

Dr. Seamans. First, let me say that coming downstairs I found that the Australians have just announced that they are taking the 24 F-111-Cs at a press statement this morning. I have not actually seen it. It is a matter that has been under discussion with the Australians for some time and frankly, I am very gratified that the decision has finally been made and we can put the aircraft in shape for them and get them over to Australia.

The reason I am here this morning is to discuss with you my recent trip to Southeast Asia. I got back just about a week ago, and I was gone about 12 days. The reason for going, obviously, was to take a look at the Air Force operation.

We have three major responsibilities in Southeast Asia.

One is to support troops, by close support for our own troops and for those of our allies.

Second, is interdiction to stop the flow of supplies from North Vietnam down into Cambodia and South Vietnam as well as to the request of the Laotians to stop the flow of supplies to the westward in Northern Laos.

And, third, we have the responsibility to help and assist the Vietnamese in the buildup of their capability.

Now, I have some charts and I am just going to flip through them very fast. There are copies of all these so that you can have them for your own use and any questions you may have on the basis of these charts, I will be happy to try and answer them.

There has been a lot of discussion about the air war in Southeast Asia and the question of whether we are building up or doing more, and these charts show that no matter how you slice it, no matter how you look at the air activity of the U.S. over there, the trend is definitely downward and it is downward by these various indices by 50 per cent or more in the last three years.

This first one adds up all attack sorties including B-52s, all the attack aircraft, shows that on the basis of 68 we are down to roughly 39 to 40 per cent. The figure 35 per cent is only through November. Obviously it will take another few weeks before we will have the final number. But if you annualize it it is around 38 or 39 per cent.

If you look at the numbers of aircraft that we have in Southeast Asia for attack purposes, again the same kind of aircraft, you can see that we have gone from roughly 1200 down to, I don't know, 350 or so and this—we are talking here about South Vietnam and Thailand aircraft, Thailand based.

In terms of basing in South Vietnam, we were operating out of 15 bases, and we are operating now out of five. In Thailand, we were operating out of seven; we are now operating out of five.

While I was over there, the timing was right that I could participate in the transfer of Phu Cat, where we had F-4s flying until November. We have taken those squadrons out of there, and we turned over during the time that I was in South Vietnam, Phu Cat to the South Vietnamese, and they are already operating out of that base with A-37s.

Next chart shows munitions delivered in terms of tons and shows again that there has been a substantial reduction during the same period of time. This includes all munitions delivered, including not only ourselves, but the South Vietnamese and we only have those figures, and the Navy of course, and we only have those figures through October, so this will increase when the final figures are in for the year, but will still be substantially below 70, and, of course, well below the '68 figure.

Question. Do these charts include the Navy?

Answer. Yes, they do.

Dr. Seamans. Now, you say—

Question. (Inaudible)?

Answer. Yes, they do. I can go back over them.

Question. Except the Air Force first——

Answer. Except for the Air F—obviously the Air For—that is—I will have to get some help on that. I think this is all U.S. attack aircraft in Southeast Asia, including the Navy.

Question. (Inaudible)?

Answer. Now, you say—what has been going on over there that permits us to make these reductions. I want to talk a little bit about the interdiction campaign, and you will see that has been going better the last couple of years. Now that has been going better because, even though there have been some reductions in sorties, we have been using gunships, the AC-130 gunship is the one that has proven to be extremely effective. But if you look at the total pattern over there, the reduction is possible also by virtue of the buildup in the Vietnamese Air Force and this just shows the buildup in terms of numbers of aircraft during the same period of time in terms of squadrons that has gone from under 20 to now, I think it is either 41 or 42, and, as you know, the plan is to build up to 50. Fifty-one, I believe it is, during the next year and a half.

Now, this just shows really the impact of the Vietnamese Air Force. Here we have listed total numbers of sorties per year fixed-wing aircraft by the U.S. in South Vietnam. And you can see that it has gone down very substantially in 71. As a matter of fact, this last month the South Vietnamese flew over 90 per cent of the in-country missions, and, if you include Cambodia and South Vietnam, it is well over 50 per cent for the year '71.

Finally, just a word about the operation of the Ho Chi Minh Trail. This is not an exact science. We do have sensor trails; along the input to the traits we have sensor strings at the output end and we of course, have sensor strings in the middle of the trails to try to keep track to where all the trucks are, where they are moving, where they are parked and so on.

But to the best of our ability this shows in tons, the input and the output in '68 for the year—and here you have to talk about a year beginning the first of November, because that is when the dry season starts, and these run for 12 months. And the input was 61—a little over 61,000 tons. The output was 13,000 tons. Now this year, the '69 year, they still had the port in Cambodia, so they were probably getting twice as much as this figure, total tonnage, supplies, ammunition, food, available for their purposes.

During this year they lost the use of the port. They made obviously a tremendous effort to get more supplies down the trail. They put in somewhat more, and you can see they had better success in getting supplies through to Cambodia and South Vietnam, 21,000.

This last year that has just ended, we had the new type 130 gunships over there, and we had 12 of them in operation. We had the B-57 in operation. We had the smart bombs—laser-guided bombs, and we exacted quite a toll. About 9500 tons got through of 68,000 that entered the trail.

In the trail itself they have to have the order of 40 to 50,000 men to actualy operate the trucks, to operate the anti-aircraft and so on, and that takes a considerable amount of supply that is used up in the trail operation that doesn't really do them any good. Obviously their objective is to get supplies through to harass the South Vietnamese and the Cambodians.

Question. Secretary Seamans, when you talk about the through output to 9500 tons, is that into South Vietnam and Cambodia?

Answer. Yes, it is.

Question. And into Laos?

Answer. No, I am not talking about Northern Laos. We don't have sensor strings up there in Northern Laos, we do not have those kind of figures up there.

This year that is just starting, we have six additional AC-130 gunships. These happen to be the "E" version. This gives us more endurance. They have even more effective sensors, and the thing that I found when I was over there, is that more and more of the fighters, the F-4s, are working closely with the gunships where a gunship will not only use its own armament to destroy trucks, but will designate trucks for the F-4. There is much more of a team operation than we have ever had before.

It is really too, of course, this year to say how well we are going to do or make any predictions. The buildup in the flow of trucks this year, I categorize it as comparable to last year. It is still building up. There was bad weather in the beginning of the season for them. I anticipate, just looking at the numbers of trucks in North Vietnam and the supplies coming in, that they will build up to the same level as last year.

The truck damage this year by our forces is about three times what it was last year. At the same time—but I want to use caution when I say that. Last year we had just brought over some new gunships, the crews were not as well checked out as they are this year, but I have—I believe we are going to have a very, very effective interdiction campaign this year.

Now that is the end of these charts, and I would be happy to answer any questions that you have.

Question. How many numbers can you put on those trucks?

Answer. As to the numbers of trucks, it is our estimate that they have in the panhandle of Laos at any one time of the order of 3,000 trucks. You know, they shuttle back and forth relatively short distances. Any one night, they probably have something like a thousand of these trucks in motion. They have, of course, many more trucks in North Vietnam. As a matter of fact, one of the things that we have watched very closely has been the buildup of new trucks in the truck parks around Haiphong, Hanoi, and north of Hanoi, and the truck parks now have on the order of 7 or 8,000 where six months ago they had very few. And of course they are using the trucks to move supplies down from that region down to the various passes that go into the panhandle.

Last year, we sighted—and obviously sighting one truck more than once—but the truck sightings during the dry season last year were of the order of 30,000. These are sightings by our aircraft. We estimate that we hit on the order of 23 to 25,000 trucks. What you don't really know is how many of these trucks you have actually destroyed, but our estimate is that we have destroyed somewhat, some figure like half that number.

The North Vietnamese are extremely good at taking parts from a number of trucks and putting them together. They are extremely good, incidentally, at camouflaging their trucks when we hit them so it is sometimes difficult to assess the damage that we have done.

But those are the best numbers that I have available.

Question. Those new trucks in the truck parks, north of Hanoi, would they have been Russian or Chinese?

Answer. Both.

Question. Both?

You are getting a net reduction on trucks getting through even with less sorties?

Answer. Yes.

Question. And less tonnage dropped?

Answer. Less tonnage dropped, yes. But I would say that the 50 per cent reduction that I discussed with you is overall, and the reductions that we made in our operations in Laos are less than pronounced than that over the same period of time, probably in the order of, say, 25 per cent.

QUESTION. Does the new presence of enemy aircraft over the Laotian field, make any difference in U.S. tactics?

ANSWER. Yes, of course it does in the sense that we have the job of protecting our aircraft, our B-52s, and our gunships—are using even the F-4s, so we have MIG capability. We have F-4s available in case the MIGs do appear. However, as to forcing us during this campaign to divert on a continuing basis our key attack aircraft, no. We will still be able to carry out the attacks as we planned. However, we obviously must keep watching the MIG operations and we, as yet, don't know to what extent they are planning to build up that operation.

QUESTION. When your——

QUESTION (continuing):—(drowned out) Soviets' alleged difficulties in building trucks at any time, how—I am really puzzled how they can have 7 or 8,000 trucks in their truck parks now, when three months ago they had very few.

QUESTION. That is an enormous number of trucks to be delivered in a very short time by countries that aren't noted for large-scale truck production.

ANSWER. Well, I have not had an opportunity to get into the—I haven't investigated the production figures in China and Russia and deliveries. All I know is that our reconnaissance aircraft have photographed these trucks and there they are, and they weren't there six months ago.

QUESTION. Do you think they might be replacements for trucks lost on the Trail, they look like they are going to have an increased number of trucks overall?

ANSWER. I think it is a replacement for attrition purposes. Last year they had, I don't know the number last year that they had built up at the same time, but the truck parks as the dry season went on were depleted and got down very close to zero by the end of the dry season.

QUESTION. When your air strength in South Vietnam and in Thailand is removed as part of the Vietnamization program, what will the South Vietnamese Air Force have in the way of airpower to deal with the trail system?

ANSWER. Well, we, for the first time are involving the Vietnamese in the interdiction effort this year. I guess it is the history of all air corps that they start out as appendages of armies and there is no exception. In South Vietnam their air force really consisted of aircraft assigned to each one of the four military regions. We have been encouraging them to use their airpower in a more flexible fashion. They are starting to do that, and, as part of that process, their general staff are providing on the order of 5 to 10 percent of their aircraft for interdiction this year. The aircraft that they have for this purpose are the A-1s and the A-37s, as well as the two types of gunship, the AC-47 and the AC-119s. The operation with us will be partly for educational purposes and will be, of course—it will be carried out in the more benign areas of the trails, and this is something that is just in the process of starting right now.

QUESTION. How many airplanes are there in this thing, a dozen, two dozen?

ANSWER. I forget the exact number. They have got a squadron of AC-47s, and a squadron of 119s with—we are trying to provide them with another squadron of more up-to-date version of the 119. They are not all used for this purpose and I guess they are on the order of six A-37s they are currently using and maybe a comparable number of A-1s.

As in all cases with the Vietnamese, they have to start in and learn the process with relatively few, and then build up as they gain confidence.

QUESTION. Mr. Secretary, have you changed your estimates of how many, in view of the buildup of the South Vietnamese Air Force, how much residual air forces, will have to stay after the army leaves?

ANSWER. My point here is that we have—we have come down dramatically in the last three years—projection of where we go from here is a matter that is under consideration by the President and Mr. Laird, and I would just as soon not comment on where it might go, because I just don't know.

QUESTION. Sir, Mr. Packard is leaving and your name has been prominently mentioned as a possible replacement. Has anybody said anything to you about this?

ANSWER. Well, I believe a lot of names are being mentioned as possibilities to move into Mr. Packard's job. Nobody is ever going to replace him; he is a very unique man and we are going to miss him very much.

QUESTION. You didn't answer the question. (Laughter)

ANSWER. It's as complete as I can make it.

QUESTION. How many enemy aircraft have been sighted so far over Laos?

ANSWER. Let's see, when I was there there had been in of the order of 12 to 15 incursions into one part or another of Laos over a two-month period. Since then there have been a number more. It is that order of magnitude so far.

QUESTION. Are they serious or just experimental?

ANSWER. It is very hard, of course, because we don't know what their intention is. It certainly is partly experimental. They are using their ground control to vector the aircraft. There are a number of ways of coming in. One of the tactics is to come at fairly low altitude until they are in close proximity and then zoom up and close in, and, as you know, on one occasion they flew essentially right through a cell of three B-52s. They did fire air-to-air missile and they did miss by a significant amount.

QUESTION. We didn't know that.

ANSWER. Well, I'm sorry.

QUESTION. Are they attempting ambush around the sensor patterns?

ANSWER. They seem to be trying these maneuvers at various places along the North Vietnamese-Laotian border. Myself, I don't know of any specific pattern for any one particular location.

QUESTION. When was that attack on the B-52s, Mr. Seamans?

ANSWER. Well, it occurred—it—just prior to the time that I got out there. I can't give you the exact date.

When I was there two to three weeks ago, something of that order.

QUESTION. (Unintelligible) through this, I think you called it a cell of B-52s?

ANSWER. We are flying the B-52s normally in cells of three.

QUESTION. Did this come through this when it was gaining altitude or—you said they came in low—did this happen?

ANSWER. Well, they will fly out from their base at relatively low—this—they have got to clear mountains and so on, but low compared to B-52s who are flying at altitudes in excess of 30,000 feet, and then they will zoom up and they are on such a course that, with their ground control, they come in presumably at a point where they can lock on their radar on our aircraft and fire their missiles.

QUESTION. Were there interceptors on this attempt by (drowned out)?

ANSWER. There were not, no. No, there were not.

QUESTION. Was there more than one (unintelligible)? You say they?

ANSWER. I am using they in describing the North Vietnamese. There was only one aircraft in this case.

QUESTION. When you say——

ANSWER. As a matter of fact, I know of no case where they come in with more than one at a time.

QUESTION. Well, when you say they flew through the cell, did it actually——

ANSWER. Well, the B-52s had some warning and they were splitting apart and the plane went right through the middle.

QUESTION. Mr. Secretary, (unintelligible) if you were to make a chart of this one trend that wouldn't follow that pattern, would be the number of protective reaction raids on North Vietnam. I think the last number given us was 87 this year. What (inaudible) was different from last year? Are they getting more aggressive or are—

ANSWER. Well, they—they have got—

QUESTION. The weapons?

ANSWER. They have built up their defensive capability in terms of anti-aircraft, everything from 23 MM up to 100 MM. They are building up their surface-to-air missile capability. The anti-aircraft is, a lot of that is right in the trails themselves, where the surface-to-air is over in North Vietnam, and they have sufficient range so that they can attack our aircraft when we are over the Ho Chi Minh Trail, and our policy is that when that takes place we attack the SAM site.

QUESTION. Our standards for—do our pilots have the same standing orders that they had last year and the year before?

ANSWER. As far as I know they do.

QUESTION. What is your overall evaluation of this reduction of supplies coming down the trail as far as the Viet Cong capability in South Vietnam?

ANSWER. Well, this gets into an estimate of what would they like to get through, what do they feel they need? We believe, adding up the numbers of people that they have in Cambodia and South Vietnam, including the Viet Cong, that they would like to have of the order of at least twice that number. I think that maybe a better way of looking at it is to note what they have been able or not been able to do in the last year. They have not been able to mount any major offensive that has had any significance really whatsoever in South Vietnam. And, although they have had—they have been more aggressive in Cambodia, it is being a relatively minor operation.

QUESTION. You speak twice, which figure, the 9500?

ANSWER. Yes, the 9500.

QUESTION. Thank you very much, sir.

ANSWER. Okay, you're welcome.

MACV EVENING RELEASE NO. 32-72, FEBRUARY 1, 1972

(The following is a summary of significant items released to news correspondents in Saigon at 1630H this date)

In Thua Thein province, military region 1, in the afternoon on 30 January, a U.S. Army AH-1 helicopter while on a visual reconnaissance, received enemy ground fire, crashed, and was destroyed in a area 16 miles south of Hue. Two U.S. crewmembers were wounded.

In Long Khanh Province military region 3 yesterday afternoon, an element of the 3rd brigade, 1st cavalry division (airmobile), while on a ground reconnaissance mission, observed and engaged four enemy in an area nine miles southeast of Zuan Loc, two of the enemy were killed, one U.S. soldier was killed in the incident.

In Long Khanh province, military region 3, this morning an element of the 3rd brigade 1st cavalry division (airmobile), while on a reconnaissance patrol, observed and engaged an undetermined enemy force in an area 11 miles south of Zuan Loc. Enemy casualties are unknown. One U.S. soldier was killed in the contact.

The U.S. Air Force flew two B-52 missions in the republic of Vietnam during the 24 hour period ending at noon today. One mission was flown in an area 14 miles North-Northwest of Khe Sanh against suspected enemy locations. The other mission was flown in an area 10 miles North-Northwest of A Luoi against enemy bunkers and storage areas.

During the 24 hour period ending at 0600 this morning U.S. Air Force and Navy fighter-bomber crews flew 19 (USAF 15 USN4) tactical air strikes in the Republic of Vietnam. Thirteen missions were flown in MR 1, four in MR 2, and two in MR 3.

Early this morning while supporting interdiction missions over Laos, a U.S. Air Force F–105 aircraft in a flight of two, conducted a protective reaction against the hostile action of an enemy surface-to-air missile (SAM) radar site located 11 miles East-Northeast of the Ban Raving pass in North Vietnam. The aircraft fired AM missile at the site with unknown results. There was no damage to the U.S. aircraft. (This is the 28th protective reaction announced this year.)

About ten minutes later, the second aircraft in the flight observed a surface-to-air missile (SAM) being fired from the same general location as the radar site. The F–105 conducted a protective reaction firing a missile at the site with unknown results. The aircraft then successfully evaded the SAM. There was no damage to the U.S. aircraft. (This is the 29th protective reaction announced this year.)

LAOS

Yesterday U.S. aircraft including U.S. Air Force B–52's continued air operations along the Ho Chi Minh trail in Laos. In addition U.S. aircraft flew combat missions in support of Royal Laotian forces in Laos.

CAMBODIA

Yesterday U.S. aircraft, including U.S. Air Force B–52's continued air operations against enemy forces and their lines of supply and communications in Cambodia.

MACV EVENING RELEASE No. 70–10 OF MARCH 10, 1972

(The following is a summary of significant items released to news correspondents in Saigon at 1630h this date.)

1. In Long Khanh Province, military region 3, at approximately 1300 yesterday, an element of the 3rd Brigade, 1st Cavalry Division while on a reconnaissance patrol, observed and engaged an undetermined size enemy force in an area 32 miles northeast of Saigon. Enemy casualties are unknown. One U.S. soldier was wounded in the contact.

2. During the 24-hour period ending at 0600 this morning, U.S. Air Force and U.S. Navy fighter-bomber crews flew six tactical air strikes in the Republic of Vietnam (USAF 2, USN 4), the six strikes were flown in military region 1).

3. Yesterday afternoon at approximately 1700, a U.S. Army OH–6 helicopter on a visual reconnaissance mission received enemy ground fire, crashed and was destroyed 21 miles northeast of Saigon in Bien Hoa Province. One U.S. was wounded in the action.

4. Yesterday morning at approximately 1000, a U.S. Air Force RF–4 while on an unarmed reconnaissance mission over North Vietnam, was fired upon by an ememy anti-aircraft artillery site located in an area five miles northwest of Dong Hoi in North Vietnam. U.S. Air Force F–4 escort aircraft conducted a protective reaction attacking the site with bombs. Results of the strike are unknown. There was no damage to the U.S. aircraft. (This is the 90th protective reaction announced this year. Note: Protective reaction #90 called out yesterday evening was in error. This was a repeat of protective reaction #89 which was reported in yesterday's communique. The reason for this error was a misreading of the target location coordinates which made it appear as a separate protective reaction very close to protective reaction 089 in time and location.)

5. Yesterday, ships of the U.S. Seventh Fleet reported firing at enemy targets located in the southern half of the DMZ.

LAOS

6, Yesterday, U.S. aircraft, including U.S. Air Force B–52's, continued air operations along the Ho Chi Minh Trail in Laos. In addition, U.S. aircraft flew combat missions in support of Royal Laotian forces in Laos.

CAMBODIA

7. Yesterday, U.S. aircraft, including U.S. Air Force B–52's, continued air operations against enemy forces and their lines of supply and communications in Cambodia.

TROOP REDEPLOYMENT

8. Six U.S. Army detachments: the 236th Medical Detachment, the 346th Aviation Detachment, the 261st Field Artillery Detachment, the 83rd Medical Detachment, the 5th Quartermaster Detachment, and the 53rd Quartermaster Detachment have commenced stand down as a part of troop redeployment. Personnel within these detachments will be reassigned within the Republic of Vietnam or returned to the United States using normal returnee procedures. The approximate total number of space reductions is 100.

Memorandum to correspondents.

Subject: Weekly status reports—Aircraft losses.

Macoi—Official U.S. aircraft losses in connection with the war in Southeast Asia through 7 March 1972.

Fixed wing aircraft:
Category I: 1,453 (one loss).
NVN: 937 (no change).
RNV. 434 (no change).
Laos: 82 (one loss).
Category II: 1,953 (2 losses).
Helicopters:
Category I: 2,176 (no change).
NVN: 10 (no change).
RNV: 2,068 (no change).
Laos: 98 (no change).
Category II: 2,547 (no change).
Definitions:

Category I—Combat type aircraft lost to hostile action while flying missions over either North Vietnam, the Republic of Vietnam, or since 10 March 1970, over Laos.

Category II—Combat type aircraft lost to non-hostile action, support aircraft losses, and other losses in connection with the war.

Starting dates for reporting aircraft losses:
North Vietnam—August 5, 1964.
Republic of Vietnam—January 1, 1961.
Laos—March 10, 1970.

AMERICAN PRISONERS OF WAR AND MISSING IN ACTION IN SOUTHEAST ASIA (AS OF MAR. 11, 1972)

	Missing	Captured	Total
By country:			
North Vietnam	411	388	799
South Vietnam	456	96	552
Laos	262	5	67
Total	1,129	489	1,618

	Missing	Captured	Total
By service:			
Army	353	75	428
Navy	109	145	254
Marine Corps	90	25	115
Air Force	577	244	821
Total	1,129	489	1,618

STATISTICAL RECAPITULATION BY YEAR LOST

	1964	1965	1966	1967	1968	1969	1970	1971	1972	Total
Missing	4	54	204	226	294	176	85	79	7	1,129
Captured	3	74	97	179	95	13	12	11	5	489
Total	7	128	301	405	389	189	97	90	12	1,618

DECEMBER 8, 1971

No. 1026–71 C–232)
OXford 7–5331 (Info.)
OXford 7–3189 (Copies)

U.S. MILITARY CASUALTIES—SOUTHEAST ASIA

The Department of Defense today announced the following casualties in connection with the conflict in Southeast Asia.

KILLED AS A RESULT OF HOSTILE ACTION

Army: California

SP4 Dennis R. STEWART, husband of Mrs. Mary A. STEWART, 2909 Occidental Drive, Sacramento, 95826.

Air Force: Maryland

Sgt. Thomas E. FIKE, son of Mr. & Mrs. Emerson T. FIKE, Friendsville, 21531.

DIED NOT AS A RESULT OF HOSTILE ACTION

Army: Arkansas

SP4 Marvin R. KEETER, son of Mrs. & Mrs. Luther C. KEETER, Route 6, Fayetteville, 72701.

Kentucky

SP4 William T. WARREN, Jr., husband of Mrs. Joyce A. WARREN, 6315 Mount Everest Drive, Louisville, 40216.

Missouri

SP4 Ronald REMBOLDT, son of Mrs. Mabel C. REMBOLDT, 1018 Jefferson Street, Union, 63084.

Air Force: Kentucky

CPT Charles P. RUSSELL, son of Mr. & Mrs. Lee R. RUSSELL, 813 Stanley Street, Hepkinsville, 42240.

FEBRUARY 29, 1972

No. 142–72 (C–287)
OXford 7–5331 (Info.)
OXford 7–3189 (Copies)

U.S. MILITARY CASUALTIES—SOUTHEAST ASIA

The Department of Defense today announced the following casualties in connection with the conflict in Southeast Asia.

KILLED AS A RESULT OF HOSTILE ACTION

Air Force: Ohio

1LT Richard N. Christy, II, son of Mr. and Mrs. Richard Christy, Route 3, Marietta, 45750.

DEPARTMENT OF DEFENSE, NATIONAL MILITARY COMMAND CENTER, MESSAGE CENTER

UNCLASSIFIED

VZCZCMLT399
MULT
Action ASD:Pa: (25) J3: (04)
Distr CJCS (01) DJS(03) NMCC SecDef (07) ASD:ISA (10) ASD:COMP (01)
SecDef: DIA:
CSA
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NIC(01) DIA(20) CIA NSA
ANMCC
File (1)
(073)
Transit/100320Z/100503Z/001:43TOR-0700502
DE RHMSMVA #2461 0700324
ZNR UUUU
P 100320Z Mar 72
FM COM USMACV
To AIG 7046
RUMUJEA/315th TAW Phan Rang AB
RUHHHBRA/ CincPac Flt
BT
Unclas (01)

Subject: MACV weekly summary release number 69-72 of 9 Mar 1972

The following is a summary of significant items released to news correspondents INS Saigon at 1630H this date

Casualties—Military

Following are the casualty statistics reported during the period 27 February 1972 through 4 Mar. 1972 to the Department of Defense by the Military Services during the week ending Saturday. Delayed reports and status changes for earlier weeks are included as they are received. Totals (shown in parentheses) are cumulative figures for Southeast Asia from 1 January 1961 through 4 Mar 1972

U.S.

5 (45,661) deaths resulting.

38 (302,745) total wounded.

14 (152,913) wounded (hospital care required).

24 (149,832) wounded (hospital care not required.

1,498 current missing/captured/interned.

9 (10,095) deaths not as a result of hostile action.

Missing not as a result of hostile action.

Following are U.S. losses in Laos as a result of action by hostile forces for the period 27 February 1972 through 4 Mar. 1972. All figures below are included in the totals on the preceding page. The "on ground" category refers to casualties to U.S. military personnel stationed in Laos. "Air operations refers to casualties to U.S. military personnel incident to air operations over Laos. Figures in parentheses are cumulative totals since 10 March 1970."

AIR OPERATIONS

0 (100) deaths resulting from hostile action.

4 (279) total wounded.

0 (113) wounded (hospital care required).

4 (166) wounded (hospital care not required).

SOUTHEAST ASIA CASUALTIES STATISTICAL SUMMARY

The Department of Defense released today the cumulative casualties reported in connection with the conflict in Southeast Asia as of 11 March 1972.

Total U.S. deaths from action by hostile forces is the sum of the following categories: Killed in Action, Died of Wounds, Died While Missing, and Died While Captured. Lines 1 through 4 subdivide casualties by cause or category. Line 5 provides an additional breakdown of the same total by environment (air or ground). Totals are cumulative from January 1, 1961 through March 11, 1972.

B—U.S. CASUALTIES RESULTING FROM ACTION BY HOSTILE FORCES

	Army	Navy[1]	Marine Corps	Air Force	Total
1. Killed	25,277	1,057	11,468	462	38,264
2. Wounded or injured:					
(a) Died of wounds	3,506	141	1,449	44	5,140
(b) Nonfatal wounds:					
Hospital care required	96,640	4,099	51,360	827	152,926
Hospital care not required	104,471	5,862	37,167	2,338	149,838
3. Missing:					
(a) Died while missing	1,652	182	5	400	2,239
(b) Returned to control	48	7	6	28	89
(c) Current missing	240	114	78	577	1,009
4. Captured or interned:					
(a) Died while captured or interned	15	-------	3	2	20
(b) Returned to control	57	3	5	6	71
(c) Current captured or interned	75	146	25	245	491
5. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	90	157	140	704	1,091
Helicopter	2,294	66	429	63	2,852
(b) From ground action	28,066	1,157	12,356	141	41,720
Total deaths[2]	30,450	1,380	12,925	908	45,663

[1] Navy figures include Coast Guard.

[2] Sum of lines 1, 2a, 3a, and 4a.

B—COMBAT DEATHS FOR OTHER FORCES IN VIETNAM SINCE JAN. 1, 1961

Force	RVNAF[1][2]	Other Free world forces	Enemy[2]
6. Total deaths	146,735	4,855	799,826

C—U.S. CASUALTIES NOT THE RESULT OF HOSTILE ACTION SINCE JAN. 1, 1961

	Army	Navy	Marine Corps	Air Force	Total
7. Current missing	113	-------	12	-------	125
8. Deaths:					
(a) From aircraft accidents/incidents:					
Fixed wing	260	176	45	281	762
Helicopter	1,811	52	242	18	2,123
(b) From other causes	4,931	617	1,391	276	7,215
Total deaths	7,002	845	1,678	575	10,100

[1] Does not include paramilitary losses.

[2] Included in adjustments from previous periods and is subject to later adjustment in turn.

[3] Navy figures include Coast Guard.

RESUMPTION OF HEARING

Mr. SLATINSHEK. To bring the record up to date, the chairman did respond to Mr. Harrington's letter by letter dated April 7, 1972, and with the permission of the Chair I would like to read the response into the record.

"Dear Mr. Harrington: I have reference to your letter of March 15, 1972, concerning the public release of statistics on the bombing in Southeast Asia.

"In view of the subject matter of your letter, I immediately referred the matter to Secretary of Defense Laird for his personal attention.

"I now understand that by letter dated 30 March 1972 the Department of Defense has written a direct response to you.

"I trust that your recent trip to Southeast Asia together with the Department's response to your inquiry of March 15, 1972 will provide you with the information you desire. I might also point out that the full Committee on Armed Services is scheduled to receive an operational briefing on the current situation in Vietnam on Tuesday, April 11, 1972."

Mr. DOOLIN. Mr. Chairman, if you wish I am now prepared to address the other aspects in Mrs. Abzug's proposed resolution in an executive session.

The CHAIRMAN. Before we go into executive session, the members should be allowed to ask you questions, about which you testified in public, then we will go to the executive session.

Mr. Bennett.

Mr. BENNETT. I have enjoyed and gained from the testimony you have given, but I note it was mostly to explain what you have done with regard to Mr. Harrington. I am glad to know you have been cooperative with Mr. Harrington, but in a few minutes or some short period of time, I am going to have to vote on H. Res. 918. And therefore I am very anxious—I don't know whether you can do it in open sessions or not but I would like to discuss this resolution and tell me why this is not a good resolution, or what is dangerous about it? Why you can't agree to let this resolution or some amendment in that nature be passed.

So, if you could address yourself to that I would appreciate it.

Mr. DOOLIN. Mr. Bennett, that was addressed in the letter provided by Mr. Buzhardt which Mr. Harrington read into the record.

Mr. BENNETT. It addresses an inquiry to Mr. Harrington, that Mr. Harrington made, but it doesn't address this resolution, does it?

Mr. DOOLIN. Yes, sir, this is specifically addressed to the resolution.

Mr. BENNETT. Even if it is repetitious, I haven't understood you to say to any particular section of this bill you find the section is objectionable. Just because somebody has introduced something in the record which I haven't had the opportunity to read, it is not very illuminating to me. I would like to know why you think this is a bad resolution.

Mr. DOOLIN. If I may read one section from Mr. Buzhardt's letter again.

Mr. BENNETT. I want you to tell me why you think this resolution is not good, because I don't know what Mr. Buzhardt's letter addresses itself to. I want to know why this resolution is not a good resolution.

Mr. DOOLIN. Mr. Buzhardt's letter represents the position of the Department of Defense.

Mr. BENNETT. To this resolution?

Mr. DOOLIN. It says it would in the judgment of the Department of Defense be incompatible with the public interest to provide the information in the matter directed by the resolution. I am prepared today, sir, to address in an executive session the specific requirements laid down by the proposed resolution and to provide the data.

Mr. BENNETT. But you are not prepared to say why a particular section is objectionable, because you feel like saying it is objectionable might reveal information helpful to the enemy; is that it?

Mr. DOOLIN. We do not feel that the information requested by Mrs. Abzug in her resolution should be made available in an unclassified format.

Mr. BENNETT. That is not the question I asked you. I asked you whether or not, even stating why you cannot be critical of H. Res. 918, is in itself damaging to the national defense and, if it is not, I would like to hear you say why it is something that we shouldn't know about.

All you told me was that the information sought would be damaging.

Mr. Doolin. No, sir; I said delivery of the information in the manner directed by the resolution would be damaging.

Mr. Bennett. But you have not told me publicly, and I am not asking you to do anything publicly that is damaging to our country—but you have not told me publicly why it is you can't say this resolution is bad and good in particular sections.

Mr. Buzhardt's letter is a very brief letter, it's just without detail. Maybe you can't do this.

The Chairman. Mr. Bennett, maybe I can be of a little help. The witness was trying to convey that in executive session he can tell you the reasons why which will help you make up your mind whether you vote for the resolution or not.

Mr. Bennett. I understand he is willing to tell me that in executive session. I am wondering now if you can tell me in open session why it is you can't respond to these certain sections of this resolution telling me why they would be bad or good. Can you tell me anything about this that would be good? I don't want you to tell me anything destructive to the national defense of our country. Can't you make any comment on this thing in open session?

Mr. Doolin. Mr. Bennett, I addressed item 7 and item 10 in the resolution, and with regard to the other items I have to accept my guidance, sir, from the letter of Mr. Buzhardt, our general counsel, that simply says we can't provide it in open session.

Mr. Bennett. I beg your pardon, you didn't address why it would be bad to pass this resolution. You just gave information that the resolution asked for. You didn't address why it would be bad to pass the resolution asking for the information.

Mr. Doolin. On that point, Mr. Bennett, I would offer the same reasons that I listed in my letter to Mr. Harrington, that this information would provide more refined planning data to enemy commanders.

Mr. Bennett. So you can't at least state as the resolution now stands, it is objectionable to the Department of Defense because it gives too much planning data?

Mr. Doolin. Yes, in an open session, that is correct, sir.

Mr. Bennett. Thank you.

The Chairman. Mr. Pike.

Mr. Pike. Thank you, Mr. Chairman.

Mr. Secretary, is there any part of this resolution which could be responded to in open session?

Mr. Doolin. I responded to items 7 and 10, Mr. Pike.

Mr. Pike. You addressed items 7 and 10, you did not respond to item 7. I think you did respond to item 10. Item 7 has to do with whether there is a target date. You can answer that yes or no. Is there a target date?

Mr. Doolin. Yes, there are target dates.

Mr. Pike. The other half of the question is: What is the target date? Can you answer that?

Mr. Doolin. I cannot provide the target dates; no.

Mr. Pike. Can you answer that question in executive session?

Mr. Doolin. Yes, sir.

Mr. Pike. The target date—all right.

We will be provided the target date in executive session, then, is that what you are saying, Mr. Secretary?

Mr. Doolin. I can give you some concrete information on that Mr. Pike.

Mr. Pike. All right.

Now, let's just go through this resolution.

As to question 1, why can't we tell the American people the number of American military personnel in South Vietnam at the present time—the President makes these announcements from time to time with great fanfare and very happily. Why can't Congress be told right now?

Mr. Doolin. I think it is fairly common knowledge, Mr. Pike, that it is somewhere under 90,000.

Mr. Pike. That is not the question. Why can't question 1 be responded to right now in open session?

Mr. Doolin. Mr. Pike, I am simply under guidance not to get into specific force levels in open session.

Mr. Pike. Well, let's go to question No. 2. Is the position of the Department of Defense that the enemy doesn't know when we are conducting sorties against them?

Mr. Doolin. Obviously they do.

Mr. Pike. Then why shouldn't the American people know the number of these sorties?

Mr. Doolin. As I pointed out, Mr. Pike, in my letter to Mr. Harrington, these figures are provided on a regular basis, but I don't want to get into, in open session, specific areas of operation.

Mr. Pike. The question doesn't ask for specific mix or anything, except the number of sorties for bombing purposes on and in North Vietnam. Why shouldn't the American people know it?

Mr. Doolin. I think there has been quite a bit already provided on that—in Saigon, and here.

Mr. Pike. There has been a great deal of mush with all due respect, Mr. Secretary, but as to specifics, I think there has been a great absence, and I am just asking you if there is anything in the number of sorties flown in the past in a certain ten-day period—why can't the American people know this?

Mr. Doolin. Sir, I can only say announcements are made at MAC–V in Saigon. Announcements are made here, but in terms of a complete statement as to the number of sorties flown, I am under direction not to address that in open session.

I must say, Mr. Pike, if I may, sir, having before I came into this job, been a professor at Stanford University and a researcher, I have never seen a conflict or in many ways, a research problem, where there are such data available.

Mr. Pike. Are you telling me that the Department of Defense doesn't know the answer to the question—the conflict on the research data? Surely the Department of Defense does know the answers to these questions, doesn't it?

Mr. Doolin. Yes, sir.

Mr. Pike. Well, then, if they know the answer to the question, then it is not a conflict in the research data which prevents their being answered. It is because somebody has decided that they should not be answered.

Mr. Doolin. No, sir, certain of the data are classified.

Mr. Pike. Oh, I know it, but good Lord, we classify everything. We classify the biographies of witnesses. We classify bows and arrows, if we were using any.

Don't we have in the Department of Defense, figures on how much it costs to drop one ton of bombs, or one pound of bombs? Don't we have an overall figure in this regard?

Mr. Doolin. Sir, I thought you answered that very effectively to Mrs. Abzug.

Mr. Pike. I am asking you whether we don't have an overall figure. Don't slough it off.

Mr. Doolin. I am not sure.

Mr. Pike. I am trying to get some information from you. Do we not have overall figures as to what the costs to drop a pound of bombs or a ton of bombs or whatever they are?

Mr. Doolin. I can give you some estimates, sir, yes.

Mr. Pike. **Are they up to date?**

Mr. Doolin. Yes, sir.

The Chairman. Mr. King.

Mr. King. I simply want to congratulate this witness, Mr. Chairman. I think he has given out entirely too much information already. That has been the trouble with us from the start of this conflict. We have violated every sensible rule, to wage a war, a successful war. I think it is high time the American people be told we are going to get out of there and get out of there safely.

We have got to keep our mouths shut. I think this man is absolutely right. I think the State Department is right and the Defense Department is right. And I think this committee has been right.

The Chairman. Mr. Harrington.

Mr. Harrington. Mr. Doolin, I feel after listening to you, listening to a ping pong ball. You told me initially in a letter in February last year or thereabouts you would give this information to me if we had an executive session at the wish of the chairman. We went to great lengths while I was absent on my fact-finding tour of Southeast Asia—I want to address myself to this committee and Congress as a whole on the particular travel arrangements.

Somehow the information that you are giving me now which apparently is public record suffices, and either meets the sensitivity or security admonition that was a part of the letter. I find myself you are making the best point I can make when it comes to the kind of regular unwillingness bordering on certainly a predetermination beforehand to make sure that we are kept as much as possible ignorant of what is going on.

I know it is complex. I am not expecting to try to pin you down or to make it awkward or difficult for the Defense Department or to try to use any information that is going to in any way jeopardize the security of those people there. But I listened to the most twisted and distorted logic when it comes to the kind of activity that has no remote bearing at all on the question of protecting American lives in the area, listened to a briefing last Tuesday which did not even make reference until asked about it to the increased activity as far as protecting American lives. And it becomes very obvious to me the sanguine statements made by the executive branch, and I will be bipartisan because the mess we are in was not started in the last three and a half years, despite the plan to get out of it, I can't understand why we can't get a definition of what our role is in a specific way from you in open session so people can understand exactly what we are committing people to and their resources and not nit-pick through a lot of letters and correspondence and point fingers back and forth as to whose responsibility it is.

I know full well there are problems. And I know full well how it will be used by the press and people adversary to you but that is the name of the business we are in. We are held accountable. I think you ought to be, and it ought not to be by stamping everything around this place secret. I can't see any reason why you can't level with us and the American public about what is going on over there. I don't see any justification even remotely for suggesting a lot of these things involving our allies, particularly the Thai bases which the press has been excluded from, can't with the kind of pressure we can exert on our client's governments, be made public.

If there is a rationale that has long since ended for American security, I wish you would spell it out to me, but not just hide me behind the kind of language I have seen used with me and Congressman Aspin and others, when it comes to the sort of thing I think we have a right to know and should know if we are going to function properly.

Mr. Doolin. Mr. Harrington, if I may, in terms of providing this information, I frankly am not concerned at all how that information would be used by either a supporter of our policies in Vietnam or by our opponents of our policies in Vietnam. I am concerned about whether this information would be of value to the enemy. It is the considered judgment of the Department of Defense it would be, and I wholeheartedly share this judgment.

Mr. HARRINGTON. Even after the fact, even after the enemy has been recipient of tonnage which now exceeds the tonnage of the first five years, and I am talking until the last two weeks, eastern Laos and parts of Cambodia, and no talks going on involving activities in Laos. How in the world can that harm our ability to have us understand where we are at this situation in that I know the troop withdrawals situation?

I also know how many Air Force men are in Thailand. And I know with the buildup everybody is certainly not given the kind of attention it should be given in the Congress, what it means as far as we won't have in Vietnam but elsewhere after May 1st. That is the thing we should know and know where we are going with it, and not have this thing drawn out in some political charade, which winds itself down about November 7th of this year. I don't see any logic to it. And I don't see why the information can't be made known without the security being effective, and you can't give it out in open session and not in executive session. No other questions, Mr. Chairman.

The CHAIRMAN. Mr. Aspin.

Mr. ASPIN. Yes, I would like to just ask one question here, Mr. Chairman. In the letter from Mr. Buzhardt, it says in view of the fact that the Armed Forces of the Republic of Vietnam are now actively engaged with United States assistance in repelling an armed attack across the demilitarized zone it would be in the judgment of the Department of Defense incompatible with the public interest to provide the information in the manner directed by the resolution. Am I to imply by that if the attack had not come across the demilitarized zone you would be in fact in favor of the Abzug resolution?

Mr. DOOLIN. No.

Mr. ASPIN. Then this is not the reason why?

Mr. DOOLIN. What Mr. Buzhardt is saying there, Mr. Aspin, is that to provide real time information, on the levels of our activity during the first ten days of April, coming right on the heels, I wouldn't frankly have used——

Mr. ASPIN. Wait a minute. You tried to tell Mr. Bennett here all of the reasons why the Department of Defense was not in agreement with the Abzug resolution was here in Mr. Buzhardt's letter. On the other hand the only point Mr. Buzhardt makes you now say would not be enough. In fact, the attack didn't come. That you would still not be in agreement with providing information in the Abzug resolution. What I am puzzled by is what are the reasons? The resolution that we have here we are soon to go into executive session. When we go into executive session, people will leave. Nobody will know why this resolution has been turned down, why you do not agree with it.

Mr. Buzhardt's one reason which you say is not the complete reason. In answer to Mr. Pike you sometimes imply it would be dangerous to give the information out. At other times you imply that the information is already available. I am puzzled as to what—you give us cogently and coherently if Mr. Buzhardt's letter is not correct—give us cogently and clearly and concisely why the Department of Defense does not want to release the information.

Mr. DOOLIN. Well, Mr. Aspin, Mr. Buzhardt's letter was correct. I was addressing myself specifically to his statement in which he says the Armed Forces of the Republic of Vietnam, are now actively engaged, with U.S. assistance, in repelling an armed attack in force across the demilitarized zone. I would have used the word invasion, but that aside, if the level of enemy activity in the south had come around the edge instead of across the demilitarized zone, our position, I feel, would still be valid.

Mr. ASPIN. Suppose there hadn't been an attack recently. Suppose this resolution in fact came last month. What would you have said to the resolution then?

Mr. DOOLIN. I would have said simply that we would be as responsive as we could.

Mr. ASPIN. Never mind that. Would you have agreed that the Abzug resolution should pass?

Mr. DOOLIN. If it had been brought to the attention of this committee before the attack?

Mr. ASPIN. Exactly.

Mr. DOOLIN. No.

Mr. ASPIN. Then I am back to the same point. You say the Buzhardt letter is the reason why—you keep quoting Mr. Bennett and what-not—the Buzhardt letter is the reason why the DOD does not want the Abzug resolution to pass, yet the only point in the Buzhardt letter you make you now say is not the reason?

Mr. DOOLIN. I said it is not the total reason.

Mr. ASPIN. Well, what is the total reason, is what I am asking?

Mr. DOOLIN. Simply, Mr. Aspin, I would not provide these detailed figures to an enemy commander.

Mr. ASPIN. On the other hand at times you implied to Mr. Pike there was more detail available now than any other time?

Mr. DOOLIN. There is a tremendous—as I said, there is a tremendous amount of material available to the public and to the press. But some of the information that is requested we do not in good conscience—we are not trying to hide anything for the sake of hiding something. We are trying to protect the remaining U.S. forces there. We are trying to permit the continuation of our redeployments. We are trying to give the Vietnamese a try at Vietnamization and I don't think this should be provided in an open session.

Mr. ASPIN. I am puzzled, as is Congressman Pike, as to what the rationale is. You won't discuss it on a point by point item as Mr. Pike wanted you to. You kept trying to refer to this letter from Mr. Buzhardt when Congressman Bennett was asking questions, and yet now when I ask you about the letter, you say that is not the complete reason. You seem to be bound by your superiors not to be able to talk about detail, and yet the general statements you refute as not being the real reasons.

I don't think we are going to give anything that the public here is going to be able to take away as to any knowledge why you are opposed to this resolution. Maybe in the executive session we will get more information.

Thank you, Mr. Chairman.

The CHAIRMAN. Dr. Hall.

Mr. HALL. Mr. Chairman, the need for military and national security has many times been affirmed by this legislative branch of Government, and by the highest judicial tribunal.

Second, as a preamble, there is never any complete explanation to the reaction of the electorate.

Finally, the action of that electorate does not necessarily impose complete right to know for those who might be disgusted, even by those who have the Constitutional power to handle foreign diplomacy or under the Logan Act or amendments thereunder, too.

I think in spite of the repetitiveness, in spite of harassment, that does no service to the national interest. There are times when those who do not become privy to all information or indeed evaluated intelligence should come to the firm realization that it is based on distrust of the ultimate objectives. Thank you.

The CHAIRMAN. Mr. Hunt.

Mr. HUNT. Thank you, Mr. Chairman.

I just have an observation to make in regard to the witness. I want to commend you for your forthright statements insofar as simply saying it becomes a matter pertaining to military security, and that was your answer this morning, as to not answering specific questions at this time. I want to commend you for that, and I take exception to some of the bantering that has taken place in this committee this morning in regard to you, and I apologize to you for the bantering that has taken place. Thank you.

The CHAIRMAN. Mr. Gubser.

Mr. GUBSER. Yes.

Mr. Secretary, by way of preface to my question, which will be more of a statement than a question, I say at the outset I think it is pretty evident that the current scenario of certain groups is that as the ground war has wound down, that the emphasis upon the air war has been built up, and in fact this was apparent over a year ago when an organization was formed here in Washington called Project Air War under the direction of Mr. Branfman who just in February has become an official delegate to this Communist-dominated Versailles conference held in Versailles, France, who I understand was evicted from Laos because of suspected collaboration with the communists at Laos.

So it has been obvious this is the scenario, we are going to get across the idea that even though the ground war has wound down the air war has been stepped up.

Now, in light of that, I would like to remind you of some problems that I had with you a few moments back when I challenged a statement by another Member of Congress that we were in effect practicing the policy of genocide in our bombing policy in Laos, and indiscriminately bombing civilians.

First of all I didn't believe it, and I set out to try to prove that this allegation was totally false. And in my efforts to secure proof, I contacted you considerably, a considerable number of times, and the thing I wanted the record to show is that never at any time was I, who was trying to fight the battle in favor of the policy which is current policy, and which you are obligated to defend—never at any time could I get any information from you that hadn't already been available to the persons who were making the opposite charge, and in fact you will recall that I had to go to Secretary Seamans in order to get the release of a chart which would show the incidents of bombing as compared to population density. And you will recall we had a great deal of trouble in getting that released, but when it was released—and this is the important thing, and I want to emphasize this—when it was released it was agreed it would also be released to Representative McCloskey, should he request it. So there wasn't a blamed thing that I, as a supporter of your policy, could get, that anybody else didn't have. Isn't that right?

Mr. DOOLIN. That is absolutely right, sir.

Mr. GUBSER. Now, the question of whether or not we have too much censorship is a legitimate question. Sometimes I am inclined to agree in some instances with Mr. Harrington. But the point I want to make is that those who are on one side of this argument are not given anything that is the least bit different from those on the other side of the argument.

I had that personal experience and I want to show it. I sincerely hope that those who are now promoting this new scenario, Mr. Branfman and his ilk, would be as objective as I found the Department of Defense to be.

That was my question.

The CHAIRMAN. Mr. Young?

Mr. YOUNG. Thank you very much, Mr. Chairman.

Mr. Doolin, would it be helpful to the South Vietnamese or to our interests in Southeast Asia to have known in advance when and where the Communists were going to deploy their troops in this invasion?

Would it be of some help to the effort in Southeast Asia to know where their tanks were going to be launched from, what their destination would be?

Mr. Doolin. Of course.

Mr. Young. What about their SAM's and antiaircraft pieces?

Mr. Doolin. We take any and all information we can get.

Mr. Young. Would it be helpful to the South Vietnamese effort to have some idea in advance which civilian government leaders were going to be assassinated and when?

Mr. Doolin. Yes, sir.

Mr. Young. Would it be helpful to know where the mortar would be fired from and to and rockets launched to and from?

Mr. Doolin. Yes, sir.

Mr. Young. Has any of this information been provided to us or to the South Vietnamese by the Commuists?

Mr. Doolin. Not by conscious decision of them.

Mr. Young. Thank you.

The Chairman. Mr. Nedzi.

Mr. Nedzi. Mr. Secretary, do you think that the American people should know what it is costing us to wage the war in Vietnam?

Mr. Doolin. I think, Mr. Nedzi, that can be determined on the basis of our budget request.

Mr. Nedzi. I asked you whether you think they should know what it costs us? Do you think that should be kept classified?

Mr. Doolin. Sir, I would have to provide that answer for the record.

Mr. Nedzi. You don't have a personal opinion.

Mr. Doolin. I don't know what the exact sensitivity of some of the cost figures are. I honestly do not.

Mr. Nedzi. In response to Mr. Pike, you stated that you do have an estimate of the cost of the delivery of bombs. Are you prepared to tell us that estimate?

Mr. Doolin. I can provide information on the incremental costs in executive session; yes, sir.

Mr. Nedzi. You can't tell us in public session?

Mr. Doolin. I cannot.

Mr. Nedzi. I have no further questions, Mr. Chairman.

The Chairman. Mr. Bob Wilson.

Mr. Wilson. Mr. Chairman, I want to commend the witness for handling himself under rather difficult circumstances. Obviously, you come here under wraps and these are very key questions that are being asked that revolve around the actions over there today. If one person's life might be jeopardized by making a public statement, I appreciate the fact that you are restraining.

Thank you, Mr. Chairman.

The Chairman. Mr. Stratton?

Mr. Stratton. Thank you, Mr. Chairman.

I want to make mainly a couple of comments. I had hoped to be able to question Mr. Harrington, but I was called out for a very important phone call.

I want to say first of all that I think Mr. Doolin has given us some of the major reasons why this information cannot be released. We don't make a habit of announcing what our activities are to the enemy in the middle of a war. And I think sometimes some of those who have introduced resolutions in this Congress, including the one before us, overlook the fact that we are confronted with a conventional invasion supported by Soviet equipment on the eve of a supposed summit meeting in Moscow designed to improve relations.

I don't see how we could hope to have any kind of effective summit meeting if our forces were to be surrounded and perhaps slaughtered by some kind of military blitzkrieg in South Vietnam, particularly when on the basis of the geography in South Vietnam the enemy line is always at least not less than 30 miles away from Saigon. I think some of the efforts to try to confront Mr. Doolin with embarrassing situations have not been helpful.

Secondly, I would like to say, Mr. Chairman, that I can't seriously believe that this resolution has a legitimate legislative purpose. This is a device; it has been dug up by my distinguished colleague from New York. And this is either the fourth or fifth time it has been used in the past 14 or 15 months.

But I don't think this really serves any useful purpose. We all want to get out of Vietnam. I would hope that we want to get out of there with our 95,000 troops who are still there, still alive, and intact, and I don't think that all of this information, if it was laid here before the Congress, is really going to solve that question about how we can successfully withdraw, and continue to withdraw from Vietnam, at the same time we are confronted with an all-out military invasion supported by sophisticated military equipment from a country that pretends to be interested in friendly relations, and wants to latch on to the advantages of American trade.

The distinguished gentleman from Massachusetts has been a member of this committee. He sat in on the briefing we had from Admiral Moorer the other day. We got a lot of information from Admiral Moorer. I don't see that that alters his view of our position in the war. And I don't think that full compliance with this resolution is going to be used for anything more than to create additional divisions in this Congress and in this country at a time when we are confronting, I believe, a very grave military situation.

I wanted to ask the gentleman from Massachusetts whether he recognized the difference between an invasion and a civil war. I listened to the television this morning. I have been listening to it for the past few days. It is almost impossible to tell from the comments that are made by the commentators, and also by some of the other members of the other bodies, that we have an invasion going on.

This entire solution is addressed to the United States. No talk about the fact that South Vietnam has been invaded at a time when 95,000 Americans are located there, and most of them only 30 miles from the enemy front lines at the Parrots Beak. I saw a picture in the Washington Post this morning of a South Vietnamese man who was crying because his wife had been killed by an enemy ambush, and yet I haven't found any indication from those who support this legislation that there is anything wrong about killing South Vietnamese. Apparently, it is only the residents of Hanoi and Haiphong that we are concerned about.

I would like at least a little kind of balance in this effort. And while I would agree with other gentlemen who have spoken that sometimes the Pentagon overclassifies statistics, I think particularly on the part of members of this committee to demand that everything be presented on the line, including what has happened in the last ten days, can only jeopardize our position in Vietnam.

The Chairman. Members of the committee, it is obvious we have to recess at this time, and there is also a policy meeting on the Republican side later during the day.

So the committee will stand recessed until 3:00 this afternoon, at which time we will go into executive session.

(Whereupon, at 11:55 a.m. the committee recessed.)

AFTERNOON SESSION

The committee met pursuant to recess, at 3:07 p.m. in room 2118, Rayburn House Office Building, the Honorable F. Edward Hébert (chairman) presiding.

The Chairman. The committee will come to order.

Members of the committee, I have to alert you there will be a vote pretty soon on the floor, a yea and nay vote on the bill pending. When that vote does come, we will recess and return immediately afterwards.

We are picking up where we left off this morning.

Mr. Slatinshek.

Mr. Slatinshek. When the committee adjourned this morning, the Secretary had requested the opportunity to go into executive session to provide responsive replies to the various materials in the resolution pending before the committee.

Mr. Doolin. Mr. Chairman and members of the committee, during the opening session of the committee hearings this morning, several questions and comments from members of the committee, and possibly my responses to those questions may have suggested that selected information was being withheld from the public domain for reasons other than national security interest.

I wish to make clear that it is the national security interest, and only that interest that constrains us from providing a full disclosure for the public record concerning the questions contained in H. Res. 918. As it was stated in Mr. Buzhardt's letter, and I quote: "In view of the fact the armed forces of the Republic of Vietnam are actively engaged, with United States assistance, in repelling an armed attack in force across the Demilitarized Zone, it would in the judgment of the Department of Defense be incompatible with the public interest to provide the information in the manner directed by the Resolution."

I fully appreciate, sir, the right and need of the members of this committee to be furnished with factual information on which to base their decisions. My purpose in being here is to give you that information as fully and frankly as I can.

My personal preference would be to avoid the broader questions involving disclosure policy and confine my remarks to those specific questions addressed in H. Res. 918.

Having said that, I now wish to assure the members of this committee that I am prepared to address as fully as possible the questions which appear in H. Res. 918. There are, of course, limits to my knowledge of certain details. In the event other questions occur for which I do not have the information here, I will be happy to try to provide it for the record.

Would it be your desire, Mr. Chairman, for me to take the items point by point and simply provide the information?

The Chairman. Or shall we go to the briefing first? What do you want? Shall we have the briefing?

I think it would be more expeditious and more beneficial if we have the briefing first, because the briefing undoubtedly will generate questions which we will ask you.

Mr. Doolin. Certainly, Mr. Chairman.

Mr. Slatinshek. Mr. Chairman, the briefing is designed to bring the committee up to date on our air activity in Vietnam, particularly over North Vietnam, and General Pauly is here prepared to respond to committee questions on that. His group has briefed the Senate Armed Services Committee this morning on this subject. We thought we would like to get that before the committee prior to final action on the resolution.

The Chairman. Yes.

Mr. Dickinson. Mr. Chairman.

The Chairman. Yes.

Mr. Dickinson. I want to apologize. I had to leave earlier today. One of my constituents is getting a citation from the Secretary of the Navy. I was not here for the last hour.

I want to know what the parliamentary situation is. We did not vote on the resolution but we will have a briefing on the military situation as a prelude to voting on the resolution?

Mr. Slatinshek. Yes, and also the Secretary will pick up and attempt to respond to each of the items in the resolution; attempting to be as responsive as possible to the committee's interest, following the briefing.

Mr. Dickinson. Thank you. But now, as you have announced, we are expecting a vote momentarily on the floor, and we will vote and come back.

The Chairman. We will recess and go to the floor and vote and return.

Mr. Dickinson. Thank you.

General Pauly. Mr. Chairman, I am prepared to discuss the operations in South Vietnam, recent and current operations, to update the committee since their last briefing, as well as cover the recent activities north of the DMZ in North Vietnam.

The Chairman. General, you are addressing yourself to the entire picture, including the activities of the South Vietnamese as well?

General Pauly. Yes, sir.

If there is a time constraint, I can take them in either order at your preference, sir, in terms of South Vietnam first, and then up north, or vice versa.

The Chairman. I would like to ask you one question which has come to my attention. This is purely scuttlebutt and purely rumor, but I would like to know if there is any fact to it or not.

I got a report just before I came in that the Southern Vietnamese group of Marines had amphibiously landed behind the lines of the DMZ, is that accurate?

General Pauly. I have no knowledge of that.

The Chairman. You have no knowledge?

General Pauly. No, sir.

With your permission now I will go through the southern portion first and activities in the north.

The Chairman. Any way you want to present it.

BRIEFING BY BRIG. GEN. JOHN W. PAULY, DEPUTY DIRECTOR, REGIONAL OPERATIONS, J–3, JOINT CHIEFS OF STAFF

General Pauly. As you recall, the activity we have seen since the 30th of March has been centered around four basic areas just south of the DMZ, located near the DMZ in northern MR I, also in the northwestern portion of MR II, in the Kontum and Pleiku area, the so-called B–3 front.

The threat which has been posed by the three North Vietnamese divisions in northern MR II, is the An Loc area, there is also a small threat which massed the total troops that were in the area between Phenompenh and the coast prior to the initiation of activities in the MR IV area. So each of the MR's are threatened to a greater or lesser degree, and I am prepared to go MR to MR to bring you up to date from your briefing of last week.

As far as MR I is concerned, you will recall that on approximately the 30th of March large formations of the North Vietnamese Army came through the DMZ, accompanied by a considerable number of tanks, and hit the Third ARVN Division immediately to the south of the DMZ, which was disposed in the fire support bases in that area.

Likewise, the 308th Division came from the west from a position to which they had infiltrated earlier, and in the area of Hue. This action is taking on some additional significance in recent days. The 324th Bravo Division also threatened the provincial capital of Hue.

The situation since you were last briefed, in the area immediately to the south of the DMZ can be best described as static as far as any major changes are concerned. The line shown in blue,* formed by the Cuaviet River and turning south, was the basic line of defense which the ARVN forces had fallen back to after the initial onslaught. This was the position they occupied, when you were briefed last. They continue to occupy basically the same position.

The activities that we have seen since this posture has been attained have been varied. In the initial period, of considerable enemy aggressiveness and activity across the entire line this lasted until a week ago Sunday. That was the date when at six different locations along the line were struck by mass armor and infantry against the ARVN-NAF forces. On that date, the ARVN forces held well, and before the day was over, claimed 58 of the enemy's tanks destroyed and over 1200 enemy killed in action. That was a week ago Sunday, and I believe that it will go down as the turning point in the activity that we have seen in the northern stretches of MR–I.

Since that time, the enemy has shown little aggressiveness or little capability to mass troops and to mount a sustained and strong effort against the South Vietnamese forces. In contrast, since that time over 80 percent of the total contacts have been friendly-initiated, as opposed to enemy-initiated. The ARVN forces, including the Third Division which occupies the northernmost positions, that took the brunt of the large move across the DMZ, they are doing well, as are the Marines in the area to the south of them, the Vietnamese Marine Division, and the First ARVN Division to the south of them near Hue.

So since a week ago Sunday there has been heavy activity, mostly friendly-initiated. General Lam initiated two and one-half days ago an effort [deleted].

This counterattack on the part of General Lam is composed of a force of some [deleted] battalions. They are moving slowly and deliberately out toward the ridge lines. The contacts which they have had to date have been few in number, but strong in terms of enemy efforts to stop them. They have progressed only a few miles, yet they are out there getting into the enemy bunkered positions and moving gradually toward their objectives.

[Deleted.]

Supporting the effort along the coast are [deleted] naval gunfire support ships, which are bombarding and softening up the enemy activity in the area to the north of the Cuaviet River. I also recall at about the time you were last briefed on this situation, we had a weather problem, and until about four days ago the weather associated with the northeast monsoon was as bad as we had ever seen in previous years. This should have been a transitional period where you could expect breaks in the weather throughout the coastal regions.

The breaks did not appear, and for some 12 days we had only one day in which we could get our tactical aircraft into the area to take fleeting targets under direct attack. However, four days ago the weather broke. It continues to be good, and the weather people anticipate that the entire area will be wide open for at least another 48 hours.

This augurs well for making maximum effective use of our tactical aircraft, as well as the VNAF aircraft which are operating against the fleeting targets, buildups, logistical targets and so on.

During the bad weather, however, we were able to use B–52's to good advantage against the buildups that could be determined, as well as the U.S. tactical aircraft, using loran and ground-based radar procedures. However, you are not able, under those conditions, of course, to take fleeting targets under attack. Those are the ones we are most interested in at this particular time.

To the south of the area just discussed, in the area of Hue, you will recall the 324th Bravo Division had infiltrated the entire division into the highlands to the west of Hue, prior to the kickoff of the current operations. This division has been operating and continues to operate in the area west of Hue and has exerted extremely heavy pressure on the First ARVN Division, which is responsible for the security of the area.

This division was chosen to underwrite the security of this area on purpose by General Lam. It is rated as the top South Vietnamese Division in terms of capability and effectiveness, and therefore he had placed them in the area of Hue since he felt that Hue would be a major target of the enemy efforts, and it has proven out pretty much that way.

The terrain is such that the enemy is not able to mass his troops in a classical sense as in the area to the north. The use of armor becomes somewhat more difficult because of the terrain, but he has exerted heavy pressure on the westernmost positions held by the friendly forces, i.e., Fire Support Base Bastogne and Fire Support Base Birmingham. Bastogne has been under siege since about the third day of the operations. As of six days ago, it was totally surrounded, and we were required to provide logistic support to Bastogne by air. There were efforts made to force the road open between Birmingham and Bastogne. That road was forced open yesterday. Bastogne now is being supported by surface means along Route 547.

A good indicator as to the effectiveness and the aggressiveness of the ARVN has been displayed here. When they opened Bastogne, rather than consolidating their position, they opened it with such force that they were able to pursue the enemy rather than let him withdraw on his own volition.

As you probably know, withdrawal situation is the most vulnerable period of any operation. ARVN caught the NVA and the body count last night was some 369 enemy killed just to the west of Bastogne.

As a counter to that, the enemy again attempted to interdict the road between Birmingham and Bastogne, but they were countered by forces in the area and lost an additional 300 killed in this encounter.

This is basically the current situation as it stands today, with Bastogne being open and the enemy sustaining considerable losses in the last 24 hours in the area. We have seen in the past week one small enemy force that got into an area due south of Hue. It was ambushed by the South Vietnamese Army and turned around and went back out.

Other than that, the disposition of the enemy forces are shown on the chart. Each of these squares is 10 kilometers, so we are talking from the border to Bastogne about 40 kilometers-plus.

The activity in the northwest corner of MR II in the Kontum-Pleiku area has continued much along the lines that it has from the very beginning. You may recall that the 30th NVA Division, accompanied by the Second Division, was hit pretty hard by air before the 30th of March. We feel because of the losses which they suffered, which number something around 1200 men, that they were unable to mount a coordinated attack with the activities that we saw in MR I as well as those that have taken place in MR III.

So the activity in the Highlands of MR II has been centered around Rocket Ridge, which is a ridge due west of Kontum in the Dak To area, and which is the line which the South Vietnamese are attempting to defend. In the past week there has been daily effort on the part of the North Vietnamese to take portions of Rocket Ridge. However, they have only been successful in overrunning one fire support base.

The Chairman. We will have to suspend, General. We will be back as soon as we answer the roll call.

(A short recess was taken.)

The Chairman. The committee will be in order.

General Pauly. Sir, I will move right along.

We are seeing increased activity in the past five days in the coastal area of northern MR II. There is one North Vietnamese division that has been in the Ben Dinh area for some years operating and they have joined in putting additional pressure on the friendly forces in the area between Quang Ngai and Qui Nhon, in recent days. Additionally the enemy has cut Route 19 the east and west road at the An Khe Pass, which has been severed for four days. The Koreans from the Qui Nhon area, as well as the South Vietnamese forces moved up from MR III [deleted] are attempting to get this route opened again, hopefully in the next couple of days it will be opened.

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*Various charts not printed.

As far as MR III is concerned, the area due north of Saigon in the An Loc area has represented the basic activity that we have seen. Early in the game, that is just after the 30th, there was also an additional enemy drive toward Tay Ninh. It was stopped short, however, because they needed these forces to move north to try and bring additional pressure on the An Loc area.

This is a blowup of the same area, depicting the present situation. You may recall it was the enemy plan to take Loc Ninh, which they did in two days, using the Fifth VC Division. They had planned then for the Fifth to turn south and take An Loc, while the other two enemy divisions farther to the west proceeded down toward Tay Ninh. However, the Fifth, although they took Loc Ninh, lost a considerable percentage of their force, and they had to pull these other two divisions, the Ninth and the Seventh Divisions north and east to accomplish their aim. Their basic aim, of course, was to take An Loc, which is the provincial capital, and President Thieu is adamant because it was a provincial capital, he wanted to defend it.

It has been successfully defended now up until the present time. It has been under siege for a number of days. The activity has been indeed high. They have thrown a large force against An Loc. [Deleted.]

About four days ago we noted a force of enemy tanks coming toward the city from the north. These turned out to be T-54 tanks, which are the large-size, Russian-made tanks, the largest that the North Vietnamese Army has. Since that time they have used these tanks in conjunction with infantry against An Loc and have been repulsed with the high watermark of only owning about a third of the city at one time.

However, the South Vietnamese forces have held and successfully repulsed them. It is estimated at the present time 40 of the large tanks have been knocked out by both the troops on the ground as well as tactical air and B-52 strikes. The weather in this particular area has remained basically good, so we have been able to get considerable amount of U.S. and VNAF tactical air on the assembly areas prior to the efforts that they made against the friendly troops in An Loc.

In the last four days, additionally, the South Vietnamese have airlifted, using Vietnamese helicopters, one brigade of their airborne division to supplement the force in An Loc. [Deleted.]

Additionally, as depicted by the arrow, [deleted] from the 21st ARVN Division has been attempting to move north along the Route 13 to reach An Loc, and they have been under constant pressure from the enemy on either side of the road since they began their move up from the Lai Khe area about a week ago.

The latest development we see of significance is the fact that as for the last day, plus, the enemy has apparently lessened his efforts against An Loc, and for a full day we saw little enemy initiated activity at all. However, in the past daylight period which ended this morning, our time, we did see probing and sapper attacks by the enemy again in the An Loc area. But what we have noted is the fact that some of this enemy force is beginning to infiltrate down either side of the road toward Route 14 [deleted].

Basically at this time, except for the extreme northern perimeter, friendly forces do occupy all of the city of An Loc. The situation in MR IV is more of the same type warfare that we have seen over the past few years. A large number of small enemy localized attacks by fire, and localized attacks against the regional and regular Army forces throughout the entire IV Corps area. In adtion to that, a small force of RVNAF have been operating since Toan Thang I in the area of Cambodia just beyond the border, [deleted].

Sir, I would like now to progress north from the DMZ and describe the activities up there. North of the DMZ there are three types of friendly activities that are taking place. Once the weather cleared, we were able to get tactical air, U.S. tactical air up in the [deleted] north of the DMZ. As you know, the enemy has stockpiled a considerable amount of materiel up in this area in previous months in preparation for this activity, this offensive.

We also see resupply activity going on through the DMZ continually supplying their forces which are committed in northern MR I. So we have put a tactical air effort up in this area to attempt to adversely affect, or neutralize if possible the lines of communications of the supply buildups. In order to do this, we have to also take on the considerable SAM threat which had been developed in this area.

You may recall from your previous briefing that just north of the DMZ there are some [deleted] full SAM firing battalions which are so disposed that the SAM envelope actually intrudes the air space over the northern edge of MR I to where our aircraft, until it is neutralized, are subject to being fired on by SAM's disposed so far south end of the panhandle.

In addition to the tactical air activity that we have seen in this area, we also have a force of some six destroyers and one cruiser which have been providing naval gunfire support assaults on logistics targets up as far as approximately the [deleted] line, near [deleted]. At the present time they are disposed, [deleted]. These forces are attacking basically shore defenses, SAM sites, and a couple of SAM assembly areas that are being also taken under attack, where the LOC's and buildup areas which make up a part of the total logistical system.

In addition there have been three B-52 type strikes in North Vietnam in the past ten days. One of the strikes was conducted against the railroad yard and a POL storage facility at Vinh. [Deleted.]

In addition to that a strike was conducted on Bai Thuong, which is their southernmost Mig base. A base which constantly supports Mig activity [deleted].

These Migs, operating basically from Bai Thuong as well as at satellite fields farther to the south, but have intruded in recent months the air space on an almost continuous basis in Laos against friendly aircraft operating there, and actually do pose a threat to our friendly air operating in the northern portion of South Vietnam and in the Laotian panhandle. The total incursions at the present time are almost 80 this year since November, of Mig aircraft into Laos.

In addition these two smaller raids, on last Saturday, Washington time, the large strike which was recently announced was conducted. This strike was conducted against [deleted] targets in the Hanoi area and [deleted] targets in the Haiphong area.

The Hanoi targets were not in the immediate vicinity of the city. There was one, a POL facility, some 10 miles to the north and east, and a truck park, a large truck park and training area some 22 kilometers to the south and west. The basic or prime target in the Vinh strike, the Haiphong strike, and the Hanoi strike was the POL.

Enemy POL basically is brought into Haiphong, some goes into Hanoi—a small percentage being introduced at Vinh. So these three places account for the introduction of POL for the support of their enemy tanks and rolling stock for their entire effort down south.

In the Haiphong area, as I mentioned, some [deleted] targets were struck. The prime target was the POL storage area in Haiphong, which sits up river about two miles from downtown Haiphong. This is the target that the B-52's struck.

There were also warehouse targets in the peripheral areas of Haiphong, down river and slightly up river from the main part of the city, and also a small [deleted] which is building a high percentage of the barges and small craft which have been used for infiltrating supplies in southern North Vietnam by using the barge method.

The total force which was used on this strike [deleted] was a total of [deleted] B-52's being utilized and [deleted] tactical air strike aircraft. In addition to that, there were some [deleted] supporting aircraft. [Deleted.]

None of the B-52 aircraft were hit. We sustained no damage or B-52 aircraft downed. [Deleted.]

[Deleted.] The weather was good throughout the entire period.

[Deleted] an A-7 was downed. However. the A-7 was able to get out over the water and the pilot bailed out and was picked up after being in the water for only four minutes.

[Deleted.]

Large fires were also reported, which were sustained over quite a long period of time. The pattern that we see indicates that we did get almost full target coverage on this POL target northeast of Hanoi.

In the Haiphong area, the warehouse area, there were three warehouse areas struck in the periphery areas of Haiphong. Two of them in this location (pointing) down river, and one on the up river side. A number of large explosions were noted, and the photos that I have, that we have seen up to now, indicate that I would say about 20 percent of the buildings were destroyed, and a considerable percent above that were damaged in the warehouse areas.

[Deleted.]

During the strikes there were a number of Migs that came up and three of the Migs were shot down and a fourth one crashed when he tried to go back to land. A total of three were destroyed in the air, one in landing. Additionally, [deleted] a considerable number of Migs were noted on an airfield down to the south so [deleted] that airfield was [deleted] also attacked.

[Deleted.] A large vehicle storage area with approximately 600 vehicles that was noted down in this area (pointing) was also struck. [Deleted.] The vehicle storage area was struck. This was actually an old airfield that is no longer used for flying purposes but is used for purposes of storing vehicles.

There were approximately [deleted] vehicles that were confirmed destroyed. We just got those films this morning. The BDA on that is not completed yet. A number of supplies were stacked up in the target area that were also struck, and numerous explosions were noted by the attacking force.

On the airfield, down in this area (pointing) there were two Migs destroyed on the ground.

As far as wrapup is concerned, as I indicated, there were [deleted] SAM's fired at the attacking force. [Deleted.]

The two aircraft which we lost were lost to SAM's. The Migs were no factor at any time [deleted]. AAA was moderate to heavy at times throughout the period, and as I indicated, the SAM positions were struck and the BDA shows three of the SAM firing batteries destroyed and three of the Fan Song radar supporting the SAM effort throughout the area destroyed.

During the total mission some ordnance was directed [deleted] against the enemy radar order of battle.

This basically completes the résumé of the total activities, sir.

The Chairman. Thank you very much, General.

Now we will continue with the testimony of the Secretary.

Mr. Slatinshek.

Mr. Doolin. Mr. Chairman, I told Mr. Slatinshek a short while ago we will be reviewing tomorrow all of these data that I will provide you now, and with the appropriate security review people to see what we can in addition declassify. We will do that expeditiously.

The Chairman. You can declassify what you are giving us now as far as you can?

Mr. Doolin. We will expedite a review of that, sir, to see what we can declassify.

The Chairman. Fine.

All right, Mr. Slatinshek.

Mr. Harrington.

Mr. Harrington. Would you give us some indication of what your plans are this afternoon?

The Chairman. Our plans are to attempt to, or like to be able to get action, or we will have to come back at nine o'clock Thursday morning.

Mr. Harrington. Do you know how long you will go today?

The Chairman. We will go until five o'clock today.

Mr. Slatinshek. Mr. Secretary, as I understand it, you propose to go down the resolution picking up each of the points, attempting to provide the committee with the information you have available on the subject, is that correct?

Mr. Doolin. That is correct.

Mr. Slatinshek. That is all.

The Chairman. You have no further questions?

Mr. Slatinshek. Go ahead.

Mr. Doolin. On requirement 1 in the resolution, for the number of United States military personnel in South Vietnam at the present time, as of 13 April, 1972, the total by service in South Vietnam was about 85,000.

The Chairman. Mr. Secretary, as I understand the committee's understanding, for the committee's understanding, the information is being supplied in reply to the questions Mr. Bennett asked, that would have to be supplied in executive session?

Mr. Doolin. Yes, sir, I am answering the specifics.

The Chairman. This is the data you are directing your attention to?

Mr. Doolin. Yes, sir, I am answering the specifics in Mrs. Abzug's resolution. If the members of the committee have it before them, perhaps I could expedite it by simply going down the figures for each item.

The Chairman. And why you oppose it.

Mr. Bennett. Mr. Chairman, I would like to ask a question. It isn't so much I wanted specific information myself. I wanted something in the record that said because of certain types of reasoning you could not reveal the kind of answers that were requested, because the statement that came with the letter, you said it just said it was not of value to the Federal Government to do this, or something.

I want to tie it a little tighter. If it is dangerous to the national defense, I want it to show so. I don't myself feel qualified to pass on whether certain types of information are militarily sensitive or not. I just don't find any conclusions in your statements that justify my voting against this resolution.

So you can reveal all the information you want to reveal since I am not qualified to speak on military sensitivity, and if you still don't have any conclusions in here and some reasoning behind it showing this is not the sort of information you want to reveal, you have fallen short of what I hope your testimony will ultimately be.

Mr. Doolin. The breakdown of forces in South Vietnam, as of 13 April, were roughly: Army, 59,500; Marines, 1,400; Navy, 4,000; Air Force, 20,000; Coast Guard, 100; for a total of 85,000.

The unclassified figure that we have used is 85,000 as of 13 April. That was released by Public Affairs in the Pentagon yesterday.

The following numbers of military personnel in South Vietnam are calculated to be combat personnel. This is ground combat forces, formed air crews, as of the dates indicated. Ground combat forces, [deleted] as of 10 April, 1972; formed, air crews, [delected] as of 13 April, 1972.

Mr. Stratton. What was the date on the 85,000 figure?

Mr. Doolin. That was as of 13 April. This figure reflects only those U.S. personnel actually in South Vietnam, and excludes personnel located offshore aboard Navy ships, at Guam, and in other Southeast Asia countries such as Thailand and the Philippines. The offshore strength, and this is an unclassified figure, is 34,000.

Requirement No. 2 in the proposed resolution asked for information concerning sorties. During the first ten days of March 1972, [deleted] sorties were flown by United States military airplanes for bombing purposes in and over North Vietnam. For the first ten days of April, the figure is [deleted].

Sorties flown by United States military airplanes for bombing purposes in and over South Vietnam during the first ten days of March 1972, [deleted].

For the first ten days in April, 2,995. These figures, gentlemen, include such aircraft as B-52, A-7, F-105 and F-4. Also included are gunship sorties, (AC-130's,) which technically are not employed in a bombing role. However, they were included in the figures given to us.

This information is as of 17 April, and subject to change.

The third requirement concerns tonnage of bombs and shells dropped into North Vietnam during the first ten days of March, the first ten days in April, and into South Vietnam during the first ten days of March and first ten days of April this year.

During the first ten days of March, 1972, a very rough estimate indicates [deleted] tons of bombs were dropped on North Vietnam by the United States. Zero tons of ground munitions were fired into North Vietnam by the United States during the first ten days of March, 1972.

Roughly [deleted] tons of bombs were dropped on North Vietnam by the United States during the first ten days of April 1972. Zero tons of ground munitions were fired into North Vietnam by the United States during the first ten days of April 1972.

An estimated [deleted] tons of bombs were dropped on South Vietnam by the United States during the first ten days of March 1972. Zero tons of ground munitions were fired into South Vietnam by the United States during that same period.

During the first ten days of April, an estimated [deleted] tons of bombs were dropped on South Vietnam by the United States. Zero tons of ground munitions were fired during the first ten days of April.

Navy gun ammunition expenditures are reported on a monthly basis. In the neighborhod of [deleted] tons of Navy gun ammunition were expended during the entire month of March 1972 throughout Southeast Asia. Approximately [deleted] tons of Navy gun ammunition are predicted for expenditure during the entire month of April 1972 throughout Southeast Asia, but this is an initial estimate that may be increased when additional Navy ships being deployed into Southeast Asia participate in operations there.

Requirement 4 was omitted from the resolution.

Requirement 5, gentlemen, was a difficult one, requesting a cost analysis of all bombing and shelling carried out by the United States in and over North Vietnam and South Vietnam during the periods, first ten days of March and first ten days of April of this year.

All war cost figures are necessarily estimates and this has been emphasized each time war cost figures have been released. There are no precise accounting records covering war costs, nor could there be.

Incremental war cost figures reflect estimated costs being incurred over and above the normal peacetime operating costs of the baseline force. Incremental costs cover manpower added for the war, military and civilian, deployed and backup, and the cost of equipment attrition, munitions, supplies, transportation and other support over and above what would be required for the baseline force at peacetime rates.

All MASF or military assistance service funded costs are reflected as incremental costs. These costs, as noted, are estimates to begin with. They include not only costs incurred in the theater, but a share of the pipeline costs as well, including supply, maintenance, manpower, and other support provided in the continental United States.

These war costs have been prepared on the basis of annual estimates. They have not been developed monthly or quarterly, and indeed this would be extremely difficult if not impossible. Insofar as U.S. forces are concerned, costs are not estimated separately by country nor have the estimates been broken down as between the theater, the pipeline and the CONUS itself.

With these reservations, incremental war costs for fiscal year 1972 and fiscal year 1973 were estimated with the fiscal year '73 budget as follows: This will be in terms of the budget authority in millions of dollars.

U.S. forces: Fiscal year '72, Army, 2,133; Navy, 372; Air Force, 1,651; Defense Agencies, 46. Total U.S. forces, 4,202.

MASF, 2,339. Total incremental war costs, budget authority, 6,541. For fiscal year '73 with regard to U.S. forces, the figures again in millions of dollars: Army, [deleted]; Navy, [deleted]; Air Force, [deleted]; Defense Agencies [deleted]. For a total for U.S. forces of [deleted].

MASF, 2,055. For a total of [deleted].

U.S. Force costs were thus estimated at 4.2 billion for fiscal year '72, dropping to [deleted] billion for fiscal year 1973. Toward the end of fiscal year '72, March and April of this year, it would not be unreasonable to conclude that these costs would be running at an annual rate of somewhat over [deleted] billion per year, about [deleted] million per day, and about [deleted] million for ten days. This estimate, as noted, would include all costs in-theater and backup. During periods of intensive air and other activity, costs would be more than [deleted] million per day, and they would be below this figure in quieter periods.

Very rough cost factors per sorties are available, which cover munitions, fuel, aircraft attrition, and certain amounts paid to crews while in flight status. [Deleted.]

Using these factors, the increase in sorties from early March to early April would have amounted to about [deleted] per day. This does not cover most manpower costs nor the cost of overseas base support, pipeline, and CONUS support which would change little, if at all.

To establish a rough order of magnitude, then, it could be estimated that incremental war costs ran about [deleted]. Any attempt to break the figures down more precisely by time period or location would require a great deal of time and effort and would entail many arbitrary assumptions. The end result, we feel, would be late and of questionable usefulness.

Turning quickly to requirement 6, the figures for U.S. military personnel killed, wounded or reported missing in action. The unclassified totals, killed during the period 1 to 10 March, zero. One to 10 April, 18.

Wounded, 1 to 10 March, 38. One to 10 April, 64.

Missing, 1 to 10 March, zero. One to 10 April, 23.

As I said, Mr. Chairman, these are unclassified, the only classified part of the answer here is in terms of where the missing are in North Vietnam or in South Vietnam, because we feel that to divulge that might prejudice SAR activities. These data are based on actual dates of death, and these data may vary from the weekly casualty releases for the periods in that MACV data are on a reported basis instead of actual dates of death.

Of course, those listed as missing, in periods shown, may be changed later to another category.

Requirement 7, I addressed this morning.

Requirement 8——

Mr. Pike. Mr. Chairman, a question right there. Question 7 was addressed this morning, but the answer to the second part of question seven we were told we would get in executive session this afternoon.

Mr. Doolin. Yes, sir, Mr. Pike, I have some extra material on that. If I could get through these other two items first, and then if we could go back to that.

Mr. Pike. All it was a date.

Mr. Doolin. Yes, sir, I can discuss the dates of certain programs that we have. Now in terms of what you might want to call a termination date for all U.S. involvement, I cannot discuss that, because that is up to the President of the United States. But I can certainly discuss the programs and when certain of the ARVN programs will be concluded, and the status of these programs. I have a great deal of information on that.

Requirement No. 8 concerns whether there has been any bombing or shelling carried on by the United States in or over Cambodia and Laos since January 1, and requests the number of sorties flown, the tonnage of bombs and shells fired or dropped, and the costs.

During the period 1 January 1972 through 10 April 1972, the number of sorties flown by United States military aircraft for bombing purposes in or over Laos was [deleted]. Over Cambodia, it was [deleted]. These sortie figures are as of 17 April and subject to change. During the period 1 January 1972 through 31 March 1972, the tonnage of bombs dropped by United States military aircraft for bombing purposes in or over Laos or Cambodia was——[deleted].

As indicated in response to item 5, war cost estimates are prepared for the year as a whole and for the theater as a whole, including pipeline and CONUS backup. These costs are based upon estimates and factors to begin with, not precise accounting records.

Any attempt to break the costs down to specific areas for finite periods of time would involve piling estimate upon estimate. The best that can be offered is a general, order-of-magnitude type of response. As indicated in the response to item 5, Navy and Air Force incremental war costs are estimated at $2,023 million for fiscal year 1972. All aircraft operations in the theater would cost roughly [deleted] million for the 103-day period in question.

A significant portion of this could be attributed to operations in Laos and Cambodia. To determine a more specific amount, it would be necessary to calculate what costs would be if there were no air operations in Laos and Cambodia.

This, in turn, would involve a determination as to which bases would be closed or curtailed and which units, if any, would be phased out. It would be necessary to completely recalculate in-theater, pipeline, and CONUS support costs.

Requirement No. 9 asks whether there has been an increase in the movement of U.S. military airplanes, military ships, other military equipment, military supplies or military personnel to Southeast Asia.

In terms of Air Force and Marine Corps assets, movements have been as follows: [deleted] U.S. Navy assets, [deleted].

Requirement 10, Mr. Chairman, the last requirement, I addressed this morning.

The Chairman. How long will it take you to answer—I want to get the committee's reaction—with the indulgence of the committee we can remain and have the answers to No. 6. I think is the one Mr. Pike wanted. We can dispose of the matter today if we can hear that, a quorum being present.

Mr. Doolin. Mr. Chairman, this will be based upon some work that my office prepared for the Secretary, starting in 1970. We updated the series of overview charts on the Vietnamization program, the military and economic field and so forth. I would like to primarily discuss the basic changes as of 20 March.

With regard to the ARVN, Army of the Republic of Vietnam, the development of the combat support units was considered completed during calendar year 1971, and the ARVN training requirements will be stabilized at the end of calendar year 1972, except for logistical support personnel which will continue into calendar year 1973–74.

Most of the major items of equipment for ARVN were available in Vietnam by calendar year 1971. The turnover of U.S. Army bases to ARVN or other Government of Vietnam agencies totalled 162, as of the end of calendar year 1971. As of 31 January 1972, an additional five bases were turned over for a total of 167, and as of 31 January, 1972, 52 base transfers were in progress, 62 other base transfers have been planned. Six other bases have potential use identified, and only nine bases remain to have their disposition determined.

The development of the ARVN combat surface support units was considered completed during calendar 1971. The ARVN base depot upgrade program should be completed by 1 July of this year, instead of 1 January 1973 as initially estimated.

The ARVN ammunition upgrade program is expected to be completed by 1 January 1973 instead of 1 July 1973.

[Deleted.]

With regard to the territorial forces, the completion date for the development of the regional forces, or RF, which was accelerated three months last year, has been reverted back to its original completion date of 1 July this year.

The command and control structure will not be completed until 1 July 1972, due to an increase in regional force battalion headquarters. The previous date was 1 July 1971. The popular forces, or PF are considered to be completed during 1971. However the PF structure is under review and the exact number of rifle platoons authorized remains to be determined. [Deleted.]

With regard to the Air Force, the VNAF, the development of the VNAF force structure showed steady progress during calendar 1971. During calendar 1971 the total number of activated or operationally ready squadrons increased from 30 to 42. The total authorized aircraft increased from 691 to 1,005 aircraft and the total assigned aircraft in VNAF increased [deleted].

Several VNAF squadrons were activated early to provide additional combat power sooner. The overall completion dates of the major components of the force structure remain the same with the exception of the airlift forces, where an additional three months is required due to the activation of a third C–7 squadron.

Major items of equipment for VNAF were considered available for VNAF in-country, [deleted]. The turnover of major U.S. Air Force bases to VNAF is proceeding satisfactorily. VNAF will have nine major air bases upon completion of the turnover of airbases, and this includes Soc Trang Air Base, Nha Trang, Binh Thuy, and Pleiku air bases were turned over during calendar 1970, and Tuy Hoa was turned over to the U.S. Army in calendar 1970. Bien Hoa and Phu Cat were turned over to VNAF on 30 June, 1971, and 31 December 1971, respectively.

[Deleted.] The disposition of the single occupancy air bases, Phan Rang and Cam Ranh Bay is as follows: Phan Rang was scheduled for turnover on 28 March 1972, it actually took place on 1 April.

Cam Ranh Air Base is scheduled for turnover during the fourth quarter of this fiscal year to RVNAF.

The VNAF maintenance structure was considered to be developed during calendar year 1971. [Deleted.]

Proceeding quickly to the Navy and the Marines, the development of the Vietnamese Fleet Force, the blue water Navy, was completed during calendar year 1971 as programmed. Self-sufficiency of the Vietnamese Naval Shipyard will not be attained until the end of calendar 1973. Vietnam Navy training requirements will be stabilized by the end of this calendar year, except for logistical support personnel which continue into calendar years 1973 and 1974.

As of 31 December 1971, a total of 974 ships and craft have been turned over to the Vietnam Navy. As of 31 March, 1972, 976 ships and crafts have been turned over, leaving only seven more ships or crafts to be turned over.

71 U.S. naval bases were turned over by the end of the last calendar year and the completion of base turnovers will not require the two or three additional months as projected last year.

[Deleted.]

That is a very fast runthrough.

The Chairman. Thank you very much.

Members of the committee, the question before the committee, of course, is the adoption or rejection of the resolution. In the opinion of the Chair, all requirements of the resolution as introduced have been met. I want to call the attention of the committee to this, however, which is the most important thing of all.

All records and all hearings of this committee are open to any Member of the House who desires to review them and see them under the rules of the committee and the House. So in going to the floor, if the resolution is rejected, no Member is precluded from reviewing this record under the rules of the committee and the rules of the House.

Mr. Bennett. I have written this question out, and I would like to have you listen to it. The answering of the questions as written in the resolution has apparently required you to reveal strength items of both personnel and combat equipment. I understand that it is your purpose to reveal to the public some of the answers you have given us today.

Is it true that the information which you will not make public is being retained as classified because to make it public might be of assistance to the enemy and endanger our troops?

Mr. Doolin. That is correct, sir.

The Chairman. All right.

Mr. Stratton. Mr. Chairman.

The Chairman. Yes.

Mr. Stratton. Could I ask the Secretary to indicate the portions of the figures he gave to us that are unclassified—the combat deaths, I believe were unclassified.

Mr. Doolin. That is correct, the combat deaths. I have another breakdown here, Mr. Stratton, by area, which I didn't read into the record which is classified.

But the total of our losses are unclassified, and the unclassified figure of 85,000, as our strength by service in South Vietnam as of 13 April, is unclassified as is the fact our offshore strength is 34,000. That is an unclassified figure.

Mr. Stratton. Everything else is classified?

Mr. Doolin. Yes, sir.

The Chairman. The previous question has been moved.

Mr. Fisher. I move the previous question on the resolution, Mr. Chairman.

The Chairman. The previous question has been moved.

All members in favor of the resolution signify by saying aye.

Opposed, no.

The roll will be called.

(A roll call was taken).

Mr. Slatinshek. Thirty-four members voting. The vote is 30 nay, four vote aye.

The Chairman. Thirty members having voted nay, four aye, the resolution is not agreed to, a quorum being present.

Thank you, gentlemen, for your patience today, and thank you, Mr. Secretary, for your patience and cooperation.

The committee stands recessed until ten o'clock Thursday morning.

(Whereupon, at 5:17 p.m. the committee recessed, to reconvene at 10:00 a.m., Thursday, April 20, 1972.)

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from New York (Mr. Pike), a distinguished member of the committee, 3 minutes.

Mr. PIKE. Mr. Speaker, there is much of what the gentlewoman from New York said with which I would disagree. There is much of what the chairman of the committee said with which I would agree.

But I think the question is not who are doves and who are hawks. The question is not who supports the President and who does not. The question is not who supports the South Vietnamese and who supports the North Vietnamese. I believe most Americans resent the North Vietnamese offensive and want the South Vietnamese to repel them. I assure you that I do.

The basic question is not whose side we are on. The basic question today is, as it has been for the last 6 years, what price are we prepared to pay to support the side we are on? What price in life and in limb and in treasure are we prepared to pay? How on earth can we answer that basic question if the facts as to the price we are paying are concealed from the American people? That is what we are talking about.

This question propounded by the lady is not as to present operations and future operations. It is as to past operations. There has obviously been a change in our operations. It has been a change in response to their offensive. But there has been a change in our operations and it costs something—it costs something in money and it costs something in lives and it costs something in limbs and in money. I think what it costs and the price we are having to pay must be told to the American people so that they can make the decision as to whether it is worth it or not.

That is the only question there is. I do not think it is adequate to whisper these answers in the ears of the Armed Services Committee or to whisper them in the ears of all the Members of the Congress. I think it is essential that the American people be told. If what we are doing in Vietnam cannot stand the scrutiny of the American people, then we should not be doing it.

I yield back the balance of my time.

Mr. HÉBERT. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. Leggett) a member of the committee.

Mr. LEGGETT. Mr. Speaker, I was one of those who voted in favor of reporting the resolution of the Congresswoman from New York because I thought the questions that she asked were very pertinent and should be asked on a continuous basis by Members of the Congress. The chairman of our committee, however, did respond to that inquiry, and we have complete responses in our committee records, which are open to review by every single Member of Congress, and I would hope that if anybody else has any other questions that they will propound them in a resolution of inquiry, and I am sure we will cooperate and get those answers. Most of the information we have obtained is merely confirmatory of the information that is in Time magazine and most of the other national publications.

I share Mr. Pike's reservation about the overclassification here. On the other hand, we cannot review the total classification program every time an issue comes up. I think the gentlewoman from New York should be commended on her questions and also the chairman should be commended on producing the answers, and I intend to vote "present" on this resolution because the question is now moot.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. Harrington).

Mr. HARRINGTON. Mr. Speaker, I do not think anyone's patriotism is on trial today, and I was pained a little by the line of questioning pursued by the gentleman from Ohio. I presume all Members of the Congress in this country are interested in our welfare and are interested in our national security, and they have a healthy interest in general in making sure that we do right to our people and to the rest of the world.

So I think we can go to the real issue, which I still believe is a question of what our policies will be in Southeast Asia.

To listen to the chairman of my committee and to listen to the gentleman from California, I am puzzled in that the accessibility of information is, I think, an illusion of openness. Yes, the information is available—but only if you can take time from your schedule to go to a backroom of the Armed Services Committee and read it and hope that your memory is good and hope also that the information will be of some use to you. And, of course, only Armed Services members—not the rest of the House—have access to information even in that way.

I think the basic question that concerns me is, basically, do we have to operate in this fashion? As a very able member of the committee remarked, we are using bows and arrows to try to obtain classified information. I am inclined to agree that we have lost sight of something that we have to focus in on again. For 3½ years we have been engaged in a regular effort to convince the American public that we should measure our success in Southeast Asia by the reduction of our combat role, and by inference, that this success would be made public at a variety of levels—whether it be departmental spokesmen or by spokesmen who have suggested that their view is the only way we should view the matter.

It is obvious to those who are concerned about the Vietnam war that there is still an enormous American commitment to South Vietnam. Attempting to hide this information or to classify it on national security grounds—and thus prevent the information from reaching both the Congress and the people—does a disservice to those who feel the policy is correct, as well as to those who feel they are opposed.

Now, at the last minute, we have some information with material deleted. I suggest the people look at it, if they think it is a complete record, and to them it is probably anticlimatic. The House has shown itself not inclined to be overly contentious when it comes to the executive branch and its classification process.

We must have access to full information on a regular basis. The war is going on. It is going on in a way that deliberately makes it difficult for the media and for the Members of Congress and, more importantly, for the public who passes judgment on us, to get information. And to suggest somehow that we have to use unique technical, parliamentary arrangements as a regular course of action, as done by the gentlewoman from New York, or to suggest somehow we have to drag the spokesman for the Defense Department literally kicking and screaming before the committee—something which, as has already been suggested, already is past tense—is not to my way of thinking supporting the position of the American people.

I am not suggesting this problem is or should be partisan. I am not necessarily suggesting that the point of view I hold and that others hold is one we should all vote for. I am suggesting that those who think the policies make sense should have the courage of their convictions, that the process should be more open, and that the American public has the right to be more aware—and aware of the approximately 1,000 American aircraft in Southeast Asia and that we now have a Navy presence larger than in 1968, and that we begin to measure the war claims based on these figures and not on the troop strength of 1969 as estimated.

I do not think the effort this afternoon has got to be the question of the war. It has to be what we as an institution, as the Congress, should expect from ourselves and the executive department. I really do feel we should expect a great deal more openness from them and from ourselves. It should not be from any committee investigation that we somehow force cooperation and confession. I think the Congress is too willing to play second fiddle in our relationship to the executive branch.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. Ryan).

Mr. RYAN. Mr. Speaker, I support House Resolution 918, a resolution of inquiry seeking information about the bombing in Indochina.

The Constitution vests the power of war and peace in the Congress—and only in the Congress. To carry out this constitutionally mandated responsibility, it is essential that the House—and all Members, not merely those who serve on the Armed Services Committee and who hear classified information—have access to the facts and figures, the statistics surrounding this war which has been waged in the name of the American people for 7 long dreary years.

Yet, with secrecy and blatant news management the Nixon administration has attempted to hide from the Congress and the American people the recent reckless and drastic escalation of the war in Southeast Asia. The substitution of American airpower for ground forces does not diminish U.S. involvement nor make it of less vital concern to us in Congress or to those whom we represent. The costs—the cost in people, the cost in resources drained, the cost in youth alienated, the cost in a country divided—should all be well known to each and every one of us.

The question is whether we are going to permit the secrecy and the news management and the concealment of facts to continue, or whether we, as Representatives, are going to demand that the executive branch fully inform the Congress and the American people.

In Southeast Asia itself, the examples of secrecy and news management are legion.

Sortie and tonnage figures per country remain classified, concealing the deep involvement of the United States in the massive air campaigns over Laos and Cambodia.

Statistics for the bombing of Hanoi and North Vietnam have recently been classified, allowing for further hidden escalations.

Reporters are not permitted to accompany spotter and attack planes on their missions over Laos and Cambodia, as they were in the past over South Vietnam, resulting in unreported civilian casualties and ecological destruction in Vietnam. Pilots, air attachés, and other personnel involved with the bombing of Laos and Cambodia are functionally inaccessible to newsmen, which again serves to censor independent accounts of the effects of the air war.

Aerial reconnaissance folders, some of them quite old, of areas designated as civilian sectors remain inaccessible to Congressmen and to newsmen. These photographs would reveal once and for all the extent of bombing of civilian areas so that we would have an understanding of what the massive application of airpower in Vietnam really has meant in the devastation of that country, which we are destroying in order to save.

The story of the captain, commenting upon a destroyed village in Vietnam some years ago, gave a very apt description of what the mission was, "We had to destroy the village in order to save it."

Only the sketchiest information is available on the costs of the air war and the relative amounts of the different types of ordnance used. The lack of such information obscures the costs and conceals the antipersonnel character of the bombing.

For almost a decade, a brutal war has been waged by our Government in the name of the American people. It is high time the public was told the truth about our disastrous involvement in this devastating conflict.

The passage of the resolution before us today would be a major stride in tearing the veil of secrecy from the war in Indochina and exposing it for what it really is.

How unfortunate it is that it is only now that the so-called Kissinger papers are being revealed. These papers—National Security No. 1—tell us, as the Washington Post editorialized this morning:

> That by early 1969 only the very same people who had made most of the miscalculations which carried us up to March of 1968 with a big war and no solution still believed that the war in Vietnam was winnable in any practicable sense.
>
> The Joint Chiefs of Staff and the military command in Vietnam and the diehards in the Saigon Embassy still believed this. But there was a considerable body of opinion that believed otherwise, that was prepared to support and reinforce a new, more realistic and more promising approach to Vietnam. By and large, the Secretary of Defense, the State Department and the CIA believed:
>
> That the North Vietnamese had the will and the resources to carry on the war indefinitely against unlimited bombing;
>
> That the South Vietnamese showed little prospect of ever being able to conduct their end of the war without extensive American military support including the use of air power and combat troops;
>
> That pacification wasn't working and showed little hope of working over the long haul;
>
> That B52s were a doubtful asset except for close in tactical support of combat operations;
>
> That there was something to be said for promoting accommodations on the local level, in the districts and villages and provinces, between the government people and the Viet Cong;
>
> That neither this country's standing in the world nor the fate of Southeast Asia hinged on the outcome of the Vietnamese struggle.

Yet, while the President ignored the counsel of the National Security Memorandum, the American people and its representatives in Congress were not told that it even existed. This callous disregard of the people's right to know cannot be countenanced.

The basic issue is the imperative need for the Congress to heed the desires of the American people in bringing this war to an immediate end. Another death is one too many. Another day is one too much. It is time to give peace a chance.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I rise in support of the resolution.

I would like to call attention to the basic nature of the information being requested: How many men have we in Vietnam? How many times a government acting in our name has bombed another country? How many countries are we fighting in today?

It is a scandal that we, Congressmen—so-called legislators—have to go to the executive branch begging hat in hand for this sort of information. Must we always grope about in the dark, killing and maiming and wounding like a blundering giant, without even knowing it? Will this be our excuse when we are confronted with the consequences of our acts—"Well, we didn't really know what we were doing?"

Mr. Speaker, I look at the adverse report that the committee has kindly provided us with, and I see these phrases "in view of the fact," "since," "because of," and I think that these men we are going to see some reasons for the bizarre refusal to provide this basic data. But no—all we see are mere repetitions of the same refusal. Does the Department of Defense think that all they need do is smile at us blandly and mutter "public interest," and we will go quietly away, saying, "Our master has spoken. We need not fear—surely he will take good care of us."

When the Nixon administration took office, we all hoped that they had learned from the mistakes of the previous administration.

And they have.

The previous administration seemed to think they had to convince us—and because they did not have a case, they lied.

They were found out in their lies, and what happened?—protests, accusation, a sense of betrayal.

Yes, the present administration has learned from this mistake: If you cannot say anything good, and you do not want to be caught in a lie—why, do not say anything at all. And then, when someone asks an inconvenient question, shake your head in a statesmanlike fashion and say, "If you only knew what I knew—how sorry you would be you were so unkind."

Mr. Speaker, we have to admit that sometimes democracy has a few inconveniences. One of these inconveniences is that if you want to carry out insane, illegal and immoral adventures on the other side of the globe, you will have to rip your own country apart in order to be able to do it. This inconvenience can be removed if we starve democracy of its life-blood, which is full and accurate information. But there is no fifth amendment for the Government—democracy depends on the Government being forced to give incriminating evidence against itself.

Mr. Speaker, our responsibilities are clear, it is time to live up to them. I am convinced that once the American people become aware of what is being done in their name—once they realize the demented and murderous way in which Yankee ingenuity, which they are justly proud of, is being used—they will want nothing so much as to stop this war as fast as possible.

Therefore, I am putting into the RECORD at this point information gathered with painstaking care from nonclassified sources by various groups on the outside. I think we Representatives should be shamed by these private citizens who must do our work for us.

And if those who identify the pride of powerful men with the enduring interests of this country feel that the careful conclusions of these observers is biased or misleading—why, let them reply, not with vague innuendoes and melodramatic accusations, but with precision, clarity, and rationality. Mr. Speaker, the information contained in these insertions is specific—let us have specific information in return, so that we have a basis for rational discussion, not blind and slavish trust.

One year ago this week, I served as chairman for a series of four ad hoc hearings concerned with the command responsibility for American war atrocities in Southeast Asia. Those hearings were held because it was evident that the powers-that-be here in Congress and in the administration had no desire that the many serious questions relating to responsibilities for war crimes be given open and free discussion and scrutiny.

Now, 1 year later, the only difference is that the public's attention has been drawn away from the war atrocity issue. But I wonder how much less an atrocity it is when we bomb indiscriminately miles up in the sky; obviously, the face-to-face war crime just does not occur as much when the number of ground troops is lessened.

Yet, I am sure that we will never be able to forget the effects of the thousands of American war atrocities that have taken place and now continue under a new guise. The information which I shall place into the Record centers on the overall area of war crimes and the effects of those horrors upon the Asian peoples and upon our own society.

The materials follow:

[From the Christian Science Monitor]

My Lai: For the Historians To Sift

(By Leon W. Lindsay)

(Note.—Mr. Lindsay, former Atlanta bureau chief of The Christian Science Monitor, followed the My Lai trials and interviewed Colonel Herbert.)

No more charges are pending in connection with the My Lai incident. And all but one of those criminally charged have been acquitted.

But the United States Army will long feel the after shock of My Lai. It's a perplexing moral and legal tangle however viewed. For example:

Capt. Ernest Medina's trial was a cakewalk for defense attorney F. Lee Bailey.

Halfway through the proceedings several points were clear:

1. The government had seriously overstepped its own evidence in charging the captain, who was in charge of the My Lai attack, with three counts of murder and one of assault. At that point "veteran" My Lai trial reporters had concluded that only the assault charge had any chance of holding up.

2. The Army major and captain assigned to prosecute Captain Medina had a meticulously prepared case—on the surface. Yet they were continually untracked by their own witnesses.

3. With only a couple of exceptions, the prosecution witnesses who had served under Captain Medina that fateful day in March 1968, were hostile to the prosecution. Most made quite evident their continued respect for their former commander.

The final outcome—Captain Medina wasn't even convicted on the assault charge—was predictable. But there was speculation that the government would have had a better chance at a conviction if it had simply charged the captain with a coverup. (In the Col. Oran Henderson trial later, Captain Medina admitted he had misled his superior about the number of civilians killed.)

Why the Army did not try him on the lesser charge is a lingering question.

The acquittal of Colonel Henderson has closed the legal books on the My Lai massacre, with only the President's review of Lieutenant Calley's sentence—already reduced from life to 20 years—hanging fire. But the controversy over the military flaws that permitted a My Lai and the subsequent coverup is not a closed book.

One individual determined to keep the issue alive is Col. Anthony B. Herbert—soon to be a civilian—who was sitting on the shelf at Ft. McPherson, Ga., while the Medina trial unwound on the same post.

The charges and countercharges between Colonel Herbert and his superiors in Vietnam are now just so much water down the Mekong.

But the much-decorated combat veteran has made some observations about that war and the attitudes it engendered which still echo ominously.

About accountability for violations of prisoners' rights:

"Everyone along the line should be held responsible. Those officers who failed to make the reports to higher headquarters and failed to make the investigations which would have stopped these crimes should be held accountable for their failure to do so."

About pacification:

"Pacification in our brigade (173rd Airborne) was just a word that came down. Just to show how ridiculous things got: We went into a meeting with General Barnes—it wasn't a classified meeting. Major C— stood up and said some 93 percent of the Bon Song plains were not pacified. The general made a statement to the effect that we had to get it down to around 70 or 65 percent. We sat there for about two hours, and within this time we got it down to the necessary percent. Nothing was done on the ground, it was just done on paper."

About psychological pressure on GIs:

"That's a very fine story that comes out of Vietnam: 'I was under pressure' . . . 'My buddy just got killed and these were the people that killed him.' 'Or that women and children carry grenades and throw them.' This is a fine alibi to justify what you do.

"It's true, too, that women carry grenades and guns, and women fight. I carry grenades, too, and I shoot. But the minute that I stop shooting and I drop my rifle and raise my hands, I become a prisoner under the Geneva Convention. I don't expect to be tortured or mistreated."

"The minute that woman—I don't care if she's fired and killed your best friend—is captured, you have no right to become judge, jury, and executioner and eliminate that person. . . ."

What might cause shootings or mistreatment of noncombatants:

"Men who were abusive in any way were not those who fought best on the front lines. They were those people who were frustrated, who never put themselves in position to risk their own lives, and now they could say they had killed an enemy—of course, when it was very safe to do so.

"What happens is, a person is very afraid inside. He starts feeling people are recognizing that he is fearful. So the minute he gets a chance to show how tough he is, he does it. He strikes out in fear."

On command responsibility:

"If a commander makes it very clear he will not tolerate torture or abuse of prisoners, the prisoners are not mistreated. If the commander lets it get out in any way—by tacit condonement or by not taking action—that he will accept torture or killing of prisoners, then there are certain individuals who start thinking this is what the commander wants. So they start giving him what they think he wants. . . ."

These personal observations by a former combat leader are perhaps colored by his own sense of being unjustly criticized. But they nevertheless fit into the out-of-court statements on the atmosphere behind My Lai—statements that now go to the historians to sift.

[From the Los Angeles (Calif.) Times, Jan. 1, 1972]

My Lai—Was Justice Carried Out?

(By Kenneth Reich)

Atlanta.—To Capt. Franklin R. Wurtzel, an Army prosecutor in several My Lai cases, it is most revealing that no one accused of involvement in the massacre was ever charged under Article 18 of the Uniform Code of Military Justice.

Article 18 has to do with courts-martials for violations of the "laws of war"—war crimes, violations of The Hague and Geneva conventions and the Nuremberg principles.

"It was more palatable, I suppose, to consider the violations as straight homicides rather than war crimes," said Wurtzel as he reflected recently on the My Lai trials which have now ended. Even Calley was simply accused of murders that happened to involve foreign nationals. Putting an actual war crimes charge was the first hurdle the Army didn't want to get across."

The young captain, like some others involved in handling 2½ years of My Lai investigations and trials, believes something went badly wrong in the process.

ONE OF 25 CONVICTED

With the acquittal Dec. 17 of Col. Oran K. Henderson on charges of covering up the massacre, the sixth and last of the My Lai trials ended.

The Army had charged 25 officers and enlisted men with participating in the mass killings of unarmed, unresisting Vietnamese men, women and children, or of being involved in covering them up. Nineteen of these had their cases dismissed before trial. Five of the remaining six were acquitted.

Only 1st Lt. William L. Calley Jr. stands convicted in the My Lai affair—of 22 premeditated killings. His life sentence was reduced on first review to 20 years and his case remains on appeal.

On direct order of President Nixon, Calley was released from the military stockade three days after conviction and allowed during the appeal process to remain confined in his two-bedrom, Ft. Benning, Ga., apartment, where he is under armed guard.

"CERTAINLY A MESSAGE"

Calley's defense attorney, George L. Latimer of Salt Lake City, said last week he was hopeful Calley would get some help soon at high levels toward being freed.

What the testimony of scores of witnesses in the trials, in an official Army investigation and in the investigation of a congressional subcommittee confirmed was that, as President Nixon had said in December, 1969, "certainly a massacre" by American troops took place at the village of My Lai 4 in South Vietnam's Quang Ngai Province on March 16, 1968.

More than 100, and perhaps several hundred, unarmed civilians died, many of them after being rounded up, shoved in a ditch and shot.

HEAVY CASUALTIES

The massacre occurred after the enemy's Tet offensive in one of the strongest enemy bastions. In the previous two weeks, more than 1,000 American soldiers had been killed in action in South Vietnam. In the My Lai trials there was considerable testimony relating how terrified many American soldiers had been during this period.

The participants in the massacre—men of Company C, First Battalion, 20th Infantry of the Americal Division—never had been in a combat assault but had taken gruesome casualties in a mine field and from booby traps.

The village was known as a Viet Cong stronghold, its inhabitants as Viet Cong sympathizers, and an intelligence report had claimed, erroneously as it turned out, that a main enemy unit would be there.

By coincidence, that same morning Sen. Robert F. Kennedy was announcing his candidacy for President. Four days earlier, in the New Hampshire primary, Sen. Eugene J. McCarthy had dealt President Johnson a severe political blow. The antiwar forces at home were showing unprecedented strength.

But it was not until 17 months later that the My Lai massacre burst upon the American consciousness.

For until a Vietnam veteran, Ronald Lee Ridenhour, wrote to 30 government and Army officials in 1969 and a preliminary Army Criminal Investigation Division inquiry showed that what he said was essentially true, no one at high levels in Washington apparently knew about the massacre. It had been covered up at lower levels in Vietnam.

PROBES PROMISED

The public revelation was followed shortly by statements at the highest levels promising a complete investigation and punishment of the guilty.

The President said at a news conference Dec. 8, 1969, "What appears was certainly a massacre; under no circumstances was it justified."

A few days before he had promised that those involved would be "dealt with in accordance with the strict rules of military justice." Killing civilians, said Mr. Nixon, "is in direct violation not only of U.S. military policy but is also abhorrent to the conscience of all the American people."

As other national leaders spoke out, another point was asserted and reiterated: As Mr. Nixon put it, My Lai was an "isolated incident" and should not be allowed to "smear the decent men who have gone to Vietnam."

INQUIRIES ORGANIZED

Even as the statements went on, the two major investigations were organized—an Army inquiry headed by Lt. Gen. William R. Peers and an inquiry by a subcommittee of the House Armed Services Committee chaired by Rep. F. Edward Hébert (D-La). Named by the late Rep. L. Mendel Rivers (D-S.C.), then chairman of the Armed Services Committee, this panel was composed of four congressmen who backed the war.

The Hébert subcommittee later concluded, "There is no question but that a tragedy of major proportions involving unarmed Vietnamese, not in uniform, occurred at My Lai 4 on March 16, 1968, as the result of military operations of units of the Americal Division . . . Competent testimony established that a large number of Vietnamese not in uniform were deliberately killed."

The Peers panel, which interviewed about 400 persons in 3½ months in late 1969 and early 1970, compiled a several-hundred-page summary which reportedly is the most complete account of what happened. Peers said the inquiry "clearly established that a tragedy of major proportions occurred there on that day."

As a result of the Peers inquiry, 14 officers, including two generals, were charged with misconduct in connection with My Lai—13 of them accused of offenses involving an alleged coverup. Later, these charges were dismissed in the cases of 12 of the 13—leaving only Col. Henderson to stand trial.

A highly censored version of the Peers summary was released by the Army on March 17, 1970, at which time Stanley Resor, then-secretary of the Army, promised that "substantially all" of it would be made public—after the My Lai judicial proceedings were over.

Last week, with the My Lai trials finished but not the Calley appeal, the Army said it was no longer bound by Resor's promise. After this was reported, an Army spokesman indicated privately that the Peers report would not be made public.

My Lai had happened as the Ridenhour letter said, and the highest officials of the American government promised to do something about it.

UNPOPULAR TRIALS

But almost from the first, there were indications that prosecution of the men involved would be unpopular, that substantial elements of the Army did not favor making a major issue of the massacre and that popular attitudes on the questions raised were not as unanimous as the President had indicated.

All of this was to become evident after Calley was found guilty last spring.

In the wake of the public uproar over the Calley verdict and President Nixon's hasty intervention, a number of surveys were taken. A Gallup poll showed that eight of every 10 Americans objected to the jury's findings.

Of those objecting 20% argued that what Calley had done was not a crime, while the others agreed it was a crime but insisted the lieutenant was being punished for the sins of higher-ups or the nation as a whole.

A more comprehensive survey was released Dec. 27 by two Harvard social scientists who had supervised a nation-wide series of 40-minute interviews with 989 citizens during the period May 28–June 12, 1971, two months after the verdict.

One of the questions was, "Considering what you have seen, heard or read, do you approve or disapprove of Lt. Calley having been brought to trial?"

Of the 989 questioned, 34% said they approved, 58% disapproved and the rest were undecided.

Almost two-thirds of those disapproving of the trial did so because they felt it was unfair to hold Calley responsible for what occurred in the course of performing his duties.

Asked what most people and what they themselves would do if ordered to shoot all of the inhabitants of a Vietnamese village suspected of aiding the enemy, including old men, women and children, two-thirds of the entire sample of 989 said that most people would follow orders and shoot and 51% said that they themselves would do so. Only 19% said they would definitely refuse to shoot.

The sample indicates that public opinion had ignored, dismissed or was ignorant of the Army prosecutor's contention that Calley had been given no such orders and "did not do his duty" at My Lai.

Calley was charged only two days before he was scheduled to leave the service and only after four young captains serving as Army lawyers at Ft. Benning, Ga., had decided to personally charge him themselves if the Army did not do so by his release date. Had he been released, it is highly doubtful he would ever have been brought to trial.

THREE MAJOR QUESTIONS

As the My Lai investigations developed in the fall of 1969 in the first public uproar after revelation of the charges against Calley, officers involved in the prosecution of those allegedly responsible were confronted by several major questions:

1—What happened at My Lai and how wide should the prosecution cast its net?

2—What about those who had already left the service? Was there any way to try them?

3—How exactly should those accused be tried?

The ultimate answers were these:

1—Despite the Peers report implicating 13 officers in the coverup—including a major general who had become superintendent of the U.S. Military Academy at West Point—and strong indications that unjustified killings had taken place at the hand of another American company at a village a few miles from My Lai on the same day, the scope of the prosecution was drastically narrow.

CASE DISMISSED

The one officer charged in alleged murders outside My Lai—Capt. Thomas K. Willingham of Allenhurst, N.J.—had his case dismissed at Ft. McPherson, Ga., June 9, 1970, on grounds of insufficient evidence. A trial of Willingham might have shed light on the still obscure question of alleged killings by members of Company B, 4th Battalion, Third Infantry of the Americal Division at the village of My Khe, two miles from My Lai.

If this company, which was serving as a blocking unit for the My Lai combat assault, also was involved in such killings, variously reported at 20 to 100, it might have indicated that orders from above had something to do with the way the overall operation turned out.

Of the 13 officers accused in the coverup, Henderson was the only one brought to trial.

Capt. Ernest L. Medina, commander of Company C at My Lai, who was among the 13, was tried on charges of responsibility for the massacre, but not of coverup, which he subsequently was to admit on the stand in three separate trials—his own, Calley's and Henderson's.

The Army explained officially that it did not feel it could fairly bring Medina to trial for an offense and at the same time charge him with covering up that offense.

ATTORNEY DISAGREES

But Robert MacCrate, a New York City attorney who was one of two civilians invited to serve on the Peers panel, said in an interview last week that he had never been able to understand not charging Medina with a coverup.

"They felt they had to make a choice between murder and coverup," he observed. "This is the kind of argument you get in the first year of law school. If I had been the charging officer, I certainly would have felt the coverup point was a very central one. It's awfully hard to hold one man for murders that were committed by another."

As it was, MacCrate noted, Medina was acquitted on the charge of responsibility for the murders and escaped punishment for what he clearly admitted—that he had lied repeatedly to higher authorities about what had happened at My Lai.

MacCrate also objected publicly last January when Lt. Gen. Jonathan O. Seaman, commander of the First Army at Ft. Meade, Md., ordered dismissal of the coverup charges against Maj. Gen. Samuel W. Koster, former commander of the Americal Division. Koster had resigned as superintendent of the Military Academy when he was charged with failure to obey lawful regulations and dereliction of duty in covering up the massacre.

Seaman said he was dismissing the charges "in the best interests of justice" although there was "some evidence" that Koster had known of civilian killings at My Lai and had failed to investigate.

DEMOTED, CENSURED

Koster later was demoted to a brigadier general, censured and his Distinguished Service Medal was revoked. One of his assistant divisional commanders, Brig. Gen. George H. Young Jr., whose case also had been dismissed by Seaman, was censured and his Distinguished Service Medal was revoked.

But the scope of the My Lai trials had been narrowed. Eventually, only three officers and three enlisted men were tried. The highest-ranking was Col. Henderson, commander of the brigade to which Company C belonged.

2—The question of trying approximately 10 suspected My Lai massacre participants who had already left the Army was finally resolved by deciding not to do so.

The reasons given have been conflicting. A Pentagon spokesman said it had been determined that there was no jurisdiction for trying the men.

MEMO SUBMITTED

But Maj. Gen. Kenneth D. Hodson, who served as Army judge advocate general during this period, confirmed in an interview Dec. 24 that Army legal experts had written a memo holding that a man could be tried by a presidentially appointed military commission for violation of the "laws of war" even if he had left the service.

One Pentagon spokesman who is highly knowledgeable about the My Lai cases has said he believes the Army legal people submitted this memo to the Justice Department for a decision and that it might have gone as high as the White House before being resolved.

F. Lee Bailey, Medina's attorney, has publicly named Dep. Atty. Gen. Richard Kleindienst as the Justice Department official who "rode herd" on the My Lai cases for the Nixon Administration.

But Hudson denied that any "finite decision was ever made" on trying the men who had left the service.

"We really didn't have to answer the question," he said. "There was no former serviceman anywhere who had the overwhelming evidence against him that Calley did and Calley was in the service. So we decided 'we'll go with our best case in the forum where we have certain jurisdiction (a general court-martial) and see what the reaction is'"

According to Hodson, who is now head of the Army judiciary, the acquittal of Sgt. Charles E. Hutto on My Lai assault charges at Ft. McPherson last Jan. 14, insured that there would be no trials of any men outside the service.

KEY ACQUITTAL

He asserted that there had been more evidence against Hutto than any of the suspects outside the service and that when Hutto was acquitted "the decision was made for us."

This assertion by Hodson was surprising, however, to some observers of the Hutto trial. They recall that the only proof the prosecution could offer that Hutto was guilty was the statement he himself had given Army investigators before he thought he was going to be charged. The televised confession of at least one of the men who had left the Army, Paul D. Meadlo, a member of Calley's platoon, was far more explicit than this statement.

3—Although the Army briefly considered one mass trial for the My Lai suspects, it was decided to try them in individual courts-martial. Aside from Staff Sgt. David Mitchell, who was tried at Ft. Hood, Teaxs, and Calley, who was tried at Ft. Benning, Ga., all of the suspected participants in the massacre were assigned to Ft. McPherson and all of those suspected in the coverup were assigned to Ft. Meade, Md.

The burden of making the decisions as to whether to bring the suspects to trial, and whom to appoint as Army prosecutors, investigators and defenders was thus left to the commanders and staffs of the First Army at Ft. Meade and the Third Army at Ft. McPherson—Lt. Gens. Seaman and Albert O. Connor.

DROPPED MOST CASES

These generals decided to dismiss most of the cases without trial and appointed the jury panels from which the juries were selected at four of the six courts-martial. Gen. Connor decided to reduce Calley's sentence from life in prison to 20 years.

One result of the Army's decision to leave responsibility for the cases mainly at lower levels was that in a number of the trials observers felt the prosecutors were outclassed by the extremely able civilian defense attorneys the defendants employed.

The only trial where this was agreed generally not to have been the case was Calley's, where Capt. Aubrey M. Daniel III emerged as an extremely dedicated and able prosecutor.

The trials began in Texas in late 1970 with the court-martial of Sgt. Mitchell, accused of assault with intent to murder.

PROSECUTION CRIPPLED

The prosecution's case was crippled when the military judge, Col. George R. Robinson, ruled that witnesses who had appeared before the Hebert congressional subcommittee could not be called to testify against Mitchell unless a transcript of their prior testimony was made available to the defense. Hebert refused to make one available and the key witnesses were never called.

The Robinson ruling was not followed by the judges in the other trials. The testimony before the Hebert committee has never been made public.

The trial of Sgt. Hutto followed at Ft. McPherson in January. Hutto had admitted shotting at Vietnamese civilians at My Lai but claimed he did so under orders.

A military jury took two hours to find him not guilty after the judge, Col. Kenneth A. Howard, drew a distinction between what he said was an "illegal" order and a "manifestly illegal" order in his instructions to the jury. He said if the jury were to find that the order was "manifestly illegal" (illegal on the face of it), Hutto would have no excuse and would have to be convicted.

However, if the jury were to find that it were merely illegal, then it would have to implement a "reasonable man" test to determine if Hutto knew it was illegal, the judge said. He went on to describe Hutto as a "naive young man" and referred to expert psychiatric testimony presented by the defense that Hutto was incapable of forming the intent to murder.

DECISIVE EFFECT

The Hutto acquittal Jan. 14, apparently had a decisive effect not only on the Army's decision, according to Gen. Hodson, not to pursue prosecution of men outside the Army, but it also apparently led directly to Gen. Connor's decision to dismiss the remaining charges against other enlisted men.

On Jan. 22, Connor announced that "in the best interests of justice" he was dismissing the remaining enlisted cases. Later knowledgeable sources said that Judge Howard had informed the authorities that no one would be convicted in his court unless there was more evidence against him than there had been against Hutto. Connor was said to have decided that it would be fruitless to prosecute the remaining cases.

Another factor, some of those involved in the prosecutions later indicated, may have been the realization on the part of the authorities of the lack of sympathy the public had for trying the enlisted men. "We always felt the public was against us on this," said Col. Wilson Freeman, Third Army Staff Judge Advocate and Gen. Connor's legal adviser.

Even as the enlisted cases were dismissed the Calley trial was under way at Ft. Benning.

STRONG EVIDENCE

As Gen. Hodson said in the interview, the Army was able to make its strongest case against Calley. In the trial, six men testified that they saw the lieutenant kill unarmed, unresisting men, women and children and Calley admitting shoving unarmed people he found at My Lai into a ditch and shooting at them from a distance of five feet.

More than 90 men testified at the trial and none said they had noted any resistance in the village. Calley, testifying in his own behalf, was the only witness who stated flatly that orders had been received from a higher level than he to kill noncombatants. In the later trial of Medina, the Army prosecution did not contend that Medina had given such orders.

On March 29, after 89 hours and 58 minutes of deliberations spaced over 13 days, the six-man military jury composed entirely of professional officers and combat veterans found Calley guilty of 22 of the 109 premeditated murders with which he had originally been charged. Two days later, it sentenced him to life in military prison. Its only other option, given its guilty finding, had been death.

The public reaction was immense, startling and deeply negative. State legislatures adopted pro-Calley resolutions, Alabama Gov. George C. Wallace demanded a pardon and visited Calley after Calley was released from the stockade on President Nixon's order.

A number of draft boards resigned. Thousands of letters backing Calley were sent to the White House. "Free Calley" bumper stickers appeared by the thousands and a pro-Calley ballad became a popular song.

One day after Calley was sentenced—as the furor gained momentum—President Nixon intervened. Normally, Calley would have been taken quickly from the Ft. Benning stockade to the military prison at Ft. Leavenworth, Kans., for imprisonement during his appeal.

But Mr. Nixon ordered that Calley be released from the stockade and held in his Ft. Benning apartment pending review of his conviction. (The time Calley serves in the apartment counts toward fulfillment of sentence. Now that his sentence has been reduced to 20 years, he will be eligible for parole early in 1978, if his sentence is not further reduced or nullified.)

DISCRETIONARY STEP

Explaining the President's decision to release the lieutenant from the stockade, Mr. Nixon's press secretary, Ronald Zeigler, said, "This is not a legal step. It is a step taken at the President's discretion. He just personally felt that Lt. Calley should not be put in the stockade or sent to Leavenworth while review is taking place."

Two days later, the White House announced Mr. Nixon also had decided to make a final review of the Calley case after the military appeals process was ended to decide whether the conviction and sentence should be affirmed.

John D. Ehrlichman, Mr. Nixon's domestic affairs aide, explained, "the President felt, in this case, having captured the interest of the American people as it has, that it was important for him to make clear at this stage that it would include more than the legal process the military code of justice provides."

Ehrlichman asserted that Mr. Nixon was "trying to be very scrupulous not to interfere" in the case and that his actions reflected in no way on the "merits" of the case.

A dramatic response came in a letter to the President dated that same day (April 3) from Aubrey Daniel, the young Virginian who had been the Army's prosecutor against Calley.

QUOTED PRESIDENT

Daniel quoted Mr. Nixon's news conference statement of Dec. 8, 1969: "What appears was certainly a massacre and under no circumstances was it justified. One of the goals we are fighting for in Vietnam is to keep the people of South Vietnam from having imposed upon them a government which has atrocity against civilians as one of its policies. We cannot ever condone or use atrocities against civilians to accomplish that goal."

The prosecutor wrote, "In view of your previous statements concerning this matter, I have been particularly shocked and dismayed at your decision to intervene . . . Your decision can only have been prompted by the response of a vocal segment of our population who while no doubt acting in good faith, cannot be aware of the evidence which resulted in Lt. Calley's conviction. Your intervention has, in my opinion, damaged the military judicial system and lessened any respect it may have gained as a result of the proceedings."

Going on to laud the jurors in the Calley trial, who had come under considerable public vilification, Daniel told the President, "It would seem to me to be more appropriate for you as the President to have said something in their behalf and to remind the nation of the purpose of our legal system and the respect it should command.

"I would expect that the President of the

United States, a man whom I believe should and would provide the moral leadership for this nation, would stand fully behind the law of this land on a moral issue which is so clear and about which there can be no compromise.

"For this nation to condone the acts of Lt. Calley is to make us no better than our enemies and make any pleas by this nation for the humane treatment of our own prisoners meaningless . . ."

A White House spokesman said Dec. 29 that a Nixon staff member had replied to Daniel in the President's behalf, but that the reply would not be made public.

REACHES CLIMAX

With the explosion of emotion over the Calley conviction, the My Lai affair reached a climax.

Capt. Eugene M. Kotouc, an intelligence officer who had provided some of the information on which the My Lai combat assault was based, had been accused of assaulting and maiming a prisoner while questioning him.

Kotouc admitted he had cut the tip of one of the prisoner's fingers off with a knife while attempting to scare him into talking, but he insisted it was an accident. He was acquitted.

In August, Medina went on trial at Ft. McPherson in a proceeding tinged with important questions of command responsibility.

The prosecution had dropped its contention that Medina had ordered the massacre. It based its claim of his responsibility for it on the allegation that he had become aware of it at an early stage of the My Lai operation and had not acted promptly to stop it.

Medina had actually admitted as much in the course of a lie detector examination he had taken in November, 1970, but this was inadmissible as evidence. The young Army prosecutors, Eckhardt and Wurtzel, who often seemed uncertain and unskillful as compared to the flamboyant Medina defense attorney, F. Lee Bailey, marshaled few witnesses who could testify clearly as to Medina's awareness.

Military Judge Howard, who also presided in the Hutto case, made several rulings on admissibility of evidence that also restricted the government's case. The defense put on a number of articulate, neatly attired members of Medina's company who impugned the testimony of prosecution witnesses.

CHARACTER WITNESSES

Howard finally ruled the jury could find Medina guilty only of involuntary manslaughter on the responsibility charge.

The five-man military jury deliberated 57 minutes before finding Medina not guilty on that charge as well as two other charges the judge had left standing.

During the Medina trial, the defense brought a number of ranking officers into the court as character witnesses, including the deputy post commander at Ft. McPherson. All gave Medina highly favorable endorsements. The night before the verdict, Judge Howard told reporters that he thought "Medina has the American people on his side" and he revealed that he had said to Medina, in the course of a personal conversation in chambers, that he ought to stay in the Army after his trial because, "You're the kind of guy we want."

Soon after acquittal, however, Medina left the Army for a job with a helicopter company.

MEDINA ADMITS LIES

Later, during the Henderson trial, in crucial testimony that tended to clear the colonel on the coverup charges, Medina said that he had lied to Henderson about the extent of civilian killings at My Lai, telling him that 20 to 28 had been killed when he had been informed it was 106. He also admitted he had misled authorities during the later My Lai investigations.

Although there were many inconsistencies in testimony in the Henderson trial, which took 62 days and tied the Calley trial for the longest court-martial ever held in the Army, the doubts led to acquittal of Henderson on all charges after less than four hours of jury deliberation. He, too, promptly announced that he would leave the Army.

So the trials ended.

Last week, the Army said it was still considering administrative action against nine men—four enlisted men and five officers—who had been cleared of criminal charges in the My Lai affair and remained in the Army.

This action could include discharges for the enlisted men and censure or reprimands for the officers.

In interviews, the reactions of those involved in handling the long series of investigations and trials varied, although the predominant note seemed one of disappointment and chagrin that the time and estimated $10 million spent had borne such little fruit in terms of ever publicly clearing up questions about what had happened at My Lai.

Even defense attorneys expressed unhappiness at the outcome as a whole.

F. Lee Bailey, who plans to write a book about the My Lai cases, remarked, "I think the most you can say about My Lai is that it represents an evolution of popular attitudes about war. In the old days of bald, all-out partiotism, no one would have dared try these men. I think it's good they were tried. But I think a lot of them were deliberately let off the hook."

Charles L. Weltner, a former Georgia congressman who represented one of the enlisted men whose case was dismissed, Sgt. Esequiel Torres, said bitterly:

"WE MASSACRE, TOO"

"There was only one thing important to come out of the My Lai case—that is the realization that Americans can massacre people just like gooks and there's really no difference between us and them. The My Lai trials were an effort to perpetuate the illusion that there was, but I don't think people believe that any more and I think that's important, that we realize we're just like Bengalis, Pakistanis, North Vietnamese and everyone else—we massacre like everybody."

Gen. Hodson, the former Army judge advocate general, took a sharply different view. He said the Army had made a diligent attempt to prosecute the cases. But, he said, so much time had passed that memories had faded and the prosecution had to necessarily rely on the testimony of soldiers and former soldiers who wanted to protect themselves from possible findings of guilt.

Ronald Ridenhour said he remained convinced that the Army did not handle the My Lai cases satisfactorily, but on reflection, he added:

"I think that what everyone forgets is that what was most in my mind when I wrote those letters was to get the policy, the military policy, changed in Vietnam and save some Vietnamese lives.

TOLD OF CHANGES

"Well, they (the Army) did institute new fire policy rules," he asserted. "They set down criteria for troops opening fire, the same for artillery and helicopter gunships. We never had these before . . . at least that is what I was told by a lot of troops when I was there." (As a free-lance journalist last year.)

But official Army spokesmen, questioned in both the Pentagon and Saigon about what Ridenhour said, denied that there had been any substantive change in the Army's rules of engagement as a result of My Lai.

The spokesmen indicated some troops may have been confused by tightening up of enforcement and a few changes in the rules that were ordered in 1968 after the Tet offensive but before My Lai became known to high officials.

DECLARATION OF SCHOLARS AND PROFESSIONALS CONCERNED ABOUT U.S. WAR CRIMES IN INDOCHINA

During the past year, three major activities of national scope have persistently called public attention to charges that U.S. military operations in Indochina have involved grave and extensive war crimes. The most sensational of these activities has been the court-martial of Lt. Calley. In the course of this trial, the defense has developed testimony which implicates higher officers and which lends some credence to the charge by numerous critics of the war that search-and-destroy operations, a fundamental U.S. tactic, have characteristically involved nonselective killing of civilians. At the same time, at least a dozen new books have appeared, many by distinguished legal scholars, scientists, and social scientists, a central theme of which is that the My Lai massacre was not an isolated event. These books have also maintained that massacres of this kind are actually the outgrowth of an official military policy which sanctions and requires excessive destructiveness—in the form of saturation bombing of pseudo-military targets, indiscriminate artillery strikes, chemical destruction of crops, and the use of unlawful and inhumane weapons like napalm and fragmentation bombs. Finally, the Citizens' Commission of Inquiry and the Vietnam Veterans Against the War have held hearings in over a dozen American cities during the past year, and over a hundred Vietnam combat veterans have given eye-witness accounts about U.S. war crimes committeed in South Vietnam.

ATROCITIES BY THE NLF AND NORTH VIETNAMESE

Before we can consider the merits of these allegations, however, we must deal with a question which frequently and naturally arises: why do these veterans and these numerous books on U.S. war crimes say little or nothing about the atrocities of the NLF and the North Vietnamese? A full answer to this question would have to be many-sided. First, the combat veterans have had little or no eye-witness experience of atrocities by their adversaries and hence cannot testify extensively about them. Likewise, researchers have found that, even if we take U.S. reports of NLF and North Vietnamese atrocities at their face value, their violations are, compared to ours, not extensive enough to warrant unusual scrutiny. Rather, they approach the level of random individual atrocities which are unfortunately inevitable in warfare. Nevertheless, one book, Edward S. Herman's *Atrocities in Vietnam*, has indeed explored the available data on these violations and has attempted to compare their magnitude with those of U.S. and ARVN forces.

Another reason for the relative silence on the war crimes of the NLF and NVA is that the Nuremberg proceedings clearly established that the allegation of violations by the other side is not a legal defense against a charge of war crimes. Moreover, as the Clergy and Laymen Concerned About Vietnam suggested in their book *In the Name of America* (1968), crimes of war are a moral as well as a legal problem, and our own large-scale violations remain our own moral problem, whereas those of the NLF and NVA are their own. It is an easy and dangerous evasion, the Clergy and Laymen pointed out, to counter accusations by saying that the other side is just as bad or worse. Finally, the question of scale and technology seems decisive on this question: U.S. forces have used over 450 times more firepower than their adversary, and we have at our disposal bombers, artillery, napalm, defoliants, and antipersonnel weapons. The NLF and NVA lack all of these except a small amount of artillery. But it is precisely the bombs, napalm, and the rest that are the main instruments of war crimes. For, once we study this subject closely, we learn that face-to-face atrocities by individual soldiers (e.g., the wanton murder of women and children by rifle-fire) are far less destructive of innocent human life than the indiscriminate use of heavy weaponry, of which we have almost exclusive possession. Hence, eye-witnesses and researchers have given the greatest attention to the principal offender.

EXCESSIVE DEVASTATION BY THE UNITED STATES

A look at the data on U.S. expenditure of firepower and other weapons should make clear the colossal excessiveness of our military operations. Moreover, it should become equally clear that the nature of the war we are fighting makes it almost inevitable that we must use our advanced weaponry primarily against civilian populations.

1. We have, according to the Pentagon, used over 10,000,000 tons of ordnance (bombs, mortar, bullets) in Indochina, over 450 times more than the NLF and NVA have used.

2. Arthur Galston, Yale biologist, reports that we have sprayed about 5 million acres, or 12 per cent of the land in South Vietnam, with 100 million pounds of herbicide chemicals. Our crop-destruction program supposedly aimed at the NLF, actually causes starvation primarily among women and children. Moreover, a recent statement by Army sources (Dec. 31, 1970) reveals that the Army knew as early as 1967 that the crop-destruction was causing deaths by starvation primarily among civilians, but decided to continue the program anyway.

3. By 1969, U.S. B–52s had left 3.5 million bomb-craters on the terrain of South Vietnam. Little imagination is required to judge how many people and homes must have existed where those 30-foot, malaria-breeding craters now deface the countryside.

4. The amount of tear gas (CS) used also vastly exceeds what we would expect for normal military operations: 14 million pounds. Contrary to Defense Dept. claims, CS is not regularly used to save enemy lives, for combatants are often shot while incapacitated and non-combatants are often flushed out of hiding by CS and then become vulnerable to rifle-fire, artillery strikes, and bombings.

5. According to NARMIC'S study, *Weapons for Counter-Insurgency,* and Thomas Riddell's *Efficiency in Death,* 105 U.S. companies manufacture a variety of anti-personnel weapons for use in Indochina. These weapons have no application except against human beings; they are used in situations which make it impossible to distinguish between combatants and civilians; they produce irregular, hard-to-cure wounds; some of them can saturate an area the size of a football field with a lethal spray of bullets; one of them, napalm, is too notorious to require description, but the less-known phosphorus is even worse. All together, the data on the manufacture and use of anti-personnel weapons reflect an unrestrained and repellent use of technology against defenseless human beings, in a manner that flagrantly transgresses any residual concept of fairness in warfare.

THE CONSEQUENCES IN HUMAN TERMS

The results of this saturation of Indochina for over six years with weapons of destruction are quite predictable. An advanced industrial nation cannot rain instruments of death in profuse amounts upon the peoples and countryside of undefended agrarian nations without expecting dire results in human and ecological devastation. Thus, the U.S. Senate Sub-Committee on Refugee and Civilian Casualty Problems estimates that 1 million South Vietnamese have been wounded, of whom 300,000 have died, primarily as a result of U.S. firepower. But Edward S. Herman in *Atrocities in Vietnam* calculates that the figure for the wounded is more like 2 million, with the death-toll at an additional 1 million, and Telfod Taylor's estimate is closer to Herman's. The Senate Sub-Committee and other sources assert that 6 million South Vietnamese people have been displaced at some time from their original homes since 1964—again, primarily by U.S. bombings and artillery strikes. Moreover, civilian amputees in South Vietnam number 105,000, military amputees number 51,000, orphans 258,000, and war widows 131,000—a total of 545,000 war victims apart from refugees. In addition, the cities now teem with a huge under-class of dislocated people who have become thieves, shoeshines, prostitutes (400,000), and boy pimps and drug-pushers.

The situation in Laos, where the bombing has been less publicized but even more intense, is proportionately grave. Out of a population of 3 million, at least 200,000 have died as a result of the bombings and 700,000–800,000 have become refugees. Thus, over a third of a nation has suffered death or the ordeal of disruption since 1964, while an undetermined number are among the wounded. Similarly, in Cambodia 1,000,000 Cambodians are already refugees as a result of our "air support," while 400,000 ethnic Vietnamese have either fled or been displaced.

U.S. VIOLATIONS OF INTERNATIONAL LAW

The military practices just described, which lead to unnecessary and excessive loss of lives and to dislocation, maiming, and social upheaval, are at the same time all violations of international conventions to which the United States has solemnly subscribed. For example, Hague IV, Article 25 states: "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings *which are undefended* is prohibited" (stress added). Similarly, the very concept of the free-fire zone, which treats non-combatants as combatants, clearly violates the Geneva Convention of 1949, Article 3.1, which states: "Persons taking no active part in the hostilities . . . shall in all circumstances be treated humanely . . ." Again, the wanton destruction of homes by bombings, artillery, and Zippo squads (who burn homes down) contravenes Hague IV. 23g, IV. 46, and Geneva 53. Massive reprisals against whole villages for sniper fire are in violation of Geneva 33. Additionally, the forcible transfer of refugees into barbed-wire camps is manifestly unlawful, according to Geneva 49; and the growing moral erosion and contempt for international law on the part of the U.S. government is quite evident in the recent disclosure (*N.Y. Times,* January 11, 1971) that we are planning a massive relocation of South Vietnamese—estimates run from 200,000 to 2 or 3 million—because they are considered hard-core NLF sympathizers. This operation also would constitute a crime against humanity under Nuremberg Principle VI.c, which forbids the deportation of civilian populations. Other U.S. violations of international conventions include: (1) the use of napalm and anti-personnel bombs, in violation of Hague IV.23-e, which bans weapons "calculated to cause unnecessary suffering"; our complicity in (and sometimes participation in) the torture and execution of prisoners, a violation of Geneva 12 on prisoners of war; and our misuse of tear gas and use of defoliants, contrary to the Geneva Protocol of 1925 (which we have not yet ratified). However, the U.N. General Assembly recently voted 80–3 to outlaw both defoliants and tear gas in warfare.

MILITARY AND LEGAL RATIONALIZATIONS FOR U.S. WAR CRIMES

Undoubtedly, the defenders of our war policies can bring forward numerous military and legal rationalizations for these destructive military practices. Military necessity will predictably stand out among these. However, as General Telford Taylor has written, "the military end sought should be sufficient to warrant the suffering and destruction inflicted." The famous slogan "war is hell" is also inadequate and misleading, for, as Fr. Robert Drinan writes, it is a deceptive bromide "that all war produces excruciatingly difficult circumstances" and that "consequently it is impossible to mitigate the inhumane aspects of modern warfare." The slogan is thus quite disingenuous and represents an attempt, with a shrug of the shoulders, to obtain a *carte blanche* for unrestrained destructiveness, and a license to maximize, rather than minimize, human suffering in warfare.

No doubt the heavy bombing by both sides during World War II produced an unspoken change of philosophy about bombing among civilized nations, and some apologists for the military cite this kind of bombing as a defense of ours. But we must recognize the substantial difference between the bombardment of an advanced society defended by anti-aircraft guns, bomb shelters, and advanced warning through radar—and the bombardment of villages consisting of huts, with no comparable protection or retaliatory force. The first is a regrettable clash between two strong and reasonably equal powers; the second is the unleashing of overwhelming force against a weak nation and against defenseless peasants. Similarly, the Allies utterly devastated Dresden and Frankfurt during World War II, and the United States annihilated Hiroshima and Nagasaki: some defenders of U.S. actions in Indochina cite these examples almost as if they are legal precedents justifying our present behavior. But the obliteration of an entire city, with deaths in the neighborhood of 100,000, has no justification from military necessity or from any immediate military end; and thus those acts of World War II were outright terroristic raids designed to frighten the surviving enemy into submission. Hence, although these raids were not realistically justifiable at Nuremberg, they were themselves, impartially viewed, war crimes and can hardly be used to justify present tactics.

Again, the failure of the guerrilla forces in Indochina to abide by international laws on the questions of (1) prisoners of war, (2) allowing the Red Cross access to them, (3) using uniforms to identify combatants, seems to some to offer some mitigation for our own war crimes. But Nuremberg is quite clear on this point: the other side's violations are no defense.

Some have also argued that the laws of war are pious platitudes, not guides for behavior, but this view is clearly unacceptable. The laws of war are serious, though inadequate, attempts to reduce to a minimum the amount of pain and suffering attendant upon armed conflict. They are more than vague notions of restraint and rectitude floating in the distant sky of *ius gentis;* they have been reduced, by American authorities, to specific rules of conduct binding upon all members of the Armed Forces of the United States. They have been enforced by American tribunals against American and enemy soldiers, and against non-Americans by international tribunals in which American judges participated. Our government does not hesitate to demand compliance with the international laws of war on the part of hostile governments, as in its insistence that North Vietnam honor the Geneva Convention on Prisoners of War in its treatment of captured American pilots.

Similarly, some observers maintain that the laws of war are strictly for the victor to enforce against the vanquished. The facts, however, contradict this argument. Germans are still being tried today by German courts for war crimes committed during World War II, even though the Allies have long ago lost their power to compel such prosecutions. What is more, Americans have been charged with and convicted of war crimes committed in Vietnam. Indeed, one of the arguments frequently made by defenders of U.S. policy in Indochina is that we do, in fact, try our men for atrocities which they may have committed in that part of the world, whereas one never hears of similar trials being conducted by the North Vietnamese or the NLF.

Another argument frequently used is that the laws of war are outdated and not applicable to guerrilla war or to technological war. To some extent, this position is correct, but not sufficiently to make the laws of war inoperative in a present-day context. For the argument in essence would mean that, since some Vietnamese women and children have been known to throw grenades at Americans, all Vietnamese women and children may be treated, and killed, as guerrilla soldiers. But this position, stated in these harsh terms, is manifestly unacceptable. Furthermore, guerrilla warfare is not that recent an addition to military tactics. It can hardly be argued, for instance, that the framers of The Geneva Convention Relative to the Protection of Civilian Persons in Time of War were unaware of the fighting role played by civilians in modern war. That Convention is dated August 12, 1949, well after World War II had made "Maquis" and "underground" household words. More important, the argument that, because some civilians aid the NLF or directly perform military tasks, all civilians are fair game, is no more valid than the claim that we should permit police to level buildings in which known fugitives take refuge, or to fire indiscriminately at escaping offenders—in complete disregard of the innocent residents in the buildings and of innocent bystanders.

Again, some individuals of great ethical concern complicate the problem by maintaining that, since war itself is a crime, it is useless and self-contradictory to speak of "laws of war." Undoubtedly, we should always affirm *a priori* that men ought to work in every way to eliminate war itself entirely. On the other hand, we should guard against the cynical misuse of this argument to justify limitless barbarism in warfare simply because warfare is essentially barbarous in the first place (the "war is hell" argument). Instead, we must work against warfare itself *a priori*, and then—once a given war has become an irreversible reality—we must work both to minimize its inherent destructiveness and to end it as rapidly as possible.

Thus, even though armed conflict is in a higher sense a crime against humanity, it does not follow that soldiers cannot commit specific crimes more intolerable and heinous than the waging of war itself, or that we should make no attempt to deter the future commission of these crimes by punishing the crimes which have occurred. The fact that breaking and entering is already outlawed does not mean that a man should go scot-free for committing a murder while engaged in a burglary. Or, to widen our analogy, the inability of societies to eliminate the larger problem, poverty, does not mean that we should refuse to deal with the more limited but more urgent problem, starving people. In the same way, simply because men have failed to eliminate the pernicious ritual of warfare—with its attendant cruelties, barbarism, and sorrows—it does not follow that men should give up all efforts to set limits to those cruelties. Idealism becomes self-defeating when it rejects all attempts to reduce destructive behavior, on the grounds that any effort is unsatisfactory unless we eliminate destructive behavior altogether.

The only remotely mitigating factor for U.S. war crimes in Indochina, then, is the inextricability of genuine NLF combatants from quasi-combatants and from non-combatants who are essentially civilians. The near impossibility of identifying bona fide NLF troops, when they are in constant hiding and frequently live with their families (who naturally collaborate with them) poses a difficult dilemma for an advanced military power. Such a power, if it scrupulously observes international law, automatically gives the guerrilla army an advantage by fighting the war his way, and thus may have to admit, if the guerrilla army is large and determined (and thus has the support of the people), that the war is unwinnable—in fact, that the guerrilla army represents the people and has won. The other alternative, however, is morally abhorrent, legally impermissible, and may prove finally to be unworkable from a political standpoint. That alternative is to give up all attempts to distinguish among full-fledged combatant, quasi-combatant, and non-combatant. Thus, instead of separating out the genuine guerrilla from his family and either killing or arresting him, the strategy becomes to destroy people en masse and nonselectively from the air and on the ground, in the certainty or hope that some of those people will be NLF. Regrettably, the United States, sometime during 1964–5, decided to follow the second alternative on a large scale, and this decision is the essential source of U.S. war crimes. Hence, although this examination of the origin of our military tactics in Indochina may make them slightly more understandable, those tactics remain absolutely unlawful and impermissible—and this military rationalization for our conduct in Indochina has no more force than any other.

VIETNAMIZATION AS A DECEPTION, WAR CRIMES AS AN INSTITUTION

These considerations all bear directly, not only on our past conduct, but on our present course of Vietnamization, and even on the prospects for our conduct in future wars. For Vietnamization, in spite of the peaceful aura with which our Government has surrounded it, really has no effect at all on the amount of destruction and suffering we are wreaking on the Indochinese people. The intensity of bombing in Laos has actually increased since the program began; some of the devastation has shifted from South Vietnam to Cambodia; in sort, we have spread our pattern of destruction among three countries instead of one, with North Vietnam and Thailand always remaining as potential areas for the exercise of our weaponry. Furthermore, the withdrawal of more and more American troops from South Vietnam means increased reliance on mechanized operations—bombings, artillery, etc.—and thus continued perpetration of war crimes.

Above all, military and political observers have long recognized the Vietnam war as a model for counterinsurgency wars in the foreseeable future. Thus, precisely the same military practices would be put to use anywhere in Asia, South America, or Africa, should an insurgency break out which local authorities cannot contain. The United States now can fight a conventional war only under special conditions, because a conventional war might quickly escalate to a thermonuclear war; thermonuclear war itself is theoretically possible, but it obviously cannot serve as a model for numerous future wars. Hence, the only kind of war reliably available to the United States is the counterinsurgency war—which, given U.S. technological capability, must involve the commission of large-scale war crimes by U.S. forces, if they are to prosecute the war successfully. The appalling result of this line of reasoning is that the people of the United States must be prepared, for the foreseeable future, to allow their military and civilian leaders to engage primarily in wars which will in essence consist of war crimes against agrarian and underdeveloped peoples. In other words, war crimes will become, not just a regrettable feature of a unique war which eventually will be over, but a permanent feature of our war-making policy and a permanent feature of the American way of life.

THE MORE SUBTLE VICTIMS OF COMBAT

Among all Americans whose consciences are troubled by the knowledge of these crimes committed "in the name of America," none have suffered as much as those who have actually witnessed or participated in them. American combat veterans are thus the first to be listened to when they speak from first-hand knowledge of U.S. war crimes. They have lived a morbid nightmare, and many of them will carry psychological scars for years to come. Some of them have managed to pass through an ordeal of denial, guilt, and confusion, and finally have reached an awareness that a military machine has used their bodies and souls to commit acts which no official of the Defense Dept. or State Dept. would be willing to commit himself. When a combat veteran reaches this state of awareness and is willing to come forward and testify publicly about it, his fellow Americans should applaud his courage and should support his action.

True, a small number of these veterans will speak of experiences which did not actually happen to them, as if these experiences were their own. Some will reproduce and embellish upon hearsay, some will invent and exaggerate—all for personal and explainable reasons. Atrocities occur in every war, and atrocity stories—invented, embellished upon, and exaggerated—are by no means a new phenomenon of the Indochinese war. However, responsible observers should be very cautious about generalizing from these few exceptions, to the claim that the testimony of combat veterans as a whole is suspect. The information about U.S. war crimes from fighting men, reporters, doctors, lawyers, and social workers from numerous countries is too pervasive and too overwhelmingly large to be doubted on the basis of a few spurious witnesses. To succumb to that line of reasoning would be as self-deceptive or dishonest as to attempt to nullify our massive war crimes by saying that the NLF and NVA are guilty too—when we know that their violations probably do not exceed the random, normal violations of a conventional war, whereas ours constitute a new dimension of unlawful conduct in warfare. Hence, the American public and media should pay close attention to the accumulating evidence of U.S. misconduct offered by the young men who have directly experienced these acts. The extensive hearings held in Washington, Dec. 1–3 by the Commission of Inquiry, in Detroit Jan. 31–Feb. 2 by the Vietnam Veterans Against the War, and in numerous cities since then by both groups are the prime examples of veterans' testimony and work which deserve public support and commendation.

STRATEGIES FOR EFFECTIVE COUNTERACTION

The problem of public actions to end these war crimes continues to be a troublesome one. Those most concerned about the subject have discussed most often the possibility of (1) a long-range international conference of jurists to up-date the rules of war, with specific reference to guerrilla warfare; (2) a call for a full-scale series of hearings by the Senate Foreign Relations Committee; (3) an appeal to the U.N. Commission on Human Rights in Armed Combat for hearings; (4) an attempt to persuade a group of European, Asian, and African delegations to the U.N. to introduce resolutions re-affirming the inviolability of certain rules of war, asserting their application to guerrilla warfare, and condemning the use of certain military tactics and weapons; (5) a formal call on the President or his representative, by a delegation of eminent Americans from the professions, requesting an end to the destruction of Indochina; (6) a large-scale, well-publicized conference of professionals on the problems of war crimes.

We, the undersigned, scholars and professionals concerned about U.S. war crimes in Indochina, fully support efforts to realize these six actions, and call upon our colleagues in the universities and professional communities to support these endeavors by signing along with us.

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TRANSCRIPT OF THE FILM "U.S. TECHNIQUE AND GENOCIDE IN VIET-NAM" (1971) MADE BY THE DEMOCRATIC REPUBLIC OF VIETNAM COMMISSION ON WAR CRIMES

The twentieth century has witnessed tragic events as industrially developed countries have availed themselves of scientific and technical achievements for aggressive purposes. But never has this been carried out on such a scale and in such a systematic manner as in the U.S. war of aggression in Viet-Nam. There the United States technology is harnessed for the production and improvement of weapons and war means for a genocidal purpose, an international crime the world's people have been sternly condemning. This short documentary deals with only some of the improved U.S. anti-personnel weapons which have been used in Viet-Nam.

Among the high velocity fragmentation weapons, the steel pellet bomb emerges to the front ranks.

At the very outset of the U.S. war of destruction against the Democratic Republic of Viet-Nam, U.S. aircraft dropped a kind of bomblet on a village in Nghe An. These bomblets are propelled out of a 19-tube container that holds 368 bomblets. Each bomblet is cylinder-shaped, weighs nearly 2 pounds, and contains 250 metal pellets. Within a 15 meter range the pellets hit anyone who remains in the open. A single bomblet can kill or wound many persons at a time.

In 1966, the U.S. improved it into a round-shaped version for more killing efficiency. Though it is only half the weight of the cylinder-shaped version, the improved round-shaped bomb holds as many as 300 pellets. The number of bomblets packed into a mother bomb, too, is greater: some 640. As it falls the round shaped bomb spins along a spiral axis. The landing impact or any stopping of rotation explodes the bomb, which may even hit people in covered shelters. In Viet-Nam, the round-shaped pellet bomb first appeared in a village in Moc Chau, Son La, in April 1966. The white markers in this field show the high density of bomb dispersion.

This sequence on the one hand proves that the pellets are projected at a very acute angle with the horizontal so that in the proximity of the point of impact, even those who lie absolutely flat on the ground are exposed; and, on the other hand, demonstrates that the damage to structures is insignificant.

No question—this U.S. technical device is exclusively anti-personnel. There are several cases where a single person was inflicted with as many as hundreds of wound punctures. All parts of the human body are vulnerable to these weapons. Often a pellet suffices to take a life away. And always, the bulk of the victims are women and children.

The pellets have strong penetrability into the human body. They do not remain in tissues, but travel zig-zag and often lodge in organs. Therefore the injuries produced are multiple and complex. The pellets may penetrate the heart, stomach, pierce through the cranial butt and cause the brain to suppurate, remain in the spinal cord and occasion serious nervous troubles or ravage the lungs, intestines, kidneys and other organs.

Even in the case of survival, the residual pellets are very difficult to extract thus causing lasting suffering for the victims.

In Ha Tay on December 27th, 1967, Mrs. Chi, a mother of four little children lost both her legs when stumbling on a yet unexploded steel pellet bomb in a field . . . After a long period of treatment, she has now just begun walking exercises with the aid of prosthetics.

Since early 1965, the United States has employed in North Viet-Nam an improved version of the dum-dum bullet prohibited by the 1899 Hague Convention. After penetrating the human body, this bullet explodes, lascerating tissues into tiny fragments. Thousands of such bullets were fired in the air strikes against Hanoi, Haiphong and Namdinh, causing many civilian casualties.

Teleguided Shrike missiles, originally designed for destruction of military installations, have been modified so that on explosion each missile releases tens of thousands of metal cubes. These missiles have been used to attack civilians in towns and cities such as Hanoi, Haiphong and other populated areas.

In 1967, warships bombarded Vinh Sang village in the northern part of the Vinh Ly Region with a kind of ball shell of 155 millimeter and 203 millimeter calibers. While in flight, each shell releases 104 winged balls which on landing impact are propelled back into the air and a height of 3 to 5 feet burst into hundreds of tiny fragments causing multiple wounds to the upper part of the body.

The smooth orange bomb, first used against provinces south of the 19th parallel in August 1967 projects a great many small fragments and is no less dangerous than the steel pellet bomb.

Like a huge spider spinning webs to catch prey, the spider mine has eight 25-foot wires that stretch out in eight different directions. Such mines were spread in large numbers in Quang Binh province in October 1968. Walking over any of these snare wires suffices to cause explosions.

Code named BLU–24A/A, this weapon is a refined version of the already mentioned smooth orange bomb. Horizontally and vertically striated both inside and outside its body, it ejects some 500 small sharp-edged fragments, and is much deadlier than the former version. Those bomblets were used in the November 21, 1970, air raids in Vinh Phu and Ha Tay.

The flechette weapon first appeared in a 2.8-centimeter version. In 1970 it was lengthened to 3.6 centimeters.

In an article entitled "Future Infantry Weapons," published in *The Infantry*, September–October 1969 issue, John Wood, chief of United States Weapons Research Division, revealed that the flechette weapon is a major candidate for the future infantry rifle. In reality, this future weapon was brought into play in Viet-Nam in 1966. Its anti-personnel effect is even more atrocious than that of the steel pellet bomb. With its sharp-edged tail, the flechette lacerates all tissues on its way into the human body. Through treatment of young Phan Quoc, wounded in Vinh Linh in May 1970, medical experts came to the conclusion that injuries by flechettes are even less treatable than those caused by pellet bombs. In an operation, Professor Ton That Tung succeeded in extracting a 3.6-centimeter flechette from Phan Quoc's cervical region.

Recently a flechette with split point was devised to cause complex injuries. In April 1971, Nguyen Van Binh in Quang Binh province was hit by a flechette of this kind which pierced through his left temple and settled down in the orbital region.

This kind of booby trap, called a gravel mine by the Americans, first made its appearance in Viet-Nam in 1966. Hardly discernible from leaves on the ground and similar to a packet of gauze bandage, it is very likely to be walked over or picked up by people in their comings and goings, thus causing casualties.

This is called a dragontooth mine. An F–105 can carry over 7,500 such mines. Spread in high density, its killing radius is considerable. Quite a lot of people have had their feet blown off or severed by these two kinds of booby traps. This girl is among the number.

Originally conceived as an anti-tank weapon, the bottle-shaped perforating bomb has been instead used by the United States to attack civilian shelters. In 1970, a new improved version of this, called MK–1–18–0 and having a stronger boring power, was brought into play. Able to penetrate the earth deeply before exploding, perforating bombs cause many casualties to civilians, even underground. So, whether in the open or in underground shelters, Vietnamese civilians are always in the killing range of U.S. anti-personnel weapons. The metal fragments are difficult to remove, and many fragments will remain always inside the head, neck, chest, belly of old and young victims of both sexes in this country.

Those dead eyes, those wound-covered hands and legs, all that constitutes strong evidence of the crime of genocide of the U.S. aggressors who have escalated the production and improvement of such anti-personnel weapons they have been testing in Viet-Nam and other theaters in Indochina.

A foreign film-maker has called U.S. napalm bombs, those weapons prohibited longsince by international law, "portable crematoria." Indeed, how many of our fellow countrymen, how many houses and field have been consumed in napalm fires?

The incendiary substances the United States has daily poured down on Vietnamese villages and hamlets include not only napalm, but embrace a wide range of varieties: conventional napalm, super napalm, napalm B, napalm pyrogel, thermite, magnesium, white phosphorus, NPT, and so on. These weapons have been brought into play in proportion to the increasing rhythm of the war's escalation. Besides generating tremendous heat from 1,652 degrees Fahrenheit for conventional napalm to 6,332 degrees for magnesium and NPT, another common particularity of U.S. incendiary weapons consists in their strong adhesiveness. Particles of white phosphorus burn spontaneously on contact with oxygen. So there is no chance for the victim to remove the burn by rubbing it out because that will only cause it to widen and deepen further. Everything within range is completely consumed. Pottery and glassware in burning melt together and are deformed beyond recognition. In addition, burning napalm and phosphorus emit carbon monoxide, highly noxious to people.

One could hardly imagine anything more heartbreaking than traces left by incendiary substances on the surviving victim's body. And, as is always the case, women and children constitute the majority of these.

These phosphorus-induced keloid scars as well as this knife slash scar on Bui Van Va's neck, the result of an assault by a G.I. on March 25, 1970 in south Da Nang, constitute an eloquent denunciation of multiple U.S. crime, piled up on a single Vietnamese peasant's body.

It is no wonder that most Japanese investigators when interviewing Vietnamese napalm victims cannot help mentioning the burn victims of Hiroshima and Nagasaki as a parallel. Taking advantage of scientific and technical achievements, the United States has devised and improved such destructive weapons that are prohibited by international law in order to use them on a large scale. The United States has used these weapons with an obvious genocidal intention in North Viet-Nam, and still more widely in South Viet-Nam, as well as in Cambodia and Laos. Making Viet-Nam the testing field for their deadly bombs and making the Vietnamese people their guinea pigs, the United States imperialists have brought their cruelty and savageness to culmination in this unjust and immoral war. Mankind's conscience is deeply shocked.

For all those U.S. crimes whose stamp is indelibly printed on these victims' bodies, it is Nixon himself and other officials in the White House and the Pentagon, who must bear full responsibility. Our people, whose struggle against U.S. aggression is being stepped up proportionately to our seething hatred, offer this testimony to the world.

The Crime of the United States in Indochina: Waging War in Violation of Treaties and Agreements

(By Max Gordon)

On November 15 of 1946, the United States introduced into the United Nations General Assembly a resolution calling for UN reaffirmation of the principles of international law set forth in the Charter of the Nuremberg Tribunal. On December 11, the UN General Assembly unanimously adopted the substance of the U.S. resolution.

War crimes are specifically defined in Article 6 of the Nuremberg Charter, and the first of these definitions reads as follows:

Crimes against peace: namely, planning, preparation, initiation or waging of war of agression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of the foregoing.

It is thus undeniable that under the terms of international law as defined by the UN at the explicit behest of the United States, it is a crime against humanity to wage war in violation of treaties or agreements.

It is the intent of this paper to demonstrate, by an examination of the historic record, that:

1. Beyond shadow of doubt, the war waged by the United States in Vietnam has its source in violations of both the 1954 Geneva Agreements and the UN Charter. The violations were, and are, explicit and not simply a matter of interpretation, and it is immaterial that the U.S. did not approve the Geneva Agreements.

2. The war is an outgrowth of consistent U.S. postwar policies incompatible with Washington's UN treaty obligations.

3. The political logic of Washington's aims in Vietnam, which led it to ignore its treaty with the UN, has also influenced the criminal military practice of mass extermination of Vietnamese, of which the My Lai massacre was a particularly brutal but by no means isolated expression.

This indictment of U.S. criminal culpability in Vietnam must be made, even though the means of punishment do not now exist, for at least two reasons:

First, much of mankind still pins its hopes for avoiding the holocaust of major war upon the UN and its principles, and public awareness of Washington's contempt for these principles in Vietnam can help to stimulate popular opposition to the present war—and not only in the United States. Support for the U.S. by other nations, whether active or passive, constitutes complicity in the crime.

Second, we know that nations today still behave according to the Machiavellian prescription of the use of power to promote what ruling groups decide is in the "national interest," and that the more powerful the nation the more ruthless its actions in pursuit of this so-called "national interest." But we know, too, that this cannot continue to be the basis of relations among nations. The massive threat of human destruction dictates that the struggle for realization of the principles of international law be waged unremittingly in the true interests of every nation. And essential to this struggle is the identification, and condemnation as criminal, of flagrant violations of these principles.

The Nuremberg Tribunal distinguished between violations of international law which are illegal, and those which are criminal because waging of war is involved. The war in Vietnam, and its expansion into Cambodia and Laos, are a direct consequence of the deliberate decision of the United States government to ignore both the 1954 Geneva Agreements and its expressly avowed obligation—under Article 2, Section 4, of the UN Charter—to refrain from forcible disturbance of other nations' independence or territorial integrity. This illegal conduct became a crime when Washington attempted to impose its decision upon the Vietnamese people by continuously escalating military force. The crime was compounded when Washington sent massive military forces to wreak destruction upon Cambodian villages in pursuit of this illegitimate objective. Let me sketch briefly the historic background leading to this criminal conduct.

During World War II, the Roosevelt administration found itself embroiled with the U.S. military establishment in a conflict over post-war policy. Whereas Roosevelt wanted collective responsibility for world peace, through the United Nations, the military demanded a *Pax Americana*—a "peace" imposed by U.S. arms. Roosevelt also wanted the UN to serve as instrument for breaking up the European colonial empires and for promoting at least legal independence; the military wanted to keep captured territory in the Pacific and to set up military bases around the world. Since it could not do this if the U.S. insisted that other nations give up their colonial possessions, the military establishment resisted Roosevelt's plans. Thus, whereas Roosevelt was against allowing France to repossess Indochina, the military was for it. The details of this conflict are presented in my article in the second volume of *The Vietnam War and International Law*, a reprint of which you have. It is enough to say here that with Roosevelt's death, Truman accepted the position of the military, placed the nation on the path of unilateral military intervention around the world, and told de Gaulle that Washington had no objection to French reconquest of Indochina. There were profound material reasons for this U.S. postwar direction, but these need not concern us here.

For the next four years, as the Vietnamese effectively resisted French efforts to reconquer them, the U.S. was preoccupied with Europe. But in 1949 Washington decided—in the interests of the cold war—to support France, though the then-Secretary of State, Dean Acheson, has since admitted Washington knew that the Vietminh exercised authority over most of the country. In his memoirs Acheson tells of French plans to "Vietnamize" the war—"to so weaken the enemy before reducing French forces in Indochina that indigenous forces could handle the situation." The French policy was thus one of mass extermination of Vietminh supporters—which meant most of the population—to permit imposition of the puppet Bao Dai regime upon the remnants without need for permanent large-scale French forces. Washington supported this, Acheson writes, though it realized that Bao Dai could never get enough popular backing to rule without French bayonets. This realization did not deter the United States from escalating material aid to France in her war to impose this regime upon the Indochinese people—in obvious contempt of the principles of independence and self-determination.

By February of 1954, mass Indochinese resistance and popular antiwar pressures in France forced the Berlin Foreign Ministers' Conference to agree to Soviet proposals for negotiations to take place at Geneva in May or June. We know now that Washington immediately proceeded to do all in its power to block the negotiations, and, after they had gotten underway at Geneva, to break them up. On March 6, less than three weeks after Berlin, the U.S. National Security Council determined that Washington had to take all possible measures to prevent Communist gains in any part of Indochina. Southeast Asia, the NSC said, supplied the "Free World" with vital commodities and was an essential trading partner for Japan. Its "fall" could undermine Japan's alliance with the U.S. And, according to the Council, Indochina was the key to Southeast Asia.

The NSC's position defined the policy which, with refinements, has shaped Washington's course in Southeast Asia up to the present. It also indicated two major concerns in shaping this course—U.S. control of the raw materials of Southeast Asia, and preservation of Washington's dominant political and economic influence in Japan. Only six weeks before the NSC's policy statement, a Presidential Commission on Foreign Economic Policy had delivered a report which emphasized that U.S. dependence on foreign sources of raw materials was constantly growing, and that these sources—and private investments in developing them—had to be protected. The report noted that more than half of the nation's consumption of zinc, lead, antimony, manganese, bauxite and chrome, and practically all its nickel, tin, natural rubber and jute had to be obtained abroad. [Since the National Security Council, President Eisenhower, Vice-President Nixon and Secretary of State Dulles based their subsequent pleas for military intervention in Indochina on this report, and since students of U.S. involvement in Vietnam have overlooked it, it is useful to quote from the published staff papers out of which the report was composed.] The "transition of the United States from a position of relative self-sufficiency to one of increasing dependence upon foreign sources of supply constitutes one of the striking economic changes of our times," the report declared. *It was thus "essential that foreign sources of scarce materials needed for defense remain in friendly hands."* A second imperative for U.S. security was that "countries which occupy a key geographical position in our system of defense remain friendly to the United States." Japan was cited as the "case in point," and Japanese trade expansion was cited as essential to her remaining "friendly" to the U.S.

The National Security Council policy determination of March 6, defining the U.S. position toward Indochina, was thus a direct outgrowth of this Presidential Commission report. On April 7, [a month after the NSC decision and some ten weeks after the Commission report,] President Eisenhower summed up "the strategic importance" of Indochina. "First of all," he said, "you have the specific value of a locality in its production of materials that the world needs." Two materials supplied by Indochina that were "very important," he observed, were "tin and tungsten." Others included "the rubber plantations and so on."

A week earlier, in a speech before the Overseas National Press Club in New York which indicated Washington's determination to prevent any meaningful negotiations at the forthcoming Geneva Conference, Secretary Dulles said:

Southeast Asia is the so-called "rice bowl" which helps to feed the densely populated region that extends from India to Japan. It is rich in raw materials, such as tin, oil, rubber and iron ore. It offers industrial Japan potentially important markets and sources of raw materials. The area has great strategic value. [Southeast Asia is astride the most direct and least-developed sea and air routes between the Pacific and South Asia.] It has major naval and air bases . . . Under the conditions of today, the imposition on Southeast Asia of the political system of Communist Russia and its Chinese Communist ally, by *whatever means*, would be a grave threat to the whole free community. The United States feels that the possibility should not be passively accepted but should be met by united action.

Note the phrase "by whatever means." The Eisenhower Administration knew then that 80 percent of Vietnamese supported Ho Chi Minh, and Dulles was clearly stating that this made no difference; the U.S. would permit no settlement at Geneva and no self-determination for the Vietnamese.

On April 16, in an address which received world-wide attention, Vice-President Nixon declared that the situation in Southeast Asia was most critical to the U.S. and that he would favor sending in U.S. forces if the French pulled out of Indochina. Its chief importance, he declared, lay in the fact that it was vital to Japanese commerce and its "loss" would make Japan a satellite of the Soviet Union. In the light of Nixon's persistent efforts to prove support of his present policies by a "silent majority" in the U.S., and his persistent pleas for adherence to the rule of the majority, it is ironic to note that he declared for sending U.S. troops to Indochina with or without the support of public opinion which, he insisted, was "uninformed." Nixon confessed that if the French stepped out, the Vietminh would control all of Indochina within a month.

The Eisenhower, Nixon and Dulles statements marked the initiation of an intensive effort to get Churchill and congressional leaders to agree to U.S. military intervention on the side of the French. But the congressional mood, sensitive to public reaction after Korea, was against intervention and the British commonwealth nations—reflecting Asian desires generally—wanted an end to the war. When Washington realized in May that it could not block a settlement at Geneva, the National Security Council called for modification of the U.S. position. Partition of Vietnam was demanded, with the south "to be retained at all costs." This became the active principle of U.S. policy at Geneva and after Geneva, and it remains so today.

I am not here suggesting that Washington's intervention in Indochina was motivated solely by a desire to control the raw materials of Southeast Asia, or to prevent Japan from slipping out of her economic and political grip, though these aims were most influential in shaping Washington's direction in 1954. The question is certainly more complex. There is, for example, repeated emphasis on the "domino theory," as well as the statement attributed to John Foster Dulles soon after the date for Vietnamese unification had passed, cited in the reprint before you: "We have a clean base there [in Vietnam] now, without a taint of colonialism. Dienbienphu was a blessing in disguise."

I have in mind, too, ex-President Johnson's description of all U.S. postwar foreign policy, made in his first post-presidency apologia for his foreign policy, in which he described its aim as maintaining a system in which the U.S. could "move and trade and live in freedom." The implications are not difficult to grasp. American economic and political power is so enormous today that it will inevitably dominate wherever it penetrates, and any nation seeking to protect itself against this penetration become by definition a threat to the free world. Material interests and considerations of alleged national security have been inseparable throughout America's history and they have operated inextricably in relation to Indochina. Nor were domestic political considerations entirely absent in determining Washington's course in 1954. The essential point here is that it is a cynical falsehood to state, as President Nixon has done, that the U.S. is in Vietnam solely to repel aggression and permit self-determination in the south. No living individual knows better than he how false that is. For our purposes here, the historic facts concerning the actual motivation for U.S. policy in 1954 underscore its illegality within the framework of the UN Charter. The reasons given for the U.S. course in 1954—whether those advanced by the Eisensower Administration with respect to raw materials control, etc., or those advanced by Johnson with respect to U.S. business freedom in other lands—are plainly contemptuous of UN Charter guarantees.

During the Geneva Conference in Washington dredged up Ngo Dinh Diem from his exile in the U.S. and persuaded the French to make him premier of the puppet Bao Dai regime. It sent General William Donovan, Chief of the Office of Strategic Services, and C.I.A. counterinsurgency expert Edward Lansdale to Saigon to impose Diem upon the South. With the British it presented a 7-point memorandum to French Premier Mendes-France which Eisenhower later characterized as Washington's "minimum terms" for agreeing to a settlement, though he confessed that the U.S, as a non-belligerent had no right to meddle. The terms included: partition of Vietnam; "securing" the southern half for the west, with no political arrangement permitted which would give the people there the right to choose Vietminh leadership; and no limitation on the import of arms and military "advisers" to "protect" the South.

We know, of course, that the Geneva Conference explicitly rejected each of the above terms in its provisions for 1956 elections for a single all-Vietnam government, and for barring importation of arms and military advisers. But a month *before* settlement was even arrived at, Washington had already prepared the groundwork for putting its own partition scheme into effect, regardless of Conference decisions or the desires of the southern Vietnamese.

To avoid isolation, however, the U.S. was compelled to bow to allied pressures and to pledge at Geneva that it would not disturb the accords, explicitly stating that it did so because of its obligations under Article 2, Section 4, of the UN Charter, which prohibits disruption of a nation's territorial integrity or interference with its independence. Exactly two days after this pledge was given, on July 23, Dulles signalled U.S. intent to ignore the agreements by telling the press that the Geneva Conference had advanced "the truly independent status of Cambodia, Laos and southern Vietnam."

Washington moved rapidly to consolidate Diem's rule and to provide him with U.S. military protection. In further violation of Geneva, it set up a military mission, and in October of 1954 Eisenhower despatched his famed letter to Diem pledging assistance in developing and maintaining "an independent Vietnam endowed with a strong government." This letter, so obvious an indication of Washington's treaty-breaking intent, has been cited by subsequent administrations as the source of their commitment to successive Saigon regimes.

At Manila in September, the U.S. organized SEATO as an international cover for its illegitimate activities in Vietnam. Because of allied reluctance, it was forced to agree to a peculiar clause which gave it the unilateral right to determine whether aggression existed in Vietnam, and to intervene unilaterally under the SEATO cover. Washington has since then depended on this clause in the SEATO pact to plead that its intervention in Vietnam does not conflict with the UN Charter. The plea is absurd. The UN Charter explicitly requires that the conduct of regional organizations must be consistent with UN purposes and principles, and unilateral intervention is exactly what the UN was organized to prevent. Moreover, Article 53 of the Charter explicitly says that "no enforcement action shall be taken by regional agencies without the authorization of the Security Council," and neither the Council nor the General Assembly has ever approved U.S. actions in Vietnam. In the light of the clause permitting unilateral intervention, the SEATO pact is itself of doubtful validity within the meaning of the UN Charter.

Under the guidance and tutelage of the U.S., the Diem regime refused to permit the unification elections decreed for 1956. The entire world recognized at the time that it did this because it knew that the Vietnamese people—north and south—supported Ho Chi Minh. With the cancellation of the unification procedure explicitly mandated by the Geneva accords, the people of Vietnam were justified in seeking other means to unify their land. Having disrupted Vietnam's territorial integrity, Washington's charge that Vietnamese efforts to do so constituted aggression bears a striking resemblance to the classic case of the man who, having murdered his parents, demanded mercy on the grounds that he was an orphan.

It is thus undeniable that in the immediate aftermath of the Geneva Conference:

1. The U.S. deliberately disrupted the territorial integrity of Vietnam and imposed a regime upon the southern half in explicit denial of the right of self-determination.

2. It did so in substantial part because its ruling groups coveted free access to the raw materials resources of Southeast Asia and domination of its strategic military position.

3. It did so in direct violation of the Geneva Agreements which established Vietnam as a single, independent nation, and which were hailed almost universally at the UN in the fall of 1954 and 1955 for that very reason.

4. It did so in direct violation of the UN Charter principles of territorial integrity, independence, self-determination and non-intervention.

This, then, is the immediate background of illegality out of which grew the criminal war waged by the U.S. in Vietnam. It exposes as monumental hypocrisy the claims that the war arose because of aggression from Hanoi, or that the U.S. is fighting unselfishly for self-determination for South Vietnam. It caused UN Secretary General U Thant thirteen years later, in the summer of 1967, to charge the U.S. with waging war to prevent the national independence of Vietnam. Addressing the World Conference of the Society of Friends, U Thant described the war as an example of failure to respect the UN Charter's "fundamental injunction to refrain . . . from the threat of use of force against the territorial integrity or political indpendence of any state."

The violations were deliberate and explicit. During a critical period in the Geneva negotiations, Dulles told a cabinet meeting: "It is not difficult to marshal world opinion against aggression, but is quite another matter to fight against internal changes in one country. If we take a position against a communist faction within a foreign country, we have to act alone. We are confronted by an unfortunate fact—most of the countries of the world do not share our view that communist control of any government anywhere is in itself a danger and a threat." Dulles knew, of course, that the UN Charter prohibits both internal interference and unilateral military excursions.

Since the Diem regime was imposed upon the people of southern Vietnam against their will, it could be maintained only by widening terror. From the outset, the Diem government—under U.S. stimulus—killed and arrested thousands of Vietminh supporters who were the leaders in the villages. The guerrilla struggle began almost at once in sheer defense against this massive persecution. This struggle continued and grew for more than four years before North Vietnam extended its political and material backing in 1959. In 1961, with the Diem regime facing collapse, the U.S. sent 10,000 military "advisers" to bolster it. In various ways these military "advisers", whose numbers rapidly grew, took direct part in the fighting.

But as in the case of the French a decade earlier, U.S. forces could not bolster the isolated Diem government against its people. The respected U.S. historian Ellen Hammer has written that, like the French, the Americans in 1963 "envisaged a war of extermination . . . in which successes would be measured best by the 'kill rate' . . . "

In the reprint before you, I have quoted from John Mecklin, Director of U.S. Information Services in Saigon from 1962 to 1964; from Major General Edward Lansdale, the counterinsurgency specialist who guided Diem; from Nguyen Cao Ky when he was premier in Saigon in 1966; from General Wallace Greene, Marine Commandant in Vietnam in 1966. All of them confessed that the Saigon regime had no popular support and as Lansdale put it, that the National Liberation Front was "embedded within the population." This is evident today in the continual pleas of the Thieu regime that, despite its million troops and the vastly superior arms supplied by the U.S., it could not stand if U.S. troops left. Why? Obviously because it is fighting an entire people. Each major step that the U.S. took in escalating the war—the bombing of the North and the introduction of combat troops directly—was taken explicitly to prevent collapse of successive Saigon regimes. Collapse was threatened not by alleged North Vietnam "aggression"—even the U.S. Defense Department has confessed that there were virtually no North Vietnamese troops in the south when these steps were taken—but by the determined opposition of the people of the south.

Nixon was vice-president when U.S. policy for Vietnam was initially formulated in 1954, and he is continuing to operate under this same policy today. He has made it abundantly clear that his "Vietnamization" program aims to perpetuate the Thieu regime, or others like it, with continuing massive backing from the U.S. He has learned something from the French and Johnson Administration experiences, and has been slowly reducing the swollen ranks of U.S. ground troops in order to weaken domestic and international opposition to the war. But in return he has intensified the air and expanded it to other parts of Indochina. It remains a war against the people of Indochina, one in which a Washington-sponsored regime can achieve "self-determination" only through mass extermination. Those who try to rationalize the My Lai massacres graphically make the point by arguing that U.S. troops are justified in killing women and children since they all try to kill U.S. soldiers. Attorneys for a Lt. Duffy, also charged with killing civilians, make it by arguing that the army measures success by body count—meaning the bodies of any and all Vietnamese. These are but local expressions of the overall conduct of the war from Washington, with its "free fire zones" and weekly "body counts" of Vietnamese dead—including men, women and children—as well as of American youth. Nixon, on a grand scale, is operating in Vietnam within the same frame as My Lai, and the process is now spreading to Cambodia.

We have, then, the following indictment before us:

1. Since 1950, U.S. policy has had as its undeviating aim the denial of independence and self-determination to the people of Vietnam.

2. Until 1954, the U.S. pursued this aim by aiding the French in their efforts to reconquer their Indochinese colonies through an aggressive war of conquest.

3. Since 1954, the U.S. has sought to disrupt the territorial integrity of Vietnam and to impose governments of its choosing upon the south by military force—denying the southern Vietnamese their right to determine their own destiny.

4. Since the Vietnamese people have an heroic record of struggle against foreign invaders, the U.S. has had to pursue its objective of imposing its approved regimes by encouraging brutal, mass extermination of Vietnamese and by ravaging their land.

5. U.S. goals and policy in Vietnam, and in all Indochina, are in gross violation of both the Geneva accords and basic UN Charter principles.

6. Since the U.S. is waging war in violation of the accords which established Vietnam as a single independent nation and in violation of its treaty with the UN, the U.S. is clearly guilty of crimes against humanity as defined in Article 6 of the Charter of the Nuremberg Tribunal.

The indictment is reinforced by some of the explanations offered by Washington for its actions in recent times, such as defense of its "vital national interests," or the retention of its dominant power position and its prestige. Such explanations are patently incompatible with any concept of international law and carry the seeds of inevitable war. Hanoi's "vital national interests," obviously, are vastly more involved in the South than are Washington's, and so—for that matter—are China's and the Soviet Union's. In his April 30th speech announcing the invasion of Cambodia, Nixon introduced the concept of the master nation undefeated in war, the idea that the U.S. is justified in continuing to visit tragic slaughter and devastation in Vietnam, and to spread this to Cambodia, in order to retain its position of world supremacy! Since other powers will not always tremblingly acquiesce in this supremacy, this is clearly a prescription for the holocaust, and it plainly mocks at the UN principles of sovereign equality and collective responsibility for peace.

But if Washington's war in Indochina is a crime, those nations which give it support—even if this support is simply political—and even those nations which stand passively aside, are guilty in varying degree of complicity in this crime. While the primary responsibility for compelling their government to wtihdraw rests with the people of the U.S., all peoples bear some share of the responsibility and possess some capacity to act effectively. Isolation of the U.S., pressure from its allies in particular, can be a most potent instrument in forcing Washington to get out of Indochina and to begin to recognize its international obligations. The need for this is all the more urgent when one recognizes, as evidently Washington does not, that the forebearance of China and the U.S.S.R. is not inexhaustible. Withdrawal of the U.S. from Indochina, the halting of the war crime, is a matter of vital interest to every nation and Washington must be made to recognize this fact.

U.S. Military Intervention in Cambodia in the Light of International Law

(By John H. E. Fried)

Friedrich Schiller, the German poet of the enlightenment and adherent of Kant's philosophy of peace, said "Das ist der Fluch der boesen Tat, dass sie fortzuegend Boeses muss gebaeren." (This is the curse of evil deed that it must, ever procreating, lead to further evil.) The original illegal U.S. decision to prevent implementation of the Geneva 1954 agreements on Vietnam, which were to assure its peace and neutrality, led to an ever-increasing illegal U.S. military build-up and intervention in Vietnam; two years of ever more ruthless illegal U.S. war actions; to the plan for the "Vietnamization" of the war, meaning the determination to continue the war, perhaps eventually with somewhat different tactics, into an indefinite future; and now to U.S. combat intervention in Cambodia. This so far latest step is not only guaranteed to bring further evil to Indochina; it is pregnant with even further dangers for the world and for U.S. society. This chain of events again proves the crucial significance of the rules for international behavior, and the tragic results of their violation. To suggest that these policies make international law unimportant in fact cynically "justifies" them. Brute force is capable of defying the rules; but this is all the more reason to uphold the validity of the rules, because these rules are the *only barrier to ever greater disaster*.

I. BASIC FACTS

(1) The 1954 Geneva Conference confirmed "the sovereignty, the independence, the unity, and the territorial integrity" not only of Vietnam (and Laos) but also of Cambodia:

"In their relations with Cambodia, Laos, and Vietnam, each member of the Geneva Conference undertakes to respect the sovereignty, the independence, he unity, and the terirtorial integrity of the above-mentioned States, and to refrain from any interference in their internal affairs." [1]

Mr. Bedell Smith, the American delegate, formally declared:

"The Government of the United States. . . . takes note" of this and other provisions of the Declaration, and "will refrain from the threat or use of force to disturb them, in accordance with Art. 2 (sec. 4) of the Charter of the U.N. dealing with the obligation of Members to refrain from the threat or use of force." [2]

(2) Even if the U.S. had not given the pledge, and had not participated at all in the 1954 Geneva Conference, the U.S. would still be bound not to use or threaten force against Cambodia, in view of its obligations under the U.N. Charter, the Kellog-Briand Pact of 1928, and general principles of international law.

(3) Whereas the basic international obligations of Cambodia and toward her would of course be unaffected by her political coloration, it should be pointed out that the Sihanouk regime was not communist or pro-communist. For example, it sometimes took very drastic measures against the *Khmer Rouge*. In 1969, the staunchily anti-communist U.S.-trained General Lon-Nol who eventually overthrew the Sihanouk regime on March 18, 1970, was made Premier by the Prince himself.

On May 16, 1955, Cambodia signed a Military Aid Agreement with the U.S., against misgivings of the (Indian-Polish-Canadian) International Commission for Supervision and Control in Cambodia (I.C.C.),[3] and against formal protest by the Democratic Republic of Vietnam (North Vietnam.)

In Fall, 1955, the I.C.C. reported that "a small (U.S.) Military Assistance Advisory Group, about 30 in number, headed by a U.S. Brig. General, has arrived in Cambodia. The Group is now busily assessing the defense needs of the country." [4]

Soon afterwards, the American military advisory group achieved full strength. For years its personnel travelled freely within Cambodia and were able to acquire military and intelligence data.

If eventually Cambodia terminated that military aid arrangement, this was done after Cambodia had for years unsuccessfully protested against violations of Cambodian territory by Saigon and U.S. forces.

If Prince Sihanouk—like many other public figures of many countries—objected to the U.S. military intervention in Vietnam and pleaded to end it, this again did not show any anti-U.S. bias.[5] The Vietnam war created great problems for Cambodia; above all, Cambodia wished desperately not to be drawn into the conflict. When Sihanouk long since protested against U.S. plans and pressures to invade Cambodia, he merely protested against something which was of public knowledge and which, since the "lid was taken off" has again been widely confirmed in the U.S. press.

As a sign of its disapproval of U.S. policies toward Cambodia, Sihanouk severed diplomatic relations with the U.S. in 1965, but thereafter made various gestures to improve the strained relationship. For example, on 10 June 1968, Cambodia released without conditions two U.S. nationals captured three weeks earlier on a Philippine tugboat in Cambodian river waters, as a tribute to the memory of Senator Robert Kennedy; [6] the widow of President Kennedy was invited to, and visited, Cambodia as Sihanouk's guest, and the Prince in turn visited President Johnson at the White House.

Violation of Cambodian territory by the U.S. side

Cambodia has since January 1956 frequently protested against violations of her neutral territory by Saigon forces, and subsequently for many years also by U.S. forces. These reports, providing details as to place, time, type of violation (such as "killings, ill-treatment, wounding, arrests and abductions of Cambodian citizens, theft and destruction of their property,"—No. 553/DGP/X of 16 Sept. 1957), number of victims, etc. were submitted to the International Control Commission for Cambodia, and in later years, *i.e.*, to the Co-Chairman of the Geneva Conference (Feb. 7, 1964—"incessant and murderous aggression against Cambodia", including aerial bombardment) For over half a decade, Cambodia also transmitted vehement complaints against such acts by U.S. and Saigon ground and air forces to the U.N. Security Council. There were 40 such protest notes during 1967, and 100 between Jan. 1968 and mid-1969.[7]

The protests to the Security Council against "aggressive acts by U.S.—South Viet-Namese forces" continued, becoming increasingly urgent and reporting increasingly serious violations, until 27 March 1970. For example, the communication to the Security Council of 26 Feb. 1970 (S/9668) concluded:

"The Royal Government of Cambodia has lodged a strong and indignant protest against these repeated violations of Cambodian airspace, followed by deliberate firing and spraying of defoliants on the peaceful and innocent inhabitants of the frontier regions and their dwellings, which have been committed by the U.S.—South Viet-Namese forces. It has called upon the Government of the U.S.A. to take immediate steps to indemnify the victims, make reparations for damage caused, and put an end to such acts of aggression once and for all."

During all those years, only very isolated counter-charges or denials were transmitted, first to the I.C.C. and then to the Security Council [8], although charges about the use of Cambodian border areas by PRG (NLF) and DRVN forces were insistently made by the U.S. outside the U.N.

Towards the end of December 1967, U.S. complaints about enemy sanctuaries inside Cambodia reached a height, and U.S. invasion deemed imminent. Mr. Chester Bowles went on a special mission to Pnom Penh. Prince Sihanouk insisted that the U.S. had not produced any evidence of such sanctuaries, in spite of the fact that "without our [Cambodia's] authorization, American planes have been traversing our [Cambodia's] skies *thousands of times* and taking photographs of our country in its length and breadth." [9]

At the conclusion of the talks, Sihanouk informed the press that Mr. Bowles, on behalf of

"The United States has agreed that *if* [1] it has information concerning Vietcong or North Vietnamese infiltration, it will transmit their information to the Cambodian Government. . . . Cambodia will then send her own troops or those of the [International Control] Commission to investigate and, if the information is verified, demand that the forces leave Cambodian territory." [10]

The record, then, contradicts the official justification for the U.S. invasion, namely, that since 1954 "American policy has been to scrupulously respect the neutrality of the Cambodian people" (sic!) and that "for five years [hence, since May 1965] neither the United States nor South Vietnam has moved against these enemy sanctuaries because *we did not wish to violate the territory of a neutral nation* . . ." [11]—thus implying, incidentally, that the U.S. invasion of Cambodia does "violate the territory of a neutral nation."

It appears from announcements by Prince Sihanouk and press reports that in early 1970, the Cambodian government obtained information that armed forces of the other side were using Cambodian border areas. The prince took off from his capital to visit Paris, Moscow and Peking in order to obtain the support of those governments for his demand that those troops leave. Prior to the occurrence of the putsch against him, he issued warnings to the effect that "a great power" supported efforts, during his absence from the country, to overthrow his regime. The putsch occurred on March 18, while the prince was in Moscow.

On March 30, the new Cambodian regime transmitted Cambodia's first protest about violations of its territory by Viet-Cong and North Vietnamese troops to the U.S. Security Council. The communication complained, *i.a.*, about the occupation by a force estimated of 3,000, of a village 7 km inside the border.

Between the first of April and the first of May, 1970, Cambodia transmitted thirteen, ever more vehement, protests against numerous military attacks and occupations by Viet-Cong and North Vietnamese forces inside Cambodia.[12]

There are indications that Saigon forces invaded and bombed Cambodian territory very soon after Lon-Nol's takeover in Phnom Penh on March 18. As late as April 13, "the South Vietnamese Government maintain(ed) that its forces are not in Cam-

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Footnotes at end of article.

bodia." But there were "witnessed South Vietnamese air strikes on Communist positions in Cambodia March 20 and 24, and ground incursions and air strikes by South Vietnamese forces on March 27 and 28. (Dispatch by Ralph Blumenthal, datelines Khanbin, South Vietnam, in New York Times, April 15, 1970, also referring to a *Cambodian* ammunition dump being guarded by South Vietnamese troops.) On May 2, the Daily News stated that "American and South Vietnamese forces were crossing the Cambodian border—*for the first time openly.*" This constituted the opening of the *combined* U.S.-South Vietnamese operation, "Operation Total Victory." Preceding South Vietnamese operations in Cambodia had been reported in the press.

II. THE "SANCTUARY JUSTIFICATION

In a manner reminiscent of the start of the attack by Axis Powers on certain countries in World War II, the invasion by Cambodia was started without notification of its government. Even Germany's invasion of neutral Belgium in 1914 was preceded by a German ultimatum. The absence of any reasoned formal warning or announcement alone casts graves doubts about its legality.

Insofar as any justifications have been given, they were not those previously adduced by the U.S. for its war in Vietnam. Unsatisfactory as those justifications were, they were not available in this case. Cambodia is not under a SEATO "umbrella." No U.S. "commitment" could be alleged. And while the absence of any formal request from the Saigon regime for U.S. "collective self-defense" assistance in Vietnam was revealed only years after the U.S. started its war in Vietnam in alleged compliance with that non-existent request, in this case the absence of any such request from the Cambodian government became immediately known.

The emphasis, instead, has been on the "sanctuary" argument.

What is a "sanctuary"?

A "sanctuary" is a sacred place of worship and, in a wider sense, a sacred place of refuge. Such sanctuaries played a considerable role in antiquity and the Middle Ages.

The term has been revived to denote, with strong emotional disapproval, places that are, but in fairness *should not be,* beyond the U.S. military reach. Such use of the term, incidentally, stands the meaning on its head: a sanctuary must be respected exactly *because* it is a *holy* place; so that whoever invades it commits not only a crime but a sin.

Yet, the designation of some Cambodian border areas as unfair "sanctuaries" which granted the opponents "impunity" and from which the U.S. military were unfairly excluded, has been assiduously nurtured, even while strenuously, often desperately, denied by Cambodia and described as preparation for a U.S. invasion. Frequently, these "sanctuaries" were depicted as the cause for the lack of U.S. military success in Vietnam.

Precisely put, the argument means: (a) enemy forces, in *violation* of the law of neutrality, made use of Cambodian places; (b) the Sihanouk regime was unwilling or unable, and apparently the Lon-Nol regime was also unable, to end this abuse; so that (c) the U.S. is justified to use self-help.

To clarify this, we must realise that the term "sanctuary" has been applied to *four types* of situations that actually and legally *differ* from each other: (1) places (jungle "caches", thatched huts, etc.) in which weapons, food and medical supplies destined for the enemy can be stored; (2) places in which enemy soldiers can stay; (3) places from which enemy soldiers can reach (infiltrate into) combat areas; and (4) places to which enemy soldiers can withdraw from combat areas.

1. Depots of war materiel

Depots of war materiel in neutral territory are not, in and of themselves, unlawful, for the following considerations:

International law does not prohibit belligerents to obtain war materiel, and much less to obtain food and medical supplies, from neutral countries. On the contrary, the principal international treaty on neutrality, Hague Convention V of 1907, specifically permits private persons and firms of neutral countries to export war materiel to belligerents.[13] The U.S. has been adamant in asserting this right for American industry and business.[14] But, altogether, the provision of strategic materiel from neutral countries to parties engaged in international or civil conflict is an accepted, albeit sometimes deplored, fact of the world scene, and considered legal. As random examples, various neutral countries export such goods to Israel and the United Arab Republic. Even assuming, then, that Cambodia provided weapons, medical supplies and food to the adversaries of the U.S., this would not have been illegal for either the provider or the destinee.

Now, by normal interpretation on the basis of the principle of *a maiori ad minus,* if neither the neutral acts wrongly by providing, nor the belligerent by obtaining goods, then neither the neutral's permission or active sufferance to *store* such goods, nor the belligerent's use of such territory for their storage, violates international law. Throughout these years, the U.S. has obtained and stored incomparably larger war materiel for use in Vietnam, in a number of neutral countries.

The U.S. maintains depots storing huge quantities of war materiel at military bases or "sanctuaries" in various neutral countries of the world, whence they are routinely transported by aircraft and freighters to Vietnam. Hence, the U.S. cannot complain or use force for the mere reason that some Cambodian jungle caches contain some war materiel, or rice, or medical supplies and medicine, to be moved to Vietnamese combat zones on the backs of humans, or by bicycles, buffalo or trucks. Either such depots are, by themselves, illegal for all sides to the conflict, or legal for all sides.

Can it be objected that the U.S. in storing war materiel, for example, in West German or Japanese "sanctuaries" acts legally because those neutral *agreed* to such storage—but that the Provisional Revolutionary Government of South Vietnam or the Democratic Republic of Vietnam forces acted illegally by storing such goods in Cambodian caches, because Cambodia had not agreed to this? It is a paradox: by this argumentation, they and Cambodia would be beyond reproach if Cambodia had not interpreted her neutral duties much more scrupulously than the pro-U.S. neutrals. The paradox must be admitted, but it works both ways. If the U.S. asserted that Cambodia agreed to or tacitly suffered those caches, then the U.S., in view of its own and its neutral friends' behavior, was unable to complain; the very assertion that Cambodia acted in this manner, prevented the U.S. from claiming this to be illegal. The U.S. failed to ascertain that its own assertion was incorrect. Only after the U.S. would have ascertained that Cambodia did *not* expressly or tacitly agree to those caches could the U.S. have claimed violation of Cambodia's neutrality by the enemy.

However, even in such cases, the U.S. would have been obliged to seek other, nonforceful remedies. In view of its own vast use of neutral depots, it could not have claimed such extreme unfairness and disadvantage as to allow it to invade Cambodia to capture the caches.

2. Use of neutral territory by belligerent's armed forces

Traditional international law forbids belligerents to use neutral territory by their armed forces.[15] In particular, they are forbidden to move troops across such territory (Hague Convention V, art. 2). Under an age-old custom, belligerent forces—individuals, groups, or entire formations—may, however, enter neutral territory, whether adjacent to the theatre of war or not (unless the neutral in its discretion forbids it), whereupon the neutral is obliged to disarm and intern them (same Convention, art. 11).

If belligerent forces may not move (by any means of transport) *across* neutral territory, they are logically also forbidden to use neutral territory as a stopover, or to move troops from neutral territory, or to bring them there for any purpose, because in all such ways neutral territory would be used to foster the belligerent's war effort.

Again discarding, for argument's sake, Cambodia's insistent pleas over the years that Cambodia provided no "sanctuary" for such purposes, and that the U.S. did not prove the opposite, we must concentrate on another point—namely, that throughout its belligerency in Vietnam, *the U.S. has made wide use of numerous neutral countries* for such purposes. For example, the U.S. has freely transported contingents of its land, air and naval forces stationed in NATO and SEATO countries to Vietnam. At its discretion, the U.S. has *trained* its forces undisturbed on its far-flung bases within various neutral territories for combat in Vietnam. In some non-NATO and non-SEATO neutral countries, notably Japan, U.S. bases have also served for years as staging and waiting areas for U.S. forces destined or held in reserve for Vietnam duty. In Japan, as well as in NATO and SEATO neutral countries, U.S. bases as well as local industry and facilities have been constantly used to repair and re-equip U.S. military aircraft, naval ships, etc. in furtherance of the U.S. war in Vietnam.

Furthermore, the U.S. has for years routinely used neutral territories such as Taiwan, Japan, Hong Kong and Singapore for the *"rest and recreation"* of U.S. military personnel, While furloughs are certainly to be welcomed, it must not be forgotten that these furloughs are designed for the very purpose of strengthening the men for their war assignments after return to Vietnam. The British manual, *The Law of War on Land,* provides specifically:

"671 . . . a neutral State which receives belligerent troops on its territory must intern them . . . ; they are *not permitted to rest, refresh and re-equip* themselves and *then to rejoin* the armed forces of the belligerent State."[16]

If, in summary, neutral nations are used almost on a scale of continents by the U.S., does the U.S. have the required *"clean hands"* to complain about, and use force, against the use of some Cambodian hide-outs by the other side?

Nor can it be argued that, regardless of the vast quantitative and qualitative discrepancy, the U.S. is acting legally because all those pro-U.S. neutrals have *consented* to serve as "sanctuaries" for the U.S. The arguments begs the question, namely, whether those neutrals can grant such consent. Doubtlessly, under traditional treaty and customary international law, as applied for example in World War II, they could not do so; they would grossly violate their duties as neutrals. Neutral Switzerland or Ireland would never have granted such sanctuaries to any Axis or Allied Power during World War II.

Hence, there are only two alternative answers, and neither validates the U.S. attack on Cambodia. Either the wide use of various neutral countries by the U.S. for its Vietnam war effort with their consent implies that

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the international rules forbidding this have been tacitly *abrogated*, so that such behavior is now proper; in which case, the use of Cambodian border areas with neutral Cambodia's consent would be equally proper. Or the wide use by the U.S. of neutral countries, and the latters' consent, are *illegal* in which case the use by PRG and DRVN, although on a small scale, of neutral Cambodia, and the latter's consent, would also be illegal; but the U.S. could under the principles of "*tu quoque*" and "*clean hands*" not complain, and much less use force.[17]

Under either construction, Cambodia could not be subjected to U.S. attack: if she consented to the presence of enemy troops on her territory, and the consent was licit, she was blameless; if the consent was illegal, she still acted much less improperly than do the neutrals consenting to much larger use of their territory by the U.S. Finally, if she did not consent, but was unwilling or unable to enforce the denial of her territory to the enemy, this would still not have entitled the U.S. to "self-help", in view of these circumstances.

3. Infiltration from neutral territory into combat areas

The same applies to the agument that the enemy soldiers enjoyed the unfair advantage of being able to move (infiltrate) from neutral Cambodia for attacks in South Vietnam. In this respect again the other side is accused of something which the U.S. has been doing ever since 1965 on a vastly larger scale.

Neither by military nor legal logic can it be said that if PRG or DRNV forces move by primitive means from inside the Cambodian border into South Vietnam that this *is* infiltration from a neutral sanctuary; whereas if U.S. ground troops move into South Vietnam on modern aircraft from, say, West Germany or if U.S. bombers who took off in Japan bomb South Vietnam, this is *not* infiltration from a neutral country. Both cases are identical, insofar as belligerent forces departed from neutral territory for war purposes. The rationale of the law of neutrality is that neutral territories should in principle not be used to influence the conduct or course of war between others. But the military difference, which is also legally interesting, is that the American "infiltration" has been on a vastly larger scale, both in numbers of personnel "infiltrated" and in destructiveness of weapons.

It may be said that neutral Cambodia was obligated to prevent infiltration from its soil into South Vietnam even though the various neutral countries from which U.S. military personnel have moved into Vietnam have, contrary to the same obligation, *not* prevented this. The arguments regarding the other "sanctuary" aspects apply. Furthermore, the American side has the military capacity to prevent the movement of opponents across the South Vietnam border on the ground.

In any case, the neutral's obligation is limited by its own *bona fide* capacities. In this regard, one of the Cambodian communiques to the U.N. Security Council pointed out that the U.S., with one million soldiers at its disposal should be able to prevent occasional intrusions into South Vietnam from Cambodia. The opponent does not have the physical capacity to prevent the movement of U.S. personnel by aircraft and troop ships into South Vietnam.

4. "Sanctuary" prevents "hot pursuit" of enemy withdrawing into neutral territory

Confusion has been created by another argument which, especially around the turn of 1967/8 seemed to make a U.S. invasion of Cambodia imminent, namely, that the U.S. has been improperly denied the right to pursue enemy troops withdrawing into neighboring Cambodia.

It is an age-old undisputed right, sanctioned by international convention, for belligerent forces to withdraw into and to seek refuge in neutral States, and for the latter to "receive" them.

The notion that the opponent has a right to pursue into the neutral territory is untenable. At least since the end of the 18th Century, the law of warfare has forbidden such action; even previously, it constituted a violation of neutrality that rendered the invader liable to make amends to the neutral.[18]

The implication, then, that "hot pursuit" into neutral territory is a concept of warfare is erroneous and highly misleading. For two hundred years, the term has been used exclusively in an altogether different connotation, namely, in maritime law; altogether unrelated to war or neutrality. If a foreign ship violates some rules within another State's territorial waters, and then tries to escape to the open sea, certain ships of the littoral State may under specific conditions pursue it in order to arrest it and bring it back for proper action.[19] By definition, this can never cause harm to lives or property on neutral territory.[20]

If enemy soldiers have escaped into Cambodia (which was not argued in the present crisis) without being interned there, would this create a gravely unfair advantage for the other side? It must be pointed out that, first, Cambodia has throughout the Vietnam war not denied U.S. troops the right to flee into Cambodia; and, secondly, that, as said before, numerous neutrals have allowed U.S. troops to be evacuated to their territory, without interning them but openly permitting their return to combat in Vietnam.

"Sanctuary" argument not available to the United States

To summarize this examination of the "sanctuary" argument: We have seen, first of all, that it is *not* illegal for belligerents to purchase war materiel in neutral countries or to have such goods transported to, in or through neutral countries, or to maintain stores of war materiel in neutral countries. The notion that any of this violates international law or the practice of States is entirely erroneous, as shown, *e.g.*, by the practice of the neutral U.S. involving billions of dollars worth of war materiel for other nations' wars in World Wars I and II, and ever since then; as also seen by the fact that, in turn, the U.S. has openly and constantly made vast use of such depots in various neutral countries of the world for its highly destructive weapons to be employed in Vietnam. Since all this is *legal* for the U.S., it must, in principle, be *legal* for its Vietnam opponents to keep much smaller depots of much less destructive weapons in neutral Cambodia.

We have seen that, in constradistinction, the use of neutral territory for the training, staging, maintenance or recreation of forces of a belligerent is by traditional international law forbidden—as is "infiltration" of belligerent forces from and to neutral territory, and from the war zone.

However—and this is of decisive importance—we have also seen that to do all this has been the constant practice of the U.S. during this war, with the approval of the neutral countries so used. The U.S. has been transporting its forces ("infiltration") into South Vietnam from various neutral countries in different parts of the world, not by oxcarts but by modern aircraft and transport ships; it has maintained and trained forces destined for Vietnam duty in such neutral countries, not in hidden jungles and under search by enemy aircraft, but unperturbed in up-to-date installations; it has been able to have its military personnel rest in hotels in neutral countries and then have them not detained there but return to war duty.

Whether this most extrordinary phenomenon indicates a tacit *abolition* of the old rule must at least be left open. I believe that such construction would be inappropriate, *i.a.*, because it would erode the concept of neutrality. would make hostilities more sanguinary, and unfairly favor the belligerent State which is able to obtain more such neutral "sanctuaries" than his opponent can.

We, then, also leave open the question of whether the permissiveness shown by the neutral countries concerned—from West Germany to Japan—toward this use of their territories has violated their own duties under the law of neutrality. We must, however, not forget that if their permissions *are* illegal, then the illegal permissions *cannot make the use of their territories legal for the U.S.*

What counts most is that the big U.S. cannot apply different standards to *itself* and *its* neutral friends, on the one hand, and to its small *opponents* and small neutral *Cambodia,* on the other. What is *legal* for the U.S. must also be legal for the opponents of the U.S. If, in turn, all this has been *illegal* for the U.S.—if, in other words, the U.S. has violated the law of neutrality in these respects on such a large scale, then the U.S. has no standing to complain about the identical much smaller illegality of the other side.

Let us, however, go a big step further. Let us forget that the U.S. has used the territories of neutral countries to maintain, stage, train and recuperate its own forces and to move ("infiltrate") them from there to South Vietnam, and that the respective neutrals have permitted this. Let us argue that, *regardless* of whether this has been right or wrong on the part of the U.S. and those neutrals, *only* Cambodia was still duty-bound to prevent such use of her territory by the opponents of the U.S.

It is true that traditional international law, as quoted in the textbooks and military manuals, requires neutrals not only *not* to agree to, but actively to *prevent* use of their territories by forces of foreign belligerents. Hence, the neutral's approval does not make much difference because his approval would in any case be illegal, and therefore *not* legalize the belligerent's use of neutral territory.

Cambodia did not fail in her duty to prevent violations of her neutrality

Legally, and by common sense and elementary fairness, it is impossible to posit that pro-U.S. neutrals are *not* under the duty to prevent their territories from being used by forces of a belligerent, but Cambodia *is* under such duty. However, for the sake of argument, we now proceed from this odd assumption.

We find that Cambodia has not failed in its duty. For, this duty has by the same traditional law been limited to the neutral's *capacity* to prevent violations of its neutrality. Hague Convention XIII of 1907 (art. 8 and art. 25) stipulates unambiguously that the neutral is "bound to exercise such surveillance as the means at its disposal allow."[21] The literature is unanimous on this point.** See, at random, Oppenheim-Lauterpacht's authority:

"A neutral can be made responsible only for such acts favouring or damaging a belligerent as he could by due diligence have prevented, and which *by culpable negligence* he failed to prevent. It is by no means obligatory for a neutral to prevent such acts under all circumstances and conditions. *This is in fact impossible. . . .*" ***)

Since Cambodia did not intentionally fail to protect her neutrality, the U.S.A. could not base military intervention in Cambodia on such failure.

Footnotes at end of article.

• *Attack on the lawless opponent in neutral territory as ultimate resort for self-preservation*

For completeness, it should also be added that the U.S. was not entitled to use military force in Cambodia on the grounds that the enemy had violated Cambodia's neutrality in such manner as to endanger the very self-preservation of the U.S. Modern history shows a single case wherein such claim was made; and in that case the action was, as is generally agreed, justified. It was the response by France and her ally Great Britain to Germany's blatantly illegal massive invasion of neutral Belgium in 1914 in order to sweep from Belgium into France and give her a crushing defeat (the notorious Schlieffen plan). In that situation, French and British troops counter-invaded Belgium. It is for extreme situations of this sort, when a belligerent's very *self-preservation* is endangered by a lawless opponent, that an "ultimate resort" to force against that lawless opponent on the territory of the innocent neutral is considered permissible.[22] Apart from all other considerations refuting the legality of the U.S. attack on Cambodia, it would be absurd to claim, and it was not claimed, that the self-preservation of the U.S. was at stake.

Yet, could it be argued that all this is contradicted by the doctrine expounded in the U.S. Department of the Army Field Manual 27–10 (para. 520):

"Should the neutral State be unable, or fail for any reason, to prevent violations of its neutrality by the troops of one belligerent entering or passing through its territory, the other belligerent *may* be justified in attacking the enemy forces on this territory."

The answer is, no. The formulation of para. 520 is highly subtle. It must be read with a magnifying glass; after all, the fate of entire countries may be at stake. If we read carefully, we see that the statement does *not* say that *every* entry into or passage through neutral territory by forces of a belligerent constitutes by itself a violation of neutrality. It says that *if* such forces violate the neutrality of a neutral State while entering or passing through it, the other belligerent *may* attack them there. The distinction is crucial. It permits the U.S. to claim that such entry or passage by U.S. forces is not a violation of neutrality. Otherwise, the United States' own Field Manual would declare that U.S. troops entering, for example, Japanese territory on their way to Vietnam combat, violate Japan's neutrality, and if Japan "for *any* reason" (including U.S.-Japanese treaty arrangements!) fails to prevent this, the other side (or any of their allies) can lawfully attack U.S. forces in Japan.

In any case, the key word in this unilateral interpretation of international law by the U.S. Army[23] is, "*may*" ("the other belligerent *may* be justified . . ."). When, under what circumstances he "*may*" be justified, is simply not spelled out in the Field Manual. Since neutral territory is in principle "inviolable" and unilateral use of force in principle forbidden (as the Manual also says—see its Chapter 8, esp. Section II, "Crimes under International Law"), this extreme form of self-help may—if it is at all compatible with the present world order—only be used as an extreme last resort. This means it must not be used in sudden surprise (as was done in the Cambodian case) but after non-violent forms for the redress of grievances had been fully tried by the aggrieved belligerent. The United States has not sought, nor claimed to have sought, those other forms of redress of grievances.[24]

By early 1958, the French-Algerian war had lasted almost four years, and did not go well for France. The N.L.F. received rather open sympathy and support in neighboring Tunisia and also Morocco—the two protectorates to which France, over opposition from influential military circles, had granted independence in 1956 "without a fight." But in Algeria, the French military "refused to accept a defeat like at Dien Bien Phu or a capitulation without defeat" like in Tunisia and Morocco. "The N.L.F. had logistic bases in Tunisia and to a lesser extent in Morocco . . . The officers were convinced that only the Tunisian and Moroccon aid prevented the liquidation of the [Algerian] rebels."[25]

On February 8, 1958, twenty-five French aircraft bombed and machine-gunned for an hour the Tunisian village of Sakhiet Sidi Youssef, about 1½ km from the Algerian border, killing 69 and injuring 130 including women and children, and destroying or severely damaging over 100 houses, 40 shops and several public buildings.[26] General Sagan, C.-in C. in Algeria, stated that only military objectives were attacked, including buildings used as rebel camps and containing gun emplacements and a school that actually served as command-post for the rebel staff. The Defense Minister declared that the aircraft had exercised their "right of legitimate self-defence against anti-aircraft forces installed on Tunisian territory" and called the village "a nest of rebels and murderers;" in the preceding 7 months, 26 of the 84 frontier incidents had occurred in the Sakhiet area; 30 French aircraft had been fired on, 11 hit, and two forced down; when those batteries had attacked French aircraft again on Jan. 30 and Feb. 7, the Tunisian authorities were warned of reprisals but early on February 8, still another French aircraft was hit from the Sakhiet area. French Premier Félix Gaillard reiterated and elaborated on these accusations and justifications in the National Assembly on February 11:

"Sakhiet was an active center of [Algerian] rebellion . . . N.L.F. services and camps were installed side by side with those of the Tunisian troops . . . . events confirmed the importance of the N.L.F. infiltration . . . Tunisia has more or less voluntarily adopted an attitude of belligerence toward us. There is no international law which compels a State that is being attacked from its neighbor's territory to put up with it indefinitely . . ." After many months of restraint the aircraft "hit back with the aim of attacking military objectives which represented a grave and permanent danger . . ."

Yet, the reaction to the French raid by outside governments, including the United States, was one of grave disquiet; there was strong criticism within France; and the reaction to the vehement Tunisian responses were remarkably mild.

The Tunisian responses included, *inter alia:* a resolution by the Constituent Assembly condemning the raid; unilateral abrogation of the extra-territorial status of Bizerte (until then a French naval prefecture); severe restrictions, including the cutting off of telephone communications, food supplies and services, on French troops and warships (still in Tunisia under treaty rights) and request for their immediate evacuation; recall of Tunisia's ambassador from Paris; request to close five of the seven French consulates in Tunisia; expulsion of French residents from frontier areas; and a request to the U.N. Security Council to condemn "the deliberate act of aggression" at Sakhiet and to take measures "to end a situation which threatens Tunisia's security and international peace."

Criticism within France was expressed not only in the press and in the National Assembly, for example, by Robert Schuman, Jules Moch and M. Pleven; before the Tunisian ambassador left Paris, a number of prominent personalities including former Premier Mendès-France and François Mauriac visited him to express their sympathy.

On February 9, Secretary of State Dulles informed the French ambassador in Washington of the U.S. "concern" about the incident. The next day, a State Department statement described the U.S. Government as "profoundly disturbed" by it, expressing "the hope" that France and Tunisia would reconcile their differences. Thus, the U.S.A. unmistakably distanced itself from the raid, and counselled against any further military measures against "sanctuaries." On Feb. 12, Mr. Noble, Minister of State for Foreign Affairs, declared in the House of Commons that the British Government had urged on both governments "the need for moderation and restraint." Grave disquiet was expressed by other governments, and offers of good offices extended by Britain, Italy, Lebanon, and the U.S.A. President Eisenhower wrote to the French premier and President Bourguiba that he hoped the good offices offered by the U.S.A. would at least lead to a *modus vivendi* between France and Tunisia.

In fact, both accepted a joint Anglo-American mission of good offices[27] even before the U.N. Security Council met on the issue on February 18. Interesting, also, was the fact that France did not object to having the Tunisian complaint put on the agenda—which, however, also included a French counter-complaint.[28]

The course of the ensuing negotiations under the auspices of the US–UK conciliation team again shows a radical difference from the U.S. attitudes in the Cambodian case. For example, Bourguiba rejected, and eventually the concilators accepted the rejection of, the French demand for a joint French-Tunisian control of the border. Bourguiba declared that he would continue to allow Algerians to enter Tunisia provided they would not disturb French residents there. Tunisia also rejected, and the US–UK conciliators did not accept, the French proposal to establish a "no-man's-zone" along the border inside Algeria—although the French argued that this would not, as Tunisia claimed, cause "the forcible eviction of 250,000 Algerians" but only resettlement to nearby areas of some 500 families. In fact, the only US–UK proposition to be included in bilateral French-Tunisian negotiations bearing on the problem of "sanctuaries" was to the effect that "Neutral observers would ensure that the military airfields in southern Tunisia were used exclusively for peaceful purposes"—that is, would not be used by the Algerian National Liberation Front for military purposes. Their other main propositions called for evacuation of all French forces, except those at Bizerte, from Tunisia at a supposedly accelerated timetable, and France's recognition of Tunisian sovereignty over Bizerte. France specifically accepted these propositions as basis for her direct negotiations with Tunisia.

Particularly instructive (in view of the official U.S. justification of, and the potential consequences of, the U.S.-Saigon invasion of Cambodia) was the French Foreign Minister Pineau's impassioned defense in the National Assembly on April 15, 1958, of his government's acceptance of those propositions, against the accusations by right-wing deputies that they constituted an American dictate. Pineau's main arguments were: a) Rejection of the Anglo-American good offices would "inevitably" have led to French military intervention in Tunisia "and practically to the reoccupation[29] of Tunisia, at least in part." b) Indeed, by accepting the good offices, France avoided the risk "of extending the conflict to the whole of North Africa." (The parallel that the invasion of Cambodia may still lead into the quagmire of an all-Indochinese war with unforeseeable consequences, is striking.) c) France must not be provoked by the rebels into transforming the internal (French-Algerian) conflict into an international war, in which eventual intervention by other nations, whether sympathetic, indifferent or hostile to France would

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become inevitable. d) "Firmness does not consist—as some people who claim a monopoly on patriotism maintain—in yielding to the temptation to extend the war, . . . but in resisting this temptation. . . . We have been criticized for not giving our troops in Tunisia orders to march.[30] Nothing would have been easier. The Government's orders have been quite the reverse . . . because we wished to . . . respect the independence of States to which we had agreed . . ."

Finally, Pineau supported the need for respect of neutrality with a military argument: the use of force in Tunisia would "inevitably" have led to "the loss of Algeria."

It was Pineau's last speech as Foreign Minister. His government was defeated in the National Assembly on the issue by a combination from the far left to the far right and fell the same day. But the commotion created by Sakhiet had even graver consequences. Rightist *colons* and dissatisfied army officers headed by General Sagan revolted against Gaillard's successor government. Civil war was avoided by the return of Charles de Gaulle to power. One of his first steps was to agree with Tunisia on the withdrawal of all French forces (except those at Bizerte) within four months.[31] The agreement contained nothing about neutral supervision of the former French military airfields. Tunisia's as well as Morocco's and also Egypt's role in support of the Algerian cause increased. In September 1958, a Provisional Government of the Algerian Republic was set up with headquarters in Cairo and Tunis, and Algerian N.L.F. or A.L.N. (Armee de Liberation Nationale) troops were rather undisguisedly stationed in Tunisia and Morocco. Although the French-Algerian war lasted for another four years after Sakhiet (the cease-fire agreement was signed on March 18, 1962) Sakhiet remained the only French air raid against an Algerian "sanctuary."

Since the French-Tunisian dispute about the legality of the Sakhiet raid was transferred from the U.N. Security Council, with the latter's approval, to the US–UK conciliation team, and since then the parties compromised between themselves, the Security Council had no occasion to take a substantive stand on the issue. But the initial international reaction to the raid, the attitude of the US–UK conciliation team, the terms of the bilateral settlement, the subsequent attitude of governments, including the U.S., inside and outside the United Nations regarding the French-Algerian war, and, not least, France's subsequent abstention from use of force against Algerian "sanctuaries" on neutral soil—all this shows a high degree of consensual disapprobation of the Sakhiet raid, and insistence on the use of non-violent methods of settlement.

That conclusion is strengthened by reference to the *Corfu Channel* doctrine of the International Court of Justice[32] and, for example, by the consistent position of the Security Council, with U.S. concurrence, on the use of force in the Arab-Israeli conflict.

It is also indicative of the *opinio juris* that immediately after the start of the U.S. invasion of Cambodia, the negotiation and conference method was strongly urged not only, for example, by Secretary-General U Thant but by a special meeting of pro-American Asian governments. That meeting was supposed to decide about arms supplies to the Lon Nol regime. However, the delegates did not even consider this but instead insisted that the hostilities in Cambodia must *end*. Hence, they demanded a conference, or other negotiating method, as opposed to the military method.

III. FURTHER JUSTIFICATIONS OF THE ATTACK

The opening of the attack on Cambodia was accompanied by several "justifications", coupled with dark threats,[33] which are disruptive of the basic tenets of world order and frightful in their implications.

1. The attack was necessary to "buy time"[34]

Never, to my knowledge, has an attack on a neutral country been justified by such argument. The argument is based on the very expectation that the aim of the attack (destruction of the opponent's "sanctuaries") will *fail* because the enemy will build new ones. But this will take some months, during which the South Vietnamese will achieve the fighting capacity required for the "Vietnamization" of the war. In short, the campaign is an aspect of this "Vietnamization" program.

This program is, however, characteristically, the *Vietnamization of the war.*" Its very name not only admits that so far, and also in the future until the war will be Vietnamized, it has been and will be an American war. It first of all stipulated that the war must go on indefinitely. Only at some future time, it will hopefuly be fought increasingly by proxy. If successful, the U.S. would be cast into a role not only profoundly humiliating but blatantly illegal under international law: if the U.S.-paid, U.S.-equipped Saigon forces were unable to conquer South Vietnam and keep it conquered, U.S. bombers, etc,. would be at Saigon's beck and call to bomb, napalm and defoliate ("logistic support").

Military experts have pointed at the military illogic of this plan.[35] But what is, in any case, its general portent for the future peace of the world?

Translated, it means: Any nation (or perhaps only the U.S.) may invade a foreign nation in preparation for its unilaterally determined plans for deployment and combat by its military forces in another foreign nation. Since the U.S. military intervention in Vietnam has been illegal in the first place, the doctrine actually reads as follows: A nation that has illegally intervened in a foreign nation may indefinitely continue that military intervention, unless it unilaterally decides to withdraw, for which purpose it may first illegally attack other countries.

If, however, the U.S. intervention in Vietnam and Cambodia is *not* considered illegal, then, under this doctrine, any other nation, *e.g.*, the Soviet Union or China, is allowed to intervene in a foreign country's civil war (analogous to the U.S. intervention in Vietnam), may sow destruction there for 5 years, and may then start destroying an adjacent country as prerequisite for its conditional and partial reduction of its combat role in the first country.

2. The United States cannot allow itself to suffer the first defeat in its proud history

The argument must be read in the light of ever-widening realization that the Vietnam venture has been a disaster for the U.S.

Translated, the statement means: A state engaged in improper (and illegal) war is entitled, nay, indeference to its pride, obliged to widen the war by further illegal[36] war actions, rather than to extricate itself.

At Nuremberg, the defense tried to argue that Hitler Germany had been engaged in a "life and death" struggle; to stave off catastrophe, it could disregard legal restraints and take desperate measures. The International Nuremberg tribunal, as well as the Nuremberg tribunals composed exclusively of U.S. judges, of course rejected this "extreme emergency" (*Notstand*) doctrine. One of the U.S. tribunals answered it as follows: War is by its essence irrational, and its outcome uncertain; this is one reason why countries should not start war. It is in the logic of war that one side will lose. At that point the temptation to break the law of war exists; to argue that, when the going gets hard, the law of war can be disregarded, would do away with it altogether.

In the case of Hitler Germany, at least the premise was correct: she did face utter defeat. In the present case, even the premise is false. Since the avowed U.S. war aim is self-determination of the South Vietnamese and neutralization of South Vietnam, and the other side has always been ready to accept this (in fact has constantly demanded this), hostilities could end immediately on this basis. It would be no defeat for the U.S.

The only obstacle is the incompatible U.S. determination to maintain the Thieu-Ky regime at the cost of indefinite further catastrophe, although that regime is admittedly hated by the majority of his countrymen and stays on exclusively thanks to massive U.S. military support.[37]

Would it be a victory for the U.S. to remain virtually the captive of Thieu-Ky? Would the dropping of Thieu-Ky, as President Nixon implied, make the U.S. a "second-class Power"? The worth and pride of a nation is not measured by the frequency with which it imposes its will on smaller nations.

3. Had the United States not attacked Cambodia, U.S. "credibility" would have been "lost"

Translated, this means: Any state may unilaterally declare certain principles that will govern the use of its military might abroad, regardless of the limitations set by the world order[38]; and may then use military force regardless of those limitations, lest *other* States may *in the future* believe that under *other* circumstances that State would *not* act as previously announced.

4. The war is a "test" of America's commitment to "the rule of law," and its role as World Policeman.

On May 7, 1970, Ellsworth Bunker, U.S. Ambassador to Saigon, in an address at the U.S. Military Academy at West Point, defined the entire Vietnam war "as a test of America's commitment to 'the struggle for freedom' and 'the rule of law'."[39]

In the same address, he acknowledged what he called the war's "moral ambiguities" but dismissed them by extolling the "world policeman" doctrine.:

"But as the world's most powerful nation we cannot escape the responsibilities of power."[40]

This doctrine is, indeed, dictating U.S. world policies. Yet no country, however powerful, is or can be delegated the role of the world's policeman. Any doctrine of hegemonic power implies two canons of behavior—one for the hegemonial nation and one for the other nations—and thus destroys the very fundaments of world order as built up over centuries; it also runs counter to the most elementary and realistic test of any rule of international law, namely, the requirement of *acceptance* by the rest of the world community. Furthermore, the "world policeman" cliché is much worse than it sounds. A policeman is under the rule of the law: he may *pursuant to rules not determined by himself, arrest* a suspect; but he may *not try*, and *much less execute*, the suspect. The role arrogated for the U.S. is that of policeman *plus* judge *plus* executioner (as the photographs from Vietnam and Cambodia so vividly prove). In essence, the doctrine claims that a country is, in proportion to its killing power, above the law or exempt from the law, or entitled to lay down the law as it sees fit. It is a crude expression of the "might makes right" claim—which, as present events again show, is fraught with dangers for the would-be "world policeman."

IV. OTHER CONSIDERATIONS

1. The U.S. intervention in Cambodia is illegal because it forms part of the illegal intervention in Vietnam

By the U.S. Government's own reasoning, the attack upon Cambodia is part and parcel of the U.S. war in Vietnam. This is not only strategically but legally of prime importance. Since the intervention in Vietnam has been

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illegal, pursuant to the U.N. Charter, the 1954 Geneva Accords, the SEATO Treaty and general international law, the intervention in Cambodia, being an intrinsic part of it, is also illegal.

Since the central aim of the present world order is to prevent armed hostilities (even those exceptionally permissible), States are bound to seek to *end* any hostilities in which they are engaged, as quickly as possible. This, incidentally, has always been considered a moral if not legal obligation of States. The attack on Cambodia is precisely designed to improve the chances for the continuation of the U.S. war, employing fewer U.S. ground forces (known as "Vietnamization of the war"), that is, to continue the military involvement in spite of growing domestic opposition to it. In short, the U.S. attack on Cambodia compounds the original illegality of its intervention in Vietnam because it further deteriorates the chances for peace in that region.

Throughout the Vietnam conflict, there has been a flickering ray of hope—all sides have considered the Geneva Agreements of 1954 still valid: the eventual settlement would have to confirm the independence, unity, territorial integrity and neutrality of Vietnam and Cambodia. If, then, those agreements were merely suspended, all parties were, under the principle of good faith, obligated (in the language of the Vienna Convention of the Law of Treaties), to refrain from acts tending to render the resumption of the operation of the 1954 Geneva agreements impossible.[41]

By enabling the U.S.-trained, U.S.-equipped, U.S.-paid and U.S.-advised forces of one of the two rival South Vietnam regimes to establish themselves in Cambodia (another "Vietnamization" unthinkable under the 1954 Geneva agreements), the U.S. rendered any eventual settlement, including reestablishment of Cambodia's independence, much more difficult.

2. Use of illegal methods of warfare in Cambodia

Since an attack on neutral territory against a misbehaving opponent is, if permitted at all, by definition exclusively directed against such opponent and not against the neutral country, the attacker must conduct his operations in a manner least damaging to the neutral country. He must also, of course, abide by the laws and customs of warfare toward the opponent. Published eyewitness reports indicate that some of the strategic methods of warfare used in Cambodia by the U.S. and U.S.-advised Saigon forces are disregarding those rules. This also vitiates the U.S. attack on Cambodia because it indicates that the attack is partly designed for the commission of war crimes.

For example, a journalist accompanying "Task Force Shoemaker" into Cambodia reported on the third day of the U.S. campaign:

"American ground troops who in Vietnam had trouble separating friend from foe among the civilian population now have a whole new set of problems in sorting out the Cambodians." [42]

What is a civilian foe? How is the "sorting out" done? what happens to those "sorted" as "civilian foe"?

Perhaps the report gives answers; it continues:

"U.S. airstrikes have partially destroyed the plantation town of Minot. Villages are being burned. Thousands of civilians are fleeing for their lives. . . . The pattern of Vietnam is being repeated. The American troops are putting the torch to homes because they may be useful to the Communists. Livestock are shot for the same reason. Palls of smoke rose over the region yesterday. Clusters of houses smoldered. 'I had orders to burn everything' said one young tank commander whose force had just driven through two hamlets and burned both of them . . . U.S. air strikes were ordered on the town [of Memot] because North Vietnamese troops were reported there. 'The whole place is blown away', said a helicopter pilot as he flew over it." [42]

3. The destructiveness of the U.S. attack violates the principle of proportionality

The U.S. is not waging war against Cambodia, but is using "self-help" against PRG and DRVN forces there. Even if this were legal, the destructiveness of the operation is all out of proportion to this end, and would therefore to this extent be illegal. This applies, *i.e.*, to the leveling of cities, the enormous B-52 bombings (the largest of the Vietnam war), the bulldozing of the landscape, the systematic burning of villages and dwellings, the confiscation of vast quantities of rice not identified as the opponents' military supplies—which have been reported within the first two weeks of the campaign, and which would therefore be illegal even if any of these measures might theoretically be permissible in a *war* against Cambodia.

4. Antagonism against ethnic Vietnamese in Cambodia

The establishment of the Lon Nol regime was followed by massacres of ethnically Vietnamese people in Cambodia. Photographs of the corpses, floating tied together in a river, were published. Mass expulsions and other persecutions have taken place. The press published reports about a mass exodus "to nowhere". Two explanations were given: that some of the victims were, or were suspected of being, Vietcong sympathizers; and that the Khmer people were traditionally hostile to ethnically Vietnamese people living among them.

Such atrocities constitute War Crimes or Crimes against Humanity also if on a smaller scale than those perpetrated by Nazi Germany. There is an analogy in the "explanations" given by the Nazis, namely, that Jews were Communists or Communist sympathizers; and that in certain German-occupied territories, antisemitism was endemic, and the local people participated in the slaughter of Jews. This was, in fact, argued by the defense at Nuremberg as a sort of mitigating circumstance. The judgment of the U.S. Nuremberg Tribunal dealing with these matters indignantly rejected these pleas. It observed that if in certain areas racial hatreds did exist, the German authorities were doubly guilty if they fanned them.

It is not suggested here that the U.S. contributed to these atrocities in Cambodia. But since the antagonism between Khmer and Vietnam ethnic groups is well-known, the decision to enable Saigon's Vietnamese forces to take highly destructive war actions in Cambodia and try to establish themselves there, burden the respective decision-makers with an additional responsibility; namely, that all this is likely (especially in view of the behavior pattern of Saigon troops even within South Vietnam) to exacerbate the ethnic tensions in Cambodia, and to cause more suffering to the population. On May 25, 1970—after the Saigon forces' invasion of Cambodia had only lasted approximately four weeks—"the Cambodian Army Information Service in Phnom Penh was distributing a statement calling on the U.S. to withdraw the South Vietnam army from Cambodian soil.

" 'These soldiers,' it said, 'have committed acts against the Cambodian population: pillage, violation of women, arson, massacre of children and women. Now they do not want to leave our territory despite the complaints of the population.' " [43]

In this context, it must also be remembered that certain U.S. policies pursued for years in South Vietnam have been based upon and exploited ethnic antagonisms, especially the systematic use of Montagnard tribesmen against ethnic Vietnamese.[44] The same use has been made of ethnic Cambodians in South Vietnam. After the opening of the U.S. campaign against Cambodia, *"our Cambodians,"* (as the New York newspaper *Daily News* called them) were transferred from South Vietnam to Cambodia for combat.

THREAT OF WAR AS INSTRUMENT OF NATIONAL POLICY

Why has the U.S. been so obstinate about this war? One frightening answer is that Vietnam is meant to be, and to be understood by other nations as a *warning*. The U.S. policies in Indochina *serve* notice that the U.S. would act *similarly elsewhere,* to prevent what the U.S. considers a threat of Communist take-over. How wide this is interpreted was evidenced by the U.S. military intervention in the Dominican Republic, the U.S. support for the establishment of the present dictatorship in Greece, and so on.

The significance of the "warning" rationale is analyzed in a frightening book devoted to the proposition that making others fear an American war is, and must remain, the "most powerful" instrument of U.S. foreign policy.:

"The roots of courage lie in understanding that *the opponent can have a war whenever he chooses* (ital. orig.) . . . He simply has to attack something he knows is *'ours'*: our own country, territories, or allies or related rights, that is, the *status quo.*"

The wish not to have other Vietnams is "most dangerous" and "most destructive . . The war in Vietnam represents one case . . . where our threat [namely, threat to make war if any status quo we consider "ours" may be changed] has been seriously questioned. Our struggle [in Vietnam] is one to maintain this threat . . . The correct interpretation of our action in Vietnam is, therefore, that it *shows what we can* and will do *and do again* (ital. orig.) to defend our position.

"We are simply trying to hold on to the non-communist world. If *an opponent* wishes a war with us, all he has to do is try to take some of it away." After detailed elaboration, the book concludes: "our nation's most powerful foreign policy instrument [is] the American threat of war." [45]

This is merely one bold enunciation that U.S. policy is, and must be, diametrically, opposite to the renunciation of war as an instrument of national policy (Kellogg Pact) and to the prohibition of the use or threat of force (U.N. Charter), which are cornerstones of the present world order.

It follows from that doctrine that the U.S. threat of war must be *"credible"*. The U.S. must not only threaten or use force against potential changes of the status quo that is "ours"—the U.S. must also show its determination to be "victorious" on any such war.[46]

The frustration of some U.S. military leaders about the course of the Vietnam war must be understood in this light. When in 1965 the U.S. decided to enter the war openly with its overwhelming destructive capacities, the planners expected that resistance would *have* to cease within days or, at the most weeks. That this has not happened after 5½ years of that enormous military effort by the most powerful nation against a small underdeveloped country seems to deny, as it were, the laws of physics. Hence, the repetition of one more "last" effort to force the elusive military "victory"—of which the Cambodian venture is the, so far, latest example.

The frustration is understandable. According to the premises and calculations of its military strategy, the U.S. should have won in 1965. Why, then, did it not?

It appears that the world has, indeed, reached a historic turning point. Vietnam has proven that even unparalleled application of the most up-to-date weapons (except nuclear weapons) does not prevail under certain circumstances over the resistance by a small determined country.

The experience is not altogether new. In

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the 1920's, General Pétain was unable with his vastly superior forces to defeat the uprisings in North Africa. Germany had similar experiences, for example in Yugoslavia in World War II.

We seem to face, then, a historic phenomenon, comparable in its repercussions to the defeat of the Hapsburg's armoured knights, in spite of their supposedly invincible superiority, by ill-clad, ill-armed Swiss peasants at the battle of Morgarten in 1861. That battle presaged the demise of feudalism in Europe. The all-important difference is that then the world did not live under the shadow of nuclear destruction.

Protests by Cambodia about Violations of Cambodian Neutrality

1. Protests about Violations by [Saigon] South Vietnamese Forces since Jan. 1956.

As early as in January 1956, Cambodia complained to the I.C.C., citing particulars about South Vietnamese violations of Cambodian sovereignty, consisting of attempted occupation of Cambodian territory and of ambushes, killings, wounding, kidnapping and maltreatment of civilians, in five different provinces of Cambodia, since November 1955.[47]

Each of the reports of the I.C.C for the period from 1 Oct. 1955 to 31 Dec. 1956, and for the years 1957 and 1958, respectively, states the Commission "received no report from the Royal Government of violations or threats of violations of Cambodian territory by forces of the Democratic Republic of Vietnam" (North Vietnam) but "several [namely, seven between 1 Oct. 1955 and 31 Dec. 1956; 28 during 1957; and 32 during 1958] letters from the Royal Government informing it of the build-up of military forces and reinforcements of military installations in South Vietnam . . . along the Cambodian borders as well as of reported violations or threats of violations of Cambodian territory" by South Vietnam.[48]

To quote some random examples: on Sept. 16, 1957, the Cambodian Government "forwarded to the Commission . . . a 'Statement of facts providing' . . . establishment of a large-scale [South Vietnamese] Military Post at Long Giang in the Province of Tay-Ninh to lodge 60,000 new [South Vietnamese] recruits"; establishment of various other South Vietnamese military posts; "anchoring of 4 big warships . . . at about 3 km from the Cambodian frontier"; and an "inspection tour carried out by a representative of Ngo Dinh Diem and [a] U.S. Colonel in the area of Khanh Binh.' [49]

The I.C.C. Report for the year 1957 alone summarizes 22 communications from the Cambodian Government reporting "violations or threats of violations of Cambodian territory by South Vietnamese elements", citing numerous military actions against specified places and villages in Cambodia, resulting in killings, ill treatment, wounding, arrests and abduction of Cambodian citizens, theft and destruction of their property, etc. On January 8, 1957. Cambodian authorities after such a raid "found 8 U.S. carbine covers marked WCC.52 and WCC.53 which were abandoned on Cambodian territory".[50] One of the Cambodian Government's communications (No. 527/DGP/X, dated 6 Sept. 1957) "stated that it appeared that the [South] Vietnamese military men by means of threats and violence endeavored to make the life of the inhabitants impossible in order to compel them to quit their villages." [51]

The increasing agitation of the Cambodian people is seen by the petitions submitted by them. For example, on Sept. 14, 1957, 54 villagers stated that—

"South Vietnamese authorities continue to build up military posts and to dispatch military personnel equipped with modern armaments to the Cambodia-South Vietnamese frontiers along the [Cambodian] Rieng, Preay Veng, Kratie and Stung Treng almost encircling the independent and neutral country of Cambodia . . . contrary to the Geneva Agreement . . ." [52]

Faced with this situation, Cambodia's National Assembly (Sangkum Congress) passed a law in November 1957, to which the I.C.C. attached much importance. It stipulated that—

"(a) the Kingdom of Cambodia is a neutral country. (b) It will abstain from all military or ideological alliances with [any] foreign country . . . (c) It will not attack any foreign country. [However,] (d) in case of aggression, the Kingdom reserves the right to (1) self-defense by arms; (2) call on the United Nations; (3) call on a friendly country." [53]

However, South Vietnam's provocative policy of military build-up against Cambodia, and intrusions into Cambodia, continued. For example, in 1958, the Cambodian Government advised the Commission of South Vietnam's installing "a big military base having an airfield" in an area close to the Cambodian border "populated by Cambodians, whose services were requisitioned [by the South Vietnamese] for this work"; [54] dispatch of 1,050 South Vietnamese parachutists to that border area; and establishment of another "big military camp" at the border in Phum Chen; and again of various military expeditions into Cambodia, resulting in killings, injuries, kidnapings, stealing of property, etc.[55]

In the following years, South Vietnam's illegal behavior toward Cambodia became ever more flagrant, and by 1963 Cambodia severed diplomatic relations with it. As American participation in these actions became more open, Cambodia was constrained to complain also of them.

On February 7, 1964, Prince Sihanouk sent the following formal message to the Co-Chairmen of the Geneva Conference:

"I have the misfortune to bring to your attention that regular forces of the Republic of Vietnam [South Vietnam] are continuing their *incessant and murderous aggressions* against Cambodia. The last example is the aerial bombardment of a peaceful Khmer [Cambodian] village . . . This criminal and unjustifiable attack follows a long series of attacks which are as many infringements of the most legitimate rights of nations. Our frontier population live in anguish and demand effective protection.

"Cambodia is at the very end of her patience and urgently demands the reconvening of the Geneva Conference. Failing this, we demand the immediate establishment at the expense of the *United States which is responsible for the South Vietnamese war and the military operations*, of fixed International Control Commission posts at sensitive (*nevralgiques*) points on our frontiers; thus in order to make known the truth about the alleged movements of South Vietnamese rebels ["Vietcong"] in Khmer territory which serves as pretexts for these terrorist raids against our villages." [56]

On May 5, 1965, the Prince stated in a message to the British Prime Minister "that peaceful Cambodia is continually suffering *aggression on land and from the air by the American and South Vietnamese Armed Forces* which subject our independence and territorial integrity to an increasing threat."

He asked for British "support for our demand for the *cessation of the attacks by the United States and the Saigon and Bangkok Governments* whose armed forces are *massacring our civilian inhabitants, destroying our villages and violating our air space and territorial waters.*" [57]

2. Protests about Violations by U.S. and Saigon Forces to the U.N. Security Council since 1964.

Attacks by U.S. forces and U.S.-supported Saigon forces have for years also been brought to the attention of the Security Council of the United Nations. A complete summary would fill many pages. The protests are contained in publicly available Security Council documents, and have also been summarized in the Year Books of the U.N.

For example, the Year Book of the U.N. for 1965 states (p. 189):

"Between March and September 1965, the representative of Cambodia addressed a further series of communications to the President of the Security Council following upon those submitted during 1964 (see Y.U.N., 1964, pp. 139–45), bringing to the attention of the Council further alleged violations of Cambodian territory and air space by forces of the Republic of Viet-Nam [Saigon regime] and the United States."

The official U.N. publication goes on to record:

"*No denials or countercharges were submitted* in connexion with these charges."

1965 was the first year of open U.S. combat in Vietnam. The absence of U.S. denials or countercharges is therefore particularly noteworthy, also in view of the gravity of Cambodia's accusations. By a letter of 18 Aug. 1965 to the U.N. Security Council, Cambodia accused the "Saigon authorities" of a "policy of genocide against all minorities in South Viet-Nam (which) was clear for all observers on the spot, including U.S. observers." By "letter of 7 Sept. 1965, the Cambodian Government strongly protested against renewed accusations that North Viet-Namese forces were present in Khmer territory. Such accusation . . . had been found to be false by the International Commission for Supervision and Control in Cambodia and by the Office of the Personal Representative of the Secretary-General in Thailand and Cambodia."

In October 1965, Cambodia again "protested against various provocative acts and raids committed by the U.S.-South Viet-Nam armed forces against Cambodian territory", stating *i.a.* that inhabitants were addressed by loudspeakers from helicopters "inciting them to leave for South Viet-Nam in anticipation of an imminent attack on Cambodia" and that "U.S.-South Viet-Namese forces" made "three successive raids on three villages in the provinces of Svay Rieng, which had left seven dead and six seriously wounded, and resulted in heavy damage. This had been verified by the International Contol Commission and by foreign military attaches." [58]

The Year Book of the U.N. for 1967 reports again under the heading, "Communications from Cambodia relating to U.S. and South Viet-Namese Forces":

"There were *over 40 complaints* addressed to the Security Council in 1967 by Cambodia concerning *violations of Cambodian territory, air space and territorial waters* by 'U.S.-South-Vietnamese forces.' In such communications the Government of Cambodia stated that it had protested most strongly against these *acts of aggression and provocation* and had repeatedly demanded that the Governments of the United States and the Republic of Viet-Nam immediately cease such acts."

"As evidence of such violations of the sovereignty and territorial integrity of Cambadia, the Cambodian representative . . . supplied *details on scores of incidents,* charging that elements of the U.S. South Viet-Namese forces had with various weapons fired across the frontiers at villages and guard posts or penetrated into Cambodian Territory attacking similar targets and planting mines, that they had with airplanes and helicopters violated Cambodian airspace, frequently machine-gunning and firing rockets at villagers, guard posts and Khmer villagers working in the fields, and occasionally dropping mines and poisonous booby-traps. The communiques listed numerous resulting deaths and injuries inflicted on Khmer civilians and members of the Cambodian armed forces, as

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well as damage to dwellings, livestock and other property."

"Charges were also made of armed vessels of the U.S. and South Viet-Nam penetrating into Khmer territorial waters, sometimes firing at Khmer fishermen, seizing fishing boats and Khmer fishermen."

"The Cambodian representative also described a number of *large-scale penetrations by U.S.-South Viet-Namese forces,* ranging from 100 to 200 soldiers, transported by up to 60 helicopters and *supported by aircraft and artillery fire,* which attacked villages and guard posts with consequent casualties, *sometimes burning or temporarily occupying Cambodian villages.* Such communications included statements that the authorities of the United States and South Viet-Nam would bear full responsibility for any consequences of these deliberate aggressive acts committed by their armed forces against Khmer territory and that such acts indicated that the Governments concerned were part of a *policy of intimidation* directed against Cambodia with the intention of *forcing it to renounce its policy of strict neutrality and non-alignment.*"

"In some of his communications, the representative of Cambodia pointed out that in the International Control Commission, the military and press attachés of diplomatic missions in Phnom Penh, as well as national and international press correspondents, upon the invitation of the Royal Government, had visited and seen for themselves the scene of the attacks and violence reported."

"On 11 September, the Cambodian representative informed the Security Council that on 15 July 1967 Cambodian Defense Forces, while pursuing a group of foreigners on Khmer territory, had captured a South Viet-Namese soldier *disguised as a Viet-Cong.* Under interrogation this captive had revealed that the task of his *company was to disguise its men as Viet-Cong* and so *smuggle them into Khmer territory* in order to identify strategic points and seek evidence of the presence of Viet-Cong. The sole aim of these acts in Cambodian territory, the Cambodian representative wrote [to the U.N. Security Council], was to find *pretexts for extending the war to Cambodia.*"

Most of the altogether 40 complaints lodged in the year 1967 by Cambodia with the U.N. Security Council involved several or numerous violations.

During 1967, there was one countercharge against Cambodia. By letter of 28 April, the Permanent Observer of the Republic of Viet-Nam [Saigon regime] charged "that between May 1966 and March 1967 Cambodian armed forces had violated Viet-Namese air space eight times and had crossed the frontier 16 times, forcibly abducting Viet-Namese nationals, causing casualties and stealing cattle."[59]

Cambodia replied to the Security Council on 26 June 1967 after "detailed investigations", declaring that these "unfounded accusations were designed to mislead international opinion and to justify acts of *aggression committed almost daily* by the Saigon authorities and their American masters against the territorial integrity of Cambodia and peaceful Khmer frontier dwellers."

Between January 1968 and mid-1969, Cambodia submitted over 100 separate protests or on the average more than five protests per month, claiming acts of aggression by "U.S.-South Viet-Namese forces" on Cambodian soil, in Cambodian airspace and in Cambodian territorial waters.[60] Many referred, with indications of time, place, and damage, and often names of victims, to several or numerous violations.

As time went on, the protests became increasingly urgent and reported increasingly serious violations. Again there were no U.S. or Saigon denials or countercharges.[61] For example, of the ten Cambodian protests dated between 31 Dec. 1969 and 18 Feb. 1970, three each reported "a series of aggressive acts by U.S.-South Viet-Namese forces" against *seven different Cambodian provinces* (S 9586, S 9625, S 9653), two each against *six* (S 9605, S 9645) and one (S 9638) against *four* of those Cambodian provinces.

Between 25 Feb. and 25 Mar. 1970, six Cambodian protests followed, still exclusively complaining about "aggressive acts" by "U.S.-South Viet-Namese forces."[62]

3 Cambodian protests against Viet-Cong and North Vietnamese forces since 30 March 1970.

The first complaint to the U.N. Security Council about Viet-Cong and North Vietnamese forces was dated 30 Mar. 1970. It reported the following events of 27 March: arrest of two Cambodian policemen (of whom one was "released a few moments later") by the "Viet-Cong and North Viet-Namese forces" about 20 km from the frontier; an engagement between a "large" such unit with Cambodian forces about 3 km from the frontier, in which 3 Cambodians were killed and 8 seriously wounded; and the occupation by an estimated 3,000 Viet-Cong and North Viet-Namese of a village about 7 km inside the frontier; and the following events of 28 March: the advance forces of 2 large columns of Viet Cong and North Vietnamese forces were sighted, who had infiltrated Cambodia the day before; another such unit, estimated 600 strong, was sighted about 10 km inside Cambodia territory and a Cambodian military post about 5 km from the frontier was attacked by such elements (S 9279). The next day, Cambodia reported that on 31 March, an estimated "several thousand heavily armed" Viet-Cong and North Vietnamese units had forcibly entered the Snoul region, province of Kratie, and attacked a Cambodian detachment 8 km inside Cambodian territory. (S 9730 and Add. 1 of 1 Apr. 1970).

On 3 April, the Cambodian Deputy Permanent Representative addressed two letters to the U.N. Security Council. The first (S 9733) complained about violations by "U.S.-South Viet-Namese forces" between 17 and 27 Feb. 1970: namely, firing of rocket shells and artillery in different Cambodian localities, machine-gunning and rockets thrown from 6 helicoptors flying in Cambodian airspace. The second added details about the previously reported Vietcong and North Vietnamese attack in the Snoul region (1 dead, 13 wounded, 3 missing) and reported about another incident on 31 March, namely, an attack by about some 100 strong about 2 km inside the border, resulting in the death of 2 armed villagers, 1 wounded, 19 missing.

FOOTNOTES

[1] Art. 12 of the Final Declaration of 21 July 1954, Cmnd. 9239.

[2] Cmnd 9239.

[3] In view of "assurance" to the I.C.C. that Cambodia "will always and scrupulously respect the terms of the Geneva Agreement" and "will follow a policy of *neutrality*", the I.C.C. accepted the Military Aid Agreement, "(a)lthough it may still be argued that some of the clauses of the new Military Aid Agreement in terms go beyond the limitations imposed by the Geneva Agreement." (*Third Interim Report* of the Commission, for the period April 1 to July 28, 1955, Cmnd. 9597, Cambodia No. 3, 1955, p. 5/6.)

[4] *Fourth Interim Report* of the I.C.C., for the period April 1 to September 30, 1955, Section, "Entry of War Material into Cambodia." Cmnd. 967, p. 23.

[5] In Summer 1965, soon after severing diplomatic relations with the U.S., the Prince Norodom Sihanouk candidly stated his views:

"The progressive escalation of the war (the American raids of terror on North Vietnam and the countermeasures that the Socialist world will inevitably take) might ruin attempts at compromise. . . . In perpetuating the war in South Vietnam, in supporting the Saigon leaders who are universally unpopular, known as her 'creatures', the United States has forced the majority of the common people and the majority of the elite of South Vietnam into the arms of the Communists. . . . This is not the way to combat Communism. . . . This 'anti-Communist' war by reason of the imperialist character that it forcibly assumes in the eyes of the masses, on the contrary, favors communism."

He was looking forward to good relations with an America that "would no longer be, in our eyes, an imperialistic nation that seeks to impose her policy and her government upon us. . . ."

(Interview with Robert Scheer, *Ramparts,* July 1965, reproduced in M. G. Raskin and Bernard B. Fall, eds., *The Viet-Nam Reader* 1965, pp. 358–360.)

[6] Information to the U.N. Security Council of 11 June 1968 (S/8629), Report of the Security Council, 16 July 1967–15 July 1968, GAOR. 23rd Sess. Suppl. 2 (A/7202), p. 110, para. 806.

[7] The U.S. diplomatic note of Feb. 9, 1970 (S/9692) acknowledged some violations for sources, and additional data, see Appendix 2 to the present paper.

[8] The U.S. diplomatic note of Feb. 9, 1970 (S/9692) acknowledge some violations, offering apologies, and indemnification for victims.

[9] N.Y. Times, Jan. 6, 1968.—In an interview with Look magazine, Sihanouk stated:

"Oh, yes, we do have some Vietcong crossing into Cambodia, but farther north, in unpopulated areas. They come over mostly to get food and never in large groups—not even up to company strength. We usually give them at least 24 hours to get out, as they often claim the Americans are lying in wait for them." (Look, 4/2/68, p. 65).

[10] Agence France Press, datelined Phnom Penh, Jan. 10, 1968, N.Y. Times, Jan. 11, 1968, p. 1. Immediately afterwards, controversy developed between Cambodia and the U.S. over whether or not the U.S. had really pledged itself not to invade Cambodia.

[11] President Nixon's TV address of 4/30/1970, N.Y. Times, May 1, 1970, p. 2.—Curiously, Mr. Nixon continued, in order to prove the scrupulous U.S. respect for Cambodian neutrality: "We have maintained a skeleton diplomatic mission of fewer than 15 in Cambodia's capital, and that only since last August," (August, 1969) while during "the previous four years we did not have any diplomatic mission whatever in Cambodia [because Cambodia severed diplomatic relations with the U.S.A.—see above] and for the past five years we have provided no military assistance whatever and no economic assistance to Cambodia." The implication is that actions violative of another country's neutrality can *only,* or *at all,* be committed through embassies or assistance programs.

[12] S/1930, S/9734, S/9741, S/9743, S/9759, S/9754, S/9760, S/9762, S/9763, S/9769, S/9773, S/9776, S/9780.

[13] In 1907, it was "assume(d) that trading activities are in the hands of private enterprise." (Friedmann, *The Changing Character of International Law,* 1964, 346, quoted Whitman, *l.c.,* 412). The Convention forbade such exports by the *governments* of neutral countries. However, "the possibility of maintaining this separation in practice has become very difficult . . ." (Tucker, quoted in Whiteman, *l.c.,* 429). Developments since then have contributed "to blur that distinction between the activities of individuals and of States." (* * * (Finland). *The Present Law of War and Neutrality,* Helsinki, 1954, 456, quoted *ibid.* 431). The distinction "underwent a gradual invalidation" (Skubiszowski (Poland) in M. Sørensen (Denmark), ed., *Manual of International Law,* 1968, 8½). For further views, see Whiteman, 427–433.

The question is irrelevant in the Cambodian case. The U.S. has neither complained about the sale of war materiel by governments to the enemy, nor based its invasion of Cambodia on this ground.

Of great significance is, however, the fact that during World War II the U.S. Government disregarded this distinction, and the U.S. became openly an "arsenal" for states at war with Hitler Germany. Secretary of War Stimson justified this by adopting the interpretation of the Kellogg Pact by the International Law Association (Budapest, 1934), namely, that a neutral "can decline to observe toward the State violating the [Kellogg] Pact the duties prescribed . . . for a neutral . . ." (Hackworth, VII, *Digest of International Law,* 1933, 680/1): and similar statement by Robert Jackson, Assoc. Justice of the Supreme Court, on 2 Oct. 1941 (*ibid.*).

For the text of the "celebrated Articles of Interpretation" of the Kellogg Pact, see, *e.g.,* D. W. Bowett, *Self-Defense in International Law,* 1956, p. 160: Bowett also quotes Brierly, Lauterpacht and Quincy Wright, backing conclusions drawn by the International Law Assoc. Wright considered that violation of the Kellogg Pact gave neutrals not only the right "but possibly even a duty, to discriminate against the offending State. . . ." (Bowett, *l.c.,* p. 160/1).

[14] For example, U.S. Secretary of War Robert Lansing stated: "It should be understood that generally speaking, a citizen of the U.S. can sell to a belligerent government or its agents any article of commerce which he pleases. He is not prohibited from doing this by any rule of international law . . ." (quoted by Glahn, *Law among Nations,* 1965, 632/3.) The rule has been also applied traditionally to arms sales to rebels. Glahn quotes approvingly a well-known British decision of 1817 to this effect. See also Art. VII of Hague Conventions V and XIII.

[15] See, *e.g.,* Australian authority J. G. Starke, *An Introduction to International Law.* 5th ed., London, 1963, 440.

[16] Quoted in 11 Whiteman, *l.c.,* 368.—It must be noted that this makes it illegal for soldiers of a party to the conflict to rest and refresh themselves in a neutral country and then leave it even if they do *not* go back to the fighting but merely rejoin their forces.—Sick and wounded military personnel of belligerents cared for in neutral territory must be detained by the latter after recuperation. (Art. 37, Geneva Wounded and Sick Convention, 1949; see also Hague Convention V, art. 14).

[17] The American authority Hyde emphasized that a belligerent aggrieved by the negligence of the neutral to prevent use of its territory by the opponent may not even ask *indemnity* from the negligent neutral if the claimant itself had no "clean hands":

"In case . . . a belligerent suffered harm through the *neglect* of a neutral to prevent the violation of its own territory by the opposing belligerent, the value of the claim to *reparation* might be weakened if, notwithstanding such neglect, the conduct of the aggrieved belligerent was the *proximate cause* of the acts committed by the enemy. The belligerent claimant *should show clean hands as a condition* to its exaction of indemnity." (C. C. Hyde, *International Law, Chiefly as interpreted and Applied by the United States.* Boston, 1945, vol. III, 2345.)

[18] Oppenheim-Lauterpacht, II *International Law,* 7th ed., 1952, p. 627.

[19] Such "hot pursuit" was used by the U.S. during Prohibition. See, for example, U.S.-British Convention for Prevention of Smuggling of Intoxicating Liquors, 43 Stat. 1761, T.S. 685 (1924).

[20] See International Convention on the High Seas, 1958; and, for example, Myres S. McDougal and Associates, *Studies in World Public Order,* 1960, 811, n. 204, citing other authorities.

[21] Prior to 1907, it was sometimes asserted, especially by the United States, that a neutral country must use *"due diligence"* against violations of its neutrality. Some controversy developed about the exact meaning of "due diligence." Since the interpretation may determine the fate of an innocent state, the 1907 Peace Conference at The Hague dropped the concept of "due diligence" and demanded, as the text in Convention XIII, quoted above, shows, from the neutrals "the employment of the means at *their disposal.*" Since then, the term "due diligence" is to be understood in this sense. (II Oppenheim-Lauterpacht, *l.c.* 758. This authority also points out (a) that had the United States' interpretation of "due diligence" demanded from the neutral "been generally accepted, the most oppressive obligations would have become incumbent upon neutrals"; (b) that "no such general acceptance has taken place"; and (c) that the concept of "due diligence" . . . "can have no other meaning than . . . such diligence as can be *reasonably be expected* when all the circumstances and conditions *of the case* are taken into consideration." ——— 757/8).

See, for example, C. C. Hyde, *International Law Chiefly as Interpreted and Applied by the* United States, 1947, 2334, quoting Thomas Jefferson's view as Secretary of State, 1798: "a neutral is not deemed to be guilty of delinquency for which it is chargeable with responsibility, when it employes the means at its disposal to prevent unlawful activities within its territory."; H. H. Jacobini, *International Law,* 1968, 48, quoting a case arising out of the War of 1812; D. W. Bowett, *Self-defense in International Law,* 1956, 170/1, quoting Hyde, the award of the German-Portuguese arbitration tribunal, Hall, the other authorities; Rodick, *The Doctrine of Necessity in International Law,* 1928, 117: There is no "legal justification and excuse for a belligerent violation of neutral rights in a case where the neutral has not failed in any duty which it owes to the particular belligerent." (quoted by Bowett, 168) l.c., 757/8.

[22] Regarding the "ultimate resort" doctrine, see the authorities quoted in the State Dept. 8354 Publication, *Digest of International Law* (M. M. Whiteman, ed.) Vol. 11, 1968, pp. 190–193. The section on "Belligerent Remedies for Breach of Neutrality" opens with the following quotation from Greenspan, *The Modern Law of Land Warfare* (1959), 584:

"In general, the remedies for breach of neutrality, either by the neutral state or by a belligerent, consist in *protest* to the power concerned, *demand for compensation, retaliatory* action in the nature of reprisals and, in the *ultimate resort, declaration of war.* Since it is obvious that retaliatory action can easily develop into war, recourse should *first* be had to *peaceful* methods of resolving the dispute, such as those outlined in Article 33 of the United Nations Charter." Julius Stone (*Legal Controls of International Conflicts,* 1959, 400/1) is quoted as stating, *i.e.:* "One clear principle is that, the *right of self-preservation* apart, an aggrieved State is *clearly not entitled* to violate the neutral's territorial integrity, simply because his enemy has done so."

Stone is speaking only of "self-help" in neutral *waters,* where of course damage to the territory or persons of the neutral state is excluded, even if forceful action is taken. A very strict interpretation, again limiting the right to use force, even in neutral waters, is propounded by Tucker in a study prepared for the U.S. Naval College: "Despite . . . dearth of precedents it is the opinion of a number of publicists that if the neutral State is unable to enforce its rights against one belligerent making unlawful use of its waters the other belligerent may—as *an extreme measure*—resort to hostile action . . . in neutral waters. . . . It is still the opinion of perhaps the majority of writers that the *only exception ought* to be *self-preservation*—interpreted in *the most narrow sense.*" (Tucker, The Law of War and Neutrality at Sea", U.S. Naval War College. *International Law Studies,* 1955 (1957) 220, 221–223)—The "dearth or percents" is itself instructive: Tucker cites *one* attack each on an enemy ship in neutral waters in the Russian-Japanese war of 1905, in World War I, and in World War II; and one mine-sowing action (ibid., 193).—The single attack in neutral waters during World War II (British stopping the German ship *Altmark* and without damaging the ship, forcefully liberated British prisoners from it) is still debated among international lawyers. For ex., MacChesney, in another U.S. Naval War College study, states that in view of the U.N. Charter and the *Corfu Channel* doctrine of the International Court of Justice the British action against the *Altmark* "would now be illegal." (quoted ibid., p. 193)

[23] Hence, as the Manual emphasizes at the outset (Ch. 1, Sec. I., para. 1), such statements in the Manual as para. 520, which reproduce neither statutory nor treaty provisions, "should not be considered binding upon courts and tribunals applying the law of war" but are, in the Manual's view, "of evidentiary value *insofar* as they bear upon questions of custom and practice."

[24] See again, for example, Greenspan, *The Modern Law of Land Warfare,* reproduced in Whiteman, *Digest of International Law,* quoted in preceding footnote.

Precedent: French bombing raid on an Algerian N.L.F. "sanctuary" in Tunisia, 1958.

Invasion, even if genuinely "non-hostile," of a neutral country for whatever reason is so universally abhorred that precedents are lacking. However, post-1945 history has furnished one precedent of a single air raid against what would in present parlance be called a "sanctuary." Having been a single air raid (although causing heavy casualties) it could, in fact, be considered more analogous to the numerous U.S. and Saigon bombing attacks on Cambodian border areas prior to the full-fledged invasion of Cambodia. Also, in the French-Algerian war. France was not an intruder; she did fight for her territorial integrity; and many judicious Frenchmen, while ready to grant Algeria full autonomy, feared that a complete "loss" of Algeria would reduce France to a second-class Power. As Raymond Aron, not a chauvinist, wrote in 1959: "Algeria is legally an integral part of the national territory, it is inhabitated by a million French who have built up (*qui ont édifié*) Algeria and who cannot conceive to stay there as foreigners. If Algeria . . . were to become independent (*devient un Etat*) France . . . would vow to itself the mediocre position of Spain (*la France sera . . . vouée à la mediocrité espagnole*)." (Raymond Aron, *Immuable et Chanqeante. De la IVe à la Ve Republique.* Paris, 1959, 177/8)

[25] Aron, 177

[26] This summary is based on U.N. documents and the detailed, well-documented recital in *Kiesinger's Contemporary Archives,* issue of May 31–June 7, 1958, 18203–7.

[27] It was composed of Deputy Under-Secretary of State Robert Murphy who during World War II was US ambassador to Vichy and then political advisor General Eisenhower when the latter was Commander, Allied Forces in the Mediterranean; and Harold Beeling, Superintending Under-Secretary in charge of Middle Eastern and North African questions at the Foreign Office.—Mr. Hammerskjold also took sometime part in the ensuing conciliation negotiations.

[28] It asserted, *i.e.,* that the Algerian N.L.F. general staff had been installed in Tunisia since July 1957, with the Tunisian Government's permission; that the Tunisian authorities permitted and sometimes facilitated the movements of N.L.F. forces; that the Tunisian radio gave "moral assistance" to the Algerian rebellion. "The counter-action of the French Air Force" at Sakhiet "originated in the numerous provocations suffered by our

troops. Whilst the French Government deplores the casualties suffered by the civilian population it finds it impossible to isolate this event from those who caused it."

[29] Re-occupation" refers to the fact that Tunisia had become indepnedent from France only 2 years earlier.

[30] France still had, under treaty rights, some 15,000 troops in Tunisia. Pineau stated in the National Assembly on Feb. 14, 1958 that an estimated 6–7,000 Algerian rebels were operating on Tunisian territory, and that the Tunisian army was smaller than that. French military measures against the Algerians there would, thus, not have required an *invasion* into Tunisa.

[31] France and Tunisia advised the U.N. Security Council of the settlement on June 18, 1958. This obviated the need for further debate in it on the Tunisian and French complaints. Previously, the Security Council had, on Feb. 18, unanimously decided to adjourn consideration pending the results of the US–UK conciliation efforts. But it did consider subsequent charges by both sides on June 2 and 4, 1958.

[32] See, *e.g.* the view of MacChesney (quoted in Whiteman, *l.c.*, 193) that the British action against the German ship *Altmark*, without damaging her, as reply to her violation of neutral Norwegian waters in 1940, "would now be illegal" in the light of the *Corfu Channel* doctrine and the U.N. Charter.

[33] For example:

"I again warn the North Vietnamese that if they continue to escalate the fighting when the U.S. is withdrawing its forces (!). I shall . . . take the action *I consider necessary* to *defend the security* of our American men"

(President Nixon's TV address, April 30, 1970; N.Y. Times, May 1, 1970, p.2).

[34] Statement by Secretary of Defense Laird (N.Y. Times, May 3, 1970, p.2).

[35] President Johnson, in a message of Dec. 31, 1963 (!) to Mr. Thieu's predecessor, General Duong Van Minh, stated:

"As the forces of your government become increasingly capable of dealing with this aggression, American military personnel in South Vietnam can be progressively withdrawn."

(Committee on Foreign Relations, U.S. Senate. *Background Information relating to S.E. Asia and Vietnam*, 4th rev. ed., 90th Congr. 2d Sess., 1968, 133.)

A report by staff members of the U.S. Senate Foreign Relations Committee on their visit to South Vietnam (Dec. 1969) states: "When Vietnamese military self-sufficiency is discussed by American officers [in South Vietnam] it is never put in a context of less than two to four years. In fact, planning in connection with Vietnamization seems vague. There does not seem to be a fixed timetable. . . . Construction work on American bases throughout the country appears to be continuing . . . the talk in Saigon among Vietnamese as well as Americans is in terms of keeping some 250,000 [U.S.] troops there for years." (*Vietnam: December 1969*. Expurgated U.S. Senate Foreign Relations Committee Print, February 2, 1970, page 10.)

[36] The President's simultaneous plea, that we previously did not move against the "sanctuaries" because "we did not wish to violate the territory of a neutral nation" admitted that we now did "violate" it. (TV address of April 30, 1970, N.Y. Times, May 1, 1970, p.2).

[37] "Thieu is determined to maintain himself in power . . . while many believe that Thieu has the support of no more than 20% of the people . . . it is felt that as long as he can count on American support . . . he will not . . . involve other non-Communist political elements in governing the country." (*Vietnam: December 1969*, p. 12).

[38] Mr. Arthus Schlesinger, Jr. criticized New York Times columnist C. L. Sulzberger for supporting "President Nixon's strange theory that the U.S. would have lost credibility everywhere in the world had it not invaded Cambodia." However, Mr. Schlesinger still partly accepted it by linking "credibility" with "vital interests": He calls it "patently absurd" *not* to distinguish between areas where the U.S. (or, *e.g.*, the U.S.S.R.) have, and where they have not, "vital interests", and argues that in areas of vital interests the credibility to "fight" must be upheld.

The world legal order does not permit any nation, including the U.S.S.R. or the U.S.A., to "fight" whenever it unilaterally considers "its vital interests" to be concerned. Rather, it has created various principles, machinery and institutions (a) to protect the interests of all nations; (b) to prevent and to settle disputes about interests; and (c) emergency sanctions, ultimately including armed force. As this war tragically demonstrates, if a loophole is opened to *disregard* the law for an alleged overriding national "interest", the results can be disastrous to *all* parties.

[39] As reported in the Daily News, N.Y., May 9, 1970, p. 8.

[40] *Ibid.*

[41] The U.N. International Law Commission commented in 1966 that the respective draft article (art. 68) "is intended to make clear that [during a treaty's suspension] the legal nexus between the parties established by the treaty remains *intact* and that it is only the *operation* of its provisions which is suspended . . ."

Regarding the obligation "to refrain from acts *calculated to render the operation of the treaty impossible* as soon as the ground or cause of suspension ceases, [the] Commission considered this obligation to be implicit in the very concept of 'suspension' and to be imposed on the parties by their [general] obligation . . . to perform the treaty *in good faith*."

(Reproduced, *e.g.*, in 8 *Indian Journal of International Law* 1 (Jan. 1968), 157.)

[42] N.Y. Post, May 4, 1970, p. 5 (AP).

[43] Reported by Clayton Fritchey, in *New York Post*, May 29, 1970, p. 27.

[44] The South Vietnam Liberation Front protested against the exploitation of ethnic differences by the Saigon regime already in its first program of 1960. See also Section 10 of their programmatic statement of 22 March 1966 (reproduced in English translation in: South Vietnam National Front for Liberation. *Documents*. South Vietnam, Giai Phong Publishing House, Dec. 1968, pp. 16, 20, 76/6.)

[45] James L. Payne. *The American Threat: The Fear of War as an Instrument of Foreign Policy*. Chicago: Markham Publ. Co., 1970, 155–158, 223.

[46] The author presents Hitler's boldness as model:

"Hitler's bold moves . . . against Austria and Czechoslovakia gave him a reputation for forcefulness and determination throughout Europe."

And continues:

"What we do about the aggression of one opponent offers other *enemies* (1) an *indication of our determination to oppose them* . . . we dislike communism, and . . . *we oppose its extension because we do not like it and believe it is hostile to us* . . . Our failure to respond would suggest that we are not so willing to oppose 'communist' (quota. marks orig.) aggression in general. . . ."

(*l.c.*, 106/7.)

[47] The I.C.C. summarized these reported violations as follows:

"(1) Use of force and trespassing by [South] Vietnamese soldiers on Cambodian territory.

"(2) Attempted occupation of islands off Cambodia by [South] Vietnamese forces. . . .

"(3) Penetration into Cambodian territory by armed or unarmed [South] Vietnamese citizens other than soldiers.

"(4) Concentration of [South] Vietnamese troops on the Vietnamese side of the border."

(*Fifth Interim Report of the International Commission . . . in Cambodia for the period Oct. 1, 1955 to Dec. 31, 1956*. Cmnd. 253, Sept. 1957, p. 19.—For details (resulting deaths, damages to property, etc.) see pp. 35–38.)

[48] *Fifth Interim Report* . . . p. 19: Appendix G, pp. 35–38; *Sixth Interim Report . . . for the period Jan. 1, 1957 to Dec. 31, 1957*. Cmnd. 526, pp. 6–8, App. B, pp. 14–32; *Seventh Interim Report . . . for the period Jan. 1, 1958 to Dec. 31, 1958*. Cmnd. 887, pp. 2–4, App. B, pp. 11–18.

Thereafter, the Commission has not published any further Report. (See Cmnd. 2834, Miscellaneous No. 25, 1965, Dec. 1965, p. 267.)

[49] Letter No. 553/LGP/X, dated 16 Sept. 1957; *Sixth Interim Report* . . ., p. 16.

[50] *Ibid.*, p. 21.

[51] *Ibid.*, p. 28.

[52] *Sixth Interim Report* . . ., p. 17. The "modern armaments" used by South Vietnam against Cambodia could only have been provided by the U.S. This was contrary to the Geneva Agreements.

[53] *Sixth Interim Report* . . ., p. 9; see also pp. 42/3.

[54] *Seventh Interim Report* . . ., p. 11. Construction of new airfields in South Vietnam is expressly forbidden by the Geneva Agreements.

[55] *Ibid.*, pp. 12–18.

[56] *"Documents Relating to the British Involvement in the Indo-China Conflict, 1945–1965*. (Miscellaneous No. 25, 19650, Cmmd. 2834, p. 244.

The letter ends with Sihanouk's statement that "Cambodia cannot remain eternally passive in the face of these *repeated aggressions* and that if no international means is swiftly taken to bring them to an end, she will be obliged to modify her neutral status and have recourse to assistance pacts with certain big friendly Powers."

See also Canadian Government Communique, 18 Feb. 1964, *ibid.*, p. 247/8.

[57] *Ibid.*

[58] Y.U.N., 1965, p. 189.

[59] By letter of 25 July 1967, the Permanent Observer of the Republic of Viet-Nam at the U.N. finally replied to Cambodia's complaints lodged between June 1964 and March 1967:

"His Government had not thought it necessary to deny each time" the Cambodian charges "which were often of a minor nature and attributable either to the imprecise character of the common frontier or to deliberate acts of provocation by the Viet-Cong. All charges had been investigated. His Government had *recognized as valid complaints* concerning *five incidents* occurring between June 1964 and March 1967 and had agreed to pay damages to the victims. It has found completely baseless the other complaints lodged by the Cambodian Government, which had disregarded repeated protests against the use of Cambodian territory by the Viet-Cong and the North Viet-Namese as a base for aggression into the territory of the Republic of Viet-Nam."

(Y.U.N., 1967, p. 152. ital. added.)

[60] See lists, with summaries, of Cambodian communications to the U.N. Security Council in Report of the Security Council, 16 July–1967–15 July 1968, *l.c.*, para. 807, pp. 110–112; and Report of the Security Council, 16 July 1968–15 July 1969, GAOR, 24th Sess. Suppl.2 (A/7602), para. 779, pp. 102–104.

[61] One communication from the U.S. representative, date 9 Mar. 1970 (S/9692), in reply to Cambodian protest about U.S. attacks at Dak Dam, Cambodia, on 16–17 Nov. 1969, acknowledge some impropriety, offering apologies, and indemnification to victims.

[62] For full text of the Letter, dated 25 Mar. 1970 (U.N. Security Council document S/9724) in English translation from the original French, see Appendix II to the present paper.

[From American Report, May 7, 1971]

"FREE CHOICE" OR SUBJUGATION?

(Complied with an introduction by Edward S. Herman)

One of the fundamental sources of the large volume and systematic character of war crimes committed by the U.S. military in Vietnam is a socio-political fact: the United States has been fighting an "anti-people" war against a national independence movement with deep roots and a mass base, and in favor of a minority faction with negligible indigenous support. What is more, our methods of fighting the war have tended to consolidate the enemy's internal support and isolate the quislings, wholly dependent on the foreign power that has devastated their country. After a six-year-long American invasion and assault it still remains true—and is universally recognized—that the withdrawal of all foreign forces from Vietnam, or all non-South Vietnamese from the South, would result in an immediate collapse of the U.S. junta client. As Joseph Alsop pointed out back in 1955, in reference to the long resistance of the Vietminh to the French effort at "pacification," "The Viet Minh could not possibly have carried on the resistance for one year, let alone nine years, without the people's strong, united support." (See item 1 in the compilation below.)

Both the Johnson and Nixon administrations have claimed that the United States is in South Vietnam mainly for the purpose of giving the South Vietnamese "free choice" and the opportunity to "determine for themselves" their future. This contention is widely accepted even by people of goodwill as expressing U.S. *goals* if not actual practice. These individuals rarely ask why a people being given "free choice" has to be "pacified" (see item 37 below).

In reality, "free choice" and "self-determination" have never been goals of U.S. policy-makers in Vietnam. Their central and undeviating purpose has been to establish and maintain in power an anti-communist ally or client, *irrespective of his level of indigenous support*. Thus the United States for a number of years attempted to facilitate the return of French colonialism to Vietnam, hardly consistent with a "free choice" goal. This option having failed, U.S. leaders turned to building up an indigenous anti-communist faction that it hoped might be able to hold power in the South. The unifying election called for by the Geneva Accords of 1954 was not supported by the United States or its client government—in violation of both the spirit and letter of the Accords—for one crucial reason: "our side" would have been crushed. This was hardly a secret at the time (see items 1–6 in the compilation below); but once again it showed, as does the whole history of U.S. intervention up to today, that "free choice" *is precisely what the U.S. leadership has been trying to avoid.*

Following Geneva, U.S. policy involved lending support to a mandarin government with an extremely narrow base of South Vietnamese loyalty (see items 7–14, 21, 25–28). The Diem Government and its military successors, in fact, regarded the mass of peasants (80 percent of the population) as actually or potentially hostile, and from a very early date commenced wars of "pacification" against them (see item 8). The Diem Government and its successors have been living object lessons demonstrating that "free choice" has been an American objective only in an Orwellian sense. These governments have survived up to the present day solely by virtue of U.S. military intervention (see items 31 and 40).

It is instructive in reading the literature on "pacification" and recommendations on general strategies for U.S. intervention since 1954, to see how often the official and pro-intervention experts describe what must be done to build a friendly constituency *that by direct admission or by implication does not yet exist,* and to deprive the enemy of active popular support which, also by direct admission or by implication, is real and present (see items 13–16, 20, 26–28). This is acknowledgement that "free choice" and "self-determination" would not go our way—therefore we must intervene with bombs, troops, mercenaries, defoliants, Zippo squads, and "good works" to alter the pattern of indigenous support and power. This is the opposite of support of "free choice"—it is a refusal to accept it until we are satisfied as to the probable outcome. What is more, intervention by force to prevent self-determination in a foreign country is plain aggression.

If "Vietnamization" means permitting the South Vietnamese to settle their own affairs and run their own society on the basis of indigenous power positions, this is what the United States has been fighting *against* from the time of its support of the French to 1971. The Orwellian usage of "Vietnamization" employed by Mr. Nixon (following without deviation in the footsteps of Lyndon Johnson) comes to this: it is buying a huge internal mercenary army and police force, and bombing, killing, and pounding into submission enough Vietnamese to permit a minority government amenable to our interests to survive. That this is the essence of American policy in Vietnam has long been obvious to anyone prepared to see (see item 41). The scope and viciousness with which this policy has been applied to the peasantry of South Vietnam makes it not only criminal in character; it has also been seriously counterproductive—generating a steady stream of "communists" to be killed in a potentially genocidal feed-back system. (The Soviet Union by comparison has achieved a "Czechoslovakization" of Czechoslovakia much more efficiently. It has established a puppet government and "loyal" secret police with a very much smaller investment in killing and the use of Soviet troops.)

The most revealing refutations of the validity of the claimed American interest in "free choice" come from two sources: First, members of the Saigon juntas have for many years openly acknowledged their lack of indigenous political support in South Vietnam when compared with the N.L.F. They have regularly admitted that *they* are the ones who could not survive any "free choice" by the people of South Vietnam (items 15–19). Second, the premier U.S. official experts on the N.L.F., counter-insurgency warfare, and pacification—men like Lansdale, Pike, and Vann—in explaining our failures and what is required for solutions, have also been compelled to acknowledge the relatively greater indigenous support for the enemy in South Vietnam, and the lack of any substantial popular base for "our" Vietnamese. I have reproduced below some of the statements made by junta members and our pacification experts, along with others deserving attention, all pointing to the remarkable lack of South Vietnamese backing—past as well as present—for the military-oligarchic faction consistently supported by the United States. Of particular note are the excerpts from a 1965 document authored by parification expert John Paul Vann, for use within the U.S. military hierarchy in South Vietnam, which shows clearly how at that date U.S. massive intervention was premised on the knowledge that the *enemy* had mass support.

PRE-ESCALATION, 1954-1964

1. "It was difficult for me, as it is for any Westerner, to conceive of a communist government's genuinely 'serving the people. I could hardly imagine a communist government that was also a popular government and almost a democratic government. But this was just the sort of government the palm-hut state actually was while the struggle with the French continued. The Viet Minh could not possibly have carried on the resistance for one year, let alone nine years, without the people's strong united support." (Joseph Alsop, *The New Yorker,* June 25, 1955)

2. "In the area I visited, the communists have scored a whole series of political, organizational, military, and one has to say it—moral triumphs. . . . What impressed me most, alas, was the moral fervor they had inspired among the non-communist cadres and the strong support they had obtained from the peasantry." (Joseph Alsop, *New York Herald Tribune,* Aug. 31, 1954)

3. "If you ask the Americans here, they will tell you that outside of the feudal domains of the military and religious sects, anywhere from 50 to 90 percent of the Southern Indochinese villages are subject to Viet Minh influence or control." (Joseph Alsop, quoted in Ellen Hammer, *The Struggle for Indochina,* 1954, p. 36)

4. "If elections were held today, the overwhelming majority of Vietnamese would vote communist." (Leo Cherne, *Look* magazine, Jan. 25, 1955)

5. "I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that had elections been held as of the time of the fighting, possibly 80 percent of the population would have voted for the communist Ho Chi Minh as their leader rather than Chief of State Bao Dai." (Dwight D. Eisenhower, *Mandate for Change,* 1963, p. 372)

6. "Britain and France tried to clarify the difference between holding elections and merely talking about them which was all that Diem was being asked to do at that stage. They made it clear to Diem that in opening talks with the Viet Minh, he would not be committing himself to anything irrevocable. They also felt that talks would be evidence of their adherence to the accords and allow postponement of a final decision until the South was stronger and politically better organized. None of these assurances could convince South Vietnam and persuade them to start consultations with the North." (B. S. N. Murti, *Vietnam Divided,* pp. 187–188. Murti was Deputy Secretary-General of the International Control Commission from 1954 to 1957.)

7. "[Diem] has crushed all opposition of every kind, however anti-communist it might be. He has been able to do this, simply and solely because of the massive dollar aid he has had from across the Pacific, which kept in power a man who, by all the laws of human and political affairs, would long ago have fallen. Diem's main supporters are to be found in North America, not in Free Vietnam. . . ." (David Hotham in *Viet-Nam: The First Five Years,* R. Lindholm, ed., 1959, p. 346)

8. "In June, 1956 Diem organized two massive expeditions to the regions that were controlled by the communists without the slightest use of force. His soldiers arrested tens of thousands of people. . . . Hundreds, perhaps thousands of peasants were killed. Whole villages whose populations were not friendly to the government were destroyed by artillery. These facts were kept secret from the American public." (Joseph Buttinger, Losung fur Vietnam," *Neues Forum,* Wien, Aug.-Sept., 1966. p. 459)

9. "To one degree or another, 70 percent to 90 percent of the entire population now leans toward the Vietcong. . . . They arrested N.L.F. schools and pay taxes to the N.L.F." (Associated Press reporter Jerry Rose, *The New Republic,* Nov. 13, 1961)

10. "[In late 1962, U.S. officials in Saigon estimated that] about one-half of the South Vietnamese support the National Liberation Front for different reasons, of whom 300,000 are active in their support." (Robert Scigliano, *South Vietnam: Nation Under Stress,* 1963, p. 145 Scigliona was a member of the Michigan State project group in South Vietnam.)

11. "Some military officials, especially those who served in the Viet Minh in the war against the French and later switched to Diem, are excellent officials by any standards. But they are exceptions. Unfortunately, most of the really intelligent, dedicated and patriotic men and women who form the stuff of sound leadership stayed with the Viet Minh." (Malcolm W. Browne, *The New Face of War*, 1965, p. 211)

12. "The forcible overthrow of Diem last November and the later coup in January were revolutionary acts in themselves, but appear to have been outside a natural revolution at the rice-roots level, since they put the government largely in the hands of the army and bureaucracy. While these are sizable, organized groups, they still are not the majority of the Vietnamese, the 'people' among whom the Viet Cong hide and get support for their operations." (Edward G. Lansdale, "Vietnam: Do We Understand Revolution," *Foreign Affairs*, October, 1964, p. 81)

13. "The foregoing [programs for winning hearts and minds] are just a sample of actions which Americans can undertake to create favorable conditions for the emergence of a powerful Vietnamese 'cause.'" (Lansdale, *ibid.*, p. 86)

14. "How can one, with considerable armed force but little political power, contain an adversary who has enormous political force but only modest military power?" (A statement defining the problem faced by the United States in Vietnam, made by one of the "architects of American strategy in Vietnam" to Jean Lacouture in September, 1964, quoted in Lacouture, *Vietnam · Between Two Truces*, 1966, p. 188)

POST-ESCALATION, 1965-1971

15. "Even [South Vietnamese] Premier Ky told this reporter today that the communists were closer to the people's yearnings for social justice and an independent life than his own government." (James Reston, *New York Times*, Sept. 1, 1965)

16. "Premier Ky . . . said in an interview that his regime was not yet ready to face the threat of communist *political* agitation after a negotiated cease-fire because it had not yet had time to begin to overcome what he called the many social and economic injustices in South Vietnam." (Charles Mohr, *New York Times*, Sept. 1, 1965. Emphasis added)

17. "One [aspect of the Honolulu Conference of February 1966] was the attempt of the South Vietnamese [generals] to make clear to President Johnson their almost desperate desire not to be pushed into peace negotiations, or even into peace, until they are more able to compete *politically* with the Vietnamese communists." (Charles Mohr, *New York Times*, Feb. 11, 1966. Emphasis added.)

18. "One South Vietnamese official said recently: 'Frankly, we are not strong enough now to compete with the communists on a purely *political* basis.'" (Charles Mohr, *New York Times*, Oct. 24, 1966. Emphasis added.)

19. "*We are very weak politically and without the strong political support of the population which the N.L.F. have.* Thus, now even if we defeat them militarily, they can come to power because of their greater political strength. We now have—thanks to the support of our allies—a strong military instrument. But we are without a political instrument that can compete with the communists in the South. Such a political instrument we must now begin to create, a process that will take a generation. It is unrealistic to speak of a cease-fire until after we have built up our political strength to a point where we can compete with the communists successfully—a decade from now at least." (Quoted from a statement of one of the top generals in the Saigon junta, interview by George Kahinn, *New Republic*, Oct. 14, 1967. pp. 14–15.)

20. "This paper is . . . based on the assumption that a military defeat will not occur, and *that opportunity will continue to exist to win the majority of the South Vietnamese to the side of a non-communist government*" (John Paul Vann, Untitled Paper on Pacification Requirements, circulated within the U.S. military in late 1965 and reprinted April 1, 1967; given to Professor Alex Carey of the University of New South Wales by Vann himself, in South Vietnam, p. 1. Emphasis added by the editor.)

21. "A popular political base for the Government of South Vietnam does not now exist." (Vann, *ibid.*, p. 2)

22. "Assistance from the United States, both military and economic, is used to perpetuate a regime that, despite lip service to the contrary, has not demonstrated a sincere interest in bettering the lot of the rural population." (Vann, *ibid.*, p. 2)

23. "Gadgetry, air power, and artillery continue to be substituted for the discriminate ground actions required to prosecute the military side of this war without unduly alienating the civilian population." (Vann, *ibid.*, p. 2)

24. "It is a scathing indictment of our political awareness that we have sat idly by while many patriotic and non-communist Vietnamese were literally forced to ally themselves with a communist dominated movement in the belief that it was their only chance to secure a better government." (Vann *ibid.*, p. 3)

25. "The existing government is oriented toward the exploitation of the rural and lower class urban populations. It is, in fact, a continuation of the French colonial system of government with upper class Vietnamese replacing the French. Although the wealth of the country lies in its agricultural production, it is the agrarian population which is realizing the least out of either the technological advancements of the twentieth century or the massive assistance provided by the United States." (Vann, *ibid.*, p. 4)

26. "The Government of South Vietnam has failed to appeal to its rural population since its formation in 1955. The game of musical chairs has permitted many occupants of the driver's seat, but little perceptible change in direction. Thus, it is increasingly clear that the reorientation necessary to appeal to the majority of the population will not occur voluntarily at the top. . . . Several of these leaders have displayed personal integrity and patriotic devotion. They have demonstrated, however, that they are incapable of surmounting a system of which they are both a product, and a participant and have a vested interest in perpetuating. At most, they can give vocal assertion of the desirability for a more representative type government to evolve. The actual emergence of such a government, however, will occur only with the development of a political base among the population, a matter of years and decades." (Vann, *ibid*, p. 4)

27. "The dissatisfaction of the agrarian population was manifested against the French, held in check during the early years of Diem, and has become increasingly evidenced each year since the late fifties. It has obviously been fanned by communism; today it is largely expressed through alliance with the N.L.F." (Vann, *ibid.*, p. 4)

28. "Now that the United States has committed its national prestige, as well as its resources, to maintaining an autonomous South Vietnam, it can ill afford to gamble that a successful military venture will be negated by a continued failure of G.V.N. to win its own people. Our current emphasis upon military action must be supplemented by an effective, concurrent program to strengthen G.V.N. at all levels, but particularly at village and district levels." (Vann, *ibid.*, p. 7)

29. "Recently when advocating the establishment of a large, new free bombing zone in a populated area, a U.S. officer stated: 'If these people want to stay there and support the communists, then they can expect to be bombed.'" (Vann, *ibid.*, p. 9)

30. "Eventually, a base of support for G.V.N. would be established among the rural population. As this population became politically articulated, G.V.N. would have to respond by a shift of emphasis away from the urban population." (Vann, *ibid.*, p. 10)

31. "Most of the men who rule Saigon have, like the Bourbons, learned nothing and forgotten nothing. They seek to retain those privileges they have and to regain those they have lost. . . . In Vietnam only the communists represent revolution and social change. The Communist Party is the only truly national organization that permeates both North and South Vietnam. It is the only group not dependent on foreign bayonets for survival." (Neil Sheehan, *New York Times Magazine*, Oct. 9, 1966)

32. "Aside from the N.L.F., there has never been a truly mass-based political party in South Vietnam." (Douglas Pike, *Vietcong*, 1966, p. 110. Pike was a U.S. information officer in Vietnam.)

33. "As for the officers [of the South Vietnamese army], . . . only one officer above the rank of lieutenant colonel did not serve in the French Army against the Viet Minh in the French Indochina war." (Jonathan Randal, *New York Times*, June 11, 1967)

34. "For years now in Southeast Asia, the only people who have been doing anything for the little man—to lift him up—have been the communists." (Former U.S. Ambassador Henry Cabot Lodge, *New York Times*, Feb. 27, 1966)

35. "General Ky's Government has virtually no popular support; most of his top aides sport French decorations on their uniforms. The Vietnamese people identify us with the hated French imperialists because we support the Ky regime. By occupying and devastating Vietnam we have gained few friends." (Letter from a U.S. soldier in Vietnam to Senator Fulbright, reprinted in the *Congressional Record*, June 16, 1967)

36. "One of the first axioms one learns about unconventional warfare is that no insurgent or guerrilla movement can endure without the support of the people. While doing research in my job as an area specialist, I found that, in province after province, the Viet Cong guerrillas had started as small teams. They were not in battalion and regimental strength. Before I left, the Viet Cong could put troops in the field in division strength in almost any province. Such growth is not only impossible without popular support, it actually requires an overwhelming mandate." (Former Sergeant in the Special Forces, Donald Duncan, *Ramparts*, Feb., 1966, pp. 20–21)

37. "If this is simply invasion from the North, why do we have to 'pacify' its victims in the South? Who ever heard of having to placate a people saved from aggression? Did we have to pacify Paris after driving the Germans out?" (*I. F. Sone's Weekly*, May 8, 1967)

38. "It is vital for the [Saigon] Government to develop a popular political base to counter the Viet Cong organization," said one [Washington] official. 'The recent elections did not produce an organized political base for the Government.'" (Hedrick Smith, *New York Times*, Dec. 9, 1967)

39. "The [Johnson] Administration's assessment is that the Saigon regime lacks sufficient popular support and cohesion to enter such a political test of strength with the [National Liberation] Front." (Hendrick Smith, *New York Times*, Dec. 13, 1967)

40. "This power structure [of the Saigon Government] is dependent for survival on U.S. political, military, and economic support. It has no clearly defined political objective except to survive against the communists.

"This unwieldy executive apparatus operates more on the basis of intricate personal relationships and a system of corruption than on any institutional basis. . . .

"The province and district chiefs generally are considerably less effective than their communist counterparts. The relationship between the entire Nationalist power structure and the mass of the people is weak." (Major General Edward Lansdale, quoted from a secret report to the White House, which indicates that the N.L.F. might win in a "free choice" election. "Election Fears of Saigon Regime Cited in Report," The Gazette and Daily [York], Aug. 16. 1968)

41. "I went to Vietnam, a hard charging Marine 2nd Lieutenant, sure that I had answered the plea of a victimized people in their struggle against communist aggression. That belief lasted about two weeks. Instead of fighting communist aggressors I found that 90 percent of the time our military actions were directed against the people of South Vietnam. These people had little sympathy or for that matter knowledge of the Saigon Government. . . . We are engaged in a war in South Vietnam to pound a people into submission to a government that has little or no popular support among the real people of South Vietnam. By real people I mean all those Vietnamese people who aren't war profiteers or who have [not] sold out to their government or the United States because it was the easy and/or profitable thing to do." (Letter from a U.S. soldier in Vietnam to Senator Fulbright, reprinted in the *Congressional Record,* June 16, 1967.)

STATEMENT ON ANTI-PERSONNEL WEAPONRY

(By Fred Branfman, Director,
Project Air War)

The widespread use of anti-personnel weaponry in Indochina is one of the most striking and prominent features of today's air war. From 1969–71, for example, I interviewed several hundred victims of American bombing in Laos. The vast majority of these civilian casualties were caused by anti-personnel bombs. From our research on the air war both out in Indochina and with Project Air War here at home, from 1970–72, we would concur with Professor Pfeiffer and Westing's estimate that at least ½ the total tonnage dropped on Indochina is anti-personnel in nature. For example, I was told in November 1970 by an air force captain in charge of the ordnance dump at Udorn Air Force base that about 75–80% of the ordnance on hand was anti-personnel.

But although the use of anti-personnel bombs has been reported since 1966, the American public to this date remains largely unaware of the full nature and extent of anti-personnel technology in use in Indochina. Few Americans are aware of the many kinds of anti-personnel bombs in use, the frequency with which they are deployed, and their effects on the human body.

We are not aware, for example, that any major newspaper or magazine in this country has ever published a major piece containing the information revealed in the supplement to this statement.

The reason is clear. Almost all information about anti-personnel weaponry has been classified out of public reach.

This material does not appear to be classified because publishing it would aid the people against whom these bombs are directed. As the film "U.S. Technique and Genocide in Vietnam" makes clear, the DRV, PRG, Pathet Lao, and FUNK are fully aware of the technology deployed against them. It would appear, rather, that secrecy has been followed for fear of the domestic repercussions that might result from full disclosure, and because much of the weaponry is outlawed by international law.

The U.S. Army Manual on the Laws of Land Warfare, for example, states that the use of "irregular-shaped bullets" and "glass-filled projectiles" is illegal. The United States is using both in the form of flechettes and plastic casings which break into hundreds of un-x-rayable jagged slivers, 1/8th by 1/16th of an inch at this very moment.

It is a sad commentary on the state of public knowledge of the war today that one must turn to the Democratic Republic of Vietnam for knowledge of what our leaders are doing in the name of America.

It is even more distressing to note that the use of anti-personnel weaponry continues to increase under the Nixon Administration without public and congressional awareness or restraint.

Whether or not one agrees that the Administration has the right to employ this anti-personnel weaponry in Indochina, this much seems clear:

1. It is clearly antithetical to the laws of the land that any small group of men would unilaterally develop, produce and deploy such weaponry without the knowledge of consent of the public or Congress.

2. The unceasing refinement of weapons designed only to kill or maim human beings is one of the most important developments of our time. At the very least, it ought to be reported in full to the general public by the media, so that some kind of national debate can be undertaken.

ANTI-PERSONNEL WEAPONRY

Anti-personnel weaponry is designed to kill or maim human beings. Although sometimes used in other ways, such weaponry cannot destroy a factory, a bridge, an anti-aircraft site. Its objective is human flesh.

American involvement in Indochina has been characterized by unceasing refinement of new ways to kill from the air. The varieties and variations of anti-personnel weaponry are innumerable. What follows are only some examples, divided into three main categories: anti-personnel projectiles, incendiary bombs, and anti-personnel mines.

Anti-personnel projectiles: These are dropped by jets and B52s when there is some target in mind; intelligence justifying their use is generally some sign of human life: cut grass, tire tracks, smoke or heat from fires, ploughed fields, or metal sound, or movement picked up by electronic sensors or infra-red detectors. In a guerrilla war, such bombs are almost never dropped on a clearly identifiable military force out in the open:

1. The Pineapple anti-personnel bomb is a yellow-colored, cylindrical-shaped bomblet which contains 250 steel ball-bearing pellets which shoot out horizontally on impact. One sortie with a full load carried 1000 such bombs, which means that one sortie sends 250,000 steel pellets shooting out horizontally over an area the size of 4 football fields. Anything above ground is hit.

2. The Guava anti-personnel bomb (BLU 24/26) is an improvement over the pineapple. Gray in color and round in shape, without the pineapple's fins, the guava is thus smaller, allowing one planeload to carry 4–500,000 steel ball-bearing pellets. It also rotates on its axis and will either explode in the air or on impact with the ground depending upon the type of fuse. In either case, it avoids the pineapple's problem of sending its pellets out horizontally, which thus explode harmlessly over the heads of people hiding underground. The guava's pellets shoot out diagonally so they'll go into holes where people are hiding.

3. The Fragmentation anti-personnel bombs, including the smooth orange, striated orange and BLU/63 fragmentation projectiles, are also designed as improvements over the pineapples and guavas. Unlike the latter two projectiles, they do not employ steel pellets. Rather they break into hundreds of jagged fragments which do far more damage to the human body.

4. The Flechette Rockets are even more destructive to the human body. The flechettes, fired from rockets in the air war (as well as M79 grenade launchers and artillery in the ground war), are tiny steel nails with larger fins on one end and a sharpened point on the other. They peel off the outer flesh, enlarge the wound as they enter the body, shred the internal organs, and lodge in the blood vessels. Extremely delicate surgery is necessary to remove them.

5. The Plastic bombs consist of a pressed plastic casing which breaks up into hundreds of tiny jagged slivers, one-eighth of an inch by one-sixteenth of an inch. These slivers are un-x-rayable, so that if a person is hit with enough of them and they must be removed, he must be laid on the operating table (if surgical care is available), his body opened up, and the doctor then tries to pick through his body removing what slivers he can find.

Incendiary Bombs: Interviews with pilots and other U.S. airmen and targeting officers have made it clear that incendiary bombs, while designed for a wide variety of purpose, are in practice primarily used as an anti-personnel weapon. Since they cover such a wide area and destroy all human life above and often below ground through burning or suffocation, they are regarded as a particularly effective weapon.

1. Most Americans are aware of Napalm. Few, however, are aware of the fact that they are also using Napalm B, Supernapalm, Napalm Paragel, all improvements on the original napalm. These later variants burn at a higher temperature, explode over a wider area, and have greater adhesiveness.

2. Even few Americans are aware of white phosphorous and magnesium. These substances burn on an oxidation principle, which means that they cannot be rubbed out or even put out by water (they take the ogxyen out of water and continue burning under the skin). In fact, the more one rubs the more they burn. If a person is hit with incendiary bombs containing these substances, he must wait until they burn themselves out, which usually means they have to burn their way down to the bone.

3. And I have met no one who is aware of Thermite, a substance which greatly increases temperature at which incendiary bombs burn.

4. These substances are all combined in the most destructive incendiary bomb yet developed, the Napalm-Phosphorous-Thermite bomb. It explodes over an extremely wide area, cannot be extinguished until it burns itself out, and burns at 3,500 degrees centigrade as compared with 900 degrees centigrade for conventional napalm.

Anti-personnel mines: Unlike anti-personnel projectiles or incendiary bombs, anti-personnel mines are not used with any particular target—whether suspect of confirmed—in mind. Rather they are simply strewn over 100's of square miles as part of an officially-designated "Area-Denial" program, a program designed to make whole areas of Indochina uninhabitable for human life. The scope of the use of these mines staggers the imagination. For example, a Honeywell contract that we have signed calls for the production of over 200,000 of one of these types of mines (the WAAMP) in a single month. In the November 1970 Electronic Battlefield Hearings, the Air Force Revealed that this area denial program has been installed throughout one-half of southern Laos. This is an area inhabited by over 200,000 people, according to the estimate of the U.S. Embassy in Laos. The area denial program has also been implemented in northeastern Cambodia, northern Laos, North Vietnam, and portions of South Vietnam. These mines include:

1. The Gravel and Dragontooth mines, which come in small cloth bags and metal containers disguised to look like leafs or animal droppings. One F4 sortie will drop 7,500 of such mines.

2. The WAAPM (Wide-Area-Anti-Personnel Mine) mines, which are round in shape and emit 8 chords each 8 yards in length. A person tripping on one of these cords will cause an explosion of a charge sufficient to kill or maim him. The other side has charged

that some of these mines also emit a noxious gas.

3. The Button Bomblets are even smaller charges, strewn in the 10's of 1000's, and extremely difficult to detect with the human eye.

Nothing explains the nature of the air war today more than the expansion of the area denial program under the Nixon administration. It is clear that these anti-personnel mines cannot distinguish between human beings and animals, let alone military and civilians. The deployment of the area denial program violates the very basis of international law calling for at least some minimal attempt to distinguish between military and civilians in time of war.

THE AUTOMATED BATTLEFIELD

(By NARMIC (National Action/Research on the Military Industrial Complex), a project of American Friends Service Committee, Philadelphia, Pa.))

(Note.—Charts and figures referred to are not printed in the Record.)

On Friday, November 12, 1971 President Nixon delivered his latest troop withdrawal announcement to a hastily assembled group of White House reporters. Fanfare about a mid-November Presidential statement had been building for weeks; a major address to the country was expected. In anticipation, Harris ran a poll. "The dominant mood of the American public on the eve of President Nixon's scheduled announcement on the war is to terminate all military involvement in Vietnam," Harris reported. "By nearly 3 to 1, the American people favor 'getting out completely' by next May." The story was headlined, "Public Favors Vietnam Withdrawal Even at Risk of Red Takeover."[1]

Bad news is announced on Fridays, the press knows. The President talked of "leaving South Vietnam in a position where it will be able to defend itself from a Communist take-over" and stressed that he did not want to "leave the impression that we see the possibility of some striking breakthrough in negotiations in the near future." No deadline for troop withdrawal was set; nor was there anything encouraging to report on the prospect of prisoner releases. An only slightly higher rate of withdrawal was announced for the coming two months. And as the New York Times pointed out editorially, "Mr. Nixon now for the first time has flatly and publicly committed himself to the concept of an American 'residual force.' . . . The re-engagement of American ground forces in a crisis would not be ruled out either."[2]

The real news was that the air war would most likely be stepped up. President Nixon said:

"As far as our air power is concerned, let me also say this: As we reduce the number of our forces, it is particularly important for us to continue our air strikes on the infiltration routes. If we see any substantial set up (step up) in infiltration in the passes, for example, which lead from North Vietnam into Laos and, of course, the Laotian trail which comes down through Cambodia into South Vietnam—if we see that, we will have to step them up."[3]

Appearing on "Meet the Press" on Sunday, Secretary of Defense Melvin Laird made the point again. Since the New York Times had reported that morning that the Pentagon believed such a buildup to be in progress, the threat of increased air strikes became more than hypothetical. By Monday, "the air campaign already is underway, being conducted from five U.S. bases in Thailand and U.S. 7th Fleet carriers in the Tonkin Gulf," according to the Wall Street Journal's informed sources." They projected "concentrated bombing" for Laos and Cambodia.[4] Heavy raids on North Vietnam had preceded and followed the President's speech.

Simultaneous announcements of troop withdrawals and reports of heavy bombings reflect the peculiar nature of the war today. The question is whether the war will soon be over.

NARMIC has compiled this report to examine White House plans for Indochina and their domestic implications. It ties in the recent development of the automated battlefield to other seemingly disparate events: the demoralization of the troops, the truck interdiction campaign on the Ho Chi Minh Trail, Vietnamization, "urbanization" and the popular upheaval in the cities of South Vietnam today, the future of captured Americans in North Vietnam, and reasons for the lack of public kowledge about the nature of the ongoing war.

An appendix of relevant articles and sources for further information are included at the end of the report.

A RECORD OF FAILURES

Information on the automated battlefield is difficult to come by because its development and use at every step have been intimately linked with U.S. failure in Indochina—the failure of the Nixon Administration's escalation of the air war to bring victory, and the continued failure of the pacification programs to win the hearts and minds of the various U.S.-sponsored military dictatorships. Yet however great the failure of the military and political effort has been, administration after administration has refused to deal with the political realities of Vietnam (and now, too, of Laos and Cambodia)—a necessary prelude to the negotiation of peace.

The automated battlefield now offers the Nixon Administration a means of deferring still further the embarrassing political problems—of acceding to coalition governments in Saigon, Vietiane, and Phnom Penh, for example—not by the achievement of a military victory, but simply by assuring that the U.S. cannot lose. With an automated battlefield, there can be no American Dienbienphu. And there can be no peace.

SECRECY

High secrecy surrounded the first statement of the automated battlefield concept. The American taxpayers—not a foreign enemy—were denied the knowledge of the first premise of the 1966 JASON Summer Study Report: that the bombing of North Vietnam had been a complete failure. The study was prepared for Defense Secretary McNamara by 67 men described in the Pentagon Papers as "a group of America's most distinguished scientists, men who had helped the government produce many of its most advanced technical weapons systems since the Second World War, and men who were not identified with the vocal academic criticism of the Administration's Vietnam policy." Their findings "were regarded as particularly sensitive and were extremely closely held with General Wheeler and Mr. Rostow receiving the only copies outside OSD" (McNamara's office). JASON Committee recommendations that certain components including "button bomblets," a variety of sensors, aerial photography, gravel mines, cluster bombs and other antipersonnel devices, "smart bombs", etc., be further developed and integrated tactically define the first phase of the automated battlefield. Despite a skeptical response from the Joint Chiefs of Staff the outright opposition from Admiral Sharp and General Westmoreland, McNamara organized a new agency to oversee the swift translation of the JASON Committee idea into combat reality. The Pentagon Papers report that this project was "given the cover name Defense Communications Planning Group to protect the sensitivity of the project."[5]

COMPUTERIZED WAR

Sensors and computers are basic to the automated battlefield (also called the "electronic battlefield" or—the Army's phrase—the "integrated battlefield control system"). Sensors for sound (acoustic) or ground vibration (seismic) are dropped from planes to hang suspended in trees or plant themselves in the ground, for example, to "bug" the Ho Chi Minh trail. For about two months, these sensors send out radio signals which are picked up by an unmanned plane (drone), relayed, processed, and translated into usable information by a receiving center computer. When sensors in an area are activated, the computer alerts troops of possible enemy presence or tells a computer in an aircraft (which may be unmanned) where to bomb. The computer can even release the bombs. They may be "smart bombs"—that is, laser or TV-guided. During an actual operation, sensor activation in Cambodia or Laos is relayed to a huge IBM 360 computer at the Air Force's Infiltration Surveillance Center in Nakhorn Phanom, Thailand, from which targets are fixed and strike orders sent to bases in Thailand or Vietnam or to carriers of the 7th Fleet—which then deliver their killpower back to the target. The automated battlefield also includes heat, odor, and metal detectors, a variety of radars, night observation devices, and other gadgets.

Senator William Proxmire has charged that these detection devices cannot distinguish between friendly and unfriendly troops, combatant and civilian.[6] GIs who use them in the field claim that they cannot even differentiate human beings from animals, nor footsteps from rainfall. However, their activation supplies targets in a war frustrating for its lack of them. That function is important, for it satisfies the deep seated need of the U.S. military to quantify its progress.

Some of these gadgets are developed under ARPA, the Advanced Research Projects Agency of the Department of Defense, or STANO (Surveillance, Target Acquisition and Night Observation Systems) of the Army, which oversees testing at Project MASSTER, as well as the Defense Communications Planning Group. DCPG has been the central coordinating agency for development, testing, evaluation, and purchase of automated battlefield equipment, especially the sensors.

Determining what the automated battlefield is and what it has cost is difficult, because its components and budgets have been scattered among many programs and military services. Even for the DCPG, there has been no single place in the authorization or appropriations bills which list total budgets and programs.[7]

Lack of information has proved frustrating for Congressmen. In DCPG appropriations hearings for 1972, Rep. Jamie Whitten challenged the project's director: "Last year, my recollection is that you told the Congress you were planning to phase this operation out, and Congress agreed to phasing it out. Instead you have changed the name, enlarged it, and now the world is your playground."[8]

Advice from Congress, DoD Research Director Dr. Foster, and the Joint Chiefs all directed that the program be ended in 1971 when the equipment was transferred to the Army, Navy and Air Force. However, in December, 1970, Deputy Defense Secretary David Packard decided to expand the DCPG's work to "provide a world-wide capability" for sensor technology "in both tactical combat applications and installation security."

Under Whitten's questioning, the project's director did acknowledge that the original name, DCPG, was chosen "in order to disguise what it was in fact doing; everybody thought we were in the communications business." But he argued that the outfit's new name would clarify its function. As of last April, it is called the DSPG, the Defense

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Footnotes at end of article.

Special Projects Group. Whitten did not find the name change helpful: "You have special projects, that is not very restrictive. Special projects covers the universe, so they might think you are running everything from the new title." [9]

Concluding that the DSPG is a "classic example of bureaucratic empire building and of the bureaucratic tendency to never end an organization even after the work for which it was created has been concluded," the House Appropriations Committee cut the 1972 budget request of $34 million to $7 million. Sensor development will continue however, under each of the services and the Advanced Research Projects Agency.[10]

The public's first glimpse of the dimensions of the automated battlefield was a speech delivered by General Westmoreland to the Association of the U.S. Army in October, 1969. (see "Army of the Future" attached.) He announced that "the Army has undergone in Vietnam a quiet revolution in ground warfare—tactics, techniques, and technology." On the battlefield of the future, he continued, "enemy forces will be tracked and targeted almost instantaneously through the use of data links, computer-assisted intelligence evaluation, and automated fire control."

It was this speech, together with articles on the automated battlefield from such public sources as *Business Week* and *Defense Industry Bulletin*, that led Senator William Proxmire to call for further information on a project for which Congress had already appropriated billions of dollars. Consequently, a special subcommittee of the Senate Committee on Armed Services was set up in November, 1970 to investigate the program. The sanitized version of their hearings which reached the public several months later constitutes the best source of information of the subject to date. It is, however, something short of a full and frank report.

Four areas of the DSPG program are discussed: the conventional barrier system, the air-supported system, the ground tactical system and munitions associated with the air-supported system.

CONVENTIONAL BARRIER SYSTEM

The first, the conventional barrier system, was the old "McNamara Wall," intended to be a barrier across the entire DMZ. The committee is told that it "is no longer identifiable as a separate entity; it has essentially become a part of the ground tactical system." [11] In a less guarded moment, the Army's Chief of Research and Development, Lt. General A. W. Betts, gave the real story:

Mr. Andrews. Whatever became of the McNamara line on the DMZ? . . . I thought it was to be a line right across the top of South Vietnam.

General Betts. Yes, but the enemy never permitted us to implement that line.[12]

AIR SUPPORTED SYSTEM

The second area of DSPG authority, the air-supported system, is described in the following diagram:

The operational air-supported anti-infiltration system in Laos is called "Igloo White." (See "Battle for Control of the Ho Chi Minh Trail," attached.) The Senate Foreign Relations Committee has been attempting to learn about this program. While the Committee was able to establish that the United States has no legal obligation or commitment to Laos,[13] it was less able to discern why a tiny and remote nation should have become the most heavily bombed country in history (and, further, how the bombing had been conducted since 1964 with little information supplied to Congress, the body Constitutionally empowered to make war).

Igloo White has been represented to Congress as the bombings of the Ho Chi Minh Trail used by North Vietnam to supply its forces in the south. Refugee interviews by Fred Branfman in 'The Blue Machine", a staff report of the Kennedy Subcommittee on Refugees (Sept. 28, 1970) and other sources point to a contradiction in this explanation of U.S. bombing in Laos: much of it has been in Northern Laos, but the trail is in the southern part. Noting that documents dealing with B–52 strikes in Southern Laos are classified "secret", those on the north "top secret", a recent staff report to the Committee on Foreign Relations asserted, "The figures we were given by the Embassy in Vientiane indicated that the B–52 sortie rate in northern Laos is higher in 1971 than it was in 1970."[14]

THE POLITICAL DEFEAT

The Kennedy Subcommittee report names one of the program objectives in Laos to be the "conducting and supporting of massive evacuations of local villagers from Pathet Lao regions in order to deny the enemy population resources." The underlying assumption of this goal is that the political battle to "win hearts and minds" has been long lost. Igloo White was "designed for fighting a war in hostile territory offering the enemy absolute control of their surface territory while maintaining air-superiority above it." (See "Battle for Control of the Ho Chi Minh Trail," attached.) An example of the Igloo White definition of hostile territory is the Plain of Jars, formerly the home of some 50,000 Laotian farmers sympathetic to the Lao Patriotic Front (Pathet Lao). It has been made uninhabitable by U.S. bombing. (See "The Blue Machine" attached.)

Indirect support for this explanation of the bombing in Laos comes from the nature of the munitions used in the Igloo White operation and described in the Electronic Battlefield hearings. Most are anti-personnel rather than anti-materiel—the WAAPM (wide area antipersonnel munition), the Dragontooth anti-personnel mine system, the antipersonnel cluster bomb units (CBU–24 munition which dispenses the BLU–26/B guava bomblet) and the Gravel antipersonnel mine system. The Gravel system was recommended in the Jason Committee Report, was used heavily in the bombing of North Vietnam in the Johnson years and seems to be a mainstay of Igloo White (though tonnages of each munition are classified). Accompanying pictures of the system is the following explanation of the XM 51 Gravel mine:

Major Anderson. This is the Gravel anti-personnel mine. We also have a sample for your inspection. Each mine consists of a [Deleted]. Gravel was originally procured by DCPG to be used as an anti-personnel area-denial munition in the anti-personnel portion of the barrier concept. The only kill mechanism is blast. Gravel will blow a man's foot off but it will not blow a hole in a truck tire. [Deleted] [15]

(No questions were raised in the hearings about whether the Hague Convention, article 23 prohibition on weapons deliberately designed to cause unnecessary suffering, is germane. If the creation of refugees is a deliberate objective, not a side-effect of the bombing, that too would be a violation of international law under the Hague Convention article 25, Geneva Convention of 1949 articles 24, 50 etc.)

EFFECTIVENESS QUESTIONABLE

There are further questions about the effects of the bombing. As the Senate Foreign Relations Committee Staff report "Laos, April 1971" noted, "One reason why there is some skepticism about the truck kills claimed by the Air Force is that the total figure for the last year greatly exceeds the number of trucks believed by the Embassy to be in all of North Vietnam." (p. 8) And a Dispatch News Service International report from Vientiane (Oct. 1, 1971) quotes an American military intelligence officer "with long experience monitoring supplies over the Ho Chi Minh trail" as follows:

"MACV (Military Assistance Command Viet Nam) figured out that it took roughly 275 tons going south a day to keep everything in Viet Nam running for the other side. Well, they were actually up over 400 tons a day in 1966 and we couldn't stop them. I don't care how many trucks they (the Air Force) claim, they just aren't doing it . . . We're getting about 10 percent, maybe 20 percent; we can't stop them. Never could. This goes back a long way too. You just cannot stop an army by air bombing."

Though the electronic battlefield hearings discuss at length the "Vietnamization" of the ground sensor systems, a time table for turning over the air-supported system is not disclosed. That bombing missions over Vietnam, Cambodia, and Laos originate from bases in Thailand, the Seventh Fleet off the coast, and other, classified, points suggests part of the reason.[16]

Since by far most of the firepower—and consequently almost all of the killing—is accomplished by air at this stage in the war, the point is central. In March 1971, General Westmoreland was asked for a numerical ratio of enemy killed by the ARVN as compared to "our B–52's and our air gunships." His estimate was deleted from the printed hearings, but its content is clear:

General Westmoreland. Your assumption is quite correct. It is American air power and artillery that is killing the majority of the enemy.[17]

Air capability is an admitted weakness in Vietnamization, a problem "currently undergoing priority review." Best hopes rest with the U.S. supplying to Saigon the F–5E International Fighters, which the most optimistic estimates project could not be operational in South Vietnam until 1974.[18]

A new contract for development of a light plane to be used by Saigon for bombing the Ho Chi Minh trail was announced recently,[19] noting that "the United States now performs nearly all of this task with B–52 Bombers, F–4 fighter-bombers and ACO 130 gunships". The article also suggested that even *after* the unspecified time it would take to Vietnamize the air-war, "the U.S. will probably continue to maintain fighter-bombers both in Thailand and on aircraft carriers off the Vietnamese coast to deter Hanoi . . ." Another reading of motives is suggested by William Haseltine: "Implicit is the threat, rendered credible by massive daily bombing of the countryside, that were NLF and North Vietnamese to seize control of the cities as they did during Tet 1968, the cities would again be destroyed from the air." (see "Automated Air War" attached.)

The last DSPG program area is the ground tactical system, illustrated in the diagram on page eleven. In the electronic battlefield hearings, the success story told to illustrate the usefulness of this equipment is the 1968 siege of Khe Sanh. More recently, the Laos invasion in the spring of 1971 is cited, with special credit given to "the growing application of our C–130 gunships, guided bombs, enhanced detection methods, and improved munitions." [20] In neither Khe Sanh nor the Laos invasion was the victory so apparent as not to require a somewhat more objective information source than the U.S. military itself. While the press might normally fill this role, it was prevented from doing so during the Laos invasion. Press restriction, again, would seem to be directed more at the American public than at the enemy. In any case, the enemy knew much more about the invasion than the American public. Under questioning from Congressman Dickinson, Colonel Milonelli of the 101st Airborne Division stressed that "we did permit the ARVN forces to plan and operate independently without U.S. advisers, and they did, in fact,

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Footnotes at end of article.

conduct an operation which I believe to be successful, sir." However:

Throughout the operation it appeared as though they [the enemy] were just a little bit ahead of us in the movement of anti-aircraft weapons and in the movement of the troops. So there were a number of indications we attacked a well entrenched enemy in his base area with at least an indication, if not definite, prior knowledge of both our intentions and our objectives throughout the operation.

There were indications throughout the operation that we really walked into an enemy who had knowledge of not only the fact we were coming over, but where we were going once we got into Laos.[21]

DSPG spokesmen stress the ground system's manpower-saving advantages. Gone are the days of boring and dangerous patrols through unfriendly terrain to find an elusive enemy. No more wasteful H & I (harassment and interdiction) fire into the night jungle; let the sensor do the searching. If the sensors are not foolproof there is no clear way of talking about their errors, at least not in military terms. The following exchange is from the electronic battlefield hearings:

Mr. **Gilleas**. Did you have much trouble with false alarms?

Major **Hudson**. We did later on. The interpretation people did, yes, sir. That word [false alarm] has been stricken from the vocabulary. That is now a nontargetable activation.[22]

Testimony of Vietnam veterans who have had first-hand experience with sensors in the field indicate that it is not so much a sensor's blip that defines this style of combat as the answering massive firepower—artillery and air strikes called in over a wide area.

The ground tactical system with all of its potential for indiscriminate death for whatever the sensors, report will be part of the American legacy to Vietnam as U.S. forces turn to air war. In the context of discussion of the ground system, the head of the DSPG reported to Congress in May that "over one-half the sensors in use in Vietnam are now under control of the Vietnamese.[23] ARVN was scheduled to take full responsibility for "preplanned ground offensive operations" by summer of 1971. President Nixon's top war consultant reports that this plan has gone into effect and that the war in Vietnam "is certainly over as far as American ground troops are concerned." (See "Is the Ground War Over for U.S. in Vietnam?" attached.) And in the November 12 briefing, President Nixon made it official: the American offensive ground combat role "is already concluded."

WINDING DOWN THE WAR?

Recently the Defense Department has been trying to create the impression, through a display of statistics, that the war is winding down. In a letter to the *New York Times* (Nov 4) Dennis Doolin, Deputy Assistant Secretary for East Asia and Pacific Affairs, Department of Defense, wrote:

"Ammunition expenditures in all of Southeast Asia have declined 47 per cent since 1968. They have fallen 37 per cent in 1971. In fiscal year 1971, U.S. tactical air sorties throughout Southeast Asia (not just Vietnam) stood at less than half the peak levels of fiscal year 1969. B–52 sorties were about 60 per cent of fiscal peaks. In South Vietnam alone, the U.S. is flying about one-fourth the number of sorties it flew last year."

Other statistics tell a different story. Department of Defense figures of an ordnance used by U.S. forces in Indochina since 1965 show that 47% of the total was dropped during the Nixon Presidency. For ground ordnance the figure is 49%. About 300 Hiroshima bomb equivalents has been unleashed on the Indochinese land and peoples in the Nixon years.[24]

For the airwar alone, Pentagon bombing tonnage figures show that under Nixon's Presidency, monthly averages are 90,000—as compared to 67,000 under Johnson. (See chart) A standard of comparison—in World War II the average monthly tonnage of air munitions used by the U.S. in all theatres was 45,000 tons. The scale of the U.S. World War II airwar, therefore, was roughly half of that for Indochina under the Nixon Presidency.

In 1968 and 1969, much of the ordnance was devoted to saturation bombing, when the U.S. military made an effort to gain a quick military victory by unleashing massive firepower on the Indochinese countryside. Almost 3 million tons were dropped during these two years alone, more than "the total figure of 2,160,110 tons of air munitions for World War II," according to the Senate Committee on Foreign Relations report. This report goes on to say that "the use of air munitions by U.S. Forces in Indochina is more than twice as great as it was in all of World War II."[25]

Clearly the immense tonnage can be cut somewhat and the sortie rate scaled down without in any way diminishing the fact that current levels of bombardment are unparalleled in the history of pre-Vietnam warfare. And as Secretary of State Rogers stated at a news conference January 29, 1971 "We don't see any reason why there should be any limit on the use of that airpower. He [President Nixon] intends to use the airpower as he sees fit . . ."

"STABLE WAR"

When the 1968–69 escalation failed to break the resistance of the "enemy", the Administration was forced to opt for a "stable" war to defer its defeat. Sir Robert Thompson, President Nixon's personal consultant on guerrilla warfare, coined the phrase "stable war". In an interview with US News & World Report November 1, 1971, he said ". . . all that North Vietnam is saying at the moment—and, in my view, is doing—points to a continued policy of protracted war. The answer to protracted war is what I call "stable war".

On the ground, he advises, "the South Vietnamese have to create a situation in which they can contain the North Vietnamese indefinitely," while in the air, the Americans will keep hammering away at the Ho Chi Minh Trail. (Part of the supply route strategy is to hold the port of Sihanoukville under pro-U.S. control, largely through propping up Lon Nol with aid.)

The following chart from the Cornell University, Center for International Studies' "The Air War in Indochina" report shows month-to-month variations in the tonnage of aerial munitions and a slightly declining average B–52 rate.

The study notes, "There are about 1,000 B–52 sorties being flown per month in Indochina, most of which are also directed against the Trail. . . . Indications are that Trail interdiction will continue to be the dominant part of the U.S. airwar in Indochina. (Neither B–52 nor fighter bomber sorties are scheduled for any major reductions in the coming year.)" (P. 5–6) It also states, "the force levels remaining in Indochina may be much reduced from their previous peaks, but they are nonetheless substantial in absolute terms. Furthermore, air power is highly mobile and can be escalated at short notice. Additional carriers can be brought into the theater and air bases previously closed can quickly be reactivated." (Pp. 10–2, 10–4)

Perhaps during visits to Peking and Moscow, bombing may be halted—temporarily. More than likely, targets will shift among the three countries from time to time, as occurred during the 1968 "halt" in the bombing of North Vietnam. But basically, "stable war" implies no substantial increase or decrease in the intensity of conflict, which means that firepower would be at a steady level. This is confirmed by a highly reliable defense industry source, DMS, a publication of McGraw Hill:

"The requirement for iron bombs in Southeast Asia will continue long after the last American troops have pulled out. The Administration's policy, as now defined, makes clear the intent to support the South Vietnamese and Cambodians with American air sorties by USAF and USN aircraft. Thus there will be a sustaining demand for air dropped ordnance."

Another DMS report, from April 1971, amplifies the point with respect to the antipersonnel munitions:

"While the unsophisticated 'iron bomb' still represents the major procurement buy, the supporting bomb research discipline has been enlarged—particularly since the Vietnam war—to include investigations into more sophisticated areas such as guided bombs, retarded bombs, dispenser munitions and bomblets, and bombs to meet a variety of special needs."

"The Air Force and Navy has centered its research, over the past several years, to meet the needs imposed by the Vietnamese war. Specifically, general purpose bombs, while producing substantial damage when dropped in quantity on urban areas, do little harm to troops and equipment spread over the varied terrain of Southeast Asia."

After summarizing the major antipersonnel weapons developed for the Indochina war, DMS reports that research in "bomb technology" should slack off in "the long term outlook." However, in the short run, development of new antipersonnel bombs will continue to be important:

"With the decline of research money for guided conventional bombs and dispenser munitions, the emphasis in this discipline will focus on munitions designed to deny the enemy freedom of movement, particularly along supply routes. At the same time munitions for the purpose of clearing areas of both troops and materials will receive increased development funds."

TROOP WITHDRAWAL

The withdrawal of American ground troops is the Administration's most persuasive argument that it is winding down the war. Troop withdrawal, Vietnamization, and the substitution of men for machines in the automated battlefield are closely related: all are strategies for continuing the war. Slogans like "Vietnamization" and "winding down" are attempts to put an attractive cover of official policy over a profound disaster, called by Col. Robert D. Heinl, Jr. in Armed Forces Journal "the collapse of the armed forces." Heinl's summary is blunt:

"By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous."

His examples are telling:

"Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units.

In one such division—the morale-plagued Americal—fraggings during 1971 have been authoritatively estimated to be running about one a week."

He lists incidents of troops' refusal to obey orders to go into combat, tells of high proportions of hard drug users in the ranks, describes violent racial conflict, and reports that "search and evade" is "now virtually a principle of war."

This crisis might yet be salvaged, for "Strange as it may seem," writes an optimistic military journalist, "a string of sensors in the Laotian jungle may be the final key to the continued withdrawal of American troops from the war." But such optimism has proven short-sighted. Sensors

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Footnotes at end of article.

which detect all human movement may be useful in the countryside where all people who do not move from the free fire zones to Saigon-controlled cities are defined as enemy. But once many of these people move to the cities the strategy breaks down. No sensor has been found which can separate out those who are anti-American from the "friendlies." As General Dean, the director of DCPG put it "If you get into more densely populated areas you are not going to be able to tell friend from foe so these devices in themselves would not be particularly helpful to you." [26]

THE URBAN STRUGGLE

Their ineffectuality in and around cities may prove to be a critical factor in determining the future of the U.S. in Vietnam. As U.S. troops are being withdrawn and the American physical occupation of the urban areas diminish, "a whole new political dimension was made possible. While the people of the cities, for obvious reasons, were unprepared to stage a confrontation with the U.S. military, the Saigon regime, regardless of its military strength, can be dealt with on a political level in a way that a foreign power could not. Ironically, then, "Vietnamization" has contributed greatly to achieving what U.S. officials—because of their narrow, ethnocentric perspectives—thought (or simply hoped) would be unachievable in South Vietnam: an awakening of Vietnamese political consciousness." [27]

Popular disaffection with the Saigon military regime and the American presence, although never entirely mute, remained suppressed during the first decade of the Vietnam war. "But early in 1970, a new trend began to develop. Initially centered on rather specific, often personal grievances, this activity has so far not only proved impossible to exorcise, but has evolved into a new, concerted movement for peace. Although virtually unpublicized in the U.S., there has been a radical transformation of urban Vietnamese public opinion about the war. Students, workers, veterans, women, respected politicians, professional people, and religious leaders (including Roman Catholics, who were formerly strongly anti-Communist and enthusiastic supporters of the war) have all taken a public stand in favor of *hoa binh*—peace. For the first time they have linked their demands for peace with insistence on (1) the withdrawal of "foreign"(i.e. American) troops from the South and (2) the ouster of the Thieu-Ky-Khiem regime." [28]

Aside from the internal upheaval in the U.S. military, the anti-Thieu, anti-American mood in the South Vietnamese cities has been another impelling force towards further troop withdrawals. U.S. military personnel are proving to be a serious liability in South Vietnam. Confining troops to barracks during the Presidential elections in order to avoid embarrassing incidents and anti-U.S. demonstrations is one indication of the state of American-Vietnamese relations. The level of anti-Americanism peaked during the Laos invasion (February, 1971) when ARVN troops were being used as "live bait" for B–52 air strikes against "enemy concentrations," and Vietnamese became convinced that they were dying for an American war. In retaliation U.S. Army vehicles were overturned and set on fire in various cities, including Saigon, Hue, Danang, and Qui Nhon. *Tin Sang*, a well-known Catholic newspaper, reported (August 28 and 30, 1971) that the urban population gave warning to Americans that they would be beaten up or worse if they did not wear a peace sign and a picture of a broken M–16. The newspaper continued to describe instances where GIs were bruised, taken hostage and even burned alive because they had not worn the appropriate symbols. Gloria Emerson, in a New York Times article (September 19, 1971) wrote: "In scattered incidents last week student assault groups, determined to force every American in Vietnam to leave, set fire to U.S. vehicles. Twelve of them have been burned since September 10. An American in the Navy lies seriously burned in a hospital here because he was sitting in a car that was set on fire with high octane gasoline."

Many factors contribute to this popular militancy. "First, it is no longer possible for anyone, even in the cities, to avoid the physical and moral damage of the war. Few families remain unscathed; loved ones have been lost, relatives separated, and traditional social values destroyed . . . Secondly . . . the economic situation continues to deteriorate. Between June 1966 and February 1970, the cost of living in Saigon rose by three hundred percent." [29] The major reason, however, is the creation of an enomous refugee population.

This was the ironical outcome of another American war strategy defined as "ubanization" by Samuel Huntington, Chairman of the Department of Government of Harvard Universty and Chairman of the Council on Vietnamese Studies of the Southeast Asia Department (SEADAG).[30] Taking a literal interpretation of Mao Tse-tung's maxim that a guerilla fighter must live like fish in the sea, Huntington advocates the most direct countermeasure: drain the sea. The U.S. military has taken this advice to heart. At least ⅓ of the Laotian, Vietnamese and Cambodian population have been killed, wounded or driven into cities and refugee camps by the indiscriminate and massive application of firepower to their homes and paddy fields. Through this strategem, Huntington writes, the "rural revolution is undercut by the American sponsored urban revolution." [31]

However, the U.S. policy-makers failed to anticipate the reaction of their victims. The Vietnamese peasants found living conditions in the cities intolerable. With very little employment opportunity, a high rate of inflation and substandard health and housing conditions, the uprooted peasants have joined other segments of the urban population in revolting against the Thieu administration and its American sponsors.

The anti-American sentiment in people forced out of their homes cannot be answered by dropping more sensors or devising more gadgets. One U.S. response is to beef up the South Vietnamese police and prison system through the AID program.

"United States officials continually stress that the national police must play a vital role in the program designed to track down and kill or capture Vietcong political officials. As the Americans leave, the American officials say, more and more of the security program will fall to the police, and they are being equipped with highly advanced technical devices with which they will attempt to track down Vietcong agents.

"American funds funneled into the national police through the military-civilian advisory agency known as CORDS have been increased this year by more than 25 per cent—from $20.9 million in 1970 to $27.3 million . . .

"The national police have grown steadily in size . . . Strength in 1960 was 16,000 and now is 97,000; by the end of next year it is expected to be 120,000.

"A goal of 147,000 is projected." [32]

A New York Times article (Oct. 13, 1971) states that AID will also take financial responsibility for the Cambodian "parliamentary defense forces, including the police."

This supplements the proposal of the Joint Chiefs of Staff, first revealed in the Washington Post and New York Times (Oct. 17, 1971), "that we get involved at all levels of Cambodian society with pacification programs, psychological warfare programs, and even unconventional warfare programs directed by the CIA." [33]

However, as Senator Case earlier points out:

"If the proposals of the Joint Chiefs were put into effect, Cambodia would be turned into an armed camp absolutely dependent on us for its existence. And this would not just be for a year or two, but for the indefinite future. The Joint Chiefs project an expansion of the current 170,000 man Cambodian armed forces, 863,000 by 1977. In a country of less than 7 million people, we would then be supporting a military establishment which would be the proportional equivalent of more than 25 million Americans under arms . . . there is no question that the United States would be paying virtually all the costs."

AMERICAN DOMINATION

In contrast to the social and political realities of the urban revolution, a number of major studies on Vietnam forecast a future of American domination. One reports that while "it is true that large numbers of its citizens have been displaced from their homes, others have acquired new skills which will be valuable to the growing economy in the post-war period," because the war has "fulfilled the necessary preconditions for development." (U.S. Joint Development Group)

Another is the Smithies Report for the Institute for Defense Analyses, a Pentagon-financed group. It declares that "the best planning assumption seems to be a military stalemate or withering away of the war, a process that can last *for a decade or more.*" (Our emphasis) Another, sponsored by the Asian Development Bank, is called "Southeast Asia's Economy in the 1970's." A chapter by Emil Benoit, Professor of Economics at the Columbia Graduate School of Business, sees that "Vietnamization will proceed to transfer a vast quantity of U.S. equipment and bases to the ARVN, one of the most powerful, as well as largest, armies in the world. Furthermore, when hostilities cease, *circa* 1973, confidence that hostilities will not recommence will be weak, and a high level of military preparedness will be maintained, for the rest of the decade."

This policy is confirmed by Secretary of Defense Melvin Laird in his discussion of Vietnamization as an alternative to negotiations:

"Vietnamization . . . is directed toward preparing the South Vietnamese to handle both Viet Cong insurgency and regular North Vietnamese armed forces *regardless of the outcome in Paris.*" [34] (emphasis ours.)

In the words of Jaques Decornoy, "the financing of studies on the future of a South Viet Nam cut off from the North and part of an anticommunist Southeast Asia seems to indicate President Nixon's determination to apply a program diametrically opposed to that of the Provisional Revolutionary Government. This 'continuity' in U.S. policy can only help to reduce still more the importance of the Paris peace talks." [35]

It may seem incomprehensible that the Nixon Administration, in face of massive resistance from most segments of the Vietnamese population and the newly emerged coalition of Indochinese national liberation forces, would persist in its effort to stabilize American domination in Indochina. Its rationale, as that of previous Administrations, has been and still is the "bad example" or "domino" theory, often expressed as "keeping commitments." It argues that movements for national independence in the non-industrialized world conflict with American national interests and must be stopped before they inspire other revolts. An example of such a movement is the Viet Minh, precursor of the National Liberation Front—long recognized, according to the Pentagon Papers, to be "irrefutably nationalist, popular and patriotic. It was also the most prominent and successful vehicle of Viet nationalism in the 1940's." [36]

Footnotes at end of article.

However, there has been a tendency among successive Administrations to place these basically indigenous movements under the vague but ominous category of "communist expansion." Following these assumptions, a National Security Council memorandum from February 1950 (64) defines Indochina as a "key area" of U.S. hegemony, and furthermore,

"The neighboring countries of Thailand and Burma could be expected to fall under Communist domination if Indochina were controlled by a Communist-dominated government. The balance of Southeast Asia would then be in grave hazard." [37]

Another memorandum from June 1952 (124/2) predicts "critical psychological, political and economic consequences" should any Southeast Asian country fall into Communist hands because it

"would probably lead to relatively swift submission to or an alignment with communism of the rest of Southeast Asia and India, and in the longer term, of the Middle East (with the probable exceptions of at least Pakistan and Turkey) would in all probability progressively follow. Such widespread alignment would endanger the stability and security of Europe . . .

"Southeast Asia, especially Malaya and Indonesia, is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities." [38]

(This memorandum was called "the domino principle in its purest form" by the Pentagon Paper authors.)

The Nixon Administration has continued the longstanding policy of military and economic backing for Indochinese governments which rigidly exclude the nationalist liberation movements. Despite the one-man election in Saigon and the end of the pretense of parliamentary government in Phnom Penh, President Nixon promised again on Nov. 12th to defend the Saigon government and aid what is left of the pro-American Cambodian military.

Pressure for Peace

Pressure to set the date for withdrawal of all U.S. troops from Indochina is rising. Many POW families are embittered by the Administration's treatment of the POW issue, particularly after the PRG 7-Point Program undercut the White House campaign to build this issue into support for its war policies.[39]

In a tape recording brought from Hanoi by a member of Vietnam Veterans Against the War, POWs there said:

"We know our President is using captured GIs as an issue to prolong this war. But the Provisional Revolutionary Government of the Republic of South Vietnam states in its 7 point peace initiative that all captive military men and civilians including pilots captured in North Vietnam will be released at the same time that all U.S. and other foreign forces are being withdrawn from Vietnam. We couldn't ask for a better proposal than that." (See sources for more information.)

At the November 12 press briefing, the President admitted that private channels—or any channels—had failed to bring any progress on thet POW issue. The enemy, he reported, still refused to recognize the Administration's (historically unprecedented) formulation of POWs as a "humanitarian issue," to be "separated from the issue of the combat role of Americans and our withdrawal program" in negotiations. Consideration of the PRG's offer to release captured Americans in return for a date certain for the withdrawal of all U.S. troops was not discussed.

President Nixon is also under heavy pressure to set a final date from Congress, where the margin of votes needed for a pullout deadline has become increasingly narrow. Many Congressmen have switched their votes to support a six-month date, according to an AP release [40] because of their disenchantment with the Thieu election.

Popular pressure for peace might seem irresistible, particularly as the U.S. election draws near.

Since the Nixon Administration, like its predecessors, still seeks military victory in Indochina, the best it can offer is the *appearance* of peace. What it can do is to make the war less visible, withdraw ground troops, and replace the men with machines.

During the American war in Indochina, protest at home has been widespread. The ultimate success of the automated battlefield will depend on the compliance of the people in whose name wars are being fought in distant parts of the globe, and the Executive Branch may have found a way to carry on full-scale wars without provoking public opposition. Very simply, how can you complain about war that you don't know about?

FOOTNOTES

[1] Philadelphia Inquirer, No. 8, 1971.

[2] New York Times, Nov. 17, 1971.

[3] New York Times, Nov. 13, 1971. All quotes from Nov. 12 press conference are from the Times transcript.

[4] Wall St. Journal, Nov. 15, 1971.

[5] The Senator Gravel Edition, *The Pentagon Papers,* Vol. IV, Beacon Press. 1971. pp 114–123. The Jason Committee's proposal was quite specific:

The system that could be available in a year or so would, in our conception, contain (sic) the following components:

Gravel mines (both self-sterilizing for harassment and nonsterilizing for area denial).

Possibly, "button bomblets" developed by Picatinny Arsenal, to augment the range of the sensors against foot traffic.

SADEYE/BLU–26B clusters, for attacks on area-type targets of uncertain locations.

Acoustic detectors, based on improvements of the "acoustic Sonobuoys" currently under test by the Navy.

P–2V patrol aircraft, equipped for acoustic sensor monitoring, Gravel dispensing, vectoring strike aircraft, and infrared detection of campfires in bivouac areas.

Gravel Dispensing Aircraft (A–1's, or possibly C–123's).

Strike aircraft.

Photo-reconnaissance Aircraft.

Photo Interpreters.

(Possibly) ground teams to plant mines and sensors, gather information, and selectively harass traffic on foot trails.

The anti-troop infiltration system (which would also function against supply porters) would operate as follows. There would be a constantly renewed mine field of nonsterilizing Gravel (and possibly button bomblets), distributed in patterns covering interconnected valleys and slopes (suitable for alternate trails) over the entire barrier region. The actual mined area would encompass the equivalent of a strip about 100 by 5 kilometers. There would also be a pattern of acoustic detectors to listen for mine explosions indicating an attempted penetration. The mine field is intended to deny opening of alternate routes for troop infiltrators and should be emplaced first. On the trails and bivouacs currently used, from which mines may—we tentatively assume—be cleared without great difficulty, a more dense pattern of sensors would be designed to locate groups of infiltrators. Air strikes using Gravel and SADEYES would then be called against these targets. The sensor patterns would be monitored 24 hours a day by patrol aircraft. The struck areas would be reseeded with new mines.

The anti-vehicle system would consist of acoustic detectors distributed every mile or so along all truckable roads in the interdicted area, monitored 24 hours a day by patrol aircraft, with vectored strike aircraft using SADEYE to respond to signals that trucks or truck convoys are moving. The patrol aircraft would distribute self-sterilizing Gravel over parts of the road net at dusk. The self-sterilization feature is needed so that road-watching and mine-planting teams could be used in this area.

Photo-reconnaissance aircraft would cover the entire area each few days to look for the development of new truckable roads, to see if the transport of supplies is being switched to porters, and to identify any other change in the infiltration system. It may also be desirable to use ground teams to plant larger anti-truck mines along the roads, as an interim measure pending the development of effective air-dropped anti-vehicle mines.

The cost of such a system (both parts) has been estimated to be about $800 million per year, of which by far the major fraction is spent for Gravel and Sadeyes . . . For the future, rapid development of new mines (such as tripwire, smaller and more effective camouflaged Gravel, and various other kinds of mines), as well as still better sensor/information processing systems will be essential.

[6] CONGRESSIONAL RECORD, vol. 116, pt. 18, p. 23822.

[7] U.S. Senate Committee on Armed Services, Subcommittee. Investigation into the Electronic Battlefield Program, Hearings, 91st Congress, Second Session. (U.S. Government Printing Office, 1971) Hereafter: Hearings I.

[8] U.S. House Committee on Appropriations, Department of Defense Appropriations for 1972, part 7, p. 346, Hereafter Hearings II

[9] Hearings II, p. 349

[10] Aerospace Daily, Nov. 12, 1971, p. 74–5

[11] Hearings I, p. 9

[12] U.S. House Committee on Appropriations, 1970, Department of Defense Appropriations for 1971, Part 6, p. 189.

[13] Senate Committee on Foreign Relations, United States Security Agreements and Commitments Abroad, 1971, vol. 1, p. 394–5

[14] U.S. Senate Committee on Foreign Relations, Laos; April, 1971, p. 8

[15] Hearings I, p. 140

[16] Senate Committee on Foreign Relations, U.S. Security Agreements and Commitments Abroad, vol. I, p. 455–6

[17] U.S. House Committee on Armed Services, Military Posture to Authorize Appropriations During Fiscal Year 1972, Part I, p. 2627, 1971. Hereafter: Hearings III.

[18] Ibid, p. 2668–9 and p. 3523

[19] William Beecher, "U.S. May Give Saigon New Light Planes," New York Times, Oct. 29, 1971, p. 3

[20] General John D. Ryan, Chief of Staff of the Air Force, as quoted in Hearings III, p. 2668

[21] Hearings III, p. 3121

[22] Hearings I, p. 96

[23] Hearings III, Part 2, p. 4618

[24] Edward S. Herman, "American Bombs, Yellow Corpses," The Drummer, Dec. 2, 1971

[25] U.S. Senate Committee on Foreign Relations, Impact of the Vietnam War, June 30, 1971, p. 9

[26] Hearings I, p. 21

[27] Cynthia Frederick, "The Vietnamization of Saigon Politics," Bulletin of Concerned Asia Scholars, Vol. 3, No. 1, Winter-Spring 1971

[28] Ibid.

[29] Ibid., p. 7

[30] Samuel Huntington, "The Bases of Accommodation," Foreign Affairs, July, 1968

[31] Ibid.

[32] Thomas C. Fox, "South Vietnam's Police Force Gaining in Size and Status as U.S. Increases Aid," New York Times, April 14, 1971

[33] U.S. Senator Clifford Case, Congressional Record, October 19, 1971

[34] Hearings III, p. 3636

[35] Jacques Decornoy, "Assessing the Future of South Vietnam," Le Monde, 1971

[36] The Senator Gravel Edition, *op. cit.*, Vol. I, p. 47

[37] Ibid. p. 83

[38] Ibid.

[39] Wall Street Journal, "Missing—or Dead? Some 'POW' Relatives Say They Are Misled by American Officials", Sept. 30, 1971

[40] Philadelphia Inquirer, Oct. 25, 1971

THE AUTOMATED AIR WAR

(By William Haseltine)

". . . war involves very small numbers of people, mostly highly trained specialists. The fighting . . . takes place on the vague frontiers whose whereabouts the average man can only guess at. . . ." George Orwell, 1984.

As this is written, hundreds of the most sophisticated machines of war in history are hovering over the bamboo villages of Indochina, waging a new kind of mechanized warfare even as US ground troops are being withdrawn. Since Mr. Nixon became President, we have dropped 2,700,000 tons of bombs on Indochina—more than was dropped on two continents during World War II and the Korean War combined.

There are O1E, O2 and OV10 spotter planes at 2000 feet; A1E, A26, T28 prop bombers, AC47, AC54, AC119, AC130 gunships, flare ships, rescue and gunship helicopters at 5000 feet; F4, F100, F105, A7, B57 jet bombers, jet reconnaissance, EC47 and EC119 electronic aircraft at 10,000; KC–135 super-tankers at 20,000; B52s at 30,000; EC130 command and control aircraft at 35,000; and SR71 reconnaissance aircraft at 70,000 feet. As no less an expert than General Westmoreland puts it, "We are making unusual efforts to avoid having the American young man stand toe-to-toe, eyeball-to-eyeball or even rifle-to-rifle with the enemy." Hence Vietnamization, hence automation. Military planners are busy finding ways to wire down the war. The Electronic Systems Division at Hanscom Field, and Air Force Base not far from Boston, orchestrates the intricacies of applying space-age technology to counter-insurgency weaponry. The academic community provides advice and inspiration, the companies test and manufacture the new gadgets, the air base integrates these into tactical weapons systems and ships them to Indochina.

The most dramatic example of the automation of the war is Hanscom's show-case project, code-named *Igloo White*. It became operational in November 1967, over Laos, was expanded last year to include Cambodia, and today directs much of the bombing over both countries. Its major task is to automate destruction of North Vietnamese supply routes in those lands. Its supporters boast that *Igloo White* is "entirely air supported—it requires no ground troops." It is almost fully automatic as well. The system consists of battery-operated seismic and acoustic sensors dropped from the air along the elaborate system of roads and trails in Laos and Cambodia. The acoustic detectors transmit noises in their vicinity and are dropped so that they hang suspended from trees. The more widely used seismic detectors are partially buried and detect ground vibrations. The Air Force is working on new detectors and soon hopes to have one that responds to both metal objects and to body heat.

The exact placing of the sensors is a problem which isn't yet solved. Many of the sensors are dropped from planes flying hundreds of miles an hour. If you don't know where the sensor is, you don't know where to attack. A common solution is to use weapons which blanket large areas with lethal missiles and to attack several nearby locations.

The signals from the detectors are sent to a plane which retransmits information to ground facilities for processing. Formerly these planes were converted super-constellations with large crews and data processing equipment on board. They are being replaced with a modified Beech Debonair that can be flown by remote control, making the detection system fully automatic. These drones are currently circling over Laos 24 hours a day.

The information collected by the drones goes directly to two huge IBM 360–65 computers located in Nakhon Phanom, Thailand, 75 miles west of the Mugia Pass, the beginning of the Ho Chi Minh Trail. These computers analyze the noises and vibrations, printing out the data and labeling it by time and place. Upon request the computer can display a map of the section of the road under suspicion and indicate the target site by a moving blip. The computer printout is passed to an intelligence coordinator and on to the Battlefield Control Center, which sends out the planes for attack. Besides being programmed to select sites for immediate attack, the computer correlates the information to determine a general traffic pattern, so it can be decided where to lay mine fields. The Air Force is working on mobile computation centers which can be air-lifted to any part of the world. A basic feature of *Igloo White* is that the sensors draw no distinction between friend or foe, civilian or soldier, adult or child, man or animal, and will impartially call down an automated death on all who cross their path. Over two billion dollars has been spent on *Igloo White* over the past five years. Air Force officials consider the program to be successful and envision a worldwide deployment capability by 1976, the 200th anniversary of the American Revolution.

Igloo White is closely integrated with the attack system called *Commando Hunt* which began November 15, 1968, 15 days after the bombing of North Vietnam was halted. *Commando Hunt* is a four-step program to cut the supply lines in Laos and Cambodia. First, all major distinguishable targets such as bridges, buildings, dams and power stations are repeatedly attacked. For pinpoint accuracy the Air Force uses two new bomb delivery systems, one directed by a laser beam, the other by a TV camera. The laser-guided bombs and missiles weigh as much as a ton-and-a-half and have an eye on their nose which guides them to a spot of light beamed off the ground by another airplane. The man with the laser shines it on the target and the bomb falls on it. A TV camera on the other transmits a picture of what it sees to a screen in the cockpit. The pilot locks his bomb on the desired target image and releases it; it falls so that the central portion of the picture is always in view. It was first used over Laos in 1969.

The second part of the program is the dropping of antitruck mines along suspicious paths and roads, mines triggered by sound, pressure, metal objects or vibrations. One of the newest detects movement and explodes when anything comes toward it. Some detonate within a specified time if not triggered, others do not.

Third, antipersonnel landmines are dropped over the antitruck mines and down the entire length of some roads. The Air Force emphasizes that these are purely antipersonnel. WAAPM, the acronym for wide-area antipersonnel mine, is a large bomb containing hundreds of little bomblets. On impact each bomblet sends out trip wires. The mine explodes if the wires are disturbed. Both cover large parts of the countryside.

The fourth phase of the program is immediate reaction air strikes to areas selected by the *Igloo White* computers. The bomb favored for these missions is the CBU–24 antipersonnel and anti-light-material bomb. After it is released from the plane it splits open and hundreds of bomblets spill out. One bomb will normally send 250,000 pellets spewing about on an area the size of a football field. Anything above ground is lucky to escape unscathed. Another version of the same bomblet has a random time-delay fuse, so that after the initial attack bombs keep going off, making it difficult to care for the wounded or repair damage.

F–4 Phantom jets commonly used for these attacks have recently been equipped with a new TPQ–10 radar navigation device. The command computer can feed the map coordinates directly into a computer on the plane and direct it to a precise location. When the plane approaches coordinates, the computer automatically releases the bombs at the proper time to hit the target. The Air Force claims "using air-wide type ordnance, excellent results have been obtained with this blind-bombing method." All-weather navigation aides and light-amplification systems for night attacks are other new features on the attack planes.

The Air Force is satisfied with this program. They credit themselves with 5950 truck-"kills" during the 1969–1970 dry period and 14,000 this year. Nevertheless the supplies traveling down the Ho Chi Minh Trail are undiminished. A recent Senate Foreign Relations Staff Report discounts the Air Force's claim by 30 percent. The total number of truck kills claimed by the Air Force greatly exceeds the number the U.S. Embassy in Saigon believes are in all North Vietnam.

The ineffectiveness of the automated war against the trail was highlighted two weeks ago when the Communists launched a massive offensive in Cambodia in the midst of the rainy season and the heaviest floods in North Vietnam's recent history. With Sihanoukville port closed, where were supplies obtained for this offensive? It is not only the cynics who suspect that supplies have been moving down the trail much as they always have.

Still, the bombs continue to rain down. The U.S. has dropped over one million tons on Laos alone in the last two-and-a-half years. And although overall sortie figures are classified, the Senate report revealed that 340 sorties a day were being flown in April, 1971, twice as many as during the height of the bombing over Laos during the Johnson years. And this figure did not include the 30 tons per sortie B52 flights secretly sent over northern Laos since February 18, 1970. In all, over 1000 tons of bombs are being dropped daily on Laos.

Although the "Rules of Engagement and Operational Authorities" which regulate the bombing in Laos make it seemingly impossible for villages and other nonmilitary targets to be bombed, there is no evidence to indicate that they are enforced. Despite the most protracted bombing of civilian targets in history, for example, there are no known instances of disciplinary action taken against pilots for bombing villages in Pathet Lao-controlled zones. The Senate staff report itself states that in some cases the rules are deliberately violated, and in any case have loopholes which account for "roads with civilian traffic, villages and groups of civilians—bombed, rocketed or napalmed." One rule permits ground fire to be returned virtually anywhere in Laos when a U.S. plane is participating in a search and rescue operation or is flying in support of "infiltrating or exfiltrating" troops. There are 15 free-fire zones in Laos not protected by these rules. In addition there are special operating areas that the embassy has determined have no active villages, where any type of ordnance may be jettisoned or used. These areas cover most of the Plain of Jars and route 7 leading from North Vietnam to the plain. Until 1967, when the bombing began, the population of the Plain of Jars was well over 100,000.

The bombing in Laos is, of course, only part of the air war. Large-scale bombing of Cambodia, South Vietnam and even North Vietnam continues. The Pentagon insists that since November 1968, there has been no bombing of the North—only "protective reaction strikes"—184 of them, 64 thus far in 1971, about two a week and some involving over 250 planes each, as on March 21 and September 21. The officially acknowledged purpose of the bombing is to interdict the flow of men and material into Vietnam, buying time for Vietnamization, and to provide tactical support to ARVN troops. Implicit is the threat, rendered credible by massive daily bombing of the countryside, that were NLF and North Vietnamese to seize control of the cities as they did during Tet 1968, the cities would again be destroyed from the air.

The need to replace men with machines in Indochina is becoming more urgent as more Americans come home. General Westmoreland is sure that the US can meet this challenge: "Today machines and technology are permitting economy of manpower on the battlefield, as indeed they are in the factory. But the future offers even more possibilities for economy. I am confident the American people expect this country to take full advantage of its technology—to welcome and applaud the developments that will replace wherever possible the man with the machine."

Study Shows U.S. Presses Air War

(By Neil Sheehan)

Washington, November 7.—A comprehensive study of the air war in Indochina by a Cornell University group concludes that while the Nixon Administration drastically curtailed American ground combat, it is maintaining a high level of bombing and, in Cambodia and Laos, has in fact intensified the air war.

The study acknowledges that the Administration has roughly cut in half the intensity of the air war in Indochina from the peak years of 1968 and 1969, when the United States was waging the most intensive bombing campaign in history.

But the study says the average tonnage being dropped is at about 70,000 tons a month, almost the same level as in 1967, when the American public was more aware of a major war in Indochina because of the direct involvement of American ground combat troops.

SIX MILLIONS DROPPED

By the end of 1971, the United States will have dropped on an area about the size of Texas, six million tons of bombs and other aerial munitions, three times the total tonnage used in World War II. The Nixon Administration, in its three years in office, will have loosened as much as and possibly more explosive power than did the Johnson Administration—about three million tons, the study says.

The reduction of area-obliteration raids by B-52 bombers has not been nearly as marked as the cut in strikes by smaller fighter-bombers. These area-obliteration raids are still estimated to run 30,000 tons a month, the study says, compared with 40,000 tons monthly during the 1968–69 peak.

The Administration plans to continue the air war through 1972 and beyond at a cost that could range from $1.2-billion to $4-billion a year, depending upon the amount of force required by policy needs, the study states. Citing "sources close to the Pentagon," the study says plans appear to call for keeping 50 B-52's in Thailand and 300 fighter-bombers there and on carriers offshore.

STUDY TOOK 5 MONTHS

The five-month study, begun in May was sponsored by Cornell's Center for International Studies. The preliminary version of the report runs about 200 pages. It has extensive footnotes and is illustrated with graphs. The group hopes to publish a fuller report by the end of the year.

The team of 19 professors and students involved, headed by Prof. Raphael Littauer, a 45-year-old nuclear physicist, drew its findings from source materials that included official Pentagon statistics and reports, newspaper articles, interviews with approximately 80 defense and foreign-policy specialists and former military and civilian officials, as well as the once top-secret history of the air war contained in the Pentagon papers.

ESCALATION CHARGED

The report states that bombing of the Ho Chi Minh Trail supply roads through southern Laos, a relatively unpopulated area, has been increased steadily by the Nixon Administration and is now running at 400,000 tons of explosives a year.

Bombing in Cambodia, with serious civilian casualties resulting, the report asserted on the basis of Congressional testimony, has also climbed steadily since the American incursion in the spring of 1970 and is now running at 90,000 ton a year. This figure approaches the 124,000 tons dropped on North Vietnam in 1966 when an intensive air war was under way there.

In South Vietnam, nearly 300,000 tons of air explosives a year are still being dropped, now mainly by the South Vietnamese air force, which has been greatly expanded. This is equal to the level of 1966.

The report argued that the continued heavy use of air power was not stopping enemy advances in Indochina and that the destruction it was causing actually made the achievement of peace more difficult by disrupting the societies the United States says it is attempting to stabilize.

Despite a scorched-earth bombing campaign against enemy-held towns and villages in Northern Laos and the Plaine des Jarres possibly a third of the estimated total of 2.5 million Laotians have become refugees and the enemy forces "now control a greater fraction of Laos than ever before," the study said.

THE ONGOING AIR WAR

BOMBING TONNAGES[1]

Year	Tons	Averages
1965	360,000	Monthly average, Johnson years,
1966	496,319	59,704 tons.
1967	932,119	Monthly average, Nixon years,
1968	1,437,370	95,402 tons.
1969	1,387,259	Total Johnson years (1965–68),
1970	997,466	3,215,808 tons.
Janaury–May 1971.	391,946	Total Nixon years (1969–May 1971), 2,776,671 tons.
Total	6,002,479	

COST AND SORTIES[2] (1966–JULY 1971)

	Sorties	Cost (billions)[3]
South Vietnam	762,650	$15.2
North Vietnam[4]	280,000	5.6
Laos	505,326	10.1
Cambodia	25,546	.5
B-52's	77,600	1.6
Total	1,651,122	33

[1] Source: Pentagon Information Office.

[2] Source: Cornell air war study project.

[3] Based on 1967 McNamara estimate of $20,000 in overall costs per bombing sortie. See Document No. 118, Bantam Book edition of Pentagon Papers.

[4] Does not include post-November, 1968 strikes.

The Air Force's Secret Electronic War

(By George L. Weiss)

(Few people know all the details about "Igloo White", even fewer have access to the giant computers which run one of the world's largest surveillance systems. Here's the full story on the fantastic operation.)

Half a world away from America one of the strangest wars in history, and the first of its type, is being waged. Generals in command of forces engaging the enemy study computer readouts instead of battle maps to determine their tactics. Pilots who fly the missions set coordinates into aircraft computers; planes fly automatically and release their bombs by electronic signal. The bombs are not always ordinary bombs; sometimes they are tiny round baseball size weapons. Others may be laser- or TV-guided and are known as "smart bombs". Anything else today is known as a "dumb bomb".

High above the battlefield unmanned aircraft circle, their insides packed with electronic equipment which picks up and silently retransmits signals from transmitters that earlier imbedded into the ground (at 600-mph!) and still continue to function—yet self-destruct if man tries to move one. The signals transmitted from the ground transmitters to the drones overhead go to some of the world's largest computers. Then machines, not man, perform the calculations of thousands of variables. A mad metal ball hammers out the probable reactions or options available to other men who, hundreds of miles away, ponder the next move.

Warfare in the late Sixties went electronic. It is developing into a pattern which men will be studying for years to determine how wars of the future may be conducted in a manner that even today rivals science fiction.

This is the "Secret War" in Laos, or perhaps more aptly, the "Strange War". Never before have men fought such a war. One side employing manpower and munition trucks on the Ho Chi Minh trial at night and hiding by day.

The other side, and in another country, armed with the latest technology, is on the same schedule as the enemy—sleeping by day and fighting by night.

They never meet, these two enemies. Yet they are separated at times by just a few feet of airspace.

Only in this war can you find the veterans of a hundred computer battles who have never heard a shot fired, pilots who bomb acres, not pinpoints, and fly by computer, bombs which drop on electronic signal, drones that fly without manual control—and the entire system tied to a collection of tubes, transistors and diodes that calculate times and space with the precision of an astronaut's moon landing. Except that the objective may be the next rest stop for a convoy traveling through Laos.

This is "Igloo White," the code name for the electronic system that fights the Battle of the Ho Chi Minh trail.

Inside what some people have referred to as the largest building in Southeast Asia is the heart of Igloo White—the Air Force's surveillance system for the trail. Two huge IBM 360 computers, storing billions of information "bits" could handle any one of America's largest corporations. The facts and figures stored in their memory banks are responsible for the success of the air operation on the Ho Chi Minh trail. How they came to be there is important.

North Vietnam faces a unique problem in conducting its war against South Vietnam. Hanoi has no war industry and depends primarily upon the Russians and Chinese for the arms and munitions needed to continue the war. These arms must all come into the nation via its ports, which replace factories for the North's military machine. Until the "invasion" of Cambodia about 80% of the war material used in the lower half of South Vietnam was shipped to Sihanoukville. Then the arms were hauled by commercial carriers to the South Vietnamese border for safe storage in the Cambodian sanctuaries.

War material for the upper half of South Vietnam came down the Ho Chi Minh trail and was then stored in Laotian sanctuaries to be moved as needed into the invaded country.

With the loss of Cambodian ports the entire supply effort had to be switched to the Ho Chi Minh trail. The situation couldn't have been better for the U.S. or worse for the North Vietnamese. For the past three years the war on the trail had rolled along, both sides sparring, improving and adding their own ideas to outsmart the other.

When the necessity to slow the munitions traffic on the Ho Chi Minh trail became critical several years ago the Air Force was given the task of handling it. The rules were carefully spelled out by Washington. No military personnel were to fight on the ground in Laos. All combat operations had to be handled by airpower. There was no demand for 100% victory. The name of the game was to slow the infiltration of munitions and men on the trail and reduce the level of warfare in the South. Just how that was to be accomplished no one exactly said. Washington only made policy.

A special group was established by the Department of Defense and named the Defense Communications Planning Group, a title that hid the true scope of their work from prying eyes.

Out of the efforts of the DCPG came a series of electronic sensors which could be air-dropped along the Ho Chi Minh trail to detect and report on passing vehicles. The first were implanted by low altitude helicopter drop. The flak in Laos made life unpleasant for the helicopters and a switch was made to F-4 fighters which could emplace the sensors with great precision to selected points.

The sensors were designed to pick up and transmit signals from the vibrations of passing men or vehicles. Some could be remotely tuned by electronics to alternate from man to vehicle targets so the passing of either could be recorded separately.

Still others were designed to pick up sounds. One of these, the Acoubuoy (adapted from a Navy antisubmarine sensor) pulls in sound waves so well and with such high fidelity that the Air Force has tape recordings of drivers in truck parks holding conversations—including one "X"-rated negotiation between a North Vietnamese WAC and her soldier boy friend.

Once asked by a Senate Committee if the Acoubuoys were ever found by the North Vietnamese, an Air Force General acknowledged they have been and played a tape to prove it. As the tape ran the Senators heard the excited shouts of the Vietnamese soldiers as they spotted the sensor. Then came the sound of axes as the soldiers chopped away at the tree. Finally there was the sound of the tree as it crashed to the ground and then screams. Asked what the screams meant, the General replied, "Sir, the tree must have fallen on them". Or maybe something exploded.

Other tapes played to the Senate Committee investigating the "Electronic Battlefield" recorded the sounds of a truck park, men talking, gears grinding, men shouting, and then the sound of a Forward Air Controller overhead. Next the Senators heard the roar of jets, the crash of bombs and the firing of anti-aircraft guns as the North Vietnamese fought back. It was a landmark in the history of warfare. Men hundreds of miles from the scene heard the very sounds of the attack they had directed, and by sensor, could determine the results of the raid.

Spikebuoy is an acoustic sensor that, unlike Acoubuoy which falls by parachute and hangs in dense jungle foliage, buries itself in the earth in free-fall and then radios back sounds of passing vehicles.

Two seismic sensors being used on the Ho Chi Minh trail are called Adsid and Acousid. The former Adsid, is the most popular of all sensors used by the Air Force in monitoring activity on the trail. Asid does not relay any sounds, but can pick up the movement of men and vehicles with a high degree of accuracy. The Acousid is primarily seismic, but on radio command can also transmit sound. One of the drawbacks of the acoustic sensors is that sound transmissions require more battery power than the minute amount needed to send a "beep" to the computer when a truck passes by.

Each of the sensors is good for several months and cost as little less than $1,000 each.

A squadron of F-4 aircraft was modified to carry sensor pods and insert the tiny radios in specified areas. A known truck park will usually receive six or nine Adsids and Acousids. If the situation warrants, an Acoubuoy may be parachuted into the trees. Each sensor transmits its own code so there is no mistaking which is which inside Laos and locations are known, to within a few feet.

Along with the various sensors the Air Force found that if it was to ever defeat the North Vietnamese along the Ho Chi Minh trail it would have to come up with a number of weapons that didn't exist. The ultimate weapon of course would be the slow flying, night seeing destroyer which could cruise along above the jungle at night, pick out a target with daylight-type vision. Night vision for the Air Force had to be designed to incorporate new types of weapons delivered in conventional ways, but covering vast jungle areas.

One of the most deadly aerial weapons delivered in Southeast Asia has been the CBU (cluster bomb unit). This is a small, round bomblet, differing little in concept from the hand grenade, but it is a lot more powerful. Each CBU has the range and effectiveness of half a dozen sawed-off shot guns.

The original CBUs encountered a problem in triple thick canopy jungle growth. They tended to explode on the way down. While this was hard on the monkeys and parrots, it wasn't discouraging the soldiers and trucks underneath.

To insure that the weapons did penetrate the trees several new types were developed. These would spin on the way down, setting the arming mechanism, and the spinning effect would cause them to fight their way through leaves and branches to the ground. Some versions explode when the spinning stops, others only when disturbed and then finally self-destruct if not moved for a certain period of time.

One of the necessary military efforts to disrupt traffic on the Ho Chi Minh trail has been through area denial. Dealing with thousands of invisible men moving through the jungle, but whose presence is indicated by sensors, called for a new type weapon. The answer was "Gravel" and "Dragontooth". Both weapons are small enough to be hand-held and can be packed by the tens of thousands into dispensers. A fighter load will cover entire camps when released.

Gravel looks very much like a large light green tea bag. This anti-personnel mine is activated by pressure and will injure anyone stepping on it. Dragontooth can also seriously injure anyone stepping on it. Scattered over large jungle areas along the Ho Chi Minh trail these weapons deny the enemy movement by night and force him to clear paths by day through the fields of mini-explosives.

Seeing what is under the trees is one of the major problems facing airmen with no "surface" means to check enemy positions. One of the weapons made with the idea of instant jungle clearance is Pave Pat II, a 2,500 pound propane bomb. High over-pressures from the commercial propane strips branches off trees and clears acres of jungle to allow visual observation.

Bombs like the laser-guided 2,000-pound bomb are used to hit "impossible" targets such as cave entrances which hide munitions and pipe line pumping stations on the trail. While one aircraft launches the weapon another "illuminates" the target with a laser beam. The bomb homes on the beam and guides itself into the target. Other "smart bombs" like the EO (electrical-optical) bomb contain a TV camera in the nose and the plane pilot can "fly" the bomb after launch into a pre-selected target. The laser bombs, conventional USAF bombs with a "bolt-on" guidance kit, are relatively cheap.

The EO bombs are costly and are used only on targets which require "assured" destruction. One of the most difficult of all Air Force targets is a bridge. Often hundreds of bombs are required to hit and destroy one. The Air Force has reported it launched five EO bombs at one bridge and four bridge spans were dropped with direct hits on each span. One bomb missed.

This year the Air Force has added a new dimension to the "Secret War." Although the AC-47, AC-119 and the AC-130, each carrying rapid firing mini-guns and 20-mm cannon have been in common use on the trail, this year saw the addition of the newest called "Pave Spectre." This electronic bird is armed with rapid firing 40-mm cannon with computerized target acquisition and fire controls.

After being directed into active areas by ground computers the new AC-130 "flying destroyer" has on board all the necessary night vision equipment and electronics to fight its own war. After entering a road area where a convoy is moving the pilot can set up his aircraft for automatic operation.

The crew scans the ground with night vision, low light level TV, and picks out moving vehicles as easily as in daylight. The aircraft is then placed on the automatic system and the on-board computer takes over, flying the aircraft and aiming and shooting the cannon. In one hour one AC-130 destroyed 68 trucks; that's better than one a minute. The AC-130s are highly vulnerable to SAM missiles and anti-aircraft guns and so are always under the protection of fighters.

Another sensor device being added to the aerial gunships is a cathode ray tube that will react to truck ignition systems just as your home TV does to a passing auto. Only this one will pick up ignition emissions for many miles and guide aircraft in. The crew examines the vehicles with low light level TV, switches on the automatic gun system and then keeps score as the trucks disappear in bursts of exploding 40-mm shells from the Bofors cannon.

So far this year the Air Force has destroyed over 25,000 trucks on the Ho Chi Minh trail. Last year the dry season score for the same period was 12,000. The previous year (November to June of 1968-69) the number was 6,000 and the year before, 5,500 trucks. Each truck carries an average of 10,000 pounds of war material bound for South Vietnam.

Life on the Ho Chi Minh trail has become a very hazardous occupation for the North Vietnamese Army.

Now let's look at the way the electronic battle is fought.

The night's battle begins at dusk. Strike planes for the effort are made ready. These include gunships, fighters, still secret electronic B-57s, and drones. Drones are one of the hottest additions to the electronic war. Previously the Air Force relied on the EC-121 to pick up and relay the line-of-sight sensor signals. Now the Air Force uses the YQU-22B, a highly modified Beech Debonair, loaded with radio relay equipment. The Debonair can fly unmanned high above Laos.

Inside the ISC (infiltration surveillance center) two huge IBM 360-65 computers stand ready to begin their work. In their electronic brains are the entire 3,500 miles of the turning and twisting Ho Chi Minh trail system. The locations of every crossroad, gully and sensor are known to them.

Inside North Vietnam dozens of Russian ZIL and Chinese "Liberation" trucks are loaded and ready to begin their nightly dash through Mu Gia and other mountain passes being used each night to infiltrate Laos.

As darkness falls the convoys start. All along the Ho Chi Minh trail the scene repeats itself. Hundreds of men are loading their trucks from holes in the ground and caves where their deadly cargoes have been stored to be spared daylight bombing.

Each 20 miles or so along the trail are stations called *Binh Trams*. Each has a controller who operates by landline (radio transmissions are monitored) and notifies the *Binh Tram* up the line he is ready to receive cargo. He has also loaded his trucks and is ready to dispatch them to the *Binh Tram* below him. His drivers will cover 40 miles tonight—if they are lucky. They must drive along the road without lights, evade mines, unload their cargo into other holes in the ground and then return to their hidden truck park before dawn.

As the trucks begin to roll, sensors in several dozen truck parks begin transmitting to the drones; that information is relayed to the silent computers outside of Laos. Other sensors, spaced along known truck routes, begin to pick up passing vehicles and this information is passed on to the ISC. In minutes the computer is sorting out the routes the *Binh Tram* crews have selected for the night's operation and the battle is on.

The computer can select or reject a route. Some routes have been heavily mined during the day and the computer will count the trucks entering the mined areas and then count the ones leaving. Then it will decide what should next be done to the convoy.

By radio the AO notifies the fighters they have a target and provides coded coordinates. Fighter lead punches the information into his own airborne computer and his formation is now flying what pilots have come to call "the most boring of all combat missions".

As the AO keeps tabs on the progress of his ground convoy and the air strike force he adjusts for a coordinated arrival of both forces at the selected "box". As the fighters roar over the point thousands of CBU bomblets and other weapons automatically release and tumble into the jungle below.

As the bombs explode in the convoy the sensors are again called upon to assess the effect of the raid. Trucks that made it through the box are counted. During the following morning photos by reconnaissance aircraft will verify the attack and show what cargo, if any, survived. A follow-up action may then be taken to prevent the salvage of any cargo.

What has all this accomplished? Has it been worth the effort? When you balance it out in dollars it may not be the cheapest way to fight a war. When you balance it out in lives it certainly is. Every bullet destroyed on the Ho Chi Minh trail is one less that will be fired at an American soldier or a Vietnamese villager.

There are cheaper ways of doing the same thing. The most obvious is to bomb the source, Haiphong, but that has been ruled out by political considerations.

The enemy has been allowed a freedom few have in war. He can import his arms, drive them openly through his countryside. But when he leaves his national boundaries every man and every truck is up for grabs.

So far this year only one ton of munitions has reached South Vietnam for every twenty tons that entered Laos, figures given to a Senate Committee by General John Ryan of the Air Force. Last year the North Vietnamese managed to get about 20% through.

The next few months will be critical to the Vietnamization program. Some experts estimate that the small amount of war material that got into Southern Laos this year may remain there, thanks to the vital two months of the dry season the South Vietnamese incursion cost them during the battles of Lam Son 719. Little war material was moved out of Laos during those critical months.

But as one veteran of the electronic war put it, "We got the Ho Chi Minh trail wired like a pin ball machine. Before, the enemy had two things going for him. The sun went down every night and he had trees to hide under. Now he has nothing". Time will tell.

As the various truck convoys move south they drive on converging roads and into one of the many traps set for them nightly.

Unable to talk with each other the convoys may approach a crossroads from more than two directions; this can become the most dangerous trap of all because the convoys may have to stop and then are easy prey.

When the sensors have provided enough information to the computer the action shifts to another room in the ISC known as Commando Bolt, a term which refers to one of the most sophisticated combat control functions in the Air Force. The decision can also be made to switch the scene of the action to an Airborne Battlefield Command and Control Center (that's a C–130 with a complete battle staff), or to retain command within the ISC.

The function is usually retained at the ISC if the situation does not appear to require airborne assessment. In that event the computer switches the sensor-acquired information to the ground-bound Assessment Officer in the building who will direct the air attack.

A TV-type screen provides the Assessment Officer a map of the section of Laos under his control. Each of the roads used by the North Vietnamese in his area is etched on his screen. As the seismic and acoustic sensors pick up the truck movements their locations appear as light on his TV screen. The AO observes the progress of the truck convoy as an illuminated line of light, called "the worm", that crawls across his screen, following a road that sometimes is several hundreds of miles away.

From there the battle becomes academic. The Assessment Officer and the computer confer on probable times the convoy or convoys will reach a pre-selected point on the map. This point is a "box" selected by the Igloo White team of experts at the ISC. Airborne at the moment are gunships and fighters. A decision is made as to the type of ordnance best suited for the area.

If the trucks are moving under jungle canopy it is likely the AO will select fighters armed with CBU type weapons and attack the convoy with them. If the convoy can be caught in an open area then gunships will be waiting for them.

AIR WAR IN INDOCHINA

("I will not place any limits on the use of air power."—President Nixon, February, 1971.)

Between Nov. 1, 1971 and March 1, 1972, the point will be reached where the majority of bombs dropped in Indochina were dropped under the Nixon administration.

More bombs have been dropped on Indochina since Pres. Nixon took office than the total (2.9 million tons) dropped during World War II and the Korean War combined.

It is clear that the yardstick of 100,000 to 200,000 tons per year describes an air war with severe civilian effects.—Air War Study, Cornell University Center for International Studies.

[From the New York Times, Sept. 29, 1971]

THE NONWAR WAR

(By Herbert Mitgang)

The air war is very costly in human and financial terms. A year ago about 5,000 American planes (1,000 fixed-wing and 4,000 helicopters) were operating over Indochina. There are still 3,500 American planes (500 fixed-wing, 3,000 helicopters) in action today. One and at times two aircraft carriers are in coastal waters. Plane losses by hostile fire and accidents have been heavy: more than 3,300 fixed-wing and more than 4,500 helicopters in the war up to now.

Nor has the theater of combat been narrowed in this twilight time of disengagement. Five states are still directly involved. Thailand remains the base of operations for B–52 missions; Laos and Cambodia are regularly interdicted to hinder the enemy's supply system; North Vietnam above the demilitarized zone is photographed by reconnaissance planes and struck by fighter-bombers on "protective reaction" missions; South Vietnam is one big free-fire zone when required to bail out Saigon's soldiers.

In the semantic acrobatics of the Vietnam war, "protective reaction" strikes against antiaircraft emplacements and missile and fuel sites have been stressed. But far more dangerous in the future are the actions behind two less-familiar phrases: "pre-emptive attack" against troop infiltration on the trails and "ancillary effect" bombing—meaning, in support of South Vietnamese forces. When ARVN troops retreated from a Cambodian town a few months ago, under heavy United States air cover, Gen. Creighton Abrams remarked, "Dammit, they've got to learn they can't do it all with air. If they don't, it's all been in vain."

In this withdrawal phase of Vietnamization, American troops are supposed to be in a defensive posture. On-the-ground combat responsibilities now belong to the ARVN; it is their turn to search-and-destroy and carry the fight. But an Air Force colonel explains, "Consistent with this concept we support ARVN ground operations with air and artillery. Both B–52's and tactical fighter-bombers have been involved." In these operations the American Air Force's role is restricted to "air logistical support and close air support."

Translated into what has taken place this month alone, the clear implication of these terms seems to be that American "advisers" and fliers are very much part of offensive actions. They have been engaged in a two-front war in September: carrying South Vietnamese infantrymen into battle deep in the Mekong Delta 145 miles southwest of Saigon and backing them up with helicopter gunships; bombing in the southern panhandle of Laos in direct support of Royal Lao forces and C.I.A.-trained guerrilla battalions. These activities hardly accord with the periodic announcements from Washington about "winding down the war" through Vietnamization.

It is difficult to predict what American casualties will be in the next twelve months of nonwar if no settlement is achieved in the Paris talks (and the Administration shows no eagerness to advance the prospect of a settlement there). The present rate of fewer than 100 killed a month is an encouraging drop but it could go up or down, depending not on American-originated actions but on the support given to sustain the governments of client states. The United States has become their hostage militarily.

The probability at this point is that the Air Force activity will be kept at a steady level. Two years ago there were 1,800 sorties (one aircraft on one mission) a month; currently the monthly rate is 1,000. It has gone up this month. The cost of one B–52 sortie in Southeast Asia today—for fuel and bombs alone—is between $35,000 and $45,000. Multiplied, this comes to more than $35 million a month.

Many moribund national programs—for education, housing, employment, park lands—could be revived by the hundreds of millions of dollars now falling out of the bomb bays on Southeast Asia. Perhaps a more meaningful local measure, even though Federal funds are not directly involved, is to compare just the financial costs of the B–52 bombings with what it would take to reopen the main branch of the New York Public Library evenings ($350,000), Saturdays ($350,000) and Sundays and holidays ($200,000) for a full year.

A few nonflying days, not to mention peace, would do it.

POW's

More than 378 of the 463 American prisoners of war are pilots and crews of the air war in Indochina.

$$$

The air war has cost more than $33,000,000,000 ($33 billion) since Jan. 1, 1966. It continues at a rate of $5,000,000 per day.

Bomb tonnage dropped on Indochina

Period:	*Tons*
1965	315,000
1966	512,000
1967	932,763
1968	1,431,654
1969	1,387,237
1970	977,446
1971 estimated	938,000
	6,494,100

Civilian Casualties

"In this year, 1971, more civilians are being killed and wounded in the three countries of Indochina, and more made refugees, than at any time in history. Most of the casualties are caused and people made refugees by American and Allied military activity."—Kennedy Subcommittee on Refugees, as reported in the New York Times, April 3, 1971

The U.S. has dropped 300 pounds of bombs for every man, woman, and child in Indochina.

The U.S. has dropped 22 tons of bombs for every square mile of territory in Indochina.

Half a world away from America one of the strangest wars in history, and the first of its type, is being waged. Generals in command of forces engaging the enemy study computer readouts instead of battle maps to determine their tactics. Pilots who fly the missions set coordinatees into aircraft computers; planes fly automatically and release their bombs by electronic signal. The bombs are not always ordinary bombs; sometimes they are tiny round baseball size weapons. Others may be laser- or TV-guided and are known as "smart bombs." Anything else today is known as a "dumb bomb."—George Weiss, Military Aircraft 1971.

Victim of American Bombs in Laos—Thao Sipha

Thao Sipha's father:

My son is six years old. We are from Ban Ngoui.

In July, 1969, we were all sitting in our small shelter out in the forest, when planes bombed around 11 a.m.

Two people with us, a man aged 60 and a little girl aged 7, were killed lying in their beds.

My son's hands was hit and his fingers flew up, embedding themselves in the roof.

"We have gone into Cambodia and we have openly gone into Laos. We have done all these things and we are bombing everywhere."—Sen. John Stennis, Congressional Record, August 3, 1971.

"The bombing in Laos contributes to at least 75 percent of the refugees."—Senator Edward Kennedy, Subcommittee on Refugees, Hearings April 21 and 22, 1971.

According to the Vietnamese ministry of Health statistics, more than ⅓ of the civilian casualties were due to bombing and shelling.

THE ONGOING CIVILIAN TOLL (AS OF AUGUST 1971)

	South Vietnam [1]	Laos [2]	Cambodia	Total
Killed	335,000	100,000	(3)	450,000+
Wounded	740,000	250,000	(3)	1,000,000+
Refugees	5,695,300	1,000,000	1,600,000	8,295,300
Totals	6,770,300	1,350,000	1,600,000+	9,755,300+

[1] Kennedy Subcommittee on Refugees.

[2] Project air war.

[3] Tens of thousands.

Note: Killed, wounded, and refugeed under Johnson (1964-68)—5,655,300; monthly civilian toll under Johnson (1964-68)—95,000. Killed, wounded, and refugeed under Nixon (1969-August 1971)—4,100,000+; monthly civilian toll under Nixon (1969-August 1971)—130,000.

[From the Washington Monthly, July 1971]

The Era of the Blue Machine Laos: 1969–?

(By Fred Branfman)

"War is no longer the desperate annihilating struggle that it was. . . . It is a warfare of limited aims. This is not to say that . . . the conduct of war . . . has become less bloodthirsty or more chivalrous. On the contrary. . . . But in a physical sense war involves very small numbers of people, mostly highly trained specialists. The fighting . . . takes place on the vague frontiers whose whereabouts the average man can only guess at. . . ."—George Orwell, 1984.

Conventional land warfare, George Orwell predicted, would inevitably give way to automated war as military technology developed. The war in Indochina today appears to be undergoing such a transformation.

Perhaps unaware of this, Americans who watch the war have not yet learned to look up in the air. While most people believe that bringing the troops home is synonymous with getting out of Vietnam, ground troops are becoming irrelevant to the war effort. The real war has taken off. The skies are being filled with American planes as the land is emptied of its foot soldiers.

The Nixon Administration has accomplished massive aerial escalation, perhaps more devastating than President Johnson's troop buildups of 1965, with minimum public notice or concern because the country still thinks it is fighting with the Green Machine—the ground army—of the 1960s. But the war of the 1970s is that of the Blue Machine—U.S. air power—several thousand feet above the grunts, climbing away from any American agony. With the inexorable development of American air technology, Indochina is already becoming Orwell's battlefield.

Since Nixon took office, and as ground troops have been withdrawn, more than 2.7 million tons of bombs, by Pentagon estimate, have been dropped on Indochina. This is more American ordnance than was absorbed by both the European and Pacific theaters during World War II, plus the Korean war. We are dropping six million pounds of bombs a day, 4,000 pounds every minute.

"The people underwent another war: the air war. They learned another form of civilization: the holes. We dug day and night, the planes bombed day and night. Our village was filled with bomb craters, the land made barren. I grieved very much to see my village in ruins, my animals vanished, my crops destroyed. . . . Each day, news came about such and such a village being bombed, more and more deaths and wounded. . ." from essay by teenage refugee, Laos.

The bombing of Laos has doubled, erasing whatever restrictions on striking civilian targets that formerly existed. Hundreds, perhaps thousands, of villages have been destroyed. Tens of thousands of peasants have been killed and wounded, hundreds of thousands have been driven underground. The Plain of Jars, formerly a thriving society of some 50,000 people, has been leveled and emptied of its inhabitants.

The Laos pattern has been repeated in Cambodia. Numerous towns and villages have already been decimated. As *The Washington Post* reported on January 21, 1971, "the United States is now waging a full-dress air war across Cambodia [that] now rivals in scope, although not in intensity, the air war in Laos."

The bombing of North Vietnam has also resumed. By June 1, air raids had occurred on 43 days since the first of the year, an average of twice a week. As Randy Floyd, a Marine pilot who bombed North Vietnam 37 times, puts it, "Anywhere in North Vietnam is basically a free drop zone . . . if you wanted to hit, then normally you'd just drop your bombs wherever you wanted to." One may or may not accept Hanoi Radio claims that civilian targets are constantly struck. But all informed American sources say that "protective reaction" strikes are going far beyond enemy missile sites.

During these escalations, there has been a significant decrease of U.S. air activity within South Vietnam, both because of the slowdown in ground activity there and because some 500 aircraft have been transferred to the Vietnamese Air Force. Monthly American air sorties have been about 70 per cent lower this year in South Vietnam than they were in 1968.

It is assumed, however, that should fighting flare up again, American squadrons will be returned from their present resting locations in Japan, Korea, the Philippines, Taiwan, or the United States—squadrons that can be made operational in three days, according to a Seventh Air Force information officer. Most Air Force personnel I interviewed tended to minimize the importance of the reductions in Vietnam itself.

In any event, more than 350,000 tons of bombs—200,000 pounds every hour—will be dropped before the end of the year. Clearly, as they say out in Cam Ranh Bay, "The name of the game is air."

"There wasn't a night when we thought we'd live until morning . . . never a morning we thought we'd survive until night. Did our children cry? Oh, yes, and we did also. I just stayed in my cave. I didn't see the sunlight for two years. What did I think about? Oh, I used to repeat, "please don't let the planes come, please don't let the planes come, please don't let the planes come. . . ."—refugee from the Plain of Jars.

Many Americans believe that the pattern of the war fought on the ground in Vietnam will spread to the other countries. Actually, the opposite seems to be true. The air war in Laos has been going for several years, a concurrent experiment with the land war in Vietnam. Neither experiment has been successful in stopping guerrilla forces, but at least the air war has a possibility for surviving the domestic politics while at the same time delaying communist takeovers in Indochina. It is perhaps the only solution for an Administration that wants to keep from losing wars abroad and elections at home.

The air war also involves a change in the tactics of battle. If a guerrilla is a fish among the sea of the people, the objective of the land war is to remove the fish. The air war, however, drains the sea. It has paralyzed the civilian populations. Vietnam is not the future of Laos, but Laos may be the future of the war all over Indochina. The Era of the Blue Machine has arrived.

"This is my daughter, Khamphong. She's three years old. I was fishing in a stream with all seven of my children on February 28, 1969. Suddenly jets came and dropped antipersonnel bombs all around. Six of my seven children were hit. See, you can still feel many pellets in Khamphong's legs and back. There were no soldiers nearby."—refugee from Plain of Jars.

For the last two-and-a-half years, bombing has been the heart of U.S. policy. Historians may come to date this era from January 20, 1969. In it, war is waged primarily through the aerial bombardment of populated areas. Heavy bombing of civilian targets has, of course, occurred during other wars, and in the Vietnam war before 1969. But in each of these cases, the bombing powers have also deployed large numbers of ground troops, with the bombing seen as a support effort.

What the Era of the Blue Machine means is no better illustrated than in portions of Laos controlled by the Pathet Lao. Pathet Lao zones encompass an area the size of New York state, or about two-thirds of the country. They are composed of 3–4,000 tiny villages, each consisting of a few dozen bamboo homes, a pagoda, rice storehouses, a few hundred head of water buffalo, cows, pigs, chickens, and ducks, and inhabited by some of the poorest, most gentle, rice farmers in Southeast Asia.

Each day for the last several years, hundreds of millions of dollars of the world's most sophisticated aircraft have been hovering over these villages: 01E, 02, and 0V10 spotter planes at 2,000 feet; A1E, A26, T26 prop bombers, AC47, AC54, AC119, AC130 gunships, flare ships, rescue and gunship helicopters at 5,000 feet; F4, F100, F105, A7, B57 jet bombers, jet reconnaissance, EC47 and EC119 electronic aircraft at 10,000; KC135 supertankers at 20,000; B52s at 30,000, EC130 command and control aircraft at 35,000; and SR71 reconnaissance aircraft at 70,000 feet.

Giant computers, seismic and acoustic sensors, infra-red devices, and ANAPQ108 radar (designed to see through trees) have been tracking squat Soviet-built trucks or farmers trying to grow rice at night; laser-guided bombs and TV-guided missiles have been loosed on buffalo, trucks, rice storehouses, homes, and peasants alike. More than two million tons of ordnance have been dropped, $5–$10 billion spent.

"By the admission of American officials closely associated with the war there, Laos has been the most heavily bombed country in the history of aerial warfare."—The Washington Post, May 23, 1971.

Hundreds of case histories of bombing casualties have been recorded on film and tape in the refugee camps. Several thousand refugees, several hundred defectors, and Western observers who have visited these zones all report constant bombing of towns and villages and widespread destruction.

Each one of the refugees interviewed from both northern and southern Laos said that his village was either partially or totally destroyed by American bombers while he still resided there, or that beginning in 1969 the planes came "like the birds," as one old man put it, "and the bombs fell like the rain."

All refugees and defectors say the guerrilla soldiers avoided the villages, neither bivouacking in them nor storing arms and ammunition in them. All say that the vast majority of the casualties from the bombing were civilian and not military, as the soldiers were out in the forest and could not be found.

A significantly high number of casualties are children and old people. When asked why, refugees explain that the children like to "play around" too much and get caught in the open and, confused with terror, do not make it to the holes. Old people "often could not hear well or could not run fast enough," one chief of a Plain of Jars sub-district explained. He also said that most of the casualties were due to anti-personnel bombs dropped in or near the villages, but that napalm, fragmentation bombs, and 500-pound bombs were also frequently dropped. "During 1969 about 45 per cent of the people, mostly old people and women, never left their trenches or caves at all. They were too afraid. The others would go out and do their work if they didn't hear the planes coming."

Various press reports suggest that the same kind of bombing is going on in guerrilla-controlled zones of Cambodia. Population estimates for these zones begin at one million. The air war is still relatively new there, and as a result, refugees who have lived for long periods of time in guerrilla areas have not yet come into friendly regions. But private interviews with informed American sources indicate that the bombing of civilian targets in Cambodia is as extensive as in Laos.

One of the most heavily bombed areas has been the Plain of Jars, located in northeastern Laos and controlled by the Pathet Lao since 1964. If Khe Sanh and My Lai were the symbols of American ground intervention during the 1960s, the Plain is the symbol of the automated war of the 1970s.

In the Plain, once Laos' most prosperous area, there were no American ground combat troops. As former Ambassador W. H. Sullivan told the U.S. Senate in April, 1971, the area was not related to the security of American ground forces in South Vietnam American-supported Asian troops were likewise doing little fighting there.

George Chapelier, a Belgian U.N. advisor, has described what occurred: ". . . in 1969 . . . jet planes came daily and destroyed all stationary structures. Nothing was left standing. The villagers lived in trenches and holes or in caves. They only farmed at night. In the last phase, bombings were aimed at the systematic destruction of the material basis of the civilian society."

In September, 1969, CIA-supported Meo troops went in and took out the remnants of what remained. Some 25,000 refugees were removed.

The Plain of Jars is today a deserted wasteland.

"Sure, some of the villages get bombed, there's no other way to fight a war out here, for God's sake. It's a war, and the civilians have to suffer. We did it at Cherbourg, didn't we?"—L. Hafner, Deputy Director, USAID/Laos, January 4, 1971.

"All refugees talk about the bombing. They don't like [it]. But even if you found an example in which it was proven conclusively that houses were bombed, so what?"—J. Williamson, USAID refugee relief chief, Vientiane, February 2, 1971.

While American officials concede that villages are frequently bombed, they tend to attribute this to Air Force "stupidity," "confusion," or "overkill." There is little doubt, however, that American policymakers also share the responsibility. Deputy Assistant Secretary of Defense Dennis J. Doolin has testified to Congress that in Laos "all United States operations, including our air operations, are controlled by the U.S. ambassador."

All indications are that the American ambassador has approved strikes against civilian targets in Pathet Lao zones. As Robert Shaplen has written in *Foreign Affairs*, an American goal has been to "destroy the social and economic fabric in Pathet Lao areas," in an attempt to weaken the communists' stronger ground army by depriving it of indigenous food supplies, disrupting communications, killing off potential recruits or porters, demoralizing the civilian population, and causing a refugee flow to friendly zones.

Informed sources indicate that this has largely been due to pressure from the CIA, which is heavily involved in targeting American bombing strikes in Laos. The CIA has its own photo-reconnaissance team, reconnaissance aircraft, and ground observers in Pathet Lao zones. Together with Air Force personnel, CIA representatives participate in weekly meetings at Udorn Air Force Base in Thailand to draw up target listings.

Largely because of its direction of the Armee Clandestine, an indigenous paramilitary force, the CIA, sources say, has consistently placed inhabited villages on the target list in an attempt to weaken the Pathet Lao.

It is certainly clear that the American embassy has taken few steps to enforce the Rules of Engagement (military rules of warfare that prohibit attacks on civilians). To this day, only one junior Foreign Service officer has been assigned to check proffered target listings. Virtually no mechanism has been established to monitor strikes, and there are no known instances of disciplinary action being taken against pilots for bombing civilian targets in Pathet Lao zones, although a few have been punished for strikes on friendly villages.

"Now the cabinet is in deep discussion of a series of proposals by General Henri Navarre, commander in chief in Indochina, that the war be increasingly turned over to the Vietnamese themselves, permitting France to reduce the burden on its manpower and economy."—Life, August 3, 1953.

The bombing of villages results most fundamentally from a 25-year-long American refusal to allow guerrilla forces to come to power in Indochina.

Richard Nixon's first public admission on April 17, 1971, that withdrawal hinges on keeping a noncommunist government explains the reliance on bombing.

For Asian ground armies alone will hardly accomplish what 550,000 American troops could not. The ARVN, whatever its improvement in the last five years, remains riddled with corruption, elitism, and poorly motivated conscripts. As their raping, looting and indiscriminate shelling of towns has shown in Cambodia, they have yet to master the most elemental rules of ground warfare in Indochina. Their failures in Laos, and their loss of 54 posts in the "pacified" Mekong Delta during the first four months of 1971, have surprised few old Indochina hands.

The Lon Nol army, although its soldiers' courage is often admirable, has made little headway, even with ARVN help. The guerrillas now control from 60 to 70 per cent of Cambodia.

The Royal Lao Army and CIA-directed Armee Clandestine in Laos are even weaker. With the communist capture of the Bolovens Plateau in May of this year, the Royal Lao government now controls little more than the major towns.

And the Royal Thai army is something of a standing joke in South Vietnam. Assigned to guard one corner of Long Binh base, its major accomplishment to date has been mastering the complexities of the black market.

At this writing, Asian troops are essentially playing a supplemental role: serving as live bait to lure the enemy out into the open for the bombers, as in the February, 1971, Laotian invasion; searching for enemy supplies, as in the A Shau valley; taking out refugees, as on the Plain of Jars; and guarding the major bases and towns. In any case, we risk Vietnamization because we do not have to rely on it. We rely on the bombs.

"Me Ou was 59 when she died on February 20, 1969. It was a cold day and she decided to leave the trench about 3 p.m. to get some clothing for herself and the children. The jets bombed while she was in the house. She was burned alive."—Me Ou's son-in-law, Plain of Jars.

Domestic pressures generated by the ground war have also played a part in the shift to air. The Vietnam ground war costs more in money and in lives. The American people will not continue to pay the price that has already come to $100 billion spent, 50,000 dead, 300,000 wounded—nor will the troops, who are now in grassy-headed revolt.

The air war, however, provides few such problems. Although its cost is considerable, probably over $10 billion annually, much of the money used for upkeep of air bases and development of new aerial technology would be spent even without the air war.

Charles Schultze, former director of the Bureau of the Budget, estimates that costs above normal upkeep of bases and production of aircraft are $2-3 billion for 1972. And more important, U.S. casualties are minimal from the air. American pilots, freed from the discomforts of the ground war, and rarely seeing the people they kill, tend to raise fewer complaints.

Perhaps most important of all, information about the air war is as ethereal as the atmosphere itself. It can be kept far from public and congressional consciousness; and, since there are no tales of atrocities and few pictures of the bombing, domestic reaction to its more questionable moral aspects is muted.

The U.S. public is generally unaware of the massive bombing in Laos, for example. Newsmen have not been permitted to go out on bombing raids over Laos, although they can go over South Vietnam. They have usually not been allowed to interview the American air attache in Vientiane or the pilots bombing Laos from Thailand. When asked, official spokesmen merely deny that civilian targets are bombed, and almost all information is classified beyond public reach.

The most dramatic example of what freedom an air war allows the government occurred in November, 1968, when criticism of the well-publicized bombing of North Vietnam had reached its peak. President Johnson halted the bombing, a move still regarded by the antiwar forces as one of the few important victories of the peace movement.

But the bombing never stopped. It just shifted to northern Laos, leading to far greater destruction of villages than occurred in North Vietnam. There was no public reaction, however. Neither the people, nor their congressmen, even knew it had happened.

"In August, 1969, the jets bombed. Nang Pha Sii, my daughter-in-law, was in a trench. A bomb landed nearby, killing her father and wounding her mother and two other villagers. She was killed, shielding her year-old baby with her body. Soldiers? Oh, they didn't come near the villages. They knew they'd be bombed."—Nang Pha Sii's mother-in-law, Plain of Jars.

The opportunities the bombing provides for developing and testing sophisticated weaponry is another factor leading to its continuation. While a foot soldier can support just so much new technology on his back, the air war provides a vessel to be filled with all the gadgetry of the nuclear age.

This is seen as giving us important advantages over our adversaries. "The Russians are going nuts over what we're learning out here. They're dying that they can't test their stuff out," explained one happy pilot at Danang Air Force Base last November.

Later on, the pilot added one of the standard comments heard on Air Force bases in Indochina: "It may sound trite, but it's the only war we've got. Do you realize this is the only place in the world right now where you can drop live bombs?"

"Although the number of bases has decreased by four in 1970, Pacific Air Force installations still stretch from Hawaii to Thailand. The command's area of responsibility covers roughly 40 per cent of the earth's surface—an area with a population of more than one-billion people living under the flags of 27 nations. Pacific Air Forces has justly earned the title 'Guardians of the Pacific.' "—Air Force magazine, May 1971.

Only as one drives past the paddy fields and samlor drivers onto an American air base in Indochina does one begin to appreciate just how awesome a military force the Blue Machine is.

Miles of roads stretch as far as the eye can see (an airman, perhaps apocryphally, is said to have measured the roads on Korat Air Force Base and found that there were enough for a two-lane highway to Peking and back). There are thousands of pre-fab structures, quonset huts, trailers, tents, wooden and cement buildings; acres of hospitals, commissaries, canteens, nightclubs, restaurants, swimming pools, barracks, gasoline pumps, garages, buses, trucks, jeeps, radios, radar installations, warehouses, offices, and hangars; millions of gallons of fuel on the "fuel farm"; closed-circuit TV and radio and giant movie theaters.

Thousands of American and Asian personnel drive, scurry, loll about: pilots, radio operators, mechanics, bomb-loaders, fuse-installers, "fuel farmers," gas-pump operators, drivers, electricians, carpenters, janitors, doctors, medical orderlies, lawyers, chaplains, cooks, MPs, guards, loaders, stackers, waiters, "hooch-girls," secretaries, clerks, information officers, launderers, photo interpreters, gunners, navigators, men wearing the uniforms of the Air Force, Navy, Marines, Army, Air America, Continental Air Service, and Pan American and Northwest airlines.

And then there are the planes constantly taxiing, taking off, flying, landing—sleek, squat, giant, tiny, silver, camouflage-green.

And finally, of course, the ordnance.

There are five such installations in South Vietnam, with some 40,000 American airmen; five in Thailand, with 25,000 airmen; four to six aircraft carriers operating in and out of the Gulf of Tonkin, with some 10–20,000 personnel; and a dozen smaller American-directed bases throughout Indochina for indigenous air forces.

These installations are, of course, but a small part of the Blue Machine. A logistics network stretching through 18 major air bases in the Pacific back to 112 in the United States provides the men and planes necessary to keep the bombs falling.

"I'm as liberal, as much for peace as anyone else. But war is not a pretty thing. In a guerrilla war, the civilians are going to pay a price. War has now progressed to a point where you're going to bomb civilian targets and that's it. I'll be frank. I'm trained to kill people. I don't like it particularly. But when the time comes, I'm prepared to do it."—American F4 pilot, Saigon, November 14, 1970.

The image of the Air Force that most Americans grew up with was embodied in the fighter pilot. We still think in terms of World War II movies: blue-eyed, blond-haired young men soaring into the sky to defend God and country against the heathen Kraut or Jap.

The Air Force iself is still modeled after this tradition. The F4 and F105 jets, which have done most of the bombing in Indochina, are designed as fighters, not bombers. The training emphasis for pilots is still on the techniques of aerial combat, the need to establish "air superiority."

The pilots have fought few aerial duels in Indochina, however. And bombing villages just hasn't been the same thing. As long as bombing went on in Vietnam, morale remained high. The relatively significant number of military targets, the heavy antiaircraft fire in North Vietnam satisfied the pilots' need for a challenge. And in South Vietnam the goal of providing air support for the 550,000 American troops on the ground seemed worthy enough. As one pilot explained, "Bombing for troops in combat is the most satisfying. It's really great to have them tell you afterwards, 'We'd have been overrun if you hadn't come.' I really like working with people."

With the switch to bombing Laos and Cambodia, the raison d'etre of the Air Force seems to have disappeared. Antiaircraft fire is relatively light. Plane losses in Laos have averaged four a month for the last year, for example, compared to 20 a month in North Vietnam during 1965–1968. There are no American units to support. There are few large bridges, factories, or other targets which seem worth hitting.

Pilot: "Our 500-pound nape cannisters are newer, they have a better dispersal pattern than the older 1,000-pounders."

Information officer: "Hey, you're not supposed to talk about the napalm."

Pilot: "No ———. Why not?"

Information officer: 'Well, you know those college kids. Pretty soon they're going to put poor Dow Chemical out of business. You're not supposed to talk about it to the press."

Pilot: "Well, it seems pretty ridiculous to me that people can be so emotional about how you kill people. What's so bad about nape anyway?"—conversation at Danang Air Force Base, November 1970.

The pilots themselves tend to be an odd combination of hot rodder and technocrat. On the one hand, they spend a good deal of time discussing the technical details of their work and take it quite seriously. On the other hand, as one pilot says, "Pilots are more immature than most civilians their age. They sort of like to play cowboys and Indians. That's part of the attraction of being a pilot." On a visit to Danang Air Force Base, I was surprised to see shark's teeth and mouths painted on the noses of the F4s. "It's good for morale," a pilot explained proudly.

Pilots tend to get restless without a challenge. This has led to increasing frustration with their role in the last two-and-a-half years. One pilot explained, "You go up over Laos and it's just not that satisfying. All you're doing is bombing roads and inanimate objects. But even that's more exciting than South Vietnam. In Laos at least you get some antiaircraft fire."

Such problems were illustrated in a long interview with several F4 pilots at Danang in November, 1970. Conversation for the first several hours, as is usually the case, was rather dry and technical. Discussion focused on the capabilities of different aircraft and kinds of ordnance, weapons-delivery systems, and navigational problems.

At one point, however, the pilots were asked if they got any feedback on people killed in action as a result of their raids. As the men in the room began to chuckle, one pilot explained: "You've hit on a rather sore point, you know. You could say there's kind of a controversy between us and the grunts on that subject." He then went on to explain that the pilots felt that the foot soldiers were taking credit for aerially-inflicted casualties.

The pilots grew gradually more and more indignant as they told personal anecdotes of having been "robbed" of "kills." A typical example was given by the pilot who exploded, "One day we went in over a North Vietnamese military camp on top of a mountain. It was right out in the open, so we could see it and everything. We plastered the place, napalm, 500-pounders, the works. I know we had kills, you could see people running all over the place, buildings burning. There was no way for there to be no KIA. But do you know what happened? The grunts came in and reported 25 enemy killed by ground fire. All they did was shoot their M16s into the corpses and then claim they'd killed them. The nerve. Can you imagine?"

Such haggling over body counts does not, of course satisfy the pilots' competitive urges. And though they try to compensate by striving to win the "Gunfighter of the Month" award—based on percentage of bombs dropped in the target area—it hardly suffices. As one F4 pilot said, "Bombing the North really keeps morale up. Every man likes to feel that he's an adventurer. I'll tell you, it's exciting to come down the chute with the flak flying all around you. The general attitude around here is 'let's keep the war going, it's dying.' "

". . . our air activities are governed by strict Rules of Engagement and Operations Authorities designed to minimize civilian casualties.—Assistant Secretary of Defense Doolin, Kennedy hearings, May 1970.

". . . the United States Air Force contribution was limited to striking at [military targets] . . . it was the policy not to attack populated areas."—former Ambassador W. H. Sullivan, Symington hearings, fall 1969.

The pilots' indifference to the air campaign in Laos and Cambodia is a major factor in the constant strikes against villages. As one pilot who has bombed in both northern and southern Laos explains it, "Sure, we're supposed to follow Rules of Engagement, like not bombing within 500 meters of an active village. But all of these rules and regulations don't mean ——— when you have a guy in an aircraft. Ninety-five per cent of the guys have no qualms about dropping bombs anywhere. Very few differentiate where the hell they bomb."

The bombing of civilians is also a result of the fact that pilots cannot easily locate military targets in Laos and Cambodia. The guerrillas move through the forest at night in small groups. There are no munitions factories or exposed military camps, and arms depots are hidden underground. And since the targets that are traceable, such as trucks, are of minor importance, pilots tend not to risk bombing from lower altitudes. "When you go down in Laos, you don't face a very bright future," an F4 pilot said, "and frankly, I'm just not going to risk my ——— for a ——— truck." From higher up, especially in the monsoon season, the bombing takes place without the pilot ever seeing the ground below. It is not surprising that one pilot estimated that only one of ten bombs generally falls anywhere near the target. Many of these bombs fall on villages, for, in places like Laos and Cambodia, most villages are located on or near the road. "When you have to bomb trucks one by one, you're going to kill hundreds and hundreds of civilians," one pilot says.

Pilots who cannot locate any targets are discouraged from wasting their bombs by dumping them at sea or in unoccupied forests. "The pilot who doesn't get rid of his ordnance somehow," a pilot says, "is a rare exception." So they end up striking the only thing they can see from the air—villages.

"Nixon Administration officials, as did those in the Johnson and Kennedy Administrations, say that never before has such care been taken to spare civilians in bombing raids."—George Wilson, The Washington Post, April, 1971

Another factor leading to low Air Force morale has been the military ineffectiveness of the bombing.

The major success claimed for the bombing by the Pentagon is that it destroys seven of eight trucks moving down the Ho Chi Minh Trail. This appears to be more a reflection of what some of us call the "Leff Syndrome," however, than reality.

Arnie Leff, an Air Force doctor at Udorn Base in Thailand, achieved some local fame during the great Gonorrhea Crisis in the fall of 1969. Charged with controlling venereal disease for Udorn's airmen, Leff was instructed by his hospital commander to get the rate below one case per 1,000 men per day for the month of December, 1969. Trying his best, the good doctor lectured, charted, and examined. But, alas, the rate was still 1.5. A hospital superior ordered him to lower the figures anyway. Although he refused, Leff later found it common practice elsewhere for rates to be finagled. Incensed, Leff asks, "If they'd change gonorrhea rates, what else would they falsify?"

All available evidence suggests that they falsify the high "truck-kill" ratio.

No less an authority than former Defense Secretary Robert McNamara, after all, revealed in the fall of 1968 that bombing raids on the Ho Chi Minh Trail had reduced the flow of men and supplies by no more than 10–15 per cent.

Subsequent events seem to bear this analysis out: communist successes against the South Vietnamese invasion in February 1971; the uncovering of supply complexes in the A Shau Valley in May, 1971; significant guerrilla advances in southern Laos during the same months; the ongoing communist military success in Cambodia despite the closing of Sihanoukville port. All this suggests that however many trucks are being destroyed from the air, communist forces are suffering few serious supply problems.

"My way of killing people is better than their way. The Pathet and North Vietnamese are a plague. We have to eliminate them. They have no regard for human life."—F4 pilot, Danang, November 28, 1970.

Despite the inefficiency of the bombing, there is little likelihood that it will be halted.

The Air Force argues strongly that bombing has been most successful. Even where it admits limited failure, as for example in the inability of the bombing of North Vietnam to halt the flow of supplies into the South, it ascribes this to improper constraints placed on it by civilians.

As one F4 pilot put it, "Targeting for air war North was done by Washington. This gives the enemy the advantage. The whole problem comes from Kennedy's 'flexible response' idea. You hit me on the foot, I hit you on the ankle. You hit me on the knee, I hit you on the shin. But it doesn't work. If you hit me on the foot, I should slug you with a club and put you out of commission.

"I'm not saying we were right. Let's face it, we just attacked the ———. But when we did decide to bomb them, we should have kicked the ——— out of them."

Some critics see an element of cynicism in continued Air Force claims of success. They suggest that they are produced to justify more money from Congress, and more weapons development.

While there may be some truth in this, there seems no doubt that Air Force personnel are by and large sincere in their belief that bombing has been effective, not because it has cut off supply lines, but because it has made the enemy "pay a price" for his conquests. Guerrillas in Indochina, it is argued, are an implacable force bent on military victory, and whatever we do to make it more difficult for them is justifiable.

"This war from the pilot's standpoint is a very impersonal one, whether or not you believe the goals that the government prescribes for us. Most of the pilots just go along and figure, well, it's a job. You fly. You see flak at night. That's about as close to war as we get. Sometimes you get shot down, but you don't see any of the explosions. You can look back and see 'em, but you don't see any of the blood or any of the flesh. You go out, fly your mission, you come back to your air-conditioned hooch and drink beer or whatever. You're not in contact with it. . . ."—Randy Floyd, Marine Corps pilot.

The increasing automation of the American military effort in Indochina will have an impact extending far beyond that unhappy region. One of its far-reaching ramifications is the change it is bringing to the psychology of warfare.

It is not only that few of the Laotian or Cambodian peasants presently living under the bombing have no idea what an American is, why the United States is bombing them—it is also that few of the Americans involved in the air war have ever seen a Laotian or Cambodian.

Navigators plot bombing raids on coordinates, not villages; pilots pull levers from thousands of feet up, not triggers at human forms 100 yards away; photo interpreters see bomb craters and destroyed "enemy structures," not headless children or napalmed grandmothers; a Stinger pilot—whose machine can put a bullet every square foot in an area the size of a football field—stares ahead into the inky darkness, periodically firing when two pips on his computer coincide. Any corpses below lie far from his consciousness.

And those few Americans who do know Laotians or Cambodians express little but warmth and affection for them. The past and present American ambassadors to Laos, for example, both speak frequently—and no doubt sincerely—of their deep admiration for its people. Neither has shown any noticeable discomfort as they wander through Laotian refugee camps, chatting and smiling with people against whom they had earlier approved bombing raids.

In the Era of the Blue Machine, war is gradually becoming a technical exercise, bereft of malice or rancor, an elemental expression of the art of killing. Men are increasingly freed from the hatred, doubts, greed, or rationalizations that killing usually entails. The issue of guilt is becoming meaningless, conscience irrelevant. The pilot, bomb-loader, and the policymaker have no intention to kill. Psychologically, therefore, they do not.

"The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited."—Article 25, Hague Convention on Land Warfare, 1907.

The issue of war crimes is reduced to absurdity.

The chief U.S. prosecutor at the Nuremberg trials, Telford Taylor, talks of two principles which establish aerial bombardment as a war crime: 1) if the means of bombardment of civilian targets are disproportionate to their military value; and 2) if bombing is carried out against civilians in reprisal for military acts over which they have no control.

In rural theaters such as Laos or Cambodia, any means of bombardment would be disproportionate—enemy stores and soldiers are not located in the villages. Antiaircraft positions are not located there, either.

Moralists may wonder why an Ambassador Godley continues overseeing bombing strikes in Laos while a Lieutenant Calley languishes in jail. The lieutenant, after all, was convicted for killing unarmed and unresisting civilians. And bombing strikes in Laos, for which the ambassador bears responsibility, are killing unarmed and unresisting civilians as a matter of course.

But that is precisely the point. In countries such as Laos, the act of automated war itself is the war crime. There are no Calleys or Medinas to accuse.

And barring the unlikely event of the superstate itself being vanquished, its policymakers are hardly likely to admit to—let alone convict themselves of—war crimes.

"A lot of people in the States underestimate what we're up against. They're just primitive little jungle fighters, sure. But they're shrewd, good tacticians. They have equipment, too, like the SAMs up North. And they use a lot of the stuff we discard like tin cans. They make fuses out of them. And they'll make a damn good booby trap out of a couple of boards and some nails."—F4 pilot, Danang Air Force Base.

As such a war continues, ideological, economic, and political considerations assume a secondary role.

Perhaps when the war began it was primarily a struggle between freedom and communist totalitarianism, as conservatives see it; or perhaps it was a conflict between American imperialism and national liberation, as the left claims.

But today, with South Vietnam being run by its American-imposed Curtis LeMays, few U.S. leaders claim that democracy is really a factor in the war. Ideological and political questions have long since dimmed in importance, since most people within Indochina have already decided what side they are on. After an expenditure of over $100 billion, the U.S. economic motives have diminished, too.

The main concerns, from the American side, are technical in nature: developing sensors which will allow instantaneous, automatic, and pinpoint bombing of enemy guerrillas; getting hand-held lasers into use instead of ineffective aircraft-directed beams; applying new and better forms of ordnance.

For the guerrillas the war has become primarily a question of persevering, of developing courage, patience, and near-mystical faith in their troops, of continuing to meet technological developments from the air with increased ingenuity and resourcefulness.

It is Ho Chi Minh himself who is said to have remarked to a graduating class of sappers, the elite units of the North Vietnamese army, "You are our answers to the B52s."

The war in Indochina today has become primarily one of technology versus the human spirit.

"The biggest problem I had was to restrain my men's enthusiasm. If I asked for volunteers, all my men would argue to be the first chosen. 'Let me do it, they killed my mother!' 'No, let me go, they destroyed my village,' they would say. Were we afraid of the planes? Oh, no. If they stayed up high, they couldn't hit us. If they came down low, we could shoot them down. We were very angry. The planes didn't come to bomb the soldiers, they tried to kill the villagers. The villagers are just rice farmers. They didn't do anything against those pilots."—Pathet Lao defector, former captain.

The human spirit seems to be triumphing. Interviews with Pathet Lao defectors indicate that far from breaking the enemy's will, the bombing strengthened it. "Before, maybe only 20–30 per cent of the young men would volunteer to join the Pathet Lao army," explains one defector. "But by 1969, 90 per cent and more wanted to join. Nobody really understood what the Pathet Lao meant by 'American imperialism' before the planes came. But by 1969 the attitude was 'better to die fighting than hiding in the holes.'"

In an arena where American-supported ground forces are as lacking in motivation as they are, such sentiments on the other side are a key factor. At this writing, communist guerrillas are the only force in Indochina who believe they know what they are fighting for.

The influx of more than 30,000 refugees from heavily bombed areas during 1970 has made the bombing common knowledge in American-supported zones. Laotians of all political stripes are opposed to the bombings because it caused hardship to their fellow Laotians against whom they bear no enmity, and because they believe it widened the war. They blame Souvanna Phouma's government in part for permitting it. Conversely, they admire the Pathet Lao for standing up to it.

The war in Laos has always been for essentially political ends. The communists have made it clear they are not planning to take over the major towns militarily. The bombing has undoubtedly aided them in achieving a political victory. This may later be true of the other countries as well, making one wonder whether technology can keep up with the growing opposition to the U.S. in Vietnam, if we will resort to even more effective bombs to keep down more strengthened wills.

"I can assure you that my words are those of a devoted pacifist. My very hardest job is to give out medals of honor. If I lived in another country that wanted to be sure and retain its right to self-determination, I would say: "Thank God that the United States exists at this moment of history." We are not bent on conquest or on threatening others. But we do have a nuclear umbrella that can protect others. This is the moral force behind our position. We could be a terrible threat to the world if we were to lose that restraint."—Richard Nixon, interview with C. L. Sulzberger, The New York Times, March 10, 1970.

The issues raised by the air war go far beyond the personal culpability or motives of American leaders. For if the last few years have shown anything, it is that technological growth has a dynamic of its own, independent of the will of individuals. American leaders are more products of this process than its conscious manipulators, more the Man in the Grey Flannel Suit—or sometimes the Mad Hatter—than Big Brother.

The change in the Laos air war from a limited number of prop bombers dropping 500-pound bombs outside of populated areas to hundreds of jet and B52 bombers using laser and TV-guided missiles does not appear to be the result of a series of carefully planned decisions. It was just part of ongoing technological development. The war kept up with the advances; each new improvement was put into action.

Dow, Honeywell, and Lockheed did their part; so did the Air Force, Marines, and Navy, the State Department and the CIA, Standard Oil and Gulf. The momentum was more powerful than the people within it; a belief in technology covered the horrors, much as a belief in religion protected the Inquisition. And without anybody really understanding or caring, thousands of Indochinese villages were destroyed in the process.

"The roar of the bombs and the noise of the planes frightened me terribly. Our life became like one of animals who search to escape the butchers. Each day, across the forests and ditches, we sought only to escape from the bombs. When looking at the face of my innocent child, I could not stop crying for his future. Why do the men in this world not love each other, not live together in peace, not build happiness in development and progress? Human beings, whose parents cherished them, died from the explosions of the bombs. Who then thinks about the affection and love their parents felt for them? As for the other men, do they know all the unimaginable atrocities which can happen here in this war?"—from essay by 35-year-old woman refugee from Plain of Jars.

The questions raised in this, the third year of the Era of the Blue Machine, really have less to do with men than Man.

What does it mean, after all, when the strongest of the species is systematically killing and maiming some of the weakest? . . . the most prosperous regularly destroying the homes and belongings of some of the poorest? . . . the most industrialized constantly devastating the land and food supplies of some of the most rural? . . . and the most technically advanced using their most sophisticated weaponry against a people who pose the most marginal of challenge to their interests?"

In a nuclear age such questions are of more than passing concern.

[From the Armed Forces Journal, Feb. 15, 1971]

Battle for Control of Ho Chi Minh Trail

(By George Weiss and the Journal staff)

Allied Forces have for the past 2½ years been waging, with increasing success, a heretofore secret electronic war along the Ho Chi Minh trail.

Current operations in Laos are providing a climactic test for the Pentagon's new sensor technology and could, as intended, break the back of the enemy's resupply effort and thus lead to a final denouement of the war itself.

Even more significant, in the opinion of several highly placed Journal sources, is the fact that a successful outcome to the Laos/Cambodia/I Corps campaign would be encouraging proof that, contrary to some opinion, the persistent and patient application of superior technology can be decisive in guerrilla war situations.

Here, as pieced together from congressional, DoD, and other sources by Pentagon Editor George Weiss and other Journal staffers, is the real story behind the electronic interdiction program.

THE ELECTRONIC WAR

"We wired the Ho Chi Minh trail like a drugstore pinball machine and we plug it in every night." The Air Force officer who said that was not making an idle boast. Laos has been "bugged" with the most efficient electronic system ever devised. The real secret about the "secret war" is that this is one we may be winning.

The electronic operation began in December 1967. It has grown and been refined. What happens now may affect the future of every man in uniform in every nation in the world.

Warfare has gone electronic.

What it all means is just beginning to filter through. The Senate Armed Services Committee held hearings in November. In late January a censored transcript was released, and for the first time the world got a look at the most classified war of all time.

The Laotian problem had ground rules imposed on it by almost everyone in government above the rank of general. For instance, no American was to fight on the ground in Laos. But, of course, it was agreed that if the infiltration of men and munitions could be slowed it should be. Just how that was to be accomplished was left to the military.

The classic military answer was to close the port at Haiphong. That solution never was politically feasible. The decision was to fight above Laos, harass the Ho Chi Minh trail, reduce the input—and don't get "involved" blockading or endangering Soviet, Chinese, and other shipping off Haiphong.

The following Journal exclusive gives, for the first time, the story of how the Ho Chi Minh trail was bugged and how the bugs help get the ordnance to the targets.

THE BINH TRAM EXPRESS

The distance from Mugia Pass to the DMZ is 75 miles as the crow flies. The trail which covers that 75 miles and on into Cambodia is now more than 3,500 miles in length.

The Ho Chi Minh trail started out as a footpath. Today it is an insane maze of twisting, tangled roads, a rabbit warren. It wasn't planned that way. It developed.

As the Air Force bombed and closed roads, new ones were hacked from the jungle. As the trail became longer and more complicated, the NVA began to develop a system which the U.S. military refers to as The Pony Express. Cargo coming down the trail is passed from truck to truck. This occurs at truck parks and storage areas.

Located along the way are *Binh Trams* (military relay stations) staffed by engineers, transport workers, and anti-aircraft gunners. Each station crew has the responsibility of covering a portion of the trail on each side of its station, maintaining land telephone lines used in moving traffic, and keeping its portion of the road open.

The infiltration begins at nightfall, and by dawn the surviving vehicles must be offloaded and their cargos hidden. The trucks may attempt to make it back into the sanctuary or may be directed to a hidden park where they will remain throughout the daylight hours.

Trucks bringing equipment into Laos are the largest. They carry eight tons of cargo. Trucks on the trail usually carry five tons. The smallest trucks are used for areas where speed is important and carry about three tons.

Speed on the Ho Chi Minh trail is a relative thing. Almost every truck moves in low gear. The explanation is quite simple: The operation (or 98% of it) is carried out in darkness on bad roads and without lights Drivers cover only about a 20-mile portion of the trail each night. They are expected to know every turn and obstacle along their route.

From the Air Force point of view, the efficiency of the trail has been degraded as planned. A ton of munitions may now spend weeks and sometimes months in transit.

Each stop means the trucks must be unloaded and the cargos placed in caves or pits dug in the ground for protection against bombers.

IGLOO WHITE

The code name for the electronic operation is Igloo White. It was designed for fighting a war in hostile territory, offering the enemy absolute control of their surface territory while maintaining air superiority above it. The system does not require U.S. ground troops to assure success. It meets the restrictions placed upon ground operations in Laos.

As The Journal went to press, U.S. forces were positioned in the Khe Sanh area and had reopened the airstrip. Reports were coming in of U.S. activity in the A Shau Valley. ARVN forces had moved into Laos, but their ultimate deployment was still in question—in a few days' march they could be astride the Ho Chi Minh trail, searching out and destroying the hidden munitions depots.

Repeated Administration statements have reassured the nation that no U.S. combat forces would engage in such actions outside South Vietnam. Indeed, it would not appear necessary. The ARVN has the manpower and equipment to carry out just such a limited action. More important, the ARVN has the morale and ability to do so now, as amply demonstrated by its 1970 operations in Cambodia.

The most likely strategy will be to continue to hammer the Ho Chi Minh trail and the suspected storage areas with B-52 bombers and tactical fighters, while the U.S. ground forces concentrate on keeping the NVA from bringing in next year's munitions supply and the ARVN completely disrupt the NVA logistics lines through the Laotian Panhandle.

The events of the next few months may be the most critical in recent years, and—strange as it may seem—a string of sensors in the Laotian jungle may be the final key to the continued withdrawal of American troops from the war.

[From the Wall Street Journal, Dec. 1, 1971]

LIFE ALONG THE HO CHI MINH TRAIL

(By Robert Keatley)

"A girl—whose hair fell to her breasts—was standing on the running board of a truck and was singing a song entitled 'I Am a Communications and Liaison Girl.' An accompanying flute player was sitting on the hood of the truck. . . . A group of four brothers was standing in front of the truck with their hands placed around each other's shoulders, and a number of others were smoking and occasionally whispered into each other's ears something that seemed to arouse their mutual interests. . . .

"Suddenly an assault youth group, which consisted mostly of girls, passed by in the course of an operation. The girls were carrying heavy packs and, in particular, each carried a small pillow on her back. The blue-and-red trimmings of the pillow could be seen.

"Before the applause (for the song) ended, the expected uproar started:

" 'Look at that girl. . . .'

" 'Where are you comrades going?'

" 'We are going to any place where the enemy exists. Do you brothers think that only you are moving toward the front?'

" 'What a girl!'

"People roared with laughter. It is difficult for an outsider to imagine that this was the environment in which the military transportation units were preparing to move along the path that was studded with bombs and bullets."

No doubt. For this mildly ribald scene takes place at the northern end of the Ho Chi Minh Trail—that 1,550-mile-long maze of roads winding south from North Vietnam, through Laos and into South Vietnam and Cambodia. It's the main supply route for Communist troops fighting in Indochina, and earlier this year a North Vietnamese journalist named Khanh Van presented a remarkable account of life along its many truck trails. The account appeared as a 15-part series in Nhan, Dan, Hanoi's official newspaper, and was presumably designed to rouse patriotic fervor back home. It is full of rhetoric about American and "puppet" (Saigon) aggressors, and heroic tales about North Vietnamese troops who have spent hard years on the trail despite the incessant bombardment.

But it also tells more. It makes clear that trail workers are human beings—not just abstract targets for high-flying U.S. jets—and that they too can hurt, and bleed. It tells of suffering and pain, seemingly endless hard work and constant danger. It reminds an American that war is grim on both sides of the battlefield. And it prompts wonderment at the tenacity of Hanoi's forces, and questions of why they believe this unrelentingly militant road to political power is still so necessary.

The incidents described are a year old. But it's doubtful that trail life has changed much. In fact, the North Vietnamese have finished an unprecedented effort to keep the route open during the rainy season just completed, U.S. intelligence reports say. Traffic there is increasing once more. With the traffic comes the bombing, for President Nixon is trying to stave off major Communist attacks for at least another year while he gets the remaining Americans out of South Vietnam. The U.S. has already dropped more explosives on this trail complex than it dumped on Hitler's Germany during World War II.

"I found that the road was so barren . . . (writes Khanh Van). Along the roadsides various kinds of trees—including one . . . the trunk of which had a diameter so wide that even the outstretched arms of two or three persons could not surround it—had been stripped of their leaves and branches. There remained only bare trunks with pointed tops . . . through the early-morning mist we would have the impression that a flotilla of big sailboats, the masts of which were close to one another, was resting along a river.

". . . On certain days aggressor aircraft in three formations sprayed toxic chemicals over this road. . . . The fire, consuming the dry leaves, burned endlessly for more than one month. The fire burned the branches and sometimes a fire-engulfed branch fell down. . . . the flames from the plastic substance in the bombs splattered the surface of the road and even stuck to the rolling tires of the trucks.

"(A deputy platoon leader) knew in what season the enemy would drop flares all night as if all the electric bulbs in New York City had been brought to illuminate this jungle in order to look in vain for our vehicles.

"I felt (the area) was desolate, boundless and wide open . . . around the control point there was no longer a green leaf or an undamaged tree trunk. . . . All hills and mountains look like immense brown shoals and everything is brown, from high mountain crests to the bottoms of the valleys. . . . Resin from bombs was spread over the roadway. The burned resin was as black as buffalo excrement and the unburned resin looked like dried frog salvia . . . a gust of wind blew. Dust flew like smoke over the hills. I noticed that the earth . . . was pulverized and looked like fine flour. . . . My feet got stuck in the powdered earth. . . . With a heavy downpour this powdered earth would become mud.

"When we first arrived, mango trees blossomed in January and February and chestnut trees blossomed in the rainy season. How fragrant it was Today nothing remains, nothing other than the strong odor of the overturned soil. . . .

"I have tried to listen, but have not heard the sound of crickets at the control point. They must have all died."

Not all Laos has been defoliated of course, but all the trail is dangerous. As might be expected, journalist Van tells of many small victories over the anonymous attacking aircraft; his government portrays trail activity as a personal battle between the logistics workers below and the planes above. His tale is one of esprit and comradeship, and yet the experiences he recounts sound dreadful.

"Comrade Bang, a driver combatant, also told me that previously on every night for a whole week the trucks had to run through arcs of fire all along the section from Milestone 16 to Milestone 41, Route A. It was oppressively hot in the driving cabin. The comrade drivers were deeply concerned about the possibility that their gasoline might catch fire. The road was aglow with the fires started by the bombs.

"Some combatants were killed while transporting gasoline tins on their shoulders.

"Bombs and shells exploded almost continuously. The enemy carried out bombings all day long—in the morning, in the afternoon and at night—and in all forms. Sometimes F-4s dropped bombs. Sometimes F-105s dropped bombs. Sometimes B-52s carried out blanket bombings. Every day, bombs exploded everywhere—in the front, in the rear, on the left and on the right. . . . Around us are many magnetic bombs and 'pink ear-shaped' and 'liver-shaped' mines . . . lying helter-skelter on the ground. We have destroyed just those that are necessary for the safety of our gun emplacements and for the trails leading up and down the hill."

The unexploded bombs must be destroyed. Thus the story of demolition workers Cu and Hien:

"According to enemy calculations, (says Cu) if we want to fill in the bomb craters we must first of all destroy enemy time bombs. If we want to destroy the time bombs we must destroy the magnetic bombs first in order to clear the way to move forward. Sometimes, the enemy fits tails of magnetic bombs to the time bombs in order to deceive us.

". . . Hien and I belonged to the same reconnaissance squad. Our mutual love and esteem were as profound as the mutual love and esteem among kith-and-kin brothers living in the same home. We always stayed close together. We even shared a baked manioc . . . During this season, we had destroyed a total of 99 magnetic bombs.

"Hien moved forward first. After destroying the first bomb, he laughingly said: 'This is the 100th bomb we have destroyed. Today, even if I fell I would not regret it.'

"We took turns moving forward to destroy the bombs. While the dark bomb smoke still was lingering on the surface of the road, Hein rushed forward to destroy the fourth bomb. While he was bending to put down the equipment, the bomb exploded, destroying itself. At that moment, I had the feeling that a tree was falling on my back, knocking me down and squeezing me so that I could not breathe. My saliva became a little salty. . . . I realized that blood was running down my lips and that stones and earth ejected by the bomb explosion completely covered my body. . . . After standing up, I called out to Hien.

" 'The area around the bomb crater was littered with small pieces of cloth—each piece was about two or three centimeters long. I picked them up. It was the cloth of Hien's shirt. . . . His blood soaked the earth of the road where I was standing.' "

The account makes clear that the men on the trail are not only mortals but, specifically, Vietnamese mortals—with a culture quite different from that of the attackers above. Throughout the 15 articles are references to an older way of life that neither communism nor combat has totally destroyed.

A military warehouse, for example, keeps stores of the predictable items—rice, canned meat, powdered eggs—plus "ginseng and even the soft core of young deer antlers," items prized throughout Asia for their alleged curative and aphrodisiac qualities. A medical specialist is discovered "cooking a pot of monkey bone ointment" and various kinds of ginseng syrup. A stretch of jungle is filled with rare orchids, and soldiers transplant them outside their bunkers. In one spot, soldiers tend a "Garden of Oriental Medicinal Plants," and carry the produce to hospitals in baskets fastened to the traditional shoulder poles.

Once the writer discovers bathing facilities—a rare treat for fastidious Vietnamese on the dusty trail. After washing, one soldier remarks: "You see, we are now as handsome as anyone can be. We don't have to worry about not having girls to marry. If the girls had seen us at the parking lot, they might have run away."

The traveling journalist assures the trail workers that the pretty girls back home all love the "valiant" drivers. But this impresses no one. A trooper replies: "Really? I once heard the girls sing a folksong saying that 'If ever a chach fish is born atop a bamboo tree, I would then marry a driver.' " But this skeptical young soldier has to blush when reminded that he carries "a letter from a girl friend, a 10th grade student, in which she called you 'my love, my eagle.' "

Elsewhere, Mr. Van meets a soldier who recalls that his ninth grade teacher, a Miss Kim Chi, told his class: "If ever you become soldiers, no matter in what armed branch you may be, you must maintain an imposing appearance and a romantic quality. . . . For instance, a signal combatant shows his imposing appearance by braving bomb smoke in order to reconnect the wire, and he has a romantic quality when he installs the wire on trees so that birds can perch on it and sing." It's difficult to imagine GIs getting similar guidance.

Whether the series roused young men back home or filled them with dread can't be known in Washington. Nor did the articles make entirely clear why the mindless fighting continues. Perhaps the war has been going on so long that the fighting men on both sides rarely ask themselves that question any more.

That, at least, seemed to be the mood of one North Vietnamese driver. The driver looked up at an American bomber circling overhead. Then, matter-of-factly, he said:

"They do their work; we do ours."

CHEMICAL WARFARE IN INDOCHINA

(By Peter Weiss)

A number of the papers delivered at this conference deal with the basic illegality of the presence of American forces in Indochina. This paper deals with one aspect of the conduct of these forces after their arrival in Southeast Asia, namely, the employment of chemical weapons.[1] By its behavior in this regard, the United States has committed and is continuing to commit massive violations of the laws of warfare. This would be so whether its participation in the Indochinese war were legal or not. In addition, the scale on which chemical warfare has been used by United States forces suggests that, as well as known and recognized crimes, a new type of crime, as yet inadequately defined and discussed in legal circles, is being perpetrated in Southeast Asia.

The facts of American chemical warfare in Indochina are, by now, readily available.[2] Two principal types of chemical agents have been used by the United States in Vietnam: gases and defoliants. The latter have also been widely used in Laos and Cambodia and, to a lesser extent, in Thailand.

1. *Gases*—Public knowledge of the use of so-called "irritant" or "non-lethal" gases by U.S. troops in Vietnam dates back to 1965. Three principal types are known to have been used:

(a) DM (diphenylaminochloroasine), a vomiting agent also known as adamsite, which, according to U.S. Army Manuals, is not to be used in situations where "deaths are unacceptable";

(b) CN (chloroacetophenone), the standard riot-control type of tear gas; and

(c) CS (chlorobenzalmalononitrile), a "super tear-gas."

Of these, CS has been, and probably continues to be, the agent most widely used in Vietnam. The effects of CS are described as follows by Prof. Matthew Meselson of Harvard University, one of the world's leading experts on CBW:

"Exposure to CS causes intense pain in the eyes and upper respiratory tract, progressing to the deep recesses of the lungs, causing a feeling of suffocation and acute anxiety. If exposure is not excessive, these symptoms usually pass within minutes after restoration to fresh air. Heavy dosages as may occur in confined spaces or when massive quantities of CS are dispersed, can cause lung damage. Very intense exposure to unprotected skin can cause second degree chemical burns." [3]

According to Congressman McCarthy, who has done more than any other person in American public life to focus attention on the moral and legal implication of American CBW policy and practice, nearly fourteen million pounds of tear gas have been procured for use in Southeast Asia since the beginning of American military involvement in that part of the world. Of this amount, the more effective agent, CS, accounts for ten million pounds, the remainder being CN. Mr. McCarthy states that he "was informed in 1969 that the only limit on the use of tear gas in Vietnam was our ability to produce it." [4]

It is interesting to contrast these figures with the statement made by then Secretary of State Dean Rusk on March 25, 1965, following the first revelations of the employment of gas by ARVN and U.S. troops in Vietnam:

"We are not embarking upon gas warfare in Vietnam. . . . The anticipation is of course that these weapons be used only in those situations involving riot-control or situations analogous to riot-control." [5]

The following year, U.S. Ambassador James M. Nabrit, Jr., in a statement at the United Nations, categorized American use of gas in combat operations as being "for humanitarian purposes." [6]

However, not only has the primary purpose of the use of CS by American forces in Vietnam been to drive enemy troops into the open prior to bombing raids, which can hardly be categorized as "humanitarian", but there are numerous reports of deaths caused by these allegedly non-lethal agents. Cookson and Nottingham, on the basis of NLF Communiques, list twelve incidents during a thirteen month period from January 1965 to February 1966, resulting in over 700 casualties, mostly civilian.

Indeed, most scientific observers agree that, while the three particular agents discussed above are non-lethal when in normal use, i.e., when used in safe concentrations against healthy adults in open spaces, they can cause permanent injury and even death when used in higher concentrations, in confined spaces, or against children and old people. Dr. Alje Venema, former Director of Canadian Medical Services in Vietnam, has reported that, of various gas victims brought to his hospital in Quang Ngai province, the mortality rate was about 10% for adults and about 90% for children.[7]

There have also been isolated and unsubstantiated reports of the use of other types of gases in Vietnam, including BZ, a psychochemical or lethargy-inducing agent [8] and GB, a lethal nerve gas.[9]

2. *Defoliants*—Defoliation by aerial spraying began on an experimental basis in Vietnam in 1961, applied to strips of vegetation bordering on roads, trails and canals. Just as the use of antipersonnel gases was justified on "humanitarian" grounds, so it was stated initially that the purpose of the defoliation program was "to improve the country's economy by permitting freer communications as well as to facilitate the Vietnamese Army's task of keeping these avenues free of Vietcong harassment." [10]

Since then, according to official U.S. figures, some five million acres, or about twelve percent of the entire area of South Vietnam and 50% of its arable land have been subjected to defoliation. With respect to at least half a million acres of this total, the purpose of the operation was not improved visibility, but crop destruction, euphemistically referred to as a "food-denial program."

Comparable total figures are not available for Cambodia and Laos, but it is known that defoliation operations have been and probably continue to be carried out in both countries. Some indication of their size may be gleaned from the fact that, on June 2, 1969, the Cambodian government filed with the U.S. government a claim for $8,500,000, which has been accepted in principle, subject to determination of the permanence of the damage after the current growing season. An unofficial party of American scientists, including Professor E. W. Pfeiffer, estimated that about a third of all rubber trees in production in Cambodia at the time of their visit last winter had been damaged by the operation which gave rise to the Cambodian government's claim.

The chemicals used in the defoliation program, mostly 2,4-dichlorophenoxyacetic acid (2,4-D) and 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) have repeatedly been described in official United States government releases as "non-toxic and not dangerous to man or animal life." However, NLF and later, PRG releases have regularly reported on injuries and deaths caused by aerial spraying of defoliants. A study made by the Japan Science Council in 1967 found that nearly 1,000 peasants and more than 13,000 head of cattle had died as a result of defoliant attacks.[11]

According to a recent release by the Vietnam Women's Union, U.S. forces, during the first ten months of the Nixon administration, have "spread toxic chemicals on 900,000 hectares of crops, causing more than 280,000 victims, most of them children and aged persons, including 500 fatalities."

The official disclaimer of the hazardous nature of the chemicals used in the defoliation and crop destruction programs also appears in a strange light in view of the insistent warning affixed to the containers of these substances available for commercial use in this country, such as "avoid contact with eyes, skin and clothing" or "in case of contact, flush eyes with plenty of water for at least 15 minutes and get medical attention." [12] Yet, these chemicals are regularly used in Vietnam in concentrations ten times the level of those bearing the above-mentioned warning in the United States.

A more ominous side-effect of 2,4,5-T, the defoliant most commonly used in Indochina, was discovered in 1968 and 1969. A study made by a private research laboratory under a grant from the National Cancer Institute found that 2,4,5-T did not cause cancer, but did have clearly demonstrable teratogenic effects. In experiments with rats and mice, relatively small doses of 2,4,5-T produced abnormally high numbers of dead or deformed fetuses. As a result of these studies, the use of 2,4,5-T on food crops was to be forbidden in the United States as of the beginning of this year.[13] It continues, however, to be widely used in Vietnam, where reports of miscarriages and defective births have been steadily on the increase in areas subject to defoliation.[14]

A report dated February 2, 1970 by a PRG medical team which had made a study of miscarriages in Bien Giai and Ta Pang, two villages subjected to heavy defoliation at-

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Footnotes at end of article.

tacks, lists numerous specific instances of miscarriages.

It has also been said by the United States Department of State that the land involved in defoliation and herbicidal operations "is not affected for future use." [15] At other times, this statement has taken the form of an assurance that defoliation and herbicide, as practiced by the United States in Vietnam, produce their effects only for one growing season. American and French scientists and journalists who have visited affected areas in Vietnam have come to different conclusions.

Thus, Professor E. W. Pfeiffer quotes the following dispatch from the New York Times, concerning the effect on the ecology of Vietnam, not only of defoliation, but of mass bombing as well:

"In many of these areas there is no sign of life. . . . There are other places where major battles have reduced the land to desert. At Khe San, millions of tons of bombs have turned the once-green hills into a moonscape of craters and scorched dirt. It is no secret that vast areas have been reduced to barrenness." [16]

As for the effect of defoliation on the fauna of Vietnam, Professors Pfeiffer and Orians had this to say, following their inspection tour to Vietnam in March of 1969:

"As might be expected, the almost complete killing by herbicides of all vegetation in the mangrove areas has had a severe effect on the animals living there. During our tour of the defoliated areas we did not see a single species of insectivorous or frugivorous bird with the exception of barn swallows, which are migrants from the north." [17]

As to the effect on timberlands, the two professors reported the following:

"Two or three sprayings may kill approximately 50 percent of commercially valuable timber in such forests. These areas are being invaded by grasses resistant to forest defoliants and they may prevent the re-establishment of tree seedlings for a long time; even if that does not occur, it will take many decades before a mature forest regrows. Subtle effects, such as changes in the species composition and forest physiognomy, may persist for longer." [18]

An even more serious consequence of defoliation, permanent laterization of the soil, is discussed by Dr. Arthur W. Galston, of Yale University:

It has already been well documented that some kinds of plant associations subject to spray, especially by Agent Orange, containing 2,4–D and 2,4,5–T *have been irreversibly damaged*. I refer specifically to the mangrove associations that line the estuaries, especially around the Saigon River. Up to a hundred thousand acres of these mangroves have been sprayed. . . . Certain tropical soils—and it has been estimated that in Vietnam up to fifty percent of all soils fall into this category—are lateralizable; that is, they may be irreversibly converted to rock as a result of the deprivation of organic matter . . . If . . . you deprive trees of leaves and photosynthesis stops, organic matter in the soil declines and laterization, the making of brick, may occur on a very extensive scale. I would emphasize that this brick is irreversibly hardened; it can't be made back into soil . . ." [19]

3. *Legal Status of Gases and Defoliants.*

The most important treaty in the area of chemical and biological warfare is the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of June 17, 1925, which provides: [20]

"Whereas the use of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilized world; and

"Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties; and

"To the end that this prohibition shall be universally accepted as part of the International Law, binding alike the conscience and the practice of nations:

"Declare:

"That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the Terms of this Declaration."

Sixty-four countries currently adhere to the Protocol. The United States, which had been the principal moving force in its drafting, is not a party, because lobbying by representatives of the armed forces and the chemical industry was so successful that it was never submitted to the Senate for ratification.[21] However, the United States "is pledged to observe strictly the principles and objectives of the Protocol." [22] In keeping with this pledge, the United States, on December 5, 1966, voted in the United Nations for General Assembly Resolution 2162B (XXI), which "calls for strict observance by all States of the principles and objectives of the Protocol" and invites all states to accede thereto and, on December 20, 1968, voted for Resolution 2454A (XXIII), in which the General Assembly "reiterates its call for strict observance by all States of the principles and objectives of the General Protocol of 17 June 1925 and invites all States to accede to that Protocol." [23]

According to Ian Brownlie, the editor of the British Year Book of International Law, the 1966 U.N. Resolution "assumes that the Geneva Protocol today constitutes general international law and no longer a mere contract for actual parties to it." [24] This is, perhaps, reading more into the resolution than was intended by it. However, the very text of the Protocol suggests that its framers, as far back as 1925, meant it to be merely a codification of existing international law, rather than a new departure. George Bunn, former General Counsel of the United States Arms Control and Disarmament Agency, is only one of several authorities subscribing to this view.[25]

Whether or not the principles of the Geneva Protocol are binding on all nations (and therefore on the United States) in the absence of ratification, whether the Protocol prohibits the use of non-lethal as well as lethal agents (to the extent that such a distinction has any significance), whether it prohibits the use of CBW against nonsignatories as well as signatories and whether it applies to second as well as first strikes, are points much debated in the legal and diplomatic literature.

In fact, much of this discussion is a smokescreen obscuring the underlying realities of the CBW picture, which are reasonably clear from a legal, not to mention a moral, point of view.

The overriding, and generally accepted, view is that, even in warfare, it is not permissible to inflict unnecessary injury or death upon civilians, nor to use weapons causing unnecessary suffering against combatants.[26] Everything, of course, turns on the definition of "unnecessary", but it is difficult to see, for instance, how under any reasonable interpretation of this objective, one could justify the deliberate use of chemicals known to cause miscarriages and birth defects, or of gases lethal to children and highly injurious to all persons.

Seen in this light, the great debate over whether, now that President Nixon has announced that he is prepared to resubmit the Geneva Protocol to the Senate for ratification,[27] reservations concerning so-called nonlethal chemical weapons should or should not be made, appear as a macabre exercise in semantics. In fact, President Nixon is saying that the United States is prepared to undertake to refrain from employing certain weapons, which are already prohibited by international law, but reserves its right to continue using certain other weapons, which are also prohibited by international law.

4. *Application of the Law on Chemical Warfare.*

As is well known, the difficulty with implementing the laws of war is that, unless the parties involved in a dispute either submit voluntarily to the jurisdiction of a tribunal, or one party is in a positon to compel the other party so to summit, these laws are no more capable of enforcement than if they were mere moral injunctions. The great contribution of the Nuremberg Tribunal was, not to create, but to define and consolidate, the principle of individual responsibility for war crimes. According to Principle I of the Principles of Internatonal Law recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, as formulated by the International Law Commission of the United Nations in 1950, "Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment." And Principle IV provides: "The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him." [28]

In the history of the Vietnam war there appears to be only one incident in which briefly, to prosecuting an individual for the use of chemical weapons. In September 1965, following the initial public outcry against the revelation of the use of gas by American forces in Vietnam, Marine Lieutenant Colonel L. A. Utter was placed under investigation for using forty eight cannisters of CN to clear a cave. According to the Swiss National Committee for Aid to Vietnam, this "humanitarian" move resulted in 35 deaths and 19 casualties, all women and children. At about this time, the White House sanctioned the use of CS and CN in Vietnam and Col. Utter was cleared by a Military Board of Inquiry. It appears, in retrospect, that the offense for which he was being investigated was not the killing of civilians by chemical weapons, but having disobeyed orders not to use such weapons during the period when the United States government was trying to decide what its official chemical warfare policy in Vietnam should be.[29]

It may seem far-fetched to suggest that others who have been responsible for death and injury by chemical weapons in violation of the laws of war should be brought to trial or held accountable for the damage inflicted by their acts or their orders, but that is precisely what the Nuremberg Principles stand for.

There is no time, and this is not the place, to explore the procedural details of such trials or suits. Suffice it to say that certain American lawyers who have studied the problem believe in their possibility.

Governments, after all, cannot be tried unless they have lost a war, nor sued for damages without their consent. But, governments, in any case, do not decide to burn children alive with napalm, or to turn life-giving land into stone, or stock a Mighty Mite into a hole in the ground and fill the lungs of what ever human beings may be below with suffocating toxic fumes. Individuals decide that these things should be done, and individuals do them. Until the law catches up with this gap between human reality and legal fiction, war crimes will continue to be committed, and they will in-

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Footnotes at end of article.

clude the perversion of science for criminal ends, as in the case of chemical warfare.

TORONTO, CANADA, *May 22, 1970*.

FOOTNOTES

[1] Chemical weapons are usually lumped together with biological weapons in discussions of this aspect of warfare. However, since biological warfare in Indochina has not been proved, this paper will be confined to a discussion of chemical warfare. Defoliants and herbicides are sometimes referred to as biological warfare agents because they affect the life of plants. However, the more common definition of biological warfare limits that term to use in war of bacterial agents or toxins produced therefrom and excludes the use of chemical agents which have a biological effect.

[2] Richard D. McCarthy, "The Ultimate Folly" (Alfred A. Knopf, 1969), pp. 45–51, 74–88; Seymour M. Hersh, "Chemical and Biological Warfare: America's Hidden Arsenal" (Doubleday, 1969), Ch. 6; John Cookson and Judith Nottingham, "A survey of Chemical and Biological Warfare" (Sheed and Ward, 1969), pp. 14–54, 291–5; Clergy and Laymen Concerned About Vietnam, "In The Name of America" (1968), Chs. III and XI; M. F. Kahn, "Vietnam," in "Chemical and Biological Warfare," Steven Rose, Editor (Harrap, 1968).

[3] The Women's International League For Peace and Freedom, "The Supreme Folly: Chemical and Biological Weapons" (1970), p. 5.

[4] McCarthy, p. 49.

[5] Cookson, p. 16.

[6] McCarthy, p. 47.

[7] Cookson, p. 24.

[8] Cookson, p. 21.

[9] "Lethal Nerve Gas in Vietnam Charged," N.Y. Times, May 8, 1970, p. 62.

[10] Thomas Whiteside, "Defoliation," The New Yorker, pp. 32–69, 2/7/70.

[11] Cookson, p. 33.

[12] McCarthy, p. 78.

[13] Hearings held by Congressman McCarthy in Arizona on February 12, and 13, 1970, revealed that despite considerable damage to livestock resulting from 2,4,5-T spraying, the decision to discontinue such spraying was not yet implemented and was "under study." Press release dated April 7, 1970 from Congressman McCarthy's office.

[14] Whiteside, p. 38.

[15] Whiteside, p. 33.

[16] E. W. Pfeiffer, "Ecological Effects of the Vietnam War," Science Journal, February, 1969, p. 35.

[17] "Mission to Vietnam," Interview with E. W. Pfeiffer and G. H. Orians, Scientific Research, June 9, 1969, p. 27.

[18] Id., p. 28.

[19] Whiteside, p. 37.

[20] 94 L.N.T.S. No. 2138, p 67 (1929)

[21] George Bunn, "Banning Poison Gas and Germ Warfare," Wisconsin Law Review, Vol. 1969, No. 2, p. 378.

[22] Letter dated April 7, 1969 from H. G. Torbert, Jr., Acting Assistant Secretary of State for Congressional Relations to Congressman Richard D. McCarthy, quoted in McCarthy, op. cit., p. 163, at p. 164

[23] The full texts of both resolutions, as well as a comprehensive bibliography on CBW, may be found in U.N. Document A/7575 of 1 July, 1969, "Report of the Secretary-General on Chemical and Bacteriological (Biological) Weapons and the Effects of their Possible Use."

[24] Brownlie, "Legal Aspects of CBW," in Rose, op. cit., p. 141 at p. 143.

[25] Bunn, p 388; O'Brien, "Biological/Chemical Warfare and the International Law of War," 51 Georgetown Law Journal 1, p. 36 (1962).

[26] See, inter alia, Howard Levie, "Some Major Inadequacies in the Existing Law Relating to the Protection of Individuals during Armed Conflict," mimeographed working paper for the 14th Annual Hammarskjold Forum of the Association of the Bar of the City of New York, March 16, 1970, pp. 25 ff.; Charles E. Goddell, "Targets for Further Disarmament: CBW," Policy Paper Series No. 2 CIS #4, Center International Studies, New York University (1969).

[27] Article 22 of Annex IV to the Hague Convention provides: "The right of belligerents to adopt means of injuring the enemy is not unlimited." Art. 23 "especially" forbids the employment of "poisoned weapons" and of "arms, projectiles, and material calculated to cause unnecessary suffering." Section I, Arts. 2 and 3 of U.S. Army Field Manual N. 27–10, "The Law of Land Warfare" (1956), state that the law of land warfare, *both written and unwritten*, seeks to protect "both combatants and non-combatants from unnecessary suffering" and "requires that belligerents refrain from employing any kind or degree of violence which is not actually necessary for military purposes and that they conduct hostilities with regard for the principles of humanity and chivalry."

[28] The text of the Nixon statement on chemical and biological warfare appears on p. 16 of the New York Times, Nov. 26, 1969. The main import of this statement, of course, was the alleged renunication of "all methods of biological warfare", with which this paper does not deal.

[29] "In the Name of America", p. 43.

[30] Cookson, p. 17; McCarthy, p. 48.

[From the Armed Forces Journal, June 7, 1971]

THE COLLAPSE OF THE ARMED FORCES

(By Col. Robert D. Heinl, Jr.)

The morale, discipline and battleworthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States.

By every conceivable indicator, our army that now remains in Vietnam is in a state approaching collapse, with individual units avoiding or having refused combat, murdering their officers and noncommissioned officers, drug-ridden, and dispirited where not near-mutinous.

Elsewhere than Vietnam, the situation is nearly as serious.

Intolerably clobbered and buffeted from without and within by social turbulence, pandemic drug addiction, race war, sedition, civilian scapegoatise, draftee recalcitrance and malevolence, barracks theft and common crime, unsupported in their travail by the general government, in Congress as well as the executive branch, distrusted, disliked, and often reviled by the public, the uniformed services today are places of agony for the loyal, silent professionals who doggedly hang on and try to keep the ship afloat.

The responses of the services to these unheard-of conditions, forces and new public attitudes, are confused, resentful, occasional pollyanna-ish, and in some cases even calculated to worsen the malaise that is wracking them.

While no senior officer (especially one on active duty) can openly voice any such assessment, the foregoing conclusions find virtually unanimous support in numerous nonattributable interviews with responsible senior and midlevel officers, as well as career noncommissioned officers and petty officers in all services.

Historical precedents do exist for some of the services' problems, such as desertion, mutiny, unpopularity, seditious attacks, and racial troubles. Others, such as drugs, pose difficulties that are wholly new. Nowhere, however, in the history of the Armed Forces have comparable past troubles presented themselves in such general magnitude, acuteness, or concentrated focus as today.

By several orders of magnitude, the Army seems to be in worst trouble. But the Navy has serious and unprecedented problems, while the Air Force, on the surface at least still clear of the quicksands in which the Army is sinking, is itself facing disquieting difficulties.

Only the Marines—who have made news this year by their hard line against indiscipline and general permissiveness—seem, with their expected staunchness and tough tradition, to be weathering the storm.

BACK TO CAMPUS

To understand the military consequences of what is happening to the U.S. Armed Forces, Vietnam is a good place to start. It is in Vietnam that the rearguard of a 500,000-man army, in its day (and in the observation of the writer) the best army the United States ever put into the field, is numbly extricating itself from a nightmare war the Armed Forces feel they had foisted on them by bright civilians who are now back on campus writing books about the folly of it all.

"They have set up separate companies," writes an American soldier from Cu Chi, quoted in the *New York Times*, "for men who refuse to go out into the field. It is no big thing to refuse to go. If a man is ordered to go to such and such a place he no longer goes through the hassle of refusing; he just packs his shirt and goes to visit some buddies at another base camp. Operations have become incredibly ragtag. Many guys don't even put on their uniforms any more . . . The American garrisons on the larger bases are virtually disarmed. The lifers have taken our weapons from us and put them under lock and key . . . There have also been quite a few frag incidents in the battalion."

Can all this really be typical or even truthful?

Unfortunately the answer is yes.

"Frag incidents" or just "fragging" is current soldier slang in Vietnam for the murder or attempted murder of strict, unpopular, or just aggressive officers and NCOs. With extreme reluctance (after a young West Pointer from Senator Mike Mansfield's Montana was fragged in his sleep) the Pentagon has now disclosed that fraggings in 1970 (209) have more than doubled those of the previous year (96).

Word of the deaths of officers will bring cheers at troop movies or in bivouacs of certain units.

In one such division—the morale-plagued Americal—fragings during 1971 have been authoritatively estimated to be running about one a week.

Yet fraggings, though hard to document, form part of the ugly lore of every war. The first such verified incident known to have taken place occurred 190 years ago when Pennsylvania soldiers in the Continental Army killed one of their captains during the night of 1 January 1781.

BOUNTIES AND EVASIONS

Bounties, raised by common subscription in amounts running anywhere from $50 to $1,000, have been widely reported put on the heads of leaders whom the privates and Sp4s want to rub out.

Shortly after the costly assault on Hamburger Hill in mid-1969, the GI underground newspaper in Vietnam, "G.I. Says", publicly offered a $10,000 bounty on LtCol Weldon Honeycutt, the officer who ordered (and led) the attack. Despite several attempts, however, Honeycutt managed to live out his tour and return Stateside.

"Another Hamburger Hill," (i.e., toughly contested assault), conceded a veteran major, "is definitely out."

The issue of "combat refusal", an official euphemism for disobedience of orders to fight—the soldier's gravest crime—has only recently been again precipitated on the frontier of Laos by Troop B, 1st Cavalry's mass refusal to recapture their captain's command vehicle containing communication gear, codes and other secret operation orders.

As early as mid-1969, however, an entire company of the 196th Light Infantry Brigade publicly sat down on the battlefield. Later that year, another rifle company, from the famed 1st Air Cavalry Division, flatly refused—on CBS-TV—to advance down a dangerous trail.

(Yet combat refusals have been heard of before: as early as 1813, a corps of 4,000 Kentucky soldiers declined to engage British Indians who had just sacked and massacred Fort Dearborn (later Chicago).)

While denying further unit refusals, the Air Cav has admitted some 35 individual refusals in 1970 alone. By comparison, only two years earlier in 1968, the entire number of officially recorded refusals for our whole army in Vietnam—from over seven divisons—was 68.

"Search and evade" (meaning tacit avoidance of combat by units in the field) is now virtually a principle of war, vividly expressed by the GI phrase, "CYA (cover your ———) and get home!"

That "search-and-evade" has not gone unnoticed by the enemy is underscored by the Viet Cong delegation's recent statement at the Paris Peace Talks that communist units in Indochina have been ordered not to engage American units which do not molest them. The same statement boasted—not without foundation in fact—that American defectors are in the VC ranks.

Symbolic anti-war facts (such as the one at Pleiku where an entire medical unit, led by its officers, refused Thanksgiving turkey), peace symbols, "V"-signs not for victory but for peace, booing and cursing of officers and even of hapless entertainers such as Bob Hope, are unhappily commonplace.

As for drugs and race, Vietnam's problems today not only reflect but reinforce those of the Armed Forces as a whole. In April, for example, members of a Congressional investigating subcommittee reported that 10 to 15% of our troops in Vietnam are now using high-grade heroin, and that drug addiction there is "of epidemic proportions."

Only last year an Air Force major and command pilot for Ambassador Bunker was apprehended at Tan Son Nhut air base outside Saigon with $8-million worth of heroin in his aircraft. The major is now in Leavenworth.

Early this year, an Air Force regular colonel was court-martialed and cashiered for leading his squadron in pot parties, while, at Cam Ranh Air Force Base, 43 members of the base security police squadron were recently swept up in dragnet narcotics raids.

All the foregoing facts—and many more dire indicators of the worst kind of military trouble—point to widespread conditions among American forces in Vietnam that have only been exceeded in this century by the French Army's Nivelle mutinies of 1917 and the collapse of the Tsarist armies in 1916 and 1917.

SOCIETY NOTES

It is a truism that national armies closely reflect societies from which they have been raised. It would be strange indeed if the Armed Forces did not today mirror the agonizing divisions and social traumas of American society, and of course they do.

For this very reason, our Armed Forces outside Vietnam not only reflect these conditions but disclose the depths of their troubles in an awful litany of sedition, disaffection, desertion, race, drugs, breakdowns of authority, abandonment of discipline, and, as a cumulative result, the lowest state of military morale in the history of the country.

Sedition—coupled with disaffection within the ranks, and externally fomented with an audacity and intensity previously inconceivable—infests the Armed Services:

At best count, there appear to be some 144 underground newspapers published on or aimed at U.S. military bases in this country and overseas. Since 1970 the number of such sheets has increased 40% (up from 103 last fall). These journals are not mere gripe-sheets that poke soldier fun in the "Beetle Bailey" tradition, at the brass and the sergeants. "In Vietnam," writes the Ft Lewis-McChord Free Press, "the Lifers, the Brass, are the true Enemy, not the enemy." Another West Coast sheet advises readers: "Don't desert. Go to Vietnam and kill your commanding officer."

At least 14 GI dissent organizations (including two made up exclusively of officers) now operate more or less openly. Ancillary to these are at least six antiwar veterans' groups which strive to influence GIs.

Three well-established lawyer groups specialize in support of GI dissent. Two (GI Civil Liberties Defense Committee and New York Draft and Military Law Panel) operate in the open. A third is a semi-underground network of lawyers who can only be contacted through the GI Alliance, a Washington, D.C., group which tries to coordinate sedititous antimilitary activities throughout the country.

One antimilitary legal effort operates right in the theater of war. A three-man law office, backed by the Lawyers' Military Defense Committee, of Cambridge, Mass., was set up last fall in Saigon to provide free civilian legal services for dissident soldiers being court-martialed in Vietnam.

Besides these lawyers' fronts, the Pacific Counseling Service (an umbrella organization with Unitarian backing for a prolifery of antimilitary activities) provides legal help and incitement to dissident GIs through not one but seven branches (Tacoma, Oakland, Los Angles, San Diego, Monterey, Tokyo, and Okinawa).

Another of Pacific Counseling's activities is to air-drop planeloads of seditious literature into Oakland's sprawling Army Base, our major West Coast staging point for Vietnam.

On the religious front, a community of turbulent priests and clergymen, some untary service as un-Christian. Maximilian's Maximilian is a saint said to have been martyred by the Romans for refusing military service as un-Christian. Maximilian's present-day followers visit military posts, infiltrate brigs and stockades in the guise of spiritual counseling, work to recruit military chaplains, and hold services of "consecrations" of post chapels in the name of their saintly draft-dodger.

By present count at least 11 (some go as high as 26) off-base antiwar "coffee houses" ply GIs with rock music, lukewarm coffee, antiwar literature, how-to-do-it tips on desertion, and similar disruptive counsels. Among the best-known coffee houses are: The Shelter Half (Ft Lewis, Wash.); The Home Front (Ft Carson, Colo.); and The Oleo Strut (Ft Hood, Tex.).

Virtually all the coffee houses are or have been supported by the U.S. Serviceman's Fund, whose offices are in New York City's Bronx. Until May 1970 the Fund was recognized as a tax-exempt "charitable corporation," a determination which changed when IRS agents found that its main function was sowing dissension among GIs and that it was a satellite of "The New Mobilization Committee", a communist-front organization aimed at disruption of the Armed Forces.

Another "New Mobe" satellite is the G.I. Press Service, based in Washington, which calls itself the Associate Press of military underground newspapers. Robert Wilkinson, G.I. Press's editor, is well known to military intelligence and has been barred from South Vietnam.

While refusing to divulge names, IRS sources say that the Serviceman's Fund has been largely bankrolled by well-to-do liberals. One example of this kind of liberal support for sedition which did surface identifiably last year was the $8,500 nut channeled from the Philip Stern Family Foundation to underwrite Seaman Roger Priest's underground paper OM, which, among other writings, ran do-it-yourself advice for desertion to Canada and advocated assassination of President Nixon.

The nation-wide campus-radical offensive against ROTC and college officer-training is well known. Events last year at Stanford University, however, demonstrate the extremes to which this campaign (which peaked after Cambodia) has gone. After the Stanford faculty voted to accept a modified, specially restructured ROTC program, the university was subjected to a cyclone of continuing violence which included at least $200,000 in ultimate damage to buildings (highlighted by systematic destruction of 40 twenty-foot stained glass windows in the library). In the end, led by university president Richard W. Lyman, the faculty reversed itself. Lyman was quoted at the time that "ROTC is costing Stanford too much."

"Entertainment Industry for Peace and Justice," the antiwar show-biz front organized by Jane Fonda, Dick Gregory and Dalton Trumbo, now claims over 800 film, TV, and music names. This organization is backing Miss Fonda's antimilitary road-show that opened outside the gates of Ft Bragg, N.C., in mid-March.

Describing her performances (scripted by Jules Pfeiffer) as the soldiers' alternative to Bob Hope, Miss Fonda says her cast will repeat the Ft. Bragg show at or outside 19 more major bases. Although her project reportedly received financial backing from the ubiquitous Servicemen's Fund, Miss Fonda insisted on a $1.50 admission from each of her GI audience at Bragg, a factor which, according to soldiers, somewhat limited attendance.

Freshman Representative Ronald V. Dellums (D-Calif) runs a somewhat different kind of antimilitary production. As a Congressman, Dellums cannot be barred from military posts and has been taking full advantage of the fact. At Ft. Meade, Md., last month, Dellums led a soldier audience as they booed and cursed their commanding officer who was present on-stage in the post theater which the Army had to make available.

Dellums has also used Capitol Hill facilities for his "Ad Hoc Hearings" on alleged war crimes in Vietnam, much of which involves repetition of unfounded and often unprovable charges first surfaced in the Detroit "Winter Soldiers" hearing earlier this year. As in the case of the latter, ex-soldier witnesses appearing before Dellums have not always been willing to cooperate with Army war-crimes investigators or even to disclose sufficient evidence to permit independent verification of their charges. Yet the fact that five West Point graduates willingly testified for Dellums suggests the extent to which officer solidarity and traditions against politics have been shattered in today's Armed Forces.

THE ACTION GROUPS

Not unsurprisingly, the end-product of the atmosphere of incitement of unpunished sedition, and of recalcitrant antimilitary malevolence which pervades the world of the draftee (and to an extent the low-ranking men in "volunteer" services, too) is overt action.

One militant West Coast Group, Movement for a Democratic Military (MDM), has specialized in weapons theft from military bases in California. During 1970, large armory thefts were successfully perpetrated against Oakland Army Base, Fts. Cronkhite and Ord, and even the Marine Corps Base at Camp Pendleton, where a team wearing Marine uniforms got away with nine M-16 rifles and an M-79 grenade launcher.

Operating in the Middle West, three soldiers from Ft. Carson, Colo., home of the Army's permissive experimental unit, the 4th Mechanized Division, were recently indicted by federal grand jury for dynamiting the telephone exchange, power plant and water works of another Army installation, Camp McCoy, Wis., on 26 July 1970.

The Navy, particularly on the West Coast, has also experienced disturbing cases of sabotage in the past two years, mainly directed at ships' engineering and electrical machinery.

It will be surprising, according to informed officers, if further such tangible evidence of disaffection within the ranks does not continue to come to light. Their view is that the situation could become considerably worse before it gets better.

TOUGH LAWS, WEAK COURTS

A frequent reaction when people learn the extent and intensity of the subversion which has been beamed at the Armed Forces for the past three or more years is to ask whether such activities aren't banned by law. The answer is that indeed they are.

Federal law (18 USC 2387) prohibits all manner of activities (including incitments, counseling, distribution or preparation of literature, and related conspiracies) intended to subvert the loyalty, morale or discipline of the Armed Services. The penalty for violating this statute is up to ten years in prison, a $10,000 fine, or both.

Despite this tough law, on the books for many years, neither the Johnson, nor so far, the Nixon administration has brought a single prosecution against any of the wide range of individuals and groups, some mentioned here, whose avowed aims are to nullify the discipline and seduce the allegiance of the Armed Forces.

Government lawyers (who asked not to be named) suggested two reasons for failure to prosecute. Under President Johnson, two liberal Attorneys General, Messers. Ramsey Clark and Nicholas deB. Katzenbach, were reportedly unsympathetic to military pleas for help and in general to prosecutions for sedition of any kind. Besides, the lawyers said, the courts have now gone so far in extending First Amendment shelter to any form of utterance, that there is doubt whether cases brought under this law would hold.

Whatever the reason—and it appears mainly to be disinclination to prosecute or even test existing law—the services are today being denied legal protection they previously enjoyed without question and at a time when they need it worse than ever before. Continuing failure to invoke these sanctions prompted one senior commander to comment bitterly, "We simply can't turn this thing around until we get some support from our elected and appointed civilian officials."

One area of the U.S. Government in which the Armed Forces are encountering noticable lack of support is the federal judiciary.

Until a very few years ago, the processes of military justice were regarded as a nearly untouchable preserve which the civil courts entered with reluctance and diffidence.

Plagued by a new breed of litigious soldier (and some litigious officers, too), the courts have responded by unprecedented rulings, mostly libertarian in thrust, which both specifically and generally have hampered and impeded the traditional operations of military justice and dealt body blows to discipline.

Andrew Stapp, the seditious soldier who founded the American Serviceman's Union, an organization aimed at undermining the disciplinary structure of the Armed Forces, last year had his well earned undesirable discharge reversed by a U.S. judge who said Stapp's right to unionize and try to overthrow the Army was an "off-duty" activity which the Army had no right to penalize in discharging him.

Libertarian Supreme Court Justice W. O. Douglas has impeded the Army in mobilizing and moving reservists, while his O'Callaghan decision not only released a convicted rapist but threw a wrench into military jurisdiction and court-martial precedents going back in some cases nearly two centuries.

In Oakland, Cal., last year, a federal court yanked some 37 soldiers from the gangplank of a transport for Vietnam (where all 37 had suddenly discovered conscientious objections to war) and still has them stalled on the West Coast some 18 months later.

The long-standing federal law against wearing of Armed Forces uniforms by persons intending to discredit the services was struck down in 1969 by the Supreme Court, which reversed the conviction of a uniformed actor who put on an antimilitary "guerrilla theater" skit on the street in Houston, Tex. As a result the Armed Forces are now no longer able to control subversive exploitation of the uniform for seditious purposes.

TACTICS OF HARASSMENT

Part of the defense establishment's problem with the judiciary is the now widely pursued practice of taking commanding officers into civil courts by dissident soldiers either to harass or annul normal discipline or administrative procedures of the services.

Only a short time ago, for example, a dissident group of active-duty officers, members of the Concerned Officers' Movement (COM), filed a sweeping lawsuit against Defense Secretary Laird himself, as well as all three service secretaries, demanding official recognition of their "right" to oppose the Vietnam war, accusing the secretaries of "harassing" them, and calling for court injunction to ban disciplinary "retaliation" against COM members.

Such nuisance suits from the inside (usually, like the Laird suit, on constitutional grounds) by people still in uniform, let alone by officers, were unheard-of until two or three years ago. Now, according to one Army general, the practice has become so common that, in his words, "I can't even give a directive without getting permission from my staff judge advocate."

RACIAL INCIDENTS

Sedition and subversion, and legal harassment, rank near the top of what might be called the unprecedented external problems that elements in American society are inflicting on the Armed Forces.

Internally speaking racial conflicts and drugs—also previously insignificant—are tearing the services apart today.

Racial trouble is no new thing for the Army. In 1906, after considerable provocation, three companies of the 25th Infantry (a colored regular regiment) attacked white troops and townspeople of Brownsville, Texas, and had to be disbanded. Among the few pre-World War II War Department records still heavily classified and thus unavailable to scholars are Army documents on racial troubles.

Racial conflicts (most but not all sparked by young black enlisted men) are erupting murderously in all services.

At a recent high commanders' conference, General Westmoreland and other senior generals heard the report from Germany that in many units white soldiers are now afraid to enter barracks alone at night for fear of "head-hunting" ambushes by blacks.

In the quoted words of one soldier on duty in West Germany, "I'm much more afraid of getting mugged on the post than I am of getting attacked by the Russians."

Other reports tell of jail-delivery attacks on Army stockades and military police to release black prisoners, and of officers being struck in public by black soldiers. Augsburg, Krailsheim, and Hohenfels are said to be rife with racial trouble. Hohenfels was the scene of a racial fragging last year—one of the few so far recorded outside Vietnam.

In Ulm, last fall, a white noncommissioned officer killed a black soldier who was holding a loaded .45 on two unarmed white officers.

Elsewhere, according to *Fortune* magazine, junior officers are now being attacked at night when inspecting barracks containing numbers of black soldiers.

Kelley Hill, a Ft. Benning, Ga., barracks area, has been the scene of repeated nighttime assaults on white soldiers. One such soldier bitterly remarked, "Kelley Hill may belong to the commander in the daytime but it belongs to the blacks after dark."

Even the cloistered quarters of WACs have been hit by racial hair-pulling. In one West Coast WAC detachment this year, black women on duty as charge-of-quarters took advantage of their trust to vandalize unlocked rooms occuped by white WACs. On this rampage, they destroyed clothing, emptied drawers, and overturned furniture of their white sisters.

But the Army has no monopoly on racial troubles.

As early as July 1969 the Marines (who had previously enjoyed a highly praised record on race) made headlines at Camp Lejeune, N.C., when a mass affray launched by 30–50 black Marines ended fatally with a white corporal's skull smashed in and 15 other white Marines in the sick bay.

That same year, at Newport, R.I., naval station, blacks killed a white petty officer, while in March 1971 the National Naval Medical Center in Bethesda, Md., outside Washington, was beset by racial fighting so severe that the base enlisted men's club had to be closed.

All services are today striving energetically to cool and control this ugly violence which in the words of one noncommissioned officer, has made his once taut unit divide up "like two street gangs."

MGen Orwin C. Talbott, at Ft. Benning, has instituted what he calls "race relations coordinating groups" which work to defuse the resentments of young black troopers at a Georgia base.

MGen John C. Bennett, commanding the 4th Mechanized Division at Ft. Carson, Colo., has a highly successful "racial relations committee" which has kept Carson cool for over a year.

At once-troubled Camp Lejeune, MGen Michael P. Ryan, the Tarawa hero who commands the 2d Marine Division, appears to have turned off the race war that two years ago was clawing at the vitals of his division.

Yet even the encouraging results attained by these commanders do not bespeak general containment of the service-wide race problem any more than the near-desperate attack being mounted on drug abuse has brought the narcotics epidemic under control within the military.

DRUGS AND THE MILITARY

The drug problem—like the civilian situation from which it directly derives—is running away with the services. In March, Navy Secretary John H. Chafee, speaking for the two sea services, said bluntly that drug abuse in both Navy and Marines is out of control.

In 1966, the Navy discharged 170 drug offenders. Three years later (1969), 3,800 were discharged. Last year in 1970, the total jumped to over 5,000.

Drug abuse in the Pacific Fleet—with Asia on one side, and kinky California on the other—gives the Navy its worst headaches. To cite one example, a destroyer due to sail from the West Coast last year for the Far East nearly had to postpone deployment when, five days before departure, a ring of some 30 drug users (over 10 percent of the crew) was uncovered.

Only last week, eight midshipmen were dismissed from the Naval Academy following disclosure of an alleged drug ring. While the Navy emphatically denies allegations in a copyrighted article by the *Annapolis Capitol* that up to 1,000 midshipmen now use marijuana, midshipman sources confirm that pot is anything but unknown at Annapolis.

Yet the Navy is somewhat ahead in the drug game because of the difficulty in concealing addiction at close quarters aboard ship, and because fixes are unobtainable during long deployments at sea.

The Air Force, despite 2,715 drug investigations in 1970, is in even better shape: its rate of 3 cases per thousand airmen is the lowest in the services.

By contrast, the Army had 17,742 drug investigations the same year. According to Col. Thomas B. Hauschild, of the Medical Command of our Army forces in Europe, some 46 percent of the roughly 200,000 soldiers there had used illegal drugs at least once. In one battalion surveyed in West Germany, over 50 percent of the men smoked marijuana regularly (some on duty), while roughly half of those were using hard drugs of some type.

What these statistics say is that the Armed Forces (like their parent society) are in the grip of a drug pandemic—a conclusion underscored by the one fact that, just since 1968, the total number of verified drug addiction cases throughout the Armed Forces has nearly doubled. One other yardstick: according to military medical sources, needle hepatitis now poses as great a problem among young soldiers as VD.

At Ft Bragg, the Army's third largest post, adjacent to Fayetteville, N.C. (a garrison town whose conditions one official likened to New York's "East Village" and San Francisco's "Haight-Asbury") a recent survey disclosed that 4% (or over 1,400) of the 36,000 soldiers there are hard-drug (mainly heroin and LSD) addicts. In the 82nd Airborne Division, the strategic-reserve unit that boasts its title of "America's Honor Guard," approximately 450 soldier drug abusers were being treated when this reporter visited the post in April. About a hundred were under intensive treatment in special drug wards.

Yet Bragg is the scene of one of the most imaginative and hopeful drug programs in the Armed Forces. The post commander, LGen John J. Tolson, and the 82nd Airborne's commander, MGen George S. Blanchard, are pushing "Operation Awareness," a broad post-wide program focused on hard drugs, prevention, and enforcement.

Spearheading Operation Awareness is a tough yet deeply humane Army chaplain and one time Brooklyn longshoreman, LCol John P. McCullagh. Father McCullagh has made himself one of the Army's top experts on drugs, and was last year called as an expert witness by Harold Hughes's Senate Subcommittee on Alcohol and Narcotics.

NO STREET IS SAFE

One side-effect of the narcotics flood throughout the services is a concurrent epidemic of barracks theft and common criminality inside military or naval bases which once had the safest streets in America.

According to the personnel chief of one of the Army's major units, unauthorized absence, historically the service's top disciplinary problem, is now being crowded by the thefts. Barracks theft destroys trust and mutual loyalty among men who ought to be comrades and who must rely absolutely on each other in combat. It corrodes morale and is itself an indicator of impossible conditions in a fighting unit.

At Ft Bragg, primarily because of addict thieves, soldiers in many units cannot even keep bedding on their bunks in barracks. After what used to be reveille, they strip their bunks of bedding and cram it away under lock and key with whatever valuables they dare keep on hand.

Radios, sports gear, tape decks, and cameras—let alone individual equipment—are stolen on sight. Unlocked cars, on the manicured streets of this fine old post, are more likely to be stolen than not. Fayetteville, according to soldiers, abounds with off-post fences who will pay pennies for Army blankets and higher amounts for just about anything else.

Unhappily, conditions at Ft Bragg are not unusual.

Soldier muggings and holdups are on the rise everywhere. Ft Dix, N.J., has a higher rate of on-post crime than any base on the East Coast. Soldier muggings are reported to average one a night, with a big upsurge every pay-day. Despite 450 MP's (one for every 55 soldiers stationed there—one of the highest such ratios in the country) no solution appears in sight.

Crimes are so intense and violent in the vicinity of an open-gate "honor-system" detention facility at Ft Dix that, according to press reports, units on the base are unwilling to detail armed sentinels to man posts nearby, for fear of assault and robbery.

DESERTIONS AND DISASTERS

With conditions what they are in the Armed Forces, and with intense efforts on the part of elements in our society to disrupt discipline and destroy morale the consequences can be clearly measured in two ultimate indicators: manpower retention (reenlistments and their antithesis, desertions); and the state of discipline.

In both respects the picture is anything but encouraging.

Desertion, to be sure, has often been a serious problem in the past. In 1826, for example, desertions exceeded 50% of the total enlistments in the Army. During the Civil War, in 1864, Jefferson Davis reported to the Confederate Congress: "Two thirds of our men are absent, most absent without leave."

Desertion rates are going straight up in Army, Marines, and Air Force. Curiously, however, during the period since 1968 when desertion has nearly doubled for all three other services, the Navy's rate has risen by less than 20 percent.

In 1970, the Army had 65,643 deserters, or roughly the equivalent of four infantry divisions. This desertion rate (52.3 soldiers per thousand) is well over twice the peak rate for Korea (22.5 per thousand). It is more than quadruple the 1966 desertion-rate (14.7 per thousand) of the then well-trained, high-spirited professional Army.

If desertions continue to rise (as they are still doing this year), they will attain or surpass the WWII peak of 63 per thousand, which, incidentally, occurred in the same year (1945) when more soldiers were actually being discharged from the Army for psychoneurosis than were drafted.

The Air Force—relatively uninvolved in the Vietnam war, all-volunteer, management-oriented rather than disciplinary and hierarchic—enjoys a numerical rate of less than one deserter per thousand men, but even this is double what it was three years ago.

The Marines in 1970 had the highest desertion index in the modern history of the Corps and, for that year at least, slightly higher than the Army's. As the Marines now phase out of Vietnam (and haven't taken a draftee in nearly two years), their desertions are expected to decrease sharply. Meanwhile, grimly remarked one officer, "Let the bastards go. We're all the better without them."

Letting the bastards go is something the Marines can probably afford. "The Marine Corps Isn't Looking for a Lot of Recruits," reads a current recruiting poster, "We Just Need a Few Good Men." This is the happy situation of a Corps slimming down to an elite force again composed of true volunteers who want to be professionals.

But letting the bastards go doesn't work at all for the Army and the Navy, who do need a lot of recruits and whose reenlistment problems are dire.

Admiral Elmo R. Zumwalt, Jr., Chief of Naval Operations, minces no words. "We have a personnel crisis," he recently said, "that borders on disaster."

The Navy's crisis, as Zumwalt accurately describes it, is that of a highly technical, materiel oriented service that finds itself unable to retain the expensively-trained technicians needed to operate warships, which are the largest, most complex items of machinery that man makes and uses.

NONVOLUNTEER FORCE?

If 45% of his sailors shipped over after their first enlistment, Admiral Zumwalt would be all smiles. With only 13% doing so, he is growing sideburns to enhance the Navy's appeal to youth.

Among the Army's volunteer (non-draftee) soldiers on their first hitch, the figures are much the same; less than 14% re-up.

The Air Force is slightly, but not much better off: 16% of its first-termers stay on.

Moreover—and this is the heart of the Army's dilemma—only 4% of the voluntary enlistees now choose service in combat arms (infantry, armor, artillery) and of those only 2.5% opt for infantry. Today's soldiers, it seems, volunteer readily enough for the tail of the Army, but not for its teeth.

For all services, the combined retention rate this past year is about half what it was in 1966, and the lowest since the bad times of similar low morale and national disenchantment after Korea.

Both Army and Navy are responding to their manpower problems in measures intended to seduce recruits and reenlistees: disciplinary permissiveness, abolition of reveille and KP, fewer inspections, longer haircuts—essentially cosmetic changes aimed at softening (and blurring) traditional military and naval images.

Amid such changes (not unlike the Army's 1946 Doolittle Board coincidences intended in their similar postwar day to sweeten life for the privates), those which are not cosmetic at all may well exert profound and deleterious effects on the leadership, command authority and discipline of the services.

SOULBONE CONNECTED TO THE BACKBONE

"Discipline," George Washington once remarked, "is the soul of the army."

Washington should know. In January 1781, all the Pennsylvania and New Jersey troops in the Continental Army mutinied. Washington only quelled the outbreaks by disarming the Jersey mutineers and having their leaders shot in hollow square—by a firing squad made up of fellow mutineers.

(The Navy's only mutiny, aboard USS *Somers* in 1842, was quelled when the captain hanged the mutineers from the yard-arm while still at sea.)

If Washington was correct (and almost any professional soldier, whether officer or NCO, will agree), then the Armed Forces today are in deep trouble.

What enhances this trouble, by exponential dimensions, is the kind of manpower with which the Armed Forces now have to work. As early as three years ago, U.S. News and World Report reported that the services were already plagued with ". . . a new breed of man, who thinks he is his own Secretary of State, Secretary of Defense, and Attorney General. He considers himself superior to any officer alive. And he is smart enough to go by the book. He walks a tightrope between the regulations and sedition."

Yet the problem is not just one of trouble-makers and how to cope with them.

The trouble of the services—produced by and also in turn producing the dismaying conditions described in this article—is above all a crisis of soul and backbone. It entails—the word is not too strong—something very near a collapse of the command authority and leadership George Washington saw as the soul of military forces. This collapse results, at least in part, from a concurrent collapse of public confidence in the military establishment.

General Matthew B. Ridgway, one of the Army's finest leaders in this century (who revitalized the shaken Eighth Army in Korea after its headlong rout by the Chinese in 1950) recently said, "Not before in my lifetime . . . has the Army's public image fallen to such low esteem . . ."

But the fall in public esteem of all three major services—not just the Army—is exceeded by the fall or at least the enfeeblement of the hierarchic and disciplinary system by which they exist and, when ordered to do so, fight and sometimes die.

Take the case of the noncommissioned and petty officers.

In Rudyard Kipling's lines, "The backbone o' the Army is the noncommissioned man!"

Today, the NCOs—the lifers—have been made strangers in their own home, the regular service, by the collective malevolence, recalcitrance and cleverness of college-educated draftees who have outflanked the traditional NCO heirarchy and created a privates' power structure with more influence on the Army of today than its sergeants major.

NO OFFICE FOR THE OMBUDSMAN

In the 4th Mechanized Division at Ft. Carson, Sp 4 David Gyongyos, on his second year in the Army, enjoys an office across the hall from the division commander, a full-time secretary, and staff car and driver also assigned full time. He has the home phone numbers of the general and chief of staff and doesn't hesitate to use them out of working hours when he feels like it.

Gyongyos (with a bachelor's degree in theology and two years' law school) is Chairman of the division's Enlisted Men's Councils, a system of elected soviets made up of privates and Sp 4s (NCOs aren't allowed) which sits at the elbow of every unit commander down to the companies. "I represent, electively," Gyongyos expansively told this reporter, "the 17,000 men on this post."

The division sergeant major, with a quarter-century in the Army, who is supposed to be the division's first soldier and—non-electively—father and ombudsman of every soldier, has an office which is not even on the same floor with the general (or Sp 4 Gyongyos either). He gets his transportation, as needed, from the motor pool. He does not "rap" freely over the phone to the general's quarters.

The very most that Gyongyos will concede to the sergeant major, the first sergeants, the platoon sergeants—the historic enlisted leadership of armies—is that they are "combat technicians." They are not, he coldly adds, "highly skilled in the social sciences."

The soldiers' soviets of the 4th Division represent an experiment in what the Army calls "better communications". Conditions throughout the rest of the Army do not quite duplicate those at Carson, but the same spirit is abroad. And experienced NCOs everywhere feel threatened or at least puzzled.

Most major units of the Army, Navy, and Air Force have some form of enlisted men's councils, as well as junior officer councils. Even the trainee companies at Ft. Ord, Calif. have councils, made up of recruits, who take questions and complaints past their DIs to company commanders and hold weekly meetings and post minutes on bulletin-boards. General Pershing, who once said "All a soldier needs to know is how to shoot and salute", would be surprised.

THE VOCALISTS

As for the officers, said a four-star admiral, "We have lost our voice."

The foregoing may be true as far as admirals are concerned, but hasn't hampered short-term junior officers (including several West Pointers) from banding together into highly vocal antiwar and antimilitary organizations, such as the Concerned Officers' Movement (COM). At Norfolk, the local COM chapter has a peace billboard outside Gate 2, Norfolk Naval Station, where every sailor can profit by the example of his officers.

Inspection—one of the most important and traditionally visible tools of command—is being widely soft-pedaled because it is looked on as "chicken" by young soldiers, sailors, and airmen.

In a move "to eliminate irritants to Air Force life" all major Air Force commands got orders last year to cut back on inspection of people and facilities.

"You just damn near don't inspect barracks any more," said one Air Force colonel, "this is considered an irritant." Besides, he added (partly to prevent barracks theft and partly for privacy) airmen keep the keys to their own rooms, anyway.

Aboard ships of the Navy, where every inch of metal and flake of paint partakes in the seaworthiness and battle readiness of the vessel, inspection is still a vital and nearly constant process, but even here, Admiral Zumwalt has discouraged "unnecessary" inspections.

If officers have lost their voices, their ears have in many commands been opened if not burnt in an unprecedented fashion via direct "hot lines" or "action lines" whereby any enlisted man can ring up his CO and voice a gripe or an obsenity, or just tell him what he thinks about something or, for that matter, someone.

Starting last year at Naval Air Station, Miramar, Cal., sailors have been able to dial "C-A-P-T" and get their captain on the line. The system so impressed Admiral Zumwalt that he ordered all other shore stations to follow suit, even permitting anonymous calls.

At Ft Lewis, Wash., soldiers dial "B-O-S-S" for the privilege of giving the general an earful.

At the Air Force Academy, cadets receive early indoctrination in the new order of things: here, too, a cadet (anonymously, if he wishes) can phone the Superintendent, record his message and, also by recording receive the general's personal thanks for having called.

WORD TO THE WHYS

"Discipline," wrote Sir John Jervis, one of England's greatest admirals, "is summed up in the one word, obedience."

Robert E. Lee later said, "Men must be habituated to obey or they cannot be controlled in battle."

In the Armed Forces today, obedience appears to be a sometime thing.

"You can't give them an order and expect them to obey immediately," says an infantry officer in Vietnam. "They ask why, and you have to tell them."

Command authority, i.e., the unquestioned ability of an officer or NCO to give an order and expect it to be complied with, is at an all-time low. It is so low that, in many units, officers give the impression of having lost their nerve in issuing, let alone enforcing orders.

In the words of an Air Force officer to this reporter, "If a captain went down on the line and gave an order and expected it to be obeyed because 'I said so!'—there'd be a rebellion."

Other officers unhesitatingly confirmed the foregoing.

What all this amounts to—conspicuously in Vietnam and only less so elsewhere—is that today's junior enlisted man, not the lifer, but the educated draftee or draft-motivated "volunteer"—now demands that orders be simplistically justified on his own terms before he feels any obligation to obey.

Yet the young soldiers, sailors and airmen might obey more willingly if they had more confidence in their leaders. And there are ample indications that Armed Forces junior (and NCO) leadership has been soft, inexperienced, and sometimes plain incompetent.

In the 82d Airborne Division today, the average length of service of the company commanders is only 3½ years.

In the Navy, a man makes petty officer 2d class in about 2½ years after he first enlists. By contrast, in the taut and professional pre-WWII fleet, a man required 2½ years just to make himself a really first-class seaman.

The grade of corporal has practically been superseded in the Army. Sp 4s hold most of the corporals' billets. Where the corporal once commanded a squad, today's Army gives the job to a staff sergeant, two ranks higher. Within the squad, it now takes a sergeant to command three other soldiers in the lowly fire-team.

"This never would have happened," somberly said a veteran artillery sergeant major, "if the NCOs had done their jobs . . . The NCOs are our weak point." Sp 4 Gyongyos at Ft Carson agrees: "It is the shared perception of the privates that the NCOs have not looked out for the soldiers."

When B Troop, 1st Cavalry, mutinied during the Laos operation, and refused to fight, not an officer or NCO raised his hand (or his pistol) or stepped forward. Fifty-three privates and Sp 4s cowed all the lifers of their unit.

"Officers," says a recently retired senior admiral, "do not stand up for what they believe. The older enlisted men are really horrified."

Lieutenant William L. Calley, jr, an ex-company clerk, was a platoon leader who never even learned to read a map. His credentials for a commission were derisory; he was no more officer-material than any Pfc in his platoon. Yet the Army had to take him because no one else was available. Commenting on the Calley conviction, a colonel at Ft Benning said, "We have at least two or three thousand more Calleys in the Army just waiting for the next calamity."

Albert Johnson, the tough Master Chief Petty Officer of the Atlantic Fleet, shakes his head and says: "You used to hear it all the time—people would say, 'The Chiefs run the Navy.' But you don't hear it much any more, especially from the Chiefs."

A HARD LOT AT BEST

But the lot of even the best, most forceful leader is a hard one in today's military.

In the words of a West Point lieutenant colonel commanding an airborne battalion, "There are so many ways nowadays for a soldier that is smart and bad to get back at you." The colonel should know: recently he reduced a sergeant for gross public insubordination, and now he is having to prepare a lengthy apologia, through channels to the Secretary of The Army, in order to satisfy the offending sergeant's congressman.

"How do we enforce discipline?" asks a senior general. Then he answers himself: "Sweep it under the rug. Keep them happy. Keep it out of the press. Do things the easy way: no court-martials, but strong discipline."

Toward the end of the eighteenth century, after years of costly, frustrating and considerably less than successful war, Britain's armed forces were swept by disaffection culminating in the widespread mutinies in most of the ships and fleets that constituted England's "wooden walls" against France.

Writing to a friend in 1797, Britain's First Lord of the Admiralty said, "The Channel Fleet is now lost to the country as much as if it was at the bottom of the sea."

Have things gone that far in the United States today?

The most optimistic answer is—probably not. Or at least not yet.

But many a thoughtful officer would be quick to echo the words of BGen Don A. Starry, who recently wrote, "The Army can defend the nation against anything but the nation itself."

Or—in the wry words of Pogo—we have met the enemy, and they are us.

[From the Los Angeles Times, May 2, 1971]

Police Shots—Killing Nags Conscience in Seattle

(By Richard T. Cooper)

SEATTLE.—Larry Eugene Ward, while he lived, was as anonymous as a particle of smoke, an invisible struggler in the slippery world of the ghetto.

Alive in Seattle's predominantly black "Central Area," he was submerged in a culture so amorphous that people often go unnoticed even by census-takers. Dead, he has gained a certain nagging fame.

Ward, 22, twice wounded and three times decorated by the Army for combat service in Vietnam, was shot to death by police early May 15, 1970, as he alleged fled from the scene of a bombing attempt.

How he came to be there, and the manner of his dying raised questions that, almost a year later, still trouble this city's black community and at least some white officials.

DISTURBING ASPECTS

Several participants, including police, now refuse to comment, but interviews with others who were involved and examination of official records and other documents reveal these disturbing aspects of the incident:

All available evidence indicates that Ward was recruited to plant the bomb by a convicted robber and parole violator who was acting as an undercover informant for the Federal Bureau of Investigation and the Seattle police.

Ward had no known record of involvement with radical or violent groups.

"The police wanted a bomber and I got one for them. I didn't know Larry Ward would be killed," the informant later told an official of the Washington State Penal System.

The informant allegedly had tried earlier to interest a former Black Panther in planting bombs at two different locations.

LAST-MINUTE CHOICE

Ward, according to a later sworn statement by the informant, was chosen to plant this bomb only at the last minute, when police had already set their trap and the former Panther could not be found.

Police say they shot Ward to prevent his escape after he ignored orders to halt, but sworn testimony by the officers involved indicates that two offiers had overtaken him in their car as he fled down the sidewalk and two more were in position just ahead. Additional police units were stationed nearby.

Further, police at the scene knew Ward had been delivered there by the informant. They also knew the informant was waiting in his car just down the street from where Ward was killed.

A coroner's jury investigated the incident and the majority ruled—3 to 2—that Ward had died by police gunfire, "by criminal means."

NO PROSECUTION

This phrase encompasses murder and manslaughter but not excusable or justifiable homicide, the jurors had been instructed. It was the first such verdict against a Seattle policeman in memory, but local officials have declined to prosecute.

Requests for a federal investigation under civil rights laws, first made by the Ward family's lawyer on May 29, 1970, have also produced no results.

The informer was released from jail after he offered to help authorities solve the bombings and he remained free even after being found guilty of an armed robbery committed while on parole from another felony conviction.

A parole officer who wanted to arrest the informer after he failed to appear in court for sentencing on the robbery charge was asked by the FBI and others to take no action. The parole officer agreed, though he had complained earlier that the informant should not have been released.

At the shooting scene, the informant was allowed to drive away and he remained at large for about four months. A bench warrant for his arrest was not issued until June 17, 1970, court records show, more than a month after Ward's death.

UNUSUAL PROCEDURE

Normally, a bench warrant would have been issued when the defendant first failed to keep a court date, in this case in late April, almost a month before the shooting.

When the informant finally was rearrested last September, he was processed hurriedly through the King County (Seattle) Jail and sent to the state prison because "his safety requires immediate transfer," according to prison records.

Later the informant was quietly moved to a federal prison in another part of the country, again for his own safety. "He was a marked man" after his role in the Ward shooting, a knowledgeable official said privately.

While prosecutors took no action in the wake of the coroner's jury verdict, Seattle police reacted to it by threatening a protest strike, there was also wide praise for the minority conclusion that Ward's death was "not by criminal means."

CORONER CRITICAL

Among the critics of the jury was King county Coroner Leo Sower, who had conducted the inquest.

To much of the black community and to some within the police department, the case illustrates what they see as a greater tolerance of deadly force used against blacks than against white suspects.

Coroner's jury foreman Edward Russell, 43, who is black, said recently, "it seemed little priority was given to taking Ward alive. It was almost an afterthought."

"They had enough time and advance information to do a better job of planning and putting men into strategic place," he said. "There was enough evidence to show negligence on the part of the officers."

Several of those interviewed about the incident noted that earlier last year, when white radicals fled after planting a bomb near the University of Washington campus, Seattle police chased and captured them without firing.

ENTRAPMENT ISSUE

The Ward case also raises questions about entrapment and other problems when law enforcement agencies use undercover operatives, particularly where police are under public or political pressure.

Entrapment, which is illegal, occurs when police or their agents solicit or encourage a person to commit a crime he presumably would not have committed without the encouragement.

Before the Ward incident, Seattle had been plagued by a series of bombings, more than 60 in the previous two years, according to one count.

The homes of two white state legislators living in the Central Area had been bombed. So had the Morris Handcastle Real Estate office at 24th Ave. and Union St., where Ward was allegedly lighting the bomb when police closed in.

Hardcastle's, fairly or unfairly, is regarded by the black community as deeply involved in maintaining Seattle's pattern of segregated housing. It is something of a symbol.

Public pressure for a solution to the bombings had become intense early last year and the authorities were making little progress, knowledgeable sources recall. It was then that the FBI and police began their relationship with the informer.

STILL A MYSTERY

A year later, police concede they still know almost nothing about who was behind all the bombings.

It is generally agreed, however, that Larry Ward was not.

He had been honorably discharged from the Army on March 27, 1970—only seven weeks before his death.

One of the youngest of nine children, Ward grew up in a fatherless but comparatively stable family. His mother, Gertrude, for many years held both day and night jobs to support her children. Larry's oldest brother, Sgt. Bobrie Ward, 37, is a 16-year veteran of the Air Force. His oldest sister, Mrs. Shirley G. Brown, is married, works in a Seattle hospital, and has a daughter in college.

Of the other children, only Joey, 19, a draftsman for the Burlington Northern Railroad, and 15-year-old Janet, a student at Garfield High School, now live at home.

Larry also attended Garfield. He dropped out, then obtained his diploma in the Army. He served 15 months in Vietnam, winning two Purple Hearts and an Army commendation medal.

According to his family, Ward had spent the weeks after his discharge "catching up on his dating," staying up late watching television, and hanging around a nearby pool hall with friends. He had applied for several jobs, however, and was scheduled to take a Post Office employment exam the day after his death.

IGNORED PANTHERS

Some of his friends "tried to get Larry to join the Panthers before he went into service but he wasn't interested," Mrs. Ward says, "He wasn't the type of boy who was uptight about blacks or stuff like that. He liked a good time."

"Afterwards," said Larry's sister, Shirley, a police officer "had the nerve to tell me my brother was a nice guy, no bad record, never been involved in anything political, that it was just something that happened."

"We weren't after your brother," she quoted the officer as saying.

Joey who is openly bitter, seemed to express what others feel when he said, "The simple fact is they didn't have no bomber and they needed one to take to court.

"They meant to kill the bomber but they didn't know it would be Larry."

The police informant who has admitted luring Ward into the trap is a 26-year-old black convict named Alfred R. Burnett, described by his parole officer as "a super-manipulator . . . the kind of guy who could always slick some other guy into doing his dirty work."

OFFERED "DEAL"

The parole officer, Richard Hooper, had been Alfie Burnett's counselor when he was in prison for burglary about five years ago and had his case when Burnett, out on parole, was arrested for robbery late in December, 1969.

Early in February, 1970, almost two months before Larry Ward was to leave the Army, Burnett asked to see his parole officer.

"He said he had information as to who was behind the bombings in the Central Area," according to Hooper. "What he was after was to make a deal: let him out of jail and he'd tell who was doing it."

"To tell the truth, I didn't believe him," Hooper said in a recent interview, noting that nothing in Burnett's background indicated contact with the militant groups that are widely suspected of instigating the bombings.

RELEASED ON BAIL

Hooper passed Burnett's proposal along to the King County prosecutor's office, however, and on March 6, 1970, Burnett was released on $5,000 bail. Security for the bond was put up by a well-known former leader of the Panthers in Seattle, Curtis Harris, though curiously, Harris says he did not know Burnett personally at the time.

Since being charged with a felony is a technical violation of parole, Hooper had filed a "detainer" making Burnett ineligible for bail, but had removed it late in February on orders from his superiors.

Court records indicate Burnett failed to appear for his March 24 trial date but on March 30 he appeared and pleaded guilty. Sentencing was set for April 22 and Burnett was allowed to remain free.

Burnett did not appear for the sentencing, Hooper recalls. Normally, an arrest warrant would have been issued immediately, but in this case action was deferred not once but several times over the succeeding weeks.

ARREST PREVENTED

As his parole officer, Hooper was unhappy about the situation and decided finally to arrest Burnett himself. The FBI, the police, and the prosecutor's office asked him to wait, however. The FBI said Burnett was feeding them information, Hooper recalls.

Burnett's movements while he was free are not fully known, but a reasonably clear picture of his role in the Ward incident can be pieced together from his sworn statement to the family lawyer, from interviews with some of those directly involved, and from testimony at the inquest.

He was feeding police a series of tips about bombings. Stakeouts were arranged, but each proved fruitless.

Burnett was also talking about bombings to people in the black community, including Jimmy Davis, the former Panther and Ward's close friend.

BOMBING PROPOSAL

It was sometime in April that Burnett told Davis "he knew a way we could pick up some money by bombing the Model Cities office," Davis says. "I just said it sounded all right and I might think about it."

Davis is the one Burnett had chosen to plant the bomb at Hardcastle's too, though he may never have mentioned the specific target. And Davis had spoken about Burnett's proposition to Ward.

On the night of May 14, Burnett says in his sworn statement, the police called and "they told me it would be set up around 2:30 (a.m., May 15).

Burnett immediately began looking for Davis, but could not find him. "I looked all over and every time I would be here, he would be somewhere else, and we never got in touch.

"Time was running short," Burnett said in the statement, "so I went to his friend's house where he usually would be at." Joey Ward remembers being awakened by Burnett's auto horn and he summoned Larry, who was also sleeping.

STREET CONVERSATION

Ward and Burnett had a conversation on the street. It was then about 2:20 a.m.

According to Burnett, Ward hinted that he knew about the bombing plan and "I says, 'Well, it is going off tonight, it's supposed to blow apart in half an hour,' and he (Ward) said, 'Well, can't you find Jimmy?,' and I says, 'No,' and he says. 'How much money did he give you?' "

The amount was $75 and Burnett told Ward, "I will give it to you along with the bomb." He quotes Ward as saying, "I will do it."

Burnett says he and Ward then drove past the Hardcastle office several times. They stopped at a gas station and Burnett, making an excuse, called the authorities one last time.

"I distinctly told them that it was Ward instead of Davis," Burnett said in his statement. "I told them he was unarmed, and they asked me what kind of car I was in, what my license number was, and what color it was."

Burnett said he could not remember who he talked to in the Intelligence unit but that he used a telephone number he had been given in advance.

Burnett said he let Ward out of the car at Hardcastle's on the corner of 24th Ave. and Union, then drove about half a block north on 24th to wait.

The area along Union is largely commercial; 24th Ave. at that point is a narrow street lined with modest houses.

As they later testified at the inquest, tactical squad police officers Frederick M. Aesquivel and Norman L. Putnam Jr., also waited, sitting in their unmarked car farther north down 14th Ave. ahead of Burnett.

They said they could see everything that followed.

Two other men from the tactical unit, officers John R. Hannah and John W. Garner, were watching from a closer vantage point. They were in Garner's private automobile in the parking lot of the Liberty Bank diagonally across the intersection from Hardcastle's.

"At the time the area was just as still as could be," Garner testified later. The officers on the stakeout were linked directly to each other by radio, as well as to the police dispatcher, and records show they talked back and forth as the incident progressed.

RADIO REPORTS

Hannah and Garner saw Burnett's car pass several times. They reported it by radio and were told the informant was driving.

They saw Ward approach Hardcastle's, circle the building and scan the street carefully, then kneel and place a package by the front door.

Moments later, they said, a flare of light appeared and they assumed the bomb had been lit. Garner described what he saw on the radio, opened the car door, and yelled "police officers, hold it right there."

Garner testified that Hannah did not open fire with his shotgun until Ward started running, though police experts testified that two charges from the gun struck the doorway area.

As Ward ran north on 24th Ave. toward Burnett's car, Hannah and Garner pursued him in their vehicle, Hannah firing again.

When they closed to within about 60 feet of him, Ward, still running, stepped off the sidewalk. The officers say they feared he would run between the houses and Hannah again shouted for him to stop.

Ward veered back onto the sidewalk, half turning his upper body toward them, the officers testified. Garner said he thought Ward was going to fire at them, though no weapon was visible and none was found in the area.

Hannah fired once more. The charge hurled Ward off the sidewalk, killing him almost instantly. Two large buckshot pellets had pierced both lungs and his heart. Other pellets had inflicted lesser wounds.

Officers Aesquivel and Putnam, meanwhile, had closed in from in front of Ward, allowing Burnett to drive away. The two officers had stopped their car in the middle of 24th Ave. and, Aesquivel testified, were preparing to shoot Ward themselves when Hannah's last shot struck.

The officers indicated they had not coordinated their activities to assure capturing Ward alive because, they said, Aesquivel and Putnam had not informed Hannah and Garner of their presence at the scene.

Nor was the exact location of other officers assigned to the stakeout known, they said.

SAW MANY POLICE

Burnett, in his statement, said about four police cars passed him closing in on Ward when the shooting started and he saw six or eight men he believed to be plainclothes officers on foot near the real estate office when Ward started running.

The tactical unit officers who testified at the inquest said they had learned of the impending bomb attempt when they reported for duty on May 14. The information was from the FBI, they were told.

Later that night, additional information was forwarded to the tactical units assuring them the tip was reliable.

Then, at about 2:20 a.m. on May 15, the police radio dispatcher testified, he received a call on the department's special telephone line to the FBI.

The dispatcher said he was told the "informant was driving the suspect car and that the suspect had a bomb, that it was three sticks of dynamite taped together, and that he was going to try to stall the suspect until 2:30 and that the suspect was going to bomb the Morris Hardcrest Realty."

The FBI did not say the bomber would be unarmed, according to the dispatcher.

The head of the police intelligence unit, Capt. John Williams, was notified and he assured the dispatcher that a stakeout had already been set up.

Capt. Williams now refuses to discuss any aspect of the incident; he called in a stenographer and turned on a tape recorder recently when a reporter sought to interview him.

UNANSWERED QUESTIONS

In this case, however, questions have survived without answers for almost a year.

Ed Russell, foreman of the inquest jury, said recently, "I think there is still a feeling that something may happen, but people don't have their hopes too high."

What Russell's "something" might be is unclear. King County officials could decide to investigate further, even to indict some of those involved. So could federal authorities.

Neither possibility is considered likely, however, and as time passes Larry Ward's fate becomes only another bitter raindrop falling on the black community.

Patrolling the Empire—The New U.S. Counterinsurgency

(By Stephen B. Connolly and William Lightbourne)

Oderint, dum metuant. ("Let them hate so long as they fear.") Lucius Accius, quoted in Cicero's *Phillipic*, I. 14.

It is a relatively simple matter for a nation with immense economic power to acquire a network of client states, rule them through indigeneous comprador classes, and integrate their economies with that of the paramount power in a raw-material and market kind of relationship. If that paramount power has, in addition to its economic power, adequate technological capabilities, it is assured of maintaining the client network against the incursions of other would-be paramount powers. However, it is quite another matter to maintain the network in the face of determined opposition on the part of the neocolonial populations. It is just such a determined opposition that has involved the U.S. in a decade-old war in the paddies and jungles of Indochina—a war costing hundreds of thousands of lives, and hundreds of billions of dollars.

The U.S.'s network in Southeast Asia was established in the aftermath of World War II, the War having caused the erosion of Dutch and Japanese influence in the area while enhancing that of the U.S. Following the French defeat at Dienbienphu, the Indochinese area was added to the U.S. defense perimeter in Asia, which then stretched from Korea to Thailand. This perimeter was to be defended on the basis of Truman's "cold war" strategy—that is, any attempt on the part of the Soviets (and later the Chinese) to violate the perimeter would be met with American force. It was this cold war policy—created by Truman and adhered to by his successors—that led the U.S. to a major war in Korea, support of a counter-revolutionary campaign in the Philippines, the brink of war during the Quemoy-Matsu crisis, and the Vietnam tragedy. However, the fact that Vietnam occurred as a result of the same essential political premises as occasioned Korea should not be allowed to obscure the fact that the military strategies which have been developed and implemented in Vietnam make this conflict very much more important than just another "cold war" gone hot.

There are any number of facts about the military campaign in Southeast Asia that are well known, and often commented upon—among them that: the U.S. has dropped more bombs in Indochina than were dropped in the entire Pacific Theatre of World War II; that the U.S. has had over forty thousand of its young men killed in this war; that this has been the longest war in American history; etc. The list of facts to attest to the magnitude of the American effort in Vietnam is endless. Yet, even as the U.S. and its allies march into another "neutral" nation, we are left with the feeling that if there was ever a bottomless pit, this is certainly it. But viewing the magnitude of the efforts and the paucity of the visible victories leaves a series of unanswered questions. With all of this effort, why hasn't the war been won? Have the strategic planners gone completely insane? Are the U.S.'s military commanders total incompetents? And in the final analysis, is this kind of anti-guerrilla war in Asia feasible under any strategic conditions? To deal with these questions it would be necessary to consider the specific strategies that have been employed in the Vietnam war—and these usually haven't been adequately considered, at least not by "critics" of the war. This is largely attributable to the fact that most of the critics view the entire war as immoral and unconscienable—that is, it is a political conflict among the Vietnamese people, and should be settled as such, without the benefit of U.S. war technology. To the extent that some of the war critics are now beginning to deal with the strategies and tactics of the war, the tendency has been to examine those aspects of the strategy that would make the U.S. commanders culpable of "war crimes." They may very well be culpable, but it is still important to examine the general nature of the strategies used in Vietnam—important for three reasons. (A) The strategies have changed twice, a fact that is not generally appreciated; (B) there are many in the U.S., particularly radicals, who argue that the war has come home—that tactics developed in Southeast Asia are currently being practiced in the United States; and (C) a comprehension of the strategies currently being employed in Indochina serves as a very useful model for predicting the future of America's foreign policy, not only with the members of the client network, but also with the enemies of the network.

THE NEW FRONTIER AND AMERICAN POLICY IN THE THIRD WORLD

Among the changes that John Kennedy brought to U.S. politics in 1961, probably none was so far reaching as the changes in the relations of the U.S. and the "Third World." This revision stemmed from necessity rather than from style. The immediately preceding years had seen in the Third World, among other unfavorable developments: the success of revolutionary movements in Indochina (1954), and Cuba (1959); and at the time of Kennedy's accession, Algerian revolutionaries were bringing their liberation struggle to a successful conclusion. It would be no exaggeration to suggest that in 1960 U.S. policymakers viewed the changing situations throughout the underdeveloped world with a dismay that approached horror—not only because these revolutionary victories had added numbers to the "other side," but also because the new regimes that emerged were openly bent on promoting and aiding similar revolutions throughout the Third World.

In 1961, the view from the White House was that not only might such revolutions prove contagious, but that the U.S. was largely unprepared to prevent or terminate them. In 1961, Eisenhower's approach to defending the Empire was seen as both prohibitively expensive and basically impractical—that is, neither nuclear threats nor the use of World War II-type conventional force seemed a viable counter-force to organized and sophisticated guerrilla revolutionaries. In the aftermath of the CIA's Bay of Pigs disaster in 1961, and the "almost" Pathet Lao victory in Laos in the same year, Kennedy was determined that the U.S. should develop and embark upon a strategy capable of inhibiting the spread and the success of guerrilla movements.

The strategy which grew out of this determination was to be known as "counterinsurgency," and in its most elemental form, Kennedy's counterinsurgency strategy amounted to a combination of: military; para-military; social; economic; psychological; and "civic action" operations, to be carried out by the U.S. and its clients against insurgency movements. ["Insurgency" is used here to refer to "all types of non-conventional forces and operations. It includes guerrilla, partisan, subversive, resistance, terrorist, revolutionary and similar personnel, organizations and methods . . . (It) includes acts . . . conducted for the purposes of eliminating or weakening the authority of the local government." U.S. Army Field Manual, FM-31-15, *Operations Against Irregular Forces,* p. 3.] As Kennedy envisaged counterinsurgency, and as he integrated the strategy into his foreign policy, the military was not intended to be, or become, the primary factor. Rather, the strategy which he envisioned was based upon the belief that nationalist revolutions in the Third World were the direct result of the crushing socio-economic deprivations that existed in those areas. Kennedy wished for a strategy that would win for the United States—and its client regimes—the "hearts and minds" of the people. Thus the emphasis was to be placed on "benevolent" programs designed to ameliorate the worst of the deprivations, or more accurately what Washington perceived as the most pressing problems and conflicts. The U.S. military's role was to be restricted to the utilization of highly trained military specialists who were to serve as trainers and advisers to the national militaries in America's client network, thus saving the U.S. the immense cost of maintaining a large occupation force in crisis areas.[1]

COUNTERINSURGENCY IN INDOCHINA

Among Kennedy's advisors there was some disagreement with this "hearts and minds" approach to counterinsurgency, notably on the part of economist Walt W. Rostow. From Rostow's perspective, such socio-political reform measures as Kennedy envisioned were not feasible in any situation in which there was an on-going insurgency movement. On the one hand, argued Rostow, such a situation was far too unstable to permit capitalist "growth" to proceed, and on the other, such reforms as might be affected would likely be subverted by an efficient guerrilla movement.[2]

In 1959, the Vietnamese National Liberation Front (NLF) had renewed the liberation struggle in South Vietnam that had been suspended in 1954. By the first year of Kennedy's Presidency, the regime of Ngo Dinh Diem faced a perilous future, and it was clear that without sustained U.S. assistance his government would fall. Viewing this Vietnamese crisis, Rostow argued that only a large-scale commitment of U.S. combat forces could save the Saigon government, but Kennedy sided with his "hearts and minds" strategists and entrusted his Vietnam policy to Roger Hilsman's State Department Bureau of Research and Intelligence.

In response to the immediate NLF-guerrilla threat, the Kennedy government committed U.S. military and CIA advisers to train and assist the Army of the Republic of Vietnam (ARVN). The rationale for this military commitment, wrote Hilsman, was that Kennedy appreciated that if the other efforts of the U.S. were to succeed then the U.S. would have to be able to guarantee the physical security of rural and urban residents. If it could be demonstrated to the indigeneous population that they could be effectively protected from the NLF, then the possibility would be enhanced that they would make the "choice of refusing to cooperate" with the enemy. In this manner, Hilsman reasoned, the guerrillas would be denied their most valuable resource—the rural population.[3]

The long-term, non-military aspect of the Kennedy program in South Vietnam was to institute a "system of government services and assistance" that would end the traditional isolation of the rural areas from Saigon—the intention being to transfer the dependence of the rural population away from the guerrillas to the central authorities. Thus, *the de-emphasis of the role of the military in Kennedy's counterinsurgency strategy was clearly qualitative rather than quantitative.* That is, their physical presence was considerable while their role was auxiliary.

While the practice of counterinsurgency was continuing in Vietnam, the development of the model was progressing in the United States. Tens of thousands of civilian and military officials were being sent through counterinsurgency centers at Fort Bragg (N.C.), Fort Gurlick (Canal Zone), Quantico (Va.), and the Industrial War College in Washington, prior to being posted abroad. As a supplement to government research and analysis centers, the Kennedy government distributed large counterinsurgency research grants, both to universities and private research centers in the U.S. Much as the Eisenhower administration had made use of the universities for nuclear research during the 1950's, Kennedy (vis the Department of Defense and the CIA), promoted counterinsurgency studies at universities such as Columbia, Berkeley, American University, and Michigan State, (to name only the foremost). Private research centers were also to be the beneficiaries of this new military science. Scholars at the RAND Corporation, the Institute for Defense Analysis, and the Stanford Research Institute, became the government's primary civilian technicians in the field of counterinsurgency strategy and tactics. (The largest of these institutions, the RAND Corporation, is a private research center initially established to serve the Air Force. In recent years it has been expanded from weapons system-analysis to the world's largest counterinsurgency center. Its trustees are drawn from private industries, universities, and the media. Located in Santa Monica, California, RAND's staff includes hundreds of social, behavioral, and natural scientists, engineers, etc. "Most of its projects," according to Dartmouth's Lawrence Radway, "are begun under contract with the armed forces . . ." In all military projects, the RAND staff has access to the most classified of information, and the confidence of highest of the nation's leaders. For further information: Lawrence Radway, *Foreign Policy and National Defense,* (Palo Alto: Scott, Foresman and Co., 1969).)

By 1963, the Kennedy administration had created a "round-robin" type structure, employing both behavioral asocial scientists and the technicians of the physical sciences. Commenting on this alliance in his *American Power and the New Mandarina,* Noam Chomsky described it as one in which "engineers"

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dogenous" (internally, from the local popu- the behavioral social scientists design and implement "experiments" to test Third World peoples and their resources against newly-devised control mechanisms. Then, (as today), it was not uncommon to find a RAND social scientist or a Berkeley political scientist working alongside U.S. Army military advisory teams in the hamlets and rural villages of Southeast Asia. Nor was it surprising that secretly-funded CIA conduit foundations should have set up experimental "control laboratories" throughout South America, utilizing the most liberal of social scientists to study security-related behavior patterns of the indigena, (i.e. American University's Project Camelot).

In spite of the government's emphasis on reform programs, and the encouragement of civilian groups and agencies in the counterinsurgency field, a possibly inevitable mutation of the strategy began to occur—particularly in the realm of practical application of the strategy. As counterinsurgency programs became an increasingly important part of the operations of the Department of Defense, and as spending on these programs continued to increase within the military establishment, military leaders began to reject the notion that theirs should be the secondary role in the strategy. As General David Shoup, a former Commandant of the Marine Corps has noted: Vietnam had become an area in which "top ranking Army officers wanted to project Army ground combat units . . . to test plans and new equipment."[4] Thus, the military leaders at the Pentagon wished to do the things that Kennedy wished to avoid—turn the Vietnam war into an American war.

As Kennedy still saw the role of the U.S. military in less-developed countries, it was to be limited to an advisory and training function. The various national armies would then be at the disposal of the local U.S. Chief-of-Mission and his military experts. Or, as Robert McNamara expressed it:

"The United States cannot be everywhere simultaneously. The balance of forces and the variable alternatives which challenge us in the changing contemporary world can only be conquered with faithful friends, well-equipped and ready to carry out the duties assigned to them . . . The Military Aid Program . . . helps in maintaining military forces which complement our own armed forces.[5]

This U.S. military role was advocated to Kennedy by two counterinsurgency experts: the State Department's Rober Hilsman, and the British Institute of Strategic Studies' Sir Robert Thompson.

These two strategists felt, as did Kennedy, that insurgencies, were internal matters which could never be completely defeated by the mere use of force. In their view, if the U.S. were to rely solely upon force in its campaign against the NLF, not only would the "infected population" be alienated from the Saigon regime but it might very well be made more sympathetic to the insurgents. [This alienation would result from the negative aspects stemming from the pursuit of a military solution—the destruction of rural resources, crops, civilians, etc.] The permanent defeat of the NLF, Hilsman and Thompson argued, could only be achieved by the application of political and social programs "to which military measures were subordinated." The actual situation in Vietnam, they had discovered, was one in which the U.S. advisers were applying a shot-gun approach; that is, they were directing the available military force indiscriminately against all areas in which the NLF was operative. Because of the over-extended and diffuse nature of this approach, the entire anti-NLF campaign was becoming less and less effective, as "the insurgency movement had infected all areas of the countryside."[6]

In light of the power of the NLF, Thompson advised that if the U.S. were to avoid an imminent failure, it should withdraw the ARVN troops to whatever secure base areas then remained, and begin the construction of what he termed "strategic hamlets". A decade before, Thompson had advised the British Imperial General Staff that if it was to defeat the Malayan insurgents it would first have to secure a minimal number of base areas. In Vietnam, Thompson was even more convinced of the need for strategic hamlets. In his view, if the U.S. did not direct the Vietnamese campaign in that direction, all future efforts to defeat the NLF would be both expensive and ineffective.

This strategic hamlet policy was based upon what later became known as the "oil blot principle". The principle, as Thompson presented it, was that the U.S. and the Government of Vietnam (GVN), should select those areas, both urban and rural, with the fewest number of active insurgents and begin fortifying the villages and hamlets in the selected areas. [This would necessitate "starting small", for as Thompson noted in his *Defeating Communist Insurgency,* most of South Vietnam's rural provinces were under the effective control of the NLF.] Within these hamlets, the U.S. and GVN agents should concentrate their sociopolitical programs, and "priority in respect to security measures should be given to the more highly developed areas of the country." The concentration of U.S.–ARVN counterinsurgency measures in these select areas was not seen by Thompson as a loss factor. To the contrary, he maintained, there would be many occasions when the U.S. would have to accept the fact that the guerillas would maintain "control over remote areas" as a result of "infiltration across inaccessible borders". If the U.S. were prepared to accept this and initiate the process of securing its base areas, Thompson believed that there would then be an increased chance of implementing successful socio-political programs. Once these base areas were effectively controlled, the U.S. and GVN could begin the expansion of their counterinsurgency operations outwards, into the areas previously controlled by the NLF.[7]

L. B. J. AND COUNTERINSURGENCY

In 1964, the obvious paralysis of the ARVN, (and the fact that it was being used more to further political ambitions of its individual generals than to fight the NLF), convinced Lyndon Johnson that the Saigon government would not survive without a massive increase in U.S. support and combat functions there. Such an extension of the direct military role of the U.S. was enthusiastically supported by such advisers as Rostow, national security expert McGeorge Bundy, and the Defense Department's McNamara. [According to Hilsman, it was essentially Rostow's argument that had persuaded the President on this course.][8] The rationale of this extension of the war was clearly stated by General William Westmoreland, when he said: "Everything a nation does—any nation—must be behind the protective shield provided by its military services."[9] Thus, the U.S. combat role in South Vietnam, and the bombing of North Vietnam, were both intended as the "protective shield" behind which the Saigon government could embark on those stop-gap socio-political reforms intended to win for it the "hearts and minds" of its people.

In January of 1964, Hilsman left the government in opposition to the new direction being taken in counterinsurgency strategy, and with his departure the management of the policy was removed from the State Department to the Pentagon and National Security Council. [This managerial change was to affect not only the Indochina war, but largely marked the eclipse of the State Department as a significant participant in foreign policy development and execution.] Military supervision of the U.S.'s Third World policy was consistent with Rostow's belief that in the final analysis, the U.S. military would provide for those underdeveloped countries which were "besieged by communist insurgency," the "security required for law and order, nation-building, and all those other requisite conditions of the 'take-off' stage of (capitalist) development and growth." Although the Johnson Presidency saw the commitment of U.S. forces in areas other than Southeast Asia, it was in his continuous and increasing allocation of combat forces in Vietnam, between 1964 and 1967, that he demonstrated his faith in the Rostow-Bundy-McNamara counterinsurgency strategy.

Although the Johnson government greatly increased the use of U.S. military force throughout the Third World, it nonetheless continued to try to use this force as a "protective shield." Despite the bullets, bombs and napalm—despite the bloody and expensive "search and destroy" missions—the primary objective remained, as it had been, under Kennedy, the stabilization of these client areas by means of selective improvements in sociopolitical conditions. [To be sure, improvements that were to result from such nations experiencing a capitalist "take-off"—all fully consistent with the interests of the Metropolitan powers.]

The increased U.S. role in the shooting war increased the visible costs of Vietnam to the American people. The subsequent erosion of popular support for U.S. involvement, coupled with the psychological defeat suffered by the U.S. at the time of the 1968 Tet offensive, combined to cost Johnson the Presidency. His successor was to significantly alter the nature and tactics of counterinsurgency. Prior to his election, Richard Nixon had written an article in *Foreign Affairs* in which he described what he saw as being "Asia After Viet Nam."[10] His vision revolved around the future lessening of the highly visible U.S. presence in the Far East—this to be accomplished in the long-run by encouraging America's Asian allies, particularly Japan, to take their places on the front lines of the Pacific Rimlands as a bulwark against future insurgent challenges to U.S. client control. What Nixon saw as being the short-range prerequisite to this goal was a successful conclusion of the Vietnam war—successful to the extent that it allowed the U.S. to create secure client governments in Saigon and Bangkok. This was, (and remains), the task of his new counterinsurgency program—the so-called "Vietnamization" policy.

In the years prior to Nixon's assuming office, there had been, on the part of a number of influential social scientists at private and academic research centers, a growing rejection of the "hearts and minds" counterinsurgency strategy of the Kennedy government, and of the indiscriminate "big stick" strategy of the Johnson government. These scholars were far more sympathetic to the positions enunciated by the new President's principal foreign policy adviser, Harvard's Henry Kissinger, who as early as 1956, had written:

"The problem of the uncommitted states cannot be solved . . . merely by an economic grouping of powers. It is related to the whole U.S. posture. Anti-Americanism is fashionable today in many parts of the globe . . . We should of course seek to allay legitimate grievances, but we would be wrong to take every criticism at face value . . . *Popularity is a hopeless mirage in a situation which is revolutionary* because old values are disintegrating and millions are groping for a new orientation. For this reason it is impossible to base policy solely on what people desire; a revolutionary situation is distinguished by its dissatisfactions, which join in protest against the existing order but which can

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propose no clear substitute. This is the reason why most revolutions have been captured by a small minority which could give a sense of direction to popular resentment. *In the uncommitted areas popularity may therefore be less important than respect.*" [11]

These social scientists presented an analysis, dealing with the defeat of insurgency movements, that differed in several respects from the Rostow-Bundy-McNamara and the Hilsman-Thompson strategies. Essentially, while they accepted the contention that socio-economic deprivation creates political resentments, they argue that where an insurgency system of any magnitude existed it would have to be systematically destroyed before meaningful socio-political reforms should be undertaken. The scholar who has been most responsible for the new Nixon strategy is a systems analyst, Charles Wolf, Jr., of the RAND Corporation. [Since 1961, the going method of analysis in the Pentagon has been the quantitative approach. According to Morton Helperin, *Contemporary Military Strategy*, pp. 33–42, the quantitative approach incorporates two techniques as tools for investigation. The first one applied by defense strategists is defined as systems analysis. It is applied by an investigator who wishes to assess the effectiveness of military weapons and strategies as complete systems. The second technique is the cost-effectiveness comparative method—known in years past as the "biggest bang for the buck."]

ENTER THE NEW MACHIAVELLIANS

In two important, (and essentially ignored), works: *American Policy and the Third World*, and *Rebellion and Authority: An Analytic Essay on Insurgency Conflicts*, [The latter co-authored by the University of Chicago's Nathan Leites], Wolf explicated the counterinsurgency strategy now operative in Southeast Asia. Wolf's analysis pictures insurgency movements as organized systems, competing with American power for the control of Third World states. Considering Indochina, Wolf advocates the application of high-profile, labor-intensive force by the U.S. and its allies against the insurgency organization. According to Wolf's strategy, it is both uneconomical and impractical to seek the allegiance of the indigenous population in the midst of an on-going rebellion. To introduce socio-political programs at such a time would, Wolf maintains, not only fail in its objectives, but ultimately be counterproductive. The new Wolf-Kissinger-Nixon strategy revolves around the use of force, and is based upon the postulate that groups behave "rationally: calculates costs and benefits to the extent that can be related to different courses of action, and makes choices accordingly." [12] As a result, the "influencing of popular behavior requires neither sympathy nor mysticism, but rather a better understanding of what costs and benefits the individual or the group is concerned with." [13] The programs now being implemented in Vietnam to influence the costs and benefits to the population are based on the "primary consideration . . .(of) . . . whether the proposed measures are likely to increase the cost and difficulties of insurgent operations and help disrupt the insurgent organization, rather than whether it wins popular loyalty and support, or whether it contributes to a more equitable, productive, or efficient use of resources." [14] This disregard for the socio-political programs of the "hearts and minds" strategists is not mere callousness. To the contrary, it is rooted in military-political realities. As Wolf argued, to introduce such socio-political programs concurrently with an on-going insurgency rebellion would only make available "inputs" available to the guerrilla, (i.e. food, supplies, materials, information, technology, etc.), which the insurgent would convert into yet more intense revolutionary activities. Thus, when computing the costs and benefits that are most likely to motivate the indigenous population to favorable political behavior, Wolf's Machiavellian strategy concludes that force and the threat of force, is by far a more effective counterinsurgency policy than are any attempts to win over the "hearts and minds" of an apathetic peasantry.

[In *Land Tenure and Rebellion: A Statistical Analysis of Factors Affecting Government Control in Vietnam*, a RAND Memorandum prepared for the Pentagon's Advanced Research Projects Agency, Edward J. Mitchell presents data substantially confirming Wolf's force vs. "hearts and minds" thesis. Mitchell concluded that the greater the "inequality of land tenure," the greater the degree of Saigon control in rural Vietnam. He based this conclusion on two factors, (1) the "docility and low aspirations of poorer peasants," and (2) "the enhanced power of the landlords in such areas."] [15]

The specific tactics of Vietnamization have therefore become a matter of applying the costs and benefits approach in such a way as to maximally influence political behavior. The application of such tactics in Southeast Asia has resulted in the initiation of a sliding scale of violence: "confiscation" of a village population's chickens are a simple technique, suggested by Wolf, to make the population aware that aiding the guerrillas in any way is not in their immediate best interests. If the warning is not heeded, and support for the insurgents continues, then the "razing of houses" or the annihilation of an entire village is certain to make the point clear—and is a valid part of counterinsurgency. However, this application of force in Vietnam is not generally carried out in the same indiscriminate manner that Thompson had complained of in 1962. To the contrary, it is carried out in a highly discriminating manner—aimed all the while at the organization of the insurgency.[16]

Wolf had advised U.S. military planners to study insurgency movements in the same manner as a corporation studies a market competitor—that is, as having ultimately the same goals (control), and utilizing ultimately the same means (a highly organized manipulation of violence.). Today his systems approach to insurgency is mirrored in the Pentagon strategy in Indochina. As the U.S.'s on-site executor of Vietnam policy, General Creighton Abrams, has recently contended, the primary role of the military in Vietnam must be the destruction of the enemy's system. (*Time*, Feb. 15, 1971.) In accordance with Wolf's advice, the U.S. is dealing with the NLF in functional terms—as an organization requiring "inputs," "conversion mechanisms," and utilizing the converted inputs as "outputs."

Thus the insurgency movement obtains its inputs from one of two sources: the "endogenous" (internally, from the local population); and the "exogenous" (externally, from sympathetic states in the international environment.) These inputs then go through the conversion process, which (involving needs such as training, storage manufacture, coordination, direction, etc.), is essentially dependent upon the insurgents' ability to secure and hold a base area, either within the crisis-state, or adjacent to it. Eventually these inputs will reemerge, typically as political and military activity having two objectives: the renewal of the internal support mechanism: and the subversion and overthrow of the local government.

Current U.S. counterinsurgency strategy is designed to make the functioning of the insurgency system impossible. It is the realization of what the insurgency system in Southeast Asia amounts to, and consideration of what the U.S. will have to do, (and is doing), to destroy it, that makes the future of the war fairly predictable.

MARCHING TO HANOI

Dealing with the most immediate threat posed by the Vietnamese insurgents—violent outputs—the U.S. is continuing to upgrade the quality of the ARVN, while maintaining in the Southeast Asian area elite U.S. strike units: the Air Force, flying from bases in Thailand, South Vietnam, and aircraft carriers in the South China Sea; the Air Cavalry, stationed at bases along the Vietnamese coast; and the Third Marine Division, stationed on vessels in the Gulf of Tonkin. It is the hope of the U.S. Military Assistance Command in Vietnam that the ARVN will prove capable of handling threats from all but main-force North Vietnamese Army (NVA) units. Backed by massive U.S. air and firepower, the ARVN seems to have made progress in securing the Second, Third, and Fourth Military Districts. [This is not to suggest that the NLF is no longer active in these areas—they are, and their 1970 attack on Dalat in the Central Highlands proves it. However, their level of military activity in these Districts has been scaled down significantly. The most successful NLF military activity now seems to occur in the northernmost First Military District—the area once known as I Corps.]

As insurgent military activities in most of South Vietnam now seem to have been brought within tolerable limits, the direction of the U.S.–ARVN efforts has been concentrated on the destruction of the remainder of the system—that is, the conversion mechanisms and inputs. Considering the conversion process, the U.S. strategists have been determined that the N.L.F. is largely dependent in this respect on base areas in which it can prepare to carry out its military activities. These base areas were located in the more remote rural areas of Vietnam, and areas of lesser importance were situated along the eastern border of Cambodia. To ensure the destruction of these sanctuaries, the U.S. has engaged in a campaign which, among other things, has involved: the declaration that such remote areas were "free fire zones," (within which, everything that moves is presumed to be an armed enemy and is destroyed); a policy of defoliation, which has resulted in the deforestation of an area the size of Massachusetts; and the U.S.-ARVN invasion of Cambodia. The degree of success that this anti-conversion campaign has enjoyed is anybody's guess—there is simply inadequate information to provide the basis for intelligent conclusions. However, the CIA-assisted ouster of Norodom Sihanouk, and the subsequent invasion of Cambodia have already proved to be counterproductive. The new alliance in Cambodia, of pro-Sihanouk neutralists, Khmer Rouge insurgents, and Vietnamese Communists, have made that country the most seriously endangered by insurgents in the entire area.

In the long-run, the most dramatic and significant aspect of the new U.S. counterinsurgency in Indochina is the campaign designed to limit the insurgents' inputs. The strategy is concerned with both the endogenous and exogenous inputs, prescribing different treatments for each. The endogenous inputs are considered to be: peasant volunteers and draftees; military materials appropriated from the government; foodstuffs donated to, or confiscated by, the insurgents; intelligence and information supplied by the rural population; and, the day-by-day support and shelter offered by the peasantry. To limit the availability of volunteers and draftees, U.S. strategists have conducted extensive surveys dealing with the propensity of certain character-types to cooperate with the NLF. [One of the most inclusive of these studies, Frank Denton's, *Volunteers for the Viet Cong*, a RAND Memorandum prepared for the Office of the Assistant Secretary of Defense/International

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Footnotes at end of article.

Security Affairs, described such character-types on the basis of age, past negative experiences with the Saigon authorities, economic background, socio-economic frustrations, education, and peer-group relationships.] With the information provided by such studies, the authorities have embarked upon a program to intern, draft, or kill the vulnerable character types. The problem presented by the insurgents' appropriation of government equipment has been met largely through the improvement of ARVN combat units, and the suspension of socio-political programs in infected areas. To inhibit the insurgents' access to food, the authorities have engaged in policy of crop-destruction in NLF-controlled areas, while in contested areas, a policy of food confiscation and limited distribution is being employed. [By the policy of limited distribution, it is hoped that the peasant population will receive enough to survive, but lack any surplus that they might willingly make available to the insurgents.]. The problem of day-by-day support for the insurgent is most easily handled. It involves the simple expedient of raising the costs of such support for the population. Two of the best-known examples of this cost-raising are: the Army's destruction of My Lai, and the CIA's Project Phoenix. The former was a punitive operation carried out against the villagers in an area in which the NLF had recently been active, while the latter, though much more sophisticated in nature, were merely a punitive program designed for the assassination of low-echelon NLF collaborators.

The final aspect of the U.S.'s current counterinsurgency strategy involves the elimination of the NLF's exogenous inputs. Since the ouster of Sihanouk, the Cambodian port of Kompong Som has been effectively closed to the NLF. As a result, all of its exogenous inputs now come from North Vietnam, channeled through the Ho Chi Minh trail network in eastern Laos and northern Cambodia. Originally, U.S. strategy for reducing the level of such inputs to the NLF consisted of the interdiction of supply trails—that is, the intensive aerial bombardment of the areas through which the supply trails run. However, the number of trails involved, their natural camouflage, and a terrain that was unfavorable to aerial warfare reduced the effectiveness of aerial interdiction to nuisance value. Faced with this fact, the Nixon government has embarked on a more direct approach—the U.S.-ARVN invasion of Southern Laos. This invasion has not only failed, it has also sharply narrowed the U.S.'s available options in Southeast Asia. The crushing defeats handed elite ARVN units like the 39th Rangers, in addition to disasters like the forced evacuation of Sepone, will certainly have damaged the morale of the ARVN. The invasion has only reiterated the reality that the ARVN is not a match for main-force NVA units. Given this reality, Nixon is faced with only three alternatives: (1) he may indefinitely maintain large numbers of U.S. combat forces in Vietnam as a counter-force to the NVA, and not expand the war further—an option not guaranteed to win votes in the 1972 elections; (2) he may abandon his Vietnamization policy and withdraw the remaining U.S. forces, knowing as he does so that he leaves the Thieu-Ky regime to a certain defeat; or (3) he may elect for a U.S. invasion of North Vietnam—the objective being the final elimination of both the NVA and the NLF's exogenous inputs. In October of 1970, Nixon made clear how far he was prepared to go in the elimination of North Vietnamese aggression. At that time he made a statement "which puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."[18]

The likelihood is that Nixon will order an invasion of North Vietnam—perhaps before this article is printed. To let the war drag on would cost him his Presidency. To withdraw immediately would be to make himself the "first President to preside over an American defeat." It would also mean the probable loss of Laos and Cambodia from the U.S. camp; the loss of the Vietnamese off-shore oil franchises; the loss of access to the Mekong River Delta development; and would leave the U.S.'s staunchest Asian ally, Thailand, facing hostile governments along its entire eastern border—governments that might be inclined to assist that country's own domestic insurgents. The only serious objections to such an invasion that are likely to be raised within the President's circle of advisers concern the possibility of conflict with China. Against such arguments will be ranged the positions of two groups: the President's counterinsurgency experts who will maintain that the on-site destruction of North Vietnam is the only way to bring the war to an end—before 1972; and the strategic planners, who have for twenty years maintained the position that the time to deal with China is now. [Whether or not China would actually respond to a U.S. invasion of the North is a matter of speculation. It would hardly seem to be in her best interest to engage the U.S. in a war which would almost certainly be nuclear, but the Chinese have long been sensitive to the presence of hostile forces on its immediate borders. Additionally, the recent visit of Chou-en Lai to Hanoi may be an indication of significant Chinese commitment to the continued existence of North Vietnam.]

The final question that remains is this: assuming that the Wolf-Kissinger-Nixon counterinsurgency strategy is carried out to its logical conclusion—the invasion of North Vietnam—and assuming that it will not lead to a war with China, is it a winning strategy? Will it terminate the insurgency in Southeast Asia to such a degree that the South Vietnamese government can be fairly said to "control" its own territory? There is of course, no way of proving the point, one way or the other. But if one were to accept the validity of the systems approach analysis of insurgency movements, then one must agree (however reluctantly), that if the organization can be destroyed at its functional level, then the movement will be destroyed. For so long as an opposition movement is organized, the organization is understood by the authorities, and the authorities possess sufficient force, then the opposition movement continues to exist at the pleasure of the authorities only. The only way in which authorities who are using this approach can be beaten, is if they either lack sufficient power, or are themselves organizationally destroyed. The United States has the former, while the National Liberation Front of Vietnam cannot do the latter.

FOOTNOTES

[1] See: Roger Hilsman;; *To Move A Nation;* New York; Dell Publishing Co., Inc.; 1964.

[2] *Ibid.*

[3] *Ibid.*

[4] General David M. Shoup (ret.); "The New American Militarism"; *The Atlantic;* April 1969; p. 55.

[5] U.S. Congress, Senate Hearings, *Statement of Robert McNamara, Secretary of Defense, before the Senate Foreign Relations Committee in Support of FY 1967 Military Assistance Programs,* "What should be the Foreign Policy of the United States"; April 20, 1966; p. 79.

[6] See: Sir Robert Thompson; *Defeating Communist Insurgency; New York;* Frederick A. Praeger; 1966; p. 122.

[7] *Ibid;* pp. 56–7; 123–6.

[8] Hilsman; *To Move A Nation; op. cit.;* P. 527.

[9] General William Westmoreland; "Counterinsurgency"; *Tricontinental-11;* March-April 1969; pp. 91–2.

[10] See: Richard M. Nixon; "Asia After Viet Nam"; *Foreign Affairs;* October 1967.

[11] Found in: Henry Kissinger: "Reflections on American Diplomacy"; *Foreign Affairs;* October 1956; pp. 37–56.

[12] Nathan Leites and Charles Wolf, jr.; *Rebellion and Authority: An analytic essay on insurgency conflicts;* Chicago; Markham Publishing Co.; 1970; p. 29.

[13] *Ibid.;* p. 30.

[14] Charles Wolf, jr.; *United States Policy and the Third World;* Boston; Little, Brown & Co.; 1967; p. 69.

[15] Also see: Edward J. Mitchell; "Inequality and Insurgency: A Statistical Study of South Vietnam"; *The RAND Corporation;* June 1967; pp. 1–23; (P–3610).

[16] Wolf; *United States Policy; op. cit.,* p. 66; and Leites and Wolf; *Rebellion and Authority; op. cit.;* pp. 96 & 156.

[17] Leites and Wolf; *Rebellion and Authority; op. cit.;* p. 35.

[18] As quoted by: Daniel Ellsberg; "The Murder in Laos—The Reason Why"; *New York Review of Books;* March 11, 1971.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I yield to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, I rise in support of House Resolution 918 and call for its passage as an essential step toward full assertion of congressional responsibility in determining the course and extent of our involvement in the Indochina war.

The information sought in this resolution is information that Congress and the American people must have. It is difficult to comprehend how an administration which came to office with a pledge to square with the American people about the war in Vietnam could continue to shroud its conduct of that war in secrecy and it is even more difficult to comprehend why the Congress lets the administration get away with it.

There is a crisis of confidence in Government today. It is present in every corner of our Nation. I doubt that there is one Member of this House who is not aware of the skepticism and distrust Americans have for their Government these days.

If we are going to rebuild that confidence, if our constituents are ever to believe in the things we say and do, then we must strip away the secrecy and doubletalk which characterizes so much of what goes on here in the Nation's Capital. And there is no better place to start than with the truth about the air war over Indochina, for this war is at the very root of our crisis of confidence.

I commend my friend and colleague from New York (Mrs. ABZUG) for her energy and initiative in pressing this resolution and I urge its passage.

Mr. SEIBERLING. Mr. Speaker, I rise in support of this resolution.

It is not that some of the information is not available, but what is on trial here is the credibility of the Congress of the United States. The American people, whether all of us have gotten the message or not, are incredibly disillusioned with Government. Part of the responsibility is right here in this House.

I have here an editorial from last week's Akron Beacon-Journal which is headlined "Ours Not To Reason Why?" This editorial refers to the gentlewoman from New York's effort to get the kind of information the American people ought to be entitled to have and the amazing reactions of some of the members of the committee and their statements when they try to oppose it.

I am not going to put this editorial in the Record, because I want to make it clear that I am not trying to pinpoint any individual here. I just want to read a paragraph from this editorial:

> Maybe it doesn't seem amazing to you. Maybe the amazement only arises out of a newsman's bias that the people have a right to know what their government is doing—within limits of reason, where such things as the safety of men in the services are concerned—and that the responsible members of Congress need to know to make sense in what they are legally required to do.

Last month, Mr. Speaker, I conducted a survey among the people in my district. I got 17,500 replies. In answer to the question "Do you believe that the Federal Government attempts to keep more information secret than it should?" 68 percent of the people said "yes" and 23 percent said "no." In answer to the question "Do you think the Congress is meeting the basic needs of the country?" 81 percent said "no" and 11 percent said "yes."

I suggest, gentlemen, there is a relationship between those two things. If there is doubt here as to whether the information should be given to the people of this country, that doubt ought to be resolved in favor of the public's right to know.

Mr. HÉBERT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. Young).

Mr. YOUNG of Florida. Mr. Speaker, the discussion this afternoon has centered around the people's right to know.

Let me say I agree very strongly with that right. I believe that this Congress has an obligation to make sure that they do know. The obligation is to provide the people with the truth; not with a lot of rhetoric and heifer dust, if I may use that phrase.

In one of her statements made here just now and before the Committee on Armed Services last week in support of her resolution, the gentlewoman from New York (Mrs. Azbug) claimed that through the bombing of predominantly civilian populated areas, thousands and thousands of North Vietnamese civilians had been killed or injured. She ignored the fact that on the very same day she made that charge, the North Vietnamese Communists themselves only claimed the loss of 13 civilians, and it is very possible that those 13 were killed by munitions fired by the Communists themselves.

The gentleman from Ohio (Mr. Seiberling) talks about a poll that he conducted of the people in his district. I sent a questionnaire to the people in my district, and I may say that my people are representative of the United States, because they come to live in my part of Florida from all over the United States. In reply to my questionnaire 101,000 persons responded. One question was "Do you believe the news media should have the right to publish or broadcast secret Government information dealing with national security?" The answer was yes 11.1 percent, no 86.2 percent, and 2.6 undecided.

Mr. Speaker, the people do have a right to know and they want to know as long as it does not affect the national security, but they want to know the truth; they do not want it distorted and full of rhetoric.

Mr. HÉBERT. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, it has been said many times already today but let me say again that the information which this resolution seeks to make public is available to Members of Congress who request it. Some of it has to be on a confidential basis, of course, but none of it is withheld from Congress. Much of it cannot be published because it makes military planning and emergency measures available to the enemy.

Mr. Speaker, I do not think we want to make this information available to those responsible for the deaths of 50,000 American youths.

The security of America requires that we not do it. It is not necessary in order that the Congress and its committees and its Members can have all of the information that they need about America's defense and defense programs.

It is not a good time to project such a proposal. At this particular moment the Defense Establishment has its hands very full. The situation in Vietnam is in a state of flux. It is changing from day to day and even from hour to hour. The Pentagon does not need another unworkable requirement.

And, Mr. Speaker, I hope the Members will just think of the great harm that could be done by the passage in the House of Representatives of this resolution. I am amazed that it ever got this far; it should not be before the Congress. We have downgraded this great establishment by even considering this resolution—yes, a great deal of harm could be done by this type of meddling—and that is all it is; it is meddling; it can only encourage and help the enemy—the enemy—the people who have launched a massive invasion of South Vietnam intended to embarrass the United States and to destroy the South Vietnamese Government, the people who have refused to negotiate in a responsible way for peace. They are the only ones who can benefit from this.

Mr. Speaker, we still have Americans in Vietnam, a lot of them. Most of them are not combat forces. They could be surrounded and carted off to prison camps in North Vietnam. Does any Member of this body want to be a party to making that possible through the disclosure of unwarranted information to North Vietnam?

This resolution can do that very thing, regardless of the good intentions of the sponsors.

I doubt very seriously that the requirements of this resolution could be met even if it were approved by Congress, and I do not think for a moment it is going to be approved. But in any event it would be an irresponsible and unjustifiable slap at the Pentagon and at the Vietnamization program and at the administration.

This is my administration also. We have but one President and one administration. It is for all America. We have a particular responsibility to uphold it in moments of crises.

No, Mr. Speaker, this is no time to show a lack of confidence in America. This is a time to reject ill-conceived plans which give comfort to our enemies and hope that such proposals do not come back to haunt us again.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from Florida yield to me?

Mr. SIKES. I will be happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I have listened from the beginning to the discussion on this resolution.

I think we should make it crystal clear, and we ought to reiterate it, that the information which the people who have spoken on behalf of the resolution seek, that this information is available in the files of the House Committee on Armed Services. In other words, any Member of the House can see the requested information if he or she will take the time to visit the office of the Committee on Armed Services.

Second, however, if one carefully reads this resolution and if it is approved and the Department of Defense was required to furnish this information, I know of no individual or group who would benefit more than the enemy. This is information that not only helps the enemy from a military point of view, but is information that could only hurt the United States and the 69,000-plus Americans who are still in South Vietnam on behalf of the United States.

Mr. SIKES. The passage of the resolution would give us nothing that is not already available to the Congress. It would only make important military information more readily available to the enemy.

Mr. HÉBERT. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Gubser).

Mr. GUBSER. Mr. Speaker, I think there is one thing that everyone in this Chamber will agree upon. We all want the war in Vietnam to come to an end. The only disagreement is how it can be done with honor.

When we debate a resolution of this kind we should look beneath the obvious and beneath the surface and try to analyze what really is at stake.

It is my honest opinion, Mr. Speaker, that what we are arguing is the question of whether or not we have a government of law and whether or not we should take a step toward anarchy.

The dictionary says that anarchy is a state of lawlessness. I contend that each time we fail to respect a law we take a step in the direction of anarchy. I would like to develop that theme.

There is one point on which I find myself in agreement with the gentlewoman from New York (Mrs. ABZUG). I believe that I am quoting her correctly when she said that we as Representatives of the people have a right to the information requested in the pending resolution. I agree with the gentlewoman, but I must also reemphasize what has been repeatedly stated here this afternoon—we have that right now. Get up out of your chairs, take the subway or walk over to the Rayburn Building, ask permission to see the answers to these questions. They are there—just look at them.

I wonder how many of you are going to bother to read the information sought by this resolution. It is there waiting for all of you—right now.

To emphasize this point, I would like to read into the RECORD a portion of the House rules. Rule XI, section 27c, says:

> **All committee hearings, records, data, charts and files shall be kept separate and distinct from the Congressional office records of the Member serving as Chairman of the Committee; and such records shall be the property of the House and all Members of the House shall have access to such records.**

Rule XI, section (e) provides that—

> **No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Committee.**

On June 28, 1971, the Committee on Armed Services by unanimous consent authorized its Chairman to prepare a set of rules applicable to all Members of the House who are desirous of reading all or any portions of any classified information in the committee files. These rules were subsequently drafted by the chairman and sent to every single Member of the House.

And at this point, Mr. Speaker, under leave to revise and extend my remarks, I shall include the full text of the rules I have referred to.

The material referred to follows:

TEXT OF RULES

Rules of the House Armed Services Committee to be followed by Members of Congress who wish to read all or any portion of certain classified information in the Committee files:

1. Such classified information will be kept in secure safes in the Committee rooms. Members will be admitted to the room in which the information is kept after inquiring in Room 2120.

2. Only Members of Congress may have access to such information.

3. Such information may not be removed from the room and a member of the Committee staff will be in the room at all times.

4. The staff member will keep a record of all Members who see such classified information or any portion thereof.

5. The staff member will maintain an access list showing the time of arrival and departure of all persons entering or leaving the reading room.

6. The reading room will be open from 8:30 a.m. until 5:30 p.m. each working day and from 9:00 a.m. until 12:00 noon on Saturday.

7. The staff member will make a complete document inventory at the close of each business day.

8. No notes, reproduction or recordings may be made of any portion of such classified information.

9. The contents of such classified information will not be divulged to any unauthorized person in any way, form, shape or manner.

10. Members of Congress before reading such classified information will be required to identify the document or information they desire to read, identify themselves to the staff member, sign the log and sign the Top Secret information sheet if such is attached to such document.

Now, there is another point on which I fail to agree with the gentlewoman from New York, and that is when she goes on beyond saying that we as Representatives of the people have a right to this information, and she says, "Our constituents have a right to it."

As the gentleman from Florida stated so aptly, what is public information becomes information available to the enemy. And just as in a crossword puzzle, when one answer does not appear until you get the words which surround it, and suddenly it looms out at you, enemy intelligence analysts piece together seemingly unrelated facts to reveal meaningful information.

And that is why we have a law in this Nation which says that the Commander in Chief—and I do not care whether it is President Kennedy, President Johnson, or President Nixon, I do not care what party the President belongs to—it is the Commander in Chief, under our law, who has the right to determine what is sensitive information, and what may help the enemy.

I say that if we, as individual Members of Congress, presume to take the law unto ourselves—if we presume to place ourselves above the knowledge and the right and the superior information that is available to the Commander in Chief and say that we, as individuals, can determine what is sensitive and what is not, then the entire security and classification system is going down the drain. We will have ignored our law and take a step in the direction of anarchy.

I ask you to vote against that step and vote this resolution down.

Mr. HÉBERT. Mr. Speaker, I yield the balance of the time remaining to the distinguished minority member of the Committee on Armed Services, the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, this resolution is ridiculous on its face. It asks for detailed information not readily available, and if assembled and made available would serve no useful purpose in our deliberations.

The specifics of our military operations in Southeast Asia to be disclosed in their entirety would give immeasurable aid to the enemy. The specifics requested in this resolution make as much sense as having our commanding officers in the field fully disclose to the opposing forces exactly what he has on hand and what he intends to do.

Our Committee on Armed Services is kept informed of all our military operations. At no time has any information been withheld from us.

Mr. Speaker, I am constantly amazed at some of the questions raised by Members of this great body, and I am constantly amazed by the attitudes displayed by some of the Members of this body—a body which I have learned to love and to respect over the years.

It distresses me. Just what are we trying to accomplish in the procedure such as presented here today? There are more important things for our Armed Services Committee to do than day after day, over and over again, explore matters that have no relevancy to any decision we are called upon to make.

It would be no exaggeration to say that it is not useful information that some people want. It is the publicity that they might obtain in simply seeking it. In so doing they are misleading the American people, and they are misleading our allies. They are unwittingly giving comfort, if not actual aid, to our enemies.

During the time our President was in China, he was constantly confronted with statements that had appeared in the CONGRESSIONAL RECORD, particularly statements made by Members of the other body. The leaders of China quoted verbatim statements made by Members of the Congress. They had the impression that these statements constituted the thinking of the American people and that they represented our national policy. And nothing could be further from the facts.

And yet the leaders of China took these statements as being the policy of this great Nation and on them they hung their hat, so to speak, and made their plans and programs accordingly. Both in this body and outside this body there are some who have, for reasons beyond all understanding, uttered statements that have served only to encourage our enemies.

What is the purpose of all this? I ask that question in all sincerity. I hope we have not arrived at the point in the history of this great country of ours that there are now some in this great Nation who would actually welcome our defeat. I cannot believe it, and I do not want to believe. Surely we have not reached the point where personal political prominence, or national recognition, is more important than our country's international stature.

What has been taking place, and what is taking place here today, amazes me. It disturbs and distresses me.

Mr. Speaker, I trust that as we struggle with the critical problems now confronting us internationally that we proceed as Americans, not as Republicans or Democrats—that we forget the mistakes of the past, regardless of who is to blame for them—and that we look forward to the future with one purpose and one intent; that is, to maintain the freedoms, and the rights that we have in this great Nation of ours.

My colleagues—let us today vote down this resolution and make it emphatic—let us make it so emphatic that this will end, once and for all, this kind of thing in the Congress of the United States.

Mr. METCALFE. Mr. Speaker, I rise in support of this resolution of inquiry because I have reluctantly concluded that the House of Representatives, under existing rules and procedures, does not have adequate access, on a continuing basis, to the type of information sought by this resolution. I believe firmly that in the midst of this most serious period in our Nation's involvement in the Vietnam war it is incompatible with the public interest for Members of Congress not to have the answers to these questions.

The thunder of gunfire has shaken us awake from our trance-like acceptance of administration claims that the war is winding down, that Vietnamization is succeeding, that the South Vietnamese can "hack it" on their own and that American involvement in the Vietnamese war is coming to an end. But if the administration is correct in its assertion that the North Vietnamese have undertaken a massive new military initiative, then clearly its previous assertions about successful Vietnamization and a diminishing war are questionable. And equally clearly, if we are dispatching mighty air and sea armadas to the Indochina theater, with ever-escalating rumors of ground troop alerts circulating across the United States, then, at the very minimum, we as Members of Congress must have the information called for in this resolution.

Some Members of this body believe that this resolution of inquiry is hostile to the administration at a time of military crisis; at a time when it is the duty of Americans in general and the Congress in particular to follow the lead of our President. Yet it seems to me that if our experience in Vietnam has any lesson, it is that telling the truth to the American people and their congressional representatives is no mistake, but the highest measure of sound, pragmatic policy.

The Pentagon papers make it unmistakeably clear that our blunders in Vietnam did not occur because the American public, or the American Congress, had too many facts at its disposal, but rather because they were not told the whole truth. It is the considered judgment of many Members of this body that the previous administration plunged this Nation into these endless battles in Vietnam by systematically hiding the facts of our intervention from the rest of the country. Recently published studies of the Tonkin Gulf incident raise very serious questions about whether the 1964 Tonkin Gulf resolution could ever have achieved passage in the Congress if the American people and the Congress had the whole story.

I note in the current Newsweek, in the Washington Post of the past 2 days, and on the television networks last night that yet another collection of "secret" papers on the war has surfaced into the full glare of public scrutiny. These former state secrets, called the National Security Study Memorandum, were compiled in response to 28 detailed and complex questions posed by Presidential Adviser Henry Kissinger. The subjects covered included the efficacy of U.S. air power employed in the various Indochina theaters, the capabilities of the South Vietnamese military forces, the capacities of the South Vietnamese Government to compete in a political struggle with the other side, and so on. Many of the secret answers to these questions are chilling appraisals of losing situations—appraisals that stand in utter contrast to the optimistic official reports that the administration makes to Congress.

At this moment I must ask my fellow Members of Congress: Do you think that the answers to the questions posed in this resolution will surface, just as surely as these past "secrets" have emerged? Do you think that concerned Americans, now employed by one Government agency or another, will eventually make these answers known in their own well-intentioned effort to contribute toward ending the war?

Can we as a nation afford to learn the facts only by conspiracy, to sneak real truths and snare honest studies, while we arrest and indict and imprison those men and women responsible for bringing us the truth?

Let us put an end to the coverups and falsehoods inherent in the claims that military security justifies continued suppression of the answers to these questions. The answers to each and every question proposed in this resolution are known to our adversaries in Hanoi. The only people to whom these questions are "classified" are the American people, and their representatives in the Congress.

History and recent experience convinces me that it is the right of Congress to know the answers to the questions posed by this resolution—that it is the duty of Congress to insist that these questions be answered so that we can do our job of informed deliberation—and that support of this resolution is the only prudent, pragmatic course for a Congress determined to prevent a repitition of the blunders of the past.

I urge your support for this resolution of inquiry.

Mr. FINDLEY. Mr. Speaker, in general, I believe the executive branch should supply more, not less, information about military operations of the United States. For that reason I have generally supported resolutions of this type.

In one particular respect I find this resolution to be defective and, therefore, will vote to table it. The defect is very important. It is expressed in subsection (7) wherein the executive would be required to give the target date, if any, for full independence by Saigon of support by U.S. military forces.

I believe the President should have such a date, but should not mention it to others. To permit even the most limited distribution of this information would expose our withdrawal program to severe hazards that might cost American lives.

Otherwise the resolution seems to deal entirely with facts of past actions that should be available to Congress.

Mr. BENNETT. Mr. Speaker, all of the appropriate purposes of this resolution have been heretofore accomplished, since all of the information sought thereby is now available to every Member of Congress in the offices of the Armed Services Committee; and all of the unclassified material has heretofore been made available to the general public. In response to my questioning during the hearings of the committee, it was stated categorically that the only material not made available to the press and media, that is, material still classified, is material which if made public could be of help to the enemy to the endangerment of U.S. troops. Yet even all this classified material is now available to Members of Congress. Hence, it is clear that it would not be in national interest to pass the resolution before us.

Mr. McCLORY. Mr. Speaker, I am opposed to the adoption of the resolution proposed by my colleague from New York (Mrs. ABZUG). My opposition does not result from any lack of desire to secure prompt and accurate answers to the series of inquiries which are set forth in this resolution. On the contrary, far more information than is sought by the resolution is vital in arriving at intelligent judgments at this critical stage in our history and at this crucial period of the Vietnam war.

Mr. Speaker, my initial interest is in the reasons for, and the extent of, the large-scale invasions by the regular forces of North Vietnam. As one of our military leaders in South Vietnam remarked recently:

> It is difficult to understand why North Vietnam is launching its attack at this time. Had the North Vietnamese leaders waited a few more months, the remaining combat forces of the United States would have been out of Vietnam.

Accordingly, it is appropriate, first of all, to determine what motivates the enemy in escalating the war at this stage when every reasonable effort is being made on our side to deescalate and terminate the conflict—even before securing release of our prisoners of war, whom the North Vietnamese continue to hold as hostages under cruel and inhuman circumstances.

Mr. Speaker, the efforts of President Nixon to wind down the war and withdraw from Vietnam have given assurance of a final termination of this unfortunate conflict, which he and this administration inherited.

Mr. Speaker, the import of the resolution—House Resolution 918—is an implied attack against this administration. It seeks to question the responses which administration spokesmen have made and to gain partisan or personal publicity out of the cruel and unfortunate events of a war which President Nixon is dedicated to end.

Mr. Speaker, the remarks on the floor today by the sponsor of this resolution strip away any pretense of bipartisan or objective inquiry. The sponsor has openly attacked the President and has charged him with violations of earlier actions taken by this body. I reject these charges and repudiate the claims and implications which she has made.

Mr. Speaker, the current escalation of the war has not been at the initiative of this administration. Quite the contrary, the response of our forces are: First, in defense of our American men; second, in support of our continued withdrawal; and third, in furtherance of the program of Vietnamization—intended to place this conflict where it rightfully belongs—within the sole control of the Vietnamese Government and its own political and military leaders.

Mr. Speaker, I intend to accept the invitation of the chairman of the Armed Services Committee to review the report of proceedings before the committee, including the classified material which has been furnished for the benefit of Members of Congress. I intend to keep strictly confidential every bit of information which is denominated as secret or otherwise classified. I do not believe that national loyalty permits any less degree of conduct and fidelity.

Mr. Speaker, I hope that the North Vietnamese invaders will be stopped—and, indeed, turned back. In any event, I am confident that the steps which have been taken at the direction of the President in recent days have contributed to the safety of our own American forces and can contribute to a continued withdrawal of our men—and the hastening of the day when we can realize an enduring peace.

Mr. EDWARDS of California. Mr. Speaker, I rise in support of House Resolution 918. I believe that it is essential for the Congress to have the information that this resolution directs the administration to furnish us. We have seen, during the course of this despicable war, a continuing relinquishment of our powers and responsibilities. Many of my colleagues have seen this abandonment of responsibility as a question of national security. It has often been stated as a question of whether we in the Congress should not be cooperative with our President, as he pursues a military situation seen to be vital to American interests.

Our bombing of Hanoi and Haiphong places our involvement in a clearer light. It has seemed apparent to many of us for a long time that Vietnamization is a sham. It seems clear that President Nixon would like to continue to fight on. It seems that he is intent on a military victory to protect the power of Nguyen Van Thieu in South Vietnam.

It has seemed for quite some time that Mr. Nixon's promise of 4 years ago "for a secret plan to end the war" was a plan without a blueprint for peace.

President Johnson began heavy bombing of the north 7 years ago. Can anyone believe that more bombing can bring peace to Indochina? Can even the Pentagon continue to claim that these accelerated military activities are to "protect our retreating forces?" Do any of us really even know the extent of our newest escalation of the war?

Are we to sacrifice world peace, the SALT talks, current diplomatic initiatives with the Soviets and China for a corrupt military dictatorship in South Vietnam? It appears to be so.

What is left to say to our people who question the very nature of their country? Can we still deny those of our countrymen who say the United States is an aggressive country? Can any of us help but see that it is not the Russians, not the Chinese, but Americans who are saturating with bombs a small and distant country? Is Mr. Nixon's pride and political future worth the toll in human suffering?

We are acting for old and anachronistic reasons and we cannot win. The Vietnamese have fought for generations. It may be that the South Vietnamese forces feel they are fighting for something—though the desertion rate among the troops leaves this open to question. It is undeniably true that the North Vietnamese feel they are fighting for something. And why are our young men fighting? Our people have been generous to a fault with the lives of their sons—tolerating the political and military folly perpetrated in Indochina by past Presidents. The Nation seems willing to suffer on for a while yet, as long as all our efforts are directed toward removing our military presence from Southeast Asia. President Nixon has promised to do this. Yet, he appears to be continuing old policies.

Can we blame these policies on Presidents, past and present, without also looking to ourselves for blame? For have we not abrogated our responsibility to the American people and to common decency? Can we continue to allow President Nixon to inexorably push us toward a goal which appears to be the cruel extermination of the people of Vietnam?

I say that we must demand an accounting from President Nixon. This resolution will require him to furnish us, and we are after all the makers of law, with an assessment of our current troop strength in South Vietnam, the number of troops in combat, information about the number of sorties, shell tonnages and costs throughout Indochina as well as any increases in movements of planes, troops, ships, supplies, and equipment to Southeast Asia since March 15. We have the right, and more importantly the responsibility, to hear from the President whether he does indeed have a target date for completion of Vietnamization. The American people expect an end to this war. In fact, they demand an end to this senseless bloodshed. Since the President seems unwilling to provide this action, it will probably be necessary for us to act. We should have acted to end this war long ago in my view. We must have the information this resolution calls for to act wisely and responsibly. House Resolution 918 has my most complete support and I urge passage.

Our thanks should go to our colleague (Mrs. ABZUG) for sponsoring this resolution.

Mr. RANDALL. Mr. Speaker, I cannot support House Resolution 918. The reason is that as a member of the House Armed Services Committee I was present in committee on Tuesday, April 18, when there was a full and complete hearing on the subject matter of the resolution. By rollcall vote the committee voted 32 to 4 to report this bill to the floor adversely. This means that the Committee on Armed Services voted to oppose the enactment of this resolution.

I support the motion of Chairman HÉBERT to table this resolution. While I happened to be one of the 32 members of the committee who voted to report this resolution adversely, let me say that in my judgment this resolution should have been tabled in the committee and never reached the floor of the House. The committee took 1 entire day to listen to the author of this resolution. We listened patiently to the author of the resolution. In my judgment the chairman of our committee showed a great measure of patience to the lady from New York.

After the entire morning had been devoted to the proponents of this resolution, the committee went into executive session. All afternoon the answers to the questions propounded by the Member from New York were spread upon the record. We were given the very latest facts and figures on all of the things asked for in the resolution. These were taken down by shorthand reporters and were transcribed. Under the rules of the House this information is available not only to the members of the Armed Services Committee, but to any Member of the House. The only requirements are that a Member must visit the offices of the Armed Services Committee and agree to follow the rules of the House that any classified material shall not be reported.

Now, Mr. Speaker, we have heard a lot about what constitutes the real issue here. There have been those who argue that this is just another phase of the battle for freedom of information. We have heard that the real issue is the right of the people to know and be informed. These suggestions are as far removed from the true issue as night from day.

Perhaps one of the real issues involved is whether or not classification should continue to be as strict and severe as at the present time or whether there should be a reduction in the amount of material that is classified. But until such time as these laws are revised, I would hope that we would all agree that we are a society of laws and not of men.

The resolution before us today should probably be described in the words of the lawyer as "moot." All the information required by the author of the resolution is available—every bit of it to every Member.

For my part, I hope that Members will avail themselves of the privilege to have access to the answers to the questions contained in the resolution. I would hope Members will respect the rules of the House and abide by the admonition that these facts are not to be published.

Now we come to the most important reason why I must oppose this resolution. Proceeding upon the assumption that every Member of the House is a loyal American and would do nothing either to hurt our country or endanger the lives of our fighting men now in Vietnam, it is somewhat difficult to understand why there remains an insistence that the answers to the inquiries of House Resolution 918 should be published. The real central objection to the revelation of the facts and figures which this resolution will require the President and Secretary of Defense to spread upon the record is that it means that we are thereby handing over our game plan to the enemy.

To enact this resolution would be somewhat akin to require one coach of a football game to prepare the diagrams and plays that he intended to use and send them over to the coach of the other team. With the game plans of his advisory coach in his hands, preparation could quickly be made to provide defense to these plans. All of the element of surprise would be removed. In an athletic contest it is a matter of winning or losing a game. On the battlefield to give away our plans could cost thousands of lives.

Mr. Speaker, I hope our colleagues who have proposed this resolution may be treated charitably. A far greater issue than freedom of information or the right of the public to have possession of certain facts and statistics is involved here. What is involved is a great risk to our American boys in Vietnam whose lives could become subject to sacrifice if the enemy has all of the information required by this resolution.

I shall never be a party to this kind of a risk or danger. I hope there are not many in this House who want to assume such a great risk to our fighting men.

Mr. HÉBERT. Mr. Speaker, I move to lay House Resolution 918 on the table, and on that vote I demand the yeas and nays.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, am I correct that those who support the Committee on Armed Services vote "aye" on this motion, and those who support the resolution vote "no"?

The SPEAKER. The gentleman is correct.

The yeas and nays were ordered.

The question was taken; and there were—yeas 270, nays 113, answered "present" 2, not voting 48, as follows:

[Roll No. 123]

YEAS—270

Abbitt
Abernethy
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baker
Baring
Belcher
Bell
Bennett
Betts
Bevill
Biaggi
Blackburn
Blatnik
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Fuqua
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hébert
Heinz
Henderson
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Kazen
Keating
Kee
Keith
Kemp
King
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Meeds
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Passman
Pelly
Perkins
Pettis
Peyser
Pickle
Pirnie
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, N.Y.
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Van Deerlin
Veysey
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zablocki
Zion
Zwach

NAYS—113

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Tenn.
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Boland
Brademas
Brasco
Burke, Mass.
Burton
Carey, N.Y.
Celler
Chisholm
Clay
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellums
Diggs
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Foley
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Grasso
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Harrington
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hungate
Jacobs
Karth
Kastenmeier
Koch
Kyros
Link
Long, Md.
McCloskey
Matsunaga
Mazzoli
Melcher
Metcalfe
Mikva
Minish
Mink
Mitchell
Moorhead
Murphy, Ill.
Obey
O'Neill
Patten
Pepper
Pike
Podell
Pucinski
Rangel
Reid
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Scheuer
Seiberling
Shipley
Steele
Thompson, N.J.
Tiernan
Udall
Ullman
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates
Yatron

ANSWERED "PRESENT"—2

Howard
Leggett

NOT VOTING—48

Blanton
Byrne, Pa.
Carney
Chamberlain
Davis, S.C.
Dent
Dowdy
Edwards, La.
Esch
Eshleman
Flowers
Fountain
Galifianakis
Gallagher
Hagan
Hanna
Hastings
Hawkins
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kluczynski
Kuykendall
Kyl
Long, La.
Lujan
McMillan
Macdonald, Mass.
Madden
Miller, Calif.
Morse
Moss
Nix
Patman
Poage
Pryor, Ark.
Rees
Runnels
Staggers
Stanton, James V.
Steed
Stokes
Stubblefield
Symington
Vander Jagt
Winn
Young, Tex.

So the motion to table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fountain for, with Mr. Nix against.

Mr. Miller of California for, with Mr. Stokes against.

Mr. Davis of South Carolina for, with Mr. Hawkins against.

Mr. Staggers for, with Mr. Rees against.

Mr. Steed for, with Mr. Esch against.

Mr. Winn for, with Mr. Macdonald of Massachusetts against.

Until further notice:

Mr. Jones of Tennessee with Mr. Chamberlain.

Mr. Young of Texas with Mr. Kuykendall.

Mr. Blanton with Mr. Vander Jagt.

Mr. Dent with Mr. Eshleman.

Mr. Flowers with Mr. Morse.

Mr. Runnels with Mr. Lujan.

Mr. Hanna with Mr. Hastings.

Mr. James V. Stanton with Mr. Kyl.

Mr. Stubblefield with Mr. Johnson of Pennsylvania.

Mr. Jones of Alabama with Mr. Symington.

Mr. Kluczynski with Mr. Byrne of Pennsylvania.

Mr. Gallagher with Mr. Carney.

Mr. Long of Louisiana with Mr. Moss.

Mr. Hagan with Mr. Madden.

Mr. Jones of North Carolina with Mr. Patman.

Mr. McMillan with Mr. Dowdy.

Mr. Pryor of Arkansas with Mr. Galifianakis.

Mr. GARMATZ changed his vote from "nay" to "yea."

Messrs. LONG of Maryland, WOLFF, and DANIELS of New Jersey changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1972

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on April 19, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14582, with Mr. BROOKS in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Bow) will be recognized for 1 hour.

The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, the bill before us touches almost every department and agency of the Government. It is the second supplemental appropriation bill for fiscal year 1972.

The bill is not above the budget in any respect. The total amounts are within the budget estimates for 1972 contemplated in the 1973 budget submitted in January.

There are two titles to the bill, title I and title II. Title II, as you will note from the report—and the report is available to Members—contains the sum of $2,386,000,000 for pay increases. That sum represents a reduction in the budget estimates of $249 million.

The great majority of the money for the pay increases is for the Department of Defense. The committee, in its study of the requirements of the Defense Department, found that all the funds requested by the Department of Defense were not required and so reductions in the sum of over $200 million were made.

The general supplemental items are contained in title I. The bill provides $1.7 billion for a variety of activities. The budget estimates for these purposes aggregated a sum much higher than that. The committee recommends a reduction below the budget in title I of $402 million.

About 85 percent of the bill total is for costs which at this point in time are relatively uncontrollable—that is, they are pursuant to mandatory provisions of law that give us little or no discretion over them at this point in time in the budgetary and appropriations process.

The funds in title II for increased pay costs of $2.4 billion fall in this category.

The appropriation for public assistance grants, which is mandatory under existing law, totals $806 million.

Payment of workmen's compensation benefits in the amount of $22 million is not controllable.

The civil service and retirement fund appropriation required by law is a little over $109 million.

Then for retired pay of the military there is another $154,312,000 uncontrollable item.

So, Mr. Chairman, 85 percent of the bill—some $3,478,000,000—is made up of items which are relatively uncontrollable and for which we have little or no option but to provide for.

Now there are some other appropriations in the bill which are of interest to Members.

There is $70 million in this bill for the disaster loan fund of the Small Business Administration.

In this bill there is $95 million, which represents the budget estimate, for the Neighborhood Youth Corps summer employment and recreational support program. The program has been widely supported.

There is $51 million for firefighting in the Forest Service, and the bill includes $170 million of additional funds for the Amtrak railroad program.

I have already made some reference to reductions made in connection with the bill. Reductions in Pay Act cost requests total $249 million. There was a request of $320 million for the International Development Agency. That is not included in the bill. It was stricken from the bill.

An item of $45 million in the budget for the helium procurement program was deferred, and the civil service retirement request pursuant to postal employee pay increases was reduced by $63 million.

Those are some of the major items. I need not remind the Members of the House that this Government, in order to operate this year, is having to borrow in the neighborhood of $40 billion. A fraction of the borrowing is from the trust funds but the rest of it is from the private sector.

I know a number of amendments will be offered to the bill. Only about 2 months remain in the fiscal year. This does not seem to me to be a timely moment to offer amendments to increase the pending measure. In addition, the bill is composed largely of uncontrollable items which have been previously sanctioned by the Congress.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. FINDLEY. I thank the gentleman for yielding. If it is agreeable with the Chairman, I would like to raise a couple of questions in relation to chapter I, which deals with agriculture, and environmental and consumer protection.

I note in the committee report that the committee recommends the addition of $5 million to the fund established to reimburse beekeepers for losses, subject to the indemnity provision of the Agricultural Act of 1970. When this provision was before the Congress back in 1970, I voiced concern about getting into the indemnity obligation in the beekeeping industry. Can someone explain why in the world we need $5 million to indemnify beekeepers? That seems like an extraordinary amount of money.

Mr. MAHON. At this point I would like to yield to the gentleman from Mississippi, the chairman of the subcommittee that conducted hearings on this matter.

Mr. WHITTEN. Mr. Chairman, may I say to my friend from Illinois that I have similar thoughts about the amount of money which should be involved. The act was passed, and whatever amount is determined based upon that act will have to be paid one way or the other.

The committee was advised that the sum total in this bill has to do with losses which have already occurred. Let me read from the report:

> The Committee recommends the addition of $5,000,000 to the fund established to reimburse beekeepers for these losses and calls on the Department to require full and proper documentation of the cause and extent of such losses. Provision should be made to examine the qualifications of those on whose opinion claims against the Government are being paid.

So this is not a payment as such, but it is a fund from which the amounts will be paid. The claim total is in the neighborhood of the amount of money that would be put in there. It is my belief that the amounts of claims paid should be considerably less than the amount presently claimed, judging by past experience.

Mr. FINDLEY. I understand one beekeeper is trying to establish a claim, or perhaps has established a claim, for $800,000 in indemnity payments.

Can the gentleman explain how a beekeeper can establish such a claim?

Mr. WHITTEN. Frankly, I do not understand how he could. The Congress made this retroactive to January 1, 1967, so from the list of claims given to the committee, this totals the claimed losses for that period of time. Our hearings show that we on the committee called on the Department to require proof, as we would in any other case, so as to be absolutely certain that the money is owed. If it is owed, it would have to be paid. Again, this appropriation goes into a fund. It does not provide for the payment except where the claim is fully established under the law.

Mr. FINDLEY. I wonder if, out of the gentleman's experience with this indemnity program up to now, he will not join me in expressing the hope that the program will be terminated with the termination of that legislation, the Agriculture Act of 1970.

Mr. WHITTEN. The gentleman asks me to go pretty far. The Congress passed the law and said he should have indemnity if he proves injury. He will not be paid unless he proves his claim. We in this bill are providing a fund through which payments may be made if the claim can be proven.

Mr. FINDLEY. I hope it can be terminated with the act of 1970.

I would like to ask a further question.

There is a provision dealing with the Federal Crop Insurance Corporation, providing for "administrative and operating expenses" the amount of $136,-

000, "which may be paid from premium income." I hope this insurance program would be on a self-financing basis one of these days. I wonder if we could make a little legislative history and make that word "may" mean "shall." Is that the intent of the committee?

Mr. WHITTEN. That is the intent of the committee.

Mr. FINDLEY. The intent is to have it read "shall"?

Mr. WHITTEN. In my understanding it is justified on the basis it would be paid from the premiums.

Mr. FINDLEY. I am glad to hear that. I would also like to ask about an item on the same page which would transfer a little over a million dollars from the "cropland adjustment program" to the expenses for the Consumer and Marketing Service. Was the cropland adjustment program ever funded?

Mr. WHITTEN. My recollection is that contracts were let in 1966 and 1967, and that frequently there is a variant between the actual amount owed and the estimate the committee has made, and this transfer of funds would be because funds were available. We would not have done so otherwise.

Mr. FINDLEY. There was some adjustment.

Mr. WHITTEN. Yes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Before doing so I would like to say that I trust subsequent debate will provide sufficient information on the subject of funds which may or may not be due to beekeepers. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, do I understand this calls for $4,124,123,358?

Mr. MAHON. The gentleman is correct, and that is a reduction of more than $651 million below what the administration requested.

Mr. GROSS. That was their asking or dickering price. But is this not one of the largest supplemental appropriation bills we have had in the last 20 years or more, exclusive, of course, of World War II?

Mr. MAHON. It is a large one. Congress has increased the pay of the military and civilian workers to such an extent that this bill had to be big in order to accommodate the increases in salaries and provide for other payments which are mandated by the laws which the Congress has passed.

Mr. GROSS. But the fact remains that this is one of the largest deficiency appropriation bills the House of Representatives has considered in the past 20 years; is that not correct?

Mr. MAHON. Well, it is one of the largest bills. There have been larger ones. I do not have the exact statistics before me.

Let us say it is a large bill, and I regret that it is as large as it is. It is here because of the actions of the Congress and the requests and actions of the Executive.

Mr. GROSS. And this is piled on top of the regular appropriations for fiscal year 1972; is that not correct?

Mr. MAHON. It is piled on top of that, but it is not in excess of the 1972 budget proposed in January. This is a part of the President's overall budget program.

Mr. GROSS. And this in the face of the fact that we have $450 billion of Federal debt and the debt ceiling will have to be increased—or, at least, some of the leaders of the House say that the debt ceiling will have to be increased, probably to $500 billion, in June or July of this year.

Mr. MAHON. I believe it is fair to estimate that the debt during fiscal year 1973 will cross the $500 billion mark. I doubt it will go quite to that figure within this fiscal year, but certainly we are moving toward a half trillion dollars.

As I pointed out earlier, and as has been pointed out many times on this floor by many Members, we are going to have to borrow about $40 billion or so this fiscal year in order to pay our bills. It is an unwholesome situation. But in spite of that unwholesome situation there will be requests made for additional appropriations today well in excess of one-half billion above the committee recommendation.

So this is a situation which requires very prayerful and profound study by the Members of the House of Representatives.

Mr. GROSS. I do not know about the profoundness of the study, but I do know it ought to be a prayerful study. Somebody had better begin to do a little praying in terms of the fate of this country and of this Government to survive this kind of punishment.

Now, let us come down out of the stratosphere, from $4 billion-plus to something more comprehensible to most of the citizens of this country, including the gentleman from Iowa. I do not really comprehend $4 billion.

Getting down out of orbit, I note in the bill that there is apparently a million dollars for the cost of currency realinement of appropriations at the State Department. Are we embarked in this bill on currency realinement? Just what does this mean?

Mr. MAHON. This relates to the dollar devaluation and the commitments made by the State Department.

Frankly, I was not present at these particular hearings. This matter was given primary consideration by the subcommittee headed by the gentleman from New York (Mr. ROONEY), the ranking minority member of such subcommittee being the gentleman from Ohio (Mr. BOW). I would be glad to yield to either of those gentlemen for a comment.

This is a simple explanation of the situation. Congress upon the request of the President devalued the dollar by 8.57 percent, and this is the reason for these amounts in this bill.

Mr. GROSS. If the gentleman is referring to the gentleman from Texas and the gentleman from Iowa, "we" did not do this, because I feared that this would be a followup to the so-called devaluation of the dollar. Now we are getting it right between the eyes.

Mr. MAHON. The gentleman is correct. When the dollar devaluation legislation was before the other body last month it was passed by a vote of 86 to 1. When it was before this body last month it was passed by a vote of 342 to 43.

The gentleman from Iowa was one of the 43 voting not to devalue the dollar. Of course, it was a disturbing experience to all of us to vote to devalue the dollar. The fact is that to some extent we have priced ourselves out of world markets, we have overspent, and we have borrowed heavily in order to pay our bills. When I say "we," I mean the country and not the gentleman from Iowa and the gentleman from Texas. To some extent we have taken actions which have undermined the currency of this country. This brought about this situation or helped bring it about. I am hopeful before too many months this country will take necessary action to begin to shore up our fiscal situation.

Mr. GROSS. Now, how far do we go? How many other items in this bill are predicated upon realinement of the dollar?

Mr. MAHON. I must say the bill we hope to take up later this afternoon after we have concluded with this one will provide $1.6 billion as a result of the dollar devaluation.

Mr. GROSS. I am well aware of that bill, but I am talking about this one.

Mr. MAHON. That is where the major adjustment will have to be made and not in this bill.

Mr. GROSS. Yes. But I will say to my good friend from Texas, the chairman of the Committee on Appropriations, the bill to come up perhaps later this afternoon will take care of so-called international lending institutions. I am talking now about the realinement of the currency in the operation of this Government of the United States. How many more items in this bill are expenditures based upon realinement of the deliberately devalued dollar?

Mr. MAHON. I will say I do not offhand know of any more, but out of the many items in the bill there may be one or two. I will check during the debate, and I will be glad to discuss the matter further with the gentleman.

After checking, may I add that there are four items identified in the bill as arising from currency realinement. They are mentioned at various places in the report, and total, I believe, just over $1.1 million.

Mr. GROSS. Why does not the State Department make its contribution to the cause of fiscal sanity in this country by taking care of this $1 million in the operation of the Department? I do not understand this.

Mr. MAHON. After the hearings were conducted it was a decision of the subcommittee and then the full Committee on Appropriations that up to about $1 million should be provided, and that is where we are.

Mr. GROSS. That is just like plucking $1 million out of thin air and handing it over to them. You are not going to do that for anybody else in this country, and you know it.

I am talking about a principle of what we are doing here and what we are embarking upon. I do not think I have ever seen a bill before in my 24 years in the Congress in which a dollar was appropriated or earmarked for the purpose of realining currency.

Mr. MAHON. I applaud the gentleman's eloquence and conviction in connection with this matter, but, of course, the die was cast when the recommendation was made by the administration and was acceded to by the Congress to devalue the dollar. These are the facts of the matter.

Mr. GROSS. I do not want to prolong this and the gentleman from Texas has been very generous in giving me time, but we come right back to the uncontrollables, do we not, and the fact that Congress is not controlling. Congress is supinely voting for measures that call for $1 million in this bill, a small amount by comparison with the total, but the next bill calls for $1.6 billion to realine currencies around the world.

Mr. MAHON. I would hope and pray that we will not be called upon for another realinement and another $1.6 billion in addition to this and that Congress will not overspend and overappropriate and approve amendments excessively increasing the deficit, generating more inflation. To make democracy work and to prevent the collapse of this country, some degree of restraint is going to be required.

Mr. GROSS. The gentleman is absolutely right, but we have no answer yet for the question of why did the Congress of the United States supinely bow to the demands of the administration which requested this sort of thing. Why does Congress not refuse these requests?

It does not reject these requests. That is the point and that is why we are in such deep financial trouble.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Florida.

Mr. GIBBONS. May I respond just a minute to the gentleman from Iowa. I want to call the gentleman's attention to the fact that he has not seen anything yet.

We will have coming up here in a few weeks a bill that authorizes $30 billion in appropriations on a continuing basis over a 5-year period—a 5-year program—sometimes called revenue sharing. So, the gentleman will have plenty of time under the closed rule to explain his position on that.

Mr. GROSS. Mr. Chairman, if the gentleman from Texas will yield further, how do you share what you do not have?

Mr. GIBBONS. I do not know. I have tried to figure that out also.

Mr. MAHON. I thank the gentleman. It is a fact that the House will soon be called upon to pass a bill out of the Ways and Means Committee involving in excess of $25 billion for a 5-year period.

Mr. GIBBONS. $30 billion.

Mr. MAHON. And that bill will not require any further action of the Congress. However, that is another day and another bill and another problem.

Mr. Chairman, I reserve the balance of my time.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall not take the time of the committee for any lengthy explanation of the bill.

I think the distinguished gentleman from Texas has well explained it.

I think the thing we ought to do is to get down, as soon as we can, to the reading of the bill, because there will be a great deal of debate on some of the amendments and we may be here until a late hour if I take too much of your time.

However, I would like to yield at this time 5 minutes to the gentleman from Massachusetts (Mr. Conte) who will put the bee on us.

Mr. CONTE. Mr. Chairman, last year when the Committee on Agriculture proposed to pay beet farmers for not growing grain, I thought we had just about reached the ultimate in ridiculous legislative proposals. You will remember, however, that I was able to top that distinguished committee by suggesting my own amendment to pay the Washington Senators for not growing corn in their outfield. Both of those proposals met with the fate they obviously deserved. I was hopeful that that would be the end of this body's serious consideration of ridiculous proposals.

The supplemental appropriations bill we are considering today, however, contains funding for a program that just about has to be the ultimate in governmental ineptitude.

Believe it or not we are paying beekeepers for dead bees. What is worse, we are paying beekeepers for dead bees that were supposedly killed by federally approved pesticide control activity.

You may think I am making too much of a small thing, but, when I look at the amount of the claims submitted under this beekeeper indemnity program, I can understand why our constituents often suspect us of having bats in our belfry—or, more appropriately in this case, bees in our bonnet. We have created a monstrosity—a real honey of a grab bag.

At present, 28 beekeepers are filing claims, each of which total $100,000. At a maximum of $20 per destroyed hive, that is a lot of dead bees. The beekeeper blessed with the largest quantity of dead bees appears to be Jim's Valley Apiaries of Sunnyside, Wash. He has submitted claims for over $1½ million over the past 5 years.

Some people may consider the beekeeper's profession to be a dangerous one, but in this case it is the taxpayer who is getting stung.

I imagine our friend Jim out in Sunnyside walks around singing the 1968 song entitled "Honey Bee." The words go something like this.

Honeybee, honeybee,
Won't you be my honeybee
Honeybee, honeybee,
Sweet as sugar candy to me.

I imagine he sings a little louder when he reaches the line:

Take me honeybee
From my misery.

According to the claims Jim has submitted for the past 5 years, he has lost a minimum of 12,937 hives from pesticide activity each year for the past 5 years. I would think that the administrator of the program would be just a little suspicious over such claims.

When my friend Mr. Whitten, of Mississippi, questioned the administrator over the suspicious nature of these figures, the administrator could only answer:

> We will strengthen the record the next time we come up.

That reassuring answer came from Administrator Frick of the Agriculture Conservation and Stabilization Service. You all remember Mr. Frick. His administrative abilities were well publicized a while back when the newspapers found out that his former holdings in California farmlands were involved in violations of the farm subsidy program he administers.

Even if we assume for the sake of argument that the claims were based on an accurate count of bee corpses, how do we know that the bees died from pesticides. Mr. Frick testified that they have not even checked on the cause of death to justify the claims. If bees die in an area where pesticides are used, we pay for them—all of them. Apparently, in these areas bees can only die from one cause.

You may wonder, justifiably, what the Department of Agriculture is doing to take action against the people who are applying pesticide in such a way that results in bee deaths. At the hearings, my colleague Mr. Andrews of North Dakota asked Mr. Frick:

> Do you proceed against the incautious or imprudent chemical applicator?

The answer was "no."

Mr. Andrews continued:

> In other words, an individual can fly over bee colonies and lay down pesticides and irrespective of his liability, you go right ahead and pay for the bee loss.

Mr. Frick admitted that this was the case.

Mr. Chairman, I am submitting for the Record a copy of the statistics on all claims for $100,000 or more filed for the years 1967 to 1971 under this program. I ask my colleagues to study them. I believe you will all share my astonishment over the extent of this folly.

Of course, we should protect our honeybees, but I hardly think we are protecting them by paying exhorbitant prices for their corpses.

Bees are important. Live ones pollinate crops. It now appears that dead ones pollinate private pocketbooks.

BEEKEEPER INDEMNITY PAYMENT PROGRAM—BEEKEEPERS FILING CLAIMS FOR THE YEARS 1967-71 WHICH TOTAL $100,000 OR MORE

Name and address of beekeeper	1967	1968	1969	1970	1971	Total
Arizona:						
James R. Smith, Yuma	173,315	175,142	73,815	43,665	36,710	502,647
Troy Cowan, Casa Grande	54,740	79,500	41,755	31,235	5,895	213,125
Eugene R. Metz, Tolleson	60,065	42,780	35,895	22,660	40,320	201,720
Merton E. Davis, Chandler	58,290	39,665	24,270	17,395	1,520	141,140
Charles L. Emmons, Welton	17,590	30,000	26,770	31,110	9,915	115,385
James F. Craven, Tolleson	41,200	31,030	30,350	3,915	--------	106,495
Arkansas: Vaughn Wilson, Batesville	33,765	17,350	14,405	13,645	29,645	108,810
California:						
Huston Honey Co., Corona	134,760	130,735	144,210	132,560	93,125	635,390
Jay Parkinson, Vista	65,440	72,320	67,355	75,760	15,615	296,490
D. L. Denny, Hanford	12,640	18,120	38,850	25,125	45,350	140,085
Alfred Mueller, Bakersfield	30,360	23,185	52,035	19,915	11,645	137,140
Andy J. Nachbaur, Jr., Dos Palos	12,000	23,120	32,000	29,955	32,100	129,175
I. N. Brown, Calipatria	37,770	32,275	20,295	20,565	4,685	115,590
James Austin, Brawley	30,530	26,575	26,375	26,435	4,445	114,360
Robert and Loreen Allen, Westmoreland	29,235	27,485	18,765	15,415	14,375	105,275
Wilbur D. Shirley, Hanford	13,555	17,630	21,880	27,240	20,900	101,205
O. T. Mandrapa, Calexico	23,205	23,040	19,845	19,755	14,285	100,130
Mississippi: Stover Apiaries, Mayhew	91,626	167,577	161,877	152,027	235,721	808,828
Nebraska: Robert Martin, Neligh	37,595	23,900	24,480	32,635	--------	118,610
South Dakota: Schmidt Honey Farm, Winner	46,650	48,230	50,410	52,085	--------	197,375
Washington:						
Jim's Valley Apiaries, Sunnyside	347,520	336,705	296,930	278,160	258,750	1,518,065
J. C. Holt, Richland	65,525	40,665	19,855	15,755	38,235	180,035
Wells D. Rose, Yakima	40,230	33,960	35,765	33,475	28,060	171,490
Troy Monholland, Wapato	38,085	26,715	9,650	50,770	46,260	171,480
Lyle Hibbard, Grandview	26,165	27,870	33,060	27,390	55,260	169,745
Rex Haueter, Quincy	25,500	24,500	25,695	26,200	24,790	126,685
Sidney L. Hiatt, Ephrata		25,000	25,000	25,000	34,220	109,220
Richard Boylan, Ephrata		25,460	20,395	26,800	28,100	100,755

Mr. DENNIS. Mr. Chairman, would the gentleman yield?

Mr. CONTE. I will be glad to yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that I was so taken with the gentleman's musical rendition here a moment ago that I thought I would give him the benefit of a little verse about the honey bee:

The Honey Bee's a busy soul.
He has no time for birth control.
And that is why, in times like these,
There are so many sons of bees.

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

I might say that I too was quite taken by the extreme interest of the gentleman from Massachusetts, and the gentleman from Indiana in bees, but so as to complete the record, if there is anyone in the Chamber who would like to talk about the birds, I will be glad to yield for that purpose, so that we will have both the birds and the bees story.

Apparently nobody wants to talk about the birds, so I will reserve the balance of my time.

Mr. MAHON. Mr. Chairman, I yield to the gentleman from California (Mr. SISK) who will make further reference to Federal expenditures involving bees. The RECORD should be amply clear as to the action which the Congress has taken through its committees and otherwise, with respect to this subject.

Mr. Chairman, I gladly yield to the gentleman from California who will be able to provide pertinent details.

Mr. SISK. Mr. Chairman, may I say to my good friend, the gentleman from Ohio, I really have nothing to say about birds—not on this occasion anyway.

But I am always a little bit amused by my good friend, the gentleman from Massachusetts, you know, because he gets pretty well steamed up when we get into agriculture. I may be, I suppose, foolish to get into this, since I am not on the Committee on Appropriations, but it is a little bit curious, you know, about some of our conservationist friends. I believe I am a conservationist myself. But we have some pretty far-out boys here and there and they have been screaming and raising all kinds of cain around here in the last few years about certain kinds of chemicals and pesticides that agriculturalists have been using and have used to kill mosquitoes and control malaria.

I recognize that it is a foolish position, I suppose, that anyone would stand up here and defend DDT. But this is an illustration of just how silly and asinine some of the so-called jerkwater scientists who have just become experts overnight apparently in connection with pesticides have trapped us into.

DDT does not affect bees. It will not kill bees. It does not harm bees at all. In fact, they seem to thrive on DDT. But the Government comes along and says that you cannot use DDT any more. You have to stop using DDT, and they come up with no reasonable alternative.

Many of you have heard this poppycock from start to finish saying we had to discontinue the use of DDT. So they suggested a substitute. So we started using substitutes and bees started dying not by the thousands but by the millions and, I suppose, by the billions. Frankly, they have wiped out a large number of bee colonies in Arizona and many areas of the South and in the Dakotas and in California among other places.

I do not happen to be the author of this particular bee bill which apparently is under fire here. It was offered by a former distinguished Member of this House, Mrs. Catherine May. A number of us joined her because again it was based on a reasonable justification and the act frankly was in the public interest. The action of the Government caused millions of dollars of damage to a lot of individuals.

In line with the many precedents that this House has, I think that what the Committee on Appropriations has done is simply to come up here and make available funds which are required under the law. Surprisingly enough, this House voted, as I recall, pretty substantially in support of Mrs. May's bill at that particular time and it became a part, of course, of the 1970 Agricultural Adjustment Act.

Actually, that is the history of this and all there is to it. But I do want to leave this thought with you. We get so concerned about, as I say, some of these Johnny-come-lately experts on pesticides, that we rush out and rush in where angels fear to tread and do away with chemicals in some cases.

Frankly, and I still believe that DDT is one of the safest chemicals that we have ever used in this country, and I believe that even the information coming in today will indicate that we probably made some serious mistakes so we substitute some other substitute that we are being forced to use which destroy not only bees but a lot of other things.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. CONTE. I am not going to debate the merits of DDT as opposed to some other pesticides because I am not an expert.

Mr. SISK. I am not an expert either, I will say to the gentleman.

Mr. CONTE. If you read this record, and you must get it—it is on page 1649 of the hearing record for the second supplemental appropriations bill 1972. There are $10,500,000 in claims. They do not know whether these bees died of pesticides or frost or whether they died of a natural death or from arthritis or from anything else.

This is the thing that burns me up. Sure there may be some merit in it, but that does not mean we should provide a grab bag, without any checks.

People are going to the Government and saying—I have a million dead bees and you pay me.

As I said before, the taxpayer is getting stung. Now as a taxpayer, I am one man who is going to stand up here for the taxpayers as long as I have some breath in my lungs.

Mr. SISK. I admire the gentleman's courage although sometimes I think he gets a little bit off the beaten path. But I do admire his courage.

Let me again say, I will read the record because I think it might be interesting.

But the fact is, as I recall, this specifically authorizes an investigation by the Department of Agriculture to make a determination. I am inclined to believe on the basis of information I have, that there are probably very good and appropriate ways of determining whether or not in truth the bees died of pesticides or insecticides.

I do not think this is any great mystery, and I would not consider that that should be an insurmountable scientific task to determine. If, for example, the Department has in essence rather promiscuously attempted, as has been suggested, to pay out sums of money that are not justified, then, of course, it has administratively made a serious mistake. I do not think the act itself permitted any such looseness in the operation of the program. But I will read the record.

Mr. CONTE. I wish you would. It was a lot worse. The record has been cleaned up somewhat, I am told. Mr. Frick was asked the question as to how the bees had died. He said they could have died a natural death. He suggests that that is possible, and he had no way of telling whether the bees had died because of pesticide—see page 1678, of the second supplemental appropriations hearing 1972.

The other thing that troubles me no end is this. We have a lot of beekeepers in my district in western Massachusetts. Nearly every dairy farmer up there has some beehives. Yet as you go through the record, you do not see any of them claiming a plugged nickel for any damage to their bees up there. Why, I ask the gentleman from California, every time there is a handout like this program or the cotton subsidy program, the money goes to Texas, California, and Arizona.

Mr. SISK. I might say to my colleague that I was not aware that I had any claims from anywhere in my district. It is possible that we may have. But again, as I said, I am not carrying any particular ball here for beekeepers. But I was familiar with the subject, being on the committee at the time the authorization went through.

Today, we are merely providing funds, as I understand it, to enable the Department to pay what are considered to be legitimate claims under the act. It is their responsibility, and again I would find it difficult to believe, scientifically, that the Department does not have people to go out and determine whether or not bees in quantity had died from a pesticide.

Mr. ROSTENKOWSKI. Mr. Chairman, today, the House will act on the second supplemental appropriation bill of 1972. In title I—general supplementals, chapter VII, the Labor and Health, Education and Welfare section, the committee has allotted $95 million for the Neighborhood Youth Corps and recreation support program. This additional amount will provide a total of $270.7 million or 609,300 enrollment opportunities for both programs combined.

On many occasions in the past, both on the House floor and in testimony before the Appropriations' Subcommittee, I have attempted to call to the attention of my colleagues the problems of youth job and recreation program availability in the inner cities during the summer months. Each year these important programs have been insufficiently funded. Each year our cities have received these allocations with inadequate time allowed to develop really competent programs. In spite of all this, these programs have, somehow, proved relatively successful.

The demand for Neighborhood Youth Corps job slots, alone, in the 111 cities served by the Corps, was 900,000 for the summer of 1972. This figure does not represent the number of youngsters who qualified for these programs—their numbers far exceed this figure. It is only representative of the amount of young men and women that each city was capable of administratively servicing and the amount of jobs that could be made available in each city. Why then are these programs—programs that deal with the very fabric of our cities—so traditionally underfunded?

It was obvious in the summer of 1971 that the additional supplemental of $95 million was grossly inadequate for these programs to be fully effective and reach their proper potential. Yet, this year, these programs are being funded at the exact same level, when what was needed was a supplemental of at least $200 million.

I have, along with many of my colleagues in the House, made several pleas, both to the President and to the Appropriations Committee for a substantial increase in funds for the Neighborhood Youth Corps and the recreation support program. Our requests have apparently fallen on deaf ears.

Mr. Chairman, I know what summer in the city is like. I know the frustration and the impatience that can be experienced by inner city youth who have nothing to do with their time and no place to channel their energies. Through the Neighborhood Youth Corps and the recreation support program these kids have a chance to do something—to learn a skill—to get out of the city and into the country to parks and recreation areas. These programs have undeterminable value but without adequate financial support, they cannot hope to provide their desperately needed services.

I am convinced, Mr. Chairman, that on this issue we in the Congress have failed to properly perform our function. Year after year these job and recreation programs are neglected. They were created to protect our cities from another summer like 1968—but now that the immediate threat has passed it seems we feel no great concern for these programs. Mr. Chairman, by neglecting the potential of these programs, we are ultimately neglecting the potential of those that they were meant to serve—our youth.

Mr. McDADE. Mr. Chairman, I wish to draw the attention of my colleagues to language contained in the Forest Service account of H.R. 14582, the second supplemental appropriations for fiscal year 1972. I refer to the provision in the full committee report permitting release of U.S. Forest Service funds in the event of a serious outbreak of the gypsy moth. This measure would permit, for the first time, a transfer of Forest Service funds from one account to another to match funds designated by any State for emergency control measures against the gypsy moth. It would enable any State to proceed at once with appropriate action, at the request of local communities.

To my colleague, the gentlelady from Washington, the Honorable JULIA HANSEN, I express my gratitude for her support of this provision. She has once again demonstrated her concern for, and attention to, this serious environmental problem.

I also wish to commend the full committee chairman, Hon. GEORGE MAHON, and the ranking minority member, Hon. FRANK BOW, for their support of this provision in the full committee.

The report's provision for a transfer of funds will enable States to act promptly against the gypsy moth without rerequiring a new supplemental. Egg masses are already present in epidemic proportions in much of the Northeastern United States. Moreover, as the pest moves West and South into areas of even more ideal breeding conditions, there is a threat of greatly increased gypsy moth populations.

Is the infestation, in fact, a disaster? The answer is emphatically, "Yes." "This pest can kill our conifers in a single year; our oaks, and many other hardwoods, in 2 years of defoliation. It endangers the entire ecosystem of areas it defoliates.

The environmental impact is obvious. Stark, leaf-stripped forests constitute a major fire hazard. Trees with dying roots fail to hold soil against erosion, and endanger our watersheds. Birds and small animals which depend on woodland cover for food and shelter are made homeless. Without shade trees, even climate conditions are altered.

There is also a severe economic impact on recreational areas which depend on the scenic qualities of trees to draw campers and tourists. Even in populated areas, the omnipresent gypsy moth caterpillar enters homes easily and creates a domestic nuisance.

The provision for a transfer of funds is intended to enable States plagued by this pest to come to the Federal Government for assistance with assurance that matching requests will be accommodated. The Forest Service will now be authorized to transfer funds from other interagency accounts to meet their needs, much as it transfers funds expended in fighting forest fires.

I have had continual discussions with Department of Agriculture experts on the subject of pest control methods. They have informed me that aerial spraying with an approved chemical can provide satisfactory if temporary relief from the gypsy moth. They are also exploring the use of more permanent biological or microbial controls. These are still in the experimental stage, but appear promising. To aid pilot field research into these, and other new antipest devices, I last month introduced legislation, H.R. 13332, authorizing $4 million to the Department of Agriculture and the National Science Foundation to determine the safest and most effective means of eradicating the gypsy moth, and similar pests, once and for all.

We will have sufficient funding in the regular appropriation bill for fiscal year 1973 to insure an effective research program, one that will provide an effective and acceptable remedy. Meanwhile, the language in this report will facilitate control efforts that are available today by giving assurances to States that their requests for matching Federal dollars will be honored.

Mrs. GRASSO. Mr. Chairman, again

this year many of our young people face the agonizing prospect of a long and bleak summer without a job.

Though more and more students enter the summer job market each year, the commitment to assist local communities in their efforts to find employment for our young citizens remains stagnant. A case in point is the Neighborhood Youth Corps program.

It is deeply disappointing to me that the administration's request for this program, as reported out of the Appropriations Committee and included in the second supplemental we are considering today, does not meet the pressing summer employment needs of our young people. From all indications, the Neighborhood Youth Corps bill likely to be passed by the Senate comes closer to fulfilling our responsibilities to the Nation's young people than the House bill. It is my heartfelt hope that the House-Senate Conference Committee on this appropriations measure will see that the summer jobs program is fully funded. Only then will our youth have adequate summer employment opportunities.

The opportunities they require are great. The Neighborhood Youth Corps program, which forms the heart of the summer jobs program, has been highly successful in the economically hard-hit cities of our country. The administration's budget for both the Neighborhood Youth Corps and the recreation support program, including the supplemental increase we are considering today, is about the same as it was last year—a sum of $270.7 million. This funding will be used to provide 609,300 9-week jobs for young people in both programs. Funding for the Neighborhood Youth Corps itself under this bill amounts to $257.9 million.

Following an extensive nationwide survey of the summer job needs of our cities, the U.S. Conference of Mayors estimates that at least 947,900 10-week jobs are required this summer for the Neighborhood Youth Corps program, at a cost of $444 million—or $186.1 million more than the funding considered adequate by the administration. State labor department officials in Connecticut maintain that summer job needs under the Neighborhood Youth Corps program are, indeed, greater this year than last. At that time the projected number of job slots needed was over 10,000, though less than 7,000 jobs were available to our young people.

Earlier announcements by the administration of a summer program providing over 1 million jobs for young people was encouraging news. Unfortunately, closer examination of the administration proposal reveals that at least one-third of those jobs must be provided by the private sector—by business and industry—without cost to the Federal Government. In the face of present economic difficulties, prospects of jobs in the private sector for young people are actually less than the number available last year.

What young people need this summer is jobs—not false hopes. It is my hope that Congress will see to it that enough summer jobs for young people will be available.

Mr. ROSTENKOWSKI. Mr. Chairman, I will support the amendment when it is offered by my good friend and colleague, SIDNEY YATES.

The need for increased grants for bilingual education has been amply demonstrated. Existing programs in many cities have been quite successful, but the demand for bilingual education has far exceeded the limited funds that are made available.

In my own State of Illinois alone, there are between 80,000 and 100,000 bilingual students—students who could greatly benefit from a program of this type. Unfortunately, only $220,000 of the total $35 million appropriation has been made available for use in Illinois.

The story is very similar in many other States. The need is there, but the funds are not. In order for our bilingual citizens to reach their full potentials in the scholastic, social, and economic spheres in this country, it is necessary that they be given the opportunity to better understand and articulate the language of the society in which they have chosen to live.

Mr. Chairman, I urge my colleagues to support the Yates amendment. It will make bilingual educational opportunities more available to those in need.

Mr. ROGERS. Mr. Chairman, I rise in support of H.R. 14582. I notice in the bill before us an additional appropriation of $5.6 million for operation of the U.S. Public Health Service hospitals. I am heartened by this action since only last July the House was considering an appropriation bill which would have reduced the fiscal year 1972 appropriation for operating these hospitals by $14.2 million from fiscal year 1971. At that time, the House adopted my amendment to restore these funds and thus insure the continued operations of these facilities, until the Congress could thoroughly consider the Department of Health, Education, and Welfare's plan to transfer or close these hospitals and clinics. Shortly thereafter the Subcommittee on Public Health and Environment conducted extensive hearings on this matter and the Congress adopted House Concurrent Resolution 370 which expressed the sense of Congress that these hospitals remain open and within the Public Health Service. I might also add that the subcommittee recently visited the Public Health Service hospital in Seattle, Wash., and held public hearings on the future of that fine hospital. The subcommittee will continue to conduct a thorough review of HEW's plans with respect to the PHS hospitals and clinics.

I am also heartened to see that the Appropriations Committee has included language in this bill which would authorize the Food and Drug Administration to utilize $8 million of previously appropriated but unexpended funds for construction of field laboratories to be used to implement badly needed food inspection activities. The Subcommittee on Public Health and Environment held extensive hearings on the problem of food inspection last August and September at which time Commissioner Edwards of the FDA expressed his concern on the woefully inadequate funding for food inspection activities. He indicated the need for nearly doubling the FDA budget to adequately meet the monumental food inspection responsibilities of the agency. While this is not the answer to the problem by any means it is certainly a step in the right direction.

Mr. VANIK. Mr. Chairman, I want to commend the distinguished gentleman from New York, (Mr. BINGHAM) on his amendment. I support his amendment to restore $8.2 million to the Developmental Disabilities Service Act of 1972.

The Developmental Disabilities Services Act has been a new major Federal program to aid the mentally retarded and victims of cerebral palsy and epilepsy.

It was unconscionable that the fiscal year 1972 appropriation of $30 million was cut back to $21.7 million in Conference Committee.

There are 4½ million handicapped children in this country that do not go to school. The adult lives of these children will consist of nothing but "bleak desperation."

How could we cut back programs that will give these isolated handicapped children a fighting chance.

Not only do I support the amendment of the gentleman from New York, but I also hope that legislation is developed to extend an education to all these children who have been denied their right to an education.

Mr. MAHON. Mr. Chairman, I have no further requests for time in general debate.

Mr. BOW. I suggest that the Clerk read.

Mr. MAHON. I, too, suggest that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSUMER AND MARKETING SERVICE

CONSUMER PROTECTIVE MARKETING AND REGULATORY PROGRAMS

For an additional amount for "Consumer Protective, Marketing, and Regulatory Programs", $665,000.

AMENDMENT OFFERED BY MR. STEPHENS

Mr. STEPHENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEPHENS: Page 2, after line 17, insert the following:

RELATED AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GRANTS FOR BASIC WATER AND SEWER FACILITIES

For grants authorized by section 702 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3102), $650,000,000 to remain available until expended.

Mr. STEPHENS. Mr. Chairman, I have written a letter to every Member explaining what my amendment would do. My amendment would provide an additional $650 million of badly needed funds for basic water and sewer facilities. The supplemental appropriation bill we are considering has no money in it whatsoever for those funds. It is a program that provides 50–50 money for grants and loans to the municipalities of the United States, big and little, but the big ones have a better way to finance such programs than the smaller ones.

Just a month ago this House passed legislation providing $18 billion for the construction of sewage treatment plants. I feel very strongly that the Housing Department's 702 grant program for water and sewer lines is complementary to and necessary for the successful carrying out of the water and sewage treatment plant programs. As I have said on two other occasions when I offered amendments to increase these funds, to construct a treatment plant without the necessary sewer lines, the pipes, is like constructing an electric powerplant without wires and poles.

I hold in my hand a compendium of an official directory, the pending applications filed with the Housing and Urban Development Department on the backlog of water and sewer applications. Every page is covered. There are several billion dollars of backlog applications. Part of this is due to the administration's policy of impounding funds appropriated by the Congress.

Fortunately, a new section 658 was added by Public Law 92–226, to the Foreign Assistance Act, which will do a great deal in bridling the executive branch's efforts to thwart the congressional will in this area. This provision provides that no funds appropriated under the Foreign Aid Act may be utilized after April 30, 1972, unless funds impounded for fiscal year 1971 in the Department of Agriculture, and in HUD, and in HEW have been released for obligation and expenditure. Although I would point out this is not dealing with this particular provision, this particular section I am talking about, we have set a precedent to say that the funds heretofore appropriated will be utilized.

I believe it is vital that my amendment be adopted today: First, because this Nation is now in the throes of a pollution crisis. A great many things have been added which are called pollution, but basically it is clear water and sewage disposal.

All of us have received innumerable applications and complaints from local government officials as to the desperate situation in which they have found themselves. Standards, and correctly so, are currently being set higher and higher as regards water pollution, but this is occurring at the very time that high interest rates have increased the burden of municipal financing. Also, at the same time, recession has reduced the State and local tax collections. This is also in the face of many rising expenditures in other areas.

The adoption of my amendment is mandatory as an antipollution measure. Of equal importance, moreover, is the fact that this $650 million will have a multiplier effect throughout our entire country. It will employ men, both on and off the job. For every laborer who is hired to lay iron pipe, a workingman will be hired to produce it at the foundry.

My amendment is also an antirecession amendment.

I urge the Members to support my amendment which would provide $650 million for the HUD water and sewer program. It will take up the complete authorization that goes through this fiscal period covered by the supplemental. All items have been authorized and most of this has been appropriated heretofore without the money being expended. That is why I offer it now, so it can be considered. We will assume our responsibility to see appropriate priorities established for the people of the United States.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, did I understand the gentleman's amendment to go to line 17, page 2 of the bill?

Mr. STEPHENS. That is correct. This has been handled under the Department of Agriculture in recent times.

Mr. GROSS. I know, but that is under the subtitle of "Consumer Protective Marketing and Regulatory Programs."

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(On request of Mr. THOMPSON of Georgia, and by unanimous consent, Mr. STEPHENS was allowed to proceed for 3 additional minutes.)

Mr. STEPHENS. Mr. Chairman, my amendment adds a new section which says:

> RELATED AGENCIES, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT FOR BASIC WATER AND SEWER FACILITIES
>
> For grants authorized by section 702 of the Housing and Urban Development Act of 1965, $650 million, to remain available until expended.

Mr. Chairman, it is a separate section.

Mr. BURKE of Massachusetts. Mr. Chairman, I rise today in support of an amendment to the supplemental appropriation bill. In my opinion, the amendment is necessary to correct a fatal omission in the appropriation bill. The bill contains no funds for grants for basic water and sewer facilities. This omission is difficult to condone since the program itself was passed by the House last June on a voice vote, so popular a program has it become; but programs do need funding if they are going to be put into operation—if they are going to be realized.

The fact of the matter is, I know of no program on the local level today which is in greater demand, occupies more of my staff's time and my own personal attention than the water and sewer grant program administered by the Department of Housing and Urban Development. As a matter of fact, right now I can think of no community in my district which has not got some form of application pending before HUD. The documentary evidence behind each application is so impressive, the need so great, that I do not envy for one instance the regional administrator whose task it is to shift through the many applications before him and determine which one deserves some of the limited funds available. And—there is the rub—the funding for this most popular of all local government programs with the Federal Government is just too limited. The waiting line is just too long. By the time the application is approved, quite often original cost estimates have risen substantially. The local communities which have to provide the matching funds are understandably hard pressed to condone such costly delays. On the other hand, the programs are so massive and costly that local communities on their own just cannot afford them. They would add to already heavily overburdened local budgets and, ultimately, local property taxes.

Now I am well aware that the problem of limited funding for this program does not stem from any reluctance on the part of Congress to support the program with the necessary funding. The problem has been a consistent and determined policy on the part of the Office of Management and Budget to impound funds authorized and appropriated for this program by Congress. In my opinion, however, it would be the height of folly for Congress to refrain from appropriating the authorized amount for this program in this fiscal year on the grounds that money is still in the pipeline for this program or is currently being impounded. To me, this would represent total legislative abdication to the executive department's arrogant decision to slow down this program by withholding full funding.

We would, in effect, be reinforcing executive abrogation of congressional authority. It is not my intention today to get deep into the whole impoundment controversy and try to place the blame on which administration started the practice, which administration continued the practice, and which administration has withheld the most money since impoundment began. Suffice it to say that congressional opinion has been expressed legislatively on several occasions by this Congress about the practice and it has been invariably negative. How the problem will be solved constitutionally will not be decided here today.

My point is this, that the fate of a good program may well be decided here today. I, for one, do not want to see this program wither on the vine because of lack of full congressional support. If I wanted to be totally political about this, I suppose you could say that I want to place the full burden for explaining to the people around this Nation come November why there have not been more approvals given under this program, squarely on the shoulders of the administration where it belongs. If the administration wants to impound the funds I am proposing we appropriate today, then they will indeed have explaining to do come November.

The pressure, Mr. Chairman, for these funds is not the result of a number of towns scratching around, trying to find ways of spending Federal money as has been suggested by some about other Federal grant programs. The tremendous response to this program stems directly from the existing backlog in water-sewer modernization and construction which existed when section 702 of the Housing Act of 1965 was passed. In other words, Mr. Chairman, section 702 was passed because a real problem existed. There was a demonstrated need for this kind of local program. Mr. Chairman, we have gone too far down the line since then in the direction of improving our environment to be stopped in our tracks because of the Executive Department's capricious decisions as to which program's funds will be withheld at any given time. The people want the basic minimum safeguards of sanitation and pure drinking water and because they want it, the local town meetings are voting overwhelmingly in favor of such programs. Town after town around this Nation has coughed up its part of the cost of providing such services to their population. The local taxpayers have indicated again and again a willingness to share added responsibility for this program. The problem has been the Federal Government's inability to come up with its fair share in case after case.

Mr. Chairman, I do not think the problem is one of wild land development and reckless speculation in local communities across the country. The administration of the program has built into the program numerous safeguards in the form of regional planning council approval, environmental reports and considerations, and so forth and so on. The applications that survive the elaborate screening and deliberate roadblocks against encouraging further overdevelopment and land speculation are programs which have addressed themselves to genuine needs and have been well put together.

Mr. Chairman, as my distinguished colleague from Georgia has pointed out, this House just passed a Water Pollution Control Act, authorizing $18 billion for the construction of much needed sewerage treatment plants—a vital part of a major attack on water pollution. It would be totally inconsistent with the spirit of this act for the House now not to appropriate the 702 program which is, after construction of much needed sewage treatment plant program.

In closing, I just want to add my support and firsthand testimony to the need for this amendment. The New England regional office of HUD is swamped with a backlog of millions of dollars worth of applications. Some I know personally have been filed and refiled several times now. Many have been approved but go wanting for lack of funding. I would be doing less than my job of representing my district if I did not urge your support of this amendment today.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

It is hard to differ with my friend from Georgia and others here who would like to see us do overnight everything which possibly could be done. I have a record, I believe, which compares favorably with others as to trying to see that we move ahead as fast as we can to protecting the environment, which includes the water and sewage treatment and sewage lines.

Here is the situation that faced the committee. We have heard described earlier the financial situation of the country.

In 1971 the budget request was for $150 million. The Congress provided $350 million, and promptly $200 million of this was frozen by the Office of Management and Budget.

In fiscal year 1972 the amount before the committee was $150 million, to which the gentleman from Georgia offered an amendment. We recognized the need and raised it to $500 million. In addition to that $500 million, the remaining $200 million from 1971 continued to be available.

Therefore, in fiscal year 1972 the total amount available was $700 million for HUD water and sewer grants, $500 million more than the administration requested, and that $500 million is now frozen.

The budget for fiscal year 1973 plans on using only $200 million of the $500 million now frozen.

We have similar situations with regard to other items.

The point of it is that when $500 million is already frozen, plus more than $100 million which has not been approved for use, and to add $650 million to it would express high optimism but would not do anything to make additional funds available.

As I understand the situation, many local governments now are delaying sewer permits because of development problems and because treatment plants are not available.

I agree with my friend from Georgia that this type of program is essential to the success of treatment plants and for proper operation and so forth.

Mr. STEPHENS. Mr. Chairman, will the gentleman yield on the figures he gave a minute ago?

Mr. WHITTEN. I yield to my friend from Georgia.

Mr. STEPHENS. Actually, we have a backlog of money that has been frozen. I agree with the gentleman. But we have authorized $700 million, almost, more than we have expended. If we do not authorize or do not appropriate the funds I ask for, this will be entirely lost and the President will not have an opportunity to decide whether he wants to do it or not. That is why I offer it now.

If we wait until the next time we have an authorization come up, it will come up in the housing bill. We will not have a housing bill, so far as I can tell, until August or possibly September. So we will have no money at all until the fall or later for water and sewer grants.

Mr. WHITTEN. Am I not right that the frozen funds are no year funds, and those frozen now would continue to be available until the new bill is passed?

Mr. STEPHENS. If we do not put the money in, and appropriate it, it will stay frozen.

Mr. WHITTEN. Existing funds, which the Congress has appropriated, which are unused, which are frozen by the Office of Management and Budget, will continue available until the time that the new authorization is passed and until approved for a grant. If I understand the gentleman's amendment, it would add only to the frozen funds.

Unless we can get the hundreds of million dollars presently appropriated, released and made available; unless we can get the Office of Management and Budget or the President to release those funds, we would just pile on top of frozen funds additional funds to be frozen. For that reason I do not see why it is necessary to add this $650 million at this point in this bill.

Mr. STEPHENS. Even if we had no necessity at this time, I still believe we ought to be on record in this Congress as setting a priority again on expending for water and sewer the proper amount to do the job.

Mr. WHITTEN. I do not know of any more desirable program, but I do not want to set a precedent in this Congress that even though the funds are not being used, and even though the people in many local communities are deciding they prefer other things rather than this, that we feel we have to commit ourselves by full appropriations to the full amount of every authorization passed before the authorization expires.

I say again when you have half a billion dollars and you are not getting that used, we do not need to provide another $650 million to put on top of it. We do not act too sound now from a financial standpoint.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the distinguished chairman of the subcommittee several questions.

As I recollect the comments made by him independently as well as in the colloquy with the gentleman from Georgia, there was a $200 million appropriation made for fiscal 1971 followed by a $500 million appropriation made for fiscal 1972 in this program.

Mr. WHITTEN. My figures show that in fiscal year 1971 $350 million were made available, $200 million of which were frozen.

Mr. GERALD R. FORD. Actually they permitted for obligation $150 million out of the $350 million?

Mr. WHITTEN. That is right. Then in 1972 the House put in $500 million, which was added to the $200 million which had remained frozen, for a total of $700 million.

Mr. GERALD R. FORD. How much was permitted for obligation in fiscal year 1972?

Mr. WHITTEN. In fiscal year 1972 approximately $200 million of the $700 million.

Mr. GERALD R. FORD. Leaving approximately a $500 million carryover?

Mr. WHITTEN. That is right.

Mr. GERALD R. FORD. From the previous fiscal year?

Mr. WHITTEN. That is right.

Mr. GERALD R. FORD. How much did we or more correctly are we likely to make available for the program in fiscal year 1973?

Mr. WHITTEN. That is under consideration by the committee now and it will come before the House in the regular bill.

Mr. GERALD R. FORD. So we have a backlog of $500 million in fiscal year 1972?

Mr. WHITTEN. That is right.

Mr. GERALD R. FORD. And the current fiscal year ends in a little less than 3 months.

Mr. WHITTEN. That is right.

Mr. GERALD R. FORD. And your committee is considering the request for fiscal year 1973 now?

Mr. WHITTEN. That is right. And from the attitude of the committee members and from the expressions that have been made thus far, they are certainly in support of this program. However, to add in a supplemental $650 million, is just adding to the amount of frozen funds. We will bring in the regular bill in such amounts as the House and the Congress sees fit to put into it, and that will end up in the bill having been recommended by the committee.

Mr. GERALD R. FORD. There is $500 million in this account for fiscal year 1972 that has not yet been authorized for obligation, and we have 2 months left in this fiscal year?

Mr. WHITTEN. That is my understanding.

Mr. MAHON. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished chairman of the Committee on Appropriations.

Mr. MAHON. Of the $200 million which is available for obligation as a part of the administration plan for fiscal 1972, as of April 10 we are told that only $91.7 million has been approved. I shall ask permission later on to put in the RECORD some information which I have here which shows that these programs are being reexamined and many of these applications are not valid or do not, for one reason or another, materialize, and that much additional information is required. There is a lot of room for a reconsideration of the validity of numerous applications which are pending. I think the Congress and certainly the Committee on Appropriations want to do a good job in this important field of water and sewer lines.

But with a total in excess of $600 million still available in the overall, it just seems almost irresponsible, with all due respect, to consider adding $650 million to that at this time.

This would indicate that the House thinks money grows on trees. It would indicate that we are not aware that these huge amounts of uncommitted funds are available.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

(By unanimous consent, Mr. GERALD R. FORD was allowed to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Chairman, under leave to extend, I include an excerpt from the Department's fiscal year 1973 budget justifiation for this program supplied to the committee. It deals with the matter of reviewing applications and gives some pertinent statistics delineated between "preliminary" applications and "full" applications.

Review of Preliminary Applications. The Department accepts preliminary applications for processing or referral regardless of size of community, or type of public work or facility involved. Of the anticipated 800 preliminary applications estimated to be filed with the Department of Housing and Urban Development in fiscal year 1973, 200 referrals will be made to other Departments for detailed review and processing.

Those preliminary applications which rank lowest in terms of the Department's rating system are returned to the applicant. Also returned are those preliminary applications which obviously are ineligible because of lack of planning or some action on the part of the applicant which legally or administratively disqualifies the project. In previous years the applications on hand have far exceeded the program level. Current Department policy discourages holding applications for more than 90 days. Based on the criteria of the project selection system unfunded applications will be returned. This new policy will result in a substantial increase in rejection of preliminary applications in 1972 as preliminary applications from previous years which have no chance of being funded will be returned. The table showing a detailed breakdown of the processing of preliminary applications follows:

PROCESSING OF PRELIMINARY APPLICATIONS

[Dollars in millions]

	Estimate 1972	
	Number	Amount
On hand, start of year	1,349	$639.8
Preliminary applications received	1,200	500.0
Total	2,549	1,139.8
Less:		
Referred to other agencies (net)	200	60.0
Withdrawn or rejected	1,400	600.0
Converted to full applications	500	250.0
On hand end of year	449	229.8

Review of Full Applications. Applicants who submit preliminary applications that meet the standards of the Department are invited to submit complete or "full" applications for final technical review. Those found to be satisfactory are approved and funds are reserved for the project. The following table shows the processing of full applications.

PROCESSING OF FULL APPLICATIONS

[Dollars in millions]

	Estimate 1972	
	Number	Amount
On hand, start of year	162	$85.7
Full applications received	500	250.0
Total	662	335.7
Less:		
Withdrawn or rejected	100	50.0
Grant reservations (excluding cancellations)	400	200.0
On hand, end of year	162	85.7

Mr. STEPHENS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Yes, I yield to the gentleman from Georgia.

Mr. STEPHENS. I would like to say this. We will have to do what I am proposing in order to have any money for the 1972–73 appropriation bill for this budget because we do not have any authorization for the 1972–73 appropriation bill. I say this because we have not yet reported out a bill from the Subcommittee on Housing to the Committee on Banking and Currency, and if we do not do this, we will not have any appropriation.

Mr. GERALD R. FORD. Let me ask the gentleman this question:

As I understand it, the other body has passed a housing bill and in that housing bill there is a provision comparable to the one under which we are not operating.

I understand also that a subcommittee of the House Committee on Banking and Currency has approved a housing bill that would include provisions in this category. I was told that this morning by the chairman of the subcommittee.

Is that correct?

Mr. STEPHENS. We have not reported out a bill nor approved a bill as yet. We have a tentative bill but I have not seen the language contained in it. We are hoping to meet this week to see the language of the bill insofar as the committee is concerned.

Mr. GERALD R. FORD. Would the gentleman agree that the Committee on Banking and Currency has until June 30 to recommend its version to the House and the Congress has until that date to pass a final version and it is not totally accurate to say that there will not be any program in this category after July 1, 1972?

Mr. STEPHENS. I would say that is a possibility, but I do not say it is likely.

Mr. WHITTEN. Mr. Chairman, will the distinguished minority leader yield to me?

Mr. GERALD R. FORD. Yes, I yield to the gentleman from Mississippi.

Mr. WHITTEN. May I say that I think we are overlooking the fact that whether this amendment is defeated or agreed to at this time we have $700 million on hand, and of that amount only $91 million in grants has been approved. May I say further that our subcommittee is proceeding with its hearings, although we have not as yet heard from HUD representatives before the committee. But, our committee certainly plans to bring it in here in some form when the regular bill is brought up. In other words, this entire situation will be dealt with in the committee and then the Congress will have an opportunity in the regular bill to deal with it at that time.

So, we have these funds on hand which are "no year" funds—which are continuing funds.

Mr. GERALD R. FORD. Let me make this perfectly clear, although I think the chairman answered this question in his last comment. However, I would like it clearly on the record that the $500 million to $700 million that has been appropriated for this program and is a matter of law available is under the category of "no year" funds which means it is available for subsequent utilization by the executive department; is that correct?

Mr. WHITTEN. That is my understanding. I do not think there is any question about it.

Mr. MAHON. The gentleman is absolutely right.

Mr. WHITTEN. The problem is a matter of release of the funds, but insofar as the law is concerned the funds are fully available and will continue so.

Mr. GERALD R. FORD. The gentleman is saying that in the fiscal year that begins on July 1, there will be that amount of money on funding available until the Committee on Banking and Currency acts on its housing bill and until the Congress passes a housing bill that covers this area?

Mr. WHITTEN. Taking a leaf from the speech which was made by my friend from Massachusetts (Mr. CONTE), there will be three times as much money available for 1972–73 as we have been able to get released during the current year.

Mr. GERALD R. FORD. Mr. Chairman, I yield back the balance of my time.

Mr. KEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment that I am supporting is an amendment sponsored by Mr. STEPHENS of Georgia. We are asking for $650 million for the 702 program of the housing bill. This is to provide for water facilities, pipelines and sewer lines; 50 percent of the cost will be borne by the Federal Government and the remaining 50 percent by the local government.

The appropriations bill as reported contains no funds for grants for basic water and sewer facilities. This is an important program, and has been in effect since 1965. It has as its purpose the correction of a basic pollution problem which confronts this Nation.

The President's budget for 1972 did not include any additional authority for continuing the water and sewer facility grants. You may recall that last year the House voted, by an overwhelming majority, to appropriate $500 million for fiscal year 1972. The President has not spent these funds, notwithstanding the fact that there is a backlog of applications totaling over $1 billion.

I know of no program more vital than to provide our cities and communities with the means of assisting its citizens with adequate water and sewer facilities. What purpose is served for a community to have a sewage treatment plant if it does not have the lines to provide for its effective utilization.

The House has recently passed one of the strongest and most comprehensive water pollution bills in our history. Water pollution represents one of the major problems that we face now, and will for a number of years. I urge the support of every Member of the House in providing funds to permit adequate financing in 1973 of the basic water and sewer facilities authorized by section 702 of the Housing Act of 1965.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I trust that the amendment offered by the gentleman from Georgia (Mr. STEPHENS) containing funds for water and sewer lines, will be adopted, since so many of these projects will be of direct benefit to the State of West Virginia.

The Department of Housing and Urban Development's 702 program, if funded, would cut substantially into the great backlog of applications now pending. Many of these applications and some of the most serious needs occur in the State of West Virginia. I am very pleased that my colleague from West Virginia (Mr. KEE) is here with us today to vote on the pending Stephens amendment, because we need every vote we can get in order to make progress in the fight against pollution. Adoption of the Stephens amendment would be a substantial step forward in our struggle for clean water.

Mr. MAHON. Mr. Chairman, I move to strike the requisite number of words.

I think we are united in the opinion that we should have an adequate clean water program. Recently, this House passed an $18 billion program of grants for the construction of waste treatment plants over a period of 3 years.

In addition to that, there is $700 million available for sewer and water facilities for this year. That much is available right now.

Of that $700 million, only $91 million of applications have been processed for expenditure according to information secured informally today by the committee staff.

Therefore it would seem to me to be the better part of discretion on the part of those who want to act responsibly in fiscal matters not to virtually double the $700 million already available by adopting this amendment.

Certainly I believe every Member can explain to his constituents that he is doing all he can, and that he has helped provide hundreds of millions of dollars for this program and that over $600 million remains unused at this time. But what good does it do to appropriate more money at this time? It is like piling Pilion on Ossa to provide more and more money when it will not accomplish anything except to show that apparently this House does not have sufficient respect and admiration for the dollar and prudent and proper procedures.

So, Mr. Chairman, I urge the defeat of the amendment offered by the gentleman from Georgia (Mr. STEPHENS) on the ground that it is inappropriate at this time.

Mr. Chairman, I ask for a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. STEPHENS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEPHENS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. VANIK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in this appropriation there appears to be no provision for increasing funds in the section 13 school lunch program. This is the special services program used to provide for summer feeding and year-round preschool feeding of low-income children.

In view of the current need for this program and the cutbacks seemingly in vogue around the country on these programs, I would like to inquire whether your committee is going to insist that the impounded funds under section 32 be used in these vital areas?

As I understand it, we passed last year Public Law 92–32 which authorized up to $135 million in section 32 funds for feeding programs.

Mr. Chairman, I would like to inquire whether some effort will be made to utilize these impounded funds or direct the administration to provide them?

Mr. WHITTEN. I do not know any way we can force the release by the executive branch of any funds. But as to any available funds I am advised that about $6 million remains available for June. That is the information we have.

Of course, as to frozen or withheld funds, that is beyond the control of the committee, as the gentleman knows.

Mr. VANIK. I understand that. Present funds in this program are being provided from both a regular appropriations bill as well as some section 32 funds which come out of the tariff. The problem is that not enough of these section 32 funds are being used. The result is a failure to feed these children.

Mr. WHITTEN. Funds now available are out of section 32.

Mr. VANIK. I hope the committee will in some way bring about a utilization of impounded funds.

Mr. WHITTEN. While there have been no questions raised about the $8 million included in the bill for the hire of additional food and drug inspectors and for related matters, before we move on to chapter II, I would like to briefly discuss this very important item and the reasons for the committee's action in this area. This amount was added in full committee at the initiation of the subcommittee. No request was made by the administration for additional funds. The reasons why the committee took this unusual step are fully explained in the report and I include the report in the RECORD at this point in order to assure that the committee's intent is fully understood:

FOOD AND DRUG ADMINISTRATION—BUILDINGS AND FACILITIES

No supplemental funds are requested by the Food and Drug Administration in the bill before us. However, an extensive study of the Food and Drug Administration by the Survey and Investigations Staff of the Appropriations Committee was begun in early September at the request of the Committee. An additional study was then made by the General Accounting Office. Many problems were disclosed. Among other things revealed on a spot check basis was the fact that about 40 percent of food processing plants were unsanitary and further that inspections which disclose such conditions average about 5 to 7 years apart, notwithstanding an increase of 15 percent in the appropriations for this agency for the current year.

These facts were confirmed in hearings before the Committee on the 1973 budget. It was also developed that $21.5 million in monies appropriated from 1964 to 1968 for construction of field laboratories is presently available and, $8,000,000 of which in the opinion of the Committee can best be used to proceed immediately to meet pressing problems. New laboratories may be needed, however, no survey has been made and facilities begun now would not be available in less than three years.

It is the opinion of the Committee that with the critical inspectional problems immediate action is required now. Accordingly, the Committee has written language authorizing that $8 million of unused funds in the buildings and facilities account be used now primarily for inspectional activities.

The Committee has also approved the use of such amounts as may be necessary of the $8 million for the renovation and equipping of existing vacant or underutilized facilities to provide additional laboratory capability immediately.

This action does not preclude the future funding for laboratories previously authorized, but conditions have changed considerably since these funds were originally approved. The Committee expects the Agency, in view of the present need for immediate action, to arrange for the use of existing underutilized laboratories, including laboratories of other Federal agencies, which could become operational much more quickly than new construction.

While the Committee has made these increased inspectional funds available until expended, it will expect the inspectors to be hired as quickly as is prudently possible.

Approval of this supplemental will have no effect on the overall budget totals since it is a reprogramming of funds already appropriated.

To summarize, the most important parts of the report emphasize that the $8 million is urgently needed as is shown by the committee and GAO investigations. The funds will be derived from funds previously appropriated and will have no effect on the overall new obligational authority. The money can be prudently spent because it is available until expended.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EMPLOYMENT STANDARDS ADMINISTRATION

FEDERAL WORKMEN'S COMPENSATION BENEFITS

For an additional amount for "Federal workmen's compensation benefits", $22,000,000.

Mr. MICHEL. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 10, line 13, insert the heading "OFFICE OF EDUCATION" and a new section reading as follows:

"For an additional amount to the Office of Education for the "Follow Through" program, $9,000,000 as authorized by law."

Mr. YATES. Mr. Chairman, I offer this amendment to restore the funds necessary to keep alive an outstanding educational program for our schoolchildren who have moved from the Headstart program into the first grades of primary school. The program has been cut from $68 million to $59 million. This is a program for the kids who are 6 and 7 years old, after they have completed the Headstart programs which take them through kindergarten.

It was begun 3 years ago as an experimental program, and since its inception it has been acknowledged by everybody—everybody without exception—to be a great success. The children love it, and those who have participated in it have literally bloomed under its special guidance. The reading and math ability of the children in this program is, in most cases, 2 years beyond their grade.

The parents like it. They participate. They join in with the teachers in this very innovative and constructive program in a partnership to teach the kids. Even Secretary Richardson likes it. He expressed the view that the program has been a significant achievement, and yet the Office of Education decided to cut the program by $9 million and the committee went along.

It is a strange act in view of the praise given the program by everybody. Why did the Office of Education cut the funds? It was a mistake pure and simple. It was a goof, and I am sure the Office of Education would admit it. They told the Congress they wanted to cut the per-pupil cost. They did not want to eliminate any programs, merely to cut the per-pupil cost.

As a matter of fact, in the justification that they filed with the Appropriations Committee it was asserted that all the programs will be continued. The per-pupil cost was all that would be cut. Now they have slashed the program. Programs are being cut in communities all over the country, including in my city of Chicago, in my district, in the Ogden school, where a very fine program is being killed as a result of the slash by the Appropriations Committee and the Congress.

It was argued in the committee by my good friend from Illinois (Mr. MICHEL) that this program is too expensive, that it costs $750 per pupil. He also argued that it is a research program that ought to be added now.

Well, both arguments are without foundation. Yes, this is a research program, but that is one of the reasons it is more expensive than ordinary programs are. We are moving into areas that have hitherto been unexplored. All of us know what the cost of research has been in programs that have been undertaken in the Department of Defense. We know how expensive they have been. We have seen costs double, even triple, and sometimes without criticism.

For example, I recall the SR 71 program where $1,100 million was spent to construct two planes, one of which crashed and the other ended up in a museum.

We recall the loan of $250 million to keep the Lockheed Co. alive.

Is it too much to restore a $9 million cut to keep the education of our children alive after we have done an act of that kind?

Is the growth and development of our children less important than the research and development programs which are approved every day for the military?

This program is achieving cooperation among the races that is sought to be achieved by the busing program, and it is being done without the busing of children.

Finally, my good friend from Illinois (Mr. MICHEL) said it should have been included in title I funding. Perhaps that will happen in the future, but for the next school year, unless my amendment is approved, the funds for this program will carry $9 million less and programs all over the country will be eliminated.

If he wants the money for title I at some future time, I think his committee should put the funds in. But one thing is certain. If these funds are not approved, the next school year will go into effect in September without these programs. This is our last chance to vote funds to continue this program. We know this is a good program. We know it has succeeded. We know it will give us data to permit education patterns in the future to follow. Should we allow that program to be killed now?

Mr. Chairman, this vote on my amendment is a vote for children's progress. I urge Members to support my amendment.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment. I have heard about being against motherhood and being against sin. So they say, well, one must be for motherhood and against sin, but one is not supposed to be against children. Well, I certainly do not relish that role.

I want to call attention of the Members to the fact that we are getting near to the end of the fiscal period. Despite the alarms voiced by my friend, the gentleman from Illinois, the roof of this Capitol is not going to fall in. The schools in the metropolitan areas are not going to collapse. This just is not going to happen.

The regular appropriation bill for 1972—may I emphasize this is a supplemental appropriation bill, and we are not talking about the regular bill for 1972. This is the supplemental bill. The regular bill for 1972 included $60,060,000 in this Follow-through program.

This is the first of May, to all intents and purposes. That is the problem. The $60,060,000 already appropriated is the full amount of the 1972 budget request. This is the full amount. It is true the 1972 appropriation is a reduction from the 1971 appropriation. This program is forward-funded. What does that mean?

It means the 1971 appropriation supported the projects in operation during the current school year, that is, 1971–72. Now, there are currently 160 projects in operation, enrolling 74,800 children. During the next school year there will be 134 in operation.

HEW is going to discontinue funding 26 projects next year. I do not blame them. Do Members know why? There is absolutely no evaluation—none whatsoever—in those projects to establish their effectiveness in relation to cost. There has been no evaluation in those projects. This is the situation we have. But with this funding available—and we have it here—they will be able to serve more children—serving more children is the name of the game here—at a lower average cost. What do we want? Diamonds? That is perfect.

Further, this program is strictly experimental. Watch this foot-in-the-door business. Members know there is nothing more permanent in Washington than a temporary agency or a temporary building or a temporary license. Watch this one. This is supposed to be trying out different approaches to find which ones are most effective in improving the educational achievement for children in the lower income families—and everybody is for that.

Since this is an experimental and demonstrated program, it was not intended, nor expected, that each individual project would be supported indefinitely by the Federal Government, particularly in those cases where there is no way of measuring the results.

The methods that are found most successful can be picked up by other schools. We intend that they be picked up. We are going to see that they are picked up. If they do not pick them up, we will make them pick them up, for other schools, to make them a part of their regular curriculum, or in projects supported under title I of the Elementary and Secondary Education Act. They are there.

Mr. Chairman, this is strictly an experimental and demonstration program. It was not intended by the Congress, and it is not expected, that each individual project would be supported forever. So certainly under the circumstances this amendment should be rejected.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

I know that the gentleman from Pennsylvania (Mr. FLOOD) would not knowingly or willfully delude the House, but I believe that may have been the effect of some of his statements.

The point is that when he spoke of forward funding he was speaking of the school year that starts next September, and when he talks about this being a supplemental appropriation bill, what he might have intended, or perhaps the effect of his words, at least, was to give the House the impression that the funds are going to be used up on June 30 of this year. Nothing is further from the truth. This money is for the next school year. If my amendment is not voted up, then this program will be $9 million short and the program will have to be cut back.

Mr. OBEY. The gentleman is absolutely correct.

The fact is, there are 26 follow-through projects, one of which is located in my district, which are going to be eliminated in the next school year unless this amendment is passed.

The fact is that in my district—and I suspect in many others—the reason being given by the bureaucrats for discontinuance is that it is because of the $9-million cut. That is what the local people are being told. In a letter to my followthrough coordinator, the deputy commissioner for school systems, Duane Matthews wrote, "these difficult funding discussions were necessitated by the $9-million reduction in the followthrough national funding level and the resulting impossibilities of refunding all projects." This school district is not especially wild about Federal money. It is a rather conservative area and looks with some skepticism on Federal money. Yet I have found a tremendous reaction against the announcement that that program is going to be cut in my district. In fact, some parents want to come up, on their own money, to appeal to the Government to restore that project. I believe that says something as to the success of the program.

Mr. Chairman, I would like to read something which I believe indicates what we are trying to get at.

A few years ago I got a report from an old teacher of mine, from the high school from which I graduated. He was distressed about the problems some of these kids are having in traditional schools. He told me he had given a test to some 300 high school seniors, in his high school history classes, asking them just to tell how the "Star-Spangled Banner" was written. He gave them a week to go over a sheet which he put out ahead of time, before he gave the test.

This is what he got back from some of those kids at the time of the test.

The title itself was misspelled 31 times. Some of the titles were "Spandle Baner, Stars Spangles Banner, Spaugal Banner, Stars Bangle Banner, Spangaled Banner, Spangled Banner, Stangel baner, Spanded Banner, Star Bankle Banner, Spandes Ander, Sprackle Baner, Spanal Baner, Sparled Bander," and so forth.

I would like to read one story from a student who later graduated. This was what he wrote when he was asked to describe how the National Anthem came into being. He said:

> Our National Anthem was written by Francis Sodke, he was an athernay, while on a ship the British were fighting with us. Key did not think he could hold out. When the smoke settled he saw the flag flying still. The next cupple mornings his brothers told him to send it to a radio program. People liked and sang it. It was wrote in 1814 of Sept. 12. John Smith wrote the music. When Key died the President said the flag would fly over him all the time.

That kid graduated. I am not trying to laugh at that kid. And it is true, this happened some time ago. But the point I am trying to make is that if we have been wasting money we have been wasting it trying to use traditional methods to get through to kids who cannot learn in a traditional way.

The follow through program is aimed at getting to potential failures when it is still possible to change their future. It is meant to explore, for the future, different and productive methods for getting students to learn. I submit that it is a far greater waste of money to continue to provide traditional methods, such as we have provided, than it is to explore new ways of teaching.

I think at least some of that seed money is going to be far more effective than money which we spend in traditional ways.

I urge you to support the gentleman's amendment. I think it is one of the best amendments we are going to see here today.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I cannot argue with the success of a good many of the projects in the follow through program, but let us keep this thing on track.

The reason for our having established these follow through projects around the country was, as the chairman of the committee indicated in his earlier remarks, to establish an experimental base so that we could move from the experimental stage to an operational stage throughout the country. This could be done, of course, in title I of ESEA.

While the gentleman has one of the projects in his district that has been eliminated, it is obviously one of the 26 that has not proven to be as good as the other ones we have in being around the country.

It is quite natural for any Member who has one of these projects in his district that has been eliminated to make a pitch on this floor for the continuation of the program and to obtain additional money, because it just means that much more for that project in his district. It is perfectly understandable.

However, I am saying we have to look at the national effort here. What we have in mind is utilizing what we have learned in those good projects and pushing them from the experimental stage to operational and doing it in every school district that has a title I program around the country.

Mr. YATES. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. YATES. Everybody concedes it to be a good program. The point is that the Office of Education goofed when they came before the Committee on Appropriations that it was reduced because they were going to cut back on the per-pupil cost. But if you examine the justifications, you will find the same number of projects was proposed to be continued in the next fiscal year. Now, they are $9 million short and are cutting back on the program. It does not mean it is not a good program. It is a good program. But it means that they goofed. My amendment corrects that mistake.

Mr. MICHEL. I do not have any testimony before the committee that indicates there was goofing on the part of anybody in their presentations to us.

Mr. YATES. It is obvious, if the gentleman will yield further, because they asked for less money for the same number of projects and did not cut back on the per-pupil cost.

Mr. MICHEL. The gentleman can use his own kind of arithmetic if he wants to. There is no question it is a very expensive program with a per-pupil cost of $740 to $750.

The point I want to make is that you want to apparently continue the program on an experimental basis but it ought not be perpetuated that way. We want to get it beyond that stage and on to the working level.

Mr. YATES. The gentleman said it is an experimental program. The gentleman is exactly correct. But is not an experimental program which benefits our children as important as an experimental program for the military programs that constantly escalate in cost but which we approved nevertheless?

Mr. MICHEL. We do not want to have an experimental program run forever, for heaven's sake.

Mr. FLOOD. Will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman.

Mr. FLOOD. Of course, Mr. Chairman, the purpose here is to be helping children, not to help some Member's project. I would be doing the same thing if I were he. The project has as its purpose helping children. There is going to be an increase from 74,800 children to 91,650 children. Children. Forget about projects. We are trying to help children.

Mr. YATES. Will the gentleman yield further?

Mr. MICHEL. Yes, I will.

Mr. YATES. I was talking to the distinguished gentlewoman from Oregon (Mrs. GREEN) earlier this afternoon about this program. She pointed out how terribly difficult it was for children who have come through the Headstart program to be thrown into the usual of our school programs with overcrowded classes and too few teaching assistants. She thought it was necessary to continue the follow through program.

That is the point I make. What has been done by this reduction in funds is the cutting out a few of the programs that are now in effect in various parts of the country and letting the rest of the program exist, an action which is patently discriminatory.

Mr. MICHEL. I will say in response to the gentleman from Illinois that the very nature of an experimental program is one which should be flexible enough to adjust to change. If we can reduce the per pupil cost during the life of an experimental program, we should do it for this naturally would leave us with the additional resources to include more children in the experiment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 16, noes 52.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 10, line 13, insert the heading "OFFICE OF EDUCATION" and a new section reading as follows:

"For an additional amount to the Office of Education for the 'Bilingual Education' program, $15,000,000 as authorized by law."

Mr. YATES. Mr. Chairman, there are over 7 million Spanish-speaking, French-speaking, and American Indian children in this country who are eligible to participate in the bilingual educational program—7 million. Yet, there are only 83,000 of such children who are in these programs. That is because there are not enough funds which have been made available for the program.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. YATES. Yes; I yield to the gentleman from Illinois.

Mr. MICHEL. Where does the gentleman get the figure of 7 million? The testimony before our committee was 5 million.

Mr. YATES. The statistic I have shows 7 million, although I will accept the gentleman's figure of 5 million.

The contrast is still great—5 million children and 83,000 in the bilingual programs. There is not enough money in this program.

There is an authorization of $100 million. However, this committee voted only $35 million for this fiscal year. Of that amount, the Office of Management and Budget froze $10 million for half of this fiscal year. Only recently it made the $10 million available for these programs.

Mr. Chairman, of the $35 million which was made available, three States received $20.5 million. California received $7.5 million, Texas received $5.5 million, and New York received $2.5 million.

The city of Chicago, from which I come, and where there are 10 percent of the people who are Spanish speaking, receives $220,000.

The large urban areas of the North and the Midwest have been virtually bypassed by this project. Thus, the schools have not been able to meet the needs of the Spanish-speaking children of the families who are coming into the big cities in great numbers. The result for the children is often frustration and despair.

Education is the lifeblood of our Nation. The development of basic reading and writing skills is the sine qua non of success, and yet children who speak English as a second language are not developing these essential skills. I frequently hear from inner-city schoolteachers that the children are eager to learn and they want desperately to please, yet we are shortchanging them by denying them an adequate foundation through lack of funds.

I do not say that California should not receive the major share of these funds. They should receive more because they are not receiving adequate funds for the number of Spanish-speaking children they have. I do not say that Texas should not receive the $5.5 million. They should receive more. I do not say that New York should not receive the $2.5 million they receive. Certainly not. They should receive more. The point is that this whole program is drastically underfinanced.

And I urge—I urge that my amendment be approved, because it will restore not the full funding of the program, not even half of the program, but it will raise the funding level of the program up to $50 million.

Mr. Chairman, again I ask that my amendment be approved.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. YATES).

Again, Mr. Chairman, I have a special interest in this program. I was raised in St. Augustine, Florida, and I talked Spanish, as kids do, before I talked English.

I know these people because I was raised with them through nearly all of my young adult life, and they know, as well as I know, that I would be a true friend of theirs.

Again I must oppose the proposed amendment. This is a supplemental appropriation bill. The appropriation already available, Mr. Chairman, to this program for fiscal year 1972—and remember, we are talking about fiscal year 1972—is $35 million. This represents an increase—now, listen—an increase of $10 Oakland is not radically different from crease—over the 1971 appropriation.

You say we are not concerned? Indeed we are. I am.

This is also—now, near this—this is also an increase of $10 million over the presidential budget request for the fiscal year 1972. We put in $10 million over the President's 1972 budget request; that is what we are talking about. We put it in.

Like the followthrough program which we just discussed, this program is forward funded.

Let me nail this down for you, Mr. Chairman. The 1972 funds that I am talking about will be used to support projects in operation during the coming 1972–73 school year, which begins this coming fall. Do not forget that.

And this program, again—and watch this—this, by the intent of the Congress, is an experimental demonstration program which has been expanding, and probably will continue to expand. I hope. There is nothing wrong with that. And let me say that in the 1973 budget, which with the help of God, I will bring on the floor the first week in June of 1973—and this will be a help, and you will be glad to hear that—in the 1973 budget there is an increase of $6,130,000 for this program. It is going up over $6 million more, plus the $35 million for fiscal year 1972, which was an increase of $10 million over the 1971 appropriation.

Now, the rule of reason must apply. There is a much greater need for bilingual education. You cannot intelligently debate that, of course you cannot.

But, notice this, the Office of Education, in our hearings this year said there are another 230,000 children enrolled in bilingual education classes supported by local—and they should be—they should be—by State—and they should be, they should be—and through other federally funded programs. This is over and above the children in the programs supported by the $35 million we are talking about. It seems pretty obvious that the Federal Government is in this program.

We obviously cannot support all bilingual education. Even the chicanos do not expect that. Of course, they do not. They are reasonable people—any more than we should be the sole source of support for education of the handicapped. The Federal Government does not support all education for the handicapped. The Federal Government does not support all education for any special group.

The role of the Federal Government here is, as in so many other areas, First, to find out and demonstrate what works best.

What is the matter with that?

Second. To product materials that can be used in school systems all over the country.

What is the matter with that?

Third. To provide a kind of base on which other schools and the States can build.

What is the matter with that? That is the law that you passed. You were for it then. Certainly, you should reject this amendment.

Mr. YATES. Mr. Chairman, I think words like those of the gentleman from Pennsylvania should not be wasted on so few Members of the House. So I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and two Members are present, a quorum.

Mr. MICHEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, very briefly I should commend the author of the amendment for last year having pointed out to this House an inequitable distribution of these bilingual education programs.

It was on the strength of his inquiries last year that buttressed our case with the department to move to see that there was a better distribution out in the country on these bilingual education programs.

In the latest announcement of 39 new projects, three of them will be in the city of Chicago, as I pointed out to the gentleman—the Seward School, the Jackson-McLaren School and the Kosziuszko School.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman.

Mr. YATES. I know about the three projects. Does the gentleman know that the city of Chicago had filed for 10 projects?

Mr. MICHEL. No; I did not know that but in any area where Federal funds are being doled out there are always going to be a greater number of applications filed than can be approved. That runs through the gamut of governmental activity.

Let me just point out to the gentleman, in March when we held our hearings for the fiscal year 1973 budget, I asked specifically of Dr. Wickline:

> Is there any geographical area of the country currently being neglected in this program?

Dr. Smith responded and he said:

> If you asked that earlier, I would say yes. I would think the additional projects we are funding this year should take into account those areas to which we did not direct funds prior to this time.

Then Dr. Marland, the Commissioner of Education added:

> I would like to add to that, if I may. This is a project grant system awarded competitively by the Office of Education. It was quite clear in the early history of this program that we were getting far more sophisticated and promising proposals from one sector of the country than we were getting from another. When we found this was causing a bias in the distribution of the moneys, a very appropriate bias according to the law in putting the money where the most promising things were offered, we sent it to the less sophisticated part of the country to encourage those States to work harder so they could mount better proposals. As Dr. Smith said, we have now reached reasonable equity among the States.

With that I ask the defeat of the gentleman's amendment and let us proceed with the reading of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

For payment of principal and interest on defaulted loans guaranteed under part B of title VI of the Public Health Service Act, $50,000,000, to remain available until expended.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 11, line 3, insert a new section reading as follows:

"For an additional amount to implement the Comprehensive Manpower Training Act of 1971 for the 'Urban Doctors' Program, $150,000 as authorized by law."

Mr. YATES. Mr. Chairman, a few years ago, Health, Education, and Welfare Secretary Robert Finch warned that:

> Our failure to provide adequate health services and personnel would "invite the emergence of two parallel health care systems, one for the poor and one for the affluent—separate and unequal.

Mr. Chairman, we not only invited them, we have them.

Studies in Chicago have revealed some startling facts. The infant mortality rate is among the highest in the Nation—higher than New York, Los Angeles, and Philadelphia. In poor black communities, 34 out of 1,000 children do not reach their first birthdays. Each year 14,000 women receive no prenatal care. The death rate in childbirth and from postnatal complications is 170/1,000, or 10 times the national average. Throughout life, the poor and the black suffer a serious disease rate three times higher than the nonpoor.

The poor of Chicago usually get their first and only medical attention in the emergency rooms of private and public hospitals. In 1969, 80 Cook County hospitals handled more than 1.5 million cases. Only 10 percent of these cases were true emergencies; at least 40 percent did not require the attention or resources of an emergency department.

This situation puts an extremely heavy burden on strained hospital resources. In 1970 it was reported that 14 private Chicago hospitals were considering moving to the suburbs. Closing even a few of these hospitals would increase the crushing load at Cook County Hospital, which is the only public institution serving 5 million citizens and which already handles 30 percent of the total emergency room cases.

Where the poor live, there are no doctors. When they are sick, the situation is also intolerable for patients, they must travel considerable distances, wait long hours, are often turned away, and they have no alternative source of medical care. It is estimated that emergency room visits constitute two-thirds to three-quarters of all physician visits in some poverty areas. Fifty percent of the patients admitted to emergency rooms in 1969 had no family physician.

This is not primarily a function of cost; there are simply not enough doctors. One Chicago area study revealed more physicians practicing in a single suburban medical building than in the entire west side ghetto with a population of more than 300,000. In the Kenwood-Oakland area on the south side the physician-population ratio is 1:9,000. The situation is steadily deteriorating; in 1930 the ratio was 1:260. In the past 40 years, Chicago's inner city neighborhoods lost 2,000 doctors; in the decade 1960–70 alone the number dropped 60 percent.

Mr. Chairman, these problems are acute in Chicago, but they are not unique to that city nor even to urban America. A survey conducted by the Baltimore City Health Department in 1970 discovered that 15 of the city's census tracts, each with a population of more than 5,000, had no primary care physicians. A similar study of metropolitan Washington found significant imbalances in the geographical distribution of doctors. This is not only an urban problem It is a rural problem as well. Four counties in southern Illinois have only one doctor each; 132 counties throughout the country have no practicing physicians.

Large sections of our inner cities and rural areas are aptly described as "medical wastelands" where few doctors working exceptionally long hours are unable to provide adequate care and specialized services.

Mr. Chairman, we have been talking for a long time about remedies for the Nation's doctor shortage. No one disputes the maldistribution and fragmentation of health services; but, unfortunately, for various reasons none of the programs aimed at poor communities has been very successful.

Private initiatives have foundered. In 1970 physicians voted to terminate the Chicago Medical Society's emergency house-call program for patients without a family doctor. There were not enough general practitioners to support it. Last year the Johns Hopkins Medical Institutions gave up on a plan to establish a prepaid group practice program in east Baltimore. They found that they had to integrate at least 10 combinations of benefits with an equal number of eligibility combinations in at least five major financing programs. They also had to undertake discussions, make applications, and negotiate contracts with 12 different administrative agencies at three levels of government.

Public programs have not solved the problem. Medicaid has relieved some of the burden of medical costs but done little to encourage physicians to practice in low-income areas. Office of Equal Opportunity neighborhood health centers according to a recent evaluation, have done a good job in implementing comprehensive health care in some areas. Nonetheless, they have had difficulty attracting and holding full-time, long-term, indigenous staffs. The absence of career commitment in these clinics is reflected in moonlighting, absenteeism, and tardiness.

Higher pay, "forgiveness on loans," and expansion of medical schools have also proved ineffective. As long as the demand for health services increases in nonpoverty areas, the inducements will be there rather than in the ghetto. The hard fact is that few physicians choose to practice in urban poor communities; they have not responded in anything approaching large enough numbers to the incentives to do so.

This is also true of ghetto residents. Excellent opportunities exist for a few promising students to become doctors, but there are few incentives for them to return to the ghetto and every reason for estrangement from it. Typically, the student spends 4 years away at university, 4 in medical school. and 2 more years in internship and residency. In this manner the ghetto is far more likely to be deprived than benefited.

What is needed is a significant change in the manner doctors are selected and trained. To this end a group of students and faculty at Northwestern University Medical School and Central YMCA Community College has developed an urban doctors program, based on the idea that the best physician for an urban poor community is a person who comes from the community, maintains continuous contact with it, and provides services to it throughout his training.

The urban doctors program proposes to recruit promising students from local high schools, support them through 2 years of community college, guarantee successful students admission to medical school, provide them with a curriculum tailored to the health needs of the ghetto, and enable them to assume increasing responsibility in community health clinics and hospitals.

The urban doctors program would not coerce students into practice in poverty communities by waivers of loans or other means. What the program would do is minimize the displacement of people. We would no longer need to speak of returning to the ghetto; the UDP students would remain part of their community. The program also has promise for staffing hospitals and group practices.

Unfortunately, the urban doctors program is not yet producing physicians. Its originators insisted on making no false starts without insuring students that they would be able to complete the 6-year training program. They also declined to draw on the already strained scholarship and loan funds of the Chicago medical schools. Common to many promising social programs, the obstacle is funding.

By several criteria the program furthers national goals which we have written into law. The Comprehensive Manpower Training Act—Public Law 92-157—provides for the correction of doctor shortage and maldistribution and for the recruitment of low-income minority group students. Yet the money has not been available. Last year the physician shortage area scholarship program—sections 784-786 of the act—received the minimum appropriation, $5 million. This amount is inadequate to support such programs as UDP, let alone to meet national needs in this area. UDP planners have been discouraged from submitting a request for Federal assistance. Meanwhile, citizen groups which originally embraced the program enthusiastically are growing exceedingly impatient with the lack of results.

The urban doctors program has received the endorsement of Secretary Richardson, officials of the National Institutes of Health, the American Medical Association, the major Chicago newspapers, members of the Illinois congressional delegation, and local and State medical societies. The AMA and the National Urban Coalition contributed to the cost of planning.

The sponsors propose a modest beginning with 25 students. The plan is not expensive—approximately $1 million, or $35,000 per physician, which compared to the normal cost of training a single doctor is estimated to be $100,000.

This program will not cure the syndrome of health care deprivation in our cities. But there is every promise of radically changing such appalling doctor-population ratios as 1:9,000 and improving such infant mortality rates as 34:1,000. I strongly urge Members to approve $150,000 under the Health Manpower Training Act in order to initiate the urban doctors program.

Mr. FLOOD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as an old attorney general of a great State and a trial lawyer, I have heard of special pleading. I never did musicals, but there was an old song, "Chicago, Chicago, a wonderful town," et cetera, et cetera.

The gentleman from Illinois appeared before our subcommittee. As usual he was very eloquent in talking about Chicago and the problems there, and there are problems in Chicago, there are in every city. He told us about the shortage of doctors in the inner city. But the Labor-HEW Subcommittee has heard hours and hours of testimony on this problem. We are well aware of this problem, and we believe HEW is well aware of this problem and is attempting to do something to correct it through the Health Manpower program, which is budgeted for over half a billion dollars for 1973; through grants for health service centers which are budgeted for $114 million; through the National Health Service Corps budgeted for $15 million; and through other related programs.

So, Mr. Chairman, it is not as if we didn't know that this problem exists. We know it exists and we are doing something about it—and you can see from the figures I just quoted it is a lot more than just lipservice.

Under the Health Manpower Program there are such specific things as forgiveness provisions in student loans for those students who practice in shortage areas after graduation. Then there is a new program called Health Manpower Education Initiative Awards just started this year with $20 million of funds appropriated under the Health Manpower program. This new program has three purposes: first, the establishment of networks for educating health manpower in underserved areas, second, significant expansion of programs to train physicians' assistants, and three, recruitment of students into health careers who are likely to practice in severe shortage areas.

Mr. Chairman, these programs I am talking about are nationwide programs. They are not for one school or one particular group of 25 students. But these programs are available to students in Chicago and to schools in Chicago on just the same basis as those in any other part of the Nation.

Of course, the amendment should be defeated.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Iowa.

Mr. GROSS. I thought the committee was already being liberal in this area.

Mr. FLOOD. So did I.

Mr. GROSS. In the line just above, dealing with medical facilities guarantee and loan fund, the committee put in $50 million on the basis of testimony by a Dr. Vernon E. Wilson, who said this in support of his request:

> It is basically, from our point of view, a request to establish a fund so that we can say to people, if something goes wrong, we will have it. We do not anticipate any expenditure from this in the next year or two.

I thought the committee was really being liberal in allocating $50 million with so little justification and for an uncertain period of time.

Mr. YATES. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. YATES. With respect to what the gentleman from Iowa has stated, that has nothing to do with the doctor shortage. They are providing concrete facilities desperately needed. The fact remains there are very few doctors in the inner city, just as there are very few doctors in the rural areas. We need programs like this so that the people can have support.

Mr. METCALFE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am in full support of the amendment offered by my distinguished colleague from Illinois.

The area he referred to in his introductory remarks, the Kenwood-Oakland community, is in the First Congressional District, which I have the honor to represent.

I believe we must address ourselves to the needs. One has to be a part of that inner city, which I am, in order to fully understand the needs.

Moneys that are presently appropriated, in order that our young blacks and other minorities may have an opportunity to train, are not filtering down.

Surely there is a need; and there is need for a commitment. Too many of our doctors go to medical school and then forget about the inner city, and the inner city is deteriorating and in need of their services.

Thus it is important for us to recognize that we must give incentives and we must encourage these youngsters to go ahead and let them know what their responsibility is to their community.

Right now I live only 10 blocks from where I grew up, so I am sensitive to the needs there, and I know one of the greatest needs is the need for medical care. Where we the black people in the United States only have 3 percent of the total number of 300,000 physicians, yet we enjoy 11 percent of the population. Every effort is being made to raise that level so that those of us who are familiar with the inner city can come back and raise the level to remove all of these disparities. For that particular reason I urge you to support the amendment offered by the distinguished gentleman from Illinois.

I firmly believe that we, as legislators must seek new answers to the inequities and disparities facing us in the delivery of health care services. All of us are fervently commited to making our governmental system work—of this, I have no doubts. But we must do more than merely pay lipservice to these ideals. As decisionmakers we must show creativity, imagination, and boldness when confronted with rapidly deteriorating situations as we are witnessing today in the health field.

It is in this vein that I call your attention to just such an attempt at resolving the health care dilemma in which the costs have risen during the sixties, almost twice as fast as prices for all consumer items—a health system which ranks 14th internationally in infant birth mortality—a health system that only works and prospers when people are sick—a system which provides no incentives to keep people well. Mr. Chairman, fellow Members, this is a very regrettable situation indeed.

I do not propose, for 1 minute, that there is any one answer to the health care crisis. However, I think that the Urban Doctors program offers some hope for a particularly bleak situation in my congressional district, and hopefully for other urban areas facing similar health care problems.

I am concerned that the national average of 22 deaths per 1,000 births is a statistic that does not truly reflect the situation in the Kenwood-Oakland community in Chicago which is in my district. In this area, there are 45 deaths per 1,000 births, and this is an area of 10 blocks by 10 blocks.

Characteristically, an urban medically underserved area such as Kenwood-Oakland is not radically different from the rural medically deficient area. The fact that the physician-population ratio is 1 to 9,000 on the south side of Chicago is not especially meaningful to that rural family in Casswell County, N.C., in which there is one doctor for 19,055 people. Clearly, our health care crisis is not a matter of race, occupation, or section. Rather, it is without a doubt a national issue.

The urban doctors program is a very simple concept. It proposes to deal with the national shortage of doctors by initiating a program to get more inner-city students into the medical profession. Basically, this is a pilot project, a favored technique of starting any new social program. Specifically, the project would allow 25 gifted and highly motivated high school students from the ghetto to receive scholarships through 2 years of undergraduate work and 4 years in a medical school. Upon completion of medical school the participants would remain in the ghetto and render the services that are so desperately needed. If this amendment is adopted, it will be the best spent $150,000 in a long time.

I hasten to add that the American Medical Association has endorsed this program. This pilot-program approach was the same advice given by the AMA recently before the Health and Environment Subcommittee when it testified on health maintenance programs. The American Medical Association is a very old and prestigious professional organization and their support for this program certainly cannot be classified as going too fast.

Finally, we must not stop here with the urban doctors program. I had the honor of chairing the National Conference on the Status of Health in the Black Community last December 9–11, at Meharry Medical College, Nashville, Tenn. At that time we called for a coalition of forces which includes not only physicians and dentists, but other health professionals vitally concerned with the health care of our Nation. We must move toward solutions and understand that sound programs must be developed for overcoming these innumerable obstacles. We must understand questions concerning the development of allied professional fields so that we can train more minority members to pursue such occupations. We must structure manpower training programs to make upward mobility possible and eliminate dead end positions.

Gentlemen, we must begin today, and adopt this amendment setting up the urban doctors program. Thank you.

Mr. ROYBAL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the amendment simply because I recognize its great need.

I come from an area in Los Angeles that is the poorest and in a small section the richest in all the State of California. The section I am referring to is the poor section of my district. Where I know the problem of poor medical care has existed for many years.

Prior to the time I came to the Congress I was a member of the Los Angeles City Council and, as chairman of the public health and welfare committee of that council, I recognized the problem existing them. Prior to that time I was a health educator working the poor sections of the State of California. I saw that the condition of poor medical care existed back in 1940 and even prior to that time. I knew this condition could only be remedied by making available the scholarships and the money that was necessary to make it possible for youngsters who lived in the ghettos of the State and this Nation to gain the necessary skills and then to be able to go back and practice medicine in those ghettos. I think this is the appropriate time to start this kind of a project.

Mr. Chairman, I am sure the gentleman from Illinois did not seek to amend this bill because he wants to take place only in Chicago. It is being done for the entire Nation. Once it is started I believe it can be done and should be done in the State of California and in every State of the Union. An opportunity should be made available for young men and women to practice medicine in the ghettos in which they were reared.

I say that this is an appropriate time because the youngsters of today are telling us that we are the generation of neglect that the moment we started to earn $100 a week we moved out of our neighborhoods; we went to Beverley Hills or to the more affluent sections of our communities. I know there is a great deal of truth to this. What they are saying now is that we must go back to these neighborhoods to help them with their problems, to practice medicine as an example so that we can make available our skills to the people who still remain there. That is what is being promoted if this amendment is approved. That is what I believe should be done so that those in the various communities in the United States who want to practice medicine can first of all get the opportunity to acquire the needed skills and then go back to their old neighborhoods and give them the proper kind of medical care, which is something they are not getting today.

They are being exploited in most instances in the ghettos in the United States.

Mr. Chairman, I believe that this can be the beginning that we are seeking to make good medicine available to people, regardless of their particular income, and the only way it can be done is by people who understand them, people who came from the ghettos themselves and people who are willing to make it possible to give them what they really deserve.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Illinois.

Mr. YATES. The distinguished gentleman from Pennsylvania (Mr. FLOOD) read a long list of programs which are supposed to deal with the doctor shortage.

The fact is that none of those programs have worked to any measurable extent. Yes, they are good programs, but they haven't made any doctors who want to practice in the ghettos. The fact is that the doctors go where they can establish the best practice for themselves.

It is only through a program of the kind I suggest that we can achieve this purpose. Think of it—all we are asking is $150,000 to start this program whereby we will be able to bring—doctors to the ghettos, doctors who have lived in the ghettos, doctors who grew up in them. These will be young men who have agreed that after they have received their degrees they will go back to the areas they live in.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. Yes, I yield to the gentleman from Pennsylvania.

Mr. FLOOD. My friend, the gentleman from Illinois, has indicated that these people do not go back into these areas. The facts happen to be different.

There are many, many of these students in these ghettos who are taking advantage of these loans, but who will not have to return the loans if they do serve in their local area.

Secondly, these are brandnew programs just passed by the Congress. They are just getting started.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent (at the request of Mr. Yates), Mr. Roybal was allowed to proceed for 2 additional minutes.)

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman from Pennsylvania makes a very eloquent statement but the statistics are to the contrary.

The statistics show where there is one doctor for 9,000 people in the inner city areas. They are accurate statistics.

Mr. FLOOD. Mr. Chairman, if the gentleman will yield to me, I will say to the gentleman that these are brandnew programs passed by an act of Congress. I misspoke when I used the past tense about them going back to the ghetto. We are just now getting these programs underway. They are designed for the very purpose to which the gentleman from Illinois refers.

We are going to see that this is carried on year after year, and we have reasonable cause to believe they will go—future tense—back to the ghetto.

Mr. ROYBAL. The gentleman from Pennsylvania is correct in the fact that some of these people will go, but they do not include the people we are talking about. They do not include anyone else.

Mr. YATES. Apparently not, because I do not know of anyone in my area who wanted to get into the medical schools simply to serve the community in which they live.

Mr. FLOOD. Well, we are funding them in the 1973 budget. There are many, many doctors, including paramedics, who will be engaged in these programs, and we are going to see these programs carried through.

Mr. YATES. The programs to which the gentleman from Pennsylvania refers are all programs which are just beginning. I called the Department of Health, Education, and Welfare in connection with the budget to which my amendment is attached and they told me they have $5 million for the program but they have not begun to use the money.

Mr. Chairman, this is an amendment which should be adopted.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me just make one or two brief comments here. As fine a suggestion as this might be of my friend, the gentleman from Illinois (Mr. Yates), that we try something new, I want to say that I am all for exploring new approaches to meeting this real need to get doctors to serve in the less desirable areas of our country, but, having heard no testimony before our committee other than from Mr. Yates himself I must raise several questions.

Specifically, what is the criterion for choosing the students in the first place? What level of achievement would they have to have in order to qualify and, then, obviously, if it is an accelerated program, it would probably have to be somewhat inferior to the kind of first-class training that a doctor now receives at our med schools today.

Moreover, after 6 years—if that is the target date when one would expect the first student to receive a full-fledged degree or a kind of a subdegree because they will not be getting everything that the average medical student is getting, I am wondering what kind of criticism there may be when these doctors' professional competence will be something less than these high standards required for those graduating in an otherwise normal fashion from our medical schools today.

Mr. MICHEL. Are the ghetto residents going to be satisfied with a second-rate doctor who did not complete the normal curriculum and courses?

Mr. YATES. If the gentleman will yield, in answer to his questions, the students will be selected in the same way they are selected now by the universities and by the medical schools. There is a cooperative endeavor here.

Mr. MICHEL. But obviously they would not be the grade-A caliber people. The only people who get accepted today are those with the highest grades.

Mr. YATES. If the gentleman will yield further, the gentleman talks about the selection of students, and we are talking about the selection of students by Northwestern University Medical School, and by the community college, both of which have been through this process for an endless number of years.

Second, with reference to the point the gentleman raises about inferior doctors, I would point out that this is one of the things the American Medical Association has fought strongly over the years. The American Medical Association has given its approval to this program. The AMA actually gave $10,000 to get it started.

Mr. MICHEL. I would like to have their testimony before our committee, rather than just by word of mouth here on the floor.

Mr. YATES. I doubt you would approve the appropriation even if the AMA did appear, because your committee never accepts any such proposals.

Mr. MICHEL. You know better than that.

Mr. YATES. Well, hardly ever.

And if the gentleman will yield further, with reference to your third question, I would say that the people who live in the district represented by the gentleman from Illinois (Mr. Metcalfe) would say:

> We want to have a doctor, even one who has been graduated in 6 years rather than 8 years, because we do not have any doctors now; no doctors at all.

That is the situation.

Mr. MICHEL. Can you guarantee that these young men would marry the kind of a girl who would permit them to practice in these areas?

That is the real problem—most of our medical students take their internship or residency in the big cities, and then they marry a gal who does not want to go back to that little rural community, or to the ghetto, either. She wants to be out in an affluent society where she can go to the opera and participate in the good cultural life.

Mr. YATES. That is the trouble with what is happening today. Here you have a program under which 25 highly qualified and sensitive students, and able students, will be selected. Why do you oppose this? Why should it not be tried? It deserves the chance to go ahead.

Mr. MICHEL. I will simply say to the gentleman that as good as this project may sound and how much promise it may have, I would like to hear some official testimony from those who have conceived it.

If the testimony is good and sound we may want to try several variations on the central theme expressed here.

I just cannot bring myself around to support the gentleman's amendment without knowing more precisely what we're talking about here. We are currently funding too many experiments that have not been sufficiently thought out beforehand.

Mr. RYAN. Mr. Chairman, I want to commend the gentleman from Illinois for offering an amendment which would appropriate an additional $50 million for title VII of the Elementary and Secondary Education Act for fiscal year 1972.

As an original sponsor of the Bilingual Education Act, I have repeatedly stressed the importance of increasing the consistently inadequate funding level of this desperately needed program. In January of this year, I introduced a bill, cosponsored by 10 of my colleagues (H.R. 12424) to provide a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriation for title VII up to the full authorization level of $100 million. In 1971, I introduced a bill to increase the appropriation for title VII by $55 million, a figure that represented the difference between the amount authorized and that appropriated for fiscal year 1971. In 1970, I introduced a bill calling for a supplemental appropriation of $18.75 million to bring the appropriation figure up to the level of the authorization, in this case $40 million. And again in 1969, I introduced legislation to provide a supplemental appropriation of $22.5 million for title VII for fiscal year 1969, again a figure that would have brought the appropriation figure up to the amount authorized.

The funding levels for bilingual education programs have never been realistic in light of the number of children who stand to benefit from this type of assistance. Only $7.5 million was appropriated for fiscal year 1969, despite the fact that $30 million had been authorized. The appropriation was increased to $21.25 million for fiscal year 1970, although the authorization had been for $40 million. The appropriation was again increased for fiscal year 1971, to $25 million, an amount that was $55 million below the authorization level. And, as I have mentioned, the $35 million appropriation for fiscal year 1972 is $65 million less than the amount authorized.

The bilingual education program, first funded in the 90th Congress, provides for programs which will meet the special needs of children of limited English-speaking ability. It also provides for research and pilot projects for improved techniques for teaching English, for adult education and special training programs to prepare qualified individuals to become teachers in bilingual education programs. Bilingual programs stress the importance of the history and culture of the participants, employing the contributions that a particular culture has made to American society.

There is no question of the need for these programs. In the United States, there are over 3 million schoolchildren who do not have a good command of the English language, children for whom English is a second language.

The severity of the problem can be seen if we look at the situation in New York City alone. In a speech before the U.S. Civil Rights Commission on February 15 of this year, New York State Commissioner of Education Ewald B. Nyquist stated that according to the most recent New York City school census, there are 160,815 children who have English language difficulties, 94,800 of whom are Puerto Rican pupils with moderate to severe language handicaps.

The dropout rate between 10th and 12th grades for Puerto Rican students in the Bronx, Manhattan, and Brooklyn, ranges between 57.8 and 66.5 percent. While Puerto Rican pupils account for 25 percent of the New York City school population, only one Puerto Rican in a hundred receives an academic diploma. Twelve percent of Puerto Ricans of college age pursue a higher education, while 45 percent of college age people in the general population go on to college.

Forty-one of the 66 elementary schools with the lowest reading levels have over 50 percent Puerto Rican enrollment. Moreover, 66.8 percent of the fifth graders in the 88 elementary schools with 50 percent Puerto Rican pupils are 1 year below grade levels on MAT scores and 46.6 percent are 2 years or more below.

At the eighth grade level in 24 junior high schools with 50 percent or more Puerto Ricans, more than 50 percent are 3 years to 3 years and 9 months below grade level and 31.6 percent are 4 years below; 78.1 percent are 1 year to 1 year 9 months below grade level.

Yet this situation is not unique to New York City. It is equally serious in the Southwest where many Mexican Americans have settled. In June of 1967, Monroe Stweetland of the National Education Association, testifying before the House Education and Labor Committee stated:

> Spanish-surnamed children lag almost 2 years behind the educationally-disadvantaged Negro child, and from 4 to 5 years behind the average Anglo-American child.

He went on to say:

> Most of these young people experience academic failure in school. At best, they have limited success. A large percentage become school drop-outs, and little headway is being made against this problem.

It is obvious that this is a problem that is truly national in scope.

Many non-English-speaking students, new residents of the United States, are faced with the many problems involved in resettling. They need to adjust to their new surroundings, an often totally alien environment. Yet, a further burden is imposed on these youngsters when they are placed in an educational setting in which they are not able to communicate. The benefits that these children reap from this type of educational process are minimal.

What will be the ramifications of our failure to adequately fund a program designed to enable a large group of children to overcome a serious handicap? These children will continue to be denied the full benefits of a primary and secondary education and this, in turn, will affect their employment opportunities. They will enter the labor market ill prepared to compete with those who did not have a language barrier to overcome during their all-important school years.

At this point, I would like to speak about what is, and always has been, an inequity in the distribution of funds under the bilingual education program. Under this program in 1970, New York State received $1.5 million, California $7.2 million, and Texas $4.7 million. That these allocations were inequitable is clear when we examine the number of Spanish-surnamed children school in those States in 1970: New York had 300,000, California 500,000, and Texas 600,000.

In meetings, which I arranged for Members of the New York congressional delegation, the Office of Education conceded that New York State and New York City have been shortchanged in the past in the allocations of funds for bilingual education programs. Unfortunately, the Office of Education has not taken the necessary steps to remedy this inequity, for the figures for continuation costs for bilingual education programs for fiscal year 1972, illustrate that this inequity is being continued—California will receive almost $8.5 million, Texas $6.1 million, while New York will be given only $2.9 million.

The money for these programs is being concentrated in certain regions of the country while other areas, particularly New York State and New York City, lack the resources to meet adequately the needs of children who need this assistance. No justification has been offered by the Office of Education for this disparity; indeed, as I have pointed out, the Office of Education has admitted that inequities do exist and that they should be corrected. It is time for these words of concern to be converted into concrete action, so that the bilingual education program can adequately serve people in all areas of the country, not just those living in selected regions.

We cannot continue to shortchange large groups of children in the classroom. We must increase their chances for success instead of preparing them for inevitable failures and hopelessly uphill struggles. It is essential that Congress appropriate the full authorization for bilingual education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Yates).

The question was taken; and on a division (demanded by Mr. Yates) there were—ayes 26, noes 57.

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SOCIAL AND REHABILITATION SERVICE

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For an additional amount for "Grants to States for public assistance", including $2,850,000 for transfer to the appropriation for "Salaries and expenses, Social and Rehabilitation Service", $806,291,000.

AMENDMENT OFFERED BY MR. BINGHAM

Mr. BINGHAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bingham: Page 11, insert after line 8 the following:

"REHABILITATION SERVICES AND FACILITIES

"For an additional amount for grants under Title I of the Developmental Disabilities Services and Facilities Construction Act (amending Title I, Part C of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, as amended), $8,300,000, to remain available until June 30, 1974."

Mr. BINGHAM. Mr. Chairman and members of the committee, this amendment would merely restore what the House did last July.

Last July the House adopted, on the motion of the gentleman from Connecticut (Mr. Giaimo) an amendment which increased appropriations under the Developmental Disabilities Services Act to a total of $30 million.

That sum was reduced in conference to $21.7 million. My amendment would simply restore the original figure that the House voted last July.

I think everyone knows that the services for the retarded and for the cerebral palsey victims and epilepsy victims are in a state of near crisis in this country. They certainly are in a state of crisis in my State of New York and the directors charged with the responsibility for these programs are begging for additional funds. They have programs that are ready to go, Mr. Chairman, and we should not have to wait for the new appropriation bill which may be many months in coming, even if the gentleman from Pennsylvania can bring it to us in June—that does not mean that we will finally get to vote on it in June. It may well be toward the end of the year before we finally get to vote on any new appropriation bill.

We have States that are begging for funds.

I would like to call to the attention of the distinguished chairman of the House Appropriations Committee, the gentleman from Texas (Mr. Mahon), that Texas was allotted only $640,000 for the year 1972 and has requests pending for services under this act of $1,500,000. So it goes in other States—Louisiana, New Jersey, and New York.

Yesterday I inserted in the Record a series of statements from directors of these programs showing how they are hurting because this program which was launched with such fanfare in 1970 as the answer for the victims of cerebral palsy, epilepsy and mental retardation—

that program is falling so far short of promise.

I would like to see this House appropriate $83 million in a supplemental budget for this program because that is the additional amount that Congress authorized. In March, I submitted that request to the Appropriations Subcommittee on Public Health and Welfare. However, today, I have cut it by 90 percent down to $8.3 million which would bring us back to what we voted in the appropriation process last July.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. VANIK. Mr. Chairman, I want to congratulate the gentleman on his amendment. I think his amendment is very important and very essential to every community in the United States.

Mr. BINGHAM. Mr. Chairman, I thank my colleague, the gentleman from Ohio.

Mr. KOCH. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, I rise in support of the gentleman's amendment. We can do no less for the developmentally disabled in this country. This amendment would add $8.3 million to the existing $21.7 million appropriation.

The greatest portion of the developmentally disabled are the mentally retarded. There are approximately 6 million mentally retarded people in this country—and over 5½ million are living in the community needing the comprehensive services that can be provided by DDSA sponsored programs. These include infant services, preschool classes, day care, activity programs, sheltered workshops, parent counseling and protective services. In addition, DDSA can help meet the costs of constructing these community facilities.

The States are already spending some $400 to $500 million for community services to the mentally retarded—in addition to the one to one and a half billion they spend on care of the retarded in State institutions. Surely the Federal Government can provide the very modest sum of $30 million to assist in teaching the retarded so they can be self-sufficient and in many cases able to work in the community or in sheltered workshops. The DDSA programs have met with great success in providing community based services and training for people who might otherwise be institutionalized.

In a statement issued on November 16, 1971, President Nixon pledged:

> To enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community.

In increasing the DDSA appropriation today, the Congress will be taking a step toward realizing this laudable goal set by the President.

Mr. Chairman, I think that there can be no question that the States are in a position to effectively use the additional $8.3 million. In the case of my State, New York, the Department of Mental Hygiene has received 105 proposals for DDSA funding; these proposals total an estimated $10.4 million while the allocation to New York is only $1.4 million. With an additional $8.3 million appropriation for the country, New York would receive approximately $554,000 more in funds—still not enough, but a help. The gap between the needs and the allocation in New York is duplicated in almost every State. Recently the National Association of Coordinators of State programs for the Mentally Retarded conducted a survey that showed that most all States need and could effectively use 3 to 10 times the amounts available to them. The Association generally found that DDSA money—

> Is vitally important because it helps the States which are strapped with tremendous financial problems to demonstrate innovative techniques for deliverying services to developmentally disabled.

Mr. BINGHAM. Mr. Chairman, I thank my colleague, the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. BINGHAM. I yield to the gentleman.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York, (Mr. BINGHAM), to increase by $8.3 million, the fiscal year 1972 appropriation under the Developmental Disabilities Services Act. This act could be the major source of Federal funds to aid the mentally retarded if sufficient funds were appropriated.

The amount proposed in this amendment is fair since it represents the difference between what the House appropriated for the program in July of last year, and what was actually appropriated after the conferees cut back the House figure.

Mr. Chairman, several months ago I made a surprise visit to Letchworth Village State School for the mentally retarded and witnessed first hand the deplorable conditions which existed there. Subsequent visits to other New York facilities for the mentally retarded produced the same horrible results. The conditions were both shocking and uncivilized. Shocking because the patients are treated worse than animals and uncivilized because our treatment of the mentally ill and the mentally retarded is an example of how little we have progressed in some areas since the Middle Ages. Indeed, the conditions which I witnessed in these institutions made Dante's Inferno read like a children's storybook.

Moreover, it is difficult for me to understand how, while we await the return of Apollo 16 from the moon, we must bare witness to these primitive conditions in our facilities for the mentally retarded here on earth.

In order that we may begin to improve the conditions in these facilities, I urge my colleagues to join with me in support of the amendment offered by the Gentleman from New York (Mr. BINGHAM), and include the $8.3 million for this program. We have neglected this problem far too long.

Mr. BINGHAM. Mr. Chairman, I thank my colleague, the gentleman from New York.

I would like to make one more point, Mr. Chairman, before I sit down, and that is that this program is designed to get away from care of the developmentally disabled in the large institutions like Willowbrook and Ledgeworth Village in New York State, bring care back into the communities where the retarded and handicapped can be served by smaller health centers.

Again I reiterate I am only asking that the House stand behind what it voted last July and what it surrendered in the course of the conference with the Senate.

Mr. FLOOD. Mr. Chairman, I oppose the amendment. I am very fond of the gentleman from New York. There are a number of reasons I would like to agree with him on the amendment, but unfortunately there are a number of reasons I simply cannot. I believe you know what they are.

Let me tell you very simply. The Development Disabilities Act became law in October 1970. For fiscal year 1971 $11,215,000 was appropriated. This is for formula grants under the act. That was done. But—here is the "but" or "however"—it was too late in the year. Almost all of the 1971 appropriation remained unobligated at the beginning of fiscal year 1972. All that money was unobligated. Do not forget. This is a supplemental appropriation bill for 1972. There is where the money was at the beginning of that year. For fiscal year 1972—and wait until you hear this—we appropriated another $21,175,000 for the State grants. This was $10,500,000 over the President's budget. That is what we did.

This program is slowly, very, very slowly, getting underway. That is not your fault, Mr. Chairman. It is not my fault. Believe this. Only 18 out of some 56 State plans for the use of these funds have been approved; $15 million remains totally unobligated out of the 1972 appropriations of $21,715,000. Imagine that—totally unobligated. Wait until you hear this. As a matter of fact, there are $900,000 from the 1971 appropriation which has not yet been obligated. Good heavens. Enough is enough. This money is distributed by a rigid formula among the States, and that rigid formula is not some bureaucratic gobbledygook or hanky-panky regulation. This is in basic law. You passed this law overwhelmingly. But this program is simply not getting underway. They cannot get underway, and that is their fault, not the Congress. They just are not off the ground, and this money couldn't be used in the time remaining in the fiscal year.

There is the situation as of the end of this fiscal period.

I certainly sympathize with this fine Member from New York and his good intentions. I know him and I knew his father before him. There has been no greater servant that has appeared from the State of New York in this House than Congressman BINGHAM, of New York—never. I am in a position to know and have been for a long, long time. He is not wrong in this thing. It is a question of timing. His purpose is right. His intent is right. We are not going to let him down. I assure you we intend to have the 1973 HEW-Labor appropriation bill on this floor as soon as possible after the Memorial Day recess.

Believe it or not even the Department of Defense appropriation will be on the floor before the end of June. These things are moving. We are going to get out of here in a hurry. This will be all right. These people will not be hurt.

The Chairman. The question is on the amendment offered by the gentleman from New York (Mr. Bingham).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KOCH

Mr. KOCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Koch: Page 11, insert after line 8, the following:

"REHABILITATION SERVICES AND FACILITIES

"For an additional amount for grants under section 303 of the Public Health Service Act for hospital improvement for the mentally retarded and hospital in-service training for the mentally retarded, $6,500,000."

Mr. KOCH. Mr. Chairman, this amendment provides $6.5 million for the hospital improvement-inservice training program—HIP–HIST—for State institutions for the mentally retarded. This is a modest sum of money and yet it affects a population in desperate need of assistance: the 6 million people in our country who are mentally retarded, 200,000 of whom are in institutions. The current appropriation is $6.5 milion. This amendment would provide a total of $13 million for expenditure in fiscal year 1972 for HIP–HIST projects.

The need is far greater, but the organizations which have so much to do with the developmentally disabled have decided they cannot get as much as is necessary, and they have agreed upon this modest and reasonable, sum. The organizations supporting this amount did not pull it out of the air, but they decided this is the minimum they needed to deal with the problem. They are:

American Association on Mental Deficiency;

Council for Exceptional Children;

Epilepsy Foundation;

United Cerebral Palsy Association;

National Association of Coordinators of State Program for the Mentally Retarded; and

Association of Mental Health Directors.

I want to tell the Members about one institution, Willowbrook in New York, which has become infamous for its deplorable conditions. This is not the only institution that would receive funds under this amendment because there are many institutions in other States of the Union that are in similar circumstances. But let me tell the Members about Willowbrook, because that has become the classic institution.

There are 5,200 patients, most of them mentally deficient children, many of them incontinent, many of them not able to feed themselves. As a result of television exposure, everyone in this country became aware of the hard realities inside this institution: that many children are unable to feed themselves and because of the shortage of staff some are dying as a result of food aspiration. A mentally disabled child who is not able to feed himself requires assistance; normally 20 minutes is what should be accorded so as to avoid forced feeding. At Willowbrook a child in such circumstances is fed in 4 minutes, and the director of the hospital has said some children actually die during the year because of this kind of treatment—because the child gets food in his lungs instead of in his stomach.

The doctor in charge of one of the hospitals told me that if he had people who could provide physical therapy, and if the children could be trained when they are first institutionalized, they could be made ambulatory and taught to take care of their personal needs instead of ultimately ending up in boxes.

In fact, it has been through HIP financed projects that we have found that most all retardates respond to training when given attention and therapy in early childhood.

The moneys provided in my amendment could be used, not only to meet the immediate needs of the children, but also to enable the institutions to embark on programs which would get the children out of the hospitals and back home with their families.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. Koch was allowed to proceed for 2 additional minutes.)

Mr. KOCH. But instead these children end up in boxes, literally boxes, and cribs for children who will never walk.

What I am saying, to those who are fiscally conservative, who are interested in a plight which calls out for our attention, is that it is in the fiscal interest of this country, to provide this sum of money, which would be used to get the children out of the institution and back into their homes.

The cost of institutionalizing a child is now more than $6,000 a year. Better that we spend some money today for therapy and training so that the retarded can return to the community instead of being doomed to lifelong institutional care.

We must have more than rhetoric. We are dealing with children who cannot fend for themselves, who are dying as a result of not being fed in an adequate way, who are inconsistent and therefore are living in their own filth, because there is no one to train them.

This $6.5 million I am proposing is miniscule in the face of the enormous costs now borne by the States for institutional care: Some $1 to $1½ billion a year.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. KOCH. I am delighted to yield to the gentleman from Ohio.

Mr. BOW. The gentleman's story is one that relates a terrible thing, but I am just wondering if it is a shame for New York. We have a committee here which has been considering that the State of New York is now offering to put up $20 million to build a new United Nations building. Why do they not take that $20 million they want to build the United Nations building and let the State of New York use it to take care of these poor children.

Mr. KOCH. I say to the gentleman, that is an irrelevant argument. I happen to agree with the gentleman that lots of money is spent by every State and city in this country on programs which ought to be scrapped, but what does that have to do with providing for these children?

Mr. BOW. It has this to do with it: There is $20 million in the State of New York that they want to use to build a United Nations building, and they could use that for these children.

Mr. KOCH. There are also many programs in the Federal budget that are not so urgent and might be scrapped. But what we have before us at this point is only the question of how we are going to respond to the needs of these innocent victims of fate. The shame is not just New York's but the country's. The deplorable conditions in Willowbrook are duplicated in almost every State of the Nation; they are a product of years of neglect by all levels of Government.

Mr. FLOOD. Mr. Chairman, I have gone to jury myself, and have emotionally told people about injustice, when I have little else to go on.

The only trouble with this amendment is that my friend from New York does not recognize the significance of the day of the month it is.

If he thinks for 5 seconds that I am going to challenge him on what he said about these poor children, certainly not. I have been to those places long before he came to this Congress. There is not a word he said about some of these deplorable conditions that is not absolutely so, in spades.

But to get back to the significance of today's date.

Mr. Chairman, it is now April 26. After the bill passes the House it will have to be considered by the Senate. With a bill of this size and scope there are inevitably many Senate amendments. We will have to go to conference, and the House and Senate will have to act on the conference report. I do not think there is much doubt but that it will be around the end of May before the President signs this bill and the funds become available. So, quite aside from the merits of the program I submit that it is too late to seriously consider a 1972 supplemental appropriation for a program of this kind. And, Mr. Chairman, this is especially true in view of the fact that we intend—and fully believe that we can comply with our intentions—to report the regular Labor-HEW appropriation bill for 1973 to the House within a few days after the Memorial Day recess. That is when an amendment of this type should be considered.

Mr. Chairman, there is $6,500,000 available for this program in fiscal year 1972. To add another $6,500,000 to the 1972 appropriation this near the end of the fiscal year, and this near to the time when the regular annual bill for 1973 is to be considered by this House just does not seem at all reasonable. The amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Koch).

The question was taken; and on a division (demanded by Mr. Koch) there were—ayes 9, noes 62.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEMBERS' CLERK HIRE

For an additional amount for "Members" clerk hire", $1,500,000.

Mr. STEPHENS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have noted that the Appropriations Committee has proposed to defer, for technical reasons, an administration request of $320 million for the first installment of the U.S. contribution to the International Development Association. It is important to point out, however, that the committee's report reflects agreement with the need to fulfill the full U.S. contribution to the association. In fact, the committee stated that it had no intention of denying the three installments of $320 million each in the next 3 fiscal years.

I welcome the committee's expressions of support for the appropriation of the full amount of the proposed U.S. contribution to IDA. IDA is the major multilateral vehicle for providing essential development assistance to the poorest countries of the world and serves our interests so well by assuring that the burden of providing this assistance is shared fairly among the developed nations of the world.

There is urgent need for the appropriation of the first installment. IDA ran out of its regular funds in June of 1971 and since then has been operating on advance contributions from other donor countries. These funds are now exhausted and IDA has ceased making new commitments. Once the first installment of the U.S. contribution is made available the United States can then commit itself to the full third replenishment obligation that the committee has indicated it is prepared to support. This will mean that all contributions, including our own, will come into effect. We should not hold up IDA's operations any longer. The development process through IDA should go on and our action is necessary to trigger it.

I think we can accomplish this objective without acting in a way inconsistent with the Appropriations Committee's objectives. The conferees may be faced with a situation of a Senate bill containing the first installment for IDA as a fiscal year 1972 supplemental item. I would hope that the conferees for this House could accept the IDA item as proposed by the Senate because of the urgency of bringing the third replenishment into effect. Should this action be taken, the request for a regular 1973 installment now pending for the regular foreign assistance appropriation should be reconsidered and taken up in accordance with the time schedule envisioned by the Appropriations Committee.

AMENDMENT OFFERED BY MR. CASEY OF TEXAS

Mr. CASEY of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY of Texas: On page 12, after line 10, insert a new paragraph:

"ARCHITECT OF THE CAPITOL

"CAPITOL BUILDINGS AND GROUNDS

"HOUSE OFFICE BUILDINGS

"For an additional amount for 'House Office Building', $330,000, to remain available until June 30, 1973."

Mr. CASEY of Texas. Mr. Chairman and members of the committee, you will recall that the House by its action last week took over the Congressional Hotel and directed that it be converted to office space with the exception of the top floor and the bottom floor. If we are going to make effective use of this as quickly as we can after June 1, there must be some remodeling done on six floors. This is all minor remodeling such as the repair of a boiler, closing doors and opening some doors, and purchase of some hardware.

So, what we are talking about is $200,000 for remodeling, and for personnel to operate the building and keep it clean, $125,000, and incidental repairs and operation materials $5,000, or a total of $330,000.

There is no furniture provided for in the funds requested because the clerk can use his furniture account for that purpose when they find what use is going to be made of the space.

Mr. Chairman, I urge the adoption of the amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. I hope it is not proposed to put elevator operators on the elevators in this hotel which is to be taken over by the House of Representatives.

Mr. CASEY of Texas. There were no elevator operators requested. It involves just cleaning people, engineers to handle the boilers, the heating and air conditioning systems and janitorial services. There are no elevator operators that I know about and no request was made for them. They listed as personnel cleaning people and maintenance people, but no elevator operators were mentioned.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Texas. I yield to the gentleman from Ohio.

Mr. BOW. We are in accord with the amendment, Mr. Chairman, and accept it on this side.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

I think that there is no opposition to this amendment, Mr. Chairman, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CASEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, as authorized by section 601 of the Rail Passenger Service Act of 1970, as amended, $170,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-second Congress.

The CHAIRMAN. For what purpose does the gentleman from Ohio (Mr. VANIK) rise?

POINT OF ORDER

Mr. VANIK. Mr. Chairman, I make a point of order against the $170 million appropriation for Amtrak.

The CHAIRMAN. The gentleman will state his point of order.

Mr. VANIK. Mr. Chairman, the authorization has not yet been made. The fact that the authorization passed the House of Representatives would not make the appropriation valid.

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. MAHON. Mr. Chairman, the House has passed the authorization bill. It has not been enacted into law. I think the point of order is well taken.

The CHAIRMAN. Does the gentleman from Texas concede the point of order?

Mr. MAHON. I concede the point of order, Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GROSS. It is, further, legislation on an appropriation bill.

The CHAIRMAN. The Chair understands that the chairman of the committee concedes the point of order. Therefore, the point of order is sustained.

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Chairman, I am pleased that my point of order to the $170 million appropriation for Amtrak has been sustained.

I am opposed to the $170 million included in this bill for Amtrak. It is ridiculous to spend $170 million to perpetuate a memory. The wisdom achieved in waste comes at too high a price—we have already wasted quite enough on this program.

A case can be made for intercity rail transportation between points in high-density corridors. I would support this kind of a program in preference to the present national plan of Amtrak which was engineered to get votes rather than provide an effective use of transportation dollars.

This experiment has already demonstrated its failure. The public has not provided any convincing interest in utilizing rail transportation except for commuter services in large metropolitan areas. A regional mass transit system or rapid rail system in high-density corridors can provide a substantial cost-benefit ratio. A national system such as Amtrak is totally indefensible. The Federal Government cannot afford massive contributions to a nationwide system. An inadequate, infrequent, unreliable rail system for a small group of passengers will constitute an abyss of waste.

Retired railroad employees have pass privileges on the Amtrak system. These citizens earned the right of free railroad travel as a condition and fringe benefit of their labor contracts. They should not be deprived of this earned privilege. Nor should the taxpayers of the Nation be called upon to subsidize hundreds of millions of dollars to maintain a railroad passenger system in order to meet the obligation of the railroads to their former employees.

I am preparing legislation to increase

railroad retirement benefits to include reimbursement in lieu of the retirement right of free—subsidized—rail travel. This should be infinitely less expensive to the general taxpayer and more tangible to the retired employee.

The shift of Amtrak support to regional or corridor programs which have a reasonable prospect of success would receive more adequate funding to insure their success. I expect to support mass transit extensions in urban areas and corridors.

Federal expenditures in these times in particular must face the extreme test of need and propriety. Amtrak appears to be a patient in terminal illness—we cannot postpone an inevitable demise.

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PICKLE. Mr. Chairman, I had hoped that we might have been able to make it plain to the House that the $170 million being appropriated for Amtrak was clearly to be used both for the general budgeted items in Amtrak as well as the international connections which had likewise been authorized. Section 601 of the National Railway Passenger Act as amended by the House authorizes the expenditure of funds for both general Amtrak operation and for the general international connections.

Although the committee had reduced the overall sum to $170 million, I am pleased that the chairman of the subcommittee and chairman of the committee has expressed to me the clear intention of the Appropriations Committee that the international connections should be instituted. The need for the international connections between the United States, Canada, and Mexico was underscored by the Secretary of Transportation some 2 years ago, and we have reached the point where the House has included these routes in the basic passenger system.

Had the point of order not been raised, these expressions would have been made again by the Appropriations Committee. The Members of the House should read the language in the report on page 46 wherein it says the following:

> The authorization bill, H.R. 11417, includes $2 million for three internation connections to Montreal and Vancouver in Canada and to Nuevo Laredo in Mexico. The Committee feels that service to these points would be a desirable addition to the system, and, therefore, directs that $2 million of this appropriation be allocated to establish and operate these connections.

May I further make inquiry of the gentleman from Texas, the Chairman of the committee (Mr. MAHON) what later action would the gentleman think the House could expect on this particular part of the pending legislation pertaining to Amtrak?

Mr. MAHON. In reply to the gentleman, I would say that the funds probably would be restored in the other body. There may be some modifications.

Of course, this is unpredictable at this moment. But the authorization is in the process of being finalized. This does not mean that this is the end of the matter, of course.

Mr. PICKLE. Does the gentleman mean that he is going to wait until the specific appropriation is submitted to the House, or could we expect another supplemental appropriation if the other body takes action?

Mr. MAHON. If the other body puts funds in this bill for this purpose, then the amendment of the Senate would be brought back to the House for a separate vote.

Mr. PICKLE. I thank the gentleman.

(Mr. CONTE (on request of Mr. Bow) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CONTE. Mr. Chairman, I wish to indicate my support of the $170 million in this bill which would allow the National Railroad Passenger Corporation the needed financial resources to continue its operations until July 1, 1973.

As ranking minority member of the House Transportation Appropriations Subcommittee, I have long been dismayed by the steadily declining quality and quantity of rail passenger traffic in the United States. In an effort to halt that decline, I supported the original legislation creating the Corporation now known as Amtrak. No one would argue that Amtrak has been an unqualified success. However, I do believe its initial activity offers some hopeful signs of encouragement.

Indications are that after almost a year of operation, the decline in passenger traffic has been arrested on the system as a whole, and the Metroliner service and the Boston-New York service on conventional trains are up substantially over 1970. Amtrak is now carrying about 15 million passengers on an annual basis.

I also believe that Amtrak's losses have been somewhat misunderstood. If the Corporation had not been created, the Nation's railroads would have lost at least $358 million on passenger service in the 12-month period ending this coming June 30. Against this figure, Amtrak will have a deficit of $154.6 million for that period and $124 million for the next fiscal year—admittedly on a much reduced system. Amtrak's losses must also be balanced by the fact that the railroads are going to be able to pay somewhere between $60 and $80 million a year more in income taxes.

At any rate, I am convinced that Amtrak needs our further support so that it has sufficient opportunity to develop a viable, attractive railroad passenger service system in the country. I wish also to express my complete agreement with the committee's direction that $2 million of this appropriation be allocated to establish and operate international connections to Montreal and Vancouver in Canada and Nuevo Laredo in Mexico. In closing, I urge my colleagues to endorse the committee's recommendation for the Department of Transportation in this bill.

Thank you, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $399,400.

Mr. MAHON. Mr. Chairman, we have now reached page 20, title II of the bill. Title II of the bill deals with the increased pay costs which are represented in the budget estimates and which are the result of legislation which has been enacted.

Therefore, Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to any points of order or amendments at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, and I shall not object, I would like to ask one question:

This bill contains nothing for the war in Vietnam; is that correct?

Mr. MAHON. If the gentleman will yield, it contains nothing other than the pay of the personnel as a result of the increased rates that have been previously enacted.

Mr. GROSS. Of course, that is servicewide?

Mr. MAHON. That is right.

Mr. GROSS. But this bill contains nothing; no appropriation for the war in Vietnam?

Mr. MAHON. The gentleman is correct.

Mr. GROSS. I thank the gentleman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Is there any point of order against the remainder of the bill?

(The paragraph of the bill to which the following point of order relates reads as follows:)

FEDERAL HOME LOAN BANK BOARD

Increases of $177,000 in the limitation on the amount available for administrative expenses and of $351,000 in the limitation on the amount available for nonadministrative expenses) : *Provided*, That none of the funds available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location;

POINT OF ORDER

Mr. FLYNT. Mr. Chairman, I make a point of order against the language in the bill beginning after the colon on line 25 of page 42, and which continues through line 6 on page 43, which reads as follows:

Provided—

And so forth, down through "at such location."

I make the point of order on the ground that the language goes beyond the scope of the time frame covered by this appropriation bill, by the pending legislation.

Mr. JONAS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The Chair will state that the Chair is already considering a point or order.

Mr. JONAS. Mr. Chairman, if the

Chair will permit me, may I state that my point of order goes to the point of order raised by the gentleman from Georgia (Mr. FLYNT), it involves the point of order made by the gentleman from Georgia, in view of the fact that the gentleman from Georgia has made the point of order seeking to strike part of a paragraph. I make the point of order against the entire paragraph beginning with line 21 on page 42, and extending down through line 6 on page 43.

The CHAIRMAN. Does any other Member desire to be heard on the point of order?

Has the gentleman from Georgia (Mr. FLYNT) completed his statement on his point of order?

Mr. FLYNT. The statement of the gentleman from Georgia on the point of order is completed.

Mr. MAHON. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Texas (Mr. MAHON) is recognized.

Mr. MAHON. Mr. Chairman, under the government corporation control law, we are entitled to enact an annual budget involving the handling of corporate funds. That is what this goes to, and it is a limit on those funds.

It would appear to be clearly in order. So I trust, Mr. Chairman, that the point of order will not be sustained.

Mr. BOLAND. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. BOLAND. Mr. Chairman, I am reading from page 8455, United States Code, under title 31.

Paragraph 849 reads as follows:

> § 849. Consideration of programs by Congress; enactment of necessary legislation; effect of section on certain existing authority of corporations.
>
> The Budget programs transmitted by the President to the Congress shall be considered and legislation shall be enacted making necessary appropriations as may be authorized by law, making available for expenditure for operating and administrative expenses such corporate funds or other financial resources or limiting the use thereof as the Congress may determine * * *

Mr. Chairman, that is precisely what the language of the bill does. It limits the funds of the corporation, and it is my contention that the point of order is out of order.

The CHAIRMAN (Mr. BROOKS). The Chair is prepared to rule.

The gentleman from Georgia (Mr. FLYNT) makes a point of order against the language in the bill on page 42, line 25 to page 43, line 6.

The proviso in this paragraph goes to all of the expense funds that might be available to the Federal Home Loan Bank Board. It does not merely restrict the funds in this bill.

The Chair finds the restriction is not limited to funds in the bill and must be construed as legislation.

The Chair therefore sustains the point of order made by the gentleman from Georgia (Mr. FLYNT).

Further, if any part of a paragraph is vulnerable to a point of order and a point of order is directed to the whole paragraph, then that whole paragraph is stricken, if the point of order is sustained to a part thereof. Therefore, the point of order made by the gentleman from North Carolina is sustained as to the whole paragraph.

AMENDMENT OFFERED BY MR. JONAS

Mr. JONAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. JONAS:
>
> On page 42, after line 20, insert:
>
> FEDERAL HOME LOAN BANK BOARD
>
> (Increases of $177,000 in the limitation on the amount available for administrative expenses and of $351,000 in the limitation on the amount available for nonadministrative expenses): *Provided*, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board by this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location;

PARLIAMENTARY INQUIRY

Mr. THOMPSON of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. JONAS. I yield for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON of Georgia. Will the gentleman's amendment be made available to the Members in writing in the event we would like to offer an amendment to the amendment? I have not seen a copy of it.

The CHAIRMAN. That is not a parliamentary inquiry, but the gentleman from North Carolina will probably be able to answer the gentleman's question.

Mr. JONAS. If the gentleman will permit, copies are available at the desk there.

(By unanimous consent, Mr. JONAS was allowed to proceed for an additional 5 minutes.)

Mr. JONAS. Mr. Chairman, I hate to take this time at this late hour, but the sequence of events which I shall describe is so incredible that I feel notice should be taken of them. I refer to the arbitrary action of the Federal Home Loan Bank Board in summarily moving the Federal home loan bank from Greensboro to Atlanta. This action was taken without any notice to anybody, including the 98 people who work for the bank in Greensboro, without any notice to the 700 savings and loan institutions which comprise the Fourth District of the Federal Home Loan Bank System, and without any notice to the board of directors of the Greensboro bank. The action was taken in a meeting on December 8, 1971, lasting 15 minutes, and consisted of the Federal Home Loan Bank Board adopting a resolution which provided that:

> Effective immediately, the Federal Home Loan Bank in Greensboro is moved to Atlanta; and effective immediately, the Articles of Incorporation are amended to change the name of the bank from "Greensboro" to "Atlanta," and providing that Atlanta hereafter shall be the principal office of the bank.

The minutes of that December 8 meeting show that there was no discussion of this proposed move of the bank. This is incredible within itself, but to make it more incredible, the fact is that the Greensboro bank board of directors was to meet 2 days thereafter or on December 10, 1971, in a regular monthly meeting in Palm Beach, Fla., and the Federal Home Loan Bank Board knew about that meeting. They knew that the Greensboro board met every month. They knew that the board would be in session in Palm Beach in 2 days. But in the face of all that the FHLBB proceeded to adopt this resolution without, as I have said, giving anybody any notice whatsoever.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I am glad to yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. What is the status of the building in which this agency is housed in your State of North Carolina? I understand this building cost a great deal of money.

Mr. JONAS. I am just getting to that. That is the next most incredible thing about the whole transaction. I hold in my hand a picture of the bank building in Greensboro, N.C. It cost $1,800,000 and has been occupied less than 2 years.

The Federal Home Loan Bank Board here in Washington, without consulting the board of directors of the bank, and because they have the raw, naked power to do it, passed a resolution which will force the abandonment of this bank and the transfer of the Bank's facilities and 98 employees to Atlanta. Do you know what that will cost? The board took that action on December 8, 1971, and we had a hearing on it on December 15. We asked them what it was going to cost. They could not tell. They had not made any determination of what it would cost.

We asked them how many of the employees would move. They did not know. They had not made any study of that. We asked them what space in Atlanta would cost that they would use in substitution for this brandnew, magnificient building. They did not know. They had not made any study of that. They could not answer any of those questions.

We asked them to prepare answers and come back and be ready to discuss the matter with the committee after the first of the year. This was on December 15, 1971.

After Congress came back in January, they presented supplementary information which indicated that this move is going to cost $339,000 in out-of-pocket moving expenses.

Additional information furnished discloses the fact that half of the employees will not move to Atlanta and will leave the Bank's employe rather than do so.

Further information disclosed that a lease has been signed for space in Atlanta renting four floors of a new building, and these four floors have been vacant since the middle of last year. Do Members know what is going to be paid in rent for those four floors? It is $23,000 a month, and over a period of 5 years, the rental paid out will be $1,400,000 at the very same time a building is being abandoned in Greensboro which cost $1,800,000. The FHLBB cannot tell the committee what is going to be done with the building.

Mr. EVINS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Tennessee.

Mr. EVINS of Tennessee. Mr. Chairman, I support the gentleman's amendment. They will not even appear before the committee to justify their actions. I want to have a hearing on this matter.

Mr. JONAS. Mr. Chairman, not only that, but we were planning to have another hearing on the regular budget on March 13. I got word during the preceding week that they were about to authorize the signing of this new lease, so I called the board chairman, but could not reach him. He and all members were out of town, but I did reach Mr. Leibold, the General Counsel of the Home Loan Bank Board, and I asked him to urgently request on my behalf, and I think I was speaking for the chairman of the subcommittee, because he agrees with me about this, and asked him to hold up the signing of this lease for just 3 days until we could have this hearing.

Mr. Leibold reported back later in the day that the three-man Home Loan Bank Board had a long-distance telephone conference and decided to go ahead with the lease. The General Counsel, whose name I have already mentioned, responded to a letter from the attorney for the Greensboro Home Loan Bank, in which he requested advice as to whether it would not be desirable to put an escape clause in the lease, so they could get out from under in case legislation introduced last December should be enacted, and this move prevented. Do the Members know what the General Counsel advised? He advised that he did not think it necessary to put an escape clause in the lease and advised the Greensboro lawyer to go ahead and have the lease signed in the face of the fact that we were to have a hearing 3 days later.

I ask: What is the reason for all this haste? Why would the Board suddenly pass this resolution on December 8 when the Bank Board of Directors was going to have a meeting in Palm Beach on December 10, 2 days later? The Board of Directors is supposed to run the bank. The Home Loan Bank Board does not own this bank; it is owned by the 700 savings and loan institutions in the fourth district. And it is their money, as is the $1,800,000 which is invested in the Greensboro building and their money that is being wasted by forcing this costly move.

Instead of asking advance approval of the Bank Board, instead of getting the concurrence of the Bank Board before the action had been taken, in order to window dress this procedure, and in order to be able to say they got the approval of the Greensboro Bank board, they asked the board to pass a resolution on December 10 approving the transfer. One member of the board made the statement that the matter was presented to the bank board as a fact that had already been accomplished. This is as much as to say we would like your approval of the action we have already taken; but if you disapprove, what can you do about it; the transfer to Atlanta was ordered day before yesterday and was effective immediately.

The Home Loan Bank Board told our committee they consider they have the legal right to do this, whether the bank board of directors approves it or not. I do not believe a Government bureau should run roughshod that way over citizens of the United States whose money is at stake. And I do not believe they should run that roughshod over 98 employees.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(On request of Mr. THOMPSON of Georgia, and by unanimous consent, Mr. JONAS was allowed to proceed for 2 additional minutes.)

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JONAS. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Did I correctly understand the gentleman to say that there was a lease signed which has no escape clause, and that regardless of what happens to this particular amendment, the U.S. Government is going to be obligated to spend money?

Mr. JONAS. The gentleman did not so understand. I said that the U.S. Government is not involved in this except in a supervisory position. The money involved belongs to the people who own the 698 member savings and loan institutions, who are members of this bank and who own it and ought to have something to say about how it is run.

I will say this: Although the General Counsel advised the lawyer for the Greensboro Board that an escape clause was not necessary, there happens to be one in the lease, which I have on the desk there and which I will be glad to have the gentleman examine. There is an escape clause or a paragraph which may provide a way out if Congress prevents this move to the bank to Atlanta.

I would advise the Board if they make that effort to get another lawyer instead of the General Counsel here who advised the attorney in Greensboro that an escape clause was unnecessary and to go ahead and execute the lease without one.

Mr. THOMPSON of Georgia. If the gentleman will yield for a further question, as I understand the gentleman's amendment it would prohibit the use of any of the funds appropriated in the section for any administrative and nonadministrative expenses related to the relocation of the Federal Bank Board, or the operation in that area other than at Greensboro.

Mr. JONAS. That is right. That is all I can do.

Mr. THOMPSON of Georgia. Were the funds put in this to finance the transfer?

Mr. JONAS. No; not specifically. This is the only thing we can do. We are not a legislative committee. We are an appropriations committee. We have a responsibility of supervising the administrative and nonadministrative funds of the Federal Home Loan Bank Board, and we have a right to put a limitation on the amount of funds belonging to the association that the Board can spend. That is all my amendment does. It only goes to the funds provided in this bill. I wish it could go beyond this bill but, if the House approves my amendment today we will try to insert a limitation on the regular bill which should be before you soon.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina.

As the gentleman from North Carolina indicated, the Congress has the responsibility of oversight over the administrative expenses and operations of the Federal Home Loan Bank Board. That power is given to the Congress by the Government Corporation Control Act. There is no question that the law clearly states that we have the power to limit the administrative and nonadministrative expenses of Government corporation.

Let me say, Mr. Chairman, as was adduced in the hearings, the statements of the gentleman from North Carolina are factual.

One of the reasons why we had a hearing on this particular matter was due to the interest of the distinguished gentleman from North Carolina (Mr. JONAS) and also the distinguished gentleman from North Carolina (Mr. RICHARDSON PREYER) in whose district the fourth district Federal Home Loan Bank is located, in Greensboro, N.C. When the hearings were opened on this particular matter, I made this statement, addressing the chairman of the Federal Home Loan Bank Board:

> I might say the Congress has expressed itself many, many times on the removal of Government agencies from one location to another. During the course of this session on at least three, if not more, occasions, one of the Members of Congress tried to write restrictions on the building of additional buildings in the District of Columbia and relocating Government agencies from other areas into the District, or establishing new buildings in the District of Columbia.
>
> The concern of the Congress is that we have been impacting particular areas in the United States with Government agencies and taking Government agencies from one area into areas that are already impacted by Government agencies.
>
> The concern of all of us in the Congress is that this can be overdone. There is an expression of concern on the part of the members of this committee and of other Members who are vitally interested in the transfer of your district bank in Greensboro to Atlanta.

One of the reasons given, Mr. Chairman, for leaving the bank in Greensboro, as the gentleman from North Carolina (Mr. JONAS) pointed out, is that they are located in a brand new building occupied in May of 1970, and built at a cost of $1.8 million. It is a one-purpose building. It was built specifically for the bank. One of the reasons given for the move is the need for additional space. This structure was designed with the idea in mind that additional space could be added to this building when needed. This structure has the capacity to accommodate the construction of an additional floor and would provide an additional 14,400 square feet of usable office space.

So I say to the gentlemen of the committee, the issue is a very simple one. It is whether or not you are going to permit this Government corporation to move from its present location in a brand new building in Greensboro, to Atlanta, Ga., when there is no real reason for the move.

I am delighted to yield to the gentleman from North Carolina, in whose district the bank at Greensboro is located.

Mr. PREYER of North Carolina. Thank you, Mr. Chairman.

I want to thank the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from North Carolina (Mr. JONAS) for the attempt they have made to keep this building in its present location.

I do want to express on the part of the citizens of Greensboro their sense of outrage about this.

As has been pointed out, this is a new building, only a year and a half old. When it was built there was no suggestion made at the time that any sort of a move such as this was forthcoming or contemplated. All of the reasons for this move have been destroyed by the subcommittee one after the other until now we get down to some statistical remarks about the mailing being maybe a little better and the phone connections being maybe a little better, none of which are real reasons. They are given reasons. I do not know what the real reason is or why there is this unseemly haste and arbitrary action that has been taken.

This is something which this Congress ought to examine carefully. I urge all of you support this amendment offered by the gentleman from North Carolina (Mr. JONAS) and I hope we in the Congress can send back a few messages of our own that arbitrary, capricious action on the part of a few people without any consultation with the people whose lives and careers are affected by it is something that this Congress is not going to stand for. I urge your support.

Mr. JONAS. Will the gentleman yield?

Mr. BOLAND. Yes. I yield to the gentleman from North Carolina.

Mr. JONAS. Is it not true, I ask my colleague from North Carolina, that immediately after the announcement was made that this move had been ordered 10 of the employees resigned, including a senior vice president of the bank, and today it appears that half of the banking personnel in Greensboro have indicated they will not move even if the bank finally goes to Atlanta?

Mr. PREYER of North Carolina. Will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. Approximately 50 percent of the bank personnel have indicated they will resign. The cost of the first year's move comes to approximately $800,000, including the cost of moving supplies, while you are sitting there with a building costing $1.8 million that is owned by the bank.

AMENDMENT OFFERED BY MR. FLYNT TO THE AMENDMENT OFFERED BY MR. JONAS

Mr. FLYNT. Mr. Chairman, I offer an amendment to the amendment.

Amendment offered by Mr. Flynt to the amendment offered by Mr. Jonas: Strike the following language:

"*Provided*, That none of the funds made available for administrative or nonadministrative expenses of the Federal Home Loan Bank Board by this Act shall be used to finance the relocation of all or any part of the Federal Home Loan Bank from Greensboro, North Carolina, nor for the supervision, direction or operation of any district bank for the fourth district other than at such location;".

(By unanimous consent, Mr. FLYNT was allowed to proceed for 3 additional minutes.)

Mr. FLYNT. Mr. Chairman, I offer this amendment to accomplish the purpose which was initially accomplished by the point of order which I made to the proviso in this section of the bill.

The Congress should not and is not qualified to make administrative decisions of Government departments, executive departments, independent Federal agencies, or quasi-public corporations.

This is an action affecting the location of the Fourth District Federal Home Loan Bank which is under the supervision and jurisdiction of the Federal Home Loan Bank Board.

The Congress of the United States in its judgment and in its wisdom has delegated the operation and supervision of the Home Loan Bank industry, very properly, to the Federal Home Loan Bank Board and to the District Federal Home Loan Banks.

Regardless of how anyone might feel as to what happened in March of this year between the General Counsel for this Board and my devoted friend, the distinguished gentleman from North Carolina, not even the gentleman from North Carolina or anyone supporting his amendment to this bill would say for 1 minute that the Congress of the United States has the time or the appropriate authority to regulate the operation of an individual bank or the Federal Home Loan Bank Board.

Mr. Chairman, if we attempted to do this, the operations of the Congress of the United States would be closed for all other purposes.

There are many of these district Federal Home Loan Banks scattered throughout the United States. One of these banks serves the district and the Federal Home Loan Bank industry of every single Member of this House.

I do not believe, Mr. Chairman, that it is appropriate for the Congress of the United States, by whatever reasons it is motivated, to attempt to interfere with the internal operation of an agency of Government about which there has not only never been the first hint of any scandal—there has never been the first hint of any scandal—in the operation of this great agency of the Government and of the separate and collective district Federal home loan banks which are located in various parts of the United States.

First of all, all of us have the right to our opinions and our judgments on this or any other issue.

But, Mr. Chairman, as was stated by the Associate Justice of the Supreme Court, Justice Oliver Wendell Holmes:

> No man has a right to be wrong in his facts.

Mr. Chairman, this move of the Fourth District Federal Home Loan Bank Board from Greensboro, N.C. to Atlanta, Ga., was not a hurried-up operation. This has been discussed at great length for at least 2 years. It was unfortunate that the contract for the construction of the building—and it is a fine building—was entered into before this discussion really became finalized.

But there are many sound reasons for the action of the Federal Home Loan Bank Board, in determining that this bank should be relocated in Atlanta. In the first place, Atlanta is more centrally located. If you take the geographical area served by this Fourth District Federal home loan bank, and you draw a circle around both Greensboro and Atlanta, most of the business, most of the population and most of the new applications and servicing of existing institutions would be located more conveniently to Atlanta, Ga., than to Greensboro, N.C.

The reasons for the relocation of the fourth district bank from Greensboro to Atlanta are as fundamental as the urgency of this country's housing and thrift needs, and the changed role that the savings and loan industry is playing in meeting those needs. As a $200 billion industry providing the major part of the Nation's housing funds at a time when housing is on of our first national priorities, savings and loans simply must have Federal home loan banks which perform with maximum effectivness.

This imperative is especially powerful in the fourth district, where the original pattern left one bank to deal with a huge slice of territory. Today the fourth district has more than twice the average of the other 11 districts in both assets and number of associations. The service and supervision of a region like this is a massive and profoundly important challenge.

It is the Federal Home Loan Bank Board's responsibility to help the district bank meet that challenge. One of the tools given to the Board by statute, and reinforced six times by precedent, is the authority to adjust the banks' locations. This authority has been exercised because the fourth district bank's directors determined that the present facilities are inadequate, and the Federal Home Loan Bank Board had to decide whether money should be spent to retain the bank in a less than optimum location, or to establish it in a city uniquely suited to its needs.

The first alternative was expansion. The Board found that the addition of a second floor to the building would cost, at a minimum, $500,000 to $550,000. The bank has not purchased nearby land, and holds no purchase options, so that the space required for parking would have to be acquired at an estimated cost of $125,000 to $150,000. Expansion would thus cost almost 40 percent of the original expenditure for the land and the construction of the present building—$1,735,000.

The other alternative was to move the

bank's operations. The building would then be sold, a possibility for which it was expressly designed. Its book value—excluding land—in November 1971 was $1,438,208.80. The Board found costs of facilities, personnel—all of the bank's professional staff apparently intend to relocate—and operating needs in Atlanta to be very comparable to Greensboro levels. With anticipated savings on several organizational changes, the financial issue was thus largely neutralized.

The issue of effectiveness remained, and with it the question, "How can the location of a Federal home loan bank enhance its performance?"

First, it can make the bank accessible to its members. Interaction with members is, after all, at the basis of the bank's reason for being. Atlanta is slightly closer to the district's center than is Greensboro. While Baltimore is 353 miles closer to Greensboro than to Atlanta by air, Miami and Mobile are 114 and 306 miles nearer Atlanta, respectively. But more to the point, Atlanta lies at the intersection of six legs of three interstate highways, and possesses the world's fourth ranking airport in passenger service, with direct and frequent flights throughout the district and the Nation. It is one of 33 cities in the country with overnight postal service, and has unsurpassed telephone and telegraph networks.

Second, a city can bring a bank in contact with the governmental services sharing its goals and problems. In the entire country, only Chicago and Atlanta contain the main regional offices of all of the following housing and finance agencies: HUD, FHA, FNMA, GNMA, the FDIC, the Comptroller of the Currency, and the Federal Reserve. Complex and urgent housing problems can no longer be approached by haphazard, uncoordinated government. Neither can the Nation's thrift needs. If the bank staff, and the examiners and FHLMC personnel who share its building, do not have close ties with these agencies, the whole region is affected.

Atlanta offers the bank countless other benefits. It has enough court reporters to drain the backlog of cases which has mounted behind Greensboro's single reporter. It has a pool of 43,000 persons involved in banking, finance, insurance, and real estate. It has the regional offices of the Civil Service Commission and General Services Administration.

Atlanta has all the advantages of a vast city, and at the same time it has a vast city's involvement in the vital issues and problems of today. To the Fourth District Federal Home Loan Bank it will bring both service and challenge.

Much of this business, as the gentleman from North Carolina pointed out, is handled by mail. Those who are familiar with the banking business and the banking industry are aware what days of delay mean in banking transactions. The airmail service and other mail service out of Atlanta are far superior to corresponding services out of the city of Greensboro, N.C.

Yes, the Federal Home Loan Bank Board undertook to pass a resolution to relocate the Fourth District Federal Home Loan Bank Board, but the gentleman from North Carolina did not point out that the board of directors of the then Greensboro Bank voted unanimously, with one vote being changed subsequently, to concur in this move.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I yield to the gentleman from North Carolina.

Mr. JONAS. Mr. Chairman, I must correct my friend, because I did point out that 2 days after the Board passed a resolution which said "effective immediately" the Greensboro Bank board did have a meeting in Palm Beach, Fla., and approved what had already been accomplished.

Mr. FLYNT. By a unanimous vote.

Mr. JONAS. There was absolutely no discussion. It was presented, as one member said, as an accomplished fact, to take it or leave it.

I interrupted the gentleman from Georgia because I was afraid the gentleman did not hear me mention that Greensboro Bank board meeting.

Mr. FLYNT. I did not understand the gentleman from North Carolina to say that the Greensboro Bank board voted unanimously to concur in the action of the Federal Home Loan Bank Board, and I do not believe that the gentleman from North Carolina used the word "unanimously" in his remarks.

Mr. JONAS. No, I did not use the word "unanimously." I think the record will show there was no record vote taken; it was that casual.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. RUTH. Mr. Chairman, reserving the right to object, will someone else have an opportunity to speak when the gentleman finishes?

The CHAIRMAN. The Chair will state that under the rules others will have an opportunity to speak.

Mr. RUTH. I thank the Chairman.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. FLYNT. The board of directors of the then Greensboro Federal Home Loan Bank Board is a substantially autonomous board of directors. If the Greensboro board had not concurred that the move suggested and directed by the Federal Home Loan Bank Board was in the best interest of the general public and the operation of that bank, then there would certainly have been deciding votes, and possibly a majority vote against the resolution to move.

Mr. Chairman, this bank will not only service Greensboro, N.C., it will not just serve Atlanta, Ga.—and I am sorry that the controversy arose—but in the interest of the people who will be served by the Fourth District Federal Home Loan Bank Board, I respectfully urge the adoption of the amendment to the amendment offered by the gentleman from North Carolina (Mr. JONAS).

Mr. LANDRUM. Mr. Chairman, will the gentleman yield?

Mr. FLYNT. I am happy to yield to the gentleman from Georgia (Mr. LANDRUM).

Mr. LANDRUM. Mr. Chairman, the implication is left here, I am afraid, or the implication is made that the money spent for this building in Greensboro, N.C., about which criticism is being made because of its being vacated, is money that was appropriated by the Congress to build this building. That is not true, is it? The money was not appropriated by the Congress, and it was not taken from the public Treasury; it was money generated by the bank.

Mr. FLYNT. My colleague, the gentleman from Georgia, is as usual eminently correct. There are no Federal funds involved in this building. This building and the operation of this entire Federal Home Loan Bank system are generated by the industry itself.

This move has the approval of the overwhelming majority of the industry and members of the general public who will be served by the Fourth District Home Loan Bank wherever it is located.

Mr. Chairman, I urge the adoption of my amendment.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair has noted the names of Members standing at the time of the unanimous-consent request.

Mr. MAHON. Mr. Chairman, I did not mean to ask for time on the amendment. Will the Chair strike my name from the list?

The CHAIRMAN. Yes.

Under the limitation of time, each Member will be recognized for 1 minute.

The gentleman from North Carolina (Mr. RUTH) is recognized.

Mr. RUTH. Mr. Chairman, my good friend, the gentleman from Georgia, first mentioned that we could get the mail quicker from Atlanta to Florida than we could from Greensboro. I wonder if he thinks that we are still operating on the Pony Express?

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. RUTH. The gentleman took 2 minutes under unanimous consent, and I am going to finish my comments.

It is a shame that we have to become involved in a disagreement between North Carolina and Georgia. I am sure Members really do not enjoy it. But I am going to tell the Members what they are going to get a chance to do. They are going to get a chance to vote against a three-man bureaucracy that takes a most unusual action and rapidly moves a land bank.

Members are going to get an opportunity to vote against a waste of money.

I am not claiming that the U.S. Congress is wasting the money. I am claiming it is a waste of money of the people who operate the bank in North Carolina.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. FLYNT. Mr. Chairman, I ask unanimous consent that my time may be alloted to the gentleman from Georgia (Mr. BLACKBURN).

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. CEDERBERG. Mr. Chairman, I reserve the right to object. I do not think I will object, but I would like to object because I would like to hear all these Members speak. I think they have a great story and it makes for a great closing of the evening. It probably will not resolve anything. I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Georgia (Mr. BLACKBURN) is recognized for 2 minutes.

Mr. RUTH. Mr. Chairman, reserving the right to object, I would like to state that I do not object.

Mr. LANDRUM. Mr. Chairman, I ask unanimous consent to yield my time to the gentleman from Georgia (Mr. BLACKBURN).

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. BLACKBURN) is recognized for 3 minutes.

Mr. BLACKBURN. Mr. Chairman, I agree with my colleague (Mr. RUTH) that it is a very painful thing that the whole Congress has to be involved in what appears to be a provincial dispute between the State of Georgia and the State of North Carolina. Let me say on my own behalf, and speaking on behalf of the other members of the Georgia delegation, that we never approached the Home Loan Bank. When we first became aware that this move was being contemplated, we were advised that the move was being contemplated because it was far more efficient to have this operation located in the business and financial hub of the Southeast.

Let us keep in mind that we are talking about the operation of the Home Loan Bank Board, whether it be located in Greensboro, Atlanta, or any other city or any other part of our country. We are talking about an operation that is engaged is not merely a billion-dollar business but billions of dollars. The Home Loan Bank Board has done more to provide housing for the people of our country—the low, the moderate, and the upper income families of our country—than any other single institution. Its operations have truly been exemplary operations for all Federal agencies to follow, and to create any implication that they have acted irregularly or illegally in this particular instance is doing a great disservice, in my opinion, to a very fine Federal institution.

I am confident from my discussions with the members of the Federal Home Loan Bank Board that their sole motivation was to bring about a better, a more efficient operation of this very fine institution.

Let us keep this matter in perspective. We are not talking about losing any money from the Federal Treasury. It is painful for me to speak in opposition to anyone for whom I hold as much respect as well as affection as I do our colleague from North Carolina (Mr. JONAS), but he has never implied that the Federal Home Loan Bank Board did anything illegal, and I do not think anyone would pretend that they did. We all face this in our representation of our districts. There is always the possibility that some operation of a Federal agency is going to be taken away from our district, and if we set a precedent here today of saying that just because a very popular and beloved Member of our body feels his district or part of his district is being injured by the operation of a Federal agency, the Congress is going to move in and substitute its judgment for that of the body that is charged with the responsibility of managing a Federal agency, we will never pass another major piece of legislation in this body. We will be too busy taking care of whatever quarrels may exist between and among our individual Members and the Federal agencies involved.

Gentlemen, I urge you to vote for the Flynt amendment to the Jonas amendment, and at that point we can get on with the business of the Congress.

The CHAIRMAN. The chair recognizes the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I do not think this is really a fight between North Carolina and Atlanta, Ga. I think the issue here is whether bureaucracy will be permitted to run roughshod over little people who have to depend upon their particular operation for their lifeblood, and in this case it is the Federal Home Loan Bank Board.

The Federal Home Loan Bank Board has been located in Greensboro, N.C., for 22 years. Certainly there was no attempt to move it before, even as late as 2 years ago when they were constructing the new building which cost approximately $2 million. The controversy may have arisen when Mr. Clark, a member of the Federal Home Loan Board from Atlanta, Ga., was appointed to the national board. It was then that the urgency to move the bank to Atlanta arose.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I yield to the distinguished gentleman from North Carolina.

Mr. JONAS. Mr. Clark, is a member of the Federal Home Loan Bank Board and he is from Atlanta. He was not a member of the board when the building was built in Greensboro. He came on the board subsequent to the occupancy of the building in Greensboro.

Mr. MIZELL. That explains the reason for the move to Atlanta, Ga.

I think this move is completely uncalled for and I urge the adoption of the Jonas amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, the sole question we are deciding is whether or not this Congress is going to attempt to run the administrative affairs of the Federal Home Loan Bank Board or whether we are going to recognize that they are an autonomous group which is sincerely concerned about serving the interests of the public by working in the most efficient environment possible, and in order to promote the well-being of the people, they want to make available the facilities of their bank in the most efficient manner.

Atlanta is the banking center of the entire Southeast. It is a transportation hub. It is a commercial hub. Those factors undoubtedly had much to do with the decision of the Federal Home Loan Bank Board to move the bank after some 20-odd years in Greensboro. I regret that Greensboro is losing this bank, but we must always be concerned about the needs of the people of the entire area that is concerned, not merely the popularity of a Representative here in Congress or just the desire of that Representative to have a Federal Home Loan Bank Board located within his area.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Chairman, I rise in support of the Jonas amendment and in opposition to the Flynt amendment.

All of the gentlemen from Georgia are saying the Congress should not be involved in these decisions which are made by the independent regulatory agencies. They are saying we in the Congress should in no way interfere with these decisions that are made by these agencies or departments. But I see some of the decisions which are being made that change the intent of the laws which are written by the Congress, and it seems to me the Congress of the United States should be involved, and it seems to me the Congress of the United States should be exercising more oversight authority.

For that reason I think the amendment offered by the gentleman from North Carolina (Mr. JONAS) should be passed, and the appropriate legislative committee of the House of Representatives should be looking into the activities of the Federal Home Loan Bank Board.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I thank the gentleman from Massachusetts.

Mr. Chairman, it is true that the Home Loan Bank Board in Washington had the legal right to make this move, but that does not mean the decision does not have to be based on reason. It cannot be arbitrary just because there is the right to do it. If we examine the record of the hearings in this case, we will find every reason given has been completely destroyed. They have shifted from one reason to another. When one is destroyed, they move on to another. There is no real reason in it. It is a move without meaning.

Mr. Chairman, I urge this Congress to support the Jonas amendment and vote down the Flynt amendment.

Mr. BOLAND. Mr. Chairman, let me say the Government Corporation Control Act gives the Congress specific authority, particularly with reference to the administrative expenses. I would ask that the Committee vote down the amendment offered by the gentleman from Georgia and vote for the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. JONAS).

Mr. JONAS. Mr. Chairman, may I say quickly that, first, I live 100 miles from Greensboro, and my district does not come close to Greensboro. Also, I am a great booster of Atlanta. It is a great city. I do not blame people from Georgia for wanting to live there, but that does not mean everybody in the United States wants to, or wants to move to Atlanta. We have great cities in North Carolina, and Greensboro is one of them. This should not be a question of a contest between Greensboro and Atlanta.

As far as I am concerned, I got disturbed about this when I found the three-man Federal Home Loan Bank Board had suddenly, without any public notice or notice to the board of directors of the Greensboro Bank, at a meeting which lasted only 15 minutes, the minutes of which disclose no discussion about the proposed move and the minutes of previous meetings show no discussions, arbitrarily voted to move this bank effective immediately. I do not approve of Government bureaus running roughshod over people and institutions they are supposed to regulate and supervise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. FLYNT) to the amendment offered by the gentleman from North Carolina (Mr. JONAS).

The question was taken; and on a division (demanded by Mr. FLYNT) there were—ayes 13, noes 61.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONAS).

The amendment was agreed to.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BROOKS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14582) making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. One hundred seventy-eight Members are present, not a quorum.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll:

The question was taken; and there were—yeas 344, nays 16, not voting 73, as follows:

[Roll No. 124]

YEAS—344

Abbitt
Abernethy
Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Aspin
Aspinall
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Clark
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Derwinski
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Koch
Landrum
Latta
Leggett
Lent
Link
Lloyd
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
O'Neill
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Reid
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NAYS—16

Ashbrook
Blackburn
Clancy
Collins, Tex.
Crane
Dennis
Devine
Findley
Gross
Haley
Hall
Hutchinson
Landgrebe
Rarick
Rousselot
Schmitz

NOT VOTING—73

Annunzio
Ashley
Badillo
Bingham
Blanton
Byrne, Pa.
Carey, N.Y.
Carney
Chamberlain
Chisholm
Clausen, Don H.
Danielson
Davis, S.C.
Dent
Dowdy
Dwyer
Edwards, La.
Esch
Eshleman
Evins, Tenn.
Flowers
Fountain
Galifianakis
Hagan
Hanna
Hastings
Hawkins
Hébert
Holifield
Hunt
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Kee
Kluczynski
Kuykendall
Kyl
Kyros
Lennon
Long, La.
Lujan
McCulloch
McKinney
Macdonald, Mass.
Madden
Mathias, Calif.
Miller, Calif.
Mills, Ark.
Mollohan
Morse
Nix
Patman
Poage
Price, Tex.
Pryor, Ark.
Pucinski
Rees
Roberts
Roy
Runnels
Scheuer
Sisk
Staggers
Stanton, James V.
Steed
Stokes
Stubblefield
Ullman
Vander Jagt
Veysey
Wilson, Charles H.
Winn
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hunt for, with Mr. Price of Texas against.

Until further notice:

Mr. Roy with Mr. Winn.
Mr. Annunzio with Mr. Chamberlain.
Mr. Kee with Mr. Kyl.
Mr. Carey of New York with Mr. Galifianakis.
Mr. James V. Stanton with Mrs. Dwyer.
Mr. Hébert with Mr. Vander Jagt.
Mr. Holifield with Mr. Hastings.
Mr. Sisk with Mr. Mathias of California.
Mr. Ashley with Mr. McCulloch.
Mr. Pucinski with Mr. Esch.
Mr. Fountain with Mr. Kuykendall.
Mr. Evins of Tennessee with Mr. McKinney.
Mr. Dent with Mr. Eshleman.
Mr. Davis of South Carolina with Mr. Lujan.
Mr. Macdonald of Massachusetts with Mr. Morse.
Mr. Charles H. Wilson with Mr. Don H. Clausen.
Mr. Steed with Mr. Patman.
Mr. Blanton with Mr. Mills of Arkansas.
Mr. Danielson with Mr. Veysey.
Mr. Nix with Mr. Johnson of Pennsylvania.
Mr. Miller of California with Mr. Long of Louisiana.
Mr. Stokes with Mr. Scheuer.
Mr. Hawkins with Mr. Madden.
Mr. Stubblefield with Mr. Staggers.
Mr. Byrne of Pennsylvania with Mr. Rees.
Mr. Flowers with Mr. Young of Texas.
Mr. Roberts with Mr. Ullman.
Mr. Runnels with Mr. Lennon.
Mr. Mollohan with Mr. Jones of Alabama.
Mr. Kyros with Mr. Jones of Tennessee.
Mr. Kluczynski with Mr. Hagan.
Mr. Hanna with Mr. Badillo.
Mrs. Chisholm with Mr. Carney.
Mr. Bingham with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

HARMFUL DRUGS ARE INCREASINGLY BEING USED IN SPORT COMPETITION

(Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. STAGGERS. Mr. Speaker, for many more years than we in this Chamber can look back on, athletic competition has been regarded as a useful and vital means for the development of the human spirit and the encouragement of those qualities among the young which prepare them to face the challenges of the real world.

Now, however, information has come to my attention indicating that harmful drugs are increasingly being used at various levels of competition in certain sports for the purpose of enhancing performance. Not only are the persons who use these drugs misguided, but they are finding that the drugs may not improve performance, may adversely affect physical and mental health, and may ultimately lead to serious consequences. If the drug culture gains acceptability in this part of our national life, sports and the Nation will suffer irreparable harm.

At my request, a preliminary inquiry has been conducted by the staff of our Investigations Subcommittee. This inquiry reveals that extensive abuse of drugs by athletes does in fact exist in many sports. It has further been ascertained that athletic participants of all ages and levels of competition are involved. We recognize that this problem is not of recent origin but has existed in sports for many years. What concerns us now are allegations that the problem is becoming more widespread.

It might be argued that professional athletes, whose livelihoods are at stake, are mature individuals who should be permitted to make a personal decision on the use of drugs. They may believe that drugs aid or prolong their participation in sports. This, however, is contrary to the spirit of sport and athletics as I understand it from my 4 years of experience as a high school and college coach. Despite this feeble defense for the use of drugs by professionals, I strongly feel that when the youth of this land, whether because of sheer hero-worship or because of a burning desire to succeed in athletic competition, copy the professional and resort to taking drugs in an attempt to improve performance, then drugs on any level are no longer a private matter. We have received information that this is occurring.

I am not referring to restorative drugs or legitimate medical treatment. I am talking about drugs which have highly questionable clinical use and which have been described as dangerous.

They include amphetamines, commonly referred to as "uppers" or "pep" pills taken as stimulants, and anabolic steroids taken to increase weight and improve strength.

Medical authorities are in general agreement that the use of drugs such as these in athletics may produce serious physiological side effects and even death. Further, we have been informed that athletes, like other persons, may develop a drug dependency resulting in increased dosage requirements which may lead to habituation and psychological addiction.

Leaders within the athletic community recognize the problem and in some instances are attempting to deal with it. Professional baseball has embarked upon an extensive drug abuse educational program for the benefit not only of its players, but also the youth of the country. In amateur sports, testing procedures have been adopted at the Olympic level to deal with the problem.

If the nations of the world can put aside political differences and overcome langauge barriers for the good of sport, it would seem that responsible athletic officials in this country should be able to deal with the problem. While it is encouraging to see some action in this area, we must ask whether enough is being done soon enough.

Traditional sports activity has always called into play qualities which are most admirable in the human spirit: self-denial; discipline; mutual respect; intelligence; and courage. Perhaps this is why, as Americans, we have always looked at athletic competition as something more than a diverting spectacle. We have looked to it to tell us something about ourselves. With all of its pageantry, action, and danger, and its ever present alternatives of victory and defeat, organized sport presents us with something that echoes the larger struggle that all must engage in in this life. In my opinion, all this is jeopardized and even destroyed when drugs are used to artificially stimulate performance.

There is no known pill which will produce a winner or replace honest competition. Recent tests in international competition revealed that there were more losers than winners among drug users.

For these reasons, I have asked the staff of the special Subcommittee on Investigations to develop further information in this area to determine the extent of the danger. I am not suggesting, at this point, that congressional action is necessary or desirable. We hope, of course, that self-regulation in some form will be effective. It seems to me, however, that the matter calls for a thorough investigation at this time to insure that proper safeguards are established.

FRANK BOYDEN OF DEERFIELD—A TRIBUTE

(Mr. SYMINGTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SYMINGTON. Mr. Speaker, my colleagues, a sequoia has fallen. Short in height, he used to smile ruefully and say, "I wish I were a little taller." But have Deerfield graduates ever known a taller man? No, no matter where we stood, we looked up to Frank Boyden. And educators will agree, he towered over this century. He will be missed, yet he will be found, in every proper response, every ennobling gesture, every decent impulse that moves a life he touched. We mourn, yet we rejoice that he had so much to give, and God gave him time to give it. To Helen Childs Boyden, his wise and lovely natured inspiration for all those years, we offer our love and dearest thoughts.

Mr. Speaker, I would like here to place before this House, the thoughts I shared, September 20, 1967 at an Academy Dinner honoring Mr. Boyden:

Remarks of Congressman James W. Symington

To what tests has America not been exposed in this period of transition—since she turned the corner into the 20th century? To which of them has Deerfield and her graduates not been exposed, and not met, and passed? The mechanization of agriculture, the power of labor, urban migration, the income tax, a world war, industrial growth, speculation, depression, a second world war, the communist challenge, its mitigation, cold war, race tension at home and the emergence of new nations, new threats to freedoms and "limited" war: from bloomers to miniskirts, and from balloons to space shots—America has moved. Could a school prepare boys for life in such a nation, in such a world, over such a period under the aegis of one authority? Clearly, not. And that's why Deerfield is so fortunate, so blessed to have had a new headmaster every year for the past 63 years. Each year a man unblinded by passing novelties yet unfettered by the dogmas of the past, whose spirit is renewed with each changing season, relating always to the season and the world around, but tendering ever the gift of memory, a mansion of values that weathers and re-emerges from Pocumtuck snows, April rains and the heat of each new summer's discontent. The fact that all these insights, all these perspectives, all these headmasters are collected in one boy-building, sulkey-driving, base-hitting, Helen fed, fund-raising man, Frank L. Boyden is, to be sure, a remarkable coincidence.

When I asked Bob Crow for further guidance on tonight's adventure, he suggested a title along the lines of the effect of the Deerfield experience on public service. By "public service" I will take to mean any activity in which graduates are engaged. For, in this "ask not" time, directly or indirectly our performance and attitudes in any walk of life must be measured against some standard of citizenship which, for Deerfield, means service. There is no denying that the question must be reduced for all of us here to this: What is the effect of *Frank Boyden's* guidance on the lives and works of the thousands of boys who've trudged Albany Road and straightened up at the sight of him, who have slowed down from a reckless pace through the corridor at the cautioning sound of his voice, who have sat at his feet and in the embrace of his nature in the evening meetings, who have been steadied and repaired from the inside out in personal talks with him, who have absorbed his rejection of show and sham and discourtesy, as well as his respect for the good try however short of the mark?

In a time when high school principals and college presidents are toppled ungently from authority or even from their feet by the changing tides of student unrest, how good it is to remember one who by a little movement of the shoulder could silence 500 lusty shouts. In a time when bootless vandalism is destroying millions of dollars of school property annually, how good it is to know there is still one who can stand before the multitude, and say, "One among you has had the misfortune to break a window in the new dorm. Please come tell me about it tomorrow," and confidently expect the malefactor to make his contrite appearance.

Probably the severest test any of us can apply to our decisions, whether in government, business, profession, or simply in the field of human relations is:

1. What would Mr. Boyden do?
2. How would he do it?

We have only to consider such a test to realize how imperfect is the world we live in. The gap between what is done and what should be done, i.e., what Boyden would do, as well as between how things are done and how he would do them, is so great that it staggers the imagination and sobers thought. Frank Boyden, the attorney, the doctor, the scientist, the businessman, the government official, the advertising executive—is there any question he would be a success? More importantly, is there any question that he would find the formula for such success in ways less calculated to cheapen or dehumanize the American character than many in current vogue today? The very magnitude of the gap between the Deerfield ideal and contemporary compromise suggests the true value of the Deerfield experience.

All the school ever asked of us was our best. That was good enough on the Second Midgets, the First Juniors, in the classroom, in our relations with each other, with the faculty. I was even forgiven a case of sophomoritis although, as the headmaster said at the time, it was a pity I had to get it in my junior year.

None of us has a corner on Deerfield reminiscences. It seems almost a presumption to speak, in this way, about the school to fellow graduates, better to say fellow fallen angels from the Deerfield ideal.

We can only hope not to squander the whole legacy. It would be hard to do for it's divided in equal shares in an open ended and expanding trust. To keep it open, I take it, is the intent and purpose of this gathering as well as to reassure Mr. Boyden that this is so. The dividends for me, as for you, keep coming in. For me, in my work, certainly Mr. Boyden's up-dating of St. Paul's Epistle to the Romans, "Be not forgetful to entertain strangers," has proved fruitful guidance as was his way of meeting men which made me realize there is nothing trivial about "meeting and greeting" the stuff not only of Protocol but of life. Earlier, in the Justice Department, working on juvenile delinquency programs, I did have to repeat over and over to myself the Boyden dictum, "There is no such thing as a bad boy." To keep that axiom in focus was my sorest trial, and yet I believe it is still apt in a profound sense.

But if a man could be so versatile, so universal in temperament and skill as to take on any job then it is meet and right that he should choose to teach. I'm sorry for the law—the case books are poorer for it. Medicine is a decade behind. The business world has suffered a grievous loss. Certainly the stock market is down. Yet, thank God, Frank Boyden chose to teach. Many are thankful besides those of us here. News of a great teacher travels far. So it was no surprise to me to be invited to attend a few months ago a luncheon for educators at the White House, at the conclusion of which our President presented our headmaster a certificate of gratitude on behalf of the government and people of this nation for his service to education. Mr. Boyden thought he had been invited to discuss the place of the private school in secondary education. So he was quite surprised, and he looked up at the President (the President *is* taller) and said, "Well, Mr. President, as Bennett Cerf once said, 'Thanks'."

That's about all any of us can say to him and to the immortal school he built and to the great woman who helped him.

In antiquity there were altars to the unknown Gods. Malraux, the French Minister of Culture, reminds us, too, that "man is a fraternity joined in a drive to find something beyond himself." The 2-minute silent look at the Pacumtuck hills which Mr. Boyden urges us all to take testifies to his faith that the search has value, and that we will not abandon it, nor the school that inspires it.

Some 17 years ago, Mr. Boyden's 50th anniversary as headmaster was celebrated on one of the upper floors of the Waldorf-Astoria. Apparently 50 years in such capacity aroused the curiosity and admiration of some. I was there and I remember the horse that was led slipping and cloppeting across the stage to be presented to him in order to pull his sulkey provided the elevator could get him down in one piece. And I remember that on his 60th anniversary, which again some people felt deserving of notice, many of us were asked to pen our thoughts about this man. And I would like to close with those which I wrote at that time.

"The game was over. He was the first on the field to congratulate the other team. In fur collared coat and rumpled hat he turned and raised his arms for silence and the song. Its notes lifted into the quick cooling sky. Then through darkening shadows the boys went back, back to the books, the hopes, the dreams that a great school is made of. Leaves scuffed up mixed with those drifting down, like old values meeting the new and finding themselves the same.

"He remained for a moment clearing his spectacles. Was it mist or memory? For here were old touchdowns, goal line stands, impossible catches, and the stifled pain of boys becoming men.

"The game was over. Who won? No matter; the victory, in any case, was his."

And so it will be in every life he has touched.

TRIBUTE TO FRANK L. BOYDEN, PRINCIPAL OF DEERFIELD ACADEMY

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. CONTE. Mr. Speaker, yesterday I had the sad duty of informing this body of the death of Dr. Frank L. Boyden, the famous headmaster of Deerfield Academy in my First District of Massachusetts.

As I said at that time, it is impossible to do justice to such a glittering career as Dr. Boyden's in a short time. Today's edition of the New York Times recognized the stature of this great educator and published a long article on him which I know is of great interest to the many Members of this House who knew and loved Frank Boyden.

At this time, Mr. Speaker, I submit the Times article for the RECORD:

FRANK L. BOYDEN, 92, PRINCIPAL OF DEERFIELD ACADEMY, IS DEAD

DEERFIELD, MASS., April 25.—Frank L. Boyden, who came to Deerfield Academy in 1902 as principal of a dying village institution and made it a notable preparatory school for boys, died this morning at his home here. Mr. Boyden, who retired as headmaster in 1968, was 92 years old.

DEAN OF HEADMASTERS

(By Farnsworth Fowle)

For over 60 years Deerfield Academy evolved around the quietly dominating personality of Frank Learoyd Boyden, one of the most original and eventually the best known American headmaster of his times.

The late John Gunther wrote that "he probably knows as much about boys between the ages of 14 and 18 as anybody alive."

Mr. Boyden, who held many honorary degrees, found his vocation by accident. He was born and grew up in Foxboro, Mass. On graduation from Amherst College in 1902 he needed money to study law and enter politics, the family foundry business having been wiped out by fire. He took the job in Deerfield, 10 miles from Amherst, as a chance to save and to start reading law books.

Deerfield Academy, founded in 1799, had 15 boys and girls as day pupils when Mr. Boyden took over the rickety old building that fall. The boarding department had long since lapsed.

The school could not field a full football or basketball team in his early years, and Mr. Boyden, as coach, took on the additional duties of quarterback and first baseman. Opponents didn't object; Mr. Boyden was shorter and lighter than most of his players.

In athletics, he started early a pattern of good sportsmanship and outright courtesy to opponents, during as well as after a game.

As a builder of this tradition, he received the Distinguished American Award of the National Football Foundation at its Hall of Fame dinner last December at the Waldorf-Astoria Hotel.

Mr. Boyden had an easy, unassuming way with the pupils—and with their parents. A Yankee in character and accent, he was not long in making himself at home in Deerfield, where the ancient houses, elms and perhaps even the personalities of 17th-century New England were well preserved.

He also made friends with the newer settlers on the farms up and down the Pocumtuck Valley. By 1904 enrollment at the academy had risen to 62.

In 1905, against what he later called his better judgment, he hired a young local woman, Helen Childs, a year out of Smith College and with less teaching experience than his own. Her humor was swift and warm; his was slow and dry. They were married in 1907. Mrs. Boyden, who turned out to be a natural teacher, coaxed six decades of students through mathematics and chemistry.

Mr. Boyden abandoned the classroom as soon as he had the teachers he wanted. Over the years he enlisted drill-masters of the old school, hearty young athletes fresh from college triumphs and others with the gift of stimulating a love of learning. He left them alone, explaining:

"If they don't know more about what they're teaching than I do, they shouldn't be here."

The boarding department was revived in World War I after out-of-town parents began arranging to board their sons in the village so that they could attend the academy. But there was no switch to the style of the fashionable preparatory schools of the day.

Every boy took his turn at chores, such as waiting on tables and raking leaves. Mr. Boyden was generous with scholarship aid but tried to keep it secret, even from the recipients. Every boy was made to feel a duty as host to go up to any stranger in Deerfield and ask if he could be of help.

Then and later, Mr. Boyden was not much given to lecturing his charges. His admonition, whether to one boy or to the whole school seated before him every evening on the carpeting of the school living room, was in the nature of a swift and penetrating aside.

A favorite maxim was: "There's nothing in the world like good hard work."

Deerfield's old school building was condemned in 1928, and a new fund-raising effort ran into the Depression. But Mr. Boyden and his old-fashioned, new-fashioned institution won new supporters. In 1931 a red-brick Georgian building opened on the old site facing the village common.

In later years Mr. Boyden served many other schools and colleges as a trustee. He was chairman of the trustees of the University of Massachusetts, which is located in Amherst, during its rapid expansion in 1960–70.

A canny politician, he was able to persuade the Massachusetts Legislature in 1962 to grant the university much greater autonomy. Used to handling the reins of authority in his own institution, he became known to fellow-trustees from the eastern part of the state as "the fastest gavel in the West," as recounted in John McPhee's biography. "The Headmaster: Frank L. Boyden of Deerfield," published in 1966.

When he yielded his Deerfield post to David M. Pynchon, now headmaster, Mr. Boyden kept on giving much time and energy to a successful $20-million fund-raising drive; the school's endowment now exceeds $15-million. In failing health this spring, he nevertheless appeared briefly at the Franklin County alumni meeting here April 4 and at the Western Massachusetts Football Hall of Fame, of which he was a founder, on April 11.

Surviving are his widow; two sons, John C. of Yarmouth Port, Mass., and Prof. Theodore C. Boyden of Atlanta; a daugher, Elizabeth Boyden of Deerfield, and two grandchildren.

The funeral will be private. A public memorial service will be held at the academy on Thursday at 2 P.M.

AMNESTY

(Mr. DORN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DORN. Mr. Speaker, amnesty for those who broke the law and fled the country is an incredible proposal. Amnesty would be a severe blow to the defense of our Nation during these critical times. Amnesty would undermine all law. It would be a step toward anarchy, chaos, and a breakdown of all discipline so necessary for the survival of all our democratic institutions. Amnesty would be a reflection on the courage and fidelity of the overwhelming majority of American men and women who have faithfully served our Nation. To reward those who ran from duty would be a reflection on our men and women who wore our uniform in all of our great history. It would be a reflection on our flag and all that it stands for in the cause of human dignity and freedom throughout the world.

Mr. Speaker, with great pride I read to the House a concurrent resolution adopted by the South Carolina House and Senate "To memorialize the Congress not to enact any legislation that will grant amnesty to draft protestors who have fled the country":

> Whereas, cowardice in the face of the enemy is in the eyes of patriots an act so dishonorable as to rank equally with treason, to overlook cowardice is to reward and reinforce it, to forgive it is to guarantee its recurrence; and Whereas, there are thousands of brave, loyal Americans who are now dead, missing in action, prisoners of war, or crippled physically or mentally as a result of their service and loyalty to their flag, even in some cases against their will, and there are numbers of families, loved ones and friends of these brave men and women, who should not see their sacrifice mocked by granting of amnesty to cowards. Now, Therefore, Be It Resolved by the House of Representatives, the Senate concurring: That Congress be memorialized to refuse to grant or to allow the granting of amnesty to all draft protestors who fled this country rather than to serve her. Be It Further Resolved that copies of this resolution be forwarded to each member of Congress from South Carolina.

Mr. Speaker, this concurrent resolution is signed by Hon. Solomon Blatt, speaker of the South Carolina House of Representatives, who has served as speaker or president of a parliamentary body longer than any man in the history of the world. Mr. Speaker, you will further note the resolution was introduced by Messers. Fulmer, Dunbar, Warr, Mitchell, Gary E. Byrd, Jr., Wright, Earle, Mrs. Frederick, Messrs. Knight, Rowell, and McGill.

WAR POWERS LEGISLATION

(Mrs. GREEN of Oregon asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, yesterday, along with my colleague in the Oregon delegation, WENDELL WYATT, I introduced a war powers bill which is identical in all important respects to one I introduced back in October of 1969, in the 91st Congress.

The bill that we have introduced not only defines the conditions for the use of draftees in such contingencies as precipitated the Korean and Vietnamese wars, but defines anew Presidential and congressional prerogatives in such matters, avoiding as far as possible unwarranted encroachment on their mutual and heavy responsibilities.

The essentials of this bill are as follows:

> A. The President is allowed, without the prior consent of the Congress to commit troops to a combat area, volunteers without limit, draftees for the first ninety days only.
>
> B. Within 90 days, Congress by resolution (or declaration of all-out war) must endorse the original Presidential action to permit continuation of assignment of draftees to combat areas, or they must be promptly withdrawn.
>
> C. Within 180 days of the President's initial commitment of troops to a combat area, all are to be promptly withdrawn unless the Congress has formally declared a state of war to exist.

There are important similarities as well as important differences between this bill I am introducing and the so-called war powers bill recently passed by the Senate. Both, for example, seem to have been identically motivated in their avoidance of the emotional issue of the war in Southeast Asia.

Both contain a disclaimer of applicability to that unhappy affair and look, instead, to guaranteeing in the future that we will not back into such a national tragedy again. The realities, as I see them are: that the President must have the authority and the latitude to respond swiftly to crisis situations—a Pearl Harbor of the future—which may lead to a shooting war, but it is intolerable that the Congress should indefinitely default on its grave constitutional responsibility in such matters; that some legislative mechanism needs to be provided to keep us alert to possibilities of literally backing into a full-fledged war, as we never intended to—but did—in Vietnam; finally, that while it may be proper to demand of youth to share in sacrifices made by the entire Nation, even as their forefathers did, it is intolerable to send them off to fight and die for vaguely defined causes in undeclared wars while the rest of the Nation goes on with business as usual.

It seems to me the bill I am introducing has certain advantages over S. 2956. That bill, for example, does not take into consideration the special problem of the draftee in undeclared war situations. While it is reasonable to assume that we are moving to an all-volunteer concept, the fact remains that we are still a long way from that goal. It must be recognized, meanwhile, that the crisis in confidence in the present Vietnam situation is somehow rooted in the draft.

Against the background of the Vietnamese war, it was inevitable that the draft would become the focal point for the growing alienation and disaffection of our young people who are more and more subject to crises of conscience involving life or death consequences. If the restrained, responsible majority of young people are repelled by the oftentimes irresponsible conduct of the New Left, it must also, by no means be assumed that they are enchanted by the continuing alternatives held out to them by what they refer to as "the establishment."

I would hope that this Nation could avoid another morale-deadening situation like the present one which sees the desertion rate for all services running at one every 6 minutes, and the polarizing issue of amnesty for the thousands who have fled their homeland thrust to the forefront of the national conscience.

The most striking difference between the bill I have reintroduced and that recently passed by the Senate is undoubtedly the one setting time limits for mandatory congressional actions to be taken in the wake of presidential initiative in crisis intervention situations. But if we seriously mean to allow the President the prerogative of committing U.S. military forces on his own decision and without prior consent of the Congress when the situation dictates, then it does seem to me that the 30-day limit of the Senate bill is inhibiting if not self-defeating. A "show of force" consisting of quick reaction forces from U.S. Strike Command could probably be mounted in that tight time limit but not a true intervention such as we are attempting to direct attention to here. It is the difference between the sending of Marines into Lebanon and the dispatching of a joint task force into the Dominican Republic to quell an incipient Communist takeover Whether we agree or not on the rightness of the action both ventures, it can be argued, were successful—if we confine ourselves to a limited military definitions of success. The Dominican Republic intervention was far more ambitious in size, scope, planning and operation but obviously could not have been completed in a time limit of 30 days. The 30-day time limit would not have accommodated even the modest show of force executed in Lebanon back in 1958, involving 14,300 troops at its high point and which lasted almost precisely 90 days—from July 15 to October 25. Setting the initial decision point for congressional consideration and action in this bill introduced back in 1969 did not, in other words, arise by simple chance. Careful attention was given to valid historic precedents in this dangerous new age we live in.

The 30-day time limit provided in the Senate bill does not appear realistic in the light of historical precedents available for examination. While it would be sufficient for a modest show of force, such a stringent limit appears inadequate to deal with a Pearl Harbor of the future. It seems to me, too, that the Senate bill never comes firmly to grips with the problem of determining when a true state of belligerency exists, whether we are in or out of a war.

S. 2965 has made an attempt to codify all situations under which the President could launch military operations on his own initiative. I considered this, too, and rejected it on the basis that any determined Chief Executive could overcome the barriers of any language that could be devised. The 90- and 180-day decision points provide in successive steps for the orderly examination of any given situation and produce a definite congressional effect on matters of peace and war. Even if the Congress were to take no action by the end of 90 days, it would still have the effect of removing all draftees from the combat zone. At the end of 180 days, the absence of a formal declaration of war would have the effect of removing all U.S. combat strength from an actual or potential war zone.

What President could say that such a bill is either confining or inhibiting to the prerogatives of his office? At the same time, neither could it be said that the Congress was not reasserting its constitutional authority in this gravest of matters.

There is no lack of precedent for a bill such as I have proposed: an amendment to the Selective Service Act approved by the Congress September 16, 1940, succinctly stated that draftees would not be employed beyond the limits of the Western Hemisphere except in the territories and possessions of the United States, including the Philippine Islands. I submit that this legislation, passed while a war raged in Europe and slightly more than a year before Pearl Harbor, was far more restrictive than anything I am now proposing.

Finally, Mr. Speaker, let it be noted that while the bill I have reintroduced has refrained from spelling out the conditions under which a President might risk involving us in a war, it has presumed to spell out what a war is and how it differs from a mere "police action" or show of force.

The tough proposition in my bill, and I acknowledge it as such, is that 6-month countdown to a congressional vote for a declaration of war, which failing to carry simply signifies that it is the will of the people, expressed through their elected representatives, to have no war at all.

I repeat: no war at all.

Neither police action, brushfire, limited general, nuclear, or non-nuclear, nor one involving voluntary or involuntary service by members of our Armed Forces.

The bill as I view it looks in two directions, meets two demands of the Republic, and offers reassurance to those who may have differing fears about our conduct of foreign policy in the future.

The bill permits the President, if he does so wisely and judiciously, to exercise those prerogatives intended by the Founding Fathers and which are in keeping with the harsh realities of a world increasingly armed to the teeth.

At the same time, the bill provides for congressional due process under those safeguards set forth in the Constitution, whereby those who have been chosen to represent the citizenry in questions of war and peace, determine at a date certain whether the Nation is at war or not.

The bill, then, is an attempt to build within a temporal framework a bridge between what have become in this hostile age conflicting mandates of our own Constitution. We may again and again be faced with situations where the President of the United States could hedge his better judgment in foreign affairs because his concern for internal discord counsels timidity. Because of the experience of Indochina and its deep and unhealing scars, that President may, I am suggesting, "second-guess" himself on the foreign front out of concern over reaction on the home front.

To those who are concerned that the experience of our gradual descent into the blood-soaked quagmires of Southeast Asia remains subject to repetition elsewhere in violation of the letter of the law, this bill offers a mandatory procedure of checkpoints along the way, where we may stop and carefully weigh all the hazards of continuing or not continuing.

We are today in the seventh year of an agonizing war that has involved this country in hostile actions in four countries of Southeast Asia. It is a conflict which has not only destroyed the lives of uncounted thousands in the villages and cities and jungles of that far-away land, it is a conflict which has ripped asunder the fabric of American life, carrying to their deaths over 55,000 young Americans. And still the war drags on.

What has been minimized by many as a "small war in a small country in a distant land" threatens to paralyze the will and determination of one of the most advanced societies in human history. The mounting disillusionment within the American population about the objectives and the results of this war coupled with the serious erosion of U.S. programs for meeting real human needs both at home and abroad must give us a new sense of urgency. I fear for a nation that experiences such immense difficulty in reversing misguided courses of conduct. We must "get back from the shadows of war and search out the ways of peace" as John Kennedy so eloquently expressed our feelings in a memorable appeal to the conscience of this nation.

In our searching out of "the ways of peace," one objective is abundantly clear: the Congress of the United States must never again allow itself literally to stumble into full-scale war even though undeclared without exercising its Constitutional powers.

As a final consideration, it seems to me that the existence of such an American law—as provided for in the bill I have reintroduced—can vitally affect situations we can forsee only in shadowy outline, such as the fears and overreactions of other countries whom we could face in a period of hostility across potential battlefields.

There are millions and millions, today, in the Nation who are saying of Vietnam, "never again." While their vow is the same, their reasons may differ. For there are those who say "never again" will we fail to bomb hard, heavily and early, for the battlefield losses that come from that failure are a frightful price to pay for that early timidity. There are those who say "never again" will we unleash our military forces to devastate a small nation barely out of the 19th century using weapon technology that seems to reach into the 21st century. There is small solace in believing that we will recognize the Vietnam-type situation when it emerges again in our history. A more reasonable assumption is that the situation will come in different guise and that the particulars in every respect will be different.

And while in that new and differing situation, we may not all agree on what is to be done, we can agree beforehand about the due process that will guide us under conditions where a limited few may understand fully the situation we face and the rest of us are yet learning and yet reaching judgments about the situation.

A declaration of war is the most serious consideration that ever comes before this House. There are some who would have readily voted for it in 1965; there are others who would have readily voted against it.

I do not think too many would have been found in either camp. I, myself, am on record as opposing our involvement in Vietnam. I was one of seven in the House who voted against President Johnson's request for approval of $700 million in 1965 as an endorsement of his escalation policy. I wish there had been more opposition to Vietnam in the country and in the Congress then—but that is in the past. We must make the wisest decisions we can from this point on.

With the reintroduction of this bill, my distinguished colleague and I again invite you back to that harder path from which we have all strayed.

THE LATE DR. FRANK L. BOYDEN

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, I rise out of deep respect for Frank L. Boyden, headmaster of Deerfield Academy, who died yesterday. I want to say a brief word today in furtherance of some of the thoughts that SILVIO CONTE expressed yesterday in bringing this sad news to the House.

Dr. Frank Boyden was the great headmaster of America. He was our "Mr. Chips." Indeed he was much more.

He understood and loved boys to a very remarkable degree, and he inspired generations of young men.

His life was devoted to the teaching of his boys at Deerfield Academy, where he was headmaster for 66 years before his retirement in 1968 at the ripe young age of 88. He was a teacher in the truest sense, not only as a scholar but as a remarkable developer human character. He taught not only by instruction, but by example, and surely thousands of young men became better citizens for having followed the example he set.

Dr. Boyden believed in hard work. Students at Deerfield were encouraged to work on nearby farms and participate in community endeavors. Excuses were not accepted lightly, for Dr. Boyden knew that if a boy started making excuses this could become a trait carrying over throughout his life.

He had a deep and abiding belief in the role of the secondary school in developing the qualities of leadership, self-discipline, sportsmanship, a love of scholarship, and above all a beginning commitment to good citizenship.

In a personal sense he developed a rapport with every boy who went through Deerfield. He handed out the grades himself. His office was situated in an alcove in a hallway, where he was easily accessible to his students. He coached varsity football, basketball, and his special love, baseball.

Needless to say, his teams won. While he was not congenial to losing, his paramount concern was sportsmanship. One of his fondest quotations was, "It is not whether you win or lose, but how you play the game."

He was simple and direct with a twinkle in his eyes that betrayed an infectious sense of humor—wry in character but laced with genuine New England Yankee wit.

His achievements were extraordinary. In the face of frequent and substantial adversity he built a one-room schoolhouse of 15 students into one of the greatest secondary schools in America. He went to Deerfield in 1902 to earn money for law school. The legal profession never gained him, and for that the cause of education in this country may be eternally grateful.

The many trusteeships in which he served at schools, colleges, and universities are testimony to the esteem in which he was held by his colleagues in the education profession. Amherst was his alma mater, but many more institutions benefited from his great wisdom and experience, most notably perhaps the University of Massachusetts where he was chairman of the trustees.

His appreciation of history was deep, and his contributions to its preservation were considerable, both in historic Deerfield, Mass., and as a member of the Jamestown-Williamsburg-Yorktown Commission.

Those who knew Dr. Boyden will understand that mere words are inadequate to convey the immeasurable qualities of goodness which characterized his life and touched all who ever had the privilege of his company. His capacity for patience, kindness, and vision exceeded that of most men, and he could transfer a measure of these qualities to those about him.

Dr. Boyden's name has become synonymous with Deerfield, yet his influence is felt far beyond. He was a friend of Presidents, as he was a friend of all who knew him. It is unlikely that any who met him has ever forgot him.

His influence on many generations will be abiding and a constant inspiration. American education at all levels will long benefit from his creative leadership. America has lost a great schoolmaster. We will not see his like again, but his person and vision will belong not just to history but to the future.

The Nation will deeply miss him. Our profound sympathy goes to his wife, Mrs. Helen C. Boyden, to his family, and to the Deerfield community.

OVERSIZE-OVERWEIGHT VEHICLES ON INTERSTATE SYSTEM

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. SCHWENGEL. Mr. Speaker, on February 2, I introduced H.R. 12865, a bill to amend section 127 of title 23 of the United States Code. This bill is an attempt to curb the tremendous use of special permits as a means of allowing oversize-overweight vehicles to traverse our Interstate System on an indiscriminate basis. As I noted at that time, many States have been issuing special permits on a blanket, fleet basis, contrary to the original intent of the law. Costs, fees, renewals, and operations, also vary significantly from State to State.

Studies have shown that many heavy carriers do not pay their way effectively. In States where no charge is made for special permits—Alabama, California, Connecticut, Massachusetts, Nevada, North Carolina, Ohio, Oregon, Rhode Island, Tennessee, and Wisconsin—it is obvious that damage to the highways goes on without compensation.

The Heavy Specialized Carriers Conference recently noted opposition to my bill. The April 1972 issue of Transportation Engineer points out that the heavy carriers fear this bill because:

> (It) would include a restriction on special permits to one trip only (positively no blanket permits) and a fee on each permit based upon highway maintenance and repair costs.

Indeed, that is precisely what this bill would require. The heavy carriers, by this action, only further substantiate the information I inserted in the RECORD on February 2. Clearly, these permits are being issued on a blanket basis with no relation to highway maintenance and repair costs. The heavy carriers realize this, and they fear the loss of this advantage.

Another criticism lodged against H.R. 12865 is that it is more federalism, a divestiture of State government authority to issue special permits. This is fallacious; H.R. 12865 will only require the establishment of national standards on issuance and costs, leaving the actual issuance and pecuniary gain to the individual States. By providing national standards we will not be downgrading State regulation, but will be complying with the original intent of the law. As I have noted previously, the need for uniform national standards is clearly evident. A Comptroller General's opinion states that:

> Our review of the legislative history of Section 127 indicates that amendatory legislation may be desirable in light of the significant number of special permits annually granted by States.

It is time we recognized the existing problem. To continue to allow the original intent of the law to be abused is unwarranted, and to allow special permits to be issued indiscriminately without exacting some consistent and fair compensation for the wear and tear to our highways is unconscionable. My bill will stabilize and improve this situation. By providing national standards for permit issuance, and a well-conceived rate schedule, we will be doing the motoring public a favor and insuring the longer life of our Interstate System.

PANAMA CONSTITUTION AMENDMENT DRAFT: PLAN FOR CONTINUED PRO-RED DICTATORSHIP

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 15 minutes.

Mr. FLOOD. Mr. Speaker, the last constitutionally elected President of Panama was inaugurated with elaborate ceremonies on October 1, 1968. Ten days later, on October 11, his government was overthrown in a military coup d'état and a revolutionary regime established. The deposed officials took temporary refuge in the Canal Zone to avoid assassination and some went into exile. The United States soon recognized the new government, which is still in power. The strongmen, caudillo, in this pro-Red military dictatorship is Omar Torrijos, Commandant of the National Guard of Panama, a former member of the Communist Peoples Party of that country, and possessed of an overweening and sanguinary ambition. The puppet President of Panama is Demetrio Lakas.

The Constitution of Panama in effect at the time of the 1968 overthrow was that enacted on March 1, 1946, by the Second National Constituent Assembly of Panama. Consisting of 256 articles on 53 pages, this Constitution is complicated and lengthy as compared to that of the United States but it did provide for a republican form of government.

Under constitutional presidents, the Republic of Panama, assisted by a friendly Government of the United States, has prospered; and on the whole has been governed as well as any other Central American country. There have been constitutional presidents of Panama elected by the people who have had very good administrations, such as Belisario Porras. He served three times with outstanding ability and with a high degree of understanding and cooperation with the United States as regards the problems of the Canal Zone and Panama Canal.

Dr. Porras was immensely popular with the people of Panama, became one of the ablest statesmen in all of Latin America, and won a place of great distinction in the history of his country. He needed no military coups, censorship, or any other aids of despotism to remain in power.

During his incumbencies, Panama presented to the world the image of a country dedicated to republican principles of government: "of the people, by the people and for the people." Any comparison of Dictator Torrijos with Dr. Porras is like comparing a candle to the sun.

Dr. Porras recognized the great value of the canal to the prosperity of Panama and the necessity for the resources and strength of the United States for proper maintenance, operation, sanitation and defense of the canal and its indispensable protective frame of the Canal Zone.

The revolutionary despotism now in control of Panama is operating hand in glove with the U.S.S.R., the agents of which are already on the isthmus and in the Panama Government. It has been increasingly evident that these agents are constantly in touch with Panamanian leaders in all matters of consequence.

Among the first acts of the present revolutionary regime were suspension of the Panama Constitution and National Assembly. These were followed by studies for amending the 1946 Constitution of Panama in order to confirm and perpetuate the dictatorship. According to information from isthmian sources, the 1972 constitutional revisions were the work of Marcelino Jaen, brother-in-law of Omar Torrijos and president of the Committee for National Constitutional Reforms, assisted by its secretary general, Carlos Calzadilla. The latter is recognized as one of the most notorious and rabid Communists in isthmian history for it was he who led the movement against the 1947 Defense Base Treaty that resulted in the loss by the United States of the Rio Hato Base following World War II.

The proposed amendments are most significant. Because of their radical nature, I shall summarize some of their highlights:

First. The executive organ will consist of a magistrate known as the President of the Republic, a Chief of Government and Ministers of State; new article.

Second. The President, in effect, is made a figurehead elected for a period of 6 years by a majority vote of the Assembly of Borough Representatives on the same day that the Representatives are installed every 6 years—article 138—and he may be re-elected for another 6-year term—article 139.

Third. The Chief of Government, who will form part of the executive and preside over the Council of Ministers of State, will have total administrative and political control over the country. He will be elected for a 6-year term, may be re-elected for two more 6-year terms and, in addition, hold the position of Commandant of the National Guard—new article—which is the only police and military establishment of Panama. He will be able to appoint and dismiss ministers of state—formerly the function of the President—appoint and discharge officers of the National Guard, and send to the Assembly of Borough Representatives the list of candidates for the National Assembly.

Fourth. The National Assembly will be composed of 25 Assemblymen elected by the Assembly of Borough Representatives for a 6-year term. Its function is not legislative but to assist in carrying out the policies of the revolution.

Fifth. Other reforms in the proposed Constitution allow for expropriations of land and other property by means of judicial decisions, changing of the legend on the Panamanian coat of arms from "Pro Mundi Beneficio"—for the benefit of the world—to "Todo por la Patria"—all for the fatherland—acceptance temporary jurisdictional limitations granted by treaties, binding the President by oath of office to comply with the "ideals of the revolution" as well as with the Constitution, and providing that no actions by the President, with certain minor exceptions, will be valid unless approved by the Chief of Government—Commandant of the National Guard—and the Minister of State for the activity concerned.

Mr. Speaker, the proposed amendments for the Panama Constitution will inevitably have an impact on the administration and security of the Panama Canal. In addition to being designed to prolong the tenure of the present revolutionary regime controlling Panama, which is heavily infiltrated with Soviet agents, the amendments are obviously correlated with the announced program of the State Department for the liquidation of the Panama Canal enterprise. As to this, I ask who are the geniuses in that Department who have misled successive Presidents of the United States in fostering suicidal Isthmian Canal policies against the best interests of the United States, the Western Hemisphere, and even Panama itself.

As an evaluation of the proposed amendments will require repeated reference to the 1946 Constitution of Panama, I quote both, notwithstanding the length of the latter, as parts of my remarks and urge that the proposed amendments be carefully studied by all agencies of government and other interests concerned with Isthmian Canal policy matters.

Mr. Speaker, I include the above mentioned material:

REPUBLIC OF PANAMA—1946 CONSTITUTION AMENDMENT DRAFT

TITLE 1. (THE PANAMANIAN NATION)

Article 1 shall read as follows: The Panamanian nation is a Federal and independent country. It has a republican and representative Government system known as the Republic of Panama.

Article 2. Public power is derived from the people. The nation exercises it in accordance with this constitution and through the Executive, Legislative, Judicial and Electoral organs which act in a limited and separate manner, but in close harmony.

Article 3. The Republic of Panama is on the continental and insular territory between Colombia and Costa Rica, in accordance with boundary treaties signed by Panama with those Republics.

Item—No part of its territory shall be subject to jurisdictional limitations; the Government may, however, accept such *temporary* jurisdictional limitations granted by public treaties signed prior to these constitutional amendments.

Article 5. The territory of the Republic of Panama is divided into boroughs or basic political communities, grouped in municipalities to coordinate work within their jurisdiction.

Municipalities will have fiscal autonomy and will be united to form provinces.

The law may create counties subject to special regimes, and establish other territorial divisions out of administrative convenience or public service.

Article 6. The Nation's symbols are: The national anthem, the flag and the coat of arms adopted before 1941, with the exception that its motto will be: "All for the Fatherland".

Article 7. Spanish is the language of the Republic; but the nation will promote the vernacular language of the Indian regions. (Choco, Kuna, Carib and Guaymi.)

TITLE III (INDIVIDUAL RIGHTS AND DUTIES)

Chapter 1. Fundamental guaranties

The second paragraph of Article 21 shall read as follows:

Panamanians will be entitled to political rights by birth.

Article 39. All inhabitants of the Republic shall have the right to meet peacefully and unarmed for legal purposes; but demonstrations or meetings in the open shall be subject to permission from the appropriate local authority.

The appropriate local administrative authority shall be notified of meetings or demonstrations in the open, which it may deny for reasons of social security or public order.

In the event permission is granted, the local administrative authority may take such police measures as may be necessary to prevent or suppress abuses of this right, when the manner in which it is being used causes or may cause traffic obstructions, disturbance of public order or violation of the rights of third parties.

Article 46. There may be expropriations for the sake of public welfare or social interest either by summary judgment or compensation.

Article 49. In the event of war, serious disturbances of public order or social interest of an urgent nature, requiring immediate action, the Executive may decree the expropriation or occupation of private property.

When return of the occupied object is feasible, occupation will be only for the duration of the circumstances causing it. The final paragraph of this article is eliminated. . . .

Article 53. A state of emergency or temporary suspension shall be decreed by the President of the Republic and with the concurrence of the Government Chief and Ministers of State and the approval of the National Assembly, but reluctance by the Assembly will not prevent the effectiveness of the Cabinet Decree.

The President of the Republic shall inform the Assembly of Borough Representatives about the action agreed upon, so that they may take the necessary support measures. Notification shall be made by the corresponding resolution.

Once the cause for the state of emergency or temporary suspension of individual guaranties has ceased to be, the President of the Republic, with the concurrence of the Ministers of State, and the approval of the National Assembly, will lift such emergency and the suspension. The Executive Organ may lift the state of emergency or the suspension with the negative vote of the National Assembly.

Article 65. The law. . . .

The third paragraph of this Article will read as follows: The minimum of all salaries or wages cannot be attached, except for support obligations as provided by law The workers' tools of the trade may not be attached either, nor may land of no more than 5 hectares belonging to agricultural workers and agricultural settlement farms, which will be considered as tools of the trade for such purposes.

Articles 67, 68 and 69 must be adjusted according to the new Labor Code. . . . Also, we should include the bonus (the thirteenth month) as non-distributed benefits and one of the workers' rights.

Article 78. Elementary education (which will consist of nine school years) will be compulsory. Preschool, elementary education and secondary public education in all grades and types shall be free. Free preschool and elementary education means the Government's obligation to furnish all items needed for learning, books, transportation, and when necessary food, during school hours. Free secondary education does not preclude the establishment of an enrollment fee.

Article 91 is to be replaced by a provision which will take into account the philosophy by which INCUDE[1] was created.

Article 92. The second paragraph of Paragraph (e) shall read: The National Assembly shall issue the Health Code. Chapter 6. Article 94 should be fully discussed with Indian leaders so as not to impose upon them measures to which they would not adapt.

TITLE IV (POLITICAL RIGHTS)

Chapter 1. General provisions

Article 97. All Panamanians over 18 years of age, regardless of sex, are citizens of the Republic.

Article 98. Citizenship consists of the right to elect or be elected to public office during popular elections and of the capacity to hold official positions having power and jurisdiction, but on the basis of the second paragraph of Article 21 of this constitution.

Chapter 2. Suffrage

Article 102 * * *

Paragraph 2 of this Article is eliminated.

The remainder of the article must be adjusted to the cabinet decree amending the electoral code and typifying electoral crimes.

Article 103. Should be eliminated (concerning political parties and their constitution). This article may be replaced by the new system for election of borough representatives in a single direct election which should become part of the new constitution.

Article 104 * * *

Paragraph (*a*) may read thus: Uses his official standing to coerce a private individual or employee to support him or vote for him, or deny a certain candidate such support or vote.

b) * * *

Paragraph (c) may read as follows: Employs or offers to employ any person in a public position on the condition that he support or oppose a certain candidate.

The rest is the same.

Chapter 36. Electoral Organization

Title to be changed to: *Electoral Organ*.

Article 105. One of the Panamanian nation's organs will be that of the Electoral Organ which shall guarantee the freedom, honesty and efficiency of popular suffrage.

The Electoral Organ will be formed by a Supreme Electoral Tribunal, the circuit electoral tribunals constituted, and an Electoral Fiscal's Office having the exclusive authority to organize the entire electoral process and to try electoral crimes. In other words, it shall have exclusive competence in directing, supervising and inspecting all phases of the electoral process and will act as an independent agency of the Executive and Judicial organs.

The Supreme Electoral Tribunal shall have jurisdiction over the entire Republic and shall consist of three Magistrates appointed by the Executive Organ for a 12-year term. Such appointments shall be ratified by the Assembly of Borough Representatives. Each principal shall have a personal alternate who shall fill in for him during his temporary absence. In the case of absolute absences, another magistrate shall be appointed.

The remainder of the article may remain as it is with the exception of the Paragraph which will establish that it is a function of the Electoral Fiscal's Office to file legal action against those charged with electoral crimes and to prosecute offenses and crimes against the purity of suffrage; and Paragraph 9, which should be eliminated and its final paragraph adjusted to the final new provisions on electoral regulations for the selection of borough representatives.

The following paragraph may be inserted: Decisions by the Supreme Electoral Tribunal are only appealable to the same tribunal, and after they have been enforced according to the law they are definitive, irrevocable and compulsory. Appeals for inconstitutionality are excepted.

New Article: The Electoral Supreme Tribunal will set up electoral circuit courts in accordance with the needs of the country, or may ascribe such functions to existing courts of the civil or penal branches.

A chapter for the Electoral Fiscal's Office is to be established.

TITLE V. LEGISLATIVE ORGAN

Chapter 1. National Assembly

Article 106. The Legislative Organ shall consist of a technical corporation known as National Assembly, composed of 25 deputies. Efforts will be made for each province to have at least one representative and that he be most representative in matters of labor, trade and production. Each deputy shall have a personal alternate to fill in for him during his absence. If the principal and the alternate are absent, the Government Chief will submit another list of candidates to replace them.

Article 107. Should be eliminated.

Article 108. Deputies and their alternates will be selected in the following manner: The Government Chief will submit for consideration by the Assembly of Borough Representatives, fifteen days prior to its installation, a list of names (three for each deputy to be selected and three for each alternate) of which the Assembly of Borough Representatives will select 25 principals and 25 alternates; but maintaining the principle contained in Article 106. Such deputies have a 6-year term.

Article 109. The National Assembly will meet, convened by the Executive, ten days after its designation by the Assembly of Borough Representatives. If it is not convened by the Executive, they may meet on their own right five days after the date they should have been called.

Articles 110 and 111 should be eliminated because the deputies will work during the whole year, just as any other official, during their vacations the alternates will act in their places. This would avoid the calling of special meetings which only serves as political blackmail.

Article 114 should be subject to a complete review in order to adjust it to the new philosophy. Utmost care must be exercised in legislating on everything concerning parliamentary immunity and the authority of the Assembly to try their own members.

Article 118 * * *

Paragraph 3 should be eliminated. This is a function of the Executive.

Paragraph 8 should be eliminated. This pertains to the President.

Paragraph 15 should be the function of the Executive. It cannot be justified as coming within the Assembly's authority.

Paragraph 17 should be eliminated. Statistics and Census is a function of the Office of the Comptroller General of the Republic; the Electoral Census is a function of the Supreme Electoral Tribunal.

Paragraph 21 * * *

The second paragraph shall read as follows: If for any reason the Assembly fails to issue the budget, the Executive shall work with the budget in force immediately preceding the new fiscal year and shall make the necessary adjustments such as overdrafts on the budget in force. The following year a detailed report shall be made to the National Assembly and the Assembly of Borough Representatives on everything acted upon.

Paragraph 25 cannot be justified; it should be eliminated.

All other Paragraphs appear to be adequate to the legislative functions of the National Assembly.

Article 119. Following are the legal functions of the National Assembly: 1. To try cases stemming from charges or complaints filed against the Supreme Court judges, the Supreme Electoral Tribunal, and Labor Court, the Attorney General and the Assistant Attorney General, the Directors of autonomous and semi-autonomous entities, the Ministers of State, and to try them for cause, for actions done in the performance of their work, detrimental to the operating freedom of the executive power or for violating the Constitution and its laws. The law shall establish the procedures to be followed and the penalties to be applied.

(NOTE.—In the event they are guilty of a crime, the President of the Republic, Government Chief and National Assembly deputies shall be tried by the Assembly of Borough Representatives, as the highest body of popular expression.)

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[1] National Institute of Culture and Sports.

Article 120. The National Assembly's administrative functions are as follows:

1. Paragraph 1 should be eliminated.

2. Paragraph 2 should be eliminated. This function pertains to the Assembly of Borough Representatives.

3. The third paragraph should be eliminated as inoperative. The President may leave the country without asking for any permission, as all he has to do is notify the Assembly of Borough Representatives, because the Government Chief has full administrative and political control of the country. To leave the position either on leave or by resignation, permission would have to be granted by the Assembly of Representatives, as the organization which appointed him. Paragraph 4 may remain thus: To approve or disapprove the appointments made by the Executive for Magistrates to the Supreme Court of Justice and their alternates, of the Attorney General and Assistant Attorney General of the Nation, Directors or Managers of autonomous or semiautonomous entities and the Comptroller and Assistant Comptroller General of the Republic. Such appointments shall not become effective until the National Assembly approves them.

Paragraph 5 is unnecessary.

Paragraph 6 should be eliminated, as it could be one of the functions of the Popular Assembly of Borough Representatives which is the highest body of the people's expression. of the National Assembly.

Supervision of the Executive's performance should pertain to the Assembly of Borough Representatives, as chosen directly by the people.

Paragraph 7. It should be understood that the vote to censure may only be made against the affected Minister and not against the Executive which is made up by the Government Chief and the corresponding Minister, because in such case it would pertain to the Assembly of Representatives to make the censures it deems appropriate. The philosophy should be maintained that the only organization directly representing the united people is the Assembly of Borough Representatives or basic political communities, while the others are conferred their authority by the people, through the Assembly of Representatives.

Article 121 * * * (prohibitions to the National Assembly).

Paragraph 4 will read as follows: To commend or censure actions by the President of the Republic and Government Chief.

Paragraph 9 may read as follows: Delegate any of its corresponding functions.

Articles 122 and 123 should be eliminated.

Chapter 2. Enactment of laws

Eliminate the former practice whereby deputies represented bills under their own names for the benefit of their friends and families. The National Assembly should be a technical organization to assist the Executive in advancing the revolution and not make political hay. There should only be one type of law and the deputies should not take the initiative to submit the bills but should leave this to the Executive or to the special committees of the National Assembly, the Supreme Electoral Tribunal and the Labor Court.

TITLE VI. THE EXECUTIVE ORGAN

Chapter w/n. General provisions

New Article: The Executive Organ consists of a Magistrate known as the President of the Republic, a Government Chief and Minister of State.

New Article: In every particular case, the Executive is made up of the Government Chief with the Minister of the pertinent field.

New Article: The Executive Organ shall have as advisory body the General Council of State, made up by Magistrates of the Supreme Court, the Supreme Electoral Tribunal, the Labor Court, the Attorney General and Assistant Attorney General, the Comptroller General of the Republic, the Executive Planning Director, the Directors and Managers of autonomous and semiautonomous entities, National Assembly Deputies and the Rector of the Panama University.

Chapter 1. President and Vice President

Articles 136 and 137 should be eliminated.

Article 138. The President of the Republic shall be elected by majority of votes of the Assembly of Borough Representatives on the same day it is installed every six years.

The President of the Republic shall have a six-year term. Along with the President of the Republic, the Vice-President shall also have a six-year term. The Vice-President shall fill in for the President during his absolute or temporary absences beyond three months.

Article 139. A citizen elected to the Presidency of the Republic may be reelected for another six-year term. On completion of this last term he shall have to wait through two subsequent terms before he can be eligible to fill the job again.

Article 140. Eligibility requirements for President or Vice-President of the Republic:

1. Be Panamanian by birth;
2. Have reached 35 years of age;
3. Enjoy full political and civil rights;
4. Not have been convicted of crimes against the Fatherland, public freedom, the powers of the nation, or public assets; and
5. Not have undertaken nor participated in such actions as falsification of cedulas, electoral fraud, theft of ballot boxes, buying and selling of votes and other acts against freedom and suffrage purity.

Article 141. The President of the Republic shall take office the same day he is elected, before the Assembly of Borough Representatives and will take his oath of office with the following words: "I swear by God and the Fatherland to faithfully comply with the Constitution, the laws of the Republic and the ideals of the Revolution."

The citizen having no religious beliefs may refrain from invoking God's name in taking the oath.

Article 143. The President may undertake, by himself, the following duties:

Paragraph 1 is eliminated (this is a function of the Government Chief).

Paragraph 2. Coordinate the work of the entire public administration; supervise its regular operation and the maintenance of public order.

Paragraph 3 * * *

Paragraph 4 * * *

5. See to it that the National Assembly holds its regular meetings throughout the year and acts on all projects submitted by the Executive.

6. Deliver in August of every year on the first day of sessions of the Assembly of Borough Representatives, a message concerning the Administration's affairs.

7. Represent the Panamanian nation in official and protocolar functions in the country, and when appropriate, officially represent the Republic of Panama abroad.

Article 144. These are duties the President of the Republic should exercise with the cooperation of the Government Chief and the appropriate Minister, or the Cabinet Council:

1. To ratify or veto laws; to observe them and enforce their exact execution.

2. To direct foreign relations, accredit and receive diplomatic and consular representatives, as well as sign public treaties and agreements, to be submitted to the National Assembly for consideration.

Paragraph 3. Should be eliminated. The assembly will only approve or disapprove the appointments made by the Executive.

Paragraph 4. Eliminated. It should be the Government Chief's function.

Paragraphs 5, 6 and 7 should be the functions of the Government Chief, that is, of the Executive.

Paragraph 8 was replaced by Paragraph 2 in this draft.

Paragraph 9. It should be the Executive's function.

Paragraph 10 can remain as it is.

Paragraphs 11, 12 and 13 should be the functions of the Government Chief, together with the corresponding Minister.

Paragraph 14. This may remain as it is.

New Article: To decree the state of emergency or suspension of individual rights, with the Assembly's approval, as provided by Article 53 (of the amendment draft).

New Article: To decree the state of emerquirements shall apply as for the previous article.

Paragraph 15. To confer military rank in case of war; this will be done by the Government Chief under normal conditions.

Paragraph 16. To have under his command, the Nation's Public Force in case of emergency or war. Under normal conditions, the Public Force will be responsible to the Government Chief.

Paragraphs 17 and 18 should be the Executive's duties.

Paragraphs 19 and 20 should be eliminated

Article 145. No actions by the President of the Republic, with the exception of those mentioned in article 143, will have any validity or effect unless ratified by the Government Chief and the Minister of State for the corresponding activity, both of whom, by the same token, shall become responsible for them.

The orders and provisions issued by a Minister of State within his scope, stating that he does so as instructed by the President of the Republic, will be compulsory if they carry the approval of the Government Chief, and shall only be invalidated by the President himself, provided they are within the limits of the powers vested in the President and such officials as stipulated by the Constitution and the law.

Article 146. The President of the Republic may take up to six months' leave from his functions, granted by the Assembly of Borough Representatives which will convene to consider such request. In the event the Assembly of Representatives cannot convene within a period of not more than ten days, the National Assembly will consider such request for leave. If this leave is for more than three months, the Vice-President shall be called upon to take office. The President of the Republic may leave national territory on official business without taking leave, provided his absence does not extend beyond three months. He will only have to notify the Assembly of Borough Representatives.

If his departure from national territory is due to personal business, he shall have to request leave from the Assembly of Borough Representatives, who shall call upon the Vice-President to take office should the absence extend beyond three months.

Should the President leave national territory on personal business, without requesting leave, or without it being granted, he may lose his office.

The Assembly of Borough Representatives, on its own right, may try him. In the event of resignation, such shall be presented to the Assembly of Borough Representatives to be approved or declined. If, because of special circumstances it cannot convene, the National Assembly or the Supreme Court shall consider it.

Article 148 should be studied in detail to prevent malfeasance, embezzlement, misappropriation of public funds, electoral coercion and all kinds of violations formerly committed by the Presidents. A more stringent regulation is required.

Article 149. During the temporary absence of the President of the Republic for a period of more than three months and in his absolute absence, the Vice-President shall exercise his functions; however, in the first instance he will do so with the title of Vice-President in charge of the Executive organ.

The Vice-President may attend all sessions of the Cabinet Council with speaking, but not voting, rights.

Artice 150. Whenever for any reason during a temporary absence of more than three months or the absolute absence of the citizen occupying the Presidency of the Republic, such could not be filled by the Vice-President, the Government Chief will discharge the functions of the Presidency in addition to his own, and shall have the title of Government Chief in charge of the Presidency of the Republic.

Article 151. In the event the absolute absences of the President and the Vice-President occur no less than four years before the expiration of the presidential term, the Government Chief in charge of the Presidency will call the Assembly of Borough Representatives to convene at a date not later than a month after being called, and elect new officers (President and Vice-President of the Republic).

The Government Chief in charge of the Presidency of the Republic shall call the Assembly not later than a month after the absolute absences occur.

Should less than four years remain before the expiration of the term, the Government Chief will exercise his duties until the end of such term. In this event, the Government Chief shall be subject to the provisions of Article 139 (of this draft), insofar as reelection is concerned.

In case the Government Chief refuses, under these circumstances to take definite charge of the Presidency of the Republic until the expiration of the term, the Minister of the Interior and Justice shall do so, provided he fills the eligibility requirements stipulated in this Constitution for President of the Republic.

Article 152. Except as otherwise provided in article 151, the citizen who will replace the President of the Republic in his absolute absence will have the same title, the same category and the same duties.

Article 153. The following persons shall not be eligible for President:

Paragraph 1 should be eliminated, because reelection for a new term is permitted.

Paragraph 2 may read thus: No kin, within the fourth degree of consanguinity or second degree of affinity, of a President who has held that office for a second term after being reelected by the Assembly of Borough Representatives. Relatives within the above-mentioned degrees of consanguinity and affinity shall only be eligible for President of the Republic after the expiration of two terms following the last one held by the former.

Article 154. The following persons shall not be eligible for Vice-President: (Paragraphs shall be similarly adapted, that is, to convey that reelection is permitted.)

New Chapter: *Government Chief*

New Article: There will be a Government Chief who will form part of the Executive Organ, and will preside over the Council of Ministers of State. The Government Chief, together with the corresponding Minister, will constitute the Executive.

New Article: Two days after its installation, the Assembly of Borough Representatives will choose the Government Chief, who will be installed in his position on that same day. The Government Chief will hold his office during a term of six years; however, he may be reelected for two more terms. He shall not be reelected in such position following the last term, until twelve years have elapsed.

New Article: The same eligibility requirements apply for the Government Chief and President or Vice-President, as provided in Article 140 (of this draft).

New Article: The position of Government Chief is not incompatible with that of Commander-in-Chief of the National Guard; but in the event both positions were to be held by a single person, he will only be entitled to one salary as determined by the Wage Law.

New Article: The position of Government Chief is not incompatible with that of Commander-in-Chief of the National Guard; but in the event both positions were to be held by a single person, he will only be entitled to one salary as determined by the Wage Law. (sic)

New Article: The Government Chief will have the following duties which he may undertake by himself:

1. To freely appoint and dismiss the Ministers of State;

2. To annually inform the Assembly of Borough Representatives with regard to the new policy of the country.

3. To freely appoint and dismiss the chiefs and officers of the National Guard.

In case of war, the President of the Republic may confer military rank with the approval of the Government Chief.

4. To establish the fiscal, economic, administrative and social policy to be followed by the country. The Government Chief shall appoint special committees to counsel him with regard to technical issues. These committees shall be honorary.

5. To forward to the Assembly of Borough Representatives the lists of deputy candidates.

New Article: The Government Chief shall have the following duties which he shall discharge with the cooperation of the respective Minister or the Cabinet Council:

1. To appoint, as stipulated in Title (XII) concerning the rights and duties of State officials, those persons who shall hold any national office or employment and who are not otherwise appointed by any other official or corporation.

2. To appoint the Magistrates to the Supreme Court of Justice, the Supreme Electoral Tribunal, the Labor Court, the Attorney General and the Assistant Attorney General, the Comptroller General of the Republic, the Executive Planning Director, Directors and Managers of autonomous and semi-autonomous institutions, the Rector of the University of Panama, Governors and Directors of the Public Registry, within the conditions established in this Constitution.

5. To forward to the National Assembly a revenue and expense budget, public works plan for the following fiscal year and wage law drafts, if he so deems convenient. These drafts shall be forwarded to the National Assembly at least a month and a half prior to the beginning of the new fiscal year.

6. To create or abolish positions and determine their functions, duties, terms and appropriations. This shall be carried out with counselling from the Executive Planning Bureau and the COFADE (Committee for the Strengthening of Development Administration).

7. To present, in writing, to the National Assembly and to the Assembly of Borough Representatives, the reports they may request.

8. To make administrative contracts to render services and for the execution of public works, in conformity with the provisions of this Constitution and the law, and he will have the obligation of giving an account of same to the National Assembly.

9. To grant to nationals who so request it, permission to accept positions with foreign governments, in the cases wherein such permission is necessary, under the Constitution and the Law.

11. To grant commercial and industrial patents, in accordance with the law;

12. To direct, regulate and inspect services stipulated in this Constitution.

13. To regulate laws which may so require it, for their better enforcement, without disregarding their text or spirit in any case;

14. To decree monuments to be erected by the States; and

15. To exercise other functions conferred to him by this Constitution and the law.

New Article: The actions taken by the Government Chief with the cooperation of the corresponding Ministry will not be valid if they are not ratified by the latter, who by the same token becomes responsible for it.

For administrative activities, the Government Chief shall have two executive secretaries empowered to sign in his behalf; nevertheless, they shall have to make a daily report of what they approve or sign. The policy of the Nation shall be determined exclusively by the Government Chief, counselled by the committees, as established in article (w/n) Paragraph 4 of this draft.

New Article: The Government Chief may leave national territory on official or personal business for a period of up to three months without having to request leave; however, he shall inform the President of the Republic and the Assembly of Borough Representatives about his temporary absence.

New Article: In the event of the permanent absence of the Government Chief, he will be replaced by another, as appointed by the Assembly of Borough Representatives convened by the President of the Republic, were it not meeting on that date. From the time this absolute absence occurs until the new Government Chief is appointed, he shall be replaced by the Minister of the Interior and Justice, who in turn shall be replaced in his Ministry's functions by the Vice-Minister.

New Article: In the event of resignation by the Government Chief, the Assembly of Borough Representatives, convened by the President of the Republic, will consider same to approve or decline it. If the Assembly of Borough Representatives cannot meet, this resignation will be considered by the National Assembly or the Supreme Court of Justice.

New Article: No kin within the fourth degree of consanguinity and second degree of affinity, of a Government Chief who has held said office during the last three terms prior to the new election, is eligible as Government Chief. To be eligible, such relatives of the Government Chief will have to wait twelve years after the expiration of his last term.

Chapter 2. Ministers of State

Article 155. The Ministers of State are the highest authorities in their respective fields and shall cooperate with the President of the Republic and the Government Chief in the exercise of their functions, as provided by this Constitution and the law.

Article 158. No kin of the President of the Republic or the Government Chief, within the fourth degree of consanguinity or second degree of affinity, may be appointed Minister of State. Neither shall individuals related between themselves by the above-mentioned degrees of kin be appointed Ministers within the same Cabinet.

Article 159. The Ministers of State shall have speaking rights in the Assembly of Borough Representatives, and shall answer the questions made by these corporations.

Article 160. Each Minister of State shall present to the Assembly of Borough Representatives, within the first ten days of August each year, a report or memoirs about the state of his Ministry's affairs and concerning the amendments or reforms which he deems convenient to present.

Chapter 3. Cabinet Council

The Cabinet Council is formed by the Ministers of State under the indispensable chairmanship of the Government Chief; nevertheless, in some cases the President of the Republic may preside over the Cabinet

Council. The law shall determine which these cases may be.

Article 162. The Cabinet Council will have the following functions:

1. To act as consultant body on matters brought up by the President of the Republic or the Government Chief and to be heard on whatever matters it has been ascribed by Constitutional mandate or the law.

2. This paragraph may be eliminated.

3. To decide, with the Government Chief and by majority of votes, upon the appointments of the Magistrates of the Supreme Court of Justice and their alternates, the Supreme Electoral Tribunal and its alternates, the Attorney General of the Nation and his alternates; the Assistant Attorney General and his alternates, the Comptroller General of the Republic and the Director of the Executive Planning Bureau.

4. To decide, under the collective responsibility of all its members, and that of the Government Chief, upon decrees to be issued by the President of the Republic concerning the suspension of individual rights and state of emergency . . . (sic) members and the Government Chief, supplemental or special credits, subject to the provisions of this Constitution and the laws covering special funds. The National Assembly shall be notified of these supplemental or special credits.

6. Paragraph six may remain as it is.

Paragraphs seven and eight need not be changed.

Article 163. The Secretary of the Presidency was replaced by the Ministry of the Presidency.

TITLE X PUBLIC FINANCES

Chapter 1. State assets and equities

Article 214. The necessary paper currency may circulate in the Republic.

TITLE XIII. PUBLIC FORCE

Article 249. There will only be one public force in the country, that is, the National Guard, which nevertheless may be organized in sections and specialized corps for the better discharge of their functions. For hierarchic and administrative effects, the National Guard will be responsible to the National Government Chief's Office (Government Chief).

New Article: In case of war, there will be military recruitment and the recruits will be under the orders of the officers of the National Guard.

NOTE.—There will remain pending in this constitutional amendment draft all amendments concerning the governmental decentralization system directed toward the strengthening of provinces and regions and thus creating a semi-federative Republic; nor have the amendments to the municipal regime been prepared yet; the new borough or basic community structure, and structurization and general functions of the Assembly of Borough Representatives, which constitute the new politic formula of the Panamanian State. (sic)

Everything concerning the Public finances, economy, private property, the Judicial Organ and National Culture, indispensable elements in every process of revolutionary change, must be reviewed. Panama, February 1972.

CONSTITUTION OF THE REPUBLIC OF PANAMA, 1946

We, the Deputies of the Panamanian People, met in National Constituent Assembly, invoking the protection of God, decree the following Constitution of the Republic of Panama.

TITLE I—THE PANAMANIAN STATE

Article 1. The Panamanian Nation is organized as a unitary and independent State. Its system of government is republican, democratic and representative, and its name is the Republic of Panama.

Article 2. The public power emanates only from the people. It is exercised by the State in the manner established by this Constitution, by means of the Legislative, Executive, and Judicial Organs, which act separately and within limits, but in harmonious collaboration.

Article 3. The Republic of Panama comprises the continental and insular territory included between Colombia and Costa Rica, in accordance with the boundary treaties entered into by Panama with those Republics.

The jurisdictional limitations stipulated in public treaties made previous to this Constitution are recognized.

Article 4. The Republic of Panama respects the rules of international law.

Article 5. The territory of the Republic is divided into autonomous municipalities grouped into Provinces.

The law may create districts subject to special regulations and may establish other territorial divisions for reasons of administrative convenience or of public service.

Article 6. The symbols of the Nation are: the anthem, the flag, and the coat of arms adopted prior to the year 1941.

Article 7. Spanish is the language of the Republic.

TITLE II—NATIONALITY AND ALIENAGE

Article 8. Panamanian nationality is obtained by birth, under the conditions established by this Constitution, and is acquired by naturalization.

Article 9. The following are Panamanians by birth:

a) Children of a Panamanian father or mother born in the territory of the Republic;

b) Those born in the national territory to an alien father and mother, if after reaching their majority they declare in writing before the Executive that they elect Panamanian nationality and that they positively and irrevocably renounce the nationality of their parents and they prove, furthermore, that they are spiritually and materially incorporated into the national life;

c) Those born of unknown parents within the national territory not subject to jurisdictional limitations;

d) Children of a Panamanian father or mother born outside the territory of the Republic, provided that they are domiciled in Panama and that, at the time of exercising any of the rights that this Constitution or the law grants exclusively to Panamanians by birth, they have been domiciled in the Republic for the two preceding years;

e) Those who acquired this right pursuant to the Constitution of 1904 and the amendatory act of 1928.

Article 10. The following are Panamanians by naturalization:

a) Aliens with five continuous years of residence within the territory of the Republic if, having reached twenty-one years of age, they declare their intention to be naturalized as Panamanians, expressly renounce their nationality of origin or any other nationality, and demonstrate that they have a command of the Spanish language and an elementary knowledge of Panamanian geography, history, and political organization;

b) Aliens with three continuous years of residence within the territory of the Republic who have children born there of a Panamanian father or mother, or who have a spouse of Panamanian nationality, provided they make the declaration and submit the proof to which the preceding section refers; and

c) Nationals by birth, of Spain or of any independent American Nation, provided that they fulfill the same requirements required in their State of origin for the naturalization of Panamanians.

Article 11. Those who were naturalized when this Constitution took effect shall retain their status as such for the next five years, but they shall lose it if upon the expiration of this term they have not established that they have a command of the Spanish language and an elementary knowledge of Panamanian geography, history and political organization.

Exempted from this obligation are naturalized Panamanians who, before this Constitution became effective, have occupied some official position in the Republic or who have been, in accordance with the law, candidates for office by popular election. The same exemption is established for those born in Spain or in any independent American Nation.

Article 12. It is an obligation of the State to undertake by all proper means a methodical and constant effort to incorporate intellectually, morally, and politically all groups or individuals who, although born in the territory of the Republic are nevertheless not integrated in our nationality. It shall also be an obligation of the State to provide facilities for the spiritual assimilation of those who plan to obtain Panamanian nationality by naturalization.

Article 13. Colombians who took part in the independence movement are Panamanians by virtue of the Constitution, without the necessity of naturalization papers.

Article 14. An alien who desires to obtain Panamanian nationality should make the corresponding application to the Executive, who will issue a provisional naturalization certificate valid for one year. If after this period expires, the applicant ratifies his petition and no knowledge of any act giving reason for denying it has reached the Executive, a permanent certificate will be issued.

For reasons of morality, security, health, or physical or mental incapacity, an application for a naturalization certificate can always be denied.

The law shall establish the rights that those who obtain a provisional certificate may enjoy.

An application for naturalization will be denied to those persons belonging to States or regions whose nationals may not enter the Republic in accordance with the law, for economic reasons of for reasons of social necessity.

Article 15. Panamanian nationality, once acquired, can be lost only by express or implied renunciation.

There is express renunciation when the interested person declares in writing to the Executive his or her intention to abandon Panamanian nationality.

There is implied renunciation:

(1) Whenever the status of a national of a foreign country is acquired;

(2) Whenever employment is accepted from another government without the permission of the Executive, except in the case of employment in an enterprise in which the Republic has an interest in conjunction with another nation, and

(3) Whenever a national enters the service of an enemy state.

Nationality can be recovered only by virtue of rehabilitation by the National Assembly.

Article 16. Panamanian nationals as well as aliens who are within the territory of the Republic are obliged to live subject to the Constitution and the laws and to respect and obey the authorities.

Article 17. Naturalized Panamanians shall not be obliged to take up arms against the country of their birth.

Article 18. The capacity, the recognition, and in general, the regulation of companies and other juridical persons shall be determined by Panamanian law.

TITLE III—INDIVIDUAL AND SOCIAL RIGHTS AND DUTIES

Chapter I—Fundamental guarantees

Article 19. The authorities of the Republic are established for the purpose of protecting all nationals, in their lives, honor, and their property, wherever they may be, and who are under its jurisdiction, and of ensuring the effectiveness of individual and social rights and duties, and of observing and enforcing the Constitution and the laws.

Article 20. Private persons are responsible to the authorities only for the violation of the Constitution or the law. Public officials are responsible for the same causes, and also for exceeding their authority or for dereliction in the performance of their duties.

Article 21. All Panamanians and aliens are equal before the law.

There shall be no personal privileges or distinctions by reason of race, birth, social class, sex, religion, or political ideas, but for reasons of health, morality, public security and the national economy, the law may subordinate to special conditions or deny the exercise of specified activities to aliens in general. Likewise, the law or the authorities may, as the case may be, take measures that affect exclusively the nationals of specific countries in the event of war or in accordance with public treaties.

Political rights are reserved to nationals, except as provided in article 192 herein.

Article 22. No one may be deprived of his liberty, except by virtue of a written order of a competent authority issued in accordance with legal formalities and for reasons previously defined by law. Those executing such orders are obliged to give a copy thereof to the interested person, if he requests it.

An offender surprised in *flagrante delicto* may be apprehended by any person and must be delivered immediately to the authorities.

No one may be detained for more than twenty-four hours without being placed at the disposal of a competent authority. Members of the police who violate this precept will be punished by the immediate loss of their employment without prejudice to other penalties established by law for this purpose.

There shall be no imprisonment, detention, or arrest for debts or purely civil obligations.

Article 23. In no international treaty of extradition can the State bind itself to surrender its own nationals.

Neither shall extradition be granted of aliens who are sought for political offenses.

Article 24. Any individual detained on grounds outside the cases or without the formalities prescribed by this Constitution or the laws, shall be placed at liberty on his own request or that of any other person. For this purpose the law shall regulate the remedy of *habeas corpus* by means of summary judicial proceeding and without consideration of the penalty that is applicable.

Article 25. No one is compelled to testify in a criminal, correctional, or police proceeding against himself, or against his spouse, or against any member of his family within the fourth degree of consanguinity or the second degree of affinity.

Article 26. The domicile is inviolable. No one may enter the domicile of another without the consent of the owner, except by written order of a competent authority or to assist the victims of a crime or disaster.

Labor, social welfare, and health officials may, after prior notice, make visits or inspections of homes or working premises for the purpose of supervising the observance of social and public health laws.

Article 27. Every person may travel freely through the national territory and change residence without restrictions other than those which the traffic, fiscal, health, or immigration laws or regulations may prescribe.

Article 28. Jails are places of security and reform. Any severity which is not necessary for the aforementioned purposes is prohibited.

Article 29. Correspondence and other private documents are inviolable, and they shall not be seized or examined except by order of a competent authority and in accordance with legal formalities. In all cases secrecy shall be maintained with respect to matters extraneous to the object of the seizure or examination.

The examination of documents must always be effected in the presence of the interested person or of a member of his family, or if they are lacking, before two honorable residents of the same place.

Article 30. There is no penalty of death, expatriation, or confiscation of property.

Article 31. Only those acts shall be punished which have been declared punishable by a law antedating their perpetration and exactly applicable to the imputed act.

Article 32. No one shall be tried except by competent authority and in accordance with legal formalities, nor more than once for the same cause.

Article 33. The following may impose penalties without previous trial, and within the precise terms of the law:

1) Officials exercising authority and jurisdiction, who shall have the power to impose fines or arrest upon anyone who insults them or who is in contempt of their authority in connection with the discharge of their duties of office or by reason of their performance thereof;

2) Chiefs of police, who may impose the penalty of arrest upon their subordinates in order to subdue an insurrection or mutiny;

3) Masters of vessels, who have the power outside of port to repress an insurrection or mutiny or to maintain order on board the ship, and to detain temporarily any actual or presumed offender.

Article 34. In case of manifest violation of a Constitutional or legal provision, to the detriment of any person, the order of a superior does not relieve from liability the agent who executed it. Exception is made of individuals of the Public Forces when they are in active service, in which case the responsibility rests with the superior in rank who gave the order.

Article 35. The profession of all religions is free, as is the practice of all forms of worship, without any limitation other than respect for Christian morality and public order.

Article 36. It is recognized that the Catholic religion is that of the majority of Panamanians. It will be taught in the public schools, but learning it and attending acts of religious worship shall not be compulsory for pupils when so requested by their parents or guardians. The law shall provide what assistance should be given to this religion for missions to the native tribes and for similar purposes.

Article 37. Religious organizations have juridical capacity and they manage and administer their property within the limits prescribed by law, the same as other juridical persons.

Article 38. Every person may freely express his opinion, orally, in writing, or by any other means, without subjection to prior censorship. But legal liability will be incurred when by any of these means the reputation or honor of persons is assailed or when the social security or public order is attacked.

Article 39. All inhabitants of the Republic have the right to assemble peacefully and without arms for lawful ends. Manifestations or meetings in the open air are not subject to permission. Only a previous notice to the local administrative authorities, twenty-four hours in advance, is required when they are to take place.

The authorities may take police measures to prevent or restrain abuses in the exercise of this right, whenever the form in which it is to be exercised causes or may cause disruption to traffic, breach of peace, or violation of the rights of third parties.

Article 40. The formation of companies, associations, and foundations that are not contrary to morals or the legal order is permitted; they may obtain recognition as judicial persons.

Article 41. Every person is free to practice any profession or trade. Their exercise is subject to such regulations as the law may establish with respect to capacity, morality, safety, and public health.

No tax or assessment shall be imposed on the practice of the liberal professions, trades and arts.

Article 42. Every person shall have the right to present respectful petitions and complaints to public officials, for reasons of social or private interest, and to obtain a prompt decision.

An official to whom a petition, question, or complaint is presented must decide it within a period of thirty days.

The law shall establish the penalties that apply to violations of this provision.

Article 43. Ministers of religious faiths may not hold civil or military public posts, except those relating to social welfare or public instruction.

Article 44. Laws do not have retroactive effect, except those of public order and of social interest. In criminal matters, a law favorable to the accused always has priority and retroactivity, even though the judgment may have become final.

Article 45. Private property acquired in accordance with the law by natural or juridical persons is guaranteed and may not be disregarded or impaired by subsequent laws.

Private property implies obligations on the part of its owner by reason of the social function which it must fulfill.

Article 46. For reason of public benefit and of social interest defined by law, there may be expropriation pursuant to judicial judgment and prior compensation.

Article 47. Whenever the application of a law enacted for reasons of public benefit or social interest results in a conflict between private rights and the necessity recognized by the law itself, the private interest must yield to the public or social interest.

Article 48. No one is obliged to pay a tax or impost which has not been legally established and the collection of which is not made in the manner prescribed by the laws.

Article 49. In the event of war, serious disturbance of the public order, or urgent social interest, requiring prompt action, the Executive may decree the expropriation or seizure of private property and the compensation need not be made in advance.

If the return of the seized object is feasible, the seizure shall be only for the duration of the circumstances that gave rise to it.

The State is always responsible for all expropriations that the Executive thus carries out and for the losses and damage caused by the seizure, and shall pay the amount thereof as soon as the determining cause of the expropriation or seizure ends.

Article 50. Every author or inventor enjoys the exclusive ownership of his work or invention during the time and in the manner prescribed by law.

Article 51. Every person against whom a public official shall issue or execute a mandatory order or an injunction violating the rights and guarantees established by this Constitution shall have the right to have the order revoked upon his petition or that of any other person. The law shall determine the form of this summary proceeding for protection of the constitutional guarantees.

The remedy to which this article refers shall be within the jurisdiction of the courts of law.

Article 52. In the event of foreign war or domestic disturbance threatening the peace or public order, all or a part of the Republic may be declared to be in a state of seige, and the effects of articles 22, 24, 26, 27, 29, 38, 39, and 45 may be temporarily suspended, wholly or in part.

Article 53. A state of seige and temporary suspension shall be decreed by the National Assembly if it is in session. If it is in recess, they will be declared by means of a decree signed by the President, his Ministers, and the members of the Permanent Legislative Committee, and in the same decree the National Assembly shall be convoked so that within a maximum period of five days it may meet and take appropriate action. Upon termination of the cause the Assembly, if it is in session, and if the Assembly is not in session, the Cabinet Council, with the approval of the Permanent Legislative Committee, shall lift the state of seige or the suspension.

Chapter II—The Family

Article 54. The State protects marriage, motherhood, and the family, and guarantees the rights of the child until his adolescence. The law shall determine matters relating to civil status.

Article 55. Marriage is the legal basis of the family; it rests on the equality of the rights of both spouses and may be dissolved in accordance with the law.

Article 56. A *de facto* union between persons legally competent to contract marriage, maintained during ten consecutive years under conditions of singleness and stability, shall have all the effects of civil marriage.

To this end, it will suffice that the interested parties jointly request the Civil Register to record the *de facto* union. Whenever this request has not been made, the marriage may be proved for the purpose of claiming the rights thereof by any interested person, in accordance with the procedures established by any interested person, in accordance with the procedures established by judicial law. But the Public Ministry in the interest of morals or of the law, or third persons who assert rights susceptible of being affected by the recording, if the statements are contrary to the reality of the facts, may object to the registration or attack it after it has been effected.

Article 57. Parental power is the combination of all rights and duties that parents have in relation to their children.

Parents are bound to support, assist, educate, and instruct their children, and the latter are bound to respect and assist their parents. The law shall regulate the exercise of the parental power in accordance with the social interest and the welfare of the children.

Article 58. Parents have the same duties with respect to their children born out of wedlock as toward their children born in wedlock. All children are equal before the law and they have the same rights of inheritance in interstate succession.

Article 59. Investigation of paternity shall be regulated by law. Any classification based on the nature of the relationship is abolished. No statement establishing differences of birth or of the civil status of parents shall be entered in registration records, or in any attestation, baptismal record, or certificate referring to the relationship.

Authority is granted to the father of a child born before the effective date of this Constitution to protect him by the provisions of this article, by means of the rectification of any record or attestation in which any classification has been established with respect to said child. For this purpose the consent of the mother is not required. If the child is of adult age he should give his consent thereto.

In acts of simulation of paternity, anyone who is legally affected by such act may oppose this measure.

The law shall establish the procedure.

Article 60. The State shall oversee the social and economic development of the family, and shall organize the family estate, determining its nature and the amount of property that must constitute it on the basis that it is inalienable and unattachable.

Article 61. The State shall provide for the rearing and education of children whose parents or guardians are economically incapable of doing so or who have no relative bound to provide this for them.

Article 62. Abandoned minors who are physically or mentally defective, misguided, or delinquent shall be subject to special legislation as to their supervision, rehabilitation, and protection.

Chapter III—Labor

Article 63. Work is a right and a duty of the individual. The State shall employ the resources at its disposal to provide employment for all who lack it and shall ensure to every worker the economic conditions for a decent existence.

Article 64. Every worker in the service of the State or in public or private enterprises or of private individuals shall be guaranteed a minimum wage or salary.

Article 65. The method of periodically regulating the minimum wage or salary, for the purpose of improving the standard of living of a worker and with attention to the peculiarities of each region and of each industrial, commercial, or agricultural activity, shall be prescribed by law.

In work by agreement or for piece work, it is obligatory that the minimum wage for a working day be assured.

The minimum of any wage or salary is unattachable except for obligations of support in the manner established by law. The working tools of workers are likewise unattainable.

Article 66. An equal wage or salary shall always be paid for equal work under identical conditions, regardless of the person who performs it, without distinction as to sex or nationality.

Article 67. The right of union organization is recognized for employers, employees, workers and professionals of all classes for the exclusive purpose of their economic and social activity.

The Executive shall have an unextended period of thirty days to accept or deny the registration of an employers' or workers' union. The law shall regulate all matters concerning the recognition by the Executive of unions of employers, employees, workers, and professionals.

The Executive may not dissolve a union except when it deviates from its exclusive purposes and a competent court has so declared by a final judgment.

Boards of directors of these associations shall be composed exclusively of Panamanians.

Article 68. The right to strike and to a lockout is recognized. The law shall regulate the exercise thereof and may subject it to special restrictions in those public services that it may designate.

Article 69. The maximum working day is eight hours, and the working week may be up to forty-eight hours. The maximum for night work shall be not more than seven hours. Overtime shall be remunerated with an extra payment.

The maximum working day can be reduced to six hours a day for those over fourteen and less than eighteen years of age. All work is forbidden for those under fourteen, and night work is forbidden for persons under sixteen years of age, except in those cases specified by law. The employment of persons under twelve years of age as domestic servants and work by minors and women in unhealthful occupations are likewise prohibited.

In addition to weekly rest, every worker shall be entitled to paid vacations.

Article 70. All stipulations that imply a waiver, diminution, modification, or relinquishment of any right recognized in favor of a worker are void, and consequently do not bind the contracting parties even though stated in a labor agreement or in any other pact. The law shall regulate all matters relating to labor contracts.

Article 71. Maternity of working women is protected. A woman who is pregnant may not be discharged for this cause. During six weeks preceding childbirth and eight weeks thereafter she is entitled to compulsory rest with remuneration the same as she was paid while working, and shall retain her employment and all rights covered by her contract.

Article 72. Immigration shall be regulated by law, taking into account the national economic system and social needs.

The contracting of laborers which tends to impair the working conditions or standards of living of domestic workers is prohibited.

Article 73. Every worker discharged without justifiable cause and without the formalities established by law is entitled to be indemnified by his employer. The law shall specify what are justifiable causes and a schedule of indemnifications, according to length of service.

Article 74. It is a duty of industrial enterprises, within the scope of their specialties, to establish school of apprentices for the purpose of promoting labor education among the children of their workers or associates. The law shall regulate this matter.

Article 75. A labor jurisdiction is established to which are submitted all controversies that originate between capital and labor. The law shall establish the rules for this jurisdiction and the entities that are to exercise it.

Article 76. Regulation of the relations between capital and labor is a matter of law, which should be on a basis of social justice so that, without injury to any of the parties a worker may be guaranteed the necessary conditions for a normal life, and capital shall have an equitable return on its investment.

Chapter IV—National Culture

Article 77. The service of national education in its intellectual, moral, civic, and physical aspects is an essential duty of the State. National education should be inspired by democratic doctrines and by ideals of national aggrandizement and human solidarity.

It is encumbent upon the State to determine the basis for education, which shall be organized in such a manner that unity, articulation, and continuity in all grades shall exist.

Every educational institution is of public and social benefit.

Article 78. Elementary education is compulsory. Public preschool, elementary, and secondary education in all its grades and kinds shall be free. Free preschool and elementary education involves for the State the obligation to furnish students with all the implements necessary for their instruction. Free secondary education is not a bar to the establishment of a matriculation fee.

Article 79. Freedom of teaching is guaranteed. The State may, however, intervene in private educational institutions to the end that the national and social purposes of culture and better intellectual, moral, civic, and physical training of pupils may be fulfilled.

Article 80. No educational establishment may refuse to accept pupils because of the nature of the union of their progenitors or guardians or because of racial, social, or political differences.

Violation of this principle by private schools will cause the loss of the official subsidy, if any; of the privilege of having their degrees and certificates recognized by the State, if previously held; and in case of contempt, the loss of the right to continue giving instruction.

Article 81. The teaching of national history and of civics shall always be in charge of native-born teachers.

In no private educational establishment shall instruction be given in a foreign language without the permission of the Ministry of Education granted for proper reasons of public interest.

The program of elementary education in private schools shall be the same as in the public schools; but permission may be granted for teaching additional courses in any language.

It is compulsory for private schools to include in their secondary program the teaching of national history and geography and civil education.

Article 82. The State may grant scholarships or economic assistance only to students who have won in public contests or competitions or who have obtained in the studies the grades which, according to law, make them worthy of State assistance.

In case of equal merits, preference shall be given to those participants whose economic means do not permit them to pursue the studies for which they entered the contest.

Article 83. The law shall establish the necessary incentives for the publication of national didactic works and standards for their adoption as official texts.

Article 84. Expenditures required for the support of the educational service shall have priority over any others. The Organic Law for this service shall determine what percentage of the revenues must be allotted for this purpose.

Article 85. Only academic and professional degrees issued by the State or authorized by it in accordance with legal provisions are recognized.

Article 86. The official University of the Republic is autonomous. Its juridical personality, its own endowment and the right to administer it are hereby recognized. It has the power to organize its curriculum and to appoint and remove its staff in the manner established by law. It shall include in its activities the study of national problems and the diffusion of popular culture.

Article 87. To render effective the economic autonomy of the University, the State shall endow it with the necessary means for its future installation, operation, and development, as well as with the endowment mentioned in the preceding article, and the necessary means to augment it.

Article 88. Freedom of its teaching is recognized without limitations other than those which, for reasons of public order, are established in the University Charter.

Article 89. The State shall promote the establishment of special technical, industrial, professional, agricultural and animal husbandry, and commercial schools adapted to the specific needs of the Nation. The law shall establish, from elementary schools onward, professional orientation services which will permit the discovery of the aptitudes and abilities of students and guide them toward better individual and social usefulness.

Article 90. The State shall encourage popular culture by all possible means and shall maintain a system of free complementary courses for adults, dedicated to preventing and eliminating illiteracy and to increasing the practical skills of the working classes.

Article 91. The law shall create a Department of Physical Culture the object of which shall be the spread of such culture in educational institutions and in the community.

Chapter V—Public Health and Social Assistance

Article 92. It is an essential function of the State to look after public health. The individual is entitled to the protection, conservation, and recovery of his health, and has the obligation of preserving it.

Consequently, the State shall promote especially the activities hereinafter enumerated:

a) To combat contagious diseases, by means of individual treatment and improvement of the environment;

b) To protect motherhood and reduce infant mortality through medical assistance and adequate nutrition;

c) To supplement the nutrition of needy students and to provide medical attention for school children;

d) To establish, according to the needs of each region, hospitals, dental clinics, and dispensaries in which services are rendered and medicines are given to those lacking financial means; and

e) To popularize systematically the fundamentals of scientific nutrition, personal hygiene, and sanitation of the home.

The National Assembly shall enact a Sanitary Code.

Article 93. Every individual has the right to the security of his economic means of subsistence in case of disability for work or for obtaining remunerated work. Social security shall be granted and administered by autonomous entities and shall cover cases of illness, maternity, family subsidies, old age, widowhood, orphanhood, compulsory layoffs, labor accidents, and occupational diseases, and all other contingencies affecting the capacity to work and to consume. The law shall provide for the establishment of such services to the extent that social needs may require.

The State shall create institutions of social assistance and social welfare. The fundamental tasks of such institutions shall be the economic and moral rehabilitation of destitute groups and the care of the mentally deficient, the chronically ill, and disabled persons lacking economic resources.

The State shall likewise promote the construction of low-cost housing for workmen.

Chapter VI—Rural and Indian Communities

Article 94. The State shall offer special protection to rural and Indian communities for the purpose of integrating them in an effective manner into the national life with respect to their economic, political, and intellectual standards of living. The action relative to Indians and shall be effected by conserving and at the same time developing the value of their native culture.

Article 95. In order to fulfill the objectives of economic integration of these communities, the State shall methodically perform the following services:

a) To grant necessary farm lands free of charge to rural inhabitants and Indians, issuing the corresponding titles of ownership. Preference shall be given to lands near population centers and main transportation roads and junctions. When vacant public lands are lacking under these conditions, private uncultivated or idle lands shall be expropriated. Such expropriation shall be effected only when it concerns uncultivated lands exceeding one hundred acres, or if of smaller size when the tract belongs to persons who do not engage exclusively in agriculture or stock raising as a means of subsistence;

b) To reserve lands for Indian communities and to prohibit their adjudication under any form of title.

The existence of Indian reservations already established is recognized;

c) To create, by all appropriate means, agrarian credit services or technical institutions to impart to rural workers and Indians the knowledge and resources necessary to establish their own scientific systems of cultivation;

d) To take measures to ensure a stable market and equitable prices for products, and to foster the establishment of producers', consumers', and distribution cooperatives;

e) To establish means of communication and transport to unite rural and Indian communities with centers of distribution and consumption;

f) To foster and stimulate the development of agriculture, rural industry, and regional handicrafts by means of prizes and other similar incentives in the manner in which the law shall prescribe.

Article 96. In addition to the general aims of national culture, schools for rural inhabitants and Indians shall seek the following ends:

a) To create a consciousness of the duties, rights, dignity, and possibilities of the Panamanian citizen;

b) To awaken an interest in rural life by means of objective teaching of the material elements indispensable to a secure, healthful, and decent rural life;

c) To bring to rural and Indian homes the activities of educational and welfare agencies which tend to raise their moral, cultural, and social standards.

TITLE IV—POLITICAL RIGHTS

Chapter I—General provisions

Article 97. All Panamanians over twenty-one years of age are citizens of the Republic, without distinction as to sex.

Article 98. Citizenship consists of the right to vote and the right to hold elective public office and of the capacity to hold public posts with authority and jurisdiction except as provided in the special case indicated in article 192 herein.

Article 99. Citizenship is lost:

1) By the loss of Panamanian nationality in accordance with this Constitution, and

2) By penalty in accordance with the law.

Article 100. Citizenship is restored by rehabilitation by the National Assembly.

Article 101. Citienzship is suspended:

1) By judicial decision in those cases prescribed by law, and

2) By reason of a pending criminal case from the time the judge orders the defendant to stand trial, in cases where there is no right of bail.

Chapter II—Suffrage

Article 102. Suffrage is a right and a duty of all citizens. The law shall regulate it along the following lines:

1) Suffrage is free and universal. Voting is equal, direct, and secret;

2) All popular elections and those which public corporations must hold when more than two citizens are to be elected are to be held according to some system that ensures proportional representation of the parties;

3) It is an obligation of every citizen to obtain a personal identity card which will identify him when voting and for other acts indicated by law;

4) The authorities are obligated to guarantee impartially the freedom and honesty of suffrage;

5) The following are prohibited:

a) Direct or indirect official support of candidates for positions to be filled by popular election, even if the means employed for such ends are supervised;

b) Propaganda and partisan activities in public offices;

c) Collection of dues or contributions from public employees for political purposes, even under the pretext that they are voluntary;

d) Any act which impedes or hinders a citizen from personally obtaining, holding, or presenting his identity card.

Article 103. The law shall regulate the manner of organizing political parties. The formation of any party which has as its basis sex, race, or religion, or which is intended to destroy the democratic form of government is unlawful.

Article 104. Violation of the provisions contained in article 102 constitutes a crime. This is understood to include any action or neglect by a public official who, under the authority by which he acts or functions that he performs, directly or indirectly, personally or through an intermediary:

a) Uses coercion, valid because of his official position, to induce a private individual or public employee to give his support or his vote to, or to withhold either of these from, a specific party or candidate;

b) Authorizes, permits, or carries out the withholding or deduction of any part of the salary of public employees to be used for political purposes;

c) Employs or offers to employ any person in a public position with the promise or for the purpose of supporting or defeating a specific party or candidate;

d) Impedes or hinders any person from obtaining his identity card or from retaining or presenting it.

The law shall establish the corresponding principal penalties, to be accompanied by, according to the gravity of the offense, interdiction from occupying public positions, permanently or for a period of from one to eight years.

The provisions of article 148 are excepted.

Chapter III—The Electoral Body

Article 105. For the purpose of guaranteeing the freedom, honesty, and efficiency of popular suffrage, there is established an electoral court independent of the Executive and Judicial Organs and with exclusive jurisdiction to interpret and enforce the electoral law and to direct, oversee and supervise all phases of the electoral process.

The electoral court shall have jurisdiction throughout the Republic and shall be composed of three magistrates of recognized reliability, to be elected for a term of twelve years as follows: one by the National Assembly, one by the Executive Organ, and one by the Supreme Court of Justice, all from outside those bodies. Two alternates shall be appointed in the same manner for each principal. The court shall have such subordinate employees as may be prescribed by law.

These magistrates are responsible to the Supreme Court of Justice for wrongs or offenses committed in the discharge of their functions and are subject to the provisions of articles 168, 170, 171, 172, 173, and 174 and penalties prescribed by law.

In addition to those conferred by law, the electoral court shall have the following powers to be exercised exclusively with the exception of those enumerated in sections 2, 3 and 8:

1) To regulate the electoral law in accordance with its letter and spirit, to interpret and enforce it; and to take cognizance of disputes arising through its application;

2) To prosecute and punish wrongs and offenses against the freedom and honesty of suffrage;

3) To draft proposals and amendments for the electoral law and submit them for consideration by the National Assembly;

4) To take an electoral census in collaboration with national statistics officials;

5) To organize, direct and supervise the registration of voters and their documentation and to settle disputes, complaints, and denouncements arising therefrom;

6) To initiate the processing of applications for naturalization referred to it by the Executive and to return them to the latter, with appropriate opinion, for his decision;

7) To issue instructions for the holding of popular elections and to rule on questions and complaints addressed to it on the subject;

8) To inform the courts of justice and the public ministry of offenses committed in connection with elections and which are within its jurisdiction;

9) To appoint the members of the National Canvassing Board (Junta Nacional de Escrutinio).

Decisions of the electoral court may be appealed only to the court itself, and once the provisions of law have been complied with, are final, irrevocable, and compulsory. A plea of unconstitutionality is an exception.

There is established a National Canvassing Board which shall take or review the count of votes and declare the election of officials voted on by popular election, as prescribed by law. This Board shall be appointed by the electoral court by selecting one principal and two alternates from a list submitted by each of the legally constituted political parties, designating one of the principals as chairman with the right to vote only in case of a tie. Lower electoral boards and subordinate employees are also to be provided for by law.

Legal political groups shall also have watchers as representatives on the boards, with the right to supervision and to be heard.

The law shall prescribe what requirements must be met for the formation, juridical recognition, the number of members, and valid votes necessary for the maintenance of political parties. No political party or group may be maintained if it receives less votes in an election than is required for its recognition.

The public authorities are bound to support and comply with orders and decisions issued by electoral officials, rendering them obedience, cooperation and assistance as required in carrying out their functions. Failure or neglect in complying with this obligation will result in loss of employment and disqualification from holding a public position for from one to eight years, aside from other penalties that may be imposed by law.

TITLE V—THE LEGISLATIVE ORGAN

Chapter I—The National Assembly

Article 106. The Legislative Organ is constituted by a corporate body called the National Assembly, composed of as many Deputies as there are electoral circuits, in the ratio of one for every twenty-five thousand inhabitants and one in addition for a remainder of not less than fifteen thousand.

A province with less than twenty-five thousand inhabitants is entitled to elect one Deputy.

Two alternates shall be elected for each Deputy, in the same manner and on the same day, who shall replace their principals in their order during absolute or temporary absences.

The foregoing basis of representation shall take effect in 1964 and shall be increased by law whenever the population of the country exceeds one million five hundred thousand inhabitants.

Article 107. Deputies, once elected, represent the entire Nation, are not subject to any mandate and obey only the dictates of their conscience.

Article 108. Deputies and their alternates shall be elected by direct popular vote for a term of four years.

Article 109. The National Assembly shall meet annually in its own right, without previous convocation, in the capital of the Republic, from the first day of October until the following January thirtieth, in each of the first three years of the term for which the Deputies were elected. In the fourth year it shall meet from the first of October to the thirtieth of November for the purpose of considering with priority over any other bill those for the budget of revenues and expenditures and the plan of public works.

Article 110. Every period of regular or special sessions is termed a legislative session (legislatura). The periods indicated in the preceding article are regular legislative sessions and cannot be prolonged.

Sessions devoted to the jurisdictional powers of the Assembly are termed judicial sessions, regardless of the time at which they are held and the manner in which the Assembly has been convoked for the purpose. Their meeting shall not alter the continuity or duration of a legislative session and they shall not end until the Assembly has decided the pending matter.

Article 111. The Executive may convoke the National Assembly into special session, for the time he specifies, to deal exclusively with the matters submitted to it.

To exercise judicial functions the National Assembly may meet in its own right, without previous convocation, or may be convoked by the Permanent Legislative Committee in the cases provided for in section 5 of article 123.

Article 112. To be a Deputy to the National Assembly it is necessary to be a citizen in the exercise of his rights and to be at least twenty-five years of age.

Article 113. The members of the National Assembly are not legally responsible for opinions expressed and votes cast in the discharge of their duties.

Article 114. From the date of his election until the end of the term for which he was elected, no Deputy may be accused, prosecuted, arrested, or held for a criminal or police trial without prior authorization of the Assembly or of the Permanent Legislative Committee, whenever the Chamber is in recess. Likewise, he may not be sued civilly during the time included between thirty days before and thirty days after each period of sessions.

Upon the request of a Deputy, the Assembly or the Permanent Legislative Committee, as the case may be, may temporarily or partially waive his immunity.

Article 115. Deputies may not be appointed to any remunerated public position, except that of Minister of State, Magistrate of the Supreme Court of Justice, Chief of Diplomatic Mission with the rank of Ambassador or Minister Plenipotentiary, or professor in public universities. Violation of this principle renders the appointment void.

Acceptance of the office of Magistrate entails absolute vacancy in the office of Deputy and acceptance of the office of Minister of State or Chief of Diplomatic Mission causes a temporary vacancy.

Article 116. Deputies shall receive an annual salary and shall only receive representation expenses when called into extraordinary sessions by the Executive, provided this is not for the exercise of judicial functions.

The law shall specify the amount of such allotments and salary; but their increase or decrease shall only take effect after the termination of the Assembly period in which they were voted.

Article 117. Deputies to the National Assembly may not, either by themselves or through intermediaries, make any contract with the organs of the State or with institutions or entities connected with it, or accept from anyone a power of attorney to undertake business with these organs, institutions, or enterprises while the Assembly is in session.

The following cases are excepted:

a) When dealing with a personal or professional use of public services or of normal operations of the same nature with institutions or enterprises affiliated with the State;

b) When dealing with contracts made with any of the organs or entities mentioned in this article, through bids, by companies other than corporations, of which a Deputy is a partner, provided that the participation of the Deputy therein antedates his election to office;

c) When, by means of bids or without them, contracts are made with such organs or entities by corporations in which a total of not more than twenty-five percent of the shares belong to Deputies of the National Assembly;

d) When a Deputy acts in the capacity of his profession as an attorney, outside the period of sessions or during it, but with leave of absence.

A Deputy who, pursuant to sections (a), (b), and (c) of this article, executes a contract with any of the organs of the State or with institutions or enterprises affiliated with it or who conducts business with any of these, shall lose his immunity in regard to all matters connected with such contracts or business.

Article 118. The legislative functions of the National Assembly consist in enacting the laws necessary in fulfilling the purposes and performing the functions of the State declared in this Constitution, and especially the following:

1) To enact, put into effect, amend, or repeal the national codes;

2) To determine the number and titles of the Ministries of State and to distribute among them the business of the administration;

3) To create or abolish offices, and to determine their functions, duties, obligations, terms of office, and salaries.

4) To enact the general law on public employees' salaries, upon the proposal of the Executive;

5) To approve or reject public treaties signed by the Executive;

6) To approve or disapprove contracts or agreements signed by the Executive with any natural or juridical persons;

7) To grant authority to the Executive to make contracts, negotiate loans, alienate national property, real or personal, the value of which exceeds five thousand balboas, and to exercise other analogous functions within the limits of the Constitution;

8) To declare war and to authorize the Executive to negotiate peace;

9) To designate the place where the organs of the State are to be located;

10) To estblish or change the political division of the national territory;

11) To limit and regulate the granting of vacant lands;

12) To fix the number of the armed forces in time of peace;

13) To organize the services established by this Constitution;

14) To promote the sciences and arts; to promote agriculture, industries, and useful or beneficial enterprises worthy of furtherance and support;

15) To determine what monuments the State should erect;

16) To approve with or without changes, the public works bill submitted by the Executive for the corresponding fiscal year, pursuant to the provisions of article 144.

In discussing the bill, preference shall be given to those works already begun in the previous fiscal year;

17) To organize national statistics and enact whatever is conducive to the taking of a census of the population;

18) To grant amnesty for political offenses;

19) To organize the public credit;

20) To acknowledge the national debt and arrange for its service:

21) To appropriate expenditures of the administration on the basis of the budget submitted by the Executive, approving it with or without amendments.

If for any reason whatever the budget is not passed by the Assembly, the Executive shall refer the respective bill to the Permanent Legislative Committee, which shall approve it with or without modifications;

22) To establish taxes, duties, revenues and public monopolies necessary to carry out public services;

23) To provide for the application of national property to public uses, as well as the manner and conditions for so doing;

24) To determine the standard, weight, value, form, type, and denomination of the national currency;

25) To invest the Executive temporarily, when the latter so requests, with precise extraordinary powers which shall be exercised through decree-laws whenever necessity so demands or public convenience may recommend it.

The law by which such powers are conferred shall state specifically the subjects and purposes of the decree-laws, and whenever the latter relate to matters reserved to organic laws, they must be approved by an absolute majority of the members of the Assembly.

Every decree-law issued by the Executive in the exercise of the powers conferred on him must be submitted to the National Assembly so that it may legislate on the matter.

If the decree-law has accomplished its purpose, because of its temporary nature, the Assembly should declare whether it approves or disapproves, in order to determine the corresponding liability, if any.

For the exercise of the extraordinary powers referred to in this section, the assent of the Permanent Legislative Committee is necessary;

26) To create administrative departments with internal autonomy, interministerial agencies, and technical boards, for the purpose of ensuring the efficacy of the administrative functions, coordinating the action of the various official divisions, and technically planning and developing the labors of the public administration; and

27) Enact organic regulations for its internal regimen.

Article 119. The judicial functions of the National Assembly are the following:

1) To take cognizance of accusations or charges loaded against the President of the Republic and Magistrates of the Supreme Court and Contentious-Administrative Tribunal and to try them, if there are grounds therefor, for acts performed in the exercise of their duties to the prejudice of the free functioning of the public power or in violation of the Constitution or the laws, and

2) To take cognizance of accusations or charges lodged against Deputies to the National Assembly.

The law shall establish the procedures to be followed and the penalties to be imposed.

Article 120. The administrative functions of the National Assembly are following:

1) To examine the credentials of its own members and to decide whether or not the credentials are in the form prescribed by law;

2) To accept or decline the resignation of the President of the Republic;

3) To grant leave of absence to the President of the Republic to leave his post for a period up to six months and to leave the national territory pursuant thereto;

4) To approve or disapprove appointments made by the Executive and which by a provision of this Constitution or a law require ratification by the National Assembly;

5) To appoint the Attorney General of the Nation (Procurador General de la Nación), an Assistant Attorney General and their alternates, and the Comptroller General and Assistant Comptroller General of the Republic; and to approve or disapprove the appointments of the Magistrates of the Supreme Court of Justice and their alternates and the Magistrates of the Contentious-Administrative Tribunal and their alternates;

6) To appoint committees to investigate any matter connected with acts performed or measures proposed by the Executive and to report to the Assembly so that it can take such measures as are deemed appropriate.

In these commissions there shall necessarily be included representatives of all parties of which the Assembly is composed and they shall have the right to summon private persons as well as officials and authorities to appear and testify before them, and the right to request data and documents deemed necessary for the purposes of the investigation;

7) To pass a vote of censure against Ministers of State when they, in the opinion of the Assembly, are responsible for execessive or illegal acts or grave errors which have been obviously prejudicial to the interest of the State. In order that a vote of censure may be taken, it must be proposed in writing six days before it is debated, by not less than half the Deputies, and approved by vote of two thirds of their number;

8) To examine and definitively settle the general account of the Treasury which the Executive submits to it at each regular session;

9) To request from the Ministers of State oral or written reports and to demand their appearance at meetings, stating the purpose therefor, when this is necessary to elucidate discussions; and

10) To rehabilitate those who have lost their nationality or citizenship.

Article 121. The National Assembly is forbidden:

1) To enact laws which are contrary to the letter or the spirit of this Constitution;

2) To acknowledge as charges against the Public Treasury indemnifications which have not previously been adjudged by the courts, and to make appropriations for paying scholarships, pensions, retirement pay, gratuities, or expenditures which have not been decreed in accordance with existing general laws;

3) To decree bills of attainder or persecution against persons or corporate bodies;

4) To give votes of approval or censure with respect to acts of the President of the Republic;

5) To incite or compel public officials to adopt specified measures;

6) To make appointments other than those pertaining to it in accordance with this Constitution;

7) To demand public information on diplomatic negotiations of a confidential nature;

8) To order or authorize public works other than those decreed in the law referred to in section 16 of article 118, except in cases of emergency expressly so declared by the Assembly; and

9) To delegate any of its functions, except as provided in section 25 of article 118.

Article 122. There shall be a Permanent Legislative Committee composed of seven principal members and an alternate for each, six of whom shall be elected by the National Assembly, from among its members, at least three days prior to the close of a regular legislative session. The other member shall be the last president of the legislative session, who will preside over the Committee and who will be replaced during his absence by the First Vice-President or in default of the latter, by the Second Vice-President.

The election is to be conducted in the following manner:

a) The total number of the Deputies comprising the National Assembly shall be divided by the number of members of the Committee to be elected. The result is called the quotient of election;

b) For the election of the members of the Permanent Legislative Committee, each Deputy shall vote on a single ballot for one principally and one alternate, who shall necessarily be Deputies, and those who have obtained at least a number of votes equal to the quotient shall be declared elected; and

c) If after the representations have been allotted, there remain posts to be filled because of the quotient of election, those who have obtained the highest number of votes will be declared elected to fill them. In case of a tie, this will be decided by lot.

Article 123. The Permanent Legislative Committee shall function from the moment a regular legislative session is adjourned until the day preceding the installation of the following session, and its powers are:

1) To approve or deny the request of the Executive Organ to declare a state of siege and to suspend temporarily, and partially or totally, the effects of articles 22, 24, 26, 27, 29, 38, 39, and 45 of the Constitution;

2) To approve or disapprove proposals for decree-laws submitted by the Executive;

3) To approve the proposed budget of revenues and expenditures and plan of public works in the event these were not adopted by the Assembly;

4) To approve or disapprove, totally or partially, without changing the amount or destination of items, proposed decrees concerning supplementary and extraordinary credits sent to it by the Executive;

5) To accept or reject accusations against

Deputies and Magistrates of the Supreme Court of Justice, and in the event of acceptance, to transmit them to the National Assembly for its consideration at the next regular legislative session or to convoke it if the seriousness of the accusation warrants no delay, so that it may exercise the judicial functions within its jurisdictions;

6) To give its approval for the President of the Republic to leave the national territory and to grant him leaves of absence up to six months from his post;

7) To undertake studies of the problems and needs of the country and, in cooperation with the Ministers of State and administrative agencies, to draft bills to be submitted to the National Assembly for consideration.

The Ministers of State have the right to speak in the Committee to explain or support the opinion of the Executive Organ on matters before the Committee.

Decisions of the Committee are to be taken by a majority vote of the members present at its meetings.

Chapter II—Enactment of Laws

Article 124. Laws originate in the Assembly and are divided as follows:

a) Organic, which are those enacted in compliance with sections 1, 2, 3, 4, 10, 11, 13, 19, 21, 22, and 26 of article 118, and

b) Ordinary, which are those enacted in accordance with other sections of that article.

Article 125. Laws shall be proposed:

a) When they are organic:

1) By special committees of the Assembly;

2) By Ministers of State;

3) By the Supreme Court of Justice, if they relate to the enactment or amendment of the Civil, Commercial, Penal or Procedural Codes.

b) When they are ordinary, by any member of the Assembly, or by a Minister of State.

For their enactment, organic laws require a favorable vote, at each reading, of an absolute majority of the members of the Assembly. Ordinary laws require merely the approval of a majority of Deputies present at the corresponding session.

Article 126. No bill shall become law of the Republic unless it has been approved by the National Assembly in three readings on different days, and sanctioned by the Executive in the manner prescribed by this Constitution.

Article 127. Every bill which has not been presented by one of the special committees referred to in section (a) of article 125 must be referred by the President to a committee for study and discussion within a reasonable time.

The committee may receive advice from experts and seek information from private individuals or public or private entities affected by the subject matter under discussion. Upon expiration of the period of study, the committee shall report to the Assembly whether it is in order or not to legislate on the matter to which the bill refers, with a clear and methodical statement as to the conclusions reached. The committee shall designate from its number a rapporteur who will defend it before the Assembly in the corresponding debates.

The same procedure shall be followed in the special committees referred to in section (a) of article 125 concerning bills for organic laws.

The first reading of any bill is that which takes place in the commitee to which this article refers. If the bill is recommended by the committee, it will proceed to second reading.

A bill also may proceed to second reading when a majority of the Assembly, at the request of one of its members, revokes the opinion of the committee and gives its approval to the bill.

Article 128. When a bill has been approved it shall be sent to the Executive, and if he sanctions it he shall order it promulgated as law. If he does not sanction it, he shall return it with his objections to the Assembly.

Article 129. The Executive shall be allowed a period of six working days to return a bill with objections, if it does not contain more than fifty articles; ten days, when it consists of more than fifty and less than two hundred articles; and fifteen days, when it contains two hundred or more articles.

If the Executive does not return the bill with his objections within the periods prescribed therefor, he must sanction it and order it promulgated. But if within the said periods the Assembly shall adjourn, the Executive must publish the bill, approved or vetoed, within ten days after adjournment of the Assembly.

Article 130. A bill vetoed as a whole by the Executive shall be returned to the Assembly for third reading. If it has been vetoed only in part, it shall be returned to second reading, for the sole purpose of considering the objections made.

If, after the National Assembly has considered the objections, the bill is approved by two thirds of the Deputies composing the Assembly, the Executive must sanction it and have it promulgated without the power to offer new objections. If it does not obtain the approval of that number of Deputies, the bill is rejected.

Article 131. Whenever the Executive objects to a bill as unconstitutional, and the Assembly, by the stated majority, insists on its adoption, the former shall refer it to the Supreme Court of Justice to rule upon its constitutionality. A decision of the Court declaring the bill constitutional compels the Executive to sanction it and order its promulgation.

Article 132. If the Executive does not comply with the duty of sanctioning and having a law promulgated within the periods and under the conditions established in this Title, it shall be sanctioned and ordered promulgated by the President of the Assembly.

Article 133. Every law shall be promulgated within six working days following its sanction and shall become effective from the time of its promulgation, unless the law itself provides that it will become effective on some other date.

Article 134. Laws may be accompanied by an explanatory statement and their text shall be preceded by the following formula:

The National Assembly of Panama

DECREES:

Article 135. Bills which remain pending during a period of sessions may only be considered as new bills.

TITLE VI—THE EXECUTIVE ORGAN

Chapter I—The President and Vice-President

Article 136. The Executive Organ is constituted in a magistrate who is called the President of the Republic, with the indispensable cooperation of the Ministers of State.

Article 137. In each particular case, the President, with the Minister of the respective branch, represents the Executive Organ.

Article 138. The President of the Republic shall be elected by popular, direct suffrage and by a majority of votes for a term of four years.

Together with the President of the Republic, there shall be elected in the same manner and for an equal term, a first Vice-President and a second Vice-President, who shall replace the President in his absence, in accordance with the provisions of article 149.

Article 139. The citizen who has been elected President of the Republic may not be reelected to the same post in the two terms immediately following.

Article 140. In order to be President of the Republic or Vice-President, it is required:

1) To be a Panamanian by birth, and

2) To have reached thirty-five years of age.

Article 141. The President of the Republic shall take office before the National Assembly and shall take an oath in the following terms: "I swear before God and the country to comply faithfully with the Constitution and the Laws of the Republic."

A citizen who has no religious beliefs may dispense with the invocation to God in the oath.

Article 142. If for any reason the President of the Republic cannot take office before the National Assembly, he shall do so before the Supreme Court of Justice, and in default of the latter, before a Notary, or in the last resort, before two competent witnesses.

Article 143. The powers which may be exercised by the President of the Republic by himself are:

1) To appoint and remove freely the Ministers of State;

2) To supervise the regular functioning of the administration and the preservation of public order;

3) To supervise the collection and administration of the national revenues;

4) To supervise the proper conduct of public agencies;

5) To see that the National Assembly meets on the date appointed by the Constitution or by a decree convoking a special session; and

6) To present at the beginning of each legislative session, on the first day of its regular sessions, a message concerning the affairs of the administration.

Article 144. The powers and duties that the President of the Republic must exercise with the cooperation of the respective Minister, the Cabinet Council, or the permanent Legislative Committee, as the case may be, are:

1) To sanction and promulgate the laws, to obey them, and to see that they are properly enforced;

2) To appoint and dismiss freely the Governors of the Provinces, and the chiefs and officers of the Public Force and of the National Police Corps;

3) To inform the Assembly of vacancies occurring in positions which the latter must fill;

4) To appoint, in accordance with the provisions contained in Title XII, the persons who are to hold offices or positions, the appointment of whom does not pertain to any other official or corporate body;

5) To send to the National Assembly, within the first ten days of its regular sessions, the budget of revenues and expenditures, the plan for public works for the following fiscal year, and the bill for salaries if deemed convenient, except when the date when the President of the Republic takes office coincides with the opening of these sessions. In this case, the President of the Republic shall be required to do this within the first forty-five days of the sessions of the Assembly;

6) To submit to the National Assembly such reports as the latter may request from him;

7) To enter into administrative contracts for the performance of services and the execution of public works, in accordance with the provisions of this Constitution and the law, and with the obligation of rendering an account thereof to the National Assembly;

8) To conduct foreign relations, to accredit and receive diplomatic and consular agents, and to enter into public treaties and agreements, which are to be submitted to the consideration of the National Assembly;

9) To grant to nationals who so request, permission to accept positions with foreign governments in cases where such permission is necessary under the Constitution or the law;

10) To issue naturalization certificates in accordance with the procedure established by law;

11) To grant commercial and industrial patents, according to law;

12) To direct, regulate, and inspect the services established in this Constitution;

13) To appoint, subject to the approval of the National Assembly, the chiefs and directors of public autonomous and semi-autonomous entities, in accordance with the provisions of pertinent laws;

14) To grant pardons for political offenses, to reduce penalties, and to grant paroles to persons guilty of common offenses;

15) To confer military ranks in case of war;

16) To dispose of the Public Force of the Nation;

17) To enact regulations for laws that so require for their better enforcement, without deviating in any case from the text or spirit thereof;

18) To appoint, subject to unanimous agreement of the Cabinet Council, and subject to approval of the National Assembly, the Magistrates of the Supreme Court of Justice and their alternates, and those of the Contentious-Administrative Tribunal and their alternates;

19) To exercise the precise extraordinary powers dealt with in section 25 of article 118 of this Constitution; and

20) To exercise all other functions pertaining to him in accordance with this Constitution and the law.

Article 145. No act of the President of the Republic except those specified in article 143 will have any validity or effect unless it is countersigned by the Minister of State in the respective branch, who by this very act renders himself responsible therefor.

The orders and resolutions that a Minister of State issues within his branch stating that he does so on instructions from the President of the Republic, shall be compulsory and may be invalidated only by the President himself, provided they do not exceed the limitations on the powers pertaining to the Executive in accordance with the Constitution and the law.

Article 146. The President of the Republic may separate himself from his functions only with leave of absence which in no case shall be longer than six months and which shall be granted by the National Assembly, or during its recess by the Permanent Legislative Committee referred to in article 122.

The President of the Republic may not leave the national territory during the exercise of his office.

Violation of this rule incurs loss of office.

In case of resignation, the National Assembly shall take cognizance thereof, in order to accept or refuse it, and during a recess of the Assembly, the Supreme Court of Justice shall do so.

Article 147. The emoluments assigned by law to the President of the Republic may be changed, but a change shall not take effect until the following presidential term.

Article 148. The President of the Republic is responsible only in the following cases:

1) For exceeding his constitutional powers;

2) For acts of violence or coercion in the course of the electoral process or for impeding the meeting of the National Assembly, or for obstructing it or any other public body or authority, established by the Constitution, in the exercise of their functions; and

3) For the crime of high treason.

In the first two cases the penalty shall be removal from office and disqualification to hold public office for a period fixed by law.

In the third case ordinary law shall apply.

Article 149. During the temporary or permanent absence of the President of the Republic, his functions shall be exercised by one of the Vice-Presidents, in the order in which they were elected.

In addition, it is the duty of the First Vice-President of the Republic to attend the meetings of the Cabinet Council, with a voice but without vote.

Article 150. Whenever for any reason an absence of the President cannot be filled by the Vice-Presidents, the Presidency shall be filled by one of the Ministers of State who has the necessary requirements to be President of the Republic, and who shall be elected by them by a majority of votes.

Article 151. Whenever the permanent default of the President and Vice-Presidents occurs not less than two years prior to the expiration of the presidential term, the person in charge of the Presidency shall call elections for President and Vice-Presidents to be held within four months, so that the citizens elected President may take office within six months following the calling of elections. The pertinent decree shall be issued not later than eight days after assumption of the position by the person in charge. If less than two years remain before the expiration of the term, the person in charge shall serve until the end of the term.

Neither the citizen who has discharged the office of the Presidency within the two years immediately preceding elections nor any of his relatives within the fourth degree of consanguinity or second of affinity may be elected President or Vice-President at the said elections.

Article 152. The citizen who takes the place of the President of the Republic shall have the same title, the same rank, and shall exercise the same functions as the latter.

Article 153. The following may not be elected President:

1) A citizen who, called to exercise the Presidency due to the temporary or permanent default of the President, has held the position at any time during the two years immediately preceding the term for which the election is held, and

2) None of the relatives within the fourth degree of consanguinity or second of affinity of a President elected by popular vote who has exercised his functions in the term immediately before, or such relatives of the citizen indicated in section 1 of this article.

Article 154. The following may not be elected Vice-Presidents:

1) The President elected by popular vote who has performed his functions at any time, when the election for Vice-Presidents is for the term following his;

2) Relative within the fourth degree of consanguinity or the second of affinity of the President elected by popular vote, for the term following that in which the President has held office;

3) A citizen who, as Vice-President or as Minister of State has occupied the Presidency at any time during the two years preceding the term for which the election is held;

4) Relatives within the fourth degree of consanguinity or the second of affinity of the citizen mentioned in the preceding section, for the term immediately following that in which they occupied the Presidency; and

5) Relative within the fourth degree of consanguinity or the second of affinity of a candidate for the Presidency of the Republic.

Chapter II—Ministers of State

Article 155. The Ministers of State are the superior chiefs of their respective branches and cooperate with the President of the Republic in the performance of his functions, pursuant to this Constitution and the law.

Article 156. The distribution of business, according to its nature, among the Ministers of State, shall be done according to law.

Article 157. In order to be a Minister of State, the same requirements are necessary as to be a Deputy to the National Assembly. But if he is a citizen by adoption he must have been naturalized at least ten years prior to the time of appointment.

Article 158. No person may be appointed Minister of State who is a relative of the President of the Republic within the fourth degree of consanguinity or the second of affinity.

Likewise, persons of the aforementioned relationship may not be appointed as Ministers in the same Cabinet.

Article 159. The Ministers of State shall have a voice in the National Assembly.

Article 160. Each Minister of State shall submit to the National Assembly, within the first ten days of each regular period of sessions, a report or statement concerning the state of affairs in his Ministry and concerning such reforms as he may deem expedient to introduce.

Chapter III—Cabinet Council

Article 161. The Cabinet Council consists of a meeting of the Ministers of State under the indispensable presidency of the President of the Republic.

Article 162. The functions of the Cabinet Council are:

1) To act as an advisory body on matters submitted to it by the President of the Republic and on those matters that should be heard by virtue of the Constitution or the law;

2) During a recess of the National Assembly, to empower the President of the Republic to settle or submit to arbitration litigious matters in which the Nation has an interest. In such cases, the favorable opinion of the Attorney General of the Nation and a unanimous vote of the Council and of a majority of the permanent Legislative Committee is required;

3) To approve, with the President of the Republic and by unanimous vote, the appointment of the Magistrates of the Supreme Court of Justice and of the Contentious-Administrative Tribunal;

4) To agree upon, under the collective responsibility of all its members and those of the Permanent Legislative Committee, decrees which the President may issue concerning the suspension of guarantees or in the exercise of extraordinary powers, whenever he may be invested with them;

5) To order, under the collective responsibility of all its members and those of the Permanent Legislative Committee, supplementary or extraordinary appropriations, subject to the provisions of article 221 of this Constitution and of laws enacted in the furtherance of this principle;

6) To request from public officials and bodies such reports as may be deemed necessary or advantageous to the conduct of affairs it must consider, and to summon the former and representatives of the latter to render oral reports;

7) To issue regulations for its internal organization;

8) To exercise any other functions established by the Constitution or by law.

Article 163. The Secretary General of the Presidency shall have the rank of Minister of State and shall perform the functions of Secretary of the Cabinet Council.

TITLE VII—THE JUDICIAL ORGAN

Chapter I—The Administration of Justice

Article 164. The Judicial Organ is vested in a Supreme Court of Justice, in the lower courts, and in such other courts as the law may establish.

Article 165. The Supreme Court of Justice shall consist of nine Magistrates, appointed in accordance with the provisions of section 18 of article 144, one every two years for a term of eighteen years beginning on the first of November. Each principal shall have an alternate appointed for the same term, who shall replace him during absences, according to law. A permanent vacancy shall be filled by a new appointment for the remainder of the respective term.

The law shall divide the Court into Panels (Salas) composed of three permanent and two rotating members, among which there must be one Civil, one Penal and one Contentious-Administrative Panel; and it shall specify their powers.

The full Court shall hear cases concerning the nonenforceability of laws and appeals based on constitutionality.

Article 166. To be a Magistrate of the Supreme Court of Justice, it is required:

(a) To be a Panamanian by birth or by naturalization with more than fifteen years of residence in the country;

(b) To have attained thirty-five years of age;

(c) To be in full enjoyment of civil rights;

(d) To be a law graduate; and

(e) To have completed a period of ten years in the practice of the profession of law or the position of Magistrate, Attorney General of the Nation, Attorney (Fiscal) of a superior court, Circuit Judge, or professor of law in a public educational institution.

The validity of credentials for Magistrate of the Supreme Court of Justice already issued when this Constitution becomes effective is recognized.

Article 167. Together with its other constitutional and legal powers, the Supreme Court of Justice shall have the following:

1) Guardianship of the integrity of the Constitution, to which end it shall decide, after a hearing with the Attorney General of the Nation or the Assistant Attorney General, on the enforceability of bills that have been vetoed by the Executive as unconstitutional by reason of form or substance and on the constitutionality of laws, decrees, orders and other acts challenged before it by any citizen on such grounds.

The Court shall also decide whether a constitutional amendment is valid whenever the Executive vetoes it because of its not having been enacted in accordance with the rules of the Constitution.

Whenever in a proceeding the official entrusted with rendering justice believes or one of the parties claims that the legal provision or regulation applicable to the case is unconstitutional, the process shall be suspended and the question submitted to the full Court.

2) The exercise of contentious-administrative jurisdiction over acts, decisions, orders or rulings executed, adopted, or issued in the exercise of their functions or in the guise of carrying them out by national, provincial, or municipal officials and authorities or those of the autonomous and semiautonomous entities. For this purpose the Supreme Court of Justice, after a hearing with the Attorney General of the Nation or the Assistant Attorney General, may annul the acts challenged on grounds of illegality; reestablish the private right that was violated; enact new provisions to replace those that were challenged; and pre-judicially decide as to the meaning and intent or the legal value of an administrative act.

Persons affected by the act, decision, order, or regulation in question may resort to the contentious-administrative jurisdiction; and so also, on behalf of the public, may any natural or juridical person domiciled in the country, in any case in which a public official or authority has acted in violation of law.

There is no appeal on grounds of unconstitutionality against decisions of the Court or its Panels.

Decisions of the Court in the exercise of the powers conferred by this article are final, definitive, and compulsory and must be published in the Official Gazette.

Article 168. The principal Magistrates may not hold any other public position during the term for which they have been appointed, except that of professor for the teaching of law in an educational establishment of university level.

Article 169. In the tribunals and lower courts established by law, the Magistrates and Judges shall be appointed by the Supreme Court of Justice or by the tribunal or judge immediately superior in rank, according to the provisions of Title XII.

Article 170. Magistrates and Judges are independent in the exercise of their functions and are subject only to the Constitution and the law. But lower courts are compelled to abide by and comply with decisions rendered by their superiors in rank on revoking or amending, by virtue of legal proceedings, the decisions rendered by the former.

Article 171. Magistrates and Judges shall not be removed or suspended from the exercise of their functions except in those cases and by the formalities prescribed by law.

Article 172. Positions in the judiciary are incompatible with any other remunerated position, except in accordance with the provisions of article 168, with the practice of law or commerce, and with all participation in politics except voting in elections.

Article 173. The law shall establish the emoluments of Magistrates, Judges, and other judicial officials and employees, which may be changed at any time; but the change shall only become effective two years after it is decreed.

Salaries and emoluments of the Magistrates of the Supreme Court of Justice shall not be lower than those of the Ministers of State.

Article 174. Magistrates and Judges may not be detained or arrested except by virtue of a written order from a judicial authority competent to judge them.

Article 175. Trial by jury is established. The law shall determine what cases should be decided by this system.

Article 176. The administration of justice is free. The law shall guarantee the effectiveness of this principle.

Chapter II—The Public Ministry

Article 177. The Public Ministry shall be exercised by an Attorney General of the Nation, an Assistant Attorney General, by District Attorneys (Fiscales) and Municipal Attorneys (Personeros), and by any other officials designated by law. The Assistant Attorney General shall perform the functions of the Attorney General by delegation, as the law shall prescribe.

Each official of the Public Ministry shall have two alternates, who shall replace him in their order during temporary defaults and during permanent default until the vacancy is filled.

Article 178. The functions of officials of the Public Ministry are as follows:

1) To defend the interests of the Nation, a Province, or of a District, as the case may be;

2) To promote the enforcement or execution of the laws, judicial decisions, and administrative orders;

3) To supervise the official conduct of public officials and employees and to take care that all fully discharge their duties;

4) To prosecute offenses and violations of constitutional or legal provisions; and

5) To serve as legal advisers to administrative officials within their jurisdiction.

Article 179. The same qualifications are required to be Attorney General of the Nation as to be a Magistrate of the Supreme Court of Justice.

Article 180. The term of the Attorney General of the Nation and of the Assistant Attorney General shall be ten years.

Article 181. The special functions of the Attorney General of the Nation are:

1) To arraign before the Supreme Court of Justice those officials whose trials pertain to that body;

2) To see to it that all other officials of the Public Ministry faithfully discharge their duties and see that they are held responsible for wrongs or offenses committed by them;

3) To appoint and remove freely his immediately subordinate employees.

Article 182. The same provisions govern officials of the Public Ministry, as are established respecting judicial officials by articles 168, 171, 172, and 174 .

The provisions of article 173 shall in addition apply to the Attorney General of the Nation.

Article 183. The Attorney General and his alternates shall be elected by the National Assembly. The other officials of the Public Ministry shall be appointed by the official immediately superior in rank, in accordance with the provisions of Title XII.

TITLE VIII—THE PROVINCES

Article 184. In each Province there shall be a Governor freely appointed and removed by the Executive, and who shall be the agent and representative of the latter before the Municipalities within his jurisdiction.

The law shall determine the functions and duties of the Governors.

Article 185. Each Province shall include whatever number of Municipalities may be established by law.

TITLE IX—THE MUNICIPAL REGIME

Article 186. The State rests on a community of autonomous municipalities. A municipality is the political organization of the local community, established in a territory determined by the relationship of proximity (vecindad) and with the economic capacity to maintain self-government under adequate conditions.

Municipal organization shall be democratic and shall respond to the essentially administrative character of local government.

Article 187. Municipalities must cooperate with the National Government in the realization of the social welfare.

Article 188. The muncipal authorities have the duty of complying with and enforcing the Constitution and the laws of the Republic, the decrees and orders of the Executive, and the decisions of the ordinary and administrative courts of justice.

Article 189. No municipal official may be suspended or dismissed by national administrative authorities. Mayors appointed by the Executive Organ are excepted.

Article 190. It is an obligation of the municipalities to contribute to the promotion and maintenance of education and embellishment. The law shall specify what portion of the municipal revenues are to be appropriated for these purposes, to be expended in the respective district.

Article 191. The State shall supply municipal management when the latter is insufficient, in cases of epidemic, serious disturbance of the public order, or other reasons of public interest, in the manner prescribed by law.

Article 192. The territory to which the action of a municipality is extended is called a district. In each district there shall be a body to be known as a Municipal Council, composed of a number of members determined by law, who shall be elected by direct popular suffrage for a term of four years.

Aliens with four years of continuous residence in the respective district or with two years of residence if they are married to nationals, or if they have Panamanian children within the same district, may vote in the elections for Councilmen and may be elected to the Councils. In no case may the representation of aliens in these municipal bodies comprise more than one fifth of their total membership.

Article 193. By popular initiative and by a vote of the respective Councils or commissions, two or more municipalities may request their incorporation into a single unit or to be associated for reasons of mutual benefit. The law shall establish the appropriate procedure.

The municipalities of a Province, with like requirements, may unify their regime by the establishment of a common treasury and fiscal administration. In such cases there may be created an intermunicipal Council or commission whose composition shall be determined by law.

Article 194. Councilmen may be removed from office for abandoning their duties or for misconduct in the exercise thereof. The law shall establish the procedure to be followed in such cases.

Article 195. Citizens have the right of initiative and referendum in matters entrusted to the Councils.

Article 196. When so resolved by municipalities through a plebiscite, the law shall provide that they shall be governed by a system of commissions the members of which shall be specialized in those branches of economic and social activity that the law itself may specify.

Article 197. The commissioners shall be elected by a vote of the people and may be reelected.

Article 198. A commission shall exercise all the functions of the Municipal Councils and shall have the same guarantees and responsibilities established for the latter.

Article 199. In each district there shall be a mayor (alcalde), as chief of the municipal administration, and two alternates. The law shall establish whether they are to be appointed by the Executive or elected by direct popular vote.

When their election is by popular vote the following rules are to be followed:

1) The term of office shall be four years;

2) The same person may not be elected for more than two consecutive terms; and

3) Relatives within the fourth degree of consanguinity or the second of affinity of the person who has held the mayoralty during one term or part of another consecutively, may not be elected for the term immediately following.

Article 200. Mayors shall have the following functions, in addition to the duties established in article 188:

1) To cooperate with the Council in the proper functioning of the municipal administration and to present proposals, especially for the budget of revenues and expenditures;

2) To order the expenses of the local administration in accordance with the budget and accounting regulations;

3) To appoint and remove freely the municipal employees whose appointment does not pertain to another authority, subject to the provisions of Title XII, concerning administrative career; and

4) To promote the progress of the municipal community and to supervise the faithful fulfilment of their duties by municipal employees.

Article 201. The Mayor and the Councilmen shall each receive from the municipal treasury a remuneration that may be changed at any time; but neither an increase nor decrease shall be effective until after a new election. In order to increase it, it will be necessary that the municipal revenues shall also have increased during the last two years.

Article 202. Ordinances, resolutions, and other acts of a Municipal Council, of the commissions, or of Mayors, when the latter are elected by popular vote, can be suspended or annulled only by competent courts. The pertinent action may be initiated by any citizen or official who deems that the contested act is contrary to the Constitution or the law.

The law shall establish the procedure that may be instituted against the acts and resolutions of Mayors.

Article 203. The term of office of Councilmen and Mayors shall begin on the first of September. Elections to fill these offices shall be held on a date different from that for the election of Deputies and the President and Vice-Presidents of the Republic.

Article 204. In each district there shall be a treasurer, elected by the Council, for a term to be determined by law, and who will be the chief of the office or department for the collection of the municipal revenues and of payments.

The law shall provide that in those districts where the revenues reach a specified amount, an auditing office or department shall function, in charge of an official to be appointed by the office of the Comptroller General of the Republic.

Article 205. Taxes that do not originate outside the district are municipal, but the law may establish exceptions in order that specified taxes may be municipal notwithstanding the fact that they do so originate. Starting from this basis, the law shall establish, with due separation, the national and municipal revenues and expenditures.

Article 206. The State may not grant exemptions from municipal fees or taxes.

Article 207. By legal authorization by the National Assembly and a previous favorable opinion of the Comptroller General of the Republic, municipalities may contract loans to carry out material works or undertakings of an economic character or for social welfare which cannot be defrayed from the ordinary funds of the treasury. The service of such debt may not absorb more than twenty percent of the ordinary revenues of each fiscal year.

TITLE X—PUBLIC FINANCE

Chapter I—Property and Rights of the State

Article 208. The following belong to the State:

1) Property existing in the territory that under any title belonged to the Republic of Colombia;

2) The rights and actions which the Republic of Colombia possessed as owner, within or without the country, by reason of the sovereignty that it exercised over the territory of the Isthmus of Panama;

3) The property, revenues, estates, securities, rights and actions that pertained to the extinct Department of Panama;

4) Vacant and free lands;

5) The subsoil, which may be the object of concessions for the exploitation of its resources as established by law.

Mining property granted and not exploited within the time limit fixed by law shall revert to the State;

6) Salt works, mines, and deposits of all kinds may not be the object of private appropriation, but may be granted in usufruct to natural or juridical persons, in accordance with the law, all without prejudice to lawfully acquired rights;

7) Documents relating to natural history. When these belong to private persons they may be expropriated in the manner prescribed by law;

8) Indian mounds (guacas), the exploration and exploitation of which shall be regulated by law.

Article 209. The following belong to the State and are of public use, and consequently may not be the object of private appropriation:

1) The territorial sea and the waters of lakes and rivers; the shores and banks of the same and of navigable rivers; and ports and estuaries. All such property is for the free and common benefit, subject to regulations established by law;

2) Lands and waters destined for public services of any kind of communications;

3) Lands and waters destined for or that the State may set aside for public irrigation services, hydroelectric production, drainage, and water mains;

4) The air space and the submarine continental shelf corresponding to the national territory;

5) All other properties that the law defines as for public use.

In all cases in which privately owned property may be converted by law into property for public use, the owner thereof will be indemnified.

Article 210. The present owners of property included in sections (5) and (6) of article 208, with respect to which legitimately acquired property rights exist at the time this Constitution takes effect, will retain use of the property (dominium utile) for twenty years under the terms indicated by the law under which the acquisition was effected, but said property will revert to the State without indemnification. After the said twenty years the owners may retain use of the property (dominium utile) under such conditions as the laws may prescribe.

Article 211. Concessions for the exploitation of the subsoil, lands, forests, and for the utilization of waters, means of transportation, and other public service enterprises, shall be motivated by the social wellbeing.

Article 212. All artistic and historical wealth of the country, whoever its owners may be, constitutes the cultural treasure of the Nation and will be under the guardianship of the State, which may prohibit its destruction, transfer, or exportation, regulate its alienation, and decree such expropriations as may be deemed necessary for its protection, with due compensation to its owners.

It is the duty of the State to protect the artistic native patrimony and to preserve the folklore tradition in their diverse artistic and literary expressions by means of school activities and research agencies that employ scientific methods.

Article 213. The power of issuing currency belongs to the State, which may transfer it, with respect to fiduciary currency, to official or semiofficial banks of issue, in the manner determined by law.

Article 214. There shall be no paper money of compulsory tender in the Republic.

Article 215. The law shall create and regulate official and semiofficial banks, which shall operate as autonomous institutions supervised by the State, and shall determine the subsidiary responsibilities of the State with respect to obligations assumed by these banks.

Article 216. The law will endeavor, insofar as possible, within needs for raising public revenues and protecting domestic production, to cause all taxes to burden the taxpayer in direct proportion to his economic capacity.

Article 217. No indirect tax or increase thereof shall begin to be collected until sixty days after promulgation of the law establishing such a tax or increase.

The National Government, through the office of price regulation, or other official agency that may take its place, shall in every case take appropriate measures so that the application of the preceding article shall not result in detriment to the consumer.

Article 218. There may be established by law, for revenue purposes, official monopolies on imported articles or those not produced in the country.

Upon establishing a monopoly by virtue of which any person is deprived of the right to engage in any lawful business or industry, the State shall compensate in advance those persons or enterprises whose business has been expropriated under the terms of this article.

Article 219. No public expenditure may be made that has not been authorized in accordance with the Constitution or the law.

Likewise, no item may be transferred to an object not established in the respective budget.

Article 220. All receipts and disbursements to and from the public treasuries must be included and authorized in the respective budget of revenues and expenditures. No revenues shall be collected through taxes unless established by law and no expenses shall be paid unless included in the budget.

Article 221. Whenever the National Assembly is in recess and an expenditure for which insufficient funds or no founds have been voted becomes imperative, supplementary or extraordinary funds may be granted to the respective Ministry. For such purposes, the Cabinet Council shall request an opinion from the Comptroller General of the Republic as to the practicability and suitability of the said appropriation and shall submit the matter to the Permanent Legislative Committee so that it may approve or disapprove it by a majority vote.

All those who intervened in the matter shall be held responsible for their action.

In each case there shall be prepared and sent to the National Assembly a report for the legalization of the appropriation which has been granted. If the Assembly disapproves of any of these, the matter shall be referred to the Supreme Court of Justice to rule on the validity of the appropriation voted and on the consequent responsibilities in the event of invalidation.

Article 222. The execution or repair of national works, the purchases that are made from State funds, or funds of its autonomous and semiautonomous entities, or of the municipalities, and the sale or lease of property belonging thereto, shall be made, except in certain cases specified by law, by public bids.

The law shall establish measures which will ensure in all bids a maximum benefit to the State and full justice in the award.

Chapter II—Comptroller General of the Republic

Article 223. There shall be an independent department of the Executive Organ known as the office of the Comptroller General of the Republic, the mission of which is to supervise, regulate, oversee, and control the movements of the public treasuries and to examine, verify, revise, and audit their accounts. The office of the Comptroller shall not exercise administrative functions not inherent in its internal organization.

The direction of the department shall be exercised by an official known as the Comptroller General of the Republic, assisted by a Deputy Comptroller General, both of whom shall be appointed by the National Assembly for a term to begin on November 1 every four years and within which term they not be suspended or removed except by the Supreme Court of Justice on grounds defined by law.

Both the Comptroller General and the Deputy Comptroller General of the Republic shall be responsible to the National Assembly.

Article 224. The functions of the office of the Comptroller General of the Republic, in addition to those specified by law pursuant to the preceding article, are the following:

a) To conduct the general accounts of the Nation, including that of the public domestic and external debt;

b) To prescribe accounting systems for all national, provincial, and municipal agencies and the manner of rendering accounts for employees who handle public funds;

c) To direct and compile the national statistics;

d) To demand from the corresponding officials reports on the fiscal management of the national, provincial, municipal, autonomous and semiautonomous public institutions;

e) To audit and close the accounts of the officials responsible for all public funds and those of the autonomous and semiautonomous entities;

f) To appoint the employees of its department, according to law;

g) To inform the Executive Organ of the financial condition of the public administration and to submit opinions on the feasibility or convenience of issuing supplementary or extraordinary appropriations;

h) To submit a report of its activities to the National Assembly within the first ten days of each regular legislative session.

TITLE XI—NATIONAL ECONOMY

Article 225. The exercise of economic activities corresponds primarily to private persons. But the State will guide, direct, regulate, replace, or create such activities, in accordance with social needs, and within the standards of the present Title, for the purpose of increasing the national wealth and ensuring its benefits to the largest possible number of inhabitants of the country.

Article 226. In order to accomplish the purposes dealt with in the preceding article, the law shall provide that the following measures be taken:

a) To creat commissions of technicians and experts to study the conditions and possibilities of commerce, agriculture, and industry and to make recommendations for developing them;

b) To promote the establishment of private enterprises that will function in accordance with the recommendations mentioned in the preceding section, by an economic participation in these enterprises by means of autonomous or semiautonomous entities, or by prizes or subsidies, only as long as this is necessary to supplement private capital and within the limits and terms that may be prescribed by law.

As long as there are no autonomous or semiautonomous entities dedicated to the specific purposes dealt with in the preceding section, the economic cooperation of the State shall be authorized in each particular case by the National Assembly, and while in recess, by the Executive with the approval of the Permanent Legislative Committee;

c) To create a Council of National Economy to advise the Legislative and Executive Organs in matters concerning the orientation and development of the national economy;

d) To establish credit institutions designed especially to provide facilities to small merchants, farmers, and industrialists; and

e) To establish theory and practice centers for teaching commerce, agriculture, arts and crafts, including among the latter the manual arts, and for the training of workmen and specialized industrial directors.

Article 227. The State will intervene in any kind of private enterprise, in accordance with regulations established by law, exclusively to enforce the observance of the ends of social justice to which Chapter III, Title III, of this Constitution refers. It will also intervene in the same manner in private public utility enterprises for the following purposes:

a) To regulate the rates for services and the prices of articles of prime necessity, through special agencies;

b) To demand due efficiency in services and adequate quality in the articles mentioned in the preceding section;

c) To coordinate services and the production of articles.

The law shall define public utility enterprises and articles of prime necessity.

Article 228. The State shall create, through autonomous or semiautonomous entities or by other suitable means, public utility enterprises which have not been established by private initiative. In the same manner, when necessary to the collective welfare, it will assume ownership by expropriation and indemnification of public utility enterprises belonging to private individuals, provided that in each case this is authorized by law.

Article 229. It is a duty of the State to promote and supervise producers' and consumers' cooperatives, and for these purposes it shall establish such enterprises as are necessary.

Article 230. Cultivation of the soil is a duty of the owner to the community and it will be regulated by law so as not to hinder or stagnate the utilization of the land.

Article 231. No foreign government or foreign official or semiofficial entity or institution may acquire title over any part of the national territory.

Article 232. No foreign natural or juridical person, or national juridical person having foreign capital wholly or in part, may acquire ownership of national or private lands situated at a distance of less than ten kilometers from the frontiers or the ownership of islands which are under the jurisdiction of the Republic. Nevertheless, vested rights existing at the time this Constitution becomes effective will be respected; but the respective rights may be expropriated at any time upon payment of the corresponding indemnity.

Article 233. There shall be no property that may not be freely alienated, or irredeemable obligations, except as provided in article 60. Nevertheless, temporary limitations on the right of alienation and conditions or terms that suspend or postpone the redemption of obligations will be valid for a maximum period of twenty years.

Article 234. Only the following may engage in retail trade:

1) Panamanians by birth;

2) Individuals who, at the time this Constitution takes effect, are naturalized and married to a Panamanian national or who have children by a Panamanian national;

3) Naturalized Panamanians, not included in the preceding case, after five years from the date of obtaining their final papers;

4) Naturalized Panamanians not covered by the preceding sections who, at the time this Constitution takes effect, are engaged in retail trade according to law, and foreigners in the same circumstances;

5) Juridical persons formed by Panamanians or by foreigners authorized to engage in it individually in accordance with this article, as well as those who, although not constituted in the manner herein provided, are legally engaged in retail trade at the time this Constitution takes effect. Foreigners not authorized to engage in retail trade may, however, participate in those companies which sell their own manufactured products.

Nationals of those States which have in the Isthmus of Panama enterprises or organizations in which Panamanians may find opportunities for work may engage in retail trade, provided said nationals legally reside in territory under the jurisdiction of the Republic.

Retail trade is defined as engaging in sales to the consumer or as to the representation or agency of producing or commercial firms, or in any other activity which the law classifies as pertaining to such trade.

Excepted from this rule are farmers and manufacturers in manual industries who sell their own products.

The law shall establish a system of supervision and sanctions to prevent those persons who pursuant to this article may not engage in retail trade from doing so through interposed persons or in any other fraudulent manner.

Article 235. Wholesale trade is defined as that which is not included in the preceding article, and it may be engaged in by any natural or juridical person. The law may however, whenever it is necessary to protect wholesale trade operated by Panamanians, restrict the exercise of such trade by foreigners. But these restrictions shall in no case affect foreigners who, at the time the pertinent provisions go into effect, are engaged legally in wholesale trade.

In the event that wholesale trade is restricted, the citizens referred to in the second clause of section 5 on the preceding article may continue to engage therein.

Article 236. Any combination, contract, or action which tends to restrict or prevent free trade and competition and which has the effect of a monopoly to the detriment of the public is prohibited in commerce and industry.

This includes the operation by a single natural or juridical person of a series or chain of commercial retail establishments in a manner that ruins or tends to eliminate the competition of small merchants or industrialists.

Any individual may take action before the courts to contest the formation of any company or syndicate or the execution of any combination, contract, or action which tends to establish monopolistic practices. The law shall regulate this matter.

Article 237. The law shall regulate hunting, fishing, and the exploitation of forests, with special care in protecting and conserving the fauna and flora of the country.

Article 238. Only the State may operate games of chance and activities involving betting.

The law shall regulate all games of chance and betting activities, whatever the system may be.

Article 239. There may be no private monopolies.

TITLE XII—RIGHTS AND DUTIES OF SERVANTS OF THE STATE

Chapter I—Fundamental Provisions

Article 240. Public officials and employees shall be of Panamanian nationality, except as provided in this Constitution.

The appointment and removal of officials and employees is not the absolute and discretional prerogative of any of the organs of public power, except as is provided in this Constitution. The service of the State must have as its basis the competency and morality of the official and employee, and his irremovability, except for removal for cause determined by law and declared by the courts.

Chapter II—Administrative Career

Article 241. An administrative career is established in accordance with the following principles:

1) Officials are in the service of the State and not of a political party or group;

2) In the places and during hours of work proselytizing activity shall be unlawful, and as such, punishable by law;

3) The law shall determine the conditions for entrance in the administration by the method of competition based on background, credits for studies made and examinations in theory and practice, in accordance with the nature of the position involved; the duties of the officials or employees and the recourses against decisions that may affect them.

It shall likewise establish rules relative to tenure, promotion, suspension, transfer, removal, and retirement.

Priority shall be given for a position to which a competition refers, to an applicant who, in equal circumstances as to ability and integrity, proves that he is in a condition of greater economic necessity;

4) No investigation of irregularities, derelictions or offenses shall be considered completed as long as the defendant is not able to present his proof and formulate his defense.

Article 242. The following do not form a part of the administrative career:

a) Officials whose appointments are to be made in accordance with the provisions of this Constitution;

b) Subordinate officials and employees of the Presidency of the Republic;

c) The Secretaries of the Ministries and the personnel immediately attached to the personal offices of the Ministers;

d) The chiefs of diplomatic missions of the Republic;

e) The Governors of Provinces and the Mayors of Districts;

f) The Commandants of the National Police Corps;

g) The Secretary, Assistant Secretaries, and the rapporteurs of the National Assembly;

h) The Director of the National Post and Telegraph Service;

i) The Administrator General of Internal Revenue;

j) The chiefs of the autonomous and semiautonomous departments;

k) Lawyers and other technicians required for special or temporary services in the Ministries and the autonomous and semiautonomous institutions;

l) Workers in education, the public force, national or municipal works, and other analogous branches which are governed by a special organic statute.

Chapter III—The Judicial Career

Article 243. A judicial career is hereby established. The law shall regulate it according to the principles set forth for the administrative career in articles 241 and 242. The office of Magistrate of the Supreme Court of Justice, to be filled in accordance with article 165, is excepted from this provision. Officials, clerks, and process servers (porteros) in the service of magistrates and judges and who may be freely appointed and removed by them, are also excepted.

Chapter I——General Provisions

Article 244. The prohibitions with respect to Deputies as set forth in this Constitution in article 117 shall apply to officials having authority and jurisdiction throughout the Republic, with reference to the department of which they are directors or immediate chiefs. These prohibitions shall also apply to municipal officials in their respective districts.

Article 245. There shall be no office or employment in the Republic, the duties of which are not set forth in detail by law or regulations.

Article 246. No public employee may receive two or more salaries paid by the Nation, except in special cases relating to national education.

Article 247. Whenever, in extraordinary cases, a general reduction in the salaries of public employees is necessary, the provisions of articles 116, 147 and 173 of this Constitution will not be applicable.

TITLE XIII—THE PUBLIC FORCE

Article 248. All Panamanians are bound to bear arms whenever so demanded by public necessity for the defense of national independence and the territorial integrity of the Nation, with the exceptions noted in article 17.

Article 249. The law shall organize separately the military service and that of the National Police.

Article 250. The Public Force is not deliberative. It may assemble only by order of legitimate authority and may not address petitions except on matters that are related to the service, in accordance with the law.

Article 251. The Government alone may possess arms and implements of war. Previous permission is required from the Executive for their manufacture, importation, and exportation. The Legislator shall define what arms are not considered as arms of war, and shall regulate their importation, manufacture, and use.

TITLE XIV—AMENDMENTS TO THE CONSTITUTION

Article 252. This Constitution may be amended only by a legislative act enacted by the National Assembly in regular session, which must be published and transmitted by the Executive to the Assembly in the first regular sessions following new elections for Deputies, so that it may again be debated and approved by an absolute majority of its members.

The Executive may object to an amendment only when he receives it for its promulgation after the debates of the second regular Assembly.

Final provisions

Article 253. All laws contrary to this Constitution are hereby repealed.

All laws, legislative decrees, decrees, regulations, orders and other provisions in force at the time this Constitution is promulgated shall continue in effect insofar as they are not contrary to the Constitution or to laws hereinafter enacted.

Transitory provisions

Article 254. The Supreme Court of Justice shall be increased in accordance with the provisions of this Legislative Act on November 1, 1956, and shall assume the functions of the Contentious-Administrative Tribunal which is thereby terminated and whose magistrates shall become members of the Court, the first to be appointed after this amendment takes effect to serve for a term of ten years and the other two to serve until the end of their respective terms. The magistrates of the Court who are in office when this amendment takes effect shall serve until the end of their corresponding terms.

After this Legislative Act takes effect, appointments of magistrates shall be made as follows:

a) In 1956, one for ten years, one for twelve, and one for fourteen;

b) In 1958, one for fourteen years and one for sixteen;

c) In 1960, one for sixteen years and one for eighteen;

d) In 1962 and thereafter, one every two years for eighteen years.

Article 255. The electoral court shall be installed to commence its work on January 1, 1957.

Article 256. The first appointments of magistrates of the electoral court shall be made as follows: four years for the appointee of the National Assembly; eight years for the appointee of the Executive Organ; and twelve years for the appointee of the Supreme Court of Justice.

(*Note:* Transitory Articles 258 to 271 of the Constitution as enacted in 1946 have been repealed, for having served their purpose, by the Legislative Act of October 24, 1956, amending the Constitution.)

This Constitution was enacted in the Hall of Sessions of the Second National Constituent Assembly on March 1, 1946.

The amendments enacted by the two Legislative Acts of October 24, 1956, are incorporated in the text as here presented.

CAMPAIGN OF TERROR AND REPRESSION AGAINST RUSSIAN JEWS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 15 minutes.

Mr. PODELL. Mr. Speaker, I have just received some information that alarms and appalls me. I know it will shock and sadden you and all our colleagues to hear the news a phone call with several Russian Jews yielded this morning.

The Russian Government is using the visit of our President as an excuse for a campaign of terror and repression of intensity reminiscent of Stalin's heyday.

It was not enough for the Soviet Government to imprison men, women, and children just for being Jewish. It was not enough for the Soviet Government to torture Jews on the pretext of trumped up charges. It is not enough for the Soviet Government to fire people who want to emigrate to Israel and then imprison them for not working. It is not enough for the Soviet Government to commit people who want to go to Israel to mental institutions.

It was not enough, dear colleagues, because all these techniques have had no effect. The cries of Russian Jews have just gotten louder and more frequent. The Jewish community of the Soviet Union refused to be silenced by these techniques. The cries of Russian Jews have only gotten louder and more fervent—Let our people go.

World opinion, led by the Congress of the United States, has protested this persecution and has been successful in some small measure to help alleviate the plight of Russian Jews. The Russian Jew you spoke with this afternoon, Mr. Speaker, Boris Kochebievsky, after 3 years in a Russian concentration camp is now a free man—thanks to public pressure. That is why some Russian Jews felt that President Nixon's forthcoming trip to Moscow would focus world attention on their plight and provide the President with an opportunity to aid Russian Jews, to end the harassment of Jews by the Soviet Government.

But, unfortunately, sir, the opposite is true. The Russian Government is using the Nixon trip as a pretext to harass more Jews. It is using the President's trip to escalate the repression and persecution of Jews.

Just this morning, I received news that the nine leading young Jewish activists in Moscow were called to their local army draft boards for their physicals. Most of these men have already served in the army. They are members of reserve units that are not being called up now. Their draft boards even had to change their military papers in order to induct them. They are members of reserve units that are not being called up now.

However, these Jews are being inducted starting Monday just because they are Jews. They will be stationed out of Moscow so that they will have no opportunity to focus world attention on the tyranny and antisemitism of the Russian regime.

These men: Gavriel Shapiro, Vladimir Lerner, Victor Yechot, David Markish, Dan Raginsky, Pavel Abramovitch Mark Nashpitz, Mechiel Klatchkin, and Shmuel Gurvetz are being deprived of the limited freedom they have because our President is taking a trip to Moscow.

None of these men are criminals—they are just Jews who want to enjoy freedom.

But Moscow is afraid of such courageous people. Moscow imprisons such people in the army, lest their fabric of lies be torn asunder by these Jews who are willing to stand before the world and say: "Let our people go. Let us be free."

Mr. Speaker and colleagues, I urge you to telegram the President to protest. I beg of you to make sure that the Government of the Soviet Union knows that the U.S. Congress will not bury the cold war if it means burying Russian Jews as well.

Telegram Mr. Podgorny, Mr. Breshnev, and Mr. Kosygin and tell them that the U.S. Congress will not accept a detent if it means that Jews with the courage to stand for freedom will be dragged off to the army not to be heard of for 2 months. if ever.

Write Mr. Nixon and draw his attention to the tragic inadvertant consequences of his effort to promote world peace. Remind him that the leaders of the free world went to Munich to preserve and promote world peace. Last time the casualties were measured in the millions. This time, so far, only nine men have been dragged off to the army. But that is only so far—unless we make our views heard who knows what tomorrow will bring?

FARMERS' ECONOMIC PROSPECTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Iowa. Mr. Speaker, I submitted a request to the Library of Congress relative to the economic prospects of farmers in this country in 1972 and the future. The reply by Walter W. Wilcox, Senior Specialist in Agriculture at the Library of Congress, contains a number of interesting statistics and bases for the conclusions reached. I think the analysis presented would be of considerable value to other persons interested in this subject matter and I am therefore placing it in the CONGRESSIONAL RECORD where it will be available on a more widespread basis. It is as follows:

FARMERS' ECONOMIC PROSPECTS—A STATEMENT PREPARED FOR THE HONORABLE NEAL SMITH

(By Walter W. Wilcox)

Farmers' net income in 1972 is expected to set a new record. Yet it will be only a little higher than in 1947.

Can farmers expect to move forward to higher incomes in the years ahead or are they doomed to drop back to lower incomes as they did in the 1950's? This is the 64-dollar question in every farmer's mind as he plants his crops this spring.

What happened in the 1950's that caused farm prices and farm income to drop while other prices and workers' wages continued to rise?

Farm prices little above 1947–49. Farm prices in 1971 were only 5 percent higher than in 1947–49, as compared with an increase of 44 percent in all wholesale prices, an increase of 73 percent in the consumer price index; and an increase of 183 percent in the hourly wages paid nonagricultural workers in private employment.

Realized net farm income in 1971 totaled $15.7 billion, the same as in 1970, but was $1.1 billion lower than in 1969 and $1.4 billion less than in 1947, a record established 24 years ago.

Farm income dropped 37 percent 1947–57. In the ten years following 1947, net farm income declined 37 percent. If we look at the record, we find that there was no great increase in crop land cultivated. There was no sharp drop in the demand for food and fiber. Yet farmers net income dropped from $17.1 billion in 1947 to $12.9 billion in 1950, and reached a post-World War II low of $10.7 billion in 1957.

Are we about to see this record repeated as the war in Vietnam is wound down? Or is there a new national and world situation facing farmers?

Farm prices have increased 12 percent in the past four years in contrast to declining more than 15 percent in the 10-year period, 1947 to 1957. Are farmers now entering a new and happier period? Will farm prices at last keep pace with other prices in our economy?

Prices received for farm products declined by 15 percent in that earlier 10-year period, 1947 to 1957, at a time when prices paid by farmers, interest, taxes and wage rates increased 20 percent.

People left farms in record numbers. In the light of the continuing severe cost-price squeeze, it is not surprising that about 1,000,000 people left the farms each year. By 1957 the farm population was almost a third less than 10 years earlier.

The failure of farm prices and income to recover until now has contributed to a continuing decline in the farm population and in the number of farm workers.

We now have 9.4 million people living on farms as compared with 25.8 million 24 years ago. The number of farm workers also has declined by more than one-half, from 10.4 to 4.4 million workers.

Farm production increased regardless of low prices. When one looks for explanations for the long decline in farm prices and income after World War II, he finds them in the unparalleled productive capacity of American agriculture.

In spite of the lower prices and declining farm income, farmers continued to buy more fertilizer, more improved seeds, more pesticides and more machinery each year, and they continued to increase production per acre and per hour of labor.

In the past 24 years U.S. farm production has increased 60 percent. Crop production per acre has increased 67 percent, and output per hour of man labor used on farms is now over four times what it was in 1947.

Farm programs prevented even greater decline. Although United States personal income after taxes increased from $170 to $741 billion during the past 24 years, total population increased only 44 percent—substantially less than the increase in farm production.

It should be clear from this brief examination of the historical record that the demand for food and fiber is more closely related to the increase in population than to the increase in consumers' incomes.

Continued overabundant farm production, in spite of low prices and low-farm income, kept farm prices and farm income depressed, even though rapid increases occurred in consumer incomes.

Farm prices and farm income would have declined even further in the 1950's, except for the farm price-support loans and the accumulation of large Commodity Credit Corporation inventories of crops that could not be sold in commercial markets at the price-supported levels.

CCC loans and inventories, acquired in price-support activities, increased from $1 billion in 1946 to a record $8.2 billion in 1955. After 1959, CCC loans and inventories were gradually reduced by increased exports and more effective adjustment programs until they reached a low of $3.4 billion in 1947.

Record 1972 net farm income result of special factors. Farmers are looking forward to the best income on record this year largely because of record government payments and favorable livestock prices. Increased exports, acreage-adjustment programs, government price-support loans, and a short corn crop due to extensive corn-blight damage—all have been important in achieving an improved balance in crops and livestock in recent years.

Agricultural exports have more than doubled in the past 24 years. And, fully as important, 50 to 60 million acres of crop land have been held out of production by government price-support and adjustment programs in four of the last five years.

Farmer's production costs also will increase less in 1972 than in recent years. The inflation of 1969–71 has been slowed by the national wage and price-control program. In the past four years, prices paid by farmers for supplies increased even faster than farm prices—while farm prices increased 12 percent, prices paid by farmers for purchased items increased by 17 percent.

The expected increase of $1.5 to $2 billion in farmer's net income in 1972 over 1971 is the result of an increase of about $2 billion in livestock receipts, $1.25 billion in government payments, and a slower rate of increase in production expenses. Government payments in 1972 are expected to account for close to 25 percent of farmers' net income, a new record.

Uncertainties ahead. A full recognition of the factors which account for the record net farm income in 1972 underscores the uncertainties which lie ahead.

Farm exports set a new record in 1971 and will maintain substantially the same level in 1972.

Farm production also set a new record in 1971 adding to carry-over stocks of wheat and feed grains. CCC price-support loans, at record levels for feed grains, are providing a floor under grain prices in 1972.

Farm program payments in 1972 of more than $4 billion, will set a new record.

Livestock prices will be at or near a new record for the year, in part as a result of fewer hogs being marketed during the low point of their three-to-four-year production cycle.

Crop production in 1972, on the basis of the March 16 planting intentions report, as in the 1950's will be excessive in relation to market outlets available, in spite of the 1972 set-aside programs.

Analysts in the Department of Agriculture and the Land-Grant Colleges tell us that population is increasing both at home and world-wide at a rate which precludes much improvement in the world's diets in the next decade.

Yet, consumers' incomes, especially in the western world and in the Soviet Union, are rising rapidly and the demand for meats and other livestock products is growing substantially faster than population increases.

United States farming is and will continue to be an expanding industry. It now employs 4.4 million workers—more than the combined employment in transportation, the steel industry and the automobile industry.

Agriculture's assets total $335 billion, equal to about three-fifths of the value of capital assets of all corporations in the United States.

One out of every five jobs in private industry are related to agriculture.

Does this great industry have a brighter future than its experience of the past two decades?

Excess productive capacity to continue. Agriculture's economic future depends on many developments. Export markets must continue to expand. Inflationary forces must be held in check. And, effective production adjustment programs must be reinstituted to avoid further build-up of surplus stocks as occurred in the 1950's.

Many people ask how much longer it will be necessary to hold 50 million acres of crop land out of production to avoid producing more than can be marketed at satisfactory prices? There is a division of opinion on this question. A few analysts believe that crop yields, which have increased about 67 percent in the past 24 years, will not continue to increase at this rate in the future. Cotton yields already have dropped back from their peak levels in 1963–65.

A majority of analysts, however, believe that technological advances will continue at recent levels. They believe that crop yields will continue to increase for an indefinite period. They expect a continued uptrend in agricultural exports, with modest outlets opening in the Soviet Union and China. But the grain-export capabilities of other countries continue to expand and increased exports will not provide an adequate outlet for the full productive capacity of United States agriculture in the near future.

Most analysts are unable to set a date when all the crop land suited to grain production in the United States can be cultivated without oversupplying markets. They conclude that to avoid a return of the low prices and low-farm incomes of the 1950's national policies which hold inflationary forces in check are needed. International trade policies that continue to expand foreign markets are needed. And, a more effective production-adjustment program than has been in effect in 1971 and 1972 is needed.

MAKING THE SUMMER CAMPS SAFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. Daniels) is recognized for 5 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, who has not seen a gleeful youngster playing ball run out into the street after his toys unaware of the dangers of a moving car or motorcycle? A child enjoys his activities oblivious of the imminent hazards that might cause him real harm. That is why children are cared for and supervised. But what about their welfare at summer camp? Do you know what precautions are taken when you as parents, grandparents, aunts, and uncles are not there?

The sad fact is that no one does, in many cases. An advertising brochure is designed to show off a camp to its best advantage. In reality the facilities might be in poor repair, might be unsanitary, or might be laid out in a dangerous way such as a play area near a rifle range.

Each summer, many children are drowned, hundreds of accidents occur, and 250,000 youngsters require medical attention in hospitals for longer than a day and a half. There is no estimate of the number of deaths or injuries that go unrecorded because nowhere is this required.

Mr. Speaker, my colleagues must know that there is only one State in the Nation that has a comprehensive law protecting our children in camps—Michigan—the State, not coincidentally with the lowest accident and drowning rate. Congress has legislated safety and health regulations for 80 million adult workers, including camp personnel, while those least able to guard themselves are left without help.

I want to affirm my support for the Senate version of the Youth Camp Safety Act, now title 19 of the Higher Education Act currently in conference. I also want to commend my colleague from New York (Mr. Peyser), for his unfailing support of this bipartisan effort for all American youngsters. The recent Washington Post editorial is also convinced that the Senate version is the best approach. The article follows:

Making the Summer Camps Safe

Summer comes, and with it the call of the outdoors. Among those answering it will be an estimated eight million children who will go to some 11,000 recreational camps across the nation. The parents or guardians of these young campers send them off for such pleasures as hiking, canoeing, swimming and horseback riding, trusting that the children are in trained hands and safe conditions. The trust is generally well placed; large numbers of camps are run with high regard for safety and staffing. But not all.

Testimony in the past few years before both Senate and House committees suggests that large numbers of camps are risky operations. Rep. Benjamin Rosenthal (D-N.Y.), an early advocate for camp safety legislation, has noted that 19 states have no regulations regarding camp safety, 40 states have no standards for counselors or waterfront personnel and 29 require no inspections of camp facilities. Rep. Edith Green (D-Ore.), has pointed out that there are 250,000 youngsters who are injured in camps and require medical attention in hospitals beyond a day and a half.

With much of this in mind, the House had an opportunity last November to pass strong legislation—offered by Rep. Dominick Daniels (D-N.J.)—that would have allowed federal standards to be set, standards that were broad and fair. But the House rejected the bill, approving instead a weak proposal that called for a study. Calling for a study is an old congressional tactic that is often a refined way of dodging or stalling. In this case, how much more study is needed? Countless witnesses, from the American Camping Association and the Boy Scouts to parents of children killed in needless camping accidents, have recited in testimony all the facts Congress needs to know in order to act.

Proposing the stalling tactic of the "study" was Rep. J. J. (Jake) Pickle (D-Texas). "Everyone is in favor of camp safety," he said, ". . . but we must mix in some judgment with our fervor." Mr. Pickle says he is an Eagle Scout and therefore has the kind of judgment needed. The camp operators in Texas that Mr. Pickle speaks for and who want no federal standards may indeed be offering the ultimate in safety, but what about operations elsewhere? For that matter, if a camp is safe and well run, what does it have to fear from federal standards? To its credit, the American Camping Association, which accredits only about 3,500 out of the 11,000 camps, backed the Daniels bill.

A conference committee, now meeting on the Higher Education Act, will soon discuss summer camp safety. Fortunately, the Senate passed (51–0) an amendment sponsored by Sen. Abraham Ribicoff which is far superior to the study approach of the House, so the conference committee has this to work with. Though not as strong as the defeated Daniels bill, the Ribicoff approach would provide funds for states that wished to comply with standards set by HEW. Clearly, this is needed, rather than more study. If there are already federal standards for occupational safety and coal mine safety (enforcement is another question), why not standards for summer camp safety? Mrs. Green put it another way: "We pass all kinds of legislation to protect birds or four legged animals. Why not consider the 250,000 youngsters that are injured each year?"

PUBLIC INTEREST IN FACTS ON U.S. COMPANIES IN NAMIBIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Diggs) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, the resolution which the Episcopal Churchmen for South Africa intends to present at the annual meeting of the American Metal Climax, Inc. on May 4 has come to my attention. The resolution seeks information on the company's operations in Namibia in regard to: First, the history of its involvement; second, relations with workers; and third, relations with the illegal South African authority.

Mr. Speaker, I regard the furnishing of such information as the minimum required by American companies operating in Namibia and endorse this effort.

I wish to insert for the thoughtful consideration of my colleagues a copy of the proxy statement and of the resolution.

The article follows,

Proxy Statement of Episcopal Churchmen for South Africa

This Proxy Statement is furnished by Episcopal Churchmen for South Africa ("ECSA") in connection with the solicitation of proxies for use at the annual meeting of shareholders of the American Metal Climax, Inc. to be held on May 4, 1972, at 2:15 p.m. at the Barbizon-Plaza Hotel, 101 West 58th Street, New York, N.Y.

Episcopal Churchmen for South Africa is a non-profit corporation organized under the laws of the State of New York. The directors of ECSA are:

William O. Johnston, president, New York City; Oscar J. Callender, Jr., vice-president, Hollis, N.Y.; May Dikeman, secretary, New York, N.Y.; Anne B. O'Brien, treasurer, White Plains, N.Y.; Ann Thacher Anderson, Tappan, N.Y.; and Elaine Wyatt, New York City

ECSA intends to designate William Johnston, president; May Dikeman, secretary; and Edgar Lockwood, chaplain, to solicit proxies. No additional compensation for their services is contemplated apart from any regular salaries they now receive (Mr. Johnston is ECSA's only salaried employee), other than reimbursement for their reasonable expenses.

The cost of solicitation will be borne by ECSA which expects to obtain contributions toward such costs from contributions by its members, shareholders and other persons interested in the proposal presented.

ECSA is the owner of three shares of common stock of American Metal Climax, Inc.

ECSA will not attempt to disseminate its Proxy Statement to each shareholder of the Corporation since to do so would be too costly. It will seek to contact selected shareholders of the Corporation, either by mail or in person, or otherwise, and when it does so it will furnish a copy of its Proxy Statement.

However, a copy of ECSA's resolution, together with a short statement in support thereof, will appear in the Proxy Statement of the Corporation and consequently ECSA will be able to communicate with all of the Corporation's shareholders and each shareholder will have the opportunity to vote on the resolution put forward by ECSA.

Shareholders may attend the meeting and vote their shares in person. Shareholders may also vote by proxy and an opportunity is presented on the Corporation's form of proxy to allow shareholders to vote on ECSA's proposal. They may vote in favor of ECSA's proposal by indicating their approval of the proposal in the appropriate box on the Corporation's Proxy and by executing and returning the proxy to the management of the Corporation.

In addition, ECSA may, in some instances, provide its own form of proxy concerning its proposed resolution which may be executed and returned to ECSA. Any person giving a proxy may revoke it at any time prior to its exercise either by giving notice of revocation to the Secretary of the Corporation or by executing and returning a subsequently dated proxy. The effect of a shareholder executing and returning ECSA's form of proxy after he has already executed and returned the Corporation's proxy will be to revoke his prior proxy solely as to ECSA's proposal and will not have any effect on the other matters on which the shareholder has already voted via the Corporation's proxy. Each share is entitled to one vote. The vote of a majority of those shares voting will be necessary to approve ECSA's resolution. The number of shares entitled to vote will be found in the Corporation's Proxy Statement. The record date for determining which security holders are entitled to vote at the annual meeting is also to be found in the Corporation's Proxy Statement. Any proxies which ECSA receives will be voted at the meeting in accordance with the directions given by the shareholder.

PURPOSE OF SOLICITATION

ECSA is furnishing this Proxy Statement in order to solicit support for a resolution which it intends to present at the Corporation's annual meeting. The resolution asks that the Board of Director's of the Corporation provide the shareholders with information regarding the Corporation's interest in the Tsumeb Corporation in Namibia (South West Africa) in which the Corporation has a 29.2% interest. The information requested pertains to the history of the Corporation's involvement with Tsumeb Corporation; relations with employees, specified by race; and relations with the government of the Republic of South Africa which controls the territory of Namibia.

Namibia is a territory lying on the South Atlantic coast of the African continent, some 318,000 square miles in extent, or about the size of California, Oregon and Washington State put together. Its population is about three-quarters of a million black Africans, a few thousand Coloured people of mixed race and some 95,000 whites, these last controlling the commerce, industry, wealth and politics of the territory.

The lawful authority in Namibia is the United Nations. But the territory is occupied by the government of the Republic of South Africa in defiance of the United Nations.

Namibia (then known as South West Africa) was part of the German Empire, having been allotted the Kaiser's government following the Berlin Conference of 1885. During World War I, South African troops—then under the British flag—defeated the German troops there. In 1920, Namibia was placed under the League of Nations Mandate system and the Mandate was conferred on the British Crown to be administered by the then Union of South Africa.

The terms of the Mandate contained the provision that "the Mandatory shall promote to the utmost the moral well-being and social progress of the inhabitants of the territory" in accordance with the League Covenant which directed "there shall be applied the principle that the well-being and development of such peoples form a sacred trust of civilization".

South Africa (which became a Republic outside the British Commonwealth in 1961) has refused to recognize the United Nations as the successor to the League of Nations and has virtually incorporated Namibia, despite persistent United Nations resolutions and advisory opinions of the International Court of Justice. South Africa has not allowed Namibians to petition before the United Nations and has refused to render annual reports on its administration of the territory, as required by the Mandate.

On July 18, 1966, the International Court of Justice, after six years of argument and by an 8 to 7 vote, dismissed a case against South Africa for its governance of Namibia. South Africa took this non-judgment as a vindication for its occupation and has extended its control over and its apartheid laws into Namibia.

On October 27, 1966, the General Assembly of the United Nations, by a vote of 114 to 2 (the United States of America concurring; South Africa and Portugal only voting 'No') terminated the Mandate for South Africa and itself assumed that trust. The U.N. set up an eleven-member body, the Council for Namibia, to administer the territory, but that Council has not been able to exercise its authority in Namibia because of South Africa's adamant stand.

In January, 1970, the Security Council of the United Nations reaffirmed the inalienable right of the people of Namibia to freedom and independence and declared the presence of South African authorities in Namibia to be illegal. The United States of America voted "Yes."

On May 20, 1970, the United States Ambassador to the United Nations stated:

"The United States will henceforth officially discourage investment by U.S. nationals in Namibia.

"Export-Import Bank credit guarantees will not be made available for trade with Namibia.

"U.S. nationals who invest in Namibia on the basis of rights acquired through the South African Government since adoption of General Assembly Resolution 2145 (October 27, 1966) will not receive U.S. Government assistance in protection of such investments against claims of a future lawful government of Namibia.

"The United States will encourage other nations to take actions similar to these."

On June 21, 1971, the International Court of Justice handed down an advisory opinion, declaring South Africa's presence and administration in the territory of Namibia to be illegal and that member states of the U.N. are obliged to recognize that illegality and "to refrain from any acts and in particular any dealings with the Government of South Africa implying recognition of, or lending support or assistance to, such presence and administration."

On October 20, 1971, the Security Council of the United Nations—the United States concurring, endorsed this opinion of the World Court.

Namibians—those in exile, whether associated with active liberation movements or not, and those within the territory—hailed the World Court decision and there began a surge of Namibian nationhood which continues to grow.

On June 30, 1971, two black Lutheran leaders, Bishop Leonard Auala and Moderator Paulus Gowaseb, on behalf of their almost 300,000 adherents, issued an Open Letter to South African Prime Minister Balthazar Johannes Vorster. They listed the grievances of the Namibian people: intimidation by racist policies; denial of free speech, movement and voting rights; forced separation by tribal groups; the contract labor system—widely practiced in the territory by industrial, commercial and farming interests of the white minority—which separates black men from their wives and families. Bishop Auala and Moderator Gowaseb also called on South Africa to work with the lawful authority—the United Nations—to bring about independence for their country.

Opposition to foreign rule surfaced again in a general strike by contract laborers on December 13, 1971, which forced the closing down of enterprises and services throughout the territory—among them the operations of Tsumeb Corporation. In all, 13,000 workers returned to Ovamboland, an area in northern Namibia which had been designated a 'Homeland' by the South African government.

South African police reinforcements and army troops (this latter a violation of the Mandate) were rushed into Ovamboland to stem the rising tide of expression by the Namibian people. Twelve workers' leaders were put on trial in Windhoek, capital of the territory, for the crime of withholding their labor and for allegedly intimidating others to do so.

On January 20, 1972, the South African Minister of Bantu Administration and Development announced that a new labor system had been introduced, by a 'treaty' between his government and black legislative councilmen of Ovamboland and neighboring Kavango. Workers and their strike leaders were not consulted. However, the day before the 'treaty' signing the South African government officials did consult with representatives of white mining, farming and commercial interests.

The Right Reverend Colin O'Brien Winter, Anglican bishop in Namibia and a citizen of the United Kingdom, and three associates—among the very few whites in the territory openly supportive of the Namibian people—were ordered out of Namibia on March 4, 1972. Both Bishop Winter and New York City Judge William H. Booth (who attended part of the trial of the twelve workers' leaders as an observer for the International Commission of Jurists) testify to the ongoing determination of the Namibian people for independence and to the fact that rather than being content with some superficial changes to the contract labor system the black workers of Namibia are continuing their resistance to a form of serfdom which is an anachronism in the world today.

The United Nations Security Council spoke once more about Namibia on February 4. It instructed Secretary General Kurt Waldheim to contact all parties concerned to establish conditions to enable the people of Namibia to exercise their right to self-determination and independence. The Secretary General did visit Namibia and was presented with petitions by the coalescent National Convention of Namibia, representing black and brown Namibians.

The Security Council passed another resolution on February 4, 1972. This condemned the repression of workers and called upon ". . . all States whose nationals and corporations are operating in Namibia . . . to use all available means to ensure that such nationals and corporations conform in their policies of hiring Namibian workers to the basic provisions of the Universal Declaration of Human Rights".

This Declaration speaks to a vast range of freedoms: choice of employment; protection against unemployment; equal pay for equal work; just and favourable remuneration; welfare and standards of living; the right to organize trade unions; life, liberty and security of persons.

The Namibian people are struggling non-violently for their independence, after living for almost a century under foreign domination, exploitation and military control.

In our opinion it is not in accord with the declared purposes of the American nation that any person or entity of this country take part in or profit from such conditions as now obtain for the Namibian people.

Resolution

Whereas, some stockholders believe from information now publicly available that United States corporations should no longer conduct business in Namibia (South West Africa), where the Republic of South Africa continues to administer that territory in defiance of the United Nations and the opinion of the International Court of Justice;

Whereas, specific information is vital for stockholders to make an informed decision about this Corporation's involvement in Namibia and South Africa;

Whereas, it is the right of a stockholder to have access to information about the Corporation's business unless it would injure the competitive position of the company.

Therefore be it resolved, that the shareholders request the Board of Directors to provide a full written report to the shareholders within four months of the date of the 1972 annual meeting on the Corporation's involvement either directly or indirectly through its subsidiaries and affiliates in Namibia and South Africa. This report shall include the following items, provided that information directly affecting the competitive position of the Corporation may be omitted and further provided that the Board need not spend funds in excess of what is reasonably necessary to compile the report:

I. HISTORY

a. A history of the Corporation's involvement in Namibia and South Africa since 1948, including: (1) the legal form of ownership of the operations conducted by the Corporation, its subsidiaries and/or affiliates; (2) annual investment of capital broken down by sources within and without Namibia and South Africa; (3) annual profits with detailed statements of supporting data; (4) numbers of employees broken down by race (Africans, Asians, Coloureds, Whites); (5) contractual relations with the South African government; (6) taxes paid to the South African government.

b. A listing and explanation of political, educational and charitable grants and gifts made since 1948 by the Corporation, its affiliates and/or subsidiaries within or for the benefit of Namibia, Namibians, South Africa or South Africans.

II. RELATIONS WITH WORKERS

a. A detailed listing of current wages and employee benefits by functional job description comparing African, Asian, Coloured and White workers. A summary and comparison of wage rates, fringe benefits and promotions since 1948 for each category of employees by racial group.

b. A description of grievance procedures and of Work Committees, if any, for African and other non-white workers and of any trade union contracts or informal understandings which restrict employment possibilities for African, Coloured or Asian employees.

c. A description, broken down by race, of technical training, general education, legal assistance, housing or other programs provided by the Corporation for workers or their families.

d. A description of any investment or plans for investment by the Corporation, its affiliates and/or subsidiaries in the "Border Areas" or Homelands proper.

e. A detailed description of the policy and practice of the Corporation, its affiliates and/or subsidiaries as to the recruitment of management and workers from outside of South Africa or Namibia for work within South Africa or Namibia.

III. RELATIONS WITH THE GOVERNMENT

A description and explanation of those South African laws which the South African government enforces or attempts or purports to enforce so as to directly affect the employment practices of the Corporation, its affiliates and/or subsidiaries and the working conditions under which African, Coloured and Asian workers labor; a statement regarding the compliance or non-compliance with these laws by the Corporation, its affiliates and/or subsidiaries; and a summary of those actions which the Corporation, its affiliates and/or subsidiaries have taken to avoid the effect of these laws or to bring about their repeal or modification.

STATEMENT

For some shareholders, the Corporation's substantial investment, through Tsumeb Corporation, in mining operations which are a major force in the economy of Namibia (South West Africa), is a matter of grave concern. This proposal is designed to provide basic data essential to an informed shareholder electorate in order to enable it to evaluate the extent of the Corporation's involvement in Apartheid in Namibia or South Africa, its effect on the lives of black and brown employees and the value in the long run of the Corporation's investment.

KNOWLEDGEABLE, EXPERIENCED, EFFECTIVE—REPORT NO. 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. Kee) is recognized for 15 minutes.

Mr. KEE. Mr. Speaker, during recent visits to my district I have been questioned several times as to procedures of this House. The theme throughout seemed to be the voting record percentage of the Members. We all know that there are Members who take deep pride in their 90- to 100-percent attendance record. I congratulate them—but add that because of my responsibilities and obligations to my constituents I am not among this small group. Also, my duties not only as a Member of this House, but as a permanent chairman of the Conservation and Watershed Development Subcommittee, Committee on Public Works, and an active member of the Mines and Mining Subcommittee of the Committee on Interior and Insular Affairs has resulted in my being assigned certain critical tasks by the chairman of those committees. These additional duties have required me to travel extensively throughout the continental United States, Alaska, and Antarctica. In addition, I serve on six other subcommittees—all meaningful to the people in my district. Heading subcommittees involves the traditional congressional functions of conducting on-the-spot inspections, investigations, and hearings, which necessitates hearings being held outside of Washington.

Through these hearings we learn if legislation passed by the Congress and now law is being executed in the manner intended by the Congress. We learn if the laws as written are sufficient, or should they be amended to make them more effectively productive? Too, we should know as much as we can about the various subjects over which our committees have jurisdiction.

Membership of subcommittees vary almost every time, with one exception. The chairman must always be at the location of those activities being conducted away from Washington. Thus many members on my two subcommittees may make but one or two field visits, while my official responsibilities carry me away on many occasions.

But, for one exception, I was registered as voting on all bills which I considered of vital interest to the people of West Virginia and the Fourth Congressional District. I will return to that exception in a moment.

Returning to those questions posed in my district I feel it must be made clear to my constituents of the real workings of Congress. We all know that committee hearings and sessions make up the greater bulk of congressional business. Such legislation as pertains to each committee must work its way through subcommittee hearings to hearings before the full committee. When we have reached agreement on the form and substance of the bill, we must then report it to the Congress and request the Committee on Rules to allocate both a date and the number of hours of debate on our bill. Then the bill reaches the floor where for the first time, almost all Members learn the details therein through floor debate.

This casts no reflection on any Member. How could any human being know the contents of the thousands of bills introduced during each session of Congress? How many could hope to understand the details of the hundreds upon hundreds of bills which reach this floor finally for action? No, it is at the time of the debate that everyone learns of the issues at hand and then votes accordingly.

Without the committee form of organization both Houses would be in a constant state of chaos. We could not execute our sacred duty and trust to the people without this system.

I earlier referred to an exception on my voting record on matters of vital interest and concern to the people of West Virginia. That one exception was on November 10, 1971, when the black lung amendments, which I sponsored and fought so hard for, came before this House for action. I was unfortunately the chairman for a subcommittee investigation visit to Davenport, Iowa, at that time. I say "unfortunately" in the sense that certain people have made such an issue over this one vote. What they neglect to tell the people is that my efforts and those of my supporters were so effective that these amendments passed by a vote of 312 to 78. As we say "we had the votes" and I knew it. Every Member of the House and Senate is fully aware of the fact that I introduced the very first bill in the Congress to provide black lung benefits in April 1969. This was included as title IV of the Federal Coal Mine Health Safety Act of 1969.

Speaking on my behalf at that time was Chairman JOHN A. BLATNIK of the Committee on Public Works. His words reflect the truth of the matter, pure, and simple. At this point I would like to insert the statement made by Chairman Blatnik on November 10, 1971:

> Mr. BLATNIK. Mr. Chairman, it is most unfortunate that our distinguished colleague, Jim Kee, is absent on official business, on the authority of the House Public Works Committee, and cannot vote for the black lung bill. Jim fought long and hard for this bill, which is of great consequence to the people of West Virginia, and to coal miners everywhere.
>
> Several weeks ago, before we had any idea this legislation had been scheduled for this week, I, as chairman of the House Public Works Committee, approved a series of important out-of-town hearings on watershed development, by the Conservation and Watershed Development Subcommittee, of which Jim Kee is chairman.
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> Up until the very last moment, we were juggling the timing of the trip around the bill's possible scheduling. When, at last, we were advised on sound authority that the bill would be delayed until later, we went ahead with the plan for the subcommittee's trip.
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> After the hearing had been scheduled and announced, the black lung legislation was brought to the floor this afternoon.
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> But for these pressing and long-promised hearings, Jim would have been here to vote on this extremely important legislation.

I am exceptionally proud of my record. I need not apologize. I need not explain anything in that record due to a lack of attention or concern over the major issues of our time. The people of the Fourth Congressional District can rest assured on those points.

I shall run on that record, and dare any one to fault it or match it.

POLICIES AND PROCEDURES TO END THE WAR IN INDOCHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HOLIFIELD) is recognized for 10 minutes.

Mr. HOLIFIELD. Mr. Speaker, today, I have introduced House Concurrent Resolution 592, a measure which, if carried out, will put an end to the bloodshed, human suffering, and destruction which has been inflicted upon Southeast Asia for the past 25 years.

This measure seeks not only to end the involvement of the United States in the war, but also to put an end to the war itself and establish peace in the Indochina area.

Also, House Concurrent Resolution 592 offers the most rapid and humanitarian method for obtaining the release of the prisoners of war and a full accounting for missing persons.

The resolution follows the intent expressed by the Democratic Caucus in its vote of April 19, 1972, to end the war and seek the repatriation of our men held prisoner by North Vietnam and by the National Liberation Front.

House Concurrent Resolution 592 recognizes the concern of the American people about the war and its recent escalation by the invasion of South Vietnam by 14 divisions of North Vietnamese troops.

Also, the resolution recognizes the basic fact that peace in Southeast Asia, or anywhere else in the world, can be achieved only by agreement of the great powers which sponsor smaller nations, and the people of the smaller nations themselves. If we are to end the war, stop the killing, repatriate the prisoners, and establish a lasting peace, it must be on the basis of an agreement negotiated between the parties.

Most importantly, Mr. Speaker, the resolution recognizes that the U.S. Congress cannot impose an agreement upon the parties by a legislative act, nor can we gain the release of our men who are prisoners of war through legislation alone. For example, a measure which unilaterally restricts available defensive options through the denial of funds, does nothing but encourage the enemy. Such measures, without a negotiated agreement only doom the prisoners of war to additional months or years of killing.

The resolution which I have introduced establishes seven broad objectives to be achieved through negotiation; either in Paris, through the good offices of the Secretary General of the United Nations, or otherwise. These objectives are:

To end the war.

To repatriate the prisoners of war.

To settle political issues.

To guarantee the peace.

To alleviate human suffering.

To guarantee self-determination to the people of Vietnam, and

To reunite the American people.

To achieve the above objectives, which I believe the American people support, the resolution provides for a series of negotiated steps. The United States would take all available means to bring about the following:

An immediate cease fire.

Release of all prisoners of war to the custody of a neutral country to be voluntarily repatriated by the International Red Cross.

Announcement of a certain date for complete and final withdrawal of all foreign military personnel from both North and South Vietnam.

Withdrawal of all North Vietnamese military forces from South Vietnam, Cambodia, and Laos.

Concurrent withdrawal of all foreign military forces from North and South Vietnam.

A cessation of arms shipments and war materials to North and South Vietnam by the United States, the Soviet Union, and by China.

Free elections in both North and South Vietnam supervised by the United Nations to determine: Whether the two countries should be reunited; what form of government will prevail if the people vote to reunite; what form of government will prevail in each country if the countries vote to remain separate.

Supervision and enforcement of the peace in Vietnam, Laos, and Cambodia by the United Nations.

Economic aid to both North and South Vietnam by the United States and other members of the United Nations.

Mr. Speaker, I realize that some of the procedures contained in House Concurrent Resolution 592 have been proposed before. Some have been accepted, some have been rejected by one or more parties. But, I was heartened to read that the new Secretary General of the United Nations has, in a departure from past policy offered his good offices to help the parties reach an agreement. I am also pleased that the President has directed a resumption of negotiations in Paris.

I want to end the war.

I want to stop the killing of Americans by Asians, of Asians by Americans, and of Asians by Asians.

I want to see the prisoners returned to their homes.

I want a lasting peace.

And I want to help bind up the terrible wounds of the people in Indochina. As we did with enemy and friendly nations after World War II.

Without a negotiated agreement and an enforced peace in Indochina, the war will go on for years; millions more will die and increasing number of prisoners will be imprisoned for additional years, or for the remainder of their lives in festering prison cells.

If an end to the war, an end to the killing, and the repatriation of the prisoners is what we really want, House Concurrent Resolution 592 is the path to follow, and one which I believe all men of good will and compassion will support.

CONCURRENT RESOLUTION: POLICIES AND PROCEDURES TO END THE WAR IN INDO-CHINA

Whereas the continuing war in Southeast Asia is of great concern to the people of the United States.

Whereas the current military invasion of South Vietnam by the forces of North Vietnam has contributed to the escalation of the war.

Whereas a lasting peace in that region can be achieved only through agreement between the Great Powers, the Democratic Republic of (North) Vietnam, the Republic of

(South) Vietnam and the indigenous people of the latter two countries.

Whereas the United States Congress cannot by a legislative Act impose an agreement upon the parties so as to end the war, guarantee the release of the prisoners of war, settle political issues, guarantee the peace, alleviate human suffering in the region, guarantee self-determination of the people of Vietnam, and reunite the American people.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the policy of the United States for the promotion of peace in Southeast Asia should be to immediately resume and continue negotiations to achieve the following objectives and agreements:

1. An immediate cease fire by all forces;

2. Complete and total withdrawal by the Democratic Republic of (North) Vietnam of all men and equipment from the Republic of Vietnam, Cambodia, and Laos:

3. Withdrawal of all remaining military forces of the United States, the People's Republic of China and of the Soviet Union, and all other foreign military forces, from Vietnam;

4. A cessation of the shipment of arms and war materials to the Democratic Republic of (North) Vietnam and to the Republic of (South) Vietnam;

5. Free elections in both the Democratic Republic of (North) Vietnam and the Republic of (South) Vietnam, supervised by the United Nations:

a. to determine whether the two countries should be reunited under a common government;

b. to determine the form of government for the reunited country if a reunited country is preferred by the people of both countries;

c. to determine the form of government for each country if separate and sovereign countries are preferred by the people of each country.

6. Supervision and enforcement of the peace in Vietnam; Laos, and Cambodia by the United Nations; and

7. Economic aid to the countries of Southeast Asia by the United States and other members of the United Nations. Be it further resolved;

A. that in order to facilitate negotiations toward the objectives and agreements enumerated above, it is the sense of Congress that immediately after the achievement of a cease fire, all prisoners of war then held by the Democratic Republic of (North) Vietnam, the Republic of (South) Vietnam, and by insurgent forces, be released to the custody of a neutral country under the supervision of the International Red Cross for voluntary repatriation, and that all parties to negotiations prepare and exchange lists of the missing and unrecovered dead so that the International Red Cross may make a full accounting for all missing persons.

B. Immediately after the confirmation by formal agreement of the policies and procedures set forth in this resolution between the national parties named herein and any necessary additional parties, and the completion of action taken to return all prisoners of war, as specified in Paragraph A, to a neutral country; the parties to this agreement shall announce a certain date for the complete and final withdrawal of all foreign military personnel from the Democratic Republic of (North) Vietnam and the Republic of (South) Vietnam.

FOREIGN ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. Mitchell) is recognized for 5 minutes.

Mr. MITCHELL. Mr. Speaker, I would like to commend to the attention of my colleagues testimony of Robert Z. Alpern, Development Director of SANE, before the House Foreign Affairs Committee, re Foreign Assistance Act of 1972 on March 28, 1972.

The statement follows:

Testimony of Robert Z. Alpern

I would like to thank the chairman and members of this committee for hearing a cross-section of official, organizational and citizen views on the important question of Foreign Assistance, especially South Asia Relief and Rehabilitation. I am here to bring some fresh perspective on relief and rehabilitation in Bangladesh.

On March 15, 1972 I returned from there and India after two weeks of gathering first-hand experience among the people, from government leaders (Sheikh Mujibur Rahman, Prime Minister Gandhi), local administrators, relief workers, economists, Ambassador Keating and A.I.D. representatives.

I was one of seventy Americans from thirty-seven states, who participated in the Airlift of Understanding to Bangladesh.

I arrived in Bangladesh as the final wave of 9,796,076 Bengali and Hindu refugees were coming back from Indian refugee camps. Some had spent up to nine months away from Bangladesh/East Pakistan after fleeing the savage repression and destructive actions of Gen. Yahya Khan's West Pakistan Army and police forces numbering 90,000 to 94,000 men. We have all heard much of those almost 10 million who fled to India, but little has been said of 10 to 15 million people who were refugees within Bangladesh, moving from their destroyed villages like nomadic tribes to avoid the rampaging Pakistan Army.

At least 20% of the 75 million people who make up Bangladesh were displaced, driven out of the country or roaming about within it seeking shelter and food. Hard estimates point out that at least 2 million homes were completely destroyed and several million severely damaged. Since a family unit comprises five to seven people, between 10 to 15 million persons were left homeless.

I travelled through villages in the Districts of Comilla, Chittagong and Chittagong Hill Tracts in the Eastern and Southeastern part of the country. From the destruction I saw the above figures appear to be on the low side.

The hostilities ended with India defeating Pakistan on December 17, 1971. Three months later the eighth most populous nation in the world is faced with an emergency situation of trying to find shelter, food, seed, and work for 15–25 million of its homeless refuged people before the monsoon rains come in eight weeks. This would be equivalent to the U.S. having 40–50 million people with similar needs. Hundreds of thousands of houses have to be built, food in great quantities must be on hand, seed in certain districts, is needed, and people must find work if Bangladesh is to avoid a new human disaster of the dimensions it experienced in the floods and cyclone of August and November 1970.

At the end of February, 1972 in UNROD *Information Paper No. 3—Blunt Facts on Relief and Rehabilitation in Bangladesh* Toni Hagen refers to UNROD field reports on food reserves.

"Now, towards beginning of March the situation has deteriorated rapidly: the reserves are being exhausted, both at farmer level and in government stocks; the boro crop will in large areas of the northwest be an almost total failure due to lack of fertilizer, fuel for diesel pumps, and due to destruction of many pumps. The fact that there is sufficient food in the country right now and for the next few weeks is no guarantee that considerable segments of the population may not be hungry or may not even be starving; for the wrecked transport system does not allow any substantial food movements."

The new democratic government of Sheikh Mujibur Rahman is presently trying to get the inputs it needs to protect its people from the difficult weeks and months ahead. A failure to meet this challenge could weaken his government and produce serious internal dislocations.

On March 16, 1972 the U.S. cancelled $97.8 million dollars for humanitarian relief in Bangladesh. According to State Department officials this cancellation was made "because the original purpose of the assistance, to prevent famine, has been accomplished."

There have occurred and continue to occur some serious questions as to how much of the U.S. government's committed aid has actually been delivered to Bangladesh.

A very illuminating exercise is to review U.S. Food Aid to East Bengal from November 1970 through November 1971 as shown on data sheets from A.I.D./ASIA dated 3/16/72. $240.0 million (CCC-cost) for Specific Relief Actions was committed and of this $91.3 had been delivered. Data on U.S. relief inputs from 12/1/71 to present does not seem to be available. Right now the GAO is trying to develop a detailed analysis of U.S. aid to Bangladesh so that it may be known precisely how we lived up to our commitments. According to an UNROD report dated March, 1972 no U.S. wheat, rice, or edible oil had been received so far this year. The first shipment of U.S. food grain will not arrive until May 15, 1972.

In terms of national wealth, resources, and transport facilities the U.S. relief effort for Bangladesh has to date been less than inspiring. It is hardly in keeping with our often expressed policy of providing humanitarian assistance to people in time of natural or man-made disasters. One way of looking at the dimension of U.S. relief is to consider what the Indian government has undertaken. India one of the poorest and most populous nations in the world has expended over $465,000,000.

INDIAN AID TO BANGLADESH REFUGEES[1]

MARCH 25, 1971–FEBRUARY 25, 1972

Direct Budgetary Expenditures 6 million refugees in camps (Thru December 31, 1971), $320 million.[2]

Projection from January to March, 1972, $60 million.

Repatriation of Refugees—Transportation, $4 million.

Journey allowances, $5.3 million.

Two weeks rations, $12.0 million.

Cash allowances on arrival in Bangladesh, $32–36 million.

Cost of rations provided refugees awaiting rehabilitation, $6.7 million.

Additional food grains for refugees in transit, camps and other unforeseen items, $25–40 million.

Total, $465–483 million.

It is true that India was confronted with a tide of human beings within its borders and had to act to help these millions of people.

This huge refugee program has set India's planned development back one year and has created a host of new social and economic problems for its own people.

The lessons of the past should be clear. With only two months remaining before monsoon rains turn large areas of Bangladesh into lakes thus severely limiting access to them the U.S. and other nations must mobilize their aid efforts. This eight week period is one of do or die for hundreds of thousands of people.

A set of priority needs derived from UNROD sources, discussions with Bangladesh's officials is listed below.

A. Transport

Trucks—4000–5500.
Flat bottoms—25–50.
Outboard motors (for native boats)—1000.
Bailey bridges—6000 ft.
Fork lifts—75.

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[1] Source Indian Embassy.

[2] Does not reflect indirect costs of 3 million refugees residing outside camps.

  - STOL (Transports)—5.
  - Helicopters (transports)—10–20.
  - Petrol—1. Storage tanks.
  - 2. Fuel.
- B. Food
  - Food Grains—200,000 tons per month.
  - Edible oil—50,000 tons.
- C. Housing
  - Corrugated Iron sheets—200,000 tons.
  - Timber (corner posts)—400,000 tons.
- D. Cash
- E. Clothing
  - Raw cotton—90,000 tons.
  - Yarn.

(Instead of sending unsuitable western style garments cotton and yarn could put factory and cottage industry people back to work making their own style clothing.)

As can be seen transportation is critical if aid is to get to where it is needed. Much of the equipment enumerated is to be found in Southeast Asia. South Vietnam is less than 2,500 miles away. Since we are reducing our ground forces and logistical support it would seem most appropriate to transfer from war use to lifesaving use quantities of the items listed instead of returning them to the U.S. or leaving them on site.

Another way to expedite relief aid would be to authorize UNROD to use cash aid for purchasing food grains in areas close to Bangladesh rather than shipping them from points around the world. Shipping time from Texas ports has, for example, been taking two months.

One striking contrast between foreign military assistance and emergency relief is that our military aid far outweighs what we are prepared to commit to help sustain life. This is also true of our 1973 Federal Budget where 60% of the budget goes to wars—past, present, and future—while 19% goes for human resources.

The lesson of U.S. military assistance to Pakistan should now be clear. By supplying arms to a clearly unrepresentative military regime we contributed to one of the worst military repressions in history.

If now we can contribute to Bangladesh's survival through these challenging months we will be keeping alive a new South Asian democracy that can give strength and hope to people everywhere and restore a measure of U.S. credibility.

ENERGY CRISIS

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, I direct your attention to an article on the front page of the Washington Post of April 13, 1972. It is written by Thomas O'Toole and carries the headline, "U.S. Energy Crisis: Light Dims at the End of the Tunnel."

The article highlights many of the problems the Nation now faces with regard to its fuels and energy situation—problems under consideration in hearings before the House Committee on Interior and Insular Affairs.

Few problems today are as important to the social, economic, and political security of this country as those along the energy continuum.

Mr. O'Toole's article accurately suggests the totality of the problem, and should be of interest to anyone concerned with these issues we are confronting:

U.S. ENERGY CRISIS: LIGHT DIMS AT END OF THE TUNNEL

(By Thomas O'Toole)

I think our energy shortage is not only endemic, it's incurable. We're going to have to live with it the rest of our lives.—John A. Carver, Jr., Member, Federal Power Commission.

Endemic and incurable are strong words, but strong as they are they only begin to describe the depth of the energy crisis in the United States.

What do you say about a nation that is sitting on 1,500 years of coal it may never be able to burn? How do you portray a country that must import one third of the oil it consumes every day?

How do you describe a land that has begun rationing natural gas to its people? Whose mightiest rivers have almost run out of dam sites? Whose entire supply of uranium could disappear in the next two decades?

The richest nation in the world has discovered it is energy poor and that this sudden poverty threatens the balance of trade, our attempts to clean up the air and water, and the efforts we've made to hold down the prices of products from gasoline to electricity.

In fact, the energy crisis in America threatens the American way of life, at least that life that means color television, frostless freezers, self-cleaning ovens and electric grills, knives, combs and toothbrushes.

"I think I can see the day when the country might have to ration electricity," said James R. Schlesinger, chairman of the Atomic Energy Commission. "I don't think it will come for several decades and maybe not until the year 2000, but I do think it will come."

The last 40 years have seen the population grow 70 per cent and energy consumption 310 per cent. Demand for energy is such that in the next 10 years the United States will need 50 new sites for oil refineries and 300 for power plants, all of them close enough to the cities to serve them but not so close as to spoil them.

"One day we might find the entire surface of the United States covered with power plants," said Roger C. Carlsmith, associate director of the Oak Ridge National Laboratory's environmental program. "That same day we might find that we have exhausted the nation's fuel supplies."

If fossil fuels are consumed at present rates. Americans will be left only with coal by the year 2,000. It might be hard to believe, but the country has already passed its oil production peak and stands on the brink of reaching its gas production peak.

"It doesn't matter that we may have found 30 billion barrels of oil and more than 20 trillion cubic feet of gas in Alaska," says S. David Freeman, onetime energy adviser to Presidents Johnson and Nixon. "Our rates of consumption are now so large that we can see the bottom of the barrel."

Last year, the United States consumed 5.6 billion barrels of oil and 22.1 trillion cubic feet of natural gas.

The country's 109 million cars used 90 billion gallons of gasoline, its 2,000 jetliners more than one billion gallons of jet fuel and its 3,400 power plants one billion barrels of oil, four billion cubic feet of gas and 300-million tons of coal.

SHORTAGE OF CHEAP FUELS

Americans now use more than six times as much per capita energy as the world average. The entire nation of 200 million people burns more energy than the 500 million of Japan, Great Britain, Germany and the Soviet Union combined.

Consumption of electrical energy has shown by far the greatest growth, a direct result of the soaring electrical living standard.

Americans used almost 1.8 trillion kilowatt hours last year, twice what was used in 1961. The Federal Power Commission estimates that by 1980 electrical usage will have doubled again, that the country'e electric companies will spend $125 billion on new plants and transmission lines to meet that demand.

By 1980, electric power expansion will cost $23 billion a year and by 1990 it will be up to $37 billion. One study of power usage in the United States concludes that during the 1980s a new one million kilowatt plant must be brought into service every 12 days to satisfy power needs.

The phenomenal growth in electrical consumption points up America's most serious energy problem: the shortage of cheap, clean fuels to make electricity.

Uranium is not yet in short supply, but only because nuclear power is still an infant industry. Coal the United States has in abundance, but not the sulfur-free coal the country's crowded cities will allow to be burned today.

OIL PRODUCTION PEAKED

Ironically, the two most wanted fuels are the scarcest—oil and natural gas. They're wanted becaues they're relatively (especially gas) clean and cheap; they're scarce because the United States is consuming more than it can produce.

Domestic oil production peaked in November of 1970, is now down almost 8 per cent from its peak to less than 11 million barrels a day. Alaska's North Slope will add two million barrels a day by 1980, but the once-rich fields of Texas and Oklahoma are dwindling so steadily that domestic oil output may never again reach 11 million barrels a day.

Gas production has not yet topped out in the United States, but it might have if last winter had been a cold one. Even so, gas heat was in such demand that distributors were rejecting new applicants and rationing old ones at the same time that gas was flowing from the wells in Louisiana and Texas at the highest rate in history.

"The analogy I like to use is that it's like a big ice cream soda," former White House adviser Dave Freeman said. "We can put a few more straws in the soda and suck it up a little faster, but all that's going to do is make it all gone that much sooner."

The flow of American gas has reached a record 65 billion cubic feet a day, a flow so high that proven U.S. reserves have fallen to their lowest level in 15 years, from a high five years ago of 289 trillion cubic feet to 247 trillion cubic feet at the end of 1971.

There have been charges that the gas industry has allowed reserves to drop to force a price increase, but the evidence is still strong that the nation has begun to run out of natural gas.

"The idea that gas is being sat on somewhere is economically absurd," FPC Commissioner John Carver told a congressional committee last month. "We have a gas shortage."

If oil and gas are so scare, then how is the United States managing to make ends meet?

The answer is that the United States today is importing record volumes of oil and gas, quantities that promise to grow so great they will have a profound and lasting effect on domestic energy strategy, on the balance of trade and on foreign policy for years to come.

Oil import policy will be the first to undergo changes, unless a domestic miracle happens and somebody makes an overnight find of 100 million barrels of American oil.

The United States now buys 27 percent of its oil from foreign suppliers, mostly Canada and Venezuela. But Canada and Venezuela face the same prospect of shortage that the United States faces. Less than 10 per cent of America's imported oil comes from the Middle East, partly because the quota system is biased against all foreign oil and partly because it's even more biased against Eastern Hemisphere oil.

But the only region of the world possessing the vast caches of oil the United States so desperately needs is the Middle East, where 80 per cent of the world's recoverable oil is located.

COMING IMPORT FLOOD

"Serious people are seriously concerned about our oil quotas, which have done little more than prop up domestic oil prices," is the way it's put by one leading energy consultant. "We're going to have to change the system."

The United States will import oil and gas worth an estimated $3 billion this year, but that's just a trickle alongside the flood that will pour into the country when (not if) the import quotas are relaxed.

By 1985, economists predict, more than half our oil and almost half our gas will come from imports. This would increase oil and gas imports by more than 10 times, to a staggering total of $34 billion.

Tankers will be hauling more than 12 million barrels of oil and more than five billion cubic feet of liquefied gas into U.S. ports every day, most of it from countries inside the Eastern Hemisphere. By 1985, America's oil and gas supply may well depend on how well we're getting on with countries like Libya, Algeria, Nigeria, Saudi Arabia and the Soviet Union.

Foreign affairs aside, the price that will have to be paid to guarantee delivery and distribution of all this oil and gas truly is boggling.

The National Petroleum Council figures that more than 360 new supertankers will be needed to shuttle Middle East oil from the Persian Gulf to the United States. The price quoted for a 250,000-ton tanker today is $137 million, which puts a price tag of $13.5 billion on a Middle East fleet.

CANADA, ALASKA PIPELINES

Not a single U.S. port can handle these giant ships, which, when laden with more than two million tons of oil each, draw as much as 80 feet of water. This means the United States must construct three new deepwater terminals, one on each coast at a total cost of $1 billion.

Most of the money the nation must spend to deal with the rising oil tide will go to new refining capacity. The Petroleum Council estimates no fewer than 50 new refineries must be built in the United States in the next 13 years, at a cost of $18 billion.

The costs of handling anticipated natural gas imports will come colse to the costs of oil imports.

Pipelines to run Canadian and Alaskan gas into the United States are priced at $4.8 billion, which is on top of $2 billion for pipelines to carry gas to be brought by ship into the United States in liquid form. It will cost the companies venturing into this business $4 billion to liquefy the gas and $1 billion to turn the liquids back into gas.

Tankers to transport the liquified gas from countries like Nigeria and Algeria will cost $6 billion. Three of those tankers are already at sea, 39 are being built or are on order and the National Petroleum Council has said that 120 liquefied natural gas tankers will be needed by 1985 if the United States is to meet its gas demands.

These expenses approach at a time when drilling for oil and gas is getting more difficult, more expensive and more unrewarding.

ENVIRONMENTAL COSTS

"Dry holes" now cost the U.S. oil industry $900 million a year. Wildcatters are down to 20,000 feet in the ground seeking oil in West Texas. Gas wells 28,000 feet deep were only this year sunk in Texas' Pecos County, while early in March a gas well was sunk 30,000 feet in Oklahoma, making it the deepest well in the world and also one of the most expensive.

"Oil and gas fields don't reproduce," says the Interior Department's M. King Hubbert, one of the world's foremost petroleum geologists. "Every time we drill one, there's one less to go."

A final and inevitable expense is the growing cost of catering to the environment.

Oil and gas companies want to drill offshore, but the dangers of spills have not only limited offshore drilling but in some cases cut it out altogether—as in the Santa Barbara channel.

They want to build deepwater terminals along the East Coast to handle the anticipated armada of supertankers, but states from Maine to Florida are studying legislation to prevent such terminals. Delaware already has passed a bill that prohibits construction of any new oil refineries inside its borders.

"We have a very schizophrenic audience along the East Coast today," according to C. L. Woods, vice-president of Mobil Oil Corp., "because what Delaware is essentially saying to the other 49 states is . . . you guys do it, but keep them away from us."

What does it all mean? Well, one thing it means is that industry will have to spend that much more time, money and effort seeking solutions to these problems. That means that prices for oil and gas and all the products that chemistry squeezes out of oil and gas will be moving upward.

"The Nixon administration has tried extra hard to keep the lid on oil prices, but I'd expect that after the elections in November there will be at least a 50-cent-a-barrel increase in oil," former White House adviser Freeman said. "I'd expect even steeper increases in natural gas and in electrical energy prices."

Domestic oil costs roughly $3.50 a barrel, with foreign oil costing $2 to $2.50 a barrel. Domestic gas is cheap at 20 to 25 cents a thousand cubic feet at the wellhead, while the liquified foreign gas that's starting to come into the United States (Algerian gas has begun to move into Boston harbor) by tanker costs $1.10 a thousand cubic feet.

A 15 per cent increase in the price of oil means at least that much of a boost for gasoline and jet fuel, which together take more than 60 per cent of the oil in every barrel.

How much would this cost the consumer? In gasoline prices alone, no less than $2 billion. Trucking rates would go up. So would bus fares, heating oils and plastic packaging for everything from food to toys. Jet fares? Fuel is a large expense in airline operations, and nobody expects the nation's airlines not to pass on some of a price boost to their passengers. A growing percentage of the oil that comes out of each barrel is what the oil industry calls residual oil, literally the oil that's left over at the bottom of the barrel after gasoline and the lighter heating oils are taken from the top.

Time was when residual oil had little use, but today this leftover oil is used by just about every major electric utility in the populous East. The reason is that it is either lower in sulfur or can be made lower in sulfur than the coal that power companies can no longer burn because of sulfur restrictions around the cities.

ELECTRIC RATES DOUBLE

New York's Consolidated Edison Co. changed over the last of its 120 power boilers two months ago to burn residual oil. Con Ed now buys 140,000 barrels of low sulphur oil every day and expects to buy more than 200,000 barrels a day by 1973.

The New York utility gets its low-sulphur oil either by having Venezuelan oil "desulfurized" for 60 cents to a dollar a barrel or by buying low-sulfur Libyan oil at almost $4 a barrel.

Whichever way Con Ed buys low-sulfur oil, it has had to pay almost double what it was paying two years ago and almost three times what it paid for coal when it could burn it.

"The outlook for electricity rates has got to be up because of situations like these," says Freeman. "I think electrical rates will double themselves in the next 10 years."

Natural gas prices are already on the rise, at least partly because gas hasn't been given close attention by the Nixon administration's price controllers.

Wellhead prices are up 30 to 40 per cent in some regions, and people in industry and even in the federal government talk openly about doubling and tripling of wellhead prices in the next few years. Even doubling would be a boost of $4.4 billion in revenues for gas producers alone.

OPTIONS A DECADE AGO

"They talk about doubling and tripling the price because they say they want to get consumers to stop using gas, so the country can conserve gas," says FPC Commissioner John Carver, who's leaving the FPC in June. "They don't think about the market chaos that would follow a doubling or a tripling in gas prices."

There are those who say that such chaos could have been avoided, who say that the United States had options ten or even five years ago that might have put off the energy crisis in America.

America's reliance on foreign oil could have been at least delayed if the nation had chosen 10 years ago to explore more aggressively for offshore oil. Or developed the Colorado oil shale fields. Or gone in with Canada on a joint venture to exploit the vast tar sands in the remote regions of Alberta province.

The United States might still be able to extract some of the estimated 500 billion barrels of oil: locked up in these deposits, but while the nation has waited to do so the costs have skyrocketed and conservationists have closed ranks against offshore exploration and extraction of the Colorado shale.

"I'd just as soon leave it alone," says Interior's King Hubbert of the Colorado shale. "If you want to imagine one hell of a mess, imagine mining that shale and discharging the acid wastes into the Colorado River. I guarantee you'd kill the river."

The country's had some of the same opportunities in natural gas, like developing a process to make synthetic gas from naphtha or a method of freeing the 300 trillion cubic feet of gas trapped in solid rock in Wyoming and Colorado.

ABUNDANCE OF COAL

A program to make "syngas" out of naphtha has begun in the United States but it's small and it's based on technology developed in West Germany.

The trouble with the gas stimulation project is that the only way to rock the gas loose is with 200 (and maybe 400) underground nuclear explosions, a solution that's less acceptable to Americans today than it was 20 years ago when Project Plowshare was begun by the Atomic Energy Commission.

Nowhere has the United States been more remiss about exploiting its energy options than in the way it has handled and planned our use of coal.

Coal is our most abundant resource, there being two trillion tons of it in American soil. The energy content of American coal alone is 90 per cent of the energy content of all fossil fuels buried in the North American land mass.

Coal is also the easiest fossil fuel to extract and to use, but despite all its advantages coal is the one energy source in the United States whose use is on the wane.

The main reason is that coal is dirty. Coal burning fouled the air with 60 per cent of the 14 million tons of sulfur dioxide discharged by U.S. smokestacks last year. Its only growth market outside of exports has been the electric power industry, but laws against sulfur discharges now threaten that market.

New York's Con Ed is a typical former user of coal. In 1970, Con Ed burned 2.6 million tons of coal, then in 1971 burned half that. So far this year, Con Ed burned 140,000 tons of coal before shutting down its last coal-fired plant on Staten Island.

"If current trends continue," says Joseph Swidler, chairman of the Public Service Commission of New York State, "then total coal demand will be down to 370 million tons by 1980. That's 60 per cent of present demand."

Such a debacle could have been forestalled by foresight. Processes could have been developed to scrub the sulfur out of coal fumes before they reached the top of the smokestack. Better yet, a method might have been devised to turn coal into gas.

One reason these things weren't done is that the coal industry never pursued these goals. The Interior Department's Bureau of Mines and Office of Coal Research began their pursuit too late.

Both branches of Interior now have sulfur scrubbing and coal gasification programs under way, but it might be 10 years before either one is ready to be commercialized. It might not even be ready then, because Interior's budget for both programs is less than $75 million.

"This isn't enough," said one of Interior's top officials. "It's going to take $1 billion at least just to get coal gasification going in the U.S."

RACE AGAINST TIME

The story of what's happened to coal tells a lot about why there is an energy crisis in America today, but as one last footnote to it all, consider the plight of hydropower and nuclear power.

There are 52.3 million kilowatts of hydroelectric capacity in the United States, which is less than one-third the country's potential. Most of the two-thirds will never be used, largely because of conservationist opposition.

The Colorado River is already closed to future dams by congressional mandate. The one remaining dam site on the Columbia River is blocked by public opposition, as are half a dozen sites on the Snake River and Mad River in northern California.

Nuclear power is a somewhat different story, but even in its infancy is in a race against time to tap what little uranium the country has to support a viable atomic energy program.

The United States has 50,000 tons of uranium oxide (raw mineral for fissionable uranium) in stockpile, and 275,000 tons of uranium oxide in the ground as proven reserves.

There are only 20 nuclear power plants operating in the United States today. There will be 200 plants in use by 1980 and almost 400 by 1990, which means that uranium requirements for the next eight years will total 200,000 tons and then skyrocket beyond what is in the ground.

AEC ALTERNATIVES

"Things could come to a slow grinding halt unless we could get uranium overseas," says the Atomic Energy Commission's Robert Nininger. "Mathematically, we could be taken out to about 1982 but everything could stop if none of our alternatives worked."

The AEC's main alternatives are to buy Canadian uranium to flesh out America's own needs and to speed development of the fast breeder power reactor, which breeds more nuclear fuel than it burns.

Beyond that, it has two other alternatives which are nowhere as neat as the first two.

The AEC has decided to withdraw 50,000 of the 70,000 tons of raw uranium now in the national stockpile, enrich it in advance to fissionable uranium and hold it in abeyance for emergency needs.

Its other option involves a move it would never have risked five years ago. It will, if it must, remove about one year's supply of fissile uranium by taking it right out of our stockpiled atomic weapons, then processing it into power-grade uranium.

This might never be done, but if it's necessary to buy time the AEC is willing to do so. That's how far the energy crisis in America has taken us.

APRIL 22 ANTIWAR PROTEST DEMONSTRATIONS SPONSORED BY NPAC AND SUPPORTED BY PCPJ

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ICHORD. Mr. Speaker, last Saturday, April 22, there were antiwar protest demonstrations in New York City and Los Angeles sponsored by the National Peace Action Coalition and supported by the People's Coalition for Peace and Justice, organizations which are known to be operating under significant Communist influence. There was also a demonstration in San Francisco which was supported by the PCPJ. The events centering around the April 22 demonstration have been given wide publicity by the news media and are a matter of public record. The marches and rallies were reportedly peaceful with no extensive damage or arrests.

Very briefly, the New York City march and rally attracted an estimated 30,000 to 60,000 participants—the biggest antiwar demonstration in that city in over 2 years. Vietcong and North Vietnamese flags, symbols of brutality, ruthless repression, and iron totalitarianism, were prominently displayed. Speakers included Daniel Ellsberg, of the "Pentagon Papers" notoriety, and Marge Tambankin, president of the National Student Association, which sponsored the Hanoi-drafted "People's Peace Treaty."

In Los Angeles, some 10,000 to 12,000 demonstrators participated in a march and rally in McArthur Park where they heard Anthony Russo, codefendant with Daniel Ellsberg in the "Pentagon Papers" case, and Carol Ferracci, the antiwar singer who confronted President Nixon at a White House function, criticize U.S. involvement in Vietnam.

In San Francisco, some 25,000 to 40,000 demonstrators gathered in Kezar Stadium where a Vietcong flag flew atop the stadium's flagpole. Featured at the rally was Mme. Nguyen Thi Binh, chief North Vietnamese delegate to the Paris peace talks, who spoke over a telephone hookup demanding an end to the bombing by U.S. planes and the setting of an immediate date for the withdrawal of U.S. troops from Vietnam. Other speakers included Bobby Seale, chairman of the Black Panther Party and Oscar-winning actress Jane Fonda.

Although it may have appeared that the demonstrations were a spontaneous manifestation of popular opposition to the bombing by U.S. pilots of military targets in North Vietnam, the facts are that the New York City and Los Angeles demonstrations had been carefully planned and approved months earlier by a collection of international Communists and pro-Hanoi delegates who attended the so-called "World Assembly for Peace and Independence of Indochinese People" held in Versailles, France, February 11–13, 1972.

I made this clear last March 13 during a speech on the floor of the House. My remarks were based on research and investigation of the staff of the House Committee on Internal Security which I chair. At that time I noted that every single item of the agenda of the demonstrations planned for the United States this spring, including those held last Saturday in New York City and Los Angeles, was debated and approved—not by a group of Americans alone but by some 1,200 delegates from 84 nations, including most of the countries controlled by Communist governments. I also noted that dissension developed at the Versailles meeting between the two major American delegations, the NPAC and PCPJ. The NPAC delegates wanted to limit antiwar protest activity to a single week in mid-April to be climaxed by its massive demonstrations on April 22. The PCPJ delegates insisted on a variety of protests on a number of issues over a much longer period. The dispute was ultimately resolved when Southeast Asian Communist delegations urged the NPAC and PCPJ to settle their differences. The ultimate U.S. spring antiwar offensive reportedly was a compromise between the two American groups with NPAC achieving the right to hold its massive demonstrations on April 22 in New York City and Los Angeles and the PCPJ content to hold a series of local demonstrations during the period of May 1 to 15. I further noted from what transpired in Versailles it was obvious we are not dealing with "doves" of peace but rather "hawks" of the other side.

In conclusion, I expressed the hope that my fellow Americans would keep in mind the origin and development of the spring antiwar demonstrations planned and approved at this Versailles meeting.

The worldwide significance of the April 22 demonstrations was clearly indicated at the Versailles meeting when it was agreed that antiwar demonstrations would also be held in a number of foreign countries on April 22 as a means of providing international solidarity to the NPAC and PCPJ. In accordance with this decision, demonstrations on April 22 were scheduled in more than 70 French cities under the auspices of the French Indochina Solidarity Front, a Communist organization. A giant rally was scheduled for April 22 in Belgium and demonstrations were also scheduled for that day in England, Ireland, Lebanon, West Germany, Switzerland, Australia, Canada, New Zealand, Denmark, and Italy. In West Berlin, for example, over 10,000 participated in an antiwar demonstration on April 22 marking the largest such turnout in that city in over 2 years.

Recalling the decision made at the Versailles meeting calling for concomitant actions by groups around the world to protest U.S. policy and for mounting pressure on the governments of their nations opposing their cooperation with the United States, the worldwide protest demonstrations take on an entirely different significance when viewed in this light. It may well be projected that these forces will continue to seek to build a strong political movement spurred on by a continuous propaganda barrage seeking to alter U.S. policies and to demean the United States in the eyes of the world.

It was particularly interesting to note that a four-member delegation from the Communist Party, USA, led by its general secretary Gus Hall was in Hanoi giving comfort and encouragement to the enemy when U.S. pilots carried out their recent bombing raids on military targets in the area of Hanoi and Haiphong. As was to be expected, the Communist Party delegation, which was silent when North Vietnamese troops invaded South Vietnam and shelled the civilian population, became most indignant at the U.S. bombing raids.

Gus Hall, well-versed in Communist propaganda tactics, believed that the bombing raids offered the Communist Party, U.S.A., an excellent opportunity to make impressive gains in this country. He immediately embarked upon an ambitious program to take advantage of this situation. Hall, in a cablegram to the "Daily World," east coast Communist newspaper, deplored the U.S. bombing raids. He indicated that he had composed the cablegram in an air raid shelter in Hanoi and instructed that his message be treated as an important historic document and placed on the front pages in special editions of both the "Daily World" and "People's World," west coast Communist newspaper. Hall also instructed that these newspapers be distributed in hundreds of thousands starting with the massive antiwar protest demonstrations in the United States on April 22d. This incident should be most illuminating to those Americans who wonder about all of the antiwar commotion which is provoking tension throughout our Nation.

It has become exceedingly difficult for me to speak out against the activities of protest groups like the NPAC and PCPJ. I have been criticized as trying to harass "peace" groups and attempting to deny freedom of assembly. The truth of the matter is that I have on many occasions stated emphatically and unequivocably that there is nothing subversive about the interest of the overwhelming majority of people who participate in and support antiwar demonstrations in this country. The majority of the people who do participate can best be described as being of high conscience, rightly concerned with social problems and completely loyal to the United States and its democratic processes. On the other hand, I have made it equally clear, just as emphatically and unequivocably that Communists and other dissidents who helped organize the NPAC and PCPJ protest demonstrations have no such interest in their country's welfare. They are acting instead out of the conviction that the Vietnam war must be brought to an end immediately on Hanoi's terms which amount to unconditional surrender of South Vietnam.

Certainly, the public and the Congress have a right to know about such activities. To reveal the nature of these forces and the persons and organizations in back of them is in no sense a threat to honest dissent.

Hearings commenced last May by the Committee on Internal Security concerning the origin, history, organization, character, objectives, and activities of the NPAC and PCPJ have shown that Communist elements consisting of identified members of the Socialist Workers Party, a Trotskyite Communist organization, and identified members of the Communist Party, U.S.A., occupy positions of prominence in the leadership of the NPAC and PCPJ.

With regard to the NPAC, testimony has disclosed that there are 11 SWP members serving on the NPAC steering committee and that the SWP has complete control of the NPAC for all intents and purposes. It was also brought out at the hearings that the only two persons authorized to sign checks for NPAC were SWP members Sydney Stapleton and Patricia Grogan. Since funds are the lifeblood of any organization it is, of course, most significant that the SWP has control of this function.

PCPJ leadership on the other hand includes several well known national functionaries of the Communist Party, U.S.A., such as Gilbert Green, Jarvis Tyner, and Mike Zagarell, all members of the party's central committee. The PCPJ leadership also includes Irving Sarnoff, former official of the Southern California Communist Party District, and Sydney Peck, a former Communist Party leader in the State of Wisconsin, who assumed a most influential role in the discussions at the Versailles meeting last February.

Are the leaders of the NPAC and PCPJ concerned about the fate of the 1,600 American prisoners of war being held by the Vietcong and North Vietnamese? Are they concerned about the shelling of the civilian population in South Vietnam by invading North Vietnamese troops? Are they concerned about open aggression, as long as the aggressor is a Communist nation? Are they concerned about the atrocities committed by the Vietcong in South Vietnamese villages? Obviously not, because they place all of the blame for the troubles in Southeast Asia squarely on the shoulders of the United States. While the NPAC and the PCPJ join in all sorts of "hate America" rhetoric, they have never been known to indulge in criticisms of Communist countries.

At this point, I would like to mention that the Communists recognize that they cannot undermine American society unless they first turn the people against the Government. To accomplish this they have launched one nationwide protest demonstration after another in an effort to influence the people against the war by distorting the issue. They are very skillful at "issue" exploitation. They would like you to believe that our Government deliberately seeks to continue the war. This is, of course, a deliberate falsehood designed to hoodwink and deceive.

The overwhelming majority of the American people would not participate in an antiwar protest demonstration sponsored by the Communist Party or the Socialist Workers Party. The Communist Party and the Socialist Workers Party realize this and for this reason they depend on groups such as the NPAC and PCPJ with high-sounding names to carry out their antiwar protest campaign.

Although the mass news media has made great strides in journalistic accomplishments in recent years, it has also demonstrated, at times, an alarming lack of responsibility. The April 22 demonstrations received the usual ample coverage in the news media but lacking was the much-needed analytical observations advising the readers of the background of the demonstration organizers and leaders. Particularly unfortunate is the fact that many protestors were totally unaware of the extent to which they were victimized and exploited by Communist elements. For example, most Americans do not consider the Socialist Workers Party anything other than Norman Thomas-type of Socialists. There is ample public information available, particularly from committee hearings, showing that the Socialist Workers Party members are Trotskyite Communists who favor the violent overthrow of our system of Government and the establishment of a Communist government based on the principles of Marxism-Leninism as interpreted by Leon Trotsky, one of the leaders of the bloody Russian Revolution.

The American public today has no way of evaluating whether the glib assertions of NPAC and PCPJ organizers are accurate and objective. NPAC and PCPJ are the type of organizations which newsmen with their insatiable hunger for news and editorial ammunition should pursue and cover so that the significant Communist leadership can be exposed for all Americans to see. I sincerely hope that there never will be a time when journalists will back away from such organizations which may well be the nucleus of a movement which could destroy our Nation.

There are those who tend to discount the activities of the NPAC and PCPJ by noting that only a small minority of our population are marching behind their banners—an undeniable fact. But I think this approach is deficient in that it promotes a kind of complacency. It overlooks the equally undeniable fact that many individuals who have not taken to the streets have expressed sympathy for their program. I would be less than candid if I did not acknowledge that there are some responsible Americans, including some of my distinguished colleagues, who have given their blessings to the programs of the NPAC and PCPJ. I have heard some of their arguments but I have been unable to see the logic of their position. But I do indeed understand the real enemies of our Nation—the Communist elements who are not motivated for peace but rather by a wish to arouse emotional hatred against the very idea of a free society.

In a public statement on April 23, Jerry Gordon, NPAC national coordinator, vowed to keep up the protest demonstrations until "American involvement in Vietnam is finished." He announced scheduled protest marches across the country for this week; a student strike on May 4, and a possible massive protest march in Washington, D.C.

We are making an extremely serious mistake if we go much further in the belief that the antiwar protest activity in our land today is entirely spontaneous and idealistic. We are being foolish and naive if we underestimate the element of Communist involvement in these incidents of agitation. Let those who choose to continue to participate in the activities sponsored by the NPAC and PCPJ do so with no illusions. No matter what their intentions may be, the result will only be to aid the cause of the international Communist movement.

EIGHTEEN NEW WILDERNESS PROPOSALS

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing a bill which would designate 18 areas within existing national wildlife areas, national parks, and national forests as new units of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964. These areas, comprising 1.3 million acres, were enumerated by the President in his special message on the environment of February 8, 1972. Each area has been reviewed and recommended for wilderness designation by the department of the executive exercising jurisdictional administration.

Only 29 areas have been designated wilderness since the passage of the Wilderness Act in 1964. Some 26 other recommendations are presently pending. With the introduction of this bill proposing the addition of 18 new areas, the number of pending wilderness proposals will total 44.

Wilderness is fragile and is constantly threatened by man's encroachment. If we are going to save that which we have for our enjoyment and the enjoyment of future generations, we must act on these proposals with dispatch.

The text of the bill is as follows:

H.R. 14658

A bill to designate certain lands as wilderness

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL WILDLIFE REFUGE SYSTEM

SEC. 1. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the Bosque del Apache National Wildlife Refuge, New Mexico, which comprise about thirty-two thousand five hundred acres and which are depicted on a map entitled "Bosque del Apache Wilderness—Proposed", dated July 1971, which shall be known as the "Bosque del Apache Wilderness";

(b) certain lands in the Cape Romain National Wildlife Refuge, South Carolina, which comprise about twenty-eight thousand acres and which are depicted on a map entitled "Cape Romain Wilderness Proposal", dated January 1971, which shall be known as the "Cape Romain Wilderness";

(c) certain lands in the Moosehorn National Wildlife Refuge, Maine, which comprise about four thousand five hundred ninety-eight acres and which are depicted on a map entitled "Moosehorn Wilderness (Baring Unit)—Proposed", dated September 1971. Revised December 1971, which shall be known as the "Moosehorn Wilderness (Baring Unit)";

(d) certain lands in the Matia Island and San Juan National Wildlife Refuge, Washington, which comprise about three hundred and fifty-five acres and which are depicted on a map entitled "San Juan Islands Wilderness Proposal", dated August 1971 (Revised November 1971), which shall be known as the "San Juan Islands Wilderness". Nothing herein shall be deemed to prohibit the establishment and maintenance of Aids to Maritime Navigation by the United States Coast Guard pursuant to 14 U.S.C. 2 on those islands hereby designated as wilderness, except that such aids shall be the minimum required to facilitate safe transit of deep-draft tankers in the area affected;

(e) certain lands in the St. Marks National Wildlife Refuge, Florida, which comprise about seventeen thousand seven hundred forty-six acres and which are depicted on a map entitled "St. Marks Wilderness Proposal—Florida", dated September 1971, Revised December 1971, which shall be known as the "St. Marks Wilderness"; and

(f) certain lands in the Wolf Island National Wildlife Refuge, Georgia, which comprise about four thousand one hundred sixty-eight acres and which are depicted on a map entitled "Wolf Island Wilderness Proposal", dated March 1971, October 1971 Revised, which shall be known as the "Wolf Island Wilderness".

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL PARK SYSTEM

SEC. 2. In accordance with section 3(c) of the Wilderness Act (78 Stat. 890, 892; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness:

(a) certain lands in the Black Canyon of the Gunnison National Monument, which comprise about eight thousand seven hundred and eighty acres, and which are depicted on the map entitled "Black Canyon of the Gunnison National Monument, Montrose County, Colorado, Wilderness Plan", numbered 144–20016, dated May 1971, which shall be known as the "Black Canyon of the Gunnison Wilderness";

(b) certain lands in the Bryce Canyon National Park, which comprise about sixteen thousand three hundred and three acres, and which are depicted on the map entitled "Wilderness Plan, Bryce Canyon National Park, Utah", numbered NP–BC 7403–B, dated April 1971, which shall be known as the "Bryce Canyon Wilderness";

(c) certain lands in the Chiricahua National Monument, which comprise about six thousand nine hundred and twenty-five acres, and which are depicted on the map entitled "Chiricahua National Monument, Arizona, Wilderness Plan" numbered 145–20,006, dated December 1971, which shall be known as the "Chiricahua Wilderness"; and

(d) certain lands in the Colorado National Monument, which comprise about seven thousand seven hundred acres, and which are depicted on the map entitled "Wilderness Plan, Colorado National Monument", numbered 119/20,005, dated March 1971, which shall be known as the "Colorado Wilderness".

DESIGNATION OF WILDERNESS AREAS WITHIN THE NATIONAL FOREST SYSTEM

SEC. 3. In accordance with section 3(b) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132(b)), the following lands are hereby designated as wilderness:

(a) the area classified as the Agua Tibia Primitive Area, within the Cleveland National Forest, California, with the proposed additions thereto and deletions therefrom, comprising an area of approximately eleven thousand nine hundred acres, and which are generally depicted on a map entitled "Proposed Agua Tibia Wilderness", which shall be known as the "Agua Tibia Wilderness";

(b) the area classified as the Aldo Leopold Primitive Area, within the Gila National Forest, New Mexico, with the proposed additions thereto and deletions therefrom, comprising an area of approximately one hundred eighty-eight thousand ninety-five acres, and which are generally depicted on a map entitled "Proposed Aldo Leopold Wilderness", which shall be known as the "Aldo Leopold Wilderness";

(c) the area classified as the Blue Range Primitive Area, within the Apache National Forest, Arizona and New Mexico, with the proposed additions thereto and deletions therefrom, comprising an area of approximately one hundred seventy-seven thousand two hundred acres, and which are generally depicted on a map entitled "Proposed Blue Range Wilderness", which shall be known as the "Blue Range Wilderness";

(d) the area classified as the Gore Range-Eagles Nest Primitive Area, within the Arapaho and White River National Forests, Colorado, with the proposed additions thereto and deletions therefrom, comprising an area of approximately eighty-seven thousand seven hundred fifty-five acres, and which are generally depicted on a map entitled "Proposed Eagles Nest Wilderness", which shall be known as the "Eagles Nest Wilderness";

(e) the area classified as the Emigrant Basin Primitive Area, within the Stanislaus National Forest, California, with the proposed additions thereto and deletions therefrom, comprising an area of approximately one hundred five thousand eight hundred seventy-six acres, and which are generally depicted on a map entitled "Proposed Emigrant Wilderness", which shall be known as the "Emigrant Wilderness";

(f) the area classified as the Glacier Primitive Area, within the Shoshone National Forest, Wyoming, with the proposed additions thereto and deletions therefrom, comprising an area of approximately one hundred eighty-two thousand five hundred acres, and which are generally depicted on a map entitled "Proposed Glacier Wilderness", which shall be known as the "Glacier Wilderness";

(g) the area classified as the Mission Mountains Primitive Area, within the Flathead National Forest, Montana, with the proposed additions thereto and deletion therefrom, comprising an area of approximately seventy-three thousand two hundred acres, and which are generally depicted on a map entitled "Proposed Mission Mountains Wilderness", which shall be known as the "Mission Mountains Wilderness"; and

(h) the area classified as the San Juan and Upper Rio Grande Primitive Areas, within the Rio Grande and San Juan National Forests, Colorado, with the proposed addition thereto and deletions therefrom, comprising an area of approximately three hundred forty-six thousand eight hundred acres, and which are generally depicted on a map entitled "Proposed Weminuche Wilderness", which shall be known as the "Weminuche Wilderness".

SEC. 4. All Primitive Area classifications of areas here in designated wilderness are hereby abolished.

SEC. 5. As soon as practicable after this Act takes effect, a map and a legal description of each wilderness area shall be filed with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 6. Wilderness areas designated by this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TAX REFORM

(Mr. ABOUREZK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ABOUREZK. Mr. Speaker, the people want tax reform.

Our tax structure is written by and for the wealthy. The RECORD lately has been full of examples of millionaires dodging taxes completely—or paying far less than their fair share—en masse.

The same goes for corporations. In the last decade, favoritism to big business via the tax laws has effectively eroded the corporate tax base by about half.

Our tax setup is a disgrace to the American concept of equity. Unless it is fundamentally changed we are going to face an entirely justified revolt by millions of taxpaying American citizens.

Mr. Speaker, I think we have waited long enough for the administration's oft-delayed proposals. I fear that Congress is being given the artful dodge in this election year. Enough. It is time for Congress to get to work immediately on tax reform, while we still have time to legislate.

Congressman REUSS, myself and others, have sponsored an entirely worthy quick-yield tax package to close or tighten the most odious loopholes immediately.

We could use that bill this year, Mr. Speaker, to prove to the people that time is up for indefensible tax dodges for the rich.

There is no reason to wait any longer to tax capital gains on property transferred at death.

There is more than ample reason to repeal the accelerated depreciation allowance forthwith.

There is no reason to tolerate another year's abuse of the concept of a minimum tax.

There are enough loopholes to keep Congress busy for years. There are compelling reasons to rewrite the tax laws from top to bottom right now, to start all over, and to make tax law simple, clear, direct, effective, and progressive.

I do not care about having my name on a bill—and I am not wedded to the Reuss proposal at the expense of something more far reaching. What I care about is writing a Federal tax law that will close loopholes and start using some of our millionaires' excess profits to reduce property taxes, sales taxes, the income tax burden of the average taxpayer, and all the other taxes that are smothering the average citizen in this country.

Mr. Speaker, as you know, a bill somewhat more comprehensive than the Reuss proposal has been introduced into the Senate, the one authored by Senator GAYLORD NELSON and cosponsored by GEORGE MCGOVERN of my own State, among others. That bill would close more than $16 billion in loopholes. If that money were directly applied to property tax relief, we could save every farm, home, and business 44 percent of their property tax.

I know that it will take years of hard fighting before we have a tax system which is fair, equitable, progressive, and free of favoritism. But I think that now is the time we started writing tax bills to suit the average taxpayer rather than the superwealthy.

Mr. Speaker, at this point in the RECORD, I insert a May 4 article about Senator MCGOVERN's tax reform proposals, from the "New York Review of Books."

GEORGE MCGOVERN: ON TAXING AND REDISTRIBUTING INCOME

(Introduction by Wassily Leontief)

George McGovern's proposals for tax reform and redistribution of income, originally released in January and published here in slightly revised form, should be read and reread by every one of the more than one hundred million Americans who dropped in the mailbox last Saturday or Sunday, with mixed feelings of civic pride and desperation their income tax returns for 1971. McGovern's brief statement contains more hard common sense and practical wisdom than the tired platitudes and inconclusive technical disquisitions that fill the 300 pages of the President's Economic Report, which was transmitted to the Congress a few days after Senator McGovern made his program public.

The distribution of income is clearly emerging as the issue that will dominate the American political scene in the closing quarter of this century. The share that each member of our society receives in the immense and still swelling stream of goods and services produced annually by the American economy not only largely determines the level of satisfaction of his daily needs but also provides means for attaining many, if not all, of his highest aspirations. But more than this, under our political institutions the income and the amount of wealth controlled by any one group, in relation to other groups, determines decisively the power it can wield in influencing, not to say in directing, all government activities.

Twenty-five percent of the total gross national income is controlled directly by the government, and a much larger proportion indirectly. It is not surprising that by exercising a decisive influence on government policy, particularly in the economic sphere, a small group of citizens controlling a disproportionately high share of the national wealth has been capable of defending its economic and political dominance against all assaults.

In view of the close interdependence among all the parts of the modern industrial economy, the distribution of income and of wealth naturally depends, to some extent, on every one of its social and economic institutions. However, the power of the government to levy taxes, to borrow and to print money, and to use this immense purchasing power in any way it sees fit has long been recognized as one of the most effective means of bringing about a distribution of income compatible with the prevailing standards of social justice—or as an equally effective means of thwarting attempts to do so.

By the Middle Ages the Magna Charta had linked the notion of equitable taxation with the idea of social justice. The tea tax symbolized the English yoke to the rebeling Bostonians. None of the inequities of the *Ancien Régime* in France was hated more than the exemption from taxation enjoyed by the Church and the aristocratic upper class. The English orthodox economists, liberal in both senses of that term, staked their hopes for a truly free and fair society on a radical tax reform; so did the heterodox American Henry George.

But the cardinal importance of just taxation has receded in the American political conscience in the last thirty years. While government participation in the management of the national economy has mostly increased, it now consists mainly of troubleshooting interventions rather than fundamental economic and social reform. Year after year we witness an endless sequence of rescue operations made necessary by the inability of the traditional system of private enterprise to deal effectively with all kinds of problems created by economic growth and the headlong rush of technological change. Decaying metropolitan areas, ailing transportation systems, "structural" unemployment, and a despoiled environment are only a few of the woes that the Republican administration tries to lessen—so far with little tangible success—by a flow of rules, suspended rules, and haphazard measures.

Our once equitable and effective system of taxation has fallen victim to these hapless operations. Exemptions, accelerated amortizations, deductions, and credits of all kinds—avowedly intended to protect the tender sensibilities and to encourage the timid adventurers of rugged private enterprise—have fatally weakened, if not entirely destroyed, the progressive nature of the income, inheritance, and corporation taxes. The "value added tax" now quietly engineered behind the scene, which is nothing less than a universal sales tax, would deliver a *coup de grâce* to the taxation system of which this country was once rightfully proud.

Senator McGovern proposes to restore and to strengthen the role of taxation as a stern guardian of social justice and an effective instrument of social reform.

Many of the ills that both the federal and the local governments are now trying to cure, or at least to camouflage by various emergency measures, will vanish with the elimination of their fundamental cause—a lopsided distribution of national wealth and income. Canceling all exemptions and deductions would not only restore the honesty and effectiveness of the income and the corporate profit tax. It would also do away with the immense effort now devoted both to legitimate and illegitimate tax avoidance and to tax enforcement. The recent shift from conventional to no-fault automobile insurance has demonstrated how large the savings from such streamlining can be.

McGovern's tax reform proposals should become the central issue in the electoral campaign. President Nixon has again and again disarmed the opposition by making its proposals his own. It is most unlikely that he will want to do so in this case. What he would have to sacrifice are not lofty principles but hard cash.

(By George McGovern)

Many Americans feel themselves the victims of economic discrimination at the hands of the federal tax system. Although that system is, in many respects, one of the most enlightened in the world, it is an undeniable fact that millions of ordinary, working, middle-income families pay their taxes as required by law, while many of the wealthy use a variety of devices to escape their rightful tax burden. At the same time, the man in the middle sees billions of dollars going into welfare programs that don't work. In short, many Americans pay their taxes dutifully and feel that others are exploiting the tax and welfare systems.

The most urgently needed change in our systems of taxation and public assistance is to place far greater emphasis on fairness. Each American should feel that he is getting his money's worth and that he is being treated exactly like every other American. Each American should pay his fair share and each American should receive his fair share. That is clearly not the case now.

I—TAX REFORM

The purpose of taxation

In the United States, taxes pay for those activities which we wish to have carried out by government rather than by the private sector. The costs are supposed to be carried by income group paying its share and by those within each income group paying a similar amount. The progressive tax system asks those who are better off to bear a greater share of the load than those who have less ability to pay. In general, the progressive system is one of the most positive elements of our tax system.

Individual income taxes

Previous efforts at tax reform have failed to bring our system closer to a truly progressive one. Every effort at reform shows that the cloth of our tax codes is so worn that every patch rips another hole somewhere else. Even more importantly, efforts to promote fairness by giving everyone his own loophole are slowly dismantling the progressive federal income tax.

The actual tax system is just about half as progressive as it is supposed to be, according to the tax rates adopted by Congress. While nominal rates range from 0.1 percent at low incomes to 69.2 percent for those with incomes over $1 million per year, actual rates on average range from 0.7 percent to 34 percent.

Two taxpayers with the same annual income pay quite different taxes. A factory worker or a schoolteacher whose taxes are withheld from his wages cannot take advantage of loopholes. He may expect to pay almost $1,000 in taxes on earnings of $10,000. A wealthy person who receives $10,000 income from state and local bonds will pay no federal taxes at all. Clearly this system is unfair.

And these inequities are not theoretical. On the basis of 1969 tax returns, the last year for which figures are available, some 21,317 people earning more than $20,000 paid no federal taxes whatsoever. That includes fifty-six people with incomes in a single year of $1 million or more.

Because the effort to close one loophole at a time has been a failure and because to do so would still leave a great number of inequities until all were closed, we should shift to a really effective minimum tax. While a minimum tax was created in 1969 tax legislation, it is actually window dressing and is not effective. Recent reports indicate that some who earn over $1 million still pay no taxes.

I propose a minimum income tax so that the rich could not avoid their share of the tax burden no matter what loopholes they used. One possible formula would be a minimum income tax to apply to all those with total incomes in excess of $50,000. The entire income of any person in this range would be subject to payment of taxes at a rate of 75 percent of the current statutory rates at the rate that they would have to pay if there were no loopholes. All income regardless of source would be included. (Of course, if the computed tax exceeds the minimum tax, it would be payable.)

If this minimum income tax were now in effect it would bring in approximately $5 billion during the present fiscal year and $6 billion in fiscal 1973. That would amount to about a 7 percent increase in receipts from the individual income tax. This increase would be paid by the wealthiest 411,000 out of the 76 million federal taxpayers.

This basic tax reform would not unfairly penalize the wealthy just because they were well off. It would simply ensure that they could not dump their tax load onto the backs of already hard-pressed middle-income taxpayers.

Corporate taxes

The strength of the American economy is due mainly to the dynamic growth of the private sector led by corporations and other businesses. It is sound public policy to create the conditions for business to function effectively.

The federal tax system has been used to help the corporation. As Joseph Pechman, one of the leading tax experts in the United States, points out: "A special tax on the corporate form of doing business is considered appropriate because corporations enjoy special privileges and benefits." In order to stimulate corporate economic activity, the federal government can and does alter tax rates. That is the principal form of assistance that has recently been given.

The present corporate tax rate is 48 percent of the taxable base defined by law. Of this, 22 percent is the normal tax which applies, without the 26 percent surtax, to the first $25,000 of corporate net income. This feature is of special benefit to small businesses—some 77 percent of the taxpaying corporations. It should be maintained.

In each postwar recession, demands have arisen to stimulate the economy through corporate tax reductions. These have taken the form not of overt tax reductions but of covert rate reductions in the form of increased depreciation allowances and special devices such as the investment tax credit. Such devices transfer profits from the taxable category to the untaxable category. In the process, the corporate income tax is gradually being abolished.

Because of steady reductions in the taxable base over the past twenty years, the effective corporation income tax rate has been cut in half. There is a real question about how much farther we can go.

The time has come to end the dismantling of the corporation income tax and to reestablish a fair balance between personal and corporate income tax collections. As a result, I have opposed the new depreciation guidelines and the investment tax credit. Special loopholes, such as percentage depletion, need not be phased out, but a broad balance also needs to be established between taxable and untaxable earnings of corporations. As it is, we have tipped that balance too far in the direction of untaxable earnings.

I propose that the actual corporation income tax be returned to its 1960 level by the elimination of the special loopholes that have been opened since then. (About two-thirds of the gap between the present level and the 1960 level results from Nixon Administration cuts in the last year.)

This reform of the corporation income tax would raise approximately $9 billion in the current fiscal year and about $17 billion in fiscal 1973 (based on Administration estimates of increased corporate activity).

This proposal for increasing the corporation income tax rate does not mean reduced government assistance to business. If the entire McGovern economic program were to be applied, there would be more stimulus to business than is available from the tax privileges now in effect. This program includes an immediate $10 billion fiscal stimulus to create new jobs and use underutilized capacity, economic conversion from a war to a peace economy with the extensive use of government contracting for specific purposes, and the Minimum Income Grant, discussed below, which would greatly stimulate consumer purchases. Nothing spurs profits like a strong full employment economy, which has the highest priority in my economic program.

In short, our corporations must be healthy and growing if our economy is to prosper. But we have a wider range of tools at our disposal than perpetual reductions in the corporation income tax.

Estate and gift taxation

Most Americans subscribe to a fundamental belief of our Founding Fathers that we should be allowed to keep a fair proportion of what we earn but should not be allowed to inherit great wealth. Yet, in practice, the loopholes in our gift and inheritance taxes are much greater than those in our income taxes. Just 9 percent of all families own 50 percent of all private assets. More than a quarter of all private assets are owned by less than 1 percent of the population. Although some of these fortunes are based on earned income, most are based on inherited wealth.

Estate and gift tax rates are high. But actual rates are a tiny fraction of the theoretical rates.

Estate and gift taxation should be reformed in the same manner as the income tax. Instead of proceeding to close loopholes one by one, a whole new system needs to be constructed.

Gift and inheritance taxes should shift from a tax on the estate or giver to a lifetime cumulative tax on the recipient. This shift would make it possible to prevent tax avoidance and would be more fair, because it would regard the money received as income to the recipient, which it is.

The cumulative lifetime tax on recipients should take the following form: A base amount would be exempt from taxation—this amount is now set by the government at $60,000. Then a progressive tax would be levied, reaching an upper limit of 77 percent—the current statutory ceiling—on an estate of $500,000 or more. The base exemption should be increased when the estate includes a wholly owned proprietorship.

While it is impossible to calculate the exact amount of such revenues resulting from this proposal, a conservative estimate would indicate the doubling of present tax receipts from estate and gift taxes. That would mean additional tax revenues of $4 billion in the present fiscal year and $5 billion a fiscal 1973.

State and local taxes

While the federal tax system is generally progressive, with room for improvement, the state and local tax systems are far less progressive and do not respond as directly to changes of income of taxpayers. It is well known that there has been excessive reliance on the property tax.

The property tax revolt may be a major issue in the coming months. The federal government may have to step in to allow for a reduction of property taxes used to support education—perhaps their complete removal. As I indicated in July, 1971, in my proposals on revenue sharing, the states should be given the incentive to raise more of their revenues from progressive income taxes. In addition, the federal government should take over at least a third of the total bill for primary and secondary education. Funds should be distributed to school districts in line with an equalization formula as is outlined in my revenue sharing proposals.

It has been suggested that a value added tax, which in effect is a national sales tax, should be used either as a method of increasing federal tax revenues or as a method of reducing or eliminating the property tax or both. I disagree. In the first case, we should increase individual and corporation taxation, as indicated, rather than resort to the national sales tax. In the second case, a shift to the value added tax would represent a retreat from the far sounder revenue sharing approach. In addition, while the federal government should assume a greater share of the cost of education, certain local services are associated with the ownership of property, and there is thus a justification for some property taxation. Also, as mentioned above, the property tax can be cut by a shift to more progressive forms of taxation by the states.

In any case, the value added tax or national sales tax is against the interest of middle- and low-income people. It is a regressive tax on consumption, which cannot, of course, be reduced beyond a certain point necessary to ensure a decent life. And it represents a backdoor method of increasing individual taxes just after a reduction in taxation on individual incomes has been enacted.

Conclusion

The federal tax system is basically sound, although it has been riddled with special priviliges for the rich. We should move now to establish a fair tax system for all Americans.

The reforms of the federal tax system relating to individual and corporation income taxes and to estate and gift taxes would result in additional revenues of about $18 billion this fiscal year and $28 billion in fiscal 1973. This amounts to an additional $140 in federal income for every man, woman, and child in the United States. Depending on how these additional revenues were applied, they could bring about the reduction of elimination of the local property tax for education; be spent on other urgent national needs such as rebuilding our cities, pollution control, adequate nutrition for all; or could go a long way toward financing the Minimum Income Grant program, discussed below.

II—REDISTRIBUTION OF INCOME

The need

The present tax system contains inequities because it does not levy a correspondingly fair burden on all taxpayers. While the rich benefit from the tax system, middle-income groups and low-income groups including the poor do not receive such benefits. Those with medium incomes find they are paying their taxes but not receiving either the kind of tax breaks given to the wealthy or the kind of public assistance payments made to the poor. The poor find that, as soon as they go to work, they are subject to extremely high rates of income taxation because of their sudden sharp reduction of public aid when they earn their first dollar. The net result is mounting frustration for those in the middle and a future of poverty for those who are heavily penalized when they seek to work their way out of welfare dependence.

There are other weaknesses of the public assistance or welfare program. Many people in need are not covered; family groups are penalized; benefits are insufficient; migration from one state to another is encouraged; extensive controls are applied; and it is possible for taxayers to be worse off than those receiving public assistance.

A number of welfare proposals are now pending before the Congress. I sponsored the proposals of the National Welfare Rights Organization in an effort to ensure that benefits will take into account real needs. Naturally these proposals deal only with those on public assistance—not medium-income taxpayers. Some of them represent major improvements in the present system. But none of them offers the broad application of the Minium Income Grant described below. Even the negative income tax proposal has the defect of creating or, more properly, maintaining a two-class society—those who pay and those who receive.

The minimum income grant

I propose that every man, woman, and child receive from the federal government an annual payment. This payment would not vary in accordance with the wealth of the recipient. For those on public assistance, this income grant would replace the welfare system. It has also been suggested that the national income grant could replace certain social security benefits.

There are a number of methods by which this proposal could be implemented. Some are discussed here. These methods require full examination by the best economic talent available, and the plan chosen must have the support of the President, if it is to have any chance of adoption. For these reasons, the present proposal is not designed for immediate legislative action. Instead, it represents a pledge that, if elected, I would prepare a detailed plan and submit it to the Congress.

One proposal calls for the same payment to be made to all Americans. This is the credit income tax idea, proposed by Professor Earl Rolph, and more recently associated with the name of Professor James Tobin of Yale, immediate past president of the American Economic Association, former member of the Council of Economic Advisors, and a member of the National Economic Advisory Group of the McGovern Campaign. Using a 1966 base, Professor Tobin suggests a payment of $750 per person. At the present time, a payment of almost $1,000 per person would be required. This would amount to $4,000 for a family of four—just about the official poverty level boundary.

Another formula has been suggested by Leonard Greene, president of the Safelight Instrument Corporation of New York. Under his "Fair Share" plan, each adult would receive $900 a year and each child would receive $400. This would amount to $2,600 for a family of four.

It should be stressed that neither of these proposals relates to the size of the family unit; the payments are made on an individual basis. Thus, there would be no incentive for a family to break up in order to receive higher total benefits.

A third formula would involve payments according to the family group. Joseph Pechman of the Brookings Institution has shown that "the relative incomes that would provide roughly equivalent standards of living appear to be in the ratio of 75:100:25 for single, married, and dependent persons, respectively." The payment of the Minimum Income Grant could be made according to such a formula. In this case, adequate account would be taken of those who receive welfare and who live alone.

Financing the minimum income grant

As redistribution of income, the Minimum Income Grant would represent no additional cost to the Treasury. Funds to finance the grant would be expected to come from those above a designated break-even income and would take the form of additional taxes. If the break-even income for a family of four were set at $12,000, about 20 percent of federal taxpayers would experience a tax increase, while about 80 percent would be able to keep all or part of the grant.

It is expected that those below the poverty line would keep all of the grant, while those between the poverty line and the break-even point would keep a gradually decreasing amount as their incomes rose. The loss of grant benefits would thus be sufficiently gradual as not to discourage those on welfare from seeking a job (in fact, it would encourage them to seek work) and would provide a significant income supplement to the millions of Americans in the medium-income range. Thus, for example, a family of four with its own income of $8,000 would be able to retain an additional $2,000 of the Minimum Income Grant.

Professor Tobin's explanation of the credit income tax suggests that the grant would be tax-free but that each person would be required to pay a uniform income tax to the Federal Treasury (a 33.3 percent tax is suggested with the $750 payment). Although this might seem to be a regressive tax, the tax credit resulting from the grant would cause it to have a progressive effect. While taxes would be much higher for the wealthy, others would receive significant tax relief. Professor Tobin uses the example of a family of four with an income of less than $9,000 that would pay no taxes at all.

This credit income tax proposal would imply a redistribution of income of some $14.1 billion from those above the poverty line to those below it. The redistribution from those above the break-even income line to those below it but still above the poverty line would amount to $29 billion. These figures demonstrate that while the Minimum Income Grant would represent a total reform of the present welfare system, it would actually provide more money to medium-income taxpayers than it would be to the poor.

Leonard Greene's Fair Share would be financed by the present progressive tax system plus a 20 percent tax surcharge on all taxpayers. The Minimum Income Grant, according to Mr. Greene, would not be tax exempt. This proposal distributes the cost over a greater number of taxpayers but the burden on any one of them is lower than under the credit income tax formula.

It would not be necessary to finance all of the Minimum Income Grant by tax increases. The billions of dollars saved in welfare benefits and the cumbersome administration of the welfare system—a total since it began of $9.6 billion or $1.4 billion in fiscal 1970—could be allocated to the grant. It should be noted that this procedure would represent a major saving for states and localities which would not be required to finance the welfare system and could use the resulting funds—an estimated $5 billion—to lower property taxes. This step would represent additional income assistance to medium-income taxpayers. (To the extent that social security payments were replaced by the grant, social security funds could be used to finance the system.)

In addition, the revenues resulting from the kind of tax reform proposed earlier ($28 billion in fiscal 1973) could be applied to the grant.

Finally, the justification for the personal exemption on individual tax returns would be removed by the adoption of the Minimum Income Grant. If the personal exemption were removed, the federal government would receive $63.6 billion in additional tax revenues. These funds could also be applied to the grant.

SENIOR CITIZENS' RENT LIMITATION ACT

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, I would like to call to the attention of our colleagues my bill, H.R. 14495, the Senior Citizens' Rent Limitation Act. This bill is one of the most important of the more than two dozen senior citizens bills that I have introduced during this 92d Congress.

The Senior Citizens' Rent Limitation Act is major new legislation. Most senior citizens who monthly have to face the disaster of higher and higher rents would recognize the necessity of this legislation. Only those who do not live on fixed social security incomes scoff at this legislation as "utopian."

However, the Senior Citizens' Rent Limitation Act states the following clear truths:

"(a) Congress finds that many poor and moderate income senior citizens live in non-federally financed rental housing.

"(b) Congress finds that such senior citizens must pay, in high and ever rising rents, an unreasonable proportion of their modest and fixed incomes.

"(c) Congress finds that an insufficient number of public housing units, designed for senior citizens, can be expected to be built in the near future.

"(d) Congress, therefore, deems it necessary to limit the rent of senior citizens by public funding of a part of the rental burden of senior citizens.

Nowhere do these problems cause more difficulty than in Trump Village, the Warbasse Cooperative, Carey Gardens, Haber Houses, and Joseph P. Dey Houses in my area.

The Senior Citizens Rent Limitation Act applies only to poor and moderate income senior citizens whose income is less than $6,000 per year and only for moderate rental—$200 per month—apartments. Thus it will not cost billions of dollars.

If a senior citizen qualifies, the senior citizens rent limitation program would pay him each month, an amount equal to the excess of the senior citizen's proportion of rent beyond 25 percent of the senior citizen's expected income during the month to follow each payment. The bill would make sure that social security and other senior citizen benefits are not in any way affected by the rent limitation program. It would also provide for yearly cost-of-living adjustments.

Mr. Speaker, although my Senior Citizens' Rent Limitation Act may seem too visionary for many here, a similar program has been in operation for some time now. According to the Brooke amendments to the Housing Act of 1958, all tenants of federally financed housing must not be forced to pay more than 25 percent of their incomes for rent.

This legislation would just extend that program to senior citizens for whom there is no decent public housing available. They built those houses—they should not have to pay a fortune to live in them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Hastings (at the request of Mr. Frey), for today and balance of the week, on account of personal business.

Mr. Jones of Tennessee (at the request of Mr. McFall), for today, on account of official business.

Mr. Pettis (at the request of Mr. Gerald R. Ford), for April 27–28, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McCollister) and to revise and extend their remarks and include extraneous matter:)

Mr. Schwengel, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Halpern, for 5 minutes, today.

Mr. Anderson of Illinois, for 1 hour, tomorrow.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Flood, for 15 minutes, today.

Mr. Podell, for 15 minutes, today.

Mr. Smith of Iowa, for 5 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes, today.

Mr. Burke of Massachusetts, for 15 minutes, today.

Mr. Diggs, for 5 minutes, today.

Mr. Kee, for 15 minues, today.

Mr. Holifield, for 10 minutes, today.

Mr. Mitchell, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Burke of Massachusetts following the remarks of Mr. Stephens of Georgia on amendment offered by Mr. Stephens to H.R. 14582.

Mr. Mahon to revise and extend his remarks on H.R. 14582 and include extraneous matter and tables.

All Members (at the request of Mr. Mahon) to revise and extend their remarks on H.R. 14582.

Mr. Ryan to extend his remarks prior to vote on Yates amendment on bilingual education.

(The following Members (at the request of Mr. McCollister) and to include extraneous matter:)

Mr. Zion.

Mr. Fish.

Mr. Schmitz in two instances.

Mr. Thone in two instances.

Mr. Collins of Texas in three instances.

Mr. Hunt.

Mr. Wyman in two instances.

Mr. Shoup.

Mr. Hosmer in three instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Cleveland.

Mr. McClure.

Mr. Quillen.

Mr. Broyhill of Virginia in two instances.

Mr. Veysey.

Mr. Bob Wilson.

Mr. Archer.

Mr. Spence.

Mr. Mills of Maryland.

Mr. Terry.

Mr. Gubser.

Mr. Michel.

Mr. Erlenborn.

Mr. Minshall.

Mr. Wiggins.

Mr. Esch.

Mr. Young of Florida in five instances.

Mr. Halpern in two instances.

Mr. Nelsen.

Mr. Mallary.

Mr. Anderson of Illinois.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous material:)

Mr. Carney.

Mr. Roybal in 10 instances.

Mr. Sikes in five instances.

Mr. William D. Ford in five instances.

Mr. Cotter in three instances.

Mr. Aspin in 10 instances.

Mr. Hamilton in two instances.

Mr. Rarick in 10 instances.

Mr. Hagan in three instances.

Mrs. Hicks of Massachusetts in three instances.

Mr. Galifianakis.

Mr. Carey of New York.

Mr. Edwards of California.

Mr. Wolff in four instances.

Mr. Celler.

Mr. Hungate in three instances.

Mr. Charles H. Wilson in 10 instances.

Mr. Corman.

Mr. Tiernan in two instances.

Mr. Mitchell.

Mr. Koch in two instances.

Mr. Pike in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2013. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

S. 3343. An act to amend chapter 21 of title 38, United States Code, to increase the maximum amount of the grant payable for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

S. 3507. An act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones, and for other purposes; to the Committee on Merchant Marine and Fisheries.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the committee on House Administration, reported that that committee did on April 25, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 27, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1905. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in training and technical services provided to antipoverty agencies by the Office of Economic Opportunity; to the Committee on Government Operations.

1906. A letter from the Comptroller General of the United States, transmitting a report on the need to repair more air-to-air missiles in the Department of the Navy; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 14370. A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenues sources, and to authorize Federal collection of State individual income taxes (Rept. No. 92–1018 (Pts. I and II)). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEDZI: Committee on House Administration. Senate Joint Resolution 173. Joint resolution to provide for the appointment of A. Leon Higginbotham, Jr., as citizen regent of the Board of Regents of the Smithsonian Institution (Report No. 92–1019). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. Senate Joint Resolution 174. Joint resolution to provide for the appointment of John Paul Austin as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 92–1020). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. Senate Joint Resolution 175. Joint resolution to provide for the appointment of Robert Francis Goheen as citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 92–1021). Referred to the House Calendar.

Mr. NEDZI: Committee on House Administration. Senate Concurrent Resolution 59. Concurrent resolution to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877", to the National Portrait Gallery of the Smithsonian Institution (Rept. No. 92–1022). Referred to the House Calendar.

Mr. DONOHUE: Committee on the Judiciary. H.R. 12392. A bill to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation; with an amendment (Rept. No. 92–1023). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. Senate Concurrent Resolution 75. Concurrent resolution to urge each American family to plant a vegetable garden (Rept. No. 92–1024). Referred to the House Calendar.

Mr. CELLER: Committee on the Judiciary. House Joint Resolution 375. Joint resolution granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes; with an amendment (Rept. No. 92–1025). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama:

H.R. 14618. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

H.R. 14619. A bill to amend the Social Security Act to prevent recipients of aid or assistance under the various Federal-State public assistance and medicaid programs from having the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 14620. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 14621. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CAREY of New York:

H.R. 14622. A bill to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act; to the Committee on Interstate and Foreign Commerce.

By Mr. DOW:

H.R. 14623. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to the effective date of the non-Federal share of the costs of certain programs of that act, and for other purposes; to the Committee on the Judiciary.

By Mr. HALEY (for himself and Mr. Rogers):

H.R. 14624. A bill to provide for orderly trade in fresh fruits and vegetables, and for other purposes; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 14625. A bill to amend the Internal Revenue Code of 1954 to raise needed additional revenues by tax reform; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts (for herself, Mrs. Abzug, Mr. Bevill, Mr. Boland, Mr. Brasco, Mr. Cleveland, Mr. Danielson, Mr. Eilberg, Mr. Forsythe, Mr. Frenzel, Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Helstoski, and Mr. Hungate):

H.R. 14626. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

By Mrs. HICKS of Massachusetts (for herself, Mr. Kemp, Mr. Kyros, Mr. Matsunaga, Mr. Mitchell, Mr. Mazzoli, Mr. Pepper, Mr. Peyser, Mr. Podell, Mr. Rangel, Mr. Roe, Mr. Ryan, Mr. Scheuer, Mr. Steele, Mr. Symington, Mr. Charles H. Wilson, Mr. Winn, and Mr. Wolff):

H.R. 14627. A bill to provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma for the elderly; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Arkansas:

H.R. 14628. A bill to amend the Internal Revenue Code of 1954 with respect to the tax laws applicable to Guam, and for other purposes; to the Committee on Ways and Means.

By Mr. MORSE (for himself, Mr. Boland, Mr. Burke of Massachusetts, Mr. Conte, Mr. Donohue, Mr. Drinan, Mr. Harrington, Mrs. Heckler of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Keith, Mr. Macdonald of Massachusetts, and Mr. O'Neill):

H.R. 14629. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 14630. A bill to amend the Communications Act of 1934 to provide that renewal licenses for the operation of a broadcasting station may be issued for a term of 5 years and to establish certain standards for the consideration of applications for renewal of broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 14631. A bill to amend the Appalachian Regional Development Act of 1965 to increase the mileage of the development highway system; to the Committee on Public Works.

By Mr. QUIE:

H.R. 14632. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Saint Croix River, Minn. and Wis., as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. ROYBAL:

H.R. 14633. A bill to amend section 1114 of title 18 of the United States Code to extend Federal protection to certain officers and employees of the General Services Administration; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 14634. A bill to amend section 53(a) of the Airport and Airway Development Act of 1970 so as to include snowmobiles within the $25 ceiling imposed on overtime charges for certain services in connection with the arrival in or departure from the United States of any private aircraft or private vessel; to the Committee on Interstate and Foreign Commerce.

H.R. 14635. A bill to amend the Social Security Act to include qualified drugs, requiring a physician's prescription or certification and approved by a formulary committee, among the items and services covered under the hospital insurance program; to the Committee on Ways and Means.

H.R. 14636. A bill to amend the Social Security Act to provide that future increases in social security benefits shall be disregarded in determining the need of individuals for aid or assistance in any form under the various Federal-State public assistance and medicaid programs; to the Committee on Ways and Means.

H.R. 14637. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable only to blind individuals at that age, and to eliminate the reduction in disability insurance benefits which is presently required in the case of an individual receiving workmen's compensation benefits; to the Committee on Ways and Means.

H.R. 14638. A bill to amend title II of the Social Security Act to provide that the minimum primary benefit of any individual thereunder shall be $100 a month or (if higher) an amount equal to $10 a month for each year over 10 that such individual has worked in covered employment, to liberalize the earnings test, and to provide that widow's and widower's insurance benefits shall be payable on an actuarially reduced basis (without regard to disability) at age 55; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 14639. A bill to amend the Economic Stabilization Act of 1970 to stabilize rentals and carrying charges at levels not to exceed those prevailing on August 15, 1971; to the Committee on Banking and Currency.

By Mr. STAGGERS:

H.R. 14640. A bill to amend the act of August 4, 1950 (64 Stat. 411) to provide salary increases for members of the Police Force of the Library of Congress; to the Committee on House Administration.

By Mr. STAGGERS (for himself and Mr. SPRINGER):

H.R. 14641. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all foods; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself and Mr. RAILSBACK):

H.R. 14642. A bill to establish a National Youth Council in the Executive Office of the President; to the Committee on Education and Labor.

By Mr. TALCOTT:

H.R. 14643. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

By Mr. THONE (for himself, Mr. ALEXANDER, Mr. DENNIS, Mr. SEBELIUS, and Mr. SIKES):

H.R. 14644. A bill to amend the Occupational Safety and Health Act of 1970 to define the term "employee" more precisely; to the Committee on Education and Labor.

By Mr. VEYSEY (for himself, Mr. DAVIS of Wisconsin, and Mr. MATSUNAGA):

H.R. 14645. A bill to promote the use of low-pollution motor fuels by equalizing the tax treatment of liquified and compressed natural gas; to the Committee on Ways and Means.

By Mr. VIGORITO:

H.R. 14646. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. WHALEN:

H.R. 14647. A bill to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof; to the Committee on Foreign Affairs.

By Mr. WHITEHURST:

H.R. 14648. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. BOGGS:

H.R. 14649. A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 14650. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. DIGGS:

H.R. 14651. A bill to require that certain cuts of beef sold at retail meat standards prescribed by the Secretary of Agriculture to limit the amount of excess fat and other valueless parts of beef carcass contained in such cuts; to the Committee on Agriculture.

By Mr. EDMONDSON (for himself, Mr. BELCHER, Mr. STEED, Mr. JARMAN, and Mr. CAMP):

H.R. 14652. A bill to amend the act of June 16, 1906 (enabling the peoples of Oklahoma, New Mexico, and Arizona to adopt constitutions and form States), to permit the long-term lease of school lands by the State of Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. FISH:

H.R. 14653. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

H.R. 14654. A bill to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HOLIFIELD (for himself, Mr. PRICE of Illinois, Mr. ASPINALL, Mr. YOUNG of Texas, Mr. EDMONDSON, Mr. HOSMER, Mr. ANDERSON of Illinois, Mr. MCCULLOCH, and Mr. HANSEN of Idaho):

H.R. 14655. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. MALLARY:

H.R. 14656. A bill to amend the Land and Water Conservation Fund Act of 1965; to the Committee on Interior and Insular Affairs.

By Mr. PIKE:

H.R. 14657. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. SAYLOR:

H.R. 14658. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of Iowa:

H.R. 14659. A bill to require the consideration of environmental and other factors, and the stockpiling and replacement of soil on all public works projects and highway and other projects which are federally assisted, on federally held land, and on projects which affect commerce among the States, or the general welfare and quality of life of the Nation; to the Committee on Public Works.

By Mr. SYMINGTON (for himself, Mrs. ABZUG, Mr. BRADEMAS, Mr. COTTER, Mr. DAVIS of Georgia, Mr. HAWKINS, Mr. LINK, Mr. MITCHELL, Mr. RANGEL, Mr. REID, Mr. SEBELIUS, Mr. WOLFF, and Mr. ASPIN):

H.R. 14660. A bill to amend the Internal Revenue Code of 1954 with respect to lobbying by certain types of exempt organizations; to the Committee on Ways and Means.

By Mr. UDALL (for himself, Mr. BADILLO, Mr. DERWINSKI, Mr. DINGELL, Mr. FASCELL, Mr. HALPERN, Mr. HASTINGS, Mr. MOORHEAD, Mr. MOSS, Mr. PODELL, Mr. PREYER of North Carolina, Mr. REES, Mr. RHODES, Mr. SCHNEEBELI, Mr. STRATTON, and Mr. CHARLES H. WILSON):

H.R. 14661. A bill to regulate State presidential primary elections; to the Committee on House Administration.

By Mr. WHITEHURST:

H.R. 14662. A bill to authorize equalization of the retired or retainer pay of certain members and former members of the uniformed services; to the Committee on Armed Services.

H.J. Res. 1179. Joint resolution calling for a moratorium on the killing of polar bears; to the Committee on Foreign Affairs.

By Mr. HOLIFIELD:

H. Con. Res. 592. Concurrent resolution: Policies and procedures to end the war in Indochina; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 593. Concurrent resolution expressing the sense of the Congress with respect to total nuclear disarmament; to the Committee on Foreign Affairs.

By Mr. HARRINGTON (for himself, Mr. BURTON, Mr. EILBERG, and Mr. RANGEL):

H. Con. Res. 594. Concurrent resolution to stop the bombing of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HOWARD:

H. Con. Res. 595. Concurrent resolution authorizing the Joint Committee on the Library to commission a painting of the astronauts first landing on the moon on the ceiling of the Brumidi corridor in the Senate wing of the Capitol; to the Committee on House Administration.

By Mr. ANDERSON of Tennessee (for himself, Mr. BLATNIK, Mrs. ABZUG, Mr. DAVIS of Georgia, Mr. PICKLE, and Mr. DORN):

H. Res. 944. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. ARCHER:

H. Res. 945. Resolution in support of the President's response to the invasion of South Vietnam; to the Committee on Foreign Affairs.

By Mr. ROYBAL (for himself, Mr. ANDERSON of California, Mr. CORMAN, Mr. DANIELSON, Mr. REES, and Mr. CHARLES H. WILSON):

H. Res. 946. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

By Mr. RYAN:

H. Res. 947. Resolution urging supplemental appropriations to implement the President's message of March 17, 1972, calling for equal educational opportunities; to the Committee on Education and Labor.

By Mr. THOMPSON of New Jersey:

H. Res. 948. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

379. Mr. LENT presented a memorial of the Senate and the Assembly of the State of New York to the Congress of the United States, to amend the highway trust fund for mass transportation purposes, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GROSS:

H.R. 14663. A bill for the relief of Clarence McCarville and Emma McCarville; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 14664. A bill for the relief of Randy W. Cowen: to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

YEAR-ROUND DAYLIGHT TIME WOULD BE AID TO RECREATION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HOSMER. Mr. Speaker, this coming Sunday, most Americans will set their clocks forward or back—whichever way they are supposed to go—and settle down for 6 months of enlightened time.

Then, on the last Sunday in October, we will return to the dark ages for 6 months at precisely the time of year when we most need daylight saving time.

Most people seem to agree that enlightened time—daylight saving time—is a good idea during the summer; does it not also stand to reason that enlightened time would be equally or more beneficial during the short, cold days of winter?

My colleagues and I who are sponsoring H.R. 5464 to establish year-round daylight saving time think it does. And a large number of public officials and citizens seem to agree.

The reasons are many—lower crime rates, increased traffic safety, savings in electricity—but a new one recently was brought to my attention by Larry Folloni, athletic director and basketball coach at Bridgewater-Raynham High School in Bridgewater, Mass.

Mr. Folloni points out that the early fall of darkness during the autumn and winter months severely restricts after-school activities, particularly football practice and other outdoor activities. Even indoor extracurricular programs, such as band practice, basketball, and club meetings, subject their participants to traveling home in darkness. At best, high school football teams have an hour of practice time in daylight during their season, he points out.

And considering the massive investment that Americans are making in outdoor recreational facilities—athletic fields, parks and playgrounds, and tennis courts—would seem that the reversion to so-called standard time in October is shortchanging us in their year-round usage.

The Los Angeles Times yesterday carried a story by staff writer Howard Seelye on the campaign to provide year-round enlightened time, quixotic as it may be. The Times story follows:

YEAR ROUND—HE IS WOUND UP OVER DAYLIGHT SAVING TIME

(By Howard Seelye)

Next Sunday, when Daylight Saving Time begins for most of the nation, Rep. Craig Hosmer will embark again on his so-far-fruitless effort to establish Daylight Saving Time year-round.

His crusade will continue until October when it will be time to return the hands of the clock to Standard Time.

In the meantime, Congress undoubtedly will again have failed to act on his bill—just as it has for the past five sessions.

Hosmer, a Long Beach Republican, is sure to arise on the House floor to bemoan, as he did last year, the dilemma faced by the nation:

"Some, certainly, will forget (to change the clocks); others, no doubt, will erroneously set their clocks forward another hour, some people will drop their timepieces and break them; and, of course, residents of Hawaii, Arizona and Michigan will do nothing, other than glow in the contentiment that the rest of the country is now back in step with them, whatever that may be."

WILL CONTINUE CAMPAIGN

But in spite of continued setbacks and overwhelming lack of support, Hosmer will press on in his drive to get recognition for his movement, embodied in House Resolution 5464.

He concedes that he has two chances of getting his measure out of the House Interstate and Foreign Commerce Committee—slim and none.

Unfortunately, says Hosmer, "It's an idea whose time has not yet come."

Hosmer has a long list of supporting arguments for his permanent Daylight Saving Time proposal:

—Twilight hours are the most prone to accidents and is the time when most people are traveling home from work.

—Statistics show that most crimes are committed in the first hours of darkness, at a time when police are busiest with traffic problems in winter months.

—More recreational time will be available for people to enjoy outdoor sports with permanent Daylight Saving Time.

SAVINGS IN POWER COSTS

—There will be a large saving in electrical bills for citizens, plus an overall saving in construction costs of power plants to supply a lessened demand, says Hosmer. He pegs this at $350 million.

—Children will have more daylight hours to play after school.

The opposition comes from rural America and drive-in movie theater owners, Hosmer contends.

"The farmers worry about their milking schedules being disrupted; the movie people fret about when the curtain of darkness will clothe their profitable passion pits," he said.

"Personally, I am more interested in disrupting the muggers' mugging schedule."

While Hosmer's concern over better use of sunlight has been largely a one-man battle, he has had some support from eight colleagues in the House, whom he calls "The Lonely Eight."

Hosmer, who calls his proposal New Standard Time, credits Benjamin Franklin with originating Daylight Saving Time 200 years ago.

"Ben awoke one morning in Paris to find his hotel room bathed in sunlight," Hosmer says. "Despite the fact that he was a notoriously late riser, Franklin decided—with a certain amount of logic—that the sunlight was wasted while he was usually sleeping and would be better used later in the day."

Hosmer notes that not everyone agreed with Franklin's judgment.

RAILROAD'S ROLE

America's problems with time were left to the railroads and, Hosmer notes, "anything left to the railroads will go awry."

In 1883, every railroad operated on its own standard time. There were more than 100 "standard" times in the United States at that point, eight different ones in Pittsburgh alone.

Hosmer says "this may have been done accidentally, but more likely it was done by the railroads with malice aforethought, so that no one would know when the trains were late."

In 1918 Congress passed legislation to establish official time zones, but cities, counties and states continued to set their clocks pretty much as they wanted on a local option basis.

The crazy-quilt pattern of standard and daylight times prompted one man to write the Interstate Commerce Commission that "confusion bordering on anarchy reigns supreme, and anarchy is the mode of the day. By such means do states and nations pass through the gates of the graveyard of history."

UNIFORM 1966 TIME ACT

But Congress did not want anything awful like this to happen, just because of the time of day, Hosmer says, so the Uniform Time Act of 1966 was passed.

It provided the Daylight Saving Time be observed on a statewide basis from the last Sunday of April until the last Sunday in October, unless a state goes to the trouble of voting to exempt itself from Daylight Saving Time altogether.

This brought new sanity to the situation everywhere except in Hawaii, Arizona and Michigan, which, in a pique of states' rights fervor, promptly denied the copious benefits of Daylight Saving Time to their citizens," Hosmer says.

Last month Congress amended the Uniform Time Act to permit 12 states split by time-zone boundaries to exempt parts of their states from Daylight Time.

But for Hosmer the battle goes on.

"If an extra hour of sunlight is deemed valuable during the already long afternoons of summer, doesn't it stand to reason that an extra hour of afternoon sun would be equally or even more desirable during the short, cold days of winter?"

But Hosmer is not too optimistic about the chances of his present, or future, bills on Daylight Saving Time.

He says that when someone suggests tinkering with time, they get all emotional, and concedes there is no electoral sex appeal to his proposal.

In the meantime, Hosmer says, "I will give it the water drop treatment and maybe it will catch on."

CURBING NOISE POLLUTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HUNGATE. Mr. Speaker, in view of the concern many of my constituents have expressed over the consequences of sonic boom, I would like to call my colleagues' attention to the following article which outlines steps taken to curb noise pollution:

[From the Trial magazine, March–April 1972]

UNITED STATES PUTS ITS "NOSE" INTO NOISE LEVELS

The House has voted, 356–32, to give the federal government the power to curb noise pollution in the nation. At the same time the Supreme Court has been asked to consider whether the government itself can be sued for sonic boom damage by the military.

The bill would require the Environmental Protection Agency to establish within 18 months noise emission levels for new construction equipment, transportation equipment, motors, electric and electronic equipment.

The proposed federal law would not preempt states and localities in the matter of local ordinances.

Rep. Paul G. Rogers (D.-Fla.), a chief sponsor of the bill, said that without the standards, noise from highways alone would double before the end of the century.

The bill levies a $25,000 fine for each violation of its provisions and authorizes citizen suits against the EPA or Federal Aviation Administration failing to adhere to the bill.

A suit to determine whether the federal government can be sued when an Air Force aircraft causes damages by a sonic boom is due to be heard by the Supreme Court. At issue is whether the federal Tort Claims Act applies, or whether the "discretionary function exception" in the law bars such a suit, even though a state law imposes absolute liability for ultrahazardous activities.

On the state level, New Jersey Governor William T. Cahill has signed into law the nation's first statewide noise control legislation. The law gives the state Department of Environmental Protection the power to regulate all noises it regards as harmful to physical health and mental serenity. Fines up to $3,000 can be levied for each violation.

Meanwhile in New England, Boston has adopted the first in a proposed set of comprehensive noise control regulations. The regulations don't deal with all problems of city noise, but they do set performance standards for new vehicles and other equipment.

CHRISTIAN DEMOCRATS REPRESENT BEST INTERESTS OF FREE NATIONS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HUNT. Mr. Speaker, on Sunday the opposition Christian Democrats won a significant victory in elections in the West German state of Baden-Wurttemberg. With slightly more than 53 percent of the vote, the party won its greatest victory in that state in post-war history.

The victory is especially significant because of its impact on the current struggle over ratification of the Moscow and Warsaw treaties which have been represented as the keystones in Chancellor Willy Brandt's Ostpolitik. Coincidental with the resignation of Wilhelm Helms from the coalition Free Democratic Party which has given Brandt his governing majority, the results of this crucial election have precipitated a move by the Christian Democrats for a vote of no confidence in the Brandt government. If sustained in the Bundestag, this would elevate Rainer Barzel to the chancellorship.

In the wake of these events the Washington press seems nearly as apopleptic as Willy Brandt himself at the possible outcome. Already the cry has gone up that a change in the government spells doom for the treaties and failures of the treaties will plunge Europe back into the debts of cold war.

Such rantings have no basis in fact. They merely accept, in knee-jerk fashion, a threat by the Soviet Union as if its enunciation automatically made it a fact.

In actual fact, the Christian Democratic Union is anything but the reactionary, Communist-baiting organization it has been portrayed in our press. The CDU is a modern, forward-looking party which, to my way of thinking, represents the best future interests of West Germany and the free world to a far greater extent than does Willy Brandt's coalition government of Social Democrats and Free Democrats.

Were Dr. Barzel and the Christian Democrats in control of the government we could expect realistic but hard-nosed negotiations with the Soviet leaders, which might produce real detente rather than the mirage which the Brandt government has been so willing to accept.

The policies of the Christian Democrats are not rooted in the past, as the press has implied, but are realistically oriented to the future. A Christian Democrat government in West Germany will continue sharing responsibility with the United States and other free European governments and will continue to seek honorable detente with Moscow, but without abandoning her Western allies or taking unilateral actions that do not reflect consultation with and consideration for the best interests of those traditional allies.

PROJECT BRIGHT EYES

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, today I am reintroducing a bill, H.R. 12457, with 32 cosponsors, which I first introduced on January 18, 1972. This legislation would provide the Secretary of Health, Education, and Welfare with the authority to make grants to States and local communities to pay for the costs of eye examination programs to detect glaucoma for our elderly citizens, those 65 years of age and older. I know that my colleagues share my concern for the health and happiness of our senior citizens, and I therefore urge their careful consideration and support for this bill, which would help to save the eyesight of a vast number of elderly people.

Glaucoma is a disease which can seriously impair vision and may cause total blindness. According to figures obtained from the National Society for the Prevention of Blindness there are an estimated number of 1,701,300 cases of glaucoma in the United States among persons 35 years of age and older. In 1970, of the 437,000 people declared to be legally blind, an estimated 13.5 percent of these cases of blindness were caused by glaucoma. It is well known that the incidence rate for glaucoma increases sharply with age and those who suffer most from the effects of this disease are the elderly.

Glaucoma today is a serious threat to the health and happiness of thousands of people, and particularly to our senior citizens, not only because the incidence rate increases with age, but also owing to the fact that the elderly are often the most reluctant to seek medical attention and the least able to afford it. Yet most cases of glaucoma can be detected by means of a simple test and if detected early, a large percentage of cases may be successfully controlled, saving the victims from needless suffering and blindness.

However, the nature of glaucoma is such that it is estimated that one half of the persons believed to have this disease do not know they have it and thus do not seek medical attention or are not treated until the condition has progressed to a more dangerous stage. It is clear that measures need to be taken and funds made available to encourage and enable elderly persons to undergo medical examinations for the purposes of detecting and treating glaucoma.

Mr. Speaker, I would like to tell my colleagues here about a very exciting project that has been taking place in Boston, my home district. This is "Project Bright-Eyes," which is sponsored by the Massachusetts Society for the Prevention of Blindness, Dr. Ephraim Friedman, project director, and the city of Boston Commission on Affairs of the Elderly under the direction of Mayor Kevin H. White. "Project Bright-Eyes" is a first in the Nation program of complete eye care for 1,000 elderly residents of the city of Boston at no direct cost to the participants.

Each week groups of the elderly are picked up by bus in their own neighborhoods, driven to the City Hospital or University Hospital, where each individual receives a complete eye examination. After the examinations, volunteer medical social workers make sure that any patients needing follow-up treatment such as glasses, additional visits, or surgery, will receive proper directions and care. To help make the experience a happy one for the elderly participants a light lunch is served and then they are returned by bus to their neighborhoods.

Of the 753 patients examined as of March 10, 1972, 23 cases of glaucoma have been confirmed and 40 individuals are still under study for suspected glaucoma. Glaucoma is, of course, only one of many eye diseases which have been diagnosed and treated under "Project Bright-Eyes." This project is funded completely from private foundations. When 1,000 Boston residents have been reached, the money will be gone and "Project Bright-Eyes" will not be able to continue its work.

Mr. Speaker, "Project Bright-Eyes" is important not only because of the very real assistance it has extended to the elderly residents of Boston in providing eye examinations and treatment. Its success is also a symbol of what can be done to encourage and enable our senior citizens to receive medical attention for glaucoma and other eye diseases. It would be a tragedy if "Project Bright-Eyes" could not continue operations for lack of funds. It would be a still greater tragedy if glaucoma continues to cause blindness and sight impairment in our elderly citizens, when proper medical treatment could alleviate much of the suffering caused by this disease.

Mr. Speaker, the bill I am reintroducing today would make possible the establishment of programs similar to Boston's "Project Bright-Eyes" throughout the country. Helen Keller once said:

> If one-tenth of the money spent to support unnecessary blindness were spent to prevent blindness, society would be the gainer in terms of cold economy, not to men-

tion the considerations of the happiness of humanity.

Our eyes are one of our most precious possessions and we must not allow our senior citizens, those who have contributed to us so much of their lives and service, to suffer from the despair of blindness and impaired vision from glaucoma, a disease which can be arrested and controlled. Therefore, I urge the careful consideration and adoption of H.R. 12457.

MRS. HARRIET WEINERMAN NAMED CONNECTICUT MOTHER OF THE YEAR

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. COTTER. Mr. Speaker, just recently, the city of Hartford was honored when one of her most distinguished women was named Connecticut's Mother of the Year.

Mrs. Harriet Weinerman was suitably recognized for her outstanding contributions to the city and to the State.

Mrs. Weinerman effectively combined full family responsibilities and community responsibilities.

I am sure my colleagues wish to join me in congratulating Mrs. Weinerman on her achievement.

The article follows:

CITY WOMAN HONORED AS STATE MOM OF YEAR

(By Karen Willett)

"I have found that the old adage. 'A busy woman finds time for everything,' is true," said Mrs. Robert (Harriet) Weinerman of Hartford who was officially named Connecticut Mother of the Year this morning at a ceremony in Gov. Thomas Meskill's office.

"My days are full," said Mrs. Weinerman who took time yesterday for a luncheon interview between a meeting with the League of Women Voters and an afternoon tea at Loomis school. "But I try not to go to any meetings at night or take phone calls," said Mrs. Weinerman, whose particular interests are in community projects to which she devotes much of her time.

She and her husband, president of the Southern New England Contracting Co., have three children. A daughter Leslie, 22, is married and lives in Boston; Lynne, 19, is a sophomore at Syracuse University; and Harry is a sophomore at Loomis School.

Mrs. Weinerman, who is 46, said her interest in volunteer work started while her husband was studying for his masters degree at MIT. She had received a degree in math from Goucher College in Baltimore, Md., and had hoped to teach but found no jobs available and started volunteering her time to community organizations.

When they returned to Hartford, she continued her interest in the community and started raising her family. One of the first organizations she joined was the Women's Auxiliary of Mt. Sinai Hospital of which she has been president. That group nominated her for the Mother of the Year award.

Then she became involved in many other groups such as the Women's Division of the Hartford Jewish Federation of which she is past chairman; and the Noah Webster PTA, where she was a member of the board for 15 years. She was the second woman to be named to the Board of Directors at Mt. Sinai Hospital.

She is also chairman of volunteers for the Hartford Arts Festival, a position she also held last year.

Of her family, Mrs. Weinerman says they often gather in the library of their home to talk and are very much interested in one another. "We have always had a part in the children's activities," she said. They have taken many vacations together and spent summers down at the shore in their house at Clinton. And she and her husband and her father-in-law, David Weinerman, (who lives with them) often go to the Yale University football games in the fall; both men are alumni of Yale.

Mrs. Weinerman's mother-in-law, the late Mrs. Weinerman, was Connecticut Mother of the Year in 1958, and Mrs. Weinerman is very proud of the fact that she has received the same honor.

She and her husband and son Harry were away on vacation at St. Croix in March when her father-in-law called to tell her the news. "We were all terribly excited," she said. She is looking forward to the national convention which will be held in New York City May 8 to 13 where the American Mother of the Year will be selected.

Her husband, Mrs. Weinerman says, "is even more active than I am." He has been president of many organizations and fund drives, including chairman of the Hartford Jewish Federation.

The Weinermans have employed a woman who has lived with the family for 10 years. Mrs. Martha Brown is "not really a domestic but more like a part of the family" said Mrs. Weinerman, "but she helps me a lot."

When Mrs. Weinerman is not working with committees or community projects she says she likes to attend a lecture series or play tennis.

For the nomination, Mrs. Weinerman said she was asked to submit a complete biography including her activities and those of her children.

"We are really a very ordinary family," she said, "but a nice one."

According to Mrs. Evelyn Conely, chairman of the American Mothers' Committee, "state mothers of the year are chosen not only on the basis of functioning capably and well as mother in their own family, but also as people who are deeply involved in service to others and active in their particular religious faith."

Mrs. Evelyn Swendson of Monroe, mother of three and a LPN in Hartford, was named today as the Merit Mother for the coming year.

RED CHINA: SOURCE OF KILLER DRUGS—I

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SCHMITZ. Mr. Speaker, the time has come to give the American people the full truth about the history and effects of the Red Chinese drug traffic, and to launch a concerted effort to bring pressure on all branches of the Federal Government to halt it at the source, despite the eagerness of the administration to make friends with the government responsible for it.

Recently one of my staff members came to me and said:

> Congressman, you can't fully realize the effects of "hard" narcotics until you've seen them. In the summer of 1969, American soldiers in Hong Kong were Killed In Action. You get a call to go to a certain hotel in that city and there is another G.I., sleeping the permanent sleep that comes only from an overdose of narcotics—heroin, or some other derivative of the opium poppy grown in Red China. It's no different than being killed by a bullet or a mortar fragment. The weapon is different; the enemy is the same. I saw the same thing in 1951 and 1952 in Korea. Everyone in the investigative business knew that you could get all the dope you wanted anywhere in Korea. The same is true today in Vietnam. Red China uses narcotic drugs as a weapon to render the American fighting man "hooked" on a condition that makes him both a total loss and a threat to society.

The opium poppy is the source of both morphine and heroin. Morphine and the medicines derived from it have often been a blessing to the sick and suffering. To quote former Narcotics Bureau Chief Harry J. Anslinger:

> There can be no doubt that opium is, a blessing when properly utilized, but, as has been indicated earlier, a vast illicit use for it has unfortunately been prevalent throughout the centuries and probably will always continue.

That illicit use now chiefly involves another derivative of the opium poppy which has greatly added to the misery of the world: heroin.

Heroin is five times more potent than morphine, producing an addiction which drives the addict to do anything necessary to satisfy his craving for the drug. This prompted Richard L. G. Deverall, long-time labor leader who spent considerable time in the Far East researching and taking an active part in suppressing Red Chinese drug traffic, to say in his book, "Mao Tse-tung: Stop This Dirty Opium Business!":

> Indeed, this dirty opium business bossed by Mao Tse-tung is in a sense infinitely worse than the atom bomb, because while the bomb kills the body, opium and heroin addiction not only kills the body but before that perverts, twists, and all but destroys the human soul . . . Heroin produces a Hellish living death.

A document released on April 15, 1953, by the Commission on Narcotics and Drugs, in their "Summary Record of the 211th Meeting," explained the policy of Mao's regime on opium as follows:

> (a) to suppress the opium traffic *in private hands*, and to suppress the use of opium by the Chinese; (b) to turn opium poppy production into a government monopoly controlling all opium and heroin for export.

Here we see in the announced intent to produce drugs on a large scale for export a twofold purpose: to infect the free world with heroin addiction, while at the same time obtaining revenue to pay for arms to slaughter our men in Korea.

When U.S. forces, still under the command of "No Substitute for Victory" General Douglas MacArthur, occupied Pyongyang, the capital of North Korea, in October 1950, they found, according to official reports, morphine in one-pound cans "sufficient to fill two or three rooms of approximately 10 feet by 12 feet."

To show the extent of Communist official involvement in this entire sordid operation, I quote Mr. Deverall's excerpts from official sources taken from pages 67 and 68 of his previously cited book:

The Opium Prohibition Bureau office in Tientsin . . . is the center of a huge network of agents and smugglers all over the world who are trading Red Chinese opium and heroin for gold and dollars. It is also a matter of record that offices in Harbin, Rashin (North Korea), Shankhai, and Canton handle both production and export while an office in Peking ties together the financial aspects of this giant Red Chinese-North Korean opium smuggling operation. Most of the raw opium needed for this vast operation is grown inside Red China and North Korea. But it also seems to be a fact that the Sino-Soviet agreement of 1950, which provided Red China with a credit of $330,000,000 to help prepare Red China for its launching of the Korean War, included as part of the credit $4,000,000 of opium originally seized by the Russian Army in Manchuria in 1945.

By such means the Communist government conducts the production and sale of death-dealing heroin as an offensive weapon in its drive for world conquest.

NEW STUDY FINDS THE BEST TEST FOR TAINTED BLOOD IS WHETHER THE DONOR WAS PAID

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. VEYSEY. Mr. Speaker, a large scale study recently published in the Journal of the American Medical Association has once again confirmed the view of many blood experts that the best test for the presence of serum hepatitis is not the Australia antigen detector presently in use, but simply whether the donor volunteered or was paid for his blood.

Dr. David J. Gocke studied 15,000 patients at the Columbia Presbyterian Medical Center in New York from 1968 to 1971. He found that patients receiving blood from paid donors were 13 times more likely to contract hepatitis than patients receiving blood from nonpaid donors. He also documented once again that the best test for hepatitis now in widespread use, the hepatitis associated antigen—HAA—test, detects only 25 percent of the blood infected with hepatitis.

Given this, Dr. Gocke concludes that more hepatitis could be prevented by using only volunteer donors than by the present testing. He says:

> If the estimate above, that Au accounts for only 25% of posttransfusion hepatitis, is substantially correct, one might anticipate a greater decline in the rate of posttransfusion hepatitis by transfusing only volunteer blood than by screening donors for Au.

Mr. Speaker, my bill, H.R. 11828, the National Blood Bank Act, makes the same distinction Dr. Gocke suggests. It would allow us to develop a completely volunteer blood system and would recognize findings like Dr. Gocke's by requiring that blood from paid donors be labeled for what it is: high risk. The safest blood now available is volunteer donor blood that has been screened by the HAA test. Only by passing a bill such as H.R. 11828 will we all be able to be certain of receiving it when we need it. The article follows:

[From the Journal of the American Medical Association, February 28, 1972]

A PROSPECTIVE STUDY OF POSTTRANSFUSION HEPATITIS

(David J. Gocke, M.D.)

(NOTE.—Figure illustrations do not appear.)

THE ROLE OF AUSTRALIA ANTIGEN

Transfusion of blood containing Australia antigen (Au) was followed by development of hepatitis, Au antigenemia, or both in 52% of recipients. Another 23% of Au recipients exhibited an immune response. However, transfusion of Au-*negative* blood was associated with anticteric hepatitis in 16% and icteric hepatitis in 2% of the recipients. The typical Au recipient with hepatitis was Au positive during the acute phase and had a severe clinical illness. In the recipient of Au-negative blood, hepatitis was characterized by Au-negative tests in the acute phase and a mild illness. On the basis of these data, estimates of the relation of Au to the overall problem of posttransfusion hepatitis suggest that Au accounts for approximately 25% of icteric cases. Twenty percent of patients who developed Au antigenemia following transfusion became carriers of the antigen. Patients who became Au carriers tended to have mild or anticteric hepatitis, while those with severe, icteric attacks reverted to the Au-negative state. The frequency of Au antigen in commercial donor blood was 13-fold greater than in volunteer blood.

The development of hepatitis following blood transfusion is a long-standing and continuing medical problem. The discovery of the Australia (Au, HAA, SH) antigen and early reports indicating a correlation with "serum hepatitis" gave rise to new hope that post-transfusion hepatitis could be prevented.[1, 2] The studies described here were undertaken in a prospective fashion to assess the role of Au in posttransfusion hepatitis. A positive correlation between transfusion of blood containing Au and the development of hepatitis in the recipients was suggested early in the course of the study, and preliminary reports of this finding have appeared.[3, 4] This article further documents the hazard of transfusing Au-positive blood in a more substantial number of patients. In addition, evidence is presented that posttransfusion hepatitis is not a single entity, and the clinical characteristics of Au-positive and Au-negative posttransfusion hepatitis are described. These observations provide new perspective on the overall problem of posttransfusion hepatitis and the relative contributions of Au.

SUBJECTS AND METHODS

The patients in this study underwent transfusion at the Columbia-Presbyterian Medical Center in New York City from December 1968 to January 1971. During this period all donor blood entering the Blood Bank was tested for Au. The recipients of all Au-positive blood were identified and followed up. A control group composed of the recipient of every tenth unit of Au-negative blood was followed up in the same manner as the Au-positive recipients. Contrary to our preliminary report on the early phases of this study,[4] there was no difference in age, sex, race, or medical diagnosis between the Au-positive and Au-negative recipient groups described here. The average number of transfusions was 6.7 in the Au-positive recipients and 6.3 in the Au-negative recipients.

The protocol for prospective follow up consisted of observation of the recipients for signs and symptoms of hepatitis every one to two weeks for a period of six months following transfusion. Serum glutamic oxaloacetic transaminase (SGOT) and Au levels were determined regardless of whether the patient was symptomatic. In most instances, patients were seen and tests done at the Columbia-Presbyterian Medical Center. Occasionally, follow up was accomplished with the aid of outside physicians and laboratories, with specimens sent to this laboratory for Au testing. As a measure of the efficiency of the follow-up program, the average number of contacts per patient was 10.9 in the positive recipient group and 12.1 in the negative recipient group out of a scheduled 12 visits per patient over the six month period of observation. Hepatitis was defined in this study as an SGOT elevation of greater than 100 international units (IU) on two consecutive occasions without other evident cause. Icteric hepatitis was characterized by clinically detectable jaundice and a serum bilirubin level in excess of 4 mg/100 ml.

In the midst of the study it became obvious that recipients of Au-positive blood were manifesting hepatitis with a much greater frequency than recipients of negative blood. This evidence was so compelling that in 1970 transfusion of known positive units was no longer permitted, although in emergency situations occasional units slipped through before the Au test result was available.

Australia antigen was detected by the two-dimensional immunodiffusion method (ID) in the initial phases of the study.[5] Subsequently, the more sensitive and rapid counterimmunoelectrophoretic (CEP) method was developed in this laboratory and gradually phased into the routine screening process.[6] The effect on the study of this change in methods will be discussed. Hemagglutination (HA) and complement fixation techniques (CF) were employed as more sensitive methods of retrospective examination of selected specimens. Hemagglutination tests were performed by the method of Vyas and Shulman[7] and the purified Au antigen for sensitization of erythrocytes was prepared by repeated density gradient centrifugation. Complement fixation was carried out by a standard microtiter procedure employing 2 exact units of complement and 4 to 8 units of antibody with an 18-hour fixation step.[8] The specificity of standard serum containing Australia antigen and antibody have been compared with standard reagents in the laboratories of Blumberg, Prince, and Holland. Titers are expressed as the greatest dilution of the patient's serum giving a definite positive reaction, and are based on the ID technique unless otherwise specified.

TABLE 1.—OBSERVATIONS IN 283 RECIPIENTS OF AU-POSITIVE OR AU-NEGATIVE BLOOD TRANSFUSIONS

	Blood infused			
	Au positive	Percent	Au negative	Percent
Died or lost to follow up	33	------	71	------
Survivors	84	------	94	------
Hepatitis and Au antigen	21	52	2	2
Hepatitis only	14		17	18
Au antigen	9		--------	0
Au antibody	19	23	1	1
Well	21	25	74	79

TABLE 2.—SEVERITY OF AU-POSITIVE AND AU-NEGATIVE HEPATITIS

Data	Au antigen positive	Au antigen negative
Recipients	84.0	94.0
No. with hepatitis	35.0	17.0
No. icteric	28.0	2.0
No. hospitalized	23.0	1.0
Average maximum bilirubin level (mg./100ml.)[1]	9.0	1.7
Average maximum SGOT level (IU)[2]	1,159.0	414.0

[1] $p < .005$.
[2] $p < .025$.

Footnotes at end of article.

TABLE 3.—AU-NEGATIVE RECIPIENTS ALLEGED TO HAVE HEPATITIS

Condition	Number of recipients
Definite hepatitis, Au-negative	50
Hepatitis with Au- antigen	17
Other liver diseases	26
Definitely not liver disease	10
Total	103

TABLE 4.—PREVALENCE AND SOURCE OF AU-POSITIVE DONOR BLOOD[1]

Data	1969	1970
Units tested	15, 932	17, 058
Percent commercial	74	58
Au-Positive units:		
Commercial	59	81
Volunteer	0	11
Frequency of antigen:		
Commercial	1/83	1/121
Volunteer	0	1/657

[1] Commercial signifies blood purchased from commercial blood suppliers; volunteer blood was obtained from patient's families, staff, or volunteer community blood banks.

RESULTS

Transfusion of Blood Containing Au.—Table 1 summarizes observations in 117 recipients of blood transfusions containing Au. A number of patients were lost to the study either because of death or inadequate follow up. Of 84 survivors who were adequately followed up, hepatitis with Au antigenemia was seen in 21, hepatitis without antigen in 14, and antigenemia in nine. In all, hepatitis, antigenemia or both occurred in 44 (52%) of the 84 surviving recipients of positive blood. The nine patients listed as having only Au antigenemia also had abnormal liver chemical values, but are categorized separately because they had other diseases which may have affected the liver. Acute-phase serum samples from 14 patients with hepatitis in whom Au was not detected by ID were also tested by the more sensitive CEP, HA. and CF techniques and still found negative. The majority of the 35 patients with clear attacks of acute hepatitis were clinically jaundiced, and this will be described further below. In addition, 19 (23%) of the recipients of Au-positive blood developed antibody to Au which was not detectable in pretransfusion specimens. Overall, 63 (75%) of the recipients exhibited a response to the transfusion of Au either by the development of hepatitis antigenemia or by an immune response.

Transfusion of Au-Negative Blood.—Table 1 also shows the findings in a control group of recipients of Au-negative blood. In this group, 94 survivors were successfully followed up for a minimum of six months. Au-negative hepatitis was seen in 17 individuals (18%). Only two of these patients were icteric. The remainder had mild, anicteric hepatitis that could easily have been missed had the patient not been followed up closely. Both acute-phase serum samples from these 17 patients and serum samples from their respective donor specimens were retested for Au by CEP, HAI, and CF, but were uniformly antigen negative. It is significant that two cases of hepatitis with Au antigenemia and one individual who developed antibody to Au were seen in this group of presumably negative recipients. Retesting of the donors of the individual who developed antibody revealed that a unit of blood containing a small amount of antigen had originally been missed by ID. Retesting of the donors of the two patients who developed hepatitis with antigenemia failed to disclose a missed positive by the more sensitive techniques.

Patterns of Au-Positive Hepatitis and the Carrier State.—Figure 1 is a schematic illustration of the course of a single patient who received a transfusion of blood containing Au. It will be noted that the antigen was first detected in the patient's serum 17 days after the transfusion and the titer rose rapidly while the patient remained asymptomatic. Thirty-two days following transfusion a definite elevation of SGOT level was noted.

On the 42nd day the patient presented with symptoms of hepatitis and was clinically jaundiced. By the time the patient came to the physician, the serum titer of Au had begun to decline and it disappeared coincident with the patient's recovery from the clinical signs and symptoms of the illness.

This pattern, in which the antigen titer peaks during the incubation period, declines as the patient becomes asymptomatic, and disappears with recovery, was the most common course observed in patients with Au-positive hepatitis following blood transfusion. The antigen was detected in one recipient as early as three days after transfusion (with documented absence before and the first day after transfusion) and appeared as late as 96 days in another, but in most cases Au was first found between one and four weeks after transfusion. Au was shown to be present from 5 to 35 days before appearance of laboratory abnormalities, but once enzyme changes appeared, the onset of clinical symptoms and signs usually followed within 7 to 14 days. In general, the antigen titer declined and disappeared slightly in advance of the resolution of other signs and symptoms, and in some the antigen was undetectable by the time the patient was admitted to the hospital. Thus, the chance of detecting Au was best early in the course of the illness.

Figure 2 illustrates a pattern of disease seen in patients who became carriers of Au. It will be noted that this patient had only mild SGOT elevations following the positive transfusion and never had jaundice or symptoms of hepatitis. However, Au was detected in the serum 28 days following the positive transfusion and rose rapidly to high titers. The antigen has persisted in the patient's serum for more than two years without physical signs or symptoms of hepatitis at any time. Six of the 30 patients who developed Australia antigenemia following a positive blood transfusion progressed to a carrier state in from 17 to 29 months. Four of the six individuals who became carriers had an anicteric course similar to that illustrated in Fig. 2, and the others had mild episodes of icteric hepatitis. None of the carriers were receiving renal dialysis or had apparent deficiencies of immune mechanisms.

Comparison of Au-Positive and Au-Negative Hepatitis.—Table 2 compares the severity of the clinical illness seen in the Au-positive and Au-negative recipient groups. In the 84 patients who were Au-positive recipients, 35 cases of hepatitis occurred. Twenty-eight of these 35 were icteric, ie, had visible jaundice and a serum bilirubin level greater than 4 mg/100 ml. Twenty-three patients were sick enough to be hospitalized. In contrast, of the 17 cases of hepatitis in the Au-negative recipient group only two were jaundiced and only one was hospitalized. In addition, the average maximum serum bilirubin concentration was 9.0 mg/100 ml in those with Au-positive hepatitis and 1.7 mg/100 ml in those with Au-negative hepatitis. The average maximum SGOT level was 1,159 IU in the Au-positive patients and 414 IU in the Au-negative patients. These chemical differences are significant at the 0.005 and 0.025 levels, respectively.[9] One death occurred in an Au-positive recipient. Thus, the illness seen in Au-positive recipients was clearly more severe with a higher incidence of jaundice and hospitalization than in Au-negative recipients.

The incubation periods seen in Au-positive and Au-negative patients varied greatly. For the purposes of this study the incubation period was considered to be the time from transfusion to the detection of the first abnormal SGOT value. Clinical symptoms were already present or occurred within a few days following the first SGOT abnormality in most patients, but the onset of symptoms was more variable and difficult to document. Expressed in this way, the average incubation period in the 21 recipients with Au-positive hepatitis was 63 days (range, 30 to 150). In contrast, the average incubation period in the 17 patients with Au-negative hepatitis in the Au-negative recipient group was 45 days (range, 27 to 94). The possibility was considered that the patients with Au-negative hepatitis in the positive recipient group actually had the Au-negative type of disease. However, the mean incubation period in these 14 patients was 66 days. While there may have been a tendency for the Au-positive hepatitis to have a longer incubation period, these differences were not statistically significant. There was no evidence that the dose of virus, as reflected in the Au titer of the donor unit, affected the incubation period, the severity, or the antigen positivity of the illness in these patients.

Hepatitis in Recipients Not Followed in Protocol.—During the period of our study, 6,274 patients received transfusions in this hospital (corrected for patients observed and for deaths). All units of donor blood were tested for Au, and all recipients of Au-positive units were identified and followed. Thus, the large group of patients who were not prospectively followed up was considered to be composed of Au-negative recipients. Many of these patients did continue under the care of a physician and some were eventually reported to have developed posttransfusion hepatitis (Table 3). When the clinical findings in these patients were reviewed, it was concluded that ten of the 103 patients said to have posttransfusion hepatitis had no liver disease at all. Instead, hemolysis, pulmonary disease, or some other explanation was found for their jaundice or enzyme elevations or both. In addition, 26 patients had good clinical evidence of some liver disease other than viral hepatitis, such as halothane hepatitis or metastatic carcinoma. Thus, about one third of the total group of patients who were alleged to have "serum hepatitis" did not really have convincing evidence of a viral form of hepatitis on closer examination. Nevertheless, a significant number of patients did have what appeared to be viral hepatitis on the basis of clinical criteria. Seventeen were Au-positive and 50 were Au-negative while acutely ill.

The group with Au-positive hepatitis during the acute phase was of special interest. It was possible to retrieve all of the donor units in 14 of the 17 Au-negative recipients who developed Au-positive hepatitis, and to retest the specimens with the more sensitive CEP, HA, and CF techniques. It was found that four patients had received Au-positive units which were initially missed. Three of these four cases occurred early in the study when the less sensitive gel diffusion method was in routine use. The donor units of the other ten recipients with Au-positive hepatitis were still Au-negative when retested. Three of the ten had received other blood products, such as fibrinogen and plasma, which may have contained Au but were not tested. The other seven recipients with Au-positive hepatitis could not be accounted for, other than to suggest that they received small amounts of antigen which were undetectable by the best current methods, or that hepatitis had been acquired from a source other than the blood transfusion.

Prophylactic Effect of Normal Human Globulin.—Many of the subjects of this study were given human serum globulin for possible prophylaxis of hepatitis on the option of the attending physician. The preparations used

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Footnotes at end of article.

were the common commercially available 16% solutions of pooled normal human globulin prepared by Cohn fractionation. The dose employed varied from 2 to 10 ml given at the time of transfusion and usually repeated one month later. Fourteen (67%) of the 21 Au-positive recipients who developed Au-positive hepatitis received immune serum globulin, and 11 (53%) of the 21 Au-positive recipients who remained well received immune serum globulin. Similarly, in the Au-negative recipient group, ten (59%) of those who developed hepatitis and 25 (34%) of those who remained well had received immune serum globulin. Although the globulin preparations given to these recipients were not tested, other lots of normal human globulin did not contain appreciable anti-Au antibody even by the hemagglutination technique.

Source and Prevalence of Au-Positive Donor Blood.—Table 4 summarizes the prevalence and source of Au-positive units of donor blood during the two-year period of this study. In 1969, a total of 15,932 units were tested, 74% of which were of commercial origin. Fifty-nine units, all from commercial sources, were found to contain Au, for a frequency of 1/83 units. In 1970, more blood was used (17,058 units), but the percentage of commercial blood was reduced (58%). Nevertheless, 92 Au-positive units were still found, including 11 from volunteer sources. Overall, the number of positive units was 13-fold greater in commercial donor blood compared to volunteer blood.

COMMENT

The high risk of hepatitis associated with the transfusion of blood containing Au has now been confirmed in the substantial number of recipients described here (Table 1). However, it is important to note that recipients of blood which did not contain detectable Au also acquired hepatitis. While the attack rate in such Au-negative recipients was strikingly less (18%) than in recipients of Au, it is significant that some cases of hepatitis did occur. This suggests that the agent associated with Au was not responsible for all cases of posttransfusion hepatitis, and that more than one agent or virus may be involved in causing the syndrome. This idea is supported by the clinical differences in the disease seen in the Au-positive and Au-negative recipient groups. As shown in Table 1, the hepatitis seen in recipients of Au-positive blood tended to be Au-positive during the acute phase while the disease in Au-negative recipients tended to be Au-negative, even when tested for antigen by the more sensitive CF and HAI techniques. In addition, Au-positive hepatitis was more severe than the hepatitis in Au-negative recipients (Table 2).

The incubation periods observed in the two types of hepatitis were quite variable and of no assistance in distinguishing the two groups. There appeared to be a trend toward a longer incubation period in patients with Au-positive hepatitis (mean, 63 days) as compared to patients with Au-negative hepatitis (mean, 45 days). However, there was so much overlap in the range from patient to patient that this difference in average incubation time was not statistically significant. Moreover, the Au-associated form of hepatitis, which presumably represents "homologous serum jaundice" or "long-incubation-type" of hepatitis, was observed to have an incubation period as short as 30 days in one individual. Conversely, the Au-negative hepatitis (short-incubation type?) was observed to have an incubation period as long as 94 days. Thus, the incubation period was unreliable as a clinical feature to differentiate between these two types of hepatitis in the individual patient. It should be noted that the Au titer of the transfused blood had no apparent relation to the severity, incubation period, or antigen positivity of the illness which followed.

Figure 3 provides a perspective on the overall problem of posttransfusion hepatitis and the relative role of Au. Note that the recipients of Au-positive and Au-negative blood who were prospectively followed in this program constituted only a small fraction of the total number of recipients who received transfusions in this hospital during the same period of time. Since all recipients of known Au-positive transfusions were included in the study, the remaining large group of patients not followed up in the protocol were considered to be Au-negative recipients. As illustrated in Fig. 3, the frequency of hepatitis in the total Au-negative recipient population at risk can be estimated from the observed cases in the followed group. If this estimate is based on all cases of hepatitis in the Au-negative group—both icteric and anicteric—the number expected in the total population would be quite large (1,135). However, it is probably more relevant to general clinical experience to consider only the icteric cases of hepatitis observed in the Au-negative group On this basis, it would be calculated that approximately 133 cases of clinically recognizable hepatitis occurred in the total recipient population at risk (and, indeed, such cases did come to our attention; see Table 2, and below). In comparison, note that 44 patients at most acquired hepatitis attributable to Au (Table 1). Thus, Au-associated hepatitis represented approximately 25% of the total number of cases of icteric hepatitis which might have been expected following blood transfusion in this study. These calculations admittedly favor the Au-associated hepatitis somewhat because all possible cases of Au-associated hepatitis were included whereas only icteric cases of non-Au-hepatitis were considered. However, most Au-associated hepatitis was clinically icteric and severe (Table 2), while most non-Au-associated disease was anicteric and patients were often totally asymptomatic. Thus, the estimate that Au accounts for about 25% of posttransfusion hepatitis has more meaning in the context of the overall clinical problem.

Appropriate care is indicated in extrapolating this experience to hospitals in other areas. Indeed, in populations where Au is less endemic than in New York City, the role of Au in posttransfusion hepatitis may be appreciably less. Nevertheless, the screening of donor blood for Au is still a worthwhile endeavor and the cases prevented would potentially be of a more severe variety. The possible role of other agents in the causation of posttransfusion hepatic damage is of major importance and requires further study. Serologic evidence of transfusion-associated infection by cytomegalovirus and Epstein-Barr virus has been reported, but it is not established that such infections are responsible for hepatic damage.[10] [11] Of course, transmission of the agent of infectious hepatitis ("short-incubation" hepatitis) by blood transfusion is an important possibility which cannot be documented at present.

It is noteworthy that six of the 30 patients who manifested Au anti genemia following an Au-positive blood transfusion went on to become carriers of the antigen in excess of six months after recovery from the acute illness. This 20% carrier rate was somewhat surprising and is of significance in terms of the epidemiology of this disease. None of these carriers had recognized immunologic defects, but their response to the infection seemed to be different in that all had a mild acute episode of hepatitis. Again, the pathogenetic significance of this apparently paradoxical observation is not clear at the present time.

Analysis of the cases of alleged posttransfusion hepatitis in Au-negative recipients who were not followed up which were reported to us during the period of the study revealed that at least one third of such alleged cases did not really have viral hepatitis at all (Table 3). This finding suggests that epidemiologic reports of posttransfusion hepatitis may err in overestimating cases as well as the generally recognized tendency of such reports to underestimate. However, some recipients of Au-negative blood in this unobserved group unquestionably developed true viral hepatitis, confirming the finding discussed above of hepatitis in the Au-negative recipient population. Some of the 17 cases of hepatitis which were Au-positive during the acute phase presumably represent units of blood containing Au which escaped detection. This is supported by the reexamination of donor specimens for these recipients. Hepatitis could be accounted for in seven of 14 such patients on the basis of a weakly positive unit which had initially been missed by less-sensitive screening methods or possibly as the result of transfusion of Au-positive blood products which had not been screened. However, the remaining seven recipients with Au-associated hepatitis could not be explained in this way. They may have received very small amounts of antigen which was undetectable even by our most sensitive present techniques. Our current experience with Au detection systems suggests that HAI and CF add little to the efficiency of donor screening by CEP but this problem is under continuing study. The possibility that some patients may have acquired Au-associated hepatitis from a source other than the blood transfusions must also be considered.

Finally, the source and the frequency of donor blood containing Au is of considerable significance in the epidemiology of this disease (Table 4) In this experience, the frequency of Au in commercial or paid donor blood was at least tenfold greater than in volunteer blood. It the estimate above, that Au accounts for only about 25% of posttransfusion hepatitis, is substantially correct, one might anticipate a greater decline in the rate of posttransfusion hepatitis by transfusing only volunteer blood than by screening donors for Au. Furthermore, reduction in the frequency of the non-Au-type of hepatitis might also occur with the exclusive use of volunteer blood. Of course, it is not possible to use only volunteer donors at the present time in large urban hospitals where the requirements for blood greatly exceed the supply of volunteers. It seems clear that resolution of the posttransfusion hepatitis problem will require combined efforts to improve the sensitivity of Au testing and to find methods for detecting other infectious agents in donor blood, as well as to improve blood collection practices.

FOOTNOTES

[1] Blumberg BS, Sutnick AI, London WT: Current concepts: Australia antigen and hepatitis. *New Eng J Med* 283:249, 1970.

[2] Shulman NR: Hepatitis associated antigen. *Amer J Med* 49:669–692, 1970.

[3] Gocke DJ, Greenberg HB Kavey NB: Hepatitis antigen: Detection of infectious blood donors. *Lancet* 2:248–249, 1969.

[4] Gocke DJ, Greenberg HB, Kavey NB: Correlation of Australia antigen with posttransfusion hepatitis. *JAMA* 212:877–879, 1970.

[5] Gocke DJ, Kavey NB: Hepatitis antigen: Correlation with disease and infectivity of blood-donors. *Lancet* 2:1055–1059, 1969.

in the rate of posttransfusion hepatitis by

[6] Gocke DJ, Howe C: Rapid detection of Australia antigen by counterimmunoloelectrophoresis. *J Immun* 104:1031–1032, 1970.

[7] Vyas GN, Shulman NR: Hemagglutination assay for antigen and antibody associated with viral hepatitis. *Science* 170:332–333, 1970.

[8] Lennette EH: 1964 general principles underlying laboratory diagnosis of viral and rickettsial infections, in Lennette EH, Schmidt NJ (eds): *Diagnostic Procedures for*

Viral and Rickettsial Diseases. New York, American Public Health Assoc, 1964, pp 1–66.

[9] Snedecor GW, Cochran WG: *Statistical Methods.* ed 6. Ames, Iowa, Iowa State University Press 1967, p 115.

[10] Purcell RH, Walsh JH, Holland PV, et al: Seroepidemiologic studies of transfusion-associated hepatitis. *J Infect Dis* 123:406–413, 1971.

[11] Prince AM, Szmuness W, Millian SJ, et al: A serologic study of cytomegalovirus infections associated with blood transfusions. *New Eng J Med* 248:1125–1131, 1971.

PUBLIC HEALTH SERVICE TRAINING ACT OF 1972

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CAREY of New York. Mr. Speaker, I am introducing legislation today to extend sections 306 and 309 of the Public Health Service Act, which provides stipends for graduate training in public health and grants to schools of public health. This legislation was introduced in the other body by Senator KENNEDY of Massachusetts.

Mr. Speaker, it is essential that we maintain a strong Federal commitment to our schools of public health. These 17 graduate schools in 14 States and Puerto Rico have been of major significance in providing this country with public health professionals. They constitute the key source of comprehensively trained professional personnel for leadership in voluntary health agencies, and in public health systems at the local, State, and Federal levels.

Public health embraces the various facets of the biological, physical, and social sciences as community aspects of health problems have become complex and demanding. The role of the graduate schools of public health is to prepare individuals who will be concerned with health problems which lie outside the scope of any single discipline.

As reservoirs of comprehensively trained public health manpower, the graduate schools of public health are essential to the Nation. They provide an excellent mechanism for development of the brain power now desperately needed in devising and applying effective techniques for the prevention of disease and the provision of medical care for the population as a whole.

The planning of adequate health services is difficult and changing circumstances call for a new kind of expert—an expert who can adapt well-established principles to local situations—and the capacity to find solutions to problems never before encountered. Such individuals are most likely to emerge from the motivated, young physicians—and advanced degree holders from other professions—who elect careers in public health and who obtain the comprehensive preparation provided by the graduate schools of public health.

Federal sharing in the cost of comprehensive public health training in university graduate schools of public health is essential because of their national character and function. Students of the 17 schools in 14 States are predominantly from out-of-State, the majority of them sponsored in part by the Federal Government. Only 25 percent of the graduates work in the States where they attended the school of public health. To the extent that the schools bear the cost of training federally sponsored students, such institutions are subsidizing training for Federal service. Nearly all of the graduates enter public service.

The impressive increases in enrollment in schools of public health in recent years are due not only to Federal funds for physical facilities and projects and formula grants for teaching, but also to the availability of public health traineeships providing tuition and living stipends to graduate students in public health. Despite growing interest in community aspects of medicine, there is evidence that relatively few would take graduate training for public health careers if traineeships were not available.

According to a recent survey, only 25 percent of the 1,800 students currently holding traineeships would have enrolled without such financial assistance. An overwhelming proportion are preparing for public service, rather than the more remunerative private practice of medicine.

The reduction in funds for traineeships, or the shift to loan arrangements, would halt the upward trend in enrollments made possible in recent years by expansion of classroom space in schools in public health.

Traineeships are vital to provide for well-trained public health professionals who shall increasingly play a critical role in the complex and evolving transformations of our health care systems. It is for this reason that the proposed legislation provides for increased levels of authorizations to insure that qualified individuals may be provided public health traineeships to meet our increasing health care needs.

Mr. Speaker, this Nation's school of public health have-been of major importance in providing our Nation with public health professionals. This bill authorizes continued support for training health professionals and in fostering creative techniques and approaches to public health programs.

Mr. Speaker, I look forward to the dynamic leadership of the graduate schools of public health in providing personnel and programs to meet the many problems of our health care system.

YWCA WEEK

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. THONE. Mr. Speaker, today, YWCA not only stands for Young Women's Christian Association but also for Young Women Committed for Action. The YWCA has as its principal goal the elimination of racism wherever it exists. The YWCA has through the years helped girls and women of all economic classes to benefit from physical exercise and sports. Now, the YWCA has broadened its scope. For example, in Lincoln, Nebr. the YWCA has physical development and recreational classes for physically, mentally, and emotionally handicapped. The YWCA is committed to action. The YW is working to solve problems involving education, environment, health, housing, employment, drugs, politics, consumer power, law enforcement, and child care. For girls growing up, the YWCA offers a means to build their personal identities. For young adults new to the community, the YWCA provides the means of making friends and becoming a part of the community. For everyone, the YWCA gives the opportunity to extend knowledge and learn new skills. April 23 through 29 is YWCA Week. On behalf of the citizens of Nebraska's First Congressional District, I give thanks to the contributions that the YWCA has made to Nebraska and the world.

TRIBUTE TO JAMES M. ROGERS, JR., NATIONAL TEACHER OF THE YEAR

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. GALIFIANAKIS. Mr. Speaker, today I want to pay special tribute to Mr. James M. Rogers, Jr., selected as the National Teacher of the Year.

Mr. Rogers is from my hometown, Durham, N.C., and teaches at my alma mater, Durham High School. But this is not why I am deeply impressed and proud of this man. The origin of the teacher, the location of the classroom, are of little consequence when you are talking about a great teacher. His gift for teaching, his power to touch the minds of generations to come, transcend the boundaries of geography. And Mr. Rogers is one who does touch and affect the lives of individuals—not only in his classroom, but in the many student-oriented activities in which he is involved.

He has opened his mind, his heart, and his home to his students and admirably instills in them not only an eager desire to learn, but, just as importantly, a desire to be a good and productive citizen of tomorrow.

Ostensibly he is a history teacher. But this is not all he teaches. His approach is not to stuff the student's heads and load their memories with only the opinions and ideas of other men, even those of his own, but to kindle their own minds and awaken in those minds the drive to question, examine, and perceive for themselves. As he himself says:

> I want to expand these people's minds and make them better able to cope with the world.

What more could we ask of a teacher than that he inspire his pupils with a desire to learn? Who among us has not known the joy of having a teacher who cared about this desire—perhaps he or she was your 10th grade biology teacher, your 12th grade English teacher—but whatever the subject, you left the classroom a little better prepared to confront what lay ahead, because of that teacher. The beauty of such a teacher is that the gift he gives you is yours forever. Mr. Rogers is a teacher who will be remembered, and he believes that "education cannot be taken away once it is acquired. It is the great equalizer."

I deeply admire a teacher who approaches his class not as a collection of 30 or so pupils, but as a room of 30 individuals. Mr. Rogers is also a teacher who will not restrict himself to a rigid pattern in his teaching, but will use whatever technique is necessary to get his message across to his pupils. I am pleased that such a man, such a teacher, has now won the recognition and respect he deserves.

By serving as an example for other teachers everywhere, he has performed a great service not only to North Carolina, but the entire country. Actually, he is an example to us all. It has been said that he who governs well may lead the blind, but he who teaches gives him eyes.

I think the key to this young man's success, at 31 one of the youngest recipients of this honor, lies in his own words. In a recent interview he commented:

> I recognize students as individuals who have something to give in the schools and in our society.

He is himself one of six children and maybe he learned early the importance of each and every person, in a family, in a classroom, being respected. Ralph Waldo Emerson once commented that the secret of education lies in respecting the pupil. This is no secret to Mr. Rogers.

He says he would "like to take a giant erasure and wipe people's minds clean so they could start all over learning to respect their fellow man. We need to respect the man rather than the false image. Too often people do something because it is the nice thing to do, or the way to get votes."

The education of our youth is the sturdy foundation on which we build our tomorrows. The pupils of Mr. Rogers have a distinct advantage, for they will carry with them the remembrance of being taught by a beautiful human being, dedicated and compassionate, whose philosophy can serve as a lesson to us all. It is reflected in the words of the poster he has hanging in his classroom, "Let Your Dreams Be Your Only Boundary."

CONGRESSMAN SHOUP'S DISTRICT MEETINGS ON PUBLIC LANDS MANAGEMENT

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SHOUP. Mr. Speaker, I invited interested citizens for a meeting in Sanders County Courthouse, Thompson Falls, Mont., to search for ways to protect the forest environment and the local economy. The meeting was held on March 31, 1971.

I opened the meeting with a statement of my objectives in asking for the session. I noted that there were 2,084,000 new housing starts last year and that figure was expected to rise sharply this year, which would put new pressures on the industry to process more timber.

On the other hand, the U.S. Forest Service—USFS—was under increased pressure to alter past practices in order to protect the environment. I stated that I had received inputs from a number of sources expressing concern that too much emphasis on the environment, on the part of the USFS would cause economic distress in western Montana.

I said that it was time for environmentalists and industry to sit down and attempt to find areas of agreement in forest management in order to protect both environment and economy.

Unemployment is already prevalent within the wood industry in western Montana, and while the percentage is low, it is serious for those without jobs and has the further effect of putting a heavier tax burden on those who are employed.

I asked Mr. Ralph Kizer, USFS Kaniksu Forest supervisor for a report on the current allowable cut estimates with comparisons from past years and projections for the future.

Mr. Kizer stated the fiscal year 1972 allowable cut had originally been set at 186 million board feet and has since been scaled down to 150 million board feet because of new standards, concern for roadless areas, and other environmental considerations. The USFS expected to be able to continue the same 150-million-board-feet figure through fiscal year 1973. The current study of roadless areas was not expected to affect the projected cut with one possible exception. Generally, the timber sales will continue in areas free from controversy, while at the same time the study of roadless areas, as to their ultimate use, will be carried forward with less priority.

Sanders County Commissioner Wesley Stearns was recognized next. Stearns thanked me for my interest in hearing the problems confronting the people. Using two maps of Montana and with a prepared statement—appendix I—he pointed out that Montana is not a sovereign State: with 63 percent of the land area in private ownership, while the remaining 37 percent belongs to the United States.

He cited areas owned by the Federal establishment and subdivisions thereof, to wit: National parks, wilderness and wild land, lake surface area, and highways and county roads, and stated the mining and oil production within the State used lands equal to 6 percent of the smallest county in the State, Silver Bow.

Stearns offered mineral production figures from Montana. In 1970 Montana minerals produced $309 million and employed 20,000 workers, using 3½ percent of the total land area.

He deplored the hardship caused by the relatively small privately owned land holdings—the property tax base—and described as fully, attempts to lock up Federal land for one use only. He stressed the need for all lands to remain open to mineral exploration and development.

Jack Large, USFS forest supervisor for the Lolo National Forest, described the situation in his area of responsibility. An original 170 million board feet allowable cut has been scaled down to 158 million board feet last year, 132 million board feet has been scheduled this fiscal year but has since been lowered to 96 million board feet with some hope for increases, and a return to the 132 million board feet figure next year. As a result of their studies they are relatively firm in areas to be cut, however, the Lincoln Back Country and an area in the Rattlesnake drainage have been withdrawn from the computed base, as has a portion of Rock Creek, which is involved in an appeal to the chief. Because most of Sanders County's timber was consumed in the great fire of 1910, most of the sales are in old timber and about 66 percent of the planned sales were scheduled for unroaded areas, which now have to be reexamined.

Large cited the problem of dependency on private landowners for road easements in preparing sales, and said that many sales are 3 years in the making.

He said that in fiscal year 1972, 132 million board feet had been promised and subsequently cut to 96 million board feet. The fiscal year 1973 projections have been cut from 158 million board feet to 132 million board feet.

Large stated that a question of whether to plant trees or depend on natural regeneration existed and that this affected the present and future allowable cut on a sustained yield basis. The difference in management methods, he said, amounted to about $60 per acre.

Knute Kirkenberg, vice president of the Sanders County Chapter of the Western Montana Mining Association, read a prepared statement—appendix II. He stated that the USFS and environmental groups have been and are fighting for repeal of the 1872 mining law. Any radical departure from that law, he said, would be unhealthy for the small prospector and miner. Under the lease arrangement being considered the larger mineral companies would be the benefactors.

He stated the development of the Western United States was due principally to the small miner prospector. Conceding that abuses have been perpetrated—particularly in mine dumps and tailings, he noted that the old mines and their ghost towns are now tourist attractions to be preserved rather than reclaimed.

He said mining had disturbed less land than the present Interstate Highway System in Montana. While deploring the old discovery pit requirement in the mining law, he said all such pits in Sanders County disturbed less land than one 160-acre clearcut.

He supported the recommendations of the Land Law Review Commission regarding mining and opposed the concept of a single administrator to manage mineral land use, as proposed by environmental groups.

He said that miners are now being subjected to the authority of disciplines outside of geology; for example, hydrology, forestry, biology, et cetera, which, while desirable and needed, the mining expertise of those individuals is of little help. He cited the case of a local miner, who was visited by a U.S. Treasury agent, who advised him on the use of fuse and dynamite. The agent had, it was later learned, gathered his knowledge in a 3-day crash course.

He related the frustration of the miner, faced by hostile Government officials demanding expensive operational changes and harassment by conflicting policies.

He suggested that an alternative would be mining and mineral professionalism in Federal regulations.

Bob Kayser, geologist for International Chemical Corp., said mineral exploration in potential wilderness areas is seldom done by companies or individuals because of doubts that the area would ever be allowed to develop. Putting some candidate areas into wilderness would seriously jeopardize mineral reserves, he said.

Kayser stated that larger mineral firms were in favor of the small prospector because of the increased density of exploration thus achieved.

He noted that the U.S. Geological Survey is charged with preparing mineral surveys in areas under consideration for wilderness status, and said that their surveys are necessarily restricted to a broad brush approach, as opposed to the intensive surveys conducted by firms considering commercial development. Thus, he said, USGS surveys are cursory, and do not truly indicate the mineral content of those areas.

Lawrence J. McCarthy, a member of my small mining advisory council and a director of the Western Montana Mining Association, Sanders County chapter, read a prepared statement—appendix III.

He stated he was in the exploration business searching for minerals, and that demand for raw materials was expected to triple in the next 10 to 15 years.

The USFS, he said, was the chief agency to be dealt with in mineral exploration and development and that agency knows very little about and has little interest in mining. He stated that the managers of the Lolo National Forest look upon those in the mining business as their adversary.

He said he had been told by one Lolo USFS manager that lack of statutory authority would not deter him from prohibiting mining without his approval. He said that officials had hampered prospectors and himself, causing delays for nearly a year, without remonstrance from any higher authority.

McCarthy stated he proposes subsurface management of USFS lands by agencies within the Department of Interior, and that in the interim the USFS pay greater attention to mineral needs and their importance to the Nation.

Don Lawson, field agent, Montana Bureau of Mines and Geology, read a prepared statement—appendix IV.

He stated the MBMG agrees with the multiple use concept but opposes restriction of exploration. He expressed fear that lands would be locked up in wilderness before determining whether commercial mineral deposits existed in those areas. This type of survey work, he said, is expensive, time consuming, and therefore, the wilderness program should be delayed until proper surveys can be made.

He closed by noting that, contrary to claims made by environmentalists, only half of 1 percent of the Nation's land had been disturbed by mining.

Jack Large, responding to Lawrence McCarthy, stated that the Lolo Forest did employ mining experts and that the USFS was committed to multiple use.

Mrs. Knute Kirkenberg read two letters from individuals, W. A. Markert—appendix V—and Donald C. and Marie Cripe—appendix VI—supporting liberalized mining and exploration.

Forrest H. Dobson, member of Sanders County Natural Resources Committee, read a prepared statement—appendix VII.

He read figures showing 21 percent of employers, 39 percent of the labor force, and 48 percent of the income springs from timber in Sanders County. There are three mills in Thompson Falls, one in Plains, and one in Trout Creek, all dependent on public lands for logs. He said Anaconda Forest Products also employs men to log their properties, with the harvest delivered to Bonner, Mont., for processing.

He said the head-rig capacity and the heretofore allowable cut were in balance and reduction in allowable cut could cause mill closures and unemployment.

He said the area had not been overcut, that there was no local clamor for wilderness, conceded there had been local opposition to some clear cuts, and that the local crop was trees. He wondered how a wilderness of 200,000 acres in the heart of Iowa, Illinois, or Indiana would be received there.

The 100,000 acres of the wilderness in the Cabinet mountains is little used, the said, and complaints about lack of elk in the Bob Marshall are mounting. He said unmanaged lands will not provide the recreation people seek.

He spoke in favor of the multiple use concept and said the increase in population will require a broader timber base.

He argued against hasty forest legislation such as bills introduced by Senators METCALF and HATFIELD and stated the current water pollution bill and the National Health and Safety Act would be damaging to the economy.

He stated that he had heard that only 30 cents of each dollar collected in the KV fund reached the ground, with 70 cents being used in administration.

Ed Barton, Western Wood Products Association, said the current economic squeeze and high unemployment are not unique to Sanders County, but are prevalent in all of the Northwestern United States. He blamed pressure from environmental quarters. He stated that while environmental impact statements are given great consideration by the USFS, no social or economic impact statements are considered.

Robert Van Derhoff, vice-president of the natural resources committee of Sanders County, read a prepared statement—appendix VIII.

He said an objective of his committee was to encourage development of public lands under multiple use, to enhance it for game habitat, recreation, fire control, and timber production.

Intensive management of the forests could add much to the achievement of their objective, he said. He urged the USFS to begin that management now by thinning the areas burned over in the 1910 fire and using the thinnings for studs and poles.

Noting that history showed the area to be deficient in game in the early part of the 19th century, he said logging had accidentally provided the forage and browse to increase game herds.

He stated that preservation of the forests for wilderness was the goal of a small well-financed group. Turning farms and ranches back to nature will cause hunger, he said.

He concluded by saying his committee recommends a larger USFS appropriation to be used in the field for intensive forest management and not for additional office jobs.

Chris Roholt stated there are 1 to 2 million acres being studied as wilderness candidate areas while there are 7 million total acres in the region 1. He said roadless areas should be studied with the thought of further development.

Jean Warren stated she also felt the USFS needed more money for management but questioned those who spoke against further wilderness areas. She felt there is a land ethic and that 3 percent of the land for a peoples forest was not too much when one looked 50 to 100 years ahead for future needs.

She said she felt there was a misconception that wilderness was for recreational use only. She said one-third of 1 percent was too much for wilderness.

I replied that the tax base is reduced when areas go into wilderness because the timber in those lands generate income for the counties' schools when sold. I said the areas put into wilderness by those unfamiliar with the problems of taxation amount to penalties for Montana counties.

Jean Warren asked me how I equated my statement with my Lincoln-Scapegoat Wilderness bill, and whether I felt there were other areas worth wilderness consideration in Montana.

I replied that in my opinion the timber in the Lincoln-Scapegoat area was marginal as commercial timber and the mineral surveys indicated little likelihood of commercial deposits. Therefore, I said, I felt the best use of the land was as wilderness.

I said that I would make my decision for each area based on its merits. At present, I said, I feel areas in the Beartooth and Spanish Peaks are worthy of wilderness consideration.

Wes Stearns spoke of several bills in the Congress that would provide "in lieu of tax payments" to the counties. One, he said, would provide more money to States such as Iowa and West Virginia, while Montana would receive less. Another bill would cut Montana's present payments in half, while a bill introduced by Congressman ASPINALL seemed reasonable and would provide for public lands to return compensation to the counties based on comparable returns from private lands.

Another bill mentioned by Mr. Stearns would allow the Secretary to base returns to counties on heavy tourist use.

Forrest Dobson, speaking of the 25 percent of timber sales which are returned to the counties, said it should be based on the gross rather than the net.

Jim Wilson objected to Government subsidies—referring to "in lieu of tax payments," and said that the taxes would have to be raised to make subsidized payments.

Forrest Dobson noted that timber lost to the Lincoln-Scapegoat area, means additional pressures on every other area. He said timber from the Lincoln area now is purchased by Missoula firms. When they cannot get timber in the Lincoln area, they will be competing heavier in this area, he said.

Wesley Stearns asked why the United States has been willing to spend billions on the space program while almost ignoring the renewal of our timber resources.

An unidentified woman asked of the provisions of the Metcalf bill and requested opinion of the bill.

I stated I was not pleased with the Metcalf bill nor the Hatfield bill. I said I do concur with the objectives of timber management but hoped better legislation could be developed to achieve those objectives. I mentioned a bill by Congressman KYL which would provide for reforestation and stated he endorsed it.

I said I objected to the provisions within the Metcalf bill which would provide for heavy penalties for violators of a mandatory management plan and the provision which would allow examination of property and records without a search warrant.

I stated I favored the incentives in the Hatfield bill but felt they could be improved upon even further.

An unidentified male asked me to work for the removal of dynamite magazines from control of the alcohol and tobacco unit of the Treasury Department and place jurisdiction under control of the Bureau of Mine Safety.

There being no further comment or questions, the meeting was adjourned.

Mr. Speaker, materials referred to above follow:

APPENDIX I

CONGRESSMAN SHOUP HEARING, THOMPSON FALLS, MONT., MARCH 31, 1972

Congressman Shoup—My name is Wesley W. Stearns, chairman of the Board of County Commissioners of Sanders County. (Thanks for hearing in Sanders County.)

Most people have the misconception that Montana is a sovereign State, like Iowa or other midwest states. Nothing could be further from the truth. Montana is only 63% of a sovereign State. The other 37% still belongs to the United States, and is administered under Federal Laws and rules and regulations promulgated by agencies of the Federal Government.

A quick glance at Exhibit No. 2 will show you the tremendous impact this has upon the several counties of the State.

EXHIBIT NO. 1

Exhibit No. 1 shows graphically how we are using some of our lands in Montana today.

NATIONAL PARKS

Glacier and Montana portion of Yellowstone contains 964,000 Acres, or 1460 Sq. Miles—one use—Recreation.

WILDERNESS AND WILD LAND

Wilderness and Wild Land in Montana already reserved contains 1,984,000 Acres, or 3100 Sq. Miles—one use—Recreation. This is equal to all of Missoula County and ½ of Mineral County. About 1500 Sq. Miles of this is commercial forest. (Boelle Report.)

Candidate Wilderness areas contain 1,453,000 acres or 2,270 Sq. Miles. This area is equal to ¾ of Sanders County.

LAKE SURFACE AREA

Montana contains 56,320 Acres, or 88 Sq. Miles of lake surface water area.

HIGHWAYS AND COUNTY ROADS

All highways and county roads compose an area of 512,720 Acres, or 798 Sq. Miles, which is equal to the county of Deer Lodge.

Freeways in Montana cover 43,520 Acres, or 68 Sq. Miles.

MINING

Montana mining, oil exploration and development, together with all coal strip mining, over the past 100 years have used an area of 25,600 Acres, or 40 Sq. Miles, which is equal to 6% of Silver Bow County, the smallest county in the State.

MINERAL PRODUCTION

In 1955 Montana produced:

78% of all chromite concentrate in the United States, 37% of all magnesium ore, 17% of all the silver, 14% of all the zinc, 8% of all the copper, and 5% of all the lead.

Nearly all of the nation's vermiculite is mined and processed in Lincoln County, Montana.

In 1970 Montana produced 309 million dollars from minerals, coal and oil—and employed over 20,000 workers—using only 3½% of the total land area of the State.

U.S. PRIMARY MINERAL SUPPLY AND DEMAND RELATIONSHIP

(U.S. Bureau of Mines Report—April 1, 1971)

In 1969, the U.S. demand for primary minerals totaled approximately 37.4 billion, on the basis of 1969 constant dollars. The demand is expected to increase over 4 times this amount, to about 162 billion by the year 2000. This is only 28 years in the future.

Based on historical production trends of the past 20 years, a deficit of 55.5 billion is indicated for the year 2000.

You will notice that the predicted deficit only 28 years in the future is greater than the total U.S. production in 1969.

Therefore the future mineral needs are well known. Under these conditions it is pure folly for anyone to advocate locking up the land for only one use.

All public lands must remain open for mineral exploration and development if our Nation and our people's standard of living are to survive.

APPENDIX II

STATEMENT BY KNUTE KIRKEBERG

Congressman Shoup, ladies and gentlemen. I am Knute Kirkeberg, Vice-President of the Sanders County Chapter of the Western Montana Mining Association. As such, I am the spokesman for concerned citizens of this chapter residing within and outside the county. On their behalf, I wish to thank Congressman Shoup for the opportunity to present this statement.

The Western Montana Mining Association is dedicated to the preservation of all citizens rights to the natural resources. The threat to this right of all citizens is being advanced daily by advocates of preservation, and more government. Our feeling towards these threats can be summed up by a quote from the late Associate Justice Louis Brandeis of the United States Supreme Court who said "The greatest dangers to liberty lurk in the insidious encroachment by men of zeal, well-meaning but without understanding". It is our purpose, at this hearing, to express our views to enlarge understanding.

Battle lines are being drawn all over the United States on the 1872 Mining Law. Both the enviromentalists and the industry are actively promoting their views of mining. The proposals for change, range from all out abandonment of the present mining laws, to a modification of the location system of mining claims. "Conservationists and the U.S. Forest Service in the fall of 1971 pushed hard for repeal of the present mining law and promoted a substitution of a mineral leasing system." We feel a radical departure from the present mining law is wrong and not in the best interest of all citizens. Any leasing system would most likely take away the prospectors claim, eliminate his right to stake a claim and essentially squeeze out the small miner and prospector. We feel the system established by the 1872 mining law was one of the best systems ever developed by any society and we adhere to the retention of the concept of ownership by discovery. Past small miners and prospectors have lived with the philosophy of keeping a low profile and avoiding publicity. As a result, we have not used the basics of building a favorable image. Times have changed. Our purpose has been attacked from all areas with widespread publicity that has led to the public believing we are the bad guys in the business scene. We deny this and can justify the small miner and prospector role in helping maintain the high standard of living we all enjoy and in helping provide the minerals for our national needs. Please remember, mining is a difficult subject to explain even to those who have some association with it.

For a moment, Let us reflect a little on the development of the west including Montana. We must keep in mind this period was the first time in the history of man that a group of free people were allowed to develop a new land with abundant resources. The people were without restriction of families, kings, governments or church ownership. They were allowed to claim and develop the land, resulting in a system that became the envy of the rest of the world and a standard of living that literally lifted the world up with it. This period of our history, the fifty years from 1875 to 1925 resulted in a tremendous advancement in the use of our natural resources. However in this unique experience, abuses did result. Timberland overcutting took place. Overgrazing occurred with competition of cattle and sheep. Dust bowls resulted from inexperience of farmers. Most of these abuses have been remedied by the help of nature and experienced men. The scars have healed and replaced with a renewable crop. Not so, with mining. The traditional way of mineral development left waste piles. Nature did not replace the mine dumps with cover crop as the mineral deposit is a nonrenewable resource. While radical groups condemn the mine dump, we know the favorite Sunday drive by many people has been to the ghost town or the mine at the end of the road.

The importance of the mineral industry including gas an oil to the State of Montana is without doubt. It is the second largest industry, providing over $300 million dollars annually to our state economy, second only to agriculture. Still, the disturbed land used for mining in the mineral industry of the state is only 40.7 square miles. Coal stripping includes about two thirds of this figure. In comparison, the disturbed land by all the mining in the state is less than Interstate 90 which traverses Montana from border to border.

In Sanders County we are also threatened with restrictions to mineral exploration. Nearly 61 percent of all land in the county is federally owned and all have relatively high levels of mineral potential. Today, we are experiencing proposed withdrawals of land for various purposes, for example, recreation, wilderness areas and roadless area studies. Unfortunately, the withdrawals are implemented under a policy that does not appraise the mineral potential of the land.

In this county, like many of the areas of the west, the miner was criticized for following the requirement of the law and digging discovery pits. Fortunately, this requirement has been removed in recent legislation, but it did not expose the relative land disturbance. It can easily be shown that all the land combined in this county disturbed by the old discovery pit practice did not compare in acreage disturbed in one clear cut of 160 acres. We are not condemning clear cutting but rather using it for comparison. It is also ironic that the Forest Service which promoted clear cut practice brings back this ghost of pit digging to criticize the past practices of the miner.

Incentive is the motivating force for mineral discovery. Last year after an intensive study, the Public Land Law Review Commission concluded that the nation should rely on private enterprise for mineral exploration and development and continue to promote exploration and development of minerals on public lands. Despite this study, environmental groups and others severely attacked this proposition and proposed setting all mineral exploration under a leasing system, administered by one federal administrator. This administrator would have unlimited authority to establish and manage policies to control activities on all public lands. His judgment would be final.

Where will democracy go if this system is adapted? We earnestly recommend rejection of this philosophy and the adoption of recommendations of the Land Law Review Commission. We believe the merits of the system under which we have lived and which has served our nation and people so effectively should not be discarded.

Administration of growing environmental laws and federal regulations is conflicting with the citizens rights under the present laws. Regulations over mining are being placed under agencies with persons having specialized fields such as biology, hydrology, forestry, ecology and sanitary engineering, rather than in the hands of mineral professionals. We do not dispute the necessity of such agencies to their particular field but it is difficult to explain their expertise in administration of mineral problems. Once authority is given to these unrelated agencies to mineral industries, geologists or mineral specialists may not be consulted or are even ignored. One case in point was the appearance of a U.S. Treasury agent at a local mine to inform the operator of the proper procedure for handling fuse and dynamite. His expertise it was learned came from a three day crash course. Pollution control agencies are also rapidly striving for power to close mines, not only in the case of pollution but in case of deciding guilt where somebody feels a crime might occur. We are forced with too many mights and maybes where facts are needed. A positive alternative to this problem is the presence of mining and mineral professionalism in the administration of federal regulations concerning mining.

May I conclude with an appropriate quotation, "The destruction of liberty is always the plea of Necessity".

APPENDIX III

STATEMENT OF LAWRENCE J. MCCARTHY

Rep. Richard Shoup, Ladies & Gentlemen: As an introduction, my firm specializes in the exploration for minerals; oil, gas and base metals throughout the United States, Canada and other countries.

The demand for these raw materials is estimated to triple within 10 to 15 years. The pressure on available supplies is obvious, as well as the necessity for increased search for new supplies.

On the public domain in Western Montana where the major exploratory effort will be made and is being made, we are faced with the curious situation of dealing with a federal regulatory agency—the Forest Service—who have little knowledge or interest in the natural resources of the land beneath the surface.

To be more specific, the Lolo National Forest is managed with the viewpoint that the mining business is their adversary. To be candid, the detailed attempts at harassment we experience here are not prevalent in the other forests.

However, in the Lolo, the rights of all citizens to prospect and mine on the public domain are improperly impaired and impeded by over-zealous federal employees.

I have been told in front of other witnesses by one Resource Assistant in a Forest Service District on the Lolo that his higher duty to protect the public domain will not be hampered by a mere lack of statutory authority and that no mining will go on without his personal approval. He went on to say that most prospectors were so dumb that they did not know what limits there were to his authority. In our case, if challenged correctly, he would smile, say he is sorry, and find some other way to stop us.

These harassing tactics have been taken over nearly a year and so far, no higher authority in the Lolo has repudiated his actions or statements.

As you know I have proposed that the administration of subsurface resources on the public domain be taken out of the hand of the Forest Service and given to competent agencies in the Department of The Interior.

Until that time, the Forest Service has to be impressed with the importance of subsurface resources to the sovereign needs of the nation and the necessity to work within some civilized set of rules in regard to the mining industry.

APPENDIX IV

STATEMENT BY DON LAWSON

Mr. Chairman, Congressman Shoup, Ladies and Gentlemen: I am Don Lawson, field agent for the Montana Bureau of Mines and Geology, and am honored to be here tonight to make a brief statement as a representative of this agency. The Bureau was established to help promote the development of the mineral resources of our state. We agree with the multiple-use concept for our public lands, but we disagree with the withdrawal of land for study purposes if it causes loss of jobs or closes down exploration programs for minerals.

In many areas in the state, the proposed areas either include or so closely adjoin areas in which exploration work is active that even if mineral deposits are discovered, it would be impossible to develop them fully. In most places today, the only way to determine whether mineral deposits are present is by expensive time-consuming drilling. If we face reality we know that mining people cannot possibly discover and evaluate all the mineral deposits on public lands in the next few years, even if they had unlimited exploration funds and free access. We know that only a small amount of our public lands contain mineral deposits, but industry needs the time to explore these areas before they are locked up forever, or such restrictive administrative rules applied that neither mining companies nor the small miner can conduct effective exploration.

We would like to point out that we should be sensible in our restrictions on mining and exploration—after all, according to the U.S. Bureau of Mines, in the 110 years that mining has taken place in Montana, only 26,000 acres, or approximately 40 square miles of land out of a state total area of 147,000 square miles, has been disturbed by all mining, including coal, phosphate, metal, and even gravel pits. Incidentally, over a much shorter period of time the interstate highway system has taken a total of 60 square miles. Nationwide, contrary to the implications of the environmentalists, less than 0.5 percent of our land surface has been disturbed by mining.

APPENDIX V

THOMPSON FALLS, MONT.,
March 30, 1972.

WESTERN MONTANA MINING ASSOCIATION,
Thompson Falls, Mont.:

Mr. Morkert wants me to send you some names of prospectors. He isn't able to attend the meetings, he has been sick almost a year and is 90. He would like very much to attend the meetings. He thinks it is a very good idea.

These men may be at the meeting tomorrow:

Wendell Stephens, Paradise, Montana.
Jack Howes, Paradise, Montana.
Bob Stephens, Paradise, Montana.

There is others at Vermillion but we do not know where they get their mail.

I am pleased and I feel the prospectors need let it be known. Everyone has a right to be in the woods. The forest, they have did a lot for this country.

Respectfully,

DELORES KIRKENBERG.

APPENDIX VI

DEAR SIR, FRIEND AND REPRESENTATIVE: We were born and raised in Lincoln County and have resided here all of our lives which is nearly 40 years.

We were married here and have worked here many years, owning home and property and are raising our children to be good citizens of this country.

We have been associated with lumbering, mining and farming all of our lives and we feel that closure of the forests is a form of confiscating what rightfully belongs to the people.

We say this because we feel that we know this country of Western Montana and we do love it greatly.

We are of the few that actually feel that each lake, each creek and each mountain is a friend to us, knowing its name and place well as we frequent these places throughout the year continually.

We are not for the useless riddleing of the timber—neither are we for erosion, littering or pollution or senseless killing of the game.

We adhere to correcting these problems with freedom in mind.

A closed forest is not freedom simply because few people use a closed forest.

Only by careful use of the forest and land, Montana will go on being truly a great State not only in beauty but also in the great wealth that it was blessed with.

Sincerely,

DONALD C. and MARIE CRIPE.

APPENDIX VII

Hon. RICHARD SHOUP,
Thompson Falls, Mont.

DEAR MR. SHOUP: As a member of the Sanders County Natural Resources Committee, I wish to submit the following data and recommendations for your consideration.

Employment in Sanders County (data from Employment Security Division, publication FL 295-Supplement) Fiscal 1971:

All covered Industry, Manufacturing (sawmills and logging):

Employers 172, 37, 21%.
Workers 1,126, 436, 39%.
Wages $6,792,204, $3,276,135, 48%.

In the county the ration of total workers/manufacturing is generally higher in other years. Several large construction jobs were in progress in the county last year. All the manufacturing classification in Sanders County is either sawmill or logging. Please note that 48% of the payroll in Sanders County came directly from logging or sawmilling.

The above figures indicate the reliance on the woods product industry in Sanders County. We are quite simply a one industry area. Note that nearly 50% of the wages are a direct result. 1969 showed a more decided reliance—nearly 70% of the wages came from the woods products industry in that period.

SAWMILLS

There are three sawmills in Thompson Falls, one in Plains and one in Trout Creek. In addition to these larger mills there are numerous small mills in the county. Anaconda Forest Products does not operate a sawmill in the county but they have large land holdings in the county and ship their daily logging production to Bonner for Manufacturing.

LAND OWNERSHIP

Nearly all the timber available to operate our sawmills is removed from public lands. At least 90% of the log supply must come from public lands. The installed head-rig capacity in the county is in balance with what has been heretofore the allowable cut from the public lands. A reduction in the allowable cut will bring about a loss of mills or a reduction in shifts operating.

This area has not been overcut!! There has been no local clamor for roadless, back country or wilderness type land classification. There have been local complaints about clear cutting but not the general dismay as in the Bitterroots. Our crop is trees! One wonders if maybe a wilderness should not be proposed for a couple hundred thousand acres out of the heartland of Iowa, Ill., or Indiana. How far would that proposal get? I think that you should be careful in advocating wilderness classification for our croplands.

We have a 100,000 acre wilderness area in the Cabinet Mountains. It is little used outside of two heavily fished lakes. I fully believe that the public does not understand the wilderness concept. Complaints are mounting daily over the decreasing elk herds in the BOB Marshalls. Unmanaged lands will not provide the recreation that people are searching for.

RECOMMENDATIONS

We generally back the multiple-use management of our national forest. We do not want large areas being set aside for Wilderness, roadless or back country or other restrictive land classifications. The demand for forest products will increase as our population increases. We simply cannot afford to shrink the land base for growing timber products in the face of our expanding population.

We hope that you take a long hard look at legislation affecting the forest. Laws such as the Metcalf and/or Hatfield bills should not be hastily passed in these emotional times. The Water Pollution Bill also could be seriously harmful not only to the lumbering industry but to the economy as a whole. I believe that as presently written it will prove to be a poor bill as the National Health and Safety Act.

In the interest of better forestry practices on federal cut-over lands the present USFS program needs perusal. I refer in particular to the KV-Law. I have been informed by a reliable source that at the present time on the Lolo National Forest a mere 30¢ out of each dollar collected in the KV fund is ultimately reaching the ground. 70% of the collections is being eroded away in administrative expenditures. Frankly this is a sad condition as our sale areas simply are not being rehabilitated. The KV funds are being used as slush funds!!!

FORREST H. DOBSON.

APPENDIX VIII

STATEMENT OF ROBERT VAN DERHOFF

My name is Robert van Derhoff, vice president of the Natural Resources Committee of Sanders County.

One of objectives of the Natural Resources Committee is to encourage the development of our public lands under a program that will provide for multiple use and intensive management of that natural resource, so that game habitat, access for recreation, fire control and timber production are enhanced.

We believe that national forest land and its potential for providing renewable resources is one of the most important factors in the economy of Sanders County and Western Montana.

We believe the present timber, game range and recreation areas can be improved through proper planning and management. Forest Service personnel have stated that a small portion of this Ranger District has the potential for producing the present allowable cut of the entire district. Why not make a start? Much of the 1910 burn area needs thinning now. There is a market for stud timber and poles now. These thinning sales should be encouraged instead of discouraged.

The game habitat has been improved more or less accidentally. When David Thompson wintered here and Lewis and Clark passed through, this was a pretty hungry country for game. Logging has opened dense timber stands so browse and grass provide feed for a larger game population.

Ecology and Motherhood go hand in hand these days. Preservation of our National Forests in a pristine state untouched by man, has become a religion for a small, well organized, wealthy group. If we turned our farms and ranches back to nature, we would go hungry quickly.

CONCLUSION

The Natural Resources Committee recommends an appropriation from Congress, large enough to enable the Forest Service to start an intensified field management program. We want this money spent on actual field work, not on additional office jobs.

ETHEL MARSDEN

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ASPIN. Mr. Speaker, recently I received a letter concerning one of my constituents which I found very moving. It is especially timely, I think, because of the quiet yet strong message it sends to anyone who reads it. The letter follows:

ALEXANDRIA, VA.,
March 26, 1972.

Hon. LES ASPIN,
House of Representatives
Washington, D.C.

DEAR MR. ASPIN: Today we received the sad news that my wife's aunt, Mrs. Ethel Marsden, had died in Edgerton, Wisconsin. Caring for her, until the very end, was her granddaughter, Mrs. Kaye Thomas.

Both ladies have had difficult lives. If their stories were told in the jargon of the behavioral sciences, in such terms as divorce, early widowhood, fatherless household, below poverty level incomes, the reader would immediately conjecture an image that approximates the typical case load of a social worker. For America has been taught to associate personal misfortune with relief, truancy, delinquency, and petty criminality.

But this was not the case. The late Ethel Marsden was a model of self reliance, in the Emersonian sense, and so is her granddaughter. When Mr. Marsden died, Aunt Ethel supported herself with piano lessons, by renting out part of her house, and by growing vegetables in her garden. The idea of asking for public assistance never entered her mind. Cousin Kaye is the image of her grandmother. A bad marriage left her with two children. But she refused alimony so that her ex-husband would have no hold over the little ones. Instead, she found a job, first in a factory, then as a switchboard operator, using a minuscule income to raise her children and care for her grandmother whose health was failing.

As I read this morning's paper I could not help but contrast the quiet strength of these lives with the events that make news: thousands of small children being sent to march on the White House with demands for a guaranteed income, and a large corporation seeking its type of dole from the government in the form of an anti-trust deal.

It is sad that the courage and philosophy which mark the lives of men and women like Mrs. Marsden and Mrs. Thomas must pass unnoticed; while those who opt for the less honorable path achieve acclaim. Still, I like to think that Mrs. Marsden and Mrs. Thomas are the real America while those who attract the press are but deviations.

It would be fitting if, but once, somebody directed a tribute to the integrity, courage, strength, and indomitable will of the Marsdens and Thomases of America. In times like this we need a reaffirmation in America.

My wife and I would be deeply flattered, Mr. Aspin, if you could take the time and insert in the record a short memorial to Mrs. Marsden and the qualities for which she stood.

Respectfully yours,

ROBERT LEIDER.

CELEBRATION OF JEWISH SOLIDARITY DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ROYBAL. Mr. Speaker, I welcome this opportunity to join with the Jewish people in celebrating Israel Independence and Solidarity Day.

While we honor the dead who perished in the uprising of the Warsaw ghetto and in the horror chambers of Nazi Germany, we also celebrate the strength of an oppressed people to rebuild their nation.

I also join with you in denouncing the persecution of 3 million Soviet Jews suffering under a tyranny of prejudice and discrimination. Despite systematic attempts by the Soviet Government to destroy their traditions and culture, the Soviet Jews have maintained their heroic spirit and deep solidarity in the face of oppression.

The time has come for the United States to express its official disapproval of the Soviet's anti-Semitic policies. Recently we were successful in passing before the House of Representatives a resolution urging the President to "call upon the Soviet Government to permit the free expression of ideas and the exercise of religion by all its citizens in accordance with the Soviet Constitution."

Today we petition our President to

publicly commit himself to the cause of Soviet Jewry. We call upon him to use his leadership to help free the Jewish prisoners of conscience and to help Soviet Jews achieve the fundamental right to live as Jews and to emigrate in freedom.

RESOLUTION OF OYSTER BAY, N.Y.

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WOLFF. Mr. Speaker, I am pleased to be able to bring to the attention of my colleagues a resolution recently adopted by the town board of Oyster Bay, N.Y. The text of the resolution follows:

OFFICE OF THE TOWN CLERK,
Oyster Bay, N.Y., February 29, 1972.
Hon. LESTER L. WOLFF,
Great Neck, N.Y.

DEAR SIR: Enclosed is a copy of a resolution adopted by the Town Board of the Town of Oyster Bay, February 22, 1972 objecting to any offshore oil drilling in the coastal waters adjacent to the Town of Oyster Bay.

Very truly yours,
ISABEL R. DODD, *Town Clerk.*

RESOLUTION No. 225-72

Whereas, it is the policy of the Town Board of the Town of Oyster Bay to preserve its valuable natural resources including beaches, inlets, canals, inland waterways, wetlands together with the attendant wildlife and marine life which populate these areas; and

Whereas, said natural resources further provide the Town of Oyster Bay with a source of recreational areas and facilities which, for the Town's residents and the many thousands of visitors and vacationers who come to the Town each year, compare to any area in the State of New York and probably in the entire country; and

Whereas, the possibility exists that there is oil located in the underwater lands adjacent to the Town of Oyster Bay, both in Long Island Sound to the north and the Atlantic Ocean on the south, and the petroleum industry is seeking the right to drill for oil in these and other areas adjacent to the waters of Long Island; and

Whereas, the Department of the Interior has been very indefinite in stating its position relative to offshore oil drilling in the waters adjacent to the Town of Oyster Bay, N.Y.

Now, therefore, be it resolved, That the Town Board of the Town of Oyster Bay, being mindful of its position of trust to guard and protect its shores, beaches and wildlife including bird and marine life located there, and realizing the very real danger which offshore oil drilling would pose to the Town's beaches and shoreline, does hereby voice its objection to any offshore oil drilling in the coastal waters adjacent to the Town of Oyster Bay and on behalf of the nearly 400,000 residents of the Town, urge our legislators in Albany and in Washington to take the appropriate steps to insure that our beaches and shorelines will be kept free from the ruinous effects which an offshore oil drilling operation could bring about.

Resolution adopted: All present voting aye.

I commend the Town Board for their action on the question of offshore oil drilling. We have not yet developed our technology to the point where potentially disastrous oil spills can either be prevented from occuring or be neutralized should they occur. In view of this, I wholeheartedly support the board's objection to any drilling in waters adjacent to the town.

As the residents of the area are aware, I have already introduced legislation here in Washington to ban Atlantic offshore drilling. Several similar proposals are being considered in Albany. We must protect our recreational and marine resources by prohibiting any offshore oil exploration until adequate environmental safeguards exist.

HELPING DISADVANTAGED YOUNGSTERS LEARN HOW TO READ

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WIGGINS. Mr. Speaker, Hoffman Electronics Corp. is a healthy and active company in my district. It has been heavily engaged over the years in the production of sophisticated electronic equipment, largely for the Department of Defense, and could finally be described as a member of this country's military industrial complex.

But it is also engaged in helping disadvantaged youngsters learn how to read.

Both activities are important to the Nation, but unfortunately, the social concerns which major defense suppliers share with many who fear the military industrial complex often go unnoticed. It was therefore, with considerable pride that the achievements of Hoffman Electronics Corp. were reported in a recent article in the Christian Science Monitor entitled "Over the Language Hurdle, Larry Is Off and Running."

I insert the text of the article in the RECORD at this point:

[From the Christian Science Monitor, Apr. 15, 1972]

OVER THE LANGUAGE HURDLE, LARRY IS OFF AND RUNNING

(By Curtis J. Sitomer)

EL MONTE, CALIF.—Young Larry Castro floundered in school for three years. But now he is suddenly learning to read.

Larry, a youngster of Mexican-American descent, is a fourth grader in the Portrero school here—in a barrio just east of Los Angeles.

Up to recently, reading problems were commonplace for him and most of his classmates. They had to hurdle language, cultural, and socioeconomic barriers. They still do.

But now there's a ray of hope. And teachers and administrators in El Monte credit it largely to the utilization of electronic reading devices.

Two years ago, under a federal grant, Portrero experimented with the Hoffman Reader in the elementary grades. And results were so successful that the district—with its own funds—has now expanded the program into half of its 18 schools, serving more than 2,000 youngsters.

Jim Curtis, district coordinator of special reading projects, boasts that the machines aided in raising the reading ability of many of the children by at least one grade level. (Larry is now reading at a second-grade level—showing marked improvement in less than a year.)

LIKE SMALL TV SETS

The Hoffman machines—which resemble small television sets with headphones attached—encourage youngsters to work at their own pace. They are supplemented by attractive color workbooks.

"With this audiovisual learning system, children are not subjected to the emotions of teachers," says Mr. Curtis. "And the teaching sequence is unbroken." Each day when a youngster enters the reading laboratory, he can automatically pick up on the machine where he left off earlier."

Other benefits of this machine method, according to district officials, include: better correlation between classroom reading and special outside reading; less stigma on slow learners; solution of many discipline problems; and more teaching time for the average teacher.

"When the children work individually, the slower ones don't get embarrassed," says teacher Mary Dittemore. Another Portrero teacher, Lonnie Cross, is also enthusiastic about the electronic reader. "Its greatest advantage is for children with difficulties. An average youngster learns to read because he wants to," the youthful Miss Cross insists.

The Hoffman instruments are used for bilingual instruction in some El Monte schools. And recently, they have also been made available for adult-education classes in the community.

STUDENTS ARRIVE EARLY

Staff members of the Shirpser school, which services youngsters from kindergarten through fifth grade, report that students from a nearby junior high school (which has no access to the program) voluntarily come to Shirpser before school hours to use the reading machines.

"Why when I arrive in the morning, they're lined up waiting at the door," reports teacher Regina Luke.

Mr. Curtis admits that parents in the community were at first suspicious of the machines. And some teachers "had to be sold."

"But the results did it," he explains. "For the first time, our youngsters are reading at grade level—or above. Formerly many of them were two or three years behind."

El Monte's reading coordinator, himself a product of the barrio, credits the success so far almost solely to the Hoffman method. "The machine has been the catalyst. It has affected the program and the teacher—but most of all the child," he says.

A NEW BREED OF PROFESSIONAL—THE ECOLOMIST

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. QUILLEN. Mr. Speaker, Mr. Durand A. Holladay of Continental Mortgage Investors, Boston, has written an excellent article concerning a new breed of professional—the ecolomist.

In light of the growing interest in both ecology and economics, I would like to have his article available to readers of the RECORD.

STATEMENT BY DURAND A. HOLLADAY

A new breed of professional—the ecolomist—has emerged to meet the challenge of our changing times. His field—ecolomics.

An ecolomist is a man versed in ecology and trained in economics who knows how to put this combined knowledge to use in modern-day real estate and business development.

The practitioner of this new profession is knowledgeable in land use, urban planning, agriculture, architecture, landscaping, engineering, transportation and zoning. He must apply this knowledge to construction projects with the goal of preserving the ecology, minimizing pollution, and providing working room, living space and recreational areas to meet the needs of residents of a particular community.

The ecolomist is the man who puts it all together—a man with a mixed bag who is an expert in all of the many disciplines involved. The role of the ecolomist is becoming more and more important with the growth of "new" towns and cities—satellite cities.

These communities are built from scratch. They become complete living and working areas outside—and some times within—the inner cities. As such, these developments have problems which are unqiue in planning and ecolomical considerations.

The importance of the ecolomist's work is emphasized by the fact that more than 1.5 million acres of the nation's farm lands are being converted annually for other types of development.

Of that 1.5 million acres undergoing change, an average of 420,000 acres surrounding the nation's cities and towns with populations of 50,000 or more are being converted each year primarily for residential development.

Currently, about one fifth of the nation's land area . . . approximately 430 million acres . . . is being used for crop production. An additional 640 million acres are in grass and rangelands.

However, continuing population pressure and rising personal incomes, along with a higher availability of mortgage loan funds, have led to increased urban development of what was once farm land.

The ecolomist thinks in terms of the complete city—homes, shopping centers, shops and businesses, offices, industrial facilities, schools, churches and recreational and cultural centers.

The work of the ecolomist can be seen in such projects as Crown Center in Kansas City; Century City in Los Angeles; and Columbia, Maryland, and Reston, Virginia, outside Washington, D.C.

This kind of project must be planned to meet all needs of the residents—not only the practical considerations of housing and related needs, but also the demands for an environment of clean air, clean water and space for outdoor living. The equally important practical consideration is that the project is profitable from an economic standpoint.

No one argues about the necessity of preserving the ecology, but few consider the economics involved.

It is here that ecolomical considerations enter the picture. Any project undertaken has profit as a prime consideration. Management executives responsible for a real estate project and attendant housing and commercial construction must consider the profit potential.

It is at this point that their plans sometimes run into the ecological factors involved. It is easier, of course, to take steps to meet ecological standards when a community is in the planning stage, than it is to make adjustments afterward—and far less expensive.

The ecolomist is well aware of these points. He considers the effect of the project on the community in which it is located. He weighs the relative merits of both ecological and economic factors.

It is his job to meld them into a working relationship which will satisfy both ecologists and the economists and meet the needs of the people of the community.

It is to meet this challenge that the ecolomist is becoming an increasingly important figure in any planning for the American future. This emerging multi-specialist in ecolomics is bound to have continuing impact on all types of real estate, business and industrial developments in the exciting years ahead.

THE NATION'S STAKE IN ASSURING ADEQUATE ENERGY SUPPLIES

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. McCLURE. Mr. Speaker, the House Committee on Interior and Insular Affairs has recently completed the first phase of a detailed investigation of the energy problems facing this Nation. As a member of the committee, I was pleased to participate in these hearings, under the leadership of its distinguished Chairman, the Honorable WAYNE N. ASPINALL. One of my most rewarding experiences during my 6 years in the House of Representatives has been to serve with Mr. ASPINALL on his committee. I believe that the Congress and the people of the United States owe him a debt of gratitude for bringing to the public attention the extent and seriousness of our energy problems. The facts have been made clear—it is up to the Congress to acts, to aver crippling shortages of critical energy supplies in the coming years. And, if we do not act, we will without question experience such shortages.

On April 20, 1962, Mr. ASPINALL presented a speech in New York City concerning several vital aspects of our energy situation. I am pleased to bring his speech to the attention of my colleagues. It lucidly describes the foreign policy implications of our present energy policies, and should be carefully studied as an indication of what lies ahead for our Nation.

Mr. Speaker, I ask unanimous consent that Mr. ASPINALL's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE WAYNE N. ASPINALL

THE NATION'S STAKE IN ASSURING ADEQUATE ENERGY SUPPLIES

When I learned of the title of my remarks today, my first reaction was that the topic was so broad as to be thoroughly unmanageable.

My next impulse was to look for another topic.

Why couldn't my staff have narrowed it down a bit?

They might have come up with any number of topics with more focus and appeal:

Energy and the National Security.
Energy and a Healthy Economy.
Energy and the Middle East.
Energy and Poverty.
Energy and Pollution.
Energy and the Environment.
Energy and the Public Lands.
Energy . . . What Price Energy?
Energy and the Quality of Life.
Energy and Leisure Time.

The list could go on forever. As a matter of fact, there was a story in *The Washington Post* the other day about energy and wheat germ oil—an item of considerable interest to many of us.

Any one of these areas might have been more manageable and appealing. Yet, unfortunately, none of them alone covers my assigned topic.

Most importantly, none of them alone adequately describes the nature of the problem confronting this Nation. Taken all together, they came closer to doing so.

In the last week and a half, the House Committee on Interior and Insular Affairs has been conducting hearings on the Nation's fuels and energy situation.

The Committee has been trying to establish the parameters of our fuel and energy resource supply and demand situation, and to make the importance of energy understandable to members of Congress and to the public.

We have heard from government experts, including two Cabinet Secretaries, from private citizens, from environmental and consumer spokesmen, from labor leaders, academicians, industry representatives, and others.

The thrust of this testimony is that this country is up against a fuels and energy crisis that threatens to overwhelm us.

A Nation that grew and prospered largely because of an abundance of cheap fuel and energy resources now faces the possibility of being unable to meet its energy requirements; we are faced with the certainty of being unable to meet them cheaply; and we are faced with a newly-emerging debate over whether they ought to be met at all.

In the last ten years, the world has consumed as much petroleum as was produced during the entire century prior to 1959—and the United States is the leading energy consumer. With only six percent of the world's people, we consume 35 percent of the world's energy. Our energy consumption can only be expected to increase in the years ahead.

Despite the fact that geologists tell us we have an abundance of fossil fuels underground or offshore, we still are confronted with what is effectively a shortage of all these fuels—particularly oil and natural gas.

The shortage may be manmade. It may be the result of "bureaucratic inefficiency," or industrial inefficiency, or governmental mistakes. But it exists. The shortage is upon us and it is real.

And, according to testimony given the House Committee on Interior and Insular Affairs, there is no way our need for any of these resources will do anything but increase—by substantial proportions—in the years ahead.

Most critical is the short-term period—the period between now and about 1985. The Committee has been focusing on this period, for unless we manage somehow to survive the short term, all the glittering long-term solutions may be meaningless.

A major element of the overall picture is oil, the resource that presently supplies 44 percent of our energy requirements. Yet we are faced with declining domestic production and increasing dependence on foreign sources of this important resource.

As dependency on foreign sources grow, so too does our dependence on the Organization of Petroleum Exporting Countries (OPEC). The formation of OPEC—an international monopoly of producer countries—is one of the most significant international developments of the entire post-war period.

Today, about 23 percent of the United States' oil is imported, most of it from Venezuela, an OPEC member, and from Canada. Yet if present consumption trends continue to increase—and our Committee has heard no evidence that they will not—this country may be importing as much as 50 percent of its petroleum by 1980, and most of that would come from OPEC members in the Middle East.

Of course if the United States were the only consumer nation in the world, that would be one thing. But we are not. At least 80 percent of Japan's energy comes from oil. For Western Europe, the figure is 87 percent. By 1980, Western Europe's consumption will more than double, and Japan's will quadruple. These two consumer blocs—and other emerging nations as well—will be heavily dependent on Middle Eastern supplies.

I know Americans are willing to pay for what they get, but we all are entitled to know that we are getting what we pay for. In the Middle East, unfortunately, that right is in jeopardy. In that part of the world, the doctrine of "sanctity of contract" is essentially meaningless.

In that part of the world—with petroleum—a contract may exist in theory, but in reality it is controlled by power politics. As British economist Paul Frankel points out: "This has downgraded international discourse to the level of the jungle."

Mr. Frankel does not understand the problem.

Listen to the words of Sa'd al-Din Bushwairb, the Libyan Ambassador to Egypt, who argues that the Arab world should pressure the United States into taking a more favorable position toward Arab causes against Israel.

He puts it bluntly: "We have the oil weapon and the financial weapon and we should use both . . . The language of our era is force, and we have the economic resources to enable us to win the battle . . . We must brandish these two weapons."

I am not a foreign policy expert, but I have talked to foreign policy experts. I also believe I know something about the importance of energy to our social and economic system. And I believe our course toward more and more dependence on Middle Eastern oil is a dangerous one.

My concern is not limited to the prospect of higher and higher prices for oil. It extends to the balance of world power and to domestic tranquility in the United States. I am truly frightened by the potential for conflict between pro-Israel sentiment in this country and our increasing reliance on Arab oil. In short, I believe the United States is about to be caught in a Middle Eastern squeeze play, and I believe the American people ought to know about it.

In a time of plenty, internal policy contradictions were an inconvenience that could easily be tolerated. As energy resource needs increase, such inconsistences become less tolerable. More certainty seems required.

Attainment of certainty in Washington, however, is seldom possible and never easy. This is especially true with the present patchwork of response to our fuel and energy problems.

Take the Office of Emergency Preparedness, for example, which has responsibility for setting oil import standards. It tends to *restrict* imports but, at the same time, the Environmental Protection Agency fixes standards for sulfur content that tend to require imports.

Or consider coal, our most abundant fossil fuel. It is virtually unregulated with regard to price and thus not always used where it could be. Gas, on the other hand, is environmentally preferable for many applications but tightly regulated and hence in great demand.

Such is the nature of our patchwork energy policy. The quilt is there, it is all put together. The problem is how to arrange it so that it does a better job for us.

For purposes of continuity, the appropriate body to propound policy on a matter as important as energy is the Congress. On that question I think you would find a rare unanimity—at least of Congressmen. Beyond that, the problems begin all over again.

The jurisdictional authority of Committees in the House of Representatives has fragmented the fuel and energy picture to the point that no one Committee can claim total responsibility for enacting an overall policy.

During the first session of the 92nd Congress—the session just ended—18 committees and subcommittees held 130 days of hearings on issues or legislation relating to some aspect of fuels and energy.

Of course I believe that the broadest mandate is vested in the Committee on Interior and Insular Affairs because of its responsibility for "long-range minerals and energy programs."

One such organizational approach might be the setting up of a joint committee on energy, though there certainly are other possibilities as well.

But ultimately, jurisdiction and procedural problems are merely surface issues. Once they are clarified—even if they are never clarified—we still must come to grips with the real issues.

With or without clearly-marked jurisdictional boundaries, in Congress or the Executive Branch or the Courts, there still will have to be a rigorous national examination of the relationships involved—the tradeoffs.

Energy and the environment; energy and the economy; energy and consumer interests; energy and foreign relations; energy and the standard of living; how energy will affect the poor. But now I am back where I started.

As far as Congress is concerned, I have no hesitation in going out on a limb and predicting that whatever jurisdictional arrangements are adopted—if they are adopted—the Congress will continue to move ahead as it usually does—with deliberate speed. It will move a step at a time, probably in different directions at the same time.

But the result, somewhere in the middle of the confusion, will be the emergence of a new energy policy. It will be a compromise that suits the needs of this country and reflects the desires of most of our citizens.

It is my hope that when the present undertaking of the Committee on Inerior and Insular Affairs is completed in mid-summer, the information which is prerequisite to action will have been gathered and evaluated. The problems won't have gone away, but an important first step will have been taken.

PRIVATE PENSION PLANS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MICHEL. Mr. Speaker, over the past several years, we have witnessed an increasing concern by the Congress and the public about private pension plans. Should they be regulated further? How can we better protect them? How can we expand their growth?

Proof of the growing concern is seen in the number of studies that are underway, the almost daily introduction of a bill dealing with pension plans, and the more frequent appearance in newspapers and magazines of stories about them.

Yet, the more one reads on this subject, the more apparent the complexities of it become. That, at least, had been my thought until I read a copy of a speech given April 7 before the 45th Annual Trust Conference of the Pennsylvania Bankers Association by our colleague, JOHN ERLENBORN of Illinois.

In truth, our colleague's speech does not diminish the intricacies of the subject; but it does afford an elemental education in—and a measure of insight into—the depth of the intricacies. I, therefore, commend it to the attention of the Members of this House:

THE TROUBLE WITH TROUBLE

(By Representative JOHN N. ERLENBORN)

The title of my remarks this morning is taken from an anonymous author, but one who obviously was aware of the ways of this world. "The trouble with trouble," he wrote, "is that it usually starts out like fun."

Now, let me use that text to develop some thoughts about private pensions because that is what we're here to talk about.

Pensions aren't very old—not really. People got along without them for centuries; but then people got along without a lot of other things.

For example, our forefathers got along without sugar until the 13th century, without coal fires until the 14th century, without buttered bread until the 15th century, without potatoes until the 16th century, without coffee and soap until the 17th century, without pudding until the 18th century, without matches or electricity until the 19th century, and without canned goods until the 20th century.

They even got along without the Industrial Revolution until the 18th century; and it seems likely that that revolution provided the seed that brought on the private pension.

When men were farmers or craftsmen or shop keepers, they tended to make their own arrangements for advanced age. As we changed from a rural to an urban society, however, man turned more and more to savings in order to provide for his retirement; and one definition of a pension is a sum saved from today's wages and paid after age 65.

In this definition, a pension is a kind of enforced saving which has the advantage of being painless.

That painlessness has proved most attractive to American workers, with the result that there are more than 30 million people working toward pensions—30 million today contrasted with only three million in 1930.

Much of this increase can be traced to World War II, when wages were frozen by the government. Labor unions were forbidden to bargain for higher pay and, as a result, they turned to fringe benefits as something which could be negotiated. Business men were eager to keep their workers happy, and they went along wholeheartedly with the pension idea.

Now, let us get a perspective on this.

The 30 million employees who expect to retire on company pensions are not all the salaried workers in this country, but they are a substantial fraction. For example, they are about half of those who are employed in commerce and industry.

From another angle, another perspective, we can consider the four million persons drawing retirement benefits. They aren't all the retired men and women in the United States, but they are among the most secure old people to be found anywhere,

And these private pension programs have about 140 billion dollars in reserves, a substantial pool of investment capital.

Inevitably, an accumulation of 140 billion dollars attracts attention—attention from those who want to steal some of it, attention from those who have legitimate need for investment capital, and attention from those who want to find some new law to protect the money from nefarious use.

There are, of course, some laws against theft and embezzlement, and I doubt that we will improve on them. Some believe, however, that there is insufficient protection for the worker whose boss has promised him a pension. There may be insufficient assurance that he will get his money.

As a matter of fact, the Senate Labor and Public Welfare Committee has an on-going study of private pensions, and its staff turned up a most surprising statistic: that only one in ten workers in covered employment will actually collect the pension which he expects at the end of his working days.

If this is valid, then our present controls—or absence of controls—over private pensions are inadequate. It is understandable that a certain number of workers will die without getting any pensions. If, however, pension funds are being milked dry, either by crooks or bunglers, to the extent that they produce only one tenth of their expected benefit, then we had better go to work.

Right now, there are two federal pressures on private pension plans—a big one and a little one.

The big one is the income tax law which, since 1921, has laid out the ground rules. It was made better in 1942, when pension trustees were told they might not discriminate in favor of high-salaried employees. Also in 1942, the Internal Revenue Service was told to write pension regulations.

These regulations are still in effect. In effect, they say that, in order to qualify for a tax exemption, a company must have a definite pension program which does not discriminate. I find nothing oppressive in this.

In 1958, Congress passed the Welfare and Pension Plans Disclosure Act, which requires the trustees of each pension plan to send a statement of condition every year to the Department of Labor.

In the 14 years since 1958, there has been little federal pension legislation. There has, however, been a lot of mental activity. Over on the other side of the Capitol from me, Senators Harrison Williams of New Jersey, Jacob Javits of New York, Robert Griffin of Michigan, and Vance Hartke of Indiana have been looking for ways to improve things.

I have talked with Senator Javits about this, and I get a strong impression that he is not greatly impressed by the 30 million who work for companies having pension plans—not while there are 30 million workers who can't anticipate a pension.

Pour a pint of water in a one-quart pitcher and most of us would say it is half full. Senator Javits regards it as half empty.

My friend and colleague in the House, John Dent, who represents the Westmoreland County district, just to the east of Pittsburgh, has gotten quite specific; and he has put his specifics into one bill. It is a measure he has been evolving for the past five or six years, and it is currently before the Education and Labor Committee. Some are dismayed when they learn how all-inclusive his proposal is; so I had better tell you in advance that he has said more than once that he does not insist upon all details.

Mr. Dent is chairman and I am ranking minority member of the General Labor Subcommittee.

His proposal sets out four goals: Full vesting, full funding, re-insurance and, to a lesser extent, portability.

He suggests vesting, funding and re-insurance for private pension plans and for public employees and, if I may be permitted an aside, you will see some of the highest powered scrambling since the stock market crash if that public employee provision ever gets into federal law.

I can supply you with one sample, and perhaps you have some horror stories of your own. My home state of Illinois has a good retirement plan. Its unfunded liability is something over 250 million dollars, and I doubt that Illinois is either better or much worse than other states.

Some federal plans would have a hard time, too—the Tennessee Valley Authority, the Foreign Service, and the big one, Civil Service, which has an unfunded liability of 60 billion dollars.

The funding record of private pension plans is far better than that.

The Wharton School of Finance at the University of Pennsylvania took information from 4,000 pension plans, then sampled about a thousand of these.

Among its findings: pension programs in existence for 15 years or more are 94 per cent funded for accrued benefits, and 99 per cent funded for all VESTED accrued benefits.

Business men tend to be impressed by 94 per cent and 99 per cent. Some of my fellow politicians tend to be troubled about the six and the one per cent.

The arguments for and against vesting are not as well marked. I don't think our private pension plans are in as dire circumstances as that one-in-ten statistic would have us believe, principally because there are countering statistics, which, I suspect, have greater validity.

In 1970, the Labor Department reported that 76 per cent of the workers participating in private pension plans and vested benefits, and this was up six points between 1968 and 1970.

I am much impressed by a study released about a year ago by the actuarial and consulting firm, A. S. Hansen, Incorporated. Where the Senate study indicates that only one worker in ten will get his pension, the Hansen survey finds that the proper ratio is two in three. In other words, two-thirds of the people working for employers with pension plans will get pensions.

Furthermore, Hansen found that 20 per cent of the workers are young enough so that, if they leave their present jobs, they could still qualify for pensions in their next jobs.

These figures are impressive, but they still leave some nagging questions in people's minds. They have led Senator Griffin of Michigan to suggest that, perhaps, the Secretary of the Treasury ought to be designated as a federal arbitrator of a pension law, and have led Senator Javits to propose the creation of an independent agency to administer pension plans.

I can tell you that Senators Javits and Williams are trying to produce a good, bipartisan pension bill.

You already are aware, I am sure, that President Nixon has weighed in with a bill which would stress vesting. The principal sponsor is Representative Wilbur Mills of the Ways and Means Committee. It is a moderate bill, and its rule of 50 for vesting has many knowledgeable advocates. I have a nagging doubt, however. A man in his mid-forties who has to look for a new job faces many difficulties.

The rule of 50—that his pension must be 50 per cent vested when his age plus his years of service equals 50—might put obstacles in his path—perhaps imaginary, perhaps real—as far as a prospective employer is concerned.

This is just one of the difficulties which convince me that we ought to proceed step by careful step in these pension matters. I suggest that we had better be guided by one of the precepts which carpenters teach to their apprentices; measure twice before you cut once.

Re-insurance—that is, the warranty against the untimely expiration of a pension plan—is a concern of some critics of private pensions. Senator Hartke is particularly interested about this; and the Williams subcommittee in the Senate has heard testimony from persons who have been deprived of pensions after long years of service.

I don't think that's right, any more than anyone else does. However, that Labor Department study of which I spoke a moment ago indicated that only one worker in a thousand is adversely affected by the termination of his pension plan.

And portability, What about it? It is one of the hardest problems of all for solution by legislation. In some industries, it is the accepted practice, and that fact makes it all the more difficult to solve by law.

Portability is the feature which permits John Doe to work five years for the ABC Corporation and take his five-year pension rights with him when he moves over to XYZ Company.

Some managements and virtually all workers like this. Several industry-wide pension systems are successful, mostly as a result of union agreements; and employers then take portability within the industry as a matter of course.

Not all unions go for these industry-wide pension plans. As a matter of fact, a lot of local unions in the Chicago area—and probably elsewhere, as well—have set up pension funds and have required employers to pay into them. All is well until a workman moves from the jurisdiction of one local to another, whereupon he finds his pension has become a will-of-the-wisp.

Some companies don't object to portability—most notably in the garment industry, but it isn't everybody's cup of tea. Some companies don't like to lose people with experience and skill—and sometimes with company secrets. These employers usually mold their pension plans so as to discourage resignation of senior workers. If the law were to require them to make their pensions portable, they would simply shy away from pension programs.

Please make a note about this portability problem, I want to come back to it later.

Now let me turn to a subject which may be of more interest to people attending a Trust Conference of the Pennsylvania Bankers Association. Somewhere in almost every bill about private pension plans is a section on Fiduciaries.

I have been in legislative work, as an Illinois State Representative and as a Congressman, for almost 16 years; and I have some knowledge of the volume of law which says it is wrong to steal. Theft may have a thousand and one subdivisions carrying such names as robbery, pilfering, burglary, piracy, plagiarism, embezzlement, plunder, extortion and kleptomania. I thought there was no loophole through which anybody could squirm after having taken somebody else's money.

Some people believe there is such a loophole—in the laws governing fiduciaries of pension plans.

Back in 1962, when Congress passed the Self-Employed Individuals Tax Retirement Act (better known as the Keogh Act), a provision was added to the Internal Revenue Code declaring that, if a trust were involved, the trustee must be a bank.

The Corporate Fiduciaries Association of Illinois, in a recent survey of laws regulating private pensions, suggests that we ought to extend the same protection to people working for corporations which have pension plans.

I find no hint of such a clause in any of the bills affecting private pensions.

The Administration bill, which I introduced, and Chairman Dent's bill are not far apart in this regard and, for that matter, neither are any of the other proposals which have anything to say about fiduciaries.

They set up a number of prohibitions applicable to persons in fiduciary positions and, sooner or later, they enunciate the "prudent man" rule. I believe it is important that any investment counselor empowered to direct the trustee in making investments ought to be held responsible if he has authority; and if one of the officers or directors of the company assumes that authority, then he must, at the same time, assume responsibility.

The Administration and some others would bar for five years from fiduciary positions persons who have been convicted of certain criminal offenses.

That 1958 law, the Welfare and Pension Plans Disclosure Act, doesn't go far enough, it seems; and so the bills generally ask for changes in reporting requirements so that the pensioners and prospective pensioners would have a better chance of knowing whether their pension funds are in good or bad condition.

I can report to you that, even if the information required by the 1958 law were adequate, the workers might still be ignorant of any ailments which might afflict their pension funds. These reports must be sent to the Department of Labor.

Some time ago, the General Accounting Office found the department was two years behind in filing the statements it had received. At my request, GAO inquired early this year as to whether there has been any improvement. The department said it was making an in-house study.

The term, "in-house study," has a variety of meanings within our bureaucracy. In this instance, it may well have meant, "We didn't expect you to ask again so quickly. We'll get right at it."

Some people believe that getting an alleged breach of trust tested in court ought to be easier; and the Administration proposal would allow for remedies through either State or Federal Courts. We need to clarify in our own minds—and in the law—whether the traditional law of trusts applies. It is a fact that the applicability of present State laws to pension plans is not always clear.

Last summer and last fall, events seemed to be working toward a climax for which I was not ready. The Senate study, Chairman Dent's pension bill, and the pressure on the Administration for a stand on private pensions—these and other events seemed to point toward an end of talking and a start of action.

I recalled the theme of my remarks this morning—"The trouble with trouble is that it always starts out like fun"—and suggested to Chairman Dent that our subcommittee undertake a study to collect the known facts and the responsible opinions about private pensions plans.

He had asked previously for this kind of study, but had always been turned down by Carl Perkins, who heads the parent Education and Labor Committee. Somehow or other, we convinced Mr. Perkins and, by the time the 1972 session started, we had gotten an appropriation of $100,000, had assembled a small staff, and were ready to start our examination of the facts and fictions of pension plans.

An interim report is due within the next week or ten days, and I suspect it may be preoccupied with a scheme to make pensions mandatory. I mentioned a few moments ago that, if a law were enacted to make all pensions portable, companies would shy away from penions. There are some people on Capitol Hill who believe that the way to overcome shyness is a universal pension law.

Now let me just suggest one glorious possibility that this holds out to a Member of Congress.

All of you have noticed, I am sure, a tendency on the part of Congress to extend Social Security benefits to more people, or to increase the amount of the benefits; and you are aware, no doubt, that these increases usually are passed in even-numbered years which, by coincidence, happen also to be election years.

To pay for these extra benefits, Congress manages to vote increased taxes, the higher rates to start in the odd-numbered years. The only reason Social Security benefits are as low as they are is that Congress finds the chore of raising taxes distasteful, even when elections are still almost two years away.

Just think what a glorious time Congress would have if it could make every employer support a pension plan, if it could dictate the size of those pensions—and if at the same time no new taxes would have to be levied!

No matter how imaginative you are, you are not in the same league with some of our politicians who like to make sure that our government takes good care of at least 51 per cent of our people.

Obviously, employers do not want mandatory pensions. Nor do they want mandatory vesting, nor mandatory funding, nor mandatory re-insurance, nor mandatory portability.

I suggest that workers do not *really* want these features made mandatory, either. If we are to avoid them, however, we must insist that employers and labor unions guard against abuses of the present permissive private system. All of us have heard of workers who have been let go—and denied their pensions—a month, or year, or five years before retirement. If these abuses are widespread, protections against them can be written into Federal law.

One of the witnesses who appeared before our sub-committee summed up his point of view in this manner:

"You can pass a law," he said, "to require portability, and vesting, and funding and reinsurance, but not without sacrificing something else. To get these advantages, workers might have to be satisfied with smaller pensions, or fewer coffee breaks, or more rigid rules, or lower wages, or perhaps fewer pension plans."

At the time we heard that testimony, a little more than a year ago, nobody had given any thought to a law to require every employer to set up a pension plan.

What this gentleman was telling us is that, like the power steering and the white sidewall tires on your car, these options are available on your pension—but at a price.

They are options, however, only as long as they are subject to negotiation between employer and employee. Seat belts used to be optional on your car, but now they are required by law. You pay for them, whether you use them or not.

If I may offer an assessment of the present situation, I would say that almost surely the Federal Government will strengthen the laws regarding fiduciaries. I doubt that the change requested by the Corporate Fiduciaries Association of Illinois will be passed—that, if a trust is involved, the trustee must be a bank—but I expect that the changes will not be unfavorable to corporate fiduciaries.

It is my estimate that our General Labor Sub-committee in the House is less eager to go headlong into pension legislation than are the members of the Labor Sub-committee in the Senate. I think there are some Senators who are hoping against hope that the preliminary finding of their staff study—that only one worker in ten will get a pension—will stand up under scrutiny. It would give them a base for a wide-ranging reform.

I have talked a great deal with Congressman Dent. I am—shall I say?—perturbed when he proposes a federal law to impose vesting, and funding, and re-insurance and portability; and when the majority staff in our task force studying pensions starts to think in terms of mandatory pensions.

I have learned, however, that he has no disposition to ride roughshod over opposition. I don't think I have changed his mind—indeed, as recently as early March, he has reiterated his determination to—and I quote—"broaden coverage under the private system, increase the level of benefits available, and eliminate those practices which jeopardize participants' rights to retirement security." That's the end of the quote.

That sounds stern and unbending. He proceeded to a discussion of Title I of his bill, about Fiduciary Standards and Disclosure, then he said:

"Based on what has been discussed by members of the sub-committee and its staff, the remaining provisions of the bill will, without doubt, be substantially altered."

That sounds reasonable and tolerant. Most of the time—not all of the time, but most of the time—I find Chairman Dent tolerant but unbending.

You see, one of the difficulties is that he and I have the same aims. Like him, I want to broaden coverage under the private system. I want to increase the level of benefits available. And I want to eliminate practices which jeopardize participants' rights to retirement security.

I want to encourage the owners of commercial and industrial firms to use the private enterprise system to assure good jobs to good working people. I want government to help them to build good pension plans so that the fruits of labor can be extended into the retirement to which most workers aspire. I look forward to the day when all workers will have retirement security.

I see my goals as not much different from those of Senator Williams, or Senator Javits, or Chairman Dent. The difference is that they tend to think in terms of full pension participation by government decree; while I want full pension rights with as little government interference as possible.

I believe we may run into trouble, no matter which course we follow toward our common goal. I believe it would be fun to let nature take its course, to allow pension plans to grow and flourish as best they can and as the businessmen and the employees can afford them—and I say, "as the employees can afford them" because, one way or another, they pay for their own pensions—and as businessmen and their employees are willing to pay for them.

Others believe it would be fun to legislate instant pensions.

Either path—either description of fun—may lead to trouble.

And the trouble with trouble is that it always starts as fun.

LAW DAY U.S.A.

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. THONE. Mr. Speaker, America has great guarantees of personal freedom and individual rights. To continue to have such freedom and rights, we must use them fully. The United States has a great system of law. It is the instrument for correcting injustices and creating new benefits. The system requires responsible, informed, concerned citizens.

By congressional resolution and presidential proclamation, May 1, 1972, will be the 15th annual nationwide observance of Law Day U.S.A. Purpose of the day is to engender appreciation for our system of law. The day is intended to increase respect for law and to establish better understanding of it. Law Day U.S.A. is a day when Americans should thankfully contemplate the stark differences between tyranny under nations ruled by one man, or a few men, and the freedom under law in the United States.

Law Day is not a lawyers' day. It is a day for all citizens to think about the role of law in our society.

Since the principal sponsor of Law Day, however, is the American Bar Association, it is fitting to use this occasion to note steps being taken by the local, State and National bars to make our system of law work better.

The American Bar Association is in the process of helping formulate minimum standards for the administration of criminal justice in both State and Federal jurisdictions. This is a gigantic professional and public service undertaking. Standards are being sought for every step of the criminal process from arrest, through trial, sentencing and appeal. Standards that have already been adopted by the ABA house of delegates are concerned with such matters as speedy trials, jury trials, discovery and procedure before trials, function of prosecution and defense, electronic surveillance, guilty pleas, probation, and post conviction remedies.

Present standards for court administration were adopted in 1938. The American Bar Association has a 15-member commission which is now hard at work on suggestions for improving and updating those standards. Because the matters are felt to be urgent, the commission is tackling the standards subject-by-subject. As completed, they will be submitted to the ABA house of delegates for approval. Local bars will then be asked to seek their adoption in each State.

The American Bar Association has a major commission dedicated to a many-faceted approach to improving the Nation's prison system. The ABA has a new volunteer program for lawyers to work as volunteers to help parole officers. The association, in cooperation with other groups, is seeking to encourage more members of minority groups to become attorneys and to provide scholarships for them. The young lawyers section of the ABA initiated a program to educate youngsters on the medical and legal aspects of drugs and their abuse. More than 160,000 junior and senior high school students have taken part in this educational effort.

These association efforts are extremely laudable. But Law Day U.S.A. to be successful needs the support of citizens from all economic levels and from all occupations. We can improve our rule of law by being informed on issues of government and community affairs; voting in elections; respecting the rights of others; practicing and teaching principles of good citizenship in our homes; serving on juries whenever called; obeying, respecting and upholding the law; and supporting the people and the institutions with responsibility for law enforcement.

THE MOSCOW AND WARSAW TREATIES

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SPENCE. Mr. Speaker, I have been disturbed by the extent to which the opposition of the Christian Democratic Union to ratification of the Moscow and Warsaw treaties is being portrayed in the press of this country as an obstinant, recalcitrant determination to plunge Europe and the world back into cold war.

Now, as the Christian Democrats are preparing to call for a vote of no-confidence in the Social Democratic coalition government of Chancellor Willy Brandt, I feel it is important that this ridiculous myth be countered with the facts. If the CDU leader, Rainer Barzel, is elevated to the Chancellorship on the basis of Thursday's vote in the Bundestag, we will be doing him, his party, the German people, and ourselves a gross injustice to permit such an image to be perpetuated.

The Christian Democratic Union is the party of the great Konrad Adenaur and his very capable successors, Ludwig Erhardt and Kurt Georg Kissinger. It is the party that brought West Germany, in little more than 20 years, from the chaos and destruction of war to a peak of economic stability and industrial prowess unrivaled in Western Europe. In fact, a part of the current disenchantment with Willy Brandt's government, in addition to his Ostopolitik and opposition to the treaties, is the fact that he has not maintained Germany's economic stabiliy and progress.

The Christian Democratic Union has no intention of closing the door to negotiations with the Soviet Union or turning its back on detente if Dr. Barzel becomes Chancellor and the party takes control of the government. But we can be certain that negotiations will take on a realistic bent which has not characterized the efforts of Brandt and his chief negotiator, Egon Bahr. If West Germany achieves detente with the East under the Christian Democrats it will be true detente, resulting from true compromise, and not the illusory, here today, gone tomorrow kind of detente which is represented by the Berlin agreement and the Moscow-Warsaw treaties.

If the Soviets are truly interested in improving relations with Western Europe and in implementing their proposed European Security Conference, then they would be willing to negotiate true agreement and would not be so determined to ram treaties down the throats of the West German people by threatening them with renewal of the cold war. When they view the treaties as important enough to warrant that kind of threat, the treaties themselves automatically become suspect. Conversely, anyone does a disservice to truth when he accepts such threats as presaging actual facts.

I believe Dr. Barzel and his government would engage in good-faith negotiations with the U.S.S.R., should they come to power. But I am convinced any agreements negotiated would take into consideration the interests of West Germany's free world partners, including the United States and that the movement toward world peace would continue to be a cooperative effort and not the kind of unilateral withdrawal from responsibility in which the Brandt government has engaged over the past 2 years.

JOHN PARIMUCHA, JR., OF YOUNGSTOWN, OHIO PROMOTES ORTHODOXY

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CARNEY. Mr. Speaker, I would like to take this opportunity to commend Mr. John Parimucha, Jr., of Youngstown, Ohio for the outstanding contributions he has made to his church and community.

Recently, Mr. Parimucha was acclaimed by the Church Messenger, a bimonthly newspaper published by the American Carpatho-Russian Orthodox Greek Catholic Diocese in U.S.A. The newspaper cited his efforts in securing recognition of orthodoxy.

Mr. Speaker, I insert the Church Messenger article in the RECORD at this time:

MAN PROMOTES ORTHODOXY

YOUNGSTOWN, O.—John Parimucha, Jr., a special agent for the Northwestern Mutual Life Insurance Company and a member of St. Michael's Church, Youngstown, where Father George Hutnyan is pastor, has become the Carpatho-Russian version of the well-known Nicholas Royce in promoting Orthodoxy.

Because civil calendars fail to list even the main Orthodox holy days, Mr. Parimucha through a great deal of effort and expense was instrumental in having a special issue of the beautiful 1972 Audubon Bird Calendar of the Northwestern Mutual Company published with a listing of the Orthodox holy days. This was the first time this was accomplished and is indeed a historical event in the efforts to have Orthodoxy recognized as the fourth major faith in America.

Complimentary copies were sent to President Nixon, Vice President Agnew, governors of various states and congressmen. All have acknowledged receiving these calendars in letters praising Mr. Parimucha for his efforts on behalf of his faith.

As a member and trustee of the Eastern Orthodox Men's Society of Youngstown, which was founded in 1962 to remove self-imposed ethnic barriers and to promote better understanding between Orthodox as well as other religious groups. Mr. Parimucha has been active in securing recognition of Orthodoxy.

The Society had a resolution passed in the General Assembly of the State of Ohio on occasion of the 178th anniversary of the establishment of the first Orthodox church on North American soil and special documents were issued to area churches, including St. Michael's Church signed by Lieutenant Governor John W. Brown and Senator Harry Meshel of Mahoning County.

The work of the Eastern Orthodox Men's Society has attracted the attention of Congressman Charles J. Carney of Ohio who publicized its activities in the Congressional Record of March 1, 1972.

Presently Mr. Parimucha is interested in having the government help preserve historic Orthodox buildings as shrines.

As the article indicates, Mr. Parimucha has been very active as a member and trustee of the Eastern Orthodox Men's Society. The society is dedicated to promoting good citizenship and religious understanding between orthodox and other religious groups in our community.

Mr. Speaker, I wish to insert copies of John Parimucha's letters as well as the constitution and by-laws of the Eastern Orthodox Men's Society in the RECORD for the information of my colleagues:

THE NORTHWESTERN MUTUAL
LIFE INSURANCE CO.,
March 28, 1972.

Hon. CHARLES J. CAREY,
U.S. House of Representatives
Washington, D.C.

DEAR CHUCK: It gives me great pleasure, to let you know that the Eastern Orthodox Men's Society, and the Eastern Orthodox Women's Society, held a meeting on March 21, 1972 in St. Michael's Russian Orthodox Social Hall, 125 Steel Street, Youngstown, Ohio.

An authorization was granted by voice vote with the approval of our legal counsel, Charles B. Zubyk, L.L.B., to forward to you our Constitution and By-Laws to be entered into the Congressional RECORD.

We are chartered under the laws of the State of Ohio, as a Non-Profit Social Organization.

Eastern Orthodox Men's Society is strictly a laymen's organization, the women's society is identical.

The Constitution and By-Laws of the Women's Society are in strict compliance with the men's. Their first organizational meeting was held on September 28, 1971.

Enclosed is an official application which must be filled out completely by individuals wishing to join the Society. Also enclosed is our registered Coat of Arms or Seal.

Respectfully yours,
JOHN PARIMUCHA JR.

THE NORTHWESTERN MUTUAL LIFE INSURANCE CO.,
April 17, 1972.

Hon. CHARLES J. CARNEY,
U.S. House of Representatives,
Washington, D.C.

DEAR CHUCK: My Diocese publishes this bi-monthly newspaper, "The Church Messenger". In the current number they have written up my efforts to get the Eastern Orthodox Holy Days into the Audubon Bird Civil Calendar, beginning with the year 1972 and to carry it there-after.

The Diocese has been keeping a close watch on this project and I have made it my duty to keep it informed and my Home Office on all correspondence from all sources.

Now that the efforts of the Eastern Orthodox Men's Society, through you as our Congressman are recorded within the congressional record of the United States Congress, my diocese felt it was time to give credit where credit was due.

I am also forwarding this article to my Home Office.

I felt that perhaps you would like to have this write up as a keep sake for your files.

Respectfully Yours,
JOHN PARIMUCHA, Jr.

THE EASTERN ORTHODOX MEN'S SOCIETY: CONSTITUTION AND BY-LAWS

CONSTITUTION

Preamble

We, the members of the Eastern Orthodox faith of Mahoning Valley, desiring to form, institute and perpetuate a perfect and harmonious understanding between ourselves and the members of the various Eastern Orthodox Churches of the Valley; to stimulate the spirit of good fellowship and cooperation; to serve the Community and Country by taking a more active role in community affairs, do hereby establish and ordain this Constitution.

Article I

Name

This organization shall be known as the "Eastern Orthodox Men's Society".

Motto

The official motto of the Society shall be "Unity Through Truth". The motto signifies that the Society exists because of the Truth our Faith represents and that only through truth can unity come about.

Emblem

The official emblem of The Eastern Orthodox Men's Society shall consist of the following symbols and figures: three Circles within the center of which is a Greek or Byzantine Cross which outlines a Russian Cross, flanking this are a burning Torch and an Anchor, shaping the emblem is an outline combining the Orthodox church domes and through this outline is a continuous Vine. The name "Eastern Orthodox Men's Society" appears above the three circles and the motto "Unity Through Truth" is lettered below.

The three Circles denote the Holy Trinity.

The Crosses represent the sacrifice of the Lord and the aims of sacrifice and service of the Society. The use of both Crosses refers to the unanimity of purpose.

The Torch symbolizes the Light of Truth by which the Society prays to be guided.

The Anchor is Apostle Paul's symbol of hope and the Society's hope that its purpose will be fulfilled.

The Vine symbolizes the Person of Jesus Christ and the union of the faithful with Him.

The continuous outline of the Orthodox domes signifies the union of Orthodox laymen and the oneness of faith of the Society.

Article II

Aims & purposes

The Eastern Orthodox Men's Society, and every member therof, shall always strive to teach, exemplify and achieve the following, Aims, Principals and Purposes:

A. To promote and encourage loyalty to the United States of America, allegiance to its flag, support to the Constitution, and obedience to its laws.

B. To promote and advance Eastern Orthodoxy by publication, education and concerted activities;

C. To instill in every member a due appreciation of the privileges of citizenship and the sacred duties attendant therewith; to encourage its members to be profoundly interested and actively participating in civic, political, social and commercial fields of human endeavor; and to strive for the betterment of society;

D. To promote and support religious, educational, cultural, social and athletic activities for the members of our faith;

E. To promote good fellowship among the members and to endow them with a spirit of altruism, common understanding, mutual benevolence and helpfulness;

F. To champion the cause of education; to support the American system of public schools and to keep such institutions free from religious prejudice; to prevent by lawful means any tendency toward the union of government and church or religion, and to repel the interference of any religion in governmental affairs;

G. To aid those members of the Eastern Orthodox faith of the Valley who are in distress by reason of financial and/or family problems.

Article III

Membership

Sec. 1. Any male person who is of the age of 21 or over, who is a member in good standing of an Eastern Orthodox church in the Mahoning Valley, who is of good moral character, who will support the Constitution of this Society, who is a citizen of this Country, shall be eligible for membership in this Society.

Sec. 2. Annual dues shall be required of all members of this Society, with exception noted in Section 11, and shall be payable at the first regular meeting of each year; at the first regular meeting of each year the dues shall be determined which shall remain the same for the full year. Members shall pay their dues to the Financial Secretary who shall render semi-annual itemized statements of dues collected; members who have not paid their dues by the fourth regular meeting of each year shall be deemed delinquent and shall be deprived of all privileges of the Society; the Financial Secretary shall in writing inform all members of their delinquency.

Sec. 3. Applicants accepted for membership during the first half of the calendar year shall pay the full annual dues; those accepted during the second half shall pay one half of the annual dues.

Sec. 4. Any member who has been suspended for reason of non-payment of dues shall have the right of re-instatement by paying in full all dues in arrears.

Sec. 5. Any member whose dues are in arrears as long as fifteen (15) months shall be listed as being in bad standing. He shall be notified of his delinquency by the Financial Secretary, in writing, and shall be reminded that he is risking suspension for nonpayment of dues. If within thirty days after he has been thus notified and reminded, he neither pays his dues nor gives a valid reason for his delinquency to the Society, he shall be suspended and the Secretary shall report such suspension to the Society. Such suspended member shall be permitted to reenter active membership in the Society only after approval by the Executive Committee and only after payment of all dues in arrears is made with the conditions attached if necessary that these dues be repaid under a plan agreeable to the Executive Board.

Sec. 6. Any person seeking membership in this Society shall fill and sign the required application form, endorsed by two members and deposited with the Secretary with the required initiation fee.

Sec. 7. The Secretary shall present the application to the Society at any meeting; the President shall refer the same to the Investigation Committee who shall inquire into the fitness of the applicant and report their findings to the Society; all reports must be made within two months after referral to such committee.

Sec. 8. An applicant for membership into this Society shall be admitted upon approval of the General Membership after being recommended by the Investigation Committee.

Sec. 9. In the event an applicant is rejected, he shall have the right to re-submit another application after six months from the time of his rejection by the Investigation Committee or the General Membership.

Sec. 10. No person shall willfully make any false answers or statements on his application to gain admission into this Society; notice of such wrongful act by a member shall require that he defend himself of the charges brought by the Investigation Committee; the general membership shall vote for his dismissal from the Society which shall require a majority vote.

Sec. 11. Members in the following categories may exempt themselves from annual dues:

A. Full time university or seminar students.

B. Members of the United States armed forces.

C. Age 65 or older.

D. In special instances initiation fees and dues may be waived by the Executive Committee.

ARTICLE IV

Initiation and fees

Sec. 1. Each candidate whose application has been duly accepted by the Society shall present himself at the time and place designated by the Secretary and shall submit to the Rituals prescribed by the Society before the full rights and privileges of membership can be conferred upon him.

Sec. 2. The initiation fee, which shall be determined at the first meeting of each year, must be paid in advance before a candidate shall be initiated into the Society.

Sec. 3. Upon a candidate becoming a regular member of the Society, a membership card shall be issued to him by the Secretary.

Article V

Officers and Committees

Sec. 1. The elective officers of this Society shall consist of the following: President, First Vice President, Second Vice President, Recording Secretary, Financial Secretary, Corresponding Secretary, Treasurer, Captain of the Guard, Warden, Lay Chaplain and the Board of Trustees.

Sec. 1a. The Eastern Orthodox Clergy Association of Mahoning Valley shall appoint one of its own clergy members to serve as Chaplain for the Society who shall be the official representative of the EOCA and who shall have the right to attend the executive meetings of the Society.

Sec. 2. The Board of Trustees shall be comprised of one (1) representative from each of the Eastern Orthodox Churches in the Mahoning Valley.

Sec. 3. The last retiring President of the Society shall be automatically made the Chairman of the Board of Trustees and shall be entitled to vote.

Sec. 4. The officers of the Society shall serve for a term of twelve months, or until their successors are elected and qualified.

Sec. 5. No person shall be eligible to the office of President unless he has served in an elective position for a period of two years, or has served on the Executive Board for a period of two years. No person shall retain the position of President for more than two successive terms.

Sec. 6. To be qualified as a candidate for any office of the Society, such person must have paid his current yearly dues, and must have attended at least one-half of the regular meetings of the current year.

Sec. 7. Nominations for elective officers shall be made from the floor at a regular or a special meeting called for that purpose during the month of November. The election shall be held at the meeting during the month of December, at which time additional nominations may be made. The nominees shall be voted upon by the members of the Society by Secret Ballot; the President shall appoint three tellers to tabulate the votes, which shall be recorded by the Secretary; the candidate receiving the majority of the votes cast shall be deemed the elected person to that office; no proxy vote shall be permitted at any election for officers; the President shall determine the elected officer in the event of a tie vote, this will not deprive the President of his right to vote in the first instance.

Sec. 8. Installation ceremonies shall be held during the month of December or January and the newly elected officers shall assume their duties beginning the 1st day of January or upon installation, whichever is the latter date.

Sec. 9. Any vacancies created during the term of office shall be filled by the President and such appointed officer shall retain the position until the next general election of officers.

Sec. 10. In the event of a vacancy of the office of President, then the First Vice President shall automatically succeed to and assume the office.

Sec. 11. Elected officers who have failed to attend three (3) regular meetings in succession or a total of six (6) meetings in one calendar year shall be subject to removal from office by vote of the Executive Committee.

Sec. 12. Any officer or member may be removed from office and/or membership in the Society by the following procedure:

A. A formal complaint in writing must be made by a member in good standing and filed with the Corresponding Secretary.

B. The Secretary shall mail a copy to the accused by registered mail and forward a copy to the Chairman of the Investigation Committee.

C. An investigation shall be made and a report made to the general membership at a meeting called for that purpose and to give the accused an opportunity to answer the charges and defend himself.

D. Action for removal of the officer requires a two-thirds vote; the accused shall abstain from voting.

Sec. 13. There shall be the following Standing Committees: Membership, Educational, Cultural, Civic, Investigation, Sick, Welfare, Social, Athletic, Public Relations, Publication, Scholarship.

Sec. 14. The Advisory Board shall be comprised of the priests from the Eastern Orthodox Churches in Mahoning Valley who choose to serve. They will be Honorary Members and shall not have any voting rights in the Society, but shall have the right of advising the membership as to matters of interest.

Sec. 15. The Executive Committee shall consist of the elected officers of the Society and the Chairman of the Standing Committees. Its duties and powers will include the holding of monthly meetings to be determined by the President and shall take up all matters of interest to the Society and shall make recommendations to the membership at regular meetings. The Executive Committee shall serve as a Nominating Committee for regular officers' elections.

Sec. 16. The Executive Committee shall have the power to rent, lease, own and maintain such real estate, buildings, equipment, personal property and operations of every kind and description; to purchase real estate or personal property for investment or resale, and to buy, sell, lease, assign, mortgage, own and dispose of property, both real and personal, as may be necessary and proper for instituting and carrying out the purposes of the Society, subject to the approval of two-thirds ($2/3$) of the membership attending at the time approval is balloted upon. Two weeks written notice to the membership shall be required prior to voting on all matters pertaining to real property.

Sec. 17. The President shall appoint an Historian whose duties shall be to maintain the Archives of the Society.

Sec. 18. That any expenditure of $200.00 (two hundred dollars) or more, must be approved by the general membership at an official meeting.

Article VI

Powers and duties of officers

Sec. 1. The President shall preside at all meetings of the Society and shall enforce strict enforcement and observance of the rules of Parliamentary Procedure and of the laws of the Society; he shall supervise all activities of the Society and shall make a written report upon his completion of the term of his office; he shall represent the Society at all public affairs; he shall appoint the Chairman of all the Standing and Special Committees; he shall be the ex-officio member of all committees and may discharge any committee member for failure to carry out his duties; he shall have the power to call special meetings of the Society.

Sec. 2. The First Vice President shall assist the President in conducting the business of the Society and shall perform such duties as may be assigned to him by the President; in the event of the absence, disqualification or disability of the President, the First Vice President shall assume and perform the duties of the President.

Sec. 3. The Second Vice President shall assist the President and shall perform the duties assigned to him by the President; he shall succeed to the position of the First Vice President in the event of a vacancy in the office.

Sec. 4. The Treasurer shall receive and deposit in a bank approved by the Society any and all monies acquired by him; he must make a written report of all monies and finances at each regular meeting; all checks issued by him must be countersigned by the President; he must receive approval for the payment of any monies exceeding Fifty Dollars from the general membership.

Sec. 5. The Financial Secretary shall keep a record of all the assets of the Society; he shall present proposals for the acquisition of funds; he shall be responsible for all financial accounts and activities of the Society; he shall turn over to the Treasurer any funds acquired by him and to keep an accounting of same for his records.

Sec. 6. The Recording Secretary shall keep the minutes of all meetings and keep an accurate record of individual attendance at meetings.

Sec. 7. The Corresponding Secretary will assist those officers whose duty may require the answering of correspondence; he shall be responsible for the timely notice to the members of all general and special meetings.

Sec. 8. The Captain of the Guard shall execute all orders of the President and to assist him in the conduct of the meetings and at initiation ceremonies.

Sec. 9. The Warden shall pen and close the meeting halls and to take care of all property of the Society, such as the regalia, insignia, paraphernalia and other personal property.

Sec. 10. The Chaplain shall open and close the meetings of the Society with a prayer; and to promote the spiritual welfare of the members.

Sec. 11. The Board of Trustees shall have the power and the duty to examine the books and records of the Society; to conduct an audit each year; to supervise the business of the Society, but shall not conduct any business in the name of the Society unless authorized by the general membership.

Article VII

Standing committees

Upon assuming his duties of office in January, the newly elected President, subject to the approval of the Executive Committee, shall appoint the following standing committees:

1. Membership. To secure new members and to facilitate the re-instatement of delinquent members; to encourage the members to attend meetings.

2. Welfare. To help those members of the Orthodox faith who are in need of financial support or who are seeking employment; to help those who are having domestic difficulties; to help those who are in distress.

3. Civic. To encourage civic responsibility and community spirit; to inform the Society of the qualifications of candidates for governmental offices and the issues on the ballots.

4. Social. To encourage and sponsor social activities for the Society; to plan the installation dinners for officers and the initiation ceremonies for new members.

5. Athletic. To encourage and sponsor athletic activities for the Society.

6. Education. To secure competent lecturers for the Society's affairs; to educate the members on the history, traditions, teachings, and the rituals of the Eastern Orthodox faith; to otherwise promote the educational programs for the Society.

7. Cultural. To acquaint the members of the Society with the customs and traditions of the national background of their brother members; to promote such activities of a cultural nature as will stimulate unity and membership within the Society.

8. Investigation. To investigate the background of applicants for the Society; to investigate complaints against officers and members after authorization is ordered and to make the necessary report to the President or the Society.

9. Public Relations. To promote the Society; to aid the Orthodox faith by promotional means.

10. Publications. To publish those publications in the name of the Society as are approved by the membership of the Society.

11. Sick. To send Get-Well cards and Sympathy cards to members; to send contributions to Sunday School in memory of deceased members.

12. Scholarship. To screen eligible applicants and select recipients for financial scholarship, from among families of the Eastern Orthodox Churches of the Mahoning Valley.

Article VIII

Meetings of the society

Sec. 1. Regular meetings of the Society shall be held at such time and place as is determined at the prior meeting of the Society, otherwise the President may determine the time and place of meetings; at least one (1) regular meeting shall be held each month.

Sec. 2. Special meetings may be called upon the order of the President or upon the written request of nine (9) members forwarded to the President; reasonable notice must be given to all members of the time, place and purpose of special meetings.

Sec. 3. A quorum for the transacting of any business of the Society shall consist of fifteen (15) members.

Sec. 4. Roberts' Rules of Order shall prevail as a guide in the conduct of the meetings of the Society.

Sec. 5. Any actions taken at any meeting or any discussions made therein or any information of the Society, which is declared to be important and of a confidential nature, shall not be revealed to any non-member; any violation of the above shall be grounds for penalizing the member in accordance with procedure enacted by the Society.

Article IX

Amendments

Sec. 1. The Constitution and By-Laws of this Society may be amended by a two-thirds vote of those members present and voting after a two weeks notice in writing is transmitted to all members of the proposed amendment.

Article X

Bylaws

Sec. 1. All rituals and religious services of the Society shall conform with the canons of the Eastern Orthodox Church.

Sec. 2. The official publication of the Society shall be "The Orthodox Word", published by the Society under conditions established and agreed to by the General Membership of the Society.

Sec. 3. The Financial Secretary shall receive, as compensation, the sum of $120.00 (One hundred and twenty dollars) per year, payable quarterly.

Sec. 4. The official bowling league of the Society shall be known as the Eastern Orthodox Men's Society Bowling League; membership of which shall be subject to strict compliance with Article III, Section 1 and Section 2 of the Constitution.

Sec. 5. The official golf league of the Society shall be known as the Eastern Orthodox Men's Society Golf League; membership of which shall be subject to strict compliance with Article III, Section 1 and Section 2 of the Constitution.

Sec. 6. The official women's auxiliary of the Eastern Orthodox Men's Society shall be known as the Eastern Orthodox Women's Society, whose Constitution shall be in compliance with the Constitution of the Eastern Orthodox Men's Society.

Sec. 7. The official youth auxiliary of the Eastern Orthodox Men's Society shall be known as the Eastern Orthodox Youth Society, whose Constitution shall be in compliance with the Constitution of the Eastern Orthodox Men's Society.

Sec. 8. The official choir of the Eastern Orthodox Men's Society shall be known as the Eastern Orthodox Men's Society Choir, whose Constitution shall be in compliance with the Constitution of the Eastern Orthodox Men's Society.

THE "WIN"—OR LOSE?—PROGRAM

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MITCHELL. Mr. Speaker, as of July 1, 1972, AFDC recipients will have to register for work, under the Talmadge Amendments to the Work Incentive, or "WIN," program. Apparently the assumption was that once mothers of small children, school-age children, et cetera, were taken into account, about a million persons would have to seek work or enter training programs. About 160,000 training slots are projected nationally.

Yesterday, the Department of Labor provided me with some staggering estimates. Two and a quarter million people will have to register. A million and a half of these must go to find work, or into training. Can you fathom the incredible increase in the unemployment rate? Five million two hundred fifteen thousand Americans are already "officially" unemployed. This does not count hundreds of thousands more who are not "officially" in the work force. Add to these totals a third-quarter surge of a million and a half persons, chronically unemployed persons, and the unemployment rate is sure to skyrocket, because there is no way to create that many jobs within the next 2 months, to say nothing of getting day care organized.

If there were a way, why has not it been done?

I suggest that the Congress keep a peeled eye on what happens this summer. We have already seen the administration suppress the Bureau of Labor Statistics unemployment rates for the black ghetto. With this sudden augmentation of the work force by a million and a half largely unskilled persons, the unemployment statistics could become the most classified data in the Government.

TRANSFER OF RECORDS CAUSES PROBLEMS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. TIERNAN. Mr. Speaker, I would like to bring your attention to a most distressing plight that has plagued a number of my constituents as well as thousands of other employees of the Environmental Protection Agency.

As you may know, EPA picked up many of its employees from previously existing agencies. All HEW payroll records were forwarded to EPA-Interior for future payrolls. This transfer of records was to be completed by December 1971. Since that time, however, constant and continuing problems have been the rule rather than the exception.

As an example, I submit some of the inequities which have affected employees of the Northeast Water Quality Laboratory at Narragansett, R.I. Each pay period, one or more checks are not received. In addition, many of the checks that are received are for incorrect amounts. Earned leave has not been transferred so employees using eligible leave time are carried in leave-without-pay status. Incorrect withholdings are prevalent. Health and insurance benefits were not transferred and incorrect deductions are continuously made.

One of the employees of the laboratory, Mr. Alfred P. Dufour, has not been paid on three separate occasions. Now we all know that the demands of caring for a family do not fluctuate with each administrative error.

Mr. Speaker, 4 months is more than ample time in which to obtain a smooth transfer of existing information. Surely, concentrated administrative action can correct these inequities in an expeditious manner. I propose that the Congress take a more active role in overseeing the initial administrative operations of new agencies established by the Congress.

STEWART AIR FORCE BASE EXPANSION—THE FOURTH NEW YORK METROPOLITAN JETPORT?

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. FISH. Mr. Speaker, directly to my congressional district, and affecting the residents of the area I represent, the Metropolitan Transportation Authority of New York is planning a development of Stewart Airport, the former Stewart Air Base, turned over to the MTA by the Department of Defense as surplus property in 1969.

At a 3-day public hearing on the proposed development held in Orange County, the area in which Stewart is physically located, I was invited to present a statement. I insert that statement in its entirety, as the questions raised are, I believe, of broader importance than Stewart alone.

The statement follows:

STATEMENT BY HON. HAMILTON FISH, JR., REPRESENTATIVE IN CONGRESS, BEFORE STEWART AIRPORT IMPACT STATEMENT HEARING, APRIL 25, 1972

Mr. Mills, Mr. Parry, Mr. Christian, and Mr. Mays, I want not only to thank you for inviting me to insert a statement in the record of these hearings on the proposed runway extension of Stewart Airport, but I wish to congratulate you for holding these hearings.

Orange County has never been a part of my Congressional District, but representing areas immediately adjacent, I have been interested in developments at Stewart ever since the Defense Department's first announcement in 1969 that Stewart Air Force Base was to be closed as an operating Air Force Base.

At that time, in cooperation with the Representative from Orange County, due to my deep concern about the loss of employment caused by such a closeout, I was involved in the unsuccessful effort to keep the Defense Department from abandoning the airport. Subsequently, I was in touch with efforts by the City of Newburgh and the Newburgh Chamber of Commerce to develop ways to make Stewart, once abandoned, an economic asset rather than an employment liability. Like many of you, I breathed a sigh of relief when the facility was acquired by MTA to be operated as a general and freight airport.

I mention this background to stress the fact that there never was any question that Stewart, developed as an airport back in 1942, was an airport, and that it was to be maintained and operated as an airport.

About one year ago, the question arose, "What kind of airport?" Would it be a general airport as was understood in the original MTA agreement, or would it be converted into a major commercial jetport similar to LaGuardia, Newark or Kennedy? For if this second option were true, it would involve a difference in degree of environmental, economic and social impact on the entire Hudson Valley region as to represent an absolute difference in kind. That such a radical change was being contemplated, was first signaled when Governor Rockefeller announced without prior feasibility studies, safety studies, or environmental impact studies, that Stewart Airport would be developed into the Metropolitan area's fourth major jetport.

Fears of what the impact of such a massive, unstudied development might be on the entire region were only temporarily allayed by the Governor's later announcement that the jetport idea had been scrapped and that Stewart would be developed as a general aviation and freight airport. This was because the Governor's second statement was quickly followed by disclosure of plans to extend the existing 8,000 foot main Stewart runway to 12,000 feet, enough to handle fully loaded, the largest commercial aircraft in use today.

This proposed extension, under MTA planning, is to be financed strictly by the state, and we are assured by MTA that this proposal, in the words of Dr. William J. Ronan, Chairman of the Metropolitan Transportation Authority, is "essential in order to utilize the *present* air field for cargo aircraft, diversion flights of common carriers, charter business and general aviation services." We are assured in fact that this extension is in no way related to the possibility of Stewart becoming the Metropolitan area's fourth major jetport, and is in no way a pre-judgment on what the findings of a partially federally financed by uncompleted master plan study will contain.

Yet, even as I was receiving the above assurance from Dr. Ronan, John H. Shaffer, head of the Federal Aviation Administration was reported to have endorsed the idea of development of Stewart Airport as the Metropolitan area's fourth major jetport—a statement Mr. Shaffer's office will neither confirm nor deny.

Again, the credibility gap between what is being officially stated, and what is officially planned is widened.

The FAA, if this report of Mr. Shaffer's statement is accurate, would seem to have also managed to arrive at rather far reaching conclusions on the eventual development of Stewart airport without the benefit of the results of the current masterplan study, two thirds of the cost of which is being financed by the FAA.

Mr. Shaffer's statement has therefore added to the long list of contradictions by state and federal officials about Stewart development. Add all this together and there can be little wonder that the people of the Hudson Valley area are suspicious about development plans and understandably fear the 4,000 foot runway extension may be something more than a move to make Stewart an economically viable general aviation airport.

Given these series of contradictions, one must question why the state of New York and the MTA are moving forward with the runway extension without applying for Federal financial assistance which is available. It is natural to question the apparent race to construct this additional 4,000 feet of runway prior to the completion of any masterplan. There should be no surprise that the suspicion has risen in many minds that this neglect to seek Federal financial assistance is a bid to avoid environmental and public hearing requirements under the Airport and Airways Development Act of 1970, and that the rush to construction without these safeguards, may be a move to present the residents of the Hudson Valley region with a largely completed major jetport facility prior to the completion of this study.

This rush to construction seems particularly questionable as it is my understanding that the earliest date that Administration action to give the official Federal go ahead on the FAA's environmental impact statement on the proposed runway extension can be given is May 28, 1972, while at the same time we are assured by MTA that preliminary findings of the masterplan study will be ready by June of this year.

For all these reasons it is and has been my position that Stewart development action should be slowed pending the submission of the master plan for Stewart. In short, let us see what the overall plan proposes for Stewart prior to taking steps which may of themselves make development of a major jetport inevitable regardless of the social, economic or environmental impact such development could have on our region. What I advocate is planning prior to development rather than crash adjustments to unplanned projects.

Such a concept of prior planning plus broad public discussion and disclosure in an aim inherent in the Environmental Policy Act of 1969 and the Airport and Airways Development Act of 1970. This is a goal to which we should all adhere if we are to enjoy rational development without the disastrous impacts on our environment and social systems we have experienced in the past. Such is the clear intent of Congress in all recent Federal legislation covering such development.

To make this goal of planning prior to project development a reality to all airport development, even, as in this case, should the state decide to move forward without federal funds with their accompanying Federal safeguards, I have joined in co-sponsoring legislation introduced by Congressman John Dow of Orange County to amend the Federal Aviation Act of 1958 to require public hearings on the economic, social and environmental consequences of airport alterations at any airport where there is a Federally maintained air navigation facility.

Just as we oppose blind opposition to all progress as a guarantee of stagnation, so too we must oppose blind progress as a sure formula for unhealthy and often irreversible social and environmental damage.

No one can reasonably question that Stewart has been and is an airport. No one, I believe, can question the need for certain improvements to the airport to make it an economically viable facility within the dimensions of the original MTA leasing agreement with the Department of Defense. But I believe it only reasonable to question the possible danger to the entire region of being faced with a totally different scale of development screened in the guise of reaching these acknowledged goals.

What is needed is a study of the impact on the entire Hudson Valley of any Stewart development. What is called for is the involvement of persons and groups directly concerned.

Again, I believe Orange County and its leaders are to be commended for holding this series of public hearings. I only regret that other commitments prevent me from appearing personally, not only to present this statement, but to assure my constituents that I stand ready now, as I have in the past, to work with all levels of government to provide our Hudson Valley region with planned and ordered growth.

TELEPHONE PRIVACY—XVIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ASPIN. Mr. Speaker, I am presently circulating a "Dear Colleague" letter on the telephone privacy bill (H.R. 13267), which has already been cosponsored by 28 Members.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the names of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates and organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

As I noted in a statement on March 9, I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 16th sampling of these letters into the Record, since they describe far more vividly than I possibly could the need for this legislation.

These letters follow—the names have been omitted:

Lancaster, N.Y.,
April 7, 1972.

The Honorable Mr. Aspin,
House of Representatives,
Washington, D.C.

Dear Sir: My husband and I have been delighted to read in a recent article of your bill which would limit the use of telephones for ads and other solicitations.

This is a growing abuse and certainly an invasion of privacy of our home. In one recent week I received five of such calls. Complaints to the sponsoring company bring no results, and legislation is probably our only salvation.

I will write my own representatives to urge their support of your bill; and wish you success in this area.

Yours truly,

——— ———.

Arlington, Va.,
April 13, 1972.

I favor your bill to stop unsolicited telephone calls. I was encouraged to read of your effort in Action Line–Evening Star.

——— ———.

Houston, Tex.,
April 9, 1972.

I approve of the bill to prohibit sales soliciting on the telephone. Yea yea.

How can I help?

Tired of it all in Houston.

Sincerely,

——— ———.

McLean, Va.,
April 5, 1972.

The Honorable Lee Aspin,
House of Representatives,
Washington, D.C.

Dear Congressman Aspin: I note in tonight's Evening Star (clipping attached) that you have introduced a bill to limit unsolicited telephone calls. I heartily endorse this proposed legislation and would appreciate your letting me know what I can do to help.

I have already complained to the telephone company, which tells me that an unlisted phone would do no good. It seems that telephone solicitors simply start with the first three digits of a "rich" area like McLean, Va., and systematically call every four-digit combination following the exchange numbers. As a telephone subscriber I am glad to pay for my own incoming and outgoing calls, but I should not automatically become a target for dinnertime harassment by fly-by-night real estate operators and tango schools.

In the spirit of your telephone-control bill, may I suggest that you also address yourself to controlling the junk mail which daily overflows my mailbox. At an average of one-half ounce per 8c stamp, first-class mail now costs $2.56 per pound. Meanwhile, bulk-rate advertising is being delivered by the same postman at 28c per pound.

I would rate telephone solicitations and junk mail as equal nuisances, neither of which should be permitted—much less encouraged by postal subsidies.

Sincerely,

——— ———.

ALEXANDRIA, VA.,
April 12, 1972.

Hon. LESLIE ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: We wish to add our support to your amendment to the Communications Act of 1934, which would stop unsolicited phone calls. Please forward this letter to the Interstate Foreign Commerce Committee. Any quick action that could be taken on this amendment would be greatly appreciated.

There is no need to acknowledge this letter (I work for the government, also).

Sincerely yours,

——— ———.

MT. PLEASANT, PA.
April 7, 1972.

To Representative LES ASPIN:

I have just read your bill against these phone salesmen in our local papers Editorial section "The Mount Pleasant Journal". And they named it phone pests and a truer word was really spoken. I am very much in favor of this bill and would support it. I am glad someone is starting action against this type of calling. I will support this bill. I don't like to be bothered on the telephone with these salesmen as I do our business with our local people.

——— ———.

MR. PAUL VASSALLO HONORED

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, I would like to call the attention of my colleagues to an honor recently bestowed upon Mr. Paul Vassallo, Chief of the Library of Congress Congressional Reference Division for the past 6 years.

Mr. Vassallo has now left this position to accept the directorship of the National Serials Data Program, which is supported jointly by the Library of Congress, the National Agricultural Library, and the National Library of Medicine.

Most of us have occasion to benefit from the excellent services provided by the congressional reference division under Mr. Vassallo's leadership during the past 6 years.

It is a mark of Mr. Vassallo's outstanding reputation in the library field that he has been chosen for this prestigious new position.

The National Serials Data Program is in the process of developing a central machine-readable source of serial cataloging information, and an economically feasible system of handling serials that will eliminate the costly duplicative input and conversion projects that would otherwise be necessary.

Although great progress has been made during the past century in developing standard bibliographic description and centralized cataloging for books, there has been a growing need for similar controls for serial publications.

A pilot program was launched in 1969 by the Association of Research Libraries, following a first-phase study by the Library of Congress. The appointment of Mr. Vassallo opens the third phase of the program.

Mr. Vassallo brings a wealth of talent and experience to his challenging new post. A graduate of Wayne State University in Detroit, he later earned a master's degree in library science at the University of Michigan. He came to the Library of Congress in 1962 under a special recruitment program for outstanding graduates.

He served as assistant head of the hispanic exchange section, exchange and gift division; subject cataloger, subject cataloging division; head of the newspaper and periodical section of the serial division; assistant head of the public reference section of the general reference and bibliography division, and assistant chief of the serial record division before his assignment to direct the congressional reference division. For several months in 1967–68, as consultant to the national serials data program, he was assistant to the dean of the School of Library and Information Service of the University of Maryland.

In his new position, Mr. Vassallo will have his headquarters office in the Library of Congress.

I am sure that all my colleagues join me in thanking Mr. Vassallo for his outstanding service to our offices in the past 6 years, and in wishing him well in his new assignment.

SOCIAL SECURITY NEEDS

HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CELLER. Mr. Speaker, as a lifetime supporter of social security legislation, I am vitally aware of the continuing problems inherent in assuring a responsible system of benefits and assistance. Those problems are very much before the Congress this year.

As an overview, it is important, I think, that our social security structure be viewed as a flexible, evolving mechanism able to meet the changing needs of society. There are right now in 1972, for example, new needs that must be met by effective legislation. For that reason, I am a supporter in the current Congress of a wide-ranging 457-page bill that would effect badly needed revisions in the administration of our social security program. Under the bill, 27.4 million beneficiaries would become entitled to higher payments and 16,000 people would be made newly eligible; it is estimated that about $2.1 billion in additional benefits would be paid in the first full year.

This legislation does not resolve every inequity that exists in our social security structure; nor does it resolve all those questions raised by its own provisions—some of which I would like to explore briefly here. But it is an important first step in many of the right directions, and does provide needed relief in several areas. I voted for that bill, and am pleased to report that it successfully passed the House of Representatives last June. It is currently pending in the Senate.

First, by the terms of the pending legislation, social security benefits would be increased by 5 percent. The minimum benefit would be increased from $70.40 to $74 a month. The average old age insurance benefit would rise from an estimated $133 to $141 per month, and the average benefit for aged couples would increase from an estimated $222 to $234 a month. Special benefits for persons aged 72 and older who are not insured for regular benefits would be increased from $48.30 to $50.80 for individuals, and from $72.50 to $76.20 for couples.

I believe that these benefit increases represent "musts" toward an improved program. We have to look ahead, however.

Since the passage of the legislation in the House, the chairman of the House Committee on Ways and Means has proposed a 20-percent boost in social security benefits. I strongly support that proposal, because I believe an increase of that magnitude is vitally needed if we are to assure adequate income for older Americans.

One very important feature that is included in the House-passed legislation is a provision automatically increasing social security benefits according to rises in the cost of living. A mechanism of this kind, as we shall see, has been needed for many years. Under the pending bill, automatic increases could occur once a year, should the Consumer Price Index increase by 3 percent or more.

This provision particularly is of the kind that ought to underlie our social security policy. It assures a continuing system to meet genuine need when inflation presses down upon us.

Beneficiaries have been long aware that periods between congressional increases in the level of pension benefits are often marked by rising costs set against fixed incomes. This works an extreme financial hardship on beneficiaries who must wait for Congress to act. In the past, Congress has attempted to anticipate and provide for higher living costs through remedial, but not automatic, increases. In every case, however, these increases have followed extremely difficult periods in which living costs soared well above 3 percent.

Since World War II, social security benefits have been increased seven times by congressional action—in 1950, 1952, 1954, 1958, 1965, 1968, and 1969. The last four increases are instructive: In 1958, benefits were raised by 7 percent; however, beneficiaries had gone 4 years without an increase in an inflationary era that saw prices rise by 6.2 percent. Congress acted again with another 7-percent increase in 1965; in the 7-year period prior to that increase, however, beneficiaries suffered through an 8.8-percent rise in the Consumer Price Index. In 1968, legislation was forced as a remedy to a 9.4-percent increase in prices, and only a year later Congress was faced with an 11-percent price rise, forcing another benefit increase.

Another extremely welcome advance is the provision affording equality of treatment to all who reach age 62; the new legislation allows men and women alike to receive benefits at that age.

There are other weaknesses in present law addressed by the House-passed bill. Today, for example, a beneficiary under age 72 may earn $140 per month, or $1,680 annually, without sacrificing any benefits. Once these "exempt" earnings levels are reached, however, there is a reduction in benefits of $1 for each $2 of earnings between $1,680 and $2,880 and for each $1 of earnings above $2,880.

Under the pending bill, the amount that a beneficiary under age 72 may earn in a year and still be paid full benefits for that year would be increased to $2,000, a rise justified by the 20-percent increase in earnings since the effective date of the present exemption level. In addition, the bill provides for a $1 reduction for each $2 earned above the basic $2,000 figure—there would be no $1 for $1 reduction as under present law. This latter revision partially avoids the work disincentives encouraged by existing rules, and at the same time recognizes that a balance must be struck between the principles of payment based on economic need and payment based on eligibility and past contribution. Another step toward striking that balance is an increase by 1 percent for each year—one-twelfth of 1 percent for each month—in which the worker between ages 65 and 72 does not receive benefits because he is working after age 65. One questionable aspect of the whole earnings exemption problem which requires further rethinking is that many who retire, and are engaging in no work after age 62, still receive full benefits despite hundreds, perhaps thousands, of dollars of monthly income based on dividends, investments, and so forth.

In general, future social security legislation ought to avoid those inequities that permit the receipt of benefits for which there is no real social need, and should remedy those inequities that result in discriminatory treatment. As an example, there is reason for concern about one effect of the new bill's desirable increase in widows' and widowers' insurance benefits. Current law provides that a widow or dependent widower applying for benefits is entitled to monthly benefits equal to 82½ percent of her or his deceased spouse's primary benefit. Under the bill, that figure would rise to 100 percent, reflecting a rational belief that a surviving widow requires as large a benefit to live as a surviving worker. This provision should be enacted. Still, some thought should be given to redressing the inequity this works upon unmarried female workers, who are entitled only to primary benefits based on their own earnings, while widows, who may never have worked, would receive full primary amounts based on their husband's usually higher salaries.

The status of marriage under the social security laws generally ought to be further clarified. Why, for example, should an unmarried female worker surrender later claim to her own hard-earned benefits by the simple act of marriage? That question has only been partially explored in consideration of the pending bill's provision to compute benefits for working married couples on the basis of combined earnings.

It is encouraging that the House has already shown that it can substantially improve the effectiveness of the adult assistance programs. The bill which passed last June, for example, through innovation and reform, strengthens these programs in three important ways. First, it replaces the three present State-administered programs of assistance to the aged, blind, and disabled with one combined adult assistance program which would be federally administered by the Social Security Administration, and would have nationally uniform requirements for such eligibility factors as the level and type of resources allowed and the degree of disability or blindness. Additionally, each aged, blind, or disabled adult would receive assistance sufficient to bring his total monthly income up to $130 in fiscal year 1973, $140 in fiscal year 1974, and $150 thereafter—for couples, the levels would be $195 in fiscal year 1973 and $200 thereafter. The cost of maintaining these specific benefit levels will be borne entirely by the Federal Government.

Finally, the two major health programs of the Social Security Act—medicare and medicaid—are also affected by the House bill. Prior to passage, the House conducted a thorough review of the operations of those two programs. Taken together, they accounted for $10 billion of the total $67 billion which were expended for health care in this country in fiscal 1970. Two major changes in the medicare program are effected by this bill. Coverage is broadened to include persons entitled to disability benefits under the social security and railroad retirement programs, after they have been disabled for at least 2 years. And, additionally, to lessen the burden borne by beneficiaries because of rising health costs, the premiums paid by persons enrolled in the supplementary medical insurance program are to be increased only in the event of a general increase in cash benefits.

The real solutions to the problem of health care in this country, however, lie outside the social security bill. For that reason, I am cosponsor of H.R. 22, the so-called Kennedy-Griffiths bill, a legislative proposal to establish a health security program for all Americans through the mechanism of comprehensive national health insurance.

The proposal envisions what its sponsors term "a working partnership between the public and private sector," through Government financing and administrative management, and private provision of personal health services through private practitioners and institutions.

Every individual in this country is eligible to receive benefits under the proposed bill. There is no requirement of past individual contributions and there is no test of financial means. In these ways, the new health security program differs importantly from social security and medicare legislation. Basically, the benefits available cover the whole range of personal health care services—the prevention and early detection of disease, the cure and treatment of illness and infection, and the process of medical rehabilitation. Furthermore, the program is not confused or encumbered by cutoff dates, coinsurance, deductibles, or waiting periods.

I am hopeful the Congress can move on the health legislation in the near future. The Nixon administration has proposed a less progressive alternative modeled on the private insurance system; I intend to reject that proposal and to fight for H.R. 22. It is that bill, I feel, that best reflects the conviction that health care in this country is not a privilege of the few, but a right for all.

THE COURAGE AND STRUGGLE OF THE LITHUANIAN PEOPLE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. RODINO. Mr. Speaker, in view of my continued support for the hopes and ideals of the Lithuanian people, I would like to place in the RECORD the following petition received by me from the Lithuanian American Council. I feel no further words are necessary on my part to emphasize the importance of this "Petition to the People of the Free World":

LITHUANIAN AMERICAN COUNCIL, INC.,
Chicago, Ill.

PETITION TO THE PEOPLE OF THE FREE WORLD

We, gathered at Chicago's Civic Center Plaza, Saturday, April 1, 1972, protest the systematic violation of religious rights in Soviet occupied Lithuania.

We protest the Soviet disregard of Article 18 of the Universal Declaration of Human Rights.

We protest the unjust exile of Lithuanian Bishops, Vincentas Sladkevicius and Julijonas Steponavicius.

We protest the jailing of Lithuanian priests, Prosperas Bubnys, Antanas Seskevicius and Juozas Zdebskis and others for exercise of their priestly duty, at the request of parents, in preparing children for their first Communion.

We protest the restriction placed on the training of youths for the ministry and the prohibition on rebuilding war-damaged churches.

We support the petition signed by 17,000 Lithuanian Catholics protesting religious persecution in Soviet occupied Lithuania which was gathered despite Soviet police harassment and sent to Mr. Kurt Waldheim, Secretary General of the United Nations.

We urge the Secretary General to support the Lithuanian petition.

We urge all people, who are committed to the proposition that religious freedom is one of the basic human rights, to actively support this Lithuanian petition.

We call to your attention the fact that the deprivation of basic human rights flows from the forcible occupation of Lithuania and the suppression of freedom and independence by the forces of the Soviet Union. We petition and urge you, Mr. Secretary General, and the United Nations to take action against the imperialistic, aggressive, illegal actions of the Soviet Union against Lithuania and the other Baltic States.

TOWARD PEACE—NOT WAR

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ESCHO. Mr. Speaker, men of good will, here in the United States and around the world, are distressed and dismayed at the killing and destruction in Indochina over the past 3 weeks. For most of us, the reduction in the fighting and killing over the past few months had been a hopeful sign. We are now heartsick over the reescalation of the destruction.

As one who originally proposed a gradual and mutual deescalation of the conflict more than 5 years ago, the escalation is particularly discouraging to me. I condemn equally the North for its massive invasion which spurred the increased killing and the United States for our own continued bombing of the North, Laos, and Cambodia.

I am firmly convinced that we must return to a policy of mutual deescalation of the conflict and through negotiations bring this terrible war at long last to an end. To achieve that goal, I am reintroducing a resolution which I presented to the Congress almost 1 year ago today. This resolution, I am convinced, is a basis on which the war can come to an end. It expresses the sense of the Congress that a date certain of September 1, 1972, be established for the withdrawal of all U.S. forces in Indochina. Just as important, however, it establishes a means for resolving the outstanding issues. It urges the use of the United Nations Human Rights Commission for the identification and exchange of all prisoners of war held in Indochina by both sides; it seeks a complete cease-fire and free and independent elections through the good offices of either the United Nations or a group of neutral nations; it seeks the placement of refugees through the United Nations Office of High Commissioner for Refugees; and it urges reactivation of the United Nations Rehabilitation and Relief Association to undertake the vital work of rebuilding toward a stable economic base.

Mr. Speaker, action on my resolution would illustrate to the world the determination of the U.S. Congress to bring this war to an end. We can no longer tolerate destruction and death. We must take strong action to commit our Nation to peace. I believe consideration of my resolution would lead to the achievement of peace and I urge immediate hearings on it.

BUSING—BETTER ALTERNATIVES

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. COLLINS of Texas. Mr. Speaker, one of the most informative statements made on busing was presented by Dr. Nolan Estes, superintendent of schools, Dallas, Tex. He appeared before the Judiciary Committee of the House on March 15, 1972. Chairman Celler, Bill McCulloch, Jack Brooks, Bob McClory, Bill Hungate, all gave him a fair and lengthy hearing. And to all the members who have served on this Judiciary Committee that is hearing busing, I want to extend my personal thanks for the fairness, dignity, and patience that my colleagues have shown in this important hearing.

Dr. Estes is eminently qualified to discuss busing, because of his personal reputation for broadmindedness as a leader of progressive education. He has appeared many times before congressional committees when he served as Associate Commissioner of the U.S. Office of Education. He was a key author who helped write and enforce the original guidelines of title IV of the Civil Rights Act. He was responsible for administering the Elementary and Secondary Education Act in the U.S. Office of Education. And he directed the expenditure of over $4 billion a year. Dr. Estes is known for his innovative approaches to providing desegregated education for equally effective schools.

We feel the negative impact of busing in Dallas. The city of Dallas is the eighth largest city school system in the Nation. It employs 12,500 people to provide educational service for 180,000 students on 184 campuses. It is a school district that encompasses more than 351 square miles on a budget in excess of $150 million a year. I very much appreciate the Judiciary Committee scheduling Dr. Estes on my request, because he presented the most logical and most balanced presentation on busing. Busing, in many cases, is discussed on an emotional basis by advocates of either side. Dr. Estes is a professional educator. By many people he is considered a liberal. By many he is recognized as being progressive and innovative. But from everyone he holds the reputation as a man keenly interested in quality education and the advancement of all students in educational attainments.

Since the committee print will not be available for some time, I would like for you to have the opportunity of reviewing some of the key sections in his testimony. I am taking the liberty of presenting some of these key sections out of context as they summarize important points that are involved in busing.

The material follows:

In fact, there is mounting evidence, Mr. Chairman and members of this distinguished committee, which indicates that desegregation is counter productive and I would like to just review briefly a report which has been published on seminars that were held at Harvard University, financed by the Carnegie Corporation, involving numbers of experts, both inside and outside the field of education.

I think you can understand that, because Mr. Moynihan and Dr. Thomas Pettigrew cochaired these seminars, that they have put the academic seal of approval on these findings.

The purpose of the Harvard seminars was to re-analyze and reexamine the findings of the Coleman Report.

In the first place, this recently published report says that as a result of such study—that is of the Coleman findings—the support of several of the conclusions of the Equal Educational Opportunities Report seem much weaker than before.

A good illustration appears in Cohen, Pettigrew and Riley's Chapter in this book.

Much of the testimony that this committee has heard from various sources has been based on findings of the Coleman report. So I think these conclusions as a result of this Harvard study are extremely important.

Let me summarize them briefly for you.

In the first place the report says that as a result of such study the support of several of the conclusions of the Equal Educational Opportunity Report seems much weaker than before. A good illustration of that appears in the Cohen, Pettigrew and Riley Chapters of the Harvard Report.

They try to check whether integration of schools directly benefits the academic achievement of the Negro child. It is fair to say that on the basis of their past work that they formerly believed it does. They now find that the Equal Educational Opportunity Report and other studies have not been successful in untangling the effects of race on social class.

We go on to say that although the Equal Educational Opportunity Report concluded that the characteristics of the other members of the student body influenced verbal achievement of individual students, that is, although the report indicated that integrating students increased achievement, Smith, like Cohen, Pettigrew and Riley, found no evidence in the Equal Educational Opportunity Report to support the position.

In addition, as you know, the Equal Educational Opportunity Report that was published by the Office of Education while I was serving as Associate Commissioner said that much of school achievement, in fact 80 per cent of minority students', is attributed to the home.

Christopher Jencks finds after re-analyzing it that *more,* rather than less, of the achievement of the student is attributed to the home.

Two or three other comments. They go on to report in their analysis that we really don't know that integration will boost the achievement of disadvantaged children. In other words, neither school upgrading nor school integration will close the black-white achievement block that was hoped for in the Brown decision in 1954.

Mr. Zelenko. Excuse me, Dr. Estes, is there any evidence that segregation improves the achievement of minority students?

Mr. Estes. We have evidence that we are going to present in just a moment that will indicate to you that the most effective approach that we have found is compensatory education in the neighborhood school.

Mr. Zelenko. That is in a segregated setting?

Mr. Estes. That is in a program that provides for a confluence of cultures.

Mr. Polk. Mr. Chairman, Mr. Estes, didn't the report also indicate that compensatory education was the least promising way?

Mr. Estes. Yes, but I would point out that this report was based on our experience in the last six years in Title I in which we have provided $5 to $6 billion for compensatory education for more than 9 million children and 41,000 school districts.

As you probably know, when we implemented Title I program in September 1965, the instructions to us at the Office of Education were to involve as many students as possible with the limited funds that were made available at the time. That is, spend a little money on a lot of kids in order to tool up for this massive program because it was anticipated at that time that the appropriation for Title I would be increased significantly.

The authorization at that time was $3 to $4 billion. Tragically, that was never obtained. Therefore, the compensatory programs we have implemented now in the Dallas system which do provide for critical mass and concentration of efforts.

Mr. Polk. You disagree with that part of Jencks report then which downgrades compensatory education but agree with that part of the report that indicates the strength of parental home life as important?

Mr. Estes. Yes, sir.

Mr. Brooks. Without objection, we will include your statement and your Appendices in the record.

(Statement and Appendices referred to follow:)

Mr. Estes. I would summarize the evidence we are submitting to suggest that the evidence this past year in Dallas supports the findings of this path-breaking report developed at Harvard University which suggests that integration, particularly where there is great economic distance, does not increase achievement.

Actually we find that in many instances achievement has decreased. It does not provide for greater confluence. It develops greater hostility. We have evidence now to suggest that it does not provide for desegregation, rather it accelerates the time when our city will be resegregated.

I think it is not important at this point that I underscore the fact that I am not an opponent of integration. My 20 years in the profession of education indicates quite clearly that I believe that racial integration of American society is necessary and imperative . . . that we have got to protect, we have to enhance, the cultural pluralism within our society . . . that desegregation of schools can contribute when feasible to this process. But most important of all, the primary job that society has given to us as public school people is to provide equally effective educational opportunity and that is of prime importance.

If we do not do this well, then other institutions in our society simply cannot perform their functions. You don't need someone with chalk dust on them to come up and tell you how to run your business. You don't have time to listen to a lot of opinions. That is the reason we are trying to provide evidence that will assist you in making an appropriate decision with regard to this House Joint Resolution.

My job in the Office of Education involved working directly with the thirty major school districts across this country. I agree with the President of the School Board in Seattle, who at that time was Chairman of the Council of Great City Schools, when he said: "The tragic shocking fact is that most big city schools are going downhill and at a rapid pace."

I left Washington to go to Dallas because I thought that Dallas had an opportunity and chance to show that quality and bigness could go hand in hand. I was fortunate to be able to move to a city like Dallas because it was a healthy city that had a healthy school system. It has the human resources to do the kind of job and meet challenges we were facing in the '70's.

Dallas had the financial resources that were necessary and fortunately it had a little bit of time in order to do this. It had successfully complied with court orders in 1961 and 1965, and was moving toward elimination of the dual school system that was State imposed on the local school district.

I would like to indicate in summary some of the accomplishments that we have made in the last three or four years.

One, we have made tremendous progress in individualizing our instructional program. We have added ethnic studies, expanded bilingual programs, moved toward non-graded and team teaching programs.

Our citizens recently voted $41 million to air condition all of our educational facilities.

Secondly, our compensatory education program has moved toward developing a critical mass and concentration of effort spending, focusing resources on a few children rather than a little bit on many children.

We have more than 50 innovative programs that are attempting to determine cost effectiveness of educational programs.

Not too long ago we received a $2.4 million grant from a businessman to assist us in this project. We have been pioneers in guaranteed student achievement which uses the systems approach. This effort is proving to be particularly helpful in the area of reading.

We were the nation's first large city to conduct a comprehensive survey of our drug problem and since that time we have implemented a K-12, kindergarten through grade 12, drug program.

We have involved 70,000 secondary school students in a leadership training program in an attempt to utilize student activism and energies to help build rather than wreck.

We have reduced dropouts by one-third according to recent surveys. We have involved more than 2,000 citizen volunteers in our programs.

We are well on the way to providing kindergarten education for 15,000 five-year olds. We have recently moved into the world's largest, most comprehensive and best equipped secondary school. That is our Skyline Career Center, which encompasses 600,000 square feet of floor space, and was built and equipped at a price tag of $21 million.

We are working with businessmen, some 250 of them, in developing programs that would help us relate in-put to out-put. Of course, our research and development program is one of four or five in the nation that is designed to help our taxpayers determine whether or not they are getting an adequate return on their investment.

We could go on. I know time is limited. I simply want to indicate that I feel that Dallas still has a chance to make urban education work, and I think that is the big challenge.

However, we have been distracted, Mr. Chairman and members of the committee, in our efforts. Just about the time we were getting off the ground, we encountered further court orders. Beginning August 2, two weeks before school was to start, we had our first court order and then a dozen more orders, stays, modifications, clarifications of the court order which resulted in considerable chaos and confusion in the operation of our schools.

Our court order is very similar to those that you find in other school systems throughout the country. It used transportation, closing of schools, gerrymandering zone lines and involves 7,000 students being transported from one secondary school to another.

We are not here to complain. We are simply here to indicate that our Board, our staff, our teachers have done a commendable job. They have gone the third mile. What we do want to say is that there is substantial evidence in our school district to support the Harvard study on the Coleman report.

There is substantial evidence to indicate that the expectations of the Brown decision in 1954 were based on faith and not on evidence.

I give just a few examples. Number one, our public support has been seriously weakened as a result of this court order.

Our greatest asset was of course great support and great confidence of the people in our school system. A recent survey indicates that there is an increase in polarization within our community. People are fearful. They are concerned about the prospect of forced busing. Sadly we have to report that the public support and endorsement for the school system in Dallas as a whole has been and is being seriously weakened.

In short, instead of confidence, we have a disturbing number of people who feel that the situation will get worse instead of better.

Secondly, there has been a dramatic increase in outmigration of citizens in our school district. We traditionally have lost about 1 per cent of our white population on the average over the last ten years.

With the advent of court ordered forced busing, that number has increased some five times. Some 4 to 5,000 white students have moved out of our school district. The most disturbing part of this, however, is that if the experience in other school districts is any indication of what is to come in Dallas, then Dallas too has started on a downhill slide.

Thirdly, authority of the local school board and school district has been usurped by the courts. Just when we were beginning to make real progress, the rug was pulled out from under us. We are now involved in second-guessing the courts.

For all practical purposes, long-range planning is at a standstill. We can't set goals. Our construction program has been halted. We can't realistically develop a budget for next year because of the uncertainty. Only chaos and inferior education can result.

Fourth, integration has taken a serious setback. We find in our desegregated schools students are segregating themselves. It is understandable that young people, subjected to these kinds of strains, react violently.

Fifth, disruptions and teacher abuse have increased. We have had school districts that have been free of disruption and violence in the past. This year to date we have had some six high schools that have had serious disruptions.

Our suspension rate has more than doubled and although we have had no need to keep a record of physical abuse of our teachers in the past, this year already, we have had 20 teachers who have been physically attacked.

Mr. McCulloch. May I make a leading inquiry right at that time?

Has this attitude in your opinion been encouraged any, I repeat, any by parent interest and comment?

Mr. Estes. No, I think we have an enviable record in Dallas in 1961 and in 1965, by indicating that we intend to comply with the law. The court order was handed down and our community again said that we shall comply.

I think we can commend our parents for their cooperation and in attempting to make the best of a difficult situation.

Mr. McCulloch. Mr. Chairman, I am glad to hear the witness say that because in so many places in our country that just cannot be actually said.

There are too many people in this country interested in maintaining the status quo rather than improving the conditions with which we are faced.

Mr. Estes. I could not agree more and from my experience, this is true in far too many instances. We are gratified that this is not true in Dallas.

My sixth point is that costs have been staggering. We have spent more than $3 million this year.

We do have the costs that are staggering some $3 million in direct costs in implementing the program this year. These are non-educational costs, mind you.

Another $3 million in direct costs. Five to ten per cent of our budget is going to this non-educational function and I was not surprised when in preparing this testimony one of our staff members reviewed my calendar and found that two-thirds of my time has gone into attempting to implement court ordered desegregation rather than attempting to improve the quality of education.

Mr. McCulloch. Mr. Chairman, I have nothing but praise for that kind of activity but in our representative republic, there comes a time from time to time, if not in all places in America, in most places in America, where we must give our time in different proportions and in different fields than we thought we would have to give them when we were 21.

Mr. Estes. Mr. Congressman, your point is well taken and I subscribe to it wholeheartedly. I would gladly give 100 per cent of my time to this cause if the evidence based on the Harvard study and our evidence indicated that it helped increase student achievement.

My point is that it is disfunctional and why go on continuing to use these tools and these methods when they have been disfunctional.

We think we do have the solution. While we oppose the tools that are presently being used because we have 18 years of experience now, plus our Harvard study that shows that these tools have not been effective, we indicate that the expectation of the court in the Brown decision is based on faith, we have three programs that we think provide an acceptable option, an alternative to massive forced busing.

Mr. McCulloch. Let me ask you this mean question.

I do it with a smile.

How did you describe busing?

Mr. Estes. Massive forced busing?

Mr. McCulloch. Isn't any busing that would be by decree of court forced busing?

Mr. Estes. I would guess so. We are not opposed to busing. In fact, our third alternate here is going to involve busing. There is nothing wrong with busing in and of itself.

Our first point is that in our options and this is in direct reply to your question. We would agree with the President's Report on School Finance published this month. We would agree with President Johnson's report on Civil Disorders which indicates that we must have a strong compensatory education program which provides for critical mass. The President's Report on School Finance says we ought to probably double our expenditure on disadvantaged children. This means extending kindergarten to all children. Perhaps early childhood education below the five-year level. It means providing guaranteed student achievement in reading and math.

We now have a program that provides guaranteed student achievement in reading. We have doubled the amount of time that the disadvantaged children are spending in reading instruction. We have reduced significantly the adult-pupil ratio. We are using the systems approach that has been so effective in business and industry in this area.

We are now beginning to produce results that indicate that those children can and do learn in their neighborhood schools with a compensatory program.

Our bilingual program which teaches English as a second language is another approach to compensatory education that is going to be required if we increase achievement of minority students.

Secondly, in addition to the compensatory program, we believe that the achievement of quality desegregated education calls for a revision of our social education program which would bring about a greater understanding of the contribution of all ethnic groups to this great society. We are proposing to do that.

In fact, we have submitted it to the local trial court. This has been approved by the court. We are proposing to have team teaching and pairing of individual class rooms. These pairings would represent a variety of ethnic groups by educational television and for at least 16 per cent of the time each day, these students representing different ethnic groups would be in some sort of educational activity with students representing an ethnic group other than their own.

In addition to this, there would be a cultural exchange between schools for at least three hours per week that would provide for the confluence of cultures that we desire rather than the conflict.

The third point that I think provides an acceptable, in fact a very attractive, alternative is providing centers of excellence through our educational facilities. This is not a proposal. This is a reality. Our $21 million comprehensive secondary school is just such a facility.

Now before the court order, we had students from all over the city from our 18 high schools volunteering to attend this center of advanced study riding a bus on a voluntary basis across the city in order to increase educational achievement.

These are the three options that I think we ought to consider carefully and seriously as we think about the direction that education ought to take in this country during the '70's.

Let me conclude by saying again that the job of our schools is quality desegregated education. That means equally effective education for all children. It means the schools assisting and helping us rise above the level of conflict to achieve confluence. It means the enhancement of cultural pluralism. The key is not stating the goal. The key is in the methods that we use and Brown one and two, and subsequent court decisions, were based on the expectation that integration would benefit achievement of black students.

I have indicated that the Harvard study as well as our own experience does not substantiate that. Indeed, that expectation has to be based on faith because the experience that we have had in the last 18 years does not substantiate it.

The evidence exists at the present time that the current methods, the current tools that the courts are using, lead to resegregation, not desegregation; lead to greater hostility, not a greater confluence; lead to more disastrous results for deprived children, not increased achievement; and effect negatively other components of city life.

In conclusion then, the methods that we have been using lead away from our desired goals, that is, increased achievement and pluralistic society. It seems to me then that they ought to be abandoned. The shocking fact again is that our big city schools are on downhill slide at increasing rate.

If experience elsewhere is any indication of what is to come, then Dallas has started on that same downhill slide. The tragic point is that this dangerous trend is unnecessary.

We think we have some options that will correct the problem of achievement. How are we going to do it? Some have suggested that Congress ought to act. Some have suggested an executive order. Others have proposed judicial action. Others have proposed Constitutional amendment.

I would suggest that we need all of these. Congress ought to use every bit of its power to eliminate the devastating tools that are wrecking our schools. The Executive Branch of government ought to proceed to provide the proper checks and balances as were originally proposed when this great nation was established.

The Judicial Branch ought to recognize that its expectations were based on faith, not on evidence. We need a constitutional amendment to make sure that this lack of checks and balances does not occur again. Democracy is on trial and our students, particularly in our big city schools, have been challenged as never before to make democracy work.

I would suggest that the response of this Congress to this proposal will determine to a great extent whether or not we are effective in meeting this challenge.

Thank you very much.

Mr. Brooks. Thank you very much, Doctor.

I might say in my years of experience in Texas, I have found the public schools excellent in many respects.

You say that you hope that a route less time consuming than a Constitutional amendment can be successful but you are for getting back to the pursuit of quality education as quickly as possible, whatever that takes?

Mr. Estes. Yes, sir. Time is of the essence. I fear our city may be lost if we have to wait for an amendment although that is the surest and best way.

Mr. Brooks. You think time is of the essence?

Mr. Brooks. And you understand a Constitutional amendment would be a more lengthy procedure than legislation which might accomplish the same result?

Mr. Estes. We do believe that now.

Mr. Brooks. Mr. McClory?

Mr. McClory. I was listening to your testimony and looking at your prepared statement at the same time, Dr. Estes, and you added to your written statement this phrase in essence that you support all three approaches, the constitutional amendment, the executive order and legislation?

Mr. Estes. Yes, sir.

Mr. McClory. You probably heard testimony earlier today by the Superintendent of Public Instruction for the State of Illinois who commented on a number of subjects and when I inquired of him as to whether or not he would favor desegregation, for instance, or for busing of children from a follow-through school center or a special educational center such as you have referred to, the Skyline Center, I gathered that he would not favor moving those children into another area just to have them sit next to white children because they are getting greater advantage in an environment that may keep them with a larger percentage of black students, and so I assume that it would be important for us, if we are going to have any legislation at all, to legislate in a manner which would permit these alternatives.

Mr. Estes. Yes, sir. Your point is well taken, Congressman. In fact many of the guidelines developed by the Department of Health, Education and Welfare require concentration of minority groups particularly, for instance, bilingual education.

You must have from 50 to 90 per cent Mexican-American students in a particular school in order to qualify for those funds.

Mr. McClory. Don't you feel that such legislation is advantageous to the minority, more advantageous to the minority groups then to bus them long distances just to have standard style education?

Mr. Estes. If you distribute these students throughout our school district, then it makes it much more difficult for us as professionals to provide appropriate educational treatment in order to help them overcome their disadvantaged background.

By providing a concentration of effort and resources in their neighborhood school, we have found this to be very successful and very encouraging.

Mr. ZELENKO. That is 97 per cent of approximately 65,600 black students, were in a 100 per cent black school or in schools with 80 to 100 per cent black students?

Mr. ESTES. More than 40 per cent of those, more than 20,000 of those 65,000 black students are now enrolled in 20 schools in South Oak Cliff which in 1965 were predominantly white.

Our school board did not change one attendance zone line from 1965 to 1970 and yet the neighborhood patterns changed and as a result, it is true that we have a concentration of black students attending those formerly all white schools.

Mr. ZELENKO. What do you mean in your statement that Dallas had achieved racial desegregation of the school system. What is your standard?

Mr. ESTES. I am saying that the courts in 1961 ordered the elimination of the state imposed separate but equal program. Our school district complied in good faith with that order and in fact reduced the time for implementation by one half.

The 1961 court order said you shall comply within 12 years a grade a year at a time. So successful was the program in Dallas that by 1965 we went back to court and said we will reduce that implementation time by one-half so by 1967 we were in compliance with the court order and that order was upheld by the Fifth Circuit Courts.

Now, what happens is that private housing patterns have changed from 1965 to 1970. We have a new order, the Swann decision was handed down and all of a sudden, we now find ourselves not in compliance. It depends on whose definition you use as to what constitutes a unitary system.

We have eliminated the dual school system root and branch.

Mr. ZELENKO. The court did not agree with that conclusion. That is your conclusion?

Mr. ESTES. The Court agreed with it in 1961. They agreed with it in 1965. Even the Fifth Circuit agreed with it.

In 1971 based on the new Swann decision, they did not agree. They said we were not in compliance. Our new order has eliminated according to the court response all of our all white secondary schools.

Mr. ZELENKO. Dr. Estes, how much busing actually goes on in the Dallas school district.

Mr. ESTES. The tragic point is that our school district never operated a busing program.

Mr. ZELENKO. Why is that tragic, sir?

Mr. ESTES. Because we are now forced to go into a massive program of transportation for which we are not equipped, for which we do not handle the funds, which we are not organized to handle.

We have purchased this year 105—72-passenger buses. Unlike many school districts, such as in Swann, which already bused over half of their students, we have been forced to create a transportation system.

They were of a city-rural district. But we have not had that experience. We have not had a transportation program in our district.

Now we have got to devote large amounts of time to busing students many miles from their home which has been disastrous.

Mr. ZELENKO. I should like the record to show Mr. Chairman that in 1970, 5,000 students out of a population of 157,742 were bused in Dallas, Texas, 3.2.

And in 1971, 12,000 students were bused of approximately 7.7 percent of the enrollment which is substantially less than the state average for the state of Texas which is over 20 per cent. Twenty-some percent for the State of Texas.

Your statement says you have a substantial experience in the lack of success of desegregation minority achievement. How much desegregation have you had? Ninety-seven per cent of the black students go into black schools. What is your experience in Dallas What are you talking about?

Mr. ESTES. In order to move toward a confluence of cultures, I am not sure you can go by percentage point. It seems to me we ought to provide all of our young people with an opportunity to have experience with students that represent an ethnic background other than their own and this is what I would maintain is an appropriate posture for achieving a true confluence of cultures.

Mr. ZELENKO. Of course I should point out Dr. Estes that you know that the 1968 decision of the Supreme Court said freedom of choice is fine as a means of desegregating so long as it works and statistics don't really show, do they, that in Dallas there was a substantial desegregation of the races.

Now is that evidence of freedom of choice working?

Mr. ESTES. I am glad you pointed this out, Counsel. I am delighted because it once more indicates the good faith, the intent of the Dallas Citizenry to comply with court orders. Freedom of choice has never been a part of our desegregation plan in Dallas.

In 1961, this was not a part of our plan. We said we are going to eliminate the dual school system and this we did. We drew an attendance zone around an elementary school and we said every one in that attendance zone must attend that neighborhood school.

We did not have, as many other schools districts in the South had, the freedom of choice which as you say did not work. It did not accomplish itc purpose.

Our job in our society is providing equally effective schools and you see if we don't do it as an institution, no one else will. The court orders have denied us the opportunity of performing our basic function for this society.

Mr. ZELENKO. "This neighborhood school concept alone," referring to Dallas, "failed to establish a unitary school system."

In other words, they, like the Green Court, said freedom of choice has not worked and this court in Dallas apparently found that the neighborhood school plan did not work.

You have characterized in your statement at various places, pages 15 and 17, the District Court order as a court order to achieve racial balance.

Did the Court characterize this order as that or is that your characterization?

Mr. ESTES. That is my characterization. When the plaintiffs took us to court, they used this as one of their charges to bring about an appropriate balance and that is the reason we derived this kind of concept.

Mr. ZELENKO. Do you know of any decision of any Federal Court that has ordered reassignment of students to achieve racial balance?

Mr. ESTES. No, sir, the Dallas case comes as close to doing that——

Mr. ZELENKO. You are not suggesting to this committee that the District Court in Dallas has a plan to achieve racial balance in the school, are you?

Mr. ESTES. No, sir. We are before the Fifth Circuit and the plaintiffs are proposing that. You talk about the Green decision and Singleton decision and Swann decision. That points out exactly what I am talking about. All of these court decisions are based on the expectation that desegregation will increase student achievement.

Obviously 18 years of experience indicates that that expectation is false.

Mr. BROOKS. Mr. Hungate?

Mr. HUNGATE. Thank you, Mr. Chairman.

I want to be sure I have the testimony in mind. I thought I understood you to say that you had no transportation program for your schools.

Mr. ESTES. That is correct.

Mr. HUNGATE. If I understood counsel correctly, they transported 5,000 in 1970, or am I wrong?

Mr. ESTES. In our State we have 20 cities that by law provide county transportation for those students living more than 2 miles from the school and more than two miles from a city bus line or commercial transportation. The County provided those 5,000 students with transportation because they lived way out in the country.

Mr. HUNGATE. In Dallas County instead of Dallas City?

Mr. ESTES. That is right. Our independent school district has not provided transportation.

Mr. HUNGATE. Is the County a part of your school system?

Mr. ESTES. We are one of several school districts in the county.

Mr. HUNGATE. Do they pay tuition when they come in or are they entitled to come in from the County on the buses?

Mr. ESTES. No, they are in our school district. Our school district is about 35 miles long and several miles wide. Our district lines are not co-terminus with the city. These students are in our district but live in the County.

Mr. HUNGATE. I see. Was the population figure about right, that you bus about 150,000?

Mr. ESTES. Our average daily attendance is the number on the right. We are the eighth largest city system in the country.

Mr. HUNGATE. Those students that live in the city, how do they get to school?

Mr. ESTES. They either walk or pay 15 cents to get on a city bus to go down the street to school.

Mr. HUNGATE. That is not reimbursable?

Mr. ESTES. No, sir, the State in the past has precluded reimbursement.

Mr. HUNGATE. Did you have a transportation budget as such then? I guess you had none.

Mr. ESTES. We had no transportation budget. We passed on funds to the County from the State for transportation.

Mr. HUNGATE. But in the city there was none?

Mr. ESTES. No, sir.

Mr. HUNGATE. How many students are in the city and how many in the county?

Mr. ESTES. We have about 10 to twelve per cent that would be in the county.

Mr. HUNGATE. We have had earlier testimony that actually these court decisions would not result in any more busing or any more expense and the mileage would not be less. That would not be true in your district, would it?

Mr. ESTES. No, nor do I know of a court order that would support that evidence.

Mr. HUNGATE. You are buying or you have bought how many buses?

Mr. ESTES. We are buying 105 buses. We are buying a million dollars worth of buses.

Mr. POLK. Your testimony, Dr. Estes, has confused me somewhat. I think that time and again you stated that you favor in the education area integration. Did I read you correctly?

Mr. ESTES. There is no mistake about it, we must have, if our democracy is to survive, quality desegregated education.

Mr. POLK. Then you seem to say just as often that you felt the Brown decision was unfounded.

Mr. ESTES. Yes, sir, that is right and that is what the Harvard study says.

Mr. POLK. To me these two statements are contradictory. I wondered if you could explain it.

Mr. ESTES. No, I think not. I am in favor of quality desegregated education. The Brown decision, the Green decision, Singleton decision and the Dallas decision do not result in quality desegregated education.

Rather than desegregation, they are leading to resegregation. Sixteen thousand white students have moved out of Miami. You know what the story is in Atlanta. Eight thousand students out of Nashville. Nine thousand out of Houston. Four thousand out of Fort Worth.

These court decisions are not leading to desegregation. If they did, we would be here testifying before this committee in an entirely different light. They lead to resegregation and that is inconsistent with what you and I believe.

Mr. POLK. I take it then that you believe in the concept of integration or desegregation.

Mr. ESTES. Yes, sir.

Mr. POLK. But you feel that the courts have incorrectly applied the concept?

Mr. ESTES. The tools that the courts have used without any basis of evidence, based on faith, have not proven to be effective in 18 years, as I have said.

We think that rather than continuing to use these tools, what we ought to do is look for other options and we think we have found some options.

Mr. POLK. Then I take it that your position would not support the language of H.J. Res. 620.

Mr. ESTES. No, my testimony says we need congressional action. We need executive action. We need reversal of the judicial action based on faith and not on evidence.

In addition to that, in order to permit this kind of imbalance in checks and balances in our system of government, we need some sort of Constitutional amendment.

Mr. POLK. Is your program confluence of cultures based on race?

Mr. ESTES. Our program is based on providing equally effective schools for all children of all people.

In order for these students to get to the centers for advanced study, it requires voluntary busing and, as our records show here, this last year without the court order, our center for advanced study, our Skyline Center, had about 20 per cent black students, about 10 per cent Brown students, the remainder were Anglo.

So on a voluntary basis, you see, it was an integrated setting.

Mr. POLK. H. J. Res. 620 did not permit a voluntary program. It forbids racial assignments?

Mr. ESTES. The section one of H. J. 620 says students may not be assigned solely on the basis of race. We are not. We would not propose to assign them on the basis of race but rather on the basis of providing a quality program.

EVIDENCE OF QUALITY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HOGAN. Mr. Speaker, we Marylanders take great pride in Maryland University, its students, its professors, and their combined contributions to the State and the Nation.

So it has been with special pleasure in recent weeks that we have noted growing national recognition of the university's excellence.

A Washington Post editorial of April 18 pointed to the remarkable achievements of five Maryland University professors and I now insert the editorial into the RECORD.

EVIDENCE OF QUALITY

When the Guggenheim Foundation announced its annual list of fellowships last week, four of them went to university scholars and teachers in the Washington area. Three of the four are physicists at the University of Maryland: J. J. Griffin, C. W. Misner, and G. J. Stephenson Jr. The fourth is a Catholic University philologist, the Rev. A. A. DiLella. The distribution of research grants and professional awards is an accurate guide to the reputations of university departments and scholars, among the restricted circles of their fellow specialists. The Guggenheim list draws attention once again to the extraordinary quality of the science faculties at the University of Maryland, and particularly its Department of Physics and Astronomy.

The question sometimes arises, particularly in high-powered laboratories, whether good research and good teaching go together. Last month the Washington Academy of Sciences gave its annual award for the teaching of science to Gart Westerhout, a member of the same department and director of its astronomy program. At the same ceremony, incidentally, another Maryland physicist, O. W. Greenberg, received the Academy's award in the physical sciences, and Alfred Gray of Maryland's mathematics department received the award in mathematics.

One of the notable perversities of academic reputation is the common habit of judging distant universities on their intellectual qualities, but the neighboring ones on their athletic teams, their architectural style and their student demonstrations. In the allied fields of astronomy and physics, the University of Maryland faculties have ranked for some years among the dozen or so strongest in the country. The current reductions in federal funds for science are creating difficulties no less severe at Maryland than at other major laboratories. But the achievements of its scientists continue to be a matter for great pride to the university, and to the state that built it.

A NEW SNARL FOR FEDERAL AID TO MASS TRANSIT?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WOLFF. Mr. Speaker, our urban areas are, as we are all too well aware, clogged with traffic and covered with smog. One way in which to attack both of these problems is to provide reasonable, safe, and efficient transit facilities for the residents of our metropolitan areas. The use of mass transit will cut down on automobile traffic and its resultant air pollution.

The editorial which follows my remarks was recently broadcast on radio station WINS in New York. I believe it clearly points out some of the obstacles which the supporters of mass transit assistance must face.

(The editorial follows:)

A NEW SNARL FOR FEDERAL AID TO MASS TRANSIT?

(By Robert W. Dickey)

After years of hard fighting, New York area senators and congressmen seem on the verge of gaining some meaningful Federal aid for mass transit. Transportation Secretary John Volpe has just called for legislation which would apply money from the multibillion dollar highway trust fund to improving the Nation's mass transit facilities. This is a great victory, not only for the local lawmakers, but also millions of hard-pressed train, bus and subway commuters. It represents a significant shift in administration thinking from the days when building highways seemed to be the only concern in Washington.

But, predictably, Secretary Volpe's proposal already is in trouble in Congress. Although the highway trust fund already has a surplus of several billion dollars, which can't possibly be spent in the near future, rural congressmen are balking. They point out that the money in the fund was raised by taxes on highway use and they feel it should be retained for highway use. The Secretary's program would still leave more than enough money in the trust fund to pay for roads currently near the building stage. It's obvious that Secretary Volpe and urban area congressmen are going to need all the help they can get to pry this legislation out of committee in Congress. A letter from you to Mr. Volpe or your congressman will help.

GULF OIL HOSTS LEGISLATIVE BREAKFAST DURING OIC CONFERENCE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MOORHEAD. Mr. Speaker, several weeks ago, the Opportunities Industrialization Center, Inc., better known as OIC, held its annual conference in Washington.

Hundreds of delegates from around the country came here to participate in the workshops and listen to the bevy of excellent speakers.

A contingent from the Gulf Oil Corp., of Pittsburgh, came also. The Gulf group hosted a breakfast on the Hill for the delegates and the many friends of OIC and its founder, the Reverend Leon Sullivan of Philadelphia.

Bill Henry, a good friend of mine and an executive vice president of Gulf made a delightful opening statement to the breakfast audience.

I include those remarks in the RECORD at this time:

REMARKS OF WILLIAM L. HENRY

Thank you Dr. Dawkins. It is a pleasure to be here with you this morning to enjoy this typical OIC breakfast. And, incidentally, Doctor, the grits were superb . . . weren't they.

Mr. Chairman—Senator Brooke; distinguished Vice Chairmen; Members of Congress; Dr. Sullivan, OIC Board Chairmen and friends of OIC.

I am pleased to be a part of the Legislative Appreciation Breakfast of the Eighth Annual OIC Convocation. The occasion gives us all an opportunity to focus on the goals of OIC, and its convocation theme, "Building America Together."

In fact, we shouldn't need such an occasion to establish a focus, either on those goals or on your theme. Building America Together really should be a rule by which we live our lives. Having known Dr. Sullivan for a while now, I know that it is a guiding rule in his life and for his organization.

Since its beginning in 1964, OIC has continued to work toward the effective interaction of government, industry, labor and the community to provide a better way of life for all Americans. These efforts have translated into a reconstruction of self-pride for growing thousands of people. They have provided essential motivational services for individuals and their communities. OIC has worked to eliminate economic and social inequality through training the unemployed and underemployed and establishing job placement series with industry.

We in industry may not always seem to recognize the problems of the poor, the unskilled, the uneducated, because in our processes we need to employ the skilled and the educated. I think we are aware of these problems, and we are working to solve them, but I am not here to argue that question. The fact is that industry, and in particular the Gulf Oil Corporation, recognizes an obligation to society that can be expressed in very practical terms. For us it adds up to what our President, B. R. Dorsey, has called "Business Responsibility to Society." Perhaps it can be related in a juxtaposed version of a well known comment, like this: "What's good for society, is good for Gulf Oil." In that context, we consider it good business to initiate and support programs that will benefit society.

The OIC manpower development and training programs have shown a remarkable record of benefit to society. They pass every practical test you can devise.

In the OIC program, more than 60 thousand persons have received training in the 200 courses offered.

OIC's placement rate after training is 71 point 2 percent.

Most significant for the businessman, and I think for anybody who wants a reliable measure of success, is the fact that 87 percent of those graduated and placed in jobs through the OIC program stay in their jobs. That's an 87 percent retention rate.

This high retention rate is an important factor also in OIC's success in doubling the incomes of its trainees. The average annual income of OIC trainees before they entered the program was 2 thousand, ninety-four dollars. After training, the average rises to 4 thousand, two hundred seventy-seven dollars.

We as a society cannot take any special pride in the fact that after doubling a man's income, it is still at such a low level. But we should note that a program's ability to double a man's earning power is a pretty good measure of the ability to succeed. There are those, too, who would note another interesting statistic as a measure of the program, for it is estimated that OIC training has saved America over 86 million dollars in welfare payments.

At any rate, the result has been that industry believes in OIC training. We believe in Dr. Sullivan's ability to continue to succeed in developing an important segment of our society into an added source of manpower. At Gulf, our faith in this approach has grown strong during these past seven years, and we whole heartedly support Dr. Sullivan in his future plans. Also, I am sure that the presence at this convocation of representatives of more than 100 other major corporations is an indication that industry generally supports this effort.

The purpose of this Legislative Appreciation Breakfast, and the rest of this morning's program, of course, is to focus on another important leadership aspect in our society—legislation. The roles of government and business to cooperate for the benefit of all are pretty clearly defined at this point in time. The part that legislation plays in manpower development has become increasingly apparent ever since the passage of the Manpower Development and Training Act of 1962. I think it is fair to say that the OIC program might never have been established, at least in its present form, if Congress had not adopted that Act ten years ago.

I will not presume to tell Congress what it should be doing in this area. To be honest, the existence of the legislation that is currently under consideration is sign enough that it isn't necessary. And there are other speakers on your program better qualified than I to address themselves directly to that question. For my part, it is enough to say that what I know of past success and future plans leads me to believe that high priority should be given to this matter.

It all boils down to a few basic considerations. The cooperative spirit that is America's hope for the future must be served. Our efforts to work together to offer a hand up instead of a handout need to have priority status. This will require the dedicated concentration on identifiable goals on the part of government, labor, industry and the community.

For its part, OIC must continue to be a catalyst for economic and social progress. I am sure that it will. We must do the things we can to sustain that effort. All of us have a stake in OIC's progress, and a part to play. So let's get on with the job of Building America Together.

TRAGEDY IN ULSTER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. BIAGGI. Mr. Speaker, the tragic situation in Northern Ireland continues to result in a heavy loss of life. The death toll recently reached 300 people since August of 1969.

In order that my colleagues may have every opportunity to read informative articles on this subject, I am including in my remarks today an informative piece of writing by Mr. Francis B. McCaffrey. Mr. McCaffrey was born in Ulster and experienced first hand the horror of fighting between 1916 and 1922 which was very similar to that found in Northern Ireland today. Although Mr. McCaffrey left Ireland at the age of 25 and is now an American citizen, his in-depth knowledge of the problems besetting Northern Ireland is well worth reading:

TRAGEDY IN ULSTER

(By Francis B. McCaffrey)

Our hopes for peace in Ulster fade with news of increasing strife in that province of Ireland. When encouraged from time to time, the realities of the situation prove false our hopes for political progress in the Six Counties. I was born in Ulster and grew up there. I believe I qualify to be permitted some observations on the problems in the North of Ireland.

For a better understanding of the present situation in Ulster, a look at some of the history of the province will be helpful. But for most of those connected with the difficulties in Northern Ireland, much of what happened in Ulster in the past should be forgotten.

The sufferings in Ireland that began with the invasion under Henry II of England in the 12th century were exacerbated in the 17th century when, after James VI of Scotland became James I of England, over four million acres of land in Ulster belonging to the natives were confiscated and given to the people brought to Ulster from England and Scotland, mostly from Scotland, while the natives were driven to the moors to starve and perish. Some survived. And the descendants of the natives who survived make up about one-third of the present population of Northern Ireland, while the other two-thirds are generally descendants of the people brought to Ulster in the 17th century. This replacement by England of the Irish in Ulster with English and Scottish settlers is known in Irish history as the Plantation of Ulster.

After centuries of resistance against English rule and the cruel measures employed by the English to crush the demands of the Irish for freedom from oppression, England finally invited Irish representatives to a peace conference. In the latter part of 1921, after almost two months' discussions, the Irish delegates, under threat of renewed warfare on their country, signed a compromise treaty in the name of the Irish Free State. However, the Unionists of Ulster were given the right to decide whether to become part of the Free State or remain separate under the provisions of the Home Rule Bill of 1920. The Unionist leaders in Ulster chose the provisions of the 1920 Act, under which a separate provisional parliament had already been opened in Belfast on June 22, 1921.

The Government of Ireland Act of 1920 (amended in 1922), passed by the British Parliament and on which Northern Ireland was founded, made provision for establishment of a Council of Ireland to which the parliaments of Northern and Southern Ireland could transfer parts of their functions, and included authorization for creation of a United Ireland Parliament to which some or all of the functions of the two separate parliaments could be transferred. But the Parliament of Northern Ireland refused to join any form of union, even though the treaty of 1921 between England and Ireland included provision for voluntary union of Northern Ireland with the Irish Free State (now the Republic of Ireland), which was formed in 1922.

The refusal of the Northern Ireland Parliament to join in any form of union with the rest of Ireland was predictable. The Unionists of Ulster, with encouragement from the Conservatives in England, had threatened open armed rebellion against Home Rule when the third Home Rule Bill for Ireland was introduced in the British Parliament in 1912. And the Tory politicians encouraged the Unionist leader in the North of Ireland, Sir Edward Carson, in organizing a provisional government in Belfast. The actions of the Unionists of Ulster during the past came as no surprise.

This was the beginning of two separate states in Ireland. And the treaties of 1921 and 1925 between England and Ireland established and fixed, among other things, the present border between the partitioned area of Ulster and the rest of Ireland. Consequently, six of Ulster's nine counties now form the state of Northern Ireland.

Unfortunately, the sufferings in Ireland that began with the invasion from England in the 12th century, and which were deepened with the Plantation of Ulster in the 17th century, did not end in all of Ireland with passage of the Government of Ireland Act of 1920 or with conclusion of the treaties of 1921 and 1925. Instead, the Irish of Celtic descent in the newly formed state of Northern Ireland were subjected to continuing persecution by the Irish of Anglo descent, who were a majority in the area of Ulster partitioned to form the new state. Even before the Unionists of Ulster received their partial autonomy in June 1921 they had commenced their persecution of the Nationalist minority among them.

In the summer of 1920 a series of programs were instituted in the North of Ireland by the Unionists against the Nationalists in that area of Ireland, during the course of which in about twelve months over one hundred of the minority were killed by being shot, stabbed or beaten to death, and over one thousand injured, while the homes of hundreds were burned and over five thousand Nationalists driven out of employment.

Since it came into existence in 1921, the state of Northern Ireland has continued its oppression of the Nationalist minority within the state. Nationalists are denied government posts, and they are kept at a disadvantage on voting registers so that they are helpless to influence reforms. Every device is used to deny Nationalists equal employment opportunity and decent housing. Even civil rights enjoyed by members of the Nationalist minority while they live and work in England are denied them in Northern Ireland where they were born. And despite hopes and promises, only token changes have been made by the Belfast Government to correct any of the existing injustices. Reforms, including reforms proposed by the British Government, have not been implemented.

Discrimination against the Nationalists in every aspect of life is visible in Northern Ireland. For example, in one of the Six Counties with a Nationalist population of approximately fifty-two percent the public employment list for a recent month showed that less than ten percent of the total public employees were Nationalists. And, in the case of public housing, a man, whose father-in-law fought for England at the Dardanelles during World War I and whose son served over six years in the British Navy, has maintained an active application for public housing for thirty-three years which has not been approved, even though new public housing has been built nearby. These two are only simple examples of the conditions that have existed for over fifty years in Northern Ireland.

A new generation of the minority in the Six Counties now protests the oppression under which it is forced to live, and requests reforms that, carried out, would assure equal civil rights for all the people of Northern Ireland. The government of the state has responded; the crushing machinery of oppression is now directed in all its fury against another generation of the minority in Northern Ireland.

Murder in the night, mass arrests and imprisonment without trial, torture of those imprisoned, hundreds of Nationalists driven out of employment and terror the ever-present companion of mother and child are the common lot of those of the minority today in the Six Counties.

The Nationalists who suffer in Northern Ireland now, as did those before them, do so under well-planned oppression by their government, a government that since its inception has constantly used its partial autonomy, its well-armed militant wing of Orangemen, its civil police force and now the British Army to inflict suffering on the minority, in the hope that the remaining descendants of the Celtic-Irish can be crushed and driven from the six counties of Ulster that form the state of Northern Ireland.

Those in the Six Counties who now defend their lives, their families and their homes against terrorism by the agents of the government under which they live are outlaws in the same sense as were those in our own land who resisted oppression by their government and who fought for freedom and justice almost two hundred years ago.

Much misunderstanding has existed during the years regarding the facts of the situation in the North of Ireland. Some of the misunderstanding arose from a misconception of what is involved, a great deal of it is the result of a lack of correct information.

As news dispatches tell of street battles between Catholics and Protestants in the North of Ireland, the world wonders and asks why the religious strife in Ireland. But the impression that there is a conflict in the North of Ireland because of religious differences is incorrect. The reasons for the continuing tragedy in Ulster are ancestral and political, not religious. History proves that religion but masks the real causes of the problems in Northern Ireland.

In the decade 1640–1650 the Anglo-Irish in the other three provinces of Ireland were in favor of unity with England. They were all Catholics—the Catholics of the Pale whose ancestors came from England.

Writing on the reasons for the 1641 Rising Fourde said: "It mattered little to the O'Neills and Maguyres who was King of England. If Charles turned Catholic, an English king would still be an English king. Catholic or Protestant, he would not restore the confiscated counties. . . ."

And discussing in 1962 "Religion and Partition" in Ireland John McCaffrey wrote: "As a man whose family tree has still strong roots and many vigorous branches in Fermanagh, I am always amazed when comparatively cultured people assert that the cause of the partition problem is religious. They assure me that Protestants are invariably Unionists while Catholics are automatically Nationalists. They add that when Protestants become Catholics they also change their politics. Conversely, Catholics who leave the church adapt a similar routine and become fervent Unionists. This is, of course, unmitigated nonsense."

The main reason for what may appear to be political division according to religious belief in Northern Ireland is that most of the Nationalists are descendants of the Celtic-Irish, a people who have been Catholic since the days of St. Patrick in the 5th century, while the Unionists are generally descendants of the settlers brought to Ulster, mostly from Scotland, in the 17th century, a people who were of the Protestant faith. But not all Irishmen of the Protestant faith in Ulster are Unionists. And the Nationalists of the Six Counties are not all Catholics.

Protestant Irishmen as well as Catholic Irishmen have fought and died in their efforts to free Ireland. Many of the leaders in the long struggle for Irish freedom were Protestant Irishmen. And the words of one of these leaders have particular application to the conditions that exist in Northern Ireland today. Speaking in a London courtroom on June 29, 1916, the late Sir Roger Casement, that noble Protestant Irishman from Ulster, before being sentenced to death for his efforts to free his native land, Ireland, concluded his remarks with these words, "Where all your rights become only accumulated wrongs, where men must beg with baited breath for leave to subsist in their own land, to think their own thoughts, sing their own songs, garner the fruits of their own labors, then surely it is the braver, saner and truer thing to be a rebel against such circumstances as this than to tamely accept them as the natural lot of men."

There are Protestant Irishmen in Northern Ireland today who will accept a united Ireland under one government, who detest the persecution carried on by the Unionists against the Nationalists and who have raised their voices in protest against the oppression of their fellow-Irishmen in the Six Counties. These Protestant Irishmen are also discriminated against, harassed and arrested for their efforts to secure justice in Northern Ireland.

The foundation for the continuing tragedy in Ulster was laid with the Plantation. But the tragic consequences of the Plantation of Ulster in the 17th century need not have extended to the generation of Irish people living in six counties of Ulster in the 20th century.

Descendants of people of various national origins make up the population of these United States and there is no question regarding the fact that these descendants are Americans. But the Anglo-Irish of Ulster are an exception in this respect. And this difference is the basis for the problems that have existed in the North of Ireland at least since 1912.

Although born in Ireland, the Unionists of Ulster have, from generation to generation, considered themselves to be English or Ulster-Scots, proclaimed loyalty to the land of their forefathers and continued the efforts of their ancestors to drive the Irish of different ancestry from the North of Ireland. And this group of Anglo-Irish have continued the fight to retain an area of Ireland for themselves, separate from the rest of the country, with a separate government controlled entirely by Unionists.

Consider, for example, a group of American citizens, born in the United States, continuing a struggle to retain an area of this country exclusively for themselves, separate from the rest of the nation, with their own separate government and proclaiming loyalty to the land of their ancestors; that is what the Unionists in the North of Ireland have been doing for over fifty years.

Civil strife resulting from the continuing conditions has once again spread throughout the six counties of Ulster known as Northern Ireland, strife which, if not soon brought to an end, could result in tragedy for more than the Six Counties. But while people destroy each other and lay waste to their own land, the British Government with final jurisdiction for Northern Ireland refuses to act, thereby permitting the violence and killing to continue. Shock is expressed at the violence and concern for the rights of the Ulster Unionists in any future plan for reunification of Ireland is indicated while the destruction and death toll mount.

But what of the rights of the minority in Northern Ireland until an all-Ireland government is a reality? Must they continue to live in an atmosphere of persecution until reunification may be achieved at some time in the future? Or what benefit for those in England with final responsibility for what happens in Northern Ireland to condemn the violence while ignoring its cause? After all, the British Government is aware of the conditions that have existed in Northern Ireland since the state was founded in 1921.

How many more lives will be lost, how much more suffering must the innocent endure, how many more children will have their minds scarred for life, as a result of the daily horror, before those who preside over the lives of these people decide to solve the problems that have resulted in civil strife in the North of Ireland since the summer of 1920?

The difficulties in the North of Ireland have been aggravated and their solution greatly impeded by the encouragement and support given by England to the Unionists of Ulster down through the years. Instead of aggravating the family quarrels of neighbors, surely those in power in England today must recognize the value of peaceful relations with their nearest neighbor.

As the struggle for justice in Northern Ireland continues, much has been said about the I.R.A. and its activities in the Six Counties. Its members have been called criminals. The same language is used to denounce the I.R.A. today as was used to condemn it in 1916. Without considering the methods used to achieve the end, the I.R.A.'s goal in Ireland is the same today as it was in 1916—freedom and unity for all of Ireland. And for this same cause many Irishmen, both Catholic and Protestant, of past generations gave their lives.

When oppression of a people continues, when their "rights become only accumulated wrongs", when their peaceful requests for equal civil rights in their own land are ignored or met with promises that have not been carried out in more than fifty years, when their requests for reforms are answered with mob attacks the results are usually the same—civil strife that knows no limit in its horror. Human sympathy is narrowed and those involved lose sight of all that is good in their fellow-man and see nothing but the worst in each other. The innocent suffer and the minds of children are corrupted and scarred, usually for life. These are the conditions in Northern Ireland.

The means presently being employed in the North of Ireland to secure some measures of justice and the machinery of oppression used by the government of the state against those who seek nothing more than justice in their own land make a mockery of human institutions of government. In view of the conditions that have existed in the Six Counties since 1921 and the level violence has reached there, organized government has failed. While there are better ways of settling grievances, force or the threat of force, resulting in unimaginable cruelties inflicted on our fellow-man, remains as the deciding factor.

Many of us have some idea of the conditions that exist in Harlem and Watts. Recently, the Scottish-born psychiatrist, Dr. Morris Fraser, after visits to Watts and Harlem concluded that conditions were worse in some ways in Northern Ireland. He said in part: "Of course Belfast doesn't have the narcotics problems of Harlem and Watts. But, at least to me, Harlem didn't seem as bad as Belfast. It seemed like a bad working-class area. Belfast is worse than that."

Dr. Fraser is presently writing on the psychiatric problems of Belfast residents. He has written on the problems of children living under the conditions that exist in Northern Ireland. His writings contain much information on the factors that affect the daily lives of the working-class in the Six Counties. Dr. Fraser's views are interesting, not only for those concerned about conditions in the North of Ireland but for all interested in human relations.

As anyone who has lived in Ulster or who knows its history is aware, the problems in Northern Ireland, a state which, exclusive of major lakes, rivers and tideways, equals in area little more than the state of Connecticut, are neither complex or difficult to solve. The difficulties in the North of Ireland exist because a group of Anglo-Irish in that area of Ireland refuse to accept the fact that they are Irish and insist that they are English and that they belong to England. When this group of people, born in Ireland, accept the fact that they are indeed Irish—not English or Ulster-Scots—then peace will come in Ireland. And if England were to withdraw her encouragement and support from this group of Anglo-Irish in Ulster simultaneously with her armed forces from the North of Ireland the sooner they would accept the fact that they are Irish.

The past can't be changed, but all have it within their capacity to help shape a better future. And the lessons of history offer assistance in avoiding the mistakes of the past.

With the history of the failure of partition in many lands before it, the British Government can help shape a better future for all the people of the six counties of Ulster that form the state of Northern Ireland and for relations between England and Ireland. If never before, the people of these islands now have many reasons to wish to live in peace and mutual trust. And the making of this wish a reality rests with the present British Government.

With over fifty years to reflect on the results of the treaties of 1921 and 1925, under which over one-third of the people of six counties of Ulster were abandoned to continuing persecution, the Dublin Government can do much to ensure that there will be no reason for concern for the rights of any group of Irish people living under a United Ireland Government, thereby preparing the way for peaceful reunification of Ireland.

In the best interests of all the people of both England and Ireland, surely the time has come for England to dismantle the political structure she erected in the North of Ireland so long ago, to form an interim regime to administer the civil affairs of these six counties until all functions of the Northern Ireland Parliament can be transferred to a United Ireland Parliament, so that the tragedy in Ulster may be brought to an end, that the people in the North of Ireland who now destroy each other and lay waste their own land may, instead, join in peace together in search of a better future for themselves and their families—a future free, insofar as possible, of disease and poverty, free of hunger and suffering for children, and above all, free of hatred and prejudice, and that the inhabitants of these two neighboring islands, England and Ireland, the vast majority of whom are honorable people, all with a community of interests in the 20th century, may live in peace and mutual trust.

THE "WELFARE MESS" REVISITED

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. BENNETT. Mr. Speaker, the commonsense approach of trying a pilot program or two relative to welfare reforms is dealt with ably in the following editorial from the Florida Times Union which I bring to the attention of the House at this time:

THE "WELFARE MESS" REVISITED

The special study of "the welfare mess" made by the Joint Economic Committee of Congress is by no means news, in the sense of being something just found out, but it certainly should be an effective reminder at a most appropriate time.

For with the Nixon administration's controversial "welfare reform" bill now in the hands of the Senate Finance Committee (it has already passed the House) the study shows more clearly than ever that:

(a) The present system is indeed intolerable.

(b) Yet a study of the flaws shown in the present system casts even more doubt on the workability and practicality of the "reform" proposal which would immediately double the welfare rolls (and perhaps double the troubles).

(c) The only logical way out of the dilemma is to make a practical real-life test (on a limited scale) of the proposed reform, preferably testing some alternative as well.

Among the findings of this latest study, confirming the chaos of the present patchwork system:

In Chicago, Detroit and New York City the woman head of a family with four children who worked full time and earned from $5,500 to $6,100 (depending upon which city) was really no better off, for all her work, than the woman who exerted no energy beyond that required to cash her welfare check.

In one city a family of four headed by the father received only $474 a year (which would not support any family)—but if a woman headed the family the benefits were $2,710. For obvious reasons the fathers left home, and hence weren't around to find a job eventually and support their families.

In other cities, where the father could remain with his family without loss of of funds, he was discouraged from looking for work (especially hard work or dirty work) by the fact that he lost as much in benefits as 85 cents on every dollar he earned.

The multiplicity of programs (and involvement of both federal and state agencies) increased inefficiency, error and the possibility of fraud.

This latest (if repetitious) finding that the present system is farcical does indeed add impetus to the effort to find a new way. Yet at the same time, it raises anew the valid question as to whether the only on-the-table "new plan" (the administration's proposal) would not compound, rather than alleviate the present chaos and cost.

Some conservative members of the Senate Finance Committee have been talking, for some weeks now, about a different (but as yet unannounced) program, in which there would be no welfare save for those obviously unable to work (the blind, disabled, aged, mothers of very young children) but instead a true "workfare" program in which benefits were tied to labor.

Very well; this perhaps could work. For that matter the administration theory might, after all, work; the point is that it's only an unproven idea and nobody can really say if it will work or not.

So why not try both, in pilot programs in selected states? Put the theories to the test of human nature, and see what happens. And then proceed, on a nationwide scale only with a proven project, not potentially bankrupting guesswork.

FUN NIGHTS LEAD TO FAMILY FITNESS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. BOB WILSON. Mr. Speaker, "let us do it as a family" is the theme of Family Fitness Fun Nights which have been organized three nights a week at nine centers in San Diego. This innovative program, the first of its kind in the country, is designed to enable families to enjoy themselves together while improving physical fitness. I am pleased to share the following newspaper article with my House colleagues and know they join me in congratulating the originators of this remarkable concept in recreation and fitness:

FUN NIGHTS LEAD TO FAMILY FITNESS

(By Beth Mohr)

The choruses of grunts and groans that end routines in most exercise classes aren't heard at Family Fitness Fun Nights at Ocean Beach Park and Recreation Center.

The men, women and children who work out there each Tuesday, Wednesday and Thursday night applaud at the end of their exercises.

And that's the way it is at all nine of the centers in San Diego where children and adults take the fun as literally as the fitness.

Mrs. Marge Newby, recreation specialist for the City of San Diego, is responsible for training leaders who conduct the thrice-weekly sessions. Her approach to exercise is but one of the qualities that make the program unusual.

The local activity was planned by Mrs. Deborah Szekely and Dr. John Boyer, both San Diego members of the President's Council on Physical Fitness and Sports, established with the help of Miss Pauline des Granges, park and recreation director, to "put action into lives that have become far too sedentary," Mrs. Newby said.

Mrs. Szekely describes the free family programs as the first of their kind in the country.

"We have become a nation in which family members do things apart," she said. "Mom goes off on her projects, Dad has his interests and the children all have different activities. Everything we do, from attending church to shopping, is segmentized. This is the first time anyone has said, 'Let's do it as a family.' The family fitness nights have become an astounding success."

Mrs. Newby stresses spontaneity in training leaders for the centers. There never is a written schedule of exercises to be rigidly followed. One thing leads to another in an easy, lighthearted manner.

"We want to encourage men, women and children to get together in an activity they will enjoy while they do themselves some good," she said.

"The more spontaneous things are, the more fun we believe there will be. Our goals are not to build muscles, but to get circulation going and hearts pumping. We want our participants to get their bodies to the fullest potentials for balance, suppleness, strength and endurance."

All exercises are done to music, a lot of it rock and all of it lively. That may be why some routines seem a little like dancing. There is stretching, bending, marching, jumping, plain and fancy running, and, every once in awhile just breathing.

"We begin at 5:30 p.m. with a half-hour of warm-ups, followed by about 45 minutes of exercise. Anyone who wishes can stay for volleyball or other games," Mrs. Newby said.

At the Ocean Beach center, ages range from 4 to over 50. The youngsters get top grades for enthusiasm. They also run the fastest.

Participants are never pressed to exercise any longer than they feel they can. They may rest or call it quits anytime.

Says Mrs. Newby, "We want people to leave exhilarated, not exhausted."

Mrs. Newby has a two-way reaction to the high attendance at fitness nights.

"We are delighted, but I feel the first wave of participants may have been fitness-oriented to begin with," she said. "Now we want to get their neighbors who sit at work all day and then go home to sit in front of TV.

"We consider our classes the beginning of getting back into condition," she said. "We want to encourage our participants to go on to regular walking, jogging, cycling and other programs.

To estimate how long it will take you to get fit, Mrs. Newby offers this guideline: for every year you have been out of condition, it will take you a month to get back into shape.

Newest of the local centers opened yesterday at the Balboa Park Club.

THE DARKNESS AT THE END OF THE TUNNEL: MORAL BANKRUPTCY IN VIETNAM

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SEIBERLING. Mr. Speaker, today my distinguished colleague, the gentleman from Massachusetts (Mr. DRINAN), reintroduced his bill to end our involvement in Indochina. I am proud to be a cosponsor of this bill, which would cut off funding for U.S. military operations in Indochina within 30 days of enactment, and would call an immediate halt to the rain of terror we are precipitating on thousands of Vietnamese civilians every day through our renewed massive bombing.

The bombing must stop; our involvement in this dismal war must end. I think it is clear, after more than 3 years of Presidential assurances and promises of peace—and 3 years of Presidential procrastination—that it will take an act of Congress to ring down the curtain on American military involvement in Southeast Asia.

Twice a month I write a column for several weekly papers in my district. This week, with President Nixon's re-escalation of the air war uppermost in my mind, I used this forum to share my views on the President's actions, and their implications, with my constituents. I would like to share these views with the other Members of the House. The text of the column follows:

The current North Vietnamese offensive has demonstrated, for all who care to see, the bankruptcy of President Nixon's "Vietnamization" policy. Without the presence of massive American air support, the Saigon troops would not be able to withstand the enemy onslaught. The President's decision to resume massive bombing of North Vietnam is, in itself, an admission that Vietnamization has failed.

What can the President hope to gain by his return to the bombing policy of the Johnson Administration? Bombing the North will not end the current enemy offensive in the South any more than the heavy bombing of the preceding weeks prevented it from coming off. Renewed bombing of the North will not bring the North Vietnamese to their knees, or the war closer to a settlement, any more than it did in the period 1965 to 1968. During the Johnson Administration bombing only stiffened the resolve of the North Vietnamese, and the size and scope of their involvement in the South increased apace with ours.

While President Nixon has not yet called our attention to it, the bombing of the Port of Haiphong is an historic first in the long, dreary chronicle of Vietnam. As the Pentagone Papers have shown, even at the height of the bombing in the Johnson years, attacking Haiphong with B52's, as President Nixon has done, was emphatically ruled out. It was rejected because the President's advisers agreed that it would be militarily unproductive, and could bring us to the brink of war with Russia and China.

In March, 1968, then Secretary of Defense Clark Clifford wrote that although Haiphong was the route by which some 80% of North Vietnam's imports entered the country, it was not the point of entry for most of its military supplies and ammunition. "These materials," Secretary Clifford noted, "predominantly enter via the rail routes from China . . . The closing of Haiphong port would not prevent the continued supply of sufficient materials to maintain North Vietnamese military operations in the South."

There was, and is, no significant military advantage to be gained by bombing Haiphong. Why then, did President Nixon order B52's to attack the port on April 15th?

A single B52 carries thirty tons of bombs. Released from 30,000 to 35,000 feet, each bomb dropped by these planes blasts a crater 35 feet deep and 45 feet across. A typical B52 strike, with six planes, leaves a path of destruction half a mile wide and three miles long.

Haiphong is, or was, the home of some 300,000 people. There can be no doubt that the scores of bombers which struck this densely populated area by surprise, in the dead of night without the assistance of the light spotter planes which often guide B52 strikes, killed thousands of men, women, and children.

These facts lead me, with great sadness and reluctance, to the conclusion that President Nixon has embarked on a policy of terror-bombing of civilians in the North to force the North Vietnamese to abandon the ground war in the South. The evidence of our past experience should have taught our military and political leaders by now that such a policy is doomed to failure. Its only fruits can be bitter ones: prolonged U.S. involvement in an escalated conflict; increased American casualties in the air and on the ground; hazard to American prisoners held in the North and the taking of more of them; the undermining of all progress toward improved East-West relations; and the sowing of greater discord at home.

The President speaks continually of "peace with honor". What is honor? Is it honorable to rain indiscriminate death from the skies on innocent people? Is it honorable to make homeless refugees of millions of Vietnamese, North and South? Is it honorable to continue our involvement in this war and so perpetuate a struggle which millions of Vietnamese and millions of Americans have long wished ended? There is no honor here. There is no peace except the peace of the grave.

In 1968, the American people voted, they thought, for an end to the war. Yet, two years later, in 1970, the failure of the President to end our involvement in Southeast Asia and of the Congress to set a deadline for withdrawal were major issues in my Congressional campaign. It is a testament to the emptiness of President Nixon's '68 pledge to end the war, to the failure of his Vietnam policy and to the failure of a majority of the members of Congress, that in 1972 I must still write in this space, "Get out—now!"

BISHOP GERALD KENNEDY: A TRIBUTE

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CORMAN. Mr. Speaker, on May 23, Bishop Gerald Kennedy will retire as spiritual leader of the Los Angeles area, United Methodist Church. One of the great religious statesmen of our day, Bishop Kennedy has been a close personal friend through many years and a continuing source of inspiration. Time in 1964 aptly said that the Bishop—

> As writer, preacher, and bishop is the contemporary Methodist who best seems to express the peculiar quality of his church's active, outgoing faith—pragmatic but perfection-aimed, equally concerned with personal morality and social order, loving discipline yet cherishing freedom.

Truly, he has been an embodiment of that "sanctified commonsense" which is the distinctive hallmark of American religious life.

Bishop Kennedy's Christian ministry has been identified with and exercised through the Methodist fellowship. Elected bishop in 1948 at the age of 40—the youngest man ever so honored in the Methodist Church, he was assigned to the Portland area until 1952, when he was named to Los Angeles. In 1968, while still bishop of the Los Angeles area, he assumed a regular preaching schedule at the First United Methodist of Pasadena, marking the first time in the history of the Methodist denomination that an active bishop filled the pulpit of a local church on a regular schedule. He has preached at the Pasadena church an average of three Sundays a month. His love for and dedication to the preaching ministry, the vital heart of the Methodist tradition, have never waned.

To the ministry of the word Bishop

Kennedy has always brought an alert and searching mind, a spirit deeply sensitive to human needs, and an insight guided by his profound sense of God at work in creation. The highest tribute paid to his sermons is also the simplest: "No one falls asleep in his pews."

Teacher and author alike, Bishop Kennedy has sought in many different ways to communicate truth through personality—the saving truth of faith through the grace and dignity of a personal commitment to Christ and to his fellowmen. He has held many distinguished lectureships. Of his 24 published books, many are widely read by men and women of every religious background. Aside from academic degrees earned, he has received over the years no less than 12 honorary degrees from universities and colleges across the land.

Bishop Kennedy's services to his church, to the larger Christian community, to his State and Nation, and to the family of man are well-known. His longstanding ecumenical outreach and his public-minded concern have won great praise. Writes Herb Brin of the Jewish Heritage:

> With him brotherhood is not a mere catchword or slogan. It is not an empty cliché. He pays tribute to this ideal by his very life and thoughts.

In honoring Gerald Kennedy on his retirement, we are confident that his ministry will go on, reaching out with hope to all sorts of conditions of men and women. In a troubled age, his life is a unique manifestation of that enduring faith in God which has always been the foundation of our American heritage.

I join with all the many people who know and love the Bishop in thanksgiving for the comfort, guidance, and friendship he has given so abundently to each of us, and in the prayer that he and his family may be richly blessed.

FEDERATION OF HUNGARIAN FORMER POLITICAL PRISONERS

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. TERRY. Mr. Speaker, the Federation of Hungarian Former Political Prisoners has worked long and hard to speed up immigration procedures for Hungarian political fugitives who are waiting in European refugee camps with the desire to come to the United States.

Fifteen years ago, our great Nation expedited the admission of approximately 40,000 Hungarian refugees after they fled their native country following the 1956 Russian military action. Today thousands of Hungarians must wait many, many months in Europe for final action that would allow them to come to America. During the waiting period, they experience food and clothing shortages and overcrowded living quarters.

The federation, in its desire to help alleviate this problem, has written the following letter to President Nixon asking his help. I urge my colleagues to also lend their support to this most worthy effort.

The letter follows:

MARCH 6, 1972.

Hon. RICHARD M. NIXON,
President of the United States,
The White House,
Washington, D.C.

Mr. PRESIDENT: This spring will mark the fifteenth anniversary of a generous action by the government of the United States in which you played an important role. I refer to the special action by which this country expedited the admission of some 40,000 Hungarian refugees after their fight for freedom in their own country, had been crushed by Russian armor in 1956. I speak for them in expressing our gratitude for the new life which opened to us as a result of your most humane action. I can assure you that these people have become hard-working, dependable citizens of the country which granted them asylum.

It was my privilege to be present in 1956 at the American Embassy in Vienna when you, as Vice-President, made a visit during your tour of investigation of the refugee situation. I will never forget the hope your presence gave me, nor the confidence imparted by your statement a few months later, when you pointed out that we emigres represented a great potential asset to the United States. I write to you today with a dual purpose: to thank you for what you have already done, and to call your attention to the fact that the problems of Hungarians who escape Russian tyranny continues in free Europe. There are many more who need your help.

These post-1956 refugees find temporary haven in the camps established in Austria, Italy and West Germany. The majority of those who trickle through the Iron Curtain share a common goal: residence in the United States. But lacking the drama and urgency which surrounded the Hungarian Revolution, consummation of their desire is often delayed by the long months consumed in administrative procedures and quotas. Their need is not less than was ours of fifteen years ago. They simply require the same decisive action which made freedom and self-respect swift realities for the thousands who constituted the first wave.

Our Federation, in order to further the cause of the refugees, recently established a Committee for Refugee Affairs which keeps close contact with the refugee camps in Europe. News from these places is by no means encouraging. George Stirling, head of the Committee, has reported repeatedly in the Hungarian emigre press about the worsening conditions relative to this matter.

In the name of our countrymen, we again ask your help. Hungarians who love freedom have not changed. Unhappily, neither has the situation in their homeland, and a repetition of the same type of action by the United States government is required. Please exercise the great power and influence of your office to bring the American dream more quickly to the many who desperately need your assistance.

Sincerely,

TIBOR HELCZ,
National Chairman.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

MY RESPONSIBILITY TO FREEDOM

HON. WILLIAM O. MILLS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MILLS of Maryland. Mr. Speaker, "My Responsibility to Freedom" was the theme for this year's Voice of Democracy contest sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. I want to commend the VFW for sponsoring this annual contest. It encourages young people to take positive pride and faith in America and encourages them to look deeply at our Nation's priceless heritage.

Kathryn J. Panks is a senior at Southern Senior High School in my district. Miss Panks is the winner of the Voice of Democracy contest in Maryland and I am proud to insert her speech in the RECORD:

MY RESPONSIBILITY TO FREEDOM

I? Have a responsibility to freedom? You mean I can't just sit back and enjoy the rights I have coming to me?

Not a chance. There are things I can do to improve and maintain freedom in my country. Most particularly in school and at home.

I believe that there are two sides to freedom. One side tells me that I am a free person, entitled to pursue "Life, Liberty and Happiness" in whatsoever manner I choose. The *other* side tells me that every other American has the exact same rights that I do. Hmmm. That complicates matters. It gives me a responsibility to bear. But it's nothing I can't take care of. It just means that I must give everyone else the respect that I expect them to give me. I can practice that right at home. I expect my brother to keep his hands off the radio while I'm listening to it. Well, then, it's only fair for me to do the same for him. When I'm at school—say—working on the school newspaper, I expect the other editors to listen when I get an idea for an article. Again, this is a two way street. I must listen to their ideas also so that together we can work out a compromise. The more respect I give at school and at home, the more respect I am likely to get in return. O.K. So far so good. What else can I do, here and now, to make my freedom a real thing?

Being a part of the society that makes America, I cannot be completely free unless the whole society and every individual in it is also free. A machine can't work properly if some of its parts are kept from functioning! The same thing goes for the United States; it can't run smoothly if the people who make it up aren't free to work to their capacity. I know that everyone has the same rights as I do, but I also know that all around me are people who are being deprived of their rights. It is my duty then, to take a part in seeing that no one around me is deprived of his rights. Before I can do that I have to know my own rights and have a working knowledge of how freedom is kept alive in this country.

I can learn and practice most of my rights at school. Every year student council representatives and class officers are elected. By taking part in these elections I can train myself how to use my right to vote and how to pick a candidate I believe will do the job I want done.

As a member of the newspaper staff I can help make "Freedom of the Press" a reality to the students and myself. They can exercise their right to freedom of speech through the letters to the Editor and I can see that the news printed is accurate and unbiased. By taking the opportunity to learn and use my rights at school I make it easier to use them in the future.

A major principle of American freedom is the concept that if every American works to better himself, then the entire country will benefit. When a man is deprived of his rights, he cannot better himself and America as a whole suffers for it. It is my duty to learn how to work through the system we have to correct wrongs. I must learn everything I can about the workings of my Government and how changes can be made through it, not through the destruction of it. And most of all I must respect the right of every person to better himself, and even help him to his goal, by encouraging, not discouraging; by building up, not putting down. For we are "One Nation, Under God, Indivisible with Liberty and Justice for all."

FREE-TRADE "MYTH"

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. PUCINSKI. Mr. Speaker, the weekly news letter published by the Illinois State AFL-CIO had an excellent article about a speech delivered by our colleague, Representative JAMES A. BURKE, entitled "Free-Trade 'Myth'."

Representative BURKE described the growing menace to American economy on foreign imports.

He voiced a strong plea for enactment of the Burke-Hartke bill which would help the U.S. deal more effectively with this problem.

Mr. Speaker, I am proud to be a cosponsor of this important legislation and am hopeful for its early enactment.

Mr. Speaker, I want to congratulate Mr. Stanley L. Johnson, president of the Illinois State Federation, and Robert G. Gibson, secretary-treasurer, for their leadership in this important struggle for survival of the American worker.

The article follows:

FREE-TRADE "MYTH"

Existing U.S. "free trade" policy is bankrupting the country, Rep. James A. Burke (D-Mass.) warned in calling for measures to stem the flood of imports "that has washed hundreds of thousands of jobs away."

Speaking to a luncheon of the Maritime Trades Dept. Burke pinned much of the current economic crisis on the Nation's foreign trade posture.

Burke, co-sponsor with Sen. Vance Hartke (D-Ind.) of the Foreign Trade & Investment bill now before Congress, stressed that unless the drain on the U.S. economy is halted the stability of the Nation is in jeopardy.

"We need protection from the grossly unfair reality of our free trade policy," he said. "The alternative is the slow starvation of our economy, the continued erosion of jobs and income and, indeed, a continuing threat to the survival of the Nation itself."

Burke said that free trade in the world market is a "myth." He traced the development of the myth from the time the United States was the strongest of the world's exporting Nations and as it fostered vast foreign economic and industrial aid programs for underdeveloped countries.

"Our experts trained people around the world in ways they could compete with our industry. We gave away the machinery to set up shops and sent technicians to get operations going. . . . We licensed patents so that the latest technology could be adopted by industry overseas."

"And perhaps worst of all," Burke stressed, "through a system of tax advantages and credits, we encouraged our Nation's industry to locate overseas."

However, throughout this period, he noted, trade barriers were being built up against U.S. products around the world.

"But now the myth is beginning to wear thin," Burke declared.

"Those trade barriers are still up around the world and our encouragement of foreign trade investment has become a Frankenstein's monster—rending apart the basis of our foreign trade."

He said, "we see whole industries closing as their operations move to subsidiaries of American firms scattered around the globe.

"We see people lining up to cash unemployment checks, people who have many skills to contribute to America's development and who cannot because the jobs aren't there."

Measures pending in Congress, including the Burke-Hartke bill, would put an end to this imbalance, he noted. Yet, he added, "every time you try to discuss those trade measures, someone conditioned by the old mythology of free trade hollers the word 'protectionist.' "

"We need to protect ourselves in many fields from the incredible flood of imports," Burke said. "And we have to establish our right to the government's fair share of profits that multinational corporations are raking in by producing things abroad and sending them back here for sale."

The workers, not the corporations, bear the brunt of the economic impact of the free trade myth, he said.

"The companies can flee to Hong Kong, to Malaysia, to Ethiopia, but the worker stays where he is with no job and little prospect of finding one," Burke pointed out.

BLACK LAWYERS AT JUSTICE SPEAK OUT AGAINST NIXON BUSING STAND

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. EDWARDS of California. Mr. Speaker, 10 black lawyers in the Civil Rights Division of the U.S. Department of Justice have written an open letter to the Congress opposing President Nixon's antibusing legislation. Their letter, which exhibits the deep concern of professional civil rights lawyers for the harm which will be accomplished if this legislation passes, and the moral outrage of blacks is a document that should be carefully read by us all. It is not an easy act for any Federal employee to speak out so forcefully against the policies of the administration in power. The fact that these 10 black lawyers in this letter, and 95 of their white colleagues in another letter, have spoken out so eloquently and forcefully against the Nixon antibusing bills, does them great credit. The letter, which appeared in this morning's Washington Post, follows:

10 BLACK LAWYERS AT JUSTICE: CONGRESS SHOULD REJECT BUSING BILLS

Believing as we do that much of the progress that has been made in the school desegregation area in recent years is being seriously threatened, and believing as we do, that our continued silence would be an abdication of our moral obligation to advance the cause of civil rights, we, the undersigned black attorneys of the Civil Rights Division, Department of Justice, wish to state publicly our disenchantment with the recent regressive trend in this area, including the anti-busing bills now before Congress.

First, and fundamentally, busing is not a real issue; it is instead a sham, a "last straw" embraced by those who have disappointedly watched busing and other tools of desegregation bring blacks to the better schools, wherever they are. Quite frankly, we as ardent students of the civil rights struggle, have concluded that the recent fervor in the area of busing is nothing more than a thinly veiled attempt to sacrifice the rights of minority children to racist pressure groups and political expedience. Those parents screaming the loudest about the welfare of their children, are the same ones who reverently expose their children to violent protests, vile rhetoric, long school boycotts and vivid displays of lawlessness including the burning and overturning of school buses. The school administrators, most prolific about maintaining quality education, were the same ones who were most inarticulate when it came to explaining disparities in the black and white schools, and the same ones who advocated the establishment of inadequate all-white "freedom schools." The politicians most vocal about the efficacy of using children to cure society's ills were among those most shamefully silent when black children were bused to perpetuate the same ills.

We realize, of course, that there are a number of anti-busing advocates who are righteous self-styled liberals, and who would disassociate themselves from the above characterizations and innocently inquire why must our children be bused? Why? Because much of the desegregation that you claim to be so proud of has been made possible only through busing. Why? Because judges who have heard not rhetoric, but the detailed facts that the press shields the public from, have proclaimed busing essential for effective desegregation. Why? Because the Supreme Court has stated that the Constitution requires desegregated schools and that busing is an acceptable tool to accomplish this goal. That's why!

More frightening, however, than the simple awareness that there are so many, in and out of government, who are maliciously attempting to undermine the rights elucidated in Brown v. Board of Education and its progeny, is the realization of how desperate they are. Recent developments, including proposed "moratoriums" and Constitutional amendments, tell us in no uncertain terms that there are those so determined to keep the two societies separate and distinct, that such traditionally American concepts as the sanctity of the Constitution, the "separation of powers," as well as "oaths of office" will willingly be sacrificed. Quite clearly they, and their unwitting allies, have no qualms about raping the 14th Amendment, prostituting the courts, and defaming the efforts of those who have worked so hard to promote desegregation, including those who have put their economic and political lives on the line.

What we have been witnessing, when

stripped of its shroud of innocence, is an attempted roll-back, a camouflaged effort to resurrect the concept of "separate but equal," and a deliberate effort to make the advancement of desegregation circular, beginning and ending with Plessy v. Ferguson. We are indeed observing a metamorphosis during which "benign neglect" is being transformed into malignant hypocrisy.

To avoid such a consequence, to restore faith in those who have appallingly watched government attorneys switch from plaintiffs' to defendants' counsel table, and to serve notice on recalcitrant school boards, vacillating politicians, and run-of-the-mill recists that minority children will enjoy their full constitutional rights, we hereby urge Congress to reject the anti-busing, anti-black bills now before them.

John W. Davis, Savannah Potter, Ethel A. Ollivierre, Samuel J. Flanagan, Squire Padgett, Michael A. Middleton, Nate Friends, Calvin D. Hawkins, Donald Pailen, Libson C. Berry, Washington.

THE UNITED STATES AND THE DEVELOPING WORLD

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HAMILTON. Mr. Speaker, I would like to bring a speech by AID Administrator Dr. John Hannah to the attention of my colleagues. The speech, given April 20, 1972, before the International Development Conference here in Washington, is a discussion of the "second generation" problems of development assistance, such as the untying of bilateral aid and generalized trade preferences, and the future shape of our assistance effort.

The speech is interesting in its own light, but especially so because of Dr. Hannah's comments on two important ideas for furthering economic development: access by developing nations to special drawing rights, known as SDR's, which are the new international monetary reserve assets administered by the International Monetary Fund, and multilateral debt relief arrangements for developing nations.

The fact that Dr. Hannah commented positively on these two items marks a shift in viewpoint that should not go unnoticed. American acceptance in principle of increased access to SDR's and debt relief could do much to spur the development of the world's poor countries.

I recommend the speech, which follows, to my colleagues:

The United States and the Developing World

(By Hon. John A. Hannah)

I

One of the most felicitous developments in recent years has been the Green Revolution. The work of the plant breeders in producing new productive varieties and the use of fertilizers and pesticides have yielded exceptional increases in the production of cereal grains. India is currently self-sufficient in food grains—a feat that a few years ago would have been regarded as difficult to achieve as the American landings on the moon.

The Green Revolution sometimes encounters second generation problems. Problems such as susceptibility to new plant diseases requiring new measures to control them and new research to develop resistant varieties. This was not unexpected.

Development, basically, is a process of challenges and solutions. Each new generation of problems requires new solutions—new answers.

As of now development assistance has second generation problems. Like the Green Revolution, development assistance programs enjoyed a period of vigorous growth. Beginning with the Marshall Plan, Point IV and evolving through the interim programs and U.S. A.I.D., the concept was adopted and adapted by most of the developed countries. The resulting bilateral assistance programs supplemented by the U.N. agencies and the World and Regional Banks have yielded resources and results beyond anyone's early expectations.

But in recent years, the growth of development assistance has been stunted. Transfers of official development assistance have grown only marginally since 1967. In the United States we are completing the most difficult 12 months in the history of the Foreign Assistance program. Bilateral aid was reduced substantially by the Congress. At one point, the Senate actually voted the program down following its debate of issues pertaining to the Vietnam war. Funding for the World Bank and other multilateral institutions has been reduced and delayed. We have been unable to proceed with legislation granting trade preferences to less developed nations. The negotiations on untying bilateral aid were interrupted by the realignment of the international monetary system. For U.S. development assistance, this year has been—in the words of the drug culture—a bad trip.

But the problems affecting development assistance—like the second generation problems affecting the Green Revolution—are neither fatal nor permanent. The concept of Development Assistance has enduring validity.

The United States will not become a world drop-out. We remain committed to doing our fair share in the common effort to help the people of the developing countries help themselves move in the direction of utilizing their resources for providing lives of better quality for all of their people.

At this period in history our country is evolving new relationships with developed and developing countries—relationships which inevitably affect the scope and content of development assistance programs.

II

Looking ahead, I would like to comment on three factors which appear important in the evolving relationships between the developed and the developing countries.

First, there will be increasing diversity in the patterns and goals of development as developing countries confront new problems in this increasingly complex and rapidly changing world.

Second, the developing countries will increasingly expect to be treated as equals in their dealings with the developed world.

Third, the developed countries and the less developed countries may discover a greater mutuality of interests as they seek to solve their basic problems of growth and change.

Let me comment briefly on these three points.

First, the old belief that the path to growth in the poor countries lay in learning the ways of the West has been decisively undermined in recent years. This morning's session—labeled, perhaps over-dramatically, the "Crisis In Development Strategies"—pointed out that the developing countries confront many new problems—problems which did not face the developed countries in the earlier days of their development. For instance:

The labor forces in many developing countries are growing at far faster rates than were experienced in the western developed countries, or in Japan.

The developing countries face particularly acute problems of income distribution, which require new methods and programs. For instance, it is estimated that if India relied solely on rapid growth of agriculture and national income to solve its nutrition problem it would be more than 30 years before the lowest third of India's population could afford an adequate diet.

In education, the developing countries cannot continue to emulate Western style educational systems. Education budgets have been rising twice as fast as GNP in most LDCs, but half of all their children are still out of school because there are no schools for them, no teachers, no books. The developing countries have the need to develop non-traditional, low-cost systems of education, if they are to roll back the tide of illiteracy. For the country with a per capita GNP of $200 per year or less, it is futile to advocate universal educational opportunities in Western type schools with 30 or fewer students per school room, teachers with graduate degrees, modern visual aids and all the rest. Their economies cannot support that kind of a school system.

I could give other examples. But the basic point is that many of the major problems facing the poor countries have either not been duplicated in Western experience or are not solvable with *existing* Western technology and institutions. They are different problems. They require new types of public and private institutions, new policies for allocating resources, new means for delivering services, and, in some cases, new technologies.

The severe problems of unemployment, underemployment and income distribution require new development formulas which achieve a better harmony between growth and equity.

As the developing and developed countries grapple with these problems it is reasonable to expect: First, that we will find more experimentation and variety in patterns and goals of development among different countries. We see some of this today. For example, India's increasing attempts over the years to find its own patterns for solving its poverty problem and the current interest in some of the approaches to development in the People's Republic of China.

Second, that as the donor countries become increasingly concerned with the new problems, their approach to the developing countries should tend to become less prescriptive and more cooperative. The old tutorial relationship—born of the belief that we in the West possessed the ready-made answers for the problems of the underdeveloped—should diminish. Hopefully there will evolve a more collaborative problem solving approach.

The developing countries will appropriately press for increasing recognition of their right to influence donor policies and the course of worldwide development assistance. We see many signs of this today: the growing resistance to directive styles of assistance; the United States agreement to have its economic policies reviewed by the Latin American countries instead of always the other way around; the increasing restiveness with developed country dominance of the multilateral institutions; and the prominent current example of the UNCTAD now meeting in Santiago, Chile. There the developing countries are pressing their right to influence the restructuring of trade and monetary systems.

A headline in a recent issue of the *Journal of Commerce* summed up what I think will be a major theme for this decade. It was: *"Poor Lands Demand Decisive Influence."*

Finally, perhaps paradoxically, as the developing countries face new problems and evolve new solutions we may discover a greater mutuality of interests. It is possible that methods and procedures found by the poor countries to be useful in solving their urban problems may be useful in developed societies. We can expect that some of the truly unique experiments in effective low-cost education will come from the poor countries. They may have relevance to our country. This may also be true in health care and in other areas. The truism that we are all developing countries and can learn from one another may increasingly be a reality as well as a cliché.

What does this imply for United States assistance programs? Although the problems of development are changing, the need to transfer resources, training and expertise from the developed to the less developed remains undiminished.

The Pearson Commission estimated that the developing countries would require $16.2 billion a year in official assistance from the developed countries by 1975 to sustain a six percent annual growth rate. The UNCTAD estimated a total resource gap of about $37 billion in 1980. While such estimates are highly tentative, no one seriously questions that the amount of resource transfers which will be needed from the developed countries to achieve reasonable growth in the developing countries is significantly higher than that now flowing.

There will be strong efforts by the developing countries to establish mechanisms for resource transfers which avoid the incursions on dignity and independence which some of the developing countries feel are inherent in current assistance programs. Many of these issues are front and center at the UNCTAD III meetings in Santiago. Key items include these three: (1) *expansion of LDC exports and trade preferences;* (2) *earmarking a larger share of SDR's for use by developing countries; and* (3) *debt relief.* I would comment briefly on each of them.

The United States is committed to the adoption of a system of generalized tariff preferences. Secretary Rogers has again recently confirmed the intention of this Administration to introduce generalized preference legislation in Congress.

The submission of a bill has been delayed because of the concern that it might be counterproductive and encourage the possibility of protectionist rather than liberalized trade policies. It is hoped that the climate will be more favorable next year. Whether such legislation passes may hinge on continued recovery in the domestic economy and a clearer indication of the effects monetary restructuring will have on our international economic position. I am confident that the United States in its own best interest will eventually approve trade preference legislation.

Giving the developing countries special access to SDRs—the new reserve assets administered by the IMF—could provide an additional $2.0 billion a year or more in external financial resources. The United States in the past did not favor these proposals because we wished to avoid overloading the new SDR system. By now, however, the system has proven its acceptance and workability. SDRs will play an important role in the present restructuring of the international monetary system. The position we are taking at UNCTAD is to support, in parallel with other developed countries, a full study by the IMF of how SDR's can be used to support development in the LDCs. I believe the United States will support such proposals although complex questions of timing, volume, procedures and negotiations will have to be resolved. If we are to carry our fair share of the total responsibility, I see no better way to do it.

Annual debt repayments by the LDCs now total about $6 billion a year and are increasing at twice the rate of LDC export earnings. Multilateral debt relief agreements can become a substantial source of LDC external finance for individual developing countries with large debt problems.

The World Bank has taken the position that it will encourage developed countries to grant debt relief and will take the lead in working out guidelines for doing so, but that it will not grant relief of debts owed to it. We recognize that the Bank must maintain its credit ratings in world capital markets. But we hope that the Bank will find ways to participate in multilateral debt relief arrangements by being willing to consider rescheduling for debts owed it.

When and how these proposals for debt, trade preferences, SDRs and other more exotic proposals will be agreed upon is difficult to predict. The end of the decade may well find a large fraction of resources transferred from the developed countries to the LDCs flowing through these channels.

President Nixon has made it clear that an important part of our policy for future development assistance is to encourage the growth and use of multilateral institutions. These institutions grew with surprising vigor in the 1960s. Loans authorized by the World Bank, IDA, and the regional banks rose from $1.3 billion in 1962 to $3.3 billion in 1970. This Administration plans to give full support to continuing this growth.

We must recognize that while many in Congress support multilateralism, there are many others who do not. We must also recognize that the United States cannot unilaterally build multilateral institutions. If these institutions are to retain their international character, increases in U.S. contributions must be matched by comparable increases in other donor contributions. It will be a long-term job to work out the required agreements with other countries to total resources flowing through multilateral channels.

The World Bank has taken the lead in coordinating aid programs and providing guidance for donors and counsel for recipients. This relationship is well established and fully supported by the United States.

Now, what about the bilateral assistance administered by the Agency for International Development? Many of you have often listened to me and I will make this overview very concise.

First, this Administration will continue to work for the separation of economic development assistance from Military Assistance Programs and from Supporting Assistance programs in Vietnam, Laos, Cambodia, Thailand, Jordan, Israel, and other countries where our political or security interests are engaged. This proposal was part of the foreign assistance legislation which the President sent to Congress a year ago tomorrow. Congress deferred action last year and agreed to give it serious consideration this year. It is now evident that action will be postponed until after this fall's election. We hope the Congress will act on it early next year.

The marriage of long-term development assistance with short-term military and supporting assistance in a single Foreign Aid bill was a product of the cold war. But these programs have different objectives, and a divorce is long overdue.

Second, U.S. bilateral assistance will concentrate on assisting developing countries find answers to a limited number of basic *human* problems: problems such as food production and nutrition, population growth, and health and low-cost education systems. The solution of some of these problems require new technologies and institutions. Our country's great store of scientific knowledge, our problem solving approaches, our capacity to provide applied and useful training programs for foreign nationals, and the capabilities of our professional people can make great contributions in these and other areas.

We should not forget that our US AID training programs have provided training for more than 160,000 persons now returned to their own countries and these former trainees are well qualified for important roles in development programs. Many of them have demonstrated high competence in the service of their governments, and across the board in civilian pursuits.

We will increasingly emphasize research, innovation and joint problem solving programs with the developing countries.

We will devote significant emphasis to building the capacity of U.S. private institutions such as universities, foundations, voluntary agencies, cooperatives, farm groups, labor groups and other groups to provide assistance in these basic problems.

The pervasive objective is to focus our loans, grants, research funds and other resources *on a limited number of basic development problems* where U.S. technical skill and experience can make a significant contribution.

We will give increasing attention to the problems of employment, income distribution, and equity.

The proper focus for U.S. bilateral aid is on the basic problems of people. People are at the center of development. Development is meaningful only if it can be translated from impersonal statistics, and graphs, and measures, and emphasis on GNP into more and better food, education, health, and jobs for people.

Above all, no matter how rugged and unrewarding life may be for this generation in the least developed countries, there must be justifiable hope that life may be better for their children.

U.S. A.I.D. will increasingly combine its bilateral financial resources with research and U.S. technical skills to address—jointly with the recipient countries—a relatively limited number of development problems which are basic to human welfare. *This is the direction in which we are headed.*

If we are to succeed, consistent, continuous, and understanding help "where it counts" will be required from you and your friends. We have been traveling a rough road. It may not get much smoother until the war in Indochina is wound down. When that time comes, I am certain that if the people of America have all the facts before them they will insist that our country be a responsible part of tomorrow's world, and play a responsible role in it.

In closing I return to a point made earlier. The pace and direction of development assistance will increasingly be determined by the developing countries themselves. Their problems must be solved in their countries by their people. At best external aid can only provide encouragement and help for the peoples in the assisted countries as they move in the direction of harnessing their resources to improve the quality of life for all of their people.

That is what U.S. A.I.D. should be about.

SOVIET JEWS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. EILBERG. Mr. Speaker, on Wednesday, April 19, the Greater Philadelphia National Conference of Christians and Jews unanimously adopted a resolution which asks the Soviet Government to end its persecution of the Jewish people and other minority peoples living in the Soviet Union.

The conference, in taking this action, wishes the U.S. Government to use appropriate diplomatic means to encourage the Soviet leaders to permit free exercise of religion and emigration.

I commend NCCJ for its independent effort made for those people living in the Soviet Union.

For the benefit of my colleagues, I submit the full text of the resolution for insertion into the RECORD:

RESOLUTION

Resolution of the National Conference of Christians and Jews, Greater Philadelphia-Southern New Jersey Region, memorializing the President of the United States, the Congress and the State legislature to encourage the Government of the Soviet Union to end its persecution of Soviet Jews and other minorities and to permit free exercise of religion and emigration

Whereas, The National Conference of Christians and Jews, Greater Philadelphia-Southern New Jersey Region, is an ecumenical organization dedicated to advancing interfaith and interracial understanding and cooperation; and

Whereas, In the Soviet Union men and women are denied freedoms recognized as basic by all civilized countries of the world and by the Soviet Constitution; and

Whereas, Jews and other religious minorities in the Soviet Union are being denied the means to exercise their religion and sustain their identity; and

Whereas, The government of the Soviet Union is persecuting Jewish citizens by denying them the same rights and privileges accorded other recognized religions in the Soviet Union and by discriminating against Jews in cultural activities and access to higher education; and

Whereas, The right freely to emigrate, which is denied Sovet Jews to seek to maintain their identity by moving elsewhere, is a right affirmed by the United Nations Declaration of Human Rights, adopted unanimously by the General Assembly of the United States, and

Whereas, These infringements of human rights are an obstacle to the development of better understanding and better relations between the people of the United States and the people of the Soviet Union; now, therefore, be it

Resolved, That the Board of Directors of the National Conference of Christians and Jews, Greater Philadelphia-Southern New Jersey Region, hereby this 19th day of April, 1972; authorizes its co-chairmen, Milton Clark, Milton A. Eisenberg and John M. Elliott to forthwith transmit the aforesaid resolution to the President of the United States respectfully requesting that he exert his influence during his upcoming trip to the Soviet Union to call upon the Soviet government to end its persecution of the Jews and other minorities, and to permit the free exercise of religion by all its citizens in accordance with the Soviet Constitution; with copies of the aforesaid resolution also directed to the Vice President and Secretary of State of the United States, and to the Secretary of the Senate and to the Clerk of the House of Representatives of the United States, and be it further

Resolved, That the aforesaid resolution also be sent to the Speaker of the House and the President of the Senate of the Pennsylvania Legislature respectfully requesting said body to petition the United States government to use all appropriate diplomatic means to engender the fullest support possible for such a request to the Soviet Union.

Respectfully submitted,

MILTON CLARK.
MILTON A. EISENBERG.
JOHN M. ELLIOTT.

HOW TO END THE WAR IN VIETNAM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CRANE. Mr. Speaker, there has been much criticism in recent days of our renewed bombing of North Vietnam. Unfortunately, the majority of those who are most vocal in their criticism of our own action remain silent with regard to the invasion of South Vietnam by the army of the North. Their analysis of what is happening somehow places our own Government in the negative position even though it is clear that we are responding to an aggressive attack, rather than initiating one.

In his editorial column in U.S. News & World Report of April 24, 1972, David Lawrence points out that:

> What the United States is doing in South Vietnam is defending the cause of a people who otherwise would have been gobbled up by the Communists.

Mr. Lawrence also declares that:

> Peace in Southeast Asia . . . cannot be achieved unless the Moscow Government stops sending vast amounts of arms and military supplies to North Vietnam to threaten the independence of the nation to the south which is struggling for the right of self-determination.

The fact that the Soviet Union has been the prime force behind the continued aggression of the North Vietnamese is, states Mr. Lawrence, something which is well known but has "rarely been mentioned by officials of our Government." The clear record of what has happened in Vietnam, he notes, "could be established by a disinterested tribunal so that there would no longer by any doubt as to how the war began and who actually were the aggressors."

Whether those in the United States who condemn their Government realize it or not, the war in Vietnam is a war of Communist aggression and our role in assisting the Government of South Vietnam to repel that aggression is as honorable and in keeping with our traditional principles as was our participation in World War II against Nazi and Fascist aggression, and in Korea against a different kind of Communist aggression.

Writes David Lawrence:

> Though antiwar activists may not know it, the position taken by the United States and its willingness to stand up for the rights of small nations help to prevent any single power from becoming so strong that the safety of others is menaced and a global conflict becomes inevitable.

I wish to share Mr. Lawrence's editorial with my colleagues, and insert it into the RECORD at this time:

[From U.S. News & World Report, Apr. 24, 1972]

HOW TO END THE WAR IN VIETNAM

(By David Lawrence)

North Vietnam launched a big offensive and is suffering from a retaliatory move by the South Vietnamese that is painful. For it includes heavy bombardments by planes of the U.S. Air Force and Navy.

To many people the fighting is between two small nations. One is assisted by the Soviet Union, and the other by the United States. This is an example of involvement by major powers which have not declared war on each other and both of which presumably are in favor of peace movements throughout the world.

But peace in Southeast Asia, it is evident, cannot be achieved unless the Moscow Government stops sending vast amounts of arms and military supplies to North Vietnam to threaten the independence of the nation to the south which is struggling for the right of self-determination.

These facts have been well known, but they have rarely been mentioned by officials of our Government. There have, of course, been general statements made about the necessity of all countries agreeing to respect the territorial integrity of others. Aggression has been denounced on every side. But the specific part played by the Soviets in helping the North Vietnamese has always been referred to in the propaganda from the Communists as something that developed after the war started and as a means of countering the alleged aggression that supposedly took place when the United States originally answered South Vietnam's call for assistance.

The record of what has happened in Vietnam could be established by a disinterested tribunal so that there would no longer be any doubt as to how the war began and who actually were the aggressors.

What the United States is doing in South Vietnam is defending the cause of a people who otherwise would have been gobbled up by the Communists. If this had happened, other states in Asia might have subsequently met the same fate.

Red China's fear of the expansion of Soviet imperialism and domination of Asia undoubtedly caused the Peking Government to become an active ally of North Vietnam and send military supplies to Hanoi.

The Vietnam war would have been concluded a long time ago if North Vietnam had not had help from Communist China and the Soviet Union. Similarly, South Vietnam would have crumbled and the Communists would have taken over if the United States had not come to the aid of a small nation trying to preserve its freedom.

It has been the practice of the Communists to take the side of "revolutionary" groups and to assist in "wars of national liberation." But the time has come for an agreement to be made that there shall be no intrusion in the internal affairs of another country.

The United States has no desire to obtain an inch more of territory on any continent. Nor does it seek to secure a voice in the policies of other governments. Its objective is to bring peace in the world and to give peoples the right to determine for themselves how they shall be governed.

Attention now is being concentrated on how to end the war, and the United States is intent on getting the hostilities stopped. It doesn't want to engage in name-calling contests or in propaganda campaign. Indeed, President Nixon is scheduled to make a trip to Moscow on May 22, and there are many people who believe that Vietnam will be one of the problems that will be tackled. For the Soviets can influence North Vietnam to make peace, and the war could be terminated within a few weeks if Moscow urged the representatives of the Hanoi Government in Paris to engage in meaningful negotiations for a settlement.

Diplomats generally expect President Nixon and the Soviet leaders to discuss the Vietnam war and perhaps to find a way to end the conflict. This would be a constructive development which would be viewed everywhere as the start of a new era. To keep on supplying arms to one country after another to threaten neighboring lands can only lead to continuing strife.

The antiwar activists in America do not realize what the Vietnam war really means. For the firmness of the position taken by the United States and its willingness to stand up for the rights of small nations help to prevent any single power from becoming to strong that the safety of others is menaced and a global conflict becomes inevitable.

People everywhere are hoping that the threat of a world war can be removed. It the Vietnam dispute is settled with due respect for the independence of nations, big and little, it could mean peace on all continents. The policy of the United States—and particularly its resolute stand in defense of South Vietnam—is an assurance that courage has not been replaced by cowardice and that the same spirit which has motivated it in aiding South Vietnam will be used to protect the rest of the world against ill-advised action by any aggressor which could lead to a third world war. For, as President Nixon has repeatedly said, he is striving to make this "a generation of peace."

RECOGNITION FOR A PATRIOT

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. YOUNG of Florida. Mr. Speaker, a valued friend and colleague, Representative FLOYD SPENCE from the 2d Congressional District of South Carolina, is rapidly earning public recognition as an outstanding leader and patriot. Serving with him on the House Armed Services Committee, I daily witness the tireless and effective service he renders to his committee, to the Congress and to the cause of our national defense.

Like many of us, Congressman SPENCE firmly believes that a strong America offers the best hope for peace in our troubled world; he is determined that this Nation does not invite aggression by making national security a second-rate consideration.

The Times and Democrat, a respected newspaper in Orangeburg, S.C., reviewed Congressman SPENCE's performance in an editorial on April 20, and called him "somewhat of a lobbyist for a strong national defense"—a tag that any American might envy. Here is what the newspaper, in its lead editorial, had to say:

WE NEED MORE PATRIOTS

Rep. Floyd Spence, Republican from South Carolina's Second Congressional District, in speaking recently at the national conference banquet of the Society of Colonial Dames in Washington, made a rather distressing comparison between the space program of the United States and that of the Soviet Union.

He told the ladies of that organization that while this country has followed a peaceful application of its space program for the advance of world knowledge and technology, the Russians have been concentrating on the adaptation of space for military use and advantages. In fact, he sees the Soviet program as "a grave threat to U.S. peace and security from space."

The Communists have developed and successfully tested space weapons systems that we have scarcely even conceived yet—much less built or defended against, he said. Rep. Spence should know since he is a member of the House Armed Services Committee and is privy to information not available to the general public.

And he quoted one who should be even more in the know—Secretary of Defense Melvin Laird, who said, "the USSR has now reached a position where, unless we take appropriate action, there could be new surprises and new 'sputniks'. But they are less likely to be in areas such as the peaceful exploration of space; rather, they are more likely to be a part of a major new Soviet military capability."

Spence outlined other areas in which the Soviet Union now leads this country. For instance, the Reds are expected to have 1,550 operational intercontinental ballistic missiles on launchers by mid-1972, while we have only slightly over 1,000.

In addition, the facts show, he said that we are woefully lacking in at least 10 areas of defense technology; among them, fractional orbital bombardment systems, strategic air defense interceptors, surface attack ships and anti-aircraft artillery systems.

Also, the main population centers in Russia have extensive deployment of anti-ballistic missiles, "yet our Senate fought for months about whether to approve one little crumb of this basic protection," he said.

Deploring what he described as "one of the worst cases of gross negligence on the part of government in the history of this country," Rep. Spence charged that this neglect was encouraged and nourished by "near hysterical ravings of anti-defense lobbies in our own country."

Rep. Spence, it seems, is developing into somewhat of a lobbyist for a strong national defense himself. We welcome him. He is joining the ranks of such men as Sen. Strom Thurmond, R-S.C., and the late Rep. L. Mendel Rivers. We need more such patriots.

ENVIRONMENTAL DEFENSE FUND STUDY CONCLUDES THAT CANADIAN PIPELINE IS SUPERIOR ECONOMICALLY AND ENVIRONMENTALLY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today the most extensive, objective, and important analysis of the environmental impact statement on the proposed trans-Alaska pipeline that I have seen. The study was done by the prestigious Environmental Defense Fund. It concludes that a Canadian pipeline route is environmentally superior to the trans-Alaska route in 25 out of 25 areas. It also concludes that, economically, a Canadian pipeline route to the Midwest makes far more sense than the trans-Alaska route.

I strongly urge those of my colleagues with even a marginal interest in the trans-Alaska pipeline issue to carefully read this excellent and thorough report, which follows:

ENVIRONMENTAL DEFENSE FUND

The Environmental Defense Fund has analyzed the Trans-Alaska Oil Pipeline environmental impact statement and other data available to the Interior Department but not considered in its impact statement, including:

(1) An economic analysis comparing the Trans-Alaska Pipeline route and trans-Canada pipeline routes by Dr. Charles Cicchetti of Resources for the Future;

(2) A five volume environmental analysis of a gas pipeline through Canada, published by Gas Arctic Systems, Ltd., a prospective applicant for a permit to build a gas pipeline for transporting Arctic gas—including North Slope gas—to the midwestern United States;

(3) Public statements reflecting the Canadian Government's attitudes toward a Trans-Canada Oil Pipeline from the North Slope and the hazards of marine transport inherent in the Trans-Alaska Oil Pipeline.

From this analysis, EDF has reached two distinct conclusions:

(1) To support the alternative, all-land Trans-Canada pipeline route, which can accommodate both an oil and gas pipeline, provided appropriate steps are taken to minimize adverse impact on the environment;

(2) To oppose the Trans-Alaska Oil Pipeline, parallel road and associated marine transport because (a) this system will cause executive environmental degradation, not only to the Alaskan Wilderness but also to the pollution-free Northeastern Pacific which the United States and Canada share; (b) the damage is largely unnecessary because the all-land Trans-Canada Pipeline Route will be required, in any event, for North Slope gas; and (c) it is economically inferior to the trans-Canada routes from the standpoint of both the Nation and the State of Alaska.

(For further information, contact: John Dienelt or Ed Chaney.)

TRANS-ALASKA OIL PIPELINE VERSUS TRANS-CANADA ALTERNATIVE

Following the July 1968 oil strike on Alaska's North Slope, the oil companies unfolded immediate plans to bisect the State of Alaska with a 48-inch hot oil pipeline from the rim of the Arctic Ocean 800 miles south to the port of Valdez. Here the oil would be loaded on a new generation of super tankers and shipped to the west coast of the U.S. and foreign ports. By presenting the American public with a fait accompli, the oil companies attempted to preclude environmental planning and consideration of alternative ways to transport the North Slope oil to market.

The potential for unwittingly, possibly devastating environmental degradation of Alaska and the marine environment of the Northeastern Pacific was narrowly averted by the January 1, 1970 enactment of the National Environmental Policy Act. A lawsuit filed by the Washington, D.C. public interest Center for Law and Social Policy on behalf of the Wilderness Society, Friends of the Earth and Environmental Defense Fund prevented the Interior Department from issuing construction permits pending full assessment of the environmental consequences of and alternatives to the proposed Trans-Alaska Pipeline, parallel road and companion tanker transport.

On March 20, 1972, after more than two years and substantial monetary investment, Interior Secretary Rogers Morton released the long-awaited environmental impact statement required by NEPA.

Although the impact statement contains many serious deficiencies, it does have one positive aspect. It reflects the beginning of a process of governmental self-education at all levels which, if pursued, should have profound influence on the future development and protection of Alaska's vast resources. Thus, if the serious defects are remedied by further study which the statement acknowledges is necessary to protect the environment and by adequate public participation the efforts by the Department of the Interior will have demonstrated that NEPA has indeed lived up to its promise as the "most far reaching environmental and conservation measure ever enacted by the Congress" as it was called by co-author Senator Henry Jackson of Washington.

The impact statement reflects governmental recognition for the first time of many of the environmental problems involved, and explicitly confirms the public's concern for both the inescapable and potential devastating environmental impacts of extracting and transporting oil from the North Slope. Most importantly, it conclusively demonstrates an all-overland trans-Canada route would be dramatically less hazardous to the environment.

ENVIRONMENT

The impact statement acknowledges many serious, unresolved problems common to any route employed to transport oil from the North Slope. It also documents many particularly hazardous conditions unique to the Trans-Alaska Pipeline which would wend through some of the most geologically unstable terrain found anywhere on earth.

It states there is a near certainty of a major earthquake along the trans-Alaska route during the life of the pipeline. In addition, there is the threat of glacial surges, avalanches in the mountainous area of Southern Alaska and explosive floods from glacier-dammed lakes in the Denali fault area. The trans-Alaska route's southern terminus at Valdez where up to 30 Torrey Canyons of oil will be stored is also highly earthquake prone. This area was the center of a large quake in 1964 which created a 30-foot wave at the tanker dock and a 170 foot wave at another point within Valdez harbor.

The Canadian route, by contrast, traverses a less difficult, albeit longer terrain. Nor is there a significant threat of earthquake damage along the route. The impact statement suggests that less is known about potential routes in Canada. Yet a considerable body of sophisticated information *is* available. The five-volume report by Gas Arctic Systems, Ltd. is in many respects far superior to the impact statement. Such information was apparently not considered in the impact statement, although the report is available to anyone upon request.

The trans-Alaska route would subject the extremely productive Northeastern Pacific to the chronic oil pollution of marine transport and the potentially catastrophic effects of a major accident involving the super-tankers, some of 250,000 dwt—two times the size of the Torrey Canyon. These serious oil pollution threats to Prince William Sound, the Gulf of Alaska and the entire west coast of Canada and the U.S. have exacerbated tensions between the U.S. and Canada. The Canadian Government's concern was explicit in a February 2, 1972 speech by President of the Treasury Board Drury to the Canadian Northern Pipeline Research Conference in Ottawa:

"My Colleague, the Minister of State for External Affairs, has made clear in the House, and the Government in an aide-memoire sent to Washington last August stated in the strongest possible terms, Canada's reservations with respect to the ecological and other hazards of movement of oil by tanker from Alaska, down the West Coast and through the Puget Sound to northwestern U.S. refineries. Let no one suppose that the opposition of Canadians—so effectively voiced by Members of Parliament like David Anderson—is not the genuine concern of this Government."

And, private Canadian citizens have sought to intervene in the pending lawsuit to insure that their environmental concerns are fully recognized.

Although the impact statement fails explicitly to recognize it, there is general scientific agreement that the marine effects of the proposed Trans-Alaska Pipeline far outweigh those expected of the land component, dramatic as the latter are. By comparison, any overland trans-Canadian route to midwestern U.S. markets would, of course, totally avoid the dangers inherent in marine transport of North Slope oil. In addition, it would reduce the net tanker traffic to all U.S. ports by replacing oil now delivered by tanker to the East Coast and to the Midwest through the St. Lawrence Seaway.

Avoiding marine transport is in itself a compelling argument in favor of an overland trans-Canada route. This fact is substantiated and reinforced by the impact statement's comparison of the relative effects of the trans-Alaska and trans-Canada routes. The following is a direct comparison of the trans-Alaska route and the inland North Slope-to-Edmonton, Alberta route based upon the table on page 258, volume 5 of the environmental impact statement. (+) denotes less environmental effect; (−) greater effect; (0) equal effect:

Impact	Alaskan route	Canadian route
Terrestrial:		
1. Terrain disruption—Pipeline	0	0
2. Terrain disruption—Terminal	−	+
3. Construction materials	+	−
4. Induced terrain disruption	0	0
5. Surface and groundwater	0	0
6. Air quality	+	−
7. Vegetation/habitat disruption	+	−
8. Fisheries	−	+
9. Wildlife, including birds	0	0
10. Physical space commitment	+	−
11. Recreation/aesthetics	−	−
12. Wilderness	+	−
13. Communities	−	+
14. Native culture and subsistence	−	+
15. Seismic risk—Pipeline	−	+
16. Seismic risk—Terminal	−	+
17. Permafrost degradation	0	0
18. Slope failure	0	0
19. Flooding risk	0	0
Marine:		
20. Terminal port waters	−	+
21. Destination port waters	−	+
22. Fisheries	−	+
23. Wildlife, including birds	−	+
24. Tanker casualties	−	+
25. Oil transfer operations	−	+
Total	13(−) 5(+) 7(0)	5(−) 13(+) 7(0)

Perhaps the most serious of the impact statement's many deficiencies is that its oblique consideration of the Canadian route totally ignores the fact that a gas pipeline will be constructed along this route to bring North Slope gas to midwestern U.S. markets. This is particularly perplexing in light of Secretary Morton's recent Alaska land withdrawals which included a pipeline corridor for this purpose, corresponding perfectly with extensive Canadian preparations to that end. Also totally ignored is the fact that there is already an oil pipeline from Edmonton to Chicago (Inter-Provincial Oil Pipeline) which constitutes a substantial portion of the distance that would be traversed by a trans-Canada pipeline from the North Slope.

Even at face value the preceding table demonstrates the Canadian route's environmental superiority. And contrary to the impact statement's conclusion that "no single generalized route appears to be superior in all respects to any other," that superiority becomes even more dramatic upon acknowledging the presence of the gas pipeline and the Inter-Provincial Oil Pipeline.

Of the five problem areas where the Alaska route is rated as better, four (construction material, vegetation/habitat disruption, physical space commitment, and wilderness disruption) all depend simply on the physical presence of a pipeline. If the gas pipeline through Canada and the Inter-Provincial Oil Pipeline are accounted for in the rating, these four minuses for the Canadian route become pluses. The fifth minus for the Canadian oil pipeline route is air quality. Apparently this results simply from the greater length of the pipeline and the need for more pump stations burning oil and polluting the air. However, the impact statement overlooks the ease of burning gas from the parallel gas pipeline along the trans-Canada route. This would eliminate sulphur oxide emissions and their impact on the sensitive Arctic lichens. Gas will apparently not be burned in pump stations over the bulk of the Trans-Alaska Oil Pipeline route. Hence, air quality also becomes a plus for the trans-Canada route.

The gas pipeline and Inter-Provincial Oil Pipeline would also seem to influence every factor rated "equal" on the chart, making them pluses in favor of parallel oil and gas pipelines rather than separate routes. The following chart is corrected to reflect the presence of the gas pipeline and the Inter-Provincial Oil Pipeline.

Impact	Alaskan route	Canadian route
Terrestrial:		
1. Terrain disruption—Pipeline	−	+
2. Terrain disruption—Terminal	−	+
3. Construction materials	−	+
4. Induced terrain disruption	−	+
5. Surface and groundwater	−	+
6. Air quality	−	+
7. Vegetation/habitat disruption	−	+
8. Fisheries	−	+
9. Wildlife, including birds	−	+
10. Physical space commitment	−	+
11. Recreation/esthetics	−	+
12. Wilderness	−	+
13. Communities	−	+
14. Native culture and subsistence	−	+
15. Seismic risk—Pipeline	−	+
16. Seismic risk—Terminal	−	+
17. Permafrost degradation	−	+
18. Slope failure	−	+
19. Flooding risk	−	+
Marine:		
20. Terminal port waters	−	+
21. Destination port waters	−	+
22. Fisheries	−	+
23. Wildlife, including birds	−	+
24. Tanker casualties	−	+
25. Oil transfer operations	−	+
Total	25(−)	25(+)

ECONOMIC

In the past, proponents of the trans-Alaska route claimed it to be economically superior to the trans-Canada alternative. However, the impact statement's detailed economic analysis concludes the two are "equally efficient alternatives" although it admits it is excluding additional economies resulting from construction of a gas pipeline through Canada. This has been challenged by Dr. Cicchetti's more sophisticated, extensive analysis which asserts a trans-Canada pipeline to the midwestern United States where the need is greater and the price higher than on the West Coast will increase Alaska's royalty payments and benefit the American consumer far more than the trans-Alaska route.

If North Slope oil is delivered entirely to the West Coast, the consequent glut on the market could lower consumer prices which are already substantially lower than those paid by their midwestern and eastern counterparts. Even the impact statement agrees there will likely be an oil surplus on the West Coast extending into the 1980's.

But neither the oil companies or the U.S. government actually anticipates all North Slope oil will go to the West Coast. They have admitted some oil will either be exported to Japan or shipped by tanker to the East Coast. Disposing of surplus West Coast oil by either of these means would appear less desirable economically for the oil companies than simply shipping all North Slope oil to the oil-hungry Midwest. However, these plans appear to have hidden bonuses which will benefit the oil companies at the expense of the State of Alaska and the American consumer.

The oil companies estimate 41 tankers would be used to transport oil from the Trans-Alaska Pipeline terminal at Valdez. Interior's impact statement (Appendix G pages G-1, G-2) says ten of the largest tankers (including eight of 250,000 dwt) will probably be foreign flagships. Their use would be considerably cheaper than shipping by U.S. vessels.

In return for exporting a barrel of oil to Japan, the oil companies expect to receive the right to import one barrel of cheap foreign oil to the east coast of the U.S. where the price is highest. This import for export program returns spectacular profits.

Another lucrative plan emerges from piecing together statements of oil company executives and Federal officials. This gambit apparently entails using cheap foreign tankers to carry North Slope oil to the west coast of Latin America. There the oil would be transferred to a pipeline across Costa Rica, picked up on the Carribean by foreign tankers and delivered to the Virgin Islands for low cost refining. From there it would again go aboard foreign tankers and be shipped to the big profit markets on the east coast of the U.S.

Alaska's royalty receipts from either the import for export program or the Latin American-Virgin Islands gambit would be roughly half that resulting from direct sale of North Slope oil to U.S. markets. The oil companies, however, could profit by (a) substantially reducing royalty payments to Alaska; (b) making windfall profits by exporting oil they claim is "urgently needed" to fill U.S. demands which in the interest of "national security" cannot be supplied by cheap, abundant foreign oil; and (c) compounding these returns by using cheaper foreign tankers.

DELAY

The fact that a trans-Canada pipeline would take longer to build is often cited as yet another argument for the trans-Alaska route. Certainly this delay would have been reduced if the oil companies and the Department of the Interior had originally searched for the best instead of the quickest way to transport oil from the North Slope. But here, too, close analysis eliminates the purported disadvantages. In fact, additional time will be beneficial.

Despite the massive amount of knowledge gathered in preparing the impact statement, it acknowledges, in literally hundreds of places, that too little is known to evaluate or effectively minimize specific environmental impacts and that technology to prevent or cope with many problems is either lacking or untested. Any delay inherent in construction of the trans-Canada pipeline would provide the time necessary to resolve many of these conflicts. Delay could be further mitigated by close consultation with the Canadian companies and the Canadian government which has essentially completed the equivalent of a NEPA environmental impact study on the gas pipeline Interior forgot.

Ironically, despite the impact statement's simplicit mandate for additional research time, Interior Secretary Morton steadfastly refuses environmentalists' requests for adequate time to analyze and prepare comments on the mammoth 3,550-page document. This ambivalence is also reflected in his refusal to hold public hearings which, according to Under Secretary William Pecora, Morton believes "would be a circus."

The potential impact of delay on Alaska's royalty receipts would be eliminated by the higher selling prices at Midwest markets. And to be explored is the possibility of utilizing the excess capacity of the Inter-Provincial Oil Pipeline while construction of the trans-Canadian pipeline proceeded beyond Edmonton to Chicago.

NATIONAL SECURITY

The impact statement acknowledges national security advantages for the trans-Canada route. A slight modification in the artificial barriers erected to thwart the laws of oil supply and demand would eliminate any fear, however contrived, of the U.S. becoming vulnerably dependent upon foreign oil due to delayed exploitation of North Slope resources.

CANADIAN ATTITUDE

A final and most important fact supporting the desirability and feasibility of transporting North Slope oil via a trans-Canada pipeline is the attitude of Canadians. The government and the people of Canada have expressed their understandably negative attitude toward the hazards of marine transport associated with the trans-Alaska route. Assuming construction of a gas pipeline in any event, Canada obviously stands to benefit environmentally by the safest possible construction of a parallel oil pipeline which thereby eliminates the hazard to its magnificent southwestern coast.

The Canadian government has frequently articulated its willingness to cooperate in transporting both the oil and gas resources of the Far North through Canada. In March 17, 1971, debate in the House of Commons, the then Minister of Energy, Mines and Resources stated:

"I think we can assure the United States oil companies and the United States government, to the best of our ability and with the knowledge we have and the certainty we have achieved—and it is not complete yet in respect of the ecological factors—that there will be no unnecessary roadblocks at the Canadian end and Canadian governmental side."

On November 19, 1971, the Minister of Indian Affairs and Northern Development, Mr. Chretien, in reply to a question in the House of Commons, said:

"I should like to advise and confirm to the House the continuing interest and willingness of the government of Canada to examine and discuss any proposals relating to the transport of Alaskan petroleum resources through Canada to market in the United States. . . . [The] guidelines [of August 13, 1970] make it clear that, in principle, oil and gas pipelines were acceptable to the government."

On February 2, 1972, President of the Treasury Board Drury declared:

"There is a good expectation that by the end of 1972 the field work will have advanced to such a stage as to put the government in a position whereby it could appraise, from an ecological point of view, any applications that might be received by companies wishing to build pipelines in the north. There would then, of course, have to be very thorough hearing procedures which would involve not only the criteria developed by this Committee, but by the other four Committees of the Task Force as well . . . I want to take this opportunity to restate our views that the Canadian Government would welcome applications to build oil or gas pipelines from Alaska through Canada in a "land bridge" to the continental United States. Any such applications would be reviewed in a hearing process subject to the guidelines mentioned earlier and in light of the mounting research brought to bear on these undertakings by private industry and the Government. . . .

"In the resource management of the North American land mass, all the alternatives need to be thoroughly investigated before any unilateral actions are taken. That seems clear no matter what national strategies are to be pursued by Canada and the United States in satisfying their respective requirements for oil and gas.

"To us it appears that an oil line from Alaska through Canadian territory would have the advantage of ruling out a vulnerable tanker link to markets and would provide more economic transportation of oil to the U.S. Midwest."

On March 28, 1972, Canadian Minister of Energy, Mines and Resources Donald D. MacDonald wrote Secretary of Interior Morton:

"We expect to be in a position by the end of this year [1972] to be able to appraise any applications that might be received from companies wishing to build pipelines in the north."

On March 30, MacDonald met with Morton in Washington, D.C. to convey "the continuing concern of the Canadian parliament, the Canadian government, and particularly of Canadians on the West Coast about the prospect of a very massive movement of oil down the West Coast, as a result of a trans-Alaska pipeline . . .

"The second purpose was to make it clear to him [Morton] that the Canadian government is, and has been for some time, interested and preparing for an application, which undoubtedly will be coming sometime towards the end of this year, perhaps early next, for the construction of a Mackenzie Valley [gas] pipeline."

However, at a subsequent press conference, MacDonald said he came away from his meeting with Morton ". . . not overly sanguine about the prospects . . ." of receiving an application to build a trans-Canada oil pipeline from the North Slope. His comments and an Interior Department Press Release on the meeting both implied the decision to issue a permit for the Trans-Alaska Pipeline had already been made.

The apparent unyielding adherence to the interim Trans-Alaska Route is difficult to understand and impossible to justify in the public interest. For all its many deficiencies, Interior's environmental impact statement clearly mandates the need for additional rereach in order to minimize the environmental impact of extracting and transporting oil and gas from Alaska's North Slope. It is equally clear in demonstrating a common oil and gas transmission corridor skirting the Arctic National Wildlife Range and through Canada to the Midwest is unquestionably far superior to the two separate routes now anticipated. It also seems clear Canadians agree with those assessments. The government is willing and prepared to accept applications from the U.S. to build a trans-Canada oil pipeline in conjunction with the gas pipeline.

NO CRITICISM FOR NORTH VIETNAM—PLENTY FOR RESPONSE

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ARCHER. Mr. Speaker, I have been dismayed by the reaction of many of my colleagues in both Houses to the current state of affairs in Vietnam. They would have you view President Nixon's decision to renew bombing in North Vietnam as an unprovoked reckless act of barbarism. I wonder where they were a few weeks ago when the North Vietnamese Army launched a massive invasion across the DMZ and across the borders from Laos and Cambodia. At that time, not a word was heard from them about the immorality of that vicious attack—but what a deluge of criticism of the President for his response. He has been roundly condemned for reescalating the war.

Even a cursory look at the facts must indicate who is at fault for the intensified fighting: The invasion is a desperate gamble by North Vietnam to seize control of South Vietnam by force. I cannot agree with those who would expect the President to do nothing in the face of this new aggression, to allow Soviet-armed North Vietnamese to surge unchallenged into the South in the midst of American withdrawal.

President Nixon acted as he must to protect American personnel still in Vietnam. We all want to see this war end as quickly as possible. The President is working steadily toward that goal. I feel that we should place political carping aside and support the President in his response to the invasion. Therefore, to show the world that Congress stands behind the President, I would like to introduce the following resolution:

Whereas the Army of North Viet Nam has launched a full-scale invasion of South Viet Nam in a new escalation of war,

Whereas the invasion signals a major effort by the government of North Viet Nam to seize control of South Viet Nam by force, and indicates a rejection of a negotiated settlement, and

Whereas this rapid escalation of hostilities poses a grave threat to the security of American forces remaining in South Viet Nam and to their safe withdrawal from that nation, be it

Resolved, That the United States House of Representatives condemns the North Vietnamese for their vicious invasion of the South,

That the House of Representatives supports the recent actions taken by the President in response to the invasion, in order to protect and permit the continued safe withdrawal of American forces and provide the South Vietnamese the opportunity to determine their own destiny; and

That the House of Representatives supports the President's continued offer to reach a just peace in Southeast Asia through meaningful negotiations.

TRIBUTE PAID TO 76 YOUNG MEN OF PENNSYLVANIA RECEIVING EAGLE SCOUT RANK

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. GAYDOS. Mr. Speaker, during the Easter recess the Mon-Yough Boy Scout Council in the 20th Congressional District of Pennsylvania paid public tribute to 76 young men who achieved the highest rank the Scout movement can present—Eagle Scout.

Each of these young men can be justly proud of what they have done and what they represent. To become an Eagle Scout requires long, tedious hours of work and study, and those who attain it represent the cream of the crop of young America. An Eagle Scout can never accept any philosophy which demands from him anything less than his very best, no matter what the challenge may be.

It is a privilege to join in this public recognition of these outstanding young men and to compliment their leaders for giving America a product which will serve to keep it strong in the generations to come. These leaders have given much of themselves over the years and this class of 76 Eagle Scouts is only the latest in a long list of accomplishments.

I would like to commend these men who mold our youth; men such as James L. Pflasterer, president of the Mon-Yough Council; John P. McCune, chairman of the council's advancement committee; C. E. Palmer, a member of the executive board's advisory council; Joseph Margolis, a member of the executive board and vice chairman of the Eagle recognition committee; Robert E. Locke, also a board member and chairman of the dinner committee; Charles V. Hoey, a member of the East Boroughs Scout Council's executive board; Samuel Scruggs, executive director of the Mon-Yough Council, and Joseph Sabor, Jr., a council member.

The highlight of the award dinner was the presentation of the Eagle Scouts and their sponsors, individuals or organizations who have pledged themselves to assist the Scout in his future career. I would like to insert the names of the Scouts and their sponsors in the RECORD, for they have shown their love for this Nation by offering to help guarantee its future. The names of the sponsors are those listed in parentheses.

The list follows:

Rocco Abbatangelo, stockbroker (Al Davis of Arthurs, Lestrange and Short).

Joseph S. Anselmo, music teacher (John Fisher, South Allegheny School District).

L. Dennis Antosik, space technician (John V. McElgin of U.S. Steel Corporation).

Jeffrey L. Balogh, special education teacher (Dr. Robert Neuhard of McKeesport Campus, Pennsylvania State University).

David A. Bartko, priest (Monsignor Joseph S. Altany of St. Michael's Roman Catholic Church, Munhall, Pennsylvania).

Don M. Betzner, electronics engineer (Duane E. Simpson of U.S. Steel Corporation).

Gregory J. Betzner, carpenter (B. Earnest Ward of U.S. Steel Corporation).

Michael J. Borza, airline pilot (Albert L. Voss of U.S. Steel Corporation).

David V. Braum, salesman (C. Clifford Linsley, Mel-Tom Shop).

James A. Braum, forest ranger (Paul Morrison of U.S. Steel Corporation).

Paul F. Braum, cardiologist (Dr. V. C. Shaver of Mercy Hospital).

John J. Brzek, priest (Rev. Kenneth Oldenski of St. Mary's Church, McKeesport).

Thomas A. Buches, dermatologist (Dr. Oliver T. Steen of McKeesport Hospital).

Herbert W. Clark, electronic computer analyst (Howard N. Hubbard of U.S. Steel Corporation).

David H. Collins, sports broadcaster (Harry T. Dolan of U.S. Steel Corporation).

Keith A. Coughenour, physician (Dr. C. B. Bryce).

Joseph M. Danko, civil engineer (John A. Cassiani of U.S. Steel Corporation).

Anthony J. DiMarco, attorney (Frank Dudgeon of Prudential Life Insurance Company).

William T. Dzurko, journalist (Andrew Wahlquist of U.S. Steel Corporation).

Thomas P. Feightner, physician (Dr. Joseph M. Dechter of U.S. Steel Corporation).

Raymond M. Follador, special education teacher (Douglas P. Morgan, special education instructor, McKeesport).

John R. Freund, naturalist (Earle S. Guffey, Johnston The Florist).

Charles G. Gala, businessman (Joseph Margolis, Margolis Jewelry).

Donald E. Ganassi, architect (William E. Allen, U.S. Steel Corporation).

Glenn P. Gates, mechanic (Michael Hirjeck, Devereaux Chevrolet Inc.).

John T. Hartman, physical education instructor (D. A. Bryan, U.S. Steel Corporation).

Don T. Hollis, music teacher (William Galvin, Jr. of Bishop Boyle High School, Homestead).

Theodore J. Jackson, mathematics professor (Edward Thomas, McKeesport Area School District).

Lawrence M. Janci, professional scouter (Donald G. Sweeney, Mon-Yough Boy Scout Council).

Kevin D. Judy, pharmacist (Dr. Morton J. Keisler).

Jeffrey M. Kovac, engineer (John Eichner, U.S. Steel Corporation).

William L. Krumenaker, plumber (Richard A. Anderson, Anderson Plumbing and Heating, McKeesport).

J. Scott Leech, forester (Dr. Robert M. Johnson).

Lawrence S. Lesko, electronic technician (Richard O. Franklin, U.S. Steel Corporation).

David K. Levdansky, electronics engineer (Roy J. Easler, U. S. Steel Corporation).

David A. Mark, auto body repairman (Frank Jesionowski, Eger Motors Inc., McKeesport).

Keith M. Martin, artist (Frank Barchie, G. C. Murphy Co., McKeesport).

Raymond P. Mayer, physician (Dr. Raymond E. Masters, Bettis Atomic Power Laboratory).

Paul P. Medvedo, physician (Dr. Perry C. Martineau, McKeesport Hospital).

Francis M. Melnichak, law officer (Joseph E. Stavor, retired colonel, U. S. Army Reserve).

Peter L. Merriman, sports professional (Blise Wojton of South Allegheny School District).

Michael J. Miller, accountant (Robert J. Kroeger, U. S. Steel Corporation).

Mark R. Mooney, car salesman (Arthur Meglio, Anderson Chrysler-Plymouth Inc.).

William K. Murtha, dentist (Dr. Charles S. Jones).

George C. Morrison, Naval officer (Robert C. Schell, U.S. Steel Corp.).

Reed B. McKissick, attorney (Attorney Jerome M. Adams).

David J. Olek, atomic scientist (Jun Hino, Bettis Atomic Power Laboratory).

Andrew R. Preclet, printer (DeWayne A. Wivagg, Wivagg Printing Co.).

Robert A. Perun, school teacher (Michael J. Cvejkus, Duquesne School District).

Edward C. Pitchford, speech therapist (Gabriel Cmar, Allegheny County Schools).

Kenneth A. Piotrowski, journalist (James B. Johnson, The Daily News, McKeesport).

Luke A. Pluto, attorney Walter F. Baczkowski).

Richard A. Police, electrician (Rod A. Weiland, U. S. Steel Corporattion).

Glenn D. Riley, hotel manager (John Karap, Holiday Inn, West Mifflin).

James J. Rocco, pharmacist (Mrs. Beverly Rocco, McKeesport Hospital).

Charles L. Roka, conservationist (Robert W. Graham, U. S. Steel Corporation, retired).

Donald E. Rosche, forest ranger (James R. Smith, Pennsylvania Fish Commission).

David A. Saus, professional baseball player (Walter C. Parucha, McKeesport Area School District).

Samuel M. Scheiner, mathematician (Forrest Beckwith, U.S. Steel Corporation).

Mark A. Smith, surgeon (Dr. J. G Glorioso).

George R. Stepanovich, history teacher (Robert Hauser, McKeesport Campus, Pennsylvania State University).

David L. Stickel, industrial engineer (Raymond F. Schuler, U.S. Steel Corporation).

Robert M. Szalnakiewicz, sports professional (Roy S. Leffard, McKeesport Area School District).

Dennis J. Tkacs, electronic engineer (Thomas Johns, U.S. Steel Corporation).

Zoltan D. Toth, physician (Dr. Desiderius Zubritsky, McKeesport Hospital).

Robert J. Wampler, III, physician (Dr. Frank R. Bondi, McKeesport Hospital).

Timothy A. Watson, electrician (John R. Waldron, U.S. Steel Corporation).

Richard S. Welesko, wildlife manager (James W. Way, Pennsylvania Game Commission).

James D. Zdilla, business administrator (Regis J. Rocco, Westinghouse Electric Corp.).

Eagle Scouts unable to attend the award dinner included Joseph T. Bolek, Bruce E. Dubyak, Howard S. Maresch, Mark S. Movic, Wilson W. Movic, Tim Tankosic; and John M. Watson.

NEW U.S. BANK FOR SOVIET OIL DEVELOPMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. RARICK. Mr. Speaker, when the U.S. Secretary of Agriculture made his April 12 announcement from Moscow that the United States would trade grain for Soviet natural gas and oil, few realized that not only was the Russian oil not developed but that the proposed deal also called for U.S. financing.

The prestigious "Oil Daily" newspaper now announces that the U.S. Treasury Department is studying ways to finance investments by American companies in the Soviet Union for the development of oil and gas which would be shipped to the United States.

The new United States-Soviet for interdependence is reported to even include the Treasury staff considering a "new bank" to capitalize at more than $7 billion which would have to be set up by legislation so that the American investors could be guaranteed by the already bankrupt Overseas Private Investment Corp.

In the Middle East, the Arab countries control an estimated 70 percent of the world's oil supply much of which has already been developed by U.S. technology and investment and is readily available for consumption. It is tragic that our administration ignores available Middle East oil supplies in order to develop Soviet oil potential. Perhaps the excuse is that the Arabs do not need U.S. grain or it can be that our political foreign policy regards the Arabs as too pro-Soviet to trade with.

It is indeed gratifying that the Soviets do not get too irritated over our bombing of their ships in the Port of Haiphong and the President was most temperate in his criticism of the Soviets for their supplying arms to North Vietnam and supporting if not encouraging the armed aggression into South Vietnam. For no sacrifice is too great by our international leaders to assure the fulfillment of Soviet-United States oil and grain deal in the name of promoting international peace, harmony and cooperation.

I include related news clippings:

[From the Oil Daily, Apr. 24, 1972]

FINANCING EYED FOR SOVIET OIL

WASHINGTON.—The Treasury Department staff is now making a study of ways to finance vast investments by American companies in the Soviet Union for the development of oil and gas which could be shipped to the United States, The Oil Daily has learned.

Preliminarily, the Treasury staff is considering a "new bank," to be capitalized at more than $7 billion, which would have to be set up by legislation.

Funds would be loaned by the bank, or USSR to guarantee commercial bank loans, for investments in drilling, pipeline and gas liquefaction plants in Russia—which would be paid out from income the companies receive from sales of LNG (and possibly, crude oil, as well) shipped from Russia to the United States, over a period of 25 years or more.

[From the Washington Star, Apr. 12, 1972]

U.S. OFFERS SOYBEANS FOR RUSSIAN OIL, GAS

Moscow.—An agreement to sell $200 million worth of American soybeans and grain a year to the Soviet Union may be completed when President Nixon visits Moscow next month, U.S. Secretary of Agriculture Earl Butz indicated today.

Butz said he suggested to Soviet Communist Party chief Leonid I. Brezhnev that the Russians deliver Siberian oil and natural gas in payment for the American farm produce.

"I got the impression Mr. Brezhnev would be willing to do this," he told a news conference.

POOR CROP YIELDS

The Russians, plagued with erratic crop yields at home, want a 10-year grain purchase agreement, Butz said. A U.S. trade delegation now in Moscow has pointed out to them U.S. congressional restrictions on foreign credits and offered a three-year pact, he added.

"We are offering at the present time the same credit terms we give to western nations . . . it's the first time we've ever done this here," the secretary said.

The trade delegation led by Clarence D. Palmby is scheduled to end its talks this weekend and would produce no "consummation of sale" at this time, Butz reported. Asked if the grain deal would be announced during Nixon's visit, he smiled and said, "I would think that President Nixon would refine some of the things under discussion."

The deal now under discussion "may well involve annual purchases of $200 million worth of soybeans and coarse grains," Butz said. But this year's sale could be even larger because of Russia's poor winter wheat harvest.

DUST BOWL CONDITIONS

Butz said he had seen dust bowl conditions during a visit to the Crimea this week and the Soviet minister of agriculture, Vladimir V. Matskevich, had spoken to him of the severe killing of winter wheat by frost and inadequate snow cover this year.

At their 90-minute Kemlin meeting yesterday, Butz said, Brezhnev had raised the possibility of Most Favored Nation treatment, meaning the maximum possible tariff concessions, for Soviet exports. This would require congressional action. Several Communist countries have complained that their products cannot compete with western goods in U.S. markets because Washington denies them Most Favored Nation treatment.

Brezhnev also said he wants a "minimum of ceremony and a maximum of substantive discussions" during Nixon's visit, the secretary said. "He indicated he was looking forward to President Nixon's visit . . . and said he would extend every courtesy to him."

[From the Washington Post, April 11, 1972]

PRESIDENT CHASTISES MOSCOW FOR SUPPLYING ARMS TO HANOI

(By Carroll Kilpatrick)

President Nixon indirectly criticized the Soviet Union yesterday for supporting armed aggression in South Vietnam.

At a State Department ceremony for the signing of a convention prohibiting biological and toxin weapons, with Soviet Ambassador Anatoliy F. Dobrynin on the platform with him, the President unmistakably chastised Moscow for supplying arms to North Vietnam for its current offensive.

Declaring that a "great responsibility particularly rests upon the great powers," Mr. Nixon said that "every great power must follow the principle that it should not encourage directly or indirectly any other nation to use force or armed aggression against one of its neighbors."

Last week, Secretary of Defense Melvin R. Laird said that the Soviet Union, as Hanoi's major arms supplier, was "a major contributor to the continuing conflict that exists in Southeast Asia."

Dobrynin, who spoke immediately before the President, had said the new agreement has created a momentum toward general disarmament and had strengthened hopes for nuclear arms limitation.

"It is our duty to make good use of that momentum," the Soviet Ambassador said. Similar signing ceremonies were held in Moscow and in London. The new treaty goes into effect when ratified by 22 countries, including the Soviet Union, Britain and the United States.

In Moscow, Soviet President Nikolai V. Podgorny said the treaty "can also serve as a good example for solving other pressing problems of disarmament . . . Our country expresses its firm determination to continue its efforts toward limiting the arms race, including strategic arms."

In addition to the three principals, 77 other countries also signed the treaty, which would prohibit the use of biological and toxin weapons. (Toxins fall between biological and chemical weapons in that they are like chemicals but are usually produced by biological or microbial processes.)

In November 1969, Mr. Nixon renounced the use of biological methods of warfare and in February 1970 extended the ban of toxins. He has asked the Senate to ratify a 1925 protocol outlawing the use of chemical and bacteriological warfare.

The new treaty commits the signatories to make a serious effort to reach a new agreement outlawing chemical warfare.

CONFERS WITH PORTER

Following the signing ceremony, the President conferred for about an hour with William J. Porter, chief American negotiator at the Paris peace talks, who has been in Washington for consultations. He is expected to return to Paris shortly, where he now maintains his home, but he is not expected to agree to a resumption of negotiations while the Communist offensive is under way.

White House press secretary Ronald L. Ziegler would give no details of the Nixon-Porter meeting. He denied a report that an extraordinary military announcement would be made here or in Saigon in the immediate future. No statement by the President is planned at this time, he said.

The State Department has been in communication with allied countries through normal channels and the President has exchanged messages with South Vietnamese President Nguyen Van Thieu, Ziegler said. He would not say whether there had been any messages between Washington and Moscow.

Asked if the President still intended to visit the Soviet Union next month, Ziegler said "We are continuing with our planning for the President's trip to Moscow." He said a technical advance team probably would go to the Soviet Union later this month.

SAIGON'S STAYING POWER

Asked if the President still believes that South Vietnamese lines will hold against the Communist onslaught, Ziegler said that he does.

All official indications suggested that the administration will continue to use air and naval power to help South Vietnam but does not now plan to reintroduce any troops. Mr. Nixon is scheduled to make another troop withdrawal statement before May 1.

At the signing ceremony, he commented on Dobrynin's reference to the strategic arms talks, and said they would serve the interests of "our two countries (and) of peace for all the world."

But these and other disarmament agreements "are basically not an end in themselves," the President said. "They limit arms, but they do not mean the end of war. They are means to an end, and that end is peace."

The ban on biological and toxin weapons means that scientists will no longer work on biological weapons of destruction but may devote "their entire energy toward working against the enemy of all mankind—disease," Mr. Nixon said.

The goal now must be not just to limit arms but to end "the threat of war which hangs over the world," the President said.

Each signatory of the new treaty agrees to ban the acquisition of "microbial or other biological agents or toxins" and the means of delivery of such weapons.

Each signer also "undertakes to destroy, or to divert to peaceful purposes . . . all agents, toxins, weapons, equipments and means of delivery" of such weapons.

Enforcement of the treaty is not automatic or guaranteed, but any state which finds that another is violating the provisions of the treaty "may lodge a complaint with the Security Council of the United Nations."

IT TAKES REAL COURAGE TO GO BACK THREE TIMES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. PICKLE. Mr. Speaker, the small town of Industry, Tex., may be unfamiliar to almost every member here, but its a town whose name exemplifies the vitality of its citizens. Out of Industry, Tex., a hero has come—not the kind of hero that was just at the right place at the right time, but the kind of hero who shows in a tense moment the solid stuffing he has had all along.

Last summer Mr. L. J. Luedecke saved a man from certain electrocution when the man's auger touched a 7,200-volt line. The Texas Co-op Power newsletter for April tells us what happened:

> An Austin County hog farmer has received this year's Rural Heroism Award of the Texas Farm and Ranch Safety Council.
>
> He's L. J. Luedecke of Industry. He's credited with saving the life of Ervin Krueger, Jr., after Kreuger contacted an electric line.
>
> The near-tragedy took place June 10 last year, Krueger had delivered a bulk load of feed to the Luedecke farm. When he put the auger in place, it came in contact with a line, sending 7,200 volts of electricity through Krueger's body.
>
> Luedecke first detected danger when he noticed leaves burning and sparks at Krueger's feet. He yelled to Krueger, and when Krueger failed to respond or move, Luedecke realized that Krueger was frozen by the electrical force.
>
> Luedecke tried to pull Krueger loose from the truck but was knocked to the ground by the electrical shock. Luedecke grabbed a plastic water hose, thinking he could loop it around the man's body and pull him loose, but the hose contained water, and again the shock knocked him several feet. Luedecke then found a piece of two-by-four lumber and pried Krueger loose from the truck with it.
>
> Krueger fell to the ground with a thud, and Luedecke thought he was dead. But he administered artificial respiration anyway and revived Krueger. Luedecke then rushed the injured man to the hospital and assisted the doctor in removing Krueger's shoes. The bottom of Krueger's left foot was severely burned and required amputation.
>
> The Rural Heroism Award, a plaque, was presented to Luedecke March 20 during the annual meeting of the Texas Safety Association in Dallas. Millard Shivers, director of rural development for Blue Cross-Blue Shield of Texas and president of TSA, made the presentation.
>
> Shivers said Luedecke's quick thinking, fast and accurate actions, and over all coolheadedness under stress prevented a tragedy.

Mr. Speaker, I do not know a single individual in this Congress who would not try to grab something and knock a person away from a live electric line. But Mr. Speaker, it takes a lot of guts to go back three times. Mr. Luedecke is an example to every citizen in this country and I know the Congress joins me in sending him our highest praises.

A BILL TO CORRECT AN INEQUITY IN THE LAND AND WATER CONSERVATION FUND ACT OF 1965

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MALLARY. Mr. Speaker, I am introducing a bill today which corrects an inequity in the Land and Water Conservation Fund Act of 1965 which unfairly discriminates against States in colder climates and against urbanized areas. I refer specifically to the narrow application of the act to bureau of outdoor recreation projects, effectively prohibiting recreational facilities which cannot be constructed without an enclosed structure which makes them technically "indoor." For example, outdoor recreation in Vermont includes ice hockey. An ice hockey rink with a roof makes a lot of sense when faced with heavy snows, yet because of this roof, the rink would be considered "indoor." Likewise, in more congested areas there simply is not space enough for "outdoor" recreational facilities in the traditional sense. My amendment would not alter in any way the formula for distributing resources under this program. It would simply allow those States who so elect to use their funds which are available under this act for "indoor" recreational facilities where climatic conditions or unavailability of land make narrowly determined "outdoor" recreational facilities unfeasible or imprudent. I do not propose to change the purpose for which these funds are spent; namely, recreation, but I do propose to return to the local level the discretion to use commonsense in choosing the best method of spending these funds to meet local recreational needs.

WASHINGTON REPORT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MINSHALL. Mr. Speaker, following is my May 1972 Washington Report:

WASHINGTON REPORT—MAY 1972

OPINION POLL RESULTS

More than 25,000 completed questionnaires have been received and tabulated. Thanks to all of you who helped make this one of the largest responses ever. Here are the results:

1. Do you feel the President's trip to China was worthwhile? Yes, 78.8%; no, 12.4%; undecided, 8.8%.

2. Total yearly costs of the U.N. run more than $1 billion of which we pay about 36%. Should we reduce our contribution? Yes, 79.0%; no, 14.4%; undecided, 6.6%.

3. Do you agree with the way President Nixon is ending U.S. ground combat involvement in Vietnam? Yes, 66.4%; no, 23.3%; undecided, 10.3%.

4. Would you grant amnesty to the men who left our country to avoid the draft if they agree to 3 years of some sort of federal service? Yes, 40.6%; no, 57.2%; undecided, 2.2%.

5. A Blue Ribbon Defense Panel reports the Soviet Union is achieving military superiority over the U.S. Should we maintain arms parity with Russia? Yes, 66.5%; no, 20.1%; undecided, 13.4%.

6. Do you favor continuing the present wage-price control program? Yes, 63.7%; no, 26.0%; undecided, 10.3%.

7. Would you support a "value-added tax" (3% national sales tax) if it lowers your local property taxes? Yes, 33.0%, no, 55.4%; undecided, 11.6%.

8. Are you willing to pay higher taxes for completely nationalized health care for all? Yes, 29.7%; no, 61.2%; undecided, 9.1%.

9. Should the minimum hourly wage be raised from $1.60 to $2.00? Yes, 53.4%; no, 34.4%; undecided, 12.2%.

10. Do you support my constitutional amendment to guarantee local control of schools and school busing? Yes, 77.4%; no, 13.4%; undecided, 9.2%.

11. Are you in favor of federally-subsidized public housing in your neighborhood for low-income and welfare families? Yes, 17.1%; no, 71.2%; undecided, 11.7%.

12. Now that 18-year-olds can vote, should they also be subject to adult civil and criminal laws? Yes, 94.5%; no, 5.1%; undecided, 0.4%.

13. Should the Constitution be amended to guarantee equal rights for women? Yes, 59.1%; no, 27.5%; undecided, 13.4%.

14. If the 1972 presidential election were held today, who would be your choice for President? Nixon, 57.4%; Wallace, 8.4%; McGovern, 4.2%; Muskie, 3.9%; Humphrey, 3.2%; all others, 5.0%; undecided, 17.9%.

15. What is the most important issue facing the Nation today? (1) National economy, 29.5%; (2) law and order, 15.8%; (3) unemployment, 9.1%; (4) Vietnam, 8.8%; (5) High taxes, 3.9%; (6) racial problems, 3.5%; (7) Government integrity, 3.4%; (8) The environment, 3.0%; (9) mandatory school busing, 2.0%; welfare 2.0%; miscellaneous, 12.2%; and undecided, 6.8%.

THWARTING NORTH VIETNAM'S BLITZKREIG

The fact that we should never have become involved in Vietnam in the first place is agreed. But now the North Vietnamese Communists have hurled 12 of their 13 crack divisions, equipped by outside powers with the most advanced weapons, into a massive invasion of South Vietnam. In doing so they have broken the 1968 pact made with President Johnson not to cross the Demilitarized Zone if we refrained from bombing. They are now aware that we are going to continue to protect the orderly withdrawal of American ground troops with the use of conventional air and naval support only. At a recent White House briefing for Congressional leaders, I was assured that the South Vietnamese Army is doing well and that no American ground combat troops will be used. Our troops will continue to be withdrawn on schedule to at least 69,000 by May 1st.

Watered-down Water Pollution Control Bill, passed by the House, disappoints those of us who voted for strengthening amendments that failed an adoption. Those of us committed to the environment hope that provisions of the stronger Senate bill will prevail in conference. I am gratified by the commendations I am receiving for my votes on this measure from the Sierra Club and other conservationists.

DISCRIMINATION IN THE MASS MEDIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CLAY. Mr. Speaker, it's common knowledge that the mass media is one of the institutions in this country deeply entrenched with racism. This topic was brought up when the Congressional Black Caucus along with three newspapers—the Boston Globe, the Philadelphia Bulletin, and the Chicago Sun-Times—convened the Harvard Forum on National Priorities.

An article by George Packard recently appeared in the Philadelphia Bulletin highlighting the mass media segment of that conference. Whites as well as blacks joined it in denouncing the racist practices being promoted by most of the newspapers in the country.

Hopefully, the recommendations put forth will assist in tearing down the barriers which blacks encounter in this industry.

I want to share Mr. Packard's informative comments with my colleagues. The article follows:

Mass Media Accused of Racism by Blacks at Forum on National Priorities

(By George R. Packard)

Cambridge, Mass.—Publishers and editors sat in a Harvard University classroom yesterday at a conference they sponsored and listened to charges that the mass media are loaded with white racism.

It was one of the more unusual gatherings in the history of American journalism.

Rep. William L. Clay (D-Mo.) charged that the white-controlled media has:

—Systematically excluded or exploited black talent.

—Deliberately mishandled and distorted newsworthy events of the black community.

—Either ignored, played down or ridiculed significant efforts in the movement for black liberation in America.

CONFERENCE SPONSORS

The conference on "What Our National Priorities Should Be" is being sponsored by The Philadelphia Bulletin, the Boston Globe and Chicago Sun-Times newspapers, along with the Congressional Black Caucus (made up of the 13 black members of the U.S. House of Representatives), and Harvard's Institute of Politics.

The charges of racism were first developed at hearings held in Washington last month by the Congressional Black Caucus.

Ben H. Bagdikian, a white assistant managing editor of the Washington Post, and a panelist, said in reply to the charges:

"It is perfectly obvious that both conscious and unconscious racism has been pervasive in most of the mass media and that this has profound effects on the American view of its own society and self-image of blacks and whites."

FINDS CHANGES

But he added that "mass communications in this country have been used primarily to make money" and suggested that blacks consider using economic pressure in both advertising and circulation areas to bring about change.

Robert Healy, executive editor of the Boston Globe, and the other of the two white panelists on communications, agreed that there has been racism in the press. But he said that "times have changed, at least as far as the handful of papers and stations that make up the media establishment are concerned. And some editors have changed.

"The most important change is the fact that at these institutions, the lines of communications at all levels are wide open. The bargaining process is well established, and I seriously doubt whether the black community is going to let us off the hook."

He said 149 of the 196 newspapers in the United States with circulation of 10,000 or more don't have a single black person in their newsrooms.

"If they were dragged, kicking and screaming no doubt, to the level of tokenism of which we big-shots are accused, the result would be a few thousand more blacks in the American newsrooms."

DIVERSE SOLUTIONS

The panelists and audience, which consisted of publishers, editors, reporters, community leaders and media specialists, black and white, from across the nation, offered diverse solutions to the problem of racism in the media.

Leonard W. Evans, a black who is publisher of Tuesday Magazine, which has a circulation of 2.3 million, and a self-proclaimed optimist, urged that blacks develop a medium of their own, by collecting a $1 head tax on the 25 million black people in America.

But H. Carl McCall, another black, president of Inter-City Broadcasting Corp., New York, said the cost of a radio or television station is "almost prohibitive" for blacks, and suggested that a better route would be to change Federal Communications Commission regulations, either through the courts or by new legislation in Congress.

GOOD NEWSPAPERS PROSPER

Responding to a statement that newspapers are in business primarily to make money, John I. Taylor, president of the Boston Globe, said that, as a general rule, the good and fair newspapers were the ones that made the money, while the newspapers that are losing money usually become bad newspapers, because they are forced to adopt unsound practices.

Claude Lewis, a columnist for The Bulletin, charged that the term "unqualified black" is used by white newspapers as an excuse to keep blacks off their staffs. He said there were plenty of "unqualified whites" who hold newspaper jobs.

Charles W. Bowser, executive director of Philadelphia's Urban Coalition, suggested that newspapers invite blacks from outside to sit in on key policymaking decisions, if they were unable to find blacks on their own staffs to do so.

BULLETIN HOLDS CONSULTATIONS

Robert L. Taylor, president and publisher of The Bulletin, responded that The Bulletin regularly consults with many blacks and whites throughout the city before making editorial policy decisions.

The conference was sharply divided on a proposal by Congressman Clay to abolish pretrial publicity in criminal cases. Many blacks and whites felt that such publicity served to protect the rights of the defendants.

The conference debated national priorities yesterday in the areas of communications, education and employment. Sessions were scheduled today on housing, health and law and justice.

SHOWING A COMMITMENT

In a welcoming address in behalf of the sponsoring newspapers, Robert Taylor, The Bulletin's publisher, said:

"We sponsoring newspapers are dedicated to making our respective communities better ones for all of us to live in.

"By our sponsorship of this dialog, we are showing our commitment to become and remain involved in helping to solve the problems continually under focus in our news and editorial pages.

"Like other institutions, we have had problems with racial tensions, and we hope this conference can give new directions to efforts to overcome these problems."

CLEMENTE'S GREATNESS RECOGNIZED

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MOORHEAD. Mr. Speaker, the baseball fans of Pittsburgh have been treated for the past 15 years to the baseball exploits of one Roberto Walker Clemente, the best outfielder in the game today.

Pittsburghers have come to take for granted the great hitting, the superb fielding, the superaccurate throwing arm, and the general dazzle that Clemente generates when playing.

Clemente has led the National League in batting four times in the past 7 years. He was Most Valuable Player in 1966. He has won the Golden Glove, symbol of defensive excellence, for 12 consecutive years. And he has the highest lifetime batting average of any active player.

But Pittsburgh fans watching Roberto Clemente day in and day out took his greatness for granted. It was a fact of life. To us he was the best all-round player in the game.

Yet it took a superlative effort in last year's world series, when he led the Pirates to a dramatic seven-game victory, for the rest of the baseball world to realize what Pittsburgh already knew.

A recent article in the Pittsburgh Post-Gazette chronicles Clemente's battle for recognition. I insert it in the Record at this time.

The article follows:

Clemente's Time of Honor Has Come . . .

(By C. R. Ways)

"When Roberto Clemente dies," said broadcaster Joe Garagiola at a recent baseball awards banquet, "his body will hit .320."

This about a 37-year-old, medium-sized body which Whitman might have in mind if he were around to write "I Sing the Body Electric" today. In fact, Whitman or someone else as expansive might well write "I Sing Roberto Clemente" today, for this is the great Puerto Rican Pittsburgh Pirates rightfielder's time of honor.

Like novelists' and Presidents', baseball stars' reputations fluctuate, and Clemente's is currently, finally, pretty close to what Clemente thinks it ought to be.

His body isn't, though. An electric body is hard to live with. In Bradenton, Fla., where the Pirates go for spring training, Clemente had strolled the team's Pirate City dormitory-training-field complex in his long-collar-tab shirts and brilliant slacks, as vivid a major-leaguer as there is, with features that might be carved in ebony and teeth that might be painted on black velvet, signing autographs with dignity and a few gracious words for clusters of fluttering retired ladies.

Clemente started in 1972 season from a great World Series. Last October, when the Pirates upset the Baltimore Orioles four games to three, Clemente batted .414, hit two home runs and missed another by three inches, made two notable running catches, intimidated runners with his throws and was named Most Valuable Player of the Series.

Now, that would be a fine consummation of anyone's 17th season in the major leagues, but in the case of Clemente it was especially right and timely. Like an 0-for-4 slugger who is said to be "due" for a hit, Clemente was due to lead a team to glory. He is after all the only active member of the Pirates who will unquestionably be elected to baseball's Hall of Fame, and yet until the '71 Series he has never been established as the man who made the difference.

This is a delicate matter. The man who makes the difference is the team leader, the tough out in the last inning, the man who comes up with the big play when it counts. The other active players who are Hall of Fame cinches—Willie Mays, Hank Aaron, Bob Gibson, Frank and Brooks Robinson—are all solid make-the-difference figures.

Of these only Mays and Aaron can be said to be as gifted as Clemente; as Clemente said defensively but defensibly early on in last year's Series, "Nobody does anything better than me in baseball."

Clemente, however, had not proved himself as a kingpin. Yes, a thrilling performer on a given play; yes, an astoundingly consistent high-average hitter (four batting championships, .318 lifetime and climbing), but also a man who is in and out of the lineup, who complains about myriad ills, and who, most tellingly, had never been identified with the winning of a pennant or a Series.

In 1960 when the Pirates were World Champions, Clemente hit safely in every Series game for a .312 average, but he figured in only two big memorable moments. One, he ran into Bill Virdon (now the Pirates' manager) after Virdon made an important-leaping catch.

Two, he reached first on a dribbly grounder in the seventh game and therefore was on base when Hal Smith hit a big eighth-inning home run. The two things that will be remembered longest about that Series are the ground ball that hit then-Yankee second baseman Tony Kubek in the Adam's apple and the ninth-inning home run by Pirates second baseman Bill Mazeroski that won the seventh game and the Series.

Clemente, the team's leading hitter during the regular season, was virtually ignored in post-series coverage—until it transpired that he had rushed away from the dressing room and back toward Puerto Rico after the final game, before the team's beer-sloshing celebration began. Then, when word came that teammates Dick Groat and Don Hoak had finished one-two in the voting for Most Valuable Player in the National League and Clemente had come in eighth, Clemente sent up a cry of outrage.

This was embarrassing. It inhibited the development of a proper make-the-difference mystique about Clemente. In the 1961 All-Star game in San Francisco's Candlestick Park, Clemente tripled, drove in a run with a sacrifice fly and knocked in the winning run in the 10th. The papers gave more space to the wind's blowing pitcher Stu Miller off the mound.

Then, in 1966, when Clemente was voted the league's Most Valuable Player, the Pirates failed to win the pennant. In 1970, when they finished first in their division, Clemente hit .352, but played in only 108 of 162 games.

In 1971 he hit .341 for the regular season, but he missed 30 games with assorted injuries, and the big man in the batting order was prepotent Willie Stargell, whose home runs, sheer presence and run production, all achieved in spite of agonized knees, overshadowed Clemente's contribution.

But in the Series Stargell didn't hit. Clemente did. He hit and hit and hit, as TV looked on more intimately—in close-up from several angles—than ever before. He got at least one hit in every game (so that he has never gone hitless in a Series game—a nice item for myth-making), he produced runs, and his second home run put the Pirates ahead to stay in the final game. Clemente, the great talent, was finally, after all these years, a winner, a heavy dude.

All of which has to be rethought. As it stands, it is Casey-at-the-Bat thinking, which ignores the true distinction of Clemente.

Baseball is a team competition and not an art form, so the value ascribed to Getting the Job Done (Winning), as opposed to expressing oneself intensely and with style, is apt enough. But baseball is not really a sport that gives rise to figures like basketball's Bill Russell and Willis Reed, who at their best could be relied upon to dominate a game and deliver victory.

In baseball a hitter can bat only four or five times a game—he can't just grab the ball or station himself under the basket and take over—and a pitcher can start a game only once every four or five days.

Also baseball is too chancy. Casey could hit the ball on the nose and still be an easy out, or he could get just a little piece of it and get a game-winning single or even a cheap home run. Casey might never come up with men on base, and in the field he might never have a difficult chance. Luck aside, not even the best hitters can reasonably be expected to come through more often than once every three times at bat.

But the fans want them to. When the big hitter grounds out in the clutch, after perhaps getting two hits on nearly identical ground balls earlier, they feel betrayed. When veteran Detroit star Al Kaline came up in a do-or-die spot in the 1968 Series and hit an intrinsically dinky single it was received by fans as a great and almost necessary confirmation. They want to be assured that the star is there, that he has probability-defying integrity that comes through when it is crucial that he do so. But Clemente has other, inimitable ways of showing he is there. It is expected of ballplayers that they discuss their injuries and ailments, even minor ones, in grim understatements, prefaced by, "I'm not making any excuses." Clemente is utterly up front, not to say confessional, about anything that is bothering him—even if it is something uncanny. This can be more interesting than a propitious hit.

In his time, Clemente has been bothered not only by the usual pulled muscles, but also by tension headaches, nervous stomach, a tendon rubbing against the bone in his left heel, malaria, a strained instep, bone chips in his elbow, a curved spine, countless bruises, one leg heavier than the other (according to a chiropractor), hematoma of the thigh incurred in a lawnmowing accident, wayward disks in his neck and back, a systemic paratyphoid infection from the hogs on a small farm he owns, severe food poisoning and insomnia.

And he has always been very open about these things, with teammates and managers, who have not always been sympathtic, and with writers, who have sometimes been gleeful.

Then Clemente is incensed. He claims that he has been made out a hypochondriac. When you ask him how he feels he responds not like a hero, and not whiningly either, but ingenuously—earnestly expressing a natural resentment against having to suffer.

Clemente grew up as the youngest child in a large, happy, hardworking but comfortable family, his father the foreman on a sugar-cane plantation, and he often gives heartfelt thanks to his parents for taking such good care of him.

Maybe he is spoiled by the adulation he gets in the off-season in Puerto Rico, where he lives palatially in the hills outside San Juan with his beautiful wife (whom he met in a drugstore while buying medication for a bad leg) and two children. In Puerto Rico he is constantly giving talks and appearing at ceremonies.

He was recently named an honorary doctor of education by the Catholic University of Puerto Rico. He plans to return to Puerto Rico in two or three years to start a chiropractic clinic and a utopian boy's sports camp.

Or maybe Clemente wants to be accorded the simple gee-whiz deference with which Mays and Aaron have generally been written up in recent years. But Clemente is not like other great players.

Even aside from his forthrightness about pain, he has more to say than other great players. Mays and Aaron do not go around saying aggrievedly that they are the best and should get more recognition.

But then again, Mays and Aaron do not go around protesting baseball's reserve clause, which keeps a player from changing jobs on his own accord and therefore, as Clemente has pointed out, deprives ballplayers of one of the freedoms of a plumber.

Mays and Aaron do not protest that blacks and Latins get too few offers of outside money for product endorsements. Clemente has been complaining about the endorsement matter for so long that he now affects indifference—but vocal indifference.

"I've had a couple of endorsements but they never came to nothing. I don't want to make any. I don't need them. If the people who give them out don't think Latins are good enough, I don't think they are good enough. The hell with them. I make endorsements in Spanish countries, and give the money to charity."

When it comes time for formal gratitude, Mays and Aaron do not speak as feelingly as did Clemente when presented his Series M.V.P. trophy: "I respect people. I respect my mother and father. This has given me the opportunity to know people, to hurt people once in a while, but mostly to love people."

Nor has either Mays or Aaron ever told as strange a story as Clemente told suddenly last August, when he revealed that one night during the previous season, as he was walking back to the Pirates' hotel in San Diego with a bag of fried chicken, he was kidnapped at gunpoint by four men and driven into the hills.

There, he said, his abductors forced him to strip and took his wallet, his All-Star ring and $250, and were all set to shoot him—"They already had the pistol in my mouth"—when he managed belatedly to convince them of his identity. Whereupon they gave him back his clothes, wallet and ring and drove off. Then he heard them drive up again behind him. They rolled down the window of the car, said, "Here" and handed him back his fried chicken.

That is the kind of thing, it might be said in all respect, that happens to a Latin ballplayer. Latins, in the 20 years since they began to enter American baseball in numbers from Cuba, Mexico and South America, have added more color and unexpected personal drama to the game than any other ethnic group.

Chico Ruiz, recently killed in an automobile accident, made a vivid reputation as a bench-warmer (with a special cushion and alligator shoes). It was Ruiz who once tied a feather on his head and chased Atlanta Braves mascot Chief Nok-a-Homa all the way to his teepee in the stands and pulled off his blanket. Then, last year, it was Ruiz who was goaded by his former close friend Alex Johnson into pulling a gun in the California Angels clubhouse.

Rico Carty of the Braves, who calls himself "the Beeg Boy," and is the only active major-leaguer with a higher career batting average than Clemente, has suffered one calamity after another over the past three years, from tuberculosis to being beaten up by the Atlanta police.

On Rico Carty Appreciation Night last summer he stood tearfully at a microphone in Atlanta Stadium and complained that certain members of the Braves (by implication including Aaron, with whom he once traded blows in an airplane) did not like him.

Juan Marichal of the Giants throws myriad pitches from myriad angles with a tremendous leg-kick and once hit then-Dodger John Roseboro on the head wtih a bat. Both Cesar Tovar of Minnesota and Campy Campaneris of Oakland have played every position on the field, one inning each, in a single game, and Campaneris can pitch with either hand.

Wherever Clemente ranks among today's superstars, he is the best Spanish-speaking player ever, and that places him at the head of a rich tradition.

But it also entails a communication problem. By and large the baseball press has not been able to cope with the Latin influx. First-rate player like Minnesota's Tony Oliva, Cincinnati's Tony Perez and Baltimore's Mike Cuellar go virtually uninterviewed because they don't like to be quoted phonetically ("bayzebaol," etc.) and because Tom Quinn, who covered the Senators for a while in long hair, a beard and a frock coat for the Washington Daily News but is now off to Colombia to write a book about a witchdoctor, is the only regular baseball writer I know of who could interview in Spanish.

Clemente, who knew no conversational English when he left Puerto Rico in 1954 and had the usual problems of great loneliness and inability to order food, has not let language problems silence him. He still has a considerable accent, but he is the only Latin player to speak out in English (though several did to Quinn in Spanish) against the ethnocentrism of the American press:

"If a Latin player is sick," Clemente said a few years back, "they said it is all in the head." Now, from his Series-hero eminence, he says, "There was never any problem about the people misunderstanding Latin players. But the writers, at first, they thought Latins were inferior to the American people. Now they know they can't be sarcastic about Latins. Which is something I have fought all my life."

But there might have been something ethnocentric about Garagiola's implication, in saying that Clemente's body could hit .320 without Clemente, that baseball for Roberto is all spontaneous physical reaction. Then there was the remark of a Pittsburgh coach this spring: "These Latin hitters. They just see that little white thing coming up there and they HIT it."

But that latter observation seems a fair introduction, at least, to the essential Latin batting style. Once Sanguillen was asked why he kept on swinging at the first pitch, even though he knew it was a bad practice. "Because it makes me feel good!" he said happily.

Ted Williams, the former Red Sox slugger and current Texas Ranger manager and batting maven, has always maintained that a hitter should be moved only by pitches thrown to certain high-percentage-yield areas of the strike zone. The Latin hitter is more likely to go with his viscera after any pitch anywhere that looks sweet and challenging to him at the moment.

Clemente almost never goes for the first pitch, because he hates to end his time at bat too quickly, but he, like Oliva, has long been known as a bad-ball hitter who can line a pitch off his ear into right field, which is the opposite direction from where a normal right-handed hitter would hit such a pitch if he could hit at all.

At 5-foot-11, 180 pounds, Clemente is almost exactly the same size as Mays and Aaron, and they are all three right-handed batters, but they all hit quite differently. Clemente has hit balls as far as Mays and farther than Aaron's best bolts, but he has averaged fewer than 20 home runs a season.

Until mid-1970, the Pirates' home stadium was Forbes Field, where fences were so far back that the long ball was less wise than the line drive. Partly no doubt by design or instinctive adaption (he does not like to divulge enough technical information to make it clear how conscious a stylist he is), but largely by virtue of the inclination he has always shown toward free swinging, which obviates a home-run groove like Aaron's (Latins are very rarely home-run specialists), Clemente has concentrated from the beginning on singles, doubles and triples.

This has cost him publicity—with 230 lifetime homers so far he will never make a run on Ruth's record of 714, as Mays (646) and Aaron (639) have been doing in sportswriters' minds for the last several years—and is also the main reason why he has produced far fewer runs than Mays or Aaron (each of whom makes something between $35,000 and $60,000 a year more than Clemente's current $140,000 salary) or Frank Robinson.

But Clemente's more angular hits spring from a stroke that, for all its diffusive application, deserves to be ranked with anyone's in terms of consistency, discipline and force.

The good hitter holds back late, to see how the pitch is going to behave, and then somehow obtains enough sudden leverage—enough elbow room to get around on the ball—to avoid being "jammed" when it is full upon him.

Aaron accomplishes this with fabled wrists, Stargell with sheer trunk-and-arm strength. Mays "bails out," pulling away from the plate with his front foot so that he can pull the ball to left field, while keeping his hands back so that he is not overcommitted.

Clemente's maneuver is almost the opposite of May's. He stands far back from the plate, waits very late, and then, with his hands close in to his chest, typically shrugs the front of his body in on the ball so that he can reach way back and swipe it out of the catcher's mitt, virtually, and into right field.

This is known as "hitting from the inside out." It is not showy, in fact it looks rather constricted to the casual observer, but anyone who has dwelt at all upon the problem of hitting good pitching will appreciate the torsion and tensile stress involved in Clemente's solution.

Such a wrench is enough to make anybody's body develop kinks. On the field he strains everything so, including credulity. Mays makes basket catches, with his hands cupped at his waist, but Clemente makes them off-handedly way below his waist. Other outfielders make running or even diving catches, but Clemente makes sitting down catches, sliding-on-one-hip catches, and catches which provoke Manager Harry Walker of Houston to say, "He took it full flight and hit the wall wide open. It was the best I've ever seen."

Once Clemente fielded a bunt. There were runners on first and second, and the Pirate shortstop was covering third. The ball was bunted to where the shortstop would have been. Clemente, playing right field, the position farthest from shortstop, came running up, grabbed the ball on the ground and threw the runner coming from first base out at third.

On more conventional throwing plays, Clemente exhibits the best outfield arm in baseball. And nobody quite combines a running catch, a whirl and a throw the way Clemente does—so that he is occasionally photographed suspended sideways in the air, about four feet above the ground, releasing a lightning bolt.

But Clemente has always had these marvelous bodily functions. In the past, on the mainland, he has also had too few rewards to suit him. As recently as last spring he had boos from the Pittsburgh fans because he was sitting out so many games. And until recent years he tended to be on the outs with his managers and teammates.

The fans in 1972, however, will be cheering and indulging a new national institution. And today's Pirates have incorporated Clemente into one of the loosest and best-integrated teams ever. When Clemente broke in with the Pirates in the mid-fifties they had racial tensions that doubtless contributed to Clemente's moodiness, but last year they fielded (on occasion) the first all-black nine in big-league history, and for the last couple of years their dressing room has echoed with jovial racial slurs and exuberant interethnic grappling.

Nobody grabs Clemente, but Sanguillen and pitcher Dock Ellis do open imitations of his limps and complaints, which no one would have dared to do, or had enough affection to do, a few years back. And when asked about Clemente's qualities of leadership, Sanguillen says, seriously, "He is the inspiration."

Clemente doesn't want to sit quietly by while something is making him feel bad, and he doesn't want to play with injuries when they might cause him to embarrass himself. No one else in baseball has managed to maintain such a posture and still claim the highest respect of peers and public. Now that he has last year's Series to his credit, Clemente can do it.

If it takes an M. V. P. trophy to certify Clemente in the public mind, then by all means he ought to have one, because he is more than a superstar, he is a man who not only hits but also talks and behaves from the inside out.

"It was not the best I could do," said Clemente after the Series, "but maybe the best anyone else could do. I have an injury." The dressing room was flowing with slung champagne. Pitcher Dave Giusti crept up behind Clemente with a fizzling bottle. "Don't spray me," Clemente cried. "I got a bad eye." Who else in baseball could get away with that?

NATIONAL SECRETARIES WEEK

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, every year since 1952, the last full week of April has been set aside for the observance of Secretaries Week, in recognition of the invaluable role played by able and loyal secretaries in business, industry, education, government, and the professions. I should like to take advantage of this opportunity to pay well-deserved tribute to my own staff and it is with deep appreciation that I salute the loyalty, efficiency, and hard work of the members of my Washington and district offices, both full-time and part-time employees.

ON THROWING STONES

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ERLENBORN. Mr. Speaker, almost 1 year ago, I spoke on the floor of this Chamber about the premature and unauthorized release of a report from the Committee on Education and Labor. My concerns were many, not the least among them being my contention that the release of a committee report which had not been presented to the full committee was an offense not only to the committee members but to the full House as well. Further, such action, in my view, represented a violation of the spirit, if not the letter, of the rules of the House.

These concerns were reborn a short time ago with a reenactment of the script but a change in the cast of characters. This time, the lead has been taken over by the House Committee on Government Operations. Let me recite the sequence of events:

On March 29, a copy of a committee print of a report by the Legal and Monetary Affairs Subcommittee of the Committee on Government Operations was delivered to my office. Presumably, copies of the report, titled "Block Grant Programs of the Law Enforcement Assistance Administration: The Unrealized Promise of Safe Streets," were delivered at about the same time to the offices of the other members of the committee.

Clearly stamped on the front of the committee's print were the words: "Hold Until Release Date Approved by Full Committee on Government Operations." Accompanying it was a letter from John Monagan, the subcommittee chairman, in which he explained that he had asked Committee Chairman Chet Holifield to place the report "on the agenda of the next meeting of the full committee which probably will take place on Wednesday, April 12, 1972."

Notwithstanding these admonitions, stories of the report appeared in various newspapers, including the Chicago Tribune on April 7 and the Washington Evening Star on April 10. And, on Sunday, April 9, the report was the subject of the television show "Sixty Minutes."

Clearly we have again witnessed a breach of committee rules and the spirit of the rules of the House; and thus we have once more cast doubt upon the integrity of this body. At very least, we have contributed to the public's diminishing faith in government.

The issue is not whether a Member wishes to be associated or disassociated with the report—and I am professing neither with regard to the report under discussion. Rather, the issue is one of principle: Should some Members of this House or their employees be allowed to foist upon the public as an official report of this body the draft of a proposed report before it has been acted upon by the responsible committee?

The issue in this case is further highlighted when we realize that the report in this instance was never acted upon by the full committee. In fact, the subcommittee action was taken at a time when a quorum was not present and has been made subject to a point of order.

I contend that it is a fraud on the public to present a report in the media as the official action of the responsible committee when it in fact is not. Not only should the person releasing the purported report bear the blame for misrepresentation to the public, but the responsible members of the media must share this blame.

All of this convinces me that when we again consider amending the rules of the House we ought to provide a means aimed at preventing such misrepresentations. First, I believe we should assure that the unauthorized release of commitee reports, and proposed reports, will be investigated with a view toward identifying the responsible individual or individuals. Next, in my opinion, a specific penalty would be in order.

In the case of a Member of Congress, surely he or she should be subject to censure. If the responsibility rests with a member or members of a staff, an appropriate penalty would perhaps be discharge.

At this time, I am hopeful the Government Operations Committee will take the necessary steps to clean in its own house. I urge this House to do the same.

AMERICAN FLAGS AVAILABLE FOR READERS OF NEW YORK DAILY NEWS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WOLFF. Mr. Speaker, I should like to take this opportunity to commend the New York Daily News for the fine public service which it is performing by making American flags available to its readers. Since the News has the largest readership of any daily newspaper in the Nation, this service assumes added significance. I hope that other newspapers might follow this excellent example.

With many legal holidays coming up shortly, I hope that many New Yorkers will take advantage of this offer and display our flag prominently. The text of the News' announcement follows my remarks:

Do Not Delay; Get Your Flag

For display during the coming holidays a choice selection of American flags is available to News readers as a public service. The flags can be obtained either at the News Information Bureau counter, 220 E. 42 St.

Complete 3-by-5-foot Flag Kits, with pole, clamp and halyard are $3.25 at the counter and $4 by mail.

Window flags, 12 by 18 inches with the spear-tipped bar, are only $1 at counter and $1.50 by mail.

Also available are 2¼-by-3¼-inch Flag patches, and baked enamel lapel Flag pins, which are only 50 cents each in person or by mail. Decal 3-by-4-inch Flag stickers are 5 cents each either way. In sending for the patches, pins or stickers, please enclose a stamped envelope, 4 by 5 inches or larger, with your name and home address on it.

On all orders. specify clearly the flag(s) you desire. Make your check or money order, in the full amount required, payable to New York News. Do not send cash. Mail to: U.S. Flags, the News, P.O. Box 1642, New York, N.Y.

MINNESOTA COUNTY OFFICIALS STRESS CONCERNS

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. NELSEN. Mr. Speaker, a delegation from the Association of Minnesota Counties has been here in Washington this week to express their great and understandable concern about problems Minnesota has had involving Federal highway funds as well as to express their views about other pending legislation, including the welfare reform and Federal general revenue sharing proposals.

The delegation includes two men from my own second district, Robert Finbraaten of Adams, first vice president of the State association, and William Koniarski of Belle Plaine, past president of the State group. Bob is a commissioner in Mower County and Bill serves as commissioner of the first district in Scott County.

Others in the delegation include Harold A. Larson of Montevideo, president; Don L. Cafferty of Stillwater, secretary-treasurer; LeRoy "Roy" Johnson of Coon Rapids, and Ralph T. Keyes, executive secretary of the State association.

We have been highly pleased to welcome the entire delegation to Washington, and are most appreciative of their guidance and concern in helping to assure smooth coordination and operation of Federal programs at State and local levels of government.

Mr. Speaker, for the benefit of colleagues, I insert in the Congressional Record at this time three position papers of our Minnesota association on the subjects mentioned above.

Federal Highway Legislation and Administrative Concerns

Minnesota county government is responsible for the construction and maintenance of a highway network of not less than 75,000 miles. Under constitutional and statutory provisions county government is the principal authority for the construction and maintenance of a system of county state aid highways of approximately 30,000 miles in extent. Of this system 26,000 miles are designated Federal Aid Secondary routes. In addition it is estimated there are some 45,000 miles of county highways supported by property tax levies. In a few northern Minnesota counties the county board is also responsible for the town road system. Highway development is so important in shaping and influencing our communities we are concerned about highways over which we have no control as well as those which we build and maintain in our own county organizations.

We are pleased that Congress rather recently has adopted some of the recommendations of the counties speaking through the National Association of Counties such as the establishment of a separate federal aid urban system, increasing the federal matching share from 50% to 70% on ABCD projects, providing limited additional funding for critically deficient bridges, and expanding the use of federal highway funds to include certain types of joint highway-transit projects.

We have been disappointed that Congress has not seen fit to recognize the backlog of needs on the ABCD systems and increase federal funding for these systems accordingly. In the 1970 Federal Highway Aid Act the funding was the same as for the two previous years. If inflation is taken into account, there was an actual decrease in moneys available. We urge an increase in appropriations for the years 1974 and 1975.

It is imperative to preserve the dedication of the Highway Trust Fund. If inroads are permitted, surely there will not be sufficient funds for even minimal highway needs.

Not only do we need adequate funding but we certainly can do without the uneven funding process involving cutbacks in allocations which have marked the program in the last few years. It is extremely difficult to start programs which take several years to complete and then find we cannot continue on our programed course because funding has been delayed or changed. We appreciate that some of the determinations in this area are not the decisions of the Congress but we urgently urge your support to change the pattern and provide that all funds authorized be made available to local jurisdictions.

To be spent effectively, highways funds must be spent on a logical system of highways, classed according to their function. County road departments in Minnesota have cooperated with our state highway department in assigning functional classifications to our county road system. We are at somewhat of a loss to know just what the federal highway administration intends now that we have the documentation of a functional classification system.

Within the last few years it has been increasingly difficult for Minnesota counties to make good use of funds available to them to be used on our federally aided highway system. We speak principally to an overwhelming need to simplify federal requirements and reduce red tape in the handling of federally aided projects. The procedural requirements for acquiring land and building a major interstate route are inappropriate when applied to minor changes in a totally local road system. Concerns for adequate notice to the public and concerns for minimal disturbance of the environment are valid, but merely because federal funds are used in such cases as acquisition of additional right-of-way to an existing road for the construction of turning lanes hardly justifies the need for the same cumbersome procedures.

Yet another difficulty is the delays caused by approval of wage standards in Washington. Minnesota Highway Department for many, many years has followed a plan whereby negotiated wage scales are used as minimum wage scales on state projects. More recently state legislation caused the counties to follow essentially the same plan. We feel this procedure should still be followed because it provides adequate protection to workers without causing undue delays in our construction program. With Minnesota's very short construction season it is imperative that we have as few delays as possible imposed upon us.

The Association of Minnesota Counties is a voluntary association of the 87 counties of Minnesota. Its principal purpose is to be of service to county officials, but we think it equally important that we be of service to state and federal officials as well. In that light, if at any time members of the Congressional Delegation feel that the Association of Minnesota Counties can be of help to them, we will feel honored if you would call upon us for what assistance we can render.

FEDERAL GENERAL REVENUE SHARING—H.R. 11950

The Association of Minnesota Counties has formally endorsed the concept of federal general revenue sharing. This statement attempts to relate our policy position to the bill currently in the Congress.

We understand that the revenue sharing bill which was reported favorably by the House Ways and Means Committee resulted from many compromises worked out during the course of hearings on the bill. Even though we have some reservations about details of the bill, recognizing the importance of the concept to Minnesota countries, our position is in favor of the bill as reported by the committee. Regardless of our concerns about individual provisions of the bill, we urge all Congressmen to support the bill.

As county officials who have the responsibility to levy and collect taxes, we are certainly well aware of the protest against increasing property taxes. If a county board is restricted in the amount of property taxes it may levy (as contained in recent Minnesota legislation), obviously we must look to other revenue sources as a means of providing services requested, and in many instances, demanded by our constituents. Because we are very close to the electorate we think that we know as well as any one where dollars are needed in our own communities. We know that these needs may vary from county to county and certainly from state to state; and, thus, we feel rather strongly that a general revenue sharing bill enacted by the Congress should allow flexibility on the part of a local governing body to determine how it can best meet its unmet needs.

We are quick to assure members of the Minnesota Congressional Delegation that there are many programs within the high priority guidelines set down in the bill needing new, and often, large sums of money to meet the needs. On this basis we do not reject out of hand the imposition of the terms now contained in H.R. 11950. In the sense that we are willing to accept these restrictions, though somewhat reluctantly, we urge your support of the bill as reported by the committee.

We sincerely hope that the bill will pass the House of Representatives. If it does so we probably will be communicating our ideas for changes in the provisions of the bill to our two Senators. We do not want to cloud the issue of the passage of this bill by the House of Representatives, so we have no intention of introducing those ideas into the discussion at this time.

There are features of this new version of the bill with which we find significant approval. The most important of these is the commitment to a five-year-plan rather than a year-by-year approach to revenue sharing. It is only when there is some reasonable assurance of a revenue source over a period of time that local governments can plan for the future in the best way.

We support the policy position of the National Association of Counties as found in that portion of the American County Platform endorsed by the Board of Directors of the National Association of Counties at its March meeting. That position is:

"6.1. General Revenue Sharing

In order to help solve what is a serious fiscal crisis among our states, counties, and cities, we call upon the Federal Government to enact a permanent general revenue sharing program which would provide:

1. An automatic, annual appropriation of a designated portion of the federal income tax base;
2. Distribution to the states primary on a population basis with some emphasis on tax effort;
3. A mandatory and equitable pass-through to general purpose local governments;
4. No program or project restrictions on use of the funds; and
5. Additional support to the current efforts of many states and local governments to update their operations and incentives to improve the quality and effectiveness of their programs."

Looking to the eventual passage of a revenue sharing bill by the federal Congress, we would like to share with you a few ideas with regard to the federal grant program generally. We think a general revenue sharing bill can assist the Congress in improving the procedures whereby the federal funds are made available to state and local government. We lament the rigidity of many of the guidelines provided by the federal administration in implementing programs initiated by the Congress. We think an improvement in the federal grant program could be accomplished by moving toward a consolidation of existing grant in aid programs into more general "program area" block grants; reducing the complexity of grant application and reporting procedures; and reducing the number of "strings attached" to federal grant programs.

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WELFARE REFORM—H.R. 1

To state the policy position of the Association of Minnesota Counties as it relates to what we now call welfare reform, we first should state that we support in general the policy positions developed by the National Association of Counties in this field.

As members of the Minnesota Congressional Delegation know, Minnesota is among those states where in county government not only administers the welfare programs but is also asked to support these programs in part from county revenue sources. In Minnesota this means the property tax supports the county share of any welfare costs not reimbursed from state or federal funds. This contribution in money as well as services by Minnesota counties forms the basis for our association's recommendations in the welfare field.

Welfare costs have risen so sharply in the last few years they now become an almost impossible drain on local revenue sources. As an example of that increase, the total county welfare levy for all counties in Minnesota increased in the 14 year period from 1956 to 1970 by 4½ times. The total of all county levies for welfare purposes in 1956 was approximately 20 million; in 1970 (the latest figures available) it was in excess of 90 million dollars. The greatest part of that increase has been to meet the requirements laid down first by federal enactment and regulations and second by state enactment and regulation. Out of this frame of reference, Minnesota counties are most fundamentally concerned that new enactments at the federal level do not increase Minnesota counties' contribution to welfare costs.

We feel it is most crucial that some form of hold harmless provision be written into new federal legislation. We would prefer the base being that of our costs in the year 1970 rather than a later year. Speaking of a hold harmless concept we sincerely hope that new programs or new labels for old programs are not used to increase our expenditures even though states and counties would be protected by a hold harmless feature in the categorical aid programs.

For reasons that are certainly well known to the Congress, the financing of public assistance is a national problem and it requires a national solution. We call upon Congress to establish a true national program with strong federal financing of public assistance and income maintenance. If states and especially counties can be relieved of a high share, if not all, of the costs of financing public assistance programs; working with state agencies, we will be able to develop and coordinate comprehensive programs of human services.

In addition to our position in regard to financial consideration, somewhat more specifically we call to the attention of the Congressional Delegation other parts of our policy statement which includes the following:

1. Minnesota counties support the work ethic and feel a "work fare" concept is necessary to help reduce welfare rolls.

2. There is substantial merit in a separation of the administration of money grants from that of the supplying social services. We see these latter programs being best controlled by a substantial involvement of county government in the administration of the social services aspect of our welfare program.

3. We support the concept of uniform eligibility, residence and settlement requirements for all family and adult welfare programs.

4. We urge a simplification of grant procedures. At the same time additional safeguards against fraud and abuse can be developed.

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TEACHING SEX DISCRIMINATION

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HALPERN. Mr. Speaker, Fred M. Hechinger of the New York Times recently wrote a story where he reported that an organization calling themselves Women on Words and Images claim that New York City schools are teaching discrimination.

Women on Words and Images points out that themes and quotations gathered from 134 elementary-school readers are overwhelmingly male-oriented. They note primers which show women doing menial house tasks while men show ingenuity, creativity, perseverance, and other favorable characteristics.

If the Women on Words and Images study is correct, we are indeed teaching chauvinism to our pre-school and school age children.

I would like to include this article in today's RECORD so that we all can be aware of and remedy this type of invidious discrimination:

MALE CHAUVINIST PIGLETS

"Johnny says girls aren't fun. . . . Janey says she wants to be a doctor when she grows up, but she knows girls cannot be doctors, so she will be a nurse instead . . . Janey says she might be only a girl, but she isn't stupid."

Those are themes and quotations culled from 134 elementary-school readers by a group of 25 women in Princeton, N.J., who call themselves Women on Words and Images and are affiliated with the National Organization for Women (N.O.W.) Their study resulted in the just-published pamphlet, "Dick and Jane as Victims: Sex Stereotyping in Children's Readers" ($1.50; Box 2163, Princeton, N. J., 08540).

According to the pamphlet, the selected books from 14 leading publishing companies are sexist—"overwhelmingly male-oriented." The group's thesis comes through loud and clear: male chauvinist conditioning starts in kindergarten.

Some of the books studied were published some years ago, before Women's Lib became so popular, and many are being brought up to date or phased out.

The women say they found that stories about boys outnumbered stories about girls by 5 to 2. Boys outnumbered girls 4 to 1 in stories showing ingenuity, creativity, perserverance, strength, bravery, apprenticeship, earning money, competitiveness and exploration. On the other hand, girls exhibit such traits as passivity, docility and dependency six times as often as boys, the group contends.

The boys in most of the stories were found to lead adventurous lives, involving much travel and excitement; the girls rarely venture far from home and hearth.

The pamphlet makes a persuasive case, although it is difficult to believe that the study was undertaken, as it claims in its introduction, "without preconceived or doctrinaire objectives."

Questions may be asked about some of the yardsticks applied. For example, a listing of "sexist quotations" includes: "He remembered his mother's advice, 'always wait until your father has finished his food before asking him for anything.'" Or: "Mary is a good girl. She likes to help." To many observers these statements would seem normal, with no sexist overtones.

Another question is whether books for young children should be expected to go beyond reflecting the world as the children know it. When dealing with the realm of work, for example, it seems natural to the present scene to describe more male than female occupations, or to picture homes in which mothers do more of the household work than fathers.

But the pamphlet argues: "The society into which our children will be expected to fit is very different from that presented by the readers. . . . Whether or not we like these trends, we must prepare our daughters and sons to deal with them."

BRANDT GOVERNMENT MISSTATES THE CASE

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. ZION. Mr. Speaker, in order to insure ratification of the proposed Soviet-Poland-West German Treaty, the West German government has not been entirely candid. Statements have been made that West Germany's allies, including the United States, desire ratification of the treaty. It has been alleged that failure to secure ratification will precipitate a new "cold war" period of isolation for West Germany in which the West would deny further support. The Communists have also echoed the Brandt line and have shown a great deal of interest in West Germany's non-isolation from her Western allies.

The opinion of the Soviet press was reflected by the Munich daily Sueddeutsche Zeitung on March 18–19 in the statement:

> With its opposition against the treaties, the CDU-CSU stands in contradiction to the course of foreign policy of practically all European countries, including the Western allies of the Federal Republic.

This is simply not the case, whether West German sources or the Soviet Union author these statements. West Germany's allies ARE interested in retaining this nation as a strong, dependable force and friend in Europe. They have never encouraged the current treaty negotiations with the Communists and they will not be unhappy if the West Germany parliament rejects these treaties. Major opposition to these agreements comes from the Christian Democrats, the party of the late Dr. Adernauer who always supported West Germany's Western allies. The CDU–CSU wishes to remain on the course of "détente", in supporting the goal of the free world in seeking peace without surrendering freedom. These goals are reflected by President Nixon in his own quest for a lasting and just peace. Herr Brandt's shaky government continues to suffer more political reverses and it can be reasonably inferred that the treaties in question are simply not popular items with free men.

The United States has no intention of deserting its European allies. We will permit no isolation of West Germany and we will not support any program of sell-out of West Germany and Free Europe to the Communists.

If the Soviet resume the "cold" war following the likely rejection of these treaties, it should stand as an ample reminder to free men of the real nature of Communist intentions. The German Socialists have attempted to assuage the fears of the average German concerning Soviet aims in order to obtain ratification of these most unwise treaties.

The Soviet Bear never changes. Rejection of the treaties will result in continued bad humor but the Soviets have little alternative but to seek détente with the West.

MUDDLED SECRECY SYSTEM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. MOORHEAD. Mr. Speaker, each day brings us more evidence of abuse of the Nation's security classification system.

I think all but the most naive will agree that the security classification system has been used, and is being used, to classify information which bears little relationship to the national security but is tied to the political fortunes of some group or another.

The St. Louis Post-Dispatch editorialized recently on the farcical threat of Executive privilege which the White House seems to employ to try and cower Congress into not doing its job of investigating.

I include in the RECORD at this time the editorial entitled, "Muddled Secrecy System," and inform my colleagues that the Foreign Operations and Government Information Subcommittee, which I chair, is continuing its hearings into the classification of information and related issues.

Next week, we will open an investigation into the abuse of the security classification system and hear from agency and public witnesses on the matter.

The editorial follows:

MUDDLED SECRECY SYSTEM

Arthur Goldberg, former Supreme Court Justice, has underscored the government's capricious system of secrecy by urging the enactment of a "comprehensive statute" to define the President's responsibility in furnishing vital information to Congress.

Testifying before the House Subcommittee on Government Information, Mr. Goldberg noted the irony in the fact that, while presidential assistants have been making speeches and answering questions for press and public, the same assistants have declined to testify before congressional committees. And at the same time that the President has kept members of his own staff from appearing before Congress on grounds of executive privilege, the Justice Department in the Pentagon Papers case has been trying to force congressional aids to testify despite their privileged relationship with lawmakers.

The whole area of privileged information should be clarified by law, not only with respect to congressional access to information but to public access as well. Although a recent presidential order was supposed to have relaxed the executive secrecy system, Chairman William Moorhead of the House subcommittee has pointed out that the order permits the classifiers at each level of bureaucracy to delegate to a larger number of subordinates the authority to keep information from the public.

In view of the amorphous and ill-defined nature of the secrecy system and the lack of any clear statutory authorization for it, Congress should draft a law spelling out the limited categories of information which may be classified, stipulating what must be released to Congress and the public and providing legal remedies for securing access.

LARRY EISENBERG ELECTED NATIONAL EXPLORER PRESIDENT

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. RAILSBACK. Mr. Speaker, on April 12 to 16, the Second Annual National Explorer Congress was held here in Washington. During those 4 days, 2,500 Explorer post presidents from across the Nation attended conferences on subjects ranging from law enforcement to ways of improving their local explorer posts. They also met with President Nixon and other national leaders and elected the national Explorer president for 1972. I am very pleased and proud to announce that the new president is Larry Eisenberg, 18, from Rock Island, Ill. Rock Island is part of the 19th Congressional District, which I have the honor of representing.

Exploring, a division of the Boy Scouts of America, is a coed program for young people of high-school age. It is designed to give its members opportunities for specialized training and experience in a wide range of fields, including sailing, engineering, medicine, broadcasting and law enforcement. Explorers work with advisors trained in these fields, but a major goal of the organization is to enable the Explorers to develop the ability to handle the job on their own.

As national Explorer president, Larry Eisenberg will have a number of important responsibilities. He will represent Explorers in national and international youth events; he will plan national explorer programs; and he will serve as a communications link to the more than 30,000 Explorer posts throughout the country.

Larry is well-qualified to fulfill such responsibilities. While a Boy Scout, he reached the highest rank of Eagle Scout. He has served as president for Explorer Post 2007 in Davenport, Iowa, and more recently, as president for the 1,000 Explorers of the Illowa council. During the summers, he has been an ecology and conservation counselor at the Illowa council summer camp. Larry is an excellent student who is taking advanced courses in three different subjects. He is a member of several school clubs and last January was elected Youth Governor of Illinois. He has also served as regional chairman of B'nai B'rith.

Larry was elected at the congress through proceedings which gave Explorer delegates some excellent, firsthand experience in political campaigning and decisionmaking. Through a series of caucuses and primary elections, the Explorers selected candidates for their national Explorer committee and president. Hard campaigning by the candidates was concluded by a full-fledged political convention. The convention, I might mention, was chaired by my colleague, JOHN MCCOLLISTER of Nebraska, who has long been an active adviser for Scouting organizations. The newly elected officers were installed in a ceremony led by Associate Justice William O. Douglas.

Mr. Speaker, the Explorers now have over 350,000 members, who are busy gaining new skills in many diversified activities, and possibly even taking the first important steps in a challenging career. Planning for and coordinating such programs will require much time and effort on the part of their new president. I know Larry will perform his duties well, and I want to congratulate him on his new position and extend my best wishes for a very successful year.

NEW YORK TIMES CITES NEED FOR TAX REFORM

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. VANIK. Mr. Speaker, I would like to enter into the RECORD at this point an excellent editorial from the New York Times of Monday, April 24, 1972, which comments on the absurdity of the Secretary of the Treasury's recent statement denying the existence of tax loopholes.

As the editorial states:

> A reasonable and significant tax reform program is both possible and highly desirable. It deserves a high place on the national agenda, lest public confidence in the fairness and justice of America's institutions be undermined.

The full text of the editorial is as follows:

[From the New York Times, Apr. 24, 1972]

TAX UNREFORM

Secretary of the Treasury Connally has poured scorn upon Democratic Presidential candidates hoping to exploit the economic issue this year.

In a speech to newspaper editors he was particularly forceful in opposing tax reform, which the Democratic liberals are increasingly demanding. The President's chief economic spokesman said he did not want to "destroy the real-estate market" by ending the income-tax deduction for mortgage interest payments nor "see the Dow Jones hit 500 in a week's time" by ending preferential treatment of capital gains. In effect, Mr. Connally denied that any tax "loopholes" even exist; he reeled off a list of tax provisions, such as charitable contributions and tax-exempt state and local bonds, which he classed not as loopholes but as essential social instruments.

However, tax reform is too crucial an issue to be brushed off with such artful demagoguery. The American tax system today is grossly unfair, it bears down too heavily on lower and middle-income people whose earnings come entirely or largely from wages and salaries, and too lightly—or, in some cases, not at all—on wealthy persons with large property incomes. The same is true for particular industries, especially oil, gas and minerals that benefit from excessively generous depletion allowances.

The conviction of great numbers of workers and others that the tax system is unfair will not be dissipated by Mr. Connally's effort to discredit reformers through forecasts of national economic catastrophe if success attends efforts to make the system fairer. It is typical of Administration thinking that the barometer of economic misery for Mr. Connally should be a slippage in stock prices.

But the stock market has not collapsed—nor has the economy—as a result of increasing the capital gains tax from 25 per cent to a maximum rate of 36½ per cent, as was done in 1969. Nor would collapse follow a further increase in capital-gains taxation or other moves to levy a fairer share of burdens upon those who receive huge incomes from property ownership or speculation. Even the familiar argument that such levies would destroy capital investment and economic growth has sharply diminished force when the great bulk of investment in new plant and equipment is financed by corporations out of retained earnings and depreciation allowances.

Similarly, it is disingenuous for Mr. Connally to treat all deductions and allowances as, in effect, untouchable; he did not happen to include in his list oil, gas and mineral depletion allowances. In a time of growing concerns about the exhaustion of nonrenewable resources and environmental damage, such tax breaks are not only unfair but unwise—since they accelerate the waste of resources and discourage recycling.

To be sure, there are strong temptations upon liberals as well as conservatives to "demagogue" the tax issue. Liberals who imply that they can get the money to solve all of America's problems overnight by soaking the rich are misleading the public. The reverse of that bogus coin is the conservative suggestion that nothing can be done to make the tax system more equitable and more productive without wrecking the economy.

A reasonable and significant tax reform program is both possible and highly desirable. It deserves a high place on the national agenda, lest public confidence in the fairness and justice of America's institutions be undermined. It is not criticism of the system's faults that is impairing faith, as Mr. Connally contends, but stubborn refusal to correct patent inequities.

FARMERS HOME ADMINISTRATION IS BIG HELP TO RURAL WISCONSIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, Spring is welcomed in the rural areas of Wisconsin not only as the planting season. This year we look forward to a record level of homebuilding activity, thanks to the increased rural housing services of the U.S. Farmers Home Administration.

A progress report from Administrator James V. Smith is most encouraging for town-and-farm areas such as are found in the 6th Congressional District in east central Wisconsin. The rural housing credit program, which has been lifted up to a pace more than double that of 1968, is running about 12 percent greater than in the past fiscal year.

Fiscal 1971 saw this FHA program produce 2,600 new homes in rural Wisconsin. This year, the program is still gaining at a rate indicating more than 3,000 homes, financed with about $40 million of insured credit, for the months ending next June 30.

In the rural sections of seven counties in the 6th District, nearly 700 modernized homes have replaced substandard houses for families of low and moderate income. This represents a good step upward in living conditions for the families concerned, and more than $9 million of home construction that could not have been financed without the program as administered by FHA.

Modern housing is one of several lines of fundamental community need in which FHA has proved the best channel for delivering practical support to the rural family and small town of modest resources.

More than $120 million of farm ownership and operating credit outstanding in Wisconsin has been extended through FHA county offices; this money bolsters the security of about 12,000 family-size farms in our State.

I also find FHA an excellent source of help for central water and waste disposal systems in rural towns. More than 60 community systems have been brought to construction in Wisconsin, through $14 million of FHA financing under the Rural Community Facilities program.

Mr. Speaker, it is my experience in representing communities of our district, that no Federal agency has been more responsive to local problems than Administrator Jim Smith and the Farmers Home Administration. This has been demonstrated recently in FHA's cooperation on plans to provide water and sewer services now lacking in the village of Mount Calvary and a sewer system for the village of St. Cloud. The assistance to villages in Fond du Lac County will enable them to satisfy State department of natural resources orders for abatement of water pollution. While Mount Calvary's application had been pending for a good long time, I am particularly pleased with the efforts made by Jim Smith and his colleagues to approve this application.

A sewer project has been completed for the Potter district of Calumet County. A new central water system, now finished and running, has solved a water supply problem for Belgium in Ozaukee County.

More projects are in development, and I now can foresee the day when the same standard of modernized public services can prevail in every community of every county, urban or rural.

In the House we have recently passed a Rural Development Act of 1972 that would add new resources to the farm credit program of the Farmers Home Administration, and a much larger and broader credit service for rural communities to improve their public facilities and develop new enterprises. I have every hope that Congress will soon complete action on this bill.

As an agency of rural service, FHA is living up to the goals set before it. I commend Administrator James V. Smith and State Director Willis Capps on this record.

PREDICTING WHO WILL BE A DRUG USER

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. SCHMITZ. Mr. Speaker, a Stanford University researcher investigating the drug abuse crisis among our youth has finally arrived at, and fully documented the conclusion that most solid American parents and citizens had already come to on their own: that its fundamental cause lies in the breakdown of the family and the collapse of our moral values. Unfashionable though this conclusion is, this new study establishes its truth—and it is high time that our schools and drug education programs in particular took account of it, instead of actually contributing to the breakdown of the family and the abandonment of moral values as some of them have been doing lately.

Following is a review of the book, appearing in the Stanford Observer for April, of the book, Horatio Alger's Children by Richard Blum, which presents this analysis and conclusion, pointing out that the children least likely to use narcotics are those who grow up in deeply religious, politically conservative families which teach strict standards of personal behavior and require that the children abide by them:

[From the Stanford Observer, April, 1972]

PREDICTING WHO WILL BE A DRUG USER

The probability of drug use among teenage, middle-class youth can be predicted with 90 percent accuracy from studies of individual family structure, a Stanford researcher believes.

Richard Blum, research associate in the Institute for Public Policy Analysis, details his findings in a new book, *Horatio Alger's Children* (319 pp., $10.50, Jossey-Bass).

The class, religion, drinking habits, medical practices and attitudes toward authority in a family are key factors.

The highest predictability of potential drug abuse among teen-agers occurs when the family has high users of alcohol or other stimulants and depressants, is not strongly religious, and has an unstable family structure that involves clashes and probably divorce.

Conversely a strong family structure makes a shield for young people against pressure for drug use from the peer culture, Blum finds. The obvious conclusion is that a return to traditional American values, strongly family-centered, is probably the best and possibly the only answer to curbing the drug problem.

Blum divided families into low, moderate and high risk groups—the high being the most likely to use drugs of all kinds.

In general, the low risk family is more strict in behavior requirements, is more strictly religious, such as Mormon or Catholic; represents a working class background, has a generally happy relationship among its members and is politically conservative.

The high risk family is more permissive with its children, consumes more alcohol, uses both prescription and illicit drugs, is politically liberal-radical left, has disrespect or mistrust of authority, follows either no or liberal religious affiliations, and is liable to be more disputatious.

Blum also identifies what he calls a "trouble variable." This, he believes, originates in infancy and has a link with the mother's own anxiety or some other disturbance in the mother-child relationship.

"This 'trouble variable,'" he writes, "appears to lead to continued parental concern which is increasingly focused on expanding conduct problems and continuing psychosomatic ones.

"By the age of 21, group differences in drug [risk] begin to disappear. Mother-child relationships are stressful; both mother and child suffer from self-doubt, and one has the impression that the whole family is involved in disputation and seeks various solutions outside the family, from garden clubs to drugs.

"On the other hand, although differences between high and low risk children on the trouble variable are consistent, we must stress that most children in this favored white middle-class sample do not get in serious trouble at any time. The prognosis for social adjustment is probably good, and almost all of these children as well as their parents are normal people," he writes.

The fact remains, however, he adds, that high risk individuals are marked by self-concern and self-indulgence, expressed through the pursuit of pleasure, disregard of the rights of others, and de-emphasis on self-discipline.

This indicates that "if controls are not developed early, the child may subsequently be plagued by his own impulsiveness and, with good reason, may begin to doubt that he is his own master," Blum finds.

The moderate risk child in one sub-category is in transit to high risk; in the other, he is curious and flexible. "This second sub-group of moderate risk children has the advantage of adjustment mechanisms and wise parental care."

"Illicit drug use by youth is now so common and has engendered such widespread public concern that one may forget that in the terminology of the law, illicit drug use is nevertheless delinquency," he emphasizes.

"Whatever else determines illicit drug use, it is still a willing violation of the law."

Thus drug use is another chapter in the vast literature of delinquency—the factors that are characteristic of delinquent children and subsequent adult criminals are the same: broken homes, absent or irresponsible parents, lack of discipline, the presence of criminality or drug dependence in the parents, failure in affection, warping childhood experiences, association with delinquent peers, and the "absence of immunizing affiliations" such as church or community approved groups.

"We would predict," he writes, "that the families of children in our high drug risk category will (have) greater delinquency; the parents, greater drug use (including alcohol), greater disharmony, (and as an insult) the children will be more delinquent. . . ."

Over the past decade, Blum and his associates have delved deeply into the national and international drug scene. At Stanford he is director of the Joint Program on Drugs and Crime and Community Studies at the Institute for Public Policy Analysis. He also serves as consulting professor of psychology, as a consultant to the National Institute for Mental Health and many other government agencies.

He has been a delegate to the UN Narcotics Commission and now is chairman of the International Research Group on Drug Legislation, Geneva.

NIGHTMARES REVISITED

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. WOLFF. Mr. Speaker, I have already spoken out here in this Chamber to express my strong objections to the intensification of the war in Southeast Asia. At this point in the RECORD, I should like to include the text of an editorial which appeared in Newsday which I think correctly points out the necessity of escalating the peace conference rather than the war effort:

NIGHTMARES REVISITED

We've got the feeling that we've lived through it all before. That's the way it is with recurrent nightmares.

It feels like 1964 all over again, getting fragmentary reports from the Pentagon about North Vietnamese attacks on two American warships patrolling in the Gulf of Tonkin. That first episode started a chain of events leading to large-scale American involvement in the Indochina war.

It feels like February, 1968, and the pivotal Tet offensive, when we're given a mixed bag of assessments about the ability of the South Vietnamese to hold their own against the newest Communist thrust.

It's 1968 all over again on Capitol Hill, where Senate Foreign Relations Committee members have locked horns with administration officials over U.S. bombing raids on the North Vietnamese heartland. Once more, their necessity, effectiveness and consequences are in dispute.

It's a replay of 1967, too, when the Soviets complained this week of damage at Haiphong to their cargo vessels, jeopardizing President Nixon's scheduled peace mission to Moscow.

It feels like 1969, with a Senate vote this week to cut off funds for all U.S. fighting forces at the year's end, providing Hanoi releases the prisoners of war.

And there's a 1970 feeling on college campuses across the country as students organize to protest the latest course the war has taken.

Through it all, the U.S. command speaks of raiding only oil tanks, storage areas and other military targets. The North Vietnamese point to destroyed homes and markets. We've lived through that before, too.

From Hanoi, once again, come indirect peace feelers: This time, announcement of readiness to enter into secret peace talks if the bombing stops and the formal four-party talks in Paris resume. But they're starting to evacuate the North Vietnamese capital, and the nightmare goes on, for them and for us.

It seems obvious that the way to halt nightmares is to wake up, and the way to prevent recurrence is to eliminate the cause.

It should be clear now that no amount of bombing will do that. We have inflicted more punishment on the peasants of Indochina than we did on the industrial giants who were our enemies in World War II, and we have not brought peace to that land. All that we've done is to cast doubt on our own motives as a nation.

Unfortunately, we've let the opportunities for peace go by. We find ourselves acting less in the interests of the South Vietnamese people than as champions of the Thieu regime. And this is what we must reexamine and reorder.

If these nightmares are not to recur, we've got to stop depending on bombing raids to produce a political settlement in that ravaged land. Not only must we continue withdrawing our own troops and move out of the war room; we have to move back into the conference room in Paris, and elsewhere.

President Nixon, if he gets to Moscow as planned, ought to seek mutual deescalation with the Russians, who have provocatively been feeding the North Vietnamese offensive.

And in resuming negotiations to achieve a political settlement, we must not stand in the way of a coalition government that embraces all of South Vietnam's political elements, including the Communists and other opponents of the Saigon Administration. Like it or not, we must reconcile ourselves to whatever emerges.

We'll never get rid of those nightmares any other way.

GERRI METZ WRITES INFORMATIVE ARTICLE, "THE BOTTOMLESS PIT"

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. BIAGGI. Mr. Speaker, the problem of drug addiction in the United States has reached epidemic proportions. In response to this crisis, Congress recently established the Special Action Office for Drug Abuse to act as a central coordinating body in our fight against illegal use of narcotics and dangerous drugs. The President simultaneously announced an all-out effort to cut off the flow of illegal drugs and narcotics into this country and to educate people against the use of such products.

In our effort to learn about the problems associated with drug addiction, we often read articles written by professionals and other experts in the field. We seldom, however, have the opportunity to read an article written by someone most directly involved with the problem—the addict. In order that my colleagues may have a better understanding of the difficulties faced by a drug addict I would like to include in the RECORD an article written by a former addict, Gerri Metz.

Gerri Metz has managed to overcome her addiction against what at times must have seemed like overwhelming odds. Her difficulties began at the very young age of 10, when she discovered some sleeping pills and marihuana in the drawer in her brother's room.

Then, at the age of 15, her parents were divorced and 3 weeks later her brother died from an overdose of heroin. This tragic sequence of events compelled Gerri Metz to begin compiling firsthand information for a book on drug addiction. Unfortunately, she became addicted to heroin within 3 months, a problem which was to plague her for 8 terrible years. Finally, after many difficulties Gerri Metz was cured of her addiction to heroin and began working for my narcotics task force. She was a volunteer counselor there for 8 months after which she began working in methadone maintenance program for a salary as a narcotic rehabilitation counselor. This is the extremely worthwhile career which Gerri Metz intends to pursue for the rest of her working life.

I am certain that my colleagues will find the following article by this outstanding and courageous lady to be most informative:

THE BOTTOMLESS PIT

(By Gerri Metz)

A person who sticks needles in his arms is a highly emotional individual. He goes through the routines of his daily life giving others the false impression that he is hard and without feelings; but when left alone with himself to deal with the anxieties of stress and strain, his defenses are down and his emotions of anger, fear and tears become an activated reality. The addict, not being able to cope with these emotions, withdraws, making no attempt to deal with the situation.

One who does not indulge in the use of heroin, whom we shall herein refer to as a "square," eventually matures to the degree where he makes an attempt to cope with the problems of life, and succeeds in doing so. He grows into a responsible individual and accepts the negative as well as the positive aspects of life. The addict is just the opposite. He retreats from the world of reality; he can not relate to those who exist within the square world of conforming to the ways of society. He remains merely an observer, and concludes that this is not for him. He feels out of place and inadequate, and this feeling of inadequacy causes him pain; and for this pain he must find immediate relief. He turns to heroin to kill his pain.

Who can say why one turns to heroin? There is no one specific answer. Addiction is the final phase of the process of "acting out." Long before a person has turned to drugs he has developed what is known as an addictive personality. And those individuals with such a personality who never turn to drugs find some way of escape or relieving their pain. The route chosen, whatever it may be, excessive eating habits, alcoholism, perverse sexual acts, the degree of indulgence will be extreme.

When a person experiences his first introduction to drugs, he is gratified by the instant physical effect the drug has on his system. His senses are numbed, and the warmth radiating from within allows him to shut out the surrounding world from which he feels alienated. For those few precious hours of euphoria he is not confronted by the world he defies. He retreats from reality and willingly succumbs to a temporary fantasy. The world may begin to crumble before his very eyes, and he can stand motionless and uneffected, completely unmoved by existing conditions he feels unable to face.

After the addiction to the drug sets in and he is forced to carry the burden of that "monkey on his back" this too proves to be a sick satisfaction. He familiarizes himself with the conditions of his abnormal environment, and secures comfort within the confines of roach infested cellars, of garbage filled alleys, filthy rooftops; he no longer feels alienated, he has found his place among this prison of torture and sickness, and now he belongs. He identifies with thieves and prostitutes, and he is accepted as a member of the gang. His pre-conceived rationalizations justify this identity he takes on. He looks down at the square world because he does not have the courage to be part of it, therefore, he does not want to be a part of it; his fear of not succeeding becomes his desire not to even try. He has contempt for the addicts who live among his hell; and what he feels toward his cohorts is only outweighed by his self-contempt. He rebels against the world which frightens him, and because he can not make it in the square world, he is going to make it all the way in the junkie world.

Obtaining his fix each day becomes his life. A 24 hour a day job with no rest, just a reward—a shot of heroin. His sole purpose in life is getting that bag of dope. Heroin becomes his master, and he its slave. Waking up sick with sweats and chills and vomiting. Walking sometimes miles, standing on street corners with his nose running, his legs feeling as if they will collapse beneath him while waiting for his connection, the man with that bag of relief. Scarring his body with needle holes; and then to enter the world of oblivion, but only for a while. And then the cycle starts all over again. He lives for that fix, and he needs that fix to live. And all the while hating that disease which has overpowered his mind and his body. He has reached the bottom of the pit where the only qualification is to be a failure.

This is the addict, a sniveling coward, a pseudo-adult, who psychologically retreats within his mother's womb; a person bearing a painful burden; living a lonely existence; weighed down by a void filled with emptiness and nothingness.

As each bag of dope he shoots takes him further from reality, it draws him closer to death. One of those bags may contain rat poison, or be much too potent, and his next shot may be his last. But this too leaves him uneffected. His life has lost meaning and worth to him, including those closest to him. He remains unmoved by the anguish he imposes on his family. He is only concerned with whatever he can get from them financially. He will lie, cheat and steal from his own mother in order to get a fix.

The addict is a living corpse. As long as he has heroin, he does not care what course his life takes. If he knew the next fix he took contained poison, he would still inject it while hoping for some miracle to occur. And for the addict who refuses to seek help, death is his only salvation.

EPA AND THE CONFLICT OF THE BUREAUCRACIES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. RARICK. Mr. Speaker, the American people are acutely conscious of the tremendous Federal bureaucracy gobbling up their businesses and their local and State governments. Now they are being treated to the monster bureaucracies all financed with taxpayers' dollars trying to gobble up each other.

Recently the newest monster, the Environmental Protection Agency—EPA—funded approximately $50,000 from its appropriation for a voluminous "Citizen's Guide" on how to mobilize grass roots environmental support to stop the U.S. Army Corps of Engineers water development projects which are also authorized and funded by Congress out of the taxpayers' paychecks. The manual is entitled "Engineering a Victory for Our Environment: A Citizen's Guide to the U.S. Corps of Engineers." The project was developed as part of the advanced study program in environmental education pursuant to contract CPE–R–70–0054 by the Institute for the Study of Health and Society, Washington, D.C.

Project director for the work is Charles M. Clusen now assistant director of the Sierra Club in San Francisco. In one section titled "Navigation: Steering a Straight Course for Special Interests," the study says:

> As techniques of barge building continue to change, the Federal Government will have to decide whether it wishes to continue the race by expending vast new sums to keep pace in navigation improvements, at the expense of a failing railroad system, and grossly underfunded rapid transit programs. . . . Only barges get a relatively free ride. If the benefits are real, barge owners should be willing to pay for them, perhaps through some sort of toll arrangement."—section 6, page 7.

The guidebook also endorsed an interest-discount rate of 10 to 15 percent for use in evaluating proposed new projects.

Now EPA has also gotten itself in a court battle over the ban on DDT which involves a team battle between the lawyers for EPA and environmentalists with attorneys from the Department of Agriculture and pesticide manufacturers.

What chance does an ordinary hardworking American have to be left alone these days from the overly aggressive dictates of monster bureaucracies who seek to even control each other?

The cover page of the EPA Citizens' Guide and a related news clipping follow:

[Cover page of EPA Citizens' Guide]

ENGINEERING A VICTORY FOR OUR ENVIRONMENT: A CITIZENS' GUIDE TO THE U.S. ARMY CORPS OF ENGINEERS

Participant Authors: Thomas M. Clement, Jr. and Glenn Lopez; Environmental Reseacher-Writer, Pamela T. Mountain; Charles M. Clusen, Project Director.

The Institute for the Study of Health and Society, 1050 Potomac Street, NW., Washington, D.C.

The project presented herein was developed as part of the Advanced Studies Program in Environmental Education pursuant to contract CPE–R–70–0054 from the Environmental Protection Agency. However, the opinions expressed herein do not necessarily reflect the position or policy of the Environmental Protection Agency, and no official endorsement by the Environmental Protection Agency should be inferred.

(July 7, 1971. Copyright by the Institute for the Study of Health and Society 1972.)

[From the Washington Star, Apr. 26, 1972]

EPA TO APPEAL LIMIT ON PROPOSED DDT BAN

(By Roberta Hornig)

The Environmental Protection Agency will appeal a federal hearing examiner's recommendation that the government limit its proposed ban on DDT.

The decision to appeal came yesterday, within an hour after examiner Edmund M. Sweeney formally ruled that benefits from continued use of the pesticide outweigh risks to the public health and the environment.

Sweeney ruled after a seven month "DDT trial" at which EPA lawyers teamed with environmentalists to argue for the ban, while Department of Agriculture attorneys and pesticide manufacturers argued against it.

Michael C. Farrar, EPA's assistant general counsel for pesticides, said oral arguments on the appeal have been set for May 16 before EPA Administrator William D. Ruckelshaus, who must decide by June 15 whether to ban the pesticide or permit its continued use. Ruckelshaus' decision could, in turn, be appealed to a federal court.

In his ruling, Sweeney said the hearings, which began last August 19, had failed to prove that DDT causes severe environmental damage.

"The evidence . . . supports the conclusion that there is a present need for the essential uses of DDT," he said. "There has been proof that, on balance with the benefits, the present essential uses of DDT . . . do not create an unreasonable risk."

EPA has had several run-ins with Sweeney during the long hearings. The "trial" came to a temporary halt last November when EPA lodged a formal protest against the hearing examiner, complaining that he had treated "disrespectfully" a scientist testifying against the pesticide.

At that time, EPA lawyers accused Sweeney of "twelve episodes unfavorable to the anti-DDT side."

The hearings stemmed from an order by the U.S. Court of Appeals early last year on a suit brought by the Environmental Defense Fund on behalf of environmentalists opposed to DDT. The court told EPA to resolve the DDT issue.

There are 27 pesticide manufacturers producing the chemical for 14 uses of DDT permitted in this country, including its application on cotton—by far its greatest use.

DDT, which environmentalists had begun to question in the 1950's, has declined in use domestically by two-thirds since 1959, to about 33 million pounds a year.

Sweeney reported his decision after hearing 8,900 pages of testimony from 125 witnesses. More than 300 documents were introduced.

The environmentalists had contended that DDT's persistence causes it to enter waterways and has adverse effects on man and wildlife.

Sweeney, disagreeing, said DDT poses no hazards of cancer or birth defects in humans and does not have "a deleterious effect" on fish and wildlife.

WHO NEEDS PANDAS? WE HAVE REAL BRONX BEARS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HALPERN. Mr. Speaker, one of the joys of growing up in America—and just as traditional as a visit to the ball park or a Sunday picnic is a visit to the local zoo.

For many children in urban centers, the zoo enables them to see firsthand animals that they would never see except in textbook pictures, or some documentary on television, or in the movies. It also, I believe, gives our younger generation a unique way to study our environment and see how complex, how rich, how wonderful wildlife can be.

Last year Congress, in an effort to preserve our zoos, passed legislation which would require cities which own and operate zoos to provide a minimum amount of regulation to see that they are clean and healthful for its inhabitants.

Zoos are a part of American life and while the National Zoo in Washington is now attracting worldwide headlines because its two newest residents are the pandas from the People's Republic of China, New Yorkers still have the largest and most popular zoo in the country—the Bronx Zoo.

Last Sunday Jerry Schmetterer wrote a wonderful article about the Bronx Zoo. Mr. Schmetterer's article which appeared in the New York Daily News tells a most fascinating story which I would like to share with my colleagues in the House.

At this time, I would like to include the article as it appeared in the New York Daily News:

WHO NEEDS PANDAS?* WE HAVE REAL BRONX BEARS

(By Jerry Schmetterer)

The National Zoo in Washington, D.C., has been grabbing the zoological headlines of late with two pandas from the People's Republic of China. But New Yorkers still have the largest and most popular zoo in the Western Hemisphere—the Bronx Zoo.

The 252-acre zoo off Pelham Parkway has averaged 2.5 million visitors a year since its opening in 1899 and, with a little luck on sunny summer weather, Zoo Director William G. Conway expects the figure to go up this year. Conway doesn't feel slighted about not getting the pandas. He says the New York Zoological Society, which runs the zoo and the Aquarium at Coney Island, is more interested in studying that species in its natural environment.

Bears, he says, seem to be exceptionally popular as zoo animals this year, as well as the perennially popular penguins and reptiles.

But what is quickly catching on as the most-visited of all exhibits is the World of Darkness, a house full of nocturnal creatures whose life-style have been reversed so they are active during the day (they think it's night) and rest at night (lights are kept on so they think it's day). The kids love the vampire bats, who live on out-of-date blood from hospitals, and the nectar bats who, like humming-birds, hover around flowers and withdraw the nectar. It is the largest collection of bats in the world.

Conway expects the zoo's new World of Birds, scheduled to open June 16, to replace the other exhibits as the crowd favorite. Visitors will be able to walk into a rain forest and the birds won't be caged. He anticipates a renewal of zoo popularity because of the current ecological and environmental awareness. The zoo will mark Earth Day today with 200 gravestones—one for each animal man has caused to become extinct in the past 400 years.

And, like everything else, the zoo is having financial problems. Conway is worried about having to cut back on some services.

One service unique to the Bronx Zoo is the use of two full-time truant officers. The zoo is so popular with school children that many kids play hooky to visit their favorite animals. Conway would prefer them to come with their classes.

So many classes visit the zoo that, this year, a system of reservations was put into use. The zoo is always free to children under 5 and adults over 65. On Thursday, Friday, Saturday and Sunday there is a 50-cent charge for kids and $1 for adults.

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* Pandas, cuddlesome critters that they are, are also something of a footnote to the classification of creatures. Real bears they are not. As to what they are, well . . . if you want to think of them as racoons with a weight problem, you won't get too much of an argument—even from post-graduate fur 'n' feather freaks

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CONGRATULATIONS NORTH AMERICAN ROCKWELL

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, in this day when our Government has grown accustomed to huge cost overruns on defense contracts, it is a real privilege to bring to the attention of my colleagues the accomplishments of a major defense contractor from the 31st District of California. I am hopeful that their achievement will set an example for the defense industry.

On April 25, 1972, North American Rockwell Corp. was awarded an incentive fee as a result of their exceptional performance of an Air Force contract.

In 1969, the Autonetics Division of North American Rockwell Corp. was awarded a $162 million incentive contract to improve the reliability of the Minuteman III missile guidance set over that of the existing Minuteman II hardware. A high reliability target was established and a graduated scale provided incentive fee awards to the contractor as the target reliability was exceeded.

The maximum award possible under the performance incentive fee portion of the contract was $2.5 million. North American earned this maximum incentive award for producing a guidance set which demonstrated superior reliability in over 600,000 hours of operational use. During this period, the guidance set performed at 229 percent of the reliability requirement established in the contract. If Minuteman guidance and control electronics are compared with some of our common household electronics, the reliability of this Minuteman equipment would be comparable to continuous 24 hours per day operation of more than 500 color television sets for 3 full years before a single adjustment or repair becomes necessary.

As a result of the high reliability of the new guidance set for Minuteman III, the Air Force will realize a cost avoidance of $81 million through 1975 due to the decreased need for recycling the equipment for repairs and the deletion of 129 major spares from the original order. The high reliability achievement will further improve the nearly 100-percent alert status of the Minuteman force. Minuteman III missiles will remain on constant alert with a minimum of down time for required maintenance activity.

MISSOURI INVESTIGATES URBAN AND RURAL TRAFFIC DEATHS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 26, 1972

Mr. HUNGATE. Mr. Speaker, I am pleased to see that once again the Missouri Highway Patrol displays leadership in the field of traffic safety and Missouri will be the first State to investigate both rural and urban traffic fatalities.

[From the Quincy Herald-Whig, Apr. 5, 1972]

TO INVESTIGATE ALL MISSOURI TRAFFIC DEATHS

JEFFERSON CITY, MO.—A retired Highway Patrol captain will perform in-depth investigations of all fatal traffic accidents in Missouri, the state highway safety division announced today.

Capt. Paul E. Corl, Sr., who served 34 years with the Highway Patrol before he retired in 1965, has been assigned to the state Division of Highway Safety as a traffic fatality analyst. He will investigate all rural and urban traffic accidents involving fatalities. The information gathered by Corl will be used to find common hazards and mistakes that cause accidents and steps will be taken by the patrol to eliminate them.

Corl will be working on the fatality analysis file project of the division which is funded by the National Highway Traffic Safety Administration. State division director Robert E. Burgess said *Missouri is the first state to investigate both rural and urban traffic fatalities.*